

COMES NOW Defendant, Amanda Reed, by and through her attorney Carrie J. Primas, Esq., of Hanratty Law Group, and respectfully files her Opposition to Plaintiff's Motion to Deem Defendant a Vexatious Litigant; for and Order that Defendant's Father Stay Away from Plaintiff Pursuant to the Behavior Order for Return of Personal Property; for Attorney's Fees and Costs and Other Related Matters, and Defendant's Countermotion for Joint Legal and Primary Physical Custody of the Minor Children, Child Custody Evaluation, Child Support, Exclusive Possession, and for Attorney Fees and Costs, respectfully requesting the following relief:

1. That Plaintiff's Motion should be denied in its entirety;
2. Awarding Defendant joint legal and primary physical custody of the minor children with Plaintiff having specific visitation;
3. For an Order that Plaintiff pay Defendant child support;
4. For an Order that the parties and the minor children undergo a child custody evaluation with Defendant fronting the cost for same;
5. Awarding Defendant attorney fees and costs; and
6. Any other relief the Court deems necessary.

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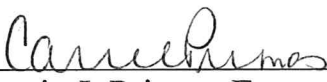
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1 This Opposition and Countermotion is made and based upon the pleadings
2 and papers on file herein, the following Points and Authorities attached hereto, the
3 Declaration of Amanda Reed and upon any oral argument this Court may entertain
4 at the hearing hereon.
5

6 DATED this 8th day of March, 2019.

7 **HANRATTY LAW GROUP**

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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, in Las Vegas, Nevada.
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7 There are two (2) minor children born the issue of the marriage, to wit: Abby Reed
8 (“Abby”) born April 6, 2013 (5 years old); and Shawn Reed (“Shawn”) born July 3,
9 2015 (3 years old).

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11 The parties were last before this Court on January 22, 2019, on Plaintiff’s
12 Motion to Enforce and for an Order to Show Cause, which was filed due to
13 Defendant’s refusal to follow this Court’s Orders and his continued harassment and
14 disparagement of Amanda in violation of the Mutual Behavior Order. At that time,
15 Amanda provided the Court with numerous messages from Our Family Wizard
16 evidencing this behavior. Undersigned counsel requested that a full custody
17 evaluation be performed due to Devin’s continued refusal to co-parent and comply
18 with this Court’s Orders, which request was denied as the Court did not have a
19 written request for the same.

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22 At that hearing, the Court made the following relevant orders:

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24 1. All communication between the parties is to be appropriate and only
25 related to the minor children.

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1 2. Plaintiff is to actively seek employment and supply proof that he is on the
2 union work list by the end of this week.

3 3. Plaintiff to provide pictures of the completed house by Friday (1/25/19).

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5 Since the time of the hearing on January 22, 2019, Devin has continued to
6 balk at this Court's orders and has shown a complete inability to act in the best
7 interest of the children. He did not provide proof that he is actively seeking
8 employment or pictures of his house by January 25, 2019, as he was required to do.
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10 Undersigned counsel sent a letter to Devin's counsel on January 31, 2019,
11 requesting the same, but the information still was not received until Devin filed his
12 underlying Motion on February 14, 2019.
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14 A. Timeshare

15 Since the hearing on January 22, 2019, Devin has been playing games with
16 the custodial timeshare, contrary to the best interest of the children. Devin's
17 timeshare is as follows: in Week One, from Tuesday at school drop off, or 8:00
18 a.m. at the babysitter if there is no school, until Thursday at school pick up, or 3:00
19 p.m. at the babysitter if there is no school, and in Week Two, from Friday at school
20 drop off, or 8:00 a.m. at the babysitter if there is no school, until Monday at school
21 drop off, or 8:00 a.m. at the babysitter if there is no school. The parties' minor
22 child, Abby, goes to school, and her school day ends at 2:10 p.m., but their minor
23 child, Shawn, is not yet school-aged.
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1 From October, 2018, until the time of the hearing on January 22, 2019, Devin
2 was dropping Shawn off at the end of his Week Two time any time between 8:30
3 a.m. and 11:00 a.m.; he never dropped him off at the designed time of 8:00 a.m.
4 Further, for the past several months, Devin has dropped Shawn off at the end of his
5 Week One time before 2:30 p.m. The minor children are signed up for activities on
6 Thursday afternoon: Shawn has soccer starting at 2:30 p.m. and Abby has
7 gymnastics starting at 3:30 p.m. The children have been involved in these activities
8 for more than a year, since the beginning of 2018. Because Devin has historically
9 dropped Shawn off at the babysitter before 2:30, Amanda has been able to pick up
10 Shawn in time to get him and Abby to their Thursday afternoon activities.

11 At the hearing on January 22, 2019, the Court confirmed that Devin's Week
12 Two custodial time ends on Monday 8:00 a.m. However, Devin still refuses to
13 comply with the court-ordered custodial time, and continues to drop Shawn off at
14 8:30 a.m. Despite failing to comply with this provision of the court order, Devin
15 has begun dropping Shawn off at the babysitter at exactly 3:00 p.m. on Thursday.
16 On January 29, 2019, Devin notified Amanda that he would be dropping Shawn off
17 at 3:00 p.m. on his Thursdays. Amanda informed Devin that Shawn has soccer at
18 2:30 and that he needs to be at the babysitter prior to that, but Devin insisted that
19 the parties "will follow the court orders here on out. For abby end of school day.
20 Shawn has no school so 3 pm at Laurelyns¹." Devin continues to insist on dropping
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22 ¹ A copy of the communication is attached as Exhibit "A" in the Exhibits in Support of Defendant's Opposition and
23 Countermotion and is hereby fully incorporated herein by reference.
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Shawn off at 3:00 p.m. on his Thursdays, causing the minor child to miss soccer and be late for gymnastics. Again, Devin's insistence that the parties "follow court orders" apparently doesn't apply to him, as he continues to refuse to comply with the 8:00 a.m. Monday exchange time.

B. Children's Health

In addition to Devin's failure to co-parent, the children are not being properly cared for at his home and he is continuously neglectful of their health. The majority of time that the children return to Amanda at the end of Devin's custodial time, the minor children appear sick and have to be taken to the doctor. Although Devin may attribute this to Amanda being paranoid or overprotective, the children's medical records will show that they have been diagnosed numerous times with things such as ear infections, yeast infections, and strep throat at appointments immediately following Devin's custodial time. The following chart shows a small example of the children's medical issues at the end of Devin's custodial time²:

Date returned to Amanda	Date diagnosed	Diagnoses
December 20	December 21	Shawn: upper respiratory infection, ear infection
January 31	January 31	Shawn: strep throat, viral infection unspecified
February 10	February 11	Abby: Ear infection, yeast infection secondary to antibiotic use. Clear discharge, red and bumpy
February 28	February 28	Abby: yeast infection

² A copy of the medical records is attached as **Exhibit "B"** in the Exhibits in Support of Defendant's Opposition and Counter-motion and is hereby fully incorporated herein by reference

1 Each time this occurs, Amanda sends Devin a message on Our Family
2 Wizard asking when the symptoms began, as this is often crucial information for
3 the pediatrician, and Devin either does not answer or says he did not notice any
4 symptoms. Given the diagnoses the children have been receiving, it is clear that
5 Devin is simply not paying attention to their health while in his care, as he would
6 have noticed symptoms if he were. For example, on January 31, 2019, Shawn had a
7 high fever and was visibly ill when Amanda picked him up, yet Devin insisted that
8 he did not notice any concerning symptoms³. Amanda immediately took him to the
9 doctor and he was diagnosed with strep throat.

10 Devin also ignores problems with Abby's vagina, which is prone to yeast
11 infections. On February 11, 2019, Abby was diagnosed with a yeast infection and
12 prescribed a cream, which she should have been using regularly. On February 27,
13 2019, in the middle of Devin's custodial time, Abby told Amanda when she saw her
14 at school that it burned when she peed. Amanda told Abby that she would send
15 Devin a message so that he could address it when she went home after school.
16 Abby said, "jk...it doesn't hurt. Please don't tell my dad I said that." Amanda said
17 nothing to Devin, but when Abby came to school the next day, she told Amanda
18 again that it burned to pee, and also that her vagina was red. Amanda asked Abby
19 why she had said it was fine the other day, and Abby responded that she did not
20 want her dad to be mad at her. Amanda then looked at Abby's vagina and

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28 ³ A copy of the photos of Shawn Reed are attached as **Exhibit "C"** in the Exhibits in Support of Defendant's
Opposition and Countermotion and is hereby fully incorporated herein by reference

1 underwear and her vagina was red and covered with a cottage cheese-like
2 substance. Abby informed Amanda that she had not used her cream in two (2)
3 days.
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5 Amanda took Abby to the doctor that same afternoon. Abby informed the
6 doctor that she didn't tell her daddy about the problem because "he's mean" and he
7 "gets angry with her." While Amanda is aware that Devin will allege that she
8 coached Abby to say this, the medical records are clear that Abby offered this
9 information "without coaxing⁴." The doctor informed Amanda that she has never
10 seen such a yeast infection from a five-year-old and took cultures to determine if
11 Abby was suffering from strep and/or a urinary tract infection. She further
12 indicated that Abby needs better hygiene.
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15 Further, Abby continuously tells Amanda that she and Shawn do not brush
16 their teeth regular during Devin's custodial time, nor do they bathe regularly. This
17 is verified by the fact that the children appear filthy when they return from Devin's
18 custodial time. Abby's allegations about not brushing her teeth during Devin's
19 custodial time is further verified by the fact that Abby was recently discovered to
20 have tooth decay. Specifically, the children were last at the dentist in October, and
21 Abby had no concerns with her teeth. In January, she began complaining about her
22 tooth hurting, and Amanda discovered a spot on one of her teeth that was white
23 with a black spot in the middle. Amanda mentioned this to Devin on January 28,
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28 ⁴ A copy of the medical records is attached as **Exhibit "D"** in the Exhibits in Support of Defendant's Opposition and
Counter-motion and is hereby fully incorporated herein by reference

1 2019, but he did not provide any feedback or express any concern. Amanda took
2 Abby to the dentist on February 21, 2019, and it was determined that she has a
3 cavity with tooth decay, which the dentist scheduled to fix in April, 2019. The
4 dentist commented that it was odd for Abby to have such decay given that she had
5 just been see in October and there were no concerns at that time⁵. On March 7,
6 2019, Shawn was complaining of his teeth hurting, so Amanda took him to the
7 dentist. The dentist confirmed that Shawn has five (5) cavities starting. If the
8 problems with the children's teeth don't make it clear that Devin is not brushing
9 their teeth, it is made clear by the fact that on February 22, 2019, Devin sent
10 Amanda an Our Family Wizard message asking what kind of toothpaste the
11 children like. Clearly, had he been brushing their teeth regularly for the last several
12 **months**, he would already know this information⁶.

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14 Devin also has no problem given one child prescription medicine belonging
15 to the other child, when the other child is still taking the prescription. On February
16 8, 2019, Amanda forgot to put Abby's prescription medicine in her lunch box for
17 her to take during Devin's custodial time. At 12:55 a.m. on February 9, 2019,
18 several hours *after* Abby should have taken her nightly dose, Devin sent Amanda a
19 message on Our Family Wizard stating that, as Amanda "failed" to send Abby's
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27 ⁵ A copy of the Our Family Wizard communication and Patient Notes are attached as **Exhibit "E"** in the Exhibits in
Support of Defendant's Opposition and Countermotion and is hereby fully incorporated herein by reference

28 ⁶ A copy of the Our Family Wizard communication is attached as **Exhibit "F"** in the Exhibits in Support of
Defendant's Opposition and Countermotion and is hereby fully incorporated herein by reference

1 medicine, he would give her Shawn's medicine⁷. The next day, Amanda brought
2 the medicine to the babysitter's house so that Devin could pick it up and give Abby
3 her proper medicine. She sent Devin a message telling him it was there⁸. Devin
4 did not respond to Amanda's message or pick up the medication, so Abby was
5 without her medication all weekend. Devin did send a text message to the
6 babysitter telling her that he was out of town; at no point did he notify Amanda that
7 he was taking the children out of town.
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10 C. Children's Safety

11 In addition to complete disregard for their health, Devin shows complete
12 disregard for the children's safety. This problem goes back to when Abby was a
13 baby. When she was only nine (9) months old, Devin took her to the park and did
14 not have her retrained in a carseat. She fell out of the car as soon as he opened the
15 door as she was just loose in the car⁹. Further, in April, 2018, when Devin took the
16 minor children and his three (3) other children to John's Incredible Pizza. As his
17 truck only seats five (5) people, he did not have enough seats for all of the children,
18 and he took the car seats out of the car and had Abby ride on the lap of one of this
19 older children.¹⁰
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24 ⁷ A copy of the communication is attached as **Exhibit "G"** in the Exhibits in Support of Defendant's Opposition and
25 Countermotion and is hereby fully incorporated herein by reference

26 ⁸ A copy of the communication is attached as **Exhibit "H"** in the Exhibits in Support of Defendant's Opposition and
27 Countermotion and is hereby fully incorporated herein by reference

28 ⁹ A copy of the communication is attached as **Exhibit "I"** in the Exhibits in Support of Plaintiff's Opposition and
Countermotion and is hereby fully incorporated herein by reference

¹⁰ Amanda is in the process of trying to obtain the security video showing Devin and all of the children getting out of
the vehicle, but a copy of the CCTV Video Review Request is attached as **Exhibit "J"** in the Exhibits in Support of
Defendant's Opposition and Countermotion and is hereby fully incorporated herein by reference.

1 On February, 22, 2019, when Devin picked up the minor children for his
2 custodial time, he had no car seats in his car and drove away from the exchange
3 location with the children completely unbuckled. Amanda's father was with her at
4 the exchange, but his car was parked several streets away, and as Mr. Spielberg was
5 getting into his car, Devin drove by with the children unrestrained. When he saw
6 Mr. Spielberg, he stopped his car **in the middle of the street** and stayed there until
7 Mr. Spielberg drove away, at least two (2) minutes.¹¹ Shortly thereafter, Devin sent
8 Amanda a message on Our Family Wizard alleging that he forgot his car seats in
9 the garage but had friends bring them to him while he was "waiting at the corner¹²."
10 Frankly, this makes absolutely no sense. If Devin were actually concerned for the
11 children's safety and intended to restrain them in car seats, he would not have driven
12 away from the exchange location until his friend brought the seats. Further, he
13 would not have pulled over and sat in the middle of the road, allegedly waiting for
14 his friend. It is clear that Devin intended on driving without car seats until he saw
15 Mr. Spielberg, at which time he sent Amanda the unprovoked message with a
16 bogus explanation as to why he is putting the children at risk.
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18 Moreover, the car seat Devin uses for Shawn, when he uses one at all, does
19 not meet the statutory guidelines. Specifically, NRS 484B.157(1)(c) requires that
20 any child less than 6 years of age and who weighs 60 pounds or less must be
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22 ¹¹ Amanda has a video of this exchange as well as Devin stopping in the middle of the road which can be provided to
23 the Court.

24 ¹² A copy of the Our Family Wizard communication is attached as **Exhibit "K"** in the Exhibits in Support of
25 Defendant's Opposition and Counter-motion and is hereby fully incorporated herein by reference
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1 secured in a child restraint system which “is installed within and attached safely and
2 securely to the motor vehicle (1) in accordance with the instructions for installation
3 and attachment provided by the manufacturer of the child restraint system.” Devin
4 currently uses backless booster seats for the children. Based on statements made by
5 the children, Amanda believes that Devin is specifically using a Graco
6 TurboBooster backless booster car seat for both children. The manual for this seat
7 requires that a child using the seat must weigh between 40 and 100 pounds and be
8 between 40 and 57 inches. Shawn is currently only 33 pounds, and thus is too
9 small to use this seat pursuant to Nevada law.
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12 D. Devin’s Harassment and Game-Playing

13 On February 14, 2019, Devin filed the instant Motion. The filing of this
14 Motion is extremely significant: February 14 is the anniversary of the day the
15 parties met, and has always been a special day to Amanda. She always makes sure
16 to celebrate with the parties’ children, making matching shirts for all family
17 members and making a big deal about the day. This year, she was planning on
18 using her free period at work to help at Abby’s class party.
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22 February 14, 2019, fell on a Thursday. Earlier in the week, on Monday,
23 February 11, Abby went to the doctor, was diagnosed with an ear infection, and was
24 given antibiotics. She did not go to school on Tuesday or Wednesday. On
25 Wednesday, February 13, 2019, Devin told Amanda in an Our Family Wizard
26 message, “As of noon today Abby’s earache is still hurting her and she has body
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1 aches.” At 1:40 p.m., Amanda told Devin that at her appointment on February 11,
2 the doctor advised that she should come back in to see the doctor if was not better
3 in a few days. At 7:54 p.m., Devin told Amanda that Abby just woke up from a nap
4 and “she feels good.” Later that night, at 10:56 p.m., Devin confirmed that Abby
5 “feels ok you’d never know she had earache if she didn’t say so.”
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8 On February 14, 2019, at 5:06 a.m., Amanda responded to Devin’s last
9 message by stating that Abby should be in school if you would never know she was
10 sick if she didn’t tell you. Devin never responded to this message, and never
11 notified Amanda whether or not Abby would be in school. At 9:00 a.m., an hour
12 after Abby should have arrived at school, Amanda sent Devin another message
13 asking how she was feeling. Devin never responded.
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15 Devin’s failure to respond to two (2) separate messages several hours apart
16 had Amanda very concerned, considering Abby had not been feeling well and, the
17 day before, Devin had kept her apprised of her condition. Amanda called the police
18 to conduct a Well Check, as she had no other way to ensure the children were okay
19 given Devin’s failure to respond. The police conducted a well check at
20 approximately 10:00 a.m., and informed Amanda that both children looked happy
21 and healthy, and that Abby informed the officers that her teachers told her to make
22 the decision if she wanted to stay home and she chose to stay home¹³. Devin read
23 Amanda’s message at 10:18 a.m., but still did not reply. Devin ultimately replied at
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28 ¹³ The report from this well check will not be available until 7 to 10 days after the incident.

1 11:15 a.m., stating, among other things, "Have a great day. We are." Devin made
2 no mention of Abby's condition or whether she was still feeling ill. Later that same
3 day, Devin filed his Motion. It is clear that Devin's actions in keeping Abby out of
4 school, ignoring Amanda's messages asking about Abby's health, and Devin filing
5 a baseless Motion, all on the anniversary of the day the parties met, was simply a
6 way for Devin to further control and manipulate Amanda.
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9 E. Violation of Orders

10 Finally, in addition to failing to co-parent and playing games with Amanda in
11 which the children are his pawns, Devin continues to make late payments on his
12 court-ordered obligations. Specifically, Devin is required to pay the parties' car
13 insurance, which is due on or about the 18th day of each month. However, on
14 January 28, 2019, Amanda received a text message and an email from State Farm
15 Insurance notifying her that the payment that was made on January 18, 2019, had
16 been returned, and that a payment needed to be made to keep the account activated.
17 After a phone call to Devin's counsel, the payment was made¹⁴. Further, on
18 December 21, 2018, Devin was on an accident in the truck, and he refuses to work
19 with the insurance company to allow them to complete their investigation¹⁵.
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27 ¹⁴ A copy of the email and text message is attached as **Exhibit "L"** in the Exhibits in Support of Defendant's
Opposition and Countermotion and is hereby fully incorporated herein by reference

28 ¹⁵ A copy of the letter from State Farm is attached as **Exhibit "M"** in the Exhibits in Support of Defendant's
Opposition and Countermotion and is hereby fully incorporated herein by reference

1 F. Child Support

2 At the hearing held on August 14, 2018, the court determined that Plaintiff's
3 child support obligation should be either \$487.00 per month or \$224.00 per month,
4 depending on Devin's actual income, and deferred child support to allow time for
5 Amanda's counsel to conduct discovery on Devin's income. In or around
6 September, 2018, after discovery related to Devin's income was served but prior to
7 the time it was due, Devin allegedly lost his job. As such, at the hearing held on
8 October 16, 2018, the parties stipulated that Devin's child support obligation should
9 be waived until he established employment.
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11 Prior to the hearing held on January 22, 2019, Amanda determined that
12 Devin was making no effort to find employment, as he had not been placing his
13 name on the Out of Work List with the Union, which would be the only way for
14 him to obtain employment. As such, at the hearing held on January 22, 2019, the
15 Court ordered that Devin is to actively seek employment and supply proof that he is
16 on the union work list by Friday, January 22, 2019.
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18 While Devin did not provide proof that he was on the list by January 22,
19 2019, he did eventually do so, on February 14, 2019. Specifically, Devin provided
20 a letter dated February 5, 2019, indicating that Devin is currently on the list as
21 number 241. It also confirms that Devin's rate of pay is \$38.61 an hour. Devin's
22 placement on the out of work list, as indicated in this letter, shows that Devin has
23 not placed himself on the list prior to February, 2019. The out of work list works as
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1 follows: once a union member places himself on the list, his number can only get
2 lower as other members get jobs and are removed from the list. The January out of
3 work list, attached to Defendant's First Supplemental Disclosure Pursuant to NRC
4 16.2, served January 21, 2019, shows that the highest number on the list was 215.
5 Had Devin been on the list prior to February, 2019, his number would be at least
6 215, and likely even lower. The fact that his number is significantly higher, at 241,
7 indicates that Devin has purposely been avoiding employment.
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10 II.

11 Opposition

12 A. There is no basis to deem Defendant a Vexatious Litigant

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14 As outlined in Devin's own Motion, the court may find a person a vexatious
15 litigation is that person **file a petition, objection, motion or other pleading** which
16 is without merit...intended to unreasonably oppose or frustrate the efforts of an
17 interested person who is acting in good faith to enforce his or her rights. Devin
18 then requests that Amanda be deemed a vexatious litigant because she has
19 requested that the police do well checks during Devin's custodial time and has
20 made "false claims" degrading Devin and his living arrangements.
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23 First, as outlined above, Devin repeatedly refuses to respond to Amanda's
24 message on Our Family Wizard about the minor children when they are in his care.
25 As a result, she has requested that the police conduct a well check on occasion, as
26 there is no other way for her to ensure the safety and well-being of her minor
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1 children. She has done so a total of two (2) times over the course of nine (9)
2 months. Devin attached as an exhibit to his Motion a card from the Deputy Sheriff
3 dated June 18, 2018, indicating that Amanda conducted a well check on this day.
4 However, this was actually an attempt by the sheriff to serve Devin with a TPO.
5 Not only is this date consistent with the TPO that was issued against Devin, but it is
6 clear that this was not a well check, as the other document attached that actually
7 *was* for a welfare check says so specifically on the card. *See* Exhibit 4 to Plaintiff's
8 Motion filed February 14, 2019. This is just a further attempt by Devin to mislead
9 the Court and shows his complete disrespect for this Court.
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13 Devin also alleges that Amanda should be deemed a vexatious litigant for
14 calling CPS. First, this is not a basis for a party to be deemed a vexatious litigant.
15 Second, the only reason Amanda has reported her concerns to CPS is because a
16 Victim Advocate advised her to do so. Further, it is worth noting that the CPS
17 records, which the Court is in possession of, confirm that Devin has had multiple
18 investigations initiated against him for which Amanda was not the reporting source,
19 and that two (2) of these investigations have resulted in a substantiation.
20 Specifically, he has a substantiation for domestic violence to children and physical
21 abuse/bruising to a minor child, and another report for neglect/lack of supervision.
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25 In his request for Amanda to be deemed a vexatious litigant, Devin alleges
26 that Amanda's claims about Devin's living arrangements are based on statements
27 made to her by the minor children. She requested permission to inspect Devin's
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1 living conditions, which is not an unreasonable request given that her children are
2 living there several days a week; Devin is aware of Amanda's living conditions as
3 she is residing in the marital residence. The Court acknowledged that this was not
4 an unreasonable request and ordered Devin to provide pictures of his living
5 conditions, which he has yet to do.
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8 Other than an Answer and Counterclaim, the only "petition, objection,
9 motion or other pleading" Amanda has filed was a Motion to Enforce, for an Order
10 to Show Cause, and for Clarification, which was not without merit. The Court
11 acknowledged Devin's violations of the Mutual Behavior Order and failed to hold
12 him in contempt only because the Court was hopeful that a simple admonishment
13 would cause him to comply with that order. The Court then granted all of the other
14 requests outlined in Amanda's Motion.
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17 Not only was the only Motion filed by Amanda clearly with merit, but Devin
18 doesn't even request that Amanda be deemed a vexatious litigation because of that
19 Motion. His request is based on Amanda requesting a well check on her minor
20 children and on calls being made to CPS related to concerning claims made by the
21 children. Neither of these actions are a basis to deem a party a vexatious litigant,
22 and as such, Devin's request should be denied.
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25 *B. The Court has no jurisdiction to order Amanda's father to do anything*

26 In his Motion, Devin requests that this Court order that Amanda's father stay
27 away from Devin. As Devin's attorney is well aware, this Court has no jurisdiction
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1 over Amanda's father, as he is not a party to this case. That being said, it is worth
2 noting that Devin's allegations regarding Amanda's father are completely false.

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4 The school where Abby attends kindergarten is the same school at which
5 Amanda and her sister both teach. As a result, Amanda's father volunteers at the
6 school, and has since prior to the time the parties separated. Specifically, Mr.
7 Spielberg is a crossing guard, and conducts his volunteer duties **together with the**
8 **Assistant Principal**, Deborah Young Yock. To be clear, Mr. Spielberg is in the
9 presence of and being witnessed by the Assistant Principal of the school, who is
10 prepared to testify at a trial in this matter and will confirm that Mr. Spielberg does
11 not "confront Plaintiff" while he is dropping Abby off at school. The attached
12 letter, written by Ms. Yock, confirms that Mr. Spielberg is not harassing Devin or
13 causing any problems as Devin alleges in his Motion¹⁶. Ms. Yock is prepared to
14 testify at a trial in this matter. Contrarily, as noted in the attached letter from the
15 school principal, T. Lee Douglas, Devin *has* acted inappropriately at the school,
16 specifically becoming belligerent and yelling at an instruction aide when she has
17 asked him to use the crosswalk and follow school rules¹⁷. According to the aide,
18 Devin still will not adhere to school rules.

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20 Further, Mr. Spielberg did not pull a gun on Devin, and the related police
21 report confirms the same. Specifically, Devin reported that Mr. Spielberg
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27 ¹⁶ A copy of the letter is attached as Exhibit "N" in the Exhibits in Support of Defendant's Opposition and
Counter-motion and is hereby fully incorporated herein by reference

28 ¹⁷ A copy of the letter is attached as Exhibit "O" in the Exhibits in Support of Defendant's Opposition and
Counter-motion and is hereby fully incorporated herein by reference

1 threatened him with a chrome/silver revolver, but the police report confirms a black
2 40 caliber Glock¹⁸.

3
4 The video referenced in Devin's Motion is a video taken by Mr. Spielberg
5 when he had to conduct a custodial exchange with Devin. Pursuant to the current
6 custody order, Devin is to drop the children off at school or the babysitter, as
7 appropriate, the purpose of which is to avoid personal interactions between the
8 parties. On the day in question, Devin did not do so, and instead simply sent Shawn
9 from his car directly to Mr. Spielberg's car. In an abundance of caution, due to
10 Devin's continued allegations that Mr. Spielberg is harassing him, Mr. Spielberg
11 chose to videotape the exchange. In his Initial Disclosure, Devin infers that this
12 video was taken when Amanda had Devin "followed and recorded during his time
13 with his children," but the Our Family Wizard message makes it clear this is not
14 true, as Amanda states that the video shows Shawn "walk towards [Mr. Spielberg]."
15 The video is clearly of a custodial exchange, NOT of Devin's custodial time. It is
16 clear that Mr. Spielberg made the right choice in recording the exchange, as Devin
17 subsequently filed the instant motion alleging harassment by Mr. Spielberg. It is
18 worth noting that, other than his own allegations, Devin has not provided a shred of
19 evidence that Mr. Spielberg is harassing Devin or doing anything other than
20 supporting his daughter and grandchildren through a difficult time.
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28 ¹⁸ A copy of the police report is attached as Exhibit "P" in the Exhibits in Support of Defendant's Opposition and
Counter-motion and is hereby fully incorporated herein by reference