

IN THE SUPREME COURT OF THE STATE OF NEVADA

Case No. 82723

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~~Elizabeth A. Brown~~  
Clerk of Supreme Court

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DAVID PATRICK STUCKE  
Appellant

And

CHRISTIE LEEANN STUCKE  
Respondent

---

Appeal from Order from February 25, 2021 regarding Findings of Fact,  
Conclusions of Law and Order and Decree of Divorce, Clark County Nevada,  
Eighth Judicial District Court Family Division Department F  
Appellant's Appendix Volume 5

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**IN THE SUPREME COURT OF THE STATE OF NEVADA**

**DAVID PATRICK STUCKE**

Appellant,

vs.

**CHRISTIE LEEANN STUCKE,**

Respondent.

Supreme Court Case No.: **82723**

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DATED this 22nd day of October 2021.



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ROSENBLUM ALLEN LAW FIRM

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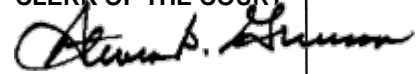
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10 Attorney for Plaintiff

11 Eighth Judicial District Court  
12 Family Division  
13 Clark County, Nevada  
14

15 DAVID PATRICK STUCKE,	)	Case No.:	D-18-580621-D
	)		
16 Plaintiff,	)	Department:	F
	)		
17 vs.	)		
	)		
18 CHRISTIE LEEANN STUCKE,	)		
	)		
19 Defendant.	)		
	)		

20 **NOTICE OF ENTRY OF ORDER AFTER HEARING**

21 PLEASE TAKE NOTICE that the Order After Hearing of October 7,  
2019 was duly entered in the above-referenced matter.

///

///

///

///

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

2 DATED Thursday, October 31, 2019.

3 Respectfully Submitted,

4 THE ABRAMS & MAYO LAW FIRM

5   
\_\_\_\_\_  
Vincent Mayo, Esq.

6 Nevada State Bar Number: 8564

7 6252 South Rainbow Blvd., Suite 100

8 Las Vegas, Nevada 89118

Attorney for Plaintiff

9 **CERTIFICATE OF SERVICE**

10 I hereby certify that the foregoing NOTICE OF ENTRY OF ORDER  
11 AFTER HEARING was filed electronically with the Eighth Judicial  
12 District Court in the above-entitled matter on Thursday, October 31,  
13 2019. Electronic service of the foregoing document shall be made in  
14 accordance with the Master Service List, pursuant to NEFCR 9, as  
15 follows:

16 Dawn Throne, Esq.  
17 Attorney for Defendant

18   
\_\_\_\_\_  
An Employee of The Abrams & Mayo Law Firm



**ORDR**

Vincent Mayo, Esq.  
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Attorney for Plaintiff

Eighth Judicial District Court  
Family Division  
Clark County, Nevada

DAVID PATRICK STUCKE,	)	Case No.:	D-18-580621-D
	)		
Plaintiff,	)	Department:	F
	)		
vs.	)		
	)		
CHRISTIE LEEANN STUCKE,	)	Date of Hearing:	October 7, 2019
	)	Time of Hearing:	10:00 a.m.
Defendant.	)		
	)		

**ORDER AFTER HEARING OF OCTOBER 7, 2019**

This matter coming on for hearing on the on the 7<sup>th</sup> day of October 2019, before the Honorable Denise L. Gentile, upon the (1) Plaintiff's *Motion to Change Custody; for Child Support; Exclusive Possession of the Marital Residence; Attorney's Fees and Related Relief*; (2) Defendant's *Opposition to Motion to Change Custody; for Child Support; Exclusive Possession of the Marital Residence; Attorney's Fees*



1 *and Related Relief and Countermotion for an Order to Show Cause*  
2 *Why Plaintiff Should Not be Held in Contempt of Court, to Reconsider*  
3 *the Order Entered on August 22, 2019 and for Attorney's Fees and*  
4 *Costs; (3) Plaintiff's Reply in Support of Motion to Change Custody; for*  
5 *Child Support; Exclusive Possession of the Marital Residence;*  
6 *Attorney's Fees and Related Relief and Opposition to Countermotion*  
7 *for an Order to Show Cause Why Plaintiff Should Not be Held in*  
8 *Contempt of Court, to Reconsider the Order Entered on August 22, 2019*  
9 *and for Attorney's Fees and Costs; (4) Plaintiff's Motion to Compel*  
10 *Discovery Responses; (5) Defendant's Opposition to Plaintiff's Motion*  
11 *to Compel Discovery Responses; (6) Plaintiff's Reply in Support of*  
12 *Motion to Compel Discovery Responses; and (7) Pre-Trial Conference,*  
13 *with Plaintiff, DAVID PATRICK STUCKE (hereinafter referred to as*  
14 *"David"), having appeared personally and by and through his attorney of*  
15 *record, VINCENT MAYO, ESQ., of THE ABRAMS & MAYO LAW FIRM,*  
16 *and Defendant, CHRISTIE LEEANN STUCKE (hereinafter referred to as*  
17 *"Christie"), having appeared personally and by and through her attorney*  
18 *of record, DAWN R. THRONE, ESQ., of THRONE & HAUSER, and the*  
19 *Court having listened to the representations and arguments of counsel,*  
20 *and good cause appearing:*

21 *///*

1       **THE COURT HEREBY NOTES** that counsel represented the  
2 parties have reached a temporary resolution relative to today's matters  
3 and placed the terms on the record.

4       **BASED UPON THE STIPULATION OF THE PARTIES,**

5       **IT IS HEREBY ORDERED** that Christie shall make her best  
6 efforts to locate and return to David his Birth Certificate, World Series of  
7 Poker bracelet, Social Security card and diplomas. David acknowledges  
8 receipt of his passport.

9       **IT IS FURTHER ORDERED** that the parties agree to attend  
10 Keisha Weiford's Co-Parenting Course. The cost of the counseling will be  
11 paid from the top of the sale proceeds received from the Grandview  
12 residence.

13       **IT IS FURTHER ORDERED** that without prejudice, the  
14 custodial schedule with the minor children shall be modified as follows.  
15 David shall have the children each week from Monday morning when  
16 school starts (or 8:00 a.m. if school is not in session) to Wednesday  
17 morning when school starts (or 8:00 a.m. if school is not in session).  
18 Christie shall have the children each week from Wednesday morning  
19 when school starts (or 8:00 a.m. if school is not in session) to Friday  
20 morning when school starts (or 8:00 a.m. if school is not in session).  
21 The weekends shall be alternated from Friday morning when school



1 starts to Monday morning when school starts (or 8:00 a.m. if school is  
2 not in session). As a point of reference, David's first weekend shall begin  
3 October 11, 2019. All visitation exchanges shall occur at Montessori  
4 school, unless there is no school, in which case they shall occur at the  
5 McDonald's the parties have previously exchanged at.

6 **IT IS FURTHER ORDERED** that the parties shall follow the  
7 Court's standard holiday schedule. A copy was provided to each side and  
8 attached hereto as Exhibit 1.

9 **IT IS FURTHER ORDERED** that the parties agree that until  
10 such time as any claim related to inappropriate contact with the minor  
11 child is substantiated, any claims or comments of said contact are not to  
12 be discussed with friends/family. However, the parties shall continue to  
13 cooperate with the evaluation and any CPS investigation.

14 **IT IS FURTHER ORDERED** that the parties shall continue with  
15 the Dr. Paglini's Child Custody Evaluation. Dr. Paglini has already been  
16 paid \$7,500 and an additional \$7,500 will be held from off the top of the  
17 sale proceeds received from the Grandview residence to be applied  
18 toward any outstanding amounts due to him. In addition, the CPS  
19 records may be released to Dr. Paglini pursuant to 432B.290(c) as the  
20 Court finds the information in the records is necessary for the  
21 determination of the custody issue. The parties also agree to execute any

1 authorizations/releases for their prior medical records, including, joint  
2 counseling sessions, to be released to Dr. Paglini.

3 **IT IS FURTHER ORDERED** that the parties agree to a twenty-  
4 four (24) hour right of first refusal, with 24-hours prior notice to the  
5 other side. The parties shall also be required to provide the other party  
6 with any child care information they intend to use when the children are  
7 not in their care.

8 **IT IS FURTHER ORDERED** that Sarah may begin counseling  
9 with Donna Wilburn and that this expense will be paid solely by David.  
10 Any counseling records will be provided to Dr. Paglini.

11 **IT IS FURTHER ORDERED** that the parties shall not use  
12 marijuana or alcohol in excess while the children are in their care. There  
13 is to be no use of any illegal substances at any time. Both parties shall be  
14 subject to random drug testing at the request of the other party, up to  
15 one (1) time each calendar month. The requesting party is to notify the  
16 Court's chambers and copy opposing counsel with the request. If the  
17 request is received by 10:00 a.m., the party taking the test is to report to  
18 ATI by 5:00 p.m. the same day. If the request is made after 10:00 a.m.,  
19 the party taking the test is to report to ATI by 12:00 p.m. the following  
20 day.

21 ///

1       **IT IS FURTHER ORDERED** that the Grandview residence shall  
2 be sold. From off the top of the net sale proceeds from this house, the  
3 parties agree to pay for Keisha Weiford and \$7,500 will be held for any  
4 additional funds requested by Dr. Paglini. The remaining funds will be  
5 split equally between the parties. It is agreed that Christie's share of the  
6 proceeds will be made payable to the Throne Hauser Trust Account. This  
7 agreement is made without prejudice and all prior claims for a separate  
8 property interest in said funds by either side will be reserved and subject  
9 to reallocation if established at trial.

10       **IT IS FURTHER ORDERED** that Attorney Throne shall release  
11 the lis pendens on the Grandview residence forthwith after entry of this  
12 Order.

13       **IT IS FURTHER ORDERED** that the W. Maule residence will  
14 be sold. The parties to mutually agree upon a realtor. If they cannot  
15 agree, Christie will provide David with three (3) names of realtors for  
16 selection by David. It is agreed that the garage will be converted back to  
17 its previous appearance. Any cost to this conversion will be Christie's  
18 responsibility.

19       **IT IS FURTHER ORDERED** that David will be permitted to go  
20 to the W. Maule residence to inventory the property/furnishings. A third  
21 party or a representative from Attorney Mayo's office will be present and



1 both parties may video. Christie may also have a third-party witness  
2 present. David will be permitted to take any of his personal belongings.  
3 However, any personal property in dispute is to be placed on an A/B list  
4 for selection by the other party. Furthermore, David will make his best  
5 efforts to locate and return Christie's wedding ring if in his possession.

6 **IT IS FURTHER ORDERED** that both parties reserve any and  
7 all prior claims of Joint Preliminary Injunction violations and enter into  
8 these agreements and orders without prejudice.

9 **IT IS FURTHER ORDERED** that pursuant to EDCR 5.602,  
10 counsel will have a meet and confer to discuss the outstanding discovery  
11 issues.

12 **IT IS FURTHER ORDERED** that the matter is set for a status  
13 check hearing on January 21, 2020, at 11:00 a.m. regarding Dr. Paglini's  
14 evaluation and further proceedings.

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

1           **IT IS FURTHER ORDERED** that Attorney Mayo to prepare the  
2 Order from today's hearing with Attorney Throne to review and  
3 countersign.

4 Dated this 30<sup>th</sup> day of Oct., 2019.

*V. J. N. O. R., Senior Judge*  
for *Gentile* <sup>®</sup> <sup>®</sup>  
DISTRICT COURT JUDGE

7 Respectfully Submitted:

Approved as to form and content:

8 The Abrams & Mayo Law Firm

Throne & Hauser

9   
10 Vincent Mayo, Esq.  
11 Nevada State Bar Number: 8564  
12 6252 S. Rainbow Boulevard  
13 Suite 100  
Las Vegas, Nevada 89118  
Tel: (702) 222-4021  
Email: [vmgroup@theabramslawfirm.com](mailto:vmgroup@theabramslawfirm.com)  
Attorney for Plaintiff

 10/15/19  
Dawn R. Throne, Esq.  
Nevada State Bar Number: 6145  
1070 W. Horizon Ridge Parkway  
Suite 100  
Henderson, Nevada 89012  
Tel: (702) 800-3580  
Email: [dawn@thronehauser.com](mailto:dawn@thronehauser.com)  
Attorney for Defendant

**EXHIBIT 1**

**EXHIBIT 1**

**EXHIBIT 1**

# HOLIDAY AND VACATION PLAN

## Department F

The Court encourages parents to communicate regarding holiday and vacation time with their children. The following Holiday and Vacation Plan is a "default" schedule where parents are unable to otherwise agree. Any deviation therefrom should be memorialized in writing with both parents' signatures. Holidays/Special Occasions take precedence over residential time and Vacation time. Unless otherwise ordered, reference to a "school" schedule for the purpose of defining a Holiday or Special Occasion shall be defined by the Clark County, Nevada School District Schedule. (See [www.ccsd.net](http://www.ccsd.net))

EXTENDED HOLIDAYS	ODD YEAR	EVEN YEAR
<b>Thanksgiving:</b> 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 school is scheduled to resume (or 9:00 a.m. if the children are not in school).	Dad	Mom
<b>Christmas/Winter Break:</b> 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.		
First Block	Mom	Dad
Second Block	Dad	Mom
EXTENDED HOLIDAYS, cont'd.	ODD YEAR	EVEN YEAR
<b>Easter/Spring Break:</b> 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).	Dad	Mom

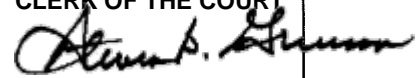


<b>SPECIAL OCCASIONS</b> (Special Occasions begin at 9:00 a.m. on the individual day and continue until 9:00 p.m. on the same day)	<b>ODD YEAR</b>	<b>EVEN YEAR</b>
<b>Mother's Day</b>	<b>Mom</b>	<b>Mom</b>
<b>Father's Day</b>	<b>Dad</b>	<b>Dad</b>

<b>Summer/Track Break Vacations</b>
<p>Each parent shall be entitled to one (1) vacation each year with the children for a period not to exceed two (2) consecutive weeks (unless otherwise agreed to in writing). Each parent shall designate his/her respective vacation plans by May 1<sup>st</sup> of each year. The parties shall not exercise their vacations in periods shorter than seven (7) days at a time, unless otherwise, mutually agreed in writing. If there is a conflict related to the dates designated by the parties, Mom shall have priority in even years and Dad shall have priority in odd years. Neither party shall schedule vacation time during the other party's holiday time or during time the children are scheduled to be in school.</p>

If two holidays/special occasions overlap or conflict, Mom's holiday shall take precedence over Dad's holiday, in odd numbered years; Dad's holiday shall take precedence over Mom's holiday in even numbered years.





**NEOJ**  
Vincent Mayo, Esq.  
Nevada State Bar Number: 8564  
**THE ABRAMS & MAYO LAW FIRM**  
6252 South Rainbow Blvd., Suite 100  
Las Vegas, Nevada 89118  
Tel: (702) 222-4021  
Fax: (702) 248-9750  
Email: [VMGroup@TheAbramsLawFirm.com](mailto:VMGroup@TheAbramsLawFirm.com)  
Attorney for Plaintiff

Eighth Judicial District Court  
Family Division  
Clark County, Nevada

DAVID PATRICK STUCKE,	)	Case No.:	D-18-580621-D
	)		
Plaintiff,	)	Department:	F
	)		
vs.	)		
	)		
CHRISTIE LEEANN STUCKE,	)		
	)		
Defendant.	)		
	)		

**NOTICE OF ENTRY OF ORDER AFTER HEARING**

PLEASE TAKE NOTICE that the Order After Hearing of January 7,  
2020 was duly entered in the above-referenced matter.

///

///

///

///

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

2 DATED Friday, February 28, 2020.

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**

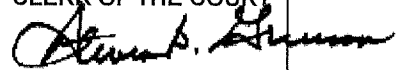
12 I hereby certify that the foregoing *Notice of Entry of Order After*  
13 *Hearing* was filed electronically with the Eighth Judicial District Court  
14 in the above-entitled matter. Service of the foregoing document was  
15 made on Friday, February 28, 2020 via 1<sup>st</sup> Class U.S. Mail, postage fully  
16 prepaid, addressed to:

17 Christie Stucke  
18 3485 W. Maule Avenue  
19 Las Vegas, Nevada 89118  
20 Defendant, in proper person

21 And via email to:

Christie Stucke  
Email: [christiestucke@gmail.com](mailto:christiestucke@gmail.com)

/s/ Chantel Wade  
An Employee of The Abrams & Mayo Law Firm



**ORDR**

Vincent Mayo, Esq.  
Nevada State Bar Number: 8564  
THE ABRAMS & MAYO LAW FIRM  
6252 South Rainbow Blvd., Suite 100  
Las Vegas, Nevada 89118  
Tel: (702) 222-4021  
Fax: (702) 248-9750  
Email: [VMGroup@TheAbramsLawFirm.com](mailto:VMGroup@TheAbramsLawFirm.com)  
Attorney for Plaintiff

Eighth Judicial District Court  
Family Division  
Clark County, Nevada

DAVID PATRICK STUCKE,	)	Case No.:	D-18-580621-D
	)		
Plaintiff,	)	Department:	F
	)		
vs.	)		
	)		
CHRISTIE LEEANN STUCKE,	)	Date of Hearing:	January 7, 2020
	)	Time of Hearing:	9:30 a.m.
Defendant.	)		
	)		

**ORDER AFTER HEARING OF JANUARY 7, 2020**

This matter coming on for hearing on the on the 7<sup>th</sup> day of January 2020, before the Honorable Denise L. Gentile, upon (1) Defendant's *Motion and Notice of Motion for an Order to Enforce and/or For an Order to Show Cause Regarding Contempt*; (2) Plaintiff's *Opposition to Defendant's Motion and Notice of Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt and*

1 *Countermotion to Hold Christie in Contempt of Court; for Return of*  
2 *Plaintiff's Computer Tower, WSOP Bracelet, Social Security Card and*  
3 *Other Personal Property; To Ensure that Defendant Timely Pays her*  
4 *Share of the Bills; for Attorney's Fees and Related Relief; and (3)*  
5 *Defendant's Reply to Plaintiff's Partial Opposition to the Motion to for*  
6 *an Order to Show Cause and Hold Defendant in Contempt of Court*  
7 *Order; and for Attorney's Fees, with Plaintiff, DAVID PATRICK*  
8 *STUCKE (hereinafter referred to as "David"), having appeared*  
9 *personally and by and through his attorney of record, VINCENT MAYO,*  
10 *ESQ., of THE ABRAMS & MAYO LAW FIRM, and Defendant,*  
11 *CHRISTIE LEEANN STUCKE (hereinafter referred to as "Christie"),*  
12 *having appeared personally in proper person, and the Court having*  
13 *listened to the representations and arguments of counsel, and good*  
14 *cause appearing:*

15       **THE COURT HEREBY NOTES** that it was represented that the  
16 Grandview property is currently under contract and there is a *Lis*  
17 *Pendens* attached to the West Maule property, which is hindering it from  
18 being placed on the market for sale. Furthermore, while the *Lis Pendens*  
19 was removed from the Grandview property, there is now an Order  
20 recorded thereon by Defendant's prior counsel.

21 ///

1       **THE COURT FURTHER NOTES** that there was argument by  
2 Attorney Mayo regarding Christie's violations of the Court's Orders,  
3 including nonpayment of the mortgage on the W. Maule residence and  
4 the 2015 Chrysler van Christi drives and was ordered to be responsible  
5 on the payments for per the order from the April 17, 2019 hearing, and  
6 for request to release the *Lis Pendens* on the W. Maule property.

7       **THE COURT FURTHER NOTES** the statements made by  
8 Christie regarding her request to allow her girlfriend to move into the  
9 Maule residence to assist with bills until the property sells.

10       **THE COURT FURTHER NOTES** that upon inquiry, it was  
11 represented that Dr. Paglini's evaluation is still ongoing and Christie has  
12 another appointment scheduled with him this week.

13       **THEREFORE,**

14       **IT IS HEREBY ORDERED** that David's request for an Order to  
15 Show Cause against Christie is granted. An Order to Show Cause was  
16 signed and filed in open court. (Video time indexes 10:04:22 and  
17 10:04:45) However, the date thereon was today's hearing and needs to  
18 be updated to a future date. Therefore, David's counsel shall submit an  
19 Order to Show Cause with a blank in the date for this Court to fill in and  
20 sign off on. (Video time index 10:20:55)

21

1       **IT IS FURTHER ORDERED** that David is to pull the amount of  
2 funds needed to bring the West Maule residence mortgage and the loan  
3 payments on Christie's 2015 Chrysler van current (which Christi was  
4 responsible for paying per the order from the April 17, 2019 hearing)  
5 from the proceeds of the parties' prior property sale, currently being held  
6 in his attorney's trust account. This amount will be reimbursed by  
7 Christie from her community interest in the proceeds from the sale of  
8 the Grandview home. (Video time indexes 10:09:44, 10:10:25 and  
9 10:12:25)

10       **IT IS FURTHER ORDERED** that Christie is to release/lift the  
11 *Lis Pendens* on the West Maule property within ten (10) days of today's  
12 date. (Video time index 10:11:50)

13       **IT IS FURTHER ORDERED** that David is permitted to explore  
14 his options in buying out Christie's interest in the Maule property.  
15 Specifically, David can obtain a pre-qualification appraisal to be  
16 prepared by the bank. The appraiser is permitted to inspect the house  
17 and Christie can be present for same. (Video time indexes 10:14:28,  
18 10:15:08 and 10:15:54)

19       **IT IS FURTHER ORDERED** that Christie needs to release the  
20 Order recorded on the Grandview property within ten (10) days of  
21 today's date. (Video time index 10:24:50)

1       **IT IS FURTHER ORDERED** that if the Lis Pendens and Order  
2 are not released from the Maule and Grandview properties respectively  
3 by the next hearing, then Attorney Mayo is directed to bring with him to  
4 the next hearing a proposed Order resolving these issues. (Video time  
5 indexes 10:24:00 and 10:24:50)

6       **IT IS FURTHER ORDERED** that Christie's girlfriend, Jessica,  
7 may move into the West Maule residence to assist Christie with the  
8 monthly expenses until such time as the home is sold, or she is bought  
9 out by David. (Video time index 10:13:45)

10       **IT IS FURTHER ORDERED** that this Court is not going to  
11 update the financial Orders in this case until the parties file updated  
12 Financial Disclosure Forms. (Video time index 10:25:30)

13       **IT IS FURTHER ORDERED** that all pending  
14 Motions/Oppositions will be continued to the Return Hearing currently  
15 set for January 21, 2020, at 11:00 a.m.<sup>1</sup>

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19 ///

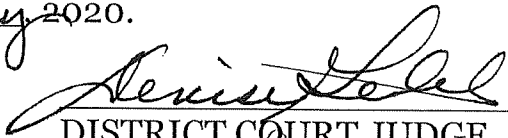
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21 <sup>1</sup> This hearing was moved to January 30, 2020, at 10:00 a.m.

1 ~~IT IS FURTHER ORDERED~~ that Attorney Mayo is to prepare  
2 ~~an Order from today's hearing.~~

3 Dated this 25<sup>th</sup> day of February 2020.

4   
DISTRICT COURT JUDGE

5 Respectfully Submitted:  
6 THE ABRAMS & MAYO LAW FIRM DENISE L. GENTILE

7   
Vincent Mayo, Esq.  
8 Nevada State Bar Number: 8564  
6252 S. Rainbow Blvd., Suite 100  
Las Vegas, Nevada 89118  
9 Email: [vmgroup@theabramslawfirm.com](mailto:vmgroup@theabramslawfirm.com)  
Attorney for Plaintiff

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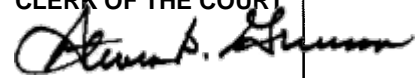
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21





1 **NEOJ**

Vincent Mayo, Esq.

2 Nevada State Bar Number: 8564

THE ABRAMS & MAYO LAW FIRM

3 6252 South Rainbow Blvd., Suite 100

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4 Tel: (702) 222-4021

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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: F

11 vs.

12 CHRISTIE LEEANN STUCKE,

13 Defendant.

15 **NOTICE OF ENTRY OF ORDER TO SHOW CAUSE**

16 PLEASE TAKE NOTICE that an Order to Show Cause was duly  
17 entered in the above-referenced matter.

18 ///

19 ///

20 ///

21 ///

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

2 DATED Wednesday, January 15, 2020.

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**

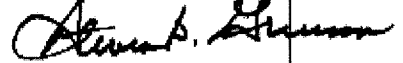
12 I hereby certify that the foregoing *Notice of Entry of Order to*  
13 *Show Cause* was filed electronically with the Eighth Judicial District  
14 Court in the above-entitled matter, on Wednesday, January 15, 2020.  
15 Service of the foregoing document, as well as the *Ex Parte Application*  
16 *for an Order to Show Cause*, was made on January 15, 2020 via 1<sup>st</sup> Class  
17 U.S. Mail, postage fully prepaid, addressed to:

18 Christie Stucke  
19 3485 W. Maule Avenue  
20 Las Vegas, Nevada 89118  
21 Defendant, in proper person

And via email to:

Christie Stucke  
Email: christiestucke@gmail.com

/s/ Chantel Wade  
An Employee of The Abrams & Mayo Law Firm



1 **OSC**

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

6 Eighth Judicial District Court

7 Family Division

8 Clark County, Nevada

9 DAVID PATRICK STUCKE,

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

10 Plaintiff,

) Department: F

11 vs.

12 CHRISTIE LEEANN STUCKE,

13 Defendant.

14  
15 **ORDER TO SHOW CAUSE**

16 Defendant, CHRISTIE LEEANN STUCKE, having failed to comply  
17 with this Court's orders without just cause, and good cause appearing,

18 **IT IS HEREBY ORDERED** that CHRISTIE LEEANN STUCKE  
19 shall appear before the Honorable Denise L. Gentile, District Court  
20 Judge, Department F, of the Family Court Division of the Eighth Judicial  
21 District Court, at 601 North Pecos Road, Las Vegas, Nevada 89101, on

STUCKE-0850

1 January 30, 2020, at 10 :00 a.m., to show cause,  
2 if any, why she should not be held in contempt for her refusal to comply  
3 with this Court's orders. Specifically, her failure to abide by this Court's  
4 *Order After Hearing of October 7, 2019*, the Court's *Order After*  
5 *Hearing of April 17, 2019* and the Court's *Order After Hearing of March*  
6 *27, 2019*.

7 To further show cause, if any, why this Court should not impose  
8 additional sanctions against CHRISTIE LEEANN STUCKE for her  
9 disregard of this Court's orders.

10 **IT IS FURTHER ORDERED** that if CHRISTIE LEEANN  
11 STUCKE fails to appear at said time for said hearing, a warrant for her  
12 arrest shall issue forthwith.

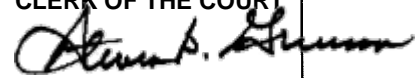
13 DATED this 14<sup>th</sup> day of January, 2020.

14   
15 DISTRICT COURT JUDGE

DENISE L. GENTILE

16 Respectfully Submitted:  
17 THE ABRAMS & MAYO LAW FIRM

18   
19 Vincent Mayo, Esq.  
20 Nevada State Bar Number: 8564  
21 6252 South Rainbow Blvd., Suite 100  
Las Vegas, Nevada 89118  
Tel: (702) 222-4021  
Email: [ymgroup@theabramslawfirm.com](mailto:ymgroup@theabramslawfirm.com)  
Attorney for Plaintiff



1 **NEOJ**

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

6  
Eighth Judicial District Court  
7 Family Division  
Clark County, Nevada  
8

9 DAVID PATRICK STUCKE,

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

10 Plaintiff,

) Department: F

11 vs.

12 CHRISTIE LEEANN STUCKE,

13 Defendant.

14  
15 **NOTICE OF ENTRY OF ORDER AFTER HEARING**

16 PLEASE TAKE NOTICE that the Order After Hearing of January

17 30, 2020 was duly entered in the above-referenced matter.

18 ///

19 ///

20 ///

21 ///

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

2 DATED Friday, February 28, 2020.

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**

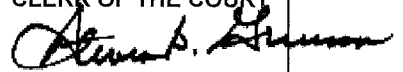
12 I hereby certify that the foregoing *Notice of Entry of Order After*  
13 *Hearing* was filed electronically with the Eighth Judicial District Court  
14 in the above-entitled matter. Service of the foregoing document was  
15 made on Friday, February 28, 2020 via 1<sup>st</sup> Class U.S. Mail, postage fully  
16 prepaid, addressed to:

17 Christie Stucke  
18 3485 W. Maule Avenue  
19 Las Vegas, Nevada 89118  
20 Defendant, in proper person

21 And via email to:

Christie Stucke  
Email: christiestucke@gmail.com

/s/ Chantel Wade  
An Employee of The Abrams & Mayo Law Firm



**ORDR**

Vincent Mayo, Esq.  
Nevada State Bar Number: 8564  
THE ABRAMS & MAYO LAW FIRM  
6252 South Rainbow Blvd., Suite 100  
Las Vegas, Nevada 89118  
Tel: (702) 222-4021  
Fax: (702) 248-9750  
Email: [VMGroup@TheAbramsLawFirm.com](mailto:VMGroup@TheAbramsLawFirm.com)  
Attorney for Plaintiff

Eighth Judicial District Court  
Family Division  
Clark County, Nevada

DAVID PATRICK STUCKE,	)	Case No.: D-18-580621-D
	)	
Plaintiff,	)	Department: F
	)	
vs.	)	
	)	
CHRISTIE LEEANN STUCKE,	)	Date of Hearing: 1/30/2020
	)	Time of Hearing: 10:00 a.m.
Defendant.	)	
	)	

**ORDER AFTER HEARING OF JANUARY 30, 2020**

This matter coming on for hearing on the on the 30<sup>th</sup> day of January 2020, before the Honorable Denise L. Gentile, upon (1) Defendant's *Motion and Notice of Motion for an Order to Enforce and/or For an Order to Show Cause Regarding Contempt*; (2) Plaintiff's *Opposition to Defendant's Motion and Notice of Motion for an Order to Enforce and/or for an Order to Show Cause Regarding*

1 *Contempt and Countermotion to Hold Christie in Contempt of Court;*  
2 *for Return of Plaintiff's Computer Tower, WSOP Bracelet, Social*  
3 *Security Card and Other Personal Property; To Ensure that Defendant*  
4 *Timely Pays her Share of the Bills; for Attorney's Fees and Related*  
5 *Relief; (3) Defendant's Reply to Plaintiff's Partial Opposition to the*  
6 *Motion to for an Order to Show Cause and Hold Defendant in*  
7 *Contempt of Court Order; and for Attorney's Fees; and (4) Order to*  
8 *Show Cause against Christie Leeann Stucke, with Plaintiff, DAVID*  
9 *PATRICK STUCKE (hereinafter referred to as "David"), having appeared*  
10 *personally and by and through his attorney of record, VINCENT MAYO,*  
11 *ESQ., of THE ABRAMS & MAYO LAW FIRM, and Defendant,*  
12 *CHRISTIE LEEANN STUCKE (hereinafter referred to as "Christie"),*  
13 *having appeared personally in proper person, and the Court having*  
14 *listened to the representations and arguments of counsel, and good*  
15 *cause appearing:*

16 **THE COURT HEREBY NOTES** that the parties were sworn in  
17 and testified.

18 **THE COURT FURTHER NOTES** that it reviewed the matters  
19 on calendar.

20 ///

21 ///



1       **THE COURT FURTHER NOTES** that there was discussion  
2 regarding outstanding issues and the status of the return of coins and  
3 necklace and David's request for an Order to Show Cause.

4       **THE COURT FURTHER NOTES** that there was testimony by  
5 Christie regarding the coins, birth certificate, etc.

6       **THE COURT FURTHER NOTES** that there was testimony by  
7 witness, Joseph Mesirow, regarding the computer tower and potential  
8 tampering.

9       **THE COURT FURTHER NOTES** it was represented that a  
10 report by Dr. Paglini will be ready in approximately sixty (60) days. The  
11 Court confirmed it has already received the CPS records. The Court will  
12 coordinate a return hearing with David's counsel and Christie once the  
13 report is received from Dr. Paglini.

14       **THEREFORE,**

15       **IT IS HEREBY ORDERED** that Christie is under an ongoing  
16 obligation to return any personal items of David's as they are found in  
17 the home. Any final determination as to missing items and values will  
18 be determined at trial.

19       **IT IS FURTHER ORDERED** that David's counsel will be  
20 provided the computer tower and a copy of any images copied or  
21 retrieved from the server by Joseph Mesirow.

1       **IT IS FURTHER ORDERED** that David is to provide copies of  
2 any joint tax returns/transcripts in his possession to Christie.

3       **IT IS FURTHER ORDERED** that David is to authorize the  
4 realtor to speak to Christie regarding the sale of the Grandview property  
5 by the end of the day on January 31, 2020.

6       **IT IS FURTHER ORDERED** that Christie is to file/serve her  
7 updated Detailed Financial Disclosure Form (FDF), including, a  
8 profit/loss statement, by February 7, 2020.

9       **IT IS FURTHER ORDERED** that Christie will allow a complete  
10 appraisal of the West Maule residence to allow David to proceed with a  
11 refinance of the loan and buy Christie out of her equity in the West  
12 Maule residence.

13       **IT IS FURTHER ORDERED** that David will front the February  
14 2020 mortgage payment on the West Maule property to maintain his  
15 credit, which will be reimbursed to him from Christie's potential interest  
16 in the Grandview property.

17       **IT IS FURTHER ORDERED** that each party is entitled to  
18 telephone contact with the minor children once a day while they are in  
19 the care of the other parent.

20       ///

21       ///

1       **IT IS FURTHER ORDERED** that each party is responsible for  
2 providing an itinerary to the other party for any out-of-state travel with  
3 the minor children.

4       **IT IS FURTHER ORDERED** that all of the net sales proceeds  
5 from the 3740 Grandview Place, LV NV 89118 residence are to be placed  
6 in Attorney Mayo's trust account, until further order of the Court.

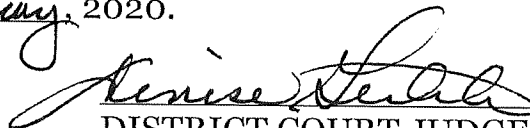


7       **IT IS FURTHER ORDERED** that David's request for an Order  
8 Shortening Time on the Motion to approve the refinance of the West  
9 Maule property shall be granted, upon submission of same to the Court.

10       **IT IS FURTHER ORDERED** that Attorney Mayo is to prepare  
11 an Order from today's hearing.

12 Dated this 25<sup>th</sup> day of February, 2020.

13

14 Respectfully Submitted:

  
DISTRICT COURT JUDGE   
DENISE L. GENTILE 

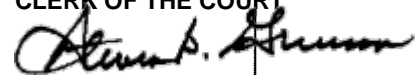
15 THE ABRAMS & MAYO LAW FIRM

16

  
\_\_\_\_\_  
Vincent Mayo, Esq.  
Nevada State Bar Number: 8564  
6252 S. Rainbow Blvd., Suite 100  
Las Vegas, Nevada 89118  
Email: [vmgroup@theabramslawfirm.com](mailto:vmgroup@theabramslawfirm.com)  
Attorney for Plaintiff

20

21



**MOT**

Vincent Mayo, Esq.  
Nevada State Bar Number: 8564  
The Abrams & Mayo Law Firm  
6252 South Rainbow Blvd., Suite 100  
Las Vegas, Nevada 89118  
Tel: (702) 222-4021  
Fax: (702) 248-9750  
Email: VMGroup@theabramslawfirm.com  
Attorney for Plaintiff

Eighth Judicial District Court  
Family Division  
Clark County, Nevada

DAVID PATRICK STUCKE,	)	Case No.: D-18-580621-D
	)	
Plaintiff,	)	Department: F
	)	
vs.	)	Date of Hearing:
	)	Time of Hearing:
CHRISTIE LEEANN STUCKE,	)	
	)	ORAL ARGUMENT REQUESTED
Defendant.	)	<u> X </u> YES <u> </u> NO

NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN FOURTEEN DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN TEN DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT A HEARING PRIOR TO THE SCHEDULED HEARING DATE.

**EMERGENCY MOTION TO ALLOW PLAINTIFF TO  
COMPLETE THE REFINANCE OF THE MAULE RESIDENCE  
AND  
FOR DEFENDANT TO VACATE THE RESIDENCE**

NOW INTO COURT comes Plaintiff, DAVID PATRICK STUCKE,  
by and through his attorney of record, VINCENT MAYO, ESQ., of THE

1 ABRAMS & MAYO LAW FIRM, and hereby submits his *Emergency*  
2 *Motion to Allow Plaintiff to Complete the Refinance of the Maule*  
3 *Residence and for the Defendant to Vacate the Residence.*

4 This Motion is made and based upon the attached Points and  
5 Authorities, the Declaration of Plaintiff attached hereto, the Appendix of  
6 Exhibits in support, all papers and pleadings on file herein, and any oral  
7 argument adduced at the hearing of this matter.

8 Dated: Friday, February 21, 2020.

9 Respectfully Submitted:

10 THE ABRAMS & MAYO LAW FIRM

11 \_\_\_\_\_  
12 Vincent Mayo, Esq.  
13 Nevada State Bar: 8564  
14 6252 South Rainbow Blvd., Suite 100  
15 Las Vegas, Nevada 89118  
16 Attorney for Plaintiff

15 **MEMORANDUM OF POINTS AND AUTHORITIES**

16 **I. FACTUAL BACKRGROUNG**

17 At the hearing on January 7, 2020, this Court allowed Plaintiff,  
18 David Patrick Stucke (hereinafter referred to as "David"), to explore his  
19 options on buying Defendant, Christie Leeann Stucke (hereinafter  
20 referred to as "Christie") out of her interest in the Maule property.  
21 Specifically, the Court stated the following:

1 David is permitted to explore his options in buying out  
2 Christie's interest in the Maule property. Specifically, David can  
3 obtain a pre-qualification appraisal to be prepared by the bank.  
The appraiser is permitted to inspect the house and Christie can be  
present for same. (Video time indexes 10:14:28, 10:15:08 and  
10:15:54)<sup>1</sup>

4 The Court went on to further order at the January 30, 2020  
5 hearing as follows based on the stipulations placed on the record:  
6

7 IT IS FURTHER ORDERED that Christie will allow a  
complete appraisal of the West Maule residence to allow David to  
8 proceed with a refinance of the loan and buy Christie out of her  
equity in the West Maule residence.<sup>2</sup>

\*\*\*

9 IT IS FURTHER ORDERED that David's request for an  
Order Shortening Time on the Motion to approve the refinance of  
10 the West Maule property shall be granted, upon submission of  
same to the Court.<sup>3</sup>

11 Accordingly, the Maule residence was appraised, and the value  
12 came in at \$500,000.<sup>4</sup> The current loan on the residence is  
13 approximately \$238,000, with the equity equaling approximately  
14 \$262,000.

15 David was approved to receive a loan in the amount of \$361,000.<sup>5</sup>  
16 After payment of the mortgage and closing costs, there's approximately  
17 \$117,000 that will be received as the result of the refinance.  
18

19 <sup>1</sup> The Order After Hearing is still pending.

20 <sup>2</sup> The Order After Hearing is still pending. Please see video record and Court Minutes  
form the January 30, 2020 hearing.

<sup>3</sup> Id.

<sup>4</sup> Please see appraisal report attached hereto as Exhibit 1.

21 <sup>5</sup> Please see Conditions – Borrower Outstanding with Requirements attached hereto  
as Exhibit 2 and Loan Quote attached hereto as Exhibit 3.

1 David is making a separate property claim to the W. Maule home.  
2 Specifically, this home was purchased almost a year before the parties  
3 married and is titled in just David's name. The \$30,000 down payment,  
4 closing costs and the \$6,000 to repair the failing stucco and paint the  
5 exterior of the home when it was purchased all came from David's sole  
6 and separate property. With the bare minimum of David receiving credit  
7 for these payments (although he plans on pursuing his separate property  
8 interest), the refinance is more than enough to cover Christie's interest  
9 in the home. Further, and if need be, David's interest in the Brickfield  
10 and Grandview properties is also available to cover any funds that are  
11 needed in addition to the \$117,000.

## 12 **II. LAW AND ARGUMENT**

13 Accordingly, David is requesting permission from this Court to  
14 proceed with the refinance of the Maule residence. Additionally, David  
15 will need to move into the home as soon as possible, with Christie  
16 moving out. The remainder of the refinance proceeds should be placed  
17 in David's attorney's trust account until Trial in this matter and evidence  
18 is presented regarding David's separate property claims and this Court  
19 decides on same.

20 ///

21 ///

1 **III. CONCLUSION**

2 Based upon the foregoing, the Court should grant Plaintiff, DAVID  
3 PATRICK STUCKE'S Motion in its entirety.

4 Dated Friday, February 21, 2020.

5 Respectfully Submitted,

6 THE ABRAMS & MAYO LAW FIRM

7  
8 Vincent Mayo, Esq.  
9 Nevada State Bar Number: 8564  
6252 South Rainbow Blvd., Suite 100  
Las Vegas, Nevada 89118  
Attorney for Plaintiff



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1. I, DAVID PATRICK STUCKE, do solemnly swear to testify

2. That I am the Plaintiff in the above-entitled mater.

3. That I make this declaration in support of the foregoing

4. That I have read said Motion and hereby certify that the facts

5. I declare under penalty of perjury under the law of the State

21st

  
DAVID PATRICK STUCKE

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MOFI

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

DAVID PATRICK STUCKE,

Plaintiff/Petitioner

v.

CHRISTIE LEEANN STUCKE,

Defendant/Respondent

Case No. D-18-580621-D

Dept. F

**MOTION/OPPOSITION  
FEE INFORMATION SHEET**

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

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

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

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

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

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

The total filing fee for the motion/opposition I am filing with this form is:

☒ \$0 ☐ \$25 ☐ \$57 ☐ \$82 ☐ \$129 ☐ \$154

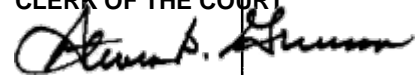
Party filing Motion/Opposition: Plaintiff/Petitioner

Date 02/21/2020

Signature of Party or Preparer



STUCKE-0866



**EXH**  
Vincent Mayo, Esq.  
Nevada State Bar Number: 8564  
THE ABRAMS & MAYO LAW FIRM  
6252 South Rainbow Blvd., Suite 100  
Las Vegas, Nevada 89118  
Tel: (702) 222-4021  
Fax: (702) 248-9750  
Email: VMGroup@TheAbramsLawFirm.com  
Attorney for Plaintiff

Eighth Judicial District Court  
Family Division  
Clark County, Nevada

DAVID PATRICK STUCKE,	)	Case No.: D-18-580621-D
	)	
Plaintiff,	)	Department: F
vs.	)	
	)	
	)	
CHRISTIE LEEANN STUCKE,	)	
	)	
Defendant.	)	
	)	

**APPENDIX OF EXHIBITS IN SUPPORT OF  
EMERGENCY MOTION TO ALLOW PLAINTIFF TO  
COMPLETE THE REFINANCE OF THE MAULE RESIDENCE  
AND FOR DEFENDANT TO VACATE THE RESIDENCE**

Exhibit	Description
1	Appraisal Report
2	Conditions – Borrower outstanding with requirements

1  
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3	Loan Quote
---	------------

Dated this 21<sup>st</sup> day of February, 2020.

Respectfully Submitted,  
  
THE ABRAMS & MAYO LAW FIRM

/s/ Vincent Mayo, Esq.  
Vincent Mayo, Esq.  
Nevada State Bar Number: 8564  
6252 South Rainbow Blvd., Suite 100  
Las Vegas, Nevada 89118  
Attorney for Plaintiff

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that the foregoing *Appendix of Exhibits in Support*  
3 *of Emergency Motion to Allow Plaintiff to Complete the Refinance of the*  
4 *Maule Residence and for the Defendant to Vacate the Residence* was filed  
5 electronically with the Eighth Judicial District Court in the above-entitled  
6 matter, on Friday, February 21, 2020. Service of the foregoing document  
7 was made via 1<sup>st</sup> Class U.S. Mail, postage fully prepaid, addressed to:

8 Christie Stucke  
9 3485 W. Maule Avenue  
10 Las Vegas, Nevada 89118  
11 Defendant, in proper person

12 And via email to:

13 Christie Stucke  
14 Email: christiestucke@gmail.com

15 /s/ Chantel Wade  
16 An Employee of The Abrams & Mayo Law Firm  
17  
18  
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EXHIBIT 1

EXHIBIT 1

EXHIBIT 1

APPRAISELV  
92 PETTSWOOD DR  
HENDERSON, NV 89002  
(702) 823-4499  
<http://WWW.IVALUEVEGAS.COM>

02/11/2020

David Stucke  
3485 W Maule Ave  
Las Vegas, NV 89120

Re: Property: 3485 W Maule Ave  
Las Vegas, NV 89118  
Borrower: David Stucke  
File No.: 0009658

Opinion of Value: \$ 500,000  
Effective Date: 01/28/2020

In accordance with your request, I have appraised the above referenced property. The report of that appraisal is attached.

The purpose of the appraisal is to develop an opinion of market value for the property described in this appraisal report, as improved, in unencumbered fee simple title of ownership.

This report is based on a physical analysis of the site and improvements, a vocational analysis of the neighborhood and city, and an economic analysis of the market for properties such as the subject. The appraisal was developed and the report was prepared in accordance with the Uniform Standards of Professional Appraisal Practice.

The opinion of value reported above is as of the stated effective date and is contingent upon the certification and limiting conditions attached.

It has been a pleasure to assist you. Please do not hesitate to contact me or any of my staff if we can be of additional service to you.

Sincerely,



VANCE RANDALL  
CERTIFIED RESIDENTIAL APPRAISER  
License or Certification #: A.0007808-CR  
State: NV Expires: 04/30/2020  
[APPRAISELASVEGAS@GMAIL.COM](mailto:APPRAISELASVEGAS@GMAIL.COM)

STUCKE-0871



**3485 W MAULE AVENUE****EFFECTIVE DATE**

01/28/2020

**APPRAISAL OF REAL PROPERTY**

3485 W Maule Ave  
 PARCEL MAP FILE 10 PAGE 87 LOT 4  
 Las Vegas, NV 89118

**CLIENT**

David Stucke  
 3485 W Maule Ave, Las Vegas, NV 89120

Letter of Transmittal .....	1
GP Residential .....	2
GP Residential .....	3
Additional Comparables 4-6 .....	4
Supplemental Addendum w/sig block .....	5
Property History .....	6
GP Residential .....	7
Market Conditions Addendum to the Appraisal Report .....	8
Market Conditions Charts 1-3 .....	9
Market Conditions Charts 4-6 .....	10
Building Sketch .....	11
Aerial Map .....	12
Location Map .....	13
Comparable Sales Map .....	14
Subject Photos .....	15
Photograph Addendum .....	16
Photograph Addendum .....	17
Photograph Addendum .....	18
Photograph Addendum .....	19
Comparable Photos 1-3 .....	20
Comparable Photos 4-6 .....	21
LICENSE .....	22

**STUCKE-0872**

## RESIDENTIAL APPRAISAL REPORT

File No.: 0011121

SUBJECT	Property Address: 3485 W Maule Ave		City: Las Vegas		State: NV		Zip Code: 89118																																																													
	County: Clark		Legal Description: PARCEL MAP FILE 10 PAGE 87 LOT 4																																																																	
	Assessor's Parcel #: 177-05-302-003																																																																			
	Tax Year: 2020 R.E. Taxes: \$ 2,297		Special Assessments: \$ 0		Borrower (if applicable): David Stucke																																																															
ASSIGNMENT	Current Owner of Record: Stucke, David		Occupant: <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Vacant		<input type="checkbox"/> Manufactured Housing																																																															
	Project Type: <input type="checkbox"/> PUD <input type="checkbox"/> Condominium <input type="checkbox"/> Cooperative <input type="checkbox"/> Other (describe)		HOA: \$ 0		<input type="checkbox"/> per year <input type="checkbox"/> per month																																																															
	Market Area Name: Custom		Map Reference: 74-C2		Census Tract: 0029.79																																																															
	The purpose of this appraisal is to develop an opinion of: <input checked="" type="checkbox"/> Market Value (as defined), or <input type="checkbox"/> other type of value (describe)																																																																			
MARKET AREA DESCRIPTION	This report reflects the following value (if not Current, see comments): <input checked="" type="checkbox"/> Current (the Inspection Date is the Effective Date) <input type="checkbox"/> Retrospective <input type="checkbox"/> Prospective																																																																			
	Approaches developed for this appraisal: <input checked="" type="checkbox"/> Sales Comparison Approach <input type="checkbox"/> Cost Approach <input type="checkbox"/> Income Approach (See Reconciliation Comments and Scope of Work)																																																																			
	Property Rights Appraised: <input checked="" type="checkbox"/> Fee Simple <input type="checkbox"/> Leasehold <input type="checkbox"/> Leased Fee <input type="checkbox"/> Other (describe)																																																																			
	Intended Use: THE INTENDED USE OF THIS APPRAISAL REPORT IS TO DETERMINE THE FAIR MARKET VALUE FOR A DIVORCE SETTLEMENT																																																																			
SITE DESCRIPTION	Intended User(s) (by name or type): David Stucke & Appraisals 2 U, LLC																																																																			
	Client: David Stucke		Address: 3485 W Maule Ave, Las Vegas, NV 89120																																																																	
	Appraiser: VANCE RANDALL		Address: 92 PETTSWOOD DR, HENDERSON, NV 89002																																																																	
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Market Area Boundaries, Description, and Market Conditions (including support for the above characteristics and trends): SEE ATTACHED MARKET CONDITIONS																																																																				
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DESCRIPTION OF THE IMPROVEMENTS	Dimensions: APPROXIMATELY 145' X 147.2' Site Area: 21,344 SqFt Zoning Classification: R-E Description: RURAL ESATES RESIDENTIAL Zoning Compliance: <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Legal nonconforming (grandfathered) <input type="checkbox"/> Illegal <input type="checkbox"/> No zoning Are CC&Rs applicable? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown Have the documents been reviewed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Ground Rent (if applicable) \$ / Highest & Best Use as improved: <input checked="" type="checkbox"/> Present use, or <input type="checkbox"/> Other use (explain)																																																																			
	Actual Use as of Effective Date: SINGLE FAMILY RESIDENCE Use as appraised in this report: SINGLE FAMILY RESIDENCE Summary of Highest & Best Use: THE SUBJECT'S CURRENT USE AS A SINGLE FAMILY RESIDENTIAL STRUCTURE IS THE HIGHEST AND BEST USE OF THE PROPERTY. THE SUBJECT'S USE IS LEGALLY PERMISSIBLE AND THE RESIDENTIAL STRUCTURE IS THE MOST FEASIBLE OPTION. THE RESIDENTIAL NATURE ALSO CONFORMS TO ALL THE PROPERTIES SURROUNDING IT AS THEY ARE ALL RESIDENTIAL TOO.																																																																			
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Other site elements: <input type="checkbox"/> Inside Lot <input type="checkbox"/> Corner Lot <input checked="" type="checkbox"/> Cul de Sac <input type="checkbox"/> Underground Utilities <input type="checkbox"/> Other (describe) FEMA Spec'l Flood Hazard Area <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No FEMA Flood Zone x FEMA Map # 32003C2560F FEMA Map Date 11/16/2011 Site Comments: IT SHOULD BE NOTED THAT THE SUBJECT IS IN CLOSE PROXIMITY TO THE 215 AND I-15 FREEWAYS. HOWEVER, THE NOISE IS VERY MINIMAL AND THERE IS PRIVACY WALLS THAT PROVIDE SECLUSION AND ACT AS A SOUND BARRIER. THERE IS NO NEGATIVE IMPACT ON THE SUBJECT'S VALUE OR MARKETABILITY.																																																																				
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Finished area above grade contains: 7 Rooms 3 Bedrooms 2.1 Bath(s) 3,324 Square Feet of Gross Living Area Above Grade Additional features: THE SUBJECT HAS ENERGY EFFICIENT APPLIANCES, DUAL PANE WINDOWS, 1 FIREPLACE AND SOLID CORE DOORS AT EXTERIOR. (SEE ADDITIONAL FEATURES ON PAGE 3) GRANITE COUNTER TOPS, DOUBLE OVENS, CEILING FANS, ETC. Describe the condition of the property (including physical, functional and external obsolescence): PHYSICAL DEPRECIATION IS LESS TYPICAL FOR A HOME OF THIS AGE. NO FUNCTIONAL OBSOLESCENCE NOTED. NO EXTERNAL OBSOLESCENCE NOTED AT THE TIME OF INSPECTION. PHYSICAL DEPRECIATION WAS CALCULATED USING THE AGE LIFE METHOD AND INCLUDES THE APPRAISERS OBSERVATIONS. THE PROPERTY APPEARS TO BE IN AVERAGE CONDITION FOR THE NEIGHBORHOOD. AT THE TIME OF INSPECTION ALL UTILITIES WERE ON, THE KITCHEN AND BATHROOMS WERE UPDATED ~5 YEARS AGO.																																																																				

STUCKE-0873

## RESIDENTIAL APPRAISAL REPORT

0011121

File No.: 0011121

TRANSFER HISTORY	My research <input type="checkbox"/> did <input checked="" type="checkbox"/> did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.									
	Data Source(s): Realist									
	1st Prior Subject Sale/Transfer		Analysis of sale/transfer history and/or any current agreement of sale/listing: THE SUBJECT'S SALES/COMPARABLES SALES							
	Date:		HISTORY ANALYSIS REVEALED NOTHING OUT OF THE ORDINARY. SEE ATTACHED PROPERTY HISTORY ADDENDUM.							
	Price:									
	Source(s):									
	2nd Prior Subject Sale/Transfer									
	Date:									
	Price:									
	Source(s):									
SALES COMPARISON APPROACH	SALES COMPARISON APPROACH TO VALUE (if developed) <input type="checkbox"/> The Sales Comparison Approach was not developed for this appraisal.									
	FEATURE		SUBJECT		COMPARABLE SALE # 1		COMPARABLE SALE # 2		COMPARABLE SALE # 3	
	Address 3485 W Maule Ave Las Vegas, NV 89118		9456 Polaris Ave Las Vegas, NV 89139-8311		4025 W Mardon Ave Las Vegas, NV 89139-5817		3165 W Torino Ave Las Vegas, NV 89139-7856			
	Proximity to Subject		3.20 miles S		0.75 miles SW		2.38 miles S			
	Sale Price		\$ 450,000		\$ 575,000		\$ 480,500			
	Sale Price/GLA		\$ 150.91 /sq.ft.		\$ 144.40 /sq.ft.		\$ 160.06 /sq.ft.			
	Data Source(s)		GLVAR #N/A		GLVAR #2096416;DOM 44		GLVAR #2072163;DOM 89		GLVAR #2091898;DOM 3	
	Verification Source(s)		PHYSICAL INSPECT. Doc #190807002955;Realist		Doc #190628002488;Realist		Doc #190603003101;Realist			
	VALUE ADJUSTMENTS		DESCRIPTION		+(-) \$ Adjust.		DESCRIPTION		+(-) \$ Adjust.	
	Sales or Financing		ArmLth				ArmLth			
	Concessions		Conv;0				Conv;0			
	Date of Sale/Time		08/07/2019				06/28/2019			
	Rights Appraised		Fee Simple				Fee Simple			
	Location		N;Res;				N;Res;			
	Site		21,344 SqFt		-25,300		22,651 SqFt		-2,600	
	View		RESIDENTIAL				CITY		-25,000	
	Design (Style)		DT2;Southwest		0		DT2;Southwest		0	
	Quality of Construction		Average				Average			
	Age		43		41		38		30	
	Condition		Average				Average			
	Above Grade		Total Bdrms Baths		Total Bdrms Baths		Total Bdrms Baths		Total Bdrms Baths	
	Room Count		7 3 2.1		8 4 2.1		10 3 2.1		8 4 3.0	
	Gross Living Area		3,324 Sq.ft.		2,982 Sq.ft.		3,982 Sq.ft.		3,002 Sq.ft.	
	Basement & Finished Rooms Below Grade		0sf				0sf			
	Functional Utility		Average				Average			
	Heating/Cooling		FWA;CAC				FWA;CAC			
	Energy Efficient Items		Assorted				Assorted			
	Garage/Carport		3 Garage;1 Carport		3 Garage		3 Garage		5 Garage	
	Porch/Patio/Deck		CovPch;CovPat		CovPch;Pat		CovPch;Pat		CovPch;EnclPat	
	Built-Ins/Upgrades		Good		+20,000		Good			
	Pool Features		Pool		+25,000		Pool		+25,000	
	Exterior Features		Typical		+10,000		Superior L/S		-10,000	
	Net Adjustment (Total)		<input checked="" type="checkbox"/> + <input type="checkbox"/> - \$ 55,350		<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ -86,950		<input checked="" type="checkbox"/> + <input type="checkbox"/> - \$ 39,150			
	Adjusted Sale Price of Comparables		Net 12.3 % Gross 23.5 % \$ 505,350		Net 15.1 % Gross 15.1 % \$ 488,050		Net 8.1 % Gross 12.3 % \$ 519,650			
	Summary of Sales Comparison Approach ALL SALES ARE LOCATED WITHIN THE SUBJECT'S COMPETITIVE MARKET AREA AND ARE SIMILAR IN FUNCTION AND UTILITY. POSITIVE AND NEGATIVE ADJUSTMENTS FOR THE COMPARABLE SALES WERE REQUIRED IN AREAS OF DISSIMILARITY TO PRODUCE THE BEST INDICATED VALUE FOR THE SUBJECT. THE SUBJECT COMPETES WELL WITH SIMILAR SIZED, AGED HOMES IN ITS COMPETITIVE MARKET AREA. THE COMPARABLES UTILIZED WERE THE BEST AVAILABLE AT THE TIME OF INSPECTION.									
LINEAR REGRESSION STUDIES DID NOT SHOW SUPPORT FOR INDIVIDUAL BEDROOM OR BATHROOM ADJUSTMENTS AND TYPICALLY THESE DIFFERENCES ARE ACCOUNTED FOR IN THE OVERALL GLA ADJUSTMENTS										
THE APPRAISER'S FEE FOR THIS ASSIGNMENT IS \$500. THE AMC'S REGISTRATION # IS AMC.0000010.										
I HAVE PERFORMED NO SERVICES, AS AN APPRAISER OR IN ANY OTHER CAPACITY, REGARDING THE PROPERTY THAT IS THE SUBJECT OF THIS REPORT WITHIN THE THREE YEAR PERIOD IMMEDIATELY PRECEDING ACCEPTANCE OF THIS ASSIGNMENT.										
Indicated Value by Sales Comparison Approach \$ 500,000										

STUCKE-0874

## 0011121

File No.: 0011121

## SALES COMPARISON APPROACH

### Summary of Sales Comparison Approach

STUCKE-0875

# Supplemental Addendum


File No. 0011121

Borrower	David Stucke				
Property Address	3485 W Maule Ave				
City	Las Vegas	County	Clark	State	NV Zip Code 89118
Lender/Client	David Stucke				

An area's predominant value is an estimate of the most common market sales price for a general category of home within a defined market area. The overall price range is reflected in the high and low prevailing prices of residential properties that are comparable to the property being appraised. When a home's value exceeds the upper price range or is less than the lower range, the home may be considered an over improvement or under improvement within the market area. In some instances, the improvements can represent an over improvement for the neighborhood but are still within the market area upper price range. While the subject's value exceeds the area's predominant price, it does not exceed the upper limit reflected within the price range, nor is it considered to be over improved for its neighborhood. The subject conforms to neighboring properties for overall construction, amenities and features. The area properties exceeding the predominant value do appeal to a current and active market along with buyers' needs and financing qualifications. Within a market of this type, a sale price that exceeds the appraised value or loan amount is not uncommon. Neither the subject's value nor improvements are considered negative within the subject market area.

## Highest and Best Use:

The subject's HBU is a single-family residential property. It is legal and permissible to be used as such, it is the most feasible use, and it is surrounded by other single-family residential properties. Economically and functionally it makes the most sense, due to the site zoning and site size.

Signature   
 Name VANCE RANDALL  
 Date Signed 02/11/2020  
 State Certification # A.0007808-CR State NV  
 Or State License # State

Signature \_\_\_\_\_  
 Name \_\_\_\_\_  
 Date Signed \_\_\_\_\_  
 State Certification # \_\_\_\_\_ State \_\_\_\_\_  
 Or State License # \_\_\_\_\_ State \_\_\_\_\_

STUCKE-0876

**PROPERTY HISTORY**

File No. 0011121

Borrower	David Stucke		
Property Address	3485 W Maule Ave		
City	Las Vegas	County	Clark
		State	NV
		Zip Code	89118
Lender/Client	David Stucke		

**\* SUBJECT 36-MONTH PRIOR TRANSFER HISTORY \***

3485 W Maule Ave  
-No transfer history.

**\* COMPARABLE 12-MONTH PRIOR TRANSFER HISTORY \***  
(may include properties that were considered but not utilized as comparables)

9456 Polaris Ave  
-Transferred on 08/23/2018 for \$0. It transferred from Garza Arthur Jr and Patricia A to Garza Family Trust and was a Bargain and Sale Deed (Document #180823000203).

4025 Mardon Ave  
-No transfer history.

3165 W Torino Ave  
-No transfer history.

5970 Sobb Ave  
-No transfer history.

198 Ebb Tide Cir  
-No transfer history.

STUCKE-0877

# RESIDENTIAL APPRAISAL REPORT

0011121  
File No.: 0011121

<b>COST APPROACH</b>	<b>COST APPROACH TO VALUE (if developed)</b> <input checked="" type="checkbox"/> The Cost Approach was not developed for this appraisal.			
	Provide adequate information for replication of the following cost figures and calculations.			
	Support for the opinion of site value (summary of comparable land sales or other methods for estimating site value): <span style="float: right;">DUE TO THE AGE AND PHYSICAL DEPRECIATION OF THE HOME, THE COST APPROACH WOULD NOT BE AN ACCURATE INDICATOR OF MARKET VALUE FOR THE SUBJECT.</span>			
<b>INCOME APPROACH</b>	<b>ESTIMATED</b> <input type="checkbox"/> REPRODUCTION OR <input type="checkbox"/> REPLACEMENT COST NEW		<b>OPINION OF SITE VALUE</b> ..... = \$	
	Source of cost data:		DWELLING Sq.Ft. @ \$ ..... = \$	
	Quality rating from cost service: Effective date of cost data:		Sq.Ft. @ \$ ..... = \$	
	Comments on Cost Approach (gross living area calculations, depreciation, etc.):		Sq.Ft. @ \$ ..... = \$	
			Sq.Ft. @ \$ ..... = \$	
			Sq.Ft. @ \$ ..... = \$	
			Sq.Ft. @ \$ ..... = \$	
			Sq.Ft. @ \$ ..... = \$	
			Sq.Ft. @ \$ ..... = \$	
			Sq.Ft. @ \$ ..... = \$	
Estimated Remaining Economic Life (if required): 40 Years		<b>INDICATED VALUE BY COST APPROACH</b> ..... = \$		
<b>PUD</b>	<b>INCOME APPROACH TO VALUE (if developed)</b> <input checked="" type="checkbox"/> The Income Approach was not developed for this appraisal.			
	Estimated Monthly Market Rent \$ X Gross Rent Multiplier = \$ Indicated Value by Income Approach			
	Summary of Income Approach (including support for market rent and GRM): PER CLIENT REQUEST THE INCOME APPROACH WAS NOT INCLUDED IN THE SCOPE OF WORK AND THEREFORE NOT PERFORMED FOR THIS ASSIGNMENT.			
<b>RECONCILIATION</b>	<b>PROJECT INFORMATION FOR PUDs (if applicable)</b> <input type="checkbox"/> The Subject is part of a Planned Unit Development.			
	Legal Name of Project:			
	Describe common elements and recreational facilities:			
<b>ATTACHMENTS</b>	Indicated Value by: Sales Comparison Approach \$ 500,000 Cost Approach (if developed) \$ Income Approach (if developed) \$			
	Final Reconciliation THE SALES COMPARISON IS WEIGHED MOST AS THIS APPROACH IS CONSIDERED TO BE THE MOST RELIABLE INDICATOR OF VALUE AS IT TENDS TO REFLECT THE ACTIONS OF BUYERS AND SELLERS IN THE OPEN MARKET.			
<b>SIGNATURES</b>	This appraisal is made <input checked="" type="checkbox"/> "as is", <input type="checkbox"/> subject to completion per plans and specifications on the basis of a Hypothetical Condition that the improvements have been completed, <input type="checkbox"/> subject to the following repairs or alterations on the basis of a Hypothetical Condition that the repairs or alterations have been completed, <input type="checkbox"/> subject to the following required inspection based on the Extraordinary Assumption that the condition or deficiency does not require alteration or repair:			
	<input type="checkbox"/> This report is also subject to other Hypothetical Conditions and/or Extraordinary Assumptions as specified in the attached addenda.			
	Based on the degree of inspection of the subject property, as indicated below, defined Scope of Work, Statement of Assumptions and Limiting Conditions, and Appraiser's Certifications, my (our) Opinion of the Market Value (or other specified value type), as defined herein, of the real property that is the subject of this report is: \$ 500,000, as of: 01/28/2020, which is the effective date of this appraisal. If indicated above, this Opinion of Value is subject to Hypothetical Conditions and/or Extraordinary Assumptions included in this report. See attached addenda.			
	A true and complete copy of this report contains 22 pages, including exhibits which are considered an integral part of the report. This appraisal report may not be properly understood without reference to the information contained in the complete report.			
	Attached Exhibits:			
	<input checked="" type="checkbox"/> Scope of Work <input checked="" type="checkbox"/> Limiting Cond./Certifications <input checked="" type="checkbox"/> Narrative Addendum <input checked="" type="checkbox"/> Photograph Addenda <input checked="" type="checkbox"/> Sketch Addendum <input checked="" type="checkbox"/> Map Addenda <input checked="" type="checkbox"/> Additional Sales <input checked="" type="checkbox"/> Cost Addendum <input checked="" type="checkbox"/> Flood Addendum <input type="checkbox"/> Manuf. House Addendum <input type="checkbox"/> Hypothetical Conditions <input type="checkbox"/> Extraordinary Assumptions <input type="checkbox"/>			
	Client Contact: _____ Client Name: David Stucke		Address: 3485 W Maule Ave, Las Vegas, NV 89120	
	E-Mail: _____		Appraiser: _____	
	APRAISER		SUPERVISORY APPRAISER (if required) or CO-APPRAISER (if applicable)	
	Appraiser Name: VANCE RANDALL Company: APPRAISELV Phone: (702) 823-4499 Fax: (702) 586-0411 E-Mail: APPRAISELASVEGAS@GMAIL.COM Date of Report (Signature): 02/11/2020 License or Certification #: A.0007808-CR State: NV Designation: CERTIFIED RESIDENTIAL APPRAISER Expiration Date of License or Certification: 04/30/2020 Inspection of Subject: <input checked="" type="checkbox"/> Interior & Exterior <input type="checkbox"/> Exterior Only <input type="checkbox"/> None Date of Inspection: 01/28/2020		Supervisory or Co-Appraiser Name: _____ Company: _____ Phone: _____ Fax: _____ E-Mail: _____ Date of Report (Signature): _____ License or Certification #: _____ State: _____ Designation: _____ Expiration Date of License or Certification: _____ Inspection of Subject: <input type="checkbox"/> Interior & Exterior <input type="checkbox"/> Exterior Only <input type="checkbox"/> None Date of Inspection: _____	

# Market Conditions Addendum to the Appraisal Report

0011121  
File No. 0011121

The purpose of this addendum is to provide the lender/client with a clear and accurate understanding of the market trends and conditions prevalent in the subject neighborhood. This is a required addendum for all appraisal reports with an effective date on or after April 1, 2009.

Property Address 3485 W Maule Ave City Las Vegas State NV ZIP Code 89118

Borrower David Stucke

**Instructions:** The appraiser must use the information required on this form as the basis for his/her conclusions, and must provide support for those conclusions, regarding housing trends and overall market conditions as reported in the Neighborhood section of the appraisal report form. The appraiser must fill in all the information to the extent it is available and reliable and must provide analysis as indicated below. If any required data is unavailable or is considered unreliable, the appraiser must provide an explanation. It is recognized that not all data sources will be able to provide data for the shaded areas below; if it is available, however, the appraiser must include the data in the analysis. If data sources provide the required information as an average instead of the median, the appraiser should report the available figure and identify it as an average. Sales and listings must be properties that compete with the subject property, determined by applying the criteria that would be used by a prospective buyer of the subject property. The appraiser must explain any anomalies in the data, such as seasonal markets, new construction, foreclosures, etc.

Inventory Analysis	Prior 7-12 Months	Prior 4-6 Months	Current - 3 Months	Overall Trend		
Total # of Comparable Sales (Settled)	10	3	4	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Absorption Rate (Total Sales/Months)	1.67	1.00	1.33	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Total # of Comparable Active Listings	15	16	12	<input type="checkbox"/> Declining	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Increasing
Months of Housing Supply (Total Listings/Ab.Rate)	9.0	16.0	9.0	<input type="checkbox"/> Declining	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Increasing
Median Sale & List Price, DOM, Sale/List %	Prior 7-12 Months	Prior 4-6 Months	Current - 3 Months	Overall Trend		
Median Comparable Sale Price	\$500,250	\$450,000	\$577,500	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Median Comparable Sales Days on Market	44	44	54	<input type="checkbox"/> Declining	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Increasing
Median Comparable List Price	\$649,000	\$629,500	\$659,000	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Median Comparable Listings Days on Market	142	77	131	<input type="checkbox"/> Declining	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Increasing
Median Sale Price as % of List Price	98%	96%	97%	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Seller-(developer, builder, etc.)paid financial assistance prevalent?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining

Explain in detail the seller concessions trends for the past 12 months (e.g., seller contributions increased from 3% to 5%, increasing use of buydowns, closing costs, condo fees, options, etc.). An analysis was performed on 17 competing sales over the past 12 months. For those sales, a total of 35.3% were reported to have seller concessions. This analysis shows a change of +48.2% per month.

Are foreclosure sales (REO sales) a factor in the market? ☐ Yes ☒ No If yes, explain (including the trends in listings and sales of foreclosed properties).

An analysis was performed on 17 competing sales over the past 12 months. For those sales, a total of 0.0% were reported to be REO.

Cite data sources for above information. Information reported in the GLVAR system (using an effective date of 01/28/2020) was utilized to arrive at the results noted on this addendum. Any percent change results noted in these comments are based on simple regression.

Summarize the above information as support for your conclusions in the Neighborhood section of the appraisal report form. If you used any additional information, such as an analysis of pending sales and/or expired and withdrawn listings, to formulate your conclusions, provide both an explanation and support for your conclusions.

An analysis was performed on 17 competing sales over the past 12 months. The sales within this group had a median sale price of \$500,000. This analysis shows a change of +3.3% per month. Based on all sales in this same group, there is a 8.5 month supply. This analysis shows a change of -1.4% per month. These sales had a median DOM of 44. This analysis shows a change of +3.7% per month.

If the subject is a unit in a condominium or cooperative project, complete the following:

Project Name:

Subject Project Data	Prior 7-12 Months	Prior 4-6 Months	Current - 3 Months	Overall Trend		
Total # of Comparable Sales (Settled)				<input type="checkbox"/> Increasing	<input type="checkbox"/> Stable	<input type="checkbox"/> Declining
Absorption Rate (Total Sales/Months)				<input type="checkbox"/> Increasing	<input type="checkbox"/> Stable	<input type="checkbox"/> Declining
Total # of Active Comparable Listings				<input type="checkbox"/> Declining	<input type="checkbox"/> Stable	<input type="checkbox"/> Increasing
Months of Unit Supply (Total Listings/Ab.Rate)				<input type="checkbox"/> Declining	<input type="checkbox"/> Stable	<input type="checkbox"/> Increasing

Are foreclosure sales (REO sales) a factor in the project? ☐ Yes ☐ No If yes, indicate the number of REO listings and explain the trends in listings and sales of foreclosed properties.

Summarize the above trends and address the impact on the subject unit and project.

Signature  
Appraiser Name VANCE RANDALL  
Company Name APPRAISELV  
Company Address 92 PETTWOOD DR, HENDERSON, NV 89002  
State License/Certification # A.0007808-CR State NV  
Email Address APPRAISELASVEGAS@GMAIL.COM

Signature  
Supervisory Appraiser Name  
Company Name  
Company Address  
State License/Certification #  
Email Address



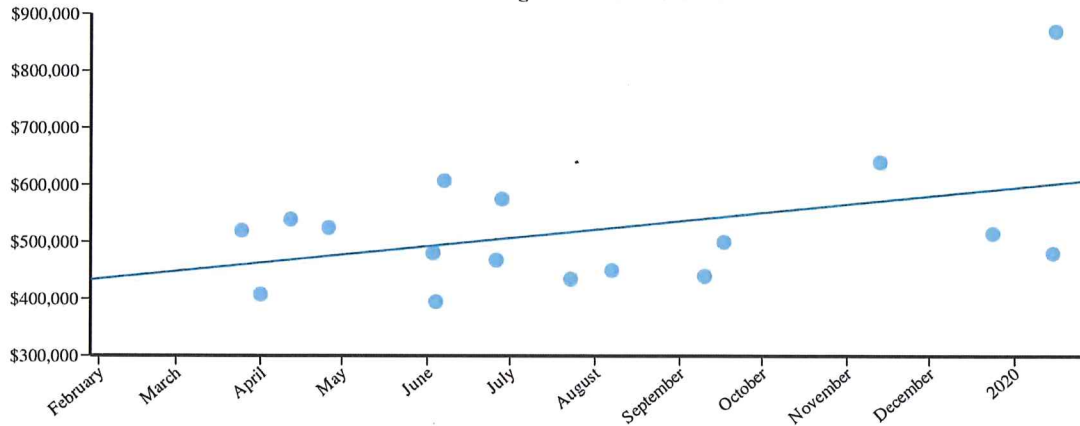
## Market Conditions Charts - Page 1

Borrower	David Stucke						
Property Address	3485 W Maule Ave						
City	Las Vegas	County	Clark	State	NV	Zip Code	89118
Lender/Client	David Stucke						

### Competing Med Sale \$

Total: \$500,000  $y = 482.07x + 432267.69$   
 Simple Regression Per Month:  $+3.3\%$

Date Range: 1/29/2019 - 1/28/2020

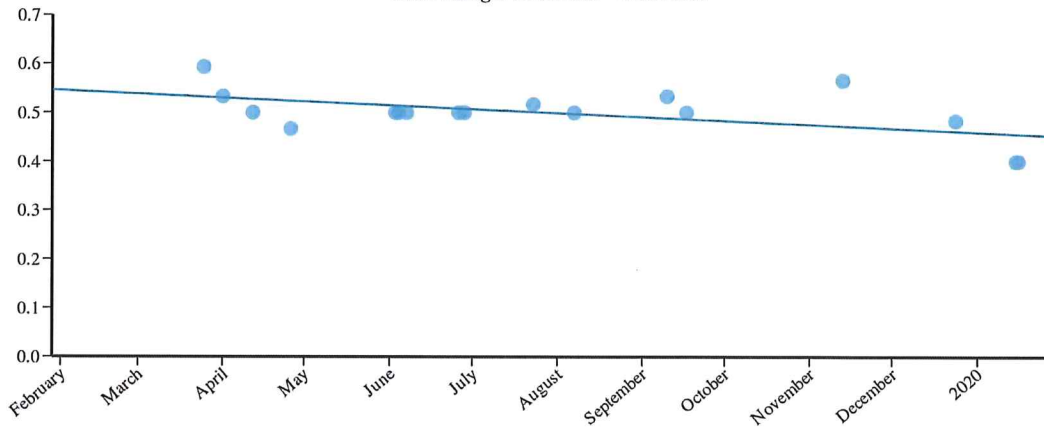


### Median \$

#### Competing Housing Supply (Months of)

Total: 8.5  $y = -0.0003x + 0.55$   
 Simple Regression Per Month:  $-1.4\%$

Date Range: 1/29/2019 - 1/28/2020

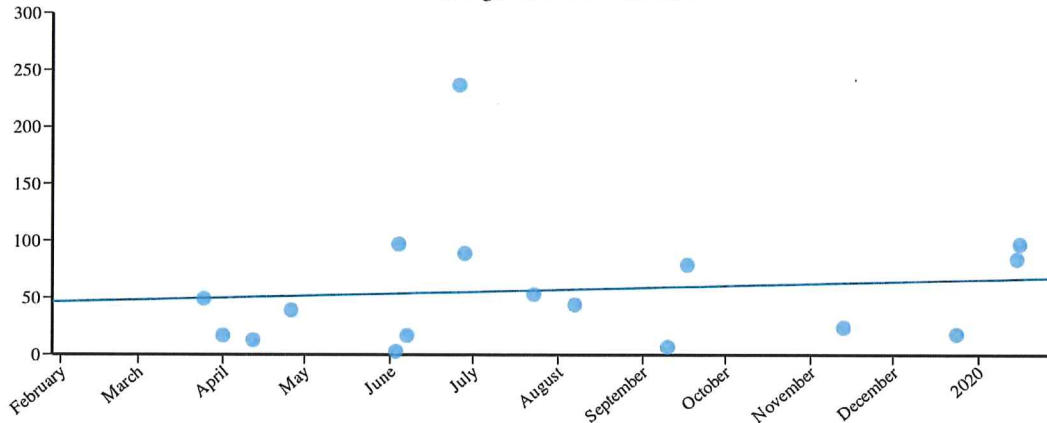


### Housing Supply

#### Competing Med DOM (Sales)

Total: 44  $y = 0.0582x + 46.22$   
 Simple Regression Per Month:  $+3.7\%$

Date Range: 1/29/2019 - 1/28/2020



### Sales DOM

STUCKE-0880

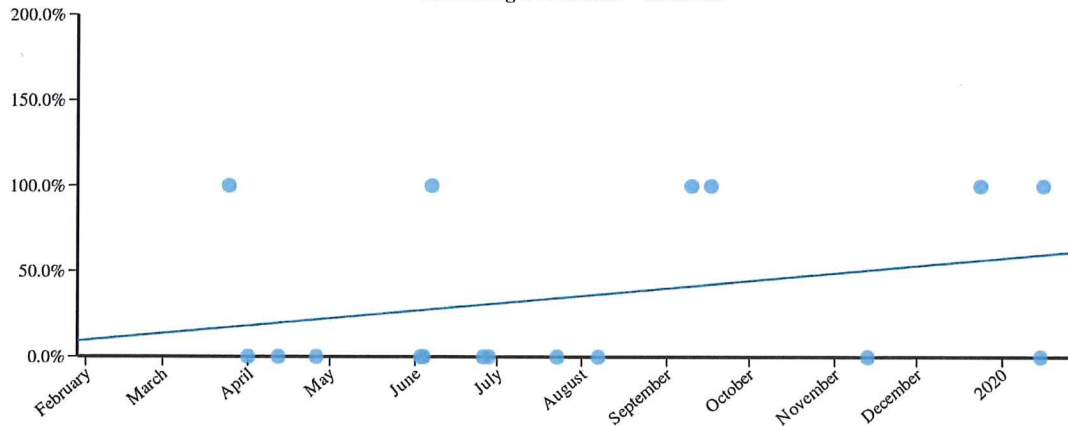
## Market Conditions Charts - Page 2

Borrower	David Stucke				
Property Address	3485 W Maule Ave				
City	Las Vegas	County	Clark	State	NV Zip Code 89118
Lender/Client	David Stucke				

### ● Competing Concession %

Total: 35.3%  $y = 0.1446x + 8.83$   
Simple Regression Per Month: +48.2%

Date Range: 1/29/2019 - 1/28/2020

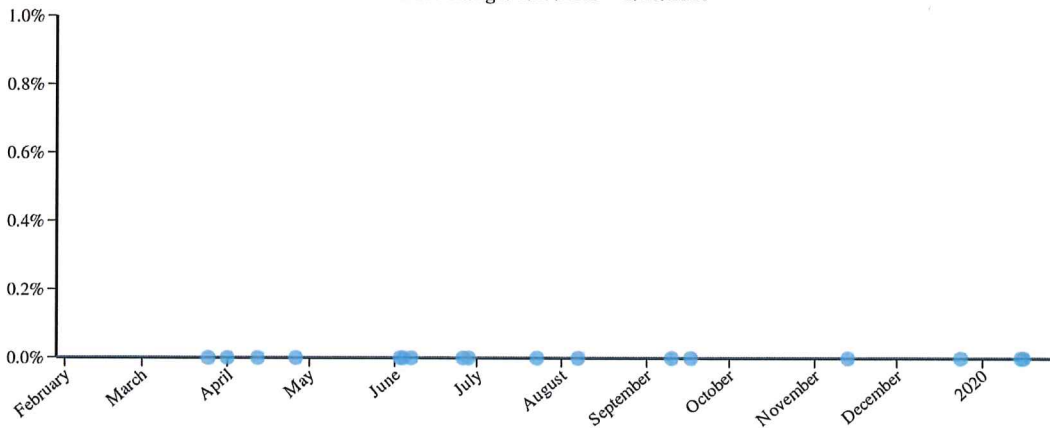


### Concession %

### ● Competing REO % (Sales)

Total: 0.0%  
Simple Regression Per Month: N/A

Date Range: 1/29/2019 - 1/28/2020

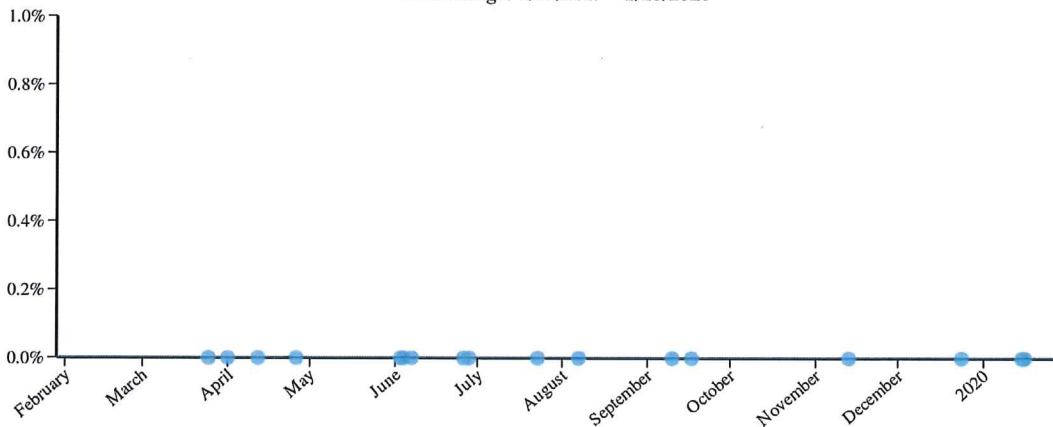


### Foreclosure Analysis

### ● Competing Short % (Sales)

Total: 0.0%  
Simple Regression Per Month: N/A

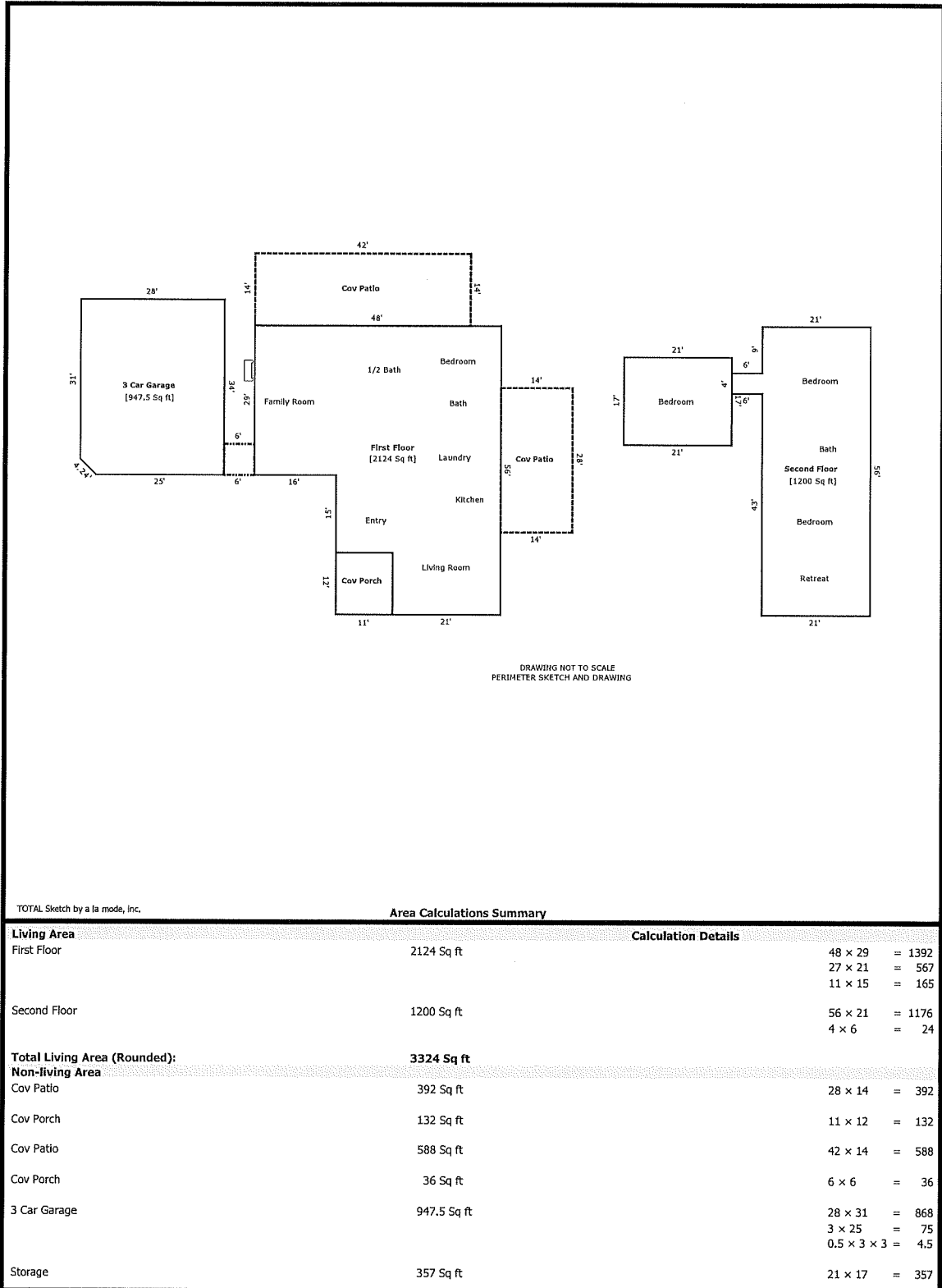
Date Range: 1/29/2019 - 1/28/2020



### Short Sale Analysis

## Building Sketch

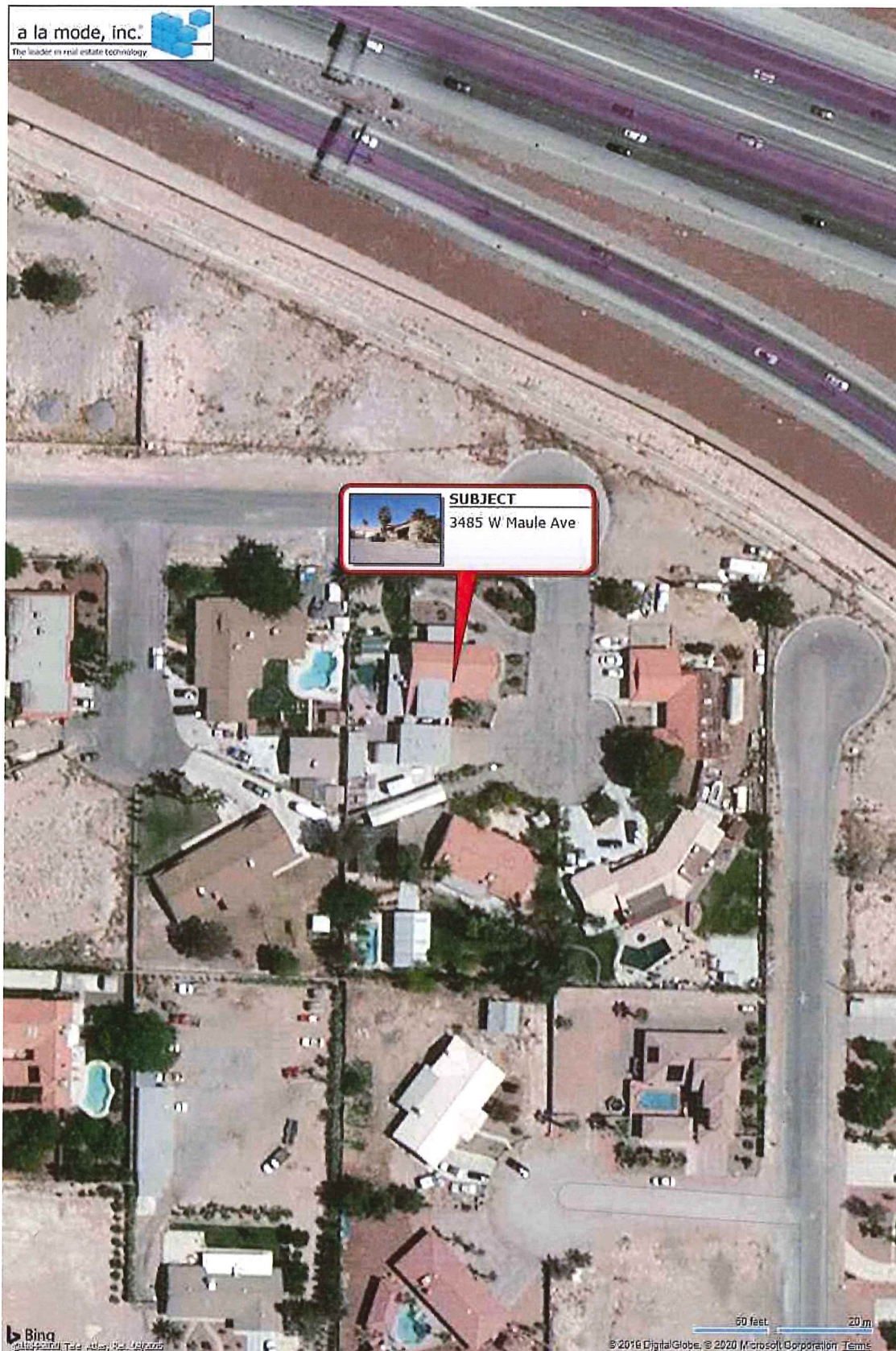
Borrower	David Stucke			
Property Address	3485 W Maule Ave			
City	Las Vegas	County	Clark	State NV Zip Code 89118
Lender/Client	David Stucke			



STUCKE-0882

## Aerial Map

Borrower	David Stucke				
Property Address	3485 W Maule Ave				
City	Las Vegas	County	Clark	State	NV Zip Code 89118
Lender/Client	David Stucke				

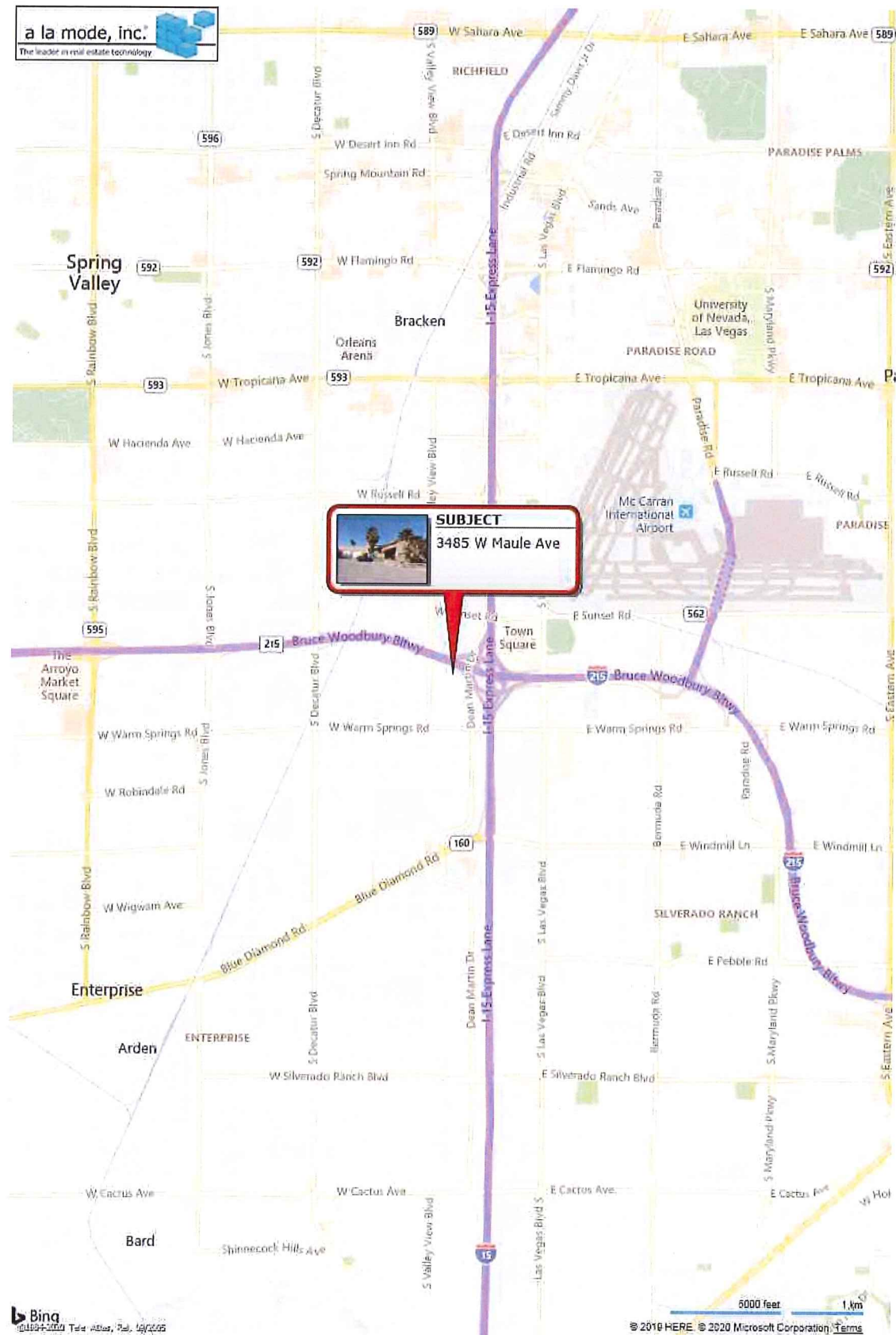


STUCKE-0883



## Location Map

Borrower	David Stucke				
Property Address	3485 W Maule Ave				
City	Las Vegas	County	Clark	State	NV
Lender/Client	David Stucke	Zip Code	89118		





## Comparable Sales Map

Borrower	David Stucke				
Property Address	3485 W Maule Ave				
City	Las Vegas	County	Clark	State	NV Zip Code 89118
Lender/Client	David Stucke				



STUCKE-0885



## Subject Photo Page

Borrower	David Stucke				
Property Address	3485 W Maule Ave				
City	Las Vegas	County	Clark	State	NV Zip Code 89118
Lender/Client	David Stucke				



### Subject Front

3485 W Maule Ave  
Sales Price  
Gross Living Area 3,324  
Total Rooms 7  
Total Bedrooms 3  
Total Bathrooms 2.1  
Location N;Res;  
View RESIDENTIAL  
Site 21,344 SqFt  
Quality Average  
Age 43



### Subject Rear



### Subject Street

STUCKE-0886



## Photograph Addendum

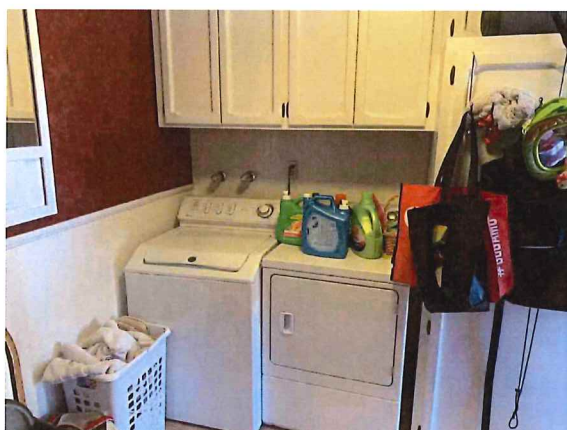
Borrower	David Stucke					
Property Address	3485 W Maule Ave					
City	Las Vegas	County	Clark	State	NV	Zip Code 89118
Lender/Client	David Stucke					



**Subject Living Room**



**Subject Kitchen**



**Subject Laundry**



**Subject Family Room**



**Subject Half Bathroom**



**Subject Bedroom**

STUCKE-0887



## Photograph Addendum

Borrower	David Stucke				
Property Address	3485 W Maule Ave				
City	Las Vegas	County	Clark	State	NV Zip Code 89118
Lender/Client	David Stucke				



**Subject Bathroom**



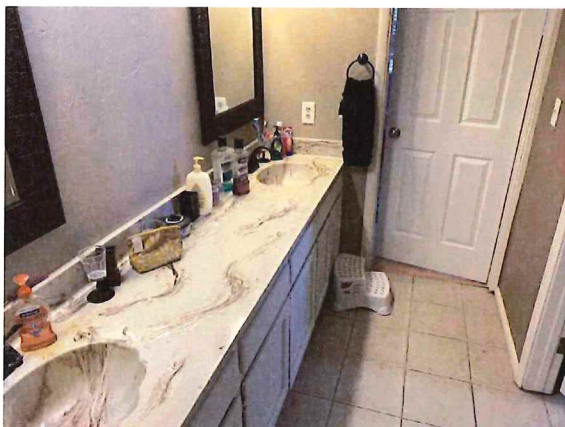
**Subject Bedroom**



**Subject Bedroom**



**Subject Bathroom**



**Subject Bathroom**



**Subject Master Bedroom**

STUCKE-0888



**Photograph Addendum**

Borrower	David Stucke					
Property Address	3485 W Maule Ave					
City	Las Vegas	County	Clark	State	NV	Zip Code 89118
Lender/Client	David Stucke					



**Subject Master Retreat**



**Subject Pool**



**Subject Pool Equipment**



**Subject Storage Shed**



**Subject Storage Shed**



**Subject Rear Yard**

STUCKE-0889

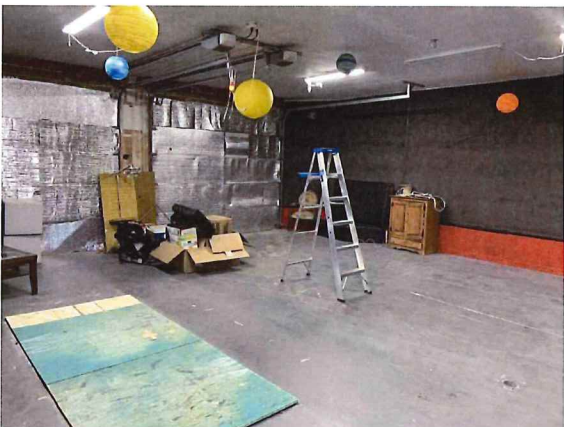


**Photograph Addendum**

Borrower	David Stucke				
Property Address	3485 W Maule Ave				
City	Las Vegas	County	Clark	State	NV Zip Code 89118
Lender/Client	David Stucke				



**Subject Side View**



**Subject Garage**



**Subject Side View**



**Subject Garage**

## Comparable Photo Page

Borrower	David Stucke				
Property Address	3485 W Maule Ave				
City	Las Vegas	County	Clark	State	NV Zip Code 89118
Lender/Client	David Stucke				



### Comparable 1

9456 Polaris Ave  
 Prox. to Subject 3.20 miles S  
 Sales Price 450,000  
 Gross Living Area 2,982  
 Total Rooms 8  
 Total Bedrooms 4  
 Total Bathrooms 2.1  
 Location N;Res;  
 View RESIDENTIAL  
 Site 33,977 SqFt  
 Quality Average  
 Age 41

\*\*MLS PHOTO\*\*



### Comparable 2

4025 W Mardon Ave  
 Prox. to Subject 0.75 miles SW  
 Sales Price 575,000  
 Gross Living Area 3,982  
 Total Rooms 10  
 Total Bedrooms 3  
 Total Bathrooms 2.1  
 Location N;Res;  
 View CITY  
 Site 22,651 SqFt  
 Quality Average  
 Age 38

\*\*MLS PHOTO\*\*



### Comparable 3

3165 W Torino Ave  
 Prox. to Subject 2.38 miles S  
 Sales Price 480,500  
 Gross Living Area 3,002  
 Total Rooms 8  
 Total Bedrooms 4  
 Total Bathrooms 3.0  
 Location N;Res;  
 View RESIDENTIAL  
 Site 20,473 SqFt  
 Quality Average  
 Age 30

\*\*MLS PHOTO\*\*

STUCKE-0891



## Comparable Photo Page

Borrower	David Stucke				
Property Address	3485 W Maule Ave				
City	Las Vegas	County	Clark	State	NV Zip Code 89118
Lender/Client	David Stucke				



### Comparable 4

5970 Sabb Ave  
Prox. to Subject 2.17 miles NW  
Sales Price 525,000  
Gross Living Area 3,221  
Total Rooms 7  
Total Bedrooms 4  
Total Bathrooms 3.0  
Location N;Res;  
View RESIDENTIAL  
Site 25,265 SqFt  
Quality Average  
Age 26

\*\*MLS PHOTO\*\*



### Comparable5

198 Ebb Tide Cir  
Prox. to Subject 1.42 miles SE  
Sales Price 408,000  
Gross Living Area 2,934  
Total Rooms 7  
Total Bedrooms 3  
Total Bathrooms 3.1  
Location N;Res;  
View RESIDENTIAL  
Site 19,166 SqFt  
Quality Average  
Age 37

\*\*MLS PHOTO\*\*

### LEFT BLANK6

Prox. to Subject  
Sales Price  
Gross Living Area  
Total Rooms  
Total Bedrooms  
Total Bathrooms  
Location  
View  
Site  
Quality  
Age

STUCKE-0892

**LICENSE**

**APPRAISER CERTIFICATE**

**STATE OF NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY**

**NOT TRANSFERABLE**

**REAL ESTATE DIVISION**

**NOT TRANSFERABLE**

**This is to Certify That : VANCE D RANDALL**

**Certificate Number: A.0007808-CR**

**Is duly authorized to act as a CERTIFIED RESIDENTIAL APPRAISER from the issue date to the expiration date at the business address stated here in, unless the certificate is sooner revoked, cancelled, withdrawn, or invalidated.**

**Issue Date: March 6, 2018**

**Expire Date: April 30, 2020**

**In witness whereof, THE DEPARTMENT OF BUSINESS AND INDUSTRY, REAL ESTATE DIVISION, by virtue of the authority vested in it by Chapter 645C of the Nevada Revised Statutes, has caused this Certificate to be issued with its Seal printed thereon. This certificate must be conspicuously displayed in place of business.**

**FOR: APPRAISELV LLC  
228 PIONEERS PEAK AVE  
HENDERSON, NV 89002**

**REAL ESTATE DIVISION**

**SHARATH CHANDRA**  
*Administrator*



**STUCKE-0893**

EXHIBIT 2

EXHIBIT 2

EXHIBIT 2

## Conditions - Borrower Outstanding with Requirements

<b>Date Issued</b>	02/19/20	<b>Loan No.</b>	1400477296
<b>Borrowers</b>	David P Stucke	<b>Property</b>	3485 W Maule Avenue
<b>Lender</b>	Cardinal Financial Company, Limited Partnership		Las Vegas, NV 89118
	NMLS ID: 66247 State Lic: 3968		Clark County
<b>Originator</b>	Mike Dean NMLS ID: 162919 State MLO ID: 997		

Below is a list of borrower-provided documents pending receipt or approval. We require these documents to support the information provided on the loan application.

Loan Purpose <b>Cash-out</b>	Loan Amount <b>\$361,000</b>	Rate <b>5.125%</b>	Product <b>Conventional 30 Year, Fixed Rate</b>	Est. Fund <b>02/20/20</b>
---------------------------------	---------------------------------	-----------------------	----------------------------------------------------	------------------------------

### Required Prior to Approval

Credit	Decision
<input type="checkbox"/> Divorce Decree or Separation Agreement for David P. Stucke <ul style="list-style-type: none"> <li>Ensure all pages of the divorce agreement, separation agreement, or other notarized agreement as dictated by local custom, including any modifications, are provided.</li> </ul>	Unreceived

### Required Prior to Funding

Credit	Decision
<input type="checkbox"/> Settlement Statement   Sale of Property Concurrent Closing for 3740 Grandview Place, Las Vegas, NV <ul style="list-style-type: none"> <li>Ensure borrower(s) in our system of record match name of sellers.</li> <li>Ensure document indicates date of sale.</li> <li>Ensure document is final settlement statement (HUD or Closing Disclosure format). <i>[Please provide final executed settlement statement]</i></li> </ul>	Pending Pending Rejected



EXHIBIT 3

EXHIBIT 3

EXHIBIT 3

# Cardinal Financial Company, Limited Partnership

3145 St Rose Parkway, Suite 201 • Henderson, NV 89052

## Loan Quote | Closing Disclosure

Your actual rate, payment and costs could be higher. Get an official Loan Estimate before choosing the loan.

Prepared For	
Borrowers	David P Stucke
Date Issued	2/19/20
Notes	

Prepared By	
Loan Officer	Mike Dean
Phone	(702) 303-1333
Email	mike.dean@cardinalfinancial.com
NMLS ID	162919

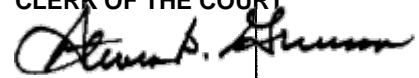
Loan Terms	
Purpose	Refinance
Property	3485 W Maule Avenue, Las Vegas, NV 89118
Property Use	Primary Residence
Est. Property Value	\$525,000
Loan Amount	\$361,000
Product	Conventional 30 Year, Fixed Rate
Interest Rate	5.125%
Annual Percentage Rate (APR)	5.212%

Estimated Monthly Payments	
<b>Mortgage Payment</b>	
Principal & Interest	\$1,965.60
Mortgage Insurance	\$0.00
Property Taxes	\$191.53
Hazard Insurance	\$101.45
<b>Total Mortgage Payment</b>	<b>\$2,258.58</b>

Estimated Closing Costs	
<b>Loan Costs</b>	
Lock Extension Fee	\$1,010.80
Processing Fee	\$695.00
Underwriting Fee	\$995.00
Appraisal Fee	\$490.00
Title - Closing Protection Letter Fee	\$25.00
Title - Electronic Recording Fee	\$13.50
Title - Endorsement 9	\$100.00
Title - Lender's Title Insurance	\$813.75
Title - Notary Fee	\$175.00
Title - Settlement Fee	\$250.00
<b>Total</b>	<b>\$4,568.05</b>
<b>Taxes and Other Government Fees</b>	
Recording Fees	\$120.00
<b>Total</b>	<b>\$120.00</b>

<b>Estimated Closing Costs</b>	
<b>Prepays</b>	
Prepaid Interest (\$50.69 per day for 10 days)	\$506.90
County Property Tax (3 months)	\$574.15
<b>Total</b>	<b>\$1,081.05</b>
<b>Initial Escrow Payment at Closing</b>	
Homeowner's Insurance (\$101.45 per mo. for 8 mo.)	\$811.60
Aggregate Adjustment	- \$483.25
<b>Total</b>	<b>\$328.35</b>
<b>Other</b>	
Lender Credits	-\$704.59
<b>Total</b>	<b>-\$704.59</b>
<b>Total Estimated Closing Costs</b>	<b>\$5,392.86</b>

<b>Estimated Cash to Close</b>	
Loan Amount	\$361,000.00
Total Estimated Closing Costs	-\$5,392.86
Estimated Total Payoffs and Payments	-\$238,490.39
<b>Estimated Cash To Borrower</b>	<b>\$117,606.75</b>
<i>Estimated Closing Costs Financed (Paid from your Loan Amount)</i>	\$4,902.86



1 **EXH**

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

9 DAVID PATRICK STUCKE,

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

10 Plaintiff,

) Department: F

11 vs.

12 CHRISTIE LEEANN STUCKE,

13 Defendant.

14  
15 **SUPPLEMENTAL EXHIBIT IN SUPPORT OF**  
16 **EMERGENCY MOTION TO ALLOW PLAINTIFF TO**  
**COMPLETE THE REFINANCE OF THE MAULE RESIDENCE**  
**AND FOR DEFENDANT TO VACATE THE RESIDENCE**

17 NOW INTO COURT comes Plaintiff, DAVID PATRICK STUCKE,  
18 by and through his attorney of record, VINCENT MAYO, ESQ., of THE  
19 ABRAMS & MAYO LAW FIRM, and hereby submits the following  
20 supplemental exhibit in support of his *Emergency Motion to Allow*  
21

1 *Plaintiff to Complete the Refinance of the Maule Residence and for the*  
2 *Defendant to Vacate the Residence.*

3

Exhibit	Description
4	Conditional approval letter for refinance of the Maul residence

6

7 Dated this 24<sup>th</sup> day of February, 2020.

8 Respectfully Submitted,

9 THE ABRAMS & MAYO LAW FIRM

10 /s/ Vincent Mayo, Esq.

11 Vincent Mayo, Esq.

12 Nevada State Bar Number: 8564

6252 South Rainbow Blvd., Suite 100

13 Las Vegas, Nevada 89118

14 Attorney for Plaintiff

15

16

17

18

19

20

21

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that the foregoing *Supplemental Exhibit in Support*  
3 *of Emergency Motion to Allow Plaintiff to Complete the Refinance of the*  
4 *Maule Residence and for the Defendant to Vacate the Residence* was filed  
5 electronically with the Eighth Judicial District Court in the above-entitled  
6 matter, on <sup>Tuesday</sup> ~~Monday~~, February <sup>25</sup> ~~24~~, 2020. Service of the foregoing  
7 document was made via 1<sup>st</sup> Class U.S. Mail, postage fully prepaid,  
8 addressed to:

9 Christie Stucke  
10 3485 W. Maule Avenue  
11 Las Vegas, Nevada 89118  
12 Defendant, in proper person

13 And via email to:

14 Christie Stucke  
15 Email: christiestucke@gmail.com

16 /s/ Chantel Wade  
17 An Employee of The Abrams & Mayo Law Firm  
18  
19  
20  
21

**EXHIBIT 4**

**EXHIBIT 4**

**EXHIBIT 4**



February 23, 2020

Mr. Stucke,

This letter is to confirm that we have completed the underwriting of your loan file and have determined you have met all Fannie Mae loan parameters. Only two remaining underwriting conditions are outstanding and must be satisfied before Cardinal Financial can draft your closing documents.

- Quit Claim Deed signed by spouse or finalized divorce decree.
- Court order/decreed showing Bank of America auto loan #6301004118322 is the sole responsibility of your spouse.

Once we obtain these two items you will be able to sign closing documents and finalize this refinance transaction.

Thank you,

*Michael Dean*

Mike Dean  
Branch Manager  
702.938.7602



D-18-580621-D      David Patrick Stucke, Plaintiff  
vs.  
Christie LeeAnn Stucke, Defendant.

**March 10, 2020      09:30 AM      Motion**

**HEARD BY:**      Gentile, Denise L      **COURTROOM:** Courtroom 03

**COURT CLERK:**      McCulloch, Melissa

**PARTIES PRESENT:**

**David Patrick Stucke, Counter Defendant, Plaintiff,      Vincent Mayo, Attorney, Present Present**

**Christie LeeAnn Stucke, Counter Claimant,      Pro Se Defendant, Present**

**Sarah Laura Stucke, Subject Minor, Not Present**

**David Orion Stucke, Subject Minor, Not Present**

**JOURNAL ENTRIES**

**PLAINTIFF'S EMERGENCY MOTION TO ALLOW PLAINTIFF TO COMPLETE THE REFINANCE OF THE MAULE RESIDENCE AND FOR DEFENDANT TO VACATE THE RESIDENCE**

Parties SWORN and TESTIFIED.

Statements by Attorney Mayo regarding Plaintiff's refinance of the W. Maule residence, pay-off of the van through escrow and preservation of the funds until a stipulation is reached or further order of the Court. Statements by Defendant regarding need for disbursement of funds to allow her the ability to relocate from the residence. Argument by Attorney Mayo regarding alleged under claiming of income by Defendant. Discussion regarding alternatives for Defendant until such time as the matter is adjudicated or heard at a settlement conference. Further discussion regarding how much time is needed to complete discovery. Court NOTES, Defendant provided Plaintiff with several coins, keys and his wedding ring IN OPEN COURT.

Following discussion COURT ORDERED as follows:

1. SENIOR JUDGE SETTLEMENT CONFERENCE set on 5/6/20 at 1:30 p.m. Each Party shall submit a brief for the Senior Judge at least seven (7) days prior to the settlement conference, as well as file/serve an updated Financial Disclosure Form (FDF), if necessary, with courtesy copies delivered to the department drop box. Order referring to Senior Judge Settlement Program provided to the parties and FILED IN OPEN COURT.

2. In the interim, Plaintiff is permitted to complete the RE-FINANCE of the W. Maule residence. Defendant is to cooperate and execute a Quit Claim Deed, if it is needed, with the understanding that she is not waiving her community interest in the residence. Should she fail to do so, the Clerk of the Court, Steve Grierson, will be permitted to execute a deed on her behalf. The pay-off of the parties' van will be permitted through escrow as part of the re-finance. Pursuant to the 1/30/20 Order, the community equity funds are to be placed in Counsel's Trust Account until stipulation or further order of the Court.

3. Defendant will be permitted to stay in the W. Maule residence for another four (4) weeks while she lines up alternative living arrangements for her and the children. Parties are to discuss and Plaintiff is to consider assisting Defendant with reasonable funds to assist in her relocation, including moving fees and deposits on a new residence, by agreeing to the release of community funds, as opposed to this matter returning back to Court.

Attorney Mayo will prepare an Order from today's hearing.

4. The W. Maule furniture/furnishings are to be divided via an A/B List.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

May 06, 2020 1:30PM Settlement Conference  
Courtroom 03 Gentile, Denise L

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint****COURT MINUTES**

June 11, 2020

D-18-580621-D      David Patrick Stucke, Plaintiff  
vs.  
Christie LeeAnn Stucke, Defendant.

**June 11, 2020      8:00 AM      Minute Order**

**HEARD BY:** Gentile, Denise L**COURTROOM:** Chambers**COURT CLERK:** Melissa McCulloch**PARTIES:**

Christie Stucke, Defendant, Counter Claimant,    Pro Se  
not present

David Stucke, Plaintiff, Counter Defendant,      Vincent Mayo, Attorney, not present  
not present

David Stucke, Subject Minor, not present

Sarah Stucke, Subject Minor, not present

<b>JOURNAL ENTRIES</b>
------------------------

- NRCP 1 and EDCR 1.10 state the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action.

COURT FINDS on June 8, 2020 Plaintiff requested a drug test referral for Defendant, pursuant to the Order from the October 7, 2019 hearing, entered on October 31, 2019. COURT FINDS Defendant was referred to American Toxicology, Inc., and results were reported to the Court on June 11, 2020.

COURT FINDS that Defendant's sample provided on June 8, 2020 returned results of THC Metabolite Positive 225ng/ml in Urine; and Negative in Hair.

COURT FINDS that the American Toxicology, Inc. results reported herein shall remain confidential pursuant to EDCR 5.301 and EDCR 5.304.

PRINT DATE:	06/11/2020	Page 1 of 2	Minutes Date:	June 11, 2020
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**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

STUCKE-0906

CLERK'S NOTE: On 6/11/20 a copy of the Court's Minute Order was provided to Defendant and to Plaintiff's Attorney of record. (mm)

**FUTURE HEARINGS:**     June 23, 2020 10:00 AM Motion to Set Aside  
Gentile, Denise L  
Courtroom 03  
McCulloch, Melissa

June 23, 2020 10:00 AM Opposition & Countermotion  
Gentile, Denise L  
Courtroom 03  
McCulloch, Melissa

PRINT DATE:	06/11/2020	Page 2 of 2	Minutes Date:	June 11, 2020
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**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

STUCKE-0907

## Divorce - Complaint

## COURT MINUTES

June 23, 2020

D-18-580621-D      David Patrick Stucke, Plaintiff  
vs.  
Christie LeeAnn Stucke, Defendant.

June 23, 2020      10:00 AM      All Pending Motions

HEARD BY:      Gentile, Denise L      COURTROOM: Courtroom 03

COURT CLERK:      McCulloch, Melissa

## PARTIES PRESENT:

David Patrick Stucke, Counter Defendant, Plaintiff,      Vincent Mayo, Attorney, Present  
Present

Christie LeeAnn Stucke, Counter Claimant,      Pro Se  
Defendant, Present

Sarah Laura Stucke, Subject Minor, Not Present

David Orion Stucke, Subject Minor, Not Present

## JOURNAL ENTRIES

MOTION TO SET ASIDE ORDER, JUDGEMENT, AND/OR DEFAULT... PLAINTIFF'S OPPOSITION TO MOTION AND MOTION TO SET ASIDE ORDER, JUDGEMENT AND/OR ORDER AND COUNTERMOTION TO ORDER DEFENDANT TO STOP TRYING TO INFLUENCE THE COURT ON AN EX PARTE BASIS, FOR ATTORNEY'S FEES AND RELATED RELIEF

Both parties and Attorney Mayo participated TELEPHONICALLY.

Statements by the Plaintiff regarding Defendant not closing on the property or completing the refinance on purpose. Argument by Attorney Mayo. Discussion regarding status of discovery and the Court setting the matter for trial. Statements by Defendant regarding the need for a copy of her file and lack of documentation in her possession. Court stated all discovery disputes need to be heard before the Discovery Commissioner. Upon inquiry, Defendant represented she was in communication with Dr. Paglini and he is waiting her release and should have the report in the next thirty (30) days.

## COURT ORDERED:

1. Defendant to provide Dr. Paglini with the signed release by the end of the day today.
2. NON-JURY TRIAL set for 9/14/20 at 9:00 a.m. regarding custody (Day 1); and 9/17/20 at 9:00 a.m. regarding financials/divorce (Day 2).
3. Discovery will close thirty (30) days prior to trial. Court to issue a TRIAL MANAGEMENT ORDER, which will be electronically provided to each side.

## INTERIM CONDITIONS:

## FUTURE HEARINGS:

Printed Date: 6/26/2020

Page 1 of 2

Minutes Date:

June 23, 2020

Sep 14, 2020 9:00AM Non-Jury Trial  
Courtroom 03 Gentile, Denise L

Sep 17, 2020 9:00AM Non-Jury Trial  
Courtroom 03 Gentile, Denise L

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint****COURT MINUTES**

August 03, 2020

D-18-580621-D      David Patrick Stucke, Plaintiff  
vs.  
Christie LeeAnn Stucke, Defendant.

**August 03, 2020      8:00 AM      Minute Order**

**HEARD BY:** Gentile, Denise L**COURTROOM:** Chambers**COURT CLERK:** Melissa McCulloch**PARTIES:**

Christie Stucke, Defendant, Counter Claimant,      Fred Page, Attorney, not present  
not present  
David Stucke, Plaintiff, Counter Defendant,      Vincent Mayo, Attorney, not present  
not present  
David Stucke, Subject Minor, not present  
Sarah Stucke, Subject Minor, not present

<b>JOURNAL ENTRIES</b>
------------------------

- NRCP 1 and EDCR 1.10 state the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action.

COURT FINDS that on July 27, 2020, Plaintiff, David Stucke, was referred to American Toxicology Institute ( ATI ) for testing. COURT FINDS the results for ATI have been returned to the Court, with a report of URINE DRUGS: THC Metabolite Positive 118 ng/ml and Amphetamine Positive 5228 ng/ml; and HAIR DRUGS: Amphetamine Positive 8885 pg/mg and Amphetamine Positive 9560 pg/ml. COURT FINDS the ATI results include additional notes as follows: Report Notes: The donor indicated a currently prescribed medication which is consistent for a positive finding for Amphetamine. The prescription has been verified by the laboratory. COURT FINDS ATI reports the Plaintiff s sample was collected on 7/27/2020.

PRINT DATE:	08/03/2020	Page 1 of 2	Minutes Date:	August 03, 2020
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**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

STUCKE-0910

COURT FINDS that on July 27, 2020, Defendant, Christie Stucke, was referred to ATI for testing. COURT FINDS the results for ATI have been returned to the Court, with a report of THC Metabolite Positive 112 ng/ml URINE DRUGS; and Negative for HAIR DRUGS. COURT FINDS ATI reports the Defendant s sample was collected on 7/27/2020.

CLERK'S NOTE: On 8/3/20 a copy of the Court's Minute Order was provided to each Attorney via email, if an email address is on record with the Court; if no email address is available then the Minute Order was mailed to the physical address of record. (mm)

**FUTURE HEARINGS:**      September 14, 2020 9:00 AM Non-Jury Trial  
Gentile, Denise L  
Courtroom 03  
McCulloch, Melissa

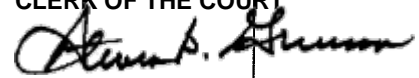
September 17, 2020 9:00 AM Non-Jury Trial  
Gentile, Denise L  
Courtroom 03  
McCulloch, Melissa

PRINT DATE:	08/03/2020	Page 2 of 2	Minutes Date:	August 03, 2020
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**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

STUCKE-0911





**PTM**  
Vincent Mayo, Esq.  
Nevada State Bar Number: 8564  
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Email: VMGroup@tamlf.com  
Attorney for Plaintiff

Eighth Judicial District Court  
Family Division  
Clark County, Nevada

DAVID PATRICK STUCKE,	)	Case No.: D-18-580621-D
	)	
Plaintiff,	)	Department: F
	)	
vs.	)	
	)	
CHRISTIE LEEANN STUCKE,	)	
	)	
Defendant.	)	
	)	

## PLAINTIFF'S PRE-TRIAL MEMORANDUM

**COMES NOW**, Plaintiff, DAVID PATRICK STUCKE, by and through his attorney of record, VINCENT MAYO, ESQ., of THE ABRAMS & MAYO LAW FIRM, and hereby submits his Pre-Trial Memorandum.

### I. STATEMENTS OF FACTS

#### A. NAMES AND AGES OF THE PARTIES:

1. Plaintiff, David P. Stucke ("David"), age 46.

STUCKE-0912

2. Defendant, Christie LeeAnn Stucke (“Christie”), age 42.

**B. DATE OF MARRIAGE:**

The parties were married four (4) years ago, on May 28, 2016, in Las Vegas, Nevada.

**C. RESOLVED ISSUES, INCLUDING AGREED RESOLUTION:**

1. The parties are incompatible, with no possibility of reconciliation.
2. That the State of Nevada, County of Clark, has jurisdiction over these proceedings.
3. The parties should be equally responsible for any medical, dental (including orthodontic), psychological, optical, and prescription expenses of the minor children, not covered by insurance. The parties should utilize the “30/30 rule” in regard to payment of any such unreimbursed medical expenses of the minor children.

**D. STATEMENT OF UNRESOLVED ISSUES:**

1. Physical custody of the minor children, to wit: Sarah Stucke, DOB: May 22, 2016 (4-years-old); and David Stucke (Jr.), DOB: March 30, 2018 (2-years-old).
2. Child support.

1           3.     Distribution of Assets.

2           4.     Distribution of Debts.

3           5.     Confirmation of Plaintiff's sole and separate premarital /  
4                 property.

5           6.     Waste / dissipation by Defendant.

6           7.     Attorney's fees.

7   **II.   DAVID SHOULD BE AWARDED PRIMARY PHYSICAL**  
8   **CUSTODY**

9           This Court is well aware of the struggle David has undergone in  
10          attempting to co-parent with Christie and obtain some stability for the  
11          parties' young children. Unfortunately, Christie has sabotaged these  
12          efforts and made co-parenting a nightmare for David. Dr. Paglini, who  
13          conducted a child custody evaluation in this matter, found Christie  
14          cannot regulate her negative thoughts towards David and that her  
15          children have been exposed to her negativity towards David on a number  
16          of occasions. Dr. Paglini found this behavior is a major hinderance to co-  
17          parenting and that Christie needs to undergo intense counseling to  
18          address same.

19          This destructive, pathological misconduct is fueled by Christie's  
20          hate for David and her "significant, emotional dysregulation"—a  
21          condition that has existed throughout her life, as Dr. Paglini found in his  
            report. Christie herself admitted to her psychological issues, telling Dr.

1 Paglini she informed a prior counselor and David both that she suffers  
2 from borderline personality disorder.

3 It is of note that Dr. Paglini found David to be stable  
4 psychologically and fit to care for the children. Christie herself admitted  
5 that David is very loving and caring towards both children, playing and  
6 spending time with them while he involves them in creative experiences.  
7 David also focuses on the children's educational need, helping them  
8 interactively with reading and math. Also, and unlike Christie, David is  
9 careful not to involve the children in the litigation. Dr. Paglini also noted  
10 that David is attentive to the children's needs and they have a close  
11 relationship with David.

12 While Dr. Paglini has major concerns in regard to Christie's ability  
13 to facilitate and encourage the relationship between David and the  
14 children, he recommended a 60/40 joint physical custody with David  
15 having the children four days a week (60%) and Christie having the  
16 children three days of week (40%). This is contingent on Christie  
17 undergoing counseling and the parties completing an extensive co-  
18 parenting class. That being said, Dr. Paglini found that if Christie does  
19 not complete the requirements of the Court and/or continues in her  
20 behavior, the Court should consider David having primary physical  
21 custody.

1        However, and most importantly, Christie made false claims of rape  
2 by David and abuse towards the parties' daughter Sarah. Dr. Paglini  
3 strongly recommended in his report that if Christie is lying and made  
4 the claims for gain in this divorce, such conduct would be an ultimate  
5 act of parental alienation and the Court should award David primary  
6 physical custody with restrictions on Christie.

7        Unfortunately, this is exactly what occurred in this case. Christie's  
8 own conduct and admissions evidence she intentionally lied about the  
9 rape allegations, as well as the abuse claims against Sarah.

#### 10        **Christie's false claims of rape**

11        Christie's false allegation of rape is best understood after some  
12 background is provided. Unfortunately, Christie is an emotionally  
13 disturbed individual as she has severe psychological problems. Christie  
14 is a very violent woman and is prone to fits of rage over insignificant or  
15 irrational issues, resulting in her cursing at David, throwing objects and  
16 even striking him. During one incident on August 25, 2018, Christie was  
17 screaming at David, accusing him of cheating and calling him an asshole  
18 and repeating "Fuck you!" while literally holding a crying Sarah. Christie  
19 had a history of denying such events so David decided to video record  
20 her. Christie later rose, chased after David while holding Sarah, throwing  
21 a car seat in David's direction and hitting him several times in the

1 process. During another incident, Christie literally grabbed two chairs in  
2 the kitchen and smashed them while swinging them in David's direction.  
3 Christie admitted to hitting David in a text from later that day. Christie  
4 attacked David again a week later. David would often retreat to a  
5 bedroom once he had Sarah and the baby to protect them while Christie  
6 calmed down.

7 After a fight, Christie would get severally depressed and distant,  
8 stating she was leaving. Christie did so on a number of occasions, being  
9 gone for a few days while David cared for the children. Christie wouldn't  
10 tell David where she was going or when she was coming home. Christie  
11 would eventually return, asking David to take her back. It was times like  
12 these that David, against his better judgment, took Christie back.

13 Christie became increasingly irrational, paranoid and self-centered  
14 over the fall of 2018, resulting in her erratic and violent behavior  
15 worsening. She attacked David on October 30, 2018, over her accusation  
16 David was having an affair on her (which he wasn't). David tried to  
17 defend himself and in fact, he was the one who called the police (as 911  
18 recordings will evidence and Christie admits in text messages). When  
19 the police arrived, David said Christie attacked him while Christi lied  
20 and stated David started the fight. David was trying to get the car seats  
21 so he could care for the kids while she abandoned the family for another

1 day. The police stated someone had to go to jail and although they  
2 believed Christie to be the aggressor, Christie suggested she had some  
3 bruises under her clothes (although they were not shown to the police).  
4 The officer told David that he could take David to jail or both Christie  
5 and David to jail. Since someone needed to be there for the children and  
6 pick Sarah up from school, David agreed to be arrested.

7 The truth immediately came out as Christie, who did not want  
8 David to go to actually go to jail, instantly tried to change her story but  
9 the police reiterated protocol required them to take someone in.

10 **Christie did not file for a TPO and not only did she put up bail**  
11 **for David but also picked him up from the police station and**  
12 **went to lunch with him at the Peppermill.** Christie stated she was

13 sorry and did not want them to divorce. Christie was pushing for David  
14 to send his mother, whom is very ill, back to Pennsylvania and re-  
15 commit to the marriage. She asked David to “basically disown your  
16 parents”. More telling is the fact Christie finally admitted in a text  
17 message dated November 28<sup>th</sup> that she hit David that day, thereby  
18 initiating the incident. Christie also admitted she hit David in an audio  
19 recording of a conversation with David. Dr. Paglini concluded David had  
20 not attacked Christie that day.

21 ///

1 A month later on November 26<sup>th</sup>, David attended a concert with  
2 his friend Dan. Christie was upset because she alleged David did not go  
3 to the concert and accused him of cheating (even though David did go to  
4 the concert with his friend Dan). Christie, who was in a fit by that point,  
5 stated:

6 "Fuck you, you are a liar! Fuck you, you are cheating on me! Fuck  
7 you, you are done! We are fucking done! Cheating, fucking liar!  
You are out tomorrow!"

8 Christie, infuriated, called the police, trying to use as an excuse  
9 that David was drunk. David was not drunk (as the police confirmed),  
10 and in fact had not drank that night. The police stated David did not  
11 have to leave his home but it would be wise for the parties to sleep in  
12 different rooms.

13 As usual, Christie apologized the next morning on November 27,  
14 2018. Christie found out that David filed for divorce later that morning.  
15 Christie responds by filing an application for a TPO on November 27,  
16 2018. The TPO was denied the following day. Christie later after  
17 retaining counsel filed a second TPO on December 6, claiming that she  
18 was raped early in the morning of November 28<sup>th</sup>. Christie clearly is  
19 leveraging the system designed to protect real victims to gain control of  
20 the house and David's property. This is clear from the fact Christie does  
21 not mention anything about any nonconsensual sex in the parties' texts



1 the next day on November 28<sup>th</sup>. In fact, the very first text David has from  
2 Christie the next morning starts with the following:

3 “So your biggest complaint about me being upset and yelling and I  
4 am telling you I am willing to go to counseling with you for the  
yelling and I’m even willing to consider medication...”

5 **She makes absolutely no mention in the text, or in any**

6 **text thereafter, of any alleged rape.** Christie also did not call the

7 police. Most telling, Christie asked David two days later if he wanted to

8 go to rope sex instruction class with her. David went (trying to keep the

9 peace) on November 30<sup>th</sup> and there are photos of Christie, smiling and

10 tied up from that class. At the party, Christie requested that David use a

11 flogger on her. Due to the Christie’s erratic behavior and lies David

12 refused to. On November 28<sup>th</sup>, Christie told David (in recordings) to

13 “Pack your bags David...I’m done trying to give you a fair shake, you’re

14 going to have to do what the judge says now and it ain’t gonna be as good

15 as I would have given ya...I was willing to give you a fair shake, now I’m

16 not. You’ll suffer whatever consequences happen...You won’t have any

17 more chances. You will be out of this house. I guarantee you.... You’re

18 the one that’s going to pay the price.” These statements were right after

19 Christie’s friends told her to “fight back, fight dirty” in response to her

20 complaining about David’s divorce filing.

21 ///

1 David knew the parties could not remain together though,  
2 especially after the parties' counselor stated she did not believe Christie  
3 would ever change if she was BPD. David therefore filed for divorce on  
4 November 28, 2018.

5 Once Christie was served with papers, Christie became erratic,  
6 often apologetic and full of self-pity on top of her extreme vengeful  
7 threats. David has audio from November 29<sup>th</sup> in which Christie states  
8 she wants to reconcile ("you need to choose me over this divorce") and  
9 that the parties should exercise joint physical custody. **This was one**  
10 **day after the alleged rape.** David also has audio from December 4<sup>th</sup>  
11 during which Christie tells David he needs to "pull his paperwork" and  
12 choose their marriage. Christie then threatened to harm herself, saying  
13 she couldn't go through another divorce and she's going to "go to sleep  
14 soon in the van" due to having taken too much insulin that she had left  
15 over from her pregnancy—implying she would kill herself. David  
16 immediately told Christie to "stop talking like that." Shortly after  
17 Christie's son Joel sent a text message to David stating that "mom may  
18 do self-harm". Christie adds that David is trying to take the children  
19 from her by asking for primary custody. David responds that he is just  
20 trying to protect them and that she needs help.

21 ///

1 Christie then sends David a text on November 29, 2018, with an  
2 attachment showing a man and a woman together that reads:

3 "I need you. I need your body against mine. Your warmth. Your  
4 smell. The taste of your kiss. Your hands wrapped around my  
curves."

5 Christie follows this with a text message a few days later on  
6 December 4<sup>th</sup> telling David she loves him and stating she wants to  
7 reconcile with David and have him dismiss the divorce:

8 "The only way that I can see our marriage being able to go on after  
9 everything is for you to cancel the divorce and for us to try to start  
over from scratch and have a burial ceremony for the past and  
10 that you and I both recommit to this marriage and family...you  
can be assured that if we can manage to do this I would be willing  
to let go the past and you have to do the same."

11 It was only after David wasn't willing to reconcile that Christie got  
12 angry and decided to use the prior alleged incidents against David to  
13 gain leverage in the divorce case. This is evident from the fact Christie  
14 applied for a TPO on November 27, 2018 but remained living with David  
15 until she decided to file another one, this time with worse fabrications,  
16 once she realized the parties would not reconcile. Clearly, Christie is  
17 lying.

18 Therefore, it is clear Christie is lying. NRS 125C.0035(5) states that  
19 claims of domestic violence by one parent towards another must be  
20 proven by clear and convincing evidence. There is no doubt that in this  
21 matter, David did not rape Christie and Christie cannot prove her claim,

1 much less by clear and convincing evidence. Dr. Paglini recommended  
2 that if Christie lied about these accusations, it would have a direct effect  
3 on custody and should result in David having primary custody.

4       It must be remembered that such false claims regarding domestic  
5 violence are Christie's MO. Christie did so before in regard to the  
6 October 30, 2018 incident (when she stated David assaulted her), only to  
7 recant and tell the parties' counselor, Ms. Di Lauro, on November 17,  
8 2018, that the altercation was an accident. Ms. Di Lauro also noted that  
9 Christie all of a sudden started referencing "painful sexual memories"  
10 involving David at a December 17, 2018 session (which was after David  
11 was not willing to reconcile and filed for divorce). Ms. Di Lauro was  
12 suspicious, stating that was the first time Christie had ever made such a  
13 claim to her. Ms. Di Lauro also commented that said behavior was  
14 contrary to the fact it was Christie who constantly complained David  
15 didn't do enough for her in BDSM or sexually and David was the one  
16 who was emotionally unavailable due to the parties' issues. Perhaps  
17 most notably, Christie told David's mother that if David dropped the  
18 divorce, she would drop her TPO and the request for the DA to prosecute  
19 David.

20 ///

21 ///

## Christie's false claims of David sexually abusing Sarah

Christie claimed in July 31, 2019 that David had sexually molested Sarah by touching Sarah's vagina. Based on the evidence in this matter, it is clear Christie lied about this, done solely in an attempt to use her lie as leverage in this case:

- Christie's initial reaction to supposedly finding out that her daughter was being molested was (as she told Dr. Paglini) "I didn't want to get too excited." She then decides to call her girlfriend Jessica, not to call the police or immediately call CPS. CPS saw the initial video and concluded that David was just taking Sarah out of the car seat and it didn't appear that any inappropriate touching occurred.
- Christie took Sarah to see the medical staff at Anthem Pediatrics. When the staff said hello to Sarah, the child immediately stated that her father had "touched her pee and stirred it up." This unsolicited statement was considered suspicious;
- When the nurse practitioner next asked Sarah to get on the weight scale, Sarah continued to **repeat her statement over and over (5-10 times)**. The nurse practitioner found this strange as well;

- 1 • When the doctor saw Sarah, Sarah appeared fine and it took  
2 Christie asking Sarah, “Don’t you want to tell the doctor  
3 something?”, to speak, as if Sarah had forgotten about the  
4 statement and rather, was being told what to say;
- 5 • The medical exam of Sarah came out normal with no signs of  
6 trauma, no redness, rash or other indicators;
- 7 • Christie refused for Sarah to have a SANE exam;
- 8 • Christie stated she never had any prior concerns regarding  
9 inappropriate touching by David towards Sarah;
- 10 • Christie complained in court that David refused to put vaginal  
11 cream on Sarah after she supposedly believes David is a  
12 pedophile molesting his own daughter.
- 13 • Ms. Wilburn, Sarah’s counselor, observed Sarah with David and  
14 concluded the two are very bonded. Of greater note is the fact  
15 that in all of her appointments with Ms. Wilburn over a ten-  
16 month period, Sarah never once disclosed anything indicating  
17 any sexual abuse nor that she was in any way uncomfortable or  
18 anxious around her father;
- 19 • LVMPD investigated the matter, found no evidence of anything  
20 criminal and closed the case;
- 21

- 1 • Dr. Paglini's reports that there is no evidence that the sex abuse  
2 allegations are true;
- 3 • CPS found Christie's allegations unsubstantiated. The  
4 investigator spoke to David and Sarah and found nothing  
5 indicating anything inappropriate, with Sarah even telling the  
6 investigator that her father was "good to her";
- 7 • Ms. Di Lauro, the parties' counselor, reported neither party ever  
8 reported any inappropriate behavior between David and Sarah;
- 9 • Christie attempted to make another claim that David molested  
10 Sarah in September 2019. The detective decided not to follow-  
11 up believing it was a divorce related issue.
- 12 • David has a recording from August 27, 2019, in which Sarah  
13 tells David she is going to tell the doctor "the truth." When  
14 David asked what that is, Sarah said that "mommy touched my  
15 pee pee." David, not wanting Sarah to lie about either parent,  
16 told Sarah her mother does not do that. Sarah then waits a  
17 second and states David touched her pee pee. David told Sarah  
18 he does not do that. Sarah then states that her brother (who is  
19 2-years-old old) touches her pee pee followed by Mommy kisses  
20 my pee pee, with David again correcting Sarah. It must be noted  
21 that Dr. Paglini found David did not prompt this conversation

1 with Sarah and that David started recording Sarah after she had  
2 voluntarily brought up the issue.

3 Despite all this demonstrable proof that David did nothing  
4 inappropriate towards Sarah, Christie continued claiming David had  
5 abused Sarah. This issue was dropped until Dr. Paglini was in the  
6 process of completing his evaluation. Then, all of a sudden and not  
7 coincidentally, Christie claimed that David again inappropriately touched  
8 Sarah. Christie told Ms. Wilburn, who again did not find any evidence of  
9 sexual abuse. CPS contacted Christie, stated they did not find anything  
10 substantiating the claim and actually told Christie to send Sarah to  
11 David's home.

12 Desperate to get CPS to believe her, Christie next sent CPS a video  
13 taken at Christie's home in which Christie got Sarah to state David  
14 touched her pee pee. **It is of note that after watching the video,**  
15 **CPS believed that Christie was likely coaching Sarah.**

16 It is of note that this is Christie's MO. Christie was previously  
17 married to John Hentschl, whom she had children with. After Christie  
18 and Mr. Hentschl divorced and Mr. Hentschl was awarded primary  
19 physical custody, Christie and Mr. Hentschl were arguing over matters  
20 involving the children, Christie started making "disparaging, false,  
21 and/or hurtful statements with the intent to interfere with the Former



1 Husband's parent/child relationship. The Former Wife [Christie] has  
2 also made false and unsubstantiated reports to the Department of  
3 Children and Family Services alleging that the Former Husband has  
4 been physically abusing the child(ren)."<sup>1</sup> This litigation resulted in  
5 Christie losing the case and having restricted access to the children.<sup>2</sup>  
6 Hence, what the Court is seeing is a repeat of the gameplaying and lies  
7 Christie resorts to when she has her back to the wall or wants leverage in  
8 a case.

9 Christie's attempt to lie and call the father of the parties' children a  
10 pedophile to the Court, third party investigators and even mutual  
11 friends, is disgusting and inexcusable. It is also, as Dr. Paglini put it, the  
12 ultimate act of parental alienation and evidence Christie cannot be  
13 trusted with joint custody. In addition to the other factors set forth in  
14 NRS 125C.0035, the following are of special importance:

15 (d) ***The level of conflict between the parents;*** (e) ***The***  
16 ***ability of the parents to cooperate to meet the needs of***  
***the child.***

17 Dr. Paglini has made it clear Christie has significant animosity  
18 towards David, going so far as to disparage him in the presence of the  
19 young children. Further, he believes this animosity is a hinderance to the

20 \_\_\_\_\_  
21 <sup>1</sup> This was reported by Mr. Hentschl in a April 22, 2004 Supplemental Petition for  
Modification of Final Judgment of Dissolution of Marriage.

<sup>2</sup> This was ordered in the Stipulation for Temporary Visitation.

1 parties ability to co-parent going forward.

2 (f) ***The mental and physical health of the parents;*** (g)  
3 ***The physical, developmental and emotional needs of the***  
***child.***

4 Christie's substantial emotional dysfunction, in addition to her  
5 admitted PTSD and borderline personality disorder, are fueling her  
6 belief that she is "the victim" and her animosity for David. As a result,  
7 Christie has a difficult time placing the children's best interests ahead of  
8 her desire to hurt David. Dr. Paglini observed this via the numerous  
9 times Christie has assaulted David and disparaged him in the presence  
10 of the little children. This has created distress in the children. Donna  
11 Wilburn also observed this. Worse of all though, this is clear from the  
12 fact Christie has gone so far as to claim during this litigation that David  
13 has suddenly become a pedophile in order to try and gain leverage in this  
14 divorce.

15 It is of note that Dr. Paglini found that Christie has a history of  
16 placing her own interests ahead of her children's. During her first  
17 marriage, Christie and her ex-husband Mr. Hentschl both stated Christie  
18 abandoned him and their children, which included a daughter from a  
19 prior relationship, in order to move away to pursue a polyamorous  
20 lifestyle. Today, Christie's adult children have severe issues, with  
21 Christie admitting that her daughter Elizabeth has a history of serious

1 drug addiction (ongoing) and her son Joel has severe anger and  
2 emotional issues.

3 Christie's tendency to be violent is also a concern for Dr. Paglini.  
4 When upset, Christie is capable of hitting, throwing items, and  
5 destroying property. Such behavior is not just limited to David. She was  
6 that way with her two adult children when they were minors, with a  
7 counselor in Florida testifying during a deposition that Christie struck  
8 her son Joel in the face (at 8-years-old), causing his nose to bleed. Joel's  
9 reaction was to try and leave blood on the wall as evidence since he knew  
10 his mom would lie about it. This is terrifying as it also indicates it was  
11 likely not the first time this type of thing occurred. A normal reaction  
12 would be shock, not trying to think of how to leave evidence.

13 Therefore, and in light of the serious issues regarding Christie raised  
14 in Dr. Paglini's report, his recommendations, and the evidence in this  
15 case, the Court should order the following:

16 (1) David should be awarded primary physical custody of the  
17 minor children with Christie having supervised visitation through a  
18 mutually agreeable third party or visitation center like HeadsUp  
19 Guidance and Wellness Centers of Nevada (which takes insurance), Palo  
20 Verde Child & Family Services, Inc., Family First Services, Donna's  
21 House, etc., as well as weekly video conferencing time with the children;

1 (2) Christie should undergo therapy through a new psychologist to  
2 address her personality dynamics and anger issues and with the  
3 psychologist communicating with Dr. Paglini to further understand  
4 Christie's issues;<sup>3</sup>

5 (3) Christie should complete an extensive co-parenting class, with  
6 her visitation remaining supervised until she does so; and

7 (4) Modification of the Court's Standard holiday and vacation  
8 schedule to state: (a) Thanksgiving, Halloween, the children's birthdays,  
9 the parents' birthdays and three-day holidays are included; and (b) the  
10 two-week maximum continuous time is not to be attached to the  
11 vacationing parent's regular custodial time. This occurred this summer  
12 when Christie tried taking her two weeks sandwiched between her  
13 regular time. This would have given David two separate 24-hour periods  
14 in a 23-day period. Even Dr. Paglini stated such extended visitation with  
15 such small children was not best for them.

16 **III. CHILD SUPPORT, MEDICAL COSTS AND CHILD'S**  
17 **EXPENSES**

18 Since David should be awarded primary physical custody of the  
19 parties' two (2) minor children, Christie should pay child support

20  
21 <sup>3</sup> As Dr. Paglini states, Christie's current therapist is insufficient for this task has her  
counseling with the therapist has focused on Christie's belief she is "a victim", not an  
active contributor to her emotional issues.

1 pursuant to Nevada Administrative Code (NAC) 425.140. For purposes  
2 of determining Christie's gross monthly income, the Court should look at  
3 her W-2 compensation, as well any income derived from the businesses  
4 she runs based on their true earning capacity under NAC 425.125 as  
5 reflected in the 2019 figures.

#### 6 **IV. PROPERTY AND DEBTS**

##### 7 **A. COMMUNITY PROPERTY AND DEBTS**

8 There are a number of properties that must be adjudicated by the  
9 Court, with special focus being on the following assets and debts:

10 (1) **3485 W. Maule Ave, LV NV 89118 ("W. Maule")**: This  
11 property was bought via a short sale in March 2015 by David as his "sole  
12 and separate property" prior to the parties' domestic partnership. When  
13 they entered into the domestic partnership, they intended the W. Maule  
14 property to remain David's separate property. The parties had both been  
15 married before and were jaded by the concept of marriage. Therefore,  
16 they did not want to marry at that time but wanted to ensure David  
17 could cover Christie under his work health insurance policy. For that  
18 reason only, the parties decided to enter into a domestic partnership.

19 The parties recognized that David would be contributing his  
20 separate property towards the purchase of W. Maule and that his  
21 contribution would therefore need to be protected. To that end, title was

1 acquired just in David's name (this is furthermore supported by David's  
2 refinance in December 2015 that was still David's sole and separate  
3 property).

4 Under *Malmquist v. Malmquist*, 106 Nev. 231, 792 P.2d 372  
5 (1990), separate property contributions to real property are subject to  
6 reimbursement on a dollar for dollar basis. The *Malmquist* Court  
7 specifically relied on California Civil Code 4800(2)(now Civil Code  
8 2640), that holds separate property contributions towards property shall  
9 be reimbursed to the contributing party. As for David's separate down  
10 payment, he put down 10% on \$284,000, which comes out to \$28,400.  
11 These monies came from a premarital poker winnings from David's  
12 2007 WSOP Bracelet that David had. NRS 123.130; *Kelly v. Kelly*, 86  
13 Nev. 301, 468 P.2d 359 (1970). Hence, David is entitled to  
14 reimbursement of these funds off the top.

15 In addition to his separate property down payment, David is also  
16 entitled to the equity in W. Maule from the time David bought the  
17 property in March 2015 until the time of the parties' marriage in May  
18 2016. Again, the parties' intention was to keep W. Maule David's  
19 separate property during the domestic partnership. This means that his  
20 payments towards the mortgage until the date of marriage were his  
21 separate property. Therefore, a *Malmquist* application to said funds is

1 appropriate. *Gafforini v. Gafforini*, No. 79436-COA, 2020 Nev. App.  
2 Unpub. Lexis 592.

3       However, the *Malmquist* formula should be run on the actual fair  
4 market value of the property at the time of purchase, not the short sale  
5 value of \$284,000. An appraisal from 2015 shows the value of W. Maule  
6 to be \$435,000. Hence, for purposes of the *Malmquist* formula, this is  
7 permitted. The Nevada Supreme Court held in *Malmquist* that its  
8 formula is not the only way to apportion the separate and community  
9 interests in real property.<sup>4</sup> The trial courts can deviate to the extent the  
10 deviation results in an equitable result and division of property. An  
11 example where deviation is likely is where the vast bulk of appreciation  
12 in real property occurred prior to marriage.<sup>5</sup> Here, the fair market value  
13 of W. Maule was \$435,000, not the short sale contract price of  
14 \$284,000. Using the \$284,000 figure would result in a windfall to  
15 Christie and unfairly deprive David of separate equity. A just result  
16 requires the fair market value of W. Maule be used, not the short sale  
17 price.

18       Therefore, as the parties stipulated and the Court ordered on  
19 March 10, 2020 for David to be awarded W. Maule and buy Christie out  
20 of any interest she may have, and applying the *Malmquist* formula using

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21 <sup>4</sup> 106 Nev. at 240.

<sup>5</sup> *Id.*

1 the \$435,000 value, David's separate interest in W. Maule totals  
2 \$265,929.87 and the community interest totals \$55,498.46. Hence,  
3 David's total interest in the W. Maule equity is \$293,679.10 and  
4 Christie's total interest in the W. Maule equity is \$27,749.23.<sup>6</sup>

5 Additionally, Christie's remaining equity in W. Maule should be  
6 deducted by (1) the missed mortgage payments on W. Maule and the  
7 Chrysler Van Christie was ordered to make, which she did not due to her  
8 wasting the monies on gambling, thereby forcing the loans to be paid  
9 from monies in David's counsel's client trust account; and (2) Christie's  
10 wasting of marital funds on gambling. See Section V below. These total  
11 \$67,410.51 related to Christie's gambling in 2019 and 2020 (\$134,821.02  
12 divided by 2) and \$18,314 (related to Christie's missed mortgage and van  
13 loan payments), with a grand total of \$85,724.51 to be deducted from  
14 any equity Christie has in W. Maule.<sup>7</sup>

15  
16 <sup>6</sup> See **Exhibit 1**. However, if the Court chooses to go with the short sale purchase  
17 price, the analysis would be the following: Applying the *Malmquist* formula, David's  
18 separate interest in W. Maule totals \$69,575.55 and the community interest totals  
19 \$196,345.32. Hence, David's total interest in the W. Maule equity is \$167,752.71 and  
20 Christie's total interest in the W. Maule equity is \$98,172.66. See **Exhibit 2**.

21 <sup>7</sup> Now, Christie may attempt to argue that since the parties bought the W. Maule  
residence so close to the time they entered into a domestic partnership, application  
of *Malmquist* is unavailable but she is wrong. W. Maule was purchased prior to the  
domestic partnership and even if it had been, the parties transmuted any potential  
joint / domestic partnership interest in W. Maule in David's separate property.  
Where the parties intend for property that would have been marital / community in  
nature to be separate, a transmutation occurs. *Colman v. Collier (In re Colman  
Revocable Living Trust)*, 136 Nev. Adv. Rep. 13, 460 P.3d 452 (2020); *Mullikin v.  
Jones*, 71 Nev. 14, 278 P.2d 876 (1955) *Schmanski v. Schmanski*, 115 Nev. 247, 984



1 It is of note that despite being ordered to move out of the W. Maule  
2 residence, Christie delayed. Her excuses for doing so were numerous,  
3 none of which had merit: Christie claimed she could not afford to  
4 (despite having a roommate and spending tens of thousands on  
5 gambling), movers were unavailable due to the pandemic (even though  
6 David provided proof they were still working), and Christie falsely  
7 claiming she did not have to execute a Quitclaim Deed (disregarding the  
8 fact the Court ordered her to). These intentional delays barred David  
9 from both moving into the W. Maule residence and from refinancing the  
10 loan. Christie intentionally delayed the whole process even refusing the  
11 appraisal, requiring the court to re-state what was previously issued.

12 (2) 7211 Birkland Court, LV NV 89117 (“Birkland  
13 Court”): David spoke to Christie about owning an Air BNB that he  
14 would own with his friend, Jonathan Morrell as their own separate  
15 investment. Christie agreed and the parties acted accordingly. The  
16 property was bought by David and Mr. Morrell on April 13, 2018. As part  
17 of this, Christie executed title instructions to First American Title  
18 Insurance in which she acknowledged all interest was to be vested solely  
19 in David’s name as his “sole and separate property.” When David and

20 P.2d 752 (1999). In this case, it is clear W. Maule was bought just in David’s name,  
21 the parties entered into a domestic partnership, not a marriage (as they believed  
their rights in the former were different than the latter) and the parties subsequently  
married when they wanted to be “actually married,” subject to the rights and  
obligations therein.

1 Mr. Morrell were ready to commence the business, David transferred the  
2 property on August 3, 2018 to the joint business formed the same day  
3 between David and Mr. Morrell called JD Investments, LLC. Only David  
4 and Mr. Morrell were listed on the business, not Christie. Mr. Morrell  
5 and David each contributed to the acquisition of same, with Mr. Morrell  
6 contributing \$589,889.13 and David \$25,000. David's \$25,000 came  
7 from his premarital retirement account.

8 Hence, there is substantial proof that Christie transmuted any  
9 interest in Birkland Court to David. *Colman v. Collier (In re Colman*  
10 *Revocable Living Trust)*, 136 Ne Adv Rep. 13, 460 P.3d 452 (2020);  
11 *Mullikin v. Jones*, 71 Nev. 14, 278 P.2d 876 (1955) *Schmanski v.*  
12 *Schmanski*, 115 Nev. 247, 984 P.2d 752 (1999). While Christie will claim  
13 she was not put on title due to her alleged bad credit, the residence was  
14 bought free and clear, meaning Christie's credit would have no effect on  
15 her being placed on title or listed as an owner in JD Investments.

16 Each was a 50% owner in JD Investments but as for their interest  
17 in Birkland Court, Mr. Morrell owned 96% and David 4%. Each party  
18 would split any gains from the house upon sale but with each receiving  
19 back their initial investment. The company agreed to pay Mr. Morrell  
20 monthly mortgage payments of principal and interest at a rate of 5.5%  
21 but none of the mortgage payments were ever made. Mr. Morrell was

1 also to be paid 42.5% of the rental proceeds but never was. The property  
2 was initially leased until renting it was no longer allowed due to  
3 ordinances. David and Mr. Morrell therefore decided to sell, with the  
4 property selling on February 29, 2019.

5 From the sale proceeds, the parties, along with Mr. Morrell,  
6 entered into an agreement as to the disposition of the monies. This  
7 agreement consist of the following:

- 8 • Mr. Morrell received back his \$589,889.13 initial investment  
9 and \$25,636 as and for mortgage interest Mr. Morrell was  
entitled to; and
- 10 • The remainder was deposited into David's counsel's client trust  
11 account. This amount consists of \$25,000 (David's separate  
12 property down payment), \$17,892.34 (the amount of rental  
proceeds to which Mr. Morrell is entitled to), and half of the  
remaining sales proceeds.

13 (3) **3740 Grandview Place, LV NV 89118 ("Grandview**  
14 **Place")**: This property was bought in October 2017 for David to rent out  
15 as his own investment. Accordingly, title is held by David as a "married  
16 man as his sole and separate property." As a result, Christie executed a  
17 GBS Deed when the property was purchased, with title being in David's  
18 name. Also, there was a down payment of \$82,764.97 by David,  
19 consisting mostly of David's separate property. It is of note that Christie  
20 executed the GBS Deed after the down payment monies were made. By  
21 doing so, Christie waived all interest in the monies (both separate and

1 community). *Todkill v. Todkill*, 88 Nev. 231, 495 P.2d 629 (1972); *Kerley*  
2 *v. Kerley*, 112 Nev. 36, 910 P.2d 279 (1996); *Viramontes v. Perez-*  
3 *Rodriguez*, COA Unpublished Case, No. 79736, 467 P.3d 649  
4 (2020)(finding that a conveyance by wife to husband of property  
5 acquired during the marriage creates a presumption of a gift that can  
6 only be overcome by clear and convincing evidence.

7 The Grandview property was sold during the divorce, with the net  
8 sales proceeds totaling \$63,077.55 (which are in David's client trust  
9 account). David requests that since the amount of the down payment,  
10 which is David's separate property, exceeds the net sales proceeds. David  
11 should be awarded the full \$63,077.55.

12 (4) **Furniture and Furnishings**: The parties must still divide  
13 up the furniture and furnishings in the W. Maule residence. This was  
14 ordered by the Court at the March 10, 2020 hearing. Specifically, the  
15 Order states:

16 **IT IS FURTHER ORDERED** that the W. Maule  
17 furniture/furnishings are to be divided via an A/B List, which  
18 entails the following: Christie shall prepare two lists, each of  
19 which will contain a fair and equitable distribution of one-half (1/2)  
20 of the total community furniture / furnishings, etc. Christie shall  
21 provide these lists to David forthwith and at least fourteen (14)  
days prior to moving out of the Maule residence. Unless these lists  
are incomplete, David will choose, within five (5) days of the date  
he receives such lists, either the "A" or the "B" list as the list of  
items he wishes to have. In the event David believes the lists  
prepared by Christie are incomplete, David shall have five (5) days  
from the date he first receives the lists to provide Christie a third

1 list, which will contain the items that David believes to have been  
2 omitted from the initial "A" and "B" lists. Christie shall thereafter  
3 divide the items on the third list, distributing the additional items  
4 among the "A" and "B" lists. Christie shall then provide the  
5 amended lists to David who shall choose either of the two  
6 amended lists and communicate his choice to Christie within five  
(5) days of receiving such lists. The parties shall thereafter  
cooperate to effectuate the resulting transfer of items with Christie  
leaving the items awarded to David in the Maule residence and  
removing the items on the list she selects.

7 The Court should order this division to occur pursuant to A/B Lists  
8 and Christie to fully cooperate in this process.

9 (5) **David's Personal Property**: David is entitled to the  
10 remaining personal property of his in Christie's possession. Most notable  
11 of which is David's World Series of Poker (WSOP) bracelet. David  
12 requested at the October 7, 2019 hearing that Christie return to him his  
13 World Series of Poker bracelet, his passports, his coins and his Social  
14 Security card. Christie represented that she "did not know if she had  
15 them but would look for them." Regardless, the Court ordered Christie to  
16 search and return the items. Christie also admitted that she refused to  
17 give the items to David previously even though she didn't argue they  
18 were his.

19 Christie's statement that she did not have the items was a lie.  
20 Christie in fact disclosed a video of her opening the family safe back in  
21 March 2019 (which was three months after David had been kicked out  
due to the fraudulent TPO) and evidently forgot that she had. David

1 brought the video to the Court's attention earlier this year. The video,  
2 with still shots provided, shows Christie in possession of all of these  
3 items. When pressed again on this in Court on March 10, 2020, Christie  
4 provided the passports, social security card, coins and David's necklace  
5 but not his WSOP bracelet. Christie obviously cannot keep her lies  
6 straight and is continuing to try and deceive this Court. She is also  
7 refusing to provide David's WSOP bracelet as she knows it has special  
8 sentimental value for him and is trying to hold it over his head as  
9 leverage. Christie even told Dr. Paglini that she knows the bracelet "is  
10 priceless to David." The Court will agree Christie's doing is in bad faith  
11 and deceitful. It has now been almost one year and Christie still has not  
12 provided David the property she was ordered to on October 7<sup>th</sup>.  
13 Christie also has stolen \$40k in cash that David had left in the safe from  
14 his 2007 bracelet winnings of \$603k. Clearly this is sole-separate  
15 property and Christie used her fraudulent TPO to steal that from David  
16 as well. David fully disclosed this asset at his first opportunity on his  
17 FDF. Christie even went as far as to make a show of a video when she  
18 and Scott Pheasant cut open the safe.

19 (6) **Christie's Disposition of Personal Property:** Christie  
20 has sold or otherwise given away personal items and property  
21 (consisting of household items, children's items, David's clothing, etc.)

1 without David's consent. Christie should therefore be ordered to replace  
2 these items (especially David's personal property).

3 **V. MARITAL WASTE BY CHRISTIE**

4 Christie has wasted tens of thousands of dollars during this  
5 divorce on gambling – gambling that has crippled the parties financially  
6 and forced them to unnecessarily draw funds from David's counsel's  
7 client trust account. Christie did so despite (1) a Joint Preliminary  
8 Injunction (JPI) being in effect that barred Christie from doing so; (2)  
9 both David and the Court admonishing Christie not to do so when her  
10 representations were that she was losing money from the businesses;  
11 and (3) Christie's representations as to same.

12 Dissipation, or waste, can provide a compelling reason for the  
13 unequal disposition of community property. NRS 125.150(1)(b). In  
14 *Putterman v. Putterman*, 113 Nev. 606, 939 P.2d 1047 (1997), the  
15 Supreme Court found misconduct is also grounds for an unequal  
16 division of assets when a litigant lied about the assets they had, as well  
17 as their income. The *Putterman* Court went on to state that other  
18 possible examples of misconduct warranting an unequal division of  
19 assets or debts would be community property spent, conveyed,  
20 transferred, secreted or otherwise converted by a spouse that compels a  
21 court to award the non-offending spouse half of the property converted

1 constitutes financial misconduct, with waste being part of financial  
2 misconduct. *Lofgren*, 112 Nev. at 1283. In *Lofgren v. Lofgren*, 112 Nev.  
3 1282, 1283, 926 P.2d 296, 297 (1996), the Nevada Supreme Court held:

4 “[I]f community property is lost, expended or destroyed through  
5 the intentional misconduct of one spouse, the court may consider  
6 such misconduct as a compelling reason for making an unequal  
7 disposition of community property and may appropriately  
8 augment the other spouse's share of the remaining community  
9 property...Generally, the dissipation which a court may consider  
10 refers to one spouse's use of marital property for a selfish purpose  
11 unrelated to the marriage in contemplation of divorce or at a time  
12 when the marriage is in serious jeopardy or is undergoing an  
13 irretrievable breakdown.”

14 24 Am. Jur. 2d *Divorce and Separation* § 524 (2018); *see also*  
15 *Dissipation*, Black's Law Dictionary (10th ed. 2014) (defining  
16 “dissipation” as “use of an asset for an illegal or inequitable purpose,  
17 such as a spouse's use of community property for personal benefit when  
18 a divorce is imminent”). *Kogod v. Cioffi-Kogod*, 135 Nev. Adv. Rep. 439  
19 P.3d 397, 406-407 (2019). Further, “It should be kept in mind that the  
20 secreting or wasting of community assets while divorce proceedings are  
21 pending is to be distinguished from under contributing or  
overconsuming of community assets during the marriage.”). *Id* at 408-  
409.

Further, spouses owe a fiduciary relationship to the other. NRS  
123.070; *York v. York*, 102 Nev. 179, 180 (1986). *See also Crawford v.*  
*Crawford*, 24 Nev. 410 (1899); *Williams v. Waldman*, 108 Nev. 466,



1 836 P.2d 614 (1992); See also *Clark v. Lubritz*, 113 Nev. 1089, 944 P.2d  
2 861 (1997); *Peardon v. Peardon*, 65 Nev. 717, 767, 201 P.2d 309, 333  
3 (1948); *Sogg v. Nevada State Bank*, 108 Nev. 308, 312, 832 P.2d 781  
4 (1992)(even affianced parties are in a presumed fiduciary relationship).  
5 The rights and obligations of such a marital fiduciary duty is the same  
6 as between general partners in a business. *York v. York*, 102 Nev. 179,  
7 180 (1986). See also *Crawford v. Crawford*, 24 Nev. 410 (1899);  
8 *Peardon v. Peardon*, 65 Nev. 717, 767 (1948).

9 In a fiduciary relationship, the party who gains some asset or  
10 tangible advantage over the other has the duty to justify or dispute their  
11 conduct by clear and convincing evidence. *Ricks v. Dabney*, 124 Nev.  
12 74, 117 P.3d 1060 (2008). In Nevada, waste of community assets, or the  
13 accumulation of debt, is wasteful if it is committed in secret or without  
14 the direct consent of the other spouse. Similarly, a violation of any  
15 provision of NRS 123.230 can result in a finding of financial misconduct  
16 compelling the court to make an unequal division. In *Lofgren* and  
17 *Putterman*, it was found that spouse has a fiduciary duty to account for  
18 all community funds. In this matter, Christie's massive waste /  
19 dissipation of community income consists of the following:

20 (1) **Christie's Unwarranted and Reckless Gambling:**

21 Christie has gambled away \$134,821.02 over the last year and a half. In

1 February 2019, Christie claimed her income, which was historically  
2 \$13,000+ per month, had suddenly been reduced to \$4,100 per month.  
3 Her FDF listed her monthly expenses as \$3,966, meaning she was  
4 allegedly, at best, break even. Christie also claimed, in response to  
5 David's request to account for the decrease in business income, that she  
6 had "fallen behind" in her bookkeeping and needed someone to help her  
7 catch up but that she "could not afford to hire anyone."

8 The evidence at trial will establish these representations are  
9 complete lies. The business bank accounts will show the following  
10 mindboggling withdrawals:

11 Cash Taken from the Business Accounts in 2019

12	• Cash withdrawals made in Branch/Bank/Other:	\$31,946.00
13	• ATM/cash withdrawal made at Gambling Bars:	\$18,590.00
14	• ATM/cash withdrawals made at Casinos:	\$59,020.00
15	<b>Total:</b>	<b>\$109,556.00</b>

16 ATM Fees/Overdraft

17	• Atm fees/Overdraft on Personal Transactions:	\$4,347.00
18	• Atm fees/Overdraft fees on Casino Transaction:	\$4,572.07
19	<b>Total:</b>	<b>\$8,919.07</b>

20 **Grand total: \$118,475.07**

21 ///

1 It must be remembered that the businesses transacted  
2 electronically/online as clients are located outside of Nevada, as were  
3 payment of legitimate business expenses. Hence, there was absolutely no  
4 reason for cash withdrawals, much less withdrawals at gambling bars  
5 and casinos. Being that total business income in 2019 after deduction of  
6 business expenses was \$169,569.81, the \$118,475.07 wasted via  
7 gambling and unexplained cash withdrawals is astounding.

8 These numbers do not even include monies wasted on gambling in  
9 2020. The records to date for 2020 show Christie continued her wanton  
10 disregard for financial responsibility, wasting massive amounts via  
11 gambling and unaccounted for spending through June 2020:

12 Cash Taken from the Business Accounts in 2020

13	• Cash withdrawals made in Bank/ATM:	\$4,030.00
14	• ATM/cash withdrawal made at Gambling Bars:	\$1,880.00
15	• ATM/cash withdrawals made at Casinos:	\$10,435.95
16	<b>Total:</b>	<b>\$16,345.95</b>

17 These monies include sums taken in cash by Christie at the bank  
18 and Christie failed to account for what she did with these significant  
19 sums. Pursuant to *Kogod v. Cioffi-Kogod*, 135 Nev. Adv. Rep. 439 P.3d  
20 397 (2019), failure by a spouse to account for community funds can  
21 result in the Court finding the funds were wasted/dissipated. The

1 Nevada Supreme Court in *Kogod* stated that this is especially the case  
2 where a spouse claims the dissipation is in excess of their reported  
3 income.

4 What makes Christie's behavior so much worse and "shocks the  
5 conscious" is that on top of lying about not having the funds to gamble,  
6 she took advantage of social services – and essentially stole from those  
7 who truly were destitute – while she gambled away tens of thousands of  
8 dollars. Christie had social media posts in which she talks about going to  
9 food banks, like 3Square, to get free groceries and supplies at the same  
10 time she gambled with reckless disregard. Such behavior is despicable  
11 and further demonstrates Christie's callous ways.

12 Now, Christie will attempt to deflect attention away from her lies  
13 and waste by stating David gambled during the marriage. However,  
14 David was a professional gambler back in the 2000's, with his gambling  
15 dropping off in the early 2010's and definitely by the time he and  
16 Christie were married. David did not gamble during the divorce (either  
17 professionally or recreationally).

18 Christie will also likely argue that gambling is no different than  
19 other recreational activities but her argument would lack merit.  
20 Recreational gambling is purely for recreation—like any other  
21 recreational community expense – but pathological gambling serves no

1 reasonable recreational function and is substantially harmful to the  
2 financial position of the married spouses, as it has in this case. While  
3 Nevada has not directly, the Supreme Court of Mississippi's reasoning in  
4 *Lowery v. Lowery*, 25 So. 3d 274, 2009 Miss. LEXIS 549 (2009) is on  
5 topic. In that case (with facts similar to our own and in which state  
6 gambling is legal), the offending wife wasted \$122,000 in gambling. She  
7 did so while lying about the gambling. The Court made an unequal  
8 division of marital assets and debts based on wife's gambling and held  
9 that gambling losses and debt can be wasteful, resulting in an unequal  
10 division of marital assets and debt.<sup>8</sup> The Court did so while also stating  
11 that whether gambling losses constitute marital waste should be  
12 determined on a case by case analysis.<sup>9</sup> It is of note that wife's lies and  
13 misrepresentations in combination with the total amount spent were a  
14 major factor in the Court finding that her gambling constituted waste.<sup>10</sup>  
15 Christie's gambling is so severe that she spends over \$1,000 on play  
16 money casino apps on her phone that can't win real money since the  
17 divorce process began. David paid all of Christie's bills, from December  
18 2018 to April 2019, in addition to maintaining the rental properties  
19 while Christie was losing \$6,000 per month in gambling while claiming

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20  
21 <sup>8</sup> *Id.* at 288.

<sup>9</sup> *Id.* at 289.

<sup>10</sup> *Id.* at 288 through 290.

1 to only make \$4,000 per month.

2 (7) **Christie's Refusal to Pay the W. Maule Mortgage and**  
3 **2015 Chrysler Van**: Worse, Christie unilaterally stopped paying her  
4 portion of monthly expenses starting in late December 2019. Christie  
5 was ordered to pay the monthly mortgage on the W. Maule residence, as  
6 well as the monthly loan payments on the 2015 Chrysler van.  
7 Commencing in December 2019, Christie commenced alleging she  
8 "could no longer afford to make the payments". David contested this  
9 representation, stating records indicated she was continuing to gamble  
10 at the same time she said she was broke.

11 The Court stated it did not have the information to confirm or  
12 deny the claim so it ordered monies in David's client trust account to be  
13 applied to the payments but that the amount would be reimbursed by  
14 Christie from her portion of any marital funds held in trust. Christie  
15 stopped making the W. Maule mortgage payments, which are \$1,599.28  
16 a month, starting in December 2019 and stopped making the Chrysler  
17 Van payments, which are \$331.60 per month, starting in March 2020.  
18 By the time of trial, these will total \$15,992.80 and \$2,321.20,  
19 respectively. David requests these funds be reimbursed from Christie's  
20 portion of any community property.

21 ///

1 The Court should note that if Christie had not spent what she did  
2 on needless gambling at the end of 2019 and throughout 2020, she  
3 would have easily had the funds for payment of these bills. Instead of  
4 being responsible, Christie chose to disregard this Court's orders and  
5 blow the monies on herself, thereby and intentionally harming David  
6 financially. Christie continues to travel on gambling trips going to the  
7 Grand Sierra Resort in Reno, several times in June 2020 while claiming  
8 be broke.

9 (8) **Christie's Other Unaccounted for Transactions:**

10 Christie has other transactions, which are in the tens of thousands, that  
11 she has not accounted for. These shall be established at Trial. David  
12 should be awarded half of said sums.

13 (9) **Christie's Sabotage of the Businesses:** Wanting to not

14 pay David support, Christie went about undermining the businesses in  
15 order to artificially lower her income. Once the Court hears the evidence,  
16 David requests Christie be imputed the businesses' actual income for  
17 purposes of child support.

18 The parties have a number of businesses, three of which Christie  
19 actively runs. One of these businesses is Atomic Radiology, Inc. (ARI).  
20 ARI contracts with doctors and medical imaging centers to provide  
21 imaging services. While it was understood Christie would provide the

1 majority of day to day work on this business, David was an integral part  
2 of getting the business established and running. David was in fact still  
3 listed on ARI's webpage as the President and CEO and listed as a  
4 founder until the website was removed by Christie. In addition, Christie  
5 filed falsified meeting minutes with the Nevada Secretary of State  
6 claiming that David was at a meeting on December 4, 2018 signing all of  
7 his rights to Atomic Radiology and assigning Christie 100% owner and  
8 President.

9       The other two businesses are PCCG, Inc. (PCCG), and ActionRad  
10 Solutions, Inc. (ActionRad). These businesses are software vendors for  
11 the software utilized by clients of ARI. By using this software, PCCG and  
12 ActionRad are able to give ARI clients better, competitive pricing. It is of  
13 note the businesses are essentially the same, with the revenues both  
14 listed on the PCCG P&L, and the only difference being one of the  
15 companies Christie previously owned with a partner.

16       These three businesses were historically Christie's source of  
17 income and were profitable. The P&Ls for 2017 show ARI made net  
18 profit of \$124,638.27 and PCCG made \$171,975.89 – totaling  
19 \$296,614.16. The 2018 numbers were similar and Christie should have  
20 had similar numbers in 2019 and 2020. Further, there was a new client  
21 at the end of 2018 that Christie was excited about as they would pay



1 \$5,000 per month that she told David about prior to their separation. In  
2 fact, there is a text message from Christie to David's father at the end of  
3 2018 in which Christie stated: "I make very good money, I make more  
4 than your son by the way." Christie even told David during a fight before  
5 the divorce, "You'll never get any money from me. I'll just open under  
6 another name and run my business there. I make very little money  
7 because I keep it all in the businesses."

8       Knowing that she would have to provide child support based on  
9 the difference in the parties' incomes though, Christie started  
10 misrepresenting business income and undermining the businesses. She  
11 first attempted to claim the businesses were not profitable when they in  
12 fact were. However, Christie's deception is based on the fact Christie  
13 used the business accounts as her personal slush funds, constantly  
14 withdrawing monies to pay personal monthly bills, entertainment,  
15 gambling, etc., while falsely referring to them as "business expenses."

16       When this failed, Christie became more aggressive and nefarious.  
17 Christie threatened to close her current company and move her clients to  
18 a new one if David tried to push on the businesses or their income in the  
19 divorce. David has audio of Christie stating she will screw him out of  
20 assets and funds ("I'm going to hit you where it hurts cause that's all you  
21 care about"[finances]). Not surprisingly, Christie started claiming during

1 this divorce that the businesses were “going under” and she had lost her  
2 clients. She essentially shut one business down and sabotaged the other  
3 two. Christie often bragged that it is great having a business with  
4 residual income, because you don’t have to do a lot of work on a daily  
5 basis. This helps to aid Christie in her ruse claiming to be a Swiss Colony  
6 salesperson and now an insurance agent as a primary source of income.

## 7 **VII. CHRISTIE’S CONTEMPT OF COURT**

8 Christie has violated a number of Court orders, all of which  
9 Christie did knowingly and with clear disregard for the authority of the  
10 Court. David shall present said evidence and requests Christie be held in  
11 contempt of court and sanctioned appropriately.

## 12 **VIII. ATTORNEY’S FEES**

13 Christie is the one who has unnecessarily forced this case to Trial  
14 through her lies, attempted manipulation of the children, attempting  
15 extortion of David, efforts to unduly influence this Court ex parte,  
16 wasting of hundreds of thousands of dollars in community property and  
17 sabotaging of businesses. Such behavior, resulting in vexatious litigation,  
18 has been inexcusable and should result in attorney’s fees and costs being  
19 awarded to David under EDCR 7.60, NRS 125C.250, NRS 125.150 and  
20 NRCP 18.010. To that end, David shall submit a *Brunzell* Memorandum  
21 of Fees & Costs / NRCP 54 motion post-trial. As to the fees, David has

1 paid his attorney \$60,761.87 (with a significant amount being borrowed)  
2 and still owes his counsel \$21,886.68 as of September 1, 2020, which  
3 does not include trial preparation and attendance.

4 **IX. LIST OF WITNESSES**

- 5 1. David Patrick Stucke, Plaintiff  
6 c/o Vincent Mayo, Esq.  
7 The Abrams & Mayo Law Firm  
8 6252 South Rainbow Blvd., Suite 100  
9 Las Vegas, Nevada 89118

10 Mr. Stucke will testify regarding the facts and circumstances  
11 of the marriage.

- 12 2. Christie Leeann Stucke, Defendant  
13 c/o Fred Page, Esq.  
14 6930 South Cimarron Road, Suite 140  
15 Las Vegas, Nevada 89113

16 Ms. Stucke will testify regarding the facts and circumstances  
17 of the marriage.

- 18 3. Jonathan Morrell  
19 c/o Zachary P. Takos, Esq.  
20 1980 Festival Plaza Drive, Suite 300  
21 Las Vegas, Nevada 89135

Mr. Morrell will testify regarding the purchase of the  
Birkland Court residence and related financial matters.

4. John Paglini, Psy.D.  
9163 West Flamingo Road, Suite 120  
Las Vegas, Nevada 89147  
Tel: (702) 869-9188

Dr. Paglini will testify regarding his custody evaluation.

5. Donna Wilburn

10655 W. Park Run Drive  
Las Vegas, Nevada 89144  
Tel: (702) 234-9325

Ms. Wilburn will testify regarding Sarah's therapy and other  
custodial related matters.

6. Tiffany Keith  
Tel: (702) 604-0783

Ms. Keith will testify regarding custodial related matters.

7. James Williams  
1542 Dover Center Road  
Westlake, Ohio 45145  
Tel: (440) 666-2919

Mr. Williams will testify regarding financial matters and  
conversations that he was present for between the parties.

8. Laura Jenkins  
3137 Blossom Glen Court  
Henderson, Nevada 89014  
Tel: (702) 286-7931

Ms. Jenkins will testify regarding her interactions with Mr.  
Stucke, the parties' children and custodial related matters.

9. Any and all witnesses relied upon by the Defendant, which  
are properly disclosed.

10. Any and all rebuttal witnesses as necessary.

## **X. LIST OF EXHIBITS**

A separate exhibit list will be provided as the current list would  
make this filing voluminous.

///

1 **XI. LENGTH OF TRIAL**

2 Two (2) days.

3 DATED Thursday, September 10, 2020.

4 Respectfully Submitted,

5 THE ABRAMS & MAYO LAW FIRM

6 /s/ Vincent Mayo, Esq.

Vincent Mayo, Esq.

7 Nevada State Bar Number: 8564

8 6252 South Rainbow Blvd., Suite 100

Las Vegas, Nevada 89118

Attorney for Plaintiff

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Fred Page, Esq.  
Attorney for Defendant

/s/ Chantel Wade  
An employee of the Abrams & Mayo Law Firm

**EXHIBIT 1**

**EXHIBIT 1**

**EXHIBIT 1**

Contract sales value	\$435,000.00
Loan	\$255,600.00
Date of purchase:	3/20/15
Date of marriage:	5/28/16
Outstanding loan balance today:	\$234,070.13

Principal pay down from the time of first payment to marriage	\$28,871.14
Principal pay down from the time of marriage to now	\$21,058.73
Total principal pay down	\$49,929.87

$$CP = \$21,058.73 + \frac{\$21,058.73 + \$209,422.54}{\$435,000.00} \times \$65,000.00 = \$55,498.46$$

Total mortgage payments	=	57
Total SP payments	=	6
Total CP payments	=	51

$$51/57 = 89.47\% \quad \text{CP Percentage}$$

$$\text{Mortgage balance} = \$234,070.13 \times 89.47\% = \$209,422.54$$

Total equity	=	\$265,929.87
CP	=	\$55,498.46
SP	=	\$210,431.41



**EXHIBIT 2**

**EXHIBIT 2**

**EXHIBIT 2**

Contract sales price	\$284,000.00
Loan	\$255,600.00
Date of purchase:	July 28, 2015
Date of marriage:	May 28, 2016
Outstanding loan balance today:	\$234,070.13

Principal pay down from the time of purchase to marriage	\$28,871.14
Principal pay down from the time of marriage to now	\$21,058.73
Total principal pay down	\$49,929.87

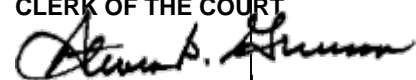
$$CP = \$21,058.73 + \frac{\$21,058.73 + \$209,422.54}{\$284,000.00} \times \$216,000.00 = \$196,354.32$$

Total mortgage payments	=	57
Total SP payments	=	6
Total CP payments	=	51

$$51/57 = 89.47\% \quad \text{CP Percentage}$$

$$\text{Mortgage balance} = \$234,070.13 \times 89.47\% = \$209,422.54$$

Total equity	=	\$265,929.87
CP	=	\$196,354.32
SP	=	\$69,575.55



**PMEM**  
FRED PAGE, ESQ.  
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PAGE LAW FIRM  
6930 SOUTH CIMARRON ROAD, SUITE 140  
LAS VEGAS, NEVADA 89113  
(702) 823-2888 office  
(702) 628-9884 fax  
Email: fpage@pagelawoffices.com  
Attorney for Defendant

**EIGHTH JUDICIAL DISTRICT COURT  
COUNTY OF CLARK  
STATE OF NEVADA**

DAVID PATRICK STUCKE,  
Plaintiff,  
  
vs.  
  
CHRISTIE LEANN STUCKE,  
Defendant.

Case No.: D-18-580621-D

Dept.: F

Hearing Date: September 14, 2020  
September 17, 2020

Hearing Time: 9:15 a.m.

**DEFENDANT'S AMENDED PRE-TRIAL MEMORANDUM**

Defendant, CHRISTIE STUCKE, by and through her attorney, Fred Page, Esq., hereby submits her Amended Pre-Trial Memorandum which addresses marital waste and attorney's fees.

**I.  
STATEMENT OF ESSENTIAL FACTS**

**A. Names of the parties:**

1. Cristine Stucke, Defendant, age 42
2. David Stucke, Plaintiff, age 46

1 **B. Date of Marriage:** May 28, 2016

2 **C. Names and Dates of Birth of the Children**

- 3 1. Sarah Laura Stucke, born July 22, 2016, age 4  
4  
5 2. David Orion Stucke, born March 30, 2018, age 2

6 **D. Resolved Issues, Including Agreed Resolution:**

- 7  
8 1. Personal jurisdiction.  
9 2. Subject matter jurisdiction  
10 3. Joint legal custody.  
11 4. Incompatibility.

12 **II.**  
13 **CHILD CUSTODY**

14 Dr. Paglini provided an extensive 88-page report. Dr. Paglini reviewed all  
15 of the filings in the case. Dr. Paglini reviewed numerous videos that David  
16 provided to him. There was in depth psychological testing, interviews, and home  
17 visits of both parties. Dr. Paglini also conducted extensive collateral interviews.  
18 After all of the document review, all of the video reviews, all of the interviews  
19 and testing, Dr. Paglini's concluded that the parties should have joint physical  
20 custody.  
21

22 Pursuant to NRS 125C.0045, the Court is authorized to enter orders at any  
23 point in a child's minority as appears in their best interests. The preference under  
24  
25

1 NRS 125C.0035 is for joint physical custody. An application of the factors under  
2 NRS 125C.0035(4) should lead to the conclusion that none of the factors would  
3 lead to the conclusion of joint physical custody.  
4

5 NRS 125C.0035 states in pertinent part,

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

- 9 (a) . . . If the court does not enter an order awarding joint custody  
10 of a child after either parent has applied for joint custody, the  
11 court shall state in its decision the reason for its denial of the  
12 parent's application.

13 An analysis of the factors is as follows:

- 14 a. The wishes of the child if the child is of sufficient age and  
15 capacity to form an intelligent preference as to his or her  
16 physical custody

17 Not applicable.

- 18 b. Any nomination of a guardian for the child by a parent

19 Not applicable  
20

- 21 c. Which parent is more likely to allow frequent associations and a  
22 continuing relationship with the noncustodial parent

23 It appears that this factor is equal.  
24

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

2           The relationship of the children with their respective parents is good. There  
3 has been no suggestion to the contrary.  
4

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

7           The children have several adult siblings with Christie whom they will need  
8 to bond. David has no other children. This factor favors Christie.  
9

10          **j. Any history of parental abuse or neglect of the child or a sibling**  
11          **of the child**

12          There have been several CPS reports and a criminal investigation. After  
13 those reports and investigation there has been no substantiation of abuse and no  
14 criminal complaints have been filed.  
15

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

19          David has pled no contest to battery/domestic violence. David has done  
20 nothing to rebut the presumption. David inundated Dr. Paglini with videos of  
21 Christie and himself having arguments. After review, Dr. Paglini concluded that  
22 he did not see anything that would prevent the parties from having joint physical  
23 custody.  
24  
25  
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28

1       **I.   Whether either parent or any other person seeking physical**  
2       **custody has committed any act of abduction against the child or**  
3       **any other child**

4       Not applicable.

5       Based upon the foregoing, joint physical custody should be ordered.

6                               **III.**  
7                               **VISITATION**

8       Dr. Paglini's recommended schedule may be implemented.

10                              **IV.**  
11                              **CHILD SUPPORT**

12       Child support should be entered pursuant to NAC 425.

14                              **V.**  
15                              **SPOUSAL SUPPORT**

16       Both parties pled in their Complaint and Counterclaim that neither party  
17       should pay support to the other.

19                              **VII.**  
20                              **PROPERTY AND DEBTS**

21       **A.   Division of Community Property**

22       Per NRS 123.130, all property acquired after marriage is presumed to be  
23       community property unless there is a pre or post-nuptial agreement, the property  
24       was acquired by gift, award of personal injury damages, or acquired by gift or  
25



1 devise, and the rents issues and profits thereof. *See Peters v. Peters*,<sup>1</sup> (all property  
2 acquired after marriage is considered to be community property under NRS  
3 123.220 and that presumption can only be overcome by clear and convincing  
4 evidence); *Todkill v. Todkill*,<sup>2</sup> (same); *Carlson v. McCall*,<sup>3</sup> (the burden is on the  
5 person claiming it as separate property to overcome this presumption by proof  
6 sufficiently clear and satisfactory to prove the correctness of such a claim); *Lake*  
7 *v. Bender*,<sup>4</sup> (property acquired during marriage is community property and  
8 property acquired prior to marriage is separate property).

12 NRS 125.150(1)(b) provides that a court,

13 Shall, to the extent practicable, make an equal disposition of the  
14 community property of the parties, except that the court may make an  
15 unequal disposition of the community property in such proportions as  
16 it deems just if the court finds a compelling reason to do so and sets  
17 forth in writing the reasons for making the unequal disposition.

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20 <sup>1</sup> 92 Nev. 687, 557 P.2d 713 (1976)

22 <sup>2</sup> 88 Nev. 231, 495 P.2d 629 (1972)

23 <sup>3</sup> 70 Nev. 437, 271 P.2d 1002 (1954)

25 <sup>4</sup> 18 Nev. 361, 7 P. 74 (1885)

1 It appears that David has tried to make this case much more complicated  
2 that it actually is. Below is the proposed division of the community property as  
3 required by NRS 125.150(1)(b).  
4

5 **1. Real Property:**

6 **3485 West Maule Avenue, Las Vegas, Nevada 89118**  
7

8 The real property located at 3485 West Maule Avenue was purchased on  
9 July 28, 2015, according the Clark County Assessor. The purchase price was  
10 \$284,000. Evidence and testimony will show that the real property was acquired  
11 with monies acquired by the parties through their advantage gambling business.<sup>5</sup>  
12

13 The parties were married to each other on May 28, 2016. Pursuant to NRS  
14 125.130, the property was acquired during the course of the marriage and is  
15 presumptively community property. The presumption of community property can  
16 only be overcome by clear and convincing evidence. *See Todkill, supra.*  
17  
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19 The fact 3485 West Maule was titled in David's name is irrelevant. *See*  
20 NRS 123.130. David's opinion is irrelevant. *See Verheyden v. Verheyden*, 104  
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24 <sup>5</sup> The parties through mathematical tables would determine which types of  
25 machines at which type of casinos would result in a mathematical advantage in  
26 playing those machines. Christie and David would then play those machines.

1 Nev. 342, 757 P.2d 1328 (1988) (opinion of either spouse is of no weight in  
2 determining whether property is community or separate).

3 Christie is entitled to one-half of the equity in the real property. It is  
4 submitted because the down payment for the real property was acquired as part of  
5 the parties' joint venture prior to the marriage.  
6

7  
8 There is authority in Nevada in multiple cases for this approach. In  
9 *Benavidez v. Benavidez*, 92 Nev. 539, 554 P.2d 256 (1976), the district court  
10 entered judgment dividing the parties' real and personal property acquired during  
11 the marriage and prior to the marriage while the parties were cohabitating.  
12

13 The Supreme Court affirmed the division concluding that division of the  
14 property was properly based upon the guidelines of NRS 125.150. What is  
15 apparently implied in the ruling is that the Court approved of the district court  
16 applying community property principles to property during the period of co-  
17 habitation.  
18

19  
20 In *Hay v. Hay*, 100 Nev. 196, 678 P.2d 672 (1984), the Supreme Court held  
21 that an allegation of an agreement to pool income or contract to hold property is  
22 enforceable, citing *Marvin v. Marvin*, 557 P.2d 106 (Cal. 1976).  
23

24  
25 The Supreme Court stated that  
26

1 [i]n the absence of an express contract, the courts should inquire into  
2 the conduct of the parties to determine whether that conduct  
3 demonstrates an implied contract, agreement of partnership or joint  
4 venture, or some other tacit understanding between the parties. The  
5 courts may also employ the doctrine of *quantum meruit*, or equitable  
6 remedies such as constructive or resulting trusts, when warranted by  
7 the facts of the case.

8 *Id.* at 199.

9 The Court held that the remedies set forth in *Marvin* were available to  
10 unmarried cohabitants. Unmarried persons who are living together have the same  
11 rights to lawfully contract with each other regarding their property as do other  
12 unmarried individuals. The agreement may be express or implied from their  
13 conduct. The courts will protect their reasonable expectations with respect to  
14 transactions concerning property rights. *Id.* at 199. Each case should be assessed  
15 on its own merits with consideration given to the purpose, duration and stability of  
16 the relationship and the expectations of the parties. *Id.*

17 In *Western States Constr., Inc. v. Michoff*, 108 Nev. 931, 840 P.2d 1220  
18 (1992), the Supreme Court held that unmarried cohabitating adults may agree to  
19 hold property that they acquire as though it were community property. The  
20 agreement may be express or implied. The Court noted that district courts must  
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1 protect the reasonable expectations of unmarried cohabitants with respect to  
2 transactions concerning their property rights.

3 In *Carr-Bricken v. First Interstate Bank*, 105 Nev. 570, 779 P.2d 967  
4 (1989), the Supreme Court held that a district court may consider the value of  
5 property acquired during premarital cohabitation when determining the  
6 distribution of property upon divorce, although the Court did not give much  
7 guidance as to the standards to be applied.  
8

9  
10 If the Court determines that David's down payment is somehow his  
11 separate property, the Court will still need to apportion the equity. There is no  
12 factual dispute that immediately after the purchase that the parties lived together  
13 as husband and wife, got pregnant together, held themselves out as a joint  
14 economic unit, and Sarah was born barely a month after the marriage. Any  
15 appreciation after the date of purchase is certainly community property.  
16  
17

18  
19 In *Robison v. Robison*, 100 Nev. 668, 691 P.2d 451 (1984) the Supreme  
20 Court held that where payments are made with community funds on real property  
21 owned by one spouse prior to the marriage, the community is entitled to a *pro*  
22 *tanto* interest in such property in the ratio that the community payments bear to  
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1 the payments made with separate funds. *Robison* has never been overruled and is  
2 still good law.

3 If the Court determines that the down payment is somehow separate  
4 property, David would be entitled to a deduction of \$28,400 from the total equity.  
5 The remainder of the equity would need to be divided equally. It does not appear  
6 that a current appraisal has been completed on the property. Zillow shows a value  
7 of \$513,000. The loan balance is approximately \$235,000. The equity would be  
8 approximately \$278,000. Deducting the down payment of \$28,400 would result  
9 in a balance of \$249,600. One-half of that amount would be \$124,800.  
10  
11  
12

13 **7211 Birkland Court, Las Vegas, Nevada 89117**  
14

15 The residence located at 7211 Birkland Court was acquired by the parties  
16 during the course of the marriage on April 13, 2018. Pursuant to NRS 125.130,  
17 the house is presumptively community property.  
18

19 The real property was purchased as an investment property for Airbnb  
20 rentals. Because the house was an investment with a partner, the request was  
21 made to have Christie execute a Grant, Bargain, Sale Deed. There was never any  
22 intent for Christie to relinquish any of her community property rights. Christie did  
23 so because that was the requirement of being in the partnership with Jonathan  
24  
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1 Morrell due to her poor credit. Had she known that David had any different intent  
2 at the time of the divorce Christie would have never signed the Grant, Bargain,  
3 Sale Deed.  
4

5 Once the house was placed in Jonathan Morrell's and David's name, the  
6 house was then on August 3, transferred into J D Investments, LLC, a New  
7 Mexico. The members of J D Investments, LLC are David Stucke and Jonathan  
8 Morrell. J D Investments, LLC was created by David during the course of the  
9 marriage. It does not matter whose name or names is on the LLC. See NRS  
10 123.130. David's opinion is irrelevant. See *Verheyden, supra*. As such, J D  
11 Investments, LLC is community property. Any assets owed by J D Investments,  
12 LLC is therefore community property as well.  
13  
14  
15

16 The equity in 7211 Birkland, LLC needs to be divided equally.  
17

18 **3740 Grandview Place, Las Vegas, Nevada 89118**

19 The real property located at 3740 Grandview Place was purchased on  
20 October 31, 2017. Because the house was purchased during the course of the  
21 marriage, pursuant to NRS 125.130, the house is presumptively community  
22 property.  
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1 David put himself on the title of 3740 Grandview Place as a "married man  
2 as his sole and separate property." David's opinion as to the character of the real  
3 property is irrelevant. *See Verheyden, supra*. More importantly is the Supreme  
4 Court's holding in *Peardon v. Peardon*, 65 Nev. 717, 201 P.2d 309 (1948).  
5 *Peardon* is still good law as it has never been overruled. The case contains a  
6 number of significant holdings.  
7

9 a. The relation of husband and wife is one involving the highest trust  
10 and confidence. "Under both common law and equitable standards,  
11 in any transaction, whereby one spouse seeks to obtain the other  
12 spouse=s property without adequate compensation, no duress,  
13 coercion, undue influence, imposition or overreaching will be  
14 tolerated." *Peardon* at 717, 732.  
15  
16

17  
18 b. "As has been hereinbefore stated in a transaction between husband  
19 and wife whereby she conveyed to him her property without  
20 consideration, and it is not shown that he is not the dominant,  
21 superior personality in influence and power, the burden of proof  
22 shifts, and by a long-settled equitable doctrine, the burden is placed  
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1 on the husband to prove the voluntary character of the wife's act in  
2 party with her property." *Peardon* at 766.

3  
4 c. The Supreme Court approvingly incorporated Pomroy's Equity  
5 Jurisprudence when it quoted, "where there is no coercion amounting  
6 to duress, but a transaction is of the result of a moral, social, or  
7 domestic force exerted upon a party, controlling the free action of his  
8 will and preventing any true consent, equity may relieve against the  
9 transaction, on the ground of undue influence, even though there may  
10 be no invalidity at law. In the vast majority of instances, undue  
11 influence naturally as a field to work upon in the condition or  
12 circumstances of the person influenced, which render him  
13 particularly susceptible and yielding – his dependent or fiduciary  
14 relation toward the one exerting the influence, his mental or physical  
15 weakens, his pecuniary necessities, his ignorance, lack of advice and  
16 the like." *Peardon* at 766-67.

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22 d. "Where an antecedent fiduciary relation exists, a court of equity will  
23 presume confidence placed and influence exerted . . ." *Peardon* at  
24 767. (Emphasis in the original).  
25

1 e. Because of the presumption arising from the very relationship itself  
2 and the superior position of the husband as to the ability to exercise  
3 undue influence to bring about a property advantage to himself,  
4 equity requires that in a property transaction between husband and  
5 wife, in order to assure the free exercise of the wife's will and  
6 consent and the voluntary character of her act, she must be provided  
7 with independent legal counsel and advice in relation to the  
8 advisability and the fairness to her of the transaction . *Peardon* at  
9  
10  
11  
12 768.

13 The burden is on David to show that the down payment was somehow his  
14 separate property. At this point, no such evidence has been provided. The equity  
15 in 3740 Grandview Place should be equally divided.  
16

17  
18 **2. Bank Accounts:** Each party should keep their own bank accounts.

19 **3. Vehicles:** David has a Toyota Prius. Christie has a 2015 Toyota  
20 minivan. Each party should keep the vehicles in their possession.  
21

22 **4. Household Goods and Furnishings:** Christie advises that David has  
23 been out to the house roughly four times to get the items that he wanted.  
24  
25  
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1 The household goods and furnishings should be considered as having been  
2 divided by the parties.

3 **B. Division of Debt**

4 **1. Credit card debt**

5 Christie has roughly \$1,400 in credit card debt. The amount of credit card  
6 debt that David has is unknown. The parties should keep the unsecured debt in  
7 their possession as their sole and separate debt.  
8  
9

10 **C. Marital Waste**

11 It was overlooked from the original Pre-Trial Memorandum due to the  
12 lateness of the hour, but David has been making claims that Christie committed  
13 marital waste by gambling.  
14  
15

16 Marital waste can provide a compelling reason for the unequal disposition  
17 of community property. *See Lofgren v. Lofgren*, 112 Nev. 1282, 1283, 926 P.2d  
18 296, 297 (1996) ("if community property is lost, expended or destroyed through  
19 the intentional misconduct of one spouse, the court may consider such misconduct  
20 as a compelling reason for making an unequal disposition of community property  
21 and may appropriately augment the other spouse's share of the remaining  
22 community property.").

23 In *Putterman v. Putterman*, 113 Nev. 606, 939 P.2d 1047 (1997) the district  
24 court found that the husband refused to account for finances over which he had  
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1 control and the court believed that the husband was lying about having no income.

2 The district court made meticulous findings as to why the division was unequal.

3 In *Kogod v. Cioffi-Kogod*, 135 Nev. Adv. Op. 9, (April 25, 2019), the  
4 Supreme Court noted that other potential “compelling reasons” for an unequal  
5 division of community property could include negligent loss or destruction of  
6 community property, unauthorized gifts of community property, and even,  
7 possibly, compensation for losses occasioned by marriage and its breakup. *Id.* at  
8 608.  
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11

12 In Nevada, gambling is legal. Christie will testify that she and David  
13 engaged in advantage gambling as a business in Las Vegas. Christie and David  
14 operated the advantage gambling business before and during the marriage.  
15 Christie will testify that David would identify games and machines for which  
16 there was a mathematical advantage.  
17  
18

19 Christie will testify that they would then solicit investors to invest in those  
20 games and machines and play those machines through their players card. By  
21 playing through the players cards, they would obtain comps through the players  
22 cards and overtime as they played through the machines, the comps would  
23 eventually provide a profit to be distributed to the investors. Because both parties  
24 operated the business, and it was originally David’s idea because of his math  
25 background, there can be no finding of marital waste.  
26  
27  
28

1 operated the business, and it was originally David's idea because of his math  
2 background, there can be no finding of marital waste.

### 3 4 **VIII.** **ATTORNEY'S FEES**

5 There should be no factual dispute that David is the stronger party  
6 financially. Because of that, it has been difficult for Christie to meet him on an  
7 equal footing and at one point had to represent herself due to lack of funds.  
8

9  
10 In *Sargeant v. Sargreant*, 88 Nev. 223, 495 P.2d 618 (1972), the Supreme  
11 Court held that the wife does not have to show necessitous circumstances before  
12 being awarded fees and costs. The Supreme Court further stated that the wife did  
13 not have to invade her separate property before calling on the support of her  
14 husband. Christie can and should be awarded fees pursuant to *Sargeant*.  
15  
16

17 Attorney's fees may also be awarded to Christie under NRS 18.010 as the  
18 prevailing party, as well as NRS 125.040(2). Attorney's fees may additionally be  
19 awarded under *Brunzell v. Golden Gate National Bank*.<sup>5</sup> The undersigned is well  
20 experienced in domestic relations law, the work requires something more than a  
21 passing knowledge of domestic relations law, the work is more complex because  
22 of the real estate transaction and because of the marital waste claims as well as the  
23 custody issues.  
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28 <sup>5</sup> 85 Nev. 345, 455 P.2d 31 (1969)

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**IX.  
LIST OF WITNESSES**

- A. Plaintiff  
B. Defendant

**X.  
EXHIBITS**

- A. Defendant's Financial Disclosure Form  
B. Plaintiff's Financial Disclosure Form  
C. Credit card statements  
D. Deeds from the Clark County Assessor's Office  
E. Printout from the New Mexico Secretary of State

**XI.  
UNUSUAL LEGAL OR FACTUAL ISSUES**

Character and division of the real properties.

**XII.  
LENGTH OF TRIAL**

Two days.

DATED this 10<sup>th</sup> day of September 2020

PAGE LAW FIRM



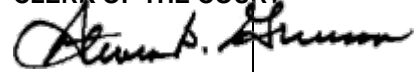
FRED PAGE, ESQ.  
Nevada Bar No. 6080  
6930 South Cimarron Road, Suite 140  
(702) 823-2888  
Attorney for Defendant

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 10<sup>th</sup> day of September 2020 that the foregoing AMENDED PRE-TRIAL MEMORANDUM was served pursuant to NEFCR 9 via e-service to Vincent Mayo, Esq., attorney for Plaintiff.

A handwritten signature in blue ink, appearing to be 'J. Mayo', is written over a horizontal line.

An employee of Page Law Firm



**MOT**

Vincent Mayo, Esq.  
Nevada State Bar Number: 8564  
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Tel: (702) 222-4021  
Email: VMGroup@TAMLF.com  
Attorney for Plaintiff

Eighth Judicial District Court  
Family Division  
Clark County, Nevada

DAVID PATRICK STUCKE,	)	Case No.:	D-18-580621-D
	)		
Plaintiff,	)	Department:	F
	)		
vs.	)		
	)		
CHRISTIE LEEANN STUCKE,	)	ORAL ARGUMENT REQUESTED	
	)		
Defendant.	)		
	)		

NOTICE: YOU MAY FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND PROVIDE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN FOURTEEN (14) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN FOURTEEN (14) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUEST FOR RELIEF BEING GRANTED BY THE COURT WITHOUT A HEARING PRIOR TO THE SCHEDULED HEARING DATE.

**MOTION TO ALLOW JOHN PAGLINI, PSY.D. TO REVIEW  
NEWLY DISCOVERED EVIDENCE PRIOR TO GIVING  
TESTIMONY AT THE PARTIES' TRIAL; AND FOR  
RELATED RELIEF**

**NOW INTO COURT** comes Plaintiff, DAVID PATRICK STUCKE,  
by and through his Attorney of Record, Vincent Mayo, Esq., of The  
Abrams & Mayo Law Firm, and hereby submits his *Motion to Allow John*

STUCKE-0983



1 *Paglini, Psy.D. to Review Newly Discovered Evidence Prior to Giving*  
2 *Testimony at the Parties' Trial; and for Related Relief.*

3 This *Motion* is based upon the attached Memorandum of Points and  
4 Authorities, any supporting exhibits provided in Plaintiff's Exhibit  
5 Appendix filed contemporaneously with this Motion, the attached  
6 Declaration of David Stucke, any and all pleadings and papers on file  
7 herein, and any further evidence or argument presented to the Court at  
8 the hearing of this matter.

9 **DATED** Monday, October 05, 2020.

10 Respectfully submitted,

11 THE ABRAMS & MAYO LAW FIRM

12 /s/ **Vincent Mayo, Esq.**

13 Vincent Mayo, Esq.  
14 Nevada State Bar Number: 8564  
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16 6252 South Rainbow Blvd., Suite 100  
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20 Email: VMGroup@TAMLF.com  
21 Attorney for Plaintiff

1                   **MEMORANDUM OF POINTS AND AUTHORITIES**

2   **I.     FACTUAL BACKGROUND**

3           The parties to this divorce action are DAVID STUCKE (hereinafter  
4   “David” or “Plaintiff”) and CHRISTIE STUCKE (hereinafter “Christie” or  
5   “Defendant”). Day One of the parties’ Trial was held on September 14,  
6   2020 wherein the Court took testimony related to property issues only  
7   (custody has not yet been addressed); Day Two was then calendared for  
8   September 17, 2020 (John Paglini, Psy.D., was scheduled to testify at the  
9   beginning of the September 17, 2020 Trial). Shortly before the September  
10   17, 2020 hearing, the Court advised that the matter needed to be taken  
11   off-calendar for the day and rescheduled. As of this filing, a new date and  
12   time for the parties’ second day of trial remains pending.

13           As the Court is well-aware, Christie first alleged during this  
14   litigation that David has been sexually inappropriate with the parties’  
15   young daughter (hereinafter “Sarah”) who is presently 4-years old.  
16   Christie’s repugnant and insidious allegations include David penetrating  
17   the minor child with his fingers when the child was 3 years old.  
18   Predictably, Child Protective Services, the child’s pediatrician, the child’s  
19   counselor (Donna Wilburn, LMFT) and Dr. Paglini all swiftly concluded  
20   that nothing inappropriate took place and that it was quite possible that  
21   Christie was coaching Sarah (raising obvious concerns related to

1 pathogenic parenting and emotional child abuse by way of Christie's  
2 coaching and manipulation of the child).

3 Prior to day one of Trial, on August 1, 2020, David's significant other  
4 (hereinafter "Laura") noticed that Sarah had become visibly upset and  
5 started crying. When Laura asked Sarah what was wrong, Sarah's crying  
6 intensified. David was moving items into an Airbnb at the time and was  
7 not present. Knowing the troubled history of the parties, the extensive  
8 history of this case, and, Christie's unrelenting willingness to poison Sarah  
9 against her father, Laura grabbed her iPhone and began recording (the  
10 video referenced herein is being submitted as **Exhibit 1**).

11 According to Laura's sworn affidavit, Sarah told Laura that she had  
12 a "secret" to tell her but she would only whisper the secret in Laura's ear  
13 (earlier in the day, Sarah had told Laura that her private parts were "itchy").  
14 Sarah then whispers in Laura's ear, "daddy put a jellyfish in my pee pee."  
15 When Laura tells Sarah that she shouldn't say things about people that  
16 aren't true, Sarah tells Laura that she and her mother have "secrets" that  
17 Sarah is not supposed to tell anyone else; that it's hard to have secrets;  
18 and that she didn't know why her "pee pee" itched. Laura tells Sarah that  
19 it could be many reasons including not wiping after using the bathroom,  
20 irritation from the swimming pool, or the need for more baths. When  
21 asked by Laura if it bothers her to have secrets, Sarah says yes; when asked

1 by Laura if she keeps secrets with David, Sarah says no. Sarah is also  
2 heard on video saying Laura and her dad protect her and keep her safe  
3 (Laura's Affidavit referenced herein is attached as **Exhibit 2**).

4 While David has no desire to delay the pending proceedings or  
5 inconvenience the Court, this new piece evidence is obviously of  
6 significant concern. At a minimum, Dr. Paglini should have the  
7 opportunity to review the video and briefly meet with the parties  
8 regarding its contents prior to giving testimony at the parties' upcoming  
9 Trial. The video obtained by Laura is only 3-minutes in duration and  
10 would not require a lengthy review by Dr. Paglini; however, this type of  
11 evidence is precisely the kind of evidence that experts routinely rely upon  
12 when forming opinions and reaching custodial-based recommendations  
13 (particularly when investigating claims of systemic coaching, manipulation,  
14 triangulation, and pathogenic parenting).

15 The Court has yet to enter final custodial orders in this case and Dr.  
16 Paglini's testimony will likely carry considerable weight with regard to the  
17 Court's ultimate best interest analysis, particularly with regard to Christie's  
18 ability to foster and encourage frequent associations between Sarah and  
19 her father (NRS 125C.0035(4)(c)); Christie's state of mental health (NRS  
20 125C.0035(4)(f)); and whether Christie has a history of committing acts  
21 of emotional abuse or neglect (NRS 125C.0035(4)(j)).

1       Accordingly, David is asking the Court to give Dr. Paglini the  
2 opportunity to review the video referenced herein and, if necessary, meet  
3 with the parties to discuss its contents prior to giving his testimony at the  
4 parties' upcoming Trial. By doing so, the Court would be ensuring that Dr.  
5 Paglini has *all information* necessary to make informed conclusions and  
6 recommendations to the Court with regard to the best interests of Sarah  
7 and David Jr. moving forward. Most importantly, neither party would be  
8 prejudiced by allowing Dr. Paglini to review the video referenced herein.

## 9       **II.    ARGUMENT AND ANALYSIS**

### 10       **A.    The Court Should Allow Dr. Paglini to Review David's** 11       **Newly Discovered Evidence Prior to Testifying at Trial**

12       NRS 125C.0035 makes it abundantly clear that the *sole consideration*  
13 of the Court, in determining the physical custody of a minor child, is the  
14 *best interest* of that child. In *Blanco v. Blanco*, 129 Nev. 723, 311 P.3d  
15 1170 (2013), the Nevada Supreme Court went a step further holding that  
16 child custody matters must be decided on their *merits*. In *Price v. Dunn*,  
17 106 Nev. 100, 105, 787 P.2d 785, 788 (1990), the Court specifically held  
18 that the policy in favor of deciding cases on their merits *is heightened in*  
19 *domestic relations matters*.

20       Here, we are dealing with the very serious issue of pathogenic  
21 parenting and whether Christie has been abusing Sarah on an

1 emotional/psychological level. The recent video obtained by Laura  
2 strongly supports David's contention that Christie has in fact been  
3 coaching and manipulating this 4-year-old child on an abusive level. If  
4 so, this is certainly a best interest consideration that the Court must  
5 consider in its ultimate custodial determination at trial; as noted above,  
6 particularly with regard to Christie's ability to foster and encourage  
7 frequent associations between Sarah and David (NRS 125C.0035(4)(c));  
8 Christie's state of mental health (NRS 125C.0035(4)(f)); and whether  
9 Christie has a history of committing acts of emotional abuse upon Sarah  
10 by way of coaching and manipulation (NRS 125C.0035(4)(j)).

11 **i. Regarding Pathogenic Parenting**

12 Mental health professionals refer to pathogenic parenting (also  
13 called attachment-based parental alienation) as a *pervasive pattern* of  
14 alienating and undermining behaviors designed to impair and eventually  
15 ruin the other parent's relationship with his/her children. Pathogenic  
16 parenting is sometimes mistakenly confused with parental alienation  
17 "syndrome" (which was debunked by experts many years ago).<sup>1</sup>

18 ...

19 \_\_\_\_\_  
20 <sup>1</sup> According to experts, pathogenic parenting is not a new syndrome, but rather a  
21 manifestation of standard and well-established pathologies. It only uses references  
to classic works of psychology and none related to parental alienation syndrome;  
giving pathogenic parenting tremendous power.

1 As the Court is aware, pathogenic parenting is more about lobbying,  
2 coaching, manipulating, and (to a certain extent) programming a child  
3 “against” the other parent. Based on the studies of national experts (like  
4 Dr. Craig Childress and Dr. Richard Warshak) and the opinions of local  
5 therapeutic providers (including Nicolas Ponzo, MSW, Stephanie Holland,  
6 PhD, and Donna Wilburn, LMFT), pathogenic parenting, without question,  
7 is a form of *emotional child abuse*.<sup>2</sup>

8 Pathogenic parents usually suffer from deep-seated mental illness<sup>3</sup>  
9 (upon information and belief, Christie has borderline personality disorder)  
10 and are oblivious, or simply don’t care, when it comes to understanding  
11 how their crusade directly affects the emotional development and  
12 wellbeing of their own children.<sup>4</sup> More times than not, pathogenic parents  
13

---

14 <sup>2</sup> See recent cases within the Family Division of the Eighth Judicial District Court,  
15 including *Abid v. Abid*; *Silva v. Silva*; *Kerrigan v. Kerrigan*; and *Sobczyk v. Osborne*.

16 <sup>3</sup> A parent suffering from a narcissistic or borderline personality disorder can  
17 (under unrelenting stress or pressure from divorce) decompensate into persecutory  
18 delusions that the other parent is inadequate or abusive. These parents then expel  
19 their feelings of inadequacy or abandonment onto their former partner by using the  
20 defense mechanisms of projection and splitting. In short, the ex-spouse must also  
21 become the ex-parent of the child.

<sup>4</sup> Through triangulation, psychological enmeshment with their children, and  
the formation of a cross generational alliance with their children, the pathogenic  
parent influences their children to share their delusion. This can be done by eliciting  
criticism from the child about the other parent and then enthusiastically validating it,  
and by mixing in partially true lies. These parents then use their children as  
a narcissistic supply, creating a role reversal relationship that shows a lack of empathy  
for their children’s own developmental needs.

1 are simply incapable of co-parenting and cannot be trusted with the status  
2 of joint custodian. This is David's obvious concern heading into trial.

3 **ii. Regarding Routinely Relied Upon Evidence**

4 With regard to expert witnesses, NRS 50.285 mandates that (1) the  
5 facts or data in a particular case upon which an expert bases an opinion  
6 or inference may be those perceived by or made known to the expert *at or*  
7 *before the hearing*; and (2) if of a type reasonably relied upon by experts  
8 in forming in forming opinions or inferences upon the subject, the facts  
9 or data *need not be admissible in evidence*.

10 In other words, even if the Court should deem the newly discovered  
11 video inadmissible at the time of trial, Dr. Paglini could – and should –  
12 have the opportunity to review the video prior to testifying at trial because  
13 video recordings and audio recordings are routinely used and relied upon  
14 by custody evaluators and outsourced providers on a regular basis when  
15 forming opinions and making custodial recommendations (particularly  
16 with regard to pathogenic parenting and emotional child abuse).

17 In the case of *Abid v. Abid*, 133 Nev. \_\_\_, \_\_\_ P.3d \_\_\_ (Adv. Opn. No.  
18 94, Dec. 7, 2017), Dad placed a recording device in his child's backpack to  
19 record the interactions between his child and Mom (Dad suspected Mom  
20 was coaching and interrogating the minor child); neither Mom nor the  
21 child consented to being recorded. The Nevada Supreme Court held that



1 though the recordings possibly violated NRS 200.650, the evidence was  
2 admissible as the protection of a child (and that child's best interest) far  
3 outweighs any exclusionary rule. The Court further held that the review of  
4 the recordings by a child psychologist (in this case, Dr. Stephanie Holland)  
5 who will be testifying as to her opinion was also proper considering the  
6 best interest of the child (and considering that child psychologists  
7 routinely review audio and video recordings when forming opinions).

8       Additionally, in the case of *Barrett v. Baird*, 111 Nev. 1496, 908 P.2d  
9 689 (1995), the Nevada Supreme Court confirmed that in Nevada, as in  
10 most jurisdictions, experts may rely on evidence that is otherwise  
11 inadmissible at a trial even when testifying before a jury as to an ultimate  
12 issue (such as negligence, in this particular case) pointing to both NRS  
13 50.285 and NRS 50.295.

14       Here, David's request is reasonable and made in the spirit of  
15 protecting the best interests of the parties' minor child. David is simply  
16 asking the Court to allow Dr. Paglini to review the short, newly obtained  
17 video prior to testifying at trial so that Dr. Paglini has all information  
18 necessary to make informed recommendations and assist the Court in  
19 making a final custodial determination in this case.

20 ...

21 ...

1 **III. CONCLUSION**

2 Based upon the foregoing, and for the reasons set forth herein,  
3 David respectfully requests that the Court:

- 4 1. Allow Dr. Paglini to review the newly obtained video prior to  
5 testifying at the parties' Trial;
- 6 2. Allow Dr. Paglini to speak to Laura and/or David regarding  
7 the video prior to testifying at the parties' Trial;
- 8 3. Allow Dr. Paglini to meet with Christie regarding the video  
9 prior to testifying at the parties' Trial;
- 10 4. Calendar day two of the parties' Trial for a date/time after Dr.  
11 Paglini has reviewed the video; and
- 12 5. Award David any other relief deemed just and appropriate.

13 **DATED** Monday, October 05, 2020.

14 Respectfully submitted,

15 THE ABRAMS & MAYO LAW FIRM

16 /s/ Vincent Mayo, Esq.

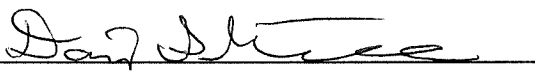
17 Vincent Mayo, Esq.  
18 Nevada State Bar Number: 8564  
19 The Abrams & Mayo Law Firm  
6252 South Rainbow Blvd., Suite 100  
Las Vegas, Nevada 89118  
20 Tel: (702) 222-4021  
Fax: (702) 248-9750  
21 Email: VMGroup@TAMLF.com  
Attorney for Plaintiff

1                                   **DECLARATION OF DAVID STUCKE**

2           I, DAVID STUCKE, am the Plaintiff in this action and declare that I  
3 am competent to testify to the facts in this Declaration. I have read the  
4 foregoing *Motion to Allow John Paglini, Psy.D. to Review Newly Discovered*  
5 *Evidence Prior to Giving Testimony at the Parties' Trial; and for Related Relief*  
6 and know the content thereof; that the same is true of my own knowledge  
7 except for those matters therein stated on information and belief, and as to  
8 those matters, I believe them to be true. Those factual averments contained in  
the referenced filing are incorporated here as if set forth in full.

9           **I declare under penalty of perjury under the laws of the**  
10 **State of Nevada (NRS 53.045 and 28 U.S.C. § 1746), that**  
**the forgoing is true and correct.**

11          **DATED** this 5<sup>th</sup> day of October 2020.

12  
13                                     
14                                   **David Stucke**

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Fred Page, Esq.  
Attorney for Defendant

An Employee of The Abrams & Mayo Law Firm

**EIGHTH JUDICIAL DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA**

**DAVID PATRICK STUCKE**

Plaintiff/Petitioner

vs.

**CHRISTIE LEEANN STUCKE**

Defendant/Respondent

Case Number: **D-18-580621-D**Department: **F**

**MOTION/OPPOSITION  
FEE INFORMATION SHEET**

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

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

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

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

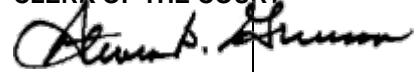
- |                                     |                                     |                                                                                                                                                                                                                            |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

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

The total filing fee for the Motion/Opposition I am filing with this form is

☒ \$0   ☐ \$25   ☐ \$57   ☐ \$82   ☐ \$129   ☐ \$154

Party filing Motion/Opposition: **Plaintiff**Date: **10.07.2020**Signature of Party of Preparer: /s/ Mark DiCiero



**EXHS**

Vincent Mayo, Esq.  
Nevada State Bar Number: 8564  
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Tel: (702) 222-4021  
Fax: (702) 248-9750  
Email: VMGroup@TAMLF.com  
Attorney for Plaintiff

Eighth Judicial District Court  
Family Division  
Clark County, Nevada

DAVID PATRICK STUCKE,	)	Case No.:	D-18-580621-D
	)		
Plaintiff,	)	Department:	F
	)		
vs.	)		
	)		
CHRISTIE LEEANN STUCKE,	)		
	)		
Defendant.	)		
	)		

**APPENDIX OF EXHIBITS IN SUPPORT OF  
MOTION TO ALLOW JOHN PAGLINI, PSY.D. TO REVIEW  
NEWLY DISCOVERED EVIDENCE PRIOR TO GIVING  
TESTIMONY AT THE PARTIES' TRIAL; AND FOR  
RELATED RELIEF**

**NOW INTO COURT** comes Plaintiff, DAVID STUCKE, by and through his Attorney of Record, Vincent Mayo, Esq., of The Abrams & Mayo Law Firm, and hereby submits his *Appendix of Exhibits in Support of Plaintiff's Motion to Allow John Paglini, Psy.D. to Review Newly Discovered Evidence Prior to Giving Testimony at the Parties' Evidentiary Hearing; and for Related Relief.*

STUCKE-0997

...

**DATED** Wednesday, October 07, 2020.

Respectfully submitted,

THE ABRAMS & MAYO LAW FIRM

/s/ **Vincent Mayo, Esq.**

Vincent Mayo, Esq.  
Nevada State Bar Number: 8564  
The Abrams & Mayo Law Firm  
6252 South Rainbow Blvd., Suite 100  
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Fax: (702) 248-9750  
Email: VMGroup@TAMLF.com  
Attorney for Plaintiff

...

**TABLE OF CONTENTS**

<b>Exhibit</b>	<b>Description</b>	<b>Page No.</b>
1	Video of Sarah and Laura (Recorded 08.01.2020)	PLTF 001-002
2	Affidavit of Laura Jenkins	PLTF 003-005

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing *Appendix of Exhibits in Support of Plaintiff's Motion to Allow John Paglini, Psy.D. to Review Newly Discovered Evidence Prior to Giving Testimony at the Parties' Evidentiary Hearing; and for Related Relief* was filed electronically with the Eighth Judicial District Court in the above-entitled matter, on Wednesday, October 07, 2020. Electronic service of the foregoing document shall be made in accordance with the Master Service List, pursuant to NEFCR 9, as follows:

Fred Page, Esq.  
Attorney for Plaintiff

**/s/ Chantel Wade**

An Employee of The Abrams & Mayo Law Firm



# EXHIBIT 1

# EXHIBIT 1



# EXHIBIT 2

# EXHIBIT 2

FAMILY COURT EIGHTH JUDICIAL COURT, LAS VEGAS, NV

David Stucke
Plaintiff
-VS-
Christie Stucke
Defendant

D-18-580621-D

**AFFIDAVIT**

I, Laura Jenkins, of Henderson, in Clark, Nevada, MAKE OATH AND SAY THAT:

On August 1, 2020 I was alone with Sarah Stucke and David Stucke, the minor children of my boyfriend David P. Stucke. We were all living together at the time. While I was alone with Sarah she said she had a secret to tell me but would only tell me in my ear. She said this after she said her private parts were itchy. I located my phone to audio record what she said because I didn't know what she would say and because her mother, Christie Stucke, had made false accusations of inappropriate touching against David the prior year. Those charges were investigated by CPS and deemed unfounded. It was also suspected that Christie had coached Sarah but that was not proven because Sarah was only three years old at the time. Sarah has had emotional issues coping with her parent's divorce and I wanted to have evidence of whatever the secret was so that I would be believed.

Once I started recording, I asked Sarah what she was going to tell me. She said she would only tell me in my ear. She said "Daddy put a jellyfish in my pee pee". And that she had told her mother that secret and that her and her mother have secrets that she's not supposed to tell anyone else. Also, she said that is bothers her and it is hard to have secrets. I told her she was safe and that no one was hurting her. She then said she didn't know why her pee pee itched and asked me why. I told her that it could be many reasons including not wiping after using the bathroom, irritation from the swimming pool, or the need for more baths. She frequently complains about being itchy during her custody time with David including her private parts at times. When this occurs we offer her a bath and don't discuss it further or make an issue of it.

I have two children myself, and I cannot imagine have secrets with my children regarding their genitals or discussing their genitals at all except during potty training. Sarah has been potty trained since I've known her which was in late December of 2018. It is extremely concerning that her mother discusses this subject with Sarah and is expected to keep secrets at all. Sarah is hyper aware of her pee pee and says it itches or hurts at times. It is extremely inappropriate for a child who is four (three years old during the first false accusation) to be aware of their private parts in this manner or be forced to discuss it in my opinion as a parent.

STATE OF NEVADA

COUNTY OF CLARK

SUBSCRIBED AND SWORN TO BEFORE  
ME, on the 5th day of October, 2020

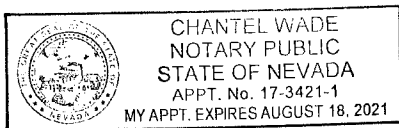
Signature

(Seal)

NOTARY PUBLIC

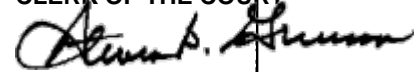
My Commission expires:

August 18, 2021



Laura Jenkins  
(Signature)

Laura Jenkins



OPPC  
FRED PAGE, ESQ.  
NEVADA BAR NO. 6080  
PAGE LAW FIRM  
6930 SOUTH CIMARRON ROAD, SUITE 140  
LAS VEGAS, NEVADA 89113  
(702) 823-2888 office  
(702) 628-9884 fax  
Email: fpage@pagelawoffices.com  
Attorney for Defendant

**EIGHTH JUDICIAL DISTRICT COURT  
COUNTY OF CLARK  
STATE OF NEVADA**

DAVID PATRICK STUCKE,  
Plaintiff,

vs.

CHRISTINE LEEANN STUCKE,  
Defendant.

Case No.: D-18-580621-D

Dept.: F

**Hearing Date: November 6, 2020**

**Hearing Time: 12:05 a.m.**

**DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO ALLOW  
JOHN PAGLIN, PSY.D. TO REVIEW NEWLY DISCOVERED  
EVIDENCE PRIOR TO GIVING TESTIMONY AT THE PARTIES'  
TRIAL AND FOR RELATED  
AND  
COUNTERMOTION FOR ATTORNEY'S FEES**

Defendant, CHRISTINE LEEANN STUCKE, by and through her attorney,  
Fred Page, Esq., hereby submits her Opposition to Plaintiff, DAVID PATRICK  
STUCKE'S, Motion to Allow John Paglini, Psy.D. to Review Newly Discovered  
Evidence Prior to Giving Testimony at the Parties' Trial and for Related Relief  
and Countermotion for Attorney's Fees. This Opposition and Countermotion is

1 based upon the papers and pleadings on file, the attached Points and Authorities  
2 and any oral argument that the Court may wish to entertain.

3  
4 DATED this 30<sup>th</sup> day of October 2020

5 PAGE LAW FIRM

6  
7  
8 

9 FRED PAGE, ESQ.

10 Nevada Bar No. 6080

11 6930 South Cimarron Road, Suite 140

12 Las Vegas, Nevada 89113

13 (702) 823-2888

14 Attorney for Defendant

15  
16 **POINTS AND AUTHORITIES**

17 **I.**

18 **FACTUAL BACKGROUND**

19 Defendant, CHRISTIE LEEANN STUCKE (hereinafter “Christie”) and  
20 Plaintiff DAVID PATRICK STUCKE (hereinafter “David”) were entered into a  
21 domestic partnership through the Nevada Secretary of State under Chapter 122A  
22 on May 26, 2015.<sup>1</sup> After the parties entered into to domestic partnership the  
23 parties cohabited and shared responsibilities as would any married couple. The  
24 parties have two minor children the issue of the domestic partnership, Sarah Laura  
25 Stucke, born July 22, 2016 (age 4), and David Orion Stucke, born March 30, 2018  
26 (age 2).

27  
28 <sup>1</sup> The parties also participated in a marriage ceremony a year later on May 28,  
2016.

1 David requested and received authorization to have Dr. Paglini conduct a  
2 custody evaluation. Dr. Paglini conducted a very extensive and through  
3 evaluation. The evaluation consisted of Dr. Paglini reviewing numerous video  
4 that David had surreptitiously taken of Christie in an attempt to put her in a  
5 negative light.  
6

7  
8 Dr. Paglini provided an extensive 88-page report. Dr. Paglini reviewed all  
9 of the filings in the case. Dr. Paglini reviewed numerous videos that David  
10 provided to him. There was in depth psychological testing, interviews, and home  
11 visits of both parties. Dr. Paglini also conducted extensive collateral interviews.  
12

13 After reviewing all of those secretly taken videos by David, Dr. Paglini still  
14 concluded that the parties should share joint physical custody, contingent upon  
15 Christie taking some classes, which Christie readily agreed to do.  
16

17 David was deeply disappointed after having secretly recording Christie to  
18 try and put her in a negative light and after having spent all of that money on Dr.  
19 Paglini that Dr. Paglini still recommended joint physical custody.  
20  
21

22 The matter was last for trial before the on September 14, 2020. David  
23 submitted some 8,000 pages of documents. Due to the length of David's direct  
24 examination, the Court was unable to conclude testimony that day. Toward the  
25 end of day 1, the Court asked if the parties would simply stipulate to Dr. Paglini's  
26 report coming and stipulate to the parties having joint physical custody.  
27  
28



1 Initially, it appeared that David was going to stipulate to joint physical  
2 custody. But then, his counsel still wanted Dr. Paglini to come in and  
3 see if Dr. Paglini would vary from his recommendation based upon various  
4 hypotheticals that he was going to pose to Dr. Paglini. In essence, David was  
5 going to stipulate to joint physical custody, but he was not going to stipulate to  
6 joint physical custody.  
7

8  
9 Because of David's refusal to stipulate to joint physical custody the Court  
10 scheduled Dr. Paglini to testify on September 17. However, trial for that day had  
11 to be continued due to an emergency involving the Court.  
12

13 David subsequently used the intervening time period to surreptitiously take  
14 more recordings against Christie and then try and use those recordings against her.  
15

## 16 II. 17 OPPOSITION

### 18 A. David's Misstatements Should be Addressed

19  
20 As is common in the Family Division of District Court, David's Motion is  
21 replete with material misstatements of fact and impermissibly argument in a  
22 purported "statement of facts."  
23

24 David claims that Dr. Paglini and Donna Wilburn, MFT "swiftly concluded  
25 that nothing inappropriate took place." Mot. at page 3, lines 19-20. That is  
26 incorrect, both Dr. Paglini and Ms. Wilburn were unable to substantiate that any  
27 sexual abuse took place.  
28

1 David claims that Dr. Paglini concluded that it was “quite possible” that  
2 Christie was coaching Sarah and that Christie was engaging in pathogenic  
3 parenting. Mot. at page 3, line 20, through page 4, line 2. Dr. Paglini made no  
4 such conclusions, and if he did, David is duty bound to provide some  
5 substantiation for his claims. At no point is Christie required to prove a negative.  
6

7  
8 David claims that day one of trial was August 1, and that prior to day one,  
9 July 31, that David’s significant other, Laura, noticed that Sarah was crying. The  
10 assertion is incorrect. Day one of the trial was September 14.  
11

12 David claims, in “statement of facts,” the video is precisely the kind of  
13 evidence that experts routinely rely upon when forming opinions and reaching  
14 custodial-based recommendations.” Mot. at page 5, lines 10-14. There is zero  
15 basis for such an assertion to be made. David does not have the first clue as to  
16 what experts rely upon when reviewing videos and as such has no place in a  
17 “statement of facts.”  
18  
19

20 Christie has complied with all visitation orders. Dr. Palini has already  
21 concluded that Christie’s mental health is sufficient fine. Dr. Paglini has  
22 concluded that David fails to prove that Christie history of committing acts of  
23 emotional abuse or neglect. And, Dr. Paglini already has enough data points to  
24 reach that conclusion after the 20 plus recordings that David foisted upon him  
25 after secretly recording Christie as many times as he possibly could.  
26  
27  
28

1 David claims that Christie has a borderline personality disorder. Mot. at  
2 page 8, lines 8-9. Dr. Paglini has conducted an extensive psychological  
3 evaluation of both parties and has failed to conclude that Christie has any  
4 personality disorder, let alone a borderline personality disorder.  
5

6 **B. David's Request for Dr. Paglini to Review "Newly Discovered**  
7 **Evidence" Should be Denied**

8 David is essentially asking the Court to rule on his untimely "motion in  
9  
10 limine" to admit new evidence in the middle of a trial. At some point limits have  
11 to be place on David. There are rules, and David cannot continue to be permitted  
12 to run amok and throw out whatever he can whenever he can when things have  
13 not gone his way.<sup>2</sup>  
14

15 David goes into great detail about pathogenic parenting and concludes that  
16 Christie is engaging in it. Mot. at page 7, line 11, through page 8, line 7. Dr.  
17 Paglini produced an 88-page report and after reviewing the videos dumped on him  
18 by David, after interviewing the parties, and after reviewing all of the pleadings,  
19 that he was unable to conclude that parental alienation or pathogenic parenting  
20  
21  
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---

25 <sup>2</sup> For example, David submitted approximately 8,000 pages of exhibits in an effort  
26 to try and overwhelm Christie's ability to be prepared for trial. When David was  
27 asked to provide a hard copy of those 8,000 pages of exhibits, the response was  
28 "go pound sand," leaving Christie having to print out 8,000 pages of exhibits that  
David tried to dump upon her - and the Court.

1 was going on. Dr. Paglini has more than a sufficient amount of evidence with  
2 which to make his conclusions.

3 NRS 48.035(2) provides that evidence may be excluded if its probative  
4 value is substantially outweighed by considerations of undue delay, waste of time  
5 or needless presentation of cumulative evidence. Dr. Paglini has already reviewed  
6  
7  
8 20 something recordings from David in his desperate attempt to smear Christie.

9 David's citation to Abid v. Abid, 113 Nev. Adv. Op. 94 (December 7,  
10 2017) is inapplicable as that recording took place months before the trial and not  
11 in the middle of it.

13 The videos at this point are cumulative and one more video it not  
14 going to make a difference. David's desperation to try and separate the children  
15 from Christie should give the Court some pause as to whether he is willing, or  
16 even able, to facilitate a relationship between Christie and the children.  
17  
18

19 David's request should be denied.

20  
21 **C. The Video Recording Itself is Wholly Improper**

22 One cannot even get through trial and David wants to waste judicial  
23 resources for another baseless video wherein they are coaching Sarah. Laura's  
24 conduct is completely inappropriate that she is trying to coach Sarah that what she  
25 saying did not happen???

1 It feels very much like gaslighting when Sarah is trying to tell Laura about  
2 stuff. Instead of believing her Laura assumes that Christie has coached her.  
3 Christie advises that Sarah may be 4 years of age, but she been very clear about  
4 certain things and has been consistent with her verbal reporting about concerning  
5 things between her and her father. It is inexplicable for David to claim that  
6 Christie is somehow brainwashing her or prompting her when Sarah is not even  
7 around me when she is talking to others.  
8

9  
10 David appears to be incredibly vindictive and wants to harm Christie in any  
11 way he can. If anything, it looks like David is coaching Sarah or is maybe to try  
12 to instigate Christie and get a reaction out of her.  
13  
14

15 **D. David Is Improperly Trying to Get Around the Rules of Having Sarah**  
16 **Not Being Able to Testify**

17 A review of Dr. Paglini's report appears to indicate that he chose not to  
18 conduct a forensic interview of the children. Dr. Paglini could have conducted a  
19 forensic interview of the children, and have the children testify that way, but he  
20 chose not to so. It appears that David has tried to manufacture a situation wherein  
21 he can try and get an interview of Sarah and at the same avoid the requirements of  
22 NRCP 16.215 regarding children under the age of 14 being able to testify.  
23  
24

25 The Rule requires that a Notice be filed within 60 days before the hearing.  
26 The Rule also requires that a Motion to Permit Child Testimony by Alternative  
27  
28

Means be filed. David is prohibited from trying to backdoor his way into getting Sarah's statements as part of the evidentiary record.

Accordingly, David's Motion should be denied.

### **III. COUNTERMOTION**

An award of attorney's fees in a divorce proceeding falls within the sound discretion of the trial court. NRS 125.150(2); NRS 125.040(2). In assessing the amount of attorney's fees, courts should examine "(1) the qualities of the advocate: his ability, his training, education, experience, professional standing and skill; (2) the character of the work to be done: its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and the prominence and character of the parties where they affect the importance of the litigation; (3) the work actually performed by the lawyer: the skill, time and attention given to the work; (4) the result: whether the attorney was successful and what benefits were derived." *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 350, 455 P.2d 31, 33 (1969).

In determining the amount appropriate for the attorney's fees, this court should take into consideration the *Brunzell* factors. Christie's counsel is a well experienced divorce lawyer. Motion writings in essence are intricate part of the law and it requires substantial effort in consideration with other legal activities. The result should be considered as being successful and counsel has performed

1 100 percent of the work. All factors set forth in *Brunzell* warrants an award of  
2 substantial attorney's fees. Christine's counsel's qualifications under the *Brunzell*  
3 factors should be recognized and Christie should be awarded the attorney's fees  
4 she has incurred.  
5

6  
7 **IV.**  
8 **CONCLUSION**

9 WHEREFORE, Defendant, CHRISTIE LEEANN STUCKE, respectfully  
10 requests that the Court enter orders:

- 11 1. Denying Plaintiff's Motion in its entirety.  
12  
13 2. Awarding Christie the attorney's fees she has incurred in filing the  
14 Motion and appearing at the hearing, and;  
15  
16 3. For any further relief the Court deems proper and just.

17 DATED this 30<sup>th</sup> day of October 2020

18 PAGE LAW FIRM

19  
20 

21 FRED PAGE, ESQ.  
22 Nevada Bar No. 6080  
23 6930 South Cimarron Road, Suite 140  
24 Las Vegas, Nevada 89113  
25 (702) 823-2888  
26 Attorney for Defendant  
27  
28

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**DECLARATION IN SUPPORT OF MOTION**

I, CHRISTIE LEEANN STUCKE, first being duly sworn, deposes and says:

That she is the Defendant in the above-entitled action; that she has read the above and foregoing OPPOSITION AND COUNTERMOTION and knows the contents thereof and that the same is true of her own knowledge, except as to those matters therein stated upon information and belief, and as to those matters, she believes them to be true.

Further your declarant sayeth naught.

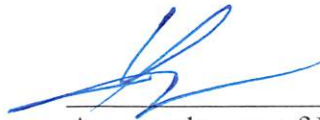
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*to be supplied*  
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CHRISTIE LEEANN STUCKE



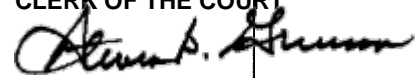
## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 30<sup>th</sup> day of October 2020, that the foregoing OPPOSITION AND COUNTERMOTION was served pursuant NEFCR 9 via e-service to Vincent Mayo, Esq. attorney for Plaintiff.



---

An employee of Page Law Firm



**ROPP**

Vincent Mayo, Esq.  
Nevada State Bar Number: 8564  
The Abrams & Mayo Law Firm  
6252 South Rainbow Blvd., Suite 100  
Las Vegas, Nevada 89118  
Tel: (702) 222-4021  
Email: VMGroup@TAMLF.com  
Attorney for Plaintiff

Eighth Judicial District Court  
Family Division  
Clark County, Nevada

DAVID PATRICK STUCKE,	)	Case No.:	D-18-580621-DD
	)		
Plaintiff,	)	Department:	F
	)		
vs.	)		
	)	Date of Hearing:	11/6/20
CHRISTIE LEEANN STUCKE,	)	Time of Hearing:	In chambers
	)		
Defendant.	)		
	)		

**REPLY IN SUPPORT OF MOTION TO ALLOW JOHN PAGLINI,  
PSY.D. TO REVIEW NEWLY DISCOVERED EVIDENCE PRIOR  
TO GIVING TESTIMONY AT THE PARTIES' TRIAL; AND FOR  
RELATED RELIEF AND OPPOSITION TO COUNTERMOTION  
FOR ATTORNEY'S FEES**

**NOW INTO COURT** comes Plaintiff, DAVID PATRICK STUCKE,  
by and through his Attorney of Record, Vincent Mayo, Esq., of The  
Abrams & Mayo Law Firm, and hereby submits his *Reply in Support of*  
*Motion to Allow John Paglini, Psy.D. to Review Newly Discovered*  
*Evidence Prior to Giving Testimony at the Parties' Trial; and for Related*  
*Relief and Opposition to Countermotion for Attorney's Fees.*

STUCKE-1017

This *Reply and Opposition* is based upon the attached Memorandum of Points and Authorities, the attached Declaration of David Stucke, any and all pleadings and papers on file herein, and any further evidence or argument presented to the Court at the hearing of this matter.

**DATED** Friday, November 06, 2020.

Respectfully submitted,

THE ABRAMS & MAYO LAW FIRM

**/s/ Vincent Mayo, Esq.**

Vincent Mayo, Esq.  
Nevada State Bar Number: 8564  
The Abrams & Mayo Law Firm  
6252 South Rainbow Blvd., Suite 100  
Las Vegas, Nevada 89118  
Tel: (702) 222-4021  
Fax: (702) 248-9750  
Attorney for Plaintiff

## MEMORANDUM OF POINTS AND AUTHORITIES

## I. REPLY AND OPPOSITION

Focusing on the pertinent issues with Christie's Opposition, David's position was not that the parties should be awarded joint physical custody. David made it clear at Court that he should be awarded primary custody based on Christie's manipulation of Sarah and attempts to destroy David's relationship with her. Dr. Paglini even stated in his report that this was a

1 concern. Dr. Paglini emphasized that if Christie has coached Sarah,  
2 including as to accusations of sexual abuse by David in an attempt to gain  
3 leverage in this matter, then the Court should award David primary  
4 custody. Dr. Paglini's report is replete with examples of why he is  
5 concerned about Christie's conduct, including statements from David,  
6 Sarah's mental health provider, CPS and Sarah's pediatrician. Hence, the  
7 issue related to the potential evidence in the video is not just "collateral to  
8 the matter" but directly at issue.

9       This trial is about what is best for the children and their long-term  
10 mental welfare. Christie making secrets about David is very concerning.  
11 The Court cannot forget that Christie's other three children have all been  
12 diagnosed with mental disorders, with one being an ongoing drug addict  
13 that is in and out of rehab. Clearly, Christie's parenting, and its effects on  
14 Sarah, must be addressed.

15       Christie may try and claim the custody case is "simple" but it is not.  
16 If it is, Dr. Paglini would not have produced an 88-page report. Further,  
17 this Court cannot take the easy road as Christie wants and default to  
18 custody. An award should be based on a thorough review of all the  
19 pertinent facts.

20       Christie's attempt to excuse her behavior by stating she is just an  
21 "overprotective parent" is not a valid excuse. Christie has consistently

1 taken Sarah to medical providers and contacted CPS based on the claim  
2 that David is sexually abusing Sarah. Repeated claims of sexual abuse by  
3 one parent against another is not simply a case of a “overprotective  
4 parent”. What truly undermines Christie’s position is that she is still  
5 refusing to state there was no sexual abuse by David in her Opposition.  
6 Christie even recently told David via OFW on September 8, 2020 in regard  
7 to David and inappropriate conduct towards Sarah, “Furthermore, it  
8 certainly makes me believe that you are trying to conceal activities of this  
9 nature with Sarah.” This is Christie calling David a pedophile, NOT being  
10 overprotective. In addition, if Christie believes said abuse occurred, why  
11 is she requesting joint custody? The only answer is that Christie knows it  
12 did not and she is trying to keep the door open on this issue for leverage  
13 purposes. This makes the need to review and consider the video in  
14 question even more necessary.

15 The Court is well aware of Christie’s game playing and lying to David  
16 and the Court, increasing the need to question Christie’s behavior with  
17 Sarah against David.

18 Christie tries to distract the Court from the issue at hand by talking  
19 about David using the video to coach Sarah. If that were true, why doesn’t  
20 Christie want Dr. Paglini or the Court to see the video?

21 ///

1 Christie next claims the video David wants reviewed by Paglini  
2 would just be cumulative. David agrees if it was in regard to Christie being  
3 violent (as there is already unopposed evidence of that). However, the  
4 video in question involves Sarah having “secrets with mommy about  
5 daddy and that Sarah does not like having secrets. The conversation  
6 happens after Sarah complains about her itchy vagina. This is an ongoing  
7 theme and major concern for David.

8 Consideration of the short video (which is just a minute long long)  
9 will not result in undue delay as the parties are not back in front of the  
10 Court until December 9<sup>th</sup>, giving Dr. Paglini plenty of time to review the  
11 short video and formulate any thoughts on it. Being that the children’s  
12 best interest are always paramount, it seems unreasonable to not have all  
13 relevant information considered.

14 Therefore, the video should be reviewed by Dr. Paglini and  
15 Christie’s claim for attorney’s fees denied.

### 16 **III. CONCLUSION**

17 Based upon the foregoing, and for the reasons set forth herein,  
18 David respectfully requests that the Court:

- 19 1. Allow Dr. Paglini to review the newly obtained video prior to  
20 testifying at the parties’ Trial;  
21

- 1           2.     Allow Dr. Paglini to speak to Laura and/or David regarding  
2                 the video prior to testifying at the parties' Trial;  
3           3.     Allow Dr. Paglini, if he deems it necessary, to meet with  
4                 Christie regarding the video prior to testifying at the parties'  
5                 Trial;  
6           4.     Deny Christie's claim for attorney's fees.

7     **DATED** Friday, November 06, 2020.

8                                 Respectfully submitted,

9                                 THE ABRAMS & MAYO LAW FIRM

10                                /s/ Vincent Mayo, Esq.

11                                Vincent Mayo, Esq.  
12                                Nevada State Bar Number: 8564  
13                                The Abrams & Mayo Law Firm  
14                                6252 South Rainbow Blvd., Suite 100  
15                                Las Vegas, Nevada 89118  
16                                Tel: (702) 222-4021  
17                                Fax: (702) 248-9750  
18                                Email: VMGroup@TAMLF.com  
19                                Attorney for Plaintiff  
20  
21

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I declare under penalty of perjury under the laws of the State of Nevada (NRS 53.045 and 28 U.S.C. § 1746), that the forgoing is true and correct.

David S. \_\_\_\_\_

David Stucke



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Fred Page, Esq.  
Attorney for Defendant

An Employee of The Abrams & Mayo Law Firm

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint****COURT MINUTES**

November 06, 2020

D-18-580621-D      David Patrick Stucke, Plaintiff  
vs.  
Christie LeeAnn Stucke, Defendant.

**November 06, 2020      12:05 AM      All Pending Motions**

**HEARD BY:** Gentile, Denise L**COURTROOM:** Courtroom 03**COURT CLERK:** Melissa McCulloch**PARTIES:**

Christie Stucke, Defendant, Counter Claimant,      Fred Page, Attorney, not present  
not present  
David Stucke, Plaintiff, Counter Defendant,      Vincent Mayo, Attorney, not present  
not present  
David Stucke, Subject Minor, not present  
Sarah Stucke, Subject Minor, not present

<b>JOURNAL ENTRIES</b>
------------------------

- NRCP 1 and EDCR 1.10 state the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to Administrative Order 20-17, this Court may issue a decision on the papers.

COURT FINDS that Plaintiff filed a Motion to Allow Dr. Paglini to Review Newly Discovered Evidence Prior to Giving Testimony at the O Parties Trial; and for Related Relief; Defendant opposed and filed a Countermotion thereto and the Reply to the Opposition. All of these were set to be heard on 11/6/2020 on the Court's chambers Calendar. COURT has read and considered the papers on file herein.

COURT FINDS that discovery has closed, the report of Dr. Paglini has been generated, and the trial

PRINT DATE:	11/09/2020	Page 1 of 2	Minutes Date:	November 06, 2020
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**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

STUCKE-1025

has commenced. COURT FINDS that just because there is a gap between trial dates, does not mean because another incident occurs that the Court should re-open discovery and allow new evidence to be submitted without properly permitting the opponent to pursue discovery in response to refute any allegations, inferences, or conclusions the Plaintiff expects the Court and/or the expert to make with this information.

The Court will permit a line of questioning of the incident, if Dr. Paglini were to learn of this type of an incident would it change his opinion, or if he were to view such a video would it make a difference, but otherwise, there is no need to re-open discovery, cause Dr. Paglini to prepare an errata or addendum to his report, for this particular piece of information that may be addressed in open court.

Family Court cases are fluid and the facts are ever-changing, but we still must follow the rules, and create deadlines, so that the parties understand their universe of facts, (i.e., what facts they may present and against what facts they must defend). Notice and Opportunity to be heard is the basic tenet of due process, and in this case, to allow this request would prejudice the defendant, if the matter were still to proceed on December 9, if the Court were to provide the proper opportunity to pursue discovery in response to the newly discovered evidence, it would delay the trial and prejudice the parties. This matter shall proceed on December 9, 2020.

In this regard, the Motion filed by Plaintiff is hereby DENIED.

CLERK'S NOTE: On 11/9/20 a copy of the Court's Minute Order was provided to each Attorney via email, if an email address is on record with the Court; if no email address is available then the Minute Order was mailed to the physical address of record. (mm)

**FUTURE HEARINGS:**     December 09, 2020 9:00 AM Non-Jury Trial  
                                 Gentile, Denise L  
                                 Courtroom 03  
                                 McCulloch, Melissa

PRINT DATE:	11/09/2020	Page 2 of 2	Minutes Date:	November 06, 2020
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**Notice:** Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

*Heather S. Stucke*  
CLERK OF THE COURT

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

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:

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

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

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

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

## LEGAL CUSTODY

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

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

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

(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. The court may award joint legal custody without awarding joint physical custody.

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

## PHYSICAL CUSTODY

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

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

(a) The parents have agreed to an award of joint physical custody or so agree in open court at a hearing for the purpose of determining the physical custody 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 believe 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

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.		
First Block	Mom	Dad
Second Block	Dad	Mom
EXTENDED HOLIDAYS, contd.	<b>ODD YEAR</b>	<b>EVEN YEAR</b>
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).	Dad	Mom

<b>SPECIAL OCCASIONS</b>		
(Special Occasions begin at 9:00 a.m. on the individual day and continue until 9:00 p.m. on the same day)	<b>ODD YEAR</b>	<b>EVEN YEAR</b>
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 (1/2) 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 (1/2) 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.



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**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 and  
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).

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**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.

**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.

**DEBTS AND OBLIGATIONS**

COURT FINDS the following debts are owed by the community:

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

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

#### 20 **ATTORNEY'S FEES**

21 THE COURT HEREBY FINDS that attorney's fees in this matter are governed by NRS  
22 18.010, EDCR 7.60, and may make an award of fees pursuant to *Sargeant v. Sargeant*, 88 Nev.  
23 223, 495 P.2d 618 (1972), to ensure that each party meets his adversary on equal footing at trial.  
24 COURT FINDS that each party seeks attorney's fees from the Court. COURT FINDS that if either  
25 party seeks attorney's fees, such request is permitted pursuant to NRCP 54, upon Motion for post-  
26 judgment award of fees.

#### 27 **MISCELLANEOUS**

28 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that each party shall execute  
any and all legal documents, certificates of title, bills of sale, quitclaim deeds or other evidence of  
transfer necessary to effectuate this Decree within thirty (30) days of the entry of the Decree of  
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

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:

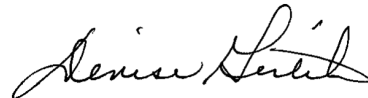
6 Section 7. In addition to the language required pursuant to subsection 6,  
7 all orders authorized by this section must specify that the terms of the Hague  
8 Convention of October 25, 1980, adopted by the 14th Session of the Hague  
9 Conference on Private International Law, apply if a parent abducts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