

Form 1. Notice of Appeal to the Supreme Court From a Judgment or Order of District Court

No. **D-15-523582-D**

Dept. No. ....X...

IN THE **8th** JUDICIAL DISTRICT COURT OF THE  
STATE OF NEVADA IN AND FOR  
THE COUNTY OF **CLARK**

Electronically Filed  
Aug 23 2021 09:02 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

A. B., Plaintiff       }  
                                  v.       }  
C. D., Defendant       }

**NOTICE OF APPEAL**

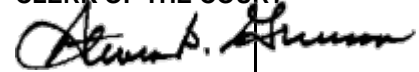
Notice is hereby given that C. D., defendant above named, hereby appeals to the Supreme Court of Nevada (from the final judgment) (from the order (describing it)) entered in this action

on the 10th day of August 2021

**Wilbert R Holmes pro se**

/s/ *Wilbert R Holmes*  
Attorney for C.D.

Address  
**3980 S NELLIS BLVD  
LAS VEGAS NV 89183**



1 ASTA

2  
3  
4  
5  
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**  
7 **STATE OF NEVADA IN AND FOR**  
8 **THE COUNTY OF CLARK**  
9

10 CAPUCINE YOLANDA HOLMES,

11 Plaintiff(s)

12 vs.

13 WILBERT ROY HOLMES,

14 Defendant(s),  
15

Case No: D-15-523582-D

Dept No: X

16  
17 **CASE APPEAL STATEMENT**  
18

19 1. Appellant(s): Wilbert R. Holmes

20 2. Judge: Heidi Almase

21 3. Appellant(s): Wilbert R. Holmes

22 Counsel:

23 Wilbert R. Holmes  
24 3980 S. Nellis Blvd.  
Las Vegas, NV 89183

25 4. Respondent (s): Capucine Yolanda Holmes

26 Counsel:

27 James A. Fontano, Esq.  
28 5135 Camino Al Norte, Ste 273  
North Las Vegas, NV 89031

1 5. Appellant(s)'s Attorney Licensed in Nevada: N/A  
2 Permission Granted: N/A

3 Respondent(s)'s Attorney Licensed in Nevada: Yes  
4 Permission Granted: N/A

5 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

6 7. Appellant Represented by Appointed Counsel On Appeal: N/A

7 8. Appellant Granted Leave to Proceed in Forma Pauperis: Yes, March 13, 2020  
8 Expired

9 Appellant Filed Application to Proceed in Forma Pauperis: No  
10 Date Application(s) filed: N/A

11 9. Date Commenced in District Court: November 5, 2015

12 10. Brief Description of the Nature of the Action: DOMESTIC - Marriage Dissolution

13 Type of Judgment or Order Being Appealed: Misc. Order

14 11. Previous Appeal: Yes

15 Supreme Court Docket Number(s): 73291, 76206, 79976, 80465, 80565, 80641, 80923,  
16 83229, 83321

17 12. Case involves Child Custody and/or Visitation: N/A  
18 Appeal involves Child Custody and/or Visitation: N/A

19 13. Possibility of Settlement: Unknown

20 Dated This 20 day of August 2021.

21 Steven D. Grierson, Clerk of the Court

22 /s/ Amanda Hampton

23 Amanda Hampton, Deputy Clerk  
24 200 Lewis Ave  
25 PO Box 551601  
26 Las Vegas, Nevada 89155-1601  
27 (702) 671-0512

28 cc: Wilbert R. Holmes

**CASE SUMMARY****CASE NO. D-15-523582-D**

**Capucine Yolanda Holmes, Plaintiff**  
**vs.**  
**Wilbert Roy Holmes, Defendant.**

§  
 §  
 §  
 §

Location: **Department X**  
 Judicial Officer: **Almase, Heidi**  
 Filed on: **11/05/2015**  
 Case Number History:

**CASE INFORMATION****Related Cases**

D-08-399088-D (1J1F Related - Rule 5.42)

Case Type: **Divorce - Complaint**  
 Subtype: **Complaint No Minor(s)**

**Statistical Closures**

08/10/2021 Settled/Withdrawn With Judicial Conference or Hearing  
 02/05/2020 Settled/Withdrawn With Judicial Conference or Hearing  
 02/05/2020 Settled/Withdrawn With Judicial Conference or Hearing  
 10/29/2019 Settled/Withdrawn With Judicial Conference or Hearing  
 09/17/2019 Settled/Withdrawn Without Judicial Conference or Hearing  
 10/30/2018 Settled/Withdrawn Without Judicial Conference or Hearing  
 01/30/2018 Settled/Withdrawn Without Judicial Conference or Hearing  
 06/01/2017 Settled/Withdrawn With Judicial Conference or Hearing

Case Status: **08/10/2021 Closed**

**DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number D-15-523582-D  
 Court Department X  
 Date Assigned 04/29/2021  
 Judicial Officer Almase, Heidi


**PARTY INFORMATION****Plaintiff****Holmes, Capucine Yolanda**


**Fontano, James A.**  
*Retained*  
 702-329-9901(W)


**Defendant****Holmes, Wilbert Roy**


**Pro Se**  
 702-281-5752(H)


**DATE****EVENTS & ORDERS OF THE COURT****EVENTS**

08/20/2021  Case Appeal Statement  
 Filed By: Defendant Holmes, Wilbert Roy  
*Case Appeal Statement*

08/18/2021  Notice of Appeal  
 Filed By: Defendant Holmes, Wilbert Roy  
*NOA CORRECT DECISION DATE*

08/10/2021  Notice of Entry of Order  
 Filed By: Plaintiff Holmes, Capucine Yolanda  
*Notice of Entry of Order*



















08/10/2021  Order  
*Order Granting Motion for Sanctions Pursuant to NRCP 11*

08/02/2021  Case Appeal Statement  
 Filed By: Defendant Holmes, Wilbert Roy  
*Case Appeal Statement*

08/01/2021

# CASE SUMMARY

CASE NO. D-15-523582-D

|            |   |
|------------|---|
|            |  Notice of Appeal<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Notice of Appeal</i>  |
| 07/22/2021 |  Notice of Rescheduling of Hearing<br><i>Notice of Rescheduling of Hearing</i>   |
| 07/20/2021 |  Reply<br><i>Reply in Support of Motion for Sanctions and Request for Access to Property for Pictures and Video</i>  |
| 07/14/2021 |  Case Appeal Statement<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Case Appeal Statement</i>  |
| 07/14/2021 |  Case Appeal Statement<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Case Appeal Statement</i>  |
| 06/16/2021 |  Notice of Hearing<br><i>Notice of Hearing</i>   |
| 06/14/2021 |  Notice of Appeal<br><i>Notice of Appeal</i>   |
| 06/14/2021 |  Notice of Entry<br><i>Notice of Entry of Order from June 9, 2021 Chambers Review</i>  |
| 06/10/2021 |  Notice of Appeal<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Notice of Appeal</i>   |
| 06/10/2021 |  Order<br><i>Order from June 9, 2021 Chambers Review</i>   |
| 06/10/2021 |  Order<br><i>Order from June 9, 2021 Chambers Review</i>   |
| 06/10/2021 |  Notice of Hearing<br><i>Notice of Hearing</i>   |
| 06/04/2021 |  Notice of Hearing<br><i>Notice of Hearing</i>   |
| 06/02/2021 |  Certificate of Service<br><i>Certificate of Service re Motion for Sanctions Pursuant to NRCP 11</i>   |
| 06/02/2021 |  Supplement<br><i>Supplement to Motion for Sanctions Pursuant to Rule 11</i>   |
| 06/02/2021 |  Motion<br><i>Motion for Sanctions Pursuant to Rule 11</i>   |
| 05/24/2021 |  Motion<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Motion to Reverse/Drop Withdrawal of Motion for Request for Order to Revise Property Settlement</i> |
| 05/24/2021 |  Motion<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Motion for Request for Order to Revise Property Settlement</i>                                      |
| 04/29/2021 |  Notice of Department Reassignment<br><i>Notice of Department Reassignment</i>   |



















# CASE SUMMARY

CASE NO. D-15-523582-D

|            |   |
|------------|---|
| 04/16/2021 |  Reply<br>Filed By: Attorney Blanchard, Brent A.; Intervenor Panfil, Kimberly<br><i>Reply Memorandum in Support of Motion to Intervene</i>   |
| 04/10/2021 |  Opposition to Motion<br>Filed by: Attorney Fontano, James A.; Plaintiff Holmes, Capucine Yolanda<br><i>Opposition to Motion to Intervene</i>  |
| 04/01/2021 |  Notice of Hearing<br><i>Notice of Hearing</i>   |
| 03/29/2021 |  Motion<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Motion to Withdraw: Motion for Request for Order to Revise Property Settlement Withdrawing as Allowed Under NRCP 11(c)(2)</i>           |
| 03/24/2021 |  Certificate of Service<br>Filed by: Intervenor Panfil, Kimberly<br><i>Certificate of Electronic Service (Motion to Intervene with All Exhibits)</i>   |
| 03/23/2021 |  Opposition to Motion<br>Filed by: Attorney Fontano, James A.; Plaintiff Holmes, Capucine Yolanda<br><i>Opposition to Motion for Request for Order to Revise Property Settlement</i>             |
| 03/18/2021 |  Notice of Hearing<br><i>Notice of Hearing</i>   |
| 03/17/2021 |  Clerk's Notice of Nonconforming Document<br><i>Clerks Notice of Nonconforming Document</i>  |
| 03/12/2021 |  Addendum<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Addendum A1 Motion for Request for Order to Revise Property Settlement Contents and Authorities</i>                                  |
| 03/12/2021 |  Motion to Intervene<br>Filed by: Attorney Blanchard, Brent A.; Intervenor Panfil, Kimberly<br><i>Motion to Intervene with Ex Parte Motion for Order Shortening Time Hearing Not Requested</i> |
| 03/11/2021 |  Clerk's Notice of Nonconforming Document<br><i>Clerk's Notice of Nonconforming Document</i>   |
| 03/11/2021 |  Notice of Hearing<br><i>Notice of Hearing</i>   |
| 03/10/2021 |  Clerk's Notice of Nonconforming Document<br><i>Clerk's Notice of Nonconforming Document</i>   |
| 03/09/2021 |  Motion<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Motion for Request for Order to Revise Property Settlement</i>  |
| 03/05/2021 |  Exhibits<br><i>Exhibit E</i>  |
| 03/05/2021 |  Exhibits<br><i>Exhibit D -Escrow Receipt</i>  |
| 03/05/2021 |  Exhibits<br><i>Exhibit C -Signed Counteroffer</i>   |
| 03/05/2021 |  Exhibits<br><i>Exhibit B -Settlement Statement</i>  |
| 03/05/2021 |   |

# CASE SUMMARY

CASE NO. D-15-523582-D

|            |   |
|------------|---|
|            |  Exhibits<br><i>Exhibit A -MLS Listing</i>   |
| 03/05/2021 |  Motion<br><i>Motion to Approve Sale of Marital Property</i>   |
| 03/05/2021 |  Declaration<br><i>Declaration and Order Shortening Time</i>   |
| 03/05/2021 |  Motion to Intervene<br><i>Motion to Intervene with Ex Parte Motion for Order Shortening Time</i>  |
| 03/05/2021 |  Notice of Entry<br><i>Notice of Entry of Appearance</i>   |
| 01/04/2021 | Administrative Reassignment - Judicial Officer Change<br><i>Judicial Reassignment to Judge Dee Smart Butler</i>   |
| 05/13/2020 |  NV Supreme Court Clerks Certificate/Judgment - Dismissed<br><i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>             |
| 04/22/2020 |  NV Supreme Court Clerks Certificate/Judgment - Dismissed<br><i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>             |
| 03/30/2020 |  Case Appeal Statement<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Case Appeal Statement</i>  |
| 03/26/2020 |  Notice of Appeal<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Notice of Appeal</i>  |
| 03/26/2020 |  NV Supreme Court Clerks Certificate/Judgment - Dismissed<br><i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>           |
| 03/19/2020 |  Notice of Entry of Order<br><i>Notice of Entry of Order</i>   |
| 03/18/2020 |  Order Denying<br>Filed by: Plaintiff Holmes, Capucine Yolanda<br><i>Order Denying Motion for Rehearing</i>  |
| 03/13/2020 |  Order to Proceed In Forma Pauperis<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Order to Proceed In Forma Pauperis (Confidential)</i>             |
| 03/05/2020 |  NV Supreme Court Clerks Certificate/Judgment - Dismissed<br><i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>           |
| 02/20/2020 |  Case Appeal Statement<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Case Appeal Statement</i>  |
| 02/18/2020 |  Notice of Appeal<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Notice of Appeal</i>  |
| 02/14/2020 |  Addendum<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>For Information Purposes Supreme Court Case No. 80465 Brief Draft 1A</i>                    |
| 02/07/2020 |  Application to Proceed in Forma Pauperis<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Application to Proceed in Forma Pauperis (Confidential)</i> |

# CASE SUMMARY

CASE NO. D-15-523582-D

|            |   |
|------------|---|
| 02/07/2020 |  Case Appeal Statement<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Case Appeal Statement</i>  |
| 02/07/2020 |  Notice of Entry of Order<br>Filed By: Plaintiff Holmes, Capucine Yolanda<br><i>Notice of Entry of Order</i>   |
| 02/05/2020 |  Notice of Appeal<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Notice of Appeal</i>  |
| 02/04/2020 |  Order Granting<br><i>Order Granting Motion for Order to Show Cause Why Defendant Should not be Held in Contempt, to Compel Compliance with Decree of Divorce, and for Award of Attorney's Fees and Costs</i>  |
| 01/21/2020 |  Case Appeal Statement<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Case Appeal Statement</i>  |
| 01/16/2020 |  Notice of Appeal<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Notice of Appeal</i>  |
| 01/09/2020 |  NV Supreme Court Clerks Certificate/Judgment - Dismissed<br><i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>   |
| 12/19/2019 |  Opposition to Motion<br>Filed by: Defendant Holmes, Wilbert Roy<br><i>Opposition to: Motion for Order to Show Cause Why Defendant Should Not be Found in Contempt, to Compel Compliance with Decree of Divorce, and for Award of Attorney's Fees and Costs</i>                        |
| 12/13/2019 |  Ex Parte Motion<br>Filed by: Defendant Holmes, Wilbert Roy<br><i>Ex Parte Motion to Continue</i>  |
| 12/12/2019 |  Order<br><i>Order Awarding Attorney's Fees</i>  |
| 12/10/2019 |  Certificate of Service<br><i>Certificate of Service</i>   |
| 12/03/2019 |  Order to Show Cause<br>Filed By: Plaintiff Holmes, Capucine Yolanda<br><i>Order to Show Cause</i>   |
| 11/13/2019 |  Objection<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Corrected Objection to Motion for Order to Show Cause Why Defendant Should Not be Found in Contempt, to Compel Compliance with Decree of Divorce, and for Award of Attorney's Fees and Costs Objection to Show Cause</i> |
| 11/12/2019 |  Objection<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Objection to Motion for Order to Show Cause Why Defendant Should Not Be Found in Contempt, to Compel Compliance with Decree of Divorce, and for Award of Attorney's Fees and Costs Objection to Show Cause</i>           |
| 11/12/2019 |  Notice of Hearing<br><i>Notice of Hearing</i>   |
| 11/08/2019 |  Ex Parte Application<br>Filed by: Plaintiff Holmes, Capucine Yolanda  |

# CASE SUMMARY

CASE NO. D-15-523582-D

*Ex Parte Application for Order to Show Cause*

11/08/2019



Exhibits

Filed By: Plaintiff Holmes, Capucine Yolanda  
*Exhibit Appendix*

11/08/2019



Motion for Order to Show Cause

Filed By: Plaintiff Holmes, Capucine Yolanda  
*Motion for Order to Show Cause Why Defendant Should Not be Found in Contempt, to Compel Compliance with Decree of Divorce, and for Award of Attorney's Fees and Costs*

11/08/2019



Memorandum

Filed By: Plaintiff Holmes, Capucine Yolanda  
*Memorandum of Fees and Costs*

11/04/2019



Case Appeal Statement

Filed By: Defendant Holmes, Wilbert Roy  
*Case Appeal Statement*

10/30/2019



Notice of Appeal

Filed By: Defendant Holmes, Wilbert Roy  
*Notice of Appeal*

10/28/2019



Notice

*Notice of Intent to Appear by Communication Equipment*

10/28/2019



Notice

Filed By: Defendant Holmes, Wilbert Roy  
*Notice of Intent to Appear by Communication Equipment*

10/21/2019



Opposition to Motion

Filed by: Plaintiff Holmes, Capucine Yolanda  
*Opposition to Motion for Rehearing*

09/26/2019



Notice of Hearing

*Notice of Hearing*

09/25/2019



Re-Notice of Motion

Filed by: Defendant Holmes, Wilbert Roy  
*Re-Notice of Motion Motion for Rehearing Hearing Requested*

08/20/2019



Notice of Hearing

*Notice of Hearing*

08/20/2019



Notice of Hearing

*Notice of Hearing*

08/20/2019



Motion

Filed By: Defendant Holmes, Wilbert Roy  
*Motion Motion for Rehearing*

08/19/2019



Motion

Filed By: Defendant Holmes, Wilbert Roy  
*Motion Motion for Rehearing*

08/19/2019



Notice of Entry

*Notice of Entry of Order Quashing Subpoena*

08/19/2019



Notice of Entry

*Notice of Entry of Order Quashing Subpoena*

08/16/2019



Order

*Order Quashing Subpoena*

08/16/2019



Order

# CASE SUMMARY



















CASE NO. D-15-523582-D

## Order Quashing Subpoena

|            |  |
|------------|--|
| 08/02/2019 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed<br><i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed; Review Denied</i> |
| 09/04/2018 |  Subpoena Duces Tecum<br>Filed by: Defendant Holmes, Wilbert Roy<br><i>Subpoena-Domestic Duces Tecum (for Documents)</i>                                  |
| 08/31/2018 |  Subpoena Duces Tecum<br>Filed by: Defendant Holmes, Wilbert Roy<br><i>Subpoena-Domestic Duces Tecum (for Documents)</i>                                  |
| 08/13/2018 |  Certificate of Mailing<br><i>Certificate of Mailing</i>  |
| 08/13/2018 |  Affidavit<br><i>Affidavit of the Honorable Rena G. Hughes in Response to "Defendant's Motion to Disqualify"</i><br><i>Filed in Case D-15-523582-D</i>    |
| 08/13/2018 |  Addendum<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Addendum 5 Divorce Addendum Points and Authorities</i>   |
| 08/07/2018 |  Request Transcript of Proceedings<br><i>Request Transcript of Proceedings (Supreme Court)</i>  |
| 07/26/2018 |  Receipt of Copy<br>Filed By: Plaintiff Holmes, Capucine Yolanda<br>Party 2: Defendant Holmes, Wilbert Roy<br><i>Receipt of Copy</i>                      |
| 07/17/2018 |  Motion to Disqualify Judge<br>Filed by: Defendant Holmes, Wilbert Roy<br><i>Motion to Disqualify</i>   |
| 07/16/2018 |  Addendum<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Addendum (4) Divorce</i>   |
| 07/09/2018 |  Request Transcript of Proceedings  |
| 06/30/2018 |  Addendum<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Addendum (3) Divorce</i>   |
| 06/21/2018 |  Case Appeal Statement  |
| 06/20/2018 |  Notice of Appeal<br>Filed By: Defendant Holmes, Wilbert Roy  |
| 06/18/2018 |  Motion to Disqualify Judge<br>Filed by: Defendant Holmes, Wilbert Roy<br><i>Motion to Disqualify</i>   |
| 06/14/2018 |  Notice of Entry of Order<br><i>Notice of Entry of Order Upon Remand Clarifying Decree of Divorce</i>   |
| 06/14/2018 |  Order to Proceed In Forma Pauperis<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Order to Proceed In Forma Pauperis (Confidential)</i>              |
| 06/12/2018 |  Order<br><i>Order Upon Remand Clarifying Decree of Divorce</i>   |
| 05/31/2018 |  |

# CASE SUMMARY

CASE NO. D-15-523582-D

|            |  |
|------------|--|
|            |  NV Supreme Court Clerks Certificate/Judgment - Affd/Rev Part<br><i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed in Part, Reversed in Part and Remand</i>   |
| 05/17/2018 |  Addendum<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Addendum (1) Divorce</i>   |
| 05/17/2018 |  Application to Proceed in Forma Pauperis<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Application to Proceed in Forma Pauperis (Confidential)</i>  |
| 01/30/2018 |  Domestic Notice to Statistically Close Case  |
| 11/08/2017 |  Order Denying<br><i>Order Denying Motion to Disqualify</i>   |
| 11/03/2017 |  Certificate of Mailing   |
| 11/03/2017 |  Affidavit<br><i>Affidavit of the Honorable Rena G. Hughes in Response to "Motion to Disqualify Judge" Filed in Case D-15-523582-D</i>  |
| 10/20/2017 |  Notice of Entry of Order<br>Filed By: Plaintiff Holmes, Capucine Yolanda<br><i>Notice of Entry of Order Shortening Time</i>  |
| 10/20/2017 |  Notice of Entry of Order<br>Filed By: Plaintiff Holmes, Capucine Yolanda<br><i>Notice of Entry of Order to Show Cause</i>  |
| 10/20/2017 |  Order Shortening Time<br>Filed By: Plaintiff Holmes, Capucine Yolanda  |
| 10/20/2017 |  Order to Show Cause<br>Filed By: Plaintiff Holmes, Capucine Yolanda  |
| 10/12/2017 |  Ex Parte Motion<br>Filed by: Plaintiff Holmes, Capucine Yolanda<br><i>Ex Parte Motion for Order Shortening Time</i>  |
| 10/11/2017 |  Exhibits<br>Filed By: Plaintiff Holmes, Capucine Yolanda<br><i>Exhibit Appendix</i>  |
| 10/11/2017 |  Ex Parte Application for Order<br><i>Ex Parte Application for Order to Show Cause</i>  |
| 10/11/2017 |  Motion for Order to Show Cause<br>Filed By: Plaintiff Holmes, Capucine Yolanda<br><i>Motion for Order to Show Cause Why Defendant Should Not Be Found in Contempt, to Compel Compliance with Decree of Divorce, and for Award of Attorney's Fees and Costs</i> |
| 10/11/2017 |  Notice of Appearance<br>Party: Plaintiff Holmes, Capucine Yolanda  |
| 10/06/2017 |  Ex Parte Motion<br>Filed by: Defendant Holmes, Wilbert Roy<br><i>Ex Parte Motion for Motion to Stay</i>  |
| 10/05/2017 |  Ex Parte Motion<br>Filed by: Defendant Holmes, Wilbert Roy<br><i>Ex Parte Motion for an Order Shortening Time</i>  |
| 09/25/2017 |  Amended Motion   |


















# CASE SUMMARY

CASE NO. D-15-523582-D

|            |   |
|------------|---|
|            | Filed by: Defendant Holmes, Wilbert Roy<br><i>Amended Motion and Notice of Motion for Orders to Set Aside Order, Judgment, and/or Default</i>   |
| 09/25/2017 |  Notice of Motion<br>Filed By: Defendant Holmes, Wilbert Roy   |
| 09/25/2017 |  Motion<br>Filed By: Defendant Holmes, Wilbert Roy<br>Party 2: Plaintiff Holmes, Capucine Yolanda<br><i>Motion and Notice of Motion for Orders to Set Aside Order, Judgment, and/or Default</i>        |
| 09/19/2017 |  Motion to Disqualify Judge<br>Filed by: Defendant Holmes, Wilbert Roy<br><i>Defendant Wilbert Holmes Memorandum of Law in Support of Motion to Disqualify Judge Rena G. Hughes Under 28U.S.C. 144</i> |
| 07/18/2017 |  Motion to Stay<br>Filed by: Defendant Holmes, Wilbert Roy   |
| 06/14/2017 |  Case Appeal Statement<br>Filed By: Defendant Holmes, Wilbert Roy  |
| 06/09/2017 |  Withdrawal of Attorney<br>Filed By: Plaintiff Holmes, Capucine Yolanda  |
| 06/09/2017 |  Notice of Entry of Order<br>Filed By: Plaintiff Holmes, Capucine Yolanda  |
| 06/08/2017 |  Notice of Appeal<br>Filed By: Defendant Holmes, Wilbert Roy   |
| 06/01/2017 |  Notice of Entry of Decree<br><i>Notice of Entry of Decree of Divorce</i>  |
| 06/01/2017 |  Decree of Divorce<br>Filed by: Defendant Holmes, Wilbert Roy; Plaintiff Holmes, Capucine Yolanda  |
| 04/06/2017 |  Order<br>Filed By: Plaintiff Holmes, Capucine Yolanda<br><i>Order from Hearing 4-05-17</i>  |
| 04/06/2017 |  Miscellaneous Filing<br><i>Closing Instructions</i>   |
| 02/21/2017 |  Statement<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Buyer Settlement Statement</i>   |
| 02/18/2017 |  Notice of Rescheduling of Hearing   |
| 02/16/2017 |  Statement<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Buyer Settlement Statement</i>   |
| 02/16/2017 |  Document Filed<br>Filed by: Plaintiff Holmes, Capucine Yolanda<br><i>Document of Property Settlement Statement Purchase Sheet</i>   |
| 02/14/2017 |  Ex Parte Motion<br>Filed by: Defendant Holmes, Wilbert Roy<br><i>Ex Parte Motion for an Order Shortening Time</i>   |
| 02/14/2017 |  Affidavit of Service<br>Filed By: Defendant Holmes, Wilbert Roy   |

# CASE SUMMARY

CASE NO. D-15-523582-D

|            |   |
|------------|---|
|            | Party 2: Plaintiff Holmes, Capucine Yolanda   |
| 02/10/2017 |  Miscellaneous Filing<br><i>Property Detail Required</i>   |
| 02/09/2017 |  Notice of Change of Hearing<br><i>Clerk of the Court's Notice of Change of Hearing</i>  |
| 02/05/2017 |  Motion to Enforce<br>Filed by: Defendant Holmes, Wilbert Roy<br><i>Motion and Notice of Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt</i> |
| 02/01/2017 |  Request<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Divorce Status and Finalization Request</i>  |
| 01/24/2017 |  Affidavit of Service<br>Filed By: Plaintiff Holmes, Capucine Yolanda<br>Party 2: Defendant Holmes, Wilbert Roy  |
| 01/20/2017 |  Subpoena Duces Tecum<br>Filed by: Plaintiff Holmes, Capucine Yolanda  |
| 01/18/2017 |  Certificate of Service<br>Filed by: Plaintiff Holmes, Capucine Yolanda  |
| 01/17/2017 |  Amended<br>Filed By: Plaintiff Holmes, Capucine Yolanda<br><i>Amended Pre-Trial Memorandum</i>  |
| 01/16/2017 |  Pre-trial Memorandum<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Pre Trial Memorandum Exhibit A and D Updated</i>  |
| 01/10/2017 |  Financial Disclosure Form<br>Filed by: Plaintiff Holmes, Capucine Yolanda<br><i>General Financial Disclosure Form (Confidential)</i>  |
| 01/10/2017 |  Financial Disclosure Form<br>Filed by: Defendant Holmes, Wilbert Roy<br><i>General Financial Disclosure Form (Confidential)</i>   |
| 01/08/2017 |  Pre-trial Memorandum<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Pre Trial Memorandum - Updated Fin Disclo Form with Exhibit J (Confidential)</i>                        |
| 01/05/2017 |  Pre-trial Memorandum<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Pre Trial Memorandum Computation Schedule A A</i>   |
| 01/05/2017 |  Certificate of Mailing<br>Filed By: Plaintiff Holmes, Capucine Yolanda<br>Party 2: Defendant Holmes, Wilbert Roy  |
| 01/05/2017 |  Amended<br>Filed By: Plaintiff Holmes, Capucine Yolanda<br><i>Amended Pre-Trial Memorandum</i>  |
| 01/04/2017 |  Pre-trial Memorandum<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Pre Trial Memorandom Exhibit E and F</i>  |
| 01/03/2017 |  Pre-trial Memorandum<br>Filed By: Defendant Holmes, Wilbert Roy   |

# CASE SUMMARY

CASE NO. D-15-523582-D


## Updated Pre Trial Memorandum

|            |  |
|------------|--|
| 12/31/2016 |  Certificate of Mailing<br>Filed By: Plaintiff Holmes, Capucine Yolanda<br>Party 2: Defendant Holmes, Wilbert Roy   |
| 12/22/2016 |  Certificate of Mailing<br>Filed By: Plaintiff Holmes, Capucine Yolanda<br>Party 2: Defendant Holmes, Wilbert Roy   |
| 12/22/2016 |  Pre-trial Memorandum<br>Filed By: Plaintiff Holmes, Capucine Yolanda   |
| 12/20/2016 |  Certificate of Mailing<br>Filed By: Plaintiff Holmes, Capucine Yolanda<br>Party 2: Defendant Holmes, Wilbert Roy   |
| 12/19/2016 |  Pre-trial Memorandum<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Updated Pre Trail Memorandum</i>   |
| 12/18/2016 |  Exhibits<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Malicious Prosecution Detail and Exhibits</i>  |
| 12/14/2016 |  Miscellaneous Filing<br><i>Updated Witness Letter/Kim Panfield</i>   |
| 12/13/2016 |  Certificate of Mailing<br>Filed By: Defendant Holmes, Wilbert Roy<br>Party 2: Plaintiff Holmes, Capucine Yolanda   |
| 12/12/2016 |  Financial Disclosure Form<br>Filed by: Defendant Holmes, Wilbert Roy<br><i>General Financial Disclosure Form (Confidential)</i>                              |
| 12/11/2016 |  Affirmation<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Affirmation - Case Conference Report or Pre-Trial Memorandum Pursuant to NRS 239.030</i>        |
| 12/11/2016 |  Pre-trial Memorandum<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Defendant's Pre-Trial Memorandum (Partially Stricken Per Minutes Order 12/20/2016)</i> |
| 12/07/2016 |  Order Shortening Time<br>Filed By: Plaintiff Holmes, Capucine Yolanda  |
| 12/01/2016 |  Motion to Withdraw As Counsel<br>Filed By: Attorney Kimble-Simms, Marsha<br><i>Motion to Withdraw as Counsel of Record</i>                                   |
| 11/29/2016 |  Notice of Rescheduling of Hearing<br>Filed by: Plaintiff Holmes, Capucine Yolanda  |
| 10/26/2016 |  Trial Management Order   |
| 10/26/2016 |  Notice of Rescheduling of Hearing  |
| 10/26/2016 |  Notice of Hearing  |
| 10/19/2016 |  Notice of Motion<br>Filed By: Defendant Holmes, Wilbert Roy  |
| 10/19/2016 |  Ex Parte Motion<br>Filed by: Defendant Holmes, Wilbert Roy   |

# CASE SUMMARY

CASE NO. D-15-523582-D

*Ex Parte Motion for an Order Shortening Time*

|            |  |
|------------|--|
| 10/18/2016 |  Motion<br>Filed By: Plaintiff Holmes, Capucine Yolanda<br>Party 2: Defendant Holmes, Wilbert Roy   |
| 10/17/2016 |  Certificate of Service<br>Filed by: Plaintiff Holmes, Capucine Yolanda   |
| 10/17/2016 |  Notice<br>Filed By: Plaintiff Holmes, Capucine Yolanda<br><i>Notice of Taking Evidentiary Hearing Off Calendar</i>   |
| 10/11/2016 |  Trial Management Order<br>Filed by: Plaintiff Holmes, Capucine Yolanda   |
| 10/11/2016 |  Application to Proceed in Forma Pauperis<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Application to Proceed in Forma Pauperis (Confidential)</i>                                  |
| 10/10/2016 |  Order to Proceed In Forma Pauperis<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Order to Proceed in Forma Pauperis (Confidential)</i>  |
| 10/06/2016 |  Trial Management Order   |
| 10/05/2016 |  Notice of Rescheduling of Hearing<br><i>Notice of Rescheduling of Evidentiary Hearing</i>  |
| 09/23/2016 |  Order Denying<br>Filed by: Plaintiff Holmes, Capucine Yolanda<br><i>Order Denying Motion to Disqualify</i>   |
| 09/02/2016 |  Certificate of Service<br>Filed by: Plaintiff Holmes, Capucine Yolanda   |
| 08/31/2016 |  Subpoena Duces Tecum<br>Filed by: Plaintiff Holmes, Capucine Yolanda   |
| 08/31/2016 |  Opposition to Motion<br>Filed by: Plaintiff Holmes, Capucine Yolanda<br><i>Opposition to Motion to Disqualify Judge Rena G. Hughes</i>   |
| 08/31/2016 |  Certificate of Mailing<br>Filed By: Plaintiff Holmes, Capucine Yolanda<br>Party 2: Defendant Holmes, Wilbert Roy   |
| 08/18/2016 |  Notice of Motion<br>Filed By: Defendant Holmes, Wilbert Roy  |
| 08/05/2016 |  Memorandum<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Defendant Wilbert Homles Memorandum of Law in Support of Motion to Disqualify Judge Rena G. Hughes Under 28U.S.C.144</i> |
| 08/04/2016 |  Certificate of Mailing<br>Filed By: Plaintiff Holmes, Capucine Yolanda<br>Party 2: Defendant Holmes, Wilbert Roy<br><i>Certificate</i>   |
| 08/03/2016 |  Proof of Service<br>Filed By: Plaintiff Holmes, Capucine Yolanda<br>Party Served: Defendant Holmes, Wilbert Roy  |
| 07/29/2016 |  Affidavit of Service   |

# CASE SUMMARY


















CASE NO. D-15-523582-D

|            |  |
|------------|--|
|            | Filed By: Plaintiff Holmes, Capucine Yolanda<br>Party 2: Defendant Holmes, Wilbert Roy   |
| 07/26/2016 |  Order Shortening Time<br>Filed By: Plaintiff Holmes, Capucine Yolanda  |
| 07/25/2016 |  Ex Parte Motion<br>Filed by: Plaintiff Holmes, Capucine Yolanda<br><i>Ex Parte Motion for an Order Shortening Time</i>   |
| 07/22/2016 |  Motion to Amend<br>Filed by: Plaintiff Holmes, Capucine Yolanda<br><i>Motion to Amend the Pleadings, for an Order to Enforce and for an Order to Show Cause, and to Set Aside the Premarital Agreement</i> |
| 07/19/2016 |  Application to Proceed in Forma Pauperis<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Application to Proceed Informa Pauperis (Confidential)</i>   |
| 07/18/2016 |  Notice of Motion<br>Filed By: Defendant Holmes, Wilbert Roy  |
| 07/16/2016 |  Motion for Change of Venue<br>Filed By: Defendant Holmes, Wilbert Roy  |
| 07/15/2016 |  Application to Proceed in Forma Pauperis<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Application to Proceed Informa Pauperis (Confidential)</i>   |
| 07/12/2016 |  Interrogatories<br>Filed By: Plaintiff Holmes, Capucine Yolanda  |
| 07/12/2016 |  Request<br>Filed By: Plaintiff Holmes, Capucine Yolanda<br><i>Request for Production of Documents</i>  |
| 07/07/2016 |  Subpoena Duces Tecum<br>Filed by: Plaintiff Holmes, Capucine Yolanda   |
| 06/29/2016 |  Ex Parte Motion<br>Filed by: Defendant Holmes, Wilbert Roy<br><i>Ex Parte Motion for an Order Shortening Time</i>  |
| 05/26/2016 |  Reply to Counterclaim<br>Filed By: Plaintiff Holmes, Capucine Yolanda<br>Party 2: Defendant Holmes, Wilbert Roy<br><i>Reply to Amended Answer and Counterclaim</i>                                       |
| 05/17/2016 |  Notice of Entry of Order<br>Filed By: Plaintiff Holmes, Capucine Yolanda   |
| 05/16/2016 |  Amended Answer<br>Filed by: Defendant Holmes, Wilbert Roy<br><i>Amended Answer and Counterclaim</i>  |
| 05/16/2016 |  Order<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Order Regarding Hearing of April 6, 2016</i>  |
| 05/16/2016 |  Notice of Entry of Order<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Notice of Entry of Order Re: Motion to Withdraw as Attorney of Record for Defendant</i>  |
| 05/16/2016 |  Order to Withdraw as Attorney of Record<br>Filed by: Defendant Holmes, Wilbert Roy   |

# CASE SUMMARY

CASE NO. D-15-523582-D

*Order Re: Motion to Withdraw as Attorney of Record for Defendant*

|            |  |
|------------|--|
| 04/18/2016 |  Certificate of Service<br>Filed by: Defendant Holmes, Wilbert Roy  |
| 04/14/2016 |  Motion to Withdraw As Counsel<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Motion to Withdraw as Attorney of Record for Defendant</i>  |
| 04/11/2016 |  Trial Management Order<br>Filed by: Plaintiff Holmes, Capucine Yolanda   |
| 03/30/2016 |  Notice of Rescheduling of Hearing  |
| 03/16/2016 |  Financial Disclosure Form<br>Filed by: Defendant Holmes, Wilbert Roy<br><i>General Financial Disclosure Form (Confidential)</i>  |
| 02/22/2016 |  Notice of Rescheduling of Hearing  |
| 02/18/2016 |  Notice<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Notice of Unavailability</i>   |
| 02/18/2016 |  Substitution of Attorney<br>Filed By: Defendant Holmes, Wilbert Roy  |
| 02/09/2016 |  Notice of Rescheduling of Hearing  |
| 02/08/2016 |  Subpoena Duces Tecum<br>Filed by: Plaintiff Holmes, Capucine Yolanda<br><i>Subpoena Duces Tecum for Business Records (No Appearance Required)</i>  |
| 02/02/2016 |  Notice of Appearance<br>Party: Defendant Holmes, Wilbert Roy<br><i>Notice of Appearance and Request for Notice</i>   |
| 01/05/2016 |  Financial Disclosure Form<br>Filed by: Plaintiff Holmes, Capucine Yolanda<br><i>General Financial Disclosure Form (Confidential)</i>   |
| 12/30/2015 |  Notice of Case Management Conference<br><i>Notice of NRCP 16.2 Case Management Conferences</i>   |
| 12/23/2015 |  Reply to Counterclaim<br>Filed By: Plaintiff Holmes, Capucine Yolanda<br>Party 2: Defendant Holmes, Wilbert Roy  |
| 12/17/2015 |  Certificate of Service<br>Filed by: Defendant Holmes, Wilbert Roy  |
| 12/07/2015 |  Answer and Counterclaim - Divorce, Annulment, Separate Maint<br>Filed by: Defendant Holmes, Wilbert Roy<br>For: Plaintiff Holmes, Capucine Yolanda<br><i>Answer and Counterclaim for Divorce (No Children)</i> |
| 11/19/2015 |  Application to Proceed in Forma Pauperis<br>Filed By: Defendant Holmes, Wilbert Roy<br><i>Application to Proceed in Forma Pauperis (Confidential)</i>  |
| 11/16/2015 |  Affidavit of Service<br>Filed By: Plaintiff Holmes, Capucine Yolanda<br>Party 2: Defendant Holmes, Wilbert Roy   |
| 11/05/2015 |  Complaint for Divorce  |

# CASE SUMMARY

CASE NO. D-15-523582-D

Complaint for Divorce (No Children)

## DISPOSITIONS

- 12/13/2019 **Judgment** (Judicial Officer: Hughes, Rena G.)  
Judgment (\$1,254.00, In Full , Attorney Fees)
- 06/01/2017 **Judgment** (Judicial Officer: Hughes, Rena G.)  
Judgment (\$100,862.73, In Full , Wilburt Roy Holmes shall pay Capucine Yolanda Holmes for her interest in the marital residence.)

## HEARINGS

- 07/29/2021  **All Pending Motions** (10:00 AM) (Judicial Officer: Almase, Heidi)  
Matter Heard;  
Journal Entry Details:  
*MOTION: MOTION FOR SANCTIONS PURSUANT TO NRCP 11... MOTION: MOTION TO REVERSE/DROP WITHDRAWAL OF MOTION FOR REQUEST FOR ORDER TO REVERSE PROPERTY SETTLEMENT... MOTION: MOTION FOR REQUEST FOR ORDER TO REVISE PROPERTY SETTLEMENT In the interest of public safety due to the Coronavirus pandemic, Plaintiff's counsel was present via VIDEO CONFERENCE through the BlueJeans application. Plaintiff's appearance was WAIVED and Defendant, Wilbert Holmes, failed to appear. Court reviewed the record and noted the pleadings on file. Upon inquiry of the Court, Mr. Fontano, counsel for Plaintiff, Capucine Holmes, stated Defendant filed a Motion to Withdraw which caused Mr. Fontano not to file his Motion for Sanctions. Mr. Fontano then stated another motion was filed by Defendant reversing his withdrawal of his motion which caused Mr. Fontano to file the Motion for Sanctions. Upon inquiry of the Court, Mr. Fontano requested attorney's fees for his client. The Court referenced the Order from 02/04/2020 which authorized Plaintiff to obtain a key to the parties' property in order to enter the property and list it for sale. Upon inquiry of the Court, Mr. Fontano affirmed this was the Court's order. COURT stated its FINDINGS and ORDERED the following: 1. Plaintiff's Request to Enforce the 02/04/2020 Order is hereby GRANTED. 2. ATTORNEY'S FEES: The Court directed counsel to submit a Brunzell Affidavit and Memorandum of Fees and Costs leaving a blank in the order for the Court to enter an amount. Said amount shall be REDUCED to JUDGMENT collectable by any legal means bearing the legal rate of interest until paid in full. 3. Mr. Fontano shall prepare the order and submit to the Court for signature. CLERK'S NOTE: On 07/30/2021 a copy of the Court's Minute Order was provided to Defendant and to Plaintiff's Attorney of record via email, if an email address is on record with the Court; if no email address is available then the Minute Order was mailed to the physical address of record. (qm);*
- 07/29/2021 **Motion** (10:00 AM) (Judicial Officer: Almase, Heidi)  
*Motion For Sanctions Pursuant To NRCP 11*  
Matter Heard; See All Pending Motions 07/29/2021
- 07/29/2021 **Motion** (10:00 AM) (Judicial Officer: Almase, Heidi)  
*Motion for Request for Order to Revise Property Settlement*  
Matter Heard; See All Pending Motions 07/29/2021
- 07/29/2021 **Motion** (10:00 AM) (Judicial Officer: Almase, Heidi)  
*Motion to Reverse/Drop Withdrawal of Motion for Request for Order to Reverse Property Settlement*  
Matter Heard; See All Pending Motions 07/29/2021
- 07/27/2021  **Minute Order** (2:00 PM) (Judicial Officer: Almase, Heidi)  
Minute Order - No Hearing Held;  
Journal Entry Details:  
*MINUTE ORDER - NO HEARING HELD - NO APPEARANCES This matter is scheduled for Chambers review on July 28, 2021 on Defendant Wilbert R. Holmes May 24, 2021 Motion to Reverse/Drop/Withdrawal of Motion for Request for Order to Revise Property Settlement [sic]. This Court exercises authority granted it pursuant to NRCP 1 and EDCR 1.10 which provide district court dockets shall be administered to secure speedy, efficient and inexpensive determinations in every action. On June 9, 2021, this Court filed a written order resolving Defendant's May 24, 2021 Motion to Reverse et al. See Order at p.3, ll.9-11 and p.6, ll.8-11 (filed June 9, 2021). Accordingly, it appears to this Court, the above-listed matter was left on calendar in ERROR. Therefore, the Court ORDERS the July 28, 2021 chambers matter VACATED. CLERK'S NOTE: On 07/27/2021 a copy of the Court's Minute Order was provided to Defendant and to Plaintiff's Attorney of record via email, if an email address is on record*

# CASE SUMMARY

CASE NO. D-15-523582-D

with the Court; if no email address is available then the Minute Order was mailed to the physical address of record. (qm);

06/09/2021

**Motion** (3:00 AM) (Judicial Officer: Almase, Heidi)  
*DEFENDANT'S MOTION TO WITHDRAW: MOTION FOR REQUEST FOR ORDER TO REVISE PROPERTY SETTLEMENT*

04/28/2021



**Minute Order** (3:45 PM) (Judicial Officer: Butler, Dee Smart)

Minute Order - No Hearing Held;

Journal Entry Details:

*MINUTE ORDER - NO HEARING HELD Case No. D-15-523582-D Capucine Yolanda Holmes, Plaintiff vs. Wilbert Roy Holmes, Defendant Pursuant to NRCP 1 and EDCR 1.10, the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. NCJC 2.11(A)(1) states: (A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances: (1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding. COURT FINDS that Plaintiff Capucine "Cap" Yolanda Holmes is a personal friend and the court desires to continue and maintain the personal friendship. The Honorable Dee Butler has a personal bias concerning Ms. Holmes and would like to see a favorable outcome for her. The COURT FINDS that her impartiality might be reasonably questioned due to the personal friendship. NOW THEREFORE, IT IS HEREBY ORDERED that to avoid the appearance of impropriety and implied bias, the Court shall disqualify itself. IT IS FURTHER ORDERED that the Clerk of Court shall randomly reassign the matter to another department. IT IS FURTHER ORDERED that the Court Clerk shall provide a copy of this Minute Order to all parties. CLERK'S NOTE: On 4/28/2021 a copy of the Court's Minute Order was provided to each Attorney or Parties via email, if an email address is on record with the Court; if no email address is available then the Minute Order was mailed to the physical address of record. (ajr);*

04/28/2021

**Hearing** (3:00 AM) (Judicial Officer: Butler, Dee Smart)  
*REPLY MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE*

04/28/2021

**Opposition** (3:00 AM) (Judicial Officer: Butler, Dee Smart)  
*Plaintiff's Opposition to Motion to Intervene*

04/28/2021

**Opposition** (3:00 AM) (Judicial Officer: Butler, Dee Smart)  
*Plaintiff's Opposition to Motion for Request for Order to Revise Property Settlement*

04/28/2021

**Motion** (3:00 AM) (Judicial Officer: Butler, Dee Smart)  
*Motion to Intervene with Ex parte Motion for Order Shortening Time*

04/28/2021

**Motion** (3:00 AM) (Judicial Officer: Butler, Dee Smart)  
*Defendant's Motion Request for Order to Revise Property Settlement*

12/16/2019



**All Pending Motions** (2:30 PM) (Judicial Officer: Hughes, Rena G.)

## MINUTES



Matter Heard;

Journal Entry Details:

*PLTF'S MOTION FOR ORDER TO SHOW CAUSE WHY DEFT SHOULD NOT BE HELD IN CONTEMPT TO COMPEL COMPLIANCE WITH DECREE OF DIVORCE, AND FOR AWARD O ATTY'S FEES AND COSTS...PLTF'S ORDER TO SHOW CAUSE Court addressed, last Friday the department received Defendant's ex parte motion to continue this hearing. Counsel stated Defendant e served him and counsel did see it. Court stated it is not supported, by any medical records that say he could not be present, today. Court reviewed the documents that were filed, with the motion. A proper motion was not filed, or proof that Defendant is in the hospital. Court reviewed page 9, of the divorce decree. COURT FOUND, Defendant should have been present today or filed the proper motion to give the court some basis for the allegations that he has made about being in the hospital. Counsel stated he is seeking an order to be able control the sale of the property. It is counsel's understanding, Defendant has moved out of the house and is renting it as a short term rental through AirBnB. Court reviewed page 9, of the divorce decree, regarding if Defendant failed to pay Plaintiff her equity, in the home. COURT ORDERED: 1. It shall be JUST and REASONABLE to AWARD ATTORNEY'S FEES, for today. Counsel shall FILE a MEMORANDUM of FEES and COSTS, together with the BRUNZELL AFFIDAVIT. 2. Plaintiff's MOTION shall be GRANTED. 3. The PROVISION, in the DIVORCE DECREE, regarding Plaintiff being ENTITLED to ENFORCE the SALE of the PROPERTY, to OBTAIN her EQUITY SHARE (\$100,862.73) in the property and ATTORNEY'S FEES shall be GRANTED. Attorney Fontano to prepare an Order, from today's hearing.;*

# CASE SUMMARY

CASE NO. D-15-523582-D

|            |  |
|------------|--|
| 12/16/2019 | <b>Order to Show Cause</b> (2:30 PM) (Judicial Officer: Hughes, Rena G.)<br><i>Plaintiff's Order to Show Cause</i><br>Decision Made;   |
| 12/16/2019 | <b>Motion</b> (2:30 PM) (Judicial Officer: Hughes, Rena G.)<br>Events: 11/08/2019 Motion for Order to Show Cause<br><i>Plaintiff's Motion for Order to Show Cause why Defendant Should not be Held in Contempt. to Compel Compliance with Decree of Divorce, and for Award of Attorney's Fees and Costs</i><br>Granted;  |
| 10/29/2019 |  <b>All Pending Motions</b> (1:30 PM) (Judicial Officer: Hughes, Rena G.)<br><br><b>MINUTES</b><br>Matter Heard;<br>Journal Entry Details:<br><i>OPPOSITION TO MOTION FOR REHEARING...DEFT'S RE NOTICE OF MOTION FOR REHEARING Defendant appeared TELEPHONICALLY. Court inquired if the request for a rehearing is for the final decree, which Defendant said yes. Defendant stated there was an item that has not been recognized, on his behalf, in the divorce. Court discussed, the matter was taken up to the Court of Appeals and is on appeal; therefore, this Court no longer has jurisdiction. Defendant stated he was informed the matter was sent back to District Court, to make a decision. Court reviewed the case file. Further, addressed the matter was appealed and has been confirmed. Defendant discussed Plaintiff signed off on a quick claim deed and signed off on any property rights. Defendant does not understand how Plaintiff can be awarded any equity in the property, when she has no rights to it. Plaintiff had to sign off before the house could be put under the Senior Citizen Home Equity Program. Defendant stated his argument is Plaintiff signed legal documents that Plaintiff does not have any equity then, or in the future, on that property. Court addressed, it was recognized Defendant was the only title holder, at the time of trial and the Court heard evidence and testimony. Further, Plaintiff signed the quick claim deed because it was necessary for Defendant to be able to refinance the residence and get equity out of the property. Court reviewed the trial notes. COURT FOUND, the motion is legally deficient, has no legal or factual basis, it has been appealed and affirmed, by the Supreme Court. COURT ORDERED: 1. As Defendant's MOTION is LEGALLY DEFICIENT the MOTION shall be DENIED. 2. Attorney Fontano shall FILE a MEMORANDUM of FEES and COSTS, for THIS HEARING, which INCLUDES the BRUNZELL FACTORS, within the next 10 days. Upon RECEIPT, Defendant shall have 10 days to FILE a RESPONSE. COURTESY COPIES shall be PROVIDED, to the DEPARTMENT. Attorney Fontano to prepare an Order, from today's hearing. CASE CLOSED. Clerk's note, as Defendant was being disruptive and over talking the Court, the Court lowered the volume of Defendant speaking, so the Court could make findings and the order, without interruptions.;</i> |
| 10/29/2019 | <b>Opposition</b> (1:30 PM) (Judicial Officer: Hughes, Rena G.)<br>Events: 10/21/2019 Opposition to Motion<br><i>Opposition to Motion for Rehearing.....Wilbert Homes to appear by phone his number is 702.281.5752.</i><br>Decision Made;   |
| 10/29/2019 | <b>Motion</b> (1:30 PM) (Judicial Officer: Hughes, Rena G.)<br>Events: 09/25/2019 Re-Notice of Motion<br><i>Defendant's Re-Notice of Motion Motion for Rehearing</i><br>Denied;  |
| 09/24/2019 | <b>CANCELED Motion</b> (10:00 AM) (Judicial Officer: Hughes, Rena G.)<br><i>Vacated</i><br><i>Defendant's Motion for Rehearing</i>   |
| 09/24/2019 | <b>CANCELED Motion</b> (10:00 AM) (Judicial Officer: Hughes, Rena G.)<br><i>Vacated</i><br><i>Motion for Rehearing</i>   |
| 09/17/2019 |  <b>Minute Order</b> (4:00 PM) (Judicial Officer: Hughes, Rena G.)<br>Minute Order - No Hearing Held;<br>Journal Entry Details:<br><br><i>Minute Order D-15-523582-D Holmes v Holmes NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.501(b), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition</i>   |

# CASE SUMMARY

CASE NO. D-15-523582-D

timely filed. This Court has read and considered the current underlying pleadings in this matter. On August 19, 2019 Defendant filed a Motion for Rehearing. On August 20, 2019 Defendant filed an Amended Motion for Rehearing. Defendant filed a Certificate of Service indicating he had the Motions electronically served on August 16, 2019. As Defendant's Motions were not e-filed until August 20, 2019, Defendant's claimed date of service is deficient. Therefore the Motion hearing scheduled for September 24, 2019 is hereby vacated. Defendant may re-notice his Motion through the Clerk's Office to set this matter back on calendar. Case closed. Clerk's note, a copy, of today's minute order was mailed, to Defendant and counsel, at the addresses, on file.;

06/29/2018



**Motion to Disqualify Judge** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Events: 06/18/2018 Motion to Disqualify Judge

Defendant's Motion to Disqualify Judge

## MINUTES



**Motion to Disqualify Judge**

Filed by: Defendant Holmes, Wilbert Roy

Motion to Disqualify

Denied; Denied without prejudice.

Journal Entry Details:

The Court has reviewed the latest Motion to Disqualify filed by Defendant in this matter. As the Motion was not served upon the Judge, the matter is DENIED WITHOUT PREJUDICE to refile and serve in accordance with NRS 1.235(4). CLERK'S NOTE: A copy of this minute order was mailed to: Wilbert Holmes 10550 Patrington Ct. Las Vegas, NV 89183 Defendant in Pro Se Capucine Holmes 637 Twilight Blue Avenue North Las Vegas, NV 89032 Plaintiff James A. Fontano, Esq. 5135 Camino al Norte, Suite 273 North Las Vegas, NV 89031 Counsel for Plaintiff/ dr;

11/29/2017

**CANCELED Order to Show Cause** (10:00 AM) (Judicial Officer: Hughes, Rena G.)

Vacated - per Law Clerk

11/29/2017

**CANCELED Motion for Order to Show Cause** (10:00 AM) (Judicial Officer: Hughes, Rena G.)

Vacated - per Law Clerk

Motion For Order To Show Cause Why Defendant Should Not Be Found In Contempt, To Compel Compliance With Decree Of Divorce, And For Award Of Attorney's Fees and Cost's

11/29/2017

**CANCELED Motion** (10:00 AM) (Judicial Officer: Hughes, Rena G.)

Vacated - per Law Clerk

Deft's Motion and Notice of Motion for Orders to Set Aside Order, Judgment, and/or Default

11/28/2017



**Minute Order** (2:00 PM) (Judicial Officer: Hughes, Rena G.)

Minute Order - No Hearing Held;

Journal Entry Details:

MINUTE ORDER: NO HEARING HELD AND NO APPEARANCES This matter having come before the Court on Plaintiff's Motion for an Order to Show Cause Why Defendant Should Not Be Held in Contempt, to Compel Compliance with Decree of Divorce, and for Award of Attorney's Fees and Costs filed on October 11, 2017 and on Plaintiff's Order to Show Cause, signed by the Court on October 18, 2017 and filed on October 20, 2017, set to be heard by the Court on November 29, 2017. The Court finds that pursuant to NRCP 1 and EDCR 1.10, the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. The Court finds that subsequent to the Court signing off on Plaintiff's Order to Show Cause, the Court was unaware that the case was under appeal, as Defendant had erroneously filed a Notice of Appeal and a Case Appeal Statement under the District Court caption. The case was therefore not flagged as a case under appeal. The Court was only notified that the case was under appeal when a Notice of Transfer to Court of Appeals was filed on October 19, 2017. The Court finds that a notice of appeal divests this Court of jurisdiction to act and vests the jurisdiction in the appellate court. Rust v. Clark Cty. School District, 103 Nev. 686, 688, 747 P.2d 1380, 1382 (1987). As this case was appealed to the Court of Appeals and the District Court no longer has jurisdiction to hear this matter, the Court is hereby vacating the Order to Show Cause hearing and Plaintiff's Motion without prejudice. The hearing set on November 29, 2017 is hereby vacated. Minute Order to suffice. JEA to mail/fax a copy of this Minute Order to the parties and/or their respective counsel. ;

11/20/2017



**Minute Order** (1:30 PM) (Judicial Officer: Hughes, Rena G.)

Minute Order - No Hearing Held;

Journal Entry Details:

MINUTE ORDER: NO HEARING HELD AND NO APPEARANCES NRCP 1 and EDCR 1.10

# CASE SUMMARY

CASE NO. D-15-523582-D

state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.501(b), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed. This Court has read and considered the current underlying pleadings in this matter. The Defendant has failed to comply with EDCR 5.206 by failing to file proof of service for the Motion he filed on September 25, 2017. Therefore, Defendant's Motion for Orders to Set Aside Order, Judgment, and/or Default scheduled for November 29, 2017, is taken off calendar for failure to serve. Plaintiff's Motion for an Order to Show Cause and the Order to Show Cause hearing, scheduled for November 29, 2017, shall remain on calendar. Clerk's note, a copy, of today's minute order, was mailed, to the Defendant, at the address, on file and placed, in counsel's folder, at Family Court.;

11/08/2017 **CANCELED Motion** (11:00 AM) (Judicial Officer: Hughes, Rena G.)

Vacated

Def't's Ex Parte Motion to Stay

11/03/2017 **Motion to Disqualify Judge** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Events: 09/25/2017 Notice of Motion

Def't Wilbert Holmes' Memorandum of Law in Support of Motion to Disqualify Judge Rena G. Hughes Under 28 U.S.C. 144

## MINUTES



Notice of Motion

Filed By: Defendant Holmes, Wilbert Roy

Denied;

Journal Entry Details:

See order denying motion to disqualify.;

10/03/2017 **Minute Order** (3:39 PM) (Judicial Officer: Gonzalez, Elizabeth)

Minute Order re: Ex Parte Motion for OST for the Motion to Disqualify Judge Rena G. Hughes

Minute Order - No Hearing Held;

Journal Entry Details:

The Court reviewed the Ex Parte Motion for Order Shortening Time (OST) submitted for the Motion to Disqualify Judge filed 9/19/17. As it does not appear that the Motion or Amended Motion has been served on the judge as required by NRS 1.235(4) the Ex parte Motion is DENIED WITHOUT PREJUDICE. CLERK'S NOTE: A copy of this minute order was distributed to: Wilbert R. Holmes 10550 Pattrington Ct. Las Vegas, NV 89183 / dr 10-4-17;

08/23/2017 **Motion to Stay** (11:00 AM) (Judicial Officer: Hughes, Rena G.)

Events: 07/18/2017 Motion to Stay

Def't's Motion to Stay

## MINUTES



Motion to Stay

Filed by: Defendant Holmes, Wilbert Roy

Minute Order - No Hearing Held;

Journal Entry Details:

Per Judge Hughes NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.501(b), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed. This matter came on for hearing on the Court's in chambers calendar on August 23, 2017 for Defendant's Motion to Stay. This Court has read and considered the current underlying pleadings in this matter. Defendant has filed an Appeal of the final Decree of Divorce in this matter and applied to the District Court for a stay of the Decree of Divorce pending the appeal. Defendant's Motion for Stay is devoid of legal authorities and any factual basis. Any motion filed without points and authorities is subject to being denied pursuant to EDCR 2.20 (c) A party filing a motion must also serve and file with it a memorandum of points and authorities in support of each ground thereof. The absence of such memorandum may be construed as an admission that the motion is not meritorious, as cause for its denial or as a waiver of all grounds not so supported. Further, Defendant has not filed a supersedeas bond. Defendant's Motion to Stay is therefore denied. NRCP 62 (d) Stay Upon Appeal. When an appeal is taken the appellant by giving a supersedeas bond may obtain a stay subject to the exceptions contained in subdivision (a) of

# CASE SUMMARY

CASE NO. D-15-523582-D

*this rule. The bond may be given at or after the time of filing the notice of appeal. The stay is effective when the supersedeas bond is filed. Clerk's note, a copy, of today's minute order, was mailed to the Parties, at the addresses, on file.;*

04/05/2017



**Motion** (11:00 AM) (Judicial Officer: Hughes, Rena G.)

Events: 02/05/2017 Motion to Enforce

*DEFENDANT'S MOTION TO ENFORCE/SHOW CAUS*

## MINUTES



Motion to Enforce

Filed by: Defendant Holmes, Wilbert Roy

*Motion and Notice of Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt*

Decision Made;

Journal Entry Details:

*Clerk's note, matter was on the IN CHAMBERS calendar and a hearing was not heard.*

*However, a DECISION was made, on the PLEADINGS, with the ORDER, FILED 4/6/17.;*

04/04/2017

**CANCELED Calendar Call** (11:00 AM) (Judicial Officer: Hughes, Rena G.)

*Vacated - per Secretary*

*Stack #2*

01/10/2017



**Evidentiary Hearing** (1:30 PM) (Judicial Officer: Hughes, Rena G.)

**01/10/2017, 01/18/2017**

Events: 10/05/2016 Notice of Rescheduling of Hearing

*DAY 2 - Finances / equity in marital residence*

## MINUTES



Notice of Rescheduling of Hearing

*Notice of Rescheduling of Evidentiary Hearing*

Due to stacking

reset to 4/18/17. New TMO will be sent by JEA

Stack #5

Matter Continued;

Under Advisement;

Journal Entry Details:

*Court noted both parties filed an Amended Pretrial Memorandum with additional exhibits.*

*Testimony and exhibits presented (see worksheets). COURT ORDERED, matter is taken*

*UNDER ADVISEMENT. As the Court is unable to make a DECISION at this time, Ms. Kimble-Simms shall obtain the closing documents from the title company on the home when it was*

*purchased in 1999 and file it with the Court; she may prepare an Order for the Court to sign*

*should a subpoena not be sufficient. Ms. Kimble-Simms shall prepare the Order from today's*

*hearing. Clerk's Note: After the hearing, COURT ORDERED, Defendant is to make Plaintiff's*

*personal items in the home available for her to pick up within 10 days of today's date. (ag);*

## MINUTES



Notice of Rescheduling of Hearing

*Notice of Rescheduling of Evidentiary Hearing*

Due to stacking

reset to 4/18/17. New TMO will be sent by JEA

Stack #5

Matter Continued;

Under Advisement;

Journal Entry Details:

*HOUSEKEEPING ISSUES. Review of issues and the pre marital agreement. Witness's sworn*

*and testified. Court heard testimony, from Plaintiff and Wendell Snow. Exhibits offered and*

*admitted. See exhibit worksheet. Court addressed, exhibit C1 is an appraisal, for 2002,*

*however, an appraisal, for 2001 was requested. Due to TIME RESTRICTIONS, COURT*

*ORDERED, matter CONTINUED, to 1/18/17. ;*

12/20/2016



**All Pending Motions** (11:00 AM) (Judicial Officer: Hughes, Rena G.)

Matter Heard;



Journal Entry Details:

*DEFT'S MOTION FOR MALICIOUS PROSECUTION...CALENDAR CALL...STATUS*

# CASE SUMMARY

CASE NO. D-15-523582-D

*CHECK...MOTION TO WITHDRAW AS COUNSEL OF RECORD PER OST Court discussed Defendant's notice of motion failed to provide points or authorities, and a proper motion was not filed. Further, Plaintiff has not filed a pre trial memorandum. Court addressed counsel's motion to withdraw was not served; therefore, can not be heard, today. Discussion regarding not having the entire pre nuptial agreement, from Michigan, appraisals of the residence and the length of time the case has been ongoing. Court reviewed the pre nuptial agreement, which was filed, with the Court. Court noted, there is enough information, in the pre nuptial to apply the laws, of Michigan, to the document. Counsel stated she does not feel comfortable moving forward, with the trial, with the documents she has, as they are not complete. Further, counsel has attempted to retrieve a copy of the full document, however has been able to, due to needing Defendant's authorization. COURT stated FINDINGS and ORDERED: 1. Defendant's MOTION shall be DENIED. 2. As Defendant FILED his EXHIBITS, in his PRE TRIAL MEMORANDUM (12/11/16), EXHIBITS B and C shall be STRICKEN. 3. EVIDENTIARY HEARING STANDS. ;*

- 12/20/2016 **Motion** (11:00 AM) (Judicial Officer: Hughes, Rena G.)  
Events: 12/01/2016 Motion to Withdraw As Counsel  
*Motion to Withdraw as Counsel of Record per OST*  
Off Calendar;
- 12/20/2016 **Calendar Call** (11:00 AM) (Judicial Officer: Hughes, Rena G.)  
Events: 11/29/2016 Notice of Rescheduling of Hearing  
*Stack #5*  
Matter Heard;
- 12/20/2016 **Status Check** (11:00 AM) (Judicial Officer: Hughes, Rena G.)  
Events: 10/26/2016 Notice of Hearing  
Matter Heard;
- 12/20/2016 **Motion** (11:00 AM) (Judicial Officer: Hughes, Rena G.)  
Events: 10/19/2016 Notice of Motion  
*Def't's Motion for Malicious Prosecution*  
Denied;
- 12/15/2016 **CANCELED Evidentiary Hearing** (10:00 AM) (Judicial Officer: Hughes, Rena G.)  
*Vacated - per Attorney or Pro Per*  
*Validity of Pre nuptial agreement - per Judge one hour*
- 10/11/2016  **Minute Order** (10:00 AM) (Judicial Officer: Hughes, Rena G.)  
Minute Order - No Hearing Held;  
Journal Entry Details:  
*-PER JUDGE NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.11(e), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed. At the April 6, 2016 Case Management Conference hearing, the Court set the matter for an Evidentiary Hearing regarding finances and equity in the marital residence. The Court Ordered a marital appraisal be prepared by Scott Dugan, for the prenuptial agreement to govern the division of property, for discovery to open, for the exchange of documents to be voluntarily completed pursuant to 16.2, and for counsel to amend the pleadings to include the tort claim and the community waste claim within the next 30 days. The Evidentiary Hearing was scheduled for October 12, 2016. Subsequent to the April 6, 2016 hearing, Plaintiff filed a Motion to Amend the Pleadings, for an Order to Enforce and for an Order to Show Cause and to Set Aside the Premarital Agreement. At the Motion hearing on October 4, 2016, the Court granted Plaintiff's request to amend the complaint to include the tort and community waste claim. The Court set an Evidentiary Hearing on the validity of the prenuptial agreement. The Evidentiary Hearing was scheduled for December 15, 2016. This Court has read and considered the current underlying pleadings in this matter. As the prenuptial agreement controls the marital estate and the validity of the prenuptial agreement is being contested, the Court is hereby continuing the Evidentiary Hearing re: finances and equity in the marital estate from October 12, 2016 to April 18, 2017. The Court will first hear the Evidentiary Hearing re: the validity of the prenuptial agreement, on December 15, 2016. Thereafter the Court will address the Evidentiary Hearing regarding the finances and the equity in the marital residence. Clerk's note, a copy of today's minute order, was mailed to Defendant, at the address on file and placed in Attorney's folder, at Family Court. ;*
- 10/04/2016  **Motion** (10:00 AM) (Judicial Officer: Hughes, Rena G.)

# CASE SUMMARY

CASE NO. D-15-523582-D

Events: 07/22/2016 Motion to Amend

*Pltf's Motion to Amend the Pleadings, For An Order to Enforce and for An Order to Show Cause, and to Set Aside the Premarital Agreement per OST*

## MINUTES



Motion to Amend

Filed by: Plaintiff Holmes, Capucine Yolanda

*Motion to Amend the Pleadings, for an Order to Enforce and for an Order to Show Cause, and to Set Aside the Premarital Agreement*

JEA

for the OST. rescheduled back to original date

Evidentiary Hearing;

Journal Entry Details:

**PLTF'S MOTION TO AMEND THE PLEADINGS, FOR AN ORDER TO ENFORCE AND FOR AN ORDER TO SHOW CAUSE, AND TO SET ASIDE THE PREMARITAL AGREEMENT PER OST** Court clerk Tiffany Skaggs present. Discussion regarding lack of full disclosure, prenuptial agreement, 4/6/16 hearing and SOGG. Counsel stated Plaintiff found out after the 4/16 hearing that Defendant owned a liquor business and did not disclose everything. Attorney advised, Defendant represented he was not going to appear in court anymore. COURT ORDERED, 1. Behavioral Order shall be in EFFECT immediately. 2. Plaintiff's request to AMEND, regarding the TORQUE CLAIM and COMMUNITY WASTE shall be GRANTED. 3. Defendant's Complaint for Malicious Prosecution filed 9/28/16 shall be STRICKEN as it is not a Motion or Proper Document. 4. Plaintiff's claim that Defendant interfered with a job offer shall NOT be ALLOWED as claim does NOT relate to Divorce. 5. Plaintiff's Intentional Infliction claim shall NOT be ALLOWED as claim does NOT relate to Divorce. 6. Attorney shall file briefs pursuant to Michigan Law. 7. Evidentiary hearing regarding financials and marital residence STANDS. 12/15/2016 10:00 am EVIDENTIARY HEARING - validity of prenuptial agreement Minute's from today's hearing to suffice.;

09/27/2016



**Calendar Call (11:00 AM)** (Judicial Officer: Hughes, Rena G.)

*due to stacking - set EH on 10/12/16*

Matter Heard;

Journal Entry Details:

*Court noted, there were no appearance, for today's hearing, due to confusion, regarding the final order dealing with Defendant's motion, to disqualify. Court clerk trainee, Marlana Elliott, present. COURT ORDERED, DUE to STACKING, the EVIDENTIARY HEARING shall be RESET, to 10/12/16. Court's JEA to NOTICE said HEARING. The MOTION set, for 10/4/16, STANDS.;*

09/23/2016



**Minute Order (3:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)

*Minute Order: Motion to Disqualify*

Minute Order - No Hearing Held; Motion to disqualify denied.

Journal Entry Details:

*COURT ORDERED, as it does not appear that the motion was properly served upon the judge under NRS 1.235(4) the motion to disqualify is DENIED. See written order. CLERK'S NOTE: A copy of the above minute order was electronically mailed to Atty. Marsha Simms, counsel for Plaintiff, and mailed to Wilbert Holmes, Defendant in Pro Se, at 10550 Pattrington Ct Las Vegas, NV 89183. / dr 9-28-16 ;*

09/23/2016

**Motion to Disqualify Judge (3:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)

*Deft's Memorandum of Law in Support of Motion to Disqualify Judge Rena G. Hughes Under 28U.S.C.144*

09/22/2016



**Motion to Disqualify Judge (3:00 AM)** (Judicial Officer: Barker, David)

Events: 08/18/2016 Notice of Motion

*Deft's Memorandum of Law in Support of Motion to Disqualify Judge Rena G. Hughes Under 28U.S.C.144*

## MINUTES



Notice of Motion

Filed By: Defendant Holmes, Wilbert Roy

Matter Continued;

Journal Entry Details:


*The Court notes that in Plaintiff's Motion to Amend Pleadings, filed July 22, 2016, and set for hearing on October 4, 2016, Plaintiff's counsel references having spoken with this Court and*

# CASE SUMMARY


CASE NO. D-15-523582-D

being referred to Presiding Judge of the Family Division, Judge Charles Hoskin. See motion at 8:9-14. To avoid the appearance of impropriety Defendant's Motion to Disqualify Judge Hughes is ORDERED transferred to the Department 11 September 23, 2016, chamber calendar for either reassignment or decision by Judge Gonzalez at her discretion. CLERK'S NOTE: A copy of this Minute Order has been placed in the attorney folder of Marsha Kimble-Simms, Esq., and mailed to: Wilbert Roy Holmes 10550 Patrington Ct. Las Vegas, NV 89183.anm/9/22/16 ;


09/21/2016 CANCELED Motion (10:00 AM) (Judicial Officer: Hughes, Rena G.)  
Vacated - per Judge  
Def't's Motion for Change of Venue

07/26/2016  Minute Order (11:00 AM) (Judicial Officer: Hughes, Rena G.)  
Minute Order - No Hearing Held;  
Journal Entry Details:  
*Per Judge Hughes NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.11(e), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed. On July 16, 2016 Defendant filed a Motion for Change of Venue, with a Notice of Motion filed July 22, 2016 setting a hearing for September 21, 2016 at 10:00 a.m. The basis of Defendant's motion to change venue is his assertion that Plaintiff somehow can exert undue influence over the judiciary in Clark County, Nevada, and thus he will not receive a fair trial. Defendant further asserts that members of the judiciary have attended social events at his home, and that Plaintiff, his wife, is friends with members of the judiciary. Defendant does not assert Judge Rena Hughes attended social events at his home, or that Judge Rena Hughes is friends with his wife. Judge Rena Hughes has in fact not attended any social events at the parties home, and is not friends with Plaintiff. Judge Rena Hughes has no bias, nor prejudice for, or against, either party. Plaintiff has no undue influence over Judge Rena Hughes, and there is no basis to change venue as Defendant asserts. See, SCR 2.11. Defendant's Motion for Change of Venue is devoid of legal points and authorities, and does not meet the requirements of EDCR 2.20. Even if Defendant had cited to the appropriate statute or rule, the Court finds no basis for a change in venue. Both parties reside in Clark County, Nevada, the forum is convenient, and there is no obstacle to a fair and impartial trial. See, NRS 13.040 and 13.050. Defendant's Motion is DENIED, and the hearing of September 21, 2016 is VACATED. Clerk's note, a copy of today's was mailed to Defendant, at the address, on file and placed, in counsel's folder, at Family Court.;*

05/17/2016 CANCELED Motion (10:00 AM) (Judicial Officer: Hughes, Rena G.)  
Vacated  
Def't's Attorney's Motion to Withdraw as Attorney of Record

03/30/2016  Case Management Conference (11:00 AM) (Judicial Officer: Hughes, Rena G.)  
03/30/2016, 04/06/2016  
Events: 02/09/2016 Notice of Rescheduling of Hearing  
Reset, from 3/30/16, due to JNA.

## MINUTES

 Notice of Rescheduling of Hearing

Notice of Unavailability filed 2/18/16

Off Calendar;

Evidentiary Hearing;

Journal Entry Details:

*Arguments regarding, pre nuptial agreement, division of property, appraisal of marital residence, selling of the marital residence, job search for Plaintiff, assets and debts, domestic violence, TORTE claims and battery. COURT stated FINDINGS and ORDERED: 1. The MARTIAL APPRAISAL shall be PREPARED, by SCOTT DUGAN. Defendant shall FRONT the COST; HOWEVER, in the END, said COST shall be EQUALLY DIVIDED, by the Parties. 2. The PRE NUPTIAL AGREEMENT shall GOVERN the DIVISION, of PROPERTY. 3. DISCOVERY shall be OPEN. 4. Pursuant to 16.2, EXCHANGE of DOCUMENTS shall be VOLUNTARILY COMPLETED. 5. Counsel shall AMEND the PLEADINGS, to INCLUDE the TORTE CLAIM and COMMUNITY WASTE, within the next 30 days. Attorney Jacobson to prepare an Order, from today's hearing. 9/27/16 11:00 am CALENDAR CALL 10/11/16 1:30 pm EVIDENTIARY HEARING - finances and equity in residence (stack #2);*

## MINUTES

# CASE SUMMARY

CASE NO. D-15-523582-D



Notice of Rescheduling of Hearing

Notice of Unavailability filed 2/18/16

Off Calendar;

Evidentiary Hearing;

Journal Entry Details:

*Due to the unavailability, of the Court, matter OFF CALENDAR and RESET, for 4/6/16. A copy of today's minute order and Notice of Rescheduling of Hearing, placed, in counsel's folder, at Family Court.;*

DATE

FINANCIAL INFORMATION

**Intervenor** Panfil, Kimberly

Total Charges

25.00

Total Payments and Credits

25.00

**Balance Due as of 8/20/2021**

**0.00**

**Defendant** Holmes, Wilbert Roy

Total Charges

489.00

Total Payments and Credits

489.00

**Balance Due as of 8/20/2021**

**0.00**

**Plaintiff** Holmes, Capucine Yolanda

Total Charges

435.50

Total Payments and Credits

435.50

**Balance Due as of 8/20/2021**

**0.00**

**ORDR**  
JAMES A. FONTANO  
Nevada Bar No. 8456  
HEATON FONTANO, LTD.  
5135 Camino al Norte, Ste 273  
N Las Vegas, NV 89031  
Telephone: 702-329-9901  
Facsimile: 702-763-7385  
jim@heatonfontano.com  
*Attorneys for Plaintiff*

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

CAPUCINE YOLANDA HOLMES,  
  
Plaintiff,

vs.

WILBERT ROY HOLMES,  
  
Defendant.

CASE NO.: D-15-523582-D  
DEPT. NO.: X

DATE: July 29, 2021  
TIME: 10:00 a.m.

**ORDER GRANTING MOTION FOR SANCTIONS PURSUANT TO NRCP 11**

Plaintiff's MOTION FOR SANCTIONS PURSUANT TO NRCP 11 (the "Motion for Sanctions") having come before the above-entitled Court on July 29, 2021, at 10:00 a.m.; Plaintiff CAPUCINE YOLANDA HOLMES having appeared by and through her attorney of record, James A. Fontano of the law firm of Heaton Fontano, Ltd.; Defendant having not appeared, either in person or telephonically, and having not filed any opposition or other response to the Motion for Sanctions; the Court having read and reviewed the Motion for Sanctions and Plaintiff's Reply submitted in support thereof, and having heard and considered the arguments of Plaintiff's counsel at the time of said hearing; the Court finds as follows:

1. The Motion for Sanctions in this matter arises from Defendant's MOTION FOR REQUEST FOR ORDER TO REVISE PROPERTY SETTLEMENT (the "Defendant's Motion"), filed herein on March 9, 2021, in which Defendant asserted that the court erred in awarding Plaintiff any interest in the equity of the

1 marital residence located at 10550 Patrington Court, Las Vegas (the “Residence”) and  
2 failed to abide by the terms of the prenuptial agreement. (*See*, Deft’s Mot. at pp. 2, 5.)

3       2.       Procedurally, this matter was commenced on November 5, 2015. On or  
4 about May 31, 2017, the court entered its Decree of Divorce, in which, among other  
5 relief, the court awarded Plaintiff the sum of \$100,862.73, as and for her share of the  
6 increased value of the marital residence. (*See*, Decree at 7:12-13.)

7       3.       Defendant appealed the district court’s decision, which appeal was  
8 docketed as case no.: 73291, in which Defendant asserted the exact same issues raised  
9 by the Defendant’s Motion—to wit, that the court erred in awarding Plaintiff any  
10 interest in the equity of the Residence.

11       4.       On April 13, 2018, the Court of Appeals entered its *Order Affirming in*  
12 *Part, Reversing in Part, and Remanding*. On remand, this Court made clerical  
13 corrections to the Decree as instructed by the Court of Appeals, and Defendant again  
14 appealed, which appeal was docketed as case no.: 76206. On April 26, 2019, the Court  
15 of Appeals entered an *Order of Affirmance*, pursuant to which it affirmed in whole  
16 the court’s decision.

17       5.       Defendant petitioned the Supreme Court for review, and on July 5, 2019,  
18 that request was denied. The matter was remitted on August 13, 2019.

19       6.       On August 19, 2019, Defendant filed a Motion for Rehearing in the  
20 district court, which he re-noticed on September 25, 2019, in which he again raised  
21 the same issues alleged in the Defendant’s Motion. The Court heard and considered  
22 the Motion for Rehearing on October 29, 2019, and entered an Order Denying the  
23 Motion for Rehearing on March 18, 2020.<sup>1</sup>

24       7.       On November 8, 2019, Plaintiff filed a Motion for Order to Show Cause  
25 Why Defendant Should Not Be Found in Contempt, to Compel Compliance with  
26

27  
28 <sup>1</sup> Due to a clerical error, the order, which was submitted by Plaintiff’s counsel on or about November 8, 2019, was not signed or filed until March 18, 2020.

Decree of Divorce, and for Award of Attorney's Fees and Costs, pursuant to which she moved the Court for, among other relief,

For entry of an order granting Plaintiff authority to execute any and all documents necessary to cause a sale of the Residence, including without limitation, contracts to retain one or more agents and/or brokers to list the property, purchase and sale agreements, closing documents, deeds, etc., and to retain from the proceeds of sale all sums due and owing under the Decree of Divorce

Mot. OSC, 6:20-24 (Nov. 8, 2019).

8. The Court ordered Defendant to appear on December 16, 2019, and a hearing was held on that date. Following the hearing on the matter, the Court entered an Order Granting Motion for Order to Show Cause Why Defendant Should Not Be Found in Contempt, to Compel Compliance with Decree of Divorce, and for Award of Attorney's Fees and Costs (the "Order Granting Motion for OSC"), which was filed on February 4, 2020, at which time the Court:

ORDERED, that Plaintiff shall be and is hereby granted sole authority to sell the parties' marital residence located at 10550 Patrington Court, Las Vegas, and in such capacity shall have authority to execute any and all documents necessary to cause a sale of the Residence, including without limitation, contracts to retain one or more agents and/or brokers to list the property, purchase and sale agreements, closing documents, deeds, etc., and to retain from the proceeds of sale all sums due and owing under the Decree of Divorce....

Order Granting Mot OSC, 2:15-21 (Feb. 4, 2020).

9. Between October 2019 and April 2020, Defendant filed multiple appeals from the Order Denying Motion for Rehearing and one additional appeal from the Order to Show Cause, all of which were dismissed.<sup>2</sup>

---

<sup>2</sup> *Holmes v. Holmes*, Case No. 79976, Order Dismissing Appeal (Nev., Dec. 9, 2019) (dismissing appeal re Motion for Rehearing on jurisdictional grounds); *Holmes v. Holmes*, Case No. 80465, Order Dismissing Appeal (Nev., Feb. 4, 2020) (dismissing appeal re Motion for Rehearing on jurisdictional grounds); *Holmes v. Holmes*, Case No. 80565, Order Dismissing Appeal (Nev., Feb. 18, 2020) (dismissing appeal re Order to Show Cause on jurisdictional grounds); *Holmes v. Holmes*, Case No. 80641, Order Dismissing Appeal (Nev., Mar. 26, 2020) (dismissing appeal re Motion for Rehearing on jurisdictional grounds); and *Holmes v. Holmes*, Case No. 80923, Order Dismissing Appeal (Nev., Apr. 16, 2020) (dismissing appeal re Motion for Rehearing on jurisdictional grounds).

1           10.    On March 9, 2021, Defendant filed Defendant's Motion by which he is  
2 seeking to have the court "revise" and set aside the decision entered by Judge Hughes,  
3 which has been upheld repeatedly and consistently by the Nevada Supreme Court.

4           11.    On March 23, 2021, Plaintiff served her Motion for Sanctions Pursuant  
5 to NRCP 11 on Defendant in accordance with the requirements of NRCP 11(c)(2),  
6 instructing the Defendant to withdraw his motion within 21 days or the Motion for  
7 Sanctions would be filed.

8           12.    On March 29, 2021, Defendant filed a Motion to Withdraw: Motion for  
9 Request for Order to Revise Property Settlement Withdrawing as Allowed Under  
10 NRCP 11(c)(2), pursuant to which he withdrew the Defendant's Motion. However, on  
11 May 24, 2021, Defendant filed a Motion to Reverse/Drop Withdrawal of Motion for  
12 Request for Order to Revise Property Settlement and again requested that the Court  
13 reverse the order within the Decree of Divorce.

14           13.    In response, on or about June 2, 2021, Plaintiff filed her Motion for  
15 Sanctions, together with a supplement bringing the Court current on the status.

16           14.    On July 20, 2021, Plaintiff submitted a reply brief in support of her  
17 Motion for Sanctions, it appearing from which that Defendant Mr. Holmes has leased  
18 the Residence to Zoran Saavedra under a two-year lease commencing in August 2020  
19 and continuing through August 2022.

20           15.    Plaintiff needs to access the Residence in order to take photos and video  
21 for marketing purposes, and the right to show the property by appointment with Mr.  
22 Saavedra, in furtherance of the Court's Order Granting Motion for OSC.

23           Now therefore, based upon the foregoing findings of fact, and for other good  
24 cause appearing, it is hereby

25           ORDERED, that Plaintiff's Motion for Sanctions shall be and is hereby  
26 GRANTED; and it is

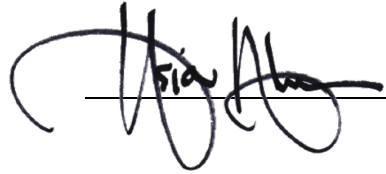
27           FURTHER ORDERED, that Defendant shall be and is hereby ordered to pay  
28 Plaintiff's attorneys fees incurred in defending against and responding to Defendant's

1 repeated assertions that the court that the court erred in awarding Plaintiff any  
2 interest in the equity of the Residence; and it is

3 FURTHER ORDERED, that Plaintiff shall submit a memorandum of fees and  
4 costs within ten (10) days from the date of this Order for the Court's consideration, to  
5 include a breakdown of the *Brunzell* factors; and it is

6 FURTHER ORDERED, that Defendant shall deliver a key to the Residence to  
7 Plaintiff's counsel within ten (10) days of the date of this Order, and that Plaintiff's  
8 counsel and real estate agent shall have access to the Residence for purposes of taking  
9 photos and video for marketing purposes and for showing the Residence to  
10 prospective buyers; provided, that Plaintiff's counsel and real estate agent shall  
11 cooperate with the tenant at the Residence for arrangement of said photos, videos,  
12 and showing of the Residence.

13 Dated this 10th day of August, 2021

14 

15 QM

16 Submitted by:

17 HEATON FONTANO, LTD.

4DB 779 337E 20C5  
Heidi Almase  
District Court Judge

18   
19 JAMES A. FONTANO

Nevada Bar No. 8456

20 5135 Camino al Norte, Ste 273

N Las Vegas, Nevada 89031

21 Attorneys for Plaintiff Capucine Y. Holmes  
22  
23  
24  
25  
26  
27  
28

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Capucine Yolanda Holmes,  
7 Plaintiff

CASE NO: D-15-523582-D

8 vs.

DEPT. NO. Department X

9 Wilbert Roy Holmes, Defendant.

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District  
13 Court. The foregoing Order was served via the court's electronic eFile system to all  
recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 8/10/2021

15 James Fontano

jim@heatonfontano.com

16 "Marsha Kimble-Simms, Esq." .

simmslawfirm@aol.com

17 CAPUCINE HOLMES

UCINE68@YAHOO.COM

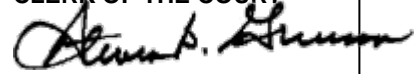
18 WILBERT HOLMES

WHOLMES711@AOL.COM

19 Brent Blanchard, Esq

blanchardlaw1@gmail.com

20  
21  
22  
23  
24  
25  
26  
27  
28



1 **NEO**  
2 JAMES A. FONTANO  
3 Nevada Bar No. 8456  
4 HEATON FONTANO, LTD.  
5 5135 Camino al Norte, Ste 273  
6 N Las Vegas, NV 89031  
7 Telephone: 702-329-9901  
8 Facsimile: 702-763-7385  
9 jim@heatonfontano.com  
10 *Attorneys for Plaintiff*

7 **EIGHTH JUDICIAL DISTRICT COURT**  
8 **FAMILY DIVISION**  
9 **CLARK COUNTY, NEVADA**

9 CAPUCINE YOLANDA HOLMES,

10 Plaintiff,

11 vs.

12 WILBERT ROY HOLMES,

13 Defendant.

CASE NO.: D-15-523582-D  
DEPT. NO.: X

14  
15 **NOTICE OF ENTRY OF ORDER**

16 PLEASE TAKE NOTICE that an ORDER GRANTING MOTION FOR  
17 SANCTIONS PURSUANT TO NRCP 11 was entered in the above-captioned matter  
18 on the 10th day of August 2021. A copy of said Order is attached hereto as Exhibit  
19 "A".

20 DATED this 10th day of August 2021.

21 HEATON FONTANO, LTD.

22  
23 By:

24 JAMES A. FONTANO  
25 Nevada Bar No. 8456  
26 5135 Camino al Norte, Ste 273  
27 N Las Vegas, NV 89031  
28 *Attorneys for Plaintiff*

HEATON | FONTANO  
ATTORNEYS AT LAW

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that a copy of the NOTICE OF ENTRY OF ORDER was served upon  
3 the following via court-mandated electronic service on the 10th day of August 2021.

4 Wilbert R. Holmes  
5 wholmes711@aol.com

6 DATED this 10th day of August 2021.

7 HEATON FONTANO, LTD.

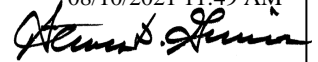
8 By: 

9 JAMES A. FONTANO  
10 Nevada Bar No. 8456  
11 5135 Camino al Norte, Ste 273  
12 N Las Vegas, NV 89031  
13 *Attorneys for Plaintiff*  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

=====

# Exhibit A

=====

  
CLERK OF THE COURT

**ORDER**  
JAMES A. FONTANO  
Nevada Bar No. 8456  
HEATON FONTANO, LTD.  
5135 Camino al Norte, Ste 273  
N Las Vegas, NV 89031  
Telephone: 702-329-9901  
Facsimile: 702-763-7385  
jim@heatonfontano.com  
*Attorneys for Plaintiff*

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

CAPUCINE YOLANDA HOLMES,  
  
Plaintiff,

vs.

WILBERT ROY HOLMES,  
  
Defendant.

CASE NO.: D-15-523582-D  
DEPT. NO.: X

DATE: July 29, 2021  
TIME: 10:00 a.m.

**ORDER GRANTING MOTION FOR SANCTIONS PURSUANT TO NRCP 11**

Plaintiff's MOTION FOR SANCTIONS PURSUANT TO NRCP 11 (the "Motion for Sanctions") having come before the above-entitled Court on July 29, 2021, at 10:00 a.m.; Plaintiff CAPUCINE YOLANDA HOLMES having appeared by and through her attorney of record, James A. Fontano of the law firm of Heaton Fontano, Ltd.; Defendant having not appeared, either in person or telephonically, and having not filed any opposition or other response to the Motion for Sanctions; the Court having read and reviewed the Motion for Sanctions and Plaintiff's Reply submitted in support thereof, and having heard and considered the arguments of Plaintiff's counsel at the time of said hearing; the Court finds as follows:

1. The Motion for Sanctions in this matter arises from Defendant's MOTION FOR REQUEST FOR ORDER TO REVISE PROPERTY SETTLEMENT (the "Defendant's Motion"), filed herein on March 9, 2021, in which Defendant asserted that the court erred in awarding Plaintiff any interest in the equity of the

1 marital residence located at 10550 Patrington Court, Las Vegas (the “Residence”) and  
2 failed to abide by the terms of the prenuptial agreement. (*See*, Deft’s Mot. at pp. 2, 5.)

3       2.       Procedurally, this matter was commenced on November 5, 2015. On or  
4 about May 31, 2017, the court entered its Decree of Divorce, in which, among other  
5 relief, the court awarded Plaintiff the sum of \$100,862.73, as and for her share of the  
6 increased value of the marital residence. (*See*, Decree at 7:12-13.)

7       3.       Defendant appealed the district court’s decision, which appeal was  
8 docketed as case no.: 73291, in which Defendant asserted the exact same issues raised  
9 by the Defendant’s Motion—to wit, that the court erred in awarding Plaintiff any  
10 interest in the equity of the Residence.

11       4.       On April 13, 2018, the Court of Appeals entered its *Order Affirming in*  
12 *Part, Reversing in Part, and Remanding*. On remand, this Court made clerical  
13 corrections to the Decree as instructed by the Court of Appeals, and Defendant again  
14 appealed, which appeal was docketed as case no.: 76206. On April 26, 2019, the Court  
15 of Appeals entered an *Order of Affirmance*, pursuant to which it affirmed in whole  
16 the court’s decision.

17       5.       Defendant petitioned the Supreme Court for review, and on July 5, 2019,  
18 that request was denied. The matter was remitted on August 13, 2019.

19       6.       On August 19, 2019, Defendant filed a Motion for Rehearing in the  
20 district court, which he re-noticed on September 25, 2019, in which he again raised  
21 the same issues alleged in the Defendant’s Motion. The Court heard and considered  
22 the Motion for Rehearing on October 29, 2019, and entered an Order Denying the  
23 Motion for Rehearing on March 18, 2020.<sup>1</sup>

24       7.       On November 8, 2019, Plaintiff filed a Motion for Order to Show Cause  
25 Why Defendant Should Not Be Found in Contempt, to Compel Compliance with  
26

---

27 <sup>1</sup> Due to a clerical error, the order, which was submitted by Plaintiff’s counsel on or about November  
28 8, 2019, was not signed or filed until March 18, 2020.

Decree of Divorce, and for Award of Attorney's Fees and Costs, pursuant to which she moved the Court for, among other relief,

For entry of an order granting Plaintiff authority to execute any and all documents necessary to cause a sale of the Residence, including without limitation, contracts to retain one or more agents and/or brokers to list the property, purchase and sale agreements, closing documents, deeds, etc., and to retain from the proceeds of sale all sums due and owing under the Decree of Divorce

Mot. OSC, 6:20-24 (Nov. 8, 2019).

8. The Court ordered Defendant to appear on December 16, 2019, and a hearing was held on that date. Following the hearing on the matter, the Court entered an Order Granting Motion for Order to Show Cause Why Defendant Should Not Be Found in Contempt, to Compel Compliance with Decree of Divorce, and for Award of Attorney's Fees and Costs (the "Order Granting Motion for OSC"), which was filed on February 4, 2020, at which time the Court:

ORDERED, that Plaintiff shall be and is hereby granted sole authority to sell the parties' marital residence located at 10550 Patrington Court, Las Vegas, and in such capacity shall have authority to execute any and all documents necessary to cause a sale of the Residence, including without limitation, contracts to retain one or more agents and/or brokers to list the property, purchase and sale agreements, closing documents, deeds, etc., and to retain from the proceeds of sale all sums due and owing under the Decree of Divorce....

Order Granting Mot OSC, 2:15-21 (Feb. 4, 2020).

9. Between October 2019 and April 2020, Defendant filed multiple appeals from the Order Denying Motion for Rehearing and one additional appeal from the Order to Show Cause, all of which were dismissed.<sup>2</sup>

---

<sup>2</sup> *Holmes v. Holmes*, Case No. 79976, Order Dismissing Appeal (Nev., Dec. 9, 2019) (dismissing appeal re Motion for Rehearing on jurisdictional grounds); *Holmes v. Holmes*, Case No. 80465, Order Dismissing Appeal (Nev., Feb. 4, 2020) (dismissing appeal re Motion for Rehearing on jurisdictional grounds); *Holmes v. Holmes*, Case No. 80565, Order Dismissing Appeal (Nev., Feb. 18, 2020) (dismissing appeal re Order to Show Cause on jurisdictional grounds); *Holmes v. Holmes*, Case No. 80641, Order Dismissing Appeal (Nev., Mar. 26, 2020) (dismissing appeal re Motion for Rehearing on jurisdictional grounds); and *Holmes v. Holmes*, Case No. 80923, Order Dismissing Appeal (Nev., Apr. 16, 2020) (dismissing appeal re Motion for Rehearing on jurisdictional grounds).

1           10.    On March 9, 2021, Defendant filed Defendant's Motion by which he is  
2 seeking to have the court "revise" and set aside the decision entered by Judge Hughes,  
3 which has been upheld repeatedly and consistently by the Nevada Supreme Court.

4           11.    On March 23, 2021, Plaintiff served her Motion for Sanctions Pursuant  
5 to NRCP 11 on Defendant in accordance with the requirements of NRCP 11(c)(2),  
6 instructing the Defendant to withdraw his motion within 21 days or the Motion for  
7 Sanctions would be filed.

8           12.    On March 29, 2021, Defendant filed a Motion to Withdraw: Motion for  
9 Request for Order to Revise Property Settlement Withdrawing as Allowed Under  
10 NRCP 11(c)(2), pursuant to which he withdrew the Defendant's Motion. However, on  
11 May 24, 2021, Defendant filed a Motion to Reverse/Drop Withdrawal of Motion for  
12 Request for Order to Revise Property Settlement and again requested that the Court  
13 reverse the order within the Decree of Divorce.

14           13.    In response, on or about June 2, 2021, Plaintiff filed her Motion for  
15 Sanctions, together with a supplement bringing the Court current on the status.

16           14.    On July 20, 2021, Plaintiff submitted a reply brief in support of her  
17 Motion for Sanctions, it appearing from which that Defendant Mr. Holmes has leased  
18 the Residence to Zoran Saavedra under a two-year lease commencing in August 2020  
19 and continuing through August 2022.

20           15.    Plaintiff needs to access the Residence in order to take photos and video  
21 for marketing purposes, and the right to show the property by appointment with Mr.  
22 Saavedra, in furtherance of the Court's Order Granting Motion for OSC.

23           Now therefore, based upon the foregoing findings of fact, and for other good  
24 cause appearing, it is hereby

25           ORDERED, that Plaintiff's Motion for Sanctions shall be and is hereby  
26 GRANTED; and it is

27           FURTHER ORDERED, that Defendant shall be and is hereby ordered to pay  
28 Plaintiff's attorneys fees incurred in defending against and responding to Defendant's

1 repeated assertions that the court that the court erred in awarding Plaintiff any  
2 interest in the equity of the Residence; and it is

3 FURTHER ORDERED, that Plaintiff shall submit a memorandum of fees and  
4 costs within ten (10) days from the date of this Order for the Court's consideration, to  
5 include a breakdown of the *Brunzell* factors; and it is

6 FURTHER ORDERED, that Defendant shall deliver a key to the Residence to  
7 Plaintiff's counsel within ten (10) days of the date of this Order, and that Plaintiff's  
8 counsel and real estate agent shall have access to the Residence for purposes of taking  
9 photos and video for marketing purposes and for showing the Residence to  
10 prospective buyers; provided, that Plaintiff's counsel and real estate agent shall  
11 cooperate with the tenant at the Residence for arrangement of said photos, videos,  
12 and showing of the Residence.

13 Dated this 10th day of August, 2021

14 

15 QM

16 Submitted by:

17 HEATON FONTANO, LTD.

4DB 779 337E 20C5  
Heidi Almase  
District Court Judge

18   
19 JAMES A. FONTANO

Nevada Bar No. 8456

20 5135 Camino al Norte, Ste 273

N Las Vegas, Nevada 89031

21 Attorneys for Plaintiff Capucine Y. Holmes  
22  
23  
24  
25  
26  
27  
28

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Capucine Yolanda Holmes,  
7 Plaintiff

CASE NO: D-15-523582-D

8 vs.

DEPT. NO. Department X

9 Wilbert Roy Holmes, Defendant.

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District  
13 Court. The foregoing Order was served via the court's electronic eFile system to all  
recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 8/10/2021

15 James Fontano

jim@heatonfontano.com

16 "Marsha Kimble-Simms, Esq." .

simmslawfirm@aol.com

17 CAPUCINE HOLMES

UCINE68@YAHOO.COM

18 WILBERT HOLMES

WHOLMES711@AOL.COM

19 Brent Blanchard, Esq

blanchardlaw1@gmail.com

20  
21  
22  
23  
24  
25  
26  
27  
28

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

March 30, 2016

---

|               |   |
|---------------|---|
| D-15-523582-D | Capucine Yolanda Holmes, Plaintiff<br>vs.<br>Wilbert Roy Holmes, Defendant. |
|---------------|---|

---

|                |          |                               |
|----------------|----------|-------------------------------|
| March 30, 2016 | 11:00 AM | Case Management<br>Conference |
|----------------|----------|-------------------------------|

**HEARD BY:** Hughes, Rena G.

**COURTROOM:** Courtroom 04

**COURT CLERK:** Tiffany Skaggs

**PARTIES:**

|  |  |
|--|--|
| Capucine Holmes, Plaintiff, not present  | James Fontano, Attorney, not present   |
| Kimberly Panfil, Intervenor, not present | Brent Blanchard, Attorney, not present |
| Wilbert Holmes, Defendant, not present   | Pro Se                                 |

|                        |
|------------------------|
| <b>JOURNAL ENTRIES</b> |
|------------------------|

- Due to the unavailability, of the Court, matter OFF CALENDAR and RESET, for 4/6/16.

A copy of today's minute order and Notice of Rescheduling of Hearing, placed, in counsel's folder, at Family Court.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

|             |            |              |               |                |
|-------------|------------|--------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 1 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|--------------|---------------|----------------|

**Notice:** Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

**April 06, 2016**

---

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

---

**April 06, 2016      11:00 AM      Case Management  
Conference**

**HEARD BY:** Hughes, Rena G.

**COURTROOM:** Courtroom 04

**COURT CLERK:** Tiffany Skaggs

**PARTIES:**

|  |  |
|--|--|
| Capucine Holmes, Plaintiff, present      | Marsha Kimble-Simms, Attorney, present |
| Kimberly Panfil, Intervenor, not present | Brent Blanchard, Attorney, not present |
| Wilbert Holmes, Defendant, present       | Pro Se                                 |

|                        |
|------------------------|
| <b>JOURNAL ENTRIES</b> |
|------------------------|

- Arguments regarding, pre nuptial agreement, division of property, appraisal of marital residence, selling of the marital residence, job search for Plaintiff, assets and debts, domestic violence, TORTE claims and battery.

COURT stated FINDINGS and ORDERED:

1. The MARTIAL APPRAISAL shall be PREPARED, by SCOTT DUGAN. Defendant shall FRONT the COST; HOWEVER, in the END, said COST shall be EQUALLY DIVIDED, by the Parties.
2. The PRE NUPTIAL AGREEMENT shall GOVERN the DIVISION, of PROPERTY.
3. DISCOVERY shall be OPEN.
4. Pursuant to 16.2, EXCHANGE of DOCUMENTS shall be VOLUNTARILY COMPLETED.

|             |            |              |               |                |
|-------------|------------|--------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 2 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|--------------|---------------|----------------|

**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

5. Counsel shall AMEND the PLEADINGS, to INCLUDE the TORTE CLAIM and COMMUNITY WASTE, within the next 30 days.

Attorney Jacobson to prepare an Order, from today's hearing.

9/27/16 11:00 am CALENDAR CALL

10/11/16 1:30 pm EVIDENTIARY HEARING - finances and equity in residence (stack #2)

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:** Apr 06, 2016 11:00AM Case Management Conference  
Reset, from 3/30/16, due to JNA.  
Courtroom 04 Hughes, Rena G.

|             |            |              |               |                |
|-------------|------------|--------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 3 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|--------------|---------------|----------------|

**Notice:** Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint****COURT MINUTES**

July 26, 2016

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

**July 26, 2016      11:00 AM      Minute Order**

**HEARD BY:** Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Tiffany Skaggs**PARTIES:**

|  |  |
|--|--|
| Capucine Holmes, Plaintiff, not present  | James Fontano, Attorney, not present   |
| Kimberly Panfil, Intervenor, not present | Brent Blanchard, Attorney, not present |
| Wilbert Holmes, Defendant, not present   | Pro Se                                 |

|                        |
|------------------------|
| <b>JOURNAL ENTRIES</b> |
|------------------------|

- Per Judge Hughes

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.11(e), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed.

On July 16, 2016 Defendant filed a Motion for Change of Venue, with a Notice of Motion filed July 22, 2016 setting a hearing for September 21, 2016 at 10:00 a.m. The basis of Defendant's motion to change venue is his assertion that Plaintiff somehow can exert undue influence over the judiciary in Clark County, Nevada, and thus he will not receive a fair trial. Defendant further asserts that members of the judiciary have attended social events at his home, and that Plaintiff, his wife, is friends with members of the judiciary. Defendant does not assert Judge Rena Hughes attended social events at his home, or that Judge Rena Hughes is friends with his wife.

|             |            |              |               |                |
|-------------|------------|--------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 4 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|--------------|---------------|----------------|

**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

Judge Rena Hughes has in fact not attended any social events at the parties' home, and is not friends with Plaintiff. Judge Rena Hughes has no bias, nor prejudice for, or against, either party. Plaintiff has no undue influence over Judge Rena Hughes, and there is no basis to change venue as Defendant asserts. See, SCR 2.11.

Defendant's Motion for Change of Venue is devoid of legal points and authorities, and does not meet the requirements of EDCR 2.20. Even if Defendant had cited to the appropriate statute or rule, the Court finds no basis for a change in venue. Both parties reside in Clark County, Nevada, the forum is convenient, and there is no obstacle to a fair and impartial trial. See, NRS 13.040 and 13.050.

Defendant's Motion is DENIED, and the hearing of September 21, 2016 is VACATED.

Clerk's note, a copy of today's was mailed to Defendant, at the address, on file and placed, in counsel's folder, at Family Court.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:** Sep 27, 2016 11:00AM Calendar Call  
due to stacking - set EH on 10/12/16  
Courtroom 04 Hughes, Rena G.

|             |            |              |               |                |
|-------------|------------|--------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 5 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|--------------|---------------|----------------|

**Notice:** Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint****COURT MINUTES**

September 22, 2016

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

**September 22, 2016      3:00 AM      Motion to Disqualify Judge**

**HEARD BY:** Barker, David**COURTROOM:****COURT CLERK:****PARTIES:**

|  |  |
|--|--|
| Capucine Holmes, Plaintiff, not present  | James Fontano, Attorney, not present   |
| Kimberly Panfil, Intervenor, not present | Brent Blanchard, Attorney, not present |
| Wilbert Holmes, Defendant, not present   | Pro Se                                 |

|                        |
|------------------------|
| <b>JOURNAL ENTRIES</b> |
|------------------------|

- The Court notes that in Plaintiff's Motion to Amend Pleadings, filed July 22, 2016, and set for hearing on October 4, 2016, Plaintiff's counsel references having spoken with this Court and being referred to Presiding Judge of the Family Division, Judge Charles Hoskin. See motion at 8:9-14. To avoid the appearance of impropriety Defendant's Motion to Disqualify Judge Hughes is ORDERED transferred to the Department 11 September 23, 2016, chamber calendar for either reassignment or decision by Judge Gonzalez at her discretion.

CLERK'S NOTE: A copy of this Minute Order has been placed in the attorney folder of Marsha Kimble-Simms, Esq., and mailed to:  
Wilbert Roy Holmes  
10550 Patrington Ct.  
Las Vegas, NV 89183.anm/9/22/16

|             |            |              |               |                |
|-------------|------------|--------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 6 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|--------------|---------------|----------------|

**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

|             |            |              |               |                |
|-------------|------------|--------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 7 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|--------------|---------------|----------------|

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

September 23, 2016

---

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

---

**September 23, 2016      3:00 AM      Minute Order**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 14C

**COURT CLERK:** Dulce Romea

**PARTIES:**

|  |  |
|--|--|
| Capucine Holmes, Plaintiff, not present  | James Fontano, Attorney, not present   |
| Kimberly Panfil, Intervenor, not present | Brent Blanchard, Attorney, not present |
| Wilbert Holmes, Defendant, not present   | Pro Se                                 |

|                        |
|------------------------|
| <b>JOURNAL ENTRIES</b> |
|------------------------|

- COURT ORDERED, as it does not appear that the motion was properly served upon the judge under NRS 1.235(4) the motion to disqualify is DENIED. See written order.

CLERK'S NOTE: A copy of the above minute order was electronically mailed to Atty. Marsha Simms, counsel for Plaintiff, and mailed to Wilbert Holmes, Defendant in Pro Se, at 10550 Patrington Ct Las Vegas, NV 89183. / dr 9-28-16

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

|             |            |              |               |                |
|-------------|------------|--------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 8 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|--------------|---------------|----------------|

**Notice:** Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

|             |            |              |               |                |
|-------------|------------|--------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 9 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|--------------|---------------|----------------|

**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

**September 27, 2016**

---

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

---

**September 27, 2016      11:00 AM      Calendar Call**

**HEARD BY:** Hughes, Rena G.

**COURTROOM:** Courtroom 04

**COURT CLERK:** Tiffany Skaggs

**PARTIES:**

|  |  |
|--|--|
| Capucine Holmes, Plaintiff, not present  | James Fontano, Attorney, not present   |
| Kimberly Panfil, Intervenor, not present | Brent Blanchard, Attorney, not present |
| Wilbert Holmes, Defendant, not present   | Pro Se                                 |

|                        |
|------------------------|
| <b>JOURNAL ENTRIES</b> |
|------------------------|

- Court noted, there were no appearance, for today's hearing, due to confusion, regarding the final order dealing with Defendant's motion, to disqualify.

Court clerk trainee, Marlana Elliott, present.

COURT ORDERED, DUE to STACKING, the EVIDENTIARY HEARING shall be RESET, to 10/12/16. Court's JEA to NOTICE said HEARING. The MOTION set, for 10/4/16, STANDS.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 10 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice:** Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 11 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

October 04, 2016

---

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

---

**October 04, 2016      10:00 AM      Motion**

**HEARD BY:** Hughes, Rena G.

**COURTROOM:** Courtroom 04

**COURT CLERK:** Tiffany Skaggs

**PARTIES:**

|  |  |
|--|--|
| Capucine Holmes, Plaintiff, present      | Marsha Kimble-Simms, Attorney, present |
| Kimberly Panfil, Intervenor, not present | Brent Blanchard, Attorney, not present |
| Wilbert Holmes, Defendant, not present   | Pro Se                                 |

|                        |
|------------------------|
| <b>JOURNAL ENTRIES</b> |
|------------------------|

- PLTF'S MOTION TO AMEND THE PLEADINGS, FOR AN ORDER TO ENFORCE AND FOR AN ORDER TO SHOW CAUSE, AND TO SET ASIDE THE PREMARITAL AGREEMENT PER OST

Court clerk Tiffany Skaggs present.

Discussion regarding lack of full disclosure, prenuptial agreement, 4/6/16 hearing and SOGG.

Counsel stated Plaintiff found out after the 4/16 hearing that Defendant owned a liquor business and did not disclose everything.

Attorney advised, Defendant represented he was not going to appear in court anymore.

COURT ORDERED,

1. Behavioral Order shall be in EFFECT immediately.

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 12 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice:** Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

2. Plaintiff's request to AMEND, regarding the TORQUE CLAIM and COMMUNITY WASTE shall be GRANTED.

3. Defendant's Complaint for Malicious Prosecution filed 9/28/16 shall be STRICKEN as it is not a Motion or Proper Document.

4. Plaintiff's claim that Defendant interfered with a job offer shall NOT be ALLOWED as claim does NOT relate to Divorce.

5. Plaintiff's Intentional Infliction claim shall NOT be ALLOWED as claim does NOT relate to Divorce.

6. Attorney shall file briefs pursuant to Michigan Law.

7. Evidentiary hearing regarding financials and marital residence STANDS.

12/15/2016 10:00 am EVIDENTIARY HEARING - validity of prenuptial agreement

Minute's from today's hearing to suffice.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 13 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice:** Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint****COURT MINUTES**

October 11, 2016

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

**October 11, 2016      10:00 AM      Minute Order**

**HEARD BY:** Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Marlana Elliott**PARTIES:**

|  |  |
|--|--|
| Capucine Holmes, Plaintiff, not present  | James Fontano, Attorney, not present   |
| Kimberly Panfil, Intervenor, not present | Brent Blanchard, Attorney, not present |
| Wilbert Holmes, Defendant, not present   | Pro Se                                 |

|                        |
|------------------------|
| <b>JOURNAL ENTRIES</b> |
|------------------------|

- -PER JUDGE

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.11(e), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed.

At the April 6, 2016 Case Management Conference hearing, the Court set the matter for an Evidentiary Hearing regarding finances and equity in the marital residence. The Court Ordered a marital appraisal be prepared by Scott Dugan, for the prenuptial agreement to govern the division of property, for discovery to open, for the exchange of documents to be voluntarily completed pursuant to 16.2, and for counsel to amend the pleadings to include the tort claim and the community waste claim within the next 30 days. The Evidentiary Hearing was scheduled for October 12, 2016.

Subsequent to the April 6, 2016 hearing, Plaintiff filed a Motion to Amend the Pleadings, for an Order

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 14 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

to Enforce and for an Order to Show Cause and to Set Aside the Premarital Agreement. At the Motion hearing on October 4, 2016, the Court granted Plaintiff s request to amend the complaint to include the tort and community waste claim. The Court set an Evidentiary Hearing on the validity of the prenuptial agreement. The Evidentiary Hearing was scheduled for December 15, 2016.

This Court has read and considered the current underlying pleadings in this matter. As the prenuptial agreement controls the marital estate and the validity of the prenuptial agreement is being contested, the Court is hereby continuing the Evidentiary Hearing re: finances and equity in the marital estate from October 12, 2016 to April 18, 2017.

The Court will first hear the Evidentiary Hearing re: the validity of the prenuptial agreement, on December 15, 2016. Thereafter the Court will address the Evidentiary Hearing regarding the finances and the equity in the marital residence.

Clerk's note, a copy of today's minute order, was mailed to Defendant, at the address on file and placed in Attorney's folder, at Family Court.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 15 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice:** Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint****COURT MINUTES**

December 20, 2016

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

**December 20, 2016    11:00 AM      All Pending Motions**

**HEARD BY:** Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Tiffany Skaggs**PARTIES:**

|  |  |
|--|--|
| Capucine Holmes, Plaintiff, present      | Marsha Kimble-Simms, Attorney, present |
| Kimberly Panfil, Intervenor, not present | Brent Blanchard, Attorney, not present |
| Wilbert Holmes, Defendant, present       | Pro Se                                 |

|                        |
|------------------------|
| <b>JOURNAL ENTRIES</b> |
|------------------------|

- DEFT'S MOTION FOR MALICIOUS PROSECUTION...CALENDAR CALL...STATUS  
CHECK...MOTION TO WITHDRAW AS COUNSEL OF RECORD PER OST

Court discussed Defendant's notice of motion failed to provide points or authorities, and a proper motion was not filed. Further, Plaintiff has not filed a pre trial memorandum. Court addressed counsel's motion to withdraw was not served; therefore, can not be heard, today.

Discussion regarding not having the entire pre nuptial agreement, from Michigan, appraisals of the residence and the length of time the case has been ongoing.

Court reviewed the pre nuptial agreement, which was filed, with the Court. Court noted, there is enough information, in the pre nuptial to apply the laws, of Michigan, to the document.

Counsel stated she does not feel comfortable moving forward, with the trial, with the documents she has, as they are not complete. Further, counsel has attempted to retrieve a copy of the full document,

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 16 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

however has been able to, due to needing Defendant's authorization.

COURT stated FINDINGS and ORDERED:

1. Defendant's MOTION shall be DENIED.
2. As Defendant FILED his EXHIBITS, in his PRE TRIAL MEMORANDUM (12/11/16), EXHIBITS B and C shall be STRICKEN.
3. EVIDENTIARY HEARING STANDS.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 17 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

January 10, 2017

---

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

---

**January 10, 2017      1:30 PM      Evidentiary Hearing**

**HEARD BY:** Hughes, Rena G.

**COURTROOM:** Courtroom 04

**COURT CLERK:** Tiffany Skaggs

**PARTIES:**

Capucine Holmes, Plaintiff, present  
Kimberly Panfil, Intervenor, not present  
Wilbert Holmes, Defendant, present

Marsha Kimble-Simms, Attorney, present  
Brent Blanchard, Attorney, not present  
Pro Se

|                        |
|------------------------|
| <b>JOURNAL ENTRIES</b> |
|------------------------|

- HOUSEKEEPING ISSUES.

Review of issues and the pre marital agreement.

Witness's sworn and testified. Court heard testimony, from Plaintiff and Wendell Snow.

Exhibits offered and admitted. See exhibit worksheet.

Court addressed, exhibit C1 is an appraisal, for 2002, however, an appraisal, for 2001 was requested.

Due to TIME RESTRICTIONS, COURT ORDERED, matter CONTINUED, to 1/18/17.

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 18 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 19 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

January 18, 2017

---

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

---

**January 18, 2017      1:30 PM      Evidentiary Hearing**

**HEARD BY:** Hughes, Rena G.

**COURTROOM:** Courtroom 04

**COURT CLERK:** April Graham

**PARTIES:**

|  |  |
|--|--|
| Capucine Holmes, Plaintiff, present      | Marsha Kimble-Simms, Attorney, present |
| Kimberly Panfil, Intervenor, not present | Brent Blanchard, Attorney, not present |
| Wilbert Holmes, Defendant, present       | Pro Se                                 |

|                        |
|------------------------|
| <b>JOURNAL ENTRIES</b> |
|------------------------|

- Court noted both parties filed an Amended Pretrial Memorandum with additional exhibits.

Testimony and exhibits presented (see worksheets).

COURT ORDERED, matter is taken UNDER ADVISEMENT. As the Court is unable to make a DECISION at this time, Ms. Kimble-Simms shall obtain the closing documents from the title company on the home when it was purchased in 1999 and file it with the Court; she may prepare an Order for the Court to sign should a subpoena not be sufficient.

Ms. Kimble-Simms shall prepare the Order from today's hearing.

Clerk's Note: After the hearing, COURT ORDERED, Defendant is to make Plaintiff's personal items in the home available for her to pick up within 10 days of today's date. (ag)

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 20 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:** Jan 18, 2017 1:30PM Evidentiary Hearing  
DAY 2 - Finances / equity in marital residence  
Courtroom 04 Hughes, Rena G.

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 21 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

April 05, 2017

---

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

---

**April 05, 2017      11:00 AM      Motion**

**HEARD BY:** Hughes, Rena G.

**COURTROOM:** Courtroom 04

**COURT CLERK:** Tiffany Skaggs

**PARTIES:**

|  |  |
|--|--|
| Capucine Holmes, Plaintiff, not present  | James Fontano, Attorney, not present   |
| Kimberly Panfil, Intervenor, not present | Brent Blanchard, Attorney, not present |
| Wilbert Holmes, Defendant, not present   | Pro Se                                 |

|                        |
|------------------------|
| <b>JOURNAL ENTRIES</b> |
|------------------------|

- Clerk's note, matter was on the IN CHAMBERS calendar and a hearing was not heard. However, a DECISION was made, on the PLEADINGS, with the ORDER, FILED 4/6/17.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 22 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice:** Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint****COURT MINUTES**

August 23, 2017

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

**August 23, 2017      11:00 AM      Motion to Stay**

**HEARD BY:** Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Tiffany Skaggs**PARTIES:**

|  |  |
|--|--|
| Capucine Holmes, Plaintiff, not present  | James Fontano, Attorney, not present   |
| Kimberly Panfil, Intervenor, not present | Brent Blanchard, Attorney, not present |
| Wilbert Holmes, Defendant, not present   | Pro Se                                 |

|                        |
|------------------------|
| <b>JOURNAL ENTRIES</b> |
|------------------------|

- Per Judge Hughes

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.501(b), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed.

This matter came on for hearing on the Court's in chambers calendar on August 23, 2017 for Defendant's Motion to Stay.

This Court has read and considered the current underlying pleadings in this matter.

Defendant has filed an Appeal of the final Decree of Divorce in this matter and applied to the District Court for a stay of the Decree of Divorce pending the appeal. Defendant's Motion for Stay is devoid

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 23 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

of legal authorities and any factual basis. Any motion filed without points and authorities is subject to being denied pursuant to EDCR2.20 (c) A party filing a motion must also serve and file with it a memorandum of points and authorities in support of each ground thereof. The absence of such memorandum may be construed as an admission that the motion is not meritorious, as cause for its denial or as a waiver of all grounds not so supported.

Further, Defendant has not filed a supersedeas bond. Defendant's Motion to Stay is therefore denied.

NRCP 62 (d) Stay Upon Appeal. When an appeal is taken the appellant by giving a supersedeas bond may obtain a stay subject to the exceptions contained in subdivision (a) of this rule. The bond may be given at or after the time of filing the notice of appeal. The stay is effective when the supersedeas bond is filed.

Clerk's note, a copy, of today's minute order, was mailed to the Parties, at the addresses, on file.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 24 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice:** Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

October 03, 2017

---

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

---

**October 03, 2017      3:39 PM      Minute Order**

**HEARD BY:**    Gonzalez, Elizabeth

**COURTROOM:**

**COURT CLERK:**    Dulce Romea

**PARTIES:**

|  |  |
|--|--|
| Capucine Holmes, Plaintiff, not present  | James Fontano, Attorney, not present   |
| Kimberly Panfil, Intervenor, not present | Brent Blanchard, Attorney, not present |
| Wilbert Holmes, Defendant, not present   | Pro Se                                 |

|                        |
|------------------------|
| <b>JOURNAL ENTRIES</b> |
|------------------------|

- The Court reviewed the Ex Parte Motion for Order Shortening Time (OST) submitted for the Motion to Disqualify Judge filed 9/1/9/17. As it does not appear that the Motion or Amended Motion has been served on the judge as required by NRS 1.235(4) the Ex parte Motion is DENIED WITHOUT PREJUDICE.

CLERK'S NOTE: A copy of this minute order was distributed to:

Wilbert R. Holmes  
10550 Patrington Ct.  
Las Vegas, NV 89183

/ dr 10-4-17

**INTERIM CONDITIONS:**

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 25 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice:** Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**FUTURE HEARINGS:**

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 26 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

November 03, 2017

---

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

---

**November 03, 2017      3:00 AM      Motion to Disqualify Judge**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** Chambers

**COURT CLERK:** Dulce Romea

**PARTIES:**

|  |  |
|--|--|
| Capucine Holmes, Plaintiff, not present  | James Fontano, Attorney, not present   |
| Kimberly Panfil, Intervenor, not present | Brent Blanchard, Attorney, not present |
| Wilbert Holmes, Defendant, not present   | Pro Se                                 |

|                        |
|------------------------|
| <b>JOURNAL ENTRIES</b> |
|------------------------|

- See order denying motion to disqualify.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 27 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice:** Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint****COURT MINUTES**

November 20, 2017

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

**November 20, 2017      1:30 PM      Minute Order**

**HEARD BY:** Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Tiffany Skaggs**PARTIES:**

|  |  |
|--|--|
| Capucine Holmes, Plaintiff, not present  | James Fontano, Attorney, not present   |
| Kimberly Panfil, Intervenor, not present | Brent Blanchard, Attorney, not present |
| Wilbert Holmes, Defendant, not present   | Pro Se                                 |

|                        |
|------------------------|
| <b>JOURNAL ENTRIES</b> |
|------------------------|

- MINUTE ORDER: NO HEARING HELD AND NO APPEARANCES

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.501(b), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed.

This Court has read and considered the current underlying pleadings in this matter.

The Defendant has failed to comply with EDCR 5.206 by failing to file proof of service for the Motion he filed on September 25, 2017.

Therefore, Defendant s Motion for Orders to Set Aside Order, Judgment, and/or Default scheduled

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 28 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

for November 29, 2017, is taken off calendar for failure to serve.

Plaintiff s Motion for an Order to Show Cause and the Order to Show Cause hearing, scheduled for November 29, 2017, shall remain on calendar.

Clerk's note, a copy, of today's minute order, was mailed, to the Defendant, at the address, on file and placed, in counsel's folder, at Family Court.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 29 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint****COURT MINUTES**

November 28, 2017

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

**November 28, 2:00 PM Minute Order**  
**2017**

**HEARD BY:** Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Tiffany Skaggs**PARTIES:**

|  |  |
|--|--|
| Capucine Holmes, Plaintiff, not present  | James Fontano, Attorney, not present   |
| Kimberly Panfil, Intervenor, not present | Brent Blanchard, Attorney, not present |
| Wilbert Holmes, Defendant, not present   | Pro Se                                 |

|                        |
|------------------------|
| <b>JOURNAL ENTRIES</b> |
|------------------------|

- MINUTE ORDER: NO HEARING HELD AND NO APPEARANCES

This matter having come before the Court on Plaintiff s Motion for an Order to Show Cause Why Defendant Should Not Be Held in Contempt, to Compel Compliance with Decree of Divorce, and for Award of Attorney s Fees and Costs filed on October 11, 2017 and on Plaintiff s Order to Show Cause, signed by the Court on October 18, 2017 and filed on October 20, 2017, set to be heard by the Court on November 29, 2017.

The Court finds that pursuant to NRCP 1 and EDCR 1.10, the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action.

The Court finds that subsequent to the Court signing off on Plaintiff s Order to Show Cause, the Court was unaware that the case was under appeal, as Defendant had erroneously filed a Notice of Appeal and a Case Appeal Statement under the District Court caption. The case was therefore not

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 30 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

flagged as a case under appeal.

The Court was only notified that the case was under appeal when a Notice of Transfer to Court of Appeals was filed on October 19, 2017.

The Court finds that a notice of appeal divests this Court of jurisdiction to act and vests the jurisdiction in the appellate court. *Rust v. Clark Cty. School District*, 103 Nev. 686, 688, 747 P.2d 1380, 1382 (1987).

As this case was appealed to the Court of Appeals and the District Court no longer has jurisdiction to hear this matter, the Court is hereby vacating the Order to Show Cause hearing and Plaintiff's Motion without prejudice.

The hearing set on November 29, 2017 is hereby vacated. Minute Order to suffice. JEA to mail/fax a copy of this Minute Order to the parties and/or their respective counsel.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 31 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice:** Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

June 29, 2018

---

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

---

**June 29, 2018      3:00 AM      Motion to Disqualify  
Judge**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** Chambers

**COURT CLERK:** Dulce Romea

**PARTIES:**

|  |  |
|--|--|
| Capucine Holmes, Plaintiff, not present  | James Fontano, Attorney, not present   |
| Kimberly Panfil, Intervenor, not present | Brent Blanchard, Attorney, not present |
| Wilbert Holmes, Defendant, not present   | Pro Se                                 |

|                        |
|------------------------|
| <b>JOURNAL ENTRIES</b> |
|------------------------|

- The Court has reviewed the latest Motion to Disqualify filed by Defendant in this matter. As the Motion was not served upon the Judge, the matter is DENIED WITHOUT PREJUDICE to refile and serve in accordance with NRS 1.235(4).

CLERK'S NOTE: A copy of this minute order was mailed to:

Wilbert Holmes  
10550 Patrington Ct.  
Las Vegas, NV 89183  
Defendant in Pro Se

Capucine Holmes  
637 Twilight Blue Avenue  
North Las Vegas, NV 89032

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 32 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

Plaintiff

James A. Fontano, Esq.  
5135 Camino al Norte, Suite 273  
North Las Vegas, NV 89031  
Counsel for Plaintiff

/ dr

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 33 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint****COURT MINUTES**

September 17, 2019

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

**September 17, 2019      4:00 PM      Minute Order**

**HEARD BY:** Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Tiffany Skaggs**PARTIES:**

|  |  |
|--|--|
| Capucine Holmes, Plaintiff, not present  | James Fontano, Attorney, not present   |
| Kimberly Panfil, Intervenor, not present | Brent Blanchard, Attorney, not present |
| Wilbert Holmes, Defendant, not present   | Pro Se                                 |

|                        |
|------------------------|
| <b>JOURNAL ENTRIES</b> |
|------------------------|

- Minute Order  
D-15-523582-D  
Holmes v Holmes

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.501(b), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed.

This Court has read and considered the current underlying pleadings in this matter. On August 19, 2019 Defendant filed a Motion for Rehearing. On August 20, 2019 Defendant filed an Amended Motion for Rehearing. Defendant filed a Certificate of Service indicating he had the Motions electronically served on August 16, 2019. As Defendant s Motions were not e-filed until August 20,

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 34 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

2019, Defendant s claimed date of service is deficient. Therefore the Motion hearing scheduled for September 24, 2019 is hereby vacated. Defendant may re-notice his Motion through the Clerk s Office to set this matter back on calendar. Case closed.

Clerk's note, a copy, of today's minute order was mailed, to Defendant and counsel, at the addresses, on file.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 35 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice:** Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

**October 29, 2019**

---

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

---

**October 29, 2019      1:30 PM      All Pending Motions**

**HEARD BY:** Hughes, Rena G.

**COURTROOM:** Courtroom 04

**COURT CLERK:** Tiffany Skaggs

**PARTIES:**

|  |  |
|--|--|
| Capucine Holmes, Plaintiff, not present  | James Fontano, Attorney, present       |
| Kimberly Panfil, Intervenor, not present | Brent Blanchard, Attorney, not present |
| Wilbert Holmes, Defendant, present       | Pro Se                                 |

|                        |
|------------------------|
| <b>JOURNAL ENTRIES</b> |
|------------------------|

- OPPOSITION TO MOTION FOR REHEARING...DEFT'S RE NOTICE OF MOTION FOR REHEARING

Defendant appeared TELEPHONICALLY.

Court inquired if the request for a rehearing is for the final decree, which Defendant said yes. Defendant stated there was an item that has not been recognized, on his behalf, in the divorce. Court discussed, the matter was taken up to the Court of Appeals and is on appeal; therefore, this Court no longer has jurisdiction.

Defendant stated he was informed the matter was sent back to District Court, to make a decision.

Court reviewed the case file. Further, addressed the matter was appealed and has been confirmed.

Defendant discussed Plaintiff signed off on a quick claim deed and signed off on any property rights.

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 36 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

Defendant does not understand how Plaintiff can be awarded any equity in the property, when she has no rights to it. Plaintiff had to sign off before the house could be put under the Senior Citizen Home Equity Program. Defendant stated his argument is Plaintiff signed legal documents that Plaintiff does not have any equity then, or in the future, on that property.

Court addressed, it was recognized Defendant was the only title holder, at the time of trial and the Court heard evidence and testimony. Further, Plaintiff signed the quick claim deed because it was necessary for Defendant to be able to refinance the residence and get equity out of the property.

Court reviewed the trial notes.

COURT FOUND, the motion is legally deficient, has no legal or factual basis, it has been appealed and affirmed, by the Supreme Court.

**COURT ORDERED:**

1. As Defendant's MOTION is LEGALLY DEFICIENT the MOTION shall be DENIED.
2. Attorney Fontano shall FILE a MEMORANDUM of FEES and COSTS, for THIS HEARING, which INCLUDES the BRUNZELL FACTORS, within the next 10 days. Upon RECEIPT, Defendant shall have 10 days to FILE a RESPONSE. COURTESY COPIES shall be PROVIDED, to the DEPARTMENT.

Attorney Fontano to prepare an Order, from today's hearing. CASE CLOSED.

Clerk's note, as Defendant was being disruptive and over talking the Court, the Court lowered the volume of Defendant speaking, so the Court could make findings and the order, without interruptions.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 37 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice:** Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint****COURT MINUTES**

December 16, 2019

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

**December 16, 2019    2:30 PM****All Pending Motions****HEARD BY:** Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Tiffany Skaggs**PARTIES:**

Capucine Holmes, Plaintiff, not present  
Kimberly Panfil, Intervenor, not present  
Wilbert Holmes, Defendant, not present

James Fontano, Attorney, present  
Brent Blanchard, Attorney, not present  
Pro Se

|                        |
|------------------------|
| <b>JOURNAL ENTRIES</b> |
|------------------------|

- PLTF'S MOTION FOR ORDER TO SHOW CAUSE WHY DEFT SHOULD NOT BE HELD IN CONTEMPT TO COMPEL COMPLIANCE WITH DECREE OF DIVORCE, AND FOR AWARD O ATTY'S FEES AND COSTS...PLTF'S ORDER TO SHOW CAUSE

Court addressed, last Friday the department received Defendant's ex parte motion to continue this hearing. Counsel stated Defendant e served him and counsel did see it. Court stated it is not supported, by any medical records that say he could not be present, today. Court reviewed the documents that were filed, with the motion. A proper motion was not filed, or proof that Defendant is in the hospital.

Court reviewed page 9, of the divorce decree.

COURT FOUND, Defendant should have been present today or filed the proper motion to give the court some basis for the allegations that he has made about being in the hospital.

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 38 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

Counsel stated he is seeking an order to be able control the sale of the property. It is counsel's understanding, Defendant has moved out of the house and is renting it as a short term rental through AirBnB.

Court reviewed page 9, of the divorce decree, regarding if Defendant failed to pay Plaintiff her equity, in the home.

**COURT ORDERED:**

1. It shall be JUST and REASONABLE to AWARD ATTORNEY'S FEES, for today. Counsel shall FILE a MEMORANDUM of FEES and COSTS, together with the BRUNZELL AFFIDAVIT.
2. Plaintiff's MOTION shall be GRANTED.
3. The PROVISION, in the DIVORCE DECREE, regarding Plaintiff being ENTITLED to ENFORCE the SALE of the PROPERTY, to OBTAIN her EQUITY SHARE (\$100,862.73) in the property and ATTORNEY'S FEES shall be GRANTED.

Attorney Fontano to prepare an Order, from today's hearing.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 39 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice:** Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

April 28, 2021

---

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

---

**April 28, 2021      3:45 PM      Minute Order**

**HEARD BY:** Butler, Dee Smart

**COURTROOM:** Courtroom 05

**COURT CLERK:** Ameiona Ratcliff

**PARTIES:**

|  |  |
|--|--|
| Capucine Holmes, Plaintiff, not present  | James Fontano, Attorney, not present   |
| Kimberly Panfil, Intervenor, not present | Brent Blanchard, Attorney, not present |
| Wilbert Holmes, Defendant, not present   | Pro Se                                 |

|                        |
|------------------------|
| <b>JOURNAL ENTRIES</b> |
|------------------------|

- MINUTE ORDER - NO HEARING HELD

Case No. D-15-523582-D

Capucine Yolanda Holmes, Plaintiff vs. Wilbert Roy Holmes, Defendant

Pursuant to NRCP 1 and EDCR 1.10, the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action.

NCJC 2.11(A)(1) states:

(A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances:

(1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding.

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 40 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

COURT FINDS that Plaintiff Capucine "Cap" Yolanda Holmes is a personal friend and the court desires to continue and maintain the personal friendship. The Honorable Dee Butler has a personal bias concerning Ms. Holmes and would like to see a favorable outcome for her. The COURT FINDS that her impartiality might be reasonably questioned due to the personal friendship.

NOW THEREFORE, IT IS HEREBY ORDERED that to avoid the appearance of impropriety and implied bias, the Court shall disqualify itself.

IT IS FURTHER ORDERED that the Clerk of Court shall randomly reassign the matter to another department.

IT IS FURTHER ORDERED that the Court Clerk shall provide a copy of this Minute Order to all parties.

CLERK'S NOTE: On 4/28/2021 a copy of the Court's Minute Order was provided to each Attorney or Parties via email, if an email address is on record with the Court; if no email address is available then the Minute Order was mailed to the physical address of record. (ajr)

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 41 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice:** Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint****COURT MINUTES**

July 27, 2021

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

**July 27, 2021      2:00 PM      Minute Order**

**HEARD BY:** Almase, Heidi**COURTROOM:** Chambers**COURT CLERK:** Quintin Mansfield**PARTIES:**

|  |  |
|--|--|
| Capucine Holmes, Plaintiff, not present  | James Fontano, Attorney, not present   |
| Kimberly Panfil, Intervenor, not present | Brent Blanchard, Attorney, not present |
| Wilbert Holmes, Defendant, not present   | Pro Se                                 |

|                        |
|------------------------|
| <b>JOURNAL ENTRIES</b> |
|------------------------|

- MINUTE ORDER - NO HEARING HELD - NO APPEARANCES

This matter is scheduled for Chambers review on July 28, 2021 on Defendant Wilbert R. Holmes May 24, 2021 Motion to Reverse/Drop/Withdrawal of Motion for Request for Order to Revise Property Settlement [sic].

This Court exercises authority granted it pursuant to NRCP 1 and EDCR 1.10 which provide district court dockets shall be administered to secure speedy, efficient and inexpensive determinations in every action.

On June 9, 2021, this Court filed a written order resolving Defendant s May 24, 2021 Motion to Reverse et al. See Order at p.3, ll.9-11 and p.6, ll.8-11 (filed June 9, 2021). Accordingly, it appears to this Court, the above-listed matter was left on calendar in ERROR. Therefore, the Court ORDERS the July 28, 2021 chambers matter VACATED.

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 42 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

CLERK S NOTE: On 07/27/2021 a copy of the Court s Minute Order was provided to Defendant and to Plaintiff s Attorney of record via email, if an email address is on record with the Court; if no email address is available then the Minute Order was mailed to the physical address of record. (qm)

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 43 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint****COURT MINUTES**

July 29, 2021

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

**July 29, 2021      10:00 AM      All Pending Motions**

**HEARD BY:** Almase, Heidi**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Quintin Mansfield**PARTIES:**

|  |  |
|--|--|
| Capucine Holmes, Plaintiff, not present  | James Fontano, Attorney, present       |
| Kimberly Panfil, Intervenor, not present | Brent Blanchard, Attorney, not present |
| Wilbert Holmes, Defendant, not present   | Pro Se                                 |

|                        |
|------------------------|
| <b>JOURNAL ENTRIES</b> |
|------------------------|

- MOTION: MOTION FOR SANCTIONS PURSUANT TO NRCP 11... MOTION: MOTION TO REVERSE/DROP WITHDRAWAL OF MOTION FOR REQUEST FOR ORDER TO REVERSE PROPERTY SETTLEMENT... MOTION: MOTION FOR REQUEST FOR ORDER TO REVISE PROPERTY SETTLEMENT

In the interest of public safety due to the Coronavirus pandemic, Plaintiff's counsel was present via VIDEO CONFERENCE through the BlueJeans application. Plaintiff's appearance was WAIVED and Defendant, Wilbert Holmes, failed to appear.

Court reviewed the record and noted the pleadings on file.

Upon inquiry of the Court, Mr. Fontano, counsel for Plaintiff, Capucine Holmes, stated Defendant filed a Motion to Withdraw which caused Mr. Fontano not to file his Motion for Sanctions. Mr. Fontano then stated another motion was filed by Defendant reversing his withdrawal of his motion which caused Mr. Fontano to file the Motion for Sanctions.

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 44 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

Upon inquiry of the Court, Mr. Fontano requested attorney's fees for his client. The Court referenced the Order from 02/04/2020 which authorized Plaintiff to obtain a key to the parties' property in order to enter the property and list it for sale. Upon inquiry of the Court, Mr. Fontano affirmed this was the Court's order.

COURT stated its FINDINGS and ORDERED the following:

1. Plaintiff's Request to Enforce the 02/04/2020 Order is hereby GRANTED.
2. ATTORNEY'S FEES: The Court directed counsel to submit a Brunzell Affidavit and Memorandum of Fees and Costs leaving a blank in the order for the Court to enter an amount. Said amount shall be REDUCED to JUDGMENT collectable by any legal means bearing the legal rate of interest until paid in full.
3. Mr. Fontano shall prepare the order and submit to the Court for signature.

CLERK S NOTE: On 07/30/2021 a copy of the Court s Minute Order was provided to Defendant and to Plaintiff s Attorney of record via email, if an email address is on record with the Court; if no email address is available then the Minute Order was mailed to the physical address of record. (qm)

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

|             |            |               |               |                |
|-------------|------------|---------------|---------------|----------------|
| PRINT DATE: | 08/20/2021 | Page 45 of 45 | Minutes Date: | March 30, 2016 |
|-------------|------------|---------------|---------------|----------------|

**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

[illegible]

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100

I intend to introduce the following exhibits at trial:

- 4 ✓ 1  
5 ✓ 2  
6 X  
7 X  
8 ✓ 4  
9 of  
0 ✓ 5  
1 Pr  
2 ✓ 6  
3 Pr  
4 X  
5 X  
6 ✓ 9  
7 the  
8 ✓ 10  
9 ✓ 11  
0 ✓ 12  
1 ✓ 13  
2 X  
3 X  
4 mo

**APMEM**

Marsha Kimble Simms, Esq.  
Nevada Bar No. 008530  
The Simms Law Firm, LLC  
2560 W. Brooks Ave., Suite 101  
North Las Vegas, Nevada 89032  
(702) 333-1449 (O), 702-644-0457 (F)  
simmslawfirm@aol.com  
Attorney for Plaintiff

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

CAPUCINE YOLANDA HOLMES,

Plaintiff,

vs.

WILBERT ROY HOLMES,

Defendant.

CASE NO.: D-15-523582-D

DEPT NO.: J

**AMENDED PRE-TRIAL MEMORANDUM**

The plaintiff's Pretrial Memorandum is amended as follows:

1. Six additional exhibits are added to the list of exhibits.

**V. LIST OF EXHIBITS**

- |                                     |  |   |  |  |
|-------------------------------------|--|---|--|--|
| <input checked="" type="checkbox"/> | Exhibit P. Henderson Police Department Incident Report 6/9/2016                                |   |  |  |
| <input checked="" type="checkbox"/> | 17. Exhibit Q. Lien on Property of Creditor William H. George Case No.: A-15-722160-F          | X |  |  |
| <input checked="" type="checkbox"/> | 18. Exhibit R. Lien on Property HOA violation failure to use Property single family uses only. | X |  |  |
| <input checked="" type="checkbox"/> | 19. Exhibit S. Affidavit of Capucine Holmes to Chief Judge Tyrell.                             | X |  |  |
| <input checked="" type="checkbox"/> | 20. Exhibit T. Response to Letter to San Rafeal HOA  | X |  |  |
| <input checked="" type="checkbox"/> | 21. Exhibit U. Advertisement for listing of home for rent.                                     | X |  |  |

DATED: January 5, 2017

Submitted by: 

~~22. Justin Wodinger report~~

~~23. Justin Wodinger report~~

CASE NO D-15-523582-0

OFFERED

[illegible]

D15 523 582D

# IX. LIST OF EXHIBITS

I intend to introduce the following exhibits at trial:

1. ~~EXHIBIT A~~ My proposed distribution of property and debts is attached as
2. ~~EXHIBIT B~~ Recorded deeds and documents showing ownership in real property
3. ~~EXHIBIT C~~ Letter document showing reverse mortgage required release from plaintiff
3. ~~EXHIBIT D~~ Court required certified property appraisals
4. ~~EXHIBIT E~~ Violated fiduciary duties and immoral actions resulting in financial loss and hardship
5. ~~EXHIBIT F~~ see exhibit E documents..also
- ~~EXHIBIT G~~ Detail from IED case filed in NLV court
- ~~EXHIBIT H~~ Letter from Nevada Legal Aid Center

| OFFERED | OBJECTION | ADMITTED |
|---------|-----------|----------|
|         |           |          |
|         |           |          |
|         |           |          |
|         |           |          |
|         |           |          |
|         |           |          |
|         |           |          |

## X. UNUSUAL ISSUES TO BE PRESENTED AT TRIAL

The following unusual legal or factual issues may be presented at trial: \_\_\_\_\_

These would be Exhibits E and F showing "some of !" the plaintiffs adulterous extramarital affairs and activities that factually date back to 2004. These "bisexual affairs" and events has caused marital discourse and financial and mental stress upon myself. Thusly the true reason for the dissolution of a happy marriage.

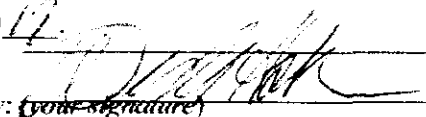
EXHIBIT ~~X~~ 7/3/02 APPRAISAL  
 11 ✓ C2 6/5/14 APPRAISAL

|   |   |         |
|---|---|---------|
|   |   |         |
| X | X |         |
| X | X | 1/10/17 |

## XI. LENGTH OF TRIAL

This trial should take approximately \_\_\_\_\_ x ☒ hours / ☐ days.

DATED January 2, 2017 . 2017

Submitted By: 

(print your name)

WILBERT R. HOLMES

Defendant's

## EXHIBITS

CASE NO D-15-523582-1

**ADMITTED**

OFFERED

[illegible]



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE  
**NOTICE OF DEFICIENCY**  
ON APPEAL TO NEVADA SUPREME COURT

WILBERT R. HOLMES  
3980 S. NELLIS BLVD.  
LAS VEGAS, NV 89183

DATE: August 20, 2021  
CASE: D-15-523582D

RE CASE: CAPUCINE YOLANDA HOLMES vs. WILBERT ROY HOLMES

NOTICE OF APPEAL FILED: August 18, 2021

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)\*\*
  - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☒ \$24 – District Court Filing Fee (Make Check Payable to the District Court)\*\*
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)\*\*
  - NRAP 7: Bond For Costs On Appeal in Civil Cases
  - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
  - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

---

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

***Please refer to Rule 3 for an explanation of any possible deficiencies.***

---

***\*\*Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT  
DOCKET ENTRIES; ORDER GRANTING MOTION FOR SANCTIONS PURSUANT TO NRCP 11;  
NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF  
DEFICIENCY

CAPUCINE YOLANDA HOLMES,

Plaintiff(s),

vs.

WILBERT ROY HOLMES,

Defendant(s),

Case No: D-15-523582-D

Dept No: X

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 20 day of August 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk