

1 As this Court is aware, NRS 125C.00(c) provides that an award of joint  
2 physical custody is presumed to be in the best interest of a minor child if “there  
3 has been a determination by the court after an evidentiary hearing and finding by  
4 clear and convincing evidence that a parent has engaged in one or more acts of  
5 domestic violence against the child, a parent of the child or any other person  
6 residing with the child.” As noted above and repeatedly in Dr. Paglini’s report,  
7 there has been extensive, repeated domestic violence by Devin against Amanda,  
8 both in and out of the presence of the minor children.  
9

10  
11 Dr. Paglini specifically noted concerns about Devin’s domestic violence,  
12 and made it clear that the only reason he was not recommending a modification of  
13 custody due to the domestic violence was because he was not sure whether the  
14 Court would consider it due to it occurring in the past. However, Dr. Paglini took  
15 the extreme measure of recommending sole legal custody to Amanda specifically  
16 due to the historic abuse.  
17

18  
19 The parties specifically stipulated that they would continue to follow the  
20 current custodial arrangement if there were no issues found in the custodial  
21 evaluation. Given the extensive domestic violence history and Dr. Paglini’s  
22 specific cited concerns related to Devin’s abusive traits, it is clear that it is not in  
23 the best interest of the children to continue with the current custodial arrangement,  
24 and Amanda should be awarded primary physical custody.  
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1           D. Devin should be ordered to pay Amanda's attorney fees and costs  
2           related to this action.

3           The Court is authorized to award fees pursuant to NRS 18.010, which  
4 states:

5           1. The compensation of an attorney and counselor for his services is  
6 governed by agreement, express or implied, which is not restrained by  
7 law.

8           2. In addition to the cases where an allowance is authorized by specific  
9 statute, the court may make an allowance of attorney's fees to a prevailing  
party:

10               (a) When he has not recovered more than \$20,000; or

11               (b) Without regard to the recovery sought, when the court finds that  
12 the claim, counterclaim, cross-claim or third-party complaint or  
13 defense of the opposing party was brought or maintained without  
reasonable ground or to harass the prevailing party. The court shall  
14 liberally construe the provisions of this paragraph in favor of  
awarding attorney's fees in all appropriate situations. It is the intent of  
15 the Legislature that the court award attorney's fees pursuant to this  
paragraph and impose sanctions pursuant to Rule 11 of the Nevada  
16 Rules of Civil Procedure in all appropriate situations to punish for and  
deter frivolous or vexatious claims and defenses because such claims  
17 and defenses overburden limited judicial resources, hinder the timely  
resolution of meritorious claims and increase the costs of engaging in  
18 business and providing professional services to the public.

19           3. In awarding attorney's fees, the court may pronounce its decision on  
20 the fees at the conclusion of the trial or special proceeding without written  
Motion and with or without presentation of additional evidence.

21           Amanda has attempted to resolve the above issues, to no avail<sup>21</sup>. Amanda  
22 had no choice but to file the instant Motion for relief from this Court and ensure the  
23 safety of the minor children.  
24  
25

26 \_\_\_\_\_  
27 <sup>21</sup> Following receipt of Dr. Paglini's report, Amanda sent a letter to Devin's then-counsel, Louis  
28 Schneider, Esq., pursuant to EDCR 5.501, regarding settlement of the custody issues. No  
response was ever received.

1 Amanda respectfully requests an award of attorney's fees consistent with the  
2 actual fees incurred by Amanda in preparing this Motion, in preparing any Reply  
3 that may be necessary, and in appearing at the hearing on this matter.  
4

5 Further, in Brunzell v. Golden Gate National Bank, 85 Nev. 345, 455 P.2d 31  
6 (1969), the Nevada Supreme Court directed the District Court to consider the  
7 following factors in determining the amount of attorney's fees to:  
8

9 Qualities of the advocate;  
10 Character and difficulty of work performed;  
11 Work actually performed; and  
12 Result obtained.

13 Undersigned Counsel offers that she regularly practices in the area of family  
14 law and has regularly been involved in the area of family law since licensing and  
15 remains in good standing. Undersigned Counsel takes the amount of required  
16 Continuing Legal Education Courses each year. Therefore, Undersigned Counsel  
17 possesses the qualities of an advocate contemplated in Brunzell.  
18

19 Therefore, based upon NRS 18.010 and the Brunzell factors, Amanda should  
20 be awarded in attorney fees and costs related to this Motion. Amanda's counsel will  
21 submit an affidavit under these factors following the Judge's decision in this matter.  
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III.

Conclusion

Therefore, based upon the foregoing, Amanda respectfully requests this court to enter an order:

1. Adopting Dr. Paglini's recommendations;
2. Issuing an Order to Show Cause why Plaintiff should not be held in contempt for Court for violation of the Mutual Behavior Order and other Orders of this Court;
3. Modifying custody; and
4. Awarding Defendant attorney fees and costs.
5. For such other and further relief as the Court deems just and proper.

DATED this 8<sup>th</sup> day of April, 2020.

**HANRATTY LAW GROUP**



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DECLARATION OF AMANDA REED

STATE OF NEVADA    )  
                              )ss:  
County of Clark        )

I, Amanda Reed, am the Defendant in the above referenced matter and have read the foregoing Motion, and the factual averments it contains are true and correct to the best of my knowledge, except as to those matters based on information and belief, and as to those matters, I believe them to be true. Those factual averments contained in the referenced filing are incorporated herein as if set forth in full.

Dated this 7<sup>th</sup> day of April, 2020.

  
Amanda Reed

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DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

DEVIN REED  
Plaintiff/Petitioner  
v.  
AMANDA REED  
Defendant/Respondent

Case No. D-18-568055-D

Dept. F

**MOTION/OPPOSITION  
FEE INFORMATION SHEET**

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

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

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

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

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

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

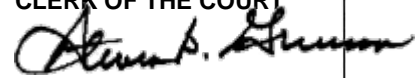
The total filing fee for the motion/opposition I am filing with this form is:

☐\$0 ☐\$25 ☐\$57 ☐\$82 ☐\$129 ☒\$154

Party filing Motion/Opposition: Defendant Date 4/8/2020

Signature of Party or Preparer Kari Collis

APPX0738




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Attorneys for Defendant, Amanda Reed

**DISTRICT COURT**  
**FAMILY DIVISION**  
**CLARK COUNTY, NEVADA**

DEVIN REED,	)	Case No: D-18-568055-D
	)	Dept No: F
Plaintiff,	)	
	)	
v.	)	<b>CERTIFICATE OF SERVICE</b>
	)	
AMANDA REED,	)	
	)	
Defendant.	)	

I hereby certify that I am an employee of Hanratty Law Group, and on the 9<sup>th</sup> day of April, 2020, I placed a true and correct copy of the *Exhibits in Support of Defendant's Motion to Adopt Dr. Paglini's Recommendation; for an Order to Show Cause Why Plaintiff Should Not Be Held in Contempt of Court; to Modify Custody; and for Attorney Fees and Costs* in the United States Mail at Las Vegas, Nevada, with postage prepaid, and addressed as follows:

Devin Reed  
4518 E. Carol Cir.  
Las Vegas, Nevada 89120  
*Plaintiff in Proper Person*

By:   
Employee of Hanratty Law Group