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13 Attorneys for Defendant

Electronically Filed
Jun 30 2021 02:17 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

DISTRICT COURT
CLARK COUNTY, NEVADA

Joel E. Eorio,

Plaintiff,

vs.

Lisa M. Eorio,

Defendant.

Case No. **D-20-608267-D**

Dept No. **Q**

NOTICE OF APPEAL

Notice is hereby given that **Lisa M. Eorio**, Defendant above named, hereby
appeals to the Supreme Court of the State of Nevada from the "Decree of

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...

...

...

1 Divorce” entered in this action on the 14th day of June 2021.

2 DATED this 24th day of June 2021

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PECOS LAW GROUP


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CERTIFICATE OF SERVICE

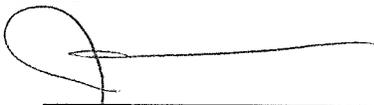
Pursuant to NRCP 5(b), I hereby certify that on this 25th day of June 2021, the Notice of Appeal, in the above-captioned case was served as follows:

- pursuant to NEFCR 9, by mandatory electronic service through the Eighth Judicial District Court’s electronic filing system;
- pursuant to NRCP 5, by placing the same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Henderson, Nevada;
- pursuant to EDCR 7.26 to be sent via facsimile and/or email, by duly executed consent for service by electronic means;
- by hand-delivery with signed Receipt of Copy.

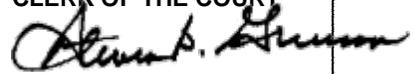
To individual(s) listed below at the address:

Joel Eorio
1716 Imperial Ridge
Las Cruces, New Mexico 88011

DATED this 25th day of June 2021.



Janine Shapiro
An employee of PECOS LAW GROUP



1 ASTA
2 **Bruce I. Shapiro, Esq.**
3 Nevada Bar No. 004050
4 **Shann D. Winesett, Esq.**
5 Nevada Bar No. 005551
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12 Shann@pecoslawgroup.com
13 Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

11 **Joel E. Eorio,**

12 Plaintiff,

13 vs.

14 **Lisa M. Eorio,**

15 Defendant.

Case No. **D-20-608267-D**

Dept No. **Q**

16 **CASE APPEAL STATEMENT**

17
18
19 COMES NOW Defendant **Lisa M. Eorio**, by and through her attorneys,
20 **Bruce I. Shapiro, Esq.** and **Shann D. Winesett, Esq.**, of the law firm of PECOS
21 LAW GROUP, and pursuant to NRAP 3(a)(1), respectfully presents her Case Appeal
22 Statement.
23

24 1. Lisa M. Eorio, Defendant above-named, is the Appellant filing this case
25 appeal statement.
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that on this 25th day of June 2021, the Case Appeal Statement, in the above-captioned case was served as follows:

- pursuant to NEFCR 9, by mandatory electronic service through the Eighth Judicial District Court’s electronic filing system;
- pursuant to NRCP 5, by placing the same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Henderson, Nevada;
- pursuant to EDCR 7.26 to be sent via facsimile and/or email, by duly executed consent for service by electronic means;
- by hand-delivery with signed Receipt of Copy.

To individual(s) listed below at the address:

Joel Eorio
1716 Imperial Ridge
Las Cruces, New Mexico 88011

DATED this 25th day of June 2021.



Janine Shapiro
An employee of PECOS LAW GROUP

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. D-20-608267-D

Joel Eorio, Plaintiff
vs.
Lisa Eorio, Defendant.

§
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 §
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Location: **Department Q**
 Judicial Officer: **Duckworth, Bryce C.**
 Filed on: **06/01/2020**

CASE INFORMATION

Statistical Closures

06/14/2021 Settled/Withdrawn With Judicial Conference or Hearing

Case Type: **Divorce - Complaint**
 Subtype: **Complaint Subject Minor(s)**

Case Status: **06/14/2021 Closed**

Case Flags: **Order / Decree Logged Into Department**
Appealed to Supreme Court

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	D-20-608267-D
Court	Department Q
Date Assigned	07/21/2020
Judicial Officer	Duckworth, Bryce C.

PARTY INFORMATION

Plaintiff

Eorio, Joel
 4905 Sparkling Sky AVE
 Las Vegas, NV 89130

Attorneys
Friedman, Jessica M.
Retained
 702-990-3119(W)

Defendant

Eorio, Lisa
 4905 Sparkling Sky AVE
 Las Vegas, NV 89130

Shapiro, Bruce I.
Retained
 702-388-1851(W)
Hamilton, Ryan, ESQ
Retained
 702-818-1818(W)
Warnock, Patricia W.
Retained
 702-278-9268(W)

Subject Minor

Eorio, Gianni Edward
Eorio, Harley Rose
Eorio, Jayden Bell

DATE

EVENTS & ORDERS OF THE COURT

EVENTS

- 06/25/2021  Case Appeal Statement
 Filed By: Counter Claimant Eorio, Lisa
Case Appeal Statement
- 06/25/2021  Notice of Appeal
 Filed By: Counter Claimant Eorio, Lisa
Notice of Appeal
- 06/15/2021  Notice of Withdrawal
Notice of Withdrawal

CASE SUMMARY

CASE NO. D-20-608267-D

- 06/15/2021  Notice of Entry of Decree
Notice of Entry of Decree
- 06/14/2021  Decree of Divorce
Decree of Divorce
- 04/26/2021  Substitution of Attorney
Filed By: Counter Claimant Eorio, Lisa
Substitution of Attorneys
- 03/31/2021  Financial Disclosure Form
Filed by: Counter Claimant Eorio, Lisa
DEFENDANTS AMENDED FINANCIAL DISCLOURE FORM 03.31.2021
- 03/30/2021  Stipulation and Order
Eorio SAO
- 03/25/2021  Pre-trial Memorandum
Filed By: Counter Defendant Eorio, Joel
Plaintiff's Pre Trial Memorandum
- 03/03/2021  Stipulation and Order
Stipulation and Order to Vacate Hearing
- 03/02/2021  Notice
Filed By: Counter Claimant Eorio, Lisa
Notice of Disassociation of Counsel for Defendant
- 02/08/2021  Notice of Entry of Order
Filed By: Counter Claimant Eorio, Lisa
NOTICE OF ENTRY OF STIPULATION AND ORDER TO CONTINUE TRIAL
- 02/08/2021  Stipulation and Order
Filed By: Counter Claimant Eorio, Lisa
Stipulation and Order to Continue Trial
- 02/04/2021  Exhibits
Filed By: Counter Claimant Eorio, Lisa
Appendix of Exhibits for Defendant
- 02/04/2021  Pre-trial Memorandum
Filed By: Counter Claimant Eorio, Lisa
PMEM for Defendant
- 02/03/2021  Order Shortening Time
Order Shortening Time
- 02/03/2021  Affidavit
Affidavit of Biological Father
- 02/03/2021  Ex Parte Motion
Filed by: Counter Claimant Eorio, Lisa
EXMT for OST
- 01/29/2021  Notice of Hearing
Filed By: Counter Claimant Eorio, Lisa
Notice of Hearing
- 01/28/2021  Motion to Continue
Filed by: Counter Claimant Eorio, Lisa
MCNT Regarding February 11 Hearing
- 01/27/2021  Notice of Hearing
Filed By: Counter Claimant Eorio, Lisa

CASE SUMMARY

CASE NO. D-20-608267-D

Notice of Hearing

- 01/27/2021  Motion to Compel
 Filed by: Counter Claimant Eorio, Lisa
Defendant's Motion and Notice of Motion to Compel Responses to Requests for Production
- 12/28/2020  Notice of Taking Deposition
 Filed by: Counter Defendant Eorio, Joel
Amended Notice of Taking Deposition
- 12/28/2020  Notice of Taking Deposition
 Filed by: Counter Defendant Eorio, Joel
Notice of Taking Deposition
- 11/12/2020  Stipulation and Order
Stipulation and Order for Temporary Exclusive Possession of the Marital Residence, Temporary Physical Custody Timeshare, and Child Support
- 11/10/2020  Notice of Entry of Order
Notice of Entry of Order From Hearing
- 11/10/2020  Order
Order From Hearing
- 11/06/2020  Notice of Change of Address
Notice of Change of Address
- 11/04/2020  Order Shortening Time
Order Shortening Time
- 11/03/2020  Ex Parte Motion
 Filed by: Counter Claimant Eorio, Lisa
Ex Parte Motion On Order Shortening Time Pursuant To EDCR 5.513
- 10/28/2020  Notice of Hearing
Notice Of Hearing
- 10/23/2020  Motion
 Filed By: Counter Claimant Eorio, Lisa
Motion for Exclusive Possession
- 08/26/2020  Order for Family Mediation Center Services
- 08/21/2020  Notice
 Filed By: Counter Claimant Eorio, Lisa
Notice of Certificate of Completion
- 08/21/2020  Financial Disclosure Form
 Filed by: Counter Claimant Eorio, Lisa
General Financial Disclosure Form
- 08/06/2020  NRCP 16.2 Case Management Conference
Order Setting Case Management Conference and Directing Compliance with NRCP 16.2
- 07/30/2020  Supplemental
 Filed By: Counter Claimant Eorio, Lisa
Supp to Opposition
- 07/29/2020  Declaration
 Filed By: Counter Defendant Eorio, Joel
Declaration To Reply In Support Of Plaintiff'S Motion For Primary Physical Custody Of The Parties Minor Children For The Purposes Of Relocating With The Parties Minor Children To The State Of New Mexico And Opposition To Defendant S Countermotion
- 07/28/2020  Reply to Opposition

CASE SUMMARY

CASE NO. D-20-608267-D

Reply in Support of his Motion for Primary Physical Custody of the Parties Minor Children for the Purposes of Relocating to the State of New Mexico, and Opposition to Defendant s Counter-motion

- 07/21/2020  Notice of Department Reassignment
Notice of Department Reassignment
- 07/16/2020  Errata
Filed By: Counter Defendant Eorio, Joel
Errata Peremptory Challenge of Judge
- 07/15/2020  Notice of Department Reassignment
Notice of Department Reassignment
- 07/14/2020  Opposition
Filed By: Attorney Warnock, Patricia W.; Counter Claimant Eorio, Lisa
Defendant's Opposition to Plaintiff's Motion for Primay Physical Custody of the Parties' Minor Children for the Purpose of Relocating with the Parties' Minor Children to the State of New Mexico and Defendant's Counterclaim for Attorney's Fees and Cost
- 07/02/2020  Notice of Department Reassignment
Notice of Department Reassignment
- 07/02/2020  Peremptory Challenge
Filed By: Counter Defendant Eorio, Joel
Peremptory Challenge of Judge
- 07/02/2020  Notice of Hearing
Notice of Hearing
- 07/02/2020  Motion
Filed By: Counter Defendant Eorio, Joel
Motion for Primary Physical custody of Parties' Minor Children for the Purposes of Relocating with the Parties' Minor Children to the State of New Mexico
- 06/25/2020  Reply to Counterclaim
Filed By: Counter Defendant Eorio, Joel
Reply to Counterclaim
- 06/25/2020  Financial Disclosure Form
Filed by: Counter Defendant Eorio, Joel
Financial Disclosure Form
- 06/25/2020  Answer and Counterclaim
Filed By: Counter Claimant Eorio, Lisa
Defendant's Answer and Counterclaim in Response to Plaintiff's Complaint for Divorce
- 06/15/2020  Notice of Seminar Completion EDCR 5.302
Filed by: Counter Defendant Eorio, Joel
Notice of Seminar Completion- EDCR 5.07
- 06/11/2020  Affidavit of Resident Witness
Filed by: Counter Defendant Eorio, Joel
Affidavit of Resident Witness
- 06/10/2020  Summons
Filed By: Counter Defendant Eorio, Joel
Summons and Affidavit of Service
- 06/01/2020  Joint Preliminary Injunction
Filed by: Counter Defendant Eorio, Joel
Joint Preliminary Injunction
- 06/01/2020  Summons Electronically Issued - Service Pending
Filed by: Counter Defendant Eorio, Joel
Summons

CASE SUMMARY**CASE NO. D-20-608267-D**

06/01/2020



Request for Issuance of Joint Preliminary Injunction

Filed By: Counter Defendant Eorio, Joel

Request for Issuance of Joint Preliminary Injunction Pursuant to EDCR 5.517

06/01/2020



Complaint for Divorce

Filed by: Counter Defendant Eorio, Joel

*Complaint for Divorce***HEARINGS**

04/01/2021

**Non-Jury Trial (9:00 AM)** (Judicial Officer: Duckworth, Bryce C.)*DIVORCE (ALL ISSUES-FULL DAY)***MINUTES**

Divorce Granted;

Journal Entry Details:

DIVORCE (ALL ISSUES- FULL DAY) Attorney Kenneth Friedman, bar #5311, present in an unbundled capacity to assist Attorney Jessica Friedman. In the interest of public safety due to the Coronavirus pandemic, Defendant and Attorney Burkett were present via VIDEO CONFERENCE through the BlueJeans application. Court noted the Stipulation and Order filed on 3/30/2021 which narrowed the issues for today. Court also noted parties formulated two parenting plans in mediation through Family Mediation Center (FMC), with one being contingent upon the Court granting Plaintiff's relocation. Both sides WAIVED Opening statements. Testimony and exhibits presented (see worksheets). Court recessed for 5 minutes. Court reconvened. Further testimony. Matter TRAILED for lunch. Matter RECALLED with all previous parties present. Continued testimony. Closing arguments by Counsels. Court recessed for 20 minutes. Court reconvened. Court canvassed parties. COURT stated FINDINGS and ORDERED, DIVORCE GRANTED. Parties shall be returned to the status of single and unmarried individuals. Stipulation and Order and the Decree of Divorce shall be served on minor child Gianni's biological father. Plaintiff's request to relocate to New Mexico shall be GRANTED. Relocation is permitted upon the conclusion of the minor children's school year but no later than six months from 4/1/2021 regardless of a designation. Defendant shall have until 5/28/2021 to designate her intentions to relocate to live closer so the children or not to relocate to determine how to allocate the summer timeshare. If Defendant does not relocate, Defendant shall be entitled to majority of the summer time. If Defendant determines that she is going to relocate the Joint Custody schedule shall be maintained upon her relocation. The Parenting Agreement, subject to the week on week off regular custody schedule will be ADOPTED by the court. The Parenting Agreement based on the approval of the relocation will be ADOPTED only if Defendant designates her intent not to relocate. The Court will RETAIN JURISDICTION until such point and time that all parties relocated. Court is not inclined to implement any child support orders at this time pending each party filing an Updated Financial Disclosures upon relocation. Status Quo shall remain at this time. Parties shall bear their own attorneys fees and costs. Attorney K. Friedman shall prepare the Decree of Divorce with opposing counsel's signature.;

03/03/2021

CANCELED Motion (1:00 PM)*Vacated**Defendant's Motion and Notice of Motion to Compel Responses to Requests for Production*

02/11/2021

CANCELED Motion (9:00 AM) (Judicial Officer: Duckworth, Bryce C.)*Vacated - per Stipulation and Order**Defendant's Motion and Notice of Motion to Continue Evidentiary Hearing Scheduled on February 11, 2021, at 9:00 AM*

11/16/2020

CANCELED Motion (9:00 AM) (Judicial Officer: Duckworth, Bryce C.)*Vacated - per Stipulation and Order**Defi's Motion And Notice Of Motion For Exclusive Possession Of The Martial Residence*

11/02/2020

**All Pending Motions (10:00 AM)** (Judicial Officer: Duckworth, Bryce C.)*CASE MANAGEMENT CONFERENCE...RETURN: MEDIATION***MINUTES**

Matter Heard;

Journal Entry Details:

RETURN: FMC-MEDIATION...CASE MANAGEMENT CONFERENCE Plaintiff/Dad, Defendant/Dad and Mr. Schaller present by video. Ms. Friedman present by audio. The Court noted parties formulated two (2) parenting agreements at mediation. One (1) agreement was contingent upon Dad's relocation. Ms. Friedman represented parties' agreed they need to separate households, however Dad needs approximately two (2) months to save money to pay the deposit for his new residence and move out of marital residence. Unfortunately, Dad is not unable to move out immediately, although he wishes to, as he is not in the financial position to do so yet. Ms. Friedman represented she will be filing Dad's opposition Mr. Schaller stated Dad's new girlfriend Jessica Carpenter who is currently residing in the marital home represented to Mom she has a conviction for burglary

CASE SUMMARY

CASE NO. D-20-608267-D

charges and a Child Protective Services (CPS) case in Arizona and further represented Mom did not know this information at the time the parties drafted the agreements at mediation. Mr. Schaller requested to be able to shorten the time on the motion for exclusive possession of the marital residence and stated is not healthy to have Dad's girlfriend's presence in the house with the children. Ms. Friedman argued there is no evidence to support allegations against Ms. Carpenter and further clarified Ms. Carpenter is not Dad's girlfriend but rather a mutual friend of the parties. Ms. Friedman further indicated Mom never had a problem before with Ms. Carpenter's presence as Mom even delegated Ms. Carpenter's with tasks regarding the children's care and school. The Court noted it will set trial on this matter based on the parties' arguments and requests. COURT stated its FINDINGS and ORDERED the following: 1. The Court set the matter for a NON-JURY TRIAL to address ALL ISSUES on 02/11/2021. The Court will issue a Case and Non- Jury Trial Management Order based on the court minutes. 2. DISCOVERY shall close by 01/29/2021. Pre Trial Memorandums (PTMs) and Exhibits shall be submitted by 02/04/2021 and WITNESS LIST shall be submitted no later than 12/18/2020 including name, address and a brief description of what the witness has to offer. No order needed the court minutes shall suffice. 02/11/2021 9:00 A.M. NON-JURY TRIAL: (ALL ISSUES-FULL DAY);

SCHEDULED HEARINGS



Non-Jury Trial (04/01/2021 at 9:00 AM) (Judicial Officer: Duckworth, Bryce C.)
DIVORCE (ALL ISSUES-FULL DAY)

11/02/2020

Return Hearing (10:00 AM) (Judicial Officer: Duckworth, Bryce C.)

Mediation

Matter Heard;

08/26/2020



All Pending Motions (9:00 AM) (Judicial Officer: Duckworth, Bryce C.)

Matter Heard;

Journal Entry Details:

PLAINTIFF'S MOTION FOR PRIMARY PHYSICAL CUSTODY OF THE PARTIES' MINOR CHILDREN FOR THE PURPOSES OF RELOCATING WITH THE PARTIES' MINOR CHILDREN TO THE STATE OF NEW MEXICO...DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR PRIMARY PHYSICAL CUSTODY OF THE PARTIES' MINOR CHILDREN FOR THE PURPOSE OF RELOCATING WITH THE PARTIES' MINOR CHILDREN TO THE STATE OF NEW MEXICO AND DEFENDANT'S COUNTERCLAIM FOR ATTORNEY'S FEES AND COSTS...PLAINTIFF'S REPLY IN SUPPORT OF PLAINTIFF'S MOTION FOR PRIMARY PHYSICAL CUSTODY OF THE PARTIES' MINOR CHILDREN FOR THE PURPOSES OF RELOCATING WITH THE PARTIES' MINOR CHILDREN TO THE STATE OF NEW MEXICO AND OPPOSITION TO DEFENDANT'S COUNTERMOTION...CASE MANAGEMENT CONFERENCE Parties all present via video conference. Court confirmed parties have two children together, Rose and Hayden, and a third child Gianni who is not Plaintiff's biological child but has been treated as his child throughout her lifetime. Court noted that raises some due process concerns and a discussion with the issue of custody and the biological father will be needed. Court further noted that both parties agreed they shall have joint legal custody and per that stipulation, COURT SO ORDERED, noting physical custody is still at issue. COURT FURTHER ORDERED, parties are REFERRED to MEDIATION and a return date SET for November 2, 2020 at 10:00 AM. Colloquy regarding the biological father of and whether there should be a paternity action. Court noted that individual needs to be named and given notice. Ms. Friedman noted parties are currently residing in the same household, noted the concerns, and argued in support of Plaintiff's motion for relocation. Mr. Schaller argued in opposition of relocation and clarified the Defendant lost her job and was rehired to the same position and is currently employed as an area manager. Upon Court's inquiry, Defendant advised her mom and mom's family is here in Las Vegas and just her dad is in New Mexico. Court further inquired whether school in New Mexico is online or in person and Plaintiff advised some schools are in person. Court noted it is not inclined to grant this on a temporary basis. Court noted its preference is for the parents to be in the same place for the benefit and best interests of the children and clarified it is not making any orders today with regard to living arrangements as there is no request for exclusive possession. Court encouraged parties to have a dialogue and possible stipulation regarding their living situation. Court commented on insulating and minimizing the stress on the children, and noted the possibility of a nesting arrangement where the children stay in the home while the parents alternate and go somewhere else when it is not their time. Additionally parties can consider having an exclusive room within the home. Parties further agreed no order is needed, the minutes shall be sufficient. COURT FURTHER ORDERED, Case Management Conference CONTINUED to the same return date of November 2, 2020 at 10:00 AM. ;

08/26/2020

Case Management Conference (9:00 AM) (Judicial Officer: Duckworth, Bryce C.)

08/26/2020, 11/02/2020

Matter Continued;

08/26/2020

Motion (9:00 AM) (Judicial Officer: Duckworth, Bryce C.)

Plaintiff's Reply in Support of Plaintiff's Motion for Primary Physical Custody of the Parties' Minor Children for the Purposes of Relocating with the Parties' Minor Children to the State of New Mexico and Oppositions to Defendant's Countermotion

Matter Heard;

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. D-20-608267-D

08/26/2020 | **Opposition & Counter-motion** (9:00 AM) (Judicial Officer: Duckworth, Bryce C.)
Defendant's Opposition to Plaintiff's Motion for Primary Physical Custody of the Parties' Minor Children for the Purpose of Relocating with the Parties' Minor Children to the State of New Mexico and Defendant's Counterclaim for Attorney's Fees and Cost
Deferred Ruling;

08/26/2020 | **Motion** (9:00 AM) (Judicial Officer: Duckworth, Bryce C.)
Motion for Primary Physical Custody of the Parties' Minor Children for the Purposes of Relocating with the Parties' Minor Children to the State of New Mexico
Deferred Ruling;

07/15/2020 |  **Minute Order** (8:00 AM) (Judicial Officer: Gentile, Denise L)
Minute Order - No Hearing Held;
Journal Entry Details:
NRCP 1 and EDCR 1.10 state the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to S.C.R. 48.1(1), a party wishing to exercise the right to change of judge shall file a pleading entitled Peremptory Challenge of Judge. The notice may be signed by a party or by an attorney, it shall state the name of the judge to be changed, and it shall neither specify grounds, nor be accompanied by an affidavit. COURT FINDS Plaintiff filed a Peremptory Challenge of Judge on July 2, 2020. COURT FINDS Plaintiff sought to exercise his right to peremptorily challenge the judge assigned to his case. However, Plaintiff only named the department to be changed in his Peremptory Challenge. The Judge to be changed was not named. Therefore, COURT FINDS Plaintiff's Peremptory Challenge fails to comply with S.C.R. 48.1(1) by failing to name the Judge to be changed. Accordingly, COURT FINDS Plaintiff's Peremptory Challenge is defective and ORDERS the matter shall be reassigned to Department T of the Eighth Judicial District Court Family Division. CLERK S NOTE: On 7/15/20 a copy of the Court's Minute Order was provided to each Attorney via email, if an email address is on record with the Court; if no email address is available then the Minute Order was mailed to the physical address of record. (mm);

06/01/2020 | **Summons**
Eorio, Lisa
Served: 06/05/2020

1 **DECR**
2 **JESSICA M. FRIEDMAN, ESQ.**
3 Nevada Bar No. 13486
4 **THE LAW OFFICES OF**
5 **JESSICA M. FRIEDMAN, PLLC**
6 170 So. Green Valley Parkway, Suite 300
7 Henderson, NV 89012
8 P: (702) 990 - 3119
9 jessica@jmfriedmanlaw.com
10 *Attorney for Plaintiff*
11 **JOEL E. EORIO**

12 **DISTRICT COURT**
13 **CLARK COUNTY, NEVADA**

14 JOEL E. EORIO, 15 Plaintiff, 16 vs. 17 LISA M. EORIO, 18 Defendant.	19 Case No.: D-20-608267-D 20 Dept. No.: Q
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21 **DECREE OF DIVORCE**

22 This matter having come before the Court on an evidentiary hearing.
23 Attorney Kenneth Friedman, Bar Number 5311, present in an unbundled capacity
24 along with Attorney Jessica Friedman, Bar Number 13486. In the interest of
25 public safety due to the Coronavirus pandemic, Defendant and Attorney Burkett
26 were present via video conference through the BlueJeans application. The Court
27 finds that:

- 28 1. That this Court has complete jurisdiction in the premises, both as to
the subject matter thereof as well as the parties hereto.

1 2. That Plaintiff is now and had been an actual and bona fide resident of
2 Clark County, Nevada and has been actually domiciled herein for more than six
3 (6) weeks immediately preceding the commencement of this action.

4
5 3. That the parties were married on April 29, 2006 in Las Cruces, New
6 Mexico and have been and still are husband and wife.

7
8 4. That the parties are incompatible in marriage.

9
10 5. There are two (2) minor biological children born the issue of this
11 marriage, to wit: Harley Rose Eorio, born March 8, 2007, and Hayden Bell Eorio,
12 born October 24, 2009. Plaintiff is also the equitable father of a third minor child
13 born during the marriage, to wit: Gianni Edward Eorio, born October 17, 2015.

14
15 6. That the State of Nevada, County of Clark is the habitual residence
16 of the minor children, and this Court has the necessary UCCJEA initial and
17 continuing jurisdiction to enter orders regarding the minor children.

18
19 7. That there were no minor children adopted and to the best of
20 Plaintiff's knowledge, Defendant is not currently pregnant.

21
22 8. Neither party has deep rooted ties to Las Vegas, Nevada. The parties
23 and the subject minor children resided in New Mexico from the birth of the
24 children through August 2019.
25
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1 9. It was not outcome determinative that Dad would remain in Las
2 Vegas, Nevada if the relocation was denied or that Mom would return to Las
3 Cruses, New Mexico if the relocation was granted.

4
5 10. The children are not at harm in the presence of either parent.

6
7 11. That pursuant to NRS 125C.007(1), the court analyzes the factors as
8 follows:

9
10 a. Dad does have a good faith reason(s) to move which is/are financial
11 stability including living rent free in his parent's home and family ties.

12 b. Relative to the best interest of the subject minor children, most of the
13 factors do not apply; however, the factors that do apply are equal to both
14 parents absent the fact that Plaintiff was able to spend more time with
15 the children as Defendant was the historical primary wage earner.

16 c. The actual advantage is that the children are returning to their life long
17 home, both parties are from New Mexico, there are positive family
18 connections in New Mexico, and there is financial stability and support
19 in New Mexico.

20 12. That pursuant to NRS 125C.007(2), the court analyzes the factors as
21 follows:

22 a. Dad and the children's lives will improve as there will be improved
23 housing, financial stability, and neither party has significant ties to Las
24 Vegas, Nevada; however, both parties have significant ties to Las
25 Cruses, New Mexico.

26 b. The court finds that Dad's motives are honorable in requesting the
27 relocation.

28 c. There is no pattern of non-compliance with visitation thus far, so the
 court finds that it is not worried about compliance with future orders.

- 1 d. The motives on Mom's part of denying the request to relocate are not
2 dishonorable.
- 3 e. There will be an opportunity to foster and preserve the maternal bond
4 after the relocation as evidenced in the Parenting Agreement the parties
5 formulated at Family Mediation Center.
- 6 f. Neither party has resided in Las Vega, Nevada for a lengthy period of
7 time. Neither party nor the children have deep rooted ties to Las Vegas,
8 Nevada. The parties and the children resided in New Mexico until the
9 summer of 2019. Furthermore, Plaintiff will receive a significant benefit
of financial security by relocating back to New Mexico.

10 13. That pursuant to NRS 125C.007(3), the court finds that Dad has
11 satisfied his burden and that the children are permitted to relocate to Las Cruces,
12 New Mexico at the conclusion of this school year.

13 Stipulation and Order Resolving Financial Issues and Limiting the Issues for Trial

14 The Court noted the ~~Stipulation and Order~~^A filed on March 30, 2021 which
15 narrowed the issues for the evidentiary hearing. The Court also noted parties
16 formulated two parenting plans in mediation through Family Mediation Center
17 (FMC), with one being contingent upon the Court granting Plaintiff's relocation.
18

19 After testimony and the submission of evidence, the Court ordered the following:
20

21 **NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED,**
22 **AND DECREED** that the Stipulation and Order and the Decree of Divorce shall
23 be served on minor child Gianni's biological father.
24

25 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that
26 Plaintiff's request to relocate to New Mexico shall be granted. Relocation is
27 permitted upon the conclusion of the minor children's school year but no later
28

1 than six months from April 1, 2021 regardless of Defendant's designation as
2 detailed below.
3

4 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that
5 Defendant shall have until May 28, 2021 to designate her intentions to relocate to
6 New Mexico to live closer to the children or not to relocate to determine how to
7 allocate the summer timeshare.
8

9 **IT IS FURTHER STIPULATED AND THEREFORE ORDERED,**
10 **ADJUDGED AND DECREED** that the parties shall be awarded Joint Legal
11 Custody of the subject minor children, to wit: Harley Rose Eorio, born March 8,
12 2007, Hayden Bell Eorio, born October 24, 2009, and Gianni Edward Eorio, born
13 October 17, 2015.
14
15

16 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that
17 Plaintiff shall be awarded Primary Physical Custody of the subject minor children,
18 to wit: Harley Rose Eorio, born March 8, 2007, Hayden Bell Eorio, born October
19 24, 2009, and Gianni Edward Eorio, born October 17, 2015 if Defendant does not
20 relocate to New Mexico. Should Defendant choose to relocate to New Mexico,
21 the parties shall be awarded Joint Physical Custody of the subject minor children.
22
23
24

25 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that if
26 Defendant does not relocate, Defendant shall be entitled to majority of the 2021
27
28

1 summer. If Defendant determines that she is going to relocate, the Joint Custody
2 schedule shall be maintained upon her relocation (a week on/week off timeshare).
3

4 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the
5 Parenting Agreement based on the approval of the relocation will be adopted only
6 if Defendant designates her intent to remain in Las Vegas, Nevada.
7

8 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the
9 Court will retain jurisdiction until such point and time that all parties relocated.
10

11 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that
12 Court is not inclined to implement any child support orders at this time pending
13 each party filing an Updated Financial Disclosures upon relocation.
14

15 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the
16 current Status Quo shall remain at this time.
17

18 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that
19 Attorney Friedman shall prepare the Decree of Divorce. Attorney Burkett shall
20 review and sign off.
21

22 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that that
23 the bonds of matrimony now and heretofore existing between Plaintiff, JOEL
24 EORIO, ("JOEL") and Defendant, LISA EORIO ("Lisa") are hereby dissolved,
25 set aside, and forever held for naught; and the parties hereto, and each of them,
26 are restored to all the rights and privileges of single, unmarried persons.
27
28

1
2 NOTICE IS HEREBY GIVEN regarding NRS 125C.0045(6) and NRS
3 125C.0045(7) as follows:

4
5 **PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION,**
6 **CONCEALMENT OR DETENTION OF A CHILD IN**
7 **VIOLATION OF THIS ORDER IS PUNISHABLE AS A**
8 **CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS**
9 **200.359 provides that every person having a limited right of**
10 **custody to a child or any parent having no right of custody to the**
11 **child who willfully detains, conceals or removes the child from a**
12 **parent, guardian or other person having lawful custody or a right**
13 **of visitation of the child in violation of an order of this court, or**
14 **removes the child from the jurisdiction of the court without the**
15 **consent of either the court or all persons who have the right to**
16 **custody or visitation is subject to being punished for a category D**
17 **felony as provided in NRS 193.130.**

18
19 NOTICE IS HEREBY GIVEN that the terms of the Hague Conference of
20 October 25, 1980, adopted by the 14th Session of the Hague Conference on Private
21 International Law, apply if a parent abducts or wrongfully retains a child in a
22 foreign country pursuant to NRS 125C.0045(8) as follows:

23 If a parent of the child lives in a foreign country or has significant
24 commitments in a foreign county:

25 (a) The parties may agree, and the court shall include in the order for
26 custody of the child, that the United States is the country of habitual
27 residence of the child for the purposes of applying the terms of the Hague
28 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 county 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
the child to his or her habitual residence if the child is wrongfully removed
from or concealed outside the country of habitual residence. The fact that a

1 parent has significant commitments in a foreign country does not create a
2 presumption that the parent poses an imminent risk of wrongfully removing
3 or concealing the child.

4 **NOTICE IS HEREBY GIVEN** that, pursuant to NRS 125C.006:

5 1. If primary physical custody has been established pursuant to
6 an order, judgment or decree of a court and the custodial parent
7 intends to relocate his or her residence to a place outside of this State
8 or to a place within this State that is at such a distance that would
9 substantially impair the ability of the other parent to maintain a
10 meaningful relationship with the child, and the custodial parent
11 desires to take the child with him or her, the custodial parent shall,
12 before relocating:

13 (a) Attempt to obtain the written consent of the
14 noncustodial parent to relocate with the child; and

15 (b) If the noncustodial parent refuses to give that consent,
16 petition the court for permission to relocate with the child.

17 2. The court may award reasonable attorney's fees and costs to
18 the custodial parent if the court finds that the noncustodial parent
19 refused to consent to the custodial parent's relocation with the child:

20 (a) Without having reasonable grounds for such refusal;
21 or

22 (b) For the purpose of harassing the custodial parent.

23 3. A parent who relocates with a child pursuant to this section
24 without the written consent of the noncustodial parent or the
25 permission of the court is subject to the provisions of NRS 200.359.

26 **NOTICE IS HEREBY GIVEN** that, pursuant to NRS 125C.0065:

27 1. If joint physical custody has been established pursuant to an
28 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

1 (b) If the non-relocating parent refuses to give that
2 consent, petition the court for primary physical custody for the
3 purpose of relocating.

4 2. The court may award reasonable attorney's fees and costs to
5 the relocating parent if the court finds that the non-relocating parent
6 refused to consent to the relocating parent's relocation with the child:

7 (a) Without having reasonable grounds for such refusal;
8 or

9 (b) For the purpose of harassing the relocating parent.

10 3. A parent who relocates with a child pursuant to this section
11 before the court enters an order granting the parent primary physical
12 custody of the child and permission to relocate with the child is
13 subject to the provisions of NRS 200.359.

14 **NOTICE IS HEREBY GIVEN** that the non-custodial parent may be
15 subject to the withholding of wages and commissions for delinquent payments of
16 support pursuant to NRS 31A.010, *et. seq.* and NRS 125.007.

17 **NOTICE IS HEREBY GIVEN** that the parties may request a review of
18 child support every three years, or at any time upon changed circumstances,
19 pursuant to NRS 125B.145.

20 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that each
21 party shall be solely responsible for his or her respective attorney fees and costs
22 incurred and/or connected with this divorce.

23 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that
24 Defendant shall have the right to return to her maiden name if she so chooses.
25
26
27
28

**FAMILY COURT TRANSMITTAL SLIP
RETURN OF ORDER**

TO: Lisa Eorio

DATE: 6/8/2021

CASE NO:	D-20-608267-D	Joel Eorio, Plaintiff vs. Lisa Eorio, Defendant.
-----------------	---------------	--

HEARING DATE:	04/01/2021
----------------------	------------

The Order you have prepared and submitted is being returned to you for the following reason(s):

- Submitting Attorney must sign and date the Order.
- Submit to opposing counsel for approval and signature as Ordered by the Court.
- Please use proper form/format and/or caption.
- Contents do not conform to Court minutes for the following reasons:
- The issues listed below were not addressed in open court and are not part of the minutes:
- Contents do not conform to Court minutes for the following reasons:

Pages 7-18 were not a part of the judge's ruling at the time of the hearing on 4/1/2021

You may

- Submit the Order to opposing counsel for approval and signature;
- Submit a Stipulation and Order to opposing counsel for approval and signature; or
- Re-Submit the Order deleting the information.

PLEASE MAKE THE APPROPRIATE CORRECTIONS AS INDICATED ABOVE AND RETURNED THE ORDER WITH THIS FORM ATTACHED.

Attached is a copy of the minutes from that hearing date.

Thank you,

Marlana Elliott
Relief Court Clerk

Subject: RE: Eorio v. Eorio
Date: Friday, May 7, 2021 at 2:03:22 PM Pacific Daylight Time
From: Janine Shapiro
To: Jessica Friedman
Attachments: image001.png, image002.png

Good afternoon,

Our office will not be signing the Decree. You can submit it directly.

Janine Shapiro | | Office Administrator



8925 S. Pecos Road, Suite 14A
Henderson, Nevada 89074
P: (702) 388-1851
F: (702) 388-7406
E: JANINE@PECOSLAWGROUP.COM

This e-mail, and any attachments thereto, is intended only for the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me by return e-mail and permanently delete the original and any copy of this e-mail message and any printout thereof.

To ensure compliance with requirements imposed by the U.S. Internal Revenue Service, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of avoiding U.S. tax penalties.

From: Jessica Friedman <jessica@jmfriedmanlaw.com>
Sent: Friday, May 7, 2021 2:02 PM
To: Janine Shapiro <Janine@pecoslawgroup.com>
Subject: Re: Eorio v. Eorio

Good afternoon.

I am just following up. Will your office be signing the decree?

Sincerely,
Jessica M. Friedman, Esq.
170 S. Green Valley Parkway, Suite 300
Henderson, NV 89012
(702) 990-3119
jessica@jmfriedmanlaw.com

From: Janine Shapiro <Janine@pecoslawgroup.com>
Date: Friday, April 30, 2021 at 1:39 PM
To: Jessica Friedman <jessica@jmfriedmanlaw.com>
Subject: Re: Eorio v. Eorio

Thank you!

Sent from my iPhone

On Apr 30, 2021, at 12:55 PM, Jessica Friedman <jessica@jmfriedmanlaw.com> wrote:

Good afternoon.

Please see attached.

Sincerely,
Jessica M. Friedman, Esq.
170 S. Green Valley Parkway, Suite 300
Henderson, NV 89012
(702) 990-3119
jessica@jmfriedmanlaw.com

From: Janine Shapiro <Janine@pecoslawgroup.com>
Date: Wednesday, April 21, 2021 at 4:37 PM
To: Jessica Friedman <jessica@jmfriedmanlaw.com>
Subject: RE: Eorio v. Eorio

Thank you! I will let Shann know.

Janine Shapiro || Office Administrator
<image001.png>
8925 S. Pecos Road, Suite 14A
Henderson, Nevada 89074
P: (702) 388-1851
F: (702) 388-7406
E: JANINE@PECOSLAWGROUP.COM

This e-mail, and any attachments thereto, is intended only for the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me by return e-mail and permanently delete the original and any copy of this e-mail message and any printout thereof.

To ensure compliance with requirements imposed by the U.S. Internal Revenue Service, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of avoiding U.S. tax penalties.

From: Jessica Friedman <jessica@jmfriedmanlaw.com>
Sent: Wednesday, April 21, 2021 4:33 PM
To: Janine Shapiro <Janine@pecoslawgroup.com>
Subject: Re: Eorio v. Eorio

Good afternoon.

I have sent a draft decree to opposing counsel and have not heard back. The decree does need to be finalized as the findings need to be included. I have requested the video transcript and will

update the decree as soon as I receive the same.

Jessica Friedman, Esq.
Sent from my iPhone

On Apr 21, 2021, at 4:13 PM, Janine Shapiro <Janine@pecoslawgroup.com> wrote:

Good afternoon Ms. Friedman,

Please see attached correspondence from Shann Winesett.

Janine Shapiro | | Office Administrator

<image003.png>

8925 S. Pecos Road, Suite 14A

Henderson, Nevada 89074

P: (702) 388-1851

F: (702) 388-7406

E: JANINE@PECOSLAWGROUP.COM

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To ensure compliance with requirements imposed by the U.S. Internal Revenue Service, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of avoiding U.S. tax penalties.

<Eorio.pdf>

<Decree of Divorce FINAL.pdf>

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Joel Eorio, Plaintiff

CASE NO: D-20-608267-D

7 vs.

DEPT. NO. Department Q

8 Lisa Eorio, Defendant.

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 6/14/2021

15 Bruce Shapiro

bruce@pecoslawgroup.com

16 admin email

email@pecoslawgroup.com

17 Shann Winesett

shann@pecoslawgroup.com

18 Jessica Friedman, Esq.

jfriedman@cordelllaw.com

19 Patricia Warnock, Esq.

patricia@buchmillerlaw.com

20 John Schaller, Esq.

jschaller@buchmillerlaw.com

21 Ashley Burkett

ashley@buchmillerlaw.com

22 Jessica Friedman

jessica@jmfriedmanlaw.com

23 Ryan Hamilton

ryan@buchmillerlaw.com

24
25
26
27
28

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of The Law Offices
3 of Jessica M. Friedman, PLLC, and that on this 15th day of June, 2021, I caused the
4 above documents to be served as followed:
5

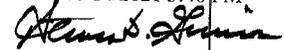
- 6
- 7 [X] Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and
8 Administrative Order 14-2 captioned "In the Administrative Matter of
9 Mandatory electronic Service in the Eighth Judicial District Court," by
10 mandatory electronic service through the Eighth Judicial District
11 Court's electronic filing system.
- 12 [] by placing same to be deposited for mailing in the United States Mail,
13 in a sealed envelope upon which first class postage was prepaid in
14 Henderson, Nevada.
- 15 [] pursuant to EDCR 7.26, to be send via facsimile, by duly executed
16 consent for service by electronic means.
- 17 [] pursuant to NRCP 5(b)(2)(D), by email by duly executed consent for
18 service by electronic means.
- 19 [] by hand delivery with signed Receipt of Copy.
- 20 [] by first Class, Certified U. S. Mail.

21 To the persons listed below at the address, email address, and/or facsimile
22 number indicated:

23 Shann Winesett, Esq.
24 Shann@pecoslawgroup.com
Attorneys for Defendant, LISA EORIO

25 /s/ Jessica Friedman

26 _____
27 An Employee of The Law Offices of Jessica
28 M. Friedman, PLLC



CLERK OF THE COURT

1 **DECR**
2 **JESSICA M. FRIEDMAN, ESQ.**
3 Nevada Bar No. 13486
4 **THE LAW OFFICES OF**
5 **JESSICA M. FRIEDMAN, PLLC**
6 170 So. Green Valley Parkway, Suite 300
7 Henderson, NV 89012
8 P: (702) 990 - 3119
9 jessica@jmfriedmanlaw.com
10 *Attorney for Plaintiff*
11 **JOEL E. EORIO**

**DISTRICT COURT
CLARK COUNTY, NEVADA**

12 **JOEL E. EORIO,**

Plaintiff,

13 vs.

14 **LISA M. EORIO,**

Defendant.

Case No.: D-20-608267-D

Dept. No.: Q

15
16 **DECREE OF DIVORCE**

17 This matter having come before the Court on an evidentiary hearing.
18 Attorney Kenneth Friedman, Bar Number 5311, present in an unbundled capacity
19 along with Attorney Jessica Friedman, Bar Number 13486. In the interest of
20 public safety due to the Coronavirus pandemic, Defendant and Attorney Burkett
21 were present via video conference through the BlueJeans application. The Court
22 finds that:
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24

25
26 1. That this Court has complete jurisdiction in the premises, both as to
27 the subject matter thereof as well as the parties hereto.
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2. That Plaintiff is now and had been an actual and bona fide resident of Clark County, Nevada and has been actually domiciled herein for more than six (6) weeks immediately preceding the commencement of this action.

3. That the parties were married on April 29, 2006 in Las Cruces, New Mexico and have been and still are husband and wife.

4. That the parties are incompatible in marriage.

5. There are two (2) minor biological children born the issue of this marriage, to wit: Harley Rose Eorio, born March 8, 2007, and Hayden Bell Eorio, born October 24, 2009. Plaintiff is also the equitable father of a third minor child born during the marriage, to wit: Gianni Edward Eorio, born October 17, 2015.

6. That the State of Nevada, County of Clark is the habitual residence of the minor children, and this Court has the necessary UCCJEA initial and continuing jurisdiction to enter orders regarding the minor children.

7. That there were no minor children adopted and to the best of Plaintiff's knowledge, Defendant is not currently pregnant.

8. Neither party has deep rooted ties to Las Vegas, Nevada. The parties and the subject minor children resided in New Mexico from the birth of the children through August 2019.

1 9. It was not outcome determinative that Dad would remain in Las
2 Vegas, Nevada if the relocation was denied or that Mom would return to Las
3 Cruses, New Mexico if the relocation was granted.

5 10. The children are not at harm in the presence of either parent.

7 11. That pursuant to NRS 125C.007(1), the court analyzes the factors as
8 follows:

9
10 a. Dad does have a good faith reason(s) to move which is/are financial
11 stability including living rent free in his parent's home and family ties.

12 b. Relative to the best interest of the subject minor children, most of the
13 factors do not apply; however, the factors that do apply are equal to both
14 parents absent the fact that Plaintiff was able to spend more time with
15 the children as Defendant was the historical primary wage earner.

16 c. The actual advantage is that the children are returning to their life long
17 home, both parties are from New Mexico, there are positive family
18 connections in New Mexico, and there is financial stability and support
19 in New Mexico.

20 12. That pursuant to NRS 125C.007(2), the court analyzes the factors as
21 follows:

22 a. Dad and the children's lives will improve as there will be improved
23 housing, financial stability, and neither party has significant ties to Las
24 Vegas, Nevada; however, both parties have significant ties to Las
25 Cruses, New Mexico.

26 b. The court finds that Dad's motives are honorable in requesting the
27 relocation.

28 c. There is no pattern of non-compliance with visitation thus far, so the
court finds that it is not worried about compliance with future orders.

- 1 d. The motives on Mom's part of denying the request to relocate are not
2 dishonorable.
- 3 e. There will be an opportunity to foster and preserve the maternal bond
4 after the relocation as evidenced in the Parenting Agreement the parties
5 formulated at Family Mediation Center.
- 6 f. Neither party has resided in Las Vega, Nevada for a lengthy period of
7 time. Neither party nor the children have deep rooted ties to Las Vegas,
8 Nevada. The parties and the children resided in New Mexico until the
9 summer of 2019. Furthermore, Plaintiff will receive a significant benefit
10 of financial security by relocating back to New Mexico.

11 13. That pursuant to NRS 125C.007(3), the court finds that Dad has
12 satisfied his burden and that the children are permitted to relocate to Las Cruces,
13 New Mexico at the conclusion of this school year.

14 Stipulation and Order Resolving Financial Issues and Limiting the Issues for Trial
15 The Court noted the ~~Stipulation and Order~~ filed on March 30, 2021 which
16 narrowed the issues for the evidentiary hearing. The Court also noted parties
17 formulated two parenting plans in mediation through Family Mediation Center
18 (FMC), with one being contingent upon the Court granting Plaintiff's relocation.
19 After testimony and the submission of evidence, the Court ordered the following:
20

21 **NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED,**
22 **AND DECREED** that the Stipulation and Order and the Decree of Divorce shall
23 be served on minor child Gianni's biological father.
24

25 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that
26 Plaintiff's request to relocate to New Mexico shall be granted. Relocation is
27 permitted upon the conclusion of the minor children's school year but no later
28

1 than six months from April 1, 2021 regardless of Defendant's designation as
2 detailed below.
3

4 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that
5 Defendant shall have until May 28, 2021 to designate her intentions to relocate to
6 New Mexico to live closer to the children or not to relocate to determine how to
7 allocate the summer timeshare.
8

9 **IT IS FURTHER STIPULATED AND THEREFORE ORDERED,**
10 **ADJUDGED AND DECREED** that the parties shall be awarded Joint Legal
11 Custody of the subject minor children, to wit: Harley Rose Eorio, born March 8,
12 2007, Hayden Bell Eorio, born October 24, 2009, and Gianni Edward Eorio, born
13 October 17, 2015.
14
15

16 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that
17 Plaintiff shall be awarded Primary Physical Custody of the subject minor children,
18 to wit: Harley Rose Eorio, born March 8, 2007, Hayden Bell Eorio, born October
19 24, 2009, and Gianni Edward Eorio, born October 17, 2015 if Defendant does not
20 relocate to New Mexico. Should Defendant choose to relocate to New Mexico,
21 the parties shall be awarded Joint Physical Custody of the subject minor children.
22
23

24 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that if
25 Defendant does not relocate, Defendant shall be entitled to majority of the 2021
26
27
28

1 summer. If Defendant determines that she is going to relocate, the Joint Custody
2 schedule shall be maintained upon her relocation (a week on/week off timeshare).
3

4 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the
5 Parenting Agreement based on the approval of the relocation will be adopted only
6 if Defendant designates her intent to remain in Las Vegas, Nevada.
7

8 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the
9 Court will retain jurisdiction until such point and time that all parties relocated.
10

11 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that
12 Court is not inclined to implement any child support orders at this time pending
13 each party filing an Updated Financial Disclosures upon relocation.
14

15 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the
16 current Status Quo shall remain at this time.
17

18 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that
19 Attorney Friedman shall prepare the Decree of Divorce. Attorney Burkett shall
20 review and sign off.
21

22 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that that
23 the bonds of matrimony now and heretofore existing between Plaintiff, JOEL
24 EORIO, ("JOEL") and Defendant, LISA EORIO ("Lisa") are hereby dissolved,
25 set aside, and forever held for naught; and the parties hereto, and each of them,
26 are restored to all the rights and privileges of single, unmarried persons.
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NOTICE IS HEREBY GIVEN regarding NRS 125C.0045(6) and NRS 125C.0045(7) as follows:

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 Conference 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 pursuant to NRS 125C.0045(8) as follows:

If a parent of the child lives in a foreign country or has significant commitments in a foreign county:

(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 county 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 the child to his or her habitual residence if the child is wrongfully removed from or concealed outside the country of habitual residence. The fact that a

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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, pursuant to NRS 125C.006:

1. If primary physical custody has been established pursuant to an order, judgment or decree of a court and the custodial 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 custodial parent desires to take the child with him or her, the custodial parent shall, before relocating:

- (a) Attempt to obtain the written consent of the noncustodial parent to relocate with the child; and
- (b) If the noncustodial parent refuses to give that consent, petition the court for permission to relocate with the child.

2. The court may award reasonable attorney's fees and costs to the custodial parent if the court finds that the noncustodial parent refused to consent to the custodial parent's relocation with the child:

- (a) Without having reasonable grounds for such refusal;
- or
- (b) For the purpose of harassing the custodial parent.

3. A parent who relocates with a child pursuant to this section without the written consent of the noncustodial parent or the permission of the court is subject to the provisions of NRS 200.359.

NOTICE IS HEREBY GIVEN that, pursuant to NRS 125C.0065:

1. If joint 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

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(b) If the non-relocating parent refuses to give that consent, petition the court for primary physical custody for the purpose of relocating.

2. 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:

(a) Without having reasonable grounds for such refusal;
or

(b) For the purpose of harassing the relocating parent.

3. A parent who relocates with a child pursuant to this section before the court enters an order granting the parent primary physical custody of the child and permission to relocate with the child is subject to the provisions of NRS 200.359.

NOTICE IS HEREBY GIVEN that the non-custodial parent may be subject to the withholding of wages and commissions for delinquent payments of support pursuant to NRS 31A.010, *et. seq.* and NRS 125.007.

NOTICE IS HEREBY GIVEN that the parties may request a review of child support every three years, or at any time upon changed circumstances, pursuant to NRS 125B.145.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that each party shall be solely responsible for his or her respective attorney fees and costs incurred and/or connected with this divorce.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant shall have the right to return to her maiden name if she so chooses.

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court shall retain jurisdiction over this matter unless and until all parties relocate to New Mexico.

THIS IS A FINAL DECREE OF DIVORCE

IT IS SO ORDERED this ___ day of _____ 2021.
Dated this 14th day of June, 2021



DISTRICT COURT JUDGE *MC*
(ND)

Dated this 10th day of June 2021

**08A 3A5 323A 0651
Bryce C. Duckworth
District Court Judge**

/s/ JESSICA FRIEDMAN

JESSICA M. FRIEDMAN, ESQ.
Nevada Bar No. 13486
170 S. Green Valley Pky, Ste. 300
Henderson, NV 89012
(702) 990-3119
jessica@jmfriedmanlaw.com
Attorney for Plaintiff
JOEL EORIO

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

July 15, 2020

D-20-608267-D Joel Eorio, Plaintiff
vs.
Lisa Eorio, Defendant.

July 15, 2020 8:00 AM Minute Order

HEARD BY: Gentile, Denise L **COURTROOM:** Chambers

COURT CLERK: Melissa McCulloch

PARTIES:

Gianni Eorio, Subject Minor, not present
Harley Eorio, Subject Minor, not present
Jayden Eorio, Subject Minor, not present
Joel Eorio, Plaintiff, Counter Defendant, not present Jessica Friedman, Attorney, not present
Lisa Eorio, Defendant, Counter Claimant, not present Bruce Shapiro, Attorney, not present

JOURNAL ENTRIES

- NRCP 1 and EDCR 1.10 state the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action.

Pursuant to S.C.R. 48.1(1), a party wishing to exercise the right to change of judge shall file a pleading entitled Peremptory Challenge of Judge. The notice may be signed by a party or by an attorney, it shall state the name of the judge to be changed, and it shall neither specify grounds, nor be accompanied by an affidavit.

COURT FINDS Plaintiff filed a Peremptory Challenge of Judge on July 2, 2020. COURT FINDS Plaintiff sought to exercise his right to peremptorily challenge the judge assigned to his case. However, Plaintiff only named the department to be changed in his Peremptory Challenge. The Judge to be changed was not named. Therefore, COURT FINDS Plaintiff s Peremptory Challenge fails to comply with S.C.R. 48.1(1) by failing to name the Judge to be changed.

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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Accordingly, COURT FINDS Plaintiff s Peremptory Challenge is defective and ORDERS the matter shall be reassigned to Department T of the Eighth Judicial District Court Family Division.

CLERK S NOTE: On 7/15/20 a copy of the Court s Minute Order was provided to each Attorney via email, if an email address is on record with the Court; if no email address is available then the Minute Order was mailed to the physical address of record. (mm)

INTERIM CONDITIONS:

FUTURE HEARINGS:

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is not Plaintiff's biological child but has been treated as his child throughout her lifetime. Court noted that raises some due process concerns and a discussion with the issue of custody and the biological father will be needed.

Court further noted that both parties agreed they shall have joint legal custody and per that stipulation, COURT SO ORDERED, noting physical custody is still at issue.

COURT FURTHER ORDERED, parties are REFERRED to MEDIATION and a return date SET for November 2, 2020 at 10:00 AM.

Colloquy regarding the biological father of and whether there should be a paternity action. Court noted that individual needs to be named and given notice.

Ms. Friedman noted parties are currently residing in the same household, noted the concerns, and argued in support of Plaintiff's motion for relocation. Mr. Schaller argued in opposition of relocation and clarified the Defendant lost her job and was rehired to the same position and is currently employed as an area manager. Upon Court's inquiry, Defendant advised her mom and mom's family is here in Las Vegas and just her dad is in New Mexico. Court further inquired whether school in New Mexico is online or in person and Plaintiff advised some schools are in person.

Court noted it is not inclined to grant this on a temporary basis. Court noted its preference is for the parents to be in the same place for the benefit and best interests of the children and clarified it is not making any orders today with regard to living arrangements as there is no request for exclusive possession. Court encouraged parties to have a dialogue and possible stipulation regarding their living situation. Court commented on insulating and minimizing the stress on the children, and noted the possibility of a nesting arrangement where the children stay in the home while the parents alternate and go somewhere else when it is not their time. Additionally parties can consider having an exclusive room within the home. Parties further agreed no order is needed, the minutes shall be sufficient.

COURT FURTHER ORDERED, Case Management Conference CONTINUED to the same return date of November 2, 2020 at 10:00 AM.

INTERIM CONDITIONS:

FUTURE HEARINGS: Nov 02, 2020 10:00AM Case Management Conference
Courtroom 01 Duckworth, Bryce C.

Nov 02, 2020 10:00AM Return Hearing
Mediation

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Courtroom 01 Duckworth, Bryce C.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

November 02, 2020

D-20-608267-D Joel Eorio, Plaintiff
vs.
Lisa Eorio, Defendant.

November 02, 2020 10:00 AM All Pending Motions

HEARD BY: Duckworth, Bryce C.

COURTROOM: Courtroom 01

COURT CLERK: Gabriella Konicek

PARTIES:

Gianni Eorio, Subject Minor, not present	
Harley Eorio, Subject Minor, not present	
Jayden Eorio, Subject Minor, not present	
Joel Eorio, Plaintiff, Counter Defendant, present	Jessica Friedman, Attorney, present
Lisa Eorio, Defendant, Counter Claimant, present	Patricia Warnock, Attorney, not present

JOURNAL ENTRIES

- RETURN: FMC-MEDIATION...CASE MANAGEMENT CONFERENCE

Plaintiff/Dad, Defendant/Dad and Mr. Schaller present by video. Ms. Friedman present by audio.

The Court noted parties formulated two (2) parenting agreements at mediation. One (1) agreement was contingent upon Dad's relocation.

Ms. Friedman represented parties' agreed they need to separate households, however Dad needs approximately two (2) months to save money to pay the deposit for his new residence and move out of marital residence. Unfortunately, Dad is not unable to move out immediately, although he wishes to, as he is not in the financial position to do so yet. Ms. Friedman represented she will be filing Dad's opposition

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Mr. Schaller stated Dad's new girlfriend Jessica Carpenter who is currently residing in the marital home represented to Mom she has a conviction for burglary charges and a Child Protective Services (CPS) case in Arizona and further represented Mom did not know this information at the time the parties drafted the agreements at mediation. Mr. Schaller requested to be able to shorten the time on the motion for exclusive possession of the marital residence and stated is not healthy to have Dad's girlfriend's presence in the house with the children.

Ms. Friedman argued there is no evidence to support allegations against Ms. Carpenter and further clarified Ms. Carpenter is not Dad's girlfriend but rather a mutual friend of the parties. Ms. Friedman further indicated Mom never had a problem before with Ms. Carpenter's presence as Mom even delegated Ms. Carpenter's with tasks regarding the children's care and school.

The Court noted it will set trial on this matter based on the parties' arguments and requests.

COURT stated its FINDINGS and ORDERED the following:

1. The Court set the matter for a NON-JURY TRIAL to address ALL ISSUES on 02/11/2021. The Court will issue a Case and Non- Jury Trial Management Order based on the court minutes.
2. DISCOVERY shall close by 01/29/2021. Pre Trial Memorandums (PTMs) and Exhibits shall be submitted by 02/04/2021 and WITNESS LIST shall be submitted no later than 12/18/2020 including name, address and a brief description of what the witness has to offer.

No order needed the court minutes shall suffice.

02/11/2021 9:00 A.M. NON-JURY TRIAL: (ALL ISSUES-FULL DAY)

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

April 01, 2021

D-20-608267-D Joel Eorio, Plaintiff
vs.
Lisa Eorio, Defendant.

April 01, 2021 9:00 AM Non-Jury Trial

HEARD BY: Duckworth, Bryce C.

COURTROOM: Courtroom 21

COURT CLERK: Marlana Elliott

PARTIES:

Gianni Eorio, Subject Minor, not present	
Harley Eorio, Subject Minor, not present	
Jayden Eorio, Subject Minor, not present	
Joel Eorio, Plaintiff, Counter Defendant, present	Jessica Friedman, Attorney, present
Lisa Eorio, Defendant, Counter Claimant, present	Patricia Warnock, Attorney, not present

JOURNAL ENTRIES

- DIVORCE (ALL ISSUES- FULL DAY)

Attorney Kenneth Friedman, bar #5311, present in an unbundled capacity to assist Attorney Jessica Friedman.

In the interest of public safety due to the Coronavirus pandemic, Defendant and Attorney Burkett were present via VIDEO CONFERENCE through the BlueJeans application.

Court noted the Stipulation and Order filed on 3/30/2021 which narrowed the issues for today. Court also noted parties formulated two parenting plans in mediation through Family Mediation Center (FMC), with one being contingent upon the Court granting Plaintiff's relocation.

Both sides WAIVED Opening statements.

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Testimony and exhibits presented (see worksheets).

Court recessed for 5 minutes.

Court reconvened.

Further testimony.

Matter TRAILED for lunch.

Matter RECALLED with all previous parties present.

Continued testimony.

Closing arguments by Counsels.

Court recessed for 20 minutes.

Court reconvened.

Court canvassed parties.

COURT stated FINDINGS and ORDERED,

DIVORCE GRANTED. Parties shall be returned to the status of single and unmarried individuals.

Stipulation and Order and the Decree of Divorce shall be served on minor child Gianni's biological father.

Plaintiff's request to relocate to New Mexico shall be GRANTED. Relocation is permitted upon the conclusion of the minor children's school year but no later than six months from 4/1/2021 regardless of a designation.

Defendant shall have until 5/28/2021 to designate her intentions to relocate to live closer so the children or not to relocate to determine how to allocate the summer timeshare. If Defendant does not relocate, Defendant shall be entitled to majority of the summer time.

If Defendant determines that she is going to relocate the Joint Custody schedule shall be maintained upon her relocation. The Parenting Agreement, subject to the week on week off regular custody schedule will be ADOPTED by the court.

The Parenting Agreement based on the approval of the relocation will be ADOPTED only if Defendant designates her intent not to relocate.

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The Court will RETAIN JURISDICTION until such point and time that all parties relocated.

Court is not inclined to implement any child support orders at this time pending each party filing an Updated Financial Disclosures upon relocation. Status Quo shall remain at this time.

Parties shall bear their own attorneys fees and costs.

Attorney K. Friedman shall prepare the Decree of Divorce with opposing counsel's signature.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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

BRUCE I. SHAPIRO, ESQ.
8925 S. PECOS RD., SUITE 14A
HENDERSON, NV 89074

DATE: June 29, 2021
CASE: D-20-608267-D

RE CASE: JOEL EORIO vs. LISA EORIO

NOTICE OF APPEAL FILED: June 25, 2021

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

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

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

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

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

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

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; DECREE OF DIVORCE; NOTICE OF ENTRY OF DECREE OF DIVORCE; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

JOEL EORIO,

Plaintiff(s),

vs.

LISA EORIO,

Defendant(s),

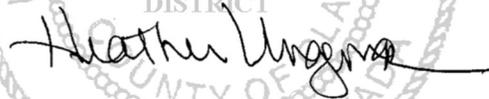
Case No: D-20-608267-D

Dept No: Q

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 29 day of June 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

