

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Mar 24 2021 12:05 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

JAVIER RAMIREZ RIVAS,
Appellant,

No. 82505

vs.

MAYRA E. ARREGUIN,
Respondent.

RECORD ON APPEAL

VOL. IV

JAVIER RAMIREZ RIVAS
1348 TOIYABE AVE
GARDNERVILLE, NV 89410

MAYRA E. ARREGUIN
2850 AIRPORT ROAD, SPACE #5
CARSON CITY, NV 89706

APPELLANT IN PROPER PERSON

ATTORNEYS IN PROPER PERSON

THE SUPREME COURT OF THE STATE OF NEVADA

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REC'D & FILED

2016 SEP 28 PM 3:38

SUSAN MERRIWETHER
CLERK

BY  DEPUTY

Code: 3720

Name: Janier Ramirez

Address: 1371 Village Way
Carsonville NV 89411

Telephone: (725) 480 8040

Email: _____

Self-Represented Litigant

IN THE FAMILY DIVISION

OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

Marta E. Arreguin

Plaintiff / Petitioner / Joint Petitioner,

Case No. 12DR1003911B

Dept. No. 1

vs.

Janier Ramirez

Defendant / Respondent / Joint Petitioner.

PROOF OF SERVICE

Pursuant to Nevada Rule of Civil Procedure 5(b), I served a true and correct copy of the

Ex parte Emergency Regarding Child/Medical care filed on
(Name of document(s) served)

Sep 28 2016 in the manner(s) and at the location(s) described below. A copy
(Date of filing)

of this Proof of Service has been mailed or personally delivered to all parties or their lawyer.

Service Description

Fill in the information requested on the next page for each person who has been served.

If a person was served by United States Postal Service certified mail, you must attach the
return receipt to this document.

A copy of the above named document(s) was served upon the following people:

1. Name: Mary E. Aragon Date: Sep 28, 2016
(Name of the person who was served) (Date of service: month / day / year)

By: ☒ Personal service -OR- ☐ Service by U.S. Mail, postage prepaid -OR-

☐ Certified mail, return receipt attached -OR- ☐ Other: _____

Address: Centro market (on file)
(Mailing address or physical address where service took place)

Hay 50 Carson City Nevada

2. Name: _____ Date: _____
(Name of the person who was served) (Date of service: month / day / year)

By: ☐ Personal service -OR- ☐ Service by U.S. Mail, postage prepaid -OR-

☐ Certified mail, return receipt attached -OR- ☐ Other: _____

Address: _____
(Mailing address or physical address where service took place)

If more room is needed, attach additional sheets.

This document does not contain the Social Security Number of any person.

I declare under penalty of perjury, under the law of the State of Nevada, that the foregoing statements are true and correct.

Signature: _____

Date: Sep 28, 2016

Print Your Name: Janet Roney

1 Code: 3860
2 Name: Javier Ramirez
3 Address: 1371 Village Way F
Gardnerville NV
4 Telephone: (775) 450 8046
5 Email: _____
Self-Represented Litigant

REC'D & FILED
2016 SEP 28 PM 3:38

SUSAN MERRIWETHER
CLERK
BY [Signature] DEPUTY

6 IN THE FAMILY DIVISION
7 OF THE ^{FIRST} ~~SECOND~~ JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF ~~WASHOE~~ CARSON CITY

9
10 Mayra E. Arreaga
Plaintiff/Petitioner,

11 vs.

12 Javier Ramirez Rivas
Defendant/Respondent.
13 _____

Case No. 12 DR 10039 / 1B

14 Dept. No. 1

15 **REQUEST FOR SUBMISSION OF EX PARTE MOTION**

16 I, Javier Ramirez, request that the Ex Parte Motion
(print your name here)

17
18 Motion to seek medical care filed on September 28 2016
(Print the name of the Ex Parte Motion) Evolution (Date the Ex Parte Motion was filed)

19
20 be submitted to the Court for it's consideration and Order.

21 This document does not contain the Social Security number of any person.

22 DATED this 28 day of September, 2016.

23
24 Signature: [Signature]

25 Print Your Name: Javier Ramirez

REC'D & FILED

2016 SEP 30 PM 3:27

SUSAN MERRIWETHER
CLERK

BY 
DEPUTY

Case No.: 12 DR1 00391 1B

Dept. No.: 1

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

MAYRA E. ARREGUIN,

Plaintiff,

v.

JAVIER RAMIREZ RIVAS,

Defendant.

**ORDER DENYING DEFENDANT'S
MOTION**

This matter is before this Court pursuant to Defendant's Emergency Ex Parte Motion Regarding Children filed on September 28, 2016. Defendant filed a Request for Submission on September 28, 2016.

In his Motion, Defendant requests permission to take the parties' minor child to the doctor after noticing a mark on his hand. Defendant attached emails from both a CASA employee and Plaintiff. Plaintiff stated that the injury is two months old, and that the child is up to date on vaccines. The email from the CASA employee stated that the CASA employee spoke to the school nurse and school principal who stated that they did not recommend a doctor's evaluation on the matter.

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///

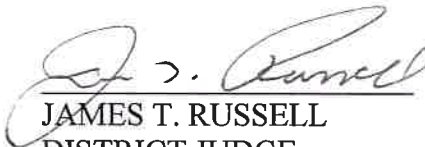
1 The Court, having reviewed the pleadings, determines that the issue of whether the
2 child's mark/scar on his hand should be evaluated by a doctor is not currently an emergency.
3 Additionally, the parties are scheduled for a hearing on October 27, 2016 on a different matter.
4 The Court will address the any issues regarding doctor visits and injuries at that time.

5 Therefore, based on the foregoing and good cause appearing:

6 IT IS HEREBY ORDERED that Defendant's Motion is DENIED.

7 **IT IS SO ORDERED.**

8
9 Dated this 30th day of September, 2016.

10
11 
12 JAMES T. RUSSELL
13 DISTRICT JUDGE
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CERTIFICATE OF MAILING

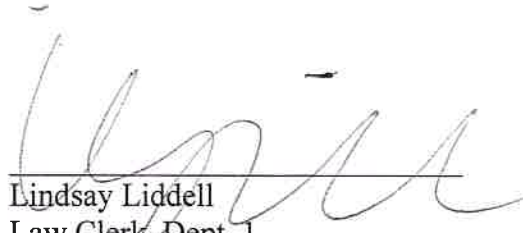
I hereby certify that on the 30 day of September, 2016, I served a copy of the foregoing by placing the foregoing in the United States Mail, postage prepaid, addressed as follows:

Javier Rameriz Rivas
1371 Village Way F
Gardnerville, NV 89410

Mayra Arreguin
1756 Russell Way E
Carson City, NV 89706

Kristopher L. Komarek, LCSW
783 Basque Way, Suite 110
Carson City, NV 89706

Chris Bayer, CASA
Email: casaofcc@earthlink.com



Lindsay Liddell
Law Clerk, Dept. 1

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAVIER RAMIREZ RIVAS,
Appellant,
vs.
MAYRA ARREGUIN,
Respondent.

Supreme Court No. 69823
District Court Case No. 12DR100391

REMITTITUR

TO: Susan Merriwether, Carson City Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: October 18, 2016

Elizabeth A. Brown, Clerk of Court

By: Dana Richards
Deputy Clerk

cc (without enclosures):
Hon. James Todd Russell, District Judge
Javier Ramirez Rivas
Mayra Arreguin

REC'D & FILED
2016 OCT 19 PM 12:05
SUSAN MERRIWETHER
CLERK
BY
DEPUTY

RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on October 19, 2016.

Susan Merriwether
District Court Clerk

By: V. Alegria, Deputy Clerk

REC'D & FILED

2016 OCT 19 PM 12:05
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SUSAN MERRIN
CLERK

JAVIER RAMIREZ RIVAS,
Appellant,
vs.
MAYRA ARREGUIN,
Respondent.

BY

DEPUTY

No. 69823

FILED

SEP 20 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
CHIEF DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

This is an appeal from a district court order modifying child custody. First Judicial District Court, Carson City; James Todd Russell, Judge.

In their divorce decree, the parties were awarded joint physical custody of their two children. The district court later temporarily modified the arrangement to one where respondent had primary physical custody. After some time, the court entered an order permanently modifying the custody arrangement, and this appeal followed.

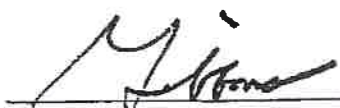
In his child custody fast track statement, appellant asserts that the district court ignored relevant facts, made an error in a finding of fact, and otherwise abused its discretion by modifying custody in a way that is alienating the children from him. In modifying the parties' custody arrangement, the district court concluded, based primarily on the testimony and reports of the children's therapist and Court Appointed

Special Advocate, that it was in the children's best interest for respondent to have primary physical custody, with appellant having only minimal parenting time with each child on one day every other week. The district court did not, however, make specific findings with regard to why this arrangement was in the children's best interest, nor did the court make any findings tying the circumstances of this case to the statutory factors that must be considered in making a child custody determination. See NRS 125C.0035(4) (providing that, "[i]n determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things[, 12 enumerated factors]").

As a result, we conclude that the district court abused its discretion in modifying custody without entering the required statutory findings. See *Lewis v. Lewis*, 132 Nev. ___, ___, 373 P.3d 878, 882 (2016) (concluding that the district court abused its discretion by modifying child custody without explicitly entering "specific factual findings as to each of the statutory best-interest-of-the-child factors"); *Davis v. Ewalefo*, 131 Nev. ___, ___, 352 P.3d 1139, 1143 (2015) ("Specific findings and an adequate explanation of the reasons for the custody determination are crucial to enforce or modify a custody order and for appellate review." (internal quotation marks omitted)). Accordingly, we reverse the district

court's order modifying child custody and remand this matter to the district court for further proceedings consistent with this order.¹

It is so ORDERED.²


Gibbons, C.J.


Tao, J.


Silver, J.

¹In reversing the district court's decision on this basis, we express no opinion on the merits of appellant's challenges to the district court's custody order. Pending further proceedings on remand consistent with this order, we leave in place the custody arrangement set forth in the district court's order, subject to modification by the district court to comport with the current circumstances. *See Davis*, 131 Nev. at ___, 352 P.3d at 1146 (leaving certain provisions of a custody order in place pending further proceedings on remand).

²Having considered appellant's August 24, 2016, motion to substitute the children's therapist and Court Appointed Special Advocate and to schedule a hearing, we deny the motion, as his request involves factual issues that should be presented to the district court in the first instance. *See Ryan's Express Transp. Servs., Inc. v. Amador Stage Lines, Inc.*, 128 Nev. 289, 299, 279 P.3d 166, 172 (2012) ("An appellate court is not particularly well-suited to make factual determinations in the first instance."). While appellant moved for a change of therapists in the district court, the record demonstrates that he did so on different grounds than the ones presented in his motion before this court, and thus, we decline to consider the new grounds presented in his motion to this court. *See id.*

cc: Hon. James Todd Russell, District Judge
Javier Ramirez Rivas
Mayra Arreguin
Carson City Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAVIER RAMIREZ RIVAS,
Appellant,
vs.
MAYRA ARREGUIN,
Respondent.

Supreme Court No. 69823
District Court Case No. 12DR100391

REC'D & FILED
2016 OCT 19 PM 12:05
SUSAN HERRERA
CLERK
BY _____
DEPUTY

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"We reverse the district court's order modifying child custody and remand ..."

Judgment, as quoted above, entered this 20th day of September, 2016.

IN WITNESS WHEREOF, I have subscribed
my name and affixed the seal of the Supreme
Court at my Office in Carson City, Nevada this
October 18, 2016.

Elizabeth A. Brown, Supreme Court Clerk

By: Dana Richards
Deputy Clerk

Your Name:

Mailing Address:

City, State, Zip:

Telephone:

In Proper Person

Javier Ramirez
371 Village Way
Carsonville NV
(725) 450 8046

REC'D & FILED

F 89410 2016 NOV -3 PM 3:41

SUSAN M. RUTHER
CLERK
BY [Signature]

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

Mayra E. Dreguin
Plaintiff,

Case No.: 1208100391 1B

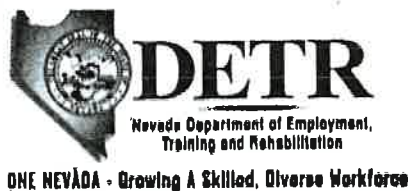
Dept. No.: I

vs.

Javier Ramirez
Defendant.

Proof of Income from Unemployment +

Employment Security Division
Monetary Unit
500 East Third Street
Carson City, NV 89713-0035
Tel (775) 684-0444 Fax (775) 684-0463



5036382
<http://www.nvdetr.org>

JAVIER RAMIREZ
APT F 1371 VILLAGE WAY
GARDNERVILLE, NV 89410-5359

Claimant ID: 3618201
Re: Notice of Monetary
Determination
Date Mailed: 11/01/2016
Appeal Date: 11/14/2016
Claim Effective Date:
10/23/2016
Program: UI

This Notice of Monetary Determination is to inform you of the wages used by the Division to calculate your monetary eligibility for unemployment benefits. Your benefit amount is calculated on base period wages reported by your Employer(s). Your base period is 07/01/2015 through 06/30/2016.

Per Nevada Revised Statute (NRS) 612.025 [1], the base period is defined as the first four of the last five completed calendar quarters immediately preceding the effective date of your initial claim for benefits.

If a person does not meet the wage requirements by using the first four of the last five completed calendar quarters, then an Alternate Base Period claim may be established using the last four completed calendar quarters.

Per Nevada Revised Statute (NRS) 612.025 [2], the alternate base period is defined as the last four completed calendar quarters immediately preceding the effective date of your initial claim for benefits.

Receipt of this letter does not necessarily mean that you are qualified for unemployment benefits. Its purpose is to advise you of the benefit amount you are entitled to if you are meeting all other eligibility requirements for unemployment benefits. See the Nevada Unemployment Insurance Facts for Claimants booklet for more information about eligibility issues and the method used to calculate your benefit amount. This booklet is available on-line at <http://ui.nv.gov>.

Carefully examine the wages which were reported by your employer(s). Errors or missing wages could reduce your benefits or prevent you from qualifying for unemployment benefits. If the information below contains errors, omissions, or reported wages not earned by you, you are responsible for notifying the Division. Your written request must include the reason that you disagree with the determination. Include your name, social security number and any proof of work such as copies of paycheck stubs, W2 forms, etc. Failure to provide accurate information may result in the overpayment of benefits for which you may be responsible for repayment.

Please be advised that Military, Federal Government or wages from another state will be shown as pending until the wages are received. These wages are requested at the time you filed your



claim. You will receive a redetermination when these wages are added to your claim. Please continue to file your weekly claims during this process.

Employer	QTR Q3/2015	QTR Q4/2015	QTR Q1/2016	QTR Q2/2016	Employer Total	State
GMRI INC	\$519.93	\$0.00	\$0.00	\$0.00	\$519.93	NV
G PEG I LLC	\$0.00	\$2,143.79	\$4,180.31	\$4,393.61	\$10,717.71	NV
EMPLOYBRIDGE SOUTHWEST LLC	\$0.00	\$75.38	\$0.00	\$0.00	\$75.38	NV
C O D CASINO CORPORATION	\$412.28	\$1,329.15	\$0.00	\$0.00	\$1,741.43	NV
Total Wages	\$932.21	\$3,548.32	\$4,180.31	\$4,393.61	\$13,054.45	

Based on the above information you are potentially eligible for:

Weekly Amount	Total Weeks	Maximum Payable Amount
\$175.00	25	\$4,351.00

You have the right to file an appeal. In accordance with NRS 612.485, the last day to protest this determination or request cancellation of this claim is 11/14/2016.

REC'D & FILED

2016 NOV -4 PM 4:09

SUSAN HERRIWETHER
CLERK

BY  DEPUTY

1 Case No.: 12 DR1 00391 1B

2 Dept. No.: 1

3
4
5
6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY

8 MAYRA E. ARREGUIN,
9 Plaintiff,

10 vs.

11 JAVIER RAMIREZ RIVAS,
12 Defendant.

13
14 **ORDER AFTER OCTOBER 27, 2016**
15 **HEARING**

16 **THIS MATTER** comes before this Court pursuant to the Court's Order Setting Hearing
17 filed on September 27, 2016. The Court set the hearing after receiving an Order of Reversal and
18 Remand issued by the Nevada Court of Appeals on September 20, 2016. The Court held a
19 hearing on October 27, 2016 at 9:00 a.m. Present at the hearing was Mayra Arreguin and Javier
20 Ramirez Rivas, both in proper person. Ms. Escobar provided interpreter service to Mayra
21 Arreguin. Also present was Chris Bayer, the CASA assigned to the children in this matter, and
22 Kristopher Komarek, LCSW, the children's therapist.

23 Mr. Komarek swore an oath to tell the truth and proceeded to testify regarding his
24 involvement with the children. He stated that he has been the children's therapist for the past
25 three years, and began therapy after the children experienced difficulties surrounding their
26 parents' divorce. He stated that there remains a high level of conflict between the parties. He
27 explained to the Court that based on his frequent sessions with the children, it is his professional
28 opinion that there is no indication that the children's visitation schedule should be changed.

///

1 Mr. Kormarek updated the Court as to the well-being of the children. He stated that
2 Eduardo continues to experience problems with urises, and attributes that to the totality of the
3 trauma he experienced throughout the parties' divorce. Mr. Kormarek also explained that Mr.
4 Ramirez has a difficult personality, which has at times made therapy more difficult. However,
5 Mr. Kormarek testified that it is his professional opinion that it is important for the children to
6 have a relationship with Mr. Ramirez. During cross examination, Mr. Kormarek explained that
7 issues with bedwetting are being addressed in therapy, and that there is no known abuse in the
8 home related to the bedwetting.

9 Chris Bayer swore an oath to tell the truth and proceeding to testify to the Court about his
10 involvement as the children's CASA. Mr. Bayer explained to the Court that it is clear that Mr.
11 Ramirez loves his children, however, Mr. Ramirez struggles to create positive interactions with
12 the children. He also stated that he continues to observe a high level of conflict between the
13 parties. He explained that Mr. Ramirez tends to cause "unnecessary negative emotions.
14 Examples of this include a time when he noticed an old scar on one of the childrens' hands and
15 pressed for emergency medical attention despite having talked to the school nurse who
16 concluded that there was no emergency; Mr. Ramirez refused to accept reasonable visitation
17 conditions, like eliminating discussion of Ms. Arreguin, when the parties attempted to expand
18 visitation; Mr. Ramirez continually tries to initiate conflict with Ms. Arreguin; further, Mr.
19 Ramirez has two prior incidences of abuse.

20 Mr. Bayer stated that in his opinion as the children's CASA, it is in their best interest to
21 continue visitation as it is currently scheduled. Based on his interactions with Ms. Arreguin and
22 the children over the past few years, he opined that primary physical custody with Ms. Arreguin
23 is in the children's best interests. He explained that while both parties have displayed issues with
24 their parenting, Ms. Arreguin has successfully made efforts to improve her parenting skills and
25 Mr. Ramirez continues to be disruptive. Further, during visitations Mr. Ramirez refuses to
26 support Ms. Arreguin's parenting boundaries, which both confuses the children and causes them
27 to resist those boundaries when they return to Ms. Arreguin's custody.

28 ///

1 Ms. Arreguin then swore an oath to tell the truth and proceeded to testify before the
2 Court. She stated that the children are doing well in her care, aside from minor issues like
3 bedwetting that are being addressed in therapy. She stated that it is her practice to do what is best
4 for the children on a daily basis. She also explained that the children have their own rooms at her
5 house. Regarding the incident with the cut/scar on one of the boys' hand, she provided first aid
6 initially and then had it looked at during a routine doctor's visit where the doctor stated that there
7 was no problem. An issue of the children allegedly going to work was brought up. Ms. Arreguin
8 explained that her partner is a gardener, and after the boys lost an expensive toy she had them go
9 along with her partner and participate in some gardening work for a few hours to teach them
10 about responsibility, hard work, and to take care of their belongings. She explained that the
11 children only did this a few times. Ms. Arreguin also brought up the issue of child support,
12 stating that Mr. Ramirez has not paid arrearages nor current child support as previously ordered.

13 Mr. Ramirez then addressed the Court. He claimed that Mr. Bayer and Mr. Kormarek do
14 not have the correct facts for which they are testifying. He informed the Court that he does not
15 have a vehicle to provide transportation for visitation. He also stated that his wages are not
16 currently being garnished, and that he has not made a payment since he was ordered to do so in
17 May 2016.

18 The Court made findings of fact pursuant to NRS 125C.0035(4). The Court found that at
19 this time the children are of insufficient age to articulate their preference as to their custody. No
20 guardian has been nominated in this case, so that factor is not applicable at this time. The Court
21 found that there is an extreme level of conflict between the parties, and much of that conflict is
22 initiated by Mr. Ramirez. The Court found that with every issue, regardless of how minor it may
23 be, Mr. Ramirez creates a major conflict. Ms. Arreguin is the parent most likely to allow for
24 visitation with the other parent, because she has a steady history of providing for visitation
25 between the children and Mr. Ramirez. Ms. Arreguin has the ability to cooperate with Mr.
26 Ramirez to meet the needs of the children. She also provides a stable environment. The Court
27 found that the nature of the relationship between Ms. Arreguin and the children is a loving and
28 positive one. On the other hand the nature of the relationship between the children and Mr.
Ramirez is not as positive: there is a history of abuse, issues with bedwetting related to his

1 interactions with the children, and recurring issues with the children's behavior after visitation
2 with Mr. Ramirez.

3 The Court recognizes that the children care for Mr. Ramirez, but the Court finds that joint
4 physical custody is not in their best interests based on the above findings. The Court found that
5 visitation shall essentially continue as ordered in the Order Regarding Visitation filed April 20,
6 2016, with the exception that it be expanded to weekly, because Mr. Ramirez has refused to
7 accept any parameters that have been proposed when either party attempts to increase visitation.
8 Each week, Mr. Ramirez shall have visitation with Eduardo on Wednesdays from 4 p.m. until 5
9 p.m., supervised at the Ron Wood Center. Ms. Arreguin shall provide for the transportation of
10 Eduardo to and from the Ron Wood Center. Mr. Ramirez shall have visitation with Carlos every
11 Sunday from 3:30 p.m. until 9 p.m., unsupervised. Each party shall meet at the Carson City
12 Sheriff's Office to exchange Carlos.

13 Regarding child support, Mr. Ramirez shall provide the Court with his two most recent
14 pay stubs within ten (10) days of the filing of this order. His failure to do so will be contempt of
15 this Court. Mr. Ramirez shall pay the nine hundred and eighty dollars (\$980.00) in arrearages
16 ordered in the Order After July 13, 2016 order, directly to Ms. Arreguin within 30 days. Further,
17 Mr. Ramirez shall pay to Ms. Arreguin directly arrearages for support owed for the months of
18 August, September, and October, in the amount of three hundred dollars (\$300) per month,
19 within 30 days from the date of filing this order. Any future payments shall be made to the child
20 support office in Carson City, in the amount of three hundred dollars (\$300) per month. Failure
21 to make the above payments will result in a hearing for contempt.

22 The Court also holds that Mr. Ramirez shall be listed as a secondary emergency contact
23 for the children's school, medical providers, and after school care, to be used if there is an
24 emergency and Ms. Arreguin is not available. As it relates to previous orders of this Court,
25 "medical emergency," shall mean those emergencies deemed as such by a qualified medical
26 professional.

27 ///

1 **IT IS HEREBY ORDERED** that Ms. Arreguin shall have primary physical custody of
2 EDUARDO JAVIER RAMIREZ (DOB: 04/13/2006) and CARLOS ADRIAN RAMIREZ
3 (DOB: 10/09/2007).

4 IT IS FURTHER ORDERED that Mr. Ramirez shall have visitation with Eduardo on
5 Wednesdays from 4 p.m. until 5 p.m., supervised at the Ron Wood Center. Ms. Arreguin shall
6 provide for the transportation of Eduardo to and from the Ron Wood Center. Mr. Ramirez shall
7 have visitation with Carlos every Sunday from 3:30 p.m. until 9 p.m. Each party shall meet at the
8 Carson City Sheriff's Office to exchange Carlos. This visitation schedule is subject to change
9 based on Mr. Ramirez's work schedule.

10 IT IS FURTHER ORDERED that Mr. Ramirez shall submit his two most current pay
11 stubs to the Court within 10 days of the filing of this order.

12 IT IS FURTHER ORDERED that Mr. Ramirez shall pay the nine hundred and eighty
13 dollars (\$980.00) in arrearages ordered in the Order After July 13, 2016 order, directly to Ms.
14 Arreguin within 30 days.

15 IT IS FURTHER ORDERED that Mr. Ramirez shall pay to Ms. Arreguin directly
16 arrearages for support owed for the months of August, September, and October, in the amount of
17 three hundred dollars (\$300) per month, within 30 days of the date of filing of this order.

18 ///

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1 IT IS FURTHER ORDERED that beginning in November 2016 Mr. Ramirez shall
2 submit child support payments to the child support office in Carson City, in the amount of three
3 hundred dollars (\$300) per month.

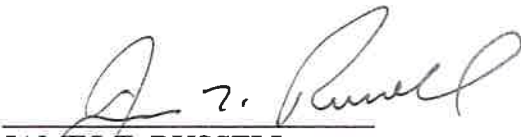
4 **NOTICE**

5 **PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION,**
6 **CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS**
7 **PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS**
8 **200.359 provides that every person having a limited right of custody to a child or any**
9 **parent having no right of custody to the child who willfully detains, conceals or removes the**
10 **child from a parent, guardian or other person having lawful custody or a right of visitation**
11 **of the child in violation of an order of this court, or removes the child from the jurisdiction**
12 **of the court without the consent of either the court or all persons who have the right to**
13 **custody or visitation is subject to being punished for a category D felony as provided in**
14 **NRS 193.130.**

15 The parties are hereby notified that the terms of the Hague Convention on the Civil
16 Aspects of International Child Abduction, done at the Hague October 25, 1980, adopted by
17 the 14th session of the Hague Conference on Private International law, and entered into
18 force for the United State July 1, 1988 (TIAS 11670) apply if a parent abducts or
19 wrongfully retains a child in a foreign country.

20 IT IS SO ORDERED.

21 Dated this 4th day of November, 2016.

22 
23 JAMES T. RUSSELL
24 DISTRICT JUDGE
25
26
27
28

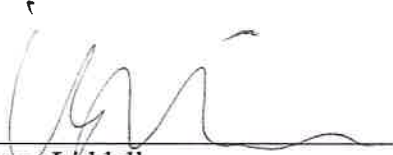
CERTIFICATE OF MAILING

The undersigned, an employee of the First Judicial District Court, hereby certifies that on the 4 day of November, 2016, I served the foregoing Order by placing a copy in the United States Mail, postage prepaid, addressed as follows:

Javier Ramirez
1371 Village Way #F
Gardnerville, NV 89410

Mayra Arreguin
CONFIDENTIAL ADDRESS
1756 Russel Way, Apt E
Carson City, NV 89706

Chris Bayer, CASA
Email: casaofcc@earthlink.net


Lindsay Liddell
Law Clerk, Dept. 1



Item# 43568
Patent Pending



CONFIDENTIAL

APPLICATION TO WAIVE FILING FEES/SERVICE

Filed Dec. 2, 2016

No.12DR100391

REC'D & FILED 1

2016 DEC -2 PM 4:40

SUSAN HERRIN ETHER

IN THE FIRST JUDICIAL DISTRICT COURT OF STATE OF NEVADA

IN AND FOR THE COUNTY OF CARSON

Plaintiff:

Mayra E. Arreguin

Vs.

Defendant

Javier Ramirez Rivas

NOTICE OF APPEAL

Notice is hereby given that Javier Ramirez Rivas, Defendant above named, hereby appeals to the Supreme Court Of Nevada judgment from Order after October 27,2016 Hearing entered in this action on the 4th day of November ,2016

Javier Ramirez

1371 Village Way Apt .F

Gardnerville ,Nevada 89410

(775) 450-8046

REC'D & FILED

2016 DEC -6 PM 4: 07

SUSAN MERRIWETHER

CLERK

By H. M. Wether DEPUTY

In The First Judicial District Court of the State of Nevada
In and for Carson City

MAYRA E. ARREGUIN,

Plaintiff,

vs.

JAVIER RAMIREZ RIVAS,

Defendant.

) Case No.: 12 DR1 00391 1B

) Dept. No.: I

) **NOTICE OF DEFICIENCY IN NOTICE**
) **OF APPEAL**

PLEASE TAKE NOTICE that a Notice of Appeal was filed December 2, 2016, in the above-entitled action despite the fact that there appears to be the following deficiency(ies) noted by the Clerk at the time of filing:

- ☒ \$24.00 District Court filing fee not paid.
- ☒ \$250.00 filing fee for the Clerk of the Supreme Court not paid.
- ☐ Document not signed.
- ☐ Document presented was not an original.
- ☐ Case Appeal Statement not filed.
- ☒ No proof of service upon opposing counsel/litigant.
- ☐ Other

DATED this 6th day of December, 2016.

SUSAN MERRIWETHER, CLERK

By H. M. Wether, Deputy

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Handwritten:

Your name:
Mailing Address:
City, State, Zip:
Telephone:
In Proper Person

Javier Ramirez
1371 Village Way E
Gardnerville NV 8940
(775) 450 8040

REC'D & FILED

2016 DEC -7 AM 7:47

SUSAN MERRIWETHER

CLERK
BY [Signature]
DEPUTY

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

Mayra E Dreyer
Plaintiff,

vs.

Javier Ramirez
Defendant.

Case No. 12DR100391

Dept. No. 1

ORDER REGARDING WAIVER OF FEES AND COSTS

(Filing Fees/Service Only)

Upon consideration of Javier Ramirez's Application to
(Your Name)

Waive Filing Fees/Service Only and it appearing that there is not sufficient income, property or resources with which to maintain the action, and good cause appearing therefore:

☒ IT IS HEREBY ORDERED that Javier Ramirez's
(Your Name)

request to waive fees and costs is GRANTED. Javier Ramirez
(Your Name)

shall be permitted to proceed in Forma Pauperis with this action as permitted by NRS 12.015.

He/she shall proceed without the prepayment of costs or fees or the necessity of giving security, and the Clerk of court shall file or issue any necessary writ, process, pleading, or paper without charge. The Sheriff or other appropriate officer within this State shall make personal service of

any necessary writ, pleading, or paper without charge. If this party prevails in this action, the court shall enter an order pursuant to NRS 12.015(4) requiring the opposing party to pay into the Court, within five (5) days, the costs which would have been incurred by the prevailing party, and those costs must then be paid as provided by law.

☐ IT IS HEREBY ORDERED that Javier Ramirez's
(Your Name)

request to waive fees and costs is DENIED for the following reason:

☐ The party is not indigent.

☐ Other: _____

☐ The request for hearing is:

☐ Granted. A hearing is set for _____, at _____.

☐ Denied.

☐ Defendant is hereby notified that they must file a responsive pleading in accordance with Rule 12 of the Nevada Rules of Civil Procedure (NRCP). The failure to comply may result in a default being entered against you pursuant to NRCP Rule 55.

DATED this 6th day of December, 20 16.

J. J. Russell
DISTRICT COURT JUDGE

Respectfully submitted:

Signature

Print name

Address

Telephone

Javier Ramirez
1371 Village Way F
Gardnerville NV 89410
(775) 4505046

///

REC'D & FILED ✓

2016 DEC -7 AM 7:53

SUSAN MERRIWETHER

CLERK
BY H. H. H. H.
DEPUTY

In The First Judicial District Court of the State of Nevada
In and for Carson City

MAYRA ARREGUIN,

Petitioner(s),

vs.

JAVIER RAMIREZ RIVAS,

Respondent(s).

Case No.: 12 DR1 00391 1B

Dept. No.: I

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:

- JAVIER RAMIREZ RIVAS

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

- HONORABLE JAMES E. WILSON, JR.

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

- JAVIER RAMIREZ RIVAS, (PROPER PERSON)
1371 VILLAGE WAY, APT. F
GARDNERVILLE, NV 89410

4. Identify each respondent and the name and address of appellate counsel, if known, for 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):

- MAYRA ARREGUIN (PROPER PERSON)
1756 RUSSELL WAY #E
CARSON CITY, NV 89706

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed 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):

- NOT APPLICABLE

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

- APPELLANT WAS IN PROPER PERSON IN DISTRICT COURT

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

- APPELLANT IS IN PROPER PERSON ON APPEAL

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

- APPELLANT WAS GRANTED LEAVE TO PROCEED IN FORMA PAUPERIS ON DEC. 7, 2016

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

- COMPLAINT FOR DIVORCE FILED AUG. 6, 2012

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:

- ORDER AFTER OCTOBER 27, 2016 HEARING FILED NOV. 4, 2016

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:

- JAVIER RAMIREZ RIVAS, APPELLANT VS MAYRA ARREGUIN, RESPONDENT - SUPREME COURT DOCKET #69823

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


- INVOLVES BOTH CHILD CUSTODY AND VISITATION

1
2 13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

3 - NOT APPLICABLE.

4 Dated this 7th day of December, 2016.

5 SUSAN MERRIWETHER, Carson City Clerk
6 885 E. Musser St., #3031
7 Carson City, NV 89701

8 By , Deputy
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1 Name: Javier Ramirez
2 Address: 1371 Village Way
3 City, State, Zip: Gardnerville NV 89410
4 Telephone: (775) 782 3926

REC'D & FILED
2016 DEC 14 PM 2:55

SUSAN M. RIVIERA
CLERK
B. [Signature]

5 **In The First Judicial District Court of the State of Nevada**
6
7 **In and for Carson City**

10 Mayra E. Arcequin
11 Plaintiff,
12 vs.
13 Javier Ramirez
14 Defendant.

Case No.: 12DR10039/1B

Dept. No.: 1

CERTIFICATE OF MAILING

15 I HEREBY CERTIFY that service of the (document name) Notice of Appeal
16 was made on (date) 12-15-16 pursuant to NRCP 5(b) by depositing a copy of same in the
17 United State Mail in Carson City, Nevada, postage prepaid, addressed as follows:

18 Name and address of party served: Mayra E. Arcequin
19 1756 Russell Way Apt E
20 Carson City NV 89706

21 DATED this 15 day of December, 2016

22 Signature of person who mail document: Javier Ramirez

23 Print name of person who mailed document: Javier Ramirez

24 **If signed in Nevada: I declare under penalty of perjury that the foregoing is true and correct.**

25 Signed on: 12-15-16 [Signature]
26 (Date) (Signature)

27 **If signed outside Nevada: I declare under penalty of perjury under the law of the State of Nevada**
28 **that the foregoing is true and correct.**

Signed on: _____
(Date) (Signature)

12DR003911B
Dkt I

IN THE SUPREME COURT OF THE STATE OF NEVADA

RECORDED & FILED
2016 DEC 23 PM 3:16

JAVIER RAMIREZ RIVAS,
Appellant,

vs.

MAYRA ARREGUIN,
Respondent.

No. 71908

FILED

DEC 21 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DIRECTING TRANSMISSION OF RECORD

We have reviewed the documents on file in this proper person appeal and conclude that our review of the complete record is warranted. NRAP 10(a)(1). Accordingly, within 30 days from the date of this order, the clerk of the district court shall transmit to the clerk of this court a certified copy of the trial court record in District Court Case No. 12-DR1 00391 1B. See NRAP 11(a)(2) (providing that the complete "record shall contain each and every paper, pleading and other document filed, or submitted for filing, in the district court," as well as "any previously prepared transcripts of the proceedings in the district court"). The record shall not include any exhibits filed in the district court. NRAP 11(a)(1).

It is so ORDERED.

Paragon, C.J.

cc: Javier Ramirez Rivas
Mayra Arreguin
Carson City Clerk

Your Name:
Mailing Address:
City, State, Zip:
Telephone:
In Proper Person

Javier Ramirez
1371 Village Way F
Gardnerville NV 89410
(775) 782 3920

RECORDED

2016 DEC 28 PM 3:27

SUSAN T. JAMES

BY

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

Maurya F. Arreguin
Plaintiff/Petitioner,

Case No.: 12DIR1003911B

Dept. No.: 1

vs.

Javier Ramirez
Defendant/Respondent.

MOTION

To show cause for
contemp of court.

I Javier Ramirez, appearing in Proper Person,
(Your Name)

request that the Court enter an Order granting me the following:

State what you want the Court to order. If you have more than one request, clearly list and number each request. Do not explain your requests in detail here, just list them.

- 1- To schedule hearing for contempt of court by Plaintiff
- 2- To grant defendant equal visiting and legal joint custody rights for children.
- 3- Replacement of current therapist.
- 4- Change of venue to original court house in Minden, NV.

1 **Fully explain why you believe you should be granted your request(s).**
2 **List and number each request.**

3 This Motion is made for the following reasons:

(see attached)

4 Despited emails and warnings from this
5 writer and the court, Mrs. Arreguin continues
6 to allienated children from me, denying me
7 access to them thro my weekly and only
8 phone call on Mondays, along with parenting
9 time on Sundays. Mr. Bayer has been aware
10 of this and I'm yet to see any action from
11 his part, and Ior notify this court promptly.
12 I want this court to imposed the proper sanctions
13 per NRS 125 C. 020 and 125 C. 030 to
14 plaintiff as well as NV Rev. stat. § 125.460
15 (2013) and substitute current therapist to
16 one that encourages both parents for
17 a much better environment on the benefit of
18 the children.

19 Per better of petition of plaintiff to leave
20 this court take over custody and visitation
21 from original venue, I pledge to this court
22 the same on the same grounds per
23 plaintiff, and forward case to Douglas
24 County Nevada.

1 (If you need more room, you may attach additional sheets of paper. Be sure you write only on
2 one side of each sheet, number the page or pages 3(a), 3(b), etc. and initial each page at the
3 bottom.)

4 This document does **not** contain the Social Security number of any person.

5 I declare under penalty of perjury under the law of the State of Nevada that the foregoing
6 is true and correct.

7 DATED this 28 day of December, 2016.

8 
9 (Your Signature)

Next idea?.....Suggestion?

From: Mayra Arreguin <mayra_ae20@hotmail.com>

Sent: Sunday, November 6, 2016 1:04 PM

To: javier ramirez

Cc: Chris Bayer

Subject: Fwd: Exchange 11/6/16

I cant go and adrian already went with you friday and we will start next sunday and it's 2:30 pm

----- Forwarded message -----

From: "javier ramirez" <viveenmi2011@hotmail.com>

Date: Sun, Nov 6, 2016 at 12:47 PM -0800

Subject: Exchange 11/6/16

To: "Mayra Arreguin" <mayra_ae20@hotmail.com>, <casaofcc@earthlink.net> <casaofcc@earthlink.net>

Mayra :

Per the new order and suggestion of Chris. I will picking up Carlos at 3:30 pm today. at the sheriffs office.

Please confirm that you have received this. and that you will be there

Thank you

Javier

On 11/7/16, 11:23 AM, javier ramirez wrote:

Hi Chris:

I never heard back from you.....What are going to do about yesterday?

Thank You

From: javier ramirez <viveenmi2011@hotmail.com>

Sent: Sunday, November 6, 2016 1:54 PM

To: Chris Bayer

Subject: Re: Exchange 11/6/16

Maybe I can't , but you do,...

From: Chris Bayer <casaofcc@earthlink.net>

Sent: Sunday, November 6, 2016 1:51 PM

To: javier ramirez

Subject: Re: Exchange 11/6/16

If she doesn't bring him then you probably would waste a trip to go.
The order goes into effect when signed. But I don't think there's anything you can do about it.

Thanks!

Chris Bayer,
Director, CASA of Carson City.
www.casaofcc.org

CASA of CC
www.casaofcc.org

Trains and supports volunteers in Carson City, Nevada to speak in court on behalf of children who have been removed from the home due to allegations of abuse and neglect.

775 291-7014

Re: Exchange 11/6/16

javier ramirez <viveenmi2011@hotmail.com>

Mon 11/7/2016 1:08 PM

To: casaofcc@earthlink.net <casaofcc@earthlink.net>;

Hi Chris...

I was there since 2:30 pm... I she never showed up...

Honestly I wasn't going to bother you with this ,as I recall I keep being told that I keep overreacting to "small stuff" and that I cause the tension between me and her, and /or blame her for everything.... I don't think that in this case along with the other instances (her not showing up for the visits with Eduardo) I made a big issue about it,.. Trust me I had waited with a lot of patience in every occasion, but if I'm wrong please tell me.

You spent a lot of time of this last week ,and we had a conversation that the exchange would take place on Sunday, I don't see any argument between me and her.

We have an order , we had a hearing and nothing changes..

By the way,,,, It was only Carlos that I was supposed to pick up....

From: casaofcc@earthlink.net <casaofcc@earthlink.net>

Sent: Monday, November 7, 2016 12:47 PM

To: javier ramirez

Subject: Re: Exchange 11/6/16

If you wish to file a motion you can.

I am going to pick my battles.

I wish she had done it.

I wish you would show up and return the boys on time.

But you both keep the argument going.

C

Monday calls

javier ramirez <viveenmi2011@hotmail.com>

Mon 11/21/2016 7:45 PM

To: Mayra Arreguin <mayra_ae20@hotmail.com>; casaofcc@earthlink.net <casaofcc@earthlink.net>;

Mayra:

Could you please let me know in advance that the calls on Mondays will not take place due to your work schedule...

This is a constant issue.

Thank You

Javier

Monday calls

javier ramirez <viveenmi2011@hotmail.com>

Mon 11/21/2016 7:45 PM

To: Mayra Arreguin <mayra_ae20@hotmail.com>; casaofcc@earthlink.net <casaofcc@earthlink.net>;

Mayra:

Could you please let me know in advance that the calls on Mondays will not take place due to your work schedule...

This is a constant issue.

Thank You

Javier

visit

javier ramirez <viveenmi2011@hotmail.com>

Tue 11/22/2016 10:41 AM

To: casaofcc@earthlink.net <casaofcc@earthlink.net>; Mayra Arreguin <mayra_ae20@hotmail.com>;

Mayra;

Again I need to cancel the visitation for tomorrow, because of lack of funds.....I sent you an email last night about the calls on Mondays and i'm waiting on your reply.

Thank You

javier

Mayra, Chris:

I just got off the phone with Connie, which is the person that monitors the visits.. and to set up the visit for this week, with the option of me paying on Thursday since that is the day the i get my unemployment..Unfortunately Lisa is gone from the office until the beginning of next year, so the visit will not occur once again.

I had been waiting patiently on replies to my emails on this and other issues and I'm yet to be acknowledge at all.

When do I get answers?

Javier

Visitation and phone call

javier ramirez <viveenmi2011@hotmail.com>

Tue 12/20/2016 1:56 PM

To: casaofcc@earthlink.net <casaofcc@earthlink.net>; Mayra Arreguin <mayra_ae20@hotmail.com>;

Mayra:

I couldn't afford the visit again at the Ron Wood Center.....So I cancelled it

Last night I called to talk to the kids as per order, I left you a message and I'm still waiting on your reply. A couple of weeks ago I asked to please let me know ahead of time if your work schedule stops you from having the kids available to me, yet I'm still waiting on an answer on that email as well,,let me know how you and I can come to an agreement to avoid this not later than tomorrow.

Thank You

Javier

Re: Visitation

Chris Bayer <casaofcc@earthlink.net>

Tue 12/27/2016 3:57 PM

To: javier ramirez <viveenmi2011@hotmail.com>;

I spoke to Jose and am waiting to hear from Mayra.
I'll leave her another message.

Thanks!

Chris Bayer,
Director, CASA of Carson City.
www.casaofcc.org
775 291-7014

NOTICE: This communication, including any attachments, may contain confidential information and is intended only for the individual or entity to whom it is addressed. Any review, dissemination, or copying of this communication by anyone other than the recipient is strictly prohibited by the electronic Communications Privacy Act, 18 U.S. C. 2510-2521. If you are not the intended recipient, please contact the sender by reply email, delete and destroy all copies of the original message.



**Lift up a child's voice.
A child's life.™**

On Dec 27, 2016, at 3:54 PM, javier ramirez <viveenmi2011@hotmail.com> wrote:

Re: from CASA

javier ramirez <viveenmi2011@hotmail.com>

Fri 12/16/2016 5:26 PM

To: casaofcc@earthlink.net <casaofcc@earthlink.net>;

Here it's again the email was dated 11/03/16.....

From: javier ramirez <viveenmi2011@hotmail.com>

Sent: Thursday, November 3, 2016 2:53 PM

To: casaofcc@earthlink.net

Subject: Information

Hi Chris;

Sorry if I couldn't answer you, I was in a job interview....and I don't have credit to make phone calls,

My pastor's phone # it's 775-781-1002, Jose Luis Hernandez, lives in Gardenville and the Church it's located in Jeanell Drive,,

So you know he also preaches in California during the week,

From: casaofcc@earthlink.net <casaofcc@earthlink.net>

Sent: Friday, December 16, 2016 4:08 PM

To: javier ramirez

Subject: Re: from CASA

Just realized. I don't have your pastor's name.

Send that and his number.

C

On 12/13/16, 3:22 PM, javier ramirez wrote:

Report

javier ramirez <viveenmi2011@hotmail.com>

Wed 12/21/2016 3:26 PM

To: casaofcc@earthlink.net <casaofcc@earthlink.net>; Kristopher Komarek <Kristophlee@yahoo.com>;

Good Afternoon...

Do we have a report for last month yet?

I would like to exercise my legal parental right as a father and to have one done every week from this point on...

Thank You


Javier

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), the undersigned hereby certifies that on this date, I deposited a true and correct copy of the foregoing Motion in the U.S. Mail with postage pre-paid thereon, addressed to:

Mayra E. Arrequin
1756 Russel Way Apt F
Carson City NV 89706

Dated this 28 day of December, 20 16.


and Personally served Chris Bayer for CASA
via Email to Tom Carr for Father's Rights

12 DR1003911B
Dept. I

IN THE SUPREME COURT OF THE STATE OF NEVADA

RECORDED & FILED
2017 JAN 23 PM 2:23

JAVIER RAMIREZ RIVAS,

Appellant,

vs.

MAYRA ARREGUIN,

Respondent.

No. 71908

FILED

JAN 20 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER GRANTING TELEPHONIC EXTENSION

Pursuant to a telephonic request received on January 20, 2017, the clerk of the district court shall have until January 27, 2017, to file and serve the record on appeal. See NRAP 3E(f)(2).

It is so ORDERED.

CLERK OF THE SUPREME COURT
ELIZABETH A. BROWN

BY: Elizabeth A Brown

cc: Javier Ramirez Rivas
Mayra Arreguin
Carson City Clerk

PROOF OF SERVICE

REC'D & FILED

2017 MAR 10 PM 4:07

Court Date:		File No. 0009184	SUSAN HEARIWETHER
Court:	FIRST JUDICIAL DISTRICT COURT	Case No. 12DRI003911B	CLERK
Initiator:	RAMIREZ, JAVIER	Other: ARREQUIN, MAYRA	BY <u>Susan Heariwether</u> DEPUTY
Address:		Address: H: 1756 RUSSELL WAY # F	
	, 0	W: 2794 US HWY 50 CENTRO MARKET	
		CARSON CITY, NV 89701	
Plaintiff:	ARREQUIN, MAYRA E	Defendant: RAMIREZ, JAVIER	
Address:		Address:	
	, 0	, 0	

1. Documents Served:

MOTION

2. Service Attempts:

Date	Time		Served
3/06/17	14:46	Address: 2794 HWY 50 EAST	<input checked="" type="checkbox"/>
		Notes:	
		Address:	<input type="checkbox"/>
		Notes:	
		Address:	<input type="checkbox"/>
		Notes:	

3. Party Served: MAYRA ARREQUIN Title:

4. I served the party named in Item 3: PERSONALLY

5. Remarks: DOCUMENTS SERVED: MOTION; MISC. EMAILS, MOTION TO ACCEPT LATE REQUEST FOR TRANSCRIPTS, PRO SE
CHILD CUSTODY FAST TRACK STATEMENT, ORDER AFTER JANUARY 6, 2016 HEARING.

6. At the time of service I was at least 18 years of age and not a party to this action.

7. I am an authorized individual with the Carson City Sheriff's Office and certify that the foregoing is true and correct.

LEE MAJOR 9621
Carson City Sheriff's Office
911 East Musser Street
Carson City, NV 89701
Phone: 775-887-2500

3/06/17
Date

Your name:

Mailing Address:

City, State, Zip:

Telephone:

In Proper Person

Javier Ramirez
1371 Village Way F
Gardnerville NV 89410
(775) 450 6181

REC'D & FILED

2017 MAR 21 PM 12:57

SUSAN HERRIN
CLERK

BY

DEPUTY

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

Mary E. Arreguin
Plaintiff.

Case No.: 12 DZ100391 B

Dept. No. 1

vs.

Javier Ramirez
Defendant.

REQUEST FOR SUBMISSION

COMES NOW,

Javier Ramirez
(your name)

requests that the Motion to show cause contempt of court previously filed
(name of document previously filed)

in the above-entitled matter on 12.28.16, 2016, be submitted to
(date document filed)

the Court for consideration.

DATED this 21 day of March, 2017.

Javier Ramirez
(Signature)

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), the undersigned hereby certifies that on this date, I deposited a true and correct copy of the foregoing Request to Submit in the U.S. Mail with postage pre-paid thereon, addressed to:

Mayra E Arreguin
(other party's name)
W: 2794 US Hwy 50 (Centro market)
(other party's mailing address) Carson City NV
H. 1756 Russell Wzy E
(other party's mailing address) Carson City NV 89706

Dated this 21 day of March, 20 17. 89706

[Signature]
(Signature)



REC'D & FILED

PROOF OF SERVICE

2017 MAR 10 PM 4:07

Court Date:
Court: FIRST JUDICIAL DISTRICT COURT

File No. 0009184
Case No. 12DRI003911B

SUSAN MERRIWETHER
CLERK

Initiator: RAMIREZ, JAVIER

Other: ARREQUIN, MAYRA

BY *[Signature]*
DEPUTY

Address:
, 0

Address: H: 1756 RUSSELL WAY # F
W: 2794 US HWY 50 CENTRO MARKET
CARSON CITY, NV 89701

Plaintiff: ARREQUIN, MAYRA E

Defendant: RAMIREZ, JAVIER

Address:
, 0

Address:
, 0

1. Documents Served:

MOTION

2. Service Attempts:

Date	Time	Address:	Served
<u>3/06/17</u>	<u>14:46</u>	<u>Address: 2794 HWY 50 EAST</u>	<input checked="" type="checkbox"/>
		Notes: _____	
		Address: _____	<input type="checkbox"/>
		Notes: _____	
		Address: _____	<input type="checkbox"/>
		Notes: _____	

3. Party Served: MAYRA ARREQUIN Title: _____

4. I served the party named in Item 3: PERSONALLY

5. Remarks: DOCUMENTS SERVED: MOTION; MISC. EMAILS, MOTION TO ACCEPT LATE REQUEST FOR TRANSCRIPTS, PRO SE
CHILD CUSTODY FAST TRACK STATEMENT, ORDER AFTER JANUARY 6, 2016 HEARING.

6. At the time of service I was at least 18 years of age and not a party to this action.

7. I am an authorized individual with the Carson City Sheriff's Office and certify that the foregoing is true and correct.

[Signature]
LEE MAJOR 9621
Carson City Sheriff's Office
911 East Musser Street
Carson City, NV 89701
Phone: 775-887-2500

3/06/17
Date

1 Case No.: 12 DR1 00391 1B

2 Dept. No.: 1

REC'D & FILED

2017 MAR 22 PM 2:04

SUSAN HERRIWETHER

CLERK

BY  DEPUTY

5 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6 IN AND FOR CARSON CITY

7 MAYRA ARREGUIN,
8 Plaintiff,

9 vs.

ORDER SETTING HEARING

10 JAVIER RAMIREZ RIVAS,
11 Defendant.

12
13 THIS MATTER is currently pending before the Court on a Motion to Show Cause
14 Contempt of Court filed by Defendant on December 28, 2016. A Request for Submission was
15 filed by Defendant on March 21, 2017.

16 This Court has reviewed the Motion and case file and finds that a hearing regarding this
17 matter would be helpful in determining the merits of the case. Therefore, good cause appearing;

18 IT IS HEREBY ORDERED that this matter is set for a hearing before the First Judicial
19 District Court, located at 885 East Musser Street, Carson City, Nevada, Department I, on April
20 26, 2017, at 9:00 a.m.

21 Dated this 22 day of March, 2017.

22 
23 JAMES T. RUSSELL
24 DISTRICT JUDGE
25
26
27
28

REC'D & FILED

2017 APR 26 PM 1:21

SUSAN HERRIWETHER
CLERK

BY  DEPUTY

1 Case No.: 12 DR1 00391 1B

2 Dept. No.: 1

3
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5
6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY

8
9 MAYRA E. ARREGUIN,

10 Plaintiff,

11 v.

12 JAVIER RAMIREZ RIVAS,

13 Defendant.
14

ORDER AFTER APRIL 26, 2017 HEARING

15
16 This matter is before this Court pursuant to Mr. Ramirez's Motion to Show Cause for
17 Contempt of Court filed on December 26, 2016. Mr. Ramirez filed a Request for Submission on
18 March 21, 2017. The Court held a hearing on April 26, 2017. Both parties were present at the
19 hearing, in proper person. Chris Bayer, the representative from CASA, was also present.

20
21 In his Motion, Mr. Ramirez requests an alteration of the parties' custody of their children,
22 a change in the children's therapist, and a change in venue.

23 Previously, the Court issued an order on the custody of the parties' children on November
24 4, 2016. Mr. Ramirez filed a Notice of Appeal on December 2, 2016. When a party files a timely
25 notice of appeal, the District Court is divested of jurisdiction to decide matters that are pending
26 appeal. *Kantor v. Kantor*, 116 Nev. 886, 895; 8 P.3d 825, 830 (2000). A District Court does,
27 however, retain jurisdiction on collateral and independent issues than the issues pending appeal.
28

1 *Id.* Therefore, this Court does not have jurisdiction to decide the custody status or child support
2 in this case while it is pending appeal. The Court does have jurisdiction to adjust the location of
3 the visitations to better suit the parties' needs.

4 At the hearing, the parties agreed that Eduardo both wants and needs to spend time with
5 Mr. Ramirez, but the Ron Wood Center was presenting coordination issues in effect eliminating
6 visitation. Chris Bayer represented that it would be in Eduardo's best interests to change the
7 location of the visitation so that visitation may actually occur. After discussing various
8 possibilities with the parties, the Court found that the only way to ensure Eduardo has some
9 visitation with Mr. Ramirez is to allow for visitation to occur at Mr. Ramirez's parent's home.
10 The Court further ordered that if Ms. Komarek, LCSW, Eduardo's therapist, finds that a
11 problematic issue occurs because Eduardo has visitation at that location, then the visitation will
12 terminate. The visitation shall take place on Wednesdays from 5:30 p.m. to 8:00 p.m.
13

14 The parties brought forth issues of Carlos' visitation timing, and time of the phone call
15 visitation. Ms. Arreguin stated that the timing of Carlos' visitation on Sundays slightly interferes
16 with her work schedule. The Court adjusted the time of Mr. Ramirez's visitation with Carlos to
17 2:30 p.m. to 9:00 p.m. on Sundays. Ms. Arreguin then discussed the issue of the unpredictability
18 of Mr. Ramirez's phone call visitation. To better fit the needs of the parties, the Court ordered
19 that Ms. Arreguin shall initiate the telephonic visitation. Ms. Ramirez then discussed the issue of
20 his terminally ill grandmother. The Court found that it was in the best interests of the children to
21 visit their grandmother in the hospital. The Court ordered that Ms. Arreguin shall take the
22 children to visit her before she passes away.
23
24
25

26 Therefore, based on the foregoing and good cause appearing:
27
28

1 IT IS HEREBY ORDERED that Mr. Ramirez shall have visitation with Eduardo on
2 Wednesdays from 5:30 p.m. to 8:00 p.m, to take place at Mr. Ramirez's parent's home. Ms.
3 Arreguin shall provide the child's transportation to and from visitation, with the exchange to take
4 place at the Carson City Sheriff's Office.

5 IT IS FURTHER ORDERED that Mr. Ramirez's visitation with Carlos shall change to
6 2:30 p.m. to 9:00 p.m. on Sundays. Ms. Arreguin shall provide the child's transportation to and
7 from visitation.
8

9 IT IS FURTHER ORDERED that Ms. Arreguin shall now initiate the telephonic
10 visitations between Mr. Ramirez and the children on Mondays at 6:30 p.m. Ms. Arreguin shall
11 also initiate the telephonic visitation on holidays and birthdays.
12

13 IT IS FURTHER ORDERED that Ms. Arreguin shall take the children to visit their great
14 grandmother in the hospital before she passes away. Mr. Ramirez is not to be present.

15 **IT IS SO ORDERED.**

16 Dated this 26th day of April, 2017.

17
18 
19 JAMES T. RUSSELL
DISTRICT JUDGE
20
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1
2 **CERTIFICATE OF MAILING**

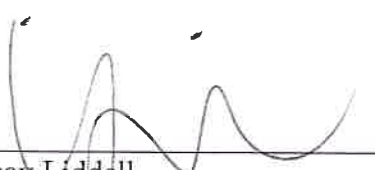
3 I hereby certify that on the 26 day of April, 2017, I served a copy of the foregoing
4 by placing the foregoing in the United States Mail, postage prepaid, addressed as follows:

5 Javier Rameriz Rivas
6 1371 Village Way F
7 Gardnerville, NV 89410

8 Mayra Arreguin
9 1756 Russell Way E
Carson City, NV 89706

10 Kristopher L. Komarek, LCSW
11 783 Basque Way, Suite 110
Carson City, NV 89706

12 Chris Bayer, CASA
13 Email: casaofcc@earthlink.com

14
15 
16 Lindsay Liddell
17 Law Clerk, Dept. 1
18
19
20
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23
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Your Name: Mayra E. Arreguin
Mailing Address: 1756 Russell Way Apt. E
City, State, Zip: Carson City NV. 89706
Telephone: (775) 291-7138
In Proper Person

REC'D & FILED

2017 MAY 11 AM 11:59

SUSAN MERRITT
CLERK

BY [Signature]
DEPUTY

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

Mayra E. Arreguin
Plaintiff/Petitioner,

Case No.: 12DR100391 ^{Dep. 1} _{1B}

Dept. No.: _____

vs.

MOTION Emergencia

Javier Ramirez
Defendant/Respondent.

I Mayra Arreguin, appearing in Proper Person,
(Your Name)
request that the Court enter an Order granting me the following:

State what you want the Court to order. If you have more than one request, clearly list and number each request. Do not explain your requests in detail here, just list them.

- 1.- Permitir que el día 28 de Mayo el niño Adrian Ramirez pueda estar con la madre.
- 2.- Si el señor Juez lo permite poder realizar la visitacion el día viernes 26 de Mayo para que el Señor Ramirez no la pierda esa semana.
- 3.- Que el señor Ramirez por ningun motivo se presente en la iglesia ~~o~~ en otro lugar, ni busque ningun tipo de contacto ~~por~~ ese día, 28 de Mayo.

This Motion is made for the following reasons:

2.- Ese mismo día voy a bautizar a mi tercer hijo Luis Angel y no quiero ningun tipo de problema entre mi familia, amigos y mi esposo con el señor Ramirez, en la iglesia o cualquier otro lugar.

4.- Estoy segura que si hubiera buscado o
busco llegar a un acuerdo para poder estar con
carlos Ramirez mi hijo, el ^{señor Ramirez} no va a estar de

[illegible]

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), the undersigned hereby certifies that on this date, I deposited a true and correct copy of the foregoing Motion in the U.S. Mail with postage pre-paid thereon, addressed to:

Dated this _____ day of _____, 20_____.

12 DR1 00391 1B

Emergency Motion filed by Plaintiff/Petitioner, Mayra Arreguin.

(Page 1)

1-Allow the child, Adrian Ramirez, to be with Mother on May 28.

2-If the Judge grants that petition, please allow Mr. Ramirez to have visitation on Friday, May 26 so he won't miss his visit for that week.

3-That Mr. Ramirez, for any reason, will not be allowed to show up at the church or any other place or to try to look for any type of contact on that day, May 28.

(Page 2)

1-My sons Eduardo Ramirez and Carlos Ramirez will have their first communion on May 28. It is a very important day for my family and we would like to enjoy it together.

2-On that very same day, my third child, Luis Angel will be baptized and I don't want any kind of problem between my friends and family with Mr. Ramirez at the church or any other place.

3-Mr. Ramirez is neither a believer nor he practices the Catholic Church (sic). That's the reason why I don't consider necessary to inform him about this event. Besides he is a very problematic person and I don't want to have any kind of problem or to feel uncomfortable by his presence.

4-I am pretty sure that if I would have tried to, or try to reach an agreement to be with my son Carlos Ramirez, Mr. Ramirez won't be agreeable to it.

(Page 3)

11th day of May, 2017

Translated by: Patricia Bisbee 5/11/17

I hereby certify that the above translation is true and accurate to the best of my knowledge and ability.

REC'D & FILED

2017 MAY 12 AM 8:42

SUSAN MERRIWETHER
CLERK

BY [Signature] DEPUTY

1 Case No.: 12 DR1 00391 1B

2 Dept. No.: 1

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4
5
6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY

8
9 MAYRA E. ARREGUIN,

10 Plaintiff,

11 v.

12 JAVIER RAMIREZ RIVAS,

13 Defendant.
14

ORDER GRANTING EMERGENCY
MOTION

15
16 This matter is before this Court pursuant to Ms. Arreguin's Emergency Motion filed May
17 11, 2017.

18 In her motion, Ms. Arreguin requests that this Court alter Mr. Ramirez's visitation for the
19 date of May 28, 2017. Mr. Ramirez's visitation is currently scheduled to have visitation with
20 Carlos on May 28, 2017. She explains that she has an important family event that she does not
21 want Carlos to miss.
22

23 The Court finds that it is in the best interests of the parties' minor child, Carlos, to attend
24 Ms. Arreguin's family event on May 28, 2017. The Court also finds that it is in Carlos' best
25 interests to have visitation with Mr. Ramirez. Thus, the Court will temporarily reschedule the
26 visitation set for May 28, 2017.
27
28

1 Mr. Ramirez will now have visitation on Friday, May 26, 2017 from 2:30 p.m. until 9:00 p.m.

2 Thereafter, the visitation with Carlos shall return to the previously ordered schedule of every

3 Sunday from 2:30 p.m. until 9:00 p.m.

4 Therefore, based on the foregoing and good cause appearing:

5 IT IS HEREBY ORDERED that shall not have visitation with Carlos on Sunday, May
6 28, 2017. Instead, Mr. Ramirez shall have visitation with Carlos on Friday, May 26, 2017. Ms.
7 Arreguin shall provide the child's transportation to and from visitation. After the weekend of
8 May 26, 2017, the visitation shall return to the previously ordered schedule of every Sunday
9 from 2:30 p.m. until 9:00 p.m.
10

11 IT IS FURTHER ORDERED that Mr. Ramirez's shall not contact or attempt to locate
12 Ms. Arreguin or the minor children on May 28, 2017.
13

14 **IT IS SO ORDERED.**

15 Dated this 12th day of May, 2017.

16
17 
18 JAMES T. RUSSELL
19 DISTRICT JUDGE
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1
2 **CERTIFICATE OF MAILING**

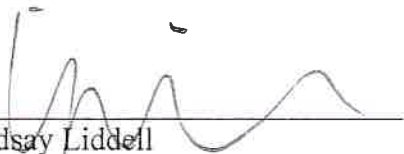
3 I hereby certify that on the 2nd day of May, 2017, I served a copy of the foregoing
4 by placing the foregoing in the United States Mail, postage prepaid, addressed as follows:

5 Javier Rameriz Rivas
6 1371 Village Way F
7 Gardnerville, NV 89410

8 Mayra Arreguin
9 1756 Russell Way E
Carson City, NV 89706

10 Kristopher L. Komarek, LCSW
11 783 Basque Way, Suite 110
Carson City, NV 89706

12 Chris Bayer, CASA
13 Email: casaofcc@earthlink.com

14
15 
16 Lindsay Liddell
17 Law Clerk, Dept. 1
18
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27
28

Your Name:
Mailing Address:
City, State, Zip:
Telephone:
In Proper Person

Javier Ramirez
137 Village Way E
Gardnerville NV 89410
(775) 450 6181

REC'D & FILED
2017 MAY 19 AM 8:54

SUSAN MERRIWETHER
CLERK
DEPUTY

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

Maurya E. Arreguin

Plaintiff/Petitioner,

Case No.: 12DR100391 1B

Dept. No.: 1

vs.

MOTION TO MODIFY

Javier Ramirez

Defendant/Respondent.

I, Javier Ramirez

(Your Name)

, appearing in Proper Person,
request that the Court enter an Order granting me the following:

State what you want the Court to order. If you have more than one request, clearly list and number each request. Do not explain your requests in detail here, just list them.

1- Change custody day from Friday the 26th of May to Monday 29th. of May

2- Allow children to be together during visitation, so I can give them equal time, avoiding any sibling jealousy / fights in the future.

1 The original Decree of Divorce or Custody Order was entered on March 2013
(Date the decree or order was filed)

2 To the best of my knowledge, the last order concerning this matter was entered on

3 May 11, 2017 and that order concerned Visitation
(Date last order was filed) (State what the last order was about,

4 such as child support, visitation, etc.)

5
6 ***If children are involved in this matter, fill in the following information.
If children are not involved in this matter, print N/A in the following blanks.***

7 The names, ages and birth dates of the children the subject of this Motion are:

<u>NAME</u>	<u>AGE</u>	<u>BIRTH DATE</u>
<u>Edwardo J. Ramirez</u>	<u>11</u>	<u>4.13.06</u>
<u>Carlos A. Ramirez</u>	<u>9</u>	<u>10-09-07</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

15 ***Fully explain why you believe you should be granted your request(s).
List and number each request.***

17 This Motion is made for the following reasons:

18 As mentioned on the last hearing my
19 work schedule starts at 7:15am ending at
20 3:45pm traveling time from Gerdenville to
21 Curson takes around 40 minutes, there is
22 just no way that I can be at 2:30
23 on Friday to pick up Carlos. I had
24 asked Ms Arreguin to bring the
25

Kids early on the following Monday for a family day at Tahoe, being that I'm off and so are the kids due to Memorial Day

I ask to please take my work schedule into consideration for my right to visit that is due on Sundays and move it to Monday the 29th of May 2017.

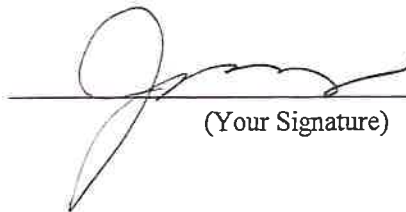
Otherwise I'm missing time with the boys, and if I leave early from work jeopardizing my employment. Due to the visits with Eduardo (times) in my parents house, I cannot take him to do the same things that I do with his brother (ie movies) and I would like the court to allow both for equally time with me

(If you need more room, you may attach additional sheets of paper. Be sure you write only on one side of each sheet, number the page or pages 3(a), 3(b), etc. and initial each page at the bottom.)

This document does not contain the Social Security number of any person.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

DATED this 18 day of May, 2017.


(Your Signature)

IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK

JAVIER RAMIREZ RIVAS,
Appellant,
vs.
MAYRA ARREGUIN,
Respondent.

Supreme Court No. 71908
District Court Case No. 12DR1003911B

NOTICE OF TRANSFER TO COURT OF APPEALS

TO: Hon. James Todd Russell, District Judge
Javier Ramirez Rivas
Mayra Arreguin
Susan Merriwether, Carson City Clerk

REC'D & FILED
2017 MAY 19 AM 11:03
SUSAN MERRIWETHER
CLERK
DEPUTY

Pursuant to NRAP 17(b), the Supreme Court has decided to transfer this matter to the Court of Appeals. Accordingly, any filings in this matter from this date forward shall be entitled "In the Court of Appeals of the State of Nevada." NRAP 17(e).

DATE: May 18, 2017

Elizabeth A. Brown, Clerk of Court

By: Amanda Ingersoll
Chief Deputy Clerk

Notification List
Electronic

Paper
Hon. James Todd Russell, District Judge
Javier Ramirez Rivas
Mayra Arreguin
Susan Merriwether, Carson City Clerk

Your name:
Mailing Address:
City, State, Zip:
Telephone:
In Proper Person

Javier Ramirez
1371 Village Way F
Gardnerville NV 89410
(775) 450 6181

REC'D & FILED

2017 MAY 23 PM 3:28

SUSAN METRIVETHER
CLERK

In The First Judicial District Court of the State of Nevada
In and for Carson City

Mayra E. Arreguin

Plaintiff,

Case No.: 12 D12 1003 911 B

Dept. No. 1

vs.

Javier Ramirez

Defendant.

REQUEST FOR SUBMISSION

COMES NOW, Javier Ramirez, in proper person, and hereby
(your name)

requests that the Motion to modify previously filed
(name of document previously filed)

in the above-entitled matter on May 19th, 2017, be submitted to
(date document filed)

the Court for consideration.

DATED this 23 day of May, 2017.

(Signature)

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), the undersigned hereby certifies that on this date, I deposited a true and correct copy of the foregoing Request to Submit in the U.S. Mail with postage pre-paid thereon, addressed to:

Mary E. Arreguin
(other party's name)
1756 Russell Way #E
(other party's mailing address)
Carson City NV 89706
(other party's mailing address)

Dated this 23 day of May, 20 17.

[Signature]
(Signature)

REC'D & FILED

2017 MAY 25 AM 9:15

SUSAN MERRIWETHER
CLERK

BY DEPUTY

1 Case No.: 12 DR1 00391 1B

2 Dept. No.: 1

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6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY

8
9 MAYRA E. ARREGUIN,

10 Plaintiff,

11 v.

12 JAVIER RAMIREZ RIVAS,

13 Defendant.
14

ORDER DENYING MOTION

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16 This matter is before this Court pursuant to Mr. Ramirez's Motion to Modify filed May
17 19, 2017. Mr. Ramirez filed a Request for Submission on May 23, 2017.

18 In his Motion to Modify, Mr. Ramirez requests that the Court modify the parties' custody
19 schedule. He asks the Court to grant him equal time with the children, and allow him to exercise
20 visitation with both children together. He requests the Court also to alter the scheduled times to
21 better fit his work schedule.
22

23 Pursuant to the First Judicial District Court Rules, "no motion once heard and disposed of
24 shall be renewed in the same cause nor shall the same matters therein embraced be reheard
25 unless by leave of Court." FJDCR 15(7). The issues Mr. Ramirez wishes the Court to address
26 have already been decided upon in prior orders of this Court. The Court directs the parties to the
27 orders issued in this matter to answer any questions of custody and visitation schedules.
28

1 Further it appears that Mr. Ramirez failed to serve his Motion to the opposing party, Ms.
2 Arreguin. The Nevada Rules of Civil Procedure require filings such as Mr. Ramirez's Motion to
3 Modify to be served to the parties in the case.

4 Therefore, based on the foregoing and good cause appearing:

5 IT IS HEREBY ORDERED that Mr. Ramirez's Motion to Modify filed May 19, 2017 is
6
7 DENIED.

8 **IT IS SO ORDERED.**

9 Dated this 25th day of May, 2017.

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12 JAMES T. RUSSELL
13 DISTRICT JUDGE
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1 CERTIFICATE OF MAILING

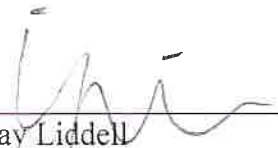
2 I hereby certify that on the 2nd day of May, 2017, I served a copy of the foregoing
3 by placing the foregoing in the United States Mail, postage prepaid, addressed as follows:

4 Javier Rameriz Rivas
5 1371 Village Way F
6 Gardnerville, NV 89410

7 Mayra Arreguin
8 1756 Russell Way E
9 Carson City, NV 89706

10 Kristopher L. Komarek, LCSW
11 783 Basque Way, Suite 110
12 Carson City, NV 89706

13 Chris Bayer, CASA
14 Email: casaofcc@earthlink.com

15 
16 Lindsay Liddell
17 Law Clerk, Dept. 1
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Your Name:
Mailing Address:
City, State, Zip:
Telephone:
In Proper Person

Javier Ramirez
1371 Village Way E
Gardnerville NV 89410
(775) 4506181

REC'D & FILED

2017 JUN 20 PM 3:00

SUSAN HEWITT, CLERK
BY *[Signature]*
DEPUTY

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

Mayra E. Arreguin
Plaintiff/Petitioner,

Case No.: 120210039 1B

Dept. No.: 1

vs.

Javier Ramirez
Defendant/Respondent.

MOTION To show cause
for contempt of court

I Javier Ramirez, appearing in Proper Person,
(Your Name)
request that the Court enter an Order granting me the following:

State what you want the Court to order. If you have more than one request, clearly list and number each request. Do not explain your requests in detail here, just list them.

1- Plaintiff has ~~no~~ complied with the orders
on the April 26 2017

1- Charge plaintiff for Contemp of court.

2- Subpoena phone records from plaintiff

1 **Fully explain why you believe you should be granted your request(s).**
2 **List and number each request.**

3 This Motion is made for the following reasons:

4
5 Non compliance of order executed April 26, 2017
6 (see attached)
7

8 Phone calls did not occurred neither on
9 Sunday the 18th (Father's day) nor on Mondays
10 June 19th. again this is a problem, even it
11 a reminder by Mr Beyer from CSA. prior to
12 calls and emails by me,
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1 (If you need more room, you may attach additional sheets of paper. Be sure you write only on
2 one side of each sheet, number the page or pages 3(a), 3(b), etc. and initial each page at the
3 bottom.)

4 This document does **not** contain the Social Security number of any person.

5 I declare under penalty of perjury under the law of the State of Nevada that the foregoing
6 is true and correct.

7 DATED this 20 day of June, 2017.

8 
9 (Your Signature)

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), the undersigned hereby certifies that on this date, I deposited a true and correct copy of the foregoing Motion in the U.S. Mail with postage pre-paid thereon, addressed to:

Margie E. Arreguin
1756 Russell Way #E
Corona City NV 89410

Dated this 20 day of June, 2017.

REC'D & FILED

2017 APR 26 PM 1:21

SUSAN MERRIWETHER
CLERK

BY  DEPUTY

1 Case No.: 12 DR1 00391 1B

2 Dept. No.: 1

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6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY
8

9 MAYRA E. ARREGUIN,

10 Plaintiff,

11 v.

12 JAVIER RAMIREZ RIVAS,

13 Defendant.
14

ORDER AFTER APRIL 26, 2017 HEARING

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16 This matter is before this Court pursuant to Mr. Ramirez's Motion to Show Cause for
17 Contempt of Court filed on December 26, 2016. Mr. Ramirez filed a Request for Submission on
18 March 21, 2017. The Court held a hearing on April 26, 2017. Both parties were present at the
19 hearing, in proper person. Chris Bayer, the representative from CASA, was also present.
20

21 In his Motion, Mr. Ramirez requests an alteration of the parties' custody of their children,
22 a change in the children's therapist, and a change in venue.

23 Previously, the Court issued an order on the custody of the parties' children on November
24 4, 2016. Mr. Ramirez filed a Notice of Appeal on December 2, 2016. When a party files a timely
25 notice of appeal, the District Court is divested of jurisdiction to decide matters that are pending
26 appeal. *Kantor v. Kantor*, 116 Nev. 886, 895; 8 P.3d 825, 830 (2000). A District Court does,
27 however, retain jurisdiction on collateral and independent issues than the issues pending appeal.
28

1 *Id.* Therefore, this Court does not have jurisdiction to decide the custody status or child support
2 in this case while it is pending appeal. The Court does have jurisdiction to adjust the location of
3 the visitations to better suit the parties' needs.

4 At the hearing, the parties agreed that Eduardo both wants and needs to spend time with
5 Mr. Ramirez, but the Ron Wood Center was presenting coordination issues in effect eliminating
6 visitation. Chris Bayer represented that it would be in Eduardo's best interests to change the
7 location of the visitation so that visitation may actually occur. After discussing various
8 possibilities with the parties, the Court found that the only way to ensure Eduardo has some
9 visitation with Mr. Ramirez is to allow for visitation to occur at Mr. Ramirez's parent's home.
10 The Court further ordered that if Ms. Komarek, LCSW, Eduardo's therapist, finds that a
11 problematic issue occurs because Eduardo has visitation at that location, then the visitation will
12 terminate. The visitation shall take place on Wednesdays from 5:30 p.m. to 8:00 p.m.

13 The parties brought forth issues of Carlos' visitation timing, and time of the phone call
14 visitation. Ms. Arreguin stated that the timing of Carlos' visitation on Sundays slightly interferes
15 with her work schedule. The Court adjusted the time of Mr. Ramirez's visitation with Carlos to
16 2:30 p.m. to 9:00 p.m. on Sundays. Ms. Arreguin then discussed the issue of the unpredictability
17 of Mr. Ramirez's phone call visitation. To better fit the needs of the parties, the Court ordered
18 that Ms. Arreguin shall initiate the telephonic visitation. Ms. Ramirez then discussed the issue of
19 his terminally ill grandmother. The Court found that it was in the best interests of the children to
20 visit their grandmother in the hospital. The Court ordered that Ms. Arreguin shall take the
21 children to visit her before she passes away.

22 Therefore, based on the foregoing and good cause appearing:
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1 IT IS HEREBY ORDERED that Mr. Ramirez shall have visitation with Eduardo on
2 Wednesdays from 5:30 p.m. to 8:00 p.m., to take place at Mr. Ramirez's parent's home. Ms.
3 Arreguin shall provide the child's transportation to and from visitation, with the exchange to take
4 place at the Carson City Sheriff's Office.

5 IT IS FURTHER ORDERED that Mr. Ramirez's visitation with Carlos shall change to
6 2:30 p.m. to 9:00 p.m. on Sundays. Ms. Arreguin shall provide the child's transportation to and
7 from visitation.
8

9 IT IS FURTHER ORDERED that Ms. Arreguin shall now initiate the telephonic
10 visitations between Mr. Ramirez and the children on Mondays at 6:30 p.m. Ms. Arreguin shall
11 also initiate the telephonic visitation on holidays and birthdays.
12

13 IT IS FURTHER ORDERED that Ms. Arreguin shall take the children to visit their great
14 grandmother in the hospital before she passes away. Mr. Ramirez is not to be present.

15 IT IS SO ORDERED.

16 Dated this 26th day of April, 2017.

17
18 
19 JAMES T. RUSSELL
20 DISTRICT JUDGE
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1
2 CERTIFICATE OF MAILING

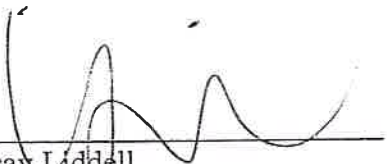
3 I hereby certify that on the 26 day of April, 2017, I served a copy of the foregoing
4 by placing the foregoing in the United States Mail, postage prepaid, addressed as follows:

5 Javier Rameriz Rivas
6 1371 Village Way F
7 Gardnerville, NV 89410

8 Mayra Arreguin
9 1756 Russell Way E
Carson City, NV 89706

10 Kristopher L. Komarek, LCSW
11 783 Basque Way, Suite 110
Carson City, NV 89706

12 Chris Bayer, CASA
13 Email: casaofcc@earthlink.com

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16 Lindsay Liddell
17 Law Clerk, Dept. 1
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have obligations, activities with my children, chores Of the household, a husband and 3 children to care for.

I cannot agree more that everybody has a busy schedule, and you are not the only one, I also work I do too have people that I take care of including two sick parents, a grandmother, a girlfriend (that Mr Bayer had met). Yet I manage to put my priorities first (the boys)... I had waited up to an hour and a half for you to show up. yet I don't make scenes , So If I was you I will reconsidered calling me "problematic". We had orders by a Judge and you and I should follow as ordered, nor as we think that suits us.

On this note ,,,, I had not received any notification of any doctors appointments.....or the outcome, for almost two years, and its written as an order,

I would like for you to remind Eduardo to send with Carlos on Sunday the camera where he took his graduation pictures , so I can have them developed,.

I plan to go fishing with Carlos on Sunday, I still haven't received my new cell, so tell me a what time should I expect the call from Eduardo Sunday, so I acn make myself available at that time.....

Thanks

From: Mayra Arreguin <mayra_ae20@hotmail.com>

Sent: Thursday, June 15, 2017 12:50 PM

To: javier ramirez

Cc: Casa Of Carson City

Subject: Fwd: Re: Re:

I remind you that before the child support agency was involved I had to ask for monetary help from the welfare office because you always had this same problem, of not lasting in the works, you are dismissed for your temperament and your way of being Problematic or I do not know the reasons. until I was collected for all the time that you were not paying and I still give them what the children need so do not think we depend on your monetary contribution, because I remind you that it is your obligation and you are not doing me any favors and even without him I can carry out my children.

And in the matter of custody or coexistence with your children I am not the one who builds walls, I remind you that the only responsible or compliant of losing part of your custody was yourself with your temperament, character and way of being with your own children and That I did not have to do anything, besides I remind him that the decisions do not take them, I remember that there is a family judge in the middle of this and if he knew that the children will be 100% safe physically and emotionally with you would have his Custody 50/50 as before but it is not like that, so do not blame me or come with this story that I am the one that builds walls.



Item # 43568
Patent Pending



CONFIDENTIAL

APPLICATION TO WAIVE FILING FEES/SERVICE
ONLY

FILED: *June 20, 2017*

No.12DR100391

REC'D & FILED
2017 JUN 20 PM 3:10
SUSAN E. NEWELL
B. [Signature]

IN THE FIRST JUDICIAL COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CARSON

Plaintiff :

Mayra E. Arreguin

Vs.

Defendant

Javier Ramirez

NOTICE OF APPEAL

Notice is hereby given that Javier Ramirez ,defendant above named , hereby appeals to the Supreme Court Of Nevada judgment from ORDER GRANTING EMERGENCY MOTION entered in this action on the 12th day of May ,2017

Respectfully:

Javier Ramirez

1371 Village Way Apt. F

Gardnerville, Nevada 89410

REC'D & FILED

2017 JUN 21 PM 2:21

SUSAN HERRIN
CLERK

In The First Judicial District Court of the State of Nevada
In and for Carson City

MAYRA ARREGUIN,

Petitioner(s),

vs.

JAVIER RAMIREZ RIVAS,

Respondent(s).

Case No.: 12 DR1 00391 1B

Dept. No.: I

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:

- JAVIER RAMIREZ RIVAS

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

- HONORABLE JAMES T. RUSSELL

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

- JAVIER RAMIREZ RIVAS (PROPER PERSON)
1371 VILLAGE WAY, APT. F
GARDNERVILLE, NV 89410

4. Identify each respondent and the name and address of appellate counsel, if known, for 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):

- MAYRA ARREGUIN (PROPER PERSON)
1756 RUSSELL WAY #E
CARSON CITY, NV 89706

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

5 - NOT APPLICABLE

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

8 - APPELLANT IN PROPER PERSON IN DISTRICT COURT

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

10 - APPELLANT IN PROPER PERSON ON APPEAL

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

13 - APPELLANT PREVIOUSLY GRANTED LEAVE TO PROCEED IN FORMA
14 PAUPERIS ON FEB. 11, 2013 AND AGAIN ON APRIL 18, 2013.

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

17 - COMPLAINT FOR DIVORCE FILED AUG. 6, 2012

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

21 - ORDER GRANTING EMERGENCY MOTION FILED MAY 12, 2017

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

25 - CURRENTLY ON APPEAL WITH THE SUPREME COURT; JAVIER
26 RAMIREZ RIVAS, APPELLANT VS. MAYRA ARREGUIN, RESPONDENT;
27 SUPREME COURT NO. 71908
28

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

2 - INVOLVES BOTH CHILD CUSTODY AND VISITATION

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

4 - NOT APPLICABLE.

5 Dated this 21st day of June, 2017.

6 SUSAN MERRIWETHER, Carson City Clerk

7 885 E. Musser St., #3031

8 Carson City, NV 89701

9 By  Deputy

Your name:
Mailing Address:
City, State, Zip:
Telephone:
In Proper Person

James Ramirez
1371 Village Way E
Gardnerville NV 89440
775 452 6811

REC'D & FILED

2017 JUN 28 PM 2:38

SUSAN MERRIWETHER
CLERK

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

Maura E. Arreola) Case No. 12DR100391 1B
Plaintiff,)
vs.) Dept. No. 1
James Ramirez)
Defendant.)

ORDER REGARDING WAIVER OF FEES AND COSTS

(Filing Fees/Service Only)

Upon consideration of James Ramirez's Application to
(Your Name)

Waive Filing Fees/Service Only and it appearing that there is not sufficient income, property or resources with which to maintain the action, and good cause appearing therefore:

☒ IT IS HEREBY ORDERED that James Ramirez's
(Your Name)

request to waive fees and costs is GRANTED. James Ramirez
(Your Name)

shall be permitted to proceed in Forma Pauperis with this action as permitted by NRS 12.015.

He/she shall proceed without the prepayment of costs or fees or the necessity of giving security, and the Clerk of court shall file or issue any necessary writ, process, pleading, or paper without charge. The Sheriff or other appropriate officer within this State shall make personal service of

any necessary writ, pleading, or paper without charge. If this party prevails in this action, the court shall enter an order pursuant to NRS 12.015(4) requiring the opposing party to pay into the Court, within five (5) days, the costs which would have been incurred by the prevailing party, and those costs must then be paid as provided by law.

☐ IT IS HEREBY ORDERED that James Ramirez's
(Your Name)

request to waive fees and costs is DENIED for the following reason:

☐ The party is not indigent.

☐ Other: _____

☐ The request for hearing is:

☐ Granted. A hearing is set for _____, at _____.

☐ Denied.

☐ Defendant is hereby notified that they must file a responsive pleading in accordance with Rule 12 of the Nevada Rules of Civil Procedure (NRCP). The failure to comply may result in a default being entered against you pursuant to NRCP Rule 55.

DATED this 28th day of June, 2017.

J. R. Ruedel
DISTRICT COURT JUDGE

Respectfully submitted:

Signature

Print name

Address

Telephone

James Ramirez
1371 Village Way F
Gardnerville Nevada
(775) 450 6811

///

Your Name: Mayra E. Arrequin
Mailing Address: 1756 Russell Way. Apt. E.
City, State, Zip: Carson City NV 89706
Telephone: (775) 291-7138
In Proper Person

REC'D & FILED
2017 JUL 12 PM 4:07
SUSAN MERRIWETHER
CLERK
BY [Signature]
DEPUTY

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

Mayra E. Arrequin
Plaintiff/Petitioner,

Case No.: 12 DR100391 1B Dep 1
Dept. No.: 1

vs.

MOTION Emergencia

Javier Ramirez
Defendant/Respondent.

I Mayra Arrequin, appearing in Proper Person,
(Your Name)
request that the Court enter an Order granting me the following:

State what you want the Court to order. If you have more than one request, clearly list and number each request. Do not explain your requests in detail here, just list them.

1.- Dar permiso al niño Adrian Ramirez el domingo 16 de Julio pasar el dia con la madre.

2.- Cambiar el dia de la visitacion al dia sabado 15 de julio para que no la pierdo esta semana, a la misma hora.

3.- Dar permiso a los niños Eduardo y Carlos para viajar a California por las vacaciones de verano.

**Fully explain why you believe you should be granted your request(s).
List and number each request.**

This Motion is made for the following reasons:

1. Al señor Ramirez le fue enviado un email pidiendo el cambio y no hubo respuesta.

2.- La mayoría de los domingos trabajo por las tardes y este fin de semana lo tengo libre y quisiera pasar un día familiar sin la preocupación de la visitación, a cambio la podríamos hacer el sábado 15 de julio para que el señor Ramirez no la pierda.

3.- Quisiera este verano salir a California con los niños mi plan es llevarlos a Disneyland.

4.- Nunca hemos hido a este lugar y los niños en realidad estan muy emocionados

5.- La fecha depende de una cita que tendra mi padre para estudios para ver si es compatible para un transplante de riñon.

Esos dias no tendria quien me pueda cuidar a mis hijos y voy a tener vacaciones de mi trabajo, para poder cuidar a mis hijos y poder pasar tiempo con ellos.

6.- Yo les informaria en cuanto sepa las fechas a usted señor Juez si gusta, y al señor Ramirez y a Chris de casa por un email.

1 (If you need more room, you may attach additional sheets of paper. Be sure you write only on
2 one side of each sheet, number the page or pages 3(a), 3(b), etc. and initial each page at the
3 bottom.)

4 This document does **not** contain the Social Security number of any person.

5 I declare under penalty of perjury under the law of the State of Nevada that the foregoing
6 is true and correct.

7 DATED this 12 day of July, 2017.

8 Mayra E. Arreguin.
(Your Signature)

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), the undersigned hereby certifies that on this date, I deposited a true and correct copy of the foregoing Motion in the U.S. Mail with postage pre-paid thereon, addressed to:

Dated this _____ day of _____, 20_____.

1. Give the child Adrian Ramirez permission to spend the day with mom on Sunday, July 16.
2. Change the visitation day to Saturday, July 15 so he won't miss visitation this week, at the same time.
3. Give permission for travel to California for the children Eduardo and Carlos to travel to California for summer vacation.
1. An e-mail was sent to Mr. Ramirez asking him for the change and there wasn't a response.
2. The majority of Sundays I work the afternoons and I am off this weekend and I would like to spend a family day without worrying about visitation, as a change we could do it on Saturday, July 15 so Mr. Ramirez doesn't lose visitation.
3. I would like to go to California this summer with the children, my plan is to take them to Disneyland.
4. We have never gone there and the children are really excited.
5. The date will depend on an appointment my father has to see if he is compatible for a kidney transplant.
6. On those days, I won't have anyone to watch my children and I will be on vacation from work so I can take care of my children and be able to spend time with them.

I would let you know as soon as I know the dates Your Honor, and Mr. Ramirez and Chris from CASA by email.

Translated by Evelyn S. Wakeling


July 13, 2017

REC'D & FILED

2017 JUL 14 AM 8:16

SUSAN MERRIWETHER
CLERK

BY  CLERK
DEPUTY

1 Case No.: 12 DR1 00391 1B

2 Dept. No.: 1

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5
6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY
8

9 MAYRA ARREGUIN,

10 Plaintiff,

11 vs.

12 JAVIER RAMIREZ RIVAS,

13 Defendant.
14

ORDER GRANTING EMERGENCY

MOTION

15 This matter comes before the Court on an Emergency Motion filed by Ms. Arreguin on
16 July 12, 2017.

17 In her Emergency Motion, Ms. Arreguin requested that this Court grant permission for
18 the minor child Carlos to spend the day with her on Sunday, July 16, 2017, and change Mr.
19 Ramirez's visitation day with the child that weekend to Saturday, July 15, 2017, for the same
20 time, so that he won't miss visitation this week. Ms. Arreguin provided that her request is made
21 because she normally works on Sundays but is off this Sunday and would like to have an
22 uninterrupted family day.

23 Ms. Arreguin further requested that she be granted permission to travel to California with
24 the minor children, Eduardo and Carlos, during summer vacation to take the minor children to
25 Disneyland at a date dependent upon a medical appointment of her father.

26 The Court finds that is in the best interests of the parties' minor child, Carlos, to
27 participate in a family day with Ms. Arreguin on July 16, 2017. The Court also finds that it is in
28

1 Carlos' best interests to have visitation with Mr. Ramirez. Thus the Court will reschedule the
2 visitation set for July 16, 2017.

3 Additionally, the Court finds that it is in the parties' minor children's best interest to
4 spend vacation time with Ms. Arreguin.

5 Therefore, based on the foregoing and good cause appearing;

6 IT IS HEREBY ORDERED that Ms. Arreguin's Emergency Motion is GRANTED. Mr.
7 Ramirez's visitation with the parties' minor child Carlos is rescheduled from Sunday, July 16,
8 2017, to Saturday, July 15, 2017, from 2:30 p.m. until 9:00 p.m. Plaintiff shall provide the
9 child's transportation to and from visitation. The visitation shall thereafter return to the
10 previously ordered schedule of every Sunday from 2:30 p.m. until 9:00 p.m.

11 IT IS HEREBY FURTHER ORDERED that Ms. Arreguin shall be allowed to travel to
12 California to take the children to Disneyland during summer vacation and shall provide the Court
13 with her dates of travel once they are known to her and at least one week prior to travel.

14 Dated this 13 day of July, 2017.

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17 JAMES T. RUSSELL
18 DISTRICT JUDGE
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-3-

REC'D & FILED
IN THE SUPREME COURT OF THE STATE OF NEVADA
2017 JUL 19 AM 10:34

JAVIER RAMIREZ RIVAS,
Appellant,
vs.
MAYRA ARREGUIN,
Respondent.

SUSAN MERRIWETHER
CLERK
No. 73343
BY *[Signature]* DEPUTY

FILED

JUL 10 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]* DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order granting respondent's emergency motion to reschedule a visitation day. First Judicial District Court, Carson City; James Todd Russell, Judge.

Our review of the documents submitted to this court pursuant to NRAP 3(g) reveals a jurisdictional defect. Specifically, it appears that the judgment or order designated in the notice of appeal is not substantively appealable. See NRAP 3A(b). This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule. *Taylor Constr. Co. v. Hilton Hotels*, 100 Nev. 207, 678 P.2d 1152 (1984). The district court granted respondent's motion to reschedule appellant's visitation day from May 28, 2017, to May 26, 2017. No statute or court rule provides for an appeal from an order temporarily

restructuring one visitation day. We conclude that we lack jurisdiction,
and we

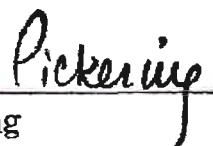
ORDER this appeal DISMISSED.



Douglas J.



Gibbons J.



Pickering J.

cc: Hon. James Todd Russell, District Judge
Javier Ramirez Rivas
Mayra Arreguin
Carson City Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAVIER RAMIREZ RIVAS,
Appellant,
vs.
MAYRA ARREGUIN,
Respondent.

Supreme Court No. 73343
District Court Case No. 12DR1003911B

REC'D & FILED
2017 AUG - 7 PM 12:05
SUSAN MERRIWETHER
CLERK
BY
NFP/11/17

REMITTITUR

TO: Susan Merriwether, Carson City Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: August 04, 2017

Elizabeth A. Brown, Clerk of Court

By: Dana Richards
Deputy Clerk

cc (without enclosures):
Hon. James Todd Russell, District Judge
Javier Ramirez Rivas
Mayra Arreguin

RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on August 7, 2017.

Susan Merriwether
District Court Clerk

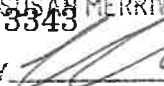
By: V. Alegria, Deputy Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

REC'D & FILED

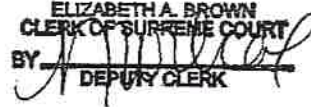
2017 AUG -7 PM 12:05

JAVIER RAMIREZ RIVAS,
Appellant,
vs.
MAYRA ARREGUIN,
Respondent.

No. 73343
SUSAN MERRIWETHER
CLERK
BY  DEPUTY

FILED

JUL 10 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order granting respondent's emergency motion to reschedule a visitation day. First Judicial District Court, Carson City; James Todd Russell, Judge.


Our review of the documents submitted to this court pursuant to NRAP 3(g) reveals a jurisdictional defect. Specifically, it appears that the judgment or order designated in the notice of appeal is not substantively appealable. See NRAP 3A(b). This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule. *Taylor Constr. Co. v. Hilton Hotels*, 100 Nev. 207, 678 P.2d 1152 (1984). The district court granted respondent's motion to reschedule appellant's visitation day from May 28, 2017, to May 26, 2017. No statute or court rule provides for an appeal from an order temporarily

restructuring one visitation day. We conclude that we lack jurisdiction,
and we

ORDER this appeal DISMISSED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Pickering

cc: Hon. James Todd Russell, District Judge
Javier Ramirez Rivas
Mayra Arreguin
Carson City Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAVIER RAMIREZ RIVAS,
Appellant,
vs.
MAYRA ARREGUIN,
Respondent.

Supreme Court No. 73343
District Court Case No. 12DR1003911B

REC'D & FILED
2017 AUG -7 PM 12:05
SUSAN MERRIETH
CLERK
DEPUTY

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDER this appeal DISMISSED."

Judgment, as quoted above, entered this 10th day of July, 2017.

IN WITNESS WHEREOF, I have subscribed
my name and affixed the seal of the Supreme
Court at my Office in Carson City, Nevada this
August 04, 2017.

Elizabeth A. Brown, Supreme Court Clerk

By: Dana Richards
Deputy Clerk

1 Code: 1670
2 Name: Javier Ramirez
3 Address: 1371 Village Way F
Gardnerville NV. 89410
4 Telephone: (775) 790 7950
5 Email: _____
Self-Represented Litigant

REC'D & FILED
2017 AUG -8 PM 4:52
SUSAN MERRIWEATHER
CLERK
BY [Signature]
DEPUTY

6
7 IN THE FAMILY DIVISION
8 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF ~~WASHOE~~ CARSON

10 Mayra E Arreguin
11 Petitioner,
12 vs.
13 Javier Ramirez
Respondent.

Case No. 12DR100391 13
Dept. No. 1

14
15 **EX PARTE EMERGENCY MOTION REGARDING CHILDREN**

16 MOTION TO Grant. make up time with children
17 (Fill in the name of this motion)

18 Javier Ramirez, appearing in Proper Person, hereby move this
19 (Your name)

20 Court to issue an emergency order, without notice to Mayra E. Arreguin
21 (The Other Party's name)
22 granting the following:

23 *State only what you want the court to order. Do not explain why you want the order issued*
24 *or why you believe the other party should not have notice of this motion. Those reasons will*
be filled in on the next page.

25 - Grant make up time for visitation with
26 children.
27
28

1 A Decree of Divorce or Order addressing custody and visitation of a minor child(ren) was
2 entered on March 2013. To the best of my knowledge, the last order
(Date the Decree or Order was filed)

3
4 concerning this matter was entered on July 14, 2017 and that order
(Date last order entered in this case)

5
6 concerned Visitation / changed on days.
(Print what the last order was about, such as child support, visitation, TPO, etc.)

7 The child(ren) involved in the matter are:

NAME	AGE	DATE OF BIRTH
Eduardo J. Ramirez	11	04.13.2006
Carlos A. Ramirez	10	10-09-2007

14
15 **Fully explain why you believe this is an emergency situation**

16 I believe this is an emergency and an order should issue from this Court immediately
17 because: Per order issued on July 14th 2017, plaintiff

18 stated that she would be traveling with the
19 children for a vacation at Disneyland which
20 it will affect my parenting time for that
21 period. (see attached order)

22 To make up for the time that I won't see them
23 I would like to take the children camping
24 starting Friday the 11th of August (Eleven) at
25 4 p.m. until Sunday (thirteen) 13th (thirteen)
26 at 5 p.m. I would like this to take place
27 before school starts.
28

1
2
3 Fully explain why you believe the other party should not be contacted
4 and have time to respond to this Motion before the Motion is considered by the Judge


5 I haven't heard of any days from her,
6 and she won't answer emails.
7
8
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19 (If you need more space, you may attach additional sheets of paper. Be sure that you write only on
20 one side of the paper and clearly identify it as a continuation of this explanation.)

21 This document does not contain the Social Security Number of any person.

22 I declare, under penalty of perjury under the law of the State of Nevada, that the foregoing is
23 true and correct.

24 DATED this 8 day of August, 2017.

25 
(Signature)
26 James Ramirez
(Printed Name)
27
28

IN THE FAMILY DIVISION OF THE SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

Mayra E. Arreguin)
)
)
)
vs.)
)
Janet Ramirez)
)
)

FAMILY DIVISION MOTION/OPPOSITION NOTICE (REQUIRED)
CASE NO.
DEPT. NO.

NOTICE: THIS MOTION/OPPOSITION NOTICE **MUST BE ATTACHED AS THE LAST PAGE** to every motion or other paper filed to modify or adjust a final order that was issued pursuant to chapter 125, 125B or 125C of NRS and to any answer or response to such a motion or other paper.

A.	Mark the CORRECT ANSWER with an X .	YES	NO
	1. Has a final decree or custody order been entered in this case? If yes , then continue to Question 2. If no , you do not need to answer any other questions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	2. Is this a motion or an opposition to a motion filed to change a final order? If yes , then continue to Question 3. If no , you do not need to answer any other questions.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	3. Is this a motion or an opposition to a motion filed only to change the amount of child support?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	4. Is this a motion or an opposition to a motion for reconsideration or a new trial <u>and</u> the motion was filed within 10 days of the Judge's Order?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	IF the answer to Question 4 is YES , write in the <u>filing date</u> found on the front page of the Judge's Order.	Date	
B.	If you answered NO to either Question 1 or 2 or YES to Question 3 or 4, you are <u>exempt</u> from the filing fee. However, if the Court later determines you should have paid the filing fee, your motion will <u>not</u> be decided until the fee is paid.		

I affirm that the answers provided on this Notice are true.

Date: 8/8/2017

Signature: Janet Ramirez

Print Name: Janet Ramirez

Print Address: 1371 Village Way F

Telephone Number: Gardnerville NV 89410

(775) 790 7150

1 Code: 3860
2 Name: Javier Ramirez
3 Address: 1371 Village Way F
Carsonville NV 89410
4 Telephone: (775) 790 7550
5 Email: _____
Self-Represented Litigant

6 IN THE FAMILY DIVISION
7 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF WASHOE

9
10 Mayra E. Arreguin
Plaintiff/Petitioner,
11 vs.
12 Javier Ramirez
Defendant/Respondent.

Case No. 12DR100391 1B
Dept. No. 1

13
14 **REQUEST FOR SUBMISSION OF EX PARTE MOTION**

15
16 I, Javier Ramirez, request that the Ex Parte Motion
(print your name here)

17
18 Grant make up time with children filed on _____,
(Print the name of the Ex Parte Motion) (Date the Ex Parte Motion was filed)

19
20 be submitted to the Court for it's consideration and Order.

21 This document does not contain the Social Security number of any person.

22 DATED this 8th day of August, 2017.

23
24 Signature: Javier Ramirez
25 Print Your Name: Javier Ramirez
26
27
28

REC'D & FILED

2017 JUL 14 AM 8:16

SUSAN MERRIWETHER
CLERK

BY  DEPUTY

1 Case No.: 12 DR1 00391 1B

2 Dept. No.: 1

3
4
5
6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY
8

9 MAYRA ARREGUIN,

10 Plaintiff,

11 vs.

12 JAVIER RAMIREZ RIVAS,

13 Defendant.
14

ORDER GRANTING EMERGENCY
MOTION

15 This matter comes before the Court on an Emergency Motion filed by Ms. Arreguin on
16 July 12, 2017.

17 In her Emergency Motion, Ms. Arreguin requested that this Court grant permission for
18 the minor child Carlos to spend the day with her on Sunday, July 16, 2017, and change Mr.
19 Ramirez's visitation day with the child that weekend to Saturday, July 15, 2017, for the same
20 time, so that he won't miss visitation this week. Ms. Arreguin provided that her request is made
21 because she normally works on Sundays but is off this Sunday and would like to have an
22 uninterrupted family day.

23 Ms. Arreguin further requested that she be granted permission to travel to California with
24 the minor children, Eduardo and Carlos, during summer vacation to take the minor children to
25 Disneyland at a date dependent upon a medical appointment of her father.

26 The Court finds that is in the best interests of the parties' minor child, Carlos, to
27 participate in a family day with Ms. Arreguin on July 16, 2017. The Court also finds that it is in
28

1 Carlos' best interests to have visitation with Mr. Ramirez. Thus the Court will reschedule the
2 visitation set for July 16, 2017.

3 Additionally, the Court finds that it is in the parties' minor children's best interest to
4 spend vacation time with Ms. Arreguin.

5 Therefore, based on the foregoing and good cause appearing;

6 IT IS HEREBY ORDERED that Ms. Arreguin's Emergency Motion is GRANTED. Mr.
7 Ramirez's visitation with the parties' minor child Carlos is rescheduled from Sunday, July 16,
8 2017, to Saturday, July 15, 2017, from 2:30 p.m. until 9:00 p.m. Plaintiff shall provide the
9 child's transportation to and from visitation. The visitation shall thereafter return to the
10 previously ordered schedule of every Sunday from 2:30 p.m. until 9:00 p.m.

11 IT IS HEREBY FURTHER ORDERED that Ms. Arreguin shall be allowed to travel to
12 California to take the children to Disneyland during summer vacation and shall provide the Court
13 with her dates of travel once they are known to her and at least one week prior to travel.

14 Dated this 13 day of July, 2017.

15
16 
17 JAMES T. RUSSELL
DISTRICT JUDGE
18
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CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the First Judicial District Court, and that on this 14th day of July, 2017, I deposited for mailing, postage paid, at Carson City, Nevada, a true and correct copy of the foregoing Order addressed as follows:

Javier Ramirez
1371 Village Way F
Gardnerville, NV 89410

Mayra Arreguin
1756 Russell Way E
Carson City, NV 89706

Chris Bayer, CASA
E-mail: chriscasaofcc@gmail.com



Angela Jeffries
Judicial Assistant, Dept. 1

REC'D & FILED

2017 AUG -9 PM 4:50

SUSAN MERRIWETHER
CLERK

BY 
DEPUTY

Case No.: 12 DR1 00391 1B

Dept. No.: 1

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

MAYRA ARREGUIN,

Plaintiff,

vs.

JAVIER RAMIREZ RIVAS,

Defendant.

**ORDER GRANTING EX PARTE
EMERGENCY MOTION REGARDING
CHILDREN**

This matter comes before the Court on an Ex Parte Emergency Motion Regarding Children filed by Mr. Ramirez on August 8, 2017.

In his Ex Parte Emergency Motion, Mr. Ramirez requested that this Court grant him make up visitation time with the parties' minor children for the visitation time he would miss when Ms. Arreguin travels with the children to Disneyland, as allowed for by this Court's Order Granting Emergency Motion issued on July 14, 2017. Specifically, Mr. Ramirez requested that he be allowed to take the children camping from Friday, August 11, 2017, at 4:00 p.m., through Sunday, August 13, 2017, at 5:00 p.m. Therefore, good cause appearing;

IT IS HEREBY ORDERED that Mr. Ramirez's Ex Parte Emergency Motion Regarding Children filed on August 8, 2017, is GRANTED, provided it does not interfere with the children's vacation time with Ms. Arreguin in Disneyland.

Dated this 9th day of August, 2017.


JAMES T. RUSSELL
DISTRICT JUDGE

1 **CERTIFICATE OF MAILING**

2 Pursuant to NRCp 5(b), I certify that I am an employee of the First Judicial District
3 Court, and that on this 16th day of August, 2017, I deposited for mailing, postage paid, at Carson
4 City, Nevada, a true and correct copy of the foregoing Order addressed as follows:

5
6 Javier Ramirez
7 1371 Village Way F
8 Gardnerville, NV 89410

9 Mayra Arreguin
10 1756 Russell Way E
11 Carson City, NV 89706

12 Chris Bayer, CASA
13 E-mail: chriscasaofcc@gmail.com

14 
15 _____
16 Angela Jeffries
17 Judicial Assistant, Dept. 1
18
19
20
21
22
23
24
25
26
27
28

Your Name:
Mailing Address:
City, State, Zip:
Telephone:
In Proper Person

Mayra Arreguin
1756 Russell Way Apt E
Carson City NV 89706
(775) 291-7138

REC'D & FILED

2017 AUG 11 PM 3:05

SUSAN MERRIWETHER
CLERK

BY  DEPUTY

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

Mayra Arreguin

Plaintiff/Petitioner,

Case No.: 12DR100391 1B Emergencia

Dept. No.: 1

vs.

MOTION

Javier Ramirez Rivas

Defendant/Respondent.

I, Mayra Arreguin

(Your Name)

, appearing in Proper Person,

request that the Court enter an Order granting me the following:

State what you want the Court to order. If you have more than one request, clearly list and number each request. Do not explain your requests in detail here, just list them.

1.- Llevar a los niños a las vacaciones
aprovadas por el juez, del día 17 de
Agosto al 20 de agosto

2.- Que las visitas se reanuden la
semana del 24 de Agosto con el niño
Eduardo y el día 27 de Agosto con Carlos
y continuen las visitaciones con normalidad.

1 *Fully explain why you believe you should be granted your request(s).*
2 *List and number each request.*

3 This Motion is made for the following reasons:

- 4 1.- Las vacaciones ya fueron aprobadas
5 por el señor Juez, solamente fenia que
6 notificar las fechas para que el señor
7 juez como el señor Ramirez sean sabedores.
8 2.- Para poder disfrutar las vacaciones las
9 visitaciones de esa semana tienen que ser
10 suspendidas y comenzar la siguientes
11 semana con los dias de costumbre.

1 (If you need more room, you may attach additional sheets of paper. Be sure you write only on
2 one side of each sheet, number the page or pages 3(a), 3(b), etc. and initial each page at the
3 bottom.)

4 This document does not contain the Social Security number of any person.

5 I declare under penalty of perjury under the law of the State of Nevada that the foregoing
6 is true and correct.

7 DATED this 11 day of Agosto, 2017.

8 Mayra E. Arreguin.
9 (Your Signature)

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), the undersigned hereby certifies that on this date, I deposited a true and correct copy of the foregoing Motion in the U.S. Mail with postage pre-paid thereon. addressed to:

Javier Ramirez.
1371 Village Way. F
Gardnerville NV. 89410

Dated this 11 day of Agosto, 2017.

Mayra E. Arreguin.

12 DR1 00391 1B

1- Take the children on vacation approved by the Judge, from the 17th of August until the 20th of August.

2- That the visitation will resume the week of the 24th of August with the child Eduardo and on the 27th of August with Carlos and have the visitation continue like normal.

Page 2

1- The vacation was already approved by Your Honor, I just had to notify of the dates so that Your Honor and Mr. Ramirez would know.

2- To be able to enjoy the vacation the visitation of that week would have to be suspended and commence the following week with the normal days.

Translated by Evelyn S. Wakeling


August 11, 2017

2017 AUG 18 PM 12:10

PROOF OF SERVICE

Court Date:**Court:** FIRST JUDICIAL DISTRICT COURT**File No.** 0007436**Case No.** 12DR1003911B

SUSAN MERRIWETHER

CLERK

Initiator: RAMIREZ, JAVIER**Other:** ARREQUIN, MAYRA**Address:** 1371 VILLAGE WAY # F
GARDNERVILLE, NV 89410**Address:** W: CENTRO MARKET 2794 HWY 50 E
CARSON CITY, NV 0**Plaintiff:** ARREQUIN, MAYRA E**Defendant:** RAMIREZ, JAVIER**Address:**
, 0**Address:**
, 0

1. Documents Served:

REQUEST FOR SUBMISSION

2. Service Attempts:

Date	Time	Address:	Served
<u>6/24/16</u>	<u>14:33</u>	<u>Address: 2794 HWY 50E</u>	<input checked="" type="checkbox"/>
		<u>Notes:</u>	
		<u>Address:</u>	<input type="checkbox"/>
		<u>Notes:</u>	
		<u>Address:</u>	<input type="checkbox"/>
		<u>Notes:</u>	

3. Party Served: MAYRA ARREQUIN

Title: _____

4. I served the party named in Item 3: PERSONALLY

5. Remarks: _____

6. At the time of service I was at least 18 years of age and not a party to this action.

7. I am an authorized individual with the Carson City Sheriff's Office and certify that the foregoing is true and correct.

Doug Strenge
DOUG STRENGE
Carson City Sheriff's Office
911 East Musser Street
Carson City, NV 89701
Phone: 775-887-2500

6/27/16

Date

PROOF OF SERVICE

REC'D & FILED

2017 AUG 18 PM 12:10

Court Date:
Court: FIRST JUDICIAL DISTRICT COURT

File No. 0010723
Case No. 12DR100391B

SUSAN MERRIWETHER
CLERK

Initiator: JAVIER RAMIREZ

Other: BAYER, CHRIS ASA

BY

Address: 1371 VILLAGE WAY# F
GARDNERVILLE, NV 89410

Address: 1539 E 5TH ST
CARSON CITY, NV 89701

Plaintiff: ARREGUIN, MAYRA

Defendant: RIVAS, JAVIER RAMIREZ

Address:
, 0

Address:
, 0

1. Documents Served:
MOTION

2. Service Attempts:

Date	Time	Address	Served
7/27/17	17:00	Address: 1539 E 5TH ST	<input checked="" type="checkbox"/>
		Notes:	
		Address:	<input type="checkbox"/>
		Notes:	
		Address:	<input type="checkbox"/>
		Notes:	

3. Party Served: CHRIS BAYER Title: _____

4. I served the party named in Item 3: PERSONALLY

5. Remarks: _____

6. At the time of service I was at least 18 years of age and not a party to this action.

7. I am an authorized individual with the Carson City Sheriff's Office and certify that the foregoing is true and correct.

Amy White
AMY WHITE
Carson City Sheriff's Office
911 East Musser Street
Carson City, NV 89701
Phone: 775-887-2500

7/27/17
Date



PROOF OF SERVICE

REC'D & FILED

2017 AUG 18 PM12:11

Court Date:		File No. 0007436	SUSAN MERBIWEATHER CLERK BY DEPUTY
Court:	FIRST JUDICIAL DISTRICT COURT	Case No. 12DR1003911B	
Initiator:	RAMIREZ, JAVIER	Other: BAYER, CHRIS CASA	
Address:	1371 VILLAGE WAY # F GARDNERVILLE, NV 89410	Address: 1545 E FIFTH ST CARSON CITY, NV 0	
Plaintiff:	ARREQUIN, MAYRA E	Defendant: RAMIREZ, JAVIER	
Address:	, 0	Address:	, 0

1. Documents Served:
REQUEST FOR SUBMISSION

2. Service Attempts:

Date	Time	Address	Served
<u>7/07/16</u>	<u>12:35</u>	<u>Address: 1539 E FIFTH ST</u>	<input checked="" type="checkbox"/>
		<u>Notes:</u>	
		<u>Address:</u>	<input type="checkbox"/>
		<u>Notes:</u>	
		<u>Address:</u>	<input type="checkbox"/>
		<u>Notes:</u>	

3. Party Served: CHRIS BAYER Title: _____

4. I served the party named in Item 3: PERSONALLY

5. Remarks: _____

6. At the time of service I was at least 18 years of age and not a party to this action.

7. I am an authorized individual with the Carson City Sheriff's Office and certify that the foregoing is true and correct.

LEE MAJOR
Carson City Sheriff's Office
911 East Musser Street
Carson City, NV 89701
Phone: 775-887-2500

7/08/16
Date

Your name:
Mailing Address:
City, State, Zip:
Telephone:
In Proper Person

Javier Ramirez
1371 Village Way F
Gardnerville NV 89410
(775) 750 7950

REC'D & FILED
2017 AUG 18 PM 12:11
SUSAN HERRIN WHEELER
CLERK
BY [Signature]
DEPUTY

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

Mayra E. Arreguin

Plaintiff,

Case No.: 12DR1003911B

Dept. No. 1

vs.

REQUEST FOR SUBMISSION

Javier Ramirez Rivera

Defendant.

COMES NOW, Javier Ramirez, in proper person, and hereby

(your name)

requests that the Motion to show cause for contempt of court previously filed

(name of document previously filed)

in the above-entitled matter on June 20th, 2017, be submitted to

(date document filed)

the Court for consideration.

DATED this 18 day of August, 2017.

(Signature)

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), the undersigned hereby certifies that on this date, I deposited a true and correct copy of the foregoing Request to Submit in the U.S. Mail with postage pre-paid thereon, addressed to:

Work Mayra E. Arreguin
(other party's name)
Centro market 2794 Hwy 50 E
(other party's mailing address)
Carson City NV 89701
(other party's mailing address)

Dated this 18 day of August, 20 19.

Jan 30
(Signature)

cc
CASA
Chris Buyer

REC'D & FILED

2017 AUG 21 PM 3:44

SUSAN HERRIWEATHER
CLERK

BY [Signature] DEPUTY

Case No.: 12 DR1 00391 1B

Dept. No.: 1

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

MAYRA ARREGUIN,

Plaintiff,

vs.

JAVIER RAMIREZ RIVAS,

Defendant.

**ORDER DENYING MOTION TO SHOW
CAUSE FOR CONTEMPT OF COURT**

This matter comes before the Court on a Motion to Show Cause for Contempt of Court filed by Mr. Ramirez on June 20, 2017. A Request for Submission was filed on August 18, 2017. No Response was filed by Ms. Arreguin.

In his Motion, Mr. Ramirez asserted that Ms. Arreguin failed to comply with this Court's Order After April, 26, 2017 Hearing, requiring Ms. Arreguin to initiate telephonic visitations between Mr. Ramirez and the children on Mondays at 6:30 p.m. and on holidays and birthdays. Mr. Ramirez provided that Ms. Arreguin failed to initiate telephonic visitation on Father's Day, June 18, 2017, and on Monday, June 19, 2017, and requested that this Court enter an order charging Plaintiff with contempt of court and subpoenaing Plaintiff's phone records.

Therefore, good cause appearing;

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1 IT IS HEREBY ORDERED that Mr. Ramirez's Motion to Show Cause for Contempt of
2 Court filed on June 20, 2017, is DENIED. However, Ms. Arreguin is reminded to comply with
3 telephonic visitation schedule provided in the Court's Order After April, 26, 2017 Hearing.

4 Dated this 21 day of August, 2017.

5 
6 JAMES T. RUSSELL
7 DISTRICT JUDGE
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CERTIFICATE OF MAILING

Pursuant to NRCp 5(b), I certify that I am an employee of the First Judicial District Court, and that on this 21st day of August, 2017, I deposited for mailing, postage paid, at Carson City, Nevada, a true and correct copy of the foregoing Order addressed as follows:

Javier Ramirez
1371 Village Way F
Gardnerville, NV 89410

Mayra Arreguin
1756 Russell Way E
Carson City, NV 89706

Chris Bayer, CASA
E-mail: chriscasaofcc@gmail.com



Angela Jeffries
Judicial Assistant, Dept. 1

12 OR 100-111B
Dist. I

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

2017 AUG 23 AM 11:46

JAVIER RAMIREZ RIVAS,
Appellant,
vs.
MAYRA ARREGUIN,
Respondent.

No. 71908 MERRIWETHER
CLERK

FILED

DEPUTY

AUG 22 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DIRECTING PREPARATION OF TRANSCRIPTS

This is an appeal from a district court post-divorce decree order modifying custody. Appellant has filed a transcript request form seeking a transcript of a hearing held in the underlying proceedings. Appellant has been granted in forma pauperis status, and thus, the transcript preparation fees are waived. See NRS 12.015(3). On review of the record, this court has determined that the transcript of the hearing held on October 27, 2016, would be helpful in resolving this appeal.¹ See *id.* (stating that the court shall order transcripts at county expense if it determines that a transcription of the proceedings would be helpful to appellate review of the case).

Accordingly, we direct the Carson City Clerk to have a certified copy of the transcript of the proceedings of the hearing listed above prepared

¹Appellant's transcript request form indicated that he was seeking transcripts from hearings held October 26 and November 4, 2016. But November 4, 2016, is the date on which the challenged order was entered, and the record before us does not indicate that a hearing was held on that date. And because the November 4 order and the documents before us indicate that the hearing resulting in that order was held on October 27, 2016, rather than on October 26, we have directed that transcripts from the October 27 hearing be prepared.



and filed, at county expense. The transcript shall be filed in the district court and served upon appellant within 30 days from the date of this order, and a certificate acknowledging delivery is due in this court within 10 days from the date of service. See NRAP 9(c)(1) and (2). Additionally, we direct the district court clerk to transmit a copy of the transcript to this court as a supplement to the record within 15 days of the district court's receipt of the transcript.

It is so ORDERED.

Gilner, C.J.

cc: Javier Ramirez Rivas
Mayra Arreguin
Carson City Clerk





PROOF OF SERVICE

REC'D & FILED

AUG 29 PM 4:02

SUSAN NEUBER
CLERK
BY *[Signature]*
DEPUTY

Court Date:

Court: FIRST JUDICIAL DISTRICT COURT

File No. 0011329

Case No. 12DR1003911B

Initiator: JAVIER RAMIREZ RIVAS

Other: ARREQUIN, MAYRA

Address: 1371 VILLAGE WAY #F
GARDNERVILLE, NV 89410

Address: 2794 HWY 50 E
CENTRO MARKET
CARSON CITY, NV 89701

Plaintiff: ARREQUIN, MAYRA

Defendant: RIVAS, JAVIER RAMIREZ

Address:
, 0

Address:
, 0

1. Documents Served:

REQUEST FOR SUBMISSION

2. Service Attempts:

Date	Time	Address	Served
<u>8/23/17</u>	<u>13:11</u>	<u>Address: 2794 HWY 50E</u>	<input checked="" type="checkbox"/>
		<u>Notes:</u>	
		<u>Address:</u>	<input type="checkbox"/>
		<u>Notes:</u>	
		<u>Address:</u>	<input type="checkbox"/>
		<u>Notes:</u>	

3. Party Served: MAYRA ARREQUIN Title: _____

4. I served the party named in Item 3: PERSONALLY

5. Remarks: _____

6. At the time of service I was at least 18 years of age and not a party to this action.

7. I am an authorized individual with the Carson City Sheriff's Office and certify that the foregoing is true and correct.

[Signature]
LEE MAJOR 9621
Carson City Sheriff's Office
911 East Musser Street
Carson City, NV 89701
Phone: 775-887-2500

8/25/17
Date

Your Name:
Mailing Address:
City, State, Zip:
Telephone:
In Proper Person

Javier Ramirez
1371 Village Way E
Gardnerville Nevada 89410
(775) 790-7950

REC'D & FILED

2017 SEP -1 PM 4:39

SUSAN MERRIWETHER
CLERK

BY

DEPUTY

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

Mayra E. Arreguin

Plaintiff/Petitioner,

Case No.: 12021003 91 1B

Dept. No.: 1

vs.

Javier Ramirez

Defendant/Respondent.

MOTION To extend visits
with minor children therapy
involvement and to show
cause for deprivation of
visitation rights.

I Javier Ramirez

(Your Name)

, appearing in Proper Person,

request that the Court enter an Order granting me the following:

State what you want the Court to order. If you have more than one request, clearly list and number each request. Do not explain your requests in detail here, just list them.

- 1- Extend visits with children;
- 2- To participate in children's therapy sessions
- 3- Set up hearing to discuss plaintiff's decision to deprive defendant of visitation rights.

1 **Fully explain why you believe you should be granted your request(s).**
2 **List and number each request.**

3 This Motion is made for the following reasons:

- 4 1.- Eduardo Ramirez has entered middle school and needs
5 support from parents on homework, since plaintiff
6 has limited knowledge of the english language
7 I would like to get more involved on his homework
8 2.- It's important that the children behavior is
9 consistent while they are spending time with me
10 in order to get this accomplished I would like
11 to follow the same recommendations given by the
12 therapist during sessions and also to get
13 more involve in any legal decisions as my
14 divorced decree states.
15 3.- Plaintiff trip never took place to Disney
16 land as previously ordered by this court
17 on the day August 17, 2017. I waited for
18 more than 2 hours for the visit with
19 Eduardo to take place, a copy of the dispute
20 log will be provide it at hearing. on the
21 same week August 20, 2017. the visitation
22 with Carlos A. Ramirez did not take place as
23 well. I'm ~~submit~~ filling this order by recommendation
24 of (ASP, UTA Emails. (see attached paperwork)
25

1 (If you need more room, you may attach additional sheets of paper. Be sure you write only on
2 one side of each sheet, number the page or pages 3(a), 3(b), etc. and initial each page at the
3 bottom.)

4 This document does not contain the Social Security number of any person.

5 I declare under penalty of perjury under the law of the State of Nevada that the foregoing
6 is true and correct.

7 DATED this 1st day of September, 2017.

8 
9 (Your Signature)

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), the undersigned hereby certifies that on this date, I deposited a true and correct copy of the foregoing Motion in the U.S. Mail with postage pre-paid thereon, addressed to:

Maara E. Arreguin
1756 Russell Way E
Carson City NV 89706

Dated this 1st day of September, 2017.

Chris Bayer for
CASA of CARSON City
1539 E. 5th St.
CARSON CITY, NV 89701

From Chris At Casa

CW BAYER <chriscasaofcc@gmail.com>

Fri 8/18/2017 6:04 PM

To: viveenmi2011@hotmail.com <viveenmi2011@hotmail.com>; mayra_ae20@hotmail.com <mayra_ae20@hotmail.com>;

Mayra, Javier.

I think you two need to think about directly communicating with each other and being flexible. If you want vacation or holiday with the boys why don't you just ask the other parent well in advance and then why don't you each try to work with the other. Be flexible. Work with each other. Communicate well. And then you can stop using the court system. Stop arguing. Keep your personal distance from each other. Keep expectations of the other parent to a minimum. Don't tell the other parent how to parent. But do work with each other on vacations and holidays. In advance. Just a thought.

Chris

Sent from my iPhone

Sleepover.

javier ramirez

Sat 8/26/2017 2:27 PM

To: Mayra Arreguin <mayra_ae20@hotmail.com>; CW BAYER <chriscasaofcc@gmail.com>;

Mayra:

The kids won't have school and I will be off as well on September 4th 2017, I would like to have both of them for a sleep over that weekend, Either Friday To Sunday or Saturday to Monday, Pick up will be at 4:30 pm and returning time will be at 7:00 pm.

Thank You

Javier

Re: Parenting time

CW BAYER <chriscasaofcc@gmail.com>

Mon 8/28/2017 8:30 PM

To: javier ramirez <viveenmi2011@hotmail.com>;

Got the email
It's her choice to respond
The parenting times are set by court order
You can file a motion if you wish
C

Sent from my iPhone

On Aug 28, 2017, at 7:26 PM, javier ramirez <viveenmi2011@hotmail.com> wrote:

Hi Chris:

I'm writing this while I'm on the phone with Eduardo.... last Thursday we did nothing but homework which it was done in a rushed..

I would like to help them more and do it personally, rather than over the phone, i don't want the calls to extend to a long period of time and of respect to Mayra's cell use. Eduardo's homework it's getting a little more complicated and I don't want him to fail on his grades

I feel that the time frame for the Thursdays visit with Eduardo it's too short to get anything accomplished without being rushed ..

Please help me to address this with Mayra.

Also I want to ask you if you got the email that i sent to her about this coming holiday weekend..

Thank You

No.12DR100391

REC'D & FILED

2017 SEP -1 PM 4:42

SUSAN MERRIWETHER
CLERK

IN THE FIRST JUDICIAL COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CARSON

Plaintiff:

Mayra E. Arreguin

VS.

Defendant:

Javier Ramirez

NOTICE OF APPEAL

Notice is hereby given that Javier Ramirez, defendant above named, hereby appeals to the Supreme Court Of Nevada, from **ORDER DENYING MOTION TO SHOW CAUSE FOR CONTEMP OF COURT** entered in this action on the 21st of August, 2017

Respectfully submitted

Javier Ramirez

1371 Village Way Apt F

Gardnerville, NV. 89410

Dated September 1, 2017

REC'D & FILED

2017 AUG 21 PM 3:44

SUSAN MERRIWETHER
CLERK

BY
DEPUTY

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

MAYRA ARREGUIN,

Plaintiff,

vs.

JAVIER RAMIREZ RIVAS,

Defendant.

**ORDER DENYING MOTION TO SHOW
CAUSE FOR CONTEMPT OF COURT**

This matter comes before the Court on a Motion to Show Cause for Contempt of Court filed by Mr. Ramirez on June 20, 2017. A Request for Submission was filed on August 18, 2017. No Response was filed by Ms. Arreguin.

In his Motion, Mr. Ramirez asserted that Ms. Arreguin failed to comply with this Court's Order After April, 26, 2017 Hearing, requiring Ms. Arreguin to initiate telephonic visitations between Mr. Ramirez and the children on Mondays at 6:30 p.m. and on holidays and birthdays. Mr. Ramirez provided that Ms. Arreguin failed to initiate telephonic visitation on Father's Day, June 18, 2017, and on Monday, June 19, 2017, and requested that this Court enter an order charging Plaintiff with contempt of court and subpoenaing Plaintiff's phone records.

Therefore, good cause appearing;

///

///

///

///

1 IT IS HEREBY ORDERED that Mr. Ramirez's Motion to Show Cause for Contempt of
2 Court filed on June 20, 2017, is DENIED. However, Ms. Arreguin is reminded to comply with
3 telephonic visitation schedule provided in the Court's Order After April, 26, 2017 Hearing.

4 Dated this 21 day of August, 2017.

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7 JAMES T. RUSSELL
8 DISTRICT JUDGE
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1 CERTIFICATE OF MAILING

2 Pursuant to NRCP 5(b), I certify that I am an employee of the First Judicial District
3 Court, and that on this 21st day of August, 2017, I deposited for mailing, postage paid, at Carson
4 City, Nevada, a true and correct copy of the foregoing Order addressed as follows:

5
6 Javier Ramirez
1371 Village Way F
7 Gardnerville, NV 89410

8 Mayra Arreguin
9 1756 Russell Way E
Carson City, NV 89706

10 Chris Bayer, CASA
11 E-mail: chriscasaofcc@gmail.com

12 
13 _____
Angela Jeffries
14 Judicial Assistant, Dept. 1
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REC'D & FILED

2017 SEP -5 AM 11:31

SUSAN MERRIWETHER
CLERK
BY *Hanchison*
DEPUTY

In The First Judicial District Court of the State of Nevada
In and for Carson City

MAYRA ARREGUIN,

Petitioner(s),

vs.

JAVIER RAMIREZ RIVAS,

Respondent(s).

Case No.: 12 DR1 00391 1B

Dept. No.: I

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:
- JAVIER RAMIREZ RIVAS
2. Identify the judge issuing the decision, judgment, or order appealed from:
- HONORABLE JAMES T. RUSSELL
3. Identify each appellant and the name and address of counsel for each appellant:
- JAVIER RAMIREZ RIVAS
1371 VILLAGE WAY, APT. 5
GARDNERVILLE, NV 89410
4. Identify each respondent and the name and address of appellate counsel, if known, for 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):
- MAYRA ARREGUIN
1756 RUSSELL WAY #E
CARSON CITY, NV 89706

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

5 - NOT APPLICABLE

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

8 - APPELLANT IN PROPER PERSON IN DISTRICT COURT

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

10 - APPELLANT IN PROPER PERSON ON APPEAL

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

13 - APPELLANT PREVIOUSLY GRANTED LEAVE TO PROCEED IN FORMA
14 PAUPERIS ON FEB. 11, 2013; APRIL 18, 2013; AND ON JUNE 28, 2017

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

17 - COMPLAINT FOR DIVORCE FILED AUG. 6, 2012

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

21 - ORDER DENYING MOTION TO SHOW CAUSE FOR CONTEMPT OF
22 COURT, FILED SEPT. 1, 2017

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

26 - CASE WAS PREVIOUSLY ON APPEAL - JAVIER RAMIREZ RIVAS,
27 APPELLANT VS MAYRA ARREGUIN, RESPONDENT - ORDER
28 DISMISSING APPEAL FILED JULY 10, 2017; SUPREME COURT #73343

1 ACTIVE APPEAL PENDING WITH THE SUPREME COURT; JAVIER
2 RAMIREZ RIVAS, APPELLANT VS MAYRA ARREGUIN, RESPONDENT;
3 SUPREME COURT NO. 71908

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

5 - INVOLVES BOTH CHILD CUSTODY AND VISITATION

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

7 - NOT APPLICABLE.

8 Dated this 5th day of September, 2017.

9 SUSAN MERRIWETHER, Carson City Clerk
10 885 E. Musser St., #3031
11 Carson City, NV 89701

12 By , Deputy
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CASE NO. 12-DR1-00391 1B

DEPT. NO. 1

 ORIGINAL

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR CARSON CITY


MAYRA ARREGUIN,

Petitioner,

vs.

JAVIER RAMIREZ RIVAS,

Respondent.

REC'D & FILED
2017 SEP -6 PM 12:45
SUSAN MERRING
CLERK
BY 

CD TRANSCRIPT OF PROCEEDINGS

HEARING

OCTOBER 27, 2016

APPEARANCES:

For the Petitioner:

MAYRA ARREGUIN
In Pro Per
Carson City, Nevada

For the Defendant:

JAVIER RAMIREZ RIVAS
In Pro Per
Carson City, Nevada

Reported By:

Kathy Jackson CSR
Nevada CCR #402
California CCR #10465

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INDEX OF WITNESSES

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CHRIS BAYER

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MAYRA ARREGUIN

Examination by The Court	55
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1 OCTOBER 27, 2016, CARSON CITY, NEVADA

2 -oOo-

3 THE COURT: Just for the record, again, this is
4 Case 12DR100391, in respect to this matter, and we have Mayra
5 Arreguin.

6 THE INTERPRETER: Mayra Arreguin.

7 THE COURT: And we have an interpreter Jessica
8 Escobar in respect to that. We also have Mr. Ramirez Rivas
9 here in respect to this particular matter.

10 We're here today based upon there was an order
11 issued by the Supreme Court indicating not changing anything
12 specifically but indicating that we needed to go ahead under
13 a case that came out fairly recently called the Lewis V.
14 Lewis case came out in June, which indicated clearly there
15 was a need to essentially set forth specific findings in
16 respect to this particular matter in regards to this Court,
17 and the Court basically -- Mr. Ramirez, are you going to sit
18 down or not?

19 MR. RAMIREZ RIVAS: Yes, Your Honor, I was just
20 disconnecting the cell phone, yes.

21 THE COURT: In respect to this particular matter.
22 So we're going to go ahead and the Court's intent is to go
23 through and basically go through where we are in respect to
24 this particular matter, how we got here in respect to that,

1 and then we also appreciate the counselor Mr. Komarek being
2 here today and Mr. Bayer, who is the CASA representative in
3 respect to this particular matter.

4 Essentially we're concerned primarily with the
5 two ~~minor~~ children, Eduardo, date of birth 4-13 2006 and
6 Carlos, date of birth October 9th, 2007, in respect to this
7 particular matter.

8 We're here in regards to the visitation in
9 respect to this particular matter. Previously, this Court
10 had given parties joint legal custody in respect to this
11 matter but additionally had given Mayra the primary physical
12 custody of the children in respect to this particular matter.

13 I've read the reports provided by CASA and the
14 report provided by Mr. Komarek -- Komarek?

15 MR. KOMAREK: Komarek.

16 THE COURT: Komarek in respect to this particular
17 matter. Those were both provided to Mr. Ramirez Rivas; is
18 that correct?

19 MR. RAMIREZ RIVAS: It's Mr. Ramirez Rivas, Your
20 Honor.

21 THE COURT: And you got the reports?

22 MR. RAMIREZ RIVAS: I did.

23 THE COURT: Okay. I just want to make sure you
24 received the reports in respect to this particular matter in

1 regards to this case.

2 Additionally, in regards to this particular
3 matter, what I would like to do is just -- at this current
4 time I did read the reports. I would like at this time,
5 we'll start with, Mr. Komarek, would you please come forward,
6 sir, and go ahead and have you raise your right hand and be
7 sworn.

8
9 CHRISTOPHER L. KOMAREK,
10 called as a witness on behalf of the
11 Court having been first duly sworn,
12 was examined and testified as follows:
13

14 THE COURT: Please take the witness stand. It's
15 the far one. At this time the Court is going to ask
16 questions, and then both parties will be allowed to ask any
17 follow-up questions if they feel it's necessary.

18 EXAMINATION

19 BY THE COURT:

20 Q. Again, please, sir, state your name.

21 A. Christopher L. Komarek.

22 Q. Mr. Komarek, at this time -- and your last name
23 is spelled K-o-m-a-r-e-k?

24 A. It is.

1 Q. And what is your occupation?

2 A. I'm a licensed clinical social worker in private
3 practice.

4 Q. Okay. And are you familiar with the two children
5 in this case, the Ramirez children?

6 A. I am.

7 Q. And one of them is Eduardo, date of birth 4-13
8 2006, and the other one is Carlos, is that correct, date of
9 birth October 9th, 2007?

10 A. Yes.

11 Q. And how long have you been seeing these children?

12 A. Approximately three years.

13 Q. Okay. And how did you start seeing these
14 children, on what basis?

15 A. I don't remember the specific referral process
16 but they showed up as a referral at the agency that I was
17 working at, and so I did the intake, and they became a part
18 of my caseload.

19 Q. And primarily was it arising out of certain abuse
20 allegations or things that had taken place?

21 A. It appeared to be arising out of a conflict in a
22 divorce between Mr. Ramirez and Ms. Arrequi and the
23 difficulties that the children were having at that time
24 regarding the divorce and the conflict between the parents.

1 Q. And based upon that did you believe there was
2 still a high conflict between the parents?

3 A. Yes.

4 Q. And as a result of dealing with these children
5 over the last three years, you got to know them fairly well?

6 A. Quite well, Your Honor.

7 Q. Do you have a good relationship with them?

8 A. Excellent relationship.

9 Q. Do they feel comfortable with you?

10 A. Yes.

11 Q. Do you feel that they -- they correctly and
12 truthfully relate to you their feelings?

13 A. As best as children can, yes.

14 Q. Given that in regards to that, I note that from
15 your report -- and the report that I'm referring to is dated
16 October 27th, 2016, which is your latest report in regards to
17 this matter that essentially you feel that in regards to
18 Carlos that he's made some progress in respect to that and he
19 doesn't have to continue with therapy in your opinion; is
20 that correct?

21 A. It's a temporary recommendation to see how well
22 he maintains himself over the course of a few months and if
23 he does to serve as a motivator for his older brother to work
24 a little harder in therapy to --

1 Q. It looks to me like the boys are doing well in
2 school now or better in school now than they were?

3 A. Last year Carlos did extremely well. He was very
4 diligent with his academic studies and his homework and
5 turning things in, and he was highly engaged. This year he
6 has begun to slack off a little bit, and so I just recently
7 saw him in therapy, and we began to address his more recent
8 behavior.

9 Q. As a result of this particular, your dealings
10 with the children over a period of three years in their
11 involvement with their father, Mr. Ramirez, in respect to
12 that, currently we have a visitation schedule in place in
13 regards to primarily the two boys, and I think this is
14 correct in regards to Carlos is every other Friday from 3:00
15 to 9:00 p.m. and then Eduardo, and that's unsupervised, and
16 in respect to Eduardo, it's every other Thursday from
17 4:00 p.m. at the Ron Wood Center and that's supervised. Do
18 you continue to believe that's a good schedule or should the
19 schedule be changed and Carlos the time with his father be
20 extended?

21 A. There's no indication that a change is necessary
22 in either direction, either more restrictive or greater for
23 him.

24 Q. I did read in the CASA report, you indicated that

1 you at least had indicated as included and tried to create
2 some conditions that Mr. Ramirez would agree with in respect
3 to expanding some kind of time period with Carlos on his day
4 off every other week for eight hours, from 11:00 to
5 7:00 p.m., including travel time. However, there were some
6 conditions that you put into play; is that correct?

7 A. Yeah, that was a recommendation from a few months
8 ago I believe, Your Honor.

9 Q. So in respect to trying to go through that, it's
10 my understanding that basically Mr. Ramirez was okay, but he
11 had problems with number four which was Mr. Ramirez and
12 parenting time, there would be no question of Carlos about
13 his life in his mother's house and about the details of
14 therapy, and he wouldn't agree to that; is that correct?

15 A. That I'm not sure of, Your Honor, whether he
16 would agree or not -- did agree or not.

17 Q. Well, I've looked through this. Do you have any
18 feelings in regards to whether or not the boys, obviously, I
19 think one -- do you think they want to spend more time with
20 their father?

21 A. Neither of them have given that indication to me,
22 Your Honor.

23 Q. In respect to Carlos, in regards to his father,
24 do you think that he's in a safe healthy environment when

1 he's with his father unsupervised?

2 A. There's nothing to indicate otherwise at this
3 point, Your Honor.

4 Q. As far as Eduardo, he has some serious issues in
5 regards to his Encopresis?

6 A. Encopresis, yes.

7 Q. Has that basically subsided and been taken under
8 control?

9 A. It is still intermittent. It has not completely
10 subsided, Your Honor.

11 Q. In reading your report, it sounds to me like
12 his -- he has more trauma of his relationship with his father
13 than Eduardo; is that correct? Maybe I --

14 A. Could you say that again, please.

15 Q. It appears in reviewing the report that at least
16 Eduardo has more trauma dealing with his relationship with
17 his father coming out of the divorce and dealing with things;
18 is that correct?

19 A. Yes.

20 Q. Is that because he's a little older and probably
21 a little more familiar with what was going on than Carlos
22 was?

23 A. I don't -- I wouldn't describe his difficulties
24 to being older. I would ascribe his difficulties to the

1 attachment that he had to his father. His level of emotional
2 sensitivity I believe is greater. His ability to cope --
3 effectively cope with his emotions seem -- appears to be more
4 difficult for him, and he feels quite angry still about the
5 divorce and the conflict that occurred on a regular basis
6 between mom and dad.

7 Q. Would you describe the children's relationship
8 with their mother.

9 A. Overall quite good. As I noted in this current
10 report, however, that Eduardo because of the divorce tried to
11 become man of the family, tried to take over and become boss
12 of the house, was defiant to his mother and can still be to
13 some degree disrespectful and defiant, though not
14 aggressively or particularly openly, just, you know, more
15 noncompliant kind of things and less willing to follow
16 through with mom's request without her kind of pushing on him
17 harder.

18 Q. Do you think she has tried to preclude any
19 association with the children with their father?

20 A. I don't believe she's actively or purposely done
21 that, no, Your Honor.

22 Q. What about the, I guess the -- Mr. Ramirez is a
23 difficult person I think to deal with in some ways, would you
24 agree with that?

1 A. Yes, Your Honor.

2 Q. And that's based upon the Court's review of this
3 matter over quite a period. Mr. Ramirez has a belief, at
4 least in the Court's mind, that he's right and that he to
5 some extent is not willing to cooperate in some ways. Do you
6 think that's a fair statement?

7 A. Yes.

8 Q. And is he difficult for you to talk to or deal
9 with?

10 A. He has been in the past. I have had very limited
11 action with Mr. Ramirez probably in the last 18 months.

12 Q. Do you think it's important for Eduardo and
13 Carlos to maintain their relationship as well?

14 A. I do.

15 Q. Do they rely on each other?

16 A. Yes.

17 Q. Is there anything else you would like to tell the
18 Court that I haven't covered based upon my review of your
19 report? Is there anything else you think you would like to
20 add?

21 A. No, Your Honor. I believe I've covered
22 everything I think I needed to say in this last report.

23 THE COURT: Ms. Arreguin, do you have any
24 particular questions of the counselor you would like to ask?

1 THE INTERPRETER: No, up to the moment, no.

2 THE COURT: Mr. Ramirez, do you have any
3 questions?

4 MR. RAMIREZ RIVAS: I do, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. RAMIREZ RIVAS:

7 Q. You mentioned that Eduardo did, I mean Carlos did
8 pretty well last year in school. As a matter of fact he is
9 the one who went to summer school, so sorry.

10 This is the report from August, Your Honor. This
11 is from Mr. Komarek. I don't know if he wants to read it to
12 you or if you want to read it yourself.

13 THE COURT: This is August 26, 2016?

14 MR. RAMIREZ RIVAS: Correct, I don't know if the
15 Court has a copy of that. I'm surprised that he's not
16 mentioned it in the last report.

17 Q. He stated on his report that Eduardo has been
18 wetting himself purposely in his bed to get even with mom
19 because he cannot play video games, that came from him.

20 A. Yes.

21 Q. This year -- go ahead.

22 A. No, I just agreed with you is all, I'm sorry.

23 Q. This year brought this to the Court's attention
24 what the -- January 6th of 2016 that that was the issue.

1 Based on that we're here today because the Court believed
2 that was manipulating the kid. I'm just --

3 THE COURT: Sir, this is your time to ask
4 questions. Ask a question.

5 MR. RAMIREZ RIVAS: Go ahead, I'm sorry.

6 It is just appealing to me that he looks for the
7 best interest of the children knowing that Eduardo has been
8 doing this for over six months according to his report.
9 Nothing was brought up to Mr. Bayer. Nothing was brought up
10 to me.

11 THE COURT: Is there a question?

12 MR. RAMIREZ RIVAS: And I sent an e-mail, and I
13 say I have some concerns.

14 THE COURT: Is there a question of this witness.

15 MR. RAMIREZ RIVAS: Why you not send this on time
16 and provide the Court? You made a statement this year, the
17 beginning of the year that I was the cause of this. You made
18 a discovery in August about Eduardo's behavior. Eduardo's
19 behavior and his grades are showing big time for the last two
20 years, his grades are dropping. We have the report over the
21 last two years, and he had no contact with me. His grades
22 are dropping. That's not in the best interest of the
23 children. That's not in the best interest of the children to
24 have mom fighting with him or have him sleep in a wet bed on

1 a daily basis, that's not in the best interest of the
2 children, Mr. Komarek, it's not.

3 THE COURT: Well, I guess there's a question to
4 you.

5 THE WITNESS: I'm not sure what the question is.

6 Q. (BY MR. RAMIREZ RIVAS:) The question is if
7 discovery was made in August and according to that report,
8 Your Honor, there was missed visits. We don't know how many
9 times she goes and takes the kids to -- to the sessions. It
10 could be once a month.

11 THE COURT: Ask a question.

12 MR. RAMIREZ RIVAS: I asked the question. I have
13 some concerns. I have some concerns. I keep sending
14 e-mails. I need to talk to you. I need to be present at the
15 sessions. He refuses. Now the discovery is there.

16 Why didn't you provide this on time?

17 A. Provide what on time, sir?

18 Q. The discovery of Eduardo wetting on himself.
19 It's already, you know, close to November. We going three
20 months again, in addition to six months of wetting this --
21 this kid wetting himself. I know three months since August.

22 A. What is your question, sir?

23 Q. Why did you not provide this report on time?

24 That's my question.

1 A. The report is the information as provided as it
2 is uncovered in therapy, sir.

3 Q. You as a social worker, you have by Nevada
4 statutes that you need to notify within 24 hours of any
5 abuse, of any kind of abuse towards the children. If you
6 know that this was happening with Eduardo and his mother, you
7 have by statutes to have to send this within 24 hours. You
8 waited three months to tell me this.

9 A. There's no abuse here, sir.

10 Q. When you sit there at the beginning of the year
11 and you accuse me I'm the cause of it because I'm here
12 defending myself, I'm considered the abuser. What is the
13 difference with her?

14 THE COURT: Well, to the extent that you can
15 answer. I'm not sure what the question is. In your opinion,
16 let me -- I'll help. To some extent, you obviously had a
17 report, provided the report. I think the reports are
18 provided to the Court and probably provided to the Court; is
19 that correct?

20 THE WITNESS: The reports are provided to CASA
21 and CASA distributes as he sees fit.

22 THE COURT: Right. And at the time that you
23 basically went -- at the time in August that this took place
24 in respect to that, did you feel that Eduardo was being

1 abused at all?

2 THE WITNESS: No, Your Honor.

3 THE COURT: Basically your report just indicates
4 you thought he was purposely wetting himself in his bed as
5 revenge against his mother for following the writer's
6 recommendation of suspending his access to video games?

7 THE WITNESS: Yes, Your Honor.

8 THE COURT: Is that abuse?

9 THE WITNESS: No, it's not, Your Honor. It's
10 pure parenting, appropriate parenting.

11 Q. (BY MR. RAMIREZ RIVAS:) According to the
12 testimony you give to this Court the beginning of the year,
13 you stated that all I said was a lie. When I presented to
14 you and said Eduardo does this because he wants to spend time
15 with video games, Your Honor, that's not true. So now we
16 have mom --

17 A. This is --

18 Q. Go ahead.

19 A. This has nothing to do with Eduardo's wanting to
20 spend time with you, Mr. Ramirez.

21 Q. It has to do with his Encopresis. She just
22 triggers more and more the Encopresis for not allowing him to
23 be little by little, Your Honor. So for the last six months
24 according to the August report, he and her have been dealing

1 with this problem, not me, now from August to almost
2 November.

3 A. Uh-huh.

4 Q. We have a child that is probably sleeping in a
5 soaked wet pissed bed. I don't think she's buying a mattress
6 every month. And, Your Honor, if you could issue an order, I
7 would like CPS to take that bed. I can only imagine that bed
8 that has been peed on for six months, eight months now. My
9 question is if this is the reason we're here, I'm the cause
10 of it. I caused Encopresis. She's causing it.

11 A. She's not causing it.

12 Q. So what is this report about?

13 A. Do you think -- okay. You clearly don't
14 understand what is happening.

15 Q. I understand what's happening.

16 A. No, sir.

17 THE COURT: Let him finish his answer.

18 THE WITNESS: You don't. I'm sorry, you don't,
19 okay. When children receive consequences from their parents
20 for inappropriate behavior as a corrective measure, they move
21 in a direction from anywhere from understanding that that
22 consequence is designed to gain compliance with a request,
23 the appropriate request of the parent about their behavior.
24 Ideally that's their response. They get it. They understand

1 that I did something inappropriate and that I received a
2 consequence for it and that I should change my behavior and
3 not do that anymore.

4 However, not all children respond in that way.
5 Sometimes they escalate their negative behaviors and begin a
6 power struggle. That's the first level and first step that
7 often occurs. Eduardo has done that with his mother
8 repeatedly over the course of -- over the course of time.

9 However, because Eduardo is very attached to
10 electronics and is very attached to video games, over the
11 course of the last couple of years, his mother and I have
12 worked together to try and set appropriate consequences for
13 him to get him to limit his video game activity and to adhere
14 to other responsibilities such as his academics, as well as
15 appropriate household chores and other personal
16 responsibilities.

17 Q. (BY MR. RAMIREZ RIVAS:) As work?

18 A. Please stop. However, in this case, okay,
19 because of Eduardo's attachment to his electronics and to his
20 video games, he did not respond in a positive way to even
21 attempting to limit his access, okay, and give him partial
22 access to video games on occasion. So it was my
23 recommendation to his mother that she cease allowing him
24 access to all video games. This has occurred for now over a

1 year and Mayra has -- Ms. Arreguin has complied with that
2 request essentially.

3 Eduardo's response to that removal, okay, appears
4 to have escalated his Encopresis into a revenge aspect, into
5 revenge against his mother for her following her parental
6 responsibilities in eliminating his access to video games in
7 favor of moving his behavior towards his academics and toward
8 his other household responsibilities.

9 Q. May I ask a question?

10 A. No, not yet, okay. This is not a case of abuse
11 in any way, shape or form, okay. And in August, I discovered
12 his motivation for the Encopresis. I had long thought that
13 it was in part of response to his anxiety in dealing with
14 you. And at least in part, I was mistaken but that's just
15 part of the therapy process. It's not all completely clear
16 instantaneously, all right.

17 So Eduardo's Encopresis has remediated
18 significantly. He is no longer and has not for a while now
19 wet the bed on a regular basis or wet himself purposefully,
20 all right? In the last few weeks, it has been one instance,
21 excuse me, one instance of Encopresis per week is all it's
22 currently occurring.

23 So therapy has, again, been able to move him out
24 of his pattern of revenge or consistent revenge anyway to a

1 point where the Encopresis is minimal at this point, and we
2 are continuing to work towards elimination of it completely.

3 Q. May I ask a question? Once again we're here
4 because the testimony that you did and you provided to the
5 Court, that I was the cause of it. On this new picture, I'm
6 not even involved according to the August report. I'm not
7 the cause of it, she is. According to the report from
8 Mr. Bayer back in November, 2014, I was alienating Eduardo
9 from me because I cause the Encopresis. What is the
10 difference? She's causing it.

11 A. Sir, again --

12 Q. Six months -- may I finish? I let you finish,
13 may I?

14 A. Sure.

15 Q. Okay. Do you recommend that for both the kids to
16 go to work with Mayra's boyfriend?

17 THE COURT: That's a different question.

18 MR. RAMIREZ RIVAS: This is my only chance.

19 THE COURT: Let's deal with the first question
20 you had which basically --

21 MR. RAMIREZ RIVAS: Let's go back to the
22 question.

23 THE COURT: Listen to me, Mr. Ramirez.

24 MR. RAMIREZ RIVAS: I'll go back to the question.

1 THE COURT: It deals primarily with the
2 differentiation between the early problems that Eduardo had
3 and it continued on, and then they changed at least from what
4 I'm reading in the report, it changed at some point in time.
5 So the question is what is the difference, do you understand
6 that?

7 THE WITNESS: The difference is that Eduardo has
8 chose a path of negative response to the consequences put in
9 place by his mother at my recommendation for his
10 inappropriate behavior.

11 Q. (BY MR. RAMIREZ RIVAS:) Fair enough.

12 A. Okay.

13 Q. I have all of the reports of the last two years.

14 A. His responses to you are not based on parental
15 action as a result of implementing consequences for
16 inappropriate behavior. His response to you is based upon
17 your anger, your conflict with his mother and with others,
18 your physical aggression towards him and your physical
19 aggression toward his mother, all clearly documented.

20 Q. I abused her physically?

21 THE COURT: Ask him a question. If you have a
22 question, you can ask him.

23 Q. (BY MR. RAMIREZ RIVAS:) I'm just going through
24 every report that he's written for the last two and a half

1 years. In August, all this time I've been saying Eduardo
2 lies (inaudible). When I exercise my discipline --

3 THE COURT: You're arguing to me and, again, you
4 need to ask --

5 MR. RAMIREZ RIVAS: It kills me that he says one
6 thing.

7 THE COURT: Okay. Do you have any --

8 MR. RAMIREZ RIVAS: Like, he's not looking for
9 the best interest of Eduardo.

10 Q. What is the best interest for you right now,
11 knowing that Eduardo eventually will go back to this?

12 A. Will go back to what, sir?

13 Q. To wetting himself. We don't have he continues
14 to do that. Do you know that? How many times this month
15 have you seen him?

16 A. How many times this month have I seen him?

17 Q. Yes.

18 A. This is October. I believe I've seen him three
19 times this month so far.

20 Q. Three times. I was told once.

21 A. No, sir, this week, last week.

22 Q. It's been documented.

23 A. This week, last week and the week before.

24 Q. For August for other visits, we have a Court

1 order it has to be weekly. How are we going to solve this
2 problem when she misses the appointments? When you cancel on
3 her at the last minute, how are we going to accomplish this?

4 A. When whom cancels on whom at the last minute,
5 sir?

6 Q. You two. I want to be part of this. If I'm not
7 causing him Encopresis, why am I not welcome in your office?
8 I have a right, not physical right but legal right to be in
9 my kids' lives. Why is it you don't want me in your office?

10 A. Talk to Judge Russell about your access, sir. I
11 have no power to change your access to your children.

12 Q. I ask you, I ask you in an e-mail, I want to be
13 part of the sessions.

14 A. I know what you asked, sir. I know I did not
15 respond to you.

16 Q. Was it granted?

17 A. No.

18 Q. What happened to my father rights?

19 A. Please talk to the Court.

20 THE COURT: I'm going to object as it calls for a
21 legal conclusion. There's a prior order that we indicated in
22 respect to this matter. So, again, this is -- the point
23 isn't for you to argue with him. The point is to ask pointed
24 questions to help or assist you in respect to this matter.

1 And, again, from the Court's perspective, this has been going
2 on for quite a period of time. If we go back to the very --
3 you can't take one specific instance and somehow come up with
4 some kind of point in August or anything.

5 What you have to do, and this is my question, if
6 you go back over the history in respect to this particular
7 matter, there was a significant issue in regards to
8 Mr. Ramirez, at least my reading of everything, in regards to
9 Carlos basically -- excuse me, in regards to Eduardo that
10 basically was having some issues in regards to him having
11 problems in regards to his conduct and respect to that as
12 you've indicated.

13 In your report that you just did, it says the
14 following language, every time Mr. Ramirez overreacts to a
15 situation involving his children, the children's anxiety is
16 reignited and heightened and negative behaviors result. Can
17 you explain that?

18 THE WITNESS: Yes, Your Honor. In the most
19 recent example of Mr. Ramirez discovering the scar on
20 Eduardo's left hand, I believe it is from a playground
21 accident, he demanded -- of course, as the Court is well
22 aware, he demanded to take Eduardo to a doctor for a healed
23 injury.

24 When that kind of conflict is reignited, it puts

1 the children in the middle between what mom is attempting to
2 do as the full time parent, primary parent and what father is
3 attempting to do in stirring essentially the emotions of the
4 entire family, and children work to please both sides of
5 their family. They don't want to have to choose sides.

6 But Mr. Ramirez by his actions, by these types of
7 actions is literally driving his children away from him
8 because they don't want to have to make a choice, and they
9 don't want to be caught in the conflict between the parents.

10 Q. (BY MR. RAMIREZ RIVAS:) Can I ask a question?

11 A. And Eduardo, quite frankly, is and has been for
12 the past couple of years smart enough and aware enough to be
13 embarrassed for his father's actions in public.

14 Q. Can I ask you a question?

15 THE COURT: Go ahead and ask him.

16 Q. (BY MR. RAMIREZ RIVAS:) Do you see the cut on
17 Eduardo's hand?

18 A. I'm sorry?

19 Q. Do you see the cut on Eduardo's hand?

20 A. I've looked at it briefly but, no, I didn't
21 examine it.

22 Q. Do you know how deep it was?

23 A. No.

24 MR. RAMIREZ RIVAS: Did you get to see it, Your

1 Honor?

2 THE COURT: I'm aware of the nurse's report
3 that --

4 MR. RAMIREZ RIVAS: Would you like to see it when
5 I saw it?

6 THE COURT: Okay. Any further questions,
7 Mr. Ramirez, dealing with --

8 Q. (BY MR. RAMIREZ RIVAS:) My question is he showed
9 me this through a supervised visit. I had no access to
10 Eduardo at all. Are you to say that I caused this, on what
11 grounds you say that?

12 A. That you caused what?

13 Q. You said that this particular cut, I created this
14 big, big, big, big, big thing over the kids.

15 A. Yes.

16 Q. And what brings you say that?

17 A. On what grounds do I say that? The fact that I
18 believe Mr. Bayer went back to the nurse to ask specifically
19 what she had said to you that was a response from her that
20 essentially said if you would like to take her or if you
21 choose to take your son to the doctor, you may but it's not
22 an emergency and yet you treated it as if it almost were an
23 emergency. In fact, you petitioned I believe the Court to
24 allow you to take --

1 Q. (Inaudible) pay attention to cuts? Are you aware
2 of the procedure for first cuts -- I mean for cuts this deep,
3 the fact that the wound was two months old? I'm a certified
4 CPR and first aid, and I have certification. Eduardo is
5 going to be 11 years old. He had tetanus shot when he was
6 first born. Tetanus shot should be given after five years,
7 the size of that wound. That was my concern.

8 The nurse did not have the advice to give to
9 Eduardo, being that it happened outside of school, this is
10 what the original words from her to me, and Mr. Bayer can
11 back me up on this. I'm not the real nurse for this
12 building. The fact that it happened outside of that school
13 during summertime, I'm not legally giving you anything. You
14 want to take him, take him, okay? If it didn't happen on
15 school grounds, I have nothing to give you. You want to take
16 him take him. I relayed that to Mr. Bayer. I said this is
17 what the nurse said. He went back to the principal, and,
18 Mr. Bayer, the principal said she has to see Eduardo.

19 THE COURT: Is there a question?

20 Q. (BY MR. RAMIREZ RIVAS:) The question is you said
21 that I created this. This is the event that took place.

22 A. I didn't say you created this.

23 THE COURT: He didn't say that.

24 THE WITNESS: What I said is -- I'm sorry, Your

1 Honor, I can stop.

2 THE COURT: No, that's fine.

3 Do you have any other questions of him?

4 MR. RAMIREZ RIVAS: I'm just -- can I defend
5 myself? I'm not causing any of this.

6 THE COURT: Do you have any further questions?

7 MR. RAMIREZ RIVAS: Yes, I have one last
8 question.

9 Q. Do you recommend the kids to go to work with
10 Mayra's boyfriend? Was that your recommendation to send the
11 kids to work to earn money for video games? What was the
12 case that was the recommendation?

13 A. Oh, oh, oh, oh, this is interesting. Your sons
14 took a tablet I believe that one of your relatives gave them.

15 Q. It was a video game, not a tablet.

16 A. Tablet, video game, I'm not exactly sure, an
17 electronic device.

18 Q. All right.

19 A. They took it to school.

20 Q. The Boys and Girls Club.

21 A. And then they took it to the Boys and Girls Club
22 after that or perhaps it was just the Boys and Girls Club,
23 you're right, it could have been. Just summertime, so they
24 took it to the Boys and Girls Club against the rules of the

1 household, okay? It got stolen.

2 Q. My question is do you recommend them to go to
3 school?

4 THE COURT: Let him finish his answer, Mr.
5 Ramirez.

6 Q. (BY MR. RAMIREZ RIVAS:) Did you go to --

7 THE COURT: Did you hear me? Let him -- if you
8 ask him a question, let him finish his answer. Go ahead.

9 THE WITNESS: It was stolen. As a result of the
10 boys not following the rules and, of course, taking this
11 video game, this electronic device and having it stolen, I
12 felt that the appropriate consequence would be for them to
13 repay you slash your relative for the cost of that device.

14 One of the recommendations, one of the ways for
15 them to be able to do that would be to earn money by working
16 with Louise, okay. Louise is Ms. Arrequi's boyfriend,
17 fiance, I'm not sure at this point the specifics of their
18 relationship.

19 So to answer your question, did I suggest it
20 might be a possibility, yes, I did.

21 Q. (BY MR. RAMIREZ RIVAS:) Do you know what
22 happened?

23 A. Do I what?

24 Q. Do you know how many times it happened?

1 A. Do I know how many times what happened?

2 Q. They went to work.

3 A. I'm not sure since I made that recommendation
4 that they went to work at all.

5 Q. Is that a safe recommendation for a
6 nine-year-old -- an eight-year-old and an ten-year-old to be
7 working in a stranger's house and in the wrong neighborhood,
8 was that a good recommendation?

9 A. Under the supervision of a trusted adult, I'm not
10 sure I see a problem, Your Honor.

11 Q. Why not, when the state and federal law say the
12 minimum wage for them to work on a farm is 14 years old.

13 A. This is not that kind of situation, sir.

14 Q. An individual that provides services for another
15 individual is a contractor. He has to have some kind of
16 insurance for his employees or her employees, okay. Putting
17 those kids at risk like that is not acceptable. I have --
18 still have legal rights, and I have a say if they go or not.

19 A. Okay.

20 Q. Was that a good recommendation?

21 A. I believe it's an appropriate recommendation.

22 Q. Would you take liability if it continues to
23 happen? Will you take any liability? The kids get cut with
24 whatever they use on the job, will you take full

1 responsibility for your recommendation?

2 THE COURT: Again, I'm going to object, that's
3 not his responsibility.

4 MR. RAMIREZ RIVAS: Well, this is the
5 recommendation that he's given mom.

6 THE COURT: He indicated that he made a
7 suggestion in a way on how to pay somebody back and what
8 happened in respect to that.

9 MR. RAMIREZ RIVAS: My family can pay it back.

10 THE COURT: In respect to him -- in respect to
11 that, do you have any additional questions?

12 MR. RAMIREZ RIVAS: I just see this pattern that
13 he sets some rules that are not proper and for the benefit of
14 the kids.

15 THE COURT: You can go back.

16 THE WITNESS: Thank you, Your Honor. May I
17 return to my practice?

18 THE COURT: You may.

19 (Witness excused.)

20 THE COURT: Mr. Bayer, we're going to call you up
21 at this time.

22 This isn't about arguing with him, Mr. Ramirez,
23 whether it's good or bad, and I understand your point, and I
24 think you made a very good point and I believe that. So

1 sitting there arguing with him doesn't do anything else.

2 Mr. Bayer, please come forward. Please raise
3 your right hand to be sworn.

4

5

CHRIS BAYER,

6

called as a witness on behalf of the

7

Court having been first duly sworn,

8

was examined and testified as follows:

9

10

EXAMINATION

11

BY THE COURT:

12

Q. Please take the witness stand. Please state your

13

full name, and spell your last name, please.

14

A. Chris Bayer, B-a-y-e-r.

15

Q. Mr. Bayer, please, state your position.

16

A. I'm the CASA assigned to the Ramirez boys,

17

Eduardo and Carlos.

18

Q. Okay, thank you. Have you been involved in this

19

case for some time?

20

A. Some time, yes.

21

Q. Do you recall back when you started in this case?

22

A. It's been a couple of years. I would have to

23

look and see which year it was.

24

Q. The Court appointed you as a Court appointed

1 special advocate, correct?

2 A. That's correct.

3 Q. And your job is to basically look after the boys
4 and make sure they are in a safe environment and to report to
5 the Court in respect to this particular matter in regards to
6 their conduct, how things are going and make recommendations
7 to some extent on how we should handle the visitation to deal
8 with the boys; is that correct?

9 A. That's correct.

10 Q. And during that process and throughout that
11 process have you felt that you've communicated well with the
12 boys?

13 A. Yes.

14 Q. Do you think they have communicated honestly and
15 straight forward with you?

16 A. Yes.

17 Q. Have you communicated with Ms. Arreguin?

18 A. On occasion I have talked to her, yes.

19 Q. And on occasion, you've had to basically tell her
20 that you felt she needed to change some of her ways; is that
21 correct?

22 A. Yes, that's correct.

23 Q. And I've reported and noted that essentially you
24 felt that she needed to comply with the visitation orders of

1 the Court and she needed to make sure she made sure those
2 children got to those visitations, correct?

3 A. Yes, that's correct.

4 Q. Have you had to deal with Mr. Ramirez?

5 A. I have.

6 Q. In dealing with Mr. Ramirez, would you say he is
7 an interesting, difficult person to deal with?

8 A. I'm not sure those would be my words.

9 Q. What would your words be?

10 A. I think Mr. Ramirez loves his children and they
11 love him. I think he struggles to create positive
12 interactions with the world and with his children and that's
13 (inaudible).

14 Q. Do you believe there's a significant level of
15 conflict between the parents?

16 A. There is conflict, yes.

17 Q. Do you feel that Ms. Arreguin is adequately
18 taking care of the children's needs?

19 A. Yes, I do.

20 Q. Do you think the children are in a good
21 environment with her?

22 A. Yes, I do.

23 Q. Do you believe that she's the one that should
24 have these children on a physical basis?

1 A. Yes, I do.

2 Q. Do you believe that essentially that part of the
3 issues in regards to dealing with the children by and through
4 Mr. Ramirez deal with his ability to basically deal with
5 things and not overemphasize things I guess is the word I
6 would use. I mean, things become big problems with him?

7 A. That's correct.

8 Q. In regards to this issue, in regards to the cut
9 on the hand, did you get involved with respect to that?

10 A. Yes, I did.

11 Q. In regards to getting involved with the cut on
12 the hand and in regards to this, did you have the opportunity
13 to talk to the school nurse?

14 A. Yes, I did.

15 Q. Do you think that there was a need, emergency
16 need in this case for him to go to the doctor?

17 A. That was the question to the school nurse, and I
18 talked to the school nurse and talked to the school principal
19 and talked to the school nurse again, asking the question
20 (inaudible), and there was no recommendation from the school
21 nurse that the child needed to see that Eduardo needed to go
22 to the doctor.

23 Q. It wasn't an emergency then?

24 A. I would define emergency as a recommendation. We

1 had -- we had had a previous hearing in which we had had
2 health concerns or medical concerns by the school nurse, and
3 the school nurse had made a recommendation to Ms. Arreguin
4 that Eduardo go to the doctor, and Ms. Arreguin had not
5 followed through. So I was -- I was concerned that this
6 might be the case again. This was not the case in this
7 instance. The nurse did not recommend so I did not see an
8 emergency.

9 Q. In regards to, you know, the children and their
10 ability to maintain a relationship with each -- with each
11 other, the two boys, do you think the two boys get along
12 well?

13 A. I think they do. I worry sometimes that -- I
14 mean, they have -- as they started this case, Carlos was
15 young, and Eduardo was the older brother, and I think some of
16 the way this has played out is Eduardo is the older brother
17 and so this -- this case -- this conflict impacts them a
18 little bit differently.

19 Q. You've been involved as the Court's been involved
20 for a number of years in respect to this particular case in
21 regards to that. We've had a lot of hearings, wouldn't you
22 agree?

23 A. Yes.

24 Q. And every one of those hearings we sought to try

1 to do what's best for the children, at least from the Court's
2 standpoint I think and that's what we tried to do I think as
3 a CASA representative, your recommendations have been
4 primarily followed to a certain extent based upon what is
5 best for these children. Do you believe that's the case?

6 A. Yes, and I note that we did have a hearing in
7 which the Court attempted to move this forward last -- for
8 last summer and it was the beginning of last summer to
9 increase time. Mr. Ramirez talked about the difficulty of
10 seeing Carlos after work, and the Court had set in place a
11 guideline that would make possible through Mr. Komarek with
12 recommendation from him, Carlos having Mr. Ramirez and Carlos
13 having his day off so Mr. Komarek with input from me and back
14 and forth, we worked out a list of the conditions.

15 The Court wanted a recommendation. Mr. Komarek
16 wanted the conditions on Mr. Ramirez to agree to those
17 conditions, and there was some detail there because in
18 particular I wanted the communication from Mr. Ramirez about
19 his day off to be very clear to Ms. Arreguin because so that
20 she would know clearly when his day was off in advance and he
21 would determine that.

22 Mr. Komarek wanted Mr. Ramirez to agree to those
23 conditions, and he had trouble with .4 where the concern was
24 that he not talk to the boys about Carlos, about things going

1 on in Ms. Arreguin's house, and I repeatedly asked
2 Mr. Ramirez to please agree to the conditions. It seemed
3 fairly simple to me that he simply say yes, that those go to
4 the Court and as requested by the Court, and that Carlos have
5 the ability to spend longer times with his father.

6 So I appreciate the Court's efforts and
7 Mr. Komarek's efforts in trying to move that forward. And,
8 again, Mr. Ramirez was focused on a problem that really
9 wasn't a problem in a sense. I didn't see it as something
10 that needed to be argued. It was an easy thing to agree to,
11 and so I think the Court has made steps to try to move this
12 forward.

13 Q. In regards to that particular issue, it seems to
14 me that it's important that he needs to deal with his own
15 life and his own life with the children and not her life with
16 the children, what's going on with her life, right? I think
17 that would be an important step.

18 A. That's correct.

19 Q. He seems to dwell a large extent on things that
20 happen that he wants to somehow put her in a bad light so
21 that makes him look somehow better or something like that and
22 yet these things are not significant. Is that a fair
23 statement?

24 A. That's correct, and I would add that I think it

1 makes -- as in today's discussion, it makes for a very
2 complicated long and rambling argument for problems that are
3 fairly simple. When I see Mr. Ramirez, I consistently
4 encourage him to have positive interactions with his
5 children, and I think the -- it's almost that simple
6 sometimes.

7 Q. Yet the Court feels the same. It seems to me he
8 has a difficulty basically just moving on and just living
9 with the kids and enjoying them in a capacity and moving on,
10 getting over what happened in his divorce and that. Is that
11 fair too?

12 A. And just general -- generally being a positive
13 presence to them. As this case began, I was talking to
14 Mr. Ramirez about how much Eduardo really looks up to him and
15 is really sensitive to him. He's a very sensitive boy and
16 really wants his father's approval.

17 Q. A lot of this started based upon and I'm going
18 back to the very beginning when there was an incident at the
19 Catholic church that took place after the service and it
20 resulted at and basically Mr. Ramirez was reprimanding
21 Eduardo and basically hitting him in respect to that, do you
22 recall that?

23 A. Yes, there have been -- I think there were two
24 incidents, another one at the library, and I could add that

1 the other day --

2 MR. RAMIREZ RIVAS: Can I interrupt just for the
3 record, Your Honor?

4 THE COURT: In a minute. I'll give you an
5 opportunity.

6 MR. RAMIREZ RIVAS: Okay.

7 THE COURT: I'll give you an opportunity.

8 THE WITNESS: And I could add the other day what
9 was most disturbing in my conversations around the scar on
10 Eduardo's hand was the nurses at the school's concern. She
11 expressed to me -- she brought it up to me. She said I'm
12 concerned that he's interrogating Eduardo and -- and so this
13 incident, once again, led to very -- very negative emotions
14 going on and unnecessary -- unnecessary negative emotions
15 going on around Eduardo, and that reenforces all of the past.

16 Q. (BY THE COURT:) Well, I read the balance of your
17 report basically and it indicates the current custody and
18 parenting time order reduces both boys' exposure to
19 Mr. Ramirez's anxiety with potential for anger to an
20 acceptable point according to the boys' therapist in regards
21 to that. So the current visitation schedule, do you think is
22 appropriate?

23 A. Yes, I do.

24 Q. And if we -- if we had to expand that and is

1 there a concern that basically we would be back with
2 different problems with the boys, do you think that?

3 A. Well, I think we can remember that Mr. Komarek,
4 we had this discussion at the beginning of the summer about
5 potentially expanding Carlos, his time on Mr. Ramirez's day
6 off, and Mr. Komarek has left now. I -- I have some sadness
7 or regret that that was not able to occur because it would
8 be -- it was a step that the therapist had -- had looked at
9 and the Court had looked at to move things forward, and
10 Mr. Ramirez had kind of forestalled it, but I -- I think the
11 -- the current schedule is acceptable to the therapist, and
12 I'm going to defer to that.

13 Q. This is about what's in the best interest of
14 these children in respect to this particular matter and,
15 again, Ms. Arreguin has primary physical custody in respect
16 to that. Do you feel that's the appropriate place where we
17 should be?

18 A. Yes, I do.

19 Q. Mr. Ramirez, do you have any questions?

20 MR. RAMIREZ RIVAS: Just to clarify, Your Honor,
21 are you talking about the judge in Gardnerville? None of
22 that happened. The smack that Eduardo got from me happened
23 in Carson by CVS, just for the record. Some of the facts
24 that you presented here, I'm afraid I should move this case

1 to another venue because some of this facts, enough, real,
2 are not real. This push to Eduardo to the nurse happened
3 once. I was told by the lady --

4 THE COURT: Is there a question?

5 Q. (BY MR. RAMIREZ RIVAS:) The question --

6 THE COURT: You can have all of the argument you
7 want.

8 MR. RAMIREZ RIVAS: This is not an argument.
9 Once again --

10 THE COURT: I want you to ask him a question.
11 Ask him a question. If you have a question, the question
12 would be --

13 CROSS-EXAMINATION

14 BY MR. RAMIREZ RIVAS:

15 Q. How many of this do you know? How many of this
16 facts do you know?

17 A. I would need to go -- this case has been going on
18 for years, Mr. Ramirez. I think you may be correct about the
19 location.

20 Q. Okay.

21 A. I would need to go back and look at the record to
22 see where the events had taken place.

23 Q. My personal point, when we take the stand, we
24 need to count with real facts, real facts.

1 THE COURT: Well, the question I'll ask --

2 Q. (BY MR. RAMIREZ RIVAS:) The question to you is
3 the same as what's provided -- was asked by Mr. Komarek. You
4 get a report from August?

5 A. I'm sorry?

6 Q. You get the same report from August?

7 A. I don't have that report with me.

8 Q. You sent it to me.

9 A. I believe I sent you all of the reports.

10 Q. Did you have a chance to look at it?

11 I'm sorry, Your Honor, if I direct to you, I'm
12 not a lawyer. I don't intend to be a lawyer.

13 THE COURT: I'm trying to get you to focus on
14 questions, and I'll give you all of the time you want to
15 argue.

16 MR. RAMIREZ RIVAS: I just want to present the
17 true facts, okay. It's not an argument, but give me some
18 real facts. I know the whole truth behind it.

19 Q. So based on this report, is that in the best
20 interest of the Eduardo to continue this way?

21 A. Is continuing what?

22 Q. The argument with mom and pretend to, you know,
23 get even with her, is that in the best interest?

24 A. Is it in the -- if I understand your question,

1 you're asking me if it's in Eduardo's best interest to
2 argue --

3 Q. To continue living with her?

4 A. -- to live with his mother and --

5 Q. We have a child that for the last six months,
6 once again, close to nine now being revengeful and
7 disrespectful to mom because he's not allowed to play video
8 games. He wets on himself. He slips in the bed that he peed
9 on the night before or that morning. He goes back to the
10 same bed.

11 A. Does he -- does he go back to the same bed?

12 Q. Have you been to the house?

13 A. Have you?

14 Q. I ask you to go over there.

15 A. You're asking me --

16 Q. You haven't seen this bed for the last year?

17 A. You're asking me if Ms. Arreguin leaves him in a
18 wet bed?

19 Q. Yes.

20 A. Have you asked me this before?

21 Q. Yes, several times.

22 A. You've asked me if he is sleeping in a wet bed?

23 Q. Please, continue and finish your sentence.

24 A. I don't recall being asked if he was sleeping in

1 a wet bed. But if you're asking me now if it's in his
2 interest if he's wetting his bed to be with his mother, I
3 don't know that he's been sleeping in a wet bed.

4 Q. And why not?

5 A. I don't go over there every night.

6 Q. If you see this report, what comes to your mind?
7 I'll tell you what comes to my mind as a father.

8 A. That his mother -- that he's been purposefully
9 wetting himself in his bed as revenge against his mother.

10 Q. And what is the picture that you see?

11 A. That she's giving him rules and he doesn't like
12 them.

13 Q. When I provide Eduardo with rules and he acted
14 this way, what was your recommendation to the Court?

15 A. And this is in reference to which instance?

16 Q. What was the recommendation to the Court in my,
17 same way that Eduardo was acting towards me, what was your
18 recommendation to the Court?

19 A. If I think I understand the question correctly,
20 you're asking me about your reaction to --

21 Q. No, I'm asking you because this was presented --

22 THE COURT: Let him finish the question. Just
23 let him answer the question.

24 THE WITNESS: I think what you're asking me is

1 about the instance when you were asking him to put on his
2 seatbelt and he ~~didn~~'t.

3 Q. (BY MR. RAMIREZ RIVAS:) No.

4 A. And you were making a rule to him to put on the
5 seatbelt, which was appropriate.

6 Q. That was not my question.

7 A. Okay.

8 Q. According to Mr. Komarek's reports, Eduardo being
9 around me, causing him to have Encopresis, just my sole
10 presence, it was a trigger for him.

11 A. Where does Mr. Komarek say your presence caused
12 that?

13 Q. They have reports.

14 A. Can you show me a report where your presence?

15 Q. Sure, but back to my question. We have a mother
16 and a child at each other pretty much on a daily basis. She
17 says this is my rule, do not play video game and that's it,
18 end of story so that triggers Eduardo to go and pee on
19 himself or goes to bed and pees on himself in a bed that's
20 wet, and this is for the last six months, once again, close
21 to nine or close to ten. What was your recommendation when
22 Eduardo was peeing when he was with me once a week?

23 A. This discovery was made in August.

24 Q. Correct.

1 A. And now we're in --

2 Q. Going to November.

3 A. Okay. And so you're saying he's been peeing in
4 his bed since August.

5 Q. Read the report, Mr. Bayer.

6 A. It says it was discovered in August that he was
7 peeing in his bed.

8 Q. Over the last six months.

9 A. Oh, over the course of the last six months or so.

10 Q. And we had the hearing in January.

11 A. And the reason was revenge, yes. And I think
12 that question was well asked to Mr. Komarek, and he explained
13 that -- you know, my take on this -- let me give you my take
14 on this which is --

15 Q. Please answer the question. What was your
16 recommendation to the Court when Eduardo was doing that with
17 me?

18 A. You asked my reaction with --

19 THE COURT: Mr. Ramirez, we're not going to argue
20 with anybody. Let him answer and you can --

21 MR. RAMIREZ RIVAS: He hasn't answered it.

22 THE WITNESS: I'm trying to. My answer to this
23 is -- my reaction to this then and now is that Eduardo from
24 well before that six months had developed a pattern of

1 physical reactions to anxiety that he's now extending and
2 using against his mother.

3 But the development of those -- of those
4 reactions, those physical reactions did not come -- the
5 beginning of that did not come in the context of him -- his
6 resistance to his mother's rules. The beginning of those
7 physical reactions came in the context of his anxiety as a
8 result of your actions and your -- and the overall divorce
9 and the way in which you through your actions, anxiety and
10 overreactions to him kept the conflict of the divorce going.

11 Now, years later, let's not forget how long this
12 has been going on, years later, he has this same reaction
13 which Mr. Komarek is saying on this day, he's now seeing as
14 Eduardo using purposefully against his mother. He's
15 developed this as a tool. So it didn't begin with his
16 resistance to his mother. It was there when this -- it was
17 actually going on when this case began and at that time, this
18 wasn't a resistance to his mother's rules. This was conflict
19 between the parents, and that conflict has been kept alive
20 and gotten worse and continues.

21 Q. (BY MR. RAMIREZ RIVAS:) We have a history of
22 this. We have a history of the kids having nightmares
23 because the kids saw me getting arrested. It's well
24 documented.

1 A. Whose fault is it that you got arrested?

2 Q. It was my fault. I was not charged for the crime
3 though. I'm not a criminal. I'm not a child abuser. You
4 got the proof that I was charged with child abuse?

5 A. You saw it.

6 Q. You saw it?

7 A. They saw it. You're saying they saw it.

8 Q. That's not --

9 A. That wasn't the beginning of it either.

10 Q. We're not going to argue, Mr. Bayer. I want you
11 to point out the facts. The report, okay, after I was
12 arrested, both of them have nightmares. They asked to see
13 me. The Court saw the need for them to see me and say, okay,
14 we are going back to the same. You told me the rules to set
15 for the boys. During that time, both of them came and say my
16 uncle hits me, okay. Based on that and we've never hear
17 Sergeant (inaudible) testimony or not. It's still up in the
18 air, okay, so he was hit.

19 A. Yes. What's the question?

20 Q. Okay. So my line ended when the kids start
21 asking for me. I was not the cause of any of the problems.
22 Now, after that, this is a reality. This is what now you
23 start focusing on, the relationship with their mom and
24 Eduardo and what is going on. Forget everything I done in

1 the past, forget about it. Don't dwell on it.

2 A. You're asking me not to remember what happened?

3 Q. Not to dwell on it. Now we have to focus on
4 what's going on in this house because for the last six months
5 we have the situation and the recommendation.

6 THE COURT: Well, I'm just --

7 MR. RAMIREZ RIVAS: Go ahead.

8 THE COURT: I don't know if there's a question
9 there. Do you have any further questions?

10 MR. RAMIREZ RIVAS: He never answered my
11 question, Your Honor.

12 Q. The question is you came here -- I was trigger
13 for Eduardo's Encopresis. I was the cause of it. Now we
14 have a report that points to her.

15 A. What is the question?

16 Q. What is your recommendation, for this boy to
17 remain with her?

18 A. Yes.

19 Q. Based on this, is that in the best interest of
20 Eduardo to continue living with her?

21 A. It is in the best interest of Eduardo.

22 Q. Why is that?

23 A. Why is that, yes, I will explain why. Thank you.

24 It is in the best interest because while there have been --

1 there has been parenting problems by both you and
2 Ms. Arreguin, she has made efforts to change her parenting
3 approaches.

4 Instead -- when this case began and I believe it
5 began with a referral to Mr. Komarek for the boys because of
6 the conflict and because of struggles she was having of
7 parenting, she began working to change the way in which she
8 parented and has been documented to have successfully done
9 that to the point where for example, she does not dwell on
10 the negative. She creates appropriate consequences with help
11 from a therapist.

12 She -- and their resistance to that -- to those
13 well implemented rules by a parent comes because I believe
14 they continue to perceive that somehow they can -- Eduardo
15 perceives he can somehow get around the rules. You do not
16 support her parenting rules. She creates these rules and
17 you're here criticizing her. So if you're criticizing her
18 constantly, what message are you sending to Eduardo? If you
19 would support her rules, perhaps he would not think that
20 there was a way out of those rules, but he does think there's
21 a way out of those rules.

22 Q. Mr. Bayer?

23 A. No, let me finish my answer. He thinks there's a
24 way out of those rules, and so he resists her, and he's now

1 learned to use his physical reactions against her by
2 constantly keeping this conflict going, you undermine their
3 sense of well-being. You undermine her parenting, and then
4 you do that in an effort to prove how good you are, and all
5 you need to do is focus on you and what you do.

6 Q. May I?

7 THE COURT: If you have a question, ask him a
8 question. No argument. Just ask him a question.

9 MR. RAMIREZ RIVAS: It's not an argument. This
10 is -- I see this as a setup. She has not asked a question to
11 Mr. --

12 THE COURT: Okay. If you don't have a question.
13 Do you have any questions of Mr. Bayer?

14 THE INTERPRETER: No, sir.

15 THE COURT: Arguing with him or arguing and
16 everything, it doesn't do any good, Mr. Ramirez, with
17 Mr. Bayer.

18 MR. RAMIREZ RIVAS: He agrees with the kids going
19 to work, okay? I'm not good with that.

20 THE COURT: Is that a question to him?

21 Q. (BY MR. RAMIREZ RIVAS:) Yeah, why do you agree
22 to that?

23 THE COURT: One more question. Do you agree with
24 the kids going to work with Louise, is that his name? I will

1 tell you the Court doesn't agree with that. I don't think
2 that's a good -- unless there's safety boundaries and safety
3 put in. If it is just to go over there and be with him, I
4 don't know. Mr. Bayer?

5 THE WITNESS: Mr. Ramirez raised the question.
6 They asked me -- he asked me, he said Louise is going to
7 work. And I asked him what is the concern? And he said but
8 Louise -- but they are going to work. And I -- I thought
9 perhaps they were going to work because sometimes kids go to
10 work to see what adults are doing at work. I didn't really
11 have -- I couldn't really get from him what the concern was.

12 Q. (BY MR. RAMIREZ RIVAS:) Is that in the best
13 interest of the children?

14 THE COURT: That's fine. I understand the issue.
15 Thank you, Mr. Bayer.

16 (Witness excused.)

17 MR. RAMIREZ RIVAS: I'm not -- Your Honor?

18 THE COURT: Mr. Ramirez, again, I allowed you --

19 Ms. Arreguin, do you have any argument? And I
20 guess I'm going back a long period of time in respect to this
21 case and everything else. My question to you -- please raise
22 your right hand to be sworn.

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MAYRA ARREGUIN,
called as a witness on behalf of the
Court having been first duly sworn,
was examined and testified as follows:

EXAMINATION

BY THE COURT:

Q. I want to know how are the boys doing at this point in time? Are they doing fine?

A. I think that they are doing well other than the little conduct problems that (inaudible) has. That's something we're working on. It's difficult. I'm not perfect. I try to do the best that I can. As you said, it's been many years now of dealing with this problem between Mr. Ramirez and myself disputing what really is practically the custody. All I can say is that I will always do what is best for my children, and I believe I demonstrated that up to this point. They have a home. They have their house. They have their room. They have their beds.

Q. Do they have their own rooms?

A. Yes, correct. Well, in one room both of them sleep.

Q. Well, that's what I mean, both boys have their own room?

1 A. Yes. I don't know what else to say. There have
2 been so many points raised.

3 Q. What I would like to ask you about, the cut on
4 his hand, did he end up ever going to the doctor or was it
5 taken care of?

6 A. When the wounds happened, I didn't take him
7 initially to the doctor, later I took him. They have their
8 visits, their annual checkups like when they get sick or when
9 Mr. Ramirez gets worried over something and I have to take
10 them to get him out of the doubt of the boys. I took care of
11 that wound. And, in fact, the boy has just seen the
12 pediatrician, and there's no problem with him. He's up to
13 date on his shots. I see no problem. Children have
14 accidents. They are children. Sometimes it's out of my
15 hands to deal with that.

16 Q. Let me ask, so it ended up the doctors didn't
17 have to treat it?

18 A. No, just a wound that I had to take care of.

19 Q. In regards to the children going to work, can you
20 explain that to me. I don't understand. In regards to going
21 to work, are they just going to hang out or what's going on?

22 A. It was just on that occasion because of the
23 recommendation of Mr. Bayer. I think it was a good
24 suggestion because that way they can learn about

1 responsibility to take care of their things, and they can
2 realize that things cost money, and so they have to be
3 responsible and careful with their things and that does cause
4 effort to have things.

5 Q. What are they doing at work? What were they
6 doing?

7 A. Louise is my current partner, and he works in
8 yards. The jobs that he does are gardening. He wouldn't do
9 something that they couldn't do or hard job or difficult job.
10 And the time they went with him, it wasn't a long day. He
11 knew it was just a little while that he was going to be
12 working just to teach them to be responsible.

13 Q. How many times did they go with him?

14 A. A couple of times.

15 Q. Thank you.

16 Is there anything else you want to tell the
17 Court?

18 A. Oh, I would like to say lots of things. I don't
19 think what Mr. Ramirez -- I don't care what Mr. Ramirez
20 thinks. I'm going to go back to the child support point. He
21 talks about being responsible, that he wants the best for his
22 children, but he isn't responsible. That's the money
23 responsibility that he has towards his children. They have
24 needs and if it weren't right now because of Louise's help,

1 the children would not have what they need. I'm not working.
2 I've just had a baby which is why I'm not working. If he's
3 being responsible for the necessities with the children's
4 needs, I feel that he's fulfilling the role of a father in
5 terms of what they need, and he helps me to take care of
6 them, and he looks out for their well-being for their best
7 interests.

8 Q. Is he current on his child support?

9 A. No. Remember the last court date we had, you had
10 given him a month to get up-to-date with the payments. I
11 have not received a single payment. I sent a message to
12 Mr. Ramirez asking him when he was going to be up-to-date
13 with the payments he had to give me because the due date had
14 already passed by which he had to do it, and I told him -- I
15 told him that I would notify child support. And he said,
16 well, go ahead and do it.

17 And so I went to the office. I asked because
18 supposedly he said -- he had said that he had a credit with
19 them. I don't know how or why. He no longer has it. The
20 social worker said that she has already tried to explain to
21 him that he is a person who is closed off and refuses to
22 understand. She said was that they were going to see if he
23 had started working to garnish his wages.

24 Q. The last order of the Court, this was an issue

1 and he made the same argument to the Court with respect to
2 that he had a credit and we went through it all, and the
3 Court's order was very clear in respect to this matter
4 that -- that defendant stated he has tried to pay plaintiff
5 and provide an envelope with 350 basically, but he owes
6 approximately \$1,050 for May, June and July child support.
7 Did you ever receive that back, \$1,050 from him?

8 A. No, Your Honor. The only thing I received was
9 the check that he handed to me at the last court date.

10 Q. Okay. And we gave him a credit of \$70, so his
11 total arrearages by the order was \$980 that he was to provide
12 to you. Additionally, pursuant to the Court order, he was to
13 provide to the Court proof of his income within 30 days of
14 July 13th, 2016.

15 Mr. Ramirez, have you ever provided any proof of
16 your income prior within 30 days?

17 MR. RAMIREZ RIVAS: I did give my copies to the
18 lady up front.

19 THE COURT: When did you do that?

20 MR. RAMIREZ RIVAS: Right after we had the court
21 hearing. The day I picked up the paperwork, I gave them
22 that. I sent an e-mail prior.

23 THE COURT: What is that?

24 MR. RAMIREZ RIVAS: This is the e-mail. I've

1 been sending her e-mails about this money. According to
2 child support, the \$1,000 that she was supposed to get, they
3 didn't give it to her because now she has TANF. She's
4 receiving TANF. Now she wants TANF and she wants my
5 assistance, and I set up an appointment with child support
6 because according to them, she's alone in the household with
7 the kids. Her significant other is not even part of the TANF
8 thing.

9 THE COURT: That doesn't matter.

10 MR. RAMIREZ RIVAS: That's okay. I know where
11 I'm coming from with this money. I sent an e-mail trying to
12 give the money. I asked for an address. She did not give me
13 that. Every time we change the kids, she drops the kids and
14 it's like off she go.

15 THE COURT: Have you paid the \$980?

16 MR. RAMIREZ RIVAS: I have the money.

17 THE COURT: That's not the question.

18 MR. RAMIREZ RIVAS: Who do I pay it to?

19 THE COURT: Have you paid her the money?

20 MR. RAMIREZ RIVAS: No, I have not paid the
21 money.

22 THE COURT: Huh?

23 MR. RAMIREZ RIVAS: No, I have not paid the
24 money.

1 THE COURT: That was part of the Court order. So
2 you haven't done that?

3 MR. RAMIREZ RIVAS: I have not done it. I have
4 it.

5 THE COURT: Where is the proof of your earnings?
6 How much do you make?

7 MR. RAMIREZ RIVAS: Your Honor, I don't have it.
8 I'll bring it to you tomorrow or later this afternoon, okay?
9 I don't have proof or income. As a matter of fact, my hours
10 will be cut for this winter but the money, I have it.

11 THE COURT: I want to know what your gross
12 monthly income is.

13 MR. RAMIREZ RIVAS: I'll give it to you within
14 24 hours. I want an address so I can send this money to her.
15 I'm not going to expose myself and --

16 THE COURT: Well, (inaudible) same ballpark so to
17 speak.

18 What's your physical -- he knows where you live,
19 right?

20 You know her address.

21 MR. RAMIREZ RIVAS: And what happened last time?
22 Did I not show you a certified sent back to me.

23 THE COURT: You sent it in a manner that clearly
24 indicated that proof she received it.

1 MR. RAMIREZ RIVAS: You read the e-mail, Your
2 Honor. I'm asking the same question.

3 THE COURT: How hard is it to write out a check
4 or give her a money order for the full amount that you owe?

5 THE INTERPRETER: Because he doesn't have the
6 money.

7 MR. RAMIREZ RIVAS: Your Honor, I asked how and
8 what way --

9 THE COURT: How difficult is --

10 MR. RAMIREZ RIVAS: How difficult, it's not
11 difficult.

12 THE COURT: Okay. Make it real simple.

13 MR. RAMIREZ RIVAS: It's not difficult.

14 THE COURT: Get a money order. Send her the \$970
15 that you owe her and do it right away.

16 MR. RAMIREZ RIVAS: I'll do it within the month,
17 Your Honor. I have to take care of my disabled father now.

18 THE COURT: Okay.

19 MR. RAMIREZ RIVAS: I asked her to do --

20 THE COURT: Second of all, my question is you
21 continue to live in the same apartment where you lived
22 before?

23 MR. RAMIREZ RIVAS: That's correct, Your Honor.

24 THE COURT: You live with your mother and father?

1 MR. RAMIREZ RIVAS: Yes.
2 THE COURT: And your brother.
3 MR. RAMIREZ RIVAS: Yes.
4 THE COURT: And you?
5 MR. RAMIREZ RIVAS: Yes.
6 THE COURT: And there's two bedrooms, correct?
7 MR. RAMIREZ RIVAS: Three, Your Honor.
8 THE COURT: Three bedrooms, okay. I thought
9 there was only two bedrooms, the last time I recall.
10 MR. RAMIREZ RIVAS: Once again, we don't have the
11 true facts.
12 THE INTERPRETER: There were more people living
13 there.
14 THE COURT: Okay. Well --
15 MR. RAMIREZ RIVAS: Can she prove that to me,
16 Your Honor? I really don't want to argue with her.
17 THE COURT: That's fine.
18 MR. RAMIREZ RIVAS: Can she prove that?
19 THE COURT: Are you done with your statement?
20 THE INTERPRETER: I think so. I just want to
21 know what's going to happen with this because Mr. Ramirez has
22 been evading this for years. He thinks it's a game. So he
23 has a right to demand and he's coming to court all of the
24 time. And what about his responsibilities, what's going on

1 with that?

2 THE COURT: Okay, thank you.

3 Mr. Ramirez, your turn. I want to give you all
4 of the time that you want. Now is your turn --

5 MR. RAMIREZ RIVAS: Thank you, Your Honor.

6 THE COURT: -- to argue in respect to this
7 particular matter in regards to this, and you did file that
8 emergency motion in respect to that, and the Court didn't act
9 on it because I received information from Mr. Bayer that
10 clearly indicated he had checked the school, the nurse and
11 everybody, and there was no emergency from his standpoint,
12 and I know you believe there was in respect to that but,
13 again, this is your chance to argue on why or what I should
14 do different than what's going on now. Tell me.

15 And, first of all, I will note you have not paid
16 the child support that I ordered in the prior order. You
17 haven't provided the information in the Court order, in the
18 prior order in respect to this particular matter. So go
19 ahead and tell me why I should do anything different than
20 where we are.

21 MR. RAMIREZ RIVAS: Why you should do anything
22 different?

23 THE COURT: Tell me why.

24 MR. RAMIREZ RIVAS: Because you have a Court

1 order. We have several, several warrants given to
2 Ms. Arreguin about not missing a visit and respect my father
3 right visitation, and she failed, and you give her
4 (inaudible) just like you give me right now for my child
5 support to do it right away. You told her do this to me one
6 more time, I'm going to put you in jail. Did she do it?

7 THE COURT: This is your time to argue argue.

8 MR. RAMIREZ RIVAS: She did it again. I make all
9 visits. She did it again. We have statutes, the statutes
10 for that.

11 THE COURT: I read the report.

12 MR. RAMIREZ RIVAS: Do you want the money for
13 child support. I'll pay the fine.

14 THE COURT: The report indicated make-up visits
15 had taken place.

16 MR. RAMIREZ RIVAS: You give her warning not --

17 THE COURT: Huh?

18 MR. RAMIREZ RIVAS: You give her a last warning
19 not to do it again.

20 THE COURT: Did the make-up visits take place?

21 MR. RAMIREZ RIVAS: Your Honor --

22 THE COURT: Yes or no?

23 MR. RAMIREZ RIVAS: She's mocking the Court.

24 THE COURT: Yes or no, did you get your make-up

1 time?

2 MR. RAMIREZ RIVAS: No.

3 THE COURT: Okay. Tell me why I should expand
4 some kind of visitation with Carlos in respect to you. Did
5 you or did you not disagree with the -- Mr. Bayer clearly
6 testified that they came up with a set of rules and went
7 through those rules in order to protect everyone and you got
8 to number four, and you said you would not agree to number
9 four which was there should be no questioning of Carlos about
10 his life in his mother's house or about details of therapy.

11 MR. RAMIREZ RIVAS: Mr. Komarek has dropped
12 Carlos in the past for therapy. He doesn't need to see him.

13 THE COURT: I understand that.

14 MR. RAMIREZ RIVAS: Okay, so exactly, that's what
15 I asked him, why did you have to put in here when you already
16 dropped the kid. He just dropped again. That was not
17 argument.

18 THE COURT: Yes or no, did you tell Mr. Bayer
19 clearly you would not agree to that?

20 MR. RAMIREZ RIVAS: I didn't agree to number four
21 for the same reasons. I think here (inaudible) agreeing to
22 any of it. So why you dropping the kid but you put in the
23 same rules (inaudible). You're not even with reality.
24 You're not even with the facts. I understand they confuse

1 one kid with another, and this is my argument with them and
2 they think I just want to argue because that's what I do for
3 joy. They don't have the facts together. They don't have
4 facts together. They leaning towards her whether, you know,
5 she set up the rules. She set up the rules.

6 THE COURT: This is about you.

7 MR. RAMIREZ RIVAS: I know it's about me. That's
8 what I don't agree to any of this. They don't have -- they
9 don't know which kid is what, that's why I don't agree on it.

10 You told them they need to work with my work
11 schedule. I got Wednesday and Thursday so I could see
12 Eduardo, and you give me Friday to see Carlos. You suggest
13 that I should spend more time with Carlos on Fridays and to
14 work with her.

15 THE COURT: What's your work schedule at this
16 time?

17 MR. RAMIREZ RIVAS: 8:00 to 4:30 everyday except
18 for Wednesday and Thursday, and we went through this last
19 time, and it's every other Friday from the beginning of the
20 year when you say I cost Carson City, you took my weekly
21 visit with the boys.

22 THE COURT: Let's just understand this.
23 Currently your days off are Wednesday and Thursday, correct?

24 MR. RAMIREZ RIVAS: That's correct, Your Honor.

1 THE COURT: Is that going to be consistent for a
2 period of time?

3 MR. RAMIREZ RIVAS: That's what they are willing
4 to work with me. I would rather see Eduardo on a supervised
5 visit and see Carlos right after my work because nobody is
6 willing to work with me, and all I hear from her is I need
7 the child support. I'm not hearing her I want the kids to
8 have a relationship with the father.

9 THE COURT: Currently you have your visitation
10 with Eduardo every other Thursday which is one of your days
11 off at 4:00 p.m., correct?

12 MR. RAMIREZ RIVAS: It's on Wednesdays, Your
13 Honor. She keeps changing it and when she chooses to bring
14 the kid.

15 THE COURT: Let's don't blame her for everything.
16 That's --

17 MR. RAMIREZ RIVAS: But blame me.

18 THE COURT: Let's focus on trying to make sure we
19 have the -- what we're looking at. Currently Wednesday you
20 have visitation in respect to Eduardo at Ron Wood, correct?

21 MR. RAMIREZ RIVAS: That's correct, Your Honor.

22 THE COURT: And what time is that at?

23 MR. RAMIREZ RIVAS: Supposed to be at 4:00.

24 THE COURT: What time does he get done with

1 school?

2 THE INTERPRETER: 3:15.

3 THE COURT: And how -- do you take him to Ron
4 Wood then?

5 THE INTERPRETER: Yes.

6 THE COURT: And how long is that visitation?

7 MR. RAMIREZ RIVAS: One hour.

8 THE COURT: One hour.

9 MR. RAMIREZ RIVAS: And she doesn't bring him
10 right at 4:00. She brings him in like -- there's a gap of
11 15 minutes, so she brings him like 4:20, you know, so it's
12 not even a whole hour. I just want to point that out to you.

13 THE COURT: Okay. And then currently you have
14 Carlos unsupervised every other Friday from 3:00 p.m. to
15 9:00?

16 MR. RAMIREZ RIVAS: Once again, Your Honor, I
17 work on Friday. I get out at 4:30.

18 THE COURT: I remember you said you could get
19 done earlier so you set it for 3:00 o'clock or something.

20 MR. RAMIREZ RIVAS: I never said that, Your
21 Honor.

22 THE COURT: Okay. So Friday, you currently have
23 from 4:00 o'clock to 9:00 o'clock?

24 MR. RAMIREZ RIVAS: I arrive to the office around

1 5:00 and sometimes she comes after 5:00, 5:15. Sometimes she
2 drops the kid off at Boys and Girls Club. I go to pick them
3 up as Mr. Bayer is aware. I'm not even on the list for
4 emergency, and sometimes it creates an issue because they
5 think I'm kidnapping my own son.

6 THE COURT: Are you going to school to see the
7 kids at school?

8 MR. RAMIREZ RIVAS: When I can. Currently I
9 don't have a vehicle.

10 THE COURT: You currently don't have a vehicle?

11 MR. RAMIREZ RIVAS: I don't have a vehicle. I
12 lost it because my father was in the hospital, as Mr. Bayer
13 is aware of. He had a second heart attack. I had to get a
14 loan on it so I could pay for some of the medication. That's
15 the time I asked her to please let me know when she was going
16 to get the money and never get an answer back.

17 Last week I sent an e-mail and say I'm carless.
18 I need to know if I can use this month's money for a car.
19 I'm still waiting for an answer. I'm here hearing where is
20 my child support. And when asked a question, she doesn't
21 want to answer. When she misses a visit, as Mr. Bayer
22 recommended, I asked nicely why she missed the visit. She
23 has no answer. She cannot explain it. When I don't get to
24 talk to my kids on Monday, I have an emergency, once I get

1 done with it, I'll see if they can talk to you.

2 THE COURT: Have wages been garnished for the
3 \$350?

4 THE INTERPRETER: Not that I know of. I haven't
5 received any money.

6 MR. RAMIREZ RIVAS: You can ask if she's on TANF.

7 THE COURT: Have you received any money?

8 THE INTERPRETER: I'm not getting any help, I'm
9 not.

10 THE COURT: You haven't gotten one penny?

11 THE INTERPRETER: I'm sorry?

12 THE COURT: You haven't gotten any monthly
13 payment that he's supposed to be paying the 350 per month?

14 THE INTERPRETER: No.

15 THE COURT: Are your wages being garnished for
16 that?

17 MR. RAMIREZ RIVAS: I don't know what is going on
18 with that, Your Honor.

19 THE COURT: Well, it's a yes or no question.
20 You're bright enough to know whether or not your wages are
21 being garnished, no, yes or no?

22 MR. RAMIREZ RIVAS: No, they are not being
23 garnished.

24 THE COURT: Okay. So you have not paid in

1 addition -- since the prior order, you haven't paid any child
2 support?

3 MR. RAMIREZ RIVAS: We're going back to the same
4 thing. Your Honor, you want the money. I'll give the money.
5 Can I have my rights reinstated?

6 THE COURT: Start listening to me, Mr. Ramirez.
7 You have made no child support payment.

8 MR. RAMIREZ RIVAS: No, I have not make a child
9 support.

10 THE COURT: You haven't given her the \$980 that
11 the Court ordered previously that you provide to her, and you
12 haven't made any of the monthly payments that you were
13 supposed to pay of \$350 for the children; is that correct?

14 MR. RAMIREZ RIVAS: That is correct, Your Honor.

15 THE COURT: Okay, thank you. My question is
16 whether I hold you in contempt and hold you in jail and find
17 out whether you like not working at all.

18 MR. RAMIREZ RIVAS: All right. So you're going
19 to throw me in jail for contempt of court of not following
20 your order but her not following the order --

21 THE COURT: It's real easy, you haven't paid. So
22 in respect to this matter, again, it's going to be the order
23 of the Court in respect to this matter, we're going to go
24 very slow and very detailed. You can sit down in respect to

1 this matter.

2 First of all, under the factors set forth in NRS
3 125C.0035, the following factors have to be considered in
4 respect to where we are. Previously this Court had granted
5 you primary physical custody of the children in respect to
6 this matter, I did so in consideration, and we need to
7 clarify specifically in regards to this particular case why
8 we're doing it.

9 So first of all, the factors we consider, the
10 wishes of the children, the children are not of a sufficient
11 age yet in order to provide any information to the Court.
12 Generally, we look at when they get to be 11 or 12 in respect
13 to providing information to the Court.

14 Second, the nomination of a guardian for a child
15 by parent, that's not an issue. Which parent is more likely
16 to allow the children to have frequent associations of
17 continued relationship with custodial, non custodial parent.
18 I think there's been an attempt to provide him with the
19 visitation and do that. I don't think there's a major issue
20 between either of the parties in respect to that.

21 The main factor is the level of conflict between
22 both of you. This has been a significant level of conflict
23 between both of you which has gone on. I think Ms. Arreguin
24 has moved on to some extent in regards to her life and moving

1 on.

2 Mr. Ramirez has never moved on. He continues to
3 have a great deal of conflict in respect to this matter
4 towards you in respect to this matter, continues to be there.
5 Every issue, as Mr. Bayer clearly indicated, becomes a major
6 conflict in respect to that. No matter how minor or whatever
7 nature, it's a major conflict in respect to that that does
8 nothing but cause anxiety to both of you and also to the
9 children of the nature that's not good and healthy for their
10 best interest in respect to this particular matter.

11 The ability of the parents to cooperate to meet
12 the child's needs, I think clearly CASA and Mr. Komarek,
13 therapist, in respect to this have indicated you are the one
14 that should have primary control of the children, that you
15 are the one that basically sees to all, most of their needs.
16 You're the one that provides a stable environment for them in
17 respect to this particular matter.

18 Further, the children at your residence have
19 their own room, have the ability to have their room. Where
20 at his residence, there's no ability to those children to
21 have any room or have any ability to reside in respect to
22 this particular matter.

23 Again, the physical, developmental and emotional
24 needs of the children are being met by you in respect to this

1 matter. I believe the kids care for their father. You
2 should be involved in their life in respect to that but not
3 with the hostility and anxiety and the conflict that he
4 creates by and through his own actions with respect to that.

5 The nature of the relationship of each child,
6 although there are issues going on in respect to Carlos in
7 respect to the -- excuse me, Eduardo in regards to the bed
8 wetting incident in respect to defying rules in respect to
9 that, I agree children are going to be defiant to some
10 extent, but this did not start back with this incident.

11 This started long ago in regards to the
12 relationship that took place. It's been going on for years,
13 and it all stems back to the anxiety and conflict that
14 existed in this particular divorce, in marriage and respect
15 to that, in regards to that and it should cease. Obviously,
16 it's never going to cease in respect to this matter, but it
17 should cease in respect to that.

18 As the boys get older, hopefully they will
19 understand things and move on better in respect to this.
20 Again, the nature of the relationship of the children, I
21 think they long with you. They should stay with you in
22 respect to that. I believe Mr. Ramirez should have -- be in
23 their life, should be involved in their life, but we're going
24 to set parameters in respect to that as we've done within the

1 past in regards to that.

2 I do believe there's a history in regards to this
3 particular matter of abuse in regards to this matter based
4 upon the Court's hearings in respect, going back in regards
5 to what transpired in respect to that, so it is a factor that
6 I'm considering in respect to that.

7 Based upon all of that, the Court basically is
8 going to determine, again, indicate that you should have
9 joint legal, that you should have primary physical custody of
10 the children. They will remain with you. The visitation
11 schedule will be as implemented at this time based upon
12 Mr. Ramirez's failure to agree to changing terms and not talk
13 about what goes on in your house or what goes on in respect
14 to that. He cannot deal. He won't accept parameters and
15 won't accept what goes on. Both the CASA and the therapist
16 both indicate the current schedule is what is best for the
17 children, and they are doing well under this existing in
18 regards to that.

19 So we'll have Wednesday nights at the Ron Wood
20 Center at 4:00 o'clock to 5:00. You will get him there on
21 time. Make sure he's there at 4:00 o'clock. He can get
22 there by 4:00. Make sure he's there by 4:00.

23 Again, in regards to Carlos, Carlos' visitation
24 can be again on Fridays. Again, he indicated I thought

1 previously would get off early but if that was a mistake,
2 then it will be from, you a say it's at 5:00 o'clock is when
3 you're exchanging the child now. Does that meet with your
4 schedule? Can you get their earlier?

5 MR. RAMIREZ RIVAS: Your Honor, I cannot
6 jeopardize this job.

7 THE COURT: You can't with your job get there
8 earlier?

9 MR. RAMIREZ RIVAS: No.

10 THE COURT: Okay. Then basically we can change
11 his to Thursday. Does that help you at all?

12 MR. RAMIREZ RIVAS: We haven't --

13 THE COURT: Do you want it changed to Friday to
14 Thursday?

15 MR. RAMIREZ RIVAS: Are we going to have a weekly
16 thing? Is it going to be weekly or are you going to take
17 more time away from me?

18 THE COURT: Do you want it on Friday or Thursday?

19 MR. RAMIREZ RIVAS: Thursdays, Your Honor, as
20 long as I spend more time with them. We haven't even touched
21 the grades.

22 THE COURT: First year not working, correct?

23 MR. RAMIREZ RIVAS: That is correct, Your Honor.

24 THE COURT: Okay. So Thursday it will be from

1 4:00 o'clock Thursday until 9:00 o'clock at night. So we're
2 going to change Eduardo's and give him more time in respect
3 to that. I have no problem with it being every week with
4 Eduardo so he can see his father every week, Thursday. I
5 think with, excuse me, with Carlos every week, Carlos every
6 week Thursday. He can see you from 4:00 o'clock after school
7 until 9:00.

8 In respect to Eduardo, I have no problem making
9 that every week, as well, at the Ron Wood in respect to that.
10 I think it's just for an hour, and I think that's reasonable
11 in that. So we're going to change it so you have them every
12 week in respect to this matter under those time tables.

13 Additionally, you will be become current. I
14 understand your concerns in that. You're working. You're
15 making it. You won't provide your information on how much
16 you -- I want two pay stubs for your month. I want it
17 provided to me within ten days. Failure to do so will be
18 contempt of court. I want your pay stubs. I want to know
19 exactly how much you're earning as a result of your job down
20 there on a gross monthly earning so that will tell me -- I'll
21 be able to calculate exactly how much you're earning. I want
22 you to be brought current on your prior support of the \$350.
23 I want that brought current within 30 days, do you understand
24 that?

1 MR. RAMIREZ RIVAS: Yes, Your Honor.

2 THE COURT: That's your obligation. If you
3 don't -- if you don't get it to her, pay it to her. Send it
4 to her.

5 MR. RAMIREZ RIVAS: May I make -- can I make a
6 suggestion to the Court?

7 THE COURT: No -- what's your suggestion?

8 MR. RAMIREZ RIVAS: Can I drop the check to you?

9 THE COURT: No.

10 MR. RAMIREZ RIVAS: Okay.

11 THE COURT: You will mail the check to her. She
12 has an address. Put it in an envelope. Mail it to her.

13 MR. RAMIREZ RIVAS: Okay.

14 THE COURT: You'll have proof of your payment. I
15 told you last time to keep a schedule. If you're working,
16 you have an obligation. Keep a schedule.

17 How many payments does he owe you of the 350?

18 THE INTERPRETER: Last time it was four payments
19 and that was in --

20 THE COURT: June, July and August.

21 MR. RAMIREZ RIVAS: This is the -- I owe
22 September and October to be correct.

23 THE COURT: You owe May. Did you make a payment
24 in May?

1 MR. RAMIREZ RIVAS: It was a balance.

2 THE INTERPRETER: August, September and October
3 so seven months.

4 THE COURT: You owe August, September and
5 October.

6 THE INTERPRETER: Plus the four months.

7 THE COURT: August, September, October, that's
8 three months, tres, correct?

9 THE INTERPRETER: Correct.

10 THE COURT: Then you'll owe November's. November
11 is right around the corner.

12 THE INTERPRETER: Okay.

13 THE COURT: Okay. So I want all four of those
14 350 dollar payments paid within 30 days, got that?

15 MR. RAMIREZ RIVAS: Yes, Your Honor.

16 THE COURT: I mean, it was ordered. You owe it.
17 I also want the \$980 paid which was supposed to be paid back
18 under the prior Court order within 30 days that you're not in
19 compliance with.

20 MR. RAMIREZ RIVAS: I provided you with what the
21 child support, Your Honor. They tell me one thing. She is
22 saying another, okay? I can only go from what they tell me.
23 There was a credit. She keeps claiming this child support
24 for years.

1 THE COURT: You had this argument. We went
2 through it. The Court order indicated you pay it. You will
3 pay the money indicated, the \$980.

4 MR. RAMIREZ RIVAS: I will take care of it, Your
5 Honor. I will take care of it.

6 THE COURT: I want to know what you're making
7 because you obviously don't have any expenses living where
8 you are and everything.

9 MR. RAMIREZ RIVAS: When you have a father just
10 have a stroke.

11 THE COURT: I understand that, but when did he
12 have his stroke?

13 MR. RAMIREZ RIVAS: When did he have the stroke?

14 THE COURT: When did he have it?

15 MR. RAMIREZ RIVAS: Was it in August?

16 THE COURT: When did he have the stroke?

17 MR. RAMIREZ RIVAS: I asked if my father can see
18 the kids.

19 THE COURT: When did he have the stroke? The
20 question is when did he have his stroke?

21 MR. RAMIREZ RIVAS: In August. He's been
22 disabled for three months.

23 THE COURT: August, okay. Well, you were ordered
24 back to pay the 980 before that so that's no excuse.

1 Anything else that you need?

2 THE INTERPRETER: Why -- why -- why can he not
3 make the payments directly to child support so he doesn't
4 have to worry and keep complaining about?

5 THE COURT: Did you go down there and set up a
6 collection with them?

7 THE INTERPRETER: Yes.

8 THE COURT: Okay.

9 THE INTERPRETER: I'm sorry, Your Honor, did you
10 say did you or would you?

11 THE COURT: Did you.

12 THE INTERPRETER: Oh, did you, yes.

13 THE COURT: So you have a collection that the
14 child support for collecting his money from him?

15 THE INTERPRETER: Yes.

16 THE COURT: And they haven't garnished his wages
17 though?

18 THE INTERPRETER: They don't know where he's
19 working. That's why they wanted to start garnish his wages
20 so he could be brought current.

21 THE COURT: He's going to pay you directly, send
22 you a check for August, September and October within 30 days,
23 okay? He's going to pay you the \$980 that he owes you.
24 That's to be done within the 30 days. So you should be

1 getting a check from him within 30 days for those amounts.
2 And then any further payments he can make to the child
3 support if you want them to be made there.

4 THE INTERPRETER: Okay.

5 THE COURT: Okay. Now, do you understand that?

6 MR. RAMIREZ RIVAS: That's what I've been trying
7 to say, Your Honor.

8 THE COURT: Huh?

9 MR. RAMIREZ RIVAS: That's what I've been trying
10 to say this long. I asked her in the e-mails what they said,
11 and I didn't get an answer. As simple as I went in to talk
12 to them.

13 THE COURT: No, it's not simple. You haven't
14 complied with this Court's orders. If you fail to comply,
15 and this is going to be put in the order, if you fail to make
16 those payments within 30 days, then you notify me, and we'll
17 have a hearing based upon an order to show contempt in
18 regards to nonpayment of the support obligation that -- and I
19 think it probably should be more, but I want -- and, again,
20 you're going to provide me that information when you're paid.

21 MR. RAMIREZ RIVAS: Yes.

22 THE COURT: You got it?

23 MR. RAMIREZ RIVAS: Yes, Your Honor.

24 THE COURT: Okay. Thank you. Court is in

1 recess.

2 MR. RAMIREZ RIVAS: Your Honor, can we touch the
3 base on the medical issues of the kids? Can we just roughly
4 go through that?

5 THE COURT: There's no issues. I think they were
6 taken care of.

7 MR. RAMIREZ RIVAS: Can I be notified of this?
8 Can I be given a chance to contact the providers? Nobody has
9 given me information.

10 THE COURT: You have legal custody. You have an
11 ability to be notified.

12 MR. RAMIREZ RIVAS: This is what Mr. Bayer is
13 telling me that I should be doing. I know I have legal
14 custody. That case should have been taken to the emergency
15 room of last year.

16 THE COURT: I think it was handled properly.
17 There was no issue in regard to the cut on the hand. I think
18 it was appropriate and you handled it appropriately. You
19 overreacted.

20 MR. RAMIREZ RIVAS: Can I have it in the order
21 that if she fails to show for visitation to be held in
22 contempt of Court as well?

23

24

1 STATE OF NEVADA,)
2 CARSON CITY.)

4 I, KATHY JACKSON, do hereby certify:

5 That on October 27, 2016 a hearing was held in
6 the within-entitled matter in the Carson City, Nevada
7 District Court, Department No. 1;

8 That said hearing was recorded on CD-ROM, and
9 said CD-ROM was delivered to me for transcription;

10 That the foregoing transcript, consisting of
11 pages 1 through 85 is a full, true and correct transcript of
12 said recorded CD-ROM performed to the best of my ability.

14 Dated at Carson City, Nevada, this 4th day of
15 September, 2017.

18 Kathy Jackson

19 _____
20 KATHY JACKSON, CCR

1 Code: 1670
2 Name: Javier Ramirez
3 Address: 1371 Village Way F
Gardnerville NV 89410
4 Telephone: (775) 7907950
5 Email: _____
Self-Represented Litigant

REC'D & FILED ✓

2017 SEP -6 PM 4:54

SUSAN MERRIWETHER
CLERK

BY [Signature] DEPUTY

6
7 FIRST IN THE FAMILY DIVISION
8 OF THE ~~SECOND~~ JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF ~~WASHOE~~ CARSON

10 Mayra E. Arreguin
11 Petitioner,
12 vs.
13 Javier Ramirez
14 Respondent.

Case No. 12DR10639113

Dept. No. 1

15 **EX PARTE EMERGENCY MOTION REGARDING CHILDREN**

16 MOTION TO Seek medical care for minor Temp. custody pending set
17 p. hearing (Fill in the name of this motion)

18 Javier Ramirez, appearing in Proper Person, hereby move this
19 (Your name)

20 Court to issue an emergency order, without notice to Mayra E. Arreguin
21 (The Other Party's name)
22 granting the following:

23 **State only what you want the court to order. Do not explain why you want the order issued**
24 **or why you believe the other party should not have notice of this motion. Those reasons will**
be filled in on the next page.

25 - Allow respondent to do follow up with children's
26 doctor per recommendation of E.R. doctor.
27 - Change custody until hearing its schedule
28

1
2
3 **Fully explain why you believe the other party should not be contacted**
4 **and have time to respond to this Motion before the Motion is considered by the Judge**

5 Meyra E. Arreguin, would not comply
6 with doctors orders, and I can take
7 of the children needs right now. It
8 may take her a couple of days until
9 she decides to do what is best
10 for the children.

11 (A copy of the doctors diagnosis will
12 be fax tonight and/or first thing in
13 the morning)
14
15
16
17
18

19 (If you need more space, you may attach additional sheets of paper. Be sure that you write only on
20 one side of the paper and clearly identify it as a continuation of this explanation.)

21 This document does not contain the Social Security Number of any person.

22 I declare, under penalty of perjury under the law of the State of Nevada, that the foregoing is
23 true and correct.

24 DATED this 6 day of September, 20 17.

25 
26 (Signature)
27 Javier Ramirez
28 (Printed Name)

1 A Decree of Divorce or Order addressing custody and visitation of a minor child(ren) was
2 entered on March 2013. To the best of my knowledge, the last order
(Date the Decree or Order was filed)

3
4 concerning this matter was entered on August 2017 and that order
(Date last order entered in this case)

5
6 concerned To show cause for contempt of court
(Print what the last order was about, such as child support, visitation, TPO, etc.)

7 The child(ren) involved in the matter are:





8	NAME	AGE	DATE OF BIRTH
9	<u>Eduardo J. Ramirez</u>	<u>11</u>	<u>04-13-2006</u>
10	<u>Carlos A. Ramirez</u>	<u>9 1/2 mos</u>	<u>10-09-2007</u>
11			
12			
13			
14			

15 **Fully explain why you believe this is an emergency situation**

16 I believe this is an emergency and an order should issue from this Court immediately
17 because: Carlos had an accident at school on Friday
18 Sep 1st. I took him to the ER on Sunday
19 Sep 3rd after he complained (repeated) in regards
20 of his knee. I was never informed of this
21 on Friday or Sunday when we exchanged
22 times
23 Per the doctors orders he needed a follow
24 up today with his doctor, which I just
25 found out. It never took place, so child
26 is going with no medical care by mother.
27
28

* * *


FAMILY DIVISION MOTION/OPPOSITION NOTICE (REQUIRED)
CASE NO.
DEPT. NO.

A.	Mark the CORRECT ANSWER with an X .	YES	NO
	1. Has a final decree or custody order been entered in this case? If yes , then continue to Question 2. If no , you do not need to answer any other questions.		
	2. Is this a motion or an opposition to a motion filed to change a final order? If yes , then continue to Question 3. If no , you do not need to answer any other questions.		
	3. Is this a motion or an opposition to a motion filed only to change the amount of child support?		
	4. Is this a motion or an opposition to a motion for reconsideration or a new trial <u>and</u> the motion was filed within 10 days of the Judge's Order?		
	IF the answer to Question 4 is YES , write in the <u>filing date</u> found on the front page of the Judge's Order.	Date	
B.	If you answered NO to either Question 1 or 2 or YES to Question 3 or 4, you are <u>exempt</u> from the filing fee. However, if the Court later determines you should have paid the filing fee, your motion will <u>not</u> be decided until the fee is paid.		

Date: Sep 06, 2017

Telephone Number:

are true.



JAVIER RAMIREZ
371 Village Way F
Gardnerville NV 89410
(775) 790 7950

1 Code: 3860
2 Name: Javier Ramirez
3 Address: 1371 Village Way F
Gardnerville NV 8940
4 Telephone: 775 7907950
5 Email: _____
Self-Represented Litigant

REC'D & FILED

2017 SEP -6 PM 4:54

SUSAN MERRIWETHER
CLERK

BY [Signature] DEPUTY

6 IN THE FAMILY DIVISION
7 FIRST
8 OF THE ~~SECOND~~ JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF ~~WASHOE~~ CARSON

10 Mayra E. Arreguin
Plaintiff/Petitioner,

Case No. 12DR100391-1B

11 vs.

Dept. No. 1

12 Javier Ramirez
Defendant/Respondent.
13 _____

14 REQUEST FOR SUBMISSION OF EX PARTE MOTION

15 I, Javier Ramirez, request that the Ex Parte Motion
16 (print your name here)

17 Temp. Change of custody
18 Motion to seek medical care filed on Sep 6 2017
19 (Print the name of the Ex Parte Motion) (Date the Ex Parte Motion was filed)

20 be submitted to the Court for its consideration and Order.

21 This document does not contain the Social Security number of any person.

22 DATED this 06 day of September, 2017.

23 Signature: [Signature]

24 Print Your Name: JAVIER RAMIREZ

REC'D & FILED

2017 SEP -7 AM 8:34

SUSAN MERRIWETHER
CLERK
BY Hickroad DEPUTY

In The First Judicial District Court of the State of Nevada
In and for Carson City

MAYRA ARREGUIN,
Petitioner,

vs.

JAVIER RAMIREZ RIVAS,
Respondent.

Case No.: 12 DR1 00391 1B

Dept. No.: I

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that I am employed by the Office of the Carson City District Court Clerk, Carson City, Nevada, and that on the 7th day of September, 2017, I deposited in the United States mail, with postage prepaid, a certified copy of the following documents: CD Transcript of Proceedings Hearing addressed to: ELIZABETH A. BROWN, Clerk of the Supreme Court, Court of Appeals, 201 South Carson Street, Capitol Complex, Carson City, NV 89710; MAYRA ARREGUIN, Petitioner, 1756 Russell Way E, Carson City, NV 89706; and to JAVIER RAMIREZ RIVAS, 1371 Village Way F, Gardnerville, NV 89410 pursuant to the Order Directing Preparation of Transcripts filed August 22, 2017.

Hickroad

REC'D & FILED

2017 SEP -7 PM 2:21

SUSAN HERRIWETHER
CLERK

BY _____
DEPUTY

Case No.: 12 DR1 00391 1B

Dept. No.: 1

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

MAYRA ARREGUIN,
Petitioner,

v.

JAVIER RAMIERZ RIVAS,
Respondent.

**ORDER DECLINING TO CONSIDER
MOTION EX PARTE**

This matter comes before the Court on an Ex Parte Emergency Motion Regarding Children filed by Respondent on September 6, 2017.

"A judge shall accord to every person who has a legal interest in a proceeding ... the right to be heard according to law."¹ "The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can only be protected if procedures protecting the right to be heard are observed."²

Under FJDCR 18(1), "Ex parte orders are disfavored and counsel are encouraged to move with notice whenever possible." However, under FJDCR 18(5)(B)(5) ex parte orders may be obtained, inter alia, "Where such other circumstances exist as the Court may find to warrant the issuance of an order without notice." The Respondent has not shown facts sufficient for the Court to proceed without giving opposing parties notice and an opportunity to be heard.

¹Nev. Code of Jud. Conduct, Rule 2.6.

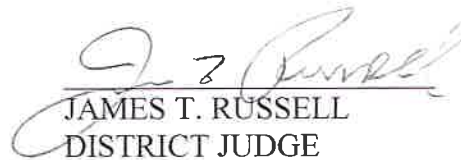
²Nev. Code of Jud. Conduct, Comment 1 to Rule 2.6.

1 Therefore, good cause appearing;

2 IT IS HEREBY ORDERED that the Court will not consider Respondent's motion
3 without all parties being given notice and an opportunity to be heard.

4 Respondent shall serve his motion upon all parties, including CASA, to this matter and
5 file proof of service with the Court. First Judicial District Court Rule 15 governs the time for the
6 opposing party to respond following service. The matter cannot be submitted until ten judicial
7 days has expired, i.e. not including holidays or weekends, plus three days for mailing. After the
8 period for a response has expired a request to submit will be necessary.

9 Dated this 7th day of September, 2017.

10
11 
12 JAMES T. RUSSELL
13 DISTRICT JUDGE
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Pursuant to NRCp 5(b), I certify that I am an employee of the First Judicial District Court, and that on this 7th day of September, 2017, I deposited for mailing at Carson City, Nevada, a true and correct copy of the foregoing Order addressed as follows:

Chris Bayer, CASA
E-mail: casaofcc@earthlink.net

Angela Jeffries
Judicial Assistant, Dept. 1