

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

MOHAMAD ALHULAIBI,

Petitioner,

v.

AHED SAID SENJAB

Respondent

No. 82121

DOCKETING

CIVIL APPEALS

Electronically Filed
Dec 16 2020 10:32 p.m.
Elizabeth N. Brown
Clerk of Supreme Court

GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District Eighth Department H
County Clark Judge T. Arthur Ritchie, Jr.
District Ct. Case No. D-20-606093-D, T-20-203688-T

2. Attorney filing this docketing statement:

Attorney David Markman, Esq. Telephone (702) 843-5899
Firm Markman Law
Address 4484 S. Pecos Rd #130
Las Vegas, Nevada 89121

Client(s) Mohamad Alhulaibi

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondents(s):

Attorney April Green, Esq. Telephone 702-386-1415
Firm Legal Aid Center of Southern Nevada, Inc.
Address 725 E. Charleston Blvd.
Las Vegas, NV 89104

Client(s) Ahed Said Senjab

Attorney Marshall Willick, Esq. Telephone 702-438-4100
Firm Willick Law Group
Address 3591 East Bonanza Road, Suite 200
Las Vegas, NV 89110-2101

Client(s) Ahed Said Senjab

(List additional counsel on separate sheet if necessary)

4. Nature of disposition below (check all that apply):

- | | |
|----------------------------------------------------------------|-------------------------------------------------------------------------|
| <input type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Dismissal: |
| <input type="checkbox"/> Judgment after jury verdict | <input checked="" type="checkbox"/> Lack of jurisdiction |
| <input type="checkbox"/> Summary judgment | <input type="checkbox"/> Failure to state a claim |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Failure to prosecute |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief | <input type="checkbox"/> Other (specify): _____ |
| <input checked="" type="checkbox"/> Grant/Denial of injunction | <input type="checkbox"/> Divorce Decree: |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination | <input type="checkbox"/> Other disposition (specify): _____ |

5. Does this appeal raise issues concerning any of the following?

- ☒ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

Ahed Said Senjab v. Mohamad Alhulaibi - Supreme Court No.: 81515

Mohamad Abulhakim Alhulaibi v. Ahed Said Senjab - Supreme Court No.: 82114

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

N/A

8. Nature of the action. Briefly describe the nature of the action and the result below:

This appeal arises from a petition for a return order of a minor child to his home state. The petition was filed after the underlying divorce action involving child custody was dismissed for lack of subject matter jurisdiction. The Court's Order dismissing the divorce action left issues outstanding namely whether the Minor should be returned to his home country. After the District Court ordered the Divorce/Custody action dismissed Ahed deprived Mohamad from seeing his son. Thereafter, Mohamad filed an Ex Parte Petition/Motion for production of the minor child and for a return order of the Minor to his home country in D-20-606093-D. The Court denied the Petition/Motion for lack of jurisdiction as the Petition was filed in a case that was dismissed. The order denying the requested relief was ultimately filed in T-20-203688-T. The T-20-203688-T matter has orders that deny Mohamad from leaving Nevada with the Minor Child and also create a custodial schedule.

9. Issues on appeal. State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

Whether the Minor Child should be ordered to return to his Home State/Habitual Residence of Saudi Arabia as the District Court has already ruled it does not have Subject Matter Jurisdiction regarding the Divorce.

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

N/A

11. Constitutional issues. If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

12. Other issues. Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issue arising under the United States and/or Nevada Constitutions

☐ A substantial issue of first impression

☐ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain:

13. Assignment to the Court of Appeals or retention in the Supreme Court. Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

As the previously filed appeal in Supreme Court No.: 81515 involves an issue of first impression and is fully briefed, this case presumably should be heard by the same Court in order for the decisions to be consistent. Although this appeal, can probably be decided subsequent to the decision in Supreme Court No.: 81515, as the Court's opinion in No.: 81515 would affect the justiciability of this appeal.

14. Trial. If this action proceeded to trial, how many days did the trial last? 0 _____

Was it a bench or jury trial? n/a _____

15. Judicial Disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?
N/A

TIMELINESS OF NOTICE OF APPEAL

16. Date of entry of written judgment or order appealed from October 13, 2020

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

17. Date written notice of entry of judgment or order was served October 14, 2020

Was service by:

☐ Delivery

☒ Mail/electronic/fax

18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b) Date of filing N/A

☐ NRCP 52(b) Date of filing N/A

☐ NRCP 59 Date of filing N/A

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. ____, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion N/A

(c) Date written notice of entry of order resolving tolling motion was served N/A

Was service by:

☐ Delivery

☐ Mail

19. Date notice of appeal filed November 12, 2020

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:
n/a

20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other

NRAP (4)(a)(1)

SUBSTANTIVE APPEALABILITY

21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)

- | | |
|---------------------------------------------------|---------------------------------------|
| <input checked="" type="checkbox"/> NRAP 3A(b)(1) | <input type="checkbox"/> NRS 38.205 |
| <input type="checkbox"/> NRAP 3A(b)(2) | <input type="checkbox"/> NRS 233B.150 |
| <input checked="" type="checkbox"/> NRAP 3A(b)(3) | <input type="checkbox"/> NRS 703.376 |
| <input type="checkbox"/> Other (specify) _____ | |

(b) Explain how each authority provides a basis for appeal from the judgment or order:
The order denying the petition/motion for return order of the minor child is a denial of injunctive relief. The order denying the petition/motion based on lack of jurisdiction also makes the underlying order of dismissal final without resolving the UCCJEA issue.

22. List all parties involved in the action or consolidated actions in the district court:

(a) Parties:

Plaintiff/Applicant: Ahed Said Senjab

Defendant/Adverse Party: Mohamad Alhulaibi

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

N/A

23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

All claims were described supra.

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?

☐ Yes

☒ No

25. If you answered "No" to question 24, complete the following:

(a) Specify the claims remaining pending below:

No issues remain pending below. As the remaining issues were addressed in an order filed in T-20-203688-T entered on November 24, 2020.

(b) Specify the parties remaining below:
N/A

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☒ Yes

☐ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☒ Yes

☐ No

26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):

27. Attach file-stamped copies of the following documents:

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

See the following attached documents:

- **Exhibit 1:** Complaint for Divorce, filed March 24, 2020
- **Exhibit 2:** 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, filed June 29, 2020.
- **Exhibit 3:** Notice of Entry of Order Denying Relief, filed October 14, 2020.
- **Exhibit 4:** Order Denying Relief, filed October 13, 2020.

VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Mohamad Alhulaibi

Name of Appellant

12/16/2020

Date

Clark County, Nevada

State and county where signed

David Markman

Name of counsel of record

/s/ David Markman

Signature of counsel of record

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of MARKMAN LAW, and that on this 16th day of December, 2020, a document entitled **Docketing Statement Civil Appeals** was filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows, to the attorneys listed below at the address, email address, and/or facsimile number indicated below:

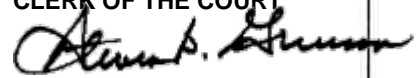
APRIL GREEN, ESQ.
Nevada Bar 8340C
BARBARA BUCKLEY
Nevada Bar No. 3918
LEGAL AID CENTER OF SOUTHERN NEVADA, INC.
725 E. Charleston Blvd.
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asgreen@lacsnsn.org

MARSHALL S. WILLICK
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WILLICK LAW GROUP
3591 East Bonanza Road, Suite 200
Las Vegas Nevada 89110
email@willicklawgroup.com

/s/ David Markman
An Employee of Markman Law

EXHIBIT 1

EXHIBIT 1



1 **COMD**

2 **APRIL 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.** CASE NO: D-20-606093-D

7 725 E. Charleston Blvd.

Department: To be determined

8 Las Vegas, NV 89104

9 (702) 386-1415 Direct/Fax

10 (702) 386-1070 ext. 1415

11 asgreen@lacs.org

12 Attorneys for Plaintiff

13 **DISTRICT COURT**
14 **FAMILY DIVISION**
15 **CLARK COUNTY, NEVADA**

16 AHED SAID SENJAB,

17 Plaintiff,

18 vs.

19 MOHAMAD ALHULAIBI,

20 Defendant.

Case No.:

Dept. No.:

21 **COMPLAINT FOR DIVORCE**

22 The Plaintiff, AHED SAID SENJAB, by and through her attorney, April Green, Esq.
23 of Legal Aid Center of Southern Nevada, Inc., as and for a Complaint for Divorce against
24 Defendant alleges as follows:

25 1. That Plaintiff, for a period of more than six (6) weeks immediately preceding
26 this action, has been and now is an actual, bona fide resident of the State of Nevada, County
27 of Clark and has been actually physically present and domiciled in Nevada for more than six
28 weeks prior to the filing of this action.

29 2. That Plaintiff and Defendant were married on the 17th day of February, 2018,
30 in the Country of Saudi Arabia, and have been and still are husband and wife.

31 3. That there is one (1) minor child who is the issue of this marriage or was
32 adopted by the parties and Plaintiff is not currently pregnant. The names and dates of birth of

1 the minor child is:

2 RYAN MOHAMAD ALHULAIBI, born February 16, 2019.

3 4. That the Plaintiff, AHED SENJAB, is a fit and proper person to be awarded
4 sole legal and sole physical custody of the minor child.

5 5. That the Defendant, MOHAMAD ALHULAIBI, should be awarded
6 supervised visitation with the minor child on Saturdays only for two (2) hours based upon
7 Defendant's prior threat to abduct the child.

8 6. That Defendant should be ordered to pay child support in the amount of 16%
9 of his gross monthly income; Defendant's income is unknown to Plaintiff.

10 7. That pursuant to Eighth Judicial District Court Rule 5.07, Plaintiff and
11 Defendant shall each successfully complete the Transparenting Class within forty-five (45)
12 days of service of the initial Complaint or Petition upon Defendant, and that no action shall
13 proceed to final hearing until a notice of completion of the class has been filed with the Court,
14 provided that non-compliance by a parent who does not enter an appearance shall not delay a
15 final hearing.

16 8. That Plaintiff should maintain Medicaid for the minor child, if available. Any
17 unreimbursed medical, dental, optical, orthodontic or other health related expenses incurred
18 for the benefit of the minor children is to be divided equally between the parties.

19 9. That there is community property to be adjudicated by the Court as follows:
20 Plaintiff should be awarded sole interest, title and possession of the
21 her clothing, prayer rugs, the \$1,000.00 Defendant took from Plaintiff as well as all of
22 Plaintiff's and other personal property presently in Defendant's possession.

23 There may be additional community assets of the parties, the exact amounts and
24 descriptions of which are presently unknown to Plaintiff. Plaintiff asks permission of this
25
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1 Court to amend this Complaint to insert this information when it becomes known to Plaintiff
2 or at the time of trial.

3 10. That there is no community debt which should be adjudicated by the Court to
4 the best of Plaintiff's knowledge.

5 There may be community debt of the parties, the exact amounts and descriptions of
6 which are presently unknown to Plaintiff. Plaintiff asks permission of this Court to amend
7 this Complaint to insert this information when it becomes known to Plaintiff or at the time of
8 trial. Plaintiff requests that Defendant be ordered to pay any such community debt and to
9 indemnify and hold Plaintiff harmless thereon.

10 11. That Plaintiff should be awarded spousal support in the amount of \$2,000.00
11 per month for a period of five (5) years.

12 12. That Plaintiff should have her former or maiden name restored to her as
13 follows: AHED SAID SENJAB.

14 13. That during the course of the marriage, the tastes, mental disposition, views,
15 likes and dislikes of Plaintiff and Defendant have become so widely divergent that the parties
16 have become incompatible in marriage to such an extent that it is impossible for them to live
17 together as husband and wife; that the incompatibility between Plaintiff and Defendant is so
18 great that there is no possibility of reconciliation between them.

19 WHEREFORE, Plaintiff prays for a Judgment as follows:

20 A. That the marriage existing between Plaintiff and Defendant be dissolved and that
21 Plaintiff be granted an absolute Decree of Divorce and that each of the parties be restored to
22 the status of a single, unmarried person;

23 B. That the Court grant the relief requested in this Complaint for Divorce; and

24 C. For such other and further relief as this Court deems necessary and just.

25 DATED this 23rd day of March, 2020.

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

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By



APRIL GREEN, ESQ.
Nevada Bar No.: 8340
BARBARA E. BUCKLEY, ESQ.
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725 East Charleston Blvd.
Las Vegas, NV 89104
(702) 386-1416 Direct/Fax
(702) 386-1070 Ext. 1415
asgreen@lacsns.org
Attorneys for Plaintiff

VERIFICATION

STATE OF NEVADA)
 :ss.
COUNTY OF CLARK)

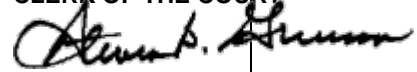
AHED SENJAB, under penalties of perjury, being first duly sworn, deposes and says:
That I am the Plaintiff in the above-entitled action; that I have read the foregoing
COMPLAINT FOR DIVORCE and know the contents thereof; that the same is true of my
own knowledge, except for those matters therein contained stated upon information and
belief, and as to those matter, I believe them to be true.

By A.S.

AHED SAID SENJAB

EXHIBIT 2

EXHIBIT 2



PET/MOT
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

DEPT. NO.: H

ORAL ARGUMENT REQUESTED

**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**

Defendant Mohamad Alhulaibi ("Mohamad") by and through his counsel of record MARKMAN LAW hereby submits this 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; and for a Return Order For The Minor Child To His Home Country Of Saudi Arabia.

This Motion is made and based upon the following Memorandum of Points and Authorities along with Exhibits and any oral argument the Court may consider.

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NOTICE OF MOTION

TO: ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE that the undersigned will bring the foregoing Petition/Motion on for hearing before the above-entitled Court on the ____ day of _____, 2020 at the hour of ____ o'clock ____m., of said date, in Department __ at the Family Court, 601 N. Pecos Road, Las Vegas, Nevada 89101.

DATED this 29th day of June, 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 Mohamad Alhulaibi

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

On March 24, 2020, Ahed Senjab (“Plaintiff” or “Ahed”) filed a complaint for Divorce. Thereafter, Mohamad filed a motion to dismiss based on lack of subject matter jurisdiction. After briefing including supplemental briefing this Court granted Mohamad’s motion to dismiss based on lack of subject matter jurisdiction.

Since the time this Court granted Mohamad’s motion to dismiss, Ahed has deprived Mohamad from seeing the minor child, despite the order in T-20-203688-T, granting Mohamad physical custody of Ryan from Friday at 3:00pm to Monday at 10:00am. Mohamad is concerned about the well being and safety of his child, as the alleged basis for deprivation of seeing his minor child is that Ahed and the minor are in quarantine due to the virus. Mohamad, therefore asks this Court to take emergency jurisdiction for the sole and limited purpose of issuing a return

1 order for the minor child to his home state of Saudi Arabia. Mohamad is not submitting himself
2 to the jurisdiction of this Court by way of this requested relief, which is based upon the Court's
3 temporary emergency jurisdiction to deal with the very real possibility of Ahed's further
4 abduction. This Court as it has already ruled lacks jurisdiction over the parties marriage,
5 including the issue of child custody.¹

6 **I. FACTS**

7 Mohamad and Plaintiff are both citizens of Syria. Mohamad and Plaintiff were married on
8 February 17th, 2018 in the Country of Saudi Arabia. Mohamad and Plaintiff have one son
9 together, Ryan Mohamad Alhulaibi ("Minor Child"), born in Saudi Arabia on February 16,
10 2019. The minor child is not a citizen of the United States.

11 On March 24, 2020, Ahed Senjab ("Plaintiff" or "Ahed") filed a complaint for Divorce.
12 Thereafter, Mohamad filed a motion to dismiss based on lack of subject matter jurisdiction.
13 After briefing including supplemental briefing this Court granted Mohamad's Motion to
14 Dismiss based on lack of subject matter jurisdiction. Please see attached as **Exhibit 1**, a true
15 and correct copy of this Court's Order dismissing the divorce complaint for lack of subject
16 matter jurisdiction. Mohamad further incorporates all findings of fact and conclusions of law
17 from this Court's June 17, 2020 Order.

18 After this Court granted Mohamad's motion to dismiss, Ahed has deprived Mohamad from
19 seeing the Minor Child. Mohamad has no way to contact Ahed regarding the well being and
20 safety of the minor child. Mohamad's counsel received an email from Ahed's counsel on June
21 19, 2020, at 1:30pm, only an hour and a half before Mohamad's time to pick up the minor child,
22
23

24 ¹ See NRS 125D.160(2); NRS 125.470(2); NRS 125A.335(1). The uniform acts go along way toward avoiding a
25 "Catch-22" by providing limited immunity- a party participating in a UCCJEA proceeding has immunity from both
26 accidental appearance and from service of civil process while litigation the proceedings or while physically present
to participate in them. NRS 125A.265. This immunity provision covers a party to a child custody proceeding."

1 that Ahed would not be bringing the minor child as the shelter Ahed was staying at was on
2 lockdown due to the virus. Please see attached as **Exhibit 2**, a true and correct copy of
3 Correspondence between Counsel for Ahed and Mohamad regarding the quarantine and the
4 pick-up of the minor child, the email thread relevant to this Petition starts after the first email.
5 Thereafter, Mohamad's counsel reiterated that an order was still in place for the exchange of
6 the minor child and further inquired about the lockdown. Id. After which, Ahed's counsel
7 confirmed that Ahed was in lockdown and that Ahed's Counsel confirmed with the shelter
8 personnel that there was a lockdown. Id. During the week following the initial email-exchange,
9 Mohamad's counsel followed up with Ahed's counsel regarding the quarantine. Ahed's counsel
10 continued to confirm that Ahed was still in quarantine. Id.

12 On June 26, 2020, Mohamad's counsel sent a follow up email to Ahed's Counsel, regarding
13 picking up the minor child, at which point Ahed's counsel stated that the Minor Child is in
14 quarantine as well. Id. Subsequently, Mohamad's counsel asked to be provided with medical
15 records for the Minor Child as Mohamad is worried about the health and safety of the Minor
16 Child. Id. At which point Ahed's counsel responded that she has not heard that either of them
17 have the virus and that they may be on lockdown for other reasons. Id. Mohamad's counsel
18 responded to the email within three minutes seeking clarification of the lockdown, as of the
19 time of the filing of this motion he has not received a response. Id.

21 Mohamad has called the Las Vegas Metropolitan Department ("LVMPD") on each
22 weekend that he was deprived of his court ordered right to physical custody of the minor child.
23 Attached as **Exhibit 3** are true and correct copies of all documents related to Mohamad's contact
24 with Las Vegas Metropolitan Department seeking assistance with enforcing the Court order.
25

A. The Court Should Detain Ahd until the Minor Child is Produced

As this Court is aware from Mohamad's Motion to Dismiss, Ahed has very few ties to the United States, this is her first time in the Country, she has a brother in law that lives in the State of Maryland. The remainder of her family resides in Saudi Arabia, indeed, she has already violated the terms of her F-2 Visa, and is not even legally able to remain in the United States. It is entirely possible that should Ahed leave this jurisdiction, she will find a way to go underground and Mohamad will never see his son again.

(a) Issue a warrant to take physical custody of the child pursuant to NRS 125D.200 or the law of this State other than this chapter;

(b) Direct the use of law enforcement to take any action reasonably necessary to locate the child, obtain return of the child, or enforce a custody determination pursuant to the provisions of this chapter or the law of this State other than this chapter; or

(c) Grant any other relief allowed pursuant to the law of this State other than this chapter.

This Court has the authority to have Ahd detained, brought before the Court and ordered to produce the child. This is exactly what the Court needs to do in this situation. Any future determination of custody can and should be left for the child's home state and habitual residence i.e. Saudi Arabia.

Accordingly, in compliance with NRS 125D.170, Mohamad hereby petitions the Court to exercise its power to prevent the abduction of the minor child. The following is provided as required by statute:

1. The minor child is Ryan Mohamad Alhulaibi, born February 19, 2019, in Saudi Arabia.

1 2. It is believed that the child is currently in Las Vegas. The exact location of the child's
2 residence is unknown; however, Mohamad believes the child is residing at the Safe Nest
3 Shelter.

4 3. Ahed Said Senjab, the natural mother of the child, is believed to be currently residing in
5 Las Vegas, current residence unknown but believed to be Safe Nest Shelter.

6 4. An Extended Order for Protection Against Domestic Violence was granted against
7 Mohamad in T-20-203688-T. Mohamad, vehemently denies the allegations in the
8 Protection Order. The Court issuing the Protection Order still granted Mohamad visitation
9 with the Minor Child from Friday 3:00pm until Monday at 10:00am, which Ahed is
10 directly violating. Mohamad is filing a Motion to Dissolve the Protection Order
11 concurrently with this instant Petition or soon hereafter, based in part on documentary
12 evidence Mohamad has been able to gather during the pendency of the Motion to Dismiss
13 and Ahed's direct violation of the Protection Order.

14 5. No party to this action has been arrested for any crimes.

15 6. The Minor Child is currently 1.5 years old and prior to his time in the United States
16 beginning January 13, 2020, which was only supposed to be temporary with all parties to
17 return to Saudi Arabia on June 18, 2020, he has lived his entire life in Saudi Arabia.

18 In accordance with NRS 125D.180(1) , the Court is to look at the following facts when
19 determining if there is a credible risk of abduction of the child:

20 a) ***Has previously abducted or attempted to abduct the child.*** Ahed is only here on a
21 temporary visa (F-2 Visa, dependent of Mohamad), in which she has already violated the
22 conditions set in the Visa. She is currently withholding the child from Mohamad and her actual
23 whereabouts are unknown. Ahed has very few ties to the United States, and has no intention of
24 fostering a continuing relationship between Mohamad and the Minor Child.

1 **b) *Has threatened to abduct the child.*** As Ahed is only here on a temporary basis and has
2 now absconded with the child, after an earlier attempt to abscond with the child to the State of
3 Maryland, it is clear that she presents a significant risk of abduction. As Ahed has been living in
4 a shelter for almost five months, if she absconds with the child it may be impossible to locate her
5 based on her ability and willingness to live in a shelter for extended periods of time.

6 **c) *Has recently engaged in activities that may indicate a planned abduction, including:***

7 **(1) *Abandoning employment:*** Upon information and belief, Ahed does not work.

8 **(2) *Selling a primary residence:*** Ahed does not own a residence and is believed to be living
9 in a shelter. Making it easy for her to pick up and leave.

10 **(3) *Terminating a lease:*** Ahed is not believed to have a lease and is believed to be living in
11 a shelter. Making it easy for her to pick up and leave.

12 **(4) *Closing bank or other financial management accounts, liquidating assets or destroying***
13 ***financial documents, or conducting any unusual financial activities:*** We are unaware of this at
14 this time. Ahed may be receiving financial resources from her family but otherwise unaware how
15 Ahed has any financial resources. Ahed has no email, telephone or any other means for her to
16 communicate regarding the well being of the child to Mohamad.

17 **(5) *Applying for passport or visa or obtaining travel documents for the respondent, a family***
18 ***member or the child:*** Ahed has her passport but is not believed to have any travel documents for
19 the Minor Child, but upon information and belief Ahed has applied for some form of asylum in
20 the United States for herself and the Minor Child. Therefore, Ahed may have applied for other
21 travel related documents for the Minor Child but Mohamad is unaware of any such documents.

22 **(6) *Seeking to obtain the child's birth certificate or school or medical record:*** Mohamad is
23 unaware of Ahed obtaining any of these records. Ryan is allegedly in quarantine but no medical
24 records have been produced to Mohamad.

1 **d) Has engaged in domestic violence, stalking, or child abuse or neglect:** Other than
2 kidnapping the minor child, which is certainly a form of abuse and/or neglect, Ahed may have
3 medically neglected the child as this is the second time within the last four months, that the Minor
4 child was hospitalized and/or quarantined while in Ahed's care. Mohamad is currently without
5 knowledge of the Minor Child's health other than the representations from Ahed's counsel that
6 the Minor Child is quarantined.

7 **e) Has refused to follow a child custody determination:** Ever since this Court granted
8 Mohamad's Motion to Dismiss, Ahed has refused to follow the child custody determination in
9 the Protection Order in case T-20-203688-T. Which granted Mohamad custody with the minor
10 child from Friday at 3:00pm until Monday at 10:00am. Please see **Exhibit 3**.

11 **f. Lacks strong familial, financial, emotional, or cultural ties to the State or the United**
12 **States:** Ahed has limited familial and emotional ties to the United States. Ahed's first time in the
13 United States was when she arrived in January, as a dependent to Mohamad's student visa.
14 Ahed's only known family is a brother in law that resides in the State of Maryland. Ahed is no
15 longer allowed to be legally present in this country. Ahed has no financial ties to the United
16 States.

17 **g. Has strong familial, financial, emotional, or cultural ties to another State or country:**
18 Ahed is a citizen of Syria. Ahed prior to arriving in America was residing in Saudi Arabia with
19 strong familial, financial, emotional, and cultural ties as that is where her family lives including
20 her parents and siblings. Ahed's family has significant financial resources in Saudi Arabia.

21 **h. Is likely to take the child to a country that:**

22 **(1) Is not a party to the Hague Convention on the Civil Aspects of**
23 **International Child Abduction and does not provide for the extradition of an**
abducting parent or for the return of an abducted child. Not applicable.

24 **(2) Is a party to the Hague Convention on the Civil Aspects of International**
Child Abduction but:

25 **(I) The Hague Convention on the Civil Aspects of International Child**
Abduction is not in force between the United States and that country: Not Applicable.

1 (II) *Is noncompliant according to the most recent compliance report*
2 *issued by the United States Department of State.* Not Applicable

3 (III) *Lacks legal mechanisms for immediately and effectively enforcing*
4 *a return order pursuant to the Hague Convention on the Civil Aspects of*
5 *International Child Abduction.* Not Applicable.

6 (3) *Poses a risk that the child's physical or emotional health or safety would*
7 *be endangered in the country because of specific circumstances relating to the child*
8 *or because of human rights violations committed against children.* Not Applicable.

9 (4) *Has laws or practices that would:*

10 (I) *Enable the respondent, without due cause, to prevent the petitioner*
11 *from contacting the child.* Not Applicable.

12 (II) *Restrict the petitioner from freely traveling to or exiting from the*
13 *country because of the petitioner's gender, sexual orientation, gender identity or*
14 *expression, nationality, marital status or religion.* Not Applicable.

15 (III) *Restrict the child's ability legally to leave the country after the child*
16 *reaches the age of majority because of the child's gender, sexual orientation, gender*
17 *identity or expression, nationality or religion.* Unaware of any restrictions that apply
18 to this situation.

19 (5) *Is included by the United States Department of State on a current list of*
20 *state sponsors of terrorism;* Not Applicable.

21 (6) *Does not have an official United States diplomatic presence in the*
22 *country.* The United States has a diplomatic presence in the Country.

23 (7) *Is engaged in active military action or war, including a civil war, to which*
24 *the child may be exposed:* Not Applicable.

25 i. *Is undergoing a change in immigration or citizenship status that would adversely affect*
26 *the Respondent's ability to remain in the United States legally.* As noted, the parties were only
27 in the United States on a student visa. Based on Mohamad's current understanding Ahed is now
28 here illegally.

29 j. *Has had an application for United States citizenship denied.* Not Applicable.

30 k. *Has forged or presented misleading or false evidence on government forms or*
31 *supporting documents to obtain or attempt to obtain a passport, a visa, travel documents, a*
32 *social security card, a driver's license, or other government-issued identification card or has*
33 *made misrepresentation to the United States Government.* Mohamad vehemently denies Ahed's
34 claims of physical violence. Ahed has provided false evidence regarding allegations of threatened
35 physical abuse or actual physical abuse. Mohamad, believes that Ahed has submitted false
36 evidence to the U.S. Government regarding physical violence in an attempt to gain permanent
37 status in the United States.

38 l. *Has used multiple names to attempt to mislead or defraud.* Not applicable to our
39 knowledge.

40 m. *Has engaged in any other conduct the court considers relevant to the risk of abduction.*
41 Ahed has no phone, email, or contact information so that Mohamad may check on the wellbeing

1 of the Minor Child. Ahed has previously prevented Mohamad from seeing the child while the
2 Minor Child was in the hospital. Ahed and/or her attorney waited until shortly before Mohamad's
3 time to pick up the Minor Child to inform Mohamad that she was not bringing the Minor Child
4 to the Court ordered drop off. Ahed has taken Mohamad's sim card chip which can be used to
5 obtain government documents in Saudi Arabia. Mohamad believes Ahed's family is
6 orchestrating the unfounded abuse allegations based on their desire to use Ahed to obtain
7 residence in the United States. That Ahed never made any allegations of abuse until after
8 Mohamad informed her they were not staying in the United States after he completed his
9 education.

10 There is a credible and likely risk that Ahed will abscond with the Minor Child. She has
11 already prevented Mohamad from seeing the Minor Child even though she knows there is a Court
12 Order to provide the Minor Child to Mohamad every Friday. Ahed has concealed the
13 whereabouts of the Minor Child and prevented Mohamad from receiving any information about
14 the Minor Child's wellbeing or medical issues. Ahed has previously attempted to leave Nevada
15 with the child to go to the State of Maryland with the Minor Child before being admonished
16 against leaving the state by LVMPD.

17 **B. The Court should issue a warrant for the Pick-up of the Minor Child**

18 The Court after review of this *Ex Parte Petition*, can grant an immediate warrant to take
19 physical custody of the child as long as the Court determinations pose a credible risk that the
20 child is imminently likely to be wrongfully removed. See NRS 125D.200.

21 Mohamad believes that Ahed will abscond with the Minor Child if the Court does not
22 intervene – where she goes would be anyone's guess. Based on her recent conduct and their being
23 no contact with Mohamad, it is safe to say that she does not want Mohamad to have any contact
24 with their son and that she will do everything in her power to interfere with his relationship by
25 concealing her whereabouts and withholding the minor child from Mohamad in spite of the child
26 custody determination.

27 Accordingly, Mohamad requests this Court issue an Ex Parte warrant for the immediate
recovery of his son until the Court has a chance to hear this matter without the imminent threat
of further abduction pending. Mohamad believes that after the Court hears from him and Ahed,

1 the child's passport should be held and the child should be returned to Saudi Arabia, his home
2 state and habitual residence for a determination of his custodial arrangements on the merits,
3 performed by the court with jurisdiction to do so under the UCCJEA.

4 **C. A Return Order Should Issue Ordering the Minor Child to be Returned to His**
5 **Habitual Residence of Saudi Arabia as it is in the Minor Child's Best Interest to Have This**
6 **Matter heard in the Country of his Habitual Residence**

7 This Court should issue a return order or a substantially similar order so that Mohamad can
8 return to Saudi Arabia with his minor child. [T]he Supreme Court of the United States has
9 indicated that the Hague Convention "is based on the principle that the best interests of the child
10 are well served when decisions regarding custody rights are made in the country of habitual
11 residence." Cook v. Arimitsu, No. A19-1235, 2020 WL 1983223, at *3 (Minn. Ct. App. Apr. 27,
12 2020); *citing* Abbott v. Abbott, 560 U.S. 1, 20, 130 S. Ct. 1983, 1995 (2010); *see*
13 *also* Monasky, 140 S. Ct. at 723 (recognizing that the "core premise" of the Hague Convention
14 is that the children's best interests are generally "best served when custody decisions are made
15 in the child's country of habitual residence").

16 A child wrongfully removed from her country of "habitual residence" ordinarily must be
17 returned to that country. Monasky v. Taglieri, 140 S. Ct. 719 (2020). The Convention ordinarily
18 requires the **prompt** return of a child wrongfully removed or **retained** away from the country in
19 which she habitually resides. (*emphasis added*) Monasky v. Taglieri, 140 S. Ct. 719, 723 (2020);
20 *citing* Art. 12, Treaty Doc., at 9 (cross-referencing Art. 3, *id.*, at 7); *see also* Chafin v. Chafin,
21 568 U.S. 165, 180, 133 S. Ct. 1017, 1028, 185 L. Ed. 2d 1 (2013) (The Hague Convention
22 mandates the prompt return of children to their countries of habitual residence.) When a Court
23 does not order the prompt return of a child, the child loses precious months in which the child
24 could have been readjusting to life in her country of habitual residence. *See* Chafin 568 U.S. at
25 178. Even when a country is not a party to the Hague convention, the court can properly order
26 the return of a minor child. *See* Ogawa v. Ogawa, 125 Nev. 660, 670–71, 221 P.3d 699, 706
(2009); *see also* Davis v. Ewalefo, 131 Nev. 445, 454, 352 P.3d 1139, 1145 (2015)(courts have

“decline[d] to adopt a bright-line rule prohibiting out-of-country visitation by a parent whose country has not adopted the Hague Convention or executed an extradition treaty with the United States.”); *see also Long v. Ardestani*, 241 Wis.2d 498, 624 N.W.2d 405, 417 (Wis.Ct.App.2001) (finding no cases that “even hint” at a rule that provides, “as a matter of law that a parent ... may not take a child to a country that is not a signatory to the Hague Convention if the other parent objects”).

Here, the minor child is being wrongfully retained in the United States and is being prevented from returning to his country of habitual residence and those precious months in which the minor could be readjusting to life in his habitual residence are being lost while the minor child is shuffled back and forth between his father’s apartment and a shelter. This court should order the immediate return of the minor child to Saudi Arabia.

III. CONCLUSION

Based on the above, Mohamad respectfully requests this Court enter the following findings and orders:

1) Finding that Ahed has wrongfully retained the child in the State of Nevada and that there is a credible risk that Ahed will flee the State or the country and never return with the minor child;

2) Immediately prevent Ahed from leaving the State or the country with the child by detaining Ahed until she produces the Minor Child, ordering the turnover of the any documentation she is in possession of related to the Minor Child’s travel, and by issuing an Ex Parte Warrant for Mohamad to take physical custody of the minor child;

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//

1 3) Set a date for both parties to be heard on this matter in accordance with NRS
2 125D.200(2), or the next judicial day after issuance of the Warrant.

3 4) For a return order of the minor child to Saudi Arabia;

4 5) For any relief that this Court deems just and proper.
5

6 Dated this 29th day of June, 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
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of MARKMAN LAW, and that on this 29th day of June 2020, I caused the foregoing document entitled 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; and for a Return Order For The Minor Child To His Home Country Of Saudi Arabia.

, to be served as follows:

- ☒ [X] 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@lacsno.org

/s/ David Markman
David Markman, Esq.

DECLARATION OF MOHAMAD ALHULAIBI

1. I, Mohamad Alhulaibi, do solemnly swear to testify herein to the truth, the whole truth and nothing but the truth.
2. That I am the Defendant in the above-entitled action.
3. That I am above the age of majority and am competent to testify to the facts contained in this declaration.
4. That I make this declaration in support of the foregoing Petition/Motion.
5. That the Exhibits attached to the Petition/Motion attached as Exhibits 1-3 are true and accurate copies of said documents.
6. That I have read said Petition/Motion and hereby certify that the facts set forth in the Points and Authorities attached thereto are true of my own knowledge, except for those matters therein contained stated upon information and belief, and as to those matters, I believe them to be true. I incorporate said facts into this declaration as though fully set forth herein.

Dated this 29 day of June, 2020



Mohamad Alhulaibi

EXHIBIT 1

EXHIBIT 1

1 FFCL
2
3
4

5 DISTRICT COURT
6 FAMILY DIVISION
7 CLARK COUNTY, NEVADA
8
9

10 AHED SAID SENJAB,

11 Plaintiff,

12 vs.

13 MOHAMAD ABULHAKIM

14 ALHULAIBI,

15 Defendant.
16

CASE NO. D-20-606093-D

DEPT NO. H

Date of Hearing: June 16, 2020

Time of Hearing: 9:00 a.m.

17
18 **FINDINGS OF FACT, CONCLUSIONS OF LAW,**
19 **DECISION AND ORDER**

20 This matter came on for hearing before Art Ritchie, District Court Judge,
21 Department H. Plaintiff was represented by her attorneys, Legal Aid Center of
22 Southern Nevada, and April S. Green, Esq. Defendant was represented by his
23 attorneys, Markman Law, and David Markman, Esq. This court considered the
24 papers and pleadings, the arguments of counsel, and for good cause stated in this
25 order, grants Mohamad Abulhakim Alhulaibi's motion to dismiss.
26
27
28

1 **I. BACKGROUND**
2

3 This is a divorce case to dissolve a marriage between Ahed Said Senjab
4 and Mohamad Abulhakim Alhulaibi. Ms. Senjab and Mr. Alhulaibi are citizens
5 of Syria. They married in Saudi Arabia on February 17, 2018. The parties have
6 one minor child, Ryan Mohamad Alhulaibi, who was born on February 16, 2019.
7

8 Mohamad Abulhakim Alhulaibi obtained an F-1 Visa and came to the United
9 States to attend graduate school at UNLV in 2018. Mr. Alhulaibi alleged that
10 Ahed Said Senjab applied for an F-2 Visa in August, 2018, and that an F-2 Visa
11 was granted to her and the parties' child at the end of 2019. In December, 2019,
12 Mr. Alhulaibi returned to Saudi Arabia after the fall semester. Mr. Alhulaibi
13 alleged that he purchased round trip airline tickets on Turkish Airlines for
14 himself, Ahed Said Senjab, and the parties' child for travel to Nevada on January
15 13, 2020 with a return flight to Saudi Arabia on June 18, 2020.
16
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19

20 The parties and their child arrived in Las Vegas, Nevada, on January 13, 2020.
21 On February 14, 2020, Ahed Said Senjab filed an Application for Protective
22 Order, assigned Case No. T-20-203688-T. The Ex-Parte Application was
23 granted, and the matter was continued for consideration of an extension of the
24 order. The matter was heard on March 17, 2020 and on March 30, 2020. The
25 Hearing Master heard testimony from the parties and argument from counsel.
26
27
28

1 The court granted the request and extended the protective order until February 14,
2 2021. The Extended Protective Order was filed on March 30, 2020 and it
3 contains custody orders defining Ms. Senjab's physical custody time with Ryan
4 as Monday at 10:00 a.m. through Friday at 3:00 p.m., and Mr. Alhulaibi's
5 physical custody time with Ryan as Friday at 3:00 p.m. though Monday at 10:00
6 a.m.
7
8

9
10 Ahed Said Senjab filed a Complaint for Divorce on March 24, 2020. Ms.
11 Senjab seeks a divorce, child custody and support orders, and spousal support.
12 Mohamad Abulhakim Alhulaibi was served on March 25, 2020. Mr. Alhulaibi's
13 Motion to Dismiss was filed on April 14, 2020. Ms. Senjab filed her Opposition
14 on April 24, 2020 and Mr. Alhulaibi's Reply to Opposition was filed on May 13,
15 2020. Ms. Senjab filed Supplemental Exhibits on May 18, 2020 and on May 20,
16 2020.
17
18

19 The matter was heard on May 20, 2020. The parties appeared by telephone,
20 with counsel. Because of the timing of Plaintiff's filings, and because the court
21 requested additional briefing, the matter was continued to June 16, 2020.
22
23

24 Ahed Said Senjab filed a Memoranda of Law on June 8, 2020 and Mohamad
25 Abulhakim Alhulaibi filed a Supplemental Brief on June 8, 2020. On June 11,
26
27
28

1 2020, Ms. Senjab filed a third Supplemental Exhibit. The parties were present by
2 telephone and represented by counsel at the hearing on June 16, 2020.
3

4 **II. LEGAL STANDARD**

5
6 Subject matter jurisdiction is the power of the court to decide a particular
7 type of controversy. A party may file a motion asserting the defense of lack of
8 subject-matter jurisdiction pursuant to NRCP 12(b)(1). The court should dismiss
9 a case when a party fails to state a claim upon which relief can be granted. If a
10 court determines at any time that it lacks subject-matter jurisdiction, the court
11 must dismiss the action. NRCP 12(h)(3).
12
13

14 **III. FINDINGS AND CONCLUSIONS**

- 15 1. For this Nevada court to have subject matter jurisdiction to grant a
16 divorce, one of the parties must be a bona fide resident of the state of
17 Nevada.
18
- 19 2. NRS 125.020 (e) provides that the district court has jurisdiction to grant
20 a divorce if one of the parties has resided 6 weeks in the state before the
21 suit was brought.
22
- 23 3. Residence is synonymous with domicile. Physical presence, together
24 with intent, constitutes bona fide residence for divorce jurisdiction.
25
26 *Aldabe v. Aldabe*, 84 Nev 392, 441 P.2d 691 (1968).
27
28

- 1 4. Ahed Said Senjab has the burden to prove that she or Mohamad
2 Abulhakim Alhulaibi is a bona fide resident of the state of Nevada for
3 this court to grant a divorce.
4
- 5 5. Ahed Said Senjab and Mohamad Abulhakim Alhulaibi have been
6 physically present in the state of Nevada for at least 6 weeks prior to the
7 filing of this divorce case.
8
- 9 6. This court finds that pursuant to state law, undocumented immigrants
10 who physically live in Nevada have been able to access Nevada courts
11 to obtain a divorce so long as they have been physically present in
12 Nevada, and so long as they establish a subjective intention to make
13 Nevada their home.
14
- 15 7. The Ninth Circuit Court of Appeals, in *Park v. Barr*, 946 F.3d 1096
16 (2020), held that federal law has preempted state law. The holding in
17 *Park*, bars nonimmigrants who come to the United States on a visa
18 issued pursuant to Title 8 of the United States Code from establishing
19 the subjective intent that is required to give this Nevada court subject
20 matter jurisdiction to grant a divorce.
21
- 22 8. Ahed Said Senjab and Mohamad Abulhakim Alhulaibi are
23 nonimmigrants. Based on decisional law from the United States
24 Supreme Court, and the Ninth Circuit Court of Appeals, federal law will
25
26
27
28

1 either allow or prohibit a nonimmigrant visa holder to establish
2 residency or domicile.
3

4 9. The Immigration and Nationality Act imposes limits on a state freedom
5 to define domicile. *Park v. Barr*, 946 F.3d 1096 (2020).
6

7 10. The federal law, prohibiting a nonimmigrant from establishing domicile,
8 continues even if a visa is overstayed. *Park v. Barr*, 946 F.3d 1096
9 (2020). In *Park*, Woul Park, a nonimmigrant, came to the United
10 States on a B-2 Visa, and stayed in the United States after the lawful
11 status had lapsed. The Ninth Circuit Court of Appeals held that Woul
12 Park was precluded from establishing lawful domicile in California by
13 operation of federal law.
14
15

16 11. The United States Supreme Court, in *Toll v. Moreno*, 458 US 1 (1982),
17 held that because Congress expressly allowed a nonimmigrant with a
18 G-4 visa to establish domicile to obtain in-state college tuition, state
19 law was precluded under the Supremacy Clause of the United States
20 Constitution.
21
22

23 12. Foreign students pursuing academic studies are classified as F-1.
24 Dependents of holders of an F-1 visa are classified as F-2 spouses or
25 dependents. The immigration status of an F-2 dependent is dependent
26 upon the F-1 student.
27
28

- 1 13. Under federal law, nonimmigrants that come to the United States
2 through F-1 and F-2 visas are required to maintain a residence in their
3 country of citizenship with no intention of abandoning it.
4
- 5 14. Ahed Said Senjab and Mohamad Abulhakim Alhulaibi were permitted
6 to enter the United States on an express condition not to abandon the
7 foreign residence.
8
- 9 15. Congress has not permitted Ahed Said Senjab and Mohamad
10 Abulhakim Alhulaibi to lawfully form a subjective intent to remain in
11 the United States.
12
- 13 16. The Immigration and Nationality Act prevents Ahed Said Senjab and
14 Mohamad Abulhakim Alhulaibi from establishing the requisite intent to
15 remain in the United States/Nevada.
16
- 17 17. Congress expressly conditioned admission to the United States through
18 F-1 and F-2 visas on a stated intention not to abandon the foreign
19 residence.
20
- 21 18. Ahed Said Senjab's subjective intent to make Nevada her home is
22 precluded by Congress' definition of the nonimmigrant classification.
23
- 24 19. This court concludes that Nevada lacks subject matter jurisdiction to
25 grant a divorce.
26

27 /////

1 Therefore,

2 **ORDER**

3
4 **IT IS HEREBY ORDERED** that Mohamad Abulhakim Alhulaibi's
5 motion to dismiss is granted.
6

7 **IT IS FURTHER ORDERED** that this case is dismissed and closed with
8 the entry of this order.
9

10 Dated this 17th day of June, 2020

11 

12 03B A97 1706 ED86
13 T. Arthur Ritchie
14 DISTRICT COURT JUDGE
15 DEPARTMENT H
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EXHIBIT 2

EXHIBIT 2



David Markman <david@markmanlawfirm.com>

Ahed Senjab v. Mohamad Alhulaibi; D-20-606093-D - Motion to Dismiss

15 messages

david markman <david@markmanlawfirm.com>
To: Asgreen@lacs.org

Sun, Apr 19, 2020 at 11:30 AM

April,

I filed a motion to dismiss on behalf of my client, Mohamad. You were not on the e-service list, so service was done through the mail. Please find a courtesy copy attached if you have not already received it. Please also find a copy of the Notice of Hearing attached. I will also mail a copy of the notice of hearing, as required by service rules.

Please feel free to contact me if you do not want me to mail the Notice of Hearing (based on Covid-19) or to discuss any of the matters further.

Respectfully,

--

David Markman, Esq.
Attorney**MARKMAN LAW**4484 S. Pecos Rd. Suite #130
Las Vegas NV 89121
Tel: 702-843-5899 / Fax: 702-843-6010
David@Markmanlawfirm.com

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2 attachments **FS - Motion to Dismiss.pdf**
3489K **Notice of Hearing.pdf**
41K

April Green <ASGreen@lacs.org>
To: david markman <david@markmanlawfirm.com>

Fri, Jun 19, 2020 at 1:30 PM

Mr. Markman, I got an email from Ahed. Safe Nest is on quarantine due to the virus and she cannot drop the child off and they are not supposed to leave the shelter. As I get more information, I will keep you posted.

April Green

[Quoted text hidden]

David Markman <david@markmanlawfirm.com>
To: April Green <ASGreen@lacs.org>

Fri, Jun 19, 2020 at 2:59 PM

April,

Thank you for letting me know. Please let me know as soon as you have more information. I understand that coronavirus is an issue and we all have to adjust to these trying times, but Mohamad wants to be able to pick up the minor child as soon as possible.

As you know, even though the divorce case is dismissed the TPO order still governs and Mohamad is entitled to his timeshare as ordered by the Court. If it is determined that Coronavirus has not caused a lockdown of the shelter and instead that this is being used as a tactic to impede Mohamad's custody time, Mohamad will put this issue before the appropriate court.

Have a good weekend!

Thank you,
[Quoted text hidden]

April Green <ASGreen@lacs.org>
To: David Markman <david@markmanlawfirm.com>

Fri, Jun 19, 2020 at 3:16 PM

Understood; I confirmed it with shelter personnel to make sure. Thanks

[Quoted text hidden]

David Markman <david@markmanlawfirm.com>
To: April Green <ASGreen@lacs.org>

Mon, Jun 22, 2020 at 1:00 PM

April,

Are there any updates about the shelter? Do you have a contact number for the shelter personnel that you spoke with so that I can discuss the lockdown with them? My client has reached out to the shelter and they informed him that the shelter is not in a lockdown.

Thank you,
[Quoted text hidden]

April Green <ASGreen@lacs.org>
To: David Markman <david@markmanlawfirm.com>

Mon, Jun 22, 2020 at 1:06 PM

I asked Lynette Jones from Safe Nest to give you a call; thanks.



April S. Green, Esq.

Directing Attorney, Family Justice Project

Legal Aid Center of Southern Nevada, Inc.

725 E. Charleston Blvd.

Las Vegas, NV 89104

702-386-1415 direct/fax

702-386-1070 ext. 1415

asgreen@lacsns.org

www.lacsns.org

Legal Aid Center of Southern Nevada, Inc. is a 501 (c) (3) organization
and your contribution may qualify as a federally recognized tax deduction.



Legal Aid Center E-Newsletter

Please remember Legal Aid Center of Southern Nevada in your estate plan.

[Quoted text hidden]

David Markman <david@markmanlawfirm.com>
To: April Green <ASGreen@lacsns.org>

Mon, Jun 22, 2020 at 1:07 PM

Thank you. I appreciate it.

[Quoted text hidden]

April Green <ASGreen@lacsns.org>
To: David Markman <david@markmanlawfirm.com>

Mon, Jun 22, 2020 at 1:08 PM

No problem, if she does not call you by tomorrow; please let me know.

[Quoted text hidden]

David Markman <david@markmanlawfirm.com>
To: April Green <ASGreen@lacsns.org>

Mon, Jun 22, 2020 at 1:11 PM

Thanks. Will do.

[Quoted text hidden]

April Green <ASGreen@lacsns.org>
To: David Markman <david@markmanlawfirm.com>

Tue, Jun 23, 2020 at 2:56 PM

This is the message I just received from Safe Nest:

Hello Ms. April,

Unfortunately, I am unable to communicate with adverse party's Attorney do to confidentiality. Ahed is still quarantining until next week. She will need to follow up.

Best Regards,

Lynette Jones



April S. Green, Esq.

Directing Attorney, Family Justice Project

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Legal Aid Center E-Newsletter

Please remember Legal Aid Center of Southern Nevada in your estate plan.

From: David Markman <david@markmanlawfirm.com>

Sent: Friday, June 19, 2020 3:00 PM

[Quoted text hidden]

[Quoted text hidden]

David Markman <david@markmanlawfirm.com>
To: April Green <ASGreen@lacs.org>

Fri, Jun 26, 2020 at 12:13 PM

April,

Are there any updates regarding the quarantine? Is Ryan part of the quarantine or can he leave Safe Nest? Mohamad would like to pick up Ryan today.

Please let me know as soon as possible.

Thank you,

[Quoted text hidden]

April Green <ASGreen@lacs.org>
To: David Markman <david@markmanlawfirm.com>

Fri, Jun 26, 2020 at 12:55 PM

He is included; let me forward this inquiry to Lynette Jones.

[Quoted text hidden]

David Markman <david@markmanlawfirm.com>
To: April Green <ASGreen@lacs.org>

Fri, Jun 26, 2020 at 2:03 PM

Okay. Thanks. Please provide any medical records for Ryan too. Mohamad is worried about the health of his son.

Respectfully,

[Quoted text hidden]

April Green <ASGreen@lacs.org>
To: David Markman <david@markmanlawfirm.com>

Fri, Jun 26, 2020 at 2:05 PM

OK, will do although I have not heard that either of them have the virus; it may be that they are on lock down other reasons.

[Quoted text hidden]

David Markman <david@markmanlawfirm.com>
To: April Green <ASGreen@lacs.org>

Fri, Jun 26, 2020 at 2:08 PM

Okay. Can you please find out and confirm the reasons they are on lockdown? As Mohamad is very concerned about the health of Ryan and he is entitled to the information about his son's health

[Quoted text hidden]

EXHIBIT 3

EXHIBIT 3

Date		Time		Officer Name	P#	DISTRIBUTION WHITE • SUBSTATION CARDSTOCK • CITIZEN
LAS VEGAS METROPOLITAN POLICE DEPARTMENT CONTACT CARD UNIT OF ADVISORY TO THE CHIEF OF POLICE OFFICE OF THE CHIEF OF POLICE CUSTOMER SERVICE MESSAGE EVENT # ADDRESS <input type="checkbox"/> APT NOTIFICATION <input type="checkbox"/> GARAGE DOOR <input type="checkbox"/> CURFEW NOTIFICATION <input type="checkbox"/> OTHER <input type="checkbox"/> VANDALISM <input type="checkbox"/> THIEF <input type="checkbox"/> DRUG ACTIVITY <input type="checkbox"/> DISTURBANCE <input type="checkbox"/> TRESPASSING <input type="checkbox"/> DOMESTIC VIOLENCE <input type="checkbox"/> CIVIL STAND-BY						

As a duly appointed representative of the owner of this property, I hereby warn you that you are trespassing upon this property as defined by the Nevada Revised Statute 207.200. If you do not leave these premises immediately, you will be subject to arrest for a misdemeanor. Your subsequent return to the premises after being duly warned not to return will subject you to immediate arrest for trespassing.

IMPORTANT INFORMATION

Suspect's Name _____

Date Trespassed _____

Time _____

Date of Birth / I.D. No. _____

Officer _____

P# _____

CURFEW TIMES FOR PERSONS UNDER 18

SCHOOL NIGHTS (Sun.-Thurs.)
10:00PM - 5:00AM

**All Other Nights, Holidays and
Summer Vacations (Fri. & Sat.)**
Midnight - 5:00AM

STRIP CURFEW TIMES
9:00 PM (Fri., Sat. & Legal Holidays)
Please report violations to
LVMPD at (702) 828-3111

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

AHED SAID SENJAB

Plaintiff/Petitioner

v.

MOHAMAD ALHULAIBI

Defendant/Respondent

Case No. D-20-606093-D

Dept. H

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of \$25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the \$25 or \$0 filing fee in the box below.

<input checked="" type="checkbox"/>	\$25	The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.
-OR-		
<input type="checkbox"/>	\$0	The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:
<input type="checkbox"/>		The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
<input type="checkbox"/>		The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
<input type="checkbox"/>		The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
<input type="checkbox"/>		Other Excluded Motion (must specify) _____.

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

<input checked="" type="checkbox"/>	\$0	The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:
<input type="checkbox"/>		<input checked="" type="checkbox"/> The Motion/Opposition is being filed in a case that was not initiated by joint petition.
<input type="checkbox"/>		<input type="checkbox"/> The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.
-OR-		
<input type="checkbox"/>	\$129	The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order.
-OR-		
<input type="checkbox"/>	\$57	The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129.

Step 3. Add the filing fees from Step 1 and Step 2.

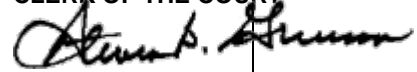
The total filing fee for the motion/opposition I am filing with this form is:											
<input type="checkbox"/>	\$0	<input checked="" type="checkbox"/>	\$25	<input type="checkbox"/>	\$57	<input type="checkbox"/>	\$82	<input type="checkbox"/>	\$129	<input type="checkbox"/>	\$154

Party filing Motion/Opposition: David Markman, Esq. Date 6/29/2020

Signature of Party or Preparer /s/ David Markman, Esq.

EXHIBIT 3

EXHIBIT 3



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

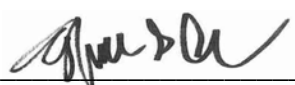
TO: DAVID MARKMAN, ESQ., Attorney for Adverse Party.

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.

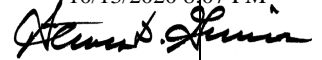
DATED this 14th day of October, 2020.

**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


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
20
21
22
23
24
25
26
27
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

22

23

24

25

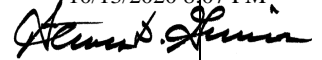
26

27

28

EXHIBIT 4

EXHIBIT 4


CLERK OF THE COURT

ORDR

APRIL GREEN, ESQ.
Nevada Bar No.: 8340C
BARBARA BUCKLEY, ESQ.
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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.)	
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MOHAMAD ALHULAIBI,)	DATE OF HEARING: August 4, 2020
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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.
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1 **CSERV**

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3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
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6 Ahd Sinjab, Applicant

CASE NO: T-20-203688-T

7 vs

DEPT. NO. Department H

8 Mohamad Alhulaibi, Adverse
9 Party

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asgreen@lacsns.org

16 Aileen Yeo

AYeo@lacsns.org

17 Ahd Sinjab

ahdsinjab@gmail.com

18 David Markman

David@markmanlawfirm.com

20

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