

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTINA CALDERON F/K/A
CHIRSTINA CALDERON STIPP,

Appellant,

vs.

MITCHELL DAVID STIPP,

Respondent.

Supreme Court No. 81888
Electronically Filed
Sep 20 2021 05:46 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPELLANT'S APPENDIX VOLUME II

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Counsel for Respondent

DOCUMENT	VOLUME NUMBER	BATE NO(S)
Notice of Entry of Stipulation and Order Resolving Physical Custody, Timeshare, Child Support and Parenting Matters	I	AA000001-18
Motion for Child Interview by FMC, Mediation and to Permit Children to exercise Teenage Discretion on Timeshare	I	AA000019-40
Exhibits in Support of Defendant's Motion for Child Interview by FMC, Mediation and to Permit Children to exercise Teenage Discretion on Timeshare	I	AA000041-54
Notice of Hearing	I	AA000055
Application for an Order Shortening Time	I	AA000056-109
Notice of Department Reassignment	I	AA000110-111
Notice of Appearance of Counsel for Plaintiff	I	AA000112-113
Motion for Order to Show Cause Against the Defendant for Willfully disobeying the Custody Order; A Request for Immediate Return of the Children, Make Up Visitation and Award of Attorney's Fees	I	AA000114-143
Notice of Communications between Defendant and Plaintiff's Attorney	I	AA000144-151
Notice of Hearing	I	AA000152
Ex Parte Application for an Order to Show Cause	I	AA000153-160

DOCUMENT**VOLUME
NUMBER****BATE
NO(S)**

Plaintiff's Exhibits in Support of Plaintiff's Motion for Order to Show Cause
Against the Defendant for Willfully disobeying the Custody Order; A Request for
Immediate Return of the Children, Make Up Visitation and

Award of Attorney's Fees

I AA000161-230

Plaintiff's Objection to Exhibits improperly cut and pasted within Defendant's
Motion for Child Interview by FMC, Mediation and to Permit Children to exercise
Teenage Discretion on Timeshare, and Objection to Exhibits in Support of
Defendant's Motion filed on August 26, 2019,

pursuant to NRCp 16.205(i)

I AA000231-232

Ex Parte Application for an Order

Shortening Time

I AA000233-244

Defendant's Opposition to Motion for Order to Show Cause Against the Defendant
for Willfully disobeying the Custody Order; A Request for Immediate Return of
the Children, Make Up Visitation and Award of Attorney's Fees and

Countermotion for Interview of Children by FMC and for Children to exercise

Teenage Discretion

II AA000245-272

DOCUMENT**VOLUME
NUMBER****BATE
NO(S)**

Defendant's Exhibits in Support of Defendant's Opposition to Motion for Order to Show Cause Against the Defendant for Willfully disobeying the Custody Order; A Request for Immediate Return of the Children, Make Up Visitation and Award of Attorney's Fees and Countermotion for Interview of Children by FMC and for

Children to exercise Teenage Discretion II AA000273-366

Order to Show Cause II AA000367-368

Notice of Entry of Order II AA000369-372

Declaration of Amy Stipp in Support of Defendant's Motion for Child Interview by FMC, Mediation and to Permit Children to exercise Teenage Discretion on

Timeshare II AA000373-389

Declaration of Amy Stipp in Support of Defendant's Motion for Child Interview by FMC, Mediation and to Permit Children to exercise Teenage Discretion on

Timeshare II AA000390-406

Plaintiff's Opposition to Defendant's Motion for Child Interview by FMC,

Mediation and to Permit Children to exercise Teenage Discretion on Timeshare and Countermotion for Immediate Return of Children, Make-up visitation,

Sanctions, and Award of Attorney's Fees II AA000407-419

Notice of Hearing II AA000420

DOCUMENT**VOLUME
NUMBER****BATE
NO(S)**

Plaintiff's Exhibits in Support of Plaintiff's Opposition to Defendant's Motion for Child Interview by FMC, Mediation and to Permit Children to exercise Teenage Discretion on Timeshare and Countermotion for Immediate Return of Children, Make-up visitation, Sanctions,

and Award of Attorney's Fees II AA000421-427

Defendant's Objection to Letter by Christina Calderon's Therapist Donna Wilburn and Notice of Letter from Dr. Roy Lubit

in Support of Objection II AA000228-481

Response to Plaintiff's Objection

Filed on August 30, 2019 II AA000482-485

Reply to Opposition to Our Motion for Order to Show Cause Against Defendant for Willfully Disobeying the Custody Order and Requested Relief and Opposition to the Countermotion filed by Defendant III AA000286-497

Reply to Plaintiff's Opposition to Countermotion for Interview of Children by FMC, Mediation at FMC, and for

Children to Exercise Teenage Discretion III AA000498-517

DOCUMENT**VOLUME
NUMBER****BATE
NO(S)**

Exhibits in Support of Defendant's Reply to Opposition to Our Motion for Order to Show Cause Against Defendant for Willfully Disobeying the Custody Order and Requested Relief and Opposition to the Countermotion	III	AA000518-543
Notice of Appearance	III	AA000544-546
Supplemental Exhibits in Support of Defendant's Reply to Opposition to Our Motion for Order to Show Cause Against Defendant for Willfully Disobeying the Custody Order and Requested Relief and Opposition to the Countermotion filed by Defendant	III	AA000547-550
Ex Parte Application for an Order Shortening Time	III	AA000551-564
Order for Family Mediation Center	III	AA000565
Court Order Instructions	III	AA000566-567
Request for Child Protective Services		
Appearance and Records	III	AA000568
Status Report	III	AA000569-574
Plaintiff's Objection to Defendant's Status Report filed October 7, 2019, and Request that it be stricken Pursuant to EDCR 5.508	III	AA000575-577

DOCUMENT**VOLUME
NUMBER****BATE
NO(S)**

Plaintiff's Emergency Motion for Temporary Primary Physical Custody and
Request for Writ of Attachment Order

and Attorney's Fees III AA000578-600

Notice of Hearing III AA000601

Ex Parte Application for an Order Shortening Time III AA000602-607

Opposition to Ex Parte Application for an Order Shortening Time of Plaintiff's

Motion for Primary Physical Custody III AA000608-612

Exhibits in Support of Opposition to Ex Parte Application for an Order Shortening

Time of Plaintiff's Motion for Primary Physical Custody III AA000613-634

Order Setting Case Management Conference III AA000635-637

Plaintiff's Supplement Affidavit in Support of her Emergency Motion for

Temporary Primary Physical Custody and Request for Writ of Attachment Order

and Attorney's Fees III AA000638-643

Opposition to Plaintiff's Emergency Motion for Temporary Primary Physical

Custody and Request for Writ of Attachment Order and Attorney's Fees and

Countermotion for Primary Physical Custody

and Related Relief III AA000644-666

Order Shortening Time III AA000667-668

DOCUMENT	VOLUME NUMBER	BATE NO(S)
Notice of Entry of Order	III	AA000669-672
Order for Supervised Exchange	III	AA000673-675
Notice of Change of Address	III	AA000676
Order Setting Evidentiary Hearing	III	AA000677-681
Subpoena for Gerardo Hernandez for Deposition	III	AA000682-686
Affidavit of Service	III	AA000687
Notice of Telephonic EDCR 5.602(d) Conference	III	AA000688-690
Plaintiff's Production of Documents and List of Witnesses Pursuant to NRCP 16.2	III	AA000691-700
Certificate of Mailing	III	AA000701
Plaintiff's Motion to Compel Discovery Responses, Including Answers to Interrogatories and Responses to Requests for Production of Documents; Failure to Make NRCP 16.2 Disclosures and Productions; and For an Award of Attorney's Fees and Costs	III	AA000702-722
Notice of Hearing	III	AA000723

DOCUMENT	VOLUME NUMBER	BATE NO(S)
Plaintiff's Exhibits in Support of Plaintiff's		
Motion to Compel Discovery	IV	AA000724-802
Defendant's Opposition to Motion to Compel		
and Related Relief	IV	AA000803-812
Defendant's Exhibits in Support of Defendant's Opposition to		
Motion to Compel and Related Relief	IV	AA000813-931
Ex Parte Application for an Order		
Shortening Time	IV	AA000932-935
Supplement to Opposition to Motion to		
Compel: Countermotion in Limine	IV	AA000936-944
Exhibits in Support of Defendant's		
Supplement: Countermotion in Limine	IV	AA000945-969
Order Shortening Time	IV	AA000970-971
Request for Hearing on Defendant's Countermotion		
In Limine	V	AA000972-973
Supplement to Opposition to Motion to Compel:		
Countermotion in Limine	V	AA000974-983

DOCUMENT	VOLUME NUMBER	BATE NO(S)
Exhibits in Support of Defendant's Supplement:		
Countermotion in Limine	V	AA000984-1008
Ex Parte Application for Order Setting		
Hearing/Shortening Time	V	AA001009-1012
Request for Hearing on Defendant's		
Countermotion in Limine	V	AA1013-1014
Supplement to Opposition to Motion to Compel		
Countermotion in Limine	V	AA1015-1024
Exhibits in Support of Defendant's Supplement:		
Countermotion in Limine	V	AA1025-1049
Notice of Entry of Order	V	AA1050-1053
Defendant's Pretrial Memorandum	V	AA001054-1099
Receipt of Copy	V	AA001100
Witness List	V	AA001101-1104
Receipt of Copy	V	AA001105
Witness List	V	AA001106-1109
Receipt of Copy	V	AA001110
Plaintiff's List of Witness for Evidentiary Hearing	V	AA001111-1118

DOCUMENT	VOLUME NUMBER	BATE NO(S)
Trial Subpoena	V	AA001119-1121
Trial Subpoena	V	AA001122-1124
Plaintiff's Objection to Defendant's Pre-trial Memorandum filed January 21, 2020	V	AA001125-1127
Motion to Compel Responses to Discovery and For Attorney's Fees and Costs	V	AA001128-1143
Exhibits in Support of Defendant's Motion to Compel	VI	AA001144-1279
Supplemental Declaration/Affidavit of Mitchell Stipp	VI	AA001280-1282
Notice of Hearing	VI	AA001283
Ex Parte Application for Order Setting hearing On Motion in Limine	VI	AA00184-1288
Supplement to Opposition to Motion to Compel: Countermotion in Limine	VI	AA001289-1297
Exhibits in Support of Defendant's Supplement: Countermotion in Limine	VI	AA001298-1322

DOCUMENT**VOLUME
NUMBER****BATE
NO(S)**

Plaintiff's Memorandum of Attorney's Fees and

Costs

VII AA001323-1335

Ex Parte Application for Order Shortening Time on

Defendant's Motion to Compel

VII AA001336-1497

Stipulation and Order Vacating February 7, 2020 Hearing before the Discovery

Commissioner

VII AA001498-1500

Plaintiff's Opposition to Defendant's Motion to Compel Responses to Discovery

and for Attorney's Fees and Cost; and

Counter-Motion for Attorney's Fees

VII AA001501-1517

Plaintiff's Exhibits in Support of: Plaintiff's Opposition to Defendant's Motion to

Compel Responses to Discovery and for Attorney's Fees and Cost; and

Counter-Motion for Attorney's Fees

VII AA001518-1540

Notice of Hearing

VII AA001541

Opposition to Plaintiff's Request for Attorney's

Fees and Costs

VIII AA001542-1700

Defendant's Reply to Opposition to Motion to Compel and Opposition to

Counter-motion for Attorney's Fees and Costs

VIII AA001701-1760

Notice of Hearing

VIII AA001761

DOCUMENT	VOLUME NUMBER	BATE NO(S)
Order Shortening Time	VIII	AA001762-1763
Notice of Telephone Conference Required by Discovery Commissioner to Discuss Plaintiff's Deficient Discovery Responses	IX	AA1764-1791
Application for an Order Shortening Time	IX	AA1792-1796
Plaintiff's Offers of Proof Regarding Witnesses for Evidentiary Hearing	IX	AA1797-1802
Plaintiff's Opposition to Defendant's Motion In Limine and Counter-Motion for Attorney's Fees	IX	AA001803-1820
Plaintiff's Supplemental Production of Documents And List of Witnesses Pursuant to NRCP 16.2	IX	AA001821-1830
Status Report	IX	AA001831-1844
Notice of Entry of Stipulation and Order Resolving Discovery Disputes and Trial Matter	IX	AA001845-1851
Amended Order Setting Evidentiary Hearing	IX	AA001852-1854
Order from Hearing of October 1, 2019	IX	AA001855-1862
Order from Hearing of October 22, 2019	IX	AA001863-1867
Order from Hearing of October 1, 2019	IX	AA001868-1875

DOCUMENT	VOLUME NUMBER	BATE NO(S)
Second Amended Order Setting Evidentiary Hearing	IX	AA001876-1879
Plaintiff's Emergency Motion Pursuant to NRCP Rule 43	IX	AA001880-1890
Opposition to Plaintiff's Emergency Motion Pursuant to NRCP 43	IX	AA001891-1895
Notice of Entry of Order	IX	AA001896-1904
Notice of Entry of Order	IX	AA001905-1910
Plaintiff's Renewed Emergency Motion Pursuant to NRCP Rule 43	IX	AA001911-1921
Ex Parte Application for an Order Shortening Time	IX	AA001922-1926
Opposition to Plaintiff's Renewed Emergency Motion pursuant to NRCP Rule 43	IX	AA001927-1929
Order Shortening Time	IX	AA001930-1932
Notice of Entry of Order	IX	AA001933-1937
Notice of Hearing	IX	AA001938

DOCUMENT	VOLUME NUMBER	BATE NO(S)
Plaintiff's Second Supplemental Production of Documents and List of Witnesses Pursuant to NRCP 16.2	IX	AA001939-1948
Receipt of Copy	IX	AA001949
Plaintiff's Memorandum of Points and Authorities Following Evidentiary Hearing	IX	AA1950-1969
Defendant's Closing Brief	IX	AA001979-1987
Notice of Entry of Order	IX	AA001988-2012
Transcripts: January 23, 2020	X	AA2013-2269
Transcripts: March 5, 2020	XI	AA2070-2512
Transcripts: August 27, 2020	XII	AA2513-2763

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 20th day of September, 2021,
a copy of the foregoing Appellant's Appendix II was served as follows:

BY ELECTRONIC FILING TO

Radford J. Smith, Esq.
Radford J. Smith, CHTD
2470 St. Rose Parkway, #206
Henderson, Nevada 89074
Attorney for Respondent

/s/Aaron Grigsby _____
Employee of The Grigsby Law Group

1 Defendant, Mitchell Stipp (“Mitchell”), hereby files the above-referenced
2 opposition and counter-motion. This filing is based on the papers and pleadings before
3 the court, the memorandum of points and authorities that follows, the exhibits filed
4 concurrently herewith, and the oral argument of the parties or their attorneys at the
5 hearing on this matter.
6

7 Mitchell respectfully requests the following relief:
8

- 9 1. Denial of the relief requested by Plaintiff, Christina Calderon (“Christina”).
- 10 2. FMC interview the parties’ children to determine their wishes and capacity to
11 exercise teenage discretion with respect to the timeshare spent with each party.
12
- 13 3. The parties participate in mediation at FMC to determine the parameters of
14 teenage discretion.
- 15 4. An order permitting the children to exercise teenage discretion with respect to
16 the timeshare with each party within the confines of joint physical custody.
17
- 18 5. If the court will not grant Mitchell’s request without an evidentiary hearing,
19 then the court should schedule the matter for a brief evidentiary hearing.
20

21 DATED this 4th day of September, 2019.
22

23 **LAW OFFICE OF MITCHELL STIPP**

24 /s/ Mitchell Stipp, Esq.
25 MITCHELL STIPP, ESQ.
26 Nevada Bar No. 7531
27 LAW OFFICE OF MITCHELL STIPP
28 10120 W. Flamingo Rd., Suite 4-124
Las Vegas, Nevada 89147
Telephone: 702.602.1242
mstipp@stipplaw.com

II. FACTS.

The parties have always had joint physical and legal custody of their children (Mia and Ethan Stipp). The parties stipulated to such terms in their marital settlement agreement dated February 20, 2008 (“MSA”), which was incorporated into their decree of divorce filed on March 6, 2008. After Mitchell married Amy Stipp (“Amy”) in October of 2008, Christina initiated post-divorce litigation and filed substantially all of the motions thereafter before Judge Sullivan and Judge Potter for the next five (5) years. Judge Sullivan actually confirmed the parties as joint physical custodians and awarded Mitchell additional timeshare on or about November 4, 2010 after a child custody evaluation performed by Dr. John Paglini. See Order filed on November 4, 2010 (Exhibit A to Mitchell’s Exhibits filed concurrently herewith).

This court should take note of the following findings by Judge Sullivan:

- **THE COURT FURTHER FINDS** that assuming that a joint physical custody arrangement does not currently exist, the following facts evidence a substantial change in circumstances affecting the welfare of the children supporting a change in custody to joint physical custody:
 - a) Mia's re-manifestation of issues with clothing; namely, insisting that clothing was too tight, demanding that her clothing be stretched out, refusing to wear clothing unless it was many sizes too big, refusing to wear underwear, refusing to wear her school uniform; behavior issues relating to her defiant behavior when made to wear clothing, anger outbursts and emotional meltdowns.
 - b) The need for Mia to undergo extensive psychological treatment from Dr. Kalodner, Dr. Mishalow, Dr. Stegen-Hansen, and the ongoing sensory deficit processing treatment being provided by the Achievement Therapy Center.

1 special recognition from his teacher for showing kindness to a
2 special needs child at school. See Email from Ms. Wandel, **Exhibit**
3 **6**;

4 Affidavit of Christina Calderon attached to Christina's Motion, Paragraph 12 (Page
5 23 of motion) (emphasis added). Christina *admits the children are sufficient age*
6 *and capacity* to form an intelligent preference as to their physical custody.

7 Christina's motion also contains several other false statements, which
8 Mitchell will address below:

- 10 1. Christina did not go to the children's school on August 23, 2019 to pick up
11 the children. Christina's Motion, page 4 (lines 5-10). The parties agreed
12 to exchange the children at Mitchell's residence which was in accordance
13 with the parties' agreement.
- 15 2. Christina claims no reports were made to Child Protective Service as a
16 result of the physical altercation between Mia and Christina on August 13,
17 2019. Christina's Motion, page 4 (line 21). Reports were made to Child
18 Protective Services on August 14, 2019 and August 22, 2019. The court
19 has the ability to verify these reports.
- 22 3. Faith Lutheran Middle and High Schools are not facilitating what Christina
23 calls kidnapping. The policy of the schools is to release the children per
24 court order on file, but the schools will not force children to go with a
25 parent if they refuse. Christina withdrew the children from school on
26 8/29/2019. Thereafter, both children refused to leave with Christina. The
27
28

1 children called Mitchell to pick them up. The children met with Christina
2 in person with the Principal for the high school and confirmed their
3 preference. See Notice of Communications between Defendant and
4 Plaintiff's Attorney filed on 8/29/19.
5

6 4. Mitchell is not withholding the children from Christina or preventing any
7 communication between them. See Exhibit F to Mitchell's Exhibits filed
8 concurrently herewith. In fact, Christina also met with the children at their
9 schools on 8/29/19.
10

11 5. Mitchell offered to meet with Christina and the children on 8/30/19 to
12 discuss the current issues and provide Christina an opportunity to see and
13 speak with the children. See Notice of Communications between
14 Defendant and Plaintiff's Attorney filed on 8/29/19.
15
16

17 6. Mitchell did not sabotage family therapy with Nicholas Ponzo. In fact,
18 Mitchell has participated when requested by Christina and Mr. Ponzo. See
19 Exhibit G to Mitchell's Exhibits filed concurrently herewith (Christina
20 threatened to cancel Mia's choir trip if Mia selected Amy to chaperone).
21 Mr. Ponzo advised Christina that she was wrong to attempt to cancel the
22 choir trip and to allow Mia to go with the parent with whom she is most
23 comfortable (which in this case was Amy). **After that instance, Christina**
24 **never invited Mitchell or Amy to meet with Mr. Ponzo to address an issue.**
25
26

27 7. Mitchell reached out to Mr. Ponzo to help with the matters which are the
28

1 subject of Christina's motion. However, Christina will not provide her
2 consent (despite her counsel's stipulation). See Exhibit H to Mitchell's
3 Exhibits filed concurrently herewith.
4

5 **III. ARGUMENT.**

6 **A. An order to show cause should not be issued because Mitchell**
7 **has not violated any court order.**
8

9 NRS 1.210(3) states that "[t]he Court has the power to compel obedience to
10 its orders." NRS 22.010(3) provides that the "refusal to abide by a lawful order
11 issued by the Court is contempt." See also Matter of Water Rights of Humboldt
12 River, 118 Nev. 901,907, 59 P.3d 1226, 1229-30 (2002) (noting that the district
13 court generally has particular knowledge of whether contemptible conduct
14 occurred and thus its decisions regarding contempt are given deference). "Courts
15 have inherent power to enforce their decrees through civil contempt proceedings,
16 and this power cannot be abridged by statute." In re Determination of Relative
17 Rights of Claimants & Appropriators of Waters of Humboldt River Stream Sys. &
18 Tributaries, 118 Nev. 901,909, 59 P.3d 1226, 1231 (2002) (citing Noble v. Noble,
19 86 Nev. 459,463,470 P.2d 430,432 (1970). "A civil contempt order may be used to
20 compensate the contemnor's adversary for costs incurred because of the contempt."
21 Id. (citing State, Dep't Indus. Rel. v. Albanese, 112 Nev. 851,856,919 P.2d 1067,
22 1070-71 (1996)).
23
24
25
26
27
28

"[D]istrict judges are afforded broad discretion in imposing sanctions" and

1 the Nevada Supreme Court "will not reverse the particular sanctions imposed
2 absent a showing of abuse of discretion." State Dep't of Indus. Relations, Div. of
3 Indus. Ins. Regulation v. Albanese, 112 Nev. 851, 856, 919 P.2d 1067, 1070 (1996)
4 (citing Young v. Johnny Ribeiro Building, 106 Nev. 88, 92, 787 P.2d 777, 779
5 (1990)).

7 "Generally, an order for civil contempt must be grounded upon one's
8 disobedience of an order that spells out 'the details of compliance in clear, specific
9 and unambiguous terms so that such person will readily know exactly what duties
10 or obligations are imposed on him.'" Southwest Gas Corp. v. Flintkote Co., 99 Nev.
11 127, 131, 659 P.2d 861, 864 (1983) (quoting Ex parte Slavin, 412 S.W.2d 43, 44
12 (Tex.1967)). "[A] sanction for '[c]ivil contempt is characterized by the court's
13 desire to ... compensate the contemnor's adversary for the injuries which result from
14 the noncompliance.'" Albanese, 112 Nev. at 856,919 P.2d at 1071 (citing In re
15 Crystal Palace Gambling Hall, Inc., 817 F.2d 1361 (9th Cir.1987) (citations
16 omitted)). "However, an award to an opposing party is limited to that party's actual
17 loss." United States v. United Mine Workers of America, 330 U.S. 258,304, 67
18 S.Ct. 677, 701, 91 L.Ed. 884 (1947); Shuffler v. Heritage Bank, 720 F.2d 1141 (9th
19 Cir.1983); Falstaff, 702 F.2d at 779.

24 As a preliminary matter, the affidavits attached to Christina's motion do not
25 comply with EDCR 5.509(a). EDCR 5.509(a) provides as follows:

27 Rule 5.509. Motions and procedure for orders to show cause.
28

1 (a) A motion seeking an Order to Show Cause (OSC) for contempt must be
2 accompanied by a detailed affidavit complying with [NRS 22.030\(2\)](#) that identifies
3 the specific provisions, pages and lines of the existing order(s) alleged to have
4 been violated, the acts or omissions constituting the alleged violation, any harm
5 suffered or anticipated, and the need for a contempt ruling, which should be filed
6 and served as any other motion.

7 (emphasis added). Neither of the affidavits attached to Christina's motion identify
8 specific provisions, pages and lines of the existing order(s) alleged to have been violated.

9 See Affidavits attached to Christina's motion filed on 8/29/19.

10 Mitchell has not violated any order of this court. The children were available at
11 6:00 p.m. on August 23, 2019. Mia refused to go. Ethan later refused to go after
12 Christina contacted his baseball coach and threatened to call the police if Ethan's coach
13 failed to force Ethan into her care. Christina's message to Ethan's coach (Mo) and
14 Mitchell follows:

15
16
17 Christina Calderon
18 I will be at the baseball field
19 tomorrow morning with police if
20 Ethan is not exchanged to me
21 tonight. FYI
22
23 Mo
24 I respectfully ask that you not
25 expose the other parents or kids to
26 that situation.
27
28 Please understand I like your son, I
believe I can help him reach his
baseball goals, but I will not
sacrifice the sanctity of my
organization for any one person.

29 M
30 Christina Calderon
31 I hope that Mitch will respect the
32 Court order tonight
33
34 Mo
35 Please stop texting me
36
37 M
38 I will support Ethan, but I cannot be
in the middle of this situation.

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Christina Calderon

Plaintiff/Petitioner

v.
Mitchell Stipp

Defendant/Respondent

Case No. D-08-389203-Z

Dept. H

**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 checked="" type="checkbox"/>	\$25	The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.
-OR-		
<input type="checkbox"/>	\$0	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 checked="" type="checkbox"/>	\$0	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 checked="" type="checkbox"/> The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.		
-OR-		
<input type="checkbox"/>	\$129	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"/>	\$57	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:

☐ \$0 ☒ \$25 ☐ \$57 ☐ \$82 ☐ \$129 ☐ \$154

Party filing Motion/Opposition: Mitchell Stipp Date 9/4/19

Signature of Party or Preparer /s/ Mitchell Stipp

1 Defendant, Mitchell Stipp, hereby files the above-referenced exhibits, which are
2 identified below:

- 3 1. Exhibit A (Order filed on November 4, 2010).
- 4
- 5 2. Exhibit B (Order filed on May 27, 2014).
- 6
- 7 3. Exhibit C (Report by Dr. Lewis Etcoff, dated July 27, 2011) [Submitted to
8 Court].
- 9
- 10 4. Exhibit D (Stipulation and Order filed on July 9, 2014).
- 11
- 12 5. Exhibit E (Emails showing Christina Calderon's problems communicating
13 with the children via telephone).
- 14
- 15 6. Exhibit F (Text Messages delivered on August 30, 2019 to Mia and Ethan
16 Stipp encouraging them to contact Christina Calderon).
- 17
- 18 7. Exhibit G (Emails regarding dispute over Mia Stipp's choir trip and assistance
19 of Nicholas Ponzo).
- 20
- 21 8. Exhibit H (Emails with Nicholas Ponzo regarding assistance with Christina
22 Calderon to resolve current dispute and Ms. Calderon's refusal to consent).
- 23
- 24 9. Exhibit I (Emails rejecting Donna Wilburn as family therapist).
- 25
- 26 10.Exhibit J (Order Filed on July 30, 2013).
- 27
- 28 11.Exhibit K (Emails regarding Parenting).
- 12.Exhibit L (Order filed on October 11, 2011).

///

///

EXHIBIT A

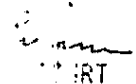
1 ORDR
2
3

FILED

Nov 4 5 31 PM '10

4 DISTRICT COURT
5 CLARK COUNTY, NEVADA
6


C.F.


CLERK

7 CHRISTINA STIPP,)

8 Plaintiff,)

CASE NO. D-08-389203-Z

DEPT. NO. O

9 vs.)

10 MITCHELL STIPP,)

11 Defendant.)
12

13 Date of Hearing: May 6, 2010

14 Time of Hearing: 10:00 a.m.

15 This matter having come before this Court on May 6, 2010, on Defendant's
16 Motion to Confirm Parties as Joint Physical Custodians and to Modify Timeshare
17 Arrangement; and Plaintiff's Countermotion to set Aside August 7, 2009 Stipulation,
18 Grant Discovery, Partition Undisclosed Marital Assets, and for Sanctions; with
19 Christina C. Stipp, Plaintiff, appearing and being represented by Donn W. Prokopius,
20 Esq.; and Mitchell D. Stipp, Defendant, appearing and represented by Radford J.
21 Smith, Esq.; and the Court being duly advised in the premises, having reviewed
22 Plaintiff's Motion, Defendant's Opposition and Countermotion, Plaintiffs' Opposition
23 to Countermotion, Plaintiff's Supplement to Motion, Defendant's Supplement to
24 Countermotion, and having heard oral argument, and good cause being shown,
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FRANK R. SULLIVAN
DISTRICT JUDGE

FAMILY DIVISION, DEPT. O
LAS VEGAS NV 89101

1 **THE COURT HEREBY FINDS** that the parties have two children in
2 common, Mia, born on October 19, 2004, and Ethan, born on March 24, 2007.

3 **THE COURT FURTHER FINDS** that on February 20, 2008, the parties
4 entered into a Marital Settlement Agreement (MSA) that provided that they shall have
5 joint legal and physical custody of the children.
6

7 **THE COURT FURTHER FINDS** that the MSA provided that Defendant
8 (husband) would have the children on Fridays from 6:00 p.m. until Sundays at 6:00
9 p.m., however, the Plaintiff (wife) would have the right to have the children on the
10 first weekend of every month upon three (3) days prior written notice.

11 **THE COURT FURTHER FINDS** that the MSA further provided holiday
12 visitation as follows:
13

14 (a) Martin Luther King (MLK) Day Weekend: MLK Day is to be
15 celebrated on the third Monday in January with the weekend
16 commencing at 6:00 p.m. on the Friday before the holiday and ending
17 at 6:00 p.m. on the holiday. Plaintiff is to have the children in even-
18 numbered years and Defendant in odd-numbered years.

19 (b) President's Day Weekend: President's Day: President's Day is to
20 be celebrated on the third Monday in February with the weekend
21 commencing at 6:00 p.m. on the Friday before the holiday and ending
22 at 6:00 p.m. on the holiday. Plaintiff is to have the children in odd-
23 numbered years and the Defendant in even-numbered years.

24 (c) Easter Day: Easter Day is to be celebrated on Sunday with the
25 Defendant having the children on Easter Sunday until 2:00 p.m. and
26 Plaintiff having the children after 2:00 p.m.

27 (d) Memorial Day Weekend: Memorial Day is to be celebrated on the
28 last Monday in May with the weekend commencing at 6:00 p.m. on
the Friday before the holiday and ending at 6:00 p.m. on the holiday.
Plaintiff is to have the children in even-numbered years and Defendant
in odd-numbered years.

1 (e) Father's Day/Mother's Day: Defendant is to have the children on
2 Father's Day from 9:00 a.m. until 6:00 p.m. and Plaintiff is to have
3 children on Mother's Day from 9:00 a.m. until 6:00 p.m.

4 (f) Independence Day: Independence Day is to commence at 6:00
5 p.m. on the day before the holiday and end at 9:00 a.m. on the day
6 after the holiday. Plaintiff is to have the children in even-numbered
7 years and Defendant in odd-numbered years.

8 (g) Labor Day Weekend: Labor Day is to be celebrated on the first
9 Monday in September with the weekend commencing at 6:00 p.m. on
10 the Friday before the holiday and ending at 6:00 p.m. on the holiday.
11 Defendant is to have the children in even-numbered years and Plaintiff
12 in odd-numbered years.

13 (h) Halloween Night: Halloween night will commence at 3:00 p.m. on
14 the holiday and end at 8:30 p.m. on the holiday. Plaintiff is to have the
15 children in even-numbered years and Defendant in odd-numbered
16 years.

17 (i) Veterans Day: Veterans Day is to be observed on November 11th
18 with visitation commencing at 6:00 p.m. on the day immediately
19 preceding the holiday and ending at 6:00 p.m. on the holiday.

20 (j) Thanksgiving Weekend: The Thanksgiving holiday is to be divided
21 into two periods, with Period One commencing at 4:00 p.m. on
22 Thanksgiving Day and ending at 6:00 p.m. on the Saturday
23 immediately following Thanksgiving Day. Period Two is to
24 commence at 6:00 p.m. on the Saturday following Thanksgiving Day
25 and ending at 6:00 p.m. on the Sunday immediately following
26 Thanksgiving Day. Defendant is to have the children during Period
27 One and Plaintiff Period Two in all years.

28 (k) Christmas Holiday: The Christmas holiday is to be divided into
two periods, with Period One commencing at 9:00 a.m. on December
24th and ending at 9:00 a.m. on December 25th. Period Two is to
commence at 9:00 a.m. on December 25th and end at 6:00 p.m. on the
25th. Plaintiff is to have the children during Period One and Defendant
during Period Two in all years.

(l) New Year's Day: New Year's Day is to be celebrated on January
1st with holiday visitation commencing at 6:00 p.m. on the day
immediately preceding the holiday and ending at 6:00 p.m. on the
holiday. Defendant is to have the children in even-numbered years and
Plaintiff in odd-numbered years.

1 (m) Children's Birthdays: Plaintiff, upon three (3) days prior written
2 notice, is to have the children on the Saturday immediately proceeding
3 a child's birthday, in which case, Defendant will have his normal
visitation from 9:00 a.m. until 6:00 p.m. on Sunday.

4 (n) Parents' Birthdays: Each party, upon three (3) days prior written
5 notice, is to have the children from 9:00 a.m. until 6:00 p.m. on their
6 respective birthdays.

7 (o) Vacation Visitation: Each party is permitted to have the children
8 for two (2) consecutive weeks for the purpose of taking a vacation.

9 **THE COURT FURTHER FINDS** that the parties filed a Joint Petition for
10 Divorce on February 28, 2008.

11 **THE COURT FURTHER FINDS** that on March 6, 2008, a Decree of
12 Divorce was granted which fully incorporated the Marital Settlement Agreement into
13 such Decree.

14 **THE COURT FURTHER FINDS** that on December 17, 2008, Plaintiff filed
15 a Motion to Confirm Plaintiff as the De Jure Primary Physical Custodian, for
16 Modification of the Divorce Decree Regarding Child Custody, Visitation and Other
17 Parent/Child Issues, for Defendant's Reimbursement of One-Half of the Children's
18 Medical Costs, for Mediation Regarding Dispute Over Dividing the Minor Children's
19 Education and Other Costs, and for Attorney's Fees and Costs.

20 **THE COURT FURTHER FINDS** that on January 9, 2009, Defendant filed
21 an Opposition to Plaintiff's Motion to Confirm Plaintiff as the De Jure Primary
22 Physical Custodian and a Countermotion to Strike Inadmissible Evidence from
23 Plaintiff's Motion, to Resolve Parent/Child Issues, for a Temporary Protective Order
24 Addressing Plaintiff's Harassment of Defendant, and for Sanctions and Attorney's
25 Fees.
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1 **THE COURT FURTHER FINDS** that on January 9, 2009, Plaintiff filed a
2 Motion for Leave to Take the Depositions of Mitchell Stipp (Defendant) and William
3 Plise.
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5 **THE COURT FURTHER FINDS** that on February 11, 2009, Plaintiff filed
6 a Reply to Defendant's Opposition and Defendant's Countermotion.

7 **THE COURT FURTHER FINDS** that on February 24, 2009, the Court
8 heard oral argument on all pending Motions and Countermotions.

9 **THE COURT FURTHER FINDS** that by Order dated April 3, 2009, the
10 Court denied all pending Motions and Countermotions, but Ordered Defendant to
11 reimburse Plaintiff the sum of three hundred twenty-six dollars and forty-five cents
12 (\$326.45) as and for unreimbursed medical expenses incurred on behalf of the
13 children.
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15 **THE COURT FURTHER FINDS** that on April 27, 2009, Defendant filed a
16 motion for Reconsideration, Motion for Rehearing; Or in the Alternative, Motion to
17 Modify Joint Timeshare.
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19 **THE COURT FURTHER FINDS** that on June 3, 2009, Plaintiff filed an
20 Opposition to Defendant's Motion for Reconsideration, Motion for Rehearing and, in
21 the Alternative, Motion to Modify Joint Timeshare.

22 **THE COURT FURTHER FINDS** that on June 4, 2009, the Court heard oral
23 argument on Defendant's Motion and Plaintiff's Opposition to the Motion and
24 Ordered the parties to the Family Mediation Center for confidential mediation and
25 scheduled an Evidentiary Hearing for October 27, 2009.
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1 **THE COURT FURTHER FINDS** that on June 18, 2009, Defendant filed a
2 Motion for an Order to Show Cause alleging that the Plaintiff had violated the
3 custodial agreement by keeping the children from Defendant on his visitation day of
4 Friday, June 12, 2009.
5

6 **THE COURT FURTHER FINDS** that on July 23, 2009, the parties
7 submitted a Stipulation and Order Resolving Defendant's Motion for an Order to
8 Show Cause resolving the matter by awarding Defendant an additional nine (9) hours
9 of visitation on Friday June 26, 2009, with Defendant receiving the children at 9:00
10 a.m. instead of 6:00 p.m.
11

12 **THE COURT FURTHER FINDS** that on August 7, 2009, the parties
13 submitted a Stipulation and Order which didn't change the joint legal and physical
14 custody designation included in the Marital Settlement Agreement, but modified the
15 timeshare arrangement provided for in the MSA as follows:
16

17 (a) Defendant is to have the children on the first, third and fifth (when
18 there is a fifth weekend in the month) weekends of each month from
19 Friday 6:00 p.m. until Sunday at 6:00 p.m., however, the Plaintiff,
20 upon three (3) days prior written notice, is entitled to have the children
21 on the first weekend of each month. In the event that Plaintiff
22 exercises her right to have the children on the first weekend of the
23 month, then Defendant will have the children commencing at 6:00
24 p.m. on the Wednesday preceding the first weekend of the month until
25 6:00 p.m. on the Friday preceding the first weekend of the month.
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27 (b) Defendant is to have the children on the second and fourth
28 weekends of the month from Thursday at 6:00 p.m. until Sunday at
6:00 p.m.

THE COURT FURTHER FINDS that pursuant to the Stipulation and Order
filed on August 7, 2009, the Court dismissed Defendant's pending Motion for

1 Reconsideration and Rehearing and vacated the Evidentiary Hearing set for October
2 27, 2009.

3 **THE COURT FURTHER FINDS** that on October 29, 2009, Defendant filed
4 a Motion to Confirm Parties as Joint Physical Custodians and to Modify Timeshare
5 Arrangement.
6

7 **THE COURT FURTHER FINDS** that Defendant's Motion to Confirm
8 Parties as Joint Custodians and to Modify Timeshare Arrangement essentially alleged
9 that the parties' daughter, Mia, was being emotionally abused by Plaintiff by her
10 continued attempts to alienate the children from Defendant by making disparaging
11 remarks about Defendant and his current wife, Amy, (Defendant is a cheater, Amy
12 stole Defendant away from Plaintiff, Amy is married to someone other than
13 Defendant, and Plaintiff hates Amy) which has caused Mia to have severe mood
14 swings, significant anger management issues, and frequent emotional outbursts.
15

16 **THE COURT FURTHER FINDS** that on November 30, 2009, Plaintiff filed
17 an Opposition to Defendant's Motion to Confirm Parties as Joint Custodians and to
18 Modify Timeshare Arrangement and filed a Countermotion to Set Aside August 7,
19 2009, Stipulation and Order Due to Defendant's Fraud upon the Court, to Grant
20 Discovery, to Partition Undisclosed Marital Assets, and for Sanctions.
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22 **THE COURT FURTHER FINDS** that Plaintiff's Opposition and
23 Countermotion and Countermotion to Set Aside August 7, 2009, Stipulation and
24 Order, and to Grant Discovery and Partition Undisclosed Marital Assets essentially
25 alleged that Defendant is blatantly attempting to re-litigate the custodial arrangement
26 which is barred by res judicata, failed to disclose his post-divorce arrest for DUI and
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1 subsequent conviction for Reckless Driving which evidences that Defendant abuses
2 alcohol, and fraudulently concealed significant marital assets and/or post divorce
3 distributions.
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5 **THE COURT FURTHER FINDS** that on December 7, 2009, Defendant
6 filed a Reply to Opposition to Defendant's Motion to Confirm Parties as Joint
7 Custodians and Opposition to Plaintiff's Countermotion to Set Aside August 7, 2009,
8 Stipulation and Order.

9 **THE COURT FURTHER FINDS** that on December 8, 2009, the Court
10 heard oral argument on the pending Motions and Countermotions and, based upon the
11 allegations raised by each party, directed that a Child Custody Evaluation be
12 performed by Dr. John Paglini.
13

14 **THE COURT FURTHER FINDS** that on December 18, 2009, Defendant
15 filed a Supplement to Opposition to Countermotion to Set Aside August 7, 2009,
16 Stipulation and Order.

17 **THE COURT FURTHER FINDS** that on January 28, 2010, Plaintiff filed a
18 Motion to Stay Discovery concerning the ongoing child custody dispute, specifically
19 seeking to Stay Discovery regarding Dr. Melissa Kalodner, Dr. Joel Mishalow,
20 School Records, and Plaintiff's deposition.
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22 **THE COURT FURTHER FINDS** that on February 2, 2010, Defendant filed
23 an Opposition to Plaintiff's Motion to Stay Discovery alleging that such discovery
24 was necessary to completely and fairly conduct the child custody evaluation.

25 **THE COURT FURTHER FINDS** that a Hearing was held on February 3,
26 2010, at which time the Court Ordered that Discovery may be conducted on a limited
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1 basis to obtain school records, obtain records from Dr. Mishalow and Dr. Koladner,
2 and depose Dr. Mishalow as some of his records were illegible.

3 **THE COURT FURTHER FINDS** that on February 16, 2010, Plaintiff filed
4 a Motion to Rehear/Reconsider the Hearing of December 8, 2009, and/or to Clarify
5 the Court's Rulings from that Hearing requesting that the Court rehear or reconsider
6 its Order for an Outsource Evaluation to be conducted by Dr. Paglini as there was no
7 evidence that Mia had been emotionally abused.

8 **THE COURT FURTHER FINDS** that on March 8, 2010, Defendant filed an
9 Opposition to Plaintiff's Motion to Rehear/Reconsider the Hearing of December 8,
10 2009, and Countermotion for Sanctions.

11 **THE COURT FURTHER FINDS** that on April 12, 2010, Plaintiff filed a
12 Reply to Defendant's Opposition to Plaintiff's Motion to Rehear/Reconsider the
13 Hearing of December 8, 2009.

14 **THE COURT FURTHER FINDS** that on April 13, 2010, the Court heard
15 oral argument on Plaintiff's Motion to Rehear/Reconsider the Hearing of December
16 8, 2009, and denied Plaintiff's request for rehearing and reconsideration and refused
17 to modify its Order for an Outsource Evaluation and refused to otherwise limit the
18 scope of Dr. Paglini's assessment. Such Order of the Court was submitted on May 24,
19 2010.

20 **THE COURT FURTHER FINDS** that pursuant to the direction of the Court,
21 Dr. John Paglini performed a Child Custody Evaluation dated April 29, 2010.

22 **THE COURT FURTHER FINDS** that on April 30, 2010, Plaintiff filed a
23 Motion to Rehear/Reconsider the Hearing of February 3, 2010, alleging that the Order
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1 submitted by Defendant's counsel for the Hearing held on February 3rd included
2 conclusions not found by the Court, that Plaintiff's counsel was not afforded an
3 opportunity to review the Order prior to its submittal, and that Defendant had
4 admitted to non-disclosure of marital assets in Dr. Paglini's Child Custody Evaluation
5 by stating that he had received a \$5 million dollar payment from the end of 2004
6 through the middle of 2007.

8 **THE COURT FURTHER FINDS** that on May 3, 2010, Defendant filed a
9 Supplement to Motion to Confirm Parties as Joint Physical Custodians and to Modify
10 Timeshare Arrangement.

11 **THE COURT FURTHER FINDS** that on May 5, 2010, Plaintiff filed a
12 Supplement to Countermotion to Set Aside August 7, 2009, Stipulation and Order and
13 Opposition to Defendant's Motion to Confirm Parties as Joint Custodians.

14 **THE COURT FURTHER FINDS** that on May 6, 2010, the Court heard oral
15 argument on all pending Motions and Countermotion and, based upon Dr. Paglini's
16 recommendation, the Court determined that there was not a need to conduct an
17 Evidentiary Hearing.

18 **THE COURT FURTHER FINDS** that on June 3, 2010, Defendant filed an
19 Opposition to Plaintiff's Motion to Rehear/Reconsider the Hearing of February 3,
20 2010, and Countermotion for Sanctions alleging that Plaintiff's Motion was filed
21 merely to harass Defendant and Plaintiff was well aware of Defendant's financial
22 compensation at the time of divorce as she received a settlement of \$2.2 million,
23 including \$1.8 million in cash.

1 **THE COURT FURTHER FINDS** that on June 15, 2010, Plaintiff filed a
2 Reply in Support of Plaintiff's Motion to Rehear/Reconsider the Hearing of February
3 3, 2010, and Opposition to Defendant's Countermotion for Sanctions.
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5 **THE COURT FURTHER FINDS** that on June 18, 2010, Defendant filed a
6 Reply to Opposition to Countermotion for Sanctions.

7 **THE COURT FURTHER FINDS** that on June 22, 2010, the Court held a
8 hearing on Plaintiff's Motion to Rehear/Reconsider the Hearing of February 3, 2010
9 and Defendant's Countermotion for Sanctions and heard argument regarding the
10 language included in the Order from the February 3, 2010 hearing, the need for
11 discovery as to alleged non-disclosed marital assets, Defendant's retirement status,
12 the Wells Fargo loan, Section 5 of the divorce Decree, the Aquila Investment
13 business, the business tax returns, and attorney fees.
14

15 **THE COURT FURTHER FINDS** that after entertaining oral argument on
16 June 22, 2010, the Court denied Plaintiff's request to modify the Order from the
17 hearing held on February 3, 2010; allowed Plaintiff to hire a forensic accountant to
18 review Aquila Investments tax returns for the 2007 and 2008 tax years; found no
19 proof of fraud being perpetrated upon the Court; denied Defendant's request for
20 sanctions; but awarded Defendant attorney fees as the prevailing party.
21

22 **THE COURT FURTHER FINDS** that after Plaintiff contacted Dr. Melissa
23 Kalodner and decided not to have Mia treated by Dr. Kalodner, Defendant brought
24 Mia to Dr. Kalodner for psychological treatment on or about September 11, 2009,
25 without Plaintiff's knowledge or permission.
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1 **THE COURT FURTHER FINDS** that Defendant sought treatment for Mia
2 with Dr. Kalodner to address the re-manifestation (Mia's issues as to clothing had
3 commenced in December of 2008) of Mia's issues with clothing (insisting that
4 clothing was too tight, demanding that her clothing be stretched out, refusing to wear
5 clothing unless it was many sizes too big, refusing to wear underwear, refusing to
6 wear her school uniform) and behavior issues relating to Mia's defiant behavior when
7 made to wear clothing, anger outbursts and emotional meltdowns.

8 **THE COURT FURTHER FINDS** that Dr. Kalodner noted, in a letter dated
9 December 4, 2009, that Mia made spontaneous statements during treatment sessions,
10 such as:
11

12 a) "I want to spend more time with my dad, but mommy says we can't
13 change the rules".

14 b) "I want to spend more time with my dad, but the judge won't let
15 me"

16 c) "Mommy does not like Amy" (stepmother).

17 d) "Mommy says Amy is bad, but I like her".

18 **THE COURT FURTHER FINDS** that with the knowledge and permission
19 of each parent, Mia was being treated for her clothing and behavior issues by Dr. Joel
20 Mishalow from September 25, 2009, through December of 2009, however, Defendant
21 failed to advise Dr. Mishalow that Mia was also being treated by Dr. Kalodner.
22

23 **THE COURT FURTHER FINDS** that after being advised of the fact that
24 Mia was being treated by Dr. Kalodner, Dr. Mishalow decided that he no longer
25 wanted to treat Mia given all of the psychological treatment that she had already
26 undergone and due to the many dynamics going on within the family.
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1 **THE COURT FURTHER FINDS** that Kalodner consulted with Dr. Beasley
2
3 pertaining to Mia's treatment issues and Dr. Beasley recommended a referral to the
4 Achievement Therapy Center for assessment as to possible sensory deficit disorder.

5 **THE COURT FURTHER FINDS** that on November 17, 2009, Defendant,
6 without the knowledge or permission of Plaintiff, brought Mia to Dr. Stegen-Hansen,
7 a pediatric occupational therapist, for evaluation as to possible sensory deficit
8 disorder.

9 **THE COURT FURTHER FINDS** that Mia has been receiving treatment at
10 the Achievement Therapy Center since January 2010 and is making excellent
11 progress in treating her clothing and behavioral issues.

12 **THE COURT FURTHER FINDS** that based upon concerns raised by
13 Plaintiff regarding Defendant having an ongoing problem with alcohol abuse, Mr.
14 Stipp was referred to Dr. Michael Levy for an assessment as to alcohol dependence
15 and substance abuse.

16 **THE COURT FURTHER FINDS** that after subjecting Defendant to a
17 comprehensive metabolic panel, complete blood count, and a GGTP (a very sensitive
18 test to detect recent use of alcohol), Dr. Levy opined the following:
19

- 20
- 21 a) That the results of the laboratory data recorded no biological
 - 22 markers associated with recent or chronic use of alcohol.
 - 23 b) That based upon the DSM IV criteria for alcohol abuse, there is no
 - 24 data to support that Mr. Stipp currently has a substance abuse problem,
 - 25 or at any time throughout his drinking history, met the clinical criteria
 - 26 for alcohol dependence.

27 **THE COURT FURTHER FINDS** that Dr. Paglini's Child Custody
28 Evaluation, which was based upon extensive clinical interviews, review of discovery

1 documentation, extensive collateral interviews of family and friends, psychological
2 testing of both parents, brief interviews of Mia, home visits and family observations,
3 concluded the following:
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5 a) That based upon the spontaneous comments made by Mia to Dr.
6 Kalodner, Mia is either hearing negative comments directly from her
7 mother, or overhearing negative comments in her environment and
8 interpreting impressions from her parents, but that such comments,
while inappropriate, do not reach the level of emotional abuse or
alienation as alleged by Defendant.

9 b) That although alcohol usage by Mr. Stipp was a significant relevant
10 issue during the course of their marriage, based upon the evaluation of
11 Dr. Levy and numerous collateral interviews, alcohol usage by Mr.
Stipp is not currently a problem as alleged by Plaintiff.

12 c) That the children are very bonded with Plaintiff, Defendant and
13 Amy Stipp.

14 d) That both parents provide excellent care for the children, excellent
homes for the children, and are very involved in the children's lives.

15 e) That the children are surrounded by a lot of love, despite an
16 acrimonious post-divorce relationship between the parents.

17 f) That unresolved issues tend to re-emerge during day-to-day
18 communications between the parents and if they are unable to resolve
19 their issues, it is likely that their children will be emotionally affected
in the future.

20 g) That if the parents could resolve their issues and co-parent
21 effectively and assist their daughter with frustrations as they emerge in
22 interpersonal relationships, this will likely resolve Mia's anger issues
without the need for additional therapy.

23 h) That if the parents are not able to resolve their issues, this could
24 create additional difficulties for Mia which could result in her acting
out.

25 **THE COURT FURTHER FINDS** that Dr. Paglini's report noted that
26 Plaintiff feared that if Defendant received more time with the children, that he
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1 eventually will request to relocate to Texas to join his former business partner and
2 take the children with him.

3 **THE COURT FURTHER FINDS** that based upon Plaintiff's expressed fear
4 about Defendant's possible relocation in the future, it appears that Plaintiff's
5 opposition to maintaining the joint physical custodian designation at this time is based
6 upon a potential relocation issue and not based upon a concern for best interest of the
7 children.
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9 **THE COURT FURTHER FINDS** that based upon Dr. Paglini's Child
10 Custody Evaluation in which he found that the children are very bonded with each
11 parent, that both parents provide excellent care for the children, that both parents
12 provide excellent homes for the children, that both parents are very involved in the
13 children's lives, and that the children are surrounded by lots of love in each parental
14 household, it is apparent that joint legal and physical custody is in the best interest of
15 the children.
16

17 **THE COURT FURTHER FINDS** that the fact that the parents have agreed
18 to an award of joint legal and physical custody on two separate occasions as
19 evidenced by the Marital Settlement Agreement (February 20, 2008) and subsequent
20 Stipulation and Order (August 7, 2009), further supports the finding that joint legal
21 and physical custody is in the best interest of the children.
22

23 **THE COURT FURTHER FINDS** that pursuant to Rivero v. Rivero, 216
24 P.3d 213 (Nev. 2009):

25 a) This Court "should calculate the time during which a party has
26 physical custody of a child over one calendar year."
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1 b) That "in calculating the time during which a party has physical
2 custody of the child, the district court should look at the number of
3 days during which a party provided supervision of the child, the child
4 resided with the party, and during which the party made day-to-day
5 decisions regarding the child."

6 c) That a determination of joint physical custody can only be made
7 when each parent has physical custody of the child for at least 40% of
8 the year, which equals 146 days.

9 **THE COURT FURTHER FINDS** that pursuant to the Marital Settlement
10 Agreement entered into by the parties on February 20, 2008, and the Stipulation and
11 Order filed on August 7, 2009, the time-share arrangement leads to the following
12 calculation of time over a calendar year:

13 a) That depending on whether it is an even or odd year, what day of
14 the week the year starts on, and whether or not it is a leap year,
15 Defendant always has between 131 and 134 custodial days per year.

16 b) That depending on whether or not Christian Stipp foregoes her
17 visitation for Martin Luther King Day, President's Day, Memorial Day
18 and/or Labor Day, and whether it is an even or odd year, Defendant
19 may have an additional 8 days of custody per year.

20 c) That depending on whether Plaintiff's and Defendant's birthday fall
21 on one of their custodial days, and whether they request to have
22 custody of the children on their birthday, Defendant may have an
23 additional day of custody per year.

24 **THE COURT FURTHER FINDS** that based upon the current time-share
25 agreement, Defendant has a minimum of 131 days of physical custody per year with a
26 maximum amount of 143 days per year depending upon whether Plaintiff decides to
27 forego her holiday visitations (MLK Day, President's Day, Memorial Day, and/or
28 Labor Day), which would fall a few days short of the 40% time-share requirement
mandated by Rivero.

1 **THE COURT FURTHER FINDS** that assuming that a joint physical
2 custody arrangement does not currently exist, the following facts evidence a
3 substantial change in circumstances affecting the welfare of the children supporting a
4 change in custody to joint physical custody:
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6 a) Mia's re-manifestation of issues with clothing; namely, insisting
7 that clothing was too tight, demanding that her clothing be stretched
8 out, refusing to wear clothing unless it was many sizes too big,
9 refusing to wear underwear, refusing to wear her school uniform;
behavior issues relating to her defiant behavior when made to wear
clothing, anger outbursts and emotional meltdowns.

10 b) The need for Mia to undergo extensive psychological treatment
11 from Dr. Kalodner, Dr. Mishalow, Dr. Stegen-Hansen, and the
12 ongoing sensory deficit processing treatment being provided by the
Achievement Therapy Center.

13 c) The spontaneous statements made by Mia to Dr. Kalodner
14 indicating that she wanted to spend more time with her dad but her
mommy or the judge wouldn't let her.

15 d) The parties' extremely litigious nature resulting in the children
16 becoming embroiled in the proceedings as evidenced by Mia's
17 spontaneous statements to Dr. Kalodner indicating that Plaintiff
doesn't like Amy and that Amy is bad.

18 e) Dr. Paglini's report reflecting that the parents have unresolved
19 issues that tend to re-emerge and that if they are unable to resolve their
20 issues, it is likely that their children will be emotionally affected in the
future.

21 **THE COURT FURTHER FINDS** that in the best interest of the children,
22 Defendant should be awarded additional time-share consisting of the Friday
23 proceeding the third weekend of each month, commencing at 9:00 a.m. instead of
24 6:00 p.m. as currently provided for in the Stipulation and Order filed on August 7,
25 2009.
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THE COURT FURTHER FINDS that awarding the Defendant the additional custodial time equates to an additional 12 days of custody per year as the Defendant will have the responsibility of making the day-to-day decisions for the children on the Fridays preceding the third weekend of each month.

THE COURT FURTHER FINDS that after being awarded an additional 12 days of custody per year, the Defendant will have between 143 and 146 days of custody every year and may have up to 155 days of custody per year depending upon whether Plaintiff decides to forego her holiday visitations.

THE COURT FURTHER FINDS that under the applicable law in *Rivero*, these parties have been motivated to calculate the physical custodial days of the year instead of "calculating" a custodial time-share that is best interest of their minor children.

THE COURT FURTHER FINDS that the parties are very intelligent, highly educated lawyers whose children would be better served by the parties resolving their issues between themselves without the need for legal and/or therapeutic intervention.

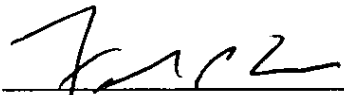
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THEREFORE, IT IS HEREBY ORDERED that Defendant is awarded additional time-share consisting of the Friday proceeding every third weekend of each month commencing at 9:00 a.m. instead of at 6:00 p.m. as currently provided for in the Stipulation and Order filed on August 7, 2009.

IT IS FURTHER ORDERED that the parties will continue to be designated as joint legal and joint physical custodians.

Dated this 4th day of November, 2010



Frank P. Sullivan
District Court Judge
Dept. O

EXHIBIT B

DISTRICT COURT
CLARK COUNTY, NEVADA


CLERK OF THE COURT

CHRISTINA CALDERON STIPP,

Plaintiff,

vs.

MITCHELL DAVID STIPP,

Defendant,

CASE NO.: D-08-389203-Z
DEPT. NO.: O

FINDINGS OF FACT AND ORDER

This matter having been Remanded by the Nevada Supreme Court requesting that the Court provide an explanation as to how it calculated the custodial days and after review of all pertinent documentation, and good cause being shown:

THE COURT HEREBY FINDS that the parties came before this Court on May 6, 2010, upon Mr. Stipp's Motion to Confirm Parties as Joint Physical Custodians and to Modify Timeshare Arrangement and Ms. Calderon's Countermotion to set Aside the August 7, 2009 Stipulation and Order.

THE COURT FURTHER FINDS that, pursuant to this Court's assignment as a Juvenile Court presiding over Juvenile Dependency proceedings, this case was reassigned to another Judicial Department on July 5, 2010.

THE COURT FURTHER FINDS that this Court, via a Court Order filed November 4, 2010, granted Mr. Stipp's request that the parties continue to be designated as joint legal and joint physical custodians of the parties' minor children, Mia Stipp and Ethan Stipp.

FRANK R. SULLIVAN
DISTRICT JUDGE

FAMILY DIVISION, DEPT. O
LAS VEGAS NV 89101

1
2 THE COURT FURTHER FINDS that this Court also awarded Mr. Stipp additional
3 time-share with the children, commencing at 9:00 a.m. of the Friday preceding the third
4 weekend of each month.

5 THE COURT FURTHER FINDS that on December 2, 2010, Ms. Calderon filed a
6 Notice of Appeal regarding said Order.
7

8 THE COURT FURTHER FINDS that on December 15, 2010, Mr. Stipp filed a Notice
9 of Cross-Appeal regarding the November 4, 2010, Court Order.

10 THE COURT FURTHER FINDS that on May 24, 2013, the Nevada Supreme Court
11 issued an Order of Reversal and Remand.

12 THE COURT FURTHER FINDS that the Nevada Supreme Court indicated that this
13 Court needed to be more specific as to how it determined custodial days.
14

15 THE COURT FURTHER FINDS that the Nevada Supreme Court reversed the Order of
16 this Court and remanded the matter back so that this Court could make specific findings as to
17 how it calculated the parties' timeshare pursuant to the ruling delineated in Rivero v. Rivero,
18 125 Nev. 410, 216 P.3d 213 (2009).

19 THE COURT FURTHER FINDS that the Court considered that NRS 125A.145 defines
20 physical custody as "the physical care and supervision of a child."
21

22 THE COURT FURTHER FINDS that the Nevada Supreme Court further clarified that
23 physical custody is the time that the child spends in the care of the parent. Rivero v. Rivero, Id.
24 at 421, 216 P.3d at 222.

25 THE COURT FURTHER FINDS that in Rivero, the Nevada Supreme Court found that
26 joint physical custody means that each parent must have physical custody of the child a
27 minimum of 40 percent of the time. Id. at 425-26, 216 P.3d at 224.
28

1
2 THE COURT FURTHER FINDS that it considered that there is a presumption that joint
3 custody would be in the best interest of minor children if the parties agree to an award of joint
4 custody or if said parties agree to joint custody in open court.

5 THE COURT FURTHER FINDS that it considered that if the parties agree to a custody
6 arrangement, said agreement should be enforced but may be modified by petition of either
7 party or on upon the court's own motion if it shown that the change would be in the best
8 interest of the child.
9

10 THE COURT FURTHER FINDS that the parties agreed to joint physical custody of
11 their children pursuant to their Marital Settlement Agreement executed on February 20, 2008,
12 and reaffirmed that joint physical custody decision with a Stipulation and Order, executed by
13 the parties on July 8, 2009, which modified the timeshare provisions of the Agreement.
14

15 THE COURT FURTHER FINDS that that the Visitation Schedule of the Marital
16 Settlement Agreement and the subsequent Stipulation and Order modifying the Timeshare
17 Provisions provided for the following Timeshare Provisions:

18 Normal Visitation:

19 Mother shall have the children from 6:00 p.m. on Sunday until 6:00 p.m. on Fridays.

20 Father shall have the children on the first, third, and if there is one, fifth weekend of
21 each month from Friday at 6:00 p.m. until Sunday at 6:00 p.m.
22

23 a) Upon three (3) day written notice to father, mother shall have the right to
24 have the children in her care on the first weekend of the month. If mother exercises such
25 right, father shall have the children in his care from the Wednesday preceding the first
26 weekend of the month at 6:00 p.m. until the Friday preceding the first weekend of the
27 month at 6:00 p.m.
28

1
2 Father shall have the children on the second and fourth weekend of each month
3 from Thursday at 6:00 p.m. until Sunday at 6:00 p.m.

4 Holiday Visitation (takes precedence over the normal or vacation visitation):

5 a) Martin Luther King Day Weekend: Mother will have the Children for
6 Martin Luther Weekend in all even-numbered years and Father will have the Children
7 for this weekend in all odd-numbered years. Mother shall have the right to forgo
8 visitation of the Children on Martin Luther King Day Weekend upon three (3) days'
9 prior written notice to Father in which case normal visitation rules apply.
10

11 b) Presidents Day Weekend: Mother will have the Children this weekend
12 in all odd-numbered years. Mother shall have the right to forgo visitation of the
13 Children on Presidents Day Weekend upon three (3) days' prior written notice to Father
14 in which case normal visitation rules apply.
15

16 c) Easter Day: Father will have the Children until 2:00 p.m. on Easter Day
17 and Mother will have the Children after 2:00 p.m. on Easter Day.

18 d) Memorial Weekend: Mother will have the Children for the Memorial
19 Day Weekend in all even-numbered years and Father will have the Children for this
20 weekend in all odd-numbered years. Mother shall have the right to forgo visitation of
21 the Children on Memorial Day Weekend upon three (3) days' prior written notice to
22 Father in which case normal visitation rules apply.
23

24 e) Father's Day/Mother's Day: These holidays are celebrated on Sundays
25 and will be defined as commencing at 9:00 a.m. and ending at 6:00 p.m. on the
26 holidays. Father will have the Children each year on Father's Day and Mother will
27 have the Children each year on Mother's Day.
28

1
2 f) Independence Day: Mother will have the Children for Independence
3 Day in all even-numbered years and Father will have the Children for this holiday in all
4 odd-numbered years.

5 g) Labor Day Weekend: Father will have the Children for the Labor Day
6 Weekend in all even-numbered years and Mother will have the Children for this
7 weekend in all odd-numbered years. Mother shall have the right to forgo visitation of
8 the Children on Labor Day Weekend upon three (3) days' prior written notice to Father
9 in which case normal visitation rules apply.
10

11 h) Halloween Night: Mother will have the Children for Halloween Night in
12 all even-numbered years and Father will have the Children for Halloween Night in all
13 odd-numbered years.
14

15 i) Veterans Day: Veterans Day will be defined as commencing at 6:00
16 p.m. on the day immediately preceding the holiday and ending at 6:00 p.m. on the
17 holiday. Father will have the Children for Veterans Day in all even-numbered years
18 and Mother will have the children for Veterans Day in all odd-numbered years.

19 j) Thanksgiving Weekend: The Thanksgiving Holiday will be divided into
20 two periods, with Period One commencing at 4:00 p.m. on Thanksgiving Day and
21 continuing to 6:00 p.m. on the Saturday immediately following Thanksgiving Day; and
22 Period Two commencing at 6:00 p.m. on the Saturday immediately following
23 Thanksgiving Day and ending at 6:00 p.m. on the Sunday immediately following
24 Thanksgiving Day. Father will have the Children during Period One and Mother will
25 have the children during Period Two in all years.
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2 k) Christmas Holiday: The Christmas holiday shall be divided into two
3 periods, with Period One commencing at 9:00 a.m. on December 24th and continuing to
4 9:00 a.m. on December 25th, and Period Two commencing at 9:00 a.m. on December
5 25th and continuing to 6:00 p.m. the same day. Mother will have the Children during
6 Period One and Father will have the Children during Period Two in all years.
7

8 l) New Year's Day: Father will have the Children for New Year's Day in
9 all even-numbered years and Mother will have the Children for New Year's Day in all
10 odd-numbered years.
11

12 m) Children's Birthdays: Mother shall have the right upon three (3) days'
13 prior written notice to Father to have the Children on the Saturday immediately
14 preceding a Child's birthday in which case Father's normal visitation shall be from 9:00
15 a.m. to 6:00 p.m. on Sunday.
16

17 n) Parent's Birthdays: Each party shall have the right upon three (3) days'
18 prior written notice to the other Party to have the children from 9:00 a.m. to 6:00 p.m.
19 on their respective birthdays.
20

21 Vacation Visitation (takes precedence over normal visitation): Each party shall be
22 permitted to have the Children for two (2) consecutive weeks for the purpose of taking a
23 vacation.
24

25 Other Visitation: The parties shall have other visitation at such times and days upon
26 which the Parties shall agree.
27

28 THE COURT FURTHER FINDS that if there are no deviations from the visitation
schedule delineated above, and if both parties do not exercise their right to vacation with the
children, the father would have 131 custodial days.

1
2 THE COURT FURTHER FINDS that if the mother were to forgo her possible holiday
3 visitations (Martin Luther King Day, President's Day and Memorial Day), and the father were
4 to exercise his right to two consecutive weeks of vacation with the children , the father would
5 then have 143 custodial days.

6 THE COURT FURTHER FINDS that this Court consulted a Gregorian calendar for the
7 year 2010 and determined that, pursuant to Rivero, Mr. Stipp would have the children in his
8 care for at most 143 days per year and at a minimum 131 days, both scenarios falling short of
9 the 146 days delineated by the Nevada Supreme Court as representative of joint physical
10 custody.
11

12 THE COURT FURTHER FINDS that neither party submitted any evidence as to the
13 actual time-share arrangement that the parties had been exercising since the execution of the
14 Marital Settlement Agreement and/or the subsequent Stipulation and Order.
15

16 THE COURT FURTHER FINDS that this Court determined that the Marital Separation
17 Agreement (MSA) and the subsequent Stipulation and Order agreed upon by the parties
18 evidenced their intent to share physical custody of the children.

19 THE COURT FURTHER FINDS that it considered that should the parties agree to a
20 primary physical custody arrangement, modification is appropriate when there has been a
21 substantial change affecting the child and modification is therefore in the child's best interest.
22 Rivero, 125 Nev. at 430, 216 P.3d at 227.
23

24 THE COURT FURTHER FINDS that it considered that such a designation of primary
25 physical custody required a substantial change affecting the children in order to effectuate a
26 modification of the Agreement.
27
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1
2 THE COURT FURTHER FINDS that this Court made extensive findings as to the
3 difficulties experienced by subject minor Mia through the pendency of the divorce and
4 provided evidence of a substantial change in circumstances affecting Mia's welfare in support
5 for a change in the custody agreement.
6

7 THE COURT FURTHER FINDS that this Court awarded Mr. Stipp additional time-
8 share with the children, commencing at 9:00 a.m. of the Friday preceding the third weekend of
9 each month.

10 a) That since Mr. Stipp already had the children on the Friday preceding the third
11 weekend of the month beginning at 6:00 p.m., and considering the fact that the children would
12 be in school for essentially ten (10) months of the year, this Court felt that the best way to
13 effectuate the physical custody arrangement agreed upon by the parties on two (2) separate
14 occasions, with the minimal effect on the time-share arrangement agreed upon by the parties,
15 was to make Mr. Stipp the custodial parent for the Friday preceding the third weekend of each
16 month by commencing his time-share at 9:00 a.m. instead of 6:00 p.m.
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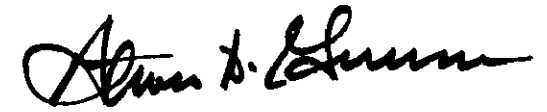
18 b) That this modification of the time-share agreement resulted in satisfying the
19 40% requirement enunciated in Rivero which the Court felt was supported by the Court's
20 extensive findings as to a substantial change in the circumstances affecting Mia, and, as such,
21 was in the best interest of the children.
22

23 Dated this 27 day of May, 2014.

24
25 

26 Honorable Frank P. Sullivan
27 District Court Judge – Dept. O
28

EXHIBIT C
[SUBMITTED TO
CHAMBERS]



CLERK OF THE COURT

1 **SAO**
2 **WILICK LAW GROUP**
3 **MARSHAL S. WILICK, ESQ.**
4 Nevada Bar No. 002515
5 3591 E. Bonanza Road, Suite 200
6 Las Vegas, NV 89110-2101
7 Phone (702) 438-4100; Fax (702) 438-5311
8 email@willicklawgroup.com
9 Attorney for Plaintiff

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

11 **CHRISTINA CALDERON,**

12 Plaintiff,

13 vs.

14 **MITCHELL STIPP,**

15 Defendant.

CASE NO: D-08-389203-Z
DEPT. NO: M

DATE OF HEARING: N/A
TIME OF HEARING: N/A

17 **STIPULATION AND ORDER**
18 **RESOLVING PHYSICAL CUSTODY, TIMESHARE, CHILD SUPPORT**
19 **AND PARENTING MATTERS**

20 Plaintiff, Christina Calderon ("Christina"), by and through her attorneys, Marshal S.
21 Willick of WILICK LAW GROUP, and Defendant, Mitchell Stipp ("Mitchell"), in Proper
22 Person, do hereby stipulate and agree as follows:

23
24 **IT IS HEREBY STIPULATED AND AGREED** that neither party shall file any new
25 motions, applications, or requests in the district court or district attorney's office over the matters
26 set forth in this stipulated agreement, unless there is a valid safety concern for the child(ren), for
27 at least one year following Notice of Entry of the Order incorporating this stipulated agreement.

28 Non-Trial Dispositions:

- ☐ Other
☐ Dismissed - Want of Prosecution
☐ Involuntary (Statutory) Dismissal
☐ Default Judgment
☐ Transferred

- Settled/Withdrawn:
☒ Without Judicial Conf/Hrg
☐ With Judicial Conf/Hrg
☐ By ADR

Trial Dispositions:

- ☐ Disposed After Trial Start ☐ Judgment Reached by Trial

WILICK LAW GROUP
3591 East Bonanza Road
Suite 200
Las Vegas, NV 89110-2101
(702) 438-4100

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DEPT. M

1 **JOINT LEGAL CUSTODY**

2 **IT IS FURTHER STIPULATED AND AGREED** that the parties shall have Joint
3 Legal Custody of their minor children, Mia Stipp, born October 19, 2004, and Ethan Stipp, born
4 March 24, 2007.

5 **JOINT PHYSICAL CUSTODY**

6 **IT IS FURTHER STIPULATED AND AGREED** that the parties shall have Joint
7 Physical Custody of their children; provided, however, that the parties now agree to modify their
8 timeshare schedule so that each party will have the children one week on, one week off, during
9 the calendar year (i.e., 7/7 split), with the objective of each party having 50% of the physical
10 timeshare. The parties agree that this schedule is in the best interests of the children and it is
11 their intention to be joint physical custodians consistent with the definition set forth in *Rivero v.*
12 *Rivero*, 125 Nev. 410, 216 P.3d 213 (2009). The parties shall have the timeshare with the
13 children only as set forth in this stipulated agreement or except as otherwise agreed in the future
14 by the parties in writing.

15
16 **A. Custodial Exchanges.**

- 17 1. During the normal custodial schedule (i.e., 7/7 split), the parties agree that they shall
18 exchange the children every Friday, pursuant to the following terms: (a) If the children
19 are in school on Friday, the receiving party shall be responsible for picking up the
20 children from school, when the school day ends; or (b) If the children are not in school on
21 Friday, Mitchell shall be responsible for facilitating exchanges at 6:00 p.m. from
22 Christina's home or by advance written agreement, the pick-up or drop-off may be from
23 the children's activities or other reasonable location.
- 24 2. During the holiday custodial schedule, the parties agree that Mitchell shall be responsible
25 for facilitating exchanges from Christina's home or by advance written agreement, the
26 pick-up or drop-off may be from the children's activities or other reasonable location,
27
28

1 unless the children are in school. If the children are in school on a day that a holiday
2 begins or ends, the party whose holiday timeshare begins on a school day shall be
3 responsible for picking up the children from school, when the school day ends, and the
4 party whose holiday timeshare ends on a school day shall be responsible for dropping off
5 the children at school when school begins.
6

7 **B. Summer Schedule for 2014.**

8 **IT IS FURTHER STIPULATED AND AGREED** that Mitchell shall have the children
9 from Wednesday, June 4, 2014, when the school day ends, until Friday, June 6, 2014, at 6:00
10 p.m. Christina will have the children Friday, June 6, 2014, at 6:00 p.m., until Friday, June 13,
11 2014, at 6:00 p.m. The normal custodial schedule will continue to alternate weekly, pursuant to
12 the terms of this stipulated agreement, from those dates forward. At the end of Summer 2014,
13 the parties will discuss switching their custodial weeks. If an agreement is made to do so, both
14 parties shall do it in writing.
15

16 **C. Holiday Schedule.**

17 **IT IS FURTHER STIPULATED AND AGREED** that Spring Break shall be alternated
18 between the parties each year. Spring Break shall be defined as commencing when the school
19 day ends for the holiday and concluding the Friday prior to the children returning to school at
20 6:00 p.m. Christina shall have the children in all odd-numbered years, and Mitchell shall have
21 the children in all even-numbered years. The normal custodial schedule will continue once the
22 holiday has concluded with no interruption or alteration.
23

24 **IT IS FURTHER STIPULATED AND AGREED** that Easter shall be defined as
25 commencing the Friday before Easter, at 6:00 p.m., and concluding the Monday immediately
26 following Easter, at 9:00 a.m., when the children resume school. Christina shall have the
27

1 children in all even-numbered years, and Mitchell shall have the children in all odd-numbered
2 years. The normal custodial schedule will continue once the holiday has concluded with no
3 interruption or alteration.
4

5 **IT IS FURTHER STIPULATED AND AGREED** that the parties shall alternate the
6 Independence Day holiday with the children each year. The Independence Day holiday shall be
7 defined as commencing July 3rd at 6:00 p.m., and concluding July 5, at 10:00 a.m. Christina shall
8 have the children in all even-numbered years, and Mitchell shall have the children in all
9 odd-numbered years. The normal custodial schedule will continue once the holiday has
10 concluded with no interruption or alteration.
11

12 **IT IS FURTHER STIPULATED AND AGREED** that the parties shall alternate the
13 Halloween holiday each year. Halloween shall be defined as commencing at 3:00 p.m., on the
14 holiday, and concluding at 10:00 a.m., the day after the holiday. Christina shall have the children
15 for Halloween in all even-numbered years, and Mitchell shall have the children for Halloween in
16 all odd-numbered years. The normal custodial schedule will continue once the holiday has
17 concluded with no interruption or alteration.
18

19 **IT IS FURTHER STIPULATED AND AGREED** that the children's Thanksgiving
20 Break shall be alternated between the parties each year. Thanksgiving Break shall be defined as
21 commencing the day before Thanksgiving Day, at 3:00 p.m., and concluding the Monday
22 following Thanksgiving Day, at 9:00 a.m. Christina shall have the children in all even-numbered
23 years, and Mitchell shall have the children in all odd-numbered years. The normal custodial
24 schedule will continue once the holiday has concluded with no interruption or alteration.
25

26 **IT IS FURTHER STIPULATED AND AGREED** that children's Winter Break shall be
27
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1 divided as follows: (1) In even-numbered years, Mitchell shall have the children commencing
2 the day the children are released from school, at 3:00 p.m., until Christmas Day, at 10:00 a.m.;
3 Christina shall have the children from Christmas Day, at 10:00 a.m., until January 1, at 10:00
4 a.m.; and Mitchell shall then have the children commencing January 1, at 10:00 a.m., until the
5 first day school resumes; and (2) In odd-numbered years, Christina shall have the children
6 commencing the day the children are released from school, at 3:00 p.m., until Christmas Day, at
7 10:00 a.m.; Mitchell shall have the children from Christmas Day, at 10:00 a.m., until January 1,
8 at 10:00 a.m.; and Christina shall then have the children commencing January 1, at 10:00 a.m.,
9 until the first day school resumes. The normal custodial schedule will continue once the holiday
10 has concluded with no interruption or alteration.

11
12 **IT IS FURTHER STIPULATED AND AGREED** that Christina shall have the children
13 on Mother's Day, and Mitchell shall have the children on Father's Day every year. Mother's Day
14 and Father's Day are defined as beginning at 10:00 a.m., on the holiday, and concluding at 6:00
15 p.m. that evening. The normal custodial schedule will continue once the holiday has concluded
16 with no interruption or alteration.

17
18 **IT IS FURTHER STIPULATED AND AGREED** that all three-day holidays (i.e.,
19 MLK, President's Day, Memorial Day, Labor Day, and Veterans Day), Christina's right to have
20 the children on the Saturday prior to the children's respective birthdays and Christina's right to
21 have the children the first weekend of the month (as set out in prior orders), shall be eliminated;
22 the regular custodial schedule set by this agreement remains in effect at all such times.

23
24 **D. Primary Responsibility for Care During School and School Counseling.**

25 **IT IS FURTHER STIPULATED AND AGREED** that when the children are in school,
26 the party whose custodial time it is will have primary responsibility for responding to any
27

1 medical or other needs the children may have (with the other party listed as an emergency contact
2 and used as secondary support). Each party may use a responsible third party to assist with
3 transportation of the children to and from school, addressing normal illnesses of the children
4 during school, and scheduling any non-emergency appointments. Nothing contained in this
5 paragraph alters, modifies, or changes the obligation of the parties as joint legal custodians to
6 agree on all substantial questions related to healthcare and education of the children.
7

8 **IT IS FURTHER STIPULATED AND AGREED** that the children shall be permitted
9 to meet with a school counselor if determined by the principal of the school to be in the best
10 interests of the children solely to address behavioral matters, and each party shall sign whatever
11 necessary consent forms are required for them to do so. Both parties agree that any documents or
12 records produced by any school counselor shall be kept strictly confidential between the parties
13 and shall not be disclosed to any third-parties (including, without limitation, the family division
14 of the district court) under any circumstances, except as otherwise required by NRS 432.B220.
15

16 **E. No Right of First Refusal**

17 **IT IS FURTHER STIPULATED AND AGREED** that no party shall have the right of
18 first refusal to care for the children during the other party's custodial time, and any such right
19 previously set forth in any prior court order and/or agreement of the parties shall be eliminated.
20 However, should either party wish to leave the children in the other party's care during their
21 timeshare, they may do so if the other party agrees. If the children are left in the care of a party
22 during their non-custodial time period, it shall be for children's benefit and not for any other
23 purpose. It shall not constitute "custodial time" for custody evaluation, modification, or
24 child-support modification purposes, as the party whose timeshare occurs during the time period
25 in question will still be considered the custodian for both custody and support purposes.
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2 **H. Residence of the Parties.**

3 **IT IS FURTHER STIPULATED AND AGREED** that both parties shall continue to
4 reside in the Las Vegas, Nevada area. However, if either party decides to move outside of this
5 area, that party agrees that he/she shall not seek to relocate with the children.

6 Both parties shall keep confidential the addresses or location information regarding their
7 respective residences except if written consent is provided by the other party to disclose such
8 address or location information or the party is compelled to provide such information by any
9 government agency.

10
11 **I. Private School.**

12 **IT IS FURTHER STIPULATED AND AGREED** that the children may attend private
13 school, if mutually agreed between the parties in writing, beginning when each child attends
14 middle school. If either child attends private school, the parties shall equally share the costs and
15 expenses of tuition, uniforms, and other related mandatory expenses. The parties shall select the
16 private school(s) jointly. If the parties are unable to agree on the private school where either
17 child should attend, then the child shall attend the public school in the zone where Christina's
18 residence is located.

19
20 **J. Travel and Vacation.**

21 **IT IS FURTHER STIPULATED AND AGREED** that travel itineraries (including
22 dates, times, destination, and flight or other travel information) shall be provided by the party
23 traveling with the children 14 days prior to travel, except when emergencies prevent such notice
24 (and then, such notice will be provided as soon as practicable). Travel for the purposes of
25 attending unscheduled medical appointments or medical emergencies for the benefit of
26 Mitchell's son, Mitchell, Jr., shall constitute an emergency for the purposes of this section.

IT IS FURTHER STIPULATED AND AGREED that each party currently has two weeks for vacation each calendar year. The parties may take their vacation time consecutively or in two, one-week increments, during the calendar year. The party taking vacation shall provide the other party at least 14 days written notice (including dates, times, destination, and flight or other travel information) prior to exercising vacation time with the children. Any vacation time not used during a calendar year shall expire at the end of each calendar year, and no party shall have the right to exercise vacation time with the children for any period other than in the year in which the party provides the notice of vacation. The parties shall not exercise vacation time, which will occur during any holiday timeshare of the other party.

K. Treatment of Vacation and Holidays.

IT IS FURTHER STIPULATED AND AGREED that vacations and holidays will supersede, but not break or alter the time-share. In other words, when those special times are complete, the custodial schedule will resume as if no vacation or holiday had occurred, except as specifically detailed herein.

L. Mutual Behavior Order.

IT IS FURTHER STIPULATED AND AGREED that both parties shall adopt the court's standard Mutual Behavioral Order as followed:

1. There shall be no abusive telephone calls, text messages, e-mails, letters, or other forms of communications between the parties or to either party's children.
2. There shall be no name calling by either party which is directed at the other party. Similarly, there shall be no name calling which is directed at the other party's family, relatives, friends, or significant others (if any).
3. Neither party shall use any foul language in communicating with the other party; nor shall any foul language be used in communicating with the other party's

- 1 family, relatives, friends, or significant others (if any).
- 2 4. Each party shall avoid conflicts/contacts with the party's significant other (which
- 3 includes any future "significant other" of either party).
- 4 5. Neither party shall use the children as a weapon against the other parent.
- 5 6. There shall be no harassment by either party at any place of employment or at any
- 6 other location.
- 7 7. Neither party shall send letters, copies of letters, e-mails, or text messages to, or
- 8 make telephone calls to, or otherwise communicate with anyone associated with
- 9 the other party in a manner which might tend to embarrass, humiliate, or denigrate
- 10 the other party; nor shall either party divulge or disseminate any writings,
- 11 documents, photographs, video tapes, etc., of a personal nature pertaining to the
- 12 other party, or which might tend to embarrass, humiliate, or denigrate the other
- 13 party.
- 14 8. Each party shall maintain respect towards the other party, as well as towards the
- 15 other party's family, relatives, friends, and significant others (if any).
- 16 9. Neither party shall disparage, criticize, or harass the other party in any way
- 17 whatsoever, and each party shall advise all his or her family, relatives, friends, and
- 18 significant others (if any) to not disparage, criticize, or harass the other party.
- 19 10. The focus of the parties shall be on the best interest of the children.
- 20 11. Child custody exchanges shall be done in a civil, law abiding manner and
- 21 reasonably close to the times specified by the Court or any agreement of the
- 22 parties.
- 23 12. The parties shall continue to use the "honk and seatbelt" rule which specifically
- 24 states that the party facilitating the custodial exchanges shall provide the
- 25 transportation for the exchanges, using the "honk and seatbelt" rule, i.e. the party
- 26 does not leave his or her vehicle, but stops the car, taps the horn once, and the
- 27
- 28

1 children will go from house to car, or car to house. Notwithstanding the
2 foregoing, the party facilitating the custodial exchange may exit his or her vehicle
3 to open a car door, trunk, or otherwise to assist the children with their personal
4 belongings.

5 13. Neither party shall interrogate the children as to the activities or events at the
6 other parent's residence, etc. and shall try to respect the children's privacy and
7 relationship with the other parent.

8 14. In the event of an emergency, or unforeseen circumstance, that could effect an
9 exchange of the children, or the time of the exchange, a party shall call or contact
10 the other party as soon as is reasonably possible.

11 15. There shall be no threats of any kind, including threats of violence or harm, made
12 to the other party, either party's children, or to any family member, relative,
13 friend, and/or significant other (if any) of the other party. Each party shall also
14 advise his or her family, relatives, friends, and significant others (if any) to not
15 make any such threats, including threats of violence or harm to the other party, or
16 to any family member, relative, friend and/or significant other (if any) of the other
17 party.

18
19 **M. Duty to Inform Regarding Matters Affecting Parties.**

20 **IT IS FURTHER STIPULATED AND AGREED** that both parties have the affirmative
21 duty to inform the other of any significant changes in their status or availability or qualification
22 properly to care for the children, including new or different employment or work requirements,
23 commitments to care for other family members, requirement to travel more than occasionally
24 during scheduled custodial time, etc. Except in emergency situations, should the other parent
25 believe that such changed circumstances suggest a further change in custodial scheduling is
26 required, direct negotiation shall be attempted, and then mediation, before resorting to litigation.

1 **N. Child Support, Medical Insurance, and Counseling.**

2 **IT IS FURTHER STIPULATED AND AGREED** that Defendant's *Motion* and
3 Plaintiff's *Opposition and Countermotion*, scheduled for hearing on June 18, 2014, at 3:30 p.m.,
4 (or any continuation of that hearing) shall be dismissed and the hearing shall be vacated.
5

6 **IT IS FURTHER STIPULATED AND AGREED** that Mitchell's child support
7 obligation shall terminate effective the last day of April, 2014. From that point, neither party
8 shall be required to pay further child support to the other party until and unless a court of
9 competent jurisdiction orders otherwise. The parties agree to revisit the issue of child support
10 one year from entry of this *Order*, to exchange relevant financial information at that time, and to
11 attempt to agree to child support going forward from that point in accordance with the applicable
12 case law, statutory guidelines, and then-current support tables, without resorting to litigation or
13 seeking the assistance of the district attorney's office. Both parties agree that no child support
14 amounts are owed to Christina.
15

16 **IT IS FURTHER STIPULATED AND AGREED** that each party shall contact the
17 district attorney's office and close whatever cases may be open and/or are in process of being
18 opened regarding child support. The parties agree that they shall provide a copy of the *Order*
19 containing this stipulated agreement to the district attorney's office to terminate its services
20 regarding the collection of ongoing child support.
21

22 **IT IS FURTHER STIPULATED AND AGREED** that both parties are each paying
23 50% of the children's medical insurance premiums billed to Christina from UnitedHealthcare.
24 The children also have medical insurance through Christina's employer-provided coverage, Clark
25 County. Christina agrees to terminate the policies covering the children from UnitedHealthcare
26 and maintain the insurance she receives through her employment with each party paying 50% of
27
28

1 the costs associated for the children to be covered. Christina agrees to provide Mitchell copies of
2 insurance cards, plan benefits, and proof of the cost of the medical coverage for the children
3 within 10 days of this *Stipulation* being entered. Christina also agrees to provide Mitchell with
4 revised copies of the above if anything changes with the insurance cards, benefits, or costs
5 associated with the children's medical coverage.

6 Mitchell agrees directly to reimburse half of only the children's medical premiums for
7 that plan to Christina by the 1st day of each month. If either party identifies better coverage for
8 the children at a lower cost or if Christina's employment ends (thus terminating coverage for the
9 children), another policy shall be purchased to cover the children, and each party shall pay 50%
10 of the children's medical insurance premiums billed by the insurance carrier to the party who
11 purchased the policy. The parties shall agree to any new policy in writing, but at no time shall
12 the children be uninsured. Should the parties be unable to agree on a new policy in writing, the
13 least costly insurance available shall be used as a default.

14
15 **IT IS FURTHER STIPULATED AND AGREED** either party shall have the right to
16 seek family counseling with a licensed qualified mental healthcare professional, without
17 obtaining the consent of the other party, effective January 1, 2015. This "wait" period of time
18 should allow the children to adjust to the new timeshare schedule as set forth in this *Stipulation*,
19 which provides a period during which no litigation is threatened or pending in this case. If
20 counseling does occur, the party seeking family counseling shall notify the other party in writing,
21 pay all costs and expenses associated with the counseling, permit the other to participate (if
22 desired), and consent in advance to the release of any records maintained by the licensed
23 qualified mental healthcare professional if any records are requested by the other party. Written
24 notice to the other party shall include the name, contact information, qualifications of the
25 licensed mental healthcare professional, the time, date, and location of all appointments.

26 Agreement of either party for family counseling as set forth in this *Stipulation* shall not
27
28

1 constitute consent by the parties or an order of court as required by EDCR 5.12. Both parties
2 agree that any evaluation or treatment performed or provided by a licensed qualified mental
3 healthcare professional in connection with family counseling shall be kept strictly confidential
4 between the parties and shall not be disclosed to any third-parties (including, without limitation,
5 the Court or district attorney's office) under any circumstances, except as otherwise required by
6 NRS 432B.220. No party shall request that the licensed qualified mental healthcare professional
7 or his/her staff write any letters, provide any treatment notes, or otherwise testify (including
8 providing any affidavit) in any matter involving a change to custody, timeshare, or any other
9 matter in this case before the Court or district attorney's office. Any evaluation or treatment of
10 the children outside of the scope of family counseling, including medical treatment, shall still
11 require the consent of both parties, which consent may be withheld in the discretion of a party if
12 he/she determines it is not in the best interest of the children.

13 However, such professionals should not include Ann Nichols, Dr. Melissa Kalodner, Dr.
14 Joel Mishalow, Dr. John Paglini, Dr. Gary Lenkeit, Dr. Louis Etcoff, Dr. Jo Velasquez, Dr. Julie
15 Beasley, Dr. Mark Chambers, Amy Guevara, Tonya Stegen-Hanson or any of their co-workers,
16 associates or therapists referred by them. Basically, if either party wishes to have the children
17 participate in family therapy, the licensed qualified mental healthcare professional should be a
18 neutral third party who has no prior involvement in the case, or affiliation with the parties or their
19 family members or friends.

20
21 **O. Miscellaneous Provisions.**

- 22 1. **ATTORNEY'S FEES:** Each party hereby waives, releases and forever discharges the
23 other party for any attorney's fees and costs previously incurred by the other party in the
24 district court in this case or in the Nevada Supreme Court on appeal of any matter in this
25 case. Each party will bear his/her own attorney's fees and costs associated with the
26 negotiation and preparation of this stipulated agreement. Should either party be required
27
28

1 to enforce the terms of this stipulated agreement, the prevailing party in that action shall
2 be entitled to an award of attorney's fees and costs from the non-prevailing party.
3 2. **NO PARTY DEEMED DRAFTER:** The parties acknowledge that the terms of the
4 stipulated agreement have been reached after negotiation, and with the joint participation
5 of the parties and their counsel. Consequently, neither party shall be deemed the drafter,
6 nor the party that has chosen any of the language of this stipulated agreement for the
7 purpose of any presumption under law.

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1 3. **INCONSISTENCIAS:** The parties agree to be bound by all of the terms and conditions
2 of all prior orders of the court except as modified by this stipulated agreement. Except as
3 set forth in this stipulated agreement, all terms and conditions of the prior orders of the
4 court remain in full force and effect. In the event of a conflict between any of the terms
5 and conditions of any prior orders of the court and this stipulated agreement, the terms
6 and conditions of this stipulated agreement shall control.

7
8 DATED this 26th day of June, 2014.

9
10 Christina Calderon
11 CHRISTINA CALDERON

DATED this 18th day of June, 2014.

12 Mitchell D. Stipp
13 MITCHELL D. STIPP

14 **ORDER**

15 **IT IS SO ORDERED** that the parties have stipulated to the agreement above and that the
16 terms of this Stipulation are hereby rendered as an Order of this Court.

17 DATED this 2nd day of July, 2014.

18 William S. Potter
19 DISTRICT COURT JUDGE
20 WILLIAM S. POTTER

21 Respectfully Submitted:
22 WILICK LAW GROUP

23 Marshal S. Willick

24 MARSHAL S. WILICK, ESQ.
25 Nevada Bar No. 002515
26 3591 E. Bonanza Road, Suite 200
27 Las Vegas, NV 89110-2101
28 Attorneys for Plaintiff

P:\wp16\STIPP, C\Pleadings\00057463.WPD\TW

EXHIBIT E

From: Mitchell Stipp
<mstipp@stiplaw.com>
To: PDF <pdfconvert@pdfconvert.me>
Subject: Fwd: Call
Date: Wed, 4 Sep 2019 15:40:00 -0700

Begin forwarded message:

From: Christina <ccstipp@gmail.com>
Date: June 5, 2015 at 6:40:34 AM PDT
To: Mitchell and Amy Stipp <mstipplv@gmail.com>
Subject: Re: Call

Thank you. That is very considerate of you. A regular time to expect their call would be great. Since my court schedule is unpredictable, I would prefer the call after work. Would between 8-9pm work? Any later is hard because I work early in the morning.

Sent from my iPhone

On Jun 4, 2015, at 10:03 PM, Mitchell and Amy Stipp <mstipplv@gmail.com> wrote:

I set reminders and alerts on the children's cell phone to call you. Are you available to take calls at any time or would you prefer their calls be placed after you are off work?

Best Regards,
Mitchell and Amy Stipp
mstipplv@gmail.com
Mitchell: [702-378-1907](tel:702-378-1907)
Amy: [702-277-6537](tel:702-277-6537)

This email may contain material that is confidential, subject to seal pursuant to NRS 125.110, and/or protected by applicable settlement privileges.

On Jun 4, 2015, at 9:25 PM, Mitchell and Amy Stipp

<mstipplv@gmail.com> wrote:

Christina,

As I mentioned below, the children have control of their cell phone; however, I gave them that privilege so they can call you when they want or when they're available. I asked you not to call them unless you have not heard from them closer to 10PM, unless you miss a call from them. They are out for summer break and do not have a set bed time. They will more than likely be awake at 10PM. As stated in our agreement, they have up until 10PM to place their call to you.

Today, you called early and Mia was reading a book. She asked if she could call you back and I overheard some disagreement between you and her. It sounded as if you were forcing her to speak to you when she wasn't ready. Please respect our wishes and allow the children to call when they are ready. Rather than reprimanding Mia, you should have encouraged her to continue reading and ask that she call you afterwards.

If you have not heard from Mia or Ethan by 10PM, you may call them.

Best Regards,
Mitchell and Amy Stipp
mstipplv@gmail.com
Mitchell: [702-378-1907](tel:702-378-1907)
Amy: [702-277-6537](tel:702-277-6537)

This email may contain material that is confidential, subject to seal pursuant to NRS 125.110, and/or protected by applicable settlement privileges.

On Jun 3, 2015, at 7:37 AM, Mitchell and Amy Stipp
<mstipplv@gmail.com> wrote:

Yes, they do have control over their phone. They are free to call you when they want. However, I would ask that you not call them unless you have

not heard from them.

Best Regards,
Mitchell and Amy Stipp
mstipplv@gmail.com
Mitchell: [702-378-1907](tel:702-378-1907)
Amy: [702-277-6537](tel:702-277-6537)

This email may contain material that is confidential,
subject to seal pursuant to NRS 125.110, and/or
protected by applicable settlement privileges.

On Jun 3, 2015, at 6:08 AM, Christina
<ccstipp@gmail.com> wrote:

Thanks. I didn't know that they had
control of their phone. I called them at
10 pm. They were still awake and
playing Minecraft online. Do they have
a set bedtime? They said they didn't
even though they have school today.

Sent from my iPhone

On Jun 2, 2015, at 10:16 PM, Mitchell
and Amy Stipp <mstipplv@gmail.com>
wrote:

I don't know. Mia and Ethan
have control over their
telephone. The number
is [702.334.5155](tel:702.334.5155). They are
responsible for placing a call
to you. If you haven't heard
from them call them.

Best Regards,
Mitchell and Amy Stipp
mstipplv@gmail.com
Mitchell: [702-378-1907](tel:702-378-1907)
Amy: [702-277-6537](tel:702-277-6537)

This email may contain
material that is confidential,
subject to seal pursuant to
NRS 125.110, and/or
protected by applicable
settlement privileges.

On Jun 2, 2015, at 9:50 PM,
Christina
<ccstipp@gmail.com>
wrote:

Haven't heard
from the kids
tonight. Will they
be calling?

Sent from my
iPhone

To: "pdfconvert@pdfconvert.me" <pdfconvert@pdfconvert.me>

Begin forwarded message:

From: Christina <ccstipp@gmail.com>
Date: March 5, 2018 at 8:22:05 PM PST
To: mstipplv@gmail.com
Subject: Ethan

Can you ask him to call me? When I call his phone it goes straight to voicemail.

Sent from my iPhone

To: "pdfconvert@pdfconvert.me" <pdfconvert@pdfconvert.me>

Begin forwarded message:

From: Christina <ccstipp@gmail.com>
Date: June 25, 2018 at 11:22:17 PM PDT
To: Mitchell Stipp <mstipply@gmail.com>
Subject: Re: Ethan phone

I didn't hear from Ethan tonight.

Sent from my iPhone

On Jun 25, 2018, at 8:18 PM, Mitchell Stipp <mstipply@gmail.com> wrote:

Yes. I'll tell him.

Sent from my iPhone

On Jun 25, 2018, at 7:55 PM, Christina <ccstipp@gmail.com> wrote:

Does Ethan have his phone? Could you have him call me?

Sent from my iPhone

To: "pdfconvert@pdfconvert.me" <pdfconvert@pdfconvert.me>

Begin forwarded message:

From: Christina <ccstipp@gmail.com>
Date: June 25, 2018 at 11:22:17 PM PDT
To: Mitchell Stipp <mstipplv@gmail.com>
Subject: Re: Ethan phone

I didn't hear from Ethan tonight.

Sent from my iPhone

On Jun 25, 2018, at 8:18 PM, Mitchell Stipp <mstipplv@gmail.com>
wrote:

Yes. I'll tell him.

Sent from my iPhone

On Jun 25, 2018, at 7:55 PM, Christina <ccstipp@gmail.com>
wrote:

Does Ethan have his phone? Could you have him call me?

Sent from my iPhone

To: "pdfconvert@pdfconvert.me" <pdfconvert@pdfconvert.me>

Begin forwarded message:

From: Christina <ccstipp@gmail.com>
Date: October 20, 2018 at 10:29:27 AM PDT
To: mstipplv@gmail.com
Subject: Re: Mia Cellphone

I have it. I will not be returning it.

Sent from my iPhone

On Oct 20, 2018, at 10:18 AM, Christina <ccstipp@gmail.com> wrote:

Mitch,

Are you saying that you will not assist me in retrieving Mia's iPhone? I asked for your assistance and you said you would come and get it. Now you are saying that you will not? If I retrieve it from her. I will not return it to you. Please confirm that you will not be picking it up.

Thanks,

Christina

To: "pdfconvert@pdfconvert.me" <pdfconvert@pdfconvert.me>

Begin forwarded message:

From: Christina <ccstipp@gmail.com>
Date: October 20, 2018 at 9:17:10 AM PDT
To: Mitchell Stipp <mstipplv@gmail.com>
Subject: Re: Mia Cell Phone

I need you to come and get her phone this morning. She will not be at basketball.

Sent from my iPhone

On Oct 20, 2018, at 1:01 AM, Mitchell Stipp <mstipplv@gmail.com> wrote:

Likely some time after 10am. Is she getting her shots tomorrow? Is she going to Es bb game? Can I get it then?

Sent from my iPhone

On Oct 20, 2018, at 12:44 AM, Christina <ccstipp@gmail.com> wrote:

Ok. What time tomorrow morning?

Sent from my iPhone

On Oct 20, 2018, at 12:43 AM, Mitchell Stipp <mstipplv@gmail.com> wrote:

No

Sent from my iPhone

On Oct 20, 2018, at 12:38 AM, Christina <ccstipp@gmail.com> wrote:

Can you come now?

Sent from my iPhone

On Oct 20, 2018, at 12:25
AM, Mitchell Stipp
<mstipplv@gmail.com>
wrote:

When do you want me to
pick it up?

Sent from my iPhone

On Oct 19, 2018,
at 11:55 PM,
Christina
<ccstipp@gmail.com>
wrote:

Mia needs to
hand over her
cell phone to me.

I have asked
you before not to
send her with a
cell phone if I do
not have the
ability to remove
it from her when I
believe it is
appropriate to do
so. Please
confirm that you
will come pick up
the phone from
my home
immediately

Sent from my
iPhone

From: Mitchell Stipp
<mstipp@stiplaw.com>
To: PDF <pdfconvert@pdfconvert.me>
Subject: Fwd: Kids
Date: Tue, 3 Sep 2019 15:18:25 -0700

To File.



Mitchell Stipp
Law Office of Mitchell Stipp
T: [702.602.1242](tel:702.602.1242) | M: [702.378.1907](tel:702.378.1907)
E: mstipp@stiplaw.com | www.stiplaw.com

----- Forwarded message -----

From: mstipplv@gmail.com <mstipplv@gmail.com>
Date: Sat, Aug 31, 2019 at 10:13 PM
Subject: Fwd: Kids
To: Mitch <mstipp@stiplaw.com>

Mitchell & Amy Stipp
10120 W. Flamingo Rd.
Suite 4-124
Las Vegas, NV 89147
702.378.1907 (Mitchell)
702.277.6537 (Amy)

Sent from my iPhone

Begin forwarded message:

From: Christina <ccstipp@gmail.com>
Date: May 25, 2019 at 8:00:12 PM PDT
To: "mstipplv@gmail.com" <mstipplv@gmail.com>
Subject: Re: Kids

Ethan called. Mia text. Thank you

Sent from my iPhone

On May 25, 2019, at 5:24 PM, "mstipplv@gmail.com"
<mstipplv@gmail.com> wrote:

I will pass along the message. I checked Mia's phone. You don't appear to be blocked.

Mitchell & Amy Stipp

10120 W. Flamingo Rd.

Suite 4-124

Las Vegas, NV 89147

702.378.1907 (Mitchell)

702.277.6537 (Amy)

Sent from my iPhone

On May 25, 2019, at 8:51 AM, Christina <ccstipp@gmail.com>
wrote:

When you have a moment can you the kids call/text me? I think Mia may have blocked me. Are you in San Diego now until Monday?

Sent from my iPhone

New iMessage

Cancel

To: Mia & Ethan

Your mom want you to call or text her. Your dad and I will be home around noon. Ethan—I will pick you up at the park. Love you guys.

Friday 11:22 AM

Mia Stipp

I'm doing my homework

I might call later if I'm not busy

MS

Ok. Thanks.

Friday 2:58 PM

Ethan—did you get my message?



iMessage



New iMessage

Cancel

To: Mia & Ethan

MS

busy

Ok. Thanks.

Friday 2:58 PM

Ethan—did you get my message?

Ethan Stipp

ES

Yes

Ok. Thanks.

Ethan Stipp

ES

I will be there before 3 20

Your dad is picking you up at the park. Look for his truck. I'm on my way home Mia.



iMessage



From: Mitchell Stipp <mstipp@stiplaw.com>
To: PDF <pdfconvert@pdfconvert.me>
Subject: Fwd: Please Respond - ACDA Honor Choir
Date: Tue, 3 Sep 2019 15:29:20 -0700

To File.



Mitchell Stipp
Law Office of Mitchell Stipp
T: [702.602.1242](tel:702.602.1242) | M: [702.378.1907](tel:702.378.1907)
E: mstipp@stiplaw.com | www.stiplaw.com

----- Forwarded message -----

From: mstipplv@gmail.com <mstipplv@gmail.com>
Date: Sat, Aug 31, 2019 at 10:38 PM
Subject: Fwd: Please Respond - ACDA Honor Choir
To: Mitch <mstipp@stiplaw.com>

Mitchell & Amy Stipp
10120 W. Flamingo Rd.
Suite 4-124
Las Vegas, NV 89147
702.378.1907 (Mitchell)
702.277.6537 (Amy)

Sent from my iPhone

Begin forwarded message:

From: Mitchell Stipp <mstipplv@gmail.com>
Date: November 17, 2017 at 3:37:32 PM PST
To: amy stipp <amy.stipp@yahoo.com>
Subject: Fwd: Please Respond - ACDA Honor Choir

Sent from my iPhone

Begin forwarded message:

From: Christina <ccstipp@gmail.com>
Date: November 17, 2017 at 1:08:28 PM PST
To: Mitchell Stipp <mstipplv@gmail.com>
Subject: Re: Please Respond - ACDA Honor Choir

Thank you! I let them know. Amy n Mitch will both be present

Sent from my iPhone

On Nov 17, 2017, at 12:32 PM, Mitchell Stipp <mstipplv@gmail.com> wrote:

Yes, I'll be participating so will Amy. Is it a 5-6 appt?

Sent from my iPhone

On Nov 17, 2017, at 12:21 PM, Christina <ccstipp@gmail.com> wrote:

He has a 5pm appt today. I'll see you then. Will Mitch be participating?

Sent from my iPhone

On Nov 17, 2017, at 11:35 AM, Mitchell Stipp mstipplv@gmail.com wrote:

Yes.

Sent from my iPhone

On Nov 17, 2017, at 11:03 AM, Christina ccstipp@gmail.com wrote:

Are you available this evening after 5?

Sent from my iPhone

On Nov 17, 2017, at 10:51 AM, Mitchell Stipp mstipplv@gmail.com wrote:

Why would you do this to Mia? This should not be about you. She has worked so hard for this. She will be extremely disappointed. I would ask that you not share with Mia your withdraw of consent right now. I hope we can come to some resolution on this issue.

Sure. I am happy to attend your therapy session. Give me some date options. You know when we will be out on vacation already.

Sent from my iPhone

On Nov 17, 2017, at 9:46 AM, Christina ccstipp@gmail.com wrote:

I invite you to attend a therapy session with me to discuss this with Nick Ponzo. In the meantime, I will contact the school to inform them that I do not consent to Mia's participation in this event.

Sent from my iPhone

On Nov 17, 2017, at 7:31 AM, Mitchell Stipp
<mstipplv@gmail.com> wrote:

It's unfortunate that you will not respect Mia's wishes. She's under a lot of stress over this issue. She wants me to be her chaperone and doesn't mind if you attend. I promised her that I would be her chaperone, if she made it in. I do not want to break my promise to her. Mia and I have talked about it at length and she came up with a compromise. She's agreeing to spend time with you separate and apart from her choir trip. I do not want to share with you over email Mia's concerns with you taking her. Perhaps you can speak with her more this weekend.

We will be exercising a week vacation Tuesday, March 13 through Tuesday, March 20. We will be caring for both kids during this time.

Sent from my iPhone

On Nov 16, 2017, at 9:15 PM, Christina
<ccstipp@gmail.com> wrote:

Hi Amy,

I had booked a room as well. I intend to

keep to our regular custody schedule and will plan to take Mia to the choir event during my timeshare. Let me know what hotel you are staying at, and I can meet you and/or Mitch to do our exchange at 6pm that Friday. If you guys change your mind, I plan to stay for the performance as well, and I'd be happy to care for Mia through the remainder of the weekend as well.

I'll send Ms. Youmans my chaperone form separately.

Thanks,
Christina

Sent from my iPhone

On Nov 15, 2017, at 9:21 PM, Mitchell Stipp <mstippiv@gmail.com> wrote:

Christina,

Yes. I will fill out paperwork and pay. Please reimburse 1/2 of \$130.

I have booked a room. I still plan on attending. Mia has asked me to go with her and I told her I would (long before you sent your initial email about attending). Apparently, Mia communicated to you already her preference to go with me. She is stressed about the idea of you taking her. She really wants to focus on practicing, focusing, and preparing for choir. I think you should accommodate her request under these circumstances. I absolutely do not want to interfere in your relationship with Mia; however, I think you could accomplish strengthening and bonding with Mia separate and apart from her choir trip. If you want to show Mia that you respect her wishes and desires, which I think is a step in the right direction in strengthening your relationship with her, denying her the opportunity to go with me will likely hinder that.

Mitch and I would be willing to work with you on timeshare so that you can spend time with each of them individually. If you'd like to plan a trip or something for you and Mia, we would be happy to care for

Ethan during that time and vice versa so long as our schedule permits. I do think it's important for you to spend one on one time with each of them and Mitch and I are happy to help facilitate that. However, I do not think this one on one time should be tied to a school event.

Thanks,
Amy

On Nov 15, 2017, at 4:38 PM,
Christina
<ccstipp@gmail.com> wrote:

Will you be
completing the
attached since they
need them by the
end of the week?
Will you be paying
the \$130

Sent from my
iPhone

Begin forwarded
message:

From:
Sandra
Youmans
<youmanss@flhsemail.org>
Date:
November
15, 2017
at
2:15:12
PM PST
To:
Gianna
Barney
<GB2763@flhsemail.org>,
"Marlane
Barney
(Laneylv@aol.com)"
<Laneylv@aol.com>,
Scott
Barney
<sbarney@lasvegasnevada.gov>,
Mia
Stipp
<MS3067@flhsemail.org>,
Mitchell
Stipp
<mstipplv@gmail.com>,
Christina
<ccstipp@gmail.com>,
Jiselle
Sonekeo
McClendon
<JS2076@flhsemail.org>,

"McClendon,
Josette"
<js8ceo@gmail.com>,
"McClendon,
Michael"
<Mmcclendonvp@gmail.com>,
Jacob
Stowers
<js2784@flhsemail.org>,
Stephanie
Stowers
<Letsk@msn.com>,
Tom
Stowers
<stowers@shift4.com>

Subject:

**Please
Respond
- ACDA
Honor
Choir**

REGISTRATION:

Please
complete
the
registration
and
medical
form by
the end
of the
week.

PAYMENT:

On-line
payments
are
recommended.
Please
see me
with a
personal
credit
card to
make
your
on-line
payment
of \$130

- Middle
School
students
must
be
chaperoned
by
their
parent/guardian.
- Please
make

EXHIBIT H

73 of 94

AA000345

From: Mitchell Stipp
<mstipp@stiplaw.com>
To: PDF <pdfconvert@pdfconvert.me>
Subject: Fwd: Calderon v. Stipp
Date: Tue, 3 Sep 2019 15:36:06 -0700

To File.



Mitchell Stipp
Law Office of Mitchell Stipp
T: [702.602.1242](tel:702.602.1242) | M: [702.378.1907](tel:702.378.1907)
E: mstipp@stiplaw.com | www.stiplaw.com

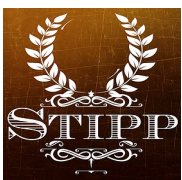
----- Forwarded message -----

From: Mitchell Stipp <mstipp@stiplaw.com>
Date: Fri, Aug 30, 2019 at 10:33 AM
Subject: Re: Calderon v. Stipp
To: Nicolas Ponzo <nponzo1@hotmail.com>

Thank you for your reply.

I hope Christina will agree to allow you to help. If not, I understand. Christina's attorney emailed me late yesterday and withdrew her consent to your involvement. I assume your call to her prompted the email, but it is not clear. I think she will listen to you. Her advice from her lawyer seems terrible.

Let me know if you hear anything from Christina.



Mitchell Stipp
Law Office of Mitchell Stipp
T: [702.602.1242](tel:702.602.1242) | M: [702.378.1907](tel:702.378.1907)
E: mstipp@stiplaw.com | www.stiplaw.com

On Fri, Aug 30, 2019 at 10:28 AM Nicolas Ponzo <nponzo1@hotmail.com> wrote:

Hello,

After reviewing your email I was not sure if there is some determination or agreement that I

have a role in this matter. If so, I suppose it has not been clarified yet what my role may be. I sent a message to Christina to let her know that you sent me an email with some attachments and to inquire with her what her understanding of my role could be. I received a message back that she will be getting in touch with me to advise me of in what capacity or form I may be of some assistance.

Nicolas Ponzio, BA (Phil.), BA (Psych.),
MSW (Clin.), LCSW, M.ED (Psych.)
Diplomate, DCSW, NASW
Psychotherapy , Consulting

10161 Park Run Drive,
Suite 150,
Las Vegas, Nevada, 89145

Tel. 702.248.1169
Fax 702.515.7413
nicolasponzo.com

EXHIBIT I

From: Mitchell Stipp
<mstipp@stiplaw.com>
To: PDF <pdfconvert@pdfconvert.me>
Subject: Fwd: Therapy
Date: Tue, 3 Sep 2019 16:12:58 -0700

To file.



Mitchell Stipp
Law Office of Mitchell Stipp
T: [702.602.1242](tel:702.602.1242) | M: [702.378.1907](tel:702.378.1907)
E: mstipp@stiplaw.com | www.stiplaw.com

----- Forwarded message -----

From: Mitchell Stipp <mstipplv@gmail.com>
Date: Tue, Sep 3, 2019 at 4:10 PM
Subject: Fwd: Therapy
To: Mitchell Stipp <mstipp@stiplaw.com>

----- Forwarded message -----

From: Mitchell and Amy Stipp <mstipplv@gmail.com>
Date: Fri, Jan 9, 2015 at 11:53 PM
Subject: Re: Therapy
To: Christina <ccstipp@gmail.com>
CC: Donna Wilburn <donna.wilburn65@gmail.com>

Christina,

After careful consideration, I do not give my consent for Donna Wilburn to provide family therapy. While my meeting with Donna was pleasant, and I think she's understanding of our family dynamics, she has been your personal therapist for 1.5 years, and it's probably best she remain your personal therapist.

I do not feel comfortable with you and Donna being evasive about the children attending sessions with you at Donna's office. The children gave me great detail about their meetings. They said they spoke to Donna about you hitting them with hangers and throwing water in their

face as punishment. Mia and Ethan also indicated you reprimanded them after leaving Donna's office because they revealed that information to her.

Donna also seems unwilling to honor our agreement not to use therapy for litigation purposes, and she seems to excuse what I consider your inappropriate conduct with respect to your disparagement of me to Dr. Austin (which violates our behavioral order).

While you may continue to see Donna, I do not consent to Donna speaking to, evaluating or providing any type of therapy involving the children.

Please advise of the next family therapist you select, date, and time of any appointments, in accordance with our recent SAO. In addition, please provide our SAO to any therapist you are considering so that they are aware of the terms you and I agreed to. Dr. Austin and Donna did not appear to have it without me providing it.

Best Regards,
Mitchell and Amy Stipp
mstipplv@gmail.com
Mitchell: [702-378-1907](tel:702-378-1907)
Amy: [702-277-6537](tel:702-277-6537)

This email may contain material that is confidential, subject to seal pursuant to NRS 125.110, and/or protected by applicable settlement privileges.

On Jan 8, 2015, at 2:39 PM, Christina ccstipp@gmail.com wrote:

Mitch,

Do I have your consent to proceed with family therapy with Donna Wilburn?

Please be advised that I placed Mia on the waiting list for occupational therapy at Summerlin Therapy Center. I am waiting for a return call from Tenaya therapy center to see their availability in case it is sooner. Both places take my insurance.

-Christina

Sent from my iPhone

--
Mitchell & Amy Stipp
10120 W. Flamingo Rd.
Suite 4-124

Las Vegas, NV 89147
702.378.1907 (Mitchell)
702.277.6537 (Amy)


CLERK OF THE COURT

ORD

DISTRICT COURT

CLARK COUNTY, NEVADA

In the Matter of the Joint Petition)	
For Divorce of:)	Case No. D-08-389203-Z
)	Dept. No. M
MITCHELL DAVID STIPP and)	
CHRISTINA CALDERON STIPP,)	Hearing Date: N/A
)	Hearing Time: N/A
Petitioners.)	

ORDER

This matter having come on for a hearing on July 16, 2013 at 2:00 p.m., in the Family Division, Department M. Petitioner Christina Calderon Stipp being present in court with her attorney Patricia Vaccarino, and Petitioner Mitchell David Stipp being present in court with his attorney Radford Smith, and the Court taking the entire matter under advisement, finds that;

The issues properly before this court include the interpretation and enforcement of the Right of First Refusal, issuance of an Order to Show Cause, sanctions and attorneys fees. As to the Right of First Refusal, the Court previously addressed the issue and issued an order enforcing the same. The Petitioner (mother) prepared an order, unfortunately signed by this Court that improperly interpreted that order. Additionally, she clearly attempted to nullify the Right of First Refusal by means clearly and succinctly denied by this Court, if not expressly articulated.

Therefore the following order regarding the Right of First Refusal shall be the controlling order.

IT IS HEREBY ORDERED that the Right of First Refusal shall apply in all situations where a parent is prevented from exercising the continuous care, custody and control of the minor children by reason of employment, travel, social engagement, or other activity or event, which creates a physical separation between the parent and child such to preclude direct

WILLIAM S. POTTER
DISTRICT JUDGE

FAMILY DIVISION, DEPT. M
LAS VEGAS NV 89101-2408

1 supervision for a period of time that may likely exceed four hours. In addition to employment
2 and travel without the children, other occasions shall include an evening out, a day of shopping,
3 errands that could possibly last up to four hours, etc. In determining whether or not the time
4 requirement could be met, the standard shall be a reasonable expectation that an event could
5 meet or exceed the four hour mark. This would include such activities as dinner and a movie,
6 most social occasions and events, shopping and/or errands involving multiple stops and time
7 spent browsing, fitting, etc. The four hour time period shall not be interrupted or tolled by
8 temporary appearances or "checking in" including but not limited to phone calls, brief visits,
9 providing transportation between children's events and/or caregivers. In cases of employment
10 spending the lunch break (regardless of duration), or other breaks of short duration in the
11 physical presence of the children, shall not defeat the Right of First Refusal by tolling or
12 restarting the clock. In regard to applying the right around the children's school schedule, the
13 four hours shall not include time while the children are in school. It would however commence
14 immediately upon release; therefore if the children's school day ends four hours prior to the time
15 the custodial parent will be physically reunited with them, then the other parent shall have the
16 right to retrieve the children from school.

17
18 A parent intending to exercise the Right of First Refusal must have a reasonable
19 expectation, that the time they exercise could meet or exceed the four hour time requirement, to
20 the extent that a parent shall not attempt to exercise the Right of First Refusal if less than four
21 hours of time remains before the custodial parent is again available. In furtherance of this right
22 each party shall be required to notify the other of potential four hour blocks of time in which the
23 right may apply as soon as known. As Husband has a tenuous and variable work schedule, he
24 shall be required to provide a weekly notice of his work schedule as well as other commitments
25
26
27
28

1 each Sunday for the coming week, as well as complying with the prior stated above
2 requirements.
3

4 IT IS FURTHER ORDERED that as to the request for an Order to Show Cause, any such
5 request is DENIED.

6 IT IS FURTHER ORDERED that a parent traveling out of town with the children shall
7 provide itinerary including flight information, which includes arrival and departure times, airline
8 and flight numbers; hotel/hospitality contact information, and when time travel is to commence
9 and end.
10

11 IT IS FURTHER ORDERED that all other requests for relief are DENIED.

12 DATED this 30th day of July, 2013.

13 
14 _____
15 DISTRICT COURT JUDGE
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EXHIBIT K

From: Mitchell Stipp
<mstipp@stiplaw.com>
To: PDF <pdfconvert@pdfconvert.me>
Subject: Fwd: Fw: Mia
Date: Wed, 4 Sep 2019 15:23:30 -0700

To File.

Begin forwarded message:

From: Christina <ccstipp@gmail.com>
Date: July 29, 2019 at 7:53:10 PM PDT
To: "mstipplv@gmail.com" <mstipplv@gmail.com>
Subject: Re: Mia

I could be mistaken, but I don't think a gynecologist will prescribe her birth control unless they do a Pap smear. That would be traumatic if she hasn't had intercourse yet. Do you have reason to believe she has progressed to that stage yet?

When we get her bloodwork we could ask the pediatrician. She doesn't want to see Dr. Robertson. The other day she said he was a pedophile. Have you expressed dislike for him to Mia? I told her not to say such things. Maybe she could see Dr. Yang? She likes her. I like my obgyn if she gets referred to an obgyn. Same lady that delivered Mia.

I agree on getting Mia to do something physical. I think yoga would help her with her anxiety. She won't commit to anything with me other than "breathing." Might be something we have to force her into to, i.e. withhold cell phone. I think we won't have much success though unless she likes it. Hip hop dance? Lifetime have any good classes for her? The place I go to doesn't allow kids.

Ethan stayed at Alison's House last night with Nick and the Guevara boys. Alison hosted a pool party/back to school party today for 6th graders. The Guevara boys stayed the night too. Jake didn't stay the night. He was at a friend's house.

I talked to Ethan about the vaping and sex concerns. He said that it is not true. We talked about the dangers of both. We also talked about alcohol use. I reinforced with him that he's an athlete. Can't put that stuff in his system, could get kicked out of school. Not ready for sex. I told him you were concerned about it too. Especially since you said he told you that Alison's kids do. He denied that he told you. He said Mia tells Amy that because she hates Jake.

I felt there were enough safeguards in place to permit him to stay over and enjoy the event there today. Let me know if you disagree. He did say that Mia likes to try to get him in trouble through Amy. He says that Mia never gets in trouble when he tells you and Amy things but the opposite happens with him. I'm not saying it's true; just that he is saying this.

I will forward you a text a got from Mia shortly before or after the email you sent below. She seems to view her relationship with Amy as empowering her to "get me in trouble". When I got home today we talked and she told me how upset Amy was at me to let Ethan go to Alison's. Mia keeps saying Alison is not a good mom or a good person. Not sure if she is hearing that from you.

I would appreciate in the future that if you or Amy receive information from either child and you feel upset by it when it comes to my parenting that you don't share those thoughts with Mia, if that even happened. It blurs the lines and boundaries of parent/child relationship. I get that she is also manipulating to get what she wants with Joey and/or is upset by the joint decision not to send her. She seemed to be in an ok mood when I got home.

She keeps the temperature abnormally low though still.

Thanks,
Christina

Sent from my iPhone

On Jul 29, 2019, at 2:37 PM, "mstipplv@gmail.com" <mstipplv@gmail.com> wrote:

Let's work on getting her on birth control. I think we agree on that. Let's just move forward. Who would you want to go to for that SVP or gynecologist?

She's mistaken if she believes Amy would let her go. Amy is more protective than I am. Her parents would never allow boys over her house or her at anyone's house unless it was a close friend (boy or girl). She's always tracking the kids. She wants to make sure that the kids are telling the truth. If anything, Amy's not on Mia's good side. Amy took her phone away for almost a full 24 hours for having a meltdown over blood work.

That's disappointing about Joey's mom; however, I believe it.

I think we're on the same page. Joey can come to our respective homes but Mia is not to go to Joey's house. She can go somewhere in public with a chaperone.

I agree, she needs to be more social and have other friends. She resisted the idea. She claims she is fine not having more friends. The friends she does have are more acquaintances at school. Mia said they are not friends she would hangout with outside of school.

I also think Mia needs to be more active. Laying around in her room all day is not ideal. She said she would consider soccer but I don't know if she's just trying to humor me. I think we should force her to do something active. Any ideas?

Thank you for including me on these truly difficult situations. I appreciate it and hope we can continue to raise the kids with the same values and morals we both agree on.

Ethan said he stayed the night at Nick's house. I thought we were going to try to minimize those events due to the number of concerns we share. If possible, please share the details with me.

The kids are teenagers now so I think it's best to try and communicate where they are and who they are with if not with family, for safety reasons.

Mitchell & Amy Stipp

10120 W. Flamingo Rd.

Suite 4-124

Las Vegas, NV 89147

702.378.1907 (Mitchell)

702.277.6537 (Amy)

Sent from my iPhone

On Jul 29, 2019, at 11:19 AM, Christina <ccstipp@gmail.com> wrote:

Mitch,

I talked to her more about birth control last night. I didn't know you guys had already. She was resistant, but I think if she lets the idea sink in more she might come around. I'll let her know now that we have discussed and agree. I'll mention condoms. I have spoken with Ethan a lot lately about sex and protection and how he is way too young to be engaging in that. He did say that he would talk to you when he was ready. I made him aware that I support safe sex when the time comes that he is old enough and mature enough.

I agree that Mia is attempting to manipulate us and thinks we are not communicating. I let her know this morning that you do not agree with her going to Joey's either and therefore she can't go. I offered to take them somewhere and she refuses. She is trying to get alone time with him.

She said that if it wasn't for you, Amy would agree with her going over

Joey's. I told her I didn't think that was the case given our prior discussion on Amy's own upbringing according to what Amy shared. She then tried to get me to agree and suggested I not tell you guys. Hard pass from me on that one. I know I could score "friend" points with Mia by giving into her, but I told her I'm her mom and she has protective parents and she has to deal with that. I shared our own dating situation and dealing with protective parents. I told her to come up with other ideas that involve public and chaperone or my house when I'm home.

On the subject of Joey's mom and the last date I was very disappointed as well. Mia put Life360 on her phone and did not take it off the entire time. I immediately text her when I saw she was at their house and park. She responded right away. She said they changed their minds about flip n out. The mother never asked me about that in advance. I then text the mom. She sd they changed their mind and then asked me if they could take Mia to dinner. I felt put off by her putting me on the spot for that last minute request and changing the plans without consulting with me but I did agree to the dinner.

When they dropped Mia off finally it was like 8 or 9. I went out to meet them. The mom came out of her car to shake my hand. The dad did not. I shook it through his window. When I asked them how they all enjoyed the movie, Joey put his arm around his mom and said something like "you liked the movie right, mom?"

That gave me doubt as to whether she actually went with them.

Last night when I was talking to Mia, I expressed my dissatisfaction over that whole incident. I told her I didn't trust Joey's parents partly because of that and also because I don't know him or his parents at all.

Mia assured me his mom was with them at the park. I don't believe her. I don't know why the mom is inviting her over her house for what would be an 8-9 hour date.

I told Mia it's too much time and not appropriate for her age to be going over to a boys house. Mia is being very stubborn and persistent about trying to find alone time with Joey. His mom is not trustworthy to me anymore.

Maybe you could reinforce the need for these parameters and encourage Mia to accept me chaperoning when she is with me. I don't like that she now has no other friends by her own admission. Hates Nikki. No mention of any other girlfriends.

-Christina

Sent from my iPhone

On Jul 29, 2019, at 10:22 AM, "<mstipplv@gmail.com>"
<mstipplv@gmail.com> wrote:

We've talked to her about birth control too. I agree on usage of it. She said if we all agree then she would consider it. Maybe talk to her about it now again since we've had a discussion with her too recently.

Agree on condoms.

I would like to prevent her from being in places where something like sex or other things can occur. Public places with a chaperone. I don't think Joey's mom is as concerned as we are. Amy took them bowling and played a game with them. Amy brought them over to our house. They ate dinner. We did not allow them to go into Mia's room. They played on the trampoline and jungle gym. They tried to go into her room so she could show him some of her things. I allowed it. The door was open and my room is right next to hers. Amy and I both stood in front of her door. We told Mia she's not to have him on her bed. They sat on the floor and she showed him her BTS stuff. Joey's mom didn't come and pick him up until after 9pm. It was late. Amy had to reach out to Joey's mom for pick up. Joey's mom never texted to see how things were going. She seemed to not care too much, which concerns me.

The last time you allowed her to go out with Joey, she went to his home and the park near his home too. Did you know that? Did you allow that? I thought you agreed for them to see a movie and go have lunch. Going to his home was not something we discussed. Did she tell you about that change of plans? I tracked her. Then she turned off her location service. I was pissed. I spoke to her about it. I told her if it's ever off again she will lose her phone.

I suspect she is trying to have some alone time with Joey privately, with no one around. She's starting to push her limits. We need to be on her.

I think it's great that we are on the same page. I think she's trying to manipulate us because she thinks we are not discussing these issues together.

Again, please let me know what you are going to allow her to do. I think we should be able to track her, as I did for you at school when she was at the park.

Mitchell & Amy Stipp

10120 W. Flamingo Rd.

Suite 4-124

Las Vegas, NV 89147

702.378.1907 (Mitchell)

702.277.6537 (Amy)

Sent from my iPhone

On Jul 28, 2019, at 11:05 PM, Christina
<ccstipp@gmail.com> wrote:

Yes. I agree. I have talked to her about the birth control pill. She was very opposed to it. Denied the need for it. I put the thought out there for her to consider though. I told her it would help with acne and period regularity/lighter flow. Might even help with her PMS. Might take a bit to find the right prescription.

I don't trust condom use for pregnancy prevention at her age. Although we should also talk to her about using condoms as far as safe sex.

Sent from my iPhone

On Jul 28, 2019, at 10:44 PM,
"mstipplv@gmail.com"

<mstipplv@gmail.com> wrote:

We should also consider birth control for her. I know you mentioned it when we spoke in person but I wasn't completely comfortable. I think now is a good idea. What do you think?

Mitchell & Amy Stipp

10120 W. Flamingo Rd.

Suite 4-124

Las Vegas, NV 89147

702.378.1907 (Mitchell)

702.277.6537 (Amy)

Sent from my iPhone

On Jul 28, 2019, at
10:33 PM, Christina
<ccstipp@gmail.com>
wrote:

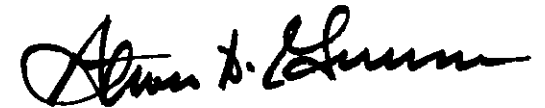
Yes. Agree. That's
what I suggested as
well.

Sent from my iPhone

EXHIBIT L

92 of 94

AA000364



CLERK OF THE COURT

ORDR

RADFORD J. SMITH, CHARTERED

RADFORD J. SMITH, ESQ.

Nevada Bar No. 002791

64 N. Pecos Road, Suite 700

Henderson, Nevada 89074

T: (702) 990-6448

F: (702) 990-6456

rsmith@radfordsmith.com

MITCHELL D. STIPP, ESQ.

Nevada Bar No. 007531

7 Morning Sky Lane

Las Vegas, Nevada 89135

T: (702) 378-1907

F: (702) 483-6283

Email: Mitchell.Stipp@yahoo.com

Attorneys for Defendant

DISTRICT COURT

CLARK COUNTY, NEVADA

CHRISTINA STIPP,

Plaintiff,

v.

MITCHELL STIPP,

Defendant.

CASE NO.: D-08-389203-Z

DEPT NO.: M

FAMILY DIVISION

ORDER FROM STATUS CHECK

DATE OF HEARING: September 14, 2011

TIME OF HEARING: 2:30 p.m.

This matter was scheduled as a status check pursuant to the order from the hearing on June 15, 2011 to address the reports of Dr. Lewis Etcoff and Dr. Jo Velasquez. Plaintiff, Christina Calderon-Stipp ("Christina"), was present and represented by Patricia Vaccarino, Esq. of Vaccarino Law Office,

RECEIVED

SEP 30 2011

DEPT. M

1 and Defendant, Mitchell Stipp ("Mitchell"), was present and represented by Radford Smith, Esq. of
2 Radford J. Smith, Chartered. This Court, having reviewed the reports of Dr. Etcoff and Dr. Velasquez
3 and the papers and pleadings on file, having heard the arguments of counsel, and being fully advised in
4 the premises, and good cause appearing therefor, FINDS AND ORDERS AS FOLLOWS:
5

6 1. The Court finds it is not medically necessary for the parties' children, Mia Stipp and
7 Ethan Stipp, to receive treatment in any way, shape or form. If the parties can agree on treatment for
8 their children, then the children may receive treatment. However, this Court will not order that the
9 children receive treatment or that Christina should seek behavior management training as recommended.
10 The Court concludes that there is not sufficient basis for additional therapy to be provided to the
11 children.
12

13 2. Christina's request for a one (1) hour hearing to permit Dr. Velasquez to testify is denied.


14 3. All other motions and/or requests for relief before the Court are denied.

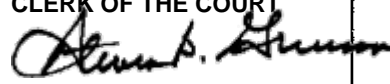
15 IT IS SO ORDERED this _____ day of OCT 05 2011, 2011.
16

17 
18 _____
19 DISTRICT COURT JUDGE
20 

21 *Submitted by:*

22 RADFORD J. SMITH, CHARTERED
23

24 
25 _____
26 RADFORD J. SMITH, ESQ.
27 Nevada State Bar No. 002791
28 64 N. Pecos Road, Suite 700
Henderson, Nevada 89074
Attorneys for Defendant



1 **OSC**
2 **VALARIE I. FUJII, ESQ.**
3 Nevada Bar No. 005955
4 **VALARIE I. FUJII & ASSOCIATES**
5 704 South Sixth Street
6 Las Vegas, Nevada 89101
7 (702) 341-6464 phone
8 (702) 734-6464 facsimile
9 vip@fujiiilawlv.com

10 Attorney for Plaintiff
11 **CHRISTINA CALDERON**

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

14 **CHRISTINA CALDERON,**)

15 Plaintiff,)

16 vs.)

17 **MITCHELL STIPP,**)

18 Defendant.)

CASE NO.: D-08-389203-Z
DEPT. NO.: H/RJC CR 3G

19 **ORDER TO SHOW CAUSE**

20 After reviewing the *Ex Parte Application for an Order to Show Cause* on
21 Plaintiff CHRISTINA CALDERON's *Motion for Order to Show Cause Against*
22 *the Defendant for Willfully Disobeying the Custody Order; a Request for*
23 *Immediate Return of the Children, Make up Visitation and an Award of*
24 *Attorney's Fees*, and upon good cause showing:
25

26 ...

27 ...

1 IT IS HEREBY ORDERED as follows:

2 That the Plaintiff's Motion for Order to Show Cause is DENIED and the
3 hearing for the same is VACATED;

4
5 That the Order to Show Cause is hereby ISSUED, and that the Plaintiff's
6 Motion will be heard at the scheduled hearing date/time;

7 That the Order to Show Cause is hereby ISSUED, and that the hearing on
8 Plaintiff's Motion is hereby shortened to the _____ day of _____,
9 2019, at _____ a.m./p.m.;

10
11 *am* That the hearing on Plaintiff's Motion will be heard at the scheduled date
12 and time without issuing the Order to Show Cause, so as to address issues
13 raised in the Motion at that time, either resolving them or issuing the OSC at
14 the hearing. *This matter shall be heard on 10/14/2015*

15 DATED this *4th* day of *Sept*, 2019. *@ 10 AM*
16 * *10*

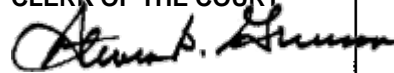
17
18 *Art Ritchie*
19 DISTRICT COURT JUDGE

T ART RITCHIE, JR.

20 Respectfully Submitted by :

21
22 *Valarie I. Fujii*
23 VALARIE I. FUJII, ESQ.
24 Nevada Bar No. 005955
25 704 South Sixth Street
26 Las Vegas, Nevada 89101
27 Attorney for Plaintiff
28 CHRISTINA CALDERON

* *The hearing set*
Re 10/14/2015
at 10 AM
is vacated



1 **NEO**
2 **VALARIE I. FUJII, ESQ.**
3 Nevada Bar No. 005955
4 **VALARIE I. FUJII & ASSOCIATES**
5 704 South Sixth Street
6 Las Vegas, Nevada 89101
7 (702) 341-6464 phone
8 (702) 734-6464 facsimile
9 vip@fujiiilawlv.com

10 Attorney for Plaintiff
11 **CHRISTINA CALDERON**

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

14 **CHRISTINA CALDERON,**)

15 Plaintiff,)

16 vs.)

17 **MITCHELL STIPP,**)

18 Defendant.)

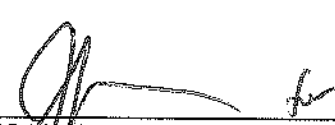
CASE NO.: D-08-389203-Z
DEPT. NO. H/CR 3G at RJC

19 **NOTICE OF ENTRY OF ORDER**

20 PLEASE TAKE NOTICE that the *Order to Show Cause*, in the above-
21 referenced matter was entered in the above-referenced Court on September 5,
22 2019, a copy of which is attached hereto.

23 DATED this 5th day of September, 2019.

24 **VALARIE I. FUJII & ASSOCIATES**

25 
26 **VALARIE I. FUJII, ESQ.**
27 Nevada Bar No. 005955 #6320
28 704 South Sixth Street
Las Vegas, Nevada 89101
Attorney for Plaintiff
CHRISTINA CALDERON

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Theresa Locklar
An employee of VALARIE T. FUJII & ASSOCS.

Steven D. Grierson

1 OSC
2 VALARIE I. FUJII, ESQ.
3 Nevada Bar No. 005955
4 VALARIE I. FUJII & ASSOCIATES
5 704 South Sixth Street
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7 (702) 341-6464 phone
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9 vip@fujiiilawlv.com

10 Attorney for Plaintiff
11 CHRISTINA CALDERON

12 DISTRICT COURT, FAMILY DIVISION
13 CLARK COUNTY, NEVADA

14 CHRISTINA CALDERON,)

15 Plaintiff,)

16 vs.)

17 MITCHELL STIPP,)

18 Defendant.)

CASE NO.: D-08-389203-Z
DEPT. NO.: H/RJC CR 3G

19 ORDER TO SHOW CAUSE

20 After reviewing the *Ex Parte Application for an Order to Show Cause* on
21 Plaintiff CHRISTINA CALDERON's *Motion for Order to Show Cause Against*
22 *the Defendant for Willfully Disobeying the Custody Order; a Request for*
23 *Immediate Return of the Children, Make up Visitation and an Award of*
24 *Attorney's Fees*, and upon good cause showing:
25

26 ...

27 ...

1 IT IS HEREBY ORDERED as follows:

2 That the Plaintiff's Motion for Order to Show Cause is DENIED and the
3 hearing for the same is VACATED;

4 That the Order to Show Cause is hereby ISSUED, and that the Plaintiff's
5 Motion will be heard at the scheduled hearing date/time;

6 That the Order to Show Cause is hereby ISSUED, and that the hearing on
7 Plaintiff's Motion is hereby shortened to the _____ day of _____
8 2019, at _____ a.m./p.m.;

9
10 *Dan* That the hearing on Plaintiff's Motion will be heard at the scheduled date
11 and time without issuing the Order to Show Cause, so as to address issues
12 raised in the Motion at that time, either resolving them or issuing the OSC at
13 the hearing. *This matter shall be heard on 10/11/2019*
14 DATED this *4th* day of *Sept*, 2019. *@ 10 AM*
15 *
16

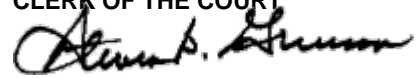
17
18 *Art Ritchie*
19 DISTRICT COURT JUDGE
20 T ART RITCHIE, JR. *Len*

21 Respectfully Submitted by :

22 *Valarie I. Fujii*
23 VALARIE I. FUJII, ESQ.
24 Nevada Bar No. 005955

25 704 South Sixth Street
26 Las Vegas, Nevada 89101
27 Attorney for Plaintiff
28 CHRISTINA CALDERON

* *The hearing set*
Re 10/11/2019
at 10 AM
is vacated *(2)*



MITCHELL D. STIPP, ESQ.
Nevada Bar No. 7531
LAW OFFICE OF MITCHELL STIPP
10120 W. Flamingo Rd., Suite 4-124
Las Vegas, Nevada 89147
Telephone: 702.602.1242
mstipp@stippilaw.com
Attorneys for Mitchell Stipp, Defendant

**IN THE EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CLARK
FAMILY DIVISION**

CHRISTINA CALDERON,
Plaintiff,

v.

MITCHELL STIPP,
Defendant.

Case No.: D-08-389203-Z

Dept. No.: H

**DECLARATION OF AMY STIPP
IN SUPPORT OF DEFENDANT'S
MOTION FOR CHILD INTERVIEW
BY FMC, MEDIATION AND TO
PERMIT CHILDREN TO
EXERCISE TEENAGE
DISCRETION ON TIMESHARE
[TRANSCRIPT INCLUDED]**

Defendant, Mitchell Stipp, hereby files the above-referenced declaration of Amy
Stipp.

///

///

///

1 **LAW OFFICE OF MITCHELL STIPP**

2
3 /s/ Mitchell Stipp, Esq.
4 MITCHELL STIPP, ESQ.
5 Nevada Bar No. 7531
6 LAW OFFICE OF MITCHELL STIPP
7 10120 W. Flamingo Rd., Suite 4-124
8 Las Vegas, Nevada 89147
9 Telephone: 702.602.1242
10 mstipp@stipplaw.com

11
12 **CERTIFICATE OF SERVICE**

13 I HEREBY CERTIFY that on the 6th day of September, 2019, I filed the
14 foregoing using the Court's E-filing system, which provided notice to the e-service
15 participants registered in this case.

16 By: /s/ Amy Hernandez

17
18 _____
19 An employee of the Law Office of Mitchell Stipp
20
21
22
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25
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DECLARATION OF AMY STIPP

I hereby declare and state as follows:

1. I am married to Mitchell Stipp. I am the stepmother of Mia and Ethan Stipp.
2. I am competent and willing to testify in a court of law as to the facts contained in Mitchell Stipp's filings before the court on 8/26/19 and 9/4/19 (which are incorporated herein by this reference). Emails and text messages included therein to and from me are true and accurate.
3. I witnessed the in-person meeting between Mia Stipp and her mother, Christina Calderon, on 8/23/19, at my residence at approximately 6:00 p.m. I recorded that conversation to avoid any dispute about what was said. Neither Mitchell Stipp nor Mia Stipp knew that this conversation would be recorded. Per Mitchell Stipp's instructions, I had the recording transcribed.
4. Attached as **Attachment A** is the transcript of my recording.
5. I have personal knowledge of these facts, save those stated upon information and/or belief, and as to those matters, I believe them to be true.

September 6, 2019

/s/ Amy Stipp

Amy Stipp

ATTACHMENT A

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Mia Communicated to Christina

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August 23, 2019

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Audio Transcription

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1 (Beginning of recording.)

2 MIA: And I just -- I don't feel safe at your
3 house. Like, I don't want to go to your house and
4 wonder if I'm going to be hit or if she's going to
5 threaten to go to my school or call my teachers, tell me
6 -- tell them that I'm a bad person. I don't want to
7 worry about that. That's not something that a daughter
8 should be worried about that her mom would do. That's
9 not normal. That shouldn't be happening.

10 And, like, I have quizzes and tests and I'm
11 already stressed enough about that. I don't need more
12 stress in my life as it is. Because school is hard,
13 honors classes are hard. I don't need this much stress
14 from my own mom. I don't need the threats, and I don't
15 need the fights.

16 I just wish we would be, like, better for each
17 other, but, like, I'm just saying for right now, I don't
18 want to go to your house. And I'm not saying that I
19 never want to go back again. I'm saying I don't want to
20 go for us. I don't want to fight. And I don't want the
21 stress and the anxiety anymore. I'm done with it.
22 Like, I've had enough of it in my whole life. I feel
23 like I'm old enough to realize I don't want to live like
24 this anymore, and I feel like it would be better if we
25 just didn't see each other this week.

1 I didn't even get an apology. You didn't say
2 anything. I said I was sorry, but I didn't get any
3 apology -- it's not even about the apology, but, like,
4 you didn't acknowledge that that was the reason why,
5 because you were threatening me. And you said that --
6 you promised me that you wouldn't, and I had my trust in
7 you, and I --

8 CHRISTINA: I don't remember --

9 MIA: -- excuse me -- I had my trust in you.

10 CHRISTINA: Okay.

11 MIA: I trusted you. And you -- every time we
12 have a fight, you say I love -- you say that I love you
13 -- like that you love me and that you trust me.

14 CHRISTINA: (Inaudible).

15 MIA: And I say that I'll try to trust you,
16 and then I'll love you -- show my love more. And I was
17 trusting you with friend's phone numbers, letting you
18 into my life, telling you what's happening, and you
19 broke a promise and you lost all my trust. And I just
20 don't think that I should be spending -- at least for
21 right now, this week -- with you.

22 CHRISTINA: I feel that you have every right
23 to say the things that you just said. I acknowledge
24 that I would like a better relationship with you too.

25 MIA: Yeah.

1 CHRISTINA: I don't remember you apologizing
2 to me, but I remember you saying -- admitting that you
3 hit me and that it was wrong.

4 MIA: Well, you also hit me.

5 CHRISTINA: I did not hit you.

6 MIA: You did.

7 CHRISTINA: Well --

8 MIA: You shouldn't and you did.

9 CHRISTINA: Here's the thing though, we can
10 talk about not coming at some point, but today is not
11 that day.

12 MIA: Today.

13 CHRISTINA: So it's not your choice. I hear
14 you.

15 MIA: I think it should be my choice. Because
16 I want to be happy --

17 CHRISTINA: And --

18 MIA: -- and you want me to be happy.

19 CHRISTINA: -- and maybe that will happen
20 eventually. But, right now, that's not the case. And
21 --

22 MIA: This is ridiculous.

23 CHRISTINA: -- it's up to your dad to
24 encourage you to come.

25 MIA: He's encouraging me.

1 CHRISTINA: Right. And --

2 MIA: He's told me to go.

3 CHRISTINA: That's fine.

4 MIA: I don't want to.

5 CHRISTINA: I -- I appreciate that, Mia, but,
6 right now, that's the way it is. If it changes in the
7 future, it changes in the future. But, right now,
8 that's how it has to be. So then you have to give it a
9 chance.

10 MIA: I already gave it chances.

11 CHRISTINA: Well, I think we could benefit
12 from some therapy. I think that promises --

13 MIA: I think you need some therapy.

14 CHRISTINA: -- were made that you didn't have
15 to come to my house.

16 MIA: No. I think you're just not --

17 CHRISTINA: I got it.

18 MIA: -- seeing the truth.

19 CHRISTINA: I got the email from you saying
20 you didn't want (inaudible) the shirt.

21 MIA: Oh, we like -- no, because I sent it and
22 I didn't know when you wanted me to get the shirt. I'm
23 like, oh, just stop by.

24 CHRISTINA: I don't mind talking about this at
25 all. We've got plenty (inaudible) talk about this. But

1 like --

2 MIA: I'm okay.

3 CHRISTINA: -- but it's not your decision to
4 make, not about that.

5 MIA: (Inaudible).

6 CHRISTINA: It's something that your dad and I
7 can talk about.

8 MIA: Okay. Well --

9 CHRISTINA: But for now --

10 MIA: Is anyone going to force me to go with
11 you?

12 CHRISTINA: It's up to your dad to facilitate
13 the exchange. He's promised to do so.

14 MIA: He promised to encourage me.

15 CHRISTINA: He will get in trouble if he
16 doesn't facilitate it.

17 MIA: Why would he get in trouble?

18 CHRISTINA: Because he agreed with me you'll
19 be coming with me tonight.

20 MIA: Let me see. When did he say that?

21 CHRISTINA: (Inaudible).

22 MIA: Yeah. I don't think so. He said I'd be
23 available. I didn't say that I'd go with you.

24 MITCHELL: I -- I told you, when you got home,
25 that your mom and I had a conversation today.

1 MIA: Um-hmm.

2 MITCHELL: And I told her that -- that I would
3 encourage you to go and facilitate the exchange.

4 MIA: Yeah.

5 MITCHELL: I did -- I did tell you that.

6 MIA: Yeah.

7 MITCHELL: And when you got home, I asked you
8 if you had your stuff ready and if you were going to
9 pack your things, and -- and we had a conversation,
10 right?

11 MIA: Um-hmm.

12 CHRISTINA: So, we have a court order. You're
13 required to come. We can talk about changing that
14 order. I'll talk about that with your dad. But you are
15 coming today.

16 MIA: I'm not coming today.

17 CHRISTINA: Then I'm going to call the police
18 --

19 MIA: Okay.

20 CHRISTINA: -- and we can do that whole thing,
21 but --

22 MIA: Okay. You can do that, but --

23 CHRISTINA: -- and your dad --

24 MIA: -- I'm not coming.

25 CHRISTINA: -- is the one that's going to get

1 in trouble for not facilitating.

2 MIA: He's not going to get in trouble.

3 MITCHELL: Look --

4 CHRISTINA: (Inaudible) you --

5 MIA: Stop threatening me with that.

6 CHRISTINA: -- to exercise your parental
7 authority.

8 MITCHELL: I -- I would --

9 CHRISTINA: This isn't -- this isn't what we
10 agreed on. Maybe that's something that you had in mind,
11 but --

12 MITCHELL: I had -- I had -- what I had in
13 mind was exactly what we had talked about. What I
14 thought would be the case is that I would be able to
15 talk to Mia and encourage her, like I have before, in
16 order to -- in order to go, but she's adamant about not
17 going.

18 CHRISTINA: And you're leaving that a choice.
19 It's not a choice.

20 MITCHELL: It's not so much as a choice as
21 that -- that given her concerns, like I -- I don't -- I
22 don't -- just like when I explained to you on the phone,
23 I don't feel comfortable physically forcing her to get
24 into the car and go. And if she has these concerns and
25 -- you know, I, like you, I agree that what she has

1 communicated to you is honest and brave and --

2 CHRISTINA: Right.

3 MITCHELL: -- and I hope that you appreciate
4 that.

5 CHRISTINA: Well, here's the deal. It's your
6 parental authority that you need to exercise to
7 encourage her to come and to make sure she does come. I
8 think this was a setup. I think this was --

9 MITCHELL: Absolutely not.

10 CHRISTINA: -- disingenuous, and I think that
11 --

12 MITCHELL: That's not true.

13 CHRISTINA: -- I think there are things that
14 you could do to encourage her to come. So I'm going to
15 have you guys talk. And, in the meantime --

16 MITCHELL: What would -- what would do -- no
17 one -- no one is setting you up. No one is putting you
18 in a position. I --

19 CHRISTINA: I'm not leaving here without Mia,
20 so you guys talk about it.

21 MIA: You're welcome to stay (inaudible).

22 MITCHELL: Mia, I mean, that isn't -- that
23 isn't going to be productive.

24 MIA: I know.

25 MITCHELL: You know, and I don't want --

1 CHRISTINA: So, Mia, maybe you should step
2 inside the house because your dad and I want to talk
3 about something.

4 MIA: Sure.

5 CHRISTINA: Let me get you inside.

6 MITCHELL: Come inside.

7 MIA: I know.

8 (End of recording.)

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1 CERTIFICATE OF TRANSCRIBER

2 I, Megan Wunsch, do hereby certify that
3 the foregoing transcript is a true and correct record
4 of the recorded proceedings; that said proceedings were
5 transcribed to the best of my ability from the audio
6 recording and supporting information; and that I am
7 neither counsel for, related to, nor employed by any of
8 the parties to this case and have no interest, financial
9 or otherwise, in its outcome.

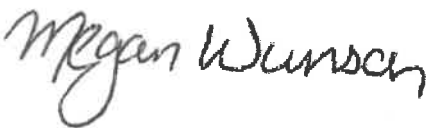
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15 Megan Wunsch

16 September 5, 2019

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WORD INDEX

< 2 >

2019 1:3 11:16**23** 1:3

< 5 >

5 11:16

< A >

ability 11:5**able** 8:14**Absolutely** 9:9**acknowledge** 3:4, 23**adamant** 8:16**admitting** 4:2**agree** 8:25**agreed** 6:18 8:10**anxiety** 2:21**anymore** 2:21, 24**apologizing** 4:1**apology** 3:1, 3**appreciate** 5:5 9:3**asked** 7:7**Audio** 1:5 11:5**August** 1:3**authority** 8:7 9:6**available** 6:23

< B >

back 2:19**bad** 2:6**Beginning** 2:1**benefit** 5:11**best** 11:5**better** 2:16, 24 3:24**brave** 9:1**broke** 3:19

< C >

call 2:5 7:17**car** 8:24**case** 4:20 8:14

11:8

CERTIFICATE

11:1

certify 11:2**chance** 5:9**chances** 5:10**changes** 5:6, 7**changing** 7:13**choice** 4:13, 15

8:18, 19, 20

Christina 1:2 3:8,

10, 14, 22 4:1, 5, 7,

9, 13, 17, 19, 23 5:1,

3, 5, 11, 14, 17, 19,

24 6:3, 6, 9, 12, 15,

18, 21 7:12, 17, 20,

23, 25 8:4, 6, 9, 18

9:2, 5, 10, 13, 19

10:1, 5

classes 2:13**come** 4:24 5:15

7:13 9:7, 14 10:6

comfortable 8:23**coming** 4:10 6:19

7:15, 16, 24

Communicated 1:2

9:1

concerns 8:21, 24**conversation** 6:25

7:9

correct 11:3**counsel** 11:7**court** 7:12

< D >

dad 4:23 6:6, 12

7:14, 23 10:2

daughter 2:7**day** 4:11**deal** 9:5**decision** 6:3**disingenuous** 9:10

< E >

email 5:19**employed** 11:7**encourage** 4:24

6:14 7:3 8:15 9:7,

14

encouraging 4:25**eventually** 4:20**exactly** 8:13**exchange** 6:13 7:3**excuse** 3:9**exercise** 8:6 9:6**explained** 8:22

< F >

facilitate 6:12, 16

7:3

facilitating 8:1**feel** 2:2, 22, 24

3:22 8:23

fight 2:20 3:12**fight** 2:15**financial** 11:8**fine** 5:3**force** 6:10**forcing** 8:23**foregoing** 11:3**friend's** 3:17**future** 5:7

< G >

give 5:8**given** 8:21**go** 2:3, 5, 18, 19, 20

5:2 6:10, 23 7:3

8:16, 24

going 2:4 6:10

7:8, 17, 25 8:2, 17

9:14, 23

guys 9:15, 20

< H >

happen 4:19**happening** 2:9 3:18**happy** 4:16, 18**hard** 2:12, 13**hear** 4:13**hit** 2:4 4:3, 4, 5**home** 6:24 7:7**honest** 9:1**honors** 2:13**hope** 9:3**house** 2:3, 18 5:15

10:2

< I >

Inaudible 3:14

5:20, 25 6:5, 21

8:4 9:21

information 11:6**inside** 10:2, 5, 6**interest** 11:8**its** 11:9

< K >

know 5:22 8:25

9:24, 25 10:7

< L >

leaving 8:18 9:19**letting** 3:17**life** 2:12, 22 3:18**live** 2:23**Look** 8:3**lost** 3:19**love** 3:12, 13, 16

< M >

mean 9:22**Megan** 11:2, 15**Mia** 1:2 2:2 3:9,

11, 15, 25 4:4, 6, 8,

12, 15, 18, 22, 25

5:2, 4, 5, 10, 13, 16,

18, 21 6:2, 5, 8, 10,

14, 17, 20, 22 7:1, 4,

6, 11, 16, 19, 22, 24

8:2, 5, 15 9:19, 21,

22, 24 10:1, 4, 7

mind 5:24 8:10, 13**MITCHELL** 6:24

7:2, 5, 7 8:3, 8, 12,

20 9:3, 9, 12, 16, 22,

25 10:6

mom 2:8, 14 6:25

< N >

need 2:11, 13, 14,

15 5:13 9:6

neither 11:7**never** 2:19**normal** 2:9**numbers** 3:17

< O >

Oh 5:21, 23**Okay** 3:10 6:2, 8

7:19, 22

old 2:23**order** 7:12, 14 8:16**outcome** 11:9

< P >

pack 7:9**parental** 8:6 9:6

parties 11:8
person 2:6
phone 3:17 8:22
physically 8:23
plenty 5:25
point 4:10
police 7:17
position 9:18
proceedings 11:4
productive 9:23
promise 3:19
promised 3:6 6:13, 14
promises 5:12
putting 9:17

< Q >
quizzes 2:10

< R >
ready 7:8
realize 2:23
reason 3:4
record 11:3
recorded 11:4
recording 2:1 10:8 11:6
related 11:7
relationship 3:24
remember 3:8 4:1, 2
required 7:13
ridiculous 4:22
right 2:17 3:21, 22 4:20 5:1, 6, 7 7:10 9:2

< S >
safe 2:2
saying 2:17, 18, 19 4:2 5:19
school 2:5, 12
see 2:25 6:20
seeing 5:18
sent 5:21
September 11:16
setting 9:17
setup 9:8
shirt 5:20, 22
shouldn 4:8

show 3:16
sorry 3:2
spending 3:20
stay 9:21
step 10:1
stop 5:23 8:5
stress 2:12, 13, 21
stressed 2:11
stuff 7:8
supporting 11:6
sure 9:7 10:4

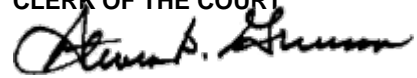
< T >
talk 4:10 5:25 6:7 7:13, 14 8:15 9:15, 20 10:2
talked 8:13
talking 5:24
teachers 2:5
tell 2:5, 6 7:5
telling 3:18
tests 2:10
therapy 5:12, 13
thing 4:9 7:20
things 3:23 7:9 9:13
think 3:20 4:15 5:11, 12, 13, 16 6:22 9:8, 10, 13
thought 8:14
threaten 2:5
threatening 3:5 8:5
threats 2:14
time 3:11
today 4:10, 12 6:25 7:15, 16
told 5:2 6:24 7:2
tonight 6:19
transcribed 11:5
TRANSCRIBER 11:1
transcript 11:3
Transcription 1:5
trouble 6:15, 17 8:1, 2
true 9:12 11:3
trust 3:6, 9, 13, 15, 19
trusted 3:11
trusting 3:17

truth 5:18
try 3:15

< U >
Um-hmm 7:1, 11

< W >
want 2:3, 6, 18, 19, 20, 23 4:16, 18 5:4, 20 9:25 10:2
wanted 5:22
way 5:6
week 2:25 3:21
welcome 9:21
Well 4:4, 7 5:11 6:8 9:5
We've 5:25
wish 2:16
wonder 2:4
worried 2:8
worry 2:7
wrong 4:3
Wunsch 11:2, 15

< Y >
Yeah 3:25 6:22 7:4, 6



MITCHELL D. STIPP, ESQ.
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Telephone: 702.602.1242
mstipp@stippplaw.com
Attorneys for Mitchell Stipp, Defendant

**IN THE EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CLARK
FAMILY DIVISION**

CHRISTINA CALDERON,
Plaintiff,

v.

MITCHELL STIPP,
Defendant.

Case No.: D-08-389203-Z

Dept. No.: H

**DECLARATION OF
MITCHELL STIPP
IN SUPPORT OF DEFENDANT'S
MOTION FOR CHILD INTERVIEW
BY FMC, MEDIATION AND TO
PERMIT CHILDREN TO
EXERCISE TEENAGE
DISCRETION ON TIMESHARE
[TRANSCRIPT INCLUDED]**

Defendant, Mitchell Stipp, hereby files his above-referenced declaration.

///

///

///

///

1 **LAW OFFICE OF MITCHELL STIPP**

2
3 /s/ Mitchell Stipp, Esq.
4 MITCHELL STIPP, ESQ.
5 Nevada Bar No. 7531
6 LAW OFFICE OF MITCHELL STIPP
7 10120 W. Flamingo Rd., Suite 4-124
8 Las Vegas, Nevada 89147
9 Telephone: 702.602.1242
10 mstipp@stipplaw.com

11
12 **CERTIFICATE OF SERVICE**

13 I HEREBY CERTIFY that on the 6th day of September, 2019, I filed the
14 foregoing using the Court's E-filing system, which provided notice to the e-service
15 participants registered in this case.

16 By: /s/ Amy Hernandez

17
18 _____
19 An employee of the Law Office of Mitchell Stipp
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DECLARATION OF MITCHELL STIPP

I hereby declare and state as follows:

1. I am the father of Mia and Ethan Stipp.
2. I am competent and willing to testify in a court of law as to the facts contained in my filings before the court on 8/26/19 and 9/4/19 (which are incorporated herein by this reference). Emails and text messages included therein to and from me are true and accurate.
3. I participated in an in-person meeting with Christina Calderon and my wife, Amy Stipp, on 8/23/19 at my residence. The meeting occurred after Mia communicated to Christina that she did not want to return to her physical care at that time. **Mia was not present for this meeting.** My home cameras recorded this conversation, and Amy had the recording transcribed.
4. Attached as **Attachment A** is the transcript of the recording described in paragraph 3 above, which I believe to be true and accurate.
5. I have personal knowledge of these facts, save those stated upon information and/or belief, and as to those matters, I believe them to be true.

September 6, 2019

/s/ Mitchell Stipp

Mitchell Stipp

ATTACHMENT A

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Video Transcription

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1 (Beginning of recording.)

2 CHRISTINA: Okay. All right. Okay. Thanks.
3 Bye.

4 I'm going to show up at the school, going to
5 show up at piano. I'm not going to let this stop. So
6 if you guys -- before I call the police, if you want to
7 tell her that you will address it legally, but, for now,
8 she has to go with me, I think that would be your best
9 option.

10 MITCHELL: Why do you think that's the best
11 option?

12 CHRISTINA: Because I believe that somebody
13 told her she doesn't have to go. I believe that
14 somebody promised her she doesn't have to go.

15 MITCHELL: (Inaudible).

16 CHRISTINA: Eh. I think that she's under the
17 impression and I think it -- as a parent --

18 MITCHELL: Did you -- did you listen to the
19 things that she's been saying?

20 CHRISTINA: Yeah. And those are things that
21 we can address in therapy.

22 MITCHELL: Okay.

23 CHRISTINA: Not by changing custody --

24 MITCHELL: No one's changing custody.

25 CHRISTINA: -- arbitrarily. Yes, they are.

1 MITCHELL: No.

2 CHRISTINA: Arbitrarily.

3 MITCHELL: Custody is not changing at all.

4 CHRISTINA: You have the obligation to put her
5 in the car, to tell her it's not her choice, but you're
6 choosing not to do that.

7 MITCHELL: Yes, but --

8 CHRISTINA: This was a setup.

9 MITCHELL: It's not. Listen --

10 CHRISTINA: But listen to me.

11 MITCHELL: Christina.

12 CHRISTINA: I will be at her school --

13 MITCHELL: Fine. But why would you do that?

14 CHRISTINA: -- in the middle of the day. I'll
15 go to --

16 MITCHELL: Why would you do that?

17 CHRISTINA: -- the piano teacher.

18 AMY: You're going to make --

19 CHRISTINA: I will talk --

20 AMY: -- your relationship worse.

21 CHRISTINA: -- I will have -- I don't -- this
22 relationship is worse. You saying pretty much you don't
23 have custody anymore.

24 MITCHELL: I didn't say that.

25 CHRISTINA: These are things that we can

1 address --

2 MITCHELL: And we should --

3 CHRISTINA: -- in therapy.

4 MITCHELL: -- we should address.

5 CHRISTINA: She needs to get --

6 AMY: But if you do those --

7 CHRISTINA: -- in my car --

8 AMY: -- things, she's not -- it's --

9 CHRISTINA: -- right now.

10 AMY: -- going to make you --

11 CHRISTINA: If not, I'm going to call the

12 police, which is what I'm going to do.

13 MITCHELL: Why?

14 AMY: Please don't call the police.

15 CHRISTINA: I am calling the police.

16 AMY: We have Mitchell here --

17 CHRISTINA: Then think about --

18 AMY: We have Mitchell here --

19 CHRISTINA: -- think about what you're doing,

20 promise her that you'll address it legally, and --

21 MITCHELL: I --

22 CHRISTINA: -- tell her to get in the car.

23 MITCHELL: Look --

24 CHRISTINA: Take away her phone, take away a

25 privilege. That's called parental authority.

1 MITCHELL: You under- -- you understand --

2 CHRISTINA: Tell her she must get in the car.

3 MITCHELL: -- you understand that I don't

4 (inaudible) and she feels like --

5 CHRISTINA: Then -- then take --

6 MITCHELL: -- she has been not been treated

7 approp- --

8 CHRISTINA: -- legal measures.

9 MITCHELL: Listen. You --

10 CHRISTINA: Take legal measures to --

11 MITCHELL: We don't --

12 CHRISTINA: -- effectuate the change that you

13 want.

14 MITCHELL: We don't --

15 CHRISTINA: You don't send her here to say she

16 doesn't have to come.

17 MITCHELL: We don't need -- we don't need a

18 court order --

19 CHRISTINA: Okay. I -- this is the bottom

20 line. I'm not leaving without the police coming. If

21 you want to put her in the car, put her in the car.

22 AMY: Do you want a report --

23 CHRISTINA: If not --

24 AMY: Do you want a report saying that she

25 doesn't want to go with you --

1 CHRISTINA: Yes, that's fine.

2 AMY: -- and the reasons why --

3 CHRISTINA: And have it say Stepmom and Dad --

4 AMY: -- and the reasons why she doesn't want
5 to go with you?

6 CHRISTINA: -- do not want to put her in the
7 car.

8 AMY: That's not the reasons.

9 MITCHELL: I'm going to --

10 CHRISTINA: Stepmom and Dad --

11 MITCHELL: I'm going to physically --

12 CHRISTINA: -- say it's her choice.

13 AMY: That is not -- those --

14 MITCHELL: That's not true at all.

15 AMY: -- aren't the reasons.

16 CHRISTINA: Okay. Then we'll document it.

17 MITCHELL: I'll explain --

18 CHRISTINA: Okay. Then we'll play that game.

19 MITCHELL: I think it's not a game

20 (inaudible).

21 AMY: Do you want a report saying those --
22 those things about you?

23 CHRISTINA: I want --

24 MITCHELL: Okay.

25 CHRISTINA: -- I want parental authority

1 exercised to have Mia come in the car.

2 MITCHELL: Yeah. But you heard her. I've
3 encouraged her to go. I'm not --

4 CHRISTINA: Then you need to take --

5 MITCHELL: -- going to physically restrain
6 her.

7 CHRISTINA: -- legal means, but, right now,
8 you are under a court order. You're obligated to send
9 her.

10 MITCHELL: You -- you know as well as I do --

11 CHRISTINA: This was a setup --

12 MITCHELL: It wasn't.

13 CHRISTINA: -- man -- Mitch.

14 MITCHELL: It was not.

15 CHRISTINA: You -- Amy, from the day one, has
16 told her, "You don't have to go," "Don't worry about
17 it."

18 MITCHELL: That's not the case.

19 AMY: I've never told her --

20 CHRISTINA: All her emails --

21 AMY: -- anything.

22 CHRISTINA: -- all her emails, "Enough is
23 enough," "This is what I'm going to do until further
24 (inaudible) of the court." I'm going to her school
25 every day next week.

1 MITCHELL: Why would you do that though?

2 CHRISTINA: Put her in my car and we can talk
3 about therapy. If not, forget it.

4 AMY: Okay. You're going --

5 CHRISTINA: (Inaudible).

6 AMY: -- to go to her school and what?

7 MITCHELL: No one's --

8 CHRISTINA: I'm going to enforce the order.
9 You want to change it, you know how to do it. You're an
10 attorney. So do it. But, for now, put her in the car.

11 MITCHELL: But why -- why would you do that?
12 It's only going to make the relationship worse.

13 CHRISTINA: I'll deal with it in therapy.

14 AMY: Therapy is not --

15 CHRISTINA: You --

16 AMY: -- going to address it. How many times
17 have you gone --

18 CHRISTINA: How many times have you --

19 AMY: -- how many counselors have you seen?

20 CHRISTINA: -- talked to her, from the time
21 she was a baby until now --

22 AMY: How many counselors have you seen?

23 CHRISTINA: -- that she could choose where she
24 lives?

25 AMY: How many --

1 CHRISTINA: That's up to you.

2 MITCHELL: We're not going through that.

3 AMY: How many --

4 CHRISTINA: You gave the --

5 AMY: -- counselors have you seen, Christina?

6 CHRISTINA: -- choice, Amy. Those emails were
7 motivated by you. You made the choice to change the
8 custody.

9 AMY: No. You think -- these are all --

10 CHRISTINA: You made up your mind --

11 AMY: -- it's all in your head.

12 CHRISTINA: -- when you changed custody --

13 AMY: Those --

14 CHRISTINA: -- and that was it.

15 MITCHELL: That's not true.

16 AMY: Christina, those things are in your
17 head.

18 MITCHELL: Nobody's trying to change custody.

19 CHRISTINA: Then put her in my car --

20 AMY: Physically?

21 CHRISTINA: -- right now.

22 AMY: Physically? You want him to grab --

23 CHRISTINA: No.

24 AMY: -- her and put her in the car?

25 CHRISTINA: It's called parental authority,

1 Amy. It's --

2 AMY: She will not go.

3 CHRISTINA: -- you saying, "Mia, you don't
4 have a choice. You have to get in the car."

5 MITCHELL: Yes, but --

6 CHRISTINA: "We'll deal with this legally."

7 MITCHELL: This isn't an issue where -- where
8 she's not getting her way. This is an issue --

9 CHRISTINA: It is an issue of her not getting
10 her way. A parent --

11 MITCHELL: Did you hear what --

12 CHRISTINA: -- it's your exchange --

13 MITCHELL: -- she -- what she's indicated to
14 you?

15 (End of recording.)

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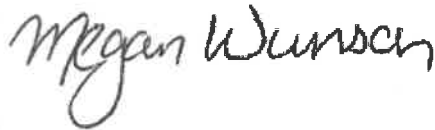
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CERTIFICATE OF TRANSCRIBER

I, Megan Wunsch, do hereby certify that
the foregoing transcript is a true and correct record
of the recorded proceedings; that said proceedings were
transcribed to the best of my ability from the audio
recording and supporting information; and that I am
neither counsel for, related to, nor employed by any of
the parties to this case and have no interest, financial
or otherwise, in its outcome.



Megan Wunsch
September 6th, 2019

WORD INDEX

< 1 >

1 1:2

< 2 >

2019 11:16**2019-09-06_11-01-23**

1:2

< 6 >

6th 11:16

< A >

ability 11:5**address** 2:7, 21 4:1, 4, 20 8:16**AMY** 3:18, 20 4:6, 8, 10, 14, 16, 18

5:22, 24 6:2, 4, 8, 13, 15, 21 7:15, 19, 21 8:4, 6, 14, 16, 19, 22, 25 9:3, 5, 6, 9, 11, 13, 16, 20, 22, 24 10:1, 2

anymore 3:23**approp** 5:7**arbitrarily** 2:25 3:2**attorney** 8:10**audio** 11:5**authority** 4:25 6:25 9:25

< B >

baby 8:21**Beginning** 2:1**believe** 2:12, 13**best** 2:8, 10 11:5**bottom** 5:19**Bye** 2:3

< C >

call 2:6 4:11, 14**called** 4:25 9:25**calling** 4:15**car** 3:5 4:7, 22

5:2, 21 6:7 7:1

8:2, 10 9:19, 24

10:4

case 7:18 11:8**CERTIFICATE**

11:1

certify 11:2**change** 5:12 8:9 9:7, 18**changed** 9:12**changing** 2:23, 24 3:3**choice** 3:5 6:12 9:6, 7 10:4**choose** 8:23**choosing** 3:6**CHRISTINA** 2:2, 12, 16, 20, 23, 25

3:2, 4, 8, 10, 11, 12, 14, 17, 19, 21, 25

4:3, 5, 7, 9, 11, 15, 17, 19, 22, 24 5:2, 5, 8, 10, 12, 15, 19, 23

6:1, 3, 6, 10, 12, 16, 18, 23, 25 7:4, 7, 11, 13, 15, 20, 22 8:2, 5, 8, 13, 15, 18, 20, 23

9:1, 4, 5, 6, 10, 12, 14, 16, 19, 21, 23, 25 10:3, 6, 9, 12

come 5:16 7:1**coming** 5:20**correct** 11:3**counsel** 11:7**counselors** 8:19, 22 9:5**court** 5:18 7:8, 24**custody** 2:23, 24 3:3, 23 9:8, 12, 18

< D >

Dad 6:3, 10**day** 3:14 7:15, 25**deal** 8:13 10:6**document** 6:16**doing** 4:19**don** 4:14

< E >

effectuate 5:12**Eh** 2:16**emails** 7:20, 22 9:6**employed** 11:7**encouraged** 7:3**enforce** 8:8**exchange** 10:12**exercised** 7:1**explain** 6:17

< F >

feels 5:4**financial** 11:8**Fine** 3:13 6:1**foregoing** 11:3**forget** 8:3**further** 7:23

< G >

game 6:18, 19**getting** 10:8, 9**go** 2:8, 13, 14 3:15 5:25 6:5 7:3, 16 8:6 10:2**going** 2:4, 5 3:18 4:10, 11, 12 6:9, 11 7:5, 23, 24 8:4, 8, 12, 16 9:2**grab** 9:22**guys** 2:6

< H >

head 9:11, 17**hear** 10:11**heard** 7:2

< I >

impression 2:17**Inaudible** 2:15 5:4 6:20 7:24 8:5**indicated** 10:13**information** 11:6**interest** 11:8**issue** 10:7, 8, 9**its** 11:9

< K >

know 7:10 8:9

< L >

leaving 5:20**legal** 5:8, 10 7:7**legally** 2:7 4:20 10:6**line** 5:20**listen** 2:18 3:9, 10 5:9**lives** 8:24**Look** 4:23

< M >

man 7:13**means** 7:7**measures** 5:8, 10**Megan** 11:2, 15**Mia** 7:1 10:3**middle** 3:14**mind** 9:10**Mitch** 7:13**MITCHELL** 2:10, 15, 18, 22, 24 3:1, 3, 7, 9, 11, 13, 16, 24

4:2, 4, 13, 16, 18, 21, 23 5:1, 3, 6, 9, 11, 14, 17 6:9, 11, 14, 17, 19, 24 7:2, 5, 10, 12, 14, 18 8:1, 7, 11 9:2, 15, 18 10:5, 7, 11, 13

motivated 9:7

< N >

need 5:17 7:4**needs** 4:5**neither** 11:7**never** 7:19**Nobody's** 9:18

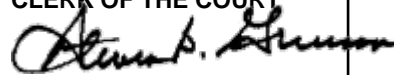
< O >

obligated 7:8**obligation** 3:4**Okay** 2:2, 22 5:19 6:16, 18, 24 8:4**one's** 2:24 8:7**option** 2:9, 11**order** 5:18 7:8 8:8**outcome** 11:9

< P >

parent 2:17 10:10**parental** 4:25 6:25 9:25**parties** 11:8**phone** 4:24**physically** 6:11 7:5

<p>9:20, 22 piano 2:5 3:17 play 6:18 Please 4:14 police 2:6 4:12, 14, 15 5:20 pretty 3:22 privilege 4:25 proceedings 11:4 promise 4:20 promised 2:14 put 3:4 5:21 6:6 8:2, 10 9:19, 24</p> <p>< R > reasons 6:2, 4, 8, 15 record 11:3 recorded 11:4 recording 2:1 10:15 11:6 related 11:7 relationship 3:20, 22 8:12 report 5:22, 24 6:21 restrain 7:5 right 2:2 4:9 7:7 9:21</p> <p>< S > saying 2:19 3:22 5:24 6:21 10:3 school 2:4 3:12 7:24 8:6 seen 8:19, 22 9:5 send 5:15 7:8 September 11:16 setup 3:8 7:11 show 2:4, 5 somebody 2:12, 14 Stepmom 6:3, 10 stop 2:5 supporting 11:6</p> <p>< T > Take 4:24 5:5, 10 7:4 talk 3:19 8:2 talked 8:20 teacher 3:17</p>	<p>tell 2:7 3:5 4:22 5:2 Thanks 2:2 therapy 2:21 4:3 8:3, 13, 14 things 2:19, 20 3:25 4:8 6:22 9:16 think 2:8, 10, 16, 17 4:17, 19 6:19 9:9 time 8:20 times 8:16, 18 told 2:13 7:16, 19 transcribed 11:5 TRANSCRIBER 11:1 transcript 11:3 Transcription 1:4 treated 5:6 true 6:14 9:15 11:3 trying 9:18</p> <p>< U > understand 5:1, 3</p> <p>< V > Video 1:4 Video_1 1:2</p> <p>< W > want 2:6 5:13, 21, 22, 24, 25 6:4, 6, 21, 23, 25 8:9 9:22 way 10:8, 10 week 7:25 well 7:10 We're 9:2 worry 7:16 worse 3:20, 22 8:12 Wunsch 11:2, 15</p> <p>< Y > Yeah 2:20 7:2</p>	
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1 **OPP**
2 **VALARIE I. FUJII, ESQ.**
3 Nevada Bar No. 005955
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5 704 South Sixth Street
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7 (702) 341-6464 phone
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10 Attorney for Plaintiff
11 **CHRISTINA CALDERON**

12 **DISTRICT COURT, FAMILY DIVISION**

13 **CLARK COUNTY, NEVADA**

14 CHRISTINA CALDERON,

15 Plaintiff,

16 vs.

17 MITCHELL STIPP,

18 Defendant.

CASE NO.: D-08-389203-Z

DEPT. NO.: H/RJC CR 3G

Date of Hearing: October 1, 2019

Time of Hearing: 11:00 a.m.

ORAL ARGUMENT

REQUESTED: YES: XX NO:

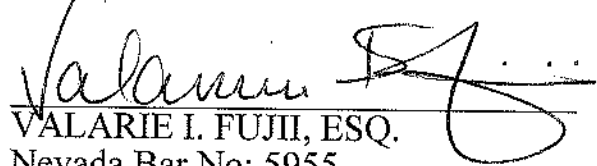
19 **PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR CHILD**
20 **INTERVIEW BY FMC AND RELATED RELIEF; AND COUNTER-**
21 **MOTION FOR IMMEDIATE RETURN OF CHILDREN, MAKE-UP**
22 **VISITATION, SANCTIONS, AND AWARD OF ATTORNEY'S FEES**

23 COMES NOW, Plaintiff CHRISTINA CALDERON (hereinafter
24 "CHRISTINA"), by and through her attorney, VALARIE I. FUJII, ESQ., of the
25 law firm of VALARIE I. FUJII & ASSOCIATES, and files her *Opposition to*
26 *Defendant's Motion for Child Interview by FMC and Related Relief, and*
27 *Countermotion for Immediate Return of Children, Make-Up Visitation,*
28 *Sanctions, and Award of Attorney's Fees.*

1 This Opposition and Countermotion is made and based upon all the papers
2 and pleadings on file herein, including Plaintiff's Motion for an Order to Show
3 Cause Why Defendant Should Not Be Held in Contempt of Court for Willfully
4 Disobeying the Custody Order, a Request for Immediate Return of the Children,
5 Make up Visitation, and an Award of Attorney's Fees filed on August 29, 2019, as
6 well as the Affidavit of Plaintiff CHRISTINA and Exhibits in support thereof, the
7 Memorandum of Points and Authorities contained herein, and any oral argument
8 which this Honorable Court may entertain at the time of the hearing of this matter.
9

10 DATED this 11th day of September, 2019.

11 VALARIE I. FUJII & ASSOCIATES

12
13 
14 VALARIE I. FUJII, ESQ.

15 Nevada Bar No: 5955

16 704 South Sixth Street

17 Las Vegas, Nevada 89101

18 Attorney for Plaintiff

19 CHRISTINA CALDERON

20 **MEMORANDUM OF POINTS AND AUTHORITIES**

21 **I.**

22 **PROCEDURAL DEFICIENCIES AND STATEMENT OF FACTS**

23 The Motion, written by Defendant, an attorney, admits that he is purposely
24 withholding the parties' children, MIA STIPP (hereinafter "MIA"), born October
25 19, 2004, currently age 14 years; and ETHAN STIPP (hereinafter "ETHAN"),
26 born March 24, 2007, currently age 12 years, in violation of a Court Order. These
27 actions constitute violations of NRCP Rule 11 and NRS 7.085, warranting
28

1 attorneys fees. Moreover, the 18 page, self-serving history contained in
2 Defendant's Motion, as well as Defendant's Opposition to Plaintiff's pending
3 Motion for an Order to Show Cause, includes improper, incomplete text messages,
4 unauthenticated exhibits not properly admitted, and superfluous supplements in
5 violation of EDCR Rule 5.508. Thus, Plaintiff is requesting that the pleadings and
6 the supplements be stricken in their entirety under NRCP Rule 12(f)(2) and NRCP
7 16.205(I). See *Plaintiff's Objection to Exhibits Improperly Cut and Pasted*
8 *Within Defendant's Motion for Child Interview by FMC, Mediation and to*
9 *Permit Children to Exercise Teenage Discretion on Timeshare, and Objection to*
10 *Exhibits in Support of Defendant's Motion* filed on August 26, 2019.

11 For a full and complete history please refer to the *Motion for Order to*
12 *Show Cause Against the Defendant for Willfully Disobeying the Custody Order;*
13 *a Request for Immediate Return of the Children, Make up Visitation and an*
14 *Award of Attorney's Fees* filed on August 29, 2019, along with the Affidavit of
15 CHRISTINA and Exhibits in support thereof.

16 In summary, these parties had a conflict history from 2008-2014 whereby
17 both, with the assistance of counsel, settled on joint physical custody in 2014.
18 There was zero litigation or deviation of this timeshare for five years until May
19 2019, when 14 year old MIA's behavior required the parties to co-parent. There
20 have been zero issues with 12 year old ETHAN.

21 Defendant does not seek to change physical custody. See his Motion for
22 Teenage Discretion, at pg. 18, ln. 28, and pg. 19, ll. 1-3. This is reiterated in his
23
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1 Opposition to Motion for Order to Show Cause and Countermotion for Teenage
2 Discretion filed September 4, 2019, which states, “physical custody does not need
3 to change.” See Countermotion for Teenage Discretion, at p. 24, ll. 13-14.
4 Defendant further admits that he is “not asking for more.” *Id.* at p. 24, ln. 12.
5 This is because there is no basis under either *Ellis v. Carucci*, 123 Nev. 145, 149,
6 161 P.3d 239, 241 (2007), or *Rooney v. Rooney*, 109 Nev. 540, 853 P.2d 123
7 (1993) warranting even an evidentiary hearing.
8

9
10 Yet, both children have had no contact with their mother, and neither have
11 spoken to her except to say at times of exchange that Defendant says that they do
12 not have to go with her. Without this Court’s intervention, this parental alienation
13 will continue, and Defendant will perpetually use arbitrary reasons such as MIA’s
14 boyfriend, ETHAN’s baseball, and/or CHRISTINA’s “emotional abuse” (same
15 arguments he made in 2009) as excuses to alienate the children from their mother.
16 This is not in the children’s best interests and should not be rewarded by the
17 Court, as the welfare of the children is at stake.
18

19 II.

20 ANALYSIS/ARGUMENT

21 A. There is no Agreement for Teenage Discretion

22 NRS 125C.0035(4) provides that the child can express his/her wishes as to
23 custody “if the child is of sufficient age and capacity to form an intelligent
24 preference as to his or her physical custody”; and then it becomes one of 12
25 considerations for the Court in making a custody determination. The wishes of a
26
27
28

1 child are not the determining factor as to custody; it is only a preference, a
2 consideration in the overall analysis, but only when child custody is at issue.

3
4 In this case, MIA is 14; however, ETHAN is only 12. His desires or wishes
5 are hearsay, and at best, an offer of proof, not a preference or consideration,
6 especially in an analysis of child custody which Defendant admits he does not
7 wish to change. See Defendant's Motion on pg. 18, ln. 28, and pg. 19, ll. 1-3, and
8 again at p. 24, ll. 13-14.

9
10 The facts of *Harrison v. Harrison*, 132 Nev. 564 (2016), 376 P.3d 173, 132
11 Nev. Adv. Op. 56, differ significantly from the present case. *Harrison* involved a
12 challenge by one parent to a stipulated custody agreement containing an agreed-
13 upon provision called "teenage discretion." The "teenage discretion" provision in
14 *Harrison* provided that, when each child reached age fourteen (14), they could
15 make minor weekly schedule changes so long as the changes did not change joint
16 physical custody. *Id.* at 568. In its decision upholding the parties agreed-upon
17 joint physical custody arrangement, the Nevada Supreme Court held that:
18
19

20 [t]he teenage discretion provision does not violate the
21 joint physical custody arrangement. The agreement
22 permits the children to adjust "their weekly schedule,
23 from time to time." But that flexibility is necessarily
24 limited. Section 6.1 provides: "The parties do not intend
25 ... to give the children the absolute ability to determine
26 their custodial schedule with the other parent." Thus,
27 section 6.1 reinforces that child initiated schedule
28 changes may not take so much liberty that they violate
the joint custody arrangement set forth by the district
court.

1 Thus, Harrison stands for the proposition that the Court will not re-write a
2 contract to include terms not agreed to by the parties. See also Mizrachi v.
3 Mizrachi, 132 Nev., Adv. Op. 66, 385 P.3d 982, 990 (Ct. App. 2016).
4

5 We do not rewrite parties' contracts. See Rivero v. Rivero, 125 Nev. at 429,
6 216 P.3d at 226 (recognizing that parties' contracts will be enforced as long as
7 "they are not unconscionable, illegal, or in violation of public policy"), in part,
8 because the parties' failure to agree to a judicially blue-penciled term's inclusion
9 risks trampling the parties' intent, See Reno Club, Inc. v. Young Inv. Co., 64 Nev.
10 312, 323, 182 P.2d 1011, 1016 (1947), ("This would be virtually creating a new
11 contract for the parties, which they have not created or intended themself[ve]s, and
12 which, under well-settled rules of construction, the court has no power to do."). It
13 is the contracting parties' duty to agree to what they intend. See id. As we are not
14 advocates, it is not our role to partake in drafting. Thus, [Appellant's] request for
15 the judiciary's advocacy is denied. Id. at 570.
16

17
18 In this case there was no stipulation or agreement to teenage discretion. In
19 fact, the agreement was the contrary.
20

21 On July 29, 2019, Defendant shared with CHRISTINA that his wife had to
22 take away MIA's cell phone when MIA had a "meltdown" while in his care. As a
23 result, Defendant's wife took her phone away for almost 24 hours. CHRISTINAa
24 and Defendant also communicated regarding the new and challenging issue of
25 MIA dating. Defendant told CHRISTINA that "I suspect [MIA] is trying to have
26 some alone time with Joey privately, with no one around. She's starting to push
27
28

1 her limits. We need to be on her.” Defendant further reached out to CHRISTINA
2 stating, “I think [MIA’s] trying to manipulate us because she thinks we are not
3 discussing these issues together.”
4

5 However, only two weeks later, on August 13, 2019, during MIA’s first full
6 week of ninth grade, MIA had an outburst while in CHRISTINA’s care when
7 CHRISTINA asked her to get off of a phone call with Joey late at night on a
8 school night. When CHRISTINA reached out to Defendant to co-parent and
9 remove MIA’s cell phone either that night or the next morning, as he had
10 previously promised to do, Defendant refused. Instead, on August 21, 2019,
11 Defendant announced his plan to violate the parties’ joint physical custody Order
12 by keeping both MIA and ETHAN from CHRISTINA until CHRISTINA agreed
13 to permit something he called “teen discretion” or until a “Court orders
14 otherwise.”
15
16

17 The aforementioned is not an agreement for teenage discretion. It should
18 not now be added to their custody agreement. Teenage discretion is generally
19 something considered when children have the ability to drive and can transport
20 themselves to and from visitation between their parents. Teenage discretion is not
21 keeping both children 100% of the time. The fact that this has to be explained to
22 Defendant is mind-blowing.
23
24

25 **B. This is Pathogenic Parenting Which is Proven Harmful to Children**

26 Child psychologists and therapists are routinely sought for children who live
27 in an environment that consistently encourages them to view one of the parents in
28

1 a negative light. This is done because of the negative impact alienation has on the
2 children. See *Ten Parental Alienation Fallacies that Compromise Decisions in*
3 *Court and in Therapy*, by Warshak, University of Texas SW Medical. The Court
4 may appoint professionals to help the parents modify behaviors that contribute to a
5 child's problem and **to monitor compliance with Court Orders.**

7 In this case, both parties agree to counseling for MIA, a high achiever who
8 both parents admit suffers from anxiety and has no friends. The rejection of a
9 loving parent has long-lasting effects. CHRISTINA suggests Donna Wilburn,
10 LMFT to assist not only with the needs of MIA, but for therapeutic intervention to
11 monitor Defendant's behaviors, as he clearly believes that he is above the law and
12 can disregard Court Orders.

14
15 C. Counter Motion for Immediate Return of Children, Makeup Visitation, and
16 Award of Attorney's Fees

17 For the full discussion, please refer to *Motion for Order to Show Cause*
18 *and Ex Parte Application for the Same and Request for An Order Shortening*
19 *Time*, filed by CHRISTINA, along with her Affidavit and Exhibits in support
20 thereof, currently set for hearing on October 1, 2019.¹

21 CHRISTINA's children were abducted on August 23, 2019. MIA is only
22 14; ETHAN is only 12. They cannot drive. They cannot get to school without an
23 adult. They cannot make adult decisions and Defendant cannot use them to prove
24

25
26
27 ¹ Rather than duplicate the argument contained herein, the argument and requested relief of
28 the Countermotion mirror the Motion for the Order to Show Cause and request the same relief, both
of which are set for hearing on the same date.

1 his inability to comply with the Stipulation and Order Resolving Physical Custody,
2 Timeshare, Child Support, and Parenting Matters filed on July 9, 2014.

3 Defendant is in Contempt pursuant to NRS 22.010 and NRS 125.240.

4
5 Where the contemtor has voluntarily or admittedly violated the order, there is no
6 excusable defense under McCormick v. Sixth Judicial District Court, 67 Nev. 318,
7 326 (1950).

8
9 CHRISTINA has properly sought redress under EDCR 5.509 for the six
10 weeks she was denied visitation. She has properly identified the many provisions
11 and exact portions of the custody/parenting agreement Defendant is in violation of
12 **(no right of first refusal without permission, pg. 6, ll. 17-12; failure of party to**
13 **contact other party in event of child emergency, pg. 11, ll. 8-10; must mediate**
14 **before filing lawsuit, pg. 11, ll. 24-25; failure to provide daily phone calls, pg.**
15 **10, ll. 4; sent text and email to 3rd parties to humiliate the other parent, pg. 10,**
16 **ll. 7-10; divulging video of the children without permission, pg. 10, ll. 10-13).**
17 Defendant's actions are direct contempt and indirect constructive contempt.
18

19
20 In addition, Defendant has purposely tried to affect CHRISTINA's
21 employment. He waited until August 22, 2019, nine (9) days after MIA's
22 outburst, and had his wife call CPS to report his concerns about MIA. However,
23 as Defendant is aware, CPS concluded that CHRISTINA's allegations "did not
24 meet the criteria for Nevada Child Abuse and Neglect Allegations." In other
25 words, after due consideration of Defendant's allegations of abuse against
26 CHRISTINA, no abuse was found. This was done to embarrass, humiliate and
27
28

1 affect her employment as a Clark County Deputy District Attorney with the Child
2 Abuse Team. Defendant's actions constituted a tortious interference with an
3 economic advantage, was a violation of the Stipulation and Order Resolving
4 Physical Custody, Timeshare, Child Support, and Parenting Matters filed on July
5 9, 2014, and warrants a civil action.

7 As recommended by Donna Wilburn, CHRISTINA should have contact
8 with MIA and ETHAN as soon as possible, given that the time apart makes it more
9 difficult to repair all of the damage that Defendant's actions have caused. This
10 should be for a 60 day uninterrupted period of time so that individual therapy for
11 MIA and family therapy can commence.

13 Additionally, recourse and/or sanctions of \$1,000.00 a day for is sought
14 against Defendant for each and every day that he has withheld and continues to
15 withhold MIA and ETHAN from CHRISTINA and for his willful Contempt of this
16 Court's Orders and in violation of NRCP Rule 11, NRS 7.085, NRS 22.010 and
17 NRS 125.240. CHRISTINA is also seeking reimbursement of her attorney's fees
18 in the amount of \$5,000.00, which is what she was forced to pay counsel to defend
19 this Motion and appear in Court with her. This is especially egregious in that
20 Defendant states that he is not seeking to change custody, yet he will not permit
21 CHRISTINA to see or speak with the children and it will be six weeks at the time
22 of the October 1, 2019, hearing in this matter.

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III.

CONCLUSION

WHEREFORE, Plaintiff CHRISTINA CALDERON is requesting the following relief:

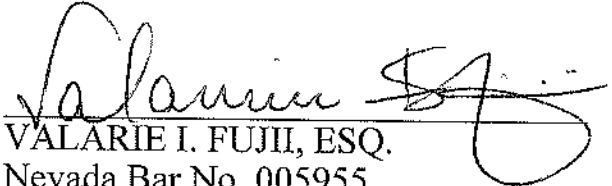
1. That Defendant's Motion on file herein be denied en toto;
2. That the minor children MIA and ETHAN be returned to Plaintiff with make-up time of at least a 60 day uninterrupted period of time so that individual therapy for MIA and family therapy can commence, which reunification and make-up time must occur immediately per therapist Donna Wilburn, as additional time apart makes it more difficult to repair all of the damage that Defendant's actions have caused the children;
3. That CHRISTINA be awarded \$5,000.00 in attorney's fees for being forced to hire an attorney, file pleadings, and appear in Court in this matter as a result of Defendant withholding the children, sharing information regarding this litigation with the children, and advising the children that they do not have to go with their mother during her custodial timeshare if they do not want to;
4. That Defendant be sanctioned in the amount of \$1,000.00 per day for each day that he has withheld and continues to withhold MIA and ETHAN from CHRISTINA (it will be six weeks by the time of the hearing) and for his willful Contempt of this Court's Orders and in

violation of NRCP Rule 11, NRS 7.085, NRS 22.010 and NRS 125.240; and

5. Any other and further relief as the Court deems just and proper in the premises.

DATED this 11th day of September, 2019.

VALARIE I. FUJII & ASSOCIATES


VALARIE I. FUJII, ESQ.

Nevada Bar No. 005955
704 South Sixth Street
Las Vegas, Nevada 89101
Attorney for Plaintiff
CHRISTINA CALDERON

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11th day of September, 2019, I served a true and correct copy of the foregoing *Plaintiff's Opposition to Defendant's Motion for Child Interview by FMC and Related Relief; and Countermotion for Immediate Return of Children, Make-Up Visitation, Sanctions, and Award of Attorney's Fees*, via electronic service pursuant to the Nevada Electronic Filing and Conversion Rules (NEFCR), addressed as follows:

Defendant MITCHELL STIPP, ESQ.
10120 West Flamingo Road
PMB 4124
Las Vegas, Nevada 89147
Attorney for Defendant
Defendant MITCHELL STIPP


An employee of VALARIE I. FUJII, ESQ.

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Christina Calderon

Plaintiff/Petitioner

Mitchell Stipp

Defendant/Respondent

Case No. D-08-389203-Z

Dept. H

**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.

- ☐ **\$25** The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.
- OR-
- ☒ **\$0** The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:
- ☒ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
 - ☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
 - ☐ 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 _____.
 - ☐ Other Excluded Motion (must specify) _____.

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

- ☒ **\$0** The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:
- ☐ The Motion/Opposition is being filed in a case that was not initiated by joint petition.
 - ☒ The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.
- OR-
- ☐ **\$129** 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-
- ☐ **\$57** 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:

☒ **\$0** ☐ **\$25** ☐ **\$57** ☐ **\$82** ☐ **\$129** ☐ **\$154**

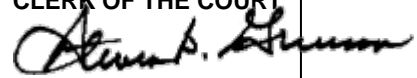
Party filing Motion/Opposition: Christina Calderon Date 09/11/19

Signature of Party or Preparer

Valerius S. [Signature]
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
9/11/2019 11:31 AM
Steven D. Grierson
CLERK OF THE COURT



In the Matter of the Joint Petition for
Divorce of:
Mitchell David Stipp and Christina
Calderon Stipp

Case No.: D-08-389203-Z

Department H

NOTICE OF HEARING

Please be advised that the Plaintiff's Opposition to Defendant's Motion for Child Interview by FMC and Related Relief; and Countermotion for Immediate Return of Children, Make-Up Visitation, Sanctions, and Award of Attorney's Fees in the above-entitled matter is set for hearing as follows:

Date: October 01, 2019

Time: 11:00 AM

Location: RJC Courtroom 03G
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

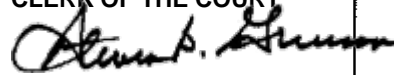
By: /s/ Desiree Darris
Deputy Clerk of the Court

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/ Desiree Darris
Deputy Clerk of the Court

AA000420



1 **EXH**
2 **VALARIE I. FUJII, ESQ.**
3 Nevada Bar No. 005955
4 **VALARIE I. FUJII & ASSOCIATES**
5 704 South Sixth Street
6 Las Vegas, Nevada 89101
7 (702) 341-6464 phone
8 (702) 734-6464 facsimile
9 vip@fujii-lawlv.com

10 Attorney for Plaintiff
11 **CHRISTINA CALDERON**

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

14 **CHRISTINA CALDERON,**

15 Plaintiff,

16 vs.

17 **MITCHELL STIPP,**

18 Defendant.

CASE NO.: D-08-389203-Z
DEPT. NO.: H/RJC CR 3G

Date of Hearing: October 1, 2019
Time of Hearing: 11:00 a.m.

19 **PLAINTIFF'S EXHIBIT IN SUPPORT OF**

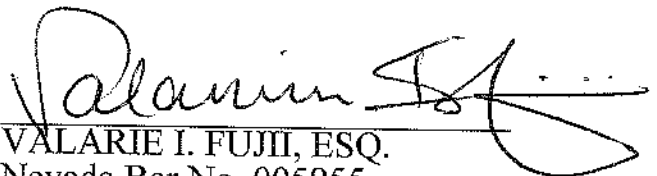
20 **PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR CHILD**
21 **INTERVIEW BY FMC AND RELATED RELIEF; AND COUNTER-**
22 **MOTION FOR IMMEDIATE RETURN OF CHILDREN, MAKE-UP**
23 **VISITATION, SANCTIONS, AND AWARD OF ATTORNEY'S FEES**

24 COMES NOW, Plaintiff CHRISTINA CALDERON, by and through her
25 attorney of record, VALARIE I. FUJII, ESQ. of the law firm of VALARIE I.
26 FUJII & ASSOCIATES, and files her *Exhibit in Support of Opposition to*
27 *Defendant's Motion for Child Interview by FMC and Related Relief, and*
28 *Countermotion for Immediate Return of Children, Make-Up Visitation,*
Sanctions, and Award of Attorney's Fees as follows:

<u>Exhibit</u>	<u>Document Title</u>
1.	Donna Wilburn, MS, LMFT, Letter dated September 11, 2019, entitled "Urgent: Children in Crisis, Recommended Protocol Regarding Child Visitation Refusal"

DATED this 11th day of September, 2019.

VALARIE I. FUJII & ASSOCIATES



VALARIE I. FUJII, ESQ.
Nevada Bar No. 005955
704 South Sixth Street
Las Vegas, Nevada 89101
Attorney for Plaintiff
CHRISTINA CALDERON

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11th day of September, 2019, I served a true and correct copy of the foregoing *Plaintiff's Exhibit in Support of Opposition to Defendant's Motion for Child Interview by FMC and Related Relief, and Countermotion for Immediate Return of Children, Make-Up Visitation, Sanctions, and Award of Attorney's Fees*, via electronic service pursuant to the Nevada Electronic Filing and Conversion Rules (NEFCR), addressed as follows:

MITCHELL STIPP, ESQ.
10120 West Flamingo Road
PMB 4124
Las Vegas, Nevada 89147
Attorney for Defendant
MITCHELL STIPP


An employee of VALARIE I. FUJII, ESQ.

EXHIBIT 1

EXHIBIT 1

EXHIBIT 1



Donna Wilburn M.S., LMFT
Dynamic Integrative Solutions

10655 W. PARK RUN DR. #210, LAS VEGAS, NV 89144
PH: 702.234.9325 EMAIL: DONNA.WILBURN65@GMAIL.COM

Urgent: Children in Crisis

Recommended Protocol Regarding Child Visitation Refusal

September 11, 2019

To Whom It May Concern:

My name is Donna Wilburn and I am a licensed Marriage and Family Therapist specializing in the treatment of children since 2002. I have been deemed an expert on the subject of high conflict divorce cases involving children. It is often my role to evaluate and treat children and families to resolve conflict and to protect children from the traumatic stress experienced due to high conflict divorce.

I have been working with Ms. Calderon on and off as a Parent Coach since late 2012. Ms. Calderon comes in at her discretion to discuss parenting strategies, coparenting strategies and to gather information to help her parent effectively in a high conflict divorce situation.

During the coaching process I have suggested that it would benefit the treatment process if I could directly observe Ms. Calderon interacting with her children. I also benefit from hearing from the children themselves. Mr. Stipp has also come to the office due to his desire to meet with me since I may interact with his children in the future. I believe I met with the children in the office one time and they were in the waiting room waiting for their mother's session to be over about 2 times.

NOTE: My role was NOT to provide individual therapy for either child. The goals of treatment were ONLY to help provide Mom with strategies to create a healthy home environment for her and her children.

URGENT: Children in Crisis

It has come to my attention that BOTH of the minors in this case have recently refused to participate in the court ordered custodial schedule. It has also come to my attention that they may actually **empowered** to violate the custodial order.

NOTE: When children are unable or unwilling to follow the law or obey rules, that implies a child is at a level of dysfunction that is extremely concerning. Dysfunction is the term used when a person is unable and/or unwilling to function in a manner in line with norms and rules.



Donna Wilburn M.S., LMFT

Dynamic Integrative Solutions

10655 W. PARK RUN DR. #210, LAS VEGAS, NV 89144
PH: 702.234.9325 EMAIL: DONNA.WILBURN65@GMAIL.COM

The current level of dysfunction (violating custodial orders) would be considered a PSYCHOLOGICAL CRISIS which needs to be resolved ASAP. It is very common that a child may SEEM highly functional in a certain area while being unable to function in another area of their life.

NOTE: If a parent allows and/or encourages a child to violate orders and rules, then that parent is considered UNFIT as they are encouraging the child to participate in unlawful behavior. A parent who supports or encourages unlawful behavior would be seen as endangering the children or possibly contributing to the delinquency of the child. Laws and rules are implemented to protect children and society, to encourage violating rules is to put a child in danger.

When children are in a crisis the priority of all authorities is to PROTECT THE CHILDREN FROM HARM. I urge the court to prioritize protecting the children from both physical and psychological harm by mandating compliance with the custodial order (Warshak, 2015, Walters, 2016).

NOTE: Due to the importance of the effects of the attachment bond between a parent and a child on psychological development, the sabotage of a child's relationship with a parent is considered psychological abuse. Children must be protected from psychological abuse as much as they need to be protected from physical abuse. **There should be NO discrimination between the two types of abuse as if one is less harmful than the other.**

Empowering the Child is an Alienation Strategy

All research shows that children have a voice NOT a choice in custodial matters. It is important to consider the needs of a minor when structuring the visitation schedule and the home environment. As a Parent Coach I am often consulted to help parents develop visitation schedules that take the needs of the minors into consideration (Warshak, 2015).

In high conflict divorce cases children are often manipulated into believing that one parent is abusive or a danger to them. This causes the child to develop high levels of anxiety and their belief about that target parent becomes entrenched in their desire to gain approval from the manipulative parent. A child's belief system becomes confounded due to influence and which means their self report can not be considered valid due to their belief being influenced by outside variables. Therefore, the self reported choices of the minor are also confounded and can not be considered when enforcing the custodial schedule.

NOTE: Research reports that to support giving children a choice INCREASES their risk of being used as a pawn in high conflict divorce cases. **Empowering the child is considered an effort to create an alignment which falls under the pathogenic parenting strategies** (Warshak, 2015).



Donna Wilburn M.S., LMFT

Dynamic Integrative Solutions

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Mus5 Resume Custodial Schedule ASAP

There is much research to show that the longer a child goes without spending time with a parent, the more damage occurs. The child needs to resume contact with a parent ASAP in order to minimize harm related to the damage occurring to the parent/child attachment bond (Mahoney, 2007).

Brief Focused Evaluation Needed

When a child is refusing to visit a parent, there are many factors that may be affecting their choice. Factors such as age and developmental stages, parent conflict, pathogenic parenting, co-occurring disorders and parenting styles all contribute to visitation refusal (Walters & Friedlander, 2016).

To correctly assess, and to help resolve, the variables that are influencing the child's choice, an experienced professional would need to conduct a thorough evaluation focused on identifying the presence of pathogenic parenting strategies.

NOTE: In the field of behavioral health, all evaluations are invalid after 2 years due to the drastic developmental changes that children experienced.

Evidence of Pathogenic Parenting

Based on the reported lack of success in therapy, there is a good possibility that child manipulation is influencing the lack of progress (Walters, 2016).

When abuse is alleged yet no evidence of abuse exists and no substantiated CPS investigations have been reported, this is another red flag that children are being manipulated to see parent as a danger.

Based on communications I have reviewed between parents and between a parent and child, there is evidence that the children are being given information designed to inflame their anger towards their mother rather than to resolve the conflict. It also seems that Mom's parenting strategies are not supported and that her parenting is undermined. This inappropriate information sharing, which inflames the children's anger toward a parent and damages the child's relationship with the target parent, is considered psychological abuse because it causes long term emotional damage for the children. Long term damage such as internal shame, self esteem issues, anxiety, depression and addiction are all associated with a damaged parent/child attachment bond. (Walters, 2016).



Donna Wilburn M.S., LMFT

Dynamic Integrative Solutions

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PH: 702.234.9325 EMAIL: DONNA.WILBURN65@GMAIL.COM

Confounded Child Report

Children with special needs are much more affected by pathogenic parental manipulation. Child with anxiety is more easily influenced to align with a parent due to their fear of rejection (Warshak, 2016).

Dysfunctional Co-Parent Behavior/Violation of Joint Custody Orders

Parents are not in a position to be an authority position over the other parent ever, dynamics create more opportunity for conflict

A parent is not in a position to diagnose the cause of a child's anxiety nor in a position to determine if a child needs treatment for anxiety. That is the role of a professional.

A parent is not in a position to change custody orders based on a child's preference. That is the role of the court.

Parent is not in a position to can make determinations as to what is in the best interest of the children regarding how to proceed to repair the parent/child relationship. That is the role of the reunification therapist or parent coach.

A third party is needed to provide monitoring and oversight to this family to ensure the children are protected from the damaging effects of parent conflict. The conflict and it's effect on children has been able to continue for over ten years without relief for the children.

These recommendations are based on research regarding high conflict divorce as well as the Walters & Friedman article which clarifies interventions designed to resolve the Resist/Refuse Dynamic.

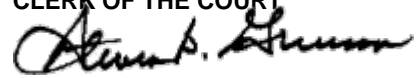
Respectfully,

DocuSigned by:

Donna Wilburn

939813FDAA9E488...

Donna Wilburn



MITCHELL D. STIPP, ESQ.
Nevada Bar No. 7531
LAW OFFICE OF MITCHELL STIPP
10120 W. Flamingo Rd., Suite 4-124
Las Vegas, Nevada 89147
Telephone: 702.602.1242
mstipp@stippilaw.com
Attorneys for Mitchell Stipp, Defendant

**IN THE EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CLARK
FAMILY DIVISION**

CHRISTINA CALDERON,
Plaintiff,

v.

MITCHELL STIPP,
Defendant.

Case No.: D-08-389203-Z

Dept. No.: H

**DEFENDANT'S OBJECTION TO
LETTER BY CHRISTINA
CALDERON'S THERAPIST
DONNA WILBURN
AND
NOTICE OF LETTER FROM DR.
ROY LUBIT IN SUPPORT OF
OBJECTION**

Defendant, Mitchell Stipp, hereby files the above-referenced objection. In support of the objection, please see the attached:

///

///

///

1
2 **Exhibit A:** Letter from Dr. Roy Lubit dated September 13, 2019.

3
4 **Exhibit B:** “Valid and invalid ways to assess the reason a child rejects a parent: The
5 continued malignant role of “parental alienation syndrome”, Journal of Child Custody,
6 16:1, 42-66, DOI: 10.1080/15379418.2019.1590284 (Roy Lubit (2019)).

7 **Exhibit C:** CV of Dr. Roy Lubit.

8 Dated: September 13, 2019

9
10 **LAW OFFICE OF MITCHELL STIPP**

11 /s/ Mitchell Stipp, Esq.
12 MITCHELL STIPP, ESQ.
13 Nevada Bar No. 7531
14 LAW OFFICE OF MITCHELL STIPP
15 10120 W. Flamingo Rd., Suite 4-124
16 Las Vegas, Nevada 89147
17 Telephone: 702.602.1242
18 mstipp@stipplaw.com

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13th day of September, 2019, I filed the
foregoing using the Court’s E-filing system, which provided notice to the e-service
participants registered in this case.

By: /s/ Amy Hernandez

An employee of the Law Office of Mitchell Stipp

EXHIBIT A

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Roy Lubit MD, Ph.D.



165 West End Ave 3K
New York, NY 10023

roylubit@rcn.com
917-846-7829

Board Certifications
Psychiatry and Neurology
Child & Adolescent Psychiatry
Forensic Psychiatry

September 13, 2019

Background Information

I was asked by Mr. Stipp to review a letter written by Ms. Wilburn dated September 11, 2019.

At my request he told me nothing about the case, other than that Ms. Wilburn, wrote the letter he wished me to critique.

I am a psychiatrist board certified in Child and Adolescent Psychiatry, board certified in Psychiatry and board certified in Forensic Psychiatry. I have held faculty appointments at Mt. Sinai School of Medicine in child psychiatry and at NY Medical College. I have been an expert in hundreds of custody evaluations, including being asked to redo evaluations and critique the evaluations of others. I recently published an article in a special edition of Journal of Child Custody on Parental Alienation entitled "Valid and Invalid Ways of Assessing the Reason a Child Rejects a Parent". I have another article which was tentatively accepted with revisions requested on Recognizing and Avoiding Bias in Custody Evaluations.

Executive Summary:

Ms. Wilburn's letter makes multiple inaccurate scientific statements, fails to tell the reader that Dr. Warshak, who she cites, holds minority positions within the mental health community, fails to inform the reader of the standard positions within mental health on the issues, writes in a polemical manner designed to shock the reader rather than in an analytical manner, violates the standards against making custody recommendations without having done a custody evaluation, and violates guidelines against taking on a forensic role while being the therapist for an individual.

As discussed by the American Psychological Association, therapists should not move into the role of forensic evaluator for an issue involving their client except in unusual circumstances such as there is no one else who could do the evaluation and the court orders it. Having primarily heard one side of the story and wanting the patient to continue with you in therapy, there will almost inevitably be marked bias when a therapist takes on a forensic role. Ms. Wilburn's letter engages in a far more serious violation of standard practice, she makes visitation recommendations without doing an evaluation.

Ms. Wilburn declares herself to be an expert but fails to tell the reader her education. She does not have a Ph.D. or an MD. The education for a licensed marriage and family therapist is a fraction of that for a clinical psychologist or a child and adolescent psychiatrist. Doing forensic work in a scientific manner generally requires additional training beyond that of a clinical psychologist or child and adolescent psychiatrist. Moreover, the issues she is writing about require expertise going well beyond that of the average psychologist and psychiatrist. Her website asserts she engages in 25 types of therapy, treats people from age zero through adulthood, and treats 18 different issues. Her specialties are reported to be life coaching, relationship issues, and impulse control disorders. It is notable that she does not list parent child-problems, forensic evaluations, or custody issues in her areas of specialty.

Critique of Ms. Wilburn's Report

Ms. Wilburn writes: "When children are unable or unwilling to follow the law or obey rules, that implies a child is at a level of dysfunction that is extremely concerning. Dysfunction is the term used when a person is unable and/or unwilling to function in a manner in line with norms and rules."

I have never before seen the definition of dysfunction provided by Ms. Wilburn. Psychological dysfunction is more typically defined as impaired functioning in the areas of cognition, emotion or behavior.

Ms. Wilburn's statement sounds reasonable on the surface, but it is a marked overgeneralization. If a child is bullying other children or stealing or using illegal substances or staying out all night, it is extremely concerning and an indication of psychological dysfunction. However, a child not following norms and rules is expected. A child not cleaning his room, not turning in a homework assignment, refusing to eat his vegetables, sneaking a cookie, skipping a class, or being rude to a parent, is not following the rules, but the behavior is neither evidence of dysfunction, nor extremely concerning. Ms. Wilburn's definition of dysfunction would label everyone who engages in civil disobedience as dysfunctional. Moreover, according to Ms. Wilburn every one who has not been fully honest on their taxes, has been late in filing their taxes, has jay walked, had alcohol before reaching the age of 21, litters, used marijuana, or has driven above the speed limit is dysfunctional.

The foremost authorities on parental alienation are Kelly and Johnston. Both have Ph.Ds. The research and writing they have done shows very high levels of analysis, well beyond that of the average Ph.D. or MD. They worked as part of a group of Ph.D.s studying parental alienation and published a number of papers. Contrary to the position of Ms. Wilburn, Kelly and Johnston wrote

“It is important to acknowledge that it is a healthy response when children, more often in later latency or adolescence, finally develop some capacity to clarify, make choices, and distance themselves from the corrosive effects of a parent who is unreliable, consistently inadequate, or abusive. Their estrangement is a reasoned, adaptive, self-distancing, and protective stance that has led to cognitive and affective differentiation of their parents. Children so estranged typically wish to severely limit contact with this deficient or frightening parent, but it is less common to refuse visits altogether. Unfortunately, the responses of these realistically estranged children following separation are commonly and incorrectly interpreted and played out in custody disputes as Parental Alienation Syndrome (PAS) cases.” (Kelly, J.B., & Johnston, J. (2001). *The alienated child: A reformulation of parental alienation syndrome. Family Court Review*, 39(3), 249 – 266.)

Moreover, Kelly and Johnston (2001) found that major parenting deficiencies that fall well short of abuse (persistent immature and self-centered behaviors, rigidity, restrictive parenting behavior, mental illness and chronic anger) were sufficient to lead a child to want to markedly limit time with that parent.

Ms. Wilburn writes, using all capitals, that “The current level of dysfunction (violating custodial orders) would be considered a PSYCHOLOGICAL CRISIS which needs to be resolved ASAP.”

Ms. Wilburn is incorrect. A crisis is a situation that if not solved right away will lead to serious and possibly irreversible harm. A child refusing to eat anything at all or attempting to hurt herself or attempting to run away or using drugs are reasonably considered crises.

A child suffering significant mistreatment and being forced to continue visitation despite this is a crisis situation. Refusing to see a parent indicates there is a problem. It is not a crisis. There is extensive research showing that exposing a child to mistreatment is very destructive to the child’s short- and long-term functioning. I am not aware of scientific evidence that allowing parental alienation to continue does even a fraction of the harm that occurs from exposing a child to mistreatment. The alleged research studies I have seen that claiming that parental alienation causes long term problems, are deeply flawed and unscientific.

Ms. Wilburn then goes on to write that “if a parent allows and/or encourages a child to violate orders and rules, then that parent is considered UNFIT as they are encouraging the

child to participate in unlawful behavior...to encourage violating rules is to put a child in danger.”

Nevada Revised Statutes Section 128.018 states that an “Unfit parent” is “any parent of a child who, by reason of the parent's fault or habit or conduct toward the child or other persons, fails to provide such child with proper care, guidance and support.”

Ms. Wilburn is using marked generalizations which confuse the situation. A parent allowing a child to violate rules and orders is not automatically “UNFIT”. A parent allowing a child to violate a rule to eat vegetables, does not make a parent unfit. A parent allowing a child to not do homework one night when the child is sick, cannot concentrate and would have to stay up very late to get it done, but instead has the child go to bed early and get lots of sleep to recover, is not unfit. A parent who tells a child to stop running in gym if she has an asthma attack, even if the gym teacher tells her to keep running, is not unfit. By Ms. Wilbur’s logic a parent who kept a child home from school the day after a child asserts a teacher sexually touched the child would be unfit and contributing to the child’s delinquency. Contrary to the views of Ms. Wilbur, I believe that a parent who fails to listen to children’s reports of mistreatment, fails to take them seriously, and fails to act to protect the child is unfit.

Ms. Wilburn then urges the court to protect “the children from physical and psychological harm by mandating compliance with the custodial order.”

It is generally considered to be extremely serious violation for a mental health professional to make visitation recommendations without doing a custody evaluation. Ms. Wilburn is violating this standard. Ms. Wilburn has not done an assessment, does not have a reasonable basis for knowing what occurs in each home and if the children are suffering harm in their mother’s home, does not know what other factors may exist, but is giving recommendations. This is like a doctor prescribing treatment without evaluating what is wrong. A doctor doing this would be gross malpractice.

Interventions for supposed parental alienation must proceed with extreme caution (Saunders, Faller, Tollman 2016. Beliefs and Recommendations Regarding Child Custody and Visitation in Cases Involving Domestic Violence: A Comparison of Professionals in Different Roles. *Violence Against Women*. 22(6):722-44.)

Ms. Wilburn writes that a child’s “self report cannot be considered valid due to their belief being influenced by outside variables.”

Ms. Wilburn does not give a citation for this statement. Her statement is contrary to standard knowledge and practice in doing custody evaluations, and contrary to standard psychological

and psychiatric understanding of children. Parental reports are generally biased as a result of misperception and willingness to say whatever is necessary to do well in the custody battle. In significant contrast, “children are not only relevant and competent witnesses to the process of their parent’s divorce, they are also the most reliable witnesses of their own experience” (Butler 2002). While children, like adults, sometimes misremember or make false statements, research has clearly shown that children’s reports of mistreatment are overwhelmingly likely to be true (Everson & Boat 1989, Trocme 2005). Ms. Wilburn’s assertion demonstrates a radical belief in parental alienation, far outside of standard psychological knowledge. Ms. Wilburn is completely ignoring the possibility of mistreatment. There is a radical belief among some parental alienation supporters that children do not reject abusive parents and so parents are only rejected when there is alienation. This is contrary to standard belief, clinical experience and research.

Ms. Wilburn cites Warshak, that giving children a choice increases risk to them. This is not standard belief within psychology and psychiatry, as I have discussed in my writings. Moreover, Ms. Wilburn is not simply saying the children should not have a choice, she is saying one should not believe what they say, is essentially saying one does not even need to ask them.

An additional problem with Ms. Wilburn’s statement is that The United Nations Convention on the Rights of the Child (the UNCRC), gives all children who are capable of forming their own views the right to express those views in all matters affecting the child and in particular in judicial proceedings. In addition, the child has the right to have his or her views given “due weight in accordance with the age and maturity of the child.” A fundamental principle of the UNCRC is that it is in children’s best interests to have the right to participate; participatory rights and their best interests are inextricably linked.

Ms. Wilburn claims all evaluations are invalid after two years due to drastic developmental changes.

This suggests that there was an evaluation in the past, but she tells us nothing about it. Ms. Wilburn’s statement is false. The focus of evaluations is generally on parental abilities and weaknesses and how they affect the specific child. While the child’s development may affect how serious the parent’s strengths and weaknesses affect the particular child, the weaknesses and strengths of the parents are still very important. Moreover, a parent found to have significant psychological problems adversely affecting parenting is unlikely to have resolved them two years later.

Ms. Wilburn writes that “Based on the reported lack of success in therapy, there is a good possibility that child manipulation is influencing the lack of progress.”

Ms. Wilburn fails to note that if therapy has not led to improvement of the relationship, that there is a good possibility that the parent the children do not want to visit is unable to accept that they have problems and need to change.

Contrary to Ms. Wilburn’s apparent assumption that attempts at alienation are generally successful, research has clearly shown that attempts at alienation are unlikely to work. Moreover, research and clinical experience show that badmouthing is more likely to backfire than to succeed (Hetherington & Kelly, 2002; Mone & Biringen, 2006; Rowen & Emery, 2014). I have repeatedly found the parent claiming alienation to be the one engaging in most alienating actions.

Dr. Geffner (2009) wrote

“It should be noted that many cases involve a parent saying negative comments about the other parent at times, but this does not mean a parent is attempting to alienate the children or that children are becoming alienated. These comments are not good parenting and should be eliminated, but it is not appropriate to assume that such comments automatically mean parental alienation. There is little, if any, evidence that if a parent was to repeat negative comments about the other parent it would lead to extreme rejection of the targeted parent by the child(ren). Programming children to do what a parent wants or believes is not easy to do even when a parent has the knowledge and expertise in psychology. If so, all mental health professionals would be great parents and their children would be perfectly behaved, do their chores without reminding, and always follow their parents’ advice! It is interesting that many evaluators, judges, and attorneys automatically assume that it is easy to alienate and turn a child against the other parent who supposedly had a good relationship with that child and that this can be accomplished in a relatively short time merely by saying negative things about how bad that parent is or was. It is important to look more closely at various mechanisms that might better explain such attitudes and behaviors.” (Geffner (2009) Conducting Child Custody Evaluations in the Context of Family Violence Allegations. *Journal of Child Custody* 6:189-218.)

Ms. Wilburn writes “When abuse is alleged yet no evidence of abuse exists and no substantiated CPS investigations have been reported, this is another red flag that children are being manipulated to see parent as a danger.”

It is unclear what Ms. Wilburn means by a red flag, whether she means this is something to look into or that this is what is probably happening. The lack of a CPS finding of abuse does not mean there is no mistreatment leading to objections to visitation. It is not clear what she means when she writes there is no evidence of abuse. It is notable that she does not report what father or the children say. Based on what she says she has done, she has done no reasonable evaluation to assess for abuse or mistreatment. She also ignores the solid literature that there are a number of reasons children object to visitation.

Kelly and Johnston (2001) found that many parents engage in indoctrinating behavior, but few of their children become alienated from the targeted parent. Moreover, they found that some children reject a parent when there was no campaign of alienation. Therefore, campaigns of denigration are neither necessary nor sufficient to explain why a child rejects a parent. Research has shown that the parent’s warmth and empathy are the primary factors determining the quality of the parent-child relationship (Dallam & Silberg, 2016; Huff, 2015; Lampel, 2006). Huff (2015) found that alienating behavior had relatively little direct impact on the parent-child relationship. After studying over 200 children, Johnston wrote: “Rejected parents, whether father or mother, appear to be the more influential architect of their own alienation, in that deficits in their parenting capacity are more consistently and most strongly linked to their rejection by the child” (Johnston, 2003, 169).

Ms. Wilburn writes mother’s parenting strategies are not supported and that her parenting is being undermined and the children are given inappropriate information.

She gives no details for the reader to know the significance of what is occurring and provides no information from the father and children concerning their perspective. Ms. Wilburn has not done an evaluation to know what is going on. She has not evaluated the children to know how they are impacted by the way they are treated in each home. It is not inappropriate for a parent to express sympathy if a child reports the other parent being very harsh and punitive. Invalidating of children is extremely harmful.

Invalidating children’s reasonable complaints, telling them that harshness is no big deal, or you do not believe it happened, does significant psychological harm (Crowell, Beauchaine, & Linehan, 2009; Linehan, 1993). It undermines the child’s trust in her feelings and perceptions, and increases the risk of future victimization. It leads to self-blame, self-hate, alienation and revictimization (Summit, 1983: 177). In addition, failing to respond to their distress causes a second injury, betrayal trauma (Symonds 1980; Lubit 2009b). Their ability to feel secure, to trust in relationships, to focus energy on academic and social skill

development, and faith in authority can all be badly damaged. There are multiple reports of children being seriously abused or killed by parents who were reported to be violent, but custody evaluators and courts claimed the issue was parental alienation, or that it was always best for children to have two parents, regardless of the quality of the parenting. Forced reunification, ignoring the child's perspective, will probably do more harm than good and can cause serious enduring psychological harm (Dallam & Silberg, 2016).


Despite decades of pressure by PAS advocates, the American Psychiatric Association did not add either Parental Alienation Syndrome or Parental Alienation Disorder to the newest version of the Diagnostic and Statistical Manual of Mental Disorders, published in 2013 (APA 2013). The National Council of Juvenile and Family Court Judges (NCJFCJ) asserted that the theory positing the existence of PAS has been discredited by the scientific community (Dalton 2006:24). Walker and Shapiro (2010) state that "Since there is no such body of scientific, empirical, or clinical literature to support the construct of PAD, a psychologist who renders such a conclusion is immediately involved in ethically questionable behavior" (p. 279).

Preventing children from being with their primary attachment figure for a significant part of the week is likely to do significant harm. Following divorce, children's anxiety and attachment issues are inversely proportional to the amount of warm parenting time the children receive (Huff 2015). Van der Kolk (2014:111) notes that attachment is "the secure base from which a child moves out into the world... having a safe haven promotes self-reliance and develop the self-awareness, empathy, impulse control and self-motivation." The adult world, court system, child guardians and custody evaluators are supposed to protect children from mistreatment. Removing children from their primary attachment figure to be with a parent, with whom they are uncomfortable, causes betrayal trauma and serious long-term psychological damage (Kleinman & Kaplan, 2016; Lubit 2019b). If the children then face poor parenting the situation is worse. Harsh, unempathic parenting damages resilience and self-esteem, and fosters problems with attachment, emotional dysregulation, behavior problems, high-risk behaviors and long-term health problems (Arslan, 2016; Carroll, Gruenewald, Taylor, Janicki-Deverts, Matthews, & Seeman, 2013; Flynn, Cicchetti, Rogosch, 2014; Mills, Scott, Alati, O'Callaghan, Najman, & Strathearn 2013). Child maltreatment can adversely affects a child's developing brain (Anda, Felitti, Bremner, Walker 2006; Teicher, Andersen, Polcari, Anderson, Navalta 2002; Van der Kolk, 2014). The marked negative impact of maltreatment on children has been solidly established. PA/PAS advocates argue that PA has serious negative impacts on children, but have not produced scientific studies showing an impact of the magnitude of harsh or abusive parenting.

Dallam and Silberg (2016) note that recommended treatment for parental alienation may cause children serious harm,

The coercive and punitive “therapies” recommended for children diagnosed with parental alienation constitute an ethical minefield and are especially inappropriate when used on children who have already been traumatized. Forced reunification against a child’s will and without taking into consideration the child’s point of view and emotional wellbeing, can be expected to reinforce a sense of helplessness and powerlessness in an already vulnerable child. Such “treatment” can be expected to do more harm than good, and rather than helping their well-being, could cause lasting psychological harm, particularly when imposed upon children who claim the parent they are being forced to reunify with is abusive. Dallam and Silberg (2016) Recommended treatments for “parental alienation syndrome” (PAS) may cause children foreseeable and lasting psychological harm. Dallam, S., & Silberg, J.L. (2016). Recommended treatments for “parental alienation syndrome” (PAS) may cause children foreseeable and lasting psychological harm. *Journal of Child Custody*, 13(2-3), 134-143.

The references for the various citations can be found in my attached paper on Valid and Invalid Ways of Assessing the Reasons a Child Rejects a Parent.



Roy Lubit MD, Ph.D.

EXHIBIT B

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Valid and invalid ways to assess the reason a child rejects a parent: The continued malignant role of “parental alienation syndrome”

Roy Lubit

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Valid and invalid ways to assess the reason a child rejects a parent: The continued malignant role of “parental alienation syndrome”

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ABSTRACT

Despite widespread rejection of Parental Alienation Syndrome (PAS), some custody evaluators use the presence of its components to invalidate abuse allegations and blame the preferred parent. Although PAS supporters claim that the elements of PAS are unique to Parental Alienation (PA) and can, therefore, be used to diagnose it, no scientific study has yet demonstrated this. Reanalysis of Gardner's data, and our current knowledge of children, indicate that the elements of PAS are not unique to PA. Many PA/PAS advocates approach custody cases assuming that when children reject parents, it is probably the result of a denigration campaign by the preferred parent. Confirmation bias then leads the evaluator to spin, value, and vet information so that it support their expected conclusion. Children's avoidance of significant visitation with a parent is often driven by a desire to remain with their primary attachment figure, rather than a rejection of the other parent. Forcing visitation and cutting the children's time with the primary attachment figure leads to rejection of that parent, rather than solving it. The article suggests a method of scientifically assessing if a child's rejection of a parent is due to PA, affinity, or justified rejection.

ARTICLE HISTORY

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KEYWORDS

Child custody evaluation; confirmation bias; divorce; parental alienation; parental alienation syndrome

Rarely do children have more at stake in the outcome of a custody battle than on the occasions when allegations of mistreatment are countered by claims of parental alienation (PA). While trying to cope with the collapse of their home, they are threatened with being taken from their primary attachment figure to spend much of the week with a parent with whom they are certainly uncomfortable, probably mistreated or neglected, and possibly abused. Tragically for both justice and the welfare of children, conclusions concerning why a child rejects a parent frequently have more to do with who is doing the evaluation than the facts of the case and current scientific knowledge.

There is no research supported method of diagnosing parental alienation (Saini, Johnston, Fidler, & Bala, 2016; O'Donohue, Benuto, &

Bennett, 2016). At times, proponents of parental alienation (PA) and parental alienation syndrome (PAS) simply assert that the rejected parent has not abused the child, that the preferred parent has made negative comments regarding the rejected parent, and therefore the issue is PA. Frequently, PA proponents cite the presence of some elements of PAS as further support (Bernet & Baker, 2013; Baker 2005, 2007; Warshak 2001). Exacerbating the problem, some PA/PAS proponents assert that abused children do not reject their parents, and therefore, whenever a child rejects a parent, it must be the result of PA (Fidler & Bala, 2010; Fidler, Bala, & Saini, 2013, pp. xi, 28, 29; Saunders & Faller, 2016; Hare 1999). Then, under the influence of confirmation bias, they vet and spin data to fit the preordained conclusion (Arkes & Harkness, 1980; Martindale, 2005).

Numerous researchers and experts have opined that PAS lacks a scientific basis (Clemente & Padilla-Racero, 2016; Dalton, Drozd, & Wong, 2006; Emery, Otto, & O'Donohue, 2005; Faller 1998; Hoult, 2006; Neustein & Leshner, 2009; Kleinman & Kaplan, 2016; Meier, 2009, 2013, 2010; O'Donohue et al., 2016; Pepiton et al., 2012; Walker & Shapiro, 2010). Despite decades of pressure by PAS advocates, the American Psychiatric Association did not add either Parental Alienation Syndrome or Parental Alienation Disorder to the newest version of the Diagnostic and Statistical Manual of Mental Disorders (DSM 5), published in 2013 (APA, 2013). The National Council of Juvenile and Family Court Judges (NCJFCJ) asserted that the theory positing the existence of PAS has been discredited by the scientific community (Dalton, 2006, p. 24). Walker and Shapiro (2010) state that "Since there is no such body of scientific, empirical, or clinical literature to support the construct of PAD, a psychologist who renders such a conclusion is immediately involved in ethically questionable behavior" (p. 279). As will be discussed, there is strong reason to believe that the elements of PAS are as likely to be present when there is mistreatment as when there is PA.

This article begins by reviewing research demonstrating that key assumptions upon which PA/PAS advocates base determinations of PA are false. It moves on to present additional reasons PAS should be rejected as a method of determining if a child's rejection of a parent is due to the manipulations of the other parent. Finally, it suggests a methodology for assessing the reason a child rejects a parent. It is crucial for the welfare of numerous children that judges, law guardians (guardian ad litem) and attorneys become conversant with the ways in which some evaluators spin data to claim the issue is PA, when the real issue is harsh parenting, or the child wanting to remain with his or her primary attachment figure.

Key terminology

The terminology for differentiating between the various reasons a child might object to visitation has not stabilized (Saini et al., 2016). In this article, the terms “estrangement” and “justified rejection” refer to a child rejecting a parent because of the rejected parent’s problematic behavior. “Parental alienation” (PA) indicates that a denigration campaign by the preferred parent led to rejection. “Affinity” refers to a child not wanting to lose access to her primary attachment figure for part of the week.

The term “Parental Alienation Syndrome” (PAS) is frequently used synonymously with “parental alienation” (PA), since both imply that the parent-child problem arose from the preferred parent’s denigration campaign. However, PA and PAS are fundamentally different constructs. PAS is a diagnostic syndrome, a group of behaviors that, according to Gardner and his followers, proves that allegations of abuse are false, and that the real problem is a denigration campaign by the preferred parent. In other words, PAS is an alleged diagnostic syndrome that Gardner claimed diagnoses PA (Gardner, 1991, 1992a, 1992b, 2004).

PAS is supposedly comprised of eight behaviors: (a) the preferred parent engages in a campaign of denigration against the rejected parent; (b) the child only gives weak, frivolous, or absurd reasons for rejecting the parent; (c) the child lacks ambivalence towards both parents, one is viewed as all good, and the other as all bad; (d) the child lacks remorse for the poor treatment of the targeted parent; (e) the child reflexively supports the favored parent; (f) the child provides scenarios borrowed from the preferred parent; (g) the child volunteers that rejection of the parent is the child’s own idea (the “independent thinker” phenomenon); and (h) the child’s animosity spreads to the friends and family of the targeted parent (Gardner, 1998).

Problems with using PAS to make a determination of PA

There is no scientific evidence that PAS differentiates between PA and other causes of rejection

For PAS to be a valid way of determining if the core problem is PA, rather than estrangement, the elements of PAS need to be exclusive to it. However, in the 34 years since Gardner coined the term, its supporters have not presented a methodologically sound scientific study demonstrating this (O’Donohue, Benuto, & Bennett, 2016; Saini et al., 2016). Bernet’s 2008 article, and subsequent books and chapters on parental alienation disorder, do not present empirical research supporting the validity of the alleged syndrome (Pepiton et al., 2012). Bernet and Baker (2013) in

“Response to Critics” asserted that people have found a correlation between disparaging statements by a parent and a child rejecting a parent, and that studies showed inter-rater reliability in assessing the eight factors.

However, reliability only means that a method of measurement provides consistent results, it does not show that it measures what it is supposed to measure; in this case the likelihood of PA. Additionally, correlation does not prove causation. If, in fact, the elements of PAS are only present in PA, it is surprising that no one has presented empirical research demonstrating this in the 34 years since Gardner presented the alleged syndrome. As will be discussed in the following section, there are strong reasons to believe that the elements of PAS are present in justified rejection and affinity, as well as PA.

Logical and methodologic errors underlying PAS

PAS arose from Gardner’s analysis of anecdotal data. He did not conduct empirical studies to assess if the elements of PAS actually differentiated between the various reasons a child may reject a parent. Moreover, his analysis included a logical fallacy: circular logic (Meier, 2009). He began by assuming as true what he was trying to prove (i.e., that the elements of PAS indicate that abuse allegations are false) (Gardner, 1987). When he found the elements of PAS, he invalidated allegations of abuse, and then concluded that the reason for rejection must be PA, since the abuse allegations were false. There is an additional problem with Gardner’s analysis of his data. To conclude that PAS can differentiate between PA and justified rejection, one needs to show that its components are absent when the child’s rejection of a parent arises from other dynamics. Gardner found PA in 90% of his cases (Meier, 2013). Therefore, he did not have a sufficient number of cases, which he assessed were not PA, to conclude that the elements of PAS were exclusive to PA.

Reanalysis of Gardner’s data, using current scientific knowledge, indicates that the components of PAS occur in situations of abuse (justified rejection) as well as PA. Gardner asserted that allegations of abuse during custody battles have a “high likelihood of being false” (Gardner, 1991, 1992b). However, research shows that allegations of abuse are more likely to be true than false (Clemente & Padilla-Racero, 2016; Thoennes & Tjaden, 1990; Trocme & Bala, 2005). Brown et al. (1997) found a false allegation rate of less than 10%, and Schuman (2000) found it to be less than 5%. Therefore, in all likelihood, many of the cases that Gardner thought were PA were actually cases of mistreatment and justified rejection. Given that Gardner found the elements of PAS in almost all of his cases, the elements must be present in both justified rejection and PA.

Components of PAS do not differentiate between PA and estrangement

The claim that the elements of PAS are unique to PA, that they do not occur in abuse or affinity, is contrary to standard knowledge concerning how children and adolescents behave.

Campaign of denigration

It is common for parents to make negative comments about the other parent. They occur weekly in two-thirds of divorcing families and occasionally in another one-fifth (Clawar & Rivlin, 1991). Being present in both cases of PA and estrangement, they cannot differentiate between them. Moreover, research and clinical experience show that badmouthing is more likely to backfire than to succeed (Hetherington & Kelly, 2002; Moné & Biringen, 2006; Rowen & Emery, 2014).

Consistent with this, Kelly and Johnston (2001) found that many parents engage in indoctrinating behavior, but few of their children become alienated from the targeted parent (also see Johnston, 1993). Moreover, they found that some children reject a parent when there was no campaign of alienation. Therefore, campaigns of denigration are neither necessary nor sufficient to explain why a child rejects a parent. Research has shown that a parent's warmth and empathy are the primary factors determining the quality of the parent-child relationship (Dallam & Silberg, 2016; Huff, 2015; Lampel, 2005). Huff (2015) found that alienating behavior had a relatively minimal direct impact on the parent-child relationship. After studying over 200 children, Johnston (2003) wrote: "Rejected parents, whether father or mother, appear to be the more influential architect of their own alienation, in that deficits in their parenting capacity are more consistently and most strongly linked to their rejection by the child" (p. 169).

Weak, frivolous, or absurd allegations

Allegations that actually are weak, frivolous, or absurd suggest PA. A parent not letting a child eat candy is a weak, frivolous, and absurd reason to reject a parent.

PA/PAS advocates frequently reject abuse allegations, without providing an adequate reason for doing so. An evaluator not believing allegations of abuse is not the same as a child making weak, frivolous, and absurd allegations. PA/PAS advocates find allegations of mistreatment to be false at rates far higher than research supports, indicating that they frequently misinterpret appropriate protective behavior as attempts at alienation (Drozd & Olesen, 2010; Mamede et al., 2010; Saunders, Faller, & Tolman, 2012).

They also frequently dismiss or trivialize the occurrence and impact of domestic violence (Geffner, Conradi, Geis, & Aranda, 2009). Witnessing domestic violence, or its aftermath, will generally traumatize children and lead them to want to protect the victim and to fear the perpetrator.

Some PA/PAS advocates essentially see all abuse allegations as weak, frivolous or absurd reasons for rejection of a parent. They fail to appreciate the emotional distress of various types of mistreatment. Kelly and Johnston (2001) note that a level of corporal punishment that may not seem that significant to an adult may be very upsetting to a child. Moreover, once a child has been exposed to high levels of anger by a parent, the child is likely to develop a conditioned fear response and be frightened by levels of anger that would not frighten the average child. Moreover, emotional abuse is very painful.

Bernet and Baker (2013) take an extreme position. They write:

the clinical literature on abused children is quite consistent on the point that they do not typically reject the parent who perpetrated the abuse against them. In fact, the opposite is more likely the case. Abused children, rather than blaming the abuser, will preserve the idea of the good parent (p. 101).

The one reference they cite is John Briere's 1992 book: *Child Abuse Trauma: Theory and Treatment of the Lasting Effects*. I contacted John Briere who gave me permission to cite him saying: "In my opinion, many abused children do, in fact, have negative attitudes or responses regarding their perpetrators. I do not recall ever saying otherwise, including in the cited 1992 book" (personal communication, John Briere, February 14, 2019).

While there are some children who prefer to stay with abusive parents rather than going to foster care, it is not true that mistreated and abused children typically wish to maintain close connections to abusive parents, nor does the clinical literature consistently state this. Judith Herman (1997) notes that "runaway attempts are common ... many survivors remember literally hiding for long periods of time" (p. 100). Kelly and Johnston (2001 p 254) wrote that children who are "estranged typically wish to severely limit contact with this deficient or frightening parent". Moreover, Kelly and Johnston found that major parenting deficiencies that fall well short of abuse (persistent immature and self-centered behaviors, rigidity, restrictive parenting behavior, mental illness, and chronic anger) were sufficient to lead a child to want to markedly limit time with that parent.

Bernet and Baker (2013) conflate two drastically different situations. Being in a home with two abusive parents, or one abusive parent and one that stands by providing no protection, is drastically different from being in a home with an abusive parent for part of the week and in an appropriate, warm, supportive home for another part of the week. When trapped in an abusive home with no experience of appropriate treatment by a parent,

and no means of escape, children develop pathological defense mechanisms and views of the world that lead to maintenance of the relationship (Herman, 1997). Moreover, given a choice between staying with abusive parents and going to foster care or an institution, children often prefer to remain with their parents, in order to remain with their primary attachment figures. This is a drastically different situation from having divorced parents with different homes, one of which is harsh and the other nurturing and appropriate.

In a custody situation, spending time with the less preferred parent means being away from their primary attachment figure. The greater attachment to the preferred parent could be the result of how much care-taking each parent did in the past, developmental issues, temperamental fit, differences in warmth and patience, and having similar interests (Fidler, Bala, & Saini, 2013, pp. 23–25; Kelly & Johnston, 2001; Wallerstein & Kelly, 1976, 1980). What begins as a preference for one parent can become rejection of the less preferred parent, if that parent insists on relatively equal time, thereby keeping the child from her primary attachment figure for much of the week. Kelly and Johnston's findings that poor parenting is sufficient to cause rejection of that parent makes intuitive sense if one remembers that being with that parent blocks the child from being with her primary attachment figure.

Lack of ambivalence

When feeling threatened, trapped, or frustrated, children, adolescents and many adults experience very negative, unambivalent feelings about the person standing in their way. When there is a custody battle, and the problematic parent is threatening to take the child away from her primary attachment figure for much of the week, ambivalence is unlikely. Another factor motivating children to take sides is that aligned children tend to have less anxiety than nonaligned ones (Lampel, 2005). Children may withdraw from a parent to avoid the distress inherent in being close to two people who hate each other and to avoid hearing divergent versions of the conflict and having to deal with cognitive dissonance.

The defense mechanism of splitting keeps positive and negative feelings about others separate lest the individual's anger destroys the positive feeling. Splitting normally wanes as a young child develops. It tends to persist in children who are abused because the abuse fosters rage the child cannot cope with (Burland, 1994). Splitting, and therefore a lack of ambivalence, is more likely to occur in children who suffered abuse than in children who were subject to a denigration campaign by one parent against the other.

An additional problem with using “lack of ambivalence” to indicate PA, is that a child’s ambivalence may not be readily apparent. It takes time to adequately explore a child’s feelings. Custody evaluators generally spend a relatively small amount of time interviewing the children. Moreover, when children are trying to convince an evaluator to not bar them from seeing their primary attachment figure for much of the week, they are likely to focus on the negative aspects of their relationship with the less preferred parent.

Lack of remorse for rejecting a parent

If the less preferred parent both mistreats the child and attempts to decrease the child’s time with her primary attachment figure, the child is not likely to feel remorse for telling people about the mistreatment and for wanting to be with the preferred parent. A child is more likely to feel and express remorse if the child is making up lies about the rejected parent with whom the child previously had a caring and positive relationship. Contrary to PAS theory, our general understanding of how children function suggests that a lack of remorse indicates justified rejection, rather than PA.

Reflexive support for the preferred parent

When feeling threatened, both children and adults tend to develop polarized feelings about those who help them, and those who threaten their interests. This leads to reflexive support for the person helping them. At times, PAS advocates declare that children who express reflexive support are enmeshed and that to cure the enmeshment the child must be taken from that parent and placed primarily with the rejected parent. The perceived enmeshment, if it exists, is generally a temporary regression resulting from fear of being taken away from their primary attachment figure. An evaluator assuming the child’s behavior is from ongoing enmeshment, rather than the stress of the situation, is a prominent example of the Fundamental Attribution Error (Ross, 1977).

Borrowed scenarios

PAS advocates state that if the child and preferred parent are making the same allegations, it is a sign of PA, since the child’s complaints are the results of the preferred parent’s coaching. In reality, parent and child giving the same account only means that the preferred parent may have listened to the child’s complaints and accurately reported the disclosures.

“Independent Thinker” phenomenon

Gardner claimed that a child volunteering that a specific complaint is his or her own idea indicates that the child was programed by the other parent. This is not the case. Many people, including the rejected parent, the parent’s relatives, the child’s therapist, the custody evaluator, and the law guardian (guardian ad litem) are likely to challenge the child’s rejection of a parent and suggest it was the other parent’s idea. Having repeatedly been challenged on this issue, some children will preemptively assert that the complaints are their own.

Rejection of the rejected parent’s relatives

There are a number of reasons that an estranged child may dislike the rejected parent’s relatives. During custody battles, family members of the rejected parent often pressure the child to be nicer to their relative and/or badmouth the child’s preferred parent, leading the child to avoid contact. Moreover, the parents of the rejected parent may have problematic personality traits or beliefs that are similar to those of the rejected parent.

Additional ways PAS advocates build a case for PA

Adverse change in the parent-child relationship

PAS advocates frequently assert that an adverse change in the parent–child relationship at the time of separation indicates alienation. However, there are a number of reasons that a child’s relationship with a parent may deteriorate at this time. First, as noted, the children may resent being taken away from their primary attachment figures. Second, they may blame the less preferred parent for the breakup of their home. Third, when the family was intact, the less preferred parent may have been a Disneyland parent. Now that they are alone in a home with the children, these parents need to create structure and discipline. This may be the first time that their limited patience and empathy becomes evident. Tensions may also arise because the preferred parent is not available to act as a buffer and restraint on the rejected parent.

Child seeming comfortable but reporting discomfort with a parent

PAS advocates sometimes assert that a child claiming distress, but appearing comfortable with the rejected parent, indicates alienation. There are many problems with this inference. Claims by the rejected parent, or observations by the evaluator, that the child seems comfortable are often incorrect. Neither children nor adults show everything on their faces. Children

may deliberately hide their distress, lest the parent become enraged when there is no longer a chaperone (McDonald, 1998). How a child behaves during an observation with a parent, when in a safe environment with another adult present, is not a valid indication of whether the child is actually comfortable with the parent or if there has been mistreatment (Bancroft & Silverman, 2002; Faller, Froning, & Lipovsky, 1991).

Parent not appearing to be someone who would abuse a child

Our impressions of others are notoriously inaccurate. Moreover, parents who mistreat children and then claim alienation often have psychopathic and narcissistic traits. They can be charming and convincing (Saunders & Faller, 2016).

Review of 14 cases finding PA

In the past decade, I have had the opportunity to review a number of custody evaluations done by psychiatrists and psychologists. Reports in 14 of these cases asserted that a child was rejecting a parent because of the inappropriate actions of the other parent. For several of the cases, I was able to interview the parents and the children (who were ages 9–15).

Detailed review of the 14 evaluations revealed serious methodological problems in each report. The evaluators asserted either that the presence of elements of PAS proved the issue was PA, or that the parent's treatment of the child was not so poor that it would cause justified rejection, and so the issue must be PA. The evaluators frequently cherry-picked data, heavily spun data, evaluated the parents through different lenses, and found the rejected parent to be the most credible reporter without providing a basis for this speculation. In each of the reports, the evaluator ignored or trivialized strong evidence that the rejected parent mistreated the children, as well as strong evidence that the rejected parent had narcissistic or antisocial personality traits consistent with the alleged mistreatment. In the majority of the cases the evaluator said little about classic parenting skills. The question of PA dominated all other issues. In five of the cases, very strong evidence that the rejected parent was doing the worst badmouthing was given no significance in the assessment. In three of the cases, the evaluators declared that findings of mistreatment by child protective services or the court were not sufficient to explain the child's rejection of the parent, and so there must be PA. Data that were inconsistent with the finding of PA were regularly excluded from the reports. There was no reasonable hypothesis testing in any of the reports. The combination of errors in the reports suggests that the evaluators believed the issue was PA as they began, and then confirmation bias took over.

Case examples of incorrect findings of PA

The individuals in the cases are fictitious, but the actions of the forensic evaluators are accurate.

Case I

Sara (age 10), an only child, lived with her parents in Chicago. Her father was a pharmacist and worked long hours. After her parents divorced she wanted to spend time with her father, but only for part of every other weekend. Her mother was a stay-at-home parent, patient and thoughtful. Father worked long hours and had all but disappeared for several months prior to announcing he wanted a divorce. Sara's primary complaints were that her father frequently yelled, had threatened to spank her, and spent their time together largely ignoring her and catering to his girlfriend and her children. Sara's physician and her therapist reported that they had observed father being threatening and self-centered. Mother produced a tape recording in which father became increasingly angry because Sara would not eat her vegetables. Despite marked distress in her voice, and her begging him to stop, he became increasingly insistent and angry. His psychological testing was consistent with Sarah's description of him.

The evaluator spent a minimal amount of time speaking with Sara, but nevertheless declared that she was lying about her father's behavior. The evaluator claimed that the pediatrician calling protective services after speaking with Sara was evidence mother was engaging in parental alienation. The evaluator cited Sara being upset with father's parents as further evidence of PA. She reported that when she told her paternal grandparents that her father yelled, they invalidated her and told her it was actually her mother who yelled. The evaluator minimized the negative aspects of father's psychological testing, put a benign spin on the negative statements of the professionals, and failed to tell the court about the concerning tapes or about Sara's assertion that father made very negative comments about her mother. The evaluator accepted father's version of all events, including that he and Sara had previously been close. Sara reported she had been fearful of him prior to the breakup of the family. The evaluator opined that Sara was on the way to PA and should spend at least half of her time with her father, although that meant replacing time with her mother with time with sitters.

The evaluator said that no psychologist would disagree with her findings. When asked about the work of Kelly and Johnston (2001) she said it was "old, old, old." When asked if she could name any other researchers on PA she could not think of any.

Case II

Bill, the only child still at home, lived in a Chicago suburb. His parents owned a small store. When he was 9 his parents divorced. One day, his mother told him that she was going to take him away and not tell people where he was. When he refused to put his shoes on and go with her, his mother picked him up by the collar of his hoodie accidentally choking him. After this mother did not see Bill for a number of months. Living entirely with his father, Bill obtained excellent grades and did very well in athletics. The court wrote that Bill did very well in his father's care; and was simultaneously critical of mother's behavior. The judge wrote father was not to blame for Bill disliking his mother, but then criticized him for not doing enough to fix the mother-child relationship. Meanwhile, Bill reported his mother was physically and verbally rough with him. Her MMPI II indicated she was capable of such behavior.

The law guardian insisted the issue was alienation and convinced the court to give mother custody. Bill ran away. A psychologist initially disagreed with the law guardian, but under pressure from the law guardian acquiesced.

In time, after being denied contact with his father, Bill stopped complaining about his mother. His therapist diagnosed PTSD from the events with his mother. When promised confidentiality, Bill said his relationship with his mother was no better, but he knew if he did not stop complaining he would not be allowed to see his father.

Case III

Larry's parents were both lawyers in Chicago. His father was a workaholic. Tensions were high between Larry's parents and when they divorced a custody battle was almost inevitable. The forensic evaluator noted that 15-year-old Larry was doing well and given that his mother had done almost all parenting, his mother had good parenting skills. The evaluator then opined that father also had good parenting skills, given that he was intelligent, and intelligent people can be good parents. The evaluator said that both parents were willing to make sacrifices for Larry's welfare, although father had generally been minimally available, spending his time on his social life and business. Larry complained his father often did not do much with him when he visited and brought his girlfriend along on his vacation with Larry. Larry saw a text his father wrote stating that he could not wait to get rid of the little pest. Nevertheless, the evaluator wrote that both parents were able to accurately recognize their children's emotional states and to respond appropriately to those states.

Larry reported that his father told him that his mother did not really work, that her work was only a hobby, that she was mentally ill and belonged in an institution, and that Larry would end up a drug addict and alcoholic since he lived with his mother. Larry reported his father assaulted him by throwing him on the couch and hitting him. Larry called the police and father was arrested. The forensic evaluator noted that the DA pressed charges but did not report the outcome of the case. The evaluator said he ignored the issue because father and son told different stories. The evaluator ignored the fact that father told different stories to different people.

The evaluator quoted Kelly and Johnson (2001) that “it is a healthy response when children ... distance themselves from the corrosive effects of a parent who is unreliable, consistently inadequate, or abusive.” The evaluator ignored the comma after the word inadequate and assumed that the word “consistent” applied to abuse as well as being inadequate. Since the abuse was not consistent, he opined that the child’s rejection of his father was not the result of his father’s behavior, and that the issue was PA.

It is difficult to explain the evaluators ignoring strong data of mistreatment, spinning of data, cherry picking data, and arbitrary acceptance of the accounts of the rejected parents, other than as manifestations of severe confirmation bias, driven by an assumption that children reject parents because of parental alienation and not because of mistreatment.

Case example of actual alienation

John (age 15) wanted to spend minimal time with his father. Both John and his mother said that they thought father was fine until the summer of the year before when they suddenly realized he was a control freak. Detailed questioning about numerous decisions, however, showed that father generally acquiesced to mother’s preferences. When I asked for an example of his father being overly controlling, John said that his father insisted they ride their bicycles where father wanted to go. He later noted that they went on a bike ride the prior weekend. Father suggested going on a certain path, John wanted to go elsewhere, and father agreed to go where John wished. Some of John’s complaints were about things he should not have known about. He said there would have been dire medical consequences had his mother followed his father’s preferences for a vegan diet nine years earlier. Both parents had agreed on the diet. The diet regimen was not dangerous. John repeatedly complained that father would not let him eat candy whenever he wanted to.

Father’s psychological testing was benign. Mother’s psychological testing was very concerning and consistent with someone who continually saw

herself as mistreated. Father provided reasonable levels of structure, but mother did not.

Recent reformulations

Hybrid cases

In recent years, writers have suggested that most instances of parental rejection were hybrid cases, in which the child's rejection of a parent arises from a combination of poor parenting and alienation. They argue that the poor parenting would not, by itself, lead to rejection of the parent. The negative spin that the preferred parent puts on the poor parenting causes the child to become phobic of the poor parent (Friedlander & Walters, 2010; Johnston, Roseby, & Kuehnle, 2009).

While agreeing that most cases of rejection of a parent are hybrid cases is appealing as a compromise between the proponents and opponents of PAS, it runs into the same problems as PAS. Claiming that a case is hybrid means that the child would not have rejected the parent were it not for the preferred parent's badmouthing. The concept of hybrid cases ignores the research and logic showing that poor parenting is sufficient to lead a child to object to substantial visitation and that badmouthing is more likely to backfire than succeed. One would expect that a child who had historically been taken care of by a warm, patient parent would object to being taken from that parent's home for a significant part of the week to live with an impatient, harsh parent.

Some writers classify hybrid cases as cases of alienation (Warshak, 2001). This perspective has serious problems. First, how does one know that the parent's comments made a substantial difference? Next, classifying alleged hybrid cases as PA takes pressure off of the poor parent to change. Moreover, if the standard PA recommendations are implemented, the child will be taken from a parent with good skills to be with a parent the child is uncomfortable with, who does not have good skills. Invalidating the child and refusing to respond to the child's distress at being with a harsh parent and being taken from the primary attachment figure does serious psychological harm (Crowell, Beauchaine, & Linehan, 2009; Linehan, 1993).

Scientific assessment of PA

The core of a scientific assessment is using current scientific knowledge and diligently and fairly testing all reasonable hypotheses (Heuer, 2007). Both the scientific method and Guideline 9.01 of the APA *Specialty Guidelines for Forensic Psychology* require that competing hypotheses be tested (APA, 2013). Having competing hypotheses decreases confirmation

bias (Vallee-Tourangeau, Beynon, & James, 2000). In testing the hypotheses, it is particularly important to search for data that is inconsistent with each hypothesis (Mamede et al., 2010). Reports should contain a description of the method of analysis, and present both the data supporting and the data contradicting the various hypotheses (Drozd & Olesen, 2004). The evaluator should not simply note which hypothesis s/he favors, but the probabilities of each of the hypotheses (Heuer, 2007).

To opine that the issue is PA, the evaluator needs to show that justified rejection and affinity cannot reasonably explain the child's reaction to the less preferred/rejected parent. Moreover, there should be solid evidence of an actual campaign of denigration by the preferred parent, driving the child's negative feelings about the rejected parent, not simply a few inappropriate comments.

Absurd reasons for rejecting the parent, or only one of multiple children saying that mistreatment occurred, are suggestive of PA. A child having clearly false, seriously negative beliefs about a parent, that are connected with the rejection, and which are fostered by the preferred parent, indicates PA. Sudden negative changes in a child's attitude toward a parent after being inappropriately told negative information about the rejected parent is suggestive of alienation. Completely refusing contact with a parent who has neither been violent nor engaged in serious emotional abuse, even in a protected setting, raises questions of PA. The personality structure and behavior patterns of each parent should be assessed to see if they fit the alleged behavior. Both parents who mistreat children and ones who engage in alienating behaviors are likely to have a personality disorder, or at least significant problematic personality traits such as narcissism. Abusive parents are also likely to be impulsive (Arslan, 2016; Summers & Summers, 2006). The parents' psychological traits can be seen in their psychological testing, in their attitudes toward the children, the decisions they make about the children's activities and education, how they have interacted with the other parent, and sometimes how they behave in interviews. To opine that PA is the reason a child is rejecting a parent is to comment on the child's psychodynamics and motivation. This generally requires substantial time. Psychiatrists and psychologists are ethically required to do adequate interviews of individuals before rendering opinions about them, except under special circumstances.

There are patterns of behavior that support the possibility of alienating behavior, although they do not prove it. The preferred parent seriously interfering with visits, telling the child s/he missed great experiences by going on a visit, or engaging in an inquisition after visits are concerning behaviors. Extreme rudeness to the other parent and not correcting the child for being rude to the other parent are also concerning (Fidler et al.,

2008). Destroying correspondence between the child and the rejected parent and excluding the other parent from activities suggest possible alienation. Exaggerating negative attributes of the other parent and interpreting events in markedly speculative negative ways suggest possible alienation. However, validating and supportive comments about mistreatment by the other parent is not PA.

There are two situations in which children are particularly likely to reject a good parent. One would be classified as PA and the other as affinity. First, false or gratuitous complaints that the other parent was assaultive, or had an affair causing the marriage to end, have a greater likelihood of success than most other allegations. A parent discussing these problems with a child is not necessarily PA. Sometimes the discussion is almost unavoidable. Second, when a parent has difficulty functioning in the world because of emotional, medical, or social issues, the oldest child is likely to feel obligated to take care of that parent and may launch false allegations against the other parent in order to remain in the compromised parent's home. The false allegations can give the impression that the issue is PA when the real issue is affinity.

Conclusion

Problems with the assessment of PA

With widespread rejection of PAS as unscientific by both mental health and legal organizations, PA/PAS advocates know not to use the term PAS in court. However, they often use the presence of the elements of PAS to make a determination of PA. These evaluators are engaged in a rhetorical slight-of-hand.

PAS lacks scientific proof (Pepiton et al., 2012; Saini et al., 2016). This alone should bar custody evaluators using its elements to opine that PA exists in a family. The problem with PAS is far more than an absence of empirical data proving it. As discussed in this article, reanalysis of Gardner's data and knowledge of how children react in different situations indicates that almost all of the eight factors are present in justified rejection or affinity. The one exception concerns complaints that are weak, frivolous or absurd; this does not include significant allegations that the evaluator does not believe. It is crucial to appreciate that research shows that campaigns of alienation are more likely to backfire than succeed (Rowen & Emery, 2014), the primary factor affecting a parent-child relationship is the parent's warmth, and poor parenting is sufficient to lead a child to want to greatly limit time with that parent (Huff, 2015; Kelly & Johnston, 2001).

Research has shown that allegations of abuse in custody cases are most likely to be true than false, and of the false cases only a minority were

malicious (Clemente & Padilla-Racero, 2016; Thoennes & Tjaden, 1990; Trocme & Bala, 2005). PA/PAS advocates, however, frequently opine that abuse allegations are false, thereby misinterpreting appropriate protective parenting as PA. Some supporters of PAS/PA are now taking an even more extreme and unscientific position, claiming that abused children generally do not reject their parents, and so whenever a child rejects a parent it is overwhelmingly likely to be the result of PA. They begin with the assumption that the issue is overwhelmingly likely to be PA, and then confirmation bias takes over, leading the evaluator to vet and spin information to support the predetermined conclusion (Lubit, 2019a).

The evaluations I have reviewed, in which PA/PAS was diagnosed, carried the hallmarks of confirmation bias (i.e., cherry picked and spun data). Without giving a good reason (often without giving any reason) the evaluator accepted the facts asserted by the rejected parent and declared the statements of the children and preferred parent to be false. Essentially, they acted with an ad hoc hypothesis that preferred parents and children lack credibility and rejected parents are truthful. Other ad hoc hypotheses are often used by PA/PAS advocates. For example, according to PAS a lack of ambivalence indicates PA. However, if a child says negative things about a parent, but smiles or seems comfortable with the parent (indicating ambivalence) that will be interpreted to mean that there was no abuse and that the issue is PA.

The use of ad hoc hypotheses, spinning data to fit the theory, and rejecting data that contradicts the hypothesis of PA, makes PAS unfalsifiable and therefore unscientific (Popper, 1959).

Even if it were true that the elements of PAS are far more likely to be present in PA than in other reasons a child may reject a parent, it would still be inappropriate to use it, since the error rates are not established. The Daubert and Kumho Tire decisions require that the error rate for tests be acceptable (Federal Judicial Center, 2011). Given the tendency of PA/PAS advocates to reject allegations of mistreatment far more often than research shows actually occurs, PAS has a high error rate.

Bayesian inference techniques, conditioned probabilities, show how serious the problem is (Arkes, 1981; Proeve, 2009). Significant false positive rates for a test designed to assess the presence of a problem, and a relatively low prevalence rate, act synergistically to make the test very inaccurate. For example, if a method of assessing PA has 20% false positives, people often assume that if the method concludes the issue is PA, the odds are four out of five that the issue is PA. This error of intuition is known as the prosecutor's fallacy. If the base rate of PA is 10%, out of 100 families assessed there will be 10 actual cases of PA. However, since 20% of the time the test finds PA when it does not exist, there will also be 18 families

incorrectly alleged to be examples of PA. Only 10 of the 28 cases in which the test finds PA are actually cases of PA. Failure to consider base rates is a frequent cause of error in assessments (Kahneman & Tversky, 1982).

Rather than using a test for PA, and rather than searching for convergent data to support the hypothesis, one should compare alternative hypotheses. Heuer (2007) in *Psychology of Intelligence Analysis* described a methodology for the Assessment of Competing Hypotheses (ACH). It was specifically designed to reduce the impact of cognitive biases on analysis. There are seven steps: (a) Identify possible hypotheses; (b) Delineate evidence for and against each; (c) Prepare a table listing the various hypotheses and the data for and against each and identify which evidence is most important; (d) Simplify the table, removing unimportant information; (e) Assess the relative likelihood of the hypotheses focusing on disproving them; (f) Question the truth and importance of key assumptions and evidence; (g) Present the relative likelihood of each hypothesis.

Children objecting to spending a weekend or half of the week with a parent can be due to distress at losing their historic daily contact with their primary attachment figure, at a time when their family has been torn apart and they are unusually in need of nurturance. What begins as simply a greater attachment to one parent develops into anger toward the other parent, when that parent takes the child away from their primary attachment figure for a significant part of the week. Frequently, the less preferred parent feels rejected and belittled, becomes resentful, says negative things about the preferred parent and is irritable with the children. A downward cycle develops leading the child to reject the parent. Cutting a child's time with the primary parent does not cure alienation, it causes it. Children I have interviewed who were forced to spend more time with the parent they were rejecting did not come to feel better about the parent; they learned to not complain lest they be punished with even less time with their primary attachment figure.

Evaluators should use great caution before invalidating children's complaints of mistreatment and taking them from their primary attachment figure to spend time with a parent with whom they are uncomfortable or mistreated. Many children will be mistreated if a simple probability that the issue is PA is sufficient to invalidate the children's complaints. Parent guidance, parent therapy, and rebuilding the relationship needs to precede increased visitation time. Forced increased contact is likely to reinforce the child's anger toward the rejected parent rather than ameliorating it (Johnston et al., 2009).

Preventing children from being with their primary attachment figure for a significant part of the week is likely to do significant harm. Following divorce, children's anxiety, and attachment issues are inversely proportional to the amount of warm parenting time the children receive (Huff, 2015). Van der Kolk (2014) notes that attachment is "the secure base from which

a child moves out into the world... having a safe haven promotes self-reliance and develop the self-awareness, empathy, impulse control and self-motivation” (p. 111). The adult world, court system, child guardians, and custody evaluators are supposed to protect children from mistreatment. Removing children from their primary attachment figure to be with a parent, with whom they are uncomfortable, causes betrayal trauma and serious long-term psychological damage (Kleinman & Kaplan, 2016; Lubit, 2019b). If the children then face poor parenting the situation is even worse. Harsh, unempathic parenting damages resilience and self-esteem, and fosters problems with attachment, emotional dysregulation, behavior problems, high-risk behaviors, and long-term health problems (Arslan, 2016; Carroll et al., 2013; Flynn, Cicchetti, & Rogosch, 2014; Mills et al., 2013). Child maltreatment can adversely affect a child’s developing brain (Anda et al., 2006; Teicher, Andersen, Polcari, Anderson, & Navalta, 2002; Van der Kolk, 2014). The marked negative impact of maltreatment on children has been solidly established. PA/PAS advocates argue that PA has serious negative impacts on children but have not produced scientific studies showing it is as harmful as harsh or abusive parenting, or even as harmful as taking a child from her primary attachment figure.

Invalidating children’s reasonable complaints, telling them that harshness is no big deal, or you do not believe it happened, does significant psychological harm (Crowell, Beauchaine, & Linehan, 2009; Linehan, 1993). It undermines the child’s trust in her feelings and perceptions, and increases the risk of future victimization. It leads to self-blame, self-hate, alienation, and revictimization (Summit, 1983, p. 177). In addition, failing to respond to their distress causes a second injury, betrayal trauma (Symonds, 2010; Lubit, 2019b). Their ability to feel secure, to trust in relationships, to focus energy on academic and social skill development, and their faith in authority can all be badly damaged. There are multiple reports of children being seriously abused or killed by parents who were reported to be violent, but custody evaluators and courts claimed the issue was parental alienation, or that it was always best for children to have two parents, regardless of the quality of the parenting. Forced reunification, ignoring the child’s perspective, will probably do more harm than good and can cause serious enduring psychological harm (Dallam & Silberg, 2016). Using a methodology that has not been proven and is widely rejected, to diagnose PA, and then recommend a treatment that is likely to do more harm than good if the diagnosis is correct, and to do tremendous harm if the diagnosis is incorrect, is unethical and malpractice. Rates of parental alienation are uncertain. If the base rate is 10% and the false positive rate is 20%, then two-thirds of the cases in which PA is found are not actually cases of PA. If the base rate is lower than 10%, and the false error rate is higher than 20%,

which is probable, than more than two-thirds of determinations will be incorrect. When recommending treatment for a child, one must inform the person who has the power to make the decision both of alternative treatments and of the likely benefits and potential harm of the treatment. I have never seen a custody report written by a PA/PAS advocate discuss the risk of false positives or the harm that can occur from standard PA treatment, or of the accuracy of assessment methods. There is another pathway by which the PA/PAS proponents do harm. PA encourages the rejected parent to externalize blame. Many parents, who might otherwise take a look at their behavior and improve it, claim PA and see no reason to change what they do.

The primary judicial guideline in family court is to make decisions based on the best interests of the child. It is in the best interests of children that courts actively assess the scientific validity of each of the expert's opinions, rather than assuming that all of the evaluator's opinions are true expert opinions.

There are a number of questions lawyers, judges and peer reviewers can consider when trying to assess the scientific validity of an evaluation finding PA. These are listed as follows:

1. Were the elements of PAS used as evidence for PA?
2. Were arbitrary decisions made about who was credible?
3. Are all inferences drawn from the data scientific?
4. Were competing hypotheses tested with a focus on invalidation?
5. Were the strengths and weaknesses of both parents fairly assessed and presented?
6. Was there actually a one-sided campaign of denigration by the preferred parent, as opposed to a few inappropriate comments, or higher levels of denigration by the rejected parent?
7. Did the evaluator use current scientific knowledge when doing the evaluation?
8. Did the evaluator trivialize the importance of attachment, availability and parenting skills?
9. How frequently does the evaluator find PA and how often mistreatment or affinity?

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Ethical standards and informed consent

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EXHIBIT C

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CURRICULUM VITAE

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UNDERGRADUATE EDUCATION

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Academics: double major in history and chemistry.

MEDICAL EDUCATION

June 1979 MD, New York University School of Medicine, New York, NY.

POSTDOCTORAL TRAINING IN PSYCHIATRY

6/79-6/83 Psychiatry Residency, Yale University School of Medicine, New Haven.
7/83-6/85 Child Psychiatry Residency, The Children's Hospital, Boston, MA.
7/85-6/87 Advanced Psychotherapy Fellowship, Adams House, Boston, MA.
7/01-6/02 Forensic Psychiatry Fellowship, St. Vincent's Hospital, New York, NY.

INTERNATIONAL RELATIONS

1997 Ph.D. in Political Science, GSAS, Harvard University, Cambridge.
Dissertation explored impact of organizational learning on international conflict.

CERTIFICATIONS

Diplomate, American Board of Psychiatry and Neurology
Board Certified in Psychiatry, 1984.
Board Certified in Child and Adolescent Psychiatry, 2003 renewed 2012.
Board Certified in Forensic Psychiatry, 2003, renewed 2012.

New York State Medical License 205720-1.
National Board of Medical Examiners, 1980.

CLINICAL EXPERIENCE

- 1984-present Private practice (child, adult and forensic psychiatry) [other than 1999-2001]
- 2017-2018 NYC Traumatic Brain Injury Center.
- 2006-2008 Clinical Faculty NYU School of Medicine, Dept. of Child Psychiatry.
- 2003-2004 Assistant Professor of Psychiatry, Mt. Sinai School of Medicine, Dept of Child Psychiatry.
- 2002-2003 National Child Traumatic Stress Network, funded by SAMHSA and Assistant Professor of Psychiatry, Saint Vincents Hospital, NY Medical College, Dept of Child Psychiatry. Consortium for Effective Trauma Treatment, funded by NY Times Foundation.
- 2001-2002 Forensic Psychiatry Fellow, Saint Vincents Hospital, NY Medical College.
- 2001 ADD and Behavioral Disorders Clinic: Child and Adult Psychiatry.
- 1999-2001 Sabbatical from psychiatry to work as a management consultant for PricewaterhouseCoopers.
- 1998-1999 Psychiatrist, Jewish Board of Family and Children's Services.
- 1997-1998 On-call work for On-Site Psychiatric Services at various hospitals including Metro-West Medical Center and Faulkner Hospital.
- 1996-1997 Vinfen Corporation-Child and adult psychiatry at Fall River State Hospital and Beverly Hospital.
- 1993-1996 Psychiatrist, on-call and locum tenens ward coverage Charles River Hospital, Solomon Carter Fuller and Corrigan Mental Health:. Different summers I went wherever there was the greatest need. During the academic year I returned to my research and teaching.
- 1987-1992 Psychiatrist for Scoville and Schwager which placed me at various state hospitals they staffed including Danvers State, Northhampton State, Cape and the Islands, Solomon Carter Fuller. I served as Acting Medical Director at Danver's State and at Cape and the Islands. As noted above, I went wherever there was the greatest need, and during the academic year I returned to research and teaching.

PUBLICATIONS

Book Chapters

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Book Review (with Billick S.) of S. Goldstein & C. Reynolds. (eds) *Handbook of Neurodevelopmental and Genetic Disorders in Children*, New York: The Guildford Press, 1999) for *The Journal of Psychiatry & Law*.

Book Review (with Eth S.) of Children's Interests/Mother's Rights: The Shaping of *America's Child Care Policy*, by Michel S (New Haven: Yale University: 1999) for *Psychiatry* .

Book Review of *The Big Five* by Alexander Saveliev. *MeiMO* (Journal of the Institute for International Economics and International Relations), winter 1996.

Book Review of *Hidden Illness in the White House* by Kenneth Crispell and Carlos Gomez. *Politics and the Life Sciences*, February 1991.

Seven Easy Peaces (with Catherine Perlmutter). *Children Magazine*, Rodale Press, September 1988.

PRESENTATIONS

Interviewed by Catherine Shin of NBC news concerning why women stay with abusive men April 7, 2019 for Lifetime's "Surviving R. Kelly" to be aired May 4, 2019.

Quoted in Charlotte Observer about "Scarred Straight" February 26, 2019.

"Recognizing and Reporting Child Abuse", CME lecture for doctors, sponsored by Coverys, Waltham, MA, November 9 & 10, 2018.

Interviewed by Dave Cohen, guest host on WWL radio in New Orleans on abuse of Olympic gymnasts by Nasser. January 25, 2018.

Interviewed by BBC Radio on the Turpin Case. January 23, 2018

Interviewed by Dan Whitcome of Reuters on the Turpin Case including why parents would deny food and the impact on the child. Jan 18, 2018.

Interviewed live by Canadian Broadcasting television on the children in California who were shackled and isolated for years. January 18, 2018.

"Forensic Evaluations More Prejudicial Than Probative?" at the Division of Law, Ethics & Psychiatry of Columbia Univ. College of Physicians & Surgeons, Jan. 16, 2018.

Interviewed by NY Times concerning sexual abuse of Olympic gymnasts. Jan 16 2018.

Interviewed by Jonathan Allan of Reuters concerning the 13 children abused in California for years. Jan 16, 2018.

Interviewed by Boston Herald about emotional impact of the false alarm of a missile strike in Hawaii for article on January 16, 2018.

"Social and Emotional Learning and Classroom Management" at meeting of the Center for Research for Emotional Intelligence in Organizations. Boston Nov 17, 2017.

"Secondary Traumatization and Mental Well Being of Emergency Staff", a day long Workshop at the Second International Emergency Medicine Conference, Abu Dhabi October 25, 2017

"Car Accidents, PTSD and Head Trauma" at Second International Emergency Medicine Conference, Intercontinental Hotel, Abu Dhabi October 24, 2017

Presentation on Diagnosing Parental Alienation at Inns at Court, North Caldwell, NJ. May 16, 2017

Interviewed by Alexis Sachdev of Metro NY on the children of presidents March 29, 2017

"Dealing With Difficult Managers" for Occupational Clinical Professionals' Group, February 10, 2017.

Interviewed about PTSD for an article entitled 'Patriots Day' Boston premiere inspires conflicting emotions, in the Boston Herald, December 15, 2016.

Quoted in PennLive on "Trigger warnings: A campus code of decency or an overused guise to censor?" Sept 14, 2016

Filmed for the TV Show “Unraveled” on the Bernie Crucza case. October 6, 2015; on air September 8, 2016 on Investigation Discovery Channel (of NBC)

Interviewed by Fox News concerning a father urging his son to fight another child. May 28, 2014.

Interviewed by Muriel Alarcon of El Mercurio on PTSD. April 9, 2015.

Cited in Huffington Post on “5 Ways Successful Leaders Handle Toxic People” March 19, 2015. https://www.huffingtonpost.com/tracy-crossley/5-ways-successful-leaders_b_6882966.html

Interviewed by CKGSB Knowledge, a journal of the Cheung Kong Graduate School of Business in Beijing on narcissistic managers April 11, 2014.

Quoted in “Daughter said she lied and sent dad to prison for rape, but DA upholds conviction” 16 Dec 2013 by Dan Slepian

“Post Traumatic Stress Disorder” Emergency Medicine Conference Abu Dhabi Dec 8, 2013

Interviewed by Gulf News concerning Difficult Managers. February 26, 2013.

Interviewed by Kevin Hilliker of Wall Street Journal on suicide rates in NYC schools July 2013.

Interviewed by Catherine Langley of Aquarius (aquarius.ae), on Difficult Managers, February 2013.

Canadian Broadcasting Company, interviewed by 5 of their radio stations concerning collapse of shopping mall in Ontario June 27, 2012

Interviewed by Pittsburg Post-Gazette May 11, 2012, <http://www.post-gazette.com/pg/12071/1215971-455.stm>

Interviewed by NY Daily News May 9, 2012,

<http://www.nydailynews.com/new-york/bronx-girl-11-texts-pals-hangs-room-article-1.1074849>

Quoted in Mens Health about sexual abuse November 2011.

Interviewed by Michelle Murillo Reporter FM News New York on Sandusky Sex Abuse Scandal November 10, 2011

Quoted in Wall Street Journal by Michael Rothfeld “Stanford Says He Lost His Memory” September 15, 2011.

Interviewed by Kevin Maurer of Star News on sexual abuse of children, June 19, 2011

Interviewed by Emily Cohen of ABC News about stress and problematic behavior at work, June 24, 2010.

<http://abcnews.go.com/Business/MindMoodResourceCenter/mouthing-off-boss-fired/story?id=10993015>

Interviewed Pittsburg Post Gazzette on Acute Stress Disorder March 10, 2010

Assessing Forensic Evaluations, CME talk to Nassau County Bar Association 12/15/2010

Interview on Parental Alienation by Sarah Wallace of ABC Television 11/30/2010

Canadian Broadcasting Company, interviewed on television concerning Chilean Mining Disaster: August 24, 2010

Canadian Broadcasting Company, interviewed by 8 of their radio stations concerning Chilean Mining Disaster: August 24, 2010

Quoted in The McChrystal Effect: Mouthing Off To Your Boss Can Get You Fired: on ABCnews.com June 24, 2010 [HYPERLINK](http://abcnews.go.com/Business/MindMoodResourceCenter/mouthing-off-boss-fired/story?id=10993015&page=2)
["http://abcnews.go.com/Business/MindMoodResourceCenter/mouthing-off-boss-fired/story?id=10993015&page=2"](http://abcnews.go.com/Business/MindMoodResourceCenter/mouthing-off-boss-fired/story?id=10993015&page=2) \t " _blank"
<http://abcnews.go.com/Business/MindMoodResourceCenter/mouthing-off-boss-fired/story?id=10993015&page=2>

Podcast Concerning Child Custody Issues by EVDense. April 9, 2010.
http://www.evdense.com/mp3/Dr_Roy_Lubit_Podcast.mp3

Interviewed by Dow Jones concerning authoritarian managers. April 7, 2010

Lectures on Ethics to Child Psychiatry Fellows at Einstein School of Medicine Winter 2010

Lectures on Psychiatry for Navy Physicians (ADHD, PTSD, Forensic Psychiatry, Ethics in Psychiatry, Clinical Assessment of Children, Severe Personality Disorders), Columbia, Missouri October 11 and 12, 2009.

Use of Narratives and Storytelling in Treating PTSD, Trauma Psychiatry & Psychology, International Center For Psychosocial Trauma, Columbia, MO September 30, 2009

Interviewed by Star News Online Concerning Sexual Abuse of Children,
<http://www.starnewsonline.com/news/20110620/rc-soles-accused-of-taking-advantage-of-troubled-teens-ex-senator-denies-allegations>

Lectures on Ethics to Child Psychiatry Fellows, Einstein School of Medicine, Winter 2009

Impact of the Lehman Crisis on People, Fox Business News, September 15, 2008

Assessing Forensic Evaluations Rose Seminar, Minneapolis September 11, 2008

Developing Emotional Intelligence Rose Seminar Minneapolis September 11, 2008

“Assessing and Dealing With Corporate Threats” at ATAP North East Chapter, 6/23/08.

“Family Courts and Child Custody: A System Needing Change: Zigler Center at Yale April 11, 2008.

“Sex Abuse Evaluations” Symposium sponsored by Children and Family Law Committee of the Bar Association of the City of NY, January 23, 2008.

“Experiencing the Trauma of 9/11 and Understanding the Recovery” University of Missouri-Columbia International Center for Psychosocial Trauma” St Louis 6/29/06.

“Doing Forensic Evaluations” Joint Conference of the British Arab Psychiatric Association and American Arab Psychiatric Associations in Bahrain April 16, 2006.

“Evaluation and Treatment of PTSD in Children” Joint Conference of the British Arab Psychiatric Association and American Arab Psychiatric Associations in Bahrain April 16, 2006.

“Evaluation and Treatment of PTSD in Children” The First Annual Medical Conference of the International Iraqi Medical Association; Dubai, UAE April 12, 2006.

“Doing Forensic Evaluations” The First Annual Medical Conference of the International Iraqi Medical Association; Dubai, UAE April 12, 2006.

“Assessing and Treating Emotional Trauma” at International Academy of Law and Mental Health; Paris July 2005.

“Assessing Sexual Abuse Allegations” at International Academy of Law and Mental Health; Paris July 2005.

“New Thoughts on Leadership Development” at Society of Human Resource Management annual national meeting; San Diego June 20, 2005

“Dealing w. Toxic Managers” at NJ OD Network; Sharing Day; May 9, 2005

Problems in the Child Custody System on Dateline NBC April 15, 2005

“Group Dynamics and Decision Disasters” at annual meeting of In2In Thinking Network: Los Angeles, April 9, 2005

“Assessment of Dangerousness” Hudson River Psychiatric Hospital February 2, 2005

“Improving the Quality of Evaluations for Sexual Abuse” Queens ACS lawyers; 1/10/05.

“Improving the Quality of Child Custody Decisions ” The Second National Battered Mother's Custody Conference; Albany; January 8, 2005.

"Evaluating Forensic Child Custody Evaluations" to Women's Bar Association of the State of New York; June 8, 2003; Brooklyn, NY.

“Assessing Dangerousness” Grand Rounds at Hudson River Psychiatric Center 4/7/04.

“Radical Islam in Europe: Ideological, Psychological and Political Foundations and Potential Responses” invited presentation to Workshop on Radical Islam in Europe sponsored by CIA Office of Russian and European Analysis; McLean, VA 12/12/03

“Rethinking the Role of Psychology in Understanding Terrorism” invited presentation to Psychology of Terrorism Workshop sponsored by CIA Counterterrorism Center, Office of Terrorism Analysis; McLean, VA Nov 21, 2003.

“Assessment and Treatment of Traumatized Children” Grand Rounds MSSM Pediatrics Nov 20, 2003.

“Phenomenology, Psychopathology and Treatment of Emotional Trauma” Grand Rounds Walter Reed Army Hospital, Nov 19, 2003.

“Assessment and Treatment of Traumatized Children” Grand Rounds Pediatrics Elmhurst Hospital Nov 17, 2003.

With John Kastan "Organization of Disaster Mental Health Services in Post 9/11 New York City" Annual Meeting of APHA, San Francisco, November 15-19, 2003

“Doing Child Custody Evaluations” Bronx 18B Lawyers Retreat; Nov 2003.
 “Parental Alienation Syndrome” Bronx 18B Lawyers Retreat; Nov 2003.
 “Wide Ranging Impact of Emotional Trauma on Children”; William Allanson White
 Psychoanalytic Institute Sept 25, 2003
 “Violence in the Workplace” UPN 9, 7/25/03.
 “Understanding Terrorism” Chair of Panel, International Society of Political Psychology,
 Boston, July 9, 2003.
 “Mind of the Modern Day Terrorist” Paper Presented at the International Society of
 Political Psychology, Boston, July 9, 2003.
 “Limiting the Trauma of Terrorism” Paper Presented at the International Society of
 Political Psychology, Boston; July 8, 2003.
 “Children and Disasters” American Psychiatric Association, San Francisco, May 20,
 2003.
 “Treatment of Trauma” Grand Rounds, Hudson River Psychiatric Institute, 4/23/2003.
 “Evaluation and Treatment of Children After Disasters” at Families, Trauma and
 Forensic Psychiatry Symposium at Walter Reed Army Hospital, April 16, 2003
 “Children and Disasters” Maryland APA, April 9, 2003.
 “Ethics in Psychiatry” Grand Rounds, Hudson River Psychiatric Institute, 2/26/2003.
 Chair of panel on “Biological and Chemical Terrorism” at John Jay College’s symposium
 on Homeland Security After 9/11. January 23, 2003.
 “Assessment and Treatment of Traumatized Children”, Children’s National Medical
 Center, Dec 11, 2002.
 “Children's Needs and Obstacles to Meeting Them After Disasters”, LA Child
 Development Center. November 23, 2002
 “School Based Mental Health Screening” International Society of Traumatic Stress
 Studies November 10, 2002
 “Assessment of Traumatized Children and Adolescents” International Society of
 Traumatic Stress Studies November 7, 2002
 “Suicide and Suicide Prevention in Children and Adolescents” Safehorizon. Nov 5, 2002
 “Fundamentalism and Terrorism” Group for the Advancement of Psychiatry November
 1, 2002
 “Bereavement and Trauma: Assisting Adolescents After Loss”, Covenant House, NYC
 October 25, 2002
 “Living With Uncertainty and Violence: Helping Youth Cope With Trauma” JBFCS
 Symposium. Oct 7, 2002. “Treatment of Emotional Trauma” Beth Israel Hospital, 3
 half-day sessions in Sept. and Oct. 2002.
 “Impact of 9/11” BBC Sept 12, 2002

“Long term impact of 9/11”, NPR Sept 8, 2002

“Recognizing Troubled Children” Private Schools (HALB and HAFTR) September 3, 2002.

“Recognizing Troubled Children” NYC School Nurses, August 27, 2002

“Coping with Stress in the Modern World” NY Life Insurance, August 22, 2002

“Ethics and Leadership” Brookings Institution, Washington DC July 30, 2002.

“Treatment of Children Who Lose Parents” Easthampton Camp. July 10, 2002

“Assessing the Impact Of 9/11 On Children in Schools” Meeting of NYC school psychiatrists and supervising nurses. June 28, 2002

“Impact of WTC Disaster on Firefighters” CBS Evening News May 26, 2002

“Psychological Impact of Trauma” for Montclair NJ School District. May 16, 2002

“Origins of Delinquent Behavior” at Update on Juvenile Delinquency for Society for Adolescent Psychiatry. May 11, 2002

“Impact of Violence On Child Development and Remedial Strategies” at Conference on

“Responding to the crisis...Partnering for Violence Prevention” Summit Country Children Services. April 16, 2002

“Terrorism, Trauma and Treatment Options” for the S. Michigan branch of the International Society for the Study of Dissociation Annual Conference Livonia Michigan. April 12, 2002.

Interviewed by Psychiatric News for Stoic Firefighters Wrestle with Post-Disaster Emotions March 1, 2002.

Public Radio WNYC: Interview on psychiatric impact of WTC Disaster, 1/18/02.

“Healing a Traumatized City”, invited speaker at the symposium on “The Trauma of Terror in Children”, Dec 1, 2001 sponsored by the Southern California Society of Child and Adolescent Psychiatry and the Southern California Psychiatric Society.

NY1 Television: 1 hour interview program on psychiatric impact of WTC Disaster, 12/19/01.

Disaster Recovery: Worked with CEOs and HR to help companies recover from Sept 11, 2001 disaster. Also gave presentations to groups of 5 to 170 workers: First American Title, NYC, Sept. 14; Costa Kondylis, NYC, Sept 14; Credit Lyonnais, NYC Sept 21; Financial Models, NYC, Sept 21; Coalition for the Homeless. Oct 3; Sadlier Publishing Oct 4; Queller, Fisher, Dienst Oct 10; Village Voice, Oct 17; May Davis Investment Bank, Nov. 5; NY Life Nov 12; Jacqueline Onassis H.S., Oct 19; PS 89, Nov 6; H.S. of Economics and Finance Nov 14, 2001.

“Juvenile Delinquency” invited speaker, Tri-State Forensic Psychiatry Review Course, 3/2/01.

Chairman of panel on "Political Psychology and War", annual meeting of the International Society of Political Psychology, Washington, DC 6/21/85.

"Altered Metabolic States and Decision-Making", annual meeting of the International Society of Political Psychology, Toronto 6/25/84. Discussant on papers on the
"Effects of Alcohol and Drugs on Leadership Behavior", annual meeting of the International Society of Political Psychology, Toronto 6/27/84.

ORGANIZATIONAL AFFILIATIONS

2011-present	American Academy of Child and Adolescent Psychiatry
2007-2011	Consultant to Accountability Review Panel of NYC Administration for Children's Services
2004-2010	Consultant to Association of the Bar of the City of NY Children and Law Committee
2005-2006	Disaster and Trauma Issues Committee of Am Acad of Child and Adolescent Psych
2006-2008	Dept of Child Psychiatry, NYU School of Medicine
2004-2010	Dept of Psychiatry, Mt Sinai School of Medicine
2004-2005	NY State Interdisciplinary Forum on Mental Health and Family Law
2003-present	Consortium for Research on Emotional Intelligence in Organizations
2002-2004	Senior Consultant on Psychoeducation and Program Development, Center for Social and Emotional Education (HYPERLINK "http://www.csee.net" www.csee.net)
2002-2003	Senior Researcher, Center on Terrorism and Public Safety. John Jay College, CUNY
2003-2005	Consultant to International Relations and Terrorism Committees of the Group for the Advancement of Psychiatry
2002-2004	Manhattan Task Force to End Child Abuse and Domestic Violence
2001-2003	National Child Traumatic Stress Network
2001-2003	New York Times Consortium for Effective Trauma Treatment
1985-1991	Institute of Social and Behavioral Pathology, fellow.
1981-1988	American Psychiatric Association, member.
1983-1987	International Society of Political Psychology, member.
1982-1983	Yale Edward Zigler Center in Child Development and Social Policy

AWARDS

1990-1991	Harvard-MacArthur Scholar in International Security.
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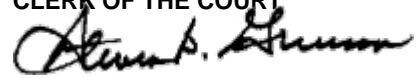
ORGANIZATIONAL DEVELOPMENT EXPERIENCE

1999-2001	Consulted to: Mitsubishi, Delta Airlines, PricewaterhouseCoopers, Morgan Stanley, Sadlier Publishing, First American Title, Costa Kondylis, Credit Lyonnais, Financial Models, Coalition for the Homeless.
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- 1999-2001 Management consultant in PricewaterhouseCoopers' Strategic and Organizational Change practice.
- 1997-1998 Visiting Scholar at Columbia Business School, New York, NY.
- 1997 Ph.D. in Political Science, GSAS, Harvard University, Cambridge.
Ph.D. dissertation on the role of learning and politics in organizational change.

TEACHING EXPERIENCE

- 2005-2008 Supervisor for residents in child psychiatry, NYU School of Medicine Department of Psychiatry
- 2003-2004 Supervisor for residents in child psychiatry and medical students at Mount Sinai School of Medicine
- 2001-2003 Supervisor for residents in psychiatry at St. Vincent's Hospital.
- 2004 Adjunct Assistant Professor, Zicklin School of Business, New York, NY.
Taught course on Managerial and Leadership Skills in the MBA program.
- 1990-1996 Teaching fellow at Harvard University, for International Conflicts in the Modern World, Ethics and International Relations, Europe After 1945, and The Stalin Era.
- 1998 Teaching assistant at Columbia Business School, for Organizational Behavior and Building the Learning Organization.



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Attorneys for Mitchell Stipp, Defendant

**IN THE EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CLARK
FAMILY DIVISION**

CHRISTINA CALDERON,
Plaintiff,
v.
MITCHELL STIPP,
Defendant.

Case No.: D-08-389203-Z
Dept. No.: H

**RESPONSE TO PLAINTIFF'S
OBJECTION FILED ON
AUGUST 30, 2019**

Defendant, Mitchell Stipp, hereby files the above-referenced response. This response is based on the papers and pleadings on file in this case, the memorandum of points and authorities that follow, and the argument of counsel to be made at the hearing.

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1 Dated: September 17, 2019

2 **LAW OFFICE OF MITCHELL STIPP**

3 /s/ Mitchell Stipp, Esq.
4 MITCHELL STIPP, ESQ.
Nevada Bar No. 7531
5 LAW OFFICE OF MITCHELL STIPP
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6 Las Vegas, Nevada 89147
Telephone: 702.602.1242
7 mstipp@stipplaw.com

8 **MEMORANDUM OF POINTS AND AUTHORITIES**

9
10 Plaintiff, Christina Calderon (“Christina”), filed an objection to the text messages
11 and emails included in the filings by Defendant, Mitchell Stipp (“Mitchell”), and the
12 exhibits attached to those filings, which were made on August 26, 2019. These filings
13 were signed by Mitchell (he is the Defendant and an attorney) and separately supported
14 by a declaration attached thereto. In addition, Mitchell included a new declaration and
15 the declaration of his wife, Amy Stipp, as part of his opposition/countermotion filed on
16 September 4, 2019. These declarations provide that the text messages and emails
17 embedded in the filings and those attached as exhibits are true and accurate (including
18 the filings and exhibits filed on August 26, 2019). Christina does not cite to any
19 authority, which prohibits Mitchell from embedding these communications into the
20 filings. Re-typing the communications to include in the body of the filings is not
21 required. Therefore, her objection should be overruled (to the extent the court considers
22 the same). Christina also objects to the authenticity and/or genuineness of the exhibits
23 pursuant to NRCP 16.205(i). NRCP 16.205(i) does not apply. Post-judgment discovery
24
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1 has not been authorized by the court in accordance with NRCP 16.21. Accordingly,
2 Christina's objection is premature and should be overruled (to the extent the court
3 considers the same).
4

5 For the record, Christina is a party to many of those communications (specifically
6 the text messages to Ethan Stipp's baseball coach). She can supply her copies (if they
7 differ), which would confirm her objection is baseless. Third parties (including the
8 coach, Mia Stipp's music teacher, etc.) have separate copies of these communications.
9 The children can also independently confirm their communications when interviewed.
10 At this juncture, Mitchell is not required to do more than provide an offer of proof (which
11 he has satisfied). Christina's evidentiary objection can be addressed if discovery is
12 opened and an evidentiary is scheduled.
13
14

15 Dated: September 17, 2019
16

17 **LAW OFFICE OF MITCHELL STIPP**

18 /s/ Mitchell Stipp, Esq.
19 MITCHELL STIPP, ESQ.
20 Nevada Bar No. 7531
21 LAW OFFICE OF MITCHELL STIPP
22 10120 W. Flamingo Rd., Suite 4-124
Las Vegas, Nevada 89147
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mstipp@stipplaw.com

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DECLARATION OF MITCHELL STIPP

I hereby declare and state as follows:

1. I am competent and willing to testify in a court of law as to the facts contained in this response (which are incorporated herein by this reference).

2. I have personal knowledge of these facts, save those stated upon information and/or belief, and as to those matters, I believe them to be true.

/s/ Mitchell Stipp

Mitchell Stipp

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of September, 2019, I filed the foregoing using the Court's E-filing system, which provided notice to the e-service participants registered in this case.

By: /s/ Amy Hernandez

An employee of the Law Office of Mitchell Stipp