

HARVEY GRUBER, ESQ.
Nevada Bar No. 6329
MAYFIELD, GRUBER & SHEETS
223 Water Street, Suite C
Henderson, Nevada 89015
(702) 566-4099
Attorney for Defendant/Counterclaimant
AMANDA REED

Electronically Filed
Jan 10 2022 10:27 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

DISTRICT COURT
CLARK COUNTY, STATE OF NEVADA

DEVIN REED,

Plaintiff/Counterdefendant,

vs.

AMANDA REED,

Defendant/Counterclaimant,

CASE NO. D-18-568055-D

DEPT. NO. F

CERTIFICATE OF MAILING

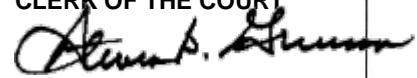
I HEREBY CERTIFY that on the 24th day of May, 2018, I placed a true and correct copy of the foregoing DEFENDANT/COUNTER CLAIMANT'S MOTION FOR EXCLUSIVE POSSESSION OF THE MARITAL RESIDENCE, FOR PRIMARY PHYSICAL CUSTODY OF THE MINOR CHILDREN, FOR CHILD SUPPORT, FOR INTERIM SPOUSAL SUPPORT, TO EXTEND TEMPORARY PROTECTIVE ORDER FOR ONE YEAR, FOR AN ORDER TO SHOW CAUSE WHY PLAINTIFF SHOULD NOT BE HELD IN CONTEMPT FOR VIOLATING THE JOINT PRELIMINARY INJUNCTION AND FOR PRELIMINARY ATTORNEY'S FEES.

in the above-entitled matter, in the U.S. Mail, postage prepaid and addressed as follows:

Attorney Louis Schneider
430 S. 7th St.
Las Vegas, NV 89101
Attorneys for Plaintiff/Counterdefendant
DEVIN REED



An Employee of the Law Office of MAYFIELD, GRUBER & SHEETS



MOT

HARVEY GRUBER, ESQ.

Nevada Bar No. 6329

Mayfield, Gruber & Sheets

223 S. Water Street, Ste. C

Henderson, NV 89015

(702) 566-4099

Attorney for Defendant/Counterclaimant

REED, AMANDA

DISTRICT COURT

FAMILY DIVISION

COUNTY OF CLARK, NEVADA

DEVIN REED,

Plaintiff/Counterdefendant,

vs.

AMANDA REED,

Defendant/Counterclaimant.

CASE NO. D-18-568055-D

DEPT. NO. F

HEARING DATE: June 26²⁶, 2018

HEARING TIME: 3:00 P.M.

ORAL ARGUMENT REQUESTED: YES x NO

NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN 10 DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN 10 DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT A HEARING PRIOR TO THE SCHEDULED HEARING DATE.

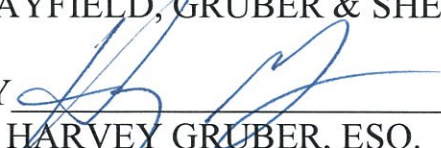
DEFENDANT/COUNTERCLAIMANT'S MOTION FOR EXCLUSIVE POSSESSION OF THE MARTIAL RESIDENCE, FOR PRIMARY PHSICAL

1 CUSTODY OF THE MINOR CHILDREN, FOR CHILD SUPPORT, FOR
2 INTERIM SPOUSAL SUPPORT, TO EXTEND TEMPORARY PROTECTIVE
3 ORDER FOR ONE YEAR, FOR AN ORDER TO SHOW CAUSE WHY
4 PLAINTIFF SHOULD NOT BE HELD IN CONTEMPT FOR VIOLATING THE
5 JOINT PRELIMINARY INJUNCTION AND FOR PRELIMINARY
6 ATTORNEY'S FEES

7 Comes now Defendant/Counterclaimant AMANDA REED by and through
8 her Attorney Harvey Gruber, Esq., of MAYFIELD, GRUBER & SHEETS and
9 hereby files the instant Motion for Exclusive Possession of the Marital Residence,
10 for Primary Physical Custody of the Parties' Minor Children, for Child Support,
11 for Interim Spousal Support and for an Order to Show Cause why Plaintiff should
12 not be held in Contempt and for Preliminary Attorney's Fees. This motion is
13 based upon the paper and pleading on file, the attached points and authorities and
14 any oral argument that the court may wish to entertain.
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19 DATED this 23 day of May, 2018.

20 Respectfully submitted,
21 MAYFIELD, GRUBER & SHEETS

22 BY 
23 HARVEY GRUBER, ESQ.
24 Nevada Bar No. 6329
25 223 Water Street, Suite C
26 Henderson, NV 89015
27 (702) 566-4099
28 Attorney for Defendant/Counterclaimant
AMANDA REED

TO: DEVIN REED, Plaintiff/counterdefendant;

MOTION FOR EXCLUSIVE POSSESSION OF THE MARTIAL RESIDENCE,
FOR PRIMARY PHYSICAL CUSTODY OF THE MINOR CHILDREN, FOR
CHILD SUPPORT, FOR INTERIM SPOUSAL SUPPORT, TO EXTEND
TEMPORARY PROTECTIVE ORDER FOR ONE YEAR, FOR AN ORDER TO
SHOW CAUSE WHY PLAINTIFF SHOULD NOT BE HELD IN CONTEMPT
FOR VIOLATING THE JOINT PRELIMINARY INJUNCTION AND FOR
PRELIMINARY ATTORNEY'S FEES

on for hearing in Department F of the above-entitled Court, on the 26th day of June, 2018, at the hour of 3:00 p.m., or as soon thereafter as counsel may be heard.

HARVEY GRUBER, ESQ.

Nevada Bar No. 6329

Attorney for

DEFENDANT/Counterclaimant

AMANDA REED

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POINTS AND AUTHORITIES

Factual Background

Plaintiff/Counterdefendant DEVIN REED (hereinafter referred to as “DEVIN”) and Defendant/Counterclaimant AMANDA REED (hereinafter referred to as “AMANDA”) were married on October 2, 2010 in Las Vegas, Nevada.

There are two minor children the issue of this marriage: Abigail Reed, born April 6, 2013, Shawn Reed, born July 3, 2015.

DEVIN and AMANDA have been living separately since February 5, 2018. Since that time, DEVIN has been living in the motorhome and AMANDA has been in the residence with the children. Prior to the marriage, AMANDA purchased the marital residence and it is titled in her name only. It is undisputed that DEVIN has help pay for the residence, however, the residence remains in AMANDA’s name.

DEVIN is a member of local 159 Painter’s Union and AMANDA works for the Clark County School District. DEVIN has had issues regarding his credit for some time, to the point that AMANDA had to purchase a truck for DEVIN to use for work purposes, the truck is currently registered in her name, and the parties are current on the truck payment.

1 There have been a few incidents of domestic battery in the house. In May of
2
3 2014, the police were called to the house by AMANDA because DEVIN shook the
4 baby, Abigail. AMANDA called 911, DEVIN then left the residence and
5 AMANDA recalled the police and advised that DEVIN had left the residence and
6 that Abigail did not need medical attention (Please see Exhibit 1). On or about
7 May 4, 2017, DEVIN threw a hammer at AMANDA striking her in the foot and
8 she had to go to the ER (Please see Exhibit 2). The police were called to the
9 residence a third time on March 20, 2018, this time by DEVIN, wherein, he
10 alleged that AMANDA's father had drawn a weapon. The police came out and
11 determined that DEVIN's story did not make any sense (Please see Exhibit 3).
12 AMANDA has since applied for and received a temporary restraining order
13 against DEVIN. Many of the acts of abuse have either been audio recorded or
14 video recorded.
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19 DEVIN is currently fighting drug addiction. He is currently being treated
20 by DR. Wolfson with Suboxone, which is used to fight Heroin and Opiate abuse.
21 Furthermore, DEVIN has been prescribed and is taking Alprozalam (Xanax)
22 (Please see Exhibit 4).
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I.

**AMANDA SHOULD BE AWARDED EXCLUSIVE POSSESSION OF THE
MARITAL RESIDENCE**

The Court, pursuant to NRS 125.040 can order that AMANDA be given exclusive possession of the marital residence. AMANDA purchased the house prior to marriage, the mortgage is in her name solely, and the house is titled in her name solely. Awarding AMANDA exclusive possession of the residence does not affect DEVIN's right to recover half of any equity in the marital residence.

II.

**AMANDA IS TO BE AWARDED PRIMARY PHYSICAL CUSTODY OF
THE MINOR CHILDREN WITH DEVIN ORDERED TO PAY CHILD
SUPPORT.**

Pursuant to NRS 125C.035, the custody of the children should be determined by what is in the best interest of the children. AMANDA does not want to keep the children from DEVIN, however, until DEVIN can demonstrate a drug free life and can control his violent tendencies, AMANDA has no choice but to ask for an order awarding primary physical custody of the children. Additionally, AMANDA is asking that DEVIN not have overnight visitation until he is clean and sober.

1 NRS 125C.035 gives the court factors to determine the best interest of the
2 child. In the instant matter, the level of conflict between the parties; the mental and
3 physical health of the parents; whether there is a history of parental abuse or
4 neglect of the child; and whether either parent seeking physical custody has
5 engaged in in an act of domestic violence against the child or parent of the child.
6 These are all factors that lead the court to award at least temporarily primary
7 physical custody of the children to AMANDA.
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11 DEVIN should be ordered to pay statutory child support. Pursuant to NRS
12 125B.070 DEVIN should be ordered to pay 25% of his gross monthly income as
13 and for child support up to the maximum of \$1,200.
14

15 III.

16 **THERE SHOULD BE AN AWARD OF TEMPORARY SPOUSAL SUPPORT**

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18 The Court, pursuant to NRS 125.040 and NRS 125.200 can order temporary
19 spousal support. Furthermore, under *Engbretson v. Engbretson*, 75 Nev. 237
20 (1959) the court is authorized to award temporary spousal support. DEVIN has
21 made more income throughout the marriage and currently makes roughly \$20,000
22 more per year than AMANDA. Due to his credit situation, all of the community
23 debt is in AMANDA's name solely and without spousal support AMANDA will
24 not be able to pay all the bills.
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IV.

ATTORNEY'S FEES

As the financially weaker party, AMANDA should be entitled to Attorney's fees. In *Sargeant v. Sargeant*, 88 Nev. 223, (1972), the Court held that the financially weaker spouse is not required to show necessitous circumstances, the financially weaker spouse should be allowed to meet the financially stronger party on an equal basis, and the weaker spouse afforded his or her day in court without destroying his or her financial position, and should not be required to liquidate his or her savings.

V.

**DEVIN IS IN CONTEMPT OF COURT FOR VIOLATING THE JOINT
PRELIMINARY INJUNCTION**

DEVIN filed the complaint for divorce on or about March 20, 2018. At the same time, DEVIN requested the issuance of a JPI. The JPI was signed by the Honorable Bryce Duckworth. Thereafter, DEVIN withdrew approximately \$900 of \$1,000 out of the joint checking account. DEVIN then overdrew the same account by approximately \$320. This account was already overdrawn by \$1,000.00 prior to the divorce filing. AMANDA had to pay the bank \$1,280 to clear the DEVIN's overdraft spending and close the account. DEVIN clearly does not understand the

1 concept of community property or of the Joint Preliminary Injunction. DEVIN
2 should be held in contempt and ordered to give AMANDA \$400 immediately, and
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4 DEVIN needs to pay half of the \$1,280 overdraft, which is \$640 for a total of
5 \$1040.00.
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VI.

CONCLUSION

Based on the foregoing, AMANDA REED comes before this Honorable Court and respectfully requests for the relief sought, exclusive possession of the marital residence, for primary physical custody of the parties' minor children, for temporary child support, for temporary spousal support, and for an order to show cause why DEVIN REED should not be held in Contempt of Court for violating the Joint Preliminary Injunction and for Preliminary Attorney's fees, and for any other relief the Court deems fit and proper.

DATED this 23 day of May, 2018.

MAYFIELD, GRUBER & SHEETS

BY



HARVEY GRUBER, ESQ.

Nevada Bar No. 6329

223 Water Street, Suite C

Henderson, Nevada 89101

(702) 566-4099

Attorney for Defendant/Counterclaimant

AMANDA REED

1 VERIFICATION

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

5 I, AMANDA REED, under penalty of perjury, being first duly sworn, deposes and says:

6 That she is the Defendant/Counterclaimant in the above-entitled action; that she has read
7 the foregoing

8 MOTION FOR EXCLUSIVE POSSESSION OF THE MARITAL RESIDENCE, FOR
9 PRIMARY PHYSICAL CUSTODY OF THE MINOR CHILDREN, FOR CHILD SUPPORT,
10 FOR INTERIM SPOUSAL SUPPORT, TO EXTEND TEMPORARY PROTECTIVE ORDER
11 FOR ONE YEAR, FOR AN ORDER TO SHOW CAUSE WHY PLAINTIFF SHOULD NOT
12 BE HELD IN CONTEMPT FOR VIOLATING THE JOINT PRELIMINARY INJUNCTION
13 AND FOR PRELIMINARY ATTORNEY'S FEES

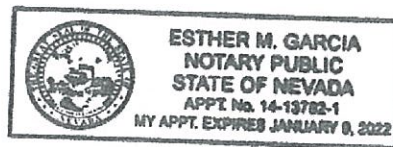
14 and knows the contents thereof, and that same is true of her own knowledge except for those
15 matters stated on information and belief, and as for those matters she believes them to be true.
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19 Amanda Reed
20 AMANDA REED

21 SUBSCRIBED and SWORN to before me

22 this 9TH day of April, 2018.

23 Esther M. Garcia
24 NOTARY PUBLIC



MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

DEVIN REED

Plaintiff/Petitioner

v.

AMANDA REED

Defendant/Respondent

Case No.

D-18-568055-D

Dept.

F

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

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

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

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

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

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

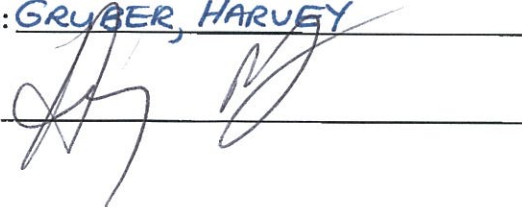
Step 3. Add the filing fees from Step 1 and Step 2.

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

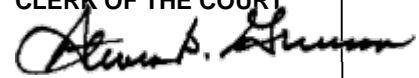
☒ **\$0** ☐ **\$25** ☐ **\$57** ☐ **\$82** ☐ **\$129** ☐ **\$154**

Party filing Motion/Opposition: GRUBER, HARVEY Date 5-24-18

Signature of Party or Preparer



APPX0093



CMCN

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

DEVIN BRYSON REED,

Plaintiff,

v.

AMANDA RAELENE REED,

Defendant.

CASE NO. D-18-568055-D
DEPT NO. F

Date: June 26, 2018
Time: 3:00 p.m.

**ORDER SETTING CASE MANAGEMENT CONFERENCE
AND DIRECTING COMPLIANCE WITH NRCP 16.2**

Pursuant to NRCP 16.2, the above-entitled matter is set for a Case Management Conference on **June 26, 2018, at 3:00 p.m.**, in Department F of the Eighth Judicial District Court. Pursuant to NRCP 16.2(i)(3), you must attend and participate in this court hearing.

Pursuant to NRCP 16.2, it is hereby ORDERED that:

1. Your Financial Disclosure Form must be filed and served within 30 days of the service of the Complaint. You may opt-in to the Detailed Financial Disclosure Form and Complex Litigation procedure by filing and serving a "Request to Opt-in to Detailed Financial Disclosure Form and Complex Litigation Procedure" certifying that:

(A) Either party's individual gross income, or the combined gross income of the parties, is more than \$250,000 per year; or

(B) Either party is self-employed or the owner, partner, managing or majority shareholder, or managing or majority member of a business; or

(C) The combined gross value of the assets owned by either party individually or in combination is more than \$1,000,000.

...

1 If none of the foregoing applies or neither party filed a Request to Opt-in, you must
2 complete the General Financial Disclosure Form.

3 2. Within 30 days of the service of the Complaint, at the same time the
4 Financial Disclosure Form is filed, you must provide to the other party initial
5 disclosures mandated by NRCP 16.2(d). Such initial disclosures shall include the
6 following information and documentation:

7 (A) **Bank and Investment Statements.** Copies of all monthly or
8 periodic bank, checking, savings, brokerage, investment, and security account
9 statements in which any party has or had an interest for the period commencing 6
10 months prior to the service of the Summons and Complaint, through the date of the
11 disclosure;

12 (B) **Credit Card and Debt Statements.** Copies of credit card
13 statements and debt statements for all parties for all months for the period
14 commencing 6 months prior to the service of the Summons and Complaint, through
15 the date of the disclosure;

16 (C) **Real Property.** Copies of all deeds, deeds of trust, purchase
17 agreements, escrow documents, settlement sheets, and all other documents that
18 disclose the ownership, legal description, purchase price, and encumbrances of all real
19 property owned by any party;

20 (D) **Property Debts.** Copies of all monthly or periodic statements and
21 documents showing the balances owing on all mortgages, notes, liens, and
22 encumbrances outstanding against all real property and personal property in which the
23 party has or had an interest for the period commencing 6 months prior to the service
24 of the Summons and Complaint, through the date of the disclosure; or, if no monthly
25 or quarterly statements are available during this time period, the most recent
26 statements or documents that disclose the information;

27 . . .

28 . . .

1 (E) **Loan Applications.** Copies of all loan applications that a party
2 has signed within 12 months prior to the service of the Summons and Complaint,
3 through the date of the disclosure;

4 (F) **Promissory Notes.** Copies of all promissory notes under which
5 a party either owes money or is entitled to receive money;

6 (G) **Deposits.** Copies of all documents evidencing money held in
7 escrow or by individuals or entities for the benefit of either party;

8 (H) **Receivables.** Copies of all documents evidencing loans or monies
9 due to either party from individuals or entities;

10 (I) **Retirement and Other Assets.** Copies of all monthly or periodic
11 statements and documents showing the value of all pension, retirement, stock option,
12 and annuity balances, including individual retirement accounts, 401(k) accounts, and
13 all other retirement and employee benefits and accounts in which any party has or had
14 an interest for the period commencing 6 months prior to the service of the Summons
15 and Complaint, through the date of the disclosure; or, if no monthly or quarterly
16 statements are available during this time period, the most recent statements or
17 documents that disclose the information;

18 (J) **Insurance.** Copies of all monthly or periodic statements and
19 documents showing the cash surrender value, face value, and premiums charged for all
20 life insurance policies in which any party has or had an interest for a period
21 commencing 6 months prior to the service of the Summons and Complaint, through
22 the date of the disclosure; or, if no monthly or quarterly statements are available during
23 this time period, the most recent statements or documents that disclose the
24 information;

25 (K) **Insurance Policies.** Copies of all policy statements and evidence
26 of costs of premiums for health and life insurance policies covering either party or any
27 child of the relationship;

28 . . .

1 (L) **Values.** Copies of all documents that may assist in identifying or
2 valuing any item of real or personal property in which any party has or had an interest
3 for the period commencing 6 months prior to the service of the Summons and
4 Complaint, through the date of the disclosure, including any documents that the party
5 may rely upon in placing a value on any item of real or personal property (i.e.,
6 appraisals, estimates, or official value guides);

7 (M) **Tax Returns.** Copies of all personal and business tax returns,
8 balance sheets, profit and loss statements, and all documents that may assist in
9 identifying or valuing any business or business interest for the last 5 completed
10 calendar or fiscal years with respect to any business or entity in which any party has
11 or had an interest within the past 12 months;

12 (N) **Proof of Income.** Proof of income of the party from all sources,
13 specifically including W-2, 1099, and K-1 forms, for the past 2 completed calendar
14 years, and year-to-date income information (paycheck stubs, etc.) for the period
15 commencing 6 months prior to the service of the Summons and Complaint, through
16 the date of the disclosure;

17 (O) **Personalty.** A list of all items of personal property with an
18 individual value exceeding \$200, including, but not limited to, household furniture,
19 furnishings, antiques, artwork, vehicles, jewelry, coins, stamp collections, and similar
20 items in which any party has an interest, together with the party's estimate of current
21 fair market value (not replacement value) for each item; and

22 (P) **Exhibits.** A copy of every other document or exhibit, including
23 summaries of other evidence, that a party expects to offer as evidence at trial in any
24 manner.

25 3. No later than 90 days after the Financial Disclosure Form is due, you
26 must disclose the identity of any witnesses (any person who may be used at trial to
27 present evidence pursuant to NRS 50.275, 50.285, and 50.305). If the evidence is

28 ...

1 intended solely to contradict or rebut evidence on the same subject matter, the
2 disclosure must be within 21 days after the disclosure made by the other party.

3 4. No later than 45 days after service of the Answer, you and, if you have
4 an attorney, your attorney, must meet for an Early Case Conference. This conference
5 is intended for the purpose of ensuring compliance with the initial disclosure rules (*see*
6 paragraph 2; NRCP 16.2(d)). The Plaintiff shall designate the time and place of each
7 meeting, which must be held in the county where the action was filed, unless the
8 parties agree upon a different location. You and the other party may submit a
9 Stipulation and Order to continue the time for the Early Case Conference for an
10 additional period of not more than 60 days, which the court may, in its discretion and
11 for good cause shown, enter. Absent compelling and extraordinary circumstances,
12 neither the Court nor the parties may extend the time to a day more than 90 days after
13 service of the Answer. The time for holding an Early Case Conference with respect to
14 a defendant who has filed a motion pursuant to Rule 12(b)(2)-(4) is tolled until entry
15 of an order denying the motion.

16 5. Early Case Conference Report. Within 15 days after the Early Case
17 Conference, but not later than 5 days prior to the scheduled Case Management
18 Conference, you must file a Joint Early Case Conference Report or, if you and the other
19 side are unable to agree upon the contents of a joint report, you must serve and file an
20 Early Case Conference Report, which, either as a joint or individual report, must
21 contain:

- 22 (A) A statement of jurisdiction;
- 23 (B) A brief description of the nature of the action and each claim for
24 relief or defense;
- 25 (C) If custody is at issue in the case, a proposed custodial timeshare
26 and a proposed holiday, special day, and vacation schedule;
- 27 (D) A written list of all documents provided at or as a result of the
28 Early Case Conference, together with any objection that the document is not authentic

1 or genuine. The failure to state any objection to the authenticity or genuineness of a
2 document constitutes a waiver of such objection at a subsequent hearing or trial. For
3 good cause, the Court may permit the withdrawal of a waiver and the assertion of an
4 objection;

5 (E) A written list of all documents not provided under Rule 16.2(d),
6 together with the explanation as to why each document was not provided;

7 (F) For each issue in the case, a statement of what information and/or
8 documents are needed, along with a proposed plan and schedule of any additional
9 discovery;

10 (G) A list of the property (including pets, vehicles, real estate,
11 retirement accounts, pensions, etc.) that each litigant seeks to be awarded in this
12 action;

13 (H) The list of witnesses exchanged in accordance with Rule 16.2(d)(5)
14 and (d)(6);

15 (I) Identification of each specific issue preventing immediate global
16 resolution of the case, along with a description of what action is necessary to resolve
17 each issue identified;

18 (J) A litigation budget; and

19 (K) Proposed trial dates.

20 6. You are under the continuing obligation to supplement any disclosures
21 required herein or by court rule. You must make additional or amended disclosures
22 whenever new or different information is discovered or revealed. Such additional or
23 amended disclosures, including corrections to your Financial Disclosure Form, shall be
24 made within 14 days after acquiring the additional information or after otherwise
25 learning that your disclosure is incomplete or incorrect. However, if a hearing,
26 deposition, case management conference, or other calendared event is scheduled less
27 than 14 days from the discovery date, then the update must be filed and served within
28 24 hours of the discovery of new information.

1 7. If you fail to timely complete, file, or serve the appropriate financial
2 disclosure form required by this rule, or the required information and disclosures under
3 this rule, the Court shall impose an appropriate sanction upon you, your attorney, or
4 both, unless specific affirmative findings of fact are made that you have proven: (1)
5 either good cause for the failure by a preponderance of the evidence or that the
6 violating party would experience an undue hardship if the penalty is applied; and (2)
7 that other means fully compensate the non-violating party for any losses, delays, and
8 expenses suffered as a result of the violation. Sanctions may include:

9 (A) An order finding the violating party in civil contempt of court, an
10 order requiring the violating party to timely file and serve the disclosures, to pay the
11 opposing party's reasonable expenses, including attorney fees and costs incurred as a
12 result of the failure, and any other sanction the court deems just and proper; and/or

13 (B) An order refusing to allow the violating party to support or oppose
14 designated claims or defenses, or prohibiting that party from introducing designated
15 matters in evidence, and/or any other sanction the Court deems just and proper.

16 8. Failure to include any asset or accurately report income will result in
17 sanctions if the non-violating party can establish, by a preponderance of the evidence,
18 that there is not good cause for the failure. Sanctions may include:

19 (A) An order finding the violating party in civil contempt of court, an
20 award of reasonable attorney fees and costs to the non-violating party, and any other
21 sanction the Court deems just and proper; and/or

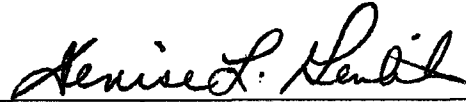
22 (B) An order awarding the omitted asset to the opposing party as his
23 or her separate property or making another form of unequal division of community
24 property, and/or any other sanction the Court deems just and proper.

25 Pursuant to EDCR 5.401, each party may file and serve a brief at least 5
26 calendar days prior to the scheduled NRCP 16.2 Case Management Conference. The
27 brief should include, if relevant, the following:

28 ...

- (1) A statement of jurisdiction.
- (2) If custody is at issue in the case, a proposed custodial timeshare and a proposed holiday, special day, and vacation schedule.
- (3) For each issue in the case, a statement of what information, documents, witnesses, and experts are needed.
- (4) A list of the property (including pets, vehicles, real estate, retirement accounts, pensions, etc.) the litigant seeks to be awarded in the action.
- (5) Identification of each specific issue preventing immediate global resolution of the case, along with a description of what action is necessary to resolve each issue identified.
- (6) A litigation budget.
- (7) Proposed trial dates.

DATED this 4th day of June, 2018.



DENISE L. GENTILE
DISTRICT COURT JUDGE
DEPARTMENT F

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CERTIFICATE OF SERVICE

I hereby certify that on the above file-stamped date, I caused a copy of the foregoing
Order Setting Case Management Conference and Directing Compliance With
NRCP 16.2 to be:

☒ E-Served pursuant to NEFCR 9 on, or placed in the folder(s) located in the
Clerk's Office of, the following attorneys:

Louis Schneider, Esq.
Attorney for Plaintiff

Harvey Gruber, Esq.
Attorney for Defendant

☐ E-Served pursuant to NEFCR 9 on, or mailed postage prepaid addressed to,
the following litigants in Proper Person:

/s/ Belinda Miller
Belinda Miller
Judicial Executive Assistant
Department F

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

June 25, 2018

D-18-568055-D Devin Bryson Reed, Plaintiff
vs.
Amanda Raelene Reed, Defendant.

June 25, 2018 3:00 PM Minute Order

HEARD BY: Gentile, Denise L**COURTROOM:** Chambers**COURT CLERK:** Sherri Estes**PARTIES:**

Abby Reed, Subject Minor, not present	Harvey Gruber, Attorney, not present
Amanda Reed, Defendant, Counter Claimant, not present	Harvey Gruber, Attorney, not present
Devin Reed, Plaintiff, Counter Defendant, not present	Louis Schneider, Attorney, not present
Shawn Reed, Subject Minor, not present	

JOURNAL ENTRIES

- Minute Order, No hearing held. Order drafted by Department.

COURT ORDERED the following:

Pursuant to NRCP 1 and EDCR 1.10 state the procedures in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. EDCR 5.303 requires the parties to any contested child custody, access or visitation dispute to attend mandatory mediation through the Family Mediation Center (FMC).

This Court has read and considered the current underlying pleadings in this matter. Per the Court's request and in the interest of judicial economy, the parties are ordered to attend mediation through FMC. A FMC Return Hearing shall be scheduled for August 14, 2018, at 9:30 a.m.

PRINT DATE:	06/25/2018	Page 1 of 2	Minutes Date:	June 25, 2018
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

APPX0103

CLERK'S NOTE: A copy of this minute order was mailed (6/25/18 SE).

Louis C. Schneider, Esq.
430 S Seventh ST
Las Vegas NV 89101

Harvey Gruber, Esq.
223 Water Street #c
Henderson NV 89015

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: June 26, 2018 3:00 PM Motion

Canceled: June 26, 2018 3:00 PM Case Management Conference

August 14, 2018 9:30 AM Motion
Gentile, Denise L
Courtroom 03
Slayton, Andrea

August 14, 2018 9:30 AM Case Management Conference
Gentile, Denise L
Courtroom 03
Slayton, Andrea

August 14, 2018 9:30 AM Return Hearing
Gentile, Denise L
Courtroom 03
Slayton, Andrea

PRINT DATE:	06/25/2018	Page 2 of 2	Minutes Date:	June 25, 2018
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

APPX0104

Jun 22 2018 10:03AM Mayfield, Gruber & Sheets 702-566-4649

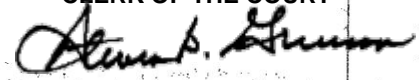
page 2

To: Esq. Har Page 2 of 3

2018-06-22 16:45:38 (GMT)

From: Louis Schneider

Electronically Filed
6/28/2018 7:45 AM
Steven D. Grierson
CLERK OF THE COURT



1. **SAO**
2. **LOUIS C. SCHNEIDER**
3. Attorney at Law
4. Nevada Bar No. 9683
5. 430 South 7th Street
6. Las Vegas, Nevada 89101
7. 702-435-2121
8. 702-431-3807 (fax)
9. Attorney for Plaintiff

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

12. **DEVIN REED,**

13. Plaintiff,

14. vs.

15. **AMANDA REED,**

16. Defendant.

CASE NO.: D-18-568055-D
DEPT. NO.: F

17. **STIPULATION AND ORDER TO CONTINUE**
18. **JUNE 26, 2018 HEARING**

19. **IT IS HEREBY STIPULATED** by and between the parties hereto
20. through their respective counsel, that the hearing on Defendant's Motion
21. **///**
22. **///**
23. **///**

24. 1 of 2

RECEIVED

JUN 22 2018

DEPARTMENT F

Jun 22 2018 10:03AM Mayfield, Gruber & Sheets 702-566-4649

page 3

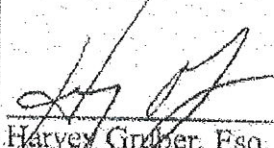
To: Esq. Har Page 3 of 3

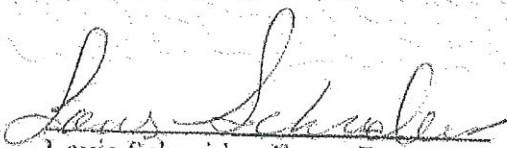
2018-06-22 16:45:38 (GMT)

From: Louis Schneider

1 currently set for June 26, 2018 at 3:00 PM shall be continued for approximately
2 6 weeks.
3

4 **IT IS SO STIPULATED:**

5
6  6/22/18
7 Harvey Gruber, Esq. Date
8 Nevada Bar No. 6329
9 223 S. Water Street, Ste. C
10 Henderson, NV 89015
11 Attorney for Defendant

12 
13 Louis Schneider, Esq. Date
14 Nevada Bar No. 9683
15 430 S. 7th Street
16 Las Vegas, NV 89101
17 Attorney for Plaintiff

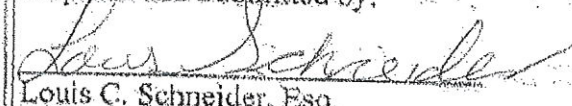
18 **IT IS HEREBY ORDERED** that the hearing currently scheduled for June
19 26, 2018 at 3:00 PM is hereby continued to the 14th day of August
20 2018 at 9:30 AM/PM.
21

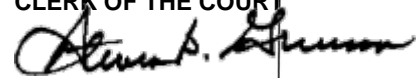
22 **DATED and DONE** this 20th day of June 2018:
23

24 
DISTRICT COURT JUDGE

DENISE L. GENTILE Bm

Prepared and Submitted by:

19 
20 Louis C. Schneider, Esq.
21 Nevada Bar No. 9683
22 430 S. 7th Street
23 Las Vegas, Nevada 89101
24 Attorney for Plaintiff



LOUIS C. SCHNEIDER
Attorney at Law
Nevada Bar Number 9683
430 South 7th Street
Las Vegas, Nevada 89101
T: (702) 435-2121
F: (702) 431-3807
lcslawllc@yahoo.com

DISTRICT COURT
CLARK COUNTY, NEVADA

DEVIN REED

Plaintiff/Counterdefendant,

vs.

AMANDA REED,

Defendant/Counterclaimant.

Case No.: D-18-568055-D

Dept. No.: F

OPPOSITION AND
COUNTER MOTION FOR
EXCULSIVE
POSSESSION OF THE
RESIDENCE, CUSTODY,
CHILD SUPPORT, AND
SPOUSAL SUPPORT.

Now comes Plaintiff/Counterclaimant DEVIN REED by and through his Attorney Louis Schneider, ESQ., and here by files the instant motion opposing the Defendant, AMANDA REED, for the following:

1. Exclusive Possession for the Martial Residence.
2. For Sole Physical of the minor children with equal timeshare between the parents.

APPX0107

1 3. That neither party be required to pay child support to the other party or that it
2 be based on Wright v. Osborn with appropriate offsets per NRS 125B.070 and
3 NRS 125B.080. That both parties be equally responsible to provide health
4 insurance for the minor children when available through their perspective
5 employers; and that the parties equally divide any unpaid or un-reimbursed
6 medical expenses of the minor children.
7

8
9
10 4. That neither party pay spousal support.

11 This motion is based upon the paper pleading of the file, the attached points
12 and authorities and any oral argument the court may wish to entertain.
13

14 Dated this ____ day of July, 2018.
15

16 Respectfully Submitted by:
17

18 /s/ Louis Schneider
19 LOUIS C. SCHNEIDER, Attorney at Law
20 Nevada Bar Number 9683
21 430 South Seventh Street
22 Las Vegas, Nevada 89101
23 (702) 435-2121
24
25
26
27
28

POINTS AND AUTHORITIES

Factual Background

Plaintiff/Counter Defendant DEVIN REED (hereinafter referred to as "DEVIN"), and Defendant/Counterclaimant AMANDA REED (hereinafter referred to as "AMANDA") were married on October 2, 2010 in Las Vegas, Nevada. There are two minor children at issue of this marriage: Abigail Reed, born April 6, 2013, Shawn Reed, born July 3, 2015.

DEVIN REED and AMANDA REED have been living separately since February 5, 2018. Since that time DEVIN has been living in the motorhome adjacent to the house merely to avoid conflict with his wife, AMANDA. Currently, DEVIN found out that AMANDA has been trying to date her physical trainer. The trainer advised DEVIN that he had told AMANDA that he would not date her while she was living with DEVIN. That very day AMANDA filed a police report and applied for a TPO on an incident that had occurred nearly a year earlier reporting DEVIN had thrown a hammer at her and injured her toe. Its interesting to note that when she went to the doctor for her injured toe she said that a table had fallen on her. After DEVIN was served with the TPO and ordered to vacate the house AMANDA sent a facebook message to the trainer saying she had 'gotten rid of DEVIN' and asked the trainer to accompany her to Saint George, Utah for the weekend. The trainer declined her advances.

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OPPOSITION TO MOTION

I.

We oppose AMANDA's motion for Exclusive Possession of the home. It's a marital asset and should be divided pursuant to NRS 123.225 as it is marital property.

II.

We oppose AMANDA's motion for Sole Physical Custody of the minor children.

III.

We oppose AMANDA's motion for child support pursuant to NRS 125B.070
NRS 125B.070 provides in pertinent part:

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

a) "Gross monthly income" means the total amount of income from any source of a wage-earning employee or the gross income from any source of a self-employed person, after deduction of all legitimate business expenses, but without deduction for personal income taxes, contribution for retirement benefits, contributions to a pension or for any other personal expenses.

b) "Obligation for support" means the amount determined according to the following schedule:

- 1) For one child, 18 percent;
- 2) For two children, 25 percent;
- 3) For three children, 29 percent;
- 4) For four children, 31 percent; and
- 5) For each additional child, an additional 2 percent of a parent's gross monthly income, but not more than the presumptive maximum amount per month per child set forth for the parent in subsection 2 for an obligation for support determined pursuant to subparagraphs (1) to (4), inclusive, unless the court

sets forth findings of fact as to the basis for a different amount pursuant to subsection 6 of NRS 125B.080.

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

PRESUMPTIVE MAXIMUM AMOUNTS OF CHILD SUPPORT JULY 1, 2017 – JUNE 30, 2018			
<i>Presumptive Maximum Amounts increased 2.1% pursuant to the Consumer Price Index (all items) increase in Calendar Year 2016 (December - December) as published by the U.S. Department of Labor</i>			
INCOME RANGE		PRESUMPTIVE MAXIMUM AMOUNT	
<i>If the Parent's Gross Monthly Income is at Least</i>	<i>But Less Than</i>	<i>The Presumptive Maximum Amount the Parent May Be Required to Pay per Month per Child Pursuant to Paragraph (b) of Subsection 1 of NRS 125B.070 is</i>	
\$0	- \$4,235	\$696	
\$4,235	- \$6,351	\$765	
\$6,351	- \$8,467	\$837	
\$8,467	- \$10,585	\$905	
\$10,585	- \$12,701	\$975	
\$12,701	- \$14,816	\$1,043	
\$14,816	- No Limit	\$1,115	

NRS 125B.080 also states:

1. A court of this state shall apply the appropriate formula set forth in NRS 125B.070 to:

- Determine the required support in any case involving the support of children.
- Any request filed after July 1, 1987, to change the amount of the required support of children.

2. If the parties agree as to the amount of support required, the parties shall certify that the amount of support is consistent with the appropriate formula set forth in NRS 125B.070. If the amount of support deviates from the formula, the parties must stipulate sufficient facts in accordance with subsection 9 which justify the deviation to the court, and the court shall make a written finding thereon. Any inaccuracy results in an inappropriate award of support are grounds for a motion to modify or adjust the award.

3. If the parties disagree as to the amount of the gross monthly income of either party, the court shall determine the amount and may direct either party to furnish financial information or other records, including income tax returns for the

1 preceding 3 years. Once a court has established an obligation for support by
2 reference to a formula set forth in NRS 125B.070, any subsequent modification or
3 adjustment of that support, except for any modification or adjustment made
4 pursuant to subsection 3 of NRS 125B.070 or NRS 425.450 or as a result of a
5 review conducted pursuant to subsection 1 of NRS 125B.145, must be based upon
6 changed circumstances.

7 4. Notwithstanding the formulas set forth in NRS 125B.070, the minimum
8 amount of support that may be awarded by a court in any case is \$100 per child,
9 per month, unless the court makes a written finding that the obligor is unable to
10 pay the minimum amount.

11 5. It is presumed that the basic needs of a child are met by the formulas set
12 forth in NRS 125B.070. This presumption may be rebutted by evidence proving
13 that the needs of a particular child are not met by the applicable formula.

14 6. If the amount of the awarded support for a child is greater or less than the
15 amount which would be established under the applicable formula, the court shall:

16 a) Set forth findings of fact as to the basis for the deviation from the
17 formula; and

18 b) Provide in the findings of fact the amount of support that would
19 have been established under the applicable formula.

20 7. Expenses for health care which are not reimbursed, including expenses for
21 medical, surgical, dental, orthodontic and optical expenses, must be borne equally
22 by both parents in the absence of extraordinary circumstances.

23 8. If a parent who has an obligation for support is willfully underemployed
24 or unemployed to avoid an obligation for support of a child, that obligation must be
25 based upon the parent's true potential earning capacity.

26 9. The court shall consider the following factors when adjusting the amount
27 of support of a child upon specific findings of fact:

28 a. The cost of health insurance;

a. The cost of child care;

c. Any special educational needs of the child;

d. The age of the child;

e. The responsibility of the parents for the support of others;

f. The value of services contributed by either party;

g. Any public assistance paid to support the child;

h. Any expenses reasonably related to the mother's pregnancy and
confinement;

i. The cost of transportation of the child to and from visitation if the custodial
parent moved with the child from the jurisdiction of the court which ordered
the support and the noncustodial parent remained;

- j. The amount of time the child spends with each parent;
- k. Any other necessary expenses for the benefit of the child; and
- l. The relative income of both parents.

IV.

NEITHER PARTY SHOULD BE ORDERED TO PAY SPOUSAL SUPPORT

AMANDA was not disadvantaged by the marriage in pursuit of her career. She has special training to be a teacher and has a marketable skill set moving forward from the divorce. DEVIN also made financial contributions to the marital residence as such spousal support would not be appropriate.

V.

ATTORNEY'S FEES

Regarding the awarding of attorney's fees, NRS 125.040 states, in pertinent part:

In any suit for divorce the court may, in its discretion, upon application by either party and notice to the other party, require either party to pay monies necessary to assist the other party in accomplishing one or more of the following:

To provide temporary maintenance for the other party;

To provide temporary support for the other party;

To enable the other party to carry on or defend such suit.

1 Attorney's fees should not be awarded as Amanda had a tummy tuck during
2 the divorce proceedings. Which is a cosmetic procedure and show an excess of assets
3 and do not show a concern with paying living expenses.
4

5
6 **VI.**
7 **JOINT PRELIMINARY INJUNCTION**

8 It is interesting that AMANDA accuses DEVIN of violating the JOINT
9 PRELIMINARY INJUNCTION when Amanda recently went out and spent
10 approximately \$10,000.00 on a Tummy Tuck during the pendency of this action.
11 This is clearly a waste of martial assets and is completely discretionary in nature, but
12 it clearly indicates that AMANDA only cares about herself.
13
14

15 **COUNTER MOTION**

16 **I.**
17 **THE MARTIAL RESIDENCE SHOULD BE IMMEDIATELY BE SOLD**
18 **AND THE PROCEEDS SHOULD BE EVENLY DIVIDED.**
19

20 In regard to the marital residence it was purchased approximately 30 days
21 prior to the wedding and DEVIN and AMANDA had been living together for twelve
22 years prior to it's purchase. The house is clearly community property as it was
23 purchased under contemplation of marriage under NRS 123.225
24

25
26 ///

27 ///