

Electronically Filed
Dec 10 2021 10:51 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEFFREY REED,)	Supreme Court Case No: 82575
)	District Court Case No.: 05D338668
Appellant,)	
v.)	
)	
ALECIA DRAPER (IND./CONSERV.),)	
)	
Respondent.)	
)	
)	
)	

**APPELLANT'S APPENDIX
VOLUME III OF XVII**

**ROBERTS STOFFEL FAMILY LAW
GROUP**

By: /s/ Amanda M. Roberts, Esq.
Amanda M. Roberts, Esq.
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Attorneys for Appellant

DESCRIPTION OF DOCUMENT	DATE FILED	VOL.	PAGE(S)
Admitted Trial Exhibit-Exhibit "1"- IEP	8/6/2020	VII	ROA1109 - ROA1174
Admitted Trial Exhibit-Exhibit "2"- IEP	8/6/2020	VII	ROA1175-ROA1264
Admitted Trial Exhibit-Exhibit "5"- UC Irvine Health Records	8/6/2020	VIII	ROA1265 - ROA1440
Admitted Trial Exhibit-Exhibit "6"- Center for Discovery Records	8/6/2020	VIII	ROA1441-ROA1492
Admitted Trial Exhibit-Exhibit "9"- Social Security Application	8/6/2020	IX	ROA1493 - ROA1528
Admitted Trial Exhibit-Exhibit "11"- Del Amo Hospital Records	8/6/2020	IX	ROA1529 - ROA1554
Admitted Trial Exhibit-Exhibit "13"- Dr. Love Initial Report	8/6/2020	IX	ROA1555-ROA1579
Admitted Trial Exhibit-Exhibit "14"- Dr. Love Report	8/6/2020	IX	ROA1580 - ROA1598
Admitted Trial Exhibit-Exhibit "15" through "17"- Dr. Love Records	8/6/2020	IX	ROA1599 - ROA1710
Admitted Trial Exhibit-Exhibit "18"- Dr. Love Records		X	ROA1711-ROA1759
Admitted Trial Exhibit-Exhibit "19"-Dr. Love Records (Part 1)	8/6/2020	X	ROA1760 - ROA1919

Admitted Trial Exhibit-Exhibit "19"-Dr. Love Records (Part 2)		XI	ROA1920 - ROA1986
Admitted Trial Exhibit-Exhibit "21"- Letter of Conservatorship	8/6/2020	XI	ROA1987 -ROA 1990
Admitted Trial Exhibit "25" and "26"- UBH Records	8/6/2020	XI	ROA1991 - ROA2050
Admitted Trial Exhibit-Exhibit "27" and "28"- Medical Records	8/6/2020	XI	ROA2051-ROA2103
Admitted Trial Exhibit-Exhibit "33"- Wellshire Hospital Medical Records	8/6/2020	XII	ROA2104 - ROA2175
Admitted Trial Exhibit-Exhibit "35"- Pasadena Villa Medical Records	8/6/2020	XII	ROA2176 - ROA2338
Admitted Trial Exhibit-Exhibit "36"- Pasadena Villa Medical Records	8/6/2020	XIII	ROA2339 - ROA2491
Admitted Trial Exhibit-Exhibit "37"- LeConte Medical Center Medical Records	8/6/2020	XIII	ROA2492 - ROA2544
Admitted Trial Exhibit-Exhibit "38"- LeConte Medical Center Medical Records	8/6/2020	XIV	ROA2545 - ROA2597
Admitted Trial Exhibit-Exhibit "39"- Pasadena Villa Discharge Summary	8/6/2020	XIV	ROA2597 - ROA2602
Admitted Trial Exhibit-Exhibit "40"- LeConte Medical Center Records	8/6/2020	XIV	ROA2603 - ROA2631

Admitted Trial Exhibit- Exhibit "42"- Data Compilation	11/19/2020	XVI	ROA2913 - ROA2925
Admitted Trial Exhibit- Exhibit "58"- Emily's Cell Phone Expenses	8/6/2020	XIV	ROA2632 - ROA2644
Admitted Trial Exhibit- Exhibit "85"- Emily's Financial Disclosure Form	8/6/2020	XIV	ROA2645- ROA2660
Admitted Trial Exhibit- Exhibit "86"- Supplemental Disclosure List	8/7/2020	XV	ROA2776 - ROA2784
Affidavit of Service	3/13/2019	IV	ROA0550
Amended Order Setting Evidentiary Hearing	1/10/2020	IV	ROA0639- ROA0640
Answer In Proper Person	6/29/2005	I	ROA0006
Case Appeal Statement	2/26/2021	XVII	ROA3063 - ROA3067
Certificate of Service	6/30/2017	I	ROA0075- ROA0076
Certificate of Transcripts	12/2/2021	XVII	ROA3068
Complaint for Divorce	6/14/2005	I	ROA0001 - ROA0005
Decision and Order	5/22/2018	III	ROA0501- ROA0516
Decree of Divorce	8/5/2005	I	ROA0007 - ROA0027
Defendant's Closing Brief	1/21/2021	XVII	ROA2994 - ROA3004
Defendant's Financial Disclosure Form	6/30/2017	I	ROA0077- ROA0087
Defendant's Financial Disclosure Form	8/3/2020	V	ROA0799- ROA0815
Defendant's Pre-Trial Memorandum	8/3/2020	V	ROA0770- ROA0792

Discovery Commissioner's Report and Recommendations	4/3/2020	IV	ROA0673-ROA0676
Ex Parte Application for an Order Shortening Time	7/31/2020	V	ROA0763-ROA0769
Ex Parte Application for an Order Shortening Time or an Order to Extend Time	2/2/2018	III	ROA0447-ROA0472
Ex Parte Application of an Order Granting Stay Pending Ruling on Writ	8/3/2020	V	ROA0793-ROA0798
Exhibits in Support of Defendant's Motion for Summary Judgment Regarding Child Support for an Adult Child.	1/2/2018	III	ROA0414-ROA0428
Exhibits in Support of Defendant's Reply and Motion to Reset child Support Based upon Emancipation of Child and for Attorney Fees and Costs; and in Opposition to Plaintiff's Countermotion for Child Support for Disabled Child Et Al.	8/24/2017	III	ROA0331-ROA0380
Financial Disclosure Form-Emily	4/9/2019	IV	ROA0571-ROA0580
Financial Disclosure Form-Emily	8/4/2020	V	ROA0831-ROA0845
Findings of Fact, Conclusions of Law, and Order	1/28/2021	XVII	ROA3016 -ROA3036
Minute Order	3/31/2020	IV	ROA0654

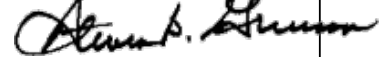
Minute Order	4/24/2020	IV	ROA0691- ROA0692
Motion for Summary Judgement Regarding Child Support for an Adult Child; Affidavit of Defendant	1/2/2018	III	ROA0429- ROA0446
Motion to Reset Child Support Based upon Emancipation of a Child and for Attorney Fees and Costs	6/29/2017	I	ROA0062- ROA0074
Notice of Appeal	2/26/2021	XVII	ROA3060 - ROA3062
Notice of Entry of Decision and Order	5/22/2018	III	ROA0517- ROA0534
Notice of Entry of Decree of Divorce	8/10/2005	I	ROA0028- ROA0050
Notice of Entry of Order	3/25/2015	I	ROA0060- ROA0061
Notice of Entry of Order (August 28, 2017 Hearing)	12/15/2017	III	ROA0404- ROA0413
Notice of Entry of Order (Discovery Commissioner's Report)	4/28/2020	IV	ROA0700- ROA0708
Notice of Entry of Order (Ex Parte Order Granting)	2/6/2018	III	ROA0475- ROA0478
Notice of Entry of Order for Findings of Fact, Conclusions of Law, and Order	1/28/2021	XVII	ROA3037 - ROA3059
Notice of Entry of Order from the April 9, 2019 Hearing	4/30/2019	IV	ROA0588- ROA0592
Notice of Entry of Stipulation and Order	5/2/2019	IV	ROA0596- ROA0601

Notice of Filing of the Petition for Writ of Mandamus or, in the Alternative, Writ of Prohibition	8/4/2020	V	ROA0816-ROA0817
Notice of Joinder	1/22/2019	III	ROA0535
Notice of Motion and Motion to Extend Discovery, Extend Time for Rebuttal Expert Upon Receipt of Relevant Records to Continue Trial, and Related Relief. Affidavit of Amanda M. Roberts, Esq.	7/31/2020	V	ROA0741-ROA0762
Notice of Motion and Motion to Extend Discovery; Extend Time for Rebuttal Expert Upon Receipt of Relevant Records; and Related Relief. Affidavit of Amanda M. Roberts (Discovery Commissioner)	4/2/2020	IV	ROA0655-ROA0672
Objection to Plaintiff's Closing Brief and Request to Strike	1/21/2021	XVII	ROA3011 - ROA3013
Opposition to Statement of Position for Defendant on the Request for Child Support for an Adult-Emily Reed	11/8/2019	IV	ROA0633-ROA0636
Order After Hearing (August 28, 2017 Hearing)	12/15/2017	III	ROA0396-ROA0403

Order from the April 9, 2019 Hearing	4/30/2019	IV	ROA0585-ROA0587
Order Granting Ex Parte Application to Reset the Hearing set on February 14, 2018 at 2:00 p.m.	2/6/2018	III	ROA0473-ROA0474
Order on Discovery Commissioner's Report and Recommendations	4/27/2020	IV	ROA0693-ROA0699
Order Setting Evidentiary Hearing	1/14/2015	I	ROA0051-ROA0053
Order Setting Evidentiary Hearing	1/9/2020	IV	ROA0637-ROA0638
Order Setting Pretrial Conference	7/15/2020	IV	ROA0713-ROA0715
Plaintiff's Closing Brief	1/21/2021	XVII	ROA3005 - ROA3010
Plaintiff's Financial Disclosure Form	7/21/2017	I	ROA0088-ROA0095
Plaintiff's Financial Disclosure Form- Alecia	4/9/2019	IV	ROA0551-ROA0570
Plaintiff's First Amended Motion (as Conservator for Emily Reed) for Child Support for a Disabled Child Beyond the Age of Majority	4/10/2019	IV	ROA0581-ROA0584
Plaintiff's Motion (as Conservator for Emily Reed) for Child Support a Disabled Child Beyond the Age of Majority	1/22/2019	IV	ROA0536-ROA0549

Plaintiff's Notice of Withdrawal of Request to Continue Child Support for Emily after High School Graduation due to Child's Disability	3/9/2015	I	ROA0054-ROA0055
Plaintiff's Opposition to Defendant's Ex Parte Application for an Order Granting Stay Pending Ruling on Writ	8/4/2020	V	ROA0818-ROA0830
Plaintiff's Opposition to Defendant's Motion for Summary Judgment	2/8/2018	III	ROA0479-ROA0491
Plaintiff's Opposition to Defendant's Motion to Extend Discovery, Extend time for Rebuttal Expert and Related Relief	4/17/2020	IV	ROA0677-ROA0690
Plaintiff's Opposition to Defendant's Motion to Reset Child Support Based upon Emancipation of a Child Et Al and Countermotion for Child Support for Disabled Child Et Al	7/21/2017	II	ROA0096-ROA0330
Plaintiff's Response to Defendant's Objection to Plaintiff's Closing Brief and Request to Strike	1/21/2021	XVII	ROA3014 - ROA3015
Reply in Support of Motion for Summary Judgment Regarding Child Support for an Adult Child	4/9/2018	III	ROA0492-ROA0500

Reply in Support of Motion to Reset Child Support based upon Emancipation of Child and for Attorney Fees and Costs; and Opposition to Plaintiff's Countermotion for Child Support for Disabled Child Et Al.	8/24/2017	III	ROA0381-ROA0395
Second Amended Order Setting Evidentiary Hearing	5/12/2020	IV	ROA0709-ROA0712
Stipulation and Order	3/18/2015	I	ROA0056-ROA0059
Stipulation and Order	5/2/2019	IV	ROA0593-ROA0595
Transcript from August 6, 2020 (Part 1)		V	ROA0846-ROA0960
Transcript from August 6, 2020 (Part 2)		VI	ROA0961-ROA1108
Transcript from August 7, 2020		XV	ROA2661 - ROA2775
Transcript from February 21, 2020		IV	ROA0641-ROA0653
Transcript from January 12, 2021		XVI	ROA2926 - ROA2993
Transcript from July 23, 2019		IV	ROA0602-ROA0632
Transcript from July 23, 2020		IV	ROA0716-ROA0740
Transcript from November 19, 2020		XVI	ROA2785 - ROA2912



1 **EXH**

2 Amanda M. Roberts, Esq.

3 State of Nevada Bar No. 9294

4 **ROBERTS STOFFEL FAMILY LAW GROUP**

5 4411 South Pecos Road

6 Las Vegas, Nevada 89121

7 PH: (702) 474-7007

8 FAX: (702) 474-7477

9 EMAIL: efile@lvfamilylaw.com

10 Attorneys for Defendant, Jeffrey Allen Reed

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 ALECIA ANN DRAPER,

14 Plaintiff,

15 v.

16 JEFFREY ALLEN REED,

17 Defendant.

Case No: 05D338668

Dept No: S

**EXHIBITS IN SUPPORT OF
DEFENDANT'S REPLY AND
MOTION TO RESET CHILD
SUPPORT BASED UPON
EMANCIPATION OF A CHILD
AND FOR ATTORNEY FEES AND
COSTS; AND IN OPPOSITION TO
PLAINTIFF'S COUNTERMOTION
FOR CHILD SUPPORT FOR
DISABLED CHILD ET AL.**

Date of Hearing: August 28, 2017

Time of Hearing: 3:00 p.m.

18 In accordance with *EDCR* § 5.205, the Defendant, Jeffrey Reed, hereby
19 submits Exhibits in support of his Reply and Motion to Reset Child Support Based
20 Upon Emancipation of a Child and for Attorney Fees and Costs; and in Opposition
21 to Plaintiff's Countermotion for Child Support for Disabled Child et al., as follows:

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		BATE STAMP NUMBER
EXHIBIT	DESCRIPTION	
A.	GoFundMe fundraiser created by Plaintiff, Alecia Reed	JR0001 - 0003
B.	California Secretary of State entity details for Moonwood Coffee Company, LLC	JR0004 – 0007
C.	Moonwood Coffee Facebook profile	JR0008 – 0020
D.	Working While Disabled book from Social Security Administration	JR0021 – 0043

DATED this 24th day of August, 2017.

ROBERTS STOFFEL FAMILY LAW GROUP

By: /s/ Amanda M. Roberts
Amanda M. Roberts, Esq.
State of Nevada Bar No. 9294
4411 S. Pecos Road
Las Vegas, Nevada 89121
PH: (702) 474-7007
FAX: (702) 474-7477
EMAIL: efile@lvfamilylaw.com
Attorneys for Defendant, Jeffrey Allen Reed

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Roberts Stoffel Family Law Group, and on the 24th day of August, 2017, I served by and through Wiz-Net electronic service, pursuant Clark County District Court Administrative Order 14-2 for service of documents identified in Rule 9 of the N.E.F.C.R., the foregoing Reply in Support of Defendant’s Motion to Reset Child Support Based Upon Emancipation of a Child and for Attorney Fees and Costs; and in Opposition to Plaintiff’s Countermotion:

Elizabeth Brennan Esq.
Elizabeth@brennanlawfirm.com
Attorney for Plaintiff, Alecia Draper

By: /s/ Holli Miller
Employee of Roberts Stoffel Family Law Group

Exhibit “A”

Exhibit “A”

Exhibit “A”



PTSD Service Dog for Emily

\$3,070 of \$8,000 goal

Raised by 36 people in 24 months

Hello,

I am a mother of 3 and raising awareness and funds for my 18 year old daughter Emily. Emily recently disclosed a long history of sexual and emotional abuse that was occurring for over half of her life by a trusted family friend.

Emily has been diagnosed with PTSD, severe depression, and anxiety. She experiences nightmare, flashbacks, and panic attacks that at this time will not allow her to have the independence that she desires. She is a survivor and is currently in weekly group and individual therapy and has the support of her family to assist her in the day to day activities of her life.

Emily desires to live independently, return to college, secure a job and eventually start a family of her own. We are asking for your help in raising the funds needed for a PTSD Service Dog from Service Dogs For Independence. Please visit [\(http://www.sd4i.us/\)](http://www.sd4i.us/) <http://www.sd4i.us/> (<http://www.sd4i.us/>) for more information.

Emily along with her therapist and family strongly believe a service dog can be protective, comforting, supportive, and improve her quality of life. We greatly appreciate the continued prayers and support our family and friends have displayed over this last year. Emily knows the journey for her recovery and healing is not easy and will be challenging. Emily is a true warrior and will not give up on reaching her goals and overcoming these obstacles.

Thank you for your generosity to support Emily in her recovery.

Recent Donations ▼



\$50

Beth DiCola

20 months ago



\$80

Beth DiCola

21 months ago



\$100

Tom Walker

22 months ago



\$50

Beth DiCola

22 months ago

I hope Max is learning his lessons well and will soon be loving you.



\$50

Anonymous

23 months ago



\$25

Bonnie Olden

23 months ago

These things are never ok. The good news is it's over and help is here. You can do it!

BD

\$80

Beth DiCola

23 months ago

AJ

\$40

Anabel Jimenez

24 months ago

JD

\$60

Janet Draper

24 months ago

I am challenging anyone out there to give a little more or pass this on to someone who can. No one beats Warren and I. I am giving another \$60 to top the highest!!!

UD

\$20

Ursula Dingle

24 months ago

Viewing 10 of 36 Donations

Comments

Be the first to leave a comment on this campaign.

© 2010-2017 GoFundMe

Exhibit “B”

Exhibit “B”

Exhibit “B”

Alex Padilla
California Secretary of State

Business Search - Entity Detail

The California Business Search is updated daily and reflects work processed through Sunday, July 23, 2017. Please refer to document **Processing Times** for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity. Not all images are available online.

201719510123 MOONWOOD COFFEE COMPANY, LLC

Registration Date:	07/10/2017
Jurisdiction:	CALIFORNIA
Entity Type:	DOMESTIC
Status:	ACTIVE
Agent for Service of Process:	ALECIA DRAPER 20762 CRESTVIEW LANE HUNTINGTON BEACH CA 92646
Entity Address:	20762 CRESTVIEW LANE HUNTINGTON BEACH CA 92646
Entity Mailing Address:	20762 CRESTVIEW LANE HUNTINGTON BEACH CA 92646
LLC Management	Member Managed

A Statement of Information is due EVERY ODD-NUMBERED year beginning five months before and through the end of July.

Document Type	↕	File Date	↕	PDF
SI-COMPLETE		07/23/2017		
REGISTRATION		07/10/2017		Image unavailable. Please request paper copy.

* Indicates the information is not contained in the California Secretary of State's database.

Note: If the agent for service of process is a corporation, the address of the agent may be requested by ordering a status report.

- For information on checking or reserving a name, refer to **Name Availability**.
- If the image is not available online, for information on ordering a copy refer to **Information Requests**.
- For information on ordering certificates, status reports, certified copies of documents and copies of documents not currently available in the Business Search or to request a more extensive search for records, refer to **Information Requests**.
- For help with searching an entity name, refer to **Search Tips**.
- For descriptions of the various fields and status types, refer to **Frequently Asked Questions**.

Modify Search

New Search

Back to Search Results



Secretary of State
Statement of Information
(Limited Liability Company)

LLC-12

17-A22228

FILED

In the office of the Secretary of State
of the State of California

JUL 23, 2017

This Space For Office Use Only

IMPORTANT — [Read instructions](#) before completing this form.

Filing Fee – \$20.00

Copy Fees – First page \$1.00; each attachment page \$0.50;
Certification Fee – \$5.00 plus copy fees

1. Limited Liability Company Name (Enter the exact name of the LLC. If you registered in California using an alternate name, [see instructions](#).)

MOONWOOD COFFEE COMPANY, LLC

2. 12-Digit Secretary of State File Number

201719510123

3. State, Foreign Country or Place of Organization (only if formed outside of California)

CALIFORNIA

4. Business Addresses

a. Street Address of Principal Office - Do not list a P.O. Box

20762 Crestview Lane

City (no abbreviations)

Huntington Beach

State

CA

Zip Code

92646

b. Mailing Address of LLC, if different than item 4a

20762 Crestview Lane

City (no abbreviations)

Huntington Beach

State

CA

Zip Code

92646

c. Street Address of California Office, if Item 4a is not in California - Do not list a P.O. Box

20762 Crestview Lane

City (no abbreviations)

Huntington Beach

State

CA

Zip Code

92646

5. Manager(s) or Member(s)

If no **managers** have been appointed or elected, provide the name and address of each **member**. At least one name **and** address must be listed. If the manager/member is an individual, complete Items 5a and 5c (leave Item 5b blank). If the manager/member is an entity, complete Items 5b and 5c (leave Item 5a blank). Note: The LLC cannot serve as its own manager or member. If the LLC has additional managers/members, enter the name(s) and addresses on Form LLC-12A ([see instructions](#)).

a. First Name, if an individual - Do not complete Item 5b

Alecia

Middle Name

Ann

Last Name

Draper

Suffix

b. Entity Name - Do not complete Item 5a

c. Address

20762 Crestview Lane

City (no abbreviations)

Huntington Beach

State

CA

Zip Code

92646

6. Service of Process (Must provide either Individual **OR** Corporation.)

INDIVIDUAL – Complete Items 6a and 6b only. Must include agent's full name and California street address.

a. California Agent's First Name (if agent is **not** a corporation)

Alecia

Middle Name

Ann

Last Name

Draper

Suffix

b. Street Address (if agent is **not** a corporation) - **Do not enter a P.O. Box**

20762 Crestview Lane

City (no abbreviations)

Huntington Beach

State

CA

Zip Code

92646

CORPORATION – Complete Item 6c only. Only include the name of the registered agent Corporation.

c. California Registered Corporate Agent's Name (if agent is a corporation) – Do not complete Item 6a or 6b

7. Type of Business

a. Describe the type of business or services of the Limited Liability Company

Coffee Beverages and Dessert Catering

8. Chief Executive Officer, if elected or appointed

a. First Name

Alecia

Middle Name

Ann

Last Name

Draper

Suffix

b. Address

20762 Crestview Lane

City (no abbreviations)

Huntington Beach

State

CA

Zip Code

92646

9. The Information contained herein, including any attachments, is true and correct.

07/23/2017

Alecia Ann Draper

Partner

Date

Type or Print Name of Person Completing the Form

Title

Signature

Return Address (Optional) (For communication from the Secretary of State related to this document, or if purchasing a copy of the filed document enter the name of a person or company and the mailing address. This information will become public when filed. [SEE INSTRUCTIONS](#) BEFORE COMPLETING.)

Name: []

Company:

Address:

City/State/Zip: []



**Attachment to
Statement of Information
(Limited Liability Company)**

**LLC-12A
Attachment**

17-A22228

A. Limited Liability Company Name

MOONWOOD COFFEE COMPANY, LLC

This Space For Office Use Only

B. 12-Digit Secretary of State File Number

201719510123

C. State or Place of Organization (only if formed outside of California)

CALIFORNIA

D. List of Additional Manager(s) or Member(s) - If the manager/member is an individual, enter the individual's name and address. If the manager/member is an entity, enter the entity's name and address. Note: The LLC cannot serve as its own manager or member.

First Name Bernadette	Middle Name	Last Name Neace	Suffix
Entity Name			
Address 26722 Westhaven Drive	City (no abbreviations) Laguna Hills	State CA	Zip Code 92653
First Name	Middle Name	Last Name	Suffix
Entity Name			
Address	City (no abbreviations)	State	Zip Code
First Name	Middle Name	Last Name	Suffix
Entity Name			
Address	City (no abbreviations)	State	Zip Code
First Name	Middle Name	Last Name	Suffix
Entity Name			
Address	City (no abbreviations)	State	Zip Code
First Name	Middle Name	Last Name	Suffix
Entity Name			
Address	City (no abbreviations)	State	Zip Code
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Entity Name			
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Entity Name			
Address	City (no abbreviations)	State	Zip Code
First Name	Middle Name	Last Name	Suffix
Entity Name			
Address	City (no abbreviations)	State	Zip Code


Exhibit “C”

Exhibit “C”

Exhibit “C”

Moonwood Coffee Co.

Tabitha Home 16 Find Friends



Moonwood Coffee Co.
@moonwoodcoffee

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Fullerton, California 92833

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(714) 421-6102

Typically replies within a day
Send Message


www.moonwoodcoffee.com

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Christian Church
Like




The Boiling Crab (Alha...
Southern Restaurant
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Praise Chapel Norwalk
Religious Organization
Like

Coffee Shops in Fullerton, California

Pages liked by this Page



Downtown Anaheim
Like

Chat (Off)

Art Crawl Experience...

Like

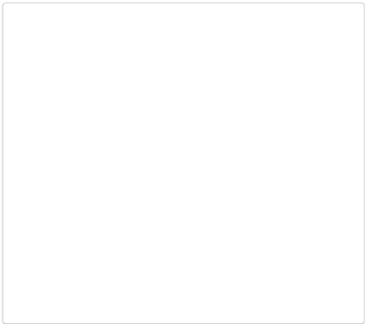
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@moonwoodcoffee

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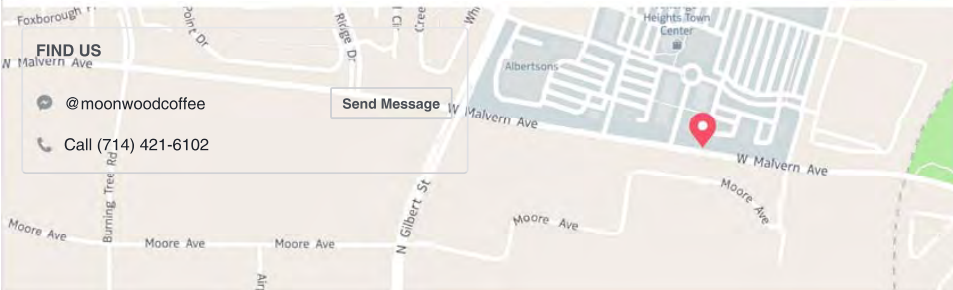
Suggest Edits

FIND US

@moonwoodcoffee

Send Message

Call (714) 421-6102



ADDITIONAL CONTACT INFO

✉ moonwoodcoffee@gmail.com

🌐 <http://www.moonwoodcoffee.com>

MORE INFO

About

A vision of delivering great coffee, tasty dessert, and an incredible customer experience. Inspired by a vintage feel and a modern coffee visual.

Coffee Shop · Event

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Upcoming Events

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Moonwood Coffee Co. does not have any upcoming events.

Past Events

JUL
23

Movies & Music Outdoor Event!
Sat 6 PM · Hosted by Moonwood Coffee Co.

Orville R Lewis Park
Los Alamitos, CA

JUL
23

Buena Park Farmers Market
Sat 9 AM · Hosted by Moonwood Coffee Co.

Buena Park Mall
Buena Park, CA

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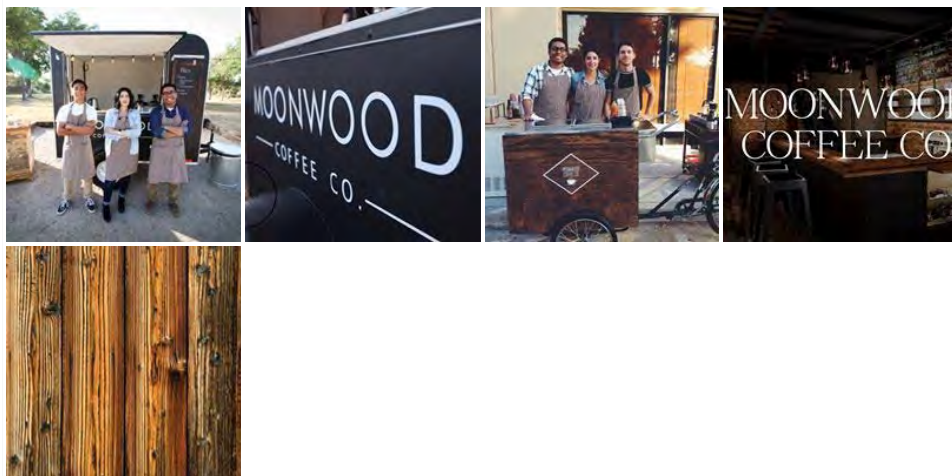
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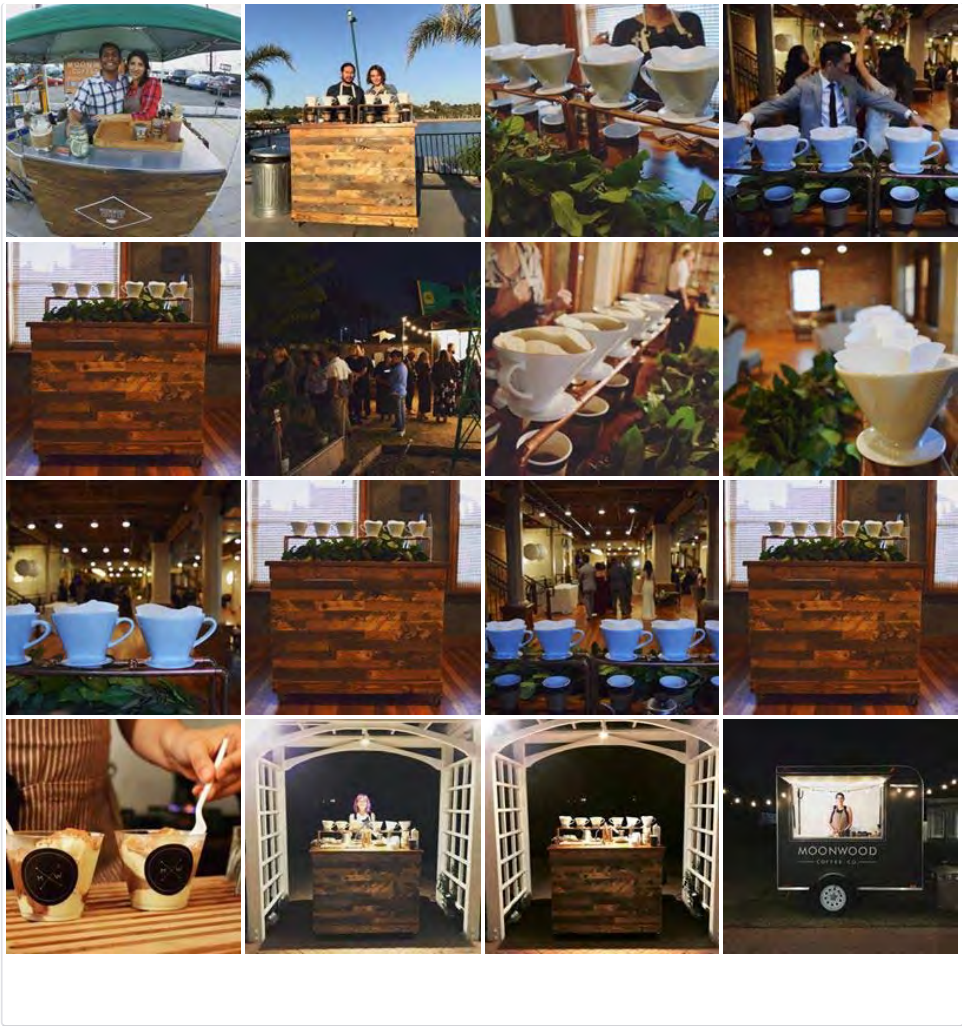
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JR0015
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7/24/2017
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 **Moonwood Coffee Co.**
July 17 at 2:03pm ·



Moonwood Coffee Co. updated their phone number.

[Call Now](#)

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 **Moonwood Coffee Co.**
July 11 at 12:53pm ·


Incredibly excited for @bodhileafcoffee and the entire team as they'll be featured on tonight's episode of @marcuslemonis' @theprofitcnbc! There are no better people who deserve this more. The future is bright! Congratulations, guys!



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1

 Write a comment...

 **Moonwood Coffee Co.**
July 6 at 9:18am ·

[Chat \(Off\)](#)

Beautiful shot from our friends @edenk.photo from this past Wedding event! What a perfect moment!

edenk.photo
Casa Bonita Event Center >



44 likes

Like Comment Share

5

Write a comment...

Moonwood Coffee Co.
June 28 at 10:11am ·

Pour-over beauty. 📷 #coffee #coffeebar #pourover #cafe #espresso #photo #photography #wedding #weddings #weddingphotography #bride #bridesmaids #woodwork #orangecounty #losangeles #riverside #sandiego #catering #food #foodtruck



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1

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 Write a comment...

**Moonwood Coffee Co.**
June 27 at 10:41am ·
Our affogato dessert. ☕ #coffee #espresso #affogato #icecream #dessert
#catering #coffeebar #cafe #foodtruck #food #corporate #orangecounty
#losangeles #sandiego #wedding #weddings #weddingdress
#weddingphotography #photo #photography #bride #marriage



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4

 Write a comment...

**Moonwood Coffee Co.**
June 26 at 8:12am ·
Thank you, @marinersmv for having us! We had a blast! 🎉👏



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Exhibit “D”

Exhibit “D”

Exhibit “D”

2017



Securing today
and tomorrow

Working While Disabled: How We Can Help

[SocialSecurity.gov](https://www.SocialSecurity.gov) |   

JR0021

ROA0358

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Getting disability benefits? We can help you get to work

If you're getting disability benefits, we have good news for you. Social Security's work incentives and Ticket to Work programs can help you if you're interested in working.

Special rules make it possible for people receiving Social Security disability benefits or Supplemental Security Income (SSI) to work and still receive monthly payments.

And, if you can't continue working because of your medical condition, your benefits can start again — you may not have to file a new application.

Work incentives include:

- Continued cash benefits for a time while you work;
- Continued Medicare or Medicaid while you work; and
- Help with education, training, and rehabilitation to start a new line of work.

Social Security and SSI have different rules. We describe the rules under each program in this booklet. Social Security incentives begin on page 2, and SSI incentives start on page 6.

If you're receiving Social Security or SSI, let us know right away when you start or stop working, or if any other change occurs that could affect your benefits.

The Ticket to Work program may also help you if you'd like to work. You can receive:

- Free vocational rehabilitation;
- Training;
- Job referrals; and
- Other employment support.

You won't undergo medical reviews while you're using the free "ticket" and making timely progress pursuing your plan for returning to work.

When you're ready to explore your work options, we have a Ticket to Work Help Line that lets you talk with us about work, benefits, or our work incentive programs. Call **1-866-YOURTICKET (1-866-968-7842)**, Monday through Friday between 8 a.m. and 8 p.m. EST. If you're deaf or hard of hearing, you may call our TTY number, **1-866-833-2967**. Or you can call our toll-free number and ask for *Your Ticket to Work* (Publication No. 05-10061).

You can also visit the Ticket to Work website at **www.socialsecurity.gov/work** for more information.

Social Security work incentives at a glance

(The SSI program rules begin on page 6.)

Trial work period — The trial work period allows you to test your ability to work for at least nine months. During

your trial work period, you'll receive your full Social Security benefits regardless of how much you're earning as long as you report your work, and you continue to have a disability. In 2017, a trial work month is any month your total earnings are over \$840. If you're self-employed, you have a trial work month when you earn more than \$840 (after expenses) or work more than 80 hours in your own business. The trial work period continues until you have worked nine months within a 60-month period.

Extended period of eligibility — After your trial work period, you have 36 months during which you can work and still receive benefits for any month your earnings aren't "substantial." In 2017, we consider earnings over \$1,170 (\$1,950 if you're blind) to be substantial. No new application or disability decision is needed for you to receive a Social Security disability benefit during this period.

Expedited reinstatement — If your benefits stop because of substantial earnings, you have five years to ask us to restart your benefits if you're unable to keep working because of your condition. You won't have to file a new application or wait for your benefits to restart while we review your medical condition.

Continuation of Medicare — If your Social Security disability benefits stop because of your earnings, but you're still disabled, your free Medicare Part A coverage will continue for at least 93 months after the nine-month trial work

period. After that, you can buy Medicare Part A coverage by paying a monthly premium. If you have Medicare Part B coverage, you must continue to pay the premium. If you want to end your Part B coverage, you must request it in writing.

Work expenses related to your disability — If you work, you may have to pay for certain items and services for which people without disabilities don't pay. For example, because of your medical condition, you may need to take a taxi to work instead of public transportation; or you may need to pay for counseling services. We may be able to deduct these expenses from your monthly earnings before we decide if you're still eligible for benefits.

How your earnings affect your Social Security benefits

During the trial work period, there are no limits on your earnings. During the 36-month extended period of eligibility, you usually can make no more than \$1,170 a month or your benefits will stop. But, we deduct the work expenses you have because of your disability when we count your earnings. If you have extra work expenses, your earnings could be substantially higher than \$1,170 before they affect your benefits. This substantial earnings amount usually increases each year.

Your work expenses may include the costs of any items or services you need to work, even if they are also useful in your daily living. Examples include copayments for prescriptions, counseling services, transportation to and from work (under certain conditions), a personal attendant or job coach, a wheelchair, or any specialized work equipment.

What to report if you work and receive Social Security disability

If you receive Social Security because of a disability, you or your representative must tell us right away if:

- You start or stop work;
- You reported your work, but your duties, hours, or pay change; or
- You start paying expenses for work because of your disability.

You can report changes in your work by phone, mail, or in person. You can find your local office on our website at **www.socialsecurity.gov**. We'll give you a receipt to confirm your report. Keep this receipt with all your other important papers from Social Security.

If you lose your job

If you lose your job during a trial work period, your benefits aren't affected. If you lose your job during the 36-month extended period of eligibility, call us and we'll reinstate your benefits as long as you're still disabled.

Special rules for workers who are blind

If you're blind, and you work while receiving your Social Security benefits, there are special rules:

- You can earn up to \$1,950 a month in 2017 before your earnings may affect your benefits.
- If you earn too much to receive disability benefits, you're still eligible for a disability "freeze." This means we won't count those years in which you had little or no earnings because of your disability in figuring your future benefits.

This can help you because we base your benefits on your highest earnings over your work life. For more information on special rules for blind persons, read *If You Are Blind or Have Low Vision — How We Can Help* (Publication No. 05-10052).

SSI work incentives at a glance

(The Social Security disability rules begin on page 2.)

Continuation of SSI — We pay SSI benefits to people who are age 65, blind, or disabled, and who have little income or resources. If you're disabled and work despite your disability, you may continue to receive payments until your earnings, added with any other income, exceed the SSI income limits. This limit is different in every state. Even if your SSI

payments stop, your Medicaid coverage usually will continue if your earnings are less than your state level.

Expedited reinstatement — If we stopped your payments because of your earnings, and you become unable to work again because of your medical condition, you may ask us to restart your benefits. You won't have to file a new disability application if you make this request within five years after the month your benefits stopped.

Work expenses related to your disability — If you work, you may have to pay for certain items and services for which people without disabilities don't pay. For example, because of your medical condition, you may need to take a taxi to work instead of public transportation; or you may have to pay for counseling services. We may be able to deduct these expenses from your monthly earnings before we decide if you're still eligible for benefits.

Students with disabilities — If you're under age 22, go to school, or regularly attend a training program, we don't count some of your earnings. In 2017, we don't count up to \$1,790 of your earnings a month (maximum of \$7,200 for 2017) when we calculate your SSI benefit.

Next, we devote an entire section to explain an important SSI work incentive, the plan to achieve self-support, or PASS, program.

Plan to achieve self-support (PASS)

The purpose of a plan to achieve self-support is to help you get items, services, or skills you need to reach your work goals. Your work goal should reduce your dependence on SSI or help you leave the Social Security disability or SSI rolls. Any money you use to help achieve your work goal won't count when we figure out how your current income and resources affect your benefits. For example, you could set aside money to go to school to get training for a job or to start a business. You can also use money you save for:

- Transportation to and from work;
- Tuition, books, fees, and supplies needed for school or training;
- Child care;
- Attendant care;
- Employment services, such as job coaching and resume writing;
- Assistive technology used for employment-related purposes;
- Supplies to start a business;
- Equipment and tools to do the job; or
- Uniforms, special clothing, and safety equipment.

How to set up a plan — The plan must be in writing, and Social Security must approve it. To start, contact your local

Social Security office for an application (Form SSA-545-BK). Then, follow the steps below to set up your plan:

1. Decide what your work goal is. For example, your work goal might be to get a job you want, and that you think you'll be able to do, when you complete your plan. We can refer you to a vocational rehabilitation counselor who can help you figure out your work goal. Other third parties can help you, too. You can also set up a plan to cover the costs of vocational services (including testing, vocational services, and business planning).
2. Indicate all the steps you need to take to reach your goal and how long you'll need to complete each step.
3. Decide what items or services you'll need to reach your goal. Your plan must show how an item or service will help you reach your goal. For example, if you want to work in a restaurant, you may need training to learn to cook. If you want to become a computer programmer, you may need a college degree. If you want to start your own business, you may need to buy equipment.
4. Get several cost estimates for the items and services you need. We'll only approve reasonably priced items and services.
5. Find out how much money you'll have to set aside each month to pay for these items and services. If you're setting aside income for your plan,

your SSI payment usually will increase to help you meet your living expenses. We can estimate what your new SSI amount will be if we approve your plan.

6. Tell us how you'll keep your plan's funds separate from any other money you have. The easiest way to do this is to open a separate bank account for the money you save under your plan.
7. Complete ALL the questions on the Form SSA-545-BK, sign it, and date it. Make sure that your correct address and phone number are on the form.
8. Take or mail your completed form to your local Social Security office.

If you need help writing your plan, your local Social Security office can either help you or refer you to a local organization that will help you.

If your work goal is to be self-employed

Include a detailed business plan with your application if you want to start your own business. Your business plan should explain:

- What type of business you want to start (for example, a restaurant, a print shop);
- Where you'll set up your business (for example, rent a store, share space);
- Your hours of operation;
- Who your customers, suppliers and competitors will be;

-
- How you'll advertise your product or service;
 - What items and services you'll need to start the business;
 - What these items and services will cost;
 - How you are going to pay for these items and services; and
 - Your expected earnings for the first four years of the business.

NOTE: *We encourage you to talk to someone who can help you write your business plan. This could be someone from the Small Business Administration, Service Corps of Retired Executives, a vocational counselor, a local banker, or anyone else familiar with helping people start a business. You can include any costs for this help in your plan.*

Social Security must evaluate your plan — After you submit your application, a Social Security plan expert will:

- Review the plan to make sure it's complete;
- Decide if your plan will give you a good chance of reaching your goal;
- Decide if the expenses listed are necessary to reach your goal and if they're reasonably priced;
- Decide if your plan needs any changes and discuss them with you; and
- Send you a letter to let you know if we approve or deny your plan.

If we approve your plan, the expert will contact you periodically to make sure that you're following your plan to reach your goal. Make sure that you keep receipts for the items and services you have bought under the plan.

If we deny your plan, you may appeal

— If we don't approve your plan, you have a right to appeal the decision. The letter you receive will explain your appeal rights and tell you how to file an appeal. You may also present a new plan to us.

If we approve your plan, you can make changes

— If you later decide to change your plan, you may do so. However, you must get approval from Social Security before you make any changes. Tell us in writing what changes you want to make, such as a change in the money you set aside each month or a change in the expenses you'll have. The expert will review the changes and let you know if we approve them. Tell us as soon as possible about changes that affect your plan.

Let us know if you can't complete your plan

— Contact your Social Security office if you decide that you can't continue with your plan. The plan expert may be able to help you make some changes to your plan to reach your goal. Or, you may write a new plan with a new work goal.

If you don't complete your plan, we'll start counting the income or resources that you were setting aside for your plan when we figure your monthly SSI benefit. That means that your SSI payment probably will go down or stop. If you wait too long to tell us that you stopped working on your plan, you may get too much SSI. Then, you may have to pay back the SSI payments you received since you stopped working on your plan. Remember, you may also choose to write a new plan with a new work goal.

How your earnings affect your SSI payments

We base your SSI payments on how much other income you have. When your other income goes up, your SSI payments usually go down. So when you earn more than the SSI limit, your payments will stop for those months. But, your payments will automatically start again for any month your income drops to less than the SSI limits. Tell us if your earnings drop, or if you stop working.

If your only income is SSI, and the money you make from your job, we don't count the first \$85 of your monthly earnings. Each month, we reduce your SSI benefits 50 cents for every dollar that you earn over \$85.

Example: You work and earn \$1,000 in a month; and your only income is your earnings and your SSI.

\$1,000

-\$85

\$915 divided by 2 = \$457.50

We would take \$457.50 from your SSI payment.

You may be eligible for a plan to achieve self-support that allows you to use money and resources for a specific work goal. These funds don't count when we figure out how your current income and resources affect your benefits.

What to report if you work and receive SSI

If you get SSI, you must let us know right away when:

- You start or stop work;
- Your duties, hours, or pay change; or
- You start paying expenses for work because of your disability.

You must report your monthly earnings by:

- Calling us toll-free at **1-800-772-1213** or at our TTY number, **1-800-325-0778**, if you're deaf or hard of hearing, by the 6th day of the next month; or
- Mailing or bringing your pay stubs to your local Social Security office by the 10th day of the next month.

You can find your local office on our website at ***www.socialsecurity.gov***. We'll give you a receipt to confirm your report. Keep this receipt with all your other important papers from Social Security.

Most people with telephone access can report wages using our automated wage reporting system. Reporting monthly wages by phone saves you paper, postage, and time, because you don't need to copy, fax, or mail wage evidence to the local office. Contact Social Security to enroll.

For more information on reporting earnings, read *Reporting Wages When You Receive Supplemental Security Income (SSI)* (Publication No. 05-10503).

How long your Medicaid will continue

In general, your Medicaid coverage will continue even after your SSI payments stop, until your income reaches a certain level. That level varies with each state and reflects the cost of health care in your state. We can tell you the Medicaid level for your state. If your health care costs are higher than this level, however, you can have more income and keep your Medicaid. In most states, for your Medicaid to continue, you must:

- Need it to be able to work;
- Be unable to afford similar medical coverage without SSI;

-
- Still be disabled; and
 - Meet all other requirements for SSI eligibility.

If you qualify for Medicaid under these rules, we'll review your case periodically to see if you're still disabled or blind and still earning less than your state's allowable level.

Contacting Social Security

There are several ways to contact Social Security, including online, by phone, and in person. We're here to answer your questions and to serve you. For more than 80 years, Social Security has helped secure today and tomorrow by providing benefits and financial protection for millions of people throughout their life's journey.

Visit our website

The most convenient way to conduct Social Security business from anywhere at any time, is to visit ***www.socialsecurity.gov***. There, you can:

- Create a *my* Social Security account to review your *Social Security Statement*, verify your earnings, print a benefit verification letter, change your direct deposit information, request a replacement Medicare card, get a replacement 1099/1042S, and more;
- Apply for Extra Help with Medicare prescription drug plan costs;

-
- Apply for retirement, disability, and Medicare benefits;
 - Find copies of our publications;
 - Get answers to frequently asked questions; and
 - So much more!

Call us

If you don't have access to the internet, we offer many automated services by telephone, 24 hours a day, 7 days a week. Call us toll-free at **1-800-772-1213** or at our TTY number, **1-800-325-0778**, if you're deaf or hard of hearing.

If you need to speak to a person, we can answer your calls from 7 a.m. to 7 p.m., Monday through Friday. We ask for your patience during busy periods since you may experience higher than usual rate of busy signals and longer hold times to speak to us. We look forward to serving you.

Notes

Notes



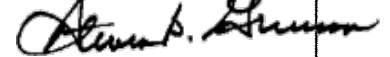
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11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 ALECIA ANN DRAPER,

14 Plaintiff,

15 v.

16 JEFFREY ALLEN REED,

17 Defendant.

Case No: 05D338668

Dept No: S

**REPLY IN SUPPORT OF MOTION
TO RESET CHILD SUPPORT
BASED UPON EMANCIPATION
OF A CHILD AND FOR
ATTORNEY FEES AND COSTS;
AND OPPOSITION TO
PLAINTIFF'S COUNTERMOTION
FOR CHILD SUPPORT FOR
DISABLED CHILD ET AL.**

Date of Hearing: August 28, 2017

Time of Hearing: 3:00 p.m.

18
19 COMES NOW the Defendant, Jeffrey Reed, by and through his attorney of
20
21 record, Amanda M. Roberts Esq., of Roberts Stoffel Family Law Group, and hereby
22
23 files this Reply in support of his Motion to Reset Child Support Based Upon
24

25 \\\

26 \\\

1 Emancipation of a Child and for Attorney Fees and Costs; and Opposition to Plaintiff's
2 Counter-motion for Child Support for Disabled Child.

3
4 DATED this 24th day of August, 2017.

5 **ROBERTS STOFFEL FAMILY LAW GROUP**

6
7 By: Amanda M. Roberts

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Attorneys for Defendant, Jeffrey Allen Reed

13 **MEMORANDUM OF POINTS AND AUTHORITIES**

14
15 **I.**

16 **Supplemental Statement of Facts**

17 The Parties, Alecia Reed ("Alecia") and Jeffrey Reed ("Jeff") were divorced
18 pursuant to a Decree of Divorce filed on August 5, 2005. At the time of their divorce,
19 the Parties had three (3) minor children, to wit: Emily Reed ("Emily"), born on
20 November 16, 1996; Anthony Reed ("Anthony"), born on May 25, 1999; and Adam
21 Reed ("Adam"), born on January 23, 2001. Two (2) of the children have since
22 emancipated. As such, the Parties have one remaining minor child, Adam.

23
24 Emily does not have, and never has had, a guardian/conservator, to the best of
25 Jeff's knowledge.
26

1 Emily's Alleged Disability

2 In her Opposition and Countermotion, Alecia alleges that the Court should
3
4 calculate child support at twenty-five percent (25%) of Jeff's gross monthly income
5 based upon child support for Adam, who is the last remaining minor child, and also the
6 Parties' adult daughter whom she alleges is disabled. As the Court may recall, Alecia
7 previously made a request for child support for Emily, beyond the age of majority. The
8 Court set the matter for an Evidentiary Hearing on the issue. However, prior to the
9 Evidentiary Hearing, on March 9, 2015, Alecia withdrew her request for child support
10 for Emily beyond the age of majority. Specifically, Alecia filed a "Notice of
11 Withdrawal of Request to Continue Child Support for Emily After High School
12 Graduation Due to Child's Disability & Request to Vacate Evidentiary Hearing." As a
13 result of that filing, the Evidentiary Hearing was vacated and no additional hearings
14 were held to address this issue. As such, the issue of Emily's disability and need for
15 support remain unresolved. The issue of whether Emily was disabled is a legal issue
16 that requires the Court to assess the matter and make a legal determination.
17
18
19
20

21 In her Opposition and Countermotion, Alecia provides a letter from Dr. Jennifer
22 Love Farrell ("Dr. Farrell"), purporting to provide a legal opinion regarding Emily's
23 alleged disability and the age when she alleged became disabled. **Dr. Farrell is not**
24 **qualified to provide a legal opinion. {EMPHASIS ADDED}** Dr. Farrell did not treat
25 Emily until last year, March of 2016, and should not be rendering any opinion regarding
26
27
28

1 her prior treatment(s). The proper person to render the medical opinion regarding prior
2 treatment is that treating physician. Moreover, based upon the information herein it
3 appears that Dr. Farrell is not apprised of all of the facts and information related to
4 Emily's current care.
5

6 Alecia alleges that Emily has been disabled since prior to her eighteenth (18th)
7 birthday and Alecia had to quit her job to care for Emily full time. Moreover, Alecia
8 alleges that Adam requires weekly therapy because he was mentally, emotionally and
9 physical abused. Alecia's statements are not consistent with the facts in this matter.
10 Alecia has painted a picture, that Emily is not able to function. This is simply not the
11 case.
12

13
14 Since turning eighteen (18) years old, Emily has enjoyed a full life. Immediately
15 after graduating from high school, Emily and her friends participated in a celebratory
16 vacation to Mexico. Upon information and belief, Alecia did not accompany Emily on
17 the vacation to Mexico, Jeff believes another adult went to watch over the entire group.
18 During this time, Emily was able to function without "full time" care of her Mother.
19

20 Since reaching the age of emancipation, Emily has continued to be able to do the
21 following activities:
22

- 23 • Emily graduated from high school with good grades;
- 24
25
26
27

- Emily has attended college classes;¹
- Emily has a driver's license;
- Emily drives a car that she has access to at Alecia's house;
- Emily was employed outside of the home;
- Emily is able to work in her church's coffeeshop; and
- Emily is left alone for long periods of time without supervision.

Most recently, Alecia recently purchased a business.² Alecia has been actively participating in the transition and management of the business. Jeff has repeatedly spoken with Emily and she has informed Jeff that she is home alone because Alecia is working. Emily has also informed Jeff that she has been working in the business.

At this point, Jeff disputes the claim that Emily is unable "to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment[.]" Jeff does not dispute that Emily receives Social Security Disability ("SSD"), but receipt of SSD does not mean that the recipient is unable to work. The Social Security Administration allows recipients to be employed and still receive benefits through SSD. In fact, the Social Security Administration has books that assist individuals receiving SSD with this very issue. As such, receipt of the SSD is not tantamount to a determination that Emily is handicap child beyond the age of majority.

¹ Although Jeff does not know for certain that Emily has attended college, Alecia indicates on a GoFundMe fundraising post, that "Emily desires to live independently, return to college, secure a job and eventually start a family of her own."

²² It is unknown when the purchase of the business was, but Alecia's filing with Secretary of State was in the first part of July 2017.

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Additionally, it should be noted that Adam's therapy did not begin until Jeff's Counsel sent her correspondence regarding modifying child support. This is presumed to be an attempt by Alecia to claim additional and continued therapy would be necessary past his majority.

Contempt Request-

Alecia's request for Jeff to be held in contempt of Court is without merit and must not be considered by the Court. *Awad v. Wright*, 106 Nev. 407, 794 P.2d 713 (1990).

II. REPLY

A. Jeffrey's request to reset child support should be granted.

Child support is governed by Chapter 125B of the Nevada Revised Statutes. Pursuant to *NRS* § 125B.200 (a) and (b) defines child as under the age of eighteen or under the age of nineteen (19) and still enrolled in high school. Alecia does not dispute that there is only one (1) remaining minor child, Adam. As such, Alecia should have stipulated to reduce Jeff's child support based upon that one (1) remaining minor child. Rather than agree, Alecia forced Jeff to file a Motion regarding that issue. Jeff's income changes based upon his bonus structure and this year, he is not earning at the same level as previous years. As such, Jeff's child support should be reduced to eighteen percent (18%) of his gross monthly income based upon his three (3) most recent paycheck stubs. Additionally, Jeff should be awarded attorney fees and costs for having to file this Motion.

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III.
OPPOSITION TO COUNTERMOTION

A. Alecia's request for child support for disabled child is without merit and must be denied.

NRS § 125B.110 provides that parents may be required to support their children, above the age of majority if the child is handicap. Handicap is defined as "inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment[.]" The obligation for support ends when the child is no longer handicap or is self-supporting which is defined as "if the child receives public assistance beyond the age of majority and that assistance is sufficient to meet the child's needs."

In this matter, it is believed that Emily receives SSD. However, receipt of SSD in and of itself does not meet the qualifications of handicap. The Court is required to determine the issue of whether Emily is able to "engage in any substantial gainful activity[.]" Jeff would assert that this is a factual issue and the Court should open discovery and set the matter for an Evidentiary Hearing to make this determination. Moreover, the Court must determine when the alleged disability occurred. This issue has never been fully addressed because Alecia previously withdrew her request for support past Emily's age of majority.

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1 In this matter, it is Jeff's belief that Emily is currently receiving SSD. As such, it
2 is presumed until otherwise proven that Emily's SSD is sufficient to cover her needs.
3 Alecia has not established the amount of Emily's SSD. Alecia has also not established
4 that the amount Emily receives from SSD is not sufficient to provide for her needs.
5 Those needs are that of the Emily's and not Alecia's needs.
6

7 Thus, Jeff requests that until the Court hears the facts by way of an Evidentiary
8 Hearing, which was already previously set by the Court, that any request regarding
9 Emily be deferred. Jeff requests that the Court set an Evidentiary Hearing and open
10 discovery.
11

12
13 B. Alecia's request to split cost of Adam's therapy should be denied.

14 The Stipulation and Order filed on March 3, 2015, governs the issue of
15 unreimbursed medical expenses. That Order requires medical bills to be split equally
16 under the 30/30 Rule. However, if unreimbursed medical expenses are going to be in
17 excess of \$1,500.00 each year then the "medical treatment, counseling, or other necessary
18 treatment which is above the limit must be agreed to by Dad, and if not agreed to, shall be
19 returned to Court for decision." In this matter, Alecia is requesting the Court Ordered
20 that Jeff pay the fees above \$1,500.00 annually without first discussing the issue with
21 Jeff. Alecia has failed to explain to the Court the reason that a therapy provider covered
22 by insurance is not sufficient for Adam. Candidly, Alecia did not obtain the therapist for
23 Adam until Jeff's Counsel sent the correspondence attempting to settle this matter. This
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1 reaction is extremely suspect. Jeff would argue that pursuant to *EDCR* § 7.60, this issue
2 is not ripe for the Court's consideration.

3
4 C. *Alecia's request for an Order to Show Cause Against Jeffrey should be*
5 *denied.*

6 Pursuant to *NRS* § 22.030 (2), requests for contempt **must** be accompanied by an
7 affidavit, which provides the "facts constituting contempt." The Court does not gain
8 jurisdiction over the issue of contempt unless an affidavit with "all essential material
9 facts" are presented to the Court. *Id* at 410. The failure to provide the affidavit cannot
10 be cured by proof at a hearing because until the affidavit is provided, the Court does not
11 have jurisdiction to hear the issue of contempt. *Id* at 409. Additionally, all contempt
12 proceedings are also governed by the holding in *Awad v. Wright*, 106 Nev. 407, 794
13 P.2d 713 (1990). In *Awad*, supra, the Nevada Supreme Court concluded that a
14 substantive affidavit, identifying the specific alleged violations of a Court Order, is
15 required in order to vest the District Court with the jurisdiction required to even
16 consider contempt of court. A non-specific affidavit (or, in this instance, a verification
17 disguised as an affidavit) is wholly insufficient to vest the court with jurisdiction to
18 consider contempt of court against Won. Furthermore, the *Awad* holding goes on to say
19 any affidavit defect cannot be subsequently cured.

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1 In this matter, Alecia's Opposition and Countermotion is not supported by an
2 Affidavit. As such, Alecia's Counsel is precluded from arguing for contempt and the
3 Court is precluded from even setting this matter for an Evidentiary Hearing on the issue
4 of contempt.
5

6 D. Alecia's request to compel Jeffrey to pay all overdue medical bills should
7 be denied.

8 This is a non-issue, Jeff paid the amount that Alecia alleges needs to be paid for
9 Adam. The issue is the treatment she unilaterally sought for Adam, over \$1,500.00.
10 annually Jeff would argue that because she chose to incur the expenses over \$1,500.00
11 annually there is no obligation for Jeff to reimburse one-half of those costs because
12 Alecia failed to comply with their agreement and the Court Order.
13

14 E. Alecia's request for Jeffrey to pay Alecia's attorney's fees and costs should
15 be denied.

16 Jeff requests that the Court deny Alecia's request for attorney fees and costs
17 because she did not adequately attempt to resolve these issues prior to filing the
18 Countermotion. Furthermore, Alecia fraudulently completed her FDF. Alecia has a
19 business that she is currently working with the Parties' children [adult and minor].
20 Alecia knew or should of know she was under an obligation to present this information
21 to the Court. As such, Alecia's request should be denied pursuant to EDCR § 7.60.
22

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V.
Conclusion

Therefore, based upon the foregoing, Jeffrey requests this Court:

1. Grant his request to reset his child support at eighteen percent (18%) of his gross monthly income based upon the emancipation.
2. Grant his request for attorney fees and costs.
3. Deny Alecia's request for child support of disabled child;
4. Deny Alecia's request to split Adam's therapy;
5. Deny Alecia's request for an Order to Show Cause against Jeffrey;
6. Deny Alecia's request to pay all overdue medical bills;
7. Deny Alecia's request for attorney's fees and costs, and
8. For any and all other relief the Court deems proper and just.


DATED this 24th day of August, 2017.

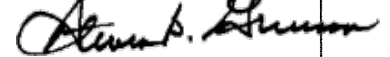
ROBERTS STOFFEL FAMILY LAW GROUP

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Elizabeth Brennan Esq.
Elizabeth@brennanlawfirm.com
Attorney for Plaintiff, Alecia Draper

By: 
Employee of Roberts Stoffel Family Law Group



ORDR

Amanda M. Roberts, Esq.

State of Nevada Bar No. 9294

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Attorneys for Defendant, Jeffrey Allen Reed

DISTRICT COURT

CLARK COUNTY, NEVADA

ALECIA ANN DRAPER,

Plaintiff,

v.

JEFFREY ALLEN REED,

Defendant.

Case No: 05D338668

Dept No: S

ORDER AFTER HEARING

Date of Hearing: August 28, 2017

Time of Hearing: 3:00 p.m.

THIS MATTER having come before the Court on the 28th day of August, 2017,
for Defendant's Motion to Reset Child Support Based Upon the Emancipation of a
Child and Request for Attorney's Fees and Costs; and Plaintiff's Opposition thereto and
Counter-motion for Child Support for Disabled Child, et. al. The Defendant, Jeffrey
Reed, being present and represented by and through his attorney of record, Amanda M.
Roberts, Esq., of Roberts Stoffel Family Law Group, and the Plaintiff, Alecia Draper,
being present and represented by and through her attorney of record, Elizabeth Brennan,

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1 Esq., and the Court having heard the testimony of the Parties and reviewed the
2 pleadings on file herein hereby Orders as follows:

3
4 THE COURT HEREBY FINDS that the Parties' stipulated that there was one
5 remaining child, Adam, and based upon Defendant's gross monthly income his
6 presumptive maximum for child support for one (1) minor child would be \$837.00 per
7 month. (Video Record at 04:08:00)

8
9 THE COURT FURTHER FINDS that the Defendant stipulated to pay \$66.00 in
10 medical insurance for Adam which the Parties' acknowledge may not be an accurate
11 number, but both stipulate and agree on that number- \$66.00. (Video Record at
12 04:09:59)

13
14 THE COURT FURTHER FINDS that Anthony graduated from high school in
15 June of 2017; therefore, the child support should have been reset on July 1, 2017. The
16 Motion was filed in June of 2017. (Video Record at 04:10:22)

17
18 THE COURT FURTHER FINDS that the Parties' agreed that Ms. Roberts shall
19 review the video from the hearing on January 12, 2015, to clarify the provision about
20 the medical from the Order of said hearing. The Court understands that after the video
21 is reviewed, the Parties' will try to work out an agreement regarding the issue of
22 unreimbursed medical expenses. (Video Record at 04:32:17 and 04:33:00)

23
24 THE COURT FURTHER FINDS that the Parties' stipulated that both Counsel
25 need to exchange documents relating to Emily, and Emily may have to sign a HIPPA
26

1 Release for Ms. Roberts to review her medical records to see if Emily is medically and
2 legally handicapped under the statute. (Video record at 04:35:15)

3 THE COURT FURTHER FINDS that the Plaintiff is not a Guardian for Emily.
4
5 (Video Record at 04:35:39)

6 THE COURT FURTHER FINDS that the Order on Emily is not being changed, it
7 is in dispute because the Parties' and the Court are unclear regarding the Order. If it
8 was clear the Court would decide it today, but it is unclear which is why everyone needs
9 to time to tell the Court what it actual means. (Video Record at 04:45:00)

11 NOW THEREFORE,

12 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that child support
13 for the one (1) remaining minor child, Adam, is set at \$837.00 per month, taking into
14 consideration the statutory presumptive maximum. There is an additional \$66.00 per
15 month owed for health insurance, by stipulation of the Parties. Therefore, Defendant's
16 total obligation shall be \$903.00 per month effective July 1, 2017. (Video Record at
17 04:10:48 and 04:44:40)

18 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that prior to the
19 next hearing the video from January 12, 2015, shall be reviewed and the Parties' shall
20 attempt to resolve the issue regarding unreimbursed medical expenses. (Video Record
21 at 04:33:00)

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED the Plaintiff may
2 appear telephonically at the next hearing. (Video Record at 04:41:52)

3
4 IT IS FURTHER ORDERED, ADJUDGED AND DECREED a Return Hearing
5 is set regarding Plaintiff's request for child support for Emily past the age of majority,
6 medical payment due for Adam, and past due medical due for Emily which the Court
7 indicated may require the Plaintiff to explain why she believes it is due and owing.
8
9 (Video Record at 04:40:00)

10 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant has
11 an obligation to pay child support for one child, Adam; that Defendant no longer has an
12 obligation to pay child support for one child, Anthony; and that there is a dispute
13 regarding Defendant's obligation to pay child support for the Parties' adult daughter,
14 Emily. (Video Record at 04:43:20) It is up to the Defendant whether he wants to pay to
15 pay for Emily, if he does not and the Court interprets the Order and law to mean he
16 should have paid support for Emily then he would have an arrears. (Video Record at
17 04:44:00)

18
19
20 IT IS FURTHER ORDERED that the following statutory notices relating to the
21 custody of minor children are applicable to the Parties:

22
23 The Parties are also put on notice of the following provision of *NRS* §125C.206,
24 which states:

- 25
26 1. If primary physical custody has been established pursuant to
27 an

1 order, judgment or decree of a court and the custodial parent
2 intends to relocate his or her residence to a place outside of this
3 State or to a place within this State that is at such a distance that
4 would substantially impair the ability of the other parent to
5 maintain a meaningful relationship with the child, and the
6 custodial parent desires to take the child with him or her, the
7 custodial parent shall, before relocating:

- 8 (a) Attempt to obtain the written consent of the noncustodial
9 parent to relocate with the child; and
10 (b) If the noncustodial parent refuses to give that consent,
11 petition the court for permission to relocate with the child.

12 2. The court may award reasonable attorney's fees and costs to
13 the custodial parent if the court finds that the noncustodial
14 parent refused to consent to the custodial parent's relocation
15 with the child:

- 16 (a) Without having reasonable grounds for such refusal, or
17 (b) For the purpose of harassing the custodial parent.

18 3. A parent who relocates with a child pursuant to this section
19 without the written consent of the noncustodial parent or the
20 permission of the court is subject to the provisions of NRS
21 200.359.

22 Both Parties shall be bound by the provisions of NRS §125C.0045(6) which
23 states:

24 PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION,
25 CONCEALMENT OR DETENTION OF A CHILD IN
26 VIOLATION OF THIS ORDER IS PUNISHABLE AS A
27 CATEGORY D FELONY AS PROVIDED IN NRS § 193.130. NRS
28 § 200.359 provides that every person having a limited right of
custody to a child or any parent having no right of custody to the
child who willfully detains, conceals or removes the child from a
parent, guardian or other person having lawful custody or a right of
visitation of the child in violation of an order of this court, or
removes the child from the jurisdiction of the court without the

1 consent of either the court or all persons who have the right to
2 custody or visitation is subject to being punished for a category D
3 felony as provided in *NRS* §193.130.

4 Pursuant to *NRS* §125C.0045(7), the terms of the Hague Convention of October
5 25, 1980, adopted by the 14th Session of the Hague Conference on Private International
6 Law, apply if a parent abducts or wrongfully retains a child in a foreign country.

7
8 IT IS FURTHER ORDERED that the minor children's habitual residence is
9 located in the United States of America. *NRS* § 125C.0045 (7) and (8) specifically
10 provide as follows:

11
12 Section 7. In addition to the language required pursuant to subsection 6, all
13 orders authorized by this section must specify that the terms of the Hague
14 Convention of October 25, 1980, adopted by the 14th Session of the Hague
15 Conference on Private International Law, apply if a parent abducts or wrongfully
16 retains a child in a foreign country.

17
18 Section 8. If a parent of the child lives in a foreign country or has
19 significant commitments in a foreign country:

20 (a) The parties may agree, and the Court shall include in the
21 Order for custody of the child, that the United States is the
22 country of habitual residence of the child for the purposes of
23 applying the terms of the Hague Convention as set forth in
24 Subsection 7.

25 (b) Upon motion of the parties, the Court may order the parent to
26 post a bond if the Court determines that the parent poses an
27 imminent risk of wrongfully removing or concealing the child
28 outside the country of habitual residence. The bond must be in an
amount determined by the Court and may be used only to pay for
the cost of locating the child and returning him to his habitual

1 residence if the child is wrongfully removed from or concealed
2 outside the country of habitual residence. The fact that a parent
3 has significant commitments in a foreign country does not create
4 a presumption that the parent poses an imminent risk of
wrongfully removing or concealing the child.

5 The Parties are further put on notice that they are subject to the provisions of *NRS*
6 §31A and *NRS* § 125.450 regarding the collection of delinquent child support payments.
7

8 The Parties are further put on notice that either Party may request a review of
9 child support pursuant to *NRS* §125B.145.
10

11 The Parties shall submit the information required in *NRS* §125B.055, *NRS*
12 §125.130 and *NRS* §125.230 on a separate form to the Court and the Welfare Division
13 of the Department of Human Resources within ten (10) days from the date the Decree in
14 this matter is filed. Such information shall be maintained by the Clerk in a confidential
15 manner and not part of the public record. The Parties shall update the information filed
16 with the Court and the Welfare Division of the Department of Human Resources within
17 ten (10) days should any of that information become inaccurate.
18
19

20 The Parties are further placed on notice that any judgment entered in this matter is
21 subject to the provisions of *NRS* § 17.150 and *NRS* § 17.214 wherein, a judgment is
22 only effective for a period of six (6) years unless the judgment is renewed ninety (90)
23 days before the expiration to remain enforceable. Furthermore, the Family Court has
24 jurisdiction to enforce its Orders for a period of six (6) years unless otherwise specified
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1 or in the case of child support pursuant to *NRS* § 125B.050. *Davidson v. Davidson*, 132
2 Nev. Ad. Op. 71 (September 29, 2016).

3
4 IT IS FURTHER ORDERED, ADJUDGED AND DECREED a Return Hearing:
5 Status Check is scheduled for November 8, 2017, at 11:00 a.m.

6 IT IS SO ORDERED this 13 day of Dec, 2017.

7
8 
9 _____
10 DISTRICT COURT JUDGE *vs*

11 VINCENT OCHOA

12 Submitted this 11th day of
13 December, 2017.

14
15 **ROBERTS STOFFEL FAMILY**
16 **LAW GROUP**

17 By: Amanda M. Roberts

18 Amanda M. Roberts, Esq.
19 State Bar of Nevada No. 9294
20 4411 South Pecos Road
21 Las Vegas, Nevada 89121
22 PH: (702) 474-7007
23 FAX: (702) 474-7477
24 EMAIL: efile@lvfamilylaw.com
25 Attorneys for Defendant,
26 Jeffrey Allen Reed
27
28

Steven D. Grierson

1 **NEO**

2 Amanda M. Roberts, Esq.
3 State of Nevada Bar No. 9294

4 **ROBERTS STOFFEL FAMILY LAW GROUP**

5 4411 South Pecos Road
6 Las Vegas, Nevada 89121

7 PH: (702) 474-7007

8 FAX: (702) 474-7477

9 EMAIL: efile@lvfamilylaw.com

10 Attorneys for Defendant, Jeffrey Allen Reed

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 ALECIA ANN DRAPER,

14 Plaintiff,

15 v.

16 JEFFREY ALLEN REED,

17 Defendant.

) Case No: 05D338668

) Dept No: S

) **NOTICE OF ENTRY OF ORDER**

) Date of Hearing: August 28, 2017

) Time of Hearing: 3:00 p.m.

18 PLEASE TAKE NOTICE an Order After Hearing was duly entered on the 15th
19 day of December, 2017, a copy of which is attached hereto and fully incorporated
20 herein.

21 DATED this 15th day of December, 2017.

22 **ROBERTS STOFFEL FAMILY LAW GROUP**

23 By: *Amanda M. Roberts*

24 Amanda M. Roberts, Esq.

25 State of Nevada Bar No. 9294

26 4411 S. Pecos Road

27 Las Vegas, Nevada 89121

28 Attorneys for Defendant, Jeffrey Allen Reed

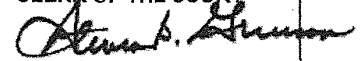
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Roberts Stoffel Family Law Group, and on the 15 day of December, 2017, I served by and through Wiz-Net electronic service, pursuant Clark County District Court Administrative Order 14-2 for service of documents identified in Rule 9 of the N.E.F.C.R., the foregoing Notice of Entry of Order (with Order from August 28, 2017 hearing attached thereto), as follows:

Elizabeth Brennan Esq.
Elizabeth@brennanlawfirm.com
Attorney for Plaintiff, Alecia Draper

By: 
Employee of Roberts Stoffel Family Law Group



1 **ORDR**

2 Amanda M. Roberts, Esq.
3 State of Nevada Bar No. 9294

4 **ROBERTS STOFFEL FAMILY LAW GROUP**

5 4411 South Pecos Road
6 Las Vegas, Nevada 89121

7 PH: (702) 474-7007

8 FAX: (702) 474-7477

9 EMAIL: efile@lvfamilylaw.com

10 Attorneys for Defendant, Jeffrey Allen Reed

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 ALECIA ANN DRAPER,

14 Plaintiff,

15 v.

16 JEFFREY ALLEN REED,

17 Defendant.

Case No: 05D338668

Dept No: S

ORDER AFTER HEARING

Date of Hearing: August 28, 2017

Time of Hearing: 3:00 p.m.

18 THIS MATTER having come before the Court on the 28th day of August, 2017,
19 for Defendant's Motion to Reset Child Support Based Upon the Emancipation of a
20 Child and Request for Attorney's Fees and Costs; and Plaintiff's Opposition thereto and
21 Countermotion for Child Support for Disabled Child, et. al. The Defendant, Jeffrey
22 Reed, being present and represented by and through his attorney of record, Amanda M.
23 Roberts, Esq., of Roberts Stoffel Family Law Group, and the Plaintiff, Alecia Draper,
24 being present and represented by and through her attorney of record, Elizabeth Brennan,

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28 Page 1 of 8

1 Esq., and the Court having heard the testimony of the Parties and reviewed the
2 pleadings on file herein hereby Orders as follows:

3
4 THE COURT HEREBY FINDS that the Parties' stipulated that there was one
5 remaining child, Adam, and based upon Defendant's gross monthly income his
6 presumptive maximum for child support for one (1) minor child would be \$837.00 per
7 month. (Video Record at 04:08:00)
8

9 THE COURT FURTHER FINDS that the Defendant stipulated to pay \$66.00 in
10 medical insurance for Adam which the Parties' acknowledge may not be an accurate
11 number, but both stipulate and agree on that number- \$66.00. (Video Record at
12 04:09:59)
13

14 THE COURT FURTHER FINDS that Anthony graduated from high school in
15 June of 2017; therefore, the child support should have been reset on July 1, 2017. The
16 Motion was filed in June of 2017. (Video Record at 04:10:22)
17

18 THE COURT FURTHER FINDS that the Parties' agreed that Ms. Roberts shall
19 review the video from the hearing on January 12, 2015, to clarify the provision about
20 the medical from the Order of said hearing. The Court understands that after the video
21 is reviewed, the Parties' will try to work out an agreement regarding the issue of
22 unreimbursed medical expenses. (Video Record at 04:32:17 and 04:33:00)
23

24 THE COURT FURTHER FINDS that the Parties' stipulated that both Counsel
25 need to exchange documents relating to Emily, and Emily may have to sign a HIPPA
26
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28

1 Release for Ms. Roberts to review her medical records to see if Emily is medically and
2 legally handicapped under the statute. (Video record at 04:35:15)

3 THE COURT FURTHER FINDS that the Plaintiff is not a Guardian for Emily.
4
5 (Video Record at 04:35:39)

6 THE COURT FURTHER FINDS that the Order on Emily is not being changed, it
7 is in dispute because the Parties' and the Court are unclear regarding the Order. If it
8 was clear the Court would decide it today, but it is unclear which is why everyone needs
9 to time to tell the Court what it actual means. (Video Record at 04:45:00)

11 NOW THEREFORE,

12 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that child support
13 for the one (1) remaining minor child, Adam, is set at \$837.00 per month, taking into
14 consideration the statutory presumptive maximum. There is an additional \$66.00 per
15 month owed for health insurance, by stipulation of the Parties. Therefore, Defendant's
16 total obligation shall be \$903.00 per month effective July 1, 2017. (Video Record at
17 04:10:48 and 04:44:40)

18 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that prior to the
19 next hearing the video from January 12, 2015, shall be reviewed and the Parties' shall
20 attempt to resolve the issue regarding unreimbursed medical expenses. (Video Record
21 at 04:33:00)

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED the Plaintiff may
2 appear telephonically at the next hearing. (Video Record at 04:41:52)

3
4 IT IS FURTHER ORDERED, ADJUDGED AND DECREED a Return Hearing
5 is set regarding Plaintiff's request for child support for Emily past the age of majority,
6 medical payment due for Adam, and past due medical due for Emily which the Court
7 indicated may require the Plaintiff to explain why she believes it is due and owing.
8 (Video Record at 04:40:00)

9
10 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant has
11 an obligation to pay child support for one child, Adam; that Defendant no longer has an
12 obligation to pay child support for one child, Anthony; and that there is a dispute
13 regarding Defendant's obligation to pay child support for the Parties' adult daughter,
14 Emily. (Video Record at 04:43:20) It is up to the Defendant whether he wants to pay to
15 pay for Emily, if he does not and the Court interprets the Order and law to mean he
16 should have paid support for Emily then he would have an arrears. (Video Record at
17 04:44:00)

18
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20
21 IT IS FURTHER ORDERED that the following statutory notices relating to the
22 custody of minor children are applicable to the Parties:

23 The Parties are also put on notice of the following provision of *NRS* §125C.206,
24 which states:

- 25
26 1. If primary physical custody has been established pursuant to
27 an

1 order, judgment or decree of a court and the custodial parent
2 intends to relocate his or her residence to a place outside of this
3 State or to a place within this State that is at such a distance that
4 would substantially impair the ability of the other parent to
5 maintain a meaningful relationship with the child, and the
6 custodial parent desires to take the child with him or her, the
7 custodial parent shall, before relocating:

8 (a) Attempt to obtain the written consent of the noncustodial
9 parent to relocate with the child; and

10 (b) If the noncustodial parent refuses to give that consent,
11 petition the court for permission to relocate with the child.

12 2. The court may award reasonable attorney's fees and costs to
13 the custodial parent if the court finds that the noncustodial
14 parent refused to consent to the custodial parent's relocation
15 with the child:

16 (a) Without having reasonable grounds for such refusal, or

17 (b) For the purpose of harassing the custodial parent.

18 3. A parent who relocates with a child pursuant to this section
19 without the written consent of the noncustodial parent or the
20 permission of the court is subject to the provisions of NRS
21 200.359.

22 Both Parties shall be bound by the provisions of *NRS §125C.0045(6)* which

23 states:

24 *PENALTY FOR VIOLATION OF ORDER*: THE ABDUCTION,
25 CONCEALMENT OR DETENTION OF A CHILD IN
26 VIOLATION OF THIS ORDER IS PUNISHABLE AS A
27 CATEGORY D FELONY AS PROVIDED IN *NRS § 193.130*. *NRS*
28 § 200.359 provides that every person having a limited right of
custody to a child or any parent having no right of custody to the
child who willfully detains, conceals or removes the child from a
parent, guardian or other person having lawful custody or a right of
visitation of the child in violation of an order of this court, or
removes the child from the jurisdiction of the court without the

1 consent of either the court or all persons who have the right to
2 custody or visitation is subject to being punished for a category D
3 felony as provided in *NRS* §193.130.

4 Pursuant to *NRS* §125C.0045(7), the terms of the Hague Convention of October
5 25, 1980, adopted by the 14th Session of the Hague Conference on Private International
6 Law, apply if a parent abducts or wrongfully retains a child in a foreign country.

7 IT IS FURTHER ORDERED that the minor children's habitual residence is
8 located in the United States of America. *NRS* § 125C.0045 (7) and (8) specifically
9 provide as follows:
10

11 Section 7. In addition to the language required pursuant to subsection 6, all
12 orders authorized by this section must specify that the terms of the Hague
13 Convention of October 25, 1980, adopted by the 14th Session of the Hague
14 Conference on Private International Law, apply if a parent abducts or wrongfully
15 retains a child in a foreign country.

16 Section 8. If a parent of the child lives in a foreign country or has
17 significant commitments in a foreign country:

18 (a) The parties may agree, and the Court shall include in the
19 Order for custody of the child, that the United States is the
20 country of habitual residence of the child for the purposes of
21 applying the terms of the Hague Convention as set forth in
22 Subsection 7.

23 (b) Upon motion of the parties, the Court may order the parent to
24 post a bond if the Court determines that the parent poses an
25 imminent risk of wrongfully removing or concealing the child
26 outside the country of habitual residence. The bond must be in an
27 amount determined by the Court and may be used only to pay for
28 the cost of locating the child and returning him to his habitual

1 residence if the child is wrongfully removed from or concealed
2 outside the country of habitual residence. The fact that a parent
3 has significant commitments in a foreign country does not create
4 a presumption that the parent poses an imminent risk of
5 wrongfully removing or concealing the child.

6 The Parties are further put on notice that they are subject to the provisions of *NRS*
7 §31A and *NRS* § 125.450 regarding the collection of delinquent child support payments.

8 The Parties are further put on notice that either Party may request a review of
9 child support pursuant to *NRS* §125B.145.

10 The Parties shall submit the information required in *NRS* §125B.055, *NRS*
11 §125.130 and *NRS* §125.230 on a separate form to the Court and the Welfare Division
12 of the Department of Human Resources within ten (10) days from the date the Decree in
13 this matter is filed. Such information shall be maintained by the Clerk in a confidential
14 manner and not part of the public record. The Parties shall update the information filed
15 with the Court and the Welfare Division of the Department of Human Resources within
16 ten (10) days should any of that information become inaccurate.

17 The Parties are further placed on notice that any judgment entered in this matter is
18 subject to the provisions of *NRS* § 17.150 and *NRS* § 17.214 wherein, a judgment is
19 only effective for a period of six (6) years unless the judgment is renewed ninety (90)
20 days before the expiration to remain enforceable. Furthermore, the Family Court has
21 jurisdiction to enforce its Orders for a period of six (6) years unless otherwise specified
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1 or in the case of child support pursuant to NRS § 125B.050. *Davidson v. Davidson*, 132
2 Nev. Ad. Op. 71 (September 29, 2016).


3
4 IT IS FURTHER ORDERED, ADJUDGED AND DECREED a Return Hearing:
5 Status Check is scheduled for November 8, 2017, at 11:00 a.m.

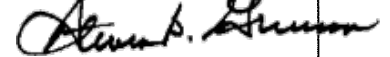
6 IT IS SO ORDERED this 13 day of Dec, 2017.

7
8 
9 _____
10 DISTRICT COURT JUDGE *vs*
11 VINCENT OCHOA

12 Submitted this 11th day of
13 December, 2017.

14
15 **ROBERTS STOFFEL FAMILY**
16 **LAW GROUP**

17 By: 
18 Amanda M. Roberts, Esq.
19 State Bar of Nevada No. 9294
20 4411 South Pecos Road
21 Las Vegas, Nevada 89121
22 PH: (702) 474-7007
23 FAX: (702) 474-7477
24 EMAIL: efile@lvfamilylaw.com
25 Attorneys for Defendant,
26 Jeffrey Allen Reed
27
28



1 **EXH**

2 Amanda M. Roberts, Esq.
3 State of Nevada Bar No. 9294
4 **ROBERTS STOFFEL FAMILY LAW GROUP**
5 4411 South Pecos Road
6 Las Vegas, Nevada 89121
7 PH: (702) 474-7007
8 FAX: (702) 474-7477
9 EMAIL: efile@lvfamilylaw.com
10 Attorneys for Defendant, Jeffrey Allen Reed

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 ALECIA ANN DRAPER,

14 Plaintiff,

15 v.

16 JEFFREY ALLEN REED,

17 Defendant.

Case No: 05D338668

Dept No: S

**EXHIBITS IN SUPPORT OF
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT
REGARDING CHILD SUPPORT
FOR AN ADULT CHILD.**

18 In accordance with *EDCR* § 5.205, the Defendant, Jeffrey Reed, hereby
19 submits Exhibits in support of his Motion for Summary Judgment Regarding Child
20 Support for an Adult Child, as follows:

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EXHIBIT		DESCRIPTION	BATE STAMP NUMBER
A.		Affidavit of Defendant, Jeffrey Reed.	- -
B.		Email between Parties regarding child support.	JR0044 – JR0046

DATED this 2nd day of January, 2018.

ROBERTS STOFFEL FAMILY LAW GROUP

By: Amanda M. Roberts
Amanda M. Roberts, Esq.
State of Nevada Bar No. 9294
4411 S. Pecos Road
Las Vegas, Nevada 89121
PH: (702) 474-7007
FAX: (702) 474-7477
EMAIL: efile@lvfamilylaw.com
Attorneys for Defendant, Jeffrey Allen Reed

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Roberts Stoffel Family Law Group, and on the 2nd day of January, 2018, I served by and through Wiz-Net electronic service, pursuant Clark County District Court Administrative Order 14-2 for service of documents identified in Rule 9 of the N.E.F.C.R., the foregoing Exhibits to Motion For Summary Judgment Regarding Child Support For An Adult Child; Affidavit Of Defendant, Jeffrey Allen Reed, to the following:

Elizabeth Brennan Esq.
Elizabeth@brennanlawfirm.com
Attorney for Plaintiff, Alecia Draper

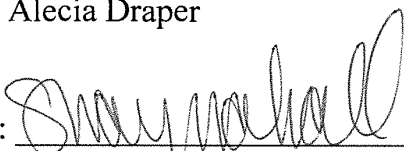
By: 
Employee of Roberts Stoffel Family Law Group

EXHIBIT “A”

EXHIBIT “A”

EXHIBIT “A”

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STATE OF NEVADA)
)
) SS.
COUNTY OF CLARK)

Comes now, Jeffrey Reed, and being first duly sworn, swears and deposes as follows:

1. I am the Defendant in the above named action. I have read the foregoing Motion and it is accurate to the best of my knowledge.

2. The Parties, Alecia Reed ("Alecia") and Jeffrey Reed ("Jeff") were divorced pursuant to a Decree of Divorce filed on August 5, 2005. The Parties had three (3) children, to wit: Emily Reed ("Emily"), born on November 16, 1996, who is 21 years old; Anthony Reed ("Anthony"), born on May 25, 1999, who is 18 ½ years old; and Adam Reed ("Adam"), born on January 23, 2001, who is 16 ½ years old. To be clear, the issues before the Court centers around the Parties' adult daughter, Emily.

3. On December 9, 2014, Alecia filed a Motion with the Court regarding custody of the three (3) children and resetting of child support based upon a change in the custodial arrangement. At that time, Emily had reached the age of eighteen (18), but was still in high school. Alecia's Motion did not include a request for child support for Emily upon graduation from high school, but at the hearing her Counsel argued for same and the matter was set for an Evidentiary Hearing.

1 4. On January 12, 2015, the Parties appeared before the Court on Alecia's
2 Motion and Jeff's Opposition. At that time, it was agreed that Jeffrey would pay
3 child support in the amount of \$1,450.00 for three (3) children ($\$60,000.00/12 =$
4 $\$5,000.00 \times .29$ (statutory child support for three (3) children). This was because,
5 although Emily had reached the age of eighteen (18), she remained in high school at
6 that time.
7

8
9 5. In addition, the Court set an Evidentiary Hearing to determine whether
10 Emily was disabled prior to reaching the age of eighteen (18) with the Evidentiary
11 Hearing set before Emily graduated from high school because the Court and
12 Alecia's Counsel believed that the issue must be resolved prior to Jeff's obligation
13 for Emily ceasing. Moreover, the Parties entered into a stipulated agreement that
14 on or before February 23, 2015, at 5:00 p.m., Alecia would provide "proof of the
15 minor child being disabled, meeting the standards required[.]" The Order also
16 included language which stated, "The Therapist's Report will be accepted, in lieu of
17 the therapist appearing at the day of trial."
18

19
20 6. Thereafter, before the Evidentiary Hearing, on March 9, 2015, Alecia
21 filed a "Notice of Withdrawal of Request to Continue Child Support for Emily
22 After High School Graduation Due to Child's Disability & Request to Vacate
23 Evidentiary Hearing." It is worth noting that this was voluntarily filed, not a
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1 stipulated agreement. As a result of this document being filed, the Evidentiary
2 Hearing was vacated.

3
4 Factual History

5 7. On or about December 9, 2014, when Alecia's initial Motion was filed
6 regarding support for Emily past the age of eighteen (18), Emily was still in high
7 school. In this filing, Alecia acknowledges that Emily is getting "good grades and
8 are involved in activities with their friends." Alecia goes on to indicate that Emily
9 plans her own day and activities.
10

11 8. Since turning eighteen (18) years old and graduating from high school,
12 nobody has maintained physical custody of Emily by Court Order. Nobody has
13 guardianship of Emily's person or estate.
14

15 9. Immediately after graduating from high school, Emily and her friends
16 participated in a celebratory vacation to Mexico. Upon information and belief,
17 Alecia did not accompany Emily on the vacation to Mexico. Jeff believes another
18 adult went to watch over the entire group. During this time, Emily was able to
19 function without any care from her Mother, or a medical professional, or a
20 designated person specifically provided to support Emily during the trip.
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1 10. Since reaching the age of emancipation and graduating from high
2 school, Emily has continued to be able to do the following activities:

- 3 • Emily graduated from high school with good grades;
- 4 • Emily has attended college classes;¹
- 5 • Emily has a driver's license;
- 6 • Emily drives a car that she has access to at Alecia's house;
- 7 • Emily was employed outside of the home;
- 8 • Emily is able to work in her church's coffeeshop; and
- 9 • Emily is left alone for long periods of time without supervision.

10 11. Most recently, Alecia recently purchased a business.² Alecia has been
11 actively participating in the transition and management of the business. Jeff has
12 repeatedly spoken with Emily and she has informed Jeff that she is home alone
13 because Alecia is working. Emily has also informed Jeff that she has been working
14 in the business.

15 12. At this point, Jeff disputes the claim that Emily is unable "to engage in
16 any substantial gainful activity by reason of any medically determinable physical or
17 mental impairment[.]" Jeff does not dispute that Emily receives Social Security

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25 ¹ Although Jeff does not know for certain that Emily has attended college, Alecia indicates on a
GoFundMe fundraising post, that "Emily desires to live independently, return to college, secure
a job and eventually start a family of her own."

26 ²² It is unknown when the purchase of the business was, but Alecia's filing with Secretary of State
27 was in the first part of July 2017.

1 Disability ("SSD"), but receipt of SSD does not mean that the recipient is unable to
2 work. The Social Security Administration allows recipients to be employed and
3 still receive benefits through SSD. In fact, the Social Security Administration has
4 books that assist individuals receiving SSD with this very issue. As such, receipt of
5 the SSD is not tantamount to a determination that Emily is handicap child beyond
6 the age of majority.
7
8

9 Agreements Regarding Child Support

10 13. On January 12, 2015, the Parties stipulated to set Jeff's child support at
11 \$1,450.00 per month. The amount was based upon child support for three (3)
12 children because although Emily was eighteen (18) years old, she was still in high
13 school.
14

15 14. A few months later, in the summer of 2015, after Alecia withdrew the
16 request for child support for Emily after the age of eighteen (18), the Parties'
17 verbally agreed to reduce Jeff's child support to \$825.00 per month. The Parties'
18 agreement was to reduce it to \$825.00, until Jeff provided his 2016 Federal Income
19 Tax Return.
20
21

22 15. Upon receiving Jeff's tax information, Alecia demanded that Jeff pay
23 \$1,250.00 for "the boys" or she was going to file an action with the District
24 Attorney's office. This email sent on August 8, 2016. This email is an admission
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1 by Alecia that Jeff no longer had an obligation to pay support for Emily and in fact,
2 was not paying support for Emily.

3
4 16. Thereafter, Alecia filed an action with the District Attorney and
5 because the Parties' prior agreements were not reduced to writing and filed with the
6 Court, Jeff was obligated to pay \$1,450.00 until the Court Order changing the
7 amount was received. Thus, when Alecia would not agree to reset child support,
8 Jeff was forced to file his most recent Motion to reset the support for Adam only.
9

10 17. Statement Setting Forth Facts Not Genuinely at Issue

- 11 1. Emily was born on November 16, 1996.
12
13 2. Emily was sexually abused prior to her eighteenth (18th) birthday.
14
15 3. Emily threatened suicide prior to her eighteenth (18th) birthday.
16
17 4. Emily threatened suicide after her eighteenth (18th) birthday.
18
19 5. Alecia petitioned the Court for child support for Emily beyond the
20 age of majority, after Emily had turned eighteen (18) years old, but
21 prior to Jeff's child support obligation ceasing because Emily was
22 in high school at the time.
23
24 6. The Court set Alecia's request for Trial.
25
26 7. Alecia voluntarily withdrew the request by filing the "Notice of
27 Withdrawal of Request to Continue Child Support for Emily After
28

High School Graduation Due to Child's Disability & Request to
Vacate Evidentiary Hearing."

8. After Emily graduated from high school, Alecia confirmed via
email that Jeff's obligation for child support was only for the two
(2) boys without reference to child support for Emily.

9. Emily graduated from high school.

10. Emily received good grades in high school.

11. Emily went on a graduation trip to Mexico without a parent.

12. Emily has a driver's license and access to a vehicle.

13. Emily attended college classes.

14. Emily maintained employment.

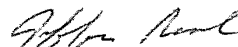
15. Emily works for her Mother's business.

16. Emily receives SSD.

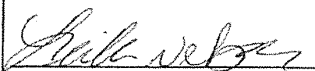
17. Emily does not have a guardian of the person or estate.

18. Emily is currently twenty-one (21) years old.

FURTHER AFFIANT SAYETH NAUGHT


Jeffrey Reed

Subscribed and Sworn to before me
on this 2 day of January, 2018.


Notary Public in and for
said County and State

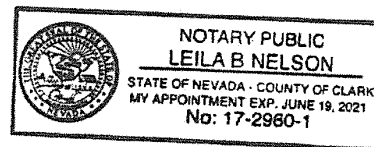


EXHIBIT “B”

EXHIBIT “B”

EXHIBIT “B”

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

From: **Alecia Draper** <aleciadraper@gmail.com>
Date: Sunday, August 21, 2016
Subject: Chid Support
To: jeffrey Reed <1968jareed@gmail.com>
Cc: Contacts <aleciadraper@gmail.com>

I will file my motion in September to have wage garnishment if you are unwilling to pay the \$1,250.00 per month in child support.

This is court ordered based on your salary.

You lead me to believe you were not making the \$60,000.00 in your wages.

I agreed to wait and see what your tax return said and adjust accordingly.

You are aware of your pay each month because it shows on your pay stub.

I will return to court for all back child support and all unpaid medical from July of 2015 if returning to court.

I was trusting you when you stated you were not making bonuses and business was slow at your job.

Please begin sending \$1250 on September 1st 2016 and make a payment plan for 30/30 medical bills if you will be late.

I will not file a motion for back child support if you begin following the court order in September 2016.

I told you that you can make payments for out of pocket medical. Let me know what will work?? \$100.00 a month total? I will keep track.

\$66.00- medical

\$34- unpaid out of pocket medical until balance is paid.

If forced to go back to court I will ask for attorney's fees to be paid since you are not paying child support and causing me to return to court.

I do not want to file a motion but I am giving you a heads up on my plans in hopes you begin following the court order September 2016,

I am no longer going to accept \$825.00 based on evidence from your tax returns.

There is no other option for negotiating this.

<https://mail.sci-us.com/owa/>

8/22/2016

JR0044

ROA0426

I will follow the court order.

Alecia

Sent from my iPhone

On Aug 20, 2016, at 1:47 PM, jeffrey Reed <1968jareed@gmail.com> wrote:

Alecia-

I really don't want to go to court either since it would only be about nine months till we would need to do it again. Is there anyway we can negotiate a little bit I am trying to get into a house so eventually after the trial and everything settles down the boys if they choose can come visit me. I also needed a new car since mine had 250k on it. Let me know what you think. I would rather give you a little more money than have it go to attorneys and waste time going to court I will send what I can for the medical bills once I see my check I will keep you informed..

Thank you

Jeff

On Mon, Aug 8, 2016 at 3:50 PM, Alecia Draper <aleciadraper@gmail.com> wrote:
Jeff,

I received your 2014 & 2015 tax return on 8/5/16.

I have attached a copy of our court order that shows your tax return must be mailed to me every year on or before May 1st. This was ordered by the court so that we could review your yearly wages and adjust child support up or down if needed.

Child support is based on your annual wages, \$60,000.00 per year. See attached court order.

(2014- Wages- \$63,385
2015- Wages- \$60,597)

You had called me and asked for a reduction in child support in order to get caught up with personal bills in the summer of 2015. I agreed to the amount of \$825.00 per month until 12/01/15. I then agreed to wait until I received your tax return in 2016 to review your wages.

Based on your tax return and the child support law in Nevada your child support for both boys is \$1250.00 per month.

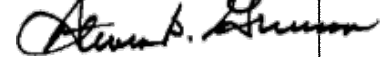
If you need to send this in two payments of \$625.00 by the 5th and by the 20th, as you had requested in the court order that will be fine.

I will no longer except the deduction of \$425 per month in child support.

I do not want to file for wage garnishment with the DA's office for unpaid child support or have additional expenses returning to court. We have communicated verbally in the past but I need to put this in writing for documentation if I am forced to return to court for unpaid child support.

Please confirm you have received my email. I am also sending this to myself to confirm I received it.

Alecia



1 **MOTN**

2 Amanda M. Roberts, Esq.
3 State of Nevada Bar No. 9294

3 **ROBERTS STOFFEL FAMILY LAW GROUP**

4 4411 South Pecos Road
5 Las Vegas, Nevada 89121

5 PH: (702) 474-7007

6 FAX: (702) 474-7477

6 EMAIL: efile@lvfamilylaw.com

7 Attorneys for Defendant, Jeffrey Allen Reed

8

DISTRICT COURT

9

CLARK COUNTY, NEVADA

10

11 ALECIA ANN DRAPER,

12

Plaintiff,

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v.

14

15 JEFFREY ALLEN REED,

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Defendant.

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Case No: 05D338668

Dept No: S

**MOTION FOR SUMMARY
JUDGMENT REGARDING CHILD
SUPPORT FOR AN ADULT
CHILD; AFFIDAVIT OF
DEFENDANT, JEFFREY ALLEN
REED.**

Date of Hearing: 14 February 2018

Time of Hearing: 2:00 Pm

ORAL ARGUMENT REQUESTED

TO: Plaintiff, Alecia Draper, by and through her attorney of record, Elizabeth
Brennen, Esq.

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1 **YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS**
2 **MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE**
3 **UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN TEN (10)**
4 **DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A**
5 **WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN**
6 **TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN**
7 **THE REQUESTED RELIEF BEING GRANTED BY THE COURT**
8 **WITHOUT A HEARING PRIOR TO THE SCHEDULED HEARING DATE.**

9 PLEASE TAKE NOTICE that the undersigned will bring the foregoing
10 Motion on before the Honorable Judge Vincent Ochoa of the Eighth Judicial
11 District Court, Family Division, located at 200 Lewis Avenue, 10th Floor, Las
12 Vegas, Nevada, on the 14th day of February, 2018, at
13 2:00 P.m., of said day.

14 DATED this 2nd day of January, 2018.

15 **ROBERTS STOFFEL FAMILY LAW GROUP**

16 By: Amanda M. Roberts
17

18 Amanda M. Roberts, Esq.
19 State of Nevada Bar No. 9294
20 4411 S. Pecos Road
21 Las Vegas, Nevada 89121
22 PH: (702) 474-7007
23 FAX: (702) 474-7477
24 EMAIL: efile@lvfamilylaw.com
25 Attorneys for Defendant, Jeffrey Allen Reed
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1. Whether a parent may seek child support for an adult child, with whom a parent does not have custody of, after the age of majority has been reached for an indefinite period of time.
2. Whether government assistance impacts child support for an adult child.
3. For any and all other relief the Court deems proper and just.

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The Parties, Alecia Reed (“Alecia”) and Jeffrey Reed (“Jeff”) were divorced pursuant to a Decree of Divorce filed on August 5, 2005. The Parties had three (3) children, to wit: Emily Reed (“Emily”), born on November 16, 1996, who is 21 years old; Anthony Reed (“Anthony”), born on May 25, 1999, who is 18 ½ years old; and Adam Reed (“Adam”), born on January 23, 2001, who is 16 ½ years old. To be clear, the issues before the Court centers around the Parties’ adult daughter, Emily.

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On December 9, 2014, Alecia filed a Motion with the Court regarding custody of the three (3) children and resetting of child support based upon a change in the custodial arrangement. At that time, Emily had reached the age of eighteen (18), but was still in high school. Alecia's Motion did not include a request for

1 child support for Emily upon graduation from high school, but at the hearing her
2 Counsel argued for same and the matter was set for an Evidentiary Hearing.
3

4 On January 12, 2015, the Parties appeared before the Court on Alecia's
5 Motion and Jeff's Opposition. At that time, it was agreed that Jeffrey would pay
6 child support in the amount of \$1,450.00 for three (3) children ($\$60,000.00/12 =$
7 $\$5,000.00 \times .29$ (statutory child support for three (3) children). This was because,
8 although Emily had reached the age of eighteen (18), she remained in high school at
9 that time.
10

11 In addition, the Court set an Evidentiary Hearing to determine whether Emily
12 was disabled prior to reaching the age of eighteen (18) with the Evidentiary Hearing
13 set before Emily graduated from high school because the Court and Alecia's
14 Counsel believed that the issue must be resolved prior to Jeff's obligation for Emily
15 ceasing. Moreover, the Parties entered into a stipulated agreement that on or before
16 February 23, 2015, at 5:00 p.m., Alecia would provide "proof of the minor child
17 being disabled, meeting the standards required[.]" The Order also included
18 language which stated, "The Therapist's Report will be accepted, in lieu of the
19 therapist appearing at the day of trial."
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23 Thereafter, before the Evidentiary Hearing, on March 9, 2015, Alecia filed a
24 "Notice of Withdrawal of Request to Continue Child Support for Emily After High
25 School Graduation Due to Child's Disability & Request to Vacate Evidentiary
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1 Hearing.” It is worth noting that this was voluntarily filed, not a stipulated
2 agreement. As a result of this document being filed, the Evidentiary Hearing was
3 vacated.
4

5 Factual History

6 On or about December 9, 2014, when Alecia’s initial Motion was filed
7 regarding support for Emily past the age of eighteen (18), Emily was still in high
8 school. In this filing, Alecia acknowledges that Emily is getting “good grades and
9 are involved in activities with their friends.” Alecia goes on to indicate that Emily
10 plans her own day and activities.
11
12

13 Since turning eighteen (18) years old and graduating from high school,
14 nobody has maintained physical custody of Emily by Court Order. Nobody has
15 guardianship of Emily’s person or estate.
16

17 Immediately after graduating from high school, Emily and her friends
18 participated in a celebratory vacation to Mexico. Upon information and belief,
19 Alecia did not accompany Emily on the vacation to Mexico. Jeff believes another
20 adult went to watch over the entire group. During this time, Emily was able to
21 function without any care from her Mother, or a medical professional, or a
22 designated person specifically provided to support Emily during the trip.
23

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1 Since reaching the age of emancipation and graduating from high school,
2 Emily has continued to be able to do the following activities:

- 3 • Emily graduated from high school with good grades;
- 4 • Emily has attended college classes;¹
- 5 • Emily has a driver's license;
- 6 • Emily drives a car that she has access to at Alecia's house;
- 7 • Emily was employed outside of the home;
- 8 • Emily is able to work in her church's coffeeshop; and
- 9 • Emily is left alone for long periods of time without supervision.

10 Most recently, Alecia recently purchased a business.² Alecia has been
11 actively participating in the transition and management of the business. Jeff has
12 repeatedly spoken with Emily and she has informed Jeff that she is home alone
13 because Alecia is working. Emily has also informed Jeff that she has been working
14 in the business.

15 At this point, Jeff disputes the claim that Emily is unable "to engage in any
16 substantial gainful activity by reason of any medically determinable physical or
17 mental impairment[.]" Jeff does not dispute that Emily receives Social Security

18 ¹ Although Jeff does not know for certain that Emily has attended college, Alecia indicates on a
19 GoFundMe fundraising post, that "Emily desires to live independently, return to college, secure
20 a job and eventually start a family of her own."

21 ²² It is unknown when the purchase of the business was, but Alecia's filing with Secretary of State
22 was in the first part of July 2017.

1 Disability ("SSD"), but receipt of SSD does not mean that the recipient is unable to
2 work. The Social Security Administration allows recipients to be employed and
3 still receive benefits through SSD. In fact, the Social Security Administration has
4 books that assist individuals receiving SSD with this very issue. As such, receipt of
5 the SSD is not tantamount to a determination that Emily is handicap child beyond
6 the age of majority.
7

8
9 Agreements Regarding Child Support

10 On January 12, 2015, the Parties stipulated to set Jeff's child support at
11 \$1,450.00 per month. The amount was based upon child support for three (3)
12 children because although Emily was eighteen (18) years old, she was still in high
13 school.
14

15 A few months later, in the summer of 2015, after Alecia withdrew the request
16 for child support for Emily after the age of eighteen (18), the Parties' verbally
17 agreed to reduce Jeff's child support to \$825.00 per month. The Parties' agreement
18 was to reduce it to \$825.00, until Jeff provided his 2016 Federal Income Tax
19 Return.
20

21
22 Upon receiving Jeff's tax information, Alecia demanded that Jeff pay
23 \$1,250.00 for "the boys" or she was going to file an action with the District
24 Attorney's office. This email sent on August 8, 2016. This email is an admission
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1 by Alecia that Jeff no longer had an obligation to pay support for Emily and in fact,
2 was not paying support for Emily.

3
4 Thereafter, Alecia filed an action with the District Attorney and because the
5 Parties' prior agreements were not reduced to writing and filed with the Court, Jeff
6 was obligated to pay \$1,450.00 until the Court Order changing the amount was
7 received. Thus, when Alecia would not agree to reset child support, Jeff was forced
8 to file his most recent Motion to reset the support for Adam only.³

9
10 Statement Setting Forth Facts Not Genuinely At Issue

- 11 1. Emily was born on November 16, 1996.
- 12 2. Emily was sexually abused prior to her eighteenth (18th) birthday.
- 13 3. Emily threatened suicide prior to her eighteenth (18th) birthday.
- 14 4. Emily threatened suicide after her eighteenth (18th) birthday.
- 15 5. Alecia petitioned the Court for child support for Emily beyond the age
16 of majority, after Emily had turned eighteen (18) years old, but prior to
17 Jeff's child support obligation ceasing because Emily was in high
18 school at the time.
- 19 6. The Court set Alecia's request for Trial.
- 20 7. Alecia voluntarily withdrew the request by filing the "Notice of
21 Withdrawal of Request to Continue Child Support for Emily After
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26 ³ A copy of the email is attached to the companion filing as **Exhibit "B"** and is hereby fully
27 incorporated herein by reference.

High School Graduation Due to Child's Disability & Request to
Vacate Evidentiary Hearing.”

8. After Emily graduated from high school, Alecia confirmed via email
that Jeff's obligation for child support was only for the two (2) boys
without reference to child support for Emily.

9. Emily graduated from high school.

10. Emily received good grades in high school.

11. Emily went on a graduation trip to Mexico without a parent.

12. Emily has a driver's license and access to a vehicle.

13. Emily attended college classes.

14. Emily maintained employment.

15. Emily works for her Mother's business.

16. Emily receives SSD.

17. Emily does not have a guardian of the person or estate.

18. Emily is currently twenty-one (21) years old.

III.

LEGAL ANALYSIS

Nevada Rule of Civil Procedure (“*NRCP*”) 56 (c) provides that if “that there
is no genuine issue as to any material fact and that the moving party is entitled to a
judgment as a matter of law” then a Motion for Summary Judgment must be
granted. The purpose of summary judgment is to avoid needless litigation when the

1 undisputed facts do not support continuing the case. *Forest v. Vitek*, 884 F. Supp.
2 378 (D. Nev. 1993). Specific facts, rather than general allegations and conclusions,
3 presenting a genuine issue of material fact must be shown to preclude summary
4 judgment. *Bird v. Casa Royale W*, 97 Nev. 67, 624 P.2d 17 (1981). If an essential
5 element of a claim for relief is absent, facts as to other elements (whether disputed
6 or not) are rendered immaterial and summary judgment is proper. *Bulbman, Inc. v.*
7 *Nevada Bell*, 108 Nev. 105, 825 P.2d 588 (1992). Moreover, if the Court grants the
8 request for summary judgment then the Court “shall set forth the undisputed
9 material facts and legal determinations on which the court granted summary
10 judgment.” The issue is whether Alecia can request child support for an adult child
11 who is now twenty-one (21) years of age, when she previously withdrew a request
12 for support prior to the child emancipating.

13 The issue of child support is governed by Nevada Revised Statutes (“NRS”)
14 Chapter 125B. As a general rule, Court ordered support obligations cease ‘when
15 the child reaches 18 years of age if he is no longer enrolled in high school,
16 otherwise, when he reaches 19 years of age.’” *Edgington*, 80 P.3d at 1286 citing
17 NRS 125.510(9)(b) (Repealed) *see* NRS 125C.0045(9)(b) (“Except where a
18 contract providing otherwise has been executed pursuant to NRS 123.080, the
19 obligation for care, education, maintenance and support of any minor child created
20 by any order entered pursuant to this section ceases. . . When the child reaches 18
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1 years of age if the child is no longer enrolled in high school, otherwise, when the
2 child reaches 19 years of age). Absent a contract providing otherwise, the support
3 obligation automatically ceases by the time the child reaches the age of 19, because
4 Nevada “law presumes that once a child reaches majority, the child is capable of
5 self-support.” *Id.* Thus, rather than being a rule in itself, NRS 125B.110 is an
6 exception to the general presumption that the child is “capable of self-support”
7 upon reaching the age of majority. *Id.* Furthermore, *NRS* § 125B.120 deals with
8 the discharge of a parent’s obligation for child support. It provides that if a parent
9 complies “with a court order for support or with the terms of a judicially approved
10 settlement” then that obligation for support is discharged.
11
12

14 In this matter, the Parties’ Decree of Divorce provided that child support
15 obligation concluded when a child reached the age of eighteen (18), or nineteen
16 (19) years of age if the child is in high school. In this matter, Jeff would first argue
17 that his obligation to support Emily was discharged, pursuant to the terms of the
18 approved settlement in this matter, i.e., the Decree of Divorce, when Emily
19 graduated from high school because she was still in high school at the age of
20 eighteen (18). As such, Alecia cannot bring an action for child support beyond the
21 age of majority more than two (2) years after Jeff’s obligation was discharged.
22
23

24 Furthermore, when Emily reached the age of majority and graduated from
25 high school, Jeff would argue that neither parent any longer had physical custody of
26
27

1 Emily. Thus, Chapter 125B is not applicable because neither a parent or a non-
2 parent has custody of Emily (*NRS* § 125B.030 and *NRS* § 125B.050). As admitted
3 by Alecia, nobody has guardianship of Emily. Emily is able to make her own
4 decisions. As such, Alecia does not have standing to request child support from
5 Jeff because she has no form of custody over Emily.
6

7
8 *NRS* § 125B.110 provides,

9 1. A parent shall support beyond the age of majority his
10 or her child with a handicap until the child is no longer
11 handicapped or until the child becomes self-supporting.
12 The handicap of the child must have occurred before the
13 age of majority for this duty to apply.

14 2. For the purposes of this section, a child is self-
15 supporting if the child receives public assistance beyond
16 the age of majority and that assistance is sufficient to
17 meet the child's needs.

18 3. This section does not impair or otherwise affect the
19 eligibility of a person with a handicap to receive benefits
20 from a source other than his or her parents.

21 4. As used in this section, "handicap" means an inability
22 to engage in any substantial gainful activity by reason of
23 any medically determinable physical or mental
24 impairment which can be expected to result in death or
25 which has lasted or can be expected to last for a
26 continuous period of not less than 12 months.

27 Jeff admits that *NRS* § 125B.110 is silent regarding when a request for
28 support beyond the age of majority can be brought. However, Jeff would argue that
there is an implied statute of limitations. Jeff would point to *NRS* § 125B.050 (3)
which provides there is no period of limitations in two (2) situations after an Order
has been issued-to collect arrears or seek reimbursement of public assistance. As

1 such, *NRS* § 125B.050 (3) seems to indicate that there are periods of limitations in
2 other matters regarding child support. In fact as set forth herein above, the Nevada
3 Supreme Court has indicated that “[t]he law presumes that once a child reaches
4 majority, the child is capable of self-support.” *Edgington v. Edgington*, 119 Nev.
5 577, 80 P.3d 1282 (2003). Thus, if the request is not made by the time the child
6 reaches the age of majority and it presumed she is self sufficient, then it would be
7 patently unfair to allow someone to come to Court and seek support beyond the age
8 of majority once that threshold of “majority” has been met.

11 Moreover, as a matter of public policy, if someone is seeking support beyond
12 the age of majority, it seems logical that this request should be brought within a
13 reasonable period of time within the alleged child reaching the age of majority or it
14 should become moot. If this is not the case, nothing would stop someone from
15 bringing an action at any point from the age of eighteen (18) until the person’s
16 death. The statutory scheme is not meant to allow an indefinite period of time to
17 bring the request.

20 In this matter, Alecia previously brought a request for child support for
21 Emily beyond the age of majority. After the Court set the matter for Trial, Alecia
22 voluntarily withdrew her request. The original request was withdrawn on or about
23 March 9, 2015, and two and half (2 ½) years have passed since that time without
24 any request from Alecia for support of Emily beyond the age of majority. Alecia
25

1 only brought the request after Jeff sought to properly set his child support
2 obligation for the Parties one (1) minor child, Adam. As such, Jeff would argue
3 that the claim is barred by laches because of the amount of time which has passed
4 since the the original claim was made and the prejudice to Jeff in allowing Alecia to
5 bring the matter so long after Emily emancipated. *Nevada Indus. Dev. v. Beneditti*,
6 103 Nev. 360, 741 P.2d 802 (1987), *citing* *Hayashi v. Hayashi*, 666 P.2d 171
7 (1983), and *Adair v. Hustance*, 64 Haw. 314, 640 P.2d 294 (1982).

10 In *Parkinson v. Parkinson*, 106 Nev. 481, 483, 796 P.2d 229, 231 (1990), the
11 Nevada Supreme Court stated,

13 We have also recognized that parties to a divorce decree
14 may, by express or implied agreement, modify the terms
15 of a support agreement. *Hildahl v. Hildahl*, 95 Nev. 657,
16 662, 601 P.2d 58, 61 (1979). Consistent with these
17 decisions, we now align ourselves with the majority of
18 jurisdictions and hold that additional equitable defenses
19 such as estoppel or waiver may be asserted by the obligor
20 in a proceeding to enforce or modify an order for child
21 support or, as here, to reduce child support arrearages to
22 judgment. See, e.g., *Kissinger v. Kissinger*, 692 P.2d 71
23 (Okla. Ct. App. 1984); *Kaminski v. Kaminski*, 8 Cal.
24 App.3d 563, 87 Cal. Rptr. 453 (1970). *Contra*, e.g.,
25 *Napoleon v. Napoleon*, 59 Haw. 619, 585 P.2d 1270
26 (1978). To establish a valid waiver, the party asserting
27 the defense must show that there has been an intentional
28 relinquishment of a known right. *Mahban v. MGM Grand
Hotels*, 100 Nev. 593, 596, 691 P.2d 421, 423 (1984).

25 In this matter, it cannot be disputed that Alecia was on notice that she could
26 seek child support for a disabled child beyond the age of majority. It also cannot be

1 disputed that after the Court gave Alecia an Evidentiary Hearing on this issue, she
2 voluntarily withdrew her request by filing "Plaintiff's Notice of Withdrawal of
3 Request to Continue Child Support for Emily After High School Graduation Due to
4 Child's Disability & Request to Vacate Evidentiary Hearing" filed March 9, 2015.

6 That voluntary withdrawal was an intentional act on Alecia's part. Therefore, her
7 withdrawal of the request was an express waiver of a known right. As such, Alecia
8 should now be precluded from making a claim for child support for a disabled child
9 beyond the age of majority when the person whom she is seeking support is now
10 over the age of twenty-one (21) and she withdrew her prior request.
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IV.
Conclusion

Therefore, based upon the foregoing, Jeffrey requests this Court:

1. Grant his request for summary judgment as it relates to a child support obligation for adult daughter, Emily.
2. For any and all other relief the Court deems proper and just.

DATED this 2nd day of January, 2018.

ROBERTS STOFFEL FAMILY LAW GROUP

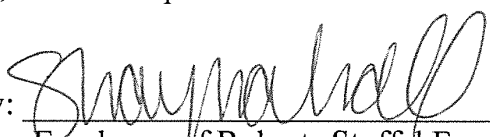
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Attorneys for Defendant, Jeffrey Allen Reed

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Roberts Stoffel Family Law Group, and on the 2nd day of January, 2018, I served by and through Wiz-Net electronic service, pursuant Clark County District Court Administrative Order 14-2 for service of documents identified in Rule 9 of the N.E.F.C.R., the foregoing Motion For Summary Judgment Regarding Child Support For An Adult Child; Affidavit Of Defendant, Jeffrey Allen Reed, to the following:

Elizabeth Brennan Esq.
Elizabeth@brennanlawfirm.com
Attorney for Plaintiff, Alecia Draper

By: 
Employee of Roberts Stoffel Family Law Group

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

ALECIA ANN DRAPER,

Plaintiff/Petitioner

JEFFREY ALLEN REED,

Defendant/Respondent

Case No. 05D338668

Dept. S

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

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

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

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

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

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

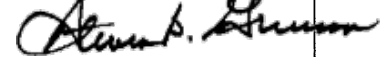
Step 3. Add the filing fees from Step 1 and Step 2.

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

Party filing Motion/Opposition: Shayna Hall Date 1/2/18

Signature of Party or Preparer 

ROA0446



1 **EPAP**

2 Amanda M. Roberts, Esq.
3 State of Nevada Bar No. 9294

4 **ROBERTS STOFFEL FAMILY LAW GROUP**

5 4411 South Pecos Road
6 Las Vegas, Nevada 89121

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9 EMAIL: efile@lvfamilylaw.com

10 Attorneys for Defendant, Jeffrey Allen Reed

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 ALECIA ANN DRAPER,

14 Plaintiff,

15 v.

16 JEFFREY ALLEN REED,

17 Defendant

Case No: 05D338668

Dept No: S

**EX PARTE APPLICATION FOR
AN ORDER SHORTENING TIME
OR AN ORDER TO EXTEND
TIME**

18 COMES NOW the Defendant, Jeffrey Reed, by and through his attorney of
19 record, Amanda M. Roberts, Esq., of Roberts Stoffel Family Law Group, and
20 hereby moves this Court for an Order Shortening Time or an Order to Extend Time
21 on their Motion for Summary Judgment Regarding Child Support for an Adult
22 Child.

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1 This Application is based upon the Affidavit of Amanda M. Roberts, Esq.
2 Moreover, this Application is made and based upon all the papers, pleadings and
3 records on file herein, as well as the Points and Authorities attached hereto.
4

5 DATED this 2nd day of February, 2018.

6 **ROBERTS STOFFEL FAMILY LAW GROUP**

7
8 By: Amanda M. Roberts
9 Amanda M. Roberts, Esq.
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16 Attorneys for Defendant, Jeffrey Allen Reed

17 **POINTS AND AUTHORITIES**

18 **I.**

19 **Points and Authority**

20 *EDCR* § 5.513 states, the request for an Order Shortening Time may be
21 sought through *ex parte* means. The request must be accompanied by an Affidavit
22 explaining the need for the request for an Order Shortening Time. The request for
23 an Order Shortening Time can only be granted after the Motion has been served
24 absent exigent circumstances (the Motion was served in this matter pursuant to the
25 “Certificate of Service” on file herein).

26 \ \ \

1 Furthermore, *EDCR* § 5.511 (d) reads in its pertinent part:

2 Except as otherwise provided by other rule, statute, or court
3 order, an *ex parte* motion to extend the time for filing an
4 opposition or reply will not ordinarily be granted. An order
5 granting such a motion may extend the time for filing the
6 subject opposition or reply, or may suspend the due date of
7 that opposition or reply for such period as is required to
8 enable the moving party to apply for a further extension by
stipulation or by noticed motion, and may shorten the time
until the hearing of such a noticed motion.

9 The Parties, Alecia Reed (“Alecia”) and Jeffrey Reed (“Jeff”) were divorced
10 pursuant to a Decree of Divorce filed on August 5, 2005. The issues before the
11 Court centers around the Parties’ adult daughter, Emily, born on November 16,
12 1996, who is 21 years old.

14 The Parties’ were before the Court on November 8, 2017. At that time, the
15 Court indicated that Jeff needed to file a Motion for Summary Judgment and
16 include information regarding whether a parent may seek child support for an adult
17 child, with whom a parent does not have custody of, after the age of majority has
18 been reached for an indefinite period of time; and whether government assistance
19 impacts child support for an adult child. Based upon pre-planned vacations and the
20 holidays, the Court set the deadline for the Motion to be filed as Tuesday,
21 December 26, 2017 (forty-five (45) days fell on Christmas Eve).

24 Thereafter, Counsels agreed to the extend the deadline to file the Motion to
25 January 2, 2018, because the deadline fell during the Christmas holiday when Jeff’s
26

1 Counsel was out of the office on vacation in the State of Michigan. A copy of
2 email regarding the agreement to extend the time attached hereto as **Exhibit "A"**
3 and incorporated herein by reference.
4

5 On January 2, 2018, Jeff filed a Motion for Summary Judgment Regarding
6 Child Support for an Adult Child. It was served upon Alecia's Counsel through the
7 e-filing system. Proof of service and that the Motion has been opened is attached
8 hereto as **Exhibit "B"** and incorporated herein by reference. **To date, although**
9 **the time for responding has passed, no Opposition has been filed in this**
10 **matter. {EMPHASIS ADDED}**
11

12 On or about January 18, 2018, when Jeff's Counsel became aware that the
13 Motion had been set on a day that she is scheduled to be out of the office on
14 vacation, she sent a correspondence to Alecia's Counsel attempting to resolve this
15 matter. A copy of the correspondence is attached hereto as **Exhibit "C"** and
16 incorporated herein by reference; a copy of the email showing it was kicked back is
17 attached hereto as **Exhibit "D"** and incorporated herein by reference; and copy of a
18 second email showing it went through thereafter is attached hereto as **Exhibit "E"**
19 and incorporated herein. Almost two (2) weeks have passed since the
20 correspondence was sent without a response. As such, this Ex Parte request has
21 become necessary to ensure that Jeff's Counsel can be present to argue the Motion
22 in this matter.
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1 Jeff's Counsel has a pre-planned vacation with family and friends to
2 California, to take their children to Disneyland. There are approximately fifteen
3 (15) people going on this vacation. The vacation was planned and scheduled in the
4 fall of 2017, prior to Jeff's Motion be filed. The entire group is set to leave Las
5 Vegas on February 14, 2018, at 1:00 p.m. (based upon traffic, check-in times,
6 sleeping schedules of the little children, etc.) and will not return until February 19,
7 2018. Although the hearing is set on February 14, 2018, at 2:00 p.m., it is likely
8 that the hearing will not be short based upon Counsel's involvement in prior
9 hearings plus taking into consider travel to and from the courthouse and home, etc.,
10 it is likely the trip would be delayed by four to five (4-5) hours which will make the
11 arrive in California much later than anticipated and cause delay in, or prohibit, other
12 planned events on the evening of February 14, 2018.

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17 Based upon the foregoing, good cause exists for the Court to either shorten
18 the time to hear Jeff's Motion or move the hearing date one (1) week later to allow
19 Jeff's Counsel to participate in the pre-planned vacation.

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II.
Conclusion

Based on the aforementioned reasons, it is respectfully requested that this request for an Order Shortening Time or an Order Extending Time be granted.

DATED this 2nd day of February, 2018.

ROBERTS STOFFEL FAMILY LAW GROUP

By: Amanda M. Roberts

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[illegible]

1. I, Amanda M. Roberts, Esq., am the attorney in the above referenced matter and I can attest to the below reference facts as being true and correct to the best my knowledge as represented by my client.

2. The Parties, Alecia Reed (“Alecia”) and Jeffrey Reed (“Jeff”) were divorced pursuant to a Decree of Divorce filed on August 5, 2005. The issues before the Court centers around the Parties’ adult daughter, Emily, born on November 16, 1996, who is 21 years old.

3. The Parties' were before the Court on November 8, 2017. At that time, the Court indicated that Jeff needed to file a Motion for Summary Judgment and include information regarding whether a parent may seek child support for an adult child, with whom a parent does not have custody of, after the age of majority has been reached for an indefinite period of time; and whether government assistance impacts child support for an adult child. Based upon pre-planned vacations and the holidays, the Court set the deadline for the Motion to be filed as Tuesday, December 26, 2017 (forty-five (45) days fell on Christmas Eve).

1 4. Thereafter, Counsels agreed to the extend the deadline to file the
2 Motion to January 2, 2018, because the deadline fell during the Christmas holiday
3 when Jeff's Counsel was out of the office on vacation in the State of Michigan.
4

5 5. On January 2, 2018, Jeff filed a Motion for Summary Judgment
6 Regarding Child Support for an Adult Child. It was served upon Alecia's Counsel
7 through the e-filing system. To date, although the time for responding has passed,
8 no Opposition has been filed in this matter.
9

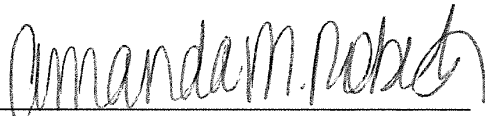
10 6. On or about January 18, 2018, when Jeff's Counsel became aware that
11 the Motion had been set on a day that she is scheduled to be out of the office on
12 vacation, she sent a correspondence to Alecia's Counsel attempting to resolve this
13 matter. Almost two (2) weeks have passed since the correspondence was sent
14 without a response. As such, this Ex Parte request has become necessary to ensure
15 that Jeff's Counsel can be present to argue the Motion in this matter.
16
17

18 7. Jeff's Counsel has a pre-planned vacation with family and friends to
19 California, to take their children to Disneyland. There are approximately fifteen
20 (15) people going on this vacation. The vacation was planned and scheduled in the
21 fall of 2017, prior to Jeff's Motion be filed. The entire group is set to leave Las
22 Vegas on February 14, 2018, at 1:00 p.m. (based upon traffic, check-in times,
23 sleeping schedules of the little children, etc.) and will not return until February 19,
24 2018. Although the hearing is set on February 14, 2018, at 2:00 p.m., it is likely
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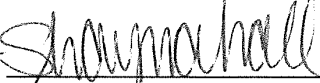
1 that the hearing will not be short based upon Counsel's involvement in prior
2 hearings plus taking into consider travel to and from the courthouse and home, etc.,
3 it is likely the trip would be delayed by four to five (4-5) hours which will make the
4 arrive in California much later than anticipated and cause delay in, or prohibit, other
5 planned events on the evening of February 14, 2018.
6

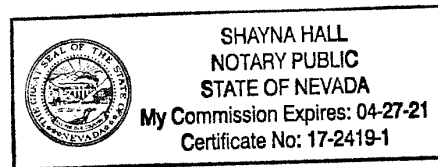
7
8 8. Good cause exists for Jeff's Motion be heard on an expedited basis or
9 be extended for one (1) week based upon the unavailability of Jeff's Counsel.

10 **FURTHER AFFIANT SAYETH NAUGHT.**

11
12 
13 Amanda M. Roberts, Esq.

14 Subscribed and Sworn to before me this
15 2nd day of February, 2018.

16 
17 Notary Public in and for said County
18 And State



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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Roberts Stoffel Family Law Group,
and on the 2nd day of February, 2018, I served by and through Wiz-Net
electronic service, pursuant Clark County District Court Administrative Order 14-2
for service of documents identified in Rule 9 of the N.E.F.C.R., the foregoing Ex
Parte Application for Order Shortening Time or an Order to Extend Time, to the
following:

Elizabeth Brennan Esq.
Email: elizabeth@brennanlawfirm.com
Attorneys for Plaintiff

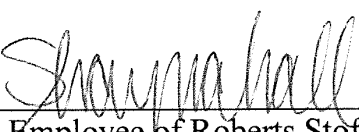
By: 
Employee of Roberts Stoffel Family Law Group

EXHIBIT “A”

EXHIBIT “A”

EXHIBIT “A”

Amanda Roberts

From: Holli Miller
Sent: Friday, February 2, 2018 9:16 AM
To: Amanda Roberts
Subject: FW: REED v. REED 05D338668

Thank you,

Holli Miller
Paralegal to Amanda M. Roberts, Esq.

Roberts Stoffel Family Law Group
4411 S. Pecos Road
Las Vegas, Nevada 89121
Phone No.: (702) 474-7007
Fax No.: (702) 474-7477
www.lvfamilylaw.com

The contents of this electronic mail message are confidential in nature and intended solely for the individual as addressed. Should you receive this electronic mail message in error, please delete this electronic mail message and/or contact Roberts Stoffel Family Law Group immediately at the number listed above.

From: Elizabeth Brennan [mailto:Elizabeth@brennanlawfirm.com]
Sent: Friday, December 22, 2017 2:26 PM
To: Holli Miller <holli@lvfamilylaw.com>
Cc: efile <efile@lvfamilylaw.com>; Amanda Roberts <amanda@lvfamilylaw.com>
Subject: Re: REED v. REED 05D338668

Yes

Sent from my iPhone

On Dec 22, 2017, at 2:05 PM, Holli Miller <holli@lvfamilylaw.com> wrote:

Due to the holidays and Ms. Roberts being out of town, can we extend the deadline to Tuesday, January 2, 2018?

Thank you,

Holli Miller
Paralegal to Amanda M. Roberts, Esq.

Happy Holidays - Our office will be closed Monday, December 25th through Wednesday, December 27th, and Monday, January 1st.

Roberts Stoffel Family Law Group
4411 S. Pecos Road
Las Vegas, Nevada 89121

Phone No.: (702) 474-7007
Fax No.: (702) 474-7477
www.lvfamilylaw.com

The contents of this electronic mail message are confidential in nature and intended solely for the individual as addressed. Should you receive this electronic mail message in error, please delete this electronic mail message and/or contact Roberts Stoffel Family Law Group immediately at the number listed above.

From: Elizabeth Brennan [<mailto:Elizabeth@brennanlawfirm.com>]
Sent: Friday, December 22, 2017 1:58 PM
To: Missy DeJonge <missy@lvfamilylaw.com>
Cc: efile <efile@lvfamilylaw.com>
Subject: Re: REED v. REED 05D338668

Yes an extension is fine. How long do you want?

Sent from my iPhone

On Dec 22, 2017, at 11:08 AM, Missy DeJonge <missy@lvfamilylaw.com> wrote:

Elizabeth,

Please review the attached letter and respond.

*Thank you,
Missy Dejonge*

WE HAVE MOVED !!! PLEASE NOTE OUR CHANGE OF ADDRESS BELOW

Legal Assistant
ROBERTS STOFFEL FAMILY LAW GROUP
4411 S. Pecos Road
(Office is located on a small side street, University)
Las Vegas, Nevada 89121
PH: (702) 474-7007
FAX: (702) 474-7477
WEB: lvfamilylaw.com

The contents of this electronic mail message are confidential in nature and intended solely for the individual as addressed. Should you receive this electronic mail message in error, please delete this electronic mail message and/or contact Roberts Stoffel Family Law Group immediately at the number listed above.

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information or information otherwise protected by law. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

<FAX to OC 122217 REED.pdf>

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information or information otherwise protected by law. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not

the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

EXHIBIT “B”

EXHIBIT “B”

EXHIBIT “B”

Envelope Information

Envelope Id

1949789

Submitted Date

1/2/2018 4:49 PM PST

Submitted User Name

receptionist@lvfamilylaw.com

Case Information

Location

Department S

Category

Family

Case Type

Divorce - Complaint

Case Initiation Date

6/14/2005

Case #

05D338668

Assigned to Judge

Ochoa, Vincent

Filings

Filing Type

EFileAndServe

Filing Code

Motion - MOT (FAM)

Filing Description

Motion for Summary Judgment
Regarding Child Support; Affidavit
of Defendant, Jeffrey Allen Reed

Client Reference Number

Reed

Courtesy Copies

efile@lvfamilylaw.com

Filing on Behalf of

Jeffrey A Reed

Filing Status

Accepted

Accepted Date

1/3/2018 10:21 AM PST

Lead Document

File Name	Security	Download
Motion for Summary Judgment 010218 REED.pdf	Public Filed Document	Original File Court Copy

eService Details

Status	Name	Firm	Served	Date Opened
Sent	Elizabeth Brennan	Brennan Law Firm	Yes	1/8/2018 9:47 AM PST

Status	Name	Firm	Served	Date Opened
Sent	Amanda M. Roberts	Roberts Stoffel Family Law Group	Yes	1/3/2018 10:25 AM PST
Sent	Elizabeth Brennan		Yes	Not Opened

Parties with No eService

Name	Address
Emily C Reed	

Name	Address
Anthony J Reed	

Name	Address
Adam P Reed	

Fees

Motion - MOT (FAM)

Description	Amount
Filing Fee	\$0.00
Filing Total: \$0.00	

Total Filing Fee	\$0.00
E-File Fee	\$3.50
Envelope Total: \$3.50	

Party Responsible for Fees	Jeffrey A Reed	Transaction Amount	\$3.50
Payment Account	Amanda's Platinu...	Transaction Id	2565021
Filing Attorney	Amanda Roberts	Order Id	001949789-0
Transaction Response	Payment Complete		

EXHIBIT “C”

EXHIBIT “C”

EXHIBIT “C”



Amanda M. Roberts, Esq.
Jason P. Stoffel, Esq.
Lynn N. Hughes, Esq.

4411 South Pecos Road
Las Vegas, Nevada 89121

January 18, 2018

Sent Via Facsimile and Email
elizabeth@brennnlawfirm.com
(702) 507-1466

Elizabeth Brennan, Esq.
Brennan Law Firm
7455 Arroyo Crossing Parkway, Ste. 220
Las Vegas, Nevada 89113

Re: Alecia Reed (nka Draper) v. Jeffrey Reed (05D338668)

Dear Elizabeth:

In review of my calendar for an upcoming vacation, it has come to my attention that the Motion on the above referenced matter is set on February 14, 2018, at 2:00 p.m. I am supposed to leave on February 14, 2018, at noon for a pre-planned group vacation to Disneyland. There are about fifteen (15) of us going in a group and we have plans that evening in California or I would simply leave after the hearing. As such, I am requesting we reset the hearing to the next available date after my return which is February 20, 2018. Please let me know at your earliest convenience so I can prepare the necessary Stipulation and Order or file the necessary request with the Court.

Thank you in advance for your prompt attention to this matter.

Sincerely,

Amanda M. Roberts, Esq.



Amanda M. Roberts, Esq.
Jason P. Stoffel, Esq.
Lynn N. Hughes, Esq.

4411 S. Pecos Road
Las Vegas, Nevada 89121

FACSIMILE TRANSMITTAL COVER SHEET

Date: January 18, 2018

To: Elizabeth Brennan, Esq.

From: Amanda M. Roberts, Esq.

Fax Number: (702) 507-1466

Number of Pages including Cover Sheet: 2

Case Name: Alecia Reed (nka Draper) v. Jeffrey Reed (05D338668)

Regarding:

Please see attached correspondence.

The contents of this facsimile are confidential in nature and intended solely for the individual listed above. Should you receive this facsimile addressed to someone unknown to you, please destroy this facsimile and/or return to the fax number as listed below. Should all the pages listed above not be received, please contact Roberts Stoffel Family Law Group immediately at the number listed below.

Phone: 702-474-7007 | Fax: 702-474-7477 | Web: www.lvfamilylaw.com

ROA0466

Send Result Report

MFP

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Firmware Version 2K9_2F00.012.101 2017.07.21



01/18/2018 11:10
[2K9_1000.009.001] [2K9_1100.002.001] [2LC_7000.012.003]

Job No.: 089116

Total Time: 0°00'53"

Page: 002

Complete

Document: doc08911620180118110915



Amanda M. Roberts, Esq.
Jason F. Stoffel, Esq.
Lynn N. Hughes, Esq.

4411 S. Pecos Road
Las Vegas, Nevada 89121

FACSIMILE TRANSMITTAL COVER SHEET

Date: January 18, 2018

To: Elizabeth Brennan, Esq.

From: Amanda M. Roberts, Esq.

Fax Number: (702) 507-1466

Number of Pages including Cover Sheet: 2

Case Name: Alecia Reed (nka Draper) v. Jeffrey Reed (05D338668)

Regarding:

Please see attached correspondence.

The contents of this facsimile are confidential in nature and intended solely for the individual listed above. Should you receive this facsimile addressed to someone unknown to you, please destroy this facsimile and/or return to the fax number as listed below. Should all the pages listed above not be received, please contact Roberts Stoffel Family Law Group immediately at the number listed below.

Phone: 702-474-7007 | Fax: 702-474-7477 | Web: www.lvfamilylaw.com

No.	Date and Time	Destination	Times	Type	Result	Resolution/ECM
001	01/18/18 11:09	7025071466	0°00'53"	FAX	OK	200x100 Normal/Off

EXHIBIT “D”

EXHIBIT “D”

EXHIBIT “D”

Receptionist

From: Receptionist
Sent: Thursday, January 18, 2018 2:01 PM
To: elizabeth@brennlawfirm.com
Cc: efile
Subject: Reed
Attachments: Fax to OC 011818 REED.PDF

Please see the attached correspondence.

*Thank you,
Shayna Hall*

WE HAVE MOVED !!! PLEASE NOTE OUR CHANGE OF ADDRESS BELOW

Legal Assistant
ROBERTS STOFFEL FAMILY LAW GROUP
4411 S. Pecos Road
(Office is located on a small side street, University)
Las Vegas, Nevada 89121
PH: (702) 474-7007
FAX: (702) 474-7477
WEB: lvfamilylaw.com

The contents of this electronic mail message are confidential in nature and intended solely for the individual as addressed. Should you receive this electronic mail message in error, please delete this electronic mail message and/or contact Roberts Stoffel Family Law Group immediately at the number listed above.

Receptionist

From: Microsoft Outlook
To: elizabeth@brennlawfirm.com
Sent: Thursday, January 18, 2018 2:01 PM
Subject: Undeliverable: Reed

Delivery has failed to these recipients or groups:

elizabeth@brennlawfirm.com (elizabeth@brennlawfirm.com)

A problem occurred and this message couldn't be delivered. Check to be sure the email address is correct. If the problem continues, please contact your email admin.

Diagnostic information for administrators:

Generating server: MAIL.rslaw.local

elizabeth@brennlawfirm.com

Remote Server returned '554 5.4.4 SMTPSEND.DNS.NonExistentDomain; nonexistent domain -> DnsDomainDoesNotExist: InfoDomainNonexistent'

Original message headers:

Received: from MAIL.rslaw.local (192.168.1.15) by MAIL.rslaw.local (192.168.1.15) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_CBC_SHA384_P256) id 15.1.845.34; Thu, 18 Jan 2018 14:01:09 -0800
Received: from MAIL.rslaw.local ([fe80::b0c6:2843:3863:a64]) by MAIL.rslaw.local ([fe80::b0c6:2843:3863:a84%12]) with mapi id 15.01.0845.039; Thu, 18 Jan 2018 14:01:09 -0800
From: Receptionist <receptionist@lvfamilylaw.com>
To: "elizabeth@brennlawfirm.com" <elizabeth@brennlawfirm.com>
CC: efile <efile@lvfamilylaw.com>
Subject: Reed
Thread-Topic: Reed
Thread-Index: AdOQp9CP+HZ16lF8SNKaEbp2GHx4oQ==
Date: Thu, 18 Jan 2018 22:01:09 +0000
Message-ID: <3326c083131e4a24bd1d62bd06a7871c@lvfamilylaw.com>
Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach: yes
X-MS-TNEF-Correlator:
x-originating-ip: [192.168.1.79]
Content-Type: multipart/mixed;
boundary="_004_3326c083131e4a24bd1d62bd06a7871c@lvfamilylawcom_"
MIME-Version: 1.0

EXHIBIT “E”

EXHIBIT “E”

EXHIBIT “E”

Receptionist

From: Receptionist
Sent: Thursday, January 25, 2018 4:57 PM
To: elizabeth@brennanlawfirm.com
Subject: Reed- Fax to your office
Attachments: Fax to OC 011818 REED.pdf

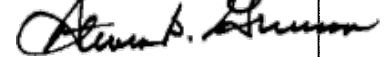
Please see the attached fax that was sent to your office on January 18th. We just notice what was wrong with your email address. Sorry for the delay with the document.

*Thank you,
Shayna Hall*

WE HAVE MOVED !!! PLEASE NOTE OUR CHANGE OF ADDRESS BELOW

Legal Assistant
ROBERTS STOFFEL FAMILY LAW GROUP
4411 S. Pecos Road
(Office is located on a small side street, University)
Las Vegas, Nevada 89121
PH: (702) 474-7007
FAX: (702) 474-7477
WEB: lvfamilylaw.com

The contents of this electronic mail message are confidential in nature and intended solely for the individual as addressed. Should you receive this electronic mail message in error, please delete this electronic mail message and/or contact Roberts Stoffel Family Law Group immediately at the number listed above.



1 **ORDR**

2 Amanda M. Roberts, Esq.
3 State of Nevada Bar No. 9294

4 **ROBERTS STOFFEL FAMILY LAW GROUP**

5 4411 South Pecos Road
6 Las Vegas, Nevada 89121

7 PH: (702) 474-7007

8 FAX: (702) 474-7477

9 EMAIL: efile@lvfamilylaw.com

10 Attorneys for Defendant, Jeffrey Allen Reed

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 ALECIA ANN DRAPER,

) Case No: 05D338668

) Dept No: S

14 Plaintiff,

)

15 v.

) **ORDER GRANTING EX PARTE**

) **APPLICATION TO RESET THE**

16 JEFFREY ALLEN REED,

) **HEARING SET ON FEBRUARY 14,**

) **2018, AT 1:00 P.M.**

2:00 P.M.

17 Defendant

)

)

18 The Court having reviewed the Plaintiffs Ex Parte Application Related to the
19 Hearing Set on February 14, 2018, hereby Orders as follows:

20 THE COURT HEREBY FINDS that good cause exists to grant the
21 Defendant's request to reset the hearing in this matter based upon unavailability of
22 Defendant's Counsel.

23 \\\

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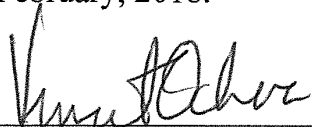
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NOW THEREFORE,

THE COURT HEREBY ORDERS that hearing on Defendant's Motion for
Summary Judgment Regarding Child Support for an Adult Child scheduled on
February 14, 2018, at 1:00 p.m., shall be reset to the 14 day of
February, 2018, at 11:00 a.m./p.m.

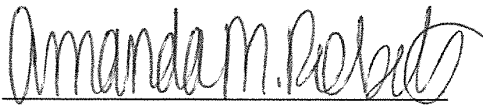
IT IS SO ORDERED this 5 day of February, 2018.



District Judge *YAC*

Respectfully Submitted:

**ROBERTS STOFFEL FAMILY
LAW GROUP**

By: 
Amanda M. Roberts, Esq.
State Bar of Nevada 9294
4411 S. Pecos Road
Las Vegas, Nevada 89121
PH: (702) 474-7007
FAX: (702) 474-7477
EMAIL: efile@lvfamilylaw.com
Attorneys for Defendant, Jeffrey Allen Reed

Steven D. Grierson

1 **NEO**

2 Amanda M. Roberts, Esq.

3 State of Nevada Bar No. 9294

4 **ROBERTS STOFFEL FAMILY LAW GROUP**

5 4411 South Pecos Road

6 Las Vegas, Nevada 89121

7 PH: (702) 474-7007

8 FAX: (702) 474-7477

9 EMAIL: efile@lvfamilylaw.com

10 Attorneys for Defendant, Jeffrey Allen Reed

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 ALECIA ANN DRAPER,

14 Plaintiff,

15 v.

16 JEFFREY ALLEN REED,

17 Defendant.

Case No: 05D338668

Dept No: S

NOTICE OF ENTRY OF ORDER

18 PLEASE TAKE NOTICE an Order Granting Ex Parte Application to Reset the
19 Hearing Set on February 14, 2018, at 1:00 p.m., was duly entered on the 6th day of
20 February, 2018, a copy of which is attached hereto and fully incorporated herein.

21 DATED this 6th day of February, 2018.

22 **ROBERTS STOFFEL FAMILY LAW GROUP**

23 By: *Amanda M. Roberts*

24 Amanda M. Roberts, Esq.

25 State of Nevada Bar No. 9294

26 4411 S. Pecos Road

27 Las Vegas, Nevada 89121

28 Attorneys for Defendant, Jeffrey Allen Reed

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Roberts Stoffel Family Law Group, and on the 6th day of February, 2018, I served by and through Wiz-Net electronic service, pursuant Clark County District Court Administrative Order 14-2 for service of documents identified in Rule 9 of the N.E.F.C.R., the foregoing Notice of Entry of Order (with Order Granting Ex Parte Application to Reset the Hearing Set on February 14, 2018, at 1:00 P.M hearing attached thereto), as follows:

Elizabeth Brennan Esq.
Elizabeth@brennanlawfirm.com
Attorney for Plaintiff, Alecia Draper

By: Shayna Hall
Employee of Roberts Stoffel Family Law Group



1 **ORDR**

2 Amanda M. Roberts, Esq.

3 State of Nevada Bar No. 9294

4 **ROBERTS STOFFEL FAMILY LAW GROUP**

5 4411 South Pecos Road

6 Las Vegas, Nevada 89121

7 PH: (702) 474-7007

8 FAX: (702) 474-7477

9 EMAIL: efile@lvfamilylaw.com

10 Attorneys for Defendant, Jeffrey Allen Reed

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 ALECIA ANN DRAPER,

) Case No: 05D338668

) Dept No: S

14 Plaintiff,

)

15 v.

) **ORDER GRANTING EX PARTE**

) **APPLICATION TO RESET THE**

16 JEFFREY ALLEN REED,

) **HEARING SET ON FEBRUARY 14,**

) **2018, AT 2:00 P.M.**

17 Defendant

)

)

18 The Court having reviewed the Plaintiffs Ex Parte Application Related to the

19 Hearing Set on February 14, 2018, hereby Orders as follows:

20 THE COURT HEREBY FINDS that good cause exists to grant the

21 Defendant's request to reset the hearing in this matter based upon unavailability of

22 Defendant's Counsel.

23 \\\

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25 \\\

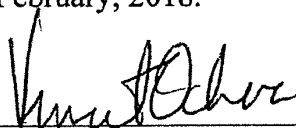
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NOW THEREFORE,

THE COURT HEREBY ORDERS that hearing on Defendant's Motion for
Summary Judgment Regarding Child Support for an Adult Child scheduled on
February 14, 2018, at 1:00 p.m., shall be reset to the 14 day of

February 2018, at 11:00 (a.m.)/p.m.

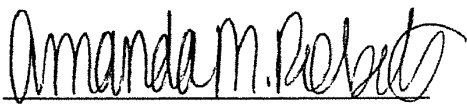
IT IS SO ORDERED this 5 day of February, 2018.



District Judge *YAC*

Respectfully Submitted:

**ROBERTS STOFFEL FAMILY
LAW GROUP**

By: 
Amanda M. Roberts, Esq.
State Bar of Nevada 9294
4411 S. Pecos Road
Las Vegas, Nevada 89121
PH: (702) 474-7007
FAX: (702) 474-7477
EMAIL: efile@lvfamilylaw.com
Attorneys for Defendant, Jeffrey Allen Reed

7455 Arroyo Crossing Parkway, Suite 220
Las Vegas, Nevada 89113
Phone: (702) 834-8888

BRENNAN LAW FIRM

1 OPPS
2 ELIZABETH BRENNAN
3 Nevada Bar No. 7286
4 Brennan Law Firm
5 7455 Arroyo Crossing Parkway, Suite 220
6 Las Vegas, Nevada 89113
7 Phone: (702) 834-8888 Fax: (702) 507-1466
8 Elizabeth@BrennanLawFirm.com
9 Attorney for Plaintiff

Electronically Filed
2/8/2018 12:03 PM
Steven D. Grierson
CLERK OF THE COURT



DISTRICT COURT – FAMILY DIVISION
CLARK COUNTY, NEVADA

Alecia Ann Draper,

Plaintiff

vs.

Jeffery Allen Reed,

Defendant

Case No.: 05D338668

Dept No.: S

Date of Hearing: 2/14/2018

Time of Hearing: 11:00 a.m.

ORAL ARGUMENT REQUESTED

**PLAINTIFF'S OPPOSITION TO
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff, Alecia Ann Draper, opposes Defendant's Motion For Summary Judgement

Regarding Child Support For An Adult Child ("Dad's Motion") for the reasons set forth below.

I. Pertinent Facts

All of the pertinent facts are set forth in the Sworn Declaration of Alecia Draper, attached hereto and incorporated by reference as Exhibit 1. The parties have three children: Anthony (born 5/26/1999); Adam (born 01/23/2001); and Emily (born 11/16/1996).

Emily was sexually abused as a minor for over 8 years by Dad's caretaker/roommate, Allen Richard Gorry, during visitation with Dad from 2005 until February of 2014. The abuse against Emily by Gorry is horrific, with lasting traumatic impact and damage to her!

Significantly, *Emily has remained disabled since prior to her 18th birthday and is unable to care for herself* as set forth in the Expert Report of Dr. Jennifer Love Farrell, attached as Exhibit A to Plaintiff's Opposition to Defendant's Motion and Countermotion for Child Support for a Disabled

1 Child ("Mom's Countermotion for Child Support For A Disabled Child"), filed on 7/21/2017 and
2 incorporated herein by reference ("Dr. Farrell's Report").

3 **II. NRS 125B.110 Provides the Statutory Authority For This Court To Award Child**
4 **Support For Emily**

5 Dad should be required to pay 50% of Emily's care and special needs given her disability.
6 **NRS 125B.110 provides that a parent shall support their child beyond the age of majority with**
7 **a handicap until the child is no longer handicapped or until the child becomes self-supporting.**

8 **Dr. Jennifer Love Farrell is Emily's treating psychiatrist. As can be seen by Dr.**
9 **Farrell's Report, it is her professional opinion that Emily was disabled prior to age 18 and**
10 **remains disabled to this date.** A detailed summary of Emily's medical treatment is contained in
11 Dr. Farrell's Report including Emily's continued Chronic Post Traumatic Stress Disorder and
12 depression, with multiple hospitalizations and suicidal ideations. Emily's behavior has become so
13 erratic and potentially dangerous that Dr. Farrell placed Mom on FMLA leave in order to stay with
14 Emily 24/7. It is Dr. Farrell's professional opinion that Emily has been disabled under NRS
15 125B.110 before the age of majority; is handicapped under the statute; and is unable to be self-
16 supporting. In short. "Emily is unable to engage in any substantial gainful activity by reason of her
17 significant and chronic mental impairment, which has lasted for many years and is expected to last
18 for a period of over 12 months."

19 A summary of Emily's medical history and future medical needs is attached as Exhibit E to
20 Mom's Countermotion for Child Support For A Disabled Child and is incorporated herein by
21 reference.

22 **III. NRS 125B.110 Has No Statute Of Limitations**

23 There is NO DEADLINE or STATUTE OF LIMITATIONS in NRS 125B.110 for bringing a
24 claim under the statute. Counsel for Dad admits in their Motion that there is no deadline but then
25 goes on to request that this Court should basically "write in" a deadline into this statute when the
26 Nevada legislature clearly chose not to have such a deadline. Simply put, there is NO authority for

1 this Court to do what Dad's counsel has requested so Dad's Motion for Summary Judgement must
2 be DENIED.

3 NRS 125B.110 was clearly designed for the benefit of the DISABLED person, namely
4 Emily. This Court must protect the DISABLED and has no authority to set forth an artificial
5 deadline for bringing a claim, particularly when the legislature chose not to set a limitations period
6 for bringing such a claim. The reason is clear! The legislature does not want disabled people to
7 become wards of the State and/or create a financial burden on the State. Instead, the statute's clear
8 purpose is to require PARENTS to bear the financial burden when a child's disability began as a
9 minor.

10 **IV. No Waiver, Laches or Lack of Standing**

11 NRS 125B.110 does NOT provide WHO has standing to bring such a claim. As a result,
12 there is no legal authority for Dad's argument that Mom does not have standing to bring a claim
13 under said statute.

14 As indicated in Mom's Declaration, Mom has filed a Petition to be appointed Emily's
15 Conservator, which is set for hearing in June of 2018. Emily has agreed to the Conservatorship and
16 Dad is not contesting it. As a result, in June of 2018, Mom will unquestionably have standing to
17 present a claim under NRS 125B.110 on Emily's behalf.

18 Dad's position on standing makes no sense and runs contrary to public policy. Dad is
19 basically arguing that because no guardianship or conservatorship has yet been established on
20 Emily's behalf by either parent, Emily (the disabled person) loses the benefit of NRS 125B.110.
21 Really? No! That is not the law in Nevada!

22 Dad's argument is that if somebody like Emily is disabled; her disability started as a minor
23 and continued into adulthood and neither parent files for guardianship or conservatorship over Emily
24 to provide for her support under NRS 125B.110, the parents get out of their financial obligations
25
26

1 under NRS 125B.110 and the disabled person like Emily is just out of luck! No! That is not the law
2 in Nevada!

3 With respect to waiver and laches, it is clear from Mom's Declaration that she did NOT
4 knowingly or intentionally waive or relinquish any rights. Mom did not withdraw her prior motion
5 with prejudice. Instead, as stated in Mom's Declaration, at all times, Mom was under the impression
6 and belief that she could bring a new motion in the future when she had the money to get the Expert
7 Report that the Judge needed. Furthermore, as stated in Mom's Declaration, **Dad was largely**
8 **responsible for her inability to pay for the Expert Report due to his failure to timely pay child**
9 **support and his substantial arrears.** As a result, it is clear that Dad has "unclean hands" and
10 cannot benefit it!

11 In conclusion, the law cited in Dad's Motion has no applicability to the facts and
12 circumstances of this case and must be disregarded. As shown herein and in Mom's Declaration
13 attached hereto, there are genuine issues of material fact in dispute; thus, Dad's Motion must be
14 DENIED.

15
16 Respectfully Submitted:

17 BRENNAN LAW FIRM

18 /s/ Elizabeth Brennan

19 ELIZABETH BRENNAN, ESQ.
20 Attorney for Plaintiff
21
22
23
24
25
26

7455 Arroyo Crossing Parkway, Suite 220
Las Vegas, Nevada 89113
Phone: (702) 834-8888

BRENNAN LAW FIRM

CERTIFICATE OF SERVICE

Pursuant to Nevada Rule of Civil of Procedure 5(b), I certify that on the 7th day of February 2018, I served the above and foregoing document entitled:

**PLAINTIFF'S OPPOSITION TO
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

by the following method:

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

To the parties listed at the address, email, and/or facsimile number below:

Amanda Roberts
Roberts Stoffel Family Law Group
Attorneys for Defendant Jeffrey Reed

/s/ Elizabeth Brennan
An Employee of Brennan Law Firm

EXHIBIT 1

EXHIBIT 1

EXHIBIT 1

**DECLARATION OF ALECIA DRAPER
IN OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

I, ALECIA DRAPER, swear under penalty of perjury that the following statements are true and correct.

1. I am the Plaintiff in the above named action. I have personal knowledge of all matters stated herein, I am over the age of eighteen (18), and I would be competent to testify thereto if called to do so, except as to matters stated on information and belief, and as to those items, I believe them to be true.
2. I provide this Sworn Declaration in support of my Opposition to Defendant's Motion for Summary Judgment Regarding Child Support for An Adult ("Defendant's Motion for Summary Judgment"). I have personal knowledge of the matters set forth herein and am competent to testify to same in this Court.
3. There are significant material facts in dispute that prevent this Court from granting Defendant's Motion for Summary Judgment. For example, as set forth in my Expert's Report and my prior pleadings in this case (which are incorporated herein by reference), Emily is unable to engage in substantial gainful employment by reason of her medical disability that began when she was a minor. On page 4 of Defendant's Motion, Defendant disputes this fact.
4. Emily suffers from major depressive disorder with psychotic features, post traumatic stress disorder, and severe stressors. She was first hospitalized at age 17 on March 18, 2014 as a result of being sexually molested as a young girls for years and has suicide ideation. Significantly, **Emily was hospitalized a total of 81 days from the time period of 3/18/14 - 4/16/15 before graduation from high school**, as set forth below:

3/18/14 - 4/7/14	UCIMC Neuropsychiatric Center	19 days
4/7/14 - 5/12/14	Center for Discovery	35 Days
3/7/2015 - 3/30/2015	Del Amo Hospital	23 Days
4/16/15 - 4/20/15	UCIMC Neuropsychiatric Center	4 days

5. Defendant received information about Emily's hospitalizations and has been very much aware of Emily's diagnosis of severe PTSD, Major depressive disorder with Psychotic features, stressor related disorder.
6. In 2014, Emily was admitted to the UCI psychiatric hospital for three weeks: March 18 – April 7, 2014. The medical records revealed auditory hallucinations and regressed, self-injurious behavior. Emily disclosed sexual abuse by her father's roommate for years as a young girl where she was forced to watch pornography and engage in oral sex.
7. Emily has continued to suffer from severe posttraumatic stress and depression. She has seen many different psychiatrists and psychologists, but has not gotten better.
8. Emily takes medication for her chronic PTSD, depression, and anxiety.
9. Emily has a thirty five (35) day stay at the Center for Discovery between April 7 – May 12, 2014. In March 2015, Emily was admitted to Del Amo hospital for suicidal ideation after she tried to strangle herself with the sleeves of a sweater. Emily was hospitalized again in April 2015 whe, according to her school pshychologist, she was agitated, rolling around on the asphalt in the fetal position for thirty-five (35) minutes and screaming.
10. When anyone tries to converse with Emily regarding more complicated discussions, her response is usually, "I don't know."

11. Emily continues to suffer severe post-traumatic stress disorder from years of sexual abuse as a young child. **Emily is currently admitted to a twenty-one (21) day intense therapy program at Collin A. Ross Institute, located at 1701 Gateway Blvd., #349, Richardson, Texas 75080.** When Emily is released from the program, she will return to live with me.
12. As a result of Emily's continuing disability, I have filed a Petition for Appointment of Conservator over Emily. The case is pending in California and is set for hearing on June 26, 2018. Superior Court of California, County of Orange. Case Number: 30 - 2018-00970067-PR-LP-CJC. ***Emily has agreed to the conservatorship. In addition, Defendant is not contesting the conservatorship.*** Defendant has also agreed to help pay for Emily's medical bills; however, he doesn't want to be ordered to do so.
13. On March 2, 2015 Emily was approved by the Department of Rehabilitation for Vocational Rehabilitation Services because she met the eligibility criteria because she has a physical or mental impairment which constitutes or results in a substantial impediment to employment based on information from her doctor or another valid source. She was given the following Priority Category: Priority Category 1, 2 and 3. On April 3, 2015 they closed the above due to the following: "You are unavailable to participate in VR services. Title 9 CCR section 7179.3(a)(3)." This occurred due to her suicidal ideation at Huntington Beach HS. She was hospitalized on two different occasions and is now in intense outpatient therapy, in addition to the inpatient program at Collin A. Ross Institute.

...

...

14. Emily was hospitalized in 2014 and has continuously required treatment for the issues related to the above abuse. ***Emily has remained disabled since prior to her 18th birthday and is unable to care for herself as set forth in the Expert Report of Dr. Jennifer Love Farrell***, attached as Exhibit A to Plaintiff's Opposition to Defendant's Motion and Countermotion for Child Support for a Disabled Child ("Mom's Countermotion for Child Support For A Disabled Child"), filed on 7/21/2017 and incorporated herein by reference ("Dr. Farrell's Report").
15. Contrary to Defendant's allegations, Emily is not able to maintain a job at the church bookstore. It is pertinent for the Court to know that Emily did try doing volunteer work for a couple hours a week at the church's bookstore under full supervision; however, this became too much for her and she had to stop doing it.
16. Contrary to Defendant's allegations, Emily is not left alone for long periods of time without supervision. In fact, I went on FMLA to be home with Emily. I also quit my job to be home with Emily. If I cannot be home, I make sure that either one or both of Emily's brothers are there, or my husband is home. Emily's grandma also comes to visit once a month for a week to help care for Emily.
17. I do not agree with all of the alleged "uncontested facts" set forth by Defendant in Paragraph #7 of Defendant's Affidavit so I provide the following itemized response to each of the 18 points:
1. I admit Emily was born on November 16, 1996.
 2. I admit Emily was sexually abused prior to her eighteenth (18th) birthday, from age 7 through age 17.
 3. I admit Emily threatened suicide prior to her eighteenth (18th) birthday.
 4. I admit Emily threatened suicide after her eighteenth (18th) birthday.

5. I admit that I petitioned the court for child support for Emily beyond the age of majority, after Emily had turned 18, but prior to Jeff's child support obligation ceasing because Emily was in high school at the time.
6. I admit that the Court set my request for Trial
7. Withdrawal of Prior Motion: I admit that I voluntarily withdrew the request by filing the "notice of Withdrawal of Request to Continue Child Support for Emily After High School Graduation Due to Child's Disability & Request to Vacate Evidentiary Hearing. However, it is important to add that I withdrew the request because I did not have the money to pay to have an Expert review Emily's records and provide an Expert Report and I thought I could bring the matter before the Court in the future. **I did not intentionally "waive" any rights and I did not dismiss my hearing with prejudice.** At all times, I was under the impression and belief that I could bring a new motion in the future when I had the money to get the Expert Report that the Judge needed. **Defendant was largely responsible for my inability to pay for the Expert Report due to his failure to timely pay child support and his substantial arrears.**
8. I admit that after Emily graduated from high school, I confirmed via email that Jeff's obligation for child support was only for the 2 boys without reference to child support for Emily. However, it is important for me to add that we dealt with Emily in separate emails.
9. I admit that Emily graduated from high school.
10. High School: I admit that Emily received good grades in high school; however, Defendant fails to advise the Court of the following pertinent information. Emily had extra help all during high school. Teachers even gave Emily their notes for lessons because she had a problem retaining information. She was allowed to take tests by herself in a separate room and not with the class. Even in American Sign Language, she did not take tests in front of the class and only with the teacher. When she did participate in the ASL show on stage, she had a breakdown a few days later and was admitted to the hospital. Also during the last two months of Emily's senior year Huntington Beach High School assigned her to home school to finish out the year because of the breakdown she had in the Pathways program.
11. Mexico Trip: Contrary to Defendant's allegations, Emily did not go on a graduation trip to Mexico without any parents present. Instead, two parents of one of the other girls were present at all times to chaperone Emily and the other girls on the trip to Mexico. These parents agreed to ensure that Emily was never alone; took her medication; and would eat every day.

12. Driver's License: I admit that Emily has a driver's license but she does not have access to a vehicle or drive as alleged by Defendant. Defendant failed to provide the Court with the following pertinent information: Emily did have a driver's license until it was suspended due to being transported to the hospital from her therapist's office. The EMD reported this event to the DMV and her license was suspended. It took her almost 10 months to get the license back with an attorney involved. Also, Emily does not drive because the State of California insurance still recognizes the suspension and the cost of insurance is too high. Therefore, she does not drive on her own. The Court should also be aware of the fact that when Emily did drive on her own, Emily got lost driving and could not find her way home even with the use of the navigation system due to being confused and disoriented.
13. College Classes: Contrary to Defendant's allegations, Emily did not attend any college classes. Although Emily has attempted to attend college classes by going to the campus and registering, she was never able to attend classes due to high anxiety and multiple breakdowns.
14. Employment: Contrary to Defendant's allegations, Emily has not maintained employment. Emily tried working for a few weeks but could not follow through due to breakdown/anxiety. Defendant failed to advise the Court of the following pertinent information: Emily's therapist thought it would be good to try and have Emily work outside the home. My husband Geoffrey Draper has his own business and Emily worked as a receptionist. She was able to bring her service dog, Monarch. However, Emily only worked there 4-6 weeks as she stole her mother's car, left her cell phone at home, and drove away with no one knowing where she was for 8-10 hours. She ended up going to Defendant's place of business out of state. He told Emily she must call her mother, which she did. Emily said a voice inside her told her to drive to Utah. Inside voices are normal for people who suffer with Disassociate Identity Disorder due to Severe Trauma which Emily was diagnosed with after being sexually abused from age 7 thru age 17.
15. Employment: Contrary to Defendant's allegations, Emily does not work for my business or anybody else. I do bring Emily with me when I go to the store to shop for supplies and Emily does sit with me while working on the computer; however, Emily does not work independently of me and is unable to hold down a job. When I purchased a coffee service business with another person, it was because my time would be flexible, and I could take Emily with me. However, Emily did not feel comfortable going to these events even though they were only two – four hours at a time because of panic and anxiety attacks due to her Acute PTSD from being sexually molested from the time she was age 7 thru age 17 when her Dad watched her. Emily did attempt at one time to put invoices into QuickBooks for me; however, Emily ended up not being able to do this task because she could not remember the passwords and/or how to use QuickBooks.

16. I admit that Emily receives SSD.

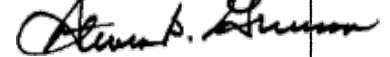
17. Guardian/Conservatorship: I admit that Emily does not currently have a guardian of the person or estate; however, it is important for the court to know the following. I have filed a Petition for Appointment of Conservator, which is currently pending in California and set for hearing on June 26, 2018.

18. I admit Emily is currently 21 years old.

Pursuant to NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct.

Signed on this 6th day of February, 2018.

/s/ Alecia Draper
ALECIA DRAPER



1 **RPLY**

2 Amanda M. Roberts, Esq.
3 State of Nevada Bar No. 9294

4 **ROBERTS STOFFEL FAMILY LAW GROUP**

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10 Attorneys for Defendant, Jeffrey Allen Reed

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 ALECIA ANN DRAPER,

14 Plaintiff,

15 v.

16 JEFFREY ALLEN REED,

17 Defendant.

) Case No: 05D338668

) Dept No: S

) **REPLY IN SUPPORT OF MOTION
FOR SUMMARY JUDGMENT
REGARDING CHILD SUPPORT
FOR AN ADULT CHILD.**

) Date of Hearing: April 9, 2018

) Time of Hearing: 3:00 p.m.

18
19 COMES NOW the Defendant, Jeffrey Reed ("Jeff"), by and through his
20 attorney of record, Amanda M. Roberts, Esq., of Roberts Stoffel Family Law
21 Group, and hereby submits this Reply in Support of Defendant's Motion for
22 Summary Judgment Regarding Child Support for an Adult Child, and in response
23 to Plaintiff's Opposition, on file herein.
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1 This Reply is made and based on all the papers and pleadings on file herein,
2 the attached Memorandum of Points and Authorities, the attached exhibits and any
3 further evidence and argument as may be adduced at the hearing of this matter.
4

5 DATED this 9th day of April, 2018.

6 **ROBERTS STOFFEL FAMILY LAW GROUP**

7
8 By: Amanda M. Roberts
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16 Attorneys for Defendant, Jeffrey Allen Reed

17 **MEMORANDUM OF POINTS AND AUTHORITIES**

18 **I.**
19 **REPLY**

20 The Parties, Alecia Reed ("Alecia") and Jeffrey Reed ("Jeff") were divorced
21 pursuant to a Decree of Divorce filed on August 5, 2005. The Parties had three (3)
22 children. The issue before the Court deals with their adult daughter, to wit: Emily
23 Reed ("Emily"), born on November 16, 1996. Emily is twenty-one (21) years old
24 at the present time.

25 Alecia is seeking child support for Emily. Alecia claims that Emily is
26 disabled and has been disabled since before her eighteenth (18th) birthday. Alecia
27

1 makes this claim based upon treatment information from Dr. Jennifer Love Farrell
2 ("FARRELL"). To be clear, FARRELL did not start treating Emily until March of
3 2016, when Emily was a little over nineteen (19) years old. As such, any
4 information that FARRELL provides is based upon her review of alleged medical
5 records and information provided by Alecia without any independent analysis
6 because she did not treat Emily until over a year after she turned eighteen (18) years
7 old.
8

10 Alecia does not dispute the factual allegations that Jeff made in his Motion
11 regarding Emily. **As such, the Court should take those facts to be accurate.**

12 **{EMPHASIS ADDED}** A list of these facts that support that position that Emily is
13 not disabled are as follows:
14

- 15 1. Emily was born on November 16, 1996.
- 16 2. Emily was sexually abused prior to her eighteenth (18th) birthday.
- 17 3. Emily threatened suicide prior to her eighteenth (18th) birthday.
- 18 4. Emily threatened suicide after her eighteenth (18th) birthday.
- 19 5. Alecia petitioned the Court for child support for Emily beyond the age
20 of majority, after Emily had turned eighteen (18) years old, but prior to
21 Jeff's child support obligation ceasing because Emily was in high
22 school at the time.
- 23 6. The Court set Alecia's request for Trial.
- 24 7. Alecia voluntarily withdrew the request by filing the "Notice of
25 Withdrawal of Request to Continue Child Support for Emily After
26 High School Graduation Due to Child's Disability & Request to
27 Vacate Evidentiary Hearing."
- 28 8. After Emily graduated from high school, Alecia confirmed via email
that Jeff's obligation for child support was only for the two (2) boys
without reference to child support for Emily.
9. Emily graduated from high school.
10. Emily received good grades in high school.

11. Emily went on a graduation trip to Mexico without a parent.
12. Emily has a driver's license and access to a vehicle.
13. Emily has attended college classes.
14. Emily maintained employment.
15. Emily works and/or has worked for her Mother's business.
16. Emily receives SSD.
17. Emily does not have a guardian of the person or estate.
18. Emily is currently twenty-one (21) years old.

As set for in his Motion, Jeff disputes the claim that Emily is unable "to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment[.]" Jeff does not dispute that Emily receives Social Security Disability ("SSD"), but receipt of SSD does not mean that the recipient is unable to work. The Social Security Administration allows recipients to be employed and still receive benefits through SSD. In fact, the Social Security Administration has books that assist individuals receiving SSD with this very issue. As such, receipt of the SSD is not tantamount to a determination that Emily is handicap child beyond the age of majority.

Moreover, Alecia does not address whether the benefits Emily receives from SSD are sufficient to meet Emily's needs. Therefore, it must be assumed that this is the case and whatever amount is being received is sufficient to provide for Emily's needs.

Alecia still alleges that Court required her to obtain an expert for the Evidentiary Hearing rather than admitting she withdrew the request voluntarily because Emily began to receive benefits through SSD. At the hearing on January 2,

1 2015, the Court set specific deadlines regarding the medical information in advance
2 of Trial. Alecia had until February 23, 2015, to provide all records to Jeff's
3
4 Counsel that she believed supported her position regarding child support beyond
5 Emily's graduation. (Video Record- 03:25:50) Thereafter, Jeff was given until
6 March 20, 2015, to review the medical records to determine if he agreed with
7
8 Alecia's allegations. (Video Record- 03:25:50) The Court specifically addressed
9 the need for an expert and found that her medical provider could have his/her
10 deposition taken and the Court would allow the deposition transcript to come into
11 evidence at the time of Trial. (Video Record- 03:30:37) In fact, the Order from the
12 hearing said, "The Therapist's Report will be accepted, in lieu of the therapist
13 appearing at the day of trial." **As such, this claim that Alecia did not follow
14 through because she could not afford an expert is without merit. {EMPHASIS
15 ADDED}**
16
17

18 To be clear, Alecia never followed through and failed to provide the Jeff the
19 information by the deadline set by the Court which was February 23, 2015.
20 Instead, on March 9, 2015, Alecia filed a "Notice of Withdrawal of Request to
21 Continue Child Support for Emily After High School Graduation Due to Child's
22 Disability & Request to Vacate Evidentiary Hearing." It is worth noting that this
23 was voluntarily filed, not a stipulated agreement. As a result of this document
24 being filed, the Evidentiary Hearing was vacated.
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1 Alecia does not dispute that the Parties' Decree of Divorce provided that
2 child support obligation concluded when a child reached the age of eighteen (18),
3 or nineteen (19) years of age if the child is in high school. As such, by operation of
4 their agreement child support ended, at the latest by November 16, 2015. Alecia
5 points out, which is undisputed, that *NRS* § 125B.110 does not have a deadline or
6 statute of limitation setting forth when a parent must bring a claim under the statute.
7 Alecia opines that because there is not deadline set forth in the statute, the Court is
8 prohibited for setting a deadline. However, just because a statute is silent does not
9 mean that the Court cannot apply common sense to the issue. In this matter, under
10 Alecia's theory a parent could come before the Court when their adult child is thirty
11 or forty (30 or 40) years old and seek child support, if they can prove some
12 handicap. As an example, if a child was diagnosed with schizophrenia before
13 turning eighteen (18) year old, but was functioning well at the birthday and no
14 request was made for child support beyond the age of majority, if the person then
15 had a schizophrenic breakdown some twenty (20) years later, then retro-active child
16 support could be requested for someone who was thirty-eight (38) years old. This
17 seems completely contrary to the public policy and common sense. Thus, it seems
18 prudent that any request be made before the child reaches the age of majority and
19 that request be follow through with or be waived.
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1 Alecia goes on to allege that waiver is not applicable in this matter because
2 she did not knowingly or intentionally waive or relinquish any rights. Alecia does
3 not dispute that she knew the right existed and that she has filed a Motion seeking
4 relief. Alecia alleges it was not knowingly or intentionally which means the waiver
5 argument must fail. However, Alecia fails to take into account that a waiver can be
6 implied through conduct. *Parkinson v. Parkinson*, 106 Nev. 481 , 796 P.2d 229,
7 231 (1990). In *Parkinson*, the District Court found an implied waiver to the right to
8 child support. The evidence established that during the period when she was not
9 collecting child support, the Mother had contact with the Father and did not make a
10 demand upon him or pursue her legal rights. In fact, Jeff must simply show
11 conduct which “evidences an intention to waive a right, or by conduct which is
12 inconsistent with any other intention that to waive a right.” *Id.* at 483.
13

14 In this matter, Alecia was on notice that she could seek child support for a
15 disabled child beyond the age of majority. It also cannot be disputed that after the
16 Court set an Evidentiary Hearing on this issue based upon Alecia’s request, she
17 voluntarily withdrew her request by filing “Plaintiff’s Notice of Withdrawal of
18 Request to Continue Child Support for Emily After High School Graduation Due to
19 Child’s Disability & Request to Vacate Evidentiary Hearing” filed March 9, 2015.
20 That voluntary withdrawal was an intentional act on Alecia’s part. Therefore, her
21 withdrawal of the request was an express waiver of a known right. As such, Alecia
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1 should now be precluded from making a claim for child support for a disabled child
2 beyond the age of majority when the person whom she is seeking support is now
3 over the age of twenty-one (21) and she withdrew her prior request. **In fact, Jeff**
4 **does not believe that, after Emily graduated from high school, the Parties ever**
5 **talked about child support for Emily. Alecia did not send medical bills for**
6 **Emily or even inform Jeff of her medical status. {EMPHASIS ADDED}**
7

8
9 **II.**
10 **CONCLUSION**

11 Therefore, based upon the foregoing, Jeffrey requests this Court:

- 12 1. Grant his request for summary judgment as it relates to a child support
13 obligation for adult daughter, Emily.
- 14 2. For any and all other relief the Court deems proper and just.

15 DATED this 9th day of April, 2018.

16
17 **ROBERTS STOFFEL FAMILY LAW GROUP**

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26 Attorneys for Defendant, Jeffrey Allen Reed
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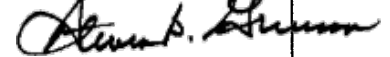
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Roberts Stoffel Family Law Group, and on the 9th day of April, 2018, I served by and through Wiz-Net electronic service, pursuant Clark County District Court Administrative Order 14-2 for service of documents identified in Rule 9 of the N.E.F.C.R., the foregoing Reply in Support of Defendant's Motion For Summary Judgment Regarding Child Support For An Adult Child, to the following:

Elizabeth Brennan Esq.
Elizabeth@brennanlawfirm.com
Attorney for Plaintiff, Alecia Draper

By: Shayna Hall
Employee of Roberts Stoffel Family Law Group



DISTRICT COURT

CLARK COUNTY, NEVADA

ALICIA A. REED NKA ALICIA DRAPER,) Case No.: 05D338668
PLAINTIFF,) Dept. No.: S
v.)
JEFFERY A. REED,)
DEFENDANT)

DECISION AND ORDER

This matter came before the Court on Defendant's Motion for Summary Judgment filed on April 9, 2018. Plaintiff/Mom, ALECIA ANN REED, now known as, Alecia Ann Draper, was represented by ELIZABETH BRENNAN ESQ. Defendant/Dad, JEFFERY ALLEN REED, was present and represented by AMANDA ROBERTS ESQ.

The Court, having read and reviewed the pleadings on file, reviewed minutes of previous hearings, having heard and considered testimony of the Parties and good cause appearing, makes the following findings of facts, conclusions of law, decision and order.

The Court hereby enters the following findings and orders.

I. Statement of the Case

Plaintiff/Mom, Alecia Ann Draper, requested child support to continue for her disabled minor child, EMILY, pursuant to NRS 125B.110, before the child graduated from high school. Thereafter, Mom withdrew her request to have child support continue for the minor child. Two years after EMILY emancipated, Mom is renewing her request for child support for her adult child pursuant to NRS 125B.110.

1 **II. Issues**

- 2 1. Whether, two years after the child has reached the age of majority, a parent in a
3 domestic relations NRS 125 (divorce) case has standing to petition to obtain child
4 support for a disabled adult child pursuant to NRS 125B.110.
5
6 2. Whether a disabled adult child under a separate action or parent under the Nevada
7 domestic act NRS 125 has standing to enforce the rights under NRS 125B.110.

8 **III. Findings of Fact**

- 9 1. There are three (3) children born the issue of the parties' marriage, EMILY CHRISTINE
10 REED, born November 16, 1996; ANTHONY JEFFREY REED, born May 26, 1999;
11 and ADAM PARKER REED, born January 23, 2001.
12
13 2. There are no adopted minor children.
14
15 3. The parties were divorced on August 5, 2005 in Las Vegas, Nevada.
16
17 4. On December 9, 2014, Mom filed for modification of child support including EMILY.
18 Two of the children were still minors, ages 13 and 15 years old. EMILY was already 18
19 years old but still in high school.
20
21 5. Dad filed an Opposition on January 5, 2015, stating that "since Emily is an adult this
22 Court does not have jurisdiction to order Jeff to cover her future medical expenses."
23
24 6. At a court hearing on January 12, 2015, child support was set at \$1,450 and the parties
25 agreed to an evidentiary hearing to decide if EMILY was disabled under Nevada statute
26 and thus qualifying her for support after her graduation from high school. The written
27 order from this hearing was filed on March 18, 2015.
28
29 7. On January 14, 2015, an Order Setting Evidentiary Hearing was filed setting the hearing
30 for May 11, 2015. This date was before EMILY'S graduation from high school.

- 1 8. On March 18, 2015, the court ordered based on the parties' Stipulation and Order that:
2 "An evidentiary hearing is set for May 11, 2015 at 9:30 AM (Stack #1 — Full Day) on
3 Mom's request to continue child support for Emily after high school graduation due to
4 disability. The Therapist's Report will be accepted, in lieu of the therapist appearing at
5 the day of trial." See Stipulation and Order filed March 18, 2015.
6
- 7 9. The Court made a finding that "Mom has requested that child support continue for the
8 oldest child Emily Reed after she graduates from high school due to a disability. The
9 Court will set this for an evidentiary hearing. Mom shall provide proof of the minor
10 child being disabled, meeting the standards required, by 5:00 PM on February 23rd,
11 2015. Dad shall have until March 20th, 2015 to reject Mom's proof or provide other
12 medical evidence countering Mom's proof." See Stipulation and Order filed March 18,
13 2015.
14
- 15 10. On March 9, 2015, Plaintiff through her attorney filed a notice: PLAINTIFF'S NOTICE
16 OF WITHDRAWAL OF REQUEST TO CONTINUE CHILD SUPPORT FOR EMILY
17 AFTER HIGH SCHOOL GRADUATION DUE TO CHILD'S DISABILITY &
18 REQUEST TO VACATE EVIDENTIARY HEARING. NOTICE is hereby provided by
19 Plaintiff, Alecia Ann Draper, that she hereby withdraws her request to have child
20 support continue for the minor child, Emily Reed, after she graduates from high school
21 due to her disability. Accordingly, Plaintiff hereby requests that the Court vacate the
22 evidentiary hearing (which is solely on this issue) this is scheduled for May 11, 2015 at
23 9:30 a.m.
24
- 25 11. The parties' Decree of Divorce, filed August 5, 2005 provided:
26 "IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the child support
27 obligation herein, shall continue until the youngest minor child reaches the age of
28

majority (currently 18 years of age), or 19 years of age, if the child is still enrolled in high school, whichever is later, unless the child is otherwise emancipated accordingly to law.” See Page 10, lines 4 to 8.

12. Even though the request to continue child support payment for EMILY after EMILY graduated from high school was withdrawn by the Mom on March 9, 2015, Dad continued to pay child support for Emily for the next two years.

13. Two years later, Dad filed a Motion on June 29, 2017, to reset child support for one child only since two of the children had emancipated, i.e. EMILY and ANTHONY. ANTHONY was 18 years old and graduated from high school on May 25, 2017. EMILY CHRISTINE REED was 20 years old.

14. Mom filed an Opposition on July 21, 2017, stating that child support should include the daughter, EMILY REED, since EMILY is disabled. Mom argues that EMILY is disabled pursuant to NRS 125B.110, was disabled prior to age 18, and not able to engage in any substantial gainful activity by reason of her significant and chronic mental impairment. Mom’s request was supported by a physician’s opinion.

15. Dad filed a Reply to Mom’s opposition on August 24, 2017. Dad argued that EMILY’S disability and need for support remained unresolved and that her disability was a legal issue in need of a legal determination. See lines 15 to 19, Page 3 of Defendant’s Reply. Dad further argued that EMILY was not disabled as defined under NRS 125B.110.

16. Dad further argued that whether EMILY was disabled and not able to engage in any substantial gainful activity was a “factual issue” requiring an evidentiary hearing. Lines 14 to 21, Page 10 of Defendant’s Reply filed August 24, 2017.

17. Parties agreed that EMILY is receiving Social Security Disability.

1 18. Plaintiff/Mom is not a guardian for EMILY. See Order filed Dec. 15, 2017. Alicia Ann
2 Draper aka Reed is the sole Plaintiff in this domestic divorce case.

3 19. The term "substantial gainful activity" in Nevada's handicapped child support statute
4 means economic activity that results in the child being financially self-supporting.
5 Edgington v. Edgington, 119 Nev. 577, 585, 80 P.3d 1282, 1288 (2003). The Nevada
6 handicapped child support statute is designed to ensure that handicapped children have
7 adequate ongoing financial support from their parents, if needed. Edgington v.
8 Edgington, 119 Nev. 577, 585, 80 P.3d 1282, 1288 (2003).

9 20. Dad filed a Motion for Summary Judgment on January 2, 2018 that reasoned that Mom
10 had been given an opportunity to address the child support issue prior to EMILY's
11 graduation from high school subsequently Mom declined to proceed to have the issue
12 adjudicated before the child reached the age of majority.

13 21. The legal issue presented by the motion is whether a parent, in a divorce case, could
14 petition for a handicapped child after the child reached the age of majority when the
15 parent declined to litigate the issue before the child was emancipated. The associated
16 issue is plaintiff's standing to pursue this action at this time. See Defendant's Motion for
17 Summary Judgement, filed January 2, 2018, Page 10, Lines 13 to 15 and Page 12 lines 5
18 to 6. See Plaintiff's Opposition, filed February 8, 2018. Page three, Lines 11 to 21.

19 22. NRS 125B.110 was designed for the benefit of the disabled adult child. The statute is
20 designed to require parents to bear some of the financial burden for the support of their
21 disabled child. Dad argues that Mom does not have standing to argue for support for an
22 adult child in a divorce proceeding (domestic case) after the child is emancipated, in
23 light of the facts of this case, wherein Mom withdrew the request for child support
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1 before the child was emancipated. See Motion for Summary Judgement, filed January 2,
2 2018, Page 10, Lines 13 to 15 and Page 12 lines5 to 6.

3 **IV. Principles of Law**

4 **Summary Judgment**

5 Summary judgment is appropriate only if the pleadings and other evidence on file,
6 viewed in the light most favorable to the nonmoving party, demonstrate that no genuine issue of
7 material fact remains in dispute. **Wood v. Safeway, Inc.**, 121 Nev. 724, 729, 121 P.3d 1026,
8 1029 (2005).

9
10 **NRS 125C.0045**

11 (1). . . (a) During the pendency of the action, at the final hearing or at any time thereafter during
12 **the minority of the child**, make such an order for the custody, care, education, maintenance
13 and support of the **minor child** as appears in his or her best interest;... .

14 (9). Except where a contract providing otherwise has been executed pursuant to NRS 123.080,
15 the obligation for care, education, maintenance and support of any **minor child** created by any
16 order entered pursuant to this section ceases:

17 (a) Upon the death of the person to whom the order was directed; or

18 (b) **When the child reaches 18 years of age if the child is no longer enrolled in high school,**
19 **otherwise, when the child reaches 19 years of age.** (Emphasis added.)

20 **NRS 125B.110 Support of child with handicap beyond age of majority**

21 1. A parent shall support beyond the age of majority his or her child with a handicap until the
22 child is no longer handicapped or until the child becomes self-supporting. The handicap of the
23 child must have occurred before the age of majority for this duty to apply.

24 2. For the purposes of this section, a child is self-supporting if the child receives public
25 assistance beyond the age of majority and that assistance is sufficient to meet the child's needs.

26 3. This section does not impair or otherwise affect the eligibility of a person with a handicap to
27 receive benefits from a source other than his or her parents.

28 4. As used in this section, "handicap" means an inability to engage in any substantial gainful
activity by reason of any medically determinable physical or mental impairment which can be
expected to result in death or which has lasted or can be expected to last for a continuous period
of not less than 12 months.

1 When the term “impairment” is read in conjunction with its modifier, “medically
2 determinable physical or mental,” it is clear that “impairment” means any physical or mental
3 structural or functional limitation that can be determined by medically accepted diagnostic
4 techniques. Edgington v. Edgington, 119 Nev. 577, 586, 80 P.3d 1282, 1289 (2003).

5
6 The Nevada Supreme Court further advised in Edgington v. Edgington:

7 As a general rule, court ordered support obligations cease “[w]hen the child reaches 18
8 years of age if he is no longer enrolled in high school, otherwise, when he reaches 19 years of
9 age.” The law presumes that once a child reaches majority, the child is capable of self-support.
10 Nevada's Legislature has created a statutory exception to this general rule; under NRS
11 125B.110, Nevada's handicapped child support statute; parents must support a handicapped
12 child beyond majority if the child cannot support himself or herself because of a qualifying
13 disability. Edgington v. Edgington, 119 Nev. 577, 582, 80 P.3d 1282, 1286 (2003).
14 See also *In re Marriage of Cecilia & David W.*, 241 Cal.App.4th 1277, 1285, 194 Cal.Rptr.3d
15 559, 565 (2015). *Ulery v. Ulery*, 86 Ohio App.3d 290, 620 N.E.2d 933 (1993).

16 Thus by statute and case law it is clear that Nevada's handicapped child support statute
17 requires parents to support a handicapped child beyond majority if the child cannot support
18 himself or herself because of a qualifying disability.

16 **Family Court Jurisdiction**

17 The Nevada Supreme court has advised: “that the Legislature has the constitutional
18 authority to create a family court division of any district court and prescribe its jurisdiction;
19 however, the Legislature does not have the constitutional authority to limit the constitutional
20 powers of a district court judge sitting in the family court division. Therefore, we hold that the
21 district court judge sitting in the family court division did not lack the power and authority to
22 dispose of this case merely because it involved a subject matter outside the scope of NRS
23 3.223.” Landreth v. Malik, 127 Nev. 175, 180–81, 251 P.3d 163, 166–67 (2011)

24
25 NRS 3.223 does not limit the constitutional power and authority granted under Article 6,
26 Section 6(1) to a district court judge sitting in the **family court** division.

1 “NRS 3.223 details that the family court division has original and exclusive jurisdiction
2 over matters affecting the familial unit including divorce, custody, marriage contracts,
3 community and separate property, child support, parental rights, guardianship, and adoption.
4 However, the family court was constitutionally established as a “division of any district court,”
5 Nev. Const. art. 6, § 6(2), and the judges sitting in family court are district court judges whose
6 power and authority are derived from the Constitution and not created statutorily. Even though
7 the Legislature has specified cases that must be designated to the family court division, the
8 construct of judicial power derives from the Nevada Constitution and is not diminished by
9 legislatively enacted jurisdictions. Therefore, because a district court judge is empowered with
10 constitutional judicial power, his or her disposition, although outside the scope of the family
11 court's jurisdiction, is authorized by the Constitution.” Landreth v. Malik, 127 Nev. 175, 184,
12 251 P.3d 163, 169 (2011).
13
14

15 “Accordingly, because we hold that a district court judge in the family division has the
16 same constitutional power and authority as any district court judge, a family court judge has the
17 authority to preside over a case improperly filed or assigned to the family court division.”
18 Landreth v. Malik, 127 Nev. 175, 186, 251 P.3d 163, 170 (2011).
19

20 Furthermore the Supreme Court in, Klabacka v. Nelson, 394 P.3d 940, 946 (Nev. 2017)
21 held

22 “Whether a family court has subject-matter jurisdiction in divorce proceedings involving
23 issues outside the scope of NRS 3.223³ has been firmly decided by this court. In *Landreth*, this
24 court held a “**district court judge sitting in the family court division did not lack the power
25 and authority to dispose of [a] case merely because it involved a subject matter outside the
26 scope of NRS 3.223.**” 127 Nev. at 180–81, 251 P.3d at 167.
27

28 **Real Party in Interest**

NRCP 17(a) provides that “[e]very action shall be prosecuted in the name of the real
party in interest.” A real party in interest “is one who possesses the right to enforce the claim

1 and has a significant interest in the litigation.” *Szilagyi v. Testa*, 99 Nev. 834, 838, 673 P.2d
2 495, 498 (1983). The inquiry into whether a party is a real party in interest overlaps with the
3 question of standing. *Id.* **Arguello v. Sunset Station, Inc.**, 127 Nev. 365, 368, 252 P.3d 206,
4 208 (2011). *See In re Amerco Derivative Litigation*, 127 Nev. 196, 213, 252 P.3d 681, 694
5 (2011) (“Although state courts do not have constitutional Article III standing, Nevada has a
6 long history of requiring an actual justiciable controversy as a predicate to judicial relief.”)
7 (internal quotation marks omitted) (citing *Doe v. Bryan*, 102 Nev. 523, 525, 728 P.2d 443, 444
8 (1986)).

10 Generally, a party has standing to assert only its own rights and cannot raise the claims
11 of a third party not before the court. *Deal v. 999 Lakeshore Ass'n*, 94 Nev. 301, 304, 579 P.2d
12 775, 777 (1978). However, under NRCP 17(a), “a party authorized by statute may sue in that
13 person's own name without joining the party for whose benefit the action is brought.” Thus, a
14 party needs statutory authorization before it can assert a third party's claims. High Noon at
15 Arlington Ranch Homeowners Ass'n v. Eighth Judicial Dist. Court in & for County of Clark,
16 402 P.3d 639, 645–46 (Nev. 2017). Homeowners' associations do not have standing to continue
17 to represent unit owners who sell units after litigation begins. High Noon at Arlington Ranch
18 Homeowners Ass'n v. Eighth Judicial Dist. Court in & for County of Clark, 402 P.3d 639, 648
19 (Nev. 2017).

22 The purpose of the rule is to enable the defendant to avail himself of evidence and
23 defenses that the defendant has against the real party in interest, and to assure him finality of the
24 judgment, and that he will be protected against another suit brought by the real party at interest
25 on the same matter. *Celanese Corp. of America v. John Clark Industries*, 214 F.2d 551, 556
26 (5th Cir. 1954). Painter v. Anderson, 96 Nev. 941, 943, 620 P.2d 1254, 1255–56 (1980).

1 In colloquial terms this boils down to whether the plaintiff is the correct party to bring
2 the suit. *See Elley v. Stephens*, 104 Nev. 413, 416-17, 760 P.2d 768, 771 (1988) (“appellants are
3 asserting someone else's potential legal problem; they are not the proper party to assert [this
4 claim]”); *see also Hammes v. Brumley*, 659 N.E.2d 1021, 1030 (Ind. 1995) (citing *Bowen v.*
5 *Metro Bd. Of Zoning Appeals*, 317 N.E.2d 193 (Ind. App. 1974)) (a real party in interest is the
6 person who is the true owner of the right sought to be enforced).
7

8 **Standing**

9 The instant action for adult support is authorized; however, the question is whether it
10 may be maintained by Plaintiff in her individual capacity as a parent in Family Court. *Johnson*
11 *v. Superior Court*, 205 Cal. Rptr. 605, 611 (Ct. App. 1984).
12

13 The question of standing concerns whether the party seeking relief has a sufficient
14 interest in the litigation. *See Szilagyi v. Testa*, 99 Nev. 834, 838, 673 P.2d 495, 498 (1983)
15 (citing *Harman v. City & Cty. of San Francisco*, 7 Cal.3d 150, 101 Cal.Rptr. 880, 496 P.2d
16 1248, 1254 (1972) (“ ‘The fundamental aspect of standing is that it focuses on the party seeking
17 to get his complaint before a ... court.’ ”)). The primary purpose of this standing inquiry is to
18 ensure the litigant will vigorously and effectively present his or her case against an adverse
19 party. *See Harman*, 101 Cal.Rptr. 880, 496 P.2d at 1254. *Schwartz v. Lopez*, 132 Nev. Adv. Op.
20 73, 382 P.3d 886, 894 (2016).
21

22 Merely because a party qualifies as a real party in interest under NRCP 17 does not by
23 itself mean that it also possesses legal standing; in order for standing to exist the plaintiff must
24 also have suffered a legally redressable harm and the suit must be both “ripe” and not “moot”
25 (at least as to the particular plaintiff) at the time of the lawsuit.
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1 **Emily's Right to Bring Her Own Cause of Action**

2 EMILY has reached the age of majority and has graduated from high school. NRS
3 125B.110 is a special statute that authorizes a court to obligate either or both parents to support
4 his or her handicapped child for an indefinite period, even if that child has reached the age of
5 majority.
6

7 This court employs the *Baldonado* factors to determine if an implied private cause of
8 action exists for the handicapped adult child under NRS 125.110. **Baldonado v. Wynn Las**
9 **Vegas, LLC**, 124 Nev. 951, 958, 194 P.3d 96, 101 (2008). The *Baldonado* factors determine
10 whether in the absence of clear, statutory language authorizing a private right of action, one may
11 be implied. *Id.* at 958, 194 P.3d at 100. This court is guided by "the entire statutory scheme,
12 reason, and public policy," *id.* at 958, 194 P.3d at 101, which translates into three factors: "(1)
13 whether the plaintiffs are of the class for whose [e]special benefit the statute was enacted; (2)
14 whether the legislative history indicates any intention to create or to deny a private remedy; and
15 (3) whether implying such a remedy is consistent with the underlying purposes of the legislative
16 scheme." *Id.* at 958–59, 194 P.3d at 101 (internal quotation marks omitted) (alteration in
17 original) (citing *Cort v. Ash*, 422 U.S. 66, 78, 95 S.Ct. 2080, 45 L.Ed.2d 26 (1975) (setting out
18 factors that determine whether an implied private right of action exists)).
19

20 The court finds that Emily does have the right to bring her own action for support from
21 her parents.
22

23 **V. ANALYSIS**

24 It appears that the rights and obligations of the respective parties, as well as Emily, the
25 adult child, are affected by the guardianship proceeding to which the adult child is a party. This
26 complication suggests that proceedings for the enforcement of adult child support obligation
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1 under the provisions of NRS 125B.110 can be prosecuted by Emily as a separate action or by
2 joining as a party the guardian for Emily or her guardian ad litem.

3 Here, there remains a large number of genuine issues of material fact, such as whether
4 or not the child has a medically determinable physical or mental impairment. An obvious
5 preliminary question is whether the child is "disabled." Whether EMILY can or cannot be self-
6 supporting is another factual issue that remains unclear from the record; as is the impact of her
7 impairments on any inability to support herself. Another factual issue is whether the public
8 assistance EMILY is receiving beyond the age of majority is sufficient to meet her needs.

9
10 Many factual questions remain including the main factual issue on whether the evidence
11 demonstrates EMILY lacked the ability to find work or become self-supporting because of her
12 alleged mental or physical disability. Thus, summary judgment cannot be granted on the factual
13 issues before this court.

14
15 There remains the question of whether mom/plaintiff has standing to file for child
16 support on behalf of an adult child and if she does, is it proper for plaintiff to file in her
17 individual capacity as Mom for the support of the adult child in a domestic case. Under the facts
18 of this case, Plaintiff is not the real party in interest and lacks the standing to pursue this action
19 as an individual in Nevada Divorce Act without EMILY or her representative as a party. In re
20 Marriage of Lambe & Meehan, 44 Cal. Rptr. 2d 641, 642 (1995). See also Levy v. Levy, 245
21 Cal.App.2d 341, 363-364, 53 Cal.Rptr. 790 (former Civ.Code, s 139).

22
23 The court finds that Emily does have the right to bring her own action for support from
24 her parents. Whether the parents agree or fail to agree on support, an independent action on the
25 adult child's behalf is authorized. (*Johnson v. Superior Court, supra*, at p. 581, 205 Cal.Rptr.
26 605; *In re Marriage of Lieberman, supra*, 114 Cal.App.3d, at p. 586, 170 Cal.Rptr. 757; *Levy v.*
27
28

1 *Levy, supra*, 245 Cal.App.2d, at p. 364, 53 Cal.Rptr. 790.). Such an action may be brought on
2 behalf of the child by a guardian or guardian ad litem. *Johnson v. Superior Court, supra*, 159
3 Cal.App.3d, at pp. 581–584, 205 Cal.Rptr. 605; *Levy v. Levy, supra*, 245 Cal.App.2d, at p. 364,
4 53 Cal.Rptr. 790.) In re Marriage of Cooper, 216 Cal. Rptr. 611, 613–14 (Ct. App. 1985).

5
6 Both parents have a responsibility to maintain a child of whatever age who is
7 incapacitated from earning a living and without sufficient means. In California until recently,
8 however, the jurisdiction of the family law court to order child support was limited to support
9 for minor children. An independent action in the superior court to compel support for an adult
10 indigent child by a parent or the child was the only available remedy. (See *Johnson v. Superior*
11 *Court* (1984) 159 Cal.App.3d 573, 581, 205 Cal.Rptr. 605; *In re Marriage of Lieberman* (1981)
12 114 Cal.App.3d 583, 586, 170 Cal.Rptr. 757; Fam.Code, § 4000 (Civ.Code, former § 196.5).) In
13 1985, however, the California Legislature amended former Civil Code section 4351 to provide
14 that family law courts may order support for adult indigent children. (Stats.1985, c. 419, § 1, p.
15 1674.)

16
17
18 “Broadening the jurisdiction of the family law court in this way has the practical effect
19 of allowing a parent to file a motion for an adult child support order in a pending family law
20 action and avoid the delays and expense of a separate civil suit. (*In re Marriage of Gonzales*
21 (1989) 207 Cal.App.3d 1198, 255 Cal.Rptr. 336; Adams & Sevitch, Cal.Family Law Practice
(1993) § M.1.0.1.2.).” *In re Marriage of Lambe & Meehan*, 44 Cal. Rptr. 2d 641, 642 (1995).

22 In Nevada, Family Courts already have this broad jurisdiction to hear this claim.
23 “[A]district court judge is empowered with constitutional judicial power, his or her disposition,
24 although outside the scope of the family court’s jurisdiction is authorized by the Constitution.
25 Landreth v. Malik, 127 Nev. 175, 184, 251 P.3d 163, 169 (2011). The jurisdiction of the family
26 law court to order child support is not limited to support for minor children because this action
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1 flows from and is directly related to the domestic case of this family. In *Landreth*, this court
2 held a “district court judge sitting in the family court division did not lack the power and
3 authority to dispose of [a] case merely because it involved a subject matter outside the scope of
4 NRS 3.223.”

5
6 Duplicative or successive actions may be avoided by the defendant in an action
7 instituted by the other parent through the simple expedient of having a guardian ad litem
8 appointed for the adult child and joining the child by his or her guardian ad litem as a party to
9 the action so that all interested parties will be bound by the judgment.

10 There is no need for unnecessary duplication of court proceedings. Provisions for future
11 support, whether prosecuted in the original domestic case or new proceedings, would require
12 current appraisal of the needs of the adult child and the ability of the parents. In the event such
13 proceedings are instituted, any overlap between the domestic case and the prosecution of the
14 new may be avoided by consolidation in Family Court.

15
16 Here, the considerations of Plaintiff’s delay in adjudication of child support do not
17 outweigh Emily’s rights and do not outweigh the considerations of judicial economy. The
18 parties may join the guardian for Emily as a party without requiring a separate action by Emily.
19 To hold otherwise would cause a court with general jurisdiction authority to consider multiple
20 cases where one would suffice.

21
22 In the interest of judicial economy, Emily should be joined as a party. *Cnty. of Clark, ex*
23 *rel. Univ. Med. Ctr. v. Upchurch*, 114 Nev. 749, 752–53, 961 P.2d 754, 756–57 (1998) (noting
24 that judicial economy is an important consideration in the litigation process).

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IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant's Motion for Summary Judgment is denied as there remains genuine issues of material fact.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED there are certain provisions that allow a parent to request child support beyond the age of majority. However, if a parent desires for child support to continue beyond what the statute provides, said request must be made before the child reaches 18 or graduates from high school. After the child is emancipated the claim must include the adult child or representative for the child.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED EMILY has a statutory cause of action against her parents and must be joined as party or as a party through her guardian or guardian ad litem for the case to proceed.

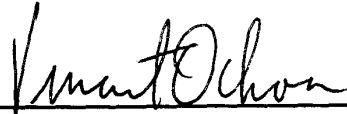
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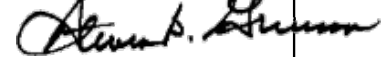
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this court has jurisdiction to hear a claim made pursuant to NRS 125B.110.

IT IS SO ORDERED this 21st day of May, 2018.



Honorable VINCENT OCHOA
District Court Judge, Department S

VINCENT OCHOA



1 NEOJ

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3
4 **DISTRICT COURT**
CLARK COUNTY, NEVADA

5 ***

6 Alecia A Reed, Plaintiff
7 vs.
8 Jeffrey A Reed, Defendant.

Case No.: 05D338668
Department S

9 **NOTICE OF ENTRY OF ORDER**

10 Please take notice that the Order from the 21st day of May, 2018 was entered in
11 the foregoing action and the following is a true and correct copy thereof.

12 Dated: This 22nd day of May, 2018.

13 **DENIECE LOPEZ**

14 Deniece Lopez
15 Judicial Executive Assistant
16 Department S

17 **CERTIFICATE OF SERVICE**

18 I hereby certify that on or about the above file stamp date, a copy of the
19 foregoing Notice of Entry of Order was:

20 ☒ E-served pursuant to NEFCR 9 or placed a copy in the appropriate attorney
21 folder located in the Clerk's Office at the RJC:

22 Elizabeth R. Brennan
23 Amanda M Roberts, ESQ

24 ☐ E-served pursuant to NEFCR 9, or mailed, via first-class mail, postage fully
25 prepaid, to:

26 Amanda M Roberts
27 Roberts Stoffel Family Law Group
28 4411 S Pecos RD
Las Vegas, NV 89121

1 Elizabeth R. Brennan
2 7455 Arroyo Crossing PKWY STE 220
3 Las Vegas, NV 89113

DENIECE LOPEZ

Deniece Lopez
Judicial Executive Assistant
Department S

VINCENT OCHOA.
DISTRICT JUDGE
FAMILY DIVISION, DEPT S
LAS VEGAS, NV 89155

ROA0518



DISTRICT COURT

CLARK COUNTY, NEVADA

ALICIA A. REED NKA ALICIA DRAPER,) Case No.: 05D338668
PLAINTIFF,) Dept. No.: S
v.)
JEFFERY A. REED,)
DEFENDANT)

DECISION AND ORDER

This matter came before the Court on Defendant's Motion for Summary Judgment filed on April 9, 2018. Plaintiff/Mom, ALECIA ANN REED, now known as, Alecia Ann Draper, was represented by ELIZABETH BRENNAN ESQ. Defendant/Dad, JEFFERY ALLEN REED, was present and represented by AMANDA ROBERTS ESQ.

The Court, having read and reviewed the pleadings on file, reviewed minutes of previous hearings, having heard and considered testimony of the Parties and good cause appearing, makes the following findings of facts, conclusions of law, decision and order. The Court hereby enters the following findings and orders.

I. Statement of the Case

Plaintiff/Mom, Alecia Ann Draper, requested child support to continue for her disabled minor child, EMILY, pursuant to NRS 125B.110, before the child graduated from high school. Thereafter, Mom withdrew her request to have child support continue for the minor child. Two years after EMILY emancipated, Mom is renewing her request for child support for her adult child pursuant to NRS 125B.110.

1 **II. Issues**

- 2 1. Whether, two years after the child has reached the age of majority, a parent in a
3 domestic relations NRS 125 (divorce) case has standing to petition to obtain child
4 support for a disabled adult child pursuant to NRS 125B.110.
5
6 2. Whether a disabled adult child under a separate action or parent under the Nevada
7 domestic act NRS 125 has standing to enforce the rights under NRS 125B.110.

8 **III. Findings of Fact**

- 9 1. There are three (3) children born the issue of the parties' marriage, EMILY CHRISTINE
10 REED, born November 16, 1996; ANTHONY JEFFREY REED, born May 26, 1999;
11 and ADAM PARKER REED, born January 23, 2001.
12
13 2. There are no adopted minor children.
14
15 3. The parties were divorced on August 5, 2005 in Las Vegas, Nevada.
16
17 4. On December 9, 2014, Mom filed for modification of child support including EMILY.
18 Two of the children were still minors, ages 13 and 15 years old. EMILY was already 18
19 years old but still in high school.
20
21 5. Dad filed an Opposition on January 5, 2015, stating that "since Emily is an adult this
22 Court does not have jurisdiction to order Jeff to cover her future medical expenses."
23
24 6. At a court hearing on January 12, 2015, child support was set at \$1,450 and the parties
25 agreed to an evidentiary hearing to decide if EMILY was disabled under Nevada statute
26 and thus qualifying her for support after her graduation from high school. The written
27 order from this hearing was filed on March 18, 2015.
28
29 7. On January 14, 2015, an Order Setting Evidentiary Hearing was filed setting the hearing
30 for May 11, 2015. This date was before EMILY'S graduation from high school.

- 1 8. On March 18, 2015, the court ordered based on the parties' Stipulation and Order that:
2 "An evidentiary hearing is set for May 11, 2015 at 9:30 AM (Stack #1 — Full Day) on
3 Mom's request to continue child support for Emily after high school graduation due to
4 disability. The Therapist's Report will be accepted, in lieu of the therapist appearing at
5 the day of trial." See Stipulation and Order filed March 18, 2015.
6
7 9. The Court made a finding that "Mom has requested that child support continue for the
8 oldest child Emily Reed after she graduates from high school due to a disability. The
9 Court will set this for an evidentiary hearing. Mom shall provide proof of the minor
10 child being disabled, meeting the standards required, by 5:00 PM on February 23rd,
11 2015. Dad shall have until March 20th, 2015 to reject Mom's proof or provide other
12 medical evidence countering Mom's proof." See Stipulation and Order filed March 18,
13 2015.
14
15 10. On March 9, 2015, Plaintiff through her attorney filed a notice: PLAINTIFF'S NOTICE
16 OF WITHDRAWAL OF REQUEST TO CONTINUE CHILD SUPPORT FOR EMILY
17 AFTER HIGH SCHOOL GRADUATION DUE TO CHILD'S DISABILITY &
18 REQUEST TO VACATE EVIDENTIARY HEARING. NOTICE is hereby provided by
19 Plaintiff, Alecia Ann Draper, that she hereby withdraws her request to have child
20 support continue for the minor child, Emily Reed, after she graduates from high school
21 due to her disability. Accordingly, Plaintiff hereby requests that the Court vacate the
22 evidentiary hearing (which is solely on this issue) this is scheduled for May 11, 2015 at
23 9:30 a.m.
24
25 11. The parties' Decree of Divorce, filed August 5, 2005 provided:
26 "IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the child support
27 obligation herein, shall continue until the youngest minor child reaches the age of
28

majority (currently 18 years of age), or 19 years of age, if the child is still enrolled in high school, whichever is later, unless the child is otherwise emancipated accordingly to law." See Page 10, lines 4 to 8.

12. Even though the request to continue child support payment for EMILY after EMILY graduated from high school was withdrawn by the Mom on March 9, 2015, Dad continued to pay child support for Emily for the next two years.

13. Two years later, Dad filed a Motion on June 29, 2017, to reset child support for one child only since two of the children had emancipated, i.e. EMILY and ANTHONY. ANTHONY was 18 years old and graduated from high school on May 25, 2017. EMILY CHRISTINE REED was 20 years old.

14. Mom filed an Opposition on July 21, 2017, stating that child support should include the daughter, EMILY REED, since EMILY is disabled. Mom argues that EMILY is disabled pursuant to NRS 125B.110, was disabled prior to age 18, and not able to engage in any substantial gainful activity by reason of her significant and chronic mental impairment. Mom's request was supported by a physician's opinion.

15. Dad filed a Reply to Mom's opposition on August 24, 2017. Dad argued that EMILY'S disability and need for support remained unresolved and that her disability was a legal issue in need of a legal determination. See lines 15 to 19, Page 3 of Defendant's Reply. Dad further argued that EMILY was not disabled as defined under NRS 125B.110.

16. Dad further argued that whether EMILY was disabled and not able to engage in any substantial gainful activity was a "factual issue" requiring an evidentiary hearing. Lines 14 to 21, Page 10 of Defendant's Reply filed August 24, 2017.

17. Parties agreed that EMILY is receiving Social Security Disability.

1 18. Plaintiff/Mom is not a guardian for EMILY. See Order filed Dec. 15, 2017. Alicia Ann
2 Draper aka Reed is the sole Plaintiff in this domestic divorce case.

3 19. The term "substantial gainful activity" in Nevada's handicapped child support statute
4 means economic activity that results in the child being financially self-supporting.
5 Edgington v. Edgington, 119 Nev. 577, 585, 80 P.3d 1282, 1288 (2003). The Nevada
6 handicapped child support statute is designed to ensure that handicapped children have
7 adequate ongoing financial support from their parents, if needed. Edgington v.
8 Edgington, 119 Nev. 577, 585, 80 P.3d 1282, 1288 (2003).

9
10 20. Dad filed a Motion for Summary Judgment on January 2, 2018 that reasoned that Mom
11 had been given an opportunity to address the child support issue prior to EMILY's
12 graduation from high school subsequently Mom declined to proceed to have the issue
13 adjudicated before the child reached the age of majority.

14
15 21. The legal issue presented by the motion is whether a parent, in a divorce case, could
16 petition for a handicapped child after the child reached the age of majority when the
17 parent declined to litigate the issue before the child was emancipated. The associated
18 issue is plaintiff's standing to pursue this action at this time. See Defendant's Motion for
19 Summary Judgement, filed January 2, 2018, Page 10, Lines 13 to 15 and Page 12 lines 5
20 to 6. See Plaintiff's Opposition, filed February 8, 2018. Page three, Lines 11 to 21.

21
22 22. NRS 125B.110 was designed for the benefit of the disabled adult child. The statute is
23 designed to require parents to bear some of the financial burden for the support of their
24 disabled child. Dad argues that Mom does not have standing to argue for support for an
25 adult child in a divorce proceeding (domestic case) after the child is emancipated, in
26 light of the facts of this case, wherein Mom withdrew the request for child support
27
28

1 before the child was emancipated. See Motion for Summary Judgement, filed January 2,
2 2018, Page 10, Lines 13 to 15 and Page 12 lines 5 to 6.

3 **IV. Principles of Law**

4 **Summary Judgment**

5 Summary judgment is appropriate only if the pleadings and other evidence on file,
6 viewed in the light most favorable to the nonmoving party, demonstrate that no genuine issue of
7 material fact remains in dispute. **Wood v. Safeway, Inc.**, 121 Nev. 724, 729, 121 P.3d 1026,
8 1029 (2005).

9 **NRS 125C.0045**

10 (1). . . (a) During the pendency of the action, at the final hearing or at any time thereafter during
11 **the minority of the child**, make such an order for the custody, care, education, maintenance
12 and support of the **minor child** as appears in his or her best interest; . . .

13 (9). Except where a contract providing otherwise has been executed pursuant to NRS 123.080,
14 the obligation for care, education, maintenance and support of any **minor child** created by any
15 order entered pursuant to this section ceases:

16 (a) Upon the death of the person to whom the order was directed; or

17 (b) **When the child reaches 18 years of age if the child is no longer enrolled in high school,**
18 **otherwise, when the child reaches 19 years of age.** (Emphasis added.)

19 **NRS 125B.110 Support of child with handicap beyond age of majority**

20 1. A parent shall support beyond the age of majority his or her child with a handicap until the
21 child is no longer handicapped or until the child becomes self-supporting. The handicap of the
22 child must have occurred before the age of majority for this duty to apply.

23 2. For the purposes of this section, a child is self-supporting if the child receives public
24 assistance beyond the age of majority and that assistance is sufficient to meet the child's needs.

25 3. This section does not impair or otherwise affect the eligibility of a person with a handicap to
26 receive benefits from a source other than his or her parents.

27 4. As used in this section, "handicap" means an inability to engage in any substantial gainful
28 activity by reason of any medically determinable physical or mental impairment which can be
expected to result in death or which has lasted or can be expected to last for a continuous period
of not less than 12 months.

1 When the term "impairment" is read in conjunction with its modifier, "medically
2 determinable physical or mental," it is clear that "impairment" means any physical or mental
3 structural or functional limitation that can be determined by medically accepted diagnostic
4 techniques. Edgington v. Edgington, 119 Nev. 577, 586, 80 P.3d 1282, 1289 (2003).

5
6 The Nevada Supreme Court further advised in Edgington v. Edgington:

7 As a general rule, court ordered support obligations cease "[w]hen the child reaches 18
8 years of age if he is no longer enrolled in high school, otherwise, when he reaches 19 years of
9 age." The law presumes that once a child reaches majority, the child is capable of self-support.
10 Nevada's Legislature has created a statutory exception to this general rule; under NRS
11 125B.110, Nevada's handicapped child support statute; parents must support a handicapped
12 child beyond majority if the child cannot support himself or herself because of a qualifying
13 disability. Edgington v. Edgington, 119 Nev. 577, 582, 80 P.3d 1282, 1286 (2003).
14 See also *In re Marriage of Cecilia & David W.*, 241 Cal.App.4th 1277, 1285, 194 Cal.Rptr.3d
15 559, 565 (2015). *Ulery v. Ulery*, 86 Ohio App.3d 290, 620 N.E.2d 933 (1993).

16 Thus by statute and case law it is clear that Nevada's handicapped child support statute
17 requires parents to support a handicapped child beyond majority if the child cannot support
18 himself or herself because of a qualifying disability.

19 **Family Court Jurisdiction**

20 The Nevada Supreme court has advised: "that the Legislature has the constitutional
21 authority to create a family court division of any district court and prescribe its jurisdiction;
22 however, the Legislature does not have the constitutional authority to limit the constitutional
23 powers of a district court judge sitting in the family court division. Therefore, we hold that the
24 district court judge sitting in the family court division did not lack the power and authority to
25 dispose of this case merely because it involved a subject matter outside the scope of NRS
26 3.223." Landreth v. Malik, 127 Nev. 175, 180–81, 251 P.3d 163, 166–67 (2011)

27 NRS 3.223 does not limit the constitutional power and authority granted under Article 6,
28 Section 6(1) to a district court judge sitting in the **family court** division.

1 "NRS 3.223 details that the family court division has original and exclusive jurisdiction
2 over matters affecting the familial unit including divorce, custody, marriage contracts,
3 community and separate property, child support, parental rights, guardianship, and adoption.
4 However, the family court was constitutionally established as a "division of any district court,"
5 Nev. Const. art. 6, § 6(2), and the judges sitting in family court are district court judges whose
6 power and authority are derived from the Constitution and not created statutorily. Even though
7 the Legislature has specified cases that must be designated to the family court division, the
8 construct of judicial power derives from the Nevada Constitution and is not diminished by
9 legislatively enacted jurisdictions. Therefore, because a district court judge is empowered with
10 constitutional judicial power, his or her disposition, although outside the scope of the family
11 court's jurisdiction, is authorized by the Constitution." Landreth v. Malik, 127 Nev. 175, 184,
12 251 P.3d 163, 169 (2011).

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15 "Accordingly, because we hold that a district court judge in the family division has the
16 same constitutional power and authority as any district court judge, a family court judge has the
17 authority to preside over a case improperly filed or assigned to the family court division."
18 Landreth v. Malik, 127 Nev. 175, 186, 251 P.3d 163, 170 (2011).

19 Furthermore the Supreme Court in, Klabacka v. Nelson, 394 P.3d 940, 946 (Nev. 2017)
20 held

21 "Whether a family court has subject-matter jurisdiction in divorce proceedings involving
22 issues outside the scope of NRS 3.223³ has been firmly decided by this court. In *Landreth*, this
23 court held a "district court judge sitting in the family court division did not lack the power
24 and authority to dispose of [a] case merely because it involved a subject matter outside the
25 scope of NRS 3.223." 127 Nev. at 180–81, 251 P.3d at 167.

26 Real Party in Interest

27 NRCP 17(a) provides that "[e]very action shall be prosecuted in the name of the real
28 party in interest." A real party in interest "is one who possesses the right to enforce the claim

1 and has a significant interest in the litigation.” *Szilagyi v. Testa*, 99 Nev. 834, 838, 673 P.2d
2 495, 498 (1983). The inquiry into whether a party is a real party in interest overlaps with the
3 question of standing. *Id.* **Arguello v. Sunset Station, Inc.**, 127 Nev. 365, 368, 252 P.3d 206,
4 208 (2011). *See In re Amerco Derivative Litigation*, 127 Nev. 196, 213, 252 P.3d 681, 694
5 (2011) (“Although state courts do not have constitutional Article III standing, Nevada has a
6 long history of requiring an actual justiciable controversy as a predicate to judicial relief.”)
7 (internal quotation marks omitted) (citing *Doe v. Bryan*, 102 Nev. 523, 525, 728 P.2d 443, 444
8 (1986)).

10 Generally, a party has standing to assert only its own rights and cannot raise the claims
11 of a third party not before the court. *Deal v. 999 Lakeshore Ass’n*, 94 Nev. 301, 304, 579 P.2d
12 775, 777 (1978). However, under NRCP 17(a), “a party authorized by statute may sue in that
13 person’s own name without joining the party for whose benefit the action is brought.” Thus, a
14 party needs statutory authorization before it can assert a third party’s claims. High Noon at
15 Arlington Ranch Homeowners Ass’n v. Eighth Judicial Dist. Court in & for County of Clark,
16 402 P.3d 639, 645–46 (Nev. 2017). Homeowners’ associations do not have standing to continue
17 to represent unit owners who sell units after litigation begins. High Noon at Arlington Ranch
18 Homeowners Ass’n v. Eighth Judicial Dist. Court in & for County of Clark, 402 P.3d 639, 648
19 (Nev. 2017).

21 The purpose of the rule is to enable the defendant to avail himself of evidence and
22 defenses that the defendant has against the real party in interest, and to assure him finality of the
23 judgment, and that he will be protected against another suit brought by the real party at interest
24 on the same matter. *Celanese Corp. of America v. John Clark Industries*, 214 F.2d 551, 556
25 (5th Cir. 1954). Painter v. Anderson, 96 Nev. 941, 943, 620 P.2d 1254, 1255–56 (1980).
26
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1 In colloquial terms this boils down to whether the plaintiff is the correct party to bring
2 the suit. *See Elley v. Stephens*, 104 Nev. 413, 416-17, 760 P.2d 768, 771 (1988) (“appellants are
3 asserting someone else’s potential legal problem; they are not the proper party to assert [this
4 claim]”); *see also Hammes v. Brumley*, 659 N.E.2d 1021, 1030 (Ind. 1995) (citing *Bowen v.*
5 *Metro Bd. Of Zoning Appeals*, 317 N.E.2d 193 (Ind. App. 1974)) (a real party in interest is the
6 person who is the true owner of the right sought to be enforced).

8 Standing

9 The instant action for adult support is authorized; however, the question is whether it
10 may be maintained by Plaintiff in her individual capacity as a parent in Family Court. *Johnson*
11 *v. Superior Court*, 205 Cal. Rptr. 605, 611 (Ct. App. 1984).

12 The question of standing concerns whether the party seeking relief has a sufficient
13 interest in the litigation. *See Szilagyi v. Testa*, 99 Nev. 834, 838, 673 P.2d 495, 498 (1983)
14 (citing *Harman v. City & Cty. of San Francisco*, 7 Cal.3d 150, 101 Cal.Rptr. 880, 496 P.2d
15 1248, 1254 (1972) (“The fundamental aspect of standing is that it focuses on the party seeking
16 to get his complaint before a ... court.”)). The primary purpose of this standing inquiry is to
17 ensure the litigant will vigorously and effectively present his or her case against an adverse
18 party. *See Harman*, 101 Cal.Rptr. 880, 496 P.2d at 1254. *Schwartz v. Lopez*, 132 Nev. Adv. Op.
19 73, 382 P.3d 886, 894 (2016).

20
21
22 Merely because a party qualifies as a real party in interest under NRCP 17 does not by
23 itself mean that it also possesses legal standing; in order for standing to exist the plaintiff must
24 also have suffered a legally redressable harm and the suit must be both “ripe” and not “moot”
25 (at least as to the particular plaintiff) at the time of the lawsuit.

1 **Emily's Right to Bring Her Own Cause of Action**

2 EMILY has reached the age of majority and has graduated from high school. NRS
3 125B.110 is a special statute that authorizes a court to obligate either or both parents to support
4 his or her handicapped child for an indefinite period, even if that child has reached the age of
5 majority.
6

7 This court employs the *Baldonado* factors to determine if an implied private cause of
8 action exists for the handicapped adult child under NRS 125.110. **Baldonado v. Wynn Las**
9 **Vegas, LLC**, 124 Nev. 951, 958, 194 P.3d 96, 101 (2008). The *Baldonado* factors determine
10 whether in the absence of clear, statutory language authorizing a private right of action, one may
11 be implied. *Id.* at 958, 194 P.3d at 100. This court is guided by "the entire statutory scheme,
12 reason, and public policy," *id.* at 958, 194 P.3d at 101, which translates into three factors: "(1)
13 whether the plaintiffs are of the class for whose [e]special benefit the statute was enacted; (2)
14 whether the legislative history indicates any intention to create or to deny a private remedy; and
15 (3) whether implying such a remedy is consistent with the underlying purposes of the legislative
16 scheme." *Id.* at 958-59, 194 P.3d at 101 (internal quotation marks omitted) (alteration in
17 original) (citing *Cort v. Ash*, 422 U.S. 66, 78, 95 S.Ct. 2080, 45 L.Ed.2d 26 (1975) (setting out
18 factors that determine whether an implied private right of action exists)).
19

20 The court finds that Emily does have the right to bring her own action for support from
21 her parents.
22

23 **V. ANALYSIS**

24 It appears that the rights and obligations of the respective parties, as well as Emily, the
25 adult child, are affected by the guardianship proceeding to which the adult child is a party. This
26 complication suggests that proceedings for the enforcement of adult child support obligation
27
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1 under the provisions of NRS 125B.110 can be prosecuted by Emily as a separate action or by
2 joining as a party the guardian for Emily or her guardian ad litem.

3 Here, there remains a large number of genuine issues of material fact, such as whether
4 or not the child has a medically determinable physical or mental impairment. An obvious
5 preliminary question is whether the child is "disabled." Whether EMILY can or cannot be self-
6 supporting is another factual issue that remains unclear from the record; as is the impact of her
7 impairments on any inability to support herself. Another factual issue is whether the public
8 assistance EMILY is receiving beyond the age of majority is sufficient to meet her needs.

9
10 Many factual questions remain including the main factual issue on whether the evidence
11 demonstrates EMILY lacked the ability to find work or become self-supporting because of her
12 alleged mental or physical disability. Thus, summary judgment cannot be granted on the factual
13 issues before this court.

14
15 There remains the question of whether mom/plaintiff has standing to file for child
16 support on behalf of an adult child and if she does, is it proper for plaintiff to file in her
17 individual capacity as Mom for the support of the adult child in a domestic case. Under the facts
18 of this case, Plaintiff is not the real party in interest and lacks the standing to pursue this action
19 as an individual in Nevada Divorce Act without EMILY or her representative as a party. In re
20 Marriage of Lambe & Meehan, 44 Cal. Rptr. 2d 641, 642 (1995). See also Levy v. Levy, 245
21 Cal.App.2d 341, 363-364, 53 Cal.Rptr. 790 (former Civ.Code, s 139).)

22
23 The court finds that Emily does have the right to bring her own action for support from
24 her parents. Whether the parents agree or fail to agree on support, an independent action on the
25 adult child's behalf is authorized. (*Johnson v. Superior Court, supra*, at p. 581, 205 Cal.Rptr.
26 605; *In re Marriage of Lieberman, supra*, 114 Cal.App.3d, at p. 586, 170 Cal.Rptr. 757; *Levy v.*
27
28

1 *Levy, supra*, 245 Cal.App.2d, at p. 364, 53 Cal.Rptr. 790.). Such an action may be brought on
2 behalf of the child by a guardian or guardian ad litem. *Johnson v. Superior Court, supra*, 159
3 Cal.App.3d, at pp. 581–584, 205 Cal.Rptr. 605; *Levy v. Levy, supra*, 245 Cal.App.2d, at p. 364,
4 53 Cal.Rptr. 790.) In re Marriage of Cooper, 216 Cal. Rptr. 611, 613–14 (Ct. App. 1985).

5 Both parents have a responsibility to maintain a child of whatever age who is
6 incapacitated from earning a living and without sufficient means. In California until recently,
7 however, the jurisdiction of the family law court to order child support was limited to support
8 for minor children. An independent action in the superior court to compel support for an adult
9 indigent child by a parent or the child was the only available remedy. (See *Johnson v. Superior*
10 *Court* (1984) 159 Cal.App.3d 573, 581, 205 Cal.Rptr. 605; *In re Marriage of Lieberman* (1981)
11 114 Cal.App.3d 583, 586, 170 Cal.Rptr. 757; Fam.Code, § 4000 (Civ.Code, former § 196.5).) In
12 1985, however, the California Legislature amended former Civil Code section 4351 to provide
13 that family law courts may order support for adult indigent children. (Stats.1985, c. 419, § 1, p.
14 1674.)

15 “Broadening the jurisdiction of the family law court in this way has the practical effect
16 of allowing a parent to file a motion for an adult child support order in a pending family law
17 action and avoid the delays and expense of a separate civil suit. (*In re Marriage of Gonzales*
18 (1989) 207 Cal.App.3d 1198, 255 Cal.Rptr. 336; Adams & Sevitch, Cal.Family Law Practice
19 (1993) § M.1.0.1.2.).” *In re Marriage of Lambe & Meehan*, 44 Cal. Rptr. 2d 641, 642 (1995).

20 In Nevada, Family Courts already have this broad jurisdiction to hear this claim.
21 “[A]district court judge is empowered with constitutional judicial power, his or her disposition,
22 although outside the scope of the family court’s jurisdiction is authorized by the Constitution.
23 Landreth v. Malik, 127 Nev. 175, 184, 251 P.3d 163, 169 (2011). The jurisdiction of the family
24 law court to order child support is not limited to support for minor children because this action
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1 flows from and is directly related to the domestic case of this family. In *Landreth*, this court
2 held a "district court judge sitting in the family court division did not lack the power and
3 authority to dispose of [a] case merely because it involved a subject matter outside the scope of
4 NRS 3.223."

5
6 Duplicative or successive actions may be avoided by the defendant in an action
7 instituted by the other parent through the simple expedient of having a guardian ad litem
8 appointed for the adult child and joining the child by his or her guardian ad litem as a party to
9 the action so that all interested parties will be bound by the judgment.

10 There is no need for unnecessary duplication of court proceedings. Provisions for future
11 support, whether prosecuted in the original domestic case or new proceedings, would require
12 current appraisal of the needs of the adult child and the ability of the parents. In the event such
13 proceedings are instituted, any overlap between the domestic case and the prosecution of the
14 new may be avoided by consolidation in Family Court.

15
16 Here, the considerations of Plaintiff's delay in adjudication of child support do not
17 outweigh Emily's rights and do not outweigh the considerations of judicial economy. The
18 parties may join the guardian for Emily as a party without requiring a separate action by Emily.
19 To hold otherwise would cause a court with general jurisdiction authority to consider multiple
20 cases where one would suffice.

21
22 In the interest of judicial economy, Emily should be joined as a party. *Cnty. of Clark, ex*
23 *rel. Univ. Med. Ctr. v. Upchurch*, 114 Nev. 749, 752-53, 961 P.2d 754, 756-57 (1998) (noting
24 that judicial economy is an important consideration in the litigation process).

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this court has jurisdiction to hear a claim made pursuant to NRS 125B.110.

IT IS SO ORDERED this 21st day of May, 2018.



Honorable VINCENT OCHOA
District Court Judge, Department S

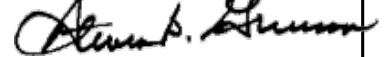
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BRENNAN LAW FIRM

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Steven D. Grierson
CLERK OF THE COURT



DISTRICT COURT – FAMILY DIVISION
CLARK COUNTY, NEVADA

Alecia Ann Draper, individually and
as Conservator for Emily Reed

Plaintiff

vs.

Jeffery Allen Reed,

Defendant

Case No.: 05D338668

Dept No.: S

NOTICE OF JOINDER

Pursuant to this Court's *Decision and Order* filed on 5/22/2018 (page 14, lines 22 – 24, and page 15, lines 22 – 24), notice is hereby given by Alecia Draper that she shall be proceeding from this date forward as the Plaintiff individually AND as **Conservator for Emily Reed**.

Respectfully Submitted:

BRENNAN LAW FIRM

/s/ Elizabeth Brennan

ELIZABETH BRENNAN, ESQ.
Attorney for Plaintiff