

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

Electronically Filed  
Oct 21 2021 01:06 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**Lisa M. Eorio,**

Appellant,

vs.

**Joel E. Eorio,**

Respondent.

Supreme Ct Case No. **83132**

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

**JOINT APPENDIX**

**VOLUME I**

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### Chronological Index of Joint Appendix

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<i>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</i>	07/02/2020	I/ JA000038- JA000051
<i>Defendant's Opposition to 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 Defendant's Counterclaim for Attorneys' Fees and Costs</i>	07/14/2020	I/ JA000052- JA000061
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<i>Defendant's Motion and Notice of Motion to Continue Evidentiary Hearing Scheduled on February 11, 2021 at 9:00 a.m.</i>	01/28/2021	I/ JA000160- JA000170
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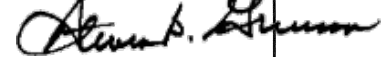
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<i>Transcript Re: Non-Jury Trial – April 1, 2021</i>	08/19/2021	III/ JA000440- JA000668



1 **COMP**

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

3 Nevada Bar No. 13486

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

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9 jfriedman@cordelllaw.com

10 *Attorney for Plaintiff*

11 **JOEL E. EORIO**

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

14 vs.

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

Case No.:  
Dept. No.:

**COMPLAINT FOR DIVORCE**

17  
18 COMES NOW, PLAINTIFF, JOEL E. EORIO, by and through his attorney  
19 JESSICA M. FRIEDMAN, ESQ. at the law firm CORDELL LAW, L.L.P. and  
20  
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           8.     That the parties equally split the cost of the minor children's health  
10  
11 insurance premium.

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

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

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

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

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

19           14.    That Defendant shall be responsible for Plaintiff's attorney's fees and  
20  
21 costs associated with this litigation.  
22  
23

24     ...

25     ...

26     ...  
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**CORDELL LAW L.L.P.**


170 So. Green Valley Parkway, Suite 300  
Henderson, NV 89012  
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15. For such other relief as the Court finds just and proper on the premises.

DATED this 28<sup>th</sup> day of MAY, 2020.

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

  
\_\_\_\_\_  
**JESSICA M. FRIEDMAN, ESQ.**  
Nevada Bar No.: 13486  
170 So. Green Valley Parkway, Suite 300  
Henderson, NV 89012  
jfriedman@cordelllaw.com  
*Attorney for Plaintiff*  
JOEL E. EORIO

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 L.L.P.  
 170 So. Green Valley Parkway, Suite 300  
 Henderson, NV 89012  
 Telephone: 702.904.7600

1 **ACKNOWLEDGMENT**

2

3 STATE OF NEW MEXICO )

4 ) ss :

5 COUNTY OF DONA ANNA )

6 On this 28 day of May, 2020, before me, the undersigned

7

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

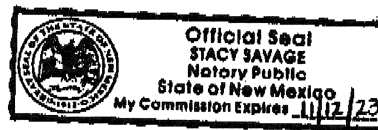
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16 WITNESS my hand and official seal.

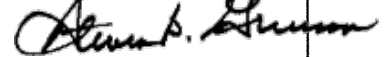
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18

19 NOTARY PUBLIC



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Telephone: 702-904-7600



JPI

DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*\*

JOEL EORIO, PLAINTIFF

CASE NO: D-20-608267-D

VS.

DEPARTMENT T

LISA EORIO, DEFENDANT.

JOINT PRELIMINARY INJUNCTION

**Notice: This injunction is effective upon the requesting party when issued and against the other party when served. This injunction shall remain in effect from the time of its issuance until trial or until dissolved or modified by the court.**

**TO: Plaintiff and Defendant:**

PURSUANT TO EIGHTH JUDICIAL COURT RULE 5.517, YOU, AND ANY OFFICERS, AGENTS, SERVANTS, EMPLOYEES OR A PERSON IN ACTIVE CONCERT OR PARTICIPATION WITH YOU, ARE HEREBY PROHIBITED AND RESTRAINED FROM:

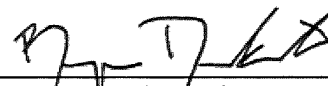
1. Transferring, encumbering, concealing, selling or otherwise disposing of any of your joint, common or community property of the parties or any property which is the subject of a claim of community interest, except in the usual course of conduct or for the necessities of life or for retention of counsel for the case in which this Injunction is obtained; or cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of;

- a. Any retirement benefits or pension plan held for the benefit (or election for benefit) of the parties or any minor child; or
- b. Any insurance coverage, including life, health, automobile, and disability coverage;

without the written consent of the parties or the permission of the court.

- 1 2. Molesting, harassing, stalking, disturbing the peace of or committing an assault or  
2 battery on the person of the other party or any child, stepchild, other relative or family  
3 pet of the parties.  
4 3. Relocating any child of the parties under the jurisdiction of the State of Nevada from  
5 the state without the prior written consent of all parties with custodial rights or the  
6 permission of the court.

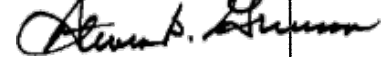
7 DATED this 1st day of June, 2020:

8  
9   
10 Bryce C. Duckworth  
11 Presiding Judge, Family Division

12 June 1, 2020



29 CERTIFIED COPY  
30 ELECTRONIC SEAL (NRS 1.190(3))



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**SUMM**  
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**JOEL E. EORIO**

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

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

**JOEL E. EORIO,**  
Plaintiff,

vs.

**LISA M. EORIO,**  
Defendant.

Case No.: *D-20-608267-D*  
Dept. No.: *T*

**SUMMONS-DOMESTIC**

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

**LISA M. EORIO**

**TO THE DEFENDANT:** A civil Complaint has been filed by the Plaintiff against you for the relief set forth in the Complaint.

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you, exclusive of the day of service, you must do the following:

- (a) File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee.

*SC*  
*ca*



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

1 (b) Serve a copy of the response upon the attorney whose name and address is  
2 shown below.

- 3 2. Unless you respond, your default will be entered upon application of the  
4 Plaintiff and this Court may enter judgment against you for the relief  
5 demanded in the Complaint, which could result in the taking of money or  
6 property or other relief requested in the Complaint.  
7 3. If you intend to seek the advice of an attorney in this matter, you should do so  
8 promptly so that your response may be filed on time.  
9 4. The State of Nevada, its political subdivisions, agencies, officers, employees,  
10 board members, commission members and legislators each have 45 days after  
11 service of this Summons within which to file an Answer or other responsive  
12 pleading to the Complaint.

13 Issued at the direction of:

CLERK OF COURT

14  
15 **CORDELL LAW, L.L.P.**

16  
17   
18 **JESSICA M. FRIEDMAN, ESQ.**

19 Nevada Bar No.: 13486  
20 170 So. Green Valley Parkway, #300  
21 Henderson, NV 89012  
22 P: (702) 904-7600  
23 F: (702) 446-0487  
24 jfriedman@cordelllaw.com  
25 *Attorney for Plaintiff*  
26  
27  
28 **JOEL E. EORIO**

By: 

Electronically Issued

6/1/2020

**DEPUTY CLERK**

Family Court and Services Center  
601 N. Pecos Rd.  
Las Vegas, NV 89101  
Tracy George

PSER  
CORDELL & CORDELL  
170 S GREEN VALLEY PKWY STE 300  
HENDERSON, NV 89012  
(702) 904-7600

DISTRICT COURT  
CLARK COUNTY, NEVADA

JOEL E. EORIO  
Plaintiff

vs

LISA M. EORIO  
Defendant

Case Number: D-20-608267-D

Dept:

**PROOF OF SERVICE**

TYLER TREWET, deposes and says: that at all times herein I am a citizen of the United States, over 18 years of age, licensed to serve civil process in the State of Nevada under license #389, and not a party to nor interested in the proceeding in which this statement is made.

Legal Wings, Inc. received on Tuesday, June 2, 2020 a copy of the:  
**SUMMONS; COMPLAINT FOR DIVORCE; JOINT PRELIMINARY INJUNCTION**

I served the same on **6/5/2020** at **9:25 AM** to:

**Defendant LISA M. EORIO**

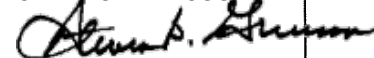
by leaving the copies with or in the presence of **LISA M. EORIO** at **1401 S DECATUR BLVD, LAS VEGAS, NV 89102.**

Pursuant to NRS 53.045, I declare under penalty of perjury under the law of the State of Nevada that the forgoing is true and correct.

Executed: Friday, June 5, 2020



TYLER TREWET  
Registered Work Card R-2019-04184



1 **NOPC**  
2 **JESSICA M. FRIEDMAN, ESQ.**  
3 Nevada Bar No. 13486  
4 **CORDELL LAW L.L.P.**  
5 170 So. Green Valley Parkway, Suite 300  
6 Henderson, NV 89012  
7 P: (702) 904-7600  
8 F: (702) 446-8009  
9 jfriedman@cordelllaw.com  
10 *Attorney for Plaintiff*  
11 **JOEL E. EORIO**

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

14 **JOEL E. EORIO,**  
15 Plaintiff,  
16  
17 vs.  
18  
19 **LISA M. EORIO,**  
20 Defendant.


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

21 **NOTICE OF SEMINAR COMPLETION – EDCR 5.07**

22 Comes now Plaintiff, JOEL E. EORIO, and hereby files his Completion of  
23 Completion Certificate attached hereto.

24 DATED this 15<sup>th</sup> day of JUNE, 2020.

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

26   
27 **JESSICA M. FRIEDMAN, ESQ. #13486**  
28 170 S. Green Valley Parkway, Suite 300  
Henderson, Nevada 89012  
jfriedman@cordelllaw.com  
P: (702) 904-7600  
F: (702) 446-0487

**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 15 day of June, 2020, I caused the  
above documents to be served as followed:

☐ 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:

Lisa Eorio  
4905 Sparking Sky AVE  
Las Vegas, NV 89130

  
An Employee of Cordell Law L.L.P.



Family Solutions

## CERTIFICATE OF GRADUATION

Awarded To

**Joel Eorio**

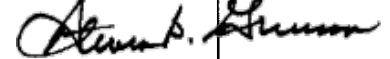
GRADUATING FROM

**Parenting Partners**

Date: 2020-06-13

**Serial No.**

cert\_4bjlisky7



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

9 EIGHTH JUDICIAL DISTRICT COURT  
FAMILY DIVISION  
10 COUNTY OF CLARK, STATE OF NEVADA

11  
12 JOEL E. EORIO,

13 Plaintiff,

14 vs.

15 LISA M. EORIO

16 Defendant.

CASE NO: D-20-608267-D

DEPT.:

17  
18 **DEFENDANT'S ANSWER AND COUNTERCLAIM**  
19 **IN RESPONSE TO PLAINTIFF'S COMPLAINT FOR DIVORCE**

20 **ANSWER**

21 **NOW COMES** the Defendant, LISA EORIO ("Defendant"), by and through her legal  
22 counsel PATRICIA WARNOCK, ESQ., and JOHN SCHALLER, ESQ. of JOHN  
23 BUCHMILLER & ASSOCIATES, LLC, and files her Answer to Plaintiff's Complaint for  
24 Divorce. In support of her Answer, Defendant states as follows:  
25  
26  
27  
28

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

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

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

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

18  
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.

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          <sup>25<sup>th</sup></sup>  
**DATED** this 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

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**CERTIFICATE OF MAILING/ELECTRONIC SERVICE**

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

Joel Eorio

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

/S/ Michael Flagg

An Employee of John Buchmiller & Associates, LLC

1  
2  
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9  
10 **DECLARATION**  
11

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

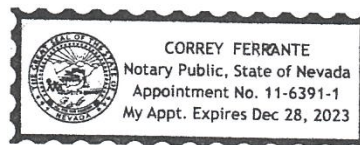
13 I have read the foregoing Answer and Counterclaim, and the factual averments it contains  
14 are true and correct to the best of my knowledge, except as to those matters based on information  
15 and belief, and as to those matters, I believe them to be true. Those factual averments contained  
16 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 <sup>25<sup>TH</sup> 16</sup>  
DATED this ~~24<sup>th</sup>~~ day of June, 2020.

21  
22   
23 \_\_\_\_\_  
LISA EORIO  
24  
25

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



FDF

JESSICA M. FRIEDMAN, ESQ.

Nevada Bar No.: 013486

CORDELL LAW, L.L.P.

170 S. Green Valley Pkwy, Suite 300

Henderson, NV 89012

P: (702) 904-7600

F: (702) 446-8009

jfriedman@cordelllaw.com

Attorney for Plaintiff

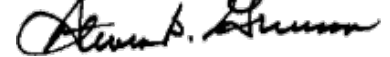
JOEL EORIO

Electronically Filed

6/25/2020 1:56 PM

Steven D. Grierson

CLERK OF THE COURT



**DISTRICT COURT, FAMILY DIVISION  
CLARK COUNTY, NEVADA**

JOEL EORIO,  Plaintiff,  vs.  LISA EORIO,  Defendant.	Case No.: D-20-608267-D  Dept. No.: T
-------------------------------------------------------------------------------	---------------------------------------------

**GENERAL FINANCIAL DISCLOSURE FORM**

**A. Personal Information:**

1. What is your full name? Joel Edward Eorio
2. How old are you? 35 years old
3. What is your date of birth? 6/25/1984
4. What is your highest level of education? High School

**B. Employment Information:**

1. Are you currently employed? (check one)

☐ No  
☒ Yes If yes, complete the table below. Attach an additional page if needed.

Date of Hire	Employer Name	Job Title	Work Schedule (days)	Work Schedule (shift times)
9/23/2019	Auto Zone	Sales Person	Varies	4pm – 10 pm

2. Are you disabled? (check one)

☒ No  
☐ Yes If yes, what is the level of disability? \_\_\_\_\_  
What agency certified you disabled? \_\_\_\_\_  
What is the nature of your disability? \_\_\_\_\_

- C. Prior Employment: If you are unemployed or have been working at your current job for less than 2 years, complete the following information:

Prior Employer: IHOP Date of Hire 7/2018 Date of Termination: 4/2019

### Monthly Personal Income Schedule

#### A. Year-to-date Income

As of the pay period ending in June 20, 2020 my gross year to date pay is \$3,711.60.

#### B. Determine your Gross Monthly Income

Hourly Wage

\$10.00	X	20	=	200	X	52 Weeks	=	10,400	÷	12 Months	=	\$866.66
Hourly Wage		Number of hours worked per week		Weekly Income				Annual Income				Gross Monthly Income

Annual Salary

	÷	12 Months	=	
Annual Income				Gross Monthly Income

#### C. Other Sources of Income

Source of Income	Frequency	Amount	12 Month Average
Annuity or Trust Income			
Bonuses			
Car, Housing, or Other Allowance			
Commissions or Tips			
Net Rental Income			
Overtime Pay			
Pension/Retirement			
Social Security Income (SSI)			
Social Security Disability (SSD)			
Spousal Support			
Child Support			
Workman's Compensation			
<b>Total Average Other Income Received</b>			

<b>Total Average Gross Monthly Income (add totals from B and C above)</b>	<b>\$866.66</b>
---------------------------------------------------------------------------	-----------------

**D. Monthly Deductions**

	Type of Deduction	Amount
1.	Court Ordered Child Support (automatically deducted from paycheck)	
2.	Federal Health Savings Plan	
3.	Federal Income Tax	\$40.00
4.	Health Insurance Amount for you: _____ For Opposing Party: _____ For your Child(ren): _____	
5.	Life, Disability, or Other Insurance Premiums	
6.	Medicare	\$10.00
7.	Retirement, Pension, IRA, or 401(k)	
8.	Savings	
9.	Social Security	\$41.00
10.	Union Dues	
11.	Other: (Type of Deduction)	
<b>Total Monthly Deductions (Lines 1-11)</b>		<b>\$91.00</b>

**Business/Self-Employment Income & Expense Schedule****A. Business Income:**

What is your average gross (pre-tax) monthly income/revenue from self-employment or business?

**B. Business Expenses:** Attach an additional page if needed.

Type of Business Expense	Frequency	Amount	12 Month Average
Advertising			
Car and truck used for business			
Commissions, wages or fees			
Business Entertainment/Travel			
Insurance			
Legal and professional			
Mortgage or Rent			
Pension and profit-sharing plans			
Repairs and maintenance			
Supplies			
Taxes and licenses (include est. tax payments)			
Utilities			
Other: _____			
<b>Total Average Business Expenses</b>			

### Personal Expense Schedule (Monthly)

A. Fill in the table with the amount of money **you** spend each month on the following expenses and check whether you pay the expense for your, for the other party, or for both of you.

Expense	Monthly Amount I Pay	For Me	Other Party	For Both
Alimony/Spousal Support				
Auto Insurance	\$90.00			X
Car Loan/Lease Payment				
Cell Phone	\$100.00			X
Child Support (not deducted from pay)				
Clothing, Shoes, Etc.	\$50.00	X		
Credit Card Payments (minimum due)				
Dry Cleaning				
Electric	\$64.00			X
Food (groceries & restaurants)	\$300.00			X
Fuel	\$100.00			X
Gas (for home)	\$58.00			X
Health Insurance (not deducted from pay)				
HOA				
Home Insurance (not included in mortgage)	\$40.00			X
Home Phone				
Internet/Cable	\$160.00			X
Lawn Care				
Membership Fees				
Mortgage/Rent/Lease	\$1,775.00			X
Pest Control				
Pets				
Pool Service				
Property Taxes (if not included in mortgage)				
Security				
Sewer				
Student Loans				
Unreimbursed Medical Expenses				
Water	\$46.00			X
<b>TOTAL MONTHLY EXPENSES</b>	<b>\$2,783.00</b>			

### Household Information

- A. Fill in the table below with the name and date of birth of each child, the person the child is living with, and whether the child is from this relationship. Attach a separate sheet if needed.

	Child's Name	Child's DOB	Whom is this child living with?	Is this child from this marriage/relationship?	Has this child been certified as special needs/disabled?
1 <sup>st</sup>	Harley R. Eorio	3/8/2007	Both	Yes	No
2 <sup>nd</sup>	Hayden B. Eorio	10/24/2009	Both	Yes	No
3 <sup>rd</sup>	Gianni E. Eorio	10/17/15	Both	Yes	No
4 <sup>th</sup>					

- B. Fill in the table below with the amount of money you spend each month on the following expenses for each child.

Children's Expenses	1 <sup>st</sup> Child	2 <sup>nd</sup> Child	3 <sup>rd</sup> Child	4 <sup>th</sup> Child	5 <sup>th</sup> Child
Cellular Phone	\$10.00	\$10.00			
Child Care					
Clothing					
Education					
Entertainment					
Extracurricular & Sports					
Health Insurance (if not deducted from pay)	\$26.67	\$26.67	\$26.67		
Summer Camp/Programs					
Transportation Costs for Visitation					
Unreimbursed Medical Expenses					
Vehicle					
Other: _____					
<b>Total Monthly Expenses</b>	<b>\$36.67</b>	<b>\$36.67</b>	<b>\$26.67</b>		

- C. Fill in the table below with the names, ages, and the amount of money contributed by all persons living in the home over the age of eighteen. If more than 4 adult household members attached a separate sheet.

Name	Age	Person's Relationship to You (i.e. sister, friend, cousin, etc...)	Monthly Contribution
Joel E. Eorio	35	Self	\$800.00
Lisa M. Eorio	35	Wife	\$3,301.05



### Personal Asset and Debt Chart

A. Complete the chart below by listing all of your assets, the value of each, the amount owed on each, and whose name the asset or debt is under. If more than 15 assets, attach a separate sheet.

Line	Description of Asset or Debt	Gross Value		Total Amount Owed		Net Value	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.	Tools	\$13,000.00		0	=	\$13,000.00	Joel
2.	Furniture	\$8,000.00	-	0	=	\$8,000.00	Both
3.	Electronics	\$9,000.00	-	0	=	\$9,000.00	Both
4.	2004 Ford Mustang	\$1,520.00	-	0	=	\$1,529.00	Joel
5.	2009 Nissan Titan	\$1,978.00	-	0	=	\$1,978.00	Both
6.	Jewelry	\$6,000.00	-	0	=	\$6,000.00	Both
7.	Wells Fargo Checking Account	Paycheck to paycheck	-	0	=		
8.			-		=		
9.			-		=		
10.			-		=		
<b>Total Value of Assets (add lines 1-15)</b>		<b>\$39,498.00</b>		<b>0</b>		<b>\$39,498.00</b>	

B. Complete this chart by listing all of your unsecured debt, the amount owed on each account, and whose name the debt is under. If more than 5 unsecured debts, attach a separate sheet.

Line #	Description of Credit Card or Other Unsecured Debt	Total Amount Owed	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.	First Light Federal Credit Union	\$16,984.00	Both
2.	Bank of America	\$5,061.00	Both
3.	JPM CB Card	\$901.00	Mine
4.	TD Bank/Target	\$3,420.00	Mine
5.	First Light Federal Credit Union	\$8,333.00	Both
6.	US Bank	\$18,313.00	Both
7.	EOS Card	\$279.00	Mine
8.	Cavalry Port Folio Services	\$4,159.00	Both
9.	Bank of America Residence Foreclosure	\$123,751.00	Both
10.			
11.			
12.			
<b>Total Unsecured Debt (add lines 1-6)</b>		<b>\$181,201.00</b>	

## CERTIFICATION

**Attorney Information:** Complete the following sentences:

1. I have retained an attorney for this case.
2. As of the date of today, the attorney has been paid a total of \$ 1264 on my behalf.
3. I have a credit with my attorney in the amount of \$ 1000.
4. I currently owe my attorney a total of \$ 0.
5. I owe my prior attorney a total of \$ 0.

**IMPORTANT:** Read the following paragraphs carefully and initial each one.

X I swear or affirm under penalty of perjury that I have read and followed all instructions in completing this Financial Disclosure Form. I understand that, by my signature, I guarantee the truthfulness of the information on this Form. I also understand that if I knowingly make false statements I may be subject to punishment, including contempt of court.

X I have attached a copy of my 3 most recent pay stubs to this form.

       I have attached a copy of my most recent YTD income statement/P&L statement to this form, if self-employed.

       I have not attached a copy of my pay stubs to this form because I am currently unemployed.

  
Your Signature

6/24/20  
Date

**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 June, 2020, I caused the above documents  
to be served as followed:

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

  
An Employee of Cordell Law, L.L.P.

CO 000000-000000  
DEJ



AutoZoners, LLC  
123 S. Front St  
Memphis, TN 38103

Department:2211-AUTOZONE #2211  
For inquiries,please call:1-800-262-1682  
Total Hours Worked: 38.00  
Basis of Pay: Hourly  
Pay Rate: 10.00

Earnings	Rate	Hours	Current	Year-to-Date
Overtime			0.00	138.90
Regular	10.0000	38.00	380.00	3572.70
Gross Pay		38.00	380.00	3711.60
<b>Taxes</b>				
FIT			23.38	197.07
Medicare Employee			5.51	53.82
Social Security Employee			23.56	230.12
Total Taxes			52.45	481.01
Net Pay			327.55	3230.59

## Earnings Statement

Page 001 of 001  
Pay Period from 06/07/2020 to 06/20/2020  
Advice Date: 06/26/2020  
Advice Number: 000089594  
Batch Number: SCBSJPGVV6DF  
Employee ID:10894769

Eorio, Joel Edward  
6065 Enchanted Peak ave  
Las Vegas, NV 89110

Other Information	
<b>Paid Time Off</b>	<b>Balance</b>
COVID ETO Balance	40.00
Sick Balance	6.34
<b>Direct Deposits</b>	
Checking	XXXXXX0345 327.55

Your Federal taxablewages forthisperiodare:\$380.00

\*Excluded from taxablewages

**A satisfied customer made this check possible!**

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AutoZoners, LLC  
123 S. Front St  
Memphis, TN 38103

Advice Number: 000089594  
Advice Date: 06/26/2020

Deposited to the account of	Account Number	Transit ABA	Amount
Eorio, Joel Edward	XXXXXX0345	107002192	\$327.55

THIS IS NOT A CHECK

JA000031

MAY-28-2020 15:55 FROM:

TO:17024468009

P.20/49

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AutoZoners, LLC  
123 S. Front St  
Memphis, TN 38103

## Earnings Statement

Page 001 of 001  
Pay Period from 05/10/2020 to 05/23/2020  
Advice Date: 05/29/2020  
Advice Number: 000062767  
Batch Number: SC085XE3EN2H  
Employee ID:10094769

Eorio, Joel Edward  
6085 Enchanted Peak ave  
Las Vegas, NV 89110

Department:2211-AUTOZONER #2211  
For inquiries, please call:1-800-262-1682  
Total Hours Worked: 13.28  
Basis of Pay: Hourly  
Pay Rate: 10.00

Earnings	Rate	Hours	Current	Year-to-Date
Overtime			0.00	130.90
Regular	10.0000	13.28	132.80	3192.70
Gross Pay		13.28	132.80	3331.60
<b>Taxes</b>				
FIT			0.00	173.69
Medicare Employee			1.93	48.31
Social Security Employee			8.23	206.56
Total Taxes			10.16	428.56
Net Pay			122.64	2903.04

### Other Information

	Balance
Paid Time Off	
COVID STO Balance	40.00
Sick Balance	6.08
<b>Direct Deposits</b>	
Checking XXXXXX0345	122.64

Your Federal taxablewages for thisperiod are: \$132.80

\*Excluded from taxablewages

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AutoZoners, LLC  
123 S. Front St  
Memphis, TN 38103

Advice Number: 000062767  
Advice Date: 05/29/2020

Deposited to the account of  
Eorio, Joel Edward

Account Number XXXXXX0345  
Transit ABA 107002192  
Amount \$122.64

**THIS IS NOT A CHECK**

JA000032

MAY-28-2020 15:55 FROM:

TO:17024468009

P.21/49

20 000000-000000  
D00



AutoZone, LLC  
123 S. Front St  
Memphis, TN 38103

## Earnings Statement

Page 001 of 001  
Pay Period from 04/26/2020 to 05/09/2020  
Advice Date: 05/15/2020  
Advice Number: 000076989  
Batch Number: 3CPHKOVPY4D9  
Employee ID:10894769

Eorio, Joel Edward  
6885 Enchanted Peak ave  
Las Vegas, NV 89110

Department:2211-AUTOZONE #2211  
For inquiries, please call:1-800-262-1682  
Total Hours Worked: 35.77  
Basis of Pay: Hourly  
Pay Rate: 10.00

Earnings	Rate	Hours	Current	Year-to-Date
Overtime	15.0000	3.13	46.95	138.90
Regular	10.0000	32.64	326.40	3059.90
Gross Pay		35.77	373.35	3198.80
<b>Taxes</b>				
FIT			22.72	173.69
Medicare Employee			5.41	46.38
Social Security Employee			23.15	198.33
Total Taxes			51.28	418.40
Net Pay			322.07	2780.40

### Other

Information	Balance
Paid Time Off	
COVID ETO Balance	40.00
Sick Balance	5.39

### Direct Deposits

Checking	XXXXXX0345	322.07
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Your Federal taxable wages for this period are: \$373.35

\*Excluded from taxable wages

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AutoZone, LLC  
123 S. Front St  
Memphis, TN 38103

Advice Number: 000076989

Advice Date: 05/15/2020

Deposited to the account of  
Eorio, Joel Edward

Account Number	Transit ABA	Amount
XXXXXX0345	107002192	\$322.07

**THIS IS NOT A CHECK**

JA000033

MAY-28-2020 15:55 FROM:

TO:17024468009

P.22/49

CO 000000-000000



AutoZone, LLC  
123 S. Front St  
Memphis, TN 38103

## Earnings Statement

Page 001 of 001  
Pay Period from 04/12/2020 to 04/25/2020  
Advice Date: 05/01/2020  
Advice Number: 000008997  
Batch Number: SCC2KZDNO1MX  
Employee ID:10894769

Eorio, Joel Edward  
6085 Enchanted Peak ave  
Las Vegas, NV 89110

Department:2211-AUTOZONE #2211  
For inquiries, please call:1-800-262-1682  
Total Hours Worked: 0.00  
Basis of Pay: Hourly  
Pay Rate: 10.00

Earnings	Rate	Hours	Current	Year-to-Date
Overtime			0.00	91.95
Regular	10.0000	28.91	289.30	2733.50
Gross Pay		28.91	289.30	2823.45
Taxes				
FIT			14.31	150.97
Medicare Employee			4.20	40.97
Social Security Employee			17.94	175.18
Total Taxes			36.45	367.13
Net Pay			252.85	2456.33

### Other

#### Information

	Balance
Paid Time Off	
COVID ETO Balance	40.00
Sick Balance	4.83

#### Direct Deposits

Checking	XXXXXXXX0345	252.85
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Your Federal taxable wages for this period are: \$289.30

\*Excluded from taxable wages

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AutoZone, LLC  
123 S. Front St  
Memphis, TN 38103

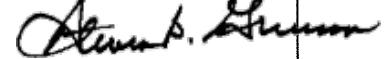
Advice Number: 000008997

Date: 05/01/2020

Deposited to the account of	Account Number	Transit ABA	Amount
Eorio, Joel Edward	XXXXXXXX0345	107002192	\$252.85

THIS IS NOT A CHECK

JA000034



1 **RCCM**  
2 **JESSICA M. FRIEDMAN, ESQ.**  
3 Nevada Bar No. 13486  
4 **CORDELL LAW L.L.P.**  
5 170 So. Green Valley Parkway, Suite 300  
6 Henderson, NV 89012  
7 P: (702) 904-7600  
8 F: (702) 446-8009  
9 jfriedman@cordelllaw.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-20-608261-D  
Dept. No.: T

19 **REPLY TO COUNTERCLAIM**

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

- 24 1. Plaintiff **admits** the allegations contained in paragraphs 1, 2, 3, 4, 5, 6, 7, 8,  
25 and 14.  
26 2. Plaintiff **denies** the allegations contained in paragraphs 9, 10, 11, 12, 13, and  
27 15.

28 ...



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WHEREFORE, Plaintiff prays for judgment as follows:

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

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

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



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

170 S. Green Valley Parkway, Suite 300  
Henderson, Nevada 89012

[jfriedman@cordelllaw.com](mailto:jfriedman@cordelllaw.com)

P: (702) 904-7600

F: (702) 446-0487

*Attorney for Plaintiff*

JOEL E. EORIO

**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:

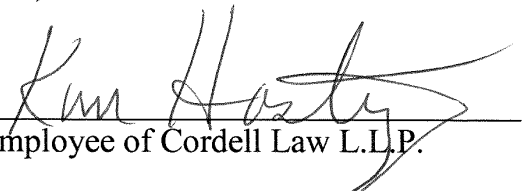
- ☒ Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory electronic Service in the Eight Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system.
- ☐ 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.

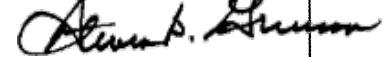
To the persons listed below at the address, email address, and/or facsimile number indicated:

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.



1 MTN  
2 JESSICA M. FRIEDMAN, ESQ.  
3 Nevada Bar No. 13486  
4 CORDELL LAW L.L.P.  
5 170 So. Green Valley Parkway, Suite 300  
6 Henderson, NV 89012  
7 P: (702) 904-7600  
8 F: (702) 446-8009  
9 jfriedman@cordelllaw.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.: T

ORAL ARGUMENT REQUESTED

19 **MOTION FOR PRIMARY PHYSICAL CUSTODY OF THE**  
20 **PARTIES' MINOR CHILDREN FOR THE PURPOSES OF**  
21 **RELOCATING WITH THE PARTIES' MINOR CHILDREN TO**  
22 **THE STATE OF NEW MEXICO**

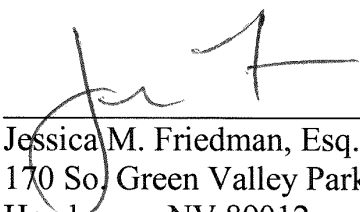
23 NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN  
24 RESPONSE TO THIS MOTION WITH THE CLERK OF THE  
25 COURT AND TO PROVIDE THE UNDERSIGNED WITH A  
26 COPY OF YOUR RESPONSE WITHIN FOURTEEN (14) DAYS  
27 OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE  
28 A WRITTEN RESPONSE WITH THE CLERK OF THE COURT  
WITHIN FOURTEEN (14) DAYS OF YOUR RECEIPT OF THIS  
MOTION MAY RESULT IN THE REQUESTED RELIEF  
BEING GRANTED BY THE COURT WITHOUT HEARING  
PRIOR TO THE SCHEDULED HEARING DATE.

1 COMES NOW Plaintiff , JOEL E. EORIO, by and through his attorney,  
2 Jessica M. Friedman, Esq. of CORDELL Law LLP, and hereby moves this  
3  
4 Honorable Court for an Order granting the Defendant Primary Physical Custody  
5 of the parties' minor children, and for permission to relocate with the parties'  
6  
7 minor children to the State of New Mexico.

8 This motion is made and based upon the papers and pleadings on file  
9  
10 herein, the Points and Authorities attached hereto, the Affidavit of Plaintiff, and  
11 any and all, oral arguments adduced at the hearing of this matter.

12 DATED this 2nd day of July, 2020.

**CORDELL LAW LLP**

  
\_\_\_\_\_  
Jessica M. Friedman, Esq.  
170 So. Green Valley Parkway, # 300  
Henderson, NV 89012  
P: (702) 904-7600  
F: (702) 446-8009  
jfriedman@cordelllaw.com  
*Attorney for Plaintiff*

I.

**FACTUAL BACKGROUND**

The parties were intermarried on April 29, 2006 in Las Cruces, New Mexico. 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. The three (3) minor children collectively are hereinafter referred to as “the subject minor children”. Joel is currently employed on a part time basis at Auto Zone while Lisa is employed at IHop and was a manager until June 26, 2020 when she was fired in that capacity for giving the middle finger to an employee. Lisa is now employed at IHop as a waitress. Throughout the parties’ marriage, Lisa has always been the primary wage earner.

In April 2019, Lisa was offered a job in Las Vegas to be the general manager for Denny’s. As such, she relocated to the state of Nevada. Joel and the children remained in New Mexico until August 2019 so the children could complete school.

III.

ARGUMENT

A. CUSTODY

From the birth of the subject minor children to present, Joel has performed all the necessary tasks for the rearing and upbringing of the subject minor children, (i.e. bathing, clothing, feeding, schooling, extra curriculums, medical, etc.) More specifically, Lisa routinely has opportunities to care for the subject minor children, but almost always delegates the same to Joel or Joel's family (when the parties lived in New Mexico). Throughout the parties' marriage, Lisa has always worked long hours and left the children in Joel's care. Moreover, There was a period of time where Lisa engaged in extra marital affair(s) and spent a significant amount of time away from the marital residence. During said time, Joel was the parent who cared for the subject minor children. Most recently, Lisa asked Joel to take the minor children back to New Mexico from May 17, 2020 to May 31, 2020 and the children loved every second of it.

As such, the best interest of the subject minor children is best served by Joel be awarded Primary Physical Custody.

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

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

1 The children have expressed a desire to live with their father and  
2 routinely asked their father when they can move back to New Mexico.

3  
4 (b) **Any nomination by a parent or a guardian for the child.**

5 N/A.

6  
7 (c) **Which parent is more likely to allow the child to have frequent  
8 associations and a continuing relationship with the noncustodial  
9 parent.**

10 Joel is the parent more likely to allow the child to have frequent  
11 association and a continuing relationship with the non-custodial  
12 parent. Joel has never denied Defendant visitation with the subject  
13 minor children and is more than willing to allow a visitation schedule  
14 that will foster and preserve the parental bond.

15 (d) **The level of conflict between the parents.**

16 The level of conflict between the parties is slightly heightened  
17 premised upon the instant litigation and the fact that the parties still  
18 reside under one roof.

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

21 The parties have historically been able to cooperate to meet the needs  
22 of the children inasmuch as Lisa delegates the majority of the tasks in  
23 the rearing and upbringing of the minor children to Joel. As such, in  
24 all likelihood the parties will continue to meet the needs of the child  
25 as Lisa will continue to delegate said tasks to Joel.

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

27 Joel is mentally and physically healthy. Upon information and belief,  
28 Lisa is physically healthy but struggles with suicidal thoughts. Lisa  
has journaled about taking her own life on more than one occasion  
throughout the parties' marriage.

1  
2 (g) **The physical, developmental and emotional needs of the child.**

3 Historically, Joel is the parent who has met the physical,  
4 developmental and emotional needs of the children (i.e. bathing,  
5 clothing, feeding, schooling, therapy, medical, etc). Joel ensures the  
6 children get to and from school, prepares their meals, assists in the  
7 completion of their homework and schedules all doctor's  
8 appointment.

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

9 Joel has an extremely strong maternal bond with the children. Upon  
10 information and belief, Lisa has a decent bond with the minor  
11 children.

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

13 All three (3) children should be kept together. While the youngest  
14 child is not biologically Joel's child, Joel is the only father the minor  
15 child has ever known. Moreover, said child was the result of an extra  
16 marital affair on the part of Lisa and the biological father is not in the  
17 child's life in any way, shape, or form.

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

20 N/A

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

24 N/A

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

28 N/A



1 Based on the foregoing, Joel respectfully requests that he be awarded  
2 Primary Physical Custody of the subject minor children.  
3

4 **B. RELOCATION TO THE STATE OF NEW MEXICO**

5 In considering a motion for permission to relocate with a minor child, the  
6 District Court must consider the following factors detailed in NRS125C.007:  
7

8 **(a) There exists a sensible, good-faith reason for the move, and the**  
9 **move is not intended to deprive the non-relocating parent of his or her**  
10 **parenting time.**

11 A good faith reason (to relocate) means one that is not designed to frustrate  
12 the visitation rights of the noncustodial parent. *Jones v. Jones*, 110 Nev. 1253,  
13 885 P.2d 563, 569 (1994) (quoting *Holder v. Polanski*, 111 N.J. 344, 544 A.2d  
14 852,856-7 (1988)). Joel is asking this Honorable Court to allow him to return to  
15 New Mexico where he and the minor children spent the majority of their lives and  
16 where numerous family members reside. Joel is in no way, shape, or form trying  
17 to deprive Lisa of her parenting time.  
18  
19  
20

21 **(b) The best interests of the child are served by allowing the**  
22 **relocating parent to relocate with the child; and**

23 Please see the best interest analysis detailed above.

24 **(c) The child and the relocating parent will benefit from an actual**  
25 **advantage as a result of the relocation.**

26 If Joel is permitted to relocate with the parties' minor children to the State  
27 of New Mexico then the benefit realized by Joel and the minor children is  
28

1 threefold. First both Plaintiff and Defendant's extended family, consisting of  
2 grandparents, aunts, uncles, cousins, friends, and the child's counselor reside in  
3 New Mexico. As such, Plaintiff and the parties' minor children would be close to  
4 a nurturing family environment and support system. This environment will  
5 enhance the living and growing condition for the parties' minor children. Second,  
6 the children will be reunited with the life that they know and love including  
7 residing in their grandparent's home and resuming their extra-curricular activities  
8 such as church, gymnastics, and cheerleading.  
9

10  
11  
12 Joel's motives are solely based on improving the quality of life for that of  
13 himself and the minor children. In New Mexico, the children will reside in a safe  
14 and loving home, be reunited with friends and family members, and Joel will have  
15 a job waiting for him upon his return.  
16

17  
18 If a relocating parent demonstrates to the court the provisions set forth in  
19 above, the court must then weigh the following factors and the impact of each on  
20 the child, the relocating parent and the non-relocating parent, including, without  
21 limitation, the extent to which the compelling interests of the child, the relocating  
22 parent and the non-relocating parent are accommodated:  
23

24  
25 **(a) The extent to which the relocation is likely to improve the**  
26 **quality of life for the child and the relocating parent;**

27 In determining whether the move will improve the quality of life, the court  
28 should consider subfactors, such as: whether positive family care and support will

1 be enhanced, whether housing and living conditions will be improved, whether  
2 educational advantages will result for the children, whether the custodial parent's  
3 employment will improve, whether special needs of a child will be better served,  
4 and whether, in the child's opinion, circumstances and relationships will be  
5 improved. *Schwartz*, at 383.  
6

7  
8 As illustrated above, the minor children have numerous family members,  
9 friends, and trusted counselors who reside in New Mexico. Additionally, the cost  
10 of living in Las Cruces, New Mexico is less than that of Las Vegas, Nevada and  
11 Joel's expenses will be manageable as he will reside with his parents in a large  
12 home where the children all have their own rooms.  
13

14  
15 **(b) Whether the motives of the relocating parent are honorable**  
16 **and not designed to frustrate or defeat any visitation rights**  
17 **accorded to the non-relocating parent;**

18 As detailed above, Joel is asking this Honorable Court to allow him to  
19 return to New Mexico where he and the minor children spent the majority of their  
20 lives and where numerous family members reside. Joel is in no way, shape, or  
21 form trying to deprive Lisa of her parenting time.  
22

23  
24 **(c) Whether the relocating parent will comply with any substitute**  
25 **visitation orders issued by the court if permission to relocate is**  
26 **granted;**

27 Joel will comply with any Order issued by this Honorable Court.

28 **(d) Whether the motives of the non-relocating parent are**  
**honorable in resisting the petition for permission to relocate or to**

1           **what extent any opposition to the petition for permission to**  
2           **relocate is intended to secure a financial advantage in the form of**  
3           **ongoing support obligations or otherwise;**

4           Lisa's motives are not Honorable in denying Joel's request to relocate. Lisa  
5 knows full well that both Joel and the subject minor children not only wish to  
6 return to New Mexico but will all thrive in said environment.,  
7

8           **(e) Whether there will be a realistic opportunity for the non-**  
9           **relocating parent to maintain a visitation schedule that will**  
10           **adequately foster and preserve the parental relationship between**  
11           **the child and the non-relocating parent if permission to relocate is**  
12           **granted; and**

13           If Joel is permitted to relocate then the current visitation with Lisa cannot  
14 be realized. Given the foregoing, Lisa must have substantial substitute visitation  
15 such that Lisa can preserve and foster her relationship with the subject minor  
16 children. Joel purposes the following visitation schedule: a) a six (6) week block  
17 during summer vacation, b) a one (1) week block during Christmas vacation, c) a  
18 one (1) week block during Spring Break, and d) every other Thanksgiving. Said  
19 visitation will provide an adequate basis for preserving and fostering the maternal  
20 relationship between Lisa and the subject minor children. Joel has never denied  
21 Lisa visitation with the subject minor children. Consequently, Joel has exhibited  
22 the characteristics that he will comply with any substitute visitation orders issued  
23 by the court. It must also be noted that Lisa has always delegated all tasks to Joel.  
24  
25  
26  
27  
28

1 (f) Any other factor necessary to assist the court in determining  
2 whether to grant permission to relocate.

3  
4 3. A parent who desires to relocate with a child pursuant to NRS  
5 125C.006 or 125C.0065 has the burden of proving that relocating with the child is  
6 in the best interest of the child.  
7

8  
9  
10 **IV.**

11 **CONCLUSION**

12 Given the foregoing, Plaintiff, JOEL EORIO, respectfully requests that this  
13 Honorable Court enter an Order granting Plaintiff Primary Physical custody of the  
14 parties' minor children, and to allow the Plaintiff to relocate with the minor  
15 children to the State of New Mexico.  
16

17 DATED this 2nd day of July, 2020.  
18

19  
20 **CORDELL LAW LLP**

21  
22 \_\_\_\_\_  
23 Jessica M. Friedman, Esq.  
24 Nevada Bar No.: 13486  
25 2850 W. Horizon Ridge Pkwy # 200  
26 Henderson, Nevada 89052  
27 *Attorney for Defendant*  
28

**AFFIDAVIT OF JOEL EORIO**


STATE OF NEVADA     )  
                                      ) ss  
COUNTY OF CLARK    )

JOEL EORIO, under penalty of perjury, being first duly sworn, deposes and says:

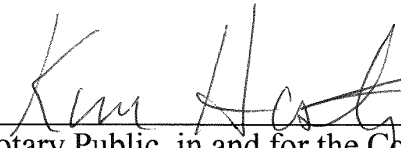
That Affiant is the Plaintiff in the above-entitled action. That Affiant has reviewed and verified all the facts contained herein, especially those set forth under section I, and the same is true to the best of my own knowledge, except as to those matters therein contained stated upon information and belief, and to those matters, I believe them to be true.

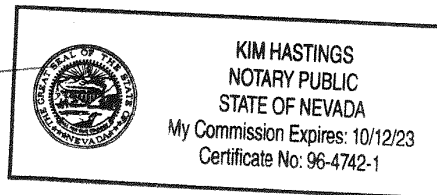
Given the forgoing, Affiant respectfully requests that this Honorable Court grant the relief requested in my Motion.

Further your Affiant sayeth naught.

  
JOEL EORIO

SUBSCRIBED AND SWORN to before me  
this 1 day of JULY, 2020,  
by

  
Notary Public, in and for the County  
of Clark, State of Nevada



**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 2 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  
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consent for service by electronic means.

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[ ] by hand delivery with signed Receipt of Copy.

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number indicated:

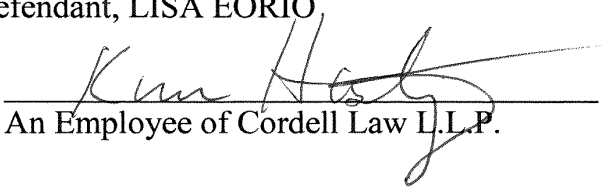
Patricia Warnock, Esq.

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John Schaller, Esq.

[jschaller@buchmillerlaw.com](mailto:jschaller@buchmillerlaw.com)

Attorneys for Defendant, LISA EORIO,

  
An Employee of Cordell Law L.L.P.

MOFI

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

Joel Eorio  
Plaintiff/Petitioner

v. Lisa Eorio  
Defendant/Respondent

Case No. D-20-608261-0  
Dept. +

**MOTION/OPPOSITION  
FEE INFORMATION SHEET**

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

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

<input type="checkbox"/> <b>\$25</b>	The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.
-OR-	
<input checked="" type="checkbox"/> <b>\$0</b>	The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:
<input checked="" type="checkbox"/>	The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
<input type="checkbox"/>	The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
<input type="checkbox"/>	The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
<input type="checkbox"/>	Other Excluded Motion (must specify) _____.

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

<input checked="" type="checkbox"/> <b>\$0</b>	The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:
<input type="checkbox"/>	The Motion/Opposition is being filed in a case that was not initiated by joint petition.
<input type="checkbox"/>	The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.
-OR-	
<input type="checkbox"/> <b>\$129</b>	The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order.
-OR-	
<input type="checkbox"/> <b>\$57</b>	The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129.

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

The total filing fee for the motion/opposition I am filing with this form is:

☒ **\$0** ☐ **\$25** ☐ **\$57** ☐ **\$82** ☐ **\$129** ☐ **\$154**

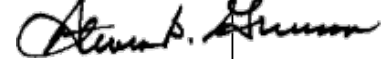
Party filing Motion/Opposition: Plaintiff Date 7/2/2020

Signature of Party or Preparer Kim Hardy

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1 **OPPC**  
2 **PATRICIA WARNOCK, ESQ.**  
3 Nevada Bar #14432  
4 **JOHN SCHALLER, ESQ.**  
5 Nevada Bar #15091  
6 **JOHN BUCHMILLER & ASSOCIATES**  
7 516 South Fourth Street  
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9 Phone: (702) 849-0616  
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13 *Attorneys for Defendant Lisa M. Eorio*

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

18 JOEL E. EORIO,

19 Plaintiff,

20 vs.

21 LISA M. EORIO,

22 Defendant.

CASE NO: D-20-608267-D

DEPT NO: T

ORAL ARGUMENT REQUESTED

23 **DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR PRIMARY**  
24 **PHYSICAL CUSTODY OF THE PARTIES' MINOR CHILDREN FOR THE PURPOSES**  
25 **OF RELOCATING WITH THE PARTIES' MINOR CHILDREN TO THE STATE OF**  
26 **NEW MEXICO**

27 **AND**

28 **DEFENDANT'S COUNTERCLAIM FOR ATTORNEYS' FEES AND COSTS**

29 COMES NOW the Defendant, LISA M. EORIO ("Lisa"), by and through her attorney,  
30 PATRICIA WARNOCK, ESQ., and JOHN SCHALLER of the law firm of JOHN  
31 BUCHMILLER & ASSOCIATES, LLC, and hereby files her Opposition to the Plaintiff's, JOEL

1 E. EORIO (“Joel”), Motion for Primary Physical Custody of the Parties’ Minor Children for the  
2 Purposes of Relocating with the Parties’ Minor Children to the State of New Mexico.

3 This Opposition is made and based upon the pleadings on file with the court herein, the  
4 points and authorities contained below, and any argument proffered at the time of hearing.

5 **DATED** this 14<sup>th</sup> day of July, 2020.

6  
7 /S/ PATRICIA WARNOCK, ESQ.  
8 PATRICIA WARNOCK, ESQ.  
9 Nevada Bar # 14432  
10 [Patricia@Buchmillerlaw.com](mailto:Patricia@Buchmillerlaw.com)  
11 516 S. Fourth Street  
12 Las Vegas, NV 89101  
13 (702) 849-0616(PHONE/TEXT)  
14 *Attorneys for Defendant Lisa M. Eorio*

15  
16 **MEMORANDUM OF POINTS AND AUTHORITIES**

17  
18 **I. INTRODUCTION**

19 The parties were married on April 29, 2006 in the City of Las Cruces, County of Dona  
20 Ana, State of New Mexico; their marriage is duly registered therein. From the marriage, two  
21 children were born to the parties, to wit: Harley R. Eorio, born March 8, 2007 who is currently 13  
22 years old, and Hayden B. Eorio, born October 24, 2009 who is currently 10 years old. No custody  
23 order has been entered in any jurisdiction regarding these two minor children.

24 During the course of the marriage, one child was born to Lisa as a result of an extramarital  
25 relationship; namely, Gianni E. Eorio, born October 17, 2015, who is currently four (4) years old.  
26 No custody order has been entered in any jurisdiction involving Gianni’s biological father. At this  
27 time, Joel alleges he is the “equitable father” of Gianni, acting *in loco parentis*, however Gianni’s  
biological father is not a party to this case and Joel has not legally adopted Gianni.

On July 2, 2020, Joel filed in the above captioned divorce proceeding a 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. Joel's Motions should be denied outright because he has failed to adequately provide justification as to why awarding him Primary Physical Custody and moving to New Mexico is any way in the children's best interests.

## II. ARGUMENT

### A. JOEL'S MOTION FOR PRIMARY PHYSICAL CUSTODY OF THE PARTIES' MINOR CHILDREN SHOULD BE DENIED OUTRIGHT BECAUSE HE HAS FAILED TO SHOW HIS REQUEST IS IN THE CHILDREN'S BEST INTERESTS.

When determining the physical custody of a minor child, the motivation for the court's decision should be solely based on the welfare of the child. *Elsman v. Elsman*, 54 Nev. 20, 2P.2d 132 (1932); *Paine v. Paine*, 71 Nev. 262 at 264, 287 P.2d 716 (1955). In determining the welfare of the child, Nevada legislature has established "best interest" factors codified as NRS 125.480. In his Motion for Primary Custody of the Minor Children, Joel fails to appropriately cite to NRS 125.480 in violation of Nevada Rules of Civil Procedure 7 which states: "A request for a court order must be made by motion. The motion must state with particularity the grounds for seeking the order." NRCP 7(b)(1)(B). [Emphasis added]. This court should not have to parse out a movant's pleading to insert the authority under which a request is brought.

In addition to the aforementioned legal deficiency in his Motion, Joel has crafted a fictitious account of the parties' current situation yet still fails to provide adequate reasoning to award him primary physical custody. To start, Joel's first argument is that "Joel has performed all the necessary tasks for the rearing and upbringing of the subject minor children, (i.e. bathing, clothing, feeding schooling, extra curriculars, medical, etc.)." See Plaintiff's Motion for Primary Physical Custody of the Parties' Minor Children at 4, line 5. Yet later in his Motion, Joel alleges that it is

1 Lisa who “delegates the majority of the tasks in the rearing and upbringing of the minor children  
2 to Joel.” *Id.* at 5, line 20.

3 In an attempt to show that Joel performs “all necessary tasks” for the children, he skates  
4 over the parties’ reality. Until recently, Lisa has been the General Manager of a local IHOP  
5 working 50 or more hours per week, while Joel works part-time in the evenings at AutoZone  
6 averaging about 10-20 hours per week. The parties’ schedules allow Joel to be with the children  
7 during the daytime, for example when doctors’ offices are open, and therefore they do not have to  
8 hire childcare.  
9

10 Joel is correct in stating that Lisa has to “delegate” tasks to him because it is not certain  
11 whether Joel has the capability of facilitating activities of daily living for the children without  
12 Lisa’s guidance. Joel even states that should he be granted Primary Physical Custody it is assumed  
13 Lisa will “continue to delegate said tasks to Joel.” *Id.* at 5, line 21. Joel has demonstrated a pattern  
14 of improvident parenting which includes regularly sleeping until 10 or 11 AM and letting the  
15 children begin their day alone without supervision. Often Harley is responsible for assuring that  
16 the younger two children are cared for until Joel decides to wake up. Joel has drastically  
17 mischaracterized the parties’ relationships to their children, and discounts the parties’ reality.  
18

19 Joel asserts in his Motion that he should be awarded primary physical custody of the  
20 parties’ minor children because Lisa “has journaled about taking her own life on more than one  
21 occasion throughout the parties’ marriage.” *Id.*, line 27. This allegation is a transparent attempt by  
22 Joel to throw anything against the wall to see what will stick. While it is true that Lisa had  
23 maintained a journal during the beginning of the parties’ marriage, Lisa affirmatively states that  
24 the sole purpose of her journal was to write out the frustrations that she was feeling within her  
25 marriage. Lisa has consistently been employed in stressful positions and often has taken on  
26

multiple jobs to make ends meet and account for Joel's spotty employment history. On top of her work-related pressures, Lisa came home to a culture of manipulation and control promulgated by Joel and his immediate family when they were living in New Mexico. Lisa's writings demonstrate a feeling of desolation and are self-reflections on whether her conditions would be improved if she removed herself from her circumstances.

Joel's Motion for Primary Physical Custody of the Parties' Minor Children is littered with inconsistencies and half-truths that are a blatant attempt to distract from his own shortcomings. His arguments fail to show that he has any claim to be awarded Primary Physical Custody of these minor children pursuant to what NRS 125.480 demands. Because of these deficiencies, Joel's Motion must be denied outright.

**B. JOEL'S MOTION TO RELOCATE WITH THE PARTIES' MINOR CHILDREN TO THE STATE OF NEW MEXICO SHOULD BE DENIED BECAUSE GRANTING HIM PRIMARY PHYSICAL CUSTODY IS NOT IN THEIR BEST INTERESTS**

In continuation of the foregoing argument, Joel must not be granted Primary Physical Custody of the parties' minor children because doing so is not in their best interests. Therefore, Joel's request to relocate with the minor children to New Mexico must be denied.

In the alternative, Joel's proffered reasoning as to why he wants to relocate to New Mexico is inherently suspect in that he does not account for the parties' motive for the initial move to Las Vegas from New Mexico in August 2019. Joel alleges in his Motion that his intention to relocate is "solely based on improving the quality of life for that of himself and the minor children. In New Mexico, the children will reside in a safe and loving home, be reunited with friends and family members, and Joel will have a job waiting for him upon his return." *See* Plaintiff's Motion to Relocate to the State of New Mexico at 8, line 12. [Emphasis added].

1 Joel has specifically omitted from his Motion that the reason the parties chose to move to  
2 Las Vegas in 2019 was to distance themselves from Joel's "helicopter" parents who are  
3 manipulative and create a toxic family environment. While in his Motion Joel alleges that the only  
4 reason the family relocated to Las Vegas in 2019 was because Lisa was offered a job, this is not  
5 accurate. Lisa moved ahead of her family to Las Vegas to be closer to her family, who could offer  
6 support and assistance without turning the parties against each other, and also to see if there were  
7 other, better jobs, besides what she had been offered., and secure a home for them to move to.  
8 Upon her arrival, she began employment as the General Manager of a local Denny's faster, and  
9 Joel remained in New Mexico for several months to allow the children to finish the school year.  
10 Although Joel characterizes the move as something motivated solely by Lisa's employment  
11 opportunity, it was a calculated relocation to separate their children from Joel's extended family.  
12

13 Joel has attempted to glorify his future living arrangements and job prospects in New  
14 Mexico upon his return. He states "...the children will be reunited with the life that they know and  
15 love including residing in their grandparent's [sic] home," and "...Joel will have a job waiting for  
16 him upon his return." *Id* at 8, lines 8, 15. Joel's apparent goals for relocation here include free rent  
17 and the "promise" of a job. While Joel has stated that within their potential new home each child  
18 will have their own bedroom, he has failed to provide relevant information like how many adults  
19 will be residing with the parties' children in this hypothetical home. Additionally, he has not  
20 provided this court any quality information about his job prospects such as an offer letter or new  
21 employment letter casting doubt on his claims.  
22

23 Joel's request to relocate to New Mexico with the parties' minor children must be denied  
24 because granting Joel Primary Physical Custody is not in the children's best interests. In the  
25 alternative, Joel's request to relocate with the parties' minor children is motivated by selfish goals  
26

1 and loose promises that cannot be backed up by proof. Joel can relocate to New Mexico, but these  
2 children must not.

3  
4 **III. CONCLUSION**

5 WHEREFORE, Lisa prays for judgment as follows:

- 6 1. That Joel's request for Primary Physical Custody of the parties' minor children be  
7 denied outright;
- 8 2. That Joel's request to relocate with the parties' minor children to New Mexico be  
9 denied outright;
- 10 3. For such other and further relief as the court deems just.
- 11

12 **DEFENDANT'S COUNTERCLAIM FOR ATTORNEYS' FEES AND COSTS**

13 Defendant hereby files her Counterclaim against Plaintiff or an Order to Award Lisa  
14 Attorneys' Fees and Costs associated with the preparation and filing of this Opposition and  
15 Counterclaim pursuant to NRS 18.010.

16  
17 This Counterclaim is made and based upon the pleadings on file with the court herein, the  
18 points and authorities contained below, and any argument proffered at the time of hearing.

19 1. That Joel has filed a Motion for Primary Physical Custody of the Parties' Minor  
20 Children for the Purposes of Relocating with the Parties' Minor Children to the State of New  
21 Mexico.

22 2. That within that Motion, Joel has failed to cite adequate authority for which to bring  
23 his claims for Primary Physical Custody and has made inaccurate statements in his pleading.

24 3. That Lisa has had to retain John Buchmiller & Associates, LLC to defend herself  
25 against Joel's inappropriate Motion.  
26

/S/ PATRICIA WARNOCK, ESQ.  
PATRICIA WARNOCK, ESQ.  
Nevada Bar # 14432  
[Patricia@Buchmillerlaw.com](mailto:Patricia@Buchmillerlaw.com)  
JOHN SCHALLER, ESQ.  
Nevada Bar # 15091  
[JSchaller@Buchmillerlaw.com](mailto:JSchaller@Buchmillerlaw.com)  
516 S. Fourth Street  
Las Vegas, NV 89101  
(702) 849-0616 (Phone/Text)  
*Attorneys for Defendant Lisa M. Eorio*



**DECLARATION**

STATE OF NEVADA       )  
                                          ) ss:  
COUNTY OF CLARK       )

LISA M. EORIO being first duly sworn, deposes and says:

That she is the Defendant in the attached DEFENDANT'S OPPOSITION TO 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 DEFENDANT'S COUNTERCLAIM FOR ATTORNEYS' FEES AND COSTS. She has read the above and foregoing Opposition and Counterclaim, and knows the contents thereof, and that the same is true of her own knowledge.



---

LISA M. EORIO

**CERTIFICATE OF MAILING/ELECTRONIC SERVICE**

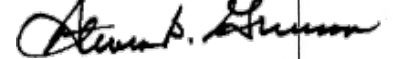
A COPY OF the foregoing Defendant's Opposition to Motion to Relocate in the above-captioned matter was served today to Plaintiff through his attorney at:

Mr. Joel Eorio  
c/o Jessica Friedman, Esq.  
Cordell Law  
jfriedman@cordelllaw.com

DATED this 14<sup>th</sup> day of July, 2020.

/S/ Suzanne Carver

An Employee of John Buchmiller & Associates, LLC



1 **RPLY**

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

3 Nevada Bar No. 13486

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

5 170 So. Green Valley Parkway, Suite 300

6 Henderson, NV 89012

7 P: (702) 904-7600

8 F: (702) 446-8009

9 jfriedman@cordelllaw.com

10 *Attorney for Plaintiff*

11 **JOEL E. EORIO**

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

14 **JOEL E. EORIO,**

15 Plaintiff,

Case No.: D-20-608261-D

Dept. No.: Q

16 vs.

17 **LISA M. EORIO,**

18 Defendant.

19 **REPLY IN SUPPORT OF PLAINTIFF'S MOTION FOR**  
20 **PRIMARY PHYSICAL CUSTODY OF THE PARTIES' MINOR**  
21 **CHILDREN FOR THE PURPOSES OF RELOCATING WITH**  
22 **THE PARTIES' MINOR CHILDREN TO THE STATE OF NEW**  
23 **MEXICO**  
24 **AND OPPOSITION TO DEFENDANT'S COUNTERMOTION**

25 COMES NOW Plaintiff, JOEL E. EORIO, by and through his attorney of  
26 record, JESSICA M. FRIEDMAN, ESQ. of CORDELL LAW LLP, and hereby  
27 files his Reply in Support of his Motion for Primary Physical Custody of the  
28 Parties' Minor Children for the Purposes of Relocating to the State of New  
Mexico, and Opposition to Defendant's Countermotion.

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

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

1 This Reply is made and based upon the Papers and Pleadings on file herein,  
2 Points and Authorities attached hereto, the Declaration of the Plaintiff<sup>1</sup>, and any  
3  
4 and all oral arguments adduced at the hearing of this matter.

5 DATED this 28<sup>th</sup> day of July, 2020.  
6

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

8  
9  
10   
11 **JESSICA M. FRIEDMAN, ESQ. #13486**

12 170 S. Green Valley Parkway, Suite 300

13 Henderson, Nevada 89012

14 [jfriedman@cordelllaw.com](mailto:jfriedman@cordelllaw.com)

15 P: (702) 904-7600

16 F: (702) 446-0487

17 *Attorney for Plaintiff*

18 **JOEL E. EORIO**  
19  
20  
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26  
27  
28

---

<sup>1</sup> Said Declaration shall be filed under separate cover.

**I.**  
**FACTUAL BACKGROUND**

The parties were intermarried on April 29, 2006 in Las Cruces, New Mexico. 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. The three (3) minor children collectively are hereinafter referred to as “the subject minor children”. While the parties have never formally signed any documentation relating to the custody of Gianni, the parties have always had an understanding that Joel is Gianni’s father. More specifically, at the time of Gianni’s birth, Lisa requested that Gianni take Joel’s last name, Eorio. Moreover, Gianni’s biological father is aware that he has a son and has never made a single effort to contact Gianni in any way, shape, or form. Joel is and has always been ready, willing and able to formally adopt Gianni and take on all responsibilities associated with the same.

Joel is currently employed on a part time basis at Auto Zone while Lisa is employed at IHop and was a manager until June 26, 2020 when she was fired in that capacity for giving the middle finger to an employee. Lisa is now employed at

1 IHop as a waitress. Throughout the parties' marriage, Lisa has always been the  
2 primary wage earner.  
3

4 As detailed in Joel's initial motion, it is in the best interest of the subject  
5 minor children to relocate to the State of New Mexico.  
6

## 7 II. 8 LEGAL ARGUMENT

### 9 10 A. PRIMARY PHYSICAL CUSTODY

11 Lisa argues that Joel failed to cite NRS 125.480. Unfortunately, what Lisa  
12 may not be aware of is that NRS 125.480 is no longer good law and has been  
13 replaced by NRS 125C.0035 which Joel accurately analyzes on pages four (4)  
14 through six (6) of his motion. Even more concerning is the fact that Lisa simply  
15 provides conclusory statements throughout her opposition yet fails to provide any  
16 analysis as to why the children should continue to reside in Las Vegas, Nevada.  
17 Lisa further fails to go through the best interest factors or detail how she would  
18 manage to take care of the children while she is at work. This is not a mere  
19 coincidence. Lisa knows full well that it is in the best interest for the children to  
20 relocate as she cannot take care of them on her own. It is crystal clear that Joel has  
21 been the primary caregiver throughout the parties' marriage. It is undisputed that  
22 Lisa worked full time and Joel took care of the children. On many occasions, Lisa  
23 had the opportunity to partake in the rearing and upbringing of the subject minor  
24  
25  
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1 children, yet she elected to have Joel do it, i.e., delegate. Lisa is often unaware of  
2 the children's schedules, so she has never been able to give anyone instruction on  
3 what to do with the children. It is also important to note that Lisa chose to work  
4 and go out with friends during the evening. Lisa chose to let Joel raise the children  
5 and Joel gladly accepted.  
6

7  
8 There was a time after the parties moved to Las Vegas that Gianni had a  
9 fever over 100 degrees. On said date, Lisa was off work and chose to call Joel  
10 while he was working stating that Joel needed to take Gianni to the hospital  
11 because Lisa was tired. When Joel got home, Lisa was already in bed. This is just  
12 one of many examples where Lisa chose to delegate the tasks to Joel because she  
13 could not be bothered to do it herself.  
14

15  
16 Over the last few months, Lisa has decided to go out after work instead of  
17 coming home to spend time with the children. When the children ask where she's  
18 going, she responds by saying "I deserve time to go out". With a disappointed look  
19 on their faces, the parties' girls have recently said "mommy is going to the casino  
20 again". The children have asked Joel why mommy doesn't want to spend time with  
21 them anymore. Even more confusing to the children is why Lisa started buying the  
22 children gifts out of the blue. The girls have stated that their mom is trying to buy  
23 them off.  
24  
25  
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1 On July 26, 2020, Joel worked from 4:00 pm to 9:00 pm. When he got  
2 home from work he went upstairs to say goodnight to the children and found out  
3 that Hayden the ten (10) year old made peas for Harley and herself and Gianni ate  
4 a corndog. Both Lisa and Lisa's mom were home during this time and neither of  
5 them made dinner for the children. The children were still hungry as they did not  
6 eat a proper dinner, so Joel went to Burger King to ensure the children did not go  
7 to bed hungry. This is just another example of Lisa failing to take care of the  
8 minor children.  
9  
10  
11

12 As detailed in Joel's underlying motion it is in the best interests of the  
13 subject minor children to reside primarily with Joel.  
14

## 15 B. RELOCATION

16 First and foremost, just as Lisa failed to analyze the best interest factors,  
17 Lisa also failed to analyze the factors for relocation to support her claim that the  
18 children should remain in Las Vegas, Nevada. Second, despite Lisa's allegations  
19 to the contrary, the parties did NOT move to Las Vegas, Nevada to get away from  
20 Joel's family. Joel's family is and has always been loving and supporting. The  
21 subject minor children have a fantastic relationship with Joel's family and cannot  
22 wait to return to New Mexico. Third, detailed in Joel's underlying motion, Joel has  
23 a job lined up in New Mexico. More specifically, Joel's manager has confirmed  
24 that Joel will be transferred to a location in New Mexico. Joel has no problem  
25  
26  
27  
28



1 providing this Honorable Court with a letter from said manager confirming the  
2 same. The court can see the forest through the trees and realize that Lisa does not  
3  
4 have a valid reason to deny Joel's request to relocate. As such, Joel respectfully  
5 requests that this Honorable Court grant his request for relocation with the minor  
6  
7 children.

### 8 C. ATTORNEY'S FEES

9  
10 As detailed above, Lisa cites antiquated law and fails to plead her case as to  
11 why the children should remain in the State of Nevada. Moreover, Lisa fails to  
12 state how she plans to take care of the children and ensure their needs are met on  
13  
14 her own. As such, Lisa's claim for attorney's fees pursuant to NRS 18.010 should  
15  
16 be denied.

17 ...

18 ...

19 ...

20 ...

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24 ...

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28 ...

**III.**  
**CONCLUSION**

Given the foregoing, Plaintiff, JOEL EORIO, respectfully requests that this Honorable Court enter an Order granting Plaintiff Primary Physical custody of the parties' minor children, and to allow the Plaintiff to relocate with the minor children to the State of New Mexico.

DATED this 28<sup>th</sup> day of July, 2020.

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

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

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Henderson, Nevada 89012

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*Attorney for Plaintiff*

JOEL E. EORIO

**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 28<sup>th</sup> 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.

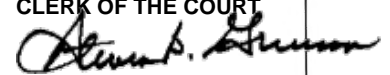
To the persons listed below at the address, email address, and/or facsimile number indicated:

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.



1 **DECL**  
2 **JESSICA M. FRIEDMAN, ESQ.**  
3 Nevada Bar No. 13486  
4 **CORDELL LAW L.L.P.**  
5 170 So. Green Valley Parkway, Suite 300  
6 Henderson, NV 89012  
7 P: (702) 904-7600  
8 F: (702) 446-8009  
9 jfriedman@cordelllaw.com  
10 *Attorney for Plaintiff*  
11 **JOEL E. EORIO**

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

14 **JOEL E. EORIO,**  
15 **Plaintiff,**  
16  
17 **vs.**  
18 **LISA M. EORIO,**  
19 **Defendant.**

20 Case No.: D-20-608261-D  
21 Dept. No.: Q

22 **DECLARATION TO REPLY IN SUPPORT OF PLAINTIFF'S**  
23 **MOTION FOR PRIMARY PHYSICAL CUSTODY OF THE**  
24 **PARTIES' MINOR CHILDREN FOR THE PURPOSES OF**  
25 **RELOCATING WITH THE PARTIES' MINOR CHILDREN TO**  
26 **THE STATE OF NEW MEXICO**  
27 **AND OPPOSITION TO DEFENDANT'S COUNTERMOTION**

28 COMES NOW Plaintiff, JOEL E. EORIO, by and through his attorney of  
record, JESSICA M. FRIEDMAN, ESQ. of CORDELL LAW LLP, and hereby  
files his Declaration to 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 Countermotion.

**DECLARATION OF JOEL E. EORIO**

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

That Affiant is the Plaintiff in the above-entitled action. That Affiant has reviewed and verified all the facts contained herein, especially those set forth under section I, and 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.

Given the forgoing, Affiant respectfully requests that this Honorable Court grant all my relief requested in my Countermotion.

Further your Affiant sayeth naught.

  
\_\_\_\_\_  
JOEL E. EORIO



**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 29<sup>th</sup> 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 Eighth 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.

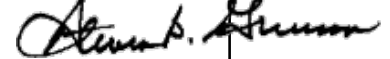
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John Schaller, Esq.

[jschaller@buchmillerlaw.com](mailto:jschaller@buchmillerlaw.com)

Attorneys for Defendant, LISA EORIO

  
An Employee of Cordell Law L.L.P.



1 **SUPP**  
2 **PATRICIA WARNOCK, ESQ.**  
3 Nevada Bar #14432  
4 **JOHN SCHALLER, ESQ.**  
5 Nevada Bar #15091  
6 **JOHN BUCHMILLER & ASSOCIATES**  
7 516 South Fourth Street  
8 Las Vegas, Nevada 89101  
9 Phone: (702) 849-0616  
10 Fax: (702) 583-7373  
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13 *Attorneys for Defendant Lisa M. Eorio*

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

17 **JOEL E. EORIO,**

18 Plaintiff,

19 vs.

20 **LISA M. EORIO,**

21 Defendant.

CASE NO: D-20-608267-D

DEPT NO: T

ORAL ARGUMENT REQUESTED

22 **SUPPLEMENT TO DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR**  
23 **PRIMARY PHYSICAL CUSTODY OF THE PARTIES' MINOR CHILDREN FOR THE**  
24 **PURPOSES OF RELOCATING WITH THE PARTIES' MINOR CHILDREN TO THE**  
25 **STATE OF NEW MEXICO AND DEFENDANT'S COUNTERCLAIM FOR**  
26 **ATTORNEYS' FEES AND COSTS**

27 COMES NOW the Defendant, LISA M. EORIO ("Lisa"), by and through her attorney,  
28 PATRICIA WARNOCK, ESQ., and JOHN SCHALLER of the law firm of JOHN  
29 BUCHMILLER & ASSOCIATES, LLC, and hereby files this Supplement to her Opposition to  
30 the Plaintiff's, JOEL E. EORIO ("Joel"), Motion for Primary Physical Custody of the Parties'  
31 Minor Children for the Purposes of Relocating with the Parties' Minor Children to the State of  
32 New Mexico.

1 This Supplement to her Opposition is made and based upon the pleadings on file with the  
2 court herein, the points and authorities contained below, and any argument proffered at the time  
3 of hearing.

4 **DATED** this 29<sup>th</sup> day of July, 2020.

5 /S/ PATRICIA WARNOCK, ESQ.  
6 PATRICIA WARNOCK, ESQ.  
7 Nevada Bar # 14432  
8 Patricia@Buchmillerlaw.com  
9 516 S. Fourth Street  
10 Las Vegas, NV 89101  
11 (702) 849-0616(PHONE/TEXT)  
12 *Attorneys for Defendant Lisa M. Eorio*

## 13 MEMORANDUM OF POINTS AND AUTHORITIES

### 14 I. INTRODUCTION

15 The parties were married on April 29, 2006 in the City of Las Cruces, County of Dona  
16 Ana, State of New Mexico; their marriage is duly registered therein. From the marriage, two  
17 children were born to the parties, to wit: Harley R. Eorio, born March 8, 2007 who is currently 13  
18 years old, and Hayden B. Eorio, born October 24, 2009 who is currently 10 years old. No custody  
19 order has been entered in any jurisdiction regarding these two minor children.

20 During the course of the marriage, one child was born to Lisa as a result of an extramarital  
21 relationship; namely, Gianni E. Eorio, born October 17, 2015, who is currently four (4) years old.  
22 No custody order has been entered in any jurisdiction involving Gianni's biological father. At this  
23 time, Joel alleges he is the "equitable father" of Gianni, acting *in loco parentis*, however Gianni's  
24 biological father is not a party to this case and Joel has not legally adopted Gianni.

25 The parties moved from New Mexico to Nevada in 2019, with Lisa moving first in April  
26 to accept a job as the general manager of a Denny's, and then Joel and the children following in



1 August of 2019 once the children completed school. Lisa has always been the main income earner  
2 for the household. Because Joel has not held full-time employment, Lisa has occasionally been  
3 forced to work long hours to provide the standard of living that she and Joel both wanted for their  
4 children. The motive for the move from New Mexico to Las Vegas was partially financial – the  
5 Denny’s position was a good job for Lisa – but also in part because Joel and Lisa both wanted at  
6 that time to put some distance between themselves and their relatives in New Mexico. This was  
7 not intended to keep the kids from relatives in New Mexico, however, and in fact in May of this  
8 year, Lisa asked Joel to take the kids to New Mexico for the last two weeks of May, which Joel  
9 did.

10  
11 Both Lisa, and Joel, have clearly established a meaningful relationship with the minor  
12 children. Lisa works long hours in order to make sufficient income to afford the children some  
13 advantages in life, but also maintains extremely close mother-child bonds with her children. She  
14 also frequently must check up on Joel to ensure that needed parenting tasks get completed, and she  
15 will do so even at work if she has to. Joel, for his part, is by all accounts a devoted father who  
16 also has close relationships with the children.

## 17 18 **II. ARGUMENT**

### 19 **A. JOEL’S MOTION FOR PRIMARY PHYSICAL CUSTODY OF THE** 20 **PARTIES’ MINOR CHILDREN IS NOT IN THE CHILDREN’S BEST** 21 **INTERESTS.**

22 NRS 125C.002 and NRS 125C.0025 establish presumptions in favor of joint legal and joint  
23 physical custody for involved parents. NRS 125C.003 and NRS 125C.0035 apply a best interests  
24 of the child standard in making physical custody determinations. NRS 125C.0035(f) provides for  
25 the following factors to be considered in determining “best interests.”

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

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

18 Under a factor by factor analysis, it becomes clear that joint custody is in the best interests  
19 of the minor children.

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

22 None of the minor children are old enough for this factor to apply.

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

24 Not applicable.

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

27 Because Joel is currently trying to take the kids away from their mother and permanently  
relocate to New Mexico, it appears that by his actions he is likely to prevent, for the future, a  
strong continuing relationship between the children and Lisa.

28 **(d) The level of conflict between the parents.**

29 While there is no reason for it, due to Joel's attempt to take the kids away from Lisa and  
back to New Mexico, it appears that the level of conflict between the parties currently is high.

1 This is due to Joel's attempts to take the children away from Lisa, though, and not due to any  
2 actions on Lisa's part. Additionally, upon information and belief Joel has began an affair with a  
3 houseguest who has been Lisa's friend for many years. While it is unknown if the affair has  
4 become physical, it is definitely an emotional affair which causes much conflict between all  
5 three parties, with the third party refusing to leave the home and taking sides against Lisa  
6 wherever possible and spending time with Joel outside of the home.  
7

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

9 It is unclear how well the parties will be able to cooperate at this time.  
10

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

12 Both of the parties are believed to be in good mental and physical health.

13 Joel alleges that because Lisa has journaled about thoughts about taking her own life, that  
14 this is a reason to be concerned about her fitness to share physical custody. However, a great many  
15 people have one form or the other of suicidal ideation at one point or the other, and very few then  
16 try to take their own lives. Among other things, trying to use journal entries that mention thoughts  
17 of suicide as grounds to award primary physical custody to the other parent, would have the result  
18 of stripping a great many parents of shared custody, to the great detriment of the majority of  
19 children who would be so affected.  
20

21  
22 **(g) The physical, developmental and emotional needs of the child.**

23 The children have strong bonds with both parents, and developmentally are at ages where  
24 having both parents close remain critically important to them.  
25

26 **(h) The nature of the relationship of the child with each parent.**  
27

1 The children have close relationships with both parents.

2 The remaining factors in the statute are not applicable in this case.

3 In examining these factors in their totality, it seems clear that, so long as Joel remains in  
4 Nevada, that both parties should have joint physical custody. However, should Joel be determined  
5 to leave Nevada for New Mexico, with or without the kids, so too is it clear that that Lisa is likely  
6 to be the parent who better fosters a strong bond between the minor child and the other parent.  
7 Further, Lisa is not the reason for the current high level of conflict.  
8

9 Joel himself supported the move from New Mexico to Las Vegas, and his desire to now  
10 take the kids back to New Mexico, to a location that is a very long drive away from Mom seems  
11 spurred almost entirely by the pending divorce. Lisa supports the kids maintaining close ties to  
12 their New Mexico relatives, but not at the expense of their losing a close relationship with their  
13 mother.  
14

## 15 **B. RELOCATION-SPECIFIC FACTORS AND ANALYSIS**

16 NRS 125C.007(3) makes clear that the burden of proof rests on the parents who wishes to  
17 relocate, in showing that relocation would be in the best interest of the minor child or children.  
18 While no order, judgment or decree is currently in place establishing custody, by analogy the  
19 burden of proof standard of NRS 125C.007(3), and the balancing of interests factors of NRS  
20 125C.007(1) and (2), should likewise apply in the current case. NRS 125C.007 provides in full  
21 as follows:  
22

### 23 **NRS 125C.007 Petition for permission to relocate; factors to be weighed by court.**

24 1. In every instance of a petition for permission to relocate with a child that is filed pursuant  
25 to NRS 125C.006 or 125C.0065, the relocating parent must demonstrate to the court that:

26 (a) There exists a sensible, good-faith reason for the move, and the move is not intended to  
27 deprive the non-relocating parent of his or her parenting time;

(b) The best interests of the child are served by allowing the relocating parent to relocate with  
the child; and

1 (c) The child and the relocating parent will benefit from an actual advantage as a result of the  
2 relocation.

3 2. If a relocating parent demonstrates to the court the provisions set forth in subsection 1, the  
4 court must then weigh the following factors and the impact of each on the child, the relocating parent  
5 and the non-relocating parent, including, without limitation, the extent to which the compelling  
6 interests of the child, the relocating parent and the non-relocating parent are accommodated:

7 (a) The extent to which the relocation is likely to improve the quality of life for the child and  
8 the relocating parent;

9 (b) Whether the motives of the relocating parent are honorable and not designed to frustrate or  
10 defeat any visitation rights accorded to the non-relocating parent;

11 (c) Whether the relocating parent will comply with any substitute visitation orders issued by the  
12 court if permission to relocate is granted;

13 (d) Whether the motives of the non-relocating parent are honorable in resisting the petition for  
14 permission to relocate or to what extent any opposition to the petition for permission to relocate is  
15 intended to secure a financial advantage in the form of ongoing support obligations or otherwise;

16 (e) Whether there will be a realistic opportunity for the non-relocating parent to maintain a  
17 visitation schedule that will adequately foster and preserve the parental relationship between the  
18 child and the non-relocating parent if permission to relocate is granted; and

19 (f) Any other factor necessary to assist the court in determining whether to grant permission to  
20 relocate.

21 3. A parent who desires to relocate with a child pursuant to NRS 125C.006 or 125C.0065 has  
22 the burden of proving that relocating with the child is in the best interest of the child.

23 (Added to NRS by 2015, 2588)

24 **(a) There exists a sensible, good-faith reason for the move, and the move is not  
25 intended to deprive the non-relocating parent of his or her parenting time.**

26 Because Joel has not yet tried to “make a go of it” post-divorce in Las Vegas, it is hard to  
27 say that moving the kids many hours away from Mom is at this point sensible. Joel literally has  
not yet tried to make post-divorce life work on his own. It is true that he was lucky to have a  
spouse as hard-working and supportive as Lisa, so the transition to single life could be difficult  
for Joel. But, that is true for many divorces, and not of itself a reason to relocate.

**(b) The best interests of the child are served by allowing the relocating  
parent to relocate with the child; and**

As noted above, even before applying the burden of proof that rests of Joel to establish  
that relocation is warranted in this case, the best interests of the children simply are not met by  
taking them away from their Mom. Lisa has always supported, and continues to support, the  
kids having close relationships with their relatives in New Mexico.

1  
2 **(c) The child and the relocating parent will benefit from an actual advantage**  
3 **as a result of the relocation.**

4 Joel stresses that the kids will be close to family if they move back to New Mexico, and  
5 that they will be able to do extracurricular activities such as church, gymnastics and cheerleading.

6 Of course, Las Vegas is blessed with world-class gymnastics and cheerleading  
7 opportunities. Las Vegas also has a great many churches, of all faiths. Joel has not shown, at all,  
8 that the kids are limited in these regards by living in Las Vegas.

9 As for saying that the kids will be closer to their New Mexico relatives by moving there,  
10 that is true. But, developmentally, the kids' relationship to their mother, Lisa, is far more important  
11 to them over time. The reality is that cousins or aunts and uncles with whom one is close, often  
12 lost touch once kids grow up. The family that kids tend to stay closest too over times are: their  
13 mother and father. And, Joel in no way establishes that the kids will experience a net benefit from  
14 being taken away from Lisa.

15  
16 NRS 125C.007(2) then contains a series of balancing tests to be applied, if the initial  
17 threshold tests of NRS 125C.007(1) are met sufficiently. The key standard in this case is (e):  
18 "Whether there will be a realistic opportunity for the non-relocating parent to maintain a  
19 visitation schedule that will adequately foster and preserve the parental relationship between the  
20 child and the non-relocating parent if permission to relocate is granted."

21  
22 The reality is that the move that Joel proposes will result in the kids growing up with a  
23 fairly remote relationship with their mother. Facetime calls are not a good substitute for a  
24 mother being able to comfort, encourage and nurture young children. Joel is not proposing to  
25 move an hour away, but instead to move a full day's travel away. If his relocation request is  
26 granted, the kids will then see their mother on a few holidays, for the summer once they are in  
27

1 school, and perhaps a few other weekends a year. Joel's Motion itself makes clear that he does  
2 not intend to even try to give Lisa and the kids sufficient time together, as he proposes only six  
3 weeks for the kids with Mom over the summer, and a week over Christmas and a week over  
4 Spring Break, plus every other Thanksgiving. Eight or eight and a half weeks a year is not a lot  
5 of time, and would involve a lot of "catching up" at the start of each period of time with Mom, as  
6 Lisa and the kids would in that case not have seen each other for quite a while between visits.  
7

### 8 **III. CONCLUSION**

9 WHEREFORE, Lisa prays for judgment as follows:

- 10 1. That Joel's request for Primary Physical Custody of the parties' minor children be  
11 denied outright;
- 12 2. That Joel's request to relocate with the parties' minor children to New Mexico be  
13 denied outright;
- 14 3. For such other and further relief as the court deems just.  
15

16 **.DATED** this 29<sup>th</sup> day of July, 2020.

17 /S/ PATRICIA WARNOCK, ESQ.  
18 PATRICIA WARNOCK, ESQ.  
19 Nevada Bar # 14432  
20 Patricia@Buchmillerlaw.com  
21 JOHN SCHALLER, ESQ.  
22 Nevada Bar # 15091  
23 JSchaller@Buchmillerlaw.com  
24 516 S. Fourth Street  
25 Las Vegas, NV 89101  
26 (702) 849-0616 (Phone/Text)  
27 *Attorneys for Defendant Lisa M. Eorio*

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**DECLARATION**

STATE OF NEVADA     )  
                              ) ss:  
COUNTY OF CLARK    )

LISA M. EORIO being first duly sworn, deposes and says:

That she is the Defendant in the attached SUPPLEMENT TO DEFENDANT'S  
OPPOSITION TO 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 DEFENDANT'S  
COUNTERCLAIM FOR ATTORNEYS' FEES AND COSTS. She has read the above and  
foregoing Supplement, and knows the contents thereof, and that the same is true of her own  
knowledge.

  
\_\_\_\_\_  
LISA M. EORIO



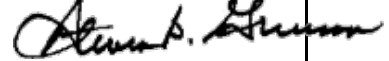
1                                    **CERTIFICATE OF MAILING/ELECTRONIC SERVICE**

2                    A COPY OF the foregoing Supplement to Defendant's Opposition to Motion to Relocate  
3 in the above-captioned matter was served today to all parties via the Court's e-filing service.

4                    DATED this <sup>30</sup>29<sup>th</sup> day of July, 2020.

5                                              /S/ John Schaller          

6                                    An Employee of John Buchmiller & Associates, LLC  
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CMCN

DISTRICT COURT

CLARK COUNTY, NEVADA

JOEL EORIO,

Plaintiff,

v.

LISA EORIO,

Defendant.

CASE NO. D-20-608267-D

DEPT NO. Q

Date: August 26, 2020

Time: 9:00 a.m.

**ORDER SETTING CASE MANAGEMENT CONFERENCE  
AND DIRECTING COMPLIANCE WITH NRCP 16.2**

Pursuant to NRCP 16.2, the above-entitled matter is set for a Case Management Conference on **August 26, 2020, at 9:00 AM**, in Department Q of the Eighth Judicial District Court. Pursuant to NRCP 16.2(j)(3), you must attend and participate in this court hearing.

Pursuant to NRCP 16.2, it is hereby ORDERED that:

1. Your Financial Disclosure Form must be filed and served within 30 days of the service of the summons and complaint. You may opt-in to the Detailed Financial Disclosure Form and Complex Litigation procedure by filing and serving a "Request to Opt-in to Detailed Financial Disclosure Form and Complex Litigation Procedure" certifying that:

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

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

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

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

7 2. Within 30 days of the service of the summons and complaint, at the same  
8 time the Financial Disclosure Form is filed, you must, without awaiting a discovery  
9 request, serve upon the other party written and signed disclosures containing the  
10 information listed in Rule 16.2(d)(2) and (3) as follows:

11 **Evidence Supporting Financial Disclosure Form.** For each line item on the  
12 financial disclosure form, if not already evidenced by the other initial disclosures  
13 required herein, a party must provide the financial statement(s), document(s),  
14 receipt(s), or other information or evidence relied upon to support the figure  
15 represented on the form. If no documentary evidence exists, a party must provide an  
16 explanation in writing of how the figure was calculated.

17  
18  
19 **Evidence of Property, Income, and Earnings as to Both Parties.**

20 (A) **Bank and Investment Statements.** A party must provide copies  
21 of all monthly or periodic bank, checking, savings, brokerage, investment,  
22 cryptocurrency, and security account statements in which any party has or had  
23 an interest for the period commencing 6 months prior to the service of the  
24 summons and complaint, through the date of the disclosure.

25 (B) **Credit Card and Debt Statements.** A party must provide copies  
26 of credit card statements and debt statements for all parties for all months for  
27 the period commencing 6 months prior to the service of the Summons and  
Complaint, through the date of the disclosure.

...

1 (C) **Real Property.** A party must provide copies of all deeds, deeds of  
2 trust, purchase agreements, escrow documents, settlement sheets, and all other  
3 documents that disclose the ownership, legal description, purchase price, and  
encumbrances of all real property owned by any party.

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

9 (E) **Loan Applications.** A party must provide copies of all loan  
10 applications that a party has signed within 12 months before to the service of  
11 the Summons and Complaint, through the date of the disclosure.

12 (F) **Promissory Notes.** A party must provide copies of all promissory  
13 notes under which a party either owes money or is entitled to receive money.

14 (G) **Deposits.** A party must provide copies of all documents  
15 evidencing money held in escrow or by individuals or entities for the benefit of  
either party.

16 (H) **Receivables.** A party must provide copies of all documents  
17 evidencing loans or monies due to either party from individuals or entities.

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

23 (J) **Insurance.** A party must provide copies of all monthly or periodic  
24 statements and documents showing the cash surrender value, face value, and  
25 premiums charged for all life insurance policies in which any party has or had  
26 an interest for a period commencing 6 months before the service of the  
Summons and Complaint, through the date of the disclosure; or, if no monthly  
27

1 or quarterly statements are available during this time period, the most recent  
2 statements or documents that disclose the information.

3 (K) **Insurance Policies.** A party must provide copies of all policy  
4 statements and evidence of costs of premiums for health and life insurance  
policies covering either party or any child of the relationship.

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

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

14 (N) **Proof of Income.** A party must provide proof of income of the  
15 party from all sources, specifically including W-2, 1099, and K-1 forms, for the  
16 past 2 completed calendar years, and year-to-date income information (paycheck  
17 stubs, etc.) for the period commencing 6 months before the service of the  
Summons and Complaint, through the date of the disclosure.

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

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

24 3. Any objection to the authenticity or genuineness of documents must be  
25 made in writing within 21 days of the date the receiving party receives the documents.  
26  
27

...

1 Absent such an objection, the documents must be presumed authentic and genuine and  
2 may not be excluded from evidence on these grounds.

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

8  
9         5. No later than 45 days after service of the Answer, you and, if you have  
10 an attorney, your attorney, must meet for an Early Case Conference. This conference  
11 is intended for the purpose of ensuring compliance with the initial disclosure rules (*see*  
12 paragraph 2; NRCP 16.2(d)). The Plaintiff may designate the time and place of each  
13 meeting, which must be held in the county where the action was filed, unless the  
14 parties agree upon a different location. You and the other party may submit a  
15 Stipulation and Order to continue the time for the Early Case Conference for an  
16 additional period of not more than 60 days, which the court may, for good cause  
17 shown, enter. Absent compelling and extraordinary circumstances, neither the Court  
18 nor the parties may extend the time to a day more than 90 days after service of the  
19 Answer. The time for holding an Early Case Conference with respect to a defendant  
20 who has filed a motion pursuant to Rule 12(b)(2)-(4) is tolled until entry of an order  
21 denying the motion.  
22  
23

24         6. Within 14 days after the Early Case Conference, but not later than 7 days  
25 before the scheduled Case Management Conference, you must file a Joint Early Case  
26  
27

1 Conference Report or, if you and the other side are unable to agree upon the contents  
2 of a joint report, you must serve and file an Early Case Conference Report, which,  
3 either as a joint or individual report, must contain:

4 (A) a statement of jurisdiction;

5  
6 (B) a brief description of the nature of the action and each claim for  
relief or defense;

7  
8 (C) if custody is at issue in the case, a proposed custodial timeshare  
and a proposed holiday, special day, and vacation schedule;

9  
10 (D) a written list of all documents provided at or as a result of the Early  
Case Conference, together with any objection that the document is not  
11 authentic or genuine. The failure to state any objection to the authenticity or  
genuineness of a document constitutes a waiver of such objection at a  
12 subsequent hearing or trial. For good cause, the Court may permit the  
withdrawal of a waiver and the assertion of an objection;

13  
14 (E) a written list of all documents not provided under Rule 16.2(d),  
together with the explanation as to why each document was not provided;

15  
16 (F) for each issue in the case, a statement of what information and/or  
documents are needed, along with a proposed plan and schedule of any  
additional discovery;

17  
18 (G) a list of the property (including pets, vehicles, real estate,  
retirement accounts, pensions, etc.) that each litigant seeks to be awarded in this  
19 action;

20  
21 (H) the list of witnesses exchanged in accordance with Rule 16.2(e)(3)  
and (4);

22  
23 (I) identification of each specific issue preventing immediate global  
resolution of the case, along with a description of what action is necessary to  
resolve each issue identified;

24 (J) a litigation budget; and

25 (K) proposed trial dates.

26 ...

1           7.     You are under the continuing obligation to supplement any disclosures  
2 required herein or by court rule. You must make additional or amended disclosures  
3 whenever new or different information is discovered or revealed. Such additional or  
4 amended disclosures, including corrections to your Financial Disclosure Form, must be  
5 made within 14 days after acquiring the additional information or after otherwise  
6 learning that your disclosure is incomplete or incorrect. However, if a hearing,  
7 deposition, case management conference, or other calendared event is scheduled less  
8 than 14 days from the discovery date, then the update must be filed and served within  
9 24 hours of the discovery of new information.  
10

11           8.     If you fail to timely complete, file, or serve the appropriate financial  
12 disclosure form required by this rule, or the required information and disclosures under  
13 this rule, the Court must impose an appropriate sanction upon you, your attorney, or  
14 both, unless specific affirmative findings of fact are made that you have proven:  
15

16                   (A)   either good cause for the failure by a preponderance of the evidence  
17 or that the violating party would experience an undue hardship if the penalty is  
18 applied; and

19                   (B)   that other means fully compensate the non-violating party for any  
20 losses, delays, and expenses suffered as a result of the violation.

21           Sanctions may include an order finding the violating party in civil contempt of  
22 court, an order requiring the violating party to timely file and serve the disclosures, to  
23 pay the opposing party's reasonable expenses, including attorney fees and costs  
24 incurred as a result of the failure, and any other sanction the court deems just and  
25 proper; and/or

26     ...



1 Sanctions may include an order refusing to allow the violating party to support  
2 or oppose designated claims or defenses, or prohibiting that party from introducing  
3 designated matters in evidence, and/or any other sanction the Court deems just and  
4 proper. These discretionary sanctions are encouraged for repeat or egregious violations.  
5

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

9 Sanctions may include an order finding the violating party in civil contempt of  
10 court, an award of reasonable attorney fees and costs to the non-violating party, and  
11 any other sanction the Court deems just and proper.  
12

13 Sanctions may include an order awarding the omitted asset to the opposing  
14 party as his or her separate property or making another form of unequal division of  
15 community property, and/or any other sanction the Court deems just and proper.  
16 These discretionary sanctions are encouraged for repeat or egregious violations.

17 Pursuant to EDCR 5.401, each party may file and serve a brief at least 7  
18 calendar days prior to the scheduled NRCP 16.2 Case Management Conference. The  
19 brief should include, if relevant, the following:  
20

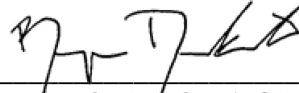
- 21 (1) A statement of jurisdiction.
- 22 (2) If custody is at issue in the case, a proposed custodial timeshare and a  
23 proposed holiday, special day, and vacation schedule.
- 24 (3) For each issue in the case, a statement of what information, documents,  
25 witnesses, and experts are needed.
- 26 (4) A list of the property (including pets, vehicles, real estate, retirement  
27 accounts, pensions, etc.) the litigant seeks to be awarded in the action.

1 (5) Identification of each specific issue preventing immediate global  
2 resolution of the case, along with a description of what action is necessary  
3 to resolve each issue identified.

4 (6) A litigation budget.

5 (7) Proposed trial dates.

6 DATED this 6th day of August, 2020.

7 

8 \_\_\_\_\_  
9 BRYCE C. DUCKWORTH  
10 DISTRICT COURT JUDGE  
11 DEPARTMENT Q  
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CERTIFICATE OF SERVICE

I hereby certify that on the above file-stamped date, I caused a copy of the foregoing **Order Setting Case Management Conference and Directing Compliance With NRCP 16.2** to be:

☒ E-Served pursuant to NEFCR 9 on, or placed in the folder(s) located in the Clerk's Office of, the following attorneys:

Jessica Friedman, Esq.

Patricia Warnock, Esq.

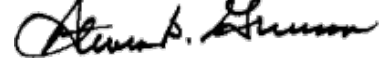
☐ E-Served pursuant to NEFCR 9 on, or mailed postage prepaid addressed to, the following litigants in Proper Person:

/s/ Kimberly Weiss  
Kimberly Weiss  
Judicial Executive Assistant  
Department Q

FDF

Name: JOHN SCHALLER, ESQ.  
Address: 516 South Fourth Street  
Las Vegas, Nevada 89101  
Phone: (702) 685-2003  
Email: jschaller@buchmillerlaw.com  
Attorney for Lisa Eorio  
Nevada State Bar No. 15092

Electronically Filed  
8/21/2020 3:10 PM  
Steven D. Grierson  
CLERK OF THE COURT



Eighth Judicial District Court  
Clark County, Nevada

<u>JOEL E. EORIO</u> <b>Plaintiff,</b>  <b>vs.</b> <u>LISA M. EORIO</u> <b>Defendant.</b>	<b>Case No.</b> <u>D-20-608267-D</u>  <b>Dept.</b> <u>Q</u>
----------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------

### GENERAL FINANCIAL DISCLOSURE FORM

#### A. Personal Information:

1. What is your full name? (*first, middle, last*) Lisa Marie Eorio
2. How old are you? 35
3. What is your date of birth? 11/30/1984
4. What is your highest level of education? 11th Grade

#### B. Employment Information:

1. Are you currently employed/ self-employed? (☒ *check one*)  
☐ No  
☒ Yes If yes, complete the table below. Attached an additional page if needed.

Date of Hire	Employer Name	Job Title	Work Schedule (days)	Work Schedule (shift times)
6/28/2020	IHOP / Lucinda Mgmt.	Area Manager	Wed-Sun	7am - 5pm

2. Are you disabled? (☒ *check one*)

☒ No  
☐ Yes

If yes, what is your level of disability? \_\_\_\_\_  
What agency certified you disabled? \_\_\_\_\_  
What is the nature of your disability? \_\_\_\_\_

#### C. Prior Employment: If you are unemployed or have been working at your current job for less than 2 years, complete the following information.

Prior Employer: IHOP / Mr. Staxx Date of Hire: 1/13/2020 Date of Termination: 6/27/2020  
Reason for Leaving: Terminated

## Monthly Personal Income Schedule

### A. Year-to-date Income.

As of the pay period ending 08/21/2020 my gross year to date pay is \$34000.

### B. Determine your Gross Monthly Income.

Hourly Wage

	×		=	\$0.00	×	52	=	\$0.00	÷	12	=	\$0.00
Hourly Wage		Number of hours worked per week		Weekly Income		Weeks		Annual Income		Months		Gross Monthly Income

Annual Salary

\$52,000.00	÷	12	=	\$4,333.33
Annual Income		Months		Gross Monthly Income

### C. Other Sources of Income.

Source of Income	Frequency	Amount	12 Month Average
Annuity or Trust Income			
Bonuses			
Car, Housing, or Other allowance:			
Commissions or Tips:			
Net Rental Income:			
Overtime Pay			
Pension/Retirement:			
Social Security Income (SSI):			
Social Security Disability (SSD):			
Spousal Support			
Child Support			
Workman's Compensation			
Other:			
Total Average Other Income Received			\$0.00

Total Average Gross Monthly Income (add totals from B and C above)	\$4,333.33
--------------------------------------------------------------------	------------

**D. Monthly Deductions**

	Type of Deduction	Amount
1.	Court Ordered Child Support (automatically deducted from paycheck)	
2.	Federal Health Savings Plan	
3.	Federal Income Tax	491.82
4.	Health Insurance Amount for you: _____ For Opposing Party: _____ For your Child(ren): _____	0.00
5.	Life, Disability, or Other Insurance Premiums	
6.	Medicare	58.00
7.	Retirement, Pension, IRA, or 401(k)	
8.	Savings	
9.	Social Security	
10.	Union Dues	
11.	Other: (Type of Deduction)	248.00
<b>Total Monthly Deductions (Lines 1-11)</b>		<b>797.82</b>

**Business/Self-Employment Income & Expense Schedule****A. Business Income:**




What is your average gross (pre-tax) monthly income/revenue from self-employment or businesses?  
\$0.00

**B. Business Expenses: Attach an additional page if needed.**

Type of Business Expense	Frequency	Amount	12 Month Average
Advertising			
Car and truck used for business			
Commissions, wages or fees			
Business Entertainment/Travel			
Insurance			
Legal and professional			
Mortgage or Rent			
Pension and profit-sharing plans			
Repairs and maintenance			
Supplies			
Taxes and licenses (include est. tax payments)			
Utilities			
Other:			
<b>Total Average Business Expenses</b>			<b>0.00</b>

### Personal Expense Schedule (Monthly)

A. Fill in the table with the amount of money **you** spend each month on the following expenses and check whether you pay the expense for you, for the other party, or for both of you.

Expense	Monthly Amount I Pay	For Me 	Other Party 	For Both 
Alimony/Spousal Support				
Auto Insurance	80.00			✓
Car Loan/Lease Payment				
Cell Phone	100.00			✓
Child Support (not deducted from pay)				
Clothing, Shoes, Etc...	200.00			✓
Credit Card Payments (minimum due)				
Dry Cleaning				
Electric	350.00			✓
Food (groceries & restaurants)	800.00			✓
Fuel	140.00	✓		
Gas (for home)	60.00			✓
Health Insurance (not deducted from pay)	120.00		✓	
HOA				
Home Insurance (if not included in mortgage)	50.00			✓
Home Phone				
Internet/Cable	156.00			✓
Lawn Care				
Membership Fees				
Mortgage/Rent/Lease	1,775.00			✓
Pest Control				
Pets	100.00		✓	
Pool Service				
Property Taxes (if not included in mortgage)				
Security				
Sewer				
Student Loans				
Unreimbursed Medical Expense				
Water	50.00			✓
Other:				
<b>Total Monthly Expenses</b>	<b>3,981.00</b>			

### Household Information

- A. Fill in the table below with the name and date of birth of each child, the person the child is living with, and whether the child is from this relationship. Attached a separate sheet if needed.

	Child's Name	Child's DOB	Whom is this child living with?	Is this child from this relationship?	Has this child been certified as special needs/disabled?
1 <sup>st</sup>	Harley Eorio	3/8/07	Lisa & Joel	yes	no
2 <sup>nd</sup>	Hayden Eorio	10/24/09	Lisa & Joel	yes	no
3 <sup>rd</sup>	Gianni Eorio	10/17/15	Lisa & Joel	no	no
4 <sup>th</sup>					

- B. Fill in the table below with the amount of money you spend each month on the following expenses for each child.

Type of Expense	1 <sup>st</sup> Child	2 <sup>nd</sup> Child	3 <sup>rd</sup> Child	4 <sup>th</sup> Child
Cellular Phone	25.00	25.00		
Child Care				
Clothing	50.00	50.00	50.00	
Education				
Entertainment				
Extracurricular & Sports				
Health Insurance (if not deducted from pay)	40.00	40.00	40.00	
Summer Camp/Programs				
Transportation Costs for Visitation				
Unreimbursed Medical Expenses				
Vehicle				
Other:				
<b>Total Monthly Expenses</b>	<b>115.00</b>	<b>115.00</b>	<b>90.00</b>	<b>0.00</b>

- C. Fill in the table below with the names, ages, and the amount of money contributed by all persons living in the home over the age of eighteen. If more than 4 adult household members attached a separate sheet.

Name	Age	Person's Relationship to You (i.e. sister, friend, cousin, etc...)	Monthly Contribution
Lisa Eorio	35	Self	\$ 4,000.00
Joel Eorio	36	Spouse	\$ 900.00
Lora West	64	Mother	\$ 0.00
Audra Rodgers	44	Sister	\$ 0.00



### Personal Asset and Debt Chart

A. Complete this chart by listing all of your assets, the value of each, the amount owed on each, and whose name the asset or debt is under. If more than 15 assets, attach a separate sheet.

Line	Description of Asset and Debt Thereon	Gross Value	Total Amount Owed	Net Value	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.	2004 Ford Mustang	\$1,500.00	- \$0.00	= \$ 1,500.00	Joel Eorio
2.	2004 Nissan Titan	\$3,500.00	- \$0.00	= \$ 3,500.00	Both
3.		\$	- \$	= \$ 0.00	
4.		\$	- \$	= \$ 0.00	
5.		\$	- \$	= \$ 0.00	
6.		\$	- \$	= \$ 0.00	
7.		\$	- \$	= \$ 0.00	
8.		\$	- \$	= \$ 0.00	
9.		\$	- \$	= \$ 0.00	
10.		\$	- \$	= \$ 0.00	
11.		\$	- \$	= \$ 0.00	
12.		\$	- \$	= \$ 0.00	
13.		\$	- \$	= \$ 0.00	
14.		\$	- \$	= \$ 0.00	
15.		\$	- \$	= \$ 0.00	
<b>Total Value of Assets (add lines 1-15)</b>		<b>\$ 5,000.00</b>	<b>- \$ 0.00</b>	<b>= \$ 5,000.00</b>	

B. Complete this chart by listing all of your unsecured debt, the amount owed on each account, and whose name the debt is under. If more than 5 unsecured debts, attach a separate sheet.

Line #	Description of Credit Card or Other Unsecured Debt	Total Amount owed	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.	Calvary Portfolio Recovery Services	\$ 4,159.00	Both
2.	Portfolio Recovery Services	\$ 1,209.00	Lisa Eorio
3.	Collection Resources	\$ 454.00	Both
4.		\$	
5.		\$	
6.		\$	
<b>Total Unsecured Debt (add lines 1-6)</b>		<b>\$ 5,822.00</b>	

## CERTIFICATION

**Attorney Information:** Complete the following sentences:

1. I (have/have not) have retained an attorney for this case.
2. As of the date of today, the attorney has been paid a total of \$3350.00 on my behalf.
3. I have a credit with my attorney in the amount of \$ \_\_\_\_\_.
4. I currently owe my attorney a total of \$2,650.00.
5. I owe my prior attorney a total of \$ \_\_\_\_\_.


**IMPORTANT:** Read the following paragraphs carefully and initial each one.

LE I swear or affirm under penalty of perjury that I have read and followed all instructions in completing this Financial Disclosure Form. I understand that, by my signature, I guarantee the truthfulness of the information on this Form. I also understand that if I knowingly make false statements I may be subject to punishment, including contempt of court.

LE I have attached a copy of my 3 most recent pay stubs to this form.

\_\_\_\_\_ I have attached a copy of my most recent YTD income statement/P&L statement to this form, if self-employed.

\_\_\_\_\_ I have not attached a copy of my pay stubs to this form because I am currently unemployed.

  
Signature

8/19/2020

Date

### CERTIFICATE OF SERVICE

I hereby declare under the penalty of perjury of the State of Nevada that the following is true and correct:

That on (date) 8/21/2020, service of the General Financial Disclosure Form was made to the following interested parties in the following manner:


☐ Via 1<sup>st</sup> Class U.S. Mail, postage fully prepaid addressed as follows:

\_\_\_\_\_

☒ Via Electronic Service, in accordance with the Master Service List, pursuant to NEFCR 9, to:  
jfriedman@cordelllaw.com

☐ Via Facsimile and/or Email Pursuant to the Consent of Service by Electronic Means on file  
herein to: \_\_\_\_\_

Executed on the 21st day of August, 2020.

  
\_\_\_\_\_  
Signature

Company	Period Begin
L-1607-Cheyenne	8/27/2020
Number	Period End
1149	8/2/2020
Social Security #	Check Date
	8/7/2020
Hire Date	Check Number
7/27/2020	310764

Division  
Branch  
Department  
10-Mgmt  
Team

--

--

Total Earnings	0.00	1000.00	1000.00	Total Deductions	199.46	199.46
NET PAY	800.54	Total Direct Deposits	0.00	Check Amount	800.54	800.54

JA000103

Company	Period Begin	Division
L-1607-Cheyenne	8/3/2020	
Number	Period End	Branch
1149	8/9/2020	
Social Security #	Check Date	Department
	8/14/2020	10-Mgmt
Hire Date	Check Number	Team
7/27/2020	310801	

31 Oak Street  
Suite 1, Patchogue, NY 11772 702-656-3220

<b>Earnings</b>						<b>Deductions</b>		
Description	Location / Job	Rate	Hours	Current	Year To Date	Description	Current	Year To Date
Salary		0.00	0.00	1000.00	2000.00	Fed (S/O) (1000.00)	122.96	245.92
						OASDI (1000.00)	62.00	124.00
						Medicare (1000.00)	14.50	29.00
<b>Total Earnings</b>			0.00	1000.00	2000.00	<b>Total Deductions</b>	199.46	398.92
<b>NET PAY</b>		800.54	<b>Total Direct Deposits</b>	0.00	<b>Check Amount</b>		800.54	1601.00

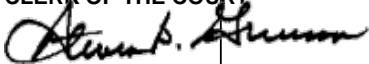
JA000104

31 Oak Street  
Suite 1, Patchogue, NY 11772 702-656-3220

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JA000105



1 **NOTC**  
2 **PATRICIA WARNOCK, ESQ.**  
3 Nevada Bar #14432  
4 **JOHN SCHALLER, ESQ.**  
5 Nevada Bar #15091  
6 **JOHN BUCHMILLER & ASSOCIATES**  
7 516 South Fourth Street  
8 Las Vegas, Nevada 89101  
9 Phone: (702) 849-0616  
10 Fax: (702) 583-7373  
11 [Patricia@BuchmillerLaw.com](mailto:Patricia@BuchmillerLaw.com)  
12 [JSchaller@Buchmillerlaw.com](mailto:JSchaller@Buchmillerlaw.com)  
13 *Attorneys for Defendant Lisa M. Eorio*

14  
15 **EIGHTH JUDICIAL DISTRICT COURT**  
16 **FAMILY DIVISION**  
17 **COUNTY OF CLARK, STATE OF NEVADA**

18 **JOEL E. EORIO,**

19 Plaintiff,

20 vs.

21 **LISA M. EORIO,**

22 Defendant.

CASE NO.: D-20-608267-D

DEPT. NO.: Q

23 **NOTICE OF CERTIFICATE OF COMPLETION**

24 PLEASE see attached Certificate of Completion for the following class:

- 25 1. Co-Parenting CARE Program, Lisa Eorio

26 Dated this 21<sup>st</sup> day of August, 2020.

27 /s/ John Schaller, Esq.

28 **PATRICIA WARNOCK, ESQ.**

Nevada Bar # 14432

[Patricia@Buchmillerlaw.com](mailto:Patricia@Buchmillerlaw.com)

**JOHN SCHALLER, ESQ.**

Nevada Bar # 15091

[JSchaller@Buchmillerlaw.com](mailto:JSchaller@Buchmillerlaw.com)

516 S. Fourth Street

Las Vegas, NV 89101

(702) 849-0616 (Phone/Text)

*Attorneys for Defendant Lisa M. Eorio*

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**CERTIFICATE OF MAILING/ELECTRONIC SERVICE**

A COPY OF the foregoing NOTICE OF CERTIFICATE OF COMPLETION in the above-captioned matter was filed and served today via the Court’s e-filing service to:

Jessica Friedman, Esq.  
[jfriedman@cordelllaw.com](mailto:jfriedman@cordelllaw.com)  
*Attorney for Plaintiff*

DATED this 21<sup>st</sup> day of August, 2020.

/S/ MICHAEL FLAGG  
An Employee of John Buchmiller & Associates





Online  
Parenting  
Programs

Extended Learning Center, Inc.®

PO BOX 3804

Paso Robles, CA 93447-3804

(866) 504-2883

## CERTIFICATE OF COMPLETION

This certifies that

**Lisa Eorio**

has successfully completed the

**Co-Parenting CARE Program**

I certify under penalty of perjury that the foregoing is true & correct.

(parent signature)

Date of Registration **Aug 19, 2020**  
Date of Completion **Aug 20, 2020**  
Court Case Number **D-20-608267-D**  
District **Clark, Nevada**

Administrator **OnlineParentingPrograms**  
Certificate **OPP\_40932957**  
Delivery Type **Electronic**

### IMPORTANT NOTIFICATION

This is your official Certificate of Completion. Submit this certificate to your attorney or the judge assigned to your case. Only official copies will be accepted.

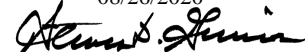
*Judith A. Myers-Walls*  
**Director of Education**



VERIFICATION URL

<https://www.onlineparentingprograms.com/view-certificate/5f3dd5b97ee33.html>

JA000108

  
CLERK OF THE COURT

OFFM

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

Joel Eorio, Plaintiff

vs.

Lisa Eorio, Defendant.

Case No.D-20-608267-D

Department Q

**ORDER FOR FAMILY MEDIATION  
CENTER SERVICES**

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

**Mediation Ordered**

**Child: Rose (13), Hayden (10) and Gianni (4)**

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

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

DATED This 26th day of August, 2020.

**YOUR RETURN COURT DATE IS:**

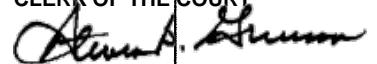
Date: November 2, 2020 Time: 10:00 a.m.

Plaintiff's Attorney: Jessica M. Friedman

Defendant's Attorney: Patricia W. Warnock



Judicial Officer



1 **MOT**  
2 **PATRICIA WARNOCK, ESQ.**  
3 Nevada Bar #14432  
4 **JOHN SCHALLER, ESQ.**  
5 Nevada Bar #15091  
6 **JOHN BUCHMILLER & ASSOCIATES**  
7 516 South Fourth Street  
8 Las Vegas, Nevada 89101  
9 Phone: (203) 209-7600  
10 Fax: (702) 583-7373  
11 [Patricia@BuchmillerLaw.com](mailto:Patricia@BuchmillerLaw.com)  
12 [jschaller@Buchmillerlaw.com](mailto:jschaller@Buchmillerlaw.com)  
13 *Attorneys for Defendant Lisa M. Eorio*

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

JOEL E. EORIO,  
Plaintiff,

vs.

LISA M. EORIO,  
Defendant.

CASE NO: D-20-608267-D

DEPT NO: C

ORAL ARGUMENT REQUESTED

NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF THE RESPONSE WITHIN FOURTEEN (14) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN FOURTEEN (14) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING DATE.

**DEFENDANT'S MOTION AND NOTICE OF MOTION FOR EXCLUSIVE  
POSSESSION OF THE MARITAL RESIDENCE**

COMES NOW the Defendant, LISA M. EORIO ("Lisa"), by and through her attorney,  
PATRICIA WARNOCK, ESQ., and JOHN SCHALLER of the law firm of JOHN

1 BUCHMILLER & ASSOCIATES, LLC, and pursuant to NRS 125.040 and NRS 125C.0045  
2 hereby files her Motion for Exclusive Possession of the Marital Residence.

3 This Motion is made and based upon the filed pleadings on file with the court herein, the  
4 points and authorities contained below, and any argument proffered at the time of hearing.

5  
6 **DATED** this 23d day of October, 2020.

7  
8 /S/ JOHN SCHALLER, ESQ.  
9 PATRICIA WARNOCK, ESQ.  
Nevada Bar # 14432  
10 Patricia@Buchmillerlaw.com  
11 JOHN SCHALLER, ESQ.  
Nevada Bar # 15092  
12 jschaller@Buchmillerlaw.com  
13 516 S. Fourth Street  
Las Vegas, NV 89101  
14 (203) 209-7600 (Phone/Text)  
*Attorneys for Defendant Lisa M. Eorio*

15  
16 **MEMORANDUM OF POINTS AND AUTHORITIES**

17  
18 **I.**

19 **STATEMENT OF FACTS**

20  
21 Lisa and the Plaintiff ("Joel") first moved to Las Vegas in August of 2019. At that time,  
22 they reached an agreement with Jessica Carpenter that Ms. Carpenter could move into the  
23 residence that Lisa and Joel were renting together, with the agreement that Ms. Carpenter would  
24 pay \$500 a month rent and also help when needed with childcare.

25 In the event, Ms. Carpenter only paid the full rent to Lisa twice (in November and  
26 December) but mainly paid small amounts of between \$80 and \$200. All told, Ms. Carpenter still  
27 owes Lisa \$1,600 in back rent from the first residence. She has reported to Lisa that she has given  
28

1 cash to Joel from time to time, but Lisa never saw this cash. Rent for the current residence is  
2 \$1,775 a month, plus associated utilities and other costs of living, and until last month Lisa had  
3 paid rent and expenses exclusively out of her funds (except that Joel would occasionally buy food  
4 for himself and Ms. Carpenter). Now, Joel has begun contributing \$300 a month towards expenses,  
5 but Lisa remains, overwhelmingly, the main financial provider for the household.  
6

7 Lisa had never agreed to Ms. Carpenter moving into the current residence as a resident as  
8 opposed to a guest. The parties moved into the current residence on March 9th of 2020. Lisa had  
9 agreed for Ms. Carpenter to stay for a maximum of 30 days, on the condition that her belongings  
10 be placed in storage so that she didn't get too "comfortable." This was agreed to only because Ms.  
11 Carpenter claimed she was looking for an apartment but hadn't found one yet.  
12

13 After the move to the new residence, Joel and Ms. Carpenter took it upon themselves to  
14 move Ms. Carpenter's things into the new residence without agreement, knowledge, or any sort of  
15 approval on the part of Lisa. On or about the time that Joel filed for divorce in June of this year,  
16 Joel and Ms. Carpenter began sleeping together on the living room couch. Since that time, the  
17 living room has contained significant personal effects of both Joel and Ms. Carpenter. Because  
18 Joel tends to sleep late while Lisa prepares the minor children for the day, his sleeping on the couch  
19 with Ms. Carpenter while the kids get started for the day causes stress for the whole household  
20 most mornings.  
21

22 Ms. Carpenter has unfortunately also been verbally belligerent towards Lisa on multiple  
23 occasions. She has also sent Lisa multiple texts trying to tell Lisa that Lisa is not a good mother,  
24 etc.  
25

26 Ms. Carpenter and Joel are on information and belief beginning to look at apartments  
27 together, but have not yet made any tangible move towards leaving the current residence. Ms.  
28

1 Carpenter maintains that she and Joel are not romantically involved – that instead she is simply a  
2 “close friend” who Joel moved into the current residence against the wishes of his wife, with Joel  
3 being a friend that she now sleeps with on the same couch, and who she now seems to be  
4 apartment-shopping with.

5  
6 Ms. Carpenter’s presence as a “third wheel” in the middle of a divorce creates obvious  
7 social stress not only for Lisa, but also for the minor children. The minor children find her attempts  
8 to assert herself against Lisa while in the household not simply stressful, but also very confusing  
9 as then they see their father, Joel, siding against their Mom when Mom (Lisa) and Ms. Carpenter  
10 disagree. While so far the disagreements between Lisa and Ms. Carpenter have not turned physical,  
11 Ms. Carpenter has “squared up” against Lisa, and made statements to the effect that she already  
12 has a criminal record so doesn’t have a lot to lose. This sort of belligerence is unacceptable  
13 behavior, even for a household without minor children, but is completely unacceptable and  
14 completely unhealthy in an environment with minor children.

15  
16 Lisa has always been the primary wage-earner for the household, working very hard to  
17 provide a good standard of living for the minor children that she and Joel have together. Ms.  
18 Carpenter, for her part, as noted owes Lisa \$1,600 in back rent, herself. On information and belief,  
19 since Ms. Carpenter and Joel are apartment-shopping together, between them they should easily  
20 be able to find a residence. Therefore, the current high stress level that their continued presence  
21 in the current residence, as they sleep together on the couch, creates, and the threat to personal  
22 safety that in particular the belligerence of Ms. Carpenter towards Lisa presents for Lisa and the  
23 minor children, can easily be ameliorated by the simple step of their moving out.

1 a. EDCR 5.501 - Efforts to Resolve

2 Lisa's counsel reached out to Joel's counsel to try to resolve this situation informally, so  
3 that the parties could avoid the need for motion practice in this regard. Joel's counsel has been  
4 very responsive in communication with opposing counsel in this case, and did both discuss this  
5 with her client and then follow up with Lisa's counsel. However, Joel has not given a date that he  
6 and Ms. Carpenter will commit to leaving the current residence, but has merely represented that  
7 he is looking for an apartment with Ms. Carpenter. His track record, which includes moving Ms.  
8 Carpenter's personal belongings into the current residence against his own wife's wishes, is not a  
9 good one in terms of keeping commitments. And, even he refuses to commit to a date when he  
10 represents he will be out. Consequently, if Lisa does not ask for relief from this Court through this  
11 current Motion for exclusive possession, a likely scenario is that that Joel and Ms. Carpenter will  
12 still be "looking" for their new lodgings together, while Lisa pays the vast majority of the expenses  
13 for the current residence, well into 2021.

16 II.

17 ARGUMENT

18 A. Lisa Should be Awarded Exclusive Possession of the Marital Residence.

19 Pursuant to Nevada statute, this court has the authority to enter an order affecting the  
20 property of parties to a divorce action to provide temporary maintenance and support for a child  
21 of the parties. NRS 125.040. Specifically, the statute states:

22 "1. In any suit for divorce the court may, in its discretion, upon application  
23 by either party and notice to the other party, require either party to pay moneys  
24 necessary to assist the other party in accomplishing one or more of the  
25 following:

- 26 (a) To provide temporary maintenance for the other party;  
27 (b) To provide temporary support for children of the parties; or  
28 (c) To enable the other party to carry on or defend such suit.

2. The court may make any order affecting the property of the parties, or either of them, which it may deem necessary or desirable to accomplish the purposes of this section. Such orders shall be made by the court only after taking into consideration the financial situation of each of the parties.

3. The court may make orders pursuant to this section concurrently with the orders pursuant to NRS 125.470.”

NRS 125.040.

Because of the exceptional and unhealthy circumstance of Joel having moved Ms. Carpenter into the current residence against Lisa's wishes, and his now staying on the couch with Ms. Carpenter, there is inherently an unhealthy level of stress in the household. The fact that Ms. Carpenter has tried to "square up" with Lisa suggests that there is always a level of unsafety, or potential lack of safety, by virtue of the living situation Joel and Ms. Carpenter have chosen for themselves at present. This unsafety, or potential lack of safety, extends to the minor children who are exposed to this behavior and this environment.

Lisa requests that this court use its authority provided by statute to grant her exclusive possession of the marital residence during these proceedings so as to ensure she is safe and that the kids are not subjected to the unhealthy and stressful environment presented by the current living situation.

### III.

## CONCLUSION

WHEREFORE, Lisa prays for judgment as follows:

1. That Lisa be granted exclusive possession of the marital home during the pendency of these proceedings; and



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2. For such other relief as the Court finds to be just and proper.

Dated this 23d day of October, 2020.

/S/ JOHN SCHALLER, ESQ.  
PATRICIA WARNOCK, ESQ.  
Nevada Bar # 14432  
Patricia@Buchmillerlaw.com  
JOHN SCHALLER, ESQ.  
Nevada Bar # 15092  
jschaller@Buchmillerlaw.com  
516 S. Fourth Street  
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(203) 209-7600 (Phone/Text)  
*Attorneys for Defendant Lisa M. Eorio*

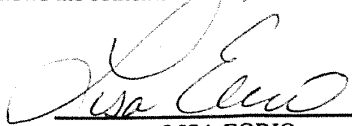
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**DECLARATION**

STATE OF NEVADA       )  
                                      ) ss:  
COUNTY OF CLARK       )

LISA EORIO being first duly sworn, deposes and says:

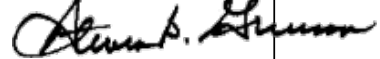
That she is the Defendant in the attached MOTION AND NOTICE OF MOTION FOR EXCLUSIVE POSSESSION OF THE MARITAL RESIDENCE, that she has read the above and foregoing Motion, and knows the contents thereof, and that the same is true of her own knowledge.

  
\_\_\_\_\_  
LISA EORIO

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**DISTRICT COURT  
CLARK COUNTY, NEVADA  
\*\*\*\***

Electronically Filed  
10/28/2020 10:58 AM  
Steven D. Grierson  
CLERK OF THE COURT



Joel Eorio, Plaintiff

vs.

Lisa Eorio, Defendant.

Case No.: D-20-608267-D

Department Q

**NOTICE OF HEARING**

Please be advised that the Deft's Motion And Notice Of Motion For Exclusive Possession Of The Martial Residence in the above-entitled matter is set for hearing as follows:

**Date:** December 15, 2020

**Time:** 9:00 AM

**Location:** Courtroom 01  
Family Courts and Services Center  
601 N. Pecos Road  
Las Vegas, NV 89101

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

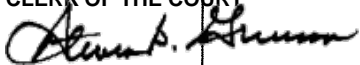
STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Jessica Castillo  
Deputy Clerk of the Court

**CERTIFICATE OF SERVICE**

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

By: /s/ Jessica Castillo  
Deputy Clerk of the Court



1 EXMT  
2 PATRICIA WARNOCK, ESQ.  
Nevada Bar #14432  
3 JOHN SCHALLER, ESQ.  
Nevada Bar #15091  
4 JOHN BUCHMILLER & ASSOCIATES  
5 516 South Fourth Street  
Las Vegas, Nevada 89101  
6 Phone: (203) 209-7600  
Fax: (702) 583-7373  
7 [Patricia@BuchmillerLaw.com](mailto:Patricia@BuchmillerLaw.com)  
8 [jschaller@Buchmillerlaw.com](mailto:jschaller@Buchmillerlaw.com)  
*Attorneys for Defendant Lisa M. Eorio*

9  
10 EIGHTH JUDICIAL DISTRICT COURT  
FAMILY DIVISION  
11 COUNTY OF CLARK, STATE OF NEVADA

12 JOEL E. EORIO,  
13 Plaintiff,  
14  
15 vs.  
16 LISA M. EORIO,  
17 Defendant.

CASE NO: D-20-608267-D

DEPT NO: Q

NO HEARING REQUESTED

18  
19  
20 **EX-PARTE MOTION ON ORDER SHORTENING TIME**  
21 **PURSUANT TO EDCR 5.513**

22  
23 COMES NOW, Defendant, Lisa Eorio ("Mom"), by and through her legal counsel  
24 PATRICIA WARNOCK, ESQ., and JOHN SCHALLER, ESQ., of JOHN BUCHMILLER &  
25 ASSOCIATES, LLC, , and files this Application for an Order Shortening Time pursuant to  
26 EDCR 5.513, and requests this Court shorten the time in which Mom's MOTION FOR  
27 EXCLUSIVE POSSESSION OF THE MARITAL RESIDENCE is heard. This application is  
28

1 based upon the pleadings and papers on file and upon the Declaration of John Schaller, Esq.,  
2 attached to this Application.

3 DATED this 3d Day of November, 2020.

4  
5  
6  
7 JOHN BUCHMILLER & ASSOCIATES, LLC  
8 /S/ JOHN SCHALLER, ESQ.  
9 PATRICIA WARNOCK, ESQ.  
10 Nevada Bar # 14432  
11 Patricia@Buchmillerlaw.com  
12 JOHN SCHALLER, ESQ.  
13 NV Bar # 15092  
14 jschaller@Buchmillerlaw.com  
15 516 S. Fourth Street, Suite 500  
16 Las Vegas, NV 89101  
17 (702) 685-2003 (Phone/Text)  
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**AFFIDAVIT OF JOHN SCHALLER, ESQ. IN SUPPORT OF  
APPLICATION FOR AN ORDER SHORTENING TIME**

STATE OF NEVADA       )  
                                      )SS  
COUNTY OF CLARK     )

JOHN SCHALLER, ESQ. being first duly sworn, hereby deposes and says:

1. I am an attorney licensed to practice in the State of Nevada, and am the attorney for Mom in this matter.

2. That the facts stated within this accompanying Motion being sought to have its time shortened are affirmed as if fully set forth herein.

3. Mom is filing this Ex Parte Application because the December 15, 2020 hearing set in this matter is too far away given the unhealthy and stressful environment created for the minor children and Mom by Plaintiff Joel Eorio's ("Dad's") insistence on remaining in the marital residence with his unwelcome female guest, Jessica Dawn Carpenter, while continuing to fail to provide adequate financial support for the household.

4. Mom's counsel recently learned that Ms. Carpenter pled guilty in 2012 to a count of contributing to the delinquency of a minor in Arizona, and on information and belief served seven years' probation which only ended in 2019. Exhibit A. On information and belief, Ms. Carpenter has also lost custody of two or more children to Child Protective Services, also in Arizona. Mom has also learned that Ms. Carpenter has been reportedly been mentioning to third-parties that she intends to get Mom's own children taken from Mom.

5. A woman living, at Dad's insistence, in the same residence as Mom and the minor children, who only recently seems to have finished seven years' probation for contributing to the delinquency of a minor, who on information and belief has lost her own children to CPS, and who reportedly is now stating that she wants to get Mom's children taken from Mom, clearly poses a

1 hazard to the well-being of the minor children and Mom. Mom believes that Dad's actions in  
2 choosing to stay in the marital residence with Ms. Carpenter is causing ongoing stress and  
3 emotional harm to the minor children. Given Ms. Carpenter threatening statements to have the  
4 children taken away from Mom, Dad's choice to try to stay in the marital residence with her,  
5 while trying to minimize any financial contribution on his part, also poses a real threat by Ms.  
6 Carpenter to Mom.  
7

8 6. Dad has obviously filed a Motion requesting permission from this Court to relocate  
9 with the minor children, but at present insists it is impossible for him to even relocate himself out  
10 of the marital residence along with Ms. Carpenter.  
11

12 7. Mom requests an Order Shortening Time be issued so that she may attend a hearing  
13 in this matter as soon as possible, and Dad can explain to the Judge why his choice to stay in the  
14 marital residence and sleep on the couch with Ms. Carpenter, while he contributes only \$300 to  
15 the household budget but on information and belief among other things gambles, and while Ms.  
16 Carpenter (who only recently seems to have completed probation for contributing to the  
17 delinquency of a minor, and who on information and belief lost custody of her own children to  
18 CPS, and who on reports now says she will get Mom's kids taken from Mom) represents a threat  
19 to the well-being of the minor children and of Mom.  
20

21 8. This request is made in good faith and not for the purposes of harassment or delay.  
22 I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true  
23 and correct.  
24

25 DATED this 3d day of November, 2020.  
26

27 /s/ John Schaller  
28 JOHN SCHALLER, ESQ.

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## POINTS & AUTHORITIES

Mom incorporates the facts and legal argument set forth in her Motion as if the same were fully set forth herein.

EDCR 5.513 addresses hearing motions on shortened time, providing:

- (a) Unless prohibited by other rule, statute, or court order, a party may seek an order shortening time for a hearing.
- (b) An *ex parte* motion to shorten time must explain the need to shorten the time. Such a motion must be supported by affidavit.
- (c) Absent exigent circumstances, an order shortening time will not be granted until after service of the underlying motion on the nonmoving parties. Any motion for order shortening time filed before service of the underlying motion must provide a satisfactory explanation why it is necessary to do so.
- (d) An order shortening time must be served on all parties promptly. An order that shortens the notice of a hearing to less than 10 calendar days may not be served by mail. In no event may a motion be heard less than 1 judicial day after the order shortening time is filed and served.
- (e) Should the court shorten the time for the hearing of a motion, the court may direct that the subject matter of any countermotion be addressed at the accelerated time, at the original hearing time, or at some other time.

The longer Dad stays in the house with Ms. Carpenter, the more stress and harm will be inflicted on the minor children and Mom, and the greater the risk that actual harm including violence may result from his choice to keep Ms. Carpenter -- who only recently completed seven years of probation for contributing to the delinquency of a minor, who on information and belief had custody of her own children taken by CPS, and who reportedly has said she intends to get Mom's own children taken from Mom -- in the marital residence and sleeping on the couch with him while Dad also fails to pay sufficient financial support to the household.

WHEREFORE, Plaintiff requests that this Honorable Court issue an Order Shortening Time to hear Mom's Motion.



1 Respectfully submitted this 3d day of November, 2020.

2 JOHN BUCHMILLER & ASSOCIATES, LLC

3  
4  
5 /s/ John Schaller  
6 PATRICIA WARNOCK, ESQ.  
7 Nevada Bar # 14432  
8 Patricia@Buchmillerlaw.com  
9 JOHN SCHALLER, ESQ.  
10 NV Bar # 15092  
11 jschaller@Buchmillerlaw.com  
12 516 S. Fourth Street, Suite 500  
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14 (702) 685-2003 (Phone/Text)  
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**EXHIBIT A**

## Public Access to Court Information - Case Search

## Case Information

<b>Case Number:</b>	<b>M-1041-CR-11053166</b>	<b>Category:</b>	Criminal
<b>Title:</b>	ST OF AZ VS CARPENTER JESSICA	<b>Filing Date:</b>	6/10/2011
<b>Court:</b>	Tucson Municipal Court	<b>Disposition Date:</b>	8/24/2012
<b>Judge:</b>			

<b>JESSICA DAWN CARPENTER DEFENDANT - D 1</b>				Date of Birth: 07/1987
Citation	Count	Description	Disp. Date	Disposition
	4	FAILURE TO APPEAR 2ND DEG	8/24/2012	COMPL DISMISSED BY COURT
	5	FAILURE TO APPEAR 2ND DEG	8/24/2012	COMPL DISMISSED BY COURT
01020243811	1	MARIJUANA VIOLATION	8/24/2012	COMPL DISMISSED BY COURT
01020243811	2	DRUG PARAPHERNALIA VIOLATION	8/24/2012	COMPL DISMISSED BY COURT
01020243811	3	CONTRIB DELINQ/DEPEND-MINOR	8/24/2012	PLEA GUILTY/RESP SENT IMPOSED
<b>STATE OF ARIZONA PLAINTIFF - P 1</b>				

## Case Activity

Date	Description	Party
1/7/2019	PROBATION ORDER REVIEW	D 1
1/7/2019	PROBATION ORDER REVIEW	D 1
4/2/2013	FARE: COLLECTION LTR TYPE 1	D 1
3/29/2013	FUND: FARE FEE SPEC COLL	D 1
3/29/2013	Assigned To FARE	D 1
3/29/2013	FUND: FARE DELINQUENCY FEE	D 1
3/29/2013	INFO: ASSIGNED TO FARE	D 1
2/24/2013	TIC: PROOF-COUNSELING	D 1
2/24/2013	TIC: SCHEDULED PAYMENT DATE	D 1
8/24/2012	FUND: TIME PYMT \$20 JCEF	D 1
8/24/2012	FUND: BASE FINE	D 1
8/24/2012	PROBATION	D 1
8/24/2012	FUND: 2007 SURCHARGES (84%)	D 1
8/24/2012	CAL: PRETRIAL-ASSIGNED	
8/24/2012	FUND: TCC CASE PROCESS FEE 84%	D 1
8/24/2012	FUND: PROBATION ASSESSMENT	D 1
8/24/2012	INFO: CONTRACT SET BY JS	D 1
8/24/2012	HELD: CHANGE OF PLEA HRNG	D 1
7/26/2012	PRE-ADJ WARRANT QUASHED	D 1
7/26/2012	HELD: HEARING	D 1
7/26/2012	WRNT: QUASH FTA CRIM MISD	D 1
6/5/2012	FTA: CRIMINAL FTA-FILED	
6/5/2012	WRNT: ISSUE FTA CRIM MISD	D 1
6/5/2012	CAL: PRETRIAL-ASSIGNED	
6/5/2012	PRE-ADJ WARRANT ISSUED	D 1
5/8/2012	HELD: HEARING	D 1
5/8/2012	PRE-ADJ WARRANT QUASHED	D 1
5/8/2012	WRNT: QUASH FTA CRIM MISD	D 1
1/31/2012	PRE-ADJ WARRANT ISSUED	D 1
1/31/2012	FTA: CRIMINAL FTA-FILED	D 1

10/31/2020

Arizona Judicial Branch - Public Access

1/31/2012	CAL: HRNG-SIS DIVERSION	
1/31/2012	WRNT: ISSUE FTA CRIM MISD	D 1
10/26/2011	ORDER: OTHER	D 1
10/25/2011	CAL: HRNG-SIS DIVERSION	
10/25/2011	CASE: REQUEST FOR ACTION	D 1
10/25/2011	MOTION: DEF-TO CONTINUE	D 1
6/20/2011	DIVERSION: ORDERED	D 1
6/20/2011	HELD: ARRAIGNMENT	D 1
6/20/2011	CAL: ARRM-CRIMINAL	
6/10/2011	FILED: COMPLAINT-CITATION	D 1
6/10/2011	FILE MADE	D 1

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For more information about the eAccess portal please visit: <https://www.azcourts.gov/eaccess>.

### NOTES:

**Internet Explorer 10 Users: Case details will not display properly unless you switch to Compatibility View.  
How?**

**The following case types are excluded from search results:** sealed cases, cases involving un-served Orders of Protection, mental health and probate cases, victim and witness data. Juvenile incorrigible/delinquency case information also cannot be viewed on this website; however other types of cases in which juveniles are parties, such as traffic cases, may be displayed. Certain administrative functions carried out by superior court clerk's offices in each county are not included in this website, such as passport application processing and private process server registration. **Charges stemming from local ordinance violations are not included.**

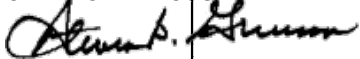
**Please be aware of the following limitations of the case records displayed:**

- The information may not be a current, accurate, or complete record of the case.
- The information is subject to change at any time.
- The information is not the official record of the court.
- Not all cases from a participating court may be included.
- The information should not be used as a substitute for a thorough background search of official public records.

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Data available on this web site is updated frequently and can be provided via electronic media for an annual subscription fee. If interested, please Contact Us.

**Case info is updated on this website weekly. Information is updated each Friday to reflect case information through the Wednesday of the same week.**



1 **OST**  
2 **PATRICIA WARNOCK, ESQ.**  
3 Nevada Bar #14432  
4 **JOHN SCHALLER, ESQ.**  
5 Nevada Bar #15091  
6 **JOHN BUCHMILLER & ASSOCIATES**  
7 516 South Fourth Street  
8 Las Vegas, Nevada 89101  
9 Phone: (203) 209-7600  
10 Fax: (702) 583-7373  
11 [Patricia@BuchmillerLaw.com](mailto:Patricia@BuchmillerLaw.com)  
12 [jschaller@Buchmillerlaw.com](mailto:jschaller@Buchmillerlaw.com)  
13 *Attorneys for Defendant Lisa M. Eorio*

10 EIGHTH JUDICIAL DISTRICT COURT  
11 FAMILY DIVISION  
12 COUNTY OF CLARK, STATE OF NEVADA

13 **JOEL E. EORIO,**

14 Plaintiff,

15 vs.

16 **LISA M. EORIO,**

17 Defendant.  
18

**CASE NO: D-20-608267-D**

**DEPT NO: Q**

19  
20 **ORDER SHORTENING TIME**

21  
22  
23 Upon Application of the Defendant and good cause appearing therefore:

24  
25 **IT IS HEREBY ORDERED** that the time for hearing Defendant's MOTION FOR  
26 EXCLUSIVE POSSESSION OF THE MARITAL RESIDENCE is hereby shortened, and shall  
27  
28

1 be heard on the 16 November 9:00 AM  
2 be heard on the \_\_\_ day of \_\_\_\_\_, 2020 at the hour of \_\_\_ m in Department Q of the  
3 Family Court located at the Family Court and Services Center,  
4

5 601 N. Pecos, Las Vegas, NV 89101.  
6

7 Dated this 3 day of November, 2020.  
8

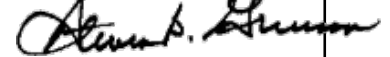
9 APPROVED:

10   
11 DISTRICT COURT JUDGE (ND)  
12

13 Respectfully Submitted by:

14 JOHN BUCHMILLER & ASSOCIATES, LLC  
15

16   
17 PATRICIA WARNOCK, ESQ.  
18 Nevada Bar # 14432  
19 [Patricia@Buchmillerlaw.com](mailto:Patricia@Buchmillerlaw.com)  
20 JOHN SCHALLER, ESQ  
21 Nevada Bar # 15092  
22 [jschaller@Buchmillerlaw.com](mailto:jschaller@Buchmillerlaw.com)  
23 516 S. Fourth Street  
24 Las Vegas, NV 89101  
25 (702) 278-9268 (Phone/Text)  
26  
27  
28



1 NEOJ

2  
3 DISTRICT COURT

4 CLARK COUNTY, NEVADA

5  
6 JOEL EORIO, )

7 Plaintiff, )

8 v. )

CASE NO. D-20-608267-D

DEPT NO. Q

9 LISA EORIO, )

10 Defendant. )

11  
12  
13 NOTICE OF ENTRY OF ORDER FROM HEARING

14 TO: ALL PARTIES AND/OR THEIR ATTORNEYS

15 Please take notice that an Order From Hearing has been entered in the above-  
16 entitled matter, a copy of which is attached hereto. I hereby certify that on the above  
17 file stamped date, I caused a copy of this Notice of Entry of Order From Hearing to  
18 be:  
19

20 ☒ E-Served pursuant to NEFCR 9 on, or placed in the folder(s) located in the  
21 Clerk's Office of, the following attorneys:

22 Jessica Friedman, Esq.

23 John Schaller, Esq.

24  
25 /s/ Kimberly Weiss

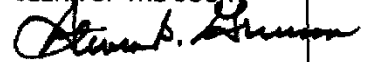
26 Kimberly Weiss

27 Judicial Executive Assistant

28 Department Q

BRYCE C. DUCKWORTH  
PRESIDING JUDGE

FAMILY DIVISION, DEPT. Q  
LAS VEGAS, NEVADA 89101



1 ORDR

2  
3 DISTRICT COURT

4 CLARK COUNTY, NEVADA

5  
6 JOEL EORIO, )

7 Plaintiff, )

8 v. )

CASE NO. D-20-608267-D

DEPT NO. Q

9 LISA EORIO, )


10 Defendant. )

11  
12  
13 ORDER FROM HEARING

14 This matter came before the Court for a Return Hearing and Case  
15 Management Conference, Plaintiff appearing by video represented by Jessica  
16 Friedman, Esq. (appearing by video), and Defendant appearing by video and  
17 represented by John Schaller, Esq. (appearing by video). Good cause appearing therefor,  
18

19 IT IS HEREBY ORDERED that the attached copy of the Minutes from the  
20 November 2, 2020 hearing is hereby incorporated herein and will become the Order  
21 of this case.  
22

23 DATED this 10th day of November, 2020.

24  
25   
26  
27 BRYCE C. DUCKWORTH  
28 DISTRICT COURT JUDGE  
DEPARTMENT Q

BRYCE C. DUCKWORTH  
PRESIDING JUDGE

FAMILY DIVISION, DEPT. Q  
LAS VEGAS, NEVADA 89101



D-20-608267-D

**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,      10:00 AM      All Pending Motions  
2020**

**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

PRINT DATE:	11/05/2020	Page 1 of 3	Minutes Date:	November 02, 2020
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**Notice:** Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

JA000132

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 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:**

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

November 16, 2020 9:00 AM Motion  
Duckworth, Bryce C.

PRINT DATE:	11/05/2020	Page 2 of 3	Minutes Date:	November 02, 2020
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D-20-608267-D

Courtroom 01

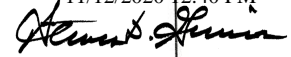
*Canceled: December 15, 2020 9:00 AM Motion*

February 11, 2021 9:00 AM Non-Jury Trial  
Duckworth, Bryce C.  
Courtroom 01

PRINT DATE:	11/05/2020	Page 3 of 3	Minutes Date:	November 02, 2020
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**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

JA000134

  
CLERK OF THE COURT

1 **SAO**  
2 **PATRICIA WARNOCK, ESQ.**  
3 Nevada Bar #14432  
4 Patricia@BuchmillerLaw.com  
5 **JOHN SCHALLER, ESQ.**  
6 Nevada Bar #15092  
7 jschaller@BuchmillerLaw.com  
8 **JOHN BUCHMILLER & ASSOCIATES**  
9 516 South Fourth Street  
10 Las Vegas, Nevada 89101  
11 Phone: (203) 209-7600  
12 Fax: (702) 583-7373  
13 *Attorneys for Defendant Lisa Eorio*

10 EIGHTH JUDICIAL DISTRICT COURT  
11 FAMILY DIVISION  
12 COUNTY OF CLARK, STATE OF NEVADA

13 JOEL E. EORIO,

14 Plaintiff,

15 vs.

16 LISA M. EORIO,

17 Defendant.

CASE NO: D-20-608267-D

DEPT. NO.: Q

19 **STIPULATION AND ORDER FOR TEMPORARY EXCLUSIVE POSSESSION OF**  
20 **THE MARITAL RESIDENCE, TEMPORARY PHYSICAL CUSTODY TIMESHARE,**

21 **AND CHILD SUPPORT**

22 COMES NOW, Defendant, Lisa Eorio ("Lisa"), by and through her legal counsel  
23 PATRICIA WARNOCK, ESQ., and JOHN SCHALLER, ESQ., of JOHN BUCHMILLER &  
24 ASSOCIATES, LLC, and the Plaintiff, Joel E. Eorio ("Joel"), by and through his legal counsel  
25 JESSICA FRIEDMAN, ESQ. of THE LAW OFFICES OF JESSICA M. FRIEDMAN, PLLC, ,  
26 who hereby stipulate and agree as follows:  
27  
28

1 IT IS HEREBY STIPULATED that Joel and Jessica Dawn Carpenter will both vacate the  
2 current marital residence, 4905 Sparkling Sky Avenue, Las Vegas, NV 89130 (the "Home") no  
3 later than 5 pm on Sunday, November 22nd, 2020.  
4

5 IT IS FURTHER STIPULATED that Joel and Lisa (collectively, the "Parties") have two  
6 minor biological children, Harley Rose Eorio, born March 8, 2007, and Hayden Bell Eorio, born  
7 October 24, 2009, as well as one equitable child, Gianni Edward Eorio, born October 17, 2015,  
8 and that after Joel and Jessica Dawn Carpenter vacate the Home, the Parties shall share Temporary  
9 Joint Physical Custody of the three minor children Harley, Hayden and Gianni, on a week-on,  
10 week-off timeshare with custody exchanges occurring at 7 pm on Friday evenings.  
11

12 IT IS FURTHER STIPULATED that Lisa will have the minor children for the week  
13 beginning on Sunday, November 22nd through the custody exchange the next Friday, November  
14 27<sup>th</sup> at 7 pm.  
15

16 IT IS FURTHER STIPULATED that, taking into account the incomes of Lisa and Joel,  
17 neither party will owe Temporary Child Support to the other until a final Order is entered  
18 addressing custody and child support for the underlying custody action in this matter. In  
19 contemplation of this Agreement, each party hereby waives any and all claims to any child support  
20 arrears.

21 IT IS FURTHER STIPULATED that, once this agreement between the Parties becomes  
22 an Order of this Court, that the hearing scheduled for November 16, 2020 at 9:00 am, to hear  
23 Lisa's Motion and Notice of Motion for Exclusive Possession of the Marital Residence, shall be  
24 vacated as moot.

25 Based upon the agreement of the Parties and good cause being shown,

26 IT IS HEREBY ORDERED that the terms and conditions of the above Stipulation are  
27 adopted, and so Ordered.  
28

1 IT IS FURTHER ORDERED that the hearing scheduled for November 16, 2020 at 9:00  
2 am, to hear Lisa's Motion and Notice of Motion for Exclusive Possession of the Marital Residence,  
3 shall be vacated as moot.  
4

5 Dated this 12th day of November, 2020  
6 IT IS SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

7  
8  
9 THE HONORABLE BRYCE C. DUCKWORTH  
10 DISTRICT COURT JUDGE (ND)

11 339 B29 29F5 BDE5  
12 Bryce C. Duckworth  
13 District Court Judge

14 Respectfully submitted by:  
15 JOHN BUCHMILLER & ASSOCIATES, LLC

16 THE LAW OFFICE OF JESSICA M.  
17 FRIEDMAN, PLLC

18 PATRICIA WARNOCK, ESQ.

19 Nevada Bar # 14432

20 JOHN SCHALLER, ESQ.

21 Nevada Bar # 15092

22 516 South Fourth Street

23 Las Vegas, Nevada 89101

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25 Facsimile: (702) 583-7373

26 [patricia@buchmillerlaw.com](mailto:patricia@buchmillerlaw.com)

27 [jschaller@buchmillerlaw.com](mailto:jschaller@buchmillerlaw.com)

28 Attorneys for Defendant Lisa Eorio

JESSICA M. FRIEDMAN, ESQ.

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Henderson, NV 89012

Telephone: (702) 990-3119

[jessica@jmfriedmanlaw.com](mailto:jessica@jmfriedmanlaw.com)

Attorney for Plaintiff Joel Eorio

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 Stipulation and Order was served via the court's electronic eFile system  
13 to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 11/12/2020

15 Jessica Friedman, Esq.

jfriedman@cordelllaw.com

16 Patricia Warnock, Esq.

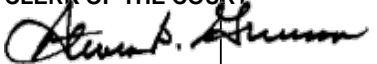
patricia@buchmillerlaw.com

17 John Schaller, Esq.

jschaller@buchmillerlaw.com

18 Jessica Friedman

jessica@jmfriedmanlaw.com



**MOT**  
**PATRICIA WARNOCK, ESQ.**  
Nevada Bar #14432  
**JOHN SCHALLER, ESQ.**  
Nevada Bar #15091  
**JOHN BUCHMILLER & ASSOCIATES**  
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Las Vegas, Nevada 89101  
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[Patricia@BuchmillerLaw.com](mailto:Patricia@BuchmillerLaw.com)  
[jschaller@Buchmillerlaw.com](mailto:jschaller@Buchmillerlaw.com)  
*Attorneys for Defendant Lisa M. Eorio*

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

JOEL E. EORIO,

Plaintiff,

vs.

LISA M. EORIO,

Defendant.

CASE NO: D-20-608267-D

DEPT NO: C

BEFORE THE DISCOVERY

COMMISSIONER

**NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF THE RESPONSE WITHIN FOURTEEN (14) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN FOURTEEN (14) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING DATE.**

**DEFENDANT'S MOTION AND NOTICE OF MOTION TO COMPEL RESPONSES TO REQUESTS FOR PRODUCTION**

COMES NOW the Defendant, LISA M. EORIO ("Lisa"), by and through her attorney, PATRICIA WARNOCK, ESQ., and JOHN SCHALLER of the law firm of JOHN BUCHMILLER



1 & ASSOCIATES, LLC, and hereby files her Motion to Compel Responses to Requests for  
2 Production pursuant to NRCP 37 and EDCR 2.34.

3 This Motion is made and based upon the filed pleadings on file with the court herein, the  
4 points and authorities contained below, any exhibits attached hereto, the pleadings and papers on  
5 file herein, and any oral argument proffered at the time of hearing.  
6

7 **DATED** this 27<sup>th</sup> day of January, 2021.

8  
9  
10 /S/ JOHN SCHALLER, ESQ.  
11 PATRICIA WARNOCK, ESQ.  
12 Nevada Bar # 14432  
13 [Patricia@Buchmillerlaw.com](mailto:Patricia@Buchmillerlaw.com)  
14 JOHN SCHALLER, ESQ.  
15 Nevada Bar # 15092  
16 [jschaller@Buchmillerlaw.com](mailto:jschaller@Buchmillerlaw.com)  
17 516 S. Fourth Street  
18 Las Vegas, NV 89101  
19 (203) 209-7600 (Phone/Text)  
20 *Attorneys for Defendant Lisa M. Eorio*

21  
22 **MEMORANDUM OF POINTS AND AUTHORITIES**

23 **I.**

24 **STATEMENT OF FACTS**

25 On November 29, 2020, Lisa propounded her first Requests for Production up the Plaintiff  
26 (“Joel”). After several delays, Joel finally served Responses on January 18, 2020. Exhibit A.  
27 However, Joel failed to provide a meaningful response to Requests No. : 5, 6, 7, 8, 9, 10, 11, 12,  
28 or 13, or to nearly half of the total requests, stating simply in each relevant response that “Plaintiff  
is still working on gathering the documents responsive to this request.” On January 27<sup>th</sup>, 2021,  
just before the instant Motion to Compel was to be filed, Joel provided responses that may relate

1 to, and be partially responsive to, Requests No. 7, 8 and 9, but apparently without Bates stamp  
2 marking and without identification as to which request such documents actually were responsive  
3 to.

4  
5 Lisa's counsel had initially inquired about an EDCR 5.501 conference regarding discovery  
6 on January 3<sup>rd</sup>, then again on January 15<sup>th</sup>, and then finally on January 24<sup>th</sup>. Finally counsel for  
7 the parties had a telephone conference on the morning of January 26<sup>th</sup>. Counsel for Joel has been  
8 responsive to communications from Lisa's counsel, but it appears that Joel has simply not collected  
9 documents that would be responsive to the relevant requests.

## 10 II.

### 11 ARGUMENT

#### 12 A. Legal Standard

13  
14 District courts have broad discretion to address and resolve discovery-related issues. Club  
15 Vista Fin. Servs. V. Dist. Ct., 128 Nev, Adv. Op. 21, (2012); Jones v. Bank of Nev., 91 Nev. 368,  
16 370 (1975). Liberal discover serves "the integrity and fairness of the judicial process by  
17 promoting the search for the truth." Shoen v. Shoen, 5. F. 3d 1289 (9<sup>th</sup> Cir. 1993). Accordingly,  
18 "[p]arties may obtain discovery regarding any matter, not privileged, which is relevant to the  
19 subject matter involved in the pending action, whether it relates to the claim or defense of the party  
20 seeking discovery or to the claim or defense of any other party." NRCP 26(b)(1). Consistent with  
21 these objectives, a "discovering party may move for an order compelling an answer, or a  
22 designation, or an order compelling inspection in accordance with [a discovery request]" when the  
23 non-discovering party fails to adequately respond to a discovery request. NRCP 37(a)(2)(B).

#### 24 B. Argument

1 Lisa has repeatedly asked Joel, or Joel's counsel, for the relevant production. Joel has not  
2 objected to the relevant requests, but instead simply states that he is "still working on" gathering  
3 the requested documents.

4  
5 "[A]n evasive or incomplete disclosure, answer, or response must be treated as a failure to  
6 disclose, answer or respond." NRCP 37(a)(3). The failure to produce responsive documents to  
7 any of the noted requests is obviously a profoundly incomplete response or disclosure.  
8 Accordingly, this Court should compel Joel to produce the remaining documents with it has  
9 senselessly withheld.

10  
11 **C. Counsel for Lisa and Joel did Meet Telephonically and Confer about the**  
12 **Discovery Issue before Lisa Sought the Commissioner's Intervention.**

13 "The motion [to compel] must include a certification that the movant has in good faith  
14 conferred or attempted to confer with the party not making the disclosure in an effort to secure the  
15 disclosure without court action." NRCP 37(a)(2)(A).

16  
17 Lisa's counsel gave Joel every opportunity to provide an appropriate response, inquiring  
18 about the need for an EDCR 5.501 conference multiple times, being told that responsive  
19 production was forthcoming, and then finally being met with responses that, as noted, were, in  
20 nearly half of the total responses, wholly inadequate.

21 **D. Joel Should Pay Lisa's Reasonable Attorney's Fees in Making the Instant Motion**

22 NRCP 37(a)(4)(A) provides that a movant is entitled to reasonable fees, including  
23 attorney's fees and costs, if a motion to compel is granted or the requested discovery is provided  
24 after the motion was filed.  
25

26  
27 **III.**  
28

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Dated this 27<sup>th</sup> day of January, 2021.

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**DECLARATION**

STATE OF NEVADA       )  
                                          ) ss:  
COUNTY OF CLARK       )

LISA EORIO being first duly sworn, deposes and says:

That she is the Defendant in the attached MOTION, that she has read the above and foregoing Motion, and knows the contents thereof, and that the same is true of her own knowledge.

\_\_\_\_\_  
*/s/ Lisa Eorio*  
LISA EORIO

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DATED this 27<sup>h</sup> day of January, 2021.

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**EXHIBIT A**

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

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

11  
12 JOEL E. EORIO,  
13 Plaintiff,  
14 vs.  
15 LISA M. EORIO,  
16 Defendant.

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

17 **PLAINTIFF'S RESPONSES TO DEFENDANT'S FIRST REQUEST FOR**  
18 **PRODUCTION OF DOCUMENTS TO PLAINTIFF**

19 TO: LISA M. EORIO, Defendant, and

20  
21 TO: John Schaller, Esq. Attorney for Defendant.

22 COMES NOW, Plaintiff, JOEL EORIO, by and through his counsel of  
23 record, Jessica M. Friedman, Esq., of the LAW OFFICES OF JESSICA M.  
24 FRIEDMAN, PLLC, and pursuant to NRCP 16.1 and NRCP 33, hereby submits  
25 his RESPONSES TO DEFENDANT'S FIRST REQUEST FOR PRODUCTION  
26 OF DOCUMENTS TO PLAINTIFF.  
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1 **RESPONSES**

2 **REQUEST NO. 1:**

3  
4 The factors set forth below are derived from NRS 125C.0035. For each  
5 such factor which you claim or will in the future claim is important for the court  
6 to consider in determining custody and Visitation for the minor children, please  
7 supply all documents supporting such claim:  
8

9 (a) The wishes of the child if the child is of sufficient age and  
10 capacity to form an intelligent preference as to his or her physical custody.  
11

12 (b) Any nomination of a guardian for the child by a parent.  
13

14 (c) Which parent is more likely to allow the child to have frequent  
15 associations and a continuing relationship with the noncustodial parent.  
16

17 (d) The level of conflict between the parents.  
18

19 (e) The ability of the parents to cooperate to meet the needs of the  
20 child.  
21

22 (f) The mental and physical health of the parents.  
23

24 (g) The physical, developmental and emotional needs of the child.  
25

26 (h) The nature of the relationship of the child with each parent.  
27

28 (i) The ability of the child to maintain a relationship with any sibling.  
29

30 (j) Any history of parental abuse or neglect of the child or a sibling of  
31 the child.  
32

1 (k) Whether either parent or any other person seeking physical custody  
2 has engaged in an act of domestic violence against the child, a parent of the child  
3 or any other person residing with the child.  
4

5 (l) Whether either parent or any other person seeking physical custody  
6 has committed any act of abduction against the child or any other child.  
7

8 **RESPONSE TO REQUEST NO. 1:**

9 Plaintiff does not have any physical documentation response to this request  
10 that has not already been disclosed. Plaintiff reserves the right to supplement this  
11 response as discovery continues.  
12

13 **REQUEST NO. 2:**

14 Please produce and identified by Bates stamp number a current credit report  
15 from all three credit reporting agencies (TransUnion, Experian, an Equifax). One  
16 may be obtained free of charge on [creditkarma.com](http://creditkarma.com) or [annualcreditreport.com](http://annualcreditreport.com).  
17

18 **RESPONSE TO REQUEST NO. 2:**

19 Please see Exhibit 1 attached hereto. Plaintiff reserves the right to  
20 supplement this response as discovery continues.  
21

22 **REQUEST NO. 3:**

23 With regard to any expert you have retained, please produce and identified  
24 by Bates stamp number any and all documentation you have provided to the expert  
25 an all documentation provided to you by that expert.  
26  
27  
28

1 **RESPONSE TO REQUEST NO. 3:**

2  
3 Plaintiff does not have any documentation responsive to this request.  
4 Plaintiff reserves the right to supplement this response as discovery continues.  
5

6 **REQUEST NO. 4:**

7 For each time you have been arrested or charged with any crime, or had any  
8 abuse or neglect claim investigated against you concerning any minor child, please  
9 produce an identify by bate stamp number any and all:  
10

11 1) Any and all documents evidencing the date of the arrest or charge, or  
12 abuse or neglect claim:  
13

14 2) any and all police, CPS or other investigative reports arising from or  
15 related to the arrest or charge or claim of abuse or neglect:  
16

17 3) any and all documents evidencing the case number and citation number  
18 associated with any arrest or charge:  
19

20 4) any and all documents evidencing the crime or violation for which you  
21 were arrested or charged, or the alleged instance of abuse or neglect of a  
22 minor child for which you were investigated ; and  
23

24 5) any and all documents evidencing the disposition or result of the arrest or  
25 charge, or investigation of alleged abuse or neglect.  
26  
27  
28

1 **RESPONSE TO REQUEST NO. 4:**

2  
3 Plaintiff does not have any documentation responsive to this request.  
4 Plaintiff reserves the right to supplement this response as discovery continues.  
5

6 **REQUEST NO. 5:**

7 Please produce and identify by Bates number any and all documents,  
8 including but not limited to text and emails showing correspondence with the  
9 defendant regarding the minor children for the past three years.  
10

11 **RESPONSE TO REQUEST NO. 5:**

12  
13 Plaintiff is still working on gathering the documents responsive to this  
14 request. Plaintiff reserves the right to supplement this response as discovery  
15 continues.  
16  
17

18 **REQUEST NO. 6:**

19 Please produce and identified by Bates stamp number any and all documents  
20 including but not limited to text and emails, showing correspondence with any  
21 employer or perspective employer for the past five years.  
22

23 **RESPONSE TO REQUEST NO. 6:**

24  
25 Plaintiff is still working on gathering the documents responsive to this  
26 request. Plaintiff reserves the right to supplement this response as discovery  
27 continues.  
28

1 **REQUEST NO. 7:**

2 Please produce an identified by Bates stamp number each and every credit  
3 card statement for each credit card you have had since the minor children were first  
4 born.  
5

6 **RESPONSE TO REQUEST NO. 7:**

7 Plaintiff is still working on gathering the documents responsive to this  
8 request. Plaintiff reserves the right to supplement this response as discovery  
9 continues.  
10

11 **REQUEST NO. 8:**

12 Please produce an identified by Bates stamp number any and all records you  
13 have regarding the minor children's physical, psychiatric, or psychological care  
14 over the last two years, and any and all records regarding vocational or related  
15 diagnosis, interventions or care over the last two years including but not limited to  
16 any speech therapy diagnosis or treatments.  
17  
18  
19  
20

21 **RESPONSE TO REQUEST NO. 8:**

22 Plaintiff is still working on gathering the documents responsive to this  
23 request. Plaintiff reserves the right to supplement this response as discovery  
24 continues.  
25  
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1 **REQUEST NO. 9:**

2 Please produce and identified by Bates stamp number any and all  
3 documentation including photos, videos, emails, text, reports, letters, audio  
4 recordings etc which support any allegation you may have that the minor children  
5 have been abused, neglected, frightened, not well cared for or exposed to immoral  
6 behavior including illegal drug use or excessive alcohol use while in the other  
7 parents care.

8 **RESPONSE TO REQUEST NO. 9:**

9 Plaintiff is still working on gathering the documents responsive to this  
10 request. Plaintiff reserves the right to supplement this response as discovery  
11 continues.

12 **REQUEST NO. 10:**

13 Please provide all emails, text messages, instant messages, or social media  
14 messages or postings between you and the other parent for the last two years.

15 **RESPONSE TO REQUEST NO. 10:**

16 Plaintiff is still working on gathering the documents responsive to this  
17 request. Plaintiff reserves the right to supplement this response as discovery  
18 continues.

19 **REQUEST NO. 11:**

20 Please provide all emails, text messages, instant messages, social media

1 message or postings or other correspondence between you and Jessica Dawn  
2 Carpenter for the last two years.

3  
4 **RESPONSE TO REQUEST NO. 11:**

5 Plaintiff is still working on gathering the documents responsive to this  
6 request. Plaintiff reserves the right to supplement this response as discovery  
7 continues.  
8

9 **REQUEST NO. 12:**

10  
11 Please provide a copy of the lease for your current residence.

12 **RESPONSE TO REQUEST NO. 12:**

13  
14 Plaintiff is still working on gathering the documents responsive to this  
15 request. Plaintiff reserves the right to supplement this response as discovery  
16 continues.  
17

18 **REQUEST NO. 13:**

19 Please provide all emails, text messages, instant messages, or social media  
20 messages or postings , or other correspondence between you an any landlord or  
21 perspective landlord or housemate or roommate or perspective housemate or  
22 roommate for the last two years, including any such person located in New Mexico  
23 or elsewhere, in addition to those located in Nevada.  
24  
25

26 **RESPONSE TO REQUEST NO. 13:**

27  
28 Plaintiff is still working on gathering the documents responsive to this

1 request. Plaintiff reserves the right to supplement this response as discovery  
2 continues.

3  
4 **REQUEST NO. 14:**

5  
6 Please provide all of your medical records that pertain to issues of your  
7 mental health or pertain to the diagnosis or treatment of physical disorders you  
8 may have, including but not limited to chronic illness, physical disability, addiction  
9 or rehabilitation treatment, mental health diagnosis, mental health treatment or  
10 mental health testing.  
11

12  
13 **RESPONSE TO REQUEST NO. 14:**

14  
15 Plaintiff does not have any documents responsive to this request. Plaintiff  
16 reserves the right to supplement this request as discovery continues.

17 **REQUEST NO. 15:**

18  
19 Please provide all documents evidencing prescriptions issued to you in the  
20 last 12 months.

21  
22 **RESPONSE TO REQUEST NO. 15:**

23  
24 Plaintiff does not have any documents responsive to this request. Plaintiff  
25 reserves the right to supplement this request as discovery continues.

26  
27 **REQUEST NO. 16:**

28 If you have concerns regarding the other parents physical or mental health,



1 please provide all documentation to support such allegations.

2 **RESPONSE TO REQUEST NO. 16:**

3  
4 Please see previously produced documents EORIO 228-235. Plaintiff  
5 reserves the right to supplement this response as discovery continues.

6 **REQUEST NO. 17:**

7  
8 If you retain the services of a private investigator, conducted personal  
9 surveillance, or in any way had a third party or utilized cameras, audio equipment  
10 or other similar tools to watch the other pair for purposes of gathering information  
11 about him or anyone associated with him, please provide all information, reports,  
12 photographs, videos, recording, or other similar records made during the course of  
13 or stemming from the surveillance or investigation.

14  
15 **RESPONSE TO REQUEST NO. 17:**

16  
17 Plaintiff does not have any documents responsive to this request. Plaintiff  
18 reserves the right to supplement this response as discovery continues.

19  
20 **REQUEST NO. 18:**

21  
22 Please provide any and all documents or other tangible items, including  
23 without limitation tape recordings or photographs, produced by any individual or  
24 entity as a result of any subpoena duces tecum issued herein at your request.

25  
26 **RESPONSE TO REQUEST NO. 18:**

27  
28 Plaintiff does not have any documents responsive to this request. Plaintiff

1 reserves the right to supplement this response as discovery continues.

2 **REQUEST NO. 19:**

3  
4 If you are requesting an award of attorney's fees, please provide a copy of  
5 all invoices for legal services related to the proceedings in which you seek such an  
6 award.  
7

8 **RESPONSE TO REQUEST NO. 19:**

9 Please see Exhibit 2. this response will be supplemented as soon as plaintiff  
10 receives a complete accounting from Cordell Law LLP.  
11

12 DATED this 18<sup>th</sup> day of January, 2021.

13  
14 **THE LAW OFFICES OF JESSICA M.  
FRIEDMAN**

15 /s/ Jessica Friedman

16 **JESSICA M. FRIEDMAN, ESQ.**

17 Nevada Bar No.: 13486

18 170 s. Green Valley Pkwy, Ste. #300

19 Henderson, Nevada 89012  
20  
21  
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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 18<sup>th</sup> day of January, 2021, I caused  
4 the above documents to be served as followed:  
5

6 [ X ] Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and  
7 Administrative Order 14-2 captioned "In the Administrative Matter of  
8 Mandatory electronic Service in the Eight Judicial District Court," by  
9 mandatory electronic service through the Eighth Judicial District  
10 Court's electronic filing system.

11 [ ] by placing same to be deposited for mailing in the United States Mail,  
12 in a sealed envelope upon which first class postage was prepaid in  
13 Henderson, Nevada.

14 [ ] pursuant to EDCR 7.26, to be send via facsimile, by duly executed  
15 consent for service by electronic means.

16 [ ] pursuant to NRCP 5(b)(2)(D), by email by duly executed consent for  
17 service by electronic means.

18 [ ] by hand delivery with signed Receipt of Copy.

19 [ ] by first Class, Certified U. S. Mail.  
20

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

23 Patricia Warnock, Esq.

24 [patricia@buchmillerlaw.com](mailto:patricia@buchmillerlaw.com)

25 John Schaller, Esq.

26 [jschaller@buchmillerlaw.com](mailto:jschaller@buchmillerlaw.com)

27 Attorneys for Defendant, LISA EORIO

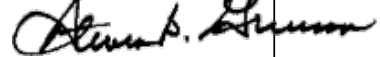
28 */s/ Jessica Friedman*

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

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**DISTRICT COURT  
CLARK COUNTY, NEVADA  
\*\*\*\*\***

Electronically Filed  
1/27/2021 4:07 PM  
Steven D. Grierson  
CLERK OF THE COURT



Joel Eorio, Plaintiff

vs.

Lisa Eorio, Defendant.

Case No.: D-20-608267-D

Department Q

**NOTICE OF HEARING**

Please be advised that the Defendant's Motion and Notice of Motion to Compel Responses to Requests for Production in the above-entitled matter is set for hearing as follows:

**Date:** March 03, 2021

**Time:** 1:00 PM

**Location:** Courtroom 17  
Family Courts and Services Center  
601 N. Pecos Road  
Las Vegas, NV 89101

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

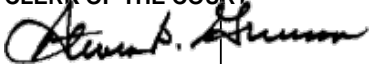
STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Sylvia Fussell  
Deputy Clerk of the Court

**CERTIFICATE OF SERVICE**

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

By: /s/ Sylvia Fussell  
Deputy Clerk of the Court



MCNT  
PATRICIA WARNOCK, ESQ.  
Nevada Bar #14432  
JOHN SCHALLER, ESQ.  
Nevada Bar #15091  
JOHN BUCHMILLER & ASSOCIATES  
516 South Fourth Street  
Las Vegas, Nevada 89101  
Phone: (203) 209-7600  
Fax: (702) 583-7373  
[Patricia@BuchmillerLaw.com](mailto:Patricia@BuchmillerLaw.com)  
jschaller@Buchmillerlaw.com  
*Attorneys for Defendant Lisa M. Eorio*

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

JOEL E. EORIO,

Plaintiff,

vs.

LISA M. EORIO,

Defendant.

CASE NO: D-20-608267-D

DEPT NO: Q

TRIAL DATE: 02/11/2021

TRIAL TIME: 9:00 A.M.

HEARING REQUESTED

**NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF THE RESPONSE WITHIN FOURTEEN (14) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN FOURTEEN (14) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING DATE.**

**DEFENDANT'S MOTION AND NOTICE OF MOTION TO CONTINUE  
EVIDENTIARY HEARING SCHEDULED ON FEBRUARY 11, 2021, AT 9:00 A.M.**

1 COMES NOW the Defendant, LISA M. EORIO ("Lisa"), by and through her attorney,  
2 PATRICIA WARNOCK, ESQ., and JOHN SCHALLER of the law firm of JOHN  
3 BUCHMILLER & ASSOCIATES, LLC, and hereby files her MOTION AND NOTICE OF  
4 MOTION TO CONTINUE EVIDENTIARY HEARING SCHEDULED ON FEBRUARY 11,  
5 2021, AT 9:00 A.M..  
6

7  
8 This Motion is made and based upon the filed pleadings on file with the court herein, the  
9 points and authorities contained below, any exhibits attached hereto, the pleadings and papers on  
10 file herein, and any oral argument proffered at the time of hearing.  
11

12 **DATED** this 28<sup>th</sup> day of January, 2021.  
13

14 /S/ JOHN SCHALLER, ESQ.  
15 PATRICIA WARNOCK, ESQ.  
16 Nevada Bar # 14432  
17 [Patricia@Buchmillerlaw.com](mailto:Patricia@Buchmillerlaw.com)  
18 JOHN SCHALLER, ESQ.  
19 Nevada Bar # 15092  
20 [jschaller@Buchmillerlaw.com](mailto:jschaller@Buchmillerlaw.com)  
21 516 S. Fourth Street  
22 Las Vegas, NV 89101  
23 (203) 209-7600 (Phone/Text)  
24 *Attorneys for Defendant Lisa M. Eorio*

25 **MEMORANDUM OF POINTS AND AUTHORITIES**

26 **I.**

27 **STATEMENT OF FACTS**

28 At the August 26, 2020 Case Management Conference and Hearing on All Pending  
Motions, this Court noted the due process concerns inherent in making a custody determination of

1 the third minor child in this matter, Gianni. The Court noted that the biological father of Gianni  
2 would need to be named, and given notice of the instant action.

3 In a telephone conference with counsel for Plaintiff Joel Eorio ("Joel") on Tuesday, January  
4 26<sup>th</sup>, 2021, during an EDCR 5.501 conference addressing Joel's failure to provide timely responses  
5 to Lisa's Requests for Production, Lisa's counsel learned that as of that date, Joel still had not  
6 contacted, nor apparently even tried to contact, Gianni's biological father for purposes of giving  
7 notice of the instant action, and of determining whether Gianni's biological father would provide  
8 a voluntary relinquishment of parental rights or whether there would need to be a paternity action  
9 in conjunction with the instant proceedings. Lisa's counsel was in fact the one who raised the  
10 issue during the call, as a review of the file made clear to him that an effort to locate Gianni's  
11 father and give him notice had to be made. Lisa had long ago given Joel all the information she  
12 had in this regard: namely, that Gianni's biological father was named Joseph Flores, and that when  
13 last she was aware he was residing in Albuquerque, New Mexico.

14 The central dispute in this divorce and custody action is Joel's desire to return to New  
15 Mexico, with the three minor children, to the town (Las Cruces) where Joel and Lisa had lived  
16 until mid-summer 2018, two and a half years ago. The parties do not appear to have outstanding  
17 disputes concerning the distribution of assets and liabilities. When Joel finally moved out of the  
18 marital residence with the "close friend," Jessica Carpenter, who he had been sharing the couch  
19 with in the marital residence, moving with Ms. Carpenter to a new residence, Joel and Lisa at that  
20 point divided basically all of the relevant personal property.

21 Consequently, the reason why this case has proceeded to an evidentiary hearing is simply  
22 that Lisa does not wish to relocate to Las Cruces, New Mexico, where she, Joel and the three kids  
23 last lived 2.5 years ago. Joel does want to move back, to be with his parents. Since Joel has not  
24

1 yet, at least as of January 26, 2021, made an effort to contact Gianni's father, it is unclear whether  
2 Joel is proposing that this Court make a custody determination only as regards the two older minor  
3 children, until Gianni's father can be given notice of the instant action, or whether Joel would have  
4 this Court conduct two hearings, first to address any remaining issues as to marital assets and  
5 liabilities, and then a later hearing to address Joel's Motion to Relocate after Gianni's father is  
6 located and given notice. Lisa's counsel believes that a bifurcation of the evidentiary hearing  
7 would be unnecessary, particularly so since Joel could have avoided this issue simply by having  
8 sought to contact Mr. Flores on a timely basis in the fall of 2020.  
9

## 10 II.

### 11 ARGUMENT

#### 12 A. EDCR 5.501 COMPLIANCE

13 EDCR 5.501 requires that parties attempt to resolve issues informally amongst themselves  
14 before seeking court intervention.  
15

16 On January 26<sup>th</sup>, 2021, during the EDCR 5.501 conference with Joel's counsel over his  
17 failure to provide responses to many Requests for Production, Lisa's counsel suggested to Joel's  
18 counsel that they could do a Stipulation and Order to give Joel time to find, or serve via publication,  
19 Gianni's biological father. At that time, Joel's counsel indicated that she would be speaking with  
20 Joel soon and would let Lisa's counsel know as regards to whether 1) Joel was able to find  
21 Joseph Flores and, if so, whether Mr. Flores was willing to provide a voluntary relinquishment of  
22 parental rights, or not, and, in not 2) whether they would be agreeable to continuing the trial date.  
23

24 On January 28<sup>th</sup>, Lisa's counsel emailed Joel's counsel as follows:  
25

26 Hi Jessica,

27 We had discussed via phone a couple days ago that, counter to what had been  
28 directed by Judge Duckworth at the 8/26 CMC for this case, apparently no



1 attempt has been made by Joel to contact Joseph Flores, the biological father of  
2 Gianni. Joel already knows from Lisa everything that Lisa knows about Mr.  
3 Flores; he was last known to reside in Albuquerque. You have had a couple of  
days to try to contact Mr. Flores at this point.

4 If Mr. Flores has been contacted and has consented to a voluntary relinquishment  
5 of parental rights, please let me know by close of business today. If this is not the  
6 case, I ask that you give your consent by close of business today to a continuance  
7 of the trial in this matter for at least 90 days, to give time for service of Mr. Flores  
by publication if he cannot be located.

8 Failure to include Mr. Flores in this matter would mean that we would in effect  
9 have to have a bifurcated trial...

10 Joel's counsel did not respond in timely fashion to this request. Lisa's counsel  
11 acknowledges that he asked for a response to the email within the day, but since the issue had first  
12 been discussed during the phone call two days earlier, and given the rapidly approaching February  
13 11<sup>th</sup> trial date, counsel believe it was appropriate to not wait longer before bringing the instant  
14 Motion. Lisa and her counsel have complied with their EDCR 5.501 obligations.

## 15 **B. REQUEST TO CONTINUE EVIDENTIARY HEARING**

### 16 **Rule 14. Motions for continuance: Contents, service of affidavits; counter-** 17 **affidavits; argument.**

18 1. All motions for the continuance of cases shall be made on affidavit except where  
19 it shall appear to the court that the moving party did not have time to prepare an  
20 affidavit, in which case counsel for the moving party need only be sworn and orally  
21 testify to the same factual matters as hereinafter required for an affidavit.

22 2. When a motion for the continuance of a cause is made on the ground of absence of  
23 witnesses, the affidavit shall state:

24 (a) The names of the absent witnesses and their present residences, if known.

25 (b) What diligence has been used to procure their attendance or their depositions,  
26 and the causes of a failure to procure the same.

27 (c) What the affiant has been informed and believes will be the testimony of each  
28 of such absent witnesses, and whether or not the same facts can be proven by other

1 witnesses than parties to the suit whose attendance or depositions might have been  
2 obtained.

3 (d) At what time the applicant first learned that the attendance or depositions of  
4 such absent witnesses could not be obtained.

5 (e) That the application is made in good faith and not merely for delay.

6 3. No continuance will be granted unless the affidavit upon which it is applied for  
7 conforms to this rule, except where the continuance is applied for in a mining case upon  
8 the special ground provided by [NRS 16.020](#).

9 4. Copies of the affidavits upon which a motion for a continuance is made shall be  
10 served upon the opposing party as soon as practicable after the cause for the  
11 continuance shall be known to the moving party.

12 5. Counter-affidavits may be used in opposition to the motion.

13 6. No amendments or additions to affidavits for continuance will be allowed at the  
14 hearing on the motion and the court may grant or deny the motion without further  
15 argument.

16 Lisa's counsel, in the attached Affidavit submitted herewith, meets the  
17 requirements of Rule 14. Counsel notes that Lisa strongly believes that it is in the best interest of  
18 all three minor children that they remain in Nevada, where she and Joel jointly chose to relocate  
19 in mid-2019. Further, Lisa already has parental rights, including legal and physical custody, as  
20 regards Gianni. Consequently, while Lisa acknowledges that Joel has played the social and  
21 parenting role of father as regards Gianni, it was not incumbent upon Lisa to be the one to try to  
22 find Joseph Flores and try to arrange for him to terminate his parental rights.

23  
24 Joel has known about the need to do so for five full months, at least, by this point,  
25 since the time of the August 26, 2020 Case Management conference and hearing, and does not  
26 appear to have made diligent efforts to date to find Gianni's biological father.

27 **III.**

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Dated this 28<sup>th</sup> day of January, 2021.

7

1 STATE OF NEVADA )

2  
3 COUNTY OF CLARK )

4  
5 **DECLARATION OF JOHN SCHALLER, ESQ.**

6 JOHN SCHALLER, ESQ., hereby declares under penalties of perjury under the laws of  
7 the State of Nevada and says:

- 8 1. I am an attorney duly license to practice law in the State of Nevada, and along  
9 with Patricia Warnock, Esq. am the attorney of record for the Defendant, Lisa  
10 Eorio, in this matter.  
11  
12 2. A DEFENDANT’S MOTION AND NOTICE OF MOTION TO CONTINUE  
13 EVIDENTIARY HEARING SCHEDULED ON FEBRUARY 11, 2021, AT  
14 9:00 A.M., has been filed in this matter. This Affidavit is submitted in  
15 conjunction with such Motion.  
16  
17 3. In a telephonic EDCR 5.501 conference with counsel for Plaintiff Joel Eorio,  
18 on January 26, 2021, I also learned that no effort had yet been made by Joel to  
19 locate or notify the biological father of the youngest minor child in this matter,  
20 Gianni.  
21  
22 4. Because of the constitutional rights involved, and due to the direction of the  
23 Court in this regard at the August 26, 2020 Case Management Conference and  
24 Hearing, this surprised me as I did not see how Joel’s Motion to Relocate could  
25 be considered efficiently without first giving Gianni’s biological father notice  
26 or in the alternative service by publication.  
27  
28

- 1 5. I offered during that phone conversation to agree to a Stipulation and Order to  
2 continue this matter, so that Mr. Flores could be contacted and given notice,  
3 and/or service by publication could be done.  
4  
5 6. Joel's counsel at that time indicated she would be speaking with Joel soon and  
6 would get back to me.  
7  
8 7. Lisa has already given Joel all of the information available to her as regards the  
9 identity and last known location (Albuquerque, N.M.) of Mr. Flores.  
10  
11 8. I followed up with Joel's counsel via email on January 28<sup>th</sup>, 2021, but have not  
12 heard back.  
13  
14 9. This Motion to Continue is made in good faith, and not merely for delay.  
15  
16 10. I thank the Court for its consideration in this matter.

17 **Further Declarant sayeth naught.**

18 Dated this 28<sup>th</sup> day of January, 2021

19 /s/ John Schaller  
20 JOHN SCHALLER, ESQ.  
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**CERTIFICATE OF MAILING/ELECTRONIC SERVICE**

A COPY OF the foregoing Motion to Continue in the above-captioned matter was filed today via the Court’s e-filing service.

DATED this 28<sup>h</sup> day of January, 2021.

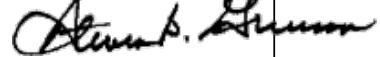
/S/ John Schaller  
AN EMPLOYEE OF JOHN  
BUCHMILLER & ASSOCIATES, LLC

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**DISTRICT COURT  
CLARK COUNTY, NEVADA  
\*\*\*\*\***

Electronically Filed  
1/29/2021 5:04 PM  
Steven D. Grierson  
CLERK OF THE COURT



Joel Eorio, Plaintiff

vs.

Lisa Eorio, Defendant.

Case No.: D-20-608267-D

Department Q

**NOTICE OF HEARING**

Please be advised that the Defendant's Motion and Notice of Motion to Continue Evidentiary Hearing Scheduled on February 11, 2021, at 9:00 AM in the above-entitled matter is set for hearing as follows:

**Date:** March 10, 2021

**Time:** 9:00 AM

**Location:** Courtroom 21  
Family Courts and Services Center  
601 N. Pecos Road  
Las Vegas, NV 89101

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

STEVEN D. GRIERSON, CEO/Clerk of the Court

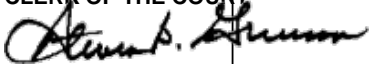
By: /s/ Rochelle Braswell  
Deputy Clerk of the Court

**CERTIFICATE OF SERVICE**

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

By: /s/ Rochelle Braswell  
Deputy Clerk of the Court





1 **EXMT**  
2 **PATRICIA WARNOCK, ESQ.**  
3 Nevada Bar #14432  
4 **JOHN SCHALLER, ESQ.**  
5 Nevada Bar #15091  
6 **JOHN BUCHMILLER & ASSOCIATES**  
7 516 South Fourth Street  
8 Las Vegas, Nevada 89101  
9 Phone: (203) 209-7600  
10 Fax: (702) 583-7373  
11 [Patricia@BuchmillerLaw.com](mailto:Patricia@BuchmillerLaw.com)  
12 [jschaller@Buchmillerlaw.com](mailto:jschaller@Buchmillerlaw.com)  
13 *Attorneys for Defendant Lisa M. Eorio*

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

JOEL E. EORIO,

Plaintiff,

vs.

LISA M. EORIO,

Defendant.

CASE NO: D-20-608267-D

DEPT NO: Q

NO HEARING REQUESTED

**EX-PARTE MOTION ON ORDER SHORTENING TIME**  
**PURSUANT TO EDCR 5.513**

COMES NOW, Defendant, Lisa Eorio ("Defendant"), by and through her legal  
counsel PATRICIA WARNOCK, ESQ., and JOHN SCHALLER, ESQ., of JOHN  
BUCHMILLER & ASSOCIATES, LLC, , and files this Application for an Order Shortening  
Time pursuant to EDCR 5.513, and requests this Court shorten the time in which

1 DEFENDANT'S MOTION AND NOTICE OF MOTION TO CONTINUE EVIDENTIARY  
2 HEARING SCHEDULED ON FEBRUARY 11, 2021, AT 9:00 A.M. is heard. This application  
3 is based upon the pleadings and papers on file and the Declaration of John Schaller, Esq.,  
4 attached to this Application.  
5

6 DATED this 3<sup>rd</sup> Day of February, 2021.

7  
8 JOHN BUCHMILLER & ASSOCIATES, LLC  
9 /S/ JOHN SCHALLER, ESQ.  
10 PATRICIA WARNOCK, ESQ.  
11 Nevada Bar # 14432  
12 [Patricia@Buchmillerlaw.com](mailto:Patricia@Buchmillerlaw.com)  
13 JOHN SCHALLER, ESQ.  
14 NV Bar # 15092  
15 jschaller@Buchmillerlaw.com  
16 516 S. Fourth Street, Suite 500  
17 Las Vegas, NV 89101  
18 (203) 209-7600 (Phone/Text)  
19  
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3                   **AFFIDAVIT OF JOHN SCHALLER, ESQ. IN SUPPORT OF**  
4                   **APPLICATION FOR AN ORDER SHORTENING TIME**

5 STATE OF NEVADA           )  
6                                       )SS  
7 COUNTY OF CLARK        )

8           JOHN SCHALLER, ESQ. being first duly sworn, hereby deposes and says:

9           1.       I am an attorney licensed to practice in the State of Nevada, and am the attorney for  
10 Defendant in this matter.

11           2.       That the facts stated within this accompanying Motion being sought to have its time  
12 shortened are affirmed as if fully set forth herein.

13           3.       Defendant is filing this Ex Parte Application because the March 10th, 2021 hearing  
14 set for Defendant's Motion to Continue is after the February 11, 2021 date set for the evidentiary  
15 hearing.

16  
17           4.       Defendant requests an Order Shortening Time be issued so that she may attend a  
18 hearing in this matter as soon as possible, and Plaintiff can explain to the Judge why no  
19 relinquishment of parental rights has been obtained from the biological father of the youngest  
20 minor child in this case, and why the biological father appears to have not been contacted until  
21 the last week of January. Counsel for Defendant has received, after filing the Motion to Continue,  
22 on the afternoon of January 29, 2021, from Plaintiff's counsel a text purporting to be from the  
23 biological father expressing that the biological father does not object to Plaintiff being recognized  
24 as the father of the youngest minor child. But, no information confirming the identity of the  
25 author of the text has been provided, and as of Wednesday, February 3<sup>rd</sup> there has been no further  
26  
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28

communication indicating that the biological father has either been formally served, or that a formal, valid relinquishment of parental rights has been obtained.

5. Conducting an evidentiary hearing that determines custody of only the two older children as regards the Plaintiff, and leaves the custody of the youngest minor child to a further proceeding, would needlessly complicate and extend the legal proceedings in this matter. Consequently Defendant requests that this Court shorten the time in which her Motion to Continue is heard, and then on that Motion continue the proceedings in this case for at least 90 days to provide a chance for Plaintiff to resolve the legal status of the youngest minor child at issue.

6. This request is made in good faith and not for the purposes of harassment or delay.

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

DATED this 3rd day of February, 2021.

/s/ John Schaller

JOHN SCHALLER, ESQ.

1 **POINTS & AUTHORITIES**

2 Defendant incorporates the facts and legal argument set forth in her Motion as if the same  
3 were fully set forth herein. As noted, Plaintiff waited until the last week of January, 2021 to  
4 attempt to resolve the status of the youngest minor child.  
5

6 Defendant therefore filed her Motion to Continue. EDCR 5.513 addresses hearing  
7 motions on shortened time, providing:

- 8 (a) Unless prohibited by other rule, statute, or court order, a party may seek an order  
9 shortening time for a hearing.  
10 (b) An *ex parte* motion to shorten time must explain the need to shorten the time. Such a  
11 motion must be supported by affidavit.  
12 (c) Absent exigent circumstances, an order shortening time will not be granted until after  
13 service of the underlying motion on the nonmoving parties. Any motion for order  
14 shortening time filed before service of the underlying motion must provide a  
15 satisfactory explanation why it is necessary to do so.  
16 (d) An order shortening time must be served on all parties promptly. An order that  
17 shortens the notice of a hearing to less than 10 calendar days may not be served by  
18 mail. In no event may a motion be heard less than 1 judicial day after the order  
19 shortening time is filed and served.  
20 (e) Should the court shorten the time for the hearing of a motion, the court may direct  
21 that the subject matter of any countermotion be addressed at the accelerated time, at  
22 the original hearing time, or at some other time.

23 Significant trial preparation will have to occur between now and the February 11, 2021  
24 hearing date, and obviously this Court's calendar would be needlessly taken up by the time  
25 allotted for the scheduled hearing if it is determined as of the day of the evidentiary hearing that  
26 that status of the biological father of the youngest minor child..  
27

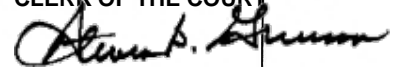
28 WHEREFORE, Defendant requests that this Honorable Court issue an Order Shortening  
Time to hear the Motion to Continue of Defendant.

Respectfully submitted this 3rd day of February, 2021.

JOHN BUCHMILLER & ASSOCIATES, LLC

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/s/ John Schaller  
PATRICIA WARNOCK, ESQ.  
Nevada Bar # 14432  
[Patricia@Buchmillerlaw.com](mailto:Patricia@Buchmillerlaw.com)  
JOHN SCHALLER, ESQ.  
NV Bar # 15092  
jschaller@Buchmillerlaw.com  
516 S. Fourth Street, Suite 500  
Las Vegas, NV 89101  
(702) 685-2003 (Phone/Text)



1 **AFFT**  
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-20-608261-D  
Dept. No.: Q

19 **AFFIDAVIT OF BIOLOGICAL FATHER, JOSEPH FLORES**

20 STATE OF NEW MEXICO )  
21 ss. )  
22 COUNTY OF DONA ANA )

23 JOSEPH FLORES, under penalties of perjury, being first duly sworn  
24 deposes and says:

- 25 1. That Affiant is the biological father of Gianni Eorio born October 17,  
26 2015.  
27 2. That from birth through the present day, Joel Eorio has been and  
28 remains the defacto and equitable father of Gianni Eorio.

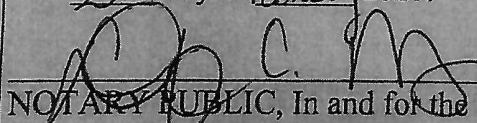


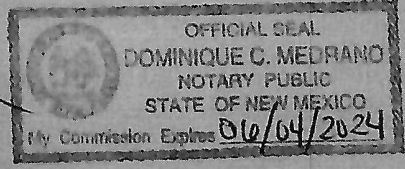
- 1 3. That for all intents and purposes, Joel Eorio is Gianni Eorio's father.  
2  
3 4. Joel Eorio is listed as the father on Gianni Eorio's birth certificate.  
4  
5 5. Joel Eorio is the only father that Gianni Eorio has ever known.  
6  
7 6. It is in Gianni Eorio's best interest for Joel Eorio to continue raising  
8 Gianni Eorio.  
9  
10 7. It is my wish and desire that Gianni Eorio continue to reside with  
11 Joel Eorio as his defacto and equitable father.  
12  
13 8. I hereby waive any and all notice requirements that I may be entitled  
14 to as it relates to any custodial and/or paternity actions involving  
15 Gianni Eorio.  
16

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JOSEPH FLORES

SUBSCRIBED AND SWORN to before me  
this 2<sup>nd</sup> day of February 2021.

  
NOTARY PUBLIC, In and for the  
County of Dona Ana, State of New Mexico





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 20th day of FEBRUARY, 2021,  
4

5 I caused the above documents to be served as followed:  
6

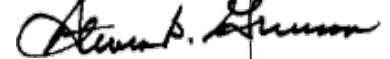
- 7 [ X ] Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and  
8 Administrative Order 14-2 captioned "In the Administrative Matter of  
9 Mandatory electronic Service in the Eight Judicial District Court," by  
10 mandatory electronic service through the Eighth Judicial District  
11 Court's electronic filing system.  
12  
13 [ ] by placing same to be deposited for mailing in the United States Mail,  
14 in a sealed envelope upon which first class postage was prepaid in  
15 Henderson, Nevada.  
16  
17 [ ] pursuant to EDCR 7.26, to be send via facsimile, by duly executed  
18 consent for service by electronic means.  
19  
20 [ ] pursuant to NRCP 5(b)(2)(D), by email by duly executed consent for  
21 service by electronic means.  
22  
23 [ ] by hand delivery with signed Receipt of Copy.  
24  
25 [ ] by first Class, Certified U. S. Mail.  
26

27 To the persons listed below at the address, email address, and/or facsimile  
28 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

/s/ Jessica Friedman

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



1 **OST**  
2 **PATRICIA WARNOCK, ESQ.**  
3 Nevada Bar #14432  
4 **JOHN SCHALLER, ESQ.**  
5 Nevada Bar #15091  
6 **JOHN BUCHMILLER & ASSOCIATES**  
7 516 South Fourth Street  
8 Las Vegas, Nevada 89101  
9 Phone: (203) 209-7600  
10 Fax: (702) 583-7373  
11 [Patricia@BuchmillerLaw.com](mailto:Patricia@BuchmillerLaw.com)  
12 [jschaller@Buchmillerlaw.com](mailto:jschaller@Buchmillerlaw.com)  
13 *Attorneys for Defendant Lisa M. Eorio*

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

JOEL E. EORIO,  
Plaintiff,

vs.

LISA M. EORIO,  
Defendant.

CASE NO: D-20-608267-D

DEPT NO: Q

Date of Hearing: 2/11/21

Time of Hearing: 9:00 am

**ORDER SHORTENING TIME**

Upon Application of the Defendant and good cause appearing therefore:

**IT IS HEREBY ORDERED** that the time for hearing DEFENDANT'S MOTION AND  
NOTICE OF MOTION TO CONTINUE EVIDENTIARY HEARING SCHEDULED ON

March 10, 2021

11

~~FEBRUARY 11, 2021~~, AT 9:00 A.M. is hereby shortened, and shall be heard on the \_\_\_ day of

9:00 AM

February, 2021 at the hour of \_\_\_\_ .m in Department Q.

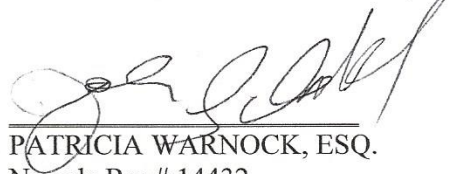
**IT IS SO ORDERED.**

**Dated** this 3 day of February, 2021.

  
DISTRICT COURT JUDGE (ND)

Respectfully Submitted by:

JOHN BUCHMILLER & ASSOCIATES, LLC

  
PATRICIA WARNOCK, ESQ.

Nevada Bar # 14432

patricia@buchmillerlaw.com

JOHN SCHALLER, ESQ.

Nevada Bar #15092

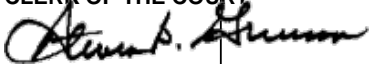
jschaller@buchmillerlaw.com

JOHN BUCHMILLER AND ASSOCIATES, LLC

516 S. Fourth Street

Las Vegas, NV 89101

Phone: (203) 209-7600



1 **PMEM**  
2 **PATRICIA WARNOCK, ESQ.**  
3 Nevada Bar #14432  
4 **JOHN SCHALLER, ESQ.**  
5 Nevada Bar #15091  
6 **JOHN BUCHMILLER & ASSOCIATES**  
7 516 South Fourth Street  
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11 [Patricia@BuchmillerLaw.com](mailto:Patricia@BuchmillerLaw.com)  
12 [jschaller@Buchmillerlaw.com](mailto:jschaller@Buchmillerlaw.com)  
13 *Attorneys for Defendant Lisa M. Eorio*

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

JOEL E. EORIO,  
Plaintiff,

vs.

LISA M. EORIO,  
Defendant.

CASE NO: D-20-608267-D

DEPT NO: Q

TRIAL DATE: 02/11/2021

TRIAL TIME: 9:00 A.M.

HEARING REQUESTED

**DEFENDANTS PRE-TRIAL MEMORANDUM**

NOW COMES the DEFENDANT, Lisa Eorio ("Lisa"), by and through her legal counsel  
PATRICIA WARNOCK, ESQ., and JOHN SCHALLER, ESQ. of JOHN BUCHMILLER &  
ASSOCIATES, LLC, and pursuant to EDCR 2.67 files this Pre-Trial Memorandum.

**I.**

**STATEMENT OF ESSENTIAL FACTS**



1 his response to Lisa's Interrogatory No. 25, Joel says that if Lisa relocates to New Mexico with  
2 him, he would like a week on/week off timeshare. In short, Joel wants to move back to New  
3 Mexico to be with his family, but doesn't really believe that the best interests of the children are  
4 served by him having primary physical custody.

5  
6 Joel then alleges facts that do not support an award of primary physical custody to him.  
7 Lisa, for instance, is blamed for having worked hard, while Joel acknowledges in his  
8 Interrogatory Response No.7 working 40 hours a week currently, himself (and 60 hours a week a  
9 couple years ago when he worked at IHOP). After Joel finally moved out of the marital  
10 residence, the parties have had a week on/ week off temporary timeshare which has been  
11 working well. The week on/week off timeshare the parties currently have, is the same timeshare  
12 that Joel says he would like if both he and Lisa move back to New Mexico.

13  
14 By statute in Nevada, there is a preference for joint physical custody where both parties  
15 have demonstrated a meaningful relationship with the minor children. NRS 125C.0025. The  
16 Nevada Supreme Court has consistently held that "[i]n custody matters, the polestar of judicial  
17 decision is the best interest of the child." Schwartz v. Schwartz, 107 Nev. 378, 382 (1991). See  
18 NRS 125C. 003 and 125C.0035 (articulating the current version of the applicable "best interest"  
19 standard). In this case, Joel is essentially arguing that if Lisa is in proximity to him and the  
20 minor kids, then a joint physical custody, week on/week off timeshare is in the best interests of  
21 the kids.

22  
23  
24 But, as "filler" to try to bootstrap a primary physical custody ruling, Joel then alleges  
25 that Lisa has been the primary wage earner during their marriage, and he has often been  
26 underemployed, and that he therefore should get primary physical custody of the children. This  
27 approach ignores the fact that Lisa has been intimately involved with the children along with  
28

1 Joel, with a profoundly meaningful relationship with them. None of the factors that would create  
2 a presumption against joint physical custody on the part of Lisa are present in this case in support  
3 of Joel's claim for primary custody: Lisa is clearly capable of taking care of the children, and  
4 neither Joel nor Lisa are accused of domestic violence or abuse.  
5

6 **B. LISA HAS IN FACT BEEN THE PARTY ENSURING THE KIDS' NEEDS ARE**  
7 **MET; JOEL DOES NOT APPEAR ABLE TO TAKE CARE OF THE KIDS**  
8 **WITHOUT ASSISTANCE AND LISA SHOULD HAVE PRIMARY CUSTODY**

9 Joel, as noted, seems in actuality to want he, Lisa, and the kids to move back to New  
10 Mexico. Joel currently has his parents travel from New Mexico to assist him with parenting on  
11 weeks when he has the kids, and would be moving in with his parents in New Mexico as well.

12 Lisa has always been the spouse actually making sure that the kids went to the doctor, got  
13 ready for school, etc. Because Joel's schedule since the move to Las Vegas often involved him  
14 sleeping until late morning, Lisa has in fact primarily been the one getting the kids ready for the  
15 day. Given this schedule, it is unclear how he would get the kids ready for the day on a regular  
16 basis without assistance from others, whether Lisa or his parents. As evidenced by Joel's recent  
17 refusal to cooperate with Lisa on getting a counselor for the middle child, Hayden, Lisa has had  
18 to be the one to take the lead in arranging "life details" for the kids.  
19

20 Because Joel himself states he plans to move into his parent's residence in New Mexico,  
21 and has his parents driving from New Mexico to help him with the kids when he has them, here,  
22 under the current joint custody timeshare, this Court may infer that Joel is not capable of caring  
23 for the minor children for at least 146 days of the year on his own. Therefore, under NRS  
24 125C.003, an award of joint physical custody to Lisa and Joel is presumed to not be in the best  
25 interests of the minor children, and Lisa should be awarded primary physical custody.  
26  
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**C. THE NRS 125C.0035(4) FACTORS SUPPORT LISA'S CLAIM FOR PRIMARY CUSTODY, NOT JOEL'S**

Joel argues that an analysis of the NRS 125C.0035(4) factors supports awarding him primary custody. However, Joel does not accurately analyze those factors.

Joel argues that the children have expressed a desire to return to New Mexico with Joel and that therefore the NRS 125C.0035(4)(a) “wishes of the child” factor supports an award of primary physical custody to Joel. Joel ignores that the children not of sufficient age to form an “intelligent preference” as to physical custody. The oldest, Harley, is only thirteen at present.

Further, Joel presents no proof that the children actually want to live with Joel and not Lisa under a primary physical custody timeshare.

Joel also tries to disparage Lisa for the fact that she had extramarital relationships during the marriage. The reality is that both Lisa and Joel had affairs during the marriage. Nevada is a no-fault divorce state. Lisa had two extramarital relationships before Joel filed for divorce. One of those was with a man who, after Lisa had ended the relationship, later got in trouble with the law. Lisa's relationship with that man had ended; Joel, by contrast, moved out of the marital residence with "close friend" Jessica Dawn Carpenter and continues to reside with her in his current residence *after* learning that she had been convicted in Arizona of a felony for contributing to the delinquency of a minor. On information and belief, Joel plans to return to New Mexico with Ms. Carpenter as well if permitted to relocate.

#### D. JOEL BEARS THE BURDEN OF PROOF REGARDING RELOCATION

Joel, as the party seeking permission to relocate, bears the burden of proving that relocation is in the best interests of the minor children, in the event that this Court were to grant



1 Joel primary physical custody. NRS 125C.007(3). Respectfully, bearing in mind that the  
2 burden of proof is on Joel, Joel fails to meet the specific requirements of NRS 125C.007.

3 **E. JOEL DOES NOT HAVE A SENSIBLE, GOOD-FAITH REASON TO**  
4 **RELOCATE TO NEW MEXICO.**

5 Joel is working a 40-hour week, here in Las Vegas, and “standing on his own”  
6 financially.

7  
8 During the ongoing COVID pandemic, Joel now proposes to move back to a town in  
9 New Mexico that he and the minor children have not lived in for three years, without Joel yet  
10 having a job there.

11 Neither is relocating to New Mexico in the best interests of the minor children. The  
12 children are doing well here. After high school, Nevada has great college options for in-state  
13 students. Las Vegas offers a vast array of options for childhood extracurricular activities in the  
14 meantime.

15  
16 Lisa is being actively considered for assistant manager “team leader” positions with her  
17 current employer. Harley has applied for magnet high schools here, both pre-med and  
18 hospitality. Both girls have started gymnastics. Hayden would have started counseling here, but  
19 Joel has refused to cooperate with Lisa’s efforts to get this scheduled.

20  
21 If Joel is 1) granted primary physical custody of the children, and then 2) granted  
22 permission to relocate, Lisa and Joel would both have to find new jobs in the Las Cruces area, in  
23 the middle of the COVID pandemic, in a much smaller economy than here in Las Vegas. (Lisa  
24 intends to stay with the minor children, so if Joel is given primary physical custody and then also  
25 granted permission to relocate, the Court would effectively be forcing Lisa to also give up her  
26 employment and excellent career prospects here in Nevada.)  
27

Neither would Joel and the minor children benefit from an “actual advantage” as a result of a relocation to New Mexico. The children have not lived in Las Cruces for three years. Joel is working full-time, here. His brother is estranged from Joel’s father, and Joel frequently complained to Lisa about his parents being too controlling during their marriage, so life post-relocation may not be the escape that Joel appears to hope it will be.

**F. POTENTIAL OUT OF STATE VISITATION/TIMESHARE**

While Lisa intends to relocate to New Mexico if Joel is granted primary custody and then given permission to relocate, Lisa would be delayed in making a move while seeking comparable employment and while trying to exit the lease on the current marital residence. Thus, in the event that this Court were to so rule, Lisa asks that this Court order the following provisional unrestricted visitation schedule: Spring Break, ten weeks of summer vacation, half of Christmas break (parties to alternate), Thanksgiving week every odd-numbered year, reasonable and liberal weekend visitation, and daily Facetime calls. Then, once Lisa relocates, Lisa asks that the Court order in that event the week on/week off timeshare Joel says he would like in his response to her Interrogatory 25.

**G. CHILD SUPPORT AND TRAVEL COSTS FOR THE MINOR CHILDREN**

If Joel’s request to relocate were to be granted, as the relocating parent Joel should have to pay for all costs associated with the minor children’s travel for visitation with Lisa. Wallace v. Wallace, 1112 Nev. 1015, 1020, 1021 (1996); NAC 425.150. Additionally, Lisa should be granted an offset against her child support obligation, in that case, for the costs of her travel to New Mexico for weekend visitation.

1 If this Court awards Lisa primary physical custody, Lisa should be awarded child support  
2 pursuant to NAC 425. If the Court decides on a joint physical custody timeshare, no child  
3 support should be owed by either party.

#### 4 **H. ALIMONY**

5 Joel has worked throughout the marriage. He now works a 40-hour work week at \$10.81  
6 an hour. Lisa works full-time and makes \$9 an hour plus tips. She qualifies for food stamps  
7 currently. There is no need for rehabilitative alimony, and there is no extreme disparity of  
8 incomes nor of professional prospects. Under NRS 125.150, no award of alimony is therefore  
9 warranted.  
10

#### 11 **I. DIVISION OF ASSETS AND DEBTS**

12 The parties have effectively divided their community assets at this time, with the last  
13 meaningful division occurring when Joel moved out of the marital residence. Significant debts  
14 still remain, and given their finances Lisa believes the best approach regarding the debts is for  
15 the Court to leave the debts as-is. Lisa's counsel will seek a formal resolution of this matter  
16 before the trial.  
17

### 18 **III.**

#### 19 **LIST OF WITNESSES**

- 20  
21 1. Joel Eorio  
22 c/o THE LAW OFFICES OF JESSICA M. FRIEDMAN, PLLC  
23 Jessica M. Friedman, Esq.  
24 170 S. Green Valley Parkway, Suite 300  
25 Henderson, NV 89012  
26 P: (702) 990-3119  
27 [jessica@jmfriedmanlaw.com](mailto:jessica@jmfriedmanlaw.com)

28 Joel Eorio is expected to testify regarding the facts and circumstances surrounding this  
matter, including but not limited to custodial issues, relocation, the parties' assets and debts and

1 division thereof, his current income, his current and past employment, his inability/ability to pay  
2 alimony, and any related issues.

3  
4 2. Lisa M. Eorio  
5 c/o JOHN BUCHMILLER & ASSOCIATES  
6 Patricia Warnock, Esq.  
7 John Schaller, Esq.  
8 516 South 4<sup>th</sup> Street  
9 Las Vegas, NV 89101  
10 P: (702) 278-9268  
11 [patricia@buchmillerlaw.com](mailto:patricia@buchmillerlaw.com)  
12 [jschaller@buchmillerlaw.com](mailto:jschaller@buchmillerlaw.com)

13 Lisa Eorio is expected to testify regarding the facts and circumstances surrounding this  
14 matter, including but not limited to custodial issues, relocation, the parties' assets and debts and  
15 division thereof, her current income, her current and past employment, her inability/ability to pay  
16 alimony, and any related issues.

17 3. Lora West  
18 4905 Sparkling Sky Avenue  
19 Las Vegas, NV 89130  
20 P: (575) 446-2288

21 Lora West is expected to testify to her personal knowledge of the parties' day to day lives, the  
22 parties' parenting, her time spent with the subject minor children, and life in New Mexico versus  
23 life in Nevada.

24 4. Audra Rogers  
25 4905 Sparkling Sky Avenue  
26 Las Vegas, NV 89130  
27 P: (575) 443-3575

28 Audra Rogers is expected to testify to her personal knowledge of the parties day to day  
lives, the parties' parenting, her time spent with the subject minor children, and life in New Mexico  
versus life in Nevada.

1 5. Lonald West  
2 300 Barnert Rd  
3 Las Cruces, NM 88007  
P: (575) 649-4837

4 Lonald West is expected to testify to his personal knowledge of the parties day to day  
5 lives, the parties' parenting, his time spent with the subject minor children, and life in  
New Mexico versus life in Nevada.

6 6. Any and all of Joel's witnesses.

7 7. Rebuttal witnesses, if necessary.

8  
9 **IV. LIST OF EXHIBITS**

10  
11 A. Jessica Dawn Carpenter Arizona Criminal Record Case Search Result.

12  
13 B. Joel Eorio's Interrogatory Responses.

14  
15 C. Any and all of the pleadings in this matter.

16  
17 D. Income Tax Returns for 2017, 2018 and 2019 along with accompanying W2s.

18  
19 E. Texts and Intake Forms for Hayden's Counseling.

20  
21  
22 F. Harley's Magnet High School Applications' Statuses.

23 **VI.**

24 **LENGTH OF TRIAL**

25  
26 This matter is already scheduled for a full day.

27 DATED this 4th day of February, 2021.

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/S/ JOHN SCHALLER, ESQ.  
PATRICIA WARNOCK, ESQ.  
Nevada Bar # 14432  
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JOHN SCHALLER, ESQ.  
Nevada Bar # 15092  
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(203) 209-7600

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2  
3                                   **CERTIFICATE OF MAILING/ELECTRONIC SERVICE**  
4

5           A COPY OF the foregoing Pre-Trial Memorandum in the above-captioned matter was  
6 served today on all parties via the Court's e-filing service.  
7

8 DATED this 4th day of February, 2021.  
9

10  
11                                   /s/ John Schaller  
12                                   An Employee of John Buchmiller & Associates  
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