

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

MOHAMAD ALHULAIBI,

Appellant,

vs.

AHED SAID SENJAB,

Respondent.

S.C. No.:

D.C. Case No.:

Electronically Filed
Dec 16 2021 05:17 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
82114/82121
D-20-606093-D

SECOND JOINT STATUS REPORT

Appellant, Mohamad Alhulaibi, by and through his attorney of record, David Markman, Esq., of MARKMAN LAW, and Respondent Ahed Senjab, by and through her attorney of record, Marshal S. Willick, Esq., of the WILLICK LAW GROUP, provide this Second Joint Status Report pursuant to the *Order* entered on October 18, 2021.

The status of case numbers 82114 and 82121 hasn't changed since the filing of the *Opinion*, issued on October 21, 2021 in Case No. 81515. *See Senjab v. Alhulaibi*, 137 Nev. ___, ___ P.3d ___ (Adv. Opn. No. 64, Oct. 21, 2021).

In the district court, there was a hearing held on November 2, 2021 and one held on December 7, 2021.

At the hearing on November 2, 2021, the district court noted that parties have been sharing the child pursuant to the Order filed in case No. T203688, which was filed August 4, 2020. The current visitation schedule is as follows:

Ahed has custody of the minor child from Sunday at 5:00 p.m. through Thursday at 5:00 p.m. while Mohamad has the minor child from Thursday at 5:00 pm through Sunday at 5:00 pm. The custody exchanges happen at Donna's House Central.

The district court ordered a responsive pleading/*Answer* be filed by Defendant (Mohamad Alhulaibi) within twenty days of the hearing, and that the attorneys for Plaintiff (Ahed Senjab) were to draft and submit an Order identical to the temporary Order regarding custody from the "T" case in the "D" case. Attorney for Plaintiff, April Green indicated she would withdraw her Motion from the "T" case and would re-file it in the "D" case.

The hearing held on December 7, 2021, was on *Plaintiff's Motion for Temporary Custody, Visitation, and Child Support* filed on November 2. Defendant filed his *Opposition To Plaintiff's Motion For Temporary Custody, Visitation, And Child Support And Countermotion For Primary Physical Custody* on November 16, 2021.

The day before that hearing, on December 6, Defendant filed a *Motion to Dismiss Child Custody Claims*, based in part on the fact that he still has pending two appeals before this Court that he contends are concerned with child custody.¹

At the hearing of December 7, the district court noted Defendant's December 6 filing, and the fact that no translator was available for Plaintiff, and continued all further proceedings to January 11, 2022, the date of the hearing on Defendant's December 6 *Motion to Dismiss*. Counsel informed the district court that this Status Report would be filed in this Court imminently, and would request expedited resolution.

I. APPELLANT'S POSITION

While the underlying motion that was appealed in 81515 did not address child custody or child support, the motion/petition that resulted in matters 82114 and 82121 did derive directly from a Petition/Motion that requested orders related to child

¹ Defendant filed two appeals, Nevada Supreme Court Case Nos. 82121 and 82114, from the same district court proceedings that were in issue, and resolved, in Case No. 81515; those other appeals were from proceedings seeking a "return order" to Saudi Arabia for the minor child, and a warrant for the pickup of the minor child, both of which were denied by the district court on the basis that since it had dismissed the entire divorce case, it had no jurisdiction to entertain any such requests for relief.

custody from the District Court and requested the return of the minor child to his home country of Saudi Arabia since the minor had not been in the United States for six months prior to filing of the Complaint. It is uncontested the Minor had not been in Nevada for six months prior to the filing of the Complaint. In fact, this Honorable Court addressed the timeframe the minor had been in Nevada on Page 2 of its opinion in 81515 stating the Minor moved to Nevada in January 2020 with the Complaint being filed in March 2020.

The issue regarding child custody/return order should have been substantively heard regarding the minor child as they were collateral to the appeal in 81515. The issues were appealable as they requested injunctive relief and a special order after what at that time was a final judgment.

Under the UCCJEA codified in relevant part as NRS 125A.335 courts in Nevada have jurisdiction to make child custody related orders when the minor was in the state for six (6) months prior to the commencement of the action, as the minor in this matter was not here for six months prior to the complaint, it remains Appellant's position that the Saudi Arabian courts remain the appropriate Courts to hear issues related to child custody. The issue regarding the proper court to address child custody has been ongoing for almost two years and nothing from the appeal in

81515 changed the law related to return orders for minor children, the facts of the case, or the UCCJEA. As the UCCJEA does not require a full evidentiary hearing; rather it aims for the speedy resolution of jurisdictional challenges this Honorable Court should reinstate briefing and hear these appeals on the merits, as a remand does not change the amount of time the minor was in Nevada prior to the filing of the Complaint.

II. RESPONDENT'S POSITION

Although we briefed the matters of child custody and child support jurisdiction in the original appeal,² this Court ruled in Advance Opinion 64 that it declined to consider those issues because the district court did not reach them.

In any event, as this Court noted in its resolution of 81515, there has been no district court hearing or order on issues of child custody and child support jurisdiction for this Court to review. We submit that the pending appeals in this Court should be dismissed to resolve any jurisdictional issue in the district court because of these

² Our position, then and now, is that there is no other court anywhere in the world with jurisdiction to address either of those issues.

pending appeals.³ If either party believes that it is aggrieved after a decision is rendered as to child custody and child support, that party could appeal the final judgment.

Dated December 16, 2021.

Respectfully submitted,
WILICK LAW GROUP

/s/Marshal S. Willick
Marshal S. Willick, Esq.

Reviewed for form and content:
MARKMAN LAW

/s/David Markman
David Markman, Esq.

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³ See *gen'ly Huneycutt v. Huneycutt*, 94 Nev. 79, 575 P.2d 585 (1978); *Mack-Manley v. Manley*, 122 Nev. 849, 138 P.3d 525 (2006) (notwithstanding *Huneycutt*, the district court always has jurisdiction “to make short-term, temporary adjustments to the parties’ custody arrangement, on an emergency basis to protect and safeguard a child’s welfare and security”).

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the WILICK LAW GROUP and that on this 16th day of December, 2021, a document entitled *Second Joint Status Report* was filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows, to the attorneys listed below at the address, email address, and/or facsimile number indicated below:

David Markman, Esq.
MARKMAN LAW
4484 S. Pecos Road, Ste. 130
Las Vegas, Nevada 89121
Attorneys for Respondent

//s//Justin K. Johnson

An Employee of WILICK LAW GROUP

Justin Johnson

From: David Markman <david@markmanlawfirm.com>
Sent: Thursday, December 16, 2021 3:01 PM
To: Marshal Willick
Cc: Justin Johnson; Richard Crane; April Green
Subject: Re: Ahed Said Senjab vs. Mohamad Abulhakim Alhulaibi - NVSCT Status Report

Mashal,

Understand that and agree. I approve of the third and final version of the status report. You may affix my e-signature to the most recent version of the Nevada Supreme Court Joint Status Report.

Please let me know if you would prefer a clean email thread for my approval of the status report or a wet signature for filing.

Respectfully,

On Thu, Dec 16, 2021 at 2:21 PM Marshal Willick <marshal@willicklawgroup.com> wrote:

[Redacted]

From: David Markman <david@markmanlawfirm.com>
Sent: Thursday, December 16, 2021 2:11 PM
To: Marshal Willick <marshal@willicklawgroup.com>
Cc: Justin Johnson <justin@willicklawgroup.com>; Richard Crane <richard@willicklawgroup.com>; April Green <ASGreen@lacs.org>
Subject: Re: Ahed Said Senjab vs. Mohamad Abulhakim Alhulaibi - NVSCT Status Report

[Redacted]

[Redacted]

[Redacted]

[Redacted]