IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Aug 09 2021 11:43 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

BRIAN LEE WHITTLE,
Appellant(s),

vs.

RAVEN MORRIS,
Respondent(s),

Case No: D-19-591074-C

Docket No: 82660

RECORD ON APPEAL
VOLUME
1

ATTORNEY FOR APPELLANT
BRIAN LEE WHITTLE, PROPER PERSON
717 COUNT AVE.
NORTH LAS VEGAS, NV 89030

ATTORNEY FOR RESPONDENT
RAVEN MORRIS, PROPER PERSON
4980 E. OWENS AVE., APT. 1E
LAS VEGAS, NV 89110

D-19-591074-C BRIAN LEE WHITTLE vs. RAVEN MORRIS

I N D E X

D-19-591074-C Brian Lee Whittle, Plaintiff.
vs.
Raven Morris, Defendant.

I N D E X

D-19-591074-C Brian Lee Whittle, Plaintiff.
vs.
Raven Morris, Defendant.

I N D E X

D-19-591074-C Brian Lee Whittle, Plaintiff.
vs.
Raven Morris, Defendant.

I N D E X

D-19-591074-C **Brian Lee Whittle, Plaintiff.**
vs.
Raven Morris, Defendant.

I N D E X

Electronically Filed
06/12/2019
CLERK OF THE COURT

COMC
Your Name: Brian L.Whittle
Address: 717 Count Ave
City, State, Zip: North Las Vegas, Nevada 89030
Phone: 725.400.8328
Email: whittle.bw@gmail.com
Self-Represented Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

Brian L.Whittle Plaintiff, vs. Raven Morris Defendant.	CASE NO.: D-19-591074-C DEPT: Dept. L

COMPLAINT FOR CUSTODY AND UCCJEA DECLARATION

Plaintiff (*your name*) Brian L.Whittle is the (☒ *check one*) ☐ mother / ☒ father of the children named below, and respectfully states:

1. (*Name of parent who is a Nevada resident*) Brian L.Whittle has been a resident of the State of Nevada for at least six weeks prior to filing this Complaint.

2. The parties (☒ *check one*) ☐ have / ☒ have not been married.

3. **Children.** There are (*number*) One minor children at issue:

Child's Name	Date of Birth	State of Residence	How long child lived in the state	Disability
Aeyani Morris	9/16/12	NV	9/16/12	N/A

4. **UCCJEA Declaration.** (☒ *check all that apply*)

☒ The child(ren) have lived in Nevada for the past six months, or since birth.

☐ The child(ren) have NOT lived in Nevada for the past six months.

a. **Living Arrangements Last 5 Years.** The children have lived with the following persons in the following places within the last five years:

Time Period (mo/yr – mo/yr)	Name of Person the Child(ren) Lived With:	City and State	Child's Name (if not all children)
9/16/12 - present	Raven Morris	Las Vegas, NV	
_____ - _____			
_____ - _____			
_____ - _____			
_____ - _____			

The names and current addresses of each non-parent the children lived with during the last five years are:

b. **Participation in Other Cases:** (☒ *check one*)

I ☒ have / ☐ have not participated as a party or witness or in some other capacity in any other case involving the child(ren): (*if you have, provide all specifics including the state, the court, children involved, the case number and the date of the child custody order, if any*):

Child Support

c. **Knowledge of Other Cases:** (☒ *check one*)

I ☐ do / ☒ do not know of a different case that could affect the current case: (*if you do, provide all specifics including the state, the court, parties involved, the case number and the nature of the proceeding*):

d. **Person(s) Who Claim Custody / Visitation:** (☒ *check one*)

I ☐ do / ☒ do not know of anyone other than the parents who has physical custody of the child(ren) or who claims custody/visitation rights to the child(ren). (*if so, list names and addresses of anyone who claims custody/visitation rights*) _____

5. **Paternity.** Paternity is not disputed. Plaintiff believes that the father of the children is (*father's name*) Brian L.Whittle _____ because (☒ *check all that apply*):

   ☐ **Birth Certificate.** The man named above is the father listed on the birth certificate(s).

   ☒ **Court Order.** Paternity was already established by a court order through (*name of court*) _____ in case number (*case number*) _____ on (*date*) _____.

   ☒ **DNA Test.** A DNA test shows who is the biological father; a copy is attached.

   ☐ **Parents Lived Together.** The parties lived together at least 6 months before conception and lived together through the period of conception.

   ☐ **Admission.** The man named above openly holds out the child as his own and has accepted the child into his home.

6. **Legal Custody.** *Legal custody refers to the ability to access information and make major decisions about the children, such as medical care, education, and religious upbringing.* (☒ *check one*)

   ☒ The parties should share joint legal custody of the child(ren).

   ☐ Plaintiff should have sole legal custody of the child(ren).

   ☐ Defendant should have sole legal custody of the child(ren).

7. **Physical Custody.** *Physical custody refers to the amount of time the child spends with each parent.* (☒ *check one*)

   ☒ The parties should share joint physical custody of the child(ren) (each parent must have the child(ren) roughly 40% of the time, or 146 days per year). A proposed parenting timeshare and holiday schedule is attached as Exhibit 1.

   ☐ The (☒ *check one*) ☐ Plaintiff / ☐ Defendant should have primary physical custody of the child(ren). A proposed parenting timeshare and holiday schedule is attached as Exhibit 1.

   ☐ The (☒ *check one*) ☐ Plaintiff / ☐ Defendant should have sole physical custody of the child(ren).

8. **Other Considerations.** The Court should consider the following issues in determining custody: (☒ *check all that apply*)

☐ Domestic Violence

☒ CPS Involvement

☐ Military Deployment

☐ State of Residency

☐ Other: _____

9. **Public Assistance.** (☒ *check one*)

☐ None of the parties in this case have ever received state assistance or welfare.

☒ State assistance or welfare has been or is being provided to parties in this case.

10. **Child Support.** *Complete the attached Child Support Worksheet that applies to your custody arrangement before you complete this section.* (☒ *check one*)

☐ Child support should be paid by (*name of parent who should pay child support*) _____ in the amount of (*amount*) $_____ per month. This is based on: (☒ *check one*)

☒ The statutory minimum of $100/month per child.
☐ The calculation from the attached Child Support Worksheet.
☐ The amount already established by the District Attorney, Family Support Division, case (*insert case number*) R_____.

☒ No child support is requested. (*Explain why not*):
Joint/Physical custody.

☐ I'm not sure how much child support should be paid, and ask the court to set support.

11. **Child Support Arrears.** (☒ *check one*)

☐ No back child support or arrears are requested.

☒ Child support arrears are being handled by the District Attorney, Family Support Division, case (*insert case number*) R_____ and should continue as ordered in that case.

☐ Back child support should be paid by (*name of parent who should pay back child support*) _____ from (*date back child support should begin*) _____ to present.

12. **Wage Withholding.** (☒ *check one*)

☐ A wage withholding order should be entered to secure payment of any support owed.

☒ A wage withholding order should NOT be entered.

13. Health Insurance. (☒ *check all that apply*)

☒ Both parties should provide future health insurance for the minor child(ren) if available.

☐ Future health insurance for the minor child(ren) should be provided by (*name of parent*) _____ if available.

14. Unreimbursed Medical Expenses. (☒ *check one*)

☒ Any expenses not covered by insurance should be paid equally by both parties.

☐ Any expenses not covered by insurance should be paid by (*name of parent*) _____ due to the following extraordinary circumstances: (*explain*) _____

15. "30/30 Rule." (☒ *check one*)

☐ The Court should order the 30/30 Rule for payment of all unreimbursed medical / dental expenses.[1] (*see below for explanation*)

☒ The Court should NOT order the 30/30 Rule for payment of unreimbursed medical / dental expenses.

16. Tax Deduction. *IRS rules state that the custodial parent usually has the right to claim the child on their taxes. The custodial parent can waive this right by filling out IRS Form 8332. Talk to a tax professional if you are not sure what to do.* (☒ *check all that apply*)

☐ The Plaintiff should claim the following children as dependents for tax purposes every year: (*insert child(ren)*'s names): _____

☐ The Defendant should claim the following children as dependents for tax purposes every year: (*insert child(ren)*'s names): _____

☒ The tax deduction should alternate, with Plaintiff claiming the child(ren) in (☒ *check one*) ☐ even / ☐ odd years, and Defendant claiming the child(ren) the other years.

☐ The tax deduction should be allocated per federal law.

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[1] The "30/30 Rule:" If a parent pays a medical or dental expense for a child that is not paid by insurance, that parent must send proof of payment of the expense to the other parent within 30 days of paying the expense. The other parent then has 30 days to reimburse the paying parent ½ the cost.

17. Birth Certificate / Name Change. (☒ *check all that apply*)

☐ The child's birth certificate should not be changed.

☒ The child's birth certificate should be changed to state that the father of the minor child is (*name of father*) Whittle.

☐ The child's name should be changed to (*write the complete first, middle, and last name the child should have*) _____

because (*explain why you want to change the child's name*)

The child has not been convicted of a felony. Any child age 14 or older will file a separate consent agreeing to the requested name change. The other parent's name is (*name of the other parent*) _____ and I believe he/she lives at (*other parent's address*) _____

This request is made pursuant to NRS 41.298

18. If Plaintiff is able to hire counsel, attorney's fees and costs are requested.

Plaintiff requests:

1. That the Court grant the relief requested in this Complaint; and
2. For such other relief as the Court finds to be just and proper.

DATED (*month*) May (*day*) 31, 2019.

Submitted By: (*your signature*) ▸ [signature]

(*print your name*) Brian L.Whittle

VERIFICATION

Under penalty of perjury, I declare that I am the Plaintiff in the above-entitled action; that I have read the foregoing Complaint and UCCJEA Declaration and know the contents thereof; that the pleading is true of my own knowledge, except for those matters therein contained stated upon information and belief, and that as to those matters, I believe them to be true.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

DATED (*month*) May (*day*) 31, 2019.

Submitted By: (*your signature*) ▸ Brian Whittle

(*print your name*) Brian L.Whittle

EXHIBIT 1: Parenting Timeshare and Holiday Schedule

☐ No Visitation Requested Because: (*explain*) _____

Regular Schedule: ***Be very specific. Include the times and days of the week for each parent's timeshare.*** *(ex.: Mom: Saturday 7pm – Wednesday 3pm, Dad: Wednesday 3pm – Saturday 7pm)*	Dad Sunday 9am to Wednesday at 6pm (After school) Mom Wedd 6pm to Sunday 9am
Summer Schedule:	☑ Same as the regular schedule. ☐ Other: _____
Mother's Day and Mother's Birthday:	☒ Mother every year from 9am – 7pm. ☐ Other: Mom
Father's Day and Father's Birthday:	☑ Father every year from 9am – 7pm. ☐ Other: _____
Child's Birthday:	☒ *Even years* with (*parent*) Dad Father. *Odd years* with (*parent*) Mom. *Time shall be from 9am – 7pm.* ☐ Other: _____
3 Day Weekends:	☒ *Even Years*: MLK Jr. Day, Memorial Day, Labor Day with (*parent*) Dad Father, President's Day, Independence Day, Nevada Admissions Day with the other parent. *Odd Years*: MLK Jr. Day, Memorial Day, Labor Day with (*parent*) Mom, President's Day, Independence Day, Nevada Admissions Day with the other parent. *Time begins when school lets out the day before the holiday weekend (or 3pm if no school), and ends the day following the holiday weekend when school resumes (or 9am).* **If Independence Day falls on a Tuesday, Wednesday, or Thursday, the time shall be from July 3 at 9am until July 5 at 9am.** ☐ Other: _____

Easter / Spring Break:	☑ Even years with (*parent*) Father. Odd years with the other parent. *Time shall begin the day school lets out until noon the day before school resumes.* ☐ Other:
Thanksgiving:	☑ Odd years with (*parent*) Mother. Even years with the other parent. *Time shall begin the day school lets out until noon the day before school resumes.* ☐ Other:
Winter Break / Christmas:	☑ Segment 1 (Christmas) consists of the day school lets out until December 26 at noon. Segment 2 (New Year's) consists of December 26 at noon until noon the day before school resumes. *Even years*: segment 1 with (*parent*) Father, segment 2 with the other parent. *Odd years*: segment 1 with (*parent*) mother, segment 2 with the other parent. ☐ Other:
Other Holidays:	Same as regular Schedule
Vacation:	☐ The parents will not establish a formal vacation plan, and will instead mutually agree on vacation days and times with the child(ren). ☑ Each parent may have up to (*number*) 10 vacation days per year with the child(ren). The parent shall notify the other parent of the vacation and provide a general vacation itinerary at least (*number*) 10 days before the planned vacation. **Vacation time is not allowed during a holiday allotted to the other parent.**

Worksheet A - Primary Physical Custody Child Support Calculation Worksheet

If you are asking for primary physical custody, fill out this worksheet and attach it to the document you are filing. Primary physical custody exists when one parent has the child more than 60% (219 days) of the time calculated over a one year period.

① Determine the Gross Monthly Income (GMI) of the non-custodial parent (estimate if unknown).

Gross monthly income is the income received from all sources. If you do not know the parent's gross monthly income, you can calculate the number with the formula on the last page.

② Determine Child Support Obligation.

GMI			
$ _____	X	**.18** (for 1 Child) **.25** (for 2 Children) **.29** (for 3 Children) **.31** (for 4 Children) Add .02 for each additional child	=

Monthly Child Support:
$ _____ OR $100 per child $ _____
(write the higher amount)
Higher Amount: $ 0.00

③ Apply the Presumptive Maximum (*rarely applicable*).

Usually, this is the maximum amount a parent may be required to pay per month per child (and can *reduce* – not increase – the amount that would be owed under step ②). This amount changes every year on July 1st and can be found by going to http://nvcourts.gov and searching the phrase "presumptive maximum." Make sure you are using the most current chart.

Presumptive Maximum Reduction to:
$ _____
Or ☐ not applicable

④ Deviations. You may request an amount of child support that is lower or higher than the amount in ② or ③, but your reason(s) must be based upon one of the following factors. (☑ *check all that apply*)

- ☐ The cost of health insurance
- ☐ The cost of childcare
- ☐ Special educational needs
- ☐ Age of the child
- ☐ Parent's legal responsibility to support others
- ☐ The value of services contributed by either parent
- ☐ Public assistance paid to support the child
- ☐ Expenses reasonably related to the mother's pregnancy and confinement
- ☐ Cost of transportation for visitation if the custodial parent moved out of the jurisdiction
- ☐ The amount of time the child spends with each parent
- ☐ Any other necessary expenses for the benefit of the child
- ☐ The relative income of both parents

➧Explain:

Total Child Support:
$ _____

Worksheet B - Joint Physical Custody Child Support Calculation Worksheet

If you are asking for joint physical custody, fill out this worksheet and attach it to the document you are filing. A joint physical custody arrangement exists when each parent has the child at least 40% (146 days) of the time calculated over a one year period.

Parent 1's Name: Brian Writtle **Parent 2's Name:** Raven Morris

① **Determine Each Parent's Gross Monthly Income (GMI) (estimate other parent's income if unknown).**

Gross monthly income is the income received from all sources. If you do not know a parent's gross monthly income, you can calculate the number with the formula on the last page.

② **Determine Each Parent's Child Support Obligation.**

Parent 1 GMI			
$ _____		.18 (for 1 Child)	
		.25 (for 2 Children)	
	X	.29 (for 3 Children)	=
Parent 2 GMI		.31 (for 4 Children)	
$ _____		Add .02 for each additional child	

Parent 1's Monthly Child Support:
$ _____ **OR** $100 per child $ _____
(write the higher amount and use in step 3)
Higher Amount: $ 0

Parent 2's Monthly Child Support:
$ _____ **OR** $100 per child $ _____
(write the higher amount and use in step 3)
Higher Amount: $ 0

③ **Subtract** the lower earning parent's amount of child support in ② from the higher earning parent's amount.

Higher		Lower		Child Support Obligation		Name of higher income parent:
$ 0.00	-	$ 0.00	=	$ 0.00	paid by	_____

④ **Apply the Presumptive Maximum (*rarely applicable*).**

Usually, this is the maximum amount a parent may be required to pay per month per child (and can *reduce* – not increase – the amount that would be owed under step ③). This amount changes every year on July 1st and can be found by going to http://nvcourts.gov and searching the phrase "presumptive maximum." Make sure you are using the most current chart.

Presumptive Maximum Reduction to:
$ _____
Or ☐ not applicable

⑤ **Deviations.** You may request an amount of child support that is lower or higher than the amount in ③ or ④, but your reason(s) must be based upon one of the following factors. (☑ *check all that apply*)

- ☐ The cost of health insurance
- ☐ The cost of childcare
- ☐ Special educational needs
- ☐ Age of the child
- ☐ Parent's legal responsibility to support others
- ☐ The value of services contributed by either parent
- ☐ Public assistance paid to support the child
- ☐ Expenses reasonably related to the mother's pregnancy and confinement
- ☐ Cost of transportation for visitation if the custodial parent moved out of the jurisdiction
- ☐ The amount of time the child spends with each parent
- ☐ Any other necessary expenses for the benefit of the child
- ☐ The relative income of both parents

➧Explain:

Total Child Support:
$ _____

To Determine a Parent's Gross Monthly Income:

Gross monthly income is a parent's income from all sources before taxes. To find this number, calculate the following:

	Parent 1	Parent 2
*Monthly Wages from Employment (before taxes)	$	$
Monthly Tip Income	$	$
Monthly Self-Employment Income (after business expenses)	$	$
Monthly Unemployment Benefits	$	$
Social Security	$	$
Social Security Disability	$	$
Retirement / Pension	$	$
Other: _____	$	$
TOTAL INCOME	$ 0.00	$ 0.00

*To Determine a Parent's Employment Income:

If you do not know a parent's gross monthly income from employment, you can calculate the number if you know the 1) hourly wage, 2) weekly income, or 3) annual income.

Gross Monthly Income Based on Annual Income:

Annual Income $_____ ÷ 12 = $ 0.00

Gross Monthly Income Based on Weekly Income:

Weekly Income $_____ x 52 = Annual Income $ 0.00
Annual Income $ 0.00 ÷ 12 = $ 0.00

Gross Monthly Income Based on Hourly Wage:

Hourly Wage $_____ x # of Hours Worked per week _____ = Weekly Income $ 0.00
Weekly Income $ 0.00 x 52 = Annual Income $ 0.00
Annual Income $ 0.00 ÷ 12 = $ 0.00

SUMM

Plaintiff's Name: Brian L. Whittle
Address: 717 Count Ave
North Las Vegas, Nevada 89030
Telephone: 725.400.8328
Email Address: ~~whitele.bw@gmail.com~~
In Proper Person Whittle.bw@gmail.com

DISTRICT COURT
CLARK COUNTY, NEVADA

Brian L. Whittle Plaintiff, vs. Raven Morris Defendant.	CASE NO.: D-19-591074-C DEPT: Dept. L **SUMMONS**

NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND IN WRITING WITHIN 20 DAYS. READ THE INFORMATION BELOW VERY CAREFULLY.

To the Defendant named above:

A civil complaint or petition has been filed by the Plaintiff against you for the relief as set forth in that document (see the complaint or petition). The object of this action is: *(check one)*

- ☐ Divorce.
- ☐ Annulment.
- ☐ Legal Separation.
- ☑ Custody, Paternity, Visitation, and/or Child Support.
- ☐ Other: _____

If you intend to defend this lawsuit, within 20 days after this summons is served on you (not counting the day of service), you must:

1. File with the Clerk of Court, whose address is shown below, a formal written answer to the complaint or petition.
2. Pay the required filing fee to the court, or file an Application to Proceed *In Forma Pauperis* and request a waiver of the filing fee.
3. Serve a copy of your answer upon the Plaintiff whose name and address is shown below.

If you fail to respond, the Plaintiff can request your default. The court can then enter a judgment against you for the relief demanded in the complaint or petition.

STEVEN D. GRIERSON
CLERK OF COURT

By: _____ 6/13/19
Deputy Clerk Date

Family Courts and Services Center
601 North Pecos Road
Las Vegas, Nevada 89155

Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada 89155

Issued on Behalf of Plaintiff:

Plaintiff's Name: Brian L. Whittle
Address: 717 Count Ave
City, State, Zip North Las Vegas, Nevada 89030

> Information and forms to assist you are available, free of charge, at the Family Law Self-Help Center at the Family Courts and Services Center, 601 N. Pecos Road, Las Vegas, Nevada, and on the center's website at www.familylawselfhelpcenter.org.

Electronically Filed
08/22/2019
CLERK OF THE COURT

AOS
Your Name: Brian Whittle
Address: 717 Court Ave
North Las Vegas, Nv 89030
Telephone: 725-400-8328
Email Address: Whittle.bw@gmail.com
Self-Represented

DISTRICT COURT
CLARK COUNTY, NEVADA

Brian Whittle Plaintiff, vs. Raven Morris Defendant.	CASE NO.: D-19-591074-C DEPT: Summons

AFFIDAVIT OF SERVICE

*A copy of the filed documents can be **personally served** on another party.*
A neutral person who is 18 or older and not involved in this case or related to the parties can personally serve a summons and complaint directly to the person. (NRCP 4(c)(3)). If that is not possible, the server can personally serve the summons and complaint on someone of suitable age and discretion who lives with the person. (NRCP 4.2(a)(2)).
Family members and significant others cannot serve papers.
*Whoever serves the documents must complete this form. **File this completed form at court.***

I, (*name of person who served the documents*) Cherie Richardson, declare (***complete EVERY SECTION below***):

1. I am not a party to or interested in this action and I am over 18 years of age.

2. I was asked to serve legal documents by (*name of the party who asked you to serve the documents*) Brian Whittle. (☒ *check one*)
   - ☒ I know this person because (*describe how you know the person, for example, "we work together," "roommates" etc.*) friends, girlfriend.
   - ☐ I do not know the person above.

3. ***What Documents You Served.*** I served a copy of the (☒ *check all that apply*)
   - ☒ Complaint for Custody
   - ☒ Summons
   - ☐ Joint Preliminary Injunction
   - ☐ Other: _____

4. ***Who You Served.*** I served the (☒ *check one*)

   ☐ Plaintiff
   ☒ Defendant

5. ***When You Served.*** I personally served the documents on (*date you served the documents*) (*month*) August (*day*) 17th, 2019 at the hour of (*time*) 02 : 00 ☐ a.m. ☒ p.m.

6. ***Where You Served.*** I personally delivered and left the documents with (☒ *check one*)

   ☒ **The Party to the Case.** I served the documents on the party at the location below. (*complete the details below*)

   Raven Morris
   Name of Person Served
   Buffalo and Washington road
   Address Where Served
   Las Vegas NV
   City, State, Zip Code

   ☐ **A Person Who Lives with the Party.** This is a person of suitable age and discretion who lives with the party. (*complete the details below*)

   _____
   Name of Person Served
   _____
   Address Where Served
   _____
   City, State, Zip Code

7. I am not a licensed process server; I am a natural person serving legal process without compensation, not more than three times per year, on behalf of a litigant who is a natural person, and therefore I am not required to be licensed pursuant to NRS 648.063(2) (2017 Nevada Laws Ch. 126 (A.B. 128)).

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.

DATED (*month*) August (*day*) 17th, 2019.

Server's Signature: ▸ Cherie Richardson
Server's Printed Name: Cherie A. Richardson
Residential / Business Address: 5400 W. Cheyenne
City, State, Zip: Las Vegas, NV 89108
Server's Phone Number: 702-771-3700

THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
17 - 19
WILL FOLLOW VIA
U.S. MAIL

Electronically Filed
08/22/2019
CLERK OF THE COURT

ACCC
Your Name: RAVEN MORRIS
Address: 370 CASA NORTE DR #2066
City, State, Zip: LV, NV 89031
Phone: 702-336-8971
Email: RAVENMORRIS3@YAHOO.COM
Self-Represented Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

BRIAN L. WHITTLE Plaintiff, vs. RAVEN MORRIS Defendant.	CASE NO.: D-19-591074-C DEPT: L

ANSWER AND COUNTERCLAIM FOR CUSTODY AND UCCJEA DECLARATION

Defendant (*your name*) RAVEN MORRIS, is the (☒ *check one*) ☒ mother / ☐ father in this case and respectfully states:

1. Defendant admits the following allegations: (*write the paragraph numbers from the Complaint you agree with*) 1, 2, 3, 4, 5, 9, 11, 15.
2. Defendant denies the following allegations: (*write the paragraph numbers from the Complaint you disagree with*) 6, 7, 8, 10, 12, 13, 14, 16, 17.
3. Defendant is without sufficient knowledge to admit or deny the following allegations: (*write the paragraph numbers you are unsure about*) _____.

AFFIRMATIVE DEFENSES

☐ Neither party is a Nevada resident.

☐ Nevada is not the home state of the child(ren).

☐ There is another case concerning these parties in another state.

☐ Other: _____.

COUNTERCLAIM

1. (*Name of parent who is a Nevada resident*) RAVEN MORRIS has been a resident of the State of Nevada for at least six weeks prior to filing this Complaint.

2. The parties (☒*check one*) ☐ have / ☒ have not been married.

3. **Children.** There are (*number*) 1 minor children at issue:

Child's Name	Date of Birth	State of Residence	How long child lived in the state	Disability
AEYANI MORRIS	9-16-12	NEVADA	9-16-12	NONE

4. **UCCJEA Declaration.** (☒ *check all that apply*)

☒ The child(ren) have lived in Nevada for the past six months, or since birth.

☐ The child(ren) have NOT lived in Nevada for the past six months.

a. **Living Arrangements Last 5 Years.** The children have lived with the following persons in the following places within the last five years:

Time Period (mo/yr – mo/yr)	Name of Person the Child(ren) Lived With:	City and State	Child's Name (if not all children)
9-16-12 - present	RAVEN MORRIS	LV, NV	AEYANI MORRIS
____ - ____			
____ - ____			
____ - ____			
____ - ____			

The names and current addresses of each non-parent the children lived with during the last five years are: _____

_____

b. **Participation in Other Cases:** (☒ *check one*)

I ☐ have / ☒ have not participated as a party or witness or in some other capacity in any other case involving the child(ren): (*if you have, provide all specifics including the state, the court, children involved, the case number and the date of the child custody order, if any*): _____

_____

c. **Knowledge of Other Cases:** (☒ *check one*)

I ☐ do / ☒ do not know of a different case that could affect the current case: (*if you do, provide all specifics including the state, the court, parties involved, the case number and the nature of the proceeding*): _____

_____

d. **Person(s) Who Claim Custody / Visitation:** (☒ *check one*)

I ☐ do / ☒ do not know of anyone other than the parents who has physical custody of the child(ren) or who claims custody/visitation rights to the child(ren). (*if so, list names and addresses of anyone who claims custody/visitation rights*) _____

_____

5. **Paternity.**

☒ Paternity is not disputed. Defendant believes that the father of the children is (*father's name*) Brian L. Whittle because (☒ *check all that apply*):

☐ The man named above is the father listed on the birth certificate(s).

☒ Paternity was already established by a court order through (*name of court*) _____ in case number (*case number*) _____ on (*date*) _____.

☒ A DNA test shows who is the biological father; a copy is attached.

☐ The parties lived together at least 6 months before conception and lived together through the period of conception.

☐ The man named above holds out the child as his own and has accepted the child into his home.

☐ Paternity is disputed.

6. **Legal Custody.** *Legal custody refers to the ability to access information and make major decisions about the children, such as medical care, education, and religious upbringing.* (☒ *check one*)

☐ The parties should share joint legal custody of the child(ren).

☐ Plaintiff should have sole legal custody of the child(ren).

☒ Defendant should have sole legal custody of the child(ren).

7. **Physical Custody.** *Physical custody refers to the amount of time the child spends with each parent.* (☒ *check one*)

☐ The parties should share joint physical custody of the child(ren) (each parent must have the child(ren) roughly 40% of the time, or 146 days per year). A proposed parenting timeshare and holiday schedule is attached as Exhibit 1.

The (☒ *check one*) ☐ Plaintiff / ☐ Defendant should have primary physical custody of the child(ren). A proposed parenting timeshare and holiday schedule is attached as Exhibit 1.

☒ The (☒ *check one*) ☐ Plaintiff / ☒ Defendant should have sole physical custody of the child(ren).

8. **Other Considerations.** The Court should consider the following issues in determining custody: (☒ *check all that apply*)

☐ Domestic Violence

☐ CPS Involvement

☐ Military Deployment

☐ State of Residency

☒ Other: _____

9. **Public Assistance.** (☒ *check one*)

☐ None of the parties in this case have ever received state assistance or welfare.

☒ State assistance or welfare has been or is being provided to parties in this case.

10. **Child Support.** *Complete the attached Child Support Worksheet that applies to your custody arrangement before you complete this section.* (☒ *check one*)

☒ Child support should be paid by (*name of parent who should pay child support*) Brian L. Whittle in the amount of (*amount*) $ 450 per month. This is based on: (☒ *check one*)

☐ The statutory minimum of $100/month per child.

☐ The calculation from the attached Child Support Worksheet.

The amount already established by the District Attorney, Family Support Division, case (*insert case number*) R_____.

☐ No child support is requested. (*Explain why not*): _____

_____

☐ I'm not sure how much child support should be paid, and ask the court to set support.

11. **Child Support Arrears.** (☒ *check one*)

☐ No back child support or arrears are requested.

Child support arrears are being handled by the District Attorney, Family Support Division, case (*insert case number*) R_____ and should continue as ordered in that case.

☒ Back child support should be paid by (*name of parent who should pay back child support*) BRIAN WHITTLE from (*date back child support should begin*) 9/01/2015 to present.

12. **Wage Withholding.** (☒ *check one*)

☒ A wage withholding order should be entered to secure payment of any support owed.

☐ A wage withholding order should NOT be entered.

13. Health Insurance. (☒ *check all that apply*)

☒ Both parties should provide future health insurance for the minor child(ren) if available.

☐ Future health insurance for the minor child(ren) should be provided by (*name of parent*) _____ if available.

14. Unreimbursed Medical Expenses. (☒ *check one*)

☒ Any expenses not covered by insurance should be paid equally by both parties.

☐ Any expenses not covered by insurance should be paid by (*name of parent*) _____ due to the following extraordinary circumstances: (*explain*) _____

15. "30/30 Rule." (☒ *check one*)

☐ The Court should order the 30/30 Rule for payment of all unreimbursed medical / dental expenses.[1] (*see below for explanation*)

☒ The Court should NOT order the 30/30 Rule for payment of unreimbursed medical / dental expenses.

16. Tax Deduction. *IRS rules state that the custodial parent usually has the right to claim the child on their taxes. The custodial parent can waive this right by filling out IRS Form 8332. Talk to a tax professional if you are not sure what to do.* (☒ *check all that apply*)

☐ The Plaintiff should claim the following children as dependents for tax purposes every year: (*insert child(ren)*'s names): _____

☒ The Defendant should claim the following children as dependents for tax purposes every year: (*insert child(ren)*'s names): AEYANI MORRIS

☐ The tax deduction should alternate, with Plaintiff claiming the child(ren) in (☒ *check one*) ☐ even / ☐ odd years, and Defendant claiming the child(ren) the other years.

☐ The tax deduction should be allocated per federal law.

[1] The "30/30 Rule:" If a parent pays a medical or dental expense for a child that is not paid by insurance, that parent must send proof of payment of the expense to the other parent within 30 days of paying the expense. The other parent then has 30 days to reimburse the paying parent ½ the cost.

17. Birth Certificate / Name Change. (☒ *check all that apply*)

☒ The child's birth certificate should not be changed.

☐ The child's birth certificate should be changed to state that the father of the minor child is (*name of father*) _____.

☐ The child's name should be changed to (*write the complete first, middle, and last name the child should have*) _____

because (*explain why you want to change the child's name*) _____

_____

_____

The child has not been convicted of a felony. Any child age 14 or older will file a separate consent agreeing to the requested name change. The other parent's name is (*name of the other parent*) _____ and I believe he/she lives at (*other parent's address*) _____

This request is made pursuant to NRS 41.298

18. If Defendant is able to hire counsel, attorney's fees and costs are requested.

Defendant requests:

1. That the Court deny the relief requested in the Complaint; and
2. That the Court grant the relief requested in this Counterclaim; and
3. For such other relief as the Court finds to be just and proper.

DATED (*month*) August (*day*) 21, 2019.

Submitted By: (*your signature*) ▸ Raven Morris

(*print your name*) Raven Morris

VERIFICATION

Under penalty of perjury, I declare that I am the Defendant in the above-entitled action; that I have read the foregoing Answer and Counterclaim and know the contents thereof; that the pleading is true of my own knowledge, except for those matters therein contained stated upon information and belief, and that as to those matters, I believe them to be true.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

DATED (*month*) August (*day*) 21, 20 19.

Submitted By: (*your signature*) ▸ Raven Morris

(*print your name*) Raven Morris

EXHIBIT 1: Parenting Timeshare and Holiday Schedule

☐ No Visitation Requested Because: (*explain*) _____

Regular Schedule: ***Be very specific. Include the times and days of the week for each parent's timeshare.*** *(ex.: Mom: Saturday 7pm – Wednesday 3pm, Dad: Wednesday 3pm – Saturday 7pm)*	DAD – should have only week-ends Friday after school @ 3pm Saturday, Sunday, but for Monday, Drop her off at school Monday mornings. MOM – Monday thru Friday
Summer Schedule:	☐ Same as the regular schedule. ☒ Other: 50/50 split
Mother's Day and Mother's Birthday:	☒ Mother every year from 9am – 7pm. ☐ Other: _____
Father's Day and Father's Birthday:	☒ Father every year from 9am – 7pm. ☐ Other: _____
Child's Birthday:	☒ *Even years* with (*parent*) MOM. *Odd years* with (*parent*) DAD. *Time shall be from 9am – 7pm.* ☐ Other: _____
3 Day Weekends:	☒ *Even Years*: MLK Jr. Day, Memorial Day, Labor Day with (*parent*) RAVEN – MOM, President's Day, Independence Day, Nevada Admissions Day with the other parent. *Odd Years*: MLK Jr. Day, Memorial Day, Labor Day with (*parent*) BRIAN – DAD, President's Day, Independence Day, Nevada Admissions Day with the other parent. *Time begins when school lets out the day before the holiday weekend (or 3pm if no school), and ends the day following the holiday weekend when school resumes (or 9am).* **If Independence Day falls on a Tuesday, Wednesday, or Thursday, the time shall be from July 3 at 9am until July 5 at 9am.** ☐ Other: _____

Easter / Spring Break:	☒ Even years with (*parent*) RAVEN MOM. Odd years with the other parent. *Time shall begin the day school lets out until noon the day before school resumes.* ☐ Other:
Thanksgiving:	☐ Odd years with (*parent*) BRIAN DAD. Even years with the other parent. *Time shall begin the day school lets out until noon the day before school resumes.* ☐ Other:
Winter Break / Christmas:	☐ Segment 1 (Christmas) consists of the day school lets out until December 26 at noon. Segment 2 (New Year's) consists of December 26 at noon until noon the day before school resumes. *Even years*: segment 1 with (*parent*) RAVEN - MOM, segment 2 with the other parent. *Odd years*: segment 1 with (*parent*) BRIAN - DAD, segment 2 with the other parent. ☐ Other:
Other Holidays:	SAME AS Regular
Vacation:	☐ The parents will not establish a formal vacation plan, and will instead mutually agree on vacation days and times with the child(ren). ☒ Each parent may have up to (*number*) 10 vacation days per year with the child(ren). The parent shall notify the other parent of the vacation and provide a general vacation itinerary at least (*number*) 10 days before the planned vacation. **Vacation time is not allowed during a holiday allotted to the other parent.**

Worksheet A: Primary Physical Custody Child Support Calculation Worksheet

If you are asking for primary physical custody, fill out this worksheet and attach it to the document you are filing. Primary physical custody exists when one parent has the child more than 60% (219 days) of the time calculated over a one year period.

① Determine the Gross Monthly Income (GMI) of the non-custodial parent (estimate if unknown).

Gross monthly income is the income received from all sources. If you do not know the parent's gross monthly income, you can calculate the number with the formula on the last page.

② Determine Child Support Obligation.

GMI			
$ _____	X	.18 (for 1 Child) .25 (for 2 Children) .29 (for 3 Children) .31 (for 4 Children) Add .02 for each additional child	=

Monthly Child Support:
$ _____ **OR** $100 per child $_____
(write the higher amount)
Higher Amount: $_____

③ Apply the Presumptive Maximum (*rarely applicable*).

Usually, this is the maximum amount a parent may be required to pay per month per child (and can *reduce* – not increase – the amount that would be owed under step ②). This amount changes every year on July 1st and can be found by going to http://nvcourts.gov and searching the phrase "presumptive maximum." Make sure you are using the most current chart.

Presumptive Maximum Reduction to:
$_____
Or ☐ not applicable

④ Deviations. You may request an amount of child support that is lower or higher than the amount in ② or ③, but your reason(s) must be based upon one of the following factors. (☑ *check all that apply*)

- ☐ The cost of health insurance
- ☐ The cost of childcare
- ☐ Special educational needs
- ☒ Age of the child
- ☒ Parent's legal responsibility to support others
- ☐ The value of services contributed by either parent
- ☐ Public assistance paid to support the child
- ☐ Expenses reasonably related to the mother's pregnancy and confinement
- ☐ Cost of transportation for visitation if the custodial parent moved out of the jurisdiction
- ☐ The amount of time the child spends with each parent
- ☒ Any other necessary expenses for the benefit of the child
- ☐ The relative income of both parents

Explain: School clothes and supplies, Hygine, Hair care, Books, shoes, clothes, Toys, Cell phone. BRIAN Also Recives Tips as A bracher, He controls his INCOME from his tips and He is full time

Total Child Support:
$ 450

Worksheet B - Joint Physical Custody Child Support Calculation Worksheet

If you are asking for joint physical custody, fill out this worksheet and attach it to the document you are filing. A joint physical custody arrangement exists when each parent has the child at least 40% (146 days) of the time calculated over a one year period.

Parent 1's Name: _____ **Parent 2's Name:** _____

① **Determine Each Parent's Gross Monthly Income (GMI) (estimate other parent's income if unknown).**

Gross monthly income is the income received from all sources. If you do not know a parent's gross monthly income, you can calculate the number with the formula on the last page.

② **Determine Each Parent's Child Support Obligation.**

Parent 1 GMI				Parent 1's Monthly Child Support:
$ _____		.18 (for 1 Child)		$ _____ OR $100 per child $_____ (write the higher amount and use in step 3) Higher Amount: $_____
		.25 (for 2 Children)		
	X	.29 (for 3 Children)	=	
		.31 (for 4 Children)		
Parent 2 GMI		Add .02 for each additional child		Parent 2's Monthly Child Support:
$ _____				$ _____ OR $100 per child $_____ (write the higher amount and use in step 3) Higher Amount: $_____

③ **Subtract** the lower earning parent's amount of child support in ② from the higher earning parent's amount.

Higher		Lower		Child Support Obligation		Name of higher income parent:
$ _____	-	$ _____	=	$_____	paid by	_____

④ **Apply the Presumptive Maximum** (***rarely applicable***).

Usually, this is the maximum amount a parent may be required to pay per month per child (and can *reduce* – not increase – the amount that would be owed under step ③). This amount changes every year on July 1st and can be found by going to http://nvcourts.gov and searching the phrase "presumptive maximum." Make sure you are using the most current chart.

Presumptive Maximum Reduction to: $_____ Or ☐ not applicable

⑤ **Deviations.** You may request an amount of child support that is lower or higher than the amount in ③ or ④, but your reason(s) must be based upon one of the following factors. (☑ *check all that apply*)

- ☐ The cost of health insurance
- ☐ The cost of childcare
- ☐ Special educational needs
- ☐ Age of the child
- ☐ Parent's legal responsibility to support others
- ☐ The value of services contributed by either parent
- ☐ Public assistance paid to support the child
- ☐ Expenses reasonably related to the mother's pregnancy and confinement
- ☐ Cost of transportation for visitation if the custodial parent moved out of the jurisdiction
- ☐ The amount of time the child spends with each parent
- ☐ Any other necessary expenses for the benefit of the child
- ☐ The relative income of both parents

Explain: _____

Total Child Support: $ _____

To Determine a Parent's Gross Monthly Income:

Gross monthly income is a parent's income from all sources before taxes. To find this number, calculate the following:

	Parent 1	Parent 2
*Monthly Wages from Employment (before taxes)	$	$
Monthly Tip Income	$	$
Monthly Self-Employment Income (after business expenses)	$	$
Monthly Unemployment Benefits	$	$
Social Security	$	$
Social Security Disability	$	$
Retirement / Pension	$	$
Other: _____	$	$
TOTAL INCOME	$	$

*To Determine a Parent's Employment Income:

If you do not know a parent's gross monthly income from employment, you can calculate the number if you know the 1) hourly wage, 2) weekly income, or 3) annual income.

Gross Monthly Income Based on Annual Income:

Annual Income $_____ ÷ 12 = $_____

Gross Monthly Income Based on Weekly Income:

Weekly Income $_____ x 52 = Annual Income $_____
Annual Income $_____ ÷ 12 = $_____

Gross Monthly Income Based on Hourly Wage:

Hourly Wage $_____ x # of Hours Worked per week _____ = Weekly Income $_____
Weekly Income $_____ x 52 = Annual Income $_____
Annual Income $_____ ÷ 12 = $_____

THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
33 - 39
WILL FOLLOW VIA
U.S. MAIL

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08/22/2019
CLERK OF THE COURT

CSERV
Name: RAVEN MORRIS
Address: 370 CASA NORTE DR #2066
LV, NV 89031
Telephone: 702-336-8971
Email Address: RAVENMORRIS3@YAHOO.COM
In Proper Person

DISTRICT COURT
CLARK COUNTY, NEVADA

BRIAN WHITTLE Plaintiff, vs. RAVEN MORRIS Defendant.	CASE NO.: D-19-591074-C DEPT: L **CERTIFICATE OF SERVICE**

I, (*name of person who served the document*) RAVEN MORRIS, declare under penalty of perjury under the law of the State of Nevada that the following is true and correct. That I served the: ***(check all that apply)***

☐ Motion ☒ Answer ☒ Financial Disclosure Form
☐ Opposition ☐ Reply ☐ Notice of Entry of Judgment / Order / Decree
☐ Other: _____

In the following manner: (***check one***)

☒ **Mail:** By depositing a copy in the U.S. Mail in the State of Nevada, postage prepaid, on the (*day*) 22 of (*month*) August, 2019 addressed to:
(Print the name and address of the person you mailed the document to)

BRIAN L. WHITTLE
717 COURT AVE
NORTH LAS VEGAS, NV 89030

☐ **Electronic:** Through the Court's electronic service system on (*date*) _____
at (*time*) _____ ☐ a.m. ☐ p.m.

DATED this 22 day of August, 2019

Submitted By: (*Signature*) ▸ Raven Morris

Electronically Filed
8/23/2019 10:21 AM
Steven D. Grierson
CLERK OF THE COURT

OFFM

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Brian Lee Whittle, Plaintiff	Case No. D-19-591074-C
vs.	Department L
Raven Morris, Defendant	**ORDER FOR FAMILY MEDIATION CENTER SERVICES**

Pursuant to Nevada Revised Statutes 3.475 and 125.480, IT IS HEREBY ORDERED by the Court that, regarding the child(ren) at issue, the Family Mediation Center (FMC) shall provide:

☒ Mediation.

☐ Include Domestic Violence Screening Tool

☐ Child Interview. Name(s):

☐ Standard FMC Child Interview Questions

Additional questions/topics:

☐ Non-therapeutic Parent/Child Observation. No. of observation sessions: 1 ☐ 2 ☐

Parent and Child Name(s):

IT IS FURTHER ORDERED that, if an interpreter is needed, it is the party's responsibility to pay the interpreter at the time services are rendered. The language needed is: ☐ Spanish ☐ Other:
☐ Good cause appearing, Court interpreter fees waived by the Court.

IT IS FURTHER ORDERED that the cost of mediation will be assessed using a sliding scale based on each party's individual financial status.

IT IS FURTHER ORDERED that the parties must report to FMC at 601 N. Pecos Road, Las Vegas, NV 89101.

IT IS FURTHER ORDERED that, if the UNLV Mediation Clinic is in session, a referral is ☐ authorized ☐ not authorized.

DATED on this the 23rd day of August, 2019.

YOUR RETURN COURT DATE IS:

Date: 10/3/2019 Time: 11:00 AM

District Judge David S. Gibson, Jr.

Plaintiff's Attorney: Pro Se

Defendant's Attorney: Pro Se

CERTIFICATE OF SERVICE

I hereby certify that on the above file-stamped date, I caused the foregoing Notice to be served by ☐ facsimile, by ☐ placing a copy in the attorney's folder in the Court clerk's office, or by ☒ mailing, to:

Brian Lee Whittle
717 Count Ave.
North Las Vegas, NV 89030

Raven Morris
370 Casa Norte Dr.
North Las Vegas, NV 89031

Rose Heal
Judicial Executive Assistant
Department L

Electronically Filed
8/23/2019 10:21 AM
Steven D. Grierson
CLERK OF THE COURT

EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Brian Lee Whittle, Plaintiff vs. Raven Morris, Defendant	Case No.: D-19-591074-C Department L CMC Date: October 3, 2019 11:00AM

ORDER SETTING CASE MANAGEMENT CONFERENCE AND DIRECTING COMPLIANCE WITH NRCP 16.2

Pursuant to NRCP 16.2, the above-entitled matter is set for a Case Management Conference on **October 3, 2019** at the hour of **11:00AM** in Department L of the Eighth Judicial District Court. Pursuant to NRCP 16.2(a)(1), you must attend and participate in this court hearing.

Pursuant to NRCP 16.2, **IT IS HEREBY ORDERED** that:

1. Your Financial Disclosure Form with proof of last year's income and three (3) most recent pay stubs attached must be filed and served by **September 26, 2019**. You may opt-in to the Detailed Financial Disclosure Form and Complex Litigation procedure by filing and serving a "Request to Opt-in to Detailed Financial Disclosure Form and Complex Litigation Procedure" certifying that:

(A) Either party's individual gross income, or the combined gross income of the parties, is more than $250,000 per year; or

(B) Either party is self-employed or the owner, partner, managing or majority shareholder, or managing or majority member of a business; or

(C) The combined gross value of the assets owned by either party individually or in combination is more than $1,000,000.

If none of the foregoing applies or neither party filed a Request to Opt-in, you must complete the General Financial Disclosure Form.

2. On **September 26, 2019**, at the same time the Financial Disclosure Form is filed, you must provide to the other party initial disclosures mandated by NRCP 16.2(d). Such initial disclosures shall include the following information and documentation:

(A) Bank and Investment Statements. Copies of all monthly or periodic bank, checking, savings, brokerage, investment, and security account statements in which any party has or had an interest for the period commencing 6 months prior to the service of the Summons and Complaint through the date of the disclosure;

(B) Credit Card and Debt Statements. Copies of credit card statements and debt statements for all parties for all months for the period commencing 6 months prior to the service of the Summons and Complaint through the date of disclosure;

(C) Real Property. Copies of all deeds, deeds of trust, purchase agreements, escrow documents, settlement sheets, and all other documents that disclose the ownership, legal description, purchase price, and encumbrances of all real property owned by any party;

(D) Property Debts. Copies of all monthly or periodic statements and documents showing the balances owing on all mortgages, notes, liens, and encumbrances outstanding against all real property and personal property in which the party has or had an interest for the period commencing 6 months prior to the service of the Summons and Complaint through the date of the disclosure; or if no monthly or quarterly statements are available during this time period, the most recent statements or documents that disclose the information;

(E) Loan Applications. Copies of all loan applications that a party has signed within 12 months prior to the service of the Summons and Complaint through the date of the disclosure;

(F) Promissory Notes. Copies of all promissory notes under which a party either owes money or is entitled to receive money;

(G) Deposits. Copies of all documents evidencing money held in escrow or by individuals or entities for the benefit of either party;

(H) Receivables. Copies of all documents evidencing loans or monies due to either party from individuals or entities;

(I) Retirement and Other Assets. Copies of all monthly or periodic statements and documents showing the value of all pension, retirement, stock option, and annuity balances, including individual retirement accounts, 401(k) accounts, and all other retirement and employee benefits and accounts in which any party has or had an interest for the period commencing 6 months prior to the service of the Summons and Complaint through the date of the disclosure; or if no monthly or quarterly statements are available during this time period, the most recent statements or documents that disclose the information;

(J) Insurance. Copies of all monthly or periodic statements and documents showing the cash surrender value, face value, and premiums charged for all life insurance policies in which any party has or had an interest for the period commencing 6 months prior to the service of the Summons and Complaint through the date of the disclosure; or if no monthly or quarterly statements are available during this time period, the most recent statements or documents that disclose the information;

(K) Insurance Policies. Copies of all policy statements and evidence of costs of premiums for health and life insurance policies covering either party or any child of the relationship;

(L) Values. Copies of all documents that may assist in identifying or valuing any item of real or personal property in which any party has or had an interest for the period commencing 6 months prior to the service of the Summons and Complaint through the date of the disclosure, including any documents that the party may rely upon in placing a value on any item of real or personal property (i.e., appraisals, estimates, or official value guides);

(M) Tax Returns. Copies of all personal and business tax returns, balance sheets, profit and loss statements, and all documents that may assist in identifying or valuing any business or business interest for the last 5 completed calendar or fiscal years with respect to any business or entity in which any party has or had an interest within the past 12 months;

(N) Proof of Income. Proof of income of the party from all sources, specifically including W-2, 1099, and K-1 forms, for the past 2 completed calendar years, and year-to-date income information (paycheck stubs, etc.) for the period commencing 6 months prior to the service of the Summons and Complaint through the date of the disclosure; and

(O) Personal Property. A list of all items of personal property with an individual value exceeding $200, including, but not limited to, household furniture, furnishings, antiques, artwork, vehicles, jewelry, coins, stamp collections, and similar items in which any party has an interest, together with the party's estimate of current fair market value (not replacement value) for each item.

(P) Exhibits. A copy of every other document or exhibit, including summaries of other evidence, that a party expects to offer as evidence at trial in any manner.

3. No later than 90 days after the Financial Disclosure Form is due, you must disclose the identity of any witnesses (any person who may be used at trial to present evidence pursuant to NRS 50.275, 50.285, and 50.305). If the evidence is intended solely to contradict or rebut evidence on the same subject matter, the disclosure must be within 21 days after the disclosure made by the other party.

4. No later than 45 days after service of the Answer, you and, if you have an attorney, your attorney, must meet for an Early Case Conference. This conference is intended for the purpose of ensuring compliance with the initial disclosure rules (see paragraph 2; NRCP 16.2(d)). The Plaintiff shall designate the time and place of each meeting, which must be held in the county where the action was filed, unless the parties agree upon a different location. You and the other party may submit a Stipulation and Order to continue the time for the case conference for an additional period of not more than 60 days, which the court may, in its discretion and for good cause shown, enter. Absent compelling and extraordinary circumstances, neither the court nor the parties may extend the time to a day more than 90 days after service of the Answer. The time for holding a case conference with respect to a defendant who has filed a motion pursuant to Rule 12(b)(2)-(4) is tolled until entry of an order denying the motion.

5. Early Case Conference Report. Within 15 days after the case conference, but not later than 5 days prior to the scheduled case management conference, you must file a joint early case conference report, or if you and the other side are unable to agree upon the contents of a joint report, you must serve and file an early case conference report, which, either as a joint or individual report, must contain:

(A) A statement of jurisdiction;

(B) A brief description of the nature of the action and each claim for relief or defense;

(C) If custody is at issue in the case, a proposed custodial timeshare and a proposed holiday, special day, and vacation schedule;

(D) A written list of all documents provided at or as a result of the case conference, together with any objection that the document is not authentic or genuine. The failure to state any objection to the authenticity or genuineness of a document constitutes a waiver of such objection at a subsequent hearing or trial. For good cause, the court may permit the withdrawal of a waiver and the assertion of an objection;

(E) A written list of all documents not provided under Rule 16.2(d), together with the explanation as to why each document was not provided;

(F) For each issue in the case, a statement of what information and/or documents are needed, along with a proposed plan and schedule of any additional discovery;

(G) A list of the property (including pets, vehicles, real estate, retirement accounts, pensions, etc.) that each litigant seeks to be awarded in this action;

(H) The list of witnesses exchanged in accordance with Rule 16.2(d)(5) and (d)(6);

(I) Identification of each specific issue preventing immediate global resolution of the case along with a description of what action is necessary to resolve each issue identified;

(J) A litigation budget; and

(K) Proposed trial dates.

6. You are under the continuing obligation to supplement any disclosures required herein or by court rule. You must make additional or amended disclosures whenever new or different information is discovered or revealed. Such additional or amended disclosures, including corrections to your financial disclosure form, shall be made within 14 days after acquiring the additional information or after otherwise learning that your disclosure is incomplete or incorrect. However, if a hearing, deposition, case management conference, or other calendared event is scheduled less than 14 days from the discovery date, then the update must be filed and served within 24 hours of the discovery of new information.

7. If you fail to timely complete, file, or serve the appropriate financial disclosure form required by this rule, or the required information and disclosures under this rule, the court shall impose an appropriate sanction upon you, your attorney, or both, unless specific affirmative findings of fact are made that you have proven: (1) either good cause for the failure by a preponderance of the evidence or that the violating party would experience an undue hardship if the penalty is applied; and (2) that other means fully compensate the non-violating party for any losses, delays, and expenses suffered as a result of the violation. Sanctions may include:

(A) An order finding the violating party in civil contempt of court, an order requiring the violating party to timely file and serve the disclosures, to pay the opposing party's reasonable expenses including attorney fees and costs incurred as a result of the failure, and any other sanction the court deems just and proper; and/or

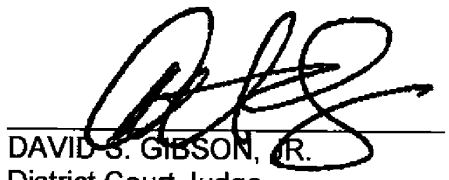
(B) An order refusing to allow the violating party to support or oppose designated claims or defenses, or prohibiting that party from introducing designated matters in evidence, and/or any other sanction the court deems just and proper.

8. Failure to include any asset or accurately report income will result in sanctions if the non-violating party can establish by a preponderance of the evidence that there is not good cause for the failure. Sanctions may include:

(A) An order finding the violating party in civil contempt of court, an award of reasonable attorney fees and costs to the non-violating party, and any other sanction the court deems just and proper; and/or

(B) An order awarding the omitted asset to the opposing party as his or her separate property or making another form of unequal division of community property, and/or any other sanction the court deems just and proper.

Dated: August 23, 2019



DAVID S. GIBSON, JR.
District Court Judge
Department L

CERTIFICATE OF SERVICE

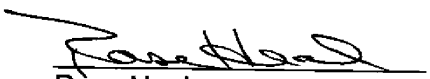
I HEREBY CERTIFY THAT ON THE ABOVE FILE STAMPED DATE:

☐ I EMAILED/ESERVED THE **ORDER SETTING CASE MANAGEMENT CONFERENCE AND DIRECTING COMPLIANCE WITH NRCP 16.2**:

☒ I MAILED THE **ORDER SETTING CASE MANAGEMENT CONFERENCE AND DIRECTING COMPLIANCE WITH NRCP 16.2**:

Brian Lee Whittle
717 Count Ave.
North Las Vegas, NV 89030

Raven Morris
370 Casa Norte Dr.
North Las Vegas, NV 89031



Rose Heal
Judicial Executive Assistant
Department L

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Steven D. Grierson
CLERK OF THE COURT

NCOA

Name: Raven Morris
Address: 370 Casa North ave S
City/St/Zip: Las Vegas 89031
Telephone: (702) 9760360
Email Address: Ravenmorris3@yahoo.com

DISTRICT COURT
CLARK COUNTY, NEVADA

Brian Whittle Plaintiff. vs. Raven Morris Defendant.	Case No. D-19-591074-C Dept No. L **NOTICE OF CHANGE OF ADDRESS**

PLEASE TAKE NOTICE that (☒ *check one*) ☐ Plaintiff ☒ Defendant, has new email information and that the Court records should be changed to reflect:

Name: Raven Morris
Cell: 702-970-0366

DATED this 18th day of September 2019.

Submitted by: (Signature) ▸ Raven Morris

Printed Name: Raven Morris

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09/26/2019
CLERK OF THE COURT

MOT
Name: Brian Whittle
Address: 717 Count Ave
NLV Nev 89030
Telephone: 725-400-8328
Email Address: Whittle.Bw@Gmail.com
In Proper Person

DISTRICT COURT
CLARK COUNTY, NEVADA

Brian Whittle Plaintiff, vs. Morris Raven Defendant.	CASE NO.: D-19-591074-C DEPT: L DATE OF HEARING: 11/6/19 TIME OF HEARING: 10:00A Oral Argument Requested: ☒ Yes ☐ No

MOTION AND NOTICE OF MOTION FOR ORDERS FOR TEMPORARY CUSTODY, VISITATION, AND/OR CHILD SUPPORT

TO: Name of Opposing Party and Party's Attorney, if any, Raven Morris

PLEASE TAKE NOTICE that a hearing on this motion will be held on the date and time above before the Eighth Judicial District Court - Family Division located at: (☒ *check one*)

- ☒ The Family Courts and Services Center, 601 N. Pecos Road Las Vegas, Nevada 89101.
- ☐ The Regional Justice Center, 200 Lewis Avenue Las Vegas, Nevada 89101.
- ☐ The Child Support Center of Southern Nevada, 1900 E. Flamingo Rd #100, LV NV 89119.

NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN 10 DAYS OF THE RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF COURT WITHIN 10 DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUEST FOR RELIEF BEING GRANTED BY THE COURT WITHOUT A HEARING PRIOR TO THE SCHEDULED HEARING DATE.

Submitted By: Brian Whittle
(☒ *check one*) ☒ Plaintiff / ☐ Defendant In Proper Person

* You are responsible for knowing the law about your case. For more information on the law, this form, and free classes, visit www.familylawselfhelpcenter.org or the Family Law Self Help Center at 601 N. Pecos Road. To find an attorney, call the State Bar of Nevada at (702) 382-0504.

MOTION

(*Your name*) Brian Whittle, in Proper Person, moves this Court for an Order granting temporary custody, visitation, and/or child support. (☒ *check one*)

☒ I tried to resolve this issue with the other party before filing this motion.

☐ I did not try to resolve this issue with the other party before filing this motion. Any attempt to resolve the issue would have been useless or impractical because (*explain why you did not try to resolve this issue directly with the other party before filing this motion*)

_____

_____

Financial Disclosure Form ("FDF") Certification
(☒ *check one*)

☒ I filed a Financial Disclosure Form in the last 6 months and have no changes to report.

☐ I understand that I must file my FDF within 2 judicial days of filing this motion to support my request for temporary child support. Failure to file a timely, complete, and accurate FDF may result in the court ruling against me and/or imposing sanctions.

POINTS AND AUTHORITIES
LEGAL ARGUMENT

When determining physical custody of a child, the sole consideration of the court is the best interest of the minor child. In determining the best interest of the child, the court shall consider: 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 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 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; and l) Whether either parent or any other person seeking custody has committed any act of abduction against the child or any other child. NRS 125C.0035.

There is a presumption that joint physical custody and joint legal custody would be in the best interest of the child if: 1) the parents have so agreed; or 2) a parent has demonstrated, or attempted to demonstrate but had his or her efforts frustrated by the other parent, an intent to establish a meaningful relationship with the child. NRS 125C.0025. A court may award one parent primary physical custody if it determines that joint physical custody is not in the best interest of the child. NRS 125C.003.

The court shall also determine child support under NRS 125B.070 and NRS 125B.080. A noncustodial parent shall pay the following percentage of gross monthly income:

For one child, 18% of gross monthly income;
For two children, 25% of gross monthly income;
For three children, 29% of gross monthly income; and
For each additional child, an additional 2% of gross monthly income.

A parent must pay a minimum of $100 per child, per month in child support. The maximum amount to be paid per month per child varies according to the parent's income. The court can deviate from the amounts above based on the factors listed in NRS 125B.080.

FACTS AND ARGUMENT

1. **Number of Minor Children.** The parties have (*number*) __1__ minor children in common.

2. **Paternity.** (☒ *check one*)
   ☒ Paternity is not disputed.
   ☐ Paternity needs to be determined. ☐ A DNA test is requested.

3. **Children's Residency.** The minor children's names, dates of birth, states and lengths of residence are as follows:

Child's Name:	Date of Birth	State of Residence:	How long child has lived in the state:	Disability
Aeyani Morris	9·16·12	Nev.	Life time	

4. **Jurisdiction.** (☒ *check one*)

☑ The children are residents of Nevada and have lived in Nevada for at least the past 6 months. This Court has the necessary UCCJEA jurisdiction to enter custody orders.

☐ The children have not lived in Nevada for the past 6 months, however, Nevada should take jurisdiction over custody because: (*explain why Nevada is the proper state to issue custody orders*): _____

_____

_____

A. Request for Temporary Custody and Visitation

5. **Legal Custody.** *Legal custody refers to the ability to make major decisions about the child, such as medical care, education, and religious upbringing.* (☒ *check one*)

☑ Joint legal custody of the minor children should be awarded to both parties.

☐ Sole legal custody of the children should be granted to (*name of parent*) _____ because (*explain*):

_____

_____

_____

_____

_____

6. **Physical Custody.** *Physical custody refers to the amount of time the child spends in the care of each parent.* (☒ *check one*)

> Joint physical custody exists when each parent has physical custody of the children at least 40% (146 days) of the time calculated over a one year period.
>
> Primary physical custody exists when one parent has physical custody of the children more than 60% (219 days) of the time calculated over a one year period.

☑ The parties should have joint physical custody of the minor children with a timeshare as proposed in Exhibit 1.

☐ Primary physical custody of the minor children should be granted to (*name of parent*) _____ with the other parent having visitation as proposed in Exhibit 1.

☐ Sole physical custody of the minor children should be granted to (*name of parent*) _____.

7. **Holiday Visitation.**

☑ The proposed holiday visitation schedule is attached as Exhibit 1. The holiday visitation schedule should control when in conflict with the regular visitation schedule.

8. **Best Interest of the Children.** The proposed temporary physical custody and visitation arrangements are in the children's best interest because (*explain why your proposed custody and visitation order is in the child(ren)'s best interest*):

I think is Best for Both parents to Be in child life

(Attach additional pages if more space is needed)

B. Request for Temporary Child Support

9. **Public Assistance.** (☒ *check one*)

   ☒ I have never received Temporary Assistance for Needy Families (TANF).

   ☐ I am now or have received Temporary Assistance for Needy Families (TANF) in the past.

10. **Child Support.** (☒ *check one*)

   ☐ Child support is being handled through the District Attorney, Family Support Division, case (*insert case number*) R_____ and should continue as ordered in that case.

   ☐ Based on my proposed physical custody arrangement, (*name of parent who should pay child support*) _____ should pay (*amount*) $_____ per month in child support.

   ☐ Child support should be set at the statutory minimum of $100/month per child.

   ☐ I'm not sure how much child support should be paid. The judge should set child support.

   ☒ Other (*explain how much child support should be ordered and how you came up with the amount of child support*): No support should be granted. Both Parties Have Equal time with child. 3½ days

C. Other Relief

11. In addition to the relief requested above, I would like the Court to also order the following: (*Explain anything else that you would like the judge to order, or enter "N/A" if you do not want anything else. Be specific.*) No parent to down talk either parent in childs presents. If child is not in parents care Number an/or adderss should be given to where child will be.

I respectfully ask the Court to grant me the relief requested above, including an award of attorney's fees if I am able to retain an attorney for this matter, and any other relief the Court finds appropriate.

DATED 9/26, 2019.

Submitted By: (*your signature*) Brian Whittle

(*print your name*) Brian Whittle

DECLARATION IN SUPPPORT OF MOTION FOR TEMPORARY CUSTODY, VISITATION, AND/OR CHILD SUPPORT

I declare, under penalty of perjury:

1. I have read the foregoing motion, and the factual averments it contains are true and correct to the best of my knowledge, except as to those matters based on information and belief, and as to those matters, I believe them to be true. Those factual averments contained in the referenced filing are incorporated here as if set forth in full.
2. Additional facts to support my requests include: (*write anything else that the judge should know to make a decision about your case, or write "N/A" if there is nothing else to add*)

   N/A

3. Any Exhibit(s) in support of this Motion will be filed separately in an Exhibit Appendix.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

DATED 9/26, 2019.

Submitted By: (*your signature*) Brian Whittle

(*print your name*) Brian Whittle

EXHIBIT 1: Parenting Timeshare and Holiday Schedule

☐ No Visitation Requested Because: (*explain*) _____

Regular Schedule: ***Be very specific. Include the times and days of the week for each parent's timeshare.*** *(ex.: Mom: Saturday 7pm – Wednesday 3pm, Dad: Wednesday 3pm – Saturday 7pm)*	Dad sunday 9am to wednesday at 6pm (After school) Mom wednesday 6pm (After school) to sunday 9am
Summer Schedule:	☑ Same as the regular schedule. ☐ Other: _____
Mother's Day and Mother's Birthday:	☑ Mother every year from 9am – 7pm. ☐ Other: Mom
Father's Day and Father's Birthday:	☑ Father every year from 9am – 7pm. ☐ Other: Father
Child's Birthday:	☑ *Even years* with (*parent*) Dad. *Odd years* with (*parent*) Mom. *Time shall be from 9am – 7pm.* ☐ Other: _____
3 Day Weekends:	☑ *Even Years*: MLK Jr. Day, Memorial Day, Labor Day with (*parent*) Dad, President's Day, Independence Day, Nevada Admissions Day with the other parent. *Odd Years*: MLK Jr. Day, Memorial Day, Labor Day with (*parent*) Mom, President's Day, Independence Day, Nevada Admissions Day with the other parent. *Time begins when school lets out the day before the holiday weekend (or 3pm if no school), and ends the day following the holiday weekend when school resumes (or 9am).* **If Independence Day falls on a Tuesday, Wednesday, or Thursday, the time shall be from July 3 at 9am until July 5 at 9am.** ☐ Other: _____

Easter / Spring Break:	☑ Even years with (*parent*) Dad. Odd years with the other parent. *Time shall begin the day school lets out until noon the day before school resumes.* ☐ Other:
Thanksgiving:	☑ Odd years with (*parent*) Mom. Even years with the other parent. *Time shall begin the day school lets out until noon the day before school resumes.* ☐ Other:
Winter Break / Christmas:	☑ Segment 1 (Christmas) consists of the day school lets out until December 26 at noon. Segment 2 (New Year's) consists of December 26 at noon until noon the day before school resumes. *Even years*: segment 1 with (*parent*) Fat Dad, segment 2 with the other parent. *Odd years*: segment 1 with (*parent*) Mom, segment 2 with the other parent. ☐ Other:
Other Holidays:	Same as regular schedule
Vacation:	☐ The parents will not establish a formal vacation plan, and will instead mutually agree on vacation days and times with the child(ren). ☑ Each parent may have up to (*number*) 10 vacation days per year with the child(ren). The parent shall notify the other parent of the vacation and provide a general vacation itinerary at least (*number*) 10 days before the planned vacation. **Vacation time is not allowed during a holiday allotted to the other parent.**

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Brian Whittle
Plaintiff/Petitioner

v.

Raven Morris
Defendant/Respondent

Case No. D-19-591074-C

Dept. L

MOTION/OPPOSITION FEE INFORMATION SHEET

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of $25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of $129 or $57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the $25 or $0 filing fee in the box below.

☐ **$25** The Motion/Opposition being filed with this form is subject to the $25 reopen fee.

-OR-

☐ **$0** The Motion/Opposition being filed with this form is not subject to the $25 reopen fee because:

- ☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
- ☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
- ☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
- ☐ Other Excluded Motion (must specify) _____.

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

☐ **$0** The Motion/Opposition being filed with this form is not subject to the $129 or the $57 fee because:

- ☐ The Motion/Opposition is being filed in a case that was not initiated by joint petition.
- ☐ The party filing the Motion/Opposition previously paid a fee of $129 or $57.

-OR-

☐ **$129** The Motion being filed with this form is subject to the $129 fee because it is a motion to modify, adjust or enforce a final order.

-OR-

☐ **$57** The Motion/Opposition being filing with this form is subject to the $57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of $129.

Step 3. Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:
☐$0 ☐$25 ☐$57 ☐$82 ☐$129 ☐$154

Party filing Motion/Opposition: Brian Whittle Date 9-26-2019

Signature of Party or Preparer [signature]

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CSERV
Name: Brian Whittle
Address: 717 Court Ave
NLV Nev 89030
Telephone: 725-460-5328
Email Address: whittle.bw@gmail.com
In Proper Person

DISTRICT COURT
CLARK COUNTY, NEVADA

Brian L Whittle **Plaintiff,** **vs.** Raven Morris **Defendant.**	**CASE NO.:** D-19-591074-C **DEPT:** L **CERTIFICATE OF SERVICE**

I, (*name of person who served the document*) Raven Morris, declare under penalty of perjury under the law of the State of Nevada that the following is true and correct. That I served the: ***(check all that apply)***

☒ Motion ☐ Answer ☒ Financial Disclosure Form
☐ Opposition ☐ Reply ☐ Notice of Entry of Judgment / Order / Decree
☐ Other: _____

In the following manner: (***check one***)

☒ **Mail:** By depositing a copy in the U.S. Mail in the State of Nevada, postage prepaid, on the (*day*) 26 of (*month*) 9, 20 19 addressed to:
(Print the name and address of the person you mailed the document to)

Raven Morris
370 Casa Norte Dr #2066
LV, NV, 89031

☐ **Electronic:** Through the Court's electronic service system on (*date*) _____
at (*time*) _____ ☐ a.m. ☐ p.m.

DATED this 26 day of 9, 20 19

Submitted By: (*Signature*) ▸ _____

CERT
Name: Brian Whittle
Address: 2701 Shield st
NLV Nv 89030
Telephone: 725 400 8328
Email Address: Whittle.BW@gmail.com
In Proper Person

Electronically Filed
10/03/2019
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DISTRICT COURT
CLARK COUNTY, NEVADA

Brian Whittle Plaintiff, vs. Raven Morris Defendant.	CASE NO.: D-19-591074-6 DEPT: L **CERTIFICATE OF MAILING**

I, (*name of person who mailed the document*) Brian Whittle, declare under penalty of perjury under the law of the State of Nevada that the following is true and correct. That on (*month*) Sep (*day*) 26, 20 19, service of the:

(☒ *check all that apply*)

- ☒ Motion
- ☐ Answer
- ☐ Financial Disclosure Form
- ☐ Opposition
- ☐ Reply
- ☐ Notice of Entry of Judgment / Order / Decree
- ☐ Other: _____

was made pursuant to NRCP 5(b) by depositing a copy in the U.S. Mail in the State of Nevada, postage prepaid, addressed to:

(Print the name and address of the person you mailed the document to)

Raven Morris
370 Casa Norte Dr
LV Nev 89031

DATED this 3 day of oct, 20 19

(*Signature*)

KING
1801 N MARTIN L KING BLVD
LAS VEGAS, NV 89106-9998
314893-0007
(800)275-8777
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(Weight:0 Lb 4.60 Oz)			
(Estimated Delivery Date)			
(Saturday 09/28/2019)			
Certified			$3.50
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(70162070000097281088)			

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Street and Apt. No., or PO Box No. 370 Casa Norte Dr

City, State, ZIP+4® LV, Nev. 89031

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Steven D. Grierson
CLERK OF THE COURT

CMO

DISTRICT COURT

CLARK COUNTY, NEVADA

Brian Lee Whittle, Plaintiff vs. Raven Morris, Defendant	Case No.: D-19-591074-C Department L

CASE AND TRIAL MANAGEMENT ORDER

This matter having come on for a hearing on October 3, 2019 in the Family Division, Department L, of the Eighth Judicial District Court, County of Clark. This Case and Trial Management Order sets forth significant dates and times for future proceedings in this case. It is the responsibility of the attorneys, or the litigants (when appearing in proper person), to comply with the following deadlines and to appear for the following required proceedings:

Trial Date: March 5, 2020 at 1:30 PM (Half day)(Stack 1)

Calendar Call: February 18, 2020 at 11:00 AM

Pre-Trial Memorandum/Brief due date: February 27, 2020

Discovery Due Date: February 13, 2020

Other deadlines are contained herein.

DAVID S. GIBSON, JR.
DISTRICT JUDGE
FAMILY DIVISION, DEPT. L
LAS VEGAS, NV 89101-2408

Plaintiff, Brian Lee Whittle, was present in Proper Person, and Defendant, Raven Morris, was not present, and the Court being fully advised in the premises, both as to subject matter as well as the parties thereto, and that jurisdiction is proper in Nevada, and good cause appearing, the court makes the following findings:

The nature of this action is a Complaint for Custody. In the above stated action all claims for relief and all defenses asserted are contained within the Complaint, filed June 12, 2019 and the Answer and Counterclaim, filed August 22, 2019 which are incorporated herein by reference.

Discovery Plan:

The parties shall participate in the discovery process in good faith and may utilize all discovery methods, consistent with NRCP 16.2.

Pursuant to NRCP 16.2(c) and (d) or 16.205(c) and (d), parties shall make all initial disclosures within thirty (30) days of service of the summons and complaint. Initial disclosures shall be made without awaiting a discovery request.

Each party may designate witnesses as long as the other party receives sufficient notice of this designation to allow discovery relating to the witness. All witnesses must be designated by January 20, 2020.

DAVID S. GIBSON, JR.
DISTRICT JUDGE
FAMILY DIVISION, DEPT. L
LAS VEGAS, NV 89101-2408

The deadline for the parties in this case to file a motion to amend the pleadings or add parties is January 20, 2020. The deadline for the parties to disclose the identity of any expert witnesses who will testify at trial is December 6, 2019. If a party designates an expert witness, the other party may designate an expert within fourteen (14) days of the initial disclosure. The deadline for the parties to file dispositive motions and motions in limine is February 27, 2020.

Counsel or proper person litigants are to provide the following to opposing counsel/proper person litigant: witness lists, exhibit lists, and any other discover items sought to be introduced at Trial. Failure to provide the foregoing may result in such exhibits or evidence being excluded or other appropriate court-imposed sanctions.

Each party's Pre-Trial Memorandum shall be filed on or before February 27, 2020, and a copy of the same is to be hand-delivered to the Judge's chambers and served on opposing counsel the same day. The Pre-Trial memorandum shall substantially comply with the form attached hereto including the Marital Balance Sheet. **Failure to submit the Pre-Trial Memorandum on or before this date, absent the Court's approval, may result in the trial date being vacated and the matter rescheduled in ordinary course and/or sanctions.**

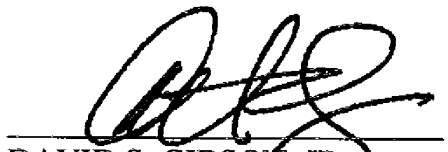
Any and all Exhibits to be used at trial must be delivered to chambers at least three (3) judicial days prior to trial.

DAVID S. GIBSON, JR.
DISTRICT JUDGE
FAMILY DIVISION, DEPT L
LAS VEGAS, NV 89101-2408

Trial is set for March 5, 2020 at 1:30 PM. Absent stipulation of the parties (and good cause appearing therefore), no continuances will be granted to either party unless written application is made to the Court, served upon opposing counsel, and a hearing held prior to trial. If this matter settles, please advise the Court as soon as possible.

IT IS HEREBY ORDERED that the above-stated findings are hereby adopted and confirmed as an order of this Court.

DATED this 10th day of October, 2019.



DAVID S. GIBSON, JR.
District Judge
Department L

DAVID S. GIBSON, JR.
DISTRICT JUDGE
FAMILY DIVISION, DEPT. L
LAS VEGAS, NV 89101-2408

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CLERK OF THE COURT

ORDR
Name: Brian Whittle
Address: 717 Court Ave
City, State, Zip: North Las Vegas Nevada
Phone: 725-400-5328
Email: Whittle.bW@Gmail.com
Self-Represented

DISTRICT COURT
CLARK COUNTY, NEVADA

Brian Whittle
Plaintiff,

vs.

Raven Morris
Defendant.

CASE NO.: D-19-591074-C
DEPT: L
DATE OF HEARING: Oct 3 2019
TIME OF HEARING: 11:00 AM

ORDER

This matter was heard on the above date and time in the Family Division of the Eighth Judicial District Court, County of Clark; Plaintiff was (☒ *check one*) ☒ present ☐ not present; Defendant was (☒ *check one*) ☐ present ☒ not present; the Court having reviewed the pleadings and other documents filed in this case by all parties hereto and having heard any oral arguments presented; and good cause appearing therefore;

This order applies to the following children:

Child's Full Name	Date of Birth
Aeyani Natalia Morris	9.16.2012

IT IS HEREBY ORDERED that: (*fill in the judge's orders below*)

Matter is set for an evidentiary Hearing on 3/5/20 at 1:30 pm (half day; stack 1). A calendar call is set for 2/18/20 at 11:00 Am. Court will issue a scheduling order.

Dad's Motion and notice of Motion for Orders for temporary —

Custody, Visitation, and/or child support set for 11/6/19 at 10:00 Am is Reset to be heard in conjunction with today's matters. Further, Dad's motion is Granted. The parties shall have temporary joint Legal Custody and joint Physical Custody of the minor children as outlined in his motion - See Exhibit 1.

Dad's name shall be added to the minor child's Birth Certificate.

Dad shall prepare the Order granting his Motion and he shall prepare an Order adding him self to the minor child birth Certificate.

IT IS FURTHER ORDERED that each party shall submit the information required in NRS 125B.055, NRS 125.130 and NRS 125.230 on a separate form to the Court and the Welfare Division of the Department of Human Resources within ten days from the date this Decree is filed. Such information shall be maintained by the Clerk in a confidential manner and not part of the public record. The parties shall update the information filed with the Court and the Welfare Division of the Department of Human Resources within ten days should any of that information become inaccurate.

NOTICE IS HEREBY GIVEN of the following provision of NRS 125C.0045(6):

> PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

NOTICE IS HEREBY GIVEN that the terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country. The parties are also put on notice of the following provision of NRS 125C.0045(8):

> If a parent of the child lives in a foreign country or has significant commitments in a foreign country:
>
> (a) The parties may agree, and the court shall include in the order for custody of the child, that the United States is the country of habitual residence of the child for the purposes of applying the terms of the Hague Convention as set forth in subsection 7.
>
> (b) Upon motion of one of the parties, the court may order the parent to post a bond if the court determines that the parent poses an imminent risk of wrongfully removing or concealing the child outside the country of habitual residence. The bond must be in an amount determined by the court and may be used only to pay for the cost of locating the child and returning him to his habitual residence if the child is wrongfully removed from or concealed outside the country of habitual residence. The fact that a parent has significant commitments in a foreign country does not create a presumption that the parent poses an imminent risk of wrongfully removing or concealing the child.

NOTICE IS HEREBY GIVEN that the parties are subject to the relocation requirements of NRS 125C.006 & NRS 125C.0065. If joint or primary physical custody has been established pursuant to an order, judgment or decree of a court and one parent intends to relocate his or her residence to a place outside of this State or to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child, and the relocating parent desires to take the child with him or her, the relocating parent shall, before relocating: (a) attempt to obtain the written consent of the non-relocating parent to relocate with the child; and (b) if the non-relocating parent refuses to give that consent, petition the court for permission to move and/or for primary physical custody for the purpose of relocating. A parent who desires to relocate with a child has the burden of proving that relocating with the child is in the best interest of the child. The court may award reasonable attorney's fees and costs to the relocating parent if the court finds that the non-relocating parent refused to consent to the relocating parent's relocation with the child without having reasonable grounds for such refusal, or for the purpose of harassing the relocating parent. A parent who relocates with a child pursuant to this section without the written consent of the other parent or the permission of the court is subject to the provisions of NRS 200.359.

NOTICE IS HEREBY GIVEN that the parties are subject to the provisions of NRS 31A and 125.007 regarding the collection of delinquent child support payments.

NOTICE IS HEREBY GIVEN that either party may request a review of child support every three years pursuant to NRS 125B.145.

DATED this (*day*) 14 day of (*month*) October, 2019.

DISTRICT COURT JUDGE
DAVID S. GIBSON, JR.

Respectfully submitted by:
(*Your signature*) _____
(*Your name*) Brian Whittle
☒ Plaintiff / ☐ Defendant

EXHIBIT 1: Parenting Timeshare and Holiday Schedule

☐ No Visitation Requested Because: (*explain*) _____

Regular Schedule: ***Be very specific. Include the times and days of the week for each parent's timeshare.*** *(ex.: Mom: Saturday 7pm – Wednesday 3pm, Dad: Wednesday 3pm – Saturday 7pm)*	Dad sunday 9am to wednesday at 6pm (After school) Mom wednesday 6pm (After school) to Sunday 9am
Summer Schedule:	☑ Same as the regular schedule. ☐ Other: _____
Mother's Day and Mother's Birthday:	☑ Mother every year from 9am – 7pm. ☐ Other: Mom
Father's Day and Father's Birthday:	☑ Father every year from 9am – 7pm. ☐ Other: Father
Child's Birthday:	☑ *Even years* with (*parent*) Dad. *Odd years* with (*parent*) Mom. *Time shall be from 9am – 7pm.* ☐ Other: _____
3 Day Weekends:	☑ *Even Years*: MLK Jr. Day, Memorial Day, Labor Day with (*parent*) Dad, President's Day, Independence Day, Nevada Admissions Day with the other parent. *Odd Years*: MLK Jr. Day, Memorial Day, Labor Day with (*parent*) Mom, President's Day, Independence Day, Nevada Admissions Day with the other parent. *Time begins when school lets out the day before the holiday weekend (or 3pm if no school), and ends the day following the holiday weekend when school resumes (or 9am).* **If Independence Day falls on a Tuesday, Wednesday, or Thursday, the time shall be from July 3 at 9am until July 5 at 9am.** ☐ Other: _____

Easter / Spring Break:	☑ Even years with (*parent*) Dad. Odd years with the other parent. *Time shall begin the day school lets out until noon the day before school resumes.* ☐ Other:
Thanksgiving:	☑ Odd years with (*parent*) Mom. Even years with the other parent. *Time shall begin the day school lets out until noon the day before school resumes.* ☐ Other:
Winter Break / Christmas:	☑ Segment 1 (Christmas) consists of the day school lets out until December 26 at noon. Segment 2 (New Year's) consists of December 26 at noon until noon the day before school resumes. *Even years*: segment 1 with (*parent*) Fat Dad, segment 2 with the other parent. *Odd years*: segment 1 with (*parent*) Mom, segment 2 with the other parent. ☐ Other:
Other Holidays:	Same as regular schedule
Vacation:	☐ The parents will not establish a formal vacation plan, and will instead mutually agree on vacation days and times with the child(ren). ☑ Each parent may have up to (*number*) 10 vacation days per year with the child(ren). The parent shall notify the other parent of the vacation and provide a general vacation itinerary at least (*number*) 10 days before the planned vacation. **Vacation time is not allowed during a holiday allotted to the other parent.**

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Brian Whittle
Plaintiff/Petitioner

v.

Raven Morris
Defendant/Respondent

Case No. D-19-591074-S

Dept. L

MOTION/OPPOSITION FEE INFORMATION SHEET

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of $25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of $129 or $57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the $25 or $0 filing fee in the box below.

☐ **$25** The Motion/Opposition being filed with this form is subject to the $25 reopen fee.

-OR-

☐ **$0** The Motion/Opposition being filed with this form is not subject to the $25 reopen fee because:

- ☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
- ☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
- ☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
- ☐ Other Excluded Motion (must specify) _____.

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

☐ **$0** The Motion/Opposition being filed with this form is not subject to the $129 or the $57 fee because:

- ☐ The Motion/Opposition is being filed in a case that was not initiated by joint petition.
- ☐ The party filing the Motion/Opposition previously paid a fee of $129 or $57.

-OR-

☐ **$129** The Motion being filed with this form is subject to the $129 fee because it is a motion to modify, adjust or enforce a final order.

-OR-

☐ **$57** The Motion/Opposition being filing with this form is subject to the $57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of $129.

Step 3. Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:
☐$0 ☐$25 ☐$57 ☐$82 ☐$129 ☐$154

Party filing Motion/Opposition: Brian Whittle Date 9-26-2019

Signature of Party or Preparer [signature]

PAT
Your Name: Brian Whittle
Address: 717 Court Ave
City, State, Zip: NLV Nev 89030
Phone: 725 400 3328
Email: whittlebw@gmail.com
Self-Represented

Electronically Filed
10/16/2019
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

Brian Whittle
Plaintiff,

vs.

Raven Morris
Defendant(s).

CASE NO.: D-19-591074-C
DEPT: L
DATE OF HEARING: Oct 03 2019
TIME OF HEARING: 11:00 Am

PATERNITY ORDER

This Order was submitted (☒ *check one*) ☒ after a hearing / ☐ without a hearing before the above-entitled court, and after a review of the pleadings and papers on file and the testimony given, if any, this Court finds that it has jurisdiction over this matter and that is in the best interest of the child to have paternity adjudicated, therefore:

IT IS HEREBY ORDERED that the birth certificate of the minor child, (*first child's full name*) Aeyani Natalia Morris, born on (*date of birth*) 08/16/2012, in (*city and state where born*) Las Vegas Nevada, shall be amended as follows:

ADD the correct legal father (*full name of father to be added to the birth certificate, or "none" if no father*) Brian Lee Whittle.

REMOVE the currently named incorrect father (*full name of man to be removed from the birth certificate, or "n/a" if none*) N/A.

(☒ *check one*)

☐ The child's name shall remain unchanged.

☒ The child's name shall be changed to (*child's new first, middle, and last name*) Aeyani Natalia Whittle.

IT IS FURTHER ORDERED that the birth certificate of the minor child, (*second child's full name or "n/a"*) N/A, born on (*date of birth*) _____, in (*city and state where born*) _____, shall be amended as follows:

ADD the correct legal father (*full name of father to be added to the birth certificate, or "none" if no father*) _____.

REMOVE the currently named incorrect father (*full name of man to be removed from the birth certificate, or "n/a" if none*) _____.

(☒ *check one*)

☐ The child's name shall remain unchanged.

☐ The child's name shall be changed to (*child's new first, middle, and last name*) _____.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Department of Vital Statistics shall issue a new birth certificate for the above-named child(ren) reflecting the changes above.

DATED this (*day*) 14 day of (*month*) October, 20 19.

DISTRICT COURT JUDGE
DAVID S. GIBSON, JR.

AG

Submitted By: (*your signature*) ▸ Brian Whittle
(*print your name*) Brian Whittle

Electronically Filed
10/16/2019
CLERK OF THE COURT

NEJ

Name: Brian Whittle
Address: 717 Court Ave
NLV Nev 89030
Telephone: 725400 8328
Email Address: Whittle.bW@Gmail.com
Self-Represented

DISTRICT COURT
CLARK COUNTY, NEVADA

Brian Whittle Plaintiff, vs. Raven Morris Defendant.	CASE NO.: D-19-591074-C DEPT: L **NOTICE OF ENTRY OF ORDER / JUDGMENT**

PLEASE TAKE NOTICE that an Order and/or Judgment was entered in this matter on (*date order was filed-on the upper right corner of the order*) Oct 16, 20 19, a copy of which is attached.

DATED (*today's date*) 10/16, 20 19.

Submitted By: (*Your signature*) ▸ [signature]

CERTIFICATE OF MAILING

I, (*your name*) Brian L Whittle declare under penalty of perjury under the law of the State of Nevada that I served this ***Notice of Entry of Order/Judgment*** on (*date of mailing: month*) Oct (*day*) 16, 20 19, by depositing a copy in the U.S. Mail in the State of Nevada, postage prepaid, addressed to:

Name of Person Served: Raven Morris
Address: 370 Casa Norte Dr Apt 2066
City, State, Zip NLV. Nev. 89031

DATED (*today's date*) Oct 16, 20 19.

Submitted By: (*Your signature*) ▸ [signature]

ATTACH A FILED COPY OF THE COURT'S ORDER TO THIS NOTICE

PAT
Your Name: Brian Whittle
Address: 717 Court Ave
City, State, Zip: NLV Nev 89030
Phone: 725 400 8328
Email: whittle.bw@gmail.com
Self-Represented

Electronically Filed
10/16/2019
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

Brian Whittle
Plaintiff,

vs.

Raven Morris
Defendant(s).

CASE NO.: D-19-591074-C
DEPT: L
DATE OF HEARING: Oct 03 2019
TIME OF HEARING: 11:00 Am

PATERNITY ORDER

This Order was submitted (☒ *check one*) ☒ after a hearing / ☐ without a hearing before the above-entitled court, and after a review of the pleadings and papers on file and the testimony given, if any, this Court finds that it has jurisdiction over this matter and that is in the best interest of the child to have paternity adjudicated, therefore:

IT IS HEREBY ORDERED that the birth certificate of the minor child, (*first child's full name*) Aeyani Natalia Morris, born on (*date of birth*) 09/16/2012, in (*city and state where born*) Las Vegas Nevada, shall be amended as follows:

ADD the correct legal father (*full name of father to be added to the birth certificate, or "none" if no father*) Brian Lee Whittle.

REMOVE the currently named incorrect father (*full name of man to be removed from the birth certificate, or "n/a" if none*) N/A.

(☒ *check one*)

☐ The child's name shall remain unchanged.

☒ The child's name shall be changed to (*child's new first, middle, and last name*) Aeyani Natalia Whittle.

RECEIVED
OCT 14 2019
DEPT. L

IT IS FURTHER ORDERED that the birth certificate of the minor child, (*second child's full name or "n/a"*) N/A, born on (*date of birth*) _____, in (*city and state where born*) _____, shall be amended as follows:

ADD the correct legal father (*full name of father to be added to the birth certificate, or "none" if no father*) _____.

REMOVE the currently named incorrect father (*full name of man to be removed from the birth certificate, or "n/a" if none*) _____.

(☒ *check one*)

☐ The child's name shall remain unchanged.

☐ The child's name shall be changed to (*child's new first, middle, and last name*) _____.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Department of Vital Statistics shall issue a new birth certificate for the above-named child(ren) reflecting the changes above.

DATED this (*day*) 14 day of (*month*) October, 20 19.

DISTRICT COURT JUDGE
DAVID S. GIBSON, JR.

AG

Submitted By: (*your signature*) ▸ Brian Zeff
(*print your name*) Brian Whittle

Electronically Filed
10/16/2019
CLERK OF THE COURT

ORDR
Name: Brian Whittle
Address: 717 Count Ave.
City, State, Zip: North Las Vegas Nevada
Phone: 725-400-5328
Email: Whittle.bW@Gmail.com
Self-Represented

DISTRICT COURT
CLARK COUNTY, NEVADA

Brian Whittle Plaintiff, vs. Raven Morris Defendant.	CASE NO.: D-19-591074-C DEPT: L DATE OF HEARING: Oct 3 2019 TIME OF HEARING: 11:00 AM

ORDER

This matter was heard on the above date and time in the Family Division of the Eighth Judicial District Court, County of Clark; Plaintiff was (☒ *check one*) ☒ present ☐ not present; Defendant was (☒ *check one*) ☐ present ☒ not present; the Court having reviewed the pleadings and other documents filed in this case by all parties hereto and having heard any oral arguments presented; and good cause appearing therefore;

This order applies to the following children:

Child's Full Name	Date of Birth
Aeyani Natalia Morris	9-16-2012

IT IS HEREBY ORDERED that: (*fill in the judge's orders below*)

Matter is set for an evidentiary Hearing on 3/5/20 at 1:30 pm (full day; stack 1). A calender call is set for 2/18/20 at 11:00 Am. Court will issue a scheduling order.

√ Dad's Motion and notice of Motion for Orders for temporary —

Custody, Visitation, and/or child support set for 11/6/19 at 10:00am is Reset to be heard in conjunction with today's matters. Further, Dad's motion is Granted. The parties shall have temporary joint Legal Custody and joint Physical Custody of the minor children as outlined in his motion - See Exhibit 1.

Dad's name shall be added to the minor child's Birth Certificate.

Dad shall prepare the Order granting his Motion and he shall prepare an Order adding himself to the minor child birth Certificate.

IT IS FURTHER ORDERED that each party shall submit the information required in NRS 125B.055, NRS 125.130 and NRS 125.230 on a separate form to the Court and the Welfare Division of the Department of Human Resources within ten days from the date this Decree is filed. Such information shall be maintained by the Clerk in a confidential manner and not part of the public record. The parties shall update the information filed with the Court and the Welfare Division of the Department of Human Resources within ten days should any of that information become inaccurate.

NOTICE IS HEREBY GIVEN of the following provision of NRS 125C.0045(6):

> PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

NOTICE IS HEREBY GIVEN that the terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country. The parties are also put on notice of the following provision of NRS 125C.0045(8):

> If a parent of the child lives in a foreign country or has significant commitments in a foreign country:
>
> (a) The parties may agree, and the court shall include in the order for custody of the child, that the United States is the country of habitual residence of the child for the purposes of applying the terms of the Hague Convention as set forth in subsection 7.
>
> (b) Upon motion of one of the parties, the court may order the parent to post a bond if the court determines that the parent poses an imminent risk of wrongfully removing or concealing the child outside the country of habitual residence. The bond must be in an amount determined by the court and may be used only to pay for the cost of locating the child and returning him to his habitual residence if the child is wrongfully removed from or concealed outside the country of habitual residence. The fact that a parent has significant commitments in a foreign country does not create a presumption that the parent poses an imminent risk of wrongfully removing or concealing the child.

NOTICE IS HEREBY GIVEN that the parties are subject to the relocation requirements of NRS 125C.006 & NRS 125C.0065. If joint or primary physical custody has been established pursuant to an order, judgment or decree of a court and one parent intends to relocate his or her residence to a place outside of this State or to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child, and the relocating parent desires to take the child with him or her, the relocating parent shall, before relocating: (a) attempt to obtain the written consent of the non-relocating parent to relocate with the child; and (b) if the non-relocating parent refuses to give that consent, petition the court for permission to move and/or for primary physical custody for the purpose of relocating. A parent who desires to relocate with a child has the burden of proving that relocating with the child is in the best interest of the child. The court may award reasonable attorney's fees and costs to the relocating parent if the court finds that the non-relocating parent refused to consent to the relocating parent's relocation with the child without having reasonable grounds for such refusal, or for the purpose of harassing the relocating parent. A parent who relocates with a child pursuant to this section without the written consent of the other parent or the permission of the court is subject to the provisions of NRS 200.359.

NOTICE IS HEREBY GIVEN that the parties are subject to the provisions of NRS 31A and 125.007 regarding the collection of delinquent child support payments.

NOTICE IS HEREBY GIVEN that either party may request a review of child support every three years pursuant to NRS 125B.145.

DATED this (*day*) 14 day of (*month*) October, 2019.

DISTRICT COURT JUDGE
DAVID S. GIBSON, JR.

Respectfully submitted by:
(*Your signature*) _____
(*Your name*) Brian Whittle
☒ Plaintiff / ☐ Defendant

EXHIBIT 1: Parenting Timeshare and Holiday Schedule

☐ No Visitation Requested Because: (*explain*) _____

Regular Schedule: ***Be very specific. Include the times and days of the week for each parent's timeshare.*** *(ex.: Mom: Saturday 7pm – Wednesday 3pm, Dad: Wednesday 3pm – Saturday 7pm)*	Dad sunday 9am to wednesday at 6pm (After school) Mom wednesday 6pm (After school) to sunday 9Am
Summer Schedule:	☑ Same as the regular schedule. ☐ Other: _____
Mother's Day and Mother's Birthday:	☑ Mother every year from 9am – 7pm. ☐ Other: Mom
Father's Day and Father's Birthday:	☑ Father every year from 9am – 7pm. ☐ Other: Father
Child's Birthday:	☑ *Even years* with (*parent*) Dad. *Odd years* with (*parent*) Mom. *Time shall be from 9am – 7pm.* ☐ Other: _____
3 Day Weekends:	☑ *Even Years*: MLK Jr. Day, Memorial Day, Labor Day with (*parent*) Dad, President's Day, Independence Day, Nevada Admissions Day with the other parent. *Odd Years*: MLK Jr. Day, Memorial Day, Labor Day with (*parent*) Mom, President's Day, Independence Day, Nevada Admissions Day with the other parent. *Time begins when school lets out the day before the holiday weekend (or 3pm if no school), and ends the day following the holiday weekend when school resumes (or 9am).* **If Independence Day falls on a Tuesday, Wednesday, or Thursday, the time shall be from July 3 at 9am until July 5 at 9am.** ☐ Other: _____

Easter / Spring Break:	☑ Even years with (*parent*) Dad. Odd years with the other parent. *Time shall begin the day school lets out until noon the day before school resumes.* ☐ Other:
Thanksgiving:	☑ Odd years with (*parent*) Mom. Even years with the other parent. *Time shall begin the day school lets out until noon the day before school resumes.* ☐ Other:
Winter Break / Christmas:	☑ Segment 1 (Christmas) consists of the day school lets out until December 26 at noon. Segment 2 (New Year's) consists of December 26 at noon until noon the day before school resumes. *Even years*: segment 1 with (*parent*) Fat Dad, segment 2 with the other parent. *Odd years*: segment 1 with (*parent*) Mom, segment 2 with the other parent. ☐ Other:
Other Holidays:	Same as regular schedule
Vacation:	☐ The parents will not establish a formal vacation plan, and will instead mutually agree on vacation days and times with the child(ren). ☑ Each parent may have up to (*number*) 10 vacation days per year with the child(ren). The parent shall notify the other parent of the vacation and provide a general vacation itinerary at least (*number*) 10 days before the planned vacation. **Vacation time is not allowed during a holiday allotted to the other parent.**

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Brian Whitte
Plaintiff/Petitioner

v.

Raven Morris
Defendant/Respondent

Case No. D-19-591074-C

Dept. L

MOTION/OPPOSITION FEE INFORMATION SHEET

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of $25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of $129 or $57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the $25 or $0 filing fee in the box below.

☐ **$25** The Motion/Opposition being filed with this form is subject to the $25 reopen fee.

-OR-

☐ **$0** The Motion/Opposition being filed with this form is not subject to the $25 reopen fee because:

- ☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
- ☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
- ☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
- ☐ Other Excluded Motion (must specify) _____.

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

☐ **$0** The Motion/Opposition being filed with this form is not subject to the $129 or the $57 fee because:

- ☐ The Motion/Opposition is being filed in a case that was not initiated by joint petition.
- ☐ The party filing the Motion/Opposition previously paid a fee of $129 or $57.

-OR-

☐ **$129** The Motion being filed with this form is subject to the $129 fee because it is a motion to modify, adjust or enforce a final order.

-OR-

☐ **$57** The Motion/Opposition being filing with this form is subject to the $57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of $129.

Step 3. Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:
☐$0 ☐$25 ☐$57 ☐$82 ☐$129 ☐$154

Party filing Motion/Opposition: Brian Whitte Date 9-26-2019

Signature of Party or Preparer [signature]

Electronically Filed
10/17/2019
CLERK OF THE COURT

CERT
Name: Brian Whittle
Address: 717 Count Ave
NLV Nev 89030
Telephone: 725 400 8328
Email Address: Whittle.BW@gmail.com
In Proper Person

DISTRICT COURT
CLARK COUNTY, NEVADA

Brian Whittle Plaintiff, vs. Raven Morris Defendant.	CASE NO.: D-19-591074-C DEPT: L **CERTIFICATE OF MAILING**

I, (*name of person who mailed the document*) Brian Whittle, declare under penalty of perjury under the law of the State of Nevada that the following is true and correct. That on (*month*) Oct (*day*) 17, 2019, service of the:

(☒ *check all that apply*)

☐ Motion ☐ Answer ☐ Financial Disclosure Form

☐ Opposition ☐ Reply ☒ Notice of Entry of Judgment / Order / Decree

☐ Other: _____

was made pursuant to NRCP 5(b) by depositing a copy in the U.S. Mail in the State of Nevada, postage prepaid, addressed to:

(Print the name and address of the person you mailed the document to)

Raven Morris
~~[illegible]~~ 370 Casa Norte Dr
Apt 2066 NLV Nev. 89031

DATED this 17 day of Oct, 2019

(*Signature*)

7016 2070 0000 9783 5076

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at *www.usps.com®*.

OFFICIAL USE

Certified Mail Fee
$ 3.50

Extra Services & Fees *(check box, add fee as appropriate)*
- ☐ Return Receipt (hardcopy) $
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$ 1.45

Total Postage and Fees
$ 4.95

Postmark Here

89106-9998 USPS
OCT 15 2015
KING STA LAS VEGAS, NV

Sent To Raven Morris Apt 2114

Street and Apt. No., or PO Box No. 370 Casa Norte Dr

City, State, ZIP+4® NLV Nev 89030

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
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  - Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
  - Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
  - Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

PS Form **3800**, April 2015 *(Reverse)* PSN 7530-02-000-9047

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(NORTH LAS VEGAS, NV 89031)			
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(Estimated Delivery Date)			
(Friday 10/18/2019)			
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(USPS Certified Mail #)			
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Total:			$6.84

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10/22/2019
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NCOA
Your Name: RAVEN MORRIS
Address: 370 CASA NORTE DR
* APT. 2066 NLV, NV 89031
Telephone: 702-970-0366
Email Address: RAVENMORRIS3@YAHOO.COM

DISTRICT COURT
CLARK COUNTY, NEVADA

BRIAN WHITTLE Plaintiff, vs. RAVEN MORRIS Defendant.	CASE NO.: D19-591074-C DEPT: L

NOTICE OF CHANGE OF ADDRESS

PLEASE TAKE NOTICE that (☒ *check one*) ☐ Plaintiff / ☒ Defendant has new contact information.

Your Name: RAVEN MORRIS
Street Address: 370 CASA NORTE DR
City, State, Zip * APT. 2066 NLV, NV 89031
Phone Number: 702-970-0366
Email Address: RAVEN MORRIS3@YAHOO.COM

DATED (*month*) October (*day*) 22, 20 19.

Submitted By: (*Signature*) ▸ Raven Morris
Printed Name: RAVEN MORRIS

CERTIFICATE OF MAILING

I, (*your name*) RAVEN MORRIS declare under penalty of perjury under the law of the State of Nevada that I served this ***Notice of Change of Address*** on (*date of mailing: month*) October (*day*) 22, 2019, by depositing a copy in the U.S. Mail in the State of Nevada, postage prepaid, addressed to:

Name of Person Served: BRIAN WHITTLE
Address: 717 COURT AVE
City, State, Zip NLV, NV 89030

DATED (*month*) October (*day*) 2, 2019.

Submitted By: (*Signature*) ▸ Raven Morris
Printed Name: RAVEN MORRIS

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Steven D. Grierson
CLERK OF THE COURT

OPP
Kenneth Robbins, Esq.
Nevada Bar No. 13572
732 South 6th Street, Suite #100
Las Vegas, NV 89101
(702) 400-0000 Telephone
FamilyFirst@HalfPriceLawyers.com
"Unbundled" Attorney for Defendant

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

BRIAN WHITTLE, Plaintiff, vs. RAVEN MORRIS. Defendant.	Case No.: D-19-591074-C Dept.: L Hearing: Time: **ORAL ARGUMENTS REQUESTED: YES**

OPPOSITION AND COUNTERMOTION

COMES NOW, Defendant, Raven Morris, by and through his attorney of record, Kenneth Robbins, Esq., and does file this Opposition in pursuit of the following relief:

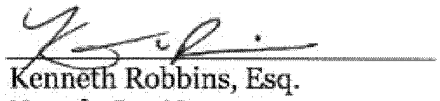
1) An Order granting the Defendant Sole Legal Custody of the minor child.
2) An Order granting the Defendant Primary Physical Custody of the minor child.
3) An Order that the Defendant pay child support pursuant to NRS 125B.080 and NRS 125B.070.
4) An Order requiring Plaintiff to pay for one half of the minor child's health insurance costs, pursuant to the "30/30" Rule.
5) An Order that Defendant claim the child for tax purposes each year.

6) An Order that the Plaintiff pay the Defendant's attorney fees.

7) For such other relief, the Court deems just and proper.

This Opposition and Countermotion is made and based upon the papers and pleadings herein, the points and authorities submitted herewith, and any argument which may come to be adduced at the time of hearing.

Dated this 16 day of January, 2020



Kenneth Robbins, Esq.
Nevada Bar No.: 13572
"Unbundled" Attorney for Defendant

MEMORANDUM OF POINTS AND AUTHORITIES

1. Raven Morris and Brian Whittle were never married, however they have one (1) minor child from a previous relationship: Aeyani Morris, born September 16, 2012, currently 7 years old. There are no adopted children and the Defendant is not known to be pregnant.
2. The parties are in need of a custody order as they can no longer co-parent effectively with the current order in effect. The main issue is that the Plaintiff refuses to communicate with Raven about the wellbeing of the minor child.
3. Plaintiff has a history of being absent and minimally involved in the life of the minor child. When the child was first born Raven became aware that the Plaintiff was married and had another family. When the child was young Raven had to beg the Plaintiff to be involved in the life of the child, still something he rarely did. Shockingly, in 2014 the Plaintiff chose to not see the child for two years. In 2016 he began to see the child again, but only sparingly. On average he chose to

have the child in his care approximately twice a year for a few hours on each visit.

LEGAL ARGUMENT

I. CUSTODY

NRS 125C.002 addresses the considerations of the Court with regards to legal custody of a child. It provides, in pertinent part, that "When a court is making a determination regarding the legal custody of a child, there is a presumption, affecting the burden of proof, that joint legal custody would be in the best interest of a minor child if: a) The parents have agreed to an award of joint legal custody or so agree in open court at a hearing for the purpose of determining the legal custody of the minor child; or (b) a parent has demonstrated, or has attempted to demonstrate (except that the efforts are frustrated by the other parent) an intent to establish a meaningful relationship with the minor child. Here, the Plaintiff has not established much of a relationship with the child. He did not have contact with the Plaintiff from 2014 until 2016. From 2016 until October of 2019 he only saw the child a handful of times each year, which was his choice. His lack of a relationship with the child should result in Raven being awarded sole legal custody of the child.

Under the new statutes promulgated by the Nevada Legislature, prior to making an award of Physical Custody, the Court must first do an analysis as to whether it would be in a Child's best interests to grant Joint Physical Custody. However, pursuant to NRS 125C.003, there is a legal presumption that Joint Physical Custody is not in a Child's best interest if a parent has engaged in activities that are deemed detrimental to the safety and welfare of a child. Those factors include:

a. Inability to Adequately Care for Child for at Least 146 Days of the Year.

It is clear that Raven can adequately care for the minor child for at least 146 days per year. Raven has spacious and comfortable housing for the minor child. Currently she is living in a 3 bedroom residence. In the home is her sister, 11 year old son and her 4 year old daughter. Her child in this case shares a bedroom with her 4 year old sister. This living situation is spacious enough for the child to live happily.

Additionally, Raven is gainfully employed which allows her to provide for her child monetarily. She recently obtained a job at Amazon. Normally she works Wednesday through Saturday from 6:00 a.m. until 5:00 p.m. In the event that she has to work and has her child she can rely on her sister to babysit the child.

Plaintiff is the party that cannot provide stable enough housing to keep the child in his care for 146 days per year. Brian resides with his wife and her children. It is believed that his wife has 4 or 5 children. The house is so crowded that their child is forced to sleep in the living room because there is not enough space for her to sleep in a bedroom. While Brian is employed he works too much to care for the child. He works as a barber full-time over the span of 5 days per week. Then on one of his off days he does landscaping. As a result, he only has one day off per week to spend quality time with the minor child.

b. Abandonment.

There have been numerous instances in which the Plaintiff has abandoned the minor child. Raven was completely shocked that the Plaintiff filed for custody, because he has not shown much of an interest in caring for the child. Despite living approximately 1.5 miles from each other the Plaintiff elected to not see the child at all

from 2014 until 2016. Raven would have allowed the Plaintiff to see the child, but he did not reach to see the child. A reason has never been provided by the Plaintiff. His inability to care for the child consistently should prevent him from being awarded joint physical custody.

c. Domestic Violence:

When the parties were still dating Raven was a victim of domestic violence at the hands of the Plaintiff. However, Raven did not report the abuse to the police.

NRS §125C.003(4) provides: In determining the best interest of the child, the court shall consider, 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 custody.

The minor child is only 7 years old, thus she is not old enough to state her custodial preference intelligently before the Court.

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

This is not an issue.

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

It is clear that Raven will help foster a relationship between the child and the Plaintiff if she is awarded primary physical custody of the child. When the minor child was small the Plaintiff did not show much of an interest in being a father. In fact, Raven had to beg the Plaintiff to see the child. He then completely abandoned the minor child from 2014 until 2016. Despite these facts, Raven has always tried to help the Plaintiff be involved in the life of the child. From 2016 until October of 2019 Raven continually told the Plaintiff that he could see the child as he chose. He elected to

pickup the child approximately twice per year for just a few hours. These were the only times that the Plaintiff requested to see the child. The only other times that the Plaintiff would see the child was when Raven contacted him and asked him to bring the child to the barbershop that he was working at. Raven has continued to try to keep the Plaintiff involved in the life of the child, despite the fact that he has not shown much interest in being involved in the life of the child. This support Raven's request for primary physical custody of the child.

(d) The level of conflict between the parents.

Raven is focused on raising the minor child to the best of her ability, she is not concerned with any personal conflicts with the Plaintiff. The Plaintiff cannot say the same. For years the Plaintiff refused to communicate with Raven or even give her his contact information. Raven would have to communicate with his wife for some reason. Raven hopes that the Plaintiff can put his personal differences aside and focus on raising their minor child.

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

The parties have not been able to cooperate to meet the needs of the child because the Plaintiff refused to communicate with Raven until October of 2019. Prior to being ordered by the Court to communicate with Raven directly the Plaintiff refused to communicate with her. Rather, the only communication that Raven was allowed to have with the Plaintiff about their child was through his wife. In fact, there was a period of time that the Plaintiff refused to provide Raven with his contact information, he only gave her the contact information for his wife.

Now that the parties have been ordered to communicate with each other directly Raven has his phone number, but the Plaintiff still refuses to address issues of the child with her. For instance, the child is having a difficult time adjusting with spending so much time at the home of the Plaintiff. Raven thought it was a good idea to call the child periodically to ease the transition. Plaintiff continually refuses to answer the phone or when he does he will claim that he is not home and busy with the child. On Christmas for example the child informed Raven that they were at home all day when the claim was that they were out of the home.

Additionally, the Plaintiff is refusing to provide Raven with her homework. The child has a backpack that she is sent home with each day after school. She keeps her schoolwork and homework in her backpack. When the child is sent to Raven's home the backpack is void of her schoolwork and homework. Raven has mentioned this to the Plaintiff, but he refuses to send the child with her homework. Thus, Raven is now having to go to the teacher directly for the homework. Without any communication, Raven is simply guessing as to what work the child has completed while in the care of the Plaintiff. The Plaintiff's behavior is setting the child up to struggle in school. Since he cannot help the child succeed in school he should not be allowed to care for the child during the school week.

(f) The mental and physical health of the parents.

When the minor child was two years old the Plaintiff dropped her off to Raven while he was drunk and without a car seat. Recently Raven has not noticed any substance abuse issues with the Plaintiff, but it is something that should be monitored.

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

Prior to October of 2019, Raven was able to meet the physical, developmental and emotional needs of the child on her own.

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

The minor child has a close and loving relationship with Raven. The child is constantly complaining that she does not want to be in the care of the Plaintiff. The child complains that she has a strained relationship with the Plaintiff because of his wife. The child claims that the Plaintiff's wife is mean to her and treats the other children in the home better.

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

This is not an issue, the parties only have one joint child.

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

This is not an issue. Plaintiff has falsely claims that Raven has abused and neglected their child. Plaintiff has called CPS on Raven twice. Both complaints were investigated and CPS stated that both claims were unsubstantiated.

(k) Whether either parent or any other person seeking 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.

This does not apply.

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

This is not an issue.

Based on the above facts the Court should order the parties to adhere to the following visitation schedule:

-Plaintiff: Friday at 3:00 p.m. until Sunday at 9:00 a.m.

-Defendant: Sunday at 9:00 a.m. until Friday at 3:00 p.m.

-Parties should be able to contact the child via telephone at least once per day between the hours of 3:00 p.m. and 7:00 p.m.

II. CHILD SUPPORT

N.R.S. 125B.070 provides as follows:

1. As used in this section and NRS 125B.080, unless the context otherwise requires:

> (a) "Gross monthly income" means the total amount of income received each month from any source of a person who is not self-employed or the gross income from any source of a self-employed person, after deduction of all legitimate business expenses, but without deduction for personal income taxes, contributions for retirement benefits, contributions to a pension or for any other personal expenses.
>
> (b) "Obligation for support" means the sum certain dollar amount determined per the following schedule:
>
> **(1) For one child, 16 percent;**
>
> of a parent's gross monthly income, but not more than the presumptive maximum amount per month per child set forth for the parent in subsection 2 for an obligation for support determined pursuant to subparagraphs (1) to (4), inclusive, unless the court sets forth findings of fact as to the basis for a different amount pursuant to subsection 6 of NRS 125B.080

If the Defendant is awarded primary physical custody, child support should be set in accordance with NRS 125B.080 and NRS 125B.070. The Plaintiff has filed a Financial Disclosure Form, however it is invalid. The Plaintiff's Financial Disclosure Form does not include his gross monthly income, which is the main point of the document. Plaintiff has two jobs, which he needs to provide their income for. First, he is a full-time barber. Secondly, he works part-time for his landscaping business. The

Plaintiff should be ordered to provide proof of his income for both professions immediately, so the Court can calculate his child support obligation.

Additionally, the parties should equally pay for the cost of the child's health insurance and they should equally pay for any unpaid medical expenses of the minor children, pursuant to NRS125B.080(7).

III. ATTORNEY FEES

NRS 18.010 provides as follows:

2. In addition to the cases where an allowance is authorized by specific statute, the court may make an allowance of attorney's fees to a prevailing party:

(a) When he has not recovered more than $20,000.00; or

(b) Without regard to the recovery sought, when the court finds that the claim, counterclaim, cross-claim or third party complaint or defense of the opposing party was brought without reasonable ground or to harass the prevailing party.

NRS 125.150(3). Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney's fee to either party to an action for divorce if those fees are in issue under the pleadings.

Raven is entitled to attorney's fees in this action. Raven would not have had to hire a lawyer if the Plaintiff did not send her the motion to the incorrect address. Plaintiff cannot use the excuse that he sent his motion to the incorrect address without knowledge of her address. The Plaintiff had Raven personally served with a complaint at her home address.

With specific reference to Family Law matters, the Supreme Court has recently adopted "well known basic elements," which in addition to hourly time schedules kept by the attorney, are to be considered in determining the reasonable value of an attorney's services, qualities, commonly known as the *Brunzell* factors.

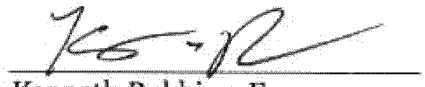
In applying the *Brunzell* factors to the present case, we respectfully submit that the qualities of Raven's attorney have been shaped by his education and experience. More

specifically, Raven's attorney holds a J.D. He is a licensed attorney in good standing with the State of Nevada. As to the character and quality of the work performed, we believe that all the filings submitted on behalf of our client by this office are adequate, both factually and legally. Considering the foregoing, Raven respectfully request an award of her attorney's fees and costs in the amount of $1,750.00.

IV. CONCLUSION

1) An Order granting the Defendant Sole Legal Custody of the minor child.
2) An Order granting the Defendant Primary Physical Custody of the minor child.
3) An Order that the Defendant pay child support pursuant to NRS 125B.080 and NRS 125B.070.
4) An Order requiring Plaintiff to pay for one half of the minor child's health insurance costs, pursuant to the "30/30" Rule.
5) An Order that Defendant claim the child for tax purposes each year.
6) An Order that the Plaintiff pay the Defendant's attorney fees.
7) For such other relief, the Court deems just and proper.

Dated this 16 day of January, 2020.



Kenneth Robbins, Esq.
Nevada Bar No.: 13572
"Unbundled" Attorney for Defendant

AFFIDAVIT OF RAVEN MORRIES IN SUPPORT OF THE DEFENDANT'S OPPOSITION & COUNTERMOTION

State of Nevada)
) ss:
County of Clark)

Raven Morris, first being duly sworn, deposes and states:

1. I am the Defendant named in the above-entitled case. I make this Affidavit in support of the Defendant's Opposition and Countermotion. The following statements are being made upon my personal knowledge of the matters set forth herein, and if called as a witness, I would testify competently thereto.
2. I, Raven Morris, attest that between 2014 and 2016 the Plaintiff did not have any contact with the child. During this period he did not request to see the child.
3. I, Raven Morris, attest that when the child was two years old the Plaintiff dropped her off while being visibly drunk and without a car seat.
4. I, Raven Morris, attest that between 2016 and October of 2019 the Plaintiff only requested to see the child approximately twice per year. I obliged and the child would see him. Per the request of the Plaintiff these visits would only last a few hours. The only other time the Plaintiff saw the child during this time period was when I would contact the Plaintiff and bring the child to his job.
5. I, Raven Morris, declare, under penalties of perjury, that I have read the **DEFENDANT'S OPPOSITION & COUNTERMOTION** and know the contents thereof; and that the same is true of my own knowledge, except those

/ / /

/ / /

matters therein contained stated upon information and belief and as to those matters, I believe them to be true and correct.

Executed this 15 day of January, 2020.

Raven Morris, Defendant

SUBSCRIBED AND SWORN to before me this 15th day of January, 2020.

NOTARY PUBLIC in and for said County of Clark and State of Nevada.

CASEY KING
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: 06-30-21
Certificate No: 17-2942-1

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1/17/2020 12:46 PM
Steven D. Grierson
CLERK OF THE COURT

MOT
Kenneth Robbins, Esq.
Nevada Bar No.: 13572
732 South 6th Street, Suite #100
Las Vegas, NV 89101
(702) 400-0000 Telephone
FamilyFirst@HalfPriceLawyers.com
"Unbundled" Attorney for Defendant

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

BRIAN WHITTLE,	)	
	)	Case No.: D-19-591074-C
Plaintiff,	)	Dept.: L
	)	
vs.	)	Hearing Date:
	)	Hearing Time:
	)	
RAVEN MORRIS.	)	**ORAL ARGUMENT REQUESTED: YES**
	)	
Defendant.	)	

DEFENDANT'S MOTION TO SET ASIDE ORDER FOR CUSTODY; ATTORNEY'S FEES & RELATED RELIEF

COMES NOW, Defendant, Raven Morris, by and through her attorney of record Kenneth Robbins, Esq., appearing in an unbundled capacity, and does file this Motion in pursuit of the following relief:

1. An Order setting aside the Order that was made by the Court on October 3, 2019;
2. For an Order that the Defendant be allowed to file an Opposition and Countermotion to the Plaintiff's Motion;

3. An Order awarding the Defendant attorney fees to be paid by the Defendant;

4. For such related relief, as is deemed just.

Respectfully submitted this 16 day of January, 2020

Kenneth Robbins, Esq.
Nevada Bar No.: 13572
"Unbundled" Attorney for Defendant

MEMORANDUM OF POINTS AND AUTHORITIES

I. FACTUAL BACKGROUND.

1. Raven Morris and Brian Whittle were never married, however they have one (1) minor child from a previous relationship: Aeyani Morris, born September 16, 2012, currently 7 years old. There are no adopted children and the Defendant is not known to be pregnant.

2. On June 12, 2019, the Plaintiff filed a Complaint for Custody with the Court. On August 17, 2019 the Defendant was personally served with the complaint and summons at her home address. The address listed on the Affidavit of Service is indeed her same address. This address is 370 Casa Norte Drive, apt 2066, North Las Vegas, Nevada 89031.

3. On August 22, 2019, Raven promptly filed an Answer and Counterclaim-Child Custody. On the same date Raven filed a certificate of service for the answer that

she had filed. She sent the answer to the Plaintiff by mail. On the document she wrote that her address was 370 Casa Norte Drive, apt 2066, North Las Vegas, Nevada 89031. Raven later learned that the clerk mistakenly neglected to include her apartment number, thus the Court was under the impression that her address was 370 Casa Norte Drive, North Las Vegas, Nevada 89031.

4. On September 26 2019, the Plaintiff filed a Motion for Orders for Temporary Custody, Visitation, and/or Child Support. Plaintiff filed a certificate of service in which he indicated that he sent Raven the motion to 370 Casa Norte Drive, apt 2066, North Las Vegas, Nevada 89031. Contradictory, he filed another certificate of service in which he stated that he sent the motion to 370 Casa Norte Drive, North Las Vegas, Nevada 89031. Raven never received the motion and thus missed the motion hearing that was held on October 3, 2019.

5. At the motion hearing the Court ordered the parties to share joint legal and joint physical custody of the minor child.

II. ARGUMENT

1. REOPENING THE ORDER OF CUSTODY

NRCP 60(b) provides as follows:

> (b) Mistakes; Inadvertence; Excusable Neglect; Fraud, Etc. On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation or other misconduct of an adverse party which would have theretofore justified a court in sustaining a collateral attack upon the judgment; (3) the judgment is void; or, (4) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that an injunction should have prospective application. The motion shall be made within a reasonable time, and for reasons (1) and

(2) not more than six months after the judgment, order, or proceeding was entered or taken. A motion under this subdivision (b) does not affect the finality of a judgment or suspend its operation. This rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order, or proceeding, or to set aside a judgment for fraud upon the court. The procedure for obtaining any relief from a judgment shall be by motion as prescribed in these rules or by an independent action.

(c) Default Judgments: Defendant Not Personally Served. When, however, a party has been personally served with summons and complaint, either in the State of Nevada or in any other jurisdiction, the party must make application to be relieved from a default, a judgment, an order, or other proceeding taken against the party, or for permission to file an answer, in accordance with the provisions of subdivision (b) of this rule.

The case of *Leslie v. Leslie*, 941 P.2 451 (Nev. 1997), provides that when the court assesses a Rule 60(b) motion, the court must analyze the request in light of the following facts: whether the movant (1) promptly applied to remove the judgement; (2) lacked intent to delay the proceedings; (3) demonstrated good faith; (4) lacked knowledge of procedural requirements; and (5) tendered a meritorious defense. The Nevada Supreme Court later eliminated the requirement that a movant tender a meritorious defense. *Epstein v. Epstein*, 113 Nev. 1401, 950 P.2d 771 (1997).

In the case at hand, it is clear that the Defendant has filed this motion in a timely manner. The order was made by the Court on October 3, 2019. Pursuant to the statute she has 6 months from the date of the order to file a timely motion to set aside. By filing this motion in January of 2020 she has met her timely obligation.

Secondly, Raven has no intent to delay the proceedings; in fact, she wishes to get this issue resolved as soon as possible. Raven has already retained counsel to draft an opposition and countermotion to the Plaintiff's motion, She has already submitted the

document to the Court in hopes that she will be provided with a hearing date sooner than later or even on the date that arguments are heard to set aside the October 3, 2019 order.

This motion is submitted in good faith because Raven never received the motion or notice of the motion hearing date at no fault of her own. All documents that Raven submitted to the Court contain her true and valid mailing address: 370 Casa Norte Drive, apt 2066, North Las Vegas, Nevada 89031. When researching how she did not receive notice of the motion hearing date she found that the Plaintiff and the court clerk are to be blamed. First, the clerk made the mistake of not including Raven's apartment number when listing her address with the Court. This is despite the fact that Raven included her apartment number on all filings that she sent to the Court. The Plaintiff is also at fault because he mailed the motion and notice of the motion hearing to the incorrect address. Plaintiff mailed the documents to 370 Casa Norte Drive, North Las Vegas, Nevada 89031. He failed to include Raven's apartment number. He should have known to include her apartment number because he had her served at her apartment and Raven included her apartment number on the answer that she sent to his residence. Raven did not have procedural knowledge of the case, because she was never given notice of either of the hearings before the court. Without knowledge of the proceedings she was unable to present her case to the Court.

The custody order is far from fair and equitable. Prior to the order being obtained Raven was the sole party that provided for the child on a daily basis, a decision that the Plaintiff made. Suddenly, and without notice the child is now living between the residences of both parties. The Plaintiff is not qualified to care for the child 50% of the time. Additionally, the order does not contain a valid child support order because the Plaintiff has failed to file a valid FDF.

Raven deserves to have her day in Court to present her case for primary physical custody and sole legal custody. She can only obtain this day in court if the Court grants this request to set aside the order given on October 3, 2019.

III. ATTORNEY FEES

NRS 18.010 provides as follows:

2. In addition to the cases where an allowance is authorized by specific statute, the court may make an allowance of attorney's fees to a prevailing party:

(a) When he has not recovered more than $20,000.00; or

(b) Without regard to the recovery sought, when the court finds that the claim, counterclaim, cross-claim or third party complaint or defense of the opposing party was brought without reasonable ground or to harass the prevailing party.

NRS 125.150(3). Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney's fee to either party to an action for divorce if those fees are in issue under the pleadings.

Raven is entitled to attorney's fees in this action. Raven would not have had to hire a lawyer if the Plaintiff did not send her the motion to the incorrect address. Plaintiff cannot use the excuse that he sent his motion to the incorrect address without knowledge of her address. The Plaintiff had Raven personally served with a complaint at her home address.

With specific reference to Family Law matters, the Supreme Court has recently adopted "well known basic elements," which in addition to hourly time schedules kept by the attorney, are to be considered in determining the reasonable value of an attorney's services, qualities, commonly known as the *Brunzell* factors.

In applying the *Brunzell* factors to the present case, we respectfully submit that the qualities of Raven's attorney have been shaped by his education and experience. More specifically, Raven's attorney holds a J.D. He is a licensed attorney in good standing with the State of Nevada. As to the character and quality of the work performed, we

believe that all the filings submitted on behalf of our client by this office are adequate, both factually and legally. Considering the foregoing, Raven respectfully request an award of her attorney's fees and costs in the amount of $1,750.00

IV. CONCLUSION.

Based upon the foregoing facts and circumstances, Plaintiff requests that this Honorable Court grant the following relief; Orders:

1. An Order setting aside the Order that was made by the Court on October 3, 2019;
2. For an Order that the Defendant be allowed to file an Opposition and Countermotion to the Plaintiff's Motion;
3. An Order awarding the Defendant attorney fees to be paid by the Defendant;
4. For such related relief, as is deemed just.

Respectfully submitted this 16 day of January, 2020.

Kenneth Robbins, Esq.
Nevada Bar No.: 13572
"Unbundled" Attorney for Defendant

AFFIDAVIT OF RAVEN MORRIES IN SUPPORT OF THE DEFENDANT'S MOTION TO SET ASIDE ORDER OF CUSTODY, ATTORNEY FEES & RELATED RELIEF

State of Nevada)
) ss:
County of Clark)

Raven Morris, first being duly sworn, deposes and states:

1. I am the Defendant named in the above-entitled case. I make this Affidavit in support of the Defendant's Motion to Set Aside Order of Custody, Attorney Fees & Related Relief. The following statements are being made upon my personal knowledge of the matters set forth herein, and if called as a witness, I would testify competently thereto.
2. I, Raven Morris, attest that in October of 2019 I learened that the clerk mistakenly entered an incorrect address. My address is 370 Casa Norte Drive, apt 2066, North Las Vegas, Nevada 89031. The clerk gave me an address of 370 Casa Norte Drive, North Las Vegas, Nevada 89031.
3. I, Raven Morris, attest that I never received anything from the Court by mail.
4. I, Raven Morris, attest that I never received the Plaintiff's motion mail or any other method prior to October 3, 2019. Additionally, I did not know there were hearings held on October 3, 2019.
5. I, Raven Morris, declare, under penalties of perjury, that I have read the Defendant's Motion to Set Aside Order of Custody, Attorney Fees & Related Relief and know the contents thereof; and that the same is true of my own

/ / /

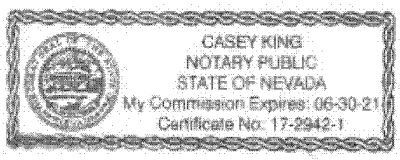
knowledge, except those matters therein contained stated upon information and belief and as to those matters, I believe them to be true and correct.

Executed this 15 day of January, 2020.

Raven Morris

Raven Morris, Defendant

SUBSCRIBED AND SWORN to before me this 15th day of January, 2020.



NOTARY PUBLIC in and for said County of Clark and State of Nevada

Electronically Filed
1/17/2020 1:11 PM
Steven D. Grierson
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA
****

Brian Lee Whittle, Plaintiff. vs. Raven Morris, Defendant.	Case No.: D-19-591074-C Department L

NOTICE OF HEARING

Please be advised that the Defendant's Motion to Set Aside Order for Custody; Attorney's Fees and Related Relief in the above-entitled matter is set for hearing as follows:

Date: February 25, 2020

Time: 9:00 AM

Location: Courtroom 06
Family Courts and Services Center
601 N. Pecos Road
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Carmelo Coscolluela
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Carmelo Coscolluela
Deputy Clerk of the Court

Electronically Filed
1/21/2020 10:05 AM
Steven D. Grierson
CLERK OF THE COURT

CSERV
Kenneth M. Robbins, Esq.
Nevada Bar No.: 13572
732 South 6th Street, Suite #100
Las Vegas, NV 89101
(702) 400-0000 Telephone
FamilyFirst@HalfPriceLawyers.com
"Unbundled" Attorney for Defendant

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

BRIAN WHITTLE, Plaintiff, vs. RAVEN MORRIS, Defendant.	Case No.: D-19-591074-C Dept.: L **CERTIFICATE OF SERVICE**

I hereby certify that on the 21 day of January, 2020, the foregoing ***OPPOSITION AND COUNTERMOTION, NOTICE OF HEARING,*** and ***DEFENDANT'S MOTION TO SET ASIDE ORDER FOR CUSTODY; ATTORNEY'S FEES & RELATED*** was served upon the following persons and entities entitled to notice, by mailing a true and completed copy thereof, via first class mail, to the following at their last known addresses

Brian Lee Whittle
717 Count Ave
N. Las Vegas, NV 89030
Paintiff

Dated this 21 day of January, 2020.

Legal Assistant

THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
141 - 151
WILL FOLLOW VIA
U.S. MAIL

Electronically Filed
2/11/2020 3:50 PM
Steven D. Grierson
CLERK OF THE COURT

MOT
Kenneth M. Robbins, Esq.
Nevada Bar #13572
732 South 6th Street, Suite #100
Las Vegas, NV 89101
(702) 400-0000 Telephone
FamilyFirst@HalfPriceLawyers.com
"Unbundled" Attorney for Defendant

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

BRIAN LEE WHITTLE,	) Case No.: D-19-591074-C
	) Dept. No.: L
Plaintiff,	)
	) Trial Date: March 5, 2020
vs.	) Trial Time: 1:30 p.m.
	)
RAVEN MORRIS,	) ORAL ARGUMENT REQUESTED: YES
	)
Defendant	) **NOTICE AND MOTION FOR CONTINUANCE**

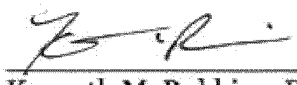
NOTICE OF MOTION

YOU AND EACH OF YOU WILL TAKE NOTICE that on the _____ day of _____, 2020, at _____ o'clock _____ a.m. / p.m. of said day that or as soon thereafter as counsel may be heard before Department L of the Eighth Judicial District Court Family Division - located at 601 Pecos Road, Las Vegas, Nevada.

NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN 10 DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN 10 DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING DATE.

COMES NOW, Kenneth M. Robbins, Esq., attorney for Defendant, Raven Morris hereby requests an Order granting a continuance for discovery, calendar call, trial and all deadlines in this matter. This motion is brought in good faith and is based on the attached Points and Authorities, Declaration of Counsel, the papers and pleadings on file herein, and such further evidence and argument that may be requested.

Dated this 10 day of February, 2020



Kenneth M. Robbins, Esq.
Nevada Bar #13572
"Unbundled" Attorney for Defendant

POINTS AND AUTHORITIES

Rule 7.30 of the Rules of Practice for the Eighth Judicial District Court of the State of Nevada states, "Any party may, for good cause, move the court for an order continuing the day set for trial of any cause. A motion for continuance of a trial must be supported by affidavit except where it appears to the court that the moving party did not have the time to prepare an affidavit, in which case counsel for the moving party need only be sworn and orally testify to the same factual matters as required for an affidavit. Counter-affidavits may be used in opposition to the motion." The motion seeks to continue the discovery date, calendar call date and trial date on this matter.

FACTS AND ARGUMENT

Currently, Discovery closed February 13, 2020, Calendar Call is scheduled for February 18, 2020 at 11:00 a.m., Pre-Trial Memorandum is due February 27, 2020, and Trial is scheduled for March 5 ,2020 at 1:30 p.m.

///

That neither party has propounded Discovery to the opposing party.

Attorney Kenneth M. Robbins also has a scheduling conflict for March 5, 2020. at 1:30 p.m. Mr. Robbins currently has a trial scheduled for March 5, 2020 at 1:30 p.m., in Department F.

Defendant, Raven Morris retained attorney Kenneth M. Robbins on January 29, 2020 and requests a continuance of 90 days on the Discovery due date; 90 days for all other deadlines; and 90 Days for the Trial as our office will need additional time to prepare for Trial.

Dated this 10 day of February, 2020.

Kenneth M. Robbins, Esq.
Nevada Bar #13572
"Unbundled" Attorney for Defendant

AFFIDAVIT OF COUNSEL

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

COMES NOW, Kenneth M. Robbins, Esq., and affies:

1) I am Counsel for Defendant, Raven Morris, in the above captioned case.

2) Defendant, Raven Morris retained attorney Kenneth M. Robbins on January 29, 2020.

3) I have a scheduling conflict for March 5, 2020 at 1:30 p.m., I currently have a trial scheduled for the same day and time in Department F.

4) It is impossible for me to prepare and represent Defendant without a continuance.

I swear under penalty of perjury, under the laws of the State of Nevada, the foregoing is true and correct.

Dated this 18 day of February, 2020.

Kenneth M. Robbins, Esq.
Nevada Bar No.: 13572
"Unbundled" Attorney for Defendant

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

BRIAN LEE WHITTLE Plaintiff/Petitioner v. RAVEN MORRIS Defendant/Respondent	Case No. D-19-591074-C Dept. L **MOTION/OPPOSITION FEE INFORMATION SHEET**

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of $25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of $129 or $57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the $25 or $0 filing fee in the box below.

☐ **$25** The Motion/Opposition being filed with this form is subject to the $25 reopen fee.

-OR-

X **$0** The Motion/Opposition being filed with this form is not subject to the $25 reopen fee because:

- ☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
- ☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
- ☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
- ☐ Other Excluded Motion (must specify) _____.

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

X **$0** The Motion/Opposition being filed with this form is not subject to the $129 or the $57 fee because:

- ☐ The Motion/Opposition is being filed in a case that was not initiated by joint petition.
- ☐ The party filing the Motion/Opposition previously paid a fee of $129 or $57.

-OR-

☐ **$129** The Motion being filed with this form is subject to the $129 fee because it is a motion to modify, adjust or enforce a final order.

-OR-

☐ **$57** The Motion/Opposition being filing with this form is subject to the $57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of $129.

Step 3. Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:
☐**X0** ☐**$25** ☐**$57** ☐**$82** ☐**$129** ☐**$154**

Party filing Motion/Opposition: DEFENDANT Date 2/11/2020

Signature of Party or Preparer _____

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2/11/2020 3:50 PM
Steven D. Grierson
CLERK OF THE COURT

Kenneth M. Robbins Esq.
Nevada Bar No.: 13572
732 South 6th Street, Suite #100
Las Vegas, NV 89101
(702) 400-0000 Telephone
(702) 400-0001 Facsimile
FamilyFirst@HalfPriceLawyers.com
"Unbundled" Attorney for Defendant

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

BRIAN LEE WHITTLE, Plaintiff, vs. RAVEN MORRIS, Defendant	Case No.: D-19-591074-C Dept.: L **DEFENDANT'S LIST OF WITNESSES**

COMES NOW, Defendant, Raven Morris by and through her attorney, Kenneth M. Robbins, Esq., appearing in an unbundled capacity, and hereby designates the following witnesses at trial:

LIST OF WITNESSES PROVIDED BY DEFENDANT

RAVEN MORRIS
c/o Kenneth M. Robbins
HALF PRICE LAWYERS
732 South 6th Street, Suite 100
Las Vegas, Nevada 89101
(702-400-0000)

Defendant, Raven Morris is anticipated to testify regarding the facts and circumstances of this case.

///

///

BRIAN LEE WHITTLE
In Proper Person
717 Count Avenue
North Las Vegas, Nevada 89030
(725-400-8328)

Plaintiff, Brian Lee Whittle is anticipated to testify regarding the facts and circumstances of this case.

PORSHAY MORRIS
4730 East Craig Road
Las Vegas Nevada 89115
(702-782-3399)

Porshay Morris is Defendant's sister and is anticipated to testify regarding the facts and circumstances of this case.

ROBIN MORRIS
4730 East Craig Road
Las Vegas, Nevada 89115
(702-782-3399)

Robin Morris is Defendant's mother and is anticipated to testify regarding the facts and circumstances of this case.

KIM HANNAH
3924 Quiet Pine Street, Unit 202
Las Vegas, Nevada 89108
(702-824-1143)

Kim Hannah is Defendant's friend of over seven years and is anticipated to testify regarding the facts and circumstances of this case.

1. All witnesses listed by any other party to this litigation in its Disclosure of witnesses and exhibits or called at the time of trial.

///

///

///

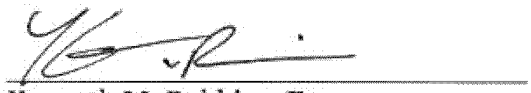
///

///

///

2. Defendant reserves the right to supplement this list of witnesses as other witnesses are discovered and as rebuttal witnesses are found and to additionally call any and all of the Plaintiff's witnesses as her own.

Dated this 11 day of February, 2020.



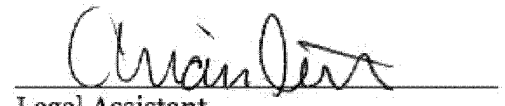
Kenneth M. Robbins, Esq.
Nevada Bar No.: 13572
"Unbundled" Attorney for Defendant

CERTIFICATE OF SERVICE

II hereby certify that on the 11 day of February, 2020, the foregoing **DEFENDANT'S LIST OF WITNESSES** was served upon the following persons and entities entitled to notice, by mailing a true and completed copy thereof, via US Mail, first class mail, postage prepaid, To the following at their last known addresses

BRIAN LEE WHITTLE
717 Count Avenue
North Las Vegas, NV 89030
Plaintiff in Proper Person

Dated this 11 day of February, 2020.



Legal Assistant

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2/12/2020 7:33 AM
Steven D. Grierson
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA
****

Brian Lee Whittle, Plaintiff. vs. Raven Morris, Defendant.	Case No.: D-19-591074-C Department L

NOTICE OF HEARING

Please be advised that the Deft's Notice and Motion for Continuance in the above-entitled matter is set for hearing as follows:

Date: March 19, 2020

Time: 9:00 AM

Location: Courtroom 06
Family Courts and Services Center
601 N. Pecos Road
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Carmelo Coscolluela
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Carmelo Coscolluela
Deputy Clerk of the Court

Electronically Filed
2/13/2020 10:43 AM
Steven D. Grierson
CLERK OF THE COURT

CSERV
Kenneth M. Robbins, Esq.
Nevada Bar No.: 13572
732 South 6th Street, Suite #100
Las Vegas, NV 89101
(702) 400-0000 Telephone
FamilyFirst@HalfPriceLawyers.com
"Unbundled" Attorney for Defendant

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

BRIAN LEE WHITTLE, Plaintiff, vs. RAVEN MORRIS, Defendant	Case No.: D-19-591074-C Dept.: L **CERTIFICATE OF SERVICE**

I hereby certify that on the 13 day of February, 2020, the foregoing ***NOTICE OF HEARING* and *NOTICE AND MOTION FOR CONTINUANCE*** was served upon the following persons and entities entitled to notice, by mailing a true and completed copy thereof, via first class mail, to the following at their last known addresses

BRIAN WHITTLE
717 Count Avenue
North Las Vegas, Nevada 89030
Plaintiff in Proper Person

Dated this 13 day of February, 2020.

Legal Assistant

EXMT
Kenneth M. Robbins Esq.
Nevada Bar No.: 13572
732 South 6th Street, Suite #100
Las Vegas, NV 89101
(702) 400-0000 Telephone
(702) 400-0001 Facsimile
FamilyFirst@HalfPriceLawyers.com
"Unbundled" Attorney for Defendant

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

BRIAN LEE WHITTLE,	)	
	)	
Plaintiff,	)	Case No.: D-19-591074-C
	)	Dept. No.: L
vs.	)	
	)	ORAL ARGUMENT REQUESTED: YES
RAVEN MORRIS,	)	
	)	Trial Date: March 5, 2020
Defendant	)	Hearing Time: 1:30 p.m.

***EX PARTE* MOTION TO SHORTEN TIME**

COMES NOW, Kenneth M. Robbins, Esq., attorney for Defendant, Raven Morris, and hereby requests that her Motion for Continuance, currently set for hearing on March 19, 2020 at 9:00 a.m., before Department L of the above captioned Court, be granted and Order Shortening Time pursuant to EDCR 2.26, as exigent circumstances exist as detailed below and in the attached affidavit of Counsel.

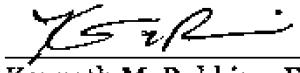
Rule 2.26. Shortening time, provides:

> Ex parte motions to shorten time may not be granted except upon an unsworn declaration under penalty of perjury or affidavit of counsel describing the circumstances claimed to constitute good cause and justify shortening of time. If a motion to shorten time is granted, it must be served upon all parties promptly. An order which shortens the notice of a hearing

to less than 10 days may not be served by mail. In no event may the notice of the hearing of a motion be shortened to less than 1 full judicial day.

Defendant, Raven Morris retained attorney Kenneth M. Robbins on January 29, 2020 to represent her at the Evidentiary hearing scheduled for March 5, 2020 at 1:30 p.m. Mr. Robbins requests a continuance of 90 days on the Discovery due dates; 90 days for all other deadlines; and 90 Days for the Trial as our office will need additional time to prepare for Trial. Further, Mr. Robbins has a schedule conflict for March 5, 2020 at 1:30 p.m., as he currently has a trial scheduled for the same day and time in Department F.

Dated this 13 day of February, 2020.



Kenneth M. Robbins, Esq.
Nevada Bar #13572
"Unbundled" Attorney for Defendant

AFFIDAVIT OF COUNSEL

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

COMES NOW, Kenneth M. Robbins, Esq., and affies:

1. I am duly licensed, practicing attorney in the State of Nevada, and maintain offices at 732 South 6th Street, Suite #100, Las Vegas, Nevada 89101.
2. Defendant, Raven Morris retained attorney Kenneth M. Robbins on January 29, 2020.
3. I have a scheduling conflict for March 5, 2020 at 1:30 p.m., I currently have a trial scheduled for the same day and time in Department F.
4. It is impossible for me to prepare and represent Defendant without a continuance.
5. That his motion is made in good faith and not for reasons of delay.

I swear under penalty of perjury under the laws of the State of Nevada the foregoing is true and correct.

Dated this 13 day of February, 2020.

Kenneth M. Robbins, Esq.
Nevada Bar No.: 13572

Electronically Filed
2/24/2020 9:41 AM
Steven D. Grierson
CLERK OF THE COURT

CMO

DISTRICT COURT

CLARK COUNTY, NEVADA

Brian Lee Whittle, Plaintiff vs. Raven Morris, Defendant	Case No.: D-19-591074-C Department L

CASE AND TRIAL MANAGEMENT ORDER

This matter having come on for a hearing on February 18, 2020 in the Family Division, Department L, of the Eighth Judicial District Court, County of Clark. This Case and Trial Management Order sets forth significant dates and times for future proceedings in this case. It is the responsibility of the attorneys, or the litigants (when appearing in proper person), to comply with the following deadlines and to appear for the following required proceedings:

Trial Date: June 8, 2020 at 9:00 AM (Half day)(Stack 2)

Calendar Call: May 28, 2020 at 11:00 AM

Pre-Trial Memorandum/Brief due date: June 1, 2020

Discovery Due Date: May 18, 2020

Other deadlines are contained herein.

DAVID S. GIBSON, JR.
DISTRICT JUDGE
FAMILY DIVISION, DEPT L
LAS VEGAS, NV 89101-2408

Plaintiff, Brian Lee Whittle, was present in Proper Person, and Defendant, Raven Morris, was present and represented by Counsel, Kenneth Robbins, Esq., and the Court being fully advised in the premises, both as to subject matter as well as the parties thereto, and that jurisdiction is proper in Nevada, and good cause appearing, the court makes the following findings:

The nature of this action is a Complaint for Custody. In the above stated action all claims for relief and all defenses asserted are contained within the Complaint, filed June 12, 2019 and the Answer and Counterclaim, filed August 22, 2019 which are incorporated herein by reference.

Discovery Plan:

The parties shall participate in the discovery process in good faith and may utilize all discovery methods, consistent with NRCP 16.2.

Pursuant to NRCP 16.2(c) and (d) or 16.205(c) and (d), parties shall make all initial disclosures within thirty (30) days of service of the summons and complaint. Initial disclosures shall be made without awaiting a discovery request.

Each party may designate witnesses as long as the other party receives sufficient notice of this designation to allow discovery relating to the witness. All witnesses must be designated by April 24, 2020.

DAVID S. GIBSON, JR.
DISTRICT JUDGE
FAMILY DIVISION, DEPT. L
LAS VEGAS, NV 89101-2408

The deadline for the parties in this case to file a motion to amend the pleadings or add parties is April 24, 2020. The deadline for the parties to disclose the identity of any expert witnesses who will testify at trial is March 10, 2020. If a party designates an expert witness, the other party may designate an expert within fourteen (14) days of the initial disclosure. The deadline for the parties to file dispositive motions and motions in limine is June 1, 2020.

Counsel or proper person litigants are to provide the following to opposing counsel/proper person litigant: witness lists, exhibit lists, and any other discover items sought to be introduced at Trial. Failure to provide the foregoing may result in such exhibits or evidence being excluded or other appropriate court-imposed sanctions.

Each party's Pre-Trial Memorandum shall be filed on or before June 1, 2020, and a copy of the same is to be hand-delivered to the Judge's chambers and served on opposing counsel the same day. The Pre-Trial memorandum shall substantially comply with the form attached hereto including the Marital Balance Sheet. **Failure to submit the Pre-Trial Memorandum on or before this date, absent the Court's approval, may result in the trial date being vacated and the matter rescheduled in ordinary course and/or sanctions.**

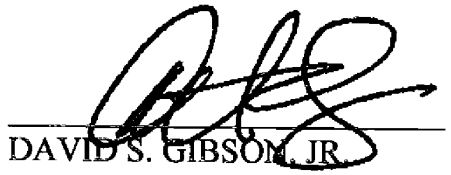
Any and all Exhibits to be used at trial must be delivered to chambers at least three (3) judicial days prior to trial.

DAVID S. GIBSON, JR.
DISTRICT JUDGE
FAMILY DIVISION, DEPT I.
LAS VEGAS, NV 89101-2408

Trial is set for June 8, 2020 at 9:00 AM. Absent stipulation of the parties (and good cause appearing therefore), no continuances will be granted to either party unless written application is made to the Court, served upon opposing counsel, and a hearing held prior to trial. If this matter settles, please advise the Court as soon as possible.

IT IS HEREBY ORDERED that the above-stated findings are hereby adopted and confirmed as an order of this Court.

DATED this 24th day of February, 2020.



DAVID S. GIBSON, JR.
District Judge
Department L

DAVID S. GIBSON, JR.
DISTRICT JUDGE
FAMILY DIVISION, DEPT L
LAS VEGAS, NV 89101-2408

NOA
KENNETH M. ROBERTS, ESQ.
Nevada Bar No. 004729
DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway
Henderson, Nevada 89074
Telephone: (702) 388-1216
Facsimile: (702) 388-2514
Email: KenRoberts@drsltd.com
Attorneys for Plaintiff
BRIAN WHITTLE

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

BRIAN WHITTLE, Plaintiff, v. RAVEN MORRIS, Defendant.	Case No. D-19-591074-C Department L **NOTICE OF APPEARANCE**

TO: Defendant, RAVEN MORRIS, and her counsel, KENNETH M. ROBBINS, ESQ.

PLEASE TAKE NOTICE that KENNETH M. ROBERTS, ESQ. of the law firm, DEMPSEY, ROBERTS & SMITH, LTD., has been retained and will be representing the Plaintiff in the above-entitled case.

////

////

////

Please provide all correspondence to KENNETH M. ROBERTS, ESQ., at 1130 Wigwam Parkway, Henderson, Nevada 89074. You may reach Mr. Roberts by telephone at (702) 388-1216 or by email at KenRoberts@drsltd.com.

Dated this 9th day of April, 2020.

By: _____
KENNETH M. ROBERTS, ESQ.
Nevada Bar No. 004729
1130 Wigwam Parkway
Henderson, Nevada 89074
Attorneys for Plaintiff
BRIAN WHITTLE

CERTIFICATE OF E-SERVICE

Pursuant to N.R.C.P. 5(b) and Eighth Judicial District Court Administrative Order 14-2, I hereby certify that I am an employee of DEMPSEY, ROBERTS & SMITH, LTD., and that service of the foregoing Notice of Appearance will be made on Defendant by e-service through the Odyssey system of the Clark County, Nevada, Eighth Judicial District Court e-filing service, at the e-filing of this document, which is to be filed on the 9th day of April, 2020, to:

Kenneth M. Robbins, Esq.
HALF-PRICE LAWYERS
732 South 6th Street, Suite 100
Las Vegas, NV 89101

/s/ Natalie S. Spencer
Natalie S. Spencer, an Employee of
DEMPSEY, ROBERTS & SMITH, LTD.

DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway • Henderson, Nevada 89074
(702) 388-1216 • Fax: (702) 388-2514

Electronically Filed
5/12/2020 3:39 PM
Steven D. Grierson
CLERK OF THE COURT

CSERV
Kenneth M. Robbins, Esq.
Nevada Bar No.: 13572
732 South 6th Street, Suite #100
Las Vegas, NV 89101
(702) 400-0000 Telephone
FamilyFirst@HalfPriceLawyers.com
"Unbundled" Attorney for Defendant

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

BRIAN WHITTLE, Plaintiff, vs. RAVEN MORRIS, Defendant.	Case No.: D-19-591074-C Dept.: L **CERTIFICATE OF SERVICE**

I hereby certify that on the 12th day of May, 2020, the foregoing **DEFENDANT'S ANSWERS TO PLAINTIFF'S REQUEST FOR ADMISSIONS** as served upon the following persons and entities entitled to notice, by mailing a true and completed copy thereof, via first class mail, to the following at their last known addresses:

KEN ROBERTS, ESQ.
KenRoberts@drsltd.com
NatalieSpencer@drsltd.com
Attorney for Plaintiff

Dated this 12th day of May, 2020.

Legal Assistant

Electronically Filed
5/14/2020 9:38 AM
Steven D. Grierson
CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

****

BRIAN LEE WHITTLE, **PLAINTIFF.** **VS.** **RAVEN MORRIS, DEFENDANT.**	**CASE NO: D-19-591074-C** **DEPARTMENT L**

NOTICE OF RESCHEDULING OF HEARING

Please be advised that the date and time of a hearing set before the **Honorable DAVID GIBSON, JR.** has been changed. The **Calendar Call** presently scheduled for ; **May 28, 2020, at 11:00 AM,** has been rescheduled to the; **29th day of May, 2020, at 11:00 AM in Courtroom 23.**

HONORABLE DAVID GIBSON, JR.

By: _____
Connie Avila
Judicial Executive Assistant

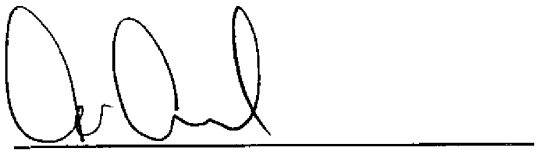
CERTIFICATE OF SERVICE

I hereby certify that on the above file-stamped date, I caused the foregoing Notice to be served by ☐facsimile, by ☐placing a copy in the attorney's folder in the Court clerk's office, or by ☐mailing, to:

Brian Lee Whittle
717 Count AVE
North Las Vegas, NV 89030

Raven Morris
370 Casa Norte DR APT 2066
North Las Vegas, NV 89031

Kenneth Robbins, ESQ.



Connie Avila
Judicial Executive Assistant
Department L

Electronically Filed
5/29/2020 12:00 PM
Steven D. Grierson
CLERK OF THE COURT

SAO
Kenneth M. Robbins, Esq.
Nevada Bar No. 13572
732 South 6th Street, Suite #100
Las Vegas, NV 89101
(702) 400-0000 Telephone
(702) 425-1156 Facsimile
FamilyFirst@HalfPriceLawyers.com
"Unbundled" Attorney for Defendant

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

BRIAN WHITTLE, Plaintiff vs. RAVEN MORRIS, Defendant.	Case No.: D-19-591074-C Dept.: L **STIPULATION AND ORDER TO CONTINUE EVIDENTIARY HEARING SCHEDULED FOR June 8, 2020**

COMES NOW, Defendant, Raven Morris by and through her attorney of record, Kenneth M. Robbins, Esq., appearing in an unbundled capacity, and Plaintiff, Brian Whittle, by and through his attorney of record, Kenneth Roberts, Esq., the following:

IT IS HEREBY STIPULATED that the Evidentiary Hearing scheduled for June 8, 2020 at 9:00 a.m., shall be continued for a period of sixty (60) days to the Court's next trial setting due to Administrative Order 20-11, dated March 25, 2020 and Administrative Order 20-13 dated April 17, 2020.

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IT IS FURTHER STIPULATED that the Calendar Call currently scheduled for May 29, 2020 at 11:00 a.m., in Courtroom 23, shall be vacated and re-scheduled.

IT IS FURTHER STIPULATED that the parties agree to extend the discovery period and related deadlines commensurate with the continued Evidentiary Hearing date.

Submitted this 26 day of May, 2020.

KENNETH M. ROBBINS, ESQ.
HALF PRICE LAWYERS
Nevada Bar No.: 13572
732 South 6th Street, Suite #100
Las Vegas, NV 89101
(702) 400-0000
"Unbundled" Attorney for Defendant

Approved as to Content and Form this 22 day of May, 2020.

KENNETH ROBERTS, ESQ.
DEMPSEY, ROBERTS & SMITH, LTD
Nevada Bar No.:4729
1130 Wigwam Parkway
Henderson, NV 89074
(702) 388-1216
Attorneys for Plaintiff

ORDER

IT IS HERBY ORDERED that based on the foregoing STIPULATION, that the Evidentiary Hearing currently scheduled for June 8, 2020 at 9:00 a.m., shall be rescheduled to be heard on the 7th day of August, 2020 at the hour of 9A m, ___ m., before the Eighth Judicial District Court, Family Division, located at 601 North Pecos, Las Vegas, Nevada before Department L.

IT IS HERBY ORDERED that based on the foregoing STIPULATION, that the Calendar Call currently scheduled for May 29, 2020 at 11:00 a.m., shall be vacated and rescheduled to be heard on the 23rd day of July, 2020 at the hour of 11A m, ___ m., before the Eighth Judicial District Court, Family Division, located at 601 North Pecos, Las Vegas, Nevada before Department L.

IT IS FURTHER ORDERED that Pre-Trial Memorandum shall be filed on or before the 16th day of July, 2020 a copy of same is to be hand-delivered to Judge's chambers and served on opposing counsel the same day. Failure to submit the Pre-Trial Memorandum on or before this date, absent the Court's approval, will result in the trial date being vacated and the matter rescheduled in ordinary course and/or sanctions.

IT IS FURTHER ORDERED that all discovery shall be completed no later than the 13th day of July 2020. Any and all Exhibits must be bound, tabbed and individually page numbered or Bates stamped consistent with each other and delivered to chambers on or about the 16th day of July 2020. All documents and exhibits must have been previously disclosed according to Rule 16.2 or through formal discovery.

IT IS SO ORDERED this 29th day of May, 2020.

Hon. David Gibson, Jr.

Respectfully submitted:

Kenneth M. Robbins, Esq.
Nevada Bar No. 13572
732 South 6th Street, Suite #100
Las Vegas, NV 89101
(702) 400-0000 Telephone
(702) 425-1156 Facsimile
FamilyFirst@HalfPriceLawyers.com
"Unbundled" Attorney for Defendant

Electronically Filed
6/1/2020 4:53 PM
Steven D. Grierson
CLERK OF THE COURT

NTSO
Kenneth M. Robbins, Esq.
Nevada Bar No.: 13572
732 South 6th Street, Suite #100
Las Vegas, NV 89101
(702) 400-0000 Telephone
(702) 400-0001 Facsimile
FamilyFirst@HalfPriceLawyers.com
"Unbundled" Attorney for Defendant

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

BRIAN WHITTLE, Plaintiff, vs. RAVEN MORRIS, Defendant.	)))))))))	Case No.: D-19-591074-C Dept. No.: L **NOTICE OF ENTRY OF STIPULATION AND ORDER**

PLEASE TAKE NOTICE that the ***Stipulation and Order to Continue Evidentiary Hearing Scheduled for June 8, 2020*** was entered in the above-entitled action on the 29th day of May, 2020; a copy of which is attached hereto and made apart hereof.

Dated this 1st day of June, 2020.

/s/Kenneth M. Robbins, Esq.
Kenneth M. Robbins, Esq.
Nevada Bar No.: 13572
"Unbundled" Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of June, 2020, the foregoing **NOTICE OF ENTRY OF ORDER** was served upon the following persons and entities entitled to notice, by mailing a true and completed copy thereof, via US Mail, first class mail, postage prepaid, or by electronic service via the Eighth Judicial District Court E-Filing System to the following at their last known addresses:

KEN ROBERTS, ESQ.
KenRoberts@drsltd.com
NatalieSpencer@drsltd.com
Attorney for Plaintiff

RAVEN MORRIS
370 Casa Norte Drive #2066N
Las Vegas NV 89031
Defendant

Dated this 1st day of June, 2020.

/s/Ariana Centeno
Legal Assistant

Electronically Filed
5/29/2020 12:00 PM
Steven D. Grierson
CLERK OF THE COURT

SAO
Kenneth M. Robbins, Esq.
Nevada Bar No. 13572
732 South 6th Street, Suite #100
Las Vegas, NV 89101
(702) 400-0000 Telephone
(702) 425-1156 Facsimile
FamilyFirst@HalfPriceLawyers.com
"Unbundled" Attorney for Defendant

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

BRIAN WHITTLE, Plaintiff vs. RAVEN MORRIS, Defendant.	Case No.: D-19-591074-C Dept.: L **STIPULATION AND ORDER TO CONTINUE EVIDENTIARY HEARING SCHEDULED FOR June 8, 2020**

COMES NOW, Defendant, Raven Morris by and through her attorney of record, Kenneth M. Robbins, Esq., appearing in an unbundled capacity, and Plaintiff, Brian Whittle, by and through his attorney of record, Kenneth Roberts, Esq., the following:

IT IS HEREBY STIPULATED that the Evidentiary Hearing scheduled for June 8, 2020 at 9:00 a.m., shall be continued for a period of sixty (60) days to the Court's next trial setting due to Administrative Order 20-11, dated March 25, 2020 and Administrative Order 20-13 dated April 17, 2020.

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///

IT IS FURTHER STIPULATED that the Calendar Call currently scheduled for May 29, 2020 at 11:00 a.m., in Courtroom 23, shall be vacated and re-scheduled.

IT IS FURTHER STIPULATED that the parties agree to extend the discovery period and related deadlines commensurate with the continued Evidentiary Hearing date.

Submitted this 26 day of May, 2020.

KENNETH M. ROBBINS, ESQ.
HALF PRICE LAWYERS
Nevada Bar No.: 13572
732 South 6th Street, Suite #100
Las Vegas, NV 89101
(702) 400-0000
"Unbundled" Attorney for Defendant

Approved as to Content and Form this 22 day of May, 2020.

KENNETH ROBERTS, ESQ.
DEMPSEY, ROBERTS & SMITH, LTD
Nevada Bar No.:4729
1130 Wigwam Parkway
Henderson, NV 89074
(702) 388-1216
Attorneys for Plaintiff

ORDER

IT IS HERBY ORDERED that based on the foregoing STIPULATION, that the Evidentiary Hearing currently scheduled for June 8, 2020 at 9:00 a.m., shall be rescheduled to be heard on the 7th day of August, 2020 at the hour of 9A m, ___ m., before the Eighth Judicial District Court, Family Division, located at 601 North Pecos, Las Vegas, Nevada before Department L.

IT IS HERBY ORDERED that based on the foregoing STIPULATION, that the Calendar Call currently scheduled for May 29, 2020 at 11:00 a.m., shall be vacated and rescheduled to be heard on the 23rd day of July, 2020 at the hour of 11A m, ___ m., before the Eighth Judicial District Court, Family Division, located at 601 North Pecos, Las Vegas, Nevada before Department L.

IT IS FURTHER ORDERED that Pre-Trial Memorandum shall be filed on or before the 16th day of July, 2020 a copy of same is to be hand-delivered to Judge's chambers and served on opposing counsel the same day. Failure to submit the Pre-Trial Memorandum on or before this date, absent the Court's approval, will result in the trial date being vacated and the matter rescheduled in ordinary course and/or sanctions.

IT IS FURTHER ORDERED that all discovery shall be completed no later than the 13th day of July 2020. Any and all Exhibits must be bound, tabbed and individually page numbered or Bates stamped consistent with each other and delivered to chambers on or about the 16th day of July 2020. All documents and exhibits must have been previously disclosed according to Rule 16.2 or through formal discovery.

IT IS SO ORDERED this 29th day of May, 2020.

Hon. David Gibson, Jr.

Respectfully submitted:

Kenneth M. Robbins, Esq.
Nevada Bar No. 13572
732 South 6th Street, Suite #100
Las Vegas, NV 89101
(702) 400-0000 Telephone
(702) 425-1156 Facsimile
FamilyFirst@HalfPriceLawyers.com
"Unbundled" Attorney for Defendant

Electronically Filed
6/15/2020 3:11 PM
Steven D. Grierson
CLERK OF THE COURT

CSERV
Kenneth M. Robbins, Esq.
Nevada Bar No.: 13572
732 South 6th Street, Suite #100
Las Vegas, NV 89101
(702) 400-0000 Telephone
FamilyFirst@HalfPriceLawyers.com
"Unbundled" Attorney for Defendant

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

BRIAN WHITTLE, Plaintiff, vs. RAVEN MORRIS, Defendant.	Case No.: D-19-591074-C Dept.: L **CERTIFICATE OF SERVICE**

I hereby certify that on the 15 day of June, 2020, the foregoing **DEFENDANT'S RESPONSE TO PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS** as served upon the following persons and entities entitled to notice, by mailing a true and completed copy thereof, via first class mail, to the following at their last known addresses:

KEN ROBERTS, ESQ.
KenRoberts@drsltd.com
NatalieSpencer@drsltd.com
Attorney for Plaintiff

Dated this 15 day of June, 2020.

Legal Assistant

Electronically Filed
6/29/2020 5:38 PM
Steven D. Grierson
CLERK OF THE COURT

CSERV
Kenneth M. Robbins, Esq.
Nevada Bar No.: 13572
732 South 6th Street, Suite #100
Las Vegas, NV 89101
(702) 400-0000 Telephone
FamilyFirst@HalfPriceLawyers.com
"Unbundled" Attorney for Defendant

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

BRIAN WHITTLE, Plaintiff, vs. RAVEN MORRIS, Defendant.	Case No.: D-19-591074-C Dept.: L **CERTIFICATE OF SERVICE**

I hereby certify that on the 29th day of June, 2020, the foregoing **RESPONSE TO PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT** was served upon the following persons and entities entitled to notice, by providing a true and completed copy thereof, via the Eighth Judicial District Court E-Filing System to the following at their last known addresses

KEN ROBERTS, ESQ.
KenRoberts@drsltd.com
NatalieSpencer@drsltd.com
Attorney for Plaintiff

Dated this 29th day of June, 2020.

/s/Ariana Centeno
Legal Assistant

Electronically Filed
7/21/2020 11:24 AM
Steven D. Grierson
CLERK OF THE COURT

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

BRIAN LEE WHITTLE,

Plaintiff,

vs. Case No. D-19-591074-C

Dept. No. I

RAVEN MORRIS,

Defendant,

_____/

ORDER RE-SETTING EVIDENTIARY HEARING

NOTICE: This Order sets forth critical dates and times for **important** proceedings in this case. It is the responsibility of the attorneys for the litigants or litigants appearing in proper person to meet the deadlines and to appear for the following required proceedings:

NEW EVIDENTIARY HEARING DATE:

WEDNESDAY, FEBRUARY 17, 2021 at 1:30pm

(Stack #1)

(Evidentiary Hearing rescheduled from August 7, 2020 at 9:00am, due to COVID-19)

CALENDAR CALL DATE:

WEDNESDAY, JANUARY 20, 2021 at 9:00am

(Calendar Call rescheduled from July 23, 2020 at 11am due to COVID-19)

CHERYL B. MOSS
DISTRICT JUDGE
FAMILY DIVISION, DEPT. I
601 North Pecos Road
LAS VEGAS, NV 89101-2408

The failure to appear for the Evidentiary Hearing Date may result in a dismissal of the case, a default judgment against the non-appearing party, or other appropriate sanctions, consistent with EDCR 2.69.

IT IS HEREBY ORDERED that the Evidentiary Hearing Brief outlining the issues to be addressed at the Evidentiary Hearing shall be filed at least three (3) judicial days prior to the Evidentiary Hearing or unless specified by the Court. Unless all issues have been fully resolved, the failure of one party to timely submit an Evidentiary Hearing brief will result in the issuance of sanctions of $150.00 A copy of same is to be hand-delivered to the Judge's chambers and served on opposing counsel the same day.

IT IS FURTHER ORDERED that all discovery shall be completed not later than thirty (30) days prior to the Evidentiary Hearing or unless is specified by the Court.

IT IS FURTHER ORDERED that this case will be tried in such an order as the court directs. No continuances will be granted to either party unless written application is made to the Court, served upon opposing counsel and a hearing held at least three (3) days prior to the time of the Evidentiary Hearing.

IT IS FURTHER ORDERED that both parties shall file updated Financial Disclosure forms if there have been any changes to the ones previously filed three (3) days prior to the Evidentiary Hearing.

CHERYL B. MOSS
DISTRICT JUDGE
FAMILY DIVISION, DEPT. I
601 North Pecos Road
LAS VEGAS, NV 89101-2408

IT IS FURTHER ORDERED that the Judge's Chambers shall be given immediate notice of any settlement or other action which will result in the Evidentiary Hearing not going forward.

IT IS FURTHER ORDERED that any and all Exhibits and Witness Lists must be delivered to chambers at least one (2) judicial day prior to the Evidentiary Hearing for marking.

DATED this 21st day of July, 2020.

CHERYL B. MOSS
District Judge

CERTIFICATE OF SERVICE

☒ I hereby certify that on the above file stamped date, a copy of the attached **Amended Order Setting Evidentiary Hearing** to be mailed to the following parties/Counsel to:

KENNETH ROBERTS, ESQ.
kenroberts@drsltd.com
nataliespencer@drsltd.com
Attorney for Plaintiff

KENNETH M. ROBBINS, ESQ.
FamilyFirst@HalfPriceLawyers.com
Attorney for Defendant

/s/ Suzanna Zavala
Suzanna Zavala
Judicial Executive Assistant to the
Honorable Cheryl B. Moss

CHERYL B. MOSS
DISTRICT JUDGE
FAMILY DIVISION, DEPT. I
601 North Pecos Road
LAS VEGAS, NV 89101-2408

Electronically Filed
1/12/2021 11:08 AM
Steven D. Grierson
CLERK OF THE COURT

MWCN
KENNETH M. ROBERTS, ESQ.
Nevada Bar No. 004729
DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway
Henderson, Nevada 89074
(702) 388-1216 (Telephone)
(702) 388-2514 (Facsimile)
KenRoberts@drsltd.com (Email)
Attorneys for Plaintiff
BRIAN WHITTLE

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

BRIAN WHITTLE , Plaintiff, v. RAVEN MORRIS, Defendant.	Case No.: D-19-591074-C Department: I ORAL ARGUMENT REQUESTED? _____ Yes __X__ No

PLAINTIFF'S ATTORNEY'S
MOTION TO WITHDRAW AS COUNSEL OF RECORD

NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN FOURTEEN (14) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN FOURTEEN (14) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING DATE.

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DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway • Henderson, Nevada 89074
(702) 388-1216 • Fax: (702) 388-2514

COMES NOW KENNETH M. ROBERTS, ESQ., of the law firm of DEMPSEY, ROBERTS & SMITH, LTD., and moves this Court for an Order granting the Court's permission for DEMPSEY, ROBERTS & SMITH, LTD., to withdraw as attorneys of record on the grounds set forth in the attached affidavit, the Points and Authorities, pleadings, papers and documents on file herein and the argument of counsel and the evidence presented at the hearing of this Motion.

DEMPSEY, ROBERTS & SMITH, LTD.

By: _____

KENNETH M. ROBERTS, ESQ.
Nevada Bar No. 004729
1130 Wigwam Parkway
Henderson, Nevada 89074
Attorneys for Plaintiff
BRIAN WHITTLE

DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway • Henderson, Nevada 89074
(702) 388-1216 • Fax: (702) 388-2514

DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway • Henderson, Nevada 89074
(702) 388-1216 • Fax: (702) 388-2514

POINTS AND AUTHORITIES

I.

THIS COURT HAS AUTHORITY TO ENTER AN ORDER ALLOWING AN ATTORNEY TO WITHDRAW AS ATTORNEY OF RECORD FOR A CLIENT WHEN THE CLIENT FAILS TO PAY FEES AND COSTS AND OTHERWISE CREATES AN UNREASONABLE FINANCIAL BURDEN ON THE ATTORNEY WHEN WITHDRAW WILL NOT DELAY TRIAL OR HEARING OF OTHER MATTERS IN THIS CASE.

Rule 7.40 of the Eighth Judicial District Court states that the Court can enter an Order allowing withdrawal of an attorney unless it would delay the trial or hearing of other matters in the case provided all parties are properly served and provided the attorney requesting the withdrawal provides the court with the last known address at which the client may be served with notice of further proceedings taken in the case.

Additionally, in the Nevada Rules of Professional Conduct (NRPC), Rule 1.16(b) states that an attorney may be allowed to withdraw from representing a client:

> . . . if withdrawal can be accomplished without material adverse effect on the interest of a client, or if: . . . (5) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled; (6) the representation will result in an unreasonable financial burden on the lawyer. . . [Emphasis added]

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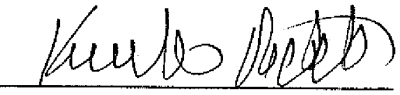
As shown by the Affidavit of Kenneth M. Roberts, Esq., filed in support of this Motion to Withdraw as Counsel of Record, withdrawal is appropriate.

Dated this 12 day of January, 2021.

Submitted by,

DEMPSEY, ROBERTS & SMITH, LTD.

By: 

KENNETH M. ROBERTS, ESQ.
Nevada Bar No. 004729
1130 Wigwam Parkway
Henderson, Nevada 89074
Attorneys for Plaintiff

DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway • Henderson, Nevada 89074
(702) 388-1216 • Fax: (702) 388-2514

DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway • Henderson, Nevada 89074
(702) 388-1216 • Fax: (702) 388-2514

AFFIDAVIT OF KENNETH M. ROBERTS, ESQ.

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

Kenneth M. Roberts, Esq., being first duly sworn, deposes and says that I have personal knowledge and am competent to testify to the following facts:

1. I am licensed to practice law in the State of Nevada. I am a partner with the law firm of DEMPSEY, ROBERTS & SMITH, LTD., which firm represents the Plaintiff in the above referenced matter. I have practiced law in Nevada since 1992 and I have an excellent reputation for competency.

2. Our firm was retained by BRIAN WHITTLE on January 14, 2020. BRIAN WHITTLE has been charged in accordance pursuant to a fee agreement dated January 14, 2020.

3. As of January 11, 2021, Plaintiff owes the law firm of DEMPSEY, ROBERTS & SMITH, LTD., Nine Hundred Dollars and No Cents ($900.50).[1]

4. In addition to the work performed to date, Plaintiff has been required to provide an additional retainer prior to Trial or Evidentiary Hearing, pursuant to items 7. and 8. on our Fee Agreement, signed by Plaintiff on or about January 14, 2020, which states in pertinent part:

> 7. Additional Retainer: Evidentiary hearings, mediations, arbitrations, and trials require a substantial amount of time to prepare for and to conduct. In such cases, the attorney's fees and costs will be dramatically higher than if such evidentiary hearing, mediation,

---

[1] BRIAN WHITTLE has a remaining retainer of $*2,000.00 which is being held in the DEMPSEY, ROBERTS & SMITH, LTD., trust account. That amount would pay his total due, however, if applied to his*er current bill it would negate any ability of DEMPSEY, ROBERTS & SMITH, LTD., to collect the fees and costs billed to BRIAN WHITTLE for fees relating to the Evidentiary Hearing and preparation therefor on February 17, 2021, and any fees and costs associated with the filing and hearing on this *Motion*.

arbitration, or trial is not held. **You as client will be required to provide a substantial additional retainer in advance of the evidentiary hearing, mediation, arbitration or trial. The exact amount of the additional retainer will be determined on a case by case basis. The amount is usually several thousand dollars.**

8. **Discharge and Withdrawal**: You as the client have the right to discharge us at anytime, for any reason. We also have the right at our sole discretion to withdraw from your case. This is particularly true if you have misrepresented or failed to disclose material facts to us; if you fail to follow our advice; or if you fail to pay within ten days of receipt the amount shown on your monthly Billing Statement as Balance Due; **or if you fail to provide to us the additional retainer requested in advance of an evidentiary hearing, mediation, arbitration or trial**. In either event, you will be required to pay for time expended to turn over the files and other information to you or to substitute counsel and for our time and costs if we must proceed to court to obtain permission to withdraw from your case.

5. Affiant provided client with substantial time to pay the additional retainer.

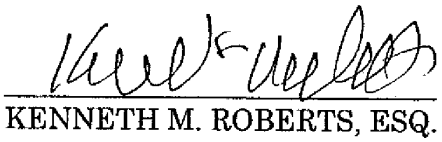
6. On January 11, 2021 client advised affiant that he was unable to to pay the additional retainer.

7. The last known address of Plaintiff, BRIAN WHITTLE , is 717 Count Avenue, North Las Vegas, Nevada 89030.

8. The last known telephone number for Plaintiff is (725) 400-8328.

9. Pursuant to NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 12 day of January, 2021.



KENNETH M. ROBERTS, ESQ.

DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway • Henderson, Nevada 89074
(702) 388-1216 • Fax: (702) 388-2514

Electronically Filed
1/14/2021 1:58 PM
Steven D. Grierson
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA
****

Brian Lee Whittle, Plaintiff. vs. Raven Morris, Defendant.	Case No.: D-19-591074-C Department I

NOTICE OF HEARING

Please be advised that the Plaintiff's Attorney's Motion to Withdraw as Counsel of Record in the above-entitled matter is set for hearing as follows:

Date: March 10, 2021

Time: 2:30 AM

Location: Courtroom 06
Family Courts and Services Center
601 N. Pecos Road
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Sylvia Fussell
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Sylvia Fussell
Deputy Clerk of the Court

Electronically Filed
1/14/2021 2:17 PM
Steven D. Grierson
CLERK OF THE COURT

EXPT
KENNETH M. ROBERTS, ESQ.
Nevada Bar No. 004729
DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway
Henderson, Nevada 89074
(702) 388-1216 (Telephone)
(702) 388-2514 (Facsimile)
KenRoberts@drsltd.com (Email)
Attorneys for Plaintiff
BRIAN WHITTLE

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

BRIAN WHITTLE ,	)	
	)	CASE NO.: D-19-591074-C
Plaintiff,	)	DEPT.: I
	)	
vs.	)	
	)	
RAVEN MORRIS,	)	
	)	
Defendant.	)	
	)	

EX-PARTE MOTION FOR AN ORDER TO SHORTEN TIME

Date of Hearing: n/a
Time of Hearing: n/a

COMES NOW, Plaintiff's attorney, KENNETH M. ROBERTS, ESQ., of the law firm DEMPSEY, ROBERTS & SMITH, LTD., and moves this Court for an Order Shortening Time for a hearing of Plaintiff's Counsel's Motion to Withdraw.

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DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway • Henderson, Nevada 89074
(702) 388-1216 • Fax: (702) 388-2514

This Motion is made and based upon the Papers on file herein, Exhibits attached hereto, Points and Authorities and affidavit of Petitioner attached hereto.

DATED this 14th day of January, 2021.

DEMPSEY, ROBERTS & SMITH, LTD.

By: _____

KENNETH M. ROBERTS, ESQ.
Nevada Bar No. 004729
1130 Wigwam Parkway
Henderson, Nevada 89074
Attorneys for Plaintiff

I.

FACTS

Plaintiff's counsel is by the attached motion requesting to withdraw from the above entitled case. Plaintiff's counsel has represented Plaintiff since January 14, 2020. Since that time Plaintiff has failed to pay his counsel in accordance with the fee agreement between the parties.

II.

ARGUMENT

In order to provide the Plaintiff with the maximum time to retain counsel prior to the Evidentiary Hearing currently calendared for February 17, 2021, the Motion to Withdraw needs to be heard prior to the date available in regular course of calendaring.

/ / / / /

/ / / / /

/ / / / /

DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway • Henderson, Nevada 89074
(702) 388-1216 • Fax: (702) 388-2514

DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway • Henderson, Nevada 89074
(702) 388-1216 • Fax: (702) 388-2514

III.

POINTS AND AUTHORITIES

E.D.C.R. 2.26 states as follows:

Ex parte motions to shorten time may not be granted except upon an unsworn declaration under penalty of perjury or affidavit of counsel describing the circumstances claimed to constitute good cause and justify shortening. If a motion to shorten time is granted, it must be served upon all parties promptly. An order which shortens the notice of a hearing to less than 10 days may not be served by mail. In no event may the notice of the hearing of a motion be shortened to less than 1 full judicial day.

Dated this 14th day of January, 2021.

Respectfully submitted,

DEMPSEY, ROBERTS & SMITH, LTD.

By: _____
KENNETH M. ROBERTS, ESQ.
Nevada Bar No. 004729
1130 Wigwam Parkway
Henderson, Nevada 89074
Attorneys for Plaintiff

DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway • Henderson, Nevada 89074
(702) 388-1216 • Fax: (702) 388-2514

AFFIDAVIT OF COUNSEL IN SUPPORT OF AN ORDER SHORTENING TIME

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

KENNETH M. ROBERTS, ESQ., being first duly sworn, deposes and says that:

1. I am an attorney duly licensed to practice law in the State of Nevada and represent the Plaintiff in the above entitled case.

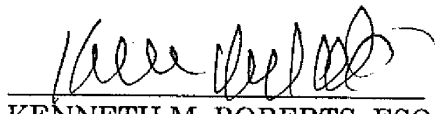
2. That due to Plaintiff owing the law firm of DEMPSEY, ROBERTS & SMITH, LTD. Nine Hundred Dollars and Fifty Cents ($900.50) in unpaid fees and costs, and being unable to provide an additional retainer to prepare for and appear for an Evidentiary Hearing scheduled for February 17, 2021, I am moving this court to allow me to withdraw as counsel of record.

3. It is imperative that this motion be heard on an order shortening time in order to allow the client to obtain new counsel as soon as possible and to provide the maximum amount of time for my client's future counsel to prepare for the next court date.

4. Hearing this Motion on a normal calendar schedule will adversely impact my client's ability to adequately prepare for the next court appearance.

5. Pursuant to NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 14th day of January, 2021.



KENNETH M. ROBERTS, ESQ.

Electronically Filed
1/14/2021 3:39 PM
Steven D. Grierson
CLERK OF THE COURT

CERT
KENNETH M. ROBERTS, ESQ.
Nevada Bar No. 004729
DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway
Henderson, Nevada 89074
(702) 388-1216 (Telephone)
(702) 388-2514 (Facsimile)
KenRoberts@drsltd.com (Email)
Attorneys for Plaintiff
BRIAN WHITTLE

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

BRIAN WHITTLE, Plaintiff,	)	CASE NO.: D-19-591074-C
vs.	)	DEPT.: I
RAVEN MORRIS, Defendant.	)	

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of January, 2021, I served a copy of the foregoing **PLAINTIFF'S ATTORNEY'S MOTION TO WITHDRAW AS ATTORNEY OF RECORD** and **EX-PARTE MOTION FOR AN ORDER SHORTENING TIME** attached hereto as Exhibits A & B, upon the Plaintiff by depositing copies of the same in sealed envelopes, sent by certified mail, return receipt requested, in the United States Mail, First-Class Postage fully prepaid, and also via regular U.S. mail, postage prepaid, and addressed to:

Brian Whittle
717 Count Avenue
North Las Vegas, NV 89030

and that Defendant was served by depositing copies of the **PLAINTIFF'S ATTORNEY'S MOTION TO WITHDRAW AS ATTORNEY OF RECORD** and **EX-PARTE MOTION FOR AN ORDER SHORTENING TIME** by e-service through the Odyssey system of the Clark County, Nevada, Eighth Judicial District Court e-filing service, at the e-filing of this document, which is to be served on the 14th day of January, 2021, to:

HALF-PRICE LAWYERS
Kenneth M. Robbins, Esq.
FamilyFirst@HalfPriceLawyers.com

and that there is a regular communication by mail between the place of mailing and the place(s) so addressed.

Dated this 14th day of January, 2021.

/S/ *Caasandra E. Martinez*
Caasandra E. Martinez, an employee of
DEMPSEY, ROBERTS & SMITH, LTD.

DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway • Henderson, Nevada 89074
(702) 388-1216 • Fax: (702) 388-2514

EXHIBIT A

EXHIBIT A

Electronically Filed
1/12/2021 11:08 AM
Steven D. Grierson
CLERK OF THE COURT

MWCN
KENNETH M. ROBERTS, ESQ.
Nevada Bar No. 004729
DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway
Henderson, Nevada 89074
(702) 388-1216 (Telephone)
(702) 388-2514 (Facsimile)
KenRoberts@drsltd.com (Email)
Attorneys for Plaintiff
BRIAN WHITTLE

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

BRIAN WHITTLE , Plaintiff, v. RAVEN MORRIS, Defendant.	Case No.: D-19-591074-C Department: I ORAL ARGUMENT REQUESTED? _____ Yes __X__ No

PLAINTIFF'S ATTORNEY'S
MOTION TO WITHDRAW AS COUNSEL OF RECORD

NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN FOURTEEN (14) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN FOURTEEN (14) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING DATE.

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/////

/////

DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway • Henderson, Nevada 89074
(702) 388-1216 • Fax: (702) 388-2514

COMES NOW KENNETH M. ROBERTS, ESQ., of the law firm of DEMPSEY, ROBERTS & SMITH, LTD., and moves this Court for an Order granting the Court's permission for DEMPSEY, ROBERTS & SMITH, LTD., to withdraw as attorneys of record on the grounds set forth in the attached affidavit, the Points and Authorities, pleadings, papers and documents on file herein and the argument of counsel and the evidence presented at the hearing of this Motion.

DEMPSEY, ROBERTS & SMITH, LTD.

By: _____

KENNETH M. ROBERTS, ESQ.
Nevada Bar No. 004729
1130 Wigwam Parkway
Henderson, Nevada 89074
Attorneys for Plaintiff
BRIAN WHITTLE

DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway • Henderson, Nevada 89074
(702) 388-1216 • Fax: (702) 388-2514

DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway • Henderson, Nevada 89074
(702) 388-1216 • Fax: (702) 388-2514

POINTS AND AUTHORITIES

I.

THIS COURT HAS AUTHORITY TO ENTER AN ORDER ALLOWING AN ATTORNEY TO WITHDRAW AS ATTORNEY OF RECORD FOR A CLIENT WHEN THE CLIENT FAILS TO PAY FEES AND COSTS AND OTHERWISE CREATES AN UNREASONABLE FINANCIAL BURDEN ON THE ATTORNEY WHEN WITHDRAW WILL NOT DELAY TRIAL OR HEARING OF OTHER MATTERS IN THIS CASE.

Rule 7.40 of the Eighth Judicial District Court states that the Court can enter an Order allowing withdrawal of an attorney unless it would delay the trial or hearing of other matters in the case provided all parties are properly served and provided the attorney requesting the withdrawal provides the court with the last known address at which the client may be served with notice of further proceedings taken in the case.

Additionally, in the Nevada Rules of Professional Conduct (NRPC), Rule 1.16(b) states that an attorney may be allowed to withdraw from representing a client:

> . . . if withdrawal can be accomplished without material adverse effect on the interest of a client, or if: . . . (5) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled; (6) the representation will result in an unreasonable financial burden on the lawyer. . . [Emphasis added]

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As shown by the Affidavit of Kenneth M. Roberts, Esq., filed in support of this Motion to Withdraw as Counsel of Record, withdrawal is appropriate.

Dated this 12 day of January, 2021.

Submitted by,

DEMPSEY, ROBERTS & SMITH, LTD.

By: _____

KENNETH M. ROBERTS, ESQ.
Nevada Bar No. 004729
1130 Wigwam Parkway
Henderson, Nevada 89074
Attorneys for Plaintiff

DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway • Henderson, Nevada 89074
(702) 388-1216 • Fax: (702) 388-2514

DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway • Henderson, Nevada 89074
(702) 388-1216 • Fax: (702) 388-2514

AFFIDAVIT OF KENNETH M. ROBERTS, ESQ.

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

Kenneth M. Roberts, Esq., being first duly sworn, deposes and says that I have personal knowledge and am competent to testify to the following facts:

1. I am licensed to practice law in the State of Nevada. I am a partner with the law firm of DEMPSEY, ROBERTS & SMITH, LTD., which firm represents the Plaintiff in the above referenced matter. I have practiced law in Nevada since 1992 and I have an excellent reputation for competency.

2. Our firm was retained by BRIAN WHITTLE on January 14, 2020. BRIAN WHITTLE has been charged in accordance pursuant to a fee agreement dated January 14, 2020.

3. As of January 11, 2021, Plaintiff owes the law firm of DEMPSEY, ROBERTS & SMITH, LTD., Nine Hundred Dollars and No Cents ($900.50).[1]

4. In addition to the work performed to date, Plaintiff has been required to provide an additional retainer prior to Trial or Evidentiary Hearing, pursuant to items 7. and 8. on our Fee Agreement, signed by Plaintiff on or about January 14, 2020, which states in pertinent part:

> 7. Additional Retainer: Evidentiary hearings, mediations, arbitrations, and trials require a substantial amount of time to prepare for and to conduct. In such cases, the attorney's fees and costs will be dramatically higher than if such evidentiary hearing, mediation,

---

[1] BRIAN WHITTLE has a remaining retainer of $*2,000.00 which is being held in the DEMPSEY, ROBERTS & SMITH, LTD., trust account. That amount would pay his total due, however, if applied to his*er current bill it would negate any ability of DEMPSEY, ROBERTS & SMITH, LTD., to collect the fees and costs billed to BRIAN WHITTLE for fees relating to the Evidentiary Hearing and preparation therefor on February 17, 2021, and any fees and costs associated with the filing and hearing on this *Motion*.

arbitration, or trial is not held. **You as client will be required to provide a substantial additional retainer in advance of the evidentiary hearing, mediation, arbitration or trial. The exact amount of the additional retainer will be determined on a case by case basis. The amount is usually several thousand dollars.**

8. **Discharge and Withdrawal**: You as the client have the right to discharge us at anytime, for any reason. We also have the right at our sole discretion to withdraw from your case. This is particularly true if you have misrepresented or failed to disclose material facts to us; if you fail to follow our advice; or if you fail to pay within ten days of receipt the amount shown on your monthly Billing Statement as Balance Due; **or if you fail to provide to us the additional retainer requested in advance of an evidentiary hearing, mediation, arbitration or trial**. In either event, you will be required to pay for time expended to turn over the files and other information to you or to substitute counsel and for our time and costs if we must proceed to court to obtain permission to withdraw from your case.

5. Affiant provided client with substantial time to pay the additional retainer.

6. On January 11, 2021 client advised affiant that he was unable to to pay the additional retainer.

7. The last known address of Plaintiff, BRIAN WHITTLE , is 717 Count Avenue, North Las Vegas, Nevada 89030.

8. The last known telephone number for Plaintiff is (725) 400-8328.

9. Pursuant to NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 12 day of January, 2021.

KENNETH M. ROBERTS, ESQ.

DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway • Henderson, Nevada 89074
(702) 388-1216 • Fax: (702) 388-2514

EXHIBIT B

EXHIBIT B

Electronically Filed
1/14/2021 2:17 PM
Steven D. Grierson
CLERK OF THE COURT

EXPT
KENNETH M. ROBERTS, ESQ.
Nevada Bar No. 004729
DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway
Henderson, Nevada 89074
(702) 388-1216 (Telephone)
(702) 388-2514 (Facsimile)
KenRoberts@drsltd.com (Email)
Attorneys for Plaintiff
BRIAN WHITTLE

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

BRIAN WHITTLE, Plaintiff,	)	CASE NO.: D-19-591074-C
vs.	)	DEPT.: I
RAVEN MORRIS, Defendant.	)	

EX-PARTE MOTION FOR AN ORDER TO SHORTEN TIME

Date of Hearing: n/a
Time of Hearing: n/a

COMES NOW, Plaintiff's attorney, KENNETH M. ROBERTS, ESQ., of the law firm DEMPSEY, ROBERTS & SMITH, LTD., and moves this Court for an Order Shortening Time for a hearing of Plaintiff's Counsel's Motion to Withdraw.

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This Motion is made and based upon the Papers on file herein, Exhibits attached hereto, Points and Authorities and affidavit of Petitioner attached hereto.

DATED this 14th day of January, 2021.

DEMPSEY, ROBERTS & SMITH, LTD.

By: _____

KENNETH M. ROBERTS, ESQ.
Nevada Bar No. 004729
1130 Wigwam Parkway
Henderson, Nevada 89074
Attorneys for Plaintiff

I.

FACTS

Plaintiff's counsel is by the attached motion requesting to withdraw from the above entitled case. Plaintiff's counsel has represented Plaintiff since January 14, 2020. Since that time Plaintiff has failed to pay his counsel in accordance with the fee agreement between the parties.

II.

ARGUMENT

In order to provide the Plaintiff with the maximum time to retain counsel prior to the Evidentiary Hearing currently calendared for February 17, 2021, the Motion to Withdraw needs to be heard prior to the date available in regular course of calendaring.

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/////

DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway • Henderson, Nevada 89074
(702) 388-1216 • Fax: (702) 388-2514

DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway • Henderson, Nevada 89074
(702) 388-1216 • Fax: (702) 388-2514

III.

POINTS AND AUTHORITIES

E.D.C.R. 2.26 states as follows:

Ex parte motions to shorten time may not be granted except upon an unsworn declaration under penalty of perjury or affidavit of counsel describing the circumstances claimed to constitute good cause and justify shortening. If a motion to shorten time is granted, it must be served upon all parties promptly. An order which shortens the notice of a hearing to less than 10 days may not be served by mail. In no event may the notice of the hearing of a motion be shortened to less than 1 full judicial day.

Dated this 14th day of January, 2021.

Respectfully submitted,

DEMPSEY, ROBERTS & SMITH, LTD.

By: _____
KENNETH M. ROBERTS, ESQ.
Nevada Bar No. 004729
1130 Wigwam Parkway
Henderson, Nevada 89074
Attorneys for Plaintiff

DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway • Henderson, Nevada 89074
(702) 388-1216 • Fax: (702) 388-2514

AFFIDAVIT OF COUNSEL IN SUPPORT OF AN ORDER SHORTENING TIME

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

KENNETH M. ROBERTS, ESQ., being first duly sworn, deposes and says that:

1. I am an attorney duly licensed to practice law in the State of Nevada and represent the Plaintiff in the above entitled case.

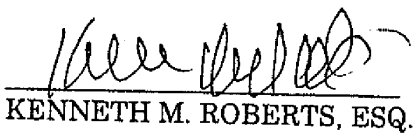
2. That due to Plaintiff owing the law firm of DEMPSEY, ROBERTS & SMITH, LTD. Nine Hundred Dollars and Fifty Cents ($900.50) in unpaid fees and costs, and being unable to provide an additional retainer to prepare for and appear for an Evidentiary Hearing scheduled for February 17, 2021, I am moving this court to allow me to withdraw as counsel of record.

3. It is imperative that this motion be heard on an order shortening time in order to allow the client to obtain new counsel as soon as possible and to provide the maximum amount of time for my client's future counsel to prepare for the next court date.

4. Hearing this Motion on a normal calendar schedule will adversely impact my client's ability to adequately prepare for the next court appearance.

5. Pursuant to NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 14th day of January, 2021.



KENNETH M. ROBERTS, ESQ.

Electronically Filed
01/15/2021 7:18 PM
CLERK OF THE COURT

OST
KENNETH M. ROBERTS, ESQ.
Nevada Bar No. 004729
DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway
Henderson, Nevada 89074
(702) 388-1216 (Telephone)
(702) 388-2514 (Facsimile)
KenRoberts@drsltd.com (Email)
Attorneys for Plaintiff
BRIAN WHITTLE

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

BRIAN WHITTLE ,	)	
	)	CASE NO.: D-19-591074-C
Plaintiff,	)	DEPT. NO.: I
	)	
vs.	)	
	)	
RAVEN MORRIS,	)	
	)	
Defendant.	)	
	)	

ORDER SHORTENING TIME

Upon application of KENNETH M. ROBERTS, ESQ., attorney for Plaintiff, and good cause appearing therefor,

IT IS HEREBY ORDERED that Plaintiff's counsel's Motion to Withdraw shall be heard on the 27th day of January, 2021, at the hour of 11:30 a.m., in Dept. No. I. Calendar call shall be heard at same time.

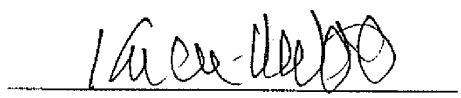
Dated this ____ of January, 2021.

Dated this 15th day of January, 2021

DISTRICT COURT JUDGE
128 7ED B0F3 1D39
Sunny Bailey
District Court Judge

DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway • Henderson, Nevada 89074
(702) 388-1216 • Fax: (702) 388-2514

Submitted by:



KENNETH M. ROBERTS, ESQ.
Nevada Bar No. 004729
DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway
Henderson, Nevada 89074
Attorneys for Plaintiff
BRIAN WHITTLE

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Brian Lee Whittle, Plaintiff.	CASE NO: D-19-591074-C
vs.	DEPT. NO. Department I
Raven Morris, Defendant.	

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 1/15/2021

Kenneth Roberts	KenRoberts@drsltd.com
Kenneth Robbins, Esq.	FamilyFirst@HalfPriceLawyers.com
Caasandra Martinez	cmartinez@drsltd.com

Electronically Filed
1/19/2021 9:49 AM
Steven D. Grierson
CLERK OF THE COURT

NEOJ
KENNETH M. ROBERTS, ESQ.
Nevada Bar No. 004729
DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway
Henderson, Nevada 89074
Telephone: (702) 388-1216
Facsimile: (702) 388-2514
Email: KenRoberts@drsltd.com
Attorneys for Plaintiff
BRIAN WHITTLE

EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

BRIAN WHITTLE, Plaintiff, v. RAVEN MORRIS, Defendant.	Case No. D-19-591074-C Dept. I **NOTICE OF ENTRY OF ORDER** Date of Hearing: JANUARY 27, 2021 Time of Hearing: 11:30 AM

PLEASE TAKE NOTICE that an *Order Shortening Time* was entered in the above entitled matter on January 15, 2021. A copy of said *Order* is attached hereto.

Dated this 19th day of January, 2021.

/s/ Kenneth M. Roberts

KENNETH M. ROBERTS, ESQ.
Nevada Bar No. 004729
DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway
Henderson, Nevada 89074
Attorneys for Plaintiff
BRIAN WHITTLE

DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway • Henderson, Nevada 89074
(702) 388-1216 • Fax: (702) 388-2514

DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway • Henderson, Nevada 89074
(702) 388-1216 • Fax: (702) 388-2514

CERTIFICATE OF E-SERVICE

Pursuant to N.R.C.P. 5(b), I hereby certify that I am an employee of DEMPSEY, ROBERTS & SMITH, LTD., and that service of the foregoing NOTICE OF ENTRY OF ORDER will be made by e-service through the Odyssey system of the Clark County, Nevada, Eighth Judicial District Court e-filing service, after the e-filing of this document, which is to be filed on the 19th day of January, 2021, to:

Kenneth Robbins, Esq. **FamilyFirst@HalfPriceLawyers.com**

/s/ Caasandra E. Martinez

Caasandra E. Martinez An employee of
DEMPSEY, ROBERTS & SMITH, LTD.

Electronically Filed
01/15/2021 7:18 PM
CLERK OF THE COURT

OST
KENNETH M. ROBERTS, ESQ.
Nevada Bar No. 004729
DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway
Henderson, Nevada 89074
(702) 388-1216 (Telephone)
(702) 388-2514 (Facsimile)
KenRoberts@drsltd.com (Email)
Attorneys for Plaintiff
BRIAN WHITTLE

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

BRIAN WHITTLE, Plaintiff,	)	CASE NO.: D-19-591074-C DEPT. NO.: I
vs.	)	
RAVEN MORRIS, Defendant.	)	

ORDER SHORTENING TIME

Upon application of KENNETH M. ROBERTS, ESQ., attorney for Plaintiff, and good cause appearing therefor,

IT IS HEREBY ORDERED that Plaintiff's counsel's Motion to Withdraw shall be heard on the 27th day of January, 2021, at the hour of 11:30 a.m., in Dept. No. I. Calendar call shall be heard at same time.

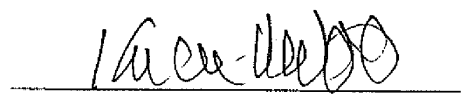
Dated this ____ of January, 2021.

Dated this 15th day of January, 2021

DISTRICT COURT JUDGE
128 7ED B0F3 1D39
Sunny Bailey
District Court Judge

DEMPSEY, ROBERTS & SMITH, LTD.
1130 Wigwam Parkway • Henderson, Nevada 89074
(702) 388-1216 • Fax: (702) 388-2514

Submitted by:



KENNETH M. ROBERTS, ESQ.
Nevada Bar No. 004729
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1130 Wigwam Parkway
Henderson, Nevada 89074
Attorneys for Plaintiff
BRIAN WHITTLE

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Brian Lee Whittle, Plaintiff.	CASE NO: D-19-591074-C
vs.	DEPT. NO. Department I
Raven Morris, Defendant.	

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 1/15/2021

Kenneth Roberts	KenRoberts@drsltd.com
Kenneth Robbins, Esq.	FamilyFirst@HalfPriceLawyers.com
Caasandra Martinez	cmartinez@drsltd.com

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OWAR
KENNETH M. ROBERTS, ESQ.
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KenRoberts@drsltd.com (Email)
Attorneys for Plaintiff
BRIAN WHITTLE

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

BRIAN WHITTLE, Plaintiff,	)	CASE NO.: D-19-591074-C DEPT.: I
vs.	)	
RAVEN MORRIS, Defendant.	)	Date of Hearing: 1/27/2021 Time of Hearing: 11:30 a.m.

ORDER FOR WITHDRAWAL OF COUNSEL OF RECORD

This matter coming on for hearing on the time and date above indicated on Motion brought by KENNETH M. ROBERTS, ESQ. of the law firm DEMPSEY, ROBERTS & SMITH, LTD., and the Court having reviewed all the papers, pleadings and records on file herein, together with argument of counsel and good cause appearing; the Court finds that:

1. The Plaintiff was properly and duly served with the above referenced motion;

2. The Plaintiff's last known address is 717 Count Ave., North Las Vegas, Nevada 89030; the Plaintiff's last known telephone number is (725) 400-8328.

The Court having been fully advised in the premises, and good cause appearing therefore;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that KENNETH M. ROBERTS, ESQ., and the law firm of DEMPSEY, ROBERTS & SMITH, LTD. be allowed to and are hereby ordered withdrawn as counsel of record for Plaintiff, BRIAN WHITTLE, in the case number D-19-591074-C;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff, BRIAN WHITTLE , may be served with and all subsequent pleadings in this matter at the following last known address:

Brian Whittle
717 Count Avenue
North Las Vegas, NV 89030

Dated this _____ day of February, 2021.

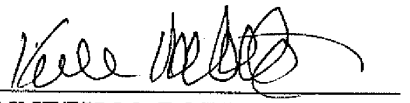
Dated this 4th day of February, 2021

DISTRICT COURT JUDGE

83A 33C E6E0 FE32
Sunny Bailey
District Court Judge

Submitted by:

DEMPSEY, ROBERTS & SMITH, LTD.



KENNETH M. ROBERTS, ESQ.
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Attorneys for Plaintiff

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DISTRICT COURT
CLARK COUNTY, NEVADA

Brian Lee Whittle, Plaintiff.	CASE NO: D-19-591074-C
vs.	DEPT. NO. Department I
Raven Morris, Defendant.	

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 2/4/2021

Kenneth Roberts	KenRoberts@drsltd.com
Kenneth Robbins, Esq.	FamilyFirst@HalfPriceLawyers.com
Caasandra Martinez	cmartinez@drsltd.com

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Steven D. Grierson
CLERK OF THE COURT

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Attorneys for Plaintiff
BRIAN WHITTLE

EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

BRIAN WHITTLE, Plaintiff, v. RAVEN MORRIS, Defendant.	Case No. D-19-591074-C Dept. I **NOTICE OF ENTRY OF ORDER** Date of Hearing: JANUARY 27, 2021 Time of Hearing: 11:30 AM

PLEASE TAKE NOTICE that an *Order to Withdraw as Attorney of Record* was entered in the above entitled matter on February 4, 2021. A copy of said *Order* is attached hereto.

Dated this 4th day of February, 2021.

/s/ Kenneth M. Roberts

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PLEADING CONTINUES IN NEXT VOLUME