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II.

**THAT DEVIN AND AMANDA BE AWARDED JOINT PHYSICAL AND
LEGAL CUSTODY THE MINOR CHILDREN.**

Electronically Filed
Jan 10 2022 10:31 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

- a. The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her physical custody.
- b. Any nomination of a guardian for the child by a parent.
- c. Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.
- d. The level of conflict between the parents.
- e. The ability of the parents to cooperate to meet the needs of the child.
- f. The mental and physical health of the parents.
- g. The physical, developmental and emotional needs of the child.
- h. The nature of the relationship of the child with each parent.
- i. The ability of the child to maintain a relationship with any sibling.
- j. Any history of parental abuse or neglect of the child or a sibling of the child.
- k. Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.
- l. Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child.
- m.
- n. 5. Except as otherwise provided in subsection 6 or NRS 125C.210, a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking physical custody has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child creates a rebuttable presumption that sole or joint physical custody of the child by the perpetrator of the domestic violence is not in the best interest of the child. Upon making such a determination, the court shall set forth:
 - o. a) Findings of fact that support the determination that one or
 - p. more acts of domestic violence occurred; and

- 1 q. b) Findings that the custody or visitation arrangement ordered by the court
2 adequately protects the child and the parent or other victim of domestic
3 violence who resided with the child.
- 4 r. 6. If after an evidentiary hearing held pursuant to subsection 5 the court
5 determines that each party has engaged in acts of domestic violence, it shall,
6 if possible, then determine which person was the primary physical aggressor.
7 In determining which party was the primary physical aggressor for the
8 purposes of this section, the court shall consider:
- 9 s. a) All prior acts of domestic violence involving either party;
10 t. b) The relative severity of the injuries, if any, inflicted upon the persons
11 involved in those prior acts of domestic violence;
12 u. c) The likelihood of future injury;
13 v. d) Whether, during the prior acts, one of the parties acted in self-defense;
14 and
15 w. e) Any other factors which the court deems relevant to the determination.
16 x.
- 17 y. In such a case, if it is not possible for the court to determine which party is
18 the primary physical aggressor, the presumption created pursuant to
19 subsection 5 applies to both parties. If it is possible for the court to
20 determine which party is the primary physical aggressor, the presumption
21 created pursuant to subsection 5 applies only to the party determined by the
22 court to be the primary physical aggressor.
23 z.
- 24 aa. 7. A determination by the court after an evidentiary hearing and finding by
25 clear and convincing evidence that either parent or any other person seeking
26 physical custody has committed any act of abduction against the child or any
27 other child creates a rebuttable presumption that sole or joint physical
28 custody or unsupervised visitation of the child by the perpetrator of the
abduction is not in the best interest of the child. If the parent or other person
seeking physical custody does not rebut the presumption, the court shall not
enter an order for sole or joint physical custody or unsupervised visitation of
the child by the perpetrator and the court shall set forth:
- bb.a) Findings of fact that support the determination that one or more acts of
abduction occurred; and
- cc.b) Findings that the custody or visitation arrangement ordered by the court
adequately protects the child and the parent or other person from whom the
child was abducted.
- dd.8. For the purposes of subsection 7, any of the following acts constitute
conclusive evidence that an act of abduction occurred:

- 1 ee. a) A conviction of the defendant of any violation of NRS 200.310 to
2 200.340, inclusive, or 200.359 or a law of any other jurisdiction that
3 prohibits the same or similar conduct;
- 4 ff. b) A plea of guilty or nolo contendere by the defendant to any violation of
5 NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other
6 jurisdiction that prohibits the same or similar conduct; or
- 7 gg. c) An admission by the defendant to the court of the facts contained in the
8 charging document alleging a violation of NRS 200.310 to 200.340,
9 inclusive, or 200.359 or a law of any other jurisdiction that prohibits the
10 same or similar conduct.
- 11 hh. 9. If, after a court enters a final order concerning physical custody of the
12 child, a magistrate determines there is probable cause to believe that an act
13 of abduction has been committed against the child or any other child and that
14 a person who has been awarded sole or joint physical custody or
15 unsupervised visitation of the child has committed the act, the court shall,
16 upon a motion to modify the order concerning physical custody, reconsider
17 the previous order concerning physical custody pursuant to subsections 7
18 and 8.
- 19 ii. 10. As used in this section:
- 20 jj. a) "Abduction" means the commission of an act described in NRS 200.310
21 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that
22 prohibits the same or similar conduct.
- 23 kk. b) "Domestic violence" means the commission of any act described in NRS
24 33.018. Sec. 9.
- 25 ll. 1. Before the court makes an order awarding custody to any person other
26 than a parent, without the consent of the parents, it shall make a finding that
27 an award of custody to a parent would be detrimental to the child and the
28 award to a nonparent is required to serve the best interest of the child.
- mm. 2. No allegation that parental custody would be detrimental to the
child, other than a statement of that ultimate fact, may appear in the
pleadings.
- nn. 3. The court may exclude the public from any hearing on this issue.
- oo.
- pp. Sec. 10.
- qq. 1. In any action for determining the custody of a minor child, the court
may, except as otherwise provided in this section and NRS 125C.0601 to
125C.0693, inclusive, and chapter 130 of NRS:
- rr. a) During the pendency of the action, at the final hearing or at any time
thereafter during the minority of the child, make such an order for the

1 custody, care, education, maintenance and support of the minor child as
2 appears in his or her best interest; and

3 ss. b) At any time modify or vacate its order, even if custody was determined
4 pursuant to an action for divorce and the divorce was obtained by default
5 without an appearance in the action by one of the parties. The party seeking
6 such an order shall submit to the jurisdiction of the court for the purposes of
7 this subsection. The court may make such an order upon the application of
8 one of the parties or the legal guardian of the minor.

9 tt. 2. Any order for joint custody may be modified or terminated by the court
10 upon the petition of one or both parents or on the court's own motion if it is
11 shown that the best interest of the child requires the modification or
12 termination. The court shall state in its decision the reasons for the order of
13 modification or termination if either parent opposes it.

14 uu.3. Any order for custody of a minor child entered by a court of another
15 state may, subject to the provisions of NRS 125C.0601 to 125C.0693,
16 inclusive, and to the jurisdictional requirements in chapter 125A of NRS, be
17 modified at any time to an order of joint custody.

18 vv.4. A party may proceed pursuant to this section without counsel.

19 ww. 5. Any order awarding a party a limited right of custody to a child
20 must define that right with sufficient particularity to ensure that the rights of
21 the parties can be properly enforced and that the best interest of the child is
22 achieved. The order must include all specific times and other terms of the
23 limited right of custody. As used in this subsection, "sufficient particularity"
24 means a statement of the rights in absolute terms and not by the use of the
25 term "reasonable" or other similar term which is susceptible to different
26 interpretations by the parties.

27 xx.6. All orders authorized by this section must be made in accordance with the
28 provisions of chapter 125A of NRS and NRS 125C.0601 to 125C.0693,
inclusive, and must contain the following language:

1 zz. PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION,
2 CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION
3 OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY
4 AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every
5 person having a limited right of custody to a child or any parent having
6 no right of custody to the child who willfully detains, conceals or
7 removes the child from a parent, guardian or other person having lawful
8 custody or a right of visitation of the child in violation of an order of
9 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.

10 aaa.

11 bbb. 7. In addition to the language required pursuant to subsection 6, all
12 orders authorized by this section must specify that the terms of The Hague
13 Convention of October 25, 1980, adopted by the 14th Session of The Hague
14 Conference on Private International Law, apply if a parent abducts or
wrongfully retains a child in a foreign country.

15 ccc. 8. If a parent of the child lives in a foreign country or has significant
commitments in a foreign country:

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

19 eee. b) Upon motion of one of the parties, the court may order the parent
20 to post a bond if the court determines that the parent poses an imminent risk
21 of wrongfully removing or concealing the child outside the country of
22 habitual residence. The bond must be in an amount determined by the court
23 and may be used only to pay for the cost of locating the child and returning
24 the child to his or her habitual residence if the child is wrongfully removed
25 from or concealed outside the country of habitual residence. The fact that a
parent has significant commitments in a foreign country does not create a
presumption that the parent poses an imminent risk of wrongfully removing
or concealing the child.

26 fff.9. Except where a contract providing otherwise has been executed pursuant to
27 NRS 123.080, the obligation for care, education, maintenance and support
28 of any minor child created by any order entered pursuant to this section
ceases:

ggg. a) Upon the death of the person to whom the order was directed; or
hhh. b) When the child reaches 18 years of age if the child is no longer
enrolled in high school, otherwise, when the child reaches 19 years of age.

iii. 10. As used in this section, a parent has "significant commitments in a
foreign country" if the parent:

jjj. a) Is a citizen of a foreign country;

kkk. b) Possesses a passport in his or her name from a foreign country;

lll. c) Became a citizen of the United States after marrying the other parent of
the child; or

mmm. d) Frequently travels to a foreign country.

nnn.

ooo. Sec. 11.

ppp. 1. The court may, when appropriate, require the parents to submit to
the court a plan for carrying out the court's order concerning custody.

qqq. 2. Access to records and other information pertaining to a minor
child, including, without limitation, medical, dental and school records, must
not be denied to a parent for the reason that the parent is not the child's
custodial parent.

rrr.

sss. Sec. 12.

ttt. 1. If, during any action for determining the custody of a minor child, either
before or after the entry of a final order concerning the custody of a minor
child, it appears to the court that any minor child of either party has been, or
is likely to

uuu. be, taken or removed out of this State or concealed within this State,
the court shall forthwith order such child to be produced before it and make
such disposition of the child's custody as appears most advantageous to and
in the best interest of the child and most likely to secure to him or her the
benefit of the final order or the modification or termination of the final order
to be made in his or her behalf.

vvv. 2. If, during any action for determining the custody of a minor child,
either before or after the entry of a final order concerning the custody of a
minor child, the court finds that it would be in the best interest of the minor
child, the court may

www. enter an order providing that a party may, with the assistance of the
appropriate law enforcement agency, obtain physical custody of the child
from the party having physical custody of the child. The order must provide
that if the party obtains physical custody of the child, the child must be
produced before the court as soon as practicable to allow the court to make

1 such disposition of the child's custody as appears most advantageous to and
2 in the best interest of the child and most likely to secure to him or her the
3 benefit of the final order or the modification or termination of the final order
4 to be made in his or her behalf.

5 xxx. 3. If the court enters an order pursuant to subsection 2 providing that
6 a party may obtain physical custody of a child, the court shall order that
7 party to give the party having physical custody of the child notice at least 24
8 hours before the time at which he or she intends to obtain physical custody
9 of the child, unless the court deems that requiring the notice would likely
10 defeat the purpose of the order.

11 yyy. 4. All orders for a party to appear with a child issued pursuant to this
12 section may be enforced by issuing a warrant of arrest against that party to
13 secure his or her appearance with the child.

14 zzz. 5. A proceeding under this section must be given priority on the
15 court calendar.

16 aaaa.

17 bbbb. Sec. 13.

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

25 eeee. a) Attempt to obtain the written consent of the non-relocating parent
26 to relocate with the child; and

27 ffff. b) If the non-relocating parent refuses to give that consent, petition
28 the court for primary physical custody for the purpose of relocating.

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

hhhh. a) Without having reasonable grounds for such refusal; or

iiii. b) For the purpose of harassing the relocating parent.

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

kkkk.

llll. Sec. 14.

1 mmmm. 1. In every instance of a petition for permission to relocate with a
2 child that is filed pursuant to NRS 125C.200 or section 13 of this act, the
3 relocating parent must demonstrate to the court that:

4 nnnn. a) There exists a sensible, good-faith reason for the move, and the
5 move is not intended to deprive the non-relocating parent of his or her
6 parenting time;

7 oooo. b) The best interests of the child are served by allowing the relocating
8 parent to relocate with the child; and

9 pppp. c) The child and the relocating parent will benefit from an actual
10 advantage as a result of the relocation.

11 qqqq. 2. If a relocating parent demonstrates to the court the provisions set
12 forth in subsection 1, the court must then weigh the following factors and the
13 impact of each on the child, the relocating parent and the non-relocating
14 parent, including, with-out limitation, the extent to which the compelling
15 interests of the child, the relocating parent and the non-relocating parent are
16 accommodated:

17 rrrr. a) The extent to which the relocation is likely to improve the quality
18 of life for the child and the relocating parent;

19 ssss. b) Whether the motives of the relocating parent are honorable and not
20 designed to frustrate or defeat any visitation rights accorded to the non-
21 relocating parent;

22 tttt. c) Whether the relocating parent will comply with any substitute
23 visitation orders issued by the court if permission to relocate is granted;

24 uuuu. d) Whether the motives of the non-relocating parent are honorable in
25 resisting the petition for permission to relocate or to what extent any
26 opposition to the petition for permission to relocate is intended to secure a
27 financial advantage in the form of ongoing support obligations or otherwise;

28 vvvv. e) Whether there will be a realistic opportunity for the non-relocating
parent to maintain a visitation schedule that will adequately foster and
preserve the parental relationship between the child and the non-relocating
parent if permission to relocate is granted; and

www. f) Any other factor necessary to assist the court in determining
whether to grant permission to relocate.

xxxx. 3. A parent who desires to relocate with a child pursuant to NRS
125C.200 or section 13 of this act has the burden of proving that relocating
with the child is in the best interest of the child.

yyyy.

zzzz. Sec. 15.

1 aaaaa. If a parent with primary physical custody or joint physical custody
2 relocates with a child in violation of NRS 200.359:

3 bbbbbb. 1. The court shall not consider any post-relocation facts or
4 circumstances regarding the welfare of the child or the relocating parent in
5 making any determination.

6 ccccc. 2. If the non-relocating parent files an action in response to the
7 violation, the non-relocating parent is entitled to recover reasonable
8 attorney's fees and costs incurred as a result of the violation.

9 DEVIN does not want to keep the children from AMANDA but instead share
10 custody equally between parents. Further, there is no evidence that DEVIN has a
11 substance abuse issue. Devin was injured and was prescribed narcotics for pain after
12 suffering a crushing injury to his leg. However, upon feeling that he was becoming
13 dependent on the pain medication he sought help and was prescribed methadone to
14 help prevent addiction. In regard to the Temporary Protective Order AMANDA did
15 not report the issue of domestic violence until a year after it allegedly occurred.
16

17 ///

18 ///

19 ///

1 AMANDA also filed for the TPO the after she had a conversation with her trainer
2 where she wanted him to accompany her to Utah and he declined because of her
3 marriage to DEVIN. The following day AMANDA took out a TPO against DEVIN
4 and messaged her trainer that DEVIN would no longer be an issue.
5
6

7 Respectfully Submitted by:

8 /s/ Louis Schneider

9 LOUIS C. SCHNEIDER, Attorney at Law
10 Nevada Bar Number 9683
11 430 South 7th Street
12 Las Vegas, Nevada 89101
(702) 435-2121

13 I DECLARE UNDER PENALTIES OF PERJURY THAT THE
14 FOREGOING IS TRUE AND CORRECT.
15

16 DATED this 29th day of March, 2018.

17
18 /s/ Louis Schneider

19 LOUIS C. SCHNEIDER, ESQ.
20 430 South 7th Street,
21 Las Vegas, NV 89101
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CERTIFICATE OF SERVICE

I am a resident of and employed in Clark County, Nevada. I am over the age of 18 years and not a party to the within action. My business address is 430 S. 7th St. Las Vegas, NV 89101. On July 27, 2018, I served the OPPOSITION AND COUNTER MOTION FOR EXCULSIVE POSSESSION OF THE RESIDENCE, CUSTODY, CHILD SUPPORT, AND SPOUSAL SUPPORT on the parties listed on the attached service list via one or more of the methods of service described below as indicated next to the name of the served individual or entity by a checked box:

VIA U.S. MAIL: by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada. I am "readily familiar" with the firm's practice of collection and processing correspondence be mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage fully prepaid at Las Vegas, Nevada in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

VIA FACSIMILIE: by transmitting to a facsimile machine maintained by the attorney or the party who has filed a written consent for such manner of service.

BY PERSONAL SERVICE: by personally hand-delivering or causing to be hand-delivered by such designated individual whose particular duties include delivery of such, on behalf of the firm, addressed to the individual(s) listed, signed by such individual or his/her representative accepting on his/her behalf. A receipt of copy signed and dated by such an individual confirming delivery of the document will be maintained with the document and is attached.

BY EMAIL: by transmitting a copy of the document in the format to be used for attachments to the electronic mail address designated by the attorney or the party who has filed a written consent for such manner of service.

///

1 I declare under penalty of perjury under the laws of the State of Nevada that
2 the above is true and correct. I further declare that I am employed in the office of a
3 member of the bar of this court at whose direction the service was made.
4

5 /s/ David Barragan
6

7 An Employee of Louis C. Schneider (9683)
8

9 **SERVICE LIST**

10 ATTORNEY OF 11 RECORD	PARTY 12 REPRESENTED	METHOD OF 13 SERVICE
14 Amanda Reed	15 FRANK J. TOTI, ESQ 16 6900 Westcliff Drive 17 #500 18 Las Vegas, NV 89145 19 Email: 20 frank@fjtesq.com	21 U.S. MAIL 22 X EMAIL 23 <input type="checkbox"/> FACSIMILE 24 (FAX) 25 <input type="checkbox"/> PERSONAL 26 SERVICE 27 28

ORDR

FILED IN OPEN COURT
August 14, 2018

Amanda B. Hummer

CLERK OF THE COURT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Devin Reed ,

Plaintiff.

v.

Amanda Reed ,

Defendant.

Case No.: D-18-568055-D

Department F

MUTUAL BEHAVIOR ORDER

The parties are hereby ORDERED to comply with the following:


1. You shall not engage in any abusive contact (foul language, name calling, etc.) with the other party or child(ren), including telephone calls, letters, e-mail, etc.
2. You shall avoid any unnecessary contact with the other party's family, friends, associates, neighbors, co-workers, "significant other", etc., and you shall not initiate conflicts with them.
3. You shall maintain respect toward the other party's friends, relatives, "significant other", etc.
4. You shall not contact any persons associated with the other party (including but not limited to: "significant others", friends, relatives, neighbors, employers, co-workers, business associates, and customers) for purposes of discussing court proceedings or making negative/disparaging allegations about the other party.
5. You will advise all your friends, relatives, and "significant others" not to disparage, criticize, or harass the other party.
6. Pursuant to EDCR 5.301, you **will not** communicate, discuss, or provide **any** information concerning court issues or proceedings with the minor child(ren) unless authorized by the Court.
7. You shall focus on your child(ren) and keep in mind what is in the child(ren)'s best interest.

ORDR

8. You shall not inappropriately question or interrogate your child(ren) about what occurs in the other parent's household.
9. You shall not provide, either directly or through third parties, copies of any unsolicited documents (personal letters, court pleadings, etc.) to anyone associated with a party (family members, neighbors, employers, etc.) for the intended purpose of casting the other party in a negative light.
10. There shall be no harassment at the other party's place(s) of employment, including contacting the employer to make negative or disparaging allegations.
11. Neither party shall interrogate the child(ren) as to the activities or events at the other parent's residence, etc., and both parties shall respect and not interfere with the child(ren)'s privacy and relationship with the other parent.
12. Neither party shall interfere with the other party's contact with the minor child(ren), including but not limited to telephone calls, e-mail, social networking, etc.
13. Neither party shall threaten to commit, or actually commit an act of violence upon the other party or the minor child(ren).
14. All primary communications between the parties, except for emergencies affecting the child(ren), shall be by texting, email, and/or Family Wizard. Both parties are under a continuing obligation to provide to the other party any change in their cell phone numbers and/or e-mail address within forty eight (48) hours of any change.
15. All child custody exchanges, visitations, etc., shall be done in a civil, law abiding manner and reasonably close to the times specified by the Court. In the event of an emergency or unforeseen circumstance that could affect an exchange of the child(ren) or the time of the exchange, the party experiencing the difficulty shall call or contact the other party via text messaging as soon as reasonably possible.
16. Except as modified herein, other court orders remain in full force and effect.

The parties are **HEREBY PUT ON NOTICE THAT EACH AND EVERY VIOLATION** of this order may result in the party being held in contempt of court pursuant to NRS Ch. 22, which could result in a fine of \$500, 25 days in jail, and/or attorney's fees for **EACH VIOLATION** (e.g., 4 separate violations could be 100 days in jail).

DATED: 14th day of August, 2018.



Honorable Denise L. Gentile
District Court Judge
Department F

ORIGINAL

Electronically Filed
9/19/2018 10:24 AM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

1 **ORDR**
2 HARVEY GRUBER, ESQ.
3 Nevada Bar No. 6329
4 Mayfield, Gruber & Sheets
5 223 S. Water Street, Ste. C
6 Henderson, NV 89015
7 (702) 566-4099
8 Attorney for Defendant/Counterclaimant
9 **REED, AMANDA**

DISTRICT COURT
CLARK COUNTY, NEVADA

10 DEVIN REED,)	
11 Plaintiff/Counterdefendant,)	CASE NO. D-18-568055-D
12 vs.)	DEPT. NO. F
13)	<u>ORDER</u>
14 AMANDA REED,)	
15 Defendant/Counterclaimant.)	

16 This matter coming on for hearing on August 14, 2018 for a Case Management
17 Conference and Defendant/Counterclaimant's Motion for Exclusive Possession of
18 the Marital Residence, for Primary Physical Custody of the minor children, for Child
19 Support, for Interim Spousal Support to Extend Temporary Protective Order for One
20 year, for and Order to Show Cause why Plaintiff should not be held in contempt for
21 Violating the Joint Preliminary Injunction and for Preliminary Attorney's Fees.

22 Plaintiff, DEVIN REED was present and represented by his Attorney, LOUIS
23 SCHNEIDER, ESQ. and Defendant AMANDA REED also present with her
24 Attorney Harvey Gruber.
25
26
27
28

RECEIVED

SEP 04 2018

DEPARTMENT F
APPX0129

ORIGINAL

1 Discussion regarding the Plaintiff's child support obligation to the Defendant;
2 Plaintiff's physical custody and financial support obligation to his two (2) additional
3 children; and the Defendant's request for Child's Support arrears.
4

5 Further discussion regarding Plaintiff's Child Support Obligations and
6 Defendant's request to extend the TPO. Court noted per the Wright vs. Osburn
7 calculation applying Plaintiff's gross of \$5,765 child's support would be set at \$224
8 per month or Plaintiff's applying of \$6,818 child's support would be set at \$487 per
9 month.
10
11

12 Court advised the parties child support arrears would be a trial matter and
13 further advised counsel to communicate regarding a resolution of the alleged child
14 support arrears.
15

16 Upon the Court's inquiry, Attorney Gruber represented the parties have
17 resolved the matter with a temporary agreement and requested to place the
18 agreement on the record.
19

20 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that child
21 support shall be deferred until Attorney Gruber has concluded his discovery and
22 Counsel meet and confer regarding Plaintiff's Child Support obligations.
23

24 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the
25 Temporary Protection Order issued against the Plaintiff on 6/25/18 shall be
26
27
28

1 dissolved and the parties shall follow and abide by Department F's MUTUAL
2 BEHAVIOR ORDER.
3

4 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the
5 parties shall have TEMPORARY JOINT LEGAL and ~~TEMPORARY~~ PHYSICAL
6 CUSTODY of the minor children. (CH)
7

8 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the
9 Defendant shall have TEMPORARY EXCLUSIVE POSSESSION of the marital
10 home; however, the Plaintiff is NOT WAIVING any right or interest to the equity
11 in the marital home.
12

13 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the
14 Plaintiff's TEMPORARY VISITATION with the minor children shall be as follows:
15

16 Plaintiff shall have the minor children EVERY FIRST and THIRD WEEK of
17 the month. Commencing Tuesday 8/14/18, at 8:00 AM and Concluding Thursday
18 at 3:00 PM.
19

20 Plaintiff shall have the minor children EVERY SECOND and FOURTH
21 WEEK of the month. Commencing Friday at 8:00 AM and Concluding Monday at
22 8:00 AM.
23

24 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the
25 Plaintiff shall CONTINUE to MAINTAIN health/medical insurance for the minor
26 children.
27
28

1 Any unreimbursed medical, dental, optical, orthodontic or other health-related
2 expense incurred for the benefit of the minor child / children is to be divided equally
3 between the parties. Either party incurring an out of pocket medical expense for the
4 child / children shall provide a copy of the paid invoice / receipt to the other party
5 within thirty days of incurring such expense, if not tendered within the thirty-day
6 period; the Court may consider it as a waiver of reimbursement. The other party will
7 then have thirty days from receipt within which to dispute the expense in writing of
8 reimburse the incurring party for one-half of the out of pocket expense; if not
9 disputed or paid within the thirty-day period, the party may be subject to a finding
10 of contempt and appropriate sanctions.
11
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14

15 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the
16 Defendant shall be 100% RESPONSIBLE for BABYSITTING COSTS for the
17 parties' minor child; however, Plaintiff shall be 100% RESPONSIBLE for
18 TRANSPORTING the minor child to the BABYSITTER during his parental
19 timeshare.
20
21

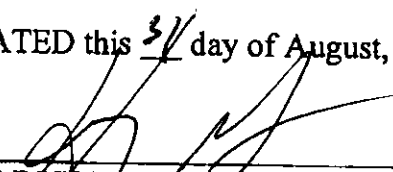
22 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** ALL
23 COMMUNICATION between the parties shall be CONDUCTED through OUR
24 FAMILY WIZARD except for EMERGENCIES regarding the party's minor
25 children. FAMILY WIZARD shall be the ONLY source of communicating between
26 parties.
27
28

1 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that there
2 shall be NO OVERNIGHTS for Plaintiff's minor child (Jacob) during Plaintiff's
3 parental timeshare with the minor children Abby and Shawn.
4

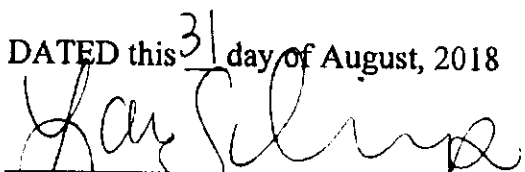
5 COURT FURTHER ORDERED,
6

7 RETURN HEARING set for 10/16/18 at 11:00 AM.
8

9
10 DATED this 31 day of August, 2018

11
12 
13 HARVEY GRUBER, ESQ.
14 223 Water Street Ste C
15 Henderson, Nevada 89015
16 Attorney for Defendant



DATED this 31 day of August, 2018

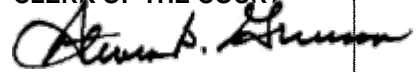
17 
18 LOUIS SCHNEIDER, ESQ
19 430 S. 7th St.
20 Las Vegas, Nevada 89101
21 Attorney for Plaintiff

22 IT IS SO ORDERED.

23 DATED and DONE this 17th day of Sept, 2018

24 
25 DENISE L. GENTILE
26 FAMILY COURT JUDGE, DEPT. F
27
28



1 CSERV
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 CLARK COUNTY, NEVADA

10 DEVIN REED,)	Case No: D-18-568055-D
)	Dept No: F
11 Plaintiff,)	
)	
12 v.)	CERTIFICATE OF SERVICE
)	
13 AMANDA REED,)	
)	
14 Defendant.)	
)	

15
16 I hereby certify that I am an employee of Hanratty Law Group, and on the 24th day of
17 September, 2018, I placed a true and correct copy of the *Substitution of Attorney* in the United
18 States Mail at Las Vegas, Nevada, with postage prepaid, and addressed as follows:

19 Louis C. Schneider, Esq.
20 430 South 7th Street
21 Las Vegas, Nevada 89101
22 *Attorney for Plaintiff*

23 By: Kari Collis
Employee of Hanratty Law Group

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

October 16, 2018

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

**October 16, 2018 11:00 AM Case Management
Conference**

HEARD BY: Gentile, Denise L**COURTROOM:** Courtroom 03**COURT CLERK:** Antoria Pickens**PARTIES:**

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

JOURNAL ENTRIES

- CASE MANAGEMENT CONFERENCE.

The Court reviewed the case history and pleadings on file.

Attorney Primas represented the parties reached an agreement and requested to place the agreement on the record. Attorney Primas further represented the agreement is to clarify the terms of the Temporary Order and convert them to Permanent Orders.

Plaintiff and Defendant SWORN and TESTIFIED.

The parties PARENTAL TIMESHARE shall REMAIN STATUS QUO; however, the EXCHANGE locations and times shall change to DROP OFF at school and PICK-UP from school. No School days the exchange time shall be 8:00 AM and 3:00 PM. (Delivering parent to transport with ALL

PRINT DATE:	11/05/2018	Page 1 of 3	Minutes Date:	October 16, 2018
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

APPX0137

EXCHANGES taking place at the sitter's home of the minor children's school.

The parties shall ALTERNATE every other week.

Plaintiff's ex-wife shall not WATCH or TRANSPORT the minor children.

Daniel shall be allowed to TRANSPORT the minor children.

The parties shall FOLLOW and ABIDE by the previous HOLIDAY SCHEDULE implemented in the Partial Parenting Agreement; however, this schedule does not address Christmas.

Defendant's Christmas Parental Timeshare shall commence on Christmas Day and conclude on the December 31st in ALL EVEN YEARS; however, Defendant's Christmas Parental Timeshare in ALL ODD YEARS shall commence on Christmas Day and conclude on January 1st.

Defendant shall have the rest of the Christmas/Winter Break.

There shall be NO RIGHT OF FIRST REFUSAL.

The parties shall FOLLOW and ABIDE by the MUTUAL BEHAVIOR ORDER extended to the minor children's events and any third-party or family members of the parties.

The parties shall be RESPONSIBLE for transporting the minor children to all extracurricular activities during their parental timeshare.

Plaintiff shall NOT SMOKE in the car or house during his parental timeshare.

Defendant shall have two weeks to RETURN the dog CHIBA to Plaintiff; however, if Defendant has not taken family pictures with the dog and children; the minor children shall be allowed to take the dog during their visitation with Defendant for family pictures and RETURN the dog to Plaintiff.

Plaintiff shall CONTINUE to MAINTAIN the truck payment.

The parties shall CONTINUE to MAINTAIN the car insurance and cell phone bills. Plaintiff shall be responsible for the car insurance, and the Defendant shall be responsible for the cell phone.

Plaintiff's Child Support Obligation shall be WAIVED until he establishes employment.
Defendant shall have TEMPORARY EXCLUSIVE POSSESSION of the marital home; however, the Plaintiff is NOT WAIVING any rights or interest to the equity in the marital home.

PRINT DATE:	11/05/2018	Page 2 of 3	Minutes Date:	October 16, 2018
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Counsel to speak regarding the marital home appraisal.

COURT SO ORDERED, Agreement is AFFIRMED, and ADOPTED.

COURT FURTHER ORDERED, as follows:

Case Management Conference set for 12/18/18 at 11:00 AM.

Attorney Primas to prepare the Order from today's hearing Attorney Schneider to Countersign and submit to the Court for signature.

INTERIM CONDITIONS:

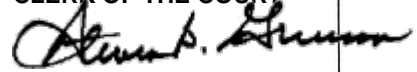
FUTURE HEARINGS:

December 18, 2018 11:00 AM Case Management Conference
Gentile, Denise L
Courtroom 03
Slayton, Andrea

PRINT DATE:	11/05/2018	Page 3 of 3	Minutes Date:	October 16, 2018
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

APPX0139



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

6
7
8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 DEVIN REED,

11 Plaintiff,

12 v.

13 AMANDA REED,

14 Defendant.

) Case No: D-18-568055-D

) Dept No: F

) EX PARTE APPLICATION FOR AN
) ORDER SHORTENING TIME ON
) DEFENDANT'S MOTION TO
) ENFORCE; FOR AN ORDER TO SHOW
) CAUSE WHY PLAINTIFF SHOULD NOT
) BE HELD IN CONTEMPT OF COURT;
) FOR CLARIFICATION; AND FOR
) ATTORNEY FEES AND COSTS

15
16 COMES NOW Defendant, Amanda Reed, by and through her attorney of record, Carrie J.
17 Primas, Esq., of Hanratty Law Group, hereby moves this Court for an Order Shortening Time on
18 her *Motion to Enforce; for an Order to Show Cause Why Plaintiff Should Not Be Held in*
19 *Contempt of Court; for Clarification; and for Attorney Fees and Costs.*

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

1 This Application for an Ex Parte Order Shortening Time on Defendant's Motion is based
2 upon the Affidavit of Carrie J. Primas, Esq. Moreover, this Application is made and based upon
3 all the papers, pleadings and records on file herein, as well as the Points and Authorities attached
4 hereto.

5 Dated this 12th day of December, 2018.

6 **HANRATTY LAW GROUP**

7
8 

9 Carrie J. Primas, Esq.

10 State Bar of Nevada No. 12071

11 1815 Village Center Circle, Suite 140

12 Las Vegas, Nevada 89134

13 PH: (702) 821-1379

14 FAX: (702) 870-1846

15 EMAIL: attorneys@hanrattylawgroup.com

16 Attorney for Defendant, Amanda Reed
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POINTS AND AUTHORITIES

I. Points and Authority

Eighth Judicial District Court Rule (“EDCR”) 5.31 states in pertinent part:

Ex Parte motions to shorten time may not be granted except upon affidavit or certificate of counsel . . . describing the circumstances claimed to constituting good cause and justifying shortening time.

There is currently a Case Management Conference hearing scheduled for December 18, 2018 at 11:00 a.m. Defendant’s Motion to Enforce; for an Order to Show Cause Why Plaintiff Should Not Be Held in Contempt of Court; for Clarification; and for Attorney Fees and Costs is currently pending e-filing.

As such, Defendant respectfully requests that the hearing on her instant Motion be consolidated with the hearing on December 18, 2018, at 11:00 a.m., in the interest of judicial economy, and also to ensure timely payment of the truck payment and avoid further damage to Defendant’s credit.

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II.

Conclusion

Based on the aforementioned reasons, it is respectfully requested that this Court enter an Order Shortening Time on Defendant's *Motion to Enforce; for an Order to Show Cause Why Plaintiff Should Not Be Held in Contempt of Court; for Clarification; and for Attorney Fees and Costs.*

Dated this 12th day of December, 2018.

HANRATTY LAW GROUP

By: Carrie Primas
Carrie J. Primas, Esq.
Nevada Bar No. 12071
1815 Village Center Circle, Suite 140
Las Vegas, Nevada 89134
PH: (702) 821-1379
FAX: (702) 870-1846
EMAIL: attorneys@hanrattylawgroup.com
Attorneys for Defendant, Amanda Reed.

1 **AFFIDAVIT OF CARRIE J. PRIMAS, ESQ.**

2 STATE OF NEVADA)
 ss
3 County of Clark)

4 1. I, Carrie J. Primas, Esq., the Plaintiff's attorney in the above referenced matter and
5 I can attest to the below reference facts as being true and correct to the best my knowledge as
6 represented by my client.

7
8 2. There is currently a Case Management Conference hearing scheduled for
9 December 18, 2018 at 11:00 a.m. Defendant's Motion to Enforce; for an Order to Show Cause
10 Why Plaintiff Should Not Be Held in Contempt of Court; for Clarification; and for Attorney Fees
11 and Costs is currently pending e-filing.

12 3. As such, Defendant respectfully requests that the hearing on her instant Motion be
13 consolidated with the hearing on December 18, 2018, at 11:00 a.m., in the interest of judicial
14 economy, and also to ensure timely payment of the truck payment and avoid further damage to
15 Defendant's credit.

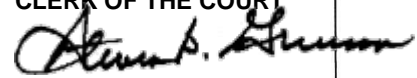
16 FURTHER AFFIANT SAYETH NAUGHT.

17
18
19 *Carrie Primas*
20 Carrie J. Primas, Esq.

21 Subscribed and Sworn to before me this
22 12th day of December, 2018.

23 *Kari A Collis*
24 Notary Public in and for said County
25 And State





1 MOT

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

11
12 **DISTRICT COURT**
13
14 **CLARK COUNTY, NEVADA**

15 DEVIN REED,

16 Plaintiff,

17 v.

18 AMANDA REED,

19 Defendant.

Case No: D-18-568055-D

Dept No: F

**NOTICE OF MOTION AND
MOTION TO ENFORCE; FOR AN
ORDER TO SHOW CAUSE WHY
PLAINTIFF SHOULD NOT BE
HELD IN CONTEMPT OF
COURT; FOR CLARIFICATION;
AND FOR ATTORNEY FEES AND
COSTS**

Date of Hearing: 22nd January 2019

Time of Hearing: 9:00 Am,

Oral Argument Requested: YES

20
21 TO: Plaintiff, Devin Reed, and his attorney of record, Louis C. Schneider,
22 Esq.

23 YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS
24 MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE
25 UNDER-SIGNED WITH A COPY OF YOUR RESPONSE WITHIN TEN (10)
26 DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A
27 WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN TEN
28 (10) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE
REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT
HEARING PRIOR TO THE SCHEDULED HEARING DATE.

1 PLEASE TAKE NOTICE that the undersigned will bring the foregoing
2 *Motion* on for hearing before the Honorable Denise L. Gentile, in Dept. F,
3 Courtroom #3 of the Eighth Judicial District Court, Family Division located at 601
4 N. Pecos Road, Las Vegas, Nevada on the 22nd day of January 2019, ~~2018~~, at
5 9:00 a.m./~~xxx~~ of said day, or as soon thereafter as counsel may be
6 heard.
7

8
9 COMES NOW the Defendant, Amanda Reed, by and through her attorney,
10 Carrie J. Primas, Esq., of Hanratty Law Group, and hereby moves the Court for an
11 order granting the following:
12

- 13 1. Enforcing the Mutual Behavior Order and Order from the October 16,
14 2018 Hearing.
- 15 2. Issuing an Order to Show Cause why Plaintiff should not be held in
16 contempt for Court for violation of the Mutual Behavior Order and
17 October 16, 2018 Orders;
- 18 3. Clarifying the custodial timeshare;
- 19 4. Ordering Devin to work;
- 20 5. Permitting Defendant to inspect Plaintiff's living conditions;
- 21 6. Ordering the parties to equally divide the cost of an appraisal; and
- 22 7. Awarding Defendant attorney fees and costs.

23 \\\

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1 This Motion is made and based on the attached Points and Authorities,
2 Declaration of Amanda Reed, all papers and pleadings on file herein and argument
3 of counsel at the hearing on this matter.
4

5 DATED this 12th day of December, 2018.

6 **HANRATTY LAW GROUP**

7 
8 Carrie J. Primas, Esq.
9 Nevada Bar No. 12071
10 1815 Village Center Circle, Suite 140
11 Las Vegas, Nevada 89134
12 Phone: (702) 821-1379
13 Fax: (702) 870-1846
14 Email: attorneys@hanrattylawgroup.com
15 Attorneys for Defendant, Amanda Reed
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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. There are two (2)
6 minor children born the issue of the marriage, to wit: Abby Reed (“Abby”), born
7 April 6, 2013; and Shawn Reed, born July 3, 2015.

8
9 A Mutual Behavior Order was filed in this action on August 14, 2018. The
10 parties were last before this Court on October 16, 2018, for a Case Management
11 Conference. At said hearing, the parties stipulated to the following:
12

- 13 1. That Devin would continue to maintain the truck payment, which is due
14 on the 22nd of each month.
15
16 2. To follow current timeshare, but specifically defined pick up and drop off
17 times and locations for non-school days.
18
19 3. That Devin’s child support obligation would be waived until he
20 establishes employment

21 a. Mutual Behavior Order

22 Devin continues to violate the Mutual Behavior Order. Specifically, Devin
23 repeatedly calls Amanda names and uses foul language toward her, as well as sends
24 her threatening and intimidating messages through Our Family Wizard. Some of
25 Devin’s messages are blatantly abusive, such as when he said, “F*** youuuuuu” in
26
27
28

1 a message on November 19, 2018, or when Devin threatens to cancel Amanda's car
2 insurance on December 4, 2018. Other communications contain veiled threats or are
3 subtly abusive, such as when Devin states, "I bet u wish u could take what I had
4 originally offered. That is funny also," in a message on December 5, 2018. A
5 sample of the way Devin communicates with Amanda, including those referenced
6 above, are attached as **Exhibit "A"** in the Exhibits in Support of Defendant's
7 Motion and is hereby fully incorporated herein by reference.
8
9

10 b. Truck Payment

11 Since said hearing date, Devin has been late making the truck payment.
12 Specifically, the truck payment for October and November was paid eighteen (18)
13 days late. To date, December's payment has yet to be paid. The truck is held solely
14 in Amanda's name and Devin's failure to pay in a timely fashion is having a
15 negative impact on her credit, which will ultimately affect her ability to refinance
16 the marital residence upon divorce.
17
18

19 c. Timeshare

20 The parties' custodial schedule was originally set at the August 14, 2018,
21 hearing and stated as follows:
22

23 Plaintiff shall have the minor children EVERY FIRST and THIRD
24 WEEK of the months. Commencing Tuesday 8/14/18 at 8:00 a.m. and
25 concluding Thursday at 3:00 p.m.
26 Plaintiff shall have the minor children EVERY SECOND and
27 FOURTH WEEK of the month. Commencing Friday at 8:00 a.m. and
28 concluding Monday at 8:00 a.m.