

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

Lisa M. Eorio,

Appellant,

vs.

Joel E. Eorio,

Respondent.

No. 83132

Electronically Filed  
Jul 21 2021 02:29 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**DOCKETING STATEMENT  
CIVIL APPEALS**

**GENERAL INFORMATION**

All appellants not in proper person must complete this docketing statement. NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, classifying cases for en banc, panel, or expedited treatment, compiling statistical information and identifying parties and their counsel.

**WARNING**

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

A complete list of documents that must be attached appears as Question 26 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

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

1.     **Judicial District:** Eighth                     **Department:** Q (Family Division)  
          **County:** Clark                                 **Judge:** Bryce C. Duckworth  
          **District Ct. Case No.:** D-20-608267-D

2.     **Attorney filing this docket statement:**

<b>Attorney:</b>	Bruce I. Shapiro, Esq. Shann D. Winesett, Esq. Pecos Law Group 8925 S. Pecos Road, Suite 14A Henderson, Nevada 89074	<b>Telephone:</b> (702) 388-1851 <b>Facsimile:</b> (702) 388-7406 <b>Email:</b> <a href="mailto:email@pecoslawgroup.com">email@pecoslawgroup.com</a>
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**Client(s):** LISA M. EORIO

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

3.     **Attorney(s) representing respondent(s):**

<b>Attorneys:</b>	Emily McFarling, Esq. McFarling Law Group 6230 W. Desert Inn Road Las Vegas, Nevada 56013	<b>Telephone:</b> (702) 565-4335 <b>Facsimile:</b> (702) 732-9385 <b>Email:</b> <a href="mailto:eservice@mcfarlinglaw.com">eservice@mcfarlinglaw.com</a>
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**Client(s)** JOEL E. EORIO

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

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

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

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

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

**None**

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

**None**

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

The nature of the action appealed from is a divorce proceeding in which the district court, after conducting an evidentiary hearing, permitted Joel to relocate from Nevada to New Mexico with the parties' three minor children.

**9. Issues on Appeal.** State concisely the principal issue(s) in this appeal:

Whether the district court erred in allowing Joel to relocate from Nevada to New Mexico with the parties minor children.

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

**N/A**

**11. Constitutional issues.** If this appeal challenges the constitutionality of a statute, have you notified the clerk of his court and the attorney general in accordance with NRAP 44 and NRS 30.130?

- ☒ N/A
  - ☐ Yes
  - ☐ No
- If not, explain

**12. Other issues.** Does this appeal involve any of the following issues? No

- ☐ Reversal of well-settled Nevada precedent (identify the case(s))
- ☐ An issue arising under the United States and/or Nevada Constitutions
- ☐ A substantial issue of first-impression
- ☐ An issue of public policy
- ☐ An issue where en banc consideration is necessary to maintain uniformity of the court's decisions
- ☐ A ballot question

If so, explain:

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

This matter is presumptively assigned to the Court of Appeals under NRAP 17(b)(10).

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

Was it a bench or jury trial? Bench.

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

N/A

### TIMELINESS OF NOTICE OF APPEAL

16. **Date of entry of written judgment or order appealed from:** June 15, 2021

- (a) If no written judgment or order was filed in the district court, explain the basis for seeking appellate review

17. **Date written notice of entry of judgment or order served:** June 15, 2021

Was service by:

- ☐ Delivery  
☒ Mail/electronic/Fax

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

N/A

- (a) specify the type of motion, and the date and method of service of the motion, and the date of filing: N/A

☐ NRCP 50(b)      Date \_\_\_\_\_ of \_\_\_\_\_ filing

☐ NRCP 52(b)      Date \_\_\_\_\_ of \_\_\_\_\_ filing

☐ NRCP 59      Date of filing \_\_\_\_\_

**Attach copies of all post-trial tolling motions.**

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

(b) Date of entry of written order resolving tolling motion \_\_\_\_\_

(c) Date written notice of entry of order resolving tolling motion was served \_\_\_\_\_

Was service by:

- ☐ Delivery  
☐ Mail

**19. Date notice of appeal filed:** June 25, 2021.

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

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

NRAP 4(a).

### **SUBSTANTIVE APPEALABILITY**

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

(a)

☒ NRAP 3A(b)(1)

☐ NRS 38.205

☐ NRAP 3A(b)(2)

☐ NRS 233B.150

☐ NRAP 3A(b)(3)

☐ NRS 703.376

☐ Other: (specify) \_\_\_\_\_

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

The district court's denial of Rebecca's motion to modify alimony is a final order on all issues that were before the district court.

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

(a) parties: Plaintiff (Respondent) Joel E. Eorio  
Defendant (Appellant) Lisa M. Eorio

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

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

Respondent:

1. Divorce;
2. Joint Legal Custody;
3. Primary Physical Custody;

4. Child Support;
5. Relocation with children to New Mexico;
6. Tax, medical care for minor children;
7. Division of property and debts;
8. Alimony; and
9. Attorneys Fees

Appellant:

1. Divorce;
2. Joint Legal Custody;
3. Primary Physical Custody;
4. Child Support;
5. Child medical care; and
6. Division of property and debts

All claims resolved in Decree of Divorce entered on June 14, 2021.

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

- ☒ Yes  
☐ No

**25. If you answered “No” to question 23, complete the following: N/A**

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

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

- ☐ Yes  
☐ No

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

- ☐ Yes  
☐ No

**26. If you answered “No” to any part of question 24, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)): N/A**

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

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

**VERIFICATION**

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

LISA M. EORIO

*Name of appellant*

July 21, 2021

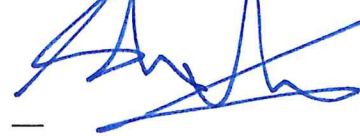
*Date*

Clark County, Nevada

*State and county where signed*

SHANN D. WINESETT, ESQ.

*Name of counsel of record*



*Signature of Counsel of Record*



## CERTIFICATE OF SERVICE

I certify that on the 21st day of July, 2021, I served a copy of this completed docketing statement upon all counsel of record:

☐ By personally serving it upon him/her; or

X by mailing it by first class mail with sufficient postage prepaid to the following address:

Emily McFarling, Esq.  
McFarling Law Group  
6230 W. Desert Inn Road  
Las Vegas, Nevada 56013

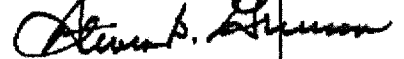
**DATED** this 21st day of July, 2021.



---

**Janine Shapiro**  
an employee of PECOS LAW GROUP

Exhibit “1”



1 **COMP**  
2 **JESSICA M. FRIEDMAN, ESQ.**

Nevada Bar No. 13486

3 **CORDELL LAW L.L.P.**

4 170 So. Green Valley Parkway, Suite 300  
5 Henderson, NV 89012

P: (702) 904-7600

6 F: (702) 446-8009

7 jfriedman@cordelllaw.com

*Attorney for Plaintiff*

8 **JOEL E. EORIO**

CASE NO: D-20-608267-D  
Department: To be determined

9  
10 **DISTRICT COURT**  
11 **CLARK COUNTY, NEVADA**

12 **JOEL E. EORIO,**  
13 **Plaintiff,**

14 **vs.**

15 **LISA M. EORIO,**  
16 **Defendant.**

Case No.:  
Dept. No.:

17 **COMPLAINT FOR DIVORCE**

18  
19 COMES NOW, PLAINTIFF, JOEL E. EORIO, by and through his attorney  
20 JESSICA M. FRIEDMAN, ESQ. at the law firm CORDELL LAW, L.L.P. and  
21 hereby complains and alleges as follows:  
22

23 1. That Plaintiff, for a period of more than six (6) weeks immediately  
24 preceding this action, has been and is now an actual, bona fide resident of the State  
25 of Nevada, and has been actually physically present and domiciled in Nevada for  
26 more than six (6) weeks prior to the filing of this action.  
27  
28

1           2.     That Plaintiff and Defendant were married on April 29, 2006 in Las  
2 Cruces, New Mexico and have been and still are husband and wife.

3  
4           3.     There are two (2) minor biological children born the issue of this  
5 marriage, to wit: Harley Rose Eorio, born March 8, 2007, and Hayden Bell Eorio,  
6 born October 24, 2009. Plaintiff is also the equitable father of a third minor child  
7 born during the marriage, to wit: Gianni Edward Eorio, born October 17, 2015.  
8 The three (3) minor children collectively are hereinafter referred to ss "the subject  
9 minor children".  
10

11  
12           4.     That Plaintiff and Defendant are proper persons to be awarded Joint  
13 Legal Custody of the subject minor children.  
14

15           5.     That Plaintiff is a fit and proper person to be awarded Primary  
16 Physical Custody of the subject minor children.  
17

18           6.     That the habitual residence of the minor children is in the State of  
19 Nevada.  
20

21           7.     There have been no other children adopted by these parties, and to the  
22 best of Plaintiff's knowledge Defendant is not currently pregnant.  
23

24           8.     That good causes exists pursuant to NRS 125C.007 for Plaintiff to  
25 relocate to Las Cruces, New Mexico with the subject minor children.  
26

27           9.     That a child support obligation should be established in accordance  
28 with NAC 425.115 and NAC 425.140, in which said obligation shall continue

1 until the children reach eighteen (18) years of age, or nineteen (19) years of age, if  
2 still in high school.

3  
4 10. That Plaintiff shall claim the children for tax purposes each and every  
5 year.

6  
7 11. That the parties equally split the cost of the minor children's health  
8 insurance premium.

9  
10 12. That all unreimbursed medical expenses be subject to the 30/30 rule.

11 13. That there is community property to be adjudicated by the Court. The  
12 full extent of said property is unknown to the Defendant at this time, and  
13 Defendant prays leave of the Court to amend this Complaint to insert the same  
14 when said property has become known to Defendant or at the time of trial in this  
15 matter.  
16

17  
18 14. That there is community debt to be adjudicated by the Court. The full  
19 extent of said debt is unknown to the Defendant at this time, and Defendant prays  
20 leave of the Court to amend this Complaint to insert the same when said debt has  
21 become known to Defendant or at the time of trial in this matter.  
22

23  
24 15. That there is sole and separate property to be confirmed to the parties  
25 as the case may be.

26  
27 16. That pursuant to NRS 125.150, Plaintiff is entitled to an award of  
28 alimony from the Defendant.

1           17. That pursuant to *Sargeant v. Sargeant*, 88 Nev. 223, 227, 495 P.2d  
2 618 (1972) Defendant shall be responsible for Plaintiff's attorney's fees and costs  
3 associated with this litigation.  
4

5           18. That during the course of said marriage, the tastes, mental  
6 dispositions, views, likes and dislikes of the Plaintiff and Defendant have become  
7 so widely divergent that the parties have become incompatible in marriage to such  
8 an extent that it is impossible for them to live together as husband and wife; that  
9 the incompatibility between Plaintiff and Defendant is so great that there is no  
10 possibility of reconciliation between them.  
11

12           WHEREFORE, Plaintiff prays for a Judgment as follows:  
13

- 14           1. That the Court grant the relief requested in this Complaint;  
15  
16           2. That the marriage existing between Plaintiff and Defendant be  
17 dissolved and that Plaintiff be granted an absolute Decree of Divorce and that each  
18 of the parties be restored to the status of single, unmarried persons;  
19  
20           3. That the parties be awarded Joint Legal Custody of the minor  
21 children;  
22  
23           4. That Plaintiff be awarded Primary Physical Custody of the minor  
24 children;  
25  
26  
27  
28

1           5.     That a child support obligation should be established in accordance  
2 with Nevada law, in which said obligation shall continue until the children reach  
3  
4 eighteen (18) years of age, or nineteen (19) years of age, if still in high school.

5           6.     That Plaintiff be permitted to relocate to New Mexico with the subject  
6  
7 minor children;

8           7.     That Plaintiff shall claim the children for tax purposes each year.

9  
10          8.     That the parties equally split the cost of the minor children's health  
11 insurance premium.

12          9.     That all unreimbursed medical expenses be subject to the 30/30 rule.

13  
14          10.    That the community property be adjudicated by the Court.

15          11.    That the community debt be adjudicated by the Court.

16  
17          12.    That the sole and separate property be confirmed to the parties as the  
18 case may be.

19          13.    That Plaintiff is entitled to an award of alimony from the Defendant.

20  
21          14.    That Defendant shall be responsible for Plaintiff's attorney's fees and  
22 costs associated with this litigation.

23  
24 ...

25 ...

26  
27 ...

28

**CORDELL LAW L.L.P.**

170 So. Green Valley Parkway, Suite 300  
Henderson, NV 89012  
Telephone: 702.904-7600

1 15. For such other relief as the Court finds just and proper on the  
2 premises.  
3

4  
5 DATED this 28<sup>th</sup> day of May, 2020.  
6  
7

8 **CORDELL LAW, L.L.P.**  
9

10  
11   
12 **JESSICA M. FRIEDMAN, ESQ.**

13 Nevada Bar No.: 13486

14 170 So. Green Valley Parkway, Suite 300

15 Henderson, NV 89012

16 jfriedman@cordelllaw.com

17 *Attorney for Plaintiff*

18 **JOEL E. EORIO**  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



VERIFICATION

STATE OF NEW MEXICO )  
 ) ss :  
 COUNTY OF Dona Ana )

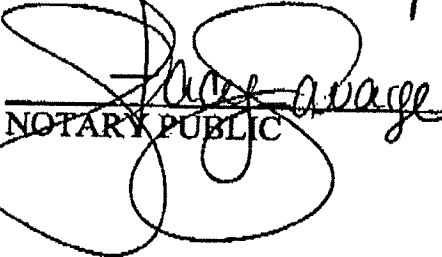
JOEL E. EORIO under penalties of perjury, first being duly sworn, deposes  
 and says:

That I am the Plaintiff in the above-entitled action; that I have read the  
 foregoing Complaint for Divorce, and know the contents thereof; that the same is  
 true to the best of my own knowledge, except as to those matters therein contained  
 stated upon information and belief, and to those matters, I believe them to be true.

DATED this 28 day of May, 2020.

  
 JOEL E. EORIO

SUBSCRIBED and SWORN to before me  
 this 28 day of May, 2020.

  
 NOTARY PUBLIC



CORDELL LAW LLP.  
 170 So. Green Valley Parkway, Suite 300  
 Henderson, NV 89012  
 Telephone: 702.904.7600

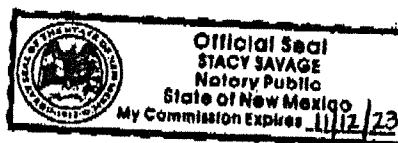
1  
2  
3 **ACKNOWLEDGMENT**

4 STATE OF NEW MEXICO )  
5 ) ss :  
6 COUNTY OF DONA ANNA )

7 On this 28 day of May, 2020, before me, the undersigned  
8 Notary Public in and for the said County and State, personally appeared JOEL E.  
9 EORIO known to me to be the person described in and who executed the foregoing  
10 Complaint for Divorce, and who acknowledged to me that she did so freely and  
11 voluntarily and for the uses and purposes therein mentioned.  
12

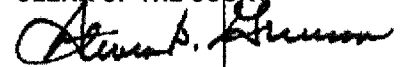
13  
14  
15  
16 WITNESS my hand and official seal.

17  
18  
19 Stacy Savage  
20 NOTARY PUBLIC  
21  
22  
23  
24  
25  
26  
27  
28



CORDELL LAW L.L.P.  
170 So. Green Valley Parkway, Suite 300  
Henderson, NV 89012  
Telephone: 702.904-7600

Exhibit “2”



1 **ACCD**  
2 **PATRICIA WARNOCK, ESQ.**  
3 Nevada Bar #14432  
4 [patricia@buchmillerlaw.com](mailto:patricia@buchmillerlaw.com)  
5 **JOHN SCHALLER, ESQ.**  
6 Nevada Bar #14432  
7 [jschaller@buchmillerlaw.com](mailto:jschaller@buchmillerlaw.com)  
8 **JOHN BUCHMILLER & ASSOCIATES**  
9 516 South Fourth Street  
10 Las Vegas, Nevada 89101  
11 Phone: (702) 278-9268  
12 *Attorneys for Defendant Lisa Eorio*

13 EIGHTH JUDICIAL DISTRICT COURT  
14 FAMILY DIVISION  
15 COUNTY OF CLARK, STATE OF NEVADA

16 **JOEL E. EORIO,**

17 Plaintiff,

18 vs.

19 **LISA M. EORIO**

20 Defendant.

CASE NO: D-20-608267-D

DEPT.:

21 **DEFENDANT'S ANSWER AND COUNTERCLAIM**  
22 **IN RESPONSE TO PLAINTIFF'S COMPLAINT FOR DIVORCE**

23 **ANSWER**

24 **NOW COMES** the Defendant, LISA EORIO ("Defendant"), by and through her legal  
25 counsel PATRICIA WARNOCK, ESQ., and JOHN SCHALLER, ESQ. of JOHN  
26 BUCHMILLER & ASSOCIATES, LLC, and files her Answer to Plaintiff's Complaint for  
27 Divorce. In support of her Answer, Defendant states as follows:

1 1. Answering paragraph 1, 2, 3, 4, 6, 7, 9, 11, 12, 13, 14, 15, and 18 of Plaintiff's  
2 Complaint, Defendant ADMITS same.

3 2. Answering paragraph 5, 8, 10, 16, and 17 of Plaintiff's Complaint, Defendant DENIES  
4 same.

5 3. Defendant is filing a Counterclaim in conjunction with this Answer, asking for primary  
6 physical custody and child support.  
7

8 **WHEREFORE**, the Defendant prays for judgment as follows:

- 9 1. The Court deny Plaintiff's Complaint as a whole;  
10 2. For such other and further relief as the court deems just and proper.  
11

12  
13 **DEFENDANT'S COUNTERCLAIM**

14 COMES NOW Defendant hereby asserts her Counterclaim against Plaintiff. In support  
15 of her Counterclaim, Defendant states as follows:  
16

17 1. The Defendant is and has been a resident of the State of Nevada for least six  
18 weeks prior to the filing of the Complaint.

19 2. There are two minor biological children at issue, Harley Rose Eorio, born March  
20 8, 2007, and Hayden Bell Eorio, born October 24, 2009, as well as one equitable child of the  
21 Plaintiff and Defendant, Gianni Edward Eorio, born October 17, 2015. To the best of  
22 Defendant's knowledge, she is not pregnant at this time.  
23

24 3. There is no dispute as to paternity with the children.  
25  
26  
27  
28

4. That the minor children have resided in Nevada for more than six (6) months prior to the commencement of this action, and that Nevada is the home state of the minor children and the state of habitual residence.

5. The Defendant has never participated in any case concerning these children as a party, witness, or in any other capacity.

6. The Defendant has no knowledge of any other case that could affect this case.

7. There is no one other than the Defendant or the Plaintiff who has custody of the children or could claim custody or visitation with the children.

8. That the parties are fit and proper persons to be awarded joint legal custody of the minor children.

9. That Defendant is a fit and proper person to be awarded primary physical custody of the minor children.

10. Defendant is entitled to child support, and this Honorable Court should order child support in accordance with Nevada law, and apply it retroactively where applicable.

11. Child support should be paid through a wage garnishment and a wage withholding order should be entered to secure payment of support.

12. Child support should continue until the child reaches 18 years of age if no longer in high school, or if the child is still enrolled in high school, when the child reaches 19 years of age, or becomes emancipated or otherwise self-supporting.

13. That Defendant, as the parent primarily taking care of the minor children, shall be entitled to claim the minor children on her taxes each and every year for purposes of obtaining the minor child tax credit.

1           14.     The children's birth certificates should not be changed.

2           15.     That Defendant has been required to engage the services of an attorney to defend  
3 against and prosecute a counterclaim in connection with this action; and she is entitled to  
4 reasonable attorneys' fees, therefore.  
5

6           **WHEREFORE**, the Defendant prays for judgment as follows:

- 7           1. That Defendant be awarded primary physical custody of the minor children;  
8           2. That the parties be awarded joint legal custody;  
9           3. That Defendant be awarded child support;  
10          4. For such other and further relief as the court deems just and proper.  
11

12          DATED this <sup>25<sup>th</sup></sup>~~24<sup>th</sup>~~ day of June, 2020.

13                               Submitted by:

14                               /s/ JOHN SCHALLER  
15                               PATRICIA WARNOCK, ESQ.  
16                               Nevada Bar # 14432  
17                               patricia@buchmillerlaw.com  
18                               **JOHN SCHALLER, ESQ.**  
19                               Nevada Bar #14432  
20                               jschaller@buchmillerlaw.com  
21                               **JOHN BUCHMILLER & ASSOCIATES**  
22                               516 S. Fourth Street  
23                               Las Vegas, NV 89101  
24                               (702) 685-2003 (Ph) (702) 583-7373 (F)  
25                               Attorneys for Defendant Lisa Eorio  
26  
27  
28

1                    **CERTIFICATE OF MAILING/ELECTRONIC SERVICE**

2                    A COPY OF the foregoing Defendant's ANSWER AND COUNTERCLAIM in the  
3 above-captioned matter was served today to Plaintiff via US Mail:  
4

5                    Joel Eorio

6  
7                    DATED this <sup>25<sup>th</sup></sup> 24th day of June, 2020.

8                    /S/ Michael Flagg

9                    An Employee of John Buchmiller & Associates, LLC  
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10 **DECLARATION**  
11

12 LISA EORIO, being first duly sworn, deposes and says:

13 I have read the foregoing Answer and Counterclaim, and the factual averments it contains  
14 are true and correct to the best of my knowledge, except as to those matters based on information  
15 and belief, and as to those matters, I believe them to be true. Those factual averments contained  
16 in the referenced filing are incorporated here as if set forth in full.  
17

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

20 DATED this <sup>25<sup>TH</sup> 16</sup> ~~24<sup>th</sup>~~ day of June, 2020.  
21

22   
23 LISA EORIO  
24

25  
26 State of Nevada,  
27 County of Clark  
28 Signed and Sworn to (or affirmed) before me on  
June 25<sup>th</sup>, 2020 by: 5  
Lisa Eorio  
Notary Public

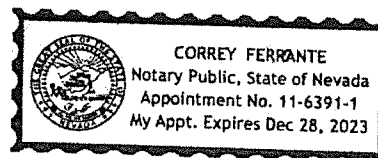
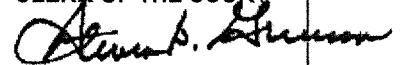


Exhibit “3”

CORDELL LAW L.L.P.  
170 So. Green Valley Parkway, Suite 300  
Henderson, NV 89012  
Telephone: 702.904-7600

Electronically Filed  
6/25/2020 3:58 PM  
Steven D. Grierson  
CLERK OF THE COURT



RCCM  
JESSICA M. FRIEDMAN, ESQ.  
Nevada Bar No. 13486  
CORDELL LAW L.L.P.  
170 So. Green Valley Parkway, Suite 300  
Henderson, NV 89012  
P: (702) 904-7600  
F: (702) 446-8009  
jfriedman@cordelllaw.com  
*Attorney for Plaintiff*  
JOEL E. EORIO

DISTRICT COURT  
CLARK COUNTY, NEVADA

JOEL E. EORIO,  
Plaintiff,

vs.

Case No.: D-20-608261-D  
Dept. No.: T

LISA M. EORIO,  
Defendant.

REPLY TO COUNTERCLAIM

COMES NOW, JOEL E. EORIO, ("Plaintiff"), by and through his attorney JESSICA M. FRIEDMAN, ESQ. at the law firm CORDELL LAW, LLP, and replies to LISA M. EORIO'S ("Defendant") COUNTERCLAIM wherein he admits, alleges and denies as follows:

1. Plaintiff **admits** the allegations contained in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, and 14.
2. Plaintiff **denies** the allegations contained in paragraphs 9, 10, 11, 12, 13, and 15.

...

1 WHEREFORE, Plaintiff prays for judgment as follows:

- 2
- 3 1. That Defendant's Counterclaim be dismissed with prejudice and that
- 4 Defendant take nothing thereby; and
- 5 2. For such other and further relief as this Court finds just and proper.

6 DATED this 25<sup>th</sup> day of June, 2020.

7

8 **CORDELL LAW L.L.P.**

9

10

11   
**JESSICA M. FRIEDMAN, ESQ. #13486**

12 170 S. Green Valley Parkway, Suite 300

13 Henderson, Nevada 89012

14 jfriedman@cordelllaw.com

15 P: (702) 904-7600

16 F: (702) 446-0487

17 *Attorney for Plaintiff*

18 **JOEL E. EORIO**

19

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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of CORDELL LAW, L.L.P. and that on this 25 day of July, 2020, I caused the above documents to be served as followed:

- [XX] Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory electronic Service in the Eight Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system.
- [ ] by placing 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 send via facsimile, by duly executed consent for service by electronic means.
- [ ] pursuant to NRCP 5(b)(2)(D), by email by duly executed consent for service by electronic means.
- [ ] by hand delivery with signed Receipt of Copy.
- [ ] by first Class, Certified U. S. Mail.

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

Patricia Warnock, Esq.  
[patricia@buchmillerlaw.com](mailto:patricia@buchmillerlaw.com)  
John Schaller, Esq.  
[jschaller@buchmillerlaw.com](mailto:jschaller@buchmillerlaw.com)  
Attorneys for Defendant, LISA EORIO

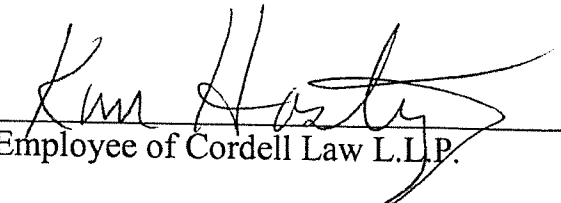
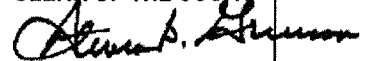
  
An Employee of Cordell Law L.L.P.

Exhibit “4”



1 **NED**  
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

21 **NOTICE OF ENTRY OF DECREE OF DIVORCE**

22 PLEASE TAKE NOTICE that a DECREE OF DIVORCE was file with the  
23 above-mentioned Court on the 14<sup>th</sup> day of June, 2021. A copy is attached hereto.

24 DATED this 15<sup>th</sup> day of June, 2021.

25 **THE LAW OFFICES OF JESSICA M.**  
26 **FRIEDMAN**

27 /s/ Jessica Friedman  
28 **JESSICA M. FRIEDMAN, ESQ.**  
Nevada Bar No.: 13486  
170 s. Green Valley Pkwy, Ste. #300  
Henderson, Nevada 89012

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**CERTIFICATE OF SERVICE**

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

- [ X ] Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory electronic Service in the Eight Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system.
- [ ] by placing 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 send via facsimile, by duly executed consent for service by electronic means.
- [ ] pursuant to NRCP 5(b)(2)(D), by email by duly executed consent for service by electronic means.
- [ ] by hand delivery with signed Receipt of Copy.
- [ ] by first Class, Certified U. S. Mail.

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

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

*/s/ Jessica Friedman*

An Employee of The Law Offices of Jessica  
M. Friedman, PLLC



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.

Case No.: D-20-608267-D

Dept. No.: Q

19 **DECREE OF DIVORCE**

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

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.  
28

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  
26  
27  
28

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

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

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

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

16  
17 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that  
18 Plaintiff shall be awarded Primary Physucal Custody of the subject minr children,  
19 to wit: Harley Rose Eorio, born March 8, 2007, Hayden Bell Eorio, born October  
20 24, 2009, and Gianni Edward Eorio, born October 17, 2015 if Defendant does not  
21 relocate to New Mexico. Should Defendant choose to relocate to New Mexico,  
22 the parties shall be awarded Joint Physical Custody of the subject minor children.  
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 or 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 14<sup>th</sup> 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

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

26 (a) The parties may agree, and the court shall include in the order for  
27 custody of the child, that the United States is the country of habitual  
28 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

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

**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

ME  
(ND)

Dated this 10<sup>th</sup> 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  
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*Attorney for Plaintiff*  
JOEL EORIO