

1 **PET**

2 STEVEN B. WOLFSON, DISTRICT ATTORNEY  
3 Nevada Bar No. 001565  
4 FAMILY SUPPORT DIVISION  
5 1900 East Flamingo Road, Suite 100  
6 Las Vegas, Nevada 89119-5168  
7 (702) 671-9200 - TDD (702) 385-7486 (for the hearing impaired)

Electronically Filed  
Feb 18 2022 02:48 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

8 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

9 MICHAEL FOLEY,

Appellant,

vs.

12 PATRICIA FOLEY,

Respondent )

No. 82569-COA

14 **CLARK COUNTY DISTRICT ATTORNEY, FAMILY SUPPORT'S PETITION**  
15 **FOR REHEARING OF ORDER VACATING AND REMANDING**

16 COMES NOW, the CLARK COUNTY DISTRICT ATTORNEY'S OFFICE,  
17 FAMILY SUPPORT DIVISION, through STEVEN B. WOLFSON, District Attorney, by  
18 and through Corey J. Roberts, Deputy District Attorney, and files this Petition for  
19 Rehearing, and is made and based upon the pleadings and papers on file herein, the  
20 attached Points and Authorities, exhibit(s), if any, and oral argument, if any, at  
21

23 ////

24 ////

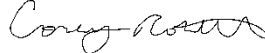
25 ////

26 ////

1 the time of the hearing.

2 DATED this 18<sup>th</sup> day of February, 2022.

3  
4 Respectfully Submitted,  
5 STEVEN B. WOLFSON  
6 DISTRICT ATTORNEY  
7 Nevada Bar # 001565

8 BY:   
9 COREY ROBERTS  
10 Deputy District Attorney  
11 Nevada Bar #12482  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **TABLE OF CONTENTS**

2 ATTORNEY CERTIFICATE.....5

3 IDENTITY OF CLARK COUNTY DISTRICT ATTORNEY, ITS INTEREST & STANDING IN THE

4 CASE, PARTY/POSITION SUPPORTED AND AUTHORITY TO FILE.....7

5 ISSUE PRESENTED.....9

6 STATEMENT OF THE CASE.....9

7 ARGUMENT.....13

8       A. APPELLANT’S TESTIMONY, LACK OF ATTENDANCE AND PARTICIPATION, AND

9       HISTORY OF PAYMENTS DISPLAYED ABILITY TO

10       PAY.....13

11       B. IMPOSITION OF JAIL TIME WITH PURGE CLAUSE IS CIVIL CONTEMPT AND

12       STAYED JAIL TIME WITHOUT IMPOSITION IS NOT CRIMINAL

13       CONTEMPT.....15

14 CONCLUSION.....18

14 **CASELAW**

15       *Lewis v. Lewis*, 132 Nev. 453, 373 P.3d 878, 880 (2016).....15

16       *State v. Lomas*, 114 Nev. 313, 955 P.2d 678 (1998).....16

17       *Turner v. Rogers*, 564 U.S. 431, 131 S. Ct. 2507 (2011) .....16, 17

18

19 **STATUTES**

20       42 U.S.C. §§ 301.....3

21       42 U.S.C. §§ 651.....3

22       NRS 125B.150(3).....3

23       NRS 425.318.....3

24       NRS 425.382(1)(b).....3

25       NRS 425.390.....13

26

27

28

**RULES/ORDINANCES**

EDCR 5.507.....13, 14

1                                    **ATTORNEYS CERTIFICATE OF COMPLIANCE**

2            1. I hereby certify that this petition for rehearing complies with the formatting  
3 requirements of [NRAP 32](#)(a)(4), the typeface requirements of [NRAP 32](#)(a)(5) and the type  
4 style requirements of [NRAP 32](#)(a)(6) because:  
5

6            [x] This brief has been prepared in a proportionally spaced typeface using WORD  
7 2019 in 14-point font using style, Times New Roman.  
8

9            2. I further certify that this brief complies with the page- or type-volume limitations  
10 of [NRAP 32](#)(a)(7) because, excluding the parts of the brief exempted by [NRAP](#)  
11 [32](#)(a)(7)(C), it is either:  
12

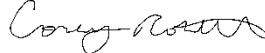
13            [x] Proportionately spaced, has a typeface of 14 points or more, and contains fewer  
14 than 4,667 words;  
15

16            3. Finally, I hereby certify that I have read this appellate brief, and to the best of my  
17 knowledge, information, and belief, it is not frivolous or interposed for any improper  
18 purpose. I further certify that this brief complies with all applicable Nevada Rules of  
19 Appellate Procedure, in particular [NRAP 28](#)(e)(1), which requires every assertion in the  
20 brief regarding matters in the record to be supported by a reference to the page and volume  
21 number, if any, of the transcript or appendix where the matter relied on is to be found. I  
22 understand that I may be subject to sanctions in the event that the accompanying brief is  
23  
24  
25  
26  
27  
28

1 not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

2 DATED this 18<sup>th</sup> day of February, 2022.

3  
4 Respectfully Submitted,  
5 STEVEN B. WOLFSON  
6 DISTRICT ATTORNEY  
7 Nevada Bar # 001565

8 BY:   
9 COREY ROBERTS  
10 Deputy District Attorney  
11 Nevada Bar #12482  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **IDENTITY OF CLARK COUNTY DISTRICT ATTORNEY’S OFFICE, FAMILY**  
2 **SUPPORT DIVISION, ITS INTEREST & STANDING IN THE CASE,**  
3 **PARTY/POSITION SUPPORTED AND SOURCE OF AUTHORITY**

4 This Petition for Rehearing/Reconsideration is provided by the Clark County,  
5 Nevada, District Attorney’s Office, Family Support Division, (“DAFS”). DAFS is a  
6 Nevada IV-D Program agency of the Social Security Act (42 U.S.C. §§ 651 et seq.). While  
7 DAFS does not represent either party in the matter, the District Attorney is rendering a  
8 public service as a representative of the State and, thus, appears as attorney of record on  
9 the R-11-162425-R case. NRS 125B.150(3). Per NRS 425.370(2), “the Division and  
10 prosecuting attorney<sup>1</sup> shall, when such action is required by the Social Security Act, 42  
11 U.S.C. §§ 301 et seq. take appropriate action to carry out the Program.” When Petitioner,  
12 Patricia Foley, (hereinafter “Petitioner”) requested DAFS to carry out the Program per NRS  
13 425.382(1)(b), DAFS was required to initiate judicial enforcement per NRS 425.318. NRS  
14 425.318 sets for the Program to “locate absent parents, establish paternity and obtain child  
15 support pursuant to Part D of Title IV of the Social Security Act (42 U.S.C. §§ 651 et seq.)  
16 and other provisions of that Act relating to the enforcement of child support.”  
17  
18  
19  
20

21 In Supreme Court case 82569, DAFS was identified as Respondent to Appellant’s,  
22 Michael Foley, (hereinafter “Appellant”) initial appeal filed March 3, 2021. Appellant’s  
23 Motion to Extend Time and for Clarification filed May 10, 2021 referenced the underlying  
24 District Court Case No as R-11-162425; however, the attachments to the Motion contained  
25 the Family District Court Complaint for Divorce in D-08-403071-D. Such an attachment  
26  
27  
28

---

<sup>1</sup> NRS 425.320: “Prosecuting attorney” means the district attorney of any county.

1 would obscure the fact that the instant action is initiated by the Division and prosecuting  
2 attorney on behalf of Petitioner relating to enforcement of child support in the R-11-  
3 162425-R case. It is important to note that Appellant's Motion for Clarification failed to  
4 serve DAFS the then-identified Respondent; as such, DAFS was unaware of the intention  
5 to remove the prosecuting attorney from the case and subsequent preclusion to notice of  
6 the Appeal's progress. While the Order filed May 19, 2021 modified the caption to identify  
7 Patricia Foley as the Respondent and removed Clark County District Attorney in the  
8 caption, DAFS asserts that Clark County District Attorney and Patricia Foley are both  
9 respondents to the appeal.  
10  
11  
12

13 While not a real party in interest, DAFS asserts as the prosecuting attorney to carry  
14 out the Program it has standing to bring forth the underlying Petition as discussed *supra*.  
15

16 This Petition is submitted in support of the position and prayer for relief of a  
17 rehearing or reconsideration of the Order Vacating Judgment and Remanding<sup>2</sup> by focusing  
18 on an overlooked or misapprehended material fact regarding the nature of the contempt  
19 proceedings and lack of imposition of jail time.  
20

21 This Petition is provided under the authority of **Nevada's Rules of Appellate**  
22 **Procedure, Rule 40**, which permits "a petitioner for rehearing to be filed within 18 days  
23 after the filing of the Appellate Court's decision."  
24

25 ///

26 ///

27  
28  

---

<sup>2</sup> Order Vacating Judgment and Remanding filed February 4, 2022 in 82569-COA.



1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

Did the Master's Recommendation from the January 4, 2021 fail to address Appellant's ability to pay or indigency? Did the Master's Recommendation finding **stayed** contempt time without a purge amount alter the matter from civil contempt to criminal contempt?

## **STATEMENT OF THE CASE**

On May 9, 2011, DAFS filed a Notice and Finding to Enforce an Existing Order on Petitioner's behalf to enforce the District Court child support obligation in D-08-403071-D. 1 Appellant's Appendix (hereinafter "AA") 1-11. From April 24, 2012 through June 17, 2015, Appellant had nine (9) contempt hearings. 1 AA 27-31, 36-39, 45-48, 53-56, 72-79, 105-108, 114-117, 147-150. During these hearings, Respondent has shown an ability to work and pay his child support as there have been collection of child support via income withholdings, self-reports of being self-employed performing computer repairs earning \$800 to \$1000 per month, earning \$1,200 per month and admissions of \$2,512.95 Gross Monthly Income (hereinafter "GMI"). 1 AA 47: 15, 74: 23, 86: 27, 89, 105:15 & 107: 23, 322: 13. The Child Support Court had information that Appellant advertised his business on Craigslist including a long-list of clients keeping Appellant busy, and that he does keep busy with work on a weekly basis including within the last week of an in-custody hearing on November 16, 2015. 2 AA 333: 1-3, 335: 9-10, 349: 8-19. The Child Support Court requested Appellant to provide income information such as hours worked, IRS tax returns for 2012, 2013 and 2015. 1 AA 38: 14-15, 74: 23, 99: 9, 234: 2, 2 AA 372: 8-10. The Child Support Court possessed Appellant's history of payments including a \$3,000

1 involuntary seizure from Appellant in 2014 and \$200 jail release in 2014. 1 AA 107: 23, 2  
2 AA 313: 17-20, 314: 14-15, 322: 17-18, 333: 4-5, 349: 5.

3  
4 On June 17, 2015, the Child Support Court issued a \$2,000 bench warrant. 1 AA  
5 147-149. At the November 15, 2015 bench warrant return hearing, the Child Support Court  
6 heard the payment history that Appellant was \$4,165.00 deficient from June 2015 through  
7 October 2015, the last payment was a \$200 jail release on August 13, 2014, Appellant's  
8 testimony he had \$119 in his jail account, and, subsequently, imposed ten (10) days in the  
9 Clark County Detention Center (hereinafter "CCDC") or upon the purge release of  
10 \$2,000.00. 1 AA 171-173; 2 AA 349: 4-6, 353: 1, 355: 12-17. Appellant objected to the  
11 Master's Recommendation 1 AA 158-161. DAFS opposed the Appellant's objection. 1  
12 AA 162-168. Appellant failed to appear for the objection hearing, and the District Court  
13 denied Appellant's objection and affirmed the Master's Recommendation that Appellant  
14 had the ability to pay and that there was an indication of possible willful underemployment.  
15  
16  
17  
18 1 AA 185-186.

19 March 2016, Appellant appealed the District Court's denial of his objection and  
20 adoption of the Master's Recommendation. 1 AA 220-227 & 2 AA 242-264.

21  
22 In Nevada Supreme Court case 69997, the District Court's order was affirmed in  
23 part and vacated in part and remanded to make specific findings of Appellant's present  
24 ability to pay the purge amount. 2 AA 389-393.

25  
26 In response, the District Court issued an Order setting a hearing to address the  
27 Supreme Court's remand and directed Appellant to complete and file a Financial  
28

1 Disclosure Form. 2 AA 408-409. Appellant objected to the Order and in his Supplement  
2 to Respondent's Objection attached letters from the minor children. 2 AA 411- 413, 418-  
3 421. On of the attached letter alludes to Appellant paying off a loan for his son. 2 AA 421.

4  
5 On February 3, 2020, Appellant failed to appear at the Objection hearing, the District  
6 Court noted the service of the Notice of Hearing matched Appellant's records and that  
7 Appellant had failed to comply with its Order requiring a Financial Disclosure Form. 3  
8 AA 574: 4-5, 575: 3-6. The District Court denied Appellant's Objection/Motion for  
9 Reconsideration and set the matter with the Child Support Court for a review of child  
10 support contempt. 3 AA 574-575.  
11  
12

13 A Notice of Hearing was sent December 3, 2020 for Appellant's Continuing Order  
14 to Show Cause. 3 AA 614-620. At the January 4, 2021 hearing, Appellant and Petitioner  
15 were present along with the DAFS attorney, wherein Appellant testified that he does not  
16 make payments through the Court Order as he believes Petitioner will use the payment to  
17 allegedly gamble. 3 AA 628: 3. Appellant testified that although he is COVID positive  
18 and has been unable to work for the past four (4) weeks, he is able to give his children  
19 direct payments via a credit card. 3 AA 628: 3-5. The Child Support Court concluded that  
20 Appellant's failure to make a single voluntary payment in the last seven (7) years was  
21 willful, and sentence Appellant to twenty-five (25) days to be stayed until the next Court  
22 date. 3 AA 626: 18-18, 628: 5-6.  
23  
24  
25

26 In February 2021, Appellant filed the instant appeal. As discussed *supra*, DAFS was  
27 removed as the Respondent in the caption, and at no time was DAFS instructed or given  
28

1 an opportunity to provide its response to Appellant's issued raised prior to the issuance of  
2 the Order Vacating Judgment and Remanding filed February 4, 2022 in 82569-COA.  
3 DAFS' Petition is as follows.  
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

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

**A. APPELLANT’S TESTIMONY, LACK OF ATTENDANCE AND PARTICIPATION, AND PAY HISTORY DISPLAYED HIS ABILITY TO PAY**

As discussed, Appellant has provided testimony on numerous accounts that he is self-employed and continuously working as a computer technician with a busy client base, yet fails to make any voluntary payments since 2014. Appellant has provided proof that he paid his son's loan, admitted he can pay his children directly, yet, Appellant will not pay the Court ordered obligation to prevent Petitioner using that money to allegedly gamble. Furthermore, the Child Support Court possessed information of a past large-sum involuntary seizure to capture payments. Appellant has not cooperated with the Child Support Court on multiple occasions to provide proof of earnings and income by failing to provide a Court-ordered Financial Disclosure Form in 2020 and tax returns from 2012, 2013 and 2015. Appellant has failed to appear for modification hearings to discuss his current income and corresponding obligation. The Child Support Court's assessment of Appellant's ability to pay is not made in a vacuum but assessed throughout the history of the case as is his credibility. Here, Appellant ought not to receive the benefit of escaping contempt by failing to cooperate with the Court and providing self-serving testimony of his inability to pay when remanded to custody.

Per NRS 425.390, Appellant shall complete a financial form listing current income and total income over the past twelve (12) months and current living expenses. Additionally, pursuant to Eighth Judicial District Court Rule (hereinafter “EDCR”) 5.507 a General Financial Disclosure Form (hereinafter “FDF”) must be filed in support of any

1 motion or any opposition and may be filed in open court. The FDF shall include the party's  
2 three (3) most recent paycheck stubs or equivalent. *See* EDCR 5.507(e). Additionally, the  
3 court may construe any motion or opposition not supported by an FDF as admitting the  
4 positions are not meritorious and, furthermore, the Court may issue an order adverse to  
5 those positions and impose sanctions.  
6

7         DAFS moved the Child Support Court for an Order to Show Cause against Appellant  
8 for failure to pay his child support obligation. At the Order to Show Cause hearings,  
9 Appellant is orally opposing the request for contempt; therefore, Appellant is required to  
10 file an FDF as it is a matter involving money. *See* EDCR 5.507(a). Furthermore, failure  
11 to do so permits the Court to found his position as unmeritorious and issue an adverse order  
12 along with the imposition of sanctions.  
13  
14

15         Additionally, the District Court previously ordered Appellant to provide updated  
16 FDFs; however, Appellant has failed to produce such evidence. Appellant continuously  
17 fails to abide by the Court's requirements such as provide income information to modify  
18 his support obligation or provide medical documentation to potentially excuse payments.  
19  
20

21         At the January 4, 2021 hearing, Appellant appeared via audio/visual  
22 communications, and, as such, Appellant did not complete a financial form per NRS  
23 425.390. Appellant was noticed in early-December 2020 of the contempt hearing on  
24 January 4, 2021, yet failed to timely file an FDF even though the District Court's order  
25 required Appellant to do so no later than ten (10) days before the next hearing. 3 AA 590:  
26  
27  
28

1 22-24. As such, the Child Support Court's decision to impose a sanction and issue an order  
2 contrary to Appellant's opposition to the contempt is proper and just.

3  
4 **B. THE IMPOSITION OF JAIL TIME IS CIVIL CONTEMPT AND**  
5 **STAYED JAIL TIME IS NOT CRIMINAL CONTEMPT.**

6 As found in the record, when the Child Support Court issues **imposed** jail time upon  
7 the Appellant, the Court then issues a purge amount. 1 AA 172: 6 and 9. When the Child  
8 Support Court issued **stayed** jail time it delineates this through showing the sentence is  
9 stayed until the next court date. 3 AA 626: 18 and 20-22. The imposition of the stayed  
10 sentence is a condition precedent only triggered by a hearing in which the merits of the  
11 payment history and circumstances either justifying the payments or lack thereof are  
12 addressed. If there is no justification for the deficiency then the sentence is imposed with  
13 a purge release.  
14  
15

16 The concern that Appellant raises that the stayed sentence could be lifted and  
17 imposed at any time is contrary to the wording and Order in the Master's Recommendation.  
18 The imposition of any jail time is only performed when the Court enters a purge amount  
19 as a jail release or bench warrant. As such, the Appellant always had the keys to the jail  
20 whenever there is an actual or potential imposition of jail time.  
21  
22

23 Criminal sanctions are intended to punish and are unconditional, while civil  
24 contempt is intended to compel compliance with a court order and is conditional such that  
25 compliance will terminate the sanctions. *Lewis v. Lewis*, 132 Nev. 453, 373 P.3d 878, 880  
26 (2016). The stayed sentence of twenty-five (25) days the Court issued at the January 4,  
27 2021 hearing was not imposed and may be imposed at the next hearing. It is at the  
28

1 subsequent hearing in which the stayed sentence is then possibly imposed, and, if applied  
2 the sanctions can be terminated through the purge amount or a jail release or bench warrant  
3 payment. As such, the proceedings from January 4, 2021 do not transform the contempt  
4 from civil to criminal; the contempt proceedings are civil in nature as the sentence when  
5 imposed is conditional based on the purge amount operates to terminate the sanctions.  
6

7 Similarly, in *State v. Lomas*, the Nevada Supreme Court used a two-part test to  
8 determine whether a particular punishment is criminal or civil. 114 Nev. 313, 955 P.2d  
9 678 (1998). First, “[a] court must ... ask whether the legislature, ‘in establishing the  
10 penalizing mechanism, indicated either expressly or impliedly a preference for one label  
11 or the other.’” Second, even in those cases where the legislature indicates an intention to  
12 establish a civil penalty, a court should inquire further whether the statutory scheme is so  
13 punitive either in purpose or effect, “as to ‘transfor[m] what was clearly intended as a civil  
14 remedy into a criminal penalty.’” *Id.* Here, the imposition of a stayed sentence is not  
15 punitive as the Child Support Court provides a purge amount to remedy the contempt in an  
16 attempt to compel compliance in paying the support obligation. In fact, the purge amount  
17 is applied as a child support payment; further proof that such a sanction is civil in nature.  
18

19 Finally, utilizing *Turner v. Rogers*’ three considerations: (1) ability to pay; (2) nature  
20 of the parties: welfare-only case or is there a Petitioner which could create asymmetry; and  
21 (3) there exists an available set of “substitute procedural safeguards,” the Child Support  
22 Court took those consideration into account. 564 U.S. 431, 131 S. Ct. 2507 (2011). As  
23 discussed *supra*, based no Appellant’s work history, present and historic testimony, failure  
24  
25  
26  
27  
28



1 to complete Court-ordered FDFs, the Child Support concluded Appellant could pay for his  
2 children and he could pay them directly. This is a case involving a Petitioner. Finally, this  
3 case provided procedural safeguards as discussed *infra*.  
4

5 Appellant appear at the January 4, 2021 hearing via audio-visual communication.  
6 At the end of the hearing, Appellant left the hearing with his liberties still intact; he was  
7 not remanded to custody and his liberties were not taken or seized. Unlike *Turner*, where  
8 the Defendant was found in civil contempt and sentenced to a twelve-month sentence,  
9 Appellant's potential sentence is twenty-five days. Unlike *Turner*, where the Defendant  
10 served a twelve-month incarceration, Appellant has not been incarcerated upon the January  
11 26, 2021 Master's Recommendation. Unlike *Turner*, in this instance the Child Support  
12 Court had "substitute procedural safeguards" awarded to Appellant: (1) Appellant was  
13 provided notice of the issue about why he is not complying with the Court Order to pay the  
14 support obligation, and failure to participate and answer may result in an issuing bench  
15 warrant; (2) the District Court noticed Appellant to file an FDF no later than ten (10) days  
16 prior to the January 4, 2021 hearing to elicit relevant financial information from him; (3)  
17 Appellant testified in response to his ability to pay and failure to pay for the last seven (7)  
18 years; and (4) the Child Support Court expressly stated that Appellant had the ability to  
19 pay as he could pay his children directly, and Appellant's failure to pay is willful. 3 AA  
20 601: 22-24, 615: 15-20, 628: 3-6.  
21  
22  
23  
24  
25

26 As the Child Support Court utilizes *Turner's* considerations including substitute  
27 procedural safeguards, the Master's Recommendation comports with *Turner* and does not  
28

1 punish for failure to pay but sanctioned Appellant to promote compliance with the support  
2 obligation. Additionally, at no time can the twenty-five days of stayed contempt be  
3 arbitrarily imposed without a hearing discussing Appellant's payment history and  
4 circumstances revolving around the payment history. As such, the stayed sentence does  
5 not deprive Appellant of his liberties; thus, it does not transform the civil contempt to a  
6 criminal function.  
7  
8

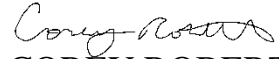
### 9 CONCLUSION

10 WHEREFORE, DAFS prays that this Court reconsider the Order vacating the  
11 January 26, 2021 Master's Recommendation and Order and remanding the matter.  
12

13 ALTERNATIVELY, WHEREFORE, DAFS prays that in the event, this Court does  
14 not find DAFS to be a proper Respondent, it be allowed additional time and leave to prepare  
15 a Motion for Leave to File and Petition of Reconsideration/Rehearing of an Amicus Curiae  
16 per NRAP 29.  
17

18 DATED this 18<sup>th</sup> day of February, 2022.

19 Respectfully Submitted,  
20 STEVEN B. WOLFSON  
21 DISTRICT ATTORNEY  
22 Nevada Bar # 001565

23 BY:   
24 COREY ROBERTS  
25 Deputy District Attorney  
26 Nevada Bar #12482  
27  
28

1 CERT

Case no. 82569-COA

2 **CERTIFICATE OF MAILING**

3 The foregoing CLARK COUNTY DA, FAMILY SUPPORT'S PETITIONER  
4 FOR REHEARING OF ORDER VACATING AND REMANDING was served upon  
5 Michael Foley by mailing a copy thereof, first class mail, postage prepaid to:  
6

7  
8 **MICHAEL FOLEY**  
9 **PO BOX 777972**  
10 **HENDERSON NV 89077 7972**

11 on the day of February, 2022.  
12  
13

14 

---

Employee, District Attorney's Office  
15 Family Support Division  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

CERT

Case no. 82569-COA

**CERTIFICATE OF MAILING**

The foregoing CLARK COUNTY DA, FAMILY SUPPORT'S  
PETITIONER FOR REHEARING OF ORDER VACATING AND REMANDING was  
served upon Patricia Foley by mailing a copy thereof, first class mail, postage prepaid to:

**PATRICIA FOLEY  
8937 AUSTIN RIDGE AVE  
LAS VEGAS HNV 89178**

on the       day of February, 2022.

\_\_\_\_\_  
Employee, District Attorney's Office  
Family Support Division