

IN THE SUPREME COURT OF THE STATE OF NEVADA

AMANDA REED,

Appellant,

vs.

DEVIN REED,

Respondent.

Electronically Filed
Jan 10 2022 10:50 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
CASE NO. 83514
District Court Case No:
D-14-499144-D

APPELLANT'S APPENDIX - VOL III

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ATTORNEY FOR APPELLANT

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| 11 | Notice of Hearing | 4.6.2021 | V | APPX1211 |
| 12 | Notice of Hearing & | 2.9.2021 | V | APPX1134 - |
| 13 | Notice of Audio/Visual Appearance | | | APPX1135 |
| 14 | Notice of Intent to Appear | 5.8.2020 | IV | APPX0833 - |
| 15 | By Communication Equipment | | | APPX0835 |
| 16 | Notice of Motion and | 9.24.2020 | V | APPX1094 - |
| 17 | Amended Motion for In- | | | APPX1105 |
| 18 | Person Trial and to Stay Action | | | |
| 19 | Notice of Motion and | 7.25.2019 | II | APPX0466 - |
| 20 | Motion for an Order to | | | APPX0489 |
| 21 | Show Cause Why Plaintiff | | | |
| 22 | Should Not Be Held in | | | |
| 23 | Contempt of Court; for | | | |
| 24 | Leave to Amend | | | |
| 25 | Counterclaim; for a | | | |
| 26 | Modification of Custody; | | | |
| 27 | to Continue Trial; and | | | |
| | for Attorney Fees and | | | |
| | Costs | | | |
| | Notice of Motion and | 9.23.2020 | V | APPX1078 - |
| | Motion for In-Person | | | APPX1089 |
| | Trial and to Stay Action | | | |

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|----|------------------------------|------------|-----|------------|
| 1 | Notice of Motion and | 3.17.2021 | V | APPX1175- |
| 2 | Motion for Reconsideration | | | APPX1188 |
| 3 | of the Court's Order from | | | |
| 4 | the February 25, 2021 | | | |
| 5 | Hearing | | | |
| 6 | Notice of Motion and | 12.12.2018 | I | APPX0145 - |
| 7 | Motion to Enforce; for an | | | APPX0161 |
| 8 | Order to Show Cause Why | | | |
| 9 | Plaintiff Should Not Be | | | |
| 10 | Held in Contempt of | | | |
| 11 | Court; for Clarification; | | | |
| 12 | and for Attorney Fees | | | |
| 13 | and Costs | | | |
| 14 | Notice of Motion and | 7.6.2020 | IV | APPX0950 - |
| 15 | Motion to Strike Rogue | | | APPX0957 |
| 16 | Filing Entitled "Plaintiff's | | | |
| 17 | Supplemental Plea for | | | |
| 18 | Relief" and "Exhibits in | | | |
| 19 | Support of Plaintiff's | | | |
| 20 | Supplemental Plea for | | | |
| 21 | Relief", and for Attorney | | | |
| 22 | Fees and Costs | | | |
| 23 | Notice of Motion and | 4.8.2020 | III | APPX0705 - |
| 24 | Motion to Adopt Dr. | | | APPX0738 |
| 25 | Paglini's Recommendation; | | | |
| 26 | for an Order to Show Cause | | | |
| 27 | Why Plaintiff Should Not Be | | | |
| 28 | Held in Contempt of Court; | | | |
| 29 | to Modify Custody; and for | | | |
| 30 | Attorney Fees and Costs | | | |
| 31 | Notice of Program | 7.1.2020 | IV | APPX0860 - |
| 32 | Completion | | | APPX0863 |
| 33 | Notice of Rescheduling | 6.8.2021 | VI | APPX1257 - |
| 34 | of Hearing & Notice of | | | APPX1258 |
| 35 | Audio/Visual Appearance | | | |
| 36 | Notice of Rescheduling | 1.22.2021 | V | APPX1132 - |
| 37 | of Trial & Notice of | | | APPX1133 |
| 38 | Audio/Visual Appearance | | | |
| 39 | Notice of Seminar | 4.26.2019 | II | APPX0414 - |
| 40 | Completion EDCR 5.07 | | | APPX0415 |
| 41 | Notice of Seminar | 7.11.2019 | II | APPX0442 - |
| 42 | Completion EDCR 5.07 | | | APPX0443 |

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|----|---|-----------|-----|---------------------|
| 1 | Notice of Triple P Positive Parenting Program Completion | 8.27.2020 | V | APPX1014 - APPX1017 |
| 2 | | | | |
| 3 | Opposition and Counter Motion for Exclusive Possession of the Residence, Custody, Child Support, and Spousal Support | 7.27.2018 | I | APPX0107 - APPX0126 |
| 4 | | | | |
| 5 | | | | |
| 6 | Opposition to Defendant's Motion to Adopt Dr. Paglini's Recommendations; for an Order to Show Cause Why Plaintiff Should Not Be Held in Contempt of Court; to Modify Custody; and for Attorney's Fees and Costs; and Plaintiff's Countermotion for a Protective Order on Behalf of the Parties' Minor Children; for an Order Sealing Case File; For an Order Requiring Defendant to Obtain Court Approval Prior to Filing Future Motions; to Declare Defendant a Vexatious Litigant; for Sanctions, Fees, and Costs; and for Related Relief | 4.20.2020 | IV | APPX0772 - APPX0797 |
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| 16 | Opposition to Notice of Motion and Motion for an Order to Show Cause Why Plaintiff Should Not Be Held in Contempt of Court; for Leave to Amend Counterclaim; for a Modification of Custody; to Continue Trial; and for Attorney's Fees and Costs; and Countermotion for Attorney's Fees and Costs, and for Related Relief | 8.19.2019 | III | APPX0548 - APPX0565 |
| 17 | | | | |
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| 22 | | | | |
| 23 | Order | 9.19.2018 | I | APPX0129 - APPX0135 |
| 24 | | | | |
| 25 | Order | 6.8.2021 | VI | APPX1259 - APPX1266 |
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|----|--|-----------|-----|------------------------|
| 1 | Order | 7.19.2021 | VI | APPX1277- APPX1284 |
| 2 | Order | 7.21.2021 | VI | APPX1308 - APPX1318 |
| 3 | | | | |
| 4 | Order After Hearing | 2.27.2019 | II | APPX0261 - APPX0266 |
| 5 | Order After Hearing | 8.19.2020 | V | APPX0998 - APPX1004 |
| 6 | | | | |
| 7 | Order After January 22, 2019 Hearing | 3.6.2019 | II | APPX0280 - APPX0282 |
| 8 | Order After November 18, 2020 Minute Order | 12.8.2020 | V | APPX1121 - APPX1124 |
| 9 | | | | |
| 10 | Order for Return of Appeal Bond | 2.24.2020 | III | APPX0630 - APPX0631 |
| 11 | Order From March 20, 2019 Hearing | 5.29.2019 | II | APPX0420 - APPX0423 |
| 12 | | | | |
| 13 | Order Referring to Senior Judge Settlement Program | 1.29.2020 | III | APPX0609 - APPX0618 |
| 14 | Order Setting Case Management Conference and Directing Compliance with NRCP 16.2 | 6.4.2018 | I | APPX0094 - APPX0102 |
| 15 | | | | |
| 16 | | | | |
| 17 | Order Setting Civil Non-Jury Trial (Child Custody/Paternity/ Visitation/Relocation) | 8.5.2020 | IV | APPX0977 - APPX0982 |
| 18 | | | | |
| 19 | Order Shortening Time | 8.20.2019 | III | APPX0566 |
| 20 | Order to Seal Records Pursuant to NRS 125.110(2) | 5.26.2021 | VI | APPX1254 - APPX1256 |
| 21 | | | | |
| 22 | Plaintiff's Amended Pre- Trial Memorandum | 8.22.2019 | III | APPX0567 - APPX0571 |
| 23 | | | | |
| 24 | Plaintiff's Exhibits In Support of Motion | 2.14.2019 | I | APPX0230 - APPX0248 |
| 25 | | | | |
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|----|---|-----------|-----|---------------------|
| 1 | 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 | 2.14.2019 | II | APPX0249 - APPX0254 |
| 6 | Plaintiff's Opposition and Countermotion | 8.12.2020 | V | APPX0987 - APPX0993 |
| 8 | Plaintiff's Opposition and Countermotion for Revised Custodial Timeshare, School Placement, to Resolve Parent-Child Matters, and for Attorney Fees and Costs | 4.1.2021 | V | APPX1191 - APPX1210 |
| 11 | Plaintiff's Pre-Trial Memorandum | 6.10.2019 | II | APPX0430 - APPX0432 |
| 13 | Plaintiff's Pre-Trial Memorandum | 2.18.2021 | V | APPX1156 - APPX1169 |
| 14 | Plaintiff's Supplemental Exhibit In Support of Motion | 2.14.2019 | II | APPX0255 - APPX0257 |
| 16 | Plaintiff's Supplemental Plea for Relief | 7.2.2020 | IV | APPX0924 - APPX0949 |
| 18 | Receipt of Copy | 6.21.2018 | I | APPX0056 |
| 19 | Receipt of Copy | 5.13.2019 | II | APPX0419 |
| 20 | Receipt of Copy | 8.22.2019 | III | APPX0567 |
| 21 | Receipt of Copy | 2.22.2021 | V | APPX1171 |
| 22 | Re-Notice of Motion | 9.28.2020 | V | APPX1109 |
| 23 | Reply to Opposition and Countermotion | 3.19.2019 | II | APPX0406 - APPX0409 |
| 24 | ... | | | |
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|----|---------------------------------|-----------|-----|------------|
| 1 | Reply to Plaintiff's | 8.22.2019 | III | APPX0572 - |
| 2 | Opposition to Motion for | | | APPX0580 |
| 3 | an Order to Show Cause | | | |
| 4 | Why Plaintiff Should | | | |
| 5 | Not Be Held In Contempt | | | |
| 6 | of Court; for Leave to | | | |
| 7 | Amend Counterclaim; for | | | |
| 8 | a Modification of Custody; | | | |
| 9 | to Continue Trial; and | | | |
| 10 | for Attorney Fees and | | | |
| 11 | Costs; and Opposition to | | | |
| 12 | Plaintiff's Countermotion | | | |
| 13 | for Attorney's Fees and | | | |
| 14 | Costs, and for Related | | | |
| 15 | Relief | | | |
| 16 | Reply to Plaintiff's | 4.23.2021 | VI | APPX1231 - |
| 17 | Opposition to Motion for | | | APPX1245 |
| 18 | Reconsideration of the | | | |
| 19 | Court's Order from the | | | |
| 20 | February 25, 2021 Hearing; | | | |
| 21 | and Opposition to Plaintiff's | | | |
| 22 | Countermotion for Revised | | | |
| 23 | Custodial Timeshare, | | | |
| 24 | School Placement, to Resolve | | | |
| 25 | Parent-Child Matters, and | | | |
| 26 | for Attorney Fees and | | | |
| 27 | Costs | | | |
| 28 | Reply to Plaintiff's | 5.7.2020 | IV | APPX0815 - |
| 29 | Opposition to Motion to | | | APPX0832 |
| 30 | Adopt Dr. Paglini's | | | |
| 31 | Recommendation; for an | | | |
| 32 | Order to Show Cause Why | | | |
| 33 | Plaintiff Should Not Be | | | |
| 34 | Held In Contempt of Court; | | | |
| 35 | to Modify Custody; and for | | | |
| 36 | Attorney Fees and Costs; | | | |
| 37 | and Opposition to Plaintiff's | | | |
| 38 | Countermotion for | | | |
| 39 | Protective Order On Behalf | | | |
| 40 | of the Parties' Minor Children; | | | |
| 41 | for an Order Sealing Case | | | |
| 42 | File; for an Order Requiring | | | |
| 43 | Defendant to Obtain Court | | | |
| 44 | Approval Prior to Filing | | | |
| 45 | Future Motions; to Declare | | | |
| 46 | Defendant a Vexatious | | | |
| 47 | Litigant; for Sanctions, Fees, | | | |
| 48 | and Costs; and for Related | | | |
| 49 | Relief | | | |

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|----|---|------------|-----|---------------------|
| 1 | Request for Child Protection Services Appearance and Records | 1.22.2019 | I | APPX0228 |
| 2 | | | | |
| 3 | Request for Issuance of Joint Preliminary Injunction | 3.20.2018 | I | APPX0006 |
| 4 | Stipulation and Order for Custody Evaluation | 9.19.2019 | III | APPX0590 - APPX0591 |
| 5 | | | | |
| 6 | Stipulation and Order for Release of CPS Records | 1.23.2020 | III | APPX0605 - APPX0607 |
| 7 | Stipulation and Order Regarding Child Support Arrears and Child Support | 6.17.2021 | VI | APPX1269 - APPX1271 |
| 8 | | | | |
| 9 | Stipulation and Order to Continue Hearing | 12.10.2019 | III | APPX0601 - APPX0602 |
| 10 | | | | |
| 11 | Stipulation and Order to Continue June 26, 2018 Hearing | 6.28.2018 | I | APPX0105 - APPX0106 |
| 12 | | | | |
| 13 | Stipulation and Order to Continue Order to Show Cause Hearing | 7.30.2020 | IV | APPX0967 - APPX0969 |
| 14 | | | | |
| 15 | Stipulation and Order to Continue Trial | 10.01.2020 | V | APPX1116 - APPX1118 |
| 16 | Supplement to Defendant's Motion for an Order to Show Cause Why Plaintiff Should Not Be Held In Contempt of Court; for Leave to Amend Counterclaim; for a Modification of Custody; to Continue Trial; and for Attorney Fees and Costs | 8.22.2019 | III | APPX0582 - APPX0587 |
| 17 | | | | |
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| 21 | Supplement to 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 | 1.11.2019 | I | APPX0199 - APPX0222 |
| 22 | | | | |
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|----|-------------------------------|------------|-----|------------|
| 1 | Supplement to Defendant's | 3.18.2019 | II | APPX0400 - |
| 2 | Opposition to Plaintiff's | | | APPX0405 |
| 3 | Motion to Dem Defendant A | | | |
| 4 | Vexatious Litigant; for an | | | |
| 5 | Order that Defendant's Father | | | |
| 6 | Stay Away from Plaintiff | | | |
| 7 | Pursuant to the Behavior | | | |
| 8 | Order; for Return of Personal | | | |
| 9 | Property; for Attorney's | | | |
| 10 | Fees and Costs and Other | | | |
| 11 | Related Matters; and | | | |
| 12 | Countermotion for Joint Legal | | | |
| 13 | and Primary Physical Custody | | | |
| 14 | of the Minor Children, | | | |
| 15 | Child Custody Evaluation, | | | |
| 16 | Child Support, Exclusive | | | |
| 17 | Possession, and for Attorney | | | |
| 18 | Fees and Costs | | | |
| 19 | Supplemental Certificate of | 4.13.2020 | IV | APPX0769 |
| 20 | Service | | | |
| 21 | Transcript Re: All Pending | 12.15.2021 | VI | APPX1343 - |
| 22 | Motions | | | APPX1365 |
| 23 | Transcript Re: All Pending | 12.15.2021 | VI | APPX1366 - |
| 24 | Motions | | | APPX1397 |
| 25 | Transcript Re: All Pending | 12.15.2021 | VI | APPX1398 - |
| 26 | Motions | | | APPX1436 |
| 27 | Transcript Re: All Pending | 12.15.2021 | VII | APPX1510- |
| 28 | Motions | | | APPX1548 |
| 29 | Transcript Re: Non-Jury | 12.15.2021 | VII | APPX1437- |
| 30 | Trial | | | APPX1509 |
| 31 | ... | | | |
| 32 | ... | | | |
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AFFIRMATION

(Pursuant to NRS 239B.030)

The undersigned does hereby affirm that the preceding documents
filed in the above-referenced matter does not contain the social security number
of any person.

DATED this 10 day of January, 2022.

KAINEN LAW GROUP, PLLC

By: /s Racheal H. Mastel
RACHEAL H. MASTEL, ESQ.
Nevada Bar No. 11646
Attorneys for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 10 day of January, 2022, I caused to be served the *Appellant's Appendix - Vol III* to all interested parties as follows:

___ BY MAIL: Pursuant to NRCP 5(b), I caused a true copy thereof to be placed in the U.S. Mail, enclosed in a sealed envelope, postage fully prepaid thereon, addressed as follows:

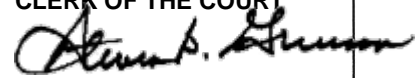
___ BY CERTIFIED MAIL: I caused a true copy thereof to be placed in the U.S. Mail, enclosed in a sealed envelope, certified mail, return receipt requested, postage fully paid thereon, addressed as follows:

___ BY FACSIMILE: Pursuant to EDCR 7.26, I caused a true copy thereof to be transmitted, via facsimile, to the following number(s):

X BY ELECTRONIC MAIL: Pursuant to EDCR 7.26 and NEFCR Rule 9, I caused a true copy thereof to be served via electronic mail, via Wiznet, to the following e-mail address(es):

Michancy Cramer
Alex Ghibaud

/s Racheal H. Mastel
An Employee of
KAINEN LAW GROUP, PLLC



1 **APPL**
2 **HANRATTY LAW GROUP**
3 Kari J. Hanratty, Esq.
4 State Bar of Nevada No. 7677
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

7
8 **DISTRICT COURT**
9
10 **CLARK COUNTY, NEVADA**

10 DEVIN REED,) Case No: D-18-568055-D
11) Dept No: F
12 Plaintiff,)
13 v.) **EX PARTE APPLICATION FOR AN**
14) **ORDER SHORTENING TIME ON**
15) **DEFENDANT'S MOTION FOR AN**
16) **ORDER TO SHOW CAUSE WHY**
17) **PLAINTIFF SHOULD NOT BE HELD IN**
18) **CONTEMPT OF COURT; FOR LEAVE**
19) **TO AMEND COUNTERCLAIM; FOR A**
20) **MODIFICATION OF CUSTODY; TO**
21) **CONTINUE TRIAL; AND FOR**
22) **ATTORNEY FEES AND COSTS**
23)
24)
25)
26)
27)
28)

17 COMES NOW Defendant, Amanda Reed, by and through her attorney of record, Carrie J.
18 Primas, Esq., of Hanratty Law Group, hereby moves this Court for an Order Shortening Time on
19 her *Motion for an Order to Show Cause Why Plaintiff Should Not Be Held in Contempt of Court;*
20 *for Leave to Amend Counterclaim; for a Modification of Custody; to Continue Trial; and for*
21 *Attorney Fees and Costs.*

22
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1 This Application for an Ex Parte Order Shortening Time on Defendant's Motion is based
2 upon the Affidavit of Kari J. Hanratty, 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 26th day of July, 2019.

6
7 **HANRATTY LAW GROUP**

8
9 

10 Kari J. Hanratty, Esq.
11 State Bar of Nevada No. 7677
12 1815 Village Center Circle, Suite 140
13 Las Vegas, Nevada 89134
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15 FAX: (702) 870-1846
16 EMAIL: attorneys@hanrattylawgroup.com
17 Attorney for Defendant, Amanda Reed
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1 **POINTS AND AUTHORITIES**

2 **I.**

3 **Points and Authority**

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

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

8 During the parties’ marriage, Devin’s son from a previous relationship, Jacob, exhibited
9 concerning behavior that caused the parties to agree that he would not spend the night at their
10 house, be unattended with the minor children, or ever be in a room with a closed door. That
11 behavior included harming and killing animals, writing about raping women, and writing about
12 killing Amanda and Devin. Despite the Orders currently in place that there shall be no overnights
13 with Jacob during Devin’s custodial time with the minor children at issue, Devin has not only
14 allowed Jacob to spend the night during his custodial time, Jacob is now living at Devin’s home.

15 Furthermore, an appeal is currently pending related to the underlying custody orders and
16 the Court’s refusal to allow a custodial evaluation and trial on the issue of custody. Moreover, as
17 Defendant’s Motion outlines, there is further basis at this time to modify custody, given the
18 history of domestic violence and Devin’s continuous contemptuous actions. As this Court cannot
19 resolve the issues of property and debt and finalize the parties’ divorce without first resolving
20 custody, the request for continuance of trial needs to be addressed forthwith, along with the issue
21 of Devin’s son now living with Devin in violation of this Court’s Orders.
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1 II.

2 **Conclusion**

3 Based on the aforementioned reasons, it is respectfully requested that this Court enter an
4 Order Shortening Time on Defendant's *Motion for an Order to Show Cause Why Plaintiff Should*
5 *Not Be Held in Contempt of Court; for Leave to Amend Counterclaim; for a Modification of*
6 *Custody; to Continue Trial; and for Attorney Fees and Costs.*
7

8 Dated this 26th day of July, 2019.

9 **HANRATTY LAW GROUP**

10
11 By: 

12 Kari J. Hanratty, Esq.
13 Nevada Bar No. 7677
14 1815 Village Center Circle, Suite 140
15 Las Vegas, Nevada 89134
16 PH: (702) 821-1379
17 FAX: (702) 870-1846
18 EMAIL: attorneys@hanrattylawgroup.com
19 Attorneys for Defendant, Amanda Reed
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AFFIDAVIT OF KARI J. HANRATTY, ESQ.

STATE OF NEVADA)
 ss
County of Clark)

1. I, Kari J. Hanratty, Esq., the Defendant’s attorney in the above referenced matter and I can attest to the below reference facts as being true and correct to the best my knowledge as represented by my client.

2. During the parties’ marriage, Devin’s son from a previous relationship, Jacob, exhibited concerning behavior that caused the parties to agree that he would not spend the night at their house, be unattended with the minor children, or ever be in a room with a closed door. That behavior included harming and killing animals, writing about raping women, and writing about killing Amanda and Devin. Despite the Orders currently in place that there shall be no overnights with Jacob during Devin’s custodial time with the minor children at issue, Devin has not only allowed Jacob to spend the night during his custodial time, Jacob is now living at Devin’s home.

3. Furthermore, an appeal is currently pending related to the underlying custody orders and the Court’s refusal to allow a custodial evaluation and trial on the issue of custody. Moreover, as Defendant’s Motion outlines, there is further basis at this time to modify custody, given the history of domestic violence and Devin’s continuous contemptuous actions. As this Court cannot resolve the issues of property and debt and finalize the parties’ divorce without first

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1 resolving custody, the request for continuance of trial needs to be addressed forthwith, along with
2 the issue of Devin's son now living with Devin in violation of this Court's Orders.

3 FURTHER AFFIANT SAYETH NAUGHT.

4
5 

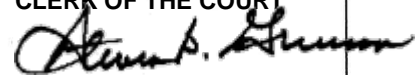
6 Kari J. Hanratty, Esq.

7 Subscribed and Sworn to before me this
8 26th day of July, 2019.

9 

10 Notary Public in and for said County
11 And State





MCOM
HANRATTY LAW GROUP
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State Bar of Nevada No. 7677
1815 Village Center Circle, Suite 140
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EMAIL: attorneys@hanrattylawgroup.com
Attorneys for Defendant, Amanda Reed

DISTRICT COURT

CLARK COUNTY, NEVADA

DEVIN REED,

Plaintiff,

v.

AMANDA REED,

Defendant.

Case No: D-18-568055-D

Dept No: F

**DEFENDANT'S NOTICE OF
MOTION AND MOTION TO
COMPEL DISCOVERY
PURSUANT TO NRCP 37**

**BEFORE THE DISCOVERY
COMMISSIONER**

Date of Hearing:

Time of Hearing:

Oral Argument Requested: YES

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

YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS
MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE
UNDER-SIGNED WITH A COPY OF YOUR RESPONSE WITHIN TEN (10)
DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A
WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN TEN
(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 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the
2 undersigned will bring the above and foregoing Motion on for hearing before the
3 Court at the courtroom of the above-entitled court, located at 601 N. Pecos Road,
4 Las Vegas, Nevada, on the _____ day of _____, 2019, at
5 _____ .m., in front of the Discovery Commissioner.
6

7 COMES NOW Defendant, Amanda Reed, by and through her attorney of
8 record, Kari J. Hanratty, Esq., of Hanratty Law Group, and submits this Motion to
9 Compel pursuant to NRCP 37, the following: Plaintiff's Response to Defendant's
10 First Set of Interrogatories, and Plaintiff's Response to Request for Production of
11 Documents.
12
13

14 This Motion is made and based on the attached Points and Authorities,
15 Affidavit of Kari J. Hanratty, Esq., all the papers and pleadings on file herein and
16 argument of Counsel at the time of hearing.
17

18 Dated this 22nd day of August, 2019.

19
20 **HANRATTY LAW GROUP**

21 By: 

22 Kari J. Hanratty, Esq.
23 Nevada Bar No. 7677
24 1815 Village Center Circle, Suite 140
25 Las Vegas, Nevada 89134
26 Phone: (702) 821-1379
27 Fax: (702) 870-1846
28 Attorney for Defendant, Amanda Reed

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Statement of Facts

On May 10, 2019, Defendant, Amanda Reed (“Amanda”), by and through counsel, served discovery on Counsel for Plaintiff, Devin Reed (“Devin”), in the form of Defendant’s First Set of Interrogatories¹, and Defendant’s First Request for Production of Documents². Said discovery was due on or before June 10, 2019³. On June 10, 2019, Plaintiff, through counsel, served on Defendant’s counsel his responses to each of Defendant’s discovery requests referenced above. However, those responses were extremely deficient, as outlined in further detail below.

On July 31, 2019, undersigned counsel sent a letter to Devin, by and through Counsel, pursuant to EDCR 2.34, outlining the deficiencies in the responses and requesting a discovery dispute conference via telephone on August 7, 2019, at 10:00 a.m. The letter also stated that Devin's counsel could contact counsel's office to set up a different time for the discovery dispute conference if this time was not convenient. No discovery dispute took place. The undersigned counsel attempted to contact Devin's attorney on two additional occasions to address the issues; however, the undersigned counsel did not receive a response.

¹ A copy of the First Set of Interrogatories is attached hereto as **Exhibit “A”** in the Exhibits in Support of Plaintiff’s Motion and is hereby fully incorporated herein by reference.

² A copy of the First Request for Production of Documents is attached hereto as **Exhibit “B”** in the Exhibits in Support of Plaintiff’s Motion and is hereby fully incorporated herein by reference.

³ A copy of the Receipt of Copy is attached hereto as **Exhibit "C"** in the Exhibits in Support of Plaintiff's Motion and is hereby fully incorporated herein by reference.

1 The deficient responses are as follows:

2 **First Set of Interrogatories:**

- 3
- 4 • INTERROGATORY NO. 3: This information is relevant and pertinent
- 5 in determining Devin's earning capacity. Devin failed to provide his
- 6 position, employment dates, and the reason he left his employment.
- 7 • INTERROGATORY NO. 4: This information is relevant and pertinent
- 8 in determining Devin's financial situation. Devin failed to respond to
- 9 subparts 1-4 related to his "various side jobs."
- 10 • INTERROGATORY NO. 5: This information is relevant and pertinent
- 11 in determining Devin's financial situation. Devin failed to identify the
- 12 source of income he is utilizing to pay his expenses
- 13 • INTERROGATORY NO. 6: This information is relevant and pertinent
- 14 in determining Devin's financial situation. Devin failed to provide any
- 15 information related to the bank account currently held in his sole name
- 16 • INTERROGATORY NO. 10: This information is relevant and
- 17 pertinent to determine the division of the asset. Devin failed to provide
- 18 any information related to the Wynn 401(k) in his name.
- 19 • INTERROGATORY NO. 11: This information is relevant and
- 20 pertinent to determine the division of the asset. Devin's reference to
- 21 "items listed in previous motion" is non-responsive.
- 22 • INTERROGATORY NO. 12: This information is relevant and
- 23 pertinent to determine the division of the asset. Devin's reference to
- 24 "items listed in previous motion" is non-responsive.
- 25 • INTERROGATORY NO. 16: This information is relevant and
- 26 pertinent to determine the division of the asset. Devin provided the
- 27 value for only items 11, 14, 15, 18, 19, 23, 24, 25, 31, 32, 33, 34, 41,
- 28 45, 61, and 64.
- INTERROGATORY NO. 17: This information is relevant and
- pertinent to determine the division of the asset. Devin did not list the
- current location for any of the items he listed.

- INTERROGATORY NO. 18: This information is relevant and pertinent to determine the division of the asset. Devin did not explain the basis for his contention that any of the items on the list are not community property

Request for Production of Documents

- REQUEST NO. 1: Devin failed to provide his W-2 for the years 2010, 2011, 2012, 2016, and 2017, and failed to provide a tax return for the year 2016.
- REQUEST NO. 2: Devin did not provide documents evidencing his income from May 20, 2017, to July 30, 2018.
- REQUEST NO. 3: Devin failed to provide any bank statements from prior to April, 2018.
- REQUEST NO. 4: Devin provided only the following: a balance snapshot and no statements for the BuyPowercard ending 7576 and the Quicksilver One card ending 2125; a single statement only for the Synchrony card ending 3993; and a single statement only for the Chase Slate card.
- REQUEST NO. 6: Devin failed to provide any documents related to his Wynn 401(k).
- REQUEST NO. 10: Devin failed to respond to this request in any way.
- REQUEST NO. 11: Devin only provided eight (8) pay stubs.
- REQUEST NO. 16: Devin's response to this request was non-responsive.
- REQUEST NO. 17: Devin's response to this request was non-responsive.
- REQUEST NO. 18: Devin's response to this request was non-responsive.

1 II.
2 Legal Analysis

3 A. Tim should be compelled to respond to Defendant's First Set of
4 Interrogatories and First Request for Production of Documents.

5 NRCP 37 states in its pertinent parts:

6 (a) Motion for Order Compelling Discovery. A party, upon reasonable
7 notice to other parties and all persons affected thereby may apply for an order
8 compelling discovery as follows:

9 (2) Motion.

10 (A) If a deponent fails to answer a question propounded or
11 submitted under Rules 30 or 31, or a corporation or other
12 entity fails to make a designation under Rule 30(b)(6) or
13 31(a), or a party fails to answer an interrogatory submitted
14 under Rule 33, or if a party, in response to a request for
15 inspection submitted under Rule 34, fails to respond that
16 inspection will be permitted as requested or fails to permit
17 inspection as requested, the discovering party may move for
18 an order compelling an answer, or a designation, or an order
19 compelling inspection in accordance with the request. The
20 motion must include a certification that the movant has in
21 good faith conferred or attempted to confer with the person
or party failing to make the discovery in an effort to secure
the information or material without court action. When
taking a deposition on oral examination, the proponent of the
question may complete or adjourn the examination before
applying for an order.

22 (3) Evasive or Incomplete Disclosure, Answer or Response. For
23 purposes of this subdivision an evasive or incomplete disclosure,
24 answer or response is to be treated as a failure to disclose, answer or
respond.

25 (4) Expenses and Sanctions

26 (A) If the motion is granted or if the disclosure or requested
27 discovery is provided after the motion was filed, the court shall,
28 after affording an opportunity to be heard, require the party or

1 deponent whose conduct necessitated the motion or the party or
2 attorney advising such conduct or both of them to pay to the
3 moving party the reasonable expenses incurred in making the
4 motion, including attorney's fees, unless the court finds that the
5 motion was filed without the movant's first making a good faith
6 effort to obtain the disclosure or discovery without court action,
7 or that the opposing party's nondisclosure, response or objection
8 was substantially justified, or that other circumstances make an
9 award of expenses unjust.

10 (B) If the motion is denied, the court may enter any protective
11 order authorized under Rule 26(c) and shall, after affording an
12 opportunity to be heard, require the moving party or the attorney
13 filing the motion or both of them to pay to the party or deponent
14 who opposed the motion the reasonable expenses incurred in
15 opposing the motion, including attorney's fees, unless the court
16 finds that the making of the motion was substantially justified or
17 that other circumstances make an award of expenses unjust.

18 (C) If the motion is granted in part and denied in part, the court
19 may enter any protective order authorized under Rule 26(c) and
20 may, after affording an opportunity to be heard, apportion the
21 reasonable expenses incurred in relation to the motion among
22 the parties and persons in a just manner.

23 (b) Failure to Comply with Order

24 (1) Sanctions – Deponent. If a deponent fails to be sworn or to
25 answer a question after being directed to do so by the court, the
26 failure may be considered a Contempt of court.

27 (2) Sanctions – Party. If a party or an officer, director, or managing
28 agent of a party or a person designated under Rule 30(b)(6) or 31(a) to
testify on behalf of a party fails to obey an order to provide or permit
discovery, including an order made under subdivision (a) of this rule
or Rule 35, or if a party fails to obey an order entered under Rules 16,
16.1, and 16.2, the court in which the action is pending may make such
orders in regard to the failure as are just, and among others the
following:

(A) An order that the matters regarding which the order was
made or any other designated facts shall be taken to be