

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

DAVID PATRICK STUCKE  
Appellant/Cross-Respondent

CHRISTIE LEEANN STUCKE  
Respondent/Cross-Appellant

Electronically Filed  
May 10 2021 11:24 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court  
No. St. Ct. No. 82  
**DOCKETING STATEMENT  
CIVIL APPEALS**

GENERAL INFORMATION

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

WARNING

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

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

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

1. Judicial District Eighth Department F  
County Clark Judge Hon. Denise Gentile  
District Ct. Case No. D-18-580621-D

**2. Attorney filing this docketing statement:**

Attorney Fred Page, Esq. Telephone (702) 823-2888

Firm Page Law Firm

Address

6930 South Cimarron Road, Suite 140  
Las Vegas, Nevada 89113

Client(s) Christie LeeAnn Stucke

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

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

Attorney Molly Rosenblum, Esq. Telephone (702) 433-2889

Firm Rosenblum Law Offices

Address

7375 South Pecos Road, Suite 101  
Las Vegas, Nevada 89120

Client(s) David Patrick Stucke

Attorney Sheila Tajbaksh, Esq. Telephone (702) 433-2889

Firm Rosenblum Law Offices

Address

7375 South Pecos Road, Suite 101  
Las Vegas, Nevada 89120

Client(s) David Patrick Stucke

(List additional counsel on separate sheet if necessary)

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

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

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

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

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

None.

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

None.

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

The action is a Complaint for Divorce involving both custody and property as well property characterization issues and marital waste claims. The divorce was granted. In the Decree of Divorce entered, the district court judge awarded the parties joint legal and joint physical custody of the parties' minor children. The district court ordered that no child support be paid based upon the parties' relative incomes. The district denied the marital waste claims. The district court characterized two of the real properties at issue, 7211 Birkland Court in Las Vegas and 3740 Grandview Place in Las Vegas as being the cross-respondent's sole and separate property. The community property was valued and divided. The district court ordered that both parties be responsible for the unsecured debts in their respective names.

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

1. Whether the district court erred in concluding that the 7211 Birkland real property acquired during the course of the marriage was Cross-Respondent's separate property.
2. Whether the district court erred in concluding that the 3740 Grandview Place real property acquired during the marriage was Cross-Respondent's separate property.

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

None.

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

☒ N/A

☐ Yes

☐ No

If not, explain:

**12. Other issues.** Does this appeal involve any of the following issues? No.

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

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

☐ A substantial issue of first impression

☐ An issue of public policy

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

☐ A ballot question

If so, explain:

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

The matter is presumptively assigned to the Court of Appeals under NRAP 17(b)  
(5)

**14. Trial.** If this action proceeded to trial, how many days did the trial last? 4 days

Was it a bench or jury trial? Bench trial

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

None/not applicable.

## TIMELINESS OF NOTICE OF APPEAL

**16. Date of entry of written judgment or order appealed from** February 25, 2021

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

Not applicable.

**17. Date written notice of entry of judgment or order was served** February 25, 2021

Was service by:

☐ Delivery

☒ Mail/electronic/fax

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

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

☐ NRCP 50(b)      Date of filing N/A

☐ NRCP 52(b)      Date of filing N/A

☐ NRCP 59      Date of filing N/A

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

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

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

Was service by:

☐ Delivery

☐ Mail

**19. Date notice of appeal filed** March 26, 2021

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:  
Appellant filed his Notice of Appeal on March 25, 2021

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

NRAP 4 (A) (1)

### **SUBSTANTIVE APPEALABILITY**

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

(a)

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

(b) Explain how each authority provides a basis for appeal from the judgment or order:

NRAP 3A(b) (1) provides a basis as the Decree of Divorce is a final order.



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

**(a) Parties:**

David Patrick Stucke - Appellant/Cross-Respondent

Christie Leann Stucke - Respondent/Cross-Appellant

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

Not applicable.

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

1. Whether the parties should have joint physical custody or whether one of the parties should have primary physical custody.
2. Whether child support should be paid.
3. Whether either of parties committed marital waste.
4. Whether some of the assets acquired during the marriage should be characterized as separate or community property.

All claims were disposed of on February 15, 2021.

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

☒ Yes

☐ No

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

**(a) Specify the claims remaining pending below:**

Not applicable.

(b) Specify the parties remaining below:

None.

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

☐ Yes

☒ No

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

☐ Yes

☒ No

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

The Findings of Fact, Conclusions of Law, and Decree of Divorce is independently appealable under NRAP 3A(b).

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

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

## VERIFICATION

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

Christie Leeann Stucke  
Name of appellant

May 9, 2021  
Date

Clark County Nevada  
State and county where signed

Fred Page, Esq.  
Name of counsel of record

  
Signature of counsel of record

## CERTIFICATE OF SERVICE

I certify that on the 9th day of May 9, 2021, I served a copy of this completed docketing statement upon all counsel of record:

- ☐ By personally serving it upon him/her; or
- ☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

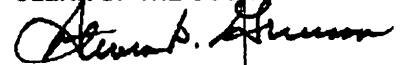
Dated this 9th day of May, 2021

  
Signature

EXHIBIT A

EXHIBIT A

EXHIBIT A



1 **COMD**

Vincent Mayo, Esq.

2 Nevada State Bar Number: 8564

**THE ABRAMS & MAYO LAW FIRM**

3 6252 South Rainbow Blvd., Suite 100

Las Vegas, Nevada 89118

4 Tel: (702) 222-4021

Fax: (702) 248-9750

5 Email: VMGroup@TheAbramsLawFirm.com

Attorney for Plaintiff

Eighth Judicial District Court

Family Division

Clark County, Nevada

8 DAVID PATRICK STUCKE,

9 Plaintiff,

10 vs.

11 CHRISTIE LEEANN STUCKE,

12 Defendant.

) Case No.: D-18-580621-D

) Department: F

13  
14 **COMPLAINT FOR DIVORCE**

15 NOW INTO COURT comes Plaintiff, DAVID PATRICK STUCKE, by

16 and through his attorney, VINCENT MAYO, ESQ., of THE ABRAMS &

17 MAYO LAW FIRM, and for his causes of action against Defendant,

18 CHRISTIE LEEANN STUCKE, complains and alleges as follows:

19 1. For more than six (6) weeks immediately preceding the  
20 commencement of this action, Plaintiff has been and now is a bona fide and  
21 actual resident and domiciliary of the State of Nevada, County of Clark.

1           2.     Plaintiff and Defendant were married on May 28, 2016, in Las  
2 Vegas, Nevada, and ever since have been and now are husband and wife.

3           3.     There are two (2) minor children of the marriage, to wit: Sarah  
4 Laura Stucke, date of birth: July 22, 2016 and David Orion Stucke, date of  
5 birth: March 30, 2018. There are no adopted children of the parties. To the  
6 best of Plaintiff's knowledge, the Defendant is not currently pregnant.

7           4.     Plaintiff and Defendant are fit and proper persons to be  
8 awarded joint legal custody of the minor children.

9           5.     Plaintiff is a fit and proper person to be awarded primary  
10 physical custody of the minor children, subject to Defendant's right of  
11 supervised visitation or else successful completion of parenting courses,  
12 adherence to a behavior order and counseling.

13          6.     Defendant should pay child support in accordance with NRS  
14 125B.070 and NRS 125B.080.

15          7.     Plaintiff will continue to maintain medical insurance for the  
16 minor children, so long as it available through his employment. The parties  
17 should be equally responsible for any insurance premiums, as well as any  
18 medical, dental (including orthodontic), psychological, optical and  
19 prescription expenses of the minor children, not covered by insurance. The  
20 parties should utilize the "30/30 rule" in regard to payment of any such  
21 unreimbursed medical expenses of the minor children.

1           8.     Defendant should be responsible for all educational and  
2 extracurricular activity expenses for the minor children.

3           9.     Plaintiff will continue to maintain medical insurance for the  
4 Defendant *pendente lite*.

5           10.    Defendant should maintain any and all existing insurance  
6 policies for the benefit of the Plaintiff *pendente lite*.

7           11.    There are community assets of the parties hereto, the exact  
8 amounts and descriptions of which are unknown to Plaintiff at this time.  
9 Plaintiff prays leave of this Court to amend this Complaint to insert the  
10 same when they have become known to Plaintiff or at the time of trial.

11          12.    There are community debts of the parties hereto, the exact  
12 amounts and descriptions of which are unknown to Plaintiff at this time.  
13 Plaintiff prays leave of this Court to amend this Complaint to insert the  
14 same when they have become known to Plaintiff or at the time of trial.

15          13.    Plaintiff requests that this Court confirm to Plaintiff his sole  
16 and separate property, the exact amounts and descriptions of which are  
17 unknown to Plaintiff at this time. Plaintiff prays leave of this Court to  
18 amend this Complaint to insert the same when they have become known to  
19 Plaintiff or at the time of trial.

20          14.    Plaintiff requests that this Court confirm to Defendant her sole  
21 and separate debt, the exact amounts and descriptions of which are

1 unknown to Plaintiff at this time. Plaintiff prays leave of this Court to  
2 amend this Complaint to insert the same when they have become known to  
3 Plaintiff or at the time of trial.

4 15. Plaintiff requests that this Court jointly restrain the parties  
5 herein in accordance with the terms of the Joint Preliminary Injunction.

6 16. Defendant may have wasted marital assets and therefore the  
7 community would be entitled to reimbursement for any such waste.

8 17. Given the respective financial conditions of the parties, among  
9 other factors, Defendant should be required to pay Plaintiff spousal  
10 support.

11 18. Based upon the disparity in income between the parties and  
12 pursuant to *Sargeant v. Sargeant*, 88 Nev. 223, 495 P.2d 618 (1972),  
13 Plaintiff is entitled to reasonable attorney's fees and costs of suit.

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

20 ///

21 ///



1       20. The parties should be placed on notice that they are subject to  
2 the provisions of NRS 125C.006, which provides:

3       1. If primary physical custody has been established pursuant  
4 to an order, judgment or decree of a court and the custodial  
5 parent intends to relocate his or her residence to a place  
6 outside of this State or to a place within this State that is at  
such a distance that would substantially impair the ability of  
the other parent to maintain a meaningful relationship with  
him or her, the custodial parent shall, before relocating:

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

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

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

11       (a) Without having reasonable grounds for such refusal;  
or

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

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

15       21. The parties should be placed on notice that they are subject to  
16 the provisions of NRS 125C.0045(6), which provides: PENALTY FOR  
17 VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR  
18 DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS  
19 PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS  
20 193.130. NRS 200.359 provides that every person having a limited right of  
21 custody to a child or any parent having no right of custody to the child who

1 willfully detains, conceals or removes the child from a parent, guardian or  
2 other person having lawful custody or a right of visitation of the child in  
3 violation of an order of this court, or removes the child from the  
4 jurisdiction of the court without the consent of either the court or all  
5 persons who have the right to custody or visitation is subject to being  
6 punished for a category D felony as provided in NRS 193.130.

7       22. The parties should be placed on notice that they are subject to  
8 the provisions of NRS 125C.0045(7) and (8), which provide the terms of the  
9 Hague Convention of October 25, 1980, adopted by the 14<sup>th</sup> Session of the  
10 Hague Conference on Private International Law, apply if a parent abducts  
11 or wrongfully retains a child in a foreign country. For the purposes of  
12 applying the terms of the Hague Convention, the State of Nevada, United  
13 States of America, is the habitual residence of the minor children.

14       23. The parties should be placed on notice that they are subject to  
15 the provisions of the Parental Kidnapping Prevention Act, 28 U.S.C. Sec.  
16 1738A, and the Uniform Child Custody Jurisdiction and Enforcement Act,  
17 NRS 125A.005 *et seq.*, which provide that the courts of Nevada have  
18 exclusive modification jurisdiction of the custody, visitation and child  
19 support terms relating to the children at issue in this case so long as either  
20 of the parties, or the children, continue to reside in this jurisdiction.

21 ///

1           WHEREFORE, Plaintiff, DAVID PATRICK STUCKE, prays for  
2 judgment against Defendant, CHRISTIE LEEANN STUCKE, as follows:

- 3           1.     That the contract of marriage now and therefore existing  
4                 between Plaintiff and Defendant be dissolved and that Plaintiff  
5                 be granted an absolute Decree of Divorce and that each of the  
6                 parties hereto be restored to the status of a single, unmarried  
7                 person;  
8           2.     That the Court grant the relief requested in this Complaint for  
9                 Divorce; and  
10          3.     For such other relief as the Court finds just and equitable in the  
11                 premises.

12 Dated: Tuesday, November 27, 2018.

13                                 Respectfully Submitted,

14                                 THE ABRAMS & MAYO LAW FIRM

15  
16                                 \_\_\_\_\_  
17                                 Vincent Mayo, Esq.  
18                                 Nevada State Bar Number: 8564  
19                                 6252 South Rainbow Blvd., Suite 100  
20                                 Las Vegas, Nevada 89118  
21                                 Tel: (702) 222-4021  
                                      Attorney for Plaintiff

1 VERIFICATION

2 STATE OF NEVADA )  
3 COUNTY OF CLARK ) SS:

4 DAVID PATRICK STUCKE, under penalties of perjury, being first  
5 duly sworn, deposes and says:

6 That he is the Plaintiff in the above entitled action; that he has read  
7 the foregoing COMPLAINT FOR DIVORCE and knows the contents  
8 thereof; that the same is true of his own knowledge, except for those matter  
9 therein contained stated upon information and belief, and as to those  
10 matters, he believes them to be true.

11 Dated this 27<sup>th</sup> day of November, 2018.

12   
13 DAVID PATRICK STUCKE

14 SUBSCRIBED and SWORN to me  
15 this 27 day of November, 2018.

16   
17 NOTARY PUBLIC

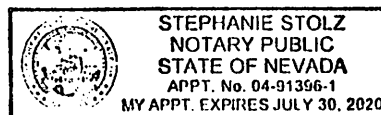
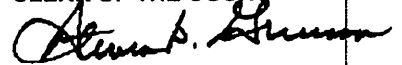


EXHIBIT B

EXHIBIT B

EXHIBIT B



1 **ACDAS**  
2 **STEINBERG LAW GROUP**  
3 **BRIAN J. STEINBERG, ESQ.**  
4 Nevada Bar No. 5787  
5 **DANIELLE DAWSON, ESQ.**  
6 Nevada Bar No. 11792  
7 4270 S. Decatur Blvd., Suite B10  
8 Las Vegas, Nevada 89103  
9 Telephone: (702) 384-9664  
10 Facsimile: (702) 384-9668  
11 Email: [brian@steinberglawgroup.com](mailto:brian@steinberglawgroup.com)  
12 Email: [danielle@steinberglawgroup.com](mailto:danielle@steinberglawgroup.com)  
13 Attorney for Defendant

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

11 **DAVID PATRICK STUCKE,**

12 Plaintiff,

13 vs.

14 **CHRISTIE LEANN STUCKE,**

15 Defendant.  
16

CASE NO: D-18-580621-D  
DEPT NO: F

17 **ANSWER TO COMPLAINT FOR DIVORCE AND COUNTERCLAIM**

18 **COMES NOW**, the Defendant, **CHRISTIE LEANN STUCKE**, by and through her  
19 attorney of record, **BRIAN J. STEINBERG, ESQ.** of the **STEINBERG LAW GROUP**, and  
20 files this Answer to the Complaint for Divorce filed by the Plaintiff, and alleges as follows:

21 **I.**

22 Unless otherwise admitted, qualified or explained, Defendant denies each and every  
23 thing matter and allegation contained in Plaintiff's Complaint for Divorce.

24 **II.**

25 The Defendant admits Paragraphs 1, 2, 4, 7, 9, 10, 11, 12, 13, 15, 19, 20, 21, 22, and  
26 23 of the Plaintiff's Complaint for Divorce.

27 **III.**

28 The Defendant denies Paragraphs 3, 5, 6, 8, 14, 16, 17, and 18 of the Plaintiff's  
Complaint for Divorce.

1       **WHEREFORE**, the Defendant prays that the Plaintiff take nothing by virtue of his  
2 Complaint for Divorce on file herein.

3                               **COUNTERCLAIM FOR DIVORCE**

4       **COMES NOW**, the Defendant/Counterclaimant, **CHRISTIE LEANN STUCKE**, by  
5 and through her attorney of record, **BRIAN J. STEINBERG, ESQ.**, of the **STEINBERG**  
6 **LAW GROUP** and as and for his Counterclaim For Divorce against the  
7 Plaintiff/Counterdefendant states and alleges as follows:

8                               **I.**

9       That the Defendant/Counterclaimant is and for at least six weeks prior to the  
10 commencement of this action, has been a bona fide resident of Clark County, Nevada.

11                              **II.**

12       That the Defendant/Counterclaimant and Plaintiff/Counterdefendant were married on  
13 May 28, 2016, in Las Vegas, Nevada and have ever since that time have been husband and  
14 wife.

15                              **III.**

16       That there are two (2) minor children born of the marriage to wit: **DAVID STUCKE**,  
17 born March 30, 2018, and **SARAH STUCKE**, born May 22, 2016, further referred to as "the  
18 minor child." That both parties are fit and proper persons to be awarded Joint Legal Custody  
19 and the Defendant/Counterclaimant should be awarded Primary Physical Custody of the minor  
20 children.

21                              **IV.**

22       That the Plaintiff/Counterdefendant pay the Defendant/Counterclaimant child support  
23 pursuant to NRS 125B.070 consistent with her request for Primary Physical Custody of the  
24 minor child.

25                              **V.**

26       That Plaintiff/Counterdefendant be directed to continue to provide the minor children  
27 with health insurance coverage and that both parties be ordered to equally (50/50) split the  
28 monthly premium and any and all un-reimbursed, out-of-pocket expenses incurred on behalf  
of the minor child, including, but not limited to, co-pays and deductibles relating to medical,  
dental, orthodontia or optical expenses, psychological and prescription expenses, which are  
not covered under such insurance policy using the 30/30 day rule.

1 VI.

2 That the Defendant/Counterclaimant receive the income tax benefits each and every  
3 year for the parties' minor children.

4 VII.

5 That there is community property of the parties to be divided or adjudicated by the  
6 Court.

7 VIII.

8 That each party should be awarded the debts in that party's name only.

9 IX.

10 That neither party pays spousal support/alimony to the other party.

11 X.

12 That the Defendant/Counterclaimant be awarded exclusive possession of the marital  
13 residence located at 3485 W. Maule Avenue, Las Vegas, Nevada 89118.

14 XI.

15 That the Defendant/Counterclaimant be awarded attorney's fees from the  
16 Plaintiff/Counterdefendant.

17 XII.

18 That the Plaintiff/Counterdefendant and the Defendant/Counterclaimant are  
19 incompatible in their tastes, natures, views, likes and dislikes, which have become widely  
20 separate and divergent so that the parties hereto have been, and now are, incompatible to such  
21 an extent that it now appears that there is no possibility of reconciliation between the Plaintiff  
22 and the Defendant, and that a happy marital status can no longer exist.

23 **WHEREFORE**, Defendant/Counterclaimant prays for judgment as follows:

24 1. That the bonds of matrimony now and heretofore existing between  
25 Defendant/Counterclaimant and Plaintiff/Counterdefendant be dissolved, that the parties be  
26 granted an absolute Decree of Divorce, and that the parties hereto be released from all the  
27 obligations thereof and restored to the status of single persons;

28 2. That both parties be awarded Joint Legal Custody and that the  
Defendant/Counterclaimant be awarded Primary Physical Custody of the minor children;

3. That the Plaintiff/Counterdefendant be ordered to pay the Defendant child  
support pursuant to NRS 125B.070;



1           4.     That Plaintiff/Counterdefendant be directed to continue to provide the minor  
2 children with health insurance coverage and that both parties be ordered to equally (50/50)  
3 split the monthly premium and any and all un-reimbursed, out-of-pocket expenses incurred on  
4 behalf of the minor children, including, but not limited to, co-pays and deductibles relating to  
5 medical, dental, orthodontia or optical expenses, psychological and prescription expenses,  
6 which are not covered under such insurance policy using the 30/30 day rule;

7           5.     That the Defendant/Counterclaimant be entitled to declare the minor children  
8 on her income tax returns each year;

9           6.     That the Court equitably divides the parties' community property;

10          7.     That each party should pay his/her respective debt in that parties' name only;

11          8.     That neither party pays spousal support/alimony to the other party;

12          9.     That the Defendant/Counterclaimant be awarded attorney's fees from the  
Plaintiff/Counterdefendant; and

13          10.    For such other further relief as the Court deems just and proper in the premises.

14       **WHEREFORE**, Defendant prays that this Court award judgment in her favor.

15       **DATED** this 10th day of December, 2018.

16                   **STEINBERG LAW GROUP**

17                   

18                   **BRIAN J. STEINBERG, ESQ.**

19                   Nevada Bar No. 5787

20                   **DANIELLE DAWSON, ESQ.**

21                   Nevada Bar No. 11792

22                   4270 S. Decatur Blvd., Suite B10

23                   Las Vegas, Nevada 89103

24                   Telephone: (702) 384-9664

25                   Facsimile: (702) 384-9668

26                   Email: [brian@steinberglawgroup.com](mailto:brian@steinberglawgroup.com)

27                   Email: [danielle@steinberglawgroup.com](mailto:danielle@steinberglawgroup.com)

28                   Attorney for Defendant/Counterclaimant

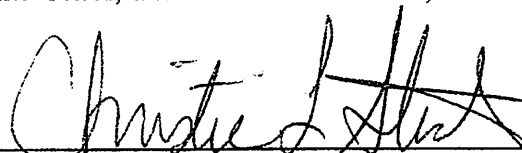
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

VERIFICATION

STATE OF NEVADA        )  
                                  ) ss:  
COUNTY OF CLARK        )

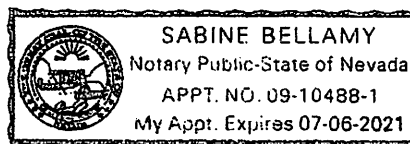
**CHRISTIE LEANN STUCKE**, being first duly sworn, deposes and says:

That she is the Defendant/Counterclaimant in the above-entitled action; that she has read the foregoing **ANSWER TO COMPLAINT FOR DIVORCE AND COUNTERCLAIM** and knows the contents thereof; that the same is true and correct except for those matters alleged upon information and belief, and as to those matters, she believes them to be true.

  
**CHRISTIE LEANN STUCKE**

Subscribed and sworn to before me

this 10<sup>th</sup> day of December, 2018.



  
NOTARY PUBLIC in and for said County and State

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of the Steinberg Law Group and that on December 13, 2018, pursuant to N.R.C.P. 5(b)(2)(D), and EDCR 8.05, a true and correct copy of the Answer to Complaint for Divorce and Counterclaim was served on Plaintiff by:

- ☐ U.S. Mail, First Class, postage prepaid to the person(s) identified below;
- ☐ Via Facsimile at the number(s) identified below:
- ☐ Via Electronic mail to the person(s) identified below:
- ☒ Via Electronic mail utilizing the Odyssey E-file and Serve system to the person(s) identified below as follows:

Vincent Mayo, Esq.  
6252 South Rainbow Blvd., Suite 100  
Las Vegas, Nevada 89118  
vmgroup@theabramslawfirm.com  
Attorney for Plaintiff

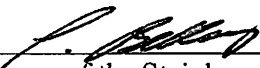
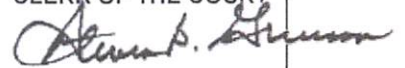
  
An Employee of the Steinberg Law Group

EXHIBIT C

EXHIBIT C

EXHIBIT C



1 **NED**

Vincent Mayo, Esq.

2 Nevada State Bar Number: 8564

THE ABRAMS & MAYO LAW FIRM

3 6252 South Rainbow Blvd., Suite 100

Las Vegas, Nevada 89118

4 Tel: (702) 222-4021

Fax: (702) 248-9750

5 Email: [vmgroup@theabramslawfirm.com](mailto:vmgroup@theabramslawfirm.com)

Attorney for Plaintiff

Eighth Judicial District Court

Family Division

Clark County, Nevada

9 DAVID PATRICK STUCKE,

) Case No.: D-18-580621-D

)

10 Plaintiff,

) Department: M

)

11 vs.

)

)

12 CHRISTIE LEEANN STUCKE,

)

)

13 Defendant.

)

)

14  
15 **NOTICE OF ENTRY OF DECREE OF DIVORCE**

16 PLEASE TAKE NOTICE that the Findings of Fact, Conclusions of

17 Law and Decree of Divorce from Trial was duly entered in the above-

18 referenced matter.

19 ///

20 ///

21 ///

1 A true and correct copy of said Decree is attached hereto.

2 DATED Thursday, February 25, 2021.

3 Respectfully Submitted,

4 THE ABRAMS & MAYO LAW FIRM

5 /s/ Vincent Mayo, Esq.

6 Vincent Mayo, Esq.

7 Nevada State Bar Number: 8564

8 6252 South Rainbow Blvd., Suite 100

9 Las Vegas, Nevada 89118

10 Attorney for Plaintiff

11 **CERTIFICATE OF SERVICE**

12 I hereby certify that the foregoing NOTICE OF ENTRY OF  
13 DECREE OF DIVORCE was filed electronically with the Eighth Judicial  
14 District Court in the above-entitled matter, on Thursday, February 25,  
15 2021. Electronic service of the foregoing document shall be made in  
16 accordance with the Master Service List, pursuant to NEFCR 9, as  
17 follows:

18 Fred Page, Esq.

19 Attorney for Defendant

20 /s/ Chantel Wade

21 An Employee of The Abrams & Mayo Law Firm

1 DAO

2 EIGHTH JUDICIAL DISTRICT COURT  
3 FAMILY DIVISION

4 CLARK COUNTY, NEVADA

5 DAVID STUCKE,

6 Plaintiff,

7 v.

8 CHRISTIE STUCKE,

9 Defendant.

CASE NO. D-18-580621-D  
DEPT NO. F

Date of Hearing: 9/10/2020, 12/09/2020  
12/10/2020, 12/11/2020, 12/17/2020

10  
11 **FINDINGS OF FACT, CONCLUSIONS OF LAW**  
12 **AND DECREE OF DIVORCE FROM TRIAL**

13 THE ABOVE MATTER having come on regularly for Trial before the Honorable Judge  
14 DENISE GENTILE, for non-jury trial with Plaintiff, DAVID STUCKE ("Plaintiff" or "DAVID"),  
15 having appeared personally, and by and through his attorney, VINCENT MAYO, ESQ., and  
16 Defendant, CHRISTIE ("Defendant" or CHRISTIE"), having appeared personally by and through  
17 her attorney of record, FRED PAGE, ESQ. The Court heard the evidence of the witnesses sworn  
18 and examined in open court, which included the parties, Christie and David and John Paglini,  
19 PsyD. This Court had the opportunity to assess the demeanor and credibility of the witnesses. The  
20 Court examined documentary exhibits admitted into evidence - Plaintiff's Exhibits 1(b), 2, 12(a),  
21 (b), and ©, 13-16, 21, 22, 26, 27, 29, 33-37, 39-42, 43(a) and (b), 44, 45(a) and(b), 46 (a) and (b),  
22 47-50, 69, 86, 87, 121, 135, 136, 139, 140, 142, 153, 182, 184, 192, 194-198, 202, 204, 206, 207,  
23 207(a), 208 - 217 were admitted; Defendant's Exhibits A-E were admitted. Being advised as to  
24 the law in this case and good cause appearing, this Court renders its decision, as follows:

25 I.

26 HISTORY OF THE CASE

27 THE COURT FINDS that the parties were married on May 28, 2016. The parties have two  
28 children, Sarah Stucke, born July 22, 2016, age 4, and David Orion Stuck, born March 30, 2018,  
age 2. COURT FINDS that David filed this action on November 28, 2018. An Answer was filed  
by Christie on December 13, 2018. COURT FINDS that this matter was hotly contested and

DENISE L. GENTILE  
DISTRICT JUDGE  
FAMILY DIVISION  
DEPT. F

1 litigated with various motions, discovery disputes, numerous hearings in front of the Court, which  
2 included custody, support orders, and related interim issues pertaining to the parties. The parties  
3 were not sent to mediation because a joint physical custody schedule was entered by the TPO  
4 hearing master, which was confirmed and adopted by this Court. The Court heard various motions  
5 entered temporary family support orders, based upon the representations made by the parties as to  
6 their financial situations. The case was set for trial after 2 years of discovery and litigation, and  
7 this Decree follows:

8 **Preliminary Findings**

9 THE COURT HEREBY FINDS that the Court, as part of the process in formulating the  
10 decision, listened to the testimony of witnesses and reviewed the Exhibits offered by the parties that  
11 were admitted into the record. THE COURT FURTHER FINDS that the issues before the Court  
12 included child custody, child support, the division of assets and debts, confirmation of separate  
13 property, and attorney's fees.

14 The COURT FURTHER FINDS it is to the satisfaction of the Court that the parties are  
15 residents of Nevada, as it was undisputed they have lived in the state of Nevada, and based upon  
16 the parties' testimony, it is to the satisfaction of the Court that residence is established at least six  
17 (6) weeks prior to the commencement of the action.. THE COURT HEREBY FINDS that it has  
18 jurisdiction over these parties and the subject matter. THE COURT FURTHER FINDS that the  
19 parties are incompatible, with no possibility of reconciliation.

20 **TERMINATION OF THE PARTIES' MARRIAGE**

21 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the bonds of  
22 matrimony existing between Christie and David be, and the same are wholly dissolved, and an  
23 absolute Decree of Divorce is hereby granted to Christie and David, and each of the parties is  
24 restored to the status of a single, unmarried person.

25 **CUSTODY**

26 COURT FINDS the parties have two children, born of this marriage, Sarah Stucke, age 4,  
27 and David Stucke, age 2. COURT FINDS the applicable statutory authority that governs this case  
28 is as follows:



1       **NRS 125C.001 State Policy.** The legislature declares that it is the policy of this  
2       state:

- 3       1. To ensure that minor children have frequent associations and a continuing  
4       relationship with both parents after the parents have ended their relationship,  
5       become separated or dissolved their marriage;  
6       2. To encourage such parents to share the rights and responsibilities of child  
7       rearing; and  
8       3. To establish that such parents have an equivalent duty to provide their minor  
9       children with necessary maintenance, health care, education and financial support.  
10      As used in this subsection, "equivalent" must not be construed to mean that both  
11      parents are responsible for providing the same amount of financial support to their  
12      children.

13       **NRS 125C.0015 Parents have joint custody until otherwise ordered by court.**

- 14      1. The parent and child relationship extends equally to every child and to every  
15      parent, regardless of the marital status of the parents.  
16      2. If a court has not made a determination regarding the custody of a child, each  
17      parent has joint legal custody and joint physical custody of the child until otherwise  
18      ordered by a court of competent jurisdiction.

19                               **LEGAL CUSTODY**

20       COURT FINDS that NRS 125C.002 provides the court with its authority for establishing  
21      joint legal custody, as follows:

- 22      1. When a court is making a determination regarding the legal custody of a child,  
23      there is a presumption, affecting the burden of proof, that joint legal custody would  
24      be in the best interest of a minor child if:

25          (a) The parents have agreed to an award of joint legal custody or so agree  
26          in open court at a hearing for the purpose of determining the legal custody of the  
27          minor child; or

28          (b) A parent has demonstrated, or has attempted to demonstrate but has had  
his or her efforts frustrated by the other parent, an intent to establish a meaningful  
relationship with the minor child.

- 2      2. The court may award joint legal custody without awarding joint physical  
custody.

3       COURT FINDS the neither party presented a case to overcome the presumption that it is  
4      in the children's best interests for the court to order joint legal custody; therefore, IT IS HEREBY  
5      ORDERED that each party is awarded Joint Legal Custody of the minor children.

6                               **PHYSICAL CUSTODY**

7       **NRS 125C.0025 Joint physical custody.**

- 8      1. When a court is making a determination regarding the physical custody of a  
9      child, there is a preference that joint physical custody would be in the best interest  
10     of a minor child if:

11          (a) The parents have agreed to an award of joint physical custody or so  
12          agree in open court at a hearing for the purpose of determining the physical custody  
13          of the minor child; or

1 (b) A parent has demonstrated, or has attempted to demonstrate but has had  
his or her efforts frustrated by the other parent, an intent to establish a meaningful  
2 relationship with the minor child.

3 2. For assistance in determining whether an award of joint physical custody is  
appropriate, the court may direct that an investigation be conducted.

4 **NRS 125C.0035 Best interests of child: Joint physical custody; preferences;  
presumptions when court determines parent or person seeking custody is perpetrator of  
domestic violence or has committed act of abduction against child or any other child.**

5 1. In any action for determining physical custody of a minor child, the sole  
consideration of the court is the best interest of the child. If it appears to the court  
6 that joint physical custody would be in the best interest of the child, the court may  
grant physical custody to the parties jointly.

7 2. Preference must not be given to either parent for the sole reason that the parent  
is the mother or the father of the child.

8 3. The court shall award physical custody in the following order of preference  
unless in a particular case the best interest of the child requires otherwise:

9 (a) To both parents jointly pursuant to NRS 125C.0025 or to either parent  
pursuant to NRS 125C.003. If the court does not enter an order awarding joint  
10 physical custody of a child after either parent has applied for joint physical custody,  
the court shall state in its decision the reason for its denial of the parent's  
11 application.

12 (b) To a person or persons in whose home the child has been living and  
where the child has had a wholesome and stable environment.

13 © To any person related within the fifth degree of consanguinity to the child  
whom the court finds suitable and able to provide proper care and guidance for the  
14 child, regardless of whether the relative resides within this State.

15 (d) To any other person or persons whom the court finds suitable and able  
to provide proper care and guidance for the child.

16 The Nevada Supreme Court has held that in custody matters, the polestar for judicial  
17 decision is the best interest of the child, the court has broad discretion. The Supreme Court has  
18 held that the district court must make specific findings and provide an adequate explanation of the  
19 reasons for a child custody determination, and must tie it to the best interest factors enumerated by  
20 statute, and any other relevant factors relevant to the determination. *Davis v. Ewalefo*, 131 Nev.  
21 Adv. Op 45, 352 P3d 1139 (2015).

22 COURT FINDS that the parties shared joint physical custody during the pendency of the  
23 action. COURT FINDS that David and Christie could not agree on the final custodial orders and  
24 thus, the Court granted permission for Dr. John Paglini to conduct a child custody evaluation, at  
25 David's request. COURT FINDS that after a lengthy period of conducting the evaluation; the  
26 custody evaluation was completed on July 27, 2020; including the national pandemic, several  
27 factors delayed the divorce trial, but the Court was finally able to hear testimony from Dr. Paglini  
28 at the second day of the parties' divorce trial conducted on 12/09/2020. COURT FINDS that Dr.

1 Paglini's report was admitted as evidence, Plaintiff's Exhibit 207(a). COURT FINDS that Dr.  
2 Paglini's report was 88 pages and very detailed as to his findings and recommendations. COURT  
3 FINDS that it adopts Dr. Paglini's findings and recommendations, as though set forth fully herein.  
4 Dr. Paglini's report and testimony were CREDIBLE and are fair and even-handed when evaluating  
5 the parties, their behaviors, and what is best for the parties' minor children.

6 Based upon the FINDINGS OF FACT, the Court makes the following CONCLUSIONS  
7 OF LAW AND ORDERS:

8 NRS 125C.0035(4) states: In determining the best interest of the child, the court shall  
9 consider and set forth its specific findings concerning, among other things:

10 **(a) The wishes of the child if the child is of sufficient age and capacity to form an  
intelligent preference as to his or her physical custody.**

11 Based upon the foregoing Court FINDS there was no testimony presented about this factor,  
12 and therefore inapplicable.

13 **(b) Any nomination of a guardian for the child by a parent.**

14 Neither party presented evidence of this factor. This factor is inapplicable.

15 **© Which parent is more likely to allow the child to have frequent associations and a  
16 continuing relationship with the noncustodial parent.**

17 Again this Court adopts the findings of Dr. Paglini on this issue. The Court is aware of the  
18 struggles experienced during this case and the difficulty the parties have had co-parenting. COURT  
19 FINDS that the most concerning was the continued theme learned about Christie in her efforts to  
20 gain leverage or control in the custody proceedings. COURT FINDS that Christie made various  
21 allegations against David, all in an attempt to gain an advantage, but none of which was  
22 substantiated. COURT FINDS that Christie made allegations to denigrate David's image with the  
23 Court, such as he was a cheater, that he raped her, that he was a pedophile, but also admitted in  
24 some regards that he was good with the children. COURT FINDS that the context of each of such  
25 allegations tended to occur when she was unable to gain ground in the divorce action, or there were  
26 questions relating to her financial dealings, thus detracting the focus from what would otherwise  
27 have been directed to the parties' money issues. COURT FINDS that Dr. Paglini's report addresses  
28 this issue extensively in his factual recitation of the numerous reports of the parties regarding the

1 above issues. COURT FINDS that Dr. Paglini asserts and this Court ADOPTS that if David Stuck  
2 truly were a pedophile or did in fact abuse his daughter, this would have serious ramifications on  
3 the custodial recommendations and ultimately the orders. COURT CONFIRMS that there was no  
4 evidence presented at trial to suggest that David was a pedophile, and Dr. Paglini's observation of  
5 the children with their father indicated they were very bonded, while this would have been the  
6 opportunity to observe discomfort of an issue between David and his daughter. COURT  
7 FURTHER FINDS that Dr. Paglini asserts and this Court ADOPTS that if Ms. Stucke created sex  
8 abuse claims or rape allegations for secondary gains, this would be the ultimate act of parental  
9 alienation, and the Court would clearly give David primary custody. COURT ALSO FINDS that  
10 there is evidence that Christie has a history of making similar allegations in her prior divorce with  
11 the father of her elder children, which calls into question her credibility. However, her ex-husband  
12 was unwilling to disparage Christie or offer negative testimony about Christie as he indicated to  
13 Dr. Paglini that he and Christie have a good relationship now, and that she is a good mother. But,  
14 there was a point when the relationship was not so cooperative.

15 While David attempted to utilize these findings by Dr. Paglini as a reason to seek primary  
16 custody, Dr. Paglini testified that while the allegations of sexual abuse may not have been  
17 substantiated, it does not mean that Christie reported it out of spite, but could have reported it  
18 because she believed her daughter, as parents want to believe their children, and certainly do not  
19 want to be in a position where they have chosen to ignore their children's claims of abuse, and then  
20 it turns out to be true, so parents WANT to believe their children. COURT FINDS in conclusion,  
21 that neither law enforcement, investigative agencies, nor Dr. Paglini or the Court could find that  
22 any of such allegations were true. In this regard, this Court FINDS that it could find neither  
23 scenario to be presented in the evidence admitted at trial. As it relates to this factor, there were  
24 copious amounts of facts included in Dr. Paglini's report, and this Court adopts them herein. This  
25 factor does not favor either party. See Dr. Paglini's report, Exhibit 207(a).

26 **(d) The level of conflict between the parents.**

27 COURT FINDS that there is a high level of conflict between the parties at this time, due  
28 to these proceedings; however, this Court believes once the case has concluded, the level of conflict

1 should subside to a degree, as this litigation has played a role in the parties' acrimonious  
2 relationship. COURT FINDS that the Court's Orders should establish parameters within which the  
3 parties shall function, and there should be a reduction in conflict and also instruction for those  
4 behaviors the parties should avoid in the future, in order to reduce conflict. Dr. Paglini  
5 acknowledged that Christie has demonstrated her dislike for David, and has expressed so in front  
6 of the children, and has expressed that if it continues, it would be a hindrance to the parties' ability  
7 to co-parent moving forward. This factor favors David. See Dr. Paglini's report, Exhibit 207(a).

8 **(e) The ability of the parents to cooperate to meet the needs of the child.**

9 Other than the acrimony in the parties' divorce, and the issues that have been identified  
10 herein and in Dr. Paglini's report, COURT FINDS that historically, both parties have been able to  
11 cooperate to meet the needs of the minor children, as evidenced by the testimony at trial.

12 **(f) The mental and physical health of the parents.**

13 There was a concern for Christie's mental health as Dr. Paglini referred to her emotional  
14 dysregulation and the increased dysregulation over time when she was upset with David, when she  
15 was jealous or angry with David; COURT FINDS that there is concern for Christie's assaults on  
16 David and her continued disparagement of David in the presence of the children which could have  
17 lasting effects on the children. COURT FINDS that Dr. Paglini indicates Christie is not aware of  
18 the impact this behavior would have on the children, and needs to be more mindful of the same.  
19 Dr. Paglini noted that David tended to video record certain incidents with Christie that caused the  
20 situation to escalate, and cause additional frustration. COURT FINDS that said behavior of each  
21 party was intended to prove a point, and caused frustration to the other party, without concern for  
22 how this would affect the children. COURT FINDS that Dr. Paglini determined David appreciated  
23 the impact this could have on the children, while Christie chose to focus on blaming David for  
24 instigating the incidents. COURT FINDS that Dr. Paglini reports Christie also has admitted she  
25 has borderline personality disorder - sufferers of such disorder tend to be a challenge in  
26 relationships as they are emotional over-reactive or dysregulated, over idealize and devalue very  
27 quickly. COURT FINDS that Dr. Paglini's recommendation is that whether Christie suffers from  
28 Borderline Personality or not, she needs to learn to regulate her anger/emotions and to express

1 herself in a more appropriate manner, and should be addressed in therapy (this will be addressed  
2 herein below in the Orders). While Dr. Paglini did not identify specific mental health factors that  
3 would prevent either parent from being able to parent the children, Dr. Paglini raised issues of  
4 concern that if continued to be present or if increased may support a change in custody in the  
5 future. See Dr. Paglini's Report, Exhibit 207(a).

6 **(g) The physical, developmental and emotional needs of the child.**

7 COURT FINDS that it needs to reiterate the concerns raised herein about the issues that  
8 exist with the emotional dysregulation of Christie, and the continued acrimony that exists between  
9 both parents, to the extent that the children are potentially pawns in the process. COURT FINDS  
10 that while neither party demonstrated that either was incapable of providing the children what they  
11 need on a day to day basis, physically, developmentally, emotionally, as a loving and caring parent,  
12 each parent has behaved in such a way during this process and while in the process of the  
13 dissolution of their relationship, that neither took into consideration that the triggering of the other  
14 would create tension and behavior in the household to be witnessed by the children, NOT meeting  
15 the children's emotional needs, but putting their own needs to win, gain an advantage, or prove a  
16 point came first. Does this Court believes that each parent loves the children, yes. Does this Court  
17 believe each is capable of meeting the physical, developmental and emotional needs of the children,  
18 yes. Dr. Paglini's report indicates that each is a good parent, the children love their parents, and  
19 the children are cared for, despite the negative interaction between the parents. COURT FINDS  
20 that this factor does not favor either parent, but CAUTIONS both parents to be mindful of the fact  
21 that while you may be able to feed, clothe, educate, and care for the children on a daily basis, their  
22 emotional needs are important, and often the effects of your misconduct toward each other causes  
23 an intangible effect that will come to light in later years, while the children are attempting to  
24 conduct themselves in relationships, either familial or romantic type relationships. You are your  
25 children's role models; straighten up and act like the two highly intelligent individuals capable of  
26 understanding that a moment of indiscretion or inappropriate behavior may affect your children for  
27 a lifetime. See Dr. Paglini's Report, Exhibit 207(a).

1                   **(h) The nature of the relationship of the child with each parent.**

2                   Based upon the testimony, and the report of Dr. Paglini, COURT FINDS the relationship  
3 of the children with their parents is good. There was no evidence presented by either parent to  
4 suggest otherwise, and Dr. Paglini indicates that during his observations the children were  
5 comfortable and bonded with their parents.

6                   **(i) The ability of the child to maintain a relationship with any sibling.**

7                   COURT FINDS there are no other minor siblings; therefore the ability of the children to  
8 maintain a relationship with any sibling is a non-issue, as these children remain together in the  
9 custody schedule. COURT FINDS that Christie has children who are much older than the children  
10 in this case and Christie is able to ensure the younger children maintain relationship with their elder  
11 siblings during her timeshare.

12                   **(j) Any history of parental abuse or neglect of the child or a sibling of the child.**

13                   COURT FINDS that while there have been multiple reports to CPS and a criminal  
14 investigation, there was no evidence presented related to abuse or neglect of the children. This  
15 factor is inapplicable.

16                   **(k) Whether either parent or any other person seeking physical custody has engaged  
17 in an act of domestic violence against the child, a parent of the child or any other  
18 person residing with the child.**

19                   COURT FINDS there have been allegations of domestic violence by each party. COURT  
20 FINDS that David pled no contest to a battery domestic violence case, and there was much  
21 evidence presented to Dr. Paglini of Christie's volatile and violent behavior. COURT FINDS that  
22 even with this behavior, Dr. Paglini concluded that this should not preclude either party from  
23 having custody. This factor does not favor either party.

24                   **(l) Whether either parent or any other person seeking physical custody has committed  
25 any act of abduction against the child or any other children.**

26                   COURT FINDS that there was no evidence presented regarding this factor, and is  
27 inapplicable.

28                   Based upon the foregoing FINDINGS, the Court states its ORDERS as follows:

IT IS HEREBY ORDERED that David and Christie are awarded Joint Legal and Joint  
Physical Custody of the minor children, to wit: Sarah Stucke and David Stucke. Based upon the

1 recommendations of Dr. Paglini, the Court FURTHER ORDERS that the parties shall share the  
2 children on an approximately 60/40 time share. COURT ORDERS that David shall have the  
3 children each week from Monday at 8 a.m. to Friday at 8 a.m., Christie shall have the children from  
4 Friday at 8 a.m. to Monday at 8 a.m. David shall also have the 3<sup>rd</sup> weekend and the 5<sup>th</sup> weekend  
5 of the month (if there are 5 weekends in a given month), from Friday at 8 a.m. to Monday at 8 a.m.,  
6 and Mom shall have the children from Monday at 8 a.m. to Wednesday at 8 a.m. of the week  
7 following David's weekend. The 3<sup>rd</sup> weekend shall be defined by the weekend that has the 3<sup>rd</sup>  
8 Friday of the month. COURT ORDERS that the parties shall share the children on a week on/week  
9 off basis during the summer months, starting the first Friday of the children's summer school break;  
10 the schedule shall continue until the weekend before the children return to school, at which point  
11 their weekly custody schedule shall be reinstated. The children shall be with David the first week  
12 after school ends, in odd years, and shall be with Christie the first week after school ends in even  
13 years. COURT ORDERS that the parties shall take their respective vacations during the summer  
14 months, and during their own custody time, and shall be no longer than one (1) week, unless  
15 otherwise agreed by the parties. If the parties agree to extend vacation longer than the one week  
16 as stated herein, they must do so in writing, and provide the other with compensatory time for the  
17 time missed, to be exercised immediately after the children return from vacation.

18 IT IS FURTHER ORDERED that David and Christie will alternate the holidays, and adhere  
19 to the following holiday schedule (if the holiday is not addressed herein, the holiday shall be  
20 exercised by the person who has the children on that date, unless otherwise mutually agreed by the  
21 parties, for any given holiday):

| EXTENDED HOLIDAYS   | ODD YEAR | EVEN YEAR |
|---|----------|-----------|
| Thanksgiving: The holiday visitation shall begin the day school ends for Thanksgiving break (or 3:00 p.m. if the children are not in school) and continue until the day school is scheduled to resume (or 9:00 a.m. if the children are not in school). | Dad      | Mom       |



|   |                    |                    |
|---|--------------------|--------------------|
| <p>Christmas/Winter Break: Winter break shall be divided between the parents, with the first block of time commencing when school ends for the Winter Break (or 3:00 p.m. if the children are not in school), and continue until the mid-point of the Winter Break at 12:00 p.m.. The second block of time shall commence on mid-point at 12:00 p.m. and continue until school is scheduled to resume (or 9:00 a.m. if the children are not in school). If the break has an odd number of days, the second half of the break shall receive the extra day.</p> <p>First Block<br/>Second Block</p> | <p>Mom<br/>Dad</p> | <p>Dad<br/>Mom</p> |
| EXTENDED HOLIDAYS, contd.   | ODD YEAR           | EVEN YEAR          |
| <p>Spring Break: The holiday visitation shall begin on the day school ends before the break (or 3:00 p.m. if the children are not in school) and continue until the day school is scheduled to resume (or 9:00 a.m. if the children are not in school).</p>   | Dad                | Mom                |

|   |          |           |
|---|----------|-----------|
| <p>SPECIAL OCCASIONS</p> <p>(Special Occasions begin at 9:00 a.m. on the individual day and continue until 9:00 p.m. on the same day)</p> | ODD YEAR | EVEN YEAR |
| Mother's Day  | Mom      | Mom       |
| Father's Day  | Dad      | Dad       |

#### CHILD SUPPORT

COURT FINDS that child support should be set pursuant to NAC 425 and the applicable NRS 125B. COURT FINDS David's most recent financial declarations, amongst other testimonial evidence, demonstrate a gross monthly income of \$8,333 per month. Pursuant to NAC 423, applying the formula to David's income, twenty-two percent (22%) of David's gross monthly income is \$1,833.26. COURT FINDS that Christie's most recent financial declaration from 9/2020 shows that she earns \$4,100 per month, her financial declaration just prior to that which was served but never filed (and much more detailed and likely more accurate from the perspective of reporting from where her income is generated) indicates that she earns \$7,228 gross monthly income; the prior filings had incomes of \$4,100 (2/2019), \$7,021 (4/16/2019), and \$6,221 (4/23/2019).

1 COURT FINDS that it is almost impossible to discern what is actually Christie's monthly income.  
2 Christie is a master of moving money between accounts, utilizing cash on hand, categorizing  
3 personal expenses or paying personal expenses through her various business entities, receiving  
4 income for one business entity but running it through a different entity, and frankly, making a  
5 difficult accounting task almost insurmountable from the Court's perspective. What is obvious  
6 from the information provided is that Christie does not accurately report her income on her  
7 financial disclosure forms, as the figures provided do not match the cash withdrawals from the  
8 various bank accounts owned by Christie, COURT FINDS that while Christie is willing to admit  
9 to an income of \$7,223 on February 2020 and various other numbers in that range until just prior  
10 to trial in September 2020, the Court FINDS that Christie is able to earn at minimum the same  
11 amount of income as David based upon the disclosures and the withdrawals, and thus the Court  
12 shall attribute the same amount of income of \$8,333 to Christie for purposes of calculating child  
13 support. COURT FINDS that Christie's child support shall be set at \$1,833.26 per month; and  
14 when applying the formula which requires the parties to offset each party's child support against  
15 the other, then the child support amount in this case shall be ZERO. IT IS HEREBY ORDERED,  
16 ADJUDGED, AND DECREED that NEITHER PARTY shall pay child support to the other.

#### 17 CHILDREN'S HEALTH EXPENSES

18 IT IS FURTHER ORDERED, ADJUDGED AND DECREED the cost of the minor  
19 children's medical insurance premium shall be paid by David, and said premium shall be shared  
20 equally by the parties. IT IS FURTHER ORDERED that each party shall pay one-half (½) of all  
21 the reasonable and necessary medical, surgical, dental, orthodontic, psychological, and optical  
22 expenses of the minor children not paid by any medical or other insurance covering the minor  
23 children. Each party shall be responsible for the payment of his or her share of such expenses,  
24 regardless of which party actually pays or incurs such expense, and the party actually paying any  
25 such expense shall be reimbursed by the other party for his or her one-half (½) share of the same,  
26 in accordance with the 30/30 rules. In this regard, within thirty (30) days from the date either party  
27 actually incurs and pays for any such medical related expense for the minor children, such party  
28 shall provide the other party with the appropriate billing statement and written verification of such

1 expense, and such party also shall provide written verification of his or her actual payment of the  
2 same. Any such reimbursement required pursuant to the terms of this provision shall be paid within  
3 thirty (30) days of the party's receipt of the other party's written request for reimbursement which  
4 includes the above-mentioned written verification of such expense having been incurred by the  
5 other party, as provided above. IT IS HEREBY ORDERED that if a receipt or request for  
6 reimbursement is not tendered within thirty (30) days, the court may consider it a waiver of right  
7 to reimbursement. IT IS FURTHER ORDERED that if there is no dispute, or payment, of a  
8 reimbursement within the prescribed thirty (30) days, the obligated party may be subject to a  
9 finding of contempt and appropriate sanctions.

#### 10 TAX EXEMPTIONS

11 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Christie shall be entitled  
12 to claim Sarah as a dependent on her tax returns, and David shall be entitled to claim David Orion,  
13 as a dependent on his tax returns. When the eldest child reaches the age of majority, then the  
14 parties shall alternate claiming David until such time he reaches the age of majority. In the event  
15 the current custodial arrangement changes, the COURT retains jurisdiction to modify this  
16 provision, as appropriate, so that it properly reflects which party should receive the exemption,  
17 pursuant to I.R.S. Tax Code. COURT FINDS that if either party is unable to utilize the child on  
18 his/her tax return, the parties may STIPULATE to the transfer the right to claim the children in any  
19 given tax year; if the parties do so, the party transferring the right to claim said child shall sign the  
20 necessary forms required to transfer the dependency exemption, if required.

#### 21 LEGAL AUTHORITY REGARDING DIVISION OF ASSETS

22 THE COURT HEREBY FINDS that this Court considers the following statutory guidance  
23 in evaluating the parties' competing property claims. First, Chapter 123 of the Nevada Revised  
24 Statutes governs the property rights of a husband and wife. NRS 123.130 defines separate property  
25 of a wife and husband while NRS 123.220 defines community property. NRS 125.150 governs the  
26 adjudication of property rights, requiring an equal division, unless compelling circumstances exist  
27 which warrant a different division. THE COURT FINDS that each party alleged in his/her  
28 Complaints that there is community property, owned by the parties.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**COMMUNITY PROPERTY AND SEPARATE PROPERTY**

THE COURT FINDS the parties have the following assets to be adjudicated by the Court:

**3485 W. Maule Ave., LV, NV (West Maule):**

COURT FINDS this property was purchased in July 2015 by David during the parties' domestic partnership. COURT FINDS that David argues that he signed a contract in March and thus the property was his sole and separate property; however, the closing date for the purchase was on July 28 2015. COURT FINDS that the date the property was acquired was during the domestic partnership and the presumption is that the property acquired during this period is community in nature. COURT FINDS that David argues several theories about the parties' intent, but provides no independent evidence of these theories that he was to maintain the property as his own, prior to the marriage, that the domestic partnership was not to have the legal effect that a partnership applies to property acquired during the same, etc. David's argument fails, as the property was purchased during the domestic partnership, the parties then married, and there is no legal writing or contract, pre-nuptial agreement or post-nuptial agreement indicating that this presumed community property was anything other than a community asset.

COURT FURTHER FINDS that the parties stipulated on March 2020 that David was to purchase Christie's interest in the property, and said purchase was to be based upon the stipulated value of \$500,000. COURT FINDS that Christie argued that the home was worth more than this amount at the time of trial, and that she should be bought out at the higher value, but this COURT FINDS that the stipulation is enforceable pursuant to EDCR 7.50, as consent was given by both parties in the minutes for this amount to be applied to the value of the property, when David is to purchase Christie's interest. There was no time frame or expiration date for the stipulated agreement. COURT FINDS that there was a delay in David's refinance of the home, due to Christie's failure to pay the mortgage, leaving David with a problem with his application. Throughout the proceedings, Christie failed to vacate the residence claiming she had no funds to relocate, despite evidence in the record demonstrating that she continued to gamble consistently; she claimed there were no movers, she claimed that she did not have to execute the quitclaim deed,

1 and intentionally delayed David from moving into the residence and refinancing the loan. COURT  
2 FINDS the property is a community asset, acquired during the parties domestic partnership.  
3 COURT ORDERS that the David shall be awarded the W. Maule home, and he shall owe Christie  
4 one-half of the net equity interest in the home, as of the date of this Decree of Divorce; David shall  
5 pay Christie said one-half after he deducts those amounts paid on her behalf for the mortgage and  
6 the van.

7 (\*COURT NOTES that David argued the property should have had a *Malmquist* calculation  
8 applied to the home, as he argues 1) that he “purchased” the property in March 2015 prior to the  
9 domestic partnership 2) that the home was intended to be his separate property until the parties  
10 married 3) that there would only be a small share of the home awarded to Christie based upon these  
11 arguments. COURT FURTHER FINDS that the Court was not provided a *Malmquist* calculation  
12 for the date of trial, and was only provided Exhibits attached to the Pre-Trial Memorandum with  
13 a summary of the calculation, and no underlying documentation to support the figures therein. A  
14 brief review of the same, show that the figures do not match the mortgage statements for opening  
15 loan amount or ending loan balance at time of trial.)

16 **7211 Birkland Court, LV, NV (“Birkland Court”)**

17 COURT FINDS that David purchased a home during the marriage at Birkland Court.  
18 David testified that the funds came from a pre-marital retirement account, and this Court FINDS  
19 this representation credible, especially based upon the parties’ conduct thereafter. COURT FINDS  
20 that David would own this home with his friend, Jonathon Morrell as his own separate investment.  
21 COURT FINDS that David testified that his partner refused to purchase the property with Christie,  
22 so he ensured that the entirety of the transaction did not include Christie. COURT FINDS that  
23 Christie contended that the reason for the purchase being in David’s name was due to her bad  
24 credit. David contends that the home was purchased free and clear, and thus the argument that  
25 credit was an issue is NOT CREDIBLE. COURT FINDS that Christie executed the documentation  
26 for the home to be vested in the name of David, as his sole and separate property, and he and Mr.  
27 Morrell purchased the home on April 13, 2018. COURT FINDS that the property was purchased  
28 for the business purpose of rental through AirBnb and the property was transferred into an entity

1 called JD Investments, LLC, which was created during the marriage, but COURT FINDS that  
2 because the entity was created for the purpose of the partnership entered into by David and Mr.  
3 Morrell. COURT FINDS that Christie argues that because the entity was opened during the  
4 marriage, and the property already owned by David was transferred into the entity, that this  
5 transmutes the property BACK to being a community asset because the entity was formed during  
6 the community. COURT FINDS that this shift in the titling of the asset from David as an  
7 individual, as his sole and separate property to an entity where the ownership interest is held by  
8 David, does not change the character of the separate property, but merely a vehicle for the two  
9 owners of the property to take advantage of the protections afforded by the LLC; the entity would  
10 be utilized to manage the expenses, document their business arrangement and ownership  
11 percentages of the property, the agreement for distribution of profits related to their ownership, as  
12 well as being able to deduct the expenses and utilize the tax benefits associated with holding the  
13 property in an LLC. This is no different than transferring property to a family trust for estate  
14 planning purposes, and the property is identified by the trust as separate property asset. The  
15 character of the separate property asset does not change because a trustor takes advantage of the  
16 estate planning vehicle. Christie waived her rights and interest in the property. David held title as  
17 his sole and separate property and then later held his interest in the LLC, in which the property was  
18 the only asset. *Colman v. Collier* (In re Colman Revocable Living Trust), 136 Nev Adv Rep 13,  
19 460 P.3d 452 (2020), *Sprenger v. Sprenger*, 110 Nev. 855, 858, 878 P.2d 284, 286 (1994). If  
20 David shared with Christie the profits therefrom, then that was a gift to the community. Christie  
21 argued that the parties shared in the responsibility for the property, and that she participated heavily  
22 in the maintenance and booking of the property, thus it was and intended to be a community asset.  
23 COURT FINDS that there was no evidence that the community was owed money from improving  
24 the property or to maintain the property.

25 Christie testified that the parties devoted time, energy, community money, to maintain the  
26 property, but no independent evidence was presented about what amounts of community monies  
27 were allegedly expended that would demonstrate the community was owed or somehow there was  
28 a transmutation of the property, and therefore any claims of this nature are not credible and cannot

1 be sustained, and are hereby DENIED. In this regard, David is entitled to the proceeds from the  
2 sale of the residence.

3 **3740 Grandview Place, LV NV ("Grandview")**

4 COURT FINDS that another home was purchased during the marriage, in October 2017,  
5 at Grandview. COURT FINDS title is held by David as a married man, as his sole and separate  
6 property. COURT FINDS takes judicial notice of the fact that in Nevada, in order for a married  
7 man to obtain title in real property as his sole and separate property, the wife must sign a deed  
8 relinquishing all right, title and interest in the said property, as escrow will not close without her  
9 waiver of her community property interest. COURT FINDS that the title of the property for the  
10 Grandview residence was vested in David, a married man, as his sole and separate property. Any  
11 and all interest in the monies put into the home for down payment as of the date of the purchase  
12 would have been waived at the time of the transaction. COURT FINDS that there was testimony  
13 from David that the money utilized to purchase the residence were from separate property sources.  
14 COURT FINDS that while David was only able to trace some of the funds which were utilized to  
15 purchase the home, his testimony and the tracing of which only confirms that the intent was for the  
16 property to be David's separate property. COURT FINDS that there was no credible evidence of  
17 a credit problem or other reason as to why the home would be put into David's name solely, but  
18 still intended to be community property. COURT FINDS that there was no evidence presented at  
19 the time of trial that any additional community monies were used to satisfy the debt on the  
20 residence, that would have created a claim for community interest. Further, COURT FINDS that  
21 if the down payment were in excess of \$80,000 and the sales proceeds were less than the down  
22 payment in the amount of \$63,077.55, then the entirety of the proceeds from the Grandview  
23 residence should be awarded to David. IT IS SO ORDERED.

24 **Business Interests**

25 **ACTION RAD, ATOMIC RADIOLOGY, AND PCCG**

26 COURT FINDS that the parties testified there were three businesses which were owned an  
27 operated by the parties. COURT FINDS that Atomic Radiology contracted with physicians and  
28 medical imaging centers to provide imaging services. COURT FINDS that the two other

1 businesses were software vendors for the software utilized by clients of Atomic Radiology.  
2 COURT FINDS these three businesses were historically Christie's source of income and were  
3 profitable. COURT FINDS that unfortunately Christie threatened and it appears made good on the  
4 threat that she would ensure David did not receive anything from the businesses. COURT FINDS  
5 that during the pendency of the proceedings this Court had difficulty discerning what was Christie's  
6 actual income for purposes of child support, and at trial it was no different. COURT FINDS that  
7 the difficulty lies in the fact that the accounting for the businesses was not completed by Christie.  
8 There were accusations of theft of hard drives and deleting pertinent information. COURT  
9 FURTHER FINDS that Christie tended to utilize the business accounts as both business and  
10 personal, with transactions occurring between accounts, in casinos, ATM machines, to pay personal  
11 expenses, making it almost impossible for the Court to discern what is business income, what is  
12 personal income, what are business expenses versus personal expenses. COURT FINDS that the  
13 businesses are alter-egos for Christie, as she failed to maintain the separate nature of the entities  
14 from her personal transactions. COURT FURTHER FINDS that there were no business valuations  
15 presented for the Court to be able to determine a value of the businesses for purposes of dividing  
16 the assets or awarding Christie ownership and ascribing an amount for Christie to purchase the  
17 business interest from David. In this regard, the Court has no alternative but to award a 50%  
18 interest in the business interests to each party. COURT HEREBY ORDERS that the parties each  
19 shall be awarded the 50% interest in the entities created during the marriage. COURT FURTHER  
20 FINDS that there was some concern that Christie would commence a new business under a new  
21 name and attempt to transfer the business away from the current entities to a new entity. COURT  
22 CAUTIONS Christie that if this occurs, and it is brought to the Court's attention, the Court may  
23 deem such entity to be the same business and a fraudulent effort to divest David of his ownership  
24 interest in the same. COURT NOTES, should David choose not to be associated or retain his  
25 ownership interest, he has the right to relinquish the same in writing and divest himself of any  
26 interest in the businesses, but the Court cannot do so within the decree, as there is no other way to  
27 divide the assets presently held by the parties. If David retains his ownership interest, Christie has  
28 a fiduciary obligation to her partner and must conduct the businesses in this regard.



## MARITAL WASTE

COURT FINDS that David alleges there is marital waste in the amount of thousands of dollars in excess of \$100,000. COURT FINDS that David spent inordinate efforts to attempt to clarify this for the Court with the various spreadsheets and financial statements prepared with the information he obtained during discovery, but even then it was difficult to differentiate, as during testimony, it was clear that some of the statements lacked requisite information for the Court to reach a reasonable conclusion (i.e. there were statements presenting purported business profit, but lacked any information relating to business expenses). COURT has reviewed the records prepared by David, and takes into account that David is not a trained professional in this area, but has a mathematical background. COURT FINDS that while it appreciates the efforts expended by David in his preparation of financial statements with the assistance of his girlfriend who is in the accounting field, the Court cannot find that they are reliable for purposes of making a finding of marital waste. While the Court CAN make the finding that Christie functions in such a manner that causes this Court to question all of her financial dealings - unfortunately those financial dealings were not put to the test by an expert who could have evaluated the records. COURT FINDS that the information provided by David definitely convinced this Court that Christie had access to funds in excess of what she presented to the Court at the time of the interim hearings, but it is impossible for this Court to discern what Christie did with the money, what money was transferred between businesses, what paid for personal expenses, and what was utilized by Christie for this venture of advantage gambling, or just recreational gambling. COURT FINDS that Christie's credibility is questionable as it pertains to her representations, as the Court can plainly see that Christie continued to withdraw cash from the business; she did so in gaming establishments, and then expects the Court to believe she did so to pay business expenses. This Court rejects such a notion. HOWEVER, the Court cannot be tasked with performing its own accounting of those transactions within the financial statements, to make a determination as to which transactions were personal, business, gambling, without an expert forensic accounting of said transactions. COURT AGREES with the representations made by Christie's counsel that this Court is unable to make the finding, after a review of the documents admitted into evidence, to determine the actual amount of waste.

1 In this regard, while the Court believes there is likely wasteful spending and potential concealment  
2 of monies by Christie, the Court must DENY the claim for recovery of a sum certain of wasted  
3 funds. COURT FINDS however that the evidence supports the Orders that Christie be responsible  
4 for the expenses of the business, any tax ramifications associated with the business, as she has been  
5 the party solely operating the business, as well as the party who has sole access to the funds  
6 received by the business, which she used for her sole support and enjoyment, and did not utilize  
7 for purposes of paying community expenses, as ordered by the Court.

#### 8 VEHICLES

9 Each party shall hereby be awarded the vehicle in his/her possession.

#### 10 FINANCIAL ACCOUNTS

11 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Christie shall be awarded  
12 any and all financial accounts titled in her name solely (each party utilizes his/her own accounts  
13 to function and pay bills on a monthly basis based upon this Court's distribution of community  
14 income, so the value of these accounts vary from day to day).

15 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that David shall be awarded  
16 any and all financial accounts titled in his name, including, (each party utilizes his/her own accounts  
17 to function and pay bills on a monthly basis based upon this Court's distribution of community  
18 income, so the value of these accounts vary from day to day).

19 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that any and all retirement  
20 accounts shall be divided pursuant to the time rule, pursuant to *Gemma* and *Fondi*. COURT  
21 FINDS that it did not receive independent documentary evidence of the actual value of the  
22 retirement accounts which may be presently owned by the parties, but reference was made to the  
23 same, and thus, they acknowledge the accounts were in existence at the time of the trial. In this  
24 regard, the parties shall divide equally any and all retirement accounts COURT ORDERS that  
25 David's counsel prepare the requisite orders necessary to effectuate the division of said retirement  
26 account(s).

27 . . .

28 . . .

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15

**FURNITURE AND FURNISHINGS**

THE COURT HEREBY FINDS that neither party made any specific claims regarding the furniture and furnishings in either party's possession. COURT FINDS that certain property has already been divided by the parties, and there are certain furniture and furnishings remaining in the marital home. COURT FINDS that if the parties are unable to reach a resolution within 10 days of the date of this Decree of Divorce, then this Court hereby modifies its prior orders and orders David shall inventory all of the property owned by the parties (those in Christie's and David's possession), and prepare two lists A and B, with as equal a value as possible without having to have the properties valued. COURT ORDERS that David shall provide these two lists to his counsel within 30 days of the date of this Decree of Divorce, and Christie will be entitled to choose the list she desires to keep, and David will be left with the items on the remaining list. COURT ORDERS that Christie must make her selection within 7 days of receipt of the lists. Should she fail to make her selection in writing, then David will be entitled to choose the list he desires. COURT FINDS that the parties shall arrange with counsel the exchange of any items not already in his/her possession.

16  
17  
18  
19  
20  
21  
22  
23

**REMAINING PERSONAL PROPERTY**

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that each party shall be awarded their individual clothing, shoes, accessories, jewelry, personal memorabilia and related personal property, already in his/her possession, or which may remain in the possession of the other. David has raised his desire to have his personal possessions returned, many of which have been resolved. David claims there remain items in Christie's possession, which she disputes. Christie is ORDERED to return any and all personal items, memorabilia, jewelry and effects which are in her possession, when she locates them.

24  
25  
26

**DEBTS AND OBLIGATIONS**

COURT FINDS the following debts are owed by the community:

27  
28

**TAX LIABILITIES**

THE COURT FURTHER FINDS that debts and obligations accumulated during a marriage are community in nature. *Wolff v. Wolff*, 112 Nev. 1355 (1996); *Fuller v. Fuller*, 106 Nev. 404

1 (1990); NRS 125.150(1)(b). COURT received no independent evidence as to the extent of what  
2 is or potentially may be the parties' income tax debt and therefore this Court is unable to  
3 specifically identify the amount which may be owed by the parties and who should assume said  
4 obligations. COURT ORDERS that each shall be entitled to file his/her own tax returns for the tax  
5 year 2021. Any tax filings prior to that tax year, if not already filed, shall be filed in the manner  
6 in which the parties deem appropriate for themselves individually or jointly.

7 **CREDIT CARDS**

8 COURT HEREBY ORDERS that each party shall assume, pay, indemnify and defend any  
9 and all debt currently owed, in his/her name solely, or incurred on his/her behalf.

10 **CHRISTIE'S FAILURE TO PAY THE W. MAULE MORTGAGE AND VAN PAYMENT**

11 COURT FINDS that Christie unilaterally stopped paying her portion of the monthly  
12 expenses starting in late December 2019. Christie was ordered to pay the monthly mortgage on the  
13 W. Maule residence, as well as the monthly loan payments on the 2015 Chrysler Van.  
14 Commencing in December 2019, she alleged that she did not have the income to make the  
15 payments, and she could not afford to satisfy the obligations. David contested the same, and  
16 indicated that Christie continued to gamble at the same time she said she was broke.

17 COURT FINDS it did not have the requisite financial information to confirm or deny that  
18 Christie had the funds to pay the expenses, so David was required to withdraw the funds from trust,  
19 which held the proceeds from the sale of a residence, and David paid the same on behalf of  
20 Christie, which was to be offset from any monies she was to receive in the divorce. COURT  
21 FINDS that by the time the Pre-Trial Memorandum was filed the sum of \$15,992.80 was owed for  
22 the mortgage payments, and \$2,321.20 was owed on the van payments. COURT ORDERS that  
23 David is to be repaid said sums from Christie's portion of the community property, as Christie did  
24 not prove that she was unable to pay, and in fact, the evidence demonstrated that she deposited and  
25 withdrew significant funds from her business accounts, which could have been used to pay the  
26 mortgage and van payments, and Christie's explanation as to why she failed to do so, and alleged  
27 poverty was not credible. COURT FINDS that it is without the updated information as to the total  
28 amounts paid by David as of the date of this Decree, but David is entitled to be reimbursed all

1 payments made on behalf of Christie; upon proof of payment of the additional monies, the amount  
2 set forth herein, as well as the additional amounts paid by David since the filing of the Pre-Trial  
3 Memorandum, through the date of this Decree.

#### 4 ALIMONY

5 COURT FINDS that it must consider the following factors when making an alimony award  
6 as enumerated in NRS 125.150(9):

- 7 (a) The financial condition of each spouse;
- 8 (b) The nature and value of the respective property of each spouse;
- 9 (c) The contribution of each spouse to any property held by the spouses,  
10 pursuant to NRS 123.030;
- 11 (d) The duration of the marriage;
- 12 (e) The income, earning capacity, age and health of each spouse;
- 13 (f) The standard of living during the marriage;
- 14 (g) The career before the marriage of the spouse who would receive the  
15 alimony;
- 16 (h) The existence of specialized education or training or the level of marketable  
17 skills attained by each spouse during the marriage;
- 18 (i) The contribution of either spouse as homemaker;
- 19 (j) The award of property granted by the court in the divorce, other than child  
20 support and alimony, to the spouse who would receive the alimony;
- 21 (k) The physical and mental condition of each party as it relates to the financial  
22 condition, health, and ability to work, of that spouse.

23 COURT FINDS that neither party sought alimony from the other, and therefore this issue  
24 is foreclosed, and ORDERS there shall be no alimony award.

#### 25 ATTORNEY'S FEES

26 THE COURT HEREBY FINDS that attorney's fees in this matter are governed by NRS  
27 18.010, EDCR 7.60, and may make an award of fees pursuant to *Sargeant v. Sargeant*, 88 Nev.  
28 223, 495 P.2d 618 (1972), to ensure that each party meets his adversary on equal footing at trial.  
COURT FINDS that each party seeks attorney's fees from the Court. COURT FINDS that if either  
party seeks attorney's fees, such request is permitted pursuant to NRCP 54, upon Motion for post-  
judgment award of fees.

#### 29 MISCELLANEOUS

30 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that each party shall execute  
31 any and all legal documents, certificates of title, bills of sale, quitclaim deeds or other evidence of  
32 transfer necessary to effectuate this Decree within thirty (30) days of the entry of the Decree of  
33 Divorce, unless specified otherwise herein. Should either party fail to execute any of said

1 documents to transfer interest to the other, then the parties shall seek relief from this Court pursuant  
2 to NRCP 70, so that the Court may determine whether the Clerk of the Court shall sign the  
3 necessary documentation on behalf of the non-signing party; in doing so, the Court will empower  
4 the Clerk of the Court to sign, on behalf of the non-signing party, any of the said documents of  
5 transfer which have not been executed by the party otherwise responsible for such.

6 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that if any claim, action or  
7 proceeding is brought seeking to hold the other party liable on account of any debt, obligation,  
8 liability, act or omission assumed by the other party, such party will, at his or her sole expense,  
9 defend the other against any such claim or demand and that he or she will indemnify, defend and  
10 hold harmless the other party.

11 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that if any joint debt,  
12 obligation, liability, act or omission creating such liability has been omitted from this Decree and  
13 is subsequently discovered, either party may petition the Court for an allocation of that debt,  
14 obligation, liability, or liability arising from such act or omission, as permitted by statute.

15 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that except as specifically set  
16 forth herein, each party hereto is released and absolved from any and all obligations and liabilities  
17 for future acts and duties of the other, and except as specified herein, each of the parties hereby  
18 releases the other from any and all liabilities, debts, or obligations of every kind or character  
19 incurred up to this date.

20 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Christie has the right to  
21 exercise the option and may to return to her maiden name, to wit: CHRISTIE MARTIN, if she  
22 chooses.

23 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each party shall provide  
24 the information required by NRS 125.130, NRS 125.230, and NRS 125B.055 on a separate form  
25 to be submitted to the Court and the Welfare Division of the Department of Human Resources  
26 ("Welfare Division") within ten (10) days from the date of the entry of this Decree of Divorce. IT  
27 IS FURTHER ORDERED that each party shall update such information submitted to this Court  
28 and the Welfare Division within ten (10) days should any of the information required to be

DENISE L. GENTILE  
DISTRICT JUDGE  
FAMILY DIVISION  
DEPT. F

1 provided become inaccurate. IT IS FURTHER ORDERED that such information shall be  
2 maintained by the Clerk of this Court and the Welfare Division in a confidential manner, and the  
3 same shall not be part of the public records.

4 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court retains  
5 jurisdiction of the parties and the subject matter hereof for the purpose of making such other and  
6 further orders as relates to the care, custody, support and maintenance of the minor children of the  
7 parties as the Court may deem proper from time to time hereafter during the minority of said  
8 children.

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that in the event either party  
10 believes this Court is in error, the parties should avail themselves of the remedies available,  
11 including but not limited to Post-trial Motions pursuant to NRCP 52(b), NRCP 59, and NRCP 60.

12 **STATUTORY NOTICES**

13 THE PARTIES ARE HEREBY ON NOTICE that they may request a review of child  
14 support every three years pursuant to NRS 125B.145.

15 THE PARTIES ARE HEREBY ON NOTICE that the non-custodial parent may be subject  
16 to the withholding of wages and commissions for delinquent payments of support pursuant to NRS  
17 31A.010, et. seq. and NRS 125.450(2).

18 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Nevada, United States  
19 of America is the habitual residence of the parties' minor child.

20 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the parties and each of  
21 them shall be bound by the provisions of NRS125C.0045(6) which states in pertinent part:

22 PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION,  
23 CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS  
24 ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN  
25 NRS 193.130. NRS 200.359 provides that every person having a limited right of  
26 custody to a child or any parent having no right to custody to the child who willfully  
27 detains, conceals or removes the child from a parent, guardian or other person  
28 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  
consent of either the court or all the persons who have the right to custody or  
visitation is subject to being punished for a category D felony as provided in NRS  
193.130.

...

1 IT IS FURTHER ORDERED that, pursuant to NRS 125C.0045(7), the terms of the Hague  
2 Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private  
3 International Law, apply if a parent abducts or wrongfully retains a child in a foreign country. IT  
4 IS FURTHER ORDERED that the minor children's habitual residence is located in the United  
5 States of America. NRS 125C.0045 (7) and (8) specifically provide as follows:

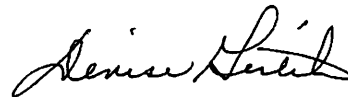
6 Section 7. In addition to the language required pursuant to subsection 6,  
7 all orders authorized by this section must specify that the terms of the Hague  
8 Convention of October 25, 1980, adopted by the 14th Session of the Hague  
9 Conference on Private International Law, apply if a parent abducts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

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

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

17 (b) Upon motion of the parties, the Court may order the parent to post a bond  
18 if the Court determines that the parent poses an imminent risk of wrongfully  
19 removing or concealing the child outside the country of habitual residence. The  
20 bond must be in an amount determined by the Court and may be used only to pay  
21 for the cost of locating the child and returning him to his habitual residence if the  
22 child is wrongfully removed from or concealed outside the country of habitual  
23 residence. The fact that a parent has significant commitments in a foreign country  
24 does not create a presumption that the parent poses an imminent risk of wrongfully  
25 removing or concealing the child.

26 Dated this 15th day of February, 2021

27 

28 399 805 9C31 7AF6  
Denise L Gentile  
District Court Judge



1 CSERV

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 David Patrick Stucke, Plaintiff

CASE NO: D-18-580621-D

7 vs.

DEPT. NO. Department M

8 Christie LeeAnn Stucke,  
9 Defendant.

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District  
13 Court. The foregoing Decree of Divorce was served via the court's electronic eFile system to  
all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 2/15/2021

15 Vincent Mayo VMGroup@TheAbramsLawFirm.com

16 Christie Stucke christiestucke@gmail.com

17 Fred Page fpage@pagelawoffices.com

18 Fred Page admin@pagelawoffices.com

19  
20

21

22

23

24

25

26

27

28