

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

MINH NGUYET LUONG,
Appellant,

JAMES VAHEY,
Respondent.

No. 83929

Electronically Filed
Jan 18 2022 05:16 p.m.

Elizabeth A. Brown
Clerk of Supreme Court
**DOCKETING STATEMENT
CIVIL APPEALS**

GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. *See KDI Sylvan Pools v. Workman*, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District Eighth Department U
County Clark Judge Hon. Dawn Throne
District Ct. Case No. D-18-581444-D

2. Attorney filing this docketing statement:

Attorney Fred Page, Esq. Telephone (702) 823-2888

Firm Page Law Firm

Address 6930 South Cimarron Road, Suite 140
Las Vegas, Nevada 89113

Client(s) Minh Nguyet Luong

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondents(s):

Attorney Robert Dickerson, Esq. Telephone (702) 388-8600

Firm Dickerson-Karacsonyi Law Group

Address 1645 Village Center Circle Suite 291
Las Vegas, Nevada 89134

Client(s) James Vahey

Attorney Sabrina Dolson, Esq. Telephone (702) 388-8600

Firm Dickerson-Karacsonyi Law Group

Address 1645 Village Center Circle Suite 291
Las Vegas, Nevada 89134

Client(s) James Vahey

(List additional counsel on separate sheet if necessary)

4. Nature of disposition below (check all that apply):

- | | |
|--|---|
| <input checked="" type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Dismissal: |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Lack of jurisdiction |
| <input type="checkbox"/> Summary judgment | <input type="checkbox"/> Failure to state a claim |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Failure to prosecute |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief | <input type="checkbox"/> Other (specify): _____ |
| <input type="checkbox"/> Grant/Denial of injunction | <input type="checkbox"/> Divorce Decree: |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination | <input type="checkbox"/> Other disposition (specify): _____ |

5. Does this appeal raise issues concerning any of the following?

- ☐ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

Prior appeal, Supreme Court Case number 83098

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

Not applicable.

8. Nature of the action. Briefly describe the nature of the action and the result below:

The nature of the action is a Motion filed by Appellant to set aside a portion of the Decree of Divorce related to property division of 529 educational accounts pursuant to NRCP 60(a) and NRCP 60(b) related to the division percentage as the percentage set forth in the Decree of Divorce was incorrect. There was also an Order that two of the minor children's passports be given to Respondent's counsel to hold.

9. Issues on appeal. State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

Whether the district court erred under NRCP 60(a) or NRCP 60(b) in refusing to set aside the division of 529 educational accounts when it was determined that the percentage regarding the division was incorrect.

Whether the district court error in requiring Appellant to surrender two passports for the minor children to Respondent.

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

None.

11. Constitutional issues. If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

12. Other issues. Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issue arising under the United States and/or Nevada Constitutions

☒ A substantial issue of first impression

☐ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain:

13. Assignment to the Court of Appeals or retention in the Supreme Court. Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

The case is presumptively assigned to the Courts of Appeals under NRAP 17.

14. Trial. If this action proceeded to trial, how many days did the trial last? 1 day

Was it a bench or jury trial? Bench

15. Judicial Disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?

No.

TIMELINESS OF NOTICE OF APPEAL

16. Date of entry of written judgment or order appealed from November 9, 2021

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

17. Date written notice of entry of judgment or order was served _____

Was service by:

☐ Delivery

☒ Mail/electronic/fax

18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b) Date of filing Not applicable

☐ NRCP 52(b) Date of filing Not applicable

☐ NRCP 59 Date of filing Not applicable

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. ____, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion Not applicable

(c) Date written notice of entry of order resolving tolling motion was served N/A

Was service by:

☐ Delivery

☐ Mail

19. Date notice of appeal filed December 8, 2021

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

Not applicable

20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other

NRAP 4(a)

SUBSTANTIVE APPEALABILITY

21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)

☒ NRAP 3A(b)(1)

☐ NRS 38.205

☐ NRAP 3A(b)(2)

☐ NRS 233B.150

☐ NRAP 3A(b)(3)

☐ NRS 703.376

☐ Other (specify) _____

(b) Explain how each authority provides a basis for appeal from the judgment or order:

The Order being appealed from is a final Order.

22. List all parties involved in the action or consolidated actions in the district court:

(a) Parties:

Minh Nguyet Luong - Appellant

James Vahey - Respondent

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

Not applicable

23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

The action was for a divorce. The formal disposition of the issues on appeal was on November 9, 2021.

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?

☒ Yes

☐ No

25. If you answered "No" to question 24, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

Not applicable.

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☐ Yes

☒ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☐ Yes

☒ No

26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):

The Order is independently appealable under NRAP 3A(b).

27. Attach file-stamped copies of the following documents:

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

VERIFICATION

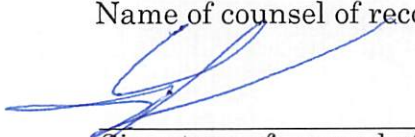
I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Minh Nguyet Luong
Name of appellant

1-18-22
Date

Nevada, Clark County
State and county where signed

Fred Page, Esq.
Name of counsel of record


Signature of counsel of record

CERTIFICATE OF SERVICE

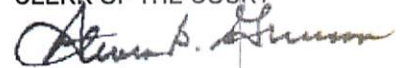
I certify that on the 18th day of January, 2022, I served a copy of this completed docketing statement upon all counsel of record:

- ☐ By personally serving it upon him/her; or
- ☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

Robert Dickerson, Esq.
Sabrina Dolson, Esq.
1645 Village Center Circle Suite 291
Las Vegas, Nevada 89134

Dated this 18th day of January, 2022


Signature



NEOJ
FRED PAGE, ESQ.
NEVADA BAR NO. 6080
PAGE LAW FIRM
6930 SOUTH CIMARRON ROAD, SUITE 140
LAS VEGAS, NEVADA 89113
(702) 823-2888 office
(702) 628-9884 fax
Email: fpagelaw@pagelawoffices.com
Attorney for Defendant

EIGHTH JUDICIAL DISTRICT COURT
COUNTY OF CLARK
STATE OF NEVADA

JAMES W. VAHEY,
Plaintiff,

vs.

MINH NGUYET LUONG,
Defendant.

Case No.: D-18-581444-D
Dept.: U

NOTICE OF ENTRY OF ORDER

TO: JAMES W. VAHEY, Plaintiff and

TO: ROBERT P. DICKERSON, ESQ, attorney for Plaintiff

YOU AND EACH OF YOU please take notice that on the 9th day of
November 2021, the Order from the October 18, 2021 hearing was duly entered, a

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1
2 true and correct copy of which is attached hereto.

3
4 DATED this 9th day of November 2021

5 PAGE LAW FIRM

6
7 

8 FRED PAGE, ESQ.

9 Nevada Bar No. 6080

10 6930 South Cimarron Road, Suite 140

11 Las Vegas, Nevada 89113

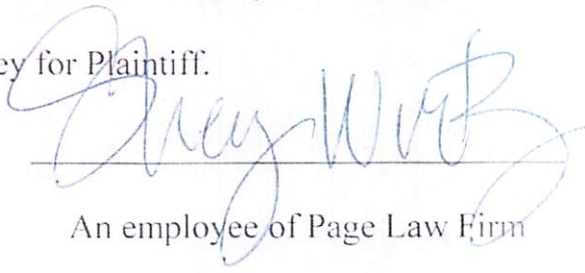
12 (702) 823-2888


13 Attorney for Defendant
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 9th day of November 2021, the foregoing NOTICE OF ENTRY OF ORDER was served pursuant to NEFCR 9 via e-service to Robert P. Dickerson, attorney for Plaintiff.


An employee of Page Law Firm


CLERK OF THE COURT

ORDER
FRED PAGE, ESQ.
NEVADA BAR NO. 6080
PAGE LAW FIRM
6930 SOUTH CIMARRON ROAD, SUITE 140
LAS VEGAS, NEVADA 89113
(702) 823-2888 office
(702) 628-9884 fax
Email: fpage@pagelawoffices.com
Attorney for Defendant

**EIGHTH JUDICIAL DISTRICT COURT
COUNTY OF CLARK
STATE OF NEVADA**

JAMES W. VAHEY,
Plaintiff,

vs.

MINH NGUYET LUONG,
Defendant.

Case No.: D-18-581444-D

Dept.: U

Hearing Date; October 18, 2021

Hearing Time: 9:30 a.m.

ORDER FROM OCTOBER 18, 2021, HEARING

The hearing on Defendant, MINH NGUYET LUONG'S, Motion to Correct Clerical Error in the Decree of Divorce Regarding the 529 Accounts, or in the Alternative, to Set Aside the Terms in the Decree of Divorce Regarding the Division of the 529 Accounts and for Attorney's Fees and Costs and Plaintiff, JAMES VAHEY'S, Countermotion for Immediate Return of Hannah to Jim's Custody, an Order that Hannah Immediately Participate in Therapy with Dee Pierce, Ph.D., an Order that Hannah Have a Forencis Pyschiatric Evaluation, an Order Requiring the Parties to Participate in Co-Parenting Counseling with Bree Mullin, Ph.D., Sole Legal Custody, School Choice Determination, Return of the

1 Children's Passports, and Attorney's Fees and Costs came on for hearing on the
2 above referenced date and time in front of the Hon. Dawn Throne. Defendant,
3 MINH LUONG, was present via Bluejeans video and was represented by and
4 through her counsel, Fred Page, Esq. Plaintiff, JAMES VAHEY, was present via
5 Bluejeans video and was represented by and through his counsel, Sabrina Dolson,
6 Esq., and Robert Dickerson, Esq. The Court having reviewed the papers and
7 pleadings on file and having entertained oral argument hereby makes the following
8 findings and enters the following orders.
9

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12 **THE COURT HEREBY FINDS** that is has personal and subject matter
13 jurisdiction.
14

15 **THE COURT HEREBY ORDERS** as follows:
16

- 17 1. Defendant's Motion under NRCP 60(a) is denied.
- 18 2. Defenendant's Motion under NRCP 60(b) is denied.
- 19 3. Plaintiff's Countermotion for sole legal custody is denied.
- 20 4. Matthew Vahey shall remain at Challenger School until further order
21 of the Court.
22
- 23 5. Defendant shall ensure that Hannah Vahey is delivered to Plaintiff's
24 care and custody (at his home) today at 5:00 p.m. and to remain in Plaintiff's care
25 for the next two weeks.
26
27
28

1 6. If Hannah does not go with Plaintiff today, a Warrant Pick Up Order
2 will be entered and Hannah shall go to Child Haven.
3

4 7. A Guardian Ad Litem shall be appointed for Hannah and Matthew.
5 Counsel shall confer and agree. The parties shall equally pay the costs.
6

7 8. A parenting coordinator shall be appointed. Counsel shall confer and
8 agree or provide the Court with two proposals each. The parties shall equally pay
9 the costs.
10

11 9. The parties shall file updated Financial Disclosure Forms
12

13 10. Plaintiff is awarded attorney's fees. Ms. Dolson shall submit
14 Memorandum of Fees and Costs incurred to oppose 529 motion. Mr. Page may
15 submit objection as to fees requested.
16

17 11. Hannah's and Selena's passports shall be given to Mr. Dickerson's
18 office to hold by this Friday. Matthew's passport shall remain with Defendant.
19 Neither of the parties shall travel internationally with the minor children without
20 the other parent's ^{written} agreement.
21

22 12. Discovery is open solely as to school related issues.
23

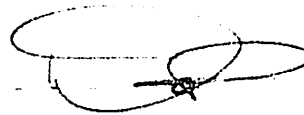
24 13. The parties shall submit joint letter as to Dr. Michelle Fontenelle's
25 availability. ~~Per Dr. Michelle Fontenelle's recommendation, a psychiatric~~
26 ~~evaluation to be completed.~~
27

28 14. The request for co-parenting counseling is deferred.

15. An evidentiary hearing is set for November 3, 2021, at 1:00 p.m. regarding school and mental health. An evidentiary hearing is set for November 18, 2021, regarding school and mental health is set for November 18, at 9:00 a.m.

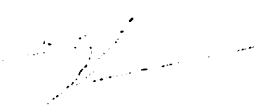
16. An order to show cause hearing is set for November 3, 2021~~2~~, at 1:30 p.m.

Dated this 9th day of November, 2021



5C9 A4D E337 4707
Dawn R. Throne
District Court Judge

Respectfully submitted:
PAGE LAW FIRM



FRED PAGE, ESQ.
Nevada Bar No. 6080
6930 South Cimarron Road, Suite 140
Las Vegas, Nevada 89113
(702) 823-2888
Attorney for Defendant

Approved as to form and content:
DICKERSON KARACSONYI LAW
GROUP

ROBERT DICKERSON, ESQ.
Nevada Bar No. 945
1645 Village Center Circle, Suite 291
Las Vegas, Nevada 89134
(702) 388-0210
Attorney for Plaintiff

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2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
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6 James W. Vahey, Plaintiff

CASE NO: D-18-581444-D

7 vs.

DEPT. NO. Department U

8 Minh Nguyet Luong, Defendant.
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 11/9/2021

15 Sabrina Dolson

Sabrina@thedklawgroup.com

16 Robert Dickerson

Bob@thedklawgroup.com

17 Info info email

info@thedklawgroup.com

18 Fred Page

fpage@pagelawoffices.com

19 Edwardo Martinez

edwardo@thedklawgroup.com

20 Admin Admin

Admin@pagelawoffices.com
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