

**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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Richard L. Crane, Esq.,  
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Las Vegas, Nevada 89110-2101  
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**Attorneys for Respondent:**

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Markman Law  
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## APPENDIX INDEX

#	DOCUMENT	FILE STAMP DATE	PAGES
<b>Volume I</b>			
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
<b>Volume III</b>			
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 <sup>th</sup> , 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 <sup>th</sup> , 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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DISTRICT COURT  
CLARK COUNTY, NEVADA

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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Nevada Bar No.: 8340C

BARBARA E. BUCKLEY, ESQ.  
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Phone (702) 386-1415  
asgreen@lacs.org

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.

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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.

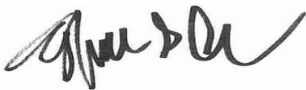
**DATED** this \_\_\_\_ day of August, 2020. Dated this 10th day of August, 2020



**DISTRICT COURT JUDGE**

**DATED** this 6<sup>th</sup> 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.  
Nevada Bar No.: 8340C  
BARBARA BUCKLEY, ESQ.  
Nevada Bar No.: 3918  
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Attorney for Plaintiff  
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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: 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 13<sup>th</sup> 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.

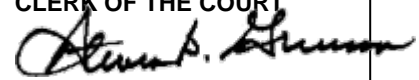
COUNTY RETENTION POLICY APPROVED BY INTERNAL AUDIT

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AA000478

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**RTPR**  
**APRIL S. GREEN, ESQ.**  
Nevada Bar No.: 8340C  
**BARBARA E. BUCKLEY, ESQ.**  
Nevada Bar No.: 3918  
**LEGAL AID CENTER OF SOUTHERN NEVADA, INC.**  
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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](mailto: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 13<sup>th</sup> 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

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AUG 13 2020

*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)

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AUGUST 4TH, 2020

The estimated cost of the expedited transcript is \$124.00. Payment in the amount of \$124.00, 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 13<sup>th</sup> day of August, 2020.

*Quentin Mansfield*  
Quentin Mansfield, Transcriber  
Transcript Video Services

Transcript ESTIMATE amount of \_\_\_\_\_ Check# \_\_\_\_\_ CC \_\_\_\_\_ CASH \_\_\_\_\_ CLERK \_\_\_\_\_  
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NOTE: STATUTORY FEES ARE SUBJECT TO CHANGE PER LEGISLATIVE SESSION.

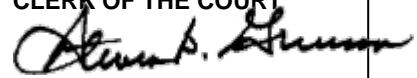
Items left beyond 90 days are subject to disposal without refund.

COUNTY RETENTION POLICY APPROVED BY INTERNAL AUDIT

AA000482

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**RTPR**  
**APRIL S. GREEN, ESQ.**  
Nevada Bar No.: 8340C  
**BARBARA E. BUCKLEY, ESQ.**  
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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.	)	

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On August 14, 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 14<sup>th</sup> 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.**

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# EXHIBIT 1



1 EOT

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AUG 14 2020

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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 \_\_\_\_\_  
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  
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

AA000486

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**ORDR**  
**APRIL S. GREEN, ESQ.**  
Nevada Bar No.: 8340C  
**BARBARA E. BUCKLEY, ESQ.**  
Nevada Bar No.: 3918  
**LEGAL AID CENTER OF SOUTHERN NEVADA, INC.**  
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[asgreen@lacsns.org](mailto: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.**  
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1 (702) 386-1415 Direct/Fax  
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3 [asgreen@lacs.n.org](mailto:asgreen@lacs.n.org)  
4 Attorneys for Defendant  
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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.

asgreen@lacs.org

17 Justin Johnson

Justin@willicklawgroup.com

18 Aileen Yeo

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19 Richard Crane

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20 David Markman

David@MarkmanLawfirm.com

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AA000489

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**ORDR**  
**APRIL S. GREEN, ESQ.**  
Nevada Bar No.: 8340C  
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[asgreen@lacs.org](mailto: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.	)	

**ORDER WAIVING COST OF TRANSCRIPT OF PROCEEDINGS**

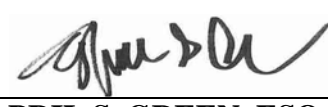
Having read Plaintiff's Request for transcript of proceeding, and other good cause appearing,

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

Dated this \_\_\_\_ day of \_\_\_\_\_, ~~2020~~ <sup>Dated this 14th day of August, 2020</sup>.

  
\_\_\_\_\_  
**DISTRICT COURT JUDGE**  
EF9 81E 34DD AA61  
T. Arthur Ritchie  
District Court Judge  
LCD

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

By:   
\_\_\_\_\_  
**APRIL S. GREEN, ESQ.**  
Nevada Bar No.: 8340C  
**BARBARA E. BUCKLEY, ESQ.**  
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4 Attorneys for Defendant  
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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  
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14 Service Date: 8/14/2020

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18 Aileen Yeo

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19 Richard Crane

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20 David Markman

David@MarkmanLawfirm.com

21  
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AA000492

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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 14<sup>th</sup> 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.

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COUNTY RETENTION POLICY APPROVED BY INTERNAL AUDIT

AA000493

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1 TRANS

2 COPY

FILED

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 Ahd  
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

55

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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 21<sup>st</sup> 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  
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*Ann L. Blum*  
CLERK OF COURT

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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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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 21<sup>st</sup> day of August, 2020.

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

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1 TRANS

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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  
For the Defendant: DAVID MARKMAN, ESQ.  
22 4484 S. Pecos Rd. STE 130  
Las Vegas, NV 89121  
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.

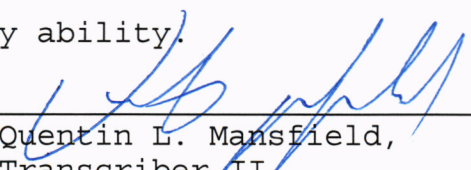
23 [THE PROCEEDING ENDED AT: 11:49:28.]

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 28<sup>th</sup> day of August, 2020.

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

Balance of \_\_\_\_\_ Check # \_\_\_\_\_ CC# \_\_\_\_\_ CASH \_\_\_\_\_ CLERK \_\_\_\_\_

Received by *April S. Green* this 31<sup>st</sup> 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

*Alana 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 28<sup>th</sup> 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.**  
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Las Vegas, Nevada 89104  
(702)386-1415 phone  
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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.	)	
	)	
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  
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18 Attorneys for Plaintiff  
19 asgreen@lacs.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

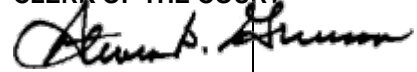
18 David Markman

David@markmanlawfirm.com

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NEO  
APRIL S. GREEN, ESQ.  
Nevada Bar No. 8340C  
BARBARA E. BUCKLEY, ESQ.  
Nevada Bar No. 3918  
LEGAL AID CENTER OF SOUTHERN NEVADA, INC.  
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[asgreen@lacs.org](mailto: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

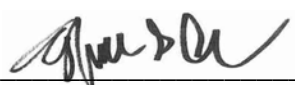
TO: DAVID MARKMAN, ESQ., Attorney for Adverse Party.

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

DATED this 14<sup>th</sup> day of October, 2020.

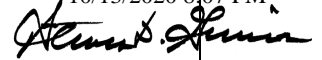
**LEGAL AID CENTER OF SOUTHERN NEVADA,  
INC.**

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](mailto: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  
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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  
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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

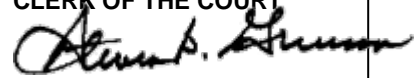
David@markmanlawfirm.com

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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.**  
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11 [asgreen@lacsns.org](mailto: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.**

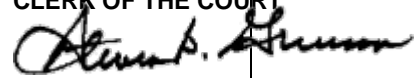
20 David Markman, Esq.  
21 [David@MarkmanLawfirm.com](mailto:David@MarkmanLawfirm.com)



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

63.

63.



NOA  
DAVID MARKMAN, ESQ.  
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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 12<sup>th</sup> day of November, 2020.

MARKMAN LAW

By: /s/ DAVID MARKMAN

DAVID MARKMAN, ESQ.  
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(702) 843-5899  
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 12<sup>th</sup> day of November 2020, I caused the foregoing document entitled Notice of Appeal, to be served as  
4 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:

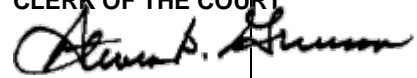
14 APRIL GREEN, ESQ.  
15 Nevada Bar 8340C  
16 BARBARA BUCKLEY  
17 Nevada Bar No. 3918  
LEGAL AID CENTER OF SOUTHERN NEVADA, INC.  
18 725 E. Charleston Blvd.  
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19 MARSHALL S. WILICK  
20 Nevada Bar No. 2515  
21 Richard L. Crane, Esq  
Nevada Bar No. 9536  
22 WILICK LAW GROUP  
3591 East Bonanza Road, Suite 200  
23 Las Vegas Nevada 89110  
[email@willicklawgroup.com](mailto:email@willicklawgroup.com)

24  
25 /s/ David Markman  
26 David Markman, Esq.

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**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  
and provide the name and address of that respondent's trial counsel):

4 AHED SENJAB is currently represented by in another appeal:  
5 c/o APRIL GREEN, ESQ.  
6 Nevada Bar 8340C  
BARBARA BUCKLEY  
7 Nevada Bar No. 3918  
LEGAL AID CENTER OF SOUTHERN NEVADA, INC.  
8 725 E. Charleston Blvd.  
Las Vegas, NV 89104  
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9 MARSHALL S. WILICK  
10 Nevada Bar No. 2515  
Richard L. Crane, Esq  
11 Nevada Bar No. 9536  
WILICK LAW GROUP  
12 3591 East Bonanza Road, Suite 200  
Las Vegas Nevada 89110  
13 [email@willicklawgroup.com](mailto:email@willicklawgroup.com)  
14

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

17 N/A

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

20 N/A

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

22 N/A

23 8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date  
24 of entry of the district court order granting such leave:  
25  
26  
27

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 12<sup>th</sup> 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 12<sup>th</sup> 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.  
15 Nevada Bar 8340C  
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[email@willicklawgroup.com](mailto:email@willicklawgroup.com)

24  
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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6 \* \* \* \* \*

7  
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.

11  
12   
13 SHERRY JUSTICE,  
14 Transcriber II  
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