

**MRCN**  
**HANRATTY LAW GROUP**  
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Electronically Filed  
Jan 10 2022 11:30 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

DEVIN REED,	)	Case No: D-18-568055-D
	)	Dept No: Z
Plaintiff,	)	
	)	<b>NOTICE OF MOTION AND</b>
v.	)	<b>MOTION FOR</b>
	)	<b>RECONSIDERATION OF THE</b>
AMANDA REED,	)	<b>COURT'S ORDER FROM THE</b>
	)	<b>FEBRUARY 25, 2021 HEARING</b>
Defendant.	)	
	)	Date of Hearing:
	)	Time of Hearing:
	)	
	)	Oral Argument Requested: YES

TO: Plaintiff, Devin Reed, and his attorney, Michancy Cramer, Esq.

YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDER-SIGNED WITH A COPY OF YOUR RESPONSE WITHIN FOURTEEN (14) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN FOURTEEN (14) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING DATE.

\\

\\

1 PLEASE TAKE NOTICE that the undersigned will bring the foregoing  
2 *Motion* for hearing before the Honorable Michele mercer, in Dept. Z, Courtroom  
3 #22 of the Eighth Judicial District Court, located at 601 N. Pecos Road, Las Vegas,  
4 Nevada, on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, at \_\_\_\_\_ a.m./p.m. of said  
5 day, or as soon thereafter as Counsel may be heard.  
6

7 COMES NOW the Defendant, Amanda Reed, by and through her attorney,  
8 Carrie J. Primas, Esq., of Hanratty Law Group, and hereby moves the Court for the  
9 following:  
10

- 11 1. Reconsideration of the Court's Order from the February 25, 2021  
12 hearing; and
- 13 2. For any of other relief the Court deems proper.  
14

15 This Motion is made and based on the attached Points and Authorities,  
16 Affidavit of Counsel, and all papers and pleadings on file herein and argument of  
17 counsel at hearing.  
18

19 DATED this 17<sup>th</sup> day of March, 2021.

20 **HANRATTY LAW GROUP**

21 

22 \_\_\_\_\_  
23 Carrie J. Primas, Esq.  
24 Nevada Bar No. 12071  
25 1815 Village Center Circle, Suite 140  
26 Las Vegas, Nevada 89134  
27 Phone: (702) 821-1379  
28 Email: attorneys@hanrattylawgroup.com  
Attorneys for Defendant, Amanda Reed

1                                   **MEMORANDUM OF POINTS AND AUTHORITIES**

2   **I.**

3   **Statement of Facts**

4                   The Parties, Plaintiff Devin Reed (“Devin”) and Defendant Amanda Reed  
5 (“Amanda”) were married on the 2<sup>nd</sup> day of October, 2008, and divorced pursuant  
6 to a Decree of Divorce filed April 6, 2020. There are two (2) minor children born  
7 the issue of the marriage, to wit: Abigail Reed (“Abby”), born April 6, 2013; and  
8 Shawn Reed, born July 3, 2015.  
9

10  
11                  This matter was before this Court for a trial on February 25, 2021, at which  
12 time the Court found that Amanda did not negotiate the terms of the Decree of  
13 Divorce in good faith, as her Motion to Modify Custody was filed two (2) day after  
14 the entry of the Decree of Divorce. The Court also ruled that it would not consider  
15 any evidence of domestic violence that occurred prior to the Decree of Divorce,  
16 including the Custodial Evaluation performed by Dr. Paglini on stipulation of the  
17 parties.  
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19

20                  The Court’s concern regarding the timing of Amanda’s Motion is  
21 understandable, given the Court’s unfamiliarity with the history of the case.  
22 Amanda understands that, to anybody without intricate, firsthand knowledge of the  
23 history of the case, it looks like Amanda negotiated terms of custody, and then  
24 immediately requested to modify that agreement. That is not what happened.  
25 Contrarily, Amanda negotiated the Decree of Divorce prior to filing her instant  
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28

1 Motion at the direction of the Court.

2 The custody arrangement included in the Decree of Divorce was originally  
3 ordered on October 16, 2018. Following that hearing, the parties engaged in  
4 extensive litigation, culminating in a hearing on August 27, 2019, at which the  
5 parties stipulated to Dr. Paglini performing a Child Custody Evaluation. The Court  
6 specifically ordered that “**if there are no issues found**, it is agreed that the parties  
7 will continue to follow the current custodial arrangement.” Emphasis added. At  
8 that same hearing, the Court directed the parties to submit a Decree of Divorce **in**  
9 **the meantime**. In other words, Judge Gentile *told* Amanda to settle the entire  
10 divorce and submit a Decree of Divorce prior to requesting to modify custody.  
11 Specifically, at the hearing held on August 27, 2019, the following exchange  
12 occurred, starting at 4:23:28:  
13

14 **Judge:** I think, and the way we talked about this, I know we talked  
15 about it off the record, if the recommendation from Dr. Paglini is  
16 there’s no need to change what’s there, right, that I think that the  
17 parties should continue doing what they’re doing or some modified  
18 version thereof that doesn’t change upend everything then right, I  
19 think everybody, we’ve agreed that that will just be what happens,  
20 then **if in fact there is an issued that’s raised by Dr. Paglini and**  
21 **potential recommendations that change things, then at that point,**  
22 **the parties can either stipulate or I will then make the**  
23 **determination to proceed on a trial because then there would be**  
24 **adequate cause.** So we’re doing, like we’re doing this a little different  
25 but I think it makes the most sense and keep them from having to  
26 litigate something they don’t really have to litigate and gives them  
27 some closure and some understanding and some additional input and  
28 all of those things that will help them get to the end of this thing. **In**  
**the meantime though, I want a Decree.** I want a Decree that has, we  
already, cause remember we gotta make sure to keep the case clean so  
we have, if they reach a deal on the financials, we need to put a Decree

1 in place.

2 **Kari:** Once we have the deal?

3 **Judge:** Yeah

4 **Kari:** Oh, okay, I'm like, I'm not gong to do that right now. Okay

5 **Judge:** Yeah, once you have a deal, I want a Decree. Once you know  
6 what your deal is, **put it in a Decree and we can finalize that and**  
7 **then we're just reopening on the custody issue with regards to the**  
8 **eval reopening only for the purposes of the eval and then**  
9 **determining do we go forward.**

10 Emphasis added. A few minutes later, Judge Gentile confirmed that the  
11 parties were to negotiate and finalize a Decree, and that she would separately  
12 consider whether a modification of custody was appropriate depending on the  
13 result of the Custody Evaluation. At 4:27:30 she stated: "And we can do that with  
14 this other thing happening, you know, in a parallel universe. So we can do that and  
15 at least **get them divorced and get this information from the evaluator and go**  
16 **from there.**"

17 Following that hearing, as the Court directed, the parties attempted to resolve  
18 the remaining issues related to the divorce, to no avail. Simultaneously, Dr. Paglini  
19 conducted his Custody Evaluation. The Custody Evaluation was received by the  
20 Court and the parties on January 27, 2020, and the Court held a return hearing just  
21 two (2) days later, on January 29, 2020. At that hearing, a discussion was held off  
22 the record, during which the Court notified undersigned counsel and Devin's then-  
23 attorney Louis Schneider, Esq., of its intent to set the matter for further  
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1 proceedings, given that the Custody Evaluation did raise concerns, and the Court  
2 had stated at the August 27, 2019, hearing, that a trial would be set due to adequate  
3 cause if Dr. Paglini's report issued recommendations that would change things.  
4 The Court reiterated its desire for the parties' to finalize the divorce prior to  
5 considering the potential custody modification, and to that end, referred the parties  
6 to a Senior Judge Settlement Conference on February 11, 2020. The Court did not  
7 set further proceedings prior to the time for the Senior Judge Settlement  
8 Conference, and the parties proceeded to the settlement conference on the direction  
9 of Judge Gentile.

10  
11  
12  
13 At the Settlement Conference, at which Amanda, undersigned counsel,  
14 Devin and Attorney Schneider, were present, there was no discussion regarding  
15 custody. The entirety of the Settlement Conference was focused on resolving the  
16 previously unresolved property and debt issues. Devin and his counsel were well  
17 aware that a modification of custody based on the Custody Evaluation was still  
18 pending with the Court, as is reflected in the minutes from the Settlement  
19 Conference, which state as follows: "Per Stipulation, Order for Joint Legal Custody  
20 and Joint Physical Custody of the minor children was entered by Judge Gentile.  
21 Defendant contested that order and there are presently proceedings before Judge  
22 Gentile regarding that arrangement. **Those proceedings will continue and none**  
23 **of the agreements today will impact that, at least until Judge Gentile addresses**  
24 **that."** Emphasis added.

1       Following the Senior Judge Settlement Conference, it took over a month to  
2 get the Decree of Divorce signed by Devin's attorney, as Devin attempted to upend  
3 the agreement. Specifically, on February 25, 2020, the day Attorney Primas sent a  
4 draft Decree of Divorce to Attorney Schneider, Attorney Schneider sent an email  
5 stating that Devin believed the payoff on his truck that Amanda was supposed to  
6 pay, was \$7,000.00, not \$17,000.00, and thus Amanda owed him an additional  
7 \$10,000.00. Attorney Primas immediately sent documents, which Devin and  
8 Attorney Schneider already had, showing that Devin was not being truthful. No  
9 response was received until almost three (3) weeks later, on March 18, 2020, by  
10 way of another email from Attorney Schneider asking again to "adjust the  
11 negotiation" due to Devin's allegation of the loan only being \$7,000.00. Attorney  
12 Primas again sent the confirming documentation, which resulted in Attorney  
13 Schneider indicating that he would sign the Decree, which he finally did over a  
14 week later, on March 26, 2020. The Decree of Divorce was submitted to the Court  
15 on that same day, but was not signed by the Court until April 3, 2020.

16  
17       In the middle of Devin attempting to delay the signing of the Decree of  
18 Divorce, the Coronavirus Pandemic caused the Courts to close, and the Court had  
19 not set the matter for Further Proceedings by the time the Decree of Divorce was  
20 entered. As such, Amanda, through counsel, took the initiative to file her Motion  
21 to Adopt Dr. Paglini's Recommendation; for an Order to Show Cause Why  
22 Plaintiff Should Not Be Held in Contempt of Court; to Modify Custody; and for  
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1 Attorney Fees and Costs, to move the case forward.

2 At the hearing held on May 13, 2020, the Court set the matter for  
3 Evidentiary Hearing, specifically taking into account Dr. Paglini's report, despite  
4 the report having been received prior to entry of the Decree of Divorce. Judge  
5 Gentile did so based on her personal knowledge of the procedural history of the  
6 case, specifically that the Decree had been entered on her direction, and that the  
7 issues related to custody and Dr. Paglini's report had continuously been on the  
8 Court's radar. Again, at the hearing on August 27, 2019, the Court specifically  
9 stated that "if...there is an issue that's raised by Dr. Paglini and potential  
10 recommendations that changes things....the parties can either stipulate or I will  
11 then make the determination to proceed on a trial because there would be adequate  
12 cause."

13 Devin was present at the hearing on August 27, 2019, at the hearing on  
14 January 29, 2020, and at the Senior Judge Settlement Conference on February 11,  
15 2020. While his current attorney may not be privy to the unique procedural history  
16 of this case, Devin was aware that the parties finalized the divorce at the time they  
17 did at the direction of the judge; that the only discussion of custody at the Senior  
18 Judge Settlement Conference was a confirmation that there were ongoing  
19 proceedings that would continue at the discretion of the Court and be unaffected by  
20 the Decree of Divorce; and that the Court had already indicated a concern related to  
21 the results of Dr. Paglini's report and would be setting further proceedings  
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1 accordingly. Following the Evidentiary Hearing being set on May 13, 2020, Devin  
2 did not file a Motion for Reconsideration; did not make any claims in any of his  
3 subsequent filings that the evidence in question was barred by *McMonigal*; and did  
4 not file any Motions in Limine to exclude any such evidence. In fact, Devin's own  
5 request for primary physical custody, brought in his Supplemental Plea for Relief  
6 filed July 2, 2020, was based primarily on events that occurred *prior to the entry of*  
7 *the Decree of Divorce*, and as far back as 2017. It is clear that Devin knew that  
8 evidence prior to the Decree was not barred by *McMonigal* due to the unique  
9 procedural history of the case, and he fully intended to use that to his advantage at  
10 the time of the Evidentiary Hearing.  
11  
12

## 13 II.

### 14 Legal Analysis

#### 15 A. The Court's Order from the February 25, 2021, hearing should be 16 reconsidered.

17 Eighth District Court Rule ("EDCR") 5.513, regarding reconsideration,  
18 states in relevant part,  
19

20 (a) A party seeking reconsideration and/or rehearing of a ruling (other  
21 than an order that may be addressed by motion pursuant to NRCP  
22 50(b), 52(b), 59, or 60), must file a motion for such relief not later  
23 than 14 days after service of notice of entry of the order unless the  
24 time is shortened or enlarged by order. A motion for reconsideration  
25 does not toll the period for filing a notice of appeal.

26 The Nevada Supreme has held that the standard to be applied in a motion to  
27 reconsider is that the "court may reconsider a previously decided issue if  
28

1 **substantially different evidence is subsequently introduced** or the decision is  
2 clearly erroneous.” *Masonry and Title Contractors v. Jolley, Urga & Wirth*, 113  
3 Nev. 737, 741 (1997).  
4

5 As no Order has been prepared from the February 25, 2021, hearing, and  
6 thus no Notice of Entry of Order has been entered, this Motion for Reconsideration  
7 is timely.  
8

9 At the time of the trial on February 25, 2021, this Court was unaware of the  
10 unique procedural history of the case, wherein the previous judge directed the  
11 parties to resolve the property and debt issues and submit a Decree of Divorce,  
12 AND THEN address the issue of custody modification in light of Dr. Paglini’s  
13 report. On January 29, 2020, after the report was received, Judge Gentile  
14 specifically told the parties she was going to set the matter for further proceedings  
15 to determine the next steps, and then referred the parties to a Senior Judge  
16 Settlement Conference to resolve the remaining issues and finalize the divorce in  
17 the meantime. Being aware of this chain of events, Judge Gentile then saw fit to  
18 set Amanda’s Motion to Adopt Dr. Paglini’s Recommendation; for an Order to  
19 Show Cause Why Plaintiff Should Not Be Held in Contempt of Court; to Modify  
20 Custody; and for Attorney Fees and Costs, for an Evidentiary Hearing, despite the  
21 same being filed after the entry of the Decree of Divorce. Devin subsequently filed  
22 two (2) briefs citing events prior to the Decree of Divorce as the basis for his own  
23 request to modify custody, making it clear that he knew and understood that the  
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1 date of entry of the Decree of Divorce was not the relevant date for the purposes of  
2 *McMonigal*.

3  
4 It is understandable that the current Court made the findings it did on  
5 February 25, 2021, as it was not fully aware of the unorthodox way this case  
6 unfolded. However, now being presented with the full record, showing that the  
7 parties entered into the Decree of Divorce while the custody issues were pending,  
8 at the direction of Judge Gentile, the Court would be remiss in not reconsidering its  
9 finding on February 25, 2021, that no evidence prior to the entry of the Decree  
10 would be admissible at the time of trial.  
11

12  
13 As such, Amanda respectfully requests that the Court reconsider its order  
14 from February 25, 2021, as it relates to Amanda's ability to introduce evidence  
15 prior to the Notice of Entry of Decree of Divorce, specifically the Custody  
16 Evaluation performed by Dr. Paglini.  
17

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1 **III.**

2 **Conclusion**

3  
4 Therefore, based upon the foregoing, Amanda requests the Court enter  
5 orders:

- 6 1. Reconsidering the Court's Order from the February 25, 2021 hearing;  
7 and  
8 2. For any of other relief the Court deems proper.

9  
10 DATED this 17<sup>th</sup> day of March, 2021.

11 **HANRATTY LAW GROUP**

12  
13 

14 Carrie J. Primas, Esq.  
15 Nevada Bar No. 12071  
16 1815 Village Center Circle, Suite 140  
17 Las Vegas, Nevada 89134  
18 Phone: (702) 821-1379  
19 Fax: (702) 870-1846  
20 Emails: attorneys@hanrattylawgroup.com  
21 Attorneys for Defendant, Amanda Reed  
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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 17 day of March, 2021.

  
Amanda Reed

MOFI

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

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

Case No. D-18-568055-D

Dept. Z

**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.

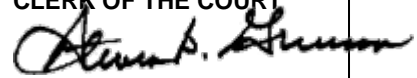
The total filing fee for the motion/opposition I am filing with this form is:

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

Party filing Motion/Opposition: Defendant Date 3/17/2021

Signature of Party or Preparer Kari Colli

APPX1188



**CSERV**  
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EMAIL: attorneys@hanrattylawgroup.com  
Attorneys for Defendant, Amanda Reed

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

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

I hereby certify that I am an employee of Hanratty Law Group, and on the 17<sup>th</sup> day of March, 2021, I served a true and correct copy of the *Notice of Motion and Motion for Reconsideration of the Court's Order from the February 25, 2021 Hearing* by using the Wiz-Net E-Service addressed to the following email registered on the E-Service List for this case as follows:

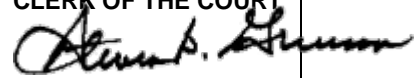
Michancy Cramer, Esq.  
Alex Ghibaud, Esq.  
alex@glawvegas.com  
michancy@glawvegas.com  
*Attorney for Plaintiff*

By:   
Employee of Hanratty Law Group

DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*\*

Electronically Filed  
3/19/2021 3:41 PM  
Steven D. Grierson  
CLERK OF THE COURT



Devin Bryson Reed, Plaintiff

vs.

Amanda Raelene Reed, Defendant.

Case No.: D-18-568055-D

Department Z

**NOTICE OF HEARING**

Please be advised that the Notice of Motion and Motion for Reconsideration of the Courts Order From the February 25, 2021 Hearing in the above-entitled matter is set for hearing as follows:

**Date:** April 30, 2021

**Time:** 1:00 PM

**Location:** Courtroom 22  
Family Courts and Services Center  
601 N. Pecos Road  
Las Vegas, NV 89101

**NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.**

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Carmelo Coscolluela  
Deputy Clerk of the Court

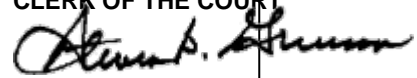
**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Carmelo Coscolluela  
Deputy Clerk of the Court

APPX1190





1 **OPPC**

2 Alex B. Ghibaud, Esq.

3 Nevada Bar No. 10592

4 Michancy M. Cramer, Esq.

5 Nevada Bar No. 11545

6 **ALEX GHIBAUDO, PC**

7 197 E California Ave, Ste 250

8 Las Vegas, Nevada 89104

9 T: (702) 978-7090

10 E: alex@glawvegas.com

11 *Attorney for Plaintiff*

12 **EIGHTH JUDICIAL DISTRICT COURT**  
13 **CLARK COUNTY, NEVADA**

14 \*\*\*\*\*

15 DEVIN REED,

16 Plaintiff,

17 vs.

18 AMANDA REED,

19 Defendants.

Case No.: D-18-568055-D

Dept. No.: Z

**HEARING REQUESTED: YES**

20 NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH  
21 THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF  
22 YOUR RESPONSE WITHIN FOURTEEN (14) DAYS OF THE RECEIPT OF THIS MOTION.  
23 FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN  
24 FOURTEEN (14) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE  
25 REQUEST FOR RELIEF BEING GRANTED BY THE COURT WITHOUT A HEARING PRIOR TO  
26 THE SCHEDULED HEARING DATE.

27 **PLAINTIFF'S OPPOSITION AND COUNTERMOTION FOR REVISED**  
28 **CUSTODIAL TIMESHARE, SCHOOL PLACEMENT, TO RESOLVE PARENT-**  
**CHILD MATTERS, AND FOR ATTORNEY FEES AND COSTS**

29 COMES NOW Plaintiff, DEVIN REED ("Devin"), through his counsel Michancy  
30 M. Cramer, Esq. of Alex B. Ghibaud, PC, and hereby files this *Opposition and*  
31 *Counter-motion for Revised Custodial Timeshare, School Placement, to Resolve Parent-Child*  
32 *Matters, and for Attorney Fees and Costs.* This Opposition and Counter-motion is based on  
33 the following Memorandum of Points and Authorities, the papers and pleadings already on

1 file herein, the attached affidavits/declarations, and any oral argument the Court may permit  
2 at the time of hearing.

3 Dated this the 31<sup>st</sup> day of March, 2021.

4 //s//Michancy M. Cramer

5 Michancy M. Cramer, Esq.  
6 Nevada State Bar No. 11545  
7 ALEX B. GHIBAUDO, PC  
8 *Attorney for Plaintiff*  
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**PRAYER FOR RELIEF**

Devin makes the following, specific, requests for relief:

1. That the Court deny Defendant's Motion in its entirety;
2. That the Court modify the current custodial timeshare for the best interests of the children;
3. That the children be placed in a school in Plaintiff's school zone rather than the school that Defendant works at;
4. That this Court prohibit Defendant's father from attending the children's activities during Plaintiff's timeshare;
5. That this Court grant him vacation time with the minor children each year;
6. That this Court permit the children to spend time with their siblings;
7. That this Court order the exchange of W-2s so that the parties may calculate child support;
8. That this Court grant Devin an award of fees and costs; and
9. For any other relief this Court deems just and equitable.

Dated this 31st day of March, 2022.

//s//Michancy M. Cramer  
Michancy M. Cramer, Esq.  
Nevada State Bar No. 11545  
ALEX B. GHIBAUDO, PC  
*Attorney for Plaintiff*

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 On April 6, 2020 the parties' Decree of Divorce was filed. On April 7, 2020 the  
4 Notice of Entry was filed. On April 8, 2020 the Defendant, Amanda Reed ("Amanda")  
5 filed a motion to modify the current order. There are two (2) minor children of the  
6 marriage, to wit: Abigail Reed ("Abby"), born April 6, 2013, and Shawn Reed  
7 ("Shawn"), born July 3, 2015.

8 Amanda is the stereotypical vexatious litigant. She planned for years in advance  
9 to divorce the Plaintiff, Devin Reed ("Devin") and she has attempted to collect her so-  
10 called evidence to support her angry pursuit. What is missing from Amanda's litigation  
11 is what is in the best interests of the children.

12 The Defendant is not going to rest, she is not going to stop until this Court stops  
13 her or she destroys her children. She is more obsessed with her hatred of Devin than she  
14 is with loving her children. Her motion should be denied and this Court should enter an  
15 Order that puts a stop to Amanda's litigious behavior once and for all.  
16 Devin's opposition and countermotion follows:

17 **II. SUMMARY OF FACTS**

18 a. Amanda's Motion Should Be Denied

19 Amanda made the decision to resolve this matter through stipulation. It was not  
20 the first time she had agreed to joint physical custody. She wanted to be divorced and she  
21 wanted to litigate child custody. It is clear she thought she could do both with her poorly  
22 timed motion. Nevada law states otherwise.

23 The report from Dr. Paglini that Amanda relies so heavily on was finished in  
24 January of 2020. From the time that report was completed until the time that Amanda  
25 signed the Decree and it was entered absolutely nothing changed on Devin's end.  
26 Nothing.

27 What has occurred is that Amanda's obsession with hating Devin has hurt the  
28 children, specifically Abby. While Amanda was busy harassing Devin, monitoring his

1 every move and plotting her next attack, her boyfriend was hurting Abby. Although  
2 Amanda claims she only briefly dated him, Jeffrey Eatherly was convicted of *Attempt*  
3 *Lewdness With A Child Under The Age Of 14* and *Attempt Use Minor Under The Age Of*  
4 *14 As Subject Of Sexual Portrayal In A Performance* on February 12, 2021. Amanda  
5 shamefully claimed she was not dating Jeff even though there are photos of the two of  
6 them together, social media messages in which she waxes on about how great he was,  
7 and videos of the two of them inside her home. She cannot even admit that her fixation  
8 with fighting with Devin clouded her to the danger that was right under her nose. No  
9 doubt she thinks she did nothing wrong even though she invited her daughter's abuser  
10 into their home.

11 b. It Is In The Best Interest Of The Children To Modify The Custodial  
12 Timeshare And To Change The Children's School Placement

13 Since filing her motion two (2) days after the Decree was filed, Amanda has  
14 carried on with her vexatious behavior. She makes custodial exchanges with Devin a  
15 living nightmare for the children and Devin. When Devin brings the children to school,  
16 she takes their clothes and redoes their hair as if Devin has done something wrong. She  
17 also accuses Devin of not sending them with their proper school items. For example,  
18 when the children were finally allowed to return to in-person schooling, Devin returned  
19 the children to Amanda in the morning. It was an hour before school started. Amanda  
20 then had her attorney contact this writer by email accusing Devin of not sending their  
21 backpacks or lunch boxes. In reality, Amanda had the backpacks and the lunchboxes.  
22 Devin purchased them for the children back in 2019. Amanda has never returned them to  
23 him. When she sends the children to Devin, she takes everything from them. The  
24 backpacks and lunch boxes are not a lone incident. In the winter of 2019-2020, Devin  
25 purchased four (4) jackets for the kids. Each time they wore them back to Amanda's  
26 home, they were never returned.

27 In addition to her shenanigans with the school supplies and clothing, Amanda  
28 makes the custodial exchanges physically miserable for all parties. She has trained the

1 wchildren to misbehave at the exchanges and she encourages them not to go with Devin.  
2 Then she yells at Devin that he needs to get them, no doubt wanting to film him  
3 physically putting the children in his vehicle. When he refuses to engage, as he always  
4 does, Amanda yells at him and continues to encourage the children to either stay in her  
5 car or to run around and misbehave. It's almost unbelievable except that Devin has taken  
6 videos of the behavior and then it just becomes sad. These young children are being  
7 manipulated and abused by their mother. Once they are with Devin they have a great  
8 time. They love their father and they relish the time they get to spend with him.

9 Amanda also uses her position as a teacher in the children's school to manipulate  
10 and harass Devin. During some exchanges, she has refused to turn the children over to  
11 him. One time Devin found Abby in Amanda's classroom with Amanda and her father,  
12 with the door locked. Amanda refused to open the door and release Abby to him so  
13 Devin had to find a school staff member to open the door so he could get Abby and take  
14 her home.

15 For these reasons, Devin is requesting that not only the custodial timeshare be  
16 modified, but also that the children be taken out of Amanda's school and placed in the  
17 school in his neighborhood. The matter has been fully briefed in Plaintiff's *Supplemental*  
18 *Plea for Relief* filed herein on July 2, 2020 and adopted and incorporated herein as if  
19 fully set forth pursuant to EDCR 10(c). The matter was reserved for trial by Judge  
20 Gentile and has yet to be ruled on. Devin's primary concern here is the children.  
21 Amanda makes custodial exchanges a horrible event for the children and she uses her  
22 position in the school to undermine Devin as a parent. Both of these issues would be  
23 resolved by modifying the custodial timeshare to week on – week off and changing the  
24 children's school.

25 c. Amanda's Father Should Be Permanently Excluded From Contact  
26 With Devin

27 Amanda's father is a problematic figure in this case. He has behaved in a violent  
28 and hostile manner towards Devin, even in front of the children. One time he even pulled



1 a gun on Devin. Amanda helped him hide the gun to deceive the police officers that  
2 responded, but the fact remains, he pulled a gun on Devin. He is also threatening during  
3 exchanges and whenever he sees Devin – even when he does not have a gun visible.

4 Amanda demands that Devin take the children to their activities, but she refuses to  
5 give Devin their uniforms and she allows her aggressive and violent father to attend  
6 during Devin’s custodial time. Devin has no interest in being around Amanda’s father  
7 for reasons stated above and in filings herein. Amanda has her dad come to the  
8 children’s school on days Devin is to pick them up there. She has him come to  
9 exchanges and she has him come to activities. One of the videos Devin submitted screen  
10 shots from in a previous filing (adopted and incorporated as if restated herein pursuant to  
11 EDCR 10(c)) shows Amanda standing next to her father holding him back because he  
12 was approaching Devin as if to threaten him.

13 There is no reason for Amanda’s father to be present during Devin’s custodial  
14 exchanges or time. Judge Gentile’s temporary order prohibits Amanda’s father from  
15 being present during exchanges. Devin requests that order be made permanent and that  
16 Amanda’s father be prohibited from coming to activities or events for the children at  
17 which Devin will be present such as during Devin’s custodial time and during special  
18 events at school. Amanda’s father is not a parent and since he cannot control his own  
19 behavior, it is in the best interest of the children that he not be around their father. It is  
20 also in the best interest of Devin’s safety that Amanda’s violent and aggressive father  
21 keep away from him.

22 d. Devin Should Have Vacation Time With The Children

23 Unfortunately Devin was never given vacation time in the Decree. This had led  
24 to him not being able to introduce the children to his side of the family or even to take  
25 them on vacation with him. During COVID-19 that has not been an issue, but in the past  
26 Amanda has used this to refuse to allow Devin to even take the children to his reunions.  
27 This is uncalled for and interferes with the children’s ability to form special, long last  
28 memories with their father. They should be able to look back on their childhood and

1 remember family reunions, trips to Disney, and other excursions with their father. As it  
2 is, they will not get that because of a clerical error leaving Devin's vacation time out of  
3 the Decree.

4 e. The Children Should Be Allowed Contact With Their Siblings

5 In yet another example of Amanda's vitriol, she has demanded that the children  
6 never be around Devin's older children. She has no reason for this, she simply hates  
7 them. This is unacceptable and should be modified. The Nevada Supreme Court and  
8 family courts around the country have recognized the importance of sibling bonds.  
9 Amanda should not be allowed to take that bond from Abby and Shawn. They should  
10 have the chance to know their siblings and have a relationship with them.

11 f. The Parties Should Exchange W-2s To Calculate Child Support

12 In her orders, Judge Gentile has made clear that this is a joint legal and joint  
13 physical case. Despite that, Amanda now wishes to argue that she has primary physical  
14 custody of the children and should be granted child support. She has repeatedly asked for  
15 continuances and has threatened multiple appeals and writs to drag out these proceedings,  
16 apparently for the purpose of demanding money. Devin is a joint physical custodian of  
17 his children and child support should be calculated accordingly. During COVID-19  
18 Devin has struggled on unemployment and has managed to piece together occasional jobs  
19 through his union. In the meantime, Amanda has maintained steady employment. She  
20 should be required to turn over her 2020 W-2, with Devin doing the same, so that child  
21 support can be calculated accordingly.

22 **III. LEGAL ANALYSIS**

23 a. The Decree Is A Final Order And Amanda's Request Should Be  
24 Denied

25 Pursuant to District Court Rule 16 "[n]o agreement or stipulation between the  
26 parties in a cause or their attorneys, in respect to proceedings therein, will be regarded  
27 unless the same shall, by consent, be entered in the minutes in the form of an order, or  
28 unless the same shall be in writing subscribed by the party against whom the same shall

1 be alleged, or by his attorney.” “DCR 16 applies to divorce and dissolution disputes  
2 equally with any other kind of civil litigation.” *Grisham v. Grisham*, 289 P.3d 230, 233  
3 (Nev. 2012). Furthermore, “[w]hen parties to pending litigation enter into a settlement,  
4 they enter into a contract” *Grisham v. Grisham*, 289 P.3d 230, 234 (Nev. 2012). “Such a  
5 contract is subject to general principles of contract law.” *Id.* In addition to complying  
6 with DCR 16’s procedural requirements, a stipulated settlement agreement requires  
7 mutual assent, see *Lehrer McGovern Bovis v. Bullock Insulation*, 124 Nev. 1102, 1118,  
8 197 P.3d 1032, 1042 (2008), or a “meeting of the minds,” *May v. Anderson*, 121 Nev.  
9 668, 672, 119 P.3d 1254, 1257 (2005), on “the contract’s essential terms.” *Certified Fire*  
10 *Prot. v. Precision Constr.*, 128 Nev. —, —, 283 P.3d 250, 255 (2012). “A valid  
11 contract cannot exist when material terms are lacking or are insufficiently certain and  
12 definite” for a court “to ascertain what is required of the respective parties” and to  
13 “compel compliance” if necessary. *May*, 121 Nev. at 672, 119 P.3d at 1257.

14 According to the Nevada Supreme Court, “[d]espite its awkward wording, DCR  
15 16’s application is straightforward: An agreement to settle pending litigation can be  
16 enforced by motion in the case being settled if the agreement is “either ... reduced to a  
17 signed writing or ... entered in the court minutes following a stipulation.” *Id.* at 233 (Nev.  
18 2012); citing *Resnick v. Valente*, 97 Nev. 615, 616, 637 P.2d 1205, 1206 (1981) (applying  
19 DCR 24, later renumbered DCR 16). Here, the agreement the parties entered into was  
20 reduced to writing, with counsel for both present, and was entered into freely and without  
21 duress.

22 Amanda attempts to suggest that she was forced into the Decree by the previous  
23 judge in this case, but that is a mischaracterization of events. Every judge would like to  
24 have their docket cleared by settlement and stipulation. Just because the parties were  
25 pressured to settle does not mean she had to. She could have easily and simply advised  
26 the Court that no settlement could be reached and no Decree would be submitted.  
27 Instead, Amanda wanted to be divorced. She clearly hates Devin with all her heart. She  
28 wanted to be a single woman. She wanted that Decree as much as anyone. She just

1 thought her motion filed two days later was going to give her a second bite at the apple.  
2 It cannot.

3 Pursuant to *McMonigle v. McMonigle*, 110 Nev. 1407 (Nev. 1995), the Court  
4 cannot consider evidence that predates the last order, with few exceptions. In this case  
5 Amanda admits that she seeks to litigate events and matters that occurred years before the  
6 Decree was entered. Even the report from Dr. Paglini upon which she relies is dated  
7 January of 2020 – four months prior to the entry of the Decree.

8 Amanda then relies on two other cases seeking an exception to *McMonigle*. In  
9 *Castle v. Simmons*, 120 Nev. 98 (Nev. 2004) the Supreme Court ruled that previously  
10 unknown evidence of domestic violence could be used to modify a custodial order. In  
11 that case the mother had committed acts of violence against the children unbeknownst to  
12 the father. When he found out, after the Decree was entered, he sought to modify  
13 custody. The Supreme Court reasoned that “[d]omestic violence, by its very nature, may  
14 be difficult to discover. Once it is discovered, the court should not be precluded from  
15 considering it simply because it was not previously raised.” *Id.* at 105-6. In contrast to  
16 *Castle*, this case has always included Amanda’s unfounded allegations against Devin.  
17 She has always claimed domestic violence. It was never unknown or kept from the  
18 Court. She still chose to agree to joint physical custody, twice, with Devin. Repeatedly  
19 she agreed that joint physical custody was in their best interests.

20 In *Nance v. Ferraro*, 418 P.3d 679 (Nev. App. 2018) the parties were a  
21 contentious pair who had some kind of custodial arrangement between the father living in  
22 New York and the mother residing in Nevada. Although the District Court ruled it was  
23 joint physical custody, the opinion does not clarify what their actual custodial  
24 arrangement actually was. What is clear is that the mother made allegations of  
25 substantiated domestic violence investigations by Child Protective Services (CPS) against  
26 the father. *Id.* at 682. When the child entered school the father attempted to modify  
27 custody, requesting primary physical custody to take the child to New York and enroll  
28 him in school there. The District Court granted the father’s motion in limine to exclude

1 all references to the previous allegations of domestic violence. The higher Court  
2 disagreed, concluding that “*McMonigle* and *Castle* do not bar the district court from  
3 reviewing the facts and evidence underpinning its prior rulings or custody determinations  
4 in deciding whether the modification of a prior custody order is in the child’s best  
5 interest.” *Id.*

6 The present case is distinguishable from *Nance* on numerous points. First and  
7 foremost is the CPS allegations. Amanda has made repeated calls to both Las Vegas  
8 Metropolitan Police Department (“Metro”) and CPS against Devin. She has called Metro  
9 on Devin so many times, he knows the neighborhood patrol officers on sight. Despite all  
10 her calls to Metro and to CPS, not one single time has anything been substantiated against  
11 him. Not ONE single time. The only so-called evidence she has is a report from a  
12 psychologist she hired. There are no court reports, no police reports, no CPS reports that  
13 substantiate abuse by Devin.

14 Second, in *Nance* the abuser was attempting to preclude all evidence of domestic  
15 violence in an attempt to modify custody to his advantage, to take the child away from  
16 the mother and relocate him to the other side of the country. Under that father’s  
17 reasoning, a parent found to have committed domestic violence could simply file a  
18 motion the next day and have all that evidence excluded. Clearly that is nonsensical and  
19 the Court in *Nance* agreed, reasoning that “[w]hen a district court considers a motion to  
20 modify a prior custody order, it logically follows that the court’s evaluation of whether  
21 modification is in the child’s best interest will necessarily be informed by the findings  
22 and conclusions that resulted in the prior custody determination.” *Id.* at 686. In this case  
23 there never was a finding of domestic violence because Amanda chose to settle the case.  
24 She repeatedly agreed to joint physical custody of the children.

25 As this Court pointed out, NRS 125C.0025(1)(a) tells us that “there is a  
26 preference that joint physical custody would be in the best interest of a minor child  
27 if...[t]he parents have agreed to an award of joint physical custody.” That is exactly the  
28

1 case here. These parents agreed on more than one occasion that joint physical custody  
2 was in the best interest of Abby and Shawn.

3 Finally, it cannot go unremarked how extensively the Court in *Nance* emphasized  
4 that parties may not file “repetitive serial motions seeking to relitigate the same issues  
5 based on the same underlying facts.” *Id.* at 684. Over and over in its analysis the Court  
6 pointed to the principle of res judicata. Even in analyzing *Castle* and *McMonigle*, the  
7 Court noted that “this substantial change in circumstances requirement is, itself, derived  
8 from res judicata principles, which prevent dissatisfied parties from filing repetitive,  
9 serial motions until they obtain their desired results.” *Id.* at 684.

10 Contrary to Amanda’s representations, no one forced her to sign that Decree. She  
11 was represented by competent counsel throughout the proceedings and she chose to sign  
12 the Decree. If, as she claims, she was ordered to sign the Decree, the next step was to file  
13 an appeal. A Court cannot force someone to sign a settlement if they do not agree. The  
14 Court could have entered its own Decree and then Amanda could have appealed. She did  
15 not. She freely and knowingly signed the Decree and agreed to joint legal and joint  
16 physical custody with Devin.

17 b. Parent-Child Matters Should Be Resolved In The Best Interests Of The  
18 Children

19 The current custodial timeshare as spelled out in the Decree includes numerous  
20 custody exchanges between the parents. As explained in Devin’s *Opposition and*  
21 *Countermotion* filed on April 20, 2020 and his *Supplemental Plea for Relief* filed on July  
22 2, 2020, adopted as if restated fully herein pursuant to EDCR 10(c), Amanda has made  
23 these custodial exchanges a nightmare for the children and for Devin. It is in the best  
24 interests of the children that custody exchanges be reduced as much as possible. A  
25 simply way to achieve this is to grant the parties a week on – week off schedule. There  
26 will be one exchange each week and it can be conducted at the school.

27 Devin has also requested that the Court order the children to be placed in the  
28 school in his neighborhood. As briefed in his *Supplemental Plea for Relief*, Amanda uses