

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

Justin Maurice,

Appellant,

vs.

Sarah Maurice,

Respondent.

Supreme Court No. 83009

Electronically Filed  
District Court Case No. D14-506883-3  
Sep 07 2021 01:53 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**APPEAL**

APPEAL FROM DECISION AND ORDER FROM 10/27/20 HEARING AND  
DECISION AND ORDER FROM 01/13/21 MOTION FOR CONSIDERATION  
HEARING

**APPENDIX**

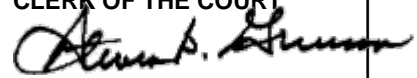
***VOL. 3***

**Bradley J. Hofland, Esq.**  
**HOFLAND & TOMSHECK**  
228 S. 4<sup>th</sup> Street, First Floor  
Las Vegas, Nevada 89101  
702-895-6760  
*Attorney for Appellant*

## **CHRONOLOGICAL INDEX OF APPENDIX**

<b>Description</b>	<b>Date Filed</b>	<b>Vol.</b>	<b>Page No.</b>	<b>Bate No.</b>
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of Attorney's Fees and Costs; and Related Relief				
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1 **OPPC**  
2 RACHEL M. JACOBSON, ESQ.  
3 Nevada Bar No. 007827  
4 JACOBSON LAW OFFICE, LTD  
5 64 North Pecos Road, Suite 200  
6 Henderson, Nevada 89074  
7 (702) 601-0770  
8 *Attorney for Plaintiff*

9  
10 ***EIGHTH JUDICIAL DISTRICT COURT***  
11 ***CLARK COUNTY, NEVADA***

12 **SARAH MAURICE,**

13 **Plaintiff,**

14 **vs.**

15 **JUSTIN MAURICE,**

16 **Defendant.**

Case No. **D-14-506883-D**

Dept. No. **Q**

Date of Hearing: 10/27/2020

Time of Hearing: 9:00 AM

17 **EXHIBITS APPENDIX**

18 COMES NOW Plaintiff, SARAH MAURICE, by and through her attorney,  
19 Rachel M. Jacobson, Esq., at Jacobson Law Office, Ltd., and hereby submits the  
20 following Exhibits in support of Plaintiff's OPPOSITION AND  
21 COUNTERMOTION.

22 Plaintiff understands that these Exhibits are not considered substantive  
23 evidence in this case until formally admitted into evidence.

24 **Table of Contents:**

25 **Exhibit 1 – 2014 Incident Report;**

26 **Exhibit 2 – 2018 Incident Report;**





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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of JACOBSON LAW OFFICE, LTD., and that on this 26<sup>th</sup> day of October 2020, I caused a copy of the above referenced document entitled “EXHIBITS TO OPPOSITION AND COUNTERMOTION” to be served as follows to the party(s) listed below at the address, and/or email address indicated below:

☐ BY MAIL: Pursuant to NRCP 5(b), I placed a true copy thereof enclosed in a sealed envelope upon which first class mail postage was prepaid in Henderson, Nevada;

☒ BY ELECTRONIC SERVICE: Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned “In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court,” by mandatory electronic service through the Eighth Judicial District Court’s electronic filing system; and/or

☐ BY ELECTRONIC MAIL: Pursuant to EDCR 7.26, I transmitted a copy of the foregoing document this date via electronic mail;

To the party(s) listed below at the address, email address, and/or facsimile number indicated below:

Bradley J. Hofland, Esq.  
Email: [bradh@hoflandlaw.com](mailto:bradh@hoflandlaw.com)  
*Attorney for Defendant*

\_\_\_\_\_  
An employee of JACOBSON LAW OFFICE, LTD.



ROA000420



## Henderson Police Department Incident Report

10/14/2014 11:54:16 AM

[Back](#) [Close](#)

**Incident:** LHP140909000603

**Report:**

**Date/Time:** 09/09/2014 18:14:26

**Officer:** SAGEM

**Address:** 108 WESTIN LN -

**Type:** 417 - DISTURBANCE FAMILY

### Comments:

#### Date/Time:

#### Comment:

9/9/2014 6:15:39 PM Incident Initiated By: HP/TEGTMEYER,K  
9/9/2014 6:15:39 PM HUSBAND, JUSTIN MURICE , WMA, WORK SHIRT , KHAKIS THREATENING TO SLASH  
9/9/2014 6:15:39 PM ALL HER TIRES , NEG WEAPS /446, ,MALE HBD ,  
9/9/2014 6:15:39 PM Primary Event: MAIN Opened: 14/09/09 18:15  
9/9/2014 6:16:24 PM MALE LETTING AIR OUT ALL THE TIRES , MALE NOW OUTSIDE , LEAVING IN A WHI  
9/9/2014 6:16:24 PM DODGE 4X4,  
9/9/2014 6:16:50 PM VEH LEAVING TWDS CANYON VILLAGE  
9/9/2014 6:23:49 PM PRIOR REF 412A IN 2012  
9/9/2014 6:24:55 PM 3E22 - MADE CONT C4  
9/9/2014 6:46:35 PM JUSTIN MAURICE  
9/9/2014 6:47:12 PM SARAH MAURICE  
9/9/2014 6:47:41 PM JUSTIN IS STATED TO OWN 413'S, NONE ON HIM RIGHT NOW  
9/9/2014 6:48:30 PM NEIGHBOR WAS ABLE TO REPAIR TIRES, PR TO LEAVE RES, WILL RECALL IF MALE  
9/9/2014 6:48:30 PM RETURNS, NEG 415D  
9/9/2014 6:48:50 PM Route Closed: MAIN SET  
9/9/2014 6:48:50 PM Incident Closed: 14/09/09 18:48



HENDERSON MUNICIPAL COURT  
DOCKET SHEET

D1 STEVENS

MAURICE, JUSTIN PAUL

18CR001383

DOB: 11/4/81

DR# 18-02380

Offense Date: 2/2/18

ASSESSED

PAID

CREDIT

BALANCE

CLOSED

\$0.00

ATTY: HAYES, DALE A

1 DISTURBING THE PEACE (BREACH OF PEACE) [53119]

NVHP5111848C-001

SENTENCED

Date / Time / Dept	Event	Event Result	Event Notes
6/18/19 10:00 am D1	CTR	ADJUDICATION STAYED	
3/26/19 10:00 am D1	CTR	TRIAL CONT: DEF ATTY REQUEST	
1/15/19 10:00 am D1	CTR	TRIAL CONT: JOINT REQUEST	
10/22/18 10:00 am D1	CTR	TRIAL CONT: DEF ATTY REQUEST	
7/30/18 10:00 am D1	CTR	TRIAL CONT: DEF ATTY REQUEST	
5/21/18 10:00 am D1	CTR	TRIAL CONT: DEF ATTY REQUEST	
4/2/18 10:00 am D1	CTR	ATTORNEY CONFIRMED: CONTINUED FOR TRIAL	
3/19/18 9:00 am D1	ARR	NOT GUILTY PLEA ENTERED/CONTINUED FOR ATTY STATUS	
2/15/18 9:00 am D1	ARR	MOTION DENIED. NO PARTIES PRESENT.	

2/2/18 CHARGE INITIATED AT THE HENDERSON DETENTION CENTER

SDC2

2/2/18 PROBABLE CAUSE REVIEW COMPLETED BY JUDGE STEVENS  
BAIL: STANDARD

SDC2

2/5/18 BAIL RECEIVED - PENDING PROCESSING

DLY

2/6/18 Time spent in custody: 20.5 HRS  
Arrest Date/Time: 02/02/2018 00:23:00  
Release Date/Time: 02/02/2018 21:00:00

DLK

2/6/18 CASH BOND POSTED BY: CATHERINE HUI  
NEW ADDRESS  
P.O. BOX 530878  
HENDERSON, NV 89053

ML2

3,000.00

3,000.00

ADDRESS: 1603 CATTLE RANCH PLACE HENDERSON NV 89002

AMOUNT: \$3000

VIA: JAIL BAIL #48096

Charge #1: DOMESTIC BATTERY, 1ST Receipt: 754838 Date: 02/06/2018

2/6/18 COURT DATE SET:  
Event: CRIMINAL ARRAIGNMENT  
Date: 03/19/2018 Time: 9:00 am  
Judge: STEVENS, MARK J Location: DEPARTMENT 1

BML4

Result: NOT GUILTY PLEA ENTERED/CONTINUED FOR ATTY STATUS

2/6/18 MOTION FILED: MOTION, "REQUEST TO MOVE HEARING DATE FORWARD  
FILED BY  
JUSTIN PAUL MAURICE (DEFENDANT);

ML2

I HEREBY CERTIFY THAT THIS REPORT IS A TRUE COPY OF THE  
ORIGINAL ON FILE AT THE HENDERSON MUNICIPAL COURT.

Date Printed: 9/29/20 4:48 pm

Page 1 of 8

DATE: 09/29/2020  
COURT CLERK: [Signature]

ROA000422



HENDERSON MUNICIPAL COURT  
DOCKET SHEET

D1 STEVENS

MAURICE, JUSTIN PAUL

18CR001383

DOB: 11/4/81

DR# 18-02380

		ASSESSED	PAID	CREDIT	BALANCE
2/6/18	COURT DATE SET: Event: CRIMINAL ARRAIGNMENT Date: 02/15/2018 Time: 9:00 am Judge: STEVENS, MARK J Location: DEPARTMENT 1  Result: MOTION DENIED. NO PARTIES PRESENT.	BML4			
2/12/18	COMPLAINT FILED WITH COURT	ML2			
2/15/18	MOTION DENIED. NO PARTIES PRESENT.	BML4			
2/15/18	COUNTER: 9.37.00	BML4			
2/15/18	EVENT PARTICIPANTS:  Court Location: DEPARTMENT 1  Check In: Judge: STEVENS, MARK J Location: DEPARTMENT 1 Staff: AND2 - CLERK: Present BML4 - CLERK: Present MATHER, ELAINE - DEPUTY CITY ATTORNEY: Present SCHNEIDER, LORAA - PRO TEM: Present Prosecutors: Parties: MAURICE, JUSTIN PAUL - DEFENDANT: Not Present	BML4			
3/19/18	NOT GUILTY PLEA ENTERED. CONTINUED FOR STATUS OF ATTORNEY. SPEEDY TRIAL WAIVED CASH BOND: STANDS APPEARANCE REQUIRED Charge #1: DOMESTIC BATTERY, 1ST	BML4			
3/19/18	Defendant submitted application for Public Defender. Does not Qualify.	BML4			
3/19/18	COUNTER: 9.10.30	BML4			
3/19/18	COURT DATE SET: *ATTY STATUS* Event: TRIAL Date: 04/02/2018 Time: 10:00 am Judge: STEVENS, MARK J Location: DEPARTMENT 1	BML4			
3/19/18	COURT DATE SET: Event: TRIAL Date: 05/21/2018 Time: 10:00 am Judge: STEVENS, MARK J Location: DEPARTMENT 1	BML4			

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DATE: 09/29/2020

COURT CLERK: [Signature]

ROA000423



HENDERSON MUNICIPAL COURT  
DOCKET SHEET

D1 STEVENS

MAURICE, JUSTIN PAUL

18CR001383

DOB: 11/4/81

DR# 18-02380

		ASSESSED	PAID	CREDIT	BALANCE
3/19/18	EVENT PARTICIPANTS:  Court Location: DEPARTMENT 1  Check In: Judge: STEVENS, MARK J Location: DEPARTMENT 1 Staff: BML4 - CLERK: Present KJ - CLERK: Present ROBERTS, COREY J - DEPUTY CITY ATTORNEY: Present LAY, MATTHEW D - PUBLIC DEFENDER: Present Prosecutors: Parties: MAURICE, JUSTIN PAUL - DEFENDANT: Present	BML4			
4/2/18	ATTY. VASEK PRESENT AND CONFIRMS FOR ATTY. DALE HAYES CONTINUED TO TRIAL DATE - STANDS CASH BOND: STANDS	AND2			
4/2/18	COUNTER: 10.03.40	AND2			
4/2/18	EVENT PARTICIPANTS:  Court Location: DEPARTMENT 1  Check In: Judge: STEVENS, MARK J Location: DEPARTMENT 1 Staff: AND2 - CLERK: Present BML4 - CLERK: Present MATHER, ELAINE - DEPUTY CITY ATTORNEY: Present Prosecutors: Parties: MAURICE, JUSTIN PAUL - DEFENDANT: Not Present ATTY. VASEK: Present for - HAYES JR, DALE A - Attorney for DEFENDANT: Not Present	AND2			
5/21/18	ORAL MOTION FOR CONTINUANCE BY DEFENSE / GRANTED VICTIM ORDERED BACK @ TRIAL CASH BOND: STANDS	KM			
5/21/18	CONDITIONS OF RELEASE: *STAND AS OF 03/26/19* - NO CONTACT W/ CORY ESTRADA - NO FURTHER ARRESTS OR CRIMINAL CITATIONS	KM			
5/21/18	1- OFF DUTY OFFICER WITNESS FEE 1 - CIVILIAN WITNESS FEE Charge #1: DOMESTIC BATTERY, 1ST Receipt: 781777 Date: 07/30/2018	ML2	100.00	100.00	
5/21/18	WITNESS FEES DUE IN FULL: 07/30/18	KM			

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ROA000424





HENDERSON MUNICIPAL COURT  
DOCKET SHEET

D1 STEVENS

MAURICE, JUSTIN PAUL

18CR001383

DOB: 11/4/81

DR# 18-02380

		ASSESSED	PAID	CREDIT	BALANCE
5/21/18	COUNTER: 10.46.15				KM
5/21/18	COURT DATE SET: Event: TRIAL Date: 07/30/2018 Time: 10:00 am Judge: STEVENS, MARK J Location: DEPARTMENT 1				KM
5/21/18	EVENT PARTICIPANTS:  Court Location: DEPARTMENT 1  Check In: Judge: STEVENS, MARK J Location: DEPARTMENT 1 Staff: AND2 - CLERK: Present KJ - CLERK: Present MATHER, ELAINE - DEPUTY CITY ATTORNEY: Present Prosecutors: Parties: MAURICE, JUSTIN PAUL - DEFENDANT: Present HAYES JR, DALE A - Attorney for DEFENDANT: Present				KM
7/30/18	ORAL MOTION FOR CONTINUANCE BY DEFENSE / GRANTED CASH BOND: STANDS *WITNESS ORDERED TO APPEAR FOR RCD				SDC2
7/30/18	COUNTER: 10.18.38				SDC2
7/30/18	COURT DATE SET: Event: TRIAL Date: 10/22/2018 Time: 10:00 am Judge: STEVENS, MARK J Location: DEPARTMENT 1				SDC2
7/30/18	EVENT PARTICIPANTS:  Court Location: DEPARTMENT 1  Check In: Judge: STEVENS, MARK J Location: DEPARTMENT 1 Staff: BML4 - CLERK: Present MATHER, ELAINE - DEPUTY CITY ATTORNEY: Present SDS - CLERK: Present Prosecutors: Parties: MAURICE, JUSTIN PAUL - DEFENDANT: Present HAYES JR, DALE A - Attorney for DEFENDANT: Present				SDC2
7/31/18	DOCUMENT FILED: NOTICE OF PROSECUTION WITNESS LIST FILED BY: Attorney ELAINE F MATHER, ASSISTANT CITY ATTORNEY (CAO)				RJ4

I HEREBY CERTIFY THAT THIS REPORT IS A TRUE COPY OF THE  
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ROA000425





HENDERSON MUNICIPAL COURT  
DOCKET SHEET

D1 STEVENS

MAURICE, JUSTIN PAUL

18CR001383

DOB: 11/4/81

DR# 18-02380

		ASSESSED	PAID	CREDIT	BALANCE
10/22/18	CONTINUED: STIPULATION FILED BY DEFENSE ATTY / GRANTED - FIRM CASH BOND: STANDS				KM
10/22/18	COUNTER: 10.03.15				KM
10/22/18	COURT DATE SET: Event: TRIAL Date: 01/15/2019 Time: 10:00 am Judge: STEVENS, MARK J Location: DEPARTMENT 1				KM
10/22/18	EVENT PARTICIPANTS:  Court Location: DEPARTMENT 1  Check In: Judge: STEVENS, MARK J Location: DEPARTMENT 1 Staff: CMC8 - CLERK: Present KJ - CLERK: Present ROBERTS, COREY J - DEPUTY CITY ATTORNEY: Present Prosecutors: Parties: MAURICE, JUSTIN PAUL - DEFENDANT: Not Present HAYES JR, DALE A - Attorney for DEFENDANT: Not Present				KM
1/15/19	JOINT ORAL MOTION FOR CONTINUANCE / GRANTED VICTIM SUBPOENA IS ALSO CONTINUED CASH BOND: STANDS				KM
1/15/19	COUNTER: 10.02.00				KM
1/15/19	COURT DATE SET: Event: TRIAL Date: 03/26/2019 Time: 10:00 am Judge: STEVENS, MARK J Location: DEPARTMENT 1				KM
1/15/19	EVENT PARTICIPANTS:  Court Location: DEPARTMENT 1  Check In: Judge: STEVENS, MARK J Location: DEPARTMENT 1 Staff: AND2 - CLERK: Present ANDERLIK, ELIZABETH - DEPUTY CITY ATTORNEY: Present KJ - CLERK: Present Prosecutors: Parties: MAURICE, JUSTIN PAUL - DEFENDANT: Present HAYES JR, DALE A - Attorney for DEFENDANT: Present				KM

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DATE: 09/29/2020  
COURT CLERK: [Signature]

ROA000428



HENDERSON MUNICIPAL COURT  
DOCKET SHEET

D1 STEVENS

MAURICE, JUSTIN PAUL

18CR001383

DOB: 11/4/81

DR# 18-02380

		ASSESSED	PAID	CREDIT	BALANCE
3/26/19	CONTINUED: STIPULATION FILED BY DEFENSE ATTY / GRANTED - FIRM CASH BOND: STANDS	KM			
3/26/19	COUNTER: 10.02.45	KM			
3/26/19	COURT DATE SET: Event: TRIAL Date: 06/18/2019 Time: 10:00 am Judge: STEVENS, MARK J Location: DEPARTMENT 1	KM			
3/26/19	EVENT PARTICIPANTS:  Court Location: DEPARTMENT 1  Check In: Judge: STEVENS, MARK J Location: DEPARTMENT 1 Staff: AND2 - CLERK: Present ANDERLIK, ELIZABETH - DEPUTY CITY ATTORNEY: Present KJ - CLERK: Present Prosecutors: Parties: MAURICE, JUSTIN PAUL - DEFENDANT: Not Present HAYES JR, DALE A - Attorney for DEFENDANT: Not Present	KM			
6/18/19	PLEA: CHANGED PLEA TO NOLO CONTENDERE Charge #1: DOMESTIC BATTERY, 1ST	KM			
6/18/19	STIPULATE TO FACTUAL BASIS	KM			
6/18/19	ADJUDICATION STAYED. REASON: EVIDENTIARY ISSUES IF COMPLIANT WITH SENTENCING, CHARGE TO BE AMENDED TO BREACH OF PEACE WITHOUT FIGHTING - DOMESTIC BATTERY COUNSELING - 48 HRS COMMUNITY SERVICE - FINE \$200+105 ADMIN FEE - 60 DAYS JAIL W/ 2 DAYS JTS - NO FURTHER ARRESTS/ CITATIONS (ANY CRIMINAL CHARGE) FOR 1 YEAR - NCWV FOR 1 YEAR: CORY ESTRADA - RESTITUTION \$950 TO CORY ESTRADA: \$100/MO BEGINNING 07/23/19 SUSPEND 58 DAYS JAIL *ALL CONDITIONS INCLUDING SUSPENDED JAIL & FINES ARE CONCURRENT W/ 18CR001311 VICTIM'S RELATIONSHIP TO DEFENDANT: DATING FINES PAID FROM CASH BOND; REFUND BALANCE ADMONISHED/SIGNED/WAIVED SUPERVISION EXPIRATION DATE: 06/16/20 Charge #1: DOMESTIC BATTERY, 1ST	KM			
6/18/19	FINE/FORFEITURE: \$200 + 105 ADMINISTRATIVE ASSESSMENT Charge #1: DOMESTIC BATTERY, 1ST Receipt: 839292 Date: 06/18/2019	KM	305.00	305.00	

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DATE: 09/29/2020  
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ROA000427



HENDERSON MUNICIPAL COURT  
DOCKET SHEET

D1 STEVENS

MAURICE, JUSTIN PAUL  
18CR001383 DOB: 11/4/81

DR# 18-02380

			ASSESSED	PAID	CREDIT	BALANCE
6/18/19	CONDITIONS OF RELEASE DISSOLVED	SDC2				
6/18/19	INDIRECT SUPERVISION ORDERED	KM				
6/18/19	COUNTER: 10.17.55	KM				
6/18/19	EVENT PARTICIPANTS:  Court Location: DEPARTMENT 1  Check In: Judge: STEVENS, MARK J Location: DEPARTMENT 1 Staff: ANDERLIK, ELIZABETH - DEPUTY CITY ATTORNEY: Present KJ - CLERK: Present SCHNEIDER, LORAA - PRO TEM: Present SDS - CLERK: Present Prosecutors: Parties: MAURICE, JUSTIN PAUL - DEFENDANT: Present HAYES JR, DALE A - Attorney for DEFENDANT: Present	KM				
6/18/19	CASH BOND REFUND	KM	2,695.00	2,695.00		
6/26/19	BOND REFUND MAILED; CHECK #43530 FOR \$3335.00	DDM2				
7/2/19	RETURNED MAIL- BOND REFUND CHECK #43530 FOR \$3335.00 - RESENT TO USPS FORWARD ADDRESS: PO BOX 530676 HENDERSON NV 89053 Charge #1: DOMESTIC BATTERY, 1ST	DDM2				
7/10/19	RETURNED MAIL- BOND REFUND CHECK #43530 FOR \$3335.00 - USPS FORWARD ADDRESS-ATTEMPTED NOT KNOWN Charge #1: DOMESTIC BATTERY, 1ST	DDM2				
6/25/20	PETITION WITH ORDER DISCHARGING SUPERVISION SUBMITTED BY SPECIAL PROGRAMS AND SERVICES BUREAU FORWARDED TO JUDGE ON: 6/25/2020	RL1				
7/1/20	SUPERVISION DISCHARGED: HONORABLE	FCM				
7/1/20	CHARGE AMENDED FROM: DOMESTIC BATTERY, 1ST TO: DISTURBING THE PEACE (BREACH OF PEACE) Charge #1: DOMESTIC BATTERY, 1ST	FCM				
7/1/20	CASE CLOSED	FCM				

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Date Printed: 9/29/20 4:48 pm

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DATE: 09/28/2020  
COURT CLERK: [signature]

ROA000428



HENDERSON MUNICIPAL COURT  
DOCKET SHEET

D1 STEVENS

MAURICE, JUSTIN PAUL

18CR001383

DOB: 11/4/81

DR# 18-02380

ASSESSED	PAID	CREDIT	BALANCE
6,100.00	6,100.00	0.00	0.00

I HEREBY CERTIFY THAT THIS REPORT IS A TRUE COPY OF THE  
ORIGINAL ON FILE AT THE HENDERSON MUNICIPAL COURT.



HENDERSON MUNICIPAL COURT  
DOCKET SHEET

D1 STEVENS

MAURICE, JUSTIN PAUL

18CR001311

DOB: 11/4/81

DR# 18-02380

Offense Date: 2/2/18

ATTY: HAYES, DALE A

1 COERCION [53163]

ASSESSED PAID CREDIT BALANCE

CLOSED

\$0.00

NVHP5111848C-002

SENTENCED

Date / Time / Dept	Event	Event Result	Event Notes
6/18/19 10:00 am D1	CTR	SENTENCED	
3/26/19 10:00 am D1	CTR	TRIAL CONT: DEF ATTY REQUEST	
1/15/19 10:00 am D1	CTR	TRIAL CONT: JOINT REQUEST	
10/22/18 10:00 am D1	CTR	TRIAL CONT: DEF ATTY REQUEST	
7/30/18 10:00 am D1	CTR	TRIAL CONT: DEF ATTY REQUEST	
5/21/18 10:00 am D1	CTR	TRIAL CONT: DEF ATTY REQUEST	
4/2/18 10:00 am D1	CTR	ATTORNEY CONFIRMED: CONTINUED FOR TRIAL	
3/19/18 9:00 am D1	ARR	NOT GUILTY PLEA ENTERED/CONTINUED FOR ATTY STATUS	
2/15/18 9:00 am D1	ARR	MOTION DENIED. NO PARTIES PRESENT.	

2/2/18 CHARGE INITIATED AT THE HENDERSON DETENTION CENTER crtvrn2

2/2/18 PROBABLE CAUSE REVIEW COMPLETED BY JUDGE STEVENS SDC2  
BAIL: STANDARD

2/5/18 BAIL RECEIVED - PENDING PROCESSING DLY

2/6/18 Time spent in custody: 20.5 HRS BML4  
Arrest Date/Time: 02/02/2018 00:23:00  
Release Date/Time: 02/02/2018 21:00:00

2/6/18 CASH BOND POSTED BY: CATHERINE HUI ML2 640.00 640.00  
NEW ADDRESS  
P.O. BOX 530878  
HENDERSON, NV 89053  
  
ADDRESS: 1603 CATTLE RANCH PLACE HENDERSON NV 89002  
AMOUNT: \$500 + 140  
VIA: JAIL BAIL #48096  
Charge #1: COERCION Receipt: 754837 Date: 02/06/2018

2/6/18 COURT DATE SET: BML4  
Event: CRIMINAL ARRAIGNMENT  
Date: 03/19/2018 Time: 9:00 am  
Judge: STEVENS, MARK J Location: DEPARTMENT 1  
  
Result: NOT GUILTY PLEA ENTERED/CONTINUED FOR ATTY STATUS

2/6/18 MOTION FILED: MOTION, "REQUEST TO MOVE HEARING DATE FORWARD ML2  
FILED BY  
JUSTIN PAUL MAURICE (DEFENDANT);

I HEREBY CERTIFY THAT THIS REPORT IS A TRUE COPY OF THE  
ORIGINAL ON FILE AT THE HENDERSON MUNICIPAL COURT.

Date Printed: 9/29/20 4:48 pm

Page 1 of 7

DATE: 09/29/2020  
COURT CLERK: WPM 3

ROA000430





HENDERSON MUNICIPAL COURT  
DOCKET SHEET

D1 STEVENS

MAURICE, JUSTIN PAUL

18CR001311

DOB: 11/4/81

DR# 18-02380

		ASSESSED	PAID	CREDIT	BALANCE
2/6/18	COURT DATE SET: Event: CRIMINAL ARRAIGNMENT Date: 02/15/2018 Time: 9:00 am Judge: STEVENS, MARK J Location: DEPARTMENT 1  Result: MOTION DENIED. NO PARTIES PRESENT.	BML4			
2/12/18	COMPLAINT FILED WITH COURT	ML2			
2/15/18	MOTION DENIED. NO PARTIES PRESENT.	BML4			
2/15/18	COUNTER: 9.37.00	BML4			
2/15/18	EVENT PARTICIPANTS:  Court Location: DEPARTMENT 1  Check In: Judge: STEVENS, MARK J Location: DEPARTMENT 1 Staff: AND2 - CLERK: Present BML4 - CLERK: Present MATHER, ELAINE - DEPUTY CITY ATTORNEY: Present SCHNEIDER, LORAA - PRO TEM: Present Prosecutors: Parties: MAURICE, JUSTIN PAUL - DEFENDANT: Not Present	BML4			
3/19/18	NOT GUILTY PLEA ENTERED. CONTINUED FOR STATUS OF ATTORNEY. SPEEDY TRIAL WAIVED CASH BOND: STANDS APPEARANCE REQUIRED Charge #1: COERCION	BML4			
3/19/18	Defendant submitted application for Public Defender. Does not Qualify.	BML4			
3/19/18	COUNTER: 9.10.30	BML4			
3/19/18	COURT DATE SET: *ATTY STATUS* Event: TRIAL Date: 04/02/2018 Time: 10:00 am Judge: STEVENS, MARK J Location: DEPARTMENT 1	BML4			
3/19/18	COURT DATE SET: Event: TRIAL Date: 05/21/2018 Time: 10:00 am Judge: STEVENS, MARK J Location: DEPARTMENT 1	BML4			

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DATE: 09/29/2020  
COURT CLERK: Wm 3

ROA000431



HENDERSON MUNICIPAL COURT  
DOCKET SHEET

D1 STEVENS

MAURICE, JUSTIN PAUL

18CR001311

DOB: 11/4/81

DR# 18-02380

		ASSESSED	PAID	CREDIT	BALANCE
3/19/18	EVENT PARTICIPANTS:  Court Location: DEPARTMENT 1  Check In: Judge: STEVENS, MARK J Location: DEPARTMENT 1 Staff: BML4 - CLERK: Present KJ - CLERK: Present ROBERTS, COREY J - DEPUTY CITY ATTORNEY: Present LAY, MATTHEW D - PUBLIC DEFENDER: Present Prosecutors: Parties: MAURICE, JUSTIN PAUL - DEFENDANT: Present	BML4			
4/2/18	ATTY. VASEK PRESENT AND CONFIRMS FOR ATTY. DALE HAYES CONTINUED TO TRIAL DATE - STANDS CASH BOND: STANDS	AND2			
4/2/18	COUNTER: 10.03.40	AND2			
4/2/18	EVENT PARTICIPANTS:  Court Location: DEPARTMENT 1  Check In: Judge: STEVENS, MARK J Location: DEPARTMENT 1 Staff: AND2 - CLERK: Present BML4 - CLERK: Present MATHER, ELAINE - DEPUTY CITY ATTORNEY: Present Prosecutors: Parties: MAURICE, JUSTIN PAUL - DEFENDANT: Not Present ATTY. VASEK: Present for - HAYES JR, DALE A - Attorney for DEFENDANT: Not Present	AND2			
5/21/18	ORAL MOTION FOR CONTINUANCE BY DEFENSE / GRANTED VICTIM ORDERED BACK @ TRIAL CASH BOND: STANDS	KM			
5/21/18	CONDITIONS OF RELEASE: *STAND AS OF 03/26/19* - NO CONTACT W/ CORY ESTRADA - NO FURTHER ARRESTS OR CRIMINAL CITATIONS	KM			
5/21/18	COUNTER: 10.46.15	KM			
5/21/18	COURT DATE SET: Event: TRIAL Date: 07/30/2018 Time: 10:00 am Judge: STEVENS, MARK J Location: DEPARTMENT 1	KM			

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DATE: 09/29/2020  
COURT CLERK: [Signature]

ROA000432



HENDERSON MUNICIPAL COURT  
DOCKET SHEET

D1 STEVENS

MAURICE, JUSTIN PAUL

18CR001311

DOB: 11/4/81

DR# 18-02380

		ASSESSED	PAID	CREDIT	BALANCE
5/21/18	EVENT PARTICIPANTS:  Court Location: DEPARTMENT 1  Check In: Judge: STEVENS, MARK J Location: DEPARTMENT 1 Staff: AND2 - CLERK: Present KJ - CLERK: Present MATHER, ELAINE - DEPUTY CITY ATTORNEY: Present Prosecutors: Parties: MAURICE, JUSTIN PAUL - DEFENDANT: Present HAYES JR, DALE A - Attorney for DEFENDANT: Present	KM			
7/30/18	ORAL MOTION FOR CONTINUANCE BY DEFENSE / GRANTED CASH BOND: STANDS *WITNESS ORDERED TO APPEAR FOR RCD	SDC2			
7/30/18	COUNTER: 10.18.38	SDC2			
7/30/18	COURT DATE SET: Event: TRIAL Date: 10/22/2018 Time: 10:00 am Judge: STEVENS, MARK J Location: DEPARTMENT 1	SDC2			
7/30/18	EVENT PARTICIPANTS:  Court Location: DEPARTMENT 1  Check In: Judge: STEVENS, MARK J Location: DEPARTMENT 1 Staff: BML4 - CLERK: Present MATHER, ELAINE - DEPUTY CITY ATTORNEY: Present SDS - CLERK: Present Prosecutors: Parties: MAURICE, JUSTIN PAUL - DEFENDANT: Present HAYES JR, DALE A - Attorney for DEFENDANT: Present	SDC2			
7/31/18	DOCUMENT FILED: NOTICE OF PROSECUTION WITNESS LIST FILED BY: Attorney ELAINE F MATHER, ASSISTANT CITY ATTORNEY (CAO)	RJ4			
10/22/18	CONTINUED: STIPULATION FILED BY DEFENSE ATTY / GRANTED - FIRM CASH BOND: STANDS	KM			
10/22/18	COUNTER: 10.03.15	KM			

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DATE: 09/29/2020

COURT CLERK: VJP/3

ROA000433





HENDERSON MUNICIPAL COURT  
DOCKET SHEET

D1 STEVENS

MAURICE, JUSTIN PAUL

18CR001311

DOB: 11/4/81

DR# 18-02380

		ASSESSED	PAID	CREDIT	BALANCE
10/22/18	COURT DATE SET: Event: TRIAL Date: 01/15/2019 Time: 10:00 am Judge: STEVENS, MARK J Location: DEPARTMENT 1	KM			
10/22/18	EVENT PARTICIPANTS:  Court Location: DEPARTMENT 1  Check In: Judge: STEVENS, MARK J Location: DEPARTMENT 1 Staff: CMC8 - CLERK: Present KJ - CLERK: Present ROBERTS, COREY J - DEPUTY CITY ATTORNEY: Present Prosecutors: Parties: MAURICE, JUSTIN PAUL - DEFENDANT: Not Present HAYES JR, DALE A - Attorney for DEFENDANT: Not Present	KM			
1/15/19	JOINT ORAL MOTION FOR CONTINUANCE / GRANTED VICTIM SUBPOENA IS ALSO CONTINUED CASH BOND: STANDS	KM			
1/15/19	COUNTER: 10.02.00	KM			
1/15/19	COURT DATE SET: Event: TRIAL Date: 03/26/2019 Time: 10:00 am Judge: STEVENS, MARK J Location: DEPARTMENT 1	KM			
1/15/19	EVENT PARTICIPANTS:  Court Location: DEPARTMENT 1  Check In: Judge: STEVENS, MARK J Location: DEPARTMENT 1 Staff: AND2 - CLERK: Present ANDERLIK, ELIZABETH - DEPUTY CITY ATTORNEY: Present KJ - CLERK: Present Prosecutors: Parties: MAURICE, JUSTIN PAUL - DEFENDANT: Present HAYES JR, DALE A - Attorney for DEFENDANT: Present	KM			
3/26/19	CONTINUED: STIPULATION FILED BY DEFENSE ATTY / GRANTED - FIRM CASH BOND: STANDS	KM			
3/26/19	COUNTER: 10.02.45	KM			

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COURT CLERK: [Signature]

ROA000434



HENDERSON MUNICIPAL COURT  
DOCKET SHEET

D1 STEVENS

MAURICE, JUSTIN PAUL

18CR001311

DOB: 11/4/81

DR# 18-02380

		ASSESSED	PAID	CREDIT	BALANCE
3/26/19	COURT DATE SET: Event: TRIAL Date: 06/18/2019 Time: 10:00 am Judge: STEVENS, MARK J Location: DEPARTMENT 1	KM			
3/26/19	EVENT PARTICIPANTS:  Court Location: DEPARTMENT 1  Check In: Judge: STEVENS, MARK J Location: DEPARTMENT 1 Staff: AND2 - CLERK: Present ANDERLIK, ELIZABETH - DEPUTY CITY ATTORNEY: Present KJ - CLERK: Present Prosecutors: Parties: MAURICE, JUSTIN PAUL - DEFENDANT: Not Present HAYES JR, DALE A - Attorney for DEFENDANT: Not Present	KM			
6/18/19	CONDITIONS OF RELEASE DISSOLVED	SDC2			
6/18/19	Plea: Changed Plea to Nolo Contendere/Found Guilty Charge #1: COERCION	KM			
6/18/19	STIPULATE TO FACTUAL BASIS	KM			
6/18/19	SENTENCED: 60 DAYS JAIL SUSPEND 58 W/ 2 DAYS JTS IF DEFENDANT COMPLETES: - DOMESTIC BATTERY COUNSELING - 48 HRS COMMUNITY SERVICE - FINE \$200+105 ADMIN FEE - NO FURTHER ARRESTS/ CITATIONS (ANY CRIMINAL CHARGE) FOR 1 YEAR - NCWV FOR 1 YEAR: CORY ESTRADA - RESTITUTION \$950 TO CORY ESTRADA: \$100/MO BEGINNING 07/23/19 SUSPEND 58 DAYS JAIL *ALL CONDITIONS INCLUDING SUSPENDED JAIL & FINES ARE CONCURRENT W/ 18CR001383 VICTIM'S RELATIONSHIP TO DEFENDANT: DATING ADMONISHED/SIGNED/WAIVED SUPERVISION EXPIRATION DATE: 06/16/20 Charge #1: COERCION	KM			
6/18/19	FINE/FORFEITURE: \$200 + 105 ADMINISTRATIVE ASSESSMENT Charge #1: COERCION	KM	305.00		305.00
6/18/19	CASH BOND EXONERATED	KM			
6/18/19	INDIRECT SUPERVISION ORDERED	KM			

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ROA000435



HENDERSON MUNICIPAL COURT  
DOCKET SHEET

D1 STEVENS

MAURICE, JUSTIN PAUL

18CR001311

DOB: 11/4/81

DR# 18-02380

			ASSESSED	PAID	CREDIT	BALANCE
6/18/19	COUNTER: 10.17.55	KM				
6/18/19	EVENT PARTICIPANTS:  Court Location: DEPARTMENT 1  Check In: Judge: STEVENS, MARK J Location: DEPARTMENT 1 Staff: ANDERLIK, ELIZABETH - DEPUTY CITY ATTORNEY: Present KJ - CLERK: Present SCHNEIDER, LORAA - PRO TEM: Present SDS - CLERK: Present Prosecutors: Parties: MAURICE, JUSTIN PAUL - DEFENDANT: Present HAYES JR, DALE A - Attorney for DEFENDANT: Present	KM				
6/18/19	CASH BOND REFUND	KM	640.00	640.00		
6/26/19	BOND REFUND MAILED; CHECK #43530 FOR \$3335.00	DDM2				
7/2/19	RETURNED MAIL- BOND REFUND CHECK #43530 FOR \$3335.00 - RESENT TO USPS FORWARD ADDRESS: PO BOX 530676 HENDERSON NV 89053 Charge #1: COERCION	DDM2				
7/10/19	RETURNED MAIL- BOND REFUND CHECK #43530 FOR \$3335.00 - USPS FORWARD ADDRESS-ATTEMPTED NOT KNOWN Charge #1: COERCION	DDM2				
7/30/19	BOND REFUND MAILED; CHECK #43530 RESENT TO PO BOX 530878 HENDERSON NV 89053 AS PER PAYOR PHONE CALL	DDM2				
6/25/20	PETITION WITH ORDER DISCHARGING SUPERVISION SUBMITTED BY SPECIAL PROGRAMS AND SERVICES BUREAU FORWARDED TO JUDGE ON: 6/25/2020	RL1				
7/1/20	SUPERVISION DISCHARGED: HONORABLE	FCM				
7/1/20	CASE CLOSED	FCM				
			1,585.00	1,280.00	305.00	0.00

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Date Printed: 9/29/20 4:48 pm

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DATE: 09/29/2020  
COURT CLERK: [Signature]

ROA000438



ROA000437



## Incident Report

HENDERSON POLICE  
223 LEAD ST  
HENDERSON, NEVADA 89015

Incident Number: 18-02380

### Narratives

ENTERED DATE/TIME: 2/2/2018 00:44:00

NARRATIVE TYPE: INCIDENT

SUBJECT: FBR NARRATIVE

On 02/01/2018 at approximately 2327 hours I, Officer Smith #2194, and Officer Stevens #2197 were dispatched to 108 Westin Lane in Henderson, NV in reference to an unknown problem.

The original call details were as follows: Henderson dispatch had recalled on a 911 disconnect and reached a female who advised she needed police. The female provided a partial address of "108" before disconnecting. Subsequent recalls from Henderson dispatch went to voicemail. A search of prior incidents using that phone number showed an address of 108 Westin Lane.

HPD had previously responded out to 108 Westin Lane under event number LHP180201000796 for a family disturbance call. A neighbor had called in due to a male and female loudly arguing and slamming doors. Under this event police officers made contact with a female who advised that the male was extremely drunk and had left in her truck.

Upon arrival at the scene I observed several suitcases and bags strewn out in the front yard of the residence. The pink color and style of the bags indicated that the bags likely belonged to a female. Officers made contact with Justin Maurice (DOB 11/04/1981) and Cody Estrada (DOB 10/13/1985) inside of the residence. I asked both parties if everything was okay, at which point Justin said that everything was fine and Cody shook her head no. The parties were separated and questioned.

Cody advised me of the following:

Justin and her have been dating for approximately one and a half years, and currently live together at 108 Westin Lane. Tonight, at approximately 2200 hours, Justin had woken Cody up asking her to go get food with him. Cody was not hungry, but since Justin repeatedly badgered her about it she got up and went with him. While in the truck together Cody asked Justin not to wake her up like that again, at which point Justin started verbally berating her.

The two arrived back at the residence and started to get into a heated argument. The two argued about Justin's alcohol consumption, their relationship, and other issues. Justin left the residence, and police arrived under the previous event. After the police left, she texted Justin asking why he had called the police. Justin became upset and started accusing her via text message of calling the police herself.

Justin returned to the residence and immediately started verbally berating Cody about calling the police. Justin refused to believe that Cody hadn't called the police, and became increasingly irate. Cody advised that Justin becomes extremely angry like this when he has been drinking, and that he was extremely intoxicated during this event. Justin started to yell extremely loudly, which Cody stated has been a precursor for him getting physically

## Incident Report

HENDERSON POLICE  
223 LEAD ST  
HENDERSON, NEVADA 89015

Incident Number: 18-02380

---

violent in the past. Cody wanted to leave the residence, so she went to go grab her truck keys.

Justin grabbed her truck keys and refused to let her have them. Cody then grabbed the safe key in order to retrieve her social security card and passport from the safe. As she was walking to the safe Justin shoved his right shoulder into her, causing her to slam into the closet door of their bedroom. Cody then turned towards Justin and backed away from him, at which point Justin pinned her to the wall near the safe by placing his arm across her chest. Justin then grabbed Cody's hand and squeezed it in order to take the safe key away from her.

Justin then started grabbing Cody's belongings and throwing them either through the residence or out into the front yard. Justin broke a picture frame belonging to Cody, pulled all of her clothes out of the closet, and threw multiple suitcases and bags into the front yard. Justin then tried to pull Cody through the house and out the front door, by grabbing Cody's shirt. Cody repeatedly pushed back at Justin in order to stay inside of the residence, since she didn't have her keys or purse. Cody then grabbed her phone in order to call 911.

Justin forced her to hang up the initial call to 911, and then when Henderson dispatch re-called her, she answered. She attempted to ask for help when Justin grabbed the phone from her hand and threw it across the room, breaking the phone. The two then continued to verbally argue until police arrived.

Cody refused to complete a written statement.

When asked about potential injuries, Cody showed me that her left ring finger had bleeding under the fingernail and advised that it happened when Justin grabbed her hand tightly in order to retrieve the safe key. Cody also showed me redness on her left side, which she advised came from scraping along the doorknob of the front door as Justin attempted to pull her out of the residence. Both injuries appeared to be recent and were consistent with her account of the event. Cody refused medical attention.

Cody showed me her cell phone, which had a shattered screen and no longer worked.

Pictures of Cody's injuries and her broken cell phone were taken and later uploaded into digital evidence.

I then spoke with Justin, and immediately detected a strong smell of an unknown alcoholic beverage emanating from his breath or person. Additionally, Justin's eyes were bloodshot and his speech was slow and deliberate, indicating that he was under the influence of an alcoholic beverage, corroborating Cody's statement to that effect.

Justin corroborated Cody's statements about the verbal argument and about items being thrown and broken, but repeatedly denied that anything physical had happened between the two. Justin denied ever stopping Cody from leaving. Justin also advised that although he had thrown Cody's phone, he had picked it up off of a counter and not taken it from her. Justin stated that he had thrown the phone out of anger due to Cody wanting to leave.



## Incident Report

HENDERSON POLICE  
223 LEAD ST  
HENDERSON, NEVADA 89015

Incident Number: 18-02380

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Justin stated that Cody had thrown a plate during the argument, but it had not been in his direction. Cody later admitted to throwing a plate at the ground during the initial verbal altercation.

Justin refused to complete a written statement, denied having any injuries, and declined medical attention.

I visually inspected the residence and observed items thrown about the apartment. There was a significant amount of women's clothes littered around Justin and Cody's bedroom, and a shattered picture frame on their bed. Cody originally advised that the closet door would be damaged from her slamming into it, but on inspection I was unable to see any damage to the closet door.

Pictures of the residence were taken and later uploaded into digital evidence.

I contacted Henderson dispatch and listened to the recording of the call log in order to determine the course of events when Cody had contacted police. On re-call Henderson dispatch asked Cody if everything was okay. Cody was out of breath and sounded extremely upset, stating that everything was not okay and giving a partial address. Henderson dispatch attempted to confirm the address at which point Cody is heard stating, "Whoa, Justin". Cody sounds as if she's getting further from the phone, the phone goes silent, and then disconnects. Repeated re-calls to the phone number get voicemail. The recording corroborated Cody's account of the event, that Justin had removed the phone from her hand and thrown it in order to stop her from calling for assistance.

During the course of my investigation I determined the following: Cody and Justin share a domestic relationship as a dating couple for approximately one and a half years and cohabitants for approximately one year. Cody alleged that during a verbal altercation Justin had slammed her into the closet, pinned her to the wall, squeezed her hand, and attempted to pull her out of the residence. Cody also alleged that when she attempted to call for help, Justin removed the cell phone from her hand and threw it across the room, breaking it.

Cody's account of the event was corroborated by the injuries to her left ring finger and left side, that Justin had thrown her items throughout the residence and outside in a rage, that Justin was heavily intoxicated, and the dispatch recording indicating that Justin had removed the phone from Cody's hand.

Due to the fact that Justin did willfully and unlawfully batter, by squeezing her hand and pushing/pulling her, Cody, who he shares a domestic relationship with as a dating couple and cohabitants, he was arrested for Domestic Battery (1st), a Misdemeanor violation of NRS 200.485.1.

Due to the fact that Justin did willfully and unlawfully restrict Cody from calling 911 and receiving help by throwing her phone, he was arrested for Coercion, a Misdemeanor violation of NRS 207.190.2.

Cody was provided a domestic violence blue card and explained its contents.

Justin was placed into a set of handcuffs, which I checked for tightness before double locking. Justin was placed

ROA000440

## Incident Report

HENDERSON POLICE  
223 LEAD ST  
HENDERSON, NEVADA 89015

Incident Number: 18-02380

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into the back of my patrol car and seatbelted in. I transported Justin to HDC where he was booked on the above charges accordingly.

CC: DCA

Attachments: Yes

Status: Closed

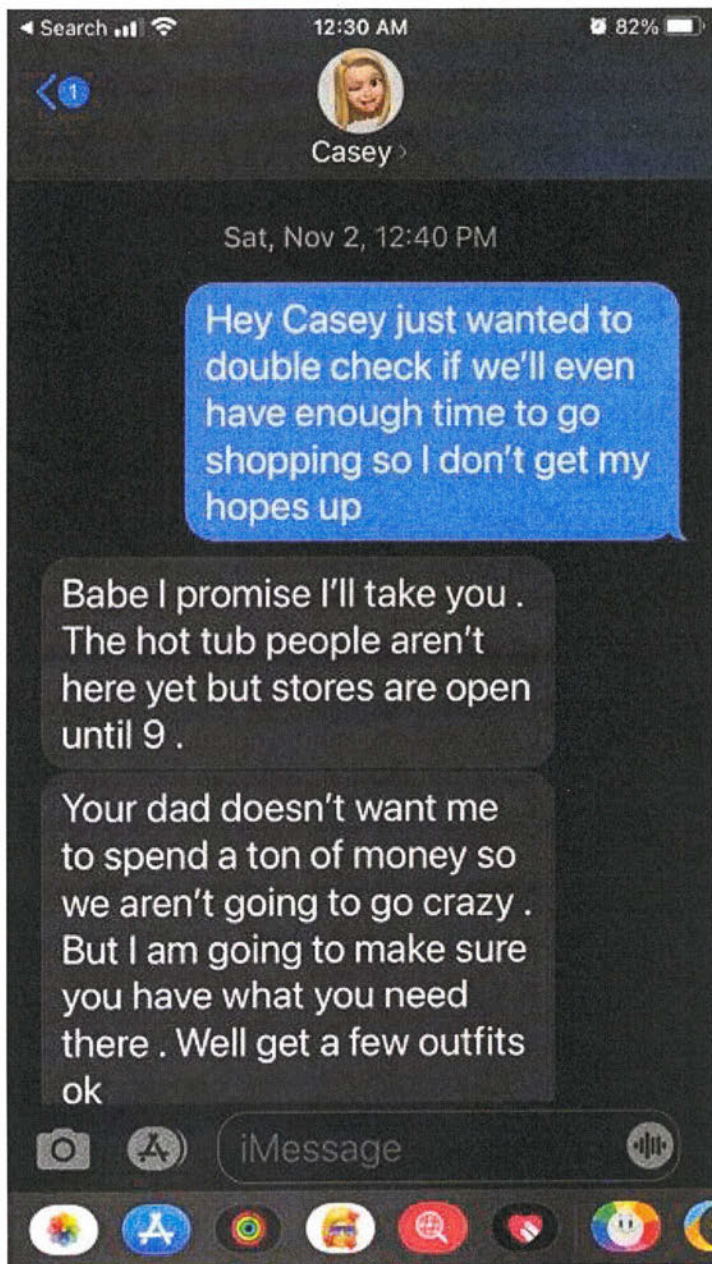
MAV: Yes

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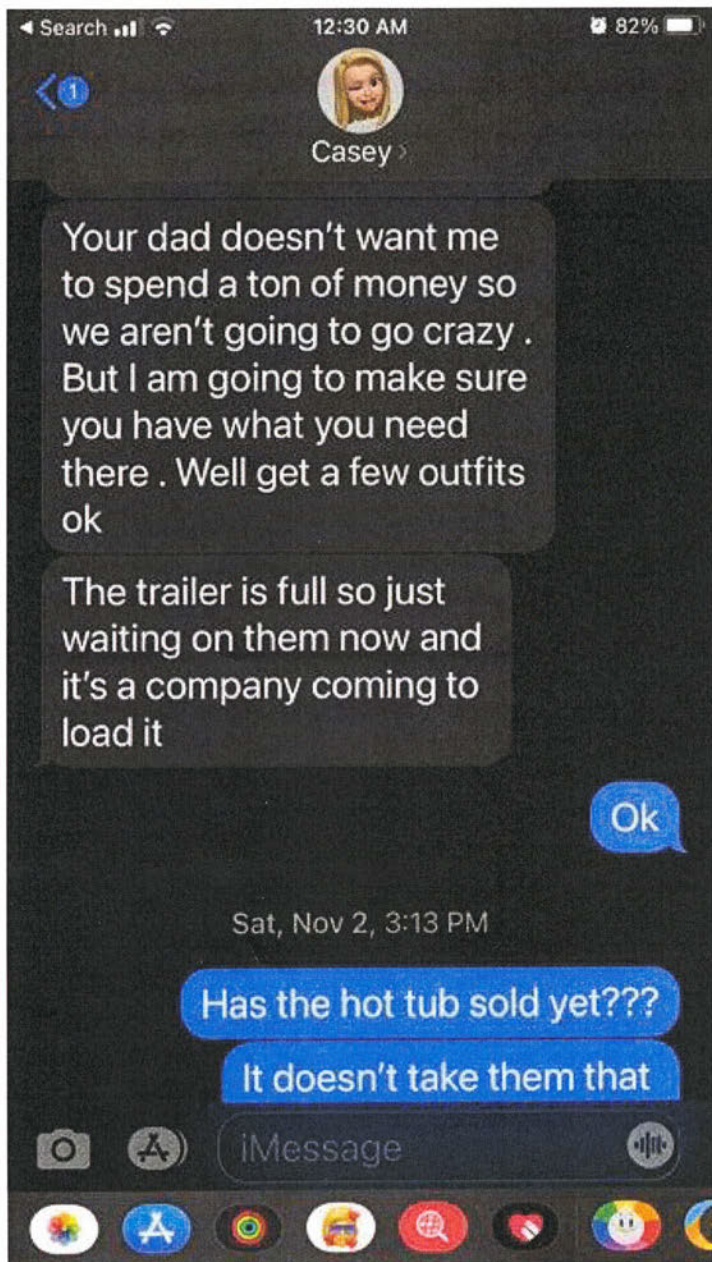


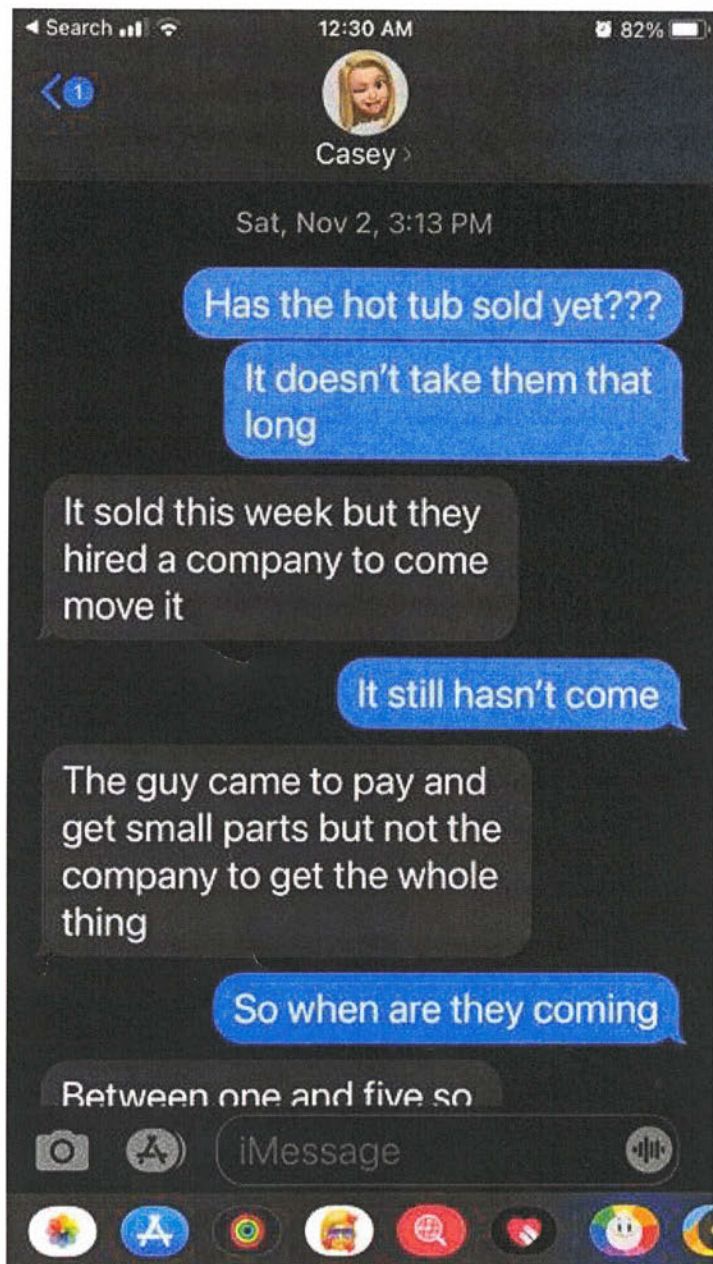


ROA000442

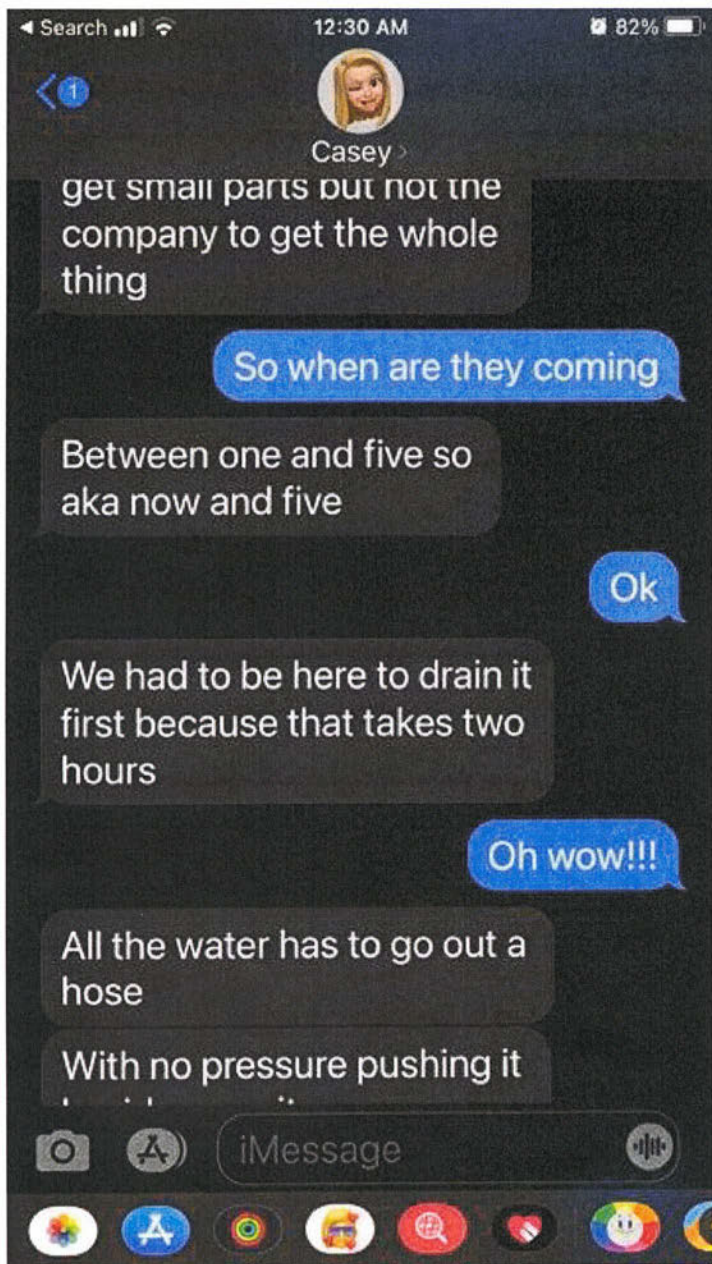


NOV. 2<sup>nd</sup>, 2019  
Left alone



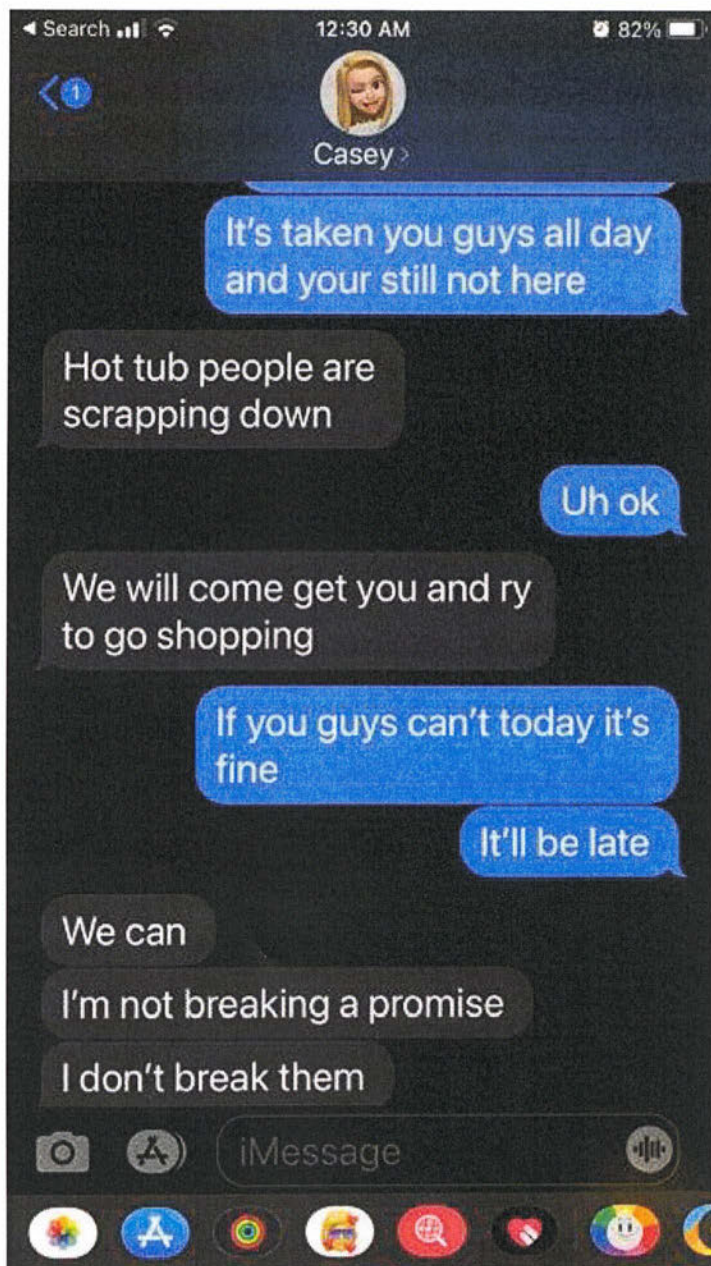














Casey &gt;

Uh ok

6:08 PM

We will come get you and ry  
to go shopping

6:09 PM

If you guys can't today it's  
fine

6:09 PM

It'll be late

6:09 PM

We can

6:09 PM

I'm not breaking a promise

6:09 PM

I don't break them

6:09 PM



6:10 PM

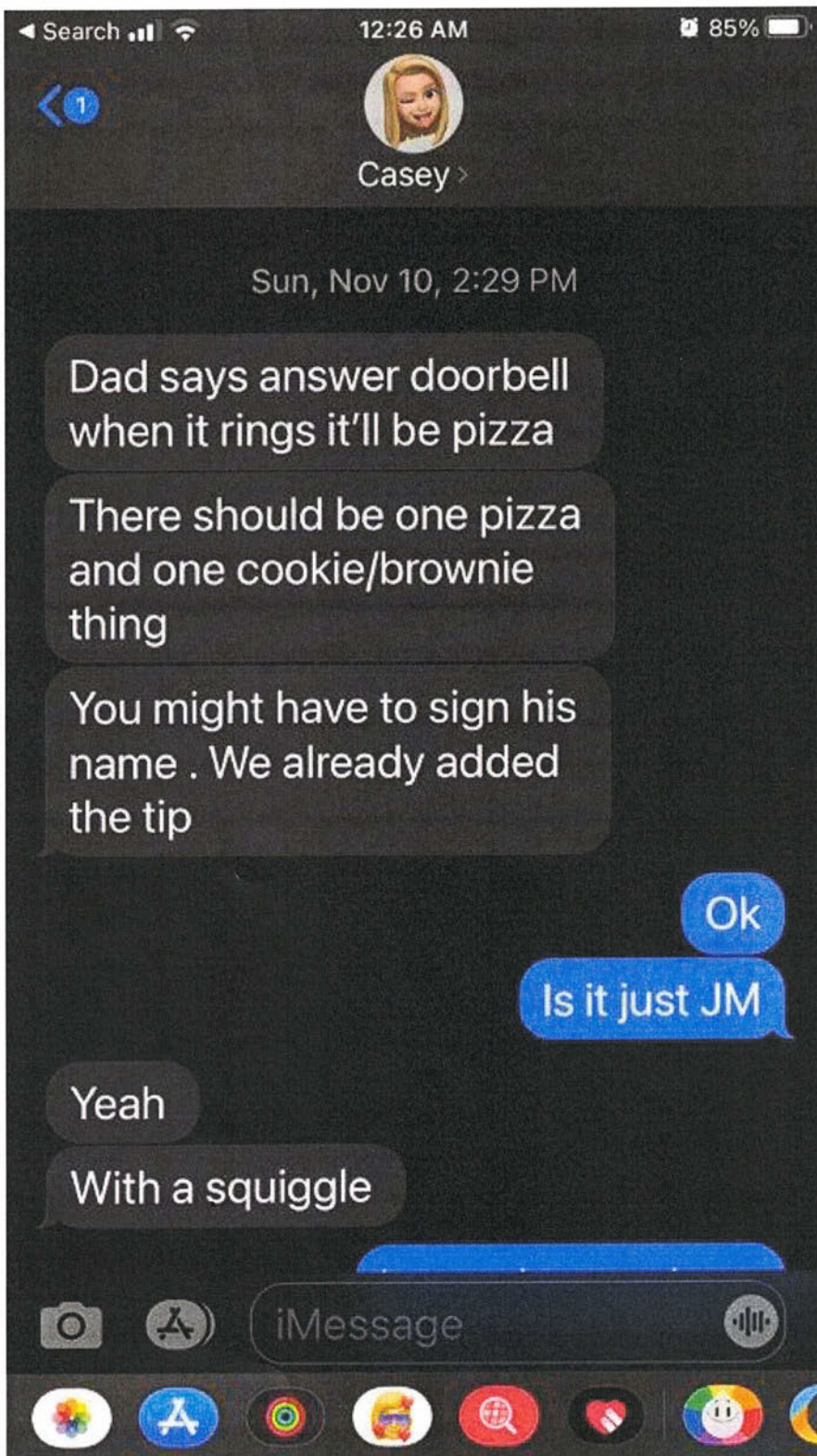
Sat, Nov 2, 8:28 PM



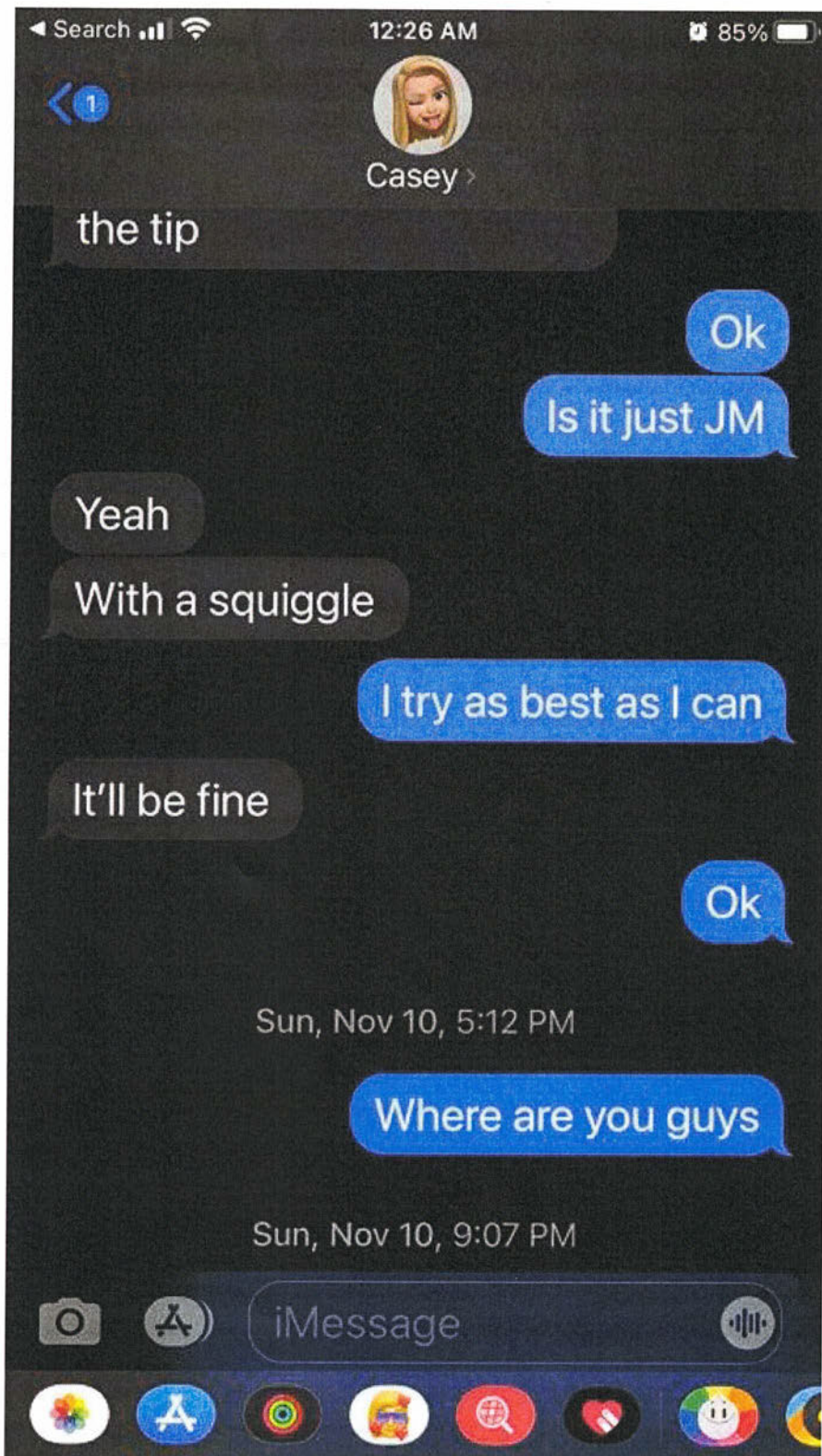
iMessage







Nov. 10<sup>th</sup>, 2019  
Left alone

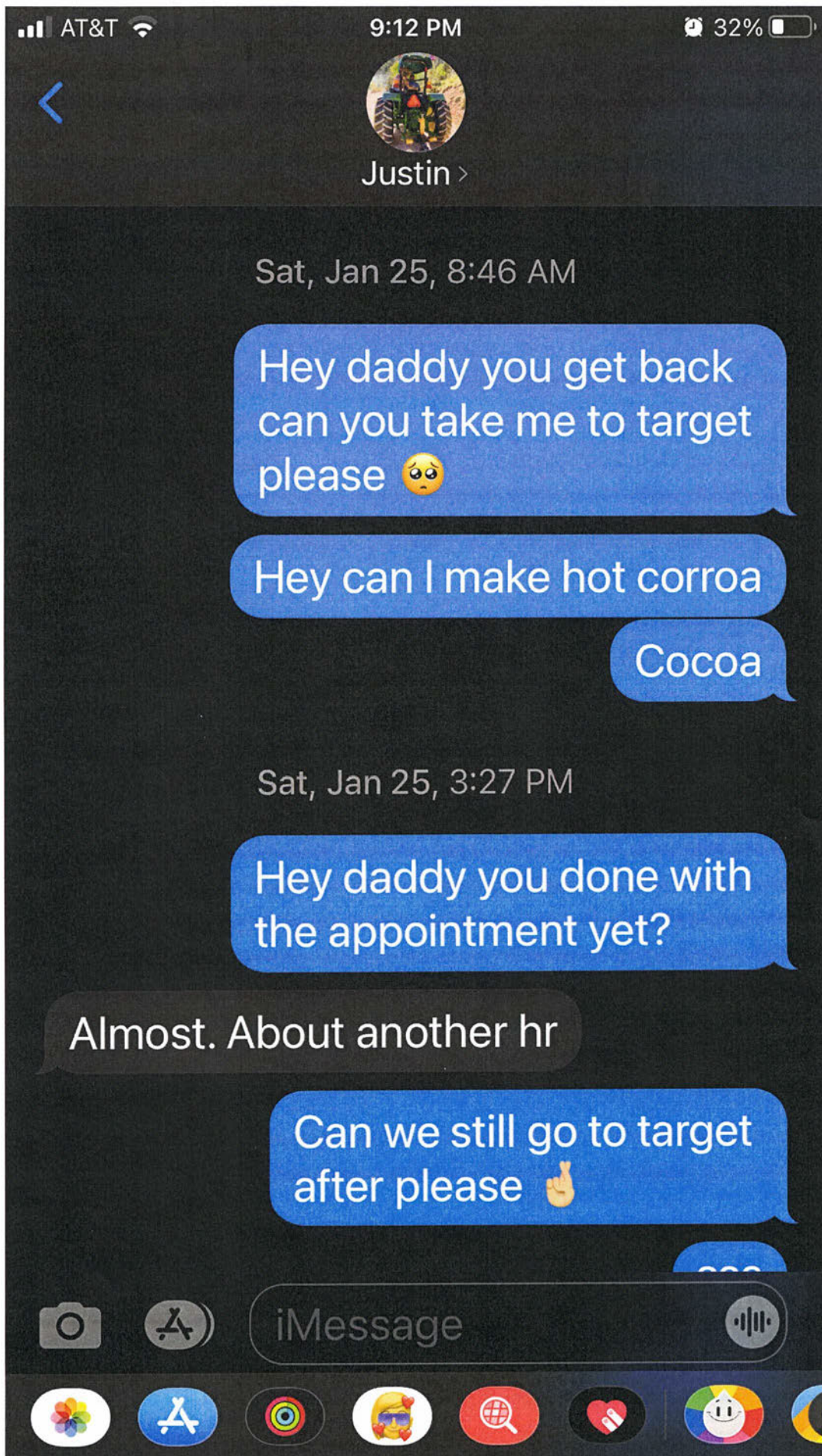












text between  
Justin & Savannah

Jan. 25<sup>th</sup>, 2020

Home alone.





Justin >

please 🙏

Hey can I make hot corroa

9:24

Cocoa

9:24

Sat, Jan 25, 3:27 PM

Hey daddy you done with the appointment yet?

3:27

Almost. About another hr

4:10

Can we still go to target after please 🙏

4:12

???

5:01

???????

5:31

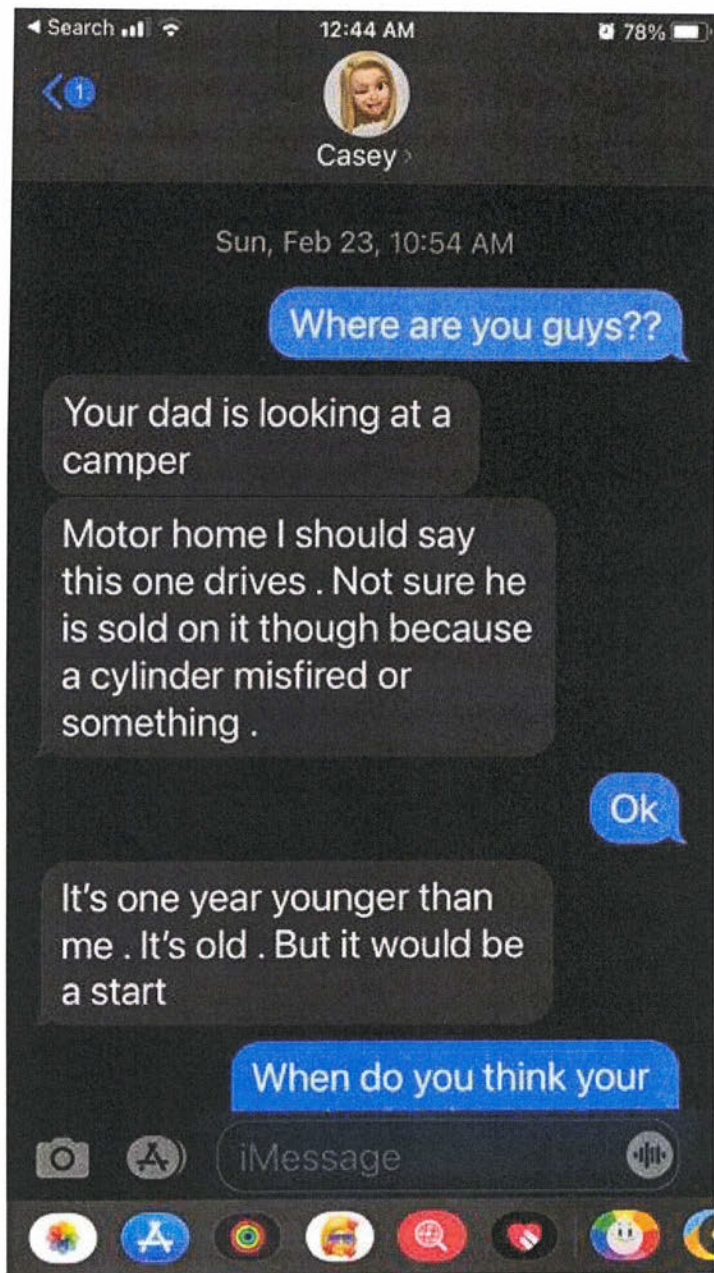
Sat. Jan 25. 9:10 PM



iMessage

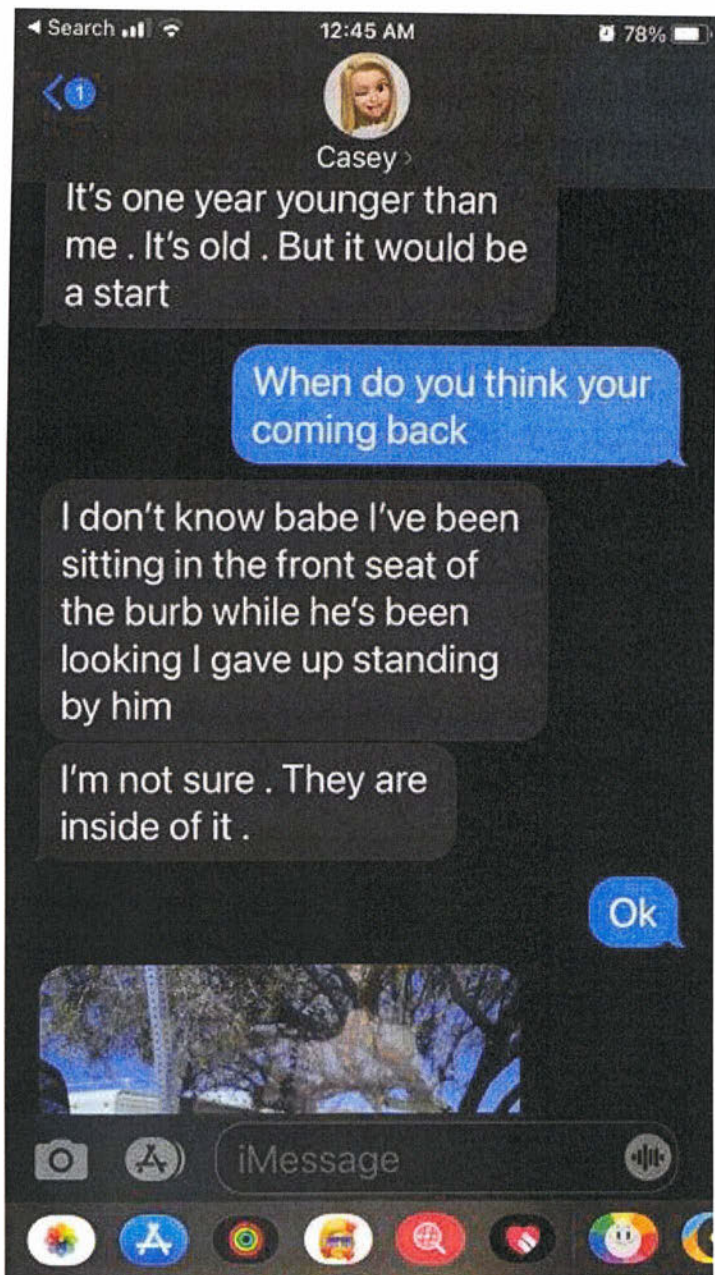


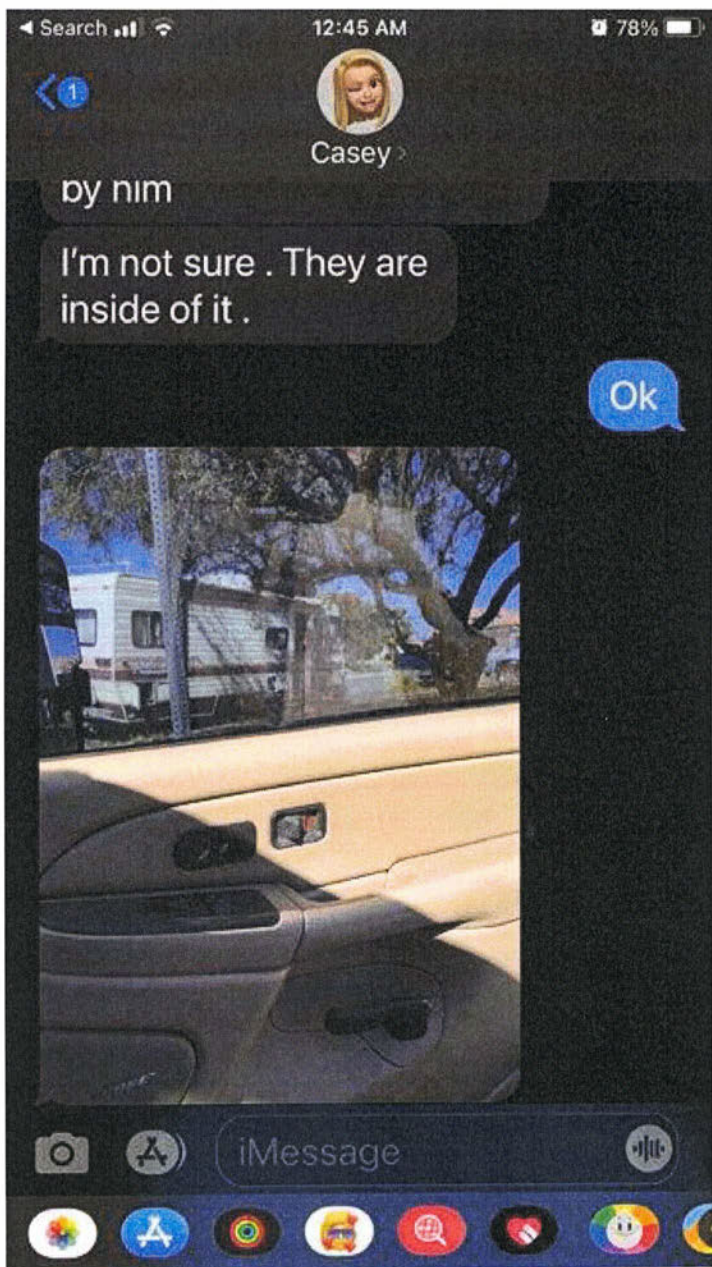




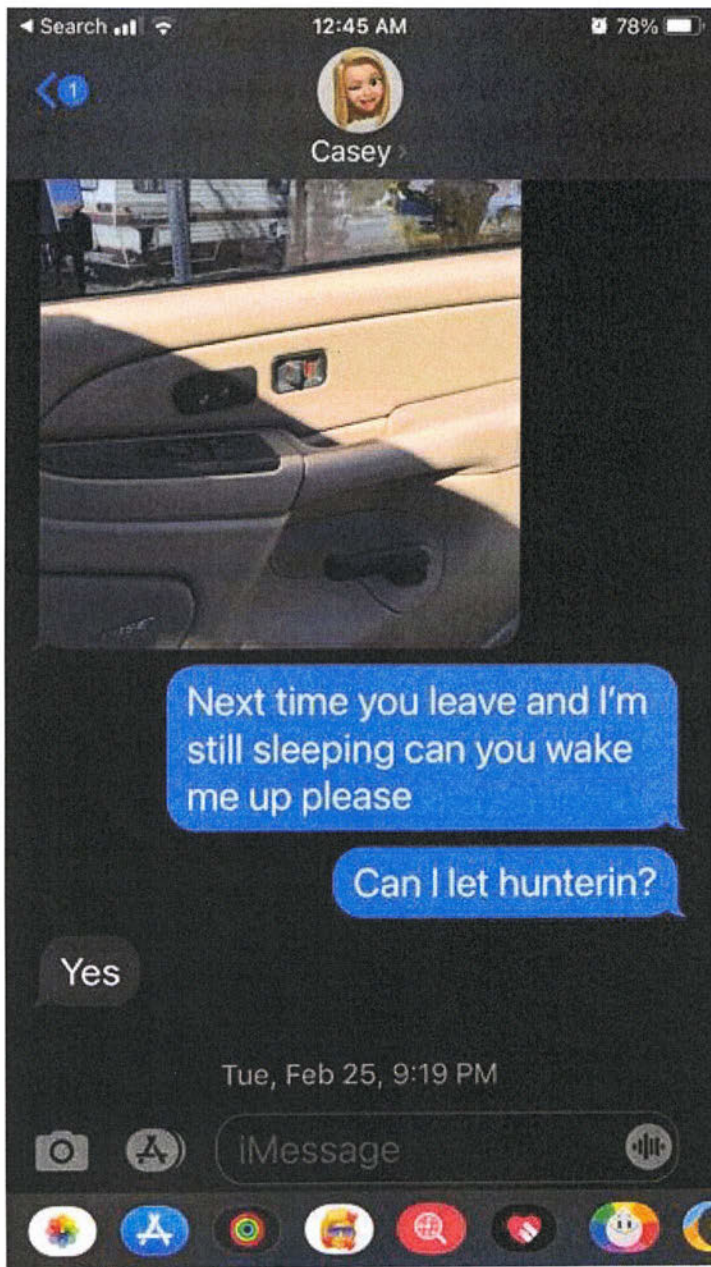
Feb. 23  
Left alone

Texts between Savannah &  
Justin's wife.











Text between Mom & Savannah

Oct. 17, 2020

Didn't go to lake,  
left alone all day.



10:36



Savannah >

At the house

Saturday 5:35 PM

Are you by yourself?

Yes

U have been all day?

Are u ok?

Yep I'm good

How come u didn't call me?

Because I was good

I don't like u being by urself

What time is your dad coming back?

Not sure

Sunday 11:29 AM

Good morning 😊

Morning babe

How was ur night?



iMessage





ROA000462

# Messages with +17026649033 (Justin New)

15117 Messages / 2020-01-09 / Extracted at 03:05:23 PM

18-03-2018, 19:29

Sorry I was s late...wahanging with my boyfriend

It's OK not a big deal.

Savannah said that's what you said...haha

No I did not say it like that

Why the face?

I'm sure I can guess the exact way u said o it...nbiggie just funny

She asked where you were like on the third or fourth time and I told her she's probably with her boyfriend

Well unlike u when I have a boyfriend I'll be sure to let u know lol

Ouch no need to be mean

It's not n mean...agaijust funny

I said it in a joking manner

19-03-2018, 20:06

I need to talk to you

Ugh if it's child support stuff I don't wanna talk

No it's deeper

Ok what's this about



# Messages with +17026649033 (Justin New)

15117 Messages / 2020-01-09 / Extracted at 03:05:23 PM

Bad

Ok call me when u want to talk

I'm ready to check out

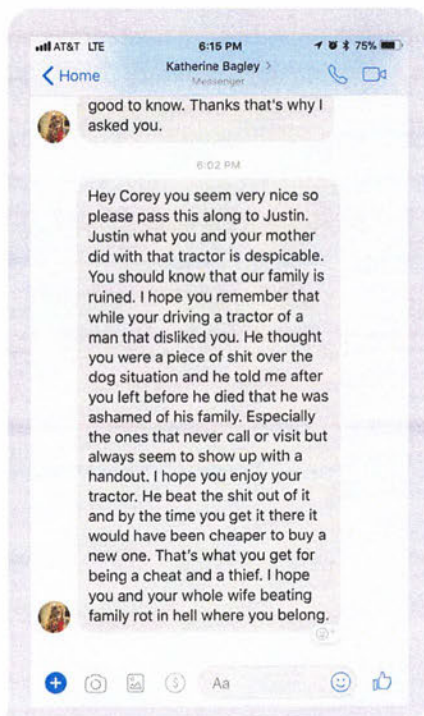
I'm ready to leave you and thr girls .

Check out how?

It's not about the money. I care about you Justin your are the girls Dad I wouldn't want anything to happen to you. Those little girls love and need their Daddy

Call me back

19-03-2018, 22:40



# Messages with +17026649033 (Justin New)

15117 Messages / 2020-01-09 / Extracted at 03:05:24 PM



I wish you still loved me

Stop

Let it go u know we were miserable

It's easy for you

Not easy

Just reality

It's just reality is right

20-03-2018, 12:10

Thanks for talking to me last night . I'm sorry.  
Just hitting that wall and am lost

No problem. You'll get through it...u always do

# Messages with +17026649033 (Justin New)

15117 Messages / 2020-01-09 / Extracted at 03:05:25 PM

I feel alone and everyone is kicking me while I'm down .  
m l'sorry if I worried you.

Ya I don't like when u talk like that it's not cool! Our girls need their dad no matter what u think so  
no more dumb talk like that

I am going through some stuff that isn't the greatest . Sorry

I get it! But just remember that's not the answer. Nobody is better off without you especially those  
girls

23-03-2018, 10:43

Happy 29th birthday



Thanks

2 is Savannah thing right?

Yup

Ok





# Messages with +17026649033 (Justin New)

15117 Messages / 2020-01-09 / Extracted at 03:05:16 PM

Wow! Lena looks the same just bigger lol Alyssa looks so big :( she is a little Eddie

Totally

03-04-2017, 12:12

Is Savannah still into cameras?

Ya but I think ur mom was going to send her one that she already had for her

There are some really cool Polaroid ones out right now bet she would love one of those. The film gets pricey though but they are really cool

Like old school types?

Ya

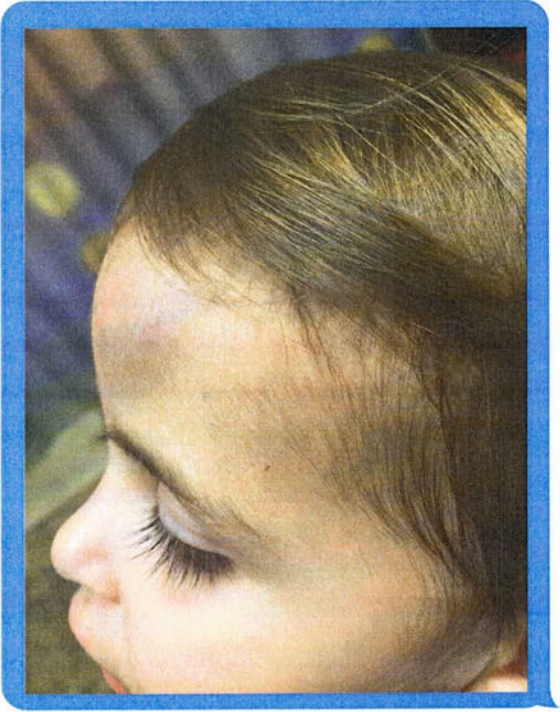
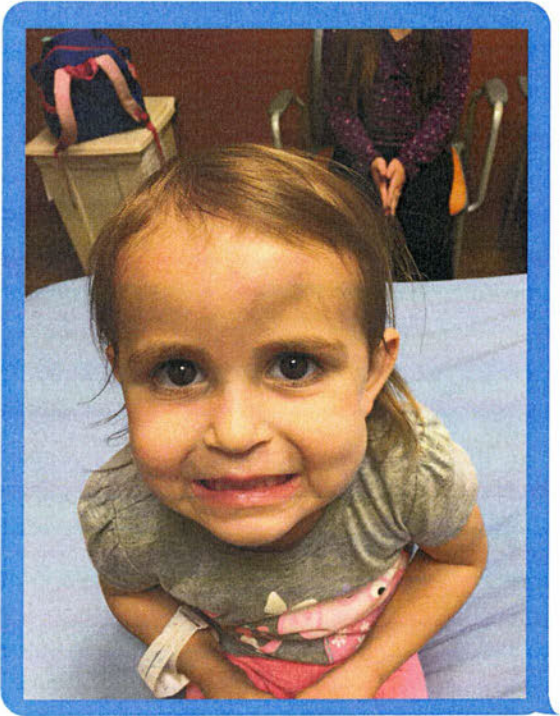
Not sure on price though

I'll have to look them up.

06-04-2017, 20:33

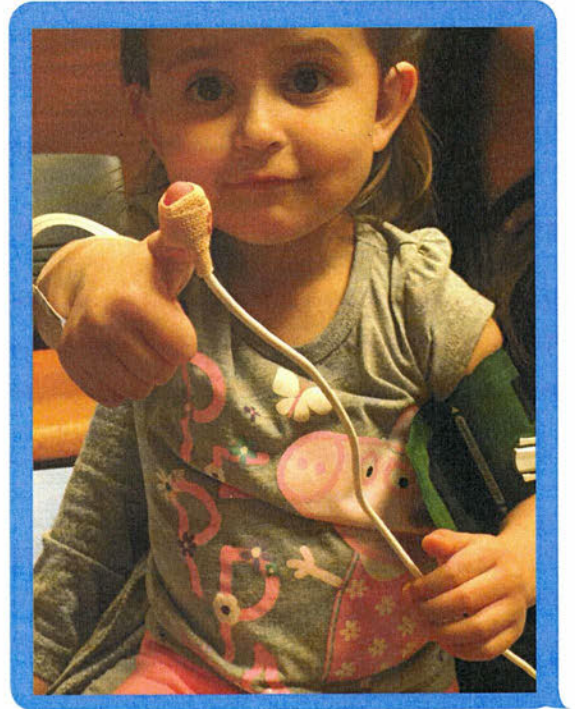
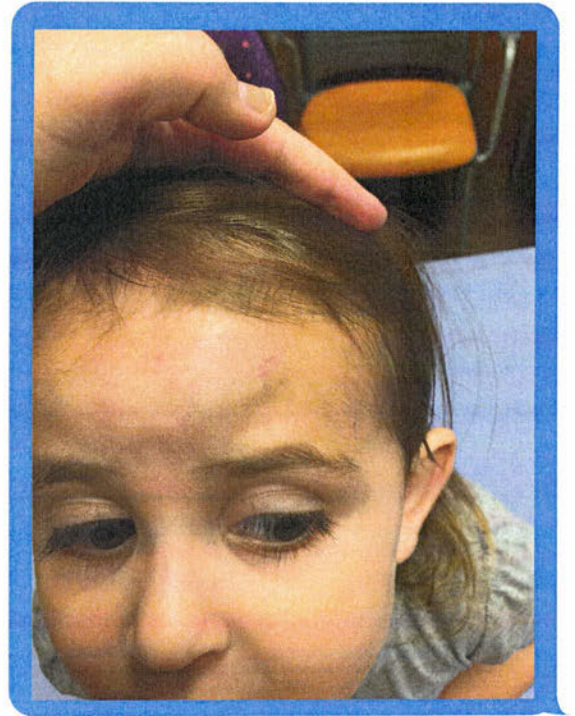
FYI I'm at the emergency room with Emma. She was getting off the trampoline and fell off the step. Hit her head on the floor. She's ok but thought I would bring her in as a precaution.

What ?!!!



Messages with +17026649033 (Justin New)

15117 Messages / 2020-01-09 / Extracted at 03:05:16 PM



Poor thing

She's in good spirits



# Messages with +17026649033 (Justin New)

15117 Messages / 2020-01-09 / Extracted at 03:05:16 PM

Just saw the doc. She's fine. Says just to keep putting an ice pack. Said she may have black eyes tomorrow though as everything settles says nothing to worry about no other symptoms...whew

Thank goodness

06-04-2017, 22:47

How's our little one? She asleep

Just k about...toot all like a champ. Savannah was out a while ago. She was pretty freaked out :(

She is a trooper. Savannah has become such a great big sis

Can't believe she's going to be 10:( ugh

Don't remind e me...doubldigits ugh

Let me know how emma is in the morning k. I can take her in the morning if she's not feeling well

K sounds good

07-04-2017, 11:19

How's Emma ?

She's good. Put some stuff on her head last night and it looks good this morning. No black eyes. Just a little black and blue on her head. But she felt fine





ROA000472

# Messages with +17026649033 (Justin New)

15117 Messages / 2020-01-09 / Extracted at 03:05:37 PM

You know what your doing to her. Don't play stupid

She tells me all the mean shit you do. The same shit you did to me .

Think what you want don't really care at this point

Sure pal

Emma wanted to stay with me. Have a good weekend with your twin

thanks

You created it

Yup bye

24-08-2019, 21:44

Might want to answer

I'm the ER with Emma

# Messages with +17026649033 (Justin New)

15117 Messages / 2020-01-09 / Extracted at 03:05:37 PM



Not good Justin not good

Poor girl

You don't think I know this!  
Was a accident. Guess she should have went with your wife

Sad when she's safer with "my wife" then her own father

Sad Sarah

Fuck you and your wife!

Very sad actually very sad

I'm sad for you that you have become this guy

I'll be sure to make your life hell for that. Done being nice

Have a good night bitch

# Messages with +17026649033 (Justin New)

15117 Messages / 2020-01-09 / Extracted at 03:05:37 PM

Hahaha you're done being nice lol

Nite Justin try to take better care of her the rest of the night

What ER are you at

The one my health coverage you don't pay for is accepted at

You have our child no time for your games

Get over yourself

Which ER

Have fun with your wife

Mature Justin mature

Which ER?

She's with me the provider so don't worry

Oh my gosh this is ridiculous

I can't believe you're doing this

At a time like this

Next is your friendship with the wife . I'm done ! No more

Get over yourself I'm talking about Emma

I've put up with your and her long enough. I'm her dad and the one who pays the bills .  
My weekend .

Ok Justin



# Messages with +17026649033 (Justin New)

15117 Messages / 2020-01-09 / Extracted at 03:05:37 PM

When you pay for the 1/2 the health benefits you can know which ER

Yup

Oh that's right you don't pay shit. I do!

I let you know . Be glad I did that.

24-08-2019, 23:45

I need to know what's going on with her

You need to chill, She's ok. I've told you 10 times already.

Tell me what is going on. Is she getting stitches? Why has she been there so long did they do xrays? Don't tell me to chill

She's fine!

WHAT IS GOING ON

LET ME TALK TO HER

She's sleeping

Why is she still there? Did they admit her?

She's not there .

She's fine and with me

Where is she?

Stop with the games is she still at the hospital

No not at the hospital

# Messages with +17026649033 (Justin New)

15117 Messages / 2020-01-09 / Extracted at 03:05:37 PM

I left a little bit ago

So what did they do?

Did she get stitches

Did they do xrays?

1000 stitches Sarah omg . Chill

Tell me what's going on with my daughter what is so difficult about giving me information

She's fine . Now worse than in your wife's care with the trampoline incident

Did she get stitches

She's fine

DID SHE GET STITCHES

She's fine

You leave me no choice Justin

What choice? She's ok I've told you

What you going to call your wife and have me arrested ?

Good night

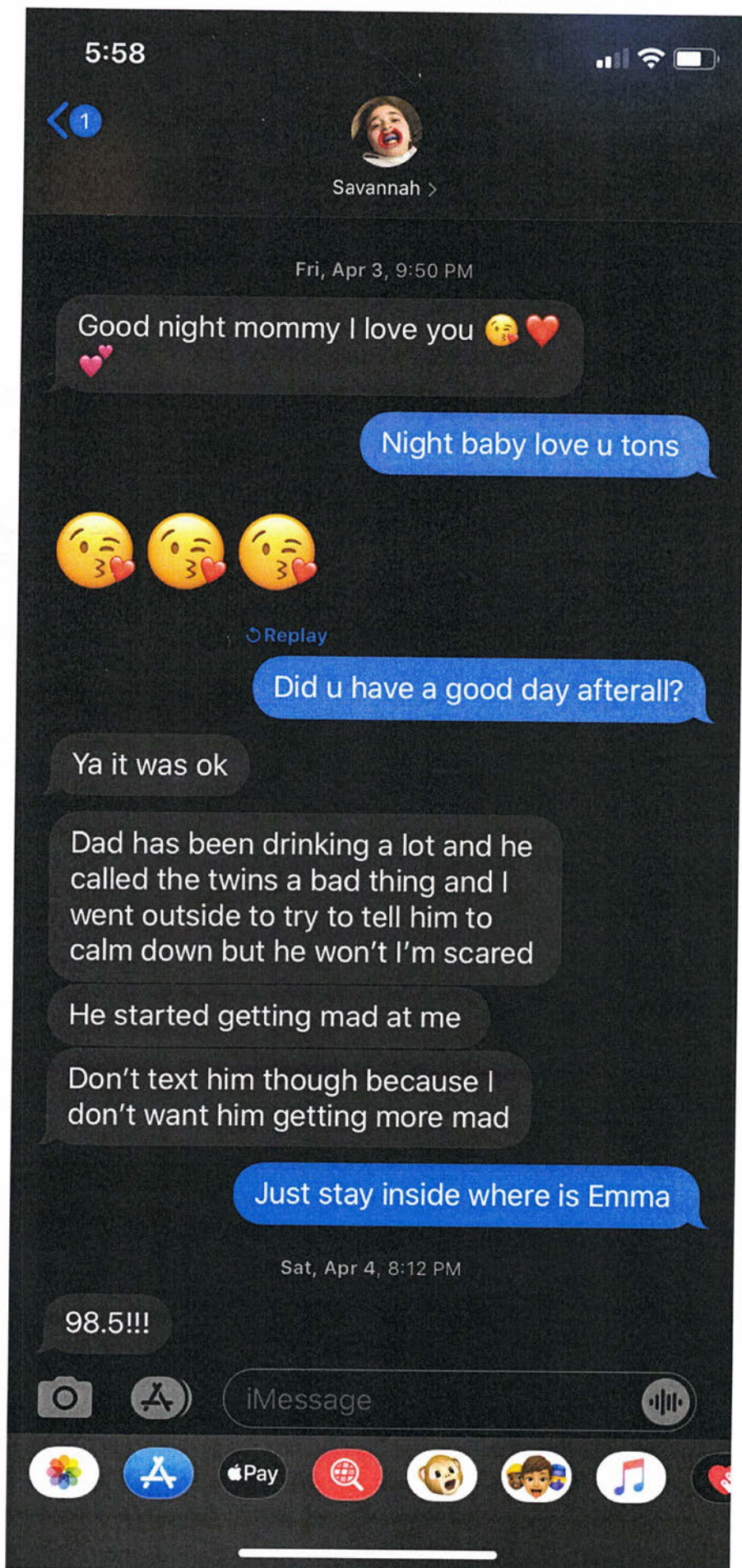
25-08-2019, 08:54

Can I talk to Emma



ROA000478





Texts between Sarah and Savannah.

Night of the incident where Justin told Savannah she would have been aborted if it wasn't for him.





ROA000480

# Messages with +17026649033 (Justin New)

15117 Messages / 2020-01-09 / Extracted at 03:05:37 PM

This the one at st rose

Ya behind the hospital

22-08-2019, 18:27

Do you want the girls to be parent pick up tomorrow?

Let you know in a bit

23-08-2019, 11:35

So are u getting the girls from school?

Yes , can you have Savannah go to teen scene. I will get Emma parent pick up then get Savannah after

23-08-2019, 13:02

Dorothy is picking Savannah up I'll have her meet you and Emma's drop off since she has to pick jojo up anyway

Ok

I'm just going to start paying those bills I keep getting calls from collections and I don't want it to mess with my credit

23-08-2019, 15:36

Savannah is going to be dropped off at Dorothy's or your house. I'm not putting up with her or your shit

Dad of the year

Bitch of the year

Yup never your fault

# Messages with +17026649033 (Justin New)

15117 Messages / 2020-01-09 / Extracted at 03:05:37 PM

Nope! Sorry I don't get \$1200 mo to throw around

Can't even give savannah a key to your house with what I provide

I don't need you coming into my house when I'm not around

Get over yourself !  
Like I'm going in your fucking house.

Get Savannah a key . Absolutely ridiculous she doesn't have one for cases like this.

And if you would have told me the plan I could have had her ready but no you can't even respond to whether your kids are parent pick up for safe key.

Dorothy is going to pick Savannah up

Tell her to get Emma too m .idone with all of this

Cases like this could be avoided with communication but u can't be bothered

Hahaha ur a loser

whatever you say

You need to stop involving Savannah in our issues. I'm not going to put up with it

I don't involve her in anything talk to your girlfriend who is talking crap about me

Nobody talks crap . Unlike you

Right I'm sure

You have messed with Savannah's head .

Where is your wife at? She coming

She has eyes she sees right through you I don't have to tell her a thing



ROA000483



# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:31 PM

17-03-2016, 13:48

Hi :-)  
Happy St Pattys day  
Checking in too see what your doing for Easter & when with the girls :-))  
It's early this year

Hey you!!! Actually headed to Cali...Mireya had her ! baby...yay!!!What r u guys up to?

Woowww tell her congratulations for us!!  
Not much been working on the yard trying to make it look nice & colorful

Do the girls have any water shoes for the summer?

Nope no water shoes yet :) bet the yard looks great!

Still size 5 and size 1  
e Trying.....thsprinklers are challenging me but I think I will win!

Emma is in between 5 and 6 so she's a little tricky...I would probably go with 6. Savannah is still 1.  
She went peepee on the potty last week woohoo

She's a big girl now!!

Lol :-))

Nooooo!!!!!!

17-03-2016, 15:06

I can't believe Colten's going to be three next month

Wow!!! I hadn't even thought of e that...timsure does fly :(

Right behind him is Vannie  
Let me know some thoughts for her wish list please

17-03-2016, 16:39

Ill ask her t tonight...can'believe she's going to b 9 then comes 10 then 21 lol

21-03-2016, 10:07

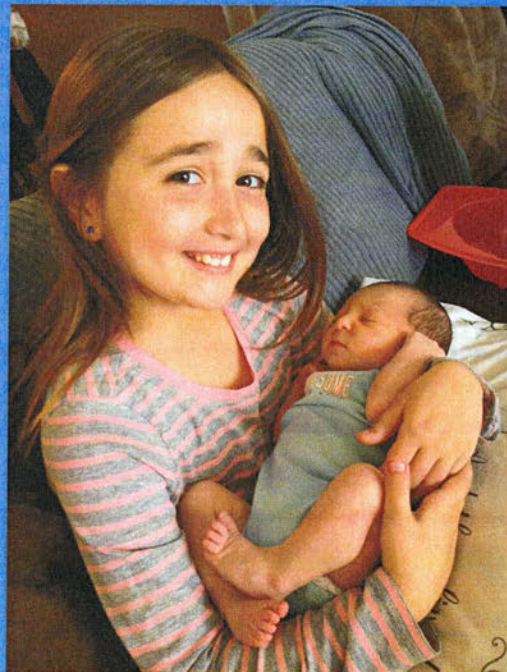
Morning :-)  
I heard Vannie is on spring break  
Maybe we could spend time together?

Absolutely :) I'm taking off tomorrow to do some mommy and me time but other then that it's open...oh and I went to Cali this past weekend thinking it was Easter s weekend...oopso no plans for Easter yet

Lol how is baby & mommy?

Ok have fun tomorrow & then we will make plans so I can see her the rest of the week :-))

Sounds good :)



Mommy and baby r doing great...Savannah and baby Jackson :) he's y tiny...only 6 pounds

Adorable!!

Have



Do you girls for Easter or does Justin?

I t do...buno plans as of yet.

Ok Kool just checking since justin has to work weekends I'm never sure  
Let me know if you do make plans

t Ya...istinks :( let me know if you'd like to have them

Ok thanks - will let u get back to work & I'll talk with Rob tonight

Sounds m good...I'sure they'd love hanging out with Bama and Papa :)

22-03-2016, 16:23

Hey you ;-)  
Hope your day was lots of funnnn :-)  
Crazy windy out there!  
Let me know when I should pickup savannah tomorrow.  
d Wondereif she could spend the night so she would be able to spend a little time with Papa  
He doesn't get home at night till 7ish :-((

Ya it's definitely nasty out well u could always pick her up from daycare. Would that work? I would just drop her off in the morning with Emma and u could pick her up whenever. Justin mentioned hanging out with them on Thursday so maybe he could just bring them home Thursday night? That way u guys don't have to drive out. Let me know if that works and ill check with Justin

Ok I'll confirm with Rob & let you know  
Thanks :-))

You drop them off at 7ish?

Isn't someone's Birthday tomorrow ☺

Yup around 7:15

22-03-2016, 17:25

:-/ hmmm let me rack my brain...maybe

# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:31 PM

Justin works but that's ok we could come up with a different pickup/drop off plan

Yup we will make it work out :-))

23-03-2016, 07:30

Ur only getting savannah right?

Yes

K just making sure I didn't need to leave the seat

On the right after I get off the freeway on horizon right?

Do you need me to take Emma to so you can go out tonight

On the left

Oh yeah sorry left☺

So make a left off freeway and its on the t left...firsleft after 7-11

Roger

Nope no worries. I already left was just thinking about

Well I have no problem making arrangements with ya later so you can go out & have fun for your birthday!!

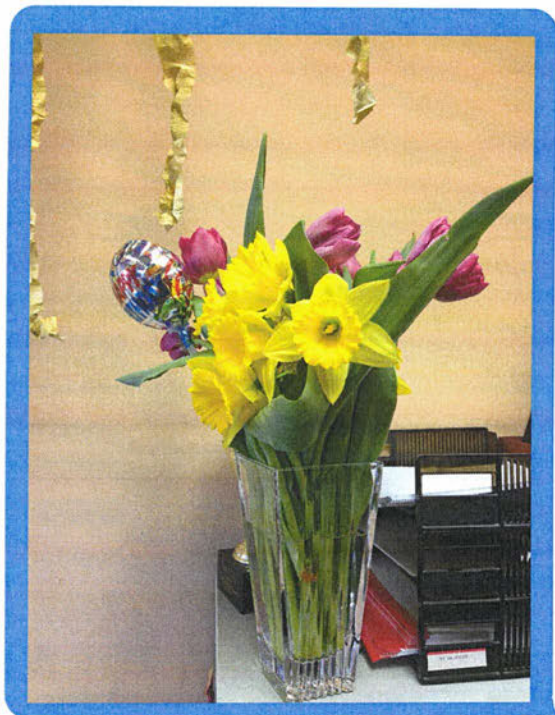
Nah it's all h good...savannawill enjoy the one on one attention :)



# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:31 PM

23-03-2016, 10:41



Found one :) so pretty!! Thank you so much!!

# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:31 PM

Yeahh good job :-))

23-03-2016, 14:52



Keepin the flowers burdy:-))

Oooh looking good!!

24-03-2016, 18:10

Hey just checking to see what the plan was for tonight?

May we have one more night?

Of course :)

Sweet  
Savannah will be t thrilled.....bul'm sure she will miss safe key

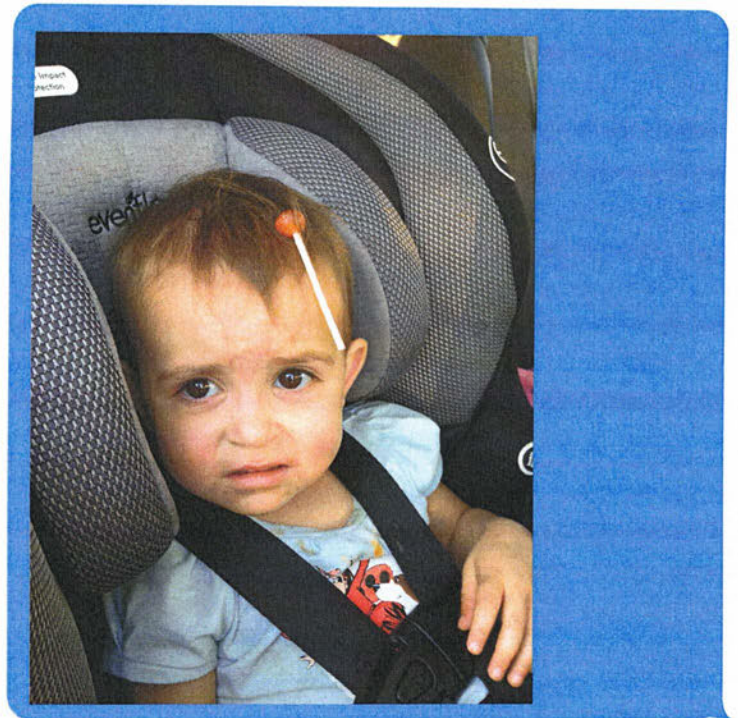
Ya poor thing I'm sure she's just having a miserable time ;)



# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:31 PM

Absolutely!!!!



This is what happens when u give a toddler a lollipop in the car...oops

That is priceless!! Luv u Emma

Poor thing :-((

25-03-2016, 17:03

Should I head your way to drop off savannah?

I'd give it another 10-15 mins. Barely leaving work and still have to grab Emma

No worries  
It will take me a bit before I can roll as well :-))

Sounds good :)

# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:31 PM

If u have errands to run its all good - just checking in with you

26-03-2016, 17:42

Hi :-)  
Do u know what time Justin is picking up the girls tomorrow?

No he hasn't texted I me...ilfind out

Ok no worries  
Sometimes he picks them up a day earlier then expected

Lol u know him so well

25-04-2016, 17:06

Hi :-)  
Hope work was decent - Monday's were always tough for me!  
What's on the planner for Savannah's birthday?

25-04-2016, 18:46

Not much just cake and ice cream with her friends on the actual day and then Justin said he would get her on Thursday so I'm not sure what he has planned. We r going to San Diego this weekend.  
How r u?

That sounds like fun  
I'm sure she will be excited :-)  
Doing good - can't believe how crazy the weather has been these last few days



# Messages with +17022794683 (Tammy)

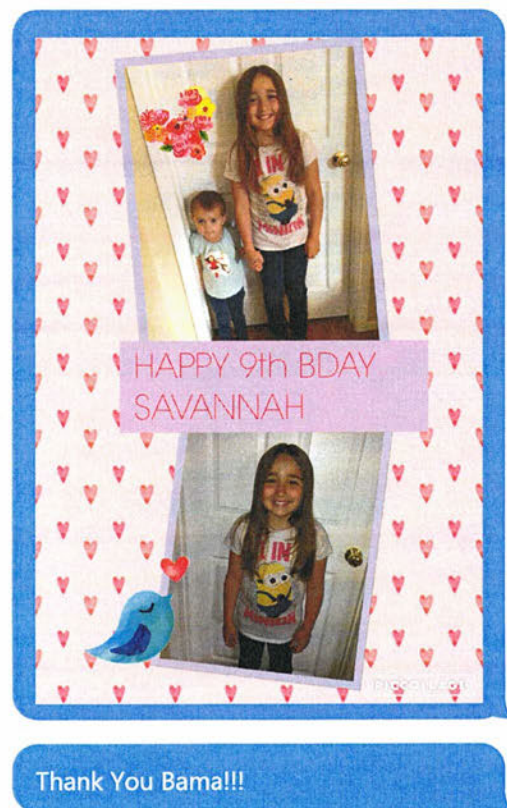
391 Messages / 2020-01-09 / Extracted at 03:09:31 PM

27-04-2016, 07:02



Good morning  
Happy Birthday Savannah!!  
u!!

27-04-2016, 09:21



Thank You Bama!!!

# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:32 PM

Cute!!!

Does she get to skip school today & hang out with mommy?

Lol no not today :( but tomorrow is bring your child to work day so she will hang out tomorrow :) plus she didn't want to miss today she gets a special lunch with the founder of the school for doing really well in her Spanish class so she's o excited....woohoSavannah :)

Wooooowwww go Savannah!!!!

What time is cake & ice cream?

Not totally sure g yet...gettinher and her friends early from school and then taking them to dinner of her choice :) so some time after we get back. I've learned to not set a schedule with kids lo never seems to work out like u want it to

27-04-2016, 10:39

I hear ya! Sounds like fun - she will have a fantastic day!

Your nerves might be some what shot by the end of the day - but well worth it

27-04-2016, 13:45

Rob & I would like to stop by this evening if that's ok :-))

27-04-2016, 15:39

Ok I can text u once we figure out a more concrete plan if that's ok

Sounds perfect :-))  
You are the best  
No rush & no worries :-))

27-04-2016, 17:44

So she decided on Jason's deli. Ur welcome to join if u would like. We r getting Emma then headed there.

Still waiting for papa to get home :-)



# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:32 PM

Aww ok no worries. Ill shoot u a text when we r almost done

:~)

27-04-2016, 18:46

Headed home in about 5 mins :)

Roger  
Rob just walked thru the door  
We will head your way

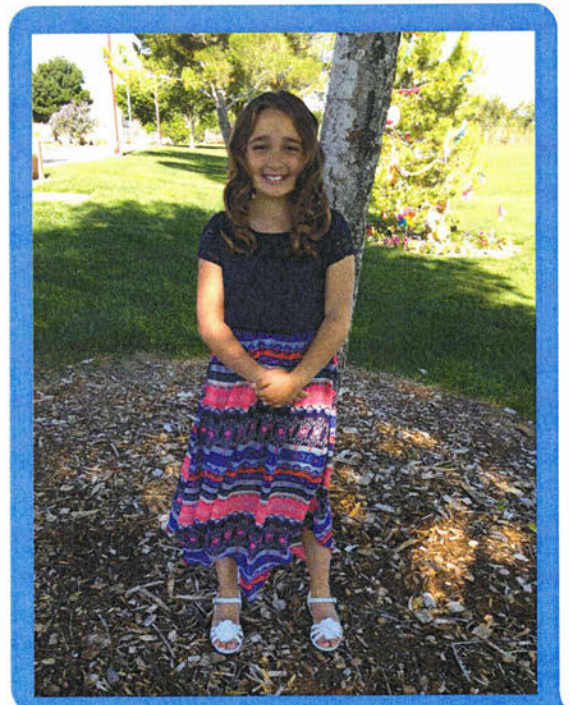
Savannah doesn't know ur coming she's gonna b so happy

Not there yet, gate code?

#1776

It's ok we will wait :)

01-06-2016, 12:15



# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:32 PM

Last day as a 3rd grader :)

03-06-2016, 16:00

Hi :-)  
Sorry for the delayed n response....iUtah  
She looks amazingly grown up!!  
Mommy did a great job curling her hair

Thanks for sharing  
How is Emma Rose?  
Bet she's talkin up a storm now

16-07-2016, 09:36



01-08-2016, 12:58

Hi :-)  
Hope u had a good weekend - unfortunate that it had to be so crazy hotttt:-(  
Wondered if I could have the girls for the week?

Hello hello :) ya it was pretty nasty. Not as bad yesterday there was a tiny tiny breeze :) u thinking this week? I'm headed to Cali on Friday morning so I would probably just need them back Thursday night if that works



# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:32 PM

We kinda hid inside yesterday & stayed cool :-))  
Since I'm going off & the girls are at daycare I thought it would be fun to spend time with both of them.  
Thursday night certainly wouldn't be a problem :-))

Since I am d off....bafingers lol

I'm sure the girls would love it :) let me know when to have them ready and what u guys need me to pack

Up to you if u want me to get them before u go to work or from day care....I know it's short notice.  
d Woulneed the usual overnight stuff, clothes, diapers & swim suits :-))

Either way works for me. U can always grab them tonight if you'd like :)

Do u need Emma's play yard for sleeping?

I could probably do tonight - what time ya thinkin?  
I have a play pen but Sue borrowed it for Charlie - I'll see if she's in town.

What do they usually have for breakfast?

Anytime after 6:30 would work to give me a little time to pack a bag. No worries if sues not in town  
I'll bring out the play yard just in case

Savannah's been on a eggs and toast kick and still loves bacon lol Emma will pretty much eat anything. Cereal is always easy

Ok sounds good will check in with you later & let u get back to work

Ehhh what fun is that

01-08-2016, 16:33

I won't need your playpen :-)  
Have mine back

Sweet :)

# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:32 PM

01-08-2016, 18:32

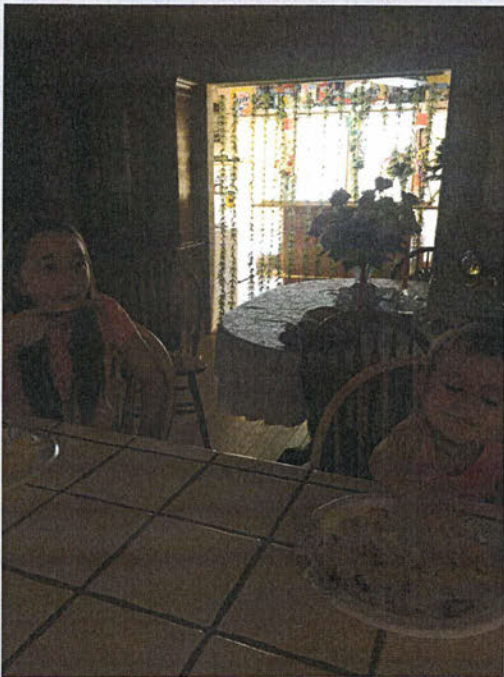
I'm here  
Traffic was lite

K we r coming down

Ok

02-08-2016, 08:34

So how did they do last night?



Great  
We r having breakfast

Yummy :)

They both eat well last night - even got them to try some American chop suey:-))



# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:32 PM

Wow!!! Savannah is terrible at trying new foods lol

Yuppp she even agreed that she should try more things

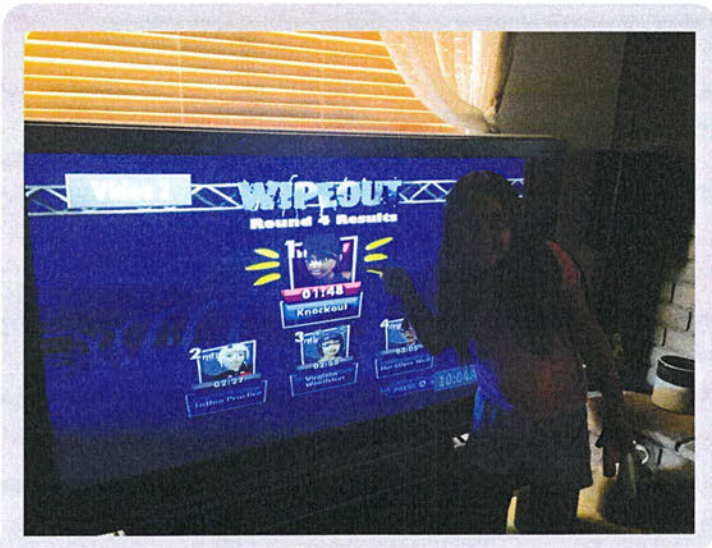
Wow! Go Bama! :)

☺ think she just wanted to impress us

Lol

Hey whatever works

02-08-2016, 10:03



We have a winner!!

Woot woot at a girl! I suck at that game so I'm really impressed lol

I'm no good at it either!!!

02-08-2016, 12:08

Do u need more diapers for your trip?

# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:32 PM

Sure if u have extra :)

I got size 4 luvs

Perfect :) that's what I use :)

Sweet :-))

03-08-2016, 18:30

So u know its a good day when.....  
y Thego peepee in the potty

Woohoo

03-08-2016, 20:40

Hi - u there?

04-08-2016, 17:03

How r the girls?

Doing good :-))

Waiting for Rob to get home - he wanted to take them out :-))

No worries. Staying late at work have tons to do :-/ should b done in about 15 minutes then I'll head home

Ok don't rush on our account - poppa hasn't be able to spend much time with him because of his crazy work schedule.

We are headed to get food then your g house....thinkin7:39 ish :-)

Sounds good...I haven't even left work yet



# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:32 PM

04-08-2016, 18:15

;-(( ughhhh

Finally leaving. Should b home in about half hour if there's no traffic

Take your time - we just got to order so will be a bit

04-08-2016, 20:01

We r here :-))

I'm coming :)

16-08-2016, 15:28

Hi - how was your vacation? Bet the temps were a lot cooler

s Ugh...waawesome!!! Pismo was chilly total sweater weather which was awesome!! Back to reality

Nice!! Pismo is a fun place to visit :-))  
Was wonderful if I could have the girls tomorrow?☺

Ya it was a great time. We didn't want to come back lol absolutely! They will love it

I hear ya - I wouldn't want to come back either!!  
Can I pick them up tomorrow morning - place & time of ur choice :-))

Sounds good to me :) would it be closer for u to grab them from my work?

Sure works for me  
What time?

Or u could always grab them from daycare it's up to u

I'm easy - I like what works best for you :-))

# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:32 PM

Ya work would work best so I can get the seat all put in for u too. 8:30ish??

For the day or overnight?

Sweet - c ya then.  
I was planning day but I'm sure it will turn into overnight ☺  
And back to you Thursday night

Lol I'll pack a bag just in case

Then they can spend a little more time with papa :-))

No plans so whatever u want :)

Sweet & don't forget the swim a suits.....hahahwe don't wanna get in trouble with them

Heaven forbid I forget the suits!

17-08-2016, 08:27

Morning:-)  
I'm here

Thanks again :)

:-))

Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:32 PM

17-08-2016, 16:17





# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:32 PM



Ready for Halloween

Snacks at d 6ish.....coldsoda at 6:15ishh?? Lol

# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:32 PM

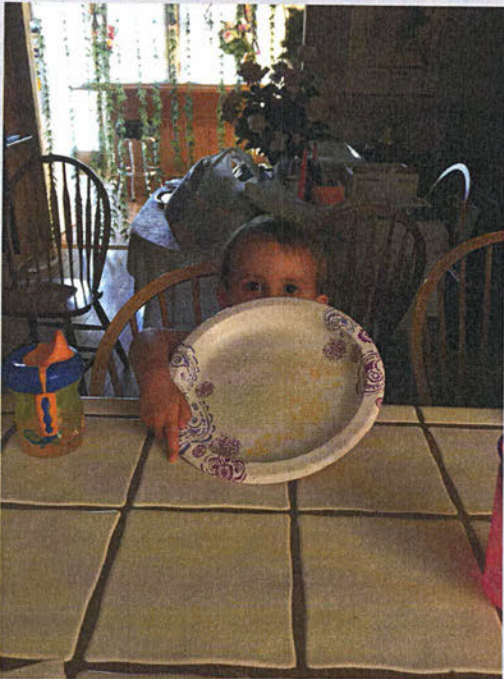
lovin it! Look at their o

faces...nshortage of fun lol

I must admit they we're giggling up a storm ☺

Oops 4ish snacks with cold drinks at 4:15ish with Shrek as entertainment:-))

Lucky kids while mom slaves away



Yup emptied the plate twice!!  
What a great appetite she has

Wow good girl!!!! How did Savannah do?

Great :-))  
Sandwiches, crackers & cucumbers oh yeah & of course juice too

18-08-2016, 12:38

How did the girls do last night?



# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:32 PM

Good :-))  
How did u do last night?

Lol was it too quiet?

Was a nice night :) was able to go to a nice dinner woohoo lol but of course I missed them

Sweet :-))

18-08-2016, 17:41

Headed home just wondering what the plan is for the girls

Hi :-)  
Just havin a little snack - should be there 6:30 ish if that works for you :-)

No rush at all just wanted to check in :)

Thanks :-))

Just leaving - c ya in 35 ish

18-08-2016, 18:43

Sounds good :)

We r here :-))

19-08-2016, 14:47

Hi :-))  
How did the girls do last night?  
Do they miss Koa yet?

Emma was exhausted!!! She whined and cried about everything lol i finally just gave her a bath and put her down

Ohhhhhh :-(( poor thing - we wore her out with all the errands & pool time.  
Sorry  
I'm sure the bath e helped.....shgot to have a bubble bath yesterday morning too



## Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:32 PM

t Ehhh...don't be sorry it's good for her :) better to be worn out from having a good time :) spoiled kids

Yeahhh we have fun spoiling them for sure  
Have a good weekend & hope u get to enjoy the pool!!

Hopefully it doesn't rain on us at least maybe not til after the pool

either way it will be fun

24-08-2016, 14:12

Hi :-))  
Hope u had a fun day at kawabunga bay :-))  
I'm having a total blast hanging out at car dealership for bad tire replacement  
Would much rather be with the girls!

s Ugh...soundlike a blast. Although I think I would rather be stuck in a dealership then be stuck here at work lol

Were u guys still thinking of taking the girls this weekend?

Lol I hear ya  
I need to check with Papa....some issues came up with the s truck....need repair & maintenance  
ugh does it ever end??

How was the water park? Bet it was chilly after all that rain

Ugh tell me about s it...always something right? Water park was awesome. Wasn't packed so that was nice! We had a blast. Felt like a kid again I think I screamed louder then Savannah on some of those rides lol

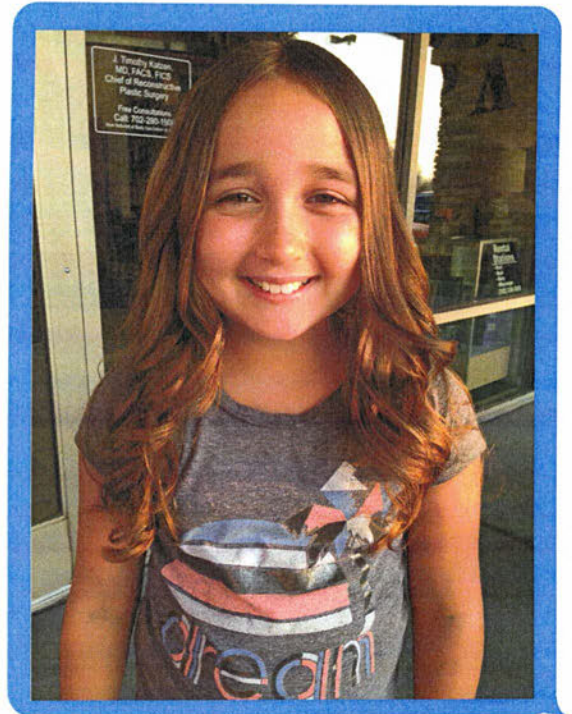
It was perfect t weather...noblistering hot but it was pretty hot standing in some of those lines

nice!!

# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:32 PM

24-08-2016, 19:02



Not much taken off but she loves it :)

Cute!!

28-08-2016, 17:34

Hi :-)

Hope Savannah has a great day at school tomorrow!!  
Sorry we didn't get to see them this weekend - it was a crazy one for us, but hope u got to have fun

Awww thanks :) she's not too excited that summer is over lol no worries I figured things got busy. Justin will have them this next weekend so at least u get to see them soon :) what has the weather been like up at the cabin?

Mid 70's during the day mid 40's at night - definitely will need pants & light jackets ☺  
Sneakers & boots, no sandals as we will most likely get rain  
Their winter boots would probably work great

Darn they don't have any boots that fit think they will b ok with sneakers? Has it been muddy?



# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:32 PM

28-08-2016, 19:25

Sneakers should be y fine.....sorrfor the delay :-))

29-08-2016, 09:16

Ready for 4th grade

Exciting

Did the pics go through?

No





Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:32 PM



# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:32 PM



Gottem awesome! Luv the purple

Picked it all by herself :)

Good job

29-08-2016, 19:27

How did we do in school today?

In her t words...iwas the best day ever lol when I asked her why she said because they didn't have to do anything today :)

she's a hoot!!  
Tell her we said good job & sleep well

As requested for e dinner...cheesdogs a Bama specialty

cute!! enjoy



# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:32 PM

09-02-2017, 15:03

Hi there :-))  
What's on the planner for Emma's birthday?  
Seems like forever since I have seen you - hope all is well :-))

Hey you!!!! Been a while Justin will have her and Savannah on Sunday for her actual birthday so I'm not sure what he may have planned. Then we are headed out of town the next weekend to celebrate her bday.

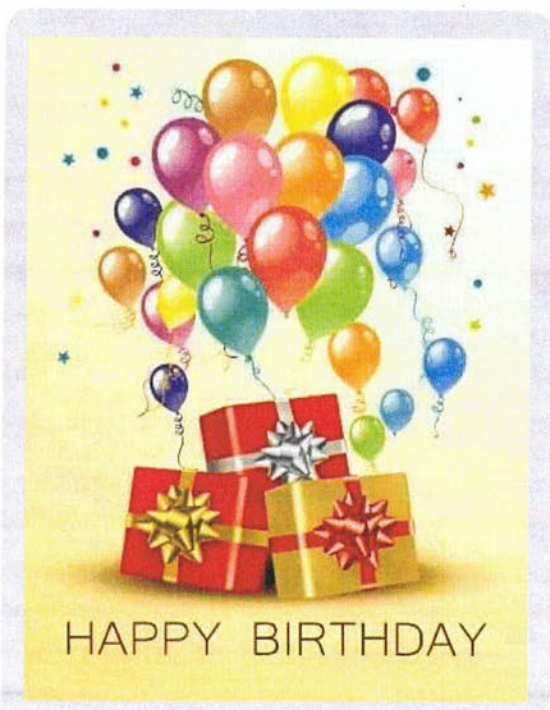
Sweet  
Sounds like fun for the long weekend:-))  
Thanks for the info

May do cake and ice cream that day depending on when I get them back from Justin

Ok Kool - I'll stay in touch :-))



23-03-2017, 22:32





# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:32 PM

Happy Birthday!!!

Thank you

Hope u had a great day

Sure did ate way too many sweets :)

lol that's a good day!!

27-04-2017, 17:07

Hello :-)) and Happy Birthday to the OLD 10 year old lady!!

♥♥♥



# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:32 PM



Having a great day!!! Thanks bama

Sweeeet!!!!

Is that a new wrinkle I see on her??

27-04-2017, 19:42

One on her 10 more on me

lol I think a got a few new ones too!  
U headed to Cali this weekend to party with the cousins?

y Nah...mfriend is coming here with her family so that will be nice not have to travel

Good plan it will be a great weekend

14-05-2017, 10:59

Happy Mother's Day 🍷 🍷



# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:32 PM

Thank you

14-08-2017, 08:10

Hi :-)  
How did the first day back go this morning?  
Before we know it she will be driving

Just dropping her off now

02-09-2017, 07:58

Hi :-))  
Enjoy your 'me' mommy time!!  
And thanks for letting the girls come to camp o .....Savannah can take care of me she  
made a great taco soup last night



Making breakfast casserole 🍳 🍳

02-09-2017, 09:52

Wow taco soup and breakfast casserole and it's only Saturday lol sounds like a great weekend to me tell her to take notes so she can make it for me when she gets back

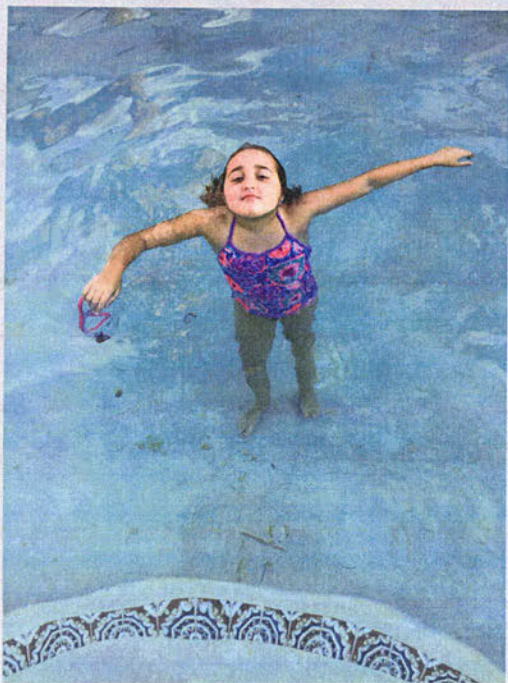


# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:32 PM

Lol will do  
Hope u have a fun weekend

09-09-2017, 18:30



She's getting sooo big 🥰

I still remember the scared little Savannah that didn't want to jump in

Lol yuppp! We were just laughing about that caus she was picking on Emma

24-10-2017, 11:02

Hey u you...yoare going to Dumont too right?

Hi :- ) yes - what's up?

Just wanted to make sure u guys were going too to help keep an eye on the girls. Was just a little concerned with everything that happened :-/

# Messages with +17022794683 (Tammy)

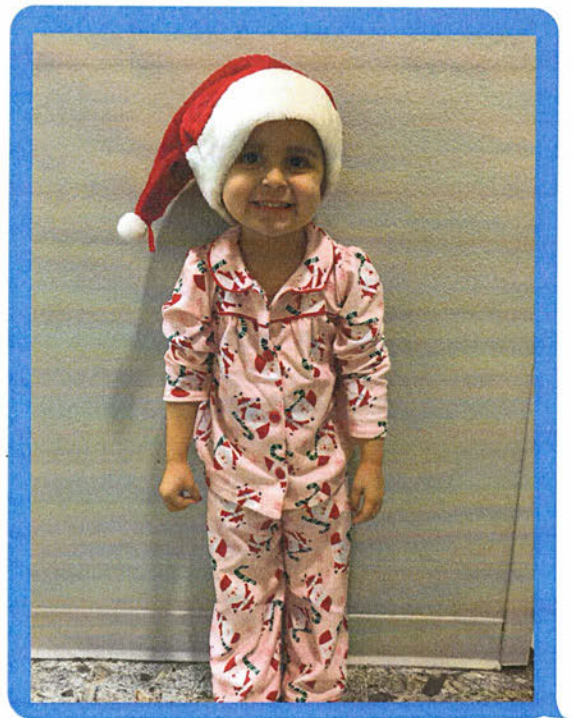
391 Messages / 2020-01-09 / Extracted at 03:09:32 PM

24-10-2017, 12:08

Gotcha

Thanks Tam

14-12-2017, 18:56



07-02-2018, 08:15

Morning :-))  
How is everyone doing?

Hi! Happy hump day lol everyone is good so far. Oh met someone on Sunday that you used to work with at Hilton. She was Sally's friend her name was Marci :)

Lol ahhhh yes dear Marcy.....bet she was excited to meet you & talk about me

Glad all is well.  
g Anythinspecial on Emma's wish list for her Birthday?



# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:32 PM

Ugh!!! Emma's Birthday! I have absolutely no clue what to get her I even took her to target yesterday through the toy aisle just to get some ideas but that was no help she just wanted everything. Sorry I'm no help here

lol no worries  
Figured I would touch base with you.  
m l'sure no matter what she gets she will be thrilled!  
You celebrating her birthday on  
Sunday?

23-03-2018, 14:27

Hi - Happy Birthday

Thank you

28-03-2018, 18:24

Hello

Hola

28-03-2018, 19:59

Hi :-))  
U there?

Yup I'm here lol

Lol  
Sorry got pulled away earlier  
Wondering what (if any) plans u had for Easter

Nothing planned on my s end...it's Justin's weekend so he will have them on Easter

Ok wasn't sure....didn't get any info....lol  
I Algood with you?  
Haven't seen u "IN FOREVER"

bout things with u guys



# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:32 PM

Yup same ol same ol over here. My mom is here visiting for spring break so that's been nice. How

Sweet!! say 'Hi' for me.  
Bet the kids are enjoying her being there.  
We r still doing the same as g always....nothinexciting to report

Can't believe Vannie's gonna be 11 next month  
What's on her wish list?

29-03-2018, 06:59

I'm sure she has a list.....

29-03-2018, 09:19

Hmmm good I question...I'll have to ask her today.

12-08-2018, 13:45

Hi Tammy Justin mentioned u guys would be dropping the girls off today just wondered what ur plans were

When are you back ?

Well Dorothy wanted to take them to a movie and I was wondering if u could drop them off with her around 6ish. Otherwise I won't b back til after 7

Ok sounds good

12-08-2018, 17:11

Hey getting back into town a little later than expected. Hitting some traffic. Should be home around 8ish. I'll keep you posted

Ok thanks for the update

12-08-2018, 19:22

Just passed Primm. Should be home by 8:20

# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:33 PM

Roger  
Be safe

I'm home

12-08-2018, 20:25

Ok OTW

13-08-2018, 10:32

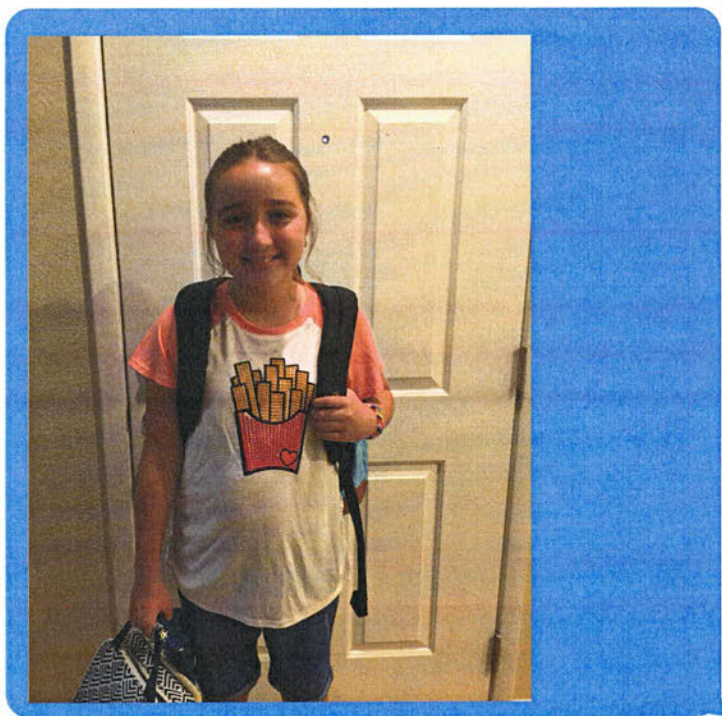
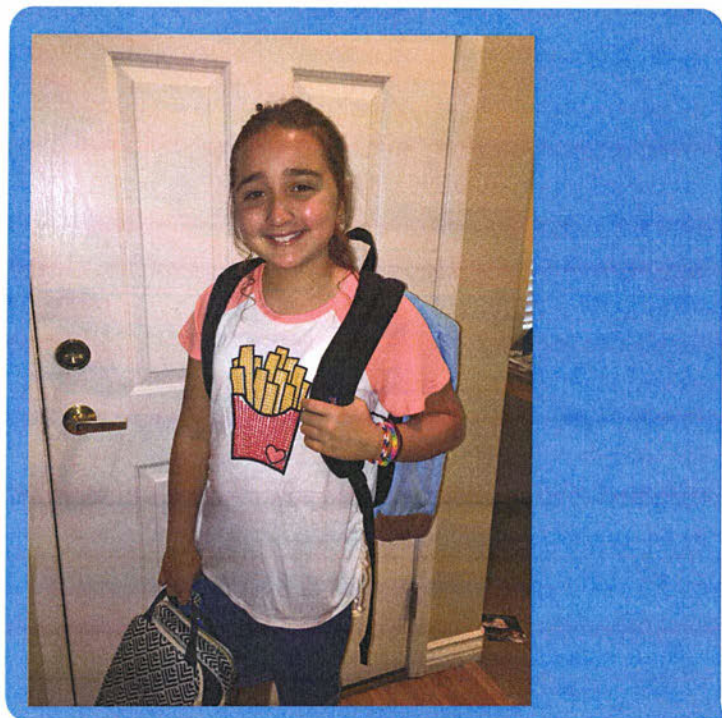
Hi  
How did it go this morning?





# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:33 PM





# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:33 PM



Not too bad she was still nervous but better. She was worried about not being able to find her classes but we mapped them all out so she was feeling a little bit more confident.

Cute pics  
I'm sure she will do fine  
We tried to tell her everyone would be g nervous...includinthe teachers

17-08-2018, 14:39

Sorry I missed you!!! Thanks so much for the cream!

Youre welcome

23-08-2018, 11:51

Hi  
Checking to see how everyone is doing this week  
Hopefully it's smoother than last weeks jitters

I've been meaning to text u about that cream!! Worked great! Appreciate it! Do u want me to send it with her to Justin's? She actually said the words "so far I LOVE school" which is great lol we will see how the rest of the year goes but so far so good lol

## Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:33 PM

Yeah! Glad to hear the cream helped! Poor thing was pretty stressed out.  
Has it completely cleared up? If not send it for sure so we can get it cleared up.  
s Wow.....wordwe love to hear but rarely do from the kids school & fun don't usually hang in the same sentence

14-12-2018, 12:54

Good morning :-))  
Long time no chat.  
Hope u are doing well.  
d Coulu tell me what size shoe Emma is wearing?  
And what size pants Savannah is ?  
Thx

Hello hello!!! Missed u last night at Emma's Christmas performance! She actually sang this time lol  
Emma is a size 9 shoe in toddlers and Savannah is a 14/16 in pants

didn't know about it.  
But sure nice to hear she did well 🍷 🍷 send a pic of u can  
Thx for the sizes..  
You & Savannah will get a laugh tonight....I accidentally texted her....guess I should of had my glasses on a ...bwahahah

Awww boo! Justin mentioned Bob is super sick :( I'm sure savannah will be y happy...anexcuse to text! She's with Justin this weekend maybe u will get to see her :)

Yup my man even shared & now we r sick together

06-02-2019, 06:32

Good morning  
Burrrr mighty chilly & windy this morning!  
Was wondering if u had plans with the girls this weekend?  
There's lotssss is snow at camp

06-02-2019, 07:51

Would like to take them for the weekend to enjoy camp with Papa & Bama

No h plans...Savannaseems like she's coming down with a cold but she should hopefully feel better by the weekend. Sounds like fun :) let me know what u are thinking for pick up or drop off



# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:33 PM

06-02-2019, 08:52

Hmmmm well not sure it would be a good idea if she is sick  
Will check with u tomorrow

Sounds good :)

07-02-2019, 14:03

Hi :)  
How is Vannie feeling today?

Horrible :( she didn't go to school today she had a 104 fever

yikes  
So sorry to hear that!  
Did u stay home with her?

No my friend dorothy is off today so she is with her

12-02-2019, 07:05

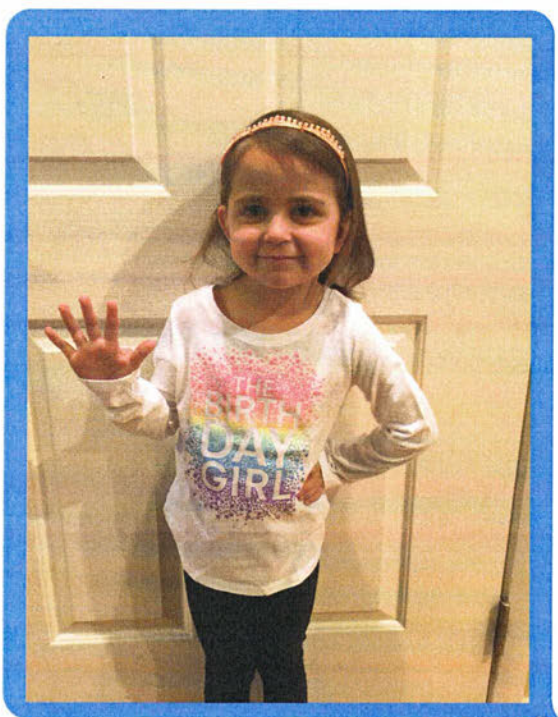
Morning  
Happy Birthday to Emma 🍕 🍕



# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:33 PM

12-02-2019, 09:35



Thanks Bama!!!!!!

# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:33 PM

Cute shirt mumma

How is Vannie doing with her cold?

She's a lot better just has a nasty y cough....apparentlit's my turn now

☹  
I feel for ya....I came down with something on Saturday

19-02-2019, 08:36

Good morning  
How did our little patient do last night?

Not too great she was super restless and couldn't get comfortable. Moaned and groaned all night so she didn't get much sleep. I'm hoping she gets some rest today

not the news any of us were hoping for.  
I'm sure you must be exhausted from being up all night!  
Hope the blood work puts a new perspective on this....or what ever tests you are waiting on.  
e Pleaskeep us updated & let us know if there is anything we can do

Thanks Tammy. It's frustrating not having any answers. Glad they have ruled out a bunch of stuff but still no answers :(

Frustrating for sure.  
Almost sounds like she was allergic to the antibiotics  
Glad u can be there with her.  
e Hopthe fever is way down today

19-02-2019, 12:40

Lunch time  
Chicken soup on the menu perhaps

She has a whole n spread...iand out cheeseburger and fries, milk shake, chicken fingers, ice cream, jello, and out of all that she's eaten 2 bites of a saltine cracker and that's after 20 minutes of whining first



# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:33 PM

Yikes

20-02-2019, 07:40

Good Morning  
How did u 2 do last night?

r Ugh...after left her fever went back up to to 104.7 so they were worried about that. Doctor got cardiologist involved because the high fever for that many days can cause heart problems so they did an ekg and are going to do another heart test. They moved her to a different room

oh myyyy

I'm guessing they will need to change antibiotics again

Hopefully we will get a break thru from the test results today

I pray she will be able to eat e today.....shneeds fuel for the fight

She has a bowl of cereal and a few bites of hash brown so at least that's something

That's great news 🎉  
It's a start - sounds like better than yesterday?

Hang in there mom - she's tough she will beat this

Has her fever dropped back down?

Sorry lots of t questions....jusbeing Bama

Tell her I wish I could bring by some of my breakfast casserole for her

20-02-2019, 09:52

Fever dropped down finally after 2 different kinds of meds to bring it down :(

21-02-2019, 02:58

Can't w sleep.....hou doing?

21-02-2019, 08:31

Morning  
How is she doing?



# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:33 PM

Just seems to go up and down. Fever of 102 last night. Haven't seen the doc yet today. She's sleeping now which is good

:(  
Crazy how they can't seem to sort this out

21-02-2019, 13:50

Hi :-)  
Any update?

Nope not a thing. Waiting for the infectious disease doc to come in and see us again

22-02-2019, 09:18

Savannah's feeling a lot better today she got some good sleep and she's eating a bit more which is good. They are going to do more blood work to see how all her levels are if those come back good we may be able to go home today woohoo

That's Fantastic news 🙌 🙌 🙌 🙌  
Thanks for the update - greatly appreciated  
I look forward to the next note & pic of u guys headed home

22-02-2019, 15:19

Did Justin tell u they are transferring her?

Just got the text

22-02-2019, 16:39

Do u have the code for hospital?

23-02-2019, 20:48

Hi :-)  
Hope u got a few moments to yourself y today....verstressful & u have been doin Great!!  
Hats off to you.

How is it going now?

# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:33 PM

Going ok doc just came and still doesn't have the test results probably won't know til tomorrow. She has another tomorrow for leukemia. She's sleeping now. She ate a lot tonight which was great and she walked around the halls again

23-02-2019, 21:54

Ughh I understand the "real" blood work takes time .....unfortunately they have to test for cancer & leukemia but she is a healthy girl & doesn't have that! :/))

Glad to hear she walked the halls...bet she felt better doing it& had an appetite for the e tacos....shis definitely on her game♥

She was very sharp earlier

Sooooo how were The tacos?

24-02-2019, 09:48

No updates doc hasn't come in yet but still 102 fever...

25-02-2019, 08:21

Good Morning  
Are u overwhelmed with Drs already this morning??

26-02-2019, 09:22

Hi :-)  
How's today looking?

More of the same as yesterday not a whole lot letting the steroids do their thing

Did she get to enjoy a hot shower?

Not so sure about the enjoy part but she did get a shower lol

# Messages with +17022794683 (Tammy)

391 Messages / 2020-01-09 / Extracted at 03:09:33 PM

So with the time that has passes.....they should know something from all the blood a work!?!?.....hahSHOULD

n PASSED.....damautocorrect

28-02-2019, 12:15

Hi  
How are we doing today??

28-02-2019, 13:51

Looks like she will get to go home today yay!

Wowww!!  
Don't suppose they have u any time line?

28-02-2019, 14:51

Ya 8am this morning

Bwahahaha  
They are awesome  
Knuckle heads

Looks like still a few hours til they do the final discharge

What an emotional roller coaster with them  
Has she had any fever the last 48 hours?

Nope

thata girl



# Messages with +17022794683 (Tammy)

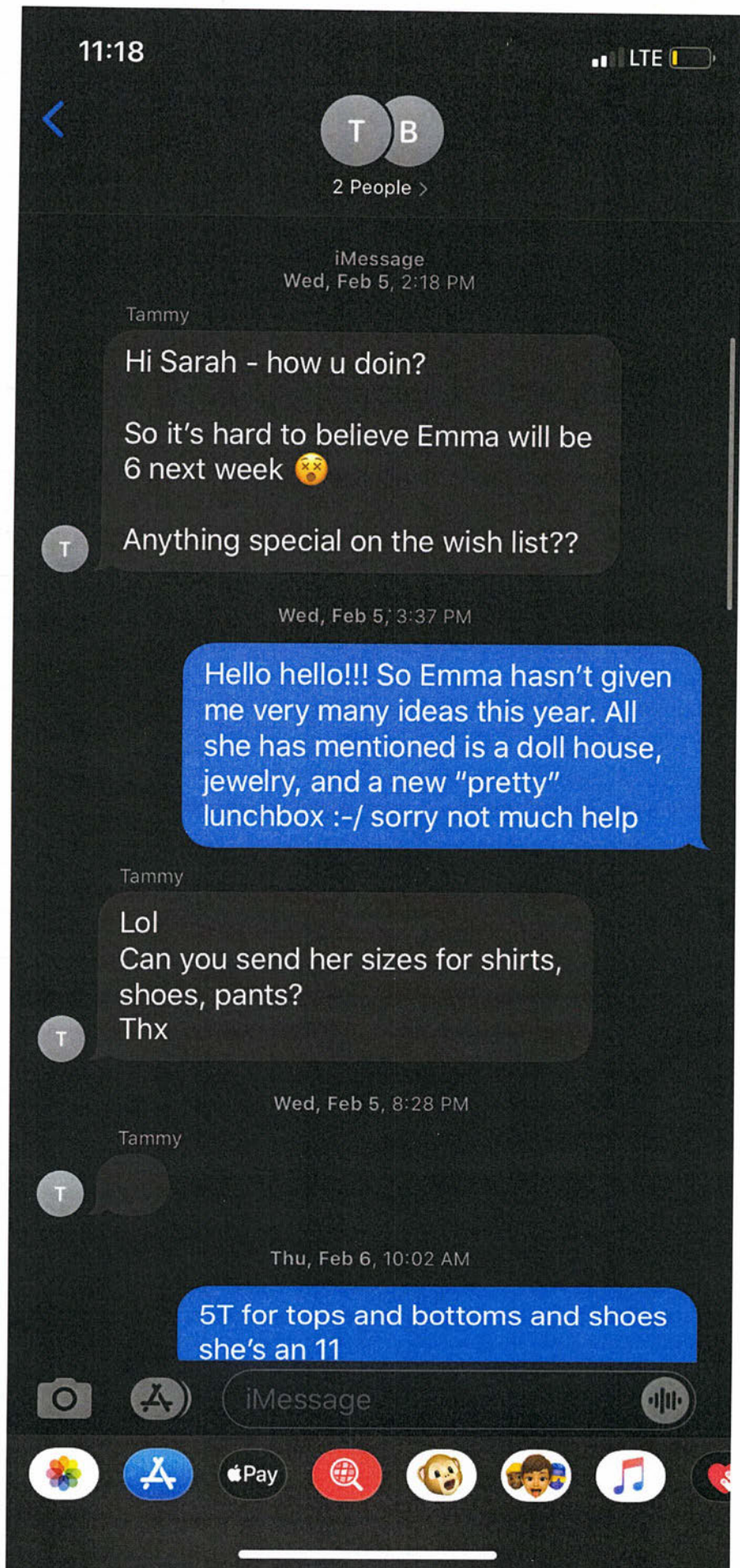
391 Messages / 2020-01-09 / Extracted at 03:09:33 PM

28-02-2019, 16:28

You still at the hospital I wanted to come say hi

Justin is at the hospital with her now but looks like they are pretty close to being released. He just got all her prescriptions

Ok thx



Group text with  
Bob, Tammy, Sarah.  
(Bob & Tammy - Justin's Father  
and step mother)







11:19

LTE



2 People >

BOB



We!!!!!!!!!!!!

Yes she is

Wed, Feb 12, 9:10 PM



iMessage





11:19

LTE



2 People >



iMessage



ROA000534

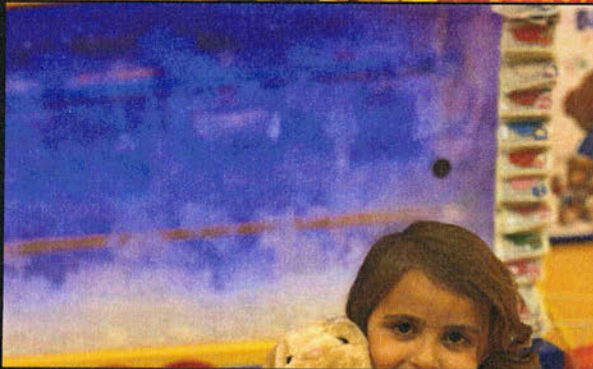


11:19

LTE



2 People >



iMessage



ROA000535

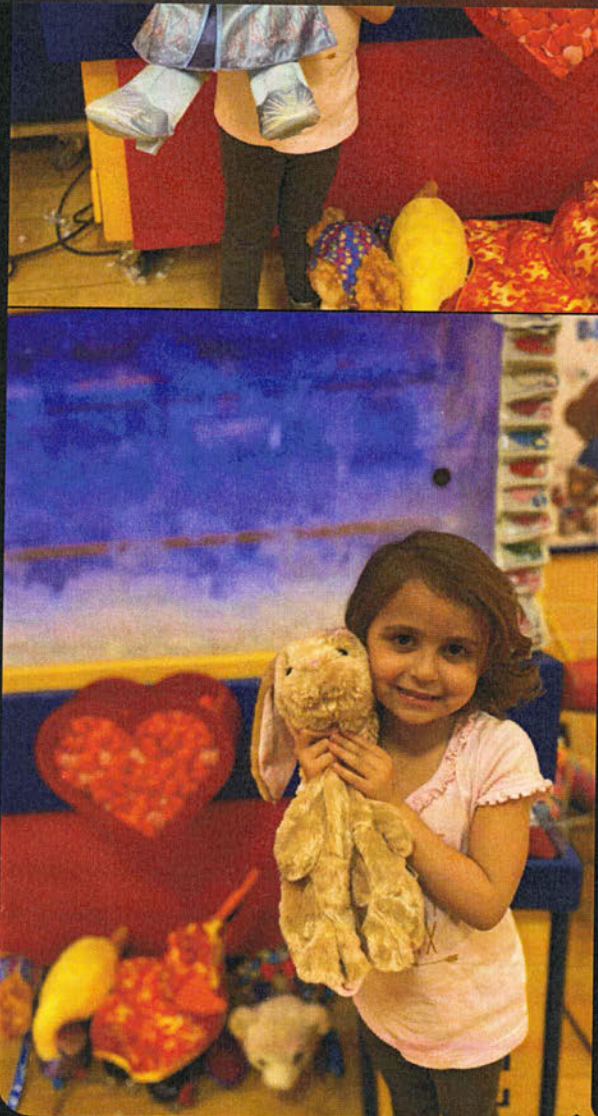


11:19

LTE



2 People >



Tammy

Adorable bunny  
Good job Emma ❤️



Luv the shirt 😂



iMessage



ROA000536

# Messages with +17022796422 (Bob)

40 Messages / 2020-01-09 / Extracted at 03:10:24 PM

13-05-2018, 12:45

Happy Mother's Day !!!

Thank you :)

19-02-2019, 09:39

How is sav today?

She's pretty miserable just really tired and uncomfortable

Any reason yet ?

Nope still nothing. They have ruled out a bunch of stuff but still no answers

22-02-2019, 20:55

Hows things going ?

They're ok right now. She's sleeping. She threw up all her Tylenol so they brought her fever down by putting ice packs all over her :-/ but at least she's sleeping now

Wow, so the cereal didn't stay either ?

Actually most of it stayed and she ate a lot after throwing up so that's good

25-02-2019, 09:09

How is she doing today, ?

Justin is with her today but said she had a really rough night :( and they have her on no food right now

25-02-2019, 10:55

Justin is not responding why is she on no food again



## Messages with +17022796422 (Bob)

40 Messages / 2020-01-09 / Extracted at 03:10:24 PM

They just cleared her to eat so that's good. But originally it was because they needed to flush her system with fluids because she had all the fluids in her lungs. She also has an enlarged colon which is causing pain when she goes to the bathroom and food would aggravate that

Wow ,so did it work ?

She is getting a scan today ?

What is todays code ?

25-02-2019, 12:27

Code is sm60

Ok cool

Thanks

No tests today. They gave her some steroids starting last night and they want to let that take effect before doing any tests to see if it's working

25-02-2019, 19:12

Hows she doing this evening?we defiantly have the sniffles going on , dammit

Oooops definitely

She's been sleeping pretty good for a while so that me good. When she wakes up we are going to give her a much needed shower

She is sleeping ?

Thats good

What is tomorrows plan ?

25-02-2019, 20:17

They are going to do another scan to see how the steroids are working



# Messages with +17022796422 (Bob)

40 Messages / 2020-01-09 / Extracted at 03:10:24 PM

26-02-2019, 10:25

Hows it going today ?

Any good news

28-02-2019, 11:43

Looking for updates please, tammy and i have colds

Not much today except we are hoping she gets to go home today. Yesterday they did the colonoscopy and liver biopsy. The colon looked good but the biopsy's will take some time to get back. Doc said as long as her bilirubin levels are going down today she can go home

14-03-2019, 18:53

Are the girls with you tonight

Yes

Now ?

We have things

Yes

Can we stop by

Yup

Thanks

**R. GISTER OF ACTIONS****CASE NO. D-14-506883-D****Sarah Maurice, Plaintiff vs. Justin Maurice, Defendant.**§  
§  
§  
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§  
§Case Type: **Divorce - Complaint**  
Subtype: **Complaint Subject Minor(s)**  
Date Filed: **12/11/2014**  
Location: **Department Q**  
Cross-Reference Case Number: **D506883**  
Supreme Court No.: **83009****PARTY INFORMATION**

<b>Defendant</b>	<b>Maurice, Justin</b> 108 Westin LN Henderson, NV 89002	Male	<b>Lead Attorneys</b> <b>Bradley J. Hofland</b> <i>Retained</i> 702-895-6760(W)
<b>Plaintiff</b>	<b>Maurice, Sarah</b> 1596 Rusy Ridge LN Henderson, NV 89002	Female	<b>Rachel M. Jacobson</b> <i>Retained</i> 702-601-0770(W)

**Subject Minor Maurice, Emma****Subject Minor Maurice, Savannah****EVENTS ☐ ORDERS OF THE COURT**

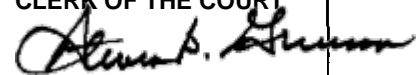
10/27/2020 **All Pending Motions** (9:00 AM) (Judicial Officer Duckworth, Bryce C.)  
*DEFENDANT'S MOTION AND NOTICE OF MOTION TO MODIFY THE CURRENT CUSTODIAL ARRANGEMENT; MODIFY CHILD SUPPORT; MODIFY CHILD TAX DEDUCTION; AND FOR AN AWARD OF ATTORNEY'S FEES AND COSTS AND RELATED RELIEF... PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO MODIFY CUSTODY, CHILD SUPPORT, CHILD TAX DEDUCTION, FOR AN AWARD FOR ATTORNEY'S FEES AND COSTS AND RELATED RELIEF; AND COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS... DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION TO MODIFY THE CURRENT CUSTODIAL ARRANGEMENT; MODIFY CHILD SUPPORT; MODIFY CHILD TAX DEDUCTION; AND FOR AN AWARD OF ATTORNEY'S FEES AND COSTS; AND RELATED RELIEF AND OPPOSITION TO COUNTERMOTION FOR ATTORNEY'S FEES...*

**Minutes**

10/27/2020 9:00 AM

- DEFENDANT'S MOTION AND NOTICE OF MOTION TO MODIFY THE CURRENT CUSTODIAL ARRANGEMENT; MODIFY CHILD SUPPORT; MODIFY CHILD TAX DEDUCTION; AND FOR AN AWARD OF ATTORNEY'S FEES AND COSTS AND RELATED RELIEF... PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO MODIFY CUSTODY, CHILD SUPPORT, CHILD TAX DEDUCTION, FOR AN AWARD FOR ATTORNEY'S FEES AND COSTS AND RELATED RELIEF; AND COUNTERMOTION FOR ATTORNEY'S FEES Plaintiff/Mom and Ms. Jacobson present by video. The Court noted the matter being heard an hour later and Mr. Hofland still was unable to appear. Upon Court's inquiry, Ms. Jacobson represented she had not communicated with Mr. Hofland prior to this hearing. The Court noted its review of Dad's motion, reply and Mom's opposition and further noted it did not find a change in Dad's work schedule being enough basis to modify custody and child support obligation pursuant to Ellis vs. Carucci. COURT stated its FINDINGS and ORDERED the following: 1. Dad's request for MODIFICATION of CUSTODY is DENIED. Ms. Jacobson shall prepare the order; CASE CLOSED upon entry of same.

[Parties Present](#)[Return to Register of Actions](#)**ROA000540**



**ORDR**

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*Attorney for Plaintiff,*  
*Sarah Maurice*

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

**SARAH MAURICE,**

**Plaintiff,**

**vs.**

**JUSTIN MAURICE,**

**Defendant.**

Case No. **D-14-506883-D**

Dept. No. **Q**

***FAMILY DIVISION***

Date of Hearing: 10/27/2020

Time of Hearing: 9:00 AM

**ORDER**

THIS MATTER having come on for hearing upon Defendant's Motion to Modify the Current Custodial Arrangement, Modify Child Support; Modify Child Tax Deduction; and for an Award of Attorney's Fees and Costs and Related Relief and Plaintiff's Opposition to Defendant's Motion and Countermotion for Attorney's Fees; Plaintiff, SARAH MAURICE ("Plaintiff"), appearing via *Blue Jeans* and being represented by RACHEL M. JACOBSON, ESQ., of Jacobson Law Office, Ltd., and Defendant, JUSTIN MAURICE ("Defendant"), and/or his attorney of record, BRADLEY J. HOF LAND, ESQ., not being in appearance, the Court, having reviewed the pleadings and papers on file herein, and the Court

☐ Other  
☐ Dismissed - Want of Prosecution  
☐ Involuntary (Statutory) Dismissal  
☐ Default Judgment  
☐ Transferred  
☐ Disposed After Trial Start  
☐ Judgment Reached by Trial

**Non-Trial Dispositions:**  
☐ Settled/Withdrawn  
☐ Without Judicial Conf/Htg  
☒ With Judicial Conf/Htg  
☐ By ADR



1 being fully advised in the premises and good cause appearing therefore, makes the  
2 following Notations, Findings and Orders:  
3

4 THE COURT NOTED that though the matter was being heard an hour later  
5 than scheduled, neither that Defendant or counsel for Defendant had made an  
6 appearance in this case.  
7

8 THE COURT FURTHER NOTED that that the nature of the request  
9 currently before the Court by the Defendant is to modify custody requesting that  
10 the Court adopt a joint physical custody schedule and, as a result thereof, to modify  
11 the dependency exemption, and to modify child support pursuant to *Wright v.*  
12 *Osburn*.  
13  
14

15 THE COURT FURTHER NOTED that the Court has reviewed the papers  
16 that have been filed and, as such, the Court is prepared to rule on the papers.  
17

18 THE COURT HEREBY FINDS that a modification of a work schedule is a  
19 sufficient basis under *Ellis v. Carucci*, as a substantial change in circumstances  
20 affecting the wellbeing of the children in this instance that would invoke the Court  
21 pursuing a modification of custody pursuant to *Ellis v. Carucci* and then  
22 proceeding to the best interest factors. As such, the Court does not find that to be a  
23 sufficient basis to modify the underlying custody arrangements.  
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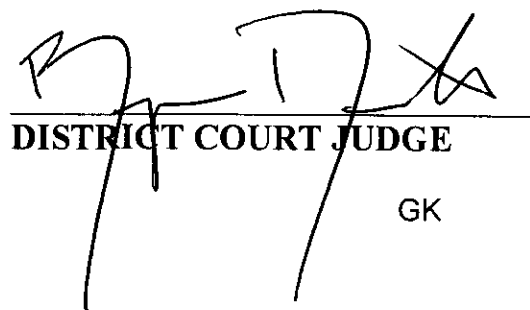
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**THEREFORE,**

**IT IS HEREBY ORDERED** that Defendant's Motion to modify custody is  
DENIED. (VT 10:05)

DATED: **NOV 18 2020**

  
DISTRICT COURT JUDGE  
GK

*Respectfully Submitted:*  
JACOBSON LAW OFFICE, LTD

*Rachel Jacobson*  
RACHEL M. JACOBSON, ESQ.  
Nevada Bar No. 007827  
64 N. Pecos Road, Suite 200  
Henderson, Nevada 89074  
Telephone: (702) 601-0770  
*Attorney for Plaintiff,*  
*Sarah Maurice*

**ORDR**

RACHEL M. JACOBSON, LTD.  
Nevada Bar No. 007827  
JACOBSON LAW OFFICE, LTD.  
64 North Pecos Road, Suite 200  
Henderson, Nevada 89074  
Phone (702) 601-0770  
*Attorney for Plaintiff,  
Sarah Maurice*

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

**SARAH MAURICE,**

**Plaintiff,**

**vs.**

**JUSTIN MAURICE,**

**Defendant.**

Case No. **D-14-506883-D**

Dept. No. **Q**

***FAMILY DIVISION***

Date of Hearing: 10/27/2020

Time of Hearing: 9:00 AM

**ORDER**

THIS MATTER having come on for hearing upon Defendant's Motion to Modify the Current Custodial Arrangement, Modify Child Support; Modify Child Tax Deduction; and for an Award of Attorney's Fees and Costs and Related Relief and Plaintiff's Opposition to Defendant's Motion and Countermotion for Attorney's Fees; Plaintiff, SARAH MAURICE ("Plaintiff"), appearing via *Blue Jeans* and being represented by RACHEL M. JACOBSON, ESQ., of Jacobson Law Office, Ltd., and Defendant, JUSTIN MAURICE ("Defendant"), and/or his attorney of record, BRADLEY J. HOF LAND, ESQ., not being in appearance, the Court, having reviewed the pleadings and papers on file herein, and the Court



1 being fully advised in the premises and good cause appearing therefore, makes the  
2 following Notations, Findings and Orders:  
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9 currently before the Court by the Defendant is to modify custody requesting that  
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**THEREFORE,**

**IT IS HEREBY ORDERED** that Defendant's Motion to modify custody is  
DENIED. (VT 10:05)

DATED:

Dated this 21st day of November, 2020

  
DISTRICT COURT JUDGE

*Respectfully Submitted:*  
JACOBSON LAW OFFICE, LTD

C9A 847 DC0F E27A  
Bryce C. Duckworth  
District Court Judge

*Rachel Jacobson*  
RACHEL M. JACOBSON, ESQ.  
Nevada Bar No. 007827  
64 N. Pecos Road, Suite 200  
Henderson, Nevada 89074  
Telephone: (702) 601-0770  
*Attorney for Plaintiff,*  
*Sarah Maurice*

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Sarah Maurice, Plaintiff

CASE NO: D-14-506883-D

7 vs.

DEPT. NO. Department Q

8 Justin Maurice, Defendant.  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 11/21/2020

15 "Carol Beitler, Legal Assistant" .

jakobslaw@gmail.com

16 "Rachel Jacobson, Esq." .

reli@jacobsonlawltd.com

17 Bradley Hofland

Bradh@hoflandlaw.com

18 Dina DeSousa Cabral

DinaD@hoflandlaw.com

19 Nikki Woulfe

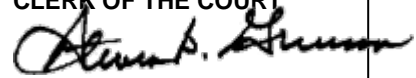
clerk@hoflandlaw.com

20 Anna Stein

bhassistant@hoflandlaw.com

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ROA000547





1 **NEOJ**

2 RACHEL M. JACOBSON, ESQ.  
3 Nevada Bar No. 007827  
4 JACOBSON LAW OFFICE, LTD.  
5 64 North Pecos Road, Suite 200  
6 Henderson, Nevada 89074  
7 Phone (702) 601-0770  
8 *Attorney for Plaintiff,*  
9 *Sarah Maurice*

10 ***EIGHTH JUDICIAL DISTRICT COURT***  
11 ***CLARK COUNTY, NEVADA***

12 **SARAH MAURICE,**

13 **Plaintiff,**

14 **vs.**

15 **JUSTIN MAURICE,**

16 **Defendant.**

Case No. **D-14-506883-D**

Dept. No. **Q**

***FAMILY DIVISION***

**NOTICE OF ENTRY OF**  
**ORDER**

17 **PLEASE TAKE NOTICE** that an ORDER from hearing of October 27,  
18 2020, attached hereto, was duly entered in the above-referenced case on the 21<sup>st</sup>  
19 day of November 2020.

20 DATED this 23<sup>rd</sup> day of November 2020.

21 *Respectfully Submitted by:*

22 JACOBSON LAW OFFICE, LTD

23 /s/ Rachel M. Jacobson, Esq.

24 RACHEL M. JACOBSON, ESQ.

25 Nevada Bar No. 007827

26 64 North Pecos Road, Suite 200

27 Henderson, Nevada 89074

28 (702) 601-0770

*Attorney for Plaintiff*

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of JACOBSON  
3  
4 LAW OFFICE, LTD., and that on this 23<sup>rd</sup> day of November 2020, I caused the  
5 above and foregoing document entitled *NOTICE OF ENTRY OF ORDER* to be  
6 served as follows:  
7

8 ☒ BY ELECTRONIC SERVICE: Pursuant to EDCR 8.05(a), EDCR  
9 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the  
10 Administrative Matter of Mandatory Electronic Service in the Eighth  
11 Judicial District Court," by mandatory electronic service through the Eighth  
12 Judicial District Court's electronic filing system;

13 ☐ BY MAIL: Pursuant to NRCP 5(b), I placed a true copy thereof enclosed  
14 in a sealed envelope upon which first class mail postage was prepaid in  
15 Henderson, Nevada;

16 ☐ BY FACSIMILE: Pursuant to EDCR 7.26, I transmitted a copy of the  
17 foregoing document this date via facsimile;

18 ☐ BY ELECTRONIC MAIL: Pursuant to EDCR 7.26, I transmitted a copy  
19 of the foregoing document this date via electronic mail;

20 ☐ BY CERTIFIED MAIL: I placed a true copy thereof enclosed in a sealed  
21 envelope, return receipt requested.

22 To the party(s) listed below at the address, email address, and/or facsimile number  
23 indicated below:

24 Bradley J. Hofland, Esq.  
25 [Bradh@hoflandlaw.com](mailto:Bradh@hoflandlaw.com)

26  
27 /s/ Rachel M. Jacobson  
28 An employee of JACOBSON LAW OFFICE, LTD.

**ORDR**

RACHEL M. JACOBSON, LTD.  
Nevada Bar No. 007827  
JACOBSON LAW OFFICE, LTD.  
64 North Pecos Road, Suite 200  
Henderson, Nevada 89074  
Phone (702) 601-0770  
*Attorney for Plaintiff,  
Sarah Maurice*

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

**SARAH MAURICE,**

**Plaintiff,**

**vs.**

**JUSTIN MAURICE,**

**Defendant.**

Case No. **D-14-506883-D**

Dept. No. **Q**

***FAMILY DIVISION***

Date of Hearing: 10/27/2020

Time of Hearing: 9:00 AM

**ORDER**

THIS MATTER having come on for hearing upon Defendant's Motion to Modify the Current Custodial Arrangement, Modify Child Support; Modify Child Tax Deduction; and for an Award of Attorney's Fees and Costs and Related Relief and Plaintiff's Opposition to Defendant's Motion and Countermotion for Attorney's Fees; Plaintiff, SARAH MAURICE ("Plaintiff"), appearing via *Blue Jeans* and being represented by RACHEL M. JACOBSON, ESQ., of Jacobson Law Office, Ltd., and Defendant, JUSTIN MAURICE ("Defendant"), and/or his attorney of record, BRADLEY J. HOF LAND, ESQ., not being in appearance, the Court, having reviewed the pleadings and papers on file herein, and the Court



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**THEREFORE,**

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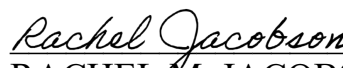
DATED:

Dated this 21st day of November, 2020

  
\_\_\_\_\_  
DISTRICT COURT JUDGE

*Respectfully Submitted:*  
JACOBSON LAW OFFICE, LTD

C9A 847 DC0F E27A  
Bryce C. Duckworth  
District Court Judge

  
\_\_\_\_\_  
RACHEL M. JACOBSON, ESQ.  
Nevada Bar No. 007827  
64 N. Pecos Road, Suite 200  
Henderson, Nevada 89074  
Telephone: (702) 601-0770  
*Attorney for Plaintiff,*  
*Sarah Maurice*

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Sarah Maurice, Plaintiff

CASE NO: D-14-506883-D

7 vs.

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17 Bradley Hofland

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18 Dina DeSousa Cabral

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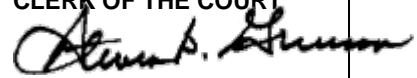
clerk@hoflandlaw.com

20 Anna Stein

bhassistant@hoflandlaw.com

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ROA000553





**HOFLAND & TOMSHECK**  
Bradley J. Hofland, Esq.  
Nevada Bar Number: 6343  
[bradh@hoflandlaw.com](mailto:bradh@hoflandlaw.com)  
228 South 4<sup>th</sup> Street, 1<sup>st</sup> Floor  
Las Vegas, Nevada 89101  
Telephones: (702) 895-6760  
Facsimile: (702) 731-6910  
*Attorney for Defendant, Justin Maurice*

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

SARAH MAURICE,

Plaintiff,

vs.

JUSTIN MAURICE,

Defendant.

) CASE NO.: D-14-506883-D

) DEPT. NO.: Q

)

) **DEFENDANT'S NOTICE OF  
MOTION AND MOTION FOR  
RECONSIDERATION OF ORDER  
DENYING TO MODIFY THE  
CURRENT CUSTODIAL  
ARRANGEMENT; MODIFY CHILD  
SUPPORT; MODIFY CHILD TAX  
DEDUCTION; AND FOR AN  
AWARD OF ATTORNEY'S FEES  
AND COSTS; AND RELATED  
RELIEF; AND RELATED RELIEF.**

) **ORAL ARGUMENT REQUESTED**

TO: Plaintiff Sarah Maurice and your Attorney of Record:

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

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the  
undersigned will bring the above and foregoing Motion on for hearing before the

1 Court at the courtroom of the above-entitled court, located at 601 N. Pecos Road,  
2 Las Vegas, Nevada, on the date and time set by the Court in Department Q of the  
3 above-entitled Court.

4 COMES NOW the Defendant, Justin Maurice (“Justin”), by and through his  
5 attorneys, Bradley J. Hofland, Esq. and Dina DeSousa-Cabral, Esq. of HOFLAND  
6 & TOMSHECK, and hereby moves the Court for an order:

- 7 1. Recognizing the need to reconsider this Court’s earlier Order of  
8 November 21, 2020;
- 9 2. Setting aside the November 21, 2020 Order in its entirety;
- 10 3. Modifying child custody of Savanah Maurice and Emma Maurice to  
11 joint physical custody on a 2-2-3 schedule;
- 12 4. Modifying child support, and set support in accordance with *Wright v.*  
13 *Osburn*, 114 Nev. 1367, 970 P.2d 1071 (1998), NRS 125B.070, NRS  
14 125B.080 and NAC 425.15;
- 15 5. Modifying the child tax deduction so each party claims a minor child as  
16 a dependent on taxes each year;
- 17 6. Awarding Justin attorney’s fees for the conduct of the Plaintiff Sarah  
18 Maurice that has caused this Motion to be filed with this Court; and
- 19 7. Addressing any further relief this court deems proper and necessary.

20 In support of this motion, Justin relies upon the following Memorandum of  
21 Points and Authorities, the attached declaration, as well as all papers and  
22 pleadings on file herein.

23 Dated this 7<sup>th</sup> day of December, 2020.

24 **HOFLAND & TOMSHECK**

25 By: /s/ Bradley J. Hofland

26 Bradley J. Hofland, Esq.

27 Nevada Bar No. 6343

28 228 South 4<sup>th</sup> Street, 1<sup>st</sup> Floor

Las Vegas Nevada 89101

*Attorneys for Defendant Justin Maurice*

1                                   **MEMORANDUM OF POINTS AND AUTHORITIES**

2   **I.**

3   **Procedural History**

4                   On October 26, 2020 at approximately 1:25 p.m., Justin’s Counsel informed  
5 the Court of a *scheduling conflict* created by an appearance scheduled for the  
6 same time as the upcoming hearing in Department 25<sup>1</sup>. On October 27, 2020  
7 (approximately 10:08 a.m.), in response to an inquiry, Court staff was informed  
8 Mr. Hofland’s hearing before Department 25 is still waiting to be called<sup>2</sup>. *See*  
9 Exhibit “A”.

10                  A few minutes later, Department Q’s staff informed Mr. Hofland’s office<sup>3</sup>,  
11 the matter had been called and the issue was resolved. *Ibid.*

---

13                  <sup>1</sup> At a prior hearing, Judge Delaney promised the Parties a “priority” setting for the  
14 October 27, 2020. However, Judge Delaney *mistakenly* overlooked the “priority”  
15 accommodation and she apologized for overlooking the “priority” accommodation  
16 when the case was called.

16                  <sup>2</sup> At no time, did the Court’s staff inform Mr. Hofland’s offices that the hearing was  
17 starting with or without him. Likewise, Mr. Hofland’s staff never informed Court  
18 Staff that Justin would not be attending.

18                  <sup>3</sup> Prior to the recent Administrative Order issued by Governor Sisolak, in response  
19 to COVID 19, the Civil and Family Court Divisions of the Eighth Judicial District  
20 Court had almost eliminated most if not all “in person” motion hearings. As a  
21 matter of common knowledge, the Eighth Judicial Civil Division and other  
22 departments in the Eighth Judicial Family Division, if a party or counsel is not  
23 present during a “Blue Jeans” or “telephone hearing,” the Court will direct counsel  
24 present for the hearing, to contact opposing counsel that is not in attendance when  
25 the hearing is initially called so all parties and counsel are in attendance. Inability  
26 to attend a hearing by counsel or a litigant (for example), is sometimes caused by  
27 the Court’s equipment, problems with Blue Jeans, problems with the Court’s  
28 internet, or commitments for two or more hearings in different courtrooms. Clark  
County while smaller than Los Angeles, San Bernardino, San Francisco, Orange  
County and San Diego counties, has generally like other larger counties in other  
states accommodated scheduling conflicts caused by conflicts with other  
appearances scheduled for the same date and time. Mr. Hofland inadvertently  
wrongly assumed Department Q granted the same “common” courtesy followed in



1 The order issued after the October 27, 2020 hearing reads<sup>4</sup>:

2 THE COURT HEREBY FINDS that a modification of a work schedule is a  
3 sufficient basis under *Ellis v. Carucci*, as a substantial change in  
4 circumstances affecting the wellbeing of the children in this instance that  
5 would invoke the Court pursuing a modification of custody pursuant to *Ellis*  
6 *v. Carucci* and then proceeding to the best interest factors. As such, the  
7 Court does not find that to be a sufficient basis to modify the underlying  
custody arrangements.

8 **II.**

9 **Undisputed Facts**

10 Justin and Sarah were divorced September 30, 2015, and in opposition to  
11 the Motion filed by Justin to modify custody, Sarah does not dispute that because  
12 of Justin's work schedule at Yesco<sup>5</sup> at the time of the Decree and initial custodial  
13 determination, the Parties agreed that Sarah would be awarded primary custody of  
14 their two children born from their marriage, namely Savannah Maurice

15  
16  
17 other divisions of the Eighth Judicial Court and other Courts where Mr. Hofland  
18 has appeared, to trail hearings so all parties and counsel would be present at  
important hearings.

19 <sup>4</sup> In violation of EDCR 5.505 and 5.521 the proposed order was untimely and not  
20 circulated to opposing counsel. Rule 5.505. Proposed orders. Parties may  
21 supply proposed orders to the court and opposing party at least 7 days prior to the  
22 hearing. Proposed orders may include such findings, conclusions, and orders as the  
23 submitting party believes relevant to each point in dispute in the proceedings.  
24 Unless otherwise directed by the court, a party may supply an editable electronic  
25 copy of a proposed order to the court's law clerk concurrently with the submission  
26 of the proposed order. The presiding judge shall direct what format is acceptable  
27 for such editable submissions, or make other administrative directions relating to  
28 proposed orders. More disturbing, giving an impression of impropriety, this Court  
reviewed and signed the underlying order brazenly provided by Ex-Parte means  
without notice to opposing Counsel.

<sup>5</sup> Justin worked with Sarah at Yesco where **Sarah worked in HR and set** Justin's  
work hours which enabled her to get primary custody of the minor children and  
once the divorce was final, she caused Justin to be laid off from Yesco.

1 (“Savannah”), born April 27, 2007 (8 years old at the time of the parties’ divorce;  
2 currently 13 years of age) and Emma Maurice (“Emma”), born February 12, 2014  
3 (1 year old at the time of the parties’ divorce; currently 6 years of age). Sarah  
4 further admits per the Decree and the Parties’ agreement, Justin’s visitation with  
5 Savannah and Emma is every other weekend from Friday after school or 3:00 p.m.  
6 if school is not in session.

7 Justin is no longer employed by Yesco and his work schedule has changed.  
8 The children are older and their needs have changed.  
9

10 **III.**  
11 **Statement of Facts**

12 Since entry of the Decree, Justin changed employment and currently works  
13 four (4) days per week (Monday through Thursday) from 8am to 4 pm, and works  
14 remotely from home. Justin picked up the girls from school for his custodial time  
15 periods, and he and his wife (“Casey”) are able to take and pick the girls up from  
16 school when “distance learning” is not required. Sarah is not able to take the girls  
17 to school or pick them up from school. Indeed, Sarah works Monday through  
18 Friday and does not get home from work until 6:00 p.m. As such, Savannah and  
19 Emma are necessarily being taken care of during the week by a third party (nanny  
20 and/or friend<sup>6</sup>) -- despite the fact Justin is home and able to watch the girls and  
21 supervise their schooling (which is also currently being done remotely). Further,  
22 Justin’s wife is home each day supervising her children’s schooling and could  
23 easily, and is willing to, also assist with Savannah’s and Emma’s schooling.

24 In March, 2020, Justin took care of the minor children during the week  
25 when Sarah **was** at work. However, when Justin requested they change the  
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27 <sup>6</sup> The nanny/babysitter is not consistent and has another job. Sarah’s friend,  
28 Dorothy works nights, and thus frequently sleeps if entrusted with the children’s  
care.

1 custodial timeshare to joint custody on a 2-2-3 schedule<sup>7</sup>, which eliminates and/or  
2 reduces the time the children must be cared for by others and ensures greater  
3 attention to their schooling, which is clearly in their best interests, Sarah retaliated  
4 and abruptly stopped having Justin take care of Savannah and Emma during the  
5 week while she was at work. Instead of agreeing to a schedule that benefits the  
6 children, she decided she would rather a third party watch the minor children—  
7 during the times Justin is not working and available for the children--and since  
8 school has started, this means a third party is now also supervising their remote  
9 education. When Justin attempted to discuss the “best interest” of the children  
10 with Sarah, retorted “just file a motion.”

11  
12 **IV.**  
**Other Circumstances**

13 Since the hearing on October 27, 2020, additional incidents and changes  
14 have occurred supporting a substantial change of circumstances that warrant a  
15 modification in custody. Justin continues to work remotely two days a week on  
16 Monday and Tuesday. He does not work on Friday. Emma now goes to school  
17 in person on Wednesday and Thursday and attends virtual school on Monday,  
18 Tuesday and Friday, which are the days Justin is either working remotely or off  
19 work. Such that he is available to supervise and assist Emma with virtual  
20 schooling. Further, Emma’s homework has been turned in late on a consistent  
21 basis and is being turned in late at night (i.e. between 7:55 p.m. and 10:44 p.m.)  
22 when she should be in bed<sup>8</sup>. Additionally, following a teacher-parent conference  
23 which Justin attended, on October 28, 2020, Emma was referred to tutoring.  
24 Emma attends tutoring every Wednesday at 7:30 a.m.

25  
26 \_\_\_\_\_  
27 <sup>7</sup> Justin requests his custodial timeshare be Monday and Tuesday each week and  
every other weekend, Friday through Sunday.

28 <sup>8</sup>A copy of the Legacy Traditional School Student Activity for Emma is attached as  
Exhibit “B”.



Continuing, on November 12, 2020, Justin received a call from Emma's substitute teacher that Emma had not been picked up from school. The school was unable to get in touch with Sarah. Justin immediately drove to pick Emma up. As he was pulling into the school parking lot, Sarah called and informed him that Emma's babysitter Dorothy overslept. Thereafter, after work Sarah picked Emma up from Justin's house.<sup>9</sup>

Lastly, Justin enrolled Emma in swim lesson which are solely paid by him. Justin requested to pick up Emma for swim lessons which are after school and before Sarah gets home from work. Sarah refused stating to "Plan it on your time please."<sup>10</sup> Justin continues to request additional time with the children, many of the time requested are when Sarah is at work or with the babysitter – Sarah refuses.

The additional events that have occurred since the October 27, 2020, warrant reconsideration of the Court's ruling as a substantial change in circumstances has occurred, namely Emma's education being negatively affected, that warranting a modification of the custody schedule. Such modification is in the best interest the children to insure they their education does not suffer and they are appropriately being cared for.

## V. Legal Analysis

### *A. Legal Standard*

Eighth Judicial Court Rule ("EDCR") 5.512 provides, in relevant part:

(a) A party seeking reconsideration and/or rehearing of a ruling (other than an order that may be addressed by motion pursuant to NRCP 50(b), 52(b), 59, or 60), must file a motion for such relief within 14 calendar days after service of notice of entry of the order unless the

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<sup>9</sup> A copy of the text message to Emma's teacher is attached as Exhibit "C".

<sup>10</sup> A copy of the text messages between Justin and Sarah is attached as Exhibit "D".

1 time is shortened or enlarged by order. A motion for reconsideration  
2 does not toll the period for filing a notice of appeal.

3 (b) If a motion for reconsideration and/or rehearing is granted, the  
4 court may make a final disposition without hearing, may set it for  
5 hearing or resubmission, or may make such other orders as are  
6 deemed appropriate under the circumstances.

7 ***B. The Order from the October 27, 2020 hearing was clearly***  
8 ***erroneous, and results in manifest injustice, reconsideration is***  
9 ***warranted.***

10 In addition to local court rules, the Nevada Supreme Court has ruled “a  
11 district court may reconsider a previously decided issue if substantially different  
12 evidence is subsequently introduced or the decision is clearly erroneous.” *Masonry*  
13 *and Tile Contractors Ass 'n of S. Nev. v. Jolley, Urga & Wirth, Ltd.*, 13 Nev. 737,  
14 741, 941 P.2d 486, 489 (1997). In fact, a court may exercise its discretion to revisit  
15 and reverse a prior ruling if just one of five circumstances are present. Those  
16 circumstances are: “(1) a clearly erroneous prior ruling, (2) an intervening change  
17 in controlling law, (3) substantially different evidence, (4) other changed  
18 circumstances,’ and (5) that ‘manifest injustice’ would result were the prior ruling  
19 permitted to stand.”<sup>11</sup>

20 **1. No Findings**

21 This Court did not make any factual findings. Our Supreme Court has stated  
22 that “[s]pecific factual findings are crucial to enforce or modify a custody order  
23 and for appellate review.” *Rivero v. Rivero*, 125 Nev. 410, 216 P.3d 213 (2009).  
24 Continuing, *Rivero* stated that “[t]he district court shall then apply the appropriate  
25 test for determining whether to modify the custody arrangement and make express  
26 findings supporting its determination.” *Ibid.* In the case at bar the district court  
27

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28 <sup>11</sup>See *U.S. v. Real Prop. Located at Incline Vill.*, 976 P. Supp. 1327, 1353 (D. Nev.  
1997).

1 failed to comply with applicable law and make the requisite findings as mandated  
2 by law. See also *Lewis v. Lewis*, 132 Nev. 453, 459, 373 P.3d 878, 882 (2016) (a  
3 custodial determination without entering “specific factual findings as to each of the  
4 statutory best-interest-of-the-child factors” was an abuse of discretion); *Davis v.*  
5 *Ewalefo*, 131 Nev. 445, 451, 352 P.3d 1139, 1143 (2015) (Court ruled that  
6 “[s]pecific findings and an adequate explanation of the reasons for the custody  
7 determination are crucial to enforce or modify a custody order and for appellate  
8 review (internal quotation marks omitted)). See also *Bird v. Bird*, 313 Wis. 2d  
9 832, 756 N.W.2d 810 (2008) (holding that in setting a modified schedule the court  
10 shall consider the same factors that apply in initial placement decisions.); and  
11 *Timmerman v. Timmerman*, 139 S.W.3d 230 (2004) (the court must consider the  
12 statutory custodial factors in deciding whether modification of custody would  
13 serve the best interests of the child).

14 This Court did not consider the relevant factors in support of Justin’s  
15 motion. The limited factual references made by this Court were incomplete and  
16 inaccurate. Naturally, the same factors are considered when granting or denying a  
17 motion to modify and thus appropriate findings must be made to support the  
18 court’s decision whether it was the granting or denial of the motion. In this case  
19 this Court did not make any specific findings to support the erroneous conclusions  
20 of law rendered. Such omission, along with the fact the court incorrectly identified  
21 and relied on the factors cited in its Order, plainly constitutes an abuse of  
22 discretion and judicial error.

## 23 2. **Error of Law**

24 While considering the merits of the underlying Motion to Modify this Court  
25 erroneously ruled that a change in work schedules is **not** a factor the Court could  
26  
27  
28



1 consider.<sup>12</sup> Of course the statement is untrue and the corresponding reliance  
2 thereon judicial error.

3 This Court considered the circumstances under which a district court may  
4 modify primary physical custody of a minor child in *Ellis v. Carucci*, 123 Nev.  
5 145, 161 P.3d 239 (2007). It was determined that a modification of primary  
6 physical custody is warranted only when (1) there has been a substantial change in  
7 circumstances affecting the welfare of the child, and (2) the modification would  
8 serve the child's best interest. Of notable importance, the Court in *Ellis* also ruled  
9 that a "modification of custody may serve a child's best interest even if the  
10 modification does not substantially enhance the child's welfare." *Id* at 243.

12 Indeed, in those circumstances where it is necessary to demonstrate or allege  
13 a substantial change in circumstances affecting the welfare of the children, it is  
14 well established that a court may deny a motion to modify custody without holding  
15 an evidentiary hearing unless the moving party establishes adequate cause for a  
16 modification of custody by presenting a prima facie case for modification. *Rooney*  
17 *v. Rooney*, 109 Nev. 540, 853 P.2d 123 (1993). "To constitute a prima facie case it  
18 must be shown that: (1) the facts alleged in the affidavits are relevant to the  
19 grounds for modification; and (2) the evidence is not merely cumulative or  
20 impeaching." *Id.* at 543, 853 P.2d at 125. Once adequate cause has been shown  
21 **"the district court does not have the discretion to deny the modification**  
22 **motion without holding a hearing."** *Id* at 542, 853 at 124(emphasis added). A  
23 moving party demonstrates adequate cause once a prima facie case has been set  
24 forth. *Thompson v. Thompson*, (Nev. Sup. Ct 59785 (2013)).

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28 <sup>12</sup> Order of October 27, 2020, page 2 of 3, lines 18-23.

1 This Standard has consistently been applied and incorporated in the Orders  
2 of this Court. One such Order is the recent decision of *Singh v. Singh*, (Nev. Sup.  
3 Ct. 63530 (2015)). In *Singh* the decision to not conduct an evidentiary hearing was  
4 reversed by because the appellant established a prima facie case. *Id.* The *contested*  
5 allegations made by the appellant in *Singh* were the modification was in the best  
6 interest of the child and “that there had been a significant change in circumstances  
7 relating to child custody” emphasizing why supervised visitation was no longer  
8 warranted. *Id.* In the case at hand, Justin *likewise* alleged the modification was in  
9 the best interest of the children and that there had been a significant change in  
10 circumstances. That was sufficient to require a hearing in *Singh*. In this case Justin  
11 *also* alleged other additional factors establishing the requisite changed  
12 circumstances under the most stringent of standards.

14 In *Silva v. Silva*, 136 P.3d 371 (Idaho Ct. App. 2006), reveals that **a parent’s**  
15 **work schedule is relevant** to a custody determination if it affects the well-being of  
16 the children. The specific ruling in *Silva* was:

17 [A] **parent’s work schedule may be one factor among many** that  
18 can assist a magistrate court **in tailoring a custody order that will**  
19 **best promote the welfare of the children.** (emphasis added).

20 Indeed, in 2012 the Idaho Supreme Court affirmed the determination  
21 expressed by their appellate court in *Silva* that work schedules of the parties **is** a  
22 relevant factor in modification of custodial orders. *Markwood v. Markwood*, 152  
23 Idaho 756, 274 P.3d 1271 (2012).

24 Consider *Grange v. Grange*, 15 Neb. App. 297, 725 N.W.2d. 853 (2006),  
25 wherein the court held “[w]here the issue concerns visitation, a significant change  
26 in a party’s **work schedule** may well constitute a material change in circumstances  
27 sufficient to reopen the extent of visitation.” In *Bird v. Bird*, 313 Wis. 2d 832, 756  
28

1 N.W.2d 810 (2008), the court ruled that “increased availability constituted a  
2 substantial change in circumstances...” Moreover, the court in *Timmerman v.*  
3 *Timmerman*, 139 S.W.3d 230 (2004) stated “the substantial change in one of the  
4 parties’ [work] schedule constituted a change in circumstances.” See also *Housley*  
5 *v. Holmlund*, 836 N.W.2d 152 (2013); *J.T.H. v. H.H.*, 135 A.3d 651 (2015); and  
6 *Rebecca L. v. Martin*, (Alas. Sup. Ct No. S-14509) (2013). Clearly a change in the  
7 work schedules of the parties is a factor this Court **must** consider. To rule and act  
8 otherwise is an abuse of discretion. The creation and utilization of such an  
9 erroneous standard constitutes judicial error.

10  
11 ***The Best Interests of Savannah and Emma Mandates Modification of***  
12 ***the Current Schedule.***

13 Continuing, when determining the best interest of the child NRS  
14 §125C.0035 directs the court to consider a number of factors with any custodial  
15 determination. Justin has accurately addressed those factors in his underlying  
16 motion and incorporates such facts/discussion by reference.

17 a. **The wishes of the child if the child is of sufficient age and**  
18 **capacity to form an intelligent preference as to his or her**  
19 **custody. NRS §125C.0035(4)(a).**

20 Emma is 6 years old and Savannah is 13 years old. Savannah is of  
21 sufficient age and capacity to form an intelligent preference as to her custody and  
22 visitation. The minor children have conveyed their preference of wanting to  
23 spend more time with their father rather than with a third party; Sarah’s claim  
24 Savannah wishes to “limit” her time with Justin is false. In fact, Savannah is of the  
25 age she prefers time with her friends over her parents—something most parents  
26 encounter as their children weather the teenage years. This factor favors Justin  
27 and the modification of the current custodial timeshare.  
28



1           **b. Any nomination of a guardian for the child by a parent. NRS**  
2           **§125C.0035(4)(b).**

3           In 2015 the parties agreed, for the reasons stated herein, for Sarah to be the  
4 children's primary physical custodian. When Justin sought to memorialize the  
5 custodial modification the parties found to benefit the children, Sarah retaliated.  
6 Justin's nomination would be for joint physical custody of the children.

7           **c. Which parent is more likely to allow the child to have frequent**  
8           **associations and a continuing relationship with the noncustodial**  
9           **parent. NRS §125C.0035(4)(c).**

10          Sarah claims she has accommodated each of Justin's requests, admits to the  
11 children spending more time with Justin, but when he sought to memorialize his  
12 "request", Sarah refused and retaliated; disallowing the minor children to continue  
13 having additional time with Justin during the week. Sarah hired a nanny and now  
14 prefers that Savannah and Emma be taken care of by a third party rather than by  
15 their father. When Justin asks for more time with the girls, Sarah retorts by telling  
16 him to "go to Court", which is why (being in the best interests of the girls) the  
17 underlying motion was filed. Sarah's conduct establishes that she is not the parent  
18 who will allow frequent associations and a continuing relationship between  
19 Savannah and Emma and their father. Sarah is not being candid with the court  
20 and contradicts herself.

21          Thus, this factor favors Justin and the modification of the current custodial  
22 timeshare.

23           **d. Level of conflict between the parties. NRS §125C.0035(4)(d).**

24          Sarah misrepresents Justin's position to mislead this Court. Justin has  
25 never claimed to have "negligible interest" in the children—but just the opposite.  
26 Justin has undying love, commitment and devotion to his children, is loving and  
27 exceptionally attentive to their needs, and is simply asking to spend more time  
28 based upon their needs, his ability, and Sarah's inability. Sarah's willingness to  
sacrifice the children's best interests and violate the duty of candor owed this

1 Court creates conflict<sup>13</sup>.

2 The law supports Justin's request for joint physical custody. Thus, this  
3 factor also favors Justin and the modification of the current custodial timeshare.

4 **e. Ability of the parents to cooperate to meet the needs of the child.**  
5 **NRS §125C.0035(4)(e).**

6 To her credit, Sarah claims this has never been an issue. However, given  
7 her current opposition to Justin's requests, Sarah's unwillingness to cooperate is  
8 undeniable. This factor and the best interests of Savannah and Emma warrant a  
9 modification of the current custodial arrangement to allow Savannah and Emma to  
10 spend equal time with both parents.

11 **f. Mental and physical health of the parties. NRS §125C.0035(4)(f).**

12 Both Parties are healthy and have the ability to properly care for Savannah  
13 and Emma. Sarah's refusal to recognize Savannah's and Emma's need for Justin  
14 as their joint physical custodian, as well as his (and the children's) unequivocal  
15 preference for the same, raises concern to the mental state of Sarah<sup>14</sup>. As long as  
16 she remains under the belief that she alone is able to determine the custodial  
17 arrangement that will be followed by the Parties, her unreasonableness, and  
18 brazen dishonesty, will continue to impact the minor children's well-being. There  
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20

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21 <sup>13</sup> Another blatant contradiction from Sarah is her claim "it has never been about  
22 money for Sarah", but yet, her opposition needlessly devotes considerable attention  
23 raising, distorting, and misrepresenting, financial matters, despite the fact custody  
24 is that which is at issue. Further, it is significant to note Sarah doesn't seek any  
25 financial relief.

26 <sup>14</sup> This concern is validated with Sarah fabricating allegations that Justin "is  
27 constantly intoxicated" (which is untrue and never been an issue or used as a basis  
28 for Sarah to remove the children from such an environment), and that Justin is  
unable to control his anger and can become violent (which like above, are untrue  
used as a basis for Sarah to remove the children from such an environment).

***Exhibit "A" disproves these claims, and the other defamatory statements made  
by Sarah.***

1 can be no dispute that based upon Sarah's behavior<sup>15</sup>, modification of the current  
2 custodial schedule is warranted. This factor clearly favors Justin and the  
3 modification of the current custodial arrangement.

4 **g. The physical, developmental and emotional needs of the child.**  
5 **NRS §125C.0035(4)(g).**

6 Savannah's and Emma's physical, development and emotional needs are  
7 typical of children their age. Justin has proven himself capable of recognizing  
8 and satisfying those needs; Sarah's claims Justin disparages her is not true<sup>16</sup>.  
9 Moreover, Sarah's reference to an injury Emma sustained when she was at the  
10 lake with Justin and the family is not only inaccurate and misleading, it is  
11 hypocritical<sup>17</sup>. Justin is an extremely attentive, loving, caring, and devoted father.  
12 Having the ability to avail themselves to the love, care and guidance of both  
13 parents on a regular and frequent bases is in Savannah's and Emma's best  
14 interests and preventing them from doing so is undeniably not in their best  
15 interest. Justin wants Savannah and Emma to have a loving and significant bond  
16  
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18 <sup>15</sup> Of note, Sarah's parents separated when Sarah was very young. Sarah's father  
19 moved on, married another woman, and named the children he had with her  
20 "Sarah" and the other names of her siblings, but terminating all contact and support  
21 with/for Sarah. Sarah also claims to have been sexually abused by her siblings  
22 from her father's deserted family at an early age. Sarah also has a history of  
23 extreme depression and bipolar acts resulting in suicidal ideation and harm to the  
24 children. Whether these incidents have any bearing on her alienation towards men  
25 or merit further intervention remains unknown.

26 <sup>16</sup> Savannah is a teenager and has routines she follows and favorite products she  
27 uses. Justin buys what she needs and does not monitor or restrict what she takes or  
28 brings from/to her mothers. Moreover, the children are always properly cared  
for—despite Sarah's claims otherwise.

<sup>17</sup> For example, Emma, while under Sarah's care, suffered a trampoline accident  
that resulted in significant bruises and stitches; but while Justin promptly notified  
Sarah when Savannah got hurt, Sarah chose to wait days until notifying Justin of  
Emma's accident.



1 with both parents. This factor certainly favors Justin and the modification of the  
2 current custodial arrangement.

3 **h. The nature of the relationship of the child with each parent. NRS**  
4 **§125C.0035(4)(h).**

5 Savannah and Emma have a relationship with both parents and they love  
6 both of them dearly. Justin wants the relationship Savannah and Emma have with  
7 both parents to continue to grow and strengthen; to be a reliable and constant  
8 source of strength and support as they continue through challenges, joys and  
9 experiences life has for them, whereas Sarah's focus is financial rather than the  
10 best interests of the children—as confirmed with her opposition submitted with  
11 this Court. With the increasing presence of peer pressure especially for Savannah  
12 in her teenage years, parental involvement is critical.

13 Additionally, NRS 125.460 describes the policy of this State as one that  
14 ensures “minor children have frequent associations and a continuing relationship  
15 with *both* parents.” Likewise, NRS 125.480 opens with the directive that the  
16 “*sole consideration* of the court” in custody cases must be that of the “best  
17 interest of the child[ren].”

18 **i. The ability of the child to maintain a relationship with any**  
19 **sibling. NRS §125C.0035(4)(i).**

20 Parties agree the girls are to remain together. Additionally, the girls have  
21 developed close relationships with their step-siblings and the requested  
22 modification enables all children to derive the support and benefit of the sibling  
23 relationships.

24 **j. Any history of parental abuse or neglect of the child or a sibling**  
25 **of the child. NRS §125C.0035(4)(j).**

26 Sarah's commentary is deliberately misleading. While Justin *can* become  
27 violent, and would be so if his life, or the safety and lives of loved ones were in  
28 jeopardy, it is submitted Sarah has the same ability—and hopefully predisposition.  
However, Justin is *not* violent and certainly has not scared Savannah several times

1 as claimed by Sarah. The allegation is ludicrous, offensive, and designed solely to  
2 obtain an unwarranted “knee-jerk” reaction from this Court. Fortunately, this  
3 Court has seen such a tactic on countless occasions and won’t succumb to such  
4 deception.

5 **k. Whether either parent has engaged in an act of domestic violence**  
6 **against the parent of the child. NRS §125C.0035(4)(k).**

7 Not applicable. Sarah raises the issue, but admits there is no evidence to  
8 support her allegation. The children, Justin’s wife, and the multitude of witnesses  
9 that have submitted statements to this Court—and who are more than willing to  
10 testify to the Court, attest her claims are not true. Justin has never been convicted  
11 of domestic violence—another claim seeking that unwarranted “knee-jerk”  
12 reaction.

13  
14 **l. Whether either parent or any other person seeking physical**  
15 **custody has committed any act of abduction against the child or**  
**any other child. NRS §125C.0035(4)(l).**

16 Not applicable.

17 **Conclusion.**

18 Based upon the substantial change of circumstances, that clearly affect the  
19 well-being of the children, coupled with consideration to the best interest factors  
20 enumerated in NRS 125C.0035, Justin has set forth a prima facie case to modify  
21 the current custodial order under *Rooney*<sup>18</sup> designating him and Sarah as joint  
22 physical custodians of Savannah and Emma. This factor plainly favors Justin and  
23 the modification of the current custodial timeshare.

24 Accordingly, for the best interest of Savannah and Emma, Justin reasonably  
25 requests modification of the current custodial timeshare to joint physical custody  
26 of the minor children.

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<sup>18</sup> *Rooney v. Rooney*, 109 Nev. 540 (Nev. 1993).

1       ***The modification of the current custodial schedule warrants a***  
2       ***modification of child support.***

3       With the modification of the current custodial schedule, as joint custodians,  
4 child support must necessarily be modified and should be set in accordance with  
5 *Wright v. Osburn*, 114 Nev. 1367, 970 P.2d 1071 (1998), NRS 125B.070, NRS  
6 125B.080 and NAC 425.15. Justin has always been willing to support his children  
7 and remains intent on providing for the children's needs. Sarah has shown she is  
8 willing to sacrifice the best interests of the children if that means Justin's child  
9 support will not be reduced.

10       ***Modification of the child tax deduction is warranted.***

11       With the modification of the current custodial schedule, as joint custodians,  
12 the child tax deduction must necessarily be modified so the Parties share the tax  
13 deduction each year.

14       **3. Other changed circumstances**

15       The circumstances have substantially changed affecting the welfare of the  
16 children since the hearing on October 27, 2020 which warrants modification in  
17 custody to ensure that the children are being properly attended to and their  
18 education is not being negatively affected. As indicated above, Emma has been  
19 turning her homework late and many times not until nearly 11:00 p.m. at night  
20 when she should be in bed. Additionally, due to the difficulties Emma is having  
21 in school it was necessary for her to undergo tutoring every Wednesday.  
22 Additionally, Emma was not picked from school by Dorothy, as she "overslept"  
23 and the school was unable to reach Sarah such that it was necessary for Justin to  
24 pick Emma up. The instant case is analogous *Ellis v. Carucci*, 123 Nev. 145  
25 (2007), in which the court determined that a child's academic performance  
26 slipping was sufficient change of circumstances affecting the welfare of the child  
27 to warrant a modification of custody.

28       The additional events that have occurred since the October 27, 2020,



1 warrant reconsideration of the Court's ruling as a substantial change in  
2 circumstances affecting the welfare of the children, namely Emma's school  
3 performance has declined and education being negatively affected and, that  
4 warranting a modification of the custody schedule.

5 **4. Manifestly unjust**

6 It is *manifestly unjust* for the children to be prohibited from having their  
7 father in their life on a more frequent basis when he is available, he wants to spend  
8 additional time with his children, Sarah is unavailable, the children are in the care  
9 of others, and the children's supervisor is not helping them with their school and  
10 has left them unattended. It is *manifestly unjust* to ignore the depth of Sarah's  
11 manipulation and control over the children and Justin. Clearly, Sarah's callous  
12 response to Justin "We would need to go through court"<sup>19</sup> when he attempts to  
13 discuss the children with Sarah is improper, wrong, unacceptable and shows Sarah  
14 is not a qualified "Gatekeeper". Recently, when Justin asked to take the children  
15 to swim lessons, Sarah responded "No Thank you."<sup>20</sup> Too often children lack self-  
16 esteem, confidence and learn aggressive traits where a parent restricts a child(ren)  
17 from another [qualified] parent. Such comments precipitated from Sarah's control  
18 over Justin's work schedule in the beginning of this action, must not be allowed to  
19 duplicate and be used as a sword to interfere and prohibit the children from having  
20 a meaningful relationship with the children. The children deserve better.

22 Without consideration to the best interest of the children, Sarah shamelessly  
23 seeks to capitalize on the "limited" contact initially awarded to Justin just because  
24 of his prior work schedule that Sarah controlled, to unjustly deprive the children  
25

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28 <sup>19</sup> See Exhibit "E".

<sup>20</sup> See Exhibit "D".

1 from having a meaningful relationship with their father and treat Justin as if he has  
2 no role in raising their children. This conduct needs to be stopped.

3 **VI.**  
4 **Conclusion**

5 Based upon the above, the safety and best interests of the children call for  
6 the immediate modification of the custodial arrangement. Justin respectfully  
7 requests that this Court enter an Order:

- 8 1. Recognizing the need to reconsider this Court's earlier Order of  
9 November 21, 2020;
- 10 2. Setting aside the November 21, 2020 Order in its entirety;
- 11 3. Modifying child custody of Savanah Maurice and Emma Maurice to  
12 joint physical custody on a 2-2-3 schedule;
- 13 4. Modifying child support, and set support in accordance with *Wright v.*  
14 *Osburn*, 114 Nev. 1367, 970 P.2d 1071 (1998), NRS 125B.070, NRS  
15 125B.080 and NAC 425.15;
- 16 5. Modifying the child tax deduction so each party claims a minor child as  
17 a dependent on taxes each year;
- 18 6. Awarding Justin attorney's fees for the conduct of the Plaintiff Sarah  
19 Maurice that has caused this Motion to be filed with this Court; and
- 20 7. Addressing any further relief this court deems proper and necessary.

21  
22 Dated this 7<sup>th</sup> day of December, 2020.

23 **HOFLAND & TOMSHECK**

24  
25 By: /s/ Bradley J. Hofland  
26 Bradley J. Hofland, Esq.  
27 Nevada Bar No. 6343  
28 228 South 4<sup>th</sup> Street, 1<sup>st</sup> Floor  
Las Vegas Nevada 89101  
*Attorneys for Defendant Justin Maurice*

## DECLARATION OF JUSTIN MAURICE

I, Justin Maurice, hereby state and declare as follows:

1. That I am the Defendant in this action and I am competent to testify as to the matters stated herein.

2. I have read the foregoing motion and the factual averments it contains are true and correct to the best of my knowledge, except as to those matters based on information and belief, and as to those matters, I believe them to be true. Those factual averments contained in the referenced filing are incorporated here as if set forth in full.

DATED this 7<sup>th</sup> day of December, 2020.

/s/ Justin Maurice  
Justin Maurice

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**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of Hofland & Tomsheck, that Pursuant to NRCP 5(b) and EDCR 7.26, I certify that on the 7<sup>th</sup> day of December, 2020, I served the **DEFENDANT’S NOTICE OF MOTION AND MOTION FOR RECONSIDERATION OF ORDER DENYING TO MODIFY THE CURRENT CUSTODIAL ARRANGEMENT; MODIFY CHILD SUPPORT; MODIFY CHILD TAX DEDUCTION; AND FOR AN AWARD OF ATTORNEY’S FEES AND COSTS; AND RELATED RELIEF; AND RELATED RELIEF** on the following parties by E-Service through Odyssey and/or U.S. mail addressed as follows:

Jacobson Law Office, Ltd.  
64 North Pecos Road, Suite 200  
Henderson, NV 89074  
*Attorney for Plaintiff*

By: /s/ Nikki Woulfe  
Employee of Hofland & Tomsheck



MOFI

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

\_\_\_\_\_  
Plaintiff/Petitioner

v. \_\_\_\_\_

\_\_\_\_\_  
Defendant/Respondent

Case No. \_\_\_\_\_

Dept. \_\_\_\_\_

**MOTION/OPPOSITION  
FEE INFORMATION SHEET**

**Notice:** Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of \$25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

**Step 1.** Select either the \$25 or \$0 filing fee in the box below.

<input type="checkbox"/> <b>\$25</b>	The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.
-OR-	
<input type="checkbox"/> <b>\$0</b>	The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:
<input type="checkbox"/>	The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
<input type="checkbox"/>	The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
<input type="checkbox"/>	The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
<input type="checkbox"/>	Other Excluded Motion (must specify) _____.

**Step 2.** Select the \$0, \$129 or \$57 filing fee in the box below.

<input type="checkbox"/> <b>\$0</b>	The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:
<input type="checkbox"/>	The Motion/Opposition is being filed in a case that was not initiated by joint petition.
<input type="checkbox"/>	The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.
-OR-	
<input type="checkbox"/> <b>\$129</b>	The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order.
-OR-	
<input type="checkbox"/> <b>\$57</b>	The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129.

**Step 3.** Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form	
<input type="checkbox"/> is	<input checked="" type="checkbox"/> <b>\$0</b> <input type="checkbox"/> <b>\$ 25</b> <input type="checkbox"/> <b>\$57</b> <input type="checkbox"/> <b>\$82</b> <input type="checkbox"/> <b>\$129</b> <input type="checkbox"/> <b>\$154</b>

Party filing Motion/Opposition: \_\_\_\_\_ Date \_\_\_\_\_

Signature of Party or Preparer \_\_\_\_\_

ROA000576

# EXHIBIT “A”

ROA000577

## Clerk

---

**From:** Weiss, Kimberly <WeissK@clarkcountycourts.us>  
**Sent:** Tuesday, October 27, 2020 10:14 AM  
**To:** Clerk; Duru, Nichole  
**Cc:** Brad Hofland; Dina DeSousa Cabral  
**Subject:** RE: Maurice v. Maurice D-14-506883-D

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Judge Duckworth has already heard and dispensed with the hearing. Thank you.

Kimberly Weiss  
Judicial Executive Assistant to  
The Honorable Bryce C. Duckworth  
Eighth Judicial District Court  
Family Division, Department Q  
601 N. Pecos Road  
Las Vegas, Nevada 89101  
(702) 455-1345 (Telephone)  
(702) 455-1946 (Facsimile)

---

**From:** Clerk [mailto:clerk@hoflandlaw.com]  
**Sent:** Tuesday, October 27, 2020 10:08 AM  
**To:** Weiss, Kimberly; Duru, Nichole  
**Cc:** Brad Hofland; Dina DeSousa Cabral  
**Subject:** RE: Maurice v. Maurice D-14-506883-D

[NOTICE: This message originated outside of Eighth Judicial District Court -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Good Morning Kimberly,

I apologize for the delay, Mr. Hofland is still waiting to be called for his Civil Hearing this morning in Dept. 25. Mr. Hofland anticipates he will be finished by 10:30 AM/11:00AM. Our Client Justin Maurice is at our office for the Maurice Hearing, and he just stepped out for 15 mins to get a cup of coffee.

Thank you, and if you have any questions please feel free to contact the office.

Respectfully,

*Nikki Woulfe*

Legal Assistant to Bradley J. Hofland, Esq.  
Hofland & Tomsheck  
228 S. 4<sup>th</sup> St. 1<sup>st</sup> Floor  
Las Vegas, NV 89101  
Telephone (702) 895 - 6760  
Facsimile (702) 731-6910  
[clerk@hoflandlaw.com](mailto:clerk@hoflandlaw.com)

**From:** Weiss, Kimberly <WeissK@clarkcountycourts.us>  
**Sent:** Tuesday, October 27, 2020 10:02 AM  
**To:** Clerk <clerk@hoflandlaw.com>; Duru, Nichole <DeptQLC@clarkcountycourts.us>  
**Subject:** RE: Maurice v. Maurice D-14-506883-D

Good morning,

Can you please tell me the status of Mr. Hofland? Unfortunately, Ms. Jacobson was not notified by your office and she has been waiting since 9 am. Judge Duckworth will be calling the matter.

Kimberly Weiss  
Judicial Executive Assistant to  
The Honorable Bryce C. Duckworth  
Eighth Judicial District Court  
Family Division, Department Q  
601 N. Pecos Road  
Las Vegas, Nevada 89101  
(702) 455-1345 (Telephone)  
(702) 455-1946 (Facsimile)

---

**From:** Clerk [<mailto:clerk@hoflandlaw.com>]  
**Sent:** Monday, October 26, 2020 1:25 PM  
**To:** Weiss, Kimberly; Duru, Nichole  
**Subject:** Maurice v. Maurice D-14-506883-D

[NOTICE: This message originated outside of Eighth Judicial District Court -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Good Afternoon Ladies,

We have a hearing tomorrow morning at 9:00 AM for the above referenced matter. Mr. Hofland will be a few minutes late logging on to Bluejeans in the morning, as he also has a telephonic hearing for one of his civil cases at 9:00 AM tomorrow also. I also left you a voice mail this morning stating the same. Thank you and if you have any questions or concerns please feel free to contact the office.

Respectfully,

*Nikki Woulfe*

Legal Assistant to Bradley J. Hofland, Esq.  
Hofland & Tomscheck  
228 S. 4<sup>th</sup> St. 1<sup>st</sup> Floor  
Las Vegas, NV 89101  
Telephone (702) 895 - 6760  
Facsimile (702) 731-6910  
[clerk@hoflandlaw.com](mailto:clerk@hoflandlaw.com)



## Clerk

---

**From:** Clerk  
**Sent:** Monday, December 7, 2020 11:37 AM  
**To:** Brad Hofland  
**Subject:** FW: Maurice v. Maurice D-14-506883-D

**From:** Clerk  
**Sent:** Tuesday, October 27, 2020 10:08 AM  
**To:** Weiss, Kimberly <WeissK@clarkcountycourts.us>; Duru, Nichole <DeptQLC@clarkcountycourts.us>  
**Cc:** Brad Hofland <BradH@hoflandlaw.com>; Dina DeSousa Cabral <DinaD@hoflandlaw.com>  
**Subject:** RE: Maurice v. Maurice D-14-506883-D

Good Morning Kimberly,

I apologize for the delay, Mr. Hofland is still waiting to be called for his Civil Hearing this morning in Dept. 25. Mr. Hofland anticipates he will be finished by 10:30 AM/11:00AM. Our Client Justin Maurice is at our office for the Maurice Hearing, and he just stepped out for 15 mins to get a cup of coffee.

Thank you, and if you have any questions please feel free to contact the office.

Respectfully,

*Nikki Woulfe*

Legal Assistant to Bradley J. Hofland, Esq.  
Hofland & Tomsheck  
228 S. 4<sup>th</sup> St. 1<sup>st</sup> Floor  
Las Vegas, NV 89101  
Telephone (702) 895 - 6760  
Facsimile (702) 731-6910  
[clerk@hoflandlaw.com](mailto:clerk@hoflandlaw.com)

**From:** Weiss, Kimberly <[WeissK@clarkcountycourts.us](mailto:WeissK@clarkcountycourts.us)>  
**Sent:** Tuesday, October 27, 2020 10:02 AM  
**To:** Clerk <[clerk@hoflandlaw.com](mailto:clerk@hoflandlaw.com)>; Duru, Nichole <[DeptQLC@clarkcountycourts.us](mailto:DeptQLC@clarkcountycourts.us)>  
**Subject:** RE: Maurice v. Maurice D-14-506883-D

Good morning,

Can you please tell me the status of Mr. Hofland? Unfortunately, Ms. Jacobson was not notified by your office and she has been waiting since 9 am. Judge Duckworth will be calling the matter.

Kimberly Weiss  
Judicial Executive Assistant to  
The Honorable Bryce C. Duckworth

Eighth Judicial District Court  
Family Division, Department Q  
601 N. Pecos Road  
Las Vegas, Nevada 89101  
(702) 455-1345 (Telephone)  
(702) 455-1946 (Facsimile)

**From:** Clerk [<mailto:clerk@hoflandlaw.com>]

**Sent:** Monday, October 26, 2020 1:25 PM

**To:** Weiss, Kimberly; Duru, Nichole

**Subject:** Maurice v. Maurice D-14-506883-D

[NOTICE: This message originated outside of Eighth Judicial District Court -- DO NOT  
CLICK on links or open attachments unless you are sure the content is safe.]

Good Afternoon Ladies,

We have a hearing tomorrow morning at 9:00 AM for the above referenced matter. Mr. Hofland will be a few minutes late logging on to Bluejeans in the morning, as he also has a telephonic hearing for one of his civil cases at 9:00 AM tomorrow also. I also left you a voice mail this morning stating the same. Thank you and if you have any questions or concerns please feel free to contact the office.

Respectfully,

*Nikki Woulfe*

Legal Assistant to Bradley J. Hofland, Esq.

Hofland & Tomscheck

228 S. 4<sup>th</sup> St. 1<sup>st</sup> Floor

Las Vegas, NV 89101

Telephone (702) 895 - 6760

Facsimile (702) 731-6910

[clerk@hoflandlaw.com](mailto:clerk@hoflandlaw.com)

## Clerk

---

**From:** Clerk  
**Sent:** Monday, December 7, 2020 11:37 AM  
**To:** Brad Hofland  
**Subject:** FW: Maurice v. Maurice D-14-506883-D

**From:** Clerk  
**Sent:** Monday, October 26, 2020 3:31 PM  
**To:** Brad Hofland <BradH@hoflandlaw.com>  
**Subject:** FW: Maurice v. Maurice D-14-506883-D

Dept. Q has notice that you have another hearing at 9am tomorrow.

**From:** Duru, Nichole <DeptQLC@clarkcountycourts.us>  
**Sent:** Monday, October 26, 2020 3:15 PM  
**To:** Clerk <clerk@hoflandlaw.com>; Weiss, Kimberly <WeissK@clarkcountycourts.us>  
**Subject:** RE: Maurice v. Maurice D-14-506883-D

Thank you for the notice.

**From:** Clerk [mailto:clerk@hoflandlaw.com]  
**Sent:** Monday, October 26, 2020 1:25 PM  
**To:** Weiss, Kimberly; Duru, Nichole  
**Subject:** Maurice v. Maurice D-14-506883-D

[NOTICE: This message originated outside of Eighth Judicial District Court -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Good Afternoon Ladies,

We have a hearing tomorrow morning at 9:00 AM for the above referenced matter. Mr. Hofland will be a few minutes late logging on to Bluejeans in the morning, as he also has a telephonic hearing for one of his civil cases at 9:00 AM tomorrow also. I also left you a voice mail this morning stating the same. Thank you and if you have any questions or concerns please feel free to contact the office.

Respectfully,

*Nikki Woulfe*

Legal Assistant to Bradley J. Hofland, Esq.  
Hofland & Tomscheck  
228 S. 4<sup>th</sup> St. 1<sup>st</sup> Floor  
Las Vegas, NV 89101  
Telephone (702) 895 - 6760  
Facsimile (702) 731-6910  
[clerk@hoflandlaw.com](mailto:clerk@hoflandlaw.com)

# EXHIBIT “B”





COURSES

GROUPS

MORE :

## Student Activity · Enrollments



**Emma Maurice** submitted an item to  
**Identify the Force and Energy** Dec 3 at 10:44  
pm



**Emma Maurice** submitted an item to  
**Monday Standards Work** Dec 3 at 10:33 pm



**Emma Maurice** submitted an item to  
**Weather | Reading Social Studies | Classify  
and Categorize** Dec 3 at 10:22 pm



**Emma Maurice** submitted an item to **Unit 3  
Lesson 13: Standard-Based Weekly Test**  
Dec 3 at 10:13 pm



**Emma Maurice** submitted an item to **Unit 3  
Lesson 13 | Vocabulary Assessment** Dec 3  
at 9:53 pm

## Student Activity · Enrollments



**Emma Maurice** submitted an item to **Q2**  
**Week 7 | Spelling Activity** Dec 4 at 9:09 pm



**Emma Maurice** submitted an item to  
**Assessment** Dec 4 at 9:00 pm



**Emma Maurice** submitted an item to **Unit 3**  
**Lesson 13 | Comprehension Assessment**  
Dec 4 at 8:48 pm



**Emma Maurice** submitted an item to **Q2**  
**Week 7 | Identifying Sounds** Dec 4 at 8:22  
pm



**Emma Maurice** submitted an item to **Friday**  
**Standards Work** Dec 4 at 8:05 pm



**Emma Maurice** submitted an item to **Q2**  
**Week 7 | Weekly Phonogram Review** Dec 4  
at 7:55 pm



**Emma Maurice** submitted an item to  
**Identify the Force and Energy** Dec 3 at 10:44  
pm  
ROA000585



# My Children

## Student Activity · Enrollments



**Emma Maurice** submitted an item to **Where We Live | Magazine Assessment** Nov 19 at 6:21 pm



**Emma Maurice** submitted an item to **Q2 Week 5 | Identifying Sounds** Nov 19 at 6:08 pm



**Emma Maurice** submitted an item to **Tuesday Standards Work** Nov 17 at 10:30 pm



**Emma Maurice** submitted an item to **Lesson 29 Homework Assignment** Nov 17 at 10:27 pm



**Emma Maurice** submitted an item to **Where We Live | Vocabulary | Crossword (Simplified)** Nov 16 at 10:33 pm



**Emma Maurice** submitted an item to **Monday Standards Worksheet** Nov 16 at 10:11 pm



**Emma Maurice** submitted an item to **Lesson 28 Homework Assignment** Nov 16 at 10:01 pm





## My Children



Emma Maurice submitted an item to **Unit 2**

**Lesson 10 | Comprehension Test** Nov 12 at

10:11 pm



Emma Maurice submitted an item to **Unit 2**

**Lesson 10 | Vocabulary Test** Nov 12 at 9:18

pm



Emma Maurice submitted an item to **Q2**

**Week 4 | Spelling Activity** Nov 12 at 9:11 pm



Emma Maurice submitted an item to **How**

**Does Light Travel?: Lesson Quiz** Nov 12 at

8:59 pm



Emma Maurice submitted an item to

**Tuesday Standards Work** Nov 12 at 8:41 pm



Emma Maurice submitted an item to

**Monday Standards Worksheet** Nov 12 at

8:39 pm



Emma Maurice submitted an item to

**Lesson 27 Homework Assignment** Nov 12 at

8:36 pm



Emma Maurice submitted an item to

**Lesson 26 Homework Assignment** Nov 12 at

8:23 pm





COURSES

GROUPS

MORE :

## Student Activity · Enrollments



**Emma Maurice** submitted an item to **Where We Live | Categorize and Classify** Nov 5 at 9:16 pm



**Emma Maurice** submitted an item to **Unit 2 Lesson 9 | Comprehension Assessment** Nov 5 at 9:00 pm



**Emma Maurice** submitted an item to **Unit 2 Lesson 9 | Vocabulary Assessment** Nov 5 at 8:41 pm



**Emma Maurice** submitted an item to **Friday Standards Work-OPTIONAL** Nov 5 at 8:33 pm



**Emma Maurice** submitted an item to **Wednesday Standards Work** Nov 3 at 10:51 pm

# EXHIBIT “C”

**From:** Megan Smith <megan.smith@legacytraditional.org>  
**Date:** November 12, 2020 at 3:47:08 PM PST  
**To:** Justin <jss0407@hotmail.com>  
**Subject:** Re: Emma Maurice

Hello,

Yes I will pass this on to him. :)

On Thu, Nov 12, 2020 at 3:39 PM Justin <jss0407@hotmail.com> wrote:  
Ms Smith,

Could you please forward this email to Mr Byrd for me. Thank you!

Mr Byrd

Thank you so much for staying with Emma today until I was able to get there to pick her up. We truly appreciate your assistance.

Thanks for all you do,

Justin Maurice

ROA000590

Sent from my iPhone

--  
Megan Smith, B.S. Elementary Ed.  
First Grade Team Lead

Legacy Traditional  
325 Inflection Street

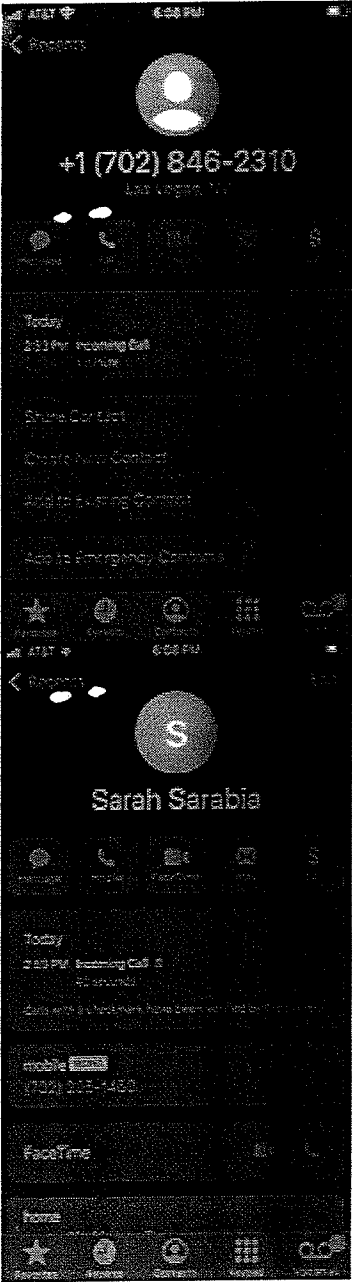
ROA000591



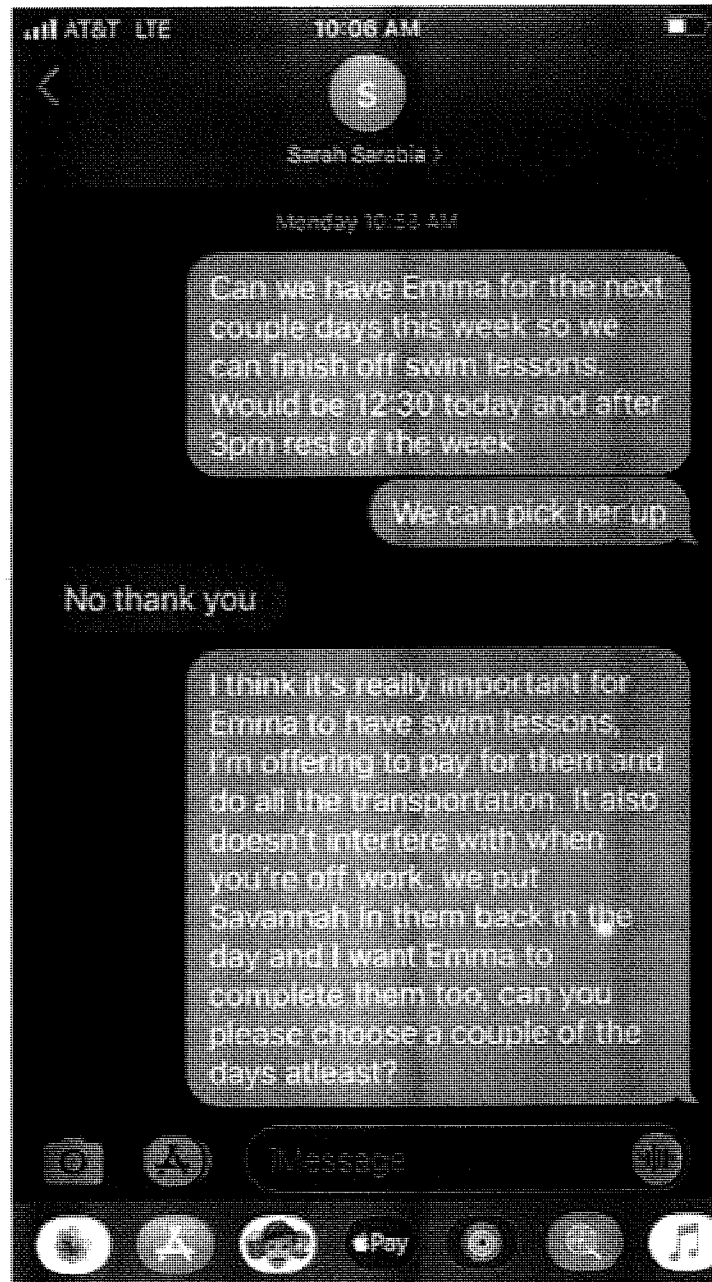
Clerk

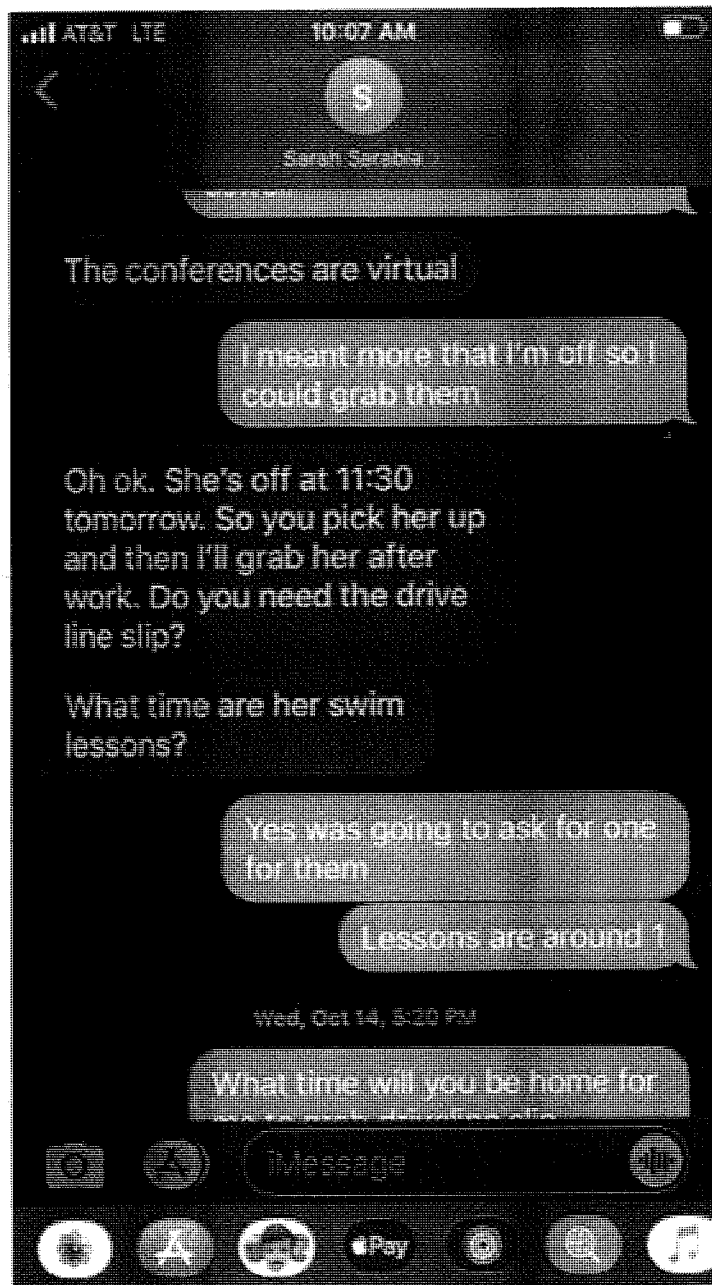
From: Jay Jay <jss0407@hotmail.com>  
Sent: Thursday, November 12, 2020 6:11 PM  
To: Clerk  
Subject: Justin Maurice

Follow Up Flag: Follow up  
Flag Status: Completed

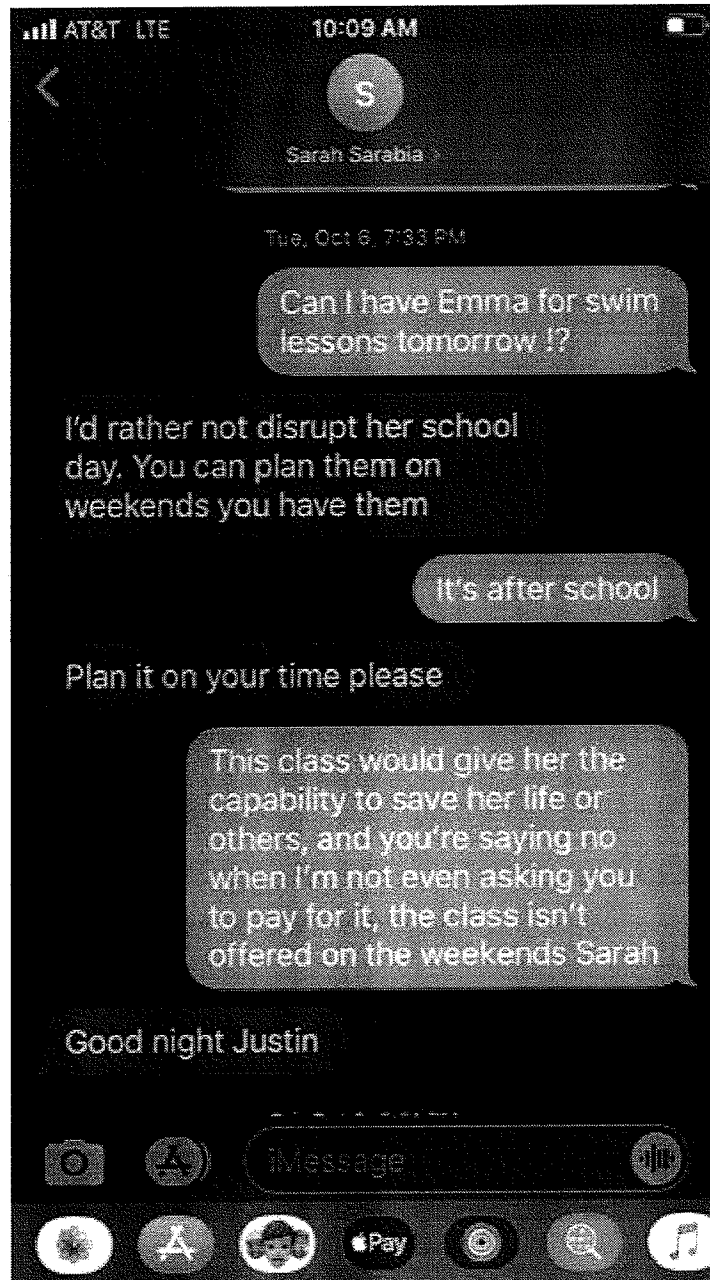


# EXHIBIT “D”









# EXHIBIT “E”



Sarah Sarabia &gt;

4:11 at 7pm

Nov 29, 2018, 5:19 PM

I'd like to see about getting more time with the girls at the first of the year. Can we sit down and try and figure something out?

We would need to go through court

Why?

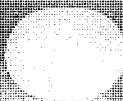
Cuz Unless your schedule has somehow miraculously changed I don't need your girlfriend raising our kids

That would be necessary

It's true



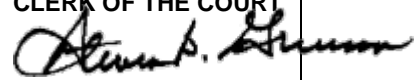
iMessage



DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*\*

Electronically Filed  
12/9/2020 6:34 AM  
Steven D. Grierson  
CLERK OF THE COURT



Sarah Maurice, Plaintiff  
vs.  
Justin Maurice, Defendant.

Case No.: D-14-506883-D  
Department Q

**NOTICE OF HEARING**

Please be advised that the Deft's Notice of Motion and Motion for Reconsideration of Order Denying to Modify the Current Custodial Arrangement; Modify Child Support; Modify Child Tax Deduction; and for an Award of Attorney's Fees and Costs; and Related Relief in the above-entitled matter is set for hearing as follows:

**Date:** January 13, 2021  
**Time:** 9:00 AM  
**Location:** Courtroom 01  
Family Courts and Services Center  
601 N. Pecos Road  
Las Vegas, NV 89101

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

STEVEN D. GRIERSON, CEO/Clerk of the Court

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

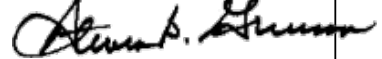
**CERTIFICATE OF SERVICE**

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

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

ROA000599





1 **OPPC**  
2 RACHEL M. JACOBSON, ESQ.  
3 Nevada Bar No. 007827  
4 JACOBSON LAW OFFICE, LTD  
5 64 North Pecos Road, Suite 200  
6 Henderson, Nevada 89074  
7 (702) 601-0770  
8 *Attorney for Plaintiff*

9  
10 ***EIGHTH JUDICIAL DISTRICT COURT***  
11 ***CLARK COUNTY, NEVADA***  
12

13 **SARAH MAURICE,**

14 **Plaintiff,**

15 **vs.**

16 **JUSTIN MAURICE,**

17 **Defendant.**

Case No. **D-14-506883-D**

Dept. No. **Q**

Date of Hearing: 01/13/2021

Time of Hearing: 9:00 AM

**ORAL ARGUMENT REQUESTED**

18 **PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR**  
19 **RECONSIDERATION AND COUNTERMOTION FOR AN AWARD OF**  
20 **ATTORNEY'S FEES, COSTS, AND RELATED RELIEF**

21 COMES NOW Plaintiff, SARAH MAURICE ("Plaintiff" and/or "Sarah"),  
22 by and through her attorney Rachel M. Jacobson, Esq., of Jacobson Law Office,  
23 Ltd., and hereby submits her Opposition and Countermotion to Defendant JUSTIN  
24 MAURICE's ("Defendant" and/or "Justin"), Motion filed December 7, 2020 as set  
25 forth below.  
26  
27  
28

This Opposition and Counter-motion is made and based upon the pleadings on file herein, any exhibits filed herein, and the oral argument that may be adduced at the time of hearing of this matter.

Sarah respectfully requests this Court enter orders granting the following relief:

1. For an Order denying Defendant's Motion in its entirety;
2. For a behavioral order;
3. For an award of reasonable attorney's fees and costs to the Plaintiff in defending this action; and
4. For such further relief as deemed appropriate in the premises.

DATED this 5<sup>th</sup> day of January 2021.

JACOBSON LAW OFFICE, LTD

/s/ Rachel M. Jacobson

Rachel M. Jacobson, Esq.  
Nevada Bar No. 007827  
64 North Pecos Road, Suite 200  
Henderson, Nevada 89074  
(702) 601-0770  
*Attorney for Plaintiff*

1                                   **MEMORANDUM OF POINTS AND AUTHORITIES**

2   **I.**

3   **INTRODUCTION**

4           As the Court will please recall, this matter came before the Court on October  
5 27, 2020 which was the time set for hearing upon Defendant's Motion to Modify  
6 Custody and financial orders. Though set for 9:00 a.m., the hearing was ultimately  
7 called at 10:03 a.m. as Defendant was not yet in appearance. Despite the  
8 significant courtesy, Defendant still failed to appear. The Court was nevertheless  
9 prepared to decide upon the matter having reviewed all the papers on file in this  
10 case. VC 10:05:21 Specifically, in that regard, the Court noted and ordered as  
11 follows:  
12  
13  
14

15           The Court does not find that a modification of a work schedule is a  
16 sufficient basis, under *Ellis v. Carucci*, as a substantial change in  
17 circumstances affecting the wellbeing of the children in this instance  
18 that would invoke the Court pursuing a modification of custody  
19 pursuant to *Ellis v. Carucci* and then proceeding to the best interest  
20 factors. VC 10:05:24

21           Defendant has now filed another motion now seeking to set aside the Court's  
22 order of October 27, 2020 and/or reconsider the same. Incorporating by reference  
23 the previous Opposition Plaintiff filed in this case on October 1, 2020, this  
24 Opposition follows.

25           ...

26           ...

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**II.**  
**BACKGROUND AND STATEMENT OF RELEVANT FACTS**

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The parties to this action divorced in September of 2015. Together the parties have two minor children: Savannah Maurice, born April 27, 2007, and Emma Maurice, born February 12, 2014. Prior to their divorce, the parties separated in September of 2014. Sarah filed the underlying Complaint for Divorce in December of 2014. After several filings and hearings, the parties ultimately entered a stipulated Decree of Divorce on September 30, 2015. This Decree marks the last custodial order in this matter.

As provided in the parties' Decree of Divorce, in relevant part, primary physical custody was confirmed upon Sarah and Justin's visitation was set every other weekend from Friday after school or 3:00 p.m. if no school to Sunday at 6:00 p.m. The Decree also set Justin's child support obligation at \$1,260 per month. And Sarah shall claim the minor children on her income taxes every year.

To again reiterate what was stated in Sarah's prior opposition, *three months after entry of the Decree*, Justin filed a motion to modify child support claiming that his income had changed by more than 20% and Justin sought to lower his monthly obligation to \$680.00. At the January 2016 hearing upon Justin's motion and Sarah's opposition and countermotion, the parties represented to the Court their agreement to lower Justin's child support obligation to \$920 per month effective January 2016. Further, provided he began to provide health insurance for



1 the parties' children, Justin was to receive an offset of \$134.00 each month.<sup>1</sup> The  
2 Court also ordered that Sarah was awarded \$5,102.24, reduced to judgment, as and  
3 for Justin's child support arrears. Collection was stayed so long as Justin paid  
4 \$217.00 per month toward the arrearages until paid in full. The D.A. was instructed  
5 to add this amount to the child support amount to be garnished from Justin's pay  
6 checks. Justin was also ordered to pay to Sarah an additional \$1,080 stemming  
7 from his failure to provide health insurance for the parties' children.<sup>2</sup>  
8  
9

10  
11 On December 5, 2016, the parties filed their Stipulation and Order  
12 increasing Justin's child support obligation to \$1,200 per month as his income  
13 increased to \$5,252 per month. The parties further agreed that Justin shall provide  
14 health insurance for the parties' children with no offset to his support obligation.  
15 And, as Justin failed to pay his portion of the childcare costs, the parties agreed  
16 that his arrearages of \$3,950.50 were reduced to judgment with the D.A. to add  
17 \$350.50 to Justin's current monthly arrears payments. This Stipulation and Order  
18 also specifically left all other previous orders intact.  
19  
20  
21

22 On July 26, 2017, the parties filed a document entitled Partial Payment for  
23 Property Equalization stating that Justin had paid to Sarah some of the equalization  
24 payment obligation Justin was to pay to Sarah pursuant to the terms of the parties'  
25

---

26  
27 <sup>1</sup> See Order filed February 29, 2016.

28 <sup>2</sup> *Id.* at page 3, line 3.

1 Decree of Divorce. The document further stated that Justin had a remaining  
2 balance of \$10,000 toward this payment obligation.  
3

4 This history is important in that it shows Justin's true intentions throughout  
5 the parties' separation and divorce. Justin simply does not want to take  
6 responsibility for his financial obligations. To date, Justin has not paid this  
7 remaining equalization obligation, nor has he paid to Sarah the arrearages ordered  
8 by this Court. And, as reflected in his current Motion, Justin again seeks to lower  
9 his financial obligations. Motivated by financial ends, Justin's Motion fails to  
10 present adequate cause to justify modification to joint physical custody. Justin  
11 wants the Court to believe that Sarah has not cooperated with him but this could  
12 not be farther from the truth.  
13  
14  
15

16 As noted in the October Opposition in further detail, since the entry of the  
17 parties' Decree of Divorce, Sarah has demonstrated a willingness to work with  
18 Justin and has agreed to lower his obligations when he so requested. Likewise,  
19 Sarah has accommodated Justin's request regarding the children. During the first  
20 week of school, Sarah agreed for the girls to attend school at Justin's residence.  
21 This agreement was only regarding the first week of school. As Justin has  
22 remarried, his wife (who has 4 other children of varying ages) was available to  
23 assist the parties' children assimilate into the new on-line school arrangement  
24 during the first week of school. This agreement, however, has backfired. Not only  
25  
26  
27  
28

1 have the girls encountered chaos in Justin's home during school hours, Justin  
2 began demanding increased time on a regular basis – especially since the last  
3 hearing in this matter.  
4

5 In further efforts to work with Justin, as the schools closed following  
6 COVID related restrictions, Sarah agreed that the girls could visit with Justin  
7 during the day several days a week. This arrangement lasted only three weeks  
8 given a concerning altercation between Justin and one of the parties' daughters as  
9 also explained in Sarah's most recent opposition.  
10  
11

12 On April 3, 2020, Justin and Savannah had an altercation wherein Savannah  
13 feared for her safety. Savannah texted Sarah explaining that her dad had been  
14 drinking a lot and she heard him calling the five-year-old twins "little pussies."<sup>3</sup>  
15 Savannah stated that the boys were upset and were crying but Justin kept yelling at  
16 them. When Savannah asked Justin to stop and to calm down, he directed his  
17 anger at her. Shortly after her text, Savannah also called Sarah.  
18  
19

20 Savannah told Sarah that she would be coming home. Savannah would not  
21 tell Sarah why. Savannah was indeed dropped off at Sarah's home. Justin's wife  
22

---

23  
24 <sup>3</sup> Sadly, Justin also frequently disparages his wife's children. In addition to  
25 calling her 5-year-old twins "little pussies" (and in front of the parties'  
26 children) he is constantly yelling at his wife's 13 year old daughter. At  
27 one point she yelled back and said "you're not my Dad; I don't have to listen  
28 to you!" And Justin cruelly replied, "well your dead Daddy isn't here is he?"  
This was a reference to the child's deceased father.

1 brought Savannah to Sarah. In doing so, she provided no explanation and neither  
2 did Justin. Sarah learned from Savannah what had happened.  
3

4 Savannah advised Sarah that Justin had followed Savannah to her room.  
5 Justin then got in Savanna's face and told her she could never talk to him that way  
6 and that she should be thanking him for saving her life. Justin told Savanna that,  
7 when her mom was pregnant with her, she was going to be aborted and that her  
8 mom did not want her. Understandably, Savannah was extremely hurt and upset.  
9 Justin scared Savannah by getting in her face and being visibly intoxicated.  
10 Savannah began refusing to visit with Justin in his home and the girls expressed  
11 that they did not feel safe in his care. Further, Justin expressed indifference to the  
12 emotional trauma he caused Savannah. When Sarah asked Justin why he would  
13 tell Savannah something so hurtful, he simply stated that Savannah needed to know  
14 her mom is not as perfect as she thought. After this incident, Sarah did not feel it  
15 was in the girls' best interest to visit Justin on his non-visitation days. Now, in his  
16 efforts to reduce his child support obligation and apparently claim the parties'  
17 daughters on his returns, Justin is attempting to utilize Sarah's flexibility in  
18 parenting to buttress his argument for a custodial modification. Likewise, in his  
19 current Motion, Justin attempts to shift the blame to others for his nonappearance.  
20 He is also again making recurrent false allegations attempting to mislead the Court  
21 in his efforts to paint Sarah in a negative light. A review of Justin's own  
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1 allegations shows both inconsistencies and exaggerations which help to highlight  
2 that Justin's request for modification is grounded in financial interests rather than  
3 the children's best interests. In response, Sarah, again, respectfully presents that  
4 Justin's allegations are false.  
5

6  
7 1. Sarah has never had any control over Justin's work schedule. Moreover, at  
8 the time of entry of the parties' Decree of Divorce, he was off at 1:00 p.m.  
9 and thus afforded much more time to pick the girls up from school/daycare,  
10 but he elected not to do so. Likewise, Sarah did not cause Justin to be laid  
11 off. What possible motive would she have for doing so? And, in any event,  
12 he was laid off before the parties' divorce was finalized. In any event, Justin  
13 has now worked at YESCO since 2015.

14  
15 2. If it is true that Justin is working from home,<sup>4</sup> this allegedly COVID related  
16 schedule does not afford him dedicated time to the girls' schooling since he  
17 is also working. Justin's current wife Casey also has 4 other children in the  
18 household that she must attend to during online learning. Again, the time  
19 would be split between 6 children. Emma especially needs constant  
20 supervision for school. And, as previously mentioned, Casey's children  
21 have learning disabilities which would make giving any of the children one  
22 on one attention all the more impossible. Additionally, since November, the  
23 parties' children have been attending in person school on Wednesdays and  
24 Thursdays and, contrary to Justin's representations, Sarah takes them to  
25 school. The children are also regularly picked up but for one day where  
26 there was an innocent miscommunication concerning Emma.

27  
28 3. Following the April 2020 incident between Justin and Savannah, Sarah does  
not feel it was best to expand Justin's time beyond the Court ordered  
schedule. At no point, however, did Sarah ever tell Justin to file a motion.

---

<sup>4</sup> Justin's representations regarding his current schedule are inconsistent. On  
page 5 he reports he works 4 days a week remotely yet on page 6 he claims to  
work remotely 2 days a week on Monday and Tuesday.

1 This is Justin's attempt to skirt his failure to honor the EDCR 5.501  
2 obligation to attempt to confer prior to filing.

3  
4 4. Emma's homework has NEVER been late, and she has never had a missing  
5 assignment. The reason things are uploaded sometimes late at night is  
6 because Sarah uploads all her assignments for her in the school system.  
7 These times reflect when Sarah uploads the assignments not when Sarah  
8 completes the assignments. Here too, Justin is grasping at straws trying to  
9 make it look like Emma is up late every night doing schoolwork. That is not  
10 the case. Emma does her assignments during the day and has an entire paper  
11 packet that she works on all week. She completes the assignments during  
12 the day on paper. Most of the time, Sarah waits until the girls are sleeping to  
13 devote the time to review the assignments before loading them to the system.  
14 Moreover, all weekly assignments are due by Friday at midnight<sup>5</sup> and, as  
15 reflected in Justin's Exhibits, nothing has ever been late or submitted past  
16 that time. Likewise, Savannah's grades are rather improving, so the  
17 allegations that her education is suffering is also false.

18  
19 5. Ever since Justin filed his original motion back in September of 2020, he has  
20 been planning activities on Sarah's custodial days. Sarah did agree to one  
21 swim lesson on Thursday, October 15<sup>th</sup> because she was off school early and  
22 it would, therefore, not run into her school time. The other times Justin  
23 asked to take Emma to swim lessons were during school hours. (After the  
24 last hearing in this case, Justin insisted upon scheduling swim lessons on  
25 weekdays though classes were also available on the weekends.)

26  
27 6. Contrary to Justin's current representations, the parties' daughters have not  
28 asked to spend more time with Justin/custodial change.

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27 <sup>5</sup> See message from Emma's teacher verifying all assignments are due Friday by  
28 midnight.

1 7. Sarah's nanny has worked with the parties' minor children for the last two  
2 and a half years; she is not a new hire as Justin would like the Court to  
3 believe.

4 8. Historically, Justin and Sarah have always agreed to limit the girls' use of  
5 social media. Of late, however, Justin has unilaterally allowed (and helped)  
6 Savannah to open Facebook and Snapchat accounts behind Sarah's back.  
7 Justin also purchased an Ipad for Savannah and allowed her to use it without  
8 any parental restrictions. After discovering her inappropriate searches,  
9 Sarah added parental controls and Justin and Sarah agreed that she did not  
10 need social media and the two closed her Facebook and Snap chat account.  
11 Emma also has unrestricted use of an Ipad while at Justin's home. She is  
12 also allowed to search social media sites and she is 6 years old! Recently  
13 Justin asked about getting Savannah a new phone for Christmas. Sarah  
14 thought it was a good idea but then Justin proceeded to reason that Savannah  
15 should be permitted to access social media sites because "these sites make  
16 her feel pretty and allow her to fit in." Justin even suggested he should get  
17 her a whole separate phone under his account so that way he could give her  
18 free reign and usage of social media and applications that Sarah otherwise  
19 does not approve.

### 18 **III.** **LEGAL ARGUMENT**

19 Justin's request for a set aside or reconsideration should be denied as Justin  
20 fails to reasonable support either request. The request to set aside should be denied  
21 as Justin lacks a valid reason for his nonappearance at the hearing of October 27,  
22 2020. Moreover, the finding and orders made at that time were based upon the  
23 Court's review of the papers such that the denial of Justin's motion was not  
24 dependent upon the failure of his appearance. In that regard, the Court reviewed  
25 the papers and arguments presented by each party and the Court's findings and  
26  
27  
28

1 order lacked error. Likewise, Justin's new Motion fails to raise new allegations  
2 warranting reconsideration. He is again grasping at straws and, moreover,  
3 attempting to mislead the Court with allegations that, nevertheless, do not present a  
4 substantial change of circumstances affecting the welfare of the children. And, in  
5 any event, Justin's Motion fails to show in any way that the children's welfare  
6 would be benefitted by the custodial and financial modifications he requests.  
7

8  
9 As the Court is aware, the parties' minor children have remained in Sarah's  
10 primary care since the parties' separation in September of 2014. As such, any  
11 request to modify custody should be reviewed under *Ellis v. Carucci*, 123 Nev.  
12 145, 161 P.3d 239 (2007).  
13  
14

15 Pursuant to *Ellis*, modification of primary physical custody is warranted only  
16 when (1) the party seeking a modification proves there has been a substantial  
17 change in circumstances affecting the welfare of the children and (2) the children's  
18 best interests are served by the modification. Justin's current motion fails to meet  
19 either prong.  
20  
21

22 As presented above, the minor children have remained in Sarah's primary  
23 care since September of 2014. Since that time, the parties' children have visited  
24 with Justin on alternating weekends. Because Sarah was flexible and attempted to  
25 work with Justin (until he accosted and emotionally traumatized their children) in  
26 March of 2020, Justin feels he has established grounds to bring forth a motion to  
27  
28



1 modify custody. But Justin's allegations do not meet the threshold requirement as  
2 he fails to demonstrate that there has been a substantial change in circumstances  
3 affecting the welfare of the parties' minor children.  
4

5 Further, pursuant to *Rooney v. Rooney*, 109 Nev. 540, 542, 853 P.2d 123,  
6 124 (1993), Justin's Motion should not result in an evidentiary hearing as it fails to  
7 demonstrate adequate cause.  
8

9 Pursuant to *Rooney*, the Court may deny hearing upon a motion to modify  
10 unless the moving party demonstrates adequate cause for the hearing. To  
11 demonstrate adequate cause, Justin must set forth a prima facie case for  
12 modification which necessitates a showing that "(1) the facts alleged in the  
13 affidavits are relevant to the grounds for modification; and (2) the evidence is not  
14 merely cumulative or impeaching."<sup>6</sup>  
15  
16

17 In his Motion, Justin simply alleges that his schedule has changed such that  
18 he is now able to work from home and watch the girls during home school. Just  
19 omits the fact that his schedule changed back in 2016 and that, when the girls did  
20 spend a few school days in his home, they reported a chaotic environment. Justin  
21 wants the Court to believe that his wife (of less than one year) is able to watch the  
22 children during their home school hours. Justin coast over the fact that his wife  
23 has 4 other children she must attend to during those time – a few of behavioral and  
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28 <sup>6</sup> *Id.*

1 learning problems requiring greater attention and rendering Justin's new wife less  
2 available to provide adequate care for six children.<sup>7</sup> In Sarah's care, while the  
3 children are temporarily attending home school, the children get one-on-one  
4 attention. Though Justin wants the Court to find that this fact satisfies the  
5 substantial change prong, it is respectfully presented that Justin's Motion is devoid  
6 of facts necessary to support the serious request of modification. As such, pursuant  
7 to *Rooney*, Justin's Motion should be denied.  
8  
9

10  
11 Likewise, Justin's Motion fails to demonstrate the children's best interest  
12 would be served by the requested modification.  
13

14 As provided in NRS 125C.0035, when reviewing the children's best  
15 interests, the Court is directed to consider the following factors:  
16

17 (a) *The wishes of the child if the child is of sufficient age and capacity to*  
18 *form an intelligent preference as to his or her physical custody.* The parties' oldest  
19 child has requested to limit her visitation with Justin given, in part, the recent  
20 incident described above.  
21

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22 <sup>7</sup> The household environment is chaotic and not good for the girls to be  
23 around. Several of the children have behavioral issues that negatively  
24 impact the girls. The oldest daughter curses at her mom, has called her a  
25 bitch and has even hit her own mom. She is constantly on restriction and on  
26 the last occasion did not want to return from her father's house after  
27 visitation. The household is chaotic, especially when all 6 of the children  
28 are there and does not lend itself to comfortable/productive home school  
conditions.

1 (b) *Any nomination of a guardian for the child by a parent.* Since 2014, the  
2 parties nominated Sarah to provide the children's primary care.  
3

4 (c) *Which parent is more likely to allow the child to have frequent*  
5 *associations and a continuing relationship with the noncustodial parent.* Since the  
6 inception of this case, Sarah has accommodated each of Justin's requests regarding  
7 custody (as well as finances). Until now, Justin limited his time with the parties'  
8 children. This fact is not a reflection of Sarah's willingness to facilitate a  
9 continuing relationship. Sarah has also agreed to a temporary school change for the  
10 girls due to COVID and continually demonstrates a willingness to cooperate with  
11 Justin. And, as an example of Sarah's willingness to facilitate frequent  
12 associations, though it was her 4<sup>th</sup> of July weekend with the girls this year, Sarah  
13 had the girls travel with Justin to his father's cabin in Utah. Likewise, Sarah  
14 facilitates Savannah summer visitations to Maine so she may continue to build her  
15 relationship with her paternal grandmother.  
16  
17  
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19

20 (d) *The level of conflict between the parents.* In his Motion, Justin blames  
21 Sarah for his negligible interest in the parties' children to date. To that end, he  
22 wants the Court to believe that Sarah is simply "money hungry." This allegation is  
23 false and also ironic as Justin makes this allegation while standing in an attitude of  
24 contempt as he has failed to pay to Sarah \$11,000 in child support arrears as well  
25 as the remaining equalization funds owed to her pursuant to the parties' Decree of  
26  
27  
28

1 Divorce. As noted in *Lamb v. Lamb*, 83 Nev. 425, 433 P.2d 265 (1967), “[n]o  
2 party to an action can with right or reason, ask the aid and assistance of a court in  
3 hearing his demands while he stands in an attitude of contempt to the court’s legal  
4 orders and processes.”

5  
6 Moreover, as Justin well knows, it has never been about money for Sarah.  
7  
8 Since the parties’ separation (and before), Sarah’s priority has been the best  
9 interests of the parties’ children. As to the conflict between the parents, it appears  
10 that Justin has made the parties’ relationship adversarial as he has begun to  
11 disparage Sarah to the children a lot more since getting married.  
12

13 (e) *The ability of the parents to cooperate to meet the needs of the child.*

14  
15 Despite the current allegations, this has never been an issue for the parents and  
16 there is no indication it should be so now.  
17

18 (f) *The mental and physical health of the parents.* It is ironic that Justin now  
19 raises concerns regarding Sarah’s mental health. Sarah assures the Court that she  
20 is of sound mental and physical health. On the other hand, as to Justin, Sarah has  
21 concerns as Justin is constantly intoxicated - even when he has the girls.  
22 Additionally, he is unable to control his anger and can become violent and has  
23 scared Savannah several times to the point she has expressed fear for her safety.  
24  
25

26 (g) *The physical, developmental and emotional needs of the child.* As  
27 mentioned above, since Justin told Savannah that her mother wanted to abort her in  
28



1 addition to continually disparaging Sarah before the girls, the girls have expressed  
2 fear and anxiety when it is time to visit their father. In his Motion, Justin argues  
3 that he is loving and exceptionally attentive. But this is also false. Even on the  
4 weekends that the girls are in Justin's care, it is presented that he rarely spends  
5 quality time with them. He says that he is attentive to their needs. Even their  
6 material needs come into question when they are at his home. He requires that the  
7 girls must go home with the same clothes Sarah sent them with and if they take  
8 something home with them that he purchased he gets upset and demands they  
9 make sure to bring it back the next time. Savannah still must take her basic  
10 necessities with her when she goes to her Dad's (deodorant, lotion, etc.). In this  
11 regard, Justin has also told Savannah on several occasions that as he pays her mom  
12 so much money every month, she should be buying them two sets of everything -  
13 one set for Sarah's house and one set for his. Additionally, Sarah reiterates her  
14 concerns about the girls' environment and inadequate supervision while in Justin's  
15 home.

21  
22 (h) *The nature of the relationship of the child with each parent.* While the  
23 parties' children love both of their parents, they are bonded with their mother who  
24 has been their primary care provider since birth.

25  
26 (i) *The ability of the child to maintain a relationship with any sibling.* The  
27 girls should remain together. As such, this factor is not applicable.  
28

1 (j) *Any history of parental abuse or neglect of the child or a sibling of the*  
2 *child.* As mentioned above, Justin can become violent and has scared Savannah  
3  
4 several times where she has expressed fear for her safety. Further, while the  
5 parties were married, Justin hit Sarah while she was holding Savannah. Justin was  
6 also arrested for domestic violence against one of his girlfriends.  
7

8 (k) *Whether either parent or any other person seeking physical custody has*  
9 *engaged in an act of domestic violence against the child, a parent of the child or*  
10 *any other person residing with the child.* In his Motion, Justin denies this factor  
11 but this is also not true. There is a history of domestic violence between the parties  
12 as Justin abused Sarah in front of their oldest daughter. Justin hit Sarah in  
13 September 2014 (the act causing their separation). Justin was intoxicated at the  
14 time of the incident and he hit Sarah while she was holding their daughter  
15 Savannah who was 7 years old at the time. Unfortunately, Savannah was old  
16 enough to understand and remember this event. After hitting Sarah, Justin went  
17 outside and let the air out of all her tires so that she could not leave. As such,  
18 Sarah called police for assistance and Justin (though intoxicated) fled the scene.  
19  
20  
21  
22

23 There is also concern as Justin was arrested for perpetrating domestic  
24 violence upon a former girlfriend while the two were residing together. *He called*  
25 *Sarah to bail him out of jail!*  
26  
27  
28

1 (1) *Whether either parent or any other person seeking physical custody has*  
2 *committed any act of abduction against the child or any other child.* Not  
3 applicable.  
4

5 In essence, Justin's Motion should be denied as he has fails to provide a  
6 valid reason for his nonappearance and as he fails to provide new supportive  
7 allegations. As previously ordered, Justin's request for modification to joint  
8 physical custody (and therefore related financial requests for relief) should be  
9 denied as his Motion fails under *Rooney*. Moreover, Justin's Motion does not  
10 demonstrate the children's best interest would be served by a modification. Rather,  
11 the children's best interests are served by allowing them permanency by  
12 maintaining the status quo - which has been the case for the last 6 years.  
13  
14  
15

### 16 III.

#### 17 COUNTERMOTION

##### 18 **A. Sarah Should be Awarded Reasonable Attorney's Fees and Costs.**

19 As it is believed that Justin's Motion is not ripe before the Court and as Justin  
20 comes before the Court under an attitude of contempt and in bad faith, it is  
21 respectfully requested that the Court grant Sarah an award of reasonable attorney's  
22 fees for the necessity of addressing this Motion.  
23  
24  
25

26 In this regard, NRS 18.010 provides as follows:  
27  
28

1       1. The compensation of an attorney and counselor for his or her  
2 services is governed by agreement, express or implied, which is not  
3 restrained by law.

4       2. In addition to the cases where an allowance is authorized by  
5 specific statute, the court may make an allowance of attorney's fees to a  
6 prevailing party:

7       (a) When the prevailing party has not recovered more than \$20,000;  
8 or

9       (b) Without regard to the recovery sought, when the court finds  
10 that the claim, counterclaim, cross-claim or third-party complaint or  
11 defense of the opposing party was brought or maintained without  
12 reasonable ground or to harass the prevailing party. The court shall  
13 liberally construe the provisions of this paragraph in favor of awarding  
14 attorney's fees in all appropriate situations. It is the intent of the  
15 Legislature that the court award attorney's fees pursuant to this paragraph  
16 and impose sanctions pursuant to [Rule 11](#) of the Nevada Rules of Civil  
17 Procedure in all appropriate situations to punish for and deter frivolous or  
18 vexatious claims and defenses because such claims and defenses  
19 overburden limited judicial resources, hinder the timely resolution of  
20 meritorious claims and increase the costs of engaging in business and  
21 providing professional services to the public.

22       3. In awarding attorney's fees, the court may pronounce its decision  
23 on the fees at the conclusion of the trial or special proceeding without  
24 written motion and with or without presentation of additional evidence.

25       4. Subsections 2 and 3 do not apply to any action arising out of a  
26 written instrument or agreement which entitles the prevailing party to an  
27 award of reasonable attorney's fees.

28       Further, in the context of family law cases, guidance is provided by several  
cases which reviewed attorney's fees. *See Fletcher v. Fletcher*, 89 Nev. 540, 516  
P.2d 103 (1973); *Levy v. Levy*, 96 Nev. 902, 620 P.2d 860 (1980), and *Hybarger v.*  
*Hybarger*, 103 Nev. 255, 737 P.2d 889 (1987). And, pursuant to *Brunzell v.*  
*Golden Gate National Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969), the Court  
is also to consider the following factors:



1       1) *The Qualities of the Advocate*: his ability, his training, education,  
2       experience, professional standing and skill. Regarding this initial factor, it is  
3       respectfully presented that the undersigned counsel has obtained her JD in 2001;  
4       she has been licensed in the State of Nevada since October of 2001 and has  
5       dedicated her practice primarily to the area of family law with a focus on  
6       mediation of cases to circumvent litigation for families.  
7

9       2) *The Character of the Work to be Done*: its difficulty, its intricacy, its  
10       importance, time and skill required, the responsibility imposed and the prominence  
11       and character of the parties where they affect the importance of the litigation.  
12

13       3) *The Work Actually Performed by the lawyer*: the skill, time and attention  
14       given to the work. As to the character of the work, given the research into the  
15       history of this case, and the enormity of correspondence to attempt settlement,  
16       instead filing a motion that must be responded to, it is of high skill importance. As  
17       to work actually performed, the undersigned respectfully asks this Court to find  
18       that the work presented is adequate and well contemplated.  
19  
20  
21

22       4) *The Result*: whether the attorney was successful and what benefits were  
23       derived.  
24

25       While each of the foregoing factors is relevant, not one should predominate or  
26       be given undue weight. *Miller v. Wilfong*, 121 Nev. 619, 119 P.3d 727 (2005). In  
27  
28

1 the case at hand, Justin's actions have forced Sarah to incur fees in addressing his  
2 Motion.  
3

4 **IV.**

5 **CONCLUSION**

6 **WHEREFORE**, based upon the foregoing, Sarah respectfully request this  
7 Court enter orders granting the following relief:  
8

- 9 1. For an Order denying Defendant's Motion in its entirety;  
10  
11 2. For a behavioral order;  
12  
13 3. For an award of reasonable attorney's fees and costs to the Plaintiff in  
14 defending this action; and  
15 4. For such further relief as deemed appropriate in the premises.

16 DATED this 5<sup>th</sup> day of January 2021.  
17

18 JACOBSON LAW OFFICE, LTD  
19

20 */s/ Rachel M. Jacobson*

21 \_\_\_\_\_  
22 Rachel M. Jacobson, Esq.  
23 Nevada Bar No. 007827  
24 64 North Pecos Road, Suite 200  
25 Henderson, Nevada 89074  
26 (702) 601-0770  
27 *Attorney for Plaintiff*  
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**DECLARATION OF SARAH MAURICE**

I, SARAH MAURICE, being duly sworn, depose and say:

I am the Plaintiff in the above-referenced matter.

I have personal knowledge of the facts contained herein, and I am competent to testify thereto.

I have reviewed the foregoing OPPOSITION and COUNTERMOTION and know the facts therein and the same is true and correct and are incorporated herein by this reference as if fully set forth herein.

That I declare under the penalty of perjury under the laws of the State of Nevada (NRS 53.045) that the foregoing is true and correct.

  
**SARAH MAURICE**

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Pursuant to NRCP 5(b), I certify that I am an employee of JACOBSON  
LAW OFFICE, LTD., and that on this 6<sup>th</sup> day of January 2021, I caused a copy of  
the above referenced document entitled “OPPOSITION AND  
COUNTERMOTION” to be served as follows to the party(s) listed below at the  
address, and/or email address indicated below:

9        ☐ BY MAIL: Pursuant to NRCP 5(b), I placed a true copy thereof enclosed  
0        in a sealed envelope upon which first class mail postage was prepaid in  
1        Henderson, Nevada;

2 ☒ BY ELECTRONIC SERVICE: Pursuant to EDCR 8.05(a), EDCR  
3 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned “In the  
4 Administrative Matter of Mandatory Electronic Service in the Eighth  
5 Judicial District Court,” by mandatory electronic service through the Eighth  
Judicial District Court’s electronic filing system; and/or

6 ☐ BY ELECTRONIC MAIL: Pursuant to EDCR 7.26, I transmitted a copy  
7 of the foregoing document this date via electronic mail;

8 To the party(s) listed below at the address, email address, and/or facsimile number  
9 indicated below:

Bradley J. Hofland, Esq.  
Email: [bradh@hoflandlaw.com](mailto:bradh@hoflandlaw.com)  
*Attorney for Defendant*

/s/ Rachel M. Jacobson

5 An employee of JACOBSON LAW OFFICE, LTD.



MOFI

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

SARAH MAURICE  
Plaintiff/Petitioner

v.  
JUSTIN MAURICE  
Defendant/Respondent

Case No. D-14-506883-D

Dept. Q

**MOTION/OPPOSITION  
FEE INFORMATION SHEET**

**Notice:** Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of \$25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

**Step 1.** Select either the \$25 or \$0 filing fee in the box below.

<input type="checkbox"/>	<b>\$25</b>	The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.
-OR-		
<input checked="" type="checkbox"/>	<b>\$0</b>	The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:
<div style="margin-left: 20px;"><input type="checkbox"/> The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.</div>		
<div style="margin-left: 20px;"><input type="checkbox"/> The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.</div>		
<div style="margin-left: 20px;"><input type="checkbox"/> The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.</div>		
<div style="margin-left: 20px;"><input type="checkbox"/> Other Excluded Motion (must specify) _____.</div>		

**Step 2.** Select the \$0, \$129 or \$57 filing fee in the box below.

<input checked="" type="checkbox"/>	<b>\$0</b>	The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:
<div style="margin-left: 20px;"><input type="checkbox"/> The Motion/Opposition is being filed in a case that was not initiated by joint petition.</div>		
<div style="margin-left: 20px;"><input type="checkbox"/> The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.</div>		
-OR-		
<input type="checkbox"/>	<b>\$129</b>	The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order.
-OR-		
<input type="checkbox"/>	<b>\$57</b>	The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129.

**Step 3.** Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:											
<input checked="" type="checkbox"/>	<b>\$0</b>	<input type="checkbox"/>	<b>\$25</b>	<input type="checkbox"/>	<b>\$57</b>	<input type="checkbox"/>	<b>\$82</b>	<input type="checkbox"/>	<b>\$129</b>	<input type="checkbox"/>	<b>\$154</b>

Party filing Motion/Opposition: Rachel M. Jacobson Date 1.5.2021

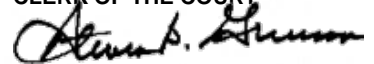
Signature of Party or Preparer /s/ Rachel M. Jacobson

ROA000624

FDF

Name: RACHEL M JACOBSON, ESQ  
Address: 64 N. Pecos, #200  
Henderson, NV 89052  
Phone: 702-601-0770  
Email: info@jacobsonlawltd.com  
Attorney for Plaintiff  
Nevada State Bar No. 007827

Electronically Filed  
1/7/2021 1:48 PM  
Steven D. Grierson  
CLERK OF THE COURT



Eighth Judicial District Court  
Clark County                     , Nevada

<u>Sarah Maurice</u> <b>Plaintiff,</b>	<b>Case No.</b> <u>D-14-506883-D</u>
<b>vs.</b> <u>Justin Maurice</u> <b>Defendant.</b>	<b>Dept.</b> <u>Q</u>

### GENERAL FINANCIAL DISCLOSURE FORM

#### A. Personal Information:

1. What is your full name? (*first, middle, last*) Sarah Elizabeth Maurice
2. How old are you? 39
3. What is your date of birth? 3/23/1981
4. What is your highest level of education? Bachelor's Degree

#### B. Employment Information:

1. Are you currently employed/ self-employed? (☒ check one)  
☐ No  
☒ Yes If yes, complete the table below. Attached an additional page if needed.

Date of Hire	Employer Name	Job Title	Work Schedule (days)	Work Schedule (shift times)
10/3/2005	YESCO LLC	HR Director	Monday - Friday	Mon-Thur 8am-5pm Friday 7am-4pm

2. Are you disabled? (☒ check one)  
☒ No  
☐ Yes If yes, what is your level of disability? N/A  
What agency certified you disabled? N/A  
What is the nature of your disability? N/A

#### C. Prior Employment: If you are unemployed or have been working at your current job for less than 2 years, complete the following information.

Prior Employer: N/A Date of Hire: N/A Date of Termination: N/A  
Reason for Leaving: N/A

### Monthly Personal Income Schedule

#### A. Year-to-date Income.

As of the pay period ending 12/25/2020 my gross year to date pay is 80,000.31.

#### B. Determine your Gross Monthly Income.

Hourly Wage

	×		=	\$0.00	×	52	=	\$0.00	÷	12	=	\$0.00
Hourly Wage		Number of hours worked per week		Weekly Income		Weeks		Annual Income		Months		Gross Monthly Income

Annual Salary

\$80,000.00	÷	12	=	\$6,666.67
Annual Income		Months		Gross Monthly Income

#### C. Other Sources of Income.

Source of Income	Frequency	Amount	12 Month Average
Annuity or Trust Income		\$0.00	\$0.00
Bonuses		\$0.00	\$0.00
Car, Housing, or Other allowance:		\$0.00	\$0.00
Commissions or Tips:		\$0.00	\$0.00
Net Rental Income:		\$0.00	\$0.00
Overtime Pay		\$0.00	\$0.00
Pension/Retirement:		\$0.00	\$0.00
Social Security Income (SSI):		\$0.00	\$0.00
Social Security Disability (SSD):		\$0.00	\$0.00
Spousal Support		\$0.00	\$0.00
Child Support	Bi-Weekly	\$609.23	\$1,319.99
Workman's Compensation		\$0.00	\$0.00
Other:		\$0.00	\$0.00
<b>Total Average Other Income Received</b>			<b>\$1,319.99</b>

<b>Total Average Gross Monthly Income (add totals from B and C above)</b>	<b>\$7,986.66</b>
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**D. Monthly Deductions**

	Type of Deduction	Amount
1.	Court Ordered Child Support (automatically deducted from paycheck)	0.00
2.	Federal Health Savings Plan	0.00
3.	Federal Income Tax	795.43
4.	Health Insurance Amount for you: \$339.02 For Opposing Party: \$0.00 For your Child(ren): \$32.65	371.67
5.	Life, Disability, or Other Insurance Premiums	95.00
6.	Medicare	90.55
7.	Retirement, Pension, IRA, or 401(k)	379.17
8.	Savings	0.00
9.	Social Security	387.10
10.	Union Dues	0.00
11.	Other: (Type of Deduction)	0.00
Total Monthly Deductions (Lines 1-11)		2,118.92

**Business/Self-Employment Income & Expense Schedule****A. Business Income:**

What is your average gross (pre-tax) monthly income/revenue from self-employment or businesses?  
\$ 0.00

**B. Business Expenses: Attach an additional page if needed.**

Type of Business Expense	Frequency	Amount	12 Month Average
Advertising			
Car and truck used for business			
Commissions, wages or fees			
Business Entertainment/Travel			
Insurance			
Legal and professional			
Mortgage or Rent			
Pension and profit-sharing plans			
Repairs and maintenance			
Supplies			
Taxes and licenses (include est. tax payments)			
Utilities			
Other:			
Total Average Business Expenses			0.00



### Personal Expense Schedule (Monthly)

A. Fill in the table with the amount of money **you** spend each month on the following expenses and check whether you pay the expense for you, for the other party, or for both of you.

Expense	Monthly Amount I Pay	For Me ☑	Other Party ☑	For Both ☑
Alimony/Spousal Support	0.00			
Auto Insurance	137.06	✓		
Car Loan/Lease Payment	0.00			
Cell Phone	70.00	✓		
Child Support (not deducted from pay)	0.00			
Clothing, Shoes, Etc...	100.00	✓		
Credit Card Payments (minimum due)	305.00	✓		
Dry Cleaning	30.00	✓		
Electric	165.00	✓		
Food (groceries & restaurants)	300.00	✓		
Fuel	180.00	✓		
Gas (for home)	35.00	✓		
Health Insurance (not deducted from pay)	0.00			
HOA	60.00	✓		
Home Insurance (if not included in mortgage)	53.08	✓		
Home Phone	0.00			
Internet/Cable	70.00	✓		
Lawn Care	100.00	✓		
Membership Fees	108.00	✓		
Mortgage/Rent/Lease	1,611.67	✓		
Pest Control	0.00			
Pets	0.00			
Pool Service	0.00			
Property Taxes (if not included in mortgage)	0.00			
Security	0.00			
Sewer	26.00	✓		
Student Loans	0.00			
Unreimbursed Medical Expense	0.00			
Water	59.00	✓		
Other: Trash	16.32	✓		
<b>Total Monthly Expenses</b>	<b>3,426.13</b>			



### Household Information

- A. Fill in the table below with the name and date of birth of each child, the person the child is living with, and whether the child is from this relationship. Attached a separate sheet if needed.

	Child's Name	Child's DOB	Whom is this child living with?	Is this child from this relationship?	Has this child been certified as special needs/disabled?
1 <sup>st</sup>	Savannah Maurice	4/27/07	Mother	Yes	No
2 <sup>nd</sup>	Emma Maurice	2/12/14	Mother	Yes	No
3 <sup>rd</sup>					
4 <sup>th</sup>					

- B. Fill in the table below with the amount of money you spend each month on the following expenses for each child.

Type of Expense	1 <sup>st</sup> Child	2 <sup>nd</sup> Child	3 <sup>rd</sup> Child	4 <sup>th</sup> Child
Cellular Phone	35.00	0.00		
Child Care	0.00	325.00		
Clothing	150.00	100.00		
Education	0.00	0.00		
Entertainment	200.00	150.00		
Extracurricular & Sports	0.00	0.00		
Health Insurance (if not deducted from pay)	0.00	0.00		
Summer Camp/Programs	0.00	0.00		
Transportation Costs for Visitation	10.00	10.00		
Unreimbursed Medical Expenses	119.13	0.00		
Vehicle	0.00	0.00		
Other:	0.00	0.00		
<b>Total Monthly Expenses</b>	<b>514.13</b>	<b>585.00</b>	<b>0.00</b>	<b>0.00</b>

- C. Fill in the table below with the names, ages, and the amount of money contributed by all persons living in the home over the age of eighteen. If more than 4 adult household members attached a separate sheet.

Name	Age	Person's Relationship to You (i.e. sister, friend, cousin, etc...)	Monthly Contribution
N/A			

### Personal Asset and Debt Chart

A. Complete this chart by listing all of your assets, the value of each, the amount owed on each, and whose name the asset or debt is under. If more than 15 assets, attach a separate sheet.

Line	Description of Asset and Debt Thereon	Gross Value		Total Amount Owed		Net Value	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.	2010 Honda Odyssey	\$ 2,000.00	-	\$ 0.00	=	\$ 2,000.00	Mine
2.	Home	\$ 330,000.00	-	\$ 325,000.00	=	\$ 5,000.00	Mine
3.	401K	\$ 34,913.00	-	\$ 0.00	=	\$ 34,913.00	Mine
4.	Bank of America Checking/Savings	\$ 17,500.00	-	\$ 0.00	=	\$ 17,500.00	Mine
5.	Wells Fargo Checking/Savings	\$ 8,985.03	-	\$ 0.00	=	\$ 8,985.03	Mine
6.		\$	-	\$	=	\$ 0.00	
7.		\$	-	\$	=	\$ 0.00	
8.		\$	-	\$	=	\$ 0.00	
9.		\$	-	\$	=	\$ 0.00	
10.		\$	-	\$	=	\$ 0.00	
11.		\$	-	\$	=	\$ 0.00	
12.		\$	-	\$	=	\$ 0.00	
13.		\$	-	\$	=	\$ 0.00	
14.		\$	-	\$	=	\$ 0.00	
15.		\$	-	\$	=	\$ 0.00	
<b>Total Value of Assets (add lines 1-15)</b>		<b>\$ 393,398.03</b>	-	<b>\$ 325,000.00</b>	=	<b>\$ 68,398.03</b>	

B. Complete this chart by listing all of your unsecured debt, the amount owed on each account, and whose name the debt is under. If more than 5 unsecured debts, attach a separate sheet.

Line #	Description of Credit Card or Other Unsecured Debt	Total Amount owed	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.	Southwest Chase Credit Card	\$ 6,916.00	Mine
2.	Amazon Chase Credit Card	\$ 281.32	Mine
3.	Victorias Secret Credit Card	\$ 0.00	Mine
4.	Lowes Credit Card	\$ 0.00	Mine
5.	MGM Credit Card	\$ 0.00	Mine
6.		\$	
<b>Total Unsecured Debt (add lines 1-6)</b>		<b>\$ 7,197.32</b>	

## CERTIFICATION

**Attorney Information:** Complete the following sentences:

1. I (have/have not) \_\_\_\_\_ have \_\_\_\_\_ retained an attorney for this case.
2. As of the date of today, the attorney has been paid a total of \$ 1500.00 on my behalf.
3. I have a credit with my attorney in the amount of \$ \_\_\_\_\_.
4. I currently owe my attorney a total of \$ \_\_\_\_\_.
5. I owe my prior attorney a total of \$ \_\_\_\_\_.

**IMPORTANT:** Read the following paragraphs carefully and initial each one.

X I swear or affirm under penalty of perjury that I have read and followed all instructions in completing this Financial Disclosure Form. I understand that, by my signature, I guarantee the truthfulness of the information on this Form. I also understand that if I knowingly make false statements I may be subject to punishment, including contempt of court.

X I have attached a copy of my 3 most recent pay stubs to this form.

\_\_\_\_\_ I have attached a copy of my most recent YTD income statement/P&L statement to this form, if self-employed.

\_\_\_\_\_ I have not attached a copy of my pay stubs to this form because I am currently unemployed.

  
Signature

1/4/2021  
Date

### CERTIFICATE OF SERVICE

I hereby declare under the penalty of perjury of the State of Nevada that the following is true and correct:

That on (date) 1.7.21, service of the General Financial Disclosure Form was made to the following interested parties in the following manner:

☐ Via 1<sup>st</sup> Class U.S. Mail, postage fully prepaid addressed as follows:

\_\_\_\_\_

☒ Via Electronic Service, in accordance with the Master Service List, pursuant to NEFCR 9, to:  
Bradley J. Hofland, Esq. at bradh@hoflandlaw.com

☐ Via Facsimile and/or Email Pursuant to the Consent of Service by Electronic Means on file  
herein to: \_\_\_\_\_

Executed on the 7th day of January, 2021.

Carst Bajer  
Signature





YESCO LLC 2401 Foothill Drive Salt Lake City, UT 84109  
 Sarah Maurice 193 Azalea Springs Ave. Henderson, NV 89002

Name	Company	Employee ID	Pay Period Begin	Pay Period End	Check Date	Check Number
Sarah Maurice	YESCO LLC	040268	11/14/2020	11/27/2020	11/27/2020	

	Hours Worked	Gross Pay	Pre Tax Deductions	Employee Taxes	Post Tax Deductions	Net Pay
Current	62.00	3,076.94	198.16	587.59	183.03	2,133.16
YTD	1,793.00	73,846.44	4,755.84	14,101.78	4,072.72	51,516.10

Earnings					Employee Taxes		
Description	Dates	Hours	Rate	Amount	YTD	Description	Amount
Cell Phone Reimbursement	11/14/2020 - 11/27/2020	0	0	25.00	600.00	OASDI	178.67
Funeral					115.39	Medicare	41.79
GTL	11/14/2020 - 11/27/2020	0	0	2.91	69.84	Federal Withholding	367.13
Holiday Pay	11/14/2020 - 11/27/2020	16	38.4615	615.39	2,461.59		8,811.00
PTO	11/14/2020 - 11/27/2020	16	38.4615	615.39	4,884.70		
Salary Pay	11/14/2020 - 11/27/2020	48	38.4615	1,846.16	66,384.76		
PTO	10/31/2020 - 11/13/2020	2	38.4615	76.93			
Salary Pay	10/31/2020 - 11/13/2020	70	38.4615	2,692.31			
Salary Pay	10/31/2020 - 11/13/2020	-72	38.4615	-2,769.24			
Earnings				3,104.85	74,516.28	Employee Taxes	587.59
							14,101.78

Pre Tax Deductions				Post Tax Deductions			
Description	Amount	YTD		Description	Amount	YTD	
Basic Life Insurance	5.12	122.88		Donations		25.00	
Dental Insurance	24.57	589.68		Roth 401(k)	175.00	3,855.00	
Disability	6.92	166.08		Supplemental Life Insurance	8.03	192.72	
FSA Medical	23.08	553.92					
Medical Insurance	138.47	3,323.28					
Pre Tax Deductions	198.16	4,755.84		Post Tax Deductions	183.03	4,072.72	

Employer Paid Benefits				Taxable Wages			
Description	Amount	YTD		Description	Amount	YTD	
Basic Life Insurance	5.12	122.88		OASDI - Taxable Wages	2,881.69	69,160.44	
ER Short Term Disability	6.92	166.08		Medicare - Taxable Wages	2,881.69	69,160.44	
ER Long Term Disability	4.49	107.62		Federal Withholding - Taxable Wages	2,881.69	69,160.44	
ER Paid Dental	24.57	589.68					
ER Paid Medical	138.47	3,323.28					
Employer Paid Benefits	179.57	4,309.54					

		Federal	State	PTO			
Marital Status		Single		Description	Accrued	Reduced	Available
Allowances	2		0	Paid Time Off	7.69	16	331.14
Additional Withholding	0						

Payment Information				
Bank	Account Name	Account Number	USD Amount	Amount
Bank Of America	Bank Of America *****9233	*****9233		250.00 USD
Wells Fargo	Wells Fargo *****2517	*****2517		1,883.16 USD

ROA000633



YESCO LLC 2401 Foothill Drive Salt Lake City, UT 84109  
Sarah Maurice 193 Azalea Springs Ave. Henderson, NV 89002

Name	Company	Employee ID	Pay Period Begin	Pay Period End	Check Date	Check Number
Sarah Maurice	YESCO LLC	040268	11/28/2020	12/11/2020	12/11/2020	

	Hours Worked	Gross Pay	Pre Tax Deductions	Employee Taxes	Post Tax Deductions	Net Pay
Current	77.00	3,076.93	198.16	587.56	222.79	2,093.42
YTD	1,870.00	76,923.37	4,954.00	14,689.34	4,295.51	53,609.52

Earnings					Employee Taxes		
Description	Dates	Hours	Rate	Amount	YTD	Description	Amount
Cell Phone Reimbursement	11/28/2020 - 12/11/2020	0	0	25.00	625.00	OASDI	178.66
Funeral			0		115.39	Medicare	41.78
GTL	11/28/2020 - 12/11/2020	0	0	2.91	72.75	Federal Withholding	367.12
Holiday Pay			0		2,461.59		
PTO	11/28/2020 - 12/11/2020	3	38.4615	115.39	5,000.09		
Salary Pay	11/28/2020 - 12/11/2020	77	38.4615	2,961.54	69,346.30		
Earnings				3,104.84	77,621.12	Employee Taxes	587.56
							14,689.34

Pre Tax Deductions			Post Tax Deductions		
Description	Amount	YTD	Description	Amount	YTD
Basic Life Insurance	5.12	128.00	Donations		25.00
Dental Insurance	24.57	614.25	Postage	39.76	39.76
Disability	6.92	173.00	Roth 401(k)	175.00	4,030.00
FSA Medical	23.08	577.00	Supplemental Life Insurance	8.03	200.75
Medical Insurance	138.47	3,461.75			
Pre Tax Deductions	198.16	4,954.00	Post Tax Deductions	222.79	4,295.51

Employer Paid Benefits			Taxable Wages		
Description	Amount	YTD	Description	Amount	YTD
Basic Life Insurance	5.12	128.00	OASDI - Taxable Wages	2,881.68	72,042.12
ER Short Term Disability	6.92	173.00	Medicare - Taxable Wages	2,881.68	72,042.12
ER Long Term Disability	4.49	112.11	Federal Withholding - Taxable Wages	2,881.68	72,042.12
ER Paid Dental	24.57	614.25			
ER Paid Medical	138.47	3,461.75			
Employer Paid Benefits	179.57	4,489.11			

	Federal	State	PTO		
Marital Status	Single		Description	Accrued	Reduced
Allowances	2	0	Paid Time Off	7.69	3
Additional Withholding	0				335.83

Payment Information				
Bank	Account Name	Account Number	USD Amount	Amount
Bank Of America	Bank Of America *****9233	*****9233		250.00 USD
Wells Fargo	Wells Fargo *****2517	*****2517		1,843.42 USD

ROA000634



YESCO LLC 2401 Foothill Drive Salt Lake City, UT 84109  
Sarah Maurice 193 Azalea Springs Ave. Henderson, NV 89002

Name	Company	Employee ID	Pay Period Begin	Pay Period End	Check Date	Check Number
Sarah Maurice	YESCO LLC	040268	12/12/2020	12/25/2020	12/24/2020	

	Hours Worked	Gross Pay	Pre Tax Deductions	Employee Taxes	Post Tax Deductions	Net Pay
Current	38.00	3,076.94	198.16	587.59	190.53	2,125.66
YTD	1,908.00	80,000.31	5,152.16	15,276.93	4,486.04	55,735.18

Earnings						Employee Taxes		
Description	Dates	Hours	Rate	Amount	YTD	Description	Amount	YTD
Cell Phone Reimbursement	12/12/2020 - 12/25/2020	0	0	25.00	650.00	OASDI	178.67	4,645.28
Funeral		0	0		115.39	Medicare	41.79	1,086.40
GTL	12/12/2020 - 12/25/2020	0	0	2.91	75.66	Federal Withholding	367.13	9,545.25
Holiday Pay	12/12/2020 - 12/25/2020	8	38.4615	307.70	2,769.29			
PTO	12/12/2020 - 12/25/2020	42	38.4615	1,615.39	6,615.48			
Salary Pay	12/12/2020 - 12/25/2020	30	38.4615	1,153.85	70,500.15			
Earnings				3,104.85	80,725.97	Employee Taxes	587.59	15,276.93

Pre Tax Deductions				Post Tax Deductions			
Description	Amount	YTD		Description	Amount	YTD	
Basic Life Insurance	5.12	133.12		Donations		25.00	
Dental Insurance	24.57	638.82		Postage	7.50	47.26	
Disability	6.92	179.92		Roth 401(k)	175.00	4,205.00	
FSA Medical	23.08	600.08		Supplemental Life Insurance	8.03	208.78	
Medical Insurance	138.47	3,600.22					
Pre Tax Deductions	198.16	5,152.16		Post Tax Deductions	190.53	4,486.04	

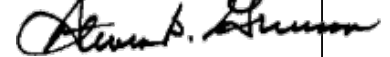
Employer Paid Benefits				Taxable Wages			
Description	Amount	YTD		Description	Amount	YTD	
Basic Life Insurance	5.12	133.12		OASDI - Taxable Wages	2,881.69	74,923.81	
ER Short Term Disability	6.92	179.92		Medicare - Taxable Wages	2,881.69	74,923.81	
ER Long Term Disability	4.49	116.60		Federal Withholding - Taxable Wages	2,881.69	74,923.81	
ER Paid Dental	24.57	638.82					
ER Paid Medical	138.47	3,600.22					
Employer Paid Benefits	179.57	4,668.68					

	Federal	State	PTO			
Marital Status	Single		Description	Accrued	Reduced	Available
Allowances	2	0	Paid Time Off	7.69	42	301.52
Additional Withholding	0					

Payment Information				
Bank	Account Name	Account Number	USD Amount	Amount
Bank Of America	Bank Of America *****9233	*****9233		250.00 USD
Wells Fargo	Wells Fargo *****2517	*****2517		1,875.66 USD

ROA000635





**HOFLAND & TOMSHECK**  
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Telephones: (702) 895-6760  
Facsimile: (702) 731-6910  
*Attorney for Defendant, Justin Maurice*

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

SARAH MAURICE,  
  
Plaintiff,  
  
vs.  
  
JUSTIN MAURICE,  
  
Defendant.

) CASE NO.: D-14-506883-D  
) DEPT. NO.: Q  
)  
) **DEFENDANT'S REPLY TO**  
) **PLAINTIFF'S OPPOSITION TO**  
) **DEFENDANT'S MOTION FOR**  
) **RECONSIDERATION OF ORDER**  
) **DENYING TO MODIFY THE**  
) **CURRENT CUSTODIAL**  
) **ARRANGEMENT; MODIFY CHILD**  
) **SUPPORT; MODIFY CHILD TAX**  
) **DEDUCTION; AND FOR AN**  
) **AWARD OF ATTORNEY'S FEES**  
) **AND COSTS; AND RELATED**  
) **RELIEF; AND RELATED RELIEF.**  
)  
) Date of Hearing: January 13, 2021  
) Time of Hearing: 9:00 a.m.  
)  
) **ORAL ARGUMENT REQUESTED**

COMES NOW the Defendant, Justin Maurice ("Justin"), by and through his attorneys, Bradley J. Hofland, Esq. and Dina DeSousa-Cabral, Esq. of HOFLAND & TOMSHECK, and hereby submits this reply to Plaintiff's opposition to Defendant's motion wherein it was respectfully requested this Court:

1. Recognize the need to reconsider this Court's earlier Order of November 21, 2020;
2. Set aside the November 21, 2020 Order in its entirety;
3. Modify child custody of Savanah Maurice and Emma Maurice to joint



1 physical custody on a 2-2-3 schedule;

2 4. Modify child support, and set support in accordance with *Wright v.*  
3 *Osburn*, 114 Nev. 1367, 970 P.2d 1071 (1998), NRS 125B.070, NRS  
4 125B.080 and NAC 425.15;

5 5. Modify the child tax deduction so each party claims a minor child as a  
6 dependent on taxes each year;

7 6. Award Justin attorney's fees for the conduct of the Plaintiff Sarah  
8 Maurice that has caused this Motion to be filed with this Court; and

9 7. Address any further relief this court deems proper and necessary.

10 In support of his motion, Justin submits this reply and relies upon the  
11 following Memorandum of Points and Authorities, the attached declaration, as  
12 well as all papers and pleadings on file herein.

13 Dated this 8<sup>th</sup> day of January, 2021.

14  
15 **HOFLAND & TOMSHECK**

16 By: /s/ Bradley J. Hofland

17 Bradley J. Hofland, Esq.

18 Nevada Bar No. 6343

19 228 South 4<sup>th</sup> Street, 1<sup>st</sup> Floor

20 Las Vegas Nevada 89101

21 *Attorneys for Defendant Justin Maurice*  
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1                                   **MEMORANDUM OF POINTS AND AUTHORITIES**

2   **I.**

3   **Introduction**

4           It is for good reasons Family Court has continuing jurisdiction of child  
5 matters—a fact long recognized by our Legislature. It would be incredibly naïve,  
6 in fact, neglectful, if a parent did not recognize the needs of their child(ren) never  
7 changed, and adjusted their care and attention accordingly. Likewise, it would be  
8 irresponsible and thoughtless if courts entrusted with the responsibility to  
9 recognize and meet the needs of children chose to favor judicial economy over  
10 their best interests.  
11

12           The best interests of children, as a matter of law, can only be ascertained  
13 with the consideration of all relevant factors. Many of these are statutorily  
14 referenced, while others must be recognized and assessed by attentive and  
15 concerned jurists. Courts have recognized, that among those, would necessarily  
16 include changes in a/the parent’s work schedules, changes in a/the parent’s  
17 residences, and even the changing ages of the child(ren), are relevant best interest  
18 considerations.  
19

20           Sadly, and unacceptably, this Court chose to deprive Defendant of his due  
21 process rights to a fair and meaningful hearing (he was not allowed to appear given  
22 the Court’s method of disposition), and more troubling, his fundamental rights as a  
23 parent were not recognized and accommodated. Along with that, Defendant’s  
24 counsel was not allowed (denied) the opportunity to be heard (unlike Plaintiff’s  
25 counsel). Instead, this Court simply focused on one factor, denied argument and  
26 an evidentiary hearing, claiming that factor alone was insufficient to modify  
27 custody and child support, and promptly ruled the case would be closed as soon as  
28 Plaintiff’s counsel could get an Order to the Court.

There is no question there was an abuse of discretion and with such abuse, the rights of Defendant were violated, and more importantly, the best interests of the children were neglected. Unless remedied, the children's best interests will continue to be neglected and the corresponding unfairness will remain.

## II.

## Procedural History

On October 26, 2020 at approximately 1:25 p.m., Justin’s Counsel informed the Court of a ***scheduling conflict*** created by an appearance scheduled for the same time as the upcoming hearing in Department 25<sup>1</sup>. Justin’s counsel was never informed that if he is not present as scheduled, despite the conflict, the Court would decide, sua sponte, that enough time had lapsed and rule on the matter—without the benefit of Defendant’s presence or his counsel—rather than rescheduling the matter if the Court was unable, or unwilling, to extend the courtesy at that time.

Notwithstanding, that is what happened. As noted above, without addressing all of the best interest considerations that must be considered and which were identified, the court simply determined, without argument, that the singular factor of a changed work schedule is insufficient to make any kind of custodial modification whatsoever. The Court stated the matter would be closed after the Order was signed, but the best interests of the children remained ignored.

<sup>1</sup> At a prior hearing, Judge Delaney promised the Parties a “priority” setting for the October 27, 2020. However, Judge Delaney *mistakenly* overlooked the “priority” accommodation and she apologized for overlooking the “priority” accommodation when the case was called.

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**III.**  
**Statement of Facts**

As a threshold matter, the narrative that Sarah has composed, is replete with false, misleading, inaccurate, conflicting, and inflammatory comments—all designed to deflect from the merits of the relief Justin is seeking—while unfairly and wrongfully striving to create a knee-jerk, emotional, bias against Justin. A careful, as opposed to cursory, review of Sarah’s opposition will confirm her lack of candor to this Court.

For example, Sarah self-lauds and professes to be reasonable. However, the examples she provides pertains to child support—not custody. It is telling that Sarah at least concedes child support needs to be adjusted when there are changed circumstances—but rejects the notion that child custody should be changed/modified when circumstances have changed, and of course, when such a change would be in the children’s best interests. It is also notable that in her quest to malign Justin, she falsely represents his history of payments and the actual amount of arrears<sup>2</sup>.

Of course, arrears are not before this Court and any reference to them is meaningless. Sarah does so only to inflame the Court unfairly against Justin. For her to deceive this Court as to the payments he has made and the arrearages that remain, is inexcusable.

It is significant to note that in the two instances Sarah references in an feeble attempt to suggest she accommodates Justin’s request for additional time with his children, she states she allowed the girls to attend school at Justin’s, but

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<sup>2</sup> See Exhibit “A” submitted herewith for the Court’s convenience and review confirming the narrative provided by Sarah is false.



1 then follows the disclosure with an untrue claim there was “chaos”<sup>3</sup> at Justin’s.  
2 The allegation is patently false. Indeed, if there was any truth to it, why would  
3 she allow the children to visit Justin “several days a week” after the schools closed  
4 for “three weeks”? Obviously, if there was any truth to Sarah’s defamatory  
5 claims, she wouldn’t have let the girls spend the “three weeks” at Justin’s.

6 Lastly, the reason Sarah discontinued this arrangement wasn’t for the  
7 reasons she fabricated<sup>4</sup>, but because Justin wanted to memorialize an expanded  
8 custodial schedule. Given that Sarah devotes almost as much attention to child  
9 support and arrears (albeit falsely and which aren’t before this Court), there was  
10 no way she would allow a custodial modification to affect the amount of child  
11 support she receives.  
12

13 Not surprisingly, Sarah’s unwarranted and untrue *ad hominem* attacks were  
14 not limited to Justin’s wife. Sarah falsely claims/suggests Justin drinks too  
15 much—the fact he has no DUI’s, has never been required to attend classes or  
16 counseling, and maintaining his credentials/security level, disproves her claims.  
17 Sarah’s allegations that Justin disparages or speaks inappropriately to his children  
18 is patently false, offensive, hurtful, and unwarranted.  
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20 <sup>3</sup> Sarah’s dishonesty is not confined to the false claim of “chaos”, but includes the  
21 untrue claim that Justin’s wife does not provide adequate care, bribes, or  
22 disparaged Sarah.

23 <sup>4</sup> Ryleigh is a typical teenager trying to figure out her world, and talks back at  
24 times to both parents, and at times is not completely forthright. For example,  
25 Savannah hid from Sarah her Facebook and Snapchat accounts as she tried to  
26 delete them so Sarah wouldn’t see them. Savannah did, however, inform Justin  
27 about these accounts because they have an open and truthful relationship which  
28 allows Justin to let Savannah be monitored with trust. Also, Ryleighs dad is not  
deceased he lives in Southern Highlands. Sarah is either hearing false claims from  
somewhere or fabricating them. Regardless, they are not true.

1 In short, the narrative that Sarah provides this Court is false, misleading,  
2 inaccurate, and incomplete. Justin vehemently disputes the truthfulness of Sarah's  
3 allegations, and as this Court knows, a court may not assume the truth of  
4 allegations in a pleading that are contradicted by affidavit<sup>5</sup>. Sarah's portrayal of  
5 Justin's interaction with the children is patently false, as are her other allegations  
6 and representations. For example, Sarah manipulates his work schedule when she  
7 claims he didn't pick the girls up from school, but conceals the fact that at that  
8 time, he didn't get off work until after 4:00 p.m. and unable to do so. When the  
9 Decree was agreed to, Justin started work at 5:00 a.m. and the children's schools  
10 did not accept children at the time Justin would need to drop them off—another  
11 fact withheld from this Court. Of course, his schedule now allows him to drop off  
12 and pick up—something Sarah cannot do—but would prefer a third party to  
13 assume that responsibility.  
14

15 Continuing, the evidence proves Sarah lacks credibility. Although Sarah  
16 represents to this Court she never told Justin to file a motion, the evidence  
17 confirms her dishonesty<sup>6</sup>. Sarah also misrepresents Savannah's performance in  
18 school—claiming her grades are “improving”—but concealing the fact Savannah  
19 has always been on the honor roll. Sarah's complaint about swim lessons is also  
20 inaccurate; all times requested were after school or after virtual calls would have  
21 been completed (notably, contrary to Sarah's claim, the swim program is not on the  
22 weekends). As for Sarah's Nanny, the girls have both been in full-time school and  
23 the Nanny's role was as an occasional babysitter with no set schedule.  
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27 <sup>5</sup> See *Data Disc. Inc. v. Systems Tech. Assoc., Inc.*, 557 F.2d 1280 (Court of  
28 Appeals, 9<sup>th</sup> Circuit 1977). See also, *Taylor v. Portland Paramount Corp.*, 383  
F.2d 634, 639 (9<sup>th</sup> Cir. 1967).

<sup>6</sup> See Exhibit “D” submitted herewith for the Court's convenience and review.

1 Sarah also falsely crafts a narrative about social media and in so doing,  
2 conceals from this Court that what Justin actually did was to ask Sarah to allow  
3 Savannah to have more apps on her phone—including a Safari browser—which  
4 would enable her to research issues, topics, and school matters. Because you are  
5 unable to delete the history of what was searched, Savannah would still be  
6 monitored.

7 Sarah's contradictions establish that, and following an evidentiary hearing,  
8 the Court would have no doubt that Sarah's narration is mean-spirited, false, and  
9 intended only to malign Justin and mislead/manipulate this Court.  
10

11 It must be remembered that when the parties divorced, Savannah was 8  
12 years old and Emma was just 1. Justin's work schedule (*set by Sarah in her*  
13 *position in HR*) could not (or would not) be changed, and Savannah's school and  
14 Emma's preschool, did not accept students at the time he would need to drop her  
15 off, so the parties agreed to the schedule that is set forth in the Decree<sup>7</sup>. It must be  
16 noted that per the Decree, Justin gets just every other weekend to be with his  
17 children—an antiquated schedule that at one time was the norm, but now, rarely  
18 implemented because it is per se contrary to the intent of the legislature and this  
19 State.

20 Moreover, now that the children are 13 and 6 years of age, there is no  
21 question greater parental involvement—having their father as a more instrumental  
22 and involved part of their lives—is a fact widely accepted by courts, as well as  
23 social and mental experts.  
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26 <sup>7</sup> Sarah does not dispute that because of Justin's work schedule at Yesco (where  
27 Sara working in the HR and set Justin's schedule—the very schedule that  
28 prevented a joint custodial schedule) at the time of the Decree and initial custodial  
determination, the Parties agreed that Sarah would be awarded primary custody of  
their two children

1 On that note, there is no dispute Sarah cannot take the girls to school or pick  
2 them up—something that she relegates to a third party instead of the children’s  
3 father<sup>8</sup>. Sarah cannot, or will not, help with the children’s schoolwork<sup>9</sup>, and far  
4 too often, the schoolwork that is done, is turned in exceedingly late<sup>10</sup>. Such  
5 inattention has caused Emma to need tutoring.

6 Justin is no longer employed by Yesco and his work schedule has  
7 significantly changed<sup>11</sup>; the children are older and their needs have changed; and  
8 the additional factors and considerations that must be considered merit a change of  
9 custody, or at the very least, the setting of an evidentiary hearing. Indeed, both  
10 Justin and his wife are able to pick up, drop off, and supervise the children, as  
11 well as assist and monitor the children’s schoolwork.  
12

13 The children’s emotional needs, along with their educational needs, not to  
14 mention the unquestionable benefit of having a more involved and present father  
15 in their lives, the outdated and inadequate custodial schedule merits modification.

16 **IV.**  
17 **Legal Analysis**

18 ***A. Legal Standard***

19 Sarah does not challenge this Court’s authority to reconsider its decision and  
20 prior ruling.  
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23 <sup>8</sup> A third party who Sarah does not dispute has overslept and failed to pick Emma  
24 up from school.

25 <sup>9</sup> See Exhibit “B”.

26 <sup>10</sup> See Exhibit “C”.

27 <sup>11</sup> Justin continues to work remotely two days a week on Monday and Tuesday. He  
28 does not work on Friday. Emma now goes to school in person on Wednesday and  
Thursday and attends virtual school on Monday, Tuesday and Friday, which are  
the days Justin is either working remotely or off work. Such that he is available to  
supervise and assist Emma with virtual schooling.

1           ***B. The Order from the October 27, 2020 hearing was clearly***  
2           ***erroneous, manifestly unjust, and merits reconsideration.***

3           Sarah's selfishness and unreasonableness are further confirmed with her  
4 argument that Justin's motion should be denied, claiming Justin lacks a valid  
5 reason for his nonappearance at the October 27, 2020 hearing. Justin's counsel has  
6 disclosed the conflict and Justin was waiting for his attorney. Sarah's position is  
7 simply ridiculous.

8  
9           Contrary to Sarah's myopic evaluation of the instant action, Justin has  
10 identified and addressed considerable factors and reasons that confirm the Ellis  
11 standard has been met...and at the very least, established the adequate cause that  
12 mandates the setting of an evidentiary hearing to ensure the best interests of the  
13 children are met. For Sarah to opine the needs of the children and the time they  
14 spend with their father should remain unchanged during their entire minority is  
15 absurd.

16           As previously noted, a court may exercise its discretion to revisit and reverse  
17 a prior ruling if just one of five circumstances are present. Those circumstances  
18 are: "(1) a clearly erroneous prior ruling, (2) an intervening change in controlling  
19 law, (3) substantially different evidence, (4) other changed circumstances,' and (5)  
20 that 'manifest injustice' would result were the prior ruling permitted to stand."<sup>12</sup>  
21

22           **1. Abuse of Discretion**

23           This Court did not make any factual findings. Our Supreme Court has stated  
24 that "[s]pecific factual findings are crucial to enforce or modify a custody order  
25 and for appellate review." *Rivero v. Rivero*, 125 Nev. 410, 216 P.3d 213 (2009).  
26 Continuing, *Rivero* stated that "[t]he district court shall then apply the appropriate  
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28 <sup>12</sup>See *U.S. v. Real Prop. Located at Incline Vill.*, 976 P. Supp. 1327, 1353 (D. Nev. 1997).



1 test for determining whether to modify the custody arrangement and make express  
2 findings supporting its determination.” *Ibid.*

3 In the case at bar the district court failed to comply with applicable law and  
4 make the requisite findings as mandated by law. *Lewis v. Lewis*, 132 Nev. 453,  
5 459, 373 P.3d 878, 882 (2016) (a custodial determination without entering  
6 “specific factual findings as to each of the statutory best-interest-of-the-child  
7 factors” was an abuse of discretion). In *Davis v. Ewalefo*, 131 Nev. 445, 451, 352  
8 P.3d 1139, 1143 (2015) the Nevada Supreme Court ruled that “[s]pecific findings  
9 and an adequate explanation of the reasons for the custody determination ‘are  
10 crucial to enforce or modify a custody order and for appellate review’” (internal  
11 quotation marks omitted). The *Davis* Court also declared that “deference [to the  
12 district court] is not owed to ...findings so conclusory they may mask legal error”  
13 (citations omitted)<sup>13</sup>.

14 It is clear from this Court’s ruling that this Court did **not** consider the  
15 relevant factors in support of Justin’s motion, including the statutorily mandated  
16 factors—and certainly did not take testimony or receive evidence related thereto.  
17 The limited factual references made by this Court were unquestionably incomplete  
18 and inaccurate. This abuse of discretion mandates reconsideration.

## 19 **2. Error of Law**

20 While considering the merits of the underlying Motion to Modify this Court  
21 erroneously ruled that a change in work schedules is **not** a factor the Court could  
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25 <sup>13</sup> See also *Bird v. Bird*, 313 Wis. 2d 832, 756 N.W.2d 810 (2008) (holding that in  
26 setting a modified schedule the court shall consider the same factors that apply in  
27 initial placement decisions.); and *Timmerman v. Timmerman*, 139 S.W.3d 230  
28 (2004) (the court must consider the statutory custodial factors in deciding whether  
modification of custody would serve the best interests of the child).

1 consider or that could satisfy the changed circumstances requirement.<sup>14</sup> Of course  
2 the statement is untrue and the corresponding reliance thereon constitutes judicial  
3 error.

4 Consideration of the multiple factors and reasons that were identified by  
5 Justin clearly established adequate cause for an evidentiary hearing by presenting a  
6 prima facie case for modification<sup>15</sup>. *See Rooney v. Rooney*, 109 Nev. 540, 853 P.2d  
7 123 (1993). As a matter of law, once adequate cause has been shown “*the district*  
8 *court does not have the discretion to deny the modification motion without*  
9 *holding a hearing.*” *Id* at 542, 853 at 124 (emphasis added). A moving party  
10 demonstrates adequate cause once a prima facie case has been set forth. *Thompson*  
11 *v. Thompson*, (Nev. Sup. Ct 59785 (2013)).

13 This Standard has consistently been applied and incorporated in the Orders  
14 of the Nevada Supreme Court and Court of Appeals. One such Order is the recent  
15 decision of *Singh v. Singh*, (Nev. Sup. Ct. 63530 (2015)). In *Singh* the decision to  
16 not conduct an evidentiary hearing was reversed by because the appellant  
17 established a prima facie case—and notably, *the allegations were contested*. That  
18 was sufficient to require a hearing in *Singh*. In this case Justin alleged other  
19 additional factors establishing the requisite changed circumstances under the most  
20 stringent of standards. This Court’s determination that a change to a party’s work  
21 schedule, alone, is immaterial and insufficient is contrary to law.

22 Indeed, in *Silva v. Silva*, 136 P.3d 371 (2006), the Idaho Supreme Court  
23 affirmed the determination expressed by their appellate court in *Silva* that work  
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26 <sup>14</sup> Order of October 27, 2020, page 2 of 3, lines 18-23.

27 <sup>15</sup> Indeed, per *Rooney*, to constitute a prima facie case, all that must be shown is  
28 that (1) the facts alleged are relevant to the grounds for modification; and (2) the  
evidence is not merely cumulative or impeaching.

1 schedules of the parties *is* a relevant factor in modification of custodial orders.  
2 *Markwood v. Markwood*, 152 Idaho 756, 274 P.3d 1271 (2012). In *Grange v.*  
3 *Grange*, 15 Neb. App. 297, 725 N.W.2d. 853 (2006), the court held “[w]here the  
4 issue concerns visitation, a significant change in a party’s *work schedule* may well  
5 constitute a material change in circumstances sufficient to reopen the extent of  
6 visitation.” In *Bird v. Bird*, 313 Wis. 2d 832, 756 N.W.2d 810 (2008), the court  
7 ruled that “increased availability constituted a substantial change in  
8 circumstances...” Moreover, the court in *Timmerman v. Timmerman*, 139 S.W.3d  
9 230 (2004) stated “the substantial change in one of the parties’ [work] schedule  
10 constituted a change in circumstances.”<sup>16</sup>

12 Clearly a change in the work schedules of the parties *is* a factor this Court  
13 *must* consider—along with all other relevant factors; something this Court did *not*  
14 do. To rule and do otherwise is an abuse of discretion. The creation and utilization  
15 of the erroneous standard used by this Court constitutes judicial error and warrants  
16 reconsideration and the setting of an evidentiary hearing.

17 ***The Best Interests of Savannah and Emma Mandates Modification of***  
18 ***the Current Schedule.***

19 Continuing, when determining the best interest of the child NRS  
20 §125C.0035 directs the court to consider a number of factors with any custodial  
21 determination. Justin has accurately addressed those factors in his underlying  
22 motion and incorporates such facts/discussion by reference. Justin disputes the  
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26 <sup>16</sup> See also *Ritter v. Ritter*, 873 N.W.2d 899 (2016) (holding “*a significant change*  
27 *in the father’s work schedule was an appropriate consideration in determining*  
28 *whether a prima facie case for modification had been established.*”); *Housley v.*  
*Holmlund*, 836 N.W.2d 152 (2013); *J.T.H. v. H.H.*, 135 A.3d 651 (2015); and  
*Rebecca L. v. Martin*, (Alas. Sup. Ct No. S-14509) (2013).

1 truthfulness, accuracy, and completeness with her reference to the statutory factors  
2 that must be considered.

3 **a. The wishes of the child if the child is of sufficient age and**  
4 **capacity to form an intelligent preference as to his or her**  
5 **custody. NRS §125C.0035(4)(a).**

6 In short, the girls are five years older, now both in school, and Savannah is  
7 now a teenager. Contrary to what Sarah says, both children want to spend more  
8 time with their father. No week days and every other weekend is woefully  
9 inadequate. This factor favors Justin and the modification of the current custodial  
10 timeshare.

11 **b. Any nomination of a guardian for the child by a parent. NRS**  
12 **§125C.0035(4)(b).**

13 In 2015 the parties agreed, for the reasons stated herein, for Sarah to be the  
14 children's primary physical custodian—*notably, those reasons no longer exist.*  
15 Accordingly, Justin's nomination would be for joint physical custody of the  
16 children and this factor favors Justin.

17 **c. Which parent is more likely to allow the child to have frequent**  
18 **associations and a continuing relationship with the noncustodial**  
19 **parent. NRS §125C.0035(4)(c).**

20 Sarah falsely claims she has accommodated each of Justin's requests. If  
21 that were the case, this motion would not be before the Court. Justin's time with  
22 the children is limited solely because of Sarah's refusal to afford him more time.  
23 Indeed, Sarah references only two times she allowed the children to spend  
24 additional time with Justin during the school year—only to mischaracterize and  
25 malign Justin when describing such periods. The minimal time she has allowed  
26 Justin to see the children confirms this factor favors Justin.

27 **d. Level of conflict between the parties. NRS §125C.0035(4)(d).**

28 For Sarah, it has always been about the money, so much so, that she  
needlessly includes "arrear" in opposition to Justin's request for more time with

1 his children, and more disturbing, misrepresents the amount of arrears and  
2 withholds his compliance. Sarah's focus on finances, rather than the best interests  
3 of the children, coupled with her dishonesty, creates conflict. Justin, remains  
4 focused on the girls and has weathered Sarah's storm of unreasonableness for the  
5 children. This factor also favors Justin and the modification of the current  
6 custodial timeshare.

7 **e. Ability of the parents to cooperate to meet the needs of the child.**  
8 **NRS §125C.0035(4)(e).**

9 To her credit, Sarah claims this has never been an issue. However, given  
10 her current opposition to Justin's requests, Sarah's unwillingness to cooperate is  
11 undeniable. This factor favors Justin.

12 **f. Mental and physical health of the parties. NRS §125C.0035(4)(f).**

13 Both Parties are healthy and have the ability to properly care for Savannah  
14 and Emma. Sarah's refusal to recognize Savannah's and Emma's need to spend  
15 more time with Justin, as well as his (and the children's) unequivocal preference  
16 for the same, raises concern to the mental state of Sarah<sup>17</sup>. As long as she remains  
17 under the belief that she alone is able to determine the custodial arrangement that  
18 will be followed by the Parties, her unreasonableness, and brazen dishonesty, will  
19 continue to impact the minor children's well-being. This factor clearly favors  
20 Justin and the modification of the current custodial arrangement.

21 **g. The physical, developmental and emotional needs of the child.**  
22 **NRS §125C.0035(4)(g).**

23 Savannah's and Emma's physical, development and emotional needs are  
24 typical of children their age. Justin has proven himself capable of recognizing  
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26 <sup>17</sup> This concern is validated with Sarah fabricating allegations that Justin "is  
27 constantly intoxicated" (which is untrue and never been an issue or used as a basis  
28 for Sarah to remove the children from such an environment), and Justin could not  
retain his credentials if Sarah's claims were true).



1 and satisfying those needs; Sarah's claims Justin disparages her is not true<sup>18</sup> as is  
2 her ridiculous claim they are fearful. Justin is an extremely attentive, loving,  
3 caring, and devoted father and spends as much time as he can with his girls.  
4 Having the ability to avail themselves to the love, care and guidance of both  
5 parents on a regular and frequent bases is in Savannah's and Emma's best  
6 interests and preventing them from doing so is certainly not in their best interest.  
7 This factor certainly favors Justin.

8 **h. The nature of the relationship of the child with each parent. NRS**  
9 **§125C.0035(4)(h).**

10 Savannah and Emma have a relationship with both parents and they love  
11 both of them dearly. Justin wants the relationship Savannah and Emma have with  
12 both parents to continue to grow and strengthen; to be a reliable and constant  
13 source of strength and support as they continue through challenges, joys and  
14 experiences life has for them. With the increasing presence of peer pressure,  
15 especially for Savannah in her teenage years, parental involvement is critical.

16 **i. The ability of the child to maintain a relationship with any**  
17 **sibling. NRS §125C.0035(4)(i).**

18 Parties agree the girls are to remain together. Additionally, the girls have  
19 developed close relationships with their step-siblings and the requested  
20 modification enables all children to derive the support and benefit of the sibling  
21 relationships. This factor favors Justin.

22 **j. Any history of parental abuse or neglect of the child or a sibling**  
23 **of the child. NRS §125C.0035(4)(j).**

24 Sarah's commentary is deliberately misleading. Justin is *not* violent and  
25 certainly has not scared Savannah several times as claimed by Sarah. The

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26 <sup>18</sup> Savannah is a teenager and has routines she follows and favorite products she  
27 uses. Justin buys what she needs and does not monitor or restrict what she takes or  
28 brings from/to her mothers. Moreover, the children are always properly cared  
for—despite Sarah's claims otherwise.

1 allegation is ludicrous, offensive, and designed solely to obtain an unwarranted  
2 “knee-jerk” reaction from this Court. Fortunately, this Court has seen such a  
3 tactic on countless occasions and won’t succumb to such deception.

4 **k. Whether either parent has engaged in an act of domestic violence**  
5 **against the parent of the child. NRS §125C.0035(4)(k).**

6 Sarah falsely makes the claim, believing embellished fiction substitutes as  
7 truth, but there is no evidence to support her allegation because it is fabricated and  
8 false. The children, Justin’s wife, and the multitude of witnesses that have  
9 submitted statements to this Court—and who are more than willing to testify to  
10 the Court, attest her claims are not true. Justin has never been convicted of  
11 domestic violence—another claim seeking that unwarranted “knee-jerk” reaction  
12 and corresponding prejudice against Justin. This factor is not applicable, but  
13 Sarah’s dishonesty must be considered.

14  
15 **l. Whether either parent or any other person seeking physical**  
16 **custody has committed any act of abduction against the child or**  
17 **any other child. NRS §125C.0035(4)(l).**

18 Not applicable.

19 **Conclusion.**

20 Based upon the substantial change of circumstances, that clearly affect the  
21 well-being of the children, coupled with consideration to the best interest factors  
22 enumerated in NRS 125C.0035, Justin has set forth a prima facia case to modify  
23 the current custodial order under *Rooney*<sup>19</sup> designating him and Sarah as joint  
24 physical custodians of Savannah and Emma. The statutory factors, and those  
25 others identified by Justin, favor Justin.

26 Accordingly, for the best interest of Savannah and Emma, Justin reasonably  
27 requests modification of the current custodial timeshare.

28  

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19 *Rooney v. Rooney*, 109 Nev. 540 (Nev. 1993).

1       ***The modification of the current custodial schedule warrants a***  
2       ***modification of child support.***

3       With the modification of the current custodial schedule, as joint custodians,  
4 child support must necessarily be modified and should be set in accordance with  
5 *Wright v. Osburn*, 114 Nev. 1367, 970 P.2d 1071 (1998), NRS 125B.070, NRS  
6 125B.080 and NAC 425.15. Justin has always been willing to support his children  
7 and remains intent on providing for the children's needs. Sarah has shown she is  
8 willing to sacrifice the best interests of the children if that means Justin's child  
9 support will not be reduced.

10       ***Modification of the child tax deduction is warranted.***

11       With the modification of the current custodial schedule, as joint custodians,  
12 the child tax deduction must necessarily be modified so the Parties share the tax  
13 deduction each year.

14       **3. Other changed circumstances**

15       As noted above, Emma has been turning her homework late and many times  
16 not until nearly 11:00 p.m. at night when she should be in bed. Additionally, due  
17 to the difficulties Emma is having in school it was necessary for her to undergo  
18 tutoring every Wednesday. The instant case is analogous *Ellis v. Carucci*, 123  
19 Nev. 145 (2007), in which the court determined that a child's academic  
20 performance slipping was sufficient change of circumstances affecting the welfare  
21 of the child to warrant a modification of custody.

22       The additional events that have occurred since the October 27, 2020,  
23 warrant reconsideration of the Court's ruling as a substantial change in  
24 circumstances affecting the welfare of the children, namely Emma's school  
25 performance has declined and education being negatively affected and, that  
26 warranting a modification of the custody schedule.

27       **4. Manifestly unjust**

28       It is *manifestly unjust* for the children to be prohibited from having their

1 father in their life on a more frequent basis when he is available. Justin wants to  
2 spend additional time with his children, and even when Sarah is unavailable, the  
3 children are in the care of others, and the children's supervisor is not helping them  
4 with their school and has left them unattended.

5 Too often children lack self-esteem, confidence and learn aggressive traits  
6 where a parent restricts a child(ren) from another [qualified] parent. Such  
7 comments precipitated from Sarah's control over Justin's work schedule in the  
8 beginning of this action, must not be allowed to duplicate and be used as a sword  
9 to interfere and prohibit the children from having a meaningful relationship with  
10 the children. The children deserve better.

12 Without consideration to the best interest of the children, Sarah shamelessly  
13 seeks to capitalize on the "limited" contact initially awarded to Justin just because  
14 of his prior work schedule that Sarah controlled, to unjustly deprive the children  
15 from having a meaningful relationship with their father and treat Justin as if he has  
16 no role in raising their children. This conduct needs to be stopped.

17 **5. Sarah is not entitled to, nor deserving of, an award of**  
18 **attorney's fees.**

19 Sarah has violated the duty of candor that is owed this Court, has is  
20 unreasonably refusing to allow the children to spend more time with their father.  
21 Sarah has misrepresented and fabricated facts, and lodged defamatory ad hominem  
22 attacks towards Justin and his wife, simply to unfairly inflame the Court. Sarah's  
23 opposition and countermotion was not well grounded. There is no factual or legal  
24 basis that would warrant an award of attorney's fees.

26 **V.**  
27 **Conclusion**

28 Without question, the Court should implement an arrangement that permits  
both parents to enjoy the maximum participation possible in the lives of

1 their children. Based upon the above, the safety and best interests of the children  
2 call for the immediate modification of the custodial arrangement. Justin  
3 respectfully requests that this Court enter an Order:

- 4 1. Recognizing the need to reconsider this Court's earlier Order of  
5 November 21, 2020;
- 6 2. Setting aside the November 21, 2020 Order in its entirety;
- 7 3. Modifying child custody of Savanah Maurice and Emma Maurice to  
8 joint physical custody on a 2-2-3 schedule;
- 9 4. Modifying child support, and set support in accordance with *Wright v.*  
10 *Osburn*, 114 Nev. 1367, 970 P.2d 1071 (1998), NRS 125B.070, NRS  
11 125B.080 and NAC 425.15;
- 12 5. Modifying the child tax deduction so each party claims a minor child as  
13 a dependent on taxes each year;
- 14 6. Awarding Justin attorney's fees for the conduct of the Plaintiff Sarah  
15 Maurice that has caused this Motion to be filed with this Court; and
- 16 7. Addressing any further relief this court deems proper and necessary.

17  
18 Dated this 8<sup>th</sup> day of January, 2021.

19  
20 **HOFLAND & TOMSHECK**

21 By: /s/ Bradley J. Hofland  
22 Bradley J. Hofland, Esq.  
23 Nevada Bar No. 6343  
24 228 South 4<sup>th</sup> Street, 1<sup>st</sup> Floor  
25 Las Vegas Nevada 89101  
26 *Attorneys for Defendant Justin Maurice*  
27  
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**DECLARATION OF JUSTIN MAURICE**

I, Justin Maurice, hereby state and declare as follows:

1. That I am the Defendant in this action and I am competent to testify as to the matters stated herein.
2. I have read the foregoing reply and opposition and the factual averments it contains are true and correct to the best of my knowledge, except as to those matters based on information and belief, and as to those matters, I believe them to be true. Those factual averments contained in the referenced filing are incorporated here as if set forth in full.

DATED this 8<sup>th</sup> day of January, 2021.

/s/ Justin Maurice  
Justin Maurice

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**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of Hofland & Tomsheck, that Pursuant to NRCP 5(b) and EDCR 7.26, I certify that on the 8<sup>th</sup> day of January, 2021, I served the **DEFENDANT’S REPLY TO PLAINTIFF’S OPPOSITION TO DEFENDANT’S MOTION FOR RECONSIDERATION OF ORDER DENYING TO MODIFY THE CURRENT CUSTODIAL ARRANGEMENT; MODIFY CHILD SUPPORT; MODIFY CHILD TAX DEDUCTION; AND FOR AN AWARD OF ATTORNEY’S FEES AND COSTS; AND RELATED RELIEF; AND RELATED RELIEF** on the following parties by E-Service through Odyssey and/or U.S. mail addressed as follows:

Jacobson Law Office, Ltd.  
64 North Pecos Road, Suite 200  
Henderson, NV 89074  
*Attorney for Plaintiff*

By: /s/ Nikki Woulfe  
Employee of Hofland & Tomsheck

# EXHIBIT “A”

**836211300A****AA****DAFS Specialized Enforcement**

To Casey Waterman

Dec 14, 2020 at 09:01

Good morning,

Unfortunately, I only handle the assets and bank seizure matters. I have forwarded your request to the case manager, Ms. Gonzalez. I have also attached to this email the payment history for this case. It appears that we receive wage withholding biweekly. I will ask Ms. Gonzalez to verify, but as of November 30, 2020 the approximate arrears balance is \$10,609.38. The bank seizure payment of \$806.86 was applied to the balance in September 2020. Also, the arrears are all owed to Sarah Maurice and there is no debt owed to Nevada. Sarah Maurice is able to waive any or all arrears, or agree to a lump sum offer from Mr. Maurice.

I hope this helps some. Ms. Gonzalez will have to get back to you for confirmation.

Thank you,

K Fields



Delete



Archive



Move



Reply



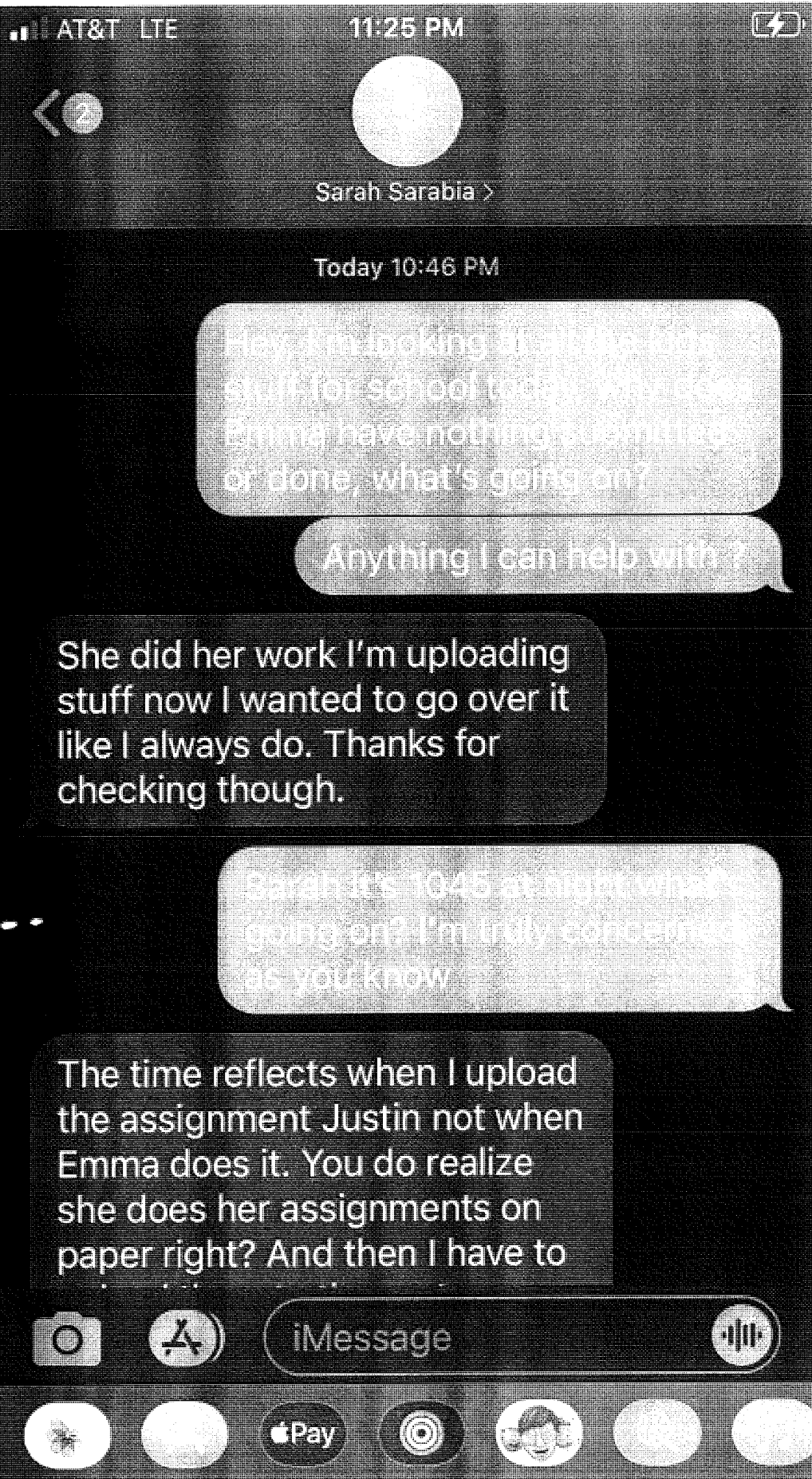
More

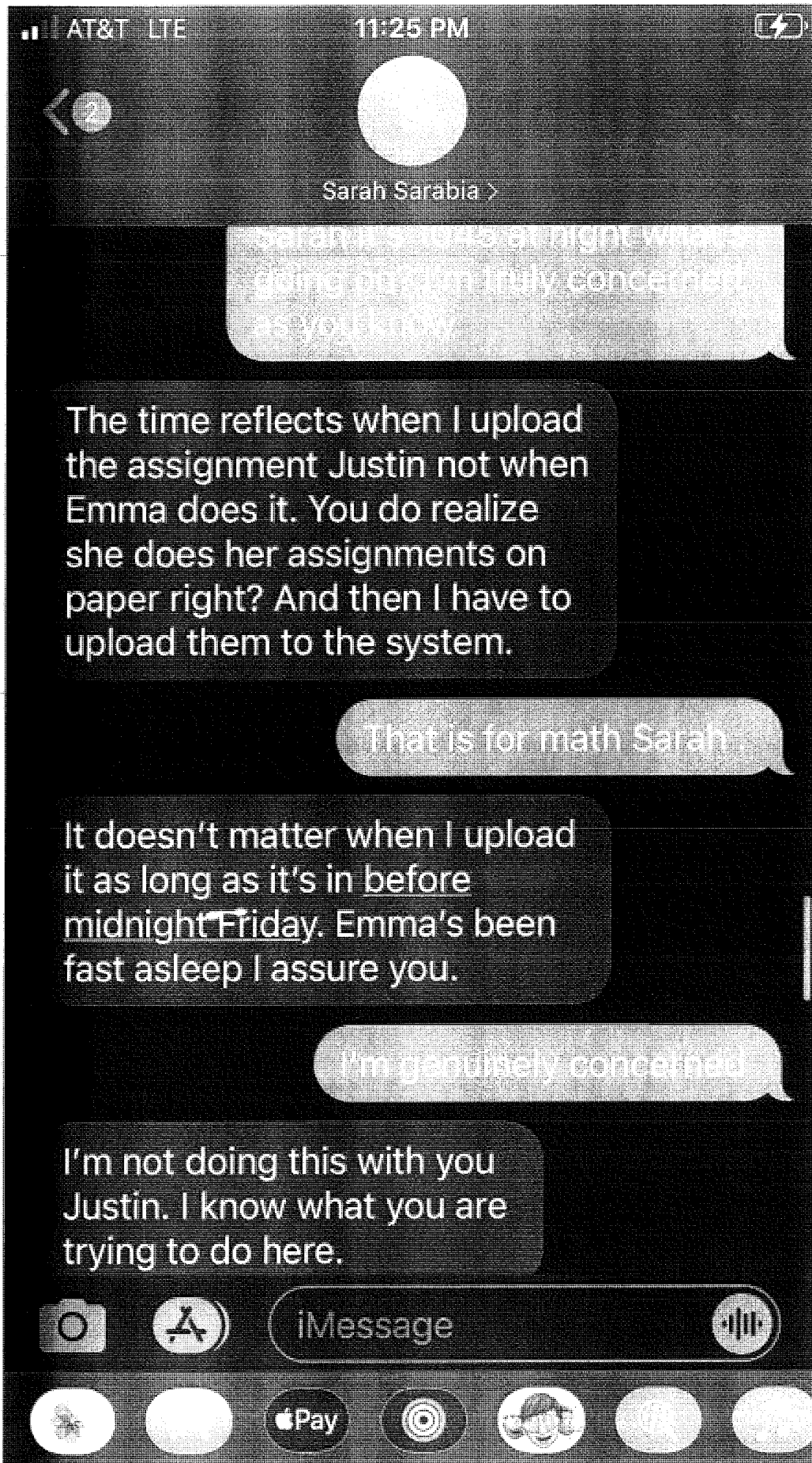
ROA000659

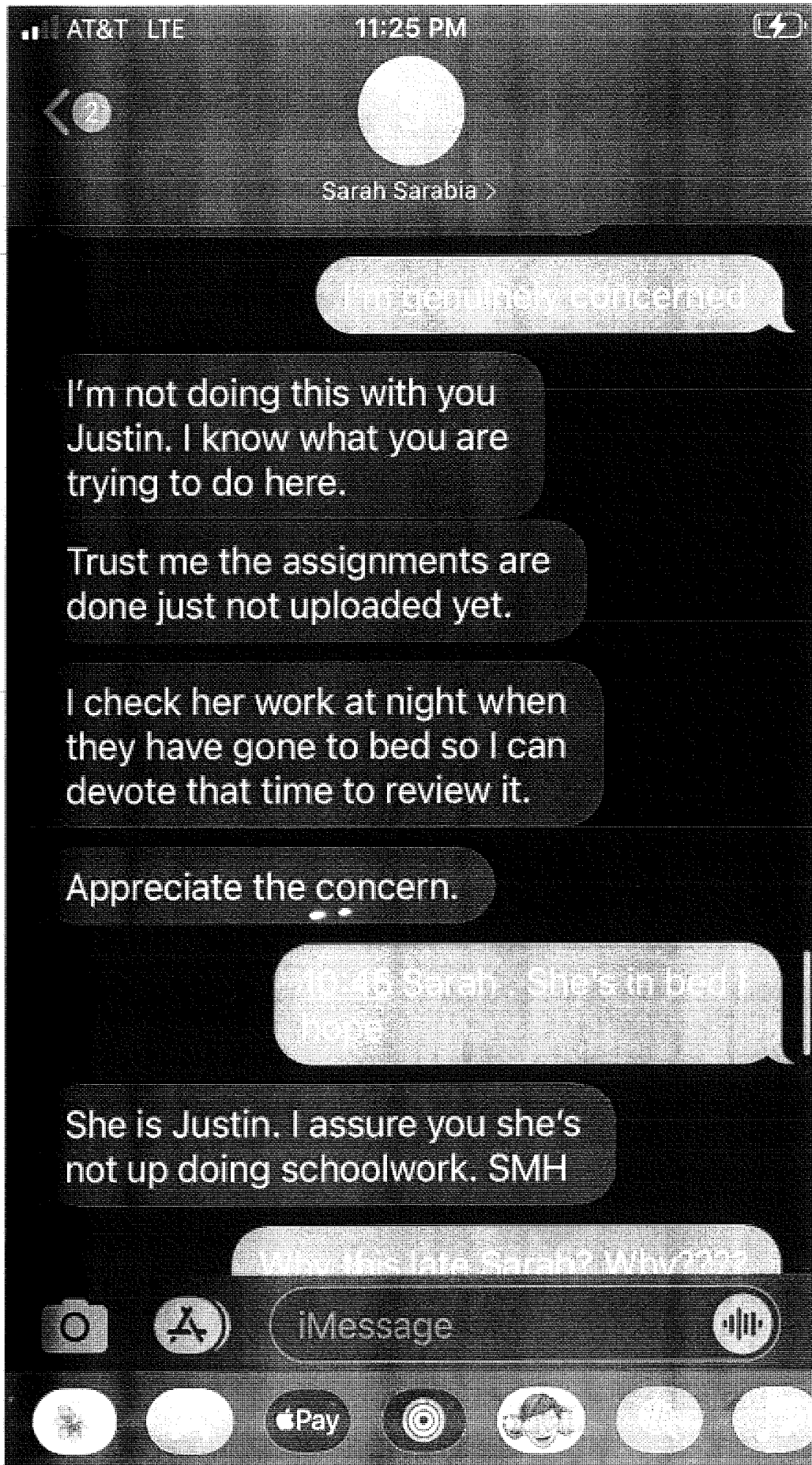
# EXHIBIT “B”

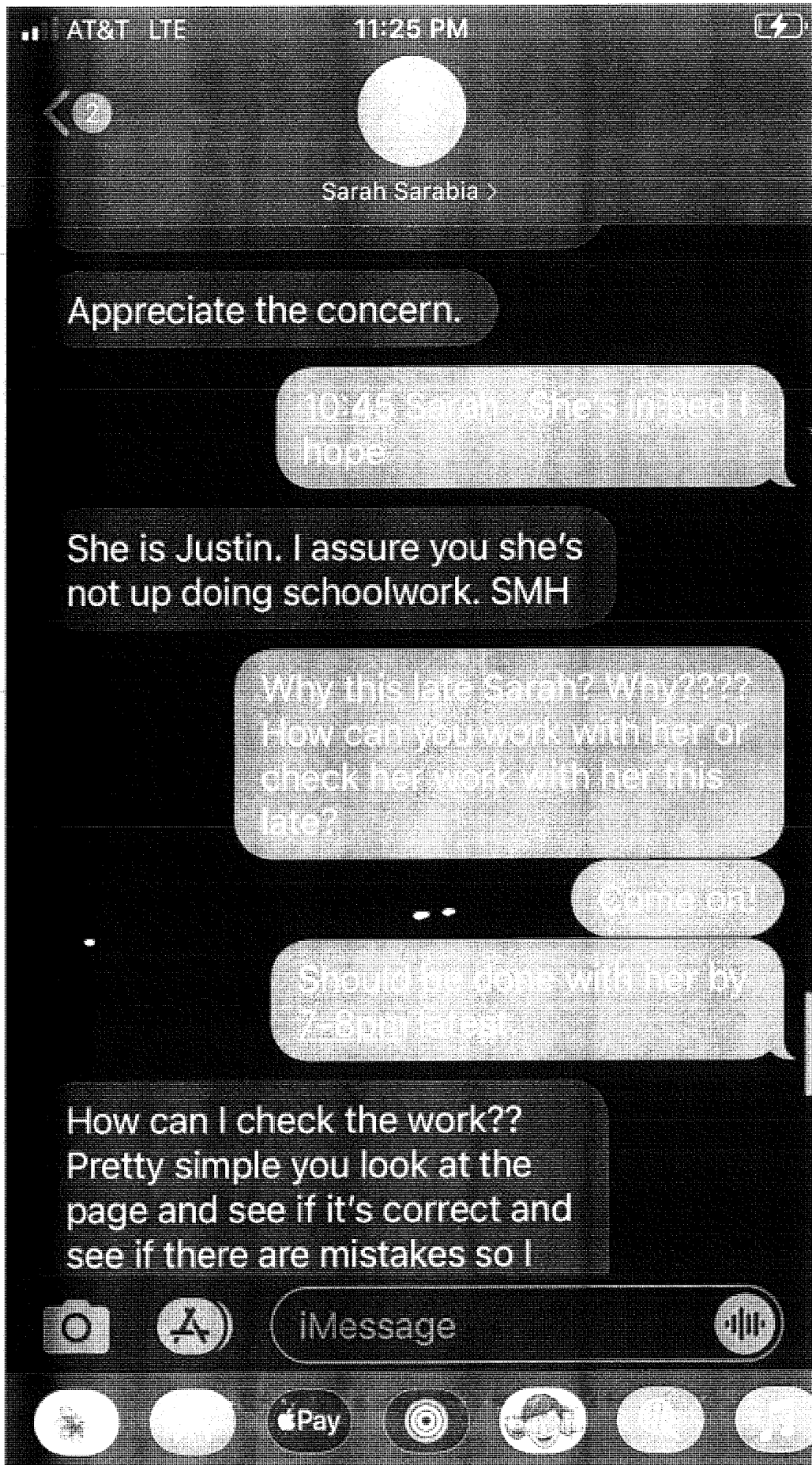
ROA000660



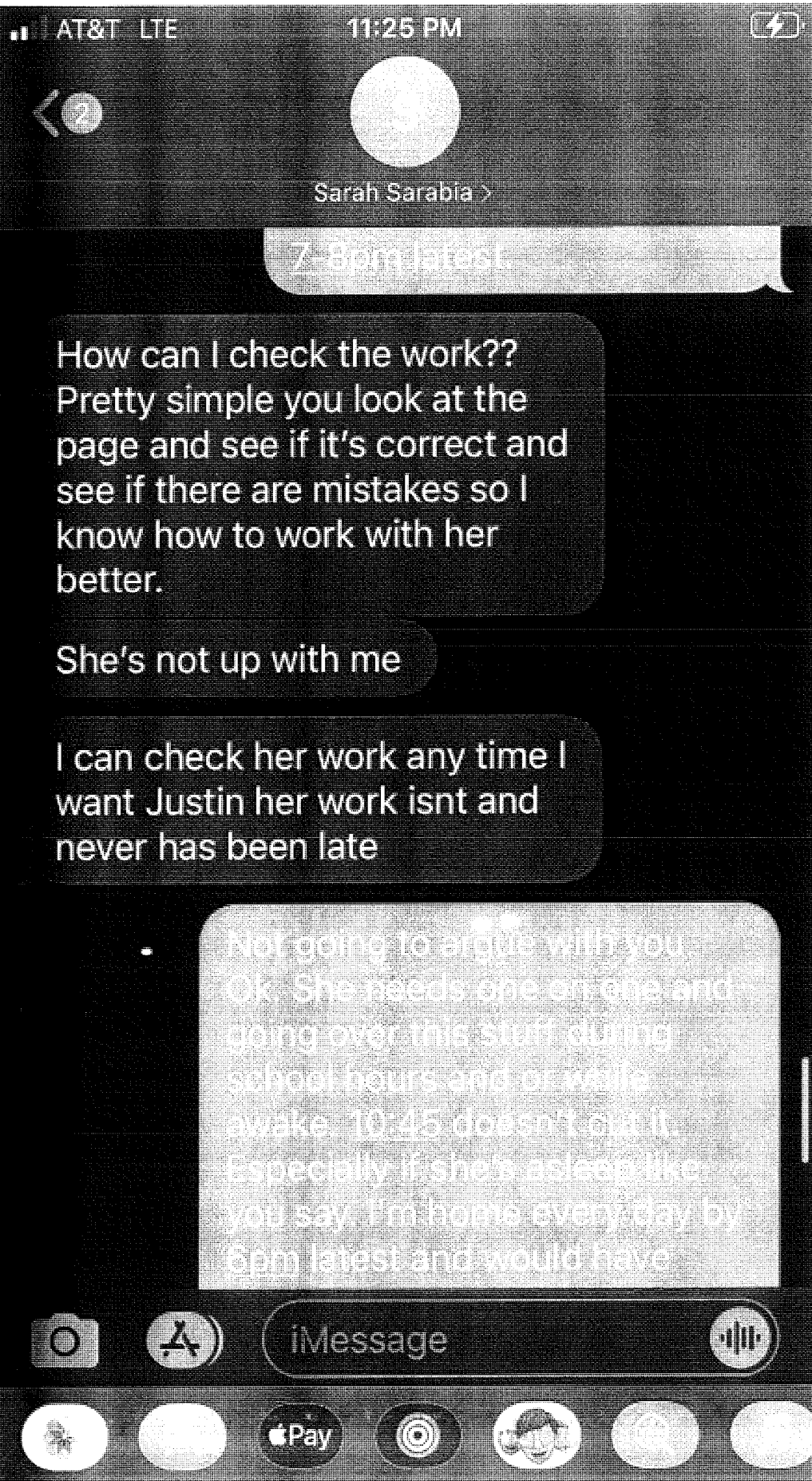




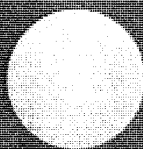












Sarah Sarabia &gt;

Not going to argue with you.  
OK. She needs one on one and  
going over this stuff during  
school hours and or while  
awake. 10:45 doesn't cut it.  
Especially if she's asleep like  
you say. I'm home every day by  
6pm latest and would have  
school work done by bedtime.

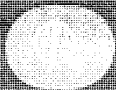
And a lot of the time I do check  
it earlier and it's correct I just  
don't get around to uploading  
right away. It's still not late

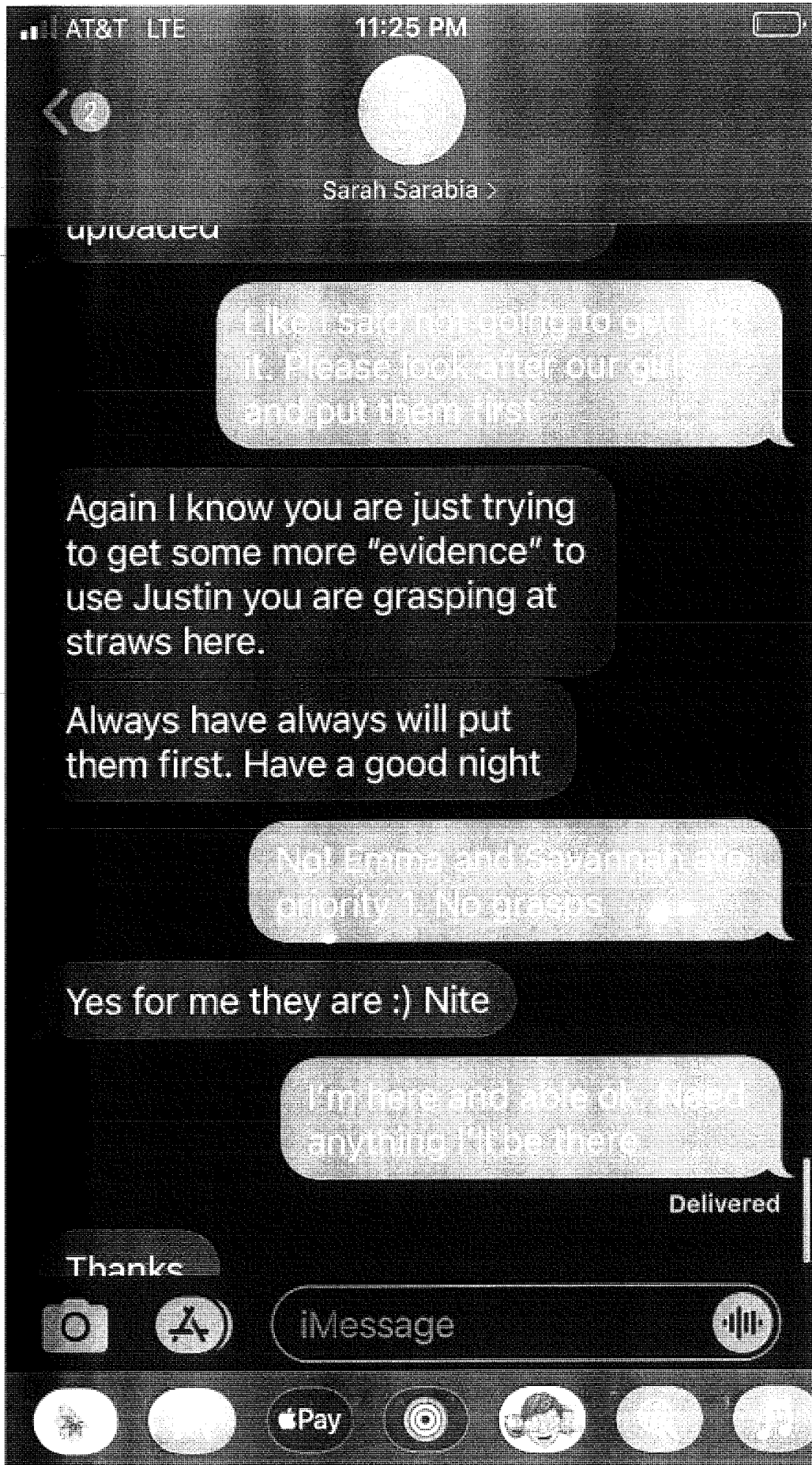
Her schoolwork is done before  
I'm even home Justin

Like I said it's just a reflection of  
when the assignment is  
uploaded



iMessage





ROA000667



Sarah Sarabia &gt;

I'm not going to get into it. Please look after our girls and put them first.

Again I know you are just trying to get some more "evidence" to use Justin you are grasping at straws here.

Always have always will put them first. Have a good night

Not Emma and Savannah are priority 1. No grasps

Yes for me they are :) Nite

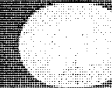
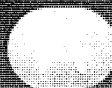
I'm here and able ok. Need anything I'll be there

Delivered

Thanks



iMessage




# EXHIBIT "C"

GRADE

You have made 1 attempt and reached the maximum allowed

PREVIOUS ATTEMPTS

ATTEMPT	1
STATUS	 Submitted
TIME SPENT	4 minutes
LAST MODIFIED	Dec 10, 2020 9:04 pm
ACTION	<a href="#">View</a>



GRADE

You have made 1 attempt and reached the maximum allowed

PREVIOUS ATTEMPTS

ATTEMPT	1
STATUS	<div></div> Submitted
TIME SPENT	25 minutes
LAST MODIFIED	Dec 10, 2020 8:40 pm
ACTION	View

## 02 Highlight Image

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0:01 / 0:21

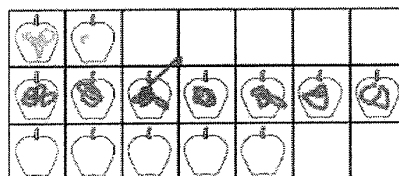
► Replay

2. How many apples are in each row?  
Use a red crayon to color the apples in the row with the most.

2

7

5



Use a green crayon to color the apples in the row with the fewest.

## 03 Highlight Image

— /






## My Children

GRADE

You have made 1 attempt and reached the maximum allowed

## PREVIOUS ATTEMPTS

ATTEMPT	1
STATUS	 Submitted
TIME SPENT	19 minutes
LAST MODIFIED	Dec 1, 2020 10:14 pm
ACTION	<a href="#">View</a>



## Saxon 1 Written Assessment 5

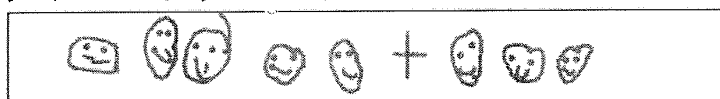
### 01 Highlight Image

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#### ► Replay

1. Five children were playing in the pool. Three more children jumped in to play. Draw a picture to show what happened.

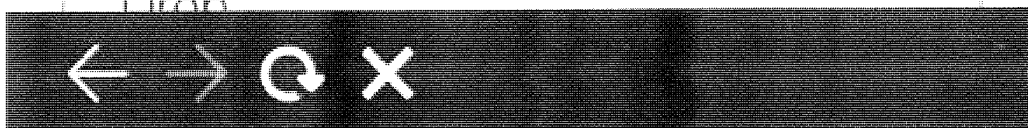


How many children are playing in the pool now?

8 children

### 02 Fill in the Blank Drag and Drop

— /






## My Children

GRADE

You have made 1 attempt and reached the maximum allowed

## PREVIOUS ATTEMPTS

ATTEMPT	1
STATUS	 Submitted
TIME SPENT	16 minutes
LAST MODIFIED	Dec 3, 2020 9:53 pm
ACTION	<a href="#">View</a>







## My Children



**Emma Maurice** submitted an item to **Friday Standards Work** Dec 4 at 8:05 pm



**Emma Maurice** submitted an item to **Q2 Week 7 | Weekly Phonogram Review** Dec 4 at 7:55 pm



**Emma Maurice** submitted an item to **Identify the Force and Energy** Dec 3 at 10:44 pm



**Emma Maurice** submitted an item to **Monday Standards Work** Dec 3 at 10:33 pm



**Emma Maurice** submitted an item to **Weather | Reading Social Studies | Classify and Categorize** Dec 3 at 10:22 pm



**Emma Maurice** submitted an item to **Unit 3 Lesson 13: Standard-Based Weekly Test** Dec 3 at 10:13 pm



**Emma Maurice** submitted an item to **Unit 3 Lesson 13 | Vocabulary Assessment** Dec 3 at 9:53 pm



**Emma Maurice** submitted an item to **Saxon 1 Written Assessment 5** Dec 1 at 10:14 pm





## My Children



Emma Maurice submitted an item to **Unit 3**  
**Lesson 12 | Vocabulary Assessment** Dec 10  
at 9:04 pm



Emma Maurice submitted an item to **Unit 3**  
**Lesson 12 | Comprehension Assessment**  
Dec 10 at 9:00 pm



Emma Maurice submitted an item to **Saxon**  
**1 Written Assessment 6** Dec 10 at 8:40 pm



Emma Maurice submitted an item to  
**Weather | Vocabulary | Matching** Dec 8 at  
8:42 pm



Emma Maurice submitted an item to **Q2**  
**Week 7 | Spelling Activity** Dec 4 at 9:09 pm



Emma Maurice submitted an item to  
**Assessment** Dec 4 at 9:00 pm



Emma Maurice submitted an item to **Unit 3**  
**Lesson 13 | Comprehension Assessment**  
Dec 4 at 8:48 pm



Emma Maurice submitted an item to **Q2**  
**Week 7 | Identifying Sounds** Dec 4 at 8:22  
pm



Emma Maurice submitted an item to **Friday**



# EXHIBIT “D”

ROA000678

