

1 **ASTA**
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3 **NEVADA BAR NO. 6080**
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10 ***Attorney for Appellant***

Electronically Filed
Dec 24 2021 12:44 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

9 **MINH NGUYET LUONG,**

10 **Appellant,**

11 **vs.**

12 **JAMES VAHEY,**

13 **Respondent.**

} Supreme Court Case No.: 83929

} District Court Case No. D-18-581444-D

15 **CASE APPEAL STATEMENT**

16
17 **TO: Appellant, MINH LUONG**

18 **TO: Respondent, JAMES W. VAHEY**

19 **TO: Attorney for Respondent, ROBERT P. DICKERSON, ESQ.**

20
21 **Name of the Appellant filing this case appeal statement:**

22 **Minh Nguyet Luong**

23
24 **1. Identify the judge issuing the decision, judgment or order appealed from:**

25 **HON. DAWN THRONE**

26
27 **2. Identify each appellant and the name and address of counsel of each**
28 **appellant:**

1 Appellant: Minh Nguyet Luong

2 Counsel for Appellant:

3 Fred Page, Esq.
4 Page Law Firm
5 6930 South Cimarron Rd, Suite 140
6 Las Vegas, Nevada 89113

7 District Court Counsel for Appellant:

8 Fred Page, Esq.
9 Page Law Firm
10 6930 South Cimarron Rd, Suite 140
11 Las Vegas, Nevada 89113

12 Neil Mullins, Esq.
13 Kainen Law Group
14 3303 Novat Street, Suite 200
15 Las Vegas, Nevada 89129

16 3. Identify each respondent in the name and address of appellate counsel, if
17 known, for each respondent:

18 Respondent: James W. Vahey

19 Counsel for Respondent: Robert Dickerson, Esq.
20 Dickerson Karacsonyi Law Group
21 1745 Village Center Circle
22 Las Vegas, Nevada 89134

23 District Court Counsel: Robert Dickerson, Esq.
24 Dickerson Karacsonyi Law Group
25 1745 Village Center Circle
26 Las Vegas, Nevada 89134
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1 4. Indicate whether any attorney identified above in response to question 3
2 or 4 is not licensed to practice law in Nevada and, if so, whether the
3 District Court granted that attorney permission to appear under SCR42:

4 None.

5 5. Indicate whether appellant was represented by appointed counsel or
6 retained counsel in the District Court:

7 Appellant was represented by retained counsel in the district court.

8 6. Indicate whether appellant is represented by appointed or retained
9 counsel on appeal:

10 Appellant is represented by retained counsel on appeal.

11 7. Indicate whether was granted leave to proceed in *forma pauperis*, and the
12 date of entry of the District Court order granting such leave:

13 Not applicable.

14 8. Indicate the date the proceedings were commenced in District Court:

15 The Complaint for Divorce was filed on December 13, 2018, in the Eighth
16 Judicial District.

17 9. Provide a brief description of the nature of the action and the result in the
18 District Court, including the type of judgment or order be appealed and
19 relief granted by the District Court:

20 **Nature of the Action**

21 The nature of the action is a Motion to Correct Clerical Error in the Decree
22 of Divorce Regarding the 529 Accounts, or in the Alternative, to Set Aside the
23 Terms in the Decree of Divorce Regarding the Division of the 529 Accounts and
24 for Attorney's Fees and Costs that was filed by Appellant on September 27, 2021,
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1 and an Opposition to a Countermotion filed by Respondent on Plaintiff's Motion
2 for an Order to Show Cause to Issue Against Defendant for Violations of the
3 Court's October 18, 2021 Orders, to Compel Compliance with the Court's Orders,
4 for an Order for Matthew to Attend Counseling, for Temporary Sole Legal and
5 Sole Physical Custody of the Minor Children, for an Order that Defendant Pay
6 Child Support to Plaintiff, for an Award of Attorney's Fees and Costs, and for
7 Other Related Relief.
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10 The district court heard the matter on October 18, 2021. At that hearing, the
11 district court denied Appellant's request to set aside the Decree of Divorce as to
12 the 529 accounts under NRCP 60(a) and NRCP 60(b). The district court further
13 ordered that the minor children were to remain at Challenger School and that the
14 eldest minor child, Hannah, was to be delivered to Respondent's care and custody
15 by 5:00 p.m. and to remain in Respondent's care for the next two weeks.
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18 The district court further ordered that if Hannah did not go to the
19 Respondent that day, a Warrant Pick Up Order would be issued and the minor
20 child would be sent to Child Haven. The district court additionally ordered that the
21 guardian ad litem would be appointed for the two oldest minor children.
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24 The district court further two of the passports for the minor children be given
25 to Respondent's counsel to hold. Per Dr. Michelle Fontenelle's recommendation, a
26 psychiatric evaluation to be completed.
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1 After the evidentiary hearings held on November 3, November 5, and a
2 status check hearing on November 12, the district court ordered that the two oldest
3 children would attend Bob Miller Middle School. At a status check hearing, the
4 Court ordered that Respondent would have temporarily sole legal and sole physical
5 custody of Matthew. Hannah was permitted to attend Sig Rogich or Becker
6 Middle School. Mathew was to attend Bob Miller Middle School.
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9 **Type of Judgment or Order Being Appealed From**

10 The type of judgment or order being appealed is an Order after hearing.
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12 **Result in the District Court**

13 The result in the district court was that the Appellant's request for the
14 Decree to be set aside under either NCRP 60(a) and NRCP 60(b) was denied.
15 Respondent's Countermotion for sole legal custody was denied. Hannah was to be
16 sent to Respondent's care by 5:00 p.m. and remain in Respondent's care for the
17 next two weeks. If Hannah did not go with Respondent, a Warrant Pick Up Order
18 for her was to be entered and she was to be sent to Child Haven. An evidentiary
19 hearing was set for November 3, and November 18, 2021. The November 3,
20 hearing went forward, and the district court set another evidentiary hearing date for
21 November 5, and the November 18, evidentiary hearing date was cancelled. At
22 the evidentiary hearing, the Court entered temporary orders regarding custody and
23 visitation that are still pending.
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Orders Being Appealed and Relief Granted

The orders that are being appealed from are the orders denying the request to set aside the Decree of Divorce under NRCP 60(a) and NRCP 60(b). The district court's orders that Respondent hold two of the passports, and the district court's orders refusal to follow the recommendations of Dr. Fontenelle even though the parties had stipulated that they would follow the recommendations of Dr. Fontenelle.

10. Indicate whether the case has previously been the subject of appeal to or original writ proceeding to the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:

83098.

11. Indicate whether this appeal involves child custody or visitation:

Does not involve child custody or visitation.

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1 12. If this is a civil case, indicate whether this appeal involves a possibility
2 of settlement:

3 Settlement is unlikely.

4 DATED this 22nd day of December 2021

5
6 PAGE LAW FIRM

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15 *Attorney for Appellant*
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 24th day of December 2021, the Appellant's CASE APPEAL STATEMENT was served electronically with the Clerk of the Nevada Supreme Court and service pursuant to the United States mail, postage prepaid, was made in accordance with the master service list maintained by the Clerk of the Supreme Court to the attorney listed below.

Robert P. Dickerson, Esq.
Dickerson Karacsonyi Law Group
1745 Village Center Circle
Las Vegas, Nevada 89134
Counsel for Respondent



An employee of Page Law Firm