

1 **NOAS**
2 **DAVID L. MANN, ESQ.**
3 Nevada Bar No. 11194
4 5574 La Perla Ct.
5 Las Vegas, NV 89122
6 (702) 829-3448
7 *Attorney for Defendant*

Electronically Filed
Oct 25 2021 10:48 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

11 JOSE GAMBOA,)
12)
13 Plaintiff,) CASE NO: D-20-606476-D
14 vs.) DEPT. NO: P
15)
16 JAZLEEN GAMBOA,) DOCKET NO:
17)
18 Defendant.)
19)
20)
21)
22)
23)
24)
25)

26 **NOTICE OF APPEAL**

27 Notice is hereby given that JAZLEEN GAMBOA, Defendant above named, hereby
28 appeals to the Supreme Court of Nevada from the *Notice of Entry of Order* entered in this action
29 on the 12th day of October, 2021.

30 Dated this 14th day of October, 2021.

31 By



32 **DAVID L. MANN, ESQ.**
33 Nevada Bar No. 11194
34 5574 La Perla Ct.
35 Las Vegas, NV 89122
36 (702) 829-3448
37 *Attorney for Defendant*

1 **CERTIFICATE OF E-SERVICE**

2 I HEREBY CERTIFY that on the 14th day of October, 2021, I served *Notice of*
3 *Appeal* pursuant to NRCP 5(b) and EDCR 8.05 via electronic service to the following:

4
5 GREGORY G. GORDON, ESQ.
6 G.Gordon@GordonLVLaw.com
7 *Attorney for Plaintiff*

8 Dated this 14th day of October, 2021

9 BY: 
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CASE SUMMARY**CASE NO. D-20-606476-D**

Jose Gamboa, Plaintiff
vs.
Jazleen Gamboa, Defendant.

§
 §
 §
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Location: **Department P**
 Judicial Officer: **Perry, Mary**
 Filed on: **04/10/2020**

CASE INFORMATION

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

Case Status: **04/10/2020 Open**

Case Flags: **Order After Hearing Required**
Appealed to Supreme Court




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

Case Number D-20-606476-D
 Court Department P
 Date Assigned 01/05/2021
 Judicial Officer Perry, Mary

PARTY INFORMATION


















Plaintiff	Gamboa, Jose 132 Dogwood Henderson, NV 89015	<i>Attorneys</i> Gordon, Gregory G Retained 702-363-1072(W)
Defendant	Gamboa, Jazleen 2236 Clinton LN Las Vegas, NV 89156	Pro Se 702-960-8528(H)
Subject Minor	Gamboa, Destiny Gamboa, Elijah Gamboa, Giovanni Gamboa, Irene Gamboa, Isabella Gamboa, Larriana Gamboa, Larry	

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

10/14/2021	 Notice of Appeal Filed By: Counter Claimant Gamboa, Jazleen [33] NOTICE OF APPEAL
10/14/2021	 Notice of Hearing [32] Notice of Hearing
10/13/2021	 Exhibits Filed By: Counter Defendant Gamboa, Jose [31] Appendix of Exhibits to Plaintiff's Motion for Attorney's Fees and Costs Pursuant to NRCP 54

CASE SUMMARY


CASE NO. D-20-606476-D


10/13/2021	 Motion for Attorney Fees and Costs Filed by: Counter Defendant Gamboa, Jose <i>[30] Plaintiff's Motion for Attorney's Fees and Costs Pursuant to NRCP 54</i>
10/12/2021	 Notice of Entry of Decree Party: Counter Defendant Gamboa, Jose <i>[29] Notice of Entry of Decree of Divorce</i>
10/12/2021	 Decree of Divorce <i>[28] Decree of Divorce</i>
09/19/2021	 Financial Disclosure Form <i>[27] Defendant's Financial Disclosure Form</i>
09/01/2021	 Financial Disclosure Form Filed by: Counter Defendant Gamboa, Jose <i>[26] Financial Disclosure Form</i>
09/01/2021	 Pre-trial Memorandum Filed By: Counter Defendant Gamboa, Jose <i>[25] Plaintiff's Pre-Trial Memorandum</i>
03/17/2021	 Order for Family Mediation Center Services <i>[24] Child Interview</i>
02/23/2021	 Opposition Filed By: Counter Defendant Gamboa, Jose <i>[23] Plaintiff's Opposition To Defendant's Motion To Reconsider Order Due To Mistake Of Law In Contravention Of Nrs, Legislative Intent & The Nevada Supreme Court & In The Alternative, Motion For Change In Visitation Due To Plaintiff's Negligent Care Of Children</i>
02/17/2021	 Order for Family Mediation Center Services <i>[22]</i>
02/10/2021	 Notice of Hearing <i>[21] Notice of Hearing</i>
02/09/2021	 Motion to Reconsider Filed by: Unbundled Attorney Mann, David L; Counter Claimant Gamboa, Jazleen <i>[20] Defendant's Motion to Reconsider Order due to Mistake of Law in Contravention of NRS, Legislative Intent & the Nevada Supreme Court & in the Alternative, Motion for Change in Visitation Due to Plaintiff's Negligent Care of Children</i>
02/02/2021	 Order <i>[19] Order After Hearing 01/06/2021</i>
01/05/2021	 Notice of Department Reassignment <i>[17]</i>
01/04/2021	 Peremptory Challenge Filed By: Counter Claimant Gamboa, Jazleen <i>[18] Peremptory Challenge of Judge</i>
01/04/2021	Administrative Reassignment to Department U <i>Case Reassignment - Judicial Officer Dawn R. Throne</i>
10/05/2020	 Notice of Appearance Party: Counter Claimant Gamboa, Jazleen <i>[16] Notice of Appearance</i>
10/05/2020	 Notice of Change of Address Filed By: Counter Claimant Gamboa, Jazleen <i>[15] Notice of Change of Address</i>
09/14/2020	 Certificate of Service


CASE SUMMARY


CASE NO. D-20-606476-D


Filed by: Counter Defendant Gamboa, Jose
[14] Certificate of Service via Odyssey Re Defendant's second Set of Initial Disclosures of Witnesses and Exhibits Pursuant to NRCP 16.2

09/10/2020  Affidavit of Service
 Filed By: Counter Claimant Gamboa, Jazleen
[13] Affidavit of Service


09/09/2020  Financial Disclosure Form
 Filed by: Counter Claimant Gamboa, Jazleen
[12] Def's Financial Disclosure Form


09/09/2020  Individual Case Conference Report
[11] Plaintiff's Individual Case Conference Report


09/09/2020  Financial Disclosure Form
[10] Plaintiff's Financial Disclosure Form


09/08/2020  Notice of Telephonic Hearing
 Filed by: Counter Claimant Gamboa, Jazleen
[9] Notice of Telephonic Hearing


08/18/2020  Order
[8] Order Setting Case Management Conference And Directing Compliance with NRCP 16.2

06/29/2020  Reply to Counterclaim
 Filed By: Counter Defendant Gamboa, Jose
[7] Reply to Counterclaim


05/28/2020  Answer and Counterclaim
 Filed By: Counter Claimant Gamboa, Jazleen
[6] Answer and Counterclaim

05/07/2020  Affidavit of Service
 Filed By: Counter Defendant Gamboa, Jose
[5] Affidavit of Service

04/10/2020  Summons Electronically Issued - Service Pending
 Filed by: Counter Defendant Gamboa, Jose
[4] Summons

04/10/2020  Request for Issuance of Joint Preliminary Injunction
 Filed By: Counter Defendant Gamboa, Jose
[3] Request for Issuance of Joint Preliminary Injunction


04/10/2020  Summons Issued Only
*[2] *****Summons Not Issued******

04/10/2020  Complaint for Divorce
 Filed by: Counter Defendant Gamboa, Jose
[1] Complaint for Divorce

HEARINGS

11/19/2021 **Motion** (3:00 AM) (Judicial Officer: Perry, Mary)
Plaintiff's Motion for Attorney's Fees and Costs Pursuant to NRCP 54

10/14/2021 **CANCELED Return Hearing** (11:00 AM) (Judicial Officer: Perry, Mary)
Vacated - Moot
RETURN HEARING RE: DECISION

09/20/2021  **Evidentiary Hearing** (9:30 AM) (Judicial Officer: Perry, Mary)
Custody - full day #1
 Matter Heard;
 Journal Entry Details:
EVIDENTIARY HEARING: CUSTODY-FULL DAY#1 Parties and witnesses put under OATH. Sworn Testimony

CASE SUMMARY

CASE NO. D-20-606476-D

and Exhibits presented (see worksheet). Closing arguments by Counsel. COURT ORDERED the following: Counsel shall file their proposed findings and facts of Law with the Court by October 1, 2021. The Plaintiff shall obtain the minor children's school records within forty eight hours. Return Hearing SET for October 14, 2021 at 11:00 am for the Court's decision.;

09/08/2021



All Pending Motions (9:00 AM) (Judicial Officer: Perry, Mary)

Matter Heard;

Journal Entry Details:

CALENDAR CALL: #1...RETURN HEARING: FMC- CHILD INTERVIEW (GIOVANNI) In the interest of public safety due to the Coronavirus pandemic, the Defendant and Counsel were present via VIDEO CONFERENCE through the BlueJeans application. Counsel noted that they have reviewed the child interview. Court noted that the Minor Child (Giovanni) stated he is lonely and usually stays in his room and discussed the Minor child attending counseling. The Defendant stated that the Minor Child does have a job and she recently bought him chickens which he enjoys taking care of. Counsel stated that they are both prepared for Trial. COURT ORDERED the following: The Evidentiary Hearing SET for September 20, 2021 at 9:30 am STANDS. The Minute Order shall suffice, and a written Order is not required.;

09/08/2021

Return Hearing (9:00 AM) (Judicial Officer: Perry, Mary)

FMC - child interview (Giovanni)

Matter Heard; See all pending motion on 09/08/2021

09/08/2021

Calendar Call (9:00 AM) (Judicial Officer: Perry, Mary)

#1

Matter Heard; See all pending motion on 09/08/2021

03/17/2021



All Pending Motions (10:00 AM) (Judicial Officer: Perry, Mary)

Matter Heard;

Journal Entry Details:

DEFT'S MOTION TO RECONSIDER ORDER DUE TO RECONSIDER ORDER DUE TO MISTAKE OF LAW IN CONTRAVENTION OF NRS, LEGISLATIVE INTENT AND THE NEVADA SUPREME COURT AND IN THE ALTERNATIVE, MOTION FOR CHANGE IN VISITATION DUE TO PLTF'S NEGLIGENT CARE OF CHILDREN...RETURN HEARING (FMC CI)...PLTF'S OPPOSITION TO DEFT'S MOTION TO RECONSIDER ORDER DUE TO MISTAKE OF LAW IN CONTRAVENTION OF NRS, LEGISLATIVE INTENT AND THE NEVADA SUPREME COURT AND IN THE ALTERNATIVE, MOTION FOR CHANGE IN VISITATION DUE TO PLTF'S NEGLIGENT CARE OF CHILDREN The Court appeared IN PERSON. Counsel, parties and Attorney Mann's paralegal, Ms. Beauregard, present via BLUEJEANS. Court inquired if counsel has an opportunity to review the child interview, in which counsel stated they did not. Court reviewed the child interview, with counsel and the parties. Arguments regarding living arrangements, unsafe living environment, minor missing school, paternity, procedural issues, Francesca decision, Giovanni's natural father, hospital affidavit at birth, Giovanni's anger issues and therapy for minor. Court addressed NRS 125c.0035b and discussions at the last hearing and orders. COURT ORDERED: 1. A COPY, of the CHILD INTERVIEW shall be PROVIDED, to counsel. 2. Minor (Giovanni) shall be INTERVIEWED, at FAMILY MEDIATION CENTER (FMC). 3. CURRENT ORDERS STAND. 4. Defendant shall ENCOURAGE minor to SPEND a COUPLE DAYS, with Plaintiff. 5. Minors MUST ATTEND SCHOOL during Plaintiff's TIMESHARE. 6. Parties shall DISCUSS who minors THERAPIST shall be. 7. DISCOVERY CLOSES 8/20/21. 8. EXPERT WITNESS'S shall be DUE, by 5/20/21. 9. REBUTTAL WITNESS'S shall be DUE, by 6/21/21. 10. INITIAL WITNESS LIST shall be DUE, by 4/16/21. 11. PRE TRIAL MEMORANDUMS, EXHIBITS and UPDATED FINANCIAL DISCLOSURE FORMS shall be DUE, by 9/1/21. 12. FINAL WITNESS LIST shall be DUE, by 8/20/21. 9/8/21 9:00 am CALENDAR CALL 9/8/21 9:00 am RETURN HEARING: FMC - child interview (Giovanni) 9/20/21 9:00 am EVIDENTIARY HEARING: full day / stack #1;

03/17/2021

Opposition & Countermotion (10:00 AM) (Judicial Officer: Perry, Mary)

Pltf's Opposition to Deft's Motion to Reconsider Order Due to Mistake of Law in Contravention of NRS, Legislative Intent and the Nevada Supreme court and In the Alternative, Motion for Change In Visitation Due to Pltf's Negligent Care of Children

Referred for Child Interview;

03/17/2021

Return Hearing (10:00 AM) (Judicial Officer: Perry, Mary)

(FMC CI)

Matter Heard;

03/17/2021

Motion (10:00 AM) (Judicial Officer: Perry, Mary)

Defendant's Motion to Reconsider Order due to Mistake of Law in Contravention of NRS, Legislative Intent & the Nevada Supreme Court & in the Alternative, Motion for Change in Visitation Due to Plaintiff's Negligent Care of Children

Referred for Child Interview;

02/17/2021



Return Hearing (11:00 AM) (Judicial Officer: Perry, Mary)

RETURN HEARING RE: STATUS OF OTHER PARTIES

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. D-20-606476-D

Matter Heard;

Journal Entry Details:

RETURN HEARING: RETURN HEARING RE: STATUS OF OTHER PARTIES. BlueJeans/video hearing. Mr. Mann's paralegal, Michelle B., present. The Court noted the papers and pleadings on file. Discussion regarding covid concerns, medical issues (Plaintiff), paternity issues, and child related matters. Following discussion, COURT ORDERED, as follows: Parties REFERRED to Family Mediation Center (FMC) for CHILD INTERVIEW (Elijah, Irene, and Destiny) and interviewer to consider the injury that Plaintiff had. Order FILED IN OPEN COURT. Return (FMC CI) SET 3-17-21 at 10:00 a.m.;

10/29/2020



Return Hearing (11:00 AM) (Judicial Officer: Perry, Mary)

10/29/2020, 01/06/2021

re: DNA Testing

MINUTES

Matter Continued; M/C to 12-1-2020 at 11:00 am re: dna test results

Matter Heard;

Journal Entry Details:

Plaintiff/Father, Mr. Gordon, Defendant/Mother and Ms. Michelle Beauregard (Mr. Mann's paralegal) were present by video. Mr. Mann was present by audio. COURT NOTED genetic test results have not been received for child Larry. Mr. Gordon stated Father has been having some informal contact with some of the children, but he is unsure if Mother is allowing contact with all of the children. Mr. Mann stated he was made aware two (2) of the other biological fathers will be filing to assert their rights to the children. Discussion regarding proceeds from the sale of the marital home and community property funds be used to pay Mother's legal fees. Father stated he does not agree to pay Mother's legal fees in the amount of \$2,500.00. COURT ORDERED the following: 1. Matter set for REVIEW HEARING RE: STATUS OF OTHER PARTIES for February 17, 2021. 2. VISITATION: Father shall have visitation with all seven (7) children today per the joint physical custody principals. Visitation exchanges shall be enforceable by any and all lawful means and law enforcement shall cooperate. Counsel shall work together in good faith to formulate a visitation schedule. 3. Father shall release \$2,500.00 to Mother for ATTORNEY'S FEES from the community property funds no later than the close of business on Wednesday, February 20, 2021, subject to reimbursement. Mr. Gordon to prepare the order; Mr. Mann to review and sign off. 02.17.21 at 11:00 A.M. RETURN HEARING RE: STATUS OF OTHER PARTIES;

Matter Continued; M/C to 12-1-2020 at 11:00 am re: dna test results

Matter Heard;

Journal Entry Details:

RETURN HEARING: RE: DNA TESTING Due to Governor Sisolak's Stay Home for Nevada directive, Plaintiff/Husband appeared with his Attorney of Record Gregory Gordon. Defendant/Dad was present with Attorney David Man whom appeared in an unbundled capacity. Both Counsel and parties appeared by (bluejeans) audio equipment for today's proceedings. Upon the matter being called, the Court noted receiving the paternity test results. The Court noted the test result reviled there is a zero possibility as to Plaintiff/Dad being the biological father of the minor children, Isabella, Giovanni and Larriana. The Court further noted concerns as a paternity test being conducted to determine if Plaintiff/Dad is the biological father of the minor child. Discussion as to Plaintiff/Dad being the biological father of the minor child. Discussion as to writ being completed and the need for a public decision as to conclusive presumption as it relates to paternity issues. The Court Recommended Counsel have a conversations with their clients as to the cost associated with a writ. THE COURT ORDERED, A PATERNITY TEST shall be taken to DETERMINE the minor child (Larry) is the biological son of plaintiff/dad. Parties shall submit to a (DNA) paternity within (10) days of today's. Parties shall EQUALLY DIVIDE The PATERNITY COST. Parties are free to submit very (brief) briefs if they choose to do so. Attorney David Mann shall not be permitted to WITHDRAW as an UNBUNDLED Attorney until such time as either party they will petition for a writ. There shall be no order required for today's proceedings. RETURN HEARING set for 12-1-2020 at 11:00 pm. re: dna testing;

SCHEDULED HEARINGS



Return Hearing (02/17/2021 at 11:00 AM) (Judicial Officer: Perry, Mary)

RETURN HEARING RE: STATUS OF OTHER PARTIES

09/15/2020



Case Management Conference (1:30 PM) (Judicial Officer: Pomrenze, Sandra)

Referred for Paternity Testing;

Journal Entry Details:

CASE MANAGEMENT CONFERENCE: Due to Governor Sisolak's Stay Home for Nevada directive, Plaintiff/Jose Gamboa appeared with his Attorney of Record Gregory Gordon. Defendant/Mom was present with Attorney David L. Mann whom appeared in an unbundled capacity. Upon the matter be called, the Court noted concerns as to paternity of the minor children being contested. Discussion as to issues at hand. THE COURT ORDERED, Plaintiff and Defendant, along with Giovanni Gamboa born 1-15-2005, Isabella Gamboa born 6-22-2013, Larry Gamboa born 9-15-2015 and his twin sister Larriana born on 9-15-2015. Department P's Judicial Executive Assistant (JEA) shall e-mail parties copies of the Paternity Test REFERRAL forms. Parties shall submit

CASE SUMMARY

CASE NO. D-20-606476-D

*samples within (14) days of today's date for the minor . RETURN HEARING set for 10-29-2020 at 11:00 am. re:
paternity test results.;*

SERVICE

04/10/2020

Summons

Gamboa, Jazleen

Unserved

1 **DECD**

2
3 **DISTRICT COURT; FAMILY DIVISION**
4 **CLARK COUNTY, NEVADA**

5 * * * * *

6 JOSE GAMBOA,) Case No.: D-20-606476-D
7) Dept. P
8 -vs.-)
9) Trial date: 9/20/21
10 JAZLEEN GAMBOA) Time: 9:00 am
11)
12 Defendant.)

13 **DECREE OF DIVORCE**

14 This matter having come before the Court upon the scheduled Evidentiary
15 Hearing held in person; that both parties appeared personally; of February 3,
16 2021; that the Plaintiff was represented by her attorney, Gregory G. Gordon, Esq.
17 and the Defendant, was represented by her attorney, David L. Sawyer Mann,
18 Esq.; the Court having read and reviewed all the papers and pleadings on file,
19 heard and considered all testimony, exhibits and all prior rulings in this matter,
20 and good cause appearing therefore, makes the following Findings of Fact,
21 Conclusions of Law and Decree and Orders.

22 **FINDINGS OF FACT**

23 1. Both parties are residents of the State of Nevada, County of Clark, and the
24 Court finds it has personal and subject matter jurisdiction over the parties, the
25 minor children and the parties' property. That the issues of custody, child
26 support, property/debts are to be adjudicated by the Court.

27 2. The parties were married June 13, 2005 in Las Vegas, Clark County,
28 Nevada.

29 3. Plaintiff is and has been a bona-fide resident of Clark County, Nevada for
30 the requisite six weeks prior to filing for divorce, and has continued to reside in
31 Clark County ever since.

1 4. That the Defendant did not request any name change.

2 5. The minor children have resided in Nevada at all times relevant herein,
3 including a period more than 6 months preceding the filing of this action, and
4 Nevada is the Home State of the minor child(ren), and pursuant to NRS 125A et.
5 seq. this Court has exclusive and continuing jurisdiction to make custodial
6 determinations.

7 ***Child Custody:***

8 6. That there are seven (7) minor children at issue: Giovanni Gamboa (dob
9 1/15/05), Elijah Gamboa (dob 1/24/06), Irene Gamboa (dob 7/9/07), Destiny
10 Gamboa (dob 12/15/08), Isabella Gamboa (dob 6/22/13), Larriana Gamboa (dob
11 9/15/15) and Larry Gamboa (dob 9/15/15).

12 7. Defendant is not disputing that Plaintiff is the natural father of Elijah
13 Gamboa, Irene Gamboa, and Destiny Gamboa. Plaintiff is declared and
14 adjudicated to be the natural father of these minor children.

15 8. Defendant is disputing the existence of a parent and child relationship
16 between Plaintiff and Giovanni Gamboa, Isabella Gamboa, Larriana Gamboa, and
17 Larry Gamboa.

18 9. With respect to Giovanni Gamboa and Isabella Gamboa, the Court finds that
19 Plaintiff and Defendant voluntarily acknowledged Plaintiff's paternity of these
20 children when both Plaintiff and Defendant executed a Voluntary
21 Acknowledgment of Paternity ("VAP") pursuant to NRS 126.053(1).

22 10. An Affidavit/Declaration of Paternity signed by Plaintiff, who states
23 himself to be the father of Giovanni Gamboa and signed by Defendant was
24 recorded with the Office of Vital Records and Statistics on August 19, 2011.

25 11. An Affidavit/Declaration of Paternity signed by Plaintiff, who states
26 himself to be the father of Isabella Gamboa and signed by Defendant was
27 recorded with the Office of Vital Records and Statistics on July 2, 2013.
28

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3 12. Signed VAPs “have the same effect as a judgment or order of a court
4 determining the existence of the relationship of parent and child.” NRS
5 126.053(1). As such, there is already a judgment of paternity in favor of Plaintiff
6 with respect to Giovanni Gamboa and Isabella Gamboa.

7 13. Defendant asserts that a VAP can be challenged on grounds of fraud,
8 duress or material mistake of fact. However, the Court finds no basis for such
9 defense under the circumstances of this case. According to Defendant’s
10 testimony, she was aware of the circumstances surrounding all of the children’s
11 parentage at the time of their birth and after. She testified to having no
12 uncertainty or erroneous beliefs about who fathered the children. She signed the
13 VAPs with full knowledge, knowingly, and intentionally. The Court finds no
14 basis under NRS 126.053 to set aside the VAPs concerning Giovanni or Isabella.

15 14. The VAP for Giovanni was signed on or about August 19, 2011, and
16 Isabella’s executed on or about July 2, 2013. The Plaintiff knew he was not the
17 biological father. According to testimony, the VAP signed for Giovanni was
18 done during court proceedings to help Defendant regain custody of the child from
19 her parents, and the Plaintiff had full knowledge of the circumstances at the time.

20 15. The Plaintiff initially believed that Isabella was his biological child, until
21 the Defendant told him otherwise. The VAP for Isabella has been in place since
22 the child was a few days old; that additionally, given her actions, she is estopped
23 from disputing or otherwise challenging paternity of these subject minors.

24 16. Testimony from Plaintiff and Plaintiff’s niece confirmed that these children
25 have, at all times, been held out as Plaintiff’s children by both parties.

26 17. The two youngest, Larry and Larrianne (twins) were born during the
27 marriage, the Plaintiff is on the birth certificate, and he believed he was the
28 biological father until the DNA test indicated he was not.

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3 18. While the Court agrees that DNA proof could rebut presumption of
4 paternity, it is not the only factor involved. In this matter, the Court disagrees to
5 the extent that DNA proof invalidates the parentage established by the VAPs,
6 given the length of time the VAPs have been in place and the circumstances
7 surrounding the de facto parent child relationship established over the course of
8 many years between Plaintiff and the children, and the continuing actions of the
9 parties.

10 19. Defendant asserts that a valid genetic test that gives rise to a conclusive
11 presumption of paternity based on the requirements in NRS 126.051(2) is, in and
12 of itself, sufficient evidence to invalidate a VAP on grounds of either mistake of
13 fraud. The Court rejects this argument as it pertains to the facts and circumstances
14 of this case for two reasons. First, no putative father has come forward with a
15 valid genetic test establishing by a probability of 99 percent or more that he is the
16 father giving rise to a conclusive presumption of paternity, and take responsibility
17 for the respective child(ren). Second, this is not a challenge being filed by a third
18 party putative father, or the Plaintiff; but rather by Defendant, the mother who
19 signed the VAP. Further, for the reasons noted above and described herein,
20 Defendant is also estopped from challenging or disputing paternity.

21 20. The Court had previously admonished the Defendant, since she stated she
22 knew who the biological father was to have that individual take a DNA test,
23 which the Defendant failed to do, and no DNA test affirming a biological father
24 has been produced to the court.

25 21. During her testimony, the Defendant inferred that her current fiancé is a
26 wonderful father, giving rise to a potential reason for the Defendant to seek the
27 relief she has requested to replace the Plaintiff with her fiancé as the children's
28 father, as he may now be as he may no longer be convenient, desired by
Defendant, or in agreement with Defendant's ulterior motives. Regardless, the

1 evidence does not establish that the removal of the Plaintiff from these children's
2 lives is in their best interests.

3 22. The Court finds that both parties, at all times relevant hereto, knowingly
4 held the Plaintiff out to be the father of the subject minor children.

5 23. With respect to Larry Gamboa and Larriana Gamboa, the Court finds that
6 Plaintiff and Defendant were married when the children were born, and therefore,
7 Plaintiff is presumed to be the natural father pursuant to NRS 126.051(a),(d). No
8 competing presumptions have been asserted or rebutted by any other putative
9 father.

10 24. The Court finds that the parties signed the PATs willingly, they were not
11 rescinded in the time allowed by law, and there has not been any fraud, duress or
12 material mistake of fact. It was the burden of proof of the Defendant to show by
13 clear and convincing evidence to rebut any presumption.

14 25. That the Court had previously ordered that any biological father must
15 intervene if the Defendant was to maintain her claims, if the Court was going to
16 entertain her claims, along with, of course, consideration of the factors noted
17 herein, estoppel, and the best interests of the minor children. No other putative
18 father has come forward making a claim of paternity to any of the four children in
19 dispute.

20 26. The Court finds and declares pursuant to NRS 126.051 and NRS
21 126.053, and for the reasons set forth in this Decision, that Plaintiff Jose Gamboa
22 is the legal father of all seven (7) minor children at issue.

23 27. Both parties have agreed to an award of joint legal and joint physical
24 custody of Elijah Gamboa, Irene Gamboa, and Destiny Gamboa. Pursuant to
25 NRS 125C.002 and 125C.0025, based on the agreement of the parties and the
26 testimony and evidence adduced at trial, the Court finds that joint legal and joint
27 physical custody is in the best interests of these minor children.
28

1 28. With respect to Givoanni Gamboa, Isabella Gamboa, Larry Gamboa, and
2 Larriana Gamboa, has not only Court has not only considered the non-exhaustive
3 list of the best interest factors found in NRS 125C.0035, but additionally the
4 factors set forth herein, including the actions and behaviors of the parties,
5 concludes that an award of joint legal and joint physical custody to Plaintiff and
6 Defendant is in all of the children's best interests.

7 29. Pursuant to the factors under NRS 125C.0035, in this regard, the Court
8 finds as follows:

9 (a) *The wishes of the children if the child is of sufficient age and*
10 *capacity to form an intelligent preference as to his or her physical custody.* The
11 evidence before the court shows that the children love both parents and want to
12 spend time with both parents. That Giovanni has declared that he wants to decide
13 who and when he spends his time with.

14 (b) *Any nomination of a guardian for the child by a parent.* Not
15 applicable.

16 (c) *Which parent is more likely to allow the child to have frequent*
17 *associations and a continuing relationship with the noncustodial parent.* The
18 Court is troubled by Defendant's lack of efforts following Plaintiff's illness and
19 hospitalization to facilitate a continuing relationship between the children and
20 Plaintiff. Plaintiff was forced to come to Court to re-establish contact following
21 his hospitalization. The Court is additionally troubled by Defendant's paternity
22 challenge as it relates to four of the children, when the evidence shows that
23 Plaintiff has at all times, throughout each child's life, acted as a father to these
24 children, and the parties have treated and regarded all of the children as Plaintiff's
25 children. It is unclear to the Court why now Defendant would claim otherwise.
26 This factor favors Plaintiff/Dad.
27
28

1 (d) *The level of conflict between the parents.* The Court did not receive
2 any testimony or evidence to suggest that the level of conflict would hinder the
3 parties' ability to exercise joint custody.

4 (e) *The ability of the parents to cooperate to meet the needs of the child.*
5 The parties have been operating under a joint physical custody schedule since the
6 beginning of 2021. The Court is comfortable with based upon the evidence
7 received, including the testimony of the parties, the best interests of the children
8 have been met under this arrangement. Yet, the Court finds it is concerning why,
9 given the Defendant's her unilateral removal, needless disruption, etc., as
10 Defendant was not concerned over the children's school for over four (4) years,
11 and suddenly had to change the children's school(s).

12 (f) *The mental and physical health of the parents.* Both parents are
13 healthy physically and mentally.

14 (g) *The physical, developmental and emotional needs of the child.* The
15 evidence establishes that the children love and respect both parents and therefore
16 would benefit from having frequent, continuing access to both parents. The Court
17 finds it very concerning why Defendant would tell the younger children that the
18 man they consider their father was not their biological father, and the emotional
19 impact such an unsolicited, unnecessary, unproductive disclosure would have on
20 the child and the children. The Court finds that the Defendant considered her own
21 wants over the childrens' emotional needs. The Plaintiff is the only father they
22 have ever known, and Defendant's actions significantly jeopardized the stability,
23 security, and comfort such knowledge provided. This factor would favor Dad.

24 (h) *The nature of the relationship of the child with each parent.* The
25 children all supports that the children appear to be closely bonded with both
26 parents. Both parents have good relationships with all of the children.
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1 (i) *The ability of the child to maintain a relationship with any sibling.*

2 With consideration of this factor, the Court finds it troubling that Defendant has
3 requested a schedule that significantly impacts and frustrates the children's ability
4 to maintain the instrumental sibling relationship, a relationship that provides
5 incalculable benefit to the children collectively. Accordingly, the Court rejects
6 Defendant's request to impose a different custodial arrangement for some of the
7 children. The child interview of the children evidences that all the children are be
8 closely bonded with their siblings, and therefore, the Court finds it would be
9 detrimental to split up the children and/or impose different custodial schedules for
10 some of the children. The children should all have the right to maintain their
11 relationship with siblings as well as parents.

12 (j) *Factors (j) – (l).* Not applicable.

13 30. Plaintiff was hospitalized with neuro sister sarcosis in January 2020. At
14 the time he was living at 932 Center Street, Henderson, Nevada with the minor
15 children. Defendant testified that she has been living with her fiancée Brian
16 Skougard for the past 4 years. As such, Defendant has not resided at the Center
17 Street residence since at least 2017. In other testimony, Defendant stated that she
18 and Plaintiff have been separated since one year after the twin's birth, which
19 would mean a separation sometime in 2016.

20 31. Defendant testified that sometime in 2016 or 2017 she moved with her
21 fiancée Brian Skougard to a Mobile/Manufactured Home in North Las Vegas
22 located nearly 40 minutes from the children's schools. This would indicate that
23 since 2017, at a minimum, the Defendant left the primary care, custody and
24 control of the children with the Plaintiff. The children, in the Child Interview
25 confirmed that they lived with their father until he went into the coma, and his
26 family took care of them.

1 32. The Court found credible the testimony of Plaintiff and Plaintiff's niece
2 (Ms. Yaricza Hernandez) that during the parties' separation, the children resided
3 primarily with Plaintiff in Henderson, where they attended schools in Henderson
4 all within walking distance from the Center Street home, and that Defendant
5 would sporadically come to either visit with or pick up the children. Even after
6 the Plaintiff's hospitalization, the Defendant continued to be sporadic.

7 33. The Court found credible the testimony of Plaintiff and Plaintiff's niece
8 that while Plaintiff was hospitalized in 2020, the children were cared for by
9 Plaintiff's nieces and family members living in the Center Street home, including
10 the Plaintiff's sister who moved into the home with the children. Right after the
11 Plaintiff was discharged, the Defendant told Ms. Hernandez (niece) to get out of
12 the Plaintiff's home, took the children into her custody and unilaterally changed
13 their school.

14 34. Defendant testified that sometime during the Spring 2020, she removed the
15 children from their schools in Henderson they historically attended, and she
16 enrolled them in schools closer to where she was living in North Las Vegas.
17 Plaintiff testified that Defendant did not consult with him before making the
18 change. Defendant confirmed in her testimony she made the change without
19 notifying Plaintiff. Defendant testified she made the change so that the children
20 could attend school closer to her home in North Las Vegas. However, the
21 children were distance learning at the time due to COVID and not attending
22 school in person, so the Court questions why Defendant made the change, other
23 than to position herself as the primary physical custodian. This discrepancy calls
24 into question Defendant's credibility, and the evidence suggests Defendant made
25 the unilateral and disruptive change in the children's lives as a means of posturing
26 for primary custody, and more troubling, at the expense of the minor children.
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1 35. Based on the fact that the children now attend schools in North Las Vegas,
2 all more than a 40 minute drive from Plaintiff's residence, Plaintiff testified he
3 has been unable to get them all to school in the mornings due to the lack of bus
4 service to his home and his work schedule.

5 36. That during the pendency of this matter, the Court temporarily ordered
6 Joint Legal and Joint Physical Custody of the minor children, with a week
7 on/week off schedule.

8 ***Child Support & Health Insurance***

9 37. Based on the award of joint legal and joint physical custody, the Court
10 calculates child support pursuant to NAC 425 and *Wright v. Osburn*.

11 38. Plaintiff's gross monthly income is \$3,076.00.

12 39. Defendant's gross monthly income, as determined by her September 2,
13 2021 pay stub, is \$2,850.00, not including tips of approximately \$30 per day
14 which equates to approximately \$650 per month for a total gross monthly income
15 of \$3,500.00 per month.

16 ***Property & Debt Division***

17 40. Defendant filed a financial disclosure form on September 19, 2021,
18 disclosing no assets or debts.

19 41. Defendant failed to submit a Pre-Trial Memorandum prior to trial.

20 42. During trial, Defendant made passing reference to the sale of the residence
21 located at 932 Center Street, Henderson, Nevada. No documentary evidence or
22 detailed testimony was offered by Defendant concerning this claim.

23 43. Purchase documents show that the home was purchased in April of 2017,
24 during the parties' marriage, and therefore, presumed to be community property.

25 44. At the time of purchase, as part of the escrow, the Defendant executed a
26 Grant, Bargain Sale Deed, conveying the property to Plaintiff and relinquishing
27 any interest in the home.
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1 45. Neither party provided testimony concerning why the deed was executed,
2 other than both parties testifying that the home was for the children.

3 46. Defendant testified that her primary language is English, and that she
4 possesses a high school diploma.

5 47. The testimony was conflicting as far as how long, if at all, the Defendant
6 resided in the marital residence. Defendant testified the parties separated in 2017.
7 Plaintiff testified that Defendant only lived in the Center Street residence at most
8 6 months.

9 48. Defendant testified she lived in the residence for 1 ½ years. The Court
10 does not find her testimony on this issue credible since she testified that she has
11 lived with her fiancé for four (4) years, and her actions support the finding that
12 she had an intent to abandon the marital community with Plaintiff in or around
13 the time she signed the Grant, Bargain Sale Deed at issue.

14 41. Defendant presented no evidence sufficient to rebut or overcome by clear
15 and convincing proof the presumption of gift.

16 42. Defendant was asked by Plaintiff in written discovery to produce
17 documentation to support her claim to the home, and she provided none. When
18 asked in discovery about her claim, Defendant stated she was “tricked into
19 signing some legal paper.” However, at trial, Defendant presented no evidence or
20 testimony to support she was tricked. While Defendant testified she was not
21 represented by an attorney when she signed the Grant, Bargain Sale Deed at issue,
22 the *Kerley v. Kerley* decision sets forth no requirement that parties be represented
23 by counsel when signing such deeds and/or making such gifts, and this Court
24 finds that singular factor is not dispositive of the issue decided by this Court.
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1 43. Accordingly, the Court finds no basis to make any award of property or
2 otherwise to Defendant as it pertains to the residence located at 932 Center Street.
3 The Court finds pursuant to Nevada law that the property was the sole and
4 separate property of Plaintiff pursuant to the Grant, Bargain Sale deed executed
5 by Defendant on April 20, 2017.

6 44. The parties presented no testimony or evidence concerning any other
7 assets. The defendant testified and confirmed that in her Response to
8 Interrogatories she stated there were no assets with a value more than \$1,500.

9 45. That overall, the Court does finds that the Defendant's testimony was not
10 credible, given the contradictions in her own statements. Conversely, the Court
11 finds the Plaintiff to be the more credible of the parties.

12 46. That what became clear to the Court, and the Court finds, that the
13 Defendant had no concern of how the issue of young children's paternity
14 regarding the only father they have ever known, would mentally and/or
15 emotionally affect the minor children involved; therefore placing her wants above
16 what is in the best interests of the children.

17 ***Alimony/Spousal Support***

18 47. Neither party requested alimony and/or spousal support. The Court finds
19 Defendant abandoned the marriage years ago when she moved in with her current
20 fiancé, and that such action establishes and confirms a settled intent to abandon
21 Plaintiff and the marriage, and as a result, is further disallowed support as a
22 matter of law. (NRS 123.100) Notwithstanding, consideration of the factors in
23 NRS 125.150 likewise do not support an award of alimony; Therefore, no
24 alimony and/or spousal support is awarded to either party.
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1 ***Attorney's Fees and Costs***

2 48. The Court finds that the Plaintiff was the prevailing party as it pertains to
3 (1) the Plaintiff's defense to Defendant's challenge to Plaintiff's paternity of four
4 of the minor children; (2) Plaintiff's request for joint legal, joint physical custody
5 of all seven children (as Defendant was seeking sole custody of Giovanni,
6 Isabella, Larry, and Larriana); (3) characterization of the 932 Center Street
7 residence; etc.

8 49. The Court reserves judgment/jurisdiction pursuant to NRCP 54 to consider
9 a post-trial motion for attorney's fees and costs to Plaintiff subject to the
10 requirements of Brunzell.

11 50. If any Finding of Fact should be better construed as a Conclusion of Law,
12 it shall be so construed.

13 **CONCLUSIONS OF LAW**

14 1. That the Court has jurisdiction pursuant to NRS 125.020, 125.120, 125.130,
15 and to make orders as to the parties' legal status;

16 2. That the Court has the authority to make orders as it pertains to the marital
17 estate, separate and/or community property (NRS 125.150);

18 3. That the Court has the authority to make orders as it pertains to Custody,
19 and that this Court has considered and applied all applicable and controlling legal
20 precedent. (NRS 125C, et.seq., *Rivero -v- Rivero*, 216, P.3d 213 (2009); 125
21 Nev. Adv. Op. No. 34 (August 27, 2009), *Wallace v. Wallace*, 112 Nev. 1015,
22 1019, 922 P.2d 541, 543 (1996) ("Matters of custody and support of minor
23 children rest in the sound discretion of the trial court"); *Bluestein v. Bluestein*,
24 131 Nev., Adv. Op. 14, 345 P.3d 1044, 1048 (2015) reiterating that "in custody
25 matters, the child's best interest is paramount");
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1 4. That the Court has the authority to make orders as it pertains to Child
2 Support (NAC Chapter 425; NRS 125B et.seq., *Barbagallo v. Barbagallo*, 105
3 Nev. 546, 779 P.2d 532 (1989), *Wright v Osburne*, 114 Nev. 1367, 970 P.2d
4 1071, (1998);

5 5. That the Court has the authority to make orders as it pertains to issues
6 regarding the Equitable Adoption Doctrine, which is an equitable remedy that
7 allows a court to enforce an adoption where no formal adoption has taken place.
8 The doctrine requires circumstances “where there is a promise to adopt, and in
9 reasonable, foreseeable reliance on that promise a child is placed in a position
10 where harm will result if repudiation is permitted.” *Frye v. Frye*, 103 Nev. 301,
11 303, 738 P.2d 505, 506 (1987) It can also be based upon the conduct of the
12 parties to the extent that a purported father is found to be the real father of the
13 child and should be declared the real father. *Hermanson v. Hermanson*, 887 P.2d
14 1241, 110 Nev. 1400 (Nev. 1994);

15 6. That the Court finds the Equitable Adoption Doctrine is applicable to this
16 case in findings.....and a finding that the requisite elements have been met.

17 7. NRS Chapter 126 regarding paternity, specifically states:

18 NRS 126.051(1) provides that: “A man is presumed to be the natural
19 father of a child if: (a) He and the child’s natural mother are or have
20 been married to each other and the child is born during the marriage”...
21 “(d) While the child is under the age of majority, he receives the child
22 into his home and openly holds out the child as his natural child.”

23 NRS 126.053(1) provides that: “After the expiration of the period
24 described in subsection 2 ... a declaration for the voluntary
25 acknowledgment of paternity ... shall be deemed to have the same effect
26 as a judgment or order of a court determining the existence of the
27 relationship of parent and child if the declaration is signed in this or any
28 other state by the parents of the child.”

1 NRS 126.053(2) provides that: “A person who signs an
2 acknowledgment of paternity or an acknowledgment of parentage in this
3 State may rescind the acknowledgment: (a) Within 60 days after the
4 acknowledgment is signed by both persons; or (b) Before the date on
5 which an administrative or judicial proceeding relating to the child
6 begins if that person is a party to the proceeding, whichever occurs
7 earlier.”

8 NRS 126.053(3) provides that: “After the expiration of the period
9 during which an acknowledgment may be rescinded pursuant to
10 subsection 2, the acknowledgment may not be challenged except upon
11 the grounds of fraud, duress or material mistake of fact. The burden of
12 proof is on the person challenging the acknowledgment to establish that
13 the acknowledgment was signed because of fraud, duress or material
14 mistake of fact.”

15 8. That as it relates to gifts by way of deed to real property between the
16 parties, pursuant to *Kerley v. Kerley* 112 Nev. 36, 910 P.2d 279 (1996), a spouse
17 to spouse conveyance of title to real property creates a presumption of gift that
18 can only be overcome by clear and convincing evidence. *Graham v. Graham*, 104
19 Nev. 472, 760 P.2d 772 (1988); *Todkill v. Todkill*, 88 Nev. 231, 495 P.2d 629
20 (1972); *Peardon v. Peardon*, 65 Nev. 717, 201 P.2d 309 (1948); *Petition of*
21 *Fuller*, 63 Nev. 26, 159 P.2d 579 (1945). Moreover, property acquired by gift
22 during marriage is separate property pursuant to NRS 123.130, and therefore is
23 not community property pursuant to NRS 123.220.

24 8. If any Conclusion of Law should be better construed as a Finding of Fact, it
25 shall be so construed.
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DECREE & ORDERS

NOW THEREFORE, and good cause appearing; It Is Hereby

ORDERED, ADJUDGED and DECREED that this Court has personal and subject matter jurisdiction over the parties and the marital estate. The parties are incompatible in marriage, thus the bonds of matrimony now existing between the parties are wholly dissolved, and an absolute Decree of Divorce is hereby granted to the parties, and each of the parties is hereby returned to the status of a single, unmarried person. NRS 125.020 and NRS 125.120. This is a final and absolute Decree of Divorce, wholly and completely dissolving the marriage and dividing the assets and liabilities of the parties. NRS 125.130; and it is further

ORDERED that as the Defendant has not requested this relief, she will continue to be known as “Jazleen Gamboa”; and it is further

ORDERED that as both parties are in good physical condition, have the ability to work, have sufficient income, and neither party is entitled to receive alimony/spousal support from the other; and it is further

CHILD CUSTODY

ORDERED the given the entirety of the facts, circumstances, testimony and evidence presented at trial, that the Plaintiff, Jose Gamboa, under the Equitable Adoption Doctrine and/or the provisions of NRS 126.051 and 126.053, is the bonafide legal father of not just the parties’ joint biological children to wit: Elijah Gamboa (dob 1/24/06), Irene Gamboa (dob 7/9/07) and Destiny Gamboa (dob 12/15/08), Isabella Gamboa (dob 6/22/13), but also of the parentage of the children in question, to wit: Giovanni Gamboa (dob 1/15/05), Isabella Gamboa (dob 6/22/13), Larriana Gamboa (dob 9/15/15) and Larry Gamboa (dob 9/15/15); and that the Defendant is also estopped from challenging Plaintiff's paternity of the subject minors and it is further

1 ORDERED that the parties are awarded **Joint Legal Custody** over ALL
2 seven (7) minor children, to wit: Giovanni Gamboa (dob 1/15/05), Elijah
3 Gamboa (dob 1/24/06), Irene Gamboa (dob 7/9/07), Destiny Gamboa (dob
4 12/15/08), Isabella Gamboa (dob 6/22/13), Larriana Gamboa (dob 9/15/15) and
5 Larry Gamboa (dob 9/15/15);

6 *Joint Legal Custody Orders:*

7 1. That each party shall consult and cooperate with the other in substantial
8 questions relating to religious upbringing, educational programs, significant changes
9 in social environment, and healthcare of the child(ren).

10 2. That each party shall have access to healthcare and school records
11 pertaining to the child(ren) and be permitted to independently consult with any and
12 all professionals involved with the child(ren).

13 3. That all schools, healthcare providers, and regular daycare providers for
14 the child(ren) shall be selected jointly by the parties. Each party is to ensure that the
15 other party has full contact information of any and all providers. In the case of
16 healthcare providers, both parties are to ensure that the healthcare providers have
17 copies of all health insurance information.

18 4. That each party shall be empowered to obtain emergency healthcare for
19 the child(ren) without the consent of the other party. Healthcare includes treatment
20 for mental health, therapy and counseling. Each party shall notify the other party as
21 soon as reasonably possible of any illness requiring medical attention, or any
22 emergency involving the child(ren). Neither party may obtain non-emergency
23 healthcare for the children without advance notice to the other party of the time and
24 date of the appointment so that the other party may attend.

25 5. That each party shall have access to any information concerning the well-
26 being of the child(ren), including, but not limited to, copies of report cards; school
27 meeting notices; vacation schedules; class programs; requests for conferences;
28 results of standardized or diagnostic tests; notices of activities involving the
child(ren); samples of school work; order forms for school pictures; all
communications from schools, healthcare providers, and regular daycare providers
for the child(ren) to include the names, addresses, and telephone numbers of all such
schools, healthcare providers, and regular daycare providers.

6. That each party shall advise the other party, if not communicated by the
event originator (school, athletic association, etc.), within 24 hours of receipt of any
such communication, of all school, athletic, church, and social events in which the
child(ren) participate(s), and each agrees to notify the other party within a reasonable
time after first learning of the future occurrence of any such event so as to allow the
other party to make arrangements to attend the event if he or she chooses to do so.
Both parties may participate with the child(ren) in all such events, including but not
limited to, attendance at school events, athletic events, church events, social events,
open house, school plays, graduation ceremonies, school carnivals, etc

1 7. That each party shall be prohibited from enrolling the child(ren) in
2 extracurricular activities which infringes upon the other party's parenting time
3 without advance authorization from the other party.

4 8. That each party shall provide the other party with the address and
5 telephone number at which the minor child(ren) reside(s), and to notify the other
6 party within seven (7) days after any change of address and provide the telephone
7 number if said number changes.

8 9. That each party shall provide the other party with a travel itinerary to
9 include destination, departure and return times whenever the child(ren) will be away
10 from that party's home for a period of two (2) nights or more.

11 10. That the parties are to remember the they are both parents to the children,
12 and that neither party shall disparage the other in the presence of the child(ren), nor
13 shall either party make any comment of any kind that would demean the other party
14 in the eyes of the child(ren).

15 IT IS FURTHER ORDERED that the parties are Awarded **Joint**
16 **Physical Custody** of the seven (7) minor children at issue: Giovanni Gamboa
17 (dob 1/15/05), Elijah Gamboa (dob 1/24/06), Irene Gamboa (dob 7/9/07), Destiny
18 Gamboa (dob 12/15/08), Isabella Gamboa (dob 6/22/13), Larriana Gamboa (dob
19 9/15/15) and Larry Gamboa (dob 9/15/15); and it is further

20 ORDERED that as the Defendant/Mom unilaterally relocated the children's
21 school, and that in the child interviews the children all wanted to return to their
22 prior school(s) in Henderson, then the Court orders that all of the children shall be
23 re-registered to their prior school(s) in Henderson, Nevada within seven (7) days
24 of the date of filing this Decree; and it is further

25 ORDERED, that the parties joint physical custodial schedule shall be as
26 follows:

27 The children shall reside with Plaintiff/Dad from Sundays at 7:00 p.m.
28 until Fridays at 7:00 p.m. The children shall reside with
Defendant/Mom from Fridays after school (4:00 pm) until Sundays at
7:00 p.m. on the first, second, fourth and any fifth weekend of the
month, with Dad reserving the third weekend of the month for Dad.

The receiving parent (or someone on their behalf) will pick up the
children.

1 Whenever the children do not have school, either for a Monday holiday
2 (e.g. Labor Day, Martin Luther King Day, President's Day, Memorial
3 Day, or any other Monday school in service day), Defendant/Mom's
4 weekend shall be extended to Mondays at 7:00 p.m.

5 During the summer break, the parties shall alternate custody on a weekly
6 basis with exchanges on Sundays at 7:00 p.m.

7 The parties shall follow the Court's standard holiday schedule, with the
8 exception of Monday holidays as defined above. Additionally,
9 Plaintiff/Dad shall have Thanksgiving school break with the children in
10 2021.

11 IT IS FURTHER ORDERED, The Court herein adopts the above
12 schedule and determines pursuant to *Rivero v. Rivero* and *Bluestein v. Bluestein*
13 that it meets the requirements of joint physical custody. Based on the foregoing,
14 the Court finds that the schedule herein follows joint legal and joint physical
15 custody arrangement is in the children's best interests; and it is further

16 ORDERED that should the child(ren) desire to speak with the other
17 parent, the parties will encourage the minor child(ren) to do so. The children may
18 call either parent at any time. Each parent is entitled to telephone contact with the
19 minor child(ren) during the other parent's timeshare, but not so as to interrupt the
20 other parents time with the child (for example, daily phone calls); and it is further

21 ORDERED that the Court grants Givoanni Gamboa some limited
22 teenage discretion based on the fact that he is 16½ years of age as to which school
23 he will attend; however, the Court does reserve jurisdiction to address, modify,
24 and or rescind this discretion should there be concerns whether teenage discretion
25 is being exercised in a reasonable fashion. In doing so, the Court is not deviating
26 from the joint physical custody arrangement nor intending to give Giovanni the
27 full discretion to determine his own schedule. Rather, the Court is willing to
28 allow Giovanni some discretion in making adjustments to the weekly schedule,

1 from time to time, based on his work and/or school commitments. The granting of
2 this discretion is conditional upon Giovanni attending counseling to be arranged
3 by the parties, and that Giovanni spends at least four (4) days per month with
4 Plaintiff; and it is further

5 ORDERED that various Miscellaneous Provisions are as follows:

6 1. Each parent to provide and maintain their own clothing, etc. for the minor
7 child in their respective homes;

8 2. Should the child be on medication for an illness, each parent shall ensure
9 that the other parent is provided with the medication at the time of custodial
10 exchange;

11 3. Each parent shall ensure that the other parent is provided with the any
12 extracurricular equipment the child may require at the time of custodial exchange;

13 4. Each parent to provide daycare/babysitting as necessary on their
14 respective timeshare;

15 5. Neither parent may dictate whom the other parent utilizes for
16 daycare/babysitting, or directly or indirectly interfere in any manner;

17 6. There is no right of first refusal.

18 7. Neither parent is to make demands or seek to dictate how the other parent
19 is to parent; however the parties are encouraged to discuss and work together
20 regarding important topics, forward important and pertinent information (i.e.
21 education, social, health concerns, etc.).

22 8. Each party shall ensure that both the child's biological parents are to be
23 included on the child's forms (school, medical, etc.) Each parent may include other
24 family members/relatives on any such forms, with all such notations as to
25 relationship clearly stated on forms.

26 **CHILD SUPPORT, TAX ALLOCATION & MEDICAL EXPENSES**

27 IT IS FURTHER ORDERED that child support is dictated by statute and/or
28 precedent, and pursuant to NRS Chapter 125. As the parties share joint physical
custody, child support is set pursuant to the formula provided in *Wright v*
Osburne, 114 Nev. 1367, 970 P.2d 1071, (1998), and is set pursuant to the
amounts determined by the percentages provided under NAC Chapter 425; and it
is further

ORDERED that there are seven (7) children for which child support
applies pursuant to the following formula pursuant to NAC 425.140:

4. For four children, the sum of:

1 (a) For the first \$6,000 of an obligor's monthly gross income, 28 percent of such income;
2 (b) For any portion of an obligor's monthly gross income that is greater than \$6,000 and
3 equal to or less than \$10,000, 14 percent of such a portion; and
4 (c) For any portion of an obligor's monthly gross income that is greater than \$10,000, 7
5 percent of such a portion.

6 5. For each additional child, the sum of:

7 (a) For the first \$6,000 of an obligor's monthly gross income, an additional 2 percent of such
8 income;
9 (b) For any portion of an obligor's monthly gross income that is greater than \$6,000 and
10 equal to or less than \$10,000, an additional 1 percent of such a portion; and
11 (c) For any portion of an obligor's monthly gross income that is greater than \$10,000, an
12 additional 0.5 percent of such a portion.

13 ORDERED that based upon either filed Financial Disclosure Forms
14 and/or the representations of the parties, both parties gross monthly income and
15 essentially have a similar income; that pursuant to *Wright v. Osburn*, 114 Nev.
16 1367, 970 P.2d 1071 (1990), neither party shall pay child support to the other, and
17 both parties warrant that the arrangement complies with NRS Chapter 125B and
18 NAC Chapter 425; and it is further

19 ORDERED that pursuant to NAC 425.160(1), any award of Child
20 Support, except as otherwise provided by law, terminates when the child reaches
21 18 years of age or, if the child is still in high school, when the child graduates
22 from high school or reaches 19 years of age, whichever comes first; and it is
23 further

24 ORDERED that the parties shall share the tax return deduction for the
25 minor child(ren) as follows:

26 (a) Plaintiff/Dad shall receive the tax deduction for Elijah, Irene,
27 Destiny and Larry in all numbered tax years, commencing with tax year;

28 (b) Defendant/Mom shall receive the tax deduction for Giovanni,
Isabella, Larriana in all tax years, commencing with tax year 2021;

1 ORDERED that Defendant shall continue to maintain medical and health
2 insurance coverage for the children. The parties shall equally share responsibility
3 for any deductibles or copays required by the insurance policy, as well as any and
4 all expenses for the health care costs of the child not covered by the insurance,
5 including orthodontic and optical expenses and prescriptions; and it is further

6 ORDERED that any unreimbursed medical, dental, optical, orthodontic
7 or other health related expense incurred for the benefit of the minor child is to be
8 divided equally between the parties, pursuant to the 30/30 Rule: either party
9 incurring an out of pocket medical expense for the child shall provide a copy of
10 the paid invoice/receipt to the other party within thirty days of incurring such
11 expense, if not tendered within the thirty day period, the Court may consider it as
12 a waiver of reimbursement. The other party will then have thirty days from
13 receipt within which to dispute the expense in writing or reimburse the incurring
14 party for one-half of the out of pocket expense, if not disputed or paid within the
15 thirty day period, the party may be subject to a finding of contempt and
16 appropriate sanctions; and it is further

17 **SEPARATE AND/OR COMMUNITY PROPERTY & DEBTS**

18
19 IT IS FURTHER ORDERED that there is no basis to make any award of
20 property or otherwise to Defendant as it pertains to the residence located at 932
21 Center Street, Henderson, Nevada; and that said real property and an equity or net
22 proceeds of sale was and is the sole and separate property of Plaintiff pursuant to
23 the Grant, Bargain Sale deed executed by Defendant on April 20, 2017; and it is
24 further

25 ORDERED that the Court confirms that the parties have previously
26 divided any separate and/or community property and that each party is awarded
27 all accounts, vehicles, and personal property located in his possession and/or
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1 titled in their respective names alone; and there is nothing further to be
2 adjudicated by the Court; and it is further

3 ORDERED that the Court confirms that the parties have previously
4 divided any separate and/or community debt, and that each party is shall assume,
5 pay, indemnify and hold the other party harmless from any debts incurred in their
6 respective names alone or debts encumbering assets awarded to either party
7 herein, and there is nothing further to be adjudicated by the Court; and it is further

8 **TAXES**

9 IT IS FURTHER ORDERED that each party shall file their own tax
10 returns for tax year 2021 forward, with each respective party responsible for their
11 own tax liability, or entitled to receive their respective refund; and it is further

12 **STATUTORY PROVISIONS**

13 ORDERED that Both parties are required to provide their Social Security
14 numbers on a separate form to the Court and to the Welfare Division of the
15 Department of Human Resources pursuant to NRS 125.30. Such information
16 shall be maintained by the Clerk in a confidential manner and not part of the
17 public record; and it is further

18 ORDERED that:

19 **NOTICE IS HEREBY GIVEN** of the following provision of NRS
20 125C.0045(6):

21 PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION,
22 CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS
23 ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN
24 NRS 193.130. NRS 200.359 provides that every person having a limited right of
25 custody to a child or any parent having no right of custody to the child who willfully
26 detains, conceals or removes the child from a parent, guardian or other person having
27 lawful custody or a right of visitation of the child in violation of this court, or
28 removes the child from the jurisdiction of the court without the consent of either the
court or all persons who have the right to custody or visitation is subject to being
punished for a category D felony as provided in NRS 193.130.

1 **NOTICE IS HEREBY GIVEN** that the terms of the Hague Convention of
2 October 25, 1980, adopted by the 14th Session of the Hague Conference on
3 Private International Law apply if a parent abducts or wrongfully retains a child
4 in a foreign country. The parties are also put on notice of the following provisions
5 in NRS 125C.0045(8):

6 If a parent of the child lives in a foreign country or has significant commitments
7 in a foreign country:

8 (a) The parties may agree, and the court shall include in the order for
9 custody of the child, that the United States is the country of habitual residence of
10 the child for the purposes of applying the terms of the Hague Convention as set
11 forth in subsection 7.

12 (b) Upon motion of one of the parties, the court may order the parent to
13 post a bond if the court determines that the parent poses an imminent risk of
14 wrongfully removing or concealing the child outside the country of habitual
15 residence. The bond must be in an amount determined by the court and may be
16 used only to pay for the cost of locating the child and returning him to his habitual
17 residence if the child is wrongfully removed from or concealed outside the
18 country of habitual residence. The fact that a parent has significant commitments
19 in a foreign country does not create a presumption that the parent poses an
20 imminent risk of wrongfully removing or concealing the child.

21 **NOTICE IS HEREBY GIVEN** that the parties are placed on notice of the
22 following provisions in NRS 125C.0065:

23 1. If joint physical custody has been established pursuant to an order, judgment or
24 decree of a court and one parent intends to relocate his or her residence to a place
25 outside of this State or to a place within this State that is at such a distance that
26 would substantially impair the ability of the other parent to maintain a meaningful
27 relationship with the child, and the relocating parent desires to take the child with
28 him or her, the relocating parent shall, before relocating:

 (a) Attempt to obtain the written consent of the non-relocating parent to
 relocate with the child;

 (b) If the non-relocating parent refuses to give that consent, petition the
 court for primary physical custody for the purpose of relocating.

2. The court may award reasonable attorney's fees and costs to the relocating
parent if the court finds that the non-relocating parent refused to consent to the
relocating parent's relocation with the child:

 (a) Without having reasonable grounds for such refusal; or

 (b) For the purposes of harassing the relocating parent.

3. A parent who relocates with a child pursuant to this section before the court enters
an order granting the parent primary physical custody of the child and permission to
relocate with the child is subject to the provisions of NRS 200.359

 This provision does not apply to vacations outside Nevada planned by either party.

1 **NOTICE IS HEREBY GIVEN** that they are subject to the provisions of NRS
2 31A.025 to 31A.240, inclusive, the parent obligated to pay child support shall be
3 subject to wage assignment by that parent's employer should that parent become
4 more than thirty days delinquent in said child support payments.

5 **NOTICE IS HEREBY GIVEN** that either party may request a review of child
6 support pursuant to NRS 125B.145 at least every three years to determine
7 whether the order should be modified or adjusted.

8 IT IS FURTHER ORDERED that the terms/conditions/orders set forth
9 in this Decree may not be changed, modified, or terminated orally, and any such
10 change, modification, or termination may only be made by a written instrument
11 executed by the parties, or by further Order of the Court.

12 IT IS FURTHER ORDERED that this matter will be Closed, subject to
13 re-opening should either party file a motion with the Court.

14 **THIS IS A FINAL DECREE**

Dated this 12th day of October, 2021

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A handwritten signature in black ink, appearing to be 'MP', written over a horizontal line.

78B FA6 2F1C A0E6
Mary Perry
District Court Judge

Attachment “1”

Dept. P- HOLIDAY VISITATION
(BOTH PARTIES LIVE IN NEVADA)

THE ODD/EVEN YEAR INDICATED IS THE CALENDAR YEAR
NOT THE AGE OF THE CHILD

	<u>ODD YEAR</u>	<u>EVEN YEAR</u>
	▼	▼
<u>THREE DAY HOLIDAYS</u>		

The holiday will begin on the day observed for the holiday at 9 AM and conclude at 9 AM the following morning.

MARTIN LUTHER KING DAY	DAD	MOM
PRESIDENT'S BIRTHDAY	MOM	DAD
INDEPENDENCE DAY	DAD	MOM
MEMORIAL DAY	MOM	DAD
LABOR DAY	DAD	MOM
NEVADA ADMISSION DAY	MOM	DAD

[IF A PARENT HAS REGULAR VISITATION IMMEDIATELY PRECEDING THE HOLIDAY, THAT PARENT SHALL CONTINUE TO ENJOY IT-IF ADDITIONAL DAY WITHOUT INTERRUPTION]

INDIVIDUAL DAYS

The holiday visitation for individual days will begin at 9 AM (or after school whichever occurs last) and end at 8 PM the same day.

MOTHER'S DAY	MOM	MOM
FATHER'S DAY	DAD	DAD
MOTHER'S BIRTHDAY	MOM	MOM
FATHER'S BIRTHDAY	DAD	DAD
CHILD[REN]'S BIRTHDAY	DAD	MOM

EASTER/SPRING BREAK

This holiday begins Saturday morning 9 AM following the last day of school and concludes at 12 Noon the day before returning to school.

EASTER SPRING BREAK	DAD	MOM
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[IF THE CHILD IS NOT IN SCHOOL PARENTS SHALL REFER TO THE CLARK COUNTY SCHOOL DISTRICT CALENDAR FOR THE SCHOOL ZONE WHERE THE PRIMARY CUSTODIAN RESIDES; IF THE PARENTS ENJOY 50/50 CUSTODY THE COURT SHALL DETERMINE THE SCHOOL DISTRICT CALENDAR TO FOLLOW]

THANKSGIVING

This holiday begins at 9 AM following the last day of school and ends at 12 Noon the day before returning to school.

THANKSGIVING	MOM	DAD
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ODD YEAR



EVEN YEAR



CHRISTMAS/NEW YEAR'S EVE

This holiday is split in two segments. The first segment begins at 9 AM following the last day of school and continues until half way through the break at 6 PM. The second segment begins half way through the break at 6 PM and concludes the day before school resumes and is determined by which year Christmas fall in.

CHRISTMAS SEGMENT 1

DAD

MOM

CHRISTMAS SEGMENT 2

MOM

DAD

GLOBAL PRIORITY

Below determines the order of precedence for the visitation. For instance, the specific holiday of Christmas takes precedence over all other visitation including the regular weekly timeshare and the Fourth of July takes precedence over summer vacation.

- | | |
|-----------------|-----------------------------|
| 1 st | HOLIDAY VISITATION |
| 2 nd | THREE DAY HOLIDAY |
| 3 rd | INDIVIDUAL DAYS |
| 4 th | SUMMER/QUAD BREAK VACATIONS |
| 5 th | REGULAR VISITATION/CUSTODY |

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Jose Gamboa, Plaintiff

CASE NO: D-20-606476-D

7 vs.

DEPT. NO. Department P

8 Jazleen Gamboa, Defendant.
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

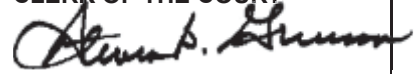
14 Service Date: 10/12/2021

15 Gregory Gordon ggordon@gordonlvlaw.com

16 David Mann legal@experiencedfamilylawlawyer.com

17 David Mann legal@experiencedfamilylawlawyer.com

18 David Mann Legal@ExperiencedFamilyLawLawyer.com
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1 **NED**
2 GREGORY GORDON LAW, PC
3 Gregory G. Gordon, Esq.
4 Nevada Bar No. 5334
5 4795 South Durango Drive
6 Las Vegas, Nevada 89147
7 Telephone: (702) 363-1072
8 Email: ggordon@gordonlvlaw.com
9 *Attorney for Plaintiff*

10
11
12
13 **DISTRICT COURT**
14 **CLARK COUNTY, NEVADA**

15 JOSE GAMBOA,

16 Plaintiff,

17 vs.

18 JAZLEEN GAMBOA,

19 Defendant.

CASE NO. D-20-606476-D
DEPT. NO. P

20
21 **NOTICE OF ENTRY OF DECREE OF DIVORCE**

22 PLEASE TAKE NOTICE that an **Decree of Divorce**, a copy of which is attached hereto as
23 Exhibit 1, was entered on October 12, 2021.

24 GREGORY GORDON LAW, PC

25 By: /s/ Gregory G. Gordon

26 Gregory G. Gordon, Esq.
27 Nevada Bar No. 5334
28 4795 South Durango Drive
Las Vegas, Nevada 89147
Tel: (702) 363-1072
Attorney for Plaintiff

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David L. Sawyer Mann, Esq.
Nevada Bar #11194
5574 La Peria Court
Las Vegas, NV 89122
Unbundled Attorney for Defendant

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EXHIBIT 1

1 **DECD**

2
3 **DISTRICT COURT; FAMILY DIVISION**
4 **CLARK COUNTY, NEVADA**

5 * * * * *

6 JOSE GAMBOA,)
7 Plaintiff,)
8 -vs.-)
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11 JAZLEEN GAMBOA)
12 Defendant.)
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1 4. That the Defendant did not request any name change.

2 5. The minor children have resided in Nevada at all times relevant herein,
3 including a period more than 6 months preceding the filing of this action, and
4 Nevada is the Home State of the minor child(ren), and pursuant to NRS 125A et.
5 seq. this Court has exclusive and continuing jurisdiction to make custodial
6 determinations.

7 ***Child Custody:***

8 6. That there are seven (7) minor children at issue: Giovanni Gamboa (dob
9 1/15/05), Elijah Gamboa (dob 1/24/06), Irene Gamboa (dob 7/9/07), Destiny
10 Gamboa (dob 12/15/08), Isabella Gamboa (dob 6/22/13), Larriana Gamboa (dob
11 9/15/15) and Larry Gamboa (dob 9/15/15).

12 7. Defendant is not disputing that Plaintiff is the natural father of Elijah
13 Gamboa, Irene Gamboa, and Destiny Gamboa. Plaintiff is declared and
14 adjudicated to be the natural father of these minor children.

15 8. Defendant is disputing the existence of a parent and child relationship
16 between Plaintiff and Giovanni Gamboa, Isabella Gamboa, Larriana Gamboa, and
17 Larry Gamboa.

18 9. With respect to Giovanni Gamboa and Isabella Gamboa, the Court finds that
19 Plaintiff and Defendant voluntarily acknowledged Plaintiff's paternity of these
20 children when both Plaintiff and Defendant executed a Voluntary
21 Acknowledgment of Paternity ("VAP") pursuant to NRS 126.053(1).

22 10. An Affidavit/Declaration of Paternity signed by Plaintiff, who states
23 himself to be the father of Giovanni Gamboa and signed by Defendant was
24 recorded with the Office of Vital Records and Statistics on August 19, 2011.

25 11. An Affidavit/Declaration of Paternity signed by Plaintiff, who states
26 himself to be the father of Isabella Gamboa and signed by Defendant was
27 recorded with the Office of Vital Records and Statistics on July 2, 2013.
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3 12. Signed VAPs “have the same effect as a judgment or order of a court
4 determining the existence of the relationship of parent and child.” NRS
5 126.053(1). As such, there is already a judgment of paternity in favor of Plaintiff
6 with respect to Giovanni Gamboa and Isabella Gamboa.

7 13. Defendant asserts that a VAP can be challenged on grounds of fraud,
8 duress or material mistake of fact. However, the Court finds no basis for such
9 defense under the circumstances of this case. According to Defendant’s
10 testimony, she was aware of the circumstances surrounding all of the children’s
11 parentage at the time of their birth and after. She testified to having no
12 uncertainty or erroneous beliefs about who fathered the children. She signed the
13 VAPs with full knowledge, knowingly, and intentionally. The Court finds no
14 basis under NRS 126.053 to set aside the VAPs concerning Giovanni or Isabella.

15 14. The VAP for Giovanni was signed on or about August 19, 2011, and
16 Isabella’s executed on or about July 2, 2013. The Plaintiff knew he was not the
17 biological father. According to testimony, the VAP signed for Giovanni was
18 done during court proceedings to help Defendant regain custody of the child from
19 her parents, and the Plaintiff had full knowledge of the circumstances at the time.

20 15. The Plaintiff initially believed that Isabella was his biological child, until
21 the Defendant told him otherwise. The VAP for Isabella has been in place since
22 the child was a few days old; that additionally, given her actions, she is estopped
23 from disputing or otherwise challenging paternity of these subject minors.

24 16. Testimony from Plaintiff and Plaintiff’s niece confirmed that these children
25 have, at all times, been held out as Plaintiff’s children by both parties.

26 17. The two youngest, Larry and Larrianne (twins) were born during the
27 marriage, the Plaintiff is on the birth certificate, and he believed he was the
28 biological father until the DNA test indicated he was not.

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3 18. While the Court agrees that DNA proof could rebut presumption of
4 paternity, it is not the only factor involved. In this matter, the Court disagrees to
5 the extent that DNA proof invalidates the parentage established by the VAPs,
6 given the length of time the VAPs have been in place and the circumstances
7 surrounding the de facto parent child relationship established over the course of
8 many years between Plaintiff and the children, and the continuing actions of the
9 parties.

10 19. Defendant asserts that a valid genetic test that gives rise to a conclusive
11 presumption of paternity based on the requirements in NRS 126.051(2) is, in and
12 of itself, sufficient evidence to invalidate a VAP on grounds of either mistake of
13 fraud. The Court rejects this argument as it pertains to the facts and circumstances
14 of this case for two reasons. First, no putative father has come forward with a
15 valid genetic test establishing by a probability of 99 percent or more that he is the
16 father giving rise to a conclusive presumption of paternity, and take responsibility
17 for the respective child(ren). Second, this is not a challenge being filed by a third
18 party putative father, or the Plaintiff; but rather by Defendant, the mother who
19 signed the VAP. Further, for the reasons noted above and described herein,
20 Defendant is also estopped from challenging or disputing paternity.

21 20. The Court had previously admonished the Defendant, since she stated she
22 knew who the biological father was to have that individual take a DNA test,
23 which the Defendant failed to do, and no DNA test affirming a biological father
24 has been produced to the court.

25 21. During her testimony, the Defendant inferred that her current fiancé is a
26 wonderful father, giving rise to a potential reason for the Defendant to seek the
27 relief she has requested to replace the Plaintiff with her fiancé as the children's
28 father, as he may now be as he may no longer be convenient, desired by
Defendant, or in agreement with Defendant's ulterior motives. Regardless, the

evidence does not establish that the removal of the Plaintiff from these children's lives is in their best interests.

22. The Court finds that both parties, at all times relevant hereto, knowingly held the Plaintiff out to be the father of the subject minor children.

23. With respect to Larry Gamboa and Larriana Gamboa, the Court finds that Plaintiff and Defendant were married when the children were born, and therefore, Plaintiff is presumed to be the natural father pursuant to NRS 126.051(a),(d). No competing presumptions have been asserted or rebutted by any other putative father.

24. The Court finds that the parties signed the PATs willingly, they were not rescinded in the time allowed by law, and there has not been any fraud, duress or material mistake of fact. It was the burden of proof of the Defendant to show by clear and convincing evidence to rebut any presumption.

25. That the Court had previously ordered that any biological father must intervene if the Defendant was to maintain her claims, if the Court was going to entertain her claims, along with, of course, consideration of the factors noted herein, estoppel, and the best interests of the minor children. No other putative father has come forward making a claim of paternity to any of the four children in dispute.

26. The Court finds and declares pursuant to NRS 126.051 and NRS 126.053, and for the reasons set forth in this Decision, that Plaintiff Jose Gamboa is the legal father of all seven (7) minor children at issue.

27. Both parties have agreed to an award of joint legal and joint physical custody of Elijah Gamboa, Irene Gamboa, and Destiny Gamboa. Pursuant to NRS 125C.002 and 125C.0025, based on the agreement of the parties and the testimony and evidence adduced at trial, the Court finds that joint legal and joint physical custody is in the best interests of these minor children.

1 28. With respect to Givoanni Gamboa, Isabella Gamboa, Larry Gamboa, and
2 Larriana Gamboa, has not only Court has not only considered the non-exhaustive
3 list of the best interest factors found in NRS 125C.0035, but additionally the
4 factors set forth herein, including the actions and behaviors of the parties,
5 concludes that an award of joint legal and joint physical custody to Plaintiff and
6 Defendant is in all of the children's best interests.

7 29. Pursuant to the factors under NRS 125C.0035, in this regard, the Court
8 finds as follows:

9 (a) *The wishes of the children if the child is of sufficient age and*
10 *capacity to form an intelligent preference as to his or her physical custody.* The
11 evidence before the court shows that the children love both parents and want to
12 spend time with both parents. That Giovanni has declared that he wants to decide
13 who and when he spends his time with.

14 (b) *Any nomination of a guardian for the child by a parent.* Not
15 applicable.

16 (c) *Which parent is more likely to allow the child to have frequent*
17 *associations and a continuing relationship with the noncustodial parent.* The
18 Court is troubled by Defendant's lack of efforts following Plaintiff's illness and
19 hospitalization to facilitate a continuing relationship between the children and
20 Plaintiff. Plaintiff was forced to come to Court to re-establish contact following
21 his hospitalization. The Court is additionally troubled by Defendant's paternity
22 challenge as it relates to four of the children, when the evidence shows that
23 Plaintiff has at all times, throughout each child's life, acted as a father to these
24 children, and the parties have treated and regarded all of the children as Plaintiff's
25 children. It is unclear to the Court why now Defendant would claim otherwise.
26 This factor favors Plaintiff/Dad.
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1 (d) *The level of conflict between the parents.* The Court did not receive
2 any testimony or evidence to suggest that the level of conflict would hinder the
3 parties' ability to exercise joint custody.

4 (e) *The ability of the parents to cooperate to meet the needs of the child.*
5 The parties have been operating under a joint physical custody schedule since the
6 beginning of 2021. The Court is comfortable with based upon the evidence
7 received, including the testimony of the parties, the best interests of the children
8 have been met under this arrangement. Yet, the Court finds it is concerning why,
9 given the Defendant's her unilateral removal, needless disruption, etc., as
10 Defendant was not concerned over the children's school for over four (4) years,
11 and suddenly had to change the children's school(s).

12 (f) *The mental and physical health of the parents.* Both parents are
13 healthy physically and mentally.

14 (g) *The physical, developmental and emotional needs of the child.* The
15 evidence establishes that the children love and respect both parents and therefore
16 would benefit from having frequent, continuing access to both parents. The Court
17 finds it very concerning why Defendant would tell the younger children that the
18 man they consider their father was not their biological father, and the emotional
19 impact such an unsolicited, unnecessary, unproductive disclosure would have on
20 the child and the children. The Court finds that the Defendant considered her own
21 wants over the childrens' emotional needs. The Plaintiff is the only father they
22 have ever known, and Defendant's actions significantly jeopardized the stability,
23 security, and comfort such knowledge provided. This factor would favor Dad.

24 (h) *The nature of the relationship of the child with each parent.* The
25 children all supports that the children appear to be closely bonded with both
26 parents. Both parents have good relationships with all of the children.
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1 (i) *The ability of the child to maintain a relationship with any sibling.*

2 With consideration of this factor, the Court finds it troubling that Defendant has
3 requested a schedule that significantly impacts and frustrates the children's ability
4 to maintain the instrumental sibling relationship, a relationship that provides
5 incalculable benefit to the children collectively. Accordingly, the Court rejects
6 Defendant's request to impose a different custodial arrangement for some of the
7 children. The child interview of the children evidences that all the children are be
8 closely bonded with their siblings, and therefore, the Court finds it would be
9 detrimental to split up the children and/or impose different custodial schedules for
10 some of the children. The children should all have the right to maintain their
11 relationship with siblings as well as parents.

12 (j) *Factors (j) – (l).* Not applicable.

13 30. Plaintiff was hospitalized with neuro sister sarcosis in January 2020. At
14 the time he was living at 932 Center Street, Henderson, Nevada with the minor
15 children. Defendant testified that she has been living with her fiancée Brian
16 Skougard for the past 4 years. As such, Defendant has not resided at the Center
17 Street residence since at least 2017. In other testimony, Defendant stated that she
18 and Plaintiff have been separated since one year after the twin's birth, which
19 would mean a separation sometime in 2016.

20 31. Defendant testified that sometime in 2016 or 2017 she moved with her
21 fiancée Brian Skougard to a Mobile/Manufactured Home in North Las Vegas
22 located nearly 40 minutes from the children's schools. This would indicate that
23 since 2017, at a minimum, the Defendant left the primary care, custody and
24 control of the children with the Plaintiff. The children, in the Child Interview
25 confirmed that they lived with their father until he went into the coma, and his
26 family took care of them.

1 32. The Court found credible the testimony of Plaintiff and Plaintiff's niece
2 (Ms. Yaricza Hernandez) that during the parties' separation, the children resided
3 primarily with Plaintiff in Henderson, where they attended schools in Henderson
4 all within walking distance from the Center Street home, and that Defendant
5 would sporadically come to either visit with or pick up the children. Even after
6 the Plaintiff's hospitalization, the Defendant continued to be sporadic.

7 33. The Court found credible the testimony of Plaintiff and Plaintiff's niece
8 that while Plaintiff was hospitalized in 2020, the children were cared for by
9 Plaintiff's nieces and family members living in the Center Street home, including
10 the Plaintiff's sister who moved into the home with the children. Right after the
11 Plaintiff was discharged, the Defendant told Ms. Hernandez (niece) to get out of
12 the Plaintiff's home, took the children into her custody and unilaterally changed
13 their school.

14 34. Defendant testified that sometime during the Spring 2020, she removed the
15 children from their schools in Henderson they historically attended, and she
16 enrolled them in schools closer to where she was living in North Las Vegas.
17 Plaintiff testified that Defendant did not consult with him before making the
18 change. Defendant confirmed in her testimony she made the change without
19 notifying Plaintiff. Defendant testified she made the change so that the children
20 could attend school closer to her home in North Las Vegas. However, the
21 children were distance learning at the time due to COVID and not attending
22 school in person, so the Court questions why Defendant made the change, other
23 than to position herself as the primary physical custodian. This discrepancy calls
24 into question Defendant's credibility, and the evidence suggests Defendant made
25 the unilateral and disruptive change in the children's lives as a means of posturing
26 for primary custody, and more troubling, at the expense of the minor children.
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1 35. Based on the fact that the children now attend schools in North Las Vegas,
2 all more than a 40 minute drive from Plaintiff's residence, Plaintiff testified he
3 has been unable to get them all to school in the mornings due to the lack of bus
4 service to his home and his work schedule.

5 36. That during the pendency of this matter, the Court temporarily ordered
6 Joint Legal and Joint Physical Custody of the minor children, with a week
7 on/week off schedule.

8 ***Child Support & Health Insurance***

9 37. Based on the award of joint legal and joint physical custody, the Court
10 calculates child support pursuant to NAC 425 and *Wright v. Osburn*.

11 38. Plaintiff's gross monthly income is \$3,076.00.

12 39. Defendant's gross monthly income, as determined by her September 2,
13 2021 pay stub, is \$2,850.00, not including tips of approximately \$30 per day
14 which equates to approximately \$650 per month for a total gross monthly income
15 of \$3,500.00 per month.

16 ***Property & Debt Division***

17 40. Defendant filed a financial disclosure form on September 19, 2021,
18 disclosing no assets or debts.

19 41. Defendant failed to submit a Pre-Trial Memorandum prior to trial.

20 42. During trial, Defendant made passing reference to the sale of the residence
21 located at 932 Center Street, Henderson, Nevada. No documentary evidence or
22 detailed testimony was offered by Defendant concerning this claim.

23 43. Purchase documents show that the home was purchased in April of 2017,
24 during the parties' marriage, and therefore, presumed to be community property.

25 44. At the time of purchase, as part of the escrow, the Defendant executed a
26 Grant, Bargain Sale Deed, conveying the property to Plaintiff and relinquishing
27 any interest in the home.
28

1 45. Neither party provided testimony concerning why the deed was executed,
2 other than both parties testifying that the home was for the children.

3 46. Defendant testified that her primary language is English, and that she
4 possesses a high school diploma.

5 47. The testimony was conflicting as far as how long, if at all, the Defendant
6 resided in the marital residence. Defendant testified the parties separated in 2017.
7 Plaintiff testified that Defendant only lived in the Center Street residence at most
8 6 months.

9 48. Defendant testified she lived in the residence for 1 ½ years. The Court
10 does not find her testimony on this issue credible since she testified that she has
11 lived with her fiancé for four (4) years, and her actions support the finding that
12 she had an intent to abandon the marital community with Plaintiff in or around
13 the time she signed the Grant, Bargain Sale Deed at issue.

14 41. Defendant presented no evidence sufficient to rebut or overcome by clear
15 and convincing proof the presumption of gift.

16 42. Defendant was asked by Plaintiff in written discovery to produce
17 documentation to support her claim to the home, and she provided none. When
18 asked in discovery about her claim, Defendant stated she was “tricked into
19 signing some legal paper.” However, at trial, Defendant presented no evidence or
20 testimony to support she was tricked. While Defendant testified she was not
21 represented by an attorney when she signed the Grant, Bargain Sale Deed at issue,
22 the *Kerley v. Kerley* decision sets forth no requirement that parties be represented
23 by counsel when signing such deeds and/or making such gifts, and this Court
24 finds that singular factor is not dispositive of the issue decided by this Court.
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1 43. Accordingly, the Court finds no basis to make any award of property or
2 otherwise to Defendant as it pertains to the residence located at 932 Center Street.
3 The Court finds pursuant to Nevada law that the property was the sole and
4 separate property of Plaintiff pursuant to the Grant, Bargain Sale deed executed
5 by Defendant on April 20, 2017.

6 44. The parties presented no testimony or evidence concerning any other
7 assets. The defendant testified and confirmed that in her Response to
8 Interrogatories she stated there were no assets with a value more than \$1,500.

9 45. That overall, the Court does finds that the Defendant's testimony was not
10 credible, given the contradictions in her own statements. Conversely, the Court
11 finds the Plaintiff to be the more credible of the parties.

12 46. That what became clear to the Court, and the Court finds, that the
13 Defendant had no concern of how the issue of young children's paternity
14 regarding the only father they have ever known, would mentally and/or
15 emotionally affect the minor children involved; therefore placing her wants above
16 what is in the best interests of the children.

17 ***Alimony/Spousal Support***

18 47. Neither party requested alimony and/or spousal support. The Court finds
19 Defendant abandoned the marriage years ago when she moved in with her current
20 fiance, and that such action establishes and confirms a settled intent to abandon
21 Plaintiff and the marriage, and as a result, is further disallowed support as a
22 matter of law. (NRS 123.100) Notwithstanding, consideration of the factors in
23 NRS 125.150 likewise do not support an award of alimony; Therefore, no
24 alimony and/or spousal support is awarded to either party.
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1 ***Attorney's Fees and Costs***

2 48. The Court finds that the Plaintiff was the prevailing party as it pertains to
3 (1) the Plaintiff's defense to Defendant's challenge to Plaintiff's paternity of four
4 of the minor children; (2) Plaintiff's request for joint legal, joint physical custody
5 of all seven children (as Defendant was seeking sole custody of Giovanni,
6 Isabella, Larry, and Larriana); (3) characterization of the 932 Center Street
7 residence; etc.

8 49. The Court reserves judgment/jurisdiction pursuant to NRCP 54 to consider
9 a post-trial motion for attorney's fees and costs to Plaintiff subject to the
10 requirements of Brunzell.

11 50. If any Finding of Fact should be better construed as a Conclusion of Law,
12 it shall be so construed.

13 **CONCLUSIONS OF LAW**

14 1. That the Court has jurisdiction pursuant to NRS 125.020, 125.120, 125.130,
15 and to make orders as to the parties' legal status;

16 2. That the Court has the authority to make orders as it pertains to the marital
17 estate, separate and/or community property (NRS 125.150);

18 3. That the Court has the authority to make orders as it pertains to Custody,
19 and that this Court has considered and applied all applicable and controlling legal
20 precedent. (NRS 125C, et.seq., *Rivero -v- Rivero*, 216, P.3d 213 (2009); 125
21 Nev. Adv. Op. No. 34 (August 27, 2009), *Wallace v. Wallace*, 112 Nev. 1015,
22 1019, 922 P.2d 541, 543 (1996) ("Matters of custody and support of minor
23 children rest in the sound discretion of the trial court"); *Bluestein v. Bluestein*,
24 131 Nev., Adv. Op. 14, 345 P.3d 1044, 1048 (2015) reiterating that "in custody
25 matters, the child's best interest is paramount");
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1 4. That the Court has the authority to make orders as it pertains to Child
2 Support (NAC Chapter 425; NRS 125B et.seq., *Barbagallo v. Barbagallo*, 105
3 Nev. 546, 779 P.2d 532 (1989), *Wright v Osburne*, 114 Nev. 1367, 970 P.2d
4 1071, (1998);

5 5. That the Court has the authority to make orders as it pertains to issues
6 regarding the Equitable Adoption Doctrine, which is an equitable remedy that
7 allows a court to enforce an adoption where no formal adoption has taken place.
8 The doctrine requires circumstances “where there is a promise to adopt, and in
9 reasonable, foreseeable reliance on that promise a child is placed in a position
10 where harm will result if repudiation is permitted.” *Frye v. Frye*, 103 Nev. 301,
11 303, 738 P.2d 505, 506 (1987) It can also be based upon the conduct of the
12 parties to the extent that a purported father is found to be the real father of the
13 child and should be declared the real father. *Hermanson v. Hermanson*, 887 P.2d
14 1241, 110 Nev. 1400 (Nev. 1994);

15 6. That the Court finds the Equitable Adoption Doctrine is applicable to this
16 case in findings.....and a finding that the requisite elements have been met.

17 7. NRS Chapter 126 regarding paternity, specifically states:

18 NRS 126.051(1) provides that: “A man is presumed to be the natural
19 father of a child if: (a) He and the child’s natural mother are or have
20 been married to each other and the child is born during the marriage”...
21 “(d) While the child is under the age of majority, he receives the child
22 into his home and openly holds out the child as his natural child.”

23 NRS 126.053(1) provides that: “After the expiration of the period
24 described in subsection 2 ... a declaration for the voluntary
25 acknowledgment of paternity ... shall be deemed to have the same effect
26 as a judgment or order of a court determining the existence of the
27 relationship of parent and child if the declaration is signed in this or any
28 other state by the parents of the child.”

1 NRS 126.053(2) provides that: "A person who signs an
2 acknowledgment of paternity or an acknowledgment of parentage in this
3 State may rescind the acknowledgment: (a) Within 60 days after the
4 acknowledgment is signed by both persons; or (b) Before the date on
5 which an administrative or judicial proceeding relating to the child
6 begins if that person is a party to the proceeding, whichever occurs
7 earlier."

8 NRS 126.053(3) provides that: "After the expiration of the period
9 during which an acknowledgment may be rescinded pursuant to
10 subsection 2, the acknowledgment may not be challenged except upon
11 the grounds of fraud, duress or material mistake of fact. The burden of
12 proof is on the person challenging the acknowledgment to establish that
13 the acknowledgment was signed because of fraud, duress or material
14 mistake of fact."

15 8. That as it relates to gifts by way of deed to real property between the
16 parties, pursuant to *Kerley v. Kerley* 112 Nev. 36, 910 P.2d 279 (1996), a spouse
17 to spouse conveyance of title to real property creates a presumption of gift that
18 can only be overcome by clear and convincing evidence. *Graham v. Graham*, 104
19 Nev. 472, 760 P.2d 772 (1988); *Todkill v. Todkill*, 88 Nev. 231, 495 P.2d 629
20 (1972); *Peardon v. Peardon*, 65 Nev. 717, 201 P.2d 309 (1948); *Petition of*
21 *Fuller*, 63 Nev. 26, 159 P.2d 579 (1945). Moreover, property acquired by gift
22 during marriage is separate property pursuant to NRS 123.130, and therefore is
23 not community property pursuant to NRS 123.220.

24 8. If any Conclusion of Law should be better construed as a Finding of Fact, it
25 shall be so construed.
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DECREE & ORDERS

NOW THEREFORE, and good cause appearing; It Is Hereby

ORDERED, ADJUDGED and DECREED that this Court has personal and subject matter jurisdiction over the parties and the marital estate. The parties are incompatible in marriage, thus the bonds of matrimony now existing between the parties are wholly dissolved, and an absolute Decree of Divorce is hereby granted to the parties, and each of the parties is hereby returned to the status of a single, unmarried person. NRS 125.020 and NRS 125.120. This is a final and absolute Decree of Divorce, wholly and completely dissolving the marriage and dividing the assets and liabilities of the parties. NRS 125.130; and it is further

ORDERED that as the Defendant has not requested this relief, she will continue to be known as “Jazleen Gamboa”; and it is further

ORDERED that as both parties are in good physical condition, have the ability to work, have sufficient income, and neither party is entitled to receive alimony/spousal support from the other; and it is further

CHILD CUSTODY

ORDERED the given the entirety of the facts, circumstances, testimony and evidence presented at trial, that the Plaintiff, Jose Gamboa, under the Equitable Adoption Doctrine and/or the provisions of NRS 126.051 and 126.053, is the bonafide legal father of not just the parties’ joint biological children to wit: Elijah Gamboa (dob 1/24/06), Irene Gamboa (dob 7/9/07) and Destiny Gamboa (dob 12/15/08), Isabella Gamboa (dob 6/22/13), but also of the parentage of the children in question, to wit: Giovanni Gamboa (dob 1/15/05), Isabella Gamboa (dob 6/22/13), Larriana Gamboa (dob 9/15/15) and Larry Gamboa (dob 9/15/15); and that the Defendant is also estopped from challenging Plaintiff’s paternity of the subject minors and it is further

1 ORDERED that the parties are awarded **Joint Legal Custody** over ALL
2 seven (7) minor children, to wit: Giovanni Gamboa (dob 1/15/05), Elijah
3 Gamboa (dob 1/24/06), Irene Gamboa (dob 7/9/07), Destiny Gamboa (dob
4 12/15/08), Isabella Gamboa (dob 6/22/13), Larriana Gamboa (dob 9/15/15) and
5 Larry Gamboa (dob 9/15/15);

6 *Joint Legal Custody Orders:*

7 1. That each party shall consult and cooperate with the other in substantial
8 questions relating to religious upbringing, educational programs, significant changes
9 in social environment, and healthcare of the child(ren).

10 2. That each party shall have access to healthcare and school records
11 pertaining to the child(ren) and be permitted to independently consult with any and
12 all professionals involved with the child(ren).

13 3. That all schools, healthcare providers, and regular daycare providers for
14 the child(ren) shall be selected jointly by the parties. Each party is to ensure that the
15 other party has full contact information of any and all providers. In the case of
16 healthcare providers, both parties are to ensure that the healthcare providers have
17 copies of all health insurance information.

18 4. That each party shall be empowered to obtain emergency healthcare for
19 the child(ren) without the consent of the other party. Healthcare includes treatment
20 for mental health, therapy and counseling. Each party shall notify the other party as
21 soon as reasonably possible of any illness requiring medical attention, or any
22 emergency involving the child(ren). Neither party may obtain non-emergency
23 healthcare for the children without advance notice to the other party of the time and
24 date of the appointment so that the other party may attend.

25 5. That each party shall have access to any information concerning the well-
26 being of the child(ren), including, but not limited to, copies of report cards; school
27 meeting notices; vacation schedules; class programs; requests for conferences;
28 results of standardized or diagnostic tests; notices of activities involving the
child(ren); samples of school work; order forms for school pictures; all
communications from schools, healthcare providers, and regular daycare providers
for the child(ren) to include the names, addresses, and telephone numbers of all such
schools, healthcare providers, and regular daycare providers.

6. That each party shall advise the other party, if not communicated by the
event originator (school, athletic association, etc.), within 24 hours of receipt of any
such communication, of all school, athletic, church, and social events in which the
child(ren) participate(s), and each agrees to notify the other party within a reasonable
time after first learning of the future occurrence of any such event so as to allow the
other party to make arrangements to attend the event if he or she chooses to do so.
Both parties may participate with the child(ren) in all such events, including but not
limited to, attendance at school events, athletic events, church events, social events,
open house, school plays, graduation ceremonies, school carnivals, etc

1 7. That each party shall be prohibited from enrolling the child(ren) in
2 extracurricular activities which infringes upon the other party's parenting time
3 without advance authorization from the other party.

4 8. That each party shall provide the other party with the address and
5 telephone number at which the minor child(ren) reside(s), and to notify the other
6 party within seven (7) days after any change of address and provide the telephone
7 number if said number changes.

8 9. That each party shall provide the other party with a travel itinerary to
9 include destination, departure and return times whenever the child(ren) will be away
10 from that party's home for a period of two (2) nights or more.

11 10. That the parties are to remember the they are both parents to the children,
12 and that neither party shall disparage the other in the presence of the child(ren), nor
13 shall either party make any comment of any kind that would demean the other party
14 in the eyes of the child(ren).

15 IT IS FURTHER ORDERED that the parties are Awarded **Joint**
16 **Physical Custody** of the seven (7) minor children at issue: Giovanni Gamboa
17 (dob 1/15/05), Elijah Gamboa (dob 1/24/06), Irene Gamboa (dob 7/9/07), Destiny
18 Gamboa (dob 12/15/08), Isabella Gamboa (dob 6/22/13), Larriana Gamboa (dob
19 9/15/15) and Larry Gamboa (dob 9/15/15); and it is further

20 ORDERED that as the Defendant/Mom unilaterally relocated the children's
21 school, and that in the child interviews the children all wanted to return to their
22 prior school(s) in Henderson, then the Court orders that all of the children shall be
23 re-registered to their prior school(s) in Henderson, Nevada within seven (7) days
24 of the date of filing this Decree; and it is further

25 ORDERED, that the parties joint physical custodial schedule shall be as
26 follows:

27 The children shall reside with Plaintiff/Dad from Sundays at 7:00 p.m.
28 until Fridays at 7:00 p.m. The children shall reside with
Defendant/Mom from Fridays after school (4:00 pm) until Sundays at
7:00 p.m. on the first, second, fourth and any fifth weekend of the
month, with Dad reserving the third weekend of the month for Dad.

The receiving parent (or someone on their behalf) will pick up the
children.

1 Whenever the children do not have school, either for a Monday holiday
2 (e.g. Labor Day, Martin Luther King Day, President's Day, Memorial
3 Day, or any other Monday school in service day), Defendant/Mom's
4 weekend shall be extended to Mondays at 7:00 p.m.

5 During the summer break, the parties shall alternate custody on a weekly
6 basis with exchanges on Sundays at 7:00 p.m.

7 The parties shall follow the Court's standard holiday schedule, with the
8 exception of Monday holidays as defined above. Additionally,
9 Plaintiff/Dad shall have Thanksgiving school break with the children in
10 2021.

11 IT IS FURTHER ORDERED, The Court herein adopts the above
12 schedule and determines pursuant to *Rivero v. Rivero* and *Bluestein v. Bluestein*
13 that it meets the requirements of joint physical custody. Based on the foregoing,
14 the Court finds that the schedule herein follows joint legal and joint physical
15 custody arrangement is in the children's best interests; and it is further

16 ORDERED that should the child(ren) desire to speak with the other
17 parent, the parties will encourage the minor child(ren) to do so. The children may
18 call either parent at any time. Each parent is entitled to telephone contact with the
19 minor child(ren) during the other parent's timeshare, but not so as to interrupt the
20 other parents time with the child (for example, daily phone calls); and it is further

21 ORDERED that the Court grants Givoanni Gamboa some limited
22 teenage discretion based on the fact that he is 16½ years of age as to which school
23 he will attend; however, the Court does reserve jurisdiction to address, modify,
24 and or rescind this discretion should there be concerns whether teenage discretion
25 is being exercised in a reasonable fashion. In doing so, the Court is not deviating
26 from the joint physical custody arrangement nor intending to give Giovanni the
27 full discretion to determine his own schedule. Rather, the Court is willing to
28 allow Giovanni some discretion in making adjustments to the weekly schedule,

1 from time to time, based on his work and/or school commitments. The granting of
2 this discretion is conditional upon Giovanni attending counseling to be arranged
3 by the parties, and that Giovanni spends at least four (4) days per month with
4 Plaintiff; and it is further

5 ORDERED that various Miscellaneous Provisions are as follows:

6 1. Each parent to provide and maintain their own clothing, etc. for the minor
7 child in their respective homes;

8 2. Should the child be on medication for an illness, each parent shall ensure
9 that the other parent is provided with the medication at the time of custodial
10 exchange;

11 3. Each parent shall ensure that the other parent is provided with the any
12 extracurricular equipment the child may require at the time of custodial exchange;

13 4. Each parent to provide daycare/babysitting as necessary on their
14 respective timeshare;

15 5. Neither parent may dictate whom the other parent utilizes for
16 daycare/babysitting, or directly or indirectly interfere in any manner;

17 6. There is no right of first refusal.

18 7. Neither parent is to make demands or seek to dictate how the other parent
19 is to parent; however the parties are encouraged to discuss and work together
20 regarding important topics, forward important and pertinent information (i.e.
21 education, social, health concerns, etc.).

22 8. Each party shall ensure that both the child's biological parents are to be
23 included on the child's forms (school, medical, etc.) Each parent may include other
24 family members/relatives on any such forms, with all such notations as to
25 relationship clearly stated on forms.

26 **CHILD SUPPORT, TAX ALLOCATION & MEDICAL EXPENSES**

27 IT IS FURTHER ORDERED that child support is dictated by statute and/or
28 precedent, and pursuant to NRS Chapter 125. As the parties share joint physical
custody, child support is set pursuant to the formula provided in *Wright v*
Osburne, 114 Nev. 1367, 970 P.2d 1071, (1998), and is set pursuant to the
amounts determined by the percentages provided under NAC Chapter 425; and it
is further

ORDERED that there are seven (7) children for which child support
applies pursuant to the following formula pursuant to NAC 425.140:

4. For four children, the sum of:

(a) For the first \$6,000 of an obligor's monthly gross income, 28 percent of such income;
(b) For any portion of an obligor's monthly gross income that is greater than \$6,000 and equal to or less than \$10,000, 14 percent of such a portion; and
(c) For any portion of an obligor's monthly gross income that is greater than \$10,000, 7 percent of such a portion.

5. For each additional child, the sum of:

(a) For the first \$6,000 of an obligor's monthly gross income, an additional 2 percent of such income;
(b) For any portion of an obligor's monthly gross income that is greater than \$6,000 and equal to or less than \$10,000, an additional 1 percent of such a portion; and
(c) For any portion of an obligor's monthly gross income that is greater than \$10,000, an additional 0.5 percent of such a portion.

ORDERED that based upon either filed Financial Disclosure Forms and/or the representations of the parties, both parties gross monthly income and essentially have a similar income; that pursuant to *Wright v. Osburn*, 114 Nev. 1367, 970 P.2d 1071 (1990), neither party shall pay child support to the other, and both parties warrant that the arrangement complies with NRS Chapter 125B and NAC Chapter 425; and it is further

ORDERED that pursuant to NAC 425.160(1), any award of Child Support, except as otherwise provided by law, terminates when the child reaches 18 years of age or, if the child is still in high school, when the child graduates from high school or reaches 19 years of age, whichever comes first; and it is further

ORDERED that the parties shall share the tax return deduction for the minor child(ren) as follows:

(a) Plaintiff/Dad shall receive the tax deduction for Elijah, Irene, Destiny and Larry in all numbered tax years, commencing with tax year;

(b) Defendant/Mom shall receive the tax deduction for Giovanni, Isabella, Larriana in all tax years, commencing with tax year 2021;

1 ORDERED that Defendant shall continue to maintain medical and health
2 insurance coverage for the children. The parties shall equally share responsibility
3 for any deductibles or copays required by the insurance policy, as well as any and
4 all expenses for the health care costs of the child not covered by the insurance,
5 including orthodontic and optical expenses and prescriptions; and it is further

6 ORDERED that any unreimbursed medical, dental, optical, orthodontic
7 or other health related expense incurred for the benefit of the minor child is to be
8 divided equally between the parties, pursuant to the 30/30 Rule: either party
9 incurring an out of pocket medical expense for the child shall provide a copy of
10 the paid invoice/receipt to the other party within thirty days of incurring such
11 expense, if not tendered within the thirty day period, the Court may consider it as
12 a waiver of reimbursement. The other party will then have thirty days from
13 receipt within which to dispute the expense in writing or reimburse the incurring
14 party for one-half of the out of pocket expense, if not disputed or paid within the
15 thirty day period, the party may be subject to a finding of contempt and
16 appropriate sanctions; and it is further

17 **SEPARATE AND/OR COMMUNITY PROPERTY & DEBTS**

18
19 IT IS FURTHER ORDERED that there is no basis to make any award of
20 property or otherwise to Defendant as it pertains to the residence located at 932
21 Center Street, Henderson, Nevada; and that said real property and an equity or net
22 proceeds of sale was and is the sole and separate property of Plaintiff pursuant to
23 the Grant, Bargain Sale deed executed by Defendant on April 20, 2017; and it is
24 further

25 ORDERED that the Court confirms that the parties have previously
26 divided any separate and/or community property and that each party is awarded
27 all accounts, vehicles, and personal property located in his possession and/or
28

1 titled in their respective names alone; and there is nothing further to be
2 adjudicated by the Court; and it is further

3 ORDERED that the Court confirms that the parties have previously
4 divided any separate and/or community debt, and that each party is shall assume,
5 pay, indemnify and hold the other party harmless from any debts incurred in their
6 respective names alone or debts encumbering assets awarded to either party
7 herein, and there is nothing further to be adjudicated by the Court; and it is further

8 **TAXES**

9 IT IS FURTHER ORDERED that each party shall file their own tax
10 returns for tax year 2021 forward, with each respective party responsible for their
11 own tax liability, or entitled to receive their respective refund; and it is further

12 **STATUTORY PROVISIONS**

13 ORDERED that Both parties are required to provide their Social Security
14 numbers on a separate form to the Court and to the Welfare Division of the
15 Department of Human Resources pursuant to NRS 125.30. Such information
16 shall be maintained by the Clerk in a confidential manner and not part of the
17 public record; and it is further

18 ORDERED that:

19 **NOTICE IS HEREBY GIVEN** of the following provision of NRS
20 125C.0045(6):

21 PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION,
22 CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS
23 ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN
24 NRS 193.130. NRS 200.359 provides that every person having a limited right of
25 custody to a child or any parent having no right of custody to the child who willfully
26 detains, conceals or removes the child from a parent, guardian or other person having
27 lawful custody or a right of visitation of the child in violation of this court, or
28 removes the child from the jurisdiction of the court without the consent of either the
court or all persons who have the right to custody or visitation is subject to being
punished for a category D felony as provided in NRS 193.130.

1 **NOTICE IS HEREBY GIVEN** that the terms of the Hague Convention of
2 October 25, 1980, adopted by the 14th Session of the Hague Conference on
3 Private International Law apply if a parent abducts or wrongfully retains a child
4 in a foreign country. The parties are also put on notice of the following provisions
5 in NRS 125C.0045(8):

6 If a parent of the child lives in a foreign country or has significant commitments
7 in a foreign country:

8 (a) The parties may agree, and the court shall include in the order for
9 custody of the child, that the United States is the country of habitual residence of
10 the child for the purposes of applying the terms of the Hague Convention as set
11 forth in subsection 7.

12 (b) Upon motion of one of the parties, the court may order the parent to
13 post a bond if the court determines that the parent poses an imminent risk of
14 wrongfully removing or concealing the child outside the country of habitual
15 residence. The bond must be in an amount determined by the court and may be
16 used only to pay for the cost of locating the child and returning him to his habitual
17 residence if the child is wrongfully removed from or concealed outside the
18 country of habitual residence. The fact that a parent has significant commitments
19 in a foreign country does not create a presumption that the parent poses an
20 imminent risk of wrongfully removing or concealing the child.

21 **NOTICE IS HEREBY GIVEN** that the parties are placed on notice of the
22 following provisions in NRS 125C.0065:

23 1. If joint physical custody has been established pursuant to an order, judgment or
24 decree of a court and one parent intends to relocate his or her residence to a place
25 outside of this State or to a place within this State that is at such a distance that
26 would substantially impair the ability of the other parent to maintain a meaningful
27 relationship with the child, and the relocating parent desires to take the child with
28 him or her, the relocating parent shall, before relocating:

 (a) Attempt to obtain the written consent of the non-relocating parent to
relocate with the child;

 (b) If the non-relocating parent refuses to give that consent, petition the
court for primary physical custody for the purpose of relocating.

2. The court may award reasonable attorney's fees and costs to the relocating
parent if the court finds that the non-relocating parent refused to consent to the
relocating parent's relocation with the child:

 (a) Without having reasonable grounds for such refusal; or

 (b) For the purposes of harassing the relocating parent.

3. A parent who relocates with a child pursuant to this section before the court enters
an order granting the parent primary physical custody of the child and permission to
relocate with the child is subject to the provisions of NRS 200.359

This provision does not apply to vacations outside Nevada planned by either party.

1 **NOTICE IS HEREBY GIVEN** that they are subject to the provisions of NRS
2 31A.025 to 31A.240, inclusive, the parent obligated to pay child support shall be
3 subject to wage assignment by that parent's employer should that parent become
4 more than thirty days delinquent in said child support payments.

5 **NOTICE IS HEREBY GIVEN** that either party may request a review of child
6 support pursuant to NRS 125B.145 at least every three years to determine
7 whether the order should be modified or adjusted.

8 IT IS FURTHER ORDERED that the terms/conditions/orders set forth
9 in this Decree may not be changed, modified, or terminated orally, and any such
10 change, modification, or termination may only be made by a written instrument
11 executed by the parties, or by further Order of the Court.

12 IT IS FURTHER ORDERED that this matter will be Closed, subject to
13 re-opening should either party file a motion with the Court.

14 **THIS IS A FINAL DECREE**

Dated this 12th day of October, 2021

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A handwritten signature in black ink, appearing to be 'MP', written over a horizontal line.

78B FA6 2F1C A0E6
Mary Perry
District Court Judge

Attachment “1”

Dept. P- HOLIDAY VISITATION
(BOTH PARTIES LIVE IN NEVADA)

THE ODD/EVEN YEAR INDICATED IS THE CALENDAR YEAR
NOT THE AGE OF THE CHILD

	<u>ODD YEAR</u>	<u>EVEN YEAR</u>
	▼	▼

THREE DAY HOLIDAYS

The holiday will begin on the day observed for the holiday at 9 AM and conclude at 9 AM the following morning.

MARTIN LUTHER KING DAY	DAD	MOM
PRESIDENT'S BIRTHDAY	MOM	DAD
INDEPENDENCE DAY	DAD	MOM
MEMORIAL DAY	MOM	DAD
LABOR DAY	DAD	MOM
NEVADA ADMISSION DAY	MOM	DAD

[IF A PARENT HAS REGULAR VISITATION IMMEDIATELY PRECEDING THE HOLIDAY, THAT PARENT SHALL CONTINUE TO ENJOY IT-IF ADDITIONAL DAY WITHOUT INTERRUPTION]

INDIVIDUAL DAYS

The holiday visitation for individual days will begin at 9 AM (or after school whichever occurs last) and end at 8 PM the same day.

MOTHER'S DAY	MOM	MOM
FATHER'S DAY	DAD	DAD
MOTHER'S BIRTHDAY	MOM	MOM
FATHER'S BIRTHDAY	DAD	DAD
CHILD[REN]'S BIRTHDAY	DAD	MOM

EASTER/SPRING BREAK

This holiday begins Saturday morning 9 AM following the last day of school and concludes at 12 Noon the day before returning to school.

EASTER SPRING BREAK	DAD	MOM
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[IF THE CHILD IS NOT IN SCHOOL PARENTS SHALL REFER TO THE CLARK COUNTY SCHOOL DISTRICT CALENDAR FOR THE SCHOOL ZONE WHERE THE PRIMARY CUSTODIAN RESIDES; IF THE PARENTS ENJOY 50/50 CUSTODY THE COURT SHALL DETERMINE THE SCHOOL DISTRICT CALENDAR TO FOLLOW]

THANKSGIVING

This holiday begins at 9 AM following the last day of school and ends at 12 Noon the day before returning to school.

THANKSGIVING	MOM	DAD
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ODD YEAR



EVEN YEAR



CHRISTMAS/NEW YEAR'S EVE

This holiday is split in two segments. The first segment begins at 9 AM following the last day of school and continues until half way through the break at 6 PM. The second segment begins half way through the break at 6 PM and concludes the day before school resumes and is determined by which year Christmas fall in.

CHRISTMAS SEGMENT 1

DAD

MOM

CHRISTMAS SEGMENT 2

MOM

DAD

GLOBAL PRIORITY

Below determines the order of precedence for the visitation. For instance, the specific holiday of Christmas takes precedence over all other visitation including the regular weekly timeshare and the Fourth of July takes precedence over summer vacation.

- | | |
|-----------------|-----------------------------|
| 1 st | HOLIDAY VISITATION |
| 2 nd | THREE DAY HOLIDAY |
| 3 rd | INDIVIDUAL DAYS |
| 4 th | SUMMER/QUAD BREAK VACATIONS |
| 5 th | REGULAR VISITATION/CUSTODY |

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Jose Gamboa, Plaintiff

CASE NO: D-20-606476-D

7 vs.

DEPT. NO. Department P

8 Jazleen Gamboa, Defendant.
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 10/12/2021

15 Gregory Gordon

ggordon@gordonlvlaw.com

16 David Mann

legal@experiencedfamilylawlawyer.com

17 David Mann

legal@experiencedfamilylawlawyer.com

18 David Mann

Legal@ExperiencedFamilyLawLawyer.com

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES****September 15, 2020**

D-20-606476-D Jose Gamboa, Plaintiff
vs.
Jazleen Gamboa, Defendant.

**September 15, 1:30 PM Case Management
2020 Conference**

HEARD BY: Pomrenze, Sandra**COURTROOM:** Courtroom 10**COURT CLERK:** Jefferyann Rouse**PARTIES:**

David Mann, Unbundled Attorney, present	
Destiny Gamboa, Subject Minor, not present	
Elijah Gamboa, Subject Minor, not present	
Giovanni Gamboa, Subject Minor, not present	
Irene Gamboa, Subject Minor, not present	
Isabella Gamboa, Subject Minor, not present	
Jazleen Gamboa, Defendant, Counter	Pro Se
Claimant, present	
Jose Gamboa, Plaintiff, Counter Defendant,	Gregory Gordon, Attorney, present
present	
Larriana Gamboa, Subject Minor, not present	
Larry Gamboa, Subject Minor, not present	

JOURNAL ENTRIES

- CASE MANAGEMENT CONFERENCE:

Due to Governor Sisolak's Stay Home for Nevada directive, Plaintiff/Jose Gamboa appeared with his Attorney of Record Gregory Gordon. Defendant/Mom was present with Attorney David L. Mann whom appeared in an unbundled capacity.

Upon the matter be called, the Court noted concerns as to paternity of the minor children being contested.

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Discussion as to issues at hand.

THE COURT ORDERED,

Plaintiff and Defendant, along with Giovanni Gamboa born 1-15-2005, Isabella Gamboa born 6-22-2013, Larry Gamboa born 9-15-2015 and his twin sister Larriana born on 9-15-2015.

Department P's Judicial Executive Assistant (JEA) shall e-mail parties copies of the Paternity Test REFERRAL forms.

Parties shall submit samples within (14) days of today's date for the minor .

RETURN HEARING set for 10-29-2020 at 11:00 am. re: paternity test results.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES****October 29, 2020**

D-20-606476-D Jose Gamboa, Plaintiff
vs.
Jazleen Gamboa, Defendant.

October 29, 2020 11:00 AM Return Hearing

HEARD BY: Pomrenze, Sandra**COURTROOM:** Courtroom 10**COURT CLERK:** Jefferyann Rouse**PARTIES:**

David Mann, Unbundled Attorney, present
Destiny Gamboa, Subject Minor, not present
Elijah Gamboa, Subject Minor, not present
Giovanni Gamboa, Subject Minor, not present
Irene Gamboa, Subject Minor, not present
Isabella Gamboa, Subject Minor, not present
Jazleen Gamboa, Defendant, Counter Pro Se
Claimant, present
Jose Gamboa, Plaintiff, Counter Defendant, Gregory Gordon, Attorney, present
present
Larriana Gamboa, Subject Minor, not present
Larry Gamboa, Subject Minor, not present

JOURNAL ENTRIES

- RETURN HEARING: RE: DNA TESTING

Due to Governor Sisolak's Stay Home for Nevada directive, Plaintiff/Husband appeared with his Attorney of Record Gregory Gordon. Defendant/Dad was present with Attorney David Man whom appeared in an unbundled capacity. Both Counsel and parties appeared by (bluejeans) audio equipment for today's proceedings.

Upon the matter being called, the Court noted receiving the paternity test results. The Court noted the test result revealed there is a zero possibility as to Plaintiff/Dad being the biological father of the

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minor children, Isabella, Giovanni and Larriana. The Court further noted concerns as a paternity test being conducted to determine if Plaintiff/Dad is the biological father of the minor child.

Discussion as to Plaintiff/Dad being the biological father of the minor child.

Discussion as to writ being completed and the need for a public decision as to conclusive presumption as it relates to paternity issues.

The Court Recommended Counsel have a conversations with their clients as to the cost associated with a writ.

THE COURT ORDERED,

A PATERNITY TEST shall be taken to DETERMINE the minor child (Larry) is the biological son of plaintiff/dad.

Parties shall submit to a (DNA) paternity within (10) days of today's.

Parties shall EQUALLY DIVIDE The PATERNITY COST.

Parties are free to submit very (brief) briefs if they choose to do so.

Attorney David Mann shall not be permitted to WITHDRAW as an UNBUNDLED Attorney until such time as either party they will petition for a writ.

There shall be no order required for today's proceedings.

RETURN HEARING set for 12-1-2020 at 11:00 pm. re: dna testing

INTERIM CONDITIONS:

FUTURE HEARINGS: Oct 29, 2020 11:00AM Return Hearing
re: DNA Testing
Courtroom 10 Pomrenze, Sandra

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

January 06, 2021

D-20-606476-D Jose Gamboa, Plaintiff
vs.
Jazleen Gamboa, Defendant.

January 06, 2021 11:00 AM Return Hearing

HEARD BY: Perry, Mary**COURTROOM:** Courtroom 23**COURT CLERK:** Nicole Hutcherson**PARTIES:**

David Mann, Unbundled Attorney, present
 Destiny Gamboa, Subject Minor, not present
 Elijah Gamboa, Subject Minor, not present
 Giovanni Gamboa, Subject Minor, not present
 Irene Gamboa, Subject Minor, not present
 Isabella Gamboa, Subject Minor, not present
 Jazleen Gamboa, Defendant, Counter Pro Se
 Claimant, present
 Jose Gamboa, Plaintiff, Counter Defendant, Gregory Gordon, Attorney, present
 present
 Larriana Gamboa, Subject Minor, not present
 Larry Gamboa, Subject Minor, not present

JOURNAL ENTRIES

- Plaintiff/Father, Mr. Gordon, Defendant/Mother and Ms. Michelle Beauregard (Mr. Mann's paralegal) were present by video. Mr. Mann was present by audio.

COURT NOTED genetic test results have not been received for child Larry.

Mr. Gordon stated Father has been having some informal contact with some of the children, but he is unsure if Mother is allowing contact with all of the children. Mr. Mann stated he was made aware two (2) of the other biological fathers will be filing to assert their rights to the children.

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Discussion regarding proceeds from the sale of the marital home and community property funds be used to pay Mother's legal fees. Father stated he does not agree to pay Mother's legal fees in the amount of \$2,500.00.

COURT ORDERED the following:

1. Matter set for REVIEW HEARING RE: STATUS OF OTHER PARTIES for February 17, 2021.
2. VISITATION: Father shall have visitation with all seven (7) children today per the joint physical custody principals. Visitation exchanges shall be enforceable by any and all lawful means and law enforcement shall cooperate. Counsel shall work together in good faith to formulate a visitation schedule.
3. Father shall release \$2,500.00 to Mother for ATTORNEY'S FEES from the community property funds no later than the close of business on Wednesday, February 20, 2021, subject to reimbursement.

Mr. Gordon to prepare the order; Mr. Mann to review and sign off.

02.17.21 at 11:00 A.M. RETURN HEARING RE: STATUS OF OTHER PARTIES

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

February 17, 2021

D-20-606476-D Jose Gamboa, Plaintiff
vs.
Jazleen Gamboa, Defendant.

February 17, 2021 11:00 AM Return Hearing

HEARD BY: Perry, Mary**COURTROOM:** Courtroom 23**COURT CLERK:** Silvia Avena**PARTIES:**

David Mann, Unbundled Attorney, present
Destiny Gamboa, Subject Minor, not present
Elijah Gamboa, Subject Minor, not present
Giovanni Gamboa, Subject Minor, not present
Irene Gamboa, Subject Minor, not present
Isabella Gamboa, Subject Minor, not present
Jazleen Gamboa, Defendant, Counter Pro Se
Claimant, present
Jose Gamboa, Plaintiff, Counter Defendant, Gregory Gordon, Attorney, present
present
Larriana Gamboa, Subject Minor, not present
Larry Gamboa, Subject Minor, not present

JOURNAL ENTRIES

- RETURN HEARING: RETURN HEARING RE: STATUS OF OTHER PARTIES.

BlueJeans/video hearing.

Mr. Mann's paralegal, Michelle B., present.

The Court noted the papers and pleadings on file.

Discussion regarding covid concerns, medical issues (Plaintiff), paternity issues, and child related

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matters.

Following discussion, COURT ORDERED, as follows:

Parties REFERRED to Family Mediation Center (FMC) for CHILD INTERVIEW (Elijah, Irene, and Destiny) and interviewer to consider the injury that Plaintiff had. Order FILED IN OPEN COURT.

Return (FMC CI) SET 3-17-21 at 10:00 a.m.

INTERIM CONDITIONS:

FUTURE HEARINGS: Feb 17, 2021 11:00AM Return Hearing
RETURN HEARING RE: STATUS OF OTHER PARTIES
Courtroom 23 Perry, Mary

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES****March 17, 2021**

D-20-606476-D Jose Gamboa, Plaintiff
vs.
Jazleen Gamboa, Defendant.

March 17, 2021 10:00 AM All Pending Motions

HEARD BY: Perry, Mary**COURTROOM:** Courtroom 23**COURT CLERK:** Tiffany Skaggs**PARTIES:**

David Mann, Unbundled Attorney, present
 Destiny Gamboa, Subject Minor, not present
 Elijah Gamboa, Subject Minor, not present
 Giovanni Gamboa, Subject Minor, not present
 Irene Gamboa, Subject Minor, not present
 Isabella Gamboa, Subject Minor, not present
 Jazleen Gamboa, Defendant, Counter Pro Se
 Claimant, present
 Jose Gamboa, Plaintiff, Counter Defendant, Gregory Gordon, Attorney, present
 present
 Larriana Gamboa, Subject Minor, not present
 Larry Gamboa, Subject Minor, not present

JOURNAL ENTRIES

- DEFT'S MOTION TO RECONSIDER ORDER DUE TO RECONSIDER ORDER DUE TO MISTAKE OF LAW IN CONTRAVENTION OF NRS, LEGISLATIVE INTENT AND THE NEVADA SUPREME COURT AND IN THE ALTERNATIVE, MOTION FOR CHANGE IN VISITATION DUE TO PLTF'S NEGLIGENT CARE OF CHILDREN...RETURN HEARING (FMC CI)...PLTF'S OPPOSITION TO DEFT'S MOTION TO RECONSIDER ORDER DUE TO MISTAKE OF LAW IN CONTRAVENTION OF NRS, LEGISLATIVE INTENT AND THE NEVADA SUPREME COURT AND IN THE ALTERNATIVE, MOTION FOR CHANGE IN VISITATION DUE TO PLTF'S NEGLIGENT CARE OF CHILDREN

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The Court appeared IN PERSON. Counsel, parties and Attorney Mann's paralegal, Ms. Beauregard, present via BLUEJEANS.

Court inquired if counsel has an opportunity to review the child interview, in which counsel stated they did not.

Court reviewed the child interview, with counsel and the parties.

Arguments regarding living arrangements, unsafe living environment, minor missing school, paternity, procedural issues, Francesca decision, Giovanni's natural father, hospital affidavit at birth, Giovanni's anger issues and therapy for minor.

Court addressed NRS 125c.0035b and discussions at the last hearing and orders.

COURT ORDERED:

1. A COPY, of the CHILD INTERVIEW shall be PROVIDED, to counsel.
2. Minor (Giovanni) shall be INTERVIEWED, at FAMILY MEDIATION CENTER (FMC).
3. CURRENT ORDERS STAND.
4. Defendant shall ENCOURAGE minor to SPEND a COUPLE DAYS, with Plaintiff.
5. Minors MUST ATTEND SCHOOL during Plaintiff's TIMESHARE.
6. Parties shall DISCUSS who minors THERAPIST shall be.
7. DISCOVERY CLOSES 8/20/21.
8. EXPERT WITNESS'S shall be DUE, by 5/20/21.
9. REBUTTAL WITNESS'S shall be DUE, by 6/21/21.
10. INITIAL WITNESS LIST shall be DUE, by 4/16/21.
11. PRE TRIAL MEMORANDUMS, EXHIBITS and UPDATED FINANCIAL DISCLOSURE FORMS shall be DUE, by 9/1/21.
12. FINAL WITNESS LIST shall be DUE, by 8/20/21.

9/8/21 9:00 am CALENDAR CALL

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9/8/21 9:00 am RETURN HEARING: FMC - child interview (Giovanni)

9/20/21 9:00 am EVIDENTIARY HEARING: full day / stack #1

INTERIM CONDITIONS:

FUTURE HEARINGS: Sep 08, 2021 9:00AM Calendar Call
#1
Courtroom 23 Perry, Mary

Sep 08, 2021 9:00AM Return Hearing
FMC - child interview (Giovanni)
Courtroom 23 Perry, Mary

Sep 20, 2021 9:30AM Evidentiary Hearing
Custody - full day #1
Courtroom 23 Perry, Mary

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES****September 08, 2021**

D-20-606476-D Jose Gamboa, Plaintiff
vs.
Jazleen Gamboa, Defendant.

September 08, 2021 9:00 AM All Pending Motions

HEARD BY: Perry, Mary**COURTROOM:** Courtroom 23**COURT CLERK:** Kyle Medina**PARTIES:**

David Mann, Unbundled Attorney, present
Destiny Gamboa, Subject Minor, not present
Elijah Gamboa, Subject Minor, not present
Giovanni Gamboa, Subject Minor, not present
Irene Gamboa, Subject Minor, not present
Isabella Gamboa, Subject Minor, not present
Jazleen Gamboa, Defendant, Counter Pro Se
Claimant, present
Jose Gamboa, Plaintiff, Counter Defendant, Gregory Gordon, Attorney, present
not present
Larriana Gamboa, Subject Minor, not present
Larry Gamboa, Subject Minor, not present

JOURNAL ENTRIES

- CALENDAR CALL: #1...RETURN HEARING: FMC- CHILD INTERVIEW (GIOVANNI)

In the interest of public safety due to the Coronavirus pandemic, the Defendant and Counsel were present via VIDEO CONFERENCE through the BlueJeans application.

Counsel noted that they have reviewed the child interview. Court noted that the Minor Child (Giovanni) stated he is lonely and usually stays in his room and discussed the Minor child attending counseling. The Defendant stated that the Minor Child does have a job and she recently bought him

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chickens which he enjoys taking care of .

Counsel stated that they are both prepared for Trial.

COURT ORDERED the following:

The Evidentiary Hearing SET for September 20, 2021 at 9:30 am STANDS.

The Minute Order shall suffice, and a written Order is not required.

INTERIM CONDITIONS:

FUTURE HEARINGS:

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES****September 20, 2021**

D-20-606476-D Jose Gamboa, Plaintiff
vs.
Jazleen Gamboa, Defendant.

September 20, 2021 9:30 AM Evidentiary Hearing

HEARD BY: Perry, Mary**COURTROOM:** Courtroom 23**COURT CLERK:** Kyle Medina**PARTIES:**

David Mann, Unbundled Attorney, present
Destiny Gamboa, Subject Minor, not present
Elijah Gamboa, Subject Minor, not present
Giovanni Gamboa, Subject Minor, not present
Irene Gamboa, Subject Minor, not present
Isabella Gamboa, Subject Minor, not present
Jazleen Gamboa, Defendant, Counter Pro Se
Claimant, present
Jose Gamboa, Plaintiff, Counter Defendant, Gregory Gordon, Attorney, not present
present
Larriana Gamboa, Subject Minor, not present
Larry Gamboa, Subject Minor, not present

JOURNAL ENTRIES

- EVIDENTIARY HEARING: CUSTODY-FULL DAY#1

Parties and witnesses put under OATH. Sworn Testimony and Exhibits presented (see worksheet).
Closing arguments by Counsel.

COURT ORDERED the following:

Counsel shall file their proposed findings and facts of Law with the Court by October 1, 2021.

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The Plaintiff shall obtain the minor children's school records within forty eight hours.

Return Hearing SET for October 14, 2021 at 11:00 am for the Court's decision.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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

DAVID L. MANN, ESQ.
5574 LA PERLA CT.
LAS VEGAS, NV 89122

DATE: October 18, 2021
CASE: D-20-606476-D

RE CASE: JOSE GAMBOA vs. JAZLEEN GAMBOA

NOTICE OF APPEAL FILED: October 14, 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; DISTRICT COURT DOCKET ENTRIES; DECREE OF DIVORCE; NOTICE OF ENTRY OF DECREE OF DIVORCE; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

JOSE GAMBOA,

Plaintiff(s),

vs.

JAZLEEN GAMBOA,

Defendant(s),

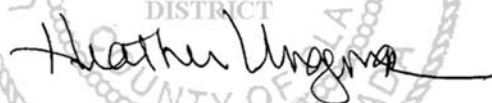
Case No: D-20-606476-D

Dept No: P

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 18 day of October 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

October 18, 2021

Elizabeth A. Brown
Clerk of the Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: JOSE GAMBOA vs. JAZLEEN GAMBOA
D.C. CASE: D-20-606476-D

Dear Ms. Brown:

Please find enclosed a Notice of Appeal packet, filed October 18, 2021. Due to extenuating circumstances the exhibits list(s) admitted on September 20, 2021 has not been included.

We do not currently have a time frame for when the list(s) will be available.

If you have any questions regarding this matter, please contact me at (702) 671-0512.

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ HEATHER UNGERMANN
Heather Ungermann, Deputy Clerk