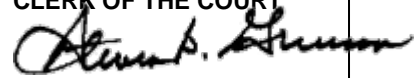


HOFLAND & TOMSHECK – Attorneys at Law
228 South 4th Street, First Floor
Las Vegas NV 89101
PH: (702) 895-6760 ◇ FAX: (702) 731-6910

Electronically Filed
5/26/2021 4:56 PM
Steven D. Grierson
CLERK OF THE COURT



HOFLAND & TOMSHECK
Bradley J. Hofland, Esq.
Nevada Bar Number: 6343
bradh@hoflandlaw.com
228 South 4th Street, 1st Floor
Las Vegas, Nevada 89101
Telephones: (702) 895-6760
Facsimile: (702) 731-6910
Attorney for Defendant, Justin Maurice

Electronically Filed
Jun 07 2021 11:09 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

SARAH MAURICE,) CASE NO.: D-14-506883-D
) DEPT. NO.: Q
Plaintiff,)
) NOTICE OF APPEAL
vs.)
)
JUSTIN MAURICE,)
)
Defendant.)
)

NOTICE IS HEREBY GIVEN that Defendant, Justin Maurice, hereby appeals to the Supreme Court of the State of Nevada the Court's final Order Denying to Modify the Current Custodial Arrangement; Modify Child Support; Modify Child Tax Deduction; and for an Award of Attorney's Fees and Costs and Related Relief entered on April 26, 2021.

Dated this 26th day of May, 2021

HOFLAND & TOMSHECK

By: /s/ Bradley J. Hofland

Bradley J. Hofland, Esq.

Nevada Bar No. 6343

228 South 4th Street, 1st Floor

Las Vegas Nevada 89101

Attorneys for Defendant Justin Maurice

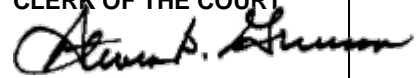
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Hofland & Tomsheck, that Pursuant to NRCP 5(b) and EDCR 7.26, I certify that on the 26th day of May, 2021, I served the **NOTICE OF APPEAL** on the following parties by E-Service through Odyssey and/or U.S. mail addressed as follows:

Jacobson Law Office, Ltd.
64 North Pecos Road, Suite 200
Henderson, NV 89074
Attorney for Plaintiff

By: /s/ Nikki Warren
Employee of Hofland & Tomsheck



HOFLAND & TOMSHECK
Bradley J. Hofland, Esq.
Nevada Bar Number: 6343
bradh@hoflandlaw.com
228 South 4th Street, 1st Floor
Las Vegas, Nevada 89101
Telephones: (702) 895-6760
Facsimile: (702) 731-6910
Attorney for Defendant, Justin Maurice

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

SARAH MAURICE,) CASE NO.: D-14-506883-D
) DEPT. NO.: Q
Plaintiff,)
) CASE APPEAL STATEMENT
vs.)
)
JUSTIN MAURICE,)
)
Defendant.)
)

1. Name of appellant filing this case appeal statement:

Defendant Justin Maurice

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

The Honorable Bryce C. Duckworth; Eighth Judicial District Court, Clark County.

3. Counsel for Appellant:

Party: Defendant/Appellant, Justin Maurice

Counsel:	Bradley J. Hofland, Esq.	Telephone	(702) 895-6760
	HOFLAND & TOMSHECK	Facsimile	(702) 731-6910
	228 South 4th Street, 1 st Fl.	Email	bradh@hoflandlaw.com
	Las Vegas, NV 89101		

4. Identify each respondent and the name and address of appellate

counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):

Party: Plaintiff/Respondent, Sarah Maurice

Counsel:	Rachel Jacobson, Esq.	Telephone	(702) 601-0770
	JACOBSON LAW OFFICE	Facsimile	
	64 North Pecos Road, Suite 200	Email	eservice@jacobsonlawltd.com ;
	Henderson, NV 8907489030		Reli@jacobsonlawltd.com

Ms. Jacobson is the trial counsel; undersigned counsel does not know if respondent will retain additional or separate appellate counsel.

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

All counsel are licensed to practice law in Nevada.

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

All parties were represented by counsel.

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

Retained.

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

Not applicable.

9. Indicate the date the proceedings commenced in the district court

1 (e.g., date complaint, indictment, information, or petition was filed):

2 December 11, 2014, Complaint for Divorce.

3 **10. Provide a brief description of the nature of the action and result in**
4 **the district court, including the type of judgment or order being appealed and**
5 **the relief granted by the district court:**

6 This is an appeal from a final judgment of the district court,

7 The issues on appeal include:

- 8
- 9 1. Whether the Court erred in denying Defendant's motion to modify
10 current custodial arrangement, child support and child tax
11 deduction without allowing him an opportunity to be heard;
- 12 2. Whether the Court erred in refusing to find adequate cause for the
13 setting of an evidentiary hearing.
- 14 3. Whether the Court erred in failing to make the requisite factual
15 findings in denying Defendant's motion;
- 16 4. Whether the Court erred in ruling that a change in work schedules
17 is not a factor the Court could consider in modification of current
18 custodial arrangement.
- 19 5. Whether the Court erred in its refusal to recognize best interest
20 factors as a substantial change in circumstances.
- 21 6. Whether the Court erred in failing to make additional findings as
22 provided for in NRCP 52.

23

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

27 Not Applicable.

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

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This appeal involves child custody and visitation.

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

There is a potential for this matter to be resolved at a settlement conference.

Dated this 26th day of May, 2021

HOFLAND & TOMSHECK

By: /s/ Bradley J. Hofland
Bradley J. Hofland, Esq.
Nevada Bar No. 6343
228 South 4th Street, 1st Floor
Las Vegas Nevada 89101
Attorneys for Defendant Justin Maurice

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Hofland & Tomsheck, that Pursuant to NRCP 5(b) and EDCR 7.26, I certify that on the 26th day of May, 2021, I served the **CASE APPEAL STATEMENT** on the following parties by E-Service through Odyssey and/or U.S. mail addressed as follows:

Rachel Jacobson
Jacobson Law Office, Ltd.
64 North Pecos Road, Suite 200
Henderson, NV 89074
Attorney for Plaintiff

By: /s/ Nikki Warren
Employee of Hofland & Tomsheck

CASE SUMMARY**CASE NO. D-14-506883-D**

Sarah Maurice, Plaintiff
vs.
Justin Maurice, Defendant.

§
 §
 §
 §

Location: **Department Q**
 Judicial Officer: **Duckworth, Bryce C.**
 Filed on: **12/11/2014**

CASE INFORMATION**Related Cases**

R-17-200846-R (1J1F Related - Rule 5.103)

Case Type: **Divorce - Complaint**Subtype: **Complaint Subject Minor(s)****Statistical Closures**

04/23/2021 Settled/Withdrawn With Judicial Conference or Hearing
 11/21/2020 Settled/Withdrawn With Judicial Conference or Hearing
 11/20/2020 Settled/Withdrawn With Judicial Conference or Hearing
 02/29/2016 Settled/Withdrawn With Judicial Conference or Hearing
 09/30/2015 Settled/Withdrawn Without Judicial Conference or Hearing

Case Status: **04/23/2021 Closed**

Case Flags: **Order After Hearing Required**
Proper Person Mail Returned
Proper Person Documents
Mailed
Appealed to Supreme Court






DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number D-14-506883-D
 Court Department Q
 Date Assigned 12/11/2014
 Judicial Officer Duckworth, Bryce C.

PARTY INFORMATION

Plaintiff	Maurice, Sarah 1596 Rusy Ridge LN Henderson, NV 89002	Jacobson, Rachel M. Retained 702-601-0770(W)
Defendant	Maurice, Justin 108 Westin LN Henderson, NV 89002	Hofland, Bradley J. Retained 702-895-6760(W)
Subject Minor	Maurice, Emma Maurice, Savannah	

DATE**EVENTS & ORDERS OF THE COURT****EVENTS**

05/26/2021	 Case Appeal Statement Filed By: Counter Claimant Maurice, Justin Case Appeal Statement
05/26/2021	 Notice of Appeal Filed By: Counter Claimant Maurice, Justin Notice of Appeal
04/26/2021	 Notice of Entry of Order Filed By: Counter Defendant Maurice, Sarah Notice of Entry of Order
04/23/2021	 Order Order re January 13, 2021 Hearing
04/02/2021	 Objection

CASE SUMMARY

CASE NO. D-14-506883-D

	Filed By: Counter Claimant Maurice, Justin <i>Objection to Plaintiff's Memorandum of Attorney's Fees and Costs</i>
03/26/2021	 Memorandum Filed By: Counter Defendant Maurice, Sarah <i>Memorandum re: Fees and Costs</i>
01/13/2021	 Exhibits Filed By: Counter Defendant Maurice, Sarah <i>Exhibits</i>
01/08/2021	 Reply Filed By: Counter Defendant Maurice, Sarah <i>Defendant s Reply To Plaintiff s Opposition To Defendant s Motion For Reconsideration Of Order Denying To Modify The Current Custodial Arrangement; Modify Child Support; Modify Child Tax Deduction; And For An Award Of Attorney s Fees And Costs; And Related Relief; And Related Relief</i>
01/07/2021	 Financial Disclosure Form Filed by: Counter Defendant Maurice, Sarah <i>Plaintiff's Financial Disclosure Form</i>
01/06/2021	 Opposition and Countermotion Filed By: Counter Defendant Maurice, Sarah Party 2: Counter Defendant Maurice, Sarah <i>Plaintiff's Opposition to Defendant's Motion for Reconsideration and Countermotion for an Award of Attorney's Fees, Costs, and Related Relief</i>
12/09/2020	 Notice of Hearing <i>Notice of hearing</i>
12/07/2020	 Motion Filed By: Counter Claimant Maurice, Justin <i>Defendant s Notice Of Motion And Motion For Reconsideration Of Order Denying To Modify The Current Custodial Arrangement; Modify Child Support; Modify Child Tax Deduction; And For An Award Of Attorney s Fees And Costs; And Related Relief; And Related Relief</i>
11/23/2020	 Notice of Entry of Order Filed By: Counter Defendant Maurice, Sarah <i>Notice of Entry of Order</i>
11/21/2020	 Order <i>Maurice - order re 10.27.20 hearing</i>
11/18/2020	 Order <i>Order</i>
10/26/2020	 Exhibits Filed By: Counter Defendant Maurice, Sarah <i>Exhibit Appendix</i>
10/26/2020	 Declaration Filed By: Counter Defendant Maurice, Sarah <i>Declaration</i>
10/08/2020	 Reply Filed By: Counter Claimant Maurice, Justin <i>Defendant s Reply To Plaintiff s Opposition To Motion To Modify The Current Custodial Arrangement; Modify Child Support; Modify Child Tax Deduction; And For An Award Of Attorney s Fees And Costs; And Related Relief And Opposition To Countermotion For Attorney s Fees And Costs</i>
10/01/2020	 Opposition and Countermotion Filed By: Counter Defendant Maurice, Sarah <i>Opposition and Countermotion</i>

CASE SUMMARY

CASE NO. D-14-506883-D

10/01/2020	 Financial Disclosure Form Filed by: Counter Claimant Maurice, Justin <i>General Financial Disclosure Form</i>
09/18/2020	 Clerk's Notice of Hearing <i>Clerk's Notice of Hearing</i>
09/17/2020	 Motion Filed By: Counter Claimant Maurice, Justin <i>Defendant s Notice Of Motion And Motion To Modify The Current Custodial Arrangement; Modify Child Support; Modify Child Tax Deduction; And For An Award Of Attorney s Fees And Costs; And Related Relief</i>
09/17/2020	 Notice of Appearance Party: Counter Claimant Maurice, Justin <i>Notice of Appearance</i>
07/26/2017	 Document Filed Filed by: Counter Claimant Maurice, Justin <i>Partial Payment for Property Equalization</i>
12/30/2016	 Notice of Entry of Order/Judgment Filed by: Counter Defendant Maurice, Sarah <i>Notice of Entry of Order/Judgment</i>
12/05/2016	 Notice of Change of Address Filed By: Counter Defendant Maurice, Sarah <i>Notice of Change of Address</i>
12/05/2016	 Stipulation and Order Filed By: Counter Defendant Maurice, Sarah <i>Stipulation and Order</i>
03/03/2016	 Notice of Entry of Order Filed By: Counter Defendant Maurice, Sarah <i>Notice of Entry of Order</i>
02/29/2016	 Order Filed By: Counter Defendant Maurice, Sarah <i>Order</i>
01/06/2016	 Certificate of Mailing Filed By: Counter Defendant Maurice, Sarah <i>Certificate of Mailing</i>
01/06/2016	 Financial Disclosure Form Filed by: Counter Defendant Maurice, Sarah <i>General Financial Disclosure Form</i>
01/06/2016	 Schedule of Arrearages Filed by: Counter Defendant Maurice, Sarah <i>Schedule of Arrears Re: Child Care</i>
01/06/2016	 Schedule of Arrearages Filed by: Counter Defendant Maurice, Sarah <i>Schedule of Arrears Re: Child Support</i>
01/06/2016	 Opposition and Countermotion Filed By: Counter Defendant Maurice, Sarah <i>Opposition to Motion for Orders to Modify Child Support and Countermotion to Reduce Arrears to Judgment and for Attorney's Fees</i>
01/04/2016	 Notice of Appearance Party: Counter Defendant Maurice, Sarah

CASE SUMMARY

CASE NO. D-14-506883-D

	<i>Notice of Appearance</i>
12/18/2015	 Financial Disclosure Form Filed by: Counter Claimant Maurice, Justin
12/18/2015	 Motion Filed By: Counter Claimant Maurice, Justin Party 2: Counter Defendant Maurice, Sarah <i>Deft's Motion And Notice Of Motion For Orders to Modify Child Suppport And/Or Spousal Support</i>
11/13/2015	 Notice of Withdrawal Filed by: Counter Defendant Maurice, Sarah <i>Notice of Withdrawal as Attorney of Record</i>
10/02/2015	 Notice of Entry of Decree Party: Counter Defendant Maurice, Sarah <i>Notice of Entry of Stipulated Decree of Divorce</i>
09/30/2015	 Decree of Divorce Filed by: Counter Defendant Maurice, Sarah <i>Decree of Divorce</i>
09/28/2015	 Waiver Filed By: Counter Defendant Maurice, Sarah <i>Waiver of Attorney</i>
09/24/2015	 Request for Summary Disposition Filed by: Counter Defendant Maurice, Sarah <i>Request for Summary Disposition of Divorce</i>
08/18/2015	 Affidavit of Plaintiff Filed by: Counter Defendant Maurice, Sarah <i>Declaration of Plaintiff</i>
08/18/2015	 Affidavit of Resident Witness Filed by: Counter Defendant Maurice, Sarah <i>Declaration of Resident Witness</i>
07/28/2015	 Notice of Entry of Order <i>Notice of Entry of Order From Hearing</i>
07/28/2015	 Order Filed By: Counter Defendant Maurice, Sarah <i>Order From Hearing</i>
06/19/2015	 Notice of Seminar Completion EDCR 5.07 Filed by: Counter Defendant Maurice, Sarah <i>Notice of Plaintiff's Certificate of Completion</i>
05/21/2015	 Order <i>Order From Hearing</i>
05/21/2015	 Notice of Entry of Order <i>Notice of Entry of Order From Hearing</i>
02/24/2015	 Notice of Entry of Order Filed By: Counter Claimant Maurice, Justin <i>Notice of Entry of Amended Order From Hearing</i>
02/24/2015	 Order <i>Amended Order From Hearing</i>
02/20/2015	 Notice of Withdrawal Filed by: Counter Claimant Maurice, Justin

CASE SUMMARY

CASE NO. D-14-506883-D

	<i>Notice of Withdrawal of Attorney</i>
02/18/2015	 Notice of Entry of Order <i>Notice of Entry of Order From Hearing</i>
02/17/2015	 Order <i>Order From Hearing</i>
02/10/2015	 Order for Family Mediation Center Services
02/05/2015	 Errata Filed By: Counter Defendant Maurice, Sarah <i>Errata</i>
02/04/2015	 Reply Filed By: Counter Defendant Maurice, Sarah <i>Reply to Opposition and Countermotion</i>
02/03/2015	 Reply to Opposition Filed by: Counter Defendant Maurice, Sarah <i>Reply to Opposition</i>
01/30/2015	 Joint Preliminary Injunction Filed by: Counter Defendant Maurice, Sarah <i>Joint Preliminary Injunction</i>
01/23/2015	 Certificate of Mailing Filed By: Counter Claimant Maurice, Justin <i>Certificate of Mailing</i>
01/23/2015	 Financial Disclosure Form Filed by: Counter Claimant Maurice, Justin <i>General Financial Disclosure Form</i>
01/23/2015	 Opposition and Countermotion Filed By: Counter Claimant Maurice, Justin <i>Defendant/Counterclaimant's Opposition to Plaintiff/Counterdefendant's Motion for Preliminary Relief and Countermotion for Joint Legal and Physical Custody, and Related Relief</i>
01/21/2015	 Joint Preliminary Injunction Filed by: Counter Defendant Maurice, Sarah <i>Joint Preliminary Injunction</i>
01/08/2015	 Answer and Counterclaim - Divorce, Annulment, Separate Maint Filed by: Counter Claimant Maurice, Justin <i>Answer to Complaint and Counterclaim for Divorce</i>
01/07/2015	 Proof of Service Filed By: Counter Defendant Maurice, Sarah <i>Proof of Service</i>
12/31/2014	 Financial Disclosure Form Filed by: Counter Defendant Maurice, Sarah <i>General Financial Disclosure Form</i>
12/31/2014	 Certificate of Mailing Filed By: Counter Defendant Maurice, Sarah <i>Certificate of Mailing</i>
12/30/2014	 Motion for Relief Filed by: Counter Defendant Maurice, Sarah <i>Motion for Preliminary Relief</i>
12/11/2014	 Complaint for Divorce

CASE SUMMARY

CASE NO. D-14-506883-D


Filed by: Counter Defendant Maurice, Sarah
Complaint for Divorce

DISPOSITIONS

12/05/2016 **Judgment** (Judicial Officer: Duckworth, Bryce C.)
Judgment (\$3,950.50, In Full , Child Support Arrears (awarded to plaintiff))

09/30/2015 **Judgment** (Judicial Officer: Duckworth, Bryce C.)
Judgment (\$35,000.00, In Full , Property Equalization)

HEARINGS

01/13/2021  **All Pending Motions** (9:00 AM) (Judicial Officer: Duckworth, Bryce C.)
DEFENDANT'S NOTICE OF MOTION AND MOTION FOR RECONSIDERATION OF ORDER DENYING TO MODIFY THE CURRENT CUSTODIAL ARRANGEMENT; MODIFY CHILD SUPPORT; MODIFY CHILD TAX DEDUCTION; AND FOR AN AWARD OF ATTORNEY'S FEES AND COSTS; AND RELATED RELIEF...PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR RECONSIDERATION AND COUNTERMOTION FOR AN AWARD OF ATTORNEY'S FEES, COSTS AND RELATED RELIEF...DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION TO DFENDNT'S MOTION FOR RECONSIDERATION OF ORDER DENYING MOTION TO MODIFY THE CURRENT CUSTODIAL ARRANGEMENT; MODIFY CILD SUPPORT; MODIFY CHILD TX DEDUCTION; AND FOR AN AWARD OF ATTORNEY'S FEES AND COSTS; AND RELATED RELIEF.

MINUTES

Matter Heard;
Journal Entry Details:

DEFENDANT'S NOTICE OF MOTION AND MOTION FOR RECONSIDERATION OF ORDER DENYING TO MODIFY THE CURRENT CUSTODIAL ARRANGEMENT; MODIFY CHILD SUPPORT; MODIFY CHILD TAX DEDUCTION; AND FOR AN AWARD OF ATTORNEY'S FEES AND COSTS; AND RELATED RELIEF...PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR RECONSIDERATION OF ORDER DENYING MOTION TO MODIFY THE CURRENT CUSTODIAL ARRANGEMENT; MODIFY CHILD SUPPORT; MODIFY CHILD TAX DEDUCTION; AND FOR AN AWARD OF ATTORNEY'S FEES AND COSTS; AND RELATED RELIEF...DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR RECONSIDERATION OF ORDER DENYING TO MODIFY THE CURRENT CUSTODIAL ARRANGEMENT, ET AL. Plaintiff/Mom, Ms. Jacobson and Mr. Hofland present by video with Defendant/Dad present in the office. Mr. Hofland represented there has been a disconnect in the communication, as he had a matter scheduled for the same time in downtown court at last hearing. Discussion regarding parties' current schedule being convenient for Dad, last custody schedule been from seven (7) years ago, Dad's request to spend more time with the children, Dad's wishes to establish a better relationship with the children request for an evidentiary hearing to be set. Ms. Jacobson discussed Dad's schedule is worst than his previous one, Dad's Financial Disclosure Form (FDF) reflecting he actually works more, Mom's schedule not fluctuating despite receiving a promotion, Dad not submitting evidence of a substantial change in circumstance to request a modification of custody and Mom's concerns for Dad's behavior. Ms. Jacobson is further requesting for attorney's fees. The Court noted the Decree of Divorce was filed five (5) years ago and inquired if the parties would like to participate in family mediation. Mr. Hofland argued other jurisdictions have found a schedule change a significant change in circumstances to modify visitation schedule and asked the Court to consider same as Dad is simply requesting to spend more time with his children. The Court noted it does not find sufficient basis to set further proceedings regarding modification of custody, further, it deems appropriate to grant attorney's fees for Ms. Jacobson. For the record, the Court discussed the detailed timeline and thread of e-mail correspondence between Mr. Hofland's office staff and the Court regarding the 10/27/2020 hearing were Mr. Hofland was unable to appear. COURT stated its FINDINGS and ORDERED the following: 1. Motion for RECONSIDERATION is DENIED. 2. Ms. Jacobson shall prepare the order from today in addition to a Brunzell Memorandum of Fees and Costs and leave a blank space for the Court to determine ATTORNEY'S FEES. CASE CLOSED upon entry of order.;

01/13/2021 **Hearing** (9:00 AM) (Judicial Officer: Duckworth, Bryce C.)

Defendant s Reply To Plaintiff s Opposition To Defendant s Motion For Reconsideration Of Order Denying To Modify The Current Custodial Arrangement; Modify Child Support; Modify

CASE SUMMARY

CASE NO. D-14-506883-D

*Child Tax Deduction; And For An Award Of Attorney s Fees And Costs; And Related Relief;
And Related Relief*

Matter Heard;

01/13/2021

Opposition & Countermotion (9:00 AM) (Judicial Officer: Duckworth, Bryce C.)

*Plaintiff's Opposition to Defendant's Motion for Reconsideration and Countermotion for an
Award of Attorney's Fees, Costs, and Related Relief*

Matter Heard;

01/13/2021

Motion (9:00 AM) (Judicial Officer: Duckworth, Bryce C.)

*Deft's Notice of Motion and Motion for Reconsideration of Order Denying to Modify the
Current Custodial Arrangement; Modify Child Support; Modify Child Tax Deduction; and for
an Award of Attorney's Fees and Costs; and Related Relief*

Denied;

10/27/2020



All Pending Motions (9:00 AM) (Judicial Officer: Duckworth, Bryce C.)

*DEFENDANT'S MOTION AND NOTICE OF MOTION TO MODIFY THE CURRENT
CUSTODIAL ARRANGEMENT; MODIFY CHILD SUPPORT; MODIFY CHILD TAX
DEDUCTION; AND FOR AN AWARD OF ATTORNEY'S FEES AND COSTS AND RELATED
RELIEF... PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO MODIFY
CUSTODY, CHILD SUPPORT, CHILD TAX DEDUCTION, FOR AN AWARD FOR
ATTORNEY'S FEES AND COSTS AND RELATED RELIEF; AND COUNTERMOTION FOR
ATTORNEY'S FEES AND COSTS... DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION
TO MODIFY THE CURRENT CUSTODIAL ARRANGEMENT; MODIFY CHILD SUPPORT;
MODIFY CHILD TAX DEDUCTION; AND FOR AN AWARD OF ATTORNEY'S FEES AND
COSTS; AND RELATED RELIEF AND OPPOSITION TO COUNTERMOTION FOR
ATTORNEY'S FEES...*

MINUTES

Matter Heard;

Journal Entry Details:

*DEFENDANT'S MOTION AND NOTICE OF MOTION TO MODIFY THE CURRENT
CUSTODIAL ARRANGEMENT; MODIFY CHILD SUPPORT; MODIFY CHILD TAX
DEDUCTION; AND FOR AN AWARD OF ATTORNEY'S FEES AND COSTS AND RELATED
RELIEF... PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO MODIFY
CUSTODY, CHILD SUPPORT, CHILD TAX DEDUCTION, FOR AN AWARD FOR
ATTORNEY'S FEES AND COSTS AND RELATED RELIEF; AND COUNTERMOTION FOR
ATTORNEY'S FEES Plaintiff/Mom and Ms. Jacobson present by video. The Court noted the
matter being heard an hour later and Mr. Hofland still was unable to appear. Upon Court's
inquiry, Ms. Jacobson represented she had not communicated with Mr. Hofland prior to this
hearing. The Court noted its review of Dad's motion, reply and Mom's opposition and further
noted it did not find a change in Dad's work schedule being enough basis to modify custody
and child support obligation pursuant to Ellis vs. Carucci. COURT stated its FINDINGS and
ORDERED the following: 1. Dad's request for MODIFICATION of CUSTODY is DENIED.
Ms. Jacobson shall prepare the order; CASE CLOSED upon entry of same. ;*

10/27/2020

Hearing (9:00 AM) (Judicial Officer: Duckworth, Bryce C.)

*Defendant s Reply To Plaintiff s Opposition To Motion To Modify The Current Custodial
Arrangement; Modify Child Support; Modify Child Tax Deduction; And For An Award Of
Attorney s Fees And Costs; And Related Relief And Opposition To Countermotion For
Attorney s Fees And Costs*

Denied;

10/27/2020

Opposition & Countermotion (9:00 AM) (Judicial Officer: Duckworth, Bryce C.)

*Plaintiff's Opposition to Defendant's Motion to Modify Custody, Child Support, Child Tax
Deduction, for an Award of Attorney's Fees and Costs and Related relief; and Countermotion
for Attorney's Fees and Costs*

Matter Heard;

10/27/2020

Motion (9:00 AM) (Judicial Officer: Duckworth, Bryce C.)

*Deft's Notice of Motion and Motion to Modify the Current Custodial Arrangement; Modify
Child Support; Modify Child Tax Deduction; And for an Award of Attorney's Fees and Costs;
And Related Relief*

Denied;

01/20/2016



All Pending Motions (10:00 AM) (Judicial Officer: Duckworth, Bryce C.)

MINUTES

Matter Heard;

CASE SUMMARY**CASE NO. D-14-506883-D**

Journal Entry Details:

DEFENDANT'S MOTION AND NOTICE OF MOTION FOR ORDERS TO MODIFY CHILD SUPPORT AND/OR SPOUSAL SUPPORT... PLAINTIFF'S OPPOSITION AND COUNTERMOTION TO REDUCE ARREARS TO JUDGEMENT AND FOR ATTORNEY'S FEES Ms. Jacobson said she believed the parties had resolved the issues. The Court explained to Defendant it could not retroactively modify his child support. The Court said it could only modify his child support from when he filed his Motion on December 18, 2015, and since the Motion was filed in December, the modification would take place effective January, 2016. The Court said any arrearages accrued prior to the filing of his Motion, could not be modified retroactively. Ms. Jacobson said the Schedule of Arrearages were for child support arrearages and unreimbursed day care expenses. **COURT ORDERED**, the following: 1. Pursuant to the stipulation of the parties, based on Defendant's representation he makes \$1,700.00 every two weeks, his child support will be reduced to \$920.00 per month effective January, 2016. The District Attorney's Office is currently garnishing Defendant's wages, and three (3) checks have already been garnished; however, Plaintiff has only received one payment. Defendant will look into this. Commencing February, 2016, Defendant will receive an offset against his child support in the amount of \$134.00 per month for the minor children's medical insurance premium cost. 2. Pursuant to the stipulation of the parties, two Schedules of Arrearages have been filed with the Court, one for child support arrearages, and one for day care reimbursement, and each schedule will be **REDUCED TO JUDGMENT**, collectible by any legal means, which will be **STAYED**, provided Defendant pays \$217.00 per month towards his arrearages until they are paid in full. The District Attorney's Office may add that amount to the wage garnishment from Defendant's pay check every month. 3. Since Defendant did not provide medical insurance for the minor children in October, November, and December, 2015, and January, 2016, he shall reimburse Plaintiff the sum of \$130.00 for the offset he was receiving to his child support every month to provide medical insurance for the children, in the amount of \$520.00, which shall be **REDUCED TO JUDGMENT**. 4. Since Plaintiff was forced to obtain medical insurance for the minor children during the months of October, November, and December, 2015, and January, 2016, Defendant shall reimburse Plaintiff for half of the premium amount she was paying for the medical insurance for the children. Since Plaintiff was paying \$280.00 per month for the medical insurance, with Defendant's share being \$140.00 per month, he shall also reimburse Plaintiff the sum of \$560.00, which shall be **REDUCED TO JUDGMENT**. 5. Ms. Jacobson is awarded attorney fees in the amount of \$250.00. 6. Ms. Jacobson shall prepare the Order. Defendant shall have fourteen (14) days to review and sign off on the order. ;

01/20/2016

Opposition & Countermotion (10:00 AM) (Judicial Officer: Duckworth, Bryce C.)

Events: 01/06/2016 Opposition and Countermotion

Pltf's Opposition & Countermotion to Reduce Arrears to Judgement and for Attorney's Fees
Granted;

01/20/2016

Motion (10:00 AM) (Judicial Officer: Duckworth, Bryce C.)

Events: 12/18/2015 Motion

Deft's Motion And Notice Of Motion For Orders to Modify Child Support And/Or Spousal Support
Granted in Part;

09/28/2015

**Non-Jury Trial** (1:30 PM) (Judicial Officer: Duckworth, Bryce C.)

Financial

Off Calendar;

Journal Entry Details:

Michael Padilla, Court Clerk, present. Prior to today's hearing Court staff had been informed a Stipulated Decree of Divorce is forthcoming. Therefore, **COURT ORDERED**, matter taken **OFF CALENDAR**.;

05/11/2015

**All Pending Motions** (9:00 AM) (Judicial Officer: Duckworth, Bryce C.)

Matter Heard;

Journal Entry Details:

RETURN HEARING: FMC MEDIATION ... CASE MANAGEMENT CONFERENCE. Ms. Jacobson stated the parties had reached an agreement on their own. Ms. Jacobson recited the agreement. Upon inquiry by the Court, Defendant stated he agreed with the schedule. Discussion regarding Defendant's income and child support obligation. Ms. Jacobson stated the parties work for the same company. Ms. Jacobson stated the Plaintiff will agree to set child support at \$1,200.00 Following discussion, **COURT ORDERED**, as follows: 1. The Case Management Conference is **CONTINUED** to 7/6/15 at 10:00 AM. 2. Parties shall have **JOINT LEGAL CUSTODY** of the minor child. 3. Per **STIPULATION**, Plaintiff shall have **PRIMARY PHYSICAL CUSTODY** of the minor child. 4. Per **STIPULATION**, Defendant's **VISITATION**

CASE SUMMARY

CASE NO. D-14-506883-D

shall be every other weekend from Friday after school/daycare, or 3:00 PM if school is not in session, to Sunday at 6:00 PM. 5. Per STIPULATION, Defendant shall be responsible for dropping off the minor child to the Plaintiff on Sunday nights. 6. Defendant's CHILD SUPPORT obligation is set at one thousand two hundred dollars (\$1,200.00) per month beginning May 2015. 7. Parties are to exchange all financial information pursuant to NRCPC 16.2 (including bank accounts, investment accounts, retirement accounts, and payroll statements). 8. All other Orders not addressed herein shall remain IN EFFECT. The Court shall issue an Order based on the minutes.;

05/11/2015



Case Management Conference (9:00 AM) (Judicial Officer: Duckworth, Bryce C.)

05/11/2015, 07/06/2015, 07/22/2015

Matter Continued;

Matter Continued;

Hearing Set;

Journal Entry Details:

Ms. Jacobson stated she did not receive Defendant's Financial Disclosure Form (FDF) until last night and stated that his FDF did not include all assets. Court noted it appears the only issue is financial. Ms. Jacobson requested the Court inform the Defendant that he must include the residence in his FDF. Defendant stated the residence is not community property. Court indicated that the house is a trial issue and if mortgage payments were made by the Plaintiff, then there would be a community property interest and the Court would need to know the value of the home. Court informed the parties that they are to understand that anything acquired during the marriage is community property (including bank accounts, retirement accounts, cash on hand, and any other assets). COURT ORDERED, as follows: 1. Matter set for a NON-JURY TRIAL on 9/28/15 at 1:30 PM. Each party shall have ninety (90) minutes to present their case which includes opening statements, examination time (direct and cross) and closing statements. 2. Pretrial memorandum to be exchanged and filed with courtesy copies delivered to chambers no later than 9/21/15. 3. Discovery shall close at the close of business on 9/21/15. 4. Parties are to exchange lists of witnesses no later than the close of business on 8/31/15 which is to include the name of the witness, address of the witness, telephone number and a brief description of what each witness shall have to offer. Any witness not identified in advance of the hearing who is presented at the hearing will not be permitted to testify at the hearing absent compelling circumstances. (The Court expects testimony from the parties.) 5. Parties are to exchange their proposed exhibits and they are to provide their proposed exhibits to the Court Clerk by the close of business on 9/21/15. Plaintiff's exhibits are to be marked numerically and Defendant's exhibits are to be marked alphabetically. Exhibits are not to be filed. 6. The Joint Preliminary Junction remains IN EFFECT and is recognized as an Order of this Court. There is to be no transfer or disposal of any assets. 7. There shall be no award of ATTORNEY'S FEES at this time. The Court shall issue an Order based on the minutes.;

Matter Continued;

Matter Continued;

Hearing Set;

Journal Entry Details:

Attorney Rachel Jacobson, Nevada Bar #7827, present and participating telephonically. Court noted custody was previously resolved. Ms. Jacobson stated the parties are close to a resolution, which would a payment from the Defendant of \$35,000.00 as and for an equalization and for the parties to keep all property and debt in their own name and possession. Defendant stated he was not sure about a lump sum payment and would like to discuss a payment option. Ms. Jacobson requested a written confirmation from the Defendant confirming the assets. Following discussion, COURT ORDERED, as follows: 1. The Case Management Conference is CONTINUED to 7/22/15 at 8:30 AM. Parties are to communicate in an attempt to resolve the remaining issues and they are not to wait until the day before the hearing to do so. 2. Defendant may appear at the next hearing telephonically; however, he must contact chambers in advance to make his request. 3. Parties are to exchange financial information. 4. In the event there has been any change to either party's financial situation, then they are to file an updated Financial Disclosure Form (FDF). Updated FDFs are to be filed by 7/15/15. The minutes shall STAND as the Order from today's hearing.;

Matter Continued;

Matter Continued;

Hearing Set;

05/11/2015

Return Hearing (9:00 AM) (Judicial Officer: Duckworth, Bryce C.)

Events: 02/10/2015 Order for Family Mediation Center Services


FMC Mediation

Matter Heard;

02/10/2015

CASE SUMMARY

CASE NO. D-14-506883-D

 **All Pending Motions** (9:00 AM) (Judicial Officer: Duckworth, Bryce C.)

MINUTES

02/17/2015

 Order

Order From Hearing

Matter Heard;

Journal Entry Details:

PLAINTIFF'S MOTION FOR PRELIMINARY RELIEF ... DEFENDANT'S OPPOSITION AND COUNTERMOTION FOR JOINT LEGAL AND PHYSICAL CUSTODY, AND RELATED RELIEF. Attorney Robert Hill, Nevada Bar #8496, present with Defendant in an **UNBUNDLED CAPACITY**. Court reviewed the matters at issue and noted the parties separated in September 2014. Court informed the parties that it is this Court's goal to build and maintain each parties' relationship with the minor children. Discussion regarding what contact Defendant has had since the separation and what schedule each party is requesting. Following discussion, **COURT ORDERED**, as follows: 1. Parties are to attend **MEDIATION** through the Family Mediation Center (FMC) to mediate custody and visitation. Order for FMC Services signed and filed in **OPEN COURT**. **RETURN HEARING** set for 5/11/15 at 9:00 AM. 2. The parties shall have **TEMPORARY JOINT LEGAL CUSTODY** of the minor children. 3. Plaintiff shall have **TEMPORARY PRIMARY PHYSICAL CUSTODY** of the minor children. The Court shall maintain some semblance of the **STATUS QUO**. 4. Defendant's **VISITATION** with the minor children shall be every other weekend from Friday pick up from school and daycare to Sunday at 7:00 PM. This weekend (2/13/15) shall be Defendant's weekend and for this weekend, he shall be allowed to have the children until Monday at 7:00 PM. 5. Defendant shall also have additional time each day when he picks up the children from school and daycare and his time shall conclude when the Defendant picks up the children after work each day. 6. Both parties are to take the **COPE** class and file their Certificate of Completion in advance of the next hearing. 7. Defendant's **CHILD SUPPORT** obligation is set at one thousand two hundred sixty dollars (\$1,260.00) per month beginning February 2015, payable in two equal installments (of \$630.00) on the 10th and 20th day of each month. (This amount takes into consideration a \$130.00 offset for the cost of insurance.) 8. The issue of **CONSTRUCTIVE** amounts shall be **DEFERRED** to the time of trial. 9. Per **STIPULATION**, the parties shall equally divide the daycare expenses. 10. Defendant shall maintain medical/health insurance for the minor children. 11. Any unreimbursed medical, dental, optical, orthodontic or other health related expense incurred for the benefit of the minor children is to be divided equally between the parties. Either party incurring an out of pocket medical expense for the children shall provide a copy of the paid invoice/receipt to the other party within thirty days of incurring such expense, if not tendered within the thirty day period, the Court may consider it as a waiver of reimbursement. The other party will then have thirty days from receipt within which to dispute the expense in writing or reimburse the incurring party for one-half of the out of pocket expense, if not disputed or paid within the thirty day period, the party may be subject to a finding of contempt and appropriate sanctions. 12. The spending and accounting issues is a **Discovery** issue. 13. The request of **SPOUSAL SUPPORT** is **DENIED** on a **TEMPORARY** basis. 14. Each party shall have exclusive possession of their residence. 15. The **Joint Preliminary Injunction (JPI)** is an Order of this Court and is punishable through the Court's contempt powers. 16. The issue of **ATTORNEY'S FEES** is **DEFERRED**. 17. **CASE MANAGEMENT CONFERENCE** is set for 5/11/15 at 9:00 AM. Per **STIPULATION**, the minutes shall suffice as the Order from today's hearing, therefore, the Court shall issue an Order based on the minutes. **CLERK'S NOTE:** Order #3 corrected to reflect that Plaintiff was awarded **TEMPORARY PRIMARY PHYSICAL CUSTODY**;

02/10/2015

Opposition & Countermotion (9:00 AM) (Judicial Officer: Duckworth, Bryce C.)

Events: 01/23/2015 Opposition and Countermotion

Def't's Opposition & Countermotion for Joint Legal and Physical Custody, and Related Relief
Referred to Family Mediation;

02/10/2015

CANCELED Motion to Resolve Parent-Child Issues (9:00 AM) (Judicial Officer: Duckworth, Bryce C.)

Vacated - per Clerk

Pltf's Motion to Resolve Parent Child Issues and Related Relief


02/10/2015

Motion for Relief (9:00 AM) (Judicial Officer: Duckworth, Bryce C.)

Events: 12/30/2014 Motion for Relief

Plaintiff's Motion for Preliminary Relief

MINUTES

 Motion for Relief

CASE SUMMARY

CASE NO. D-14-506883-D

Filed by: Counter Defendant Maurice, Sarah
Motion for Preliminary Relief
Referred to Family Mediation;

Heather S. Lamin
CLERK OF THE COURT

ORDER

RACHEL M. JACOBSON, LTD.
Nevada Bar No. 007827
JACOBSON LAW OFFICE, LTD.
64 North Pecos Road, Suite 200
Henderson, Nevada 89074
Phone (702) 601-0770
Attorney for Plaintiff,
Sarah Maurice

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

SARAH MAURICE,

Plaintiff,

vs.

JUSTIN MAURICE,

Defendant.

Case No. **D-14-506883-D**

Dept. No. **Q**

FAMILY DIVISION

Date of Hearing: 01/13/2021

Time of Hearing: 9:00 AM

ORDER

THIS MATTER having come on for hearing upon Defendant's Motion for Reconsideration of Order Denying to Modify the Current Custodial Arrangement; Modify Child Support; Modify Child Tax Deduction; and for an Award of Attorney's Fees and Costs and Related Relief, and Plaintiff's Opposition and Countermotion thereto and Defendant's Reply; Plaintiff, SARAH MAURICE ("Plaintiff/Mother"), appearing via *Blue Jeans* and being represented by RACHEL M. JACOBSON, ESQ., of Jacobson Law Office, Ltd., and Defendant, JUSTIN MAURICE ("Defendant/Father"), also appearing via *Blue Jean* and being

1 represented by BRADLEY J. HOF LAND, ESQ.; the Court, having reviewed the
2 pleadings and papers on file herein, and the Court being fully advised in the
3 premises and good cause appearing therefore, makes the following Notations,
4 Findings and Orders:
5

6 THE COURT NOTED that no stipulations between the parties have been
7 reached.
8

9 THE COURT FURTHER NOTED that the Stipulated Decree of Divorce
10 was entered September 30, 2015, and, recognizing that the Decree is five years of
11 age, the Court questioned counsel as to whether there would be any value in having
12 the parties participate in mediation regarding a modification to the schedule. It is
13 clear to the Court that there has been communication and dialog between the
14 parties over the past year with things that have happened and the environment that
15 we live in now. The parties have demonstrated the capacity to communicate with
16 each other. The Court also stated that this is independent of the request to modify
17 custody. (VT 9:13) Counsel's opinions differed as to mediation.
18

19 THE COURT MAKES THE FOLLOWING FINDINGS AND ORDERS
20 based upon the arguments of counsel and papers that have been filed with the
21 Court: (VT 9:19:44)
22

23 THE COURT HEREBY FINDS that this matter comes before the Court on
24 Defendant's Motion for Reconsideration of Order Denying to Modify the Current
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1 Custodial Arrangement; Modify Child Support; Modify Child Tax Deduction; and
2 for an Award of Attorney's Fees and Costs and Related Relief. The standard
3 applied by the Court in evaluating such a motion for reconsideration is the *Ellis v.*
4 *Carucci* standard, recognizing that the controlling order (the Decree of Divorce),
5 provides the parties with Joint Legal Custody and the Plaintiff/Mother with
6 Primary Physical Custody. That order was entered in 2015, subject to the
7 visitation defined therein for Father. Pursuant to the *Ellis v. Carucci* standard, the
8 Court is required to initially make a finding that there has been a substantial
9 change in circumstances affecting the well-being of the child in evaluating whether
10 or not there is a basis to modify custody. After making a finding that there has
11 been a substantial change in circumstances, the Court then considers the best
12 interest factors, which is a focal point in looking at the best interests of the
13 children. (VT 9:21)

14
15 THE COURT FURTHER FINDS AND CONCLUDES that the *Ellis v.*
16 *Carucci* case modified the *Murphy* test that had been in place up until the time of
17 *Ellis v. Carucci*. The standard that is set forth in both cases relies in part upon
18 maintaining some stability in custodial arrangements for the benefit of children.
19 That is the basis for the original *Murphy* test, lessened somewhat in the *Ellis v.*
20 *Carucci* test. The test in *Ellis v. Carucci* is the standard to be applied by the Court.
21 (VT 9:21:43)
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1 THE COURT FURTHER FINDS that when the case first came before the
2 Court on the Defendant's motion on October 27, 2020, the Court was asked to
3 make such a determination. Upon review of the original papers filed pursuant to
4 the *Rooney* case, the Court determined that there was not a sufficient showing
5 pursuant to *Rooney* to set further proceedings on the motion. (VT 9:22:12)
6
7

8 THE COURT FURTHER FINDS that the primary focus of the Defendant's
9 Motion relates to his work schedule. Although Defendant raises other issues and
10 arguments, the change in his work schedule is the primary focus of his request.
11 There is reference to an offer of proof that the parties' older child, Savannah (13
12 years of age and soon to be 14), has expressed a preference regarding her custody
13 (which is a "best interest" factor pursuant to NRS 125C.0035). Plaintiff disputes
14 this offer of proof, arguing that the opposite is true. This Court concludes that such
15 an expression of a preference is not determinative of a substantial change in
16 circumstances. Rather, such an offer is part of the best interest analysis. (VT
17 9:23:13)
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22 THE COURT FURTHER FINDS that, looking at work schedules in general,
23 the Court posed the question: if someone loses his/her job and becomes
24 unemployed (which the Court has seen a fair amount of this past year), does that
25 constitute a substantial change in circumstances to warrant the Court permanently
26 modifying custody (because someone becomes unemployed). (VT 9:15) This
27
28

1 Court's approach is not determined by how other judicial Departments may or may
2 not be approaching this issue. This Court applies the law to the facts. The Court
3 recognizes that we are living in unique times, including a rise in unemployment.
4 The Court, therefore, posed the question regarding unemployment. The Court
5 would not conclude that the loss of employment necessarily triggers an automatic
6 review with evidentiary proceedings for a permanent modification of custody and
7 the Court also views the same a temporary circumstance. Defendant's specific
8 situation is offered something that is more than a temporary circumstance. In this
9 regard, Defendant's work schedule has changed, including the availability of
10 "working" from home. Such a "work" arrangement is something that we are
11 seeing a lot more frequently today under the current circumstances with the
12 Pandemic (and may remain after things get back to "normal"). However, when the
13 Court hears the phrase "working from home," the connotation that that frequently
14 is attaches is that "working" from home does not really mean "working." The
15 suggestion is that someone who is "working" from home is actually not working,
16 but is available to provide daycare for children, available to educate children or
17 involved in some form of distance learning. The good news for the Court is that
18 the parties' children are fortunate enough to be receiving some in-person
19 education, which is a fabulous and a fantastic scenario for them. It is not complete,
20 but they at least get some socialization and some classroom time. Nevertheless,
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1 when the Court hears “working from home,” the Court should necessarily view
2 such a claims as actually *working* from home. It may not mean that every minute
3 of that time is spent actually performing work, but clearly the Court’s expectation
4 would be that the employer expects that one is available and actually working from
5 home. (VT 9:25:27)
6
7

8 THE COURT FURTHER FINDS that, based upon the offers that have been
9 made, there has not been a sufficient basis nor has there been a sufficient showing,
10 pursuant to *Rooney*, that would warrant this Court to reconsider the prior Order
11 (Nov. 21, 2020) and set further proceedings. The Court is not persuaded, based
12 upon those papers, and pursuant to *Rooney*, that there is sufficient cause to set
13 further proceedings. (VT 9:26)
14
15

16 THE COURT FURTHER FINDS that Plaintiff is entitled to an award of
17 attorney’s fees pursuant to EDCR 7.60. This Court has considered the factors set
18 forth in *Brunzell v. Golden Gate National Bank* in evaluating an award of fees.
19 After this Court’s review and consideration of Plaintiff’s Memorandum of
20 Attorney’s Fees and Costs (Mar. 26, 2021) and Defendant’s Objection to Plaintiff’s
21 Memorandum of Attorney’s Fees and Costs (Apr. 2, 2021), this Court finds that an
22 award of \$1,500 is appropriate.
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26 THE COURT FURTHER FINDS that it also is important to clarify the
27 record as it relates to what transpired in the prior hearing in light of the assertions
28

1 made in the paperwork filed on behalf of Defendant that misstate how this Court
2 handled the prior proceedings and, as such, the Court finds the clarification as to
3 what exactly transpired is necessary and, in that regard, the COURT FINDS AS
4 FOLLOWS: (VT 9:26:20)
5

6
7 1. Defendant's Motion for Reconsideration of Order Denying to Modify
8 the Current Custodial Arrangement; Modify Child Support; Modify Child Tax
9 Deduction; and for an Award of Attorney's Fees and Costs and Related Relief
10 states in specific footnote 2:
11

12 *At no time*, did the Court's staff inform Mr. Hofland's office that the
13 hearing was starting with or without him. [Emphasis added]

14 The Defendant's Motion continues in footnote 3:

15
16 Clark County while smaller than Los Angeles, San Bernardino,
17 San Francisco, Orange County and San Diego Counties, has generally
18 like other large counties in other states accommodated scheduling
19 conflicts caused by conflicts with other appearances scheduled for the
20 same time and date. Mr. Hofland inadvertently wrongly assumed
21 Department Q granted the same "common" courtesy followed in other
22 divisions of the Eighth Judicial District Court and other Courts where
23 Mr. Hofland has appeared to trail hearings so all parties and counsel
24 would be present at important hearings.

25 Further, on page 3 of Defendant's Reply to Plaintiff's Opposition:

26 "Sadly, and unacceptably this Court chose to deprive Defendant of his
27 due process rights to a fair and meaningful hearing (he was not
28 allowed to appear given the Court's method of disposition), and more
troubling his fundamental rights as a parent were not recognized and
accommodated. Along with that, Defendant's counsel was not
allowed (denied) the opportunity to be heard (unlike Plaintiff's
counsel). Instead, this Court simply focused on one factor, denied

1 argument and an evidentiary hearing, claiming that factor alone was
2 insufficient to modify custody and child support, and promptly ruled
3 the case would be closed as soon as Plaintiff's counsel could get an
4 order to the Court. (VT 9:28)

5 2. (VT 9:28) For the record, this Court's JEA and Law Clerk received an
6 email from Mr. Hofland's office on Monday, October 26, 2020 at 1:25 PM, to
7 notify the Department that "Mr. Hofland will be a few minutes late logging on to
8 Bluejeans in the morning as he also has a telephonic hearing with one of his civil
9 cases at 9:00 AM tomorrow also." Department Q's Law Clerk responded on
10 October 26, 2020 at 3:15 PM and stated: "Thank you for the notice." The
11 Department Q JEA was included in the email.
12

13 3. Department Q's JEA followed up with Mr. Hofland's office on
14 Tuesday, October 27, 2020 (the date of the hearing) at 10:02 AM. The hearing
15 was scheduled for 9:00 AM on the Court's calendar. The suggestion that this
16 Court failed to trail the matter is completely inaccurate. The hearing was
17 scheduled at 9:00 AM. As of 10:02 AM, the Court had trailed the matter.
18 Department Q's JEA's email to Mr. Hofland's office stated: "Can you please tell
19 me the status of Mr. Hofland? Unfortunately, Ms. Jacobson was not notified by
20 your office and she has been waiting since 9 AM. Judge Duckworth will be calling
21 the matter...." Thus, notice was *in fact* imparted on Mr. Hofland's office that the
22 matter was going to be called and was called at 10:03 AM.
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1 4. After trailing the matter for more than an hour to accommodate
2 counsel, the hearing proceeded at 10:03 AM. On October 27, 2020 at 10:08 AM,
3 an email was received by Department Q's JEA from Mr. Hofland's office stating
4 "I apologize for the delay. Mr. Hofland is *still waiting* to be called for his civil
5 hearing this morning in Department 25. Mr. Hofland anticipates he will be
6 finished *by 10:30 AM/11:00 AM*. Our Client Justine Maurice is at our office for
7 the Maurice Hearing, and he just stepped out for 15 mins to get a cup of coffee."
8 (Emphasis added). (VT 9:30:30)

12 5. Again, the suggestion that this Court failed to offer any courtesy
13 whatsoever is inaccurate. Moreover, the Court would expect that, as a professional
14 courtesy, if an attorney anticipates being late to a hearing, counsel would
15 communicate the anticipated delay to opposing counsel. The Court did
16 accommodate the delay; the Court waited for more than an hour. This matter was
17 not the only case on the Court's calendar that morning; the Court had other matters
18 scheduled and the Court.

22 6. It is this Court's prerogative to review the papers and make a
23 determination on those papers because the Court views the papers as being the
24 mode by which counsel for both parties, especially capable counsel that both
25 parties have, to communicate all of the relevant information the Court needs to
26 make a decision. It is this Court's prerogative to make decisions based on the
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1 papers that have been filed, again presuming that all of the relevant information the
2 Court needs to make a decision have been accurately stated in those papers. In this
3 particular matter, the hearing was scheduled for 9:00 AM. It started at 10:03 AM
4 and apparently the hearing before this Court was less of a priority than the hearing
5 before another department downtown in a civil matter. This Court waited over an
6 hour. That was an accommodation that was offered notwithstanding the arguments
7 to the contrary.
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10
11 **THEREFORE,**

12 **IT IS HEREBY ORDERED** that Defendant's Motion for Reconsideration
13 of Order Denying to Modify the Current Custodial Arrangement; Modify Child
14 Support; Modify Child Tax Deduction; and for an Award of Attorney's Fees and
15 Costs and Related Relief is DENIED. (VT 9:25:50; 9:32:10)
16
17

18 **IT IS FURTHER ORDERED** that Ms. Jacobson shall prepare the Order,
19 submit it to Mr. Hofland for review and signature and leave a blank in the Order
20 for the Court to make a determination as it relates to the issue of attorney's fees.
21 The Plaintiff is directed to file a Memorandum of Fees indicating the amount
22 incurred in responding to Defendant's Motion for Reconsideration of Order
23 Denying to Modify the Current Custodial Arrangement; Modify Child Support;
24 Modify Child Tax Deduction; and for an Award of Attorney's Fees and Costs and
25 Related Relief.
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IT IS FURTHER ORDERED that attorney's fees in the amount of \$1,500 are awarded to Plaintiff, reduced to judgment in Plaintiff's favor and against Defendant.

Dated this 23rd day of April, 2021

DISTRICT COURT JUDGE

Respectfully Submitted:

JACOBSON LAW OFFICE, LTD

/s/ Rachel M. Jacobson

RACHEL M. JACOBSON, ESQ.

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64 N. Pecos Road, Suite 200
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Sarah Maurice

BRADLEY J. HOFLAND, ESQ.

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Telephone: (702) 895-6760
Attorney for Defendant,
Justin Maurice

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Sarah Maurice, Plaintiff

CASE NO: D-14-506883-D

7 vs.

DEPT. NO. Department Q

8 Justin Maurice, Defendant.
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 4/23/2021

15 "Carol Beitler, Legal Assistant" .

jakobslaw@gmail.com

16 "Rachel Jacobson, Esq." .

reli@jacobsonlawltd.com

17 Bradley Hofland

Bradh@hoflandlaw.com

18 Dina DeSousa Cabral

DinaD@hoflandlaw.com

19 Rachel Jacobson

eservice@jacobsonlawltd.com

20 Nikki Woulfe

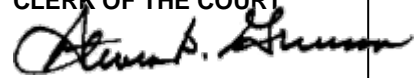
clerk@hoflandlaw.com

21 Anna Stein

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22 Rachel Jacobson

23 Reli@jacobsonlawltd.com
24
25
26
27
28



1 **NEOJ**

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6 Henderson, Nevada 89074
7 Phone (702) 601-0770
8 *Attorney for Plaintiff,*
9 *Sarah Maurice*

10 ***EIGHTH JUDICIAL DISTRICT COURT***
11 ***CLARK COUNTY, NEVADA***

12 **SARAH MAURICE,**

13 **Plaintiff,**

14 **vs.**

15 **JUSTIN MAURICE,**

16 **Defendant.**

Case No. **D-14-506883-D**

Dept. No. **Q**

FAMILY DIVISION

NOTICE OF ENTRY OF
ORDER

17 **PLEASE TAKE NOTICE** that an ORDER from hearing of January 13,
18 2021, attached hereto, was duly entered in the above-referenced case on the 23rd
19 day of April 2021.

20 DATED this 26th day of April 2021.

21 *Respectfully Submitted by:*

22 JACOBSON LAW OFFICE, LTD

23 /s/ Rachel M. Jacobson, Esq.

24 RACHEL M. JACOBSON, ESQ.

25 Nevada Bar No. 007827

26 64 North Pecos Road, Suite 200

27 Henderson, Nevada 89074

28 (702) 601-0770

Attorney for Plaintiff

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of JACOBSON
3 LAW OFFICE, LTD., and that on this 26th day of April 2021, I caused the above
4 and foregoing document entitled *NOTICE OF ENTRY OF ORDER* to be served as
5 follows:
6
7

8 ☒ BY ELECTRONIC SERVICE: Pursuant to EDCR 8.05(a), EDCR
9 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the
10 Administrative Matter of Mandatory Electronic Service in the Eighth
11 Judicial District Court," by mandatory electronic service through the Eighth
12 Judicial District Court's electronic filing system;

13 ☐ BY MAIL: Pursuant to NRCP 5(b), I placed a true copy thereof enclosed
14 in a sealed envelope upon which first class mail postage was prepaid in
15 Henderson, Nevada;

16 ☐ BY FACSIMILE: Pursuant to EDCR 7.26, I transmitted a copy of the
17 foregoing document this date via facsimile;

18 ☐ BY ELECTRONIC MAIL: Pursuant to EDCR 7.26, I transmitted a copy
19 of the foregoing document this date via electronic mail;

20 ☐ BY CERTIFIED MAIL: I placed a true copy thereof enclosed in a sealed
21 envelope, return receipt requested.

22 To the party(s) listed below at the address, email address, and/or facsimile number
23 indicated below:

24 Bradley J. Hofland, Esq.
25 Bradh@hoflandlaw.com

26
27 /s/ Carol Beitler. Legal Assistant

28 An employee of JACOBSON LAW OFFICE, LTD.

Heather S. Linn
CLERK OF THE COURT

ORDR

RACHEL M. JACOBSON, LTD.
Nevada Bar No. 007827
JACOBSON LAW OFFICE, LTD.
64 North Pecos Road, Suite 200
Henderson, Nevada 89074
Phone (702) 601-0770
Attorney for Plaintiff,
Sarah Maurice

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

SARAH MAURICE,

Plaintiff,

vs.

JUSTIN MAURICE,

Defendant.

Case No. **D-14-506883-D**

Dept. No. **Q**

FAMILY DIVISION

Date of Hearing: 01/13/2021

Time of Hearing: 9:00 AM

ORDER

THIS MATTER having come on for hearing upon Defendant's Motion for Reconsideration of Order Denying to Modify the Current Custodial Arrangement; Modify Child Support; Modify Child Tax Deduction; and for an Award of Attorney's Fees and Costs and Related Relief, and Plaintiff's Opposition and Countermotion thereto and Defendant's Reply; Plaintiff, SARAH MAURICE ("Plaintiff/Mother"), appearing via *Blue Jeans* and being represented by RACHEL M. JACOBSON, ESQ., of Jacobson Law Office, Ltd., and Defendant, JUSTIN MAURICE ("Defendant/Father"), also appearing via *Blue Jean* and being

1 represented by BRADLEY J. HOF LAND, ESQ.; the Court, having reviewed the
2 pleadings and papers on file herein, and the Court being fully advised in the
3 premises and good cause appearing therefore, makes the following Notations,
4 Findings and Orders:
5

6 THE COURT NOTED that no stipulations between the parties have been
7 reached.
8

9 THE COURT FURTHER NOTED that the Stipulated Decree of Divorce
10 was entered September 30, 2015, and, recognizing that the Decree is five years of
11 age, the Court questioned counsel as to whether there would be any value in having
12 the parties participate in mediation regarding a modification to the schedule. It is
13 clear to the Court that there has been communication and dialog between the
14 parties over the past year with things that have happened and the environment that
15 we live in now. The parties have demonstrated the capacity to communicate with
16 each other. The Court also stated that this is independent of the request to modify
17 custody. (VT 9:13) Counsel's opinions differed as to mediation.
18

19 THE COURT MAKES THE FOLLOWING FINDINGS AND ORDERS
20 based upon the arguments of counsel and papers that have been filed with the
21 Court: (VT 9:19:44)
22

23 THE COURT HEREBY FINDS that this matter comes before the Court on
24 Defendant's Motion for Reconsideration of Order Denying to Modify the Current
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1 Custodial Arrangement; Modify Child Support; Modify Child Tax Deduction; and
2 for an Award of Attorney's Fees and Costs and Related Relief. The standard
3 applied by the Court in evaluating such a motion for reconsideration is the *Ellis v.*
4 *Carucci* standard, recognizing that the controlling order (the Decree of Divorce),
5 provides the parties with Joint Legal Custody and the Plaintiff/Mother with
6 Primary Physical Custody. That order was entered in 2015, subject to the
7 visitation defined therein for Father. Pursuant to the *Ellis v. Carucci* standard, the
8 Court is required to initially make a finding that there has been a substantial
9 change in circumstances affecting the well-being of the child in evaluating whether
10 or not there is a basis to modify custody. After making a finding that there has
11 been a substantial change in circumstances, the Court then considers the best
12 interest factors, which is a focal point in looking at the best interests of the
13 children. (VT 9:21)

14
15 THE COURT FURTHER FINDS AND CONCLUDES that the *Ellis v.*
16 *Carucci* case modified the *Murphy* test that had been in place up until the time of
17 *Ellis v. Carucci*. The standard that is set forth in both cases relies in part upon
18 maintaining some stability in custodial arrangements for the benefit of children.
19 That is the basis for the original *Murphy* test, lessened somewhat in the *Ellis v.*
20 *Carucci* test. The test in *Ellis v. Carucci* is the standard to be applied by the Court.
21 (VT 9:21:43)
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1 THE COURT FURTHER FINDS that when the case first came before the
2 Court on the Defendant's motion on October 27, 2020, the Court was asked to
3 make such a determination. Upon review of the original papers filed pursuant to
4 the *Rooney* case, the Court determined that there was not a sufficient showing
5 pursuant to *Rooney* to set further proceedings on the motion. (VT 9:22:12)
6
7

8 THE COURT FURTHER FINDS that the primary focus of the Defendant's
9 Motion relates to his work schedule. Although Defendant raises other issues and
10 arguments, the change in his work schedule is the primary focus of his request.
11 There is reference to an offer of proof that the parties' older child, Savannah (13
12 years of age and soon to be 14), has expressed a preference regarding her custody
13 (which is a "best interest" factor pursuant to NRS 125C.0035). Plaintiff disputes
14 this offer of proof, arguing that the opposite is true. This Court concludes that such
15 an expression of a preference is not determinative of a substantial change in
16 circumstances. Rather, such an offer is part of the best interest analysis. (VT
17 9:23:13)
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22 THE COURT FURTHER FINDS that, looking at work schedules in general,
23 the Court posed the question: if someone loses his/her job and becomes
24 unemployed (which the Court has seen a fair amount of this past year), does that
25 constitute a substantial change in circumstances to warrant the Court permanently
26 modifying custody (because someone becomes unemployed). (VT 9:15) This
27
28

1 Court's approach is not determined by how other judicial Departments may or may
2 not be approaching this issue. This Court applies the law to the facts. The Court
3 recognizes that we are living in unique times, including a rise in unemployment.
4 The Court, therefore, posed the question regarding unemployment. The Court
5 would not conclude that the loss of employment necessarily triggers an automatic
6 review with evidentiary proceedings for a permanent modification of custody and
7 the Court also views the same a temporary circumstance. Defendant's specific
8 situation is offered something that is more than a temporary circumstance. In this
9 regard, Defendant's work schedule has changed, including the availability of
10 "working" from home. Such a "work" arrangement is something that we are
11 seeing a lot more frequently today under the current circumstances with the
12 Pandemic (and may remain after things get back to "normal"). However, when the
13 Court hears the phrase "working from home," the connotation that that frequently
14 is attaches is that "working" from home does not really mean "working." The
15 suggestion is that someone who is "working" from home is actually not working,
16 but is available to provide daycare for children, available to educate children or
17 involved in some form of distance learning. The good news for the Court is that
18 the parties' children are fortunate enough to be receiving some in-person
19 education, which is a fabulous and a fantastic scenario for them. It is not complete,
20 but they at least get some socialization and some classroom time. Nevertheless,
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1 when the Court hears “working from home,” the Court should necessarily view
2 such a claims as actually *working* from home. It may not mean that every minute
3 of that time is spent actually performing work, but clearly the Court’s expectation
4 would be that the employer expects that one is available and actually working from
5 home. (VT 9:25:27)
6
7

8 THE COURT FURTHER FINDS that, based upon the offers that have been
9 made, there has not been a sufficient basis nor has there been a sufficient showing,
10 pursuant to *Rooney*, that would warrant this Court to reconsider the prior Order
11 (Nov. 21, 2020) and set further proceedings. The Court is not persuaded, based
12 upon those papers, and pursuant to *Rooney*, that there is sufficient cause to set
13 further proceedings. (VT 9:26)
14
15

16 THE COURT FURTHER FINDS that Plaintiff is entitled to an award of
17 attorney’s fees pursuant to EDCR 7.60. This Court has considered the factors set
18 forth in *Brunzell v. Golden Gate National Bank* in evaluating an award of fees.
19 After this Court’s review and consideration of Plaintiff’s Memorandum of
20 Attorney’s Fees and Costs (Mar. 26, 2021) and Defendant’s Objection to Plaintiff’s
21 Memorandum of Attorney’s Fees and Costs (Apr. 2, 2021), this Court finds that an
22 award of \$1,500 is appropriate.
23
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25

26 THE COURT FURTHER FINDS that it also is important to clarify the
27 record as it relates to what transpired in the prior hearing in light of the assertions
28

1 made in the paperwork filed on behalf of Defendant that misstate how this Court
2 handled the prior proceedings and, as such, the Court finds the clarification as to
3 what exactly transpired is necessary and, in that regard, the COURT FINDS AS
4 FOLLOWS: (VT 9:26:20)
5

6
7 1. Defendant's Motion for Reconsideration of Order Denying to Modify
8 the Current Custodial Arrangement; Modify Child Support; Modify Child Tax
9 Deduction; and for an Award of Attorney's Fees and Costs and Related Relief
10 states in specific footnote 2:
11

12 *At no time*, did the Court's staff inform Mr. Hofland's office that the
13 hearing was starting with or without him. [Emphasis added]

14 The Defendant's Motion continues in footnote 3:

15
16 Clark County while smaller than Los Angeles, San Bernardino,
17 San Francisco, Orange County and San Diego Counties, has generally
18 like other large counties in other states accommodated scheduling
19 conflicts caused by conflicts with other appearances scheduled for the
20 same time and date. Mr. Hofland inadvertently wrongly assumed
21 Department Q granted the same "common" courtesy followed in other
22 divisions of the Eighth Judicial District Court and other Courts where
23 Mr. Hofland has appeared to trail hearings so all parties and counsel
24 would be present at important hearings.

25 Further, on page 3 of Defendant's Reply to Plaintiff's Opposition:

26 "Sadly, and unacceptably this Court chose to deprive Defendant of his
27 due process rights to a fair and meaningful hearing (he was not
28 allowed to appear given the Court's method of disposition), and more
troubling his fundamental rights as a parent were not recognized and
accommodated. Along with that, Defendant's counsel was not
allowed (denied) the opportunity to be heard (unlike Plaintiff's
counsel). Instead, this Court simply focused on one factor, denied

1 argument and an evidentiary hearing, claiming that factor alone was
2 insufficient to modify custody and child support, and promptly ruled
3 the case would be closed as soon as Plaintiff's counsel could get an
4 order to the Court. (VT 9:28)

5 2. (VT 9:28) For the record, this Court's JEA and Law Clerk received an
6 email from Mr. Hofland's office on Monday, October 26, 2020 at 1:25 PM, to
7 notify the Department that "Mr. Hofland will be a few minutes late logging on to
8 Bluejeans in the morning as he also has a telephonic hearing with one of his civil
9 cases at 9:00 AM tomorrow also." Department Q's Law Clerk responded on
10 October 26, 2020 at 3:15 PM and stated: "Thank you for the notice." The
11 Department Q JEA was included in the email.
12

13 3. Department Q's JEA followed up with Mr. Hofland's office on
14 Tuesday, October 27, 2020 (the date of the hearing) at 10:02 AM. The hearing
15 was scheduled for 9:00 AM on the Court's calendar. The suggestion that this
16 Court failed to trail the matter is completely inaccurate. The hearing was
17 scheduled at 9:00 AM. As of 10:02 AM, the Court had trailed the matter.
18 Department Q's JEA's email to Mr. Hofland's office stated: "Can you please tell
19 me the status of Mr. Hofland? Unfortunately, Ms. Jacobson was not notified by
20 your office and she has been waiting since 9 AM. Judge Duckworth will be calling
21 the matter...." Thus, notice was *in fact* imparted on Mr. Hofland's office that the
22 matter was going to be called and was called at 10:03 AM.
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1 4. After trailing the matter for more than an hour to accommodate
2 counsel, the hearing proceeded at 10:03 AM. On October 27, 2020 at 10:08 AM,
3 an email was received by Department Q's JEA from Mr. Hofland's office stating
4 "I apologize for the delay. Mr. Hofland is *still waiting* to be called for his civil
5 hearing this morning in Department 25. Mr. Hofland anticipates he will be
6 finished *by 10:30 AM/11:00 AM*. Our Client Justine Maurice is at our office for
7 the Maurice Hearing, and he just stepped out for 15 mins to get a cup of coffee."
8 (Emphasis added). (VT 9:30:30)

12 5. Again, the suggestion that this Court failed to offer any courtesy
13 whatsoever is inaccurate. Moreover, the Court would expect that, as a professional
14 courtesy, if an attorney anticipates being late to a hearing, counsel would
15 communicate the anticipated delay to opposing counsel. The Court did
16 accommodate the delay; the Court waited for more than an hour. This matter was
17 not the only case on the Court's calendar that morning; the Court had other matters
18 scheduled and the Court.

22 6. It is this Court's prerogative to review the papers and make a
23 determination on those papers because the Court views the papers as being the
24 mode by which counsel for both parties, especially capable counsel that both
25 parties have, to communicate all of the relevant information the Court needs to
26 make a decision. It is this Court's prerogative to make decisions based on the
27
28

1 papers that have been filed, again presuming that all of the relevant information the
2 Court needs to make a decision have been accurately stated in those papers. In this
3 particular matter, the hearing was scheduled for 9:00 AM. It started at 10:03 AM
4 and apparently the hearing before this Court was less of a priority than the hearing
5 before another department downtown in a civil matter. This Court waited over an
6 hour. That was an accommodation that was offered notwithstanding the arguments
7 to the contrary.
8
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10
11 **THEREFORE,**

12 **IT IS HEREBY ORDERED** that Defendant's Motion for Reconsideration
13 of Order Denying to Modify the Current Custodial Arrangement; Modify Child
14 Support; Modify Child Tax Deduction; and for an Award of Attorney's Fees and
15 Costs and Related Relief is DENIED. (VT 9:25:50; 9:32:10)
16
17

18 **IT IS FURTHER ORDERED** that Ms. Jacobson shall prepare the Order,
19 submit it to Mr. Hofland for review and signature and leave a blank in the Order
20 for the Court to make a determination as it relates to the issue of attorney's fees.
21 The Plaintiff is directed to file a Memorandum of Fees indicating the amount
22 incurred in responding to Defendant's Motion for Reconsideration of Order
23 Denying to Modify the Current Custodial Arrangement; Modify Child Support;
24 Modify Child Tax Deduction; and for an Award of Attorney's Fees and Costs and
25 Related Relief.
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IT IS FURTHER ORDERED that attorney's fees in the amount of \$1,500 are awarded to Plaintiff, reduced to judgment in Plaintiff's favor and against Defendant.

Dated this 23rd day of April, 2021

DISTRICT COURT JUDGE

Respectfully Submitted:

JACOBSON LAW OFFICE, LTD

/s/ Rachel M. Jacobson

RACHEL M. JACOBSON, ESQ.

Nevada Bar No. 007827
64 N. Pecos Road, Suite 200
Henderson, Nevada 89074
Telephone: (702) 601-0770
*Attorney for Plaintiff,
Sarah Maurice*

Approved as to Form and Content:

HOFLAND & TOMSHECK

BRADLEY J. HOF LAND, ESQ.

Nevada Bar No. 006343
228 South 4th Street, 1st Floor
Las Vegas, Nevada 89101
Telephone: (702) 895-6760
Attorney for Defendant,
Justin Maurice

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Sarah Maurice, Plaintiff

CASE NO: D-14-506883-D

7 vs.

DEPT. NO. Department Q

8 Justin Maurice, Defendant.
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 4/23/2021

15 "Carol Beitler, Legal Assistant" .

jakobslaw@gmail.com

16 "Rachel Jacobson, Esq." .

reli@jacobsonlawltd.com

17 Bradley Hofland

Bradh@hoflandlaw.com

18 Dina DeSousa Cabral

DinaD@hoflandlaw.com

19 Rachel Jacobson

eservice@jacobsonlawltd.com

20 Nikki Woulfe

clerk@hoflandlaw.com

21 Anna Stein

bhassistant@hoflandlaw.com

22 Rachel Jacobson

23 Reli@jacobsonlawltd.com
24
25
26
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

February 10, 2015

D-14-506883-D	Sarah Maurice, Plaintiff vs. Justin Maurice, Defendant.
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February 10, 2015 9:00 AM All Pending Motions

HEARD BY: Duckworth, Bryce C.

COURTROOM: Courtroom 01

COURT CLERK: Michael A. Padilla

PARTIES:

Emma Maurice, Subject Minor, not present
Justin Maurice, Defendant, Counter Claimant, Pro Se
present
Sarah Maurice, Plaintiff, Counter Defendant, Rachel Jacobson, Attorney, present
present
Savannah Maurice, Subject Minor, not present

JOURNAL ENTRIES

- PLAINTIFF'S MOTION FOR PRELIMINARY RELIEF ... DEFENDANT'S OPPOSITION AND COUNTERMOTION FOR JOINT LEGAL AND PHYSICAL CUSTODY, AND RELATED RELIEF.

Attorney Robert Hill, Nevada Bar #8496, present with Defendant in an UNBUNDLED CAPACITY.

Court reviewed the matters at issue and noted the parties separated in September 2014. Court informed the parties that it is this Court's goal to build and maintain each parties' relationship with the minor children. Discussion regarding what contact Defendant has had since the separation and what schedule each party is requesting. Following discussion, COURT ORDERED, as follows:

1. Parties are to attend MEDIATION through the Family Mediation Center (FMC) to mediate custody and visitation. Order for FMC Services signed and filed in OPEN COURT. RETURN HEARING set for 5/11/15 at 9:00 AM.

PRINT DATE:	05/28/2021	Page 1 of 16	Minutes Date:	February 10, 2015
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

2. The parties shall have TEMPORARY JOINT LEGAL CUSTODY of the minor children.
3. Plaintiff shall have TEMPORARY PRIMARY PHYSICAL CUSTODY of the minor children. The Court shall maintain some semblance of the STATUS QUO.
4. Defendant's VISITATION with the minor children shall be every other weekend from Friday pick up from school and daycare to Sunday at 7:00 PM. This weekend (2/13/15) shall be Defendant's weekend and for this weekend, he shall be allowed to have the children until Monday at 7:00 PM.
5. Defendant shall also have additional time each day when he picks up the children from school and daycare and his time shall conclude when the Defendant picks up the children after work each day.
6. Both parties are to take the COPE class and file their Certificate of Completion in advance of the next hearing.
7. Defendant's CHILD SUPPORT obligation is set at one thousand two hundred sixty dollars (\$1,260.00) per month beginning February 2015, payable in two equal installments (of \$630.00) on the 10th and 20th day of each month. (This amount takes into consideration a \$130.00 offset for the cost of insurance.)
8. The issue of CONSTRUCTIVE amounts shall be DEFERRED to the time of trial.
9. Per STIPULATION, the parties shall equally divide the daycare expenses.
10. Defendant shall maintain medical/health insurance for the minor children.
11. Any unreimbursed medical, dental, optical, orthodontic or other health related expense incurred for the benefit of the minor children is to be divided equally between the parties. Either party incurring an out of pocket medical expense for the children shall provide a copy of the paid invoice/receipt to the other party within thirty days of incurring such expense, if not tendered within the thirty day period, the Court may consider it as a waiver of reimbursement. The other party will then have thirty days from receipt within which to dispute the expense in writing or reimburse the incurring party for one-half of the out of pocket expense, if not disputed or paid within the thirty day period, the party may be subject to a finding of contempt and appropriate sanctions.
12. The spending and accounting issues is a Discovery issue.
13. The request of SPOUSAL SUPPORT is DENIED on a TEMPORARY basis.
14. Each party shall have exclusive possession of their residence.
15. The Joint Preliminary Injunction (JPI) is an Order of this Court and is punishable through the

PRINT DATE:	05/28/2021	Page 2 of 16	Minutes Date:	February 10, 2015
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Court's contempt powers.

16. The issue of ATTORNEY'S FEES is DEFERRED.

17. CASE MANAGEMENT CONFERENCE is set for 5/11/15 at 9:00 AM.

Per STIPULATION, the minutes shall suffice as the Order from today's hearing, therefore, the Court shall issue an Order based on the minutes.

CLERK'S NOTE: Order #3 corrected to reflect that Plaintiff was awarded TEMPORARY PRIMARY PHYSICAL CUSTODY.

INTERIM CONDITIONS:

FUTURE HEARINGS: May 11, 2015 9:00AM Return Hearing
FMC Mediation
Courtroom 01 Duckworth, Bryce C.

May 11, 2015 9:00AM Case Management Conference
Courtroom 01 Duckworth, Bryce C.

PRINT DATE:	05/28/2021	Page 3 of 16	Minutes Date:	February 10, 2015
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

May 11, 2015

D-14-506883-D Sarah Maurice, Plaintiff
vs.
Justin Maurice, Defendant.

May 11, 2015 9:00 AM All Pending Motions

HEARD BY: Duckworth, Bryce C.**COURTROOM:** Courtroom 01**COURT CLERK:** Michael A. Padilla**PARTIES:**

Emma Maurice, Subject Minor, not present
Justin Maurice, Defendant, Counter Claimant, Pro Se
present
Sarah Maurice, Plaintiff, Counter Defendant, Rachel Jacobson, Attorney, present
present
Savannah Maurice, Subject Minor, not present

JOURNAL ENTRIES

- RETURN HEARING: FMC MEDIATION ... CASE MANAGEMENT CONFERENCE.

Ms. Jacobson stated the parties had reached an agreement on their own. Ms. Jacobson recited the agreement. Upon inquiry by the Court, Defendant stated he agreed with the schedule. Discussion regarding Defendant's income and child support obligation. Ms. Jacobson stated the parties work for the same company. Ms. Jacobson stated the Plaintiff will agree to set child support at \$1,200.00 Following discussion, COURT ORDERED, as follows:

1. The Case Management Conference is CONTINUED to 7/6/15 at 10:00 AM.
2. Parties shall have JOINT LEGAL CUSTODY of the minor child.
3. Per STIPULATION, Plaintiff shall have PRIMARY PHYSICAL CUSTODY of the minor child.

PRINT DATE:	05/28/2021	Page 4 of 16	Minutes Date:	February 10, 2015
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

4. Per STIPULATION, Defendant's VISITATION shall be every other weekend from Friday after school/ daycare, or 3:00 PM if school is not in session, to Sunday at 6:00 PM.
5. Per STIPULATION, Defendant shall be responsible for dropping off the minor child to the Plaintiff on Sunday nights.
6. Defendant's CHILD SUPPORT obligation is set at one thousand two hundred dollars (\$1,200.00) per month beginning May 2015.
7. Parties are to exchange all financial information pursuant to NRCP 16.2 (including bank accounts, investment accounts, retirement accounts, and payroll statements).
8. All other Orders not addressed herein shall remain IN EFFECT.

The Court shall issue an Order based on the minutes.

INTERIM CONDITIONS:

FUTURE HEARINGS: Jul 06, 2015 10:00AM Case Management Conference
Courtroom 01 Duckworth, Bryce C.

PRINT DATE:	05/28/2021	Page 5 of 16	Minutes Date:	February 10, 2015
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

July 06, 2015

D-14-506883-D Sarah Maurice, Plaintiff
vs.
Justin Maurice, Defendant.

**July 06, 2015 10:00 AM Case Management
Conference**

HEARD BY: Duckworth, Bryce C.**COURTROOM:** Courtroom 01**COURT CLERK:** Michael A. Padilla**PARTIES:**

Emma Maurice, Subject Minor, not present
Justin Maurice, Defendant, Counter Claimant, Pro Se
present
Sarah Maurice, Plaintiff, Counter Defendant, Rachel Jacobson, Attorney, present
present
Savannah Maurice, Subject Minor, not present

JOURNAL ENTRIES

- Attorney Rachel Jacobson, Nevada Bar #7827, present and participating telephonically.

Court noted custody was previously resolved. Ms. Jacobson stated the parties are close to a resolution, which would a payment from the Defendant of \$35,000.00 as and for an equalization and for the parties to keep all property and debt in their own name and possession. Defendant stated he was not sure about a lump sum payment and would like to discuss a payment option. Ms. Jacobson requested a written confirmation from the Defendant confirming the assets. Following discussion, COURT ORDERED, as follows:

1. The Case Management Conference is CONTINUED to 7/22/15 at 8:30 AM. Parties are to communicate in an attempt to resolve the remaining issues and they are not to wait until the day before the hearing to do so.

PRINT DATE:	05/28/2021	Page 6 of 16	Minutes Date:	February 10, 2015
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

2. Defendant may appear at the next hearing telephonically; however, he must contact chambers in advance to make his request.

3. Parties are to exchange financial information.

4. In the event there has been any change to either party's financial situation, then they are to file an updated Financial Disclosure Form (FDF). Updated FDFs are to be filed by 7/15/15.

The minutes shall STAND as the Order from today's hearing.

INTERIM CONDITIONS:

FUTURE HEARINGS: Jul 06, 2015 10:00AM Case Management Conference
Courtroom 01 Duckworth, Bryce C.

PRINT DATE:	05/28/2021	Page 7 of 16	Minutes Date:	February 10, 2015
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

July 22, 2015

D-14-506883-D Sarah Maurice, Plaintiff
vs.
Justin Maurice, Defendant.

**July 22, 2015 8:30 AM Case Management
Conference**

HEARD BY: Duckworth, Bryce C.**COURTROOM:** Courtroom 01**COURT CLERK:** Michael A. Padilla**PARTIES:**

Emma Maurice, Subject Minor, not present
Justin Maurice, Defendant, Counter Claimant, Pro Se
present
Sarah Maurice, Plaintiff, Counter Defendant, Rachel Jacobson, Attorney, present
present
Savannah Maurice, Subject Minor, not present

JOURNAL ENTRIES

- Ms. Jacobson stated she did not receive Defendant's Financial Disclosure Form (FDF) until last night and stated that his FDF did not include all assets. Court noted it appears the only issue is financial. Ms. Jacobson requested the Court inform the Defendant that he must include the residence in his FDF. Defendant stated the residence is not community property. Court indicated that the house is a trial issue and if mortgage payments were made by the Plaintiff, then there would be a community property interest and the Court would need to know the value of the home. Court informed the parties that they are to understand that anything acquired during the marriage is community property (including bank accounts, retirement accounts, cash on hand, and any other assets). COURT ORDERED, as follows:

1. Matter set for a NON-JURY TRIAL on 9/28/15 at 1:30 PM. Each party shall have ninety (90) minutes to present their case which includes opening statements, examination time (direct and cross) and closing statements.

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2. Pretrial memorandum to be exchanged and filed with courtesy copies delivered to chambers no later than 9/21/15.
3. Discovery shall close at the close of business on 9/21/15.
4. Parties are to exchange lists of witnesses no later than the close of business on 8/31/15 which is to include the name of the witness, address of the witness, telephone number and a brief description of what each witness shall have to offer. Any witness not identified in advance of the hearing who is presented at the hearing will not be permitted to testify at the hearing absent compelling circumstances. (The Court expects testimony from the parties.)
5. Parties are to exchange their proposed exhibits and they are to provide their proposed exhibits to the Court Clerk by the close of business on 9/21/15. Plaintiff's exhibits are to be marked numerically and Defendant's exhibits are to be marked alphabetically. Exhibits are not to be filed.
6. The Joint Preliminary Junction remains IN EFFECT and is recognized as an Order of this Court. There is to be no transfer or disposal of any assets.
7. There shall be no award of ATTORNEY'S FEES at this time.

The Court shall issue an Order based on the minutes.

INTERIM CONDITIONS:

FUTURE HEARINGS: Jul 22, 2015 8:30AM Case Management Conference
Courtroom 01 Duckworth, Bryce C.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

September 28, 2015

D-14-506883-D	Sarah Maurice, Plaintiff vs. Justin Maurice, Defendant.
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September 28, 2015 1:30 PM Non-Jury Trial

HEARD BY: Duckworth, Bryce C.

COURTROOM: Courtroom 01

COURT CLERK: April Graham

PARTIES:

Emma Maurice, Subject Minor, not present	
Justin Maurice, Defendant, Counter Claimant, not present	Bradley Hofland, Attorney, not present
Sarah Maurice, Plaintiff, Counter Defendant, not present	Rachel Jacobson, Attorney, not present
Savannah Maurice, Subject Minor, not present	

JOURNAL ENTRIES

- Michael Padilla, Court Clerk, present.

Prior to today's hearing Court staff had been informed a Stipulated Decree of Divorce is forthcoming. Therefore, COURT ORDERED, matter taken OFF CALENDAR.

INTERIM CONDITIONS:

FUTURE HEARINGS: Sep 28, 2015 1:30PM Non-Jury Trial
Financial
Courtroom 01 Duckworth, Bryce C.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

January 20, 2016

D-14-506883-D Sarah Maurice, Plaintiff
vs.
Justin Maurice, Defendant.

January 20, 2016 10:00 AM All Pending Motions

HEARD BY: Duckworth, Bryce C.**COURTROOM:** Courtroom 01**COURT CLERK:** Kathleen Boyle**PARTIES:**

Emma Maurice, Subject Minor, not present
Justin Maurice, Defendant, Counter Claimant, Pro Se
present
Sarah Maurice, Plaintiff, Counter Defendant, Rachel Jacobson, Attorney, present
present
Savannah Maurice, Subject Minor, not present

JOURNAL ENTRIES

- DEFENDANT'S MOTION AND NOTICE OF MOTION FOR ORDERS TO MODIFY CHILD SUPPORT AND/OR SPOUSAL SUPPORT...PLAINTIFF'S OPPOSITION AND COUNTERMOTION TO REDUCE ARREARS TO JUDGEMENT AND FOR ATTORNEY'S FEES

Ms. Jacobson said she believed the parties had resolved the issues.

The Court explained to Defendant it could not retroactively modify his child support. The Court said it could only modify his child support from when he filed his Motion on December 18, 2015, and since the Motion was filed in December, the modification would take place effective January, 2016. The Court said any arrearages accrued prior to the filing of his Motion, could not be modified retroactively. Ms. Jacobson said the Schedule of Arrearages were for child support arrearages and unreimbursed day care expenses.

COURT ORDERED, the following:

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1. Pursuant to the stipulation of the parties, based on Defendant's representation he makes \$1,700.00 every two weeks, his child support will be reduced to \$920.00 per month effective January, 2016. The District Attorney's Office is currently garnishing Defendant's wages, and three (3) checks have already been garnished; however, Plaintiff has only received one payment. Defendant will look into this. Commencing February, 2016, Defendant will receive an offset against his child support in the amount of \$134.00 per month for the minor children's medical insurance premium cost.
2. Pursuant to the stipulation of the parties, two Schedules of Arrearages have been filed with the Court, one for child support arrearages, and one for day care reimbursement, and each schedule will be REDUCED TO JUDGMENT, collectible by any legal means, which will be STAYED, provided Defendant pays \$217.00 per month towards his arrearages until they are paid in full. The District Attorney's Office may add that amount to the wage garnishment from Defendant's pay check every month.
3. Since Defendant did not provide medical insurance for the minor children in October, November, and December, 2015, and January, 2016, he shall reimburse Plaintiff the sum of \$130.00 for the offset he was receiving to his child support every month to provide medical insurance for the children, in the amount of \$520.00, which shall be REDUCED TO JUDGMENT.
4. Since Plaintiff was forced to obtain medical insurance for the minor children during the months of October, November, and December, 2015, and January, 2016, Defendant shall reimburse Plaintiff for half of the premium amount she was paying for the medical insurance for the children. Since Plaintiff was paying \$280.00 per month for the medical insurance, with Defendant's share being \$140.00 per month, he shall also reimburse Plaintiff the sum of \$560.00, which shall be REDUCED TO JUDGMENT.
5. Ms. Jacobson is awarded attorney fees in the amount of \$250.00.
6. Ms. Jacobson shall prepare the Order. Defendant shall have fourteen (14) days to review and sign off on the order.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

October 27, 2020

D-14-506883-D Sarah Maurice, Plaintiff
vs.
Justin Maurice, Defendant.

October 27, 2020 9:00 AM All Pending Motions

HEARD BY: Duckworth, Bryce C.**COURTROOM:** Courtroom 01**COURT CLERK:** Gabriella Konicek**PARTIES:**

Emma Maurice, Subject Minor, not present
Justin Maurice, Defendant, Counter Claimant, Bradley Hofland, Attorney, not present
not present
Sarah Maurice, Plaintiff, Counter Defendant, Rachel Jacobson, Attorney, present
present
Savannah Maurice, Subject Minor, not present

JOURNAL ENTRIES

- DEFENDANT'S MOTION AND NOTICE OF MOTION TO MODIFY THE CURRENT CUSTODIAL ARRANGEMENT; MODIFY CHILD SUPPORT; MODIFY CHILD TAX DEDUCTION; AND FOR AN AWARD OF ATTORNEY'S FEES AND COSTS AND RELATED RELIEF... PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO MODIFY CUSTODY, CHILD SUPPORT, CHILD TAX DEDUCTION, FOR AN AWARD FOR ATTORNEY'S FEES AND COSTS AND RELATED RELIEF; AND COUNTERMOTION FOR ATTORNEY'S FEES

Plaintiff/Mom and Ms. Jacobson present by video.

The Court noted the matter being heard an hour later and Mr. Hofland still was unable to appear. Upon Court's inquiry, Ms. Jacobson represented she had not communicated with Mr. Hofland prior to this hearing.

The Court noted its review of Dad's motion, reply and Mom's opposition and further noted it did not

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find a change in Dad's work schedule being enough basis to modify custody and child support obligation pursuant to Ellis vs. Carucci.

COURT stated its FINDINGS and ORDERED the following:

1. Dad's request for MODIFICATION of CUSTODY is DENIED.

Ms. Jacobson shall prepare the order; CASE CLOSED upon entry of same.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

January 13, 2021

D-14-506883-D Sarah Maurice, Plaintiff
vs.
Justin Maurice, Defendant.

January 13, 2021 9:00 AM All Pending Motions

HEARD BY: Duckworth, Bryce C.**COURTROOM:** Courtroom 21**COURT CLERK:** Gabriella Konicek**PARTIES:**

Emma Maurice, Subject Minor, not present
Justin Maurice, Defendant, Counter Claimant, Bradley Hofland, Attorney, present
present
Sarah Maurice, Plaintiff, Counter Defendant, Rachel Jacobson, Attorney, present
present
Savannah Maurice, Subject Minor, not present

JOURNAL ENTRIES

- DEFENDANT'S NOTICE OF MOTION AND MOTION FOR RECONSIDERATION OF ORDER DENYING TO MODIFY THE CURRENT CUSTODIAL ARRANGEMENT; MODIFY CHILD SUPPORT; MODIFY CHILD TAX DEDUCTION; AND FOR AN AWARD OF ATTORNEY'S FEES AND COSTS; AND RELATED RELIEF...PLAINTIFF'S OPPOSITION DEFENDANT'S MOTION FOR RECONSIDERATION OF ORDER DENYING MOTION TO MODIFY THE CURRENT CUSTODIAL ARRANGEMENT; MODIFY CHILD SUPPORT; MODIFY CHILD TAX DEDUCTION; AND FOR AN AWARD OF ATTORNEY'S FEES AND COSTS; AND RELATED RELIEF...DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR RECONSIDERATION OF ORDER DENYING TO MODIFY THE CURRENT CUSTODIAL ARRANGEMENT, ET AL.

Plaintiff/Mom, Ms. Jacobson and Mr. Hofland present by video with Defendant/Dad present in the office.

Mr. Hofland represented there has been a disconnect in the communication, as he had a matter

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scheduled for the same time in downtown court at last hearing.

Discussion regarding parties' current schedule being convenient for Dad, last custody schedule been from seven (7) years ago, Dad's request to spend more time with the children, Dad's wishes to establish a better relationship with the children request for an evidentiary hearing to be set.

Ms. Jacobson discussed Dad's schedule is worst than his previous one, Dad's Financial Disclosure Form (FDF) reflecting he actually works more, Mom's schedule not fluctuating despite receiving a promotion, Dad not submitting evidence of a substantial change in circumstance to request a modification of custody and Mom's concerns for Dad's behavior. Ms. Jacobson is further requesting for attorney's fees.

The Court noted the Decree of Divorce was filed five (5) years ago and inquired if the parties would like to participate in family mediation.

Mr. Hofland argued other jurisdictions have found a schedule change a significant change in circumstances to modify visitation schedule and asked the Court to consider same as Dad is simply requesting to spend more time with his children.

The Court noted it does not find sufficient basis to set further proceedings regarding modification of custody, further, it deems appropriate to grant attorney's fees for Ms. Jacobson. For the record, the Court discussed the detailed timeline and thread of e-mail correspondence between Mr. Hofland's office staff and the Court regarding the 10/27/2020 hearing were Mr. Hofland was unable to appear.

COURT stated its FINDINGS and ORDERED the following:

1. Motion for RECONSIDERATION is DENIED.
2. Ms. Jacobson shall prepare the order from today in addition to a Brunzell Memorandum of Fees and Costs and leave a blank space for the Court to determine ATTORNEY'S FEES.

CASE CLOSED upon entry of order.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

BRADLEY J. HOFLAND, ESQ.
228 S. 4TH ST., 1ST FLOOR
LAS VEGAS, NV 89101

DATE: May 28, 2021
CASE: D-14-506883-D

RE CASE: SARAH MAURICE vs. JUSTIN MAURICE

NOTICE OF APPEAL FILED: May 26, 2021

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

*****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; CIVIL COVER SHEET; ORDER; NOTICE OF ENTRY OF ORDER; DISTRICT
COURT MINUTES; NOTICE OF DEFICIENCY

SARAH MAURICE,

Plaintiff(s),

vs.

JUSTIN MAURICE,

Defendant(s),

Case No: D-14-506883-D

Dept No: Q

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 28 day of May 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk