

1 father; and that Amanda has to “physically force” Abby to go with Devin at
2 custodial exchanges. Well, clearly there is a **root cause** for Abby’s emotional
3 distress and that cause has **nothing** to do with Devin. Amanda then, as a pathogenic
4 parent, tells her daughter things like, “don’t worry, you’ll be with me soon” and “it’s okay, mommy will keep you safe” (all while leaving her daughter
5 alone with the worst kind of deviant our criminal system has to deal with).
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9 After learning of Eatherly’s arrest and abhorrent acts of sexual abuse upon
10 his daughter, Devin didn’t run to the courthouse and file a Motion (which he
11 certainly could have; if anyone has a basis to modify custody right now, it’s Devin).
12 Instead, Devin let the Las Vegas Metropolitan Police Department and Child
13 Protective Services do their jobs. Devin then alerted Abby’s therapist (Lisa Shaffer,
14 Psy.D.) about what had happened and discussed his concerns with Amanda through
15 the parties’ Our Family Wizard account.
16
17

18 While Devin understands that Amanda is not the abuser in this situation,
19 Devin is *extremely* concerned about Amanda’s capacity to protect her children,
20 Amanda’s lack of parental judgment, and Amanda’s clear lack of personal insight.⁴
21 While Devin would like to hope that the February 2020 incidents with Eatherly and
22 Abby were isolated, the sad reality is that they have likely been going on for a long
23 period of time (as Eatherly has been around the children for more than 2-years).
24
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27 ⁴ Amazingly, in his report, Dr. Paglini indicates that Devin is the parent that “demonstrates poor insight.”
28 In a gross overreach, Paglini even recommends that Amanda should have sole legal custody of both children, as a result. Notably, over the course of Paglini’s entire evaluation, Amanda (the parent with “insight”) was leaving her 6-year-old daughter alone with a sexual predator.

1 To be clear, it is Devin's belief that the parties' ongoing litigation needs to
2 stop, not continue. Devin believes that the high level of conflict that comes with
3 contentious litigation only harms Abby and Shawn and that both children ***need a***
4 ***break*** from the "war" that has been going on since 2018. These parties need to
5 focus on Abby's recovery from traumatic events that will likely affect her for the
6 rest of her life and work on their co-parenting relationship; what these parties ***don't***
7 need is 6-to-12 months of more litigation, discovery, and evidentiary hearings.
8
9

10 If the Court is inclined to set an evidentiary hearing on Amanda's request to
11 modify custody, Devin would ask for permission to supplement this *Opposition/*
12 *Countermotion* with his own request for primary custody (based on the sexual abuse
13 that has happened on Amanda's watch and clear signs of pathogenic parenting), along
14 with a request to re-open discovery and for additional evaluations (with either Dr.
15 Paglini or a new evaluator altogether). Devin is hopeful that none of this will be
16 necessary and that the Court will finally put an end to the madness.
17
18

19 *Devin's Opposition/Countermotion follows.*
20

21 **II.**

22 **OPPOSITION**

23 **A. Amanda's Motion Should be Denied for Failing to Comply With the**

24 **Requirements Set Forth in EDCR 5.501**

25 As the Court is well aware, EDCR 5.501 requires that, before *any* Motion
26 can be heard by this Court, the moving party must attempt to contact the non-
27 moving party in an attempt to resolve the issues without Court intervention:
28

1 **Rule 5.501. Requirement to attempt resolution.**

2 (a) Except as otherwise provided herein or by other rule, statute, or court order,
3 **before any family division matter motion is filed, the movant must attempt to**
4 **resolve the issues in dispute with the other party.**

5 (b) A party filing a motion in which no attempt was made to resolve the issues in
6 dispute with the other party **shall include a statement within the motion of what**
7 **provision, futility, or impracticability prevented an attempt at resolution in**
8 **advance of filing.**

9 (c) **Failure to comply with this rule may result in imposition of sanctions** if the
10 court concludes that the issues would have been resolved if an attempt at
11 resolution had been made before filing.

12 (Emphasis Added)

13 Attorney Primas claims that she sent an EDCR 5.501 letter to Devin's prior
14 counsel, Attorney Louis Schneider, after receiving Dr. John Paglini's report (which
15 was made available in late-January). Attorney Primas does not disclose the date of
16 said letter in her Motion; but Devin never received a copy of the same.

17 More concerning, however, is the fact that Attorney Primas is well-aware of
18 the fact that Attorney Schneider filed a *Notice of Withdrawal* on April 1, 2020
19 (which was properly served upon Attorney Primas); Amanda's Motion was filed a
20 week later on April 8, 2020. At no point, whatsoever, on April 1st, April 2nd, April
21 3rd, April 4th, April 5th, April 6th, April 7th, or April 8th did Attorney Primas reach
22 out directly to Devin in an effort to resolve the issues contained therein, *which*
23 *counsel is obligated to do under EDCR 5.501 before filing a Motion with the Court.*
24 Accordingly, the Court should DENY Amanda's Motion as not meritorious and
25 Amanda should be sanctioned pursuant to EDCR 7.60(b).
26
27
28

1 **B. Amanda has not met the *Rooney* Adequate Cause Standard to Proceed;**
2 **Accordingly, her Request to Modify Custody Should be Denied**

3 Nevada statutes and case law provide District Courts with broad discretion
4 concerning child custody matters. See generally, *Culbertson v. Culbertson*, 91
5 Nev. 230, 533 P.2d 768 (1975). Given such discretion, Nevada has adopted an
6 “adequate cause” standard in *Rooney v. Rooney*, 109 Nev. 540, 853 P.2d 123
7 (1993). Accordingly, the moving party must demonstrate “adequate cause” for
8 holding a hearing to modify custody. *Id.* at 542. “Adequate Cause” arises where
9 the moving party presents a prima facie case for modification.
10

11
12 To constitute a prima facie case, it must be shown that: (1) the facts alleged
13 in the affidavits are relevant to the grounds for modification; and, (2) the evidence
14 is not merely cumulative or impeaching. *Id.* Ironically, one of these parties has a
15 prima facie case to modify custody right now; and that party is not Amanda.
16

17 Here, Amanda simply wants another bite at the custodial apple by (1)
18 rehashing things that took place prior to the parties’ previous custodial Order (that
19 are now ***irrelevant*** and prohibited under *McMonigle*); and (2) ignoring significant
20 events that have transpired since the most recent custodial order (that ***are relevant***
21 and would likely result in Devin having primary – if not sole – legal and physical
22 custody of both minor children moving forward).
23
24

25 In the case of *Mosley v. Figliuzzi*, 113 Nev. 51, 930 P.2d 1110 (1997), the
26 Nevada Supreme Court – while affirming its prior discussion of *Truax v. Truax*,
27 110 Nev. 437, 874 P.2d 10 (1994) – held that a request to modify custody must be
28

1 based on new evidence since the previous custodial ruling pursuant to *McMonigle*
2 *v. McMonigle*, 110 Nev. 1407, 887 P.2d 742 (1994).

3
4 Amanda argues, however, that *Castle v. Simmons*, 120 Nev. 98, 86 P.3d 1042
5 (2004) applies wherein the Court ruled that, “evidence of domestic violence that was
6 not previously discovered, or the extent of which was unknown, when the prior
7 custody order was entered is properly considered by the district court in determining
8 custody, along with any post-order domestic violence. Even previously litigated acts
9 of domestic violence may need to be reviewed if additional acts occur.”
10

11 Amanda’s argument fails for two reasons: (1) Amanda’s allegations of
12 domestic violence have been argued from the very beginning of this case and are
13 nothing “new” to the Court, by any stretch; and (2) there are no new “post-order”
14 incidents of domestic violence since the entry of the parties’ *Stipulation and Order*
15 regarding custody on October 16, 2018 (in fact, everything alleged by Amanda
16 involves verbal outbursts from Devin that purportedly took place 5-to-6 years ago).
17
18

19 With regard to the parties’ *Stipulation and Order* regarding custody (entered
20 back in 2018), Devin submits that the rebuttable presumption set forth in NRS
21 125C.0035(5) was *overcome* when Amanda *stipulated* (while represented by
22 counsel) to Devin having JOINT LEGAL and JOINT PHYSICAL custody of Abby
23 and Shawn (a fact Amanda ignores altogether in her Motion, for obvious reasons).
24

25 In the *Mosley* case, the Nevada Supreme Court also found it important that
26 the parties had previously stipulated to joint physical custody and that NRS
27 125.490 therefore *raised a presumption in favor of maintaining joint physical*
28

1 *custody*, which the District Court had not adequately considered when it terminated
2 the joint physical custody relationship in *Mosley*. At this point, and based on the
3 foregoing, Devin simply asks the Court to enforce its current custodial orders (all
4 of which were reached by stipulation); a request that is fully supported by case law.⁵

6 **C. Amanda’s Request for an Order to Show Cause and Subsequent**
7 **Finding of Contempt Should also be Denied**

8 EDCR 5.509 provides, as follows:

9 **Rule 5.509. Motions and procedure for orders to show cause.**

10 (a) A motion seeking an Order to Show Cause (OSC) for contempt must be
11 accompanied by a detailed affidavit complying with NRS 22.030(2) that
12 identifies the specific provisions, pages and lines of the existing order(s) alleged
13 to have been violated, the acts or omissions constituting the alleged violation,
14 any harm suffered or anticipated, and the need for a contempt ruling, which
should be filed and served as any other motion.

15 (b) The party seeking the OSC shall submit an *ex parte* application for issuance
16 of the OSC to the court, accompanied by a copy of the filed motion for OSC
and a copy of the proposed OSC.

17 ⁵ First, in *Grisham v. Grisham*, 128 Nev. Adv. Op. 60, 289 P.3d 230, 233 (2012), the Nevada Supreme
18 Court opined that, “an agreement to settle pending litigation can be enforced by Motion in the case
19 being settled if the agreement is ‘either ... reduced to a signed writing or ... entered in the court
minutes following a stipulation.’” (citing *Resnick v. Valente*, 97 Nev. 615, 616, 637 P.2d 1205, 1206
20 (1981). Additionally, in *Wehrheim v. State*, 84 Nev. 477, 480, 443 P.2d 607, 608 (1968), the Nevada
Supreme Court has historically held that a party is bound by the stipulations and actions of his/her
attorney (see also *Moore v. Cherry*, 90 Nev. 390, 395, 528 P.2d 1018, 1022 (1974)).

21 Additionally, the Nevada Supreme Court has implied the fact that parties may negotiate additional
22 details in a settlement agreement after a settlement has, in fact, been agreed to, is not dispositive
23 evidence that the parties did not reach an enforceable settlement agreement. For example, even if one
24 provision of a contract is determined to be ambiguous, it does not render the entire agreement
unenforceable *Vincent v. Santa Cruz*, 98 Nev. 338, 647 P.2d 379 (1982) (holding that even if there is an
25 illegal provision in a contract, it can be severed from the rest if it does not destroy the symmetry of the
contract). *See also Serpa v. Darling*, 107 Nev. 299, 810 P.2d 778 (1991) (holding that whether a
26 contract is entire or severable into distinct parts is a question of intent of the parties, to be ascertained
by the language of the agreement and subject-matter of the contract).

27 Lastly, when an agreement is unambiguous, this Court is not free to re-write those terms, pursuant to
Griffin v. Old Republic Insurance Company, 122 Nev. 479, 483, 133 P.3d 251, 254 (2006). Based on
28 the foregoing, the Court should enforce the parties’ October 16, 2018 Stipulation and Order; adopt the
same as the final custodial orders of the Court; and deny Amanda’s request to modify custody.

1 (c) Upon review of the motion and application, the court may:

- 2 (1) Deny the motion and vacate the hearing;
3 (2) Issue the requested OSC, to be heard at the motion hearing;
4 (3) Reset the motion hearing to an earlier or later time; or
5 (4) Leave the hearing on calendar without issuing the OSC so as to
6 address issues raised in the motion at that time, either resolving them or
7 issuing the OSC at the hearing.

8 (d) If an OSC is issued in advance of the first hearing, the moving party shall
9 serve it and the application for OSC on the accused contemnor.

10 (e) At the first hearing after issuance of an OSC, the accused contemnor may
11 be held in contempt, or not, or the court may continue the hearing with
12 directions on the issue. At the first or any subsequent hearing after issuance of
13 an OSC, if the accused contemnor does not appear, a bench warrant may be
14 issued to secure attendance at a future hearing, or other relief may be ordered.

15 Here, Amanda did not submit an *Awad* affidavit with her Motion;⁶ she does
16 not point to specific Orders and/or provisions of Orders that were allegedly
17 violated by Devin; she doesn't address the harm suffered or anticipated by Devin's
18 purported actions; and Amanda doesn't address the need for a contempt ruling.
19 Amanda simply asks for an astonishing \$12,000.00 in sanctions – without a basis –
20 in an ongoing/transparent effort to punish Devin and keep her ex-husband in court.
21 Accordingly, Amanda's request for an Order to Show Cause should be denied
22 (Devin's specific responses to Amanda's contempt allegations are included in his
23 Declaration attached hereto).

24 ...

25
26 ⁶ *Awad v. Wright*, 106 Nev. 407, 794 P.2d 713 (1990):

27 An affidavit in support of a Motion for contempt sanctions is required as a matter of jurisdiction
28 NRS 22.030(2) states that contempt not in the presence of the Court requires an affidavit to accompany
a proposed Order to Show Cause setting forth all of the essential material facts and alleged violations.

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III.
COUNTERMOTION

A. Devin Seeks an Order of Protection on Behalf of the Minor Children Against Defendant's Boyfriend Jeffrey Eatherly; and an Order Sealing the Parties' Case File

Jeffrey Eatherly is currently in custody at the Clark County Detention Center awaiting his preliminary hearing. Should Eatherly be released, for any reason, Devin seeks a Protective Order on behalf of Abby and Shawn against Eatherly pursuant to Chapters 33, 432B, and 432C of Nevada Revised Statutes. Devin is also asking that, based on the sensitive nature of the content herein, this case be immediately sealed pursuant NRS 125.110, which states as follows:

NRS 125.110 What pleadings and papers open to public inspection; written request of party for sealing.

1. In any action for divorce, the following papers and pleadings in the action shall be open to public inspection in the clerk's office:

(a) In case the complaint is not answered by the defendant, the summons, with the affidavit or proof of service; the complaint with memorandum endorsed thereon that the default of the defendant in not answering was entered, and the judgment; and in case where service is made by publication, the affidavit for publication of summons and the order directing the publication of summons.

(b) In all other cases, the pleadings, the finding of the court, any order made on motion as provided in Nevada Rules of Civil Procedure, and the judgment.

2. All other papers, records, proceedings and evidence, including exhibits and transcript of the testimony, shall, upon the written request of either party to the action, filed with the clerk, be sealed and shall not be open to inspection except to the parties or their attorneys, or when required as evidence in another action or proceeding.

(Emphasis Added)

1 Additionally, Nevada Rules for Sealing and Redacting Court Records
2 (SRCR) indicate, in relevant part:

3
4 **Rule 2. Definitions.** In these rules:

5 1. “Court file” means all the pleadings, orders, exhibits, discovery, and other
6 papers properly filed with the clerk of the court under a single or consolidated
7 case number(s).

8 2. “Court record” includes, but is not limited to:

9 (a) Any document, information, exhibit, or other thing that is maintained by a
10 court in connection with a judicial proceeding; and

11 (b) Any index, calendar, docket, register of actions, official record of the
12 proceedings, order, decree, judgment, minute, and any information in a case
13 management system created or prepared by the court that is related to a
14 judicial proceeding.

15 “Court record” does not include data maintained by or for a judge pertaining
16 to a particular case or party, such as personal notes and communications,
17 memoranda, drafts, or other working papers; or information gathered,
18 maintained, or stored by a government agency or other entity to which the
19 court has access but which is not entered in connection with a judicial
20 proceeding, nor does it include documents or information provided to the
21 court for inspection or in camera review unless made a part of the court
22 record by order.

23 3. “Person” shall include and apply to corporations, firms, associations and all
24 other entities, as well as natural persons.

25 4. “Seal.” To seal means to protect from examination by the public and
26 unauthorized court personnel. A motion or order to delete, purge, remove, excise,
27 erase, or redact shall be treated as a motion or order to seal.

28 5. “Redact.” To redact means to protect from examination by the public and
unauthorized court personnel a portion or portions of a specified court record.

 6. “Restricted personal information” includes a person’s social security number,
driver’s license or identification card number, telephone numbers, financial
account numbers, personal identification numbers (PINs), and credit card or debit
card account numbers, in combination with any required security code, access

code, or password that would permit access to a person's financial account(s). The term does not include the last four digits of a social security number or publicly available information that is lawfully made available to the general public.

Rule 3. Process and grounds for sealing or redacting court records.

1. **Request to seal or redact court records; service.** Any person may request that the court seal or redact court records for a case that is subject to these rules by filing a written motion, or the court may, upon its own motion, initiate proceedings to seal or redact a court record. A motion to seal or redact a court record must disclose, in its title and document code, that sealing or redaction is being sought. The motion must be served on all parties to the action in accordance with NRCP 5.

B The Court Should Declare Amanda a Vexatious Litigant and Require Amanda to Obtain Court Approval Before Filing Future Motions.

Supreme Court Rule 9.5 provides, as follows:

Rule 9.5. List of vexatious litigants.

1. **Purpose and procedure.** The administrative office of the courts shall maintain for use by the judicial council and the courts of the state a list of litigants that have been declared as vexatious by any court, at any level of jurisdiction, throughout the state:

(a) Each court shall, upon entering an order declaring a litigant to be vexatious, submit a copy of the order to the director of the administrative office of courts or his or her designee.

(b) The director or designee shall enter the name of the litigant identified in the aforementioned order on a list of vexatious litigants and post the list in such a place so that it will be readily accessible to the various courts. The director or designee shall maintain the list in good order.

(c) If a court takes any action that affects the status of a litigant declared vexatious, the court shall forward record of that action to the director or designee forthwith for amendment of the list.

Here, the record of this case speaks for itself. Amanda continues to file baseless Motion-after-Motion; none of which have merit. Accordingly, Devin is asking the Court to (1) enter a *Goad* Order requiring Amanda to get court

1 permission before filing any future Motions;⁷ and (2) place Amanda on the
2 vexatious litigant list pursuant to SCR 9.5.

3
4 **C. Amanda and her Counsel Should be Sanctioned; and Devin Should**
5 **Receive an Award of Fees and Costs**

6 In the event that Devin will need to retain counsel moving forward, he is
7 requesting an award of attorney's fees based, in part, on NRS 18.010(2), should
8 Devin become the prevailing party:
9

10 **NRS 18.010 Award of attorney's fees.**

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

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

15 (a) When the prevailing party has not recovered more than \$20,000; or

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

...

⁷ See *Goad v. Rollins*, 921 F.2d 69 (5th Cir.), cert. denied, 500 U.S. 905, 111 S. Ct. 1684 (1991).
The 5th Circuit directed all clerks of court under their jurisdiction to refuse to accept any further filings
from Roland Lee Goad unless a judge of the 5th Circuit, or a judge of the forum district, first
specifically authorized the filing.

1 Devin also makes his request for fees pursuant to EDCR 5.501, based on
2 Amanda filing her Motion without first attempting to reach a resolution with
3 Devin; and EDCR 7.60(b), for unnecessarily multiplying these proceedings:
4

5 **Rule 7.60. Sanctions.**

6 (b) The court may, after notice and an opportunity to be heard, impose upon an
7 attorney or a party any and all sanctions which may, under the facts of the case,
8 be reasonable, including the imposition of fines, costs or attorney's fees when
an attorney or a party without just cause:

9 (1) Presents to the court a motion or an opposition to a motion which is
10 obviously frivolous, unnecessary or unwarranted.

11 (2) Fails to prepare for a presentation.

12 (3) So multiplies the proceedings in a case as to increase costs
13 unreasonably and vexatiously.

14 (4) Fails or refuses to comply with these rules.

15 (5) Fails or refuses to comply with any order of a judge of the court.

16 Additionally, pursuant to *Halbrook v. Halbrook*, 114 Nev. 1455, 1461, 971
17 P.2d 1262, 1266 (1998) citing to *Leeming v. Leeming*, 87 Nev. 530, 532, 490 P.2d,
18 342, 343 (1971), this Court has continuing jurisdiction to make an award of
19 attorney's fees in a post-divorce proceeding under NRS 125.150(4), which states:
20

21 Except as otherwise provided in NRS 125.141, whether or not application for
22 suit money has been made under the provisions of NRS 125.040, the court may
23 award a reasonable attorney's fee to either party to an action for divorce.

24 Lastly, pursuant to *Miller v. Wilfong*, 121 Nev. 619, 623-625, 119 P.3d 727,
25 730-731 (2005) and *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455
26 P.2d 31 (1969), an *Affidavit and Memorandum of Fees and Costs* to support
27 Devin's request for attorney's fees can be filed upon request by the Court.
28

1 **D. Additional Requests for Relief**

2 **i. Child Support**

3 Due to the COVID-19 outbreak, Devin was furloughed from MGM Resorts
4 last month (March 2020). Accordingly, Devin is asking that the Court to
5 temporarily suspend his child support obligation to Amanda until he returns to
6 work at the Mirage or, at a minimum, until Devin starts receiving unemployment
7 benefits from the State of Nevada (Devin's updated *Financial Disclosure Form* is
8 being filed concurrently herewith for the Court's review).

9 **ii. Honk-and-Seat Belt**

10 Based on continuing problems during custodial exchanges (often times
11 involving Amanda's father), Devin is asking the Court to admonish Amanda
12 regarding her failure to abide by the Honk-and-Seat Belt Rule (which has been part
13 of previous Orders in this case). Devin is also asking the Court to remind Amanda
14 that all parties (including family members) are to remain in their vehicles during
15 custody exchanges and that said exchanges are to be civil and respectful.

16 **iii. Stay Away Order**

17 Finally, if within this Court's jurisdiction, Devin is asking for the issuance of
18 a Stay-Away Order against Amanda's father who continues to wreak havoc and
19 harass Devin during custodial exchanges (which serves no purpose, other than to
20 upset Abby and Shawn). The parties' Behavioral Order also applies, in this regard,
21 and should be enforced as to Amanda's father.

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IV.
CONCLUSION

WHEREFORE, based upon the foregoing, and for the reasons set forth herein, Devin respectfully requests that the Court:

1. Enter an Order denying Defendant's Motion in its entirety;
2. Enter a Protective Order on behalf of the parties' minor children, Abby and Shaw, against Defendant's boyfriend, Jeffrey Eatherly;
3. Enter an Order sealing the parties' case file;
4. Declare Defendant a vexatious litigant and enter an Order requiring Defendant to obtain Court approval prior to filing any future Motions;
5. Sanction Defendant and her counsel pursuant to EDCR 7.60(b);
6. Award Devin his full attorney's fees should he need to retain counsel;
7. Temporarily suspend Devin's child support obligation to Amanda (due to Devin being furloughed during the COVID-19 pandemic);
8. Admonish Amanda regarding her failure to abide by the parties' "Honk-and-Seat Belt Rule" during custodial exchanges;
9. Admonish Amanda regarding her father's ongoing harassment of Devin during custodial exchanges and at events involving the children;
10. Award Devin any other relief this Court deems just and appropriate.

DATED Monday April 20, 2020.

Respectfully Submitted,

/s/ Devin Reed

Devin Reed
Plaintiff in Proper Person

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1 trying to turn my family against me. Amanda knows I have a strong relationship
2 and love for my grandmother; I have asked her to stop DOZENS of times and there
3 is even an order (from early on in this case) about her harassment.
4

5 9. With regard to Exhibit G, Amanda sent a picture of Abby's pajama
6 shirt. I did call and respond to her message.

7 10. With regard to Exhibit H, this is another concocted message that I
8 never sent; my cell phone records will confirm the same.
9

10 11. With regard to Exhibit I, this is another concocted message that I
11 never sent; my cell phone records will confirm the same.
12

13 12. With regard to Exhibit J, the original message is about her boyfriend
14 molesting our 6-year-old daughter. Amanda turns it around to talk about an untrue
15 rape allegation (which has become par for the course).
16

17 13. With regard to Exhibit K, Amanda works at kids' school and I was to
18 get kids from Safekey (this was the first time). I wanted to not have Amanda or
19 her father at exchanges to reduce the high level of conflict, but Amanda still stayed
20 at Safekey until I arrived making pickup very difficult. Abby ran from me and
21 Amanda refused to help look for her, as Abby ran through the school. Abby ran to
22 Amanda's classroom to hide and Amanda did not answer her door. I got the office
23 manager to open Amanda's class to find Amanda and her father sitting there. She
24 had Abby the whole time with her father insider her classroom the entire time.
25
26

27 14. With regard to Exhibit L, this is in response to her boyfriend molesting
28 our daughter and it was after a very difficult exchange for Abby's last cheer.

1 15. With regard to Exhibit M, please see response to Exhibit K.

2 16. With regard to Exhibit N, I received a disturbing call from my cousins
3 in South Carolina about Amanda calling and playing recordings and badmouthing
4 me to my 93-year-old grandmother. She knows this upsets me.
5

6 17. With regard to Exhibit O, these were already answered in a previous
7 Motion; I had the court-ordered COPE parenting classes and could not take Abby
8 to Girl Scouts that day.
9

10 18. With regard to Exhibit P, I will not be anywhere with Amanda's
11 father (I have had a restraining order against him for pulling a gun on me and
12 stalking me). Amanda's father harasses me at every exchange. He is at the school
13 every time i pick up the kids (I cannot even pick up kids on my days in peace
14 without him following me and harassing me).
15

16 19. With regard to Exhibit Q, yes, I was parked in front of the school
17 doors and went to retrieve Abby and the janitor was kind enough to stand near my
18 truck to make sure Shawn would be okay for 2-minutes.
19

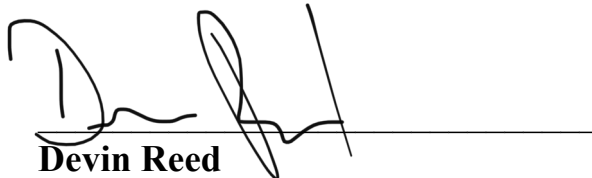
20 20. With regard to Exhibit R, this was in reference to Amanda's response
21 in Exhibit K. After I got home, Amanda and her father drove by my home in a
22 white jeep owned by her father's girlfriend several times. I was asking why.
23

24 21. With regard to the remainder of this pleading, I have fully read my
25 *Opposition to Defendant's Motion to Adopt Dr. Paglini's Recommendations; for an*
26 *Order to Show Cause Why Plaintiff Should Not be Held in Contempt of Court; to Modify*
27 *Custody; and for Attorney's Fees and Costs; and Countermotion for a Protective Order*
28

1 *on Behalf of the Parties' Minor Children; for an Order Sealing the Parties' Case File;*
2 *for an Order Requiring Defendant to Obtain Court Approval Prior to Filing Future*
3 *Motions; to Declare Defendant a Vexatious Litigant; for Sanctions, Fees, and Costs; and*
4 *for Other Related Relief* and know the content thereof; that the same is true of my
5
6 own knowledge except for those matters therein stated on information and belief,
7 and as to those matters, I believe them to be true. Those factual averments
8 contained in the referenced filing are incorporated here as if set forth in full.
9

10 **I declare under penalty of perjury under the laws of the State of Nevada**
11 **(NRS 53.045 and 28 U.S.C. § 1746), that the forgoing is true and correct.**

12 **DATED** Monday April 20, 2020.

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Devin Reed

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[] Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCp 5(b)(2)(D), and Administrative Order 14-2 captioned “*In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court,*” by mandatory electronic service through the Eighth Judicial District Court’s electronic filing system;

[x] By depositing a copy of same in a sealed envelope in the United States Mail, postage pre-paid, in Las Vegas, Nevada;

[] Pursuant to EDCR 7.26, sent via facsimile by duly executed consent for service by electronic means.

Carrie Primas, Esq.
1815 Village Center Circle – Suite 140
Las Vegas, Nevada 89134
Attorney for Defendant

Devin Reed
Plaintiff in Proper Person

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

DEVIN REED

Plaintiff/Petitioner

vs.

AMANDA REED

Defendant/Respondent

Case Number: **D-18-568055-D**Department: **F**

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

Notice: Motions and Oppositions 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:

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> | \$25 | The Motion/Opposition being filed with this form is subject to the \$25 reopen fee. |
| -OR- | | |
| <input checked="" type="checkbox"/> | \$0 | The Motion/Opposition being filed is not subject to the \$25 reopen fee because: |
| | <input type="checkbox"/> | The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered. |
| | <input type="checkbox"/> | The Motion/Opposition is being filed solely to adjust the amount of child support established in a final Order. |
| | <input type="checkbox"/> | The Motion/Opposition is for reconsideration or for a new trial and is being filed with 10 days after a final judgment or Decree was entered. The final Order was entered on: _____. |
| | <input checked="" type="checkbox"/> | Other Excluded Motion |

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

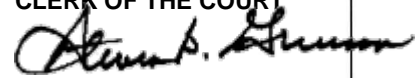
- | | | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | \$0 | The Motion/Opposition being filed is not subject to the \$129 or \$57 fee because: |
| | <input checked="" type="checkbox"/> | The Motion/Opposition is being filed in a case not initiated by Joint Petition. |
| | <input type="checkbox"/> | The party filing the Motion/Opposition previously paid a fee of \$129 or \$57 |
| -OR- | | |
| <input type="checkbox"/> | \$129 | The Motion/Opposition 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- | | |
| <input type="checkbox"/> | \$57 | The Motion/Opposition being filed 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: **Devin Reed**Date: **04.20.2020**Signature of Party or Preparer: **/s/ Devin Reed**



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

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

13 DEVIN REED,
14 Plaintiff,
15
16 v.
17 AMANDA REED,
18 Defendant.

Case No: D-18-568055-D
Dept No: F

19 **EXHIBITS IN SUPPORT OF**
20 **DEFENDANT'S REPLY TO**
21 **PLAINTIFF'S OPPOSITION TO**
22 **MOTION TO ADOPT DR.**
23 **PAGLINI'S RECOMMENDATION;**
24 **FOR AN ORDER TO SHOW**
25 **CAUSE WHY PLAINTIFF**
26 **SHOULD NOT BE HELD IN**
27 **CONTEMPT OF COURT; TO**
28 **MODIFY CUSTODY; AND FOR**
ATTORNEY FEES AND COSTS;
AND OPPOSITION TO
PLAINTIFF'S COUNTERMOTION
FOR PROTECTIVE ORDER OON
BEHALF OF THE PARTIES'
MINOR CHILDEN; 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

26 \\\

Comes now Defendant, Amanda Reed, by and through her attorney of record, Carrie J. Primas, Esq., of Hanratty Law Group, and submits her Exhibits in Support of Defendant's Reply to Opposition to 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; and Opposition to Countermotion for a Protective Order on Behalf of the Parties' Children; for an Order Sealing the Parties' Case File; for an Order Requiring Defendant Obtain Court Approval Prior to Filing Future Motions; to Declare Defendant a Vexatious Litigant; for Sanctions, Fees, Costs; and for Other Related Relief.

EXHIBIT	BATE NUMBERS	DOCUMENT
A	Defendant 0001 to 0003	Letter to Attorney Schneider dated February 25, 2020
B	Defendant 0004	Our Family Wizard Message from Plaintiff to Defendant dated February 23, 2020
C	Defendant 0005	Our Family Wizard Message from Plaintiff to Defendant dated February 27, 2020
D	Defendant 0006	Our Family Wizard Message from Plaintiff to Defendant dated February 18, 2020

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EXHIBIT	BATE NUMBERS	DOCUMENT
E	Defendant 0007 to 0008	Cards received from Plaintiff's Grandmother

Dated this 7th day of May, 2020.

HANRATTY LAW GROUP

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

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Hanratty Law Group, and on the 7th day of May, 2020, I placed a true and correct copy of the *Exhibits in Support of Defendant's Reply to Opposition and Opposition to Countermotion* in the United States Mail at Las Vegas, Nevada, with postage prepaid, and addressed as follows:

Devin Reed
9425 W. La Madre Way
Las Vegas, Nevada 89149
Plaintiff in Proper Person

By: Kari Cole
Employee of Hanratty Law Group

EXHIBIT “A”

EXHIBIT “A”

EXHIBIT “A”

HANRATTY

LAW GROUP

KARI J. HANRATTY, ESQ.
CARRIE J. PRIMAS, ESQ.

KEVIN M. HANRATTY, ESQ.

February 25, 2020

Sent Via Electronic Mail Only

lcsllawllc@gmail.com

Louis C. Schneider, Esq.
430 South 7th Street
Las Vegas, Nevada 89101

Re: Reed v. Reed (D-18-568055-D)

**THIS LETTER IS SENT FOR SETTLEMENT PURPOSES ONLY
PURSUANT TO NRS 48.105**

Dear Louis,

As you and I discussed, both parties would prefer to resolve the custody issues without further litigation. My client desires finality, and it is your client's preference that Dr. Paglini's report and the recordings Dr. Paglini relied upon evidencing Devin's domestic violence not be introduced as evidence at a trial. As such, based on our discussion after the most recent hearing on, Amanda proposes two (2) different resolutions regarding custody of the minor children, as follows:

Proposed Resolution 1:

1. Amanda will receive primary physical custody of the minor children. Devin will have visitation every other weekend from Friday at 3:00 p.m. until Sunday at 5:00 p.m. This custodial schedule is based on the fact that Devin is unable to transport the children to school due to his work schedule, and his son Daniel brings them to school without getting them ready for the day; they have not brushed their teeth or their hair, had breakfast, or changed their clothes from the day before. Daniel brings the children to Amanda who gets them ready for school.
2. The children will attend all extra-curricular activities. If Devin is unable or unwilling to transport the children during his custodial time, Amanda will transport them. Devin will provide 24 hours' notice if he needs Amanda to transport the children. Otherwise, he will be required to take them to their activities during this custodial time. If Devin does not take the children to an activity and does not arrange for Amanda to take them at least 24 hours before, his visitation will be suspended.
3. Based on Dr. Paglini's recommendation, Amanda will have sole legal custody.

1815 Village Center Circle, Suite 140 | Las Vegas, Nevada 89134 | Phone: 702-821-1379 | Fax: 702-870-1846

4. Based on Dr. Paglini's recommendation, Abby will continue attending therapy. Shawn will begin attending therapy. Devin will be solely responsible for any co-pays related to the children's therapy.
5. Devin shall attend weekly appointments with a psychiatrist for no less than two (2) years. He shall follow all recommendations and any treatment plan put in place by the psychiatrist. It must be a psychiatrist, not a psychologist, so that they may provide a diagnosis and prescribe medication if necessary. If Devin misses an appointment with his psychiatrist his visitation will immediately cease.
6. Based on him attending weekly appointments with a psychiatrist, Devin will not be required to attend any anger management or parenting classes as recommended by Dr. Paglini.
7. Devin will pay child support in the previously agreed amount of \$350.00 per month, instead of an increased amount based on Amanda having primary physical custody.
8. If Devin returns to Court at any time in the future to request additional custodial time, Dr. Paglini's report and the evidence he relied upon, including the relevant audio and video recordings, will be admissible.

Proposed Resolution 2:

1. Amanda will be granted sole legal and sole physical custody. Devin will receive no visitation with the minor children, and will not be required to attend weekly appointments with a psychiatrist.
2. Amanda will waive all child support.
3. Amanda will be solely responsible for all medical expenses for the minor children.
4. Amanda will pay 100% of the outstanding credit card, thereby waiving the \$7,500.00 owed to her from Devin by way of the settlement agreement entered during the Senior Judge Settlement conference.
5. Amanda will have no further contact with any of Devin's family members.
6. If Devin returns to Court at any time in the future to modify this agreement, Dr. Paglini's report and the evidence he relied upon, including the relevant audio and video recordings, will be admissible.

Sincerely,



Carrie J. Primas, Esq.

cc: Client

KC Collis

From: KC Collis
Sent: Tuesday, February 25, 2020 1:29 PM
To: Louis C. Schneider; Louis Schneider; Louis Schneider
Cc: Carrie Primas
Subject: Reed v. Reed
Attachments: LTR to OC 2-25-20.pdf; Decree of Divorce.pdf

Louis,

Please see attached correspondence of today's date, in addition to the draft of the Decree of Divorce for your review.

Thanks,

KC Collis

Paralegal

Hanratty Law Group
1815 Village Center Circle
Suite 140
Las Vegas, Nevada 89134
Phone: (702) 821-1379
Fax: (702) 870-1846
Website: www.hanrattylawgroup.com
Email: kcollis@hanrattylawgroup.com

The contents of this electronic mail message are confidential in nature and intended solely for the individual as addressed. Should you receive this electronic mail message in error, please delete this electronic mail message and/or contact the Hanratty Law Group immediately at the number listed above.

EXHIBIT “B”

EXHIBIT “B”

EXHIBIT “B”



View Message

From: Amanda Reed

To: Devin Reed

[Details](#)

Re: Re: Re: Re: Re: Re: Abby CPS case

Feb 24, 2020 at 11:28 AM

Thank you for acknowledging I am a protective and great mom. I never saw this coming. He came into my home without my knowledge and did this. I have never allowed anyone to be alone with our kids. I never will Devin. As soon as Abby told me it happened, I believed her and I reported it, just as I do each time they tell me something has happened to them.

From: **Devin Reed**

02/23/2020 at 07:05 PM

To: Amanda Reed

Subject: Re: Re: Re: Re: Re: Abby CPS case

I know you are a great mom and are super protective and you would not have ever have seen this happening . I apologize and am sorry i said something hurtful. I love our kids as much as you do. I don't blame you. Thankful for the police . That dude is a disgusting piece of shit. Who does that? Wtf i love abby call if you need anything or abby at

