

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD ALAN BARBER,

Appellant,

vs.

BRIANNA TEAL BARBER

Respondent

Supreme Court No.: 83201

District Court No.: D-20-609450-D

Electronically Filed
Sep 13 2021 06:47 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

CHILD CUSTODY FAST TRACK

Eighth Judicial District Court of the State of Nevada

In and for the County of Clark

THE HONORABLE BRYCE C. DUCKWORTH

DISTRICT COURT JUDGE

JOINT APPENDIX- VOL. 1

Lisa M. Szyc, Esq.

Nevada Bar Number 11726

626 South Third Street, Las Vegas, NV 89101

Ph: 702-385-4994; Fax: 702-342-5479

lmslawnv@gmail.com

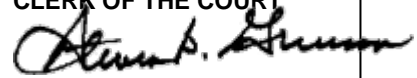
INDEX OF APPELLANT'S APPENDIX CHRONOLOGICAL ORDER

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1 **ACOM**
2 Amber Robinson, Esq.
3 Nevada Bar No. 10731
4 **ROBINSON LAW GROUP**
5 1771 E. Flamingo Road, Suite B-120
6 Las Vegas, NV 89119
7 Telephone: 702-527-2625
8 Facsimile: 702-933-0924
9 Email: arobinson@familylawyerlasvegas.com
10 Unbundled Attorneys for Plaintiff,

7 **DISTRICT COURT**
8 **FAMILY DIVISION**
9 **CLARK COUNTY, NEVADA**

10 BRIANNA BARBER,)
11) Case No.: D-20-609450-D
12 Plaintiff,) Dept. No.: Q
13 v.)
14 RONALD ALAN BARBER, JR.,)
15 Defendant.)

16 **AMENDED COMPLAINT FOR DIVORCE**

17 COMES NOW Plaintiff BRIANNA BARBER (hereinafter "Wife") by
18 and through her unbundled attorney of record, AMBER ROBINSON, ESQ. of
19 the *ROBINSON LAW GROUP*, hereby files this Amended Complaint for
20 Divorce and she complains as follows:
21
22

- 23
24 1. That Wife is now and for more than six (6) weeks prior to the
25 commencement of this action an actual, bona fide resident and
26 domiciliary of the County of Clark, State of Nevada, actually and
27 physically residing and being domiciled therein during all of said
28 period of time;

2. That Wife and Defendant RONALD ALAN BARBER, JR. (hereinafter "Husband") were married on March 8, 2013 in Las Vegas, Nevada and have been and still are Husband and Wife;
3. That there are two (2) minor children who are the issue of this marriage, *to wit*: OLIVIA BARBER, born on March 4, 2005 (age 15) and EOWYN BARBER, born on September 4, 2013 (age 7) hereinafter referred to as the "Minor Children"). Wife is not currently pregnant and there are no other children adopted by this marriage;
4. That Wife be awarded sole legal custody of the Minor Children;
5. That Nevada has Home State Jurisdiction and Olivia has resided in Nevada since 2008 and Eowyn has resided in Nevada since birth;
6. That Wife have sole physical custody of the Minor Children with no visitation to Husband;
7. That Husband sexually assaulted the Minor Child, Olivia, repeatedly, and Wife found out of the same in June 2020. Husband was arrested and there is an active criminal case in Case No. 20-CR-009289 and Wife has a TPO against Husband on behalf of herself and the Minor Children in Case No. T-20-2-6227-T;
8. Wife and Husband were not involved in any other divorce proceeding, and there are no current custody actions pending in Nevada or any other State to Wife's knowledge;
9. That child support be set in compliance with NAC §425;
10. That Wife solely bear the cost of health insurance and any unreimbursed medical expenses;

1 11. That the following community property be awarded to Wife:

- 2 a. The Chevrolet Malibu Vehicle Identification No.
3 1G1ZB5ST9LF118743;
- 4 b. The 2016 Nissan Versa Vehicle Identification No.
5 3N1CE2CE2CP8HL366745;
- 6 c. The Real Property Located at 10252 Gibson Isle Dr., Las Vegas,
7 NV 89166 APN 126-13-522-012. That Wife will have one (1)
8 year to re-finance the loan for this property into her own name.
9 If she cannot accomplish the refinance, the home will be sold,
10 with Wife keeping one hundred percent (100%) of the net
11 proceeds;
- 12 d. The time share with Grand Timber Lodge Account Ending
13 1501;
- 14 e. Wells Fargo Checking Account Ending 5573;
- 15 f. 403B with YMCA through Y Retirement Fund Account 113351
16 with the approximate amount of two hundred seventy-eight
17 thousand, five hundred five dollars (\$278,505.00);
- 18 g. That Wife be permitted to access the Mini Masters Storage Unit
19 located at 6900 W. Craig Rd., Las Vegas, NV 89108, Space
20 C41 under the name of Alan Barber (Husband goes by his
21 middle name) to obtain the following personal property:
- 22 i. LL Bean luggage, Precor suitcase, all Christmas and
23 Halloween decorations, trunk with tea cups, sentimental
24 items from the Minor Children's childhood, queen size
25 camping sleeping bag, large tube for behind boat;
- 26 h. Her wedding bands;
- 27 i. Any other bank account or retirement account in her name;
- 28 j. Any other personal property currently in her possession.

12. That the following Community Property be awarded to Husband:

- a. Chevrolet Trax Vehicle Identification No. 3GNCJLSB6KL3202;
- b. Checking account in his name at Wells Fargo;
- c. Retirement pension and any 401K with IBEW Local 1579, Member No. 6481, Control No. BO4212*59;
- d. Any retirement with City of North Las Vegas Pension;
- e. Any other items in the Mini Masters Storage Unit located at 6900 W. Craig Rd., Las Vegas, NV 89108 Space C41 not awarded to Wife under the name of Alan Barber;
- f. Any other retirement and bank accounts in his name;
 - i. The following firearms:
 1. Brazie C.H.L.C. Miami, Florida .410 and .22 Caliber Barrels made by Taurus .22 Rossi .22 l.r. SN 24222.4.12.984773 .410 Rossi *.410 G.A. SN 21126.4.12985329;
 2. .22 Ruger Newport .22 long rifle plus 100 round clip SN 0008-88533 10-22;
 3. H & R Shotgun 1871 partner pump 12 gage 2 ¾ inch Ilion, New York SN NZ637812;
 4. Caltec Sub 2000 .22 SN p9288;
 5. .20 Gage Shotgun, Maverick by Mossberg, Model 88.20 Gauge SN MV63680Y;
 6. 3030 Winchester, Model 94AE with peep sit and telescopic site SN 5557891;
 7. .22 with marlin scope long rifle, clip fired Marlin Farms, New Haven, Connecticut Model 25MN SN 00371978;

1 8. .223 caliber semi-automatic Model M15 Diamond
2 Back Firearms SN DB1535659;

3 9. 380 Automatic Pistol Bryco Arms SN 1227560;

4 10. Various bullets for the firearms;

5 11. Should Husband not be able to retrieve his firearms
6 due to his criminal status, these firearms will be
7 given to Husband's father to hold on Husband's
8 behalf, Ronald Alan Barber, Sr. Husband's father
9 will sign a written acknowledgement that he
10 received all of the above listed firearms and bullets;
11 and

12 g. Any other personal property in his possession.

13 13. That Wife be awarded the following community debt:

14 a. The car loan on the Chevrolet Malibu Vehicle Identification No.
15 1G1ZB5ST9LF118743 with the approximate balance of thirty-
16 two thousand dollars (\$32,000.00);

17 b. The car loan on the 2016 Nissan Versa Vehicle Identification
18 No. 3N1CE2CE2CP8HL366745 through Nissan Motor
19 Acceptance Corporation Account Ending 0001 with the
20 approximate balance of eight thousand, five hundred fifty-eight
21 dollars and eighty-one cents (\$8,558.81);

22 c. The mortgage through PennyMac Loan Services LLC Account
23 Ending 3016 for the real property located at 10252 Gibson Isle
24 Dr., Las Vegas, NV 89166 APN 126-13-522-012 with the
25 approximate balance of two hundred eighty-two thousand, four
26 hundred twenty-six dollars (\$282,426.00);

27 d. Wells Fargo Visa Credit Card Account Ending 7939 with the
28 approximate balance of one thousand dollars (\$1,000.00);

- e. American Express Credit Card Account Ending 53006 with the approximate balance of zero (\$0.00);
- f. Victoria's Secret Comenity Bank Credit Card Account Ending 4217 with the approximate balance of one hundred dollars (\$100.00); and
- g. Any other credit cards, loans, student loans, lines of credit, and medical debt in her name.

14. That Husband be awarded the following community debt:

- a. The car loan on the Chevrolet Trax Vehicle Identification No. 3GNCJLSB6KL3202 with GM Financial;
- b. Visa Credit Card in his name; and
- c. Any other credit cards, loans, student loans, lines of credit, and medical debt in his name.

15. That this Court retain jurisdiction over all of the community property and community debt specified above to enforce the division of these assets and debts;

16. That neither party be awarded spousal support;

17. That Wife keep her married last name of "BARBER;"

18. That during the course of said marriage, the tastes, mental disposition, views, likes and dislikes of Wife and Husband have become so widely divergent that the parties have become incompatible in marriage to such an extent that it is impossible for them to live together as Wife and Husband; that the incompatibility between Husband and Wife is so great there is no possibility of reconciliation between them; and

19. That if Husband does not contest this case, that Wife bear her own attorney's fees and costs. In the event that Husband contests the Divorce action, that Husband pay for Wife's attorney's fees and costs an amount to be determined.

1 **PRAYER FOR RELIEF**

2 WHEREFORE, Wife prays for judgment as follows:

- 3 1. That the bonds of matrimony now and heretofore existing between
4 Husband and Wife be dissolved, that Wife be granted an absolute
5 Decree of Divorce, and that each of the parties be restored to the status
6 of a single and unmarried persons;
- 7 2. That the Court award Wife sole legal custody of the Minor Children;
- 8 3. That the Court award Wife sole physical custody of the Minor
9 Children;
- 10 4. That child support be set in compliance with NAC 425;
- 11 5. That Wife be responsible for one hundred percent (100%) of the Minor
12 Children's health insurance premiums and unreimbursed medical
13 expenses;
- 14 6. That the Court divide the community property as specified above;
- 15 7. That the court divide the community debt as specified above;
- 16 8. That the Court retain jurisdiction over all the community property and
17 community debt specified in this Amended Complaint for Divorce to
18 enforce the division of the assets and debts;
- 19 9. That the Court make a fair and equitable distribution as to the
20 community property of the parties;
- 21 10. That neither party be awarded spousal support;
- 22 11. That Wife keep her married name of "BARBER;"
- 23 12. That if Husband does not contest this case, that Wife bear her own
24 attorney's fees and costs. In the event that Husband contests the
25 Divorce action, that Husband pay for Wife's attorney's fees and costs
26 an amount to be determined;
- 27
- 28 13. That the Court grant any further relief requested in this Complaint; and

1 14.For such other and further relief as the Court may deem just and
2 proper.

3
4 DATED this 10th day of September, 2020.

5
6
7 ROBINSON LAW GROUP

8
9 By /s/ *Amber Robinson*

10 Amber Robinson, Esq.
11 Nevada Bar No. 10731
12 1771 E. Flamingo Rd, Suite B-120
13 Las Vegas, NV 89119
14 Unbundled Attorneys for Plaintiff,
15
16
17
18
19
20
21
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23
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1 VERIFICATION

2 STATE OF NEVADA)
3)ss:
4 COUNTY OF CLARK)

5 BRIANNA BARBER, being first duly sworn, deposes and says:

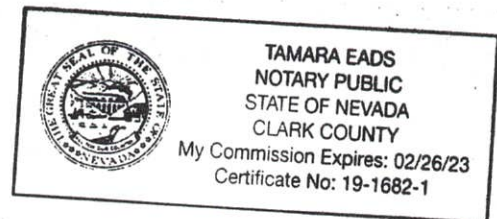
6 That I am the Plaintiff in the above-entitled action; that I have read the
7 above and foregoing Complaint for Divorce and know the contents thereof; that
8 the same is true of my own knowledge, except for those matters therein stated
9 on information and belief; and as to those matters, I believe them to be true.
10

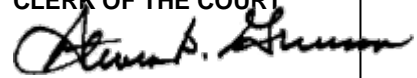
11 Brianna L. Barber
12 BRIANNA BARBER
13

14 On this 11th day of September, 2020, personally appeared before me a
15 Notary Public in and for said County and State, BRIANNA BARBER, known
16 (or proved) to me to be the person described in and who executed the above and
17 foregoing Amended Complaint for Divorce, and who acknowledged to me that
18 she executed the same freely and voluntarily and for the uses and purposes
19 therein mentioned.
20

21
22 SUBSCRIBED and SWORN to before me
23 this 11th day of September, 2020.
24

25
26 Tamara Eads
27 NOTARY PUBLIC
28





1 **ASEI**
2 Amber Robinson, Esq.
3 Nevada Bar No. 10731
4 **ROBINSON LAW GROUP**
5 1771 E. Flamingo Road, Suite B-120
6 Las Vegas, NV 89119
7 Telephone: 702-527-2625
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9 Email: arobinson@familylawyerlasvegas.com
10 Unbundled Attorneys for Plaintiff,

7 **DISTRICT COURT**
8 **FAMILY DIVISION**
9 **CLARK COUNTY, NEVADA**

10 BRIANNA BARBER,)
11)
12 Plaintiff,) Case No.: D-20-609450-D
13 v.) Dept. No.: Q
14)
15 RONALD ALAN BARBER, JR.,)
16)
17 Defendant.)

17 **AMENDED SUMMONS - DOMESTIC**

18 **NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE**
19 **AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU**
20 **RESPOND WITHIN TWENTY (20) DAYS. READ THE INFORMATION**
21 **BELOW.**

22 **TO THE DEFENDANT:** A civil Amended Complaint has been filed by the
23 Plaintiff(s) against you for the relief set forth in the Complaint.

- 24 1) If you intend to defend this lawsuit, within twenty (20) days after this
25 Summons is served on you, exclusive of the day of service, you must do
26 the following:
27
28

- 1 a. File with the Clerk of this Court, whose address is shown below, a
2 formal written response to the Complaint in accordance with the
3 rules of the Court, with the appropriate filing fee.
4 b. Serve a copy of the response on the attorney whose name and
5 address is shown below.
6 2) Unless you respond, your default will be entered upon application of the
7 Plaintiff(s) and failure to so respond will result in a judgment by default
8 against you for the relief demanded in the Complaint, which could result
9 in the taking of money or property or other relief requested in the
10 Complaint.
11 3) If you intend to seek the advice of an attorney in this matter, you should
12 do so promptly so that your response may be filed on time.
13 4) The State of Nevada, its political subdivisions, agencies, officers,
14 employees, board members, commission members and legislators each
15 have forty-five (45) days after service of this Summons within which to
16 file an Answer or other responsive pleading to the Complaint.
17

18 **CLERK OF THE COURT**

19 By:

20 _____
21 Deputy Clerk Date
22 Family Court and Services Center
23 601 N. Pecos
24 Las Vegas, NV 89101

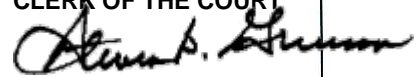
23 Submitted by:

24 */s/ Amber Robinson*

25 Amber Robinson, Esq.
26 Nevada Bar No. 10731

27 **ROBINSON LAW GROUP**

28 1771 E. Flamingo Rd., Suite B-120
Las Vegas, NV 89119
Unbundled Attorneys for Plaintiff,



1 **ACSR**
2 Amber Robinson, Esq.
3 Nevada Bar No. 10731
4 **ROBINSON LAW GROUP**
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6 Las Vegas, NV 89119
7 Telephone: 702-527-2625
8 Facsimile: 702-933-0924
9 Email: arobinson@familylawyerlasvegas.com
10 Unbundled Attorneys for Plaintiff,

7 **DISTRICT COURT**
8 **FAMILY DIVISION**
9 **CLARK COUNTY, NEVADA**

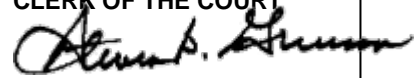
10 BRIANNA BARBER,)
11) Case No.: D-20-609450-D
12 Plaintiff,) Dept. No.: Q
13 v.)
14 RONALD ALAN BARBER, JR.,)
15 Defendant.)

16 **ACCEPTANCE OF SERVICE**

17 RYAN HELMICK, ESQ. of THE DEFENDERS hereby Accepts Service
18 of the Amended Complaint for Divorce, Joint Preliminary Injunction and
19 Amended Summons in the above-captioned matter on behalf of the Defendant,
20 RONALD ALAN BARBER JR. on this 7th day of October, 2020.



24 RYAN HELMICK, ESQ.
25 THE DEFENDERS
26 Nevada Bar No. 12769
27 Or an employee thereof,
28 830 S. Fourth St. #100
Las Vegas, NV 89101



1 **TDN**
2 Amber Robinson, Esq.
3 Nevada Bar No. 10731
4 **ROBINSON LAW GROUP**
5 1771 E. Flamingo Road, Suite B-120
6 Las Vegas, NV 89119
7 Telephone: 702-527-2625
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9 Email: arobinson@familylawyerlasvegas.com
10 Unbundled Attorneys for Plaintiff,

7 **DISTRICT COURT**
8 **FAMILY DIVISION**
9 **CLARK COUNTY, NEVADA**

10 BRIANNA BARBER,)
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12 Plaintiff,) Dept. No.: Q
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15)
16 Defendant.)

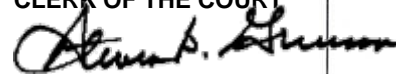
17 **THREE DAY NOTICE OF INTENT TO TAKE DEFAULT**

18 TO: RYAN HELMICK, ESQ. (Attorney that Accepted Service on behalf
19 of Ronald Alan Barber, Jr., but not Necessarily Attorney of Record).

20 **NOTICE IS HEREBY GIVEN** that PLAINTIFF Brianna Barber, by and
21 through her attorney of record, AMBER ROBINSON, ESQ. of **ROBINSON**
22 **LAW GROUP**, intends to take the Default of Defendant RONALD
23 BARBER, JR., unless an Answer to Complaint for Divorce is filed.

24 **ROBINSON LAW GROUP**

25 /s/ Amber Robinson
26 AMBER ROBINSON, ESQ.



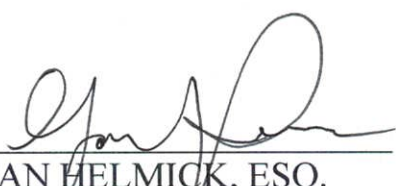
1 **ROC**
2 Amber Robinson, Esq.
3 Nevada Bar No. 10731
4 **ROBINSON LAW GROUP**
5 1771 E. Flamingo Road, Suite B-120
6 Las Vegas, NV 89119
7 Telephone: 702-527-2625
8 Facsimile: 702-933-0924
9 Email: arobinson@familylawyerlasvegas.com
10 Unbundled Attorneys for Plaintiff,

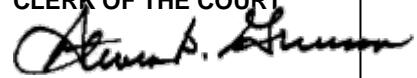
7 **DISTRICT COURT**
8 **FAMILY DIVISION**
9 **CLARK COUNTY, NEVADA**

10 BRIANNA BARBER,)
11) Case No.: D-20-609450-D
12 Plaintiff,) Dept. No.: Q
13 v.)
14 RONALD ALAN BARBER, JR.,)
15)
16 Defendant.)

16 **RECEIPT OF COPY**

17
18 On October 28, 2020, our office received a copy of the Filed Copy of the
19
20 Three-Day Notice of Intent to Take Default in this matter.

21
22 
23 RYAN HELMICK, ESQ.
24 THE DEFENDERS
25 Nevada Bar No. 12769
26 Or an employee thereof,
27 830 S. Fourth St. #100
28 Las Vegas, NV 89101



DFLT
Amber Robinson, Esq.
Nevada Bar No. 10731
ROBINSON LAW GROUP
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Las Vegas, NV 89119
Telephone: 702-527-2625
Facsimile: 702-933-0924
Email: arobinson@familylawyerlasvegas.com
Unbundled Attorneys for Plaintiff,

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

BRIANNA BARBER,)	
)	Case No.: D-20-609450-D
Plaintiff,)	Dept. No.: Q
)	
v.)	
RONALD ALAN BARBER, JR.,)	
)	
Defendant.)	

DEFAULT

IT APPEARING from the files and records in the above entitled action that RONALD ALAN BARBER, JR., Defendant herein, being duly served with a copy of the Amended Complaint for Divorce, Amended Summons, Joint Preliminary Injunction on October 7th, 2020, with the Affidavit of Service having been filed October 9th, 2020, and that more than twenty (20) days, exclusive of the day of service, having expired since service upon the Defendant; that no answer or other appearance having been filed and no further

///
///
///
///

1 time having been granted, the default of the above-named Defendant for failing
2 to answer or otherwise plead to Plaintiff's Complaint is hereby entered.

3
4 **STEVEN D. GRIERSON**
5 **CLERK OF THE COURT**

6 By:

Elizabeth Odo

7 Deputy Clerk

Elizabeth Odo

Date

8 Family Court and Services Center

Electronically Issued 11/4/2020

9 601 N. Pecos Rd. Las Vegas, NV 89101

10 Submitted by:

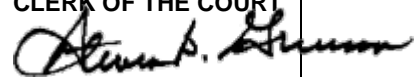
11
12 /s/ *Amber Robinson*

13
14 Amber Robinson, Esq.
15 Nevada Bar No. 10731
16 1771 E. Flamingo Road, Suite B-120
Las Vegas, NV 89119
Unbundled Attorneys for Plaintiff

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Electronically Filed
11/6/2020 7:13 AM
Steven D. Grierson
CLERK OF THE COURT



Brianna Teal Barber, Plaintiff
vs.
Ronald Alan Barber, Jr., Defendant.

Case No.: D-20-609450-D
Department Q

NOTICE OF HEARING

Please be advised that the Uncontested Setting in the above-entitled matter is set for hearing as follows:

Date: December 02, 2020

Time: 8:30 AM

Location: Courtroom 01
Family Courts and Services Center
601 N. Pecos Road
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

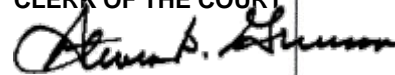
By: /s/ Carmelo Coscolluela
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Carmelo Coscolluela
Deputy Clerk of the Court

BBJA000017



1 **AFFT**
2 Amber Robinson, Esq.
3 Nevada Bar No. 10731
4 Melissa Polsenberg, Esq.
5 Nevada Bar No. 13742
6 **ROBINSON LAW GROUP**
7 1771 E. Flamingo Road, Suite B-120
8 Las Vegas, NV 89119
9 Telephone: 702-527-2625
10 Facsimile: 702-933-0924
11 Email: arobinson@familylawyerlasvegas.com
12 Unbundled Attorneys for Plaintiff,

13 **DISTRICT COURT**
14 **FAMILY DIVISION**
15 **CLARK COUNTY, NEVADA**

16 BRIANNA BARBER,) CASE NO.: D-20-609450-D
17)
18 Plaintiff,) DEPT. NO.: Q
19 v.)
20 RONALD ALAN BARBER, JR.,) **AFFIDAVIT OF PLAINTIFF**
21)
22 Defendant.)

23 STATE OF NEVADA)
24)ss:
25 COUNTY OF CLARK)

26 BRIANNA BARBER, being first duly sworn, deposes and says:

- 27 1. That I am the Plaintiff in the above titled action;
- 28 2. That I live at 10252 Gibson Isle Dr. Las Vegas, Nevada 89166; that the Plaintiff has lived in Las Vegas, Nevada for over six (6) weeks prior to filing her Complaint for Divorce, and her intent is to remain in Las Vegas, NV for the foreseeable future;
3. That I have read the Complaint for Divorce in this case and can testify that the allegations in the document are true and correct to the best of my knowledge;

- 1 4. That my spouse and I were married on March 8, 2013 in Las Vegas,
2 Nevada;
3 5. That there is two (2) minor children born to this marriage *to wit*
4 OLIVIA BARBER, born on March 4, 2005 (age 15) and EOWYN
5 BARBER, born on September 4, 2013 (age 7) (hereafter "Minor
6 Children"). The provision regarding custody and child support are fair
7 and, in the child's best interest.
8 6. That the division of assets and debts in the Decree of Divorce are fair
9 and equitable;
10 7. That the provision of alimony in the Decree of Divorce is fair and
11 equitable;
12 8. That my spouse and I are incompatible in marriage and there is no
13 chance of reconciliation;
14 9. That I desire this Court to enter a Decree of Divorce and restore my
15 spouse and me to the status of single, unmarried persons.

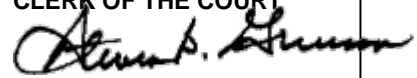
16 *Brianna L. Barber*
17 BRIANNA BARBER
18

19 On this 23rd day of September, 2020, personally appeared before me a Notary
20 Public in and for said County and State, BRIANNA BARBER, known (or
21 proved) to me to be the person described in and who executed the above and
22 foregoing AFFIDAVIT OF Plaintiff, and who acknowledged to me that she
23 executed the same freely and voluntarily and for the uses and purposes therein
24 mentioned.

25 SUBSCRIBED and SWORN to before me
26 this 23rd day of September, 2020.

27 *[Signature]*
28 NOTARY PUBLIC





RSDD
Amber Robinson, Esq.
Nevada Bar No. 10731
ROBINSON LAW GROUP
1771 E. Flamingo Road, Suite B-120
Las Vegas, NV 89119
Telephone: 702-527-2625
Facsimile: 702-933-0924
Email: arobinson@familylawyerlasvegas.com
Attorneys for Plaintiff

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

BRIANNA BARBER,)
) Case No.: D-20-609450-D
Plaintiff,) Dept. No.: Q
v.)
RONALD ALAN BARBER, JR.,)
)
Defendant.)

REQUEST FOR SUMMARY DISPOSITION

COMES NOW Plaintiff BRIANNA BARBER, by and through her attorney of record AMBER ROBINSON, ESQ., of the **ROBINSON LAW GROUP**, and hereby requests this Honorable Court for a summary disposition Decree of Divorce without a hearing.

ROBINSON LAW GROUP

/s/ Amber Robinson

Amber Robinson, Esq.
Nevada Bar No. 10731
1771 E. Flamingo Road, Ste B120
Las Vegas, NV 89119
Attorneys for Plaintiff

FILED

AUG 09 2021

Alison L. Robinson
CLERK OF COURT

1 TRANS

2
3
4 ORIGINAL

5 EIGHTH JUDICIAL DISTRICT COURT

6 FAMILY DIVISION

7 CLARK COUNTY, NEVADA

8
9 BRIANNA TEAL BARBER,)

10 Plaintiff,)

CASE NO. D-20-609450-D

11 vs.)

DEPT. Q

12 RONALD ALAN BARBER, JR.,)

APPEAL NO. 83201

13 Defendant.)
14

15 BEFORE THE HONORABLE BRYCE C. DUCKWORTH
16 DISTRICT COURT JUDGE

17 TRANSCRIPT RE: HEARING

18 WEDNESDAY, DECEMBER 20, 2020

19 APPEARANCES:

20 The Plaintiff: BRIANNA TEAL BARBER (Tel.)
21 For the Plaintiff: AMBER ROBINSON, ESQ. (Tel.)
22 1771 E. Flamingo Rd.
23 Suite B-120
24 Las Vegas, Nevada 89119
(702) 527-2625

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15 || (None presented)

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1 LAS VEGAS, NEVADA

WEDNESDAY, DECEMBER 20, 2020

2 P R O C E E D I N G S

3 (THE PROCEEDINGS BEGAN AT 8:45:01)

4

5 THE COURT: We are on the record in the Barber
6 matter, case D-20-609450-D. Starting with the Plaintiff.
7 Please confirm your appearances.

8 MS. ROBINSON: Good morning, Your Honor. Amber
9 Robinson, bar number 10731, on behalf of Brianna Barber who is
10 present.

11 THE COURT: Good morning. And this is the time set
12 for an uncontested hearing on the underlying complaint for
13 divorce. And it -- it appears the matter is properly before
14 me. It is my understanding that the complaint -- ultimately
15 the -- the Defendant has an attorney who accepted service; Mr.
16 Ryan Helmick, but there's been no --

17 MS. ROBINSON: Yes.

18 THE COURT: -- answer filed. It's my understanding
19 he has the attorney in his pending criminal matter, but --

20 MS. ROBINSON: Correct.

21 THE COURT: -- there's been nothing filed --

22 MS. ROBINSON: And before we --

23 THE COURT: -- in this case.

24 MS. ROBINSON: Sorry. Before we get too far down

1 the road, is there any way to break us out into a different
2 room? I just noticed somebody else on the line, probably one
3 of your other hearings. And because of the sensitive nature
4 of this case, if we could just make it kind of private.

5 THE COURT: It's not -- let -- let -- that -- that's
6 fine. Let's go ahead and -- and that is -- I do have a
7 multiple matter set at 8:30. So I don't have a problem going
8 into a breakout session. So we'll do that.

9 MS. ROBINSON: All right.

10 THE CLERK: So --

11 MS. ROBINSON: Thank you, Your Honor.

12 THE CLERK: -- just give us a few seconds and -- and
13 we'll be in a breakout session, okay?

14 MS. ROBINSON: Thank you.

15 THE CLERK: Thank you. They request they would do
16 it, but it was -- it was okay for me to keep it there --

17 THE COURT: Yeah.

18 THE CLERK: -- unless they --

19 THE COURT: No, that's --

20 THE CLERK: -- request -- okay.

21 THE COURT: Yeah, that's -- that's perfectly fine.

22 But I -- I -- considering --

23 THE CLERK: Right.

24 THE COURT: -- what we're talking about, I

1 completely understand why.

2 (PAUSE)

3 THE CLERK: All right. There we are.

4 THE COURT: Okay. I believe we are --

5 MS. ROBINSON: Thank you very --

6 THE COURT: You bet.

7 MS. ROBINSON: We appreciate that.

8 THE COURT: We are prepared to proceed then. Did --
9 did you expect any participation, Ms. Robinson, from the
10 Defendant or Mr. Helmick?

11 MS. ROBINSON: No, and I wanted to just tell Your
12 Honor about that whole process. Because of the arrest and
13 then them him being released from jail, we had no idea of
14 where he was. So I made multiple emails, made multiple
15 attempts that had the criminal court on the email string
16 multiple district attorneys, defense attorneys. I reached out
17 several times saying hey, I'm just trying to get a location on
18 him, I need to serve him. I was ignored several times. And
19 then finally Ryan Helmick who's his defense attorney answered
20 us and he said, you know, I'm -- I'm his attorney in the
21 criminal case. I'm not the attorney on the --

22 THE COURT: Okay.

23 MS. ROBINSON: -- the family case. He said I will
24 accept service. I -- you know, I'm not willing to give you

1 his address, but I will accept service.

2 THE COURT: Okay.

3 MS. ROBINSON: So that -- that's how he got in
4 possession of the complaint.

5 THE COURT: Okay.

6 MS. ROBINSON: Even though he's not attorney of
7 record, I did the renote of intent to take default. And
8 that -- that's how we got here.

9 THE COURT: Okay. I -- I appreciate that -- that
10 information. And I do note for the record there is an
11 acceptance of service. So I do find that the matter is
12 properly before the Court and I'm prepared to receive
13 testimony at this time to prove up the matter. So let me go
14 ahead and swear in the Plaintiff, if -- ma'am, if you'll
15 please raise your right hand to be sworn.

16 THE CLERK: You do solemnly swear the testimony
17 you're about to give in this action shall be the truth, the
18 whole truth, and nothing but the truth, so help you God?

19 THE PLAINTIFF: I do.

20 THE COURT: Okay. All right. Counsel, you may
21 proceed.

22 BRIANNA BARBER
23 called as a witness on her own behalf, having been first duly
24 sworn, testified upon her oath as follows on:

DIRECT EXAMINATION

BY MS. ROBINSON:

Q Brianna, can you please tell me the Defendant's name in this case?

A Ronald Alan Barber, Jr.

Q And what is his relationship to you?

A He is currently my husband.

Q When and where were you married?

A We were married in Las Vegas, Nevada on March 8th, 2013.

Q Do you have any minor children with Mr. Barber?

A I do. Olivia Barber and Eowyn Barber.

Q Can you briefly tell the Court about some circumstances that came to light this summer?

A Yes. My older daughter Olivia Barber called me up from work one day in June and wanted me to come home. She was insistent that I come home before her dad got home and she shared with me some traumatic information in regards to her father sexually abusing her for multiple years from the ages of sixth grade onward through eighth grade. She had finally told her best friend that day and her best friend insisted that she tell me or she was going to call her mother and her mother was going to tell me. So that's how I was brought into the know in regards to that cer -- situation. And then

1 immediately the following day, contacted CPS and filed a
2 police report, hence why we are here today now.

3 Q Okay. And to your knowledge, is there an active
4 criminal case?

5 A There is an active criminal case. We are scheduled
6 to go to trial next year. I believe it's in April of 2021.
7 And I've also been informed by the Defendant -- the District
8 Attorney's Office, that he is looking to strike a -- a plea
9 bargain and consent to guilt.

10 Q Okay. With that being said, are you asking the
11 Court to either grant you sole legal and sole physical custody
12 of the minor children?

13 A Yes, I am.

14 Q Do you believe it's in the minor children best
15 interest to have zero contact with their father?

16 A I do.

17 Q Are you willing to take on a hundred percent
18 responsibility of their health insurance?

19 A Yes, I am.

20 Q Are you willing to take on a hundred percent
21 responsibility of un -- any unreimbursed medical expenses?

22 A Yes, I am.

23 Q Are you asking His Honor today to set some child
24 support?

1 A Yes, I am.

2 Q Do you have knowledge right now whether or not your
3 husband is working?

4 A I do know that he has lost his job with the city of
5 North Las Vegas. He was -- when the -- when the charges --
6 when the charges were first brought against him, he was in
7 jail for an extended period of time and therefore a no call no
8 show action caused him to lose his job. He's an electrician
9 by trade and has -- was prior to the city work had been an
10 IBEW electrician.

11 Q What was in -- what was the hourly wage when he was
12 working?

13 A It would vary. The -- and -- location. It could be
14 anywhere from \$35 an hour to \$55 an hour. Just depended --
15 when he was union -- how much he worked that year.

16 Q Okay. Are you asking the Court that neither party
17 is entitled to any alimony? So zero alimony be set either
18 direction?

19 A Correct.

20 MS. ROBINSON: Your Honor, would you like me to go
21 over the specific assets and debts?

22 THE COURT: No, I don't know that I need anything
23 specific because it -- it does --

24 MS. ROBINSON: Okay.

1 THE COURT: -- appear to be fairly detailed in the
2 complaint. So if you want --

3 MS. ROBINSON: Okay.

4 THE COURT: -- to just confirm that the -- the
5 Plaintiff desires that the -- the property be divided
6 consistent with those terms, you don't -- I don't need
7 anything --

8 MS. ROBINSON: Okay.

9 THE COURT: -- specific.

10 MS. ROBINSON: Thank you, Your Honor.

11 BY MS. ROBINSON:

12 Q Do you desire the Court to enter an order giving you
13 the property and debts to each side as we listed out in our
14 amended complaint for divorce?

15 A Yes, I do.

16 Q Also we asked in your complaint that if Mr. Barber
17 does not contest this matter that you would cover your own
18 attorney's fees and costs?

19 A Correct.

20 Q You've asked that you keep your married name of
21 Barber?

22 A Yes.

23 Q And you believe that division of assets is fair and
24 equitable?

1 A I do.

2 Q Do you believe that you are incompatible with your
3 husband, that no chance of reconciliation is possible?

4 A There's no change of reconciliation.

5 Q Do you desire that His Honor grant you a decree of
6 divorce today and restore you to the statua of a single
7 unmarried person?

8 A Yes, I do.

9 MS. ROBINSON: Your Honor, with that, we would
10 submit. And I do have the decree of divorce prepared that I
11 can submit today. I just wanted your input and to issue an
12 order on child support.

13 THE COURT: Okay. And I -- and that is the one area
14 that appears to be somewhat up in the air recognizing that --
15 that there certainly is the -- the possibility that the
16 Defendant is not employed, I'm -- the testimony indicated that
17 he lost his employment which is not surprising once he was
18 arrested. It is my understanding he has been released at this
19 point; is that correct?

20 MS. ROBINSON: Yes, Your Honor.

21 THE COURT: But there is -- given the history of
22 income, what I'm hearing is the low end of his hourly rate was
23 \$35 an hour which would equate at a full-time position to just
24 over \$6,000 a month in monthly income. Does that sound about

1 right?

2 MS. ROBINSON: Yes, sir.

3 THE COURT: So I'd be inclined to set it at that
4 amount. Now --

5 MS. ROBINSON: Okay.

6 THE COURT: -- recognizing that -- that the
7 possibility exists that there's nothing out there to -- to
8 obtain if he's not employed. And if he's looking at some time
9 incarcerated which certainly sounds like a realistic
10 possibility given the circumstances even under a plea deal,
11 the -- the child support based on \$6,066 per month would be
12 \$1,327 per month. So I don't have a problem including that
13 calculation again recognizing that that may not -- that that
14 he may not have any income. Hopefully, he is working, but it
15 may not be for long if he's looking at some time of
16 incarceration. So --

17 MS. ROBINSON: Okay.

18 THE COURT: And -- and I'd look at starting that in
19 the month of December. We would start this month.

20 MS. ROBINSON: Okay. Thank you, Your Honor.
21 1,000 --

22 THE COURT: Your -- your thoughts, Ms. Robinson, on
23 that? Any --

24 MS. ROBINSON: No, that's -- that's perfect, Your

1 Honor.

2 THE COURT: Okay.

3 MS. ROBINSON: I'll go ahead and I'll include that
4 in the order and I'll submit that --

5 THE COURT: Okay.

6 MS. ROBINSON: -- today, Your Honor.

7 THE COURT: I do find -- I'll -- I'll reiterate that
8 I find the matter is properly before the Court, that there is
9 a basis to grant a divorce on the grounds of incompatibility,
10 that it is in the children's best interest to grant the
11 Plaintiff with sole legal and sole physical custody with no
12 visitation established. And we've -- I've indicated what the
13 child support should be. And I do accept the terms as set
14 forth in the underlying complaint with respect to the specific
15 division of assets and debts. And that may be incorporated.
16 It sounds like it probably already is in the proposed decree
17 that you've prepared, Ms. -- Ms. Robinson. And Mom will be
18 taking care of the health insurance coverage and unreimbursed
19 expenses. So I think that covers everything.

20 MS. ROBINSON: Thank you, Your Honor. We --

21 THE COURT: All right.

22 MS. ROBINSON: -- appreciate it and thank you for
23 moving us to a breakout room.

24 THE PLAINTIFF: Thank you, sir.

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THE COURT: Thank you for your appearances. Good luck.

MS. ROBINSON: Have a good day.

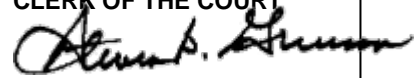
(PROCEEDINGS CONCLUDED AT 8:56:59)

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the digital proceedings in the above-entitled case to the best of my ability.

Adrian Medrano

Adrian N. Medrano



NEO
Amber Robinson, Esq.
Nevada Bar No. 10731
ROBINSON LAW GROUP
1771 E. Flamingo Road, Suite B-120
Las Vegas, NV 89119
Telephone: 702-527-2625
Facsimile: 702-933-0924
Email: arobinson@familylawyerlasvegas.com
Attorney for Plaintiff

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

BRIANNA BARBER,)	CASE NO.: D-20-609450-D
)	DEPT. NO.: Q
Plaintiff,)	
v)	
)	
RONALD ALAN BARBER, JR.,)	
)	
Defendant)	

NOTICE OF ENTRY OF DEFAULT

PLEASE TAKE NOTICE that a Default was entered in this matter on November 4th, 2020 a copy of which is attached hereto and by reference fully incorporated herein.

DATED this 17th day of December, 2020.

Respectfully submitted by:

ROBINSON LAW GROUP

/s/ Amber Robinson
Amber Robinson, Esq.
Nevada Bar No. 10731
1771 E. Flamingo Road, Suite B-120
Las Vegas, NV 89119
Attorney for Plaintiff,

1 **CERTIFICATE OF SERVICE VIA E-SERVICE**

2 I hereby certify that I am a citizen of the United States and am employed
3
4 in Clark County, where this mailing occurs. My business address is 1771 E.
5 Flamingo, Suite B-120, Las Vegas, Nevada 89119. I am over the age of 18
6
7 years and not a party to the within cause.

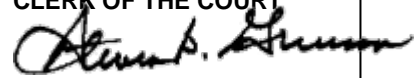
8 On December 17th, 2020, following ordinary business practice, I served
9
10 the foregoing document(s) described as: **NOTICE OF ENTRY OF DEFAULT**
11 addressed as follows:

12 RYAN HELMICK, ESQ.
13 THE DEFENDERS
14 830 S. Fourth St. #100
15 Las Vegas, NV 89101

16 X **U.S. Mail, First Class**, postage prepaid to the person(s) identified
17 above.

18 This was sent electronically via electronic service, pursuant to NEFCR 9
19 to the eservice contacts on file.

20
21 /s/ Tamara Eads
22 An Employee of ROBINSON LAW GROUP
23
24
25
26
27
28



DFLT
Amber Robinson, Esq.
Nevada Bar No. 10731
ROBINSON LAW GROUP
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Las Vegas, NV 89119
Telephone: 702-527-2625
Facsimile: 702-933-0924
Email: arobinson@familylawyerlasvegas.com
Unbundled Attorneys for Plaintiff,

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

BRIANNA BARBER,)	
)	Case No.: D-20-609450-D
Plaintiff,)	Dept. No.: Q
)	
v.)	
RONALD ALAN BARBER, JR.,)	
)	
Defendant.)	

DEFAULT

IT APPEARING from the files and records in the above entitled action that RONALD ALAN BARBER, JR., Defendant herein, being duly served with a copy of the Amended Complaint for Divorce, Amended Summons, Joint Preliminary Injunction on October 7th, 2020, with the Affidavit of Service having been filed October 9th, 2020, and that more than twenty (20) days, exclusive of the day of service, having expired since service upon the Defendant; that no answer or other appearance having been filed and no further

///

///

///

///

1 time having been granted, the default of the above-named Defendant for failing
2 to answer or otherwise plead to Plaintiff's Complaint is hereby entered.

3
4 **STEVEN D. GRIERSON**

5 **CLERK OF THE COURT**

6 By:

7 

8 Deputy Clerk

Elizabeth Odo

Date

9 Family Court and Services Center

Electronically Issued 11/4/2020

601 N. Pecos Rd. Las Vegas, NV 89101

10 Submitted by:

11
12 /s/ *Amber Robinson*

13
14 Amber Robinson, Esq.
15 Nevada Bar No. 10731
16 1771 E. Flamingo Road, Suite B-120
Las Vegas, NV 89119
Unbundled Attorneys for Plaintiff

DECD

Amber Robinson, Esq.
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Attorneys for Plaintiff

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

BRIANNA BARBER,)
) Case No.: D-20-609450-D
Plaintiff,) Dept. No.: Q
v.)
RONALD ALAN BARBER, JR.,)
)
Defendant.)

DECREE OF DIVORCE

This Decree of Divorce having been submitted by Plaintiff Brianna Barber, by and through her unbundled attorney AMBER ROBINSON, ESQ., of the **ROBINSON LAW GROUP**, and Defendant Ronald Alan Barber, Jr. having been personally served through his criminal attorney, RYAN HELMICK, ESQ. on October 7, 2020, and Defendant's criminal attorney, having been served a Three Day Notice of Intent to Take Default on October 28, 2020, and Defendant still not having an Answer on file was Defaulted on November 4, 2020, and a Prove-Up hearing having been set for December 2, 2020 at 9:00 a.m. and Defendant did not make an appearance. Therefore, said action having been submitted to the Court for its decisions and judgment, and being fully advised in the premises, upon consideration thereof, the Court finds as follows:

1 1. That the Court has jurisdiction in the premises, both as to the subject
2 matter thereof as well as the parties thereto; that Brianna having been domiciled in
3 this State for more than six (6) weeks preceding the commencement of this action,
4 and that Wife is now domiciled in and is an actual, bona fide resident of the State of
5 Nevada.

6 2. That Plaintiff and Defendant were married on March 8, 2013 in Las
7 Vgas, Nevada and have been and still are Husband and Wife.

8 3. That Wife and Husband have become, and continue to be
9 incompatible in marriage, such that no reconciliation is possible as Husband and
10 Wife, and that Wife and Husband are entitled to, and expressly wish the Court enter,
11 a Decree of Divorce.

12 4. That Plaintiff and Defendant have two (2) Minor Children, to wit:
13 OLIVIA BARBER, born on March 4, 2005 (age 15) and EOWYN BARBER, born
14 on September 4, 2013 (age 7) hereinafter referred to as the "Minor Children"). Wife
15 is not currently pregnant and there are no other children adopted by this marriage.

16 5. That Defendant sexually assaulted the Minor Child, Olivia,
17 repeatedly, and Wife found out of the same in June 2020. Husband was arrested and
18 there is an active criminal case in Case No. 20-CR-009289 and Wife has a TPO
19 against Husband on behalf of herself and the Minor Children in Case No. T-20-2-
20 6227-T.

21 **THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND**
22 **DECREED** that the parties shall be granted an Absolute Decree of Divorce. Both
23 parties shall be restored to the status of single, unmarried persons.

24 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that
25 Plaintiff will have sole legal and sole physical custody of the Minor Children.

26 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that
27 Defendant's child support will be set at one thousand, three hundred, twenty-seven
28 dollars (\$1,327.00) each month pursuant to NAC §425, based on Defendant's gross

1 monthly income of six thousand, sixty-six dollars (\$6,066.00), and will be due
2 before the last day of each month.

3 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that
4 Plaintiff solely bear the cost of health insurance and any unreimbursed medical
5 expenses for the Minor Children.

6 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that neither
7 party will receive any alimony.

8 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that
9 Plaintiff shall receive the following as her sole and separate property, and
10 Defendant shall immediately execute all documents necessary, if any, to transfer
11 title to the following:

- 12 a. The Chevrolet Malibu Vehicle Identification No.
13 1G1ZB5ST9LF118743;
- 14 b. The 2016 Nissan Versa Vehicle Identification No.
15 3N1CE2CE2CP8HL366745;
- 16 c. The Real Property Located at 10252 Gibson Isle Dr., Las Vegas,
17 NV 89166 APN 126-13-522-012. That Wife will have one (1) year
18 to re-finance the loan for this property into her own name. If she
19 cannot accomplish the refinance, the home will be sold, with Wife
20 keeping one hundred percent (100%) of the net proceeds;
- 21 d. The time share with Grand Timber Lodge Account Ending 1501;
- 22 e. Wells Fargo Checking Account Ending 5573;
- 23 f. 403B with YMCA through Y Retirement Fund Account 113351
24 with the approximate amount of two hundred seventy-eight
25 thousand, five hundred five dollars (\$278,505.00);
- 26 g. That Wife be permitted to access the Mini Masters Storage Unit
27 located at 6900 W. Craig Rd., Las Vegas, NV 89108, Space C41
28

1 under the name of Alan Barber (Husband goes by his middle name)
2 to obtain the following personal property:

- 3 i. LL Bean luggage, Precor suitcase, all Christmas and
4 Halloween decorations, trunk with tea cups, sentimental items
5 from the Minor Children's childhood, queen size camping
6 sleeping bag, large tube for behind boat;
7 h. Her wedding bands;
8 i. Any other bank account or retirement account in her name;
9 j. Any other personal property currently in her possession.

10 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that
11 Defendant shall receive the following as his sole and separate property, and
12 Plaintiff shall immediately execute all documents necessary, if any, to transfer title
13 to the following:

- 14 a. Chevrolet Trax Vehicle Identification No. 3GNCJLSB6KL3202;
15 b. Checking account in his name at Wells Fargo;
16 c. Retirement pension and any 401K with IBEW Local 1579, Member
17 No. 6481, Control No. BO4212*59;
18 d. Any retirement with City of North Las Vegas Pension;
19 e. Any other items in the Mini Masters Storage Unit located at 6900
20 W. Craig Rd., Las Vegas, NV 89108 Space C41 not awarded to
21 Wife under the name of Alan Barber;
22 f. Any other retirement and bank accounts in his name;
23 i. The following firearms:
24 1. Brazie C.H.L.C. Miami, Florida .410 and .22 Caliber
25 Barrels made by Taurus .22 Rossi .22 l.r. SN
26 24222.4.12.984773 .410 Rossi *.410 G.A. SN
27 21126.4.12985329;
28

2. .22 Ruger Newport .22 long rifle plus 100 round clip
SN 0008-88533 10-22;
3. H & R Shotgun 1871 partner pump 12 gage 2 ¾ inch
Ilion, New York SN NZ637812;
4. Caltec Sub 2000 .22 SN p9288;
5. .20 Gage Shotgun, Maverick by Mossberg, Model
88.20 Gauge SN MV63680Y;
6. 3030 Winchester, Model 94AE with peep sit and
telescopic site SN 5557891;
7. .22 with marlin scope long rifle, clip fired Marlin
Farms, New Haven, Connecticut Model 25MN SN
00371978;
8. .223 caliber semi-automatic Model M15 Diamond
Back Firearms SN DB1535659;
9. 380 Automatic Pistol Bryco Arms SN 1227560;
10. Various bullets for the firearms;
11. Should Husband not be able to retrieve his firearms due
to his criminal status, these firearms will be given to
Husband's father to hold on Husband's behalf, Ronald
Alan Barber, Sr. Husband's father will sign a written
acknowledgement that he received all of the above
listed firearms and bullets; and

g. Any other personal property in his possession.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
Plaintiff will retain as her sole and separate debt and will hold Husband harmless
therefrom:

- a. The car loan on the Chevrolet Malibu Vehicle Identification No. 1G1ZB5ST9LF118743 with the approximate balance of thirty-two thousand dollars (\$32,000.00);
- b. The car loan on the 2016 Nissan Versa Vehicle Identification No. 3N1CE2CE2CP8HL366745 through Nissan Motor Acceptance Corporation Account Ending 0001 with the approximate balance of eight thousand, five hundred fifty-eight dollars and eighty-one cents (\$8,558.81);
- c. The mortgage through PennyMac Loan Services LLC Account Ending 3016 for the real property located at 10252 Gibson Isle Dr., Las Vegas, NV 89166 APN 126-13-522-012 with the approximate balance of two hundred eighty-two thousand, four hundred twenty-six dollars (\$282,426.00);
- d. Wells Fargo Visa Credit Card Account Ending 7939 with the approximate balance of one thousand dollars (\$1,000.00);
- e. American Express Credit Card Account Ending 53006 with the approximate balance of zero (\$0.00);
- f. Victoria's Secret Comenity Bank Credit Card Account Ending 4217 with the approximate balance of one hundred dollars (\$100.00); and
- g. Any other credit cards, loans, student loans, lines of credit, and medical debt in her name.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Husband will retain as his sole and separate debt and will hold Wife harmless therefrom:

- a. The car loan on the Chevrolet Trax Vehicle Identification No. 3GNCJLSB6KL3202 with GM Financial;
- b. Visa Credit Card in his name; and

1 c. Any other credit cards, loans, student loans, lines of credit,
2 and medical debt in his name.

3 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that this
4 Court retain jurisdiction over all of the community property and community debt
5 specified above to enforce the division of these assets and debts

6 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Wife
7 will keep her married name of “Brianna Barber.”

8 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the
9 following is pursuant to U.S. Treasury Department Regulations:

10 CIRCULAR 230 DISCLOSURE: To ensure compliance with recently-
11 enacted U.S. Treasury Department Regulations, counsel are now required to
12 advise their client that, unless otherwise expressly indicated, any federal tax
13 advice in this communication, including any attachments, is not intended or
14 written to be used, and cannot be used, by anyone for the purpose of avoiding
15 federal tax penalties that may be imposed by the federal government or for
16 promoting, marketing or recommending to another party any tax-related
17 matters addressed herein.

16 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that each
17 party shall submit the information required in NRS § 125B.055, NRS § 125.130,
18 and NRS § 125.230 on a separate form to the Court and to the Welfare Division of
19 the Department of Human Resources within ten (10) days from the date that this
20 Decree of Divorce is filed. Such information shall be maintained by the Clerk in a
21 confidential manner and not part of the public record. The parties shall update the
22 information filed with the Court and the Welfare Division of the Department of
23 Human Resources within ten (10) days should any of that information become
24 inaccurate.
25

26 **NOTICE IS HEREBY GIVEN** that the parties are subject to Nevada
27 Revised Statutes, Chapter 125C.0045(6), which states the following:

28 **PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION,**
CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF

1 THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS
2 PROVIDED IN NRS § 193.130. NRS § 200.359 provides that every
3 person having a limited right of custody to a child or any parent having no
4 right of custody to the child who willfully detains, conceals or removes the
5 child from a parent, guardian or other person having lawful custody or a
6 right of visitation of the child in violation of an order of this court, or
7 removes the child from the jurisdiction of the court without the consent of
8 either the court or all persons who have the right to custody or visitation is
9 subject to being punished for a category D felony as provided in NRS §
10 193.130.

11 **NOTICE IS HEREBY GIVEN** that both parties are subject to Nevada
12 Revised Statutes, Chapter 125C.0045(7) and (8), which states that the State of
13 Nevada within the United States of America is the habitual residence of the minor
14 child herein.

15 **NOTICE IS HEREBY GIVEN** that both parties are Subject to Nevada
16 Revised Statutes, Chapter 125C.0045(7), which states that the terms of the Hague
17 Convention of October 25, 1990, adopted by the 14th Session of the Hague
18 Conference on Private International Law, apply if a parent abducts or wrongfully
19 retains a child in a foreign country.

20 **NOTICE IS HEREBY GIVEN** that the Court shall require a parent who
21 poses an imminent risk of wrongfully removing or concealing a child in a foreign
22 country to post a bond.

23 **NOTICE IS HEREBY GIVEN** that both parties are subject to Nevada
24 Revised Statutes, Chapter 125C.006, which provides as follows:

25 Consent required from noncustodial parent to relocate child when primary
26 physical custody established; petition for permission from court; attorney's fees and
27 costs.

- 28 1. If primary physical custody has been established pursuant to an
order, judgment or decree of a court and the custodial parent intends
to relocate his or her residence to a place outside of this State or to a
place within this State that is at such a distance that would

1 substantially impair the ability of the other parent to maintain a
2 meaningful relationship with the child, and the custodial parent
3 desires to take the child with him or her, the custodial parent shall,
4 before relocating:

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

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

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

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

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

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

17 **NOTICE IS HEREBY GIVEN** that both parties are subject to Nevada
18 Revised Statutes, Chapter 125C.0065, which provides as follows:

19 Consent required from non-relocating parent to relocate child when
20 joint physical custody established; petition for primary physical custody; attorney's
21 fee and costs.

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

1 (a) Attempt to obtain the written consent of the non-relocating
2 parent to relocate with the child; and

3 (b) If the non-relocating parent refuses to give that consent,
4 petition the court for primary physical custody for the purpose
5 of relocating.

6 2. The court may award reasonable attorney's fees and costs to the
7 relocating parent if the court finds that the non-relocating parent
8 refused to consent to the relocating parent's relocation with the
9 child:

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

11 (b) For the purpose of harassing the relocating parent.

12 3. A parent who relocates with a child pursuant to this section before
13 the court enters an order granting the parent primary physical
14 custody of the child and permission to relocate with the child is
15 subject to the provisions of NRS 200.359.

16 **NOTICE IS HEREBY GIVEN** that the parties are subject to the provisions
17 of Nevada Revised Statute, Chapter 125B.005(3).

18 **NOTICE IS HEREBY GIVEN** that the parties are hereby notified that
19 he/she is subject to the provisions of NRS 125B.070.

20 **NOTICE IS HEREBY GIVEN** that the parties are subject to Nevada
21 Revised Statutes, Chapter 125.450, which provides that the parties are also subject
22 to the provisions of Nevada Revised Statutes, Chapter 31A.020 to 31A.240,
23 inclusive, and Sections 2 and 3 of this Act, providing for the attachment of the
24 payor's wages and commissions in the event of his/her failure to make the child
25 support payments as stated herein above.

26 **NOTICE IS HEREBY GIVEN** that the parties are hereby notified of
27 Nevada Revised Statutes, Chapter 125B.145, which provides that child support shall
28

1 be reviewed at any time upon a showing of changed circumstances, or every three
2 (3) years.

3 **NOTICE IS HEREBY GIVEN** that this Court has subject matter jurisdiction
4 to determine custody in accordance with the Parental Kidnapping Prevention Act
5 (PKPA), 28 U.S.C. 1738A(c)(2)(A) and its corresponding Nevada Revised
6 Statute(s), and the Uniform Child Custody Jurisdiction and Enforcement Act
7 (UCCJEA) and its corresponding Nevada Revised Statute(s).

8 **NOTICE IS HEREBY GIVEN** pursuant to NRS § 125.450(2) and NRS §
9 31A that if child support is more than thirty (30) days delinquent, the District
10 Attorney's office may garnish either party's income if either party were to owe child
11 support to the other.

12 **NOTICE IS HEREBY GIVEN** that if you want to adjust the amount of child
13 support established in this order, you must file a motion to modify the order with or
14 submit a stipulation to the court. If a motion to modify the order is not filed or a
15 stipulation is not submitted, the child support obligation established in this order
16 will continue until such time as all children who are the subject of this order reach
17 18 years of age or, if the youngest child who is subject to this order is still in high
18 school when he or she reaches 18 years of age, when the child graduates from high
19 school or reaches 19 years of age, whichever comes first. Unless the parties agree
20 otherwise in a stipulation, any modification made pursuant to a motion to modify the
21 order will be effective as of the date the motion was filed.

22 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that as
23 Defendant has not contested this case, Plaintiff will bear her own attorney's fees and
24 costs.
25
26
27
28

1 **LASTLY, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED**
2 that the bonds of matrimony heretofore and now existing between Wife and
3 Husband be, and the same are, hereby wholly dissolved, and an absolute Decree of
4 Divorce is hereby granted to Husband, and each of the parties hereto is hereby
5 restored to the status of a single, unmarried person.

6
7 **THIS IS A FINAL DECREE.**

8 Dated this _____ day of December, 2020. Dated this 21st day of January, 2021

9
10 _____
11 THE HONORABLE BRYCE DUCKWORTH

12 gk (ND)

13 ROBINSON LAW GROUP

14 CAB 2DC 16A9 A4F5
15 Bryce C. Duckworth
16 District Court Judge

17 /s/ Amber Robinson
18 Amber Robinson, Esq.
19 Nevada Bar No. 10731
20 1771 E. Flamingo Road, Suite B-120
21 Las Vegas, NV 89119
22 Attorneys for Plaintiff
23
24
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26
27
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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA
4

5
6 Brianna Teal Barber, Plaintiff

CASE NO: D-20-609450-D

7 vs.

DEPT. NO. Department Q

8 Ronald Alan Barber, Jr.,
9 Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 1/21/2021

15 Amber Robinson

arobinson@familylawyerlasvegas.com

16 E-Filing & E-Service

efile@familylawyerlasvegas.com

17
18 If indicated below, a copy of the above mentioned filings were also served by mail
19 via United States Postal Service, postage prepaid, to the parties listed below at their last
known addresses on 1/22/2021

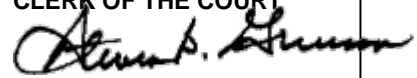
20 Amber Robinson

1771 E Flamingo RD STE B-120
Las Vegas, NV, 89119

22 Ronald Barber

unknown
Las Vegas, NV, 89166

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1 **NEO**
2 Amber Robinson, Esq.
3 Nevada Bar No. 10731
4 **ROBINSON LAW GROUP**
5 1771 E. Flamingo Road, Suite B-120
6 Las Vegas, NV 89119
7 Telephone: 702-527-2625
8 Facsimile: 702-933-0924
9 Email: arobinson@familylawyerlasvegas.com
10 Unbundled Attorney for Plaintiff

7 **DISTRICT COURT**
8 **FAMILY DIVISION**
9 **CLARK COUNTY, NEVADA**

10 BRIANNA BARBER,)
11)
12 Plaintiff,) Case No.: D-20-609450-D
13 v.)
14) Dept. No.: Q
15 RONALD ALAN BARBER, JR.,)
16 Defendant.)
17)

16 **NOTICE OF ENTRY OF DECREE OF DIVORCE**

17 **PLEASE TAKE NOTICE** that a Decree of Divorce was entered in this
18 matter on January 21, 2021 a copy of which is attached hereto and by reference
19 fully incorporated herein.
20

21 DATED this 23rd day of February, 2021.

22 Respectfully submitted by:

23 **ROBINSON LAW GROUP**

24
25 /s/ Amber Robinson
26 Amber Robinson, Esq.
27 Nevada Bar No. 10731
28 1771 E. Flamingo Road, Suite B-120
Las Vegas, NV 89119
Unbundled Attorney for Plaintiff,

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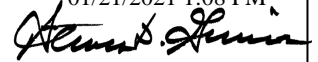
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CLERK OF THE COURT

DECD

Amber Robinson, Esq.
Nevada Bar No. 10731
ROBINSON LAW GROUP
1771 E. Flamingo Road, Suite B-120
Las Vegas, NV 89119
Telephone: 702-527-2625
Facsimile: 702-933-0924
Email: arobinson@familylawyerlasvegas.com
Attorneys for Plaintiff

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

BRIANNA BARBER,)
) Case No.: D-20-609450-D
Plaintiff,) Dept. No.: Q
v.)
RONALD ALAN BARBER, JR.,)
)
Defendant.)

DECREE OF DIVORCE

This Decree of Divorce having been submitted by Plaintiff Brianna Barber, by and through her unbundled attorney AMBER ROBINSON, ESQ., of the **ROBINSON LAW GROUP**, and Defendant Ronald Alan Barber, Jr. having been personally served through his criminal attorney, RYAN HELMICK, ESQ. on October 7, 2020, and Defendant's criminal attorney, having been served a Three Day Notice of Intent to Take Default on October 28, 2020, and Defendant still not having an Answer on file was Defaulted on November 4, 2020, and a Prove-Up hearing having been set for December 2, 2020 at 9:00 a.m. and Defendant did not make an appearance. Therefore, said action having been submitted to the Court for its decisions and judgment, and being fully advised in the premises, upon consideration thereof, the Court finds as follows:

1 1. That the Court has jurisdiction in the premises, both as to the subject
2 matter thereof as well as the parties thereto; that Brianna having been domiciled in
3 this State for more than six (6) weeks preceding the commencement of this action,
4 and that Wife is now domiciled in and is an actual, bona fide resident of the State of
5 Nevada.

6 2. That Plaintiff and Defendant were married on March 8, 2013 in Las
7 Vgas, Nevada and have been and still are Husband and Wife.

8 3. That Wife and Husband have become, and continue to be
9 incompatible in marriage, such that no reconciliation is possible as Husband and
10 Wife, and that Wife and Husband are entitled to, and expressly wish the Court enter,
11 a Decree of Divorce.

12 4. That Plaintiff and Defendant have two (2) Minor Children, to wit:
13 OLIVIA BARBER, born on March 4, 2005 (age 15) and EOWYN BARBER, born
14 on September 4, 2013 (age 7) hereinafter referred to as the "Minor Children"). Wife
15 is not currently pregnant and there are no other children adopted by this marriage.

16 5. That Defendant sexually assaulted the Minor Child, Olivia,
17 repeatedly, and Wife found out of the same in June 2020. Husband was arrested and
18 there is an active criminal case in Case No. 20-CR-009289 and Wife has a TPO
19 against Husband on behalf of herself and the Minor Children in Case No. T-20-2-
20 6227-T.

21 **THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND**
22 **DECREED** that the parties shall be granted an Absolute Decree of Divorce. Both
23 parties shall be restored to the status of single, unmarried persons.

24 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that
25 Plaintiff will have sole legal and sole physical custody of the Minor Children.

26 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that
27 Defendant's child support will be set at one thousand, three hundred, twenty-seven
28 dollars (\$1,327.00) each month pursuant to NAC §425, based on Defendant's gross

1 monthly income of six thousand, sixty-six dollars (\$6,066.00), and will be due
2 before the last day of each month.

3 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that
4 Plaintiff solely bear the cost of health insurance and any unreimbursed medical
5 expenses for the Minor Children.

6 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that neither
7 party will receive any alimony.

8 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that
9 Plaintiff shall receive the following as her sole and separate property, and
10 Defendant shall immediately execute all documents necessary, if any, to transfer
11 title to the following:

- 12 a. The Chevrolet Malibu Vehicle Identification No.
13 1G1ZB5ST9LF118743;
- 14 b. The 2016 Nissan Versa Vehicle Identification No.
15 3N1CE2CE2CP8HL366745;
- 16 c. The Real Property Located at 10252 Gibson Isle Dr., Las Vegas,
17 NV 89166 APN 126-13-522-012. That Wife will have one (1) year
18 to re-finance the loan for this property into her own name. If she
19 cannot accomplish the refinance, the home will be sold, with Wife
20 keeping one hundred percent (100%) of the net proceeds;
- 21 d. The time share with Grand Timber Lodge Account Ending 1501;
- 22 e. Wells Fargo Checking Account Ending 5573;
- 23 f. 403B with YMCA through Y Retirement Fund Account 113351
24 with the approximate amount of two hundred seventy-eight
25 thousand, five hundred five dollars (\$278,505.00);
- 26 g. That Wife be permitted to access the Mini Masters Storage Unit
27 located at 6900 W. Craig Rd., Las Vegas, NV 89108, Space C41
28

1 under the name of Alan Barber (Husband goes by his middle name)
2 to obtain the following personal property:

- 3 i. LL Bean luggage, Precor suitcase, all Christmas and
4 Halloween decorations, trunk with tea cups, sentimental items
5 from the Minor Children's childhood, queen size camping
6 sleeping bag, large tube for behind boat;
- 7 h. Her wedding bands;
- 8 i. Any other bank account or retirement account in her name;
- 9 j. Any other personal property currently in her possession.

10 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that
11 Defendant shall receive the following as his sole and separate property, and
12 Plaintiff shall immediately execute all documents necessary, if any, to transfer title
13 to the following:

- 14 a. Chevrolet Trax Vehicle Identification No. 3GNCJLSB6KL3202;
- 15 b. Checking account in his name at Wells Fargo;
- 16 c. Retirement pension and any 401K with IBEW Local 1579, Member
17 No. 6481, Control No. BO4212*59;
- 18 d. Any retirement with City of North Las Vegas Pension;
- 19 e. Any other items in the Mini Masters Storage Unit located at 6900
20 W. Craig Rd., Las Vegas, NV 89108 Space C41 not awarded to
21 Wife under the name of Alan Barber;
- 22 f. Any other retirement and bank accounts in his name;
 - 23 i. The following firearms:
 - 24 1. Brazie C.H.L.C. Miami, Florida .410 and .22 Caliber
 - 25 Barrels made by Taurus .22 Rossi .22 l.r. SN
 - 26 24222.4.12.984773 .410 Rossi *.410 G.A. SN
 - 27 21126.4.12985329;

2. .22 Ruger Newport .22 long rifle plus 100 round clip
SN 0008-88533 10-22;
3. H & R Shotgun 1871 partner pump 12 gage 2 ¾ inch
Ilion, New York SN NZ637812;
4. Caltec Sub 2000 .22 SN p9288;
5. .20 Gage Shotgun, Maverick by Mossberg, Model
88.20 Gauge SN MV63680Y;
6. 3030 Winchester, Model 94AE with peep sit and
telescopic site SN 5557891;
7. .22 with marlin scope long rifle, clip fired Marlin
Farms, New Haven, Connecticut Model 25MN SN
00371978;
8. .223 caliber semi-automatic Model M15 Diamond
Back Firearms SN DB1535659;
9. 380 Automatic Pistol Bryco Arms SN 1227560;
10. Various bullets for the firearms;
11. Should Husband not be able to retrieve his firearms due
to his criminal status, these firearms will be given to
Husband's father to hold on Husband's behalf, Ronald
Alan Barber, Sr. Husband's father will sign a written
acknowledgement that he received all of the above
listed firearms and bullets; and

g. Any other personal property in his possession.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
Plaintiff will retain as her sole and separate debt and will hold Husband harmless
therefrom:

- a. The car loan on the Chevrolet Malibu Vehicle Identification No. 1G1ZB5ST9LF118743 with the approximate balance of thirty-two thousand dollars (\$32,000.00);
- b. The car loan on the 2016 Nissan Versa Vehicle Identification No. 3N1CE2CE2CP8HL366745 through Nissan Motor Acceptance Corporation Account Ending 0001 with the approximate balance of eight thousand, five hundred fifty-eight dollars and eighty-one cents (\$8,558.81);
- c. The mortgage through PennyMac Loan Services LLC Account Ending 3016 for the real property located at 10252 Gibson Isle Dr., Las Vegas, NV 89166 APN 126-13-522-012 with the approximate balance of two hundred eighty-two thousand, four hundred twenty-six dollars (\$282,426.00);
- d. Wells Fargo Visa Credit Card Account Ending 7939 with the approximate balance of one thousand dollars (\$1,000.00);
- e. American Express Credit Card Account Ending 53006 with the approximate balance of zero (\$0.00);
- f. Victoria's Secret Comenity Bank Credit Card Account Ending 4217 with the approximate balance of one hundred dollars (\$100.00); and
- g. Any other credit cards, loans, student loans, lines of credit, and medical debt in her name.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Husband will retain as his sole and separate debt and will hold Wife harmless therefrom:

- a. The car loan on the Chevrolet Trax Vehicle Identification No. 3GNCJLSB6KL3202 with GM Financial;
- b. Visa Credit Card in his name; and

1 c. Any other credit cards, loans, student loans, lines of credit,
2 and medical debt in his name.

3 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that this
4 Court retain jurisdiction over all of the community property and community debt
5 specified above to enforce the division of these assets and debts

6 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Wife
7 will keep her married name of “Brianna Barber.”

8 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the
9 following is pursuant to U.S. Treasury Department Regulations:

10 CIRCULAR 230 DISCLOSURE: To ensure compliance with recently-
11 enacted U.S. Treasury Department Regulations, counsel are now required to
12 advise their client that, unless otherwise expressly indicated, any federal tax
13 advice in this communication, including any attachments, is not intended or
14 written to be used, and cannot be used, by anyone for the purpose of avoiding
15 federal tax penalties that may be imposed by the federal government or for
16 promoting, marketing or recommending to another party any tax-related
17 matters addressed herein.

16 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that each
17 party shall submit the information required in NRS § 125B.055, NRS § 125.130,
18 and NRS § 125.230 on a separate form to the Court and to the Welfare Division of
19 the Department of Human Resources within ten (10) days from the date that this
20 Decree of Divorce is filed. Such information shall be maintained by the Clerk in a
21 confidential manner and not part of the public record. The parties shall update the
22 information filed with the Court and the Welfare Division of the Department of
23 Human Resources within ten (10) days should any of that information become
24 inaccurate.
25

26 **NOTICE IS HEREBY GIVEN** that the parties are subject to Nevada
27 Revised Statutes, Chapter 125C.0045(6), which states the following:

28 **PENALTY FOR VIOLATION OF ORDER:** THE ABDUCTION,
CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF

1 THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS
2 PROVIDED IN NRS § 193.130. NRS § 200.359 provides that every
3 person having a limited right of custody to a child or any parent having no
4 right of custody to the child who willfully detains, conceals or removes the
5 child from a parent, guardian or other person having lawful custody or a
6 right of visitation of the child in violation of an order of this court, or
7 removes the child from the jurisdiction of the court without the consent of
8 either the court or all persons who have the right to custody or visitation is
9 subject to being punished for a category D felony as provided in NRS §
10 193.130.

11 **NOTICE IS HEREBY GIVEN** that both parties are subject to Nevada
12 Revised Statutes, Chapter 125C.0045(7) and (8), which states that the State of
13 Nevada within the United States of America is the habitual residence of the minor
14 child herein.

15 **NOTICE IS HEREBY GIVEN** that both parties are Subject to Nevada
16 Revised Statutes, Chapter 125C.0045(7), which states that the terms of the Hague
17 Convention of October 25, 1990, adopted by the 14th Session of the Hague
18 Conference on Private International Law, apply if a parent abducts or wrongfully
19 retains a child in a foreign country.

20 **NOTICE IS HEREBY GIVEN** that the Court shall require a parent who
21 poses an imminent risk of wrongfully removing or concealing a child in a foreign
22 country to post a bond.

23 **NOTICE IS HEREBY GIVEN** that both parties are subject to Nevada
24 Revised Statutes, Chapter 125C.006, which provides as follows:

25 Consent required from noncustodial parent to relocate child when primary
26 physical custody established; petition for permission from court; attorney's fees and
27 costs.

- 28 1. If primary physical custody has been established pursuant to an
order, judgment or decree of a court and the custodial parent intends
to relocate his or her residence to a place outside of this State or to a
place within this State that is at such a distance that would

1 substantially impair the ability of the other parent to maintain a
2 meaningful relationship with the child, and the custodial parent
3 desires to take the child with him or her, the custodial parent shall,
4 before relocating:

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

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

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

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

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

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

17 **NOTICE IS HEREBY GIVEN** that both parties are subject to Nevada
18 Revised Statutes, Chapter 125C.0065, which provides as follows:

19 Consent required from non-relocating parent to relocate child when
20 joint physical custody established; petition for primary physical custody; attorney's
21 fee and costs.

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

1 (a) Attempt to obtain the written consent of the non-relocating
2 parent to relocate with the child; and

3 (b) If the non-relocating parent refuses to give that consent,
4 petition the court for primary physical custody for the purpose
5 of relocating.

6 2. The court may award reasonable attorney's fees and costs to the
7 relocating parent if the court finds that the non-relocating parent
8 refused to consent to the relocating parent's relocation with the
9 child:

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

11 (b) For the purpose of harassing the relocating parent.

12 3. A parent who relocates with a child pursuant to this section before
13 the court enters an order granting the parent primary physical
14 custody of the child and permission to relocate with the child is
15 subject to the provisions of NRS 200.359.

16 **NOTICE IS HEREBY GIVEN** that the parties are subject to the provisions
17 of Nevada Revised Statute, Chapter 125B.005(3).

18 **NOTICE IS HEREBY GIVEN** that the parties are hereby notified that
19 he/she is subject to the provisions of NRS 125B.070.

20 **NOTICE IS HEREBY GIVEN** that the parties are subject to Nevada
21 Revised Statutes, Chapter 125.450, which provides that the parties are also subject
22 to the provisions of Nevada Revised Statutes, Chapter 31A.020 to 31A.240,
23 inclusive, and Sections 2 and 3 of this Act, providing for the attachment of the
24 payor's wages and commissions in the event of his/her failure to make the child
25 support payments as stated herein above.

26 **NOTICE IS HEREBY GIVEN** that the parties are hereby notified of
27 Nevada Revised Statutes, Chapter 125B.145, which provides that child support shall
28

1 be reviewed at any time upon a showing of changed circumstances, or every three
2 (3) years.

3 **NOTICE IS HEREBY GIVEN** that this Court has subject matter jurisdiction
4 to determine custody in accordance with the Parental Kidnapping Prevention Act
5 (PKPA), 28 U.S.C. 1738A(c)(2)(A) and its corresponding Nevada Revised
6 Statute(s), and the Uniform Child Custody Jurisdiction and Enforcement Act
7 (UCCJEA) and its corresponding Nevada Revised Statute(s).

8 **NOTICE IS HEREBY GIVEN** pursuant to NRS § 125.450(2) and NRS §
9 31A that if child support is more than thirty (30) days delinquent, the District
10 Attorney's office may garnish either party's income if either party were to owe child
11 support to the other.

12 **NOTICE IS HEREBY GIVEN** that if you want to adjust the amount of child
13 support established in this order, you must file a motion to modify the order with or
14 submit a stipulation to the court. If a motion to modify the order is not filed or a
15 stipulation is not submitted, the child support obligation established in this order
16 will continue until such time as all children who are the subject of this order reach
17 18 years of age or, if the youngest child who is subject to this order is still in high
18 school when he or she reaches 18 years of age, when the child graduates from high
19 school or reaches 19 years of age, whichever comes first. Unless the parties agree
20 otherwise in a stipulation, any modification made pursuant to a motion to modify the
21 order will be effective as of the date the motion was filed.

22 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that as
23 Defendant has not contested this case, Plaintiff will bear her own attorney's fees and
24 costs.
25
26
27
28

1 **LASTLY, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED**
2 that the bonds of matrimony heretofore and now existing between Wife and
3 Husband be, and the same are, hereby wholly dissolved, and an absolute Decree of
4 Divorce is hereby granted to Husband, and each of the parties hereto is hereby
5 restored to the status of a single, unmarried person.

6
7 **THIS IS A FINAL DECREE.**

8 Dated this _____ day of December, 2020. Dated this 21st day of January, 2021

9
10 _____
11 THE HONORABLE BRYCE DUCKWORTH

12 *gk* (ND)

13 ROBINSON LAW GROUP

14 CAB 2DC 16A9 A4F5
15 Bryce C. Duckworth
16 District Court Judge

17 /s/ *Amber Robinson*
18 Amber Robinson, Esq.
19 Nevada Bar No. 10731
20 1771 E. Flamingo Road, Suite B-120
21 Las Vegas, NV 89119
22 Attorneys for Plaintiff
23
24
25
26
27
28

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Brianna Teal Barber, Plaintiff

CASE NO: D-20-609450-D

7 vs.

DEPT. NO. Department Q

8 Ronald Alan Barber, Jr.,
9 Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 1/21/2021

15 Amber Robinson

arobinson@familylawyerlasvegas.com

16 E-Filing & E-Service

efile@familylawyerlasvegas.com

17
18 If indicated below, a copy of the above mentioned filings were also served by mail
19 via United States Postal Service, postage prepaid, to the parties listed below at their last
known addresses on 1/22/2021

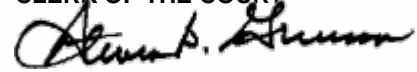
20 Amber Robinson

1771 E Flamingo RD STE B-120
Las Vegas, NV, 89119

22 Ronald Barber

unknown
Las Vegas, NV, 89166

23
24
25
26
27
28
BBJA000066



MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Brianna Barber
Plaintiff/Petitioner

v.
Ronald Alan Barber Jr.
Defendant/Respondent

Case No. D-20-609450-D

Dept. Q

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

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

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

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

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

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

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

The total filing fee for the motion/opposition I am filing with this form is:											
<input type="checkbox"/>	\$0	<input type="checkbox"/>	\$25	<input type="checkbox"/>	\$57	<input type="checkbox"/>	\$82	<input type="checkbox"/>	\$129	<input checked="" type="checkbox"/>	\$154

Party filing Motion/Opposition: Brianna Barber Date 2/18/2021

Signature of Party or Preparer /s/ Brianna Barber

COURT CODE: MOT

Your Name: Brianna Barber

Address: 10252 Gibson Isle Drive

Las Vegas, NV 89166

Telephone: 702 528 5598

Email Address: bbarber@lasvegasyymca.org

Self-Represented

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Brianna Barber

Plaintiff,

vs.

Ronald Alan Barber Jr.

Defendant.

CASE NO.: D-20-609450-D

DEPT: Q

Hearing Requested? (☒ *check one, the clerk will enter dates when you file*)

☒ Yes. Hearing Date: _____

Hearing Time: _____

☐ No. Chambers Decision: _____

MOTION FOR clerk of court to sign quick claim deed on behalf of defendant so plaintiff can refinance home
(provide a short title that sums up what you are asking the judge to order)

TO: Name of Opposing Party and Party's Attorney, if any, Ronald Alan Barber Jr.

If a hearing was requested above, the hearing on this motion will be held on the date and time above before the Eighth Judicial District Court - Family Division located at:

(clerk will check one)

- ☐ The Family Courts and Services Center, 601 N. Pecos Road Las Vegas, Nevada 89101.
- ☐ The Regional Justice Center, 200 Lewis Avenue Las Vegas, Nevada 89101.
- ☐ The Child Support Center of Southern Nevada, 1900 E. Flamingo Rd #100, LV NV 89119.

NOTICE: You may file a written response to this motion with the Clerk of the Court and provide the undersigned with a copy of your response within 14 days of receiving this motion. Failure to file a written response with the Clerk of Court within 14 days of your receipt may result in the requested relief being granted by the Court without a hearing prior to the scheduled hearing date.

Submitted By: /s/ Brianna Barber

☐ Plaintiff / ☐ Defendant

MOTION

(☒ *check one*)

- ☒ I tried to resolve this issue with the other party before filing this motion.
- ☐ I did not try to resolve this issue with the other party before filing this motion. Any attempt to resolve the issue would have been useless or impractical because (*explain why you did not try to resolve this issue directly with the other party before filing this motion*) I did send a letter with the document to his home via certified mail to try and get him to notarize it on his own. However, given that plaintiff has a protection order against the defendant due to a sexual assault against their minor child, not contact occurs between them. There is currently an open criminal investigation.

Financial Disclosure Form ("FDF") Certification.

(☒ *check one*)

- ☒ This motion does not have anything to do with money or financial relief.
- ☐ I understand that I must file my FDF within 3 days of filing this motion to support my request for financial relief. Failure to file a timely, complete, and accurate FDF may result in the court ruling against me and/or imposing sanctions.
- ☐ I filed a FDF in the last 6 months and have no material changes to report.

POINTS AND AUTHORITIES

LEGAL ARGUMENT. (*explain all relevant laws and legal authorities that support your motion. If you do not provide and explain the legal basis that supports each of your requests, your motion may be considered without merit and denied.*)

The mortgage company does not recognize a divorce decree as the formal document in which to refinance or sell a home post divorce. A notarized signature is required on the quick claim deed, from BOTH parties, relinquishing the title of the home to the awarded party. In this case, that is the plaintiff, Brianna Barber. Per the divorce decree, the refinance of the home must occur within 12 months of the divorce.

FACTS AND ARGUMENT (*explain all relevant facts the judge needs to know to make a decision*)

The court system ordered the previously shared marital home to Brianna Barber in the divorce.

The finance companies requires a notarized signature on the quick claim deed from both The plaintiff and the defendant in order to complete a refinance or home sale regardless of the circumstances.

The divorce occurred due to sexual assault of their minor child and therefore no communication occurs between plaintiff and defendant.

There is a protection order against the defendant that prohibits contact between the two parties.

There is an open an ongoing investigation by the district attorney with the trial scheduled for Spring of 2021.

(attach additional pages if more space is needed)

CONCLUSION (*explain what you want the judge to order*)

I respectfully ask the Court to grant me the following, including an award of attorney's fees if I am able to retain an attorney for this matter, and any other relief the Court finds appropriate.

1. The Clerk of Court to sign and notarize the Quick Claim Deed
2. _____
3. _____

DATED March 19, 2021.

Submitted By: (*your signature*) /s/ Brianna Barber

(*print your name*) Brianna Barber

DECLARATION IN SUPPORT OF MOTION

I declare, under penalty of perjury:

- a. I have read the foregoing motion, and the factual averments it contains are true and correct to the best of my knowledge, except as to those matters based on information and belief, and as to those matters, I believe them to be true. Those factual averments contained in the referenced filing are incorporated here as if set forth in full.
- b. Any Exhibit(s) in support of this Motion will be filed separately in an Exhibit Appendix.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

DATED March 19, 2021.

Submitted By: (your signature) /s/ Brianna Barber
(print your name) Brianna Barber

APN NO.: 126-13-522-012

RECORDING REQUESTED BY:

Equity Title of Nevada

WHEN RECORDED MAIL TO:

Brianna Barber
10252 Gibson Isle Drive
Las Vegas, NV

MAIL TAX STATEMENTS TO:

SAME AS ABOVE

Affix RPTT: 5

ESCROW NO.: 21-KMM-11442

GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH THAT:

Ronald A Barber and Brianna Barber husband and wife as joint tenants

for a valuable consideration, the receipt of which is hereby acknowledged, do hereby Grant, Bargain Sell and convey to

Brianna Barber, an unmarried woman

all that real property situated in the County of Clark, State of Nevada, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging to in anywise appertaining.

SUBJECT TO:

1. General and special taxes for the current fiscal year.
2. Covenants, conditions, restrictions, rights of way, easements and reservations of record.

BBJA000072

GRANTOR:

Ronald A Barber

Brianna Barber

**STATE OF NEVADA
COUNTY OF CLARK**

This instrument was acknowledged before me on this _____ day of
_____, 20____, by Brianna Barber.

Signature of notarial officer

My Commission Expires:

BBJA000073

EXHIBIT "A"

**STATE OF NEVADA
DECLARATION OF VALUE FORM**

1. Assessor Parcel Number(s)

a) 126-13-522-012

b)

c)

d)

2. Type of Property:

- | | |
|-----------------|--------------------|
| a) Vacant Land | b) Single Fam. Res |
| c) Condo/Twnhse | d) 2-4 Plex |
| e) Apt. Bldg | f) Comm'l/Ind'l |
| g) Agricultural | h) Mobile Home |
| Other _____ | |

FOR RECORDER'S OPTIONAL USE ONLY

Book: _____ Page: _____

Date of Recording: _____

Notes: _____

3. a) Total Value/Sales Price of Property \$ _____
b) Deed in Lieu of Foreclosure Only (value of property) (_____)
c) Transfer Tax Value: \$ _____
d) Real Property Transfer Tax Due \$ _____

4. If Exemption Claimed:

- a. Transfer Tax Exemption per NRS 375.090, Section 5

- b. Explain Reason for Exemption: Removing Spouse per divorce decree with out consideration

5. Partial Interest: Percentage being transferred: 100%

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature: _____ Capacity: _____

Signature: _____ Capacity: _____

SELLER (GRANTOR) INFORMATION
(REQUIRED)

BUYER (GRANTEE) INFORMATION
(REQUIRED)

Print Name:

Print Name: Brianna Barber

Address: _____

Address: _____

City: _____

City: _____

State: _____ Zip: _____

State: _____ Zip: _____

COMPANY/PERSON REQUESTING RECORDING (required if not seller or buyer)

Print Name: Equity Title of Nevada

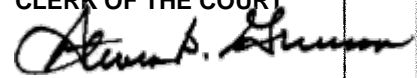
Escrow #: 21-KMM-11442

Address: 2475 Village View Drive, Suite 250

City, State & Zip: Henderson, NV 89074

AS A PUBLIC RECORD THIS FORM MAY BE RECORDED/MICROFILMED

BBJA000075



MTN
LISA M. SZYC, ESQ.
Nevada Bar No. 11726
THE LAW OFFICE OF
LISA M. SZYC, ESQ. P.C.
626 South Third Street
Las Vegas, Nevada 89101
Telephone: (702) 385-4994
Email: lmslawnv@gmail.com
Efile: sandsefile@gmail.com
Attorney for Defendant

DISTRICT COURT, FAMILY DIVISION

CLARK COUNTY, NEVADA

BRIANNA TEAL BARBER)	CASE NO. D-20-609450-D
)	DEPT. NO. Q
Plaintiff,)	
vs.)	
)	ORAL ARGUMENT REQUESTED
RONALD ALAN BARBER)	
Defendant.)	
)	
)	
)	
)	

**DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR CLERK OF
COURT TO SIGN QUICK [SIC] CLAIM DEED ON BEHALF OF DEFENDANT
SO PLAINTIFF CAN REFINANCE HOME AND DEFENDANT'S
COUNTERMOTION TO SET ASIDE DEFAULT DECREE OF DIVORCE TO
ADDRESS DIVISION OF MARITAL ASSETS AND DEBTS, TO MODIFY THE
CUSTODIAL ORDER TO PERMIT REUNIFICATION VISITATION WITH
DEFENDANT, TO MODIFY CHILD SUPPORT AND FOR OTHER RELATED
RELIEF**

1 COMES NOW, Defendant, RONALD ALAN BARBER (hereinafter "ALAN")
2 by and through his attorney of record, Lisa M. Szyk, Esq., of the Law Firm of Lisa M.
3 Szyk, Esq., P.C., who hereby files this Defendant's Opposition To Plaintiff's Motion
4 For Clerk Of Court To Sign Quick [Sic] Claim Deed On Behalf Of Defendant So
5 Plaintiff Can Refinance Home And Defendant's Countermotion To Set Aside Default
6 Decree Of Divorce To Address Division Of Marital Assets And Debts, To Modify The
7 Custodial Order To Permit Reunification Visitation With Defendant, To Modify Child
8 Support And For Other Related Relief and respectfully requests that this Court enter the
9 following orders:
10
11
12
13

- 14 1. Denying Plaintiff's Motion in its entirety; and
- 15 2. Setting Aside the Default Decree of Divorce;
- 16 3. That reallocates the division of marital assets and debts;
- 17 4. That Child Visitation is modified allowing Defendant reunification visitation;
- 18 5. Setting child support pursuant to NAC 425 *et. seq.*;
- 19 6. Any other related relief the Court deems warranted under these
- 20 circumstances.
- 21
- 22
- 23
- 24

25 ///

26 ///

27 ///

1 This Opposition and Counter Motion are based on the attached memorandum of
2 points and authorities, Declaration of Defendant, Ronald Alan Barber, the papers and
3 pleadings on file, and any oral argument this Court may wish to consider.
4

5 Dated this 16th day of April, 2021
6

7 THE LAW OFFICE OF
8 LISA M. SZYC, ESQ., P.C.

9 By 

10 LISA M. SZYC, ESQ.
11 Nevada Bar No. 11726
12 626 South Third Street
13 Las Vegas, NV 89101
14 Attorney for Defendant

15 POINTS AND AUTHORITIES

16 I. INTRODUCTION

17 In the instant case the parties were previously married on or about March 8, 2013
18 in Las Vegas, Nevada. The marriage resulted in the adoption and or issue of two minor
19 children to wit: Olivia Barber, born March 4, 2005; and Eowyn Barber born September
20 4, 2013.
21

22 A. Procedural History

23 In June of 2020, Plaintiff filed a Complaint for Divorce. It is believed that this
24 Complaint was filed in response to criminal allegations made against Alan by the
25 parties' oldest child Olivia. Alan was indicted by a grand jury in September of 2020.
26
27
28

1 An amended Complaint was filed on or about September 15, 2020. An acceptance of
2 service was filed on or about October 9, 2020. It appears that Alan's criminal attorney
3 accepted service of the amended summons and complaint. On or about October 28,
4 2020, a Three-Day Notice of Intent to Default was filed with the Court. It also appears
5 that this Three-Day Notice of Intent to Default was served on Alan's criminal attorney.¹
6
7

8 A default was filed on or about November 4, 2020. On or about November 6,
9 2020 a Notice of Hearing was filed. The Notice of Hearing indicates that electronic
10 service was issued to all parties registered for e-service through the court's filing
11 system. The notice also indicates that if any party is not registered the Movant must
12 serve the notice by traditional means.
13
14
15

16 Prior to undersigned counsel being retained, Alan has never been registered for
17 electronic service via the Court's filing system. There is no subsequent filing or any
18 certificate of service or mailing or any other document to indicate that Alan was served
19 via traditional means with the notice of motion. Further, there is no record, that Alan's
20 criminal attorney, who was not his attorney of record, but who was served with all prior
21
22
23

24
25
26 ¹ It should be noted by the Court that Alan's criminal attorney never made any appearance on
27 behalf of Alan in this case, yet it appears that all of the case related documents were served upon
28 criminal counsel's office. Prior to undersigned counsel, Alan has never had counsel of record or even
unbundled counsel appear on his behalf on any matter before this court. Service on Alan's criminal
counsel was inappropriate. To the best of Alan's recollection, criminal counsel was not authorized or
retained to accept service or otherwise act on Alan's behalf in this matter.

1 documents was served with the Notice of Hearing. Alan had no notice to appear at the
2 hearing.
3

4 It should be noted that there is no certificate of service on file to indicate that
5 Alan was ever served with any document in this case, including the underlying Pro Per
6 Motion filed by Plaintiff. There is also no corresponding proof that the notice of
7 hearing has been served on Alan for the April 27, 2021 hearing. This motion and
8 hearing were discovered by undersigned counsel in preparation of filing a Motion to Set
9 Aside Default.
10
11
12

13 In December of 2020 a hearing was held, in which Alan (or his criminal
14 attorney) received no notice. At that hearing, an uncontested proof up was conducted.
15 As a result, a Decree of Divorce was filed on January 21, 2021. A Notice of Entry of
16 Decree was filed on February 23, 2021 and served on Alan's criminal counsel.
17
18

19 On March 4, 2021, Alan met with undersigned counsel and retained her to file a
20 Motion to Set Aside the Decree and other various relief. Through no fault of his own,
21 but through a serious of unfortunate events, fully discussed in Counsel's Declaration,
22 there was a delay in filing the motion. Thus, the instant opposition and countermotion is
23 now being filed.
24
25

26 ///

27 ///

1 **B. Alan Was Not Represented by His Criminal Attorney In the Instant Matter**

2 As can be gleaned from the procedural history, following the filing of the
3 Amended Complaint and Summons, no document or item in this case was ever directly
4 served on Alan. Rather, it appears that documents were served on his criminal attorney.
5 Upon his criminal counsel's receipt of the Amended Complaint, Alan recalls having a
6 brief discussion with his counsel. Without waiving or breaching attorney client
7 privilege Alan's take away from that conversation was that his counsel did not practice
8 family law. There was no further discussion regarding the instant case.
9

10 Alan does not ever recall being informed by his criminal counsel or anyone else
11 for that matter that there were potential case ending consequences to not responding to
12 or making any appearance in the instant case. Further, Alan did not receive any legal
13 advice from his criminal counsel in relation to this case. He also did not directly receive
14 notice of any of the filings. Service on his criminal counsel, who never appeared in this
15 case as his attorney of record was not appropriate. Alan should not be penalized
16 because Plaintiff failed to ensure proper service was made directly to the named party
17 and Plaintiff should not benefit from her failure to properly place Alan on notice to
18 these proceedings.
19

20 ///

21 ///

1 **C. Plaintiff's Underlying Motion Should Be Denied In It's Entirety**

2 Despite the fact that Plaintiff failed to serve the underlying motion and the
3 underlying Notice of Motion on Alan, he has learned of both through undersigned
4 counsel. The relief Plaintiff is seeking is directly related to the orders issued at the
5 uncontested prove up. Plaintiff's Motion should be denied until Alan's countermotion
6 to set aside the default is heard and decided upon by this court.
7

8
9 Alan did not receive proper notice of the Default and/or the hearing on the
10 Default and/or any other filing for that matter in the instant case. Thus, he did not know
11 he needed to attend. Plaintiff should not now benefit based on her intentional failure to
12 notice Alan and give him an opportunity to be heard.
13
14

15
16 A Default Decree was entered in which the division of marital assets were made,
17 child custody was determined, and child support was ordered. All of these
18 determinations were made without any participation by Alan. Serving documents on
19 Alan's criminal counsel who has never made an appearance in this case was
20 inappropriate.
21
22

23 ///

24 ///

25 ///

26 ///

1 **II. LEGAL ARGUMENT**

2 **A. NEVADA LAW REQUIRES THE DEFAULT DECREE BE VACATED**
3 **AS TO THE DIVISION OF MARITAL ASSETS, CHILD CUSTODY**
4 **AND CHILD SUPPORT**

5 There is an overwhelming public policy that matters be heard on their merits.

6
7 There is a requirement that domestic matters related to the division of marital assets,
8 child custody and child support not be determined by default.

9
10 In *Blanco v. Blanco*, the court held that the equal disposition of community
11 property may not be dispensed with through default. *Blanco v. Blanco*, 129 Nev. 723,
12 732, 311 P.3d 1170, 1175 (Nev. 2013). Our Supreme Court has recognized, statutory
13 law and procedural due process require the district court to make factual determinations
14 in accordance with the applicable law to support the disposition of property and the
15 resolution of these issues may require the court to hold an evidentiary hearing. *See id.*
16 *see also Young v. Johnny Riberio Bldg, Inc.* 106 Nev. 88, 94, 787 P.2d 777, 781 (1990)
17 (requiring a nonoffending party to establish a *prima facie* case in order to obtain a
18 default judgment).

19
20 Further, to the extent that the Default Decree addressed issued pertaining to child
21 custody and child support, the resolution of these issues by default is impermissible, as
22 they must be decided on their merits, rather than through a default, by “addressing the
23 child’s best interest and other relevant considerations. *Blanco v. Blanco*, 129 Nev.

1 7263, 730-31, 911 p.3d 1170, 1174-75 (2013). When determining child custody, the
2 court must set forth specific findings as to all of the statutory best interest factors as
3 well as any other pertinent factors. *Lewis v. Lewis* 373 P.3d 878, 882 (Nev. 2016). The
4 best interest factors are contained in NRS 125C.0035(4).
5

6
7 **The Marital Property Division Should Be Set Aside and Equitable**
8 **Redistributed**

9 In the instant case, the Default Decree was entered. There are no findings of facts
10 related to the division of marital assets. There is no legal basis and/ or equitable reason
11 in which Plaintiff should have been awarded the entire net proceeds of the marital
12 residence. It was not determined that the residence was her sole and separate property.
13 NRS 125.150 sets forth the factors for adjudicating property rights. The court can
14 consider other factors not enumerated that it deems relevant in making a just and
15 equitable disposition of that property. NRS 125.150(2)(c)
16
17
18

19
20 **Plaintiff's Underlying Motion Regarding the Quit Claim Deed Should be**
21 **Denied**

22 For the arguments set forth herein with respect to the need to set aside the
23 Default Decree, the division of property should also be set aside to be equitably
24 redistributed. Based on the need to set aside and redistribute, Plaintiff's underlying
25 motion is moot.
26
27
28

1 **The Provision Regarding Child Custody Should Be Redetermined Based on**
2 **the Best Interest Factors**

3
4 The paramount consideration in determining child custody, is of course, the best
5 interest of the children. NRS 125C.0035; *See Culbertson v. Culbertson*, 91 Nev. 230,
6 533 P.2d 768 (1975); *See also, Sims v. Sims*, 109 Nev. 1146, 865 P.2d 238 (Nev.
7 1993). District courts have broad discretion in child custody matters. *Ellis v. Carucci*,
8 123 Nev. 145, 149, 161 P.3d 241-42 (2007). This Court has the specific authority to
9 make custody determinations during the pendency of any case. NRS 125C.0045(1)(a).
10 In doing so, this Court must consider the best interest of the children when reaching
11 such decisions.
12

13
14 In determining custodial arrangements which suit the children's best interests,
15 the legislature has promulgated a series of factors to be considered set forth expressly in
16 NRS 125C.0035(4) which include, but are not limited to:
17

- 18
19 (a) The wishes of the child if the child is of sufficient age and capacity to
20 form an intelligent preference as to his or her physical custody.
21 (b) Any nomination of a guardian for the child by a parent.
22 (c) Which parent is more likely to allow the child to have frequent
23 associations and continuing relationship with the noncustodial parent.
24 (d) The level of conflict between the parents.
25 (e) The ability of the parents to cooperate to meet the needs of the child.
26 (f) The mental and physical health of the parents.
27 (g) The physical, developmental, and emotional needs of the child.
28 (h) The nature of the relationship of the child with each parent.
29 (i) The ability of the child to maintain a relationship with any sibling.

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

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

6 The court must make determinations and specific findings relevant to the
7 determination of custody for the minor children. Alan recognizes that in lieu of the
8 pending criminal case, and the extension of the TPO any custodial or visitation
9 permitted may include a supervision component and/or a reunification component. The
10 paramount consideration for the court in making these determinations is the best
11 interest of the children.
12
13

14 Alan is prepared to comply with any order that maybe issued by this court. There
15 have been no allegations or concerns that he has violated any order with respect to the
16 children to date.
17
18

19 **The Provision Regarding Child Support Should Be Redetermined Based on**
20 **the Best Interest Factors**

21 Effective February 1, 2020, NRS 125C.080 provides that “a Court of this state
22 shall apply the guidelines established by the Administrator of the Division of Welfare
23 and Supportive Services of the Department of Health and Human Services pursuant to
24 NRS 425.620 to (1) determine the required support in any case involving the support of
25 children; or (2) change the amount of the required support of children.” In this regard,
26
27
28

1 Nevada's new child support guidelines and regulations are now in effect as set forth in
2 Chapter 425 of Nevada Administrative Code.
3


4 The parties have not reached a stipulation with regard to child support obligation
5 in the instant case NAC 425.115 applies. To determine the appropriate calculation,
6 NAC 425.140 applies.
7

8
9 **III. CONCLUSION**

10 For the foregoing reasons, Defendant, Ronald Alan Barber, respectfully requests
11 that this Court enter the following orders:
12

- 13 1. Denying Plaintiff's Motion in its entirety; and
- 14 2. Setting Aside the Default Decree of Divorce;
- 15 3. That reallocates the division of marital assets and debts;
- 16 4. That Child Visitation is modified allowing Defendant reunification visitation;
- 17 5. Setting child support pursuant to NAC 425 *et. seq.*;
- 18 6. Any other related relief the Court deems warranted under these
19 circumstances.
20
21
22

23 Dated this 16th day of April, 2021.
24

25 
26 LISA M. SZYC, ESQ.
27 Nevada Bar No. 11726
28 626 South Third Street
Las Vegas, Nevada 89101
Attorney for Defendant

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follows:

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

/s/ Alan Barber
ALAN BARBER

Pursuant to N.R.C.P 5(b), I hereby certify that I am an employee of THE LAW OFFICE OF LISA M. SZYC, ESQ. PC. and that on the 16th day of April, 2021, I served via

_____ Mailed a true and correct copy, postage prepaid in Las Vegas, Clark
County

a true and correct copy of the foregoing DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR CLERK OF COURT TO SIGN QUICK [sic] CLAIM DEED ON BEHALF OF DEFENDANT SO PLAINTIFF CAN REFINANCE HOME AND DEFENDANT'S COUNTERMOTION TO SET ASIDE DEFAULT DECREE OF DIVORCE TO ADDRESS DIVISION OF MARITAL ASSETS AND DEBTS, TO MODIFY THE CUSTODIAL ORDER TO PERMIT REUNIFICATION VISITATION WITH DEFENDANT, TO MODIFY CHILD SUPPORT AND FOR OTHER RELATED RELIEF in the above matter addresses as follows:



Employee The Law Office
of Lisa M. Szyk, Esq.

Exhibit 1

BBJA000090

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follows:

1. That I am duly licensed to practice law in the State of Nevada.
2. That I have been retained to represent Defendant in the above captioned matter.
3. That I have personal knowledge of the facts stated herein, unless otherwise stated on information and belief, and those facts I believe to be true.
4. That Mr. Barber retained me to represent him in the above matter in March of 2021.
5. That based on my trial and motion schedule at the time of the retainer, I indicated there may be a brief delay in my ability to file his motion to set aside.
6. That any delay in filing the underlying motion is a result of my schedule and not a delay on the part of Mr. Barber.

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

Dated this 14 day of April, 2021

021
LISA M. SZYC, ESQ.

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Brianna Teal Barber

Plaintiff/Petitioner

v.

Ronald Alan Barber

Defendant/Respondent

Case No. D-20-609450-D

Dept. Q

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

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

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

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

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

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

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

The total filing fee for the motion/opposition I am filing with this form is:											
<input type="checkbox"/>	\$0	<input checked="" type="checkbox"/>	\$25	<input type="checkbox"/>	\$57	<input type="checkbox"/>	\$82	<input type="checkbox"/>	\$129	<input type="checkbox"/>	\$154

Party filing Motion/Opposition:

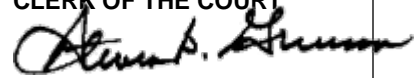
A Alan Barber

Date 4/14/21

Signature of Party or Preparer /s/

[Signature]

BBJA000092



ROPP

Robert Cerceo, Esq.
Nevada Bar No. 5247
Jason Naimi, Esq.
Nevada Bar No. 9441
Carrie J. Primas, Esq.
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NAIMI & CERCEO
efile@naimicerceo.com
10000 W. Charleston Blvd., Suite 110
Las Vegas, Nevada 89135
Telephone: 702.901.4800
Facsimile: 702.463.0905
Attorneys for Plaintiff

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

BRIANNA TEAL BARBER,

Plaintiff,

vs.

RONALD ALAN BARBER,

Defendant.

CASE NO: D-20-609450-D

DEPT. NO.: Q

Date of Hearing: May 25, 2021

Time of Hearing: 10:00AM

**PLAINTIFF'S REPLY TO DEFENDANT'S OPPOSITION TO PLAINTIFF'S
MOTION FOR CLERK OF COURT TO SIGN QUITCLAIM DEED ON
BEHALF OF DEFENDANT SO PLAINTIFF CAN REFINANCE HOME AND
DEFENDANT'S COUNTERMOTION TO SET ASIDE DEFAULT DECREE
OF DIVORCE TO ADDRESS DIVISION OF MARITAL ASSETS AND
DEBTS, TO MODIFY THE CUSTODIAL ORDER TO PERMIT
REUNIFICATION VISITATION WITH DEFENDANT, TO MODIFY CHILD
SUPPORT AND FOR OTHER RELATED RELIEF**

COMES NOW Plaintiff, BRIANNA TEAL BARBER, by and through her
respective counsel of record JASON NAIMI, ESQ., and CARRIE J. PRIMAS, ESQ.,
of NAIMI & CERCEO, and hereby submits her *Reply to Defendant's Opposition to
Plaintiff's Motion for Clerk of Court to Sign Quitclaim Deed on Behalf of Defendant so
Plaintiff can Refinance Home and Defendant's Countermotion to Set Aside Default
Decree of Divorce to Address Division of Marital Assets and Debts, to Modify the
Custodial Order to Permit Reunification Visitation with Defendant, to Modify Child
Support and for other Related Relief.*

1 Plaintiff respectfully moves this Court to enter the following:

- 2 1. An Order denying Defendant's Countermotion in its entirety;
3 2. An Order granting Plaintiff her requests in her Motion; and
4 3. For other relief deemed just and equitable by the court under the
5 circumstances.

6 This Reply and Opposition is made and based upon the attached Points and
7 Authorities, the Affidavit and exhibits attached hereto, all papers and pleadings on file
8 herein, and any oral argument adduced at the hearing of this matter.

9 **MEMORANDUM OF POINTS AND AUTHORITIES**

10 **I. FACTUAL BACKGROUND AND ALLEGATIONS**

11 As previously discussed, Plaintiff, BRIANNA TEAL BARBER (hereinafter
12 "Brianna"), and Defendant, RONALD ALAN BARBER (hereinafter "Alan"), were
13 previously married on March 8, 2013 in Las Vegas, Nevada, and a Decree of Divorce
14 was filed in this matter on January 21, 2021, dissolving the marriage. There are two (2)
15 minor children at issue of this marriage, to wit: OLIVIA BARBER, born on March 4,
16 2005 and EOWYN BARBER, born on September 4, 2013.

17
18 A. Default Decree

19 Alan's entire Countermotion to Set Aside the Default Decree of Divorce is
20 predicated on the allegation that Alan was not properly served with the Complaint for
21 Divorce and related Notice of Intent to Take Default, as his criminal attorney was served
22 in his stead. However, Brianna took all steps possible to properly serve Alan in this
23 matter; it is through no fault of hers that Alan allegedly did not receive the documents
24 in question.

25 Following the filing of the Complaint for Divorce, the office of Brianna's prior
26 counsel, Amber Robinson, contacted the office of Ryan Helmick, Alan's criminal
27 attorney, requesting Alan's address, as Brianna knew he was not at his former address
28 but did not know where he was living. Numerous voicemails were left, and on or

1 around October 7, 2020, Ms. Robinson's assistant, Tammy, spoke to Mr. Helmick's
2 assistant. Tammy asked whether Mr. Helmick wanted to provide Alan's new address or
3 whether Mr. Helmick would accept service on behalf of Alan. Tammy was informed
4 that Mr. Helmick would accept service on behalf of Alan, at which time Ms. Robinson's
5 office sent the Complaint for Divorce, Summons, and JPI, for which Mr. Helmick
6 accepted service¹. Mr. Helmick's office was subsequently served with the Notice of
7 Intent to Take Default². As no Answer to the Complaint was filed, Brianna was not
8 required to serve him with the Notice of Hearing on Default.

9
10 B. Custody

11 It is true that Brianna filed her Complaint for Divorce in response to Alan
12 sexually assaulting the parties' daughter, Olivia. In or around June of 2020, Olivia
13 confided in Brianna that Alan had been sexually assaulting her for years. Brianna
14 immediately called the police, which led to both of the parties' children, as well as one
15 of Brianna's friends who she had disclosed to, being interviewed by CPS. Alan was
16 ultimately arrested, and is currently pending trial in February of 2022. According to
17 Olivia, the reason she finally told Brianna about the abuse was because she was because
18 she was scared that the same thing would start happening to the parties' younger
19 daughter, Eowyn. Following making the report to the police, Brianna also applied for
20 a Temporary Protection Order on behalf of herself and the minor children, which was
21 granted and has been extended to June 17, 2022³.

22 Olivia has been in therapy since right after she disclosed Alan's abuse of her. In
23 addition to individual therapy, Olivia is an active part of rape crisis group therapy. She
24 has been diagnosed with PTSD, and was actively self-harming until as recently as a month
25

26
27 ¹ A copy of the Acceptance of Service is attached as **Exhibit "1"** in the Exhibit Appendix to
Plaintiff's Reply and is hereby fully incorporated herein by reference.

28 ² An affidavit from Ms. Robinson's employee is available on request.

³ A copy of the Temporary Protection Order is attached as **Exhibit "2"** in the Exhibits in Support of
Plaintiff's Motion and is hereby fully incorporated herein by reference.

ago. She has worked very hard on her recovery, and currently maintains straight A's and is eligible for college scholarships due to her swimming prowess. The parties' younger daughter, Eowyn, has struggled with the sudden changes in her life, and has just recently begun to become comfortable in her routine again.

II. REPLY TO OPPOSITION & OPPOSITION TO COUNTERMOTION

A. The Decree of Divorce Should Not Be Set Aside

Through his Opposition, Alan insists that the Decree of Divorce should be "vacated," but cites no authority supporting his position. Pursuant to NRCP 60(b), a party may be granted relief from a final judgment, order, or proceeding, only upon proof of one of the following: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence; (3) fraud; (4) void judgment; or (5) that the judgment has been satisfied. Not only has Alan not alleged any of these reasons, but none of these reasons apply.

As noted above, Alan's criminal attorney agreed to accept service of the Complaint, Summons, and JPI, as Brianna did not have a current address. Alan argues that his criminal attorney was not his attorney of record in the divorce matter, but this argument is nonsensical, as prior to the Complaint being served Alan would not have had counsel of record in the case. It is well established that an attorney who represents a party may accept service on behalf of that party, and it is standard practice to inquire whether an attorney who has previously represented a party, or currently represents a party in another matter, will accept service on behalf of that party. Instead of providing Brianna with an address at which to serve Alan, Alan's attorney agreed to accept service on his behalf.

The Nevada Supreme Court held, in *Foster v. Lewis*, 78 Nev. 330, 372 P.2d 679 (1962), that service on a party is void where there is uncontradicted evidence that the person served was not authorized by the defendant to receive service of process. Contrarily, if the person served is authorized to accept service, service is valid. Further, attorneys are authorized to act on behalf of their clients. Here, Mr. Helmick not only

1 represented that he was authorized to accept service on behalf of Alan, but he
2 specifically signed and returned to Ms. Robinson an Acceptance of Service of the
3 Complaint, Summons, and JPI. As such, service on Alan through Mr. Helmick was
4 proper.

5 Alan alleges ignorance of the divorce proceedings, while simultaneously
6 admitting that he was aware of the Amended Complaint for Divorce. Specifically, in
7 his Opposition and Countermotion, Alan states that, “upon his criminal counsel’s
8 receipt of the Amended Complaint, Alan recalls having a brief discussion with his
9 counsel...Alan’s take away from that conversation was that his counsel did not practice
10 family law.” At that point, Alan had actual service of the Complaint, by way of his
11 attorney accepting service, and constructive service of the Complaint, by way of his
12 attorney providing it to him and discussing it at least to the extent that he notified Alan
13 that he could not represent him in the divorce. Alan then made the choice to ignore the
14 divorce proceedings, and is now returning to this Court requesting a second bite at the
15 apple.

16 Alan cites *Blanco v. Blanco* for the proposition that the disposition of property
17 may not be dispensed of through default. *Blanco* is distinguishable from the instant
18 case, however, as *Blanco* specifically speaks to default as a discovery sanction –the
19 decision is predicated on the Court’s statement that “we must decide the propriety of
20 such case-concluding discovery sanctions in divorce proceedings.” See *Blanco v.*
21 *Blanco* at 723. That Court certainly did not intend for this holding to extend to a party
22 who chose to sleep on his rights, allowing such a party to return to Court at their leisure
23 and ask the Court to reconsider the previously-ordered division of property and debt
24 simply because they did not want to participate previously.

25 As Alan was properly served and had actual notice of the Complaint for Divorce,
26 and because none of the provisions of NRCP 60(b) have been cited nor do they apply,
27 Alan’s request to Set Aside the Decree of Divorce should be denied.
28

1 B. The Current Custody Order Is In the Best Interest of the Minor Children

2 Through his Countermotion, Alan requests that the Court redetermine custody
3 based on the best interest factors, but does not make a specific request regarding
4 custody. It is unclear that Alan is even asking this Court to do. The children have worked
5 very hard over the last eleven (11) months to recover from the trauma of Alan's abuse
6 and the aftermath of the discovery, and it would be extremely traumatic and confusing
7 for the minor children to be forced into contact with Alan at this point. As noted above,
8 the extended TPO specifically names the minor children, and a there is a pending
9 criminal case related to Alan's sexual abuse of one of the minor children. The Court
10 previously deemed the danger to the minor children to be so severe that the TPO was
11 granted for **two years**, which is extremely rare and a remedy given only in extraordinary
12 cases. It is not in the best interest of the minor children for Alan to have contact with
13 the children at this time, given the existence of the TPO and the pending criminal action
14 through which Alan, if found guilty, will likely be ordered to stay away from the minor
15 children.

16 **III.CONCLUSION**

17 Based upon the foregoing, Plaintiff requests the Court enter the following:

- 18 1. An Order denying Defendant's Countermotion in its entirety;
19 2. An Order granting Plaintiff her requests in her Motion; and
20 3. For other relief deemed just and equitable by the court under the
21 circumstances.
22

23 DATED this 20th day of May, 2021.

24 NAIMI & CERCEO

25 /s/ Carrie J. Primas

26 JASON NAIMI, ESQ.

27 Nevada Bar No. 9441

CARRIE J. PRIMAS, ESQ.

28 Nevada Bar No. 12071

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of NAIMI & CERCEO, and that on this 20th day of May, 2021, I served a copy of ***Reply to Defendant's Opposition to Plaintiff's Motion for Clerk of Court to Sign Quitclaim Deed on Behalf of Defendant so Plaintiff can Refinance Home and Defendant's Countermotion to Set Aside Default Decree of Divorce to Address Division of Marital Assets and Debts, to Modify the Custodial Order to Permit Reunification Visitation with Defendant, to Modify Child Support and for other Related Relief*** as follows:

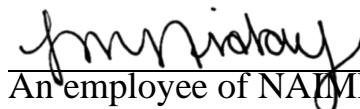
☒ pursuant to EDCR 8.05(a), EDCR 8.05 (f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "in the Administrative Matter of Mandatory Electronic Service in Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system; and/or

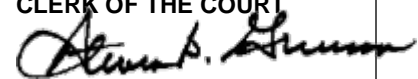
☐ pursuant to EDCR 8.05(a) and NRCP 5(b)(2)(D), because the individual listed is not registered with the Court's **mandatory** e-service system, via electronic mail or facsimile; and/or

☐ by placing same to be depositing for mailing in the United States Mail, in a sealed envelope upon which first class mail postage was prepaid in Las Vegas, Nevada;

To the individual(s) listed below at the address, email address and/ facsimile number indicated below:

Lisa M. Szyk: sandsefile@gmail.com


An employee of NAIMI & CERCEO



EXHS

Robert Cerceo, Esq.
Nevada Bar No. 5247
Jason Naimi, Esq.
Nevada Bar No. 9441
Carrie J. Primas, Esq.
Nevada Bar No. 12071
NAIMI & CERCEO
efile@naimicerceo.com
10000 W. Charleston Blvd., Suite 110
Las Vegas, Nevada 89135
Telephone: 702.901.4800
Facsimile: 702.463.0905
Attorneys for Plaintiff

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

BRIANNA TEAL BARBER,

Plaintiff,

vs.

RONALD ALAN BARBER,

Defendant.

CASE NO: D-20-609450-D

DEPT. NO.: Q

Date of Hearing: May 25, 2021

Time of Hearing: 10:00AM

**EXHIBIT APPENDIX TO PLAINTIFF'S REPLY TO DEFENDANT'S
OPPOSITION TO PLAINTIFF'S MOTION FOR CLERK OF COURT TO
SIGN QUITCLAIM DEED ON BEHALF OF DEFENDANT SO PLAINTIFF
CAN REFINANCE HOME AND DEFENDANT'S COUNTERMOTION TO
SET ASIDE DEFAULT DECREE OF DIVORCE TO ADDRESS DIVISION OF
MARITAL ASSETS AND DEBTS, TO MODIFY THE CUSTODIAL ORDER
TO PERMIT REUNIFICATION VISITATION WITH DEFENDANT, TO
MODIFY CHILD SUPPORT AND FOR OTHER RELATED RELIEF**

COMES NOW, Plaintiff, BRIANNA TEAL BARBER ("Brianna"), by and through her counsel of record, JASON NAIMI, ESQ. and CARRIE J. PRIMAS, ESQ. of Naimi & Cerceo, Ltd., and hereby submits this *Exhibit Appendix to Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion for Clerk of Court to Sign Quitclaim Deed on Behalf of Defendant so Plaintiff can Refinance Home and Defendant's Countermotion to Set Aside Default Decree of Divorce to Address Division of Marital Assets and Debts, to Modify the Custodial Order to Permit*

Reunification Visitation with Defendant, to Modify Child Support and for other Related Relief.

<u>Exhibit 1</u>	Acceptance of Service	PLTF0001
<u>Exhibit 2</u>	Temporary Protection Order	PLTF0002 – PLTF0007

DATED this 20th day of May, 2021.

Submitted by:

NAIMI & CERCEO

By: /s/ Carrie J. Primas
CARRIE J. PRIMAS, ESQ.
Nevada Bar No. 12071
Attorney for Plaintiff

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of NAIMI & CERCEO, and that on this 20th day of May, 2021, I served a copy of the foregoing *Exhibit Appendix to Reply to Defendant's Opposition to Plaintiff's Motion for Clerk of Court to Sign Quitclaim Deed on Behalf of Defendant so Plaintiff can Refinance Home and Defendant's Countermotion to Set Aside Default Decree of Divorce to Address Division of Marital Assets and Debts, to Modify the Custodial Order to Permit Reunification Visitation with Defendant, to Modify Child Support and for other Related Relief* as follows:

☒ pursuant to EDCR 8.05(a), EDCR 8.05 (f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "in the Administrative Matter of Mandatory Electronic Service in Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court' electronic filing system; and/or

☐ pursuant to EDCR 8.05(a) and NRCP 5(b)(2)(D), because the individual listed is not registered with the Court's **mandatory** e-service system, via electronic mail or facsimile; and/or

☐ by placing same to be depositing for mailing in the United States Mail, in a sealed envelope upon which first class mail postage was prepaid in Las Vegas, Nevada;

To the individual(s) listed below at the address, email address and/ facsimile number indicated below:

Lisa M. Szyc: sandsefile@gmail.com

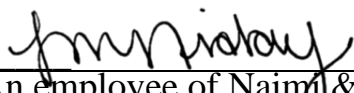
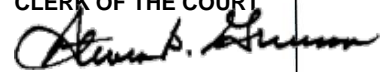

An employee of Naimi & Cerceo

EXHIBIT 1



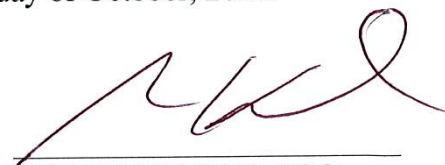
1 **ACSR**
2 Amber Robinson, Esq.
3 Nevada Bar No. 10731
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7 **DISTRICT COURT**
8 **FAMILY DIVISION**
9 **CLARK COUNTY, NEVADA**

10 BRIANNA BARBER,)
11) Case No.: D-20-609450-D
12 Plaintiff,) Dept. No.: Q
13 v.)
14 RONALD ALAN BARBER, JR.,)
15)
16 Defendant.)

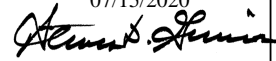
15 **ACCEPTANCE OF SERVICE**

17 RYAN HELMICK, ESQ. of THE DEFENDERS hereby Accepts Service
18 of the Amended Complaint for Divorce, Joint Preliminary Injunction and
19 Amended Summons in the above-captioned matter on behalf of the Defendant,
20 RONALD ALAN BARBER JR. on this 7th day of October, 2020.



24 RYAN HELMICK, ESQ.
25 THE DEFENDERS
26 Nevada Bar No. 12769
27 Or an employee thereof,
28 830 S. Fourth St. #100
Las Vegas, NV 89101

EXHIBIT 2


CLERK OF THE COURT

**IN THE EIGHTH JUDICIAL DISTRICT COURT, FAMILY DIVISION
COUNTY OF CLARK, STATE OF NEVADA**

Brianna Barber, Applicant, on behalf of Olivia
Barber and Eowyn Barber
vs
Ronald Barber, Adverse Party

**EXTENDED ORDER FOR PROTECTION
AGAINST DOMESTIC VIOLENCE**

Case No.: T-20-206227-T

Dept. No.: Q

Date Issued: 7/15/2020

Date Expires: 6/17/2022

VIOLATION OF THIS ORDER IS A CRIME

YOU, THE ADVERSE PARTY, ARE NOTIFIED THAT YOU CAN BE ARRESTED even if the person who obtained this Order invites or allows you to contact him or her. You have the sole responsibility to avoid or refrain from violating the terms of this Order. Only the Court can change this Order upon written application.

YOU ARE FURTHER NOTIFIED THAT IF YOU ARE ARRESTED FOR VIOLATING THIS ORDER, you will not be admitted to bail sooner than 12 hours after your arrest if: (1) the arresting officer determines that the violation is accompanied by a direct or indirect threat of harm; or (2) you have previously violated a temporary or extended order for protection of the type for which you have been arrested; or (3) at the time of the violation or within 2 hours after the violation, you have: (a) a concentration of alcohol of 0.08 or more in your blood or breath; or (b) an amount of a prohibited substance in your blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379.

YOU ARE FURTHER NOTIFIED that child stealing/kidnapping is a felony.

THIS ORDER is valid and enforceable throughout the State of Nevada. This Order meets all Full Faith and Credit provisions of the Violence Against Women Act, and is enforceable in all 50 states, the District of Columbia, U.S. Territories, and Indian Nations. All other courts and law enforcement agencies with jurisdiction within the United States and all Indian Nations shall give full faith and credit to this Order pursuant to 18 U.S.C. § 2265.

Possession, shipment, transportation, or receipt of a firearm or ammunition while this Order is in effect may constitute a felony under federal law 18 USC § 922(g)(8), and is punishable by a fine of up to \$250,000 and/or a prison sentence of up to ten (10) years. Further, if prohibited by this Order, possession, custody, or control of a firearm while this Order is in effect is a category B felony under NRS Chapter 33.

1 The Court having considered the filings, testimony, and any evidence presented at hearing, and the
2 Court having found that the above-named Adverse Party received actual notice of hearing at which such
3 person had an opportunity to participate, and the Adverse Party ☐ was present ☒ was not present ☐ was
4 represented by counsel, N/A, and the above-named Applicant ☒ was present ☐ was
5 not present ☐ was represented by counsel, N/A, and the Court having jurisdiction over the
6 parties and this matter pursuant to NRS 33.010, et seq., and it appearing to the satisfaction of the Court
7 from specific facts shown that an act of domestic violence has occurred, there exists a threat of domestic
8 violence, and/or you represent a credible threat to the physical safety of the Applicant or the minor
9 child(ren), the Court enters this Order, and as a result:

10 **YOU ARE PROHIBITED, either directly or through an agent, from threatening, physically**
11 **injuring, or harassing the Applicant and/or the minor child(ren). YOU ARE FURTHER**
12 **PROHIBITED from selling, damaging, destroying, giving away, or otherwise disposing of, or**
13 **tampering with, any property owned by the Applicant, or in which the Applicant has an interest;**

14 **YOU ARE PROHIBITED from any contact whatsoever with the Applicant, but not**
15 **limited to, in person, by telephone, through the mail, through electronic mail (e-mail), facsimile, or**
16 **through another person.**

17 1. ☒ **YOU ARE EXCLUDED AND ORDERED** to stay at least 100 yards away from
18 Applicant's residence located in ☒ Clark, County, Nevada, ☐ **CONFIDENTIAL**, or at:

19 ☒ 10252 Gibson Isle Dr., Las Vegas,
20 (Street) (City)

21 or any other place that Applicant may reside. **YOU** shall not interfere with Applicant's possession and
22 use of the residence, including utilities, phones, leases, and other related residential services;

23 2. ☒ The Court, having jurisdiction under and meeting the requirements of Chapter 125A of
24 the Nevada Revised Statutes (UCCJEA), grants to the Applicant temporary custody of the following
25 minor child(ren) of the parties: Olivia Barber and Eowyn Barber

26 **YOU ARE PROHIBITED** from interfering with the Applicant's custody of the minor child(ren)
27 named in this paragraph. It is in the best interest of the child(ren) that no negative, insulting, or
28 disparaging comments be made by one party against the other party in the presence of the minor
child(ren).

1
2
3 3. ☐ **YOU ARE GRANTED** visitation with the minor child(ren): N/A, under the following
4 terms and conditions: N/A

5 4. ☐ **YOU ARE ORDERED** to pay support and maintenance of the minor child(ren) as set
6 forth in the attached Child Support Addendum.

7 5. ☐ **YOU ARE ORDERED** to pay the rent or make payments on a mortgage on the
8 Applicant's place of residence or pay towards the support and maintenance of the Applicant, as follows:
9 N/A

10
11 6. ☐ Custody, visitation, and support of the minor child(ren) of the parties shall remain as
12 ordered in the Decree of Divorce/Order entered between the parties in Case Number N/A in the N/A
13 Court of the State of N/A.

14
15 7. ☒ **YOU ARE EXCLUDED AND ORDERED** to stay at least 100 yards away from
16 the minor child(ren)'s school(s), or day care, including, but not limited to, the places listed below:

17 ☐ **CONFIDENTIAL**

18 (a) Name of School Sheila Tarr Academy

19 Address: 9400 W. Gilmore Ave.

20 City Las Vegas County Clark Nevada.

21 (a) Name of School Arbor View HS

22 Address: 7500 Whispering Sands Dr.

23 City Las Vegas County Clark Nevada.

24 (a) Name of School N/A

25 Address: N/A

26 City N/A County N/A Nevada.

27 8. ☒ **YOU ARE EXCLUDED AND ORDERED** to stay at least 100 yards away from
28 these place(s) of employment or any other place that Applicant may be employed. **YOU ARE PROHIBITED** from any contact whatsoever with these place(s) of employment in person, by telephone, by mail, or any other means of communication.

☐ **CONFIDENTIAL**

(a) Name YMCA Address 4141 Meadows Lane
City Las Vegas County Clark Nevada.

(b) Name YMCA Address 3521 N. Durango Dr.
City Las Vegas County Clark Nevada.

(c) Name YMCA Address 6601 N. Buffalo
City Las Vegas County Clark Nevada.

9. ☒ **YOU ARE EXCLUDED AND ORDERED** to stay at least 100 yards away from the following places frequented regularly by Applicant and/or the minor child(ren):

(a) Name UNLV Pool Address 4505 S. Maryland Pkwy
City Las Vegas County Clark Nevada.

(b) Name Mother's home Address 6381 Cambridge Creek Ct.
City Las Vegas County Clark Nevada.

(c) Name YMCA Address 3050 E. Centennial Pkwy.
City North Las Vegas County Clark Nevada.

(d) Name N/A Address N/A
City N/A County N/A Nevada.

10. (a) ☒ **YOU ARE PROHIBITED**, either directly or through an agent, from physically injuring or threatening to injure any animal that is owned or kept by the Applicant, the minor child(ren), or **YOU**.

(b) ☒ **YOU ARE PROHIBITED**, either directly or through an agent, from taking possession of any animal owned or kept by the Applicant or the minor child(ren).

(c) ☐ The arrangements for the possession and care of any animal(s) referenced above are as follows: N/A

11. ☐ **YOU ARE ORDERED** to comply with the attached Firearms Addendum.

12. ☐ The following provisions and exceptions are made a part of this Order N/A

THIS ORDER WILL REMAIN IN EFFECT UNTIL 11:59 P.M. ON THE DATE SET FORTH ON PAGE 1 UNLESS THIS COURT ORDERS OTHERWISE.

The Adverse Party is ordered to pay all previously deferred court costs and fees of \$ N/A payable to N/A by Click here to enter a date..
(date)

☐ Pursuant to NRS 33.030(2) the Adverse Party is ordered to pay \$ N/A to Applicant by Click here to enter a date..
(date)

ORDER TO LAW ENFORCEMENT

A. Any law enforcement officer who has probable cause to believe a violation of any provision of this Order has occurred is ordered to arrest the Adverse Party. Such party is to be charged with a criminal violation of this Order in addition to any other criminal charges which may be justified.


B. If such law enforcement officer cannot verify that the Adverse Party was served with a copy of this Application and Order, the officer shall inform the Adverse Party of the following: (1) the specific terms of this Order; (2) that the Adverse Party now has notice of the provisions of this Order; (3) that a violation of this Order will result in the Adverse Party's arrest; and (4) the location of the Court that issued the original Order and the hours during which the Adverse Party can obtain a copy of the Order. The law enforcement officer shall then provide written proof of notice to the officer's agency and to the Court.

Dated: This 15th day of July, 2020



JUDICIAL OFFICER
Department Q

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the foregoing Findings and
2 Recommendations are approved and are hereby made Orders of the Court. These Orders are effective
3 immediately. Pursuant to EDCR 5.519(e), you have 14 days from your receipt of this Order to file an
4 Objection to this Decision.

5 
6 DISTRICT COURT JUDGE

FILED

AUG 09 2021

Alison D. Johnson
CLERK OF COURT

1 **TRANS**

2
3
4 ORIGINAL

5 EIGHTH JUDICIAL DISTRICT COURT

6 FAMILY DIVISION

7 CLARK COUNTY, NEVADA

8
9 BRIANNA TEAL BARBER,)

10 Plaintiff,)

11 vs.)

12 RONALD ALAN BARBER, JR.,)

13 Defendant.)
14

CASE NO. D-20-609450-D

DEPT. Q

APPEAL NO. 83201

15 BEFORE THE HONORABLE BRYCE C. DUCKWORTH
DISTRICT COURT JUDGE

16 TRANSCRIPT RE: MOTION

17 TUESDAY, MAY 25, 2021

18 APPEARANCES:

19 The Plaintiff: BRIANNA TEAL BARBER (Tel.)
20 For the Plaintiff: JASON NAIMI, ESQ. (Tel.)
21 10000 W. Charleston Blvd., #110
Las Vegas, Nevada 89135
(702) 901-4800

22 The Defendant: RONALD ALAN BARBER, JR. (Tel.)
23 For the Defendant: LISA M. SZYC, ESQ. (Tel.)
24 626 S. Third St.
Las Vegas, Nevada 89101
(702) 385-4994

1 LAS VEGAS, NEVADA

TUESDAY, MAY 25, 2021

2 P R O C E E D I N G S

3 (THE PROCEEDINGS BEGAN AT 10:32:55)

4

5 THE CLERK: We're on the record.

6 THE COURT: We are on the record in the Barber
7 matter, case D-20-609450-D. Starting with the Plaintiff.
8 Please confirm your appearances.

9 MR. NAIMI: Good morning, Your Honor. Jason Naimi,
10 bar number 9441, on behalf of Ms. Brianna Barber who's present
11 here this morning.

12 THE COURT: Good morning. And now moving to
13 Defendant?

14 MS. SZYC: And good morning, Your Honor. Attorney
15 Lisa Szyk, 11726, appearing on behalf of Alan Barber who is
16 also present telephonically via BlueJeans.

17 THE COURT: Okay. And let me -- let me have Mr.
18 Barber -- please state your name, sir.

19 THE DEFENDANT, JR.: Ronald Alan Barber, Jr.

20 THE COURT: Good morning. So I -- I have Counsel
21 and -- and the Defendant appearing by phone. I -- I do see
22 Mr. Naimi and -- and Ms. Barber by -- by audio and video. All
23 right. This is the set time for a hearing. It originally was
24 scheduled on the Plaintiff's motion. There was an opposition

1 and countermotion that had been filed. The matter was
2 previously set for April 27th. When that -- at the time of
3 that hearing, I didn't have any appearance from, Ms. Szyk. At
4 that time, I noted for the record at that hearing that I did
5 not have any proof of service of the motion or -- or the --
6 the hearing. Obviously, the -- it was apparent that the
7 Defendant was aware of the motion because an opposition and
8 countermotion had been filed. But there was no appearance.
9 And so I continued it to today's date. There now has been a
10 reply filed. So I've had a chance to review all the papers.

11 The originating motion is the Plaintiff's motion.
12 So Mr. Naimi, I've had a chance to review the papers. Is
13 there anything that you have to add beyond what's in the
14 papers?

15 MR. NAIMI: No, Your Honor. Other -- I -- I guess
16 the only thing I would -- well, there's one thing I would like
17 to add. Simply that Alan is facing criminal charges for, you
18 know, for any -- well, sensitive charges involving the
19 children at -- the subject matter children here.

20 And so I -- I don't know what you're inclined to do
21 with regards to the pending motion to set aside, but
22 regardless of what happens, I don't think we can make any
23 material changes to custody at this time in lieu of that. I
24 -- I believe the grand jury has already conducted their

1 testimony and they are proceeding pursuing a conviction.

2 THE COURT: Okay. All right. Ms. Szyk, anything on
3 your side that you have to add beyond what's in the papers?

4 MS. SZYK: The only thing that I would add, Your
5 Honor, a 60(b) motion wasn't made because I believe under the
6 rule, specifically NRCP 5 with respect to whether or not Alan
7 was a party for not appearing, made it inappropriate to make
8 that argument. If Your Honor wants to hear a 60(b) argument,
9 I am prepared to make one today.

10 THE COURT: Okay. Well, let -- let me ask you in
11 that regard because the gist of the countermotion that's
12 before me is that the -- the -- the request for relief for the
13 Defendant is based on the fact that the attorney who accepted
14 service on behalf -- on his behalf was his attorney in his
15 criminal matter. And I guess my question, is there a specific
16 rule -- I think you -- you just referenced NRCP 5, that --
17 that precludes that -- that form of service. It's my
18 understanding that the attorney in question is licensed to
19 practice law in the state of Nevada.

20 And -- and so I -- I guess it -- the question
21 becomes why is service not proper on an attorney licensed in
22 the state of Nevada to -- I mean, certainly he could have
23 objected and said look, I'm not going to sign an acceptance of
24 service. I -- you need to --

1 MS. SZYC: I --

2 THE COURT: -- personally serve him. And it -- it
3 sounds from the reply that efforts were made to ascertain
4 address information to -- to effectuate that personal service,
5 but he said I'll -- I'll accept service -- or I'll accept
6 service --

7 MS. SZYC: Well, and --

8 THE COURT: -- service on his behalf.

9 MS. SZYC: And Your Honor, I was not privy to -- any
10 of those conversations because I was not Counsel at that time;
11 however, upon looking at the signature on the acceptance of
12 service, it's not actually the signature of Mr. Helmick. And
13 it appears clear from the reply that prior Counsel made
14 several attempts, and although the reply indicates that --
15 that Mr. Helmick consented to accepting service, I -- I
16 haven't been able to confirm that with him. And so what looks
17 like what happened to me is that someone from Mr. Helmick's
18 office said yes, we'll accept service, and then they sign for
19 it. And it never got to Mr. Barber.

20 And Mr. Helmick never made an appearance in the
21 case. He never -- and there's case law out of other
22 jurisdictions. I didn't cite to it because it's not a Nevada
23 case law, but there's case law in other jurisdictions that say
24 service is not proper on an attorney who has not actually been

1 stepping in to appear or -- or who doesn't consent. And I get
2 in this case there is a finding of acceptance of service;
3 however, that's not Mr. Helmick's signature on the signed
4 acceptance of service. So I don't know if that was just
5 someone from his office who did. Not to my understanding what
6 was going on there.

7 But what I can tell you is that Mr. Helmick made it
8 very clear to Mr. Barber even before apparently service was
9 made, that he was not a family attorney and that Mr. -- if Mr.
10 Barber was going to take any action in -- in any divorce
11 proceeding he would need to retain his own counsel. And then
12 no further communication was had between Mr. Helmick and Mr.
13 Barber; at least, that I feel comfortable disclosing without
14 waiving Mr. Barber's attorney/client privilege.

15 But I -- I can say that the documents didn't get to
16 him. And so Mr. Barber should not potentially be punished
17 because the burden of service is with Plaintiff. And NRCP 4
18 sets forth very specific rules in which service can be made,
19 she knew that there was -- or at least former counsel knew
20 that there was address issues. And there were other steps
21 that could have been taken to ensure that service is properly
22 made. There is nothing that specifically says that an
23 attorney who is not going to step into the case to represent
24 the party can accept service. I understand that Mr. Helmick

1 is a licensed member of the bar, but it would be no different,
2 Your Honor, than if Mr. Barber was going through a bankruptcy
3 action and service was made on a bankruptcy action for a civil
4 action that had nothing to do with that underlying matter and
5 then he never got receipt of those documents. And then the BK
6 attorney is just like well, I didn't represent him on that, I
7 don't know.

8 So not insinuating that there was anything that was
9 done wrong intentionally per State here, but I don't think
10 it's appropriate, especially, because the rules don't clearly
11 allow for service in this manner because Mr. Helmick never
12 appeared in this case, that Mr. Barber should now be subject
13 to the terms of the default decree without having -- having an
14 opportunity to properly respond to the -- the underlying only.

15 THE COURT: And you -- you've indicated that you --
16 you don't believe that that is Mr. Helmick's signature on the
17 acceptance of service.

18 MS. SZYC: That's correct.

19 THE COURT: But -- but is there a reason I -- I
20 don't have a statement from Mr. Helmick to that --

21 MR. NAIMI: May --

22 THE COURT: -- effect?

23 MR. NAIMI: -- may I respond briefly, Your Honor?

24 THE COURT: Yeah, I will, but let -- let me just

1 follow --

2 MR. NAIMI: Okay.

3 THE COURT: -- up on this detail. Ms. Szyk, is
4 there a reason -- and I -- I have no reason -- because I don't
5 know Mr. Helmick and -- and I will state I don't know that
6 he's appeared in my court in a family law matter. I get that.
7 But, again, he's li -- he's licensed to practice law. I would
8 know his signature from anyone else's signature. Is there a
9 reason I don't have an affidavit from him stating what
10 happened?

11 MS. SZYC: Your Honor, that's -- that's -- Mr.
12 Helmick and I have played phone tag a few times. We were able
13 to talk one time prior to this hearing. And -- and I -- I
14 think it just comes down to a matter of like, me -- me not
15 getting it to provide it to the Court in advance of the
16 hearing, quite honestly. It -- he -- he has a very busy
17 criminal project. We -- we played a lot of phone tag. The
18 one time we were able to talk it was actually outside of
19 business hours because that was the time in which we could
20 coordinate our schedule to communicate with each other. And
21 -- and that was about the underlying facts and -- and
22 proceedings in preparation for this hearing.

23 THE COURT: Okay. All right. Mr. Naimi?

24 MR. NAIMI: Well, so as Your Honor knows, an -- an

1 attorney is responsible for the agent within his office. And
2 so if someone at his office signed for it, that attorney is
3 responsible for it. It doesn't have to be the attorney's
4 signature to accept service. You have already noted he is a
5 licensed attorney in the state of Nevada and there is no
6 distinction as to whether he represented him on this matter or
7 any other matter whatsoever. The fact of the matter is he did
8 represent the Defendant. And the argument that he didn't
9 notice his appearance on this case is put -- is irrelevant,
10 Your Honor, because how would he have noticed his appearance
11 before accepting service?

12 He would have to receive that first. The fact that
13 he didn't notice appearance subsequent to receiving and
14 accepting service is actually irrelevant.

15 He had a duty to provide his client with a copy of
16 the complaint after accepting service which it seems like he
17 has not done. This isn't a matter as to whether or not the --
18 this case should be set aside. It's clear, based on the facts
19 presented, even by the Defendant through this current Counsel,
20 that service was properly effectuated. The flaw came after
21 the fact. And as a result, there is no basis under 60(b) to
22 set aside; the proper action for Mr. Barber is to pursue -- I
23 hate to bring it up, but it looks like he may have a potential
24 malpractice claim against his criminal defense attorney. And

1 so that -- that is not for this Court to adjudicate. I think
2 the motion that they have pur -- to set aside must be denied
3 and he then can -- Mr. Barber can pursue his criminal defense
4 attorney for what appears to be a malpractice claim.

5 MS. SZYC: And, Your Honor --

6 MR. NAIMI: Potentially.

7 MS. SZYC: -- if I may, just briefly.

8 THE COURT: Yes. That's fine. You may respond.

9 MS. SZYC: Thank you, Your Honor. It -- it's
10 something a little bit more than just the -- whether any
11 potential malpractice that may or may not have existed. Even
12 bigger in the issue that I tried to make clear in my briefing
13 is that Mr. Helmick did not have consent from Mr. Barber to
14 accept service on his behalf. And -- and that is he, because
15 Mr. Barber -- had Mr. Barber consented to that and then there
16 had been some kind of miscommunication between attorney and
17 client, then -- then perhaps some responsibility would be on
18 Mr. Barber and -- and the flaw that occurred after service,
19 but Mr. Helmick didn't have consent. And -- and I think that
20 that is something that is important in terms of effectuating
21 service.

22 But, also, if you look at the other -- the other
23 case law that I relied upon, it -- it because -- it's clear
24 that the intent of the Supreme Court is issued especially of

1 child custody and child support not be -- be heard on their
2 merits and not just on a default ma -- action. So I used it
3 -- I think in part if the Court is not going to be inclined to
4 set aside the entire decree, which I think would be
5 appropriate here because Mr. Barber shouldn't be the victim of
6 -- of the wrongdoing and since because he -- this isn't a
7 situation in which he was just a party who ignored what was
8 happening. He is a party who didn't know that he needed to
9 even respond to something. But I think at least on the child
10 custody and child support issue, it would be appropriate to
11 set the matter aside and at least give him an opportunity to
12 be heard on that.

13 I understand Mr. -- Counsel's argument that there's
14 sensitive nature here, but my understanding is that that only
15 involves one of the children at issue for custody here and if
16 the Court wants to hear more on that, I'm prepared to pro --
17 provide that information. Otherwise, I would submit it on
18 what's in the briefing.

19 THE COURT: Well, here's -- here's where I'm at.
20 And -- and I -- really my focus is on the -- the papers that
21 have been filed. And did we lose Mr. Naimi?

22 THE CLERK: It looks like it, yes.

23 THE COURT: Hang on. Okay. I think we have Mr.
24 Naimi back.

1 MR. NAIMI: Sorry, I apologize.

2 THE COURT: I --

3 MR. NAIMI: I don't know what happened.

4 THE COURT: I -- okay. Here -- I -- I -- my focus
5 really is on the papers and posture of the case that's before
6 me. I -- I --

7 MR. NAIMI: Well, may -- may I just respond briefly,
8 Your Honor, to what her argument was? Because again, whether
9 or not the client gave the attorney consent is not the issue
10 of the person serving them. All they know is the equivalent
11 of a bonafide purchaser, right, Your Honor? All they're aware
12 of is an attorney said yes, I will accept service on behalf of
13 my client. They don't know and they don't need to know
14 whether or not that client gave them permission to do so. And
15 so service was properly effectuated whether that consent was
16 provided or not from the client. And so that goes back to the
17 malpractice claim. And then on the issue of custody, if we're
18 going to talk about the substance and she want -- and on
19 behalf of her client wants an opportunity to go forward with
20 the -- with the custody and child support of this case --

21 MS. SZYC: Hey.

22 MR. NAIMI: -- while her client is facing criminal
23 charges for doing some pretty -- well, frankly disgusting
24 things to the subject matter children here, we all know that

1 that's not going to happen. Your Honor and I, we've had this
2 case before. And -- and you took the necessary precautions
3 and waited to see what happened with the criminal action first
4 before doing anything there. So even if you were to deny
5 their set aside, he can always pursue a modification of
6 custody after the fact if he is not convicted for the crimes
7 he's being charged with.

8 And so I -- I don't see why we have any other --
9 there is no other alternative but to deny the motion, see what
10 happens with their criminal case, and he can always pursue a
11 modification at a later date. Opening this whole case up for
12 a mistake that -- well, we don't even know. This is the
13 allegation, an alleged mistake his lawyer made is not ripe for
14 this case. That's where he needs to consider pursuing
15 something against that lawyer and -- and I don't know whether
16 there's merits are not there. It's just based on the
17 representations made by him. But as far as this case is
18 concerned, it should be case closed, move on.

19 THE COURT: Trial is set in the criminal matter for
20 February of 2022; is that correct?

21 MR. NAIMI: Yes, Your Honor.

22 MS. SZYC: That's correct.

23 THE COURT: Okay. Again, so I go back to what I --
24 I started saying, the matter before me is construed by way of

1 the pleadings and papers on file. And -- and there may be
2 some information out there that I -- I just simply don't have
3 based on what's been filed with the Court. The -- the default
4 was entered after there was an acceptance of service by --
5 signed by either Mr. Helmick or someone in his office. There
6 was a three day notice of intent to take default that was
7 subsequently served on -- on Mr. Helmick. I don't interpret
8 -- the -- the motion that was filed -- and -- and it's a
9 countermotion filed by the Defendant was not necessarily in
10 the nature of a 60(b) -- seeking 60(b) relief.

11 And I know Ms. Szyk had indicated that she was
12 prepared to argue that, but I -- again, I'm looking at the --
13 I'm -- I'm narrowly confined to the papers that have been
14 filed with the Court. And the gist of that was that Mr.
15 Helmick was a criminal defense attorney, did not have the
16 consent. But I don't have anything from Mr. Helmick
17 substantiating that. And -- and that may be -- to Mr. Naimi's
18 point, that may be irrelevant at this point, but I don't
19 necessarily interpret it as a 60(b) motion. There is citation
20 to Blanco in terms of case concluding sanctions; however, that
21 wasn't a discovery case. Those were case concluding sanction
22 -- sanctions that were issued basically as part of -- of
23 discovery. I think in any case where a default has been
24 properly entered, the Court -- it's not uncommon for the Court

1 to proceed on a case where someone does not appear and fails
2 to answer. And -- and so it really becomes an issue of
3 whether or not there is some type of mistake, inadvertence, or
4 excusable neglect which has not been really alleged in the
5 papers. So I'm not prepared to entertain that at this point
6 in time.

7 So I'm inclined to -- to grant the motion that was
8 filed, deny the count -- countermotion that was filed based on
9 the reading by the Court of the papers that have been filed
10 with the court on -- on those bases. I just simply don't have
11 enough information given the fact that it appears acceptance
12 of service was signed by -- service was accepted by an
13 attorney who was due -- who was duly licensed to practice in
14 the state of Nevada. So those would be my findings,
15 conclusions, and orders. And I would direct Mr. Naimi to
16 prepare the order from today's hearing.

17 MR. NAIMI: And -- and Your Honor, may I submit a
18 brief under Brunzell for attorney's fees as a result?

19 THE COURT: No, I'm going to have each party bear
20 their own fees -- fees and costs.

21 MR. NAIMI: Okay. Thank you, Your Honor.

22 THE COURT: Okay. All right. Thank you --

23 MR. NAIMI: Have a good day, everybody.

24 THE COURT: -- for your appearances.

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MS. SZYC: Thank you, Your Honor.

(PROCEEDINGS CONCLUDED AT 10:51:21)

* * * * *

ATTEST: I do hereby certify that I have truly and
correctly transcribed the digital proceedings in the above-
entitled case to the best of my ability.

Adrian Medrano

Adrian N. Medrano

NAIMI CERCEO
10000 W. Charleston Blvd., Suite 110 Las Vegas, NV 89135
Telephone: 702.901.4800 Fax: 702.463.0905

ORDR

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Telephone: 702.901.4800
Facsimile: 702.463.0905
Attorneys for Plaintiff

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

BRIANNA TEAL BARBER,

Plaintiff,

vs.

RONALD ALAN BARBER,

Defendant.

CASE NO: D-20-609450-D

DEPT. NO.: Q

ORDER FROM MAY 25, 2021 HEARING

This matter having come on for hearing before this Court on May 25, 2021, for Hearing on *Plaintiff's Motion for Clerk of Court to Sign Quitclaim Deed on Behalf of Defendant so Plaintiff can Refinance Home*. Plaintiff, BRIANNA TEAL BARBER ("Brianna"), and her counsel of record JASON NAIMI, ESQ. and CARRIE J. PRIMAS, ESQ., of NAIMI & CERCEO, being present, and Defendant, RONALD ALAN BARBER ("Alan"), and his counsel of record, LISA M. SZYC of THE LAW OFFICE OF LISA M. SZYC, ESQ. P.C., being present, the Court having reviewed the pleadings and other documents filed in this case by all parties hereto, and for good cause appearing therefore, this Court makes the following findings and orders:

THE COURT HEREBY ORDERS that Plaintiff's Motion shall be GRANTED.

///

1 **THE COURT FURTHER ORDERS** that the Clerk of the Court shall sign the
2 Quitclaim Deed regarding the property located at 10252 Gibson Isle Drive, Las Vegas,
3 Nevada, on behalf of Defendant.

4 **THE COURT FURTHER ORDERS** that Defendant's Countermotion shall be
5 DENIED.

6 **THE COURT FURTHER ORDERS** that each party shall bear their own
7 Attorney's fees and costs.

8 DATED this ____ day of _____, 2021. **Dated this 9th day of June, 2021**

9
10 
11 **DISTRICT COURT JUDGE** CT

12 Respectfully Submitted by:
13 NAIMI & CERCEO

14 /s/ Carrie J. Primas
15 Robert Cerceo, Esq.
16 Nevada Bar No. 5247
17 Jason Naimi, Esq.
18 Nevada Bar No. 9441
19 Carrie J. Primas, Esq.
20 Nevada Bar No. 12071
21 efile@naimicerceo.com
22 10000 W. Charleston Blvd., Suite 110
23 Las Vegas, Nevada 89135
24 Telephone: 702.901.4800
25 *Attorneys for Plaintiff*

**769 90D 234C 9BB9
Bryce C. Duckworth
District Court Judge**

26 Approved as to form and content by:
27 THE LAW OFFICE OF LISA M.
28 SZYC, ESQ. P.C.

/s/ Liza M. Szyc
Lisa M. Szyc, Esq.
Nevada Bar No. 11726
lmslawnv@gmail.com
626 South 3rd Street
Las Vegas, Nevada 89101
Telephone: 702.385.4994
Attorneys for Defendant

From: Law Office of Lisa M. Szyc <lmslawnv@gmail.com>
Sent: Tuesday, June 8, 2021 1:57 PM
To: JeanMarie Niday <JeanMarie@naimicerceo.com>
Subject: Re: Barber v. Barber - May 25th Order for review

Good Afternoon,

I apologise for the delay I was out of the jurisdiction last week. Please allow this email to confirm that you may electronically sign the attached order on my behalf.

Thank you,

Lisa M. Szyc, Esq.
The Law Office of Lisa M. Szyc, Esq. P.C.
626 South Third Street
Las Vegas, Nevada 89101
PH. [702-385-4994](tel:702-385-4994)

CONFIDENTIALITY NOTE: The documents accompanying this email transmission contains information from The Law Office of Lisa M. Szyc, Esq., P.C. which is confidential and privileged. The information is intended to be for the use of the individual or entity named on this email. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is PROHIBITED. If you have received this email in error, please notify us by return email immediately so that we can make corrections to our addresses. Destroy and/or delete this email message.

On Fri, Jun 4, 2021 at 8:58 AM JeanMarie Niday <JeanMarie@naimicerceo.com> wrote:

Good morning:

I am following up on the email below as the Order is due next Tuesday.

Thank you and we look forward to hearing from you.

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Brianna Teal Barber, Plaintiff

CASE NO: D-20-609450-D

7 vs.

DEPT. NO. Department Q

8 Ronald Alan Barber, Jr.,
9 Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 6/9/2021

15 Lisa Szyc

sandsefile@gmail.com

16 e File

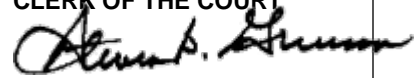
efile@naimicerceo.com

17 Brianna Barber

Bbarber@lasvegasymsc.org

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BBJA000131



NEO
Robert Cerceo, Esq.
Nevada Bar No. 5247
Jason Naimi, Esq.
Nevada Bar No. 9441
Carrie J. Primas, Esq.
Nevada Bar No. 12071
NAIMI & CERCEO
efile@naimicerceo.com
10000 W. Charleston Blvd., Suite 110
Las Vegas, Nevada 89135
Telephone: 702.901.4800
Facsimile: 702.463.0905
Attorneys for Plaintiff

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

BRIANNA TEAL BARBER,

Plaintiff,

vs.

RONALD ALAN BARBER,

Defendant.

CASE NO.: D-20-609450-D

DEPT. NO.: Q

NOTICE OF ENTRY OF ORDER FROM MAY 25, 2021 HEARING

PLEASE TAKE NOTICE that the *Order from the May 25, 2021 Hearing*, was
duly entered in the above-referenced case on the 10th day of June, 2021.

DATED this 10th day of June 2021.

NAIMI & CERCEO

By: /s/ Carrie J. Primas, Esq.
ROBERT CERCEO, ESQ.
Nevada Bar No. 5247
JASON NAIMI, ESQ.
Nevada Bar No. 9441
CARRIE J. PRIMAS, ESQ.
Nevada Bar No. 12071
10000 W. Charleston Blvd., Ste. 110
Las Vegas, Nevada 89135

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of NAIMI & CERCEO, and that on this 10th day of June 2021, I served a copy of the foregoing *Notice of Entry of Order from May 25, 2021 Hearing* as follows:

☒ pursuant to EDCR 8.05(a), EDCR 8.05 (f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned “in the Administrative Matter of Mandatory Electronic Service in Eighth Judicial District Court,” by mandatory electronic service through the Eighth Judicial District Court’ electronic filing system; and/or

☐ pursuant to EDCR 8.05(a) and NRCP 5(b)(2)(D), because the individual listed is not registered with the Court’s **mandatory** e-service system, via electronic mail or facsimile; and/or

☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class mail postage was prepaid in Las Vegas, Nevada; and/or

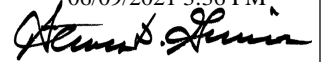
To the individual(s) listed below at the address, email address and/ facsimile number indicated below.:

Lisa M. Szyc

sandselfie@gmail.com

/s/Sofia Hall

An employee of Naimi & Cerceo


CLERK OF THE COURT

NAIMI CERCEO
10000 W. Charleston Blvd., Suite 110 Las Vegas, NV 89135
Telephone: 702.901.4800 Fax: 702.463.0905

ORDR

Robert Cerceo, Esq.
Nevada Bar No. 5247
Jason Naimi, Esq.
Nevada Bar No. 9441
Carrie J. Primas, Esq.
Nevada Bar No. 12071
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efile@naimicerceo.com
10000 W. Charleston Blvd., Suite 110
Las Vegas, Nevada 89135
Telephone: 702.901.4800
Facsimile: 702.463.0905
Attorneys for Plaintiff

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

BRIANNA TEAL BARBER,

Plaintiff,

vs.

RONALD ALAN BARBER,

Defendant.

CASE NO: D-20-609450-D

DEPT. NO.: Q

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THE COURT HEREBY ORDERS that Plaintiff's Motion shall be GRANTED.

///

THE COURT FURTHER ORDERS that the Clerk of the Court shall sign the Quitclaim Deed regarding the property located at 10252 Gibson Isle Drive, Las Vegas, Nevada, on behalf of Defendant.

THE COURT FURTHER ORDERS that Defendant's Countermotion shall be DENIED.

THE COURT FURTHER ORDERS that each party shall bear their own Attorney's fees and costs.

DATED this ____ day of _____, 2021.

Dated this 9th day of June, 2021

DISTRICT COURT JUDGE CT

Respectfully Submitted by:
NAIMI & CERCEO

/s/ Carrie J. Primas
Robert Cerceo, Esq.
Nevada Bar No. 5247
Jason Naimi, Esq.
Nevada Bar No. 9441
Carrie J. Primas, Esq.
Nevada Bar No. 12071
efile@naimicerceo.com
10000 W. Charleston Blvd., Suite 110
Las Vegas, Nevada 89135
Telephone: 702.901.4800
Attorneys for Plaintiff

**769 90D 234C 9BB9
Bryce C. Duckworth
District Court Judge**

Approved as to form and content by:
THE LAW OFFICE OF LISA M.
SZYC, ESQ. P.C.

/s/ Liza M. Szyc
Lisa M. Szyc, Esq.
Nevada Bar No. 11726
lmslawnv@gmail.com
626 South 3rd Street
Las Vegas, Nevada 89101
Telephone: 702.385.4994
Attorneys for Defendant

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Sent: Tuesday, June 8, 2021 1:57 PM
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Subject: Re: Barber v. Barber - May 25th Order for review

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Thank you,

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The Law Office of Lisa M. Szyc, Esq. P.C.
626 South Third Street
Las Vegas, Nevada 89101
PH. [702-385-4994](tel:702-385-4994)

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2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Brianna Teal Barber, Plaintiff

CASE NO: D-20-609450-D

7 vs.

DEPT. NO. Department Q

8 Ronald Alan Barber, Jr.,
9 Defendant.

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14 Service Date: 6/9/2021

15 Lisa Szyc

sandsefile@gmail.com

16 e File

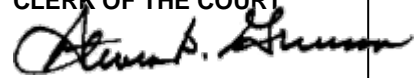
efile@naimicerceo.com

17 Brianna Barber

Bbarber@lasvegasymsc.org

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BBJA000137



Case No: D-20-609450-D

Dept. Q

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE
COUNTY OF CLARK, FAMILY DIVISION

BRIANNA TEAL BARBER)
)
 Plaintiff,)
vs.)
)
RONALD ALAN BARBER)
 Defendant)
)

NOTICE OF APPEAL

Notice is hereby given that Ronald Alan Barber, Defendant above named,
hereby appeals to the Supreme Court of Nevada from the final judgment from the order
from the May 25, 2021 hearing which was entered on June 10, 2021.

Dated this 6th day of July, 2021

THE LAW OFFICE OF
LISA M. SZYC, ESQ., P.C.

By /s/: Lisa M. Szyc
LISA M. SZYC, ESQ.
Nevada Bar No. 11726
626 South Third Street
Las Vegas, NV 89101
Attorney for Defendant

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I served via

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Robert Cerceo, Esq.
Jason Naimi, Esq.
Carrie Primas, Esq.
NAIMI & CERCEO
efile@naimicerceo.com
10000 W Charleston Blvd., Suite 110
Las Vegas, Nevada 89135

/s/: Lisa M. Szyc
Employee The Law Office
of Lisa M. Szyc, Esq.