

IN THE SUPREME COURT OF THE STATE OF NEVADA

AMANDA REED,

Appellant,

vs.

DEVIN REED,

Respondent.

CASE NO. 83354

District Court Case No:
D-14-499144-D

Electronically Filed
Jan 10 2022 11:35 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPELLANT'S APPENDIX - VOL VI

Volume I - (Bates Stamps APPX0001 - APPX0248)
Volume II - (Bates Stamps APPX0249 - APPX0493)
Volume III - (Bates Stamps APPX0494 - APPX0739)
Volume IV - (Bates Stamps APPX0740 - APPX0986)
Volume V - (Bates Stamps APPX0987 - APPX1230)
Volume VI - (Bates Stamps APPX1231 - APPX1436)
Volume VII - (Bates Stamps APPX1437 - APPX1548)

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ATTORNEY FOR APPELLANT

LIST OF APPENDIX DOCUMENTS

<u>Title of Document</u>	<u>Filing Date</u>	<u>Volume</u>	<u>Bates Stamp</u>
Acceptance of Service	2.22.2021	V	APPX1170
Affidavit of Plaintiff Devin Reed In Support of Plaintiff's Supplemental Plea for Relief	7.7.2020	IV	APPX0958 - APPX0965
Affidavit of Service	3.26.2018	I	APPX0007 - APPX0008
Affidavit of Service	4.24.2018	I	APPX0053
Answer and Counterclaim	4.10.2018	I	APPX0009 - APPX0019
Case Appeal Statement	8.4.2021	VI	APPX1319 - APPX1321
Case Appeal Statement	6.21.2019	II	APPX0434 - APPX0438
Certificate of Electronic Service	7.26.2019	II	APPX0490
Certificate of Electronic Service	7.26.2019	II	APPX0491
Certificate of Electronic Service	7.26.2019	II	APPX0492
Certificate of Electronic Service	7.26.2019	II	APPX0493
Certificate of Electronic Service	8.13.2019	III	APPX0540
Certificate of Electronic Service	8.13.2019	III	APPX0541
Certificate of Electronic Service	8.13.2019	III	APPX0547
Certificate of Electronic Service	8.11.2020	IV	APPX0983 - APPX0986
Certificate of Electronic Service	9.28.2020	V	APPX1106

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1	Certificate of Electronic Service	9.28.2020	V	APPX1107
2	Certificate of Electronic Service	9.28.2020	V	APPX1108
3				
4	Certificate of Electronic Service	3.18.2021	V	APPX1189
5	Certificate of Mailing	5.24.2018	I	APPX0081
6	Certificate of Mailing	2.14.2019	I	APPX0229
7	Certificate of Mailing	2.15.2019	II	APPX0258
8	Certificate of Service	9.24.2018	I	APPX0136
9	Certificate of Service	4.9.2020	III	APPX0739
10	Certificate of Service	4.9.2020	IV	APPX0740
11	Certificate of Service	4.9.2020	IV	APPX0741
12	Certificate of Service	4.13.2020	IV	APPX0751
13	Certificate of Service	4.13.2020	IV	APPX0752
14	Certificate of Service	4.13.2020	IV	APPX0753
15	Certificate of Service	4.13.2020	IV	APPX0754
16	Certificate of Service	8.4.2021	VI	APPX1322 - APPX1323
17				
18	Certificate of Service	8.12.2021	VI	APPX1339 - APPX1340
19	Complaint for Divorce	3.20.2018	I	APPX0001 - APPX0005
20				
21	Court Minutes	5.14.2018	I	APPX0054 - APPX0055
22	Court Minutes	6.25.2018	I	APPX0103 - APPX0104
23				
24	Court Minutes	10.16.2018	I	APPX0137 - APPX0139
25	Court Minutes	12.14.2018	I	APPX0196 - APPX0197
26				
27				

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1	Court Minutes	1.22.2019	I	APPX0226 - APPX0227
2	Court Minutes	2.19.2019	II	APPX0259 - APPX0260
3				
4	Court Minutes	3.20.2019	II	APPX0410 - APPX0411
5	Court Minutes	4.8.2019	II	APPX0412 - APPX0413
6				
7	Court Minutes	6.11.2019	II	APPX0433
8	Court Minutes	8.27.2019	III	APPX0588 - APPX0589
9	Court Minutes	12.3.2019	III	APPX0596
10	Court Minutes	1.29.2020	III	APPX0608
11	Court Minutes	2.11.2020	III	APPX0623 - APPX0624
12				
13	Court Minutes	5.13.2020	IV	APPX0836 - APPX0840
14	Court Minutes	5.13.2020	IV	APPX0841 - APPX0844
15				
16	Court Minutes	5.13.2020	IV	APPX0845 - APPX0846
17	Court Minutes	5.26.2020	IV	APPX0847 - APPX0851
18				
19	Court Minutes	5.26.2020	IV	APPX0852 - APPX0855
20	Court Minutes	8.5.2020	IV	APPX0975 - APPX0976
21				
22	Court Minutes	8.14.2020	V	APPX0994 - APPX0995
23	Court Minutes	8.14.2020	V	APPX0996 - APPX0997
24				
25	Court Minutes	9.18.2020	V	APPX1076 - APPX1077
26				
27				

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1	Court Minutes	11.18.2020	V	APPX1119 - APPX1120
2	Court Minutes	2.17.2021	V	APPX1136
3	Court Minutes	2.25.2021	V	APPX1172 - APPX1173
4				
5	Court Minutes	3.16.2021	V	APPX1174
6	Court Minutes	4.7.2021	V	APPX1212 - APPX1213
7	Court Minutes	4.7.2021	V	APPX1214 - APPX1215
8				
9	Court Minutes	4.30.2021	VI	APPX1246 - APPX1247
10	Court Minutes	4.30.2021	VI	APPX1248 - APPX1250
11				
12	Court Minutes	5.19.2021	VI	APPX1251 - APPX1253
13	Court Minutes	6.14.2021	VI	APPX1267 - APPX1268
14				
15	Declaration of Amanda Reed in Support of 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	4.13.2020	IV	APPX0755 - APPX0768
16				
17				
18				
19				
20	Decree of Divorce	4.6.2020	III	APPX0632 - APPX0646
21	...			
22	...			
23	...			
24	...			
25	...			
26	...			
27				

1	Defendant/Counterclaimant's	4.10.2018	I	APPX0020 -
2	Motion for Exclusive			APPX0028
3	Possession of the Marital			
4	Residence, for Primary			
5	Physical Custody of the			
6	Minor Children, for Child			
7	Support, for Interim Spousal			
8	Support, to Extend			
9	Temporary Protective Order			
10	for One Year, for an Order to			
11	Show Cause Why Plaintiff			
12	Should Not Be Held in			
13	Contempt for Violating			
14	the Joint Preliminary			
15	Injunction and for			
16	Preliminary Attorney's Fees			
17				
18	Defendant/Counterclaimant's	5.24.2018	I	APPX0082 -
19	Motion for Exclusive			APPX0093
20	Possession of the Marital			
21	Residence, For Primary			
22	Physical Custody of the			
23	Minor Children, for Child			
24	Support, for Interim Spousal			
25	Support, to Extend			
26	Temporary Protective Order			
27	for One Year, for an Order to			
28	Show Cause Why Plaintiff			
29	Should Not Be Held in			
30	Contempt for Violating the			
31	Joint Preliminary			
32	Injunction and for			
33	Preliminary Attorney's Fees			
34				
35	Defendant's Notice of	8.12.2019	III	APPX0500 -
36	Motion and Motion to			APPX0514
37	Compel Discovery			
38	Pursuant to NRCp 37			
39				
40	Defendant's Opposition to	1.18.2019	I	APPX0223 -
41	Plaintiff's Motion for an			APPX0225
42	Order to Show Cause and			
43	Countermotion and Other			
44	Related Matters			
45	...			
46	...			
47	...			
48	...			
49	...			
50	...			

1	Defendant's Opposition to Plaintiff's Motion to Deem Defendant a Vexatious	3.8.2019	II	APPX0283 - APPX0345
2	Litigant; for an Order That			
3	Defendant's Father Stay Away From Plaintiff			
4	Pursuant to the Behavior			
5	Order; for Return of Personal Property; for Attorney's Fees and Costs and Other			
6	Related Matters; and			
7	Countermotion for Joint Legal and Primary Physical			
8	Custody of the Minor Children, Child Custody			
9	Evaluation, Child Support, Exclusive Possession, and for Attorney's Fees and Costs			
10	Defendant's Opposition to Plaintiff's Supplemental	8.31.2020	V	APPX1049 - APPX1075
11	Plea for Relief/Motion; and			
12	Countermotion for Attorney Fees and Costs			
13	Defendant's Pre-Trial Memorandum	2.18.2021	V	APPX1137 - APPX1155
14				
15	Ex Parte Application for an Order Shortening Time on Defendant's Motion for an Order to Show Cause Why Plaintiff Should Not Be Held In Contempt of Court; for Leave to Amend Counterclaim; For a Modification of Custody; to Continue Trial; and for Attorney Fees and Costs	7.26.2019	III	APPX0494 - APPX0499
16				
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21	Ex Parte Application for an Order Shortening Time on Defendant's Motion to Adopt Dr. Paglini's Recommendation; for an Order to Show Cause Why Plaintiff Should Not Be Held In Contempt of Court; to Modify Custody; and for Attorney Fees and Costs	4.10.2020	IV	APPX0884 - APPX0889
22				
23				
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25				
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27

1	Ex Parte Application for an Order Shortening Time on Defendant's Motion to Compel Discovery	8.13.2019	III	APPX0542 - APPX0546
2				
3	Ex Parte Application for an Order Shortening Time on Defendant's Motion to Enforce; for an Order to Show Cause Why Plaintiff Should Not Be Held in Contempt of Court; for Clarification; and for Attorney Fees and Costs	12.12.2018	I	APPX0140 - APPX0144
4				
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8	Ex Parte Application for an Order to Show Cause	4.10.2020	IV	APPX0742 - APPX0744
9				
10	Ex Parte Application for Return of Appeal Bond	2.10.2020	III	APPX0619 - APPX0622
11	Exhibits In Support of Defendant's Motion for an Order to Show Cause Why Plaintiff Should Not Be Held In Contempt of Court; for Leave to Amend Counterclaim; for a Modification of Custody; to Continue Trial; and for Attorney Fees and Costs	7.25.2019	III	APPX0444 - APPX0464
12				
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17	Exhibits In Support of Defendant's Motion to Adopt Dr. Paglini's Recommendation; for an Order to Show Cause Why Plaintiff Should Not Be Held in Contempt of Court; to Modify Custody; and for Attorney Fees and Costs	4.8.2020	III	APPX0664 - APPX0703
18				
19				
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21				
22	Exhibits In Support of Defendant's Motion to Compel Discovery Pursuant to NRCP 37	8.12.2019	III	APPX0515 - APPX0538
23				
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25	...			
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27				

1	Exhibits In Support of Defendant's Motion to Enforce; for an Order to Show Cause Why Plaintiff Should Not Be Held in Contempt of Court; for Clarification; and for Attorney Fees and Costs	12.12.2018	I	APPX0162 - APPX0195
2				
3				
4				
5	Exhibits In Support of Defendant's Opposition to Plaintiff's Supplemental Plea for Relief/Motion; and Countermotion for Attorney Fees and Costs	8.31.2020	V	APPX1049 - APPX1075
6				
7				
8				
9	Exhibits In Support of Defendant's Opposition to Plaintiff's Motion to Deem Defendant a Vexatious Litigant; for an Order That Defendant's Father Stay Away From Plaintiff Pursuant to the Behavior Order; for Return of Personal Property; for Attorney's Fees and Costs and Other Related Matters; and Countermotion for Joint Legal and Primary Physical Custody of the Minor Children, Child Custody Evaluation, Child Support, Exclusive Possession, and For Attorney Fees and Costs	3.8.2019	II	APPX0283 - APPX0345
10				
11				
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19	Exhibits In Support of Defendant's Reply to Plaintiff's Opposition to Motion for Reconsideration of the Court's Order from the February 25, 2021 Hearing; and Opposition to Plaintiff's Countermotion for Revised Custodial Timeshare, School Placement, to Resolve Parent-Child Matters, and For Attorney Fees and Costs	4.23.2021	V	APPX1216 - APPX1230
20				
21				
22				
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1	Exhibits In Support of	5.7.2020	IV	APPX0798 -
2	Defendant's Reply to			APPX0814
3	Plaintiff's Opposition to			
4	Motion to Adopt Dr. Paglini's			
5	Recommendation; for an			
6	Order to Show Cause Why			
7	Plaintiff Should Not Be			
8	Held In Contempt of Court;			
9	to Modify Custody; and for			
10	Attorney Fees and Costs;			
11	and Opposition to Plaintiff's			
12	Countermotion for Protective			
13	Order On Behalf of the			
14	Parties' Minor Children;			
15	For An Order Sealing Case			
16	File; for an Order			
17	Requiring Defendant to			
18	Obtain Court Approval			
19	Prior to Filing Future			
20	Motions; to Declare			
21	Defendant a Vexatious			
22	Litigant; for Sanctions, Fees,			
23	and Costs; and for Related			
24	Relief			
25	Exhibits In Support of	7.2.2020	IV	APPX0864 -
26	Plaintiff's Supplemental			APPX0923
27	Plea for Relief			
28	Exhibits In Support of	3.18.2019	II	APPX0379 -
29	Supplement to Defendant's			APPX0399
30	Opposition to Plaintiff's			
31	Motion to Deem Defendant			
32	A Vexatious Litigant; for			
33	An Order that Defendant's			
34	Father Stay Away From			
35	Plaintiff Pursuant to the			
36	Behavior Order; for Return			
37	of Personal Property; for			
38	Attorney's Fees and Costs			
39	and Other Related Matters			
40	and Countermotion for			
41	Joint Legal and Primary			
42	Physical Custody of the			
43	Minor Children, Child			
44	Custody Evaluation,			
45	Child Support, Exclusive			
46	Possession, and for			
47	Attorney Fees and Costs			

1	Exhibits to Defendant/	5.23.2018	I	APPX0057 -
2	Counterclaimant's Motion			APPX0080
3	for Exclusive Possession of			
4	the Marital Residence, for			
5	Primary Physical Custody			
6	of the Minor Children, for			
7	Child Support, for Interim			
8	Spousal Support, to Extend			
9	Temporary Protective			
10	Order for One Year, for an			
11	Order to Show Cause Why			
12	Plaintiff Should Not Be			
13	Held in Contempt for			
14	Violating the Joint			
15	Preliminary Injunction and			
16	For Preliminary Attorney's			
17	Fees			
18				
19	Exhibits to Defendant/	4.11.2018	I	APPX0029 -
20	Counterclaimant's Motion			APPX0052
21	for Exclusive Possession of			
22	the Marital Residence, for			
23	Primary Physical Custody			
24	of the Minor Children, for			
25	Child Support, for Interim			
26	Spousal Support, to Extend			
27	Temporary Protective			
	Order for One Year, for an			
	Order to Show Cause Why			
	Plaintiff Should Not Be			
	Held in Contempt for			
	Violating the Joint			
	Preliminary Injunction and			
	For Preliminary Attorney's			
	Fees			
	Letter of Completion from	4.30.2019	II	APPX0416 -
	the UNLV Cooperative			APPX0418
	Parenting Program			
	Mutual Behavior Order	8.14.2018	I	APPX0127 -
				APPX0128
	Notice of Appeal	6.21.2019	II	APPX0439 -
				APPX0441
	Notice of Appeal	8.4.2021	VI	APPX1324 -
				APPX1338
	Notice of Completion of	9.24.2020	V	APPX1090 -
	Triple P Positive Parenting			APPX1092
	Program			

1	Notice of Department Reassignment	1.12.2021	V	APPX1130 - APPX1131
2	Notice of Entry of Decree	4.7.2020	III	APPX0647 - APPX0663
3				
4	Notice of Entry of Order	6.10.2019	II	APPX0424 - APPX0429
5	Notice of Entry of Order	9.20.2019	III	APPX0592 - APPX0595
6				
7	Notice of Entry of Order	12.10.2019	III	APPX0597 - APPX0600
8	Notice of Entry of Order	6.4.2020	IV	APPX0856 - APPX0859
9				
10	Notice of Entry of Order	7.31.2020	IV	APPX0970 - APPX0974
11	Notice of Entry of Order	8.20.2020	V	APPX1005 - APPX1013
12				
13	Notice of Entry of Order	10.1.2020	V	APPX1111 - APPX1115
14	Notice of Entry of Order	1.27.2020	V	APPX1125 - APPX1129
15				
16	Notice of Entry of Order	7.27.2021	VI	APPX1285 - APPX1297
17	Notice of Entry of Order	7.27.2021	VI	APPX1298 - APPX1307
18				
19	Notice of Entry of Order After Hearing	3.1.2019	II	APPX0267 - APPX0274
20	Notice of Entry of Order After January 22, 2019 Hearing	3.6.2019	II	APPX0275 - APPX0279
21				
22	Notice of Entry of Order For Return of Appeal Bond	2.24.2020	III	APPX0625 - APPX0629
23				
24	Notice of Entry of Stipulation Regarding Child Support Arrears and Child Support	6.18.2021	VI	APPX1272 - APPX1276
25				
26				
27				

1	Notice of Filing Cost Bond	8.12.2021	VI	APPX1339 - APPX1340
2	Notice of Hearing	7.25.2019	II	APPX0465
3	Notice of Hearing	8.12.2019	III	APPX0539
4	Notice of Hearing	4.8.2020	III	APPX0704
5				
6	Notice of Hearing	4.20.2020	IV	APPX0770 - APPX0771
7	Notice of Hearing	7.7.2020	IV	APPX0966
8	Notice of Hearing	9.24.2020	V	APPX1093
9	Notice of Hearing	9.29.2020	V	APPX1110
10	Notice of Hearing	3.19.2021	V	APPX1190
11	Notice of Hearing	4.6.2021	V	APPX1211
12	Notice of Hearing &	2.9.2021	V	APPX1134 -
13	Notice of Audio/Visual Appearance			APPX1135
14	Notice of Intent to Appear	5.8.2020	IV	APPX0833 -
15	By Communication Equipment			APPX0835
16	Notice of Motion and	9.24.2020	V	APPX1094 -
17	Amended Motion for In-			APPX1105
18	Person Trial and to Stay Action			
19	Notice of Motion and	7.25.2019	II	APPX0466 -
20	Motion for an Order to			APPX0489
21	Show Cause Why Plaintiff			
22	Should Not Be Held in			
23	Contempt of Court; for			
24	Leave to Amend			
	Counterclaim; for a			
	Modification of Custody;			
	to Continue Trial; and			
	for Attorney Fees and			
	Costs			
25	Notice of Motion and	9.23.2020	V	APPX1078 -
26	Motion for In-Person			APPX1089
27	Trial and to Stay Action			

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

1	Notice of Triple P Positive Parenting Program Completion	8.27.2020	V	APPX1014 - APPX1017
2				
3	Opposition and Counter Motion for Exclusive Possession of the Residence, Custody, Child Support, and Spousal Support	7.27.2018	I	APPX0107 - APPX0126
4				
5				
6	Opposition to Defendant's Motion to Adopt Dr. Paglini's Recommendations; for an Order to Show Cause Why Plaintiff Should Not Be Held in Contempt of Court; to Modify Custody; and for Attorney's Fees and Costs; and Plaintiff's Countermotion for a Protective Order on Behalf of the Parties' Minor Children; for an Order Sealing Case File; For an Order Requiring Defendant to Obtain Court Approval Prior to Filing Future Motions; to Declare Defendant a Vexatious Litigant; for Sanctions, Fees, and Costs; and for Related Relief	4.20.2020	IV	APPX0772 - APPX0797
7				
8				
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15				
16	Opposition to Notice of Motion and Motion for an Order to Show Cause Why Plaintiff Should Not Be Held in Contempt of Court; for Leave to Amend Counterclaim; for a Modification of Custody; to Continue Trial; and for Attorney's Fees and Costs; and Countermotion for Attorney's Fees and Costs, and for Related Relief	8.19.2019	III	APPX0548 - APPX0565
17				
18				
19				
20				
21				
22				
23	Order	9.19.2018	I	APPX0129 - APPX0135
24				
25	Order	6.8.2021	VI	APPX1259 - APPX1266
26				
27				

1	Order	7.19.2021	VI	APPX1277- APPX1284
2	Order	7.21.2021	VI	APPX1308 - APPX1318
3				
4	Order After Hearing	2.27.2019	II	APPX0261 - APPX0266
5	Order After Hearing	8.19.2020	V	APPX0998 - APPX1004
6				
7	Order After January 22, 2019 Hearing	3.6.2019	II	APPX0280 - APPX0282
8	Order After November 18, 2020 Minute Order	12.8.2020	V	APPX1121 - APPX1124
9				
10	Order for Return of Appeal Bond	2.24.2020	III	APPX0630 - APPX0631
11	Order From March 20, 2019 Hearing	5.29.2019	II	APPX0420 - APPX0423
12				
13	Order Referring to Senior Judge Settlement Program	1.29.2020	III	APPX0609 - APPX0618
14	Order Setting Case Management Conference and Directing Compliance with NRCP 16.2	6.4.2018	I	APPX0094 - APPX0102
15				
16	Order Setting Civil Non-Jury Trial (Child Custody/Paternity/ Visitation/Relocation)	8.5.2020	IV	APPX0977 - APPX0982
17				
18				
19	Order Shortening Time	8.20.2019	III	APPX0566
20	Order to Seal Records Pursuant to NRS 125.110(2)	5.26.2021	VI	APPX1254 - APPX1256
21				
22	Plaintiff's Amended Pre- Trial Memorandum	8.22.2019	III	APPX0567 - APPX0571
23				
24	Plaintiff's Exhibits In Support of Motion	2.14.2019	I	APPX0230 - APPX0248
25				
26				
27				

1	Plaintiff's Motion to Deem Defendant a Vexatious Litigant; for an Order that Defendant's Father Stay Away From Plaintiff Pursuant to the Behavior Order; for Return of Personal Property; for Attorney's Fees and Costs and Other Related Matters	2.14.2019	II	APPX0249 - APPX0254
6	Plaintiff's Opposition and Countermotion	8.12.2020	V	APPX0987 - APPX0993
8	Plaintiff's Opposition and Countermotion for Revised Custodial Timeshare, School Placement, to Resolve Parent-Child Matters, and for Attorney Fees and Costs	4.1.2021	V	APPX1191 - APPX1210
11	Plaintiff's Pre-Trial Memorandum	6.10.2019	II	APPX0430 - APPX0432
13	Plaintiff's Pre-Trial Memorandum	2.18.2021	V	APPX1156 - APPX1169
14	Plaintiff's Supplemental Exhibit In Support of Motion	2.14.2019	II	APPX0255 - APPX0257
16	Plaintiff's Supplemental Plea for Relief	7.2.2020	IV	APPX0924 - APPX0949
18	Receipt of Copy	6.21.2018	I	APPX0056
19	Receipt of Copy	5.13.2019	II	APPX0419
20	Receipt of Copy	8.22.2019	III	APPX0567
21	Receipt of Copy	2.22.2021	V	APPX1171
22	Re-Notice of Motion	9.28.2020	V	APPX1109
23	Reply to Opposition and Countermotion	3.19.2019	II	APPX0406 - APPX0409
24	...			
25	...			
26	...			
27				

1	Reply to Plaintiff's	8.22.2019	III	APPX0572 -
2	Opposition to Motion for			APPX0580
3	an Order to Show Cause			
4	Why Plaintiff Should			
5	Not Be Held In Contempt			
6	of Court; for Leave to			
7	Amend Counterclaim; for			
8	a Modification of Custody;			
9	to Continue Trial; and			
10	for Attorney Fees and			
11	Costs; and Opposition to			
12	Plaintiff's Countermotion			
13	for Attorney's Fees and			
14	Costs, and for Related			
15	Relief			
16	Reply to Plaintiff's	4.23.2021	VI	APPX1231 -
17	Opposition to Motion for			APPX1245
18	Reconsideration of the			
19	Court's Order from the			
20	February 25, 2021 Hearing;			
21	and Opposition to Plaintiff's			
22	Countermotion for Revised			
23	Custodial Timeshare,			
24	School Placement, to Resolve			
25	Parent-Child Matters, and			
26	for Attorney Fees and			
27	Costs			
1	Reply to Plaintiff's	5.7.2020	IV	APPX0815 -
2	Opposition to Motion to			APPX0832
3	Adopt Dr. Paglini's			
4	Recommendation; for an			
5	Order to Show Cause Why			
6	Plaintiff Should Not Be			
7	Held In Contempt of Court;			
8	to Modify Custody; and for			
9	Attorney Fees and Costs;			
10	and Opposition to Plaintiff's			
11	Countermotion for			
12	Protective Order On Behalf			
13	of the Parties' Minor Children;			
14	for an Order Sealing Case			
15	File; for an Order Requiring			
16	Defendant to Obtain Court			
17	Approval Prior to Filing			
18	Future Motions; to Declare			
19	Defendant a Vexatious			
20	Litigant; for Sanctions, Fees,			
21	and Costs; and for Related			
22	Relief			
23				
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1	Request for Child Protection Services Appearance and Records	1.22.2019	I	APPX0228
2				
3	Request for Issuance of Joint Preliminary Injunction	3.20.2018	I	APPX0006
4	Stipulation and Order for Custody Evaluation	9.19.2019	III	APPX0590 - APPX0591
5				
6	Stipulation and Order for Release of CPS Records	1.23.2020	III	APPX0605 - APPX0607
7	Stipulation and Order Regarding Child Support Arrears and Child Support	6.17.2021	VI	APPX1269 - APPX1271
8				
9	Stipulation and Order to Continue Hearing	12.10.2019	III	APPX0601 - APPX0602
10				
11	Stipulation and Order to Continue June 26, 2018 Hearing	6.28.2018	I	APPX0105 - APPX0106
12				
13	Stipulation and Order to Continue Order to Show Cause Hearing	7.30.2020	IV	APPX0967 - APPX0969
14				
15	Stipulation and Order to Continue Trial	10.01.2020	V	APPX1116 - APPX1118
16	Supplement to Defendant's Motion for an Order to Show Cause Why Plaintiff Should Not Be Held In Contempt of Court; for Leave to Amend Counterclaim; for a Modification of Custody; to Continue Trial; and for Attorney Fees and Costs	8.22.2019	III	APPX0582 - APPX0587
17				
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21	Supplement to Defendant's Motion to Enforce; for an Order to Show Cause Why Plaintiff Should Not Be Held in Contempt of Court; for Clarification; and for Attorney Fees and Costs	1.11.2019	I	APPX0199 - APPX0222
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1	Supplement to Defendant's	3.18.2019	II	APPX0400 -
2	Opposition to Plaintiff's			APPX0405
3	Motion to Dem Defendant A			
4	Vexatious Litigant; for an			
5	Order that Defendant's Father			
6	Stay Away from Plaintiff			
7	Pursuant to the Behavior			
8	Order; for Return of Personal			
9	Property; for Attorney's			
10	Fees and Costs and Other			
11	Related Matters; and			
12	Countermotion for Joint Legal			
13	and Primary Physical Custody			
14	of the Minor Children,			
15	Child Custody Evaluation,			
16	Child Support, Exclusive			
17	Possession, and for Attorney			
18	Fees and Costs			
19	Supplemental Certificate of	4.13.2020	IV	APPX0769
20	Service			
21	Transcript Re: All Pending	12.15.2021	VI	APPX1343 -
22	Motions			APPX1365
23	Transcript Re: All Pending	12.15.2021	VI	APPX1366 -
24	Motions			APPX1397
25	Transcript Re: All Pending	12.15.2021	VI	APPX1398 -
26	Motions			APPX1436
27	Transcript Re: All Pending	12.15.2021	VII	APPX1510-
28	Motions			APPX1548
29	Transcript Re: Non-Jury	12.15.2021	VII	APPX1437-
30	Trial			APPX1509
31	...			
32	...			
33	...			
34	...			
35	...			
36	...			
37	...			
38	...			

AFFIRMATION

(Pursuant to NRS 239B.030)

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

DATED this 10 day of January, 2022.

KAINEN LAW GROUP, PLLC

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

CERTIFICATE OF SERVICE

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

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

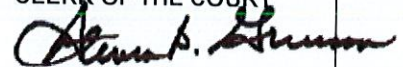
___ BY CERTIFIED MAIL: I caused a true copy thereof to be placed in the U.S. Mail, enclosed in a sealed envelope, certified mail, return receipt requested, postage fully paid thereon, addressed as follows:

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

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

Michancy Cramer
Alex Ghibaudo

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



1 **ROPP**
2 **HANRATTY LAW GROUP**
3 Carrie J. Primas, Esq.
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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

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

11 DEVIN REED,
12 Plaintiff,
13 v.
14 AMANDA REED,
15 Defendant.

) Case No: D-18-568055-D
) Dept No: Z

) **REPLY TO PLAINTIFF'S**
) **OPPOSITION TO MOTION FOR**
) **RECONSIDERATION OF THE**
) **COURT'S ORDER FROM THE**
) **FEBRUARY 25, 2021 HEARING;**
) **AND OPPOSITION TO**
) **PLAINTIFF'S COUNTERMOTION**
) **FOR REVISED CUSTODIAL**
) **TIMESHARE, SCHOOL**
) **PLACEMENT, TO RESOLVE**
) **PARENT-CHILD MATTERS, AND**
) **FOR ATTORNEY FEES AND**
) **COSTS**

) Hearing Date: April 30, 2020
) Hearing Time: 11:00 a.m.

21 COMES NOW Defendant, Amanda Reed, by and through her attorney,
22 Carrie J. Primas, Esq., of Hanratty Law Group, and hereby respectfully submits her
23 Reply to Opposition to Motion for Reconsideration of the Court's Order from the
24 February 25, 2021 Hearing; and Opposition to Plaintiff's Countermotion for a
25 Revised Custodial Timeshare, School Placement, to Resolve Parent-Child Matters,
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28

1 and for Attorney Fees and Costs.

2 This Reply to Opposition and Opposition to Countermotion is made and
3 based on all the papers and pleadings on file herein, the attached Memorandum of
4 Points and Authorities, the attached exhibits and any further evidence and argument
5 as may be adduced at the hearing on this matter.
6

7 Dated this 23rd day of April, 2020.
8

9 **HANRATTY LAW GROUP**

10 By: Carrie Primas
11

12 Carrie J. Primas, Esq.
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Reply/Opposition

In his Opposition, Devin continues to make the same argument as to why Amanda's Motion should be denied, simply repeating that "nothing changed" from the time of the Decree to the time of Amanda's Motion. He alleges that Amanda "wanted to be divorced and she wanted to litigate custody." Devin completely ignores the fact, shown clearly from a review of the record, that Judge Gentile TOLD the parties to resolve the divorce and that she would SIMULTANEOUSLY continue to consider the ongoing custody dispute. Amanda is not trying to "get a second bite at the apple;" Amanda is simply trying to resolve the same custody dispute the parties have been having, and has NEVER been resolved, since the time they stipulated to Dr. Paglini on August 27, 2019. Devin further makes new requests for relief based on alleged events that happened prior to the Decree of Divorce, asks this Court for orders outside of its jurisdiction, and makes completely false statements related to the terms of the parties' Decree of Divorce.

Devin spends significant time attempting to malign Amanda, even rehashing events prior to the Decree despite hinging his entire Opposition on Dr. Paglini's report being prior to the Decree, but does not address a single fact relevant

1 to the request for reconsideration. As such, the following facts remain undisputed:

- 2 1. The parties agreed to utilize Dr. Paglini for a custody evaluation on
3 August 27, 2019, and Judge Gentile directed them to simultaneously
4 negotiate the remaining terms of the divorce. Judge Gentile specifically
5 indicated that *after* finalizing a Decree, “if in fact that is an issue that’s
6 raised by Dr. Paglini and potential recommendations that change things,
7 then at that point...I will then make the determination to proceed on a trial
8 because then there would be adequate cause.”
9
- 10 2. Dr. Paglini’s report, received on January 27, 2020, did raise issues,
11 specifically recommending that Amanda received sole legal custody, that
12 Abby continue in therapy specifically due to the domestic violence she
13 had witnessed, and noting specific concerns related to Devin’s history of
14 domestic violence and “history abusive patterns.” Dr. Paglini specifically
15 noted that Devin is violent and verbally degrading.
16
- 17 3. At the return hearing on January 29, 2020, Judge Gentile referred the
18 parties to Senior Judge Settlement to finalize the divorce and stated that
19 she would set the matter for “further proceedings” related to the custody,
20 because Dr. Paglini’s report *did* raise issues.
21
- 22 4. At the Senior Judge Settlement Conference, the parties specifically
23 acknowledged that there were “presently proceedings before Judge
24 Gentile” regarding custody, and that “these proceedings **will continue**
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1 **and none of the agreements today will impact that.”**

2 As noted in Amanda’s Motion, Devin was present at all of the hearings noted
3 above as well as the Senior Judge Settlement Conference. He was well aware that
4 the issue of custody was ongoing, and his awareness of this fact is further indicated
5 by the fact that he took no steps to stop the Evidentiary Hearing from going forward
6 after it was granted on May 13, 2020. He did not file a Motion for Reconsideration,
7 or a Writ, or file a Motion in Limine, or make a claim in any of his subsequent
8 filings that Dr. Paglini’s report was barred by *McMonigal*. In fact, Devin’s own
9 requests for relief related to the custody and the minor children’s schooling relied
10 and continue to rely heavily on events that occurred prior to the Decree of Divorce.
11

12 Devin argues that “no one forced Amanda to sign the Decree,” and that
13 Amanda could have let the Court enter its own Decree and then appeal that Decree.
14 Devin is incorrectly operating from the position that the Decree of Divorce was the
15 operative document in finalizing the parties’ custodial arrangement. It was not. The
16 parties’ custodial arrangement was ordered in 2018, and was not even discussed at
17 the time the Decree was finalized. The custody order from 2018 was so final that
18 Amanda had already filed an appeal; the Custody Evaluation was stipulated to in
19 exchange for Amanda dismissing her appeal. As indicated clearly by the record
20 and briefed ad nauseum by Amanda in her Motion and this Reply, it was always the
21 intention of the Court and the parties to continue addressing custody in light of Dr.
22 Paglini’s report following the Decree of Divorce being filed.
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1 b. The Children's School Should Not be Changed

2 Devin alleges that Amanda makes custodial exchanges difficult, which is not
3 only irrelevant to the analysis of the children's school, but is also untrue. Amanda
4 does not deny that custodial exchanges are difficult, but this is not due to her. As
5 has been briefed extensively and is shown in numerous videos, the minor child,
6 Abby, constantly refuses to go with Devin, which Amanda does everything in her
7 power to encourage. While Devin stands by staring, or screaming obscenities to
8 Amanda, Amanda has to physically force Abby to go with Devin. Amanda has had
9 to pry Abby off her leg and out of the car, and has had to chase Abby across
10 parking lots and streets to get her to go with Devin. If Amanda were truly
11 interfering with Devin's custodial time and not helping to facilitate the exchanges,
12 she would simply let Abby out of her car and drive away, leaving Devin to chase
13 her down the street. Instead, Amanda spends significant time and energy ensuring
14 Devin receives his visitation.

15 Devin next alleges that she "accuses Devin of not sending them with their
16 proper school items." Devin then lies by stating that "Devin returned the children
17 to Amanda in the morning" on the first day back to in-person schooling. This is
18 blatantly untrue, as it was Devin's son, Daniel, who brought the children to school
19 that day, which is confirmed by a video of the children arriving to school with
20 Daniel. What is true is that Devin **didn't send them with backpacks, masks, or**
21 **lunches.** This is also shown in the video, but more importantly is confirmed by

1 Devin's own message to Amanda in Our Family Wizard, in which he states, "...i
2 am not sending them w them when they go to you at the end of the school day. You
3 understand¹."

4
5 Devin further alleges that Amanda uses her position as a teacher to
6 manipulate and harass Devin, citing an incident in which he claims Amanda hid
7 Abby in her classroom so that he could not pick her up. First, this incident occurred
8 prior to the Decree of Divorce, so under Devin's theory, the Court should not
9 consider it as part of his request. That being said, the fact is that this simply didn't
10 happen. Not only was Amanda not at the school, but it was another teacher, Dana
11 Fishman, who found Abby hiding from Devin in the hallway of the school. As the
12 Court will see from the List of Witnesses filed in preparation for the last
13 Evidentiary Hearing Date, Ms. Fishman is prepared to testify to the events of that
14 day.
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18 The majority of Devin's allegations related to the concerns with school
19 placement, in addition to being irrelevant to the analysis, occurred prior to the
20 parties receiving Dr. Paglini's report. However, at no time prior to Dr. Paglini's
21 report did Devin make a request to change the children's school. This is not a
22 coincidence. It is clear that, upon receiving the report, Devin was upset that it did
23 not go his way, and is attempting to control and anger Amanda through his request
24 to change the children's school.
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27
28 ¹ A copy of the communication is attached as **Exhibit "A"** in the Exhibits in Support of
Defendant's Reply and is hereby fully incorporated herein by reference.

1 Devin alleges that his request to change the children's school is supported by
2 *Arcella* and is briefed in his *Supplemental Plea for Relief*, yet his request is missing
3 the main component of a request under *Arcella*: the actual school he is requesting
4 the children go to. The entire crux of *Arcella* is to **compare the two proposed**
5 **schools**. Here, there is no other school to compare to. Devin did not "fully brief the
6 issue" as he alleges, nor could he have, as doing so would require him to apply the
7 *Arcella* factors to his chosen school. As he has continuously failed to indicate what
8 that school is, there is nothing to apply the factors to. It is abundantly clear that
9 Devin's request to change schools is being made simply to antagonize and harass
10 Amanda, and is not being made in the best interest of the minor children. As such,
11 the Court should deny this request.

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15 c. Amanda's Father Already Has no Contact with Devin

16 Devin alleges that "Amanda's father is a problematic figure in this case,"
17 despite the fact that Amanda's father has had no contact or interactions with Devin
18 since prior to the May 31, 2020 hearing. In other words, they have had no contact in
19 almost a year. Further, Devin continues to request relief based on alleged events
20 that occurred prior to the Decree of Divorce. Although this issue has been briefed
21 repeatedly, it is worth noting that Devin's allegation that Amanda's father "pulled a
22 gun on Devin" is simply false, as is confirmed by the police report on the matter.
23 Devin told the police that Amanda's father pulled a "large silver revolver," but
24 when Amanda's father showed police the gun in his glovebox, it was a black Glock
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