

1 There is no basis for Amanda to undergo a drug test. As noted by the
2 complete Prescription Drug Record⁵, Amanda is no longer filling a prescription for
3 pain pills. Even if she were, the pills were properly prescribed by a medical
4 professional, and there has been no indication, either by Amanda's actions or her
5 care of the children, that she is abusing the medication.
6

7
8 E. CPS Calls

9 Amanda has been a victim of Devin's domestic violence, and the children
10 have come home from Devin's custodial time with bruises and making reports of
11 Devin's violence. After personally experiencing Devin's temper and abuse, it is
12 reasonable that Amanda would call CPS when she sees physical marks on the
13 children. Further, in or around January, 2019, Amanda was informed by a CPS
14 caseworker that, if the children were abused and she did not report it, she could be
15 found guilty of Failure to Protect, and have the children removed from her care. As
16 a result, Amanda will continue to call CPS any time she fears the children are being
17 physically abused by Devin.
18

19
20 F. Amanda's Position at the Children's School

21 As Amanda is prepared to show at trial with witness testimony, she did not
22 hide Abby in her classroom to keep her from Devin, as she was not even at the
23 school at the time of the incident. On the day in question, Abby was hiding in the
24 hallway for over an hour before Devin finally found her.
25
26

27
28 ⁵ A copy of prescription history is attached as **Exhibit "D"** in the Exhibits in Support of Defendant's Motion and is hereby fully incorporated herein by reference.

1 Amanda does not “take the children on his mornings.” Devin’s son, Daniel,
2 brings the children directly to Amanda, which videos that will be presented at trial
3 will show. These videos show the children being dirty and in ill-fitting clothes. It
4 is interesting that Devin is able to produce pictures of Amanda from inside of her
5 house with Jeff; pictures of Amanda with Jeff and Jason Debose; pictures of
6 Amanda out in public with Jeff; and still pictures from videos of custodial
7 exchanges, yet does not produce a single picture or video screenshot showing that
8 Amanda returns the children to him in old, ill-fitting clothing.
9
10

11 G. Custodial Exchanges
12

13 Devin faults Amanda for recording the custodial exchanges, but he is clearly
14 doing the same as he has produced pictures of Amanda and her dad at the custodial
15 exchanges. It is unclear whether Devin’s main concern with the custodial
16 exchanges are the presence of Amanda’s father, or the difficulty in getting Abby to
17 come to his truck. As has been previously addressed in Amanda’s Motion, Abby
18 has consistently refused to go with Devin for his custodial time, and it is Amanda
19 who must physically force her to do so. Unfortunately, the minor child is so
20 traumatized by Devin that she screams, cries, and attempts to run away, all while
21 Amanda has to physically restrain her and force her to go to Devin’s car. At no
22 point does Devin attempt to carry Abby from Amanda’s car to his, but rather stands
23 by staring at Amanda physically struggling without offering any assistance. On
24 numerous occasions, he has given up and driven off without her.
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1 II.
2 Opposition and Countermotion

3 A. Devin's request for an Order modifying custody and granting him
4 primary physical custody should be denied.

5 Where joint legal and physical custody has previously been awarded to the
6 parties, the party seeking the modification must prove by a preponderance of the
7 evidence that the best interests of the child would be served by granting the
8 requesting party primary or sole physical custody. *Truax v. Truax*, 110 Nev. 437
9 (1994). Specifically, the Court uses the statutory provisions of NRS 125C.0035
10 (4) to determine whether modification serves the child's best interest.
11

12 An evaluation of the relevant factors, outlined below, clearly shows that it is
13 in the children's best interest that Amanda maintain sole legal and obtain primary
14 physical custody of the minor children.
15

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

18 At ages 7 and 5, the minor children are not of sufficient age and capacity to
19 form an intelligent preference as to their custody. However, the oldest child,
20 Abby, has indicated to Amanda on numerous occasions that she is afraid of
21 Devin, and becomes hysterical when she has to go with him for his custodial time.
22

23 (b) *Any nomination of a guardian for the child by a parent.*

24 This factor is not relevant.

25 (c) *Which parent is more likely to allow the child to have frequent*
26 *associations and a continuing relationship with the noncustodial parent.*
27
28

1 Amanda has never withheld the minor children from Devin, despite his
2 history of domestic violence, continued violations of the existing orders, and even
3 instances of him picking up the minor children without appropriate child seats in
4 his car. Devin alleges Amanda turns the exchanges into a nightmare, but the truth
5 is that Amanda encourages Abby to go with Devin, even when the minor child is
6 crying hysterically, clinging to her leg, and attempting to run away. Amanda did
7 not “start Abby in counseling.” The parties stipulated to Abby attending
8 counseling, and Devin refused to commit to transporting her during his custodial
9 time so Amanda scheduled it on a day that she could ensure Abby’s participation.
10
11

12
13 *(d) The level of conflict between the parents.*

14 The conflict between the parties is extremely high. Devin continues to
15 mentally abuse and manipulate Amanda, using the children as pawns to get from
16 her what he wants. Devin alleges that “Amanda should be evaluated,” apparently
17 forgetting that the parties underwent a complete custody evaluation with Dr.
18 Paglini. As the Court is aware, Dr. Paglini’s evaluation not only noted the high
19 level of conflict between the parties, but recommended that Amanda be awarded
20 sole legal custody as a result of Devin’s role in creating said conflict.
21
22

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

24 While the needs of the children are met during Amanda’s custodial time,
25 Devin fails to meet the children’s needs and does not cooperate with Amanda in
26 any way. Devin alleges that Amanda “refuses to try to make exchanges” positive
27
28

1 for the children, yet the videos will show Amanda is the only parent attempting to
2 calm Abby and get her to go with Devin. Devin clearly has a desire to create his
3 own narrative, repeatedly alleging that Amanda is aggressive and pathogenic,
4 while providing no proof of the same and ignoring Dr. Paglini's evaluation that
5 says exactly the opposite.
6

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

9 Again, Devin seems to think that if he says it, it makes it true, and he also
10 seems to think he is qualified to provide medical opinions, alleging that "Amanda
11 has mental health issues." Amanda does not have any mental or physical health
12 concerns. Dr. Paglini's report specifically states, at page 47, that Amanda has "no
13 evidence of antisocial personality trait or sociopathy."
14

15 While Devin does not have any diagnosed mental health concerns, Dr.
16 Paglini noted on page 49 of his report, that Devin exhibits narcissistic personality
17 traits and a history of domestic violence tendencies. He continues to engage in
18 abusive behavior, violating this Court's orders, using the children as pawns, and
19 acting contrary to their best interest. During the custody evaluation, even when
20 presented with direct evidence of his domestic violence against Amanda, Devin
21 insisted that no domestic violence ever occurred. Whether he is simply lying or
22 truly believes this to be the case, it is clear that he is in some way disconnected
23 from reality.
24
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26

27 \\\

1 Amanda does not feel the need to respond any further to the allegations
2 related to her prescription history except to say that she is prepared to show at trial
3 that Devin has an extensive history of abusing both prescription and non-
4 prescription drugs, should evidence of the same be found to be admissible.
5

6 *(g) The physical, developmental and emotional needs of the child.*
7

8 Neither of the children have any significant physical or developmental, or
9 emotional needs. However, Abby and Shawn are only five (5) and seven (7) years
10 old and still require significant care from a parent on a consistent basis. They
11 require a parent to brush their teeth, bathe them, ensure they have clean clothes,
12 and allow them the ability to use the bathroom. As outlined in Amanda's
13 underlying Motion, the basic needs of the minor children are not met during
14 Devin's custodial time. Further, Abby told the pediatrician that she is afraid to
15 tell Devin when she is sick, leading to him not seeking proper medical care.
16
17

18 Regarding their emotional needs, Abby, at only seven (7) years old, is
19 already an extremely anxious child, who requires ongoing therapy to deal with the
20 trauma she has already experienced in her childhood. As outlined above and in
21 Dr. Paglini's report, this trauma is a result of the domestic violence committed
22 against Amanda by Devin.
23

24 Devin again focuses on the red herring of Jeff's sexual assault of Abby,
25 claiming that Amanda is unable to meet the child's needs due to this predator's
26 actions. He ignores the fact that the police, CPS, and Devin himself have all
27
28

1 acknowledged that Amanda could not have foreseen this happening and that it
2 was not her fault.

3
4 *(h) The nature of the relationship of the child with each parent.*

5 The children love both of their parents. However, the children are afraid of
6 Devin due to the domestic violence they have witnessed and the fact that Devin is
7 quick to anger and threaten them for behavior that is common to children.

8
9 *(i) The ability of the child to maintain a relationship with any sibling.*

10 This factor is not relevant.

11 *(j) Any history of parental abuse or neglect of the child or a sibling of the*
12 *child.*

13 As previously briefed before this Court and in Amanda's underlying
14 Motion, Devin does not care for the children as they should be cared for. Devin
15 seldom bathes the children, almost never brushes their teeth, and does not
16 properly administer medication. Moreover, Devin has two (2) substantiations
17 from CPS regarding child abuse, specifically a substantiation in 2006 for
18 Domestic Violence against two (2) of his sons and a substantiation in 2009 for
19 physical abuse/bruising to his son Jacob.

22 Devin again points to Jeff's actions as a basis for alleging that Amanda is
23 neglectful, and alleges that Amanda failed to see that "Abby **was being** harmed"
24 by him. First, Amanda herself contacted the police and CPS, of which both
25 entities determined that Amanda was NOT neglectful or in any way at fault.
26
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1 Second, all of the evidence has determined that it was a one-time incident, not an
2 ongoing pattern of behavior as Devin is attempted to convince the Court.

3
4 *(k) Whether either parent or any other person seeking physical custody has*
5 *engaged in an act of domestic violence against the child, a parent of the*
6 *child or any other person residing with the child.*

7 As noted above and the catalyst for the instant request to modify custody,
8 there have been numerous incidents of domestic battery between the parties,
9 including Devin attempting to choke and rape Amanda. In addition to the physical
10 abuse, there is continued mental and verbal abuse by Devin, even throughout the
11 instant litigation. Further, Devin has two (2) substantiated cases of domestic
12 violence/physical abuse toward his older children on two different dates. Until
13 Devin can get his anger and rage towards Amanda under control, Amanda feels like
14 he is a ticking time-bomb.
15

16 While Devin alleges that “there is no evidence” of the domestic violence, Dr.
17 Paglini specifically noted several recordings indicating that Devin engaged in
18 domestic violence, listed domestic violence as a significant risk factor, and referred
19 to Devin as “an individual who has historically demonstrated abuse traits.” See
20 Custody Evaluation at pg. 56.
21

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

25 This factor is not relevant.

26 The above analysis of the relevant statutory factors shows that it is in the
27
28

1 minor children's best interest for Amanda to be awarded primary physical
2 custody. The parties have extremely high conflict, are unable to work together to
3 meet the needs of the children, and Devin is unable to even meet the children's
4 most basic needs during his custodial time. Further, as outlined above in detail,
5 Devin is mispresenting numerous issues to the Court, attempting to paint Amanda
6 as a neglectful, irresponsible, pill-popper.
7

8
9 Devin clearly wants to create his own narrative and ignore the facts that are
10 not in his favor, alleging that there has never been any domestic violence despite
11 the extensive evidence to the contrary, and requesting a "mental health
12 examination," apparently forgetting that this has already been completed as part
13 of Dr. Paglini's Custody Evaluation. This is consistent with Devin's historic and
14 continued controlling and manipulative behavior, which Dr. Paglini was so
15 concerned with that he recommended the extreme measure of granting Amanda
16 sole legal custody.
17

18
19 As this Court is aware, NRS 125C.00(c) provides that an award of joint
20 physical custody is presumed to be in the best interest of a minor child if "there
21 has been a determination by the court after an evidentiary hearing and finding by
22 clear and convincing evidence that a parent has engaged in one or more acts of
23 domestic violence against the child, a parent of the child or any other person
24 residing with the child." As noted above and repeatedly in Dr. Paglini's report,
25 there has been extensive, repeated domestic violence by Devin against Amanda,
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1 both in and out of the presence of the minor children. Dr. Paglini specifically
2 stated that the only reason he did not recommend a modification of custody due to
3 the domestic violence was because he was not sure whether the Court would
4 consider it due to it occurring in the past.

6 B. Devin's request to alternatively modify the custodial timeshare should
7 be denied

8 Given that Amanda has requested primary physical custody for the minor
9 children, and for all of the reasons supporting that request, Devin's request for a
10 week-on/week-off timeshare should be denied. He has repeatedly shown an
11 inability to properly care for the children, failing to bathe them and brush their teeth
12 regularly, and placing the children in ill-fitting clothing.

15 C. Plaintiff's request to reinstate his legal custody of the minor children
16 should be denied;

17 Amanda is hopeful that the Court notices that all of the allegations Devin
18 makes against Amanda regarding her being aggressive, hostile, and abusive, are
19 actually projections by Devin onto Amanda of his own behavior. Dr. Paglini
20 performed an extensive Custody Evaluation and determined it was Devin, not
21 Amanda, who carries these traits, and that it would be appropriate for Amanda to
22 have sole legal custody as a result. He specifically noted that it is **difficult for**
23 **Amanda to co-parent with Devin.** While Devin alleges that Amanda is "incapable
24 of co-parenting in any rational manner," it is he, not Amanda, who makes co-
25 parenting difficult. It is extremely concerning to Amanda, and hopefully to this
26
27
28

1 Court, that Devin is so out of touch with reality that he does not even acknowledge
2 these findings and recommendations by Dr. Paglini.

3
4 Amanda was granted temporary sole legal custody by way of an adoption of
5 Dr. Paglini's recommendations on May 13, 2020. There has been no change of
6 circumstances since that time, and there is no basis to modify legal custody at this
7 time.
8

9 D. Plaintiff's request to modify the school placement of the minor
10 children should be denied;

11 Devin's entire argument related to the children changing schools is based on
12 what is best for Devin. He alleges that Amanda uses her position at the children's
13 current school to somehow affect Devin's time with the minor children, because she
14 changes their clothes and combs their hair when they arrive at school in the
15 morning. Again, the evidence at trial will show that this is necessary, as they often
16 arrive in a state of disarray. He also reiterates the lie about Amanda locking Abby
17 in her classroom to hide her from Devin, which is simply not true.
18
19

20 Devin's analysis of the *Arcella* factors focuses solely on the fact that Amanda
21 works at the children's school. He does not cite a single reason that the children's
22 school should be changed other than the fact that Amanda teaches at their current
23 school. The below analysis of the relevant factors indicate that Devin's request to
24 modify the children's school should be denied.
25

26 (1) The wishes of the child, to the extent that the child is of sufficient age
27 and capacity to form an intelligent preference;
28

1 At seven (7) and five (5) years old, the children are not old enough to have an
2 intelligent preference related to their school attendance, nor should they be involved
3 in the litigation process or process of making such adult decisions. This factor is
4 neutral.
5

6 (2) The child's educational needs and each school's ability to meet them;
7

8 Devin acknowledges that both schools are similar suited to meet the
9 children's current educational needs. However, according to greatschools.org,
10 Kitty Ward has an "Equity overview" rating of 8/10, while that of Dean Allen is
11 only 3/10; this rating speaks to whether the school offers opportunities for all
12 students, or leaves some students behind. Specifically, a school with a low Equity
13 overview rating is likely to have disadvantaged students falling behind, leaving
14 significant achievement gaps. This is concerning, as the parties' children may seek
15 additional assistance in the future and Dean Allen will be ill-prepared to meet these
16 needs⁶. This factor weighs in favor of denying Devin's request.
17

18 (3) The curriculum, method of teaching, and quality of instruction at each
19 school;
20

21 Devin falsely alleges that "online searches reveal" that the schools are
22 similarly ranked. He conveniently provides no proof of these alleged searches. The
23 truth is that, according to greatschools.org, Kitty Ward Elementary, the children's
24 current school, has an overall rating of 9/10, including 8/10 in "academic progress"
25
26

27 ⁶ Copies of the greatschools.org ratings are attached as **Exhibit "E"** in the Exhibits in Support of
28 Defendant's Motion and is hereby fully incorporated herein by reference.

1 and 9/10 in “test scores.” Contrarily, Dean Allen Elementary, the proposed new
2 school, has a much lower overall rating of just 6/10, with “academic progress” and
3 “test scores” ratings of 7/10. This factor weighs in favor of denying Devin’s
4 request.
5

6 (4) The child's past scholastic achievement and predicted performance at each
7 school;

8 Devin alleges that the children will “do better in a neutral environment,”
9 completely ignoring the actual data that shows that the academic performance at
10 Dean Allen is lower than that at Kitty Ward. Further, while Devin sees Amanda’s
11 employment at the children’s school as a negative, it can only be a positive, as the
12 children will benefit from a parent knowing exactly what is going on with their
13 education, and the staff will likely pay extra attention to these children as their
14 parent is a colleague and present at the school. Moreover, the children’s academic
15 performance to date has been exemplary. This factor weighs in favor of denying
16 Devin’s request.
17
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19

20 (5) The child's medical needs and each school's ability to meet them;

21 Devin acknowledges that both schools are similarly suited to meet the
22 children’s medical needs. In a further attempt to draw the Court’s attention away
23 from the relevant facts, Devin cites Jeff’s abuse of Abby in this factor, though the
24 same has absolutely nothing to do with the school choice issue. This factor is
25 neutral.
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1 (6) The child's extracurricular interests and each school's ability to satisfy
2 them;

3 Devin acknowledges that both schools have similar extracurricular options.
4 However, he fails to mention that Abby has been participating in cheerleading at
5 her current school for two (2) years, as well as choir and running club. She enjoys
6 her participation in these activities and has made many strong connections with the
7 teachers and other students who participate. This factor weighs in favor of denying
8 Devin's request.
9
10

11 (7) Whether leaving the child's current school would disrupt the child's
12 academic progress;

13 Devin acknowledges that Abby would have a disruption by starting a new
14 school. Shawn is into his second year at Kitty Ward and would also experience a
15 disruption. He alleges "this disruption pales in comparison to what she is
16 experiencing at Kitty Ward," but does not explain WHAT she is experiencing other
17 than her mother being under the same roof. This factor weighs in favor of denying
18 Devin's request.
19

20
21 (8) The child's ability to adapt to an unfamiliar environment;

22 Devin alleges that both children are young and adaptable, completely
23 ignoring Abby's extreme anxiety, which she has been addressing in therapy for two
24 (2) years. While Shawn may be able to adapt to a new school, Abby would likely
25 be paralyzed with fear and anxiety, which would certainly affect her emotionally as
26 well as academically. Further, even though Devin chooses to ignore the facts, the
27
28

1 children being at a different school will result in nobody being available to change
2 them into proper clothing, brush Abby's hair, and brush the children's teeth. The
3 simple fact, which is confirmed by videos of Devin's son bringing the children to
4 school, is that Devin does not properly care for or prepare the children for school.
5 This factor weighs in favor of denying Devin's request.
6

7 (9) The length of commute to each school and other logistical concerns;
8

9 Devin acknowledges that Kitty Ward is not a far commute for him, AND that
10 the children have less of a commute if the children go to Kitty Ward. Specifically,
11 during Amanda's custodial time, they simply go to and from school with their
12 mom. While Devin argues that this benefits Amanda, and not the children, it is
13 certainly a benefit to the children as they get to be with a parent right before and
14 right after school. Further, as Amanda's work day begins and ends at the same time
15 as the school day at Dean Allen, the children will be forced into before-care and
16 after-care on Amanda's custodial days. In addition to being less beneficial than the
17 children being with a parent, it will create a financial burden that does not currently
18 exist. This factor weighs in favor of denying Devin's request.
19
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21

22 (10) Whether enrolling the child at a school is likely to alienate the child
23 from a parent.

24 Ironically, while alleging that there will be no alienation, Devin hinges his
25 entire argument for changing schools on the fact that Amanda works at Kitty Ward.
26 He repeatedly states that the children should attend Dean Allen specifically to get
27
28

1 away from Amanda. Clearly, enrolling the children at Dean Allen is not only going
2 to alienate them from Amanda, but this is Devin's entire purpose for making the
3 request. This factor weighs in favor of denying Devin's request.
4

5 Devin does not cite a single issue with the children's current school or reason
6 why their school should change other than the fact that Amanda works there. The
7 children's academics are not suffering; they are not suffering socially; they are not
8 subjected to an unusually long commute or other logistical issues. The singular
9 reason that Devin wants to change the children's school is to get the children away
10 from Amanda, which is in line with his historic controlling and manipulative
11 behavior. While Devin cites Amanda's presence at the school as a negative, it is
12 actually a huge benefit to the children to attend the school their mother teaches at.
13 On top of that, Kitty Ward is a much higher performing school than Dean Allen,
14 and the children receive extra attention due to Amanda being on staff at the school.
15 Based on the above analysis of the *Arcella* factors, Devin's request to change the
16 children's school should be denied without a trial.
17

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21 *E. Plaintiff's request for an Order that Defendant be drug tested should*
22 *be denied;*

23 There is no basis for Devin's request that Amanda be drug tested, and the
24 same should be denied. He has cited no concerning behavior or danger to the
25 children, and in fact admitted that she is not acting in the way one would expect if
26 they were abusing pain pills. Further, she is no longer filling her prescription.
27
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1 Based on his theory that she should be tested simply because she has a prescription,
2 the Court would be referring the majority of litigants for drug testing. Devin's
3 request is just a further attempt to paint Amanda in a negative light to draw the
4 Court's attention away from his bad acts. Devin's request should be denied.
5

6 *F. Amanda's request for attorney fees and costs should be granted.*
7

8 Amanda is entitled to attorney's fees and costs under NRS 18.010 and EDCR
9 7.60. Specifically, NRS 18.010 allows for an award of attorney's fees as follows:

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

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

15 (a) When he 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
19 ground or to harass the prevailing party. The court shall liberally
20 construe the provisions of this paragraph in favor of awarding
21 attorney's fees in all appropriate situations. It is the intent of the
22 Legislature that the court award attorney's fees pursuant to this
23 paragraph and impose sanctions pursuant to Rule 11 of the Nevada
24 Rules of Civil Procedure in all appropriate situations to punish for and
25 deter frivolous or vexatious claims and defenses because such claims
26 and defenses overburden limited judicial resources, hinder the timely
27 resolution of meritorious claims and increase the costs of engaging in
28 business and providing professional services to the public.

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

\\

1 Amanda should not have had to file a response to Devin's frivolous
2 "Supplement," which was replete with lies, misrepresentations, and red herrings
3 aimed solely at drawing the Court's attention away from the real issue at hand: that
4 Devin is a controlling, abusive manipulator whose only aim is to hurt Amanda, and
5 not to act in the best interest of the minor children. It is ironic that he is able to pay
6 his attorney to prepare such a frivolous filing while not paying Amanda a cent of
7 child support since separation in March, 2018. Amanda respectfully requests an
8 award of attorney's fees consistent with the actual fees incurred by her in preparing
9 this Opposition, in preparing any Reply that may be necessary, and in appearing at
10 the hearing on this matter.
11
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14 Furthermore, in *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455
15 P.2d 31 (1969), the Nevada Supreme Court directed the District Court to consider
16 the following factors in determining the amount of attorney's fees to:
17

18 Qualities of the advocate;

19 Character and difficulty of work performed;

20 Work actually performed; and
21

22 Result obtained.
23

24 Undersigned Counsel offers that she regularly practices in the area of family
25 law and has regularly practiced in the area of family law since licensing.
26 Undersigned Counsel takes the amount of required Continuing Legal Education
27 Courses each year. Therefore, Undersigned Counsel possesses the qualities of an
28

1 advocate contemplated in *Brunzell*. The nature of this case requires that a Motion
2 be drafted; although these actions are common in family law cases, preparation of
3 the pleadings and papers are still time consuming and costly.
4

5 Therefore, based upon NRS 18.010 and the *Brunzell* factors, Amanda should
6 be awarded attorney fees and costs related to this Opposition. Amanda's counsel
7 will submit an affidavit under these factors following the Judge's decision in this
8 matter.
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III.

Conclusion

Based on the aforementioned reasons, it is respectfully requested that this

Court enter the following orders:

- A. Plaintiff's request for an Order modifying custody and granting Plaintiff primary physical custody should be denied;
- B. Plaintiff's request for Defendant to get a mental health evaluation to determine if she has the ability to safely co-parent the minor children should be denied;
- C. Plaintiff's request to alternatively modify the custodial timeshare should be denied;
- D. Plaintiff's request to modify the school placement of the minor children should be denied;
- E. Plaintiff's request to reinstate his legal custody of the minor children should be denied;
- F. Plaintiff's request for an Order that Defendant be drug tested should be denied;
- G. Plaintiff's request for an Order granting the relief requested in his Opposition and Countermotion should be denied;
- H. Plaintiff's request for Defendant's Motion to be denied in its entirety should be denied;
- I. Plaintiff's request for an award of fees and costs should be denied;
- J. Defendant's request for Plaintiff to pay her attorney fees and costs should be granted; and

\\

\\

1 K. Such other and further relief as the Court deems just and proper.

2 Dated this 31st day August, 2020.

3 **HANRATTY LAW GROUP**

4
5 By: Carrie Primas
6 Carrie J. Primas, Esq.
7 Nevada Bar No. 12071
8 1815 Village Center Circle, Suite 140
9 Las Vegas, Nevada 89134
10 PH: (702) 821-1379
11 FAX: (702) 870-1846
12 EMAIL: attorneys@hanrattylawgroup.com
13 Attorneys for Defendant, Amanda Reed
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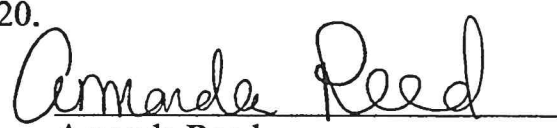
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DECLARATION OF AMANDA REED

STATE OF NEVADA)
)ss:
County of Clark)

I, Amanda Reed, am the Defendant in the above referenced matter and have read the foregoing Opposition and Countermotion, 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 31st day of August, 2020.


Amanda Reed

[illegible]

Alex Ghibaud, Esq.
alex@glawvegas.com
Attorney for Plaintiff

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DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

DEVIN REED
Plaintiff/Petitioner

v.

AMANDA REED
Defendant/Respondent

Case No. D-18-568005-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.

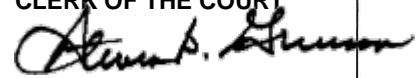
The total filing fee for the motion/opposition I am filing with this form is:

☐ **\$0** ☒ **\$25** ☐ **\$57** ☐ **\$82** ☐ **\$129** ☐ **\$154**

Party filing Motion/Opposition: Defendant Date 8/31/2020

Signature of Party or Preparer Kari Collis

APPX1048



EXHS
HANRATTY LAW GROUP
Carrie J. Primas, Esq.
State Bar of Nevada No. 12071
1815 Village Center Circle, Suite 140
Las Vegas, Nevada 89134
PH: (702) 821-1379
FAX: (702) 870-1846
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

**EXHIBITS IN SUPPORT OF
DEFENDANT'S OPPOSITION TO
PLAINTIFF'S SUPPLEMENTAL
PLEA FOR RELIEF/MOTION;
AND COUNTERMOTION FOR
ATTORNEY FEES AND COSTS**

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 Opposition to Plaintiff's Supplemental Plea for Relief/Motion; and Countermotion Attorney Fees and Costs, as follows:

EXHIBIT	BATE NUMBERS	DOCUMENT
A	Defendant 0001	Our Family Wizard Message from Plaintiff to Defendant dated February 23, 2020
B	Defendant 0002	Photographs including Jason Debose
C	Defendant 0003	Our Family Wizard Message from Plaintiff to Defendant dated February 27, 2020
D	Defendant 0004 to 0007	Nevada Prescription Monitoring Program Report dated July 22, 2020

EXHIBIT	BATE NUMBERS	DOCUMENT
E	Defendant 0008 to 0019	GreatSchools.org Ratings for Kitty Ward Elementary and Dean Allen Elementary

Dated this 31st day of August, 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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Alex Ghibardo, Esq.
alex@glawvegas.com
Attorney for Plaintiff

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EXHIBIT “A”

EXHIBIT “A”

EXHIBIT “A”



View Message

From: Devin Reed

To: Amanda Reed

Details

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

Yesterday at 07:05 PM

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 all .

From: Amanda Reed

02/23/2020 at 06:11 PM

To: Devin Reed

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

He was arrested. I do not have details. I looked on Clark county website.

From: Devin Reed

02/22/2020 at 02:58 PM



EXHIBIT “B”

EXHIBIT “B”

EXHIBIT “B”