

1 As this Court has no jurisdiction over Mr. Spielberg, Devin's request that he  
2 be ordered to stay away from Devin must be denied.

3  
4 *C. Devin should not be granted his attorney's fees*

Electronically Filed  
Jan 10 2022 10:43 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

5 As outlined in details above, Devin's entire Motion is without merit. He has  
6 requested two (2) different types of relief from this Court, neither of which is  
7 supported by law. Ironically, to find Amanda to be a vexatious litigation, the Court  
8 would have to find that she has filed meritless motions or pleadings. Not only has  
9 she not done so, but Devin's own motion is such a meritless motion, requesting that  
10 Amanda be deemed a vexatious litigant for actions having nothing to do with  
11 filings in this court, and requesting that the Court make an order regarding a person  
12 who is not even a party to this case.

15 It is clear that Devin's Motion was filed only to harass and further abuse  
16 Amanda. As outlined above, the Motion was filed on February 14, which is the  
17 anniversary of the day the parties met and is a day that Devin knows is important to  
18 Amanda. On this same day, Devin kept Abby home from school despite the fact  
19 that she was not sick, simply to rob Amanda of the opportunity to volunteer at her  
20 class party. Had Devin's Motion any merit at all, he could possibly argue that this  
21 was simply a coincidence, but given that none of the requests in his Motion are  
22 supported by law, it is clear that his Motion was filed only to harass Amanda.

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27 \\\

1 Devin should not be granted his attorney's fees for filing a completely  
2 meritless motion, and Amanda should be granted her fees for having to respond to  
3 the same.  
4

### 5 III.

#### 6 Countermotion

7  
8 A. The Parties should be awarded joint legal custody with Amanda being  
9 awarded primary physical custody of the minor children with Devin  
10 having specific visitation.

11 In entering orders with regard to custody and support of minor children, the  
12 Court's paramount consideration in making such decisions should be the welfare of  
13 the children. *Culbertson v. Culbertson*, 91 Nev. 230, 533 P.2d 768 (1974).  
14 Moreover, the guiding principle in the court's exercise of discretion in cases  
15 affecting the rights and welfare of the children is the best interests and the welfare  
16 of the children whose rights are involved. *Frenkell v. Frenkell*, 86 Nev. 397, 469  
17 P.2d 701 (1970). Furthermore, Nevada law has stated that a determination for all  
18 custody determinations lies in the particular facts and circumstances of each case.  
19 *Arnold v. Arnold*, 95 Nev. 951, 604 P.2d 109 (1979). When determining the best  
20 interest of a minor child, the Court must utilize NRS 125C.003 which provides, in  
21 pertinent part:  
22  
23

- 24  
25 1. A court may award primary physical custody to a parent if the court  
26 determines that joint physical custody is not in the best interest of a child.  
27 An award of joint physical custody is presumed not to be in the best  
28 interest of the child if:

- (a) The court determines by substantial evidence that a parent is unable

1 to adequately care for a minor child for at least 146 days of the year;

2 Furthermore, NRS 125C.00035 requires the Court to examine what is in the  
3 best interest of the children as the sole consideration for determining physical  
4 custody. The below analysis of the applicable factors enumerated in NRS  
5 125C.0035(4) demonstrates that it is clearly in the best interest of the minor  
6 children for Defendant to be awarded primary physical custody.  
7  
8

9 (a) The wishes of the child if the child is of sufficient age and capacity to  
10 form an intelligent preference as to his or her custody.

11 At five (5) and three (3) years old, the minor children are not of sufficient age  
12 and capacity to form an intelligent preference as to their custody, and Amanda  
13 would prefer not to have the children involved in litigation in any way.  
14

15 (b) Any nomination by a parent or a guardian for the child.

16 This factor is not applicable.

17 (b) Which parent is more likely to allow the child to have frequent  
18 associations and a continuing relationship with the noncustodial parent.

19 Amanda has no desire to interfere with the children's relationship with  
20 Devin, she simply wants to ensure that the children are safe. Even in light of  
21 Devin's erratic and neglectful behavior, she has not cut Devin off from having a  
22 relationship with the children.  
23

24 (d) The level of conflict between the parents.  
25

26 Due to Devin's erratic behavior and unwilling to compromise for the best  
27 interest of the children, the level of conflict between the parties is relatively high.  
28

1 (e) The ability of the parents to cooperate to meet the needs of the child.

2 For the past couple of years, Amanda has met all of the children's needs with  
3 little assistance from Devin. Amanda believes that Devin needs extensive help with  
4 his own problems before he will be able to sufficiently cooperate with her to meet  
5 the children's needs.  
6

7 (f) The mental and physical health of the parents.  
8

9 Amanda does not have any mental or physical health concerns. Devin  
10 continues to play games with the children and act contrary to their best interest,  
11 clearly with the intent of antagonizing Amanda, and Amanda believes an evaluation  
12 of required to determine the full extent of Devin's mental health.  
13

14 (g) The physical, developmental and emotional needs of the child.

15 Neither of the children have any significant physical, developmental, or  
16 emotional needs. However, Abby and Shawn are only three (3) and five (5) years  
17 old and still require significant care from a parent on a consistent basis.  
18

19 (h) The nature of the relationship of the child with each parent.

20 The children love both of their parents.  
21

22 (i) The ability of the child to maintain a relationship with any sibling.

23 Devin has three (3) children from a previous relationship, but he does not  
24 have consistent visitation with them. Further, pursuant to the order from the August  
25 14, 2018, hearing, Devin's minor child, Jacob, shall have no overnights during  
26 Devin's custodial time with the minor children.  
27  
28

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

3 As noted above, Devin does not care for the children as they should be cared  
4 for. For example, Devin fails to bathe the children on a regular basis or give them  
5 their medicine. On numerous occasions, Amanda will receive the minor children  
6 back from Devin and have to take them to urgent care as they are sick. Devin  
7 doesn't communicate with Amanda when the children are ill. Devin doesn't  
8 respond to Amanda's inquiries about the children's well-being when they are in his  
9 care.  
10  
11

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

15 There have been a few incidents of domestic battery between the parties, due  
16 to Devin's anger issues. In addition to the physical abuse, there have been several  
17 instances of verbal abuse and Devin becoming volatile. Until Devin can get his  
18 anger and rage towards Amanda under control, Amanda feels like he is a ticking  
19 time-bomb. Amanda is prepared to introduce recordings of Devin's domestic  
20 violence against her at the time of trial in this matter.  
21

22 (l) Whether either parent or any other person seeking custody has committed  
23 any act of abduction against the child or any other child.

24 This factor is not relevant.  
25

26 As noted in detail above, Devin's anger and erratic behavior has created  
27 extreme tension between the parties. Devin needs to focus on himself and getting  
28

1 his anger under control before he can properly care for the minor children. As such,  
2 and as demonstrated by the above analysis of the relevant statutory factors, it is in  
3 the minor children's best interest that the Parties be awarded joint legal custody  
4 with Amanda being awarded primary physical custody, and Devin receiving  
5 specific visitation until such time as it is determined that he can keep his anger  
6 under control and step up and properly care for the children in a safe manner.  
7

8  
9 *B. A Child Custody Evaluation should be ordered.*

10 As outlined in detail above, Devin continuous to refuse to co-parent and  
11 follow this Court's orders. He does not address the children's health concerns, and  
12 in fact has the children afraid to tell him when they are sick. Abby told both  
13 Amanda and the pediatrician that she did not tell Devin that it was burning when  
14 she peed, because she was afraid he would get mad, and this resulted in her having  
15 an extreme yeast infection. He shows complete disregard for the safety of the  
16 minor children, driving them without being in car seats or even being buckled in.  
17 Devin uses the children as a pawn in his game, deciding that the parties should  
18 follow the Court orders to a tee only when it benefits him or hurts Amanda. He  
19 suddenly wants to exchange the children exactly at 3:00 p.m. on Thursdays,  
20 purposely causing the children to miss the extra-curricular activities they have been  
21 involved in for more than a year, but refuses to drop them off at the designated time  
22 on Monday mornings. Devin has also been dishonest with this Court for months,  
23 insisting that he was seeking employment when in fact he has made no effort to do  
24  
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28

1 so. Further, Devin has blatantly lied to this Court about alleged harassment by Mr.  
2 Spielberg; two (2) different letters from the Principal and Assistant Principal at  
3 Abby's school confirm that it is Devin, not Mr. Spielberg, who is the instigator.  
4 Despite the existence of a Mutual Behavioral Order and an Order that the parties  
5 communicate via Our Family Wizard only related to the minor children, Devin  
6 continues to disparage Amanda and communicate about other issues.  
7

8  
9 Due to Devin's erratic behavior, continued dishonesty with this Court, refusal  
10 to co-parent, and complete disregard for the safety and health of the minor children,  
11 Amanda respectfully requests and order that a full custodial evaluation be  
12 performed. Amanda is willing to front the cost of the same.  
13

14 *C. Plaintiff's child support obligation should be set pursuant to statute and*  
15 *reinstated.*

16 The Court must look to NRS 125B.070 to determine the correct amount of  
17 child support to be ordered. NRS 125B.070, states in pertinent part, as follows:  
18

19 a) "Gross monthly income" means the total amount of income received  
20 each month from any source of a person who is not self-employed or the  
21 gross income from any source of a self-employed person, after deduction  
22 of all legitimate business expenses, but without deduction for personal  
23 income taxes, contributions for retirement benefits, contributions to a  
24 pension or for any other personal expenses.  
25 (b) "Obligation for support" means the sum certain dollar amount  
26 determined according to the following schedule:  
27

28 (2) For two children, 25 percent; and

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,

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

3 As indicated by the letter from the union provided to Amanda through  
4 counsel, Devin's current rate of pay is \$38.51. Based on full time employment,  
5 Devin's gross monthly income should be \$6,692.40. As the parties currently  
6 maintain joint physical custody, child support should be set pursuant to *Wright v.*  
7 *Osburn*. Based on Amanda's gross monthly income of \$4,871.58, Devin's child  
8 support should be set at \$455.21. This amount should be effective immediately,  
9 and Devin should be ordered to pay this amount retroactive to the August 18, 2018,  
10 hearing, as Devin had been making no effort to obtain employment and thus the  
11 waiver of child support made effective at the October, 16, 2018, hearing should be  
12 void as it was based on the assumption that Devin would be actively seeking  
13 employment.  
14

15  
16  
17 *D. Amanda should be awarded attorney fees costs as it relates to this action.*

18  
19 Amanda is also entitled to attorney's fees pursuant to NRS 18.010, which  
20 states in relevant part as follows:

- 21 1. The compensation of an attorney and counselor for his services is  
22 governed by agreement, express or implied, which is not restrained  
23 by law.  
24 2. In addition to the cases where an allowance is authorized by  
25 specific statute, the court may make an allowance of attorney's fees to  
26 a prevailing party:  
27 (a) When he has not recovered more than \$20,000; or  
28 (b) Without regard to the recovery sought, when the court finds  
that the claim, counterclaim, cross-claim or third-party  
complaint or defense of the opposing party was brought or  
maintained without reasonable ground or to harass the



1 prevailing party. The court shall liberally construe the provisions  
2 of this paragraph in favor of awarding attorney's fees in all  
3 appropriate situations. It is the intent of the Legislature that the  
4 court award attorney's fees pursuant to this paragraph and  
5 impose sanctions pursuant to Rule 11 of the Nevada Rules of  
6 Civil Procedure in all appropriate situations to punish for and  
7 deter frivolous or vexatious claims and defenses because such  
8 claims and defenses overburden limited judicial resources,  
9 hinder the timely resolution of meritorious claims and increase  
10 the costs of engaging in business and providing professional  
11 services to the public.

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

16 Amanda has attempted to resolve the issues in this Motion to no avail. She is  
17 simply attempting to keep the minor children safe and healthy and ensure that  
18 Devin begins to act in their best interest. Unfortunately, no resolution could be  
19 reached.

20 Amanda respectfully requests that this Court award attorney fees in an  
21 amount reasonable under the factors the Court must consider under *Brunzell v.*  
22 *Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31 (1969), specifically:

23 Qualities of the advocate;  
24 Character and difficulty of work performed;  
25 Work actually performed; and  
26 Result obtained.

27 Undersigned Counsel offers that she regularly practices in the area of family  
28 law and has regularly practiced in the area of family law since licensing in 2001 and  
remains in good standing. Undersigned Counsel takes the amount of required

1 Continuing Legal Education Courses each year. Therefore, Undersigned Counsel  
2 possesses the qualities of an advocate contemplated in *Brunzell*.

3  
4 **III.**

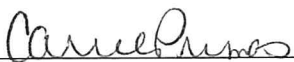
5 **Conclusion**

6 Therefore, based upon the foregoing, Amanda requests the court to enter an  
7 order:

- 8
- 9 1. Denying Plaintiff's Motion in its entirety;
  - 10 2. Awarding Defendant joint legal and primary physical custody of the  
11 minor children with Plaintiff having specific visitation;
  - 12 3. For an Order that Plaintiff pay Defendant child support;
  - 13 4. For an Order that the parties and the minor children undergo a child  
14 custody evaluation with Amanda fronting the cost for same;
  - 15 5. Awarding Defendant attorney fees and costs; and
  - 16 6. Any other relief the Court deems necessary
- 17

18 DATED this 8<sup>th</sup> day of March, 2019.

19  
20 **HANRATTY LAW GROUP**

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22 Carrie J. Primas, Esq.  
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Attorneys for Defendant, Amanda Reed

1  
2  
3 **DECLARATION OF AMANDA REED**

4 STATE OF NEVADA )  
5 County of Clark )  
6

ss

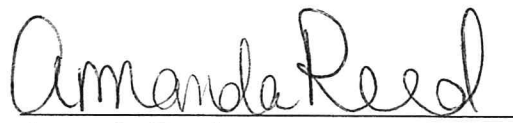
7 1. I, Amanda Reed, the Defendant in the above referenced matter, attest  
8 to the below reference facts as being true and correct to the best my knowledge.

9 2. I fully incorporate by reference each and every statement in this  
10 pleading as if fully restated herein as true except for those portions offered upon  
11 information and belief.  
12

13 3. I respectfully request that this Court grant me all of my requests for  
14 relief as stated herein.  
15

16 4. I respectfully request that this Court grant other and additional relief  
17 deemed just and proper under the circumstances.  
18

19 DATED this 8 day of March, 2019.

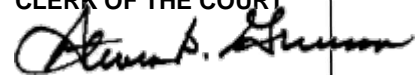
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21 Amanda Reed  
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430 South 7th Street  
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*Attorney for Plaintiff*

30

APPX0378



1 **EXHS**

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10 Attorneys for Defendant, Amanda Reed

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 DEVIN REED,

14 Plaintiff,

15 v.

16 AMANDA REED,

17 Defendant.

Case No: D-18-568055-D

Dept No: F

**EXHIBITS IN SUPPORT OF  
SUPPLEMENT TO DEFENDANT'S  
OPPOSITION TO PLAINTIFF'S  
MOTION TO DEEM DEFENDANT  
A VEXATIOUS LITIGANT; FOR  
AN 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  
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**

18 Comes now Defendant, Amanda Reed, by and through her attorney of  
19 record, Carrie J. Primas, Esq., of Hanratty Law Group, and submits her Exhibits in  
20 Support of Supplement to Defendant's Opposition to Plaintiff's Motion to Deem  
21 Defendant a Vexatious Litigant; for and Order that Defendant's Father Stay Away

1 from Plaintiff Pursuant to the Behavior Order; for Return of Personal Property; for  
2 Attorney's Fees and Costs and Other Related Matters, and Defendant's  
3 Countermotion for Joint Legal and Primary Physical Custody of the Minor  
4 Children, Child Custody Evaluation, Child Support, Exclusive Possession, and for  
5 Attorney Fees and Costs.

EXHIBIT	BATE NUMBERS	DOCUMENT
Q	Defendant 0117	Text message from Lauralyn, with a picture of the minor children at Knott's Berry Farm
R	Defendant 0118 to Defendant 0	A copy of the prescription for Abby Reed
S	Defendant 0089 to Defendant 0091	Our Family Wizard Communication between the parties
T	Defendant 0092 to Defendant 0095	Text message from Abby's teacher with a picture
U	Defendant 0096 to Defendant 0097	Text message from Abby's teacher with a picture
V	Defendant 0098	Shawn Reed's dental records
W	Defendant 0099	Various Photos of Shawn Reed's Back

16 Dated this 18<sup>th</sup> day of March, 2019.

17  
18 **HANRATTY LAW GROUP**

19  
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# EXHIBIT Q





LV

Laurlyn >

My dad is going to pick Shawn up on Monday so you don't have to worry about anything.

Ok. Thank u ❤️

Today 5:00 PM

Look who we ran into at knotts berry farm



How cool! ❤️

Tell them I love them



Text Message



# EXHIBIT R

**Your Walgreen**  
4771  
North  
(702)

IF YOU HAVE QUESTIONS ABOUT YOUR PRESCRIPTION, PLEASE CONTACT  
 Your Walgreen  
 4771  
 North  
 (702)

PATIENT	ABIGAIL REED
BIRTH DATE	04/06/13
EDICATION	CEPHALEX
QUANTITY	

PATIENT	ABIGAIL REED
BIRTH DATE	04/06/13
MEDICATION	CEPHALEXIN 250MG/5ML SUSP 100ML
QUANTITY	100
DIRECTIONS	SHAKE LIQUID WELL AND GIVE
"ABIGAIL" 2	TEASPOONFUL BY MOUTH TWICE DAILY
FOR 10 DAYS	
INGREDIENTS	

**INGREDIENT NAME:** Cephalexin Suspension (see a LEKS in)

**COMMON USES:** It is used to treat bacterial infections.

**BEFORE USING THIS MEDICINE:** WHAT DO I NEED TO  
DOCTOR BEFORE I TAKE THIS DRUG?  
Have an allergy to cephalosporins  
OUR DOCTOR: If you are taking any  
other drugs (including over-the-counter  
drugs)

**COMMON USES:** It is used to treat bacterial infections.

**BEFORE USING THIS MEDICINE:** It is used to treat bacterial infections.

**DOCTOR BEFORE I TAKE THIS DRUG? TELL YOUR DOCTOR:** If you are allergic to any other drugs, foods, or other substances, even part of allergy and what signs you have, ever, such as asthma; wheezing; cough; trouble breathing; throat; or any other problems, tell your doctor. This medicine may interact with other medicines you are taking.

**HOW TO USE THIS MEDICINE:** Use this drug as ordered by your doctor. Follow all instructions to you. Take without food. Measure liquid doses carefully. Store in a refrigerator. Throw away unused or expired drugs. Do not freeze. Keep all drugs out of reach of children. Tell your doctor if you are taking any other drugs. Have questions about the medicine? Call your doctor. Do not take a missed dose at double the strength.

**HOW TO USE THIS DRUG?**

Use this drug as ordered by your doctor. Follow all instructions to you. Follow all instructions to you. Take with food if it causes stomach upset or other health care problem. Measure liquid doses carefully. Throw away unused or expired drugs. Have questions about the take-back programs in your area.

**AND/OR THROW OUT THIS DRUG?** Store away from children and pets. Throw down a drain unless tightly closed. Keep all drugs in a safe place. Do not flush down a toilet or pour down a drain unless instructed by your pharmacist. If you have questions about this drug, ask your pharmacist.

**WHAT DO I DO IF I MISS A DOSE?** Take a missed dose as soon as you think about it. If it is close to the time for your next dose, skip the missed dose and go back to your normal time. Do not take 2 doses at the same time or extra doses.

**TIPS:** Tell all of your health care providers that you take this drug. This includes your doctors, nurses, pharmacists, and your blood work checked if you are on this drug with your doctor. If you have high urine glucose levels, tell your doctor. Use some other lab workers than your doctor's. This drug may affect certain tests such as urinalysis, blood sugar, and warfarin, so make sure you have been told which tests to avoid. Tell your doctor if you are taking warfarin, talc, or any other medicine. Your doctor will check your blood work before you start taking this drug and after you stop taking it.

**CAUTIONS:** Tell all of your health care providers that you take this drug. This includes your doctors, nurses, pharmacists, and dentists. Have your blood work checked if you are on this drug for a long time. Use Clinitest. If you have high blood glucose, use Tes-Tape. This drug may affect certain lab tests. Tell your doctor if you are taking warfarin, talk with your doctor if you are taking blood thinners. You will need to have your blood work checked more often if you are taking blood thinners. Tell your doctor if you are taking any other medicines. Do not take 2 doses at the same time or extra doses.

# EXHIBIT S