

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

Amanda Reed,
Appellant,
vs.
Devin Reed,
Respondent.

No. 83354

Electronically Filed
Sep 03 2021 04:58 p.m.

Elizabeth A. Brown
Clerk of Supreme Court

DOCKETING STATEMENT
CIVIL APPEALS

GENERAL INFORMATION

All appellants not in proper person must complete this docketing statement. NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, classifying cases for en banc, panel, or expedited treatment, compiling statistical information and identifying parties and their counsel.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 26 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District Eighth Department Z
County Clark Judge Michelle Mercer
District Ct. Case No. D568055

2. Attorney filing this docketing statement:

Attorney Racheal H. Mastel, Esq. Telephone 702-823-4900
Firm Kainen Law Group, PLLC
Address 3303 Novat Street, Suite 200
Las Vegas, Nevada 89129

Client(s) Amanda Reed

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondents(s):

Attorney Michancy Cramer, Esq. Telephone 702-462-5888
Firm Alex Ghibaud, PC
Address 197 W. California Avenue, Suite 250
Las Vegas, Nevada 89104

Client(s) Devin Reed

Attorney _____ Telephone _____

Firm _____

Address _____

Client(s) _____

(List additional counsel on separate sheet if necessary)

4. Nature of disposition below (check all that apply):

- | | |
|--|---|
| <input checked="" type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Dismissal: |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Lack of jurisdiction |
| <input type="checkbox"/> Summary judgment | <input type="checkbox"/> Failure to state a claim |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Failure to prosecute |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief | <input type="checkbox"/> Other (specify): _____ |
| <input type="checkbox"/> Grant/Denial of injunction | <input checked="" type="checkbox"/> Divorce Decree: |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input checked="" type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination | <input checked="" type="checkbox"/> Other disposition (specify): <u>Denial of Reconsideration</u> |

5. Does this appeal raise issues concerning any of the following?

- ☒ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

Devin Reed, Plaintiff v. Amanda Reed, Defendant - D-18-568055-D

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

None

8. Nature of the action. Briefly describe the nature of the action and the result below:

The case was originally before Judge Denise Gentile. Custody was originally resolved, but before the case was finalized (the financial and property issues were still unresolved), Appellant filed a Motion to Modify Custody and for a Custody Evaluation. Judge Gentile granted the request for a custody evaluation, set an evidentiary hearing on custody, and bifurcated the case to resolve the financial issues and have a Decree entered. The parties resolved the financial issues and the resulting Decree reflected the pending custody litigation. The case was then transferred to Judge Michelle Mercer before the evidentiary hearing. Instead of conducting the evidentiary hearing, Judge Mercer found all evidence predated the Decree and therefore there was no basis for the evidentiary hearing and subsequently vacated the same. However, she also entered orders modifying the timeshare and vacation schedules and ordered that Appellant's father could not be present at the custody exchanges.

9. Issues on appeal. State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

- Whether the Court erred in finding there was no basis under which to hold an evidentiary hearing on custody.
- Whether the Court erred in vacating the evidentiary hearing.
- Whether the Court erred in modifying custody orders without an evidentiary hearing.
- Whether the Court erred in bifurcating the case.

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

N/A

11. Constitutional issues. If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

12. Other issues. Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issue arising under the United States and/or Nevada Constitutions

☐ A substantial issue of first impression

☐ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain:

13. Trial. If this action proceeded to trial, how many days did the trial last? 0

Was it a bench or jury trial? Bench

14. Judicial Disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?

N/A

TIMELINESS OF NOTICE OF APPEAL

15. Date of entry of written judgment or order appealed from 6/8/2021 & 7/27/2021

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

** Notice of Entry of Order was never completed for June 8, 2021, hearing.

16. Date written notice of entry of judgment or order was served 7/27/2021

Was service by:

☐ Delivery

☒ Mail/electronic/fax

17. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b) Date of filing _____

☒ NRCP 52(b) Date of filing 3/17/2021

☒ NRCP 59 Date of filing 3/17/2021

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. ____, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion 7/27/2021

(c) Date written notice of entry of order resolving tolling motion was served 7/27/2021

Was service by:

☒ Delivery

☐ Mail

VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Amanda Reed
Name of appellant

Racheal H. Mastel
Name of counsel of record

9-3-21
Date


Signature of counsel of record

Clark County Nevada
State and county where signed

CERTIFICATE OF SERVICE

I certify that on the 3rd day of SEPTEMBER, 2021, I served a copy of this completed docketing statement upon all counsel of record:

- ☐ By personally serving it upon him/her; or
- ☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

MICHANCY CRAMER
197 E. CALIFORNIA AVENUE
LAS VEGAS, NEVADA 89104

Dated this 3rd day of SEPTEMBER, 2021


Signature

Heather S. Smith
CLERK OF THE COURT

ORIGINAL

1 **COMD**
2 DEVIN REED
3 4416 Cinderwood Ct.
4 N. Las Vegas, NV 89032
5 (702) 238-8710
6 Defendant In Proper Person

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

9 DEVIN REED ,

10 Plaintiff,

11 vs.

12 AMANDA REED,

13 Defendant,

CASE NO:

DEPT NO:

D-18-568055-D

Dept. F

14 **COMPLAINT FOR DIVORCE**

15 COMES NOW the Plaintiff, DEVIN REED representing himself In
16 Proper Person, and for his cause of action for DIVORCE against the
17 Defendant, AMANDA REED complains and alleges as follows:

18 **I.**

19 That Plaintiff is and for at least six (6) weeks prior to the
20 commencement of this action has been a resident of Clark County,
21 Nevada; and has the intent to continue to be a resident of the State
22 of Nevada making Nevada his permanent domicile.

23 **II.**

24 At all times herein relevant, Defendant was a resident of the
25 State of Nevada. Defendant is the natural mother of the minor
26 children.

27 **III.**

28 That were married to each other October 2nd, 2008, in Las
Vegas, Nevada, and ever since have been and continue to be husband
and wife. That the parties are incompatible in marriage.

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IV.

That there are two (2) minor children born the issue of their marriage, namely, ABBY REED, born April 6th, 2013; and SHAWN REED, born July 3rd, 2015.

That the State of Nevada is the habitual residence of the minor children.

V.

That the parties hereto are fit and proper persons to be awarded joint legal Custody with an order for joint physical custody in an equal timeshare arrangement.

VI.

For an order that neither party pay child support to the other or that it be based upon Wright v. Osburn with appropriate offsets per NRS 125B.070 and NRS 125B.080.

That both parties be equally responsible to provide health insurance for the minor children when available through their respective employers; and that the parties equally divide any unpaid or un-reimbursed medical expenses of the minor children.

VII.

That the parties alternate or otherwise split the dependent tax exemption for the minor children annually.

VIII.

That neither party pay spousal support to the other.

IX.

That there are community assets and community debts to be adjudicated by this court, that Plaintiff is asking that the Court divide the community assets and debts of the parties equitably. That there is a marital residence which the parties both continue to

1 occupy at this time and both parties have pensions which he asks
2 that they leave as their sole and separate respective properties.

3 **X.**

4 That Plaintiff is entitled to his costs and disbursements and
5 attorney's fees.

6 WHEREFORE, Plaintiff prays for judgment as follows:

7 1. For an order granting the parties joint legal custody and
8 joint physical custody of the minor children with an equal timeshare
9 arrangement.

10 2. For an order that child support is based upon Wright v.
11 Osburn with appropriate offsets per NRS 125B.070 and NRS 125B.080.

12 3. That both parties be equally responsible to provide health
13 insurance for the minor children when available through their
14 respective employers; and that the parties equally divide and pay
15 any unpaid medical expenses of the minor children, including any
16 deductibles and co-payments.

17 4. That the parties alternate or otherwise split the
18 dependent tax exemption for the minor children.

19 5. That neither party pay spousal support to the other.

20 6. That there are community assets and community
21 debts to be adjudicated by this court; that the court divide the
22 community assets and community debts of the parties equitably;

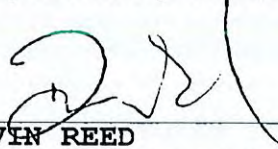
23 7. For Plaintiff's costs, disbursements and attorneys
24 fees.

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1 8. For such other and further relief as the court may deem
2 just and proper.

3 DATED this 20 day of March, 2018.

4 Respectfully submitted:

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6 DEVIN REED
7 4416 Cinderwood Ct.
8 N. Las Vegas, NV 89032
9 (702) 807-2436
10 Plaintiff In Proper Person
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Case Number: D-18-568055-D

3. Answering Paragraph 4 of Plaintiff's Complaint on file herein, this Answering Defendant admits all of the allegations contained therein.

4. Answering Paragraphs 5, 6, 7 and 8 of Plaintiff's Complaint on file herein, this Answering Defendant denies all of the allegations contained therein.

5. Answering Paragraph 9 of Plaintiff's Complaint on file herein, this Answering Defendant admits in part and denies in part the allegations contained herein, the marital residence was purchased prior to marriage by the defendant and should be in her exclusive possession and all pensions should be split and equitably divided.

COUNTERCLAIM

Defendant/Counterclaimant, AMANDA REED, by and through her counsel, HARVEY GRUBER, ESQ., of the Law Offices of MAYFIELD, GRUBER & SHEETS, alleges as follows:

1. Defendant/Counterclaimant is and, for a period of more than six weeks immediately preceding the filing of this Counterclaim, has been an actual bona fide resident of the State of Nevada and actually, physically and corporeally domiciled herein during all of said period of time.

2. Defendant/Counterclaimant and Plaintiff/Counterdefendant were duly and lawfully married in Las Vegas Nevada on October 2nd, 2010.

3. There are two minor children born the issue of this marriage, to wit: ABIGAIL REED, born April 6, 2013; and SHAWN REED, born July 3, 2015.

4. The parties hereto should be awarded joint legal custody of the minor child, with DEFENDANT/Counterclaimant having primary physical custody and PLAINTIFF/Counterdefendant having rights of visitation. With supervised visitation occurring the first and third weekends of each month. Defendant is to have the children from 9 AM until 6

1 PM on Saturdays and 8 AM to 5 PM on Sundays. There is to be no overnight visitation until the
2 PLAINTIFF/Counterdefendant can demonstrate he is drug free. However, no visitation will be
3 ordered until the PLAINTIFF/Counterdefendant completes the cope class.
4

5 5. PLAINTIFF/Counterdefendant should provide the statutory sum of 25% of his
6 gross monthly wages per month, for support of the minor children until the minor children
7 graduate high school or reach the age of majority, whichever is greater.

8 DEFENDANT/Counterclaimant AMANDA REED will claim the minor children as a tax
9 deduction with the I.R.S. every year until the minor children reach the age of 18.
10

11 6. That both Plaintiff and Defendant shall maintain a policy of medical insurance
12 benefits for the minor children. Any expenses pertaining to medical treatment and care of the
13 minor children not covered by health insurance is to be split equally between the parties until the
14 children reach the age of majority, subject to the 30/30 rule.
15

16 7. There is community property of the parties that is to be divided between the
17 parties as set forth below:

18 DEFENDANT/Counterclaimant AMANDA REED will keep the following property as
19 her sole and separate property:
20

- 21 (a) The Residence located at 4416 Cinderwood Ct., North Las Vegas, NV
22 89032;
- 23 (b) 2008 Ford Expedition;
- 24 (c) An equitable and equal split of all pension and retirement accounts;
- 25 (d) Half of the equity of the 2002 Ford Motorhome;
- 26 (e) All property currently in her possession.
27
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1 PLAINTIFF/Counterdefendant DEVIN REED will keep the following as his sole and
2 separate property:

- 3 (a) 2015 Dodge truck. To be Financed in DEVIN REED's name within 30
4 days. If Mr. REED cannot finance the truck in his name, AMANDA
5 REED agrees to continue to have the truck in her name provided that
6 DEVIN REED makes timely payments on the vehicle, keeps the vehicle
7 insured and gives AMANDA REED the spare key. Should DEVIN REED
8 miss ONE (1) payment, AMANDA REED will have the full right to
9 repossess the vehicle and sell it. Any deficiency from the sale of the
10 vehicle shall be DEVIN REED's separate debt.
11
12 (b) 2002 Ford Motorhome, after paying AMANDA REED half the equity;
13
14 (c) An equitable and equal split of all pension and retirement accounts;
15
16 (d) All property currently in his possession.

17 8. There are community debts of the parties that is to be divided between the parties as
18 set forth below:

19 DEFENDANT/Counterclaimant AMANDA REED will keep the following debt as her
20 sole and separate debt:
21

- 22 (a) The Mortgage on the residence located at 4416 Cinderwood Ct., North Las
23 Vegas, NV 89032;
24
25 (b) Half of the credit card debt in the parties' names:
26 1. Disney Chase \$8,578.47;
27 2. Chase Slate \$3,399;
28 3. Discover \$5,257.22;

1 4. Lowe's \$3,920.34;

2 5. Care Credit \$7,900.00;

3 6. Naivent St. Loans \$6,355.11.

4
5 (c) An equitable and equal split of the medical expenses that the parties' owe for
6 Shawn Reed to Shadow Emergency physicians in the amount of \$1,329.00 and
7 Desert Valley Pediatrics in the amount of \$12.99.

8 PLAINTIFF/Counterdefendant DEVIN REED will keep the following as his sole and
9 separate debt:
10

11 (a) The amount owing on the 2015 Dodge truck. To be Financed in DEVIN
12 REED's name within 30 days. If Mr. REED cannot finance the truck in his
13 name, AMANDA REED agrees to continue to have the truck in her name
14 provided that DEVIN REED makes timely payments on the vehicle, keeps the
15 vehicle insured and gives AMANDA REED the spare key. Should DEVIN
16 REED miss ONE (1) payment, AMANDA REED will have the full right to
17 repossess the vehicle and sell it. Any deficiency from the sale of the vehicle
18 shall be DEVIN REED's separate debt.
19

20
21 (b) Half of the credit card debt in the parties' names:

22 1. Disney Chase \$8,578.47;

23 2. Chase Slate \$3,399;

24 3. Discover \$5,257.22;

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27 6. Naivent St. Loans \$6,355.11.
28

1 (c) An equitable and equal split of the medical expenses that the parties' owe for
2 Shawn Reed to Shadow Emergency physicians in the amount of \$1,329.00 and
3 Desert Valley Pediatrics in the amount of \$12.99.
4

5 9. PLAINTIFF/Counterdefendant shall pay DEFENDANT/Counterclaimant's
6 reasonable attorney's fees and costs incurred herein.

7 10. That DEFENDANT/Counterclaimant does desire restoration of her former name.

8 11. The parties hereto are incompatible in marriage.
9

10
11 WHEREFORE, Defendant/Counterclaimant prays for judgment against Plaintiff/
12 Counterdefendant as follows:

13 1. That Plaintiff/Counterdefendant take nothing by way of his Complaint for Divorce
14 on file herein.

15
16 2. The parties hereto should be awarded joint legal custody of the minor child, with
17 DEFENDANT/Counterclaimant having primary physical custody and
18 PLAINTIFF/Counterdefendant having rights of visitation. With supervised visitation occurring
19 the first and third weekends of each month. PLAINTIFF/Counterdefendant is to have the
20 children from 9 AM until 6 PM on Saturday and 8 AM to 5 PM on Sunday. There is to be no
21 overnight visitation until the PLAINTIFF/Counterdefendant can demonstrate he is drug free.
22 However, no visitation will be ordered until the PLAINTIFF/Counterdefendant completes the
23 cope class.
24

25 3. PLAINTIFF/Counterdefendant should provide the statutory sum of 25% of his
26 gross monthly wages per month, for support of the minor children until the minor children
27 graduate high school or reach the age of majority, whichever is greater.
28

1 DEFENDANT/Counterclaimant AMANDA REED will claim the minor children as a tax
2 deduction with the I.R.S. every year until the minor children reach the age of 18.

3 4. That both Plaintiff/Counterdefendant and Defendant/Counterclaimant shall
4 maintain a policy of medical insurance benefits for the minor children. Any expenses pertaining
5 to medical treatment and care of the minor children not covered by health insurance is to be split
6 equally between the parties until the children reach the age of majority, subject to the 30/30 rule.
7

8 5. There is community property of the parties that is to be divided between the
9 parties as set forth below:
10

11 DEFENDANT/Counterclaimant AMANDA REED will keep the following property as
12 her sole and separate property:

- 13 (a) The Residence located at 4416 Cinderwood Ct., North Las Vegas, NV 89032;
14 (b) 2008 Ford Expedition;
15 (c) An equitable and equal split of all pension and retirement accounts;
16 (d) Half of the equity of the 2002 Ford Motorhome;
17 (e) All property currently in her possession.
18

19 Defendant DEVIN REED will keep the following as his sole and separate property:
20

- 21 (a) 2015 Dodge truck. To be Financed in DEVIN REED's name within 30 days.

22 If Mr. REED cannot finance the truck in his name, AMANDA REED agrees
23 to continue to have the truck in her name provided that DEVIN REED makes
24 timely payments on the vehicle, keeps the vehicle insured and gives
25 AMANDA REED the spare key. Should DEVIN REED miss ONE (1)
26 payment, AMANDA REED will have the full right to repossess the vehicle
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1 and sell it. Any deficiency from the sale of the vehicle shall be DEVIN
2 REED's separate debt;
3
4 (b) 2002 Ford Motorhome, after paying AMANDA REED half the equity;
5 (c) An equitable and equal split of all pension and retirement accounts;
6 (d) All property currently in his possession.
7
8 6. There is community debt of the parties that is to be divided between the parties as
9 set forth below:
10
11 DEFENDANT/Counterclaimant AMANDA REED will keep the following debt as her
12 sole and separate debt:
13
14 (a) The Mortgage on the residence located at 4416 Cinderwood Ct., North Las
15 Vegas, NV 89032;
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17 (b) Half of the credit card debt in the parties' names:
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19 1. Disney Chase \$8,578.47;
20 2. Chase Slate \$3,399;
21 3. Discover \$5,257.22;
22 4. Lowe's \$3,920.34;
23 5. Care Credit \$7,900.00;
24 6. Naivent St. Loans \$6,355.11.
25
26 (c) An equitable and equal split of the medical expenses that the parties' owe for
27 Shawn Reed to Shadow Emergency physicians in the amount of \$1,329.00 and
28 Desert Valley Pediatrics in the amount of \$12.99.
PLAINTIFF/Counterdefendant DEVIN REED will keep the following as his sole and
separate debt:

1 (a) The amount owing on the 2015 Dodge truck. To be Financed in DEVIN
2 REED's name within 30 days. If Mr. REED cannot finance the truck in his
3 name, AMANDA REED agrees to continue to have the truck in her name
4 provided that DEVIN REED makes timely payments on the vehicle, keeps the
5 vehicle insured and gives AMANDA REED the spare key. Should DEVIN
6 REED miss ONE (1) payment, AMANDA REED will have the full right to
7 repossess the vehicle and sell it. Any deficiency from the sale of the vehicle
8 shall be DEVIN REED's separate debt.
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10 (b) Half of the credit card debt in the parties' names:
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- 12 1. Disney Chase \$8,578.47;
- 13 2. Chase Slate \$3,399;
- 14 3. Discover \$5,257.22;
- 15 4. Lowe's \$3,920.34;
- 16 5. Care Credit \$7,900.00;
- 17 6. Naivent St. Loans \$6,355.11.

18 (c) An equitable and equal split of the medical expenses that the parties' owe
19 for Shawn Reed to Shadow Emergency physicians in the amount of \$1,329.00 and Desert
20 Valley Pediatrics in the amount of \$12.99.
21

22 7. PLAINTIFF/Counterdefendant should pay DEFENDANT/Counterclaimant's
23 reasonable attorney's fees and costs incurred herein.
24

25 8. That DEFENDANT/Counterclaimant does desire restoration of her former name.
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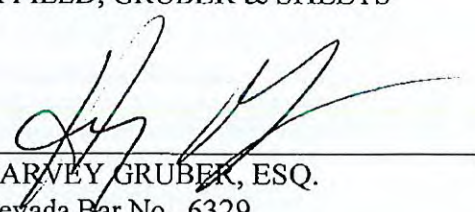
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9. For such other and further relief as this Court deems just and proper.

MAYFIELD, GRUBER & SHEETS

BY


HARVEY GRUBER, ESQ.

Nevada Bar No. 6329

223 Water Street, Suite C

Henderson, Nevada 89015

(702) 566-4099

Attorney for DEFENDANT/Counterclaimant

AMANDA REED

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VERIFICATION

STATE OF NEVADA)
)ss:
COUNTY OF CLARK)

AMANDA REED, being first duly sworn, deposes and says:

That I am the Defendant/Counterclaimant in the above-entitled action; that I have read the foregoing Answer and Counterclaim and know the contents thereof; the same is true of my own knowledge except as to those matters therein stated on information and belief and, as to those matters, I believe them to be true.

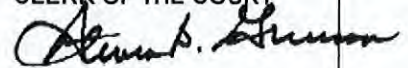
Amanda Reed
AMANDA REED

SUBSCRIBED and SWORN to before me

this 9TH day of April, 2018.



Esther M. Garcia
NOTARY PUBLIC



1 **MRCN**
2 **HANRATTY LAW GROUP**
3 Carrie J. Primas, Esq.
4 State Bar of Nevada No. 12071
5 1815 Village Center Circle, Suite 140
6 Las Vegas, Nevada 89134
7 PH: (702) 821-1379
8 FAX: (702) 870-1846
9 EMAIL: attorneys@hanrattylawgroup.com
10 Attorneys for Defendant, Amanda Reed

8 **DISTRICT COURT**
9
10 **CLARK COUNTY, NEVADA**

11 DEVIN REED,
12 Plaintiff,
13 v.
14 AMANDA REED,
15 Defendant.

) Case No: D-18-568055-D
) Dept No: Z

) **NOTICE OF MOTION AND**
) **MOTION FOR**
) **RECONSIDERATION OF THE**
) **COURT'S ORDER FROM THE**
) **FEBRUARY 25, 2021 HEARING**

) Date of Hearing:
) Time of Hearing:

) Oral Argument Requested: YES

18
19 TO: Plaintiff, Devin Reed, and his attorney, Michancy Cramer, Esq.

20 YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS
21 MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE
22 UNDER-SIGNED WITH A COPY OF YOUR RESPONSE WITHIN FOURTEEN
23 (14) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A
24 WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN
25 FOURTEEN (14) DAYS OF YOUR RECEIPT OF THIS MOTION MAY
26 RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT
27 WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING DATE.
28

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1 PLEASE TAKE NOTICE that the undersigned will bring the foregoing
2 *Motion* for hearing before the Honorable Michele mercer, in Dept. Z, Courtroom
3
4 #22 of the Eighth Judicial District Court, located at 601 N. Pecos Road, Las Vegas,
5 Nevada, on the _____ day of _____, 2021, at _____ a.m./p.m. of said
6 day, or as soon thereafter as Counsel may be heard.

7
8 COMES NOW the Defendant, Amanda Reed, by and through her attorney,
9 Carrie J. Primas, Esq., of Hanratty Law Group, and hereby moves the Court for the
10 following:

- 11 1. Reconsideration of the Court's Order from the February 25, 2021
12 hearing; and
13 2. For any of other relief the Court deems proper.
14

15 This Motion is made and based on the attached Points and Authorities,
16 Affidavit of Counsel, and all papers and pleadings on file herein and argument of
17 counsel at hearing.

18
19 DATED this 17th day of March, 2021.

20 **HANRATTY LAW GROUP**

21 

22 _____
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **Statement of Facts**

4 The Parties, Plaintiff Devin Reed (“Devin”) and Defendant Amanda Reed
5 (“Amanda”) were married on the 2nd day of October, 2008, and divorced pursuant
6 to a Decree of Divorce filed April 6, 2020. There are two (2) minor children born
7 the issue of the marriage, to wit: Abigail Reed (“Abby”), born April 6, 2013; and
8 Shawn Reed, born July 3, 2015.
9

10
11 This matter was before this Court for a trial on February 25, 2021, at which
12 time the Court found that Amanda did not negotiate the terms of the Decree of
13 Divorce in good faith, as her Motion to Modify Custody was filed two (2) day after
14 the entry of the Decree of Divorce. The Court also ruled that it would not consider
15 any evidence of domestic violence that occurred prior to the Decree of Divorce,
16 including the Custodial Evaluation performed by Dr. Paglini on stipulation of the
17 parties.
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19

20 The Court’s concern regarding the timing of Amanda’s Motion is
21 understandable, given the Court’s unfamiliarity with the history of the case.
22 Amanda understands that, to anybody without intricate, firsthand knowledge of the
23 history of the case, it looks like Amanda negotiated terms of custody, and then
24 immediately requested to modify that agreement. That is not what happened.
25 Contrarily, Amanda negotiated the Decree of Divorce prior to filing her instant
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1 Motion at the direction of the Court.

2 The custody arrangement included in the Decree of Divorce was originally
3 ordered on October 16, 2018. Following that hearing, the parties engaged in
4 extensive litigation, culminating in a hearing on August 27, 2019, at which the
5 parties stipulated to Dr. Paglini performing a Child Custody Evaluation. The Court
6 specifically ordered that **“if there are no issues found**, it is agreed that the parties
7 will continue to follow the current custodial arrangement.” Emphasis added. At
8 that same hearing, the Court directed the parties to submit a Decree of Divorce **in**
9 **the meantime**. In other words, Judge Gentile *told* Amanda to settle the entire
10 divorce and submit a Decree of Divorce prior to requesting to modify custody.
11 Specifically, at the hearing held on August 27, 2019, the following exchange
12 occurred, starting at 4:23:28:

13
14 **Judge:** I think, and the way we talked about this, I know we talked
15 about it off the record, if the recommendation from Dr. Paglini is
16 there’s no need to change what’s there, right, that I think that the
17 parties should continue doing what they’re doing or some modified
18 version thereof that doesn’t change upend everything then right, I
19 think everybody, we’ve agreed that that will just be what happens,
20 then **if in fact there is an issued that’s raised by Dr. Paglini and**
21 **potential recommendations that change things, then at that point,**
22 **the parties can either stipulate or I will then make the**
23 **determination to proceed on a trial because then there would be**
24 **adequate cause.** So we’re doing, like we’re doing this a little different
25 but I think it makes the most sense and keep them from having to
26 litigate something they don’t really have to litigate and gives them
27 some closure and some understanding and some additional input and
28 all of those things that will help them get to the end of this thing. **In**
the meantime though, I want a Decree. I want a Decree that has, we
already, cause remember we gotta make sure to keep the case clean so
we have, if they reach a deal on the financials, we need to put a Decree

1 in place.

2 **Kari:** Once we have the deal?

3 **Judge:** Yeah

4 **Kari:** Oh, okay, I'm like, I'm not gong to do that right now. Okay

5 **Judge:** Yeah, once you have a deal, I want a Decree. Once you know
6 what your deal is, **put it in a Decree and we can finalize that and**
7 **then we're just reopening on the custody issue with regards to the**
8 **eval reopening only for the purposes of the eval and then**
9 **determining do we go forward.**

10 Emphasis added. A few minutes later, Judge Gentile confirmed that the
11 parties were to negotiate and finalize a Decree, and that she would separately
12 consider whether a modification of custody was appropriate depending on the
13 result of the Custody Evaluation. At 4:27:30 she stated: "And we can do that with
14 this other thing happening, you know, in a parallel universe. So we can do that and
15 at least **get them divorced and get this information from the evaluator and go**
16 **from there.**"

17 Following that hearing, as the Court directed, the parties attempted to resolve
18 the remaining issues related to the divorce, to no avail. Simultaneously, Dr. Paglini
19 conducted his Custody Evaluation. The Custody Evaluation was received by the
20 Court and the parties on January 27, 2020, and the Court held a return hearing just
21 two (2) days later, on January 29, 2020. At that hearing, a discussion was held off
22 the record, during which the Court notified undersigned counsel and Devin's then-
23 attorney Louis Schneider, Esq., of its intent to set the matter for further
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1 proceedings, given that the Custody Evaluation did raise concerns, and the Court
2 had stated at the August 27, 2019, hearing, that a trial would be set due to adequate
3 cause if Dr. Paglini's report issued recommendations that would change things.
4 The Court reiterated its desire for the parties' to finalize the divorce prior to
5 considering the potential custody modification, and to that end, referred the parties
6 to a Senior Judge Settlement Conference on February 11, 2020. The Court did not
7 set further proceedings prior to the time for the Senior Judge Settlement
8 Conference, and the parties proceeded to the settlement conference on the direction
9 of Judge Gentile.
10
11

12
13 At the Settlement Conference, at which Amanda, undersigned counsel,
14 Devin and Attorney Schneider, were present, there was no discussion regarding
15 custody. The entirety of the Settlement Conference was focused on resolving the
16 previously unresolved property and debt issues. Devin and his counsel were well
17 aware that a modification of custody based on the Custody Evaluation was still
18 pending with the Court, as is reflected in the minutes from the Settlement
19 Conference, which state as follows: "Per Stipulation, Order for Joint Legal Custody
20 and Joint Physical Custody of the minor children was entered by Judge Gentile.
21 Defendant contested that order and there are presently proceedings before Judge
22 Gentile regarding that arrangement. **Those proceedings will continue and none**
23 **of the agreements today will impact that, at least until Judge Gentile addresses**
24 **that."** Emphasis added.
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1 Following the Senior Judge Settlement Conference, it took over a month to
2 get the Decree of Divorce signed by Devin's attorney, as Devin attempted to upend
3 the agreement. Specifically, on February 25, 2020, the day Attorney Primas sent a
4 draft Decree of Divorce to Attorney Schneider, Attorney Schneider sent an email
5 stating that Devin believed the payoff on his truck that Amanda was supposed to
6 pay, was \$7,000.00, not \$17,000.00, and thus Amanda owed him an additional
7 \$10,000.00. Attorney Primas immediately sent documents, which Devin and
8 Attorney Schneider already had, showing that Devin was not being truthful. No
9 response was received until almost three (3) weeks later, on March 18, 2020, by
10 way of another email from Attorney Schneider asking again to "adjust the
11 negotiation" due to Devin's allegation of the loan only being \$7,000.00. Attorney
12 Primas again sent the confirming documentation, which resulted in Attorney
13 Schneider indicating that he would sign the Decree, which he finally did over a
14 week later, on March 26, 2020. The Decree of Divorce was submitted to the Court
15 on that same day, but was not signed by the Court until April 3, 2020.

16
17 In the middle of Devin attempting to delay the signing of the Decree of
18 Divorce, the Coronavirus Pandemic caused the Courts to close, and the Court had
19 not set the matter for Further Proceedings by the time the Decree of Divorce was
20 entered. As such, Amanda, through counsel, took the initiative to file her Motion
21 to Adopt Dr. Paglini's Recommendation; for an Order to Show Cause Why
22 Plaintiff Should Not Be Held in Contempt of Court; to Modify Custody; and for
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1 Attorney Fees and Costs, to move the case forward.

2 At the hearing held on May 13, 2020, the Court set the matter for
3 Evidentiary Hearing, specifically taking into account Dr. Paglini's report, despite
4 the report having been received prior to entry of the Decree of Divorce. Judge
5 Gentile did so based on her personal knowledge of the procedural history of the
6 case, specifically that the Decree had been entered on her direction, and that the
7 issues related to custody and Dr. Paglini's report had continuously been on the
8 Court's radar. Again, at the hearing on August 27, 2019, the Court specifically
9 stated that "if...there is an issue that's raised by Dr. Paglini and potential
10 recommendations that changes things....the parties can either stipulate or I will
11 then make the determination to proceed on a trial because there would be adequate
12 cause."
13

14 Devin was present at the hearing on August 27, 2019, at the hearing on
15 January 29, 2020, and at the Senior Judge Settlement Conference on February 11,
16 2020. While his current attorney may not be privy to the unique procedural history
17 of this case, Devin was aware that the parties finalized the divorce at the time they
18 did at the direction of the judge; that the only discussion of custody at the Senior
19 Judge Settlement Conference was a confirmation that there were ongoing
20 proceedings that would continue at the discretion of the Court and be unaffected by
21 the Decree of Divorce; and that the Court had already indicated a concern related to
22 the results of Dr. Paglini's report and would be setting further proceedings
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1 accordingly. Following the Evidentiary Hearing being set on May 13, 2020, Devin
2 did not file a Motion for Reconsideration; did not make any claims in any of his
3 subsequent filings that the evidence in question was barred by *McMonigal*; and did
4 not file any Motions in Limine to exclude any such evidence. In fact, Devin's own
5 request for primary physical custody, brought in his Supplemental Plea for Relief
6 filed July 2, 2020, was based primarily on events that occurred *prior to the entry of*
7 *the Decree of Divorce*, and as far back as 2017. It is clear that Devin knew that
8 evidence prior to the Decree was not barred by *McMonigal* due to the unique
9 procedural history of the case, and he fully intended to use that to his advantage at
10 the time of the Evidentiary Hearing.

14 II.

15 Legal Analysis

16 A. The Court's Order from the February 25, 2021, hearing should be 17 reconsidered.

18 Eighth District Court Rule ("EDCR") 5.513, regarding reconsideration,
19 states in relevant part,
20

21 (a) A party seeking reconsideration and/or rehearing of a ruling (other
22 than an order that may be addressed by motion pursuant to NRCP
23 50(b), 52(b), 59, or 60), must file a motion for such relief not later
24 than 14 days after service of notice of entry of the order unless the
25 time is shortened or enlarged by order. A motion for reconsideration
does not toll the period for filing a notice of appeal.

26 The Nevada Supreme has held that the standard to be applied in a motion to
27 reconsider is that the "court may reconsider a previously decided issue if
28

1 **substantially different evidence is subsequently introduced** or the decision is
2 clearly erroneous.” *Masonry and Title Contractors v. Jolley, Urga & Wirth*, 113
3 Nev. 737, 741 (1997).
4

5 As no Order has been prepared from the February 25, 2021, hearing, and
6 thus no Notice of Entry of Order has been entered, this Motion for Reconsideration
7 is timely.
8

9 At the time of the trial on February 25, 2021, this Court was unaware of the
10 unique procedural history of the case, wherein the previous judge directed the
11 parties to resolve the property and debt issues and submit a Decree of Divorce,
12 AND THEN address the issue of custody modification in light of Dr. Paglini’s
13 report. On January 29, 2020, after the report was received, Judge Gentile
14 specifically told the parties she was going to set the matter for further proceedings
15 to determine the next steps, and then referred the parties to a Senior Judge
16 Settlement Conference to resolve the remaining issues and finalize the divorce in
17 the meantime. Being aware of this chain of events, Judge Gentile then saw fit to
18 set Amanda’s Motion to Adopt Dr. Paglini’s Recommendation; for an Order to
19 Show Cause Why Plaintiff Should Not Be Held in Contempt of Court; to Modify
20 Custody; and for Attorney Fees and Costs, for an Evidentiary Hearing, despite the
21 same being filed after the entry of the Decree of Divorce. Devin subsequently filed
22 two (2) briefs citing events prior to the Decree of Divorce as the basis for his own
23 request to modify custody, making it clear that he knew and understood that the
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1 date of entry of the Decree of Divorce was not the relevant date for the purposes of
2 *McMonigal*.

3
4 It is understandable that the current Court made the findings it did on
5 February 25, 2021, as it was not fully aware of the unorthodox way this case
6 unfolded. However, now being presented with the full record, showing that the
7 parties entered into the Decree of Divorce while the custody issues were pending,
8 at the direction of Judge Gentile, the Court would be remiss in not reconsidering its
9 finding on February 25, 2021, that no evidence prior to the entry of the Decree
10 would be admissible at the time of trial.
11

12
13 As such, Amanda respectfully requests that the Court reconsider its order
14 from February 25, 2021, as it relates to Amanda's ability to introduce evidence
15 prior to the Notice of Entry of Decree of Divorce, specifically the Custody
16 Evaluation performed by Dr. Paglini.
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III.

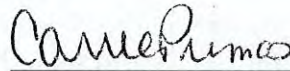
Conclusion

Therefore, based upon the foregoing, Amanda requests the Court enter orders:

1. Reconsidering the Court's Order from the February 25, 2021 hearing; and
2. For any of other relief the Court deems proper.

DATED this 17th day of March, 2021.

HANRATTY LAW GROUP



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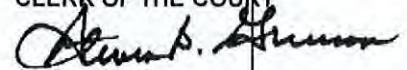
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12 **EIGHTH JUDICIAL DISTRICT COURT**
13 **CLARK COUNTY, NEVADA**

14 ****

15 DEVIN REED,

16 Plaintiff,

17 vs.

18 AMANDA REED,

19 Defendants.

Case No.: D-18-568055-D

Dept. No.: Z

HEARING REQUESTED: YES

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

27 **PLAINTIFF'S OPPOSITION AND COUNTERMOTION FOR REVISED**
28 **CUSTODIAL TIMESHARE, SCHOOL PLACEMENT, TO RESOLVE PARENT-**
CHILD MATTERS, AND FOR ATTORNEY FEES AND COSTS

29 COMES NOW Plaintiff, DEVIN REED ("Devin"), through his counsel Michancy
30 M. Cramer, Esq. of Alex B. Ghibauda, PC, and hereby files this *Opposition and*
31 *Counter-motion for Revised Custodial Timeshare, School Placement, to Resolve Parent-Child*
32 *Matters, and for Attorney Fees and Costs.* This Opposition and Counter-motion is based on
33 the following Memorandum of Points and Authorities, the papers and pleadings already on

1 file herein, the attached affidavits/declarations, and any oral argument the Court may permit
2 at the time of hearing.

3 Dated this the 31st day of March, 2021.

4 //s//Michancy M. Cramer

5 Michancy M. Cramer, Esq.
6 Nevada State Bar No. 11545
7 ALEX B. GHIBAUDO, PC
8 *Attorney for Plaintiff*
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<i>May v. Anderson</i> , 121 Nev. 668, 672, 119 P.3d 1254, 1257 (2005).....	6
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<i>Castle v. Simmons</i> , 120 Nev. 98 (Nev. 2004)	7
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<i>Miller v. Wilfong</i> , 121 Nev. 619 (2005).....	13
<i>Brunzell v. Golden Gate National Bank</i> , 85 Nev. 345 (1969).....	13

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1
2 **PRAYER FOR RELIEF**

3 Devin makes the following, specific, requests for relief:

- 4 1. That the Court deny Defendant's Motion in its entirety;
5 2. That the Court modify the current custodial timeshare for the best interests of the
6 children;
7 3. That the children be placed in a school in Plaintiff's school zone rather than the
8 school that Defendant works at;
9 4. That this Court prohibit Defendant's father from attending the children's activities
10 during Plaintiff's timeshare;
11 5. That this Court grant him vacation time with the minor children each year;
12 6. That this Court permit the children to spend time with their siblings;
13 7. That this Court order the exchange of W-2s so that the parties may calculate child
14 support;
15 8. That this Court grant Devin an award of fees and costs; and
16 9. For any other relief this Court deems just and equitable.

17 Dated this 31st day of March, 2022.

18
19 //s//Michancy M. Cramer
20 Michancy M. Cramer, Esq.
21 Nevada State Bar No. 11545
22 ALEX B. GHIBAUDO, PC
23 *Attorney for Plaintiff*
24
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 On April 6, 2020 the parties' Decree of Divorce was filed. On April 7, 2020 the
4 Notice of Entry was filed. On April 8, 2020 the Defendant, Amanda Reed ("Amanda")
5 filed a motion to modify the current order. There are two (2) minor children of the
6 marriage, to wit: Abigail Reed ("Abby"), born April 6, 2013, and Shawn Reed
7 ("Shawn"), born July 3, 2015.

8 Amanda is the stereotypical vexatious litigant. She planned for years in advance
9 to divorce the Plaintiff, Devin Reed ("Devin") and she has attempted to collect her so-
10 called evidence to support her angry pursuit. What is missing from Amanda's litigation
11 is what is in the best interests of the children.

12 The Defendant is not going to rest, she is not going to stop until this Court stops
13 her or she destroys her children. She is more obsessed with her hatred of Devin than she
14 is with loving her children. Her motion should be denied and this Court should enter an
15 Order that puts a stop to Amanda's litigious behavior once and for all.

16 Devins's opposition and countermotion follows:

17 **II. SUMMARY OF FACTS**

18 a. Amanda's Motion Should Be Denied

19 Amanda made the decision to resolve this matter through stipulation. It was not
20 the first time she had agreed to joint physical custody. She wanted to be divorced and she
21 wanted to litigate child custody. It is clear she thought she could do both with her poorly
22 timed motion. Nevada law states otherwise.

23 The report from Dr. Paglini that Amanda relies so heavily on was finished in
24 January of 2020. From the time that report was completed until the time that Amanda
25 signed the Decree and it was entered absolutely nothing changed on Devin's end.
26 Nothing.

27 What has occurred is that Amanda's obsession with hating Devin has hurt the
28 children, specifically Abby. While Amanda was busy harassing Devin, monitoring his

1 every move and plotting her next attack, her boyfriend was hurting Abby. Although
2 Amanda claims she only briefly dated him, Jeffrey Eatherly was convicted of *Attempt*
3 *Lewdness With A Child Under The Age Of 14* and *Attempt Use Minor Under The Age Of*
4 *14 As Subject Of Sexual Portrayal In A Performance* on February 12, 2021. Amanda
5 shamefully claimed she was not dating Jeff even though there are photos of the two of
6 them together, social media messages in which she waxes on about how great he was,
7 and videos of the two of them inside her home. She cannot even admit that her fixation
8 with fighting with Devin clouded her to the danger that was right under her nose. No
9 doubt she thinks she did nothing wrong even though she invited her daughter's abuser
10 into their home.

11 b. It Is In The Best Interest Of The Children To Modify The Custodial
12 Timeshare And To Change The Children's School Placement

13 Since filing her motion two (2) days after the Decree was filed, Amanda has
14 carried on with her vexatious behavior. She makes custodial exchanges with Devin a
15 living nightmare for the children and Devin. When Devin brings the children to school,
16 she takes their clothes and redoes their hair as if Devin has done something wrong. She
17 also accuses Devin of not sending them with their proper school items. For example,
18 when the children were finally allowed to return to in-person schooling, Devin returned
19 the children to Amanda in the morning. It was an hour before school started. Amanda
20 then had her attorney contact this writer by email accusing Devin of not sending their
21 backpacks or lunch boxes. In reality, Amanda had the backpacks and the lunchboxes.
22 Devin purchased them for the children back in 2019. Amanda has never returned them to
23 him. When she sends the children to Devin, she takes everything from them. The
24 backpacks and lunch boxes are not a lone incident. In the winter of 2019-2020, Devin
25 purchased four (4) jackets for the kids. Each time they wore them back to Amanda's
26 home, they were never returned.

27 In addition to her shenanigans with the school supplies and clothing, Amanda
28 makes the custodial exchanges physically miserable for all parties. She has trained the

1 wchildren to misbehave at the exchanges and she encourages them not to go with Devin.
2 Then she yells at Devin that he needs to get them, no doubt wanting to film him
3 physically putting the children in his vehicle. When he refuses to engage, as he always
4 does, Amanda yells at him and continues to encourage the children to either stay in her
5 car or to run around and misbehave. It's almost unbelievable except that Devin has taken
6 videos of the behavior and then it just becomes sad. These young children are being
7 manipulated and abused by their mother. Once they are with Devin they have a great
8 time. They love their father and they relish the time they get to spend with him.

9 Amanda also uses her position as a teacher in the children's school to manipulate
10 and harass Devin. During some exchanges, she has refused to turn the children over to
11 him. One time Devin found Abby in Amanda's classroom with Amanda and her father,
12 with the door locked. Amanda refused to open the door and release Abby to him so
13 Devin had to find a school staff member to open the door so he could get Abby and take
14 her home.

15 For these reasons, Devin is requesting that not only the custodial timeshare be
16 modified, but also that the children be taken out of Amanda's school and placed in the
17 school in his neighborhood. The matter has been fully briefed in Plaintiff's *Supplemental*
18 *Plea for Relief* filed herein on July 2, 2020 and adopted and incorporated herein as if
19 fully set forth pursuant to EDCR 10(c). The matter was reserved for trial by Judge
20 Gentile and has yet to be ruled on. Devin's primary concern here is the children.
21 Amanda makes custodial exchanges a horrible event for the children and she uses her
22 position in the school to undermine Devin as a parent. Both of these issues would be
23 resolved by modifying the custodial timeshare to week on – week off and changing the
24 children's school.

25 c. Amanda's Father Should Be Permanently Excluded From Contact
26 With Devin

27 Amanda's father is a problematic figure in this case. He has behaved in a violent
28 and hostile manner towards Devin, even in front of the children. One time he even pulled

1 a gun on Devin. Amanda helped him hide the gun to deceive the police officers that
2 responded, but the fact remains, he pulled a gun on Devin. He is also threatening during
3 exchanges and whenever he sees Devin – even when he does not have a gun visible.

4 Amanda demands that Devin take the children to their activities, but she refuses to
5 give Devin their uniforms and she allows her aggressive and violent father to attend
6 during Devin's custodial time. Devin has no interest in being around Amanda's father
7 for reasons stated above and in filings herein. Amanda has her dad come to the
8 children's school on days Devin is to pick them up there. She has him come to
9 exchanges and she has him come to activities. One of the videos Devin submitted screen
10 shots from in a previous filing (adopted and incorporated as if restated herein pursuant to
11 EDCR 10(c)) shows Amanda standing next to her father holding him back because he
12 was approaching Devin as if to threaten him.

13 There is no reason for Amanda's father to be present during Devin's custodial
14 exchanges or time. Judge Gentile's temporary order prohibits Amanda's father from
15 being present during exchanges. Devin requests that order be made permanent and that
16 Amanda's father be prohibited from coming to activities or events for the children at
17 which Devin will be present such as during Devin's custodial time and during special
18 events at school. Amanda's father is not a parent and since he cannot control his own
19 behavior, it is in the best interest of the children that he not be around their father. It is
20 also in the best interest of Devin's safety that Amanda's violent and aggressive father
21 keep away from him.

22 d. Devin Should Have Vacation Time With The Children

23 Unfortunately Devin was never given vacation time in the Decree. This had led
24 to him not being able to introduce the children to his side of the family or even to take
25 them on vacation with him. During COVID-19 that has not been an issue, but in the past
26 Amanda has used this to refuse to allow Devin to even take the children to his reunions.
27 This is uncalled for and interferes with the children's ability to form special, long last
28 memories with their father. They should be able to look back on their childhood and

1 remember family reunions, trips to Disney, and other excursions with their father. As it
2 is, they will not get that because of a clerical error leaving Devin's vacation time out of
3 the Decree.

4 c. The Children Should Be Allowed Contact With Their Siblings

5 In yet another example of Amanda's vitriol, she has demanded that the children
6 never be around Devin's older children. She has no reason for this, she simply hates
7 them. This is unacceptable and should be modified. The Nevada Supreme Court and
8 family courts around the country have recognized the importance of sibling bonds.
9 Amanda should not be allowed to take that bond from Abby and Shawn. They should
10 have the chance to know their siblings and have a relationship with them.

11 f. The Parties Should Exchange W-2s To Calculate Child Support

12 In her orders, Judge Gentile has made clear that this is a joint legal and joint
13 physical case. Despite that, Amanda now wishes to argue that she has primary physical
14 custody of the children and should be granted child support. She has repeatedly asked for
15 continuances and has threatened multiple appeals and writs to drag out these proceedings,
16 apparently for the purpose of demanding money. Devin is a joint physical custodian of
17 his children and child support should be calculated accordingly. During COVID-19
18 Devin has struggled on unemployment and has managed to piece together occasional jobs
19 through his union. In the meantime, Amanda has maintained steady employment. She
20 should be required to turn over her 2020 W-2, with Devin doing the same, so that child
21 support can be calculated accordingly.

22 **III. LEGAL ANALYSIS**

23 a. The Decree Is A Final Order And Amanda's Request Should Be
24 Denied

25 Pursuant to District Court Rule 16 "[n]o agreement or stipulation between the
26 parties in a cause or their attorneys, in respect to proceedings therein, will be regarded
27 unless the same shall, by consent, be entered in the minutes in the form of an order, or
28 unless the same shall be in writing subscribed by the party against whom the same shall

1 be alleged, or by his attorney.” “DCR 16 applies to divorce and dissolution disputes
2 equally with any other kind of civil litigation.” *Grisham v. Grisham*, 289 P.3d 230, 233
3 (Nev. 2012). Furthermore, “[w]hen parties to pending litigation enter into a settlement,
4 they enter into a contract” *Grisham v. Grisham*, 289 P.3d 230, 234 (Nev. 2012). “Such a
5 contract is subject to general principles of contract law.” *Id.* In addition to complying
6 with DCR 16’s procedural requirements, a stipulated settlement agreement requires
7 mutual assent, see *Lehrer McGovern Bovis v. Bullock Insulation*, 124 Nev. 1102, 1118,
8 197 P.3d 1032, 1042 (2008), or a “meeting of the minds,” *May v. Anderson*, 121 Nev.
9 668, 672, 119 P.3d 1254, 1257 (2005), on “the contract’s essential terms.” *Certified Fire*
10 *Prot. v. Precision Constr.*, 128 Nev. —, —, 283 P.3d 250, 255 (2012). “A valid
11 contract cannot exist when material terms are lacking or are insufficiently certain and
12 definite” for a court “to ascertain what is required of the respective parties” and to
13 “compel compliance” if necessary. *May*, 121 Nev. at 672, 119 P.3d at 1257.

14 According to the Nevada Supreme Court, “[d]espite its awkward wording, DCR
15 16’s application is straightforward: An agreement to settle pending litigation can be
16 enforced by motion in the case being settled if the agreement is “either ... reduced to a
17 signed writing or ... entered in the court minutes following a stipulation.” *Id.* at 233 (Nev.
18 2012); citing *Resnick v. Valente*, 97 Nev. 615, 616, 637 P.2d 1205, 1206 (1981) (applying
19 DCR 24, later renumbered DCR 16). Here, the agreement the parties entered into was
20 reduced to writing, with counsel for both present, and was entered into freely and without
21 duress.

22 Amanda attempts to suggest that she was forced into the Decree by the previous
23 judge in this case, but that is a mischaracterization of events. Every judge would like to
24 have their docket cleared by settlement and stipulation. Just because the parties were
25 pressured to settle does not mean she had to. She could have easily and simply advised
26 the Court that no settlement could be reached and no Decree would be submitted.
27 Instead, Amanda wanted to be divorced. She clearly hates Devin with all her heart. She
28 wanted to be a single woman. She wanted that Decree as much as anyone. She just

1 thought her motion filed two days later was going to give her a second bite at the apple.
2 It cannot.

3 Pursuant to *McMonigle v. McMonigle*, 110 Nev. 1407 (Nev. 1995), the Court
4 cannot consider evidence that predates the last order, with few exceptions. In this case
5 Amanda admits that she seeks to litigate events and matters that occurred years before the
6 Decree was entered. Even the report from Dr. Paglini upon which she relies is dated
7 January of 2020 – four months prior to the entry of the Decree.

8 Amanda then relies on two other cases seeking an exception to *McMonigle*. In
9 *Castle v. Simmons*, 120 Nev. 98 (Nev. 2004) the Supreme Court ruled that previously
10 unknown evidence of domestic violence could be used to modify a custodial order. In
11 that case the mother had committed acts of violence against the children unbeknownst to
12 the father. When he found out, after the Decree was entered, he sought to modify
13 custody. The Supreme Court reasoned that “[d]omestic violence, by its very nature, may
14 be difficult to discover. Once it is discovered, the court should not be precluded from
15 considering it simply because it was not previously raised.” *Id.* at 105-6. In contrast to
16 *Castle*, this case has always included Amanda’s unfounded allegations against Devin.
17 She has always claimed domestic violence. It was never unknown or kept from the
18 Court. She still chose to agree to joint physical custody, twice, with Devin. Repeatedly
19 she agreed that joint physical custody was in their best interests.

20 In *Nance v. Ferraro*, 418 P.3d 679 (Nev. App. 2018) the parties were a
21 contentious pair who had some kind of custodial arrangement between the father living in
22 New York and the mother residing in Nevada. Although the District Court ruled it was
23 joint physical custody, the opinion does not clarify what their actual custodial
24 arrangement actually was. What is clear is that the mother made allegations of
25 substantiated domestic violence investigations by Child Protective Services (CPS) against
26 the father. *Id.* at 682. When the child entered school the father attempted to modify
27 custody, requesting primary physical custody to take the child to New York and enroll
28 him in school there. The District Court granted the father’s motion in limine to exclude

1 all references to the previous allegations of domestic violence. The higher Court
2 disagreed, concluding that “*McMonigle* and *Castle* do not bar the district court from
3 reviewing the facts and evidence underpinning its prior rulings or custody determinations
4 in deciding whether the modification of a prior custody order is in the child’s best
5 interest.” *Id.*

6 The present case is distinguishable from *Nance* on numerous points. First and
7 foremost is the CPS allegations. Amanda has made repeated calls to both Las Vegas
8 Metropolitan Police Department (“Metro”) and CPS against Devin. She has called Metro
9 on Devin so many times, he knows the neighborhood patrol officers on sight. Despite all
10 her calls to Metro and to CPS, not one single time has anything been substantiated against
11 him. Not ONE single time. The only so-called evidence she has is a report from a
12 psychologist she hired. There are no court reports, no police reports, no CPS reports that
13 substantiate abuse by Devin.

14 Second, in *Nance* the abuser was attempting to preclude all evidence of domestic
15 violence in an attempt to modify custody to his advantage, to take the child away from
16 the mother and relocate him to the other side of the country. Under that father’s
17 reasoning, a parent found to have committed domestic violence could simply file a
18 motion the next day and have all that evidence excluded. Clearly that is nonsensical and
19 the Court in *Nance* agreed, reasoning that “[w]hen a district court considers a motion to
20 modify a prior custody order, it logically follows that the court’s evaluation of whether
21 modification is in the child’s best interest will necessarily be informed by the findings
22 and conclusions that resulted in the prior custody determination.” *Id.* at 686. In this case
23 there never was a finding of domestic violence because Amanda chose to settle the case.
24 She repeatedly agreed to joint physical custody of the children.

25 As this Court pointed out, NRS 125C.0025(1)(a) tells us that “there is a
26 preference that joint physical custody would be in the best interest of a minor child
27 if...[t]he parents have agreed to an award of joint physical custody.” That is exactly the
28

1 case here. These parents agreed on more than one occasion that joint physical custody
2 was in the best interest of Abby and Shawn.

3 Finally, it cannot go unremarked how extensively the Court in *Nance* emphasized
4 that parties may not file “repetitive serial motions seeking to relitigate the same issues
5 based on the same underlying facts.” *Id.* at 684. Over and over in its analysis the Court
6 pointed to the principle of res judicata. Even in analyzing *Castle* and *McMonigle*, the
7 Court noted that “this substantial change in circumstances requirement is, itself, derived
8 from res judicata principles, which prevent dissatisfied parties from filing repetitive,
9 serial motions until they obtain their desired results.” *Id.* at 684.

10 Contrary to Amanda’s representations, no one forced her to sign that Decree. She
11 was represented by competent counsel throughout the proceedings and she chose to sign
12 the Decree. If, as she claims, she was ordered to sign the Decree, the next step was to file
13 an appeal. A Court cannot force someone to sign a settlement if they do not agree. The
14 Court could have entered its own Decree and then Amanda could have appealed. She did
15 not. She freely and knowingly signed the Decree and agreed to joint legal and joint
16 physical custody with Devin.

17 b. Parent-Child Matters Should Be Resolved In The Best Interests Of The
18 Children

19 The current custodial timeshare as spelled out in the Decree includes numerous
20 custody exchanges between the parents. As explained in Devin’s *Opposition and*
21 *Countermotion* filed on April 20, 2020 and his *Supplemental Plea for Relief* filed on July
22 2, 2020, adopted as if restated fully herein pursuant to EDCR 10(c), Amanda has made
23 these custodial exchanges a nightmare for the children and for Devin. It is in the best
24 interests of the children that custody exchanges be reduced as much as possible. A
25 simply way to achieve this is to grant the parties a week on – week off schedule. There
26 will be one exchange each week and it can be conducted at the school.

27 Devin has also requested that the Court order the children to be placed in the
28 school in his neighborhood. As briefed in his *Supplemental Plea for Relief*, Amanda uses

1 her position as a teacher in the children's school to alienate them from Devin. Even her
2 recent Pretrial Memo shows that she recruited her coworkers to testify against Devin,
3 despite her repeated calls to CPS and Metro yielding nothing. Further, she has used her
4 position to interfere with Devin picking up and dropping off the children. It is time for
5 that to stop. If the children are enrolled in a school she does not teach at, she will no
6 longer be able to use her position to interfere with Devin's role as their father or his
7 involvement in their education.

8 Devin's request is not only supported under *Arcella* as briefed in his *Supplemental*
9 *Plea for Relief*, but it is also in their best interest pursuant to NRS 125C.0035(4)(c), (d),
10 (e), and (g). Amanda's behavior in excluding Devin from participating in their education
11 and school activities is a direct attack on Abby and Shawn's relationship with Devin.
12 Amanda does not support them having "frequent associations and a continuing
13 relationship" with their father and if she had her way, Devin would never see them. Her
14 behavior is highly contentious and creates a high "level of conflict between
15 [these]parents." At no point does Amanda ever relent in her attacks against Devin. Her
16 behavior precludes any "ability...to cooperate to meet the needs of the child[ren]" as she
17 does not cooperate with Devin on even the most minute of issues. Finally, Amanda's
18 hate for Devin interferes with her ability to see the to "physical, developmental, and
19 emotional needs of the child[ren]." She is obsessed with hating Devin, not with loving
20 her children.

21 Due to a clerical error made by Devin's previous counsel, Devin's vacation time
22 with the children was left out of the Decree. Amanda has used this to preclude Devin
23 from having even an extra second with the children. She will not allow Devin to take
24 them to see his family at family reunions or anything else. Devin requests this mistake be
25 rectified and that he be allowed 14 days a year for vacation time with Abby and Shawn.

26 Amanda's insistence that the children not be around their siblings is both cruel
27 and bizarre, not to mention the perfect illustration of how hateful and bitter she is towards
28 Devin. The Nevada Supreme Court has recognized that the sibling bond is a powerful

1 and important consideration in determining the best interest of the children. Not only
2 does NRS 125C.0035(4)(i) specify that “[t]he ability of the child to maintain a
3 relationship with any sibling” is a consideration in determining the best interests, but also
4 that it is of such importance, it survives the termination of the parent’s rights and
5 adoption of the siblings. In *Mulkern v. Eighth Judicial Dist. Court of Nev.*, 429 P.3d 277,
6 278 (Nev. 2018) the Court held that “[a]lthough adoption severs a child’s legal
7 relationship with the biological parents...that adoption does not preclude application of
8 the legislative presumption [of NRS 432B.550(5)(a)] that placing siblings together is in a
9 child’s best interest.” Despite this powerful recognition and protection of the sibling
10 bond, Amanda insists that Abby and Shawn have no contact with their older siblings.
11 She has no rational basis. She simply hates Devin so much, she wants anyone associated
12 with him or his family to be excluded from a relationship with her children. This Court
13 should put an end to that.

14 Finally, as mentioned above, Devin has been sporadically employed over the past
15 year. Judge Gentile made clear in her ruling that this was a joint physical case and she
16 reserved the matter of child support for trial. That trial did not take place, but the issue of
17 child support still exists. Devin requests that the parties exchange W-2s so that
18 Amanda’s child support obligation to him can be calculated and submitted to the Court
19 for an order.

20 c. Devin Is Entitled To An Award Of Fees And Costs

21 This Motion should not have been necessary and is the direct result of defendant’s
22 refusal to abide by the terms of the Decree of Divorce and stop this endless stream of
23 litigation that has gone on far too long. In this regard, Devin is requesting a full award of
24 attorney’s fees and costs based, in part, on NRS 18.010(2), should he become the
25 prevailing party:
26

27 **NRS 18.010 Award of attorney’s fees.**
28

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

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

7 (a) When the prevailing party has not recovered more than \$20,000; or
8 (b) Without regard to the recovery sought, when the court finds that the
9 claim, counterclaim, cross-claim or third-party complaint or defense of the
10 opposing party was brought or maintained without reasonable ground or to
11 harass the prevailing party. The court shall liberally construe the
12 provisions of this paragraph in favor of awarding attorney's fees in all
13 appropriate situations. It is the intent of the Legislature that the court
14 award attorney's fees pursuant to this paragraph and impose sanctions
15 pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all
16 appropriate situations to punish for and deter frivolous or vexatious claims
17 and defenses because such claims and defenses overburden limited
18 judicial resources, hinder the timely resolution of meritorious claims and
19 increase the costs of engaging in business and providing professional
20 services to the public.

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

24 Devin also makes his request pursuant to EDCR 7.60(b), based on defendant's
25 unnecessarily multiplying these proceedings:

26 **Rule 7.60. Sanctions.**

27 (a) If without just excuse or because of failure to give reasonable attention
28 to the matter, no appearance is made on behalf of a party on the call of a
calendar, at the time set for the hearing of any matter, at a pre-trial
conference, or on the date of trial, the court may order any one or more of
the following:

(1) Payment by the delinquent attorney or party of costs, in such amount
as the court may fix, to the clerk or to the adverse party.

(2) Payment by the delinquent attorney or party of the reasonable
expenses, including attorney's fees, to any aggrieved party.

(3) Dismissal of the complaint, cross-claim, counter-claim or motion or
the striking of the answer and entry of judgment by default, or the granting
of the motion.

(4) Any other action it deems appropriate, including, without limitation,
imposition of fines.

(b) The court may, after notice and an opportunity to be heard, impose
upon an attorney or a party any and all sanctions which may, under the
facts of the case, be reasonable, including the imposition of fines, costs or
attorney's fees when an attorney or a party without just cause:

- (1) Presents to the court a motion or an opposition to a motion which is obviously frivolous, unnecessary or unwarranted.
- (2) Fails to prepare for a presentation.
- (3) So multiplies the proceedings in a case as to increase costs unreasonably and vexatiously.
- (4) Fails or refuses to comply with these rules.
- (5) Fails or refuses to comply with any order of a judge of the court.

Additionally, pursuant to Halbrook v. Halbrook, 114 Nev. 1455, 1461, 971 P.2d 1262, 1266 (1998) citing to Leeming v. Leeming, 87 Nev. 530, 532, 490 P.2d, 342, 343 (1971), this Court has continuing jurisdiction to make an award of attorney's fees in a post-divorce proceeding under NRS 125.150(4), which states:

Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney's fee to either party to an action for divorce.

Lastly, pursuant to Miller v. Wilfong, 121 Nev. 619, 623-625, 119 P.3d 727, 730-731 (2005) and Brunzell v. Golden Gate National Bank, 85 Nev. 345, 455 P.2d 31 (1969), an *Affidavit and Memorandum of Fees and Costs* to support Devin's request for attorney's fees can be filed upon request by the Court.

IV. CONCLUSION

For the foregoing reasons, Devin specifically requests that this Court grant his prayer for relief in its entirety.

Respectfully submitted this 31st day of March, 2021.

/s/ Michancy M. Cramer
Michancy M. Cramer, Esq.
Nevada State Bar No. 11545
ALEX B. GHIBAUDO, PC
Attorney for Plaintiff

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CERTIFICATE OF SERVICE

Pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, I hereby certify that on this 1st day of April, 2021, I did cause a true copy of the foregoing *Opposition and Countermotion in Reed v. Reed*, Clark County District Court Case No. D-18-568055-D, to be served electronically using the Odyssey Electronic Service system, to all parties with an email address on record.

Carrie Primas, Esq. attorneys@hanrattylawgroup.com

//s//Michancy M. Cramer
EMPLOYEE of Alex B. Ghibaud, PC

1 MOFI

2 **EIGHTH JUDICIAL DISTRICT COURT**
3 **FAMILY DIVISION**
4 **CLARK COUNTY, NEVADA**

5 **Devin Reed**

6 Plaintiff/Petitioner

7 vs.

8 **Amanda Reed**

9 Defendant/Respondent

Case Number: **D-18-568055-D**

Department: **Z**

MOTION/OPPOSITION
FEE INFORMATION SHEET

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

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

- 12 ☐ **\$25** The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.
13 -OR-
14 ☒ **\$0** The Motion/Opposition being filed is not subject to the \$25 reopen fee because:
15 ☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
16 ☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final Order.
17 ☐ The Motion/Opposition is for reconsideration or for a new trial and is being filed with 10 days after a final judgment or Decree was entered.
18 The final Order was entered on: _____
19 ☒ Other Excluded Motion

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

- 21 ☒ **\$0** The Motion/Opposition being filed is not subject to the \$129 or \$57 fee because:
22 ☒ The Motion/Opposition is being filed in a case not initiated by Joint Petition.
23 ☐ The party filing the Motion/Opposition previously paid a fee of \$129 or \$57
24 -OR-
25 ☐ **\$129** The Motion/Opposition being filed with this form is subject to the \$129 fee because it is a Motion to modify, adjust, or enforce a final Order.
26 -OR-
27 ☐ **\$57** The Motion/Opposition being filed is subject to the \$57 fee because it is an Opposition to a Motion to modify, adjust, or enforce a final Order or it is a Motion and the opposing party has already paid a fee of \$129.

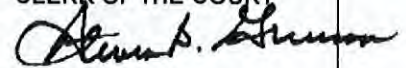
28 **Step 3.** Add the filing fees from Step 1 and Step 2:

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

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

Party filing Motion/Opposition: **Plaintiff** Date: **4-1-2021**

Signature of Party or Preparer: */s/ Michancy M. Cramer, Esq.*



1 **ROPP**
2 **HANRATTY LAW GROUP**
3 Carrie J. Primas, Esq.
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5 1815 Village Center Circle, Suite 140
6 Las Vegas, Nevada 89134
7 PH: (702) 821-1379
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9 EMAIL: attorneys@hanrattylawgroup.com
10 Attorneys for Defendant, Amanda Reed

8 **DISTRICT COURT**
9
10 **CLARK COUNTY, NEVADA**

11 DEVIN REED,
12 Plaintiff,
13 v.
14 AMANDA REED,
15 Defendant.

) Case No: D-18-568055-D
) Dept No: Z

) **REPLY TO PLAINTIFF'S**
) **OPPOSITION TO MOTION FOR**
) **RECONSIDERATION OF THE**
) **COURT'S ORDER FROM THE**
) **FEBRUARY 25, 2021 HEARING;**
) **AND OPPOSITION TO**
) **PLAINTIFF'S COUNTERMOTION**
) **FOR REVISED CUSTODIAL**
) **TIMESHARE, SCHOOL**
) **PLACEMENT, TO RESOLVE**
) **PARENT-CHILD MATTERS, AND**
) **FOR ATTORNEY FEES AND**
) **COSTS**

) Hearing Date: April 30, 2020
) Hearing Time: 11:00 a.m.

21 COMES NOW Defendant, Amanda Reed, by and through her attorney,
22 Carrie J. Primas, Esq., of Hanratty Law Group, and hereby respectfully submits her
23 Reply to Opposition to Motion for Reconsideration of the Court's Order from the
24 February 25, 2021 Hearing; and Opposition to Plaintiff's Countermotion for a
25 Revised Custodial Timeshare, School Placement, to Resolve Parent-Child Matters,
26
27
28

1 and for Attorney Fees and Costs.

2 This Reply to Opposition and Opposition to Countermotion is made and
3 based on all the papers and pleadings on file herein, the attached Memorandum of
4 Points and Authorities, the attached exhibits and any further evidence and argument
5 as may be adduced at the hearing on this matter.
6

7 Dated this 23rd day of April, 2020.
8

9 **HANRATTY LAW GROUP**

10 By: Carrie Primas

11 Carrie J. Primas, Esq.

12 Nevada Bar No. 12071

13 1815 Village Center Circle, Suite 140

14 Las Vegas, Nevada 89134

15 Phone: (702) 821-1379

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18 Attorney for Defendant, Amanda Reed
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Reply/Opposition

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In his Opposition, Devin continues to make the same argument as to why Amanda's Motion should be denied, simply repeating that "nothing changed" from the time of the Decree to the time of Amanda's Motion. He alleges that Amanda "wanted to be divorced and she wanted to litigate custody." Devin completely ignores the fact, shown clearly from a review of the record, that Judge Gentile TOLD the parties to resolve the divorce and that she would SIMULTANEOUSLY continue to consider the ongoing custody dispute. Amanda is not trying to "get a second bite at the apple;" Amanda is simply trying to resolve the same custody dispute the parties have been having, and has NEVER been resolved, since the time they stipulated to Dr. Paglini on August 27, 2019. Devin further makes new requests for relief based on alleged events that happened prior to the Decree of Divorce, asks this Court for orders outside of its jurisdiction, and makes completely false statements related to the terms of the parties' Decree of Divorce.

a. Amanda's Motion for Reconsideration Should be Granted

Devin spends significant time attempting to malign Amanda, even rehashing events prior to the Decree despite hinging his entire Opposition on Dr. Paglini's report being prior to the Decree, but does not address a single fact relevant

1 to the request for reconsideration. As such, the following facts remain undisputed:

- 2 1. The parties agreed to utilize Dr. Paglini for a custody evaluation on
3 August 27, 2019, and Judge Gentile directed them to simultaneously
4 negotiate the remaining terms of the divorce. Judge Gentile specifically
5 indicated that *after* finalizing a Decree, “if in fact that is an issue that’s
6 raised by Dr. Paglini and potential recommendations that change things,
7 then at that point...I will then make the determination to proceed on a trial
8 because then there would be adequate cause.”
9
- 10 2. Dr. Paglini’s report, received on January 27, 2020, did raise issues,
11 specifically recommending that Amanda received sole legal custody, that
12 Abby continue in therapy specifically due to the domestic violence she
13 had witnessed, and noting specific concerns related to Devin’s history of
14 domestic violence and “history abusive patterns.” Dr. Paglini specifically
15 noted that Devin is violent and verbally degrading.
16
- 17 3. At the return hearing on January 29, 2020, Judge Gentile referred the
18 parties to Senior Judge Settlement to finalize the divorce and stated that
19 she would set the matter for “further proceedings” related to the custody,
20 because Dr. Paglini’s report *did* raise issues.
21
- 22 4. At the Senior Judge Settlement Conference, the parties specifically
23 acknowledged that there were “presently proceedings before Judge
24 Gentile” regarding custody, and that “these proceedings **will continue**
25
26
27
28

1 **and none of the agreements today will impact that.”**

2 As noted in Amanda’s Motion, Devin was present at all of the hearings noted
3 above as well as the Senior Judge Settlement Conference. He was well aware that
4 the issue of custody was ongoing, and his awareness of this fact is further indicated
5 by the fact that he took no steps to stop the Evidentiary Hearing from going forward
6 after it was granted on May 13, 2020. He did not file a Motion for Reconsideration,
7 or a Writ, or file a Motion in Limine, or make a claim in any of his subsequent
8 filings that Dr. Paglini’s report was barred by *McMonigal*. In fact, Devin’s own
9 requests for relief related to the custody and the minor children’s schooling relied
10 and continue to rely heavily on events that occurred prior to the Decree of Divorce.
11
12

13 Devin argues that “no one forced Amanda to sign the Decree,” and that
14 Amanda could have let the Court enter its own Decree and then appeal that Decree.
15 Devin is incorrectly operating from the position that the Decree of Divorce was the
16 operative document in finalizing the parties’ custodial arrangement. It was not. The
17 parties’ custodial arrangement was ordered in 2018, and was not even discussed at
18 the time the Decree was finalized. The custody order from 2018 was so final that
19 Amanda had already filed an appeal; the Custody Evaluation was stipulated to in
20 exchange for Amanda dismissing her appeal. As indicated clearly by the record
21 and briefed ad nauseum by Amanda in her Motion and this Reply, it was always the
22 intention of the Court and the parties to continue addressing custody in light of Dr.
23 Paglini’s report following the Decree of Divorce being filed.
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1 b. The Children's School Should Not be Changed

2 Devin alleges that Amanda makes custodial exchanges difficult, which is not
3 only irrelevant to the analysis of the children's school, but is also untrue. Amanda
4 does not deny that custodial exchanges are difficult, but this is not due to her. As
5 has been briefed extensively and is shown in numerous videos, the minor child,
6 Abby, constantly refuses to go with Devin, which Amanda does everything in her
7 power to encourage. While Devin stands by staring, or screaming obscenities to
8 Amanda, Amanda has to physically force Abby to go with Devin. Amanda has had
9 to pry Abby off her leg and out of the car, and has had to chase Abby across
10 parking lots and streets to get her to go with Devin. If Amanda were truly
11 interfering with Devin's custodial time and not helping to facilitate the exchanges,
12 she would simply let Abby out of her car and drive away, leaving Devin to chase
13 her down the street. Instead, Amanda spends significant time and energy ensuring
14 Devin receives his visitation.

15 Devin next alleges that she "accuses Devin of not sending them with their
16 proper school items." Devin then lies by stating that "Devin returned the children
17 to Amanda in the morning" on the first day back to in-person schooling. This is
18 blatantly untrue, as it was Devin's son, Daniel, who brought the children to school
19 that day, which is confirmed by a video of the children arriving to school with
20 Daniel. What is true is that Devin **didn't send them with backpacks, masks, or**
21 **lunches.** This is also shown in the video, but more importantly is confirmed by
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1 Devin's own message to Amanda in Our Family Wizard, in which he states, "...i
2 am not sending them w them when they go to you at the end of the school day. You
3 understand¹."

4
5 Devin further alleges that Amanda uses her position as a teacher to
6 manipulate and harass Devin, citing an incident in which he claims Amanda hid
7 Abby in her classroom so that he could not pick her up. First, this incident occurred
8 prior to the Decree of Divorce, so under Devin's theory, the Court should not
9 consider it as part of his request. That being said, the fact is that this simply didn't
10 happen. Not only was Amanda not at the school, but it was another teacher, Dana
11 Fishman, who found Abby hiding from Devin in the hallway of the school. As the
12 Court will see from the List of Witnesses filed in preparation for the last
13 Evidentiary Hearing Date, Ms. Fishman is prepared to testify to the events of that
14 day.
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18 The majority of Devin's allegations related to the concerns with school
19 placement, in addition to being irrelevant to the analysis, occurred prior to the
20 parties receiving Dr. Paglini's report. However, at no time prior to Dr. Paglini's
21 report did Devin make a request to change the children's school. This is not a
22 coincidence. It is clear that, upon receiving the report, Devin was upset that it did
23 not go his way, and is attempting to control and anger Amanda through his request
24 to change the children's school.
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28 ¹ A copy of the communication is attached as **Exhibit "A"** in the Exhibits in Support of
Defendant's Reply and is hereby fully incorporated herein by reference.

1 Devin alleges that his request to change the children's school is supported by
2 *Arcella* and is briefed in his *Supplemental Plea for Relief*, yet his request is missing
3 the main component of a request under *Arcella*: the actual school he is requesting
4 the children go to. The entire crux of *Arcella* is to **compare the two proposed**
5 **schools**. Here, there is no other school to compare to. Devin did not "fully brief the
6 issue" as he alleges, nor could he have, as doing so would require him to apply the
7 *Arcella* factors to his chosen school. As he has continuously failed to indicate what
8 that school is, there is nothing to apply the factors to. It is abundantly clear that
9 Devin's request to change schools is being made simply to antagonize and harass
10 Amanda, and is not being made in the best interest of the minor children. As such,
11 the Court should deny this request.

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15 c. Amanda's Father Already Has no Contact with Devin

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17 Devin alleges that "Amanda's father is a problematic figure in this case,"
18 despite the fact that Amanda's father has had no contact or interactions with Devin
19 since prior to the May 31, 2020 hearing. In other words, they have had no contact in
20 almost a year. Further, Devin continues to request relief based on alleged events
21 that occurred prior to the Decree of Divorce. Although this issue has been briefed
22 repeatedly, it is worth noting that Devin's allegation that Amanda's father "pulled a
23 gun on Devin" is simply false, as is confirmed by the police report on the matter.
24 Devin told the police that Amanda's father pulled a "large silver revolver," but
25 when Amanda's father showed police the gun in his glovebox, it was a black Glock
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1 22. Devin further alleges that “Amanda helped [her dad] hide the gun, but by his
2 own account, neither Amanda, her dad, nor Devin left the street on which this
3 incident occurred prior to the police arriving.
4

5 Amanda’s dad is a very involved grandfather who has a close relationship
6 with his children and grandchildren. He volunteers at their school, helped
7 extensively with remote learning, and, like any loving grandparent, wants to see
8 them at their activities and events. As the Court will see through videos Amanda is
9 prepared to present at trial, it is Devin, not Amanda’s father, who was the aggressor
10 at custodial exchanges where they were both present.
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12

13 Based on Devin’s theory that nothing prior to the Decree should be
14 considered by the Court, there is no basis for any orders related to Amanda’s dad,
15 as every single allegation in support of Devin’s request occurred prior to the time of
16 the Decree. Even if the Court sees fit to hear evidence of domestic violence and Dr.
17 Paglini’s report, the alleged incidences involving Amanda’s father are barred by
18 *McMonigal*, as the cases that provide exceptions to *McMonigal* all related
19 specifically to evidence of domestic violence, and Devin not liking Amanda’s dad
20 has nothing to do with domestic violence. Moreover, and of utmost importance,
21 this Court has no jurisdiction over Amanda’s dad, and has no jurisdiction to order
22 that he not be present at the children’s school or attend the children’s events. As
23 such, Devin’s request should be denied.
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1 d. The Parties Agreed to no Vacation Time

2 Devin alleges that the Decree of Divorce does not afford him vacation time
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4 due to a “clerical error.” With all due respect to Devin’s counsel, who likely
5 drafted the Opposition based on Devin’s representations, Devin is LYING to this
6 Court when he states, on pages 4 and 5 of his Opposition, that “Devin was never
7 given vacation time in the Decree...because of a clerical error leaving Devin’s
8 vacation time out of the Decree.” First, it must be clarified that NEITHER PARTY
9 has vacation time pursuant to the Decree. Second, there was no “clerical error.”
10 Devin’s allegation suggests that the parties agreed for Devin to have vacation time
11 but that it was left out of the Decree; this is not true. As has been repeatedly
12 explained, the parties negotiated the custodial schedule outlined in the Decree of
13 Divorce in 2018, by way of a Partial Parenting Agreement². That schedule was
14 confirmed at the hearing on October 16, 2018, was followed by the parties for the
15 next two (2) years, and was confirmed again in the Decree of Divorce. At no point
16 has either party had vacation time, at no point have the parties agreed to vacation
17 time, at no point is vacation time mentioned in any of the myriad hearing minutes
18 throughout the history of this case, and at no point during the extensive litigation
19 between October, 2018, and the entry of the Decree in April, 2020, did Devin even
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27 ² A copy of the Minutes from the October 16, 2018 Hearing and Partial Parenting Agreement is
28 attached as **Exhibit “B”** in the Exhibits in Support of Defendant’s Motion and is hereby fully
incorporated herein by reference.

1 request vacation time or mention that he believed his vacation time was left out due
2 to a “clerical error.”

3
4 As has been briefed extensively and is one of the bases for Amanda’s request
5 to modify custody, Devin does not meet the children’s needs when they are with
6 him. He does not brush their teeth; does not wash their faces; allows them to wear
7 the same clothes for multiple days; and often loses his temper with them. For all of
8 these reasons, Amanda is concerned with the children spending extensive time with
9 Devin, and did not want to agree to a vacation provision. Further, Devin often
10 refuses to allow Amanda contact with the minor children during his custodial time,
11 often in response to Amanda doing something that Devin does not like. Amanda is
12 extremely concerned about how the children would be cared for and whether they
13 would be able to contact her if Devin were afforded a longer period based on a
14 vacation schedule.
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18 e. The Children Are Allowed Contact With Their Siblings

19 As has become his standard practice, Devin again lies to the Court when he
20 states that Amanda has demanded that the children never be around Devin’s older
21 children.” Devin has three (3) children from a previous relationship, two (2) of
22 whom have already emancipated. While Devin was awarded primary physical
23 custody of these children, he has only had sporadic visitation with them for several
24 years; the oldest child began living with his mom instead of Devin in 2015, the
25 youngest child has lived primarily with his mom since 2016, and the middle child,
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1 Jacob, has lived primarily with his mom since 2009.

2 It is the middle child, Jacob, who Amanda has an issue with. Specifically,
3 Jacob is barred from having overnight visitation during Devin's custodial time,
4 **subject to a stipulation between the parties.** Devin's allegation that there is "no
5 reason for this" and that "she simply hates them" makes no sense. If there were no
6 reason for the order barring Jacob from overnight visitation during Devin's
7 custodial time with Abby and Shawn, why would Devin has stipulated to it? The
8 fact is that there is a reason. Specifically, during the parties' marriage, Jacob acted
9 sexually inappropriate around Abby; wrote diary entries about raping women and
10 killing both Devin and Amanda; killed a pet rabbit and fish; and attempted to drown
11 the family dog in the pool. He often got in trouble at school for insubordination,
12 stabbing other students with pencils, bullying, fighting, inappropriately touching
13 other students, and distributing a controlled substance on campus.

14 It is important to note that Devin continues to alleges that Amanda failed to
15 protect Abby when an individual entered her home without her knowledge and
16 harmed the minor child, despite that person having no prior indicators that he is a
17 threat. He continues to tell Amanda she is unfit for allowing Abby to be harmed.
18 As soon as Amanda found out about the harm to Abby and that Jeff Eatherly was a
19 threat, she called the authorities and cut off all contact. Contrarily, Devin is arguing
20 extensively for overnight and unsupervised contact with Jacob, a person who the
21 parties have already jointly determined is a risk to the children's safety. Again, it is
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1 clear that Devin's motive is to harass Amanda, not to ensure the safety and best
2 interest of the minor children.

3
4 At no point has Amanda indicated that the parties' minor children shouldn't
5 be around Devin's other children, Thomas or Daniel, and in fact, it is Daniel who
6 does the majority of the transportation during Devin's time.

7
8 Devin's request that the children be allowed contact with their siblings,
9 where there is nothing stopping that contact at this point, is exactly the type of
10 vexatious litigation Devin claims Amanda is conducting, and is simply a red
11 herring being used as an attempt to take the Court's attention away from his own
12 bad behavior.
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II.

Conclusion

Therefore, based upon the foregoing, Amanda requests the Court to enter an Order:

1. Reconsidering the Court's Order from the February 25, 2021 hearing;
2. Denying Devin's Countermotion in its entirety; and
3. For such other and further relief as the Court deems just and proper.

Dated this 23rd day of April, 2021.

HANRATTY LAW GROUP

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

DEVIN REED,

Plaintiff,

vs.

AMANDA REED,

Defendant.

Case Number: D-18-568055-D
Department: F

ORDER

THIS MATTER came before the Honorable Michelle Mercer in the Eighth Judicial District Court, Family Division, Department Z on February 25, 2021. Plaintiff DEVIN REED was present at the hearing, represented by his Attorney, Michancy Cramer, Esq.; Defendant AMANDA REED was present and represented by her Attorneys, Carrie Primas, Esq. and Jason Naimi, Esq. All parties and their counsel appeared via video conference through the Bluejeans application due to the

1 Coronavirus pandemic.

2 JOURNAL ENTRIES

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4 The Court expressed concerned regarding the propriety of an evidentiary
5 hearing in light of the Nevada Supreme Court's ruling in *McMonigle v.*
6 *McMonigle*. The Court heard argument from the attorneys on the matter and then
7 recessed to review the Supreme Court's ruling in *Nance v. Ferraro*.

8 Upon returning from recess the Court noted it had reviewed several things
9 including the *Nance v. Ferraro* ruling and the previous orders issued in this matter.

10
11 **THE COURT HEREBY FINDS** that reading *Nance* in conjunction with
12 *McMonigle* and *Castle v. Simmons*, the party seeking to modify primary physical
13 custody may not used evidence of domestic violence known to the parties or the
14 court in the prior custody order to show a substantial change in circumstances
15 warranting modification. The case indicates it was a modification of primary
16 physical custody.

17
18 **THE COURT FURTHER FINDS** that in this matter the Defendant is
19 seeking to modify joint physical custody, but *Nance* does not address that. *Nance*
20 tells us that the threshold issue for this Court is whether *McMonigle* and *Castle*
21 also prevent parties from relying on previous known domestic violence evidence to
22 demonstrate modification is not in the child's best interest.

23
24 **THE COURT FURTHER FINDS** that *McMonigle* and *Castle* do not bar
25 the Court from reviewing the facts and evidence underpinning its prior rulings or
26 custody determinations in deciding whether the modification of a prior custody
27 order is in the child's best interest.

1 **THE COURT FURTHER FINDS** that *McMonigle* and *Castle* likewise do
2 not prevent parties from presenting previously known domestic violence evidence
3 defensively to show modification is not in the child's best interest.

4 **THE COURT FURTHER FINDS** that the Court can consider evidence of
5 prior domestic violence in determining whether to modify custody is in the best
6 interests of the child which is the standard in this case under *Truax v. Truax*.
7

8 **THE COURT FURTHER FINDS** that on page 156 of the *Nance* opinion
9 in the Nevada Reporter, the Court concluded that in *Castle* although the domestic
10 violence occurred prior to the divorce, the res judicata doctrine should not be used
11 to preclude parties from introducing evidence of domestic violence that was
12 unknown to the party or the court when prior custody was decided.
13

14 On page 157 of the *Nance* decision, the Court further noted that the doctrine
15 of res judicata would still prevent parties from relitigating isolated instances of
16 domestic violence that the court has previous examined.

17 As recognized by the *Castle* Court, the substantial change in circumstances
18 requirement is derived from res judicata principles when prevent dissatisfied
19 parties from filing repetitive serial motions until they obtain their desired results.
20

21 It also states that in making the determination of whether a custody
22 modification is in the child's best interest, the court must consider and articulate
23 specific findings regarding the non-exhaustive list of best interest factors set forth
24 by statute and in making this determination, a court must consider amongst the
25 factors whether either parent or any other person seeking custody has engaged in
26 an act of domestic violence against the child, a parent of the child, or any other
27 person residing with the child. Indeed, the *Castle* Court emphasized that court's
28

1 must hear all information regarding domestic violence to determine the child's best
2 interest, noting that our Legislature recognized the threat domestic violence poses
3 to a child's safety and well-being and created a rebuttable presumption.

4 **THE COURT FURTHER FINDS** that in this case the parties stipulated
5 twice to joint physical and joint legal custody. First at the hearing on October 16,
6 2018 and that order was entered on February 27, 2019. They stipulated again in
7 the Decree which was entered on April 6, 2020.

8 **THE COURT FURTHER FINDS** that under NRS 125C.002 and NRS
9 125C.0025, the statutes states that joint physical and joint legal custody is
10 presumed to be in the best interests of the children when the parties so agree and
11 here the parties did agree twice.

12 **THE COURT FURTHER FINDS** that in footnote 7 of the *Nance* case the
13 *Castle* Court recognized that even in changed circumstances context, previously
14 litigated instances of domestic violence may need to be reviewed if additional acts
15 occur. That is not alleged and did not occur in this case.

16 **THE COURT FURTHER FINDS** that on page 160 of the *Nance* case,
17 even in the context of opposing a motion to modify custody, a party generally
18 cannot relitigate prior instances of domestic violence that the court has previously
19 addressed and decided.

20 On page 161 of the *Nance* decision, the mom intended to off evidence of
21 domestic violence to oppose a modification request and therefore to show that
22 modification was not in the child's best interest and the record did not show that
23 she intended to relitigate the evidence.

1 **THE COURT FURTHER FINDS** that in this case it appears that the
2 defendant, Amanda Reed, is seeking to relitigate the case and all the evidence that
3 existed prior to the entry of the Decree. This is further supported by the fact that
4 she filed her motion to modify two days after the entry of the Decree. She sought
5 to hold dad in contempt of violating the behavior order, but her motion does not
6 allege any additional acts that occurred between April 6, 2020 and April 8, 2020
7 when she filed her motion. All the evidence she sought to rely on is based on
8 events that were previous known to her and Dr Paglini's report which she admitted
9 in her motion, she received on January 27, 2020.
10

11 After the hearing, the Court asked the Court Clerk to include the following
12 findings in the Court minutes.
13

14 **THE COURT FURTHER FINDS** that the language on page 3, lines 14-16
15 of the Decree provides that:

16 The parties acknowledge that there is currently a requesting [sic]
17 pending by Defendant to modify custody. Nothing in this Decree
18 shall act as a waiver of Defendant's right to pursue said request.

19 **THE COURT FURTHER FINDS** that this language does not serve
20 as Plaintiff's consent to Defendant's right to pursue ongoing custody
21 modification litigation. This language is vague, ambiguous, and subject to
22 multiple interpretations. It is illogical that Plaintiff would agree to continue
23 litigating child custody in the same contract that the parties agree to fully
24 and completely resolve all pending custody issues. Moreover, when a
25 contract is ambiguous, it will be construed against the drafter, i.e. Defendant
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1 herein. *Williams v. Waldman*, 108 Nev. 466, 836 P.2d 614, 619 (1992).

2
3 **THE COURT FURTHER FINDS** that that (1) Defendant's
4 inclusion of the language on page 3, lines 14-16 of the Decree, (2) the
5 absence of any factual allegations in Defendant's Motion of events that did
6 not preexist the entry of the Decree of Divorce, as well as (3) the timing of
7 the filing of Defendant's Motion just two days after the entry of the Decree
8 of Divorce, and one day after Notice of Entry of the Decree, is suspect and
9 demonstrates that the Defendant did not negotiate the terms of the Decree of
10 Divorce in good faith.
11
12

13
14 **THE COURT FURTHER FINDS** that both parties were represented
15 by, and had the benefit of legal counsel at the time that they stipulated to
16 joint physical custody in the Decree of Divorce entered on April 6, 2020.
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25 **ORDER**


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27 **IT IS HEREBY ORDERED** all evidence of any acts that occurred prior to
28 the entry of the Decree on April 6, 2020 is excluded for purposes of seeking

1 modification of child custody in this case.

2 Attorney Cramer to prepare the order and Attorney Naimi to review. The
3 parties shall return for a status check on March 16, 2021.

4 **IT IS SO ORDERED** this _____ day of _____, 2021.

6 Dated this 8th day of June, 2021

7 

8 **FC8 017 EDCB 65EC**

9 **Michele Mercer**

10 **District Court Judge**

Approved as to Form and Content:

11 Respectfully Submitted:

12 *//s//Michancy M. Cramer*

13 _____
14 Michancy M. Cramer, Esq.
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Competing Order was submitted

21 _____
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28 Attorney for Amanda Reed

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Devin Bryson Reed, Plaintiff

CASE NO: D-18-568055-D

7 vs.

DEPT. NO. Department Z

8 Amanda Raelene Reed,
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: 6/8/2021

15 KC Collis

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16 Main HLG

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17 e File

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18 Alex Ghibaudo

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19 Michancy Cramer

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ORDER

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

DEVIN REED,

Plaintiff,

vs.

AMANDA REED,

Defendant.

Case Number: D-18-568055-D
Department:

ORDER

THIS MATTER of Defendant's Motion for Reconsideration of the Court's Order of February 25, 2021, Plaintiff's Opposition and Countermotion for Revised Custodial Schedule, School Placement, to Resolve Parent-Child Matters, and for Attorney Fees and Costs; Defendant's Reply to Plaintiff's Opposition and Countermotion came before the Honorable Michelle Mercer in the Eighth Judicial District Court, Family Division, Department Z on April 30, 2021. Plaintiff DEVIN

1 REED was present and represented by his Attorney, Michancy Cramer, Esq.;

2 Defendant AMANDA REED was present and represented by her Attorney, Carrie

3 Primas, Esq. All parties and their counsel appeared via video conference through

4 the Bluejeans application due to the Coronavirus pandemic.

6 JOURNAL ENTRIES

7 The Court heard arguments by Counsel for the parties in regard to the related

8 matters and relief requested. Following oral argument, the Court stated its

9 Findings and Ordered the following:

11 ORDER

12 **IT IS HEREBY ORDERED** the children's backpacks shall stay with the

13 minor children when traveling and exchanges with either parent.

14 **IT IS FURTHER ORDERED** that both parties shall file and serve an

15 updated Financial Disclosure Form (FDF).

16 **IT IS FURTHER ORDERED** that both parties shall file and exchange their

17 W-2s.

18 **IT IS FURTHER ORDERED** that the Court shall not change prior orders

19 at this time.

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IT IS FURTHER ORDERED that the matter is set for a Status Check on May 19, 2021 at 8:15 a.m. to work out child support issues and submittal of the parties' FDFs.

Attorney Cramer to prepare the order and Attorney Primas to review.

The mandatory statutory and administrative language is attached and incorporated herein as Exhibit 1.

Dated this 19th day of July, 2021

Shel. Mercer

~~92A 40E 8169 AA86~~

Michele Mercer

District Court Judge

Respectfully Submitted:

Approved as to Form and Content:

//s//Michancy M. Cramer

//s//Carrie Primas

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EXHIBIT 1

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EXHIBIT 1

IT IS FURTHER ORDERED that each party shall submit the information required in NRS 125B.055, NRS 125.130 and NRS 125.230 on a separate form to the Court and the Welfare Division of the Department of Human Resources within ten days from the date this Decree is filed. Such information shall be maintained by the Clerk in a confidential manner and not part of the public record. The parties shall update the information filed with the Court and the Welfare Division of the Department of Human Resources within ten days should any of that information become inaccurate.

THE PARTIES ARE ON NOTICE of the following provision of NRS
125C.0045(6):

PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130.

NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

THE PARTIES ARE ON NOTICE that the terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country. The parties are also put on notice of the following provision of NRS 125C.0045(8):

If a parent of the child lives in a foreign country or has significant commitments in a foreign country:

1 (a) The parties may agree, and the court shall include in the order for
2 custody of the child, that the United States is the country of habitual
3 residence of the child for the purposes of applying the terms of the
4 Hague Convention as set forth in subsection 7.

5 (b) Upon motion of one of the parties, the court may order the parent to
6 post a bond if the court determines that the parent poses an imminent risk
7 of wrongfully removing or concealing the child outside the country of
8 habitual residence. The bond must be in an amount determined by the
9 court and may be used only to pay for the cost of locating the child and
10 returning him to his habitual residence if the child is wrongfully removed
11 from or concealed outside the country of habitual residence. The fact that
12 a parent has significant commitments in a foreign country does not create
13 a presumption that the parent poses an imminent risk of wrongfully
14 removing or concealing the child.

15 **THE PARTIES ARE ON NOTICE** that the parties are subject to the
16 relocation requirements of NRS 125C.006 & NRS 125C.0065. If joint or primary
17 physical custody has been established pursuant to an order, judgment or decree of a
18 court and one parent intends to relocate his or her residence to a place outside of this
19 State or to a place within this State that is at such a distance that would substantially
20 impair the ability of the other parent to maintain a meaningful relationship with the
21 child, and the relocating parent desires to take the child with him or her, the relocating
22 parent shall, before relocating: (a) attempt to obtain the written consent of the non-
23 relocating parent to relocate with the child; and (b) if the non-relocating parent refuses
24 to give that consent, petition the court for permission to move and/or for primary
25 physical custody for the purpose of relocating. A parent who desires to relocate with a
26 child has the burden of proving that relocating with the child is in the best interest of the
27 child. The court may award reasonable attorney's fees and costs to the relocating parent
28 if the court finds that the non-relocating parent refused to consent to the relocating
parent's relocation with the child without having reasonable grounds for such refusal, or
for the purpose of harassing the relocating parent. A parent who relocates with a child
pursuant to this section without the written consent of the other parent or the permission
of the court is subject to the provisions of NRS 200.359.

1 **THE PARTIES ARE ON NOTICE** that if this order includes a child support
2 order and you want to adjust the amount of child support established in this order, you
3 must file a motion to modify the order with or submit a stipulation to the court. If a
4 motion to modify the order is not filed or a stipulation is not submitted, the child
5 support obligation established in this order will continue until such time as all children
6 who are the subject of this order reach 18 years of age or, if the youngest child who is
7 subject to this order is still in high school when he or she reaches 18 years of age, when
8 the child graduates from high school or reaches 19 years of age, whichever comes first.
9 Unless the parties agree otherwise in a stipulation, any modification made pursuant to a
10 motion to modify the order will be effective as of the date the motion was filed.
11

12 **THE PARTIES ARE ON NOTICE** that the parties are subject to the
13 provisions of NRS 31A and 125.007 regarding the collection of delinquent child
14 support payments.
15

16 **THE PARTIES ARE ON NOTICE** that either party may request a review of
17 child support every three years pursuant to NRS 125B.145.
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1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Devin Bryson Reed, Plaintiff

CASE NO: D-18-568055-D

7 vs.

DEPT. NO. Department Z

8 Amanda Raelene Reed,
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: 7/19/2021

15 e File

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16 Alex Ghibaud

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17 Michancy Cramer

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ORDR

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Attorney for Devin Reed

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

DEVIN REED,

Plaintiff,

vs.

AMANDA REED,

Defendant.

Case Number: D-18-568055-D
Department:

ORDER

THIS MATTER came on for decision on Defendant's Motion for Reconsideration, Plaintiff's Opposition and Countermotion, and Defendant's Reply before the Honorable Michelle Mercer in the Eighth Judicial District Court, Family Division, Department Z on June 14, 2021. Plaintiff DEVIN REED was present and represented by his Attorney, Michancy Cramer, Esq.; Defendant AMANDA REED was present and represented by her Attorneys, Carrie Primas, Esq. and

1 Robert Cercco, Nevada Bar Number 5247. All parties and their counsel appeared
2 via video conference through the Bluejeans application due to the Coronavirus
3 pandemic.
4

5 JOURNAL ENTRIES

6 The Court confirmed that the parties had started using Our Family Wizard
7 for communications. The Court noted that neither party had filed an updated
8 Financial Disclosure Form (FDF) and counsel represented that the parties had
9 agreed on the child support matters, to include child support going forward as well
10 as any allegation of child support arrears for the previous year. Counsel
11 represented that a Stipulation and Order would be submitted forthwith.
12

13 Following oral argument, the Court stated its Findings and Ordered the
14 following:
15

16 FINDINGS

17 **THE COURT HEREBY FINDS** that pursuant to NRS 125.130(1) a
18 judgment of divorce is a final decree. [1:58:09]

19 **THE COURT FURTHER FINDS** that Dr. Paglini's report was delivered
20 on or about January of 2020 and that there was a hearing several days later in front
21 of Judge Gentile. [2:00:09]

22 **THE COURT FURTHER FINDS** that despite the fact that it appears that
23 Judge Gentile wanted the parties to enter a decree resolving all other issues and
24 then go forward with custody, it is troublesome to the Court. Because the decree is
25 a final order, there is not a mechanism under Nevada law to pretend the parties are
26 not resolving all the issues under a final decree, despite the paragraph in the decree
27
28

1 that proports to be a savings clause that would allow Defendant to relitigate the
2 issue of custody. [2:01:18]

3 **THE COURT FURTHER FINDS** that the proper procedure would have
4 been to resolve the issues pursuant to a marital settlement agreement and
5 incorporate that into a final decree one the issue of custody was addressed in a
6 custody decree that addressed the concerns by Dr. Paglini and Judge Gentile, but
7 that did not happen. [2:01:39]

8
9 **THE COURT FURTHER FINDS** that upon review of the Defendant's
10 Motion, the Court shall clarity its position. Contrary to the Defendant's motion,
11 the Court's position is that it would not consider any evidence of domestic violence
12 that occurred prior to the decree of divorce as a basis for modifying custody after
13 the decree was entered. [2:02:58]

14
15 **THE COURT FURTHER FINDS** that Plaintiff's language towards
16 Defendant on Our Family Wizard was not appropriate. Although the Plaintiff had
17 concerns, his language escalated the conflict and was not acceptable to the Court.
18 [2:27:17]

19
20 **THE COURT FURTHER FINDS** that upon review of the current schedule
21 pursuant to the decree and after hearing from the parties, the current schedule is not
22 in the best interests of the children. There are too many exchanges between the
23 parties, it is a ridiculous and terrible schedule that increases the conflict between
24 the parties, puts the parties in each other's business too much, and is contrary to the
25 best interests of the children. [2:15:30 – 2:36:10]

26
27 **THE COURT FURTHER FINDS** that after hearing from the Defendant,
28 vacation time with each parent is in the best interests of the children and there is no

1 reason for them not to have a vacation with each parent. [2:45:10]
2

3
4 **ORDER**

5 **IT IS HEREBY ORDERED** that Defendant's Motion for Reconsideration
6 filed on March 17, 2021 is denied. [2:07:28]

7 **IT IS FURTHER ORDERED** that custody shall stay the same with the
8 parties sharing Joint Legal and Joint Physical Custody. [2:32:48]

9 **IT IS FURTHER ORDERED** that the Custody schedule shall be modified
10 as it is a finding of the Court that reducing interactions between the parties is in the
11 best interests of the children. [2:32:04]
12

13 **IT IS FURTHER ORDERED** that the new custody schedule shall be:

14 Week 1: Defendant shall have the children starting Thursday at school drop
15 off or 8:00am at the babysitter's until

16 Week 2: Friday at school drop off or 8:00am at the babysitter's.

17 Plaintiff shall have Friday at school drop off or 8:00am at the babysitter's
18 until week 1, Thursday at school drop off or 8:00am at the babysitter's.
19

20 Every two weeks Defendant/Mom shall have eight days and Plaintiff/Dad
21 shall have six days. [2:39:47]

22 **IT IS FURTHER ORDERED** that Plaintiff's countermotion to modify
23 school placement is denied. [2:41:25]
24

25 **IT IS FURTHER ORDERED** that Plaintiff's request to prohibit maternal
26 grandfather from attending school activities on Plaintiff/dad's timeshare is denied
27 with the following caveats:

28 Maternal grandfather and dad are ordered to stay away from each other. If

1 they are both present at a function, they shall avoid one another. Dad is
2 responsible for himself and mom is responsible for ensuring that maternal
3 grandfather stays away from dad.

4 Maternal grandfather may attend sports games, recitals, school plays, and
5 school performances.

6 Maternal grandfather may NOT attend custody exchanges, doctor
7 appointments for the minor children, or parent-teacher conferences. [2:41:33]

8 **IT IS FURTHER ORDERED** that Plaintiff's motion regarding vacation
9 time is granted in part. Each party shall have an additional week (seven days) of
10 vacation time with the children each summer. The parties are required to give each
11 other 30 days notice of their intent to exercise vacation, provide the other parent an
12 itinerary, and allow the children to communicate with the other parent. [2:45:10]

13 **IT IS FURTHER ORDERED** that during vacation the parties shall allow
14 the children to communicate with the other parent for 15 minutes each Sunday,
15 Tuesday, and Thursday. As the children are too young for their own phones, the
16 parents are ordered to cooperate and communicate to ensure that the video calls
17 take place in a peaceful and orderly manner. The parties are admonished to be
18 reasonable, communication with each other, to not call each other names, not to
19 make accusations against each other, and to avoid escalating any conflicts.
20 [2:50:20]

21 ...

22 ...

IT IS FURTHER ORDERED that both parties' request for attorney fees are denied and the parties shall each bear their own fees and costs. [2:51:30]

Attorney Cramer to prepare the order and Attorney Primas to review.

Dated this 21st day of July, 2021

Shells. Murex

89B E21 849B D7B5

Michele Mercer

District Court Judge

Approved as to Form and Content:

Respectfully Submitted:

//s//Michancy M. Cramer

Michancy M. Cramer, Esq.
Nevada Bar Number 11545
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Nevada Bar Number 12071
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Jason@naimicerceo.com
Attorney for Amanda Reed

EXHIBIT 1

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EXHIBIT 1

IT IS FURTHER ORDERED that each party shall submit the information required in NRS 125B.055, NRS 125.130 and NRS 125.230 on a separate form to the Court and the Welfare Division of the Department of Human Resources within ten days from the date this Decree is filed. Such information shall be maintained by the Clerk in a confidential manner and not part of the public record. The parties shall update the information filed with the Court and the Welfare Division of the Department of Human Resources within ten days should any of that information become inaccurate.

THE PARTIES ARE ON NOTICE of the following provision of NRS
125C.0045(6):

PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130.

NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

THE PARTIES ARE ON NOTICE that the terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country. The parties are also put on notice of the following provision of NRS 125C.0045(8):

If a parent of the child lives in a foreign country or has significant commitments in a foreign country:

1 (a) The parties may agree, and the court shall include in the order for
2 custody of the child, that the United States is the country of habitual
3 residence of the child for the purposes of applying the terms of the
4 Hague Convention as set forth in subsection 7.

5 (b) Upon motion of one of the parties, the court may order the parent to
6 post a bond if the court determines that the parent poses an imminent risk
7 of wrongfully removing or concealing the child outside the country of
8 habitual residence. The bond must be in an amount determined by the
9 court and may be used only to pay for the cost of locating the child and
10 returning him to his habitual residence if the child is wrongfully removed
11 from or concealed outside the country of habitual residence. The fact that
12 a parent has significant commitments in a foreign country does not create
13 a presumption that the parent poses an imminent risk of wrongfully
14 removing or concealing the child.

15 **THE PARTIES ARE ON NOTICE** that the parties are subject to the
16 relocation requirements of NRS 125C.006 & NRS 125C.0065. If joint or primary
17 physical custody has been established pursuant to an order, judgment or decree of a
18 court and one parent intends to relocate his or her residence to a place outside of this
19 State or to a place within this State that is at such a distance that would substantially
20 impair the ability of the other parent to maintain a meaningful relationship with the
21 child, and the relocating parent desires to take the child with him or her, the relocating
22 parent shall, before relocating: (a) attempt to obtain the written consent of the non-
23 relocating parent to relocate with the child; and (b) if the non-relocating parent refuses
24 to give that consent, petition the court for permission to move and/or for primary
25 physical custody for the purpose of relocating. A parent who desires to relocate with a
26 child has the burden of proving that relocating with the child is in the best interest of the
27 child. The court may award reasonable attorney's fees and costs to the relocating parent
28 if the court finds that the non-relocating parent refused to consent to the relocating
parent's relocation with the child without having reasonable grounds for such refusal, or
for the purpose of harassing the relocating parent. A parent who relocates with a child
pursuant to this section without the written consent of the other parent or the permission
of the court is subject to the provisions of NRS 200.359.

1 **THE PARTIES ARE ON NOTICE** that if this order includes a child support
2 order and you want to adjust the amount of child support established in this order, you
3 must file a motion to modify the order with or submit a stipulation to the court. If a
4 motion to modify the order is not filed or a stipulation is not submitted, the child
5 support obligation established in this order will continue until such time as all children
6 who are the subject of this order reach 18 years of age or, if the youngest child who is
7 subject to this order is still in high school when he or she reaches 18 years of age, when
8 the child graduates from high school or reaches 19 years of age, whichever comes first.
9 Unless the parties agree otherwise in a stipulation, any modification made pursuant to a
10 motion to modify the order will be effective as of the date the motion was filed.
11

12 **THE PARTIES ARE ON NOTICE** that the parties are subject to the
13 provisions of NRS 31A and 125.007 regarding the collection of delinquent child
14 support payments.
15

16 **THE PARTIES ARE ON NOTICE** that either party may request a review of
17 child support every three years pursuant to NRS 125B.145.
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1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
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5
6 Devin Bryson Reed, Plaintiff

CASE NO: D-18-568055-D

7 vs.

DEPT. NO. Department Z

8 Amanda Raelene Reed,
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: 7/21/2021

15 e File

efile@naimicerceo.com

16 Alex Ghibaudo

alex@glawvegas.com

17 Michancy Cramer

michancy@glawvegas.com



Electronically Filed
7/27/2021 4:01 PM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

1 **NEOJ**

2 Alex Ghibaudo, Esq.

3 Nevada Bar No. 10592

4 Michancy M. Cramer, Esq.

5 Nevada Bar No. 11545

6 **ALEX B. GHBAUDO, PC.**

7 197 E California Ave, Ste 250

8 Las Vegas, Nevada 89104

9 T: (702) 462-5888

10 F: (702) 924-6553

11 E: alex@glawvegas.com

12 *Attorney for Plaintiff*

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

15 DEVIN REED,

16 Plaintiff,

17 vs.

18 AMANDA REED,

19 Defendant.

Case Number: D-18-568055-D

Department: Z

20 **NOTICE OF ENTRY OF ORDER**

21 PLEASE TAKE NOTICE that an Order has been entered on this 27th day of July
22 2021 a copy of which is attached hereto.

23 DATED this 27th day of July 2021.

24 By: /s/ Michancy Cramer

25 Michancy Cramer, Esq.

26 Nevada Bar No.: 11545

27 197 E California Ave, Ste 250

28 Las Vegas, Nevada 89104

Attorney for Plaintiff



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of July 2021, I served a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER**, via the Court designated electronic service program and/or U.S. Mail, first class postage prepaid, addressed to the following:

Carrie Primas, Esq
10000 W Charleston Blvd, Ste 100
Las Vegas, NV 89135
Attorney for Defendant

By: /s/ Crystal Reed
An Employee of ALEX B. GHIBAUDO, P.C.

ORDR

Alex B. Ghibaud, Esq.
Nevada Bar Number: 10592
Michancy M. Cramer, Esq.
Nevada Bar Number: 11545
ALEX GHIBAUDO, PC
197 E California Ave Suite 250
Las Vegas, Nevada 89104
T: (702) 462-5888
F: (702) 924-6553
E: alex@glawvegas.com
Attorney for Devin Reed

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

DEVIN REED,

Plaintiff,

vs.

AMANDA REED,

Defendant.

Case Number: D-18-568055-D
Department:

ORDER

THIS MATTER of Defendant's Motion for Reconsideration of the Court's Order of February 25, 2021, Plaintiff's Opposition and Countermotion for Revised Custodial Schedule, School Placement, to Resolve Parent-Child Matters, and for Attorney Fees and Costs; Defendant's Reply to Plaintiff's Opposition and Countermotion came before the Honorable Michelle Mercer in the Eighth Judicial District Court, Family Division, Department Z on April 30, 2021. Plaintiff DEVIN

1 REED was present and represented by his Attorney, Michancy Cramer, Esq.;

2 Defendant AMANDA REED was present and represented by her Attorney, Carrie

3 Primas, Esq. All parties and their counsel appeared via video conference through

4 the Bluejeans application due to the Coronavirus pandemic.

5

6 JOURNAL ENTRIES

7 The Court heard arguments by Counsel for the parties in regard to the related

8 matters and relief requested. Following oral argument, the Court stated its

9 Findings and Ordered the following:

10

11 ORDER

12 **IT IS HEREBY ORDERED** the children's backpacks shall stay with the

13 minor children when traveling and exchanges with either parent.

14 **IT IS FURTHER ORDERED** that both parties shall file and serve an

15 updated Financial Disclosure Form (FDF).

16

17 **IT IS FURTHER ORDERED** that both parties shall file and exchange their

18 W-2s.

19 **IT IS FURTHER ORDERED** that the Court shall not change prior orders

20 at this time.

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

IT IS FURTHER ORDERED that the matter is set for a Status Check on May 19, 2021 at 8:15 a.m. to work out child support issues and submittal of the parties' FDFs.

Attorney Cramer to prepare the order and Attorney Primas to review.

The mandatory statutory and administrative language is attached and incorporated herein as Exhibit 1.

Dated this 19th day of July, 2021

Shell Meron

~~92A 40E 8169 AA86~~

Michele Mercer

District Court Judge

Respectfully Submitted:

Approved as to Form and Content:

//s//Michancy M. Cramer

//s//Carrie Primas

Michancy M. Cramer, Esq.
Nevada Bar Number 11545
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Attorney for Amanda Reed

EXHIBIT 1

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EXHIBIT 1

IT IS FURTHER ORDERED that each party shall submit the information required in NRS 125B.055, NRS 125.130 and NRS 125.230 on a separate form to the Court and the Welfare Division of the Department of Human Resources within ten days from the date this Decree is filed. Such information shall be maintained by the Clerk in a confidential manner and not part of the public record. The parties shall update the information filed with the Court and the Welfare Division of the Department of Human Resources within ten days should any of that information become inaccurate.

THE PARTIES ARE ON NOTICE of the following provision of NRS
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2 custody of the child, that the United States is the country of habitual
3 residence of the child for the purposes of applying the terms of the
4 Hague Convention as set forth in subsection 7.

5 (b) Upon motion of one of the parties, the court may order the parent to
6 post a bond if the court determines that the parent poses an imminent risk
7 of wrongfully removing or concealing the child outside the country of
8 habitual residence. The bond must be in an amount determined by the
9 court and may be used only to pay for the cost of locating the child and
10 returning him to his habitual residence if the child is wrongfully removed
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28 if the court finds that the non-relocating parent refused to consent to the relocating
parent's relocation with the child without having reasonable grounds for such refusal, or
for the purpose of harassing the relocating parent. A parent who relocates with a child
pursuant to this section without the written consent of the other parent or the permission
of the court is subject to the provisions of NRS 200.359.



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Steven D. Grierson
CLERK OF THE COURT

1 **NEOJ**

2 Alex Ghibaud, Esq.

3 Nevada Bar No. 10592

4 Michancy M. Cramer, Esq.

5 Nevada Bar No. 11545

6 **ALEX B. GHIBAUDO, PC.**

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8 Las Vegas, Nevada 89104

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10 F: (702) 924-6553

11 E: alex@glawvegas.com

12 *Attorney for Plaintiff*

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

15 **DEVIN REED,**

16 Plaintiff,

17 vs.

18 **AMANDA REED,**

19 Defendant.

Case Number: D-18-568055-D

Department: Z

20 **NOTICE OF ENTRY OF ORDER**

21 PLEASE TAKE NOTICE that an Order has been entered on this 27th day of July
22 2021 a copy of which is attached hereto.

23 DATED this 27th day of July 2021.

24 By: /s/ Michancy Cramer

25 Michancy Cramer, Esq.

26 Nevada Bar No.: 11545

27 197 E California Ave, Ste 250

28 Las Vegas, Nevada 89104

Attorney for Plaintiff



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of July 2021, I served a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER**, via the Court designated electronic service program and/or U.S. Mail, first class postage prepaid, addressed to the following:

Carrie Primas, Esq
10000 W Charleston Blvd, Ste 100
Las Vegas, NV 89135
Attorney for Defendant

By: /s/ Crystal Reed
An Employee of ALEX B. GHIBAUDO, P.C.

ORDR

Alex B. Ghibaud, Esq.
Nevada Bar Number: 10592
Michancy M. Cramer, Esq.
Nevada Bar Number: 11545
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E: alex@glawvegas.com
Attorney for Devin Reed

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

DEVIN REED,

Plaintiff,

vs.

AMANDA REED,

Defendant.

Case Number: D-18-568055-D
Department:

ORDER

THIS MATTER came on for decision on Defendant's Motion for Reconsideration, Plaintiff's Opposition and Countermotion, and Defendant's Reply before the Honorable Michelle Mercer in the Eighth Judicial District Court, Family Division, Department Z on June 14, 2021. Plaintiff DEVIN REED was present and represented by his Attorney, Michancy Cramer, Esq.; Defendant AMANDA REED was present and represented by her Attorneys, Carrie Primas, Esq. and

1 Robert Cerceo, Nevada Bar Number 5247. All parties and their counsel appeared
2 via video conference through the Bluejeans application due to the Coronavirus
3 pandemic.
4

5 JOURNAL ENTRIES

6 The Court confirmed that the parties had started using Our Family Wizard
7 for communications. The Court noted that neither party had filed an updated
8 Financial Disclosure Form (FDF) and counsel represented that the parties had
9 agreed on the child support matters, to include child support going forward as well
10 as any allegation of child support arrears for the previous year. Counsel
11 represented that a Stipulation and Order would be submitted forthwith.
12

13 Following oral argument, the Court stated its Findings and Ordered the
14 following:
15

16 FINDINGS

17 **THE COURT HEREBY FINDS** that pursuant to NRS 125.130(1) a
18 judgment of divorce is a final decree. [1:58:09]

19 **THE COURT FURTHER FINDS** that Dr. Paglini's report was delivered
20 on or about January of 2020 and that there was a hearing several days later in front
21 of Judge Gentile. [2:00:09]
22

23 **THE COURT FURTHER FINDS** that despite the fact that it appears that
24 Judge Gentile wanted the parties to enter a decree resolving all other issues and
25 then go forward with custody, it is troublesome to the Court. Because the decree is
26 a final order, there is not a mechanism under Nevada law to pretend the parties are
27 not resolving all the issues under a final decree, despite the paragraph in the decree
28

1 that proports to be a savings clause that would allow Defendant to relitigate the
2 issue of custody. [2:01:18]

3 **THE COURT FURTHER FINDS** that the proper procedure would have
4 been to resolve the issues pursuant to a marital settlement agreement and
5 incorporate that into a final decree one the issue of custody was addressed in a
6 custody decree that addressed the concerns by Dr. Paglini and Judge Gentile, but
7 that did not happen. [2:01:39]

8
9 **THE COURT FURTHER FINDS** that upon review of the Defendant's
10 Motion, the Court shall clarity its position. Contrary to the Defendant's motion,
11 the Court's position is that it would not consider any evidence of domestic violence
12 that occurred prior to the decree of divorce as a basis for modifying custody after
13 the decree was entered. [2:02:58]

14
15 **THE COURT FURTHER FINDS** that Plaintiff's language towards
16 Defendant on Our Family Wizard was not appropriate. Although the Plaintiff had
17 concerns, his language escalated the conflict and was not acceptable to the Court.
18 [2:27:17]

19
20 **THE COURT FURTHER FINDS** that upon review of the current schedule
21 pursuant to the decree and after hearing from the parties, the current schedule is not
22 in the best interests of the children. There are too many exchanges between the
23 parties, it is a ridiculous and terrible schedule that increases the conflict between
24 the parties, puts the parties in each other's business too much, and is contrary to the
25 best interests of the children. [2:15:30 – 2:36:10]

26
27 **THE COURT FURTHER FINDS** that after hearing from the Defendant,
28 vacation time with each parent is in the best interests of the children and there is no

1 reason for them not to have a vacation with each parent. [2:45:10]
2

3
4 **ORDER**

5 **IT IS HEREBY ORDERED** that Defendant's Motion for Reconsideration
6 filed on March 17, 2021 is denied. [2:07:28]

7 **IT IS FURTHER ORDERED** that custody shall stay the same with the
8 parties sharing Joint Legal and Joint Physical Custody. [2:32:48]

9 **IT IS FURTHER ORDERED** that the Custody schedule shall be modified
10 as it is a finding of the Court that reducing interactions between the parties is in the
11 best interests of the children. [2:32:04]
12

13 **IT IS FURTHER ORDERED** that the new custody schedule shall be:

14 Week 1: Defendant shall have the children starting Thursday at school drop
15 off or 8:00am at the babysitter's until

16 Week 2: Friday at school drop off or 8:00am at the babysitter's.

17 Plaintiff shall have Friday at school drop off or 8:00am at the babysitter's
18 until week 1, Thursday at school drop off or 8:00am at the babysitter's.
19

20 Every two weeks Defendant/Mom shall have eight days and Plaintiff/Dad
21 shall have six days. [2:39:47]

22 **IT IS FURTHER ORDERED** that Plaintiff's countermotion to modify
23 school placement is denied. [2:41:25]
24

25 **IT IS FURTHER ORDERED** that Plaintiff's request to prohibit maternal
26 grandfather from attending school activities on Plaintiff/dad's timeshare is denied
27 with the following caveats:

28 Maternal grandfather and dad are ordered to stay away from each other. If

1 they are both present at a function, they shall avoid one another. Dad is
2 responsible for himself and mom is responsible for ensuring that maternal
3 grandfather stays away from dad.

4 Maternal grandfather may attend sports games, recitals, school plays, and
5 school performances.

6 Maternal grandfather may NOT attend custody exchanges, doctor
7 appointments for the minor children, or parent-teacher conferences. [2:41:33]

8 **IT IS FURTHER ORDERED** that Plaintiff's motion regarding vacation
9 time is granted in part. Each party shall have an additional week (seven days) of
10 vacation time with the children each summer. The parties are required to give each
11 other 30 days notice of their intent to exercise vacation, provide the other parent an
12 itinerary, and allow the children to communicate with the other parent. [2:45:10]

13 **IT IS FURTHER ORDERED** that during vacation the parties shall allow
14 the children to communicate with the other parent for 15 minutes each Sunday,
15 Tuesday, and Thursday. As the children are too young for their own phones, the
16 parents are ordered to cooperate and communicate to ensure that the video calls
17 take place in a peaceful and orderly manner. The parties are admonished to be
18 reasonable, communication with each other, to not call each other names, not to
19 make accusations against each other, and to avoid escalating any conflicts.
20 [2:50:20]

21 ...

22 ...

IT IS FURTHER ORDERED that both parties' request for attorney fees are denied and the parties shall each bear their own fees and costs. [2:51:30]

Attorney Cramer to prepare the order and Attorney Primas to review.

Dated this 21st day of July, 2021

Shall. Merce

89B E21 849B D7B5

Michele Mercer

District Court Judge

Approved as to Form and Content:

Respectfully Submitted:

//s//Michancy M. Cramer

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