

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

2
3 **NECHOLE GARCIA,**
4 Appellant,
5
6 **vs.**
7 **EVGENY SHAPIRO**
8 Respondent.

Electronically Filed
Dec 31 2021 11:32 a.m.
Supreme Court Case No. 83992
Elizabeth A. Brown
Clerk of Supreme Court

9 **APPELLANT'S CASE APPEAL STATEMENT**

10 **1. NAME OF APPELLANT FILING THIS CASE APPEAL**
11 **STATEMENT:**

12 Nechole Garcia

13
14 **2. IDENTIFY THE JUDGE ISSUING THE DECISION, JUDGMENT,**
15 **OR ORDER APPEALED FROM:**

16 The Notice of Entry of the Decision and Order filed on December 16, 2021.

17 **3. IDENTIFY EACH APPELLANT AND THE NAME AND ADDRESS**
18 **OF COUNSEL FOR EACH APPELLANT:**

19 Appellant: Nechole Garcia

20
21 Appellate Counsel: Molly S. Rosenblum, Esq.
22 Sheila Tajbakhsh, Esq.
23 Rosenblum Allen Law Firm
24 376 East Warm Springs Rd, Ste. 140
25 Las Vegas Nevada 89119

26 District Court Counsel: Molly S. Rosenblum, Esq.
27 Rosenblum Allen Law Firm
28 376 East Warm Springs Rd, Ste. 140

Las Vegas Nevada 89119

4. IDENTIFY EACH RESPONDENT AND THE NAME AND ADDRESS OF APPELLATE COUNSEL, IF KNOWN, FOR EACH RESPONDENT (IF THE NAME OF A RESPONDENT'S APPELLATE COUNSEL IS UNKNOWN, INDICATE AS MUCH AND PROVIDE THE NAME AND ADDRESS OF THAT RESPONDENT'S TRIAL COUNSEL):

Respondent: Evgeny ("Eugene") Shapiro

Appellate Counsel: Unknown

District Court Counsel: Jennifer Isso, Esq.
Isso & Hughes Law Firm
2470 Saint Rose Pkwy Ste 306F
Henderson, NV 89074

5. INDICATE WHETHER ANY ATTORNEY IDENTIFIED ABOVE IN RESPONSE TO QUESTION 3 OR 4 IS NOT LICENSED TO PRACTICE LAW IN NEVADA AND, IF SO, WHETHER THE DISTRICT COURT GRANTED THAT ATTORNEY PERMISSION TO APPEAR UNDER [SCR 42](#) (ATTACH A COPY OF ANY DISTRICT COURT ORDER GRANTING SUCH PERMISSION):

N/A

6. INDICATE WHETHER APPELLANT WAS REPRESENTED BY APPOINTED OR RETAINED COUNSEL IN THE DISTRICT COURT:

Retained counsel.

7. INDICATE WHETHER APPELLANT IS REPRESENTED BY APPOINTED OR RETAINED COUNSEL ON APPEAL:

Retained counsel.

1 **8. INDICATE WHETHER APPELLANT WAS GRANTED LEAVE TO**
2 **PROCEED IN FORMA PAUPERIS, AND THE DATE OF ENTRY OF**
3 **THE DISTRICT COURT ORDER GRANTING SUCH LEAVE:**

4 N/A

5 **9. INDICATE THE DATE THE PROCEEDINGS COMMENCED IN**
6 **THE DISTRICT COURT (E.G., DATE COMPLAINT, INDICTMENT,**
7 **INFORMATION, OR PETITION WAS FILED):**

8 The case was originally opened with a Complaint for Custody filed on
9 August 7, 2020.

10 The Evidentiary Hearing lasted two (2) full days and took place on November
11 3, 2021 and November 5, 2021.

12 The Decision and Order was issued by the Court on December 15, 2021, and
13 the Notice of Entry of the Decision and Order was filed on December 16,
14 2021.

15 **10. PROVIDE A BRIEF DESCRIPTION OF THE NATURE OF THE**
16 **ACTION AND RESULT IN THE DISTRICT COURT, INCLUDING**
17 **THE TYPE OF JUDGMENT OR ORDER BEING APPEALED AND**
18 **THE RELIEF GRANTED BY THE DISTRICT COURT:**

19 **NATURE OF THE ACTION:** The parties engaged in lengthy, protracted
20 litigation regarding custody of the minor child they have in common, which
21 ultimately resulted in the parties coming before the District Court for a two (2) day
22 custody trial. This matter involves a minor child with an ASD diagnoses and
23 significant medical needs. This litigation involved multiple expert witnesses.

24 **RESULT IN THE DISTRICT COURT:** Based on the Decision and Order
25 filed by the District Court, the parties were granted joint legal and physical custody
26 of the minor child, subject to a rotating 2-2-3 schedule, a holiday and vacation
27

1 schedule that deviated from the department standard; the Defendant/Mom being
2 required to pay Plaintiff/Dad child support; and a denial of the Defendant's request
3 for a finding of willful underemployment on the part of the Plaintiff.

4 **TYPE OF ORDER BEING APPEALED:** The order regarding the regular
5 custodial schedule, the order regarding holidays and vacations, and the child
6 support order issued.

7 **RELIEF GRANTED BY THE DISTRICT COURT:**

8 a. The Court granted joint physical custody subject to a rotating 2-2-3
9 schedule, granting Plaintiff/Dad 55% of time as follows:

10 i. Weeks 1 & 3 and any 5th weeks:

11 1. Monday – Tuesday: Plaintiff/Dad picks up child at 7:00
12 a.m. on Monday

13 2. Wednesday – Thursday: Defendant/Mom picks up the
14 child at 7:00 a.m. on Wednesday

15 3. Friday – Saturday – Sunday: Plaintiff/Dad picks up child
16 at 7:00 a.m. on Friday.

17 ii. Weeks 2 & 4

18 1. Monday – Tuesday: Defendant/Mom picks up child at
19 7:00 a.m. on Monday

20 2. Wednesday – Thursday: Plaintiff/Dad picks up child at
21 7:00 am on Wednesday

22 3. Friday – Saturday – Sunday: Defendant/Mom picks up
23 the child at 7:00 a.m. on Friday

24 iii. The weeks are to be defined by the first Monday of the month.

25 b. The Court issued the following Holiday and Vacation Schedule:

26 i. The Court issued the Standard Department N holiday and
27 vacation schedule;
28

1 ii. The Court limited Summer Vacation time to one (1) week per
2 party;

3 iii. The Court divided Winter Break into two (2) Segments; with
4 *Segment 1* being defined as Christmas Even (December 24th) at
5 12:00 p.m. until Christmas Day (December 25th) at 12:00 p.m.;
6 and *Segment 2* being defined as Christmas Day at 12:00 p.m.
7 until December 27th at 12:00 p.m.

8 1. Plaintiff/Dad is to receive Segment 1 in odd years and
9 Defendant/Mom would receive Segment 1 in even years.

10 iv. The Court denied Defendant's request to limit Easter/Spring
11 Break.

12 c. The Court ordered Defendant/Mom to pay \$882.67 in child support,
13 and only granted a downward deviation for ½ of the cost of health
14 insurance for the child, without factoring in the significant costs
15 associated with the child's medical needs.

16 d. The Court denied Defendant/Mom's request for a finding of willful
17 underemployment on the part of the Plaintiff/Dad.

18
19 **11.INDICATE WHETHER THE CASE HAS PREVIOUSLY BEEN THE**
20 **SUBJECT OF AN APPEAL TO OR ORIGINAL WRIT**
21 **PROCEEDING IN THE SUPREME COURT AND, IF SO, THE**
22 **CAPTION AND SUPREME COURT DOCKET NUMBER OF THE**
23 **PRIOR PROCEEDING:**

24 None.

25 **12.INDICATE WHETHER THIS APPEAL INVOLVES CHILD**
26 **CUSTODY OR VISITATION:**

27 This appeal involves child custody and visitation.
28

1 **13. IF THIS IS A CIVIL CASE, INDICATE WHETHER THIS APPEAL**
2 **INVOLVES THE POSSIBILITY OF SETTLEMENT:**

3 At this time, there is no possibility of settlement.
4

5 Dated this 27th day of December, 2021.
6

7 Submitted by:
8 **ROSENBLUM ALLEN LAW FIRM**

9
10 
11 **MOLLY ROSENBLUM, ESQ.**

12 Nevada Bar No. 08242

13 **SHEILA TAJBAKHS, ESQ.**

14 Nevada Bar No. 15343

15 376 East Warm Springs Rd., Ste 140

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17 Attorney for Appellant
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Jennifer Isso, Esq.
2470 Saint Rose Parkway #306F
Henderson, NV 89074
Attorney for Plaintiff/Respondent

John H. Stewart

An Employee of Rosenblum Allen Law Firm