

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

TONY MATKULAK

Appellant,

vs.

KOURTNEY L. DAVIS

Respondent.

SC NO: 83173
DC NO: EV20-00559
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Clerk of Supreme Court

**APPELLANT'S
INDEX TO
APPENDIX**

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5 IN THE FAMILY DIVISION
6 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 KOURTNEY L. DAVIS,

10 Petitioner,

11 vs.
12

Case No. FV20-00559

13 TONY MATKULAK,

14 Respondent.
15 _____/

Dept. No. 12

16
17 **NOTICE OF AUDIO/VISUAL HEARING**

18 The above-entitled matter is scheduled for a child interview to take place, September 10,
19 2020 at 3:30 p.m. for one hour.

20 In an effort to reduce the risk of spreading COVID-19 (novel coronavirus), and to support
21 the Washoe County Health District's efforts to decrease the opportunity for disease transmission,
22 the interview of September 10, 2020 **shall be held by audio visual means pursuant to the**
23 **Administrative Order entered March 16, 2020, and Nevada Supreme Court Rule Part IX-B.**
24 **Details for the meeting are attached hereto as Exhibit "1." Upon joining the audio/visual**
25 **hearing, you will be placed on a "hold" in a virtual waiting room. Please remain on hold**
26 **until the Court commences the hearing.**

27 Pursuant to Administrative Order 2020-02(A), the parties are reminded these are
28 formal proceedings and shall be conducted with proper decorum, and appropriate attire is
required.

1 Parties may obtain forms online at www.washoecourts.com.

2 Parties without counsel are encouraged to seek the advice of a licensed attorney or contact
3 the Family Court Self Help Center by telephone at: 775-325-6731 or by email at:
4 <https://www.washoecourts.com/LawLibrary/AskLibrarian>.

5 The Self Help Center cannot give legal advice but can give information regarding court
6 procedures.

7 Dated this 2 September 2020.

8 

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10 _____
11 Sandra A. Unsworth
12 District Judge

13 FV20-00559
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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court
3 in and for the County of Washoe, and that on September 2, 2020, I deposited in the county mailing
4 system for postage and mailing with the United States Postal Service in Reno, Nevada, or via e-
5 filing, a true copy of the foregoing document addressed as follows:

6 **ELECTRONIC MAIL:**

7 **KEVIN RYAN, ESQ., for KOURTNEY DAVIS**
8 **SHAWN MEADOR, ESQ., for TONY MATKULAK**

9
10
11
12
13
14 

15
16 _____
17 Judicial Assistant
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EXHIBIT “1”

Department 12 is inviting you to a scheduled Zoom meeting.

Topic: FV20-00559, Davis v. Matkulak

Time: Sep 10, 2020 03:30 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://washoecourts.zoom.us/j/99864317185?pwd=L2Yzc3RrTkh1aGo0Q0k0a1dBNXBYUT09>

Meeting ID: 998 6431 7185

Passcode: 992632

One tap mobile

+16699006833,,99864317185#,,,,,0#,,992632# US (San Jose)

+12532158782,,99864317185#,,,,,0#,,992632# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

888 788 0099 US Toll-free

877 853 5247 US Toll-free

Meeting ID: 998 6431 7185

Passcode: 992632

Find your local number: <https://washoecourts.zoom.us/j/affNsr0q7>

15

15

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2 NEVADA BAR NO. 338
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11
12 IN THE FAMILY DIVISION
13 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
14 IN AND FOR THE COUNTY OF WASHOE

15 KOURTNEY L. DAVIS,

16 Petitioner,

17 v.

18 TONY MATKULAK,

19 Respondent.

CASE NO. FV20-00559

DEPT. NO. 12

20 **RESPONDENT'S CASE MANAGEMENT CONFERENCE STATEMENT**

21 Respondent, TONY MATKULAK, by and through his attorney Shawn B Meador, of
22 the law firm of WOODBURN AND WEDGE, hereby submits his Case Management
23 Statement in advance of the Case Management Conference scheduled for September 10,
24 2020.

25 I. **BACKGROUND**

26 Respondent, Tony Matkulak, (Hereinafter "Father") and Plaintiff, Kourtney Davis
27 (hereinafter "Mother") (sometimes individually referred to as a "Party" or collectively as the
28 "Parties"). There is one minor child the issue of this relationship: Bennett D. Matkulak, born
May 3, 2018 (hereafter "Bennett"). Mother, to the best of Father's knowledge, is not
currently pregnant.

The Parties were never married. Their relationship subsequent to their separation has
been somewhat turbulent emotionally. Notwithstanding the Parties' personal disputes and

1 difficulties, with rare exception, they have been able to co-parent effectively and
2 cooperatively.¹

3
4 II. ISSUES TO BE DETERMINED

5 a) Child Custody

6 Throughout their separation, the Parties have shared physical custody of Bennett on a
7 roughly equal basis. The schedule they followed, however, was somewhat chaotic and, at
8 times, arguably difficult. As a result, the Parties entered into a stipulation to share joint legal
9 and physical custody of Bennett with a specific custodial schedule. See, Stipulation dated
10 August 3, 2020. Pursuant to their Stipulation, the Parties are exercising physical custody on a
11 2-2-3 rotating schedule, so that Bennett is not in either Party's care for more than three days at
12 a time.

13
14 b) Child Support and Hidden Spousal Support

15 The primary issue in dispute is child support. Mother seeks an upward adjustment of
16 Father's child support obligation because he earns more than her. Father believes that the
17 presumptive child support pursuant to the statutory formula more than adequately provides for
18 Bennett's needs. Mother's financial disclosure form reflects that her direct expenses related
19 to Bennett come to \$110 per month.

20
21 Mother chooses to work only part-time. She seeks child support in an amount that
22 would, in reality, be alimony in the guise of child support, to subsidize her choice to only
23 work part-time while Father works full time to earn the greater income on which Mother
24 relies.

25 Prior to adoption of the revised child support formula, Mother would have had a
26 reasonable argument that Father should be required to pay child support in excess of the
27

28

¹ The parties attempted mediation without success. Mother was first represented by Mr. Morey. She was then represented by Ms. Vioria. She is now represented by Mr. Ryan.

1 statutory cap because his income is substantially greater than Mother's "claimed" income.
2 For one child, Father's child support obligation under the prior statutory formula would be
3 18% of his gross monthly income, but would be capped, absent a deviation, at a sum less than
4 \$1,200 per month. Therefore, as a practical matter, even though the formula was based on
5 18% of Father's gross monthly income, with the cap, his unadjusted support obligation would
6 have been less than 5% of his gross monthly income.
7

8 However, pursuant to the current child support formula, there is no statutory cap.
9 Rather, the current child support formula takes into account every dollar of Father's income.
10 The Legislature, through the Child Support Guideline Council, determined that for one child,
11 Father should pay child support at the rate of 16% of his first \$6,000 of monthly income, 8%
12 of the next \$4,000 and 4% of any income in excess of \$10,000 per month. Thus, by applying
13 the formula, Father is paying the exact percentage that the Legislature deemed appropriate
14 and necessary on every dollar of his income.
15

16 It is Mother's burden not simply to prove that Father earns more than her. That is a
17 given. That disparity in their incomes is built into the formula. If a child support obligor is
18 fortunate enough to earn more than \$10,000 per month, he is required to pay child support at
19 the rate of 4% on that income in excess of \$10,000 per month.² It is Mother's burden to prove
20 that the child support sum calculated under the child support formula is insufficient to meet
21 Bennett's needs. She cannot do so. No adjustment to child support is necessary or
22 appropriate.
23

24 Furthermore, NAC Chapter 425 does not authorize an adjustment based on the
25 disparity in the parties' incomes. The parties' respective incomes, and any disparity between
26
27

28 ² While one could disagree with one aspect of the new formula or another, that dynamic is irrelevant. The
Legislature adopted this formula and it is this formula that must be applied.

1 them, are already a part of the statutory formula. Every dollar of Father's income is taken into
2 account without any cap and then compared with Mother's income.

3 Under some circumstances, the court may adjust the child support obligation based on
4 the relative income of both households. See, NAC Chapter 425 at Section 17(f). That
5 language, necessarily, is intended to address cases in which one or both parties has a
6 significant other with whom they reside and who shares in the payment of their joint
7 expenses. The Court may take those relative household incomes into account in determining
8 whether any adjustment to the formula based on the parties' household incomes is
9 appropriate. Even when appropriate, the amount of deviation is limited. Id. Here, Father is
10 the child support obligor. Mother, necessarily, is the other party. Any adjustment based on
11 relative income of both households would be limited to what Mother's obligation would be
12 under the formula.
13

14
15 Because the Parties share joint legal and physical custody, Father's child support
16 obligation is offset by application of the formula to Mother's earning or earning capacity.
17 Father is informed and believes that Mother works only part-time and that she receives a
18 significant portion of her income in cash under the table so that it is not reported on her tax
19 returns.

20 Mother is fully capable of working full time. Mother is fully capable of reporting all
21 of her earned income. Full time income should be attributed to Mother in making the offset.
22 Father should not be obligated to pay additional child support to Mother to subsidize her
23 choice to work only part time.
24

25 c. Application of Child Support Formula

26 Father's Financial Disclosure Form reflects that, on average, he has a gross monthly
27 income of \$37,916. Thus, applying the child support formula, his presumptive gross child
28

1 support obligation would be \$2,396.67 [$6,000 \times 16\% = 960 + 4,000 \times 8\% = 320 + 27,916.67 \times$
2 $4\% = 1,116.62$. $960 + 320 + 1,116.67 = \$2,396.67$].

3 Mother's Financial Disclosure Form reflects that she claims that her gross income
4 from her part-time work is \$3,027 per month, but that she has business expenses of \$1,256.³
5 Thus, she claims her gross monthly income after business expenses is only \$1,771. That
6 really makes no sense.

7
8 Mother claims that her monthly expenses come to \$3,645 per month. Thus, if her net
9 income is only \$1,771, she is short each month by \$1,875 per month. In the meantime,
10 however, her financial declaration reflects that she owns a home with almost a quarter million
11 dollars of equity, a 2017 Lexus that has no debt, \$27,000 in cash, over \$21,000 in investment
12 accounts, and an IRA in excess of \$66,000. She claims a net worth of almost \$400,000. A
13 person whose expenses exceed her income by almost \$2,000 per month does not have the
14 ability to acquire such a sizeable net worth. It appears that Mother is working under the table
15 and under-reporting her true income.

16
17 However, if one were to assume that Mother really has an income of only \$1,771 per
18 month, applying the child support formula, her gross child support obligation would be \$283.
19 If the Court were to believe Mother's claims regarding her income, Father's net child support
20 obligation would be \$2,113.47, roughly twice as much as the presumptive child support
21 obligation under the former statutory formula. He would, thus be paying 60% of her total
22 household expenses.

23
24 Working only half time, 20 hours a week, at \$90 per hour, Mother's gross income
25 would be \$93,000 or \$7,800 per month. This Court should impute an income of no less than
26 \$5,000 per month to Mother. Her support obligation would, thus, be \$800 per month and
27

28 ³ Father is informed and believes that Mother charges \$45 for a half hour lesson or, in effect, \$90 per hour. At
\$90 per hour, Mother's financial declaration suggests that she is working less than 35 hours per month or less
than ten hours per week.

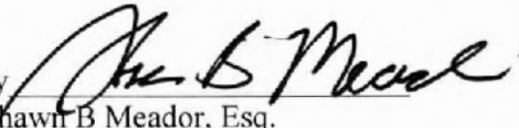
1 Father's net child support obligation would, thus, be \$1,596.67 per month. She would have to
2 manage to find a way to earn a few hundred dollars more per month to meet her claimed
3 expenses. He would still be paying about 44% of her total claimed household expenses.

4 Father provides health insurance for Bennett at a cost of \$237.50 per month. Mother
5 is responsible for one-half of that sum.
6

7 **Affirmation pursuant to NRS 239B.030**

8 The undersigned affirms that the preceding document does not contain personal
9 information of any person.
10

11 DATED this 3 day of September, 2020.

12 By 
13 Shawn B Meador, Esq.
14 Attorney for Tony Matkulak
15
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the law offices of Woodburn and Wedge, 6100 Neil Rd., Suite 500, Reno, Nevada 89511, that I am over the age of 18 years, and that I served the foregoing document(s) described as:

Respondent's Case Management Conference Statement

on the party set forth below by:

- _____ Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Reno, Nevada, postage prepaid, following ordinary business practices.
- _____ Personal delivery.
- X Second Judicial Court E-Filing
- _____ Federal Express or other overnight delivery.

addressed as follows:

X Kevin P. Ryan, Esq.
232 Court St.
Reno, NV 89501

The undersigned affirms that this document contains no social security numbers

Dated this 3 day of September, 2020.



Kelly Albright, Paralegal

16

16

1 **Code: 2523**
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2 BADER & RYAN, LTD.
232 Court Street
3 Reno, Nevada 89501
(775) 322-5000
4 Attorneys for Petitioner

5
6 IN THE FAMILY DIVISION
7 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF WASHOE

9
10 KOURTNEY L. DAVIS;
11 Petitioner,
12 vs.
13 TONY MATKULAK;
14 Respondent.

Case No.: FV20-00559
Dept. No.: 12

15
16 **CASE MANAGEMENT CONFERENCE STATEMENT**

17 This Case Management Conference Statement is submitted by Petitioner, KOURTNEY L. DAVIS
18 ("Mother").

19 **A. Procedural History:**

20 On April 29, 2020, Mother filed her Petition to Establish Custody and Visitation ("Petition").

21 On May 8, 2020, Respondent, TONY MATKULAK's ("Father"), attorney of record, Shawn B.
22 Meador, Esq., of Woodburn and Wedge, accepted service on behalf of Father.

23 On May 28, 2020, Father filed his Answer to Petition.

24 Father made his initial disclosure of documents and potential witnesses on June 24, 2020. Father
25 supplemented same on August 19, 2020.

26 On June 25, 2020, Father filed his sworn general Financial Disclosure Form ("FDF"). Father filed
27 an Amended FDF on June 26, 2020.

28 On June 29, 2020, Mother made her initial disclosure of documents to Father and also disclosed

1 her potential witnesses.

2 Mother filed her sworn FDF on July 6, 2020.

3 On July 30, 2020, the parties submitted their DCR 16 Stipulation and Order which was
4 subsequently entered by this Court on August 3, 2020 ("Stipulation").

5 **B. Factual History:**

6 The parties are residents of the State of Nevada.

7 Mother and Father were never married, but on May 3, 2018, Mother gave birth to Bennett. Father
8 is a natural parent of Bennett and his paternity is not contested.

9 Pursuant to the Stipulation, the parties exercise joint legal and joint physical custody of Bennett.
10 In addition, the parties have agreed to Bennett's day care provider. These agreements are in place at this
11 time and are working. In addition, Father has been paying Mother child support and Father provides health
12 insurance coverage for Bennett.

13 Mother recently accepted a position with a company named Credova as a compliance coordinator.
14 Mother will be earning \$33,000. annually from this full time position. In addition, it is Mother's desire
15 to continue coaching when Father has custody of Bennett and she is able to do so. Mother anticipates that
16 she will earn an additional \$16,000. annually from her second job. Mother has not yet updated her FDF
17 because she has yet to receive a paycheck from her new employer and it remains speculative how much
18 actual coaching she will be able to handle in addition to her full time job. Mother will file an updated FDF
19 in the near future consistent with Nevada law.

20 **C. Relief Requested by Mother:**

21 **1. Child Custody / Visitation.**

22 Consistent with Nevada law including the case Rivero v. Rivero, 125 Nev. 410, 216 P.3d 213
23 (2009), Mother is requesting a permanent order awarding the parties joint physical and joint legal custody
24 of Bennett. Mother is content with the current exchange schedule, however she believes that in future when
25 Bennett is older, perhaps a 2-2-5 schedule would be appropriate.

26 **2. Non-Disparagement / Our Family Wizard.**

27 Mother also seeks a detailed non-disparagement clause to be included in the final order in this case.
28 She is also seeking an order that provides that parties shall, absent emergency, communicate via Our

1 Family Wizard ("OFW"). Father is often short, derogatory and talks down to Mother. He consistently tells
2 her that she has problems and needs counseling. Father also tells Mother how to parent. In addition, any
3 alleged issue or problem Bennett may exhibit is blamed on Mother. (See Exhibit "1") Mother requests
4 that the parties' communication be limited to discussion about Bennett's well-being, and that absent
5 emergency, all such communication be via OFW. In addition, each party should be ordered to respond to
6 an OFW message within a fixed period of time.

7 **3. Child Support / Health Insurance / Dependency Credits / Activities / Day Care.**

8 The amount of Father's child support obligation to Mother remains in issue.

9 Father is currently paying Mother \$1,849. per month for child support.¹ He began paying Mother
10 this amount in May, 2020.

11 At the time the case was filed Mother earned her living as a private coach. This was her occupation
12 before and during her relationship with Father. Any claim that Mother is underemployed cannot be
13 supported. Mother has traditionally earned in the neighborhood of \$35,000. annually. At her new job, and
14 with her projected earnings from part-time coaching, Mother anticipates that her gross annual earnings will
15 be approximately \$49,000.²

16 Father on the other hand earns a handsome salary and has done so for many years. Father works
17 for Morgan Stanley as a wealth manager and he earns on average more than \$450,000. per year. Even if
18 Mother is able to keep coaching on a part-time basis, Father earns more than 10 times the amount of
19 income that Mother may earn if everything goes right. Mother believes that consistent with Chapter 425
20 of the Nevada Administrative Code, an upward deviation in child support is appropriate. It is Mother's
21 intent to retain an expert to evaluate Father's financial information so that she may better understand his
22 compensation, and then request a reasonable upward deviation in child support consistent with NAC
23 425.150.

24 In the interim Father should continue to pay the child support amount that he is paying without
25

26 ¹This amount is reduced each month by ½ of the cost of Bennett's swim lessons.

27 ²Once again it remains uncertain how much coaching Mother will be able to do with her full time
28 job, and whether coaching will be available to Mother with COVID 19 issues still remaining, whereby
children are not playing organized sports. Whether children will continue to pay for private coaching when
there are no teams or games remains unknown.

1 unilateral reductions. Mother should have the right to seek arrears in child support based upon the final
2 order of the Court regarding same commencing April, 2020, when she filed this action.

3 Father should be ordered to stop **unilaterally reducing** his child support payments to Mother when
4 he believes it is appropriate. The only approved downward deviation should be health insurance. All other
5 **claimed expenses for which Father seeks reimbursement** should be subject to specific agreement / order,
6 and the 30/30 rule should apply regarding reimbursement.

7 Mother is requesting that Father continue to provide **health, dental and vision insurance** for
8 Bennett and that, based upon the disparity in the incomes of the parties, that he pay the majority of this cost
9 as well as the majority of the cost of all un-reimbursed expenses for health care, dental and vision,
10 including co-pays.

11 Additionally, Mother is requesting the federal **dependency credit** and child care deduction for
12 Bennet for the tax year 2020, and thereafter as allowed by law and in all **even** years thereafter. So long as
13 Father has no child support arrears on December 31st, he should be awarded the federal dependency credit
14 and child care deduction for Bennett in **odd** numbered years beginning 2021.

15 Regarding Bennett's **extracurricular activities**, the parties should only have to participate in
16 activities that are agree upon. In addition, regarding these agreed upon activities, and based upon the
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1 disparity in incomes of the parties, Father should be ordered to pay the majority of the cost of same.

2 For the time being, the parties have agreed to equally share the cost of Bennett's third party day
3 care.

4 4. **Attorney's Fees.** Mother is requesting that Father pay for her attorney's fees with regard
5 to the present action.

6 **AFFIRMATION PURSUANT TO NRS 239B.030**

7 The undersigned does hereby affirm that the preceding document does not contain the
8 social security number of any person.

9 DATED this 3rd day of September, 2020.

10 **BADER & RYAN, LTD.**

11
12
13 By: 

14 Kevin P. Ryan, Esq.
15 232 Court Street
16 Reno, Nevada 89501
17 (775) 322-5000
18 Attorneys for Petitioner
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of Bader & Ryan, Ltd., and that on the date set forth below, I served a true copy of the foregoing document on the party(ies) identified below by:

_____ Placing an original or true copy thereof in a sealed envelope, postage prepaid, placed for collection and mailing in the US Mail at Reno, Nevada.

_____ Personal delivery

_____ Federal Express or other overnight delivery

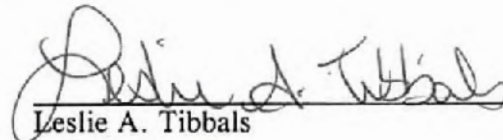
_____ Certified Mail Return Receipt Requested

XXX Electronic Service via ECF System

addressed to:

Shawn B. Meador, Esq.
Woodburn & Wedge
6100 Neil Road, Ste. 500
PO Box 2311
Reno, NV 89505

DATED this 3rd day of September, 2020.



Leslie A. Tibbals

INDEX OF EXHIBITS

EXHIBIT NO.	EXHIBIT DESCRIPTION	NO. OF PAGES
1	Text from Respondent	1

EXHIBIT “1”

EXHIBIT “1”

And you sleeping with Bennett
is to soothe you not Bennett.
Don't f.... up our child

Bennett needs to let. How to
self soothe himself at this age
and your hindering the process.
Do the homework

And the work is not to hard.
FYI, Bennett says thing are too
hard for him to do which I
assume he gets from you. You
using those works is setting
Bennett up for failure. Stop
using them and look beyond

17

17

1 **Code: 3360**
Kevin P. Ryan, Esq., NSB 4371
2 BADER & RYAN, LTD.
232 Court Street
3 Reno, Nevada 89501
(775) 322-5000
4 Attorneys for Petitioner

5
6 IN THE FAMILY DIVISION
7 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF WASHOE
9

10 KOURTNEY L. DAVIS;

11 Petitioner,

12 vs.

13 TONY MATKULAK;

14 Respondent.

Case No.: FV20-00559

Dept. No.: 12

15
16 **REQUEST FOR SUBMISSION**

17 It is requested that the *Temporary Order After Case Management Conference* attached hereto as
18 Exhibit "1", be submitted to the Court for signature.

19 The undersigned attorney certifies that a copy of this request has been mailed to all counsel
20 ...
21 ...
22 ...
23 ...
24 ...
25 ...
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28 ...

1 of record.

2 **AFFIRMATION PURSUANT TO NRS 239B.030**

3 The undersigned does hereby affirm that the preceding document does not contain the
4 social security number of any person.

5 DATED this 22nd day of September, 2020.

6 **BADER & RYAN, LTD.**

7
8 By: 

9 Kevin P. Ryan, Esq.
10 232 Court Street
11 Reno, Nevada 89501
12 (775) 322-5000
13 Attorneys for Petitioner
14
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CERTIFICATE OF SERVICE

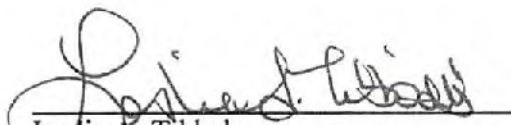
Pursuant to NRCP 5(b), I hereby certify that I am an employee of Bader & Ryan, Ltd., and that on the date set forth below, I served a true copy of the foregoing document on the party(ies) identified below by:

- _____ Placing an original or true copy thereof in a sealed envelope, postage prepaid, placed for collection and mailing in the US Mail at Reno, Nevada.
- _____ Personal delivery.
- _____ Facsimile to the following number: () _____.
- _____ Electronic mail
- _____ Reno Carson Messenger Service.
- _____ Certified Mail Return Receipt Requested.
- XXX Electronic Service via ECF System.

addressed to:

Shawn B. Meador, Esq.
Woodburn & Wedge
6100 Neil Road, Ste. 500
PO Box 2311
Reno, NV 89505

DATED this 26th day of September, 2020.


Leslie A. Tibbals

INDEX OF EXHIBITS

EXHIBIT NO.	EXHIBIT DESCRIPTION	NO. OF PAGES
1	Temporary Order After Case Management Conference	4

EXHIBIT “1”

EXHIBIT “1”

1 Code: 2700
Kevin P. Ryan, Esq., NSB 4371
2 BADER & RYAN, LTD.
232 Court Street
3 Reno, Nevada 89501
(775) 322-5000
4 Attorneys for Petitioner
5

6 IN THE FAMILY DIVISION
7 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF WASHOE
9

10 KOURTNEY L. DAVIS;

11 Petitioner,

12 vs.

13 TONY MATKULAK;

14 Respondent
15

Case No.: FV20-00559

Dept. No.: 12

16 TEMPORARY ORDER AFTER CASE MANAGEMENT CONFERENCE

17 On September 10, 2020, this matter came on for an audio / visual Case Management Conference
18 ("CMC"). Petitioner was present via Zoom, and was represented by Kevin P. Ryan, Esq., of Bader &
19 Ryan, Ltd., who also appeared via Zoom. Respondent was present via Zoom, and was represented by
20 Shawn B. Meador, Esq., of Woodburn & Wedge, who also appeared via Zoom. The CMC occurred in
21 Washoe County. Prior to the commencement of the hearing, legal counsel and the Court discussed the
22 status of the case and possible stipulations. At the CMC, both Mother and Father were sworn. At the
23 conclusion of the CMC, Mr. Ryan was directed to prepare the Temporary Order After Case Management
24 Conference.

25 Good cause appearing, the Court hereby makes the following findings of fact and conclusions of
26 law, and enters the following orders:

27 I. Mother and Father were never married, but on May 3, 2018, Mother gave birth to BENNETT
28 D. MATKULAK ("Bennett"). Mother and Father are Bennett's natural parents.

1 2. The Court has jurisdiction over the parties, their minor child, and the subject matter of this
2 CMC.

3 3. Based upon the positions of the parties, their ability to resolve issues thus far, and in
4 attempt to preserve resources, the Court hereby waives the requirement that the parties participate in an
5 Early Case Conference.

6 4. There shall be no formal Discovery Order. The parties shall move forward with discovery
7 consistent with NRCP 16.2.

8 5. Pursuant to the parties' agreement, Father shall continue to pay Mother interim child
9 support in the amount of \$1,849. per month. This amount includes a downward deviation for 1/2 of the cost
10 of Bennett's swim lessons. On an interim basis, Father shall continue to carry health insurance for Bennet
11 as is currently in place.

12 6. The parties shall attend a 3 hour Settlement Conference on November 13, 2020,
13 commencing at 9:00 a.m. Settlement Conference Statements shall be due 5 days before the Settlement
14 Conference.

15 7. Absent emergency, the parties shall communicate with one another via Our Family Wizard
16 ("OFW"). The communications between the parties shall be limited to issues pertaining to the well being
17 and care of Bennett. Both parties shall sign up for OFW no later than Friday, September 11, 2020, at 5:00
18 p.m. The parties shall check for communications on OFW a minimum of every Monday and Thursday,
19 and shall respond that day if the other parent's communication requests a response or poses a question. In
20 addition, anything that has been scheduled for the minor child shall be included on the OFW calendar.

21 8. Warnings:

22 **NRS 125C.0065 regarding relocation with the minor child:**

23 1. If joint physical custody has been established pursuant to an order, judgment or decree of
24 a court and one parent intends to relocate his or her residence to a place outside of this State
25 or to a place within this State that is at such a distance that would substantially impair the
26 ability of the other parent to maintain a meaningful relationship with the child, and the
27 relocating parent desires to take the child with him or her, the relocating parent shall, before

28 ...

1 relocating:

- 2 (a) Attempt to obtain the written consent of the non-relocating parent to relocate with
3 the child; and
4 (b) If the non-relocating parent refuses to give that consent, petition the court
5 for primary physical custody for the purpose of relocating.

6 The parties are warned as follows: PENALTY FOR VIOLATION OF ORDER: THE
7 ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER
8 IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359
9 PROVIDES THAT EVERY PERSON HAVING A LIMITED RIGHT OF CUSTODY TO A CHILD OR
10 ANY PARENT HAVING NO RIGHT OF CUSTODY TO THE CHILD WHO WILLFULLY DETAINS,
11 CONCEALS OR REMOVES THE CHILD FROM A PARENT, GUARDIAN OR OTHER PERSONS
12 HAVING LAWFUL CUSTODY OR A RIGHT OF VISITATION OF THE CHILD IN VIOLATION OF
13 AN ORDER OF THIS COURT, OR REMOVES THE CHILD FROM THE JURISDICTION OF THE
14 COURT WITHOUT THE CONSENT OF EITHER THE COURT OR ALL PERSONS WHO HAVE A
15 RIGHT TO CUSTODY OR VISITATION IS SUBJECT TO BEING PUNISHED FOR A CATEGORY
16 D FELONY AS PROVIDED IN NRS 193.130. THE TERMS OF THE HAGUE CONVENTION OF

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1 OCTOBER 25, 1980, ADOPTED BY THE 14TH SESSION OF THE HAGUE CONFERENCE ON
2 PRIVATE INTERNATIONAL LAW SHALL APPLY IF A PARENT ABDUCTS OR WRONGFULLY
3 RETAINS A CHILD IN A FOREIGN COUNTRY.

4 ORDER

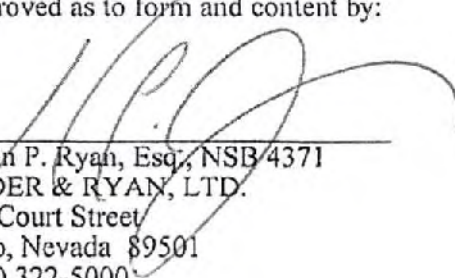
5 IT IS SO ORDERED this ____ day of _____, 2020.

6
7 _____
8 DISTRICT JUDGE

9 AFFIRMATION PURSUANT TO NRS 239B.030

10 The undersigned does hereby affirm that the preceding document does not contain the social
11 security number of any person.

12 Approved as to form and content by:

13 
14 _____
15 Kevin P. Ryan, Esq., NSB/4371
16 BADER & RYAN, LTD.
17 232 Court Street
18 Reno, Nevada 89501
19 (775) 322-5000
20 Attorneys for Petitioner
21
22
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18

1 **Code: 2610**
Kevin P. Ryan, Esq., NSB 4371
2 BADER & RYAN, LTD.
232 Court Street
3 Reno, Nevada 89501
(775) 322-5000
4 Attorneys for Petitioner
5

6 IN THE FAMILY DIVISION
7 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF WASHOE

9 KOURTNEY L. DAVIS;

10 Petitioner,

11 vs.

12 TONY MATKULAK;

13 Respondent.
14

Case No.: FV20-00559

Dept. No.: 12

15 **NOTICE OF COMPLIANCE WITH WDCR 9**

16 COMES NOW, Petitioner, KOURTNEY L. DAVIS, by and through her undersigned counsel,
17 Kevin P. Ryan, Esq., of the law firm of Bader & Ryan, Ltd., and hereby notifies the Court of compliance
18 with WDCR 9.

19 In accordance with WDCR 9, on September 21, 2020, Petitioner emailed the proposed
20 Temporary Order After Case Management Conference (hereinafter "Order") to Respondent, TONY
21 MATKULAK's, counsel of record Shawn B. Meador, Esq., of the law firm of Woodburn and Wedge. On

22 ...

23 ...

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27 ...

28 ...

1 September 22, 2020 Mr. Meador sent an email to Petitioner with no objections to the proposed Order.
2 (See Exhibit "1" attached hereto)

3 **AFFIRMATION PURSUANT TO NRS 239B.030**

4 The undersigned does hereby affirm that the preceding document does not contain the
5 social security number of any person.

6 DATED this 22nd day of September, 2020.

7 **BADER & RYAN, LTD.**

8
9 By: 

10 Kevin P. Ryan, Esq.
11 232 Court Street
12 Reno, Nevada 89501
13 (775) 322-5000
14 Attorneys for Petitioner
15
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CERTIFICATE OF SERVICE

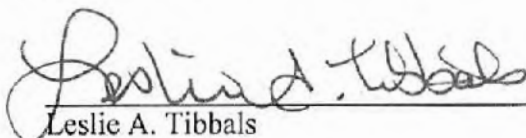
Pursuant to NRCP 5(b), I hereby certify that I am an employee of Bader & Ryan, Ltd., and that on the date set forth below, I served a true copy of the foregoing document on the party(ies) identified below by:

- _____ Placing an original or true copy thereof in a sealed envelope, postage prepaid, placed for collection and mailing in the US Mail at Reno, Nevada.
- _____ Personal delivery.
- _____ Facsimile to the following number: () _____.
- _____ Federal Express or other overnight delivery.
- _____ Reno Carson Messenger Service.
- _____ Certified Mail Return Receipt Requested.
- XXX Electronic Service via ECF System.

addressed to:

Shawn B. Meador, Esq.
Woodburn & Wedge
6100 Neil Road, Ste. 500
PO Box 2311
Reno, NV 89505

DATED this 22nd day of September, 2020.


Leslie A. Tibbals

INDEX OF EXHIBITS

EXHIBIT NO.	EXHIBIT DESCRIPTION	NO. OF PAGES
1	September 22, 2020 Email Correspondence	1

EXHIBIT “1”

EXHIBIT “1”

From: KAlbright@woodburnandwedge.com,
To: trialryan@aol.com,
Cc: smeador@woodburnandwedge.com,
Subject: Matkulak -Davis
Date: Tue, Sep 22, 2020 9:10 am
Attachments: Davis CMC Order 9-21-2020.pdf (745K).

Hello Mr. Ryan,

Mr. Meador doesn't have any changes or edits to the draft CMC.

Thank you,

Kelly Albright

Paralegal to Shawn B Meador, Esq. and Bronagh M. Kelly, Esq.



Woodburn and Wedge
6100 Neil Road, Suite 500
Reno, Nevada 89511-1159
775.688.3000

kalbright@woodburnandwedge.com

CONFIDENTIALITY NOTE:

The information contained in this email message is legally privileged and confidential information intended only for the use of the individual or entity to whom it is addressed. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this message is strictly prohibited. If you have received this email in error, please immediately notify us by telephone, fax, or email and delete the message. Thank you.

19

19

Code: 2700

Kevin P. Ryan, Esq., NSE 478098302

BADER & RYAN, LTD.

232 Court Street

Reno, Nevada 89501

(775) 322-5000

Attorneys for Petitioner

IN THE FAMILY DIVISION

OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

KOURTNEY L. DAVIS;

Petitioner,

vs.

TONY MATKULAK;

Respondent

Case No.: FV20-00559

Dept. No.: 12

TEMPORARY ORDER AFTER CASE MANAGEMENT CONFERENCE

On September 10, 2020, this matter came on for an audio / visual Case Management Conference ("CMC"). Petitioner was present via Zoom, and was represented by Kevin P. Ryan, Esq., of Bader & Ryan, Ltd., who also appeared via Zoom. Respondent was present via Zoom, and was represented by Shawn B. Meador, Esq., of Woodburn & Wedge, who also appeared via Zoom. The CMC occurred in Washoe County. Prior to the commencement of the hearing, legal counsel and the Court discussed the status of the case and possible stipulations. At the CMC, both Mother and Father were sworn. At the conclusion of the CMC, Mr. Ryan was directed to prepare the Temporary Order After Case Management Conference.

Good cause appearing, the Court hereby makes the following findings of fact and conclusions of law, and enters the following orders:

1. Mother and Father were never married, but on May 3, 2018, Mother gave birth to BENNETT D. MATKULAK ("Bennett"). Mother and Father are Bennett's natural parents.

1 2. The Court has jurisdiction over the parties, their minor child, and the subject matter of this
2 CMC.

3 3. Based upon the positions of the parties, their ability to resolve issues thus far, and in
4 attempt to preserve resources, the Court hereby waives the requirement that the parties participate in an
5 Early Case Conference.

6 4. There shall be no formal Discovery Order. The parties shall move forward with discovery
7 consistent with NRCP 16.2.

8 5. Pursuant to the parties' agreement, Father shall continue to pay Mother interim child
9 support in the amount of \$1,849. per month. This amount includes a downward deviation for ½ of the cost
10 of Bennett's swim lessons. On an interim basis, Father shall continue to carry health insurance for Bennet
11 as is currently in place.

12 6. The parties shall attend a 3 hour Settlement Conference on November 13, 2020,
13 commencing at 9:00 a.m. Settlement Conference Statements shall be due 5 days before the Settlement
14 Conference.

15 7. Absent emergency, the parties shall communicate with one another via Our Family Wizard
16 ("OFW"). The communications between the parties shall be limited to issues pertaining to the well being
17 and care of Bennett. Both parties shall sign up for OFW no later than Friday, September 11, 2020, at 5:00
18 p.m. The parties shall check for communications on OFW a minimum of every Monday and Thursday,
19 and shall respond that day if the other parent's communication requests a response or poses a question. In
20 addition, anything that has been scheduled for the minor child shall be included on the OFW calendar.

21 8. Warnings:

22 **NRS 125C.0065 regarding relocation with the minor child:**

23 1. If joint physical custody has been established pursuant to an order, judgment or decree of
24 a court and one parent intends to relocate his or her residence to a place outside of this State
25 or to a place within this State that is at such a distance that would substantially impair the
26 ability of the other parent to maintain a meaningful relationship with the child, and the
27 relocating parent desires to take the child with him or her, the relocating parent shall, before

28 ...

1 relocating:

- 2 (a) Attempt to obtain the written consent of the non-relocating parent to relocate with
3 the child; and
4 (b) If the non-relocating parent refuses to give that consent, petition the court
5 for primary physical custody for the purpose of relocating.

6 The parties are warned as follows: PENALTY FOR VIOLATION OF ORDER: THE
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12 HAVING LAWFUL CUSTODY OR A RIGHT OF VISITATION OF THE CHILD IN VIOLATION OF
13 AN ORDER OF THIS COURT, OR REMOVES THE CHILD FROM THE JURISDICTION OF THE
14 COURT WITHOUT THE CONSENT OF EITHER THE COURT OR ALL PERSONS WHO HAVE A
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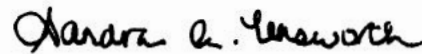
27 ...

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1 OCTOBER 25, 1980, ADOPTED BY THE 14TH SESSION OF THE HAGUE CONFERENCE ON
2 PRIVATE INTERNATIONAL LAW SHALL APPLY IF A PARENT ABDUCTS OR WRONGFULLY
3 RETAINS A CHILD IN A FOREIGN COUNTRY.

4 ORDER

5 IT IS SO ORDERED this 2 day of October, 2020.

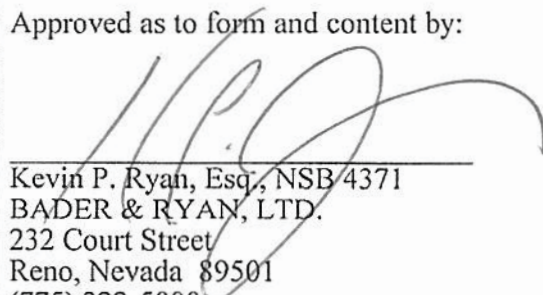
6 

7 DISTRICT JUDGE

8
9 AFFIRMATION PURSUANT TO NRS 239B.030

10 The undersigned does hereby affirm that the preceding document does not contain the social
11 security number of any person.

12 Approved as to form and content by:

13 
14 Kevin P. Ryan, Esq., NSB 4371
15 BADER & RYAN, LTD.
16 232 Court Street
17 Reno, Nevada 89501
(775) 322-5000
Attorneys for Petitioner

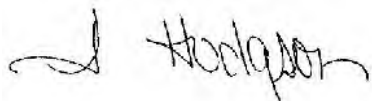
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court in and for the County of Washoe, and that on October 2, 2020, I deposited in the county mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, or via e-filing, a true copy of the foregoing document addressed as follows:

ELECTRONIC FILING:

KEVIN RYAN, ESQ., for KOURTNEY DAVIS
SHAWN MEADOR ESQ., for TONY MATKULAK



Judicial Assistant

20

20

1 CODE:
2
3
4

5 IN THE FAMILY DIVISION
6 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 KOURTNEY L. DAVIS,
10

11 Petitioner,

Case No. FV20-00559

12 vs.

Dept. No. 12

13 TONY MATKULAK,
14

15 Respondent.
16

ORDER SETTING STATUS HEARING

17 This matter is currently set for settlement conference November 13, 2020 from 9:00 a.m. to
18 12:00 p.m.

19 Given the Court's closure based upon COVID-19 and the need to proceed with matters in a
20 non-traditional manner, counsel for the parties shall appear for an audio/visual status hearing on
21 October 26, 2020 at 1:00 p.m. to discuss alternative methods of resolving the outstanding issues
22 remaining in this case. The status hearing shall be held on a stacked calendar by audio visual
23 means pursuant to the Administrative Order entered March 16, 2020, and Nevada Supreme Court
24 Rule Part IX-B. Details for the meeting are attached hereto as **Exhibit "1."** Upon joining the
25 audio/visual hearing, you will be placed on a "hold" in a virtual waiting room. Once both parties
26 have appeared in the virtual waiting room, your case will be queued to meet with the Court. Please
27 remain on hold until the Court commences the hearing. Failure of a party to appear for this status
28 conference will be construed as an acknowledgment that the party is ready to proceed by way of an

1 audio visual hearing. This readiness includes meeting the obligation of filing properly numbered
2 exhibits no less 72 hours in advance of the hearing, providing binders of exhibits if the number of
3 pages exceeds 20, and knowing how to schedule and notice the opposing party of any witnesses.

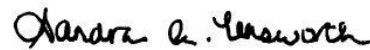
4 Pursuant to Administrative Order 2020-02(A), the parties are reminded these are formal
5 proceedings and shall be conducted with proper decorum, and appropriate attire is required.

6 The Court notes that in those cases where a party is represented by counsel, the party need not
7 be present for this status hearing. Unrepresented parties **must** appear or adverse orders may be
8 entered against the party.

9 The Court further notes that absent written stipulation between the parties or counsel it is the
10 intention of the Court to proceed with the hearing November 13, 2020, albeit by simultaneous
11 audio/visual transmission. Any request to continue this matter after the status conference absent a
12 showing of good cause may result in the party or parties requesting the continuance to be sanctioned
13 by the Court related to the expense incurred by the Court for the court reporter scheduled for said
14 hearing.

15 **GOOD CAUSE APPEARING, IT IS SO ORDERED** that an audio/visual status hearing
16 shall take place on October 26, 2020 at 1:00 p.m.

17 Dated this 12th day of October, 2020

18
19 


20 _____
21 Sandra A. Unsworth
22 District Judge
23
24
25
26
27
28

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court
3 in and for the County of Washoe, and that on October 12, 2020, I deposited in the county mailing
4 system for postage and mailing with the United States Postal Service in Reno, Nevada, or via e-
5 filing, a true copy of the foregoing document addressed as follows:
6

7 **ELECTRONIC FILING:**

8 **KEVIN RYAN, ESQ., for KOURTNEY DAVIS**
9 **SHAWN MEADOR, ESQ., for TONY MATKULAK**
10
11
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Judicial Assistant

EXHIBIT “1”

Department 12 is inviting you to a scheduled Zoom meeting.

Topic: STATUS CONFERENCE FOR WEEK OF NOVEMBER 9-13

Time: Oct 26, 2020 01:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://washoecourts.zoom.us/j/93208873381?pwd=Q1RRWnJaQkgzUDZQR0RqZG1TcEt2UT09>

Meeting ID: 932 0887 3381

Passcode: 931408

One tap mobile

+16699006833,,93208873381#,,,,,0#,,931408# US (San Jose)

+12532158782,,93208873381#,,,,,0#,,931408# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

888 788 0099 US Toll-free

877 853 5247 US Toll-free

Meeting ID: 932 0887 3381

Passcode: 931408

Find your local number: <https://washoecourts.zoom.us/j/93208873381?pwd=Q1RRWnJaQkgzUDZQR0RqZG1TcEt2UT09>

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21

1 CODE:
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5 IN THE FAMILY DIVISION
6 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 KOURTNEY L. DAVIS,
10

11 Petitioner,

Case No. FV20-00559

12 vs.

Dept. No. 12

13 TONY MATKULAK,
14

15 Respondent.
16

AMENDED ORDER SETTING STATUS HEARING

17 This matter is currently set for settlement conference November 13, 2020 from 9:00 a.m. to
18 12:00 p.m.

19 Given the Court's closure based upon COVID-19 and the need to proceed with matters in a
20 non-traditional manner, counsel for the parties shall appear for an audio/visual status hearing on
21 October 29, 2020 at 1:00 p.m. to discuss alternative methods of resolving the outstanding issues
22 remaining in this case. The status hearing shall be held on a stacked calendar by audio visual
23 means pursuant to the Administrative Order entered March 16, 2020, and Nevada Supreme Court
24 Rule Part IX-B. Details for the meeting are attached hereto as **Exhibit "1."** Upon joining the
25 audio/visual hearing, you will be placed on a "hold" in a virtual waiting room. Once both parties
26 have appeared in the virtual waiting room, your case will be queued to meet with the Court. Please
27 remain on hold until the Court commences the hearing. Failure of a party to appear for this status
28 conference will be construed as an acknowledgment that the party is ready to proceed by way of an

1 audio visual hearing. This readiness includes meeting the obligation of filing properly numbered
2 exhibits no less 72 hours in advance of the hearing, providing binders of exhibits if the number of
3 pages exceeds 20, and knowing how to schedule and notice the opposing party of any witnesses.

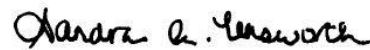
4 Pursuant to Administrative Order 2020-02(A), the parties are reminded these are formal
5 proceedings and shall be conducted with proper decorum, and appropriate attire is required.

6 The Court notes that in those cases where a party is represented by counsel, the party need not
7 be present for this status hearing. Unrepresented parties **must** appear or adverse orders may be
8 entered against the party.

9 The Court further notes that absent written stipulation between the parties or counsel it is the
10 intention of the Court to proceed with the hearing November 13, 2020, albeit by simultaneous
11 audio/visual transmission. Any request to continue this matter after the status conference absent a
12 showing of good cause may result in the party or parties requesting the continuance to be sanctioned
13 by the Court related to the expense incurred by the Court for the court reporter scheduled for said
14 hearing.

15 **GOOD CAUSE APPEARING, IT IS SO ORDERED** that an audio/visual status hearing
16 shall take place on October 29, 2020 at 1:00 p.m.

17 Dated this 12th day of October, 2020

18
19 


20 _____
21 Sandra A. Unsworth
22 District Judge
23
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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court
3 in and for the County of Washoe, and that on October 12, 2020, I deposited in the county mailing
4 system for postage and mailing with the United States Postal Service in Reno, Nevada, or via e-
5 filing, a true copy of the foregoing document addressed as follows:
6

7 **ELECTRONIC FILING:**

8 **KEVIN RYAN, ESQ., for KOURTNEY DAVIS**
9 **SHAWN MEADOR, ESQ., for TONY MATKULAK**
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11
12

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15 _____
16 Judicial Assistant
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EXHIBIT “1”

Department 12 is inviting you to a scheduled Zoom meeting.

Topic: STATUS CONFERENCE

Time: Oct 29, 2020 01:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://washoecourts.zoom.us/j/92732847505?pwd=aWkzSFFXQmFHNHZiVjBpbUlacXhEUT09>

Meeting ID: 927 328 75054

Passcode: 097455

One tap mobile

+16699006833,,93208873381#,,,,,0#,,931408# US (San Jose)

+12532158782,,93208873381#,,,,,0#,,931408# US (Tacoma)

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888 788 0099 US Toll-free

877 853 5247 US Toll-free

Meeting ID: 932 0887 3381

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Find your local number: <https://washoecourts.zoom.us/j/92732847505?pwd=aWkzSFFXQmFHNHZiVjBpbUlacXhEUT09>

22

22

Code: 1740
Kevin P. Ryan, Esq., NSB 4371
BADER & RYAN, LTD.
232 Court Street
Reno, Nevada 89501
(775) 322-5000
Attorneys for Kourtney Davis

FILED
Electronically
FV20-00559
2020-10-14 01:20:48 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 8115571

IN THE FAMILY DIVISION
OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

KOURTNEY DAVIS,
Plaintiff,

vs.

TONY MATKULAK,
Defendant.

Case No. FV20-00559

Dept. No. 12

AMENDED GENERAL FINANCIAL DISCLOSURE FORM

A. Personal Information:

1. What is your full name? (*first, middle, last*) Kourtney Lynn Davis
2. How old are you? 39
3. What is your date of birth? December 3, 1980
4. What is your highest level of education? Bachelor's Degree

B. Employment Information:

1. Are you currently employed/self-employed? (☒ *check one*)

☐

No

☒

Yes

If yes, complete the table below. Attach an additional page if needed.

Date of Hire	Employer Name	Job Title	Work Schedule (days)	Work Schedule (shift times)
June, 2006	Self Employed - Club K, LLC	Owner (Sports Instructor)	Seasonal/ Varies	Varies*
August, 2020	Credova Financial, LLC	Operations		Monday-Friday

***Seasonal hours, works every other Tuesday evening, every other Wednesday evening and every other Sunday.**

2. Are you disabled? (☒ *check one*)

☒

No

☐

Yes

If yes, what is your level of disability? _____

Monthly Personal Income Schedule

A. Year-to-date Income.

As of the pay period ending September 22, 2020, my gross year to date pay is \$2,748.

B. Determine your Gross Monthly Income.

Hourly Wage

\$21.63		30		\$649.		52		\$33,748		12		\$2,812.
Hourly Wage	X	Number of hours worked per week	=	Weekly Income	X	Weeks		Annual Income	+	Months	=	Gross Monthly Income

Annual Salary

	+	12	=	
Annual Income		Months		Gross Monthly Income

C. Other Sources of Income.

Source of Income	Frequency	Amount	12 Month Average
Annuity or Trust Income		\$0.	
Bonuses		\$0.	
Car, Housing, or Other allowance:		\$0.	
Commissions or Tips:		\$0. .	
Net Rental Income: Rent=\$1950-\$1269 Mortgage payment & Less Depreciation	Monthly	(\$636.)	(\$53.)
Overtime Pay		\$0.	
Pension/Retirement:		\$0.	
Social Security Income (SSI):		\$0.	
Social Disability (SSD):		\$0.	
Spousal Support		0.	
Workman's Compensation		0.	
Other: Child Support (Minus Swim Lessons)	Monthly	\$1,849.	\$1,849.
Total Other Income Received			\$1,796.*

*Plaintiff received a lump sum unemployment award in the amount of \$6,653., in 2020.

D. Monthly Deductions

	Type of Deduction	Amount
1	Court Ordered Child Support (automatically deducted from paycheck)	\$0.
2	Federal Health Savings Plan	\$0.
3	Federal Income Tax	\$520.
4	Health Insurance Amount for you: _____ For Opposing Party: _____ For your Child(ren): _____	\$0.
5	Life, Disability, or Other Insurance Premiums	\$0.
6	Medicare	\$88.
7	Retirement, Pension, IRA, or 401(k)	\$0.
8	Savings	\$0.
9	Social Security	\$378.
10	Union Dues	\$0.
11	Other: (Type of Deduction)	\$0.
Total Monthly		
Deductions (Lines 1-11)		\$986.

Business/Self-Employment Income & Expense Schedule**A. Business Income:**

What is your average gross monthly income/revenue from self-employment or businesses?

Average Earning per Month for 2020 = \$1,710.

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

Type of Business Expense	Frequency	Amount	12 Month Average
Advertising		\$0.	
Car and truck used for business		\$0.	
Commissions, wages or fees		\$0.	
Business Entertainment/Travel		\$0.	
Insurance		\$0.	
Legal and professional		\$0.	
Rent (Cage Rent)	Annually	\$4,560.	\$380.
Pension and profit-sharing plans		\$0.	
Repairs and maintenance		\$0.	
Supplies (Equipment)	Annually	\$1,068.	\$89.
Taxes and licenses	Annually	\$3,490.	\$291.

(includes est. tax payments)			
Pitching Academy Fees	Annually	\$288.	\$24.
Other: Business Banking Fees	Annually	\$168.	\$14.
		Total Average Business Expenses	\$798.

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 ✓	Other Party ✓	For Both ✓
Alimony/Spousal Support				
Auto Insurance	\$124.	✓		
Car Loan/Lease Payment/Registration (\$528. Yearly)	\$44.	✓		
Cell Phone	\$0.			
Child Support	\$0.			
Clothing, Shoes, Etc.	\$20.	✓		
Credit Card Payments (minimum due)	\$0.			
Dry Cleaning	\$0.			
Electric	\$111.	✓		
Food (groceries & restaurants)	\$275.	✓		
Fuel/Gasoline	\$135.	✓		
Gas (for home)	\$0.			
Health Insurance (not deducted from pay)	\$0.			
Home Phone	\$0.			
Internet / Cable	\$0.			
Maintenance (Rental Property)	\$			
Membership Fees (Gym)	\$49.	✓		
Rent	\$1950.	✓		
Pest Control	\$0.			
Pets	\$30.	✓		
Pool Service	\$0.			
Property Taxes (if not included in mortgage)	\$0.			
Security	\$0.			

Sewer (\$48+\$48)	\$96.	✓		
Student Loans	\$0.			
Unreimbursed Medical Expenses	\$0.			
Water	\$47.	✓		
Other: IRA Contributions	\$500.	✓		
Total Monthly Expenses	\$3,381.			

Personal Expense Schedule
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. Attach 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	Bennett Davis Matkulak	5/03/2018	Both	Yes	No

- 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	\$0.			
Child Care	\$468.			
Clothing	\$40.			
Education	\$0.			
Entertainment	\$80.			
Extracurricular & Sports(Swimming – Tony takes \$53 out of Child Support Check)	\$53.			
Health Insurance (if not deducted from pay)	\$0.			
Summer Camp/Programs	\$0.			
Transportation Costs for Visitation	\$0.			
Unreimbursed Medical Expenses	\$0.			
Vehicle	\$0.			
Other: Diapers/Wipes	\$50.			
Total Monthly Expenses	\$691.			

- 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 attach a separate sheet.

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

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	2235 Keystone Ave, Reno NV 89503 (Rental Home)	\$389,000.	\$145,578.	\$243,422.	Self
2	2017 Lexus RX250	\$28,000.	\$0.	\$28,000.	Self
3	Bank of America Checking Acct. 8489	\$3,629.		\$3,629.	Self
4	Bank of America Business Advantage Acct. 7095	\$7,314.		\$7,314.	Self
5	Cash	\$17,000.		\$17,000.	Self
6	Roth IRA	\$66,486.		\$66,486.	Self
7	TD Ameritrade	\$21,193.		\$21,193.	Self
Total Value of Assets (add lines 1-7)		\$532,622.	- \$145,578.	= \$386,044.	Self

- 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	Promissory Note – Legal Fees	\$16,000.	Self
2			
3			
4			

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.

10 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.

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

Signature _____

Date 10/14/2020

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document, FINANCIAL
DISCLOSURE FORM

filed in case number: FV20-00559

☒ Document does not contain the social security number of any person

-OR-

☐ Document contains the social security number of a person as required by:

☐ A specific state or federal law, to wit:

(State specific state or federal law)

-or-

☐ For the administration of a public program

-or-

☐ For an application for a federal or state grant

-or-

☐ Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230 and NRS 125B.055)

Date: October 9, 2020

(Signature)

Kevin P. Ryan, Esq.

(Print Name)

Plaintiff, Koutney L. Davis

(Attorney for)

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of Bader & Ryan, Ltd., and that on the date set forth below, I served a true copy of the foregoing document on the party(ies) identified below by:

- _____ Placing an original or true copy thereof in a sealed envelope, postage prepaid, placed for collection and mailing in the US Mail at Reno, Nevada/
_____ Personal delivery.
_____ Facsimile to the following number: () _____
_____ Federal Express or other overnight delivery.
_____ Reno Carson Messenger Service.
_____ Certified Mail Return Receipt Requested.
_____ XXX Electronic Service via ECF System.

addressed to:

Shawn B. Meador, Esq.
Woodburn & Wedge
6100 Neil Road, Ste. 500
PO Box 2311
Reno, NV 89505

DATED this 14th day of October, 2020.



Leslie A. Tibbals

Credova Financial, LLC
20130 Lakeview Center Plaza
Suite 400
Ashburn, VA 20147

Kourtney Davis
1601 Rocky Cove Lane
Reno, NV 89521

Direct Deposit

Employee Pay Stub Check number: DD2429 Pay Period: 08/16/2020 - 08/31/2020 Pay Date: 09/04/2020

Employee

Kourtney Davis, 1601 Rocky Cove Lane, Reno, NV 89521

Earnings and Hours	Qty	Rate	Current	YTD Amount	Direct Deposit	Amount
Operations			1,406.25	1,406.25	Checking - *****6489	1,178.67
Taxes			Current	YTD Amount	Memo	
Medicare Employee Addl Tax			0.00	0.00	Direct Deposit	
Federal Withholding			-120.00	-120.00		
Social Security Employee			-87.19	-87.19		
Medicare Employee			-20.30	-20.30		
			-227.58	-227.58		
Net Pay			1,178.67	1,178.67		

Credova Financial, LLC
 20130 Lakeview Center Plaza
 Suite 400
 Ashburn, VA 20147

Kourtney Davis
 1601 Rocky Cove Lane
 Reno, NV 89521

Direct Deposit

Employee Pay Stub		Check number: DD2445		Pay Period: 09/01/2020 - 09/15/2020		Pay Date: 09/22/2020				
Employee										
Kourtney Davis, 1601 Rocky Cove Lane, Reno, NV 89521										
Earnings and Hours		Qty	Rate	Current	YTD Amount	Direct Deposit		Amount		
Operations				1,341.36	2,747.61	Checking - *****8489		1,178.67		
Flex time Hourly		3.00	21.63	64.89	64.89					
		3.00		1,406.25	2,812.50	Flex Time		Accrued	Used	Available
Taxes				Current	YTD Amount	Current		0.00		-3.00
						YTD			3.00	
Medicare Employee Addl Tax				0.00	0.00	Memo				
Federal Withholding				-120.00	-240.00	Direct Deposit				
Social Security Employee				-87.16	-174.38					
Medicare Employee				-20.39	-40.78					
				-227.58	-455.16					
Net Pay				1,178.67	2,357.34					

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CASE MANAGEMENT CONFERENCE**September 10, 2020***Hearing conducted by Zoom video conferencing.***HONORABLE****SANDRA A.
UNSWORTH
DEPT. 12**

Petitioner, Kourtney Davis was present represented by Kevin Ryan, Esq.

Respondent, Tony Matkulak was present represented by Shawn Meador, Esq.

**R. BRANUM
(Clerk)**

This hearing was held remotely, due to the closure of the courthouse at 1 South Sierra Street, Reno, Washoe County, Nevada due to the National and Local emergency caused by COVID-19. The Court and all the participants appeared via simultaneous audiovisual transmission. The Court was physically located in Reno, Washoe County, Nevada, which was the site of the court session. Counsel/Parties acknowledged receipt of Notice that the hearing was taking place pursuant to Nevada Supreme Court Rules- Part 9 relating to simultaneous audiovisual transmissions and all counsel/parties had no objection to going forward in this manner.

**A. TREVINO
SUNSHINE
REPORTING
(Recording)**

The Court met with counsel off the record to determine how they wish to proceed.

The Court explained the purpose of today's hearing.

Mr. Ryan: No other issues to discuss.

Mr. Meador: No other issues to discuss.

THE COURT ORDER: The parties shall continue to share joint legal and joint physical of the minor child, practicing a 2-2-3 schedule. The parties shall sign up for Our Family Wizard by the end of the week. All communication will be conducted through this program, including posting documentation related to the child, such as medical bills. Communication that requires a response will occur on Monday and Wednesday.

Settlement conference scheduled on Friday, November 13, 2020 from 9:00 a.m. to 12:00 p.m.

Mr. Ryan will prepare the order.

The clerk's minutes are not an order of the Court. They may be altered, amended or superseded by a written order. If the matter was recorded via JAVS, a copy of the proceeding may be request through the Second Judicial District Court Filing Office located at 75 Court Street, Reno, NV 89501. If the matter was reported via Court Reporter, a transcript must be requested directly from the Court Reporter.

24

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IN THE FAMILY DIVISION
OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

KOURTNEY L. DAVIS,

Petitioner,

vs.

TONY MATKULAK,

Respondent.

Case No. FV20-00559

Dept. No. 12

NOTICE OF AUDIO/VISUAL HEARING

The above-entitled matter is scheduled for a settlement conference to take place, November 13, 2020 at 9:00 a.m. for three hours.

In an effort to reduce the risk of spreading COVID-19 (novel coronavirus), and to support the Washoe County Health District's efforts to decrease the opportunity for disease transmission, the hearing shall be held by audio visual means pursuant to the Administrative Order entered March 16, 2020, and Nevada Supreme Court Rule Part IX-B. Details for the meeting are attached hereto as **Exhibit "1."** Upon joining the audio/visual hearing, you will be placed on a "hold" in a virtual waiting room. Please remain on hold until the Court commences the hearing.

Pursuant to Administrative Order 2020-02(A), the parties are reminded these are formal proceedings and shall be conducted with proper decorum, and appropriate attire is required.

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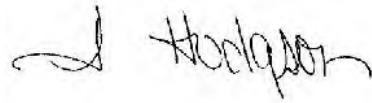
1 *All interim orders currently in effect will remain in effect pending further order or hearing by*
2 *the Court.*

3 Parties may obtain forms online at www.washoecourts.com.

4 Parties without counsel are encouraged to seek the advice of a licensed attorney or contact
5 the Family Court Self Help Center by telephone at: 775-325-6731 or by email at:
6 <https://www.washoecourts.com/LawLibrary/AskLibrarian>.

7 The Self Help Center cannot give legal advice but can give information regarding court
8 procedures.

9 Dated this 3 November 2020.

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13 _____
14 Deputy Clerk

15 FV20-00559
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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court in and
3 for the County of Washoe, and that on November 3, 2020, I deposited in the county mailing system
4 for postage and mailing with the United States Postal Service in Reno, Nevada, or via e-filing, a
5 true copy of the foregoing document addressed as follows:

6 **ELECTRONIC FILING:**

7 **KEVIN RYAN, ESQ., for KOURTNEY DAVIS**
8 **SHAWN MEADOR, ESQ., for TONY MATKULAK**

9
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11 

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13 _____
14 Judicial Assistant
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EXHIBIT “1”

Department 12 is inviting you to a scheduled Zoom meeting.

Topic: FV20-00559, Davis v. Matkulak

Time: Nov 13, 2020 09:00 AM Pacific Time (US and Canada)

Join Zoom Meeting

<https://washoecourts.zoom.us/j/92844703806?pwd=SkIvSE9GZXhidVVjaHFkNFVyaDdBUT09>

Meeting ID: 928 4470 3806

Passcode: 908041

One tap mobile

+12532158782,,92844703806#,,,,,0#,,908041# US (Tacoma)

+13462487799,,92844703806#,,,,,0#,,908041# US (Houston)

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

877 853 5247 US Toll-free

888 788 0099 US Toll-free

Meeting ID: 928 4470 3806

Passcode: 908041

Find your local number: <https://washoecourts.zoom.us/j/92844703806?pwd=SkIvSE9GZXhidVVjaHFkNFVyaDdBUT09>

25

25

1 **Code: 2523**
Kevin P. Ryan, Esq., NSB 4371
2 BADER & RYAN, LTD.
232 Court Street
3 Reno, Nevada 89501
(775) 322-5000
4 Attorneys for Kourtney Davis

5
6 IN THE FAMILY DIVISION
7 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF WASHOE
9

10 KOURTNEY L. DAVIS;

11 Petitioner,

12 vs.

13 TONY MATKULAK;

14 Respondent.
15

Case No.: FV20-00559

Dept. No.: 12

16 **PETITIONER'S STATEMENT OF SIGNIFICANT ISSUES IN DISPUTE (WDCR 45)**

17 Petitioner, KOURTNEY L. DAVIS ("Mother"), by and through her undersigned counsel, Kevin
18 P. Ryan, of the law firm of Bader & Ryan, Ltd., hereby submits to this honorable Court her Statement of
19 Significant Issues in Dispute pursuant to WDCR 45.

20 **A. Procedural History:**

21 Mother and Father were never married, but on May 3, 2018, Mother gave birth to BENNETT D.
22 MATKULAK ("Bennett"). Mother and TONY MATKULAK ("Father") are Bennett's natural parents.

23 On April 29, 2020, Mother filed her Petition to Establish Custody and Visitation ("Petition").

24 On May 8, 2020, Father's attorney of record, Shawn B. Meador, Esq., of Woodburn and Wedge,
25 accepted service on behalf of Father.

26 On May 28, 2020, Father filed his Answer to Petition.

27 On June 25, 2020, Father filed his sworn general Financial Disclosure Form ("FDF"). Father filed
28 an Amended FDF on June 26, 2020.

1 Mother filed her sworn FDF on July 6, 2020.

2 On July 30, 2020, the parties submitted their DCR 16 Stipulation and Order which was
3 subsequently entered as an Order by this Court on August 3, 2020 ("Stipulation").

4 On September 3, 2020, both parties submitted their Case Management Conference Statements and
5 the Case Management Conference was held on September 10, 2020, via simultaneous audio / visual means.
6 The Interim Order After Case Management Conference was entered on October 2, 2020
7 (hereinafter "Order").

8 On October 14, 2020, Mother filed her sworn Amended Financial Disclosure Form to reflect her
9 new job and income from her employer, Credova.

10 Pursuant to the Stipulation, the parties exercise joint legal and joint physical custody of Bennett.
11 In addition, the parties have agreed to Bennett's day care provider. These agreements are in place at this
12 time and are working. In addition, Father has been paying Mother child support and presently Father
13 provides health insurance coverage for Bennett. Additionally, pursuant to Order, the parties communicate
14 via Our Family Wizard ("OFW").

15 **B. Significant Issues In Dispute:**

16 **-Legal and Physical Custody / Child Care:**

17 The parties should continue to exercise joint legal and joint custody of Bennett on the 2-2-3
18 custodial schedule currently in place. No modifications are necessary, no modifications are in Bennett's
19 best interest. In addition, Bennett should continue to attend the same day care, Child Garden, he is
20 currently attending. Currently, the parties equally split this cost.

21 **-Health Insurance:**

22 Mother currently qualifies for health, dental and vision insurance for herself and Bennett through
23 her employer. There is no cost to Mother for Bennett's insurance coverage. To the extent that Bennett's
24 health insurance is an out-of-pocket cost for Father, or Mother's coverage is better than Father's, Mother
25 believes it is in Bennett's best interest to be on her insurance, at no cost. Bennett has been covered by
26 Mother's insurance since 10/1/2020, medical, dental and vision.

27 To the extent there are un-reimbursed expenses for health care, dental and vision, including co-
28 pays, the Court should order that the 30/30 rule be followed and adopt the following language:

1 Except in cases of emergency, the parties shall give each other reasonable notice of known, future
2 health care expenses for the children. Upon receipt of an invoice, EOB and/or other documentation
3 for an uncovered medical expense, the parties shall exchange same with one another within 30 days
4 of receipt, and thereafter, reimbursement shall occur within 30 days. Any elective medical
treatment for the children must be agreed upon in advance, or the expense will be born solely by
the parent who incurs the expense without agreement.

5 Regarding medical reimbursement, and despite Father's significant wealth, he refuses to reimburse
6 Mother for his share of Bennett's unreimbursed medical expenses; Father is worth millions of dollars.
7 In order to try and get reimbursement, and because Father will only address matters through counsel,
8 Mother is forced to spend money she cannot afford to collect minor amounts of money. The first bill
9 accrued 3/25/2019 for \$50, an office visit to Dr. Colombos (Bennett's pediatrician). The second bill was
10 from Dr. Colombos on 5/17/2019 for \$79.50. (See Exhibit "1" Father's response when reimbursement was
11 requested) The 3rd bill was an Urgent Care COVID test for Bennett. Father was aware of the test prior to
12 same, and was the person who requested it. (See Exhibit "2") The total amount of money owed to Mother
13 is \$165.25. This amount is far less than the hassle and expense Mother is going through just to get what
14 is legally owed to her for the child's medical expenses. It is unfortunate that Father who exploits his net
worth of 8 million dollars refuses to pay **\$165.25** in unreimbursed medical expenses for Bennett.

15 **-OFW / Non-Disparagement Clause / Face time:**

16 The Court Order requiring the parties to communicate via OFW has helped with the parties'
17 communication and Father's habit of insulting and / or disparaging Mother. As a result Mother requests
18 that the use of OFW be ordered as part of the final order. She also requests that a non-disparagement
19 clause be included.

20 Mother further requests that both parties be entitled to Face time Bennett when he is in the other
21 party's custody. When Bennett is away, he misses Mother and she misses him. In the past, Mother has
22 contacted Father via OFW stating that she would like to Face time Bennett during Father's weekends.
23 Unfortunately, Father does not accept those calls and does not respond to Mother's requests.

24 **-Extracurricular Activities / Dependency Credit:**

25 Regarding Bennett's **extracurricular activities**, the following language should be adopted and
26 included in the final order:

27 The parties shall confer with one another and either agree or disagree in advance and in writing to
28 their child's participation in any extracurricular activity. If the parties mutually agree on an
extracurricular activity they shall equally divide the cost of that activity and commit to getting the

1 child to the agreed upon activity. If the parties disagree on the child's participation in an
2 extracurricular activity, the parent insisting on the activity shall assume the entire cost of the
3 activity. Moreover, if the activity is not agreed upon, it may not unreasonably interfere with the
other parent's custodial time and the non-agreeing parent has no obligation to get the child to that
activity or any event associated therewith.

4 Commencing 2020, the **dependency credit** and child care deduction for Bennett should be
5 alternated annually with Mother having same in even numbered years. Commencing in 2021, Father
6 should have the dependency credit and child care deduction in odd numbered years.

7 **-Nevada Law Supports an Upward Deviation in Child Support:**

8 Father is currently paying Mother \$1,849. per month for child support.¹ He began paying Mother
9 this specific amount in May, 2020, but paid child support before.

10 At the time the case was filed Mother earned her living as a private softball coach. This was her
11 occupation before and during her relationship with Father. Any claim that Mother is underemployed
12 cannot be supported, especially now that Mother works full time doing 2 jobs. Mother has traditionally
13 earned in the neighborhood of \$35,000. annually. At her new job, and with her projected earnings from
14 part-time coaching, Mother anticipates that her gross annual earnings will be approximately \$48,000.²
15 Mother earns GMI of \$2,812. from her job at Credova Financial, and net monthly income from her
16 coaching business is \$1,227., for a total GMI of \$4,039.

17 Father is wealthy and he earns significant income. Father works for Morgan Stanley as a wealth
18 manager and he earns more than \$450,000. per year, with a GMI in the neighborhood of \$40,000. Father
19 earns approximately 10 times the amount of income that Mother may earn if everything goes right.
20 Father's gross income on his 2019 taxes was \$463,322. In addition, it appears that he does not account
21 for approximately \$25,000. in deductions as required by NAC 425.025(h), raising his gross income to
22 \$488,322. Further, there is also additional cash flow to Father from his 8 rental properties whereby his
23 actual gross annual income likely exceeds \$500,000. Father essentially earns in 1 month the amount
24 Mother earns in 1 year. Consistent with Chapter 425 of the Nevada Administrative Code, an upward

25 _____
26 ¹This amount is reduced each month by ½ of the cost of Bennett's swim lessons.

27 ²Once again it remains uncertain how much coaching Mother will be able to do with her full time
28 job, and whether coaching will be available to Mother with COVID 19 issues still remaining, whereby
children are not playing organized sports. Whether children will continue to pay for private coaching when
there are no teams or games remains unknown.

1 deviation in child support is appropriate pursuant to NAC 425.150.

2 Under the prior child support laws, Chapter 125B of the Nevada Revised statutes, the Nevada case
3 *Barbagallo v. Barbagallo*, 105 Nev. 546, 779 P.2d 532 (1989) was decided. Of relevance, the Court in
4 *Barbagallo* looked at the NRS 125B.080(9) deviation factors and noted that all factors are not given equal
5 weight in considering whether a deviation from the child support formula is warranted, and that the factors
6 given the greatest weight are standard of living, circumstances of each parent, earning capacity and relative
7 financial means. The current and relevant deviation factors under Chapter 425 of the NAC include, the
8 relative income of both households, and the obligor's ability to pay. (See also *Wesley v. Foster*, 119 Nev.
9 110, 65 P.3d 251(2003)(The holding sets a precedent that child support can be used as a means to bring
10 the parents' lifestyles and that of the child, into parity.)

11 As a result of Father's substantial wealth, Bennett lives 2 very separate lifestyles in 2 very different
12 households. Father is able to offer Bennet a life of privilege and wonderful experiences. He also flaunts
13 his wealth and position in life, a trait he hopefully will not impart to Bennett. He also degrades Mother and
14 her financial circumstance (See Exhibit "3") Mother recalls that at one of Bennett's exchanges, Father
15 blustered, "you do know that my net worth is more than you and your whole family's combined." Using
16 a \$40,000. GMI for Father, his monthly support obligation would be approximately \$2,500., or
17 approximately 6% of this significant amount. On the other hand, based upon Mother's GMI, Mother is
18 required to pay / offset 16% of her GMI to help support Bennett.

19 The Court should order an upward deviation in Father's child support obligation. It is not in
20 Bennett's best interest to live two completely different lifestyles in 2 households. Father is in the top
21 1% of earners, and Mother is considered low income. The NAC 425.150 deviation factors were
22 included for a reason. To claim that they are not applicable based upon the new method of calculating
23 base child support would render the deviation factors superfluous. Father's child support should be set
24 fairly to allow Bennett a certain standard of living no matter what household he is residing in. Father
25 clearly has the ability to pay. (NAC 425.150(1)(h).

26 - Attorney's Fees:

27 Based upon Father's significant wealth, and the disparity in the parties' incomes, Father

28 ...

1 should pay Mother's legal fees.

2 **AFFIRMATION PURSUANT TO NRS 239B.030**

3 The undersigned does hereby affirm that the preceding document does not contain the
4 social security number of any person.

5 DATED this 10 day of November, 2020.

6 **BADER & RYAN, LTD.**

7
8 By: 

Kevin P. Ryan, Esq.
232 Court Street
Reno, Nevada 89501
(775) 322-5000
Attorneys for Petitioner

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of Bader & Ryan, Ltd., and that on the date set forth below, I served a true copy of the foregoing document on the party(ies) identified below by:

_____ Placing an original or true copy thereof in a sealed envelope, postage prepaid, placed for collection and mailing in the US Mail at Reno, Nevada.

_____ Personal delivery

_____ Federal Express or other overnight delivery

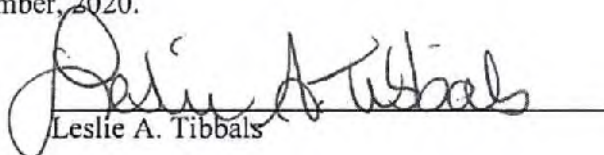
_____ Certified Mail Return Receipt Requested

XXX Electronic Service via ECF System.

addressed to:

Shawn B. Meador, Esq.
Woodburn & Wedge
6100 Neil Road, Ste. 500
PO Box 2311
Reno, NV 89505

DATED this 10th day of November, 2020.



Leslie A. Tibbals

INDEX OF EXHIBITS

EXHIBIT NO.	EXHIBIT DESCRIPTION	NO. OF PAGES
1	Text Message Correspondence (May 8, 2019)	2
2	Patient Statements and Text Message Correspondence re Covid Testing	5
3	Text Message Correspondence	1

EXHIBIT “1”

EXHIBIT “1”

3:14



Tony Matkulak >

Messages

Items assigned to you

Date Created	Patient	Name	
06/28/2018	BENNETT MATKULAK	Handout: VIS- Hepatitis B	Review the resource
06/28/2018	BENNETT MATKULAK	Handout: VIS- Polio (IPV)	Review the resource
06/28/2018	BENNETT MATKULAK	Handout: VIS- DTaP	Review the resource
05/31/2018	BENNETT MATKULAK	Handout: Bright Futures Parent Handout: 1 Month Visit	Review the resource
05/31/2018	BENNETT MATKULAK	Handout: Breastfeeding- 5 keys to successful breastfeeding	Review the resource

Click on your child's name to access their records

Select a patient's name from the list below to access their records.

Patient name	Date of birth	Upcoming appointment(s)	Balance due
BENNETT MATKULAK	05/03/2018	05/16/2018 09:45 AM 12 month (default)	\$ 79.50 [Pay now]

*May not include recent online payments.

This Patient Portal provides access to confidential medical information that

Looks like we owe \$79.50. Last time I paid \$50. Total \$129.50. Split its \$64.75. You can add it to the check Friday or pay separate

FYI, I do pay Bennetts health insurance. My attorney should have given the info to your attorney

Yes I am aware thank you



iMessage



3:14



Tony Matkulak >

...I do pay Bennett's health insurance. My attorney should have given the info to your attorney

Yes I am aware thank you

May 8, 2019, 7:12 AM

8?



May 8, 2019, 1:07 PM

Kourtney, regarding the bill, just like I have told you in the past, at this time I think that all financial issues and concerns should be handled through counsel. I remain hopeful that we will get to resolution of issues soon so that we can thoughtfully and respectfully co-parent without the need for or expense of lawyers.



iMessage



EXHIBIT “2”

EXHIBIT “2”

P.O. Box 18069
 Reno, NV 89511
 Phone: 775-324-0766

Patient ID: 8654
 Balance Due: \$0.00

Amount Enclosed: \$ _____

Please indicate method of payment:

- ☐ Check # _____ (enclosed) ☐ Cash (enclosed)
☐ Pay Online: our link is on our website.
www.sierrapeds.com

KOURTNEY DAVIS
 1601 ROCKY COVE LANE
 RENO, NV 89521

Patient Statement

Please detach top portion and submit with payment. Thank you!

Patient: BENNETT MATKULAK (8654)		Birth date: 05/03/2018		
Date of Service	Provider / Services	Patient Owes	Payments/ Adjustment	Balance Due
03/25/2019	Lari Frazee, DO, FAAP			
99213	Office visit, expanded	50.00		
	03/25/2019 Patient paid		50.00	
	04/05/2019 Patient responsibility: Correction	-50.00		
	04/05/2019 Patient responsibility: Deductible	101.50		
	05/17/2019 Patient paid		51.50	
87804	Flu test			
	04/05/2019 Patient responsibility: Deductible	28.00		
	05/17/2019 Patient paid		28.00	
	Total for Date of Service	129.50	129.50	
05/14/2018	Daniel T. Colombo, MD, FAAP			
99213	Office visit, expanded			
	06/08/2018 Patient responsibility: Deductible	101.50		
	07/06/2018 Patient paid		101.50	
	Total for Date of Service	101.50	101.50	
05/04/2018	Daniel T. Colombo, MD, FAAP			
99453	Newborn hospital care, same-day discha			
	05/08/2018 Patient responsibility: Coinsurance	30.94		
	07/06/2018 Patient paid		30.94	
54150	Circumcision			
	06/08/2018 Patient responsibility: Deductible	220.73		
	07/06/2018 Patient paid		220.73	
	Total for Date of Service	251.67	251.67	
Patient Total		482.67	482.67	

Aging	Under 30 days	31-60	61-90	Over 90
	\$0.00	\$0.00	\$0.00	\$0.00

Balance Due:	\$0.00
Due Date:	On Receipt

Thank You

Exhibit B



Tony Matkulak >

Sent as Text Message

Wed, Jul 1, 5:40 PM

Hey my neighbor just tested positive for Covid. She tested Friday and got results today and it is positive. Bennett and i were hanging with her and her son just Monday. The kids were both talking into the same microphone really closely. I am leaving the lake and quarantining for 2 weeks 🤒 I'm sorry to share the news. She is hearing from the doc tomorrow as to what to tell those she had been incontact with what to do.

Sorry to hear that. Keep me posted on what's going on. Get you and Bennett tested at some point.

Let me know what you think we should do. I'm assuming Bennett has it and I would follow: I will follow up with what I find out

Thu Jul 2 7:22 AM



iMessage





Tony Matkulak >

I'll be back Monday night.

Ok. I got us into urgent care today for tests to get them done. Mines 2 his is 220

Good. Let me know how it goes.

Sat, Jul 4, 6:08 PM

We had the test done. He did good. They called 2 hours later saying they accidentally got thrown away so we had to go back and do it again. Hopefully by Monday night we will know.

Good job. I will be back in town Monday night. I will call or text you when I get in

Ok when you know around what time please let me know thanks

I probably should not take him until you get the results. John is staying with me and he has had asthma



iMessage



3:12



Tony Matkulak >

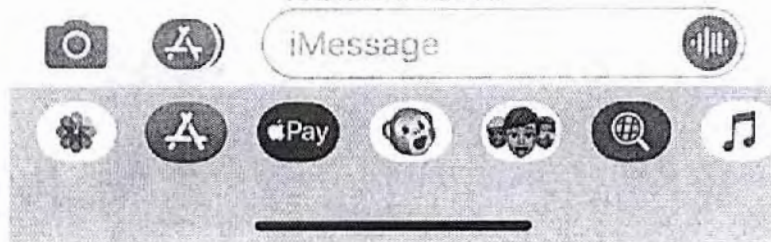
He is up, see you at 2:30



Mon, Aug 3, 3:35 PM

Ok, regarding the bill for Bennetts urgent care. You need to go through the attorneys as we have agreed upon in the past for expenses like these. Your conclusion that I will pay half maybe is not accurate based on law. You put Bennett at risk without my knowledge or consent. You told me you were going to urgent care without my consent. You will be setting a precedent with your demands and as long as you are agreeable that these emergencies will be consistent on both sides of the table then I would send your request through our attorneys. Best wishes. Tony M.

Tue, Aug 4, 3:34 PM





Pay Online and Enroll for Electronic Statements:
<http://www.renown.org/onlinepayment>

Tenemos representantes disponibles que hablan español
 Telefono 775-982-4130 O llamada sin cargo 866-691-0284

PAYMENT OPTIONS

Pay your bills in full using 1 of 3 ways:

- Pay online at www.renown.org/onlinepayment
- Pay by Phone at 775-982-4130 or Toll Free at 866-691-0284
- Mail in the payment to us using the coupon below

CUSTOMER SERVICE

Phone: 775-982-4130 or
Toll Free 866-691-0284

Office Hours: Monday - Friday 8:00am to 6:00pm

Walk-In Hours: Monday - Friday 8:00am to 5:00pm

Walk-In Location: 850 Harvard Way Reno, NV 89502

THANK YOU

Manage Your Health Online With MyChart

You can: View your medical information, request prescription refills, send a secure message to your healthcare team, and check upcoming appointments.

To use this service: Call 775-982-2781 or visit renown.org and click on *Login to MyChart*.

7/24/2020	5/22/2018	1736074
RESPONSIBLE PARTY		PATIENT NAME
Kourtney Davis		Bennett Davis MATKULAK

ACCOUNT SUMMARY

Minimum amount due by 08/23/20....\$ 193.00
 Total account balance.....\$ 193.00

Your minimum amount due is made up of:
 Balance from new activity.....\$ 193.00
 Balance past due.....\$ 0.00

Last statement balance.....\$ 0.00

Your Payments Since 5/22/2018.....\$ -99.00

- Bill may reflect multiple charges for the same date of service.
- You may receive additional statements from Non-Renown Health providers.

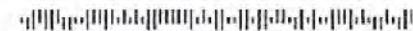
See additional pages for detail

For a free copy of the Renown Financial Assistance Program Summary and application, please contact a Financial Assistance Specialist at 775-982-4110 or 855-951-6871. Patient Financial Assistance is located 1155 Mill Street, Reno NV in the Sierra Tower. Information is available on our web site <https://www.renown.org/interact/bill-pay-accepted-insurance/financial-assistance-program/>. You can apply for assistance at any of the branches of the Division of Welfare and Social Services.

Renown.
HEALTH

PO Box 30005
Reno, NV 89502

I Paid full



KOURTNEY DAVIS
1601 ROCKY COVE LN
RENO NV 89521-5155

Tony has not Paid half

IF PAYING BY VISA, MASTERCARD, DISCOVER OR AMERICAN EXPRESS, FILL OUT BELOW			
<input type="checkbox"/> VISA	<input type="checkbox"/> MASTERCARD	<input type="checkbox"/> DISCOVER	<input type="checkbox"/> AMER EXP
CARD NUMBER	EXP DATE	SIGNATURE	
STATEMENT DATE: 7/24/2020			
PAYMENT DUE DATE: 08/23/20		ACCOUNT NO: 1736074	
PATIENT NAME: Bennett Davis MATKULAK		AMOUNT DUE: \$193.00	

RENOVN HEALTH
PO BOX 844134
LOS ANGELES CA 90084-4134

072420 0001736074 5 0000019300 9

EXHIBIT “3”

EXHIBIT “3”

AT&T

10:51 PM

88%



Tony Matkulak >

I have it

I am still 10 minutes away. Sorry

Ok

Dang I have 20 min to get ready

Nearly there

It's been 45 min

It is weird that You are always stressed, rushed, and in a bad mood when you really have no responsibility, no job, no assets, and no investments to worry or stress about. I wonder why that is

You really have nothing to be nervous about

Saturday 1:54 PM

When can i get Bennett ?



iMessage



26

26

1 SHAWN B MEADOR
2 NEVADA BAR NO. 338
3 WOODBURN AND WEDGE
4 6100 Neil Road, Suite 500
5 Post Office Box 2311
6 Reno, Nevada 89505
7 Telephone: (775) 688-3000
8 Facsimile: (775) 688-3088
9 Attorneys for Defendant
10 smeador@woodburnandwedge.com

7 IN THE FAMILY DIVISION
8 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF WASHOE

10 KOURTNEY L. DAVIS,

11 Petitioner,

12 v.

13 TONY MATKULAK,

14 Respondent.

CASE NO. FV20-00559

DEPT. NO. 12

15 **SETTLEMENT CONFERENCE STATEMENT**

16 I. **BACKGROUND**

17 Petitioner, Kourtney Davis (hereafter "Mother"), and respondent, Tony Matkulak
18 (hereafter "Father"), were never married. They had a relationship of less than two years.
19 They have one minor child, Bennett, born May 3, 2018 (hereafter "Bennett").

20 Mother and Father share joint legal and physical custody. The custodial time share
21 has been resolved by agreement. The sole issue is what child support obligation is
22 appropriate.

23 Although the parties were never married, Mother seeks alimony, in the guise of child
24 support, based on this short relationship. Ironically, given the short length of the relationship
25 and the facts that Mother never became financially dependent on Father and did not give up
26 her education, employment or career as a result of the relationship, she would not have an
27 alimony claim even if they had been married.

1 II. PRESUMPTIVE CHILD SUPPORT OBLIGATION

2 Pursuant to the new child support statute, NAC Chapter 425, it is presumed that the
3 basic needs of the child are met by the child support obligation calculated pursuant to the
4 statutory formula. Id. at Section 2. However, the presumption may be rebutted by evidence
5 that the needs of a particular child are not met or are exceeded by the formula support amount.
6 Id.

7 Here, it cannot be disputed that Bennett's needs would be far exceeded by the
8 statutory child support obligation. And yet, Mother asks this Court to adopt an upward
9 deviation because Father works hard, full-time, and earns more than her. The upward
10 modification she seeks, necessarily, is not about Bennett's needs but Mother's desire to be
11 supported by Father.

12 An upward deviation on a higher earner made sense in many cases before adoption of
13 the new child support formula, because the obligor's obligation was capped and, as a result,
14 did not take into account all of the obligor's income. Under the new formula, however, every
15 dollar of the obligor's income is already taken into account by the formula. The Nevada
16 Legislature has already determined how to take into account the higher earner's greater
17 income. The question is simply whether Bennett's needs are met or exceeded by that
18 presumptive obligation.

19 This Court may make an adjustment in the child support obligation only based on the
20 specific needs of the child. Id. at Section 17. Here, Mother's financial declaration reflects
21 that Bennett's specific needs are met with a child support award that is substantially less than
22 the formula amount, not that he has specific needs that would justify an upward adjustment.

23 Because every dollar of the obligor's income is already taken into account under the
24 new formula, as opposed to the prior formula, the statutory deviating factor based on the
25 parties' relative household incomes does not refer to the obligor's income, which is already
26 taken into account by the formula, but rather, to a situation where the obligor is married or
27 cohabits with another person and the spouse or cohabitant contributes to payment of the

obligor's joint bills, and thus, that Mother, as a matter of law, may not seek an upward adjustment.

In any event, even in cases where an adjustment is appropriate based on the relative income of both households, that adjustment may not exceed the total obligation of the "other" party. *Id.* at Section 17(f). The "other" party in this case is, necessarily, Mother. Section 17 addresses adjustments to a child support obligation. The obligor, here Father, is the party who has the child support obligation. Mother seeks an upward adjustment of his obligation. Thus, Mother, who seeks the deviation of Father's obligation, necessarily is the "other" party. Therefore, even if an upward adjustment was appropriate under the circumstances of this case (it is not), that upward adjustment would be, in effect, capped at the sum of Mother's obligation under the statute.

Mother's financial disclosure form reflects that she has a salary of \$2,812 per month and self-employment income of \$1,710 per month, for a total of \$4,522 per month. Father's financial disclosure form reflects that he has an income of \$37,916.67 per month.

The math under the formula is as follows:

<u>Monthly Income</u>	<u>Percentage</u>	<u>Father</u>	<u>Mother</u>
\$6,000; \$4,522	16%	\$960	\$723.52
\$4,000	8%	\$320	\$0
\$27,916.67	4%	<u>\$1,116.67</u>	<u>\$0</u>
		\$2,396.67	\$723.52

$$\$2,396.67 - \$723.52 = \$1,673.15$$

Thus, the starting point of any analysis is the presumption that all of Bennett's reasonable needs are met by a child support award in the sum of \$1,673.15 per month. The question, then, is whether Mother can demonstrate that Bennett's reasonable needs are not met by that sum or if Father can demonstrate that sum exceeds Bennett's reasonable needs.

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1 Because Mother's own financial disclosure form reflects that all of Bennett's needs at
2 her home come to \$691 per month, there is no factual or statutory basis for an upward
3 adjustment to Father's child support obligation.

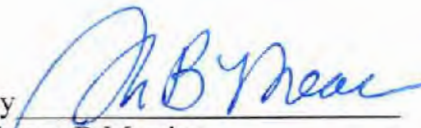
4 Rather, there should be a downward deviation. That downward deviation, as noted
5 above, is capped at Mother's presumptive child support obligation.³ Thus, Father's child
6 support obligation should be reduced by the sum of \$723.52. The result: \$1,673.15 - \$723.52
7 = \$949.63. That child support obligation would give Mother \$257.63 per month more than
8 what it costs her to have Bennett in her home. The result, therefore, is that Father pays ALL
9 of Bennett's expenses in both homes and pays Mother and additional \$257.63 per month to
10 cover any unexpected expenses.

11 Big picture, as noted above, Mother's net, after tax, monthly income is \$3,536. Her
12 expenses, including all of Bennett's expenses while in her care, come to \$3,381 per month.
13 She has an excess of \$155 per month. With payment of child support in the sum of \$949.63,
14 she will have an excess of \$1,104.63 per month, or \$13,255.56 per year.

15 There is no basis for an upward adjustment. There are very good reasons for a
16 downward adjustment.

17 The undersigned affirms that this document contains no social security numbers.

18 Dated this 5 day of November, 2020.

19
20 By 
21 Shawn B Meador
22 Attorneys for Respondent

23
24 ³ Father seeks deviation of his support obligation, so Mother is other party. Otherwise, his requested deviation
25 would be capped at his \$1,673.15 presumptive obligation and he could potentially owe nothing.
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the law offices of Woodburn and Wedge, 6100 Neil Rd., Suite 500, Reno, Nevada 89511, that I am over the age of 18 years, and that I served the foregoing document(s) described as:

Settlement Conference Statement

on the party set forth below by:

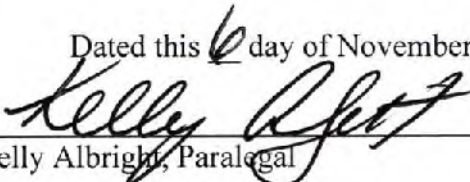
- _____ Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Reno, Nevada, postage prepaid, following ordinary business practices.
- _____ Personal delivery.
- X Second Judicial Court E-Filing
- _____ Federal Express or other overnight delivery.

addressed as follows:

X Kevin P. Ryan, Esq.
232 Court St.
Reno, NV 89501

The undersigned affirms that this document contains no social security numbers

Dated this 6 day of November, 2020.



Kelly Albright, Paralegal

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SETTLEMENT CONFERENCE

**NOVEMBER 13,
2020
HONORABLE
SANDRA A.
UNSWORTH
DEPT. NO. 12
C. COVINGTON
(Clerk)
L. SHAW
SUNSHINE
REPORTING
(Recording)**

Hearing conducted by Zoom video conferencing.

Petitioner, Kourtney Davis, was present represented by Kevin P. Ryan, Esq.
Respondent, Tony Matkulak, was present represented by Shawn B. Meador, Esq.

This hearing was held remotely because of the closure of the courthouse at 1 South Sierra Street, Reno, Washoe County, Nevada due to the National and Local emergency caused by COVID-19. The Court and all the participants appeared by simultaneous audiovisual transmission. The Court was physically located in Reno, Washoe County, Nevada, which was the site of the court session. Counsel/Parties acknowledged receipt of Notice that the hearing was taking place pursuant to Nevada Supreme Court Rules- Part 9 relating to simultaneous audiovisual transmissions and all counsel/parties had no objection to going forward in this manner.

(The parties met off the record and were unable to reach a settlement agreement)

Counsel Meador stated that Dad's father lives in Australia and has cancer. Inquired about travel for the child to see his grandfather before trial if needed.

Counsel Ryan stated that would be a decision based upon the time it is needed.

Mom stated she is fine with that as long as it is safe for the child to travel. The child is only two so a week visit would be fine. The child does have a passport.

(The parties were sworn to testify)

Counsel Meador discussed the Thanksgiving and Christmas holidays.

Dad stated he is flexible for the holidays. He will leave it up to his attorney.

Mom discussed the holidays. Dad had the child Christmas Eve last year and dropped him off to her at 9:00 a.m. on Christmas morning. She would like the child for Christmas Eve this year. She would love to have the child for Thanksgiving.

THE COURT ORDERED: This matter shall be set for trial. The parties agreed that there was \$165.25 in unreimbursed medical expenses due from Dad to Mom and that will be paid within seven days. If there is an ability to travel between now and trial and the parties do not agree about travel for the child to see his grandfather, counsel may contact the JA with Dept. 12 for a status conference. Counsel Ryan will send a holiday schedule proposal to Counsel Meador.

Trial is set for March 11, 2021, at 9:00 a.m.

Court shall prepare the order.

The clerk's minutes are not an order of the Court. They may be altered, amended or superseded by a written order. If the matter was recorded via JAVS, a copy of the proceeding may be request through the Second Judicial District Court Filing Office located at 75 Court Street, Reno, NV 89501. If the matter was reported via Court Reporter, a transcript must be requested directly from the Court Reporter.

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Code:

IN THE FAMILY DIVISION
OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

KOURTNEY L. DAVIS,

Petitioner,

Case No. FV20-00559

vs.

Dept. No. 12

TONY MATKULAK,

Respondent.

ORDER AFTER SETTLEMENT CONFERENCE; ORDER SETTING TRIAL

This matter came before the Court on November 13, 2020 by audio visual means pursuant to the Administrative Order entered March 16, 2020, and Nevada Supreme Court Rule Part IX-B. The hearing was set for a Settlement Conference on a Verified Petition to Establish Custody, Visitation and Child Support filed April 29, 2020, and pursuant to the Temporary Order After Case Management Conference entered October 2, 2020. The parties were provided Notice of Audio/Visual Hearing on November 3, 2020. Petitioner, Kourtney Davis, was present represented by Kevin P. Ryan, Esq. Respondent, Tony Matkulak, was present represented by Shawn B. Meador, Esq.

The parties conferred with the Court in an effort to reach a settlement agreement but were not able to reach an agreement. Good cause therefore appearing,

IT IS HEREBY ORDERED:

1. The parties shall appear for trial on **March 11, 2021, at 9:00 a.m.** in Dept. 12 on the third floor of the courthouse located at 1 South Sierra Street, Reno, Nevada. There is no

1 guarantee that the Court will be reopened for family court hearings by March 11, 2021. If the
2 hearing cannot be conducted in person due to the current COVID-19 crisis, the hearing shall be
3 held by audio visual means pursuant to the Administrative Order entered March 16, 2020, and
4 Nevada Supreme Court Rule Part IX-B. Each party and their counsel must personally attend the
5 conference unless the Court excuses such attendance. *See* WDFCR 45(4)(a).

6 2. The parties' Temporary Order After Case Management Conference entered
7 October 2, 2020, shall remain in full force and effect pending further order of the Court.

8 3. Mr. Matkulak owes Ms. Davis \$165.25 in unreimbursed medical expenses for the
9 parties' minor child, Bennett Matkulak, born May 3, 2018. By stipulation, Mr. Matkulak shall pay
10 that amount in full to Ms. Davis within seven days from today's date.

11 4. As long as it is safe for the minor child to travel in regard to the COVID-19
12 pandemic, the parties shall cooperate to arrange for the minor child to travel to Australia to visit
13 with his paternal grandfather who is suffering from an illness. If the parties cannot agree on a travel
14 arrangement, counsel may contact the Judicial Assistant with Dept. 12 to arrange for a status
15 conference.

16 5. The parties shall cooperate on a holiday schedule with the minor child pending the
17 next hearing. In the event that the parties cannot reach an agreement on a holiday schedule, they
18 can request a status conference.

19 6. If either party changes their address, that party shall immediately file a Notice of
20 Change of Address with the Court and serve a copy of the same on the other party.

21 **IT IS FURTHER ORDERED AND THE PARTIES ARE PUT ON NOTICE** that they
22 are subject to the requirements of the following Nevada Revised Statutes:

23 The parties are hereby put on notice that the terms of the Hague Convention of October 25,
24 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if
25 a parent abducts or wrongfully detains a child in a foreign country. NRS 125C.0045(7).

26 **PENALTY FOR VIOLATION OF ORDER:** THE ABDUCTION, CONCEALMENT OR
27 DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A
28 CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every

1 person having a limited right of custody to a child or any parent having no right of custody to the
2 child who willfully detains, conceals or removes the child from a parent, guardian or other person
3 having lawful custody or a right of visitation of the child in violation of an order of this court, or
4 removes the child from the jurisdiction of the court without the consent of either the court or all
5 persons who have the right to custody or visitation is subject to being punished for a category D
6 felony as provided in NRS 193.130. 125C.0045(6).

7 The parties are advised that the terms of this order are subject to NRS 125.007(2), regarding
8 the collection of child support payments through mandatory wage withholding or assignment of
9 income; NRS 31A regarding the enforcement of a child support obligation and the collection of
10 delinquent child support; NRS 125B.145 regarding the review of child support at any time due to
11 changed circumstances and at least every three years following the entry of the child support order.

12 **GOOD CAUSE APPEARING, IT IS SO ORDERED.**

13 Dated this 17 day of November 2020.

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16 _____
17 Sandra A. Unsworth
18 District Judge
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26 FV20-00559
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ELECTRONIC FILING:
KEVIN P. RYAN, ESQ. for KOURTNEY L. DAVIS
SHAWN B. MEADOR, ESQ. for TONY MATKULAK

L Hodgson

Judicial Assistant

29

29

1 **Code: 2545**
Kevin P. Ryan, Esq., NSB 4371
2 Bader & Ryan, Ltd.
232 Court Street
3 Reno, NV 89501
(775) 322-5000
4 Attorneys for Kourtney L. Davis

5
6 IN THE FAMILY DIVISION OF
7 THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF WASHOE

9 KOURTNEY L. DAVIS;

10 Petitioner,

11 vs.

12 TONY MATKULAK;

13 Respondent.

Case No.: F20-00559

Dept. No.: 12

14
15 **NOTICE OF ENTRY OF ORDER**

16
17 **PLEASE TAKE NOTICE** that the *ORDER AFTER SETTLEMENT CONFERENCE; ORDER*
18 *SETTING TRIAL*, attached hereto was filed in the above-entitled Court on November 17, 2020.

19 **AFFIRMATION PURSUANT TO NRS 239B.030**

20 The undersigned does hereby affirm that the preceding document does not contain the
21 social security number of any person.

22 **DATED** this 18th day of November, 2020.

23 BADER & RYAN, LTD.

24
25 By: _____

Kevin P. Ryan, Esq.
232 Court Street
Reno, NV 89501
(775) 322-5000
Attorneys for Petitioner

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of Bader & Ryan, Ltd., and that on the date set forth below, I served a true copy of the foregoing document on the party(ies) identified below by:

_____ Placing an original or true copy thereof in a sealed envelope, postage prepaid, placed for collection and mailing in the US Mail at Reno, Nevada.

_____ Personal delivery.

_____ Facsimile to the following number:

_____ Federal Express or other overnight delivery.

_____ Reno Carson Messenger Service.

_____ Certified Mail Return Receipt Requested.

XXX Electronic Service via ECF System as maintained by the Court.

addressed to:

Shawn B. Meador, Esq.
Woodburn & Wedge
6100 Neil Road, Ste. 500
PO Box 2311
Reno, NV 89505

DATED this 18th day of November, 2020.


Leslie A. Tibbals

1 Code:

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5 IN THE FAMILY DIVISION
6 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE

8
9 KOURTNEY L. DAVIS,

10 Petitioner,

Case No. FV20-00559

11 vs.

Dept. No. 12

12 TONY MATKULAK,

13 Respondent.
14 _____/

15 **ORDER AFTER SETTLEMENT CONFERENCE; ORDER SETTING TRIAL**

16 This matter came before the Court on November 13, 2020 by audio visual means pursuant
17 to the Administrative Order entered March 16, 2020, and Nevada Supreme Court Rule Part IX-B.
18 The hearing was set for a Settlement Conference on a Verified Petition to Establish Custody,
19 Visitation and Child Support filed April 29, 2020, and pursuant to the Temporary Order After Case
20 Management Conference entered October 2, 2020. The parties were provided Notice of
21 Audio/Visual Hearing on November 3, 2020. Petitioner, Kourtney Davis, was present represented
22 by Kevin P. Ryan, Esq. Respondent, Tony Matkulak, was present represented by Shawn B.
23 Meador, Esq.

24 The parties conferred with the Court in an effort to reach a settlement agreement but were
25 not able to reach an agreement. Good cause therefore appearing,

26 **IT IS HEREBY ORDERED:**

27 1. The parties shall appear for trial on **March 11, 2021, at 9:00 a.m.** in Dept. 12 on
28 the third floor of the courthouse located at 1 South Sierra Street, Reno, Nevada. There is no

1 guarantee that the Court will be reopened for family court hearings by March 11, 2021. If the
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7 October 2, 2020, shall remain in full force and effect pending further order of the Court.

8 3. Mr. Matkulak owes Ms. Davis \$165.25 in unreimbursed medical expenses for the
9 parties' minor child, Bennett Matkulak, born May 3, 2018. By stipulation, Mr. Matkulak shall pay
10 that amount in full to Ms. Davis within seven days from today's date.

11 4. As long as it is safe for the minor child to travel in regard to the COVID-19
12 pandemic, the parties shall cooperate to arrange for the minor child to travel to Australia to visit
13 with his paternal grandfather who is suffering from an illness. If the parties cannot agree on a travel
14 arrangement, counsel may contact the Judicial Assistant with Dept. 12 to arrange for a status
15 conference.

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17 next hearing. In the event that the parties cannot reach an agreement on a holiday schedule, they
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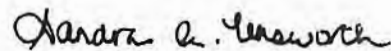
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27 DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A
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1 person having a limited right of custody to a child or any parent having no right of custody to the
2 child who willfully detains, conceals or removes the child from a parent, guardian or other person
3 having lawful custody or a right of visitation of the child in violation of an order of this court, or
4 removes the child from the jurisdiction of the court without the consent of either the court or all
5 persons who have the right to custody or visitation is subject to being punished for a category D
6 felony as provided in NRS 193.130. 125C.0045(6).

7 The parties are advised that the terms of this order are subject to NRS 125.007(2), regarding
8 the collection of child support payments through mandatory wage withholding or assignment of
9 income; NRS 31A regarding the enforcement of a child support obligation and the collection of
10 delinquent child support; NRS 125B.145 regarding the review of child support at any time due to
11 changed circumstances and at least every three years following the entry of the child support order.

12 **GOOD CAUSE APPEARING, IT IS SO ORDERED.**

13 Dated this 17 day of November 2020.

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16 _____
17 Sandra A. Unsworth
18 District Judge
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26 FV20-00559
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Pursuant to NRCp 5(b), I certify that I am an employee of the Second Judicial District Court in and for the County of Washoe, and that on November 17, 2020, I deposited in the county mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, or by e-filing, a true copy of the foregoing document addressed as follows:

KEVIN P. RYAN, ESQ. for KOURTNEY L. DAVIS
SHAWN B. MEADOR, ESQ. for TONY MATKULAK

I Holqson

Judicial Assistant

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CASE NO. FV20-00559

KOURTNEY L. DAVIS VS. TONY MATKULAK

**DATE, JUDGE
OFFICERS OF
COURT PRESENT**

APPEARANCES - HEARING

CONT'D TO

10/29/2020

STATUS CONFERENCE

HONORABLE
SANDRA
UNSWORTH
DEPT. 12

This hearing was held remotely because of the closure of the courthouse at 1 South Sierra Street, Reno, Washoe County, Nevada due to the national and local emergency caused by COVID-19. The Court and all the participants appeared via simultaneous audiovisual transmission. The Court was physically located in Reno, Washoe County, Nevada, which was the site of the court session.

H. Lujan
(Court Clerk)
Debbie Cecere
(Court Reporter)

Kevin Ryan, Esq. appeared on behalf of Plaintiff, Kourtney Davis, who was not present.
Sean Meador, Esq., appeared via FaceTime on behalf of Defendant, Tony Matkulak, who was not present.

Counsel indicated they were ready to go to settlement conference.

The Court stood in recess.

The clerk's minutes are not an order of the Court. They may be altered, amended or superseded by a written order. This matter was reported via court reporter and a transcript must be requested directly from the court reporter.