

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

2 HENRY OLIVA and ROSIE ELENA
3 MARTINEZ,

4 Appellants,

5 vs.

6 IGANCIO AVILA, JR.,

7 Respondent.

 } S.C. DOCKET NO.: 77242

 } D.C. Case No.: D-15-515892-C

Electronically Filed
Sep 17 2021 01:31 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

8
9 **APPELLANTS' APPENDIX VOL. 1**

10
11 Fred Page, Esq.
12 Page Law Firm
13 Nevada Bar No. 6080
14 6930 South Cimarron Road, Suite 140
15 Las Vegas, Nevada 89113
16 Attorney for Appellant

17

Date	Paper/Transcript	Volume	Page
12/18/2017	Affidavit of Service	2	AA000266
08/03/2018	Affidavit of Service	2	AA000339
08/30/2018	Affidavit of Service	2	AA000349
06/22/2020	Affidavit of Shell Mercer, Esq. In Support of Defendant Henry Oliva's Motion to Continue Hearing	3	AA000549- AA000557
08/04/2020	Amended Order Setting Evidentiary Hearing	3	AA000568- AA000569
01/07/2021	Answer and Counterclaim for Custody	3	AA000753- AA000759

28

IN THE SUPREME COURT OF THE STATE OF NEVADA

IGANCIO AVILA, JR.,

Appellant,

vs.

ROSIE ELENA MARTINEZ,

Respondent.

S.C. DOCKET NO.: 77242

D.C. Case No.: D-15-515892-C

APPELLANT'S APPENDIX VOL. 1

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01/07/2021	Answer and Counterclaim for Custody	3	AA000753- AA000759

09/15/2020	Appendix to Defendant Henry Oliva's First Amended Motion to Amend an Order Or in the Alternative Correct Omissions in the Order	3	AA000600-AA000631
12/20/2018	Case Appeal Statement	2	AA000370-AA000375
08/12/2015	Certificate of Mailing	1	AA000073-AA000074
10/20/2020	Certificate of Service	3	AA000685-AA000686
10/20/2020	Certificate of Service	3	AA000687-AA000688
08/15/2018	Certificate of Service	2	AA000347-AA000348
08/28/2020	Certificate of Service	3	AA000585-AA000586
09/1/2020	Certificate of Service	3	AA000588-AA000589
09/21/2020	Certificate of Service	3	AA000647-AA000648
01/31/2020	Certificate of Service	2	AA000480
02/09/2016	Certificate of Service (MOT to Withdraw)	1	AA000148-AA000150
02/25/2020	Clerk's Certificate / Judgment	3	AA000481
06/03/2015	Complaint for Custody, Visitation, and Child Support	1	AA000001-AA000004
08/14/2018	Counterdefendant Henry Oliva's Opposition to Motion to Reconsider the Order from June 20, 201; and Opposition to Plaintiff's Motion for Attorney's Fees and Costs and Counterdefendant's Motion for Attorney's Fees and Costs	2	AA000340-AA000346
11/05/2015	Court Minutes	1	AA000121-AA000123
01/19/2016	Court Minutes	1	AA000135-

			AA000136
10/26/2020	Court Minutes	3	AA000689- AA000690
10/27/2020	Court Minutes	3	AA000691- AA000692
11/25/2020	Court Minutes	3	AA000722- AA000723
04/16/2021	Court Minutes	3	AA000797- AA000798
05/26/2021	Court Minutes	3	AA000821- AA000822
01/25/2018	Court Minutes	2	AA000280- AA000282
03/29/2018	Court Minutes	2	AA000292- AA000296
09/11/2018	Court Minutes	2	AA000355- AA000356
03/20/2020	Court Minutes	3	AA000537- AA000538
04/02/2020	Court Minutes	3	AA000539- AA000540
06/23/2020	Court Minutes	3	AA000559- AA000561
07/31/2020	Court Minutes	3	AA000564- AA000565
01/08/2021	Defendant Henry Oliva's First Amended Witness List	3	AA000760- AA000764
09/14/2020	Defendant Henry Oliva's Motion to Amend an Order Or in the Alternative Correct Omissions in the Order	3	AA000590- AA000599
06/22/2020	Defendant Henry Oliva's Motion to Continue Hearing	3	AA000543- AA000548
11/14//2020	Defendant Henry Oliva's Opposition to Plaintiff's Motion for Reconsideratin of the Order Filed August 17, 2020, for Attorney's Fees and Costs, and for Other Related Relief in the Above-Entitled	3	AA000693- AA000721

	Matter and Countermotion for Attorney's Fees		
12/23/2020	Defendant Henry Oliva's Witness List	3	AA000750-AA000752
09/23/2020	Defendant Oliva's Reply to Plaintiff's Opposition to Motion to Obtain the Original Sealed Birth Certificates From the Nevada Department of Health and Human Services, Division of Public Behavioral Health, Vital Records and Plaintiff's Countermotion to Strike Intervenor's Improper Pleading From the Record, and for Plaintiff's Attorney's Fees and Costs Incurred Herein and for Related Relief	3	AA000650-AA000654
02/09/2016	Defendant's Financial Disclosure Form	1	AA000137-AA000147
01/31/2020	Defendant's Financial Disclosure Form	2	AA000472-AA000479
04/12/2021	Defendant's Pre-trial Memorandum	3	AA000785-AA000796
01/26/2017	Ex Parte Application to Amend Stipulated Decree of Custody	1	AA000204-AA000205
03/02/2020	Exhibit Appendix in Support of Opposition to Motion and Notice of Motion to Modify Child Support and/or Spousal Support and Countermotion for Modification of Custody; to Award Plaintiff Primary Physical Custody of the Minor Child Based Upon Changed Circumstances; for Joint Legal Custody to remain Status Quo; to Set Child Support; to Award Plaintiff the tax exemption; for Specific Visitation to Defendant; for Mandatory Mediation; for Attorney's Fees and Costs and for Other Related Relief		AA000505-AA000534
10/09/2020	Exhibit Appendix in Support of Plaintiff's Motion for Reconsideration of	3	AA000668-AA000679

	the Order Filed August 17, 2020, for Attorney's Fees and Costs, and for Other Related Relief		
04/29/2021	Findings of Fact, Conclusion of Law, and Order	3	AA000799-AA000807
11/01/2017	First Amended Complaint for Custody	2	AA000247-AA000253
03/01/2017	First Amended Decree of Custody	1	AA000212-AA000227
06/08/2015	Joint Preliminary Injunction	1	AA000005-AA000006
01/31/2020	Motion and Notice of Motion to Modify Child Support and/or Spousal Support	2	AA000458-AA000464
01/31/2020	Motion and Notice of Motion to Modify Child Support and/or Spousal Support	2	AA000465-AA000471
08/26/2020	Motion for Order to Obtain the Original Sealed Birth Certificates From the Nevada Department of Health and Human Services, Division of Public Behavioral Health, Vital Records	3	AA000574-AA000583
11/01/2017	Motion to Join Henry Oliva As A Defendant, For the Limited Purpose of Determining Paternity of the Minor Child, Alan Oliva	2	AA000258-AA000265
07/06/2018	Motion to Reconsider the Order Entered June 20, 2018	2	AA000323-AA000338
01/22/2018	Notice of Affidavit of Attempts for Henry Oliva	2	AA0000283-AA0000286
10/18/2018	Notice of Appeal	2	AA000367-AA000369
06/22/2020	Notice of Appearance	3	AA000541-AA000542
05/25/2021	Notice of Appearance of Counsel	3	AA000819-AA000820
07/28/2016	Notice of Change of Address	1	AA000202-AA000203

03/02/2018	Notice of Change of Address	2	AA000291-
07/10/2015	Notice of Counsel	1	AA000007- AA000008
04/29/2021	Notice of Entry of Finding of Fact, Conclusion of Law, and Order	3	AA000808- AA000818
03/14/2017	Notice of Entry of First Amended Decree of Custody	1	AA000228- AA000246
12/09/2020	Notice of Entry of Order	3	AA000730- AA000736
12/18/2020	Notice of Entry of Order	3	AA000743- AA000749
06/20/2018	Notice of Entry of Order	2	AA000312- AA000322
02/13/2016	Notice of Entry of Order Amending Stipulated Decree of Custody Filed July 22, 2016	1	AA000208- AA000211
07/12/2016	Notice of Entry of Order from February 23, 2016 Hearing	1	AA000161- AA000165
12/22/2015	Notice of Entry of Order from November 5, 2015 Hearing	1	AA000128- AA000133
09/25/2018	Notice of Entry of Order on Plaintiff's Motion for Reconsideration; and Judgment for an Award of Attorney's Fees	2	AA000360- AA000366
07/25/2016	Notice of Entry of Stipulated Decree of Custody	1	AA000183- AA000201
08/25/2015	Notice of Entry of Stipulation and Order for Paternity Testing	1	AA000111 AA000116
10/12/2020	Notice of Hearing	3	AA000684
06/23/2020	Notice of Hearing	3	AA000558
08/27/2021	Notice of Hearing	3	AA000584

1	08/27/2021	Notice of Hearing	3	AA000587
2	09/18/2020	Notice of Hearing	3	AA000646
3	09/18/2020	Notice of Hearing	3	AA000649
4	09/05/2018	Notice of Non-Opposition to Plaintiff's Motion to Reconsider the Order Entered June 20, 2018	2	AA000350-AA000354
5				
6	01/22/2018	Notice of Non-Opposition to Plaintiff's Verified Motion to Amend the Complaint, to Establish Joint Legal and Joint Physical Custody, to Set Aside the Custody Decree, to Modify Custody, for Child Support, and for Attorney's Fees and Costs	2	AA000278-AA000279
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11	02/01/2021	Notice of Rescheduling of Evidentiary Hearing	3	AA000769-AA000770
12				
13	03/11/2020	Notice of Rescheduling of Hearing	3	AA000535-AA000536
14				
15	07/21/2020	Notice of Rescheduling of Hearing	3	AA000562-AA000563
16				
17	08/04/2020	Notice of Rescheduling of Hearing	3	AA000566-AA000567
18				
19	02/01/2018	Notice of Withdrawal of Attorney	2	AA000288-AA000290
20				
21	04/27/2018	Notice of Withdrawal of Attorney	2	AA000297-AA000299
22				
23	05/09/2018	Notice of Withdrawal of Attorney	2	AA000300-AA000302
24				
25	03/02/2020	Opposition to Motion and Notice of Motion to Modify Child Support and/or Spousal Support and Countermotion for Modification of Custody; to Award Plaintiff Primary Physical Custody of the Minor Child Based Upon Changed	3	AA000487-AA000504
26				
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	Circumstances; for Joint Legal Custody to remain Status Quo; to Set Child Support; to Award Plaintiff the tax exemption; for Specific Visitation to Defendant; for Mandatory Mediation; for Attorney's Fees and Costs and for Other Related Relief		
07/23/2015	Opposition to Plaintiff's Motion for Joint Legal Custody, Joint Physical Custody, Child Support Pursuant to Wright v. Osburn, to Change the Minor Child's Name, and for Attorney's Fees and Costs and Countermotion for an Order for Paternity Testing; For Mediation, for Primary Physical Custody and a Defined Visitation and for an Order for Child Support Attorney's Fees and Other Related Relief	1	AA000044-AA000065
06/15/2018	Order	2	AA000303-AA000311
08/17/2020	Order	3	AA000570-AA000573
02/08/2016	Order Amending Stipulated Decree of Custody Filed July 22, 2016	1	AA000206-AA000207
09/01/2015	Order for FMC services	1	AA00017-
11/05/2015	Order for FMC Services	1	AA000120
01/25/2018	Order for FMC Services	2	AA000287
06/28/2016	Order from February 23, 20106 Hearing	1	AA000158-AA000160
01/32/2020	Order of Reversal and Demand	3	AA000483-AA000486
01/23/2020	Order of Reversal and Remand	3	AA000680-

			AA000683
09/21/2018	Order on Plaintiff's Motion for Reconsideration; and Judgment for an Award of Attorney's Fees	2	AA000357-AA000359
12/16/2020	Order Regarding Court's November 25, 2020 Minute Order	3	AA000737-AA000742
12/09/2020	Order Regarding Court's October 26, 2020 Order	3	AA000724-AA000729
11/01/2017	Plaintiff's Exhibit Appendix	2	AA000254-AA000257
08/17/2015	Plaintiff's Financial Disclosure Form	1	AA000094-AA000110
01/19/2018	Plaintiff's Financial Disclosure Form	2	AA000267-AA000277
07/10/2015	Plaintiff's Motion for Joint Legal Custody, Joint Physical Custody, Child Support Pursuant to Wright v. Osburn, to Change Minor Child's Name, and for Attorney's Fees and Costs	1	AA000009-AA000043
10/09/2020	Plaintiff's Motion for Reconsideration of the Order Filed August 17, 2020, for Attorney's Fees and Costs, and for Other Related Relief	3	AA000655-AA000667
09/16/2020	Plaintiff's Opposition to Intervenor Henry Oliva's Motion to Obtain the Original Sealed Birth Certificates From the Nevada Department of Health and Human Services, Division of Public Behavioral Health, Vital Records and Plaintiff's Countermotion to Strike Intervenor's Improper Pleading From the Record, and for Plaintiff's Attorney's Fees and Costs Incurred Herein and for Related Relief	3	AP000632-AP000645
02/17/2016	Plaintiff's Pre-trial Memorandum	1	AA000151-AA000157
04/09/2021	Plaintiff's Pre-trial Memorandum	3	AA000774-

			AA000784
08/12/2015	Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion for Joint Legal Custody, Joint Physical Custody, Child Support Pursuant to Wright v. Osburn, to Change the Minor Child's Name, and for Attorney's Fees and Costs and Opposition to Defendant's Countermotion for Paternity Testing, Mediation, for Primry Physical Custody and Defined Visitation, and for an Order for Child Support, Attorney's Fees and Other Related Relief	1	AA000075-AA000090
01/08/2016	Receipt of Copy	1	AA000134
12/28/2018	Receipt of Copy	2	AA000448
02/21/2020	Remittitur	3	AA000482
07/31/2015	Reply to Counterclaim	1	AA000066-AA000068
11/12/2015	Settlement Conference and/or Evidentiary Hearing and/or Trial Management Order	1	AA000124-AA000127
07/22/2016	Stipulated Decree of Custody	1	AA000166-AA000182
08/07/2015	Stipulation and Order for Paternity Testing	1	AA000069-AA000072
09/01/2015	Stipulation and Order to Continue Case Management Conference, Plaintiff's Motion and Defendant's Countermotion	1	AA000118-AA000119
08/14/2015	Substitution of Attorney	1	AA000091-AA000093
01/21/2021	Substitution of Attorney of Record for Plaintiff	3	AA000765-AA000768
03/25/2021	Substitution of Attorney of Record for Plaintiff	3	AA000771-AA000773
12/28/2018	Transcript re: All Pending Motions 1/25/2018	2	AA000376-AA000447

1	12/28/2018	Transcript re: All Pending Motions 9/11/2018	2	AA000449-
2				AA000457
3	08/24/2021	Transcript re: Evidentiary Hearing dated April 16, 2021	4	AA000823-
4				AA001052
5	08/24/2021	Transcript re: Hearing June 23, 2020	4	AA001053-
6				AA001086
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**EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA**

CASE NO.: 17-14-00000-0
DEPT. NO.: 1

Plaintiff, IGNACIO AVILA, JR., ("Plaintiff"), by and through his attorney, Nedda Ghandi, Esq., of the law firm of Ghandi Deeter Law Offices, hereby complains and alleges as follows:

Plaintiff is a resident of Clark County, Nevada, and for more than six (6) weeks prior to the filing of this petition Plaintiff has been physically present and domiciled in the state of Nevada and has and still has the intent to make said state of Nevada her home, residence and domicile for an indefinite period of time.

II.

1 II.

2 Plaintiff and ROSIE ELENA MARTINEZ, ("Defendant") have never been married.

3 III.

4 There is one (1) minor child which was born as issue of the relationship, namely:
5 JAZLYNN ROSE MARTINEZ, born October 25, 2013.

6 IV.

7 Plaintiff is the natural father of the minor child but is not currently on the minor child's
8 birth certificate. Paternity is not disputed and Plaintiff should therefore be added as the father to
9 the child's birth certificate. The minor child's name should be changed to "JAZLYNN ROSE
10 AVILA".

11 V.

12 Plaintiff and Defendant are fit and proper persons to granted joint legal and joint physical
13 custody of the minor child. A specific visitation schedule for the parties should be ordered.

14 VI.

15 Child support should be set pursuant to NRS 125B.070, NRS 125B.080, and Wright v.
16 Osburn, 114 Nev. 1367 (1998).

17 VII.

18 The party most capable should provide health insurance for the minor child so long as it
19 remains reasonably available through their employer, with each party to pay one-half of all
20 uncovered health care expenses incurred on behalf of the child, pursuant to the 30/30 rule,
21 including, but not limited to, optical, dental, surgical or any psychological or psychiatric expense,
22 until such time as the child reaches eighteen (18) years of age if no longer enrolled in high school,
23 otherwise until the child graduates from high school or reach nineteen (19) years of age, dies,
24 marries, or otherwise becomes emancipated pursuant to the Nevada Revised Statutes, whichever
25 first occurs.
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VIII.

Plaintiff should be awarded Attorney's Fees and Costs for having to bring this action.

1 WHEREFORE, Plaintiff prays for judgment as follows:

2 1. That the Plaintiff is the natural father of the minor child, paternity is not in
3 question and therefore Plaintiff should be added to the child's birth certificate;

4 2. That Plaintiff and Defendant are fit and proper persons to granted joint legal and
5 joint physical custody of the minor child. A specific visitation schedule for the parties should be
6 ordered;

7 3. That Child support should be set pursuant to NRS 125B.070, NRS 125B.080, and
8 Wright v. Osburn, 114 Nev. 1367 (1998)

9 4. The party most capable should provide health insurance for the minor child so long
10 as it remains reasonably available through their employer, with each party to pay one-half of all
11 uncovered health care expenses incurred on behalf of the child, pursuant to the 30/30 rule,
12 including, but not limited to, optical, dental, surgical or any psychological or psychiatric expense,
13 until such time as the child reaches eighteen (18) years of age if no longer enrolled in high school,
14 otherwise until the child graduates from high school or reach nineteen (19) years of age, dies,
15 marries, or otherwise becomes emancipated pursuant to the Nevada Revised Statutes, whichever
16 first occurs.
17

18 5. Plaintiff should be awarded Attorney's Fees and Costs for having to bring this
19 action; and
20

21 6. For such other relief as this Court deems just and proper in the premises.

22 DATED this 15th day of May, 2015.

23 GUANDI DEETER LAW OFFICES

24 

25 NEDDA GUANDI, ESQ.

26 Nevada Bar No. 11137

27 LAURA A. DEETER, ESQ.

28 Nevada Bar No. 10562

707 S. 10th Street

Las Vegas, Nevada 89101

(702) 878-1115

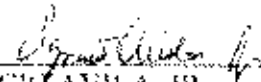
Attorneys for Plaintiff

1
2
3 VERIFICATION

4 STATE OF NEVADA)
5) ss:
6 COUNTY OF CLARK)

7 IGNACIO AVILA, JR., the Plaintiff herein, under penalty of perjury, hereby
8 makes the following assertions: that he is the Plaintiff in the above-entitled action; that he has
9 read the foregoing Plaintiff's Complaint for Custody, Visitation and Child Support and knows the
10 contents thereof, and that the same are true of his own knowledge, except for those matters therein
11 contained stated upon information and belief, and as to those matters, he believes them to be true.

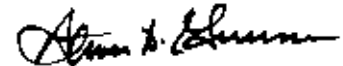
12 DATED this 21st day of May, 2015.

13 
14 _____
15 IGNACIO AVILA, JR.

16 SUBSCRIBED and SWORN to before
17 me this 21st day of May, 2015.



18 _____
19 NOTARY PUBLIC, in and for said
20 County and State
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CLERK OF THE COURT

CC12
GHANDI DEETER LAW OFFICES
NEDDA GHANDI, ESQ.
Nevada Bar No. 11137
Email: nedda@ghandilaw.com
LAURA A. DEETER, ESQ.
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707 S. 10th Street
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Telephone: (702) 878-1115
Facsimile: (702) 447-9995
Attorneys for Plaintiff

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

IGNACIO AVILA, JR.,

Plaintiff,

vs.

ROSIE ELENA MARTINEZ,

Defendant.

CASE NO.: D-15-515842-C

DEPT. NO.: L

JOINT PRELIMINARY INJUNCTION

NOTICE! THIS INJUNCTION IS EFFECTIVE UPON THE PARTY REQUESTING THE SAME WHEN ISSUED AND AGAINST THE OTHER PARTY WHEN SERVED. THIS INJUNCTION SHALL REMAIN IN EFFECT FROM THE TIME OF ITS ISSUANCE UNTIL TRIAL OR UNTIL DISSOLVED OR MODIFIED BY THE COURT. DISOBEDIENCE OF THIS INJUNCTION IS PUNISHABLE BY CONTEMPT.

TO: Plaintiff and Defendant:

YOU, AND ANY OFFICERS, AGENTS, SERVANTS, EMPLOYEES OR A PERSON IN ACTIVE CONCERT OR PARTICIPATION WITH YOU, ARE HEREBY PROHIBITED AND RESTRAINED FROM:

1. Transferring, encumbering, concealing, selling or otherwise disposing of any of the joint, common or community property of the parties or any property which is the subject of a

1 claim of community interest, except in the usual course of business or for the necessities
2 of life, without the written consent of the parties or the permission of the court.

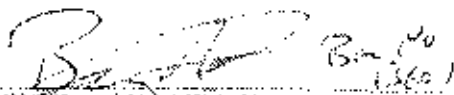
3 2. Molesting, harassing, stalking, disturbing of the peace of or committing an assault or
4 battery on the person of the other party or any child, stepchild or any other relative of the
5 parties.

6 3. Removing any child of the parties then residing in the State of Nevada with an intent or
7 effect to deprive the court of jurisdiction as the child without the prior written consent of
8 all the parties or the permission of the court.

9 Issued at the request of

10 **GHANDI DEETER LAW OFFICES**

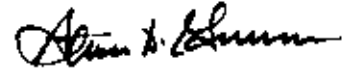
STEVEN D. GRIERSON
CLERK OF THE COURT

11 
12 **NEDDA GHANDI, ESQ.**
13 Nevada Bar No. 11137
14 **LAURA A. DEETER, ESQ.**
15 Nevada Bar No. 10562
16 707 S. 10th Street
17 Las Vegas, Nevada 89101
18 (702) 878-1115

By: 

19 **Deputy Clerk**
20 601 North Pecos Road **JANEL WASHINGTON**
21 Las Vegas, Nevada 89101

22 Date Issued: _____
23
24
25
26
27
28


CLERK OF THE COURT

NOTICE
STEINBERG LAW GROUP
BRIAN J. STEINBERG, ESQ.
Nevada Bar No. 5787
GAYLE NATHAN, ESQ.
Nevada Bar No. 4917
4270 S. Decatur Blvd., Suite B10
Las Vegas, Nevada 89103
Telephone: (702) 384-9664
Facsimile: (702) 384-9668
Email: brian@steinberglawgroup.com
Email: Gayle@steinberglawgroup.com
Attorney for Defendant

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

IGNACIO AVILA, JR.,

Plaintiff,

vs.

ROSIE ELENA MARTINEZ,

Defendant.


CASE NO: D-15-515892-C
DEPT NO: L

NOTICE OF COUNSEL

Please take notice that, GAYLE NATHAN ESQ., of the STEINBERG LAW GROUP, is hereby counsel of record for the Defendant, Rosie Elena Martinez, in the above-named action.

DATED this 10th day of July, 2015.

STEINBERG LAW GROUP


BRIAN J. STEINBERG, ESQ.

Nevada Bar No. 5787

GAYLE NATHAN, ESQ.

Nevada Bar No. 4917

4270 S. Decatur Blvd., Suite B10

Las Vegas, Nevada 89103

Telephone: (702) 384-9664

Facsimile: (702) 384-9668

Email: brian@steinberglawgroup.com

Email: Gayle@steinberglawgroup.com

Attorney for Defendant

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am an employee of the Steinberg Law Group and that on July 10, 2015,
3 pursuant to N.R.C.P. 5(b)(2)(D), and EDCR 8.05, a true and correct copy of the Notice of Counsel was
4 served on Plaintiff by

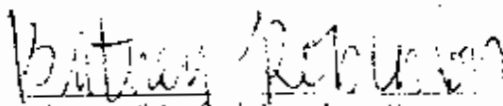
5 _____X_____, U.S. Mail, First Class, postage prepaid to the person(s) identified below:

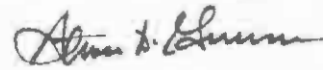
6 _____ Via Facsimile at the number(s) identified below:

7 _____ Via Electronic mail to the person(s) identified below:

8 _____ Via Electronic mail utilizing the Odyssey E-file and Serve system to the person(s)
9 identified below as follows:

10 Nedda Ghandi, Esq.,
11 707 S. 10th Street
12 Las Vegas, NV 89101
13 Attorney for Plaintiff

14 
15 An Employee of the Steinberg Law Group
16
17
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CLERK OF THE COURT

1 MOT
2 GHANDI DEETER LAW OFFICES
3 NEDDA GHANDI, ESQ.
4 Nevada Bar No. 11137
5 Email: nedda@ghandilaw.com
6 LAURA A. DEETER, ESQ.
7 Nevada Bar No. 10562
8 Email: laura@ghandilaw.com
9 707 S. 10th Street
10 Las Vegas, NV 89101
11 Telephone: (702) 878-1115
12 Facsimile: (702) 447-9995
13 Attorneys for Plaintiff

10 DISTRICT COURT
11 FAMILY DIVISION
12 CLARK COUNTY, NEVADA

13 IGNACIO AVILA, JR.,
14
15 Plaintiff,
16 vs.
17 ROSIE ELENA MARTINEZ,
18 Defendant.

CASE NO.: D-15-515892-C
DEPT. NO.: L

Date of Hearing: 09/01/2015
Time of Hearing: 9:00 AM

19
20 **PLAINTIFF'S MOTION FOR JOINT LEGAL CUSTODY, JOINT PHYSICAL**
21 **CUSTODY, CHILD SUPPORT PURSUANT TO WRIGHT V. OSBURN, TO CHANGE**
22 **MINOR CHILD'S NAME, AND FOR ATTORNEY'S FEES AND COSTS.**

23 COMES NOW the Plaintiff, IGNACIO AVILA, JR., (hereinafter "Ignacio") by and
24 through his attorneys, NEDDA GHANDI, ESQ., and LAURA DEETER, ESQ., of GHANDI
DEETER LAW OFFICES and moves this Honorable Court for the following relief:

- 25 1. For an order granting the parties Joint Legal Custody and Joint Physical Custody
26 of the minor child;
- 27 2. For an order setting child support pursuant to Wright v. Osburn;
- 28 3. For an order changing the child's name to JAZLYNN ROSE AVILA;

- 1 4. For an award of attorney's fees and costs; and,
2 5. For such other and further relief as this Court deems just and proper in the
3 premises.

4 This Motion is made and based upon the papers and pleadings on file herein, the
5 Verification of Plaintiff, the Points and Authorities submitted herewith, and any argument, which
6 may adduced at the time of hearing.

7 DATED this 8 day of July, 2015.

8 GHANDI DEETER LAW OFFICES

9
10 Nedda Ghandi

11 NEDDA GHANDI, ESQ.

12 Nevada Bar No. 11137

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19 Telephone: (702) 878-1115

20 Facsimile: (702) 447-9995

21 *Attorneys for Plaintiff*

1 NOTICE OF MOTION

2
3 TO: DEFENDANT, ROSIE ELENA MARTINEZ, in proper person.

4 YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that the undersigned
5 will bring the above and foregoing Motion on for hearing before the Court at the courtroom of
6 the above-entitled Court on the 1st day of September, 2015, at the hour of 3 o'clock
7 a.m. of said day, in Department L of said Court.
8

9
10 Dated this 8th day of July, 2015.

11 Respectfully Submitted:

12 GHANDI DEETER LAW OFFICES

13
14 Nedda Ghandi

15 NEDDA GHANDI, ESQ.

16 Nevada Bar No. 11137

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25 *Attorneys for Plaintiff*
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1 **NRS 125.480 Best interests of child; preferences; presumptions when court**
2 **determines parent or person seeking custody is perpetrator of domestic violence or**
3 **has committed act of abduction against child or any other child.**

4 1. In determining custody of a minor child in an action brought under this chapter, the
5 sole consideration of the court is the best interest of the child. If it appears to the court
6 that joint custody would be in the best interest of the child, the court may grant custody to
7 the parties jointly.

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

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

12 (a) To both parents jointly pursuant to NRS 125.490 or to either parent. If the court
13 does not enter an order awarding joint custody of a child after either parent has applied
14 for joint custody, the court shall state in its decision the reason for its denial of the
15 parent's application.

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

18 (c) To any person related within the fifth degree of consanguinity to the child whom
19 the court finds suitable and able to provide proper care and guidance for the child,
20 regardless of whether the relative resides within this State.

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

23 4. In determining the best interest of the child, the court shall consider and set forth its
24 specific findings concerning, among other things:

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

27 (b) Any nomination by a parent or a guardian for the child.

28 (c) Which parent is more likely to allow the child to have frequent associations and a
continuing relationship with the noncustodial parent.

(d) The level of conflict between the parents.

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

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

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

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

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

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

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

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

5. Except as otherwise provided in subsection 6 or NRS 125C.210, a determination by
the court after an evidentiary hearing and finding by clear and convincing evidence that
either parent or any other person seeking custody has engaged in one or more acts of
domestic violence against the child, a parent of the child or any other person residing with
the child creates a rebuttable presumption that sole or joint custody of the child by the

1 perpetrator of the domestic violence is not in the best interest of the child. Upon making
2 such a determination, the court shall set forth:

3 (a) Findings of fact that support the determination that one or more acts of domestic
4 violence occurred; and

5 (b) Findings that the custody or visitation arrangement ordered by the court adequately
6 protects the child and the parent or other victim of domestic violence who resided with
7 the child;

8 6. If after an evidentiary hearing held pursuant to subsection 5 the court determines
9 that each party has engaged in acts of domestic violence, it shall, if possible, then
10 determine which person was the primary physical aggressor. In determining which party
11 was the primary physical aggressor for the purposes of this section, the court shall
12 consider:

13 (a) All prior acts of domestic violence involving either party;

14 (b) The relative severity of the injuries, if any, inflicted upon the persons involved in
15 those prior acts of domestic violence;

16 (c) The likelihood of future injury;

17 (d) Whether, during the prior acts, one of the parties acted in self-defense; and

18 (e) Any other factors which the court deems relevant to the determination.

19 ☐ In such a case, if it is not possible for the court to determine which party is the primary
20 physical aggressor, the presumption created pursuant to subsection 5 applies to both
21 parties. If it is possible for the court to determine which party is the primary physical
22 aggressor, the presumption created pursuant to subsection 5 applies only to the party
23 determined by the court to be the primary physical aggressor.

24 7. A determination by the court after an evidentiary hearing and finding by clear and
25 convincing evidence that either parent or any other person seeking custody has committed
26 any act of abduction against the child or any other child creates a rebuttable presumption
27 that sole or joint custody or unsupervised visitation of the child by the perpetrator of the
28 abduction is not in the best interest of the child. If the parent or other person seeking
custody does not rebut the presumption, the court shall not enter an order for sole or joint
custody or unsupervised visitation of the child by the perpetrator and the court shall set
forth:

(a) Findings of fact that support the determination that one or more acts of abduction
occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately
protects the child and the parent or other person from whom the child was abducted.

8. For purposes of subsection 7, any of the following acts constitute conclusive
evidence that an act of abduction occurred:

(a) A conviction of the defendant of any violation of NRS 200.310 to 200.340
inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar
conduct;

(b) A plea of guilty or nolo contendere by the defendant to any violation of NRS
200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits
the same or similar conduct; or

(c) An admission by the defendant to the court of the facts contained in the charging
document alleging a violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law
of any other jurisdiction that prohibits the same or similar conduct.

1 9. If, after a court enters a final order concerning custody of the child, a magistrate
2 determines there is probable cause to believe that an act of abduction has been committed
3 against the child or any other child and that a person who has been awarded sole or joint
4 custody or unsupervised visitation of the child has committed the act, the court shall,
upon a motion to modify the order concerning custody, reconsider the previous order
concerning custody pursuant to subsections 7 and 8.

5 10. As used in this section:

6 (a) "Abduction" means the commission of an act described in NRS
7 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits
the same or similar conduct.

8 (b) "Domestic violence" means the commission of any act described in NRS 33.018.

9 (Added to NRS by 1981, 283; A 1991, 980, 1175; 1995, 330; 2005, 1678; 2009
10 218, 222).

11 The correct standard in the case at bar is "best interest of the child" as set forth in Truax
12 v. Truax, 110 Nev. 437, 874 P.2d 10 (1994). In a child custody case, the Court's foremost
13 concern is the welfare of the child. Culbertson v. Culbertson, 91 Nev. 230, 233, 533 P.2d 768,
14 770 (1975). The polestar for the Court when deciding child custody cases is the best interest of
15 the child. Schwartz v. Schwartz, 107 Nev. 378, 812 P.2d 1268 (1991).

16 Further, this Court is vested with broad and sound discretion concerning child custody
17 matters. NRS 125.510; Rooney v. Rooney, 109 Nev. 540, 853 P.2d 123 (1993), and the exercise
18 of this discretion will not be disturbed on appeal unless clearly abused. Primm v. Lopes, 109 Nev.
19 502, 504, 853 P.2d 103, 104 (1993); Gilbert v. Warren, 95 Nev. 296, 594 P.2d 696 (1979);
20 Culbertson, supra; Noble v. Noble, 86 Nev. 459, 470 P.2d 430 (1970); Fenkell v. Fenkell, 86
21 Nev. 397, 469 P.2d 701 (1970).

22 In initially establishing custody, the paramount consideration of the Court is the best
23 interests of the child. As early as 1927 the Nevada Supreme Court in Atkins v. Atkins, 15 Nev.
24 333, 259 P. 288 (1927) held, "The basis of the power conferred on the Court by this Statute to
25 exercise a broad discretion as to custody and support, lies in the reason that it is not the rights of
26
27
28

1 the parties which are to be determined, but the best interest of the child. This is universally held
2 to be a paramount consideration."

3 Furthermore, as set forth in the Supreme Court's decision in Mosley v. Figliuzzi, 930
4 P.2d 1110, 113 Nev. 51 (1997), it is the preference of this State to award both parties physical
5 custody of a minor child. In this decision, the Nevada Supreme Court offered the following
6 insightful observations concerning an award of joint custody to both parents:
7

8 **SOME OBSERVATIONS ON SHARED CUSTODY AND THE "BEST INTEREST**
9 **OF THE CHILD"**

10 "Because the mother may in the future seek, by proper means, to attack the joint custody
11 decree of August 26, 1993, and because it is rather apparent that the trial court, in ruling
12 on the mother's Motion to Amend Court Order, did not, in ordering the subject
13 termination of joint custody, consider all of the statutory requisites relating to "best
14 interest of the child," we deem it appropriate to comment on this vital aspect of child
15 custody adjudication.

16 The enactment of NRS 125.460 in 1981, was a remarkable historical event. Throughout
17 most history legislatures and courts have been blind to the reality that most children are in
18 most cases much better off, after their parents separate, if they can continue to have two
19 parents rather than only one.

20 The realization that children are better off with both parents has been a long time in
21 coming. Throughout most child-custody litigation in the past, the child was "awarded" to
22 one parent or the other; one parent "won" custody, and the other "lost." In either case,
23 the child lost because the child was in many cases unnecessarily deprived of one parent.
24 Courts, until recently, seem to have been unable to grasp the rather simple fact that most
25 children have two loving parents and are entitled to the love of both—to the greatest extent
26 possible—in the event that the two parents decide not to live together in one household.

27 Throughout most history, and in much of the world today, the law has contained a strong
28 or conclusive presumption that sole custody should be awarded to the father in all cases
of family dissolution. In this country, the paternal preference started changing as the
industrial revolution accelerated through the 19th century when fathers were being
pushed out of family farms and other family enterprises into the factories. This started
the trend toward maternal preference that became almost as absolute as the paternal
preference had been before.

As the trend toward maternal preference developed, social theorists began to define rather
rigid sex role separations with the father being seen as the external wage earner and the
mother as a home-bound nurturer. Eventually the trend developed to the point where
there was an almost complete swing of the pendulum, resulting in what came to be known

1 as the "tender years doctrine," under which exclusive custody was awarded almost
2 automatically to the mother, with the same rigidity as the earlier awards of automatic
3 custody to the father.

4 As of late, the tender years doctrine has gone out of vogue, and the law has been
5 advancing, both legislatively and judicially to the point of recognizing that either father or
6 mother could be safely adjudged to be the better parent. After this recognition, the next
7 step was the recognition that the best parent is both parents.

8 There is presently a broad political and scientific consensus that children do better when
9 they have two actively involved parents. By encouraging "frequent associations and a
10 continuing relationship with both parents" and by enacting the joint custody preference
11 statute our legislature was recognizing the importance of encouraging family preservation
12 after separation and divorce and the vital necessity for maintaining both paternal and
13 maternal influences on children to the greatest extent possible. The legislature has
14 recognized that the key to preserving the "best interests" of the child lies in accepting the
15 principle that it is not necessary for the courts, in child custody decrees, to perform a
16 "parentectomy."

17 The record in this case discloses that both parents are good parents and genuinely love
18 Michael and that both parents want to function as parents and not as occasional visitors.
19 The courts should continue to seek to preserve for Michael, and for other children, as
20 much as possible of the benefits that we know to flow from full, active, emotional and
21 physical relationships between children and both of their parents. Thus, the courts should
22 be striving to impose as little change from the intact two-parent family as possible after
23 the parents separate. This is exactly what the court did for most of Michael's life and
24 until the order entered in this case, when the parentectomy was performed, excising
25 Michael's father from Michael's life.

26 The termination of this father's custody could very easily be perceived as being an
27 unnecessary "parentectomy" and in a certain sense, a parricide. The question that must be
28 addressed by the trial court now is whether, after the parties agreed to joint custody and
after three judges awarded joint custody to the mother and father, it is necessary and in
the best interests of Michael to sever the joint custody and to alter the agreed-upon 50/50
custody arrangement. Is it necessary and in the best interest of Michael that this father,
who so wants to be actively engaged in the upbringing of his son, must become a stranger
to his son and another every-other-week-end father?

29 We stress the risks that are involved in terminating the joint custody in this case and in
30 changing father-custody to father-visitation. As we point out throughout this opinion,
31 significant differences do emerge in social science studies between one-parent and two-
32 parent families, differences that will most likely affect the future life of Michael".

33 It is apparent that the Nevada Supreme Court, and the Nevada Legislature have set forth a
34 requirement that both parents should equally share the responsibility of child rearing. In the

1 Nevada Supreme Court decision of McGuinness v. McGuinness, 970 P.2d 1074, 114 Nev. 1431
2 (1998), the Mosley case was interpreted to provide that there is indeed a "preference for joint
3 physical custody in our law" (McGuinness at 1077).

4
5 Therefore, an award of joint legal and joint physical custody in this case is consistent with
6 the prevailing Nevada authority, and also consistent with the public policy of the State of
7 Nevada. It is disturbing that Defendant has refused to allow consistent visitation and contact
8 between Jazlynn and Ignacio. At this point she is clearly not fostering a relationship between
9 Jazlynn and Ignacio. Therefore, pursuant to the statutory and case law cited above, Ignacio
10 respectfully requests that this Court enter an order designating the parties as joint legal and joint
11 physical custodians of Jazlynn.
12

13 **B. IGNACIO'S PROPOSED TIMESHARE IS IN JAZLYNN'S BEST INTEREST.**

14 Ignacio's work schedule gives him great freedom over the weekends.
15 Accordingly, he would pick up Jazlynn at 12:00 pm on Friday and deliver her to Defendant at
16 12:00 pm on Monday. Defendant would have Jazlynn the balance of the time. This schedule
17 would continue until Jazlynn attends school. Standard Holiday and Vacation visitation would
18 also be applicable.
19

20
21 **C. CHILD SUPPORT SHOULD BE SET PURSUANT TO THE FORMULA SET**
22 **FORTH IN WRIGHT V. OSBURN.**

23 Nevada clearly requires parents to support their minor children. The child support
24 formulas as of this date are as follows:

25 **NRS 125B.070 Amount of payment: Definitions; adjustment of presumptive**
26 **maximum amount based on change in Consumer Price Index.**

27 1. As used in this section and NRS 125B.080, unless the context otherwise requires:

28 (a) "Gross monthly income" means the total amount of income
received each month from any source of a person who is not self-

employed or the gross income from any source of a self-employed person, after deduction of all legitimate business expenses, but without deduction for personal income taxes, contributions for retirement benefits, contributions to a pension or for any other personal expenses.

(b) "Obligation for support" means the sum certain dollar amount determined according to the following schedule:

- (1) For one child, 18 percent;
- (2) For two children, 25 percent;
- (3) For three children, 29 percent;
- (4) For four children, 31 percent; and
- (5) For each additional child, an additional 2 percent,

of a parent's gross monthly income, but not more than the presumptive maximum amount per month per child set forth for the parent in subsection 2 for an obligation for support determined pursuant to subparagraphs (1) to (4), inclusive, unless the court sets forth findings of fact as to the basis for a different amount pursuant to subsection 6 of NRS 125B.080.

2. For the purposes of paragraph (b) of subsection 1, the presumptive maximum amount per month per child for an obligation for support, as adjusted pursuant to subsection 3, is:

INCOME RANGE	PRESUMPTIVE MAXIMUM AMOUNT
--------------	----------------------------

if the Parent's Gross Monthly Income is At Least *	But Less Than *	The Presumptive Maximum Amount the Parent May Be Required To Pay Per Month Per Child Pursuant to Paragraph (b) of Subsection 1 is *	
		Per Month Per Child	Pursuant to Paragraph (b) of Subsection 1 is *
\$0	\$4,235	\$649	
4,235	6,351	\$714	
6,351	8,467	\$781	
8,467	10,585	\$844	
10,585	12,701	\$909	
12,701	14,816	\$973	
14,816	No Limit	\$1040	

If a parent's gross monthly income is equal to or greater than \$14,816*, the presumptive maximum amount the parent may be required to pay pursuant to paragraph (b) of subsection 1 is \$ \$1040*.

3. The amounts set forth in subsection 2 for each income range and the corresponding amount of the obligation for support must be amended on July 1 of

1 each year for the fiscal year beginning that day and ending June 30 in a rounded
2 dollar amount corresponding to the percentage of increase or decrease in the
3 Consumer Price Index (All Items) published by the United States Department of
4 Labor for the preceding calendar year. On April 1 of each year, the office of court
5 administrator shall determine the amount of the increase or decrease required by
6 this subsection, establish the adjusted amounts to take effect on July 1 of that year
7 and notify each district court of the adjusted amounts.

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4. As used in this section, "office of court administrator" means the office of court administrator created pursuant to NRS 1.320.

Nevada's income percentage approach reflects a public policy that factors in parent's spending on their children an approximate percentage of the income they would have if the family had stayed together. This approach considers the children's needs over the parents. It was determined that 18% of the non-custodial parent's income should be paid as and for the financial contribution for one child.

Therefore, pursuant to Barbagallo v. Barbagallo, 105 Nev. 546, 779 P.2d 673 (1991) the court shall "apply the appropriate formula and order the secondary custodian to pay the formula amount." See Decision at page 549. Further, the Nevada Supreme Court held that due to "the presumptive nature of the formula, application of the formula must be the rule, any deviation... must be the exception." See Decision at page 552.

The Nevada Supreme Court in Lewis v. Hicks, 108 Nev. 1107, 843 P.2d 828 held that "the statute specifically requires that child support awards be calculated from gross income and exclusive of any other personal expenses." See NRS 125B.070(1)(a). The Legislature's purpose in using "gross monthly income" was to avoid judicial examination of the minutiae of a parent's finances. See Lewis Decision at page 832.

When deciding child support in joint physical custody cases, this Court is guided by the Nevada Supreme Court's decision in Wright v. Osburn, 970 P.2d 1071, 114 Nev. 1367 (1998). To be consistent with the Wright decision, the child support Order in this case should be

1 structured as follows: 18% of Ignacio's statutory child support obligation to Defendant less 18%
2 of Defendant's statutory child support obligation to Ignacio. Once the FDFs are filed, child
3 support should be calculated pursuant to the formula in Wright v. Osburn.
4

5 **D. THE BABY'S NAME SHOULD BE CHANGED TO JAZLYNN ROSE AVILA.**

6 Ignacio is the biological father of Jazlynn. Defendant hid the birth of Jazlynn from
7 Ignacio for several months after she was born. He was never given the opportunity to sign the
8 birth certificate nor to be acknowledged as Jazlynn's father. Accordingly, Ignacio respectfully
9 requests that he be named as father on the birth certificate and that Jazlynn bear his name.
10

11 **E. IGNACIO SHOULD BE AWARDED ATTORNEY'S FEES FOR HAVING TO**
12 **BRING THIS MOTION.**

13 Ignacio should be awarded fees and costs.

14 NRS 18.010 Award of attorney's fees.

15 1. The compensation of an attorney and counselor for his services is governed
16 by agreement, express or implied, which is not restrained by law.

17 2. In addition to the cases where an allowance is authorized by specific
18 statute, the court may make an allowance of attorney's fees to a prevailing party:

19 (a) When he has not recovered more than \$20,000; or

20 (b) Without regard to the recovery sought, when the court finds that the claim,
21 counterclaim, cross-claim or third-party complaint or defense of the opposing
22 party was brought or maintained without reasonable ground or to harass the
23 prevailing party. The court shall liberally construe the provisions of this paragraph
24 in favor of awarding attorney's fees in all appropriate situations. It is the intent of
25 the Legislature that the court award attorney's fees pursuant to this paragraph and
26 impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in
27 all appropriate situations to punish for and deter frivolous or vexatious claims and
28 defenses because such claims and defenses overburden limited judicial resources,
hinder the timely resolution of meritorious claims and increase the costs of
engaging in business and providing professional services to the public.

3. In awarding attorney's fees, the court may pronounce its decision on the
fees at the conclusion of the trial or special proceeding without written motion and
with or without presentation of additional evidence.

1 3. Subsections 2 and 3 do not apply to any action arising out of a written
2 instrument or agreement which entitles the prevailing party to an award of
reasonable attorney's fees.

3 Ignacio has unnecessarily incurred substantial fees and Defendant should be ordered to
4 pay those fees. The reasonableness of counsel's fees are assessed in light of the factors recited in
5 Brunzell v. Golden Gate National Bank, 85 Nev. 345, 455 P.2d 31 (1969) and Miller v. Wilfong,
6 121 Nev. 619; 119 P.3d 727 (2005). The factors include:
7

8 Qualities of the advocate;

- 9
- 10 1. Character of the work to be done;
 - 11 2. Work actually performed by the lawyer; and
 - 12 3. The result.

13 Plaintiff's counsel has been practicing family law almost exclusively for several years
14 and is a member in good standing of the Nevada State Bar.
15

16 IV.

17 CONCLUSION.

18 In light of the authority stated above, Ignacio respectfully requests the following relief:

- 19 1. For an order granting the parties Joint Legal Custody and Joint Physical Custody of
20 the minor child;
- 21 2. For an order setting child support pursuant to Wright v. Osburn;
- 22 3. For an order changing the child's name to JAZLYNN ROSE AVILA;
- 23 4. For an award of attorney's fees and costs; and,

24 ///

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1 5. For such other and further relief as this Court deems just and proper in the premises.

2 DATED this 8 day of July, 2015.

3
4 Respectfully submitted,

5 GHANDI DEETER LAW OFFICES

6
7 Nedda Ghandi

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Good morning how is your day going
in here. Can you show how my day is
doing and how you are doing. I am
just and at last to see how my day is
going.

Pls reply to me at last to see how my
day is going. I am just and how
you are doing.

Today

Good morning how is your day going
can you just pls show how my day is
going and how you are doing. I am
just and at last to see how my day is
going.

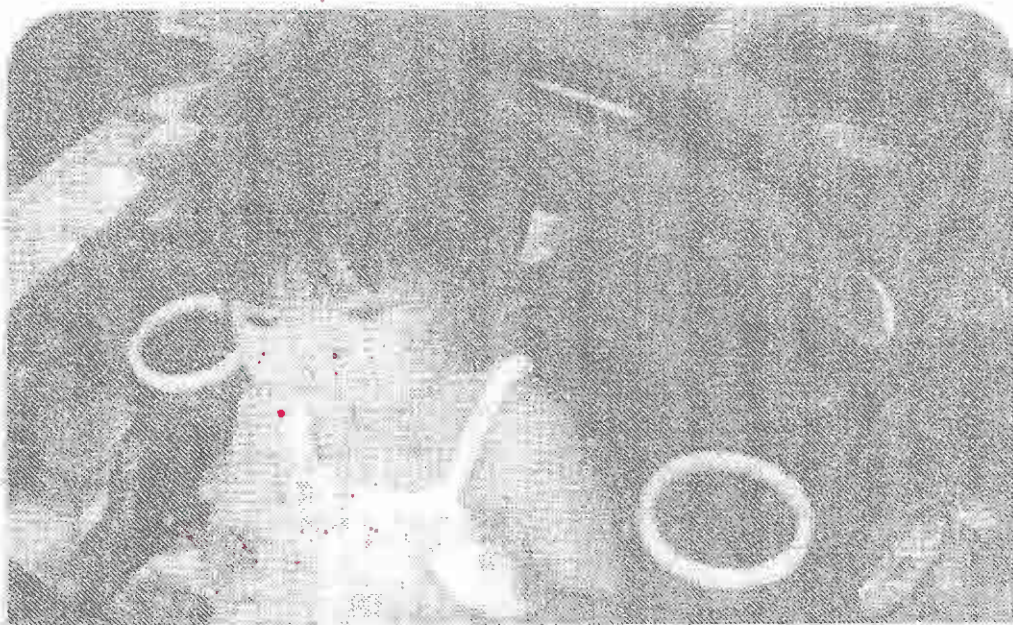
Good morning how is your day going
can you just pls show how my day is
going and how you are doing. I am
just and at last to see how my day is
going.

Good morning how is your day going
can you just pls show how my day is
going and how you are doing. I am
just and at last to see how my day is
going.

please when you call you
just pls reply I just want to
know how my baby is
doing and I want pics of
her pls

today 2:21 PM

Can you pls respond to
me pls I really miss my
baby can I talk to her or let
me see her pls I am
worried





she's good she's eating grapes 8:11 PM



I cant believe what you did I can't believe
you send me to court after I let you see the
baby when ever you want. I don't want to
talk to you no more till court day and you
can't see the baby no more till we go to
court and wait to what the judge says ok!

8:28 PM

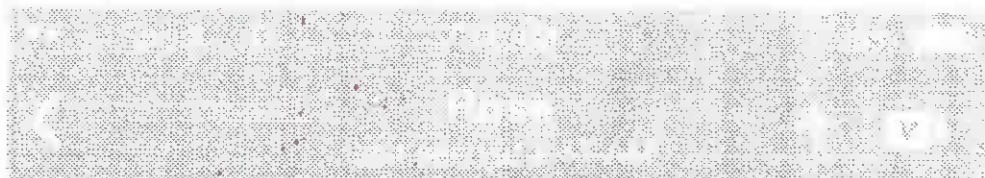


Yesterday



Today





Wednesday

Hey how's our daughter doing?

Thursday

How's my baby?

6/20/15

Good morning how's my baby can you
send me pics pls. can you pls let me know
how's she doing pls I really want to see her
pls

Yesterday

Good morning can I see my baby pls I
really really want to see my baby I haven't
heard from you to see how my baby is
doing pls let me see my baby pls I'm
begging you pls let me see my baby I also
have to meet my family for breakfast at 10
pls



New Message



Sprint

2:06 PM

58%

< Messages

Rem

Details

pls

Today 8:13 AM

Good morning can I see
my baby pls I really really
want to see my baby I
haven't heard from you to
see how my baby is doing
pls let me see my baby pls
I'm begging you pls let me
see my baby. I also have
to meet my family for
breakfast at 10 pls

Today 2:05 PM

I really want to see my
baby pls its Father's Day I
don't want to miss it again
pls I'm begging you! Pls
the day still not over pls




Text Message

Send

Sprint 3G

8:50 AM

90%  Messages

Rem

Details

Thursday 7:56 AM

Good morning how are you and my baby? Can I talk to her or Can you send me a pic pls and can I pls see her I haven't seen her pls I really want to see her

Thursday 12:21 PM

Can I see my baby pls?

Friday 8:36 AM

Good morning how's my baby doing? Can you send me a pic of her pls? Can I have her for the weekend pls I haven't seen my baby I really miss her pls





Text Message

Send

Sprint 3G

8:49 AM

90%  Messages

Rem

Details

Friday 8:36 AM

Good morning how's my baby doing? Can you send me a pic of her pls? Can I have her for the weekend pls I haven't seen my baby I really miss her pls

Friday 10:56 AM

Can I pls see my baby I'm off already i haven't seen her for a week and a half pls

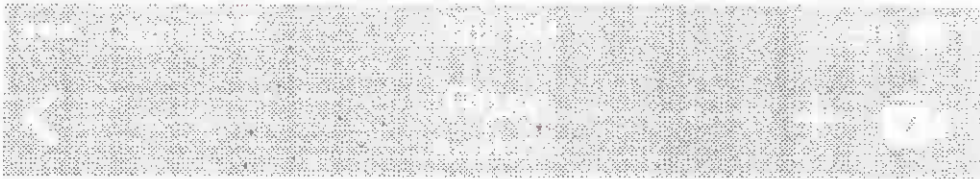
Saturday 9:23 AM

Good morning can I see my baby today pls? Let me see her pls I'm begging you pls let me see her



Text Message

Send



Yesterday

Good morning how's my baby pls reply
to I really want to know how my baby is
doing pls I'm worried why don't you
respond atleast to see how my baby is
doing

Pls reply to me at least to see how my
baby is doing I really miss her pls
respond to me pls

Today

Good morning I haven't heard from you
can you just pls reply I just want to know
how my baby is doing and I want pics of
her pls

Good morning I haven't heard from you
can you just pls reply I just want to know
how my baby is doing and I want pics of
her pls

Can you pls respond to me pls I really
miss my baby can I talk to her or let me
see her pls I am worried



New Message

*** Sprint

3:02 PM

55%

< Messages

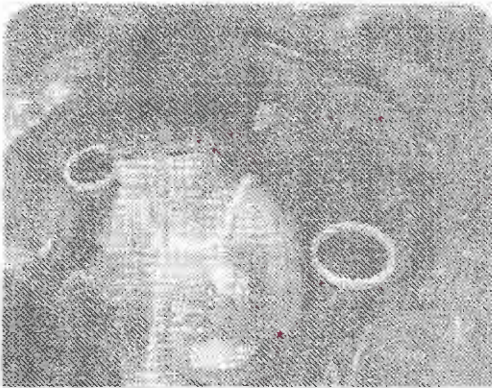
Rem

Details

Good morning I haven't
heard from you can you
just pls reply I just want to
know how my baby is
doing and I want pics of
her pls

Today 3:24 PM

Can you pls respond to
me pls I really miss my
baby can I talk to her or let
me see her pls I am
worried



Text Message

Send

Sprint

6:10 PM

43%

 Messages

Rem

Details

Yesterday 9:23 AM

Good morning can I see
my baby today pls? Let
me see her pls I'm
begging you pls let me see
her

Today 8:56 AM

Good morning how's my
baby can you send me
pics of her pls? I really
want to see her, her
grandma and grandpa
want to see her they will
be here till after 4th of July
pls let my baby see her
grandma and grandpa pls.
They also want to see her
pls



Text Message

Send

Sprint 1x

8:47 AM

91%

< Messages

Rem

Details

Yesterday 5:44 PM

No I would lend her to you
all the time and you still
send me to court that's
what you want to deal
with the court and not
with me well now you
wait. An

d stop sending me msgs
cuz I'm with my family.

Not all the time you would
always give me the option
of either fri and sat or sat
and sun. Pls let me see her

Yea right that was only
sometimes when I needed
her to go with my family




Take a picture

Send

Sprint

6:14 PM

42%  Messages

Rem

Details

d stop sending me msgs
cuz I'm with my family.

Not all the time you would
always give me the option
of either fri and sat or sat
and sun. Pls let me see her

Yea right that was only
sometimes when I needed
her to go with my family

Pls I just want to see my
baby be mad at me but
don't punish me by seeing
my daughter pls just let
me see her I already
missed almost two weeks
without seeing her

No and you did this to
yourself wait till court.



Text Message

Send

Sprint

12:36 PM

67%

 Messages

Rem

Details

Thursday 9:51 AM

Good morning how's my
baby can I see my baby
pls I really want to see her
I miss her pls let me get
her pls

Friday 9:03 AM

Good morning how's my
baby pls pls send me a pic
of her and can I get her for
the weekend my parents
are still here and want to
see her I also want to see
her pls let me get her pls
rosie

Friday 3:59 PM

Can I atleast see her for a
couple of hours pls I miss



Text Message

Send

Sprint

12:37 PM

67%

 Messages

Rem

Details

Friday 3:59 PM

Can I atleast see her for a couple of hours pls I miss my baby and grandpa and grandma want to see her

Saturday 12:53 PM

Hi how's my baby doing pls send me pics of her I haven't see her. let me get her atleast for today pls I didn't have her last 4th of July pls let me get her for today i miss her a lot pls. Even if it's just for a couple of hours I just want to see her

Yesterday 11:06 AM



Take Message

Send

[← Messages](#)[Rem](#)[Details](#)

July pls let me get her for
today i miss her a lot pls.
Even if it's just for a couple
of hours I just want to see
her

Yesterday 11:06 AM

Good morning can I get
my baby pls atleast for a
couple of hours so could
see her and her grandma
and grandpa pls they are
leaving today pls let me
get her

Today 11:29 AM

How's my baby doing?
Can you at least respond
to me on how she is doing
and can I get pics pls



Send

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

IGNACIO AVILA, Jr.
Plaintiff/Petitioner

v.
ROSIE ELENA MARTINEZ
Defendant/Respondent

Case No. D-15-515892-C

Dept. L

MOTION/OPPOSITION
FEE INFORMATION SHEET

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

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

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

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

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

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

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

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

Party filing Motion/Opposition: IGNACIO AVILA, Jr. Date 10 July 15

Signature of Party or Preparer [Signature]

AA000040

EXHIBIT “C”

From: Gayle T. Nathan [mailto:gayle@steinberglawgroup.com]
Sent: Wednesday, July 15, 2015 4:09 PM
To: Nedda Ghandi, Esq.
Cc: Rhiannon Renn
Subject: RE: Avila v. Martinez D -15-515892

Dear Ms. Ghandi,

First, I received an email from Ms. Renn with a stipulation putting the parties into mediation. I am not signing this stipulation until Paternity is confirmed. Alternatively, you can insert language that Mediation will commence upon receipt of the paternity results. I would be fine with that.

Kindly send over a stipulation and order for paternity testing so we can get on that. The mother does not need to be tested; so on the form we are marking testing for the father and child.

Second, Ms. Martinez consents to the following immediate stipulation for visitation: Mr. Avila may have visitation with Jazlynn every other weekend commencing this weekend from noon on Friday until noon on Sunday, exchanging at the Shell station they have been using for the exchanging.

Additionally, he may have visitation on the Tuesday and Thursday following the weekend he does not have visitation from Noon until 6 PM. So, his first Tues will be July 28 and his first Thursday will be July 29th.

Please have the Stipulation reflect that Ms. Martinez has temporary primary custody; you may put in language this is a temporary order without prejudice to either party to facilitate contact while the parties complete paternity testing and mediation.

Finally, please provide the address at which the child will be residing, and who else resides at that address. I believe that we should be able to obtain a stipulation and order if we act quickly on this.

I am in the office pretty much all day Thursday and Friday to sign off on the stipulation. If you ask the Law Clerk to put it in front of the Judge I think they will expedite it for the weekend visit.

Please call if you have any questions.

AA000042

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

IGNACIO AVILA, JR.

Plaintiff/Petitioner

ROSIE ELENA MARTINEZ

Defendant/Respondent

Case No. D-15-515892-C

Dept. L

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

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

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

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

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

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

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

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

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

Party filing Motion/Opposition:

Defendant

Date

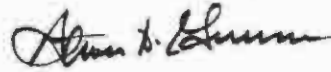
7/23/15

Signature of Party or Preparer

Bartney Robinson

AA000043

1 **OPPM**
2 **STEINBERG LAW GROUP**
3 **BRIAN J. STEINBERG, ESQ.**
4 Nevada Bar No. 5787
5 **GAYLE NATHAN, ESQ.**
6 Nevada Bar No. 4917
7 4270 S. Decatur Blvd., Suite B10
8 Las Vegas, Nevada 89103
9 Telephone: (702) 384-9664
10 Facsimile: (702) 384-9668
11 Email: brian@steinberglawgroup.com
12 Email: gayle@steinberglawgroup.com
13 Attorney for Defendant


CLERK OF THE COURT

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

11 **IGNACIO AVILA, JR.,**

12 Plaintiff,

13 vs.

14 **ROSIE ELENA MARTINEZ,**

15 Defendant.

CASE NO: D-15-515892-C
DEPT NO: L

DATE: 9/1/15
TIME: 9:00 AM

16 **OPPOSITION TO PLAINTIFF'S MOTIN FOR JOINT LEGAL CUSTODY, JOINT**
17 **PHYSICAL CUSTODY, CHILD SUPPORT PURSUANT TO WRIGHT V. OSBURN, TO**
18 **CHANGE THE MINOR CHILD'S NAME AND FOR ATTORNEY'S FEES AND COSTS**
19 **AND**
20 **COUNTERMOTION FOR AN ORDER FOR PATERNITY TESTING; FOR**
21 **MEDIATION; FOR PRIMARY PHYSICAL CUSTODY AND A DEFINED VISITATION**
22 **AND FOR AN ORDER FOR CHILD SUPPORT ATTORNEY'S FEES AND OTHER**
23 **RELATED RELIEF**

24 **COMES NOW** the Defendant, **ROSIE ELENA MARTINEZ**, by and through her legal
25 counsel, **GAYLE NATHAN, ESQ.**, of the **STEINBERG LAW GROUP**, and respectfully
26 moves this Honorable Court to issue the following Orders:

- 27 1. For an Order that Plaintiff be paternity tested;
- 28 2. For an Order that Defendant be granted primary physical custody and the Plaintiff
be granted defined visitation;
3. For an Order that parties be sent to Mediation to work out a Parenting Agreement;
4. For an Order for sanctions and attorney fees in the amount of \$3500;

- 1 5. For an Order setting child support based upon the temporary custody order;
2 6. For an Order denying Plaintiff's Motion;
3 7. For such other relief as the Court deems necessary and proper under the
4 circumstances.

5 This Opposition and Counter Motion is made and based upon the papers and pleadings on
6 file herein, the Points and Authorities, the Declaration of Defendant, and any exhibits attached
7 hereto and any argument which may be adduced at the time of the hearing.

8 **DATED** this 23 day of July, 2015.

9 **STEINBERG LAW GROUP**

10 
11 _____
12 **GAYLE NATHAN, ESQ.**

13 Nevada Bar No. 4917

14 4270 S. Decatur Blvd., Suite B10

15 Las Vegas, Nevada 89103

16 Telephone: (702) 384-9664

17 Facsimile: (702) 384-9668

18 Email: brian@steinberglawgroup.com

19 Email: Gayle@steinberglawgroup.com

20 Attorney for Defendant
21
22
23
24
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28

I.
STATEMENT OF FACTS/ARGUMENT

The Defendant herein, ROSA MARTINEZ ELENA, ("ROSIE") is in a long term and bonded relationship with Henry Oliva. They have two children, ages 7 and 3 ½ years of age. About seven years ago Rosie's mother passed away and about three years ago Rosie's grandmother passed away, creating an emotional and unstable time for her.

At that time she met Plaintiff, IGNACIO AVILA ("IGNACIO"). They had the very briefest of affairs then did not see each other again.

Rosie and Henry re-established their relationship. Rosie soon found out that she was pregnant again, and baby JAZLYNN ROSE, born 10/25/13 was born. Rosie and Henry did not question paternity until approximately May 2014 when Rosie realized that Jazlynn could be Ignacio's. She immediately contacted Ignacio and disclosed her belief. Despite the fact that her partner Henry, was deeply hurt by the turn of events, she arranged for Ignacio to spend time with Jazlynn almost every weekend from that time until he filed his Complaint. It is simply not true that Rosie withheld or refused to facilitate contact, because she did! It was Ignacio who created this conflict by filing a custody action with no discussion or forewarning or attempt to mediate when he was having custodial time virtually every weekend. His undated texts are post filing of the complaint. Frankly, Rosie was concerned that he would keep their child. The only weekends he did not have Jazlynn prior to his filing were when Rosie visited family in California. She thought they had a cordial, working relationship and was shocked and hurt by his filing for custody.

Rosie, prior to being served with the instant Motion, proposed to Ignacio, through his counsel, that (1) there be immediate paternity testing as there is no presumption of paternity under the statute. Whereas Rosie may believe Ignacio to be the biological father, the fact is there are two presumptive fathers, so his paternity needs to be confirmed; (2) that the parties immediately go into Mediation upon paternity being confirmed; (3) that a temporary order of custody and visitation be made by stipulation to give Ignacio and Jazlynn immediate contact. The issue of Paternity has been ignored by counsel, and only the Stipulation for Mediation has been forwarded. Exhibit "A".

1 Additionally, despite the fact that Ignacio's counsel was asked to take the Motion off
2 calendar, she has refused to do so, forcing Rosie to incur attorney fees that may not be necessary.
3 Exhibit "B".

4 Rosie, through counsel has offered a specific visitation plan that has not been agreed to.
5 Ignacio is essentially insisting on joint physical custody with no plan or discussion of where this
6 one and a half year old will be while he is working when she has been with her mother (who is
7 available to care for her) and her siblings her entire life. Exhibit "C".

8 In looking at best interests here, the Court is asked to look at the family unit that Jazlynn
9 has been part of since birth. She has two brothers with whom she is closely bonded. She is also
10 closely bonded to her de facto step-father, Henry. This is a close and loving family. It would not
11 be in Jazlynn's best interest to rip her from a family unit to meet the lip service of "best interest
of the child".

12 After an evidentiary hearing, the Court will be able to make findings of fact that support
13 an award of primary custody to Rosie with weekly custodial time to Ignacio, short of joint
14 physical custody. It is unfair for this child to be deprived of family and family events, and the
15 continuing bond with her siblings in this particular case. As the youngest in her family, her
16 absence from family events will no doubt cause jealousy and disharmony between the siblings.
17 This cannot be in her best interests. The father's role in her life is determined by the quality of his
18 interaction with her, not the quantity of time with her.

19 When the Court looks at bonds, how bonded is she to the father who shares her with his
20 extended family every weekend because he has roommates where he lives and has done nothing
to demonstrate he has a suitable home for their child.

21 Rosie, is currently unemployed. On information and belief Ignacio works at Ceasars
22 Palace Casino's Warehouse from 3 AM -11AM. He makes \$23/hr. At \$3987 per month, his child
23 support is \$670.

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II.

POINTS AND AUTHORITIES

A **IT IS IN THE BEST INTERESTS OF JAZLYNN FOR ROSIE TO BE AWARDED
PRIMARY PHYSICAL CUSTODY**

As set forth above, Jazlynn is bonded with her family and part of a close and loving family unit. These parents (presuming paternity will be confirmed) did not have a relationship, they had a brief encounter. They have no known common interests or friends.

On information and belief, Ignacio spends the weekends he has Jazlynn with his extended family, so there is a serious question as to how bonded Jazlynn is to him as a parent when he is not the one meeting her needs, himself, and what his parenting abilities actually are.

Rosie argues that it is not in Jazlynn's best interest for a temporary joint physical custody order to be entered. The Court needs to hear the testimony of the parties to make a determination as to what is in Jazlynn's best interests. This is not about advocating for a "tender years" analysis. It is about the more complicated social issue of a child born from a brief encounter into a now stable and rich family life, with siblings and a de facto step-father she is well bonded to.

The Court should note that Rosie could have stayed silent and Ignacio would never have known he had a daughter. She did not. When it became apparent to her, she went to him and her loving partner and made the most painful disclosure of her life. The analysis for the Court is what now is in the best interest of this one and a half year old child.

In the analysis under NRS 125.480 (4) she asks the Court to consider the following:

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

Here the child is not of sufficient age and capacity to inform the Court as to her preference.

(b) Any nomination by a parent or a guardian for the child.

Ignacio is seeking joint physical custody and Rosie is seeking primary custody; or alternatively joint physical custody if the Court reaches that decision.

1 (c) Which parent is more likely to allow the child to have frequent associations and a continuing
2 relationship with the noncustodial parent.

3 **Rosie went to Ignacio and set up weekly contact between the child and father (save**
4 **for occasional weekends when she brought her entire family to California to see**
5 **extended family). She has already demonstrated she is the parent to promote frequent**
6 **associations and a continuing relationship.**

7 (d) The level of conflict between the parents.

8 **Up until the filing of this action there was no real conflict that Rosie was aware of.**

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

10 **Ignacio's texts and communications have been self – centered; that he needs to see his**
11 **child. That is not the focus; the focus is what is in the child's best interest, not the**
12 **parent's best interest. He is frankly harassing Rosie with daily texts and phone calls;**
13 **some of his communications are expressing concern at what his financial obligations**
14 **are now going to be. He is exhibiting a lack of insight as to what the conversations**
15 **should be at this stage.**

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

17 **Both are in good health.**

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

19 **Jazlynn is a typical 1 ½ year old with all the needs of a normally developing child of**
20 **this age.**

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

22 **Jazlynn has a close and loving bond with her mother.**

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

24 **There are two brothers in her mother's home, ages 7 and 3 1/2 years of age.**

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

26 **None.**

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

1 **No known acts of domestic violence.**

2 (I) Whether either parent or any other person seeking custody has committed any act of
3 abduction against the child or any other child. N/A

4 **No.**

5
6 Rosie asks the Court for a temporary Order of primary custody: to set Ignacio's visitation
7 from Friday noon through Sunday noon every other weekend to permit her to take her family to
8 California to visit extended family on the alternate weekends, the give Ignacio additional visitation
9 on the Tues and Thursday following the weekend he does not have visitation from Noon until 6
10 PM.

11 She also asks the Court to set an evidentiary hearing as this is a case where the Parties are
12 entrenched in their positions and the Court will have to make FINDINGS as to what is in 1 ½ year
old Jazlynn's best interest.

13 **B. ROSIE SHOULD BE AWARDED ATTORNEY FEES AND SANCTIONS UNDER**
14 **EDCR 5.11**

15 Rosie, through her counsel, immediately attempted to resolve all issues through
16 stipulation, starting with paternity testing, then mediation with a proposed visitation schedule.
17 Plaintiff's counsel refused to take the Motion off counsel, thus leading to increased fees that are
18 simply not necessary. Rosie therefore not only asks for but is entitled to attorney fees.

19
20 EDCR 5.11 and NRS 18.010.

21 **Rule 5.32. Motions for support; fees and allowances; affidavit of financial**
22 **condition required.**

23 (a) Any motion for fees and allowances, temporary spousal support, child support,
24 exclusive possession of a community residence, or any other matter involving the
25 issue of money to be paid by a party must be accompanied by an affidavit of
26 financial condition describing the financial condition and needs of the movant.
27 [Emphasis added]. The affidavit of financial condition must be prepared on a form
28 approved by the court. An incomplete affidavit or the absence of the affidavit of
financial condition may be construed as an admission that the motion is not
meritorious and as cause for its denial. Attorney's fees and other sanctions may be
awarded for an untimely, fraudulent, or incomplete filing. [Emphasis added].

1 (b) Any party opposing a motion for fees and allowances, temporary spousal
2 support, child support, exclusive possession of the community residence, or any
3 other matter involving the issue of money to be paid by a party must also submit an
4 affidavit of financial condition describing the financial condition of that party at the
5 time of the filing of the opposition or no later than 2 days before the date of
6 hearing, whichever is earlier. The affidavit of financial condition must be prepared
7 on a form approved by the court. The failure of a party opposing such motion to file
8 an affidavit of financial condition may be construed as an admission that the
opposing party has the resources to pay the amount requested by the moving party
or has the resources to permit the other party to have exclusive possession of the
marital residence. Attorney's fees and other sanctions may be awarded for an
untimely, fraudulent or incomplete filing.

9 (c) Income of a successor spouse of a party must be listed in that party's affidavit
10 of financial condition in the "other income" section of the affidavit. If any party
11 resides with an adult person other than a spouse, that party's affidavit of financial
condition must reflect the extent to which the cohabitant contributes to that party's
expenses.

12 (d) An affidavit of financial condition may only be filed in open court with leave of
the judge upon a showing of excusable delay.

13 **NRS 18.010 Award of attorney's fees.**

14 1. The compensation of an attorney and counselor for his or her services is
governed by agreement, express or implied, which is not restrained by law.

15 2. In addition to the cases where an allowance is authorized by specific statute,
16 the court may make an allowance of attorney's fees to a prevailing party:

17 (a) When the prevailing party has not recovered more than \$20,000; or

18 (b) Without regard to the recovery sought, when the court finds that the claim,
19 counterclaim, cross-claim or third-party complaint or defense of the opposing party
was brought or maintained without reasonable ground or to harass the prevailing
20 party. The court shall liberally construe the provisions of this paragraph in favor of
21 awarding attorney's fees in all appropriate situations. It is the intent of the
22 Legislature that the court award attorney's fees pursuant to this paragraph and
23 impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all
appropriate situations to punish for and deter frivolous or vexatious claims and
24 defenses because such claims and defenses overburden limited judicial resources,
25 hinder the timely resolution of meritorious claims and increase the costs of
engaging in business and providing professional services to the public.

26 3. In awarding attorney's fees, the court may pronounce its decision on the fees at
the conclusion of the trial or special proceeding without written motion and with or
27 without presentation of additional evidence.

28 4. Subsections 2 and 3 do not apply to any action arising out of a written
instrument or agreement which entitles the prevailing party to an award of
reasonable attorney's fees.

1 It is within the trial court's discretion to determine the reasonable amount of attorney fees
2 under a statute or rule. In exercising that discretion, the court must evaluate the factors set forth
3 in *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31 (1969). Under *Brunzell*,
4 when courts determine the appropriate fee to award in civil cases, they must consider various
5 factors as follows: (1) the quality of the advocate; (2) the character and difficulty of the work
6 performed; (3) the work actually performed by the attorney; and (4) the result obtained.

7 The Supreme Court of Nevada clarified its jurisprudence in family law cases to require
8 courts to evaluate the *Brunzell* factors when deciding attorney fee awards. Family law trial courts
9 must also consider the income disparity between the parties when awarding fees. Parties seeking
10 attorney fees in family law cases must support their fee request with affidavits or other evidence
11 that supports the factors in *Brunzell* and *Wright v. Osburn*, 114 Nev. 1367, 970 P.2d 1071
(1998).

12 Regarding the quality of the advocate, Defendant's counsel has practiced almost
13 exclusively as a Family Law attorney for nearly twenty years. Defendant's counsel has argued
14 before the Supreme Court of Nevada, has made law in the state of Nevada and has served as a
15 District Court Judge sitting on the Family Court Bench. She brings this unique level of
16 knowledge and experience to the case.

17 The next factor to review pertains to the character and difficulty of the work performed.
18 This was not an extremely difficult case, however it required legal and factual analysis as to the
19 custody issues.

20 The difficulty of this work on a scale of 1 to 10 (10 being the most difficult) was a 6.0.
21 Another factor is in regard to the work actually performed by the attorney. Here, present counsel
22 has prepared an Answer and Counterclaim; an Opposition and Counter Motion and
23 correspondence in an effort to move the issues set forth supra, albeit unsuccessfully.

24 The result obtained is another factor for review. Here, Defendant's counsel believes that
25 there will be a good result for Defendant and that she will be the prevailing party based on the
26 facts. Counsel has received \$1,500, but anticipates that this will be expended and more. Counsel
27 is ready to prepare a Memorandum of Fees and Costs if requested to do so by the Court.
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III.

CONCLUSION

Based on the foregoing, the Plaintiff respectfully requests that the Court issue the following orders:

1. For an Order that Plaintiff be paternity tested;
2. For an Order that Defendant be granted primary physical custody and the Plaintiff be granted defined visitation;
3. For an Order that parties be sent to Mediation to work out a Parenting Agreement;
4. For an Order for sanctions and attorney fees in the amount of \$3500;
5. For an Order setting child support based upon the temporary custody order;
6. For an Order denying Plaintiff's Motion;
7. For such other relief as the Court deems necessary and proper under the circumstances.

DATED this 23 day of July, 2015.

STEINBERG LAW GROUP

GAYLE NATHAN, ESQ.

Nevada Bar No. 4917

4270 S. Decatur Blvd., Suite B10

Las Vegas, Nevada 89103

Telephone: (702) 384-9664

Facsimile: (702) 384-9668

Email: brian@steinberglawgroup.com

Email: Gayle@steinberglawgroup.com

Attorney for Defendant

1
2
3 **DECLARATION OF ROSA MARTINEZ**

4 **ROSAMARTINEZ**, declares the following facts to be true and correct under penalty of
5 perjury,

6 1. That I am the Defendant in the above-entitled action; and I have personal
7 knowledge of and am competent to testify concerning the facts herein.

8 2. That I have read the Opposition and Counter Motion my attorney has drafted. The
9 facts set forth above are based upon my personal knowledge or on information and belief so I
10 believe them to be true.

11 3. That when I understood that Jazlynn may be Ignacio's biological daughter I went
12 to him and disclosed that fact in May of 2014, despite the fact that my partner Henry was
13 heartbroken for many reasons. We immediately set up weekend visitations. Ignacio was flexible,
14 understanding that some weekends our family went to California to visit my extended family. We
15 had no issues with what we set up. I did not ask him for child support or any financial support
16 although that is part of the litigation as he has brought all issues to Court.

17 4. Jazlynn has two brothers she is closely bonded two who are 7 and 3 1/2 years old.
18 She is also deeply bonded to Henry who treats her as his own, as he believed her to be for the
19 first year of her life. We are a close and loving family and I believe we can demonstrate to the
20 Court that it is in Jazlynn's best interest that I have primary custody, to maintain stability,
21 consistency and this strong family bond. This is not about labels, it is about raising a healthy,
22 happy child who is not resentful or unhappy about missing out on family events or the closeness
23 of her family that she now enjoys. Ignacio can deliver his quality parenting without the label of
24 joint physical custody.

25 5. That I respectfully request that this Court order such further related relief as it
26 deems necessary under the circumstances.

27 Executed this 21 day of July, 2015

28

ROSA MARTINEZ

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DECLARATION OF GAYLE NATHAN

GAYLE NATHAN, declares the following facts to be true and correct under penalty of perjury.

1. I am an attorney duly admitted to practice law in the state of Nevada and represent the Defendants herein.
2. I practiced Family Law almost exclusively for nearly twenty years in Clark County, Nevada and have been admitted to practice law since 1988 (for twenty-six years).
3. I have argued before the Supreme Court of Nevada on numerous occasions and have made law in the state of Nevada with In Re Kirkpatrick and Potter v. Potter. I have served as a District Court Judge sitting on the Family Court Bench (2010-2015).
4. This was a somewhat factually complicated case, requiring legal research and factual analysis that took some time. The difficulty of this work on a scale of 1 to 10 (10 being the most difficult) was a 6.0 as the facts in this case were somewhat complex.
5. I prepared the Answer and Counterclaim and Opposition and Counter Motion and reviewed the FDF to prepare this matter. I also reviewed and prepared correspondence and had client consultations as well. I will submit a memorandum of costs and fees upon the Court's granting the request for attorney fees.

Executed this 23 day of July, 2015.



GAYLE NATHAN

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Steinberg Law Group and that on July 23, 2015, pursuant to N.R.C.P. 5(b)(2)(D), and EDCR 8.05, a true and correct copy of the Opposition to Plaintiff's Motion for Joint Legal Custody, Joint Physical Custody, Child Support Pursuant to Wright v. Osburn, to Change the Minor Child's Name and for Attorney's Fees and Costs and Countermotion for an Order for Paternity Testing, for Mediation, for Primary Physical Custody and a Defined Visitation and for an Order for Child Support, Attorney's Fees and Other Related was served on Plaintiff by:

 X U.S. Mail, First Class, postage prepaid to the person(s) identified below;

 Via Facsimile at the number(s) identified below:

 Via Electronic mail to the person(s) identified below:

 Via Electronic mail utilizing the Odyssey E-file and Serve system to the person(s) identified below as follows:

Nedda Ghandi, Esq.
707 S. 10th Street
Las Vegas, NV 89101
Attorney for Plaintiff



An Employee of the Steinberg Law Group

EXHIBIT "A"

AA000057

Britney Robinson

From: Gayle T. Nathan
Sent: Thursday, July 23, 2015 12:54 PM
To: Britney Robinson
Subject: FW: Stipulation and Order for FMC

From: Gayle T. Nathan
Sent: Tuesday, July 14, 2015 11:18 AM
To: 'Rhiannon Renn' <rr@ghandilaw.com>
Subject: RE: Stipulation and Order for FMC

Dear Ms. Renn:

We first need to confirm paternity, so I would appreciate a Stipulation for a Paternity Test so that we can move forward on that.

As soon as we have the results we can go into Mediation. I don't mind asking for a Mediation date, but we need to note that the Mediation will be pending Paternity Test results, and have the date set out at least 45 days.
Please edit accordingly.

Also, I am awaiting a response from Ms. Ghandi on my email to her this morning.

Thank you.

Gayle Nathan, Esq.
Steinberg Law Group
4270 S. Decatur Blvd., Suite B10
Las Vegas, NV 89103
(702) 384-9664 Phone
(702) 384-9668 Facsimile
Gayle@SteinbergLawGroup.com
www.SteinbergLawGroup.com

NOTICE: This electronic mail transmission and any attachments hereto, may contain attorney-client communications that are privileged at law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify this office by telephone at (702) 384-9664 and email the sender that you have received this communication in error. Thank you.

IRS CIRCULAR 230 NOTICE. To the extent that this message or any attachment concerns tax matters, it is not intended to be used and cannot be used by a taxpayer for the purpose of avoiding penalties that may be imposed by law.

Click any of the buttons below to see our pages.



From: Rhiannon Renn [<mailto:rr@ghandilaw.com>]
Sent: Tuesday, July 14, 2015 10:39 AM
To: Gayle T. Nathan
Cc: 'Nedda Ghandi'
Subject: Stipulation and Order for FMC

Ms. Nathan,

Please see the attached Stipulation and Order for Family Mediation for your review and signature. If no changes, please sign and return the original signature page to our office. Thank you.

Rhiannon Renn
Paralegal

GHANDI DEETER LAW OFFICES
707 S. 10th Street
Las Vegas, Nevada 89101
(702) 878-1115 phone
(702) 447-9995 fax
www.GhandiLaw.com

****PRIVILEGE AND CONFIDENTIALITY NOTICE****

The information in this electronic mail is intended for the named recipients only. It may contain privileged and confidential matter. If you receive this email in error, please notify the sender immediately by replying to this email or by contacting the sender at (702) 878 -1115. Please do not disclose the contents to anyone. Please delete this email message and any attachments from your workstation or network mail system. Thank you.

1 SAO
2 GHANDI DEETER LAW OFFICES
3 NEDDA GHANDI, ESQ.
4 Nevada Bar No. 11137
5 Email: nedda@ghandilaw.com
6 LAURA A. DEETER, ESQ.
7 Nevada Bar No. 10562
8 Email: laura@ghandilaw.com
9 601 S. 6th Street
10 Las Vegas, Nevada 89101
11 Telephone: (702) 878-1115
12 Facsimile: (702) 447-9995
13 Attorneys for Plaintiff

14 EIGHTH JUDICIAL DISTRICT COURT
15 FAMILY DIVISION
16 CLARK COUNTY, NEVADA

17 IGNACIO AVILA, JR.,

18 Plaintiff,

19 vs.

20 ROSIE ELENA MARTINEZ,

21 Defendant.

CASE NO.: D-15-515892-D

DEPT. NO.: L

22 STIPULATION AND ORDER FOR FMC REQUEST AND ORDER FOR
23 MEDIATION- NRS 3.475

24 COMES NOW, Plaintiff, IGNACIO AVILA, JR., by and through his attorney,
25 Nedda Ghandi, Esq. of the law firm of GHANDI DEETER LAW OFFICES, and Defendant,
26 ROSIE ELENA MARTINEZ, by and through her attorney, Gayle Nathan, Esq., of
27 STEINBERG LAW GROUP and hereby stipulate and agree to attend mediation at the
28 Family Mediation Center.

In accordance with N.R.S. 3.475, all cases involving custody and visitation of a
child, either by divorce or in a custody action, are mandated to attend mediation toward the
resolution of custody/access issues. Upon the filing of the Order, Plaintiff and Defendant

1 shall attend mediation through FMC, the court-connected program. The Family Mediation
2 Center will contact both parties using the information provided below. If this information is
3 incorrect, the Court shall be informed.

4 **Plaintiff Information:**

5 Name: Ignacio Avila, Jr.
6
7 Address: 1214 Emerald Stone Ave.
 Las Vegas, NV 89081
8
9 Phone Number: (702) 204-2052
10
11 Attorney for Ghandi Deeter Law Offices
 Plaintiff: Nedda Ghandi, Esq.
 Nevada Bar No. 11137
12 707 S. 10th Street
 Las Vegas, Nevada 89101
13 Telephone: (702) 878-1115
 Facsimile: (702) 447-9995
14

15 **Defendant Information:**

16 Name: Rosie Martinez
17
18 Address: 5729 Awakening Street
 N. Las Vegas, NV 89081
19
20 Phone Number: (702) 353-9271
21
22 Attorney for Steinberg Law Group
 Defendant: Gayle Nathan, Esq.
 Nevada Bar No. 4917
23 4270 S. Decatur Blvd., Suite B10
 Las Vegas, NV 89103
24 Telephone: (702) 384-9664
 Facsimile: (702) 384-9668
25

26 ///

27 ///

28 ///

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1 Child:

2 JAZLYNN ROSE MARTINEZ, born October 25, 2013.

3 DATED this ____ day of July, 2015.

4 Submitted by:
5 GHANDI DEETER LAW OFFICES

Approved as to form and content:
STEINBERG LAW GROUP

6
7 NEDDA GHANDI, ESQ.
8 Nevada Bar No. 11137
9 Email: nedda@ghandilaw.com
10 LAURA A. DEETER, ESQ.
11 Nevada Bar No. 10562
12 Email: laura@ghandilaw.com
13 601 S. 6th Street
14 Las Vegas, Nevada 89101
15 Telephone: (702) 878-1115
16 Facsimile: (702) 447-9995
17 Attorneys for Plaintiff

Gayle Nathan, Esq.
4270 S. Decatur Blvd., Suite B10
Las Vegas, NV 89103
Telephone: (702) 384-9664
Facsimile: (702) 384-9668
Gayle@SteinbergLawGroup.com

18 ORDER

19 IT IS HEREBY ORDERED that this matter is referred to the Family Mediation
20 Center for mediation of custody and visitation issues between the parties.

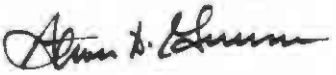
21 IT IS HEREBY FURTHER ORDERED that a Return Hearing from Family
22 Mediation is set for the ____ day of _____, 2015 at ____ am/pm.

23 DATED this ____ day of _____, 2015.

24 _____
25 District Court Judge
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27
28

EXHIBIT “B”

DISTRICT COURT
CLARK COUNTY, NEVADA


CLERK OF THE COURT

IGNACIO AVILA, JR., PLAINTIFF.
VS.
ROSIE MARTINEZ, DEFENDANT.

CASE NO: D-15-515892-C
DEPARTMENT L

NRCP 16.2 CASE MANAGEMENT CONFERENCE

Nedda Ghandi, Esq., Attorney for
Ignacio Avila, Jr.

Date: September 01, 2015

Time: 9:00 AM

Gayle Nathan, Esq., Attorney for
Rosie Martinez

Please be advised that, in accordance with NRCP 16.2, the above-entitled matter has been scheduled for a Case Management Conference to be heard by the **Honorable JENNIFER ELLIOTT**, at the Family Courts and Services Center, 601 N. Pecos Rd., Las Vegas, Nevada, on the **1st day of September, 2015**, at the hour of **9:00 AM**, in Department L.

YOUR PRESENCE IS NECESSARY.

HONORABLE JENNIFER ELLIOTT

By: 

Tristana Cox

Judicial Executive Assistant

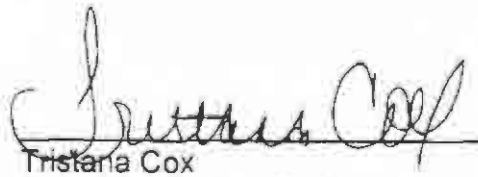
CERTIFICATE OF SERVICE

I hereby certify that on the above file stamp date:

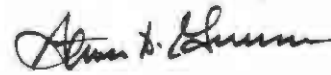
☒ I placed a copy of the foregoing Notice of Case Management Conference in the appropriate attorney folder located in the Clerk of the Court's Office or ☐ mailed, via first-class mail, postage fully prepaid, the foregoing Notice of Case Management Conference to:

Gayle Nathan, Esq.

Nedda Ghandi, Esq.



Tristana Cox
Judicial Executive Assistant
Department L


CLERK OF THE COURT

CODE: REPLY
GHANDI DEETER LAW OFFICES

Nedda Ghandi, Esq.
Nevada Bar No. 11137
Email: nedda@ghandilaw.com
Laura A. Deeter, ESq.
Nevada Bar No. 10562
Email: laura@ghandilaw.com
707 S. 10th Street
Las Vegas, Nevada 89101
Phone: (702) 878-1115
Facsimile: (702) 447-9995
Attorneys for Plaintiff

EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

IGNACIO AVILA, JR.,
Plaintiff,

vs.

ROSIE ELENA MARTINEZ,
Defendant

Case No.: D-15-515892-C

Dept. No.: L

REPLY TO COUNTERCLAIM

COMES NOW, Plaintiff, IGNACIO AVILA, JR., by and through his attorneys, Nedda Ghandi, Esq. and Laura A. Deeter, Esq. of GHANDI DEETER LAW OFFICES, and Replies to the Counterclaim on file herein and states as follows;

1. As to paragraphs I, II, V, VII and VIII of Defendant's Counterclaim on file herein, Plaintiff admits each and every allegation therein contained.

2. As to paragraph, IV, VI, and IX of Defendant's Counterclaim on file herein, Plaintiff denies each and every allegation therein contained.

3. With respect to paragraph III of Defendant's Counterclaim on file herein, Plaintiff admits that the parties should share joint legal custody of the minor child but denies the remainder of paragraph III.

1 WHEREFORE, Plaintiff prays for Judgment as follows:

2 1. That Defendant take nothing by way of the Counterclaim herein; and

3 2. For such other and further relief as the Court may deem just and proper in the
4 premises.

5 Dated this 31 day of July, 2015

6
7 GILANDI DEETER LAW OFFICES

8
9 Nedda Ghandi

10 NEDDA GHANDI, ESQ.

11 Nevada Bar No. 11137

12 LAURA A. DEETER, ESQ.

13 Nevada Bar No. 10562

14 707 S. 10th Street

15 Las Vegas, Nevada 89101

16 (702) 878-1115


17 Attorneys for Plaintiff
18
19
20
21
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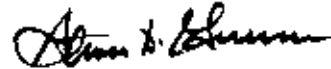
1 CERTIFICATE OF MAILING

2
3 I HEREBY CERTIFY that on the 31 day of July, 2015, I served a copy of this
4 REPLY TO COUNTERCLAIM upon each of the parties and addressed to those counsel of
5 record:

- 6 ☒ Electronic Service to:
7 ☐ Via Facsimile to:
8 ☐ Via Email to:
☐ Placing in the U.S. Mail, with postage fully prepaid, addressed to:

9 STEINBERG LAW GROUP
10 Gayle Nathan, Esq.
11 4270 S. Decatur Blvd., Suite B10
12 Las Vegas, NV 89103
Facsimile: (702) 384-9668
gayle@steinberglawgroup.com

13 
14 _____
An Employee of Ghandi Deeter Law Offices



CLERK OF THE COURT

1 **SAO**

2 **GHANDI DEETER LAW OFFICES**

3 **NEDDA GHANDI, ESQ.**

4 Nevada Bar No. 11137

5 Email: nedda@ghandilaw.com

6 **LAURA A. DEETER, ESQ.**

7 Nevada Bar No. 10562

8 Email: laura@ghandilaw.com

9 707 S. 10th Street

10 Las Vegas, Nevada 89101

11 Telephone: (702) 878-1115

12 Facsimile: (702) 447-9995

13 Attorneys for Plaintiff

14 **EIGHTH JUDICIAL DISTRICT COURT**

15 **FAMILY DIVISION**

16 **CLARK COUNTY, NEVADA**

17 **IGNACIO AVILA, JR.,**

18 Plaintiff.

19 vs.

20 **ROSIE ELENA MARTINEZ,**

21 Defendant.

Case No.: D-15-515892-C

Dept. No.: 1.

22 **STIPULATION AND ORDER FOR PATERNITY TESTING**

23 COMES NOW, the parties, Plaintiff, IGNACIO AVILA, JR., ("Plaintiff" or
24 "Ignacio"), by and through his attorneys of record, Nedda Ghandi, Esq. and Laura A. Deeter,
25 Esq. of the law firm of GHANDI DEETER LAW OFFICES, and Defendant, ROSIE ELENA
26 MARTINEZ, ("Defendant" or "Rosie"), by and through her attorney of record, Gayle
27 Nathan, Esq., of STEINBERG LAW GROUP and hereby stipulate and agree to the
28 following:

IT IS HEREBY STIPULATED AND AGREED that Plaintiff and the minor child
in question shall submit to paternity testing to establish the parent child relationship between
Plaintiff and the minor child.

1 **IT IS FURTHER STIPULTED AND AGREED** that the below listed individuals
2 shall be ordered for genetic parentage testing:

3 FATHER: Ignacio Avila, Jr., born July 18, 1986; and

4 MINOR CHILD: Jazlynn Rose Martinez-Olivia, born October 25, 2013.

5 **IT IS FURTHER STIPULTED AND AGREED** that the genetic testing facility is
6 requested to mail results as follows:

7 Ghandi Deeter Law Offices
8 Attention: Nedda Ghandi, Esq.
9 707 S. 10th Street
10 Las Vegas, NV 89101
11 Facsimile: 1-(702) 447-9995
12 Attorney for Plaintiff

13 Steinberg Law Group
14 Attention: Gayle Nathan, Esq.
15 4270 S. Decatur Blvd., Suite B10
16 Las Vegas, NV 89103
17 Facsimile: (702) 384-9668
18 Attorney for Defendant

19 **IT IS FURTHER STIPULTED AND AGREED** that the genetic testing facility
20 may mail copy of the results to the parties being tested (except minor children) or to their
21 attorneys. Prior to testing, each party is directed to provide the genetic testing facility with a
22 mailing address where results may be mailed.

23 **IT IS FURTHER STIPULTED AND AGREED** that the parties are Ordered to
24 schedule specimen collection within seven (7) days from the entry of this Stipulation and
25 Order. The parties shall equally divide the cost for all fees associated with genetic testing.

26 ///

27 ///

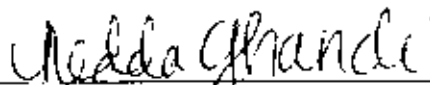
28 ///

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///

///

1 DATED this 31 day of July, 2015.

2 

3 NEDDA GHANDI, ESQ.
4 Nevada Bar No. 11137
5 Email: nedda@ghandilaw.com
6 LAURA A. DEETER, ESQ.
7 Nevada Bar No. 10562
8 Email: laura@ghandilaw.com
9 707 S. 10th Street
10 Las Vegas, Nevada 89101
11 Attorney for Plaintiff

DATED this 31 day of July, 2015.



GAYLE NATHAN, ESQ.
Nevada Bar No. 4917
4270 S. Decatur Blvd., Suite B10
Las Vegas, NV 89103
Telephone: (702) 384-9664
Facsimile: (702) 384-9668

12 **ORDER**

13 Based upon the agreement of the parties and good cause being shown,

14 **IT IS HEREBY ORDERED** that Plaintiff and the minor child in question shall
15 submit to paternity testing to establish the parent child relationship between Plaintiff and the
16 minor child.

17 **IT IS FURTHER ORDERED** that the below listed individuals shall be ordered for
18 genetic parentage testing:

19 FATHER: Ignacio Avila, Jr., born July 18, 1986; and

20 MINOR CHILD: Jazlynn Rose Martinez-Olivia, born October 25, 2013.

21 **IT IS FURTHER ORDERED** that the genetic testing facility is requested to mail
22 results as follows:

23 Ghandi Deeter Law Offices
24 Attention: Nedda Ghandi, Esq.
25 707 S. 10th Street
26 Las Vegas, NV 89101
27 Facsimile: 1-(702) 447-9995
28 Attorney for Plaintiff

Steinberg Law Group
Attention: Gayle Nathan, Esq.
4270 S. Decatur Blvd., Suite B10
Las Vegas, NV 89103
Facsimile: (702) 384-9668
Attorney for Defendant


CLERK OF THE COURT

GHANDI DEETER LAW OFFICES
NEDDA GHANDI, ESQ.
Nevada Bar No. 11137
nedda@ghandilaw.com
LAURA A. DEETER, ESQ.
Nevada Bar no. 10562
Laura@ghandilaw.com
707 S. 10th Street
Las Vegas, Nevada 89101
Telephone: (702) 878-1115
Facsimile: (702) 447-9995
Attorneys for Plaintiff

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

IGNACIO AVILA, JR.,

Plaintiff,

vs.

ROSIE ELENA MARTINEZ,

Defendant.

Case No.: D-15-515892-C

Dept. No.: L

CERTIFICATE OF MAILING

I hereby certify on the 12th day of August, 2015, a true and correct copy of the foregoing Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion for Joint Legal Custody, Joint Physical Custody, Child Support Pursuant to Wright v. Osburn, to change Minor Child's Name, and for Attorney's Fees and Costs and Opposition to Defendant's Countermotion for Paternity Testing, Mediation, for Primary Physical Custody and Defined Visitation and for an Order for Child Support, Attorneys Fees and other Related Relief was served upon the following parties by via Electronic Service to the following address:

///

///

- 1 ☐ Electronic Service to:
2 ☐ Via Facsimile to:
3 ☒ Via Email to:
4 ☒ Placing in the U.S. Mail, with postage fully prepaid, addressed to:

5 STEINBERG LAW GROUP
6 Gayle Nathan, Esq.
7 4270 S. Decatur Blvd., Suite B10
8 Las Vegas, NV 89103
9 Facsimile: 384-9668
10 Gayle@SteinbergLawGroup.com



An employee of Ghandi Deeter Law Offices


CLERK OF THE COURT

1 **REPLY**
2 **GHANDI DEETER LAW OFFICES**
3 NEDDA GHANDI, ESQ.
4 Nevada Bar No. 11137
5 Email: nedda@ghandilaw.com
6 LAURA A. DEETER, ESQ.
7 Nevada Bar No. 10562
8 Email: laura@ghandilaw.com
9 707 S. 10th Street
10 Las Vegas, NV 89101
11 Telephone: (702) 878-1115
12 Facsimile: (702) 447-9995
13 *Attorneys for Plaintiff*

10 **DISTRICT COURT**
11 **FAMILY DIVISION**
12 **CLARK COUNTY, NEVADA**

13 IGNACIO AVILA, JR.,

14 Plaintiff,

15 vs.

16 ROSIE ELENA MARTINEZ,

17 Defendant.

CASE NO.: D-15-515892-C

DEPT. NO.: L

Date of Hearing: 9/1/2015

Time of Hearing: 9:00 a.m.

19
20 **PLAINTIFF'S REPLY TO DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION**
21 **FOR JOINT LEGAL CUSTODY, JOINT PHYSICAL CUSTODY, CHILD SUPPORT**
22 **PURSUANT TO WRIGHT V. OSBURN, TO CHANGE MINOR CHILD'S NAME, AND**
23 **FOR ATTORNEY'S FEES AND COSTS**
24 **AND**
25 **OPPOSITION TO DEFENDANT'S COUNTERMOTION FOR PATERNITY TESTING,**
26 **MEDIATION, FOR PRIMARY PHYSICAL CUSTODY AND DEFINED VISITATION,**
27 **AND FOR AN ORDER FOR CHILD SUPPORT, ATTORNEYS FEES AND OTHER**
28 **RELATED RELIEF**

COMES NOW the Plaintiff, IGNACIO AVILA, JR., (hereinafter "Ignacio") by and through his attorneys, NEDDA GHANDI, ESQ., and LAURA DEETER, ESQ., of GHANDI DEETER LAW OFFICES hereby submits the following Reply to Defendant's Opposition to

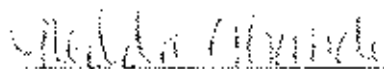
1 Plaintiff's Motion for Joint Legal Custody, Joint Physical Custody, Child Support Pursuant to
2 Wright v. Osburn, to Change the Minor Child's Name, and For Attorney's Fees and Costs, and
3 Opposition to Defendant's Countermotion for Paternity Testing, Mediation, for Primary Physical
4 Custody and Defined Visitation, and for an Order for Child Support, Attorneys Fees and Other
5 Related Relief. Namely, Plaintiff requests the following relief:

- 6 1. For an order granting the parties Joint Legal Custody and Joint Physical Custody
7 of the minor child;
- 8 2. For an order setting child support pursuant to Wright v. Osburn;
- 9 3. For an order changing the child's name to JAZLYNN ROSE AVILA;
- 10 4. For an award of attorney's fees and costs;
- 11 5. For an order denying Defendant's Countermotion in its entirety;
- 12 6. For such other and further relief as this Court deems just and proper on the
13 premises.

14 This Reply is made and based upon the papers and pleadings on file herein, the
15 Verification of Plaintiff, the Points and Authorities submitted herewith, and any argument, which
16 may adduced at the time of hearing.

17 DATED this ^{14th} day of August, 2018.

18 GHANDI DEETTER LAW OFFICES

19
20 

21 NEDDA GHANDI, ESQ.

22 Nevada Bar No. 41137

23 Email: nedda@ghandilaw.com

24 LAURA A. DEETTER, ESQ.

25 Nevada Bar No. 10562

26 Email: laura@ghandilaw.com

27 707 S. 10th Street

28 Las Vegas, NV 89101

Telephone: (702) 878-4115

Facsimile: (702) 447-0995

Attorneys for Plaintiff

1 POINTS AND AUTHORITIES.

2 I.

3 STATEMENT OF FACTS.

4 As this Court is aware, the parties hereto have never been married. One minor
5 child is the issue of the relationship, to wit: JAZLYNN ROSE MARTINEZ (hereinafter
6 "Jazzlyn" or the "Minor Child"), born October 25, 2013, now age 1.

7 It should be noted that while Defendant requests a paternity test in her Opposition,
8 Ignacio has already provided the same in his original Motion (attached as **Exhibit 1**), and is
9 attaching the same once again hereto as **Exhibit 1**. This paternity test establishes that Ignacio is
10 indeed the biological father of Jazzlyn.

12 It is undisputed between the parties that Defendant is and was (at the time of the
13 Minor Child's conception and birth), involved in a marital relationship with another man.
14 However, this reality in no way changes the simple truth that Ignacio is the biological father of
15 the Minor Child. Accordingly, (and understandably) Ignacio desperately wants to be a part of the
16 Minor Child's life. This Court should applaud Ignacio's sincerity and genuine effort in seeking
17 joint physical custody of Jazzlyn, and for the reasons stated herein as well as in the underlying
18 Motion, this Court should grant this request.

21 In her Reply and Countermotion, Defendant gives absolutely no logical or legal
22 reason or authority as to why the Parties should not share joint physical custody of the Minor
23 Child. Even if Defendant's allegations are correct in that Ignacio and the Minor Child are not
24 closely bonded at this point, it would be due to Defendant's own actions of withholding the
25 Minor Child from Ignacio. Jazzlyn is not even two years old yet, and due to Defendant's initial
26 failure to disclose Jazzlyn's existence, Ignacio had no way of knowing that he even had a child
27 for over six months after Jazzlyn's birth. This fact pattern should not be used against Ignacio; in
28

1 fact, he should be awarded compensatory time with Jazzlyn due to Defendant's failure to disclose
2 Jazzlyn's existence to him. Defendant has stated that she did not realize that Ignacio could
3 possibly be the biological father of Jazzlyn. There is no way to know if this assertion is true or
4 not; however, the simple fact is that Defendant should have known of this possibility, and it is
5 through no fault of Ignacio's that he has not been a larger part of Jazzlyn's life up until this point.
6 It is clear from the communications between the Parties (*see Exhibit 2* to the underlying Motion)
7 that Ignacio has actively sought to be an involved parent to Jazzlyn since the time that he learned
8 of her existence. . Unfortunately, Defendant has been largely uncooperative and
9 incommunicative. For example, despite his requests, Ignacio was denied visitation with the
10 Minor Child on both Father's Day 2014 and 2015. Even now and despite his requests, Ignacio
11 has not been allowed to see Jazzlyn since July 18, 2015 (which was his birthday). Ignacio is
12 doing everything he can to bond with the Minor Child but Defendant is unwilling to cooperate.
13 See attached **Exhibit 2, recent text exchanges between the parties.** Therefore, Ignacio
14 respectfully requests that this Court grant his Motion in its entirety and deny all claims asserted
15 in Defendant's Countermotion.

19 II.

20 ARGUMENT

21 **A. JAZLYNN'S BEST INTEREST IS SERVED BY AN AWARD OF JOINT** 22 **LEGAL AND JOINT PHYSICAL CUSTODY.**

23
24 It is apparent that the Nevada Supreme Court, and the Nevada Legislature have set forth a
25 requirement that both parents should equally share the responsibility of child rearing. In the
26 Nevada Supreme Court decision of *McGuinness v. McGuinness*, 970 P.2d 1074, 114 Nev. 1431
27
28

1 (1998), the Mosley case was interpreted to provide that there is indeed a "preference for joint
2 physical custody in our law" (McGuinness at 1077).

3 Therefore, and pursuant to Nevada legal authority which is discussed in further detail in
4 the original Motion, an award of joint legal and joint physical custody in this case is consistent
5 with the prevailing Nevada authority, and also consistent with the public policy of the State of
6 Nevada. In her Opposition, Defendant gives absolutely no reason why she and Ignacio should
7 not share joint custody over Jazzlyn. Defendant does not once allege that Ignacio is anything
8 but a good and involved father; rather, her entire argument hinges on the effect that joint physical
9 custody would have on the Defendant's home life. Nevada's standard for custody decisions
10 is not measured by what is in 'best interest of the mother and her husband.' Defendant's
11 argument against joint custody has little to do with concerns for Jazzlyn's best interest; rather, it
12 has more to do with Defendant's selfish desire to minimize any disruption to hers and her
13 husband's schedules.

14 Defendant argues that Jazzlyn is bonded to her half-siblings and stepfather. Ignacio
15 appreciates that Jazzlyn has many people in her life that care about her, but it should not come at
16 the expense of his parental rights. Further, Defendant's argument holds little weight when
17 examining Jazzlyn's relative age and the fact that Ignacio has had little opportunity to bond with
18 Jazzlyn up until this point, solely due to Defendant's actions. Ignacio lives in a clean and safe
19 single family residence and the Minor Child would have her own room at his home.
20 Defendant's behavior in withholding the Minor Child should not be rewarded. Therefore,
21 pursuant to the statutory and case law cited above and in the underlying Motion, Ignacio
22 respectfully requests that this Court enter an order designating the parties as joint legal and joint
23 physical custodians of Jazzlyn.

1 **B. IGNACIO'S PROPOSED TIMESHARE IS IN JAZLYNN'S BEST INTEREST.**

2 Ignacio requests that this Court order the timeshare proposal that he has suggested in
3 his underlying Motion; namely, he would pick up Jazlynn at 12:00 pm on Friday and deliver her
4 to Defendant at 12:00 pm on Monday. Defendant would have Jazlynn the balance of the time.
5 This schedule would continue until Jazlynn attends school. Standard Holiday and Vacation
6 visitation would also be applicable. Upon information and belief, Defendant is currently
7 unemployed. Accordingly, there is no reason why this timeshare proposal would not work for
8 all parties.
9

10
11 **C. CHILD SUPPORT SHOULD BE SET PURSUANT TO THE FORMULA SET**
12 **FORTH IN WRIGHT V. OSBURN.**

13
14 As discussed in the underlying Motion, the child support Order in this case should be
15 structured as follows: 18% of Ignacio's statutory child support obligation to Defendant less 18%
16 of Defendant's statutory child support obligation to Ignacio. Once the FDFs are filed, child
17 support should be calculated pursuant to the formula in Wright v. Osburn.
18

19 **D. THE BABY'S NAME SHOULD BE CHANGED TO JAZLYNN ROSE AVILA.**

20 Defendant does not address this request in her Opposition and Countermotion;
21 therefore, this Court should grant Ignacio's request that he be named as father on the birth
22 certificate and that Jazlynn bear his name.
23

24 **E. IGNACIO SHOULD BE AWARDED ATTORNEY'S FEES FOR HAVING TO**
25 **BRING THIS MOTION.**

26 Pursuant to Nevada law and the request made in his underlying Motion, Ignacio should
27 be awarded fees and costs.
28

1 **F. DEFENDANT SHOULD TAKE NOTHING BY WAY OF HER**
2 **COUNTERMOTION.**

3 Defendant's Countermotion is wholly without merit; therefore, Plaintiff requests that this
4 Court deny it in its entirety.

5
6 **1. PATERNITY HAS ALREADY BEEN ESTABLISHED.**

7 Ignacio has submitted a paternity test showing he is the biological father of Jazzlyn (see
8 attached **Exhibit 1**). Therefore, there is no need to further investigate the paternity of the Minor
9 Child.

10
11 **2. THE PARTIES SHOULD BE AWARDED JOINT LEGAL AND JOINT**
12 **PHYSICAL CUSTODY OF THE MINOR CHILD.**

13 For the reasons discussed above and in his underlying Motion, the parties should be
14 awarded joint legal and physical custody of the Minor Child.

15 **3. DEFENDANT'S HISTORICAL AND CURRENT FAILURE TO**
16 **COOPERATE WITH IGNACIO ILLUSTRATES THAT MEDIATION**
17 **WOULD LIKELY BE UNSUCCESSFUL.**

18 Should this Court order the Parties to mediation, Ignacio will of course comply; however,
19 given the Defendant's past behavior (namely, withholding of the Minor Child and failure to
20 cooperate with Ignacio), it is unlikely that Mediation will be successful. However, Ignacio is
21 certainly willing to try.

22 **4. DEFENDANT'S REQUEST FOR ATTORNEY'S FEES SHOULD BE**
23 **DENIED.**

24 This litigation would be unnecessary if Defendant had cooperated with Ignacio and
25 allowed him to see the Minor Child on a frequent basis. It is clear based upon the
26 correspondence submitted with the underlying Motion (see **Exhibit 2**) that Defendant has been
27 and continues to be uncommunicative and unwilling to cooperate in co-parenting the Minor
28 Child with Ignacio. Therefore, there is no basis for Defendant to be awarded fees in this matter.

1 in fact, to do so would be essentially rewarding Defendant's poor behavior. Therefore, Plaintiff
2 requests that this Court deny Defendant's request for fees.

3
4 IV.

5 CONCLUSION.

6 In light of the authority stated above, Ignacio respectfully requests the following relief:

- 7 1. For an order granting the parties Joint Legal Custody and Joint Physical Custody of
8 the minor child;
9 2. For an order setting child support pursuant to Wright v. Osburn;
10 3. For an order changing the child's name to JAZLYNN ROSE AVILA;
11 4. For an award of attorney's fees and costs;
12 5. For an order denying Defendant's Countermotion in its entirety; and
13 6. For such other and further relief as this Court deems just and proper in the premises.

14 DATED this 12th day of August, 2015.

15
16 Respectfully submitted,

17 GHANDI DEETER LAW OFFICES

18
19 Nedda Ghandi

20 NEDDA GHANDI, ESQ.

21 Nevada Bar No. 11137

22 Email: nedda@ghandilaw.com

23 LAURA A. DEETER, ESQ.

24 Nevada Bar No. 10562

25 Email: laura@ghandilaw.com

26 707 S. 10th Street

27 Las Vegas, NV 89101

28 Telephone: (702) 878-1115

Facsimile: (702) 447-9995

Attorneys for Plaintiff

1 VERIFICATION OF IGNACIO AVILA, JR.

2 STATE OF NEVADA }

} ss:

3 COUNTY OF CLARK }

4
5 IGNACIO AVILA JR., being duly sworn, under oath and the penalties of perjury,
6 deposes and says: I am the Plaintiff in the above entitled action, and am competent to testify as
7 the contents of the attached pleading of my own knowledge; that I have read the forgoing Reply
8 and Opposition to Counter-motion and know the contents thereof; that the same are true to the
9 best of my own knowledge, save and except to those matters stated upon information and belief
10 and, as to those matters, I believe the same to be true.

11
12 Ignacio Avila Jr.
13 IGNACIO AVILA JR.

14 SUBSCRIBED and SWORN to before me
15 this 12 day of August, 2015.

16 M. J. R.
17 NOTARY PUBLIC in and for said
18 County and State

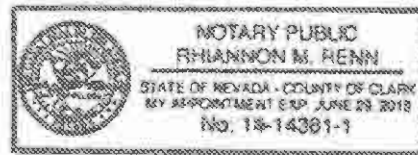


EXHIBIT 1:
PATERNITY TEST RESULTS

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Messages

Rem

Details

And stop texting me how
baby is doing cuz I'm not
gonna answer I already
to you and my lawyer ok
thanks

You already what?

How's my baby doing?

How's my baby doing



1:57

Messages

Rem

Details

Mon Aug 27 10:00 AM

Mon Aug 27 10:00 AM

How's my baby doing?

Mon Aug 27 10:00 AM

How's my baby doing?

Mon Aug 27 10:00 AM

How's my baby doing?

Mon Aug 27 10:00 AM

How's my baby doing?

Mon Aug 27 10:00 AM

How's my baby doing?

R u gona get her today

Mon Aug 27 10:00 AM

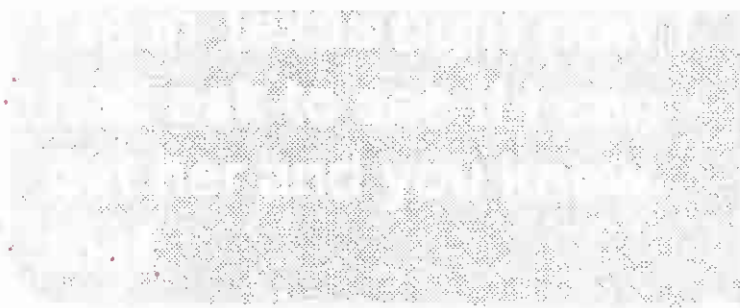


Mon Aug 27 10:00 AM

Messages

Rem

Details



For your information i
didn't know but ok I was
at shell leaving now.



I'm not playing games u
dumbass I'm sending a
email to my lawyer right
now

You should pay lawyer
more so he can do his
job better and I don't
care if you forward him
all my messages



LPT

Messages

Rem

Details

Mon, Aug 14, 11:49 AM

How's my baby doing?

Mon, Aug 14, 11:51 AM

She's GOOD if she
wasn't you would know
ok.

Thanks that's all I
needed to hear nothing
wrong about asking for
my daughter.

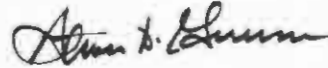
Mon, Aug 14, 11:54 AM

How's my baby doing?

Mon, Aug 14, 11:56 AM

Fine.





CLERK OF THE COURT

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

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

11 Ignacio Avila, Jr.,

12 Plaintiff,

13 vs.

14 Rosie Elena Martinez,

15 Defendant.

CASE NO: D-15-515892-C
DEPT NO: L

16
17 SUBSTITUTION OF ATTORNEY

18 The Defendant, ROSIE ELENA MARTINEZ, hereby requests GAYLE NATHAN,
19 ESQ. to represent her in the above entitled action in place and instead of BRIAN J.
20 STEINBERG, ESQ. Nevada Bar No. 5787 and the STEINBERG LAW GROUP.

21 DATED this 13 day of Aug, 2015.

22
23 
24 ROSIE ELENA MARTINEZ
25
26
27
28

1
2 CONSENT TO SUBSTITUTION OF ATTORNEY

3 I, BRIAN J. STEINBERG, ESQ., hereby consent to the Substitution of Attorney.

4 DATED this 7th day of August, 2015.

5 STEINBERG LAW GROUP

6 

7 BRIAN J. STEINBERG, ESQ.

8 Nevada Bar No. 5787

9 DANIELLE DAWSON, ESQ.

10 Nevada Bar No. 11792

11 4270 S. Decatur Blvd., Suite B10

12 Las Vegas, Nevada 89103

13 Telephone: (702) 384-9664

14 Facsimile: (702) 384-9668


15 Email: brian@steinberglawgroup.com

16 Email: Danielle@steinberglawgroup.com

17 CONSENT TO SUBSTITUTION

18 I, GAYLE NATHAN, ESQ., agree to represent Rosie Elena Martinez, in the above entitled
19 action.

20 DATED this 7th day of August, 2015.

21 

22 GAYLE NATHAN, ESQ.

23 Nevada Bar No. 4917

24 8275 S. Eastern Ave., #200-825

25 Las Vegas, NV 89123

26 (702) 724-2675

27 Email: GayleNathanLaw@gmail.com

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Steinberg Law Group and that on August 14, 2015, pursuant to N.R.C.P. 5(b)(2)(D), and EDCR 8.05, a true and correct copy of the Substitution of Attorney was served on Plaintiff by:

_____ U.S. Mail, First Class, postage prepaid to the person(s) identified below:

_____ Via Facsimile at the number(s) identified below:

_____ Via Electronic mail to the person(s) identified below:

 X Via Electronic mail utilizing the Odyssey E-file and Serve system to the person(s) identified below as follows:

Nedda Ghandi, Esq.
707 S. 10th Street
Las Vegas, NV 89101
Email: nedda@ghandilaw.com
Attorney for Defendant

 jacqueline Mold
An Employee of the Steinberg Law Group

FDF

Name: NEDDA GHANDI, ESQ.
Address: 707 S. 10th Street
Las Vegas, NV 89101
Phone: (702) 878-1115
Email: nedda@ghandilaw.com
Attorney for Plaintiff
Nevada State Bar No. 11137

Allen D. Lamm
CLERK OF THE COURT

Eighth Judicial District Court
Clark County, Nevada

<u>IGNACIO AVILA, JR.,</u> Plaintiff,	Case No. <u>D-15-515892-C</u>
vs. <u>ROSIE ELENA MARTINEZ,</u> Defendant.	Dept. <u>L</u>

GENERAL FINANCIAL DISCLOSURE FORM

A. Personal Information:

1. What is your full name? (first, middle, last) IGNACIO AVILA, JR.,
2. How old are you? 29 3. What is your date of birth? 07/18/1986
4. What is your highest level of education? High School/Some College

B. Employment Information:

1. Are you currently employed/self-employed? (☒ check one)
- ☐ No
- ☒ Yes If yes, complete the table below. Attached an additional page if needed.

Date of Hire	Employer Name	Job Title	Work Schedule (days)	Work Schedule (shift times)
10/22/2008	Caesars Palace	Warehouse Attend	Mon-Fri	3am-11am

2. Are you disabled? (☒ check one)
- ☒ No
- ☐ Yes
- If yes, what is your level of disability? _____
- What agency certified you disabled? _____
- What is the nature of your disability? _____

C. Prior Employment: If you are unemployed or have been working at your current job for less than 2 years, complete the following information.

Prior Employer: _____ Date of Hire: _____ Date of Termination: _____
Reason for Leaving: _____

Monthly Personal Income Schedule

A. Year-to-date Income.

As of the pay period ending 07/14/15 my gross year to date pay is 29,992.32.

B. Determine your Gross Monthly Income.

Hourly Wage

\$21.15	×	40.00	=	\$846.00	×	52	=	\$43,992.00	÷	12	=	\$3,666.00
Hourly Wage		Number of hours worked per week		Weekly Income		Weeks		Annual Income		Months		Gross Monthly Income

Annual Salary

	÷	12	=	\$0.00
Annual Income		Months		Gross Monthly Income

C. Other Sources of Income.

Source of Income	Frequency	Amount	12 Month Average
Annuity or Trust Income			
Bonuses			
Car, Housing, or Other allowance:			
Commissions or Tips:			
Net Rental Income:			
Overtime Pay			
Pension/Retirement:			
Social Security Income (SSI):			
Social Security Disability (SSD):			
Spousal Support			
Child Support			
Workman's Compensation			
Other:			
Total Average Other Income Received			\$0.00

Total Average Gross Monthly Income (add totals from B and C above)	\$3,666.00
--	------------

D. Monthly Deductions

	Type of Deduction	Amount
1.	Court Ordered Child Support (automatically deducted from paycheck)	
2.	Federal Health Savings Plan	
3.	Federal Income Tax	292.48
4.	Health Insurance Amount for you: _____ For Opposing Party: _____ For your Child(ren): _____	0.00
5.	Life, Disability, or Other Insurance Premiums	
6.	Medicare	
7.	Retirement, Pension, IRA, or 401(k)	
8.	Savings	
9.	Social Security	254.60
10.	Union Dues	106.00
11.	Other: (Type of Deduction)	
Total Monthly Deductions (Lines 1-11)		653.08

Business/Self-Employment Income & Expense Schedule

A. Business Income:

What is your average gross (pre-tax) monthly income/revenue from self-employment or businesses?
\$ _____

B. Business Expenses: Attach an additional page if needed.

Type of Business Expense	Frequency	Amount	12 Month Average
Advertising			
Car and truck used for business			
Commissions, wages or fees			
Business Entertainment/Travel			
Insurance			
Legal and professional			
Mortgage or Rent			
Pension and profit-sharing plans			
Repairs and maintenance			
Supplies			
Taxes and licenses (include est. tax payments)			
Utilities			
Other:			
Total Average Business Expenses			0.00

Personal Expense Schedule (Monthly)

A. Fill in the table with the amount of money **you** spend each month on the following expenses and check whether you pay the expense for you, for the other party, or for both of you.

Expense	Monthly Amount I Pay	For Me <input type="checkbox"/>	Other Party <input type="checkbox"/>	For Both <input type="checkbox"/>
Alimony/Spousal Support				
Auto Insurance	79.00	<input checked="" type="checkbox"/>		
Car Loan/Lease Payment				
Cell Phone	300.00	<input checked="" type="checkbox"/>		
Child Support (not deducted from pay)				
Clothing, Shoes, Etc...	75.00	<input checked="" type="checkbox"/>		
Credit Card Payments (minimum due)	175.00	<input checked="" type="checkbox"/>		
Dry Cleaning				
Electric	100.00	<input checked="" type="checkbox"/>		
Food (groceries & restaurants)	300.00	<input checked="" type="checkbox"/>		
Fuel	200.00	<input checked="" type="checkbox"/>		
Gas (for home)	30.00	<input checked="" type="checkbox"/>		
Health Insurance (not deducted from pay)				
HOA	14.16	<input checked="" type="checkbox"/>		
Home Insurance (if not included in mortgage)				
Home Phone				
Internet/Cable	130.00	<input checked="" type="checkbox"/>		
Lawn Care				
Membership Fees	20.00	<input checked="" type="checkbox"/>		
Mortgage/Rent/Lease	956.00	<input checked="" type="checkbox"/>		
Pest Control				
Pets				
Pool Service				
Property Taxes (if not included in mortgage)				
Security				
Sewer	23.82	<input checked="" type="checkbox"/>		
Student Loans				
Unreimbursed Medical Expense				
Water	55.00	<input checked="" type="checkbox"/>		
Other: Trash	23.00	<input checked="" type="checkbox"/>		
Total Monthly Expenses	2,480.98			

Household Information

- A. Fill in the table below with the name and date of birth of each child, the person the child is living with, and whether the child is from this relationship. Attached a separate sheet if needed.

	Child's Name	Child's DOB	Whom is this child living with?	Is this child from this relationship?	Has this child been certified as special needs/disabled?
1 st	Jazlynn Martinez	10/25/13	Mother	yes	no
2 nd					
3 rd					
4 th					

- B. Fill in the table below with the amount of money you spend each month on the following expenses for each child.

Type of Expense	1 st Child	2 nd Child	3 rd Child	4 th Child
Cellular Phone				
Child Care				
Clothing	75.00			
Education				
Entertainment				
Extracurricular & Sports				
Health Insurance (if not deducted from pay)				
Summer Camp/Programs				
Transportation Costs for Visitation	30.00			
Unreimbursed Medical Expenses				
Vehicle				
Other:				
Total Monthly Expenses	105.00	0.00	0.00	0.00

- C. Fill in the table below with the names, ages, and the amount of money contributed by all persons living in the home over the age of eighteen. If more than 4 adult household members attached a separate sheet.

Name	Age	Person's Relationship to You (i.e. sister, friend, cousin, etc...)	Monthly Contribution

Personal Asset and Debt Chart

A. Complete this chart by listing all of your assets, the value of each, the amount owed on each, and whose name the asset or debt is under. If more than 15 assets, attach a separate sheet.

Line	Description of Asset and Debt Thereon	Gross Value		Total Amount Owed		Net Value	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.		\$	-	\$	=	\$ 0.00	
2.		\$	-	\$	=	\$ 0.00	
3.		\$	-	\$	=	\$ 0.00	
4.		\$	-	\$	=	\$ 0.00	
5.		\$	-	\$	=	\$ 0.00	
6.		\$	-	\$	=	\$ 0.00	
7.		\$	-	\$	=	\$ 0.00	
8.		\$	-	\$	=	\$ 0.00	
9.		\$	-	\$	=	\$ 0.00	
10.		\$	-	\$	=	\$ 0.00	
11.		\$	-	\$	=	\$ 0.00	
12.		\$	-	\$	=	\$ 0.00	
13.		\$	-	\$	=	\$ 0.00	
14.		\$	-	\$	=	\$ 0.00	
15.		\$	-	\$	=	\$ 0.00	
Total Value of Assets (add lines 1-15)		\$0.00	-	\$0.00	=	\$ 0.00	

B. Complete this chart by listing all of your unsecured debt, the amount owed on each account, and whose name the debt is under. If more than 5 unsecured debts, attach a separate sheet.

Line #	Description of Credit Card or Other Unsecured Debt	Total Amount owed	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.		\$	
2.		\$	
3.		\$	
4.		\$	
5.		\$	
6.		\$	
Total Unsecured Debt (add lines 1-6)		\$ 0.00	

CERTIFICATION

Attorney Information: Complete the following sentences:

1. I (have/have not) _____ retained an attorney for this case.
2. As of the date of today, the attorney has been paid a total of \$ _____ on my behalf.
3. I have a credit with my attorney in the amount of \$ _____.
4. I currently owe my attorney a total of \$ _____.
5. I owe my prior attorney a total of \$ _____.

IMPORTANT: Read the following paragraphs carefully and initial each one.

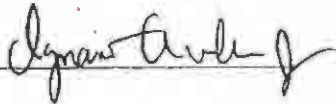
It I swear or affirm under penalty of perjury that I have read and followed all instructions in completing this Financial Disclosure Form. I understand that, by my signature, I guarantee the truthfulness of the information on this Form. I also understand that if I knowingly make false statements I may be subject to punishment, including contempt of court.

oo I have attached a copy of my 3 most recent pay stubs to this form.

_____ I have attached a copy of my most recent YTD income statement/P&L statement to this form, if self-employed.

_____ I have not attached a copy of my pay stubs to this form because I am currently unemployed.

Signature



Date

05/05/2015

CERTIFICATE OF SERVICE

I hereby declare under the penalty of perjury of the State of Nevada that the following is true and correct:

That on (date) 17 Aug 2015, service of the General Financial Disclosure Form was made to the following interested parties in the following manner:

☐ Via 1st Class U.S. Mail, postage fully prepaid addressed as follows:

Gayle Nathan, Esq. 4270 S. Decatur Blvd., Suite B10, Las Vegas NV 89103

☒ Via Electronic Service, in accordance with the Master Service List, pursuant to NEFCR 9, to:

gayle@steinberglawgroup.com

☐ Via Facsimile and/or Email Pursuant to the Consent of Service by Electronic Means on file herein to: (702) 384-9668

Executed on the 17 day of Aug, 2015.


Signature

THE FOLLOWING INFORMATION IS FOR YOUR INFORMATION ONLY. IT IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED. THE INFORMATION IS PROVIDED AS IS, WITHOUT WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO THE WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, AND NONINFRINGEMENT OF THIRD PARTY RIGHTS. THE INFORMATION IS PROVIDED FOR YOUR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.

ACCOUNT INFORMATION

ACCOUNT NUMBER: 12345678901234567890
ACCOUNT TYPE: CHECKING
ACCOUNT STATUS: OPEN
ACCOUNT OPENED: 01/15/2010
ACCOUNT CLOSED: 01/15/2010
ACCOUNT BALANCE: \$1,234.56
ACCOUNT CREDIT: \$1,234.56
ACCOUNT DEBIT: \$0.00
ACCOUNT INTEREST: \$0.00
ACCOUNT FEE: \$0.00
ACCOUNT SERVICE: \$0.00
ACCOUNT MAINTENANCE: \$0.00
ACCOUNT RENT: \$0.00
ACCOUNT TAX: \$0.00
ACCOUNT OTHER: \$0.00
ACCOUNT TOTAL: \$1,234.56

ACCOUNT INFORMATION: 12345678901234567890
ACCOUNT TYPE: CHECKING
ACCOUNT STATUS: OPEN
ACCOUNT OPENED: 01/15/2010
ACCOUNT CLOSED: 01/15/2010
ACCOUNT BALANCE: \$1,234.56
ACCOUNT CREDIT: \$1,234.56
ACCOUNT DEBIT: \$0.00
ACCOUNT INTEREST: \$0.00
ACCOUNT FEE: \$0.00
ACCOUNT SERVICE: \$0.00
ACCOUNT MAINTENANCE: \$0.00
ACCOUNT RENT: \$0.00
ACCOUNT TAX: \$0.00
ACCOUNT OTHER: \$0.00
ACCOUNT TOTAL: \$1,234.56

CORRESPONDENT
OVERSEAS BANK
LAS VEGAS, NV 89101

12345678901234567890

NAME

NON-NEGOTIABLE

DIRECT DEPOSIT ADVICE

If you completed the program and believe you are receiving the penalty (MEDWP Deduction Code) in error, please call 800-591-9225 immediately.

SPECIAL INFORMATION						CHECK NO:	10698413
PTO/VAC TAKEN PAY PD		TAX STATUS:	S	CHECK DATE:	7/09/2015	PERIOD ENDING:	7/31/2015
PTO/VAC AVAILABLE	64.00	EXEMPTIONS:	FED: 03 STATE: 00	PAY FREQUENCY:	R	PRIMARY JOB BASE RATE:	21.1500
PTO/VAC TAKEN YTD	56.00	STATE CODE:	NV	ADD'L W/H:			
GROSS	PRE TAX	TAXABLE WAGES	TAXES	DEDUCTIONS	NET PAY		
CURRENT	1692.00	1692.00	282.99	1409.01			
Y-T-D	28133.77	28133.77	5257.33	22876.44			

HOURS AND EARNINGS						TAXES AND DEDUCTIONS		
DESCRIPTION	HOURS	CURRENT RATE	EARNINGS	HOURS	Y-T-D EARNINGS	DESCRIPTION	CURRENT AMOUNT	Y-T-D AMOUNT
QTRTRN					76.76	FEDERAL TX	153.56	3105.10
REGULAR	80.00	21.1500	1692.00	1065.25	22398.71	FICA TAXES	129.43	2152.23
OVERTIME				147.00	4651.50	QTRTRN		51.70
VACATION				24.00	504.30	POL ACTION	2.00	28.00
HOLIDAY				24.00	502.60	UNION DUES	55.00	375.00
						DUES ASMT	4.00	60.77
						DIRECT DEP	1348.01	22350.97
TOTAL	80.00		1692.00	1263.25	28133.77	TOTAL	1692.00	28133.77

CAESARS PALACE
ONE HARRAH'S COURT
LAS VEGAS, NV 89119

NO. 10698413

DATE 7/09/2015

NAME

IGNACIO AVILA JR
1909 SIERRA VALLEY WAY
LAS VEGAS, NV 89123

AMOUNT

\$*****1248.01*

DIRECT DEPOSIT ACCOUNT

****201270

NON-NEGOTIABLE

DIRECT DEPOSIT ADVICE

AA000103

SPECIAL INFORMATION

PTO/VAC TAKEN PAY PD TAX STATUS: S CHECK NO: 10650133
 PTO/VAC AVAILABLE 54.00 EXEMPTIONS: FED: 03 STATE: 00 CHECK DATE: 6/25/2015
 PTO/VAC TAKEN YTD 56.00 STATE CODE: NV PERIOD ENDING: 6/18/2015
 ADJ'L W/H: PAY FREQUENCY: B
 PRIMARY JOB BASE RATE: 21.1500

	GROSS	PRE TAX	TAXABLE WAGES	TAXES	DEDUCTIONS	NET PAY
CURRENT	1707.86		1707.86	286.60	1421.26	
Y-T-D	26441.77		26441.77	4574.34	21867.43	

HOURS AND EARNINGS						TAXES AND DEDUCTIONS		
DESCRIPTION	HOURS	CURRENT RATE	CURRENT EARNINGS	Y-T-D HOURS	Y-T-D EARNINGS	DESCRIPTION	CURRENT AMOUNT	Y-T-D AMOUNT
QTRTRN					76.76	FEDERAL TX	155.94	2051.54
REGULAR	80.00	21.1500	1692.00	588.25	20706.71	FICA TAXES	130.66	2022.80
OVERTIME	.50	31.7250	15.86	147.00	4651.50	QTRTRN		51.70
VACATION				24.00	504.80	POL ACTION	2.00	26.00
HOLIDAY				24.00	502.00	UNION DUES		320.00
						DUES ASMT	4.03	56.77
						DIRECT DEP	1415.23	21012.96
TOTAL	80.50		1707.86	1183.25	26441.77	TOTAL	1707.86	26441.77

CAESARS PALACE
 ONE HARRAH'S COURT
 LAS VEGAS, NV 89119

NO. 10650133

DATE 6/25/2015

NAME

IGNACIO AVILA JR
 1909 SIERRA VALLEY WAY
 LAS VEGAS, NV 89128

AMOUNT

*****1415.23*

DIRECT DEPOSIT ACCOUNT

****293220

NON-NEGOTIABLE

DIRECT DEPOSIT ADVICE

AA000104

IGNACIO AVILA JR
75086 20150302 191734

EMPLOYER:CLV
PROPERTY:N30

EE NO: 800381815
DEPT NO: 01815

BULLETIN BOARD

Support ALL Cancer's by walking in the American Cancer Society's 2015 Relay for Life on Saturday, April 11th at The Smith Center! Sign up using at: <http://main.acsevents.org/goto/CaesarsHEROS> (Caesars Entertainment HERO's). Registration is FREE! Contact Dawn Malone dmalone@caesars.com for questions.

SPECIAL INFORMATION

PTO/VAC TAKEN PAY PD	TAX STATUS: S	CHECK NO: 10252690
PTO/VAC AVAILABLE 88.00	EXEMPTIONS: FED: 03 STATE: 00	CHECK DATE: 3/05/2015
PTO/VAC TAKEN YTD 32.00	STATE CODE: NV	PERIOD ENDING: 2/26/2015
ADD'L W/H:	PAY FREQUENCY: B	PRIMARY JOB BASE RATE: 20.8000

	GROSS	PRE TAX	TAXABLE WAGES	TAXES	DEDUCTIONS	NET PAY
CURRENT	1664.00		1664.00	276.66	1387.34	
Y-T-D	8833.56		8833.56	1521.79	7311.77	

HOURS AND EARNINGS						TAXES AND DEDUCTIONS	
DESCRIPTION	HOURS	CURRENT RATE	EARNINGS	HOURS	Y-T-D EARNINGS	CURRENT AMOUNT	Y-T-D AMOUNT
QTRTRN					76.76	FEDERAL TX 149.36	846.02
REGULAR	80.00	20.8000	1664.00	382.50	7956.00	FICA TAXES 127.30	675.77
OVERTIME				15.00	468.00	QTRTRN	51.70
HOLIDAY				16.00	332.80	POL ACTION 2.00	10.00
						UNION DUES 53.00	159.00
						DUES ASMT 4.00	19.88
						DIRECT DEP 1328.34	7071.19
TOTAL	80.00		1664.00	413.50	8833.56	TOTAL 1664.00	8833.56

**CAESARS PALACE
ONE HARRAH'S COURT
LAS VEGAS, NV 89119**

NO. 10252690

DATE 3/05/2015

NAME

IGNACIO AVILA JR
1909 SIERRA VALLEY WAY
LAS VEGAS, NV 89128

AMOUNT

\$*****1328.34*

DIRECT DEPOSIT ACCOUNT

***293230

NON-NEGOTIABLE

DIRECT DEPOSIT ADVICE

AA000105

IGNACIO AVILA JR 74352	20150216 193712	EMPLOYER:CLV PROPERTY:N30	EE NO: 800381815 DEPT NO: 01815
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BULLETIN BOARD

Looking for a New Year's Resolution? Sign up for 15 in 2015! You will pledge to volunteer 15 hours to any philanthropic organization in 2015. Need opportunities to complete the pledge? By signing up, you will receive monthly updates of HERO events that are happening in Las Vegas. E-mail Eric Zawid at ezawid@caesars.com to take the pledge.

SPECIAL INFORMATION

PTO/VAC TAKEN PAY PD	TAX STATUS: S	CHECK NO:	10220209
PTO/VAC AVAILABLE 88.00	EXEMPTIONS: FED: 03 STATE: 00	CHECK DATE:	2/19/2015
PTO/VAC TAKEN YTD 32.00	STATE CODE: NV	PERIOD ENDING:	2/12/2015
ADD'L W/H:	PAY FREQUENCY: B	PRIMARY JOB BASE RATE:	20.8000

	GROSS	PRE TAX	TAXABLE WAGES	TAXES	DEDUCTIONS	NET PAY
CURRENT	1664.00		1664.00	276.65	1387.34	
Y-T-D	7169.56		7169.56	1245.13	5924.43	

HOURS AND EARNINGS						TAXES AND DEDUCTIONS		
DESCRIPTION	HOURS	CURRENT RATE	EARNINGS	HOURS	Y-T-D EARNINGS	DESCRIPTION	CURRENT AMOUNT	Y-T-D AMOUNT
QTRTRN					76.76	FEDERAL TX	149.36	696.66
REGULAR	80.00	20.8000	1664.00	302.50	6292.00	FICA TAXES	127.30	548.47
OVERTIME				15.00	468.00	QTRTRN		51.70
HOLIDAY				16.00	332.80	POL ACTION	2.00	8.00
						UNION DUES		106.00
						DUES ASMT	4.00	15.88
						DIRECT DEP	1381.34	5742.85
TOTAL						TOTAL	1664.00	7169.56

**CAESARS PALACE
ONE HARRAH'S COURT
LAS VEGAS, NV 89119**

NO. 10220209
DATE 2/19/2015

NAME

IGNACIO AVILA JR
1909 SIERRA VALLEY WAY
LAS VEGAS, NV 89128

AMOUNT

\$*****1381.34*

DIRECT DEPOSIT ACCOUNT

****293230

NON-NEGOTIABLE

DIRECT DEPOSIT ADVICE

AA000106

IGNACIO AVILA JR 75823	20150316 213223	EMPLOYER:CLV PROPERTY:N30	EE NO: 800381815 DEPT NO: 01815
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BULLETIN BOARD

Join the fight against cancer! Walk in the American Cancer Society's 2015 Relay for Life on Saturday, April 11 at The Smith Center! Sign up using at: <http://main.acsevents.org/goto/CaesarsHEROS> (Caesars Entertainment HEROs). Registration is FREE! Contact Dawn Malone dmalone@caesars.com for questions.

SPECIAL INFORMATION

PTO/VAC TAKEN PAY PD	TAX STATUS: S	CHECK NO: 10313907
PTO/VAC AVAILABLE 88.00	EXEMPTIONS: FED: 03 STATE: 00	CHECK DATE: 3/19/2015
PTO/VAC TAKEN YTD 32.00	STATE CODE: NV	PERIOD ENDING: 3/12/2015
ADD'L W/H:	PAY FREQUENCY: B	PRIMARY JOB BASE RATE: 20.8000

	GROSS	PRE TAX	TAXABLE WAGES	TAXES	DEDUCTIONS	NET PAY
CURRENT	1622.40		1622.40	267.23	1355.17	
Y-T-D	10455.96		10455.96	1789.02	8666.94	

HOURS AND EARNINGS						TAXES AND DEDUCTIONS		
DESCRIPTION	HOURS	CURRENT RATE	EARNINGS	HOURS	Y-T-D EARNINGS	DESCRIPTION	CURRENT AMOUNT	Y-T-D AMOUNT
QTRTRN					76.76	FEDERAL TX	143.12	989.14
REGULAR	72.00	20.8000	1497.60	460.50	9578.40	FICA TAXES	124.11	799.88
REGULAR	6.00	20.8000	124.80			QTRTRN		51.70
OVERTIME				15.00	468.00	POL ACTION	2.00	12.00
HOLIDAY				16.00	332.80	UNION DUES		159.00
						QUES ASMT	3.90	23.78
						DIRECT DEP	1349.27	8420.46
TOTAL	78.00		1622.40	491.50	10455.96	TOTAL	1622.40	10455.96

**CAESARS PALACE
ONE HARRAH'S COURT
LAS VEGAS, NV 89119**

NO. 10313907

DATE 3/19/2015

NAME

IGNACIO AVILA JR
1909 SIERRA VALLEY WAY
LAS VEGAS, NV 89128

AMOUNT

\$*****1349.27*

DIRECT DEPOSIT ACCOUNT

****293230

NON-NEGOTIABLE

DIRECT DEPOSIT ADVICE

AA000107

EE NO: 800381815
DEPT NO: 01815

Join the HERO Team for the AIDS Walk Las Vegas 2015 on April 19th starting at 8:00am. You can walk with your families, co-workers, and leashed dogs! If you would like to make a donation, raffles are also available with great prizes including show tickets and spa treatments. To walk with HERO or to purchase raffle tickets, please email Eric Zawid at ezawid@caesars.com

PTO/VAC TAKEN PAY PD		TAX STATUS: S		CHECK DATE: 4/02/2015		
PTO/VAC AVAILABLE		80.00 EXEMPTIONS: FED: 03 STATE: 00		PERIOD ENDING: 3/26/2015		
PTO/VAC TAKEN YTD		40.00 STATE CODE: NV		PAY FREQUENCY: B		
		ADD'L W/H:		PRIMARY JOB BASE RATE: 20.8000		
GROSS		PRE TAX	TAXABLE WAGES	TAXES	DEDUCTIONS	NET PAY
CURRENT	1664.00		1664.00	276.66	1387.34	
Y-T-D	12119.96		12119.96	2065.68	10054.28	

HOURS AND EARNINGS						TAXES AND DEDUCTIONS		
		CURRENT		Y-T-D			CURRENT	Y-T-D
DESCRIPTION	HOURS	RATE	EARNINGS	HOURS	EARNINGS	DESCRIPTION	AMOUNT	AMOUNT
QTRTRN					76.76	FEDERAL TX	149.36	1138.50
REGULAR	72.00	20.8000	1497.60	532.50	11076.00	FICA TAXES	127.30	927.18
OVERTIME				15.00	468.00	QTRTRN		51.70
VACATION	8.00	20.8000	166.40	8.00	166.40	PCL ACTION	2.00	14.00
HOLIDAY				16.00	332.80	UNION DUES	53.00	212.00
						DUES ASMT	3.60	27.38
						DIRECT DEF	1328.74	9749.20
TOTAL	80.00		1664.00	571.50	12119.96	TOTAL	1664.00	12119.96

DATE: 4/02/2015

IGNACIO AVILA JR
1909 SIERRA VALLEY WAY
LAS VEGAS, NV 89128

*****1328.74*

***293230

AA000108

IGNACIO AVILA JR 77548 20150413 194315		EMPLOYER:CLV PROPERTY:N30	EE NO: 800381815 DEPT NO: 01815
BULLETIN BOARD			
Join the HERO Team for the AIDS Walk Las Vegas 2015 on April 19th starting at 8:00am. You can walk with your families, co-workers, and leashed dogs! If you would like to make a donation; raffles are also available with great prizes including show tickets and spa treatments. To walk with HERO or to purchase raffle tickets, please email Eric Zawid at ezawid@caesars.com			
SPECIAL INFORMATION		CHECK NO: 10408461	
PTO/VAC TAKEN PAY PD	TAX STATUS: S	CHECK DATE:	4/16/2015
PTO/VAC AVAILABLE 80.00	EXEMPTIONS: FED: 03 STATE: 00	PERIOD ENDING:	4/09/2015
PTO/VAC TAKEN YTD 40.00	STATE CODE: NV	PAY FREQUENCY:	B
ADD'L W/H:		PRIMARY JOB BASE RATE:	21.1500
GROSS	PRE TAX	TAXABLE WAGES	TAXES
CURRENT 2282.18		2282.18	445.85
Y-T-D 14402.14		14402.14	2511.53
		DEDUCTIONS	NET PAY
		1836.33	
		11890.61	

HOURS AND EARNINGS					TAXES AND DEDUCTIONS		
DESCRIPTION	HOURS	CURRENT RATE	EARNINGS	Y-T-D HOURS	EARNINGS	CURRENT AMOUNT	Y-T-D AMOUNT
QTRTRN					76.76		
REGULAR	24.00	20.8000	499.20	612.50	12759.60	FEDERAL TX 271.27	1409.77
REGULAR	56.00	21.1500	1184.40			FICA TAXES 174.58	1101.76
REGULAR		20.8000				QTRTRN 2.00	51.70
OVERTIME	11.00	31.7250	348.98	34.00	1066.58	POL ACTION 2.00	16.00
OVERTIME	8.00	31.2000	249.60			UNION DUES	212.00
VACATION				8.00	166.40	DUES ASMT 4.95	32.33
HOLIDAY				16.00	332.80	DIRECT DEP 1829.38	11578.58
TOTAL	99.00		2282.18	670.50	14402.14	TOTAL 2282.18	14402.14

CAESARS PALACE
ONE HARRAH'S COURT
LAS VEGAS, NV 89119

NO. 10408461

DATE 4/16/2015

NAME

IGNACIO AVILA JR
1909 SIERRA VALLEY WAY
LAS VEGAS, NV 89128

AMOUNT

\$*****1829.38*

DIRECT DEPOSIT ACCOUNT

****293230

NON-NEGOTIABLE

DIRECT DEPOSIT ADVICE

AA000109

IGNACIO AVILA JR 78342 20150427 184656		EMPLOYER:CLV PROPERTY:N30	EE NO: 800381815 DEPT NO: 01815
BULLETIN BOARD			
SPECIAL INFORMATION		CHECK NO: 10441022 CHECK DATE: 4/30/2015 PERIOD ENDING: 4/23/2015 PAY FREQUENCY: B PRIMARY JOB BASE RATE: 21.1500	
PTO/VAC TAKEN PAY PD PTO/VAC AVAILABLE 64.00 PTO/VAC TAKEN YTD 56.00		TAX STATUS: S EXEMPTIONS: FED: 03 STATE: 00 STATE CODE: NV ADD'L W/H:	
GROSS		PRE TAX	TAXABLE WAGES
CURRENT	2170.52		2170.52
Y-T-D	16572.66		16572.66
TAXES		DEDUCTIONS	NET PAY
	409.39	1761.13	
	2920.92	13651.74	

HOURS AND EARNINGS						TAXES AND DEDUCTIONS		
DESCRIPTION	HOURS	CURRENT RATE	EARNINGS	HOURS	Y-T-D EARNINGS	DESCRIPTION	CURRENT AMOUNT	Y-T-D AMOUNT
QTRTRN					76.76	FEDERAL TX	243.35	1653.12
REGULAR	63.75	21.1500	1348.31	676.25	14107.91	FICA TAXES	166.04	1267.80
OVERTIME	15.25	31.7250	483.81	49.25	1550.39	QTRTRN		51.70
VACATION	16.00	21.1500	338.40	24.00	504.80	POL ACTION	2.00	18.00
HOLIDAY				16.00	332.80	UNION DUES		212.00
						DUES ASMT	3.95	36.28
						DIRECT DEP	1755.18	13333.76
TOTAL						TOTAL	2170.52	16572.66

CAESARS PALACE
ONE HARRAH'S COURT
LAS VEGAS, NV 89119

NO: 10441022

DATE 4/30/2015

NAME

IGNACIO AVILA JR
1909 SIERRA VALLEY WAY
LAS VEGAS, NV 89128

AMOUNT

\$*****1755.18*

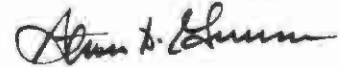
DIRECT DEPOSIT ACCOUNT

****293230

NON-NEGOTIABLE

DIRECT DEPOSIT ADVICE

AA000110


CLERK OF THE COURT

1 NEO
2 GHANDI DEETER LAW OFFICES
3 NEDDA GHANDI, ESQ.
4 Nevada Bar No. 11137
5 nedda@ghandilaw.com
6 LAURA A. DEETER, ESQ.
7 Nevada Bar No. 10562
8 laura@ghandilaw.com
9 707 S. 10th Street
10 Las Vegas, Nevada 89101
11 Telephone: (702) 878-1115
12 Facsimile: (702) 447-9995
13 Attorneys for Plaintiff.

14 EIGHTH JUDICIAL DISTRICT COURT

15 FAMILY DIVISION

16 CLARK COUNTY, NEVADA

17 IGNACIO AVILA, JR.,

18 Plaintiff,

19 vs.

20 ROSIE ELENA MARTINEZ,

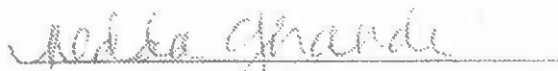
21 Defendant.

CASE NO.: D-15-515892-C
DEPT. NO.: L

22 NOTICE OF ENTRY OF STIPULATION AND ORDER FOR PATERNITY TESTING

23 TO: ALL INTERESTED PARTIES:

24 YOU ARE HEREBY NOTICED that the above-referenced Stipulation and Order was
25 entered on the 7th day of August, 2015. A copy of said Order is attached hereto.

26 
27 NEDDA GHANDI/ESQ.
28 Nevada Bar No. 11137
707 S. 10th Street
Las Vegas, Nevada 89101
Telephone: (702) 878-1115
Attorney for Plaintiff

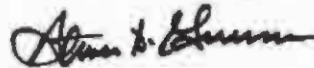
CERTIFICATE OF MAILING

I do hereby certify that on the 25 day of August, 2015 I deposited in the United States Mail, First Class and postage prepaid, a copy of the foregoing, addressed to the party(ies) listed below.

STEINBERG LAW GROUP
Gayle Nathan, Esq.
4270 S. Decatur Blvd., Suite B10
Las Vegas, NV 89103
Attorney for Defendant


An employee of Ghandi Law Offices

neg



CLERK OF THE COURT

1 SAO
2 GHANDI DEETER LAW OFFICES
3 NEDDA GHANDI, ESQ.
4 Nevada Bar No. 11137
5 Email: nedda@ghandilaw.com
6 LAURA A. DEETER, ESQ.
7 Nevada Bar No. 10562
8 Email: laura@ghandilaw.com
9 707 S. 10th Street
10 Las Vegas, Nevada 89101
11 Telephone: (702) 878-1115
12 Facsimile: (702) 447-9995
13 Attorneys for Plaintiff

10 EIGHTH JUDICIAL DISTRICT COURT
11 FAMILY DIVISION
12 CLARK COUNTY, NEVADA

13 IGNACIO AVILA, JR.,

14 Plaintiff,

15 vs.

16 ROSIE ELENA MARTINEZ,

17 Defendant.

Case No.: D-15-515892-C

Dept. No.: L

18 **STIPULATION AND ORDER FOR PATERNITY TESTING**

19 COMES NOW, the parties, Plaintiff, IGNACIO AVILA, JR., ("Plaintiff" or
20 "Ignacio"), by and through his attorneys of record, Nedda Ghandi, Esq. and Laura A. Deeter,
21 Esq. of the law firm of GHANDI DEETER LAW OFFICES, and Defendant, ROSIE ELENA
22 MARTINEZ, ("Defendant" or "Rosie"), by and through her attorney of record, Gayle
23 Nathan, Esq., of STEINBERG LAW GROUP and hereby stipulate and agree to the
24 following:

25 **IT IS HEREBY STIPULATED AND AGREED** that Plaintiff and the minor child
26 in question shall submit to paternity testing to establish the parent child relationship between
27 Plaintiff and the minor child.
28

1 **IT IS FURTHER STIPULTED AND AGREED** that the below listed individuals
2 shall be ordered for genetic parentage testing:

3 FATHER: Ignacio Avila, Jr., born July 18, 1986; and

4 MINOR CHILD: Jazlynn Rose Martinez-Olivia, born October 25, 2013.

5 **IT IS FURTHER STIPULTED AND AGREED** that the genetic testing facility is
6 requested to mail results as follows:

7
8 Ghandi Deeter Law Offices
9 Attention: Nedda Ghandi, Esq.
10 707 S. 10th Street
11 Las Vegas, NV 89101
12 Facsimile: 1-(702) 447-9995
13 Attorney for Plaintiff

14 Steinberg Law Group
15 Attention: Gayle Nathan, Esq.
16 4270 S. Decatur Blvd., Suite B10
17 Las Vegas, NV 89103
18 Facsimile: (702) 384-9668
19 Attorney for Defendant

20 **IT IS FURTHER STIPULTED AND AGREED** that the genetic testing facility
21 may mail copy of the results to the parties being tested (except minor children) or to their
22 attorneys. Prior to testing, each party is directed to provide the genetic testing facility with a
23 mailing address where results may be mailed.

24 **IT IS FURTHER STIPULTED AND AGREED** that the parties are Ordered to
25 schedule specimen collection within seven (7) days from the entry of this Stipulation and
26 Order. The parties shall equally divide the cost for all fees associated with genetic testing.
27
28

///

///

///

///

///

///

1 DATED this 31 day of July, 2015.

2 Nedda Ghandi

3 NEDDA GHANDI, ESQ.

4 Nevada Bar No. 11137

5 Email: nedda@ghandilaw.com

6 LAURA A. DEETER, ESQ.

7 Nevada Bar No. 10562

8 Email: laura@ghandilaw.com

9 707 S. 10th Street

10 Las Vegas, Nevada 89101

11 Attorney for Plaintiff

DATED this 30 day of July, 2015.

Gayle Nathan

GAYLE NATHAN, ESQ.

Nevada Bar No. 4917

4270 S. Decatur Blvd., Suite B10

Las Vegas, NV 89103

Telephone: (702) 384-9664

Facsimile: (702) 384-9668

12 **ORDER**

13 Based upon the agreement of the parties and good cause being shown,

14 **IT IS HEREBY ORDERED** that Plaintiff and the minor child in question shall
15 submit to paternity testing to establish the parent child relationship between Plaintiff and the
16 minor child.

17 **IT IS FURTHER ORDERED** that the below listed individuals shall be ordered for
18 genetic parentage testing:

19 FATHER: Ignacio Avila, Jr., born July 18, 1986; and

20 MINOR CHILD: Jazlynn Rose Martinez-Olivia, born October 25, 2013.

21 **IT IS FURTHER ORDERED** that the genetic testing facility is requested to mail
22 results as follows:

23 Ghandi Deeter Law Offices

24 Attention: Nedda Ghandi, Esq.

25 707 S. 10th Street

26 Las Vegas, NV 89101

27 Facsimile: 1-(702) 447-9995

28 Attorney for Plaintiff

Steinberg Law Group

Attention: Gayle Nathan, Esq.

4270 S. Decatur Blvd., Suite B10

Las Vegas, NV 89103

Facsimile: (702) 384-9668

Attorney for Defendant

IT IS FURTHER ORDERED that the genetic testing facility may mail copy of the results to the parties being tested (except minor children) or to their attorneys. Prior to testing, each party is directed to provide the genetic testing facility with a mailing address where results may be mailed.

IT IS FURTHER ORDERED that the parties are Ordered to schedule specimen collection within seven (7) days from the entry of this Stipulation and Order. The parties shall equally divide the cost for all fees associated with genetic testing.

DATED this 6th ^{August} day of ~~July~~, 2015.

DISTRICT COURT JUDGE

JENNIFER L. ELLIOTT

Submitted by:

GHANDI DEETER LAW OFFICES

Nedda Ghandi, Esq.
Nevada Bar No. 11137
Laura A. Deeter, Esq.
Nevada Bar No. 10562
707 S. 10th Street
Las Vegas, Nevada 89101
Attorneys for Plaintiff

OFFM

FILED IN OPEN COURT

Sept 1 20 15
Steven D. Grierson, Clerk of the Court

By M Prescott
MICHELLE PRESCOTT Deputy

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Ignacio Avila, Jr.

Plaintiff

Case No.

D-15-515892-C

-vs-

Department

L

Rosie Elena Martinez

Defendant

ORDER FOR FAMILY MEDIATION CENTER
SERVICES

IT IS HEREBY ORDERED that, in the spirit of preserving the parents' right to make decisions about the future best interest of their child(ren), the above-named parties will make every attempt to resolve their disputes.

IT IS FURTHER ORDERED that, if a Court Interpreter is needed, it is the parties responsibility to pay the interpreter at the time services are rendered, and the language needed is: _____

IT IS FURTHER ORDERED by the Court that, regarding the child(ren) at issue, the Family Mediation Center (FMC) shall:

Je

Provide Confidential Mediation _____
(When telephone mediation is ordered, one or both parties must reside out-of-state.)

_____ Include a Domestic Violence Protocol

_____ Interview Child(ren) _____

Issues: _____

_____ Reunify Parent/Child(ren) _____

IT IS FURTHER ORDERED that the cost of mediation will be assessed using a sliding scale based on each litigant's individual financial status with a maximum cost of \$300.00 per person. Child(ren) interviews are \$50.00 per child per litigant. Parent/Child(ren) reunifications are \$50.00 per litigant.

IT IS FURTHER ORDERED that the parties and/or their attorneys must report to the Family Mediation Center at 601 N. Pecos Road, Las Vegas, NV 89101, phone (702) 455-4186.

DATED this 1st day of Sept. 20 15.

This matter is reset for

Date: 11/5/2015 Time: 10:00 A.M.

Attorney for Plaintiff: Nadha Ghandi, Esq.

Attorney for Defendant: Gayle Nathan, Esq.

Jennifer L. Elliott
District Judge
JENNIFER L. ELLIOTT

FILED IN OPEN COURT

Sept 1, 2015
STEVEN D. GRIERSON
CLERK OF THE COURT

BY *M. Prescott*
MICHELLE PRESCOTT DEPUTY

1 SAO
2 GHANDI DEETER LAW OFFICES
3 NEDDA GHANDI, ESQ.
4 Nevada Bar No. 11137
5 Email: nedda@ghandilaw.com
6 LAURA A. DEETER, ESQ.
7 Nevada Bar No. 10562
8 Email: laura@ghandilaw.com
9 707 S. 10th Street
10 Las Vegas, Nevada 89101
11 Telephone: (702) 878-1115
12 Facsimile: (702) 447-9995
13 Attorneys for Plaintiff

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28
**EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA**

IGNACIO AVILA, JR.,

Plaintiff,

vs.

ROSIE ELENA MARTINEZ,

Defendant.

Case No.: D-15-515892-C

Dept. No.: L

**STIPULATION AND ORDER TO CONTINUE CASE MANAGEMENT
CONFERENCE, PLAINTIFF'S MOTION AND DEFENDANT'S
COUNTERMOTION**

COMES NOW, the parties, Plaintiff, IGNACIO AVILA, JR., ("Plaintiff" or "Ignacio"), by and through his attorneys of record, Nedda Ghandi, Esq. and Laura A. Deeter, Esq. of the law firm of GHANDI DEETER LAW OFFICES, and Defendant, ROSIE ELENA MARTINEZ, ("Defendant" or "Rosie"), by and through her attorney of record, Gayle Nathan, Esq. and hereby stipulate and agree to continue the Case Management Conference, Plaintiff's Motion and Defendant's Countermotion currently scheduled for September 1, 2015, at 9:00 a.m. as the parties have stipulated to a paternity test between Plaintiff and the

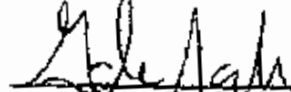
1 minor child. Said results have not been received. Also, the parties would like to attempt
2 mediation prior to the court hearing to see if a resolution is possible.

3 DATED this 21 day of August, 2015.

4 DATED this 28 day of August, 2015.

5 

6 NEDDA GHANDI, ESQ.
7 Nevada Bar No. 11137
8 Email: nedda@ghandilaw.com
9 LAURA A. DEETER, ESQ.
10 Nevada Bar No. 10562
11 Email: laurae@ghandilaw.com
12 707 S. 10th Street
13 Las Vegas, Nevada 89101
14 Attorney for Plaintiff

5 

6 GAYLE NATHAN, ESQ.
7 Nevada Bar No. 4917
8 8275 S. Eastern Ave., #200-825
9 Las Vegas, NV 89123
10 Telephone: (702) 724-2675
11 Email: gaylenathanlaw@gmail.com

12 **ORDER**

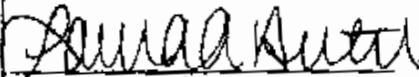
13 Based upon the agreement of the parties and good cause being shown,

14 **IT IS HEREBY ORDERED** that the Case Management Conference, Plaintiff's
15 Motion and Defendant's Countermotion currently scheduled for September 1, 2015 at 9:00
16 a.m. shall be continued for no less than sixty (60) days to the 5th day of November
17 2015 at 10:00 a.m./p.m. at the Family Courthouse, 601 N. Pecos Rd., Las Vegas, NV 89101,
18 Department L.

19 DATED this 31st day of August, 2015.

20 
21
22 DISTRICT COURT JUDGE
23 JENNIFER L. ELLIOTT *Hld*

24 Submitted by:
25 GHANDI DEETER LAW OFFICES

26 

27 Nedda Ghandi, Esq.
28 Nevada Bar No. 11137
Laura A. Deeter, Esq.
Nevada Bar No. 10562
707 S. 10th Street
Las Vegas, Nevada 89101
Attorneys for Plaintiff

FILED IN OPEN COURT

November 5, 2015

STEVEN D. GRIERSON
CEO / CLERK OF THE COURT

OFFM

By: Victoria Pott Deputy
VICTORIA POTT

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

AVILA, IGNACIO, JR.

Plaintiff

-vs-

MARTINEZ, ROSIE

Defendant

Case No. D-15-515892-C

Department L

ORDER FOR FAMILY MEDIATION CENTER
SERVICES

IT IS HEREBY ORDERED that, in the spirit of preserving the parents' right to make decisions about the future best interest of their child(ren), the above-named parties will make every attempt to resolve their disputes.

IT IS FURTHER ORDERED that, if a Court Interpreter is needed, it is the parties responsibility to pay the interpreter at the time services are rendered, and the language needed is _____

IT IS FURTHER ORDERED by the Court that, regarding the child(ren) at issue, the Family Mediation Center (FMC) shall:

☒ Provide Confidential Mediation _____
(When telephone mediation is ordered, one or both parties must reside out-of-state.)

☐ Include a Domestic Violence Protocol

☐ Interview Child(ren) _____

☐ Issues: _____

☐ Reunify Parent/Child(ren) _____

IT IS FURTHER ORDERED that the cost of mediation will be assessed using a sliding scale based on each litigant's individual financial status with a maximum cost of \$300.00 per person. Child(ren) interviews are \$50.00 per child per litigant. Parent/Child(ren) reunifications are \$50.00 per litigant.

IT IS FURTHER ORDERED that the parties and/or their attorneys must report to the Family Mediation Center at 601 N. Pecos Road, Las Vegas, NV 89101, phone (702) 455-4186.

DATED this 5th day of Nov., 2015

This matter is reset for

Date: 1/19/16 Time: 9:30 AM

Attorney for Plaintiff: NEDDA GHANDI

Attorney for Defendant: LAYLE NATHAN

Jennifer L. Elliott
District Judge

JENNIFER L. ELLIOTT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint**COURT MINUTES**

November 05, 2015

D-15-515892-C Ignacio Avila, Jr., Plaintiff.
vs.
Rosie Martinez, Defendant.

November 05, 2015 10:00 AM All Pending Motions

HEARD BY: Elliott, Jennifer**COURTROOM:** Courtroom 06**COURT CLERK:** Victoria Pott**PARTIES:**

Ignacio Avila, Plaintiff, Counter Defendant, Nedda Ghandi, Attorney, present
present
Jazlynn Martinez-Olivia, Subject Minor, not
present
Rosie Martinez, Defendant, Counter Claimant, Gayle Nathan, Attorney, present
present

JOURNAL ENTRIES

- PLAINTIFF'S MOTION FOR JOINT LEGAL CUSTODY, JOINT PHYSICAL CUSTODY, CHILD SUPPORT PURSUANT TO WRIGHT V. OSBURN, TO CHANGE MINOR CHILD'S NAME, AND FOR ATTORNEY'S FEES AND COSTS...DEFENDANT'S OPPOSITION AND COUNTERMOTION FOR AN ORDER FOR PATERNITY TESTING; FOR MEDIATION; FOR PRIMARY PHYSICAL CUSTODY AND DEFINED VISITATION AND FOR AN ORDER FOR CHILD SUPPORT, ATTORNEY'S FEES AND OTHER RELATED RELIEF...CASE MANAGEMENT CONFERENCE..GAYLE NATHAN ESQ'S MOTION TO WITHDRAW

Ms. Nathan represented she is staying on the case and withdrew her Motion to Withdraw as counsel for Defendant.

Counsel requested a re-referral to mediation as the parties are agreeable to participating in mediation, and further requested a Trial date.

PRINT DATE:	11/09/2015	Page 1 of 3	Minutes Date:	November 05, 2015
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Parties stipulated to paternity. COURT FINDS, paternity is established. Plaintiff is the biological father of Jazlynn Rose Olivia, born 10/25/13.

Argument by counsel.

Court recommended the parties participate in a parenting program.

COURT ORDERED, Ms. Nathan's request to withdraw her Motion to Withdraw is GRANTED.

Pursuant to STIPULATION, parties REFERRED to Family Mediation Center (FMC) for MEDIATION. A Return Hearing is SET. Order for Family Mediation Center Services FILED IN OPEN COURT. In the interim, parties shall have TEMPORARY JOINT LEGAL CUSTODY, with Defendant having TEMPORARY PRIMARY PHYSICAL CUSTODY of the minor child. Effective 11/13/15, Plaintiff shall have VISITATION every other weekend from Friday at 12:00 PM to Sunday at 4:00 PM, and Tuesdays and Thursdays from 12:00 PM to 6:00 PM in the weeks following his weekend visitation. For this year only, Plaintiff shall have Thanksgiving Day from 9:00 AM to 1:00 PM and Christmas Day from 9:00 AM to 7:00 PM (if it is not Plaintiff's regularly scheduled visitation weekend). Absent mutual agreement thereafter, parties shall follow the Court's DEFAULT HOLIDAY SCHEDULE, a copy of which was provided to the parties IN OPEN COURT.

An Evidentiary Hearing is SET for 3/8/16 at 1:30 PM (Stack #1) on the issue of CUSTODY, with a Calendar Call SET for 2/23/16 at 11:00 AM. The Department's JEA shall send a Trial Management Order to counsel with the scheduling deadlines.

Parties shall co-parent via e-mail ONLY IF an issue arises that is causing conflict between the parties. The parties shall notify each other (10) days prior to any CHANGE in ADDRESS, TELEPHONE NUMBER, and/or EMPLOYMENT. In addition, the change shall be filed with the Clerk's Office.

The Court is not going to order that the MINOR CHILD'S SURNAME be changed. A change will be granted only upon mutual agreement of the parties. Absent an agreement, the most the Court would consider is a hyphenated surname. Counsel shall confer and attempt resolution of this issue.

Based on Plaintiff's reported gross income of \$4,639.09 per month. Plaintiff shall pay Defendant CHILD SUPPORT at the statutory maximum of \$748.00 per month, retroactive to 7/1/15. Plaintiff shall file a Financial Disclosure Form with a copy of his year-to-date wage statement attached.

Defendant shall continue to provide HEALTH INSURANCE for the benefit of the minor child. Plaintiff shall reimburse Defendant monthly for his one-half share of the premium cost. Counsel shall confer and determine the cost. Any unreimbursed medical, dental, optical, orthodontic or other health related expense incurred for the benefit of the minor child is to be divided equally between the

PRINT DATE:	11/09/2015	Page 2 of 3	Minutes Date:	November 05, 2015
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parties. Either party incurring an out of pocket medical expense for the child 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.

Pursuant to STIPULATION, Plaintiff shall reimburse Defendant one-half of the child's birthing costs upon receiving verification of the cost.

Ms. Nathan shall prepare the Order from today's hearing; Ms. Ghandi shall review and sign off.

1/19/16 9:30 AM Return Hearing: FMC (Mediation)

3/8/16 1:30 PM Evidentiary Hearing (Custody)

2/23/16 11:00 AM Calendar Call

Flagged for follow up.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Cancelled. December 10, 2015 10:00 AM Motion for Withdrawal

January 19, 2016 9:30 AM Return Hearing
Elliott, Jennifer
Courtroom 06
Prescott, Michelle

February 23, 2016 11:00 AM Calendar Call
Elliott, Jennifer
Courtroom 06
Prescott, Michelle

March 08, 2016 1:30 PM Evidentiary Hearing
Elliott, Jennifer
Courtroom 06
Prescott, Michelle

PRINT DATE:	11/09/2015	Page 3 of 3	Minutes Date:	November 05, 2015
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DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA


CLERK OF THE COURT

Ignacio Avila, Jr.,
Plaintiff,

vs.

Rosie Martinez,
Defendant.

CASE NO: D-15-515892-C
DEPT. L
Calendar Call: 2/23/16 11:00 a.m.
SC/EH/NJT: 3/8/16 1:30 p.m. (Stack#1)

SETTLEMENT CONFERENCE
and/or EVIDENTIARY HEARING
and/or TRIAL MANAGEMENT ORDER

TO COUNSEL AND LITIGANTS IN PROPER PERSON: This Order sets forth critical dates and times for the major proceedings in this case. It is the responsibility of the attorneys for the litigants, or the litigants where appearing in proper person, to meet the deadlines and to appear for the following required proceedings:

Calendar Call date: February 23, 2016 at 11:00 a.m.

Trial/EH/SC date: March 8, 2016 at 1:30 p.m. (Stack#1)

Pre-trial/EH/SC Brief due: February 18, 2016

IT IS HEREBY ORDERED that failure by counsel or litigants to meet the above deadlines, failure to appear as required by this Order, failure to substantially prepare or to participate in the proceedings in good faith, including failure at a Settlement Conference (SC) to submit settlement proposals and to participate in settlement negotiations in good faith, may result in sanctions, and the party or attorney may be required to pay reasonable expenses and attorneys fees incurred due to noncompliance with this Order, (see NRCP 37(b)(2)(B), (C), (D), NRCP 16(f), EDCR 2.68, EDCR 5.88). The failure to appear for a particular proceeding pursuant to this Order may result in a dismissal of the case, a default judgment against the non-

1 appearing party, or other appropriate sanctions.

2
3 DISCOVERY CONFERENCE

4 **IT IS FURTHER ORDERED** that the discovery required by NRCP 16.1 and
5 EDCR 5.43 must be held and the requirements of these rules must be completed; all
6 discovery shall be completed no later than fifteen (15) days prior to Calendar Call
7 unless counsel/parties agree otherwise in writing, or the Court orders otherwise. If the
8 requirements of these rules are not met, the Court may vacate the SC/EH/NJT date, and
9 will not reset the proceeding until discovery is completed, or the Court may impose
10 sanctions under NRCP 16.1(e)(1-4) and/or NRCP 37(b)(2)(A), (B), (C), (D). The
11 failure to conduct and conclude discovery can also result in imposition of sanctions as
12 stated above, and those imposed under EDCR 2.68 and EDCR 5.88; such sanctions
13 may include default or dismissal of the case.
14

15 MANDATORY MEETING BEFORE CALENDAR CALL

16 **IT IS FURTHER ORDERED** that pursuant to EDCR 5.87, the designated
17 trial attorneys or proper person litigants must hold a Pre-Trial Conference to arrive at
18 stipulations and agreements to simplify issues at trial and to exchange witness lists and
19 all exhibits which are to be introduced at time of trial. If said documents have not been
20 exchanged, same may be the subject of objection at the time of hearing.
21

22 CALENDAR CALL/SETTLEMENT STATUS
23 CONTINUANCES

24 **IT IS FURTHER ORDERED** that all attorneys for litigants, and litigants in
25 proper person must appear in the Courtroom (No. 6) for this calendar call and
26 settlement status check at the date and time set forth above.

27 Such conferences are conducted pursuant to NRCP 16, EDCR 2.68, and EDCR

1 5:88. Counsel or proper person litigants are to bring the following to the calendar call:
2 witness and exhibit lists, one set of original exhibits ready for marking by the Clerk
3 (with two courtesy copies: one for the other party, one for the Court), and any other
4 discovery items sought to be introduced at trial. *Failure to provide foregoing at the*
5 *time of calendar call may result in such exhibits or evidence being excluded or other*
6 *appropriate court-imposed sanctions against counsel or party in proper person.*

7
8 **IT IS FURTHER ORDERED** that this case will be tried in such an order as the
9 Court directs. Requests for continuances shall be in writing and served upon opposing
10 counsel/party if in proper person, and a hearing shall be held on the merits at least three (3)
11 days prior to the time of trial. Sanctions may be imposed if undue delay is exercised in
12 bringing motions to continue or any other action that will disturb the trial date. For good
13 cause shown, where both counsel or parties stipulate at the calendar call, and where the
14 Court does not disagree, the Court has the discretion to grant an oral request for a
15 continuance.

16 **MEMORANDUM/BRIEF**

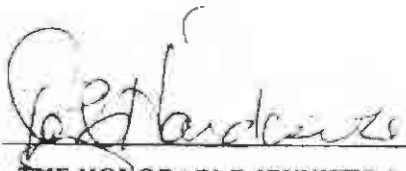
17 **IT IS FURTHER ORDERED** that the Brief or Memorandum shall be filed
18 four days before the calendar call. A courtesy copy of same shall be delivered to the
19 Judge's chambers and served on opposing counsel the same day. **Failure to submit the**
20 **Brief or Memorandum on or before this date, absent the Court's approval, may**
21 **result in the date being vacated and the matter being rescheduled in ordinary**
22 **course.**

23
24 *In no event shall the brief be delivered to Court less than four (4) business*
25 *days before the date set for settlement conference/evidentiary hearing or non-jury*
26 *trial. If after a SC, nothing has changed in the case and there is absolutely nothing*
27 *to supplement in a pre-trial brief, counsel or the parties may rest on the prior SC*
28 *brief for trial.*

1
2 SETTLEMENT DURING PENDENCY OF THE ACTION

3 If this case is settled during the pendency of this action, counsel for the parties
4 or litigants in proper person shall exercise DUE DILIGENCE in advising the
5 department and the clerk and providing a Stipulation and Order to that effect so that any
6 future hearing dates can be vacated.
7

8 Dated: November 12, 2015

9
10 
11 for THE HONORABLE JENNIFER L. ELLIOTT
12 District Court Judge
13 Family Court—Dept. L

14 CERTIFICATE OF SERVICE

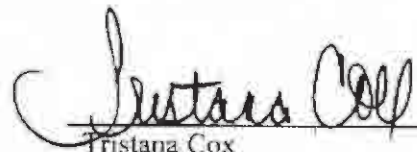
15 A copy of the foregoing TRIAL MANAGEMENT ORDER was:

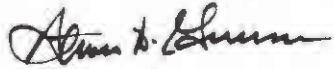
16 X

17 Placed in the Plaintiff and Defendant's attorney folders and /or to the following
18 address on or about the file stamped date.

19 Nedda Ghandi, Esq.
20 Attorney for Plaintiff

21 Gayle Nathan, Esq.
22 Attorney for Defendant

23 
24 Tristana Cox
25 Judicial Executive Assistant
26 Family Division, Department L
27
28


CLERK OF THE COURT

1 **NEO**
2 **GHANDI DEETER LAW OFFICES**
3 **NEDDA GHANDI, ESQ.**
4 Nevada Bar No. 11137
5 nedda@ghandilaw.com
6 **LAURA A. DEETER, ESQ.**
7 Nevada Bar No. 10562
8 laura@ghandilaw.com
9 707 S. 10th Street
10 Las Vegas, Nevada 89101
11 Telephone: (702) 878-1115
12 Facsimile: (702) 447-9995
13 Attorneys for Plaintiff

14 **EIGHTH JUDICIAL DISTRICT COURT**

15 **FAMILY DIVISION**

16 **CLARK COUNTY, NEVADA**

17 **IGNACIO AVILA, JR.,**

18 Plaintiff,

19 vs.

20 **ROSIE ELENA MARTINEZ,**

21 Defendant.

CASE NO.: D-15-515892-C
DEPT. NO.: L

22 **NOTICE OF ENTRY OF ORDER FROM NOVEMBER 5, 2015 HEARING**

23 **TO: ALL INTERESTED PARTIES:**

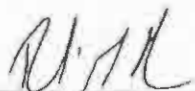
24 YOU ARE HEREBY NOTICED that an Order was entered on the 4th day of November,
25 2015. A copy of said Order is attached hereto.

26 
27 **NEDDA GHANDI, ESQ.**
28 Nevada Bar No. 11137
707 S. 10th Street
Las Vegas, Nevada 89101
Telephone: (702) 878-1115
Attorney for Plaintiff

CERTIFICATE OF MAILING

I do hereby certify that on the 22 day of ^{DECEMBER}~~November~~, 2015 I deposited in the United States Mail, First Class and postage prepaid, a copy of the foregoing, addressed to the party(ies) listed below.

Gayle Nathan, Esq.
8275 S. Eastern Ave., #200-825
Las Vegas, NV. 89123
Attorney for Defendant



An employee of Ghandi Law Offices



CLERK OF THE COURT

ORDER

GHANDI DEETER LAW OFFICES

NEDDA GHANDI, ESQ.

Nevada Bar No. 11137

Email: nedda@ghandilaw.com

LAURA A. DEETER, ESQ.

Nevada Bar No. 10562

Email: laura@ghandilaw.com

707 S. 10th Street

Las Vegas, Nevada 89101

Telephone: (702) 878-1115

Facsimile: (702) 447-9995

Attorney for Plaintiff

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

IGNACIO AVILA, JR.,

Plaintiff,

vs.

ROSIE ELENA MARTINEZ,

Defendant.

CASE NO.: D-15515892-C

DEPT. NO.: L

Date of Hearing: November 5, 2015

Time of Hearing: 10:00 a.m.

ORDER FROM NOVEMBER 5, 2015 HEARING

THIS MATTER having been brought before the Court for Plaintiff's Motion for Joint legal Custody, Joint Physical Custody, Child Support Pursuant to Wright v. Osburn, to Change Minor Child's name, and for Attorney's Fees and Costs; Defendant's Opposition and Countermotion for an Order for Paternity Testing; for Mediation; for Primary Physical Custody and Defined Visitation and for an Order for Child Support, Attorney's Fees and Other Related Relief; Case Management Conference and Gayle Nathan Esq.'s Motion to Withdraw on November 5, 2015; the Plaintiff, Ignacio Avila, Jr., appearing by and through counsel, Nedda Ghandi, Esq., of GHANDI DEETER LAW OFFICES and the Defendant, Rosie Elena Martinez, appearing by and through counsel Gayle Nathan, Esq., of GAYLE NATHAN LAW the Court

1 having examined the evidence, reviewed the papers and pleadings on file herein, heard the
2 arguments of counsel, and being fully advised in the premises, and good cause showing, hereby
3 makes the following findings:

4 THE COURT HEREBY NOTES that Ms. Nathan represented that she is staying on the
5 case and withdrew her Motion to Withdraw as counsel for Defendant.

6 THE COURT FURTHER NOTES that counsel requested a re-referral to mediation as the
7 parties are agreeable to participating in mediation and further requested a trial date.

8 THE COURT FURTHER NOTES that the parties stipulated to paternity.

9 THE COURT FINDS that there was a result from LaCorp which determined Plaintiff to
10 be the biological father of the minor child in question thereby establishing paternity. Plaintiff is
11 the biological father of Jazlynn Rose Olivia, born October 25, 2013.

12 THE COURT RECOMMENDED that the parties participate in a parenting program.

13 IT IS FURTHER ORDERED that pursuant to the parties stipulation, the parties are
14 referred to Family Mediation Center for Mediation Center Services. A referral Order is filed in
15 open court.

16 IT IS FURTHER ORDERED that in the interim, the parties shall have temporary joint
17 legal custody with Defendant having temporary primary physical custody of the minor child.

18 IT IS FURTHER ORDERED that effective November 13, 2015, Plaintiff shall have
19 visitation every other weekend from Friday at 12:00 p.m., to Sunday at 4:00 p.m. In the weeks
20 following his weekend visitation, Plaintiff shall have the minor child on Tuesdays and Thursdays
21 from 12:00 p.m. to 6:00 p.m.

22 IT IS FURTHER ORDERED that for this year only, Plaintiff shall have Thanksgiving
23 Day from 9:00 a.m., to 1:00 p.m., and Christmas Day from 9:00 a.m., to 7:00 p.m. (if this is not
24 Plaintiff's regularly scheduled visitation weekend.)

25 IT IS FURTHER ORDERED that absent mutual agreement, the parties shall follow the
26 Court's default holiday schedule, a copy of which was provided to the parties in Open Court.

27 IT IS FURTHER ORDERED that an Evidentiary Hearing is set for March 8, 2016 at 1:30
28 p., (stack 1) on the issue of custody, with Calendar Call set for February 23, 2016 at 11:00 a.m.

1 The Department's JEA shall send a Trial Management Order to counsel with the scheduling
2 deadlines.

3 IT IS FURTHER ORDERED that the parties shall co-parent via email only if an issue
4 arises that is causing conflict between the parties.

5 IT IS FURTHER ORDERED that the parties shall notify each other 10 days prior to any
6 change in address, telephone number and/or employment. In addition, the change shall be filed
7 with the Clerk's Office.

8 IT IS FURTHER ORDERED that the Court is not going to order that the minor child's
9 surname be changed. A change will be granted only upon mutual agreement of the parties. Absent
10 an agreement, the most the Court allow for is a hyphenated surname. Counsel shall confer and
11 attempt resolution of this issue.

12 IT IS FURTHER ORDERED that based on Plaintiff's reported gross income of \$4,639.09
13 per month, Plaintiff shall pay Defendant child support at the statutory maximum of \$748.00 per
14 month, retroactive to July 1, 2015.

15 IT IS FURTHER ORDERED that Defendant shall continue to provide health insurance
16 for the benefit of the minor child. Plaintiff shall reimburse Defendant monthly for his one-half
17 share of the premium cost. Counsel shall confer and determine the cost. Any unreimbursed
18 medical, dental, optical, orthodontic or other health related expenses incurred for the benefit of
19 the minor child is to be divided equally between the parties. Either party incurring an out of
20 pocket medical expense for the child shall provide a copy of the paid invoice/receipt to the other
21 party within thirty days of incurring such expense, if not tendered within the thirty day period, the
22 Court may consider it as a waiver of reimbursement. The other party will then have thirty days
23 from receipt within which to dispute the expense in writing or reimburse the incurring party for
24 one-half of the out of pocket expense, if not disputed or paid within the thirty day period, the
25 party may be subject to a finding of contempt and appropriate sanctions.

26 IT IS FURTHER ORDERED that pursuant to Stipulation, Plaintiff shall reimburse
27 Defendant one-half of the child's birthing costs upon receiving verification of the costs.

28 ///

1 IT IS FURTHER ORDERED that a return hearing is set for January 19, 2016 at 9:30 a.m.

2 DATED this 4th day of December 2015.

3
4 
DISTRICT COURT JUDGE

JENNIFER L. ELLIOTT

5 Respectfully submitted by:

Approved as to form and content:

6
7 
8 NEDDA GHANDI, ESQ.

9 Nevada Bar No. 11137

10 LAURA A. DEETER, ESQ.

11 Nevada Bar No. 10562

12 707 S. 10th Street

Las Vegas, Nevada 89101

Attorney for Plaintiff

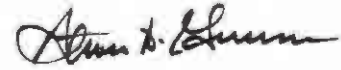
13
14 
15 GAYLE NATHAN, ESQ.

16 Nevada Bar No. 4917

17 8275 S. Eastern Ave. #200-825

18 Las Vegas, NV 89123

19 Attorney for Defendant


CLERK OF THE COURT

1 **ROC**
2 **GHANDI DEETER LAW OFFICES**
3 NEDDA GHANDI, ESQ.
4 Nevada Bar No. 11137
5 Email: nedda@ghandilaw.com
6 LAURA A. DEETER, ESQ.
7 Nevada Bar No. 10562
8 Email: laura@ghandilaw.com
9 707 S. 10th Street
10 Las Vegas, Nevada 89101
11 Telephone: (702) 878-1115
12 Facsimile: (702) 447-9995
13 Attorneys for Plaintiff

14 **EIGHTH JUDICIAL DISTRICT COURT**

15 **FAMILY DIVISION**

16 **CLARK COUNTY, NEVADA**

17 **IGNACIO AVILA, JR.,**

18 Plaintiff,

19 vs.

20 **ROSIE ELENA MARTINEZ,**

21 Defendant.

CASE NO.: D-15-515892-C

DEPT. NO.: L

22 **RECEIPT OF COPY**

23 I hereby acknowledge receipt of the following document:

- 24 1. Plaintiff's First Set of Interrogatories to the Defendant; and
25 2. Plaintiff's First Request for Production of Documents to Defendant.

26 DATED this 1 day of January, 2016.

27 By: 

28 **GAYLE NATHAN, ESQ.**

Nevada Bar No. 4917

8275 S. Eastern Ave., #200-825

Las Vegas, NV 89123

Email: gaylenathanlaw@gmail.com

Attorney for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

Child Custody Complaint

COURT MINUTES

January 19, 2016

D-15-515892-C Ignacio Avila, Jr., Plaintiff.
vs.
Rosie Martinez, Defendant

January 19, 2016 9:30 AM Return Hearing

HEARD BY: Elliott, Jennifer

COURTROOM: Courtroom 06

COURT CLERK: Jetterlyann Rouse

PARTIES:

Ignacio Avila, Plaintiff, Counter Defendant, present	Nedda Ghandi, Attorney, present
Jazlynn Martinez-Olivia, Subject Minor, not present	
Rosie Martinez, Defendant, Counter Claimant, not present	Gayle Nathan, Attorney, present

JOURNAL ENTRIES

- RETURN HEARING: FMC (MEDIATION)

Upon the matter being called the court noted the agreement reached by parties

Opening remarks by Attorney Nathan who advised the court Defendant/Mom was at home with the children whom are sick.

The Court noted the correction as to the minutes from the hearing held on 11-5-2015.

THE COURT further noted concerns as to a settlement being reached and parties attending UNLV Mediation.

PRINT DATE:	01/23/2016	Page 1 of 2	Minutes Date:	January 19, 2016
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THE COURT ORDERED,

1. Defendant/Mom shall file a FINANCIAL DISCLOSURE FORM (FDF).
2. Discovery shall be open.
3. Counsel shall confer as to outstanding issues prior to the use of another process.
4. Counsel shall contact Chambers if a need for an Alternative Dispute Resolution process is needed.
5. Calendar Call SET for 2-23-2016 at 11:00 am
6. Evidentiary Hearing SET for 3-8-2016 at 1:30 pm. (stack 1)

INTERIM CONDITIONS:

FUTURE HEARINGS:

February 23, 2016 11:00 AM Calendar Call
Elliott, Jennifer
Courtroom 06
Prescott, Michelle

March 08, 2016 1:30 PM Evidentiary Hearing
Elliott, Jennifer
Courtroom 06
Prescott, Michelle

PRINT DATE:	01/23/2016	Page 2 of 2	Minutes Date:	January 19, 2016
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Monthly Personal Income Schedule

A. Year-to-date Income.

As of the pay period ending 12-2-13, my gross year to date pay is \$177.55

B. Determine your Gross Monthly Income.

Hourly Wage

<u>13.93</u>	x	<u>24</u>	=	<u>334.32</u>	=	<u>12.56</u>	=	<u>1476.72</u>
Hourly Wage		Number of hours worked per week		Weekly Income		Weeks		12 Months Gross Monthly Income

Annual Salary

	÷	<u>12</u>	=	
Annual Income		Months		Gross Monthly Income

C. Other Sources of Income.

Source of Income	Frequency	Amount	12 Month Average
Annuity or Trust Income			
Alimony			
Car Housing or Other allowance			
Commissions or Tips			
Gift Return Income			
Overtime Pay			
Pension/Retirement			
Social Security Income (SSI)			
Social Security Disability (SSDI)			
Spousal Support			
Child Support			
Workers Compensation			
Other			
Total Average Other Income Received			

Total Average Gross Monthly Income (add totals from B and C above)	
--	--

18. Monthly Deductions

	Type of Deduction	Amount
1	Court Ordered Child Support (automatically deducted from paycheck)	
2	Federal Health Savings Plan	
3	Federal Income Tax	
4	Health Insurance Amount for you: For Opposing Party: For your Child(ren):	\$5.42 Monthly \$5.42
5	Life, Disability, or Other Insurance Premiums	
6	Medicare	
7	Retirement, Pension, IRA, or 401(k)	
8	Savings	
9	Social Security	
10	Union Dues	
11	Other (Type of Deduction)	
Total Monthly Deductions (Lines 1-11)		

Business/Self-Employment Income & Expense Schedule

A. Business Income:

What is your average gross (pre-tax) monthly income/revenue from self-employment or businesses?
\$

B. Business Expenses: Attach an additional page if needed

Type of Business Expense	Frequency	Amount	12 Month Average
Advertising			
Car and truck used for business			
Commissions, wages or fees			
Business Entertainment/Travel			
Insurance			
Legal and professional			
Mortgage or Rent			
Pension and profit-sharing plans			
Repairs and maintenance			
Supplies			
Taxes and licenses (includes est. tax payments)			
Utilities			
Other			
Total Average Business Expenses			

Personal Expense Schedule (Monthly)

A. Fill in the table with the amount of money you spend each month on the following expenses and check whether you pay the expense for you, for the other party, or for both of you.

Expense	Monthly Amount I Pay	For Me <input type="checkbox"/>	Other Party <input type="checkbox"/>	For Both <input type="checkbox"/>
Alimony/Spousal Support				
Auto Insurance	135	/		
Car Loan/Lease Payment	312	/		
Cell Phone	85	/		
Child Support (not deducted from pay)				
Clothing, Shoes, Etc.	100	/		
Credit Card Payments (minimum due)				
Dry Cleaning				
Electric				
Food (groceries & restaurants)	140	/		
Fuel	160	/		
Gas (for home)				
Health Insurance (not deducted from pay)				
HOA				
Home Insurance (if not included in mortgage)				
Home Phone				
Internet/Cable	157			
Lawn Care				
Membership Fees	65	/		
Mortgage/Rent/Lease				
Pest Control				
Pets				
Pool Service				
Property Taxes (if not included in mortgage)				
Security				
Sewer				
Student Loans				
Unreimbursed Medical Expenses				
Water				
Other: <i>Child Exp.</i>	30			
Total Monthly Expenses	11174			

Household Information

- A. Fill in the table below with the name and date of birth of each child, the person the child is living with, and whether the child is from this relationship. Attached a separate sheet if needed.

Child's Name	Child's DOB	Whom is this child living with?	Is this child from this relationship?	Has this child been certified as special or disabled?
1. <u>Isabella Rose</u>	<u>02/01/2001</u>	<u>USDA</u>	<u>NO</u>	<u>NO</u>
2. <u>Isabella Rose</u>	<u>02/01/2001</u>	<u>USDA</u>	<u>NO</u>	<u>NO</u>
3. <u>Isabella Rose</u>	<u>02/01/2001</u>	<u>USDA</u>	<u>NO</u>	<u>NO</u>

- B. Fill in the table below with the amount of money you spend each month on the following expenses for each child.

Type of Expense	1 st Child	2 nd Child	3 rd Child	4 th Child
Food				
Child Care				
Clothing				
Education				
Entertainment				
Health Insurance (if requested separately)	<u>\$ 1.72</u>	<u>\$ 1.72</u>	<u>\$ 1.72</u>	
Summer Camp/Programs				
Transportation Costs for Education				
Contributed Medical Expenses				
Vehicle				
Other <u>Car/Bus</u>			<u>3.0</u>	
Total Monthly Expenses				

- C. Fill in the table below with the names, ages, and the amount of money contributed by all persons living in the home over the age of eighteen. If more than 4 adult household members attached a separate sheet.

Name	Age	Person's Relationship to You (i.e. sister, friend, cousin, etc.)	Monthly Contribution

Personal Asset and Debt Chart

A. Complete this chart by listing all of your assets, the value of each, the amount owed on each, and whose name the asset or debt is under. If more than 15 assets, attach a separate sheet

Line	Description of Asset and Debt Teresa	Gross Value	Total Amount Owed	Net Value	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1		\$	\$	\$	
2		\$	\$	\$	
3		\$	\$	\$	
4		\$	\$	\$	
5		\$	\$	\$	
6		\$	\$	\$	
7		\$	\$	\$	
8		\$	\$	\$	
9		\$	\$	\$	
10		\$	\$	\$	
11		\$	\$	\$	
12		\$	\$	\$	
13		\$	\$	\$	
14		\$	\$	\$	
15		\$	\$	\$	
Total Value of Assets (add lines 1-15)		\$	\$	\$	

B. Complete this chart by listing all of your unsecured debt, the amount owed on each account, and whose name the debt is under. If more than 6 unsecured debts, attach a separate sheet

Line #	Description of Credit Card or Other Unsecured Debt	Total Amount owed	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.	Navient	\$10,692.09	Rosa Martinez
2.		\$	
3.		\$	
4.		\$	
5.		\$	
6.		\$	
Total Unsecured Debt (add lines 1-6)		\$	

CERTIFICATION

Attorney Information: Complete the following sentences:

1. I ~~(have)~~ have not have retained an attorney for this case.
2. As of the date of today, the attorney has been paid a total of \$ 2500 on my behalf.
3. I have a credit with my attorney in the amount of \$ _____.
4. I currently owe my attorney a total of \$ _____.
5. I owe my prior attorney a total of \$ 1269.79.

IMPORTANT: Read the following paragraphs carefully and initial each one.

RM I swear or affirm under penalty of perjury that I have read and followed all instructions in completing this Financial Disclosure Form. I understand that, by my signature, I guarantee the truthfulness of the information on this form. I also understand that if I knowingly make false statements I may be subject to punishment, including contempt of court.

RM I have attached a copy of my 3 most recent pay stubs to this form.

_____ I have attached a copy of my most recent YTD income statement/P&L statement to this form, if self-employed.

_____ I have not attached a copy of my pay stubs to this form because I am currently unemployed.

Signature

Date

CERTIFICATE OF SERVICE

I hereby declare under the penalty of perjury of the State of Nevada that the following is true and correct:

That on (date) 2/9/16, service of the General Financial Disclosure Form was made to the following interested parties in the following manner:

☐ Via 1st Class U.S. Mail, postage fully prepaid addressed as follows:

☒ Via Electronic Service, in accordance with the Master Service List, pursuant to NEFOR 9, to:
Nedden G. Hines, Esq.
Nedden@jmslaw.com

☐ Via Facsimile and/or Email Pursuant to the Consent of Service by Electronic Means on file herein to:

Executed on the 9th day of Feb, 2016

[Signature]
Signature

2016-01-21 03:51

317-06514 7024347214 >> 7028961494

P 10.

C

VIEW PHYSICS

VIEW PHYSICS

C

Pay Date - 1/15/2016 Period End Date - 01/10/2016

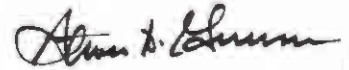
ALPHA MACHINERY, CASPER WY 27002

Payroll Summary

Taxes & Deductions

WAGE	Current Rate	Wage Base	Current Rate	Wage Base	Current Rate	Wage Base	Current Rate	Wage Base
REGULAR	12.75	420.56	12.75	420.56	12.75	420.56	12.75	420.56
TIME & MATERIAL	12.75	420.56	12.75	420.56	12.75	420.56	12.75	420.56
TOTAL								
PAY DAY								
Taxes & Deductions								
FEDERAL TAX								
STATE TAX								
CITY TAX								
SOCIAL SECURITY								
MEDICARE								
UNEMPLOYMENT								
RETIREMENT								
HEALTH INSURANCE								
DENTAL INSURANCE								
VOLUNTARY CONTRIBUTIONS								
GRATUITY								

Some amounts appear or will show up as zero this session.



CLERK OF THE COURT

com
GAYLE NATHAN, ESQ.
Nevada Bar No. 4917
8275 S. Eastern Ave. #200-825
Las Vegas, Nevada 89123
Telephone: (702) 724-2675
Facsimile: (702) 896-1494
Email: gaylenathanlaw@gmail.com
Attorney for DEFENDANT

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

IGNACIO AVILA JR.

Vs.

ROSIE ELENA MARTINEZ

CASE NO: D-15-515892
DEPT NO: L

CERTIFICATE OF SERVICE
(MOTION TO WITHDRAW)

I hereby certify that on pursuant to N.R.C.P. 5(b)(2)(D), and EDCR 8.05, notice of the filing of Gayle Nathan Motion to Withdraw was served on Plaintiff by his counsel and on Defendant:

_____ U.S. Mail, First Class, postage prepaid to the person(s) identified below:

_____ Via Facsimile at the number(s) identified below:

☒ Via Electronic mail to the person(s) identified below:

☒ Via Electronic mail utilizing the Odyssey E-file and Serve system to the person(s) identified below as follows:

Ghandi Deeter Law Offices
Nedda Ghandi, Esq.
707 S. 10th St.
Las Vegas, NV 89101
Attorney for Plaintiff
Nedda@ghandilaw.com

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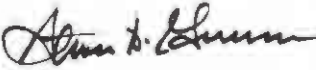
☒ U.S. Mail, First Class, postage prepaid to the person(s) identified below:
☐ Via Facsimile at the number(s) identified below:
☐ Via Electronic mail to the person(s) identified below:
☐ Via Electronic mail utilizing the Odyssey E-file and Serve system to the person(s) identified below as follows:

Ms. Rosie Elena Martinez
5729 Awakening St.
North Las Vegas, NV 89081

/s/ Gayle Nathan

Gayle Nathan

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CLERK OF THE COURT

1 **PMEM**
2 **GHANDI DEETER LAW OFFICES**
3 **NEDDA GHANDI, ESQ.**
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5 Email: nedda@ghandilaw.com
6 **LAURA A. DEETER, ESQ.**
7 Nevada Bar No. 10562
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9 707 S. 10th Street
10 Las Vegas, Nevada 89101
11 Telephone: (702) 878-1115
12 Attorneys for Plaintiff

9 **EIGHTH JUDICIAL DISTRICT COURT**

10 **FAMILY DIVISION**

11 **CLARK COUNTY, NEVADA**

12 **IGNACIO AVILA, JR.,**
13 **Plaintiff,**

14 **vs.**

15 **ROSIE ELENA MARTINEZ,**
16 **Defendant.**

Case No.: D-15-515892-C

Dept. No.: L

Date of Trial: March 8, 2015
Time of Trial: 1:30 p.m.

17
18 **PLAINTIFF'S PRE-TRIAL MEMORANDUM**

19 **I.**

20 **STATEMENT OF ESSENTIAL FACTS**

- 21
- 22 1. Plaintiff: Ignacio Avila, Jr. ("Ignacio").
 - 23 2. Defendant: Rosie Elena Martinez ("Rosie").
 - 24 3. Child:
 - 25 a. JAZLYNN OLIVA MARTINEZ, born October 25, 2013.
 - 26 4. Resolved Issues, including agreed resolution:
 - 27 a. None;
- 28

1 5. Unresolved Issues:

- 2 a. Custody/Visitation Schedule;
- 3 b. Legal custody;
- 4 c. Child Support;
- 5 d. Tax Exemption;
- 6 e. Health Insurance; and
- 7 f. Attorney's fees.

8

9

10 II.

11 SUMMARY OF RELIEF REQUESTED

- 12 1. The parties be granted Joint Legal Custody and joint Primary Physical Custody of
- 13 the minor child;
- 14 2. That a standard visitation schedule and holiday schedule be put in place;
- 15 3. That child support should be calculated pursuant Wright v. Osburn, 114 Nev.
- 16 1367 (1998).
- 17 4. For an award of attorney's fees and costs; and
- 18 5. For such other and further relief as this Court deems just and proper in the
- 19 premises.

20 III.

21 CHILD CUSTODY

22 The parties hereto have never been married. There is one child the issue of

23 the relationship, to wit: JAZLYNN ROSE MARTINEZ, born October 25, 2013, now age 2.

24 Ignacio has been determined to be the biological father of JAZLYNN, even though

25 Defendant is and was (at time of conception and birth) involved in a marital relationship with

26 another man.

27

28

1 Unfortunately, Defendant failed to acknowledge the importance of Ignacio's role as
2 Jazlynn's biological father as she was not fostering a relationship between Ignacio and
3 Jazlynn and was actively preventing quality custodial time prior to the Courts Order in this
4 matter. The minor child has bonded with her father and it is in the child's best interest to
5 award joint physical custody.

7 Elsman v. Elsman, 54 Nev. 20, 2P.2d 132 (1932); Paine v. Paine, 71 Nev. 262 at 264,
8 287 P.2d 716 (1955); Hidahl v. Hidahl, 95 Nev. 657 at 661, 601 P.2d 58 (1979). Further, the
9 Court must determine their "best interests" pursuant to the aforementioned amendments to
10 NRS Chapter 125C, contained in AB 263, Section 8(4) (formerly NRS 125.480(4)), which
11 state the following:
12

13 In determining the best interest of the child, the court shall
14 consider and set forth its specific findings concerning, among other
15 things:

16 (a) The wishes of the child if the child is of sufficient age and
17 capacity to form an intelligent preference as to his custody.

18 (b) Any nomination by a parent or a guardian for the child.

19 (c) Which parent is more likely to allow the child to have
20 frequent associations and a continuing relationship with the
21 noncustodial parent.

22 (d) The level of conflict between the parents.

23 (e) The ability of the parents to cooperate to meet the needs
24 of the child.

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

26 (g) The physical, developmental and emotional needs of the
27 child.

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

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

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

1 (k) Whether either parent or any other person seeking
2 custody has engaged in an act of domestic violence against the
3 child, a parent of the child or any other person residing with the
4 child.

5 ...
6 (Emphasis supplied).

7 Pursuant to the amendments to NRS 125C contained in AB 263, Section 3 (formerly
8 NRS 125.460), the Nevada Legislature unequivocally declared this State's policy:

9 1. To ensure that minor children have frequent associations and
10 a continuing relationship with both parents after the parents
11 have ended their relationship, become separated or dissolved
12 their marriage;

13 2. To encourage such parents to share the rights and
14 responsibilities of child rearing; and

15 3. To establish that such parents have an equivalent duty to
16 provide their minor children with necessary maintenance,
17 health care, education and financial support. As used in this
18 subsection, "equivalent" must not be construed to mean that
19 both parents are responsible for providing the same amount of
20 financial support to their children.

21 (Emphasis supplied).

22 Moreover, in the amendments to NRS 125C contained in AB 263, Section 7, the
23 Nevada Legislature declared, for the first time its preference for an award of joint physical
24 custody to both parents:

25 1. When a court is making a determination regarding the
26 physical custody of a child, there is a preference that joint
27 physical custody would be in the best interest of a minor child
28 if:

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

(b) A parent has demonstrated, or has attempted to demonstrate
but has had his or her efforts frustrated by the other parent, an

1 intent to establish a meaningful relationship with the minor
2 child.

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

6 In the present case, analysis of the statutory best interest factors, as well as the
7 application of Nevada's stated policy for frequent contact between a child and both parents,
8 as well as the preference for joint physical custody that has now been codified into law, it is
9 clear that continuing the parties' arrangement of joint physical custody would serve
10 Jazzlyn's best interests.

11 Ignacio's time is too limited. Since putting the temporary schedule in place, there
12 have been no issues that would prohibit Ignacio from having more custodial time. Ignacio's
13 whole world is his daughter and he wants to be as involved as possible in her life. With that
14 we are requesting that the parties exercise a week on/week off visitation schedule or in the
15 alternative, Ignacio should have the minor child every Friday from 4:00 p.m. to Monday at
16 8:00 a.m.
17

18 IV.

19 CHILD SUPPORT

20 Child support should be calculated pursuant to Wright v. Osburn, 114 Nev. 1367
21 (1998).
22

23 V.

24 MEDICAL INSURANCE

25 The party most capable should provide health insurance for the minor child so long as
26 it remains reasonably available through their employer, with each party to pay one-half of all
27 uncovered health care expenses incurred on behalf of the child, pursuant to the 30/30 rule,
28

1 including, but not limited to, optical, dental, surgical or any psychological or psychiatric
2 expense, until such time as the child reaches eighteen (18) years of age if no longer enrolled
3 in high school, otherwise until the child graduates from high school or reach nineteen (19)
4 years of age, dies, marries, or otherwise becomes emancipated pursuant to the Nevada
5 Revised Statutes, whichever first occurs.
6

7
8 **VI.**

9 **ATTORNEY'S FEES**

10 Ignacio is entitled to an award of fees and costs. Defendant has caused
11 difficulties in the case which has led to attorney fees and costs being incurred on behalf of
12 Plaintiff for having to defend against Defendant's false statements and allegations.

13 **VII.**

14 **LIST OF WITNESSES**

- 15 1. Ignacio Avila, Plaintiff
16 c/o Ghandi Deeter Law Offices
17 707 S. 10th Street
18 Las Vegas, NV 89101
19 Attorneys for Plaintiff

20 Mr. Avila will testify regarding the facts and circumstances relating to custody,
21 visitation and best interest of the parties' minor children.

- 22 2. Rosie Elena Martinez, Defendant
23 c/o Gayle Nathan, Esq.
24 8275 S. Eastern Ave., #200-825
25 Las Vegas, NV 89123
26 Attorney for Defendant

27 Ms. Martinez will testify regarding the facts and circumstances relating to custody,
28 visitation and best interest of the parties' minor children.

29 **VIII.**

30 **LIST OF EXHIBITS**

- 31 1. Plaintiff Financial Disclosure Form;
32 2. Defendant's Financial Disclosure Form; and
33 3. Any and all documents attached to Defendant's Discovery Responses.

IX.

UNUSUAL LEGAL OR FACTUAL ISSUES PRESENTED

1. None.

X.

LENGTH OF HEARING

Trial is scheduled for half a day.

DATED this 17th day of February.

GHANDI DEETER LAW OFFICES



NEDDA GHANDI, ESQ.

Nevada Bar No. 11137

LAURA A. DEETER, ESQ.

Nevada Bar No. 10562

707 S. 10th Street

Las Vegas, Nevada 89101

Attorney for Plaintiff

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 17 day of February, 2015, I served a copy of this PLAINTIFF'S PRE TRIAL MEMORANDUM upon each of the parties and addressed to those counsel of record:

- ☒ Electronic Service to:
☐ Via Facsimile to:
☐ Via Email to:
☐ Placing in the U.S. Mail, with postage fully prepaid, addressed to:

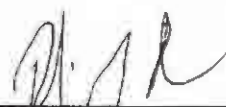
GAYLE NATHAN LAW

Gayle Nathan, Esq.

8275 S. Eastern Ave., #200-825

Las Vegas, NV 89123

Email: gaylenathanlaw@gmail.com


An Employee of Ghandi Deeter Law Offices



CLERK OF THE COURT

ORDER

GHANDI DEETER BLACKHAM

NEDDA GHANDI, ESQ.

Nevada Bar No. 11137

Email: nedda@ghandilaw.com

LAURA A. DEETER, ESQ.

Nevada Bar No. 10562

Email: laura@ghandilaw.com

707 S. 10th Street

Las Vegas, Nevada 89101

Telephone: (702) 878-1115

Facsimile: (702) 447-9995

Attorney for Plaintiff

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

IGNACIO AVILA, JR.,

Plaintiff

CASE NO.: D15515892-C

DEPT. NO.: 1

vs.

Date of Hearing: February 23, 2016

Time of Hearing: 1:00 a.m.

ROSIE ELENA MARTINEZ,

Defendant

ORDER FROM FEBRUARY 23, 2016 HEARING

THIS MATTER having been brought before the Court for Calendar Call on February 23, 2016, the Plaintiff, Ignacio Avila, Jr., appearing by and through counsel, Nedda Ghandi, Esq., of GHANDI DEETER LAW OFFICES and the Defendant, Rosie Elena Martinez appearing in Proper Person. The Court having examined the evidence, reviewed the papers and pleadings on file herein, heard the arguments of counsel, and being fully advised in the premises, and good cause showing, hereby makes the following findings.

THE COURT HEREBY NOTES that Ms. Nathan filed a Motion to Withdraw as Attorney of Record for Defendant due to lack of cooperation. The Court further noted Ms. Nathan's Motion was granted.

Non-Trial Dispositions

- | | |
|--|--|
| <input type="checkbox"/> Other | <input type="checkbox"/> Settled/Withdrawn |
| <input type="checkbox"/> Dismissed - Want of Prosecution | <input type="checkbox"/> Without Judicial Conf/Hrg |
| <input type="checkbox"/> Involuntary (Statutory) Dismissal | <input checked="" type="checkbox"/> With Judicial Conf/Hrg |
| <input type="checkbox"/> Default Judgment | <input type="checkbox"/> By ADR |
| <input type="checkbox"/> Transferred | |
| <input type="checkbox"/> Disposed After Trial Start | <input type="checkbox"/> Judgment Reached by Trial |

AA000158

1 IT IS HEREBY ORDERED that the schedule from the Temporary Order currently in
2 place shall become a permanent order.

3 IT IS FURTHER ORDERED that the parties shall have Joint Legal Custody of the minor
4 child.

5 IT IS FURTHER ORDERED that Defendant shall have primary physical custody of the
6 minor child.

7 IT IS FURTHER ORDERED that Plaintiff shall pay Defendant child support in the
8 amount of \$400.00 per month, plus an additional \$50.00 per month towards child support arrears
9 for a total monthly support obligation of \$450.00 per month, until child support arrears are paid in
10 full.

11 IT IS FURTHER ORDERED that Attorney Ghandi shall work with parties as to the
12 establishment of child support arrears so that there is a date as to when Plaintiff's child support
13 arrears are paid in full.

14 IT IS FURTHER ORDERED that the minor child's name shall be changed to JAZLYNN
15 ROSE MARTINEZ AVILA.

16 IT IS FURTHER ORDERED that the minor child's birth certificate shall be amended to
17 reflect the child's name change.

18 IT IS FURTHER ORDERED that Defendant shall have (30) days to provide all uncovered
19 medical costs to Opposing Counsel. Uncovered medical bills submitted to Opposing Counsel
20 shall be from the date of the child's birth (10/2013) through today's date (02/23/2016), and
21 include birthing costs.

22 IT IS FURTHER ORDERED that both parties shall provide medical insurance coverage
23 for the minor child.

24 IT IS FURTHER ORDERED that neither party shall receive an offset as to medical
25 insurance coverage.

26 IT IS FURTHER ORDERED that the parties shall utilize the Department I default
27 holiday schedule.

28 IT IS FURTHER ORDERED that Attorney Crayle Nathan's Motion to Withdraw as

1 Attorney of Record shall be granted

2 IT IS FURTHER ORDERED that the Trial set for March 8, 2016 shall be vacated

3 IT IS FURTHER ORDERED that Attorney Ghandi shall prepare the Order of the Court
4 Defendant shall have seven (7) days to review and sign off

5 DATED this 27th day of June, 2016

6
7
8 DISTRICT COURT JUDGE

JENNIFER L. ELLIOTT

9 Respectfully submitted by:

Approved as to form and content

10 Nedda Ghandi

11 NEDDA GHANDI, ESQ.

12 Nevada Bar No. 11137

13 LAURA A. DUEKER, ESQ.

14 Nevada Bar No. 10562

15 707 S. 10th Street

16 Las Vegas, Nevada 89101

17 Attorney for Plaintiff

ROSIE MARTINEZ

5729 Awakening Street

N. Las Vegas, NV 89081

Defendant in Proper Person


CLERK OF THE COURT

1 **NEO**
2 **GHANDI DEETER BLACKHAM**
3 **NEDDA GHANDI, ESQ.**
4 Nevada Bar No. 11137
5 nedda@ghandilaw.com
6 **LAURA A. DEETER, ESQ.**
7 Nevada Bar No. 10562
8 laura@ghandilaw.com
9 707 S. 10th Street
10 Las Vegas, Nevada 89101
11 Telephone: (702) 878-1115
12 Facsimile: (702) 447-9995
13 Attorneys for Plaintiff

14 **EIGHTH JUDICIAL DISTRICT COURT**

15 **FAMILY DIVISION**

16 **CLARK COUNTY, NEVADA**

17 **IGNACIO AVILA, JR.,**

18 Plaintiff,

19 vs.

20 **ROSIE ELENA MARTINEZ,**

21 Defendant.

CASE NO.: D-15-515892-C
DEPT. NO.: L

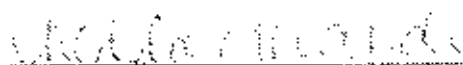
22 **NOTICE OF ENTRY OF ORDER FROM FEBRUARY 23, 2016 HEARING**

23 **TO: ALL INTERESTED PARTIES:**

24 YOU ARE HEREBY NOTICED that an Order was entered on the 28th day of June, 2016.

25 A copy of said Order is attached hereto.

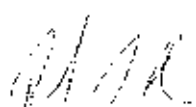
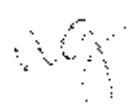
26 DATED this 14th day of June, 2016.

27 
28 **NEDDA GHANDI, ESQ.**
Nevada Bar No. 11137
707 S. 10th Street
Las Vegas, Nevada 89101
Telephone: (702) 878-1115
Attorney for Plaintiff

1
2 CERTIFICATE OF MAILING

3 I do hereby certify that on the 12 day of ^{July}~~June~~ 2016 I deposited in the United States
4 Mail, First Class and postage prepaid, a copy of the foregoing, addressed to the party(ies) listed
5 below.
6

7 Rosie Martinez
8 5729 Awakening Street
9 N. Las Vegas, NV 89081
10 Defendant in Proper Person

11 
12 An employee of Ghanda Deeter Blackham
13 
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27
28



CLERK OF THE COURT

ORDER

GHANDI DEETER BLACKHAM

NEDDA GHANDI, ESQ.

Nevada Bar No. 11137

Email: nedda@ghandilaw.com

LAURA A. DEETTER, ESQ.

Nevada Bar No. 10562

Email: laura@ghandilaw.com

707 S. 10th Street

Las Vegas, Nevada 89101

Telephone: (702) 878-1115

Facsimile: (702) 447-9995

Attorney for Plaintiff

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

IGNACIO AVILA, JR.,

Plaintiff

CASE NO.: D-15515892-C

DEPT. NO.: 1

vs.

ROSIE ELENA MARTINEZ,

Defendant

Date of Hearing: February 23, 2016

Time of Hearing: 11:30 a.m.

ORDER FROM FEBRUARY 23, 2016 HEARING

THIS MATTER having been brought before the Court for Calendar Call on February 23, 2016, the Plaintiff, Ignacio Avila, Jr., appearing by and through counsel, Nedda Ghandi, Esq., of GHANDI DEETER LAW OFFICES and the Defendant, Rosie Elena Martinez appearing in Proper Person. The Court having examined the evidence, reviewed the papers and pleadings on file herein, heard the arguments of counsel, and being fully advised in the premises, and good cause showing, hereby makes the following findings:

THE COURT HEREBY NOTES that Ms. Nathan filed a Motion to Withdraw as Attorney of Record for Defendant due to lack of cooperation. The Court further noted Ms. Nathan's Motion was granted.

Non-Trial Dispositions:

- | | |
|---|--|
| <input type="checkbox"/> Other | <input type="checkbox"/> Settled/Withdrawn |
| <input type="checkbox"/> Dismissed - Want of Prosecution | <input type="checkbox"/> Without Judicial Conf/Hrg |
| <input type="checkbox"/> Involuntary (Bisulatory) Dismissal | <input checked="" type="checkbox"/> With Judicial Conf/Hrg |
| <input type="checkbox"/> Default Judgment | <input type="checkbox"/> By ADR |
| <input type="checkbox"/> Transferred | |

Trial Dispositions:

- | | |
|---|--|
| <input type="checkbox"/> Disposed After Trial Start | <input type="checkbox"/> Judgment Reached by Trial |
|---|--|

AA000163

1 IT IS HEREBY ORDERED that the schedule from the Temporary Order currently in
2 place shall become a permanent order.

3 IT IS FURTHER ORDERED that the parties shall have Joint Legal Custody of the minor
4 child.

5 IT IS FURTHER ORDERED that Defendant shall have primary physical custody of the
6 minor child.

7 IT IS FURTHER ORDERED that Plaintiff shall pay Defendant child support in the
8 amount of \$400.00 per month, plus an additional \$50.00 per month towards child support arrears
9 for a total monthly support obligation of \$450.00 per month, until child support arrears are paid in
10 full.

11 IT IS FURTHER ORDERED that Attorney Ghandi shall work with parties as to the
12 establishment of child support arrears so that there is a date as to when Plaintiff's child support
13 arrears are paid in full.

14 IT IS FURTHER ORDERED that the minor child's name shall be changed to IAZLYNN
15 ROSE MARTINEZ AVILA.

16 IT IS FURTHER ORDERED that the minor child's birth certificate shall be amended to
17 reflect the child's name change.

18 IT IS FURTHER ORDERED that Defendant shall have (30) days to provide all uncovered
19 medical costs to Opposing Counsel. Uncovered medical bills submitted to Opposing Counsel
20 shall be from the date of the child's birth (10/2013) through today's date (02/23/2016), and
21 include birthing costs.

22 IT IS FURTHER ORDERED that both parties shall provide medical insurance coverage
23 for the minor child.

24 IT IS FURTHER ORDERED that neither party shall receive an off-set as to medical
25 insurance coverage.

26 IT IS FURTHER ORDERED that the parties shall utilize the Department of default
27 holiday schedule.

28 IT IS FURTHER ORDERED that Attorney Gayle Nathan's Motion to Withdraw as

1 Attorney of Record shall be granted

2 IT IS FURTHER ORDERED that the Trial set for March 8, 2016 shall be vacated.

3 IT IS FURTHER ORDERED that Attorney Ghandi shall prepare the Order of the Court
4 Defendant shall have seven (7) days to review and sign off.

5 DATED this 27th day of

6
7
8 DISTRICT COURT JUDGE

JENNIFER L. ELLIOTT

9 Respectfully submitted by

Approved as to form and content

10
11 Nedda Ghandi, ESQ.

12 Nevada Bar No. 11137

13 LAURA A. DEETER, ESQ.

14 Nevada Bar No. 10562

15 707 S. 10th Street

Las Vegas, Nevada 89101

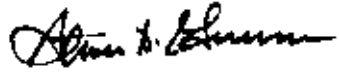
Attorney for Plaintiff

ROSIL MARTINEZ

5729 Awakening Street

N. Las Vegas, NV 89081

Defendant in Proper Person


CLERK OF THE COURT

1 DECC
GHANDI DEETER BLACKHAM
2 Nedda Ghandi, Esq.
Nevada Bar No. 11137
3 Email: Nedda@gghandiaw.com
Laura A. Deeter, Esq.
4 Nevada Bar No. 10625
Email: Laura@gghandiaw.com
5 707 S. 10th Street
Las Vegas, Nevada 89101
6 Phone: (702) 878-1115
Fax: (702) 447-9995
7 *Attorney for Plaintiff*

8 EIGHTH JUDICIAL DISTRICT COURT

9 FAMILY DIVISION

10 CLARK COUNTY, NEVADA

11 IGNACIO AVILA JR.

CASE NO. D-15-515892-C

12 Plaintiff

DEPT. NO. L

13 vs.

14 ROSIE ELENA MARTINEZ,

15 Defendant.

16 STIPULATED DECREE OF CUSTODY

17 COMES NOW, the parties, Plaintiff IGNACIO AVILA JR. ("Plaintiff" or "Ignacio"),
18 by and through his attorneys of record, Nedda Ghandi, Esq., and Laura A. Deeter, Esq., of the
19 law firm of GHANDI DEETER BLACKHAM, and Defendant ROSIE ELENA MARTINEZ,
20 ("Defendant" or "Rosie"), in proper person and hereby stipulate and agree to the following.

21 THE PARTIES HEREBY STIPULATE AND AGREE that the Court has complete
22 jurisdiction in the premises, both as to the subject matter thereof as well as the parties hereto.

23 THE PARTIES FURTHER STIPULATE AND AGREE that Ignacio is now and has
24 been, an actual and bona fide resident of Clark County, Nevada.

25
☐ Other
☐ Dismissed - Want of Prosecution
☐ Involuntary (Statutory) Dismissal
☐ Default Judgment
☐ Transferred
☐ Trial Dismissed
☐ Disposed After Trial Start
☐ Judgment Reached by Trial
Notical Dispositions:
☐ Settled/Withdrawn
☐ Withdrawn Actual Conflicting
☒ With Adversely Conflicting
1st AOR

1 THE PARTIES FURTHER STIPULATE AND AGREE that there is one (1) minor child
2 born of the relationship between the parties, to wit:

3 Jazlynn Rose Martinez, born October 25, 2013.

4 The minor child has continuously resided within the State of Nevada for at least six (6)
5 months and prior to the filing of this action, and Nevada is the UCCJEA home state, and
6 habitual residence, of the child.

7 THE PARTIES FURTHER STIPULATE AND AGREE that the child's name and birth
8 certificate shall be amended to "Jazlynn Rose Martinez Avila". Defendant shall complete the
9 name change within 60 days of the Notice of Entry of this Decree of Custody.

10 THE PARTIES FURTHER STIPULATE AND AGREE that Ignacio hereby
11 acknowledges that he is the father of the minor child listed above, thereby establishing
12 paternity.

13 THE PARTIES FURTHER STIPULATE AND AGREE that Ignacio and Rosie are fit
14 and proper persons to be awarded joint legal custody of the minor child.

15 THE PARTIES FURTHER STIPULATE AND AGREE that Rosie shall be designated
16 the primary physical custodian of the minor child with Ignacio's visitation with the minor child
17 as follows.

- 18 ■ Effective November 13, 2015, Ignacio shall have visitation every other weekend
19 from Friday at 12:00 p.m., to Sunday at 4:00 p.m. In the weeks following his
20 weekend visitation, Ignacio shall have the minor child on Tuesdays and Thursday
21 at 12:00 p.m. to 6:00 p.m.
- 22 • Absent mutual agreement, the parties shall follow the Court's default holiday
23 schedule, a copy of which was provided to the parties at the November 5, 2015
24 hearing. A copy of the schedule is attached hereto as Exhibit "1."

1 THE PARTIES FURTHER STIPULATE AND AGREE that Ignacio shall pay Rosie
2 \$400.00 in child support each month for the minor child pursuant to NRS 125B.070, until such
3 time as the child reaches eighteen (18) years of age if no longer enrolled in high school,
4 otherwise until the child graduates from high school or reaches nineteen (19) years of age, dies,
5 marries, or otherwise becomes emancipated pursuant to the Nevada Revised Statutes,
6 whichever first occurs first. Child support payments shall be subject to wage assignment by the
7 obligor's employer.

8 THE PARTIES FURTHER STIPULATE AND AGREE that Ignacio shall pay an
9 additional \$50.00 with his child support payments to make up for arrears and medical costs in
10 the amount of \$2,192.95 due to the birth of Jazlyn until the arrears amount is paid off. No
11 interest will accumulate on the arrears.

12 THE PARTIES FURTHER STIPULATE AND AGREE that both parties shall be
13 responsible for maintaining medical, dental and vision insurance for the benefit of minor child
14 so long as it is available through their respective employers until such time as the child reaches
15 eighteen (18) years of age if no longer enrolled in high school, otherwise until the child
16 graduates from high school or reaches nineteen (19) years of age, dies, marries, or otherwise
17 becomes emancipated pursuant to the Nevada Revised Statutes, whichever first occurs first.

18 THE PARTIES FURTHER STIPULATE AND AGREE that any unreimbursed medical
19 expenses shall be subject to the 30/30 Rule as follows:

20 Any parent incurring an out-of-pocket medical expense relating to the minor children
21 will provide to the other parent a copy of all paperwork relating to that expense within thirty
22 (30) days of incurring said expense, along with a request for contribution for one-half (1/2) of
23 an out-of-pocket expense actually incurred. Upon receipt of a request for contribution for one-
24 half (1/2) of an out-of-pocket expense incurred by a parent on behalf of the minor child, the
25

1 other parent will reimburse the requesting parent in the amount requested within thirty (30) days
2 of receipt of said request for contribution. Upon receipt of reimbursement from any insurance
3 carrier by either parent, and if the other parent previously paid a portion of the payment
4 resulting in that reimbursement, the parent receiving the reimbursement shall equally divide the
5 said reimbursement with the other parent within thirty (30) days of receipt of the same. Both
6 parents have the authority to contact the insurance provider directly in order to determine the
7 status of any individual claim.

8 THEREFORE, Based upon the Stipulation of the parties

9 IT IS HEREBY ORDERED that Ignacio hereby acknowledges that he is the father of
10 Jazlynn Rose Martinez, born October 25, 2013

11 IT IS FURTHER ORDERED that Ignacio and Rosie are fit and proper persons to be
12 awarded joint legal custody of the minor child. Joint legal custody shall be defined as follows.

13
14 The parents will consult and cooperate with each other in substantial questions
15 relating to religious upbringing, educational programs, significant changes in
social environment, and health care of the child

16 The parents will have access to medical and school records pertaining to their
17 child and be permitted to independently consult with any and all professionals
involved with the minor child. Both parents agree to copy the other on requests
18 for information about the minor child. Both parents further agree that neither
will talk negatively about the other to any service providers for their child.

19 All schools, health care providers, formal day care providers, and counselors
will be selected by the parents jointly.

20 Each parent will be empowered to obtain emergency health care for the child
21 without the consent of the other parent. Each parent is to notify the other parent
22 as soon as reasonably possible of any illness requiring medical attention, or any
23 emergency involving the child. Should both parents not be available for
emergency medical care, then each stepparent shall have the written authority to
make said health care decisions in the event of such emergency.

24 Each parent is to provide the other parent, upon receipt, information concerning
25 the well-being of the child, including, but not limited to, copies of report cards;

1 school meeting notices; vacation schedules; class programs; requests for
2 conferences, results of standardized or diagnostic tests; notices of activities
3 involving the child; samples of school work; order forms for school pictures; in
4 addition to, all communications from health care providers; the names,
5 addresses and telephone numbers of all schools, health care providers, regular
6 day care providers, and counselors.

7 Each parent is to provide the other parent with the address and telephone
8 number at which the minor child resides, and to notify the other parent within 10
9 days prior to any change of address, and shall provide the telephone number
10 (home telephone number and cellular telephone number) as soon as it is
11 assigned.

12 Each parent is to keep the other parent informed as to who resides in their
13 respective homes with their minor child.

14 Each parent will be entitled to reasonable telephone communication with the
15 child. Each parent is restrained from unreasonably interfering with the child's
16 right to privacy during such telephone conversations. Both parents agree that the
17 child can call the other parent whenever the child wants to talk to the other
18 parent.

19 IT IS FURTHER ORDERED that Rosie shall be designated the primary physical
20 custodian of the minor child with Ignacio's visitation with the minor child as follows:

- 21 • Effective November 13, 2015, Ignacio shall have visitation every other weekend
22 from Friday at 12:00 p.m., to Sunday at 4:00 p.m. In the weeks following his
23 weekend visitation, Ignacio shall have the minor child on Tuesdays and Thursday
24 at 12:00 p.m. to 6:00 p.m.
- 25 • Absent mutual agreement, the parties shall follow the Court's default holiday
schedule, a copy of which was provided to the parties at the November 5, 2015
hearing. A copy of the schedule is attached hereto as Exhibit "I."

IT IS FURTHER ORDERED that the child's name shall be changed to Jazlynn Rose
Martinez Avila. The birth certificate shall be amended to reflect the same. Defendant shall
complete the name change within 60 days of the Notice of Entry of this Decree of Custody.

1 IT IS FURTHER ORDERED that Ignacio shall pay Rosie \$400.00 in child support each
2 month for the minor child pursuant to NRS 125B.070, until such time as the child reaches
3 eighteen (18) years of age, if no longer enrolled in high school, otherwise until the child
4 graduates from high school or reaches nineteen (19) years of age, dies, marries, or otherwise
5 becomes emancipated pursuant to the Nevada Revised Statutes, whichever first occurs first.
6 Child support payments shall be subject to wage assignment by the obligor's employer.

7 IT IS FURTHER ORDERED that Ignacio shall pay an additional \$50.00 with his child
8 support payments to make up for arrears and medical costs to the amount of \$2,192.95 due to
9 the birth of Jazlynn until the arrears amount is paid off. No interest will accumulate on the
10 arrears.

11 IT IS FURTHER ORDERED that counsel will work with the parties to establish the
12 amount of arrears owed to Rosie from Ignacio.

13 IT IS FURTHER ORDERED that Rosie shall have 30 days from the February 23, 2016
14 hearing to produce all uncovered medical costs from the child's birth to present to Ignacio's
15 counsel to establish medical arrears. Should no documents be produced, arrears shall be
16 deemed waived.

17 NOTICE IS GIVEN that pursuant to NRS 125B.145, child support payments shall be
18 reviewed at any time upon a showing of changed circumstances, or every three years.

19 NOTICE IS FURTHER GIVEN that pursuant to NRS 31A.025 to 31A.240, inclusive,
20 child support payments shall be subject to wage assignment by the obligor's employer should
21 he become more than thirty days delinquent in said child support payments.

22 IT IS FURTHER ORDERED that both parties shall be responsible for maintaining
23 medical, dental and vision insurance for the benefit of minor child so long as it is available
24 through their respective employers until such time as the child reaches eighteen (18) years of
25

1 age if no longer enrolled in high school, otherwise until the child graduates from high school or
2 reaches nineteen (19) years of age, dies, marries, or otherwise becomes emancipated pursuant to
3 the Nevada Revised Statutes, whichever first occurs first.

4 IT IS FURTHER ORDERED that any parent incurring an out-of-pocket medical
5 expense relating to the minor child will provide to the other parent a copy of all paperwork
6 relating to that expense within thirty (30) days of incurring said expense, along with a request
7 for contribution for one-half (1/2) of an out-of-pocket expense actually incurred. Upon receipt
8 of a request for contribution for one-half (1/2) of an out-of-pocket expense incurred by a parent
9 on behalf of the minor child, the other parent will reimburse the requesting parent in the amount
10 requested within thirty (30) days of receipt of said request for contribution. Upon receipt of
11 reimbursement from any insurance carrier by either parent, and if the other parent previously
12 paid a portion of the payment resulting in that reimbursement, the parent receiving the
13 reimbursement shall equally divide the said reimbursement with the other parent within thirty
14 (30) days of receipt of the same.

15 IT IS FURTHER ORDERED that Nevada shall be declared the State, and the United
16 States of America shall be declared the Country, of habitual residence of the minor child for the
17 purposes of applying the terms of the Hague Convention described herein.

18 IT IS FURTHER ORDERED that both parties are required to provide their social
19 security numbers on a separate form to the Court and to the Welfare Division of the Department
20 of Human Resources within ten (10) days from the date this Decree is filed pursuant to NRS
21 125.130. Such information shall be maintained by the Clerk in a confidential manner as part of
22 the public record. The parties shall update the information filed with the Court and the Welfare
23 Division of the Department of Human Resources within ten days should any of that information
24 become inaccurate.

1 NOTICE IS HEREBY GIVEN that NRS 125C.200, which provides:

2 If custody has been established and the custodial parent having joint
3 custody intends to move his residence outside the state and to take the
4 child with him, he must, as soon as possible and before the planned move,
5 attempt to obtain the written consent of the other parent to move the child
6 from state. If the noncustodial parent or other parent having joint custody
7 refuses to give that consent, the parent planning the move shall, before he
8 leaves the state with the child, petition the court for permission to move
9 the child." As well as NRS 125.510(6) which provides

10 PENALTY FOR VIOLATION OF ORDER: The abduction, concealment
11 or detention of a child in violation of this order is punishable as a category
12 D felony as provided by NRS 193.130.

13 NOTICE IS FURTHER GIVEN that NRS 200.359 provides that every person having a
14 limited right of custody to a child or any parent having no right of custody to the child who
15 willfully detains, conceals or removes the child from a parent, guardian or other person having
16 lawful custody or a right of visitation of the child in violation of an order of this court, or
17 removes the child from the jurisdiction of the court without the consent of either the court or
18 all persons who have the right to custody or visitation is subject to being punished for a category
19 D felony as provided by NRS 193.130.

20 NOTICE IS FURTHER GIVEN that pursuant to NRS 125.510 (7) and (8), the terms of
21 the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague
22 Convention on Private International Law are applicable to the parties.

23 Section 8. If a parent of the children lives in a foreign country or has
24 significant commitments in a foreign country

25 (a) The parties may agree, and the Court shall include in the Order for
custody of the children that the United States is the country of habitual

1 residence of the children for the purpose of applying the terms of the
2 Hague Convention as set forth in Subsection 7.

3 (b) Upon motion of the parties, the Court may order the parent to post
4 a bond if the Court determines that the parent poses an imminent risk of
5 wrongfully

6 removing or concealing the children outside the country of habitual
7 residence. The bond must be in an amount determined by the Court and
8 may be used only to pay for the cost of locating the children and returning
9 them to their habitual residence. The fact that a person has significant
10 commitments in a foreign country does not create a presumption that the
11 parent poses an imminent risk of wrongfully removing or concealing the
12 children.


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ORDER


The court having reviewed the foregoing Decree of Custody and good cause appearing therefrom, therefore:

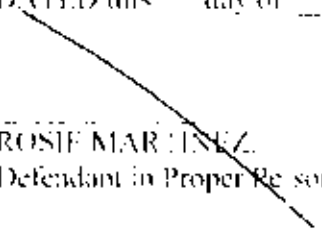
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Stipulated Decree of Custody as set forth above is hereby granted.

DATED this 19th day of July, 2016


DISTRICT COURT JUDGE
JENNIFER L. ELLIOTT


DATED this ____ day of _____, 2016 DATED this ____ day of _____, 2016


IGNACIO AVILA
Plaintiff


ROSIE MARTINEZ
Defendant in Proper Person

Respectfully Submitted by:

GHANDI DEETER BLACKHAM


Nedda Ghandi, Esq.
Nevada Bar No. 11137
Laura A. Deeter, Esq.
Nevada Bar No. 10562
707 S. 10th Street
Las Vegas, Nevada 89101
(702) 878-1115
Attorneys for Plaintiff

ORDER

The court having reviewed the foregoing Decree of Custody and good cause appearing therefrom, therefore:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Stipulated Decree of Custody as set forth above is hereby granted.

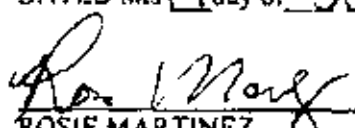
DATED this ____ day of _____, 2016.

DISTRICT COURT JUDGE

DATED this ____ day of _____, 2016 DATED this 14 day of JULY, 2016



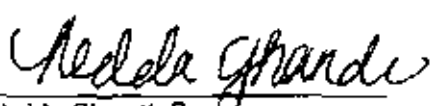
IGNACIO AVILA
Plaintiff



ROSIE MARTINEZ,
Defendant in Proper Person

Respectfully Submitted by:

GHANDI DEETER BLACKHAM



Nedda Chandi, Esq.
Nevada Bar No. 11137
Laura A. Deeter, Esq.
Nevada Bar No. 10562
707 S. 10th Street
Las Vegas, Nevada 89101
(702) 878-1115
Attorneys for Plaintiff

ACKNOWLEDGMENT

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

On this 21 day of Aug, 2016, before me the undersigned, a Notary Public in and said County and State, personally appeared IGNACIO AVILA known to me or proved to me the person described in and who executed the foregoing STIPULATED DECREE OF CUSTODY who acknowledged to me he executed the same freely and voluntarily and for the purpose therein mentioned.




NOTARY

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

On this day of , 2016, before me the undersigned, a Notary Public in and said County and State, personally appeared ROSIE MARTINEZ known to me or proved to me the person described in and who executed the foregoing STIPULATED DECREE OF CUSTODY who acknowledged to me she executed the same freely and voluntarily and for the purpose therein mentioned.

NOTARY

ACKNOWLEDGMENT

STATE OF NEVADA 1
 1 ss
COUNTY OF CLARK 1

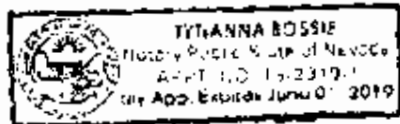
On this 21 day of September, 2016, before me the undersigned, a Notary Public
in and said County and State, personally appeared JUANITA AYALA known to me or proved to
me the person described in and who executed the foregoing STIPULATED DECREE OF
CUSTODY who acknowledged to me, he executed the same freely and voluntarily and for the
purpose therein mentioned.



[Signature]
NOTARY

STATE OF NEVADA 1
 1 ss
COUNTY OF CLARK 1

On this 14th day of July, 2016, before me the undersigned, a Notary Public
in and said County and State, personally appeared ROSIE MARTINEZ known to me or proved
to me the person described in and who executed the foregoing STIPULATED DECREE OF
CUSTODY who acknowledged to me she executed the same freely and voluntarily and for the
purpose therein mentioned.



[Signature]
NOTARY

EXHIBIT 1

DEFAULT HOLIDAY AND VACATION PLAN

THE COURT ENCOURAGES THE PARENTS TO COMMUNICATE REGARDING SHARING TIME WITH THEIR CHILDREN FOR HOLIDAY AND VACATION. The following **HOLIDAY AND VACATION PLAN** is a "default" schedule where parents are unable to otherwise agree. Therefore the parents may agree in a signed writing to deviate from this schedule, and this "default" plan shall apply where they cannot agree. HOLIDAYS take precedence over RESIDENTIAL TIME, and no party shall give notice to take VACATION TIME during the other party's HOLIDAY TIME.

ODD YEAR**EVEN YEAR****THREE-DAY HOLIDAYS**

The holiday will begin on the day observed for the holiday at 9 AM and conclude at 9 AM the day following the three-day holiday weekend, or the day following the holiday where not attached to a three day weekend.

MARTIN LUTHER KING DAY	MOM	DAD
PRESIDENT'S DAY	DAD	MOM
MEMORIAL DAY	MOM	DAD
INDEPENDENCE DAY	DAD	MOM
LABOR DAY	MOM	DAD
COLUMBUS DAY	DAD	MOM
NEVADA ADMISSION DAY (HALLOWEEN)	MOM	DAD

INDIVIDUAL DAYS

The holiday visitation shall begin at 9 AM on the individual holiday (or after school on school days), and end at 9 PM the same day. The year indicated is the calendar year and not the age of a child or parent.

MOTHER'S DAY	MOM	MOM
FATHER'S DAY	DAD	DAD
MOTHER'S BIRTHDAY	MOM	MOM
FATHER'S BIRTHDAY	DAD	DAD
CHILDREN'S BIRTHDAY	DAD	MOM

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ODD YEAREVEN YEAREASTER/SPRING BREAK

The holiday visitation shall begin at 9 AM following the last day of school and concludes at 12:00 noon the day before returning to school. If a child must travel outside of the county for the holiday, they should be home no later than 7 PM the evening before school resumes. If the child is not in school, the parents shall refer to the Clark County School District Calendar for the school zone where the primary custodian resides regarding exact dates for travel.

EASTER/SPRING BREAK

MOM

DAD

THANKSGIVING

The holiday visitation shall begin after school on Wednesday preceding Thanksgiving, or at 6 PM Wednesday if school is not in session, and ends at 12:00 noon the day before returning to school, or if no school, on the Sunday after Thanksgiving. If a child must travel outside of the county for the holiday, they should be home no later than 7 PM the evening before school resumes.

THANKSGIVING

MOM

DAD

CHRISTMAS HOLIDAY & WINTER BREAK

The parties are expected to equally divide all days available for the winter break attaching MOM's time share to her Christmas holiday segment, and DAD's time share to his Christmas holiday segment to the extent possible, except the Christmas holiday, which holiday shall be divided into two segments. The first segment shall begin at 9 AM on Christmas Eve and conclude on December 24th at 9 PM. The second segment shall begin Christmas Eve at 9 PM and conclude Christmas Day at 9 PM. If a child must travel outside of the county for the holiday, they should be home no later than 7 PM the evening before school resumes. If the child is not in school, the parents shall refer to the Clark County School District Calendar for the school zone where the primary custodian resides regarding exact dates for travel.

CHRISTMAS SEGMENT 1

DAD

MOM

CHRISTMAS SEGMENT 2

MOM

DAD

SUMMER/TRACK BREAK VACATIONS

Each parent shall be entitled to a minimum of one (1) vacation each year, not to exceed a consecutive two (2) week period, unless there is a mutual written agreement otherwise.

During the year a parent has the right to designate their vacation time first, failing to do so by certified mail by May 1st in that year will permit the other parent to make plans via certified mail to the other parent as of May 2nd. The earlier

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Certified mail stamp will prevail as to the parent who made the earlier plans where there is a conflict regarding first in time. HOLIDAYS take precedence over RESIDENTIAL TIME, and no party shall give notice to take VACATION TIME during the other party's HOLIDAY TIME.

	<u>ODD YEAR</u>	<u>EVEN YEAR</u>
VACATION SELECTION PRIORITY	MOM	DAD

RELIGIOUS HOLIDAYS

Where the parents do not share the same religious beliefs, each parent shall have the right to provide religious instruction to the child unless there is a child welfare or endangerment issue that where the parents cannot resolve, may be presented to the Court. Additionally, where both parents are of the same faith (e.g. Jewish, Catholic, etc.), both parents shall have the opportunity to enjoy the right to celebrate that holiday with the child. However, where the parent with the right to celebrate that holiday with the child does not intend to observe the formal ceremonies, that parent shall make the child available to the other parent for attendance at temple, mass, religious instructions, etc. Where one or both parents practice another religion, they are to alternate those holidays as provided in the following example for Jewish Holidays. Following is a non-inclusive list of other religions where parents shall alternate holidays: Buddhist, Hindu, Greek Orthodox, Eastern and Russian Orthodox, Islamic, World Wide Church of God, Protestant, Lutheran, Baha'i, Church of Latter Day Saints, Sikh, Roman Catholic, Armenian Holidays, Eid of Adha, Chinese, Korean and Vietnamese New Year, etc. JEWISH HOLIDAY EXAMPLE:

PASSOVER	DAD	MOM
ROSH HASHANAH	MOM	DAD
YOM KIPPUR	DAD	MOM
HANUKKAH	MOM	DAD
BAR MITZVAH ARRANGEMENTS	DAD	MOM

NOTE: WHERE THERE IS AN OVERLAP OF CONFLICTING RELIGIOUS HOLIDAYS, THE FOLLOWING PRIORITY SHALL PREVAIL:

OVERLAP PRECEDENT:	MOM	DAD
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Rev. 3/09


CLERK OF THE COURT

1 NEO
2 GHANDI DEETER BLACKHAM
3 NEDDA GHANDI, ESQ.
4 Nevada Bar No. 11137
5 nedda@ghandilaw.com
6 LAURA A. DEETER, ESQ.
7 Nevada Bar No. 10562
8 laura@ghandilaw.com
9 707 S. 10th Street
10 Las Vegas, Nevada 89101
11 Telephone: (702) 878-1115
12 Facsimile: (702) 447-9995
13 Attorneys for Plaintiff

14 **EIGHTH JUDICIAL DISTRICT COURT**

15 **FAMILY DIVISION**

16 **CLARK COUNTY, NEVADA**

17 IGNACIO AVILA, JR.,

18 Plaintiff,

19 vs.

20 ROSIE ELENA MARTINEZ.

21 Defendant.

CASE NO.: D-15-515892-C
DEPT. NO.: I.

22 **NOTICE OF ENTRY OF STIPULATED DECREE OF CUSTODY**

23 **TO: ALL INTERESTED PARTIES:**

24 YOU ARE HEREBY NOTICED that a STIPULATED DECREE OF CUSTODY was
25 entered on the 22nd day of July, 2016. A copy of said Decree is attached hereto.

26 DATED this 25 day of July, 2016.

27 


28 NEDDA GHANDI, ESQ.
Nevada Bar No. 11137
707 S. 10th Street
Las Vegas, Nevada 89101
Telephone: (702) 878-1115
Attorney for Plaintiff

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CERTIFICATE OF MAILING

I do hereby certify that on the 25 day of July, 2016 I deposited in the United States Mail, First Class and postage prepaid, a copy of the foregoing, addressed to the party(ies) listed below.

Rosie Martinez
5729 Awakening Street
N. Las Vegas, NV 89081
Defendant in Proper Person



An employee of Ghandi Deeter Blackham


CLERK OF THE COURT

DECC
GHANDI DEETER BLACKHAM
Nedda Ghandi, Esq.
Nevada Bar No. 11137
Email: Nedda@gghandilaw.com
Laura A. Deeter, Esq.
Nevada Bar No. 10625
Email: Laura@gghandilaw.com
707 S. 10th Street
Las Vegas, Nevada 89101
Phone: (702) 878-1115
Fax: (702) 447-9995
Attorney for Plaintiff

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

IGNACIO AVILA, JR.,

Plaintiff,

vs.

ROSIE ELENA MARTINEZ,

Defendant.

CASE NO.: D-15-513892-C

DEPT. NO.: L

STIPULATED DECREE OF CUSTODY

COMES NOW, the parties, Plaintiff, IGNACIO AVILA, JR., ("Plaintiff" or "Ignacio"),
by and through his attorneys of record, Nedda Ghandi, Esq., and Laura A. Deeter, Esq., of the
law firm of GHANDI DEETER BLACKHAM, and Defendant ROSIE ELENA MARTINEZ,
("Defendant" or "Rosie"), in proper person and hereby stipulate and agree to the following:

THE PARTIES HEREBY STIPULATE AND AGREE that the Court has complete
jurisdiction in the premises, both as to the subject matter thereof as well as the parties hereto.

THE PARTIES FURTHER STIPULATE AND AGREE that Ignacio is now and has
been, an actual and bona fide resident of Clark County, Nevada.

☐ Other
☐ Dismissed - Want of Prosecution
☐ Involuntary (Statutory) Dismissal
☐ Default Judgment
☐ Transferred
☐ Disposed After Trial Start
☐ Judgment Reached by Trial
☐ Trial Dispositions
☐ Settled/Withdrawn
☐ Without Judicial Conf/Htg
☐ With Judicial Conf/Htg
☐ By ADR

1 THE PARTIES FURTHER STIPULATE AND AGREE that there is one (1) minor child
2 born of the relationship between the parties, to wit:

3 Jazlynn Rose Martinez, born October 25, 2013.

4 The minor child has continuously resided within the State of Nevada for at least six (6)
5 months and prior to the filing of this action, and Nevada is the UCCJEA home state, and
6 habitual residence, of the child.

7 THE PARTIES FURTHER STIPULATE AND AGREE that the child's name and birth
8 certificate shall be amended to "Jazlynn Rose Martinez Avila". Defendant shall complete the
9 name change within 60 days of the Notice of Entry of this Decree of Custody.

10 THE PARTIES FURTHER STIPULATE AND AGREE that Ignacio hereby
11 acknowledges that he is the father of the minor child listed above, thereby establishing
12 paternity.

13 THE PARTIES FURTHER STIPULATE AND AGREE that Ignacio and Rosie are fit
14 and proper persons to be awarded joint legal custody of the minor child.

15 THE PARTIES FURTHER STIPULATE AND AGREE that Rosie shall be designated
16 the primary physical custodian of the minor child with Ignacio's visitation with the minor child
17 as follows:

- 18 • Effective November 13, 2015, Ignacio shall have visitation every other weekend
19 from Friday at 12:00 p.m., to Sunday at 4:00 p.m. In the weeks following his
20 weekend visitation, Ignacio shall have the minor child on Tuesdays and Thursday
21 at 12:00 p.m. to 6:00 p.m.
- 22 • Absent mutual agreement, the parties shall follow the Court's default holiday
23 schedule, a copy of which was provided to the parties at the November 5, 2015
24 hearing. A copy of the schedule is attached hereto as Exhibit "1."

1 THE PARTIES FURTHER STIPULATE AND AGREE that Ignacio shall pay Rosie
2 \$400.00 in child support each month for the minor child pursuant to NRS 125B.070, until such
3 time as the child reaches eighteen (18) years of age, if no longer enrolled in high school,
4 otherwise until the child graduates from high school or reaches nineteen (19) years of age, dies,
5 marries, or otherwise becomes emancipated pursuant to the Nevada Revised Statutes,
6 whichever first occurs first. Child support payments shall be subject to wage assignment by the
7 obligor's employer.

8 THE PARTIES FURTHER STIPULATE AND AGREE that Ignacio shall pay an
9 additional \$50.00 with his child support payments to make up for arrears and medical costs in
10 the amount of \$2,192.95 due to the birth of Jazlyn until the arrears amount is paid off. No
11 interest will accumulate on the arrears.

12 THE PARTIES FURTHER STIPULATE AND AGREE that both parties shall be
13 responsible for maintaining medical, dental and vision insurance for the benefit of minor child
14 so long as it is available through their respective employers until such time as the child reaches
15 eighteen (18) years of age if no longer enrolled in high school, otherwise until the child
16 graduates from high school or reaches nineteen (19) years of age, dies, marries, or otherwise
17 becomes emancipated pursuant to the Nevada Revised Statutes, whichever first occurs first.

18 THE PARTIES FURTHER STIPULATE AND AGREE that any unreimbursed medical
19 expenses shall be subject to the 30/30 Rule as follows:

20 Any parent incurring an out-of-pocket medical expense relating to the minor children
21 will provide to the other parent a copy of all paperwork relating to that expense within thirty
22 (30) days of incurring said expense, along with a request for contribution for one-half (1/2) of
23 an out-of-pocket expense actually incurred. Upon receipt of a request for contribution for one-
24 half (1/2) of an out-of-pocket expense incurred by a parent on behalf of the minor child, the
25

1 other parent will reimburse the requesting parent in the amount requested within thirty (30) days
2 of receipt of said request for contribution. Upon receipt of reimbursement from any insurance
3 carrier by either parent, and if the other parent previously paid a portion of the payment
4 resulting in that reimbursement, the parent receiving the reimbursement shall equally divide the
5 said reimbursement with the other parent within thirty (30) days of receipt of the same. Both
6 parents have the authority to contact the insurance provider directly in order to determine the
7 status of any individual claim.

8 THEREFORE, Based upon the Stipulation of the parties.

9 IT IS HEREBY ORDERED that Ignacio hereby acknowledges that he is the father of
10 Jazlynn Rose Martinez, born October 25, 2013.

11 IT IS FURTHER ORDERED that Ignacio and Rosie are fit and proper persons to be
12 awarded joint legal custody of the minor child. Joint legal custody shall be defined as follows.

13
14 The parents will consult and cooperate with each other in substantial questions
15 relating to religious upbringing, educational programs, significant changes in
social environment, and health care of the child.

16 The parents will have access to medical and school records pertaining to their
17 child and be permitted to independently consult with any and all professionals
18 involved with the minor child. Both parents agree to copy the other on requests
for information about the minor child. Both parents further agree that neither
will talk negatively about the other to any service providers for their child.

19 All schools, health care providers, formal day care providers, and counselors
will be selected by the parents jointly.

20 Each parent will be empowered to obtain emergency health care for the child
21 without the consent of the other parent. Each parent is to notify the other parent
22 as soon as reasonably possible of any illness requiring medical attention, or any
23 emergency involving the child. Should both parents not be available for
emergency medical care, then each stepparent shall have the written authority to
make said health care decisions in the event of such emergency.

24 Each parent is to provide the other parent, upon receipt, information concerning
25 the well-being of the child, including, but not limited to, copies of report cards;

1 school meeting notices; vacation schedules; class programs; requests for
2 conferences, results of standardized or diagnostic tests; notices of activities
3 involving the child; samples of school work; order forms for school pictures; in
4 addition to, all communications from health care providers; the names,
5 addresses and telephone numbers of all schools, health care providers, regular
6 day care providers, and counselors.

7
8 Each parent is to provide the other parent with the address and telephone
9 number at which the minor child resides, and to notify the other parent within 10
10 days prior to any change of address, and shall provide the telephone number
11 (home telephone number and cellular telephone number) as soon as it is
12 assigned.

13 Each parent is to keep the other parent informed as to who resides in their
14 respective homes with their minor child.

15 Each parent will be entitled to reasonable telephone communication with the
16 child. Each parent is restrained from unreasonably interfering with the child's
17 right to privacy during such telephone conversations. Both parents agree that the
18 child can call the other parent whenever the child wants to talk to the other
19 parent.

20
21 IT IS FURTHER ORDERED that Rosie shall be designated the primary physical
22 custodian of the minor child with Ignacio's visitation with the minor child as follows:

- 23 • Effective November 13, 2015, Ignacio shall have visitation every other weekend
24 from Friday at 12:00 p.m., to Sunday at 4:00 p.m. In the weeks following his
25 weekend visitation, Ignacio shall have the minor child on Tuesdays and Thursday
at 12:00 p.m. to 6:00 p.m.
- Absent mutual agreement, the parties shall follow the Court's default holiday
schedule, a copy of which was provided to the parties at the November 5, 2015
hearing. A copy of the schedule is attached hereto as Exhibit "I."

26
27 IT IS FURTHER ORDERED that the child's name shall be changed to Jazlynn Rose
28 Martinez Avila. The birth certificate shall be amended to reflect the same. Defendant shall
29 complete the name change within 60 days of the Notice of Entry of this Decree of Custody.

1 IT IS FURTHER ORDERED that Ignacio shall pay Rosie \$400.00 in child support each
2 month for the minor child pursuant to NRS 125B.070, until such time as the child reaches
3 eighteen (18) years of age, if no longer enrolled in high school, otherwise until the child
4 graduates from high school or reaches nineteen (19) years of age, dies, marries, or otherwise
5 becomes emancipated pursuant to the Nevada Revised Statutes, whichever first occurs first.
6 Child support payments shall be subject to wage assignment by the obligor's employer.

7 IT IS FURTHER ORDERED that Ignacio shall pay an additional \$50.00 with his child
8 support payments to make up for arrears and medical costs in the amount of \$2,192.95 due to
9 the birth of Jazlynn until the arrears amount is paid off. No interest will accumulate on the
10 arrears.

11 IT IS FURTHER ORDERED that counsel will work with the parties to establish the
12 amount of arrears owed to Rosie from Ignacio.

13 IT IS FURTHER ORDERED that Rosie shall have 30 days from the February 23, 2016
14 hearing to produce all uncovered medical costs from the child's birth to present to Ignacio's
15 counsel to establish medical arrears. Should no documents be produced, arrears shall be
16 deemed waived.

17 NOTICE IS GIVEN that pursuant to NRS 125B.145, child support payments shall be
18 reviewed at any time upon a showing of changed circumstances, or every three years.

19 NOTICE IS FURTHER GIVEN that pursuant to NRS 31A.025 to 31A.240, inclusive,
20 child support payments shall be subject to wage assignment by the obligor's employer should
21 he become more than thirty days delinquent in said child support payments.

22 IT IS FURTHER ORDERED that both parties shall be responsible for maintaining
23 medical, dental and vision insurance for the benefit of minor child so long as it is available
24 through their respective employers until such time as the child reaches eighteen (18) years of
25

1 age if no longer enrolled in high school, otherwise until the child graduates from high school or
2 reaches nineteen (19) years of age, dies, marries, or otherwise becomes emancipated pursuant to
3 the Nevada Revised Statutes, whichever first occurs first.

4 IT IS FURTHER ORDERED that any parent incurring an out-of-pocket medical
5 expense relating to the minor child will provide to the other parent a copy of all paperwork
6 relating to that expense within thirty (30) days of incurring said expense, along with a request
7 for contribution for one-half (1/2) of an out-of-pocket expense actually incurred. Upon receipt
8 of a request for contribution for one-half (1/2) of an out-of-pocket expense incurred by a parent
9 on behalf of the minor child, the other parent will reimburse the requesting parent in the amount
10 requested within thirty (30) days of receipt of said request for contribution. Upon receipt of
11 reimbursement from any insurance carrier by either parent, and if the other parent previously
12 paid a portion of the payment resulting in that reimbursement, the parent receiving the
13 reimbursement shall equally divide the said reimbursement with the other parent within thirty
14 (30) days of receipt of the same.

15 IT IS FURTHER ORDERED that Nevada shall be declared the State, and the United
16 States of America shall be declared the Country, of habitual residence of the minor child for the
17 purposes of applying the terms of the Hague Convention described herein.

18 IT IS FURTHER ORDERED that both parties are required to provide their social
19 security numbers on a separate form to the Court and to the Welfare Division of the Department
20 of Human Resources within ten (10) days from the date this Decree is filed pursuant to NRS
21 125.130. Such information shall be maintained by the Clerk in a confidential manner as part of
22 the public record. The parties shall update the information filed with the Court and the Welfare
23 Division of the Department of Human Resources within ten days should any of that information
24 become inaccurate.

1 NOTICE IS HEREBY GIVEN that NRS 125C.200, which provides:

2 If custody has been established and the custodial parent having joint
3 custody intends to move his residence outside the state and to take the
4 child with him, he must, as soon as possible and before the planned move,
5 attempt to obtain the written consent of the other parent to move the child
6 from state. If the noncustodial parent or other parent having joint custody
7 refuses to give that consent, the parent planning the move shall, before he
8 leaves the state with the child, petition the court for permission to move
9 the child." As well as NRS 125.510(6) which provides:

10 PENALTY FOR VIOLATION OF ORDER: The abduction, concealment
11 or detention of a child in violation of this order is punishable as a category
12 D felony as provided by NRS 193.130.

13 NOTICE IS FURTHER GIVEN that NRS 200.359 provides that every person having a
14 limited right of custody to a child or any parent having no right of custody to the child who
15 willfully detains, conceals or removes the child from a parent, guardian or other person having
16 lawful custody or a right of visitation of the child in violation of an order of this court, or
17 removes the child from the jurisdiction of the court without the consent of either the court or
18 all persons who have the right to custody or visitation is subject to being punished for a category
19 D felony as provided by NRS 193.130.

20 NOTICE IS FURTHER GIVEN that pursuant to NRS 125.510 (7) and (8), the terms of
21 the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague
22 Convention on Private International Law are applicable to the parties

23 Section 8, If a parent of the children lives in a foreign country or has
significant commitments in a foreign country:

24 (a) The parties may agree, and the Court shall include in the Order for
25 custody of the children, that the United States is the country of habitual

1 residence of the children for the purpose of applying the terms of the
2 Hague Convention as set forth in Subsection 7.

3 (b) Upon motion of the parties, the Court may order the parent to post
4 a bond if the Court determines that the parent poses an imminent risk of
5 wrongfully

6 removing or concealing the children outside the country of habitual
7 residence. The bond must be in an amount determined by the Court and
8 may be used only to pay for the cost of locating the children and returning
9 them to their habitual residence. The fact that a person has significant
10 commitments in a foreign country does not create a presumption that the
11 parent poses an imminent risk of wrongfully removing or concealing the
12 children.

13 IT IS FURTHER ORDERED that the Evidentiary Hearing currently set for March 8, 2016

14 at 1:30 p.m. is hereby vacated.

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ORDER

The court having reviewed the foregoing Decree of Custody and good cause appearing therefrom, therefore:


IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Stipulated Decree of Custody as set forth above is hereby granted

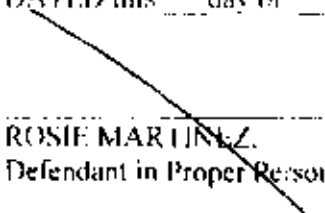
DATED this 19th day of July, 2016.


DISTRICT COURT JUDGE

JENNIFER L. ELLIOTT

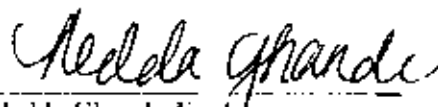
DATED this ___ day of ___, 2016 DATED this ___ day of ___, 2016


IGNACIO AVILA
Plaintiff


ROSIE MARTINEZ
Defendant in Proper Person

Respectfully Submitted by

GHANDI DEETER BLACKHAM


Nedda Ghandi, Esq.
Nevada Bar No. 11137
Laura A. Deeter, Esq.
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ORDER

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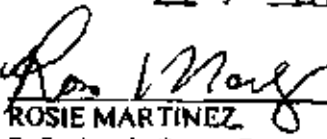
DATED this _____ day of _____, 2016.

DISTRICT COURT JUDGE

DATED this _____ day of _____, 2016 DATED this 14 day of JULY, 2016



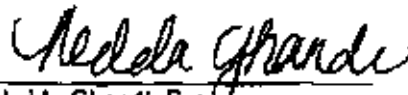
IGNACIO AVILA
Plaintiff



ROSIE MARTINEZ
Defendant in Proper Person

Respectfully Submitted by:

GHANDI DEETER BLACKHAM



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ACKNOWLEDGMENT

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

On this 21 day of June, 2016, before me the undersigned, a Notary Public in and said County and State, personally appeared IGNACIO AVILA known to me or proved to me the person described in and who executed the foregoing STIPULATED DECREE OF CUSTODY who acknowledged to me he executed the same freely and voluntarily and for the purpose therein mentioned.



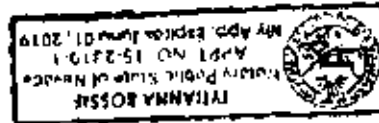


NOTARY

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

On this _____ day of _____, 2016, before me the undersigned, a Notary Public in and said County and State, personally appeared ROSIE MARTINEZ known to me or proved to me the person described in and who executed the foregoing STIPULATED DECREE OF CUSTODY who acknowledged to me she executed the same freely and voluntarily and for the purpose therein mentioned.

NOTARY



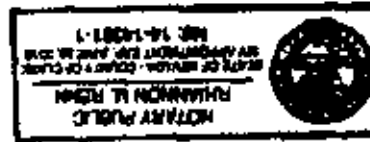
NOTARY

purpose therein mentioned

CRISTODY who acknowledged to me she executed the same freely and voluntarily and for the
to me the person described in and who executed the foregoing STATEMENT IN WRITING OF
in and said County and State, personally appeared ROSAS, MARILYN Z known to me or proved
On this 14th day of July, 2016, before me the undersigned, a Notary Public

COUNTY OF CLARK

STATE OF NEVADA



NOTARY

purpose therein mentioned

CRISTODY who acknowledged to me he executed the same freely and voluntarily and for the
to me the person described in and who executed the foregoing STATEMENT IN WRITING OF
in and said County and State, personally appeared ROSAS, MARILYN Z known to me or proved to
On this 21st day of June, 2016, before me the undersigned, a Notary Public

COUNTY OF CLARK

STATE OF NEVADA

ACKNOWLEDGMENT

EXHIBIT 1

81/13/2012 10:02 7823882594

DEFAULT HOLIDAY AND VACATION PLAN

THE COURT ENCOURAGES THE PARENTS TO COMMUNICATE REGARDING SHARING TIME WITH THEIR CHILDREN FOR HOLIDAY AND VACATION. The following **HOLIDAY AND VACATION PLAN** is a "default" schedule where parents are unable to otherwise agree. Therefore the parents may agree in a signed writing to deviate from this schedule, and this "default" plan shall apply where they cannot agree. HOLIDAYS take precedence over RESIDENTIAL TIME, and no party shall give notice to take VACATION TIME during the other party's HOLIDAY TIME.

ODD YEAR**EVEN YEAR****THREE-DAY HOLIDAYS**

The holiday will begin on the day observed for the holiday at 9 AM and conclude at 9 AM the day following the three-day holiday weekend, or the day following the holiday where not attached to a three day weekend.

MARTIN LUTHER KING DAY	MOM	DAD
PRESIDENT'S DAY	DAD	MOM
MEMORIAL DAY	MOM	DAD
INDEPENDENCE DAY	DAD	MOM
LABOR DAY	MOM	DAD
COLUMBUS DAY	DAD	MOM
NEVADA ADMISSION DAY (HALLOWEEN)	MOM	DAD

INDIVIDUAL DAYS

The holiday visitation shall begin at 9 AM on the individual holiday (or after school on school days), and end at 9 PM the same day. The year indicated is the calendar year and not the age of a child or parent.

MOTHER'S DAY	MOM	MOM
FATHER'S DAY	DAD	DAD
MOTHER'S BIRTHDAY	MOM	MOM
FATHER'S BIRTHDAY	DAD	DAD
CHILDREN'S BIRTHDAY	DAD	MOM

ODD YEAR

EVEN YEAR

EASTER/SPRING BREAK

The holiday visitation shall begin at 9 AM following the last day of school and concludes at 12:00 noon the day before returning to school. If a child must travel outside of the county for the holiday, they should be home no later than 7 PM the evening before school resumes. If the child is not in school, the parents shall refer to the Clark County School District Calendar for the school zone where the primary custodian resides regarding exact dates for travel.

EASTER/SPRING BREAK

MOM

DAD

THANKSGIVING

The holiday visitation shall begin after school on Wednesday preceding Thanksgiving, or at 6 PM Wednesday if school is not in session, and ends at 12:00 noon the day before returning to school, or if no school, on the Sunday after Thanksgiving. If a child must travel outside of the county for the holiday, they should be home no later than 7 PM the evening before school resumes.

THANKSGIVING

MOM

DAD

CHRISTMAS HOLIDAY & WINTER BREAK

The parties are expected to equally divide all days available for the winter break attaching MOM's time share to her Christmas holiday segment, and DAD's time share to his Christmas holiday segment to the extent possible, except the Christmas holiday, which holiday shall be divided into two segments. The first segment shall begin at 9 AM on Christmas Eve and conclude on December 24th at 9 PM. The second segment shall begin Christmas Eve at 9 PM and conclude Christmas Day at 9 PM. If a child must travel outside of the county for the holiday, they should be home no later than 7 PM the evening before school resumes. If the child is not in school, the parents shall refer to the Clark County School District Calendar for the school zone where the primary custodian resides regarding exact dates for travel.

CHRISTMAS SEGMENT 1

DAD

MOM

CHRISTMAS SEGMENT 2

MOM

DAD

SUMMER/TRACK BREAK VACATIONS

Each parent shall be entitled to a minimum of one (1) vacation each year, not to exceed a consecutive two (2) week period, unless there is a mutual written agreement otherwise.

During the year a parent has the right to designate their vacation time first, failing to do so by certified mail by May 1st in that year will permit the other parent to make plans via certified mail to the other parent as of May 2nd. The earlier

01/13/2012 18:02 7023602564

certified mail stamp will prevail as to the parent who made the earlier plans where there is a conflict regarding first in time. HOLIDAYS take precedence over RESIDENTIAL TIME, and no party shall give notice to take VACATION TIME during the other party's HOLIDAY TIME.

	<u>ODD YEAR</u>	<u>EVEN YEAR</u>
VACATION SELECTION PRIORITY	MOM	DAD

RELIGIOUS HOLIDAYS

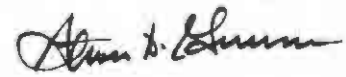
Where the parents do not share the same religious beliefs, each parent shall have the right to provide religious instruction to the child unless there is a child welfare or endangerment issue that where the parents cannot resolve, may be presented to the Court. Additionally, where both parents are of the same faith (e.g. Jewish, Catholic, etc.), both parents shall have the opportunity to enjoy the right to celebrate that holiday with the child. However, where the parent with the right to celebrate that holiday with the child does not intend to observe the formal ceremonies, that parent shall make the child available to the other parent for attendance at temple, mass, religious instruction, etc. Where one or both parents practice another religion, they are to alternate those holidays as provided in the following example for Jewish Holidays. Following is a non-inclusive list of other religions where parents shall alternate holidays: Buddhist, Hindu, Greek Orthodox, Eastern and Russian Orthodox, Islamic, World Wide Church of God, Protestant, Lutheran, Baha'i, Church of Latter Day Saints, Sikh, Roman Catholic, Armenian Holidays, Eid of Adha, Chinese, Korean and Vietnamese New Year, etc. JEWISH HOLIDAY EXAMPLE:

PASSOVER	DAD	MOM
ROSH HASHANAH	MOM	DAD
YOM KIPPUR	DAD	MOM
HANUKKAH	MOM	DAD
BAR MITZVAH ARRANGEMENTS	DAD	MOM

NOTE: WHERE THERE IS AN OVERLAP OF CONFLICTING RELIGIOUS HOLIDAYS, THE FOLLOWING PRIORITY SHALL PREVAIL:

OVERLAP PRECEDENT:	MOM	DAD
--------------------	-----	-----

Rev. 3/02


CLERK OF THE COURT

NCOA
GHANDI DEETER BLACKHAM
Nedda Ghandi, Esq.
Nevada Bar No. 11137
Email: Nedda@ghandilaw.com
Laura A. Deeter, Esq.
Nevada Bar No. 10562
Email: Laura@ghandilaw.com
725 South 8th Street, Ste. A
Las Vegas, Nevada 89101
Phone: (702) 878-1115
Fax: (702) 979-2485
Attorneys for Plaintiff

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

IGNACIO AVILA, JR.,

Plaintiff,

vs.,

ROSIE ELENA MARTINEZ,

Defendant.

CASE NO.: D-15-515892-C

DEPT. NO.: L

Date of Hearing:
Time of Hearing:

NOTICE OF CHANGE OF ADDRESS

PLEASE TAKE NOTICE that effective August 1, 2016, Nedda Ghandi, Esq., Laura A. Deeter, Esq., and Brian E. Blackham, Esq., of GHANDI DEETER BLACKHAM will have the following new address for service of notices and documents in the above-captioned matter:

GHANDI DEETER BLACKHAM
725 South 8th Street, Ste. A
Las Vegas, Nevada 89101
Fax: (702) 979-2485

Telephone number and e-mail addresses will remain the same.

1
2 DATED this 28 of July, 2016.

3
4 **GHANDI DEETER BLACKHAM**

5 /s/ Nedda Ghandi

6 NEDDA GHANDI, ESQ.
7 Nevada Bar No. 11137
8 LAURA A. DEETER, ESQ.
9 Nevada Bar No. 10562
10 BRIAN E. BLACKHAM, ESQ.
11 725 South 8th Street, Ste. A
12 Las Vegas, Nevada 89101
13 Las Vegas, NV 89101

14 **CERTIFICATE OF SERVICE**

15 I do hereby certify that on the 29 day of July, 2016, I caused to be served the NOTICE OF
16 CHANGE OF ADDRESS to all interested parties as follows:

17 ☐ Via Electronic Service to Pursuant to EDCR 7.26 and NEFCR Rule 9, I caused a true
18 copy thereof to be served via Wiznet to the following E-mail Address (es):

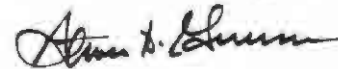
19 ☐ Via Facsimile to Pursuant to EDCR 7.26, I caused a true copy thereof to be
20 transmitted via facsimile, to the following number(s):

21 ☐ Via Email to Pursuant to EDCR 7.26 and NEFCR Rule 9, I caused a true copy thereof
22 to be served via electronic mail to the following E-mail Address (es):

23 ☒ Pursuant to NRCP 5(b), I caused a true copy thereof to be placed in the U.S. Mail,
24 enclosed in a sealed envelope, postage fully prepaid thereon, addressed as follows:

25 Rosie Martinez
26 5729 Awakening Street
27 N. Las Vegas, NV 89081
28 Defendant in Proper Person

An employee of Ghandi Deeter Blackham



CLERK OF THE COURT

APPL

GHANDI DEETER BLACKHAM

Nedda Ghandi, Esq.

Nevada Bar No. 11137

nedda@ghandilaw.com

Laura A. Deeter, Esq.

Nevada Bar No. 10562

laura@ghandilaw.com

725 S. 8th Street, Suite 100

Las Vegas, Nevada 89101

Telephone: (702) 878-1115

Facsimile: (702) 979-2485

Attorneys for Plaintiff

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

IGNACIO AVILA, JR.,

Plaintiff,

vs.

ROSIE ELENA MARTINEZ,

Defendant.

CASE NO.: D-15-515892-C

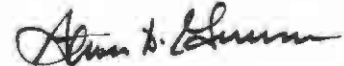
DEPT. NO.: L

EXPARTE APPLICATION TO AMEND STIPULATED DECREE OF CUSTODY

TO: THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK:

Plaintiff, Ignacio Avila, Jr., by and through his Attorney, Nedda Ghandi, Esq., of GHANDI
DEETER BLACKHAM, and petitions this Honorable Court as follows:

1. For an Order amending the Stipulated Decree of Custody entered on July 22, 2016.
The current Decree does not contain the specific language required by Vital Records to remove
the party currently listed as the father on the minor child's birth certificate in order to add Ignacio
as the biological father.



CLERK OF THE COURT

ORDR
GHANDI DEETER BLACKHAM

Nedda Ghandi, Esq.
Nevada Bar No. 11137
Email: nedda@ghandilaw.com
Laura A. Deeter, Esq.
Nevada Bar No. 10562
Email: laura@ghandilaw.com
725 S. 8th Street, Suite 100
Las Vegas, Nevada 89101
Telephone: (702) 878-1115
Facsimile: (702) 979-2485
Attorney for Plaintiff

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

IGNACIO AVILA, JR.,

Plaintiff,

vs.

ROSIE ELENA MARTINEZ,

Defendant.

CASE NO.: D-15515892-C
DEPT. NO.: L

ORDER AMENDING STIPULATED DECREE OF CUSTODY FILED JULY 22, 2016

THE COURT having reviewed the Plaintiff's Ex Parte Application to Amend Stipulated Decree of Custody hereby finds and orders the following:

THE COURT HEREBY FINDS that Plaintiff, Ignacio Avila, Jr. is the biological father of Jazlynn rose Martinez, born October 25, 2013.

THE COURT FURTHER FINDS that a Stipulated Decree of Custody was entered on July 22, 2016.

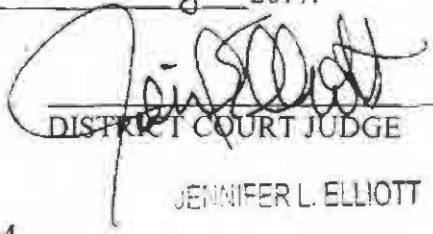
THE COURT FURTHER FINDS that the Decree ordered that the minor child's birth certificate be amended to add Ignacio as the child's father.

1 THE COURT FURTHER FINDS that Henry Antonio Oliva is currently listed on
2 Jazlynn's birth certificate, Vital Records requires language be included in the Decree instructing
3 them specifically, to remove Henry's name from Jazlynn's birth certificate.

4 IT IS HEREBY ORDERED that Stipulated Decree of Custody entered on July 22, 2016
5 shall be amended to state the following: Henry Antonio Oliva shall be removed from Jazlynn's
6 birth certificate. Ignacio Avila, Jr., shall be added to Jazlynn's birth certificate as the biological
7 father.

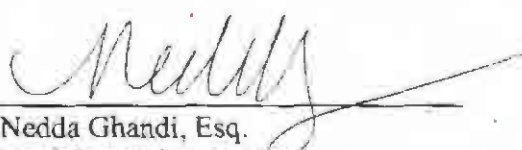
8 IT IS FURTHER ORDERED that all other terms of the Stipulated Decree of Custody
9 shall remain in full force and effect.

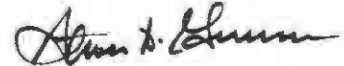
10 DATED this 31st day of January 2017.

11
12 
DISTRICT COURT JUDGE

JENNIFER L. ELLIOTT

13 Respectfully submitted by:
14 GHANDI DEETER BLACKHAM

15 
16 Nedda Ghandi, Esq.
17 Nevada Bar No. 11137
18 Laura A. Deeter, Esq.
19 Nevada Bar No. 10562
20 725 S. 8th Street, Suite 100
21 Las Vegas, Nevada 89101
22 Attorney for Plaintiff
23
24
25
26
27
28



CLERK OF THE COURT

**NEO
GHANDI DEETER BLACKHAM**

Nedda Ghandi, Esq.
Nevada Bar No. 11137
nedda@ghandilaw.com
725 S. 8th Street, Suite 100
Las Vegas, Nevada 89101
Telephone: (702) 878-1115
Facsimile: (702) 979-2485
Attorneys for Plaintiff

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

IGNACIO AVILA, JR.,

Plaintiff,

vs.

ROSIE ELENA MARTINEZ,

Defendant.

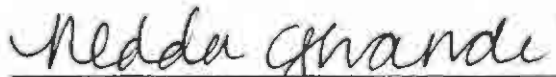
CASE NO.: D-15-515892-C
DEPT. NO.: L

**NOTICE OF ENTRY OF ORDER AMENDING STIPULATED DECREE OF
CUSTODY FILED JULY 22, 2016.**

TO: ALL INTERESTED PARTIES:

YOU ARE HEREBY NOTICED that an Order was entered on the 8th day of
February, 2017. A copy of said Order is attached hereto.

DATED this 13th day of February, 2017.



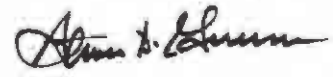
NEDDA GHANDI ESQ.

Nevada Bar No. 11137
25 S. 8th Street, Suite 100
Las Vegas, Nevada 89101
Attorney for Plaintiff

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9
0

Rosie Martinez
5729 Awakening Street
N. Las Vegas, NV 89081
Defendant in Proper Person

An employee of Ghandi Deeter Blackham



CLERK OF THE COURT

1 **ORDR**
2 **GHANDI DEETER BLACKHAM**
3 Nedda Ghandi, Esq.
4 Nevada Bar No. 11137
5 Email: nedda@ghandilaw.com
6 Laura A. Deeter, Esq.
7 Nevada Bar No. 10562
8 Email: laura@ghandilaw.com
9 725 S. 8th Street, Suite 100
10 Las Vegas, Nevada 89101
11 Telephone: (702) 878-1115
12 Facsimile: (702) 979-2485
13 Attorney for Plaintiff

9 **EIGHTH JUDICIAL DISTRICT COURT**

10 **FAMILY DIVISION**

11 **CLARK COUNTY, NEVADA**

12
13 **IGNACIO AVILA, JR.,**

14 Plaintiff,

15 vs.

16 **ROSIE ELENA MARTINEZ,**

17 Defendant.
18

CASE NO.: D-15515892-C
DEPT. NO.: L

19 **ORDER AMENDING STIPULATED DECREE OF CUSTODY FILED JULY 22, 2016**

20 THE COURT having reviewed the Plaintiff's Ex Parte Application to Amend Stipulated
21 Decree of Custody hereby finds and orders the following:

22 THE COURT HEREBY FINDS that Plaintiff, Ignacio Avila, Jr. is the biological father of
23 Jazlynn rose Martinez, born October 25, 2013.

24 THE COURT FURTHER FINDS that a Stipulated Decree of Custody was entered on July
25 22, 2016.

26 THE COURT FURTHER FINDS that the Decree ordered that the minor child's birth
27 certificate be amended to add Ignacio as the child's father.
28

1 THE COURT FURTHER FINDS that Henry Antonio Oliva is currently listed on
2 Jazlynn's birth certificate, Vital Records requires language be included in the Decree instructing
3 them specifically, to remove Henry's name from Jazlynn's birth certificate.

4 IT IS HEREBY ORDERED that Stipulated Decree of Custody entered on July 22, 2016
5 shall be amended to state the following: Henry Antonio Oliva shall be removed from Jazlynn's
6 birth certificate. Ignacio Avila, Jr., shall be added to Jazlynn's birth certificate as the biological
7 father.

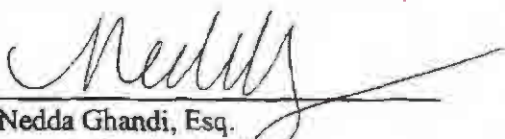
8 IT IS FURTHER ORDERED that all other terms of the Stipulated Decree of Custody
9 shall remain in full force and effect.

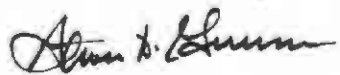
10 DATED this 31st day of January 2017.

11
12 
DISTRICT COURT JUDGE

13 Respectfully submitted by:
14 GHANDI DEETER BLACKHAM

JENNIFER L. ELLIOTT 

15
16 
17 Nedda Ghandi, Esq.
18 Nevada Bar No. 11137
19 Laura A. Deeter, Esq.
20 Nevada Bar No. 10562
21 725 S. 8th Street, Suite 100
22 Las Vegas, Nevada 89101
23 Attorney for Plaintiff
24
25
26
27
28


CLERK OF THE COURT

1 **DECC**
2 **GHANDI DEETER BLACKHAM**
3 Nedda Ghandi, Esq.
4 Nevada Bar No. 11137
5 Email: Nedda@ghandilaw.com
6 Laura A. Deeter, Esq.
7 Nevada Bar No. 10625
8 Email: Laura@ghandilaw.com
9 725 S. 8th Street, Suite 100
10 Las Vegas, Nevada 89101
11 Phone: (702) 878-1115
12 Fax: (702) 979-2485
13 *Attorney for Plaintiff*

8 **EIGHTH JUDICIAL DISTRICT COURT**
9 **FAMILY DIVISION**
10 **CLARK COUNTY, NEVADA**

11 **IGNACIO AVILA, JR.,**

12 **Plaintiff,**

13 **vs.**

14 **ROSIE ELENA MARTINEZ,**

15 **Defendant.**

CASE NO.: D-15-515892-C

DEPT. NO.: L

16 **FIRST AMENDED DECREE OF CUSTODY**

17 Plaintiff, IGNACIO AVILA, JR., ("Plaintiff" or "Ignacio"), by and through
18 his attorneys of record, Nedda Ghandi, Esq., and Laura A. Deeter, Esq., of the law
19 firm of GHANDI DEETER BLACKHAM, hereby submits the present Amended
20 Decree of Custody which shall amend and supersede the Decree of Custody
entered on July 22, 2016 as to all matters addressed herein pursuant to EDCR

1 7.22. The Court having reviewed the Order Amending Stipulated Decree of
2 Custody filed February 8, 2017, and having reviewed all pleadings on file herein,
3 and being fully apprised of the law and the facts of this case, hereby finds and
4 orders as follows:

5 THE COURT HEREBY FINDS that the Court has complete jurisdiction in
6 the premises, both as to the subject matter thereof as well as the parties hereto.

7 THE COURT FURTHER FINDS that Ignacio is now and has been, an
8 actual and bona fide resident of Clark County, Nevada.

9 THE COURT FURTHER FINDS that there is one (1) minor child born of
10 the relationship between the parties, to wit:

11 Jazlynn Rose Martinez, born October 25, 2013.

12 The minor child has continuously resided within the State of Nevada for at
13 least six (6) months and prior to the filing of this action, and Nevada is the
14 UCCJEA home state, and habitual residence, of the child.

15 THE COURT FURTHER FINDS that the child's name and birth certificate
16 shall be amended to "Jazlynn Rose Martinez Avila". Defendant shall complete the
17 name change within 60 days of the Notice of Entry of this Decree of Custody.

18 THE COURT FURTHER FINDS that Ignacio hereby acknowledges that he
19 is the father of the minor child listed above, thereby establishing paternity.

20

1 THE COURT FURTHER FINDS that Ignacio and Rosie are fit and proper
2 persons to be awarded joint legal custody of the minor child.

3 THE COURT FURTHER FINDS that Rosie shall be designated the primary
4 physical custodian of the minor child with Ignacio's visitation with the minor
5 child as follows:

- 6 • Effective November 13, 2015, Ignacio shall have visitation every
7 other weekend from Friday at 12:00 p.m., to Sunday at 4:00 p.m. In
8 the weeks following his weekend visitation, Ignacio shall have the
9 minor child on Tuesdays and Thursday at 12:00 p.m. to 6:00 p.m.
- 10 • Absent mutual agreement, the parties shall follow the Court's default
11 holiday schedule, a copy of which was provided to the parties at the
12 November 5, 2015 hearing. A copy of the schedule is attached
13 hereto as Exhibit "1."

14 THE COURT FURTHER FINDS that Ignacio shall pay Rosie \$400.00 in
15 child support each month for the minor child pursuant to NRS 125B.070, until
16 such time as the child reaches eighteen (18) years of age, if no longer enrolled in
17 high school, otherwise until the child graduates from high school or reaches
18 nineteen (19) years of age, dies, marries, or otherwise becomes emancipated
19 pursuant to the Nevada Revised Statutes, whichever first occurs first. Child
20 support payments shall be subject to wage assignment by the obligor's employer.

1 THE COURT FURTHER FINDS that Ignacio shall pay an additional
2 \$50.00 with his child support payments to make up for arrears and medical costs
3 in the amount of \$2,192.95 due to the birth of Jazlynn until the arrears amount is
4 paid off. No interest will accumulate on the arrears.

5 THE COURT FURTHER FINDS that both parties shall be responsible for
6 maintaining medical, dental and vision insurance for the benefit of minor child so
7 long as it is available through their respective employers until such time as the
8 child reaches eighteen (18) years of age if no longer enrolled in high school,
9 otherwise until the child graduates from high school or reaches nineteen (19)
10 years of age, dies, marries, or otherwise becomes emancipated pursuant to the
11 Nevada Revised Statutes, whichever first occurs first.

12 THE COURT FURTHER FINDS that any unreimbursed medical expenses
13 shall be subject to the 30/30 Rule as follows:

14 Any parent incurring an out-of-pocket medical expense relating to the
15 minor children will provide to the other parent a copy of all paperwork relating to
16 that expense within thirty (30) days of incurring said expense, along with a
17 request for contribution for one-half (1/2) of an out-of-pocket expense actually
18 incurred. Upon receipt of a request for contribution for one-half (1/2) of an out-
19 of-pocket expense incurred by a parent on behalf of the minor child, the other
20 parent will reimburse the requesting parent in the amount requested within thirty

1 (30) days of receipt of said request for contribution. Upon receipt of
2 reimbursement from any insurance carrier by either parent, and if the other parent
3 previously paid a portion of the payment resulting in that reimbursement, the
4 parent receiving the reimbursement shall equally divide the said reimbursement
5 with the other parent within thirty (30) days of receipt of the same. Both parents
6 have the authority to contact the insurance provider directly in order to determine
7 the status of any individual claim;

8 THEREFORE, Based upon the Stipulation of the parties,

9 IT IS HEREBY ORDERED that Ignacio hereby acknowledges that he is the
10 father of Jazlynn Rose Martinez, born October 25, 2013.

11 IT IS FURTHER ORDERED that Ignacio and Rosie are fit and proper
12 persons to be awarded joint legal custody of the minor child. Joint legal custody
13 shall be defined as follows:

14 The parents will consult and cooperate with each other in substantial
15 questions relating to religious upbringing, educational programs,
16 significant changes in social environment, and health care of the
17 child.

18 The parents will have access to medical and school records
19 pertaining to their child and be permitted to independently consult
20 with any and all professionals involved with the minor child. Both
parents agree to copy the other on requests for information about the
minor child. Both parents further agree that neither will talk
negatively about the other to any service providers for their child.

1 All schools, health care providers, formal day care providers, and
2 counselors will be selected by the parents jointly.

3 Each parent will be empowered to obtain emergency health care for
4 the child without the consent of the other parent. Each parent is to
5 notify the other parent as soon as reasonably possible of any illness
6 requiring medical attention, or any emergency involving the child.
7 Should both parents not be available for emergency medical care,
8 then each stepparent shall have the written authority to make said
9 health care decisions in the event of such emergency.

10 Each parent is to provide the other parent, upon receipt, information
11 concerning the well-being of the child, including, but not limited to,
12 copies of report cards; school meeting notices; vacation schedules;
13 class programs; requests for conferences, results of standardized or
14 diagnostic tests; notices of activities involving the child; samples of
15 school work; order forms for school pictures; in addition to, all
16 communications from health care providers; the names, addresses
17 and telephone numbers of all schools, health care providers, regular
18 day care providers, and counselors.

19 Each parent is to provide the other parent with the address and
20 telephone number at which the minor child resides, and to notify the
other parent within 10 days prior to any change of address, and shall
provide the telephone number (home telephone number and cellular
telephone number) as soon as it is assigned.

Each parent is to keep the other parent informed as to who resides in
their respective homes with their minor child.

Each parent will be entitled to reasonable telephone communication
with the child. Each parent is restrained from unreasonably
interfering with the child's right to privacy during such telephone
conversations. Both parents agree that the child can call the other
parent whenever the child wants to talk to the other parent.

///

///

1 IT IS FURTHER ORDERED that Rosie shall be designated the primary
2 physical custodian of the minor child with Ignacio's visitation with the minor
3 child as follows:

- 4 • Effective November 13, 2015, Ignacio shall have visitation every
5 other weekend from Friday at 12:00 p.m., to Sunday at 4:00 p.m. In
6 the weeks following his weekend visitation, Ignacio shall have the
7 minor child on Tuesdays and Thursday at 12:00 p.m. to 6:00 p.m.
- 8 • Absent mutual agreement, the parties shall follow the Court's default
9 holiday schedule, a copy of which was provided to the parties at the
10 November 5, 2015 hearing. A copy of the schedule is attached hereto
11 as Exhibit "1."

12 IT IS FURTHER ORDERED that the child's name shall be changed to
13 Jazlynn Rose Martinez Avila. The birth certificate shall be amended to reflect the
14 same. Defendant shall complete the name change within 60 days of the Notice of
15 Entry of this Decree of Custody.

16 IT IS FURTHER ORDERED that Stipulated Decree of Custody entered on
17 July 22, 2016 shall be amended to state the following: Henry Antonio Oliva shall
18 be removed from Jazlynn's birth certificate. Ignacio Avila, Jr., shall be added to
19 Jazlynn's birth certificate as the biological father.

20 ///

1 IT IS FURTHER ORDERED that Ignacio shall pay Rosie \$400.00 in child
2 support each month for the minor child pursuant to NRS 125B.070, until such
3 time as the child reaches eighteen (18) years of age, if no longer enrolled in high
4 school, otherwise until the child graduates from high school or reaches nineteen
5 (19) years of age, dies, marries, or otherwise becomes emancipated pursuant to
6 the Nevada Revised Statutes, whichever first occurs first. Child support payments
7 shall be subject to wage assignment by the obligor's employer.

8 IT IS FURTHER ORDERED that Ignacio shall pay an additional \$50.00
9 with his child support payments to make up for arrears and medical costs in the
10 amount of \$2,192.95 due to the birth of Jazlynn until the arrears amount is paid
11 off. No interest will accumulate on the arrears.

12 IT IS FURTHER ORDERED that counsel will work with the parties to
13 establish the amount of arrears owed to Rosie from Ignacio.

14 IT IS FURTHER ORDERED that Rosie shall have 30 days from the
15 February 23, 2016 hearing to produce all uncovered medical costs from the
16 child's birth to present to Ignacio's counsel to establish medical arrears. Should
17 no documents be produced, arrears shall be deemed waived.

18 NOTICE IS GIVEN that pursuant to NRS 125B.145, child support
19 payments shall be reviewed at any time upon a showing of changed
20 circumstances, or every three years.

1 NOTICE IS FURTHER GIVEN that pursuant to NRS 31A.025 to 31A.240,
2 inclusive, child support payments shall be subject to wage assignment by the
3 obligor's employer should he become more than thirty days delinquent in said
4 child support payments.

5 IT IS FURTHER ORDERED that both parties shall be responsible for
6 maintaining medical, dental and vision insurance for the benefit of minor child so
7 long as it is available through their respective employers until such time as the
8 child reaches eighteen (18) years of age if no longer enrolled in high school,
9 otherwise until the child graduates from high school or reaches nineteen (19)
10 years of age, dies, marries, or otherwise becomes emancipated pursuant to the
11 Nevada Revised Statutes, whichever first occurs first.

12 IT IS FURTHER ORDERED that any parent incurring an out-of-pocket
13 medical expense relating to the minor child will provide to the other parent a copy
14 of all paperwork relating to that expense within thirty (30) days of incurring said
15 expense, along with a request for contribution for one-half (1/2) of an out-of-
16 pocket expense actually incurred. Upon receipt of a request for contribution for
17 one-half (1/2) of an out-of-pocket expense incurred by a parent on behalf of the
18 minor child, the other parent will reimburse the requesting parent in the amount
19 requested within thirty (30) days of receipt of said request for contribution. Upon
20 receipt of reimbursement from any insurance carrier by either parent, and if the

1 other parent previously paid a portion of the payment resulting in that
2 reimbursement, the parent receiving the reimbursement shall equally divide the
3 said reimbursement with the other parent within thirty (30) days of receipt of the
4 same.

5 IT IS FURTHER ORDERED that Nevada shall be declared the State, and
6 the United States of America shall be declared the Country, of habitual residence
7 of the minor child for the purposes of applying the terms of the Hague Convention
8 described herein.

9 IT IS FURTHER ORDERED that both parties are required to provide their
10 social security numbers on a separate form to the Court and to the Welfare
11 Division of the Department of Human Resources within ten (10) days from the
12 date this Decree is filed pursuant to NRS 125.130. Such information shall be
13 maintained by the Clerk in a confidential manner as part of the public record. The
14 parties shall update the information filed with the Court and the Welfare Division
15 of the Department of Human Resources within ten days should any of that
16 information become inaccurate.

17 NOTICE IS HEREBY GIVEN that NRS 125C.200, which provides:

18 If custody has been established and the custodial parent having
19 joint custody intends to move his residence outside the state and
20 to take the child with him, he must, as soon as possible and

1 before the planned move, attempt to obtain the written consent
2 of the other parent to move the child from state. If the
3 noncustodial parent or other parent having joint custody refuses
4 to give that consent, the parent planning the move shall, before
5 he leaves the state with the child, petition the court for
6 permission to move the child.® As well as NRS 125.510(6)
7 which provides:

8 PENALTY FOR VIOLATION OF ORDER: The abduction,
9 concealment or detention of a child in violation of this order is
10 punishable as a category D felony as provided by NRS 193.130.

11 NOTICE IS FURTHER GIVEN that NRS 200.359 provides that every
12 person having a limited right of custody to a child or any parent having no right of
13 custody to the child who willfully detains, conceals or removes the child from a
14 parent, guardian or other person having lawful custody or a right of visitation of
15 the child in violation of an order of this court, or removes the child from the
16 jurisdiction of the court without the consent of either the court or all persons who
17 have the right to custody or visitation is subject to being punished for a category D
18 felony as provided by NRS 193.130.

19 NOTICE IS FURTHER GIVEN that pursuant to NRS 125.510 (7) and (8),
20 the terms of the Hague Convention of October 25, 1980, adopted by the 14th

1 Session of the Hague Convention on Private International Law are applicable to
2 the parties:

3 Section 8, If a parent of the children lives in a foreign country
or has significant commitments in a foreign country:

4 (a) The parties may agree, and the Court shall include in the
5 Order for custody of the children, that the United States is the
6 country of habitual residence of the children for the purpose of
applying the terms of the Hague Convention as set forth in
Subsection 7.

7 (b) Upon motion of the parties, the Court may order the
8 parent to post a bond if the Court determines that the parent
9 poses an imminent risk of wrongfully
10 removing or concealing the children outside the country of
11 habitual residence. The bond must be in an amount determined
by the Court and may be used only to pay for the cost of
locating the children and returning them to their habitual
residence. The fact that a person has significant commitments
in a foreign country does not create a presumption that the
parent poses an imminent risk of wrongfully removing or
concealing the children.

12
13 IT IS FURTHER ORDERED that the Evidentiary Hearing currently set for
14 March 8, 2016 at 1:30 p.m., is hereby vacated.

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17 ///

18 ///

19 ///

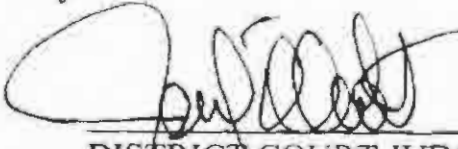
20 ///

1 **ORDER**

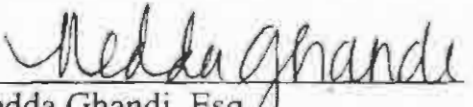
2 The court having reviewed the foregoing Decree of Custody and good cause
3 appearing therefrom, therefore:

4 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the
5 Stipulated Decree of Custody as set forth above is hereby granted.

6 DATED this 23rd day of February, 2017.

7
8 
9 DISTRICT COURT JUDGE *PHL*

10 Respectfully Submitted by:
11 GHANDI DEETER BLACKHAM

12 
13 Nedda Ghandi, Esq.
14 Nevada Bar No. 11137
15 Laura A. Deeter, Esq.
16 Nevada Bar No. 10562
725 S. 8th Street, Suite 100
Las Vegas, Nevada 89101
(702) 878-1115
Attorneys for Plaintiff

01/13/2012 10:02 7823882584

DEFAULT HOLIDAY AND VACATION PLAN

THE COURT ENCOURAGES THE PARENTS TO COMMUNICATE REGARDING SHARING TIME WITH THEIR CHILDREN FOR HOLIDAY AND VACATION. The following **HOLIDAY AND VACATION PLAN** is a "default" schedule where parents are unable to otherwise agree. Therefore the parents may agree in a signed writing to deviate from this schedule, and this "default" plan shall apply where they cannot agree. HOLIDAYS take precedence over RESIDENTIAL TIME, and no party shall give notice to take VACATION TIME during the other party's HOLIDAY TIME

ODD YEAR**EVEN YEAR****THREE-DAY HOLIDAYS**

The holiday will begin on the day observed for the holiday at 9 AM and conclude at 9 AM the day following the three-day holiday weekend, or the day following the holiday where not attached to a three day weekend.

MARTIN LUTHER KING DAY	MOM	DAD
PRESIDENT'S DAY	DAD	MOM
MEMORIAL DAY	MOM	DAD
INDEPENDENCE DAY	DAD	MOM
LABOR DAY	MOM	DAD
COLUMBUS DAY	DAD	MOM
NEVADA ADMISSION DAY (HALLOWEEN)	MOM	DAD

INDIVIDUAL DAYS

The holiday visitation shall begin at 9 AM on the individual holiday (or after school on school days), and end at 9 PM the same day. The year indicated is the calendar year and not the age of a child or parent.

MOTHER'S DAY	MOM	MOM
FATHER'S DAY	DAD	DAD
MOTHER'S BIRTHDAY	MOM	MOM
FATHER'S BIRTHDAY	DAD	DAD
CHILDREN'S BIRTHDAY	DAD	MOM

ODD YEAREVEN YEAREASTER/SPRING BREAK

The holiday visitation shall begin at 9 AM following the last day of school and concludes at 12:00 noon the day before returning to school. If a child must travel outside of the county for the holiday, they should be home no later than 7 PM the evening before school resumes. If the child is not in school, the parents shall refer to the Clark County School District Calendar for the school zone where the primary custodian resides regarding exact dates for travel.

EASTER/SPRING BREAK

MOM

DAD

THANKSGIVING

The holiday visitation shall begin after school on Wednesday preceding Thanksgiving, or at 6 PM Wednesday if school is not in session, and ends at 12:00 noon the day before returning to school, or if no school, on the Sunday after Thanksgiving. If a child must travel outside of the county for the holiday, they should be home no later than 7 PM the evening before school resumes.

THANKSGIVING

MOM

DAD

CHRISTMAS HOLIDAY & WINTER BREAK

The parties are expected to equally divide all days available for the winter break attaching MOM's time share to her Christmas holiday segment, and DAD's time share to his Christmas holiday segment to the extent possible, except the Christmas holiday, which holiday shall be divided into two segments. The first segment shall begin at 9 AM on Christmas Eve and conclude on December 24th at 9 PM. The second segment shall begin Christmas Eve at 9 PM and conclude Christmas Day at 9 PM. If a child must travel outside of the county for the holiday, they should be home no later than 7 PM the evening before school resumes. If the child is not in school, the parents shall refer to the Clark County School District Calendar for the school zone where the primary custodian resides regarding exact dates for travel.

CHRISTMAS SEGMENT 1

DAD

MOM

CHRISTMAS SEGMENT 2

MOM

DAD

SUMMER/TRACK BREAK VACATIONS

Each parent shall be entitled to a minimum of one (1) vacation each year, not to exceed a consecutive two (2) week period, unless there is a mutual written agreement otherwise.

During the year a parent has the right to designate their vacation time first, failing to do so by certified mail by May 1st in that year will permit the other parent to make plans via certified mail to the other parent as of May 2nd. The earlier

certified mail stamp will prevail as to the parent who made the earlier plans where there is a conflict regarding first in time. HOLIDAYS take precedence over RESIDENTIAL TIME, and no party shall give notice to take VACATION TIME during the other party's HOLIDAY TIME.

	<u>ODD YEAR</u>	<u>EVEN YEAR</u>
VACATION SELECTION PRIORITY	MOM	DAD

RELIGIOUS HOLIDAYS

Where the parents do not share the same religious beliefs, each parent shall have the right to provide religious instruction to the child unless there is a child welfare or endangerment issue that where the parents cannot resolve, may be presented to the Court. Additionally, where both parents are of the same faith (e.g. Jewish, Catholic, etc.), both parents shall have the opportunity to enjoy the right to celebrate that holiday with the child. However, where the parent with the right to celebrate that holiday with the child does not intend to observe the formal ceremonies, that parent shall make the child available to the other parent for attendance at temple, mass, religious instruction, etc. Where one or both parents practice another religion, they are to alternate those holidays as provided in the following example for Jewish Holidays. Following is a non-inclusive list of other religions where parents shall alternate holidays: Buddhist, Hindu, Greek Orthodox, Eastern and Russian Orthodox, Islamic, World Wide Church of God, Protestant, Lutheran, Baha'i, Church of Latter Day Saints, Sikh, Roman Catholic, Armenian Holidays, Eid of Adha, Chinese, Korean and Vietnamese New Year, etc. JEWISH HOLIDAY EXAMPLE:

PASSOVER	DAD	MOM
ROSH HASHANAH	MOM	DAD
YOM KIPPUR	DAD	MOM
HANUKKAH	MOM	DAD
BAR MITZVAH ARRANGEMENTS	DAD	MOM

NOTE: WHERE THERE IS AN OVERLAP OF CONFLICTING RELIGIOUS HOLIDAYS, THE FOLLOWING PRIORITY SHALL PREVAIL:

OVERLAP PRECEDENT:	MOM	DAD
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Rev. 1/08


CLERK OF THE COURT

1 **NEO**
2 **GHANDI DEETER BLACKHAM**

3 Nedda Ghandi, Esq.
4 Nevada Bar No. 11137
5 Email: nedda@ghandilaw.com
6 725 S. 8th Street, Suite 100
7 Las Vegas, Nevada 89101
8 Phone: (702) 878-1115
9 Fax: (702) 979-2485
10 Attorneys for Plaintiff

11 **EIGHTH JUDICIAL DISTRICT COURT**
12 **FAMILY DIVISION**
13 **CLARK COUNTY, NEVADA**

14 **IGNACIO AVILA, JR.,**

CASE NO: D-15-515892-C

15 Plaintiff

DEPT. NO: L

16 vs.

17 **ROSIE ELENA MARTINEZ**

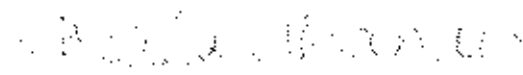
18 Defendant

19 **NOTICE OF ENTRY OF FIRST AMENDED DECREE OF CUSTODY**

20 PLEASE TAKE NOTICE that a First Amended Decree of Custody was entered in the above-entitled action on the 1st day of March, 2017, a copy of which is attached hereto.

DATED this 1st day of March, 2017.

GHANDI DEETER BLACKHAM


Nedda Ghandi, Esq.
Nevada Bar No. 11137
725 S. 8th Street, Suite 100
Las Vegas, Nevada 89101
Attorneys for Plaintiff

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☐ Via Facsimile to:
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CLERK OF THE COURT

1 DECC
GHANDI DEETER BLACKHAM
2 Nedda Ghandi, Esq.
Nevada Bar No. 11137
3 Email: Nedda@ghandilaw.com
Laura A. Deeter, Esq.
4 Nevada Bar No. 10625
Email: Laura@ghandilaw.com
5 725 S. 8th Street, Suite 100
Las Vegas, Nevada 89101
6 Phone: (702) 878-1115
Fax: (702) 979-2485
7 Attorney for Plaintiff

8 EIGHTH JUDICIAL DISTRICT COURT
9 FAMILY DIVISION
10 CLARK COUNTY, NEVADA

11 IGNACIO AVILA, JR.,

Plaintiff,

12 vs.

13 ROSIE ELENA MARTINEZ,

Defendant.

CASE NO.: D-15-515892-C
DEPT. NO.: L

14
15 FIRST AMENDED DECREE OF CUSTODY

16 Plaintiff, IGNACIO AVILA, JR., ("Plaintiff" or "Ignacio"), by and through
17 his attorneys of record, Nedda Ghandi, Esq., and Laura A. Deeter, Esq., of the law
18 firm of GHANDI DEETER BLACKHAM, hereby submits the present Amended
19 Decree of Custody which shall amend and supersede the Decree of Custody
20 entered on July 22, 2016 as to all matters addressed herein pursuant to EDCR

1 7.22. The Court having reviewed the Order Amending Stipulated Decree of
2 Custody filed February 8, 2017, and having reviewed all pleadings on file herein,
3 and being fully apprised of the law and the facts of this case, hereby finds and
4 orders as follows:

5 THE COURT HEREBY FINDS that the Court has complete jurisdiction in
6 the premises, both as to the subject matter thereof as well as the parties hereto.

7 THE COURT FURTHER FINDS that Ignacio is now and has been, an
8 actual and bona fide resident of Clark County, Nevada.

9 THE COURT FURTHER FINDS that there is one (1) minor child born of
10 the relationship between the parties, to wit:

11 Jazlynn Rose Martinez, born October 25, 2013.

12 The minor child has continuously resided within the State of Nevada for at
13 least six (6) months and prior to the filing of this action, and Nevada is the
14 UCCJEA home state, and habitual residence, of the child.

15 THE COURT FURTHER FINDS that the child's name and birth certificate
16 shall be amended to "Jazlynn Rose Martinez Avila". Defendant shall complete the
17 name change within 60 days of the Notice of Entry of this Decree of Custody.

18 THE COURT FURTHER FINDS that Ignacio hereby acknowledges that he
19 is the father of the minor child listed above, thereby establishing paternity.
20

1 THE COURT FURTHER FINDS that Ignacio and Rosie are fit and proper
2 persons to be awarded joint legal custody of the minor child.

3 THE COURT FURTHER FINDS that Rosie shall be designated the primary
4 physical custodian of the minor child with Ignacio's visitation with the minor
5 child as follows:

- 6 • Effective November 13, 2015, Ignacio shall have visitation every
7 other weekend from Friday at 12:00 p.m., to Sunday at 4:00 p.m. In
8 the weeks following his weekend visitation, Ignacio shall have the
9 minor child on Tuesdays and Thursday at 12:00 p.m. to 6:00 p.m.
- 10 • Absent mutual agreement, the parties shall follow the Court's default
11 holiday schedule, a copy of which was provided to the parties at the
12 November 5, 2015 hearing. A copy of the schedule is attached
13 hereto as Exhibit "1."

14 THE COURT FURTHER FINDS that Ignacio shall pay Rosie \$400.00 in
15 child support each month for the minor child pursuant to NRS 125B.070, until
16 such time as the child reaches eighteen (18) years of age, if no longer enrolled in
17 high school, otherwise until the child graduates from high school or reaches
18 nineteen (19) years of age, dies, marries, or otherwise becomes emancipated
19 pursuant to the Nevada Revised Statutes, whichever first occurs first. Child
20 support payments shall be subject to wage assignment by the obligor's employer.

1 THE COURT FURTHER FINDS that Ignacio shall pay an additional
2 \$50.00 with his child support payments to make up for arrears and medical costs
3 in the amount of \$2,192.95 due to the birth of Jazlynn until the arrears amount is
4 paid off. No interest will accumulate on the arrears.

5 THE COURT FURTHER FINDS that both parties shall be responsible for
6 maintaining medical, dental and vision insurance for the benefit of minor child so
7 long as it is available through their respective employers until such time as the
8 child reaches eighteen (18) years of age if no longer enrolled in high school,
9 otherwise until the child graduates from high school or reaches nineteen (19)
10 years of age, dies, marries, or otherwise becomes emancipated pursuant to the
11 Nevada Revised Statutes, whichever first occurs first.

12 THE COURT FURTHER FINDS that any unreimbursed medical expenses
13 shall be subject to the 30/30 Rule as follows:

14 Any parent incurring an out-of-pocket medical expense relating to the
15 minor children will provide to the other parent a copy of all paperwork relating to
16 that expense within thirty (30) days of incurring said expense, along with a
17 request for contribution for one-half (1/2) of an out-of-pocket expense actually
18 incurred. Upon receipt of a request for contribution for one-half (1/2) of an out-
19 of-pocket expense incurred by a parent on behalf of the minor child, the other
20 parent will reimburse the requesting parent in the amount requested within thirty

1 (30) days of receipt of said request for contribution. Upon receipt of
2 reimbursement from any insurance carrier by either parent, and if the other parent
3 previously paid a portion of the payment resulting in that reimbursement, the
4 parent receiving the reimbursement shall equally divide the said reimbursement
5 with the other parent within thirty (30) days of receipt of the same. Both parents
6 have the authority to contact the insurance provider directly in order to determine
7 the status of any individual claim;

8 THEREFORE, Based upon the Stipulation of the parties,

9 IT IS HEREBY ORDERED that Ignacio hereby acknowledges that he is the
10 father of Jazlynn Rose Martinez, born October 25, 2013.

11 IT IS FURTHER ORDERED that Ignacio and Rosie are fit and proper
12 persons to be awarded joint legal custody of the minor child. Joint legal custody
13 shall be defined as follows:

14 The parents will consult and cooperate with each other in substantial
15 questions relating to religious upbringing, educational programs,
16 significant changes in social environment, and health care of the
child.

17 The parents will have access to medical and school records
18 pertaining to their child and be permitted to independently consult
19 with any and all professionals involved with the minor child. Both
20 parents agree to copy the other on requests for information about the
minor child. Both parents further agree that neither will talk
negatively about the other to any service providers for their child.

1 All schools, health care providers, formal day care providers, and
2 counselors will be selected by the parents jointly.

3 Each parent will be empowered to obtain emergency health care for
4 the child without the consent of the other parent. Each parent is to
5 notify the other parent as soon as reasonably possible of any illness
6 requiring medical attention, or any emergency involving the child.
7 Should both parents not be available for emergency medical care,
8 then each stepparent shall have the written authority to make said
9 health care decisions in the event of such emergency.

10 Each parent is to provide the other parent, upon receipt, information
11 concerning the well-being of the child, including, but not limited to,
12 copies of report cards; school meeting notices; vacation schedules;
13 class programs; requests for conferences, results of standardized or
14 diagnostic tests; notices of activities involving the child; samples of
15 school work; order forms for school pictures; in addition to, all
16 communications from health care providers; the names, addresses
17 and telephone numbers of all schools, health care providers, regular
18 day care providers, and counselors.

19 Each parent is to provide the other parent with the address and
20 telephone number at which the minor child resides, and to notify the
other parent within 10 days prior to any change of address, and shall
provide the telephone number (home telephone number and cellular
telephone number) as soon as it is assigned.

Each parent is to keep the other parent informed as to who resides in
their respective homes with their minor child.

Each parent will be entitled to reasonable telephone communication
with the child. Each parent is restrained from unreasonably
interfering with the child's right to privacy during such telephone
conversations. Both parents agree that the child can call the other
parent whenever the child wants to talk to the other parent.

///

///

1 IT IS FURTHER ORDERED that Rosie shall be designated the primary
2 physical custodian of the minor child with Ignacio's visitation with the minor
3 child as follows:

- 4 • Effective November 13, 2015, Ignacio shall have visitation every
5 other weekend from Friday at 12:00 p.m., to Sunday at 4:00 p.m. In
6 the weeks following his weekend visitation, Ignacio shall have the
7 minor child on Tuesdays and Thursday at 12:00 p.m. to 6:00 p.m.
- 8 • Absent mutual agreement, the parties shall follow the Court's default
9 holiday schedule, a copy of which was provided to the parties at the
10 November 5, 2015 hearing. A copy of the schedule is attached hereto
11 as Exhibit "1."

12 IT IS FURTHER ORDERED that the child's name shall be changed to
13 Jazlynn Rose Martinez Avila. The birth certificate shall be amended to reflect the
14 same. Defendant shall complete the name change within 60 days of the Notice of
15 Entry of this Decree of Custody.

16 IT IS FURTHER ORDERED that Stipulated Decree of Custody entered on
17 July 22, 2016 shall be amended to state the following: Henry Antonio Oliva shall
18 be removed from Jazlynn's birth certificate. Ignacio Avila, Jr., shall be added to
19 Jazlynn's birth certificate as the biological father.

20 ///

1 IT IS FURTHER ORDERED that Ignacio shall pay Rosie \$400.00 in child
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4 school, otherwise until the child graduates from high school or reaches nineteen
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11 off. No interest will accumulate on the arrears.

12 IT IS FURTHER ORDERED that counsel will work with the parties to
13 establish the amount of arrears owed to Rosie from Ignacio.

14 IT IS FURTHER ORDERED that Rosie shall have 30 days from the
15 February 23, 2016 hearing to produce all uncovered medical costs from the
16 child's birth to present to Ignacio's counsel to establish medical arrears. Should
17 no documents be produced, arrears shall be deemed waived.

18 NOTICE IS GIVEN that pursuant to NRS 125B.145, child support
19 payments shall be reviewed at any time upon a showing of changed
20 circumstances, or every three years.

1 NOTICE IS FURTHER GIVEN that pursuant to NRS 31A.025 to 31A.240,
2 inclusive, child support payments shall be subject to wage assignment by the
3 obligor's employer should he become more than thirty days delinquent in said
4 child support payments.

5 IT IS FURTHER ORDERED that both parties shall be responsible for
6 maintaining medical, dental and vision insurance for the benefit of minor child so
7 long as it is available through their respective employers until such time as the
8 child reaches eighteen (18) years of age if no longer enrolled in high school,
9 otherwise until the child graduates from high school or reaches nineteen (19)
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11 Nevada Revised Statutes, whichever first occurs first.

12 IT IS FURTHER ORDERED that any parent incurring an out-of-pocket
13 medical expense relating to the minor child will provide to the other parent a copy
14 of all paperwork relating to that expense within thirty (30) days of incurring said
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16 pocket expense actually incurred. Upon receipt of a request for contribution for
17 one-half (1/2) of an out-of-pocket expense incurred by a parent on behalf of the
18 minor child, the other parent will reimburse the requesting parent in the amount
19 requested within thirty (30) days of receipt of said request for contribution. Upon
20 receipt of reimbursement from any insurance carrier by either parent, and if the

1 other parent previously paid a portion of the payment resulting in that
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3 said reimbursement with the other parent within thirty (30) days of receipt of the
4 same.

5 IT IS FURTHER ORDERED that Nevada shall be declared the State, and
6 the United States of America shall be declared the Country, of habitual residence
7 of the minor child for the purposes of applying the terms of the Hague Convention
8 described herein.

9 IT IS FURTHER ORDERED that both parties are required to provide their
10 social security numbers on a separate form to the Court and to the Welfare
11 Division of the Department of Human Resources within ten (10) days from the
12 date this Decree is filed pursuant to NRS 125.130. Such information shall be
13 maintained by the Clerk in a confidential manner as part of the public record. The
14 parties shall update the information filed with the Court and the Welfare Division
15 of the Department of Human Resources within ten days should any of that
16 information become inaccurate.

17 NOTICE IS HEREBY GIVEN that NRS 125C.200, which provides:

18 If custody has been established and the custodial parent having
19 joint custody intends to move his residence outside the state and
20 to take the child with him, he must, as soon as possible and

1 before the planned move, attempt to obtain the written consent
2 of the other parent to move the child from state. If the
3 noncustodial parent or other parent having joint custody refuses
4 to give that consent, the parent planning the move shall, before
5 he leaves the state with the child, petition the court for
6 permission to move the child.® As well as NRS 125.510(6)
7 which provides:

8 PENALTY FOR VIOLATION OF ORDER: The abduction,
9 concealment or detention of a child in violation of this order is
10 punishable as a category D felony as provided by NRS 193.130.

11 NOTICE IS FURTHER GIVEN that NRS 200.359 provides that every
12 person having a limited right of custody to a child or any parent having no right of
13 custody to the child who willfully detains, conceals or removes the child from a
14 parent, guardian or other person having lawful custody or a right of visitation of
15 the child in violation of an order of this court, or removes the child from the
16 jurisdiction of the court without the consent of either the court or all persons who
17 have the right to custody or visitation is subject to being punished for a category D
18 felony as provided by NRS 193.130.

19 NOTICE IS FURTHER GIVEN that pursuant to NRS 125.510 (7) and (8),
20 the terms of the Hague Convention of October 25, 1980, adopted by the 14th

1 Session of the Hague Convention on Private International Law are applicable to
2 the parties:

3 Section 8, If a parent of the children lives in a foreign country
4 or has significant commitments in a foreign country:

5 (a) The parties may agree, and the Court shall include in the
6 Order for custody of the children, that the United States is the
7 country of habitual residence of the children for the purpose of
8 applying the terms of the Hague Convention as set forth in
9 Subsection 7.

10 (b) Upon motion of the parties, the Court may order the
11 parent to post a bond if the Court determines that the parent
12 poses an imminent risk of wrongfully
13 removing or concealing the children outside the country of
14 habitual residence. The bond must be in an amount determined
15 by the Court and may be used only to pay for the cost of
16 locating the children and returning them to their habitual
17 residence. The fact that a person has significant commitments
18 in a foreign country does not create a presumption that the
19 parent poses an imminent risk of wrongfully removing or
20 concealing the children.

13 IT IS FURTHER ORDERED that the Evidentiary Hearing currently set for
14 March 8, 2016 at 1:30 p.m., is hereby vacated.

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ORDER

The court having reviewed the foregoing Decree of Custody and good cause appearing therefrom, therefore:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Stipulated Decree of Custody as set forth above is hereby granted.

DATED this 23rd day of February, 2017.


DISTRICT COURT JUDGE *MGL*

Respectfully Submitted by:

JENNIFER L. ELLIOTT

GHANDI DEETER BLACKHAM

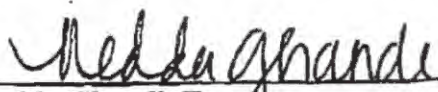

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EXHIBIT 1

DEFAULT HOLIDAY AND VACATION PLAN

THE COURT ENCOURAGES THE PARENTS TO COMMUNICATE REGARDING SHARING TIME WITH THEIR CHILDREN FOR HOLIDAY AND VACATION. The following **HOLIDAY AND VACATION PLAN** is a "default" schedule where parents are unable to otherwise agree. Therefore the parents may agree in a signed writing to deviate from this schedule, and this "default" plan shall apply where they cannot agree. HOLIDAYS take precedence over RESIDENTIAL TIME, and no party shall give notice to take VACATION TIME during the other party's HOLIDAY TIME.

ODD YEAR**EVEN YEAR****THREE-DAY HOLIDAYS**

The holiday will begin on the day observed for the holiday at 9 AM and conclude at 9 AM the day following the three-day holiday weekend, or the day following the holiday where not attached to a three day weekend.

MARTIN LUTHER KING DAY	MOM	DAD
PRESIDENT'S DAY	DAD	MOM
MEMORIAL DAY	MOM	DAD
INDEPENDENCE DAY	DAD	MOM
LABOR DAY	MOM	DAD
COLUMBUS DAY	DAD	MOM
NEVADA ADMISSION DAY (HALLOWEEN)	MOM	DAD

INDIVIDUAL DAYS

The holiday visitation shall begin at 9 AM on the individual holiday (or after school on school days), and end at 9 PM the same day. The year indicated is the calendar year and not the age of a child or parent.

MOTHER'S DAY	MOM	MOM
FATHER'S DAY	DAD	DAD
MOTHER'S BIRTHDAY	MOM	MOM
FATHER'S BIRTHDAY	DAD	DAD
CHILDREN'S BIRTHDAY	DAD	MOM

ODD YEAREVEN YEAREASTER/SPRING BREAK

The holiday visitation shall begin at 9 AM following the last day of school and concludes at 12:00 noon the day before returning to school. If a child must travel outside of the county for the holiday, they should be home no later than 7 PM the evening before school resumes. If the child is not in school, the parents shall refer to the Clark County School District Calendar for the school zone where the primary custodian resides regarding exact dates for travel.

EASTER/SPRING BREAK

MOM

DAD

THANKSGIVING

The holiday visitation shall begin after school on Wednesday preceding Thanksgiving, or at 6 PM Wednesday if school is not in session, and ends at 12:00 noon the day before returning to school, or if no school, on the Sunday after Thanksgiving. If a child must travel outside of the county for the holiday, they should be home no later than 7 PM the evening before school resumes.

THANKSGIVING

MOM

DAD

CHRISTMAS HOLIDAY & WINTER BREAK

The parties are expected to equally divide all days available for the winter break attaching MOM's time share to her Christmas holiday segment, and DAD's time share to his Christmas holiday segment to the extent possible; except the Christmas holiday, which holiday shall be divided into two segments. The first segment shall begin at 9 AM on Christmas Eve and conclude on December 24th at 9 PM. The second segment shall begin Christmas Eve at 9 PM and conclude Christmas Day at 9 PM. If a child must travel outside of the county for the holiday, they should be home no later than 7 PM the evening before school resumes. If the child is not in school, the parents shall refer to the Clark County School District Calendar for the school zone where the primary custodian resides regarding exact dates for travel.

CHRISTMAS SEGMENT 1

DAD

MOM

CHRISTMAS SEGMENT 2

MOM

DAD

SUMMER/TRACK BREAK VACATIONS

Each parent shall be entitled to a minimum of one (1) vacation each year, not to exceed a consecutive two (2) week period, unless there is a mutual written agreement otherwise.

During the year a parent has the right to designate their vacation time first, failing to do so by certified mail by May 1st in that year will permit the other parent to make plans via certified mail to the other parent as of May 2nd. The earlier

certified mail stamp will prevail as to the parent who made the earlier plans where there is a conflict regarding first in time. HOLIDAYS take precedence over RESIDENTIAL TIME, and no party shall give notice to take VACATION TIME during the other party's HOLIDAY TIME.

	<u>ODD YEAR</u>	<u>EVEN YEAR</u>
VACATION SELECTION PRIORITY	MOM	DAD

RELIGIOUS HOLIDAYS

Where the parents do not share the same religious beliefs, each parent shall have the right to provide religious instruction to the child unless there is a child welfare or endangerment issue that where the parents cannot resolve, may be presented to the Court. Additionally, where both parents are of the same faith (e.g. Jewish, Catholic, etc.), both parents shall have the opportunity to enjoy the right to celebrate that holiday with the child. However, where the parent with the right to celebrate that holiday with the child does not intend to observe the formal ceremonies, that parent shall make the child available to the other parent for attendance at temple, mass, religious instruction, etc. Where one or both parents practice another religion, they are to alternate those holidays as provided in the following example for Jewish Holidays: Following is a non-inclusive list of other religions where parents shall alternate holidays: Buddhist, Hindu, Greek Orthodox, Eastern and Russian Orthodox, Islamic, World Wide Church of God, Protestant, Lutheran, Baha'i, Church of Latter Day Saints, Sikh, Roman Catholic, Armenian Holidays, Eid of Adha, Chinese, Korean and Vietnamese New Year, etc. JEWISH HOLIDAY EXAMPLE:

PASSOVER	DAD	MOM
ROSH HASHANAH	MOM	DAD
YOM KIPPUR	DAD	MOM
HANUKKAH	MOM	DAD
BAR MITZVAH ARRANGEMENTS	DAD	MOM

NOTE: WHERE THERE IS AN OVERLAP OF CONFLICTING RELIGIOUS HOLIDAYS, THE FOLLOWING PRIORITY SHALL PREVAIL:

OVERLAP PRECEDENT:	MOM	DAD
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Rev. 3/03