

1 **NOAS**
2 **ROSENBLUM LAW OFFICES**
3 **MOLLY ROSENBLUM, ESQ.**
4 Nevada Bar No. 08242
5 **SHEILA TAJBAKSH, ESQ.**
6 Nevada Bar No. 15343
7 376 East Warm Springs Rd. Ste 149
8 Las Vegas, Nevada 89119
9 (702) 433-2889—Phone
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Attorney for Defendant

Electronically Filed
Dec 29 2021 11:20 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

10 **DISTRICT COURT—FAMILY DIVISION**
11 **CLARK COUNTY, NEVADA**

12
13 **EVGENY SHAPIRO,**
14 Plaintiff,
15 **vs.**
16 **NECHOLE GARCIA,**
17 Defendant.

Case No.: **D-20-612006-C**
Dept. No.: **N**

18
19 **NOTICE OF APPEAL**

20 Notice is hereby given that Defendant in the above captioned case,
21 NECHOLE GARCIA, by and through her Attorneys, MOLLY ROSENBLUM,
22 ESQ. and SHEILA TAJBAKSH, ESQ. of the ROSENBLUM ALLEN LAW
23 FIRM, hereby appeals to the Supreme Court of Nevada from the Order filed

24 ///

1 on December 15, 2021 regarding the Decision and Order related to the custody of
2 the minor child in this matter. Notice of Entry of Order was filed December 16,
3 2021.

4 ///

5 DATED this 17th day of December 2021

6
7
8 
9 **MOLLY ROSENBLUM, ESQ.**

10 Nevada Bar No. 08242

11 **SHEILA TAJBAKHS, ESQ.**

12 Nevada Bar No. 15343

13 376 East Warm Springs Rd. Ste 149

14 Las Vegas, Nevada 89119

15 (702) 433-2889—Phone

16 (702) 425-9642—Fax

17 Email: staff@rosenblumlawlv.com

18 Attorney for Defendant

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that service of the foregoing document was made:

3 **Saturday, December 18, 2021** by:

4
5 ☒ **E-FILE ELECTRONIC SERVICE**

6 Pursuant to NEFCR 9(d), by electronic service through the Eighth
7 Judicial District Court's e-Filing System (EFS), addressed to the
8 following registered users:

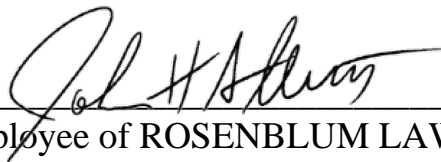
9 Jennifer Isso, Esq.
10 Isso & Hughes Law Firm
11 2470 Saint Rose Pkwy Ste 306F
12 Henderson, NV 89074
ji@issohugheslaw.com
Attorney for Plaintiff

13 ☐ **ELECTRONIC SERVICE**

- 14 ☐ Facsimile, addressed to:
15 ☐ E-Mail, addressed to:

16
17
18 ☐ **MAIL**

19 Depositing a copy of the same in the U.S. Mails at Las Vegas,
20 Nevada, postage prepaid, addressed to
21
22
23
24

25
26 

27 An Employee of ROSENBLUM LAW OFFICES
28

CASE SUMMARY**CASE NO. D-20-612006-C**

Evgeny Shapiro, Plaintiff.
vs.
Nechole Garcia, Defendant.

§
 §
 §
 §

Location: **Department N**
 Judicial Officer: **Harter, Mathew**
 Filed on: **08/07/2020**
 Case Number History:

CASE INFORMATION**Statistical Closures**

12/15/2021 Judgment Reached (Bench Trial)

Case Type: **Child Custody Complaint**

Case Status: **12/18/2021 Reopened**

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

Case Number D-20-612006-C
 Court Department N
 Date Assigned 08/13/2020
 Judicial Officer Harter, Mathew

PARTY INFORMATION**Plaintiff**

Shapiro, Evgeny

Lead Attorneys

Isso, Jennifer

Retained

702-434-4424(W)

Defendant

Garcia, Nechole

Rosenblum, Molly S.

Retained


702-433-2889(W)

Subject Minor


Garcia-Shapiro, Ava

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


12/20/2021

 Notice of Hearing
[251] Notice of Hearing


12/18/2021

 Motion
 Filed By: Counter Defendant Shapiro, Evgeny
[250] Plaintiff's Motion For Attorney's Fees And Reimbursement Of Costs And Memorandum Of Fees And Costs Incurred

12/18/2021

 Notice of Appeal
[249] Notice of Appeal


12/16/2021

 Notice of Entry of Order
 Filed By: Counter Defendant Shapiro, Evgeny
[248] Notice of Entry of Order


12/15/2021

 Decision and Order
[247] for November 03, 2021 and November 05, 2021 Evidentiary Hearings

11/26/2021



















 Certificate of Service
 Filed by: Counter Defendant Shapiro, Evgeny
[246] Amended Certificate of Service

11/26/2021

 Certificate of Service
 Filed by: Counter Defendant Shapiro, Evgeny

CASE SUMMARY

CASE NO. D-20-612006-C

	<i>[245] Amended Certificate of Service</i>
11/26/2021	 Brief Filed By: Counter Defendant Shapiro, Evgeny <i>[244] PLAINTIFF S CLOSING BRIEF</i>
11/25/2021	 Brief Filed By: Counter Defendant Shapiro, Evgeny <i>[243] PLAINTIFF S CLOSING BRIEF</i>
11/24/2021	 Certificate of Service <i>[242] Certificate Of Service</i>
11/24/2021	 Brief <i>[241] Defendant's Nechole Garcia's Brief Regarding Child Support</i>
11/23/2021	 Certificate of Service <i>[240] Certificate of service</i>
11/23/2021	 Brief <i>[239] Defendants Closing Brief</i>
11/19/2021	 Certificate of Service <i>[238] Certificate Of Service</i>
11/19/2021	 Notice of Entry of Stipulation and Order <i>[237] Notice Of Entry Of Stipulation And Order</i>
11/16/2021	 Stipulation and Order <i>[236] SAO TO EXTENDED DUE DATE OF BRIEF</i>
11/02/2021	 Exhibits Filed By: Counter Defendant Shapiro, Evgeny <i>[235] PLAINTIFF S TRIAL EXHIBIT PACKET</i>
10/26/2021	 Reply Filed By: Counter Defendant Shapiro, Evgeny <i>[234] PLAINTIFF S REPLY TO DEFENDANT S OPPOSITION TO MOTION FOR WITNESS ACCOMMODATION</i>
10/25/2021	 Affidavit of Service Filed By: Counter Defendant Shapiro, Evgeny <i>[233] Affidavit of Service</i>
10/25/2021	 Acceptance of Service Filed by: Counter Defendant Shapiro, Evgeny <i>[232] Acceptance of Service</i>
10/22/2021	 Order Shortening Time <i>[231] for Plaintiff's Motion for Witness Accommodation</i>
10/22/2021	 Notice of Hearing <i>[230] Notice of Hearing</i>
10/22/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[229] Certificate Of Service</i>
10/22/2021	 Opposition and Countermotion Filed By: Counter Claimant Garcia, Nechole <i>[228] Defendant s Limited Opposition To Plaintiff s Motion For Witness Accommodation And Request For Attorney s Fees And Costs</i>
10/22/2021	 Receipt of Copy Filed By: Counter Defendant Shapiro, Evgeny



















CASE SUMMARY

CASE NO. D-20-612006-C

	<i>[227] Receipt of Copy</i>
10/22/2021	 Application Filed By: Counter Defendant Shapiro, Evgeny <i>[226] EX-PARTE APPLICATION FOR ORDER SHORTENING TIME</i>
10/21/2021	 Notice of Hearing <i>[225] Notice of Hearing</i>
10/21/2021	 Motion Filed By: Counter Defendant Shapiro, Evgeny <i>[224] Plaintiff's Motion For Witness Accommodation</i>
10/19/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[223] Certificate Of Service</i>
10/19/2021	 Affidavit of Service Filed By: Counter Defendant Shapiro, Evgeny <i>[222] Affidavit Of Process Server</i>
10/19/2021	 Affidavit of Service Filed By: Counter Claimant Garcia, Nechole <i>[221] Affidavit Of Process Server</i>
10/19/2021	 Affidavit of Service Filed By: Counter Claimant Garcia, Nechole <i>[220] Affidavit of Process Server</i>
10/19/2021	 Decision and Order <i>[219] Granting Motion to Accommodate Witnesses</i>
10/18/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[218] Certificate Of Service</i>
10/18/2021	 Ex Parte Application Filed by: Counter Claimant Garcia, Nechole <i>[217] Defendant's Ex Parte Application For Order Shortening Time</i>
10/18/2021	 Notice of Hearing <i>[216] Notice of Hearing</i>
10/16/2021	 Affidavit of Service Filed By: Counter Defendant Shapiro, Evgeny <i>[215] Affidavit of Service</i>
10/16/2021	 Affidavit of Service Filed By: Counter Defendant Shapiro, Evgeny <i>[214] Affidavit of Service</i>
10/15/2021	 Certificate of Service <i>[213] Certificate of Service</i>
10/15/2021	 Motion Filed By: Counter Claimant Garcia, Nechole <i>[212] Defendant's Emergency Motion for Witness Accommodation, or Alternatively, to Continue Trial on an order Shortening Time</i>
10/15/2021	 Financial Disclosure Form Filed by: Counter Defendant Shapiro, Evgeny <i>[211] Financial Disclosure Form</i>
10/15/2021	 Certificate of Service <i>[210] Certificate Of Service</i>

CASE SUMMARY

CASE NO. D-20-612006-C

10/15/2021	 Subpoena <i>[209] Re-Notice Of Trial Subpoena- Video Testimony Only</i>
10/15/2021	 Subpoena <i>[208] Re-Notice Of Trial Subpoena - Video Testimony Only</i>
10/15/2021	 Subpoena <i>[207] Re-Notice Of Trial Subpoena - Video Testimony Only</i>
10/15/2021	 Witness List Filed by: Counter Defendant Shapiro, Evgeny <i>[206] PLAINTIFF S TRIAL WITNESS LIST</i>
10/14/2021	 Order Setting Civil Non-Jury Trial <i>[205] for November 03, 2021 and November 05, 2021</i>
10/09/2021	 Exhibits Filed By: Counter Defendant Shapiro, Evgeny <i>[204] PLAINTIFF S TRIAL EXHIBIT PACKET</i>
10/09/2021	 Exhibits Filed By: Counter Defendant Shapiro, Evgeny <i>[203] PLAINTIFF S TWELFTH SUPPLEMENTAL LIST OF WITNESSES AND PRODUCTION OF DOCUMENTS PURSUANT TO NRCP 16.2</i>
10/08/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[202] Certificate of Service</i>
10/08/2021	 Receipt of Copy Filed By: Counter Claimant Garcia, Nechole <i>[201] Receipt of Copy</i>
10/08/2021	 Notice of Entry of Stipulation and Order <i>[200] Notice of Entry of Stipulation and Order</i>
10/08/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[199] Certificate Of Service</i>
10/08/2021	 Pre-trial Memorandum Filed By: Counter Claimant Garcia, Nechole <i>[198] Defendant's Pretrial Memorandum</i>
10/07/2021	 Pre-trial Memorandum Filed By: Counter Defendant Shapiro, Evgeny <i>[197] Plaintiff's Pre-Trial Memorandum</i>
10/06/2021	 Stipulation and Order <i>[196] to Extend Pretrial Memorandum Due Deadline</i>
10/06/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[195] Certificate of Service</i>
10/06/2021	 Witness List Filed by: Counter Claimant Garcia, Nechole <i>[194] Defendant's 17th Supplemental N.R.C.P 16.2 Production of Exhibits and Witness Disclosures</i>
10/06/2021	 Financial Disclosure Form Filed by: Counter Defendant Shapiro, Evgeny <i>[193] Financial Disclosure Form</i>
10/05/2021	 Certificate of Service


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CASE NO. D-20-612006-C

	Filed by: Counter Claimant Garcia, Nechole <i>[192] Certificate Of Service</i>
10/05/2021	 Witness List Filed by: Counter Claimant Garcia, Nechole <i>[191] Defendant s Sixteenth Supplemental N.R.C.P 16.2 Production Of Exhibits And Witness Disclosures</i>
10/05/2021	 Financial Disclosure Form Filed by: Counter Claimant Garcia, Nechole <i>[190] General Financial Disclosure Form</i>
10/05/2021	 Exhibits Filed By: Counter Defendant Shapiro, Evgeny <i>[189] PLAINTIFF S TRIAL EXHIBIT PACKET</i>
09/30/2021	 Affidavit of Service Filed By: Counter Claimant Garcia, Nechole <i>[188] Affidavit Of Process Server</i>
09/30/2021	 Affidavit of Service Filed By: Counter Claimant Garcia, Nechole <i>[187] Affidavit Of Process Server</i>
09/30/2021	 Affidavit of Service Filed By: Counter Claimant Garcia, Nechole <i>[186] Affidavit Of Process Server</i>
09/29/2021	 Affidavit of Service Filed By: Counter Defendant Shapiro, Evgeny <i>[185] Affidavit of Service</i>
09/23/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[184] Certificate Of Service</i>
09/23/2021	 Notice Filed By: Counter Claimant Garcia, Nechole <i>[183] Notice Of Taking Remote Deposition</i>
09/22/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[182] Certificate Of Service</i>
09/22/2021	 Subpoena Filed By: Counter Claimant Garcia, Nechole <i>[181] Trial Subpoena - Video Testimony Only For Marine Lancz</i>
09/21/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[180] Certificate Of Service</i>
09/21/2021	 Subpoena Filed By: Counter Claimant Garcia, Nechole <i>[179] Trial Subpoena - Video Testimony Only For Dr Mario Gaspar De Alba</i>
09/21/2021	 Subpoena Filed By: Counter Claimant Garcia, Nechole <i>[178] 178] Trial Subpoena - Video Testimony Only</i>
09/15/2021	 Notice Filed By: Counter Defendant Shapiro, Evgeny <i>[177] NOTICE OF OBJECTION TO DOCUMENTS</i>
09/15/2021	 Clerk's Notice of Nonconforming Document <i>[176] clerks notice of nonconforming</i>



CASE SUMMARY

CASE NO. D-20-612006-C

09/15/2021	 Expert Witness List Filed By: Counter Defendant Shapiro, Evgeny <i>[175] PLAINTIFF S DISCLOSURE OF EXPERT WITNESS REPORT</i>
09/15/2021	 Exhibits Filed By: Counter Defendant Shapiro, Evgeny <i>[174] PLAINTIFF S ELEVENTH SUPPLEMENTAL LIST OF WITNESSES AND PRODUCTION OF DOCUMENTS PURSUANT TO NRCP 16.2</i>
09/14/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[173] Certificate Of Service</i>
09/14/2021	 Witness List Filed by: Counter Claimant Garcia, Nechole <i>[172] Defendant's Sixteenth Supplemental N.R.C.P. 16.2 Production Exhibits and Witness Disclosures</i>
09/14/2021	 Witness List Filed by: Counter Claimant Garcia, Nechole <i>[171] Defendant's Fifteenth Supplemental N.R.C.P. 16.2 Production Exhibits And Witness Disclosures</i>
09/13/2021	 Affidavit of Service Filed By: Counter Defendant Shapiro, Evgeny <i>[170] Affidavit of Service</i>
09/13/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[169] Certificate Of Service</i>
09/13/2021	 Objection Filed By: Counter Claimant Garcia, Nechole <i>[168] Objection (3)</i>
09/13/2021	 Objection Filed By: Counter Claimant Garcia, Nechole <i>[167] Objection (2)</i>
09/13/2021	 Objection Filed By: Counter Claimant Garcia, Nechole <i>[166] Objection (1)</i>
09/13/2021	 Receipt of Copy Filed By: Counter Defendant Shapiro, Evgeny <i>[165] Receipt of Copy</i>
09/12/2021	 Exhibits Filed By: Counter Defendant Shapiro, Evgeny <i>[164] PLAINTIFF S TENTH SUPPLEMENTAL LIST OF WITNESSES AND PRODUCTION OF DOCUMENTS PURSUANT TO NRCP 16.2</i>
09/10/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[163] Certificate of Service</i>
09/10/2021	 Witness List Filed by: Counter Claimant Garcia, Nechole <i>[162] Defendant's Disclosure of Expert Witness Report</i>
09/08/2021	 Acceptance of Service Filed by: Counter Defendant Shapiro, Evgeny <i>[161] Acceptance of Service</i>
09/08/2021	 Expert Witness List Filed By: Counter Defendant Shapiro, Evgeny

















CASE SUMMARY

CASE NO. D-20-612006-C

	<i>[160] PLAINTIFF S DISCLOSURE OF EXPERT WITNESS TESTIMONY PURSUANT TO NRCP 16.1(a)(2)</i>
09/07/2021	 Exhibits Filed By: Counter Defendant Shapiro, Evgeny <i>[159] PLAINTIFF S NINTH SUPPLEMENTAL LIST OF WITNESSES AND PRODUCTION OF DOCUMENTS PURSUANT TO NRCP 16.2</i>
09/07/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[158] Certificate Of Service</i>
09/07/2021	 Witness List Filed by: Counter Claimant Garcia, Nechole <i>[157] Defendant's N.R.C.P. 16.2 Production - Thirteenth Supp Exhibits and Witness Disclosures</i>
09/07/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[156] Certificate Of Service</i>
09/07/2021	 Witness List Filed by: Counter Claimant Garcia, Nechole <i>[155] Defendant's N.R.C.P. 16.2 Production - Fourteenth Supp Exhibits and Witness Disclosures</i>
09/07/2021	 Exhibits Filed By: Counter Defendant Shapiro, Evgeny <i>[154] PLAINTIFF S EIGHTH SUPPLEMENTAL LIST OF WITNESSES AND PRODUCTION OF DOCUMENTS PURSUANT TO NRCP 16.2</i>
09/07/2021	 Expert Witness List Filed By: Counter Defendant Shapiro, Evgeny <i>[153] PLAINTIFF S DISCLOSURE OF EXPERT WITNESS TESTIMONY PURSUANT TO NRCP 16.1(a)(2)</i>
09/04/2021	 Exhibits Filed By: Counter Defendant Shapiro, Evgeny <i>[152] PLAINTIFF S SEVENTH SUPPLEMENTAL LIST OF WITNESSES AND PRODUCTION OF DOCUMENTS PURSUANT TO NRCP 16.2</i>
09/02/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[151] Certificate Of Service</i>
09/02/2021	 Objection Filed By: Counter Claimant Garcia, Nechole <i>[150] Objection</i>
08/25/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[149] Certificate Of Service</i>
08/25/2021	 Witness List Filed by: Counter Claimant Garcia, Nechole <i>[148] Defendant's N.R.C.P. 16.2 Production - Twelfth Supp Exhibits And Witness Disclosures</i>
08/24/2021	 Witness List Filed by: Counter Claimant Garcia, Nechole <i>[147] Defendant's N.R.C.P. 16.2 Production - Eleventh Supplemental Exhibits And Witness Disclosures</i>
08/24/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[146] Certificate Of Service</i>
08/22/2021	 Exhibits Filed By: Counter Defendant Shapiro, Evgeny <i>[145] Plaintiff's Sixth Supplemental List of Witnesses and Production of Documents Pursuant to NRCP 16.2</i>

















CASE SUMMARY

CASE NO. D-20-612006-C

08/19/2021	 Notice Filed By: Counter Defendant Shapiro, Evgeny <i>[144] Notice Of Objection To Documents</i>
08/16/2021	 Exhibits Filed By: Counter Defendant Shapiro, Evgeny <i>[143] Plaintiff's Fifth Supplemental List of Witnesses and Production of Documents Pursuant to NRCP 16.2</i>
08/12/2021	 Order Setting Civil Non-Jury Trial <i>[142] D-20-612006-C trial setting order</i>
08/11/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[141] Certificate Of Service</i>
08/11/2021	 Witness List Filed by: Counter Claimant Garcia, Nechole <i>[140] Defendant's N.R.C.P. 16.2 Production - Tenth Supp Exhibits And Witness Disclosures</i>
08/09/2021	 Witness List Filed by: Counter Claimant Garcia, Nechole <i>[139] Defendant s N.R.C.P. 16.2 Production - 9TH Supp of Exhibits And Witness Disclosures</i>
08/03/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[138] Certificate of Service</i>
08/03/2021	 Witness List Filed by: Counter Claimant Garcia, Nechole <i>[137] Defendant's N.R.C.P. 16.2 Production -8th Supp Exhibits and Witness Disclosures_Filed</i>
07/28/2021	 Notice of Rescheduling of Hearing <i>[136] of August 31, 2021 Hearing</i>
07/26/2021	 Notice of Hearing <i>[135] Notice of Hearing</i>
07/22/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[134] Certificate of Service</i>
07/22/2021	 Witness List Filed by: Counter Claimant Garcia, Nechole <i>[133] Defendant's N.R.C.P. 16.2 Production - 7th Supplemental List of Exhibits and Witness Disclosures</i>
07/20/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[132] Certificate of Service</i>
07/20/2021	 Witness List Filed by: Counter Claimant Garcia, Nechole <i>[131] Defendant's Sixth Supplemental N.R.C.P. 16.2 Production of Exhibits and Witness Disclosure_file</i>
07/20/2021	 Opposition and Countermotion Filed By: Counter Claimant Garcia, Nechole Party 2: Counter Defendant Shapiro, Evgeny <i>[130] Defendant's Opposition to Plaintiff's Motion for Sanctions and for Attorney's Fees and Costs and Other Related Relief Defendant's Countermotion for Plaintiff's Motion to Be Stricken; for Attorney's Fees and Costs; for Related Relief</i>
07/19/2021	 Motion Filed By: Attorney Isso, Jennifer; Counter Defendant Shapiro, Evgeny <i>[129] PLAINTIFF S MOTION FOR A SANCTIONS AND FOR ATTORNEY S FEES AND COSTS AND OTHER RELATED RELIEF</i>


















CASE SUMMARY

CASE NO. D-20-612006-C

07/19/2021	 Reply Filed By: Counter Defendant Shapiro, Evgeny <i>[128] PLAINTIFF S REPLY TO DEFENDANT S OBJECTION TO SUBPOENA DUCES TECUM OF RHONDA JORDAN COUNSELING AND MEGAN KARPP M.D.</i>
07/18/2021	 Objection Filed By: Counter Defendant Shapiro, Evgeny <i>[127] Notice of Objection to Documents</i>
07/15/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[126] Certificate of Service</i>
07/13/2021	 Expert Witness List Filed By: Counter Claimant Garcia, Nechole <i>[125] Defendant's Disclosure of Expert Witness</i>
07/06/2021	 Notice of Taking Deposition Filed by: Counter Defendant Shapiro, Evgeny <i>[124] AMENDED NOTICE OF DEPOSITION</i>
07/01/2021	 Witness List Filed by: Counter Claimant Garcia, Nechole <i>[123] Defendant's N.R.C.P. 16.2 Production - 5 And Witness Disclosures</i>
07/01/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[122] Certificate Of Service</i>
06/03/2021	 Notice of Hearing <i>[121] Notice of Hearing - Settlement Conference</i>
05/29/2021	 Notice of Seminar Completion EDCR 5.302 Filed by: Counter Defendant Shapiro, Evgeny <i>[120] Cope Certificate</i>
05/29/2021	 Financial Disclosure Form Filed by: Counter Defendant Shapiro, Evgeny <i>[119] Financial Disclosure Form</i>
05/25/2021	 Notice of Deposition Filed by: Counter Defendant Shapiro, Evgeny <i>[118] AMENDED NOTICE OF DEPOSITION</i>
05/17/2021	 Affidavit of Service Filed By: Counter Claimant Garcia, Nechole <i>[117] Affidavit of Service</i>
05/16/2021	 Witness List Filed by: Counter Defendant Shapiro, Evgeny <i>[116] PLAINTIFF S FOURTH SUPPLEMENTAL LIST OF WITNESSES AND PRODUCTION OF DOCUMENTS PURSUANT TO NRCP 16.2</i>
05/11/2021	 Notice of Taking Deposition Filed by: Counter Defendant Shapiro, Evgeny <i>[115] AMENDED NOTICE OF DEPOSITION</i>
05/09/2021	 Affidavit of Service Filed By: Counter Defendant Shapiro, Evgeny <i>[114] Affidavit of Service</i>
05/07/2021	 Notice of Hearing <i>[113] Notice of Hearing - Judicial Settlement Conference</i>


CASE SUMMARY

CASE NO. D-20-612006-C

05/04/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[112] Certificate Of Service</i>
05/04/2021	 Notice of Entry of Order Filed By: Counter Claimant Garcia, Nechole <i>[111] Notice Of Entry Of Order</i>
05/04/2021	 Notice of Scheduling Settlement Conference <i>[110] for Judicial Settlement Conference</i>
04/29/2021	 Notice of Deposition Filed by: Counter Defendant Shapiro, Evgeny <i>[109] Notice of Taking Video Deposition</i>
04/22/2021	 Objection Filed By: Counter Defendant Shapiro, Evgeny <i>[108] NOTICE OF OBJECTION TO DOCUMENTS</i>
04/20/2021	 Order <i>[107] for March 16, 2021 Hearing</i>
04/16/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[106] Certificate Of Service</i>
04/16/2021	 Notice Filed By: Counter Claimant Garcia, Nechole <i>[105] Re-Notice Of Taking Deposition Of Plaintiff</i>
04/13/2021	 Notice to Take Deposition Filed By: Counter Claimant Garcia, Nechole <i>[104] Re-Notice Of Taking Deposition Of Plaintiff</i>
04/13/2021	 Notice Filed By: Counter Claimant Garcia, Nechole <i>[103] Notice of Intent To Serve Subpoena</i>
04/13/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[102] Certificate Of Service</i>
04/13/2021	 Witness List Filed by: Counter Claimant Garcia, Nechole <i>[101] Defendant's 16.205 Fourth Supplemental Disclosure Of Witnesses And Exhibits</i>
04/06/2021	 Acceptance of Service Filed by: Counter Defendant Shapiro, Evgeny <i>[100] Acceptance of Service</i>
03/31/2021	 Affidavit of Service Filed By: Counter Defendant Shapiro, Evgeny <i>[99] Affidavit of Service</i>
03/31/2021	 Affidavit of Service Filed By: Counter Defendant Shapiro, Evgeny <i>[98] Affidavit of Service</i>
03/28/2021	 Witness List Filed by: Counter Defendant Shapiro, Evgeny <i>[97] Plaintiff's Third Supplemental List of Witnesses and Production of Documents Pursuant to NRCP 16.2</i>
03/28/2021	 Notice of Seminar Completion EDCR 5.302 Filed by: Counter Defendant Shapiro, Evgeny

















CASE SUMMARY

CASE NO. D-20-612006-C

	<i>[96] Plaintiff's Cope Certificate</i>
03/28/2021	 Witness List Filed by: Counter Defendant Shapiro, Evgeny <i>[95] Plaintiff's Second Supplemental List of Witnesses and Production of Documents Pursuant to NRCP 16.2</i>
03/26/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[94] Certificate Of Service</i>
03/26/2021	 Notice Filed By: Counter Claimant Garcia, Nechole <i>[93] Notice Of Taking Deposition Of Plaintiff</i>
03/26/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[92] Certificate of Service</i>
03/26/2021	 Notice Filed By: Counter Claimant Garcia, Nechole <i>[91] Objection to Subpoena Duces Tecum (Rhonda Jordan Counseling Services)</i>
03/26/2021	 Notice <i>[90] Objection to Subpoena Duces Tecum (Megan Karpp)</i>
03/26/2021	 Notice Filed By: Counter Claimant Garcia, Nechole <i>[89] Objection to Subpoena Duces Tecum (Andrew Vaughn)</i>
03/25/2021	 Notice Filed By: Counter Defendant Shapiro, Evgeny <i>[88] Notice of Intent to Use Child Custody Evaluation Report</i>
03/23/2021	 Expert Witness List Filed By: Counter Defendant Shapiro, Evgeny <i>[87] PLAINTIFF S DISCLOSURE OF EXPERT WITNESS TESTIMONY AND EXPERT REPORT PURSUANT TO NRCP 16.1(a)(2)</i>
03/22/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[86] Certificate Of Service</i>
03/22/2021	 Witness List Filed by: Counter Claimant Garcia, Nechole <i>[85] Defendant's 16.205 Third Supplemental Disclosure Of Witnesses And Exhibits</i>
03/19/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[84] Certificate Of Service</i>
03/19/2021	 Notice Filed By: Counter Claimant Garcia, Nechole <i>[83] Defendant's Notice To Vacate Remote Deposition Of Evgeny Shapiro</i>
03/18/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[82] Certificate of Service</i>
03/18/2021	 Notice Filed By: Counter Claimant Garcia, Nechole <i>[81] Defendant's Notice to Vacate Remote Deposition of Evgeny Shapiro</i>
03/16/2021	 Brief Filed By: Counter Defendant Shapiro, Evgeny <i>[80] PLAINTIFF S SUPPLEMENTAL BRIEF IN SUPPORT OF MOTION</i>

















CASE SUMMARY

CASE NO. D-20-612006-C

03/16/2021	 Subpoena Duces Tecum Filed by: Counter Defendant Shapiro, Evgeny <i>[79] Notice of Subpoena Duces Tecum of Andrew Vaughn DVM</i>
03/16/2021	 Subpoena Duces Tecum Filed by: Counter Defendant Shapiro, Evgeny <i>[78] Notice of Subpoena Duces Tecum of Rhonda Jordan Counseling Services</i>
03/16/2021	 Subpoena Duces Tecum Filed by: Counter Defendant Shapiro, Evgeny <i>[77] Notice of Subpoena Duces Tecum of Megan Karpp</i>
03/11/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[76] Certificate Of Service</i>
03/11/2021	 Reply Filed By: Counter Claimant Garcia, Nechole <i>[75] Defendant s Reply To Plaintiff s Opposition To Defendant's Motion For Reconsideration And Objection And Plaintiff's Countermotion To Extend Custodial Time And For Attorney s Fees And Other Related Relief</i>
03/11/2021	 Witness List Filed by: Counter Defendant Shapiro, Evgeny <i>[74] PLAINTIFF S FIRST LIST OF WITNESSES AND PRODUCTION OF DOCUMENTS PURSUANT TO NRCP 16.2</i>
03/11/2021	 Witness List Filed by: Counter Defendant Shapiro, Evgeny <i>[73] PLAINTIFF S FIRST SUPPLEMENTAL LIST OF WITNESSES AND PRODUCTION OF DOCUMENTS PURSUANT TO NRCP 16.2</i>
03/04/2021	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[72] Certificate Of Service</i>
03/04/2021	 Notice Filed By: Counter Claimant Garcia, Nechole <i>[71] Second Re-Notice Of Taking Deposition Of Plaintiff</i>
01/11/2021	 Order <i>[70] Rescheduling Notice of Countermotion Hearing</i>
01/07/2021	 Notice of Hearing <i>[69] Notice of Hearing</i>
01/04/2021	 Re-Notice Filed by: Counter Defendant Shapiro, Evgeny <i>[68] Plaintiff's Re-Notice of Countermotion</i>
12/28/2020	 Exhibits Filed By: Counter Defendant Shapiro, Evgeny <i>[67] Exhibits in Support of Plaintiff's Opposition and Countermotion</i>
12/28/2020	 Opposition and Countermotion Filed By: Counter Defendant Shapiro, Evgeny <i>[66] Plaintiff's Opposition to Defendant's Motion for Reconsideration and Objection and Plaintiff's Countermotion to Extend Custodial Time and For Attorney's Fees and Other Related Relief</i>
12/28/2020	 Order <i>[65] Minute Order Modifying the Decision and Order filed 12-21-20</i>
12/23/2020	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[64] Certificate Of Service</i>


















CASE SUMMARY

CASE NO. D-20-612006-C

12/23/2020	 Ex Parte Application Filed by: Counter Claimant Garcia, Nechole <i>[63] Plaintiff's Ex Parte Application For Order Shortening Time</i>
12/22/2020	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[62] Certificate Of Service</i>
12/22/2020	 Notice of Hearing <i>[61] Notice of hearing</i>
12/21/2020	 Motion Filed By: Counter Claimant Garcia, Nechole <i>[60] Defendant s Motion For Reconsideration Of Order Regarding Holiday Visitation Time On Order Shortening Time</i>
12/21/2020	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[59] Certificate Of Service</i>
12/21/2020	 Objection Filed By: Counter Claimant Garcia, Nechole <i>[58] Defendant s Objection To Plaintiff s Ex Parte Request For Holiday Visitation Time On Order Shortening Time</i>
12/21/2020	 Decision and Order <i>[57] Order Adopting this Court's Holiday Schedule re Christmas D612006</i>
12/18/2020	 Ex Parte Application for Order Party: Counter Defendant Shapiro, Evgeny <i>[56] Ex-Parte Application for 2020 Holiday Visitation Time on Order Shortening Time</i>
11/30/2020	 Order <i>[55] 12-3-20 hearing continued to 12-17-20</i>
11/25/2020	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[54] Certificate Of Service</i>
11/25/2020	 Notice of Entry of Order Filed By: Counter Claimant Garcia, Nechole <i>[53] Notice Of Entry Of Order</i>
11/25/2020	 Order <i>[52] D-20-612006-C - Shaprio v. Garcia - ORDR - Order After Hearing</i>
11/16/2020	 Notice Filed By: Counter Defendant Shapiro, Evgeny <i>[51] Notice of Objection to Documents</i>
11/15/2020	 Notice Filed By: Counter Defendant Shapiro, Evgeny <i>[50] Notice of Objection to Documents</i>
11/07/2020	 Witness List Filed by: Counter Defendant Shapiro, Evgeny <i>[49] Plaintiff's List of Witnesses and Production of Documents Pursuant to NRCP 16.2</i>
11/03/2020	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[48] Certificate of Service</i>
11/03/2020	 Witness List Filed by: Counter Claimant Garcia, Nechole









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	<i>[47] Defendant s 16.205 2nd Supplemental Disclosure of Witnesses and Exhibits</i>
11/03/2020	 Witness List <i>[46] Defendant s 16.205 Supplemental Disclosure of Witnesses and Exhibits</i>
11/03/2020	 Notice of Entry of Stipulation and Order Filed by: Counter Claimant Garcia, Nechole <i>[45] Notice of Entry of Stipulation and Order</i>
11/02/2020	 Objection Filed By: Counter Defendant Shapiro, Evgeny <i>[44] NOTICE OF OBJECTION TO AMENDED EX PARTE REQUEST TO SEAL FILE</i>
10/29/2020	 Stipulation and Order <i>[43] SAO CUSTODY EVALUATION</i>
10/29/2020	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[42] Certificate Of Service</i>
10/29/2020	 Ex Parte Filed By: Counter Claimant Garcia, Nechole <i>[41] Amended Ex Parte Request To Seal File</i>
10/20/2020	 Order <i>[40] Minute Order - Denying Defendant's Ex Parte Motion to Seal File</i>
10/14/2020	 Objection Filed By: Attorney Isso, Jennifer; Counter Defendant Shapiro, Evgeny <i>[39] Pltf's Notice of Objection to Ex Parte Request to Seal File</i>
10/13/2020	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[38] Certificate Of Service</i>
10/13/2020	 Ex Parte Filed By: Counter Claimant Garcia, Nechole <i>[37] Ex Parte Request To Seal File</i>
10/10/2020	 Notice Filed By: Counter Defendant Shapiro, Evgeny <i>[36] Notice of Objection to Documents</i>
10/06/2020	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[35] Certificate of Service</i>
10/06/2020	 Witness List <i>[34] Defendant s 16.205 Initial Disclosure Of Witnesses And Exhibits</i>
09/20/2020	 Amended Notice Filed by: Counter Defendant Shapiro, Evgeny <i>[33] Amended Notice of Deposition of Nechole Garcia Via Zoom</i>
09/20/2020	 Certificate Filed By: Counter Defendant Shapiro, Evgeny <i>[32] COPE Certificate</i>
09/17/2020	 Order <i>[31] Order for the Our Family Wizard Website Seervices</i>
09/14/2020	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[30] Certificate of Service</i>














CASE SUMMARY

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09/14/2020	 Exhibits Filed By: Counter Claimant Garcia, Nechole <i>[29] Supplemental Exhibit in Support of Defendant's Opposition</i>
09/11/2020	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[28] Certificate of Service</i>
09/11/2020	 Exhibits Filed By: Counter Claimant Garcia, Nechole <i>[27] Exhibit in Support of Defendant's Opposition</i>
09/10/2020	 Reply to Counterclaim Filed By: Counter Defendant Shapiro, Evgeny <i>[26] reply to counterclaim</i>
09/09/2020	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[25] Certificate of Service</i>
09/04/2020	 Notice of Deposition Filed by: Counter Defendant Shapiro, Evgeny <i>[24] Notice of Deposition of Nechole Garcia Via Zoom</i>
09/04/2020	 Financial Disclosure Form Filed by: Counter Claimant Garcia, Nechole <i>[23] Def's General Financial Disclosure Form</i>
08/31/2020	 Order <i>[22] 8</i>
08/27/2020	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[21] Certificate of Service</i>
08/26/2020	 Exhibits Filed By: Counter Defendant Shapiro, Evgeny <i>[20] Plaintiff's Exhibits in Support of Plaintiff's Reply and Opposition</i>
08/26/2020	 Reply to Opposition Filed by: Counter Defendant Shapiro, Evgeny <i>[19] Reply In Support of Plaintiff's Amended Motion for Custody, Child Support, Attorney's Fees and Costs, and Other Related Relief</i>
08/24/2020	 Notice of Seminar Completion EDCR 5.302 Filed by: Counter Claimant Garcia, Nechole <i>[18] Notice of Seminar Completion EDCR 5.07</i>
08/24/2020	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[17] Certificate of Service</i>
08/19/2020	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole <i>[16] Certificate of Service</i>
08/18/2020	 Opposition and Countermotion Filed By: Counter Claimant Garcia, Nechole <i>[15] Defendant's Opposition to Plaintiff's Amended Motion for Custody, Child Support and Other and Countermotion for Immediate Return of Child; for Primary Physical Custody; Child Support and Child Support Arrears; for Plaintiff to Share in Medical Costs for Child; for Attorney's Fees and All Other Related Relief</i>
08/18/2020	 Certificate of Service Filed by: Counter Claimant Garcia, Nechole

CASE SUMMARY

CASE NO. D-20-612006-C

	<i>[14] Certificate of Service</i>
08/14/2020	 Order for Family Mediation Center Services <i>[13] Order for Family Mediation Center Services</i>
08/14/2020	 NRCP 16.2 Case Management Conference Order <i>[12] NRCP 16.2 Case Management Conference Notice</i>
08/14/2020	 Answer and Counterclaim - First Appearance Fee Not Required Filed by: Counter Claimant Garcia, Nechole <i>[11] Answer and Counterclaim</i>
08/13/2020	 Notice of Department Reassignment <i>[10]</i>
08/12/2020	 Peremptory Challenge Filed By: Counter Claimant Garcia, Nechole <i>[9] Peremptory Challenge of Judge</i>
08/12/2020	 Notice of Appearance Party: Counter Claimant Garcia, Nechole <i>[8] Notice of Appearance</i>
08/10/2020	 Notice of Hearing <i>[7] Notice of Hearing</i>
08/07/2020	 Amended Motion Filed by: Counter Defendant Shapiro, Evgeny <i>[6] Amended Motion for Custody, Child Support, Attorney's Fees and Other Related Relief</i>
08/07/2020	 Motion Filed By: Counter Defendant Shapiro, Evgeny <i>[5] Motion for Custody, Child Support, Attorney's Fees, and Other Related Relief</i>
08/07/2020	 Summons Electronically Issued - Service Pending Filed by: Counter Defendant Shapiro, Evgeny <i>[4] Summons</i>
08/07/2020	 Financial Disclosure Form Filed by: Counter Defendant Shapiro, Evgeny <i>[3] Financial Disclosure Form</i>
08/07/2020	 Family Court Motion Opposition Fee Information Sheet Filed by: Counter Defendant Shapiro, Evgeny <i>[2] Family Court Motion Opposition Fee Information Sheet</i>
08/07/2020	 Complaint for Custody Filed by: Counter Defendant Shapiro, Evgeny <i>[1] Complaint</i>

HEARINGS

01/24/2022	Motion (8:45 AM) (Judicial Officer: Harter, Mathew) <i>Plaintiff's Motion For Attorney S Fees And Reimbursement Of Costs And Memorandum Of Fees And Costs Incurred</i>
12/07/2021	CANCELED Motion (10:00 AM) (Judicial Officer: Harter, Mathew) <i>Vacated</i> <i>Defendant's Emergency Motion for Witness Accomodation, or Alternatively, to Continue Trial on an order Shortening Time</i>
11/05/2021	 Evidentiary Hearing (9:00 AM) (Judicial Officer: Harter, Mathew) <i>Day 2</i> Decision Made; Decision and Order entered 12/15/21 Journal Entry Details: <i>EVIDENTIARY HEARING (DAY TWO) Further testimony and evidence were presented (see worksheets). Court</i>

CASE SUMMARY

CASE NO. D-20-612006-C

denied Ms. Isso's request for a new trial. Counsel stipulated that Defendant's health insurance will be considered primary. Counsel stipulated to incorporate the 30/30 Rule with regard to unreimbursed medical expenses, and to submit requests for reimbursement through Our Family Wizard (OFW). Court noted that the OFW records have already been admitted as a Court's exhibit although the Court will not necessarily review every single message. Court advised that each side may cite fifteen OFW entries for the Court to review. Court further advised that each side may submit ten pages of text messages for the Court to review. Court noted that each side submitted three years of tax returns. Court advised that the Judicial Executive Assistant will email the tax returns to both counsel for in camera review. Court instructed both counsel to shred the documents after reviewing them. COURT ORDERED, both counsel shall submit CLOSING BRIEFS no later than 5:00 p.m. on 11/19/21. Briefs shall consist of no more than five pages addressing child support, and no more than ten pages addressing the custodial timeshare and holiday schedule. Thereafter this matter will be taken UNDER ADVISEMENT for 21 days. A written decision will be issued subsequently.;

11/04/2021

Telephonic Hearing (1:15 PM) (Judicial Officer: Harter, Mathew)

Matter Heard;

Journal Entry Details:

TELEPHONIC HEARING Matter heard via videoconference. Court noted that the parties have stipulated to joint physical custody, but that there is a dispute as to the custodial timeshare. Discussion was held regarding what counsel should be focusing on during the remainder of the evidentiary hearing. Court noted that it will require three years of tax returns from both sides before child support can be calculated.;

11/03/2021

Evidentiary Hearing (9:00 AM) (Judicial Officer: Harter, Mathew)

EH full day

Matter Heard;

Journal Entry Details:

EVIDENTIARY HEARING Ms. Rosenblum made her opening statement. Ms. Isso waived. Testimony and exhibits were presented (see worksheets). Court noted that day two of the evidentiary hearing is scheduled for 11/5/21 at 9:00 a.m.;

10/28/2021

All Pending Motions (3:30 PM) (Judicial Officer: Harter, Mathew)

Matter Heard;

Journal Entry Details:

DEFENDANT'S LIMITED OPPOSITION TO PLAINTIFF'S MOTION FOR WITNESS ACCOMMODATION AND REQUEST FOR ATTORNEY'S FEES AND COSTS...PLAINTIFF'S MOTION FOR WITNESS ACCOMMODATION Both counsel and both parties appeared by Bluejeans technology. The Court reviewed the case. Argument by counsel. COURT ORDERED: Both counsel's witnesses shall be accommodated by the Court. Attorney Isso's two witnesses may testify out-of-order and attorney Rosenbloom may have her two witnesses testify out-of-order as well. The Evidentiary Hearing shall be limited to 6 hours for each side. Future dates STAND.;

10/28/2021

Opposition (3:30 PM) (Judicial Officer: Harter, Mathew)

Defendant s Limited Opposition To Plaintiff s Motion For Witness Accommodation And Request For Attorney s Fees And Costs

Denied;

10/28/2021

Motion (3:30 PM) (Judicial Officer: Harter, Mathew)

Plaintiff's Motion For Witness Accommodation

Granted;

10/14/2021

Calendar Call (3:30 PM) (Judicial Officer: Harter, Mathew)

Evidentiary Hearing;

Journal Entry Details:

CALENDAR CALL Both counsel and both parties appeared by Bluejeans technology. Attorney Isso requested additional time based on the time needed for expert witnesses testimony. COURT ORDERED: Evidentiary Hearing set for 10/15/21 @ 9:00 A.M. shall be RESET to 11/3/21 @ 9:00 A.M. (Day 1) and 11/5/21@ 9:00 A.M. (Day 2) FIRM. IN PERSON. Witnesses may testify in person or by Bluejeans technology. The Court's shall provide counsel with an Evidentiary Hearing Management Order indicating that both sides shall have 6 hours total to present their case. ;

08/12/2021

All Pending Motions (3:40 PM) (Judicial Officer: Harter, Mathew)




Matter Heard;

Journal Entry Details:

CALENDAR CALL...PLAINTIFF'S MOTION FOR SANCTIONS AND FOR ATTORNEY'S FEES AND COSTS AND OTHER RELATED RELIEF...DEFENDANT'S OPPOSITION AND COUNTERMOTION FOR PLAINTIFF'S MOTION TO BE STRICKEN, FOR ATTORNEY'S FEES AND COSTS, AND FOR RELATED RELIEF Matter heard via videoconference. Court noted that this matter had been continued for negotiations.

CASE SUMMARY**CASE NO. D-20-612006-C**

Counsel agreed that a trial is needed as they were unable to resolve this matter. Court noted that the parties attended a settlement conference with Judge Bailey. Court noted that Judge Bailey's opinion was that settlement was successful although the terms of the agreement were not put on the record. Ms. Isso stated that counsel may return to Judge Bailey to see if this matter can be resolved. Court instructed counsel to contact chambers to have the trial date vacated if the matter gets resolved. Court noted that Dr. Bergquist's report will come in as Court's Exhibit 1 at the time of trial pursuant to local rules. **COURT ORDERED**, an Evidentiary Hearing is SET for 10/15/21 at 9:00 a.m. (full day). Order Setting Civil Non-Jury Trial was submitted electronically for the Court's signature. **COURT FURTHER ORDERED**, a Calendar Call is SET for 10/14/21 at 3:30 p.m.;

- 08/12/2021 **Opposition & Countermotion** (3:40 PM) (Judicial Officer: Harter, Mathew)
Defendant's Opposition to Plaintiff's Motion for Sanctions and for Attorney's Fees and Costs and Other Related Relief Defendant's Countermotion for Plaintiff's Motion to Be Stricken; for Attorney's Fees and Costs; for Related Relief
 Matter Heard; see all pending motions 8/12/21
- 08/12/2021 **Motion** (3:40 PM) (Judicial Officer: Harter, Mathew)
[129] PLAINTIFF S MOTION FOR A SANCTIONS AND FOR ATTORNEY S FEES AND COSTS AND OTHER RELATED RELIEF
 Matter Heard; see all pending motions 8/12/21
- 08/12/2021 **Calendar Call** (3:40 PM) (Judicial Officer: Harter, Mathew)
cont from 7/22
 Matter Heard; see all pending motions 8/12/21
- 07/22/2021  **Calendar Call** (1:30 PM) (Judicial Officer: Harter, Mathew)
 Matter Continued;
 Journal Entry Details:
CALENDAR CALL Matter heard via videoconference. Court noted that this matter was referred to Dr. Bergquist for an outsourced evaluation. Court noted that the parties attended a settlement conference, which did not result in resolution. Court advised that the requests for sanctions will be deferred to the end of the case along with any requests for attorney's fees. Court declined to award Plaintiff additional time with the child as requested by Ms. Isso, but noted that the parties have joint physical custody. Court advised that it does not intend to change the designation of joint physical custody. Following discussion regarding status of settlement efforts, Court advised that this matter will be continued one more time, after which a trial will be set if the matter is not resolved. Ms. Rosenblum requested a two-day trial toward the end of August. Arguments were made regarding concerns with Dr. Bergquist's recommendations if the child is diagnosed with Autism Spectrum Disorder (ASD). Ms. Rosenblum noted that the child has a diagnostic appointment scheduled for August 10. COURT ORDERED, MATTER CONTINUED to 8/12/21 at 4:30 p.m. Court will schedule a trial within 60 days if the matter has not been resolved.;
- 07/13/2021  **Settlement Conference** (9:00 AM) (Judicial Officer: Bailey, Sunny)
JSC - Judge Bailey
 Continued Settlement Not Reached;
 Journal Entry Details:
MINUTE ORDER WITHOUT HEARING Court NOTES the parties entered settlement discussions but were unable to reach an agreement. COURT ORDERED, Matter was NOT heard on the record and the hearing shall be VACATED. Courtroom clerk shall provide a copy of this Minute Order to all parties.;
- 07/13/2021 **CANCELED Settlement Conference** (9:00 AM) (Judicial Officer: Bailey, Sunny)
Vacated
JSC
- 04/22/2021  **Calendar Call** (3:30 PM) (Judicial Officer: Harter, Mathew)
 Matter Continued;
 Journal Entry Details:
CALENDAR CALL Matter heard via videoconference. Counsel stated that they have exchanged settlement offers. Ms. Rosenblum stated that the parties plan to attend a settlement conference with either Judge Butler or Judge Bailey, depending on availability. Discussion followed regarding Dr. Bergquist's recommendation with regard to the joint physical custody timeshare split. Arguments were made regarding Ms. Isso's request for a blanket HIPAA release from Defendant. Court noted that discovery issues need to be heard by the discovery commissioner and that this Court will grant an order shortening time if necessary to have those issues heard before the next calendar call date. Further arguments were made regarding the current custody schedule. Court advised that it will guarantee a trial within 45 days once counsel has exhausted settlement efforts. COURT ORDERED, MATTER CONTINUED to 7/22/21 at 1:30 p.m. The custody schedule shall remain status quo pending trial.;
- 03/16/2021  **All Pending Motions** (11:00 AM) (Judicial Officer: Harter, Mathew)

CASE SUMMARY

CASE NO. D-20-612006-C

MINUTES

Matter Heard;

Journal Entry Details:

STATUS CHECK...PLAINTIFF'S RENOTICE OF COUNTERMOTION Matter heard via videoconference. Both sides acknowledged that they have seen and reviewed Dr. Bergquist's custody evaluation report. Arguments were made regarding temporary orders. Court noted that the parties have joint physical custody, which is what Dr. Bergquist recommended, under their current arrangement. **COURT ORDERED:** 1. Plaintiff shall ensure that the child is not left alone with his son. 2. Plaintiff shall have **OVERNIGHT** visitation as recommended by Dr. Bergquist, following their current rotating week-one/week-two schedule. During week one Plaintiff shall have the child from Sunday through Tuesday. During week two Plaintiff shall have the child from Monday through Wednesday. 3. A calendar call is **SET** for 4/22/21 at 3:30 p.m. Ms. Rosenblum shall prepare the order.;

03/16/2021

Motion (11:00 AM) (Judicial Officer: Harter, Mathew)

Plaintiff's Re-Notice of Countermotion

Matter Heard; see all pending motions 3/16/21

03/16/2021



Status Check (11:00 AM) (Judicial Officer: Harter, Mathew)

cont from 12/17 per Judge K. Hardcastle

Matter Heard; see all pending motions 3/16/21

01/28/2021

CANCELED Opposition & Countermotion (10:00 AM) (Judicial Officer: Harter, Mathew)

Vacated

Plaintiff's Opposition to Defendant's Motion for Reconsideration and Objection and Plaintiff's Countermotion to Extend Custodial Time and For Attorney's Fees and Other Related Relief

01/28/2021

CANCELED Motion (10:00 AM) (Judicial Officer: Harter, Mathew)

Vacated

Defendant's Motion for Reconsideration of order Regarding Holiday Visitation Time on Order Shortening Time

12/17/2020



Status Check (11:00 AM) (Judicial Officer: Hardcastle, Kathy)

o/s custody eval

Matter Continued;

Journal Entry Details:

STATUS CHECK - NO HEARING HELD Dr. Bergquist advised the Court that she needs more time to complete her report. Therefore, **MATTER CONTINUED** to 3/16/21 at 11:00 a.m.;

09/17/2020



All Pending Motions (11:00 AM) (Judicial Officer: Harter, Mathew)

Matter Heard;

Journal Entry Details:

PLAINTIFF'S MOTION...DEFENDANT'S OPPOSITION AND COUNTERMOTION...RETURN HEARING...CASE MANAGEMENT CONFERENCE Matter heard by videoconference. Following arguments/discussion, **COURT ORDERED:** 1. Parties shall be referred for a **CUSTODY EVALUATION**. Given the disparity in income, Defendant shall pay the initial retainer to start the process. Thereafter Defendant shall bear three-quarters of the cost and Plaintiff shall bear one-quarter of the cost. Defendant shall submit three provider names to Plaintiff by the end of the day. Plaintiff shall select one of the providers by Monday (9/21), or submit the names to the Court for selection. Cost may be reassessed based on the provider's findings. A referral will be issued once a provider is selected. 2. **TEMPORARILY** Plaintiff shall have the child following a week-one/week two schedule. During week one Plaintiff shall have the child each Sunday, Monday, and Tuesday from 7:00 a.m. to 7:00 p.m. During week two, Plaintiff shall have the child each Monday, Tuesday, and Wednesday from 7:00 a.m. to 7:00 p.m. Week one shall commence 9/20/20. 3. Receiving party shall transport the child. 4. Plaintiff and Defendant shall enroll in the *Our Family Wizard (OFW)* program within seven (7) days. The Court shall have third party access to both Plaintiff and Defendant's email communication. The parties shall use OFW for a minimum of three (3) years, unless otherwise specified by the Court. The Order for *Our Family Wizard Website Services* was submitted for the Court's signature. 5. The outsourced provider may contact chambers to obtain copies of the parties' OFW communications. 6. A status check is **SET** for 12/3/20 at 1:30 p.m. Ms. Rosenblum shall prepare the order and submit to Ms. Isso for review.;

09/17/2020



Hearing (11:00 AM) (Judicial Officer: Harter, Mathew)

Plaintiff's Reply and Opposition to Defendant's Opposition to Amend Motion for Custody, Child Support, and Other Related Relief

Matter Heard; see all pending motions 9/17/20

09/17/2020

Opposition (11:00 AM) (Judicial Officer: Harter, Mathew)

Def't's Oppositon to Plaitniff's Amended Motion for custody, Child Support and Other Countermotion for Immediate Reture of Child; For Primary Physical Custody; Child Support and Child Support Arrears; For Plaintiff to Share in Medical Costs for Child; For Attorney's Fees and All Other Related Relief

Matter Heard; see all pending motions 9/17/20

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. D-20-612006-C

09/17/2020	Case Management Conference (11:00 AM) (Judicial Officer: Harter, Mathew) Matter Heard; see all pending motions 9/17/20
09/17/2020	Return Hearing (11:00 AM) (Judicial Officer: Harter, Mathew) Matter Heard; see all pending motions 9/17/20
09/17/2020	Motion (11:00 AM) (Judicial Officer: Harter, Mathew) <i>Plaintiff's Motion for Custody, Child Support and Other Related Relief</i> Matter Heard; see all pending motions 9/17/20
08/07/2020	Summons Garcia, Nechole Served: 03/29/2021

DATE

FINANCIAL INFORMATION

Counter Claimant Garcia, Nechole

Total Charges

686.00

Total Payments and Credits

686.00

Balance Due as of 12/21/2021

0.00

Counter Defendant Shapiro, Evgeny

Total Charges

264.00

Total Payments and Credits

259.00

Balance Due as of 12/21/2021

5.00

Eighth Judicial District Court

Family Court

Clark County, Nevada

EVGENYSHAPIRO,

Plaintiff,

vs.

NECHOLE GARCIA,

Defendant.

Case: D-20-612006-C

Dept: N

Trial Dates: 11/03/2021 & 11/05/2021

DECISION AND ORDER

The parties were never married, but have 1 minor child: AVA GARCIA-SHAPIRO (09/26/2018). The matter was set for a custody trial. After the first day of trial on 11/04/2021, this Court had a teleconference on the record with both counsel as the parties had stipulated on the first day of trial a few times that they would maintain joint legal custody and joint physical custody. NRS 125C.0025(1)(a) (there is a preference for joint physical custody if the parents agreed so in open court at a hearing to determine physical custody). The Court during the call noted that their time would be best spend on focusing on the *unresolved* issues (best weekly timeshare for this family, child support, *etc.*). However, to no avail, the second day of trial proceeded similar to the first day—each party *unnecessarily* attacking each other, experts, and bolstering themselves. In fact, this continued on through the Closing Briefs.

The parties submitted pre-trial memorandums. The parties and other witnesses testified and exhibits were submitted. This Court took detailed notes during the trial. At the close of trial, this Court indicated it preferred written closing briefs and requested tax returns for assistance in determining a child support obligation. The Court then took the matter under advisement. The parties extended the time to submit Closing Briefs via Stipulation and Order on 11/16/2021.

I. Custody/Visitation Schedule

The Court has held that the district court must consider *the best interest of the child* when determining custody/visitation schedules and it has “vast discretionary powers” to do so. *Prins v. Prins*, 88 Nev. 261, 263, 496 P.2d 165, 166 (1972); *See also Hern v. Erhardt*, 113 Nev. 1330, 948 P.2d 1195 (1997).

NRS 125C.0035(4) states:

In determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things:

- (a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her physical custody.
- (b) Any nomination of a guardian for the child by a parent.
- (c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.
- (d) The level of conflict between the parents.
- (e) The ability of the parents to cooperate to meet the needs of the child.
- (f) The mental and physical health of the parents.
- (g) The physical, developmental and emotional needs of the child.
- (h) The nature of the relationship of the child with each parent.
- (i) The ability of the child to maintain a relationship with any sibling.
- (j) Any history of parental abuse or neglect of the child or a sibling of the child.
- (k) Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.
- (l) Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child.

First, the Court REMINDS the parties that the burden of proof in domestic relations cases is *the preponderance of the evidence standard* (i.e., proof by 50.00001%), which is a far lower legal standard than Defendant uses a prosecutor. Considering the following mandatory factors, this Court FINDS that:

(a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her physical custody

Not applicable. Both parties agreed the child at issue was of insufficient age.

(b) Any nomination of a guardian for the child by a parent

Not applicable. Both parties agreed this factor did not apply to this case.

(c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the non-custodial parent

This factor favors Plaintiff. Until this Court became involved, evidence submitted indicated Defendant would frequently only allow Plaintiff to watch AVA at her house with cameras activated. It was rare that Defendant would allow Plaintiff unfettered access to AVA. “[T]here is a presumption that fit parents act in the best interests of their children.” *Troxel v. Granville*, 530 U.S. 57, 68, 120 S.Ct. 2054, 147 L.Ed.2d 49 (2000).

(d) The level of conflict between the parents

This factor has been *high* to date. It is hoped it will de-escalate over time now that the trial is complete. This is the reasoning behind this Court ORDERING that the parties enroll in the

1 Our Family Wizard (“OFW”) Website program for communication purposes. The parties are
2 ORDERED to remain enrolled and continue to use the OFW program until further order of this
3 Court. This Court is going to additionally ORDER that the parties enroll and complete the
4 UNLV Cooperative Parenting Course within 6 months. (Informational brochure can be obtained
5 from this Court’s department.) Plaintiff’s request that a Parenting Coordinator (PC) be appointed
6 is DEFERRED. Anytime after the UNLV course is completed, if the parties are still having co-
7 parenting issues, either side may submit an *ex parte* application explaining the current need(s) for
8 a PC and the Court will consider ordering it. *See Harrison v. Harrison*, 132 Nev. 564, 376 P.3d
9 173 (2016) (acknowledging the benefits of parenting coordinators in high conflict cases). IT IS
10 NOTED that if ultimately ordered, the cost of the PC will be apportioned pursuant to the parties’
11 incomes noted below. The PC will have the authority to recommend reimbursement by a party
12 from the other party if they determine one party is *clearly* was more at fault for the issue
13 necessitating the PC’s services.

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

15 Related to the prior subfactor, the parents’ ability to cooperate is *low* as the level of
16 conflict is *high*. However, there was insufficient evidence that ultimately the parties did not meet
17 the specialized needs of AVA.

18 **(f) The mental and physical health of the parents**

19 No evidence was submitted on this factor regarding Plaintiff. Plaintiff obtained notes from
20 Defendant’s treating therapist (which were sealed by this Court). There is insufficient proof either
21 party’s mental or physical health effected their ability to parent AVA.

22 **(g) The physical, developmental, and emotional needs of the child**

23 A custody evaluation was ordered to be conducted by Dr. Bergquist. EDCR 5.305(b).
24 She issued her report on February 19, 2021. Dr. Bergquist recommended “the parents share legal
25 and physical custody of AVA, with Defendant receiving more time (*i.e.*, 55/45 or 60/40).”
26 Court’s Exhibit 1, p. 32: *See* 5.304(b). It is noted that Defendant’s own expert testified that he
27 had never seen a custody evaluation recommending percentages of times. *JAVS 11/03/2021 at*
28 *09:57*. AVA was subsequently assessed with having Autism Spectrum Disorder (ASD), mild to
moderate. This was confirmed by Dr. Gaspar (ASD L1, with communication/speech delays).

1 During this time period, the parties have enrolled AVA in a myriad of services (e.g. Firefly
2 Behavioral for ABA therapy) to assist her which continue to date. Defendant testified that she
3 has recently noticed some issues with AVA's gait.

4 **(h) The nature of the relationship of the child with each parent**

5 *Not applicable.* There was not sufficient evidence submitted that would insinuate the
6 child had a better or worse relationship with either parent.

7 **(i) The ability of the child to maintain a relationship with any sibling**

8 Plaintiff has 2 other children with whom he has parenting time every other weekend.
9 AVA is Defendant's only child. The schedule ordered below took this factor into consideration to
10 maximize the siblings time together.

11 **(j) Any history of parental abuse or neglect of the child or a sibling of the child**

12 *Not applicable.* No sufficient evidence was submitted on this factor.

13 **(k) Whether either parent or any other person seeking physical custody has engaged in an**
14 **act of domestic violence against the child, a parent of the child or any other person**
14 **residing with the child.**

15 *Not applicable.* No sufficient evidence was submitted on this factor.

16 **(l) Whether either parent or any other person seeking physical custody has committed any**
16 **act of abduction against the child or any other child.**

17 *Not applicable.* No sufficient evidence was submitted on this factor.

18 **Analysis**

19 As noted above, the issue at hand is truly *not* as complex as the case was presented. Both
20 parties testified that their work week is Monday through Thursday. Each party has their mother
21 watch AVA if they are unavailable. Defendant wants the current schedule to remain in place and
22 Plaintiff wants the more common 2-2-3 schedule. Defendant's foremost reasoning in her Closing
23 Brief about Plaintiff's proposed schedule is it will require 1-2 more exchanges which may
24 exacerbate the parties' conflict. Fact is it gives Plaintiff 1 less day over a 2 week period and he
25 never has AVA on any Saturdays. This is not about giving either party the schedule they desire, it
26 is about what is in AVA's *best interest*. This Court has indicated from the day it took the bench it
27 does *not* automatically "rubber stamp" the outsourced evaluator's recommendations. This is one
28 of those cases. After going through the trial and the underlying record, this Court cannot find
why the current schedule is better for AVA than the standard 2-2-3 schedule. This is not about

1 attaining 50/50 for each parent. This is also not about child support as Defendant would be
2 obligated under a 60/40 schedule. It was simply not proven to this Court with sufficient evidence
3 that the current schedule or any 55/45 or 60/40 schedule was in AVA's best interest. Although
4 these are one of the most divergent set of parents this Court has had an in depth trial on, they are
5 both good parents actively seeking what is best for AVA. As the parties have identical workday
6 schedules, each party should share Friday, Saturday, and Sunday weekends with AVA. Further, a
7 2-2-3 schedule allows for Plaintiff's other children to bond with AVA on the limited 4 days per
8 month they are with him. NRS 125C.0035(j). Additionally, it is noted that Plaintiff has
9 graciously proposed giving Defendant any 5th weekends with AVA.

10 For these reasons and the factors above, this Court CONCLUDES that it would be *in the*
11 *best interest of the child* that the better choice of the 2 proposed options is the 2-2-3 schedule
12 (with the receiving party providing the transportation) as follows:

13 Weeks 1 & 3 and any 5th weeks:

14 Monday-Tuesday: Plaintiff picks up Ava at 7 am on Monday.

15 Wednesday-Thursday: Defendant picks up Ava at 7 am on Wednesday.

16 Friday-Saturday-Sunday: Plaintiff picks up Ava at 7 am on Friday.

17 Weeks 2 and 4:

18 Monday-Tuesday: Defendant picks up Ava at 7 am on Monday.

19 Wednesday-Thursday: Plaintiff picks up Ava at 7 am on Wednesday.

20 Friday-Saturday-Sunday: Defendant picks up Ava at 7 am on Friday.

21 The weeks are to be defined by the first week of the month with a Monday. This schedule is to
22 begin by 12/20/2021 (3rd week of schedule).

23 **II. Holiday/Vacation Schedule**

24 This Court's standard holiday/vacation schedule will take precedence over the normal
25 weekly parenting time. Plaintiff wants this Court's standard holiday/vacation implemented as is.
26 Defendant requests that the vacation period and Christmas holiday provisions be modified as the
27 period given AVA's young age and ASD. This Court agrees with Defendant's position on this
28 issue and ORDERS that the 2 provisions will be modified. As for Summer vacations, each party
is limited to 1 week (7 days). The parties are to use OFW to put the other party on notice which
week they will be exercising for Summer vacation with a minimum of 21 days prior notice. As for
Christmas, *Segment 1* will be defined as Christmas Eve (December 24th) from 12:00 p.m. until
Christmas day (December 25th) at 12:00 p.m. *Segment 2* will be defined as Christmas day at

1 12:00 p.m. until December 27th at 12:00 p.m. The reason for the additional day for *Segment 2* is
2 that *Segment 1* includes the preferential actual Christmas Eve and Christmas morning. Pursuant
3 to this Court's standard order, Plaintiff will get *Segment 1* in 2021 and every odd year thereafter;
4 Defendant will get *Segment 1* in 2022 and every even year thereafter. The request to decrease
5 Easter/Spring Break week is DENIED. The balance of this Court's Holiday/Vacation schedule is
6 attached as Exhibit 1 (with the foregoing provisions taken out).

7 III. Legal Custody

8 The parties have stipulated to joint legal custody of the minor child. NRS 125C.002. This
9 will be defined as follows:

10 Legal custody involves having basic legal responsibility for a child and making MAJOR
11 decisions regarding the child, including the child's health, education, and religious
12 upbringing. . . . [T]he parents MUST consult with each other to make MAJOR decisions
13 regarding the child's upbringing, while the parent with whom the child is residing at that
14 time usually makes minor day-to-day decisions. If the parents in a joint legal custody
15 situation reach an impasse and are unable to agree on a decision, then the parties may
16 appear before the court 'on an equal footing' to have the court decide what is in the best
17 interest of the child.

18 *Rivero v. Rivero*, 125 Nev. 410, 420-21, 216 P.3d 213 (2009) (*emphasis added*).

19 IV. Child Support

20 **NAC 425.120** (Determination of monthly gross income of each obligor; provision of
21 financial information or other records to court.)

22 1. The monthly gross income of each obligor ***must be determined by***:

23 (a) Stipulation of the parties; or

24 (b) The court, after considering all financial or other information relevant to the
25 earning capacity of the obligor.

26 2. In determining the monthly gross income of each obligor, **the court may direct** either
27 party to furnish financial information or other records, including, **without limitation, any**
28 **income tax returns**.

As in most cases, this is a sensitive and highly contested subject. Plaintiff alleged early on
in the case this was why Defendant wanted primary physical custody—to avoid having to pay child
support. Defendant submitted a Closing Brief just on child support. In it, she admits “[Plaintiff’s]
income on the other hand is extremely difficult to discern.” If Defendant believes that Plaintiff is
being fraudulent with his taxes, she can feel free to report him for investigation to the Internal
Revenue Service and/or the District Attorney’s Office, Family Support Division.

As there was a dispute as to income, this Court had the parties provide income tax returns
pursuant to NAC 425.120(2). This Court will use the parties’ most recent 2020 income tax
returns as a basis. Plaintiff’s tax return indicates a gross annual income of \$23,645.00, making his

1 gross monthly income \$1,970.42. Defendant's tax return indicates a gross annual income of
2 \$113,599.00, making her gross monthly income \$9,466.58. Using the formula in NAC 425.140,
3 the monthly amount Defendant owes to Plaintiff is \$922.06.¹ Defendant requests an adjustment
4 for half of the monthly medical premium she pays, which is \$78.78 per month. As healthcare is a
5 *necessary expense*, this adjustment is GRANTED. NAC 425.150(g). Half this amount is \$39.39.
6 Subtracting the \$39.39 from the \$922.06, Defendant's final monthly obligation is **\$882.67**. This
7 obligation will begin 01/01/2022 and is to be received by Plaintiff before the last day of the
8 month.² As for Defendant's notation of her \$1,000.00 deductible, these will accumulate in the
9 form of out-of-pocket expenses. The parties are to equally share any out-of-pocket expenses
10 using the standard Family Court 30/30 Rule and to use the OFW subprogram to submit proof of
11 payment (not bills) due from the other party.

12 Defendant testified she has dated Plaintiff since 2013. Surely, if he were willfully under-
13 employed, this Court would expect she would have presented far more viable evidence. Deposits
14 into Plaintiff's bank accounts does *not* automatically equate to free and clear income and this
15 Court cannot speculate. NAC 425.125(1) states: "If after taking evidence, the court determines
16 that an obligor is underemployed or unemployed without good cause, the court may impute
17 income to the obligor." This Court CANNOT FIND that Defendant has proven with sufficient
18 evidence Plaintiff is willfully underemployed without good cause. NAC 425.125(1); *Minnear v.*
19 *Minnear*, 107 Nev. 495, 814 P.2d 85 (1991). The factors set forth in NAC 425.125(2) do not
20 apply as this Court is not imputing income to Plaintiff.

21 Plaintiff requests almost \$14,000.00 in child support arrears from Defendant; Defendant
22 did not request any arrears. Pursuant to NRS 125B.030: "Where the parents of a child do not
23 reside together, the physical custodian of the child *may* recover from the parent without physical
24 custody a *reasonable portion* of the cost of care, support, education and maintenance provided by

26 ¹ Defendant's Gross Monthly Income: \$9,466.58; Number of Children: 1; Tier 1 (\$6,000.00 *
27 16.00% = \$960.00) + Tier 2 (\$3,466.58 * 8.00% = \$277.33); Obligation amount is \$1,237.33.
28 Defendant's Gross Monthly Income: \$1,970.42; Number of Children: 1; Tier 1 (\$1,970.42 * 16.00% =
\$315.27); Obligation amount is \$315.27. Respondent's Obligation: (\$1,237.33 - \$315.27) = **\$922.06**.

² This Court will further FIND that Defendant/obligor clearly has the *ability to pay*. NAC
150(1)(h). Her latest FDF indicates she earn \$9,358.73 monthly income - \$1,557.48 deductions -
\$4,073.32 monthly expenses - \$460.00 monthly child expenses = \$3,267.93 monthly net income.

1 the physical custodian (up to 4 years).” Thus, an award of child support arrears is *discretionary*,
2 it is *limited* to the physical custodian and is *limited* to a “reasonable portion.” Plaintiff alleged
3 Defendant would not give him joint physical custody and that is why he ended up filing this
4 action. This Court in using its best discretion given the evidence submitted cannot determine that
5 Plaintiff should be awarded any child support arrears. Thus, Plaintiff’s request for child support
6 arrears is DENIED.

7 **V. Tax Deduction**

8 Plaintiff requested the parties alternate the tax deduction for AVA; Defendant requests she
9 get every year. The district court has *broad discretion* over the child dependency exemption for
10 federal tax purposes, including allocating the right to the exemption to the non-custodial parent.
11 *Sertic v. Sertic*, 111 Nev. 1192, 901 P.2d 148 (1995). In reviewing the parties’ tax returns, it is
12 noted that Plaintiff claims his parents as dependants on his income tax returns (ILYA &
13 GALINA). Defendant only claims AVA. Further, Defendant will now have a child support
14 obligation to Plaintiff. Accordingly, as this Court has *broad discretion* over this issue, this Court
15 in its believes it *equitable* to ORDER that Defendant be allowed claim AVA every year.

16 This Court is not taking any jurisdiction over any periodic federal government benefits on
17 behalf of the child (*e.g.*, Covid related). If disputed, the parties are to addresses the issue directly
18 with the payor (federal government).

19 **VII. CONCLUSION**

20 WHEREFORE, given the findings and determinations set forth above, it is hereby
21 ORDERED, ADJUDGED and DECREED:

22 1. The parties are awarded JOINT LEGAL CUSTODY and JOINT PHYSICAL
23 CUSTODY with the weekly 2-2-3 schedule as set forth above and the minor deviations from the
24 standard vacation/holiday schedule. The parties are to enroll and complete the UNLV
25 Cooperative Parenting Course within the next 6 months and continue to use OFW until further
26 order of this Court.

27 2. Defendant’s monthly CHILD SUPPORT obligation to Plaintiff is \$882.67. This
28 obligation will begin 01/01/2022 and is to be received by Plaintiff before the last day of the month.
Plaintiff’s request for CHILD SUPPORT ARREARS is DENIED. Defendant will maintain AVA

1 on her employer's health insurance. Any out-of-pocket expenses will be equally shared pursuant
2 to the Family Court 30/30 rule.³

3 3. Defendant will be entitled to claim AVA every year as a TAX DEDUCTION on her
4 income tax return.

5 4. Prior to filing any motions to modify the foregoing custody arrangement, the parties
6 **must** attempt mediation at the Family Mediation Center (FMC). EDCR 5.303(b)(1). The
7 exception will be if it is of an emergency nature that qualifies for an order shortening time. *See*
8 EDCR 5.514.

9 5. If this Court has failed to address any other outstanding issues, within the next 14
10 days, either party may email a letter to chambers explaining the issue not addressed. The other
11 side must be copied; this Court will consider the unaddressed issue and then enter an amendment
12 if warranted. This will *not* be an opportunity for either side to re-litigate this Decision.

13 6. Finally, if either party is seeking attorney's fees/costs, they are to submit a *timely*
14 motion compliant with NRS 18.110⁴, NRCP 54(d) and *Miller v. Wilfong* and place it on this
15 Court's Chamber Calendar.

16 HONORABLE MATHEW P. HARTER

17 Dated this 15th day of December, 2021

18
19
20 MEF


21 B28 387 DCEC 4876
22 Mathew Harter
23 District Court Judge
24

25 ³ Any unreimbursed medical, dental, optical, orthodontic or other health related expense incurred
26 for the benefit of the minor child is to be divided equally between the parties. Either party incurring an
27 out-of-pocket medical expense for the child shall provide a copy of the **paid** invoice/receipt to the other
28 party within thirty days of incurring such expense, if not tendered within the thirty day period, the Court
may consider it as a waiver of reimbursement. The other party will then have thirty days from receipt
within which to dispute the expense in writing or reimburse the incurring party for one-half of the out-of-
pocket expense, if not disputed or paid within the thirty day period, the party may be subject to a finding
of contempt and appropriate sanctions.

⁴ *Cadle Co. v. Woods & Erickson, LLP*, 131 Nev. 114, 345 P.3d 1049 (2015)

DEPARTMENT N DEFAULT HOLIDAY AND VACATION PLAN

THE COURT ENCOURAGES THE PARENTS TO COMMUNICATE REGARDING SHARING TIME WITH THEIR CHILD(REN) FOR HOLIDAYS AND VACATIONS; however, the parties shall abide by the following **HOLIDAY AND VACATION PLAN** when they are unable agree. The parents may draft and sign a written agreement to deviate from this schedule. Holidays shall take precedence over residential time, and neither party shall be able to take the child(ren) for vacation time during the other party's scheduled holiday time.

ODD YEAR¹

EVEN YEAR

THREE-DAY HOLIDAYS

The holiday visitation shall begin at 3:00 PM (or after-school on school days²) on the Friday prior to the holiday and conclude at 9:00 AM the day following the three-day holiday weekend. If the holiday is not attached to a three day weekend, the applicable party shall spend the holiday with the child(ren) from 9:00 AM to 9:00 PM.

MARTIN LUTHER KING DAY	MOM	DAD
PRESIDENT'S DAY	DAD	MOM
MEMORIAL DAY	MOM	DAD
INDEPENDENCE DAY	DAD	MOM
LABOR DAY	MOM	DAD
NEVADA ADMISSION DAY/HALLOWEEN	DAD	MOM
VETERANS DAY	MOM	DAD

INDIVIDUAL DAYS

The specified parent's visitation shall begin at 9:00 AM on the individual holiday (or after-school on school days), and end at 9:00 PM the same day.

MOTHER'S DAY	MOM	MOM
FATHER'S DAY	DAD	DAD
MOTHER'S BIRTHDAY	MOM	MOM
FATHER'S BIRTHDAY	DAD	DAD

¹ The year indicated is the calendar year and not the age of a child or parent.

² Unless otherwise ordered, any reference to a "school" schedule for the purpose of defining a Holiday or Special Occasion shall be defined by the Clark County School District schedule (view www.ccsd.net to obtain the schedule).

DEPARTMENT N DEFAULT HOLIDAY AND VACATION PLAN

CHILD(REN)'S BIRTHDAY

DAD

MOM

EASTER/SPRING BREAK

The holiday visitation shall begin at 9:00 AM following the last day of school and conclude at 12:00 PM the day before the child returns to school. In the event that a child will travel outside of the county for the holiday, (s)he shall be returned home by 7:00 PM the evening before school resumes. If the child is not in school, the parents shall refer to the Clark County School District calendar.

EASTER/SPRING BREAK

MOM

DAD

THANKSGIVING

The holiday visitation shall begin after-school on the Wednesday preceding Thanksgiving, or at 6:00 PM on that Wednesday if school is not in session. The Thanksgiving holiday vacation shall end at 12:00 PM the day before the child(ren) must return to school, or on the Sunday after Thanksgiving if school is not in session. In the event that the child will travel outside of the county for the holiday, (s)he shall be returned home by 7:00 PM the evening before school resumes.

THANKSGIVING

MOM

DAD

CHRISTMAS HOLIDAY & WINTER BREAK

**VIEW DECISION AND ORDER
FILED DECEMBER 15, 2021**

SUMMER/TRACK BREAK VACATIONS

**VIEW DECISION AND ORDER
FILED DECEMBER 15, 2021**

RELIGIOUS HOLIDAYS

Unless otherwise specified by the Court, each parent shall have the right to provide religious instruction to the child, even if they do not share the same religious beliefs, unless there is a child welfare or endangerment issue that the parents cannot resolve. Each parent shall have the opportunity to celebrate holidays with the child. In the event that one parent does not intend to observe a formal ceremony/holiday in his or her specified year, the parent intending to celebrate the holiday shall have the opportunity to have the child attend temple, mass, or whichever religious instruction is observed for that holiday. The parties shall abide by the exchange times as listed in the "Individual Days" section.

DEPARTMENT N DEFAULT HOLIDAY AND VACATION PLAN

Following is a non-inclusive list of other religions where parents shall alternate holidays: Buddhist, Hindu, Greek Orthodox, Eastern and Russian Orthodox, Islamic, World Wide Church of God, Protestant, Lutheran, Baha'i, Church of Latter Day Saints, Sikh, Roman Catholic, Armenian Holidays, Eid of Adha, Chinese, Korean and Vietnamese New Year, etc. Each parent shall alternate each holiday as provided in the following example for Jewish Holidays:

PASSOVER	DAD	MOM
ROSH HASHANAH	MOM	DAD
YOM KIPPUR	DAD	MOM
PURIM	MOM	DAD
SUKKOT	DAD	MOM
HANUKKAH	MOM	DAD
BAR MITZVAH ARRANGEMENTS	DAD	MOM

NOTE: WHERE THERE IS AN OVERLAP OF CONFLICTING RELIGIOUS HOLIDAYS, THE FOLLOWING PRIORITY SHALL PREVAIL:

OVERLAP PRECEDENT:	MOM	DAD
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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Evgeny Shapiro, Plaintiff.

CASE NO: D-20-612006-C

7 vs.

DEPT. NO. Department N

8 Nechole Garcia, Defendant.
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 12/15/2021

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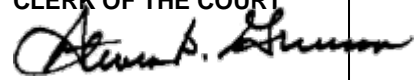
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DISTRICT COURT, FAMILY DIVISION
CLARK COUNTY, NEVADA

EVGENY SHAPIRO,
Plaintiff,
vs.
NECHOLE GARCIA,
Defendant

CASE NO: D-20-612006-C
DEPT NO: N

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that a Decision and Order was filed in the above-titled matter on the
15th day of December, 2021, a copy is attached hereto.

DATED this 16th day of December, 2021

Submitted by:

/s/ Jennifer Issso
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Attorney for Defendant

/s/ Jennifer Issa
An employee of ISSO & HUGHES

Eighth Judicial District Court

Family Court

Clark County, Nevada

EVGENYSHAPIRO,

Plaintiff,

vs.

NECHOLE GARCIA,

Defendant.

Case: D-20-612006-C

Dept: N

Trial Dates: 11/03/2021 & 11/05/2021

DECISION AND ORDER

The parties were never married, but have 1 minor child: AVA GARCIA-SHAPIRO (09/26/2018). The matter was set for a custody trial. After the first day of trial on 11/04/2021, this Court had a teleconference on the record with both counsel as the parties had stipulated on the first day of trial a few times that they would maintain joint legal custody and joint physical custody. NRS 125C.0025(1)(a) (there is a preference for joint physical custody if the parents agreed so in open court at a hearing to determine physical custody). The Court during the call noted that their time would be best spend on focusing on the *unresolved* issues (best weekly timeshare for this family, child support, *etc.*). However, to no avail, the second day of trial proceeded similar to the first day—each party *unnecessarily* attacking each other, experts, and bolstering themselves. In fact, this continued on through the Closing Briefs.

The parties submitted pre-trial memorandums. The parties and other witnesses testified and exhibits were submitted. This Court took detailed notes during the trial. At the close of trial, this Court indicated it preferred written closing briefs and requested tax returns for assistance in determining a child support obligation. The Court then took the matter under advisement. The parties extended the time to submit Closing Briefs via Stipulation and Order on 11/16/2021.

I. Custody/Visitation Schedule

The Court has held that the district court must consider *the best interest of the child* when determining custody/visitation schedules and it has “vast discretionary powers” to do so. *Prins v. Prins*, 88 Nev. 261, 263, 496 P.2d 165, 166 (1972); *See also Hern v. Erhardt*, 113 Nev. 1330, 948 P.2d 1195 (1997).

1 NRS 125C.0035(4) states:

2 ***In determining the best interest of the child, the court shall consider and set forth its***
3 ***specific findings concerning, among other things:***

- 4 (a) The wishes of the child if the child is of sufficient age and
5 capacity to form an intelligent preference as to his or her physical custody.
6 (b) Any nomination of a guardian for the child by a parent.
7 (c) Which parent is more likely to allow the child to have
8 frequent associations and a continuing relationship with the noncustodial parent.
9 (d) The level of conflict between the parents.
10 (e) The ability of the parents to cooperate to meet the needs of the child.
11 (f) The mental and physical health of the parents.
12 (g) The physical, developmental and emotional needs of the child.
13 (h) The nature of the relationship of the child with each parent.
14 (i) The ability of the child to maintain a relationship with any sibling.
15 (j) Any history of parental abuse or neglect of the child or a sibling of the child.
16 (k) Whether either parent or any other person seeking physical custody has engaged in an
17 act of domestic violence against the child, a parent of the child or any other person
18 residing with the child.
19 (l) Whether either parent or any other person seeking physical custody has committed any
20 act of abduction against the child or any other child.

21 First, the Court REMINDS the parties that the burden of proof in domestic relations cases
22 is *the preponderance of the evidence standard* (i.e., proof by 50.00001%), which is a far lower
23 legal standard than Defendant uses a prosecutor. Considering the following mandatory factors,
24 this Court FINDS that:

25 **(a) The wishes of the child if the child is of sufficient age and capacity to form an**
26 **intelligent preference as to his or her physical custody**

27 *Not applicable.* Both parties agreed the child at issue was of insufficient age.

28 **(b) Any nomination of a guardian for the child by a parent**

Not applicable. Both parties agreed this factor did not apply to this case.

(c) Which parent is more likely to allow the child to have frequent associations and a
 continuing relationship with the non-custodial parent

 This factor favors Plaintiff. Until this Court became involved, evidence submitted
indicated Defendant would frequently only allow Plaintiff to watch AVA at her house with
cameras activated. It was rare that Defendant would allow Plaintiff unfettered access to AVA.
“[T]here is a presumption that fit parents act in the best interests of their children.” *Troxel v.*
Granville, 530 U.S. 57, 68, 120 S.Ct. 2054, 147 L.Ed.2d 49 (2000).

(d) The level of conflict between the parents

 This factor has been *high* to date. It is hoped it will de-escalate over time now that the
trial is complete. This is the reasoning behind this Court ORDERING that the parties enroll in the

1 Our Family Wizard (“OFW”) Website program for communication purposes. The parties are
2 ORDERED to remain enrolled and continue to use the OFW program until further order of this
3 Court. This Court is going to additionally ORDER that the parties enroll and complete the
4 UNLV Cooperative Parenting Course within 6 months. (Informational brochure can be obtained
5 from this Court’s department.) Plaintiff’s request that a Parenting Coordinator (PC) be appointed
6 is DEFERRED. Anytime after the UNLV course is completed, if the parties are still having co-
7 parenting issues, either side may submit an *ex parte* application explaining the current need(s) for
8 a PC and the Court will consider ordering it. *See Harrison v. Harrison*, 132 Nev. 564, 376 P.3d
9 173 (2016) (acknowledging the benefits of parenting coordinators in high conflict cases). IT IS
10 NOTED that if ultimately ordered, the cost of the PC will be apportioned pursuant to the parties’
11 incomes noted below. The PC will have the authority to recommend reimbursement by a party
12 from the other party if they determine one party is *clearly* was more at fault for the issue
13 necessitating the PC’s services.

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

15 Related to the prior subfactor, the parents’ ability to cooperate is *low* as the level of
16 conflict is *high*. However, there was insufficient evidence that ultimately the parties did not meet
17 the specialized needs of AVA.

18 **(f) The mental and physical health of the parents**

19 No evidence was submitted on this factor regarding Plaintiff. Plaintiff obtained notes from
20 Defendant’s treating therapist (which were sealed by this Court). There is insufficient proof either
21 party’s mental or physical health effected their ability to parent AVA.

22 **(g) The physical, developmental, and emotional needs of the child**

23 A custody evaluation was ordered to be conducted by Dr. Bergquist. EDCR 5.305(b).
24 She issued her report on February 19, 2021. Dr. Bergquist recommended “the parents share legal
25 and physical custody of AVA, with Defendant receiving more time (*i.e.*, 55/45 or 60/40).”
26 Court’s Exhibit 1, p. 32: *See* 5.304(b). It is noted that Defendant’s own expert testified that he
27 had never seen a custody evaluation recommending percentages of times. *JAVS 11/03/2021 at*
28 *09:57*. AVA was subsequently assessed with having Autism Spectrum Disorder (ASD), mild to
moderate. This was confirmed by Dr. Gaspar (ASD L1, with communication/speech delays).

1 During this time period, the parties have enrolled AVA in a myriad of services (e.g. Firefly
2 Behavioral for ABA therapy) to assist her which continue to date. Defendant testified that she
3 has recently noticed some issues with AVA's gait.

4 **(h) The nature of the relationship of the child with each parent**

5 *Not applicable.* There was not sufficient evidence submitted that would insinuate the
6 child had a better or worse relationship with either parent.

7 **(i) The ability of the child to maintain a relationship with any sibling**

8 Plaintiff has 2 other children with whom he has parenting time every other weekend.
9 AVA is Defendant's only child. The schedule ordered below took this factor into consideration to
10 maximize the siblings time together.

11 **(j) Any history of parental abuse or neglect of the child or a sibling of the child**

12 *Not applicable.* No sufficient evidence was submitted on this factor.

13 **(k) Whether either parent or any other person seeking physical custody has engaged in an**
14 **act of domestic violence against the child, a parent of the child or any other person**
14 **residing with the child.**

15 *Not applicable.* No sufficient evidence was submitted on this factor.

16 **(l) Whether either parent or any other person seeking physical custody has committed any**
17 **act of abduction against the child or any other child.**

18 *Not applicable.* No sufficient evidence was submitted on this factor.

19 **Analysis**

20 As noted above, the issue at hand is truly *not* as complex as the case was presented. Both
21 parties testified that their work week is Monday through Thursday. Each party has their mother
22 watch AVA if they are unavailable. Defendant wants the current schedule to remain in place and
23 Plaintiff wants the more common 2-2-3 schedule. Defendant's foremost reasoning in her Closing
24 Brief about Plaintiff's proposed schedule is it will require 1-2 more exchanges which may
25 exacerbate the parties' conflict. Fact is it gives Plaintiff 1 less day over a 2 week period and he
26 never has AVA on any Saturdays. This is not about giving either party the schedule they desire, it
27 is about what is in AVA's *best interest*. This Court has indicated from the day it took the bench it
28 does *not* automatically "rubber stamp" the outsourced evaluator's recommendations. This is one
of those cases. After going through the trial and the underlying record, this Court cannot find
why the current schedule is better for AVA than the standard 2-2-3 schedule. This is not about

1 attaining 50/50 for each parent. This is also not about child support as Defendant would be
2 obligated under a 60/40 schedule. It was simply not proven to this Court with sufficient evidence
3 that the current schedule or any 55/45 or 60/40 schedule was in AVA's best interest. Although
4 these are one of the most divergent set of parents this Court has had an in depth trial on, they are
5 both good parents actively seeking what is best for AVA. As the parties have identical workday
6 schedules, each party should share Friday, Saturday, and Sunday weekends with AVA. Further, a
7 2-2-3 schedule allows for Plaintiff's other children to bond with AVA on the limited 4 days per
8 month they are with him. NRS 125C.0035(j). Additionally, it is noted that Plaintiff has
9 graciously proposed giving Defendant any 5th weekends with AVA.

10 For these reasons and the factors above, this Court CONCLUDES that it would be *in the*
11 *best interest of the child* that the better choice of the 2 proposed options is the 2-2-3 schedule
12 (with the receiving party providing the transportation) as follows:

13 Weeks 1 & 3 and any 5th weeks:

14 Monday-Tuesday: Plaintiff picks up Ava at 7 am on Monday.

15 Wednesday-Thursday: Defendant picks up Ava at 7 am on Wednesday.

16 Friday-Saturday-Sunday: Plaintiff picks up Ava at 7 am on Friday.

17 Weeks 2 and 4:

18 Monday-Tuesday: Defendant picks up Ava at 7 am on Monday.

19 Wednesday-Thursday: Plaintiff picks up Ava at 7 am on Wednesday.

20 Friday-Saturday-Sunday: Defendant picks up Ava at 7 am on Friday.

21 The weeks are to be defined by the first week of the month with a Monday. This schedule is to
22 begin by 12/20/2021 (3rd week of schedule).

23 **II. Holiday/Vacation Schedule**

24 This Court's standard holiday/vacation schedule will take precedence over the normal
25 weekly parenting time. Plaintiff wants this Court's standard holiday/vacation implemented as is.
26 Defendant requests that the vacation period and Christmas holiday provisions be modified as the
27 period given AVA's young age and ASD. This Court agrees with Defendant's position on this
28 issue and ORDERS that the 2 provisions will be modified. As for Summer vacations, each party
is limited to 1 week (7 days). The parties are to use OFW to put the other party on notice which
week they will be exercising for Summer vacation with a minimum of 21 days prior notice. As for
Christmas, *Segment 1* will be defined as Christmas Eve (December 24th) from 12:00 p.m. until
Christmas day (December 25th) at 12:00 p.m. *Segment 2* will be defined as Christmas day at

1 12:00 p.m. until December 27th at 12:00 p.m. The reason for the additional day for *Segment 2* is
2 that *Segment 1* includes the preferential actual Christmas Eve and Christmas morning. Pursuant
3 to this Court's standard order, Plaintiff will get *Segment 1* in 2021 and every odd year thereafter;
4 Defendant will get *Segment 1* in 2022 and every even year thereafter. The request to decrease
5 Easter/Spring Break week is DENIED. The balance of this Court's Holiday/Vacation schedule is
6 attached as Exhibit 1 (with the foregoing provisions taken out).

7 III. Legal Custody

8 The parties have stipulated to joint legal custody of the minor child. NRS 125C.002. This
9 will be defined as follows:

10 Legal custody involves having basic legal responsibility for a child and making MAJOR
11 decisions regarding the child, including the child's health, education, and religious
12 upbringing. . . . [T]he parents MUST consult with each other to make MAJOR decisions
13 regarding the child's upbringing, while the parent with whom the child is residing at that
14 time usually makes minor day-to-day decisions. If the parents in a joint legal custody
15 situation reach an impasse and are unable to agree on a decision, then the parties may
16 appear before the court 'on an equal footing' to have the court decide what is in the best
17 interest of the child.

18 *Rivero v. Rivero*, 125 Nev. 410, 420-21, 216 P.3d 213 (2009) (*emphasis added*).

19 IV. Child Support

20 **NAC 425.120** (Determination of monthly gross income of each obligor; provision of
21 financial information or other records to court.)

22 1. The monthly gross income of each obligor ***must be determined by***:

23 (a) Stipulation of the parties; or

24 (b) The court, after considering all financial or other information relevant to the
25 earning capacity of the obligor.

26 2. In determining the monthly gross income of each obligor, **the court may direct** either
27 party to furnish financial information or other records, including, **without limitation, any**
28 **income tax returns**.

As in most cases, this is a sensitive and highly contested subject. Plaintiff alleged early on
in the case this was why Defendant wanted primary physical custody—to avoid having to pay child
support. Defendant submitted a Closing Brief just on child support. In it, she admits “[Plaintiff’s]
income on the other hand is extremely difficult to discern.” If Defendant believes that Plaintiff is
being fraudulent with his taxes, she can feel free to report him for investigation to the Internal
Revenue Service and/or the District Attorney’s Office, Family Support Division.

As there was a dispute as to income, this Court had the parties provide income tax returns
pursuant to NAC 425.120(2). This Court will use the parties’ most recent 2020 income tax
returns as a basis. Plaintiff’s tax return indicates a gross annual income of \$23,645.00, making his

1 gross monthly income \$1,970.42. Defendant's tax return indicates a gross annual income of
2 \$113,599.00, making her gross monthly income \$9,466.58. Using the formula in NAC 425.140,
3 the monthly amount Defendant owes to Plaintiff is \$922.06.¹ Defendant requests an adjustment
4 for half of the monthly medical premium she pays, which is \$78.78 per month. As healthcare is a
5 *necessary expense*, this adjustment is GRANTED. NAC 425.150(g). Half this amount is \$39.39.
6 Subtracting the \$39.39 from the \$922.06, Defendant's final monthly obligation is **\$882.67**. This
7 obligation will begin 01/01/2022 and is to be received by Plaintiff before the last day of the
8 month.² As for Defendant's notation of her \$1,000.00 deductible, these will accumulate in the
9 form of out-of-pocket expenses. The parties are to equally share any out-of-pocket expenses
10 using the standard Family Court 30/30 Rule and to use the OFW subprogram to submit proof of
11 payment (not bills) due from the other party.

12 Defendant testified she has dated Plaintiff since 2013. Surely, if he were willfully under-
13 employed, this Court would expect she would have presented far more viable evidence. Deposits
14 into Plaintiff's bank accounts does *not* automatically equate to free and clear income and this
15 Court cannot speculate. NAC 425.125(1) states: "If after taking evidence, the court determines
16 that an obligor is underemployed or unemployed without good cause, the court may impute
17 income to the obligor." This Court CANNOT FIND that Defendant has proven with sufficient
18 evidence Plaintiff is willfully underemployed without good cause. NAC 425.125(1); *Minnear v.*
19 *Minnear*, 107 Nev. 495, 814 P.2d 85 (1991). The factors set forth in NAC 425.125(2) do not
20 apply as this Court is not imputing income to Plaintiff.

21 Plaintiff requests almost \$14,000.00 in child support arrears from Defendant; Defendant
22 did not request any arrears. Pursuant to NRS 125B.030: "Where the parents of a child do not
23 reside together, the physical custodian of the child *may* recover from the parent without physical
24 custody a *reasonable portion* of the cost of care, support, education and maintenance provided by
25

26 ¹ Defendant's Gross Monthly Income: \$9,466.58; Number of Children: 1; Tier 1 (\$6,000.00 *
27 16.00% = \$960.00) + Tier 2 (\$3,466.58 * 8.00% = \$277.33); Obligation amount is \$1,237.33.
28 Defendant's Gross Monthly Income: \$1,970.42; Number of Children: 1; Tier 1 (\$1,970.42 * 16.00% =
\$315.27); Obligation amount is \$315.27. Respondent's Obligation: (\$1,237.33 - \$315.27) = **\$922.06**.

² This Court will further FIND that Defendant/obligor clearly has the *ability to pay*. NAC 150(1)(h). Her latest FDF indicates she earn \$9,358.73 monthly income - \$1,557.48 deductions - \$4,073.32 monthly expenses - \$460.00 monthly child expenses = \$3,267.93 monthly net income.

1 the physical custodian (up to 4 years).” Thus, an award of child support arrears is *discretionary*,
2 it is *limited* to the physical custodian and is *limited* to a “reasonable portion.” Plaintiff alleged
3 Defendant would not give him joint physical custody and that is why he ended up filing this
4 action. This Court in using its best discretion given the evidence submitted cannot determine that
5 Plaintiff should be awarded any child support arrears. Thus, Plaintiff’s request for child support
6 arrears is DENIED.

7 **V. Tax Deduction**

8 Plaintiff requested the parties alternate the tax deduction for AVA; Defendant requests she
9 get every year. The district court has *broad discretion* over the child dependency exemption for
10 federal tax purposes, including allocating the right to the exemption to the non-custodial parent.
11 *Sertic v. Sertic*, 111 Nev. 1192, 901 P.2d 148 (1995). In reviewing the parties’ tax returns, it is
12 noted that Plaintiff claims his parents as dependants on his income tax returns (ILYA &
13 GALINA). Defendant only claims AVA. Further, Defendant will now have a child support
14 obligation to Plaintiff. Accordingly, as this Court has *broad discretion* over this issue, this Court
15 in its believes it *equitable* to ORDER that Defendant be allowed claim AVA every year.

16 This Court is not taking any jurisdiction over any periodic federal government benefits on
17 behalf of the child (*e.g.*, Covid related). If disputed, the parties are to addresses the issue directly
18 with the payor (federal government).

19 **VII. CONCLUSION**

20 WHEREFORE, given the findings and determinations set forth above, it is hereby
21 ORDERED, ADJUDGED and DECREED:

22 1. The parties are awarded JOINT LEGAL CUSTODY and JOINT PHYSICAL
23 CUSTODY with the weekly 2-2-3 schedule as set forth above and the minor deviations from the
24 standard vacation/holiday schedule. The parties are to enroll and complete the UNLV
25 Cooperative Parenting Course within the next 6 months and continue to use OFW until further
26 order of this Court.

27 2. Defendant’s monthly CHILD SUPPORT obligation to Plaintiff is \$882.67. This
28 obligation will begin 01/01/2022 and is to be received by Plaintiff before the last day of the month.
Plaintiff’s request for CHILD SUPPORT ARREARS is DENIED. Defendant will maintain AVA

1 on her employer's health insurance. Any out-of-pocket expenses will be equally shared pursuant
2 to the Family Court 30/30 rule.³

3 3. Defendant will be entitled to claim AVA every year as a TAX DEDUCTION on her
4 income tax return.

5 4. Prior to filing any motions to modify the foregoing custody arrangement, the parties
6 **must** attempt mediation at the Family Mediation Center (FMC). EDCR 5.303(b)(1). The
7 exception will be if it is of an emergency nature that qualifies for an order shortening time. *See*
8 EDCR 5.514.

9 5. If this Court has failed to address any other outstanding issues, within the next 14
10 days, either party may email a letter to chambers explaining the issue not addressed. The other
11 side must be copied; this Court will consider the unaddressed issue and then enter an amendment
12 if warranted. This will *not* be an opportunity for either side to re-litigate this Decision.

13 6. Finally, if either party is seeking attorney's fees/costs, they are to submit a *timely*
14 motion compliant with NRS 18.110⁴, NRCP 54(d) and *Miller v. Wilfong* and place it on this
15 Court's Chamber Calendar.

16 HONORABLE MATHEW P. HARTER

17 Dated this 15th day of December, 2021

18
19
20 MEF


21 B28 387 DCEC 4876
22 Mathew Harter
23 District Court Judge
24

25 ³ Any unreimbursed medical, dental, optical, orthodontic or other health related expense incurred
26 for the benefit of the minor child is to be divided equally between the parties. Either party incurring an
27 out-of-pocket medical expense for the child shall provide a copy of the **paid** invoice/receipt to the other
28 party within thirty days of incurring such expense, if not tendered within the thirty day period, the Court
may consider it as a waiver of reimbursement. The other party will then have thirty days from receipt
within which to dispute the expense in writing or reimburse the incurring party for one-half of the out-of-
pocket expense, if not disputed or paid within the thirty day period, the party may be subject to a finding
of contempt and appropriate sanctions.

⁴ *Cadle Co. v. Woods & Erickson, LLP*, 131 Nev. 114, 345 P.3d 1049 (2015)

DEPARTMENT N DEFAULT HOLIDAY AND VACATION PLAN

THE COURT ENCOURAGES THE PARENTS TO COMMUNICATE REGARDING SHARING TIME WITH THEIR CHILD(REN) FOR HOLIDAYS AND VACATIONS; however, the parties shall abide by the following **HOLIDAY AND VACATION PLAN** when they are unable agree. The parents may draft and sign a written agreement to deviate from this schedule. Holidays shall take precedence over residential time, and neither party shall be able to take the child(ren) for vacation time during the other party's scheduled holiday time.

ODD YEAR¹

EVEN YEAR

THREE-DAY HOLIDAYS

The holiday visitation shall begin at 3:00 PM (or after-school on school days²) on the Friday prior to the holiday and conclude at 9:00 AM the day following the three-day holiday weekend. If the holiday is not attached to a three day weekend, the applicable party shall spend the holiday with the child(ren) from 9:00 AM to 9:00 PM.

MARTIN LUTHER KING DAY	MOM	DAD
PRESIDENT'S DAY	DAD	MOM
MEMORIAL DAY	MOM	DAD
INDEPENDENCE DAY	DAD	MOM
LABOR DAY	MOM	DAD
NEVADA ADMISSION DAY/HALLOWEEN	DAD	MOM
VETERANS DAY	MOM	DAD

INDIVIDUAL DAYS

The specified parent's visitation shall begin at 9:00 AM on the individual holiday (or after-school on school days), and end at 9:00 PM the same day.

MOTHER'S DAY	MOM	MOM
FATHER'S DAY	DAD	DAD
MOTHER'S BIRTHDAY	MOM	MOM
FATHER'S BIRTHDAY	DAD	DAD

¹ The year indicated is the calendar year and not the age of a child or parent.

² Unless otherwise ordered, any reference to a "school" schedule for the purpose of defining a Holiday or Special Occasion shall be defined by the Clark County School District schedule (view www.ccsd.net to obtain the schedule).

DEPARTMENT N DEFAULT HOLIDAY AND VACATION PLAN

CHILD(REN)'S BIRTHDAY

DAD

MOM

EASTER/SPRING BREAK

The holiday visitation shall begin at 9:00 AM following the last day of school and conclude at 12:00 PM the day before the child returns to school. In the event that a child will travel outside of the county for the holiday, (s)he shall be returned home by 7:00 PM the evening before school resumes. If the child is not in school, the parents shall refer to the Clark County School District calendar.

EASTER/SPRING BREAK

MOM

DAD

THANKSGIVING

The holiday visitation shall begin after-school on the Wednesday preceding Thanksgiving, or at 6:00 PM on that Wednesday if school is not in session. The Thanksgiving holiday vacation shall end at 12:00 PM the day before the child(ren) must return to school, or on the Sunday after Thanksgiving if school is not in session. In the event that the child will travel outside of the county for the holiday, (s)he shall be returned home by 7:00 PM the evening before school resumes.

THANKSGIVING

MOM

DAD

CHRISTMAS HOLIDAY & WINTER BREAK

**VIEW DECISION AND ORDER
FILED DECEMBER 15, 2021**

SUMMER/TRACK BREAK VACATIONS

**VIEW DECISION AND ORDER
FILED DECEMBER 15, 2021**

RELIGIOUS HOLIDAYS

Unless otherwise specified by the Court, each parent shall have the right to provide religious instruction to the child, even if they do not share the same religious beliefs, unless there is a child welfare or endangerment issue that the parents cannot resolve. Each parent shall have the opportunity to celebrate holidays with the child. In the event that one parent does not intend to observe a formal ceremony/holiday in his or her specified year, the parent intending to celebrate the holiday shall have the opportunity to have the child attend temple, mass, or whichever religious instruction is observed for that holiday. The parties shall abide by the exchange times as listed in the "Individual Days" section.

DEPARTMENT N DEFAULT HOLIDAY AND VACATION PLAN

Following is a non-inclusive list of other religions where parents shall alternate holidays: Buddhist, Hindu, Greek Orthodox, Eastern and Russian Orthodox, Islamic, World Wide Church of God, Protestant, Lutheran, Baha'i, Church of Latter Day Saints, Sikh, Roman Catholic, Armenian Holidays, Eid of Adha, Chinese, Korean and Vietnamese New Year, etc. Each parent shall alternate each holiday as provided in the following example for Jewish Holidays:

PASSOVER	DAD	MOM
ROSH HASHANAH	MOM	DAD
YOM KIPPUR	DAD	MOM
PURIM	MOM	DAD
SUKKOT	DAD	MOM
HANUKKAH	MOM	DAD
BAR MITZVAH ARRANGEMENTS	DAD	MOM

NOTE: WHERE THERE IS AN OVERLAP OF CONFLICTING RELIGIOUS HOLIDAYS, THE FOLLOWING PRIORITY SHALL PREVAIL:

OVERLAP PRECEDENT:	MOM	DAD
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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Evgeny Shapiro, Plaintiff.

CASE NO: D-20-612006-C

7 vs.

DEPT. NO. Department N

8 Nechole Garcia, Defendant.
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 12/15/2021

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

September 17, 2020

D-20-612006-C Evgeny Shapiro, Plaintiff.
vs.
Nechole Garcia, Defendant.

September 17, 2020 11:00 AM All Pending Motions

HEARD BY: Harter, Mathew

COURTROOM: Courtroom 24

COURT CLERK: Hilary Moffett

PARTIES:

Ava Garcia-Shapiro, Subject Minor, not present

Evgeny Shapiro, Plaintiff, Counter Defendant, present Jennifer Isso, Attorney, present

Nechole Garcia, Defendant, Counter Claimant, present Molly Rosenblum, Attorney, present

JOURNAL ENTRIES

- PLAINTIFF'S MOTION...DEFENDANT'S OPPOSITION AND COUNTERMOTION...RETURN
HEARING...CASE MANAGEMENT CONFERENCE

Matter heard by videoconference.

Following arguments/discussion, COURT ORDERED:

1. Parties shall be referred for a CUSTODY EVALUATION. Given the disparity in income, Defendant shall pay the initial retainer to start the process. Thereafter Defendant shall bear three-quarters of the cost and Plaintiff shall bear one-quarter of the cost. Defendant shall submit three provider names to Plaintiff by the end of the day. Plaintiff shall select one of the providers by Monday (9/21), or submit the names to the Court for selection. Cost may be reassessed based on the provider's findings. A referral will be issued once a provider is selected.

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2. TEMPORARILY Plaintiff shall have the child following a week-one/week two schedule. During week one Plaintiff shall have the child each Sunday, Monday, and Tuesday from 7:00 a.m. to 7:00 p.m. During week two, Plaintiff shall have the child each Monday, Tuesday, and Wednesday from 7:00 a.m. to 7:00 p.m. Week one shall commence 9/20/20.

3. Receiving party shall transport the child.

4. Plaintiff and Defendant shall enroll in the Our Family Wizard (OFW) program within seven (7) days. The Court shall have third party access to both Plaintiff and Defendant's email communication. The parties shall use OFW for a minimum of three (3) years, unless otherwise specified by the Court. The Order for Our Family Wizard Website Services was submitted for the Court's signature.

5. The outsourced provider may contact chambers to obtain copies of the parties' OFW communications.

6. A status check is SET for 12/3/20 at 1:30 p.m.

Ms. Rosenblum shall prepare the order and submit to Ms. Isso for review.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

December 17, 2020

D-20-612006-C Evgeny Shapiro, Plaintiff.
 vs.
 Nechole Garcia, Defendant.

December 17, 2020 11:00 AM Status Check

HEARD BY: Hardcastle, Kathy

COURTROOM: Courtroom 24

COURT CLERK: Hilary Moffett

PARTIES:

Ava Garcia-Shapiro, Subject Minor, not
present

Evgeny Shapiro, Plaintiff, Counter Defendant, Jennifer Isso, Attorney, not present
not present

Nechole Garcia, Defendant, Counter Claimant, Molly Rosenblum, Attorney, not present
not present

JOURNAL ENTRIES

- STATUS CHECK - NO HEARING HELD

Dr. Bergquist advised the Court that she needs more time to complete her report. Therefore,
MATTER CONTINUED to 3/16/21 at 11:00 a.m.

INTERIM CONDITIONS:

FUTURE HEARINGS:

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

March 16, 2021

D-20-612006-C Evgeny Shapiro, Plaintiff.
 vs.
 Nechole Garcia, Defendant.

March 16, 2021 11:00 AM All Pending Motions

HEARD BY: Harter, Mathew

COURTROOM: Courtroom 24

COURT CLERK: Hilary Moffett

PARTIES:

Ava Garcia-Shapiro, Subject Minor, not present
Evgeny Shapiro, Plaintiff, Counter Defendant, Jennifer Isso, Attorney, present
present
Nechole Garcia, Defendant, Counter Claimant, Molly Rosenblum, Attorney, present
present

JOURNAL ENTRIES

- STATUS CHECK...PLAINTIFF'S RENOTICE OF COUNTERMOTION

Matter heard via videoconference.

Both sides acknowledged that they have seen and reviewed Dr. Bergquist's custody evaluation report.

Arguments were made regarding temporary orders.

Court noted that the parties have joint physical custody, which is what Dr. Bergquist recommended, under their current arrangement.

COURT ORDERED:

1. Plaintiff shall ensure that the child is not left alone with his son.

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2. Plaintiff shall have OVERNIGHT visitation as recommended by Dr. Bergquist, following their current rotating week-one/week-two schedule. During week one Plaintiff shall have the child from Sunday through Tuesday. During week two Plaintiff shall have the child from Monday through Wednesday.

3. A calendar call is SET for 4/22/21 at 3:30 p.m.

Ms. Rosenblum shall prepare the order.

INTERIM CONDITIONS:

FUTURE HEARINGS: Apr 22, 2021 3:30PM Calendar Call
Courtroom 24 Harter, Mathew

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

April 22, 2021

D-20-612006-C Evgeny Shapiro, Plaintiff.
vs.
Nechole Garcia, Defendant.

April 22, 2021 3:30 PM Calendar Call

HEARD BY: Harter, Mathew

COURTROOM: Courtroom 24

COURT CLERK: Hilary Moffett

PARTIES:

Ava Garcia-Shapiro, Subject Minor, not present
Evgeny Shapiro, Plaintiff, Counter Defendant, Jennifer Isso, Attorney, present
present
Nechole Garcia, Defendant, Counter Claimant, Molly Rosenblum, Attorney, present
present

JOURNAL ENTRIES

- CALENDAR CALL

Matter heard via videoconference.

Counsel stated that they have exchanged settlement offers. Ms. Rosenblum stated that the parties plan to attend a settlement conference with either Judge Butler or Judge Bailey, depending on availability.

Discussion followed regarding Dr. Bergquist's recommendation with regard to the joint physical custody timeshare split.

Arguments were made regarding Ms. Isso's request for a blanket HIPAA release from Defendant. Court noted that discovery issues need to be heard by the discovery commissioner and that this Court will grant an order shortening time if necessary to have those issues heard before the next calendar call date.

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Further arguments were made regarding the current custody schedule.

Court advised that it will guarantee a trial within 45 days once counsel has exhausted settlement efforts.

COURT ORDERED, MATTER CONTINUED to 7/22/21 at 1:30 p.m. The custody schedule shall remain status quo pending trial.

INTERIM CONDITIONS:

FUTURE HEARINGS: Apr 22, 2021 3:30PM Calendar Call
Courtroom 24 Harter, Mathew

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

July 13, 2021

D-20-612006-C Evgeny Shapiro, Plaintiff.
 vs.
 Nechole Garcia, Defendant.

July 13, 2021 9:00 AM Settlement Conference

HEARD BY: Bailey, Sunny

COURTROOM: Courtroom 06

COURT CLERK: Sierra Stepp

PARTIES:

Ava Garcia-Shapiro, Subject Minor, not present

Evgeny Shapiro, Plaintiff, Counter Defendant, Jennifer Isso, Attorney, not present
not present

Nechole Garcia, Defendant, Counter Claimant, Molly Rosenblum, Attorney, not present
not present

JOURNAL ENTRIES

- MINUTE ORDER WITHOUT HEARING

Court NOTES the parties entered settlement discussions but were unable to reach an agreement.

COURT ORDERED, Matter was NOT heard on the record and the hearing shall be VACATED.

Courtroom clerk shall provide a copy of this Minute Order to all parties.

INTERIM CONDITIONS:

FUTURE HEARINGS: Jul 22, 2021 1:30PM Calendar Call
 Courtroom 24 Harter, Mathew

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

July 22, 2021

D-20-612006-C Evgeny Shapiro, Plaintiff.
 vs.
 Nechole Garcia, Defendant.

July 22, 2021 1:30 PM Calendar Call

HEARD BY: Harter, Mathew

COURTROOM: Courtroom 24

COURT CLERK: Hilary Moffett

PARTIES:

Ava Garcia-Shapiro, Subject Minor, not present
Evgeny Shapiro, Plaintiff, Counter Defendant, Jennifer Isso, Attorney, present
present
Nechole Garcia, Defendant, Counter Claimant, Molly Rosenblum, Attorney, present
present

JOURNAL ENTRIES

- CALENDAR CALL

Matter heard via videoconference.

Court noted that this matter was referred to Dr. Bergquist for an outsourced evaluation.

Court noted that the parties attended a settlement conference, which did not result in resolution.

Court advised that the requests for sanctions will be deferred to the end of the case along with any requests for attorney's fees.

Court declined to award Plaintiff additional time with the child as requested by Ms. Isso, but noted that the parties have joint physical custody. Court advised that it does not intend to change the designation of joint physical custody.

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Following discussion regarding status of settlement efforts, Court advised that this matter will be continued one more time, after which a trial will be set if the matter is not resolved. Ms. Rosenblum requested a two-day trial toward the end of August.

Arguments were made regarding concerns with Dr. Bergquist's recommendations if the child is diagnosed with Autism Spectrum Disorder (ASD). Ms. Rosenblum noted that the child has a diagnostic appointment scheduled for August 10.

COURT ORDERED, MATTER CONTINUED to 8/12/21 at 4:30 p.m. Court will schedule a trial within 60 days if the matter has not been resolved.

INTERIM CONDITIONS:

FUTURE HEARINGS:

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

August 12, 2021

D-20-612006-C Evgeny Shapiro, Plaintiff.
vs.
Nechole Garcia, Defendant.

August 12, 2021 3:40 PM All Pending Motions

HEARD BY: Harter, Mathew

COURTROOM: Courtroom 24

COURT CLERK: Hilary Moffett

PARTIES:

Ava Garcia-Shapiro, Subject Minor, not present
Evgeny Shapiro, Plaintiff, Counter Defendant, Jennifer Isso, Attorney, present
present
Nechole Garcia, Defendant, Counter Claimant, Kyle King, Attorney, present
present

JOURNAL ENTRIES

- CALENDAR CALL...PLAINTIFF'S MOTION FOR SANCTIONS AND FOR ATTORNEY'S FEES AND COSTS AND OTHER RELATED RELIEF...DEFENDANT'S OPPOSITION AND COUNTERMOTION FOR PLAINTIFF'S MOTION TO BE STRICKEN, FOR ATTORNEY'S FEES AND COSTS, AND FOR RELATED RELIEF

Matter heard via videoconference.

Court noted that this matter had been continued for negotiations. Counsel agreed that a trial is needed as they were unable to resolve this matter.

Court noted that the parties attended a settlement conference with Judge Bailey. Court noted that Judge Bailey's opinion was that settlement was successful although the terms of the agreement were not put on the record. Ms. Isso stated that counsel may return to Judge Bailey to see if this matter can be resolved. Court instructed counsel to contact chambers to have the trial date vacated if the matter gets resolved.

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Court noted that Dr. Bergquist's report will come in as Court's Exhibit 1 at the time of trial pursuant to local rules.

COURT ORDERED, an Evidentiary Hearing is SET for 10/15/21 at 9:00 a.m. (full day). Order Setting Civil Non-Jury Trial was submitted electronically for the Court's signature.

COURT FURTHER ORDERED, a Calendar Call is SET for 10/14/21 at 3:30 p.m.

INTERIM CONDITIONS:

FUTURE HEARINGS: Oct 14, 2021 3:30PM Calendar Call
Courtroom 24 Harter, Mathew

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

October 14, 2021

D-20-612006-C Evgeny Shapiro, Plaintiff.
 vs.
 Nechole Garcia, Defendant.

October 14, 2021 3:30 PM Calendar Call

HEARD BY: Harter, Mathew

COURTROOM: Courtroom 24

COURT CLERK: Helen Green

PARTIES:

Ava Garcia-Shapiro, Subject Minor, not present
Evgeny Shapiro, Plaintiff, Counter Defendant, Jennifer Isso, Attorney, present
present
Nechole Garcia, Defendant, Counter Claimant, Molly Rosenblum, Attorney, present
present

JOURNAL ENTRIES

- CALENDAR CALL

Both counsel and both parties appeared by Bluejeans technology.

Attorney Isso requested additional time based on the time needed for expert witnesses testimony.

COURT ORDERED:

Evidentiary Hearing set for 10/15/21 @ 9:00 A.M. shall be RESET to 11/3/21 @ 9:00 A.M. (Day 1) and 11/5/21@ 9:00 A.M. (Day 2) FIRM. IN PERSON. Witnesses may testify in person or by Bluejeans technology.

The Court's shall provide counsel with an Evidentiary Hearing Management Order indicating that both sides shall have 6 hours total to present their case.

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INTERIM CONDITIONS:

FUTURE HEARINGS: Oct 14, 2021 3:30PM Calendar Call
Courtroom 24 Harter, Mathew

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

October 28, 2021

D-20-612006-C Evgeny Shapiro, Plaintiff.
 vs.
 Nechole Garcia, Defendant.

October 28, 2021 3:30 PM All Pending Motions

HEARD BY: Harter, Mathew

COURTROOM: Courtroom 24

COURT CLERK: Helen Green

PARTIES:

Ava Garcia-Shapiro, Subject Minor, present
Evgeny Shapiro, Plaintiff, Counter Defendant, Jennifer Isso, Attorney, present
present
Nechole Garcia, Defendant, Counter Claimant, Molly Rosenblum, Attorney, present
not present

JOURNAL ENTRIES

- DEFENDANT'S LIMITED OPPOSITION TO PLAINTIFF'S MOTION FOR WITNESS
ACCOMMODATION AND REQUEST FOR ATTORNEY'S FEES AND COSTS...PLAINTIFF'S
MOTION FOR WITNESS ACCOMMODATION

Both counsel and both parties appeared by Bluejeans technology.

The Court reviewed the case. Argument by counsel.

COURT ORDERED:

Both counsel's witnesses shall be accommodated by the Court. Attorney Isso's two witnesses may
testify out-of-order and attorney Rosenbloom may have her two witnesses testify out-of-order as
well.

The Evidentiary Hearing shall be limited to 6 hours for each side.

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D-20-612006-C

Future dates STAND.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

November 03, 2021

D-20-612006-C Evgeny Shapiro, Plaintiff.
vs.
Nechole Garcia, Defendant.

November 03, 2021 9:00 AM Evidentiary Hearing

HEARD BY: Harter, Mathew

COURTROOM: Courtroom 24

COURT CLERK: Hilary Moffett

PARTIES:

Ava Garcia-Shapiro, Subject Minor, not
present

Evgeny Shapiro, Plaintiff, Counter Defendant, Jennifer Isso, Attorney, present
present

Nechole Garcia, Defendant, Counter Claimant, Molly Rosenblum, Attorney, present
present

JOURNAL ENTRIES

- EVIDENTIARY HEARING

Ms. Rosenblum made her opening statement. Ms. Isso waived.

Testimony and exhibits were presented (see worksheets).

Court noted that day two of the evidentiary hearing is scheduled for 11/5/21 at 9:00 a.m.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

November 04, 2021

D-20-612006-C Evgeny Shapiro, Plaintiff.
 vs.
 Nechole Garcia, Defendant.

**November 04, 1:15 PM Telephonic Hearing
2021**

HEARD BY: Harter, Mathew

COURTROOM: Courtroom 24

COURT CLERK:

PARTIES:

Ava Garcia-Shapiro, Subject Minor, not
present

Evgeny Shapiro, Plaintiff, Counter Defendant, Jennifer Isso, Attorney, present
not present

Nechole Garcia, Defendant, Counter Claimant, Molly Rosenblum, Attorney, present
not present

JOURNAL ENTRIES

- TELEPHONIC HEARING

Matter heard via videoconference.

Court noted that the parties have stipulated to joint physical custody, but that there is a dispute as to the custodial timeshare.

Discussion was held regarding what counsel should be focusing on during the remainder of the evidentiary hearing.

Court noted that it will require three years of tax returns from both sides before child support can be calculated.

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INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

November 05, 2021

D-20-612006-C Evgeny Shapiro, Plaintiff.
vs.
Nechole Garcia, Defendant.

November 05, 2021 9:00 AM Evidentiary Hearing

HEARD BY: Harter, Mathew

COURTROOM: Courtroom 24

COURT CLERK: Hilary Moffett

PARTIES:

Ava Garcia-Shapiro, Subject Minor, not present

Evgeny Shapiro, Plaintiff, Counter Defendant, Jennifer Isso, Attorney, present present

Nechole Garcia, Defendant, Counter Claimant, Molly Rosenblum, Attorney, present present

JOURNAL ENTRIES

- EVIDENTIARY HEARING (DAY TWO)

Further testimony and evidence were presented (see worksheets).

Court denied Ms. Isso's request for a new trial.

Counsel stipulated that Defendant's health insurance will be considered primary.

Counsel stipulated to incorporate the 30/30 Rule with regard to unreimbursed medical expenses, and to submit requests for reimbursement through Our Family Wizard (OFW).

Court noted that the OFW records have already been admitted as a Court's exhibit although the Court will not necessarily review every single message. Court advised that each side may cite fifteen OFW entries for the Court to review. Court further advised that each side may submit ten pages of

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text messages for the Court to review.

Court noted that each side submitted three years of tax returns. Court advised that the Judicial Executive Assistant will email the tax returns to both counsel for in camera review. Court instructed both counsel to shred the documents after reviewing them.

COURT ORDERED, both counsel shall submit CLOSING BRIEFS no later than 5:00 p.m. on 11/19/21. Briefs shall consist of no more than five pages addressing child support, and no more than ten pages addressing the custodial timeshare and holiday schedule. Thereafter this matter will be taken UNDER ADVISEMENT for 21 days. A written decision will be issued subsequently.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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

MOLLY ROSENBLUM, ESQ.
376 E. WARM SPRINGS RD., STE. 149
LAS VEGAS, NV 89119

DATE: December 21, 2021
CASE: D-20-612006-C

RE CASE: EVGENY SHAPIRO vs. NECHOLE GARCIA

NOTICE OF APPEAL FILED: December 18, 2021

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT TRANSMITTED HAVE BEEN MARKED:**

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☒ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

*****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; DECISION AND ORDER; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

EVGENY SHAPIRO,

Plaintiff(s),

vs.

NECHOLE GARCIA,

Defendant(s),

Case No: D-20-612006-C

Dept No: N

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 21 day of December 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk



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

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

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

December 21, 2021

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

RE: EVGENY SHAPIRO vs. NECHOLE GARCIA
D.C. CASE: D-20-612006-C

Dear Ms. Brown:

Please find enclosed a Notice of Appeal packet, filed December 21, 2021. Due to extenuating circumstances the exhibits list(s) from November 3, 2021 has not been included.

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

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

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Heather Ungermann
Heather Ungermann, Deputy Clerk