

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANDREW WARREN,

Appellant,

v.

AIMEE JUNG AHYANG,

Respondent.

Electronically Filed
Oct 22 2021 04:47 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court No.: 82909

District Court No.: D-19-590407-C

APPEAL FROM ORDER FROM MARCH 18, 2021 HEARING

Eighth Judicial District Court of the State of Nevada

In and for the County of Clark

THE HONORABLE RHONDA FORSBERG

DISTRICT COURT JUDGE

JOINT APPENDIX – VOL. 4

Emily McFarling, Esq.
Nevada Bar # 8567
McFarling Law Group
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*Attorney for Appellant,
Emily McFarling*

Alicia Exley, Esq.
Nevada Bar # 5311
Pecos Law
8925 S. Pecos Road.
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Henderson, NV 89074
702-388-1851
*Attorney for Respondent,
Aimee Jung Yang*

INDEX OF JOINT APPENDIX

VOLUME:

BATES NUMBER:

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2	000251 – 000500
3	000501 – 000750
4	000751 – 000905

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CHRONOLOGICAL ORDER**

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1	5/30/2019	Complaint For Custody	JA000001-4
1	6/14/2019	Answer to Complaint for Custody	JA000005-9
1	6/26/2019	Reply To Defendant's Answer and Counterclaim	JA000010-13
1	7/31/2019	Motion For Temporary Primary Physical Custody of the Parties' Minor Child, For Child Support and For Attorney's Fees.	JA000014-29
1	7/31/19	Financial Disclosure Form (Aimee)	JA000030-39
1	08/15/2019	Plaintiff's Opposition to Defendant's Motion for Temporary Primary Physical Custody, Child Support and Attorneys Fees and Plaintiff's Counter Motion for Primary Physical Custody; Random Drug Testing and an Outsourced Evaluation; Supervied (sic) Visitation; for an Award of Child Support; to Resolve Health Insurance and Uncovered Medical Costs; for Plaintiff's Attorney's Fees and Costs and Related Relief	JA000040-54
1	08/15/2019	Exhibits in Support of Plaintiff's Opposition to Defendant's Motion for Temporary Primary Physical Custody, Child Support and Attorneys Fees and Plaintiff's Counter Motion for Primary Physical Custody; Random Drug Testing and An Outsourced Evaluation; Supervied (sic) Visitation; for an Award of Child Support; to Resolve Health Insurance and Uncovered Medical Costs; for Plaintiff's Attorney's Fees and Costs and Related Relief	JA000055-88
1	08/22/19	Ex Parte Motion to Waive Mediation at Family Mediation Center	JA000089-90
1	09/05/2019	Reply to Plaintiff's Opposition to Defendant's Motion for Temporary Primary Physical Custody of the Parties' Minor Child, for Child Support and for Attorney's Fees and Opposition to Plaintiff's Countermotion for	JA000091-108

		Primary Physical Custody, Random Drug Testing and Outsourced Evaluation, Supervised Visitation, for an Award of Child Support, to Resolve Health Insurance and Uncovered Medical Costs, for Plaintiff's Attorney's Fees and Costs, and for Related Relief	
1	09/05/2019	Exhibits to Reply to Plaintiff's Opposition to Defendant's Motion for Temporary Primary Physical Custody of the Parties' Minor Child, for Child Support and for Attorney's Fees and Opposition to Plaintiff's Countermotion for Primary Physical Custody, Random Drug Testing, and Outsourced Evaluation, Supervised Visitation, for an Award of Child Support, to Resolve Health Insurance and Uncovered Medical Costs, for Plaintiff's Attorney's Fees and Costs, and for Related Relief	JA000109-127
1	09/06/2019	Financial Disclosure Form	JA000128-134
1	09/10/2019	Transcript Re: Case Management Conference	JA000135-162
1	09/10/2019	Court Minutes - Case Management Conference	JA000163-164
1	11/19/2019	Transcript Re: Status Check	JA000165-185
1	11/19/2019	Court Minutes - Status Check	JA000186-187
1	11/19/2019	Case Management Order	JA000188-191
1	11/25/2019	Order	JA000192-197
1	11/26/2019	Notice of Entry of Order	JA000198-205
1	01/08/2020	Exhibits to Reply to Plaintiff's Opposition to Defendant's Motion for Temporary Primary Physical Custody of the Parties' Minor Child, for Child Support and for Attorney's Fees and	JA000206-214

		Opposition to Plaintiff's Countermotion for Primary Physical Custody, Random Drug Testing, and Outsourced Evaluation, Supervised Visitation, for an Award of Child Support, to Resolve Health Insurance and Uncovered Medical Costs, for Plaintiff's Attorney's Fees and Costs, and for Related Relief	
1	1/30/2020	Transcript Re: Calendar Call	JA000215-225
1	01/30/2020	Plaintiff's Pre-trial Memorandum filed at 10:22 AM	JA000226-234
1	01/30/2020	Plaintiff's Pre-trial Memorandum filed at 10:30 AM	JA000235-242
1	01/30/2020	Court Minutes – Calendar Call	JA000243-244
1-2	01/31/2020	Defendant's Pre-Evidentiary Hearing Memorandum	JA000245-263
2	02/3/2020	Amended Pre-Trial Memorandum	JA000264-271
2	02/04/2020	Financial Disclosure Form	JA000272-282
2	02/04/2020	Court Minutes – Evidentiary Hearing Day 1	JA000283
2-3	02/04/2020	Transcript Re: Evidentiary Hearing Day 1	JA000284-514
3	02/04/2020	Trial Exhibit 1 – Photos of Plaintiff with minor child	JA000515-526
3	02/04/2020	Trial Exhibit 2 – Photographs	JA000527-535
3	02/18/2020	Trial Exhibit 3 – Text messages	JA000536-561
3	02/04/2020	Trial Exhibit 6 – Hospital records for minor child	JA000562-627
3	02/18/2020	Court Minutes – Evidentiary Hearing Day 2	JA000628
3	02/18/2020	Transcript Re: Evidentiary Hearing Day 2	JA000629-744
3	03/04/2020	Court Minutes – Decision from Evidentiary Hearing	JA000745-749

3-4	05/18/2020	Judgement of Attorney's Fees	JA000750-751
4	06/09/2020	Stipulation and Order Regarding Holiday and Vacation Plan	JA000752-758
4	06/10/2020	Stipulation and Order Regarding Holiday and Vacation Plan	JA000759-765
4	06/11/2020	Notice of Entry of Stipulation and Order Regarding Holiday and Vacation Plan	JA000766-774
4	07/19/2020	Findings of Facts, Conclusions of Law and Judgement	JA000775-788
4	07/20/2020	Notice of Finding of Facts and Conclusions of Law	JA000789-804
4	08/03/2020	Plaintiff's Notice of Motion and Motion for New Trial Pursuant to NRCP 59, and Reconsideration	JA000805-820
4	08/05/2020	Notice of Hearing	JA000821
4	08/17/2020	Opposition to Plaintiff's Motion for New Trial Pursuant to NRCP 59, and Reconsideration	JA000822-831
4	08/24/2020	Plaintiff's Reply to Opposition to Motion for New Trial Pursuant to NRCP 59, and Reconsideration	JA000832-846
4	08/24/2020	Plaintiff's Exhibit Appendix	JA000847-877
4	08/26/2020	Defendant/Counterclaimant's Objection to Plaintiff's Exhibits in Support of Reply	JA000878-879
4	09/14/2020	Court Minutes	JA000880
4	02/10/2021	Plaintiff's Re-Notice of Motion for New Trial Pursuant to NRCP 59, and Reconsideration	JA000881-882
4	02/10/21	Notice of Hearing	JA000883
4	02/23/2021	Renewal of Opposition to Plaintiff's Motion for New Trial Pursuant to NRCP 59, and Reconsideration	JA000884-885
4	03/18/2021	Transcript Re: Motion Hearing	JA000886-891
4	03/18/2021	Court Minutes	JA000892-893
4	05/03/2021	Order From March 18, 2021, Hearing	JA000894-896

4	05/04/2021	Notice of Entry of Order	JA000897-
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CERTIFICATE OF SERVICE

I, an employee of McFarling Law Group, hereby certify that on the 22nd day of October, 2021, I served a true and correct copy of this Joint Appendix as follows:

☒ via the Supreme Court's electronic filing and service system (eFlex):

Pecos Law Group
Alicia Exley, Esq
Bruce Shapiro, Esq.
bruce@pecoslawgroup.com

/s/ Alex Aguilar

Alex Aguilar

1 twenty-five cents (\$649.25) for Deposition costs. Attorney Robinson stated that
2 as of February 18, 2020, Plaintiff Andrew Warren paid one thousand fifty
3 dollars (\$1,050.00) to *ROBINSON LAW GROUP*, and therefore the
4 balance owed to the firm was four thousand, six hundred ninety-nine dollars and
5 twenty-five cents (\$4,699.25). Plaintiff Andrew Warren was canvassed and
6 agreed he owed the fees requested.
7

8 **THEREFORE IT IS HEREBY ORDRED ADJUDGED AND**
9 **DECREED** that Plaintiff Andrew Warren owes *ROBINSON LAW*
10 *GROUP* for Trial Costs and fees four thousand, six hundred ninety-nine
11 dollars and twenty-five cents (\$4,699.25). Said amount is reduced to judgment
12 and is collectible by any and all lawful means.
13

14
15 **IT IS SO ORDERED.**
16

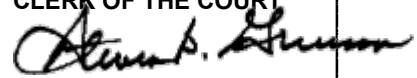
17 DATED this 18th day of May, 2020.
18

19  *MC*
20 _____
21 THE HONORABLE RHONDA FORSBERG

22 Respectfully submitted by:

23 *ROBINSON LAW GROUP*
24

25 */s/ Amber Robinson*
26 Amber Robinson, Esq.
27 Nevada Bar No. 10731
28 1771 E. Flamingo Road, Suite B-120
Las Vegas, NV 89119
Attorney for Plaintiff



1 **SAO**
2 KENNETH S. FRIEDMAN, ESQ.
3 Nevada Bar No.: 5311
4 WALSH & FRIEDMAN, LTD.
5 400 S. Maryland Parkway
6 Las Vegas, NV 89101
7 (702) 474-4660
8 *Attorney for Defendant*

9
10 **DISTRICT COURT**
11 **FAMILY DIVISION**
12 **CLARK COUNTY, NEVADA**

13 ANDREW WARREN,

CASE NO.: D-19-590407-C
DEPT. NO.: G

14 Plaintiff/Counterdefendant,

15 vs.

16 AIMEE JUNG YANG,

17 Defendant/Counterclaimant

18 **STIPULATION AND ORDER REGARDING HOLIDAY AND**
19 **VACATION PLAN**

20 COMES NOW, Defendant, AIMEE JUNG YANG, appearing by and
21 through her attorney, KENNETH S. FRIEDMAN, ESQ., of THE LAW
22 OFFICES OF WALSH & FRIEDMAN, LTD., and Plaintiff, ANDREW
23 WARREN, appearing by and through his attorney, AMBER ROBINSON, ESQ.,
24 of ROBINSON LAW GROUP the Court, and Stipulate As Follows:

25 That the parties through their respective attorneys adopt Department G,
26 Holiday and Vacation Plan, attached hereto as **Exhibit A**. Save and except the
27 following revisions.
28

WALSH & FRIEDMAN, LTD
400 S. Maryland Parkway
Las Vegas, NV 89101
(702) 474-4660

1 **IT IS FURTHER STIPULATED AND AGREED** that Nevada
2 Admission Day shall be replaced with Halloween, commencing when school
3 gets out in the day preceding the holiday weekend or 3:00p.m., if the child is not
4 in school and continues until 9:00a.m., on the day following the holiday
5 weekend or when the child is scheduled to resume school.
6

7
8 **IT IS FURTHER STIPULATED AND AGREED** that Christmas shall
9 be from December 24th at noon to December 25th at noon; and December 25th at
10 noon to December 26th at noon. Mother shall have the first half of even years
11 and father shall have the first half of odd years as set forth in the table below:
12

13

Christmas	ODD YEAR	EVEN YEAR
From December 24 th at noon to December 25 th at noon.	Dad	Mom
From December 25 th at noon to December 26 th at noon.	Dad	Mom

14
15
16
17
18

19
20 **IT IS FURTHER STIPULATED AND AGREED** that Thanksgiving
21 shall be from the day before when school gets out until Thanksgiving Day, at
22 3pm, to Thanksgiving Day at 3pm to the day after Thanksgiving until 3pm.
23 Father shall have the first half of even years and mother shall have the first half
24 of odd years as set forth in the table below:
25
26

27

Thanksgiving	ODD	EVEN
From the day school	Mom	Dad

28

lets out until Thanksgiving Day at 3pm.		
Thanksgiving Day at 3pm to the day after at 3pm	Dad	Mom

IT IS FURTHER STIPULATED AND AGREED that New Year's Eve shall be from December 31th at noon to January 1th at noon; and January 1st at noon to January 2nd at noon. Mother shall have the first half of even years and father shall have the first half of odd years as set forth in the table below:

New Year's Eve	ODD YEAR	EVEN YEAR
From December 31 st at noon to January 1 st at noon.	Dad	Mom
From January 1 st at noon to January 2 nd , at noon.	Dad	Mom

IT IS FURTHER STIPULATED AND AGREED that each parent shall be entitled to one (1) week vacation with the subject minor child, as opposed to two (2) weeks.

IT IS SO ORDERED

DATED the 8th day of June, 2020

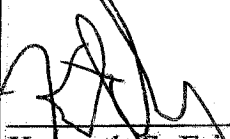

DISTRICT COURT JUDGE (nd)

Respectfully submitted by:

Approved as to form and content:

WALSH & FRIEDMAN, LTD.

ROBINSON LAW GROUP


Kenneth S. Friedman, Esq.
Nevada Bar No.: 5311
400 S. Maryland Pkwy.
Las Vegas, Nevada 89101
Attorney for Defendant



Amber Robinson, Esq.
Nevada Bar NO. 10731
1771 E. Flamingo Road, Suite B-120
Las Vegas, NV 89119
attorney for Plaintiff

Exhibit A

JA000756

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Plaintiff.

v.

Defendant.

Case No.: D-

Department G

HOLIDAY AND VACATION PLAN

Department G

The Court encourages parents to communicate regarding holiday and vacation time with their children. The following Holiday and Vacation Plan is a "default" schedule where parents are unable to otherwise agree. Any deviation therefrom should be memorialized in writing with both parents' signatures. Holidays/Special Occasions take precedence over residential time and Vacation time. Unless otherwise ordered, reference to a "school" schedule for the purpose of defining a Holiday or Special Occasion shall be defined by the Clark County, Nevada School District Schedule. (See www.ccsd.net)

THREE DAY HOLIDAYS (Holiday visitation begins when school gets out on the day preceding the holiday weekend (or 3:00 p.m. if the children are not in school and continues until 9:00 a.m. on the day following the holiday weekend or when the children are scheduled to resume school.)	ODD YEAR	EVEN YEAR
Martin Luther King Day	Mom	Dad
President's Day	Dad	Mom
Memorial Day	Mom	Dad
Labor Day	Dad	Mom
Nevada Admission Day	Mom	Dad

EXTENDED HOLIDAYS	ODD YEAR	EVEN YEAR
Thanksgiving: The holiday visitation shall begin when school gets out on the Wednesday preceding Thanksgiving (or 3:00 p.m. if the children are not in school) and continue until school is scheduled to resume (or 9:00 a.m. if the children are not in school). The parent exercising this time is responsible for all transportation for the children.	Mom	Dad

JA000757

EXTENDED HOLIDAYS, cont'd	ODD YEAR	EVEN YEAR
Christmas/Winter Break: Winter break shall be divided between the parents, with the first block of time commencing when the children get out of school to begin the Winter Break (or 3:00 p.m. if the children are not in school), and continue until December 26 at 10:00 a.m. The second block of time shall commence on December 26 at 10:00 a.m. and continue until school is scheduled to resume (or 9:00 a.m. if the children are not in school).		
First Block	Dad	Mom
Second Block	Mom	Dad
Easter/Spring Break: The holiday visitation shall begin when school gets out on the last day of school (or 3:00 p.m. if the children are not in school) and continue until school is scheduled to resume (or 9:00 a.m. if the children are not in school). The parent exercising this time is responsible for all transportation for the children.	Dad	Mom

SPECIAL OCCASIONS (Special Occasions begin at 9:00 a.m. on the individual day and continue until 9:00 p.m. on the same day)	ODD YEAR	EVEN YEAR
Mother's Day	Mom	Mom
Father's Day	Dad	Dad
Children's Birthdays	Dad	Mom

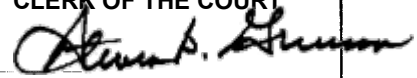
SUMMER/TRACK BREAK VACATIONS
Each parent shall be entitled to one (1) vacation each year with the children for a period not to exceed two (2) consecutive weeks (unless otherwise agreed to in writing). Each parent shall designate his/her respective vacation plans by May 1st of each year. The dates shall be conveyed to the other party in writing by way of e-mail, or certified mail. If there is a conflict related to the dates designated by the parties, Mom shall have priority in even years and Dad shall have priority in odd years. Neither party shall schedule vacation time during the other party's holiday time or during time the children are scheduled to be in school.

If two holiday/special occasions overlap or conflict, Mom's holiday shall take precedence over Dad's holiday, in odd numbered years; Dad's holiday shall take precedence over Mom's holiday in even numbered years.

It is SO ORDERED, date this ____ day of July, 2019.

Honorable Rhonda K. Forsberg
District Court Judge
Department G

JA000758



1 **SAO**
2 KENNETH S. FRIEDMAN, ESQ.
3 Nevada Bar No.: 5311
4 WALSH & FRIEDMAN, LTD.
5 400 S. Maryland Parkway
6 Las Vegas, NV 89101
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8 *Attorney for Defendant*

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23 WARREN, appearing by and through his attorney, AMBER ROBINSON, ESQ.,
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25 That the parties through their respective attorneys adopt Department G,
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WALSH & FRIEDMAN, LTD
400 S. Maryland Parkway
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Thanksgiving	ODD	EVEN
From the day school	Mom	Dad

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Thanksgiving Day at 3pm to the day after at 3pm	Dad	Mom



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New Year's Eve	ODD YEAR	EVEN YEAR
From December 31 st at noon to January 1 st at noon.	Dad	Mom
From January 1 st at noon to January 2 nd , at noon.	Dad	Mom

IT IS FURTHER STIPULATED AND AGREED that each parent shall be entitled to one (1) week vacation with the subject minor child, as opposed to two (2) weeks.

IT IS SO ORDERED

DATED the 8th day of June, 2020

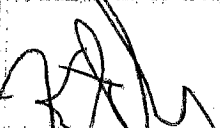

DISTRICT COURT JUDGE 


Respectfully submitted by:

Approved as to form and content:

WALSH & FRIEDMAN, LTD.

ROBINSON LAW GROUP


Kenneth S. Friedman, Esq.
Nevada Bar No.: 5311
400 S. Maryland Pkwy.
Las Vegas, Nevada 89101
Attorney for Defendant


Amber Robinson, Esq.
Nevada Bar NO. 10731
1771 E. Flamingo Road, Suite B-120
Las Vegas, NV 89119
attorney for Plaintiff

WALSH & FRIEDMAN, LTD.
400 S. Maryland Parkway
Las Vegas, NV 89101
(702) 474-4660

Exhibit A

JA000763

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Plaintiff.

v.

Defendant.

Case No.: D-

Department G

HOLIDAY AND VACATION PLAN

Department G

The Court encourages parents to communicate regarding holiday and vacation time with their children. The following Holiday and Vacation Plan is a "default" schedule where parents are unable to otherwise agree. Any deviation therefrom should be memorialized in writing with both parents' signatures. Holidays/Special Occasions take precedence over residential time and Vacation time. Unless otherwise ordered, reference to a "school" schedule for the purpose of defining a Holiday or Special Occasion shall be defined by the Clark County, Nevada School District Schedule. (See www.ccsd.net)

THREE DAY HOLIDAYS		
(Holiday visitation begins when school gets out on the day preceding the holiday weekend (or 3:00 p.m. if the children are not in school and continues until 9:00 a.m. on the day following the holiday weekend or when the children are scheduled to resume school.)	ODD YEAR	EVEN YEAR
Martin Luther King Day	Mom	Dad
President's Day	Dad	Mom
Memorial Day	Mom	Dad
Labor Day	Dad	Mom
Nevada Admission Day	Mom	Dad

EXTENDED HOLIDAYS	ODD YEAR	EVEN YEAR
Thanksgiving: The holiday visitation shall begin when school gets out on the Wednesday preceding Thanksgiving (or 3:00 p.m. if the children are not in school) and continue until school is scheduled to resume (or 9:00 a.m. if the children are not in school). The parent exercising this time is responsible for all transportation for the children.	Mom	Dad

JA000764

EXTENDED HOLIDAYS, cont'd	ODD YEAR	EVEN YEAR
Christmas/Winter Break: Winter break shall be divided between the parents, with the first block of time commencing when the children get out of school to begin the Winter Break (or 3:00 p.m. if the children are not in school), and continue until December 26 at 10:00 a.m. The second block of time shall commence on December 26 at 10:00 a.m. and continue until school is scheduled to resume (or 9:00 a.m. if the children are not in school).		
First Block	Dad	Mom
Second Block	Mom	Dad
Easter/Spring Break: The holiday visitation shall begin when school gets out on the last day of school (or 3:00 p.m. if the children are not in school) and continue until school is scheduled to resume (or 9:00 a.m. if the children are not in school). The parent exercising this time is responsible for all transportation for the children.	Dad	Mom

SPECIAL OCCASIONS (Special Occasions begin at 9:00 a.m. on the individual day and continue until 9:00 p.m. on the same day)	ODD YEAR	EVEN YEAR
Mother's Day	Mom	Mom
Father's Day	Dad	Dad
Children's Birthdays	Dad	Mom

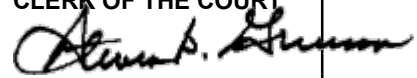
SUMMER/TRACK BREAK VACATIONS
Each parent shall be entitled to one (1) vacation each year with the children for a period not to exceed two (2) consecutive weeks (unless otherwise agreed to in writing). Each parent shall designate his/her respective vacation plans by May 1st of each year. The dates shall be conveyed to the other party in writing by way of e-mail, or certified mail. If there is a conflict related to the dates designated by the parties, Mom shall have priority in even years and Dad shall have priority in odd years. Neither party shall schedule vacation time during the other party's holiday time or during time the children are scheduled to be in school.

If two holiday/special occasions overlap or conflict, Mom's holiday shall take precedence over Dad's holiday, in odd numbered years; Dad's holiday shall take precedence over Mom's holiday in even numbered years.

It is SO ORDERED, date this ____ day of July, 2019.

Honorable Rhonda K. Forsberg
District Court Judge
Department G

JA000765



1 **NEO**
2 KENNETH S. FRIEDMAN, ESQ.
3 Nevada Bar No.: 5311
4 WALSH & FRIEDMAN, LTD.
5 400 S. Maryland Parkway
6 Las Vegas, NV 89101
7 (702) 474-4660
8 Attorney for Defendant

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


9 ANDREW WARREN.,)
10 Plaintiff,) CASE NO.: D-19-590407-C
11 vs.) DEPT. NO.: G
12 AIMEE JUNG YANG,)
13 Defendant.)

14 **NOTICE OF ENTRY OF STIPULATION AND ORDER REGARDING**
15 **HOLIDAY AND VACATION PLAN**

16
17 PLEASE TAKE NOTICE that an Order in the above-referenced matter
18 was entered on the 10th day of June 2020. A copy of which is attached hereto.
19
20

21 DATED this 10th day of June, 2020

22
23 WALSH & FRIEDMAN, LTD.

24
25 
26 Kenneth S. Friedman, Esq.
27 Nevada Bar No.: 5311
28 400 S. Maryland Pkwy.
Las Vegas, Nevada 89101
Attorney for Defendant

WALSH & FRIEDMAN, LTD
400 S. Maryland Parkway
Las Vegas, NV 89101
(702) 474-4660

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Walsh & Friedman, Ltd., and on the 10th day of June 2020, I served a true and correct copy of the above and foregoing NOTICE OF ENTRY OF STIPULATION AND ORDER REGARDING HOLIDAY AND VACATION PLAN pursuant to NRCP 5 and EDCR 8, by the method or methods indicated below:

___ by depositing the same in the U.S. Mail, First Class Mail, with postage fully prepaid, at Las Vegas, Nevada, addressed as follows:

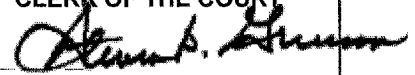
Amber Robinson, Esq
1771 E. Flamingo Rd. Suite B-120
Las Vegas, NV 89119
Attorney for Plaintiff

___ by facsimile to the below listed number:

X by electronic mail to the below-listed email address:

arobinson@familylawyerlasvegas.com


an Employee of WALSH & FRIEDMAN, LTD



1 **SAO**
2 **KENNETH S. FRIEDMAN, ESQ.**
3 Nevada Bar No.: 5311
4 **WALSH & FRIEDMAN, LTD.**
5 400 S. Maryland Parkway
6 Las Vegas, NV 89101
7 (702) 474-4660
8 *Attorney for Defendant*

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

ANDREW WARREN,

**CASE NO.: D-19-590407-C
DEPT. NO.: G**

Plaintiff/Counterdefendant,

vs.

AIMEE JUNG YANG,

Defendant/Counterclaimant

**STIPULATION AND ORDER REGARDING HOLIDAY AND
VACATION PLAN**

COMES NOW, Defendant, AIMEE JUNG YANG, appearing by and through her attorney, KENNETH S. FRIEDMAN, ESQ., of THE LAW OFFICES OF WALSH & FRIEDMAN, LTD., and Plaintiff, ANDREW WARREN, appearing by and through his attorney, AMBER ROBINSON, ESQ., of ROBINSON LAW GROUP the Court, and Stipulate As Follows:

That the parties through their respective attorneys adopt Department G, Holiday and Vacation Plan, attached hereto as **Exhibit A**. Save and except the following revisions.

1 **IT IS FURTHER STIPULATED AND AGREED** that Nevada
2 Admission Day shall be replaced with Halloween, commencing when school
3 gets out in the day preceding the holiday weekend or 3:00p.m., if the child is not
4 in school and continues until 9:00a.m., on the day following the holiday
5 weekend or when the child is scheduled to resume school.
6

7
8 **IT IS FURTHER STIPULATED AND AGREED** that Christmas shall
9 be from December 24th at noon to December 25th at noon; and December 25th at
10 noon to December 26th at noon. Mother shall have the first half of even years
11 and father shall have the first half of odd years as set forth in the table below:
12

Christmas	ODD YEAR	EVEN YEAR
From December 24 th at noon to December 25 th at noon.	Dad	Mom
From December 25 th at noon to December 26 th at noon.	Dad	Mom

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20 **IT IS FURTHER STIPULATED AND AGREED** that Thanksgiving
21 shall be from the day before when school gets out until Thanksgiving Day, at
22 3pm, to Thanksgiving Day at 3pm to the day after Thanksgiving until 3pm.
23 Father shall have the first half of even years and mother shall have the first half
24 of odd years as set forth in the table below:
25

Thanksgiving	ODD	EVEN
From the day school	Mom	Dad

lets out until Thanksgiving Day at 3pm.		
Thanksgiving Day at 3pm to the day after at 3pm	Dad	Mom

IT IS FURTHER STIPULATED AND AGREED that New Year's Eve shall be from December 31th at noon to January 1th at noon; and January 1st at noon to January 2nd at noon. Mother shall have the first half of even years and father shall have the first half of odd years as set forth in the table below:

New Year's Eve	ODD YEAR	EVEN YEAR
From December 31 st at noon to January 1 st at noon.	Dad	Mom
From January 1 st at noon to January 2 nd , at noon.	Dad	Mom

IT IS FURTHER STIPULATED AND AGREED that each parent shall be entitled to one (1) week vacation with the subject minor child, as opposed to two (2) weeks.

IT IS SO ORDERED

DATED the 8th day of June, 2020

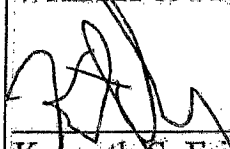

DISTRICT COURT JUDGE 

Respectfully submitted by:

Approved as to form and content:

WALSH & FRIEDMAN, LTD.

ROBINSON LAW GROUP


Kenneth S. Friedman, Esq.
Nevada Bar No.: 5311
400 S. Maryland Pkwy.
Las Vegas, Nevada 89101
Attorney for Defendant



Amber Robinson, Esq.
Nevada Bar NO. 10731
1771 E. Flamingo Road, Suite B-120
Las Vegas, NV 89119
attorney for Plaintiff

Exhibit A

JA000772

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Plaintiff.

v.

Defendant.

Case No.: D-

Department G

HOLIDAY AND VACATION PLAN

Department G

The Court encourages parents to communicate regarding holiday and vacation time with their children. The following Holiday and Vacation Plan is a "default" schedule where parents are unable to otherwise agree. Any deviation therefrom should be memorialized in writing with both parents' signatures. Holidays/Special Occasions take precedence over residential time and Vacation time. Unless otherwise ordered, reference to a "school" schedule for the purpose of defining a Holiday or Special Occasion shall be defined by the Clark County, Nevada School District Schedule. (*See* www.ccsd.net)

THREE DAY HOLIDAYS (Holiday visitation begins when school gets out on the day preceding the holiday weekend (or 3:00 p.m. if the children are not in school and continues until 9:00 a.m. on the day following the holiday weekend or when the children are scheduled to resume school.)	ODD YEAR	EVEN YEAR
Martin Luther King Day	Mom	Dad
President's Day	Dad	Mom
Memorial Day	Mom	Dad
Labor Day	Dad	Mom
Nevada Admission Day	Mom	Dad

EXTENDED HOLIDAYS	ODD YEAR	EVEN YEAR
Thanksgiving: The holiday visitation shall begin when school gets out on the Wednesday preceding Thanksgiving (or 3:00 p.m. if the children are not in school) and continue until school is scheduled to resume (or 9:00 a.m. if the children are not in school). The parent exercising this time is responsible for all transportation for the children.	Mom	Dad

JA000773

EXTENDED HOLIDAYS, cont'd	ODD YEAR	EVEN YEAR
Christmas/Winter Break: Winter break shall be divided between the parents, with the first block of time commencing when the children get out of school to begin the Winter Break (or 3:00 p.m. if the children are not in school), and continue until December 26 at 10:00 a.m. The second block of time shall commence on December 26 at 10:00 a.m. and continue until school is scheduled to resume (or 9:00 a.m. if the children are not in school).		
First Block	Dad	Mom
Second Block	Mom	Dad
Easter/Spring Break: The holiday visitation shall begin when school gets out on the last day of school (or 3:00 p.m. if the children are not in school) and continue until school is scheduled to resume (or 9:00 a.m. if the children are not in school). The parent exercising this time is responsible for all transportation for the children.	Dad	Mom

SPECIAL OCCASIONS (Special Occasions begin at 9:00 a.m. on the individual day and continue until 9:00 p.m. on the same day)	ODD YEAR	EVEN YEAR
Mother's Day	Mom	Mom
Father's Day	Dad	Dad
Children's Birthdays	Dad	Mom

SUMMER/TRACK BREAK VACATIONS
Each parent shall be entitled to one (1) vacation each year with the children for a period not to exceed two (2) consecutive weeks (unless otherwise agreed to in writing). Each parent shall designate his/her respective vacation plans by May 1st of each year. The dates shall be conveyed to the other party in writing by way of e-mail, or certified mail. If there is a conflict related to the dates designated by the parties, Mom shall have priority in even years and Dad shall have priority in odd years. Neither party shall schedule vacation time during the other party's holiday time or during time the children are scheduled to be in school.

If two holiday/special occasions overlap or conflict, Mom's holiday shall take precedence over Dad's holiday, in odd numbered years; Dad's holiday shall take precedence over Mom's holiday in even numbered years.

It is SO ORDERED, date this ____ day of July, 2019.

Honorable Rhonda K. Forsberg
District Court Judge
Department G

JA000774

Heather S. Smith
CLERK OF THE COURT

1 KENNETH S. FRIEDMAN, ESQ.
2 Nevada Bar No.: 5311
3 WALSH & FRIEDMAN, LTD.
4 400 S. Maryland Parkway
5 Las Vegas, NV 89101
6 (702) 474-4660
7 *Attorney for Defendant*

8 **DISTRICT COURT**
9 **FAMILY DIVISION**
10 **CLARK COUNTY, NEVADA**

11 ANDREW WARREN,

CASE NO.: D-19-590407-C
DEPT. NO.: G

12 Plaintiff/Counterdefendant,

13 vs.

14 AIMEE JUNG YANG,

15 Defendant/Counterclaimant

16 **FINDINGS OF FACTS AND CONCLUSIONS OF LAW**

17 This matter having come on for an Evidentiary Hearing before the
18 Honorable Rhonda K. Forsberg, on 4th day of February, 2020, and the 4th day of
19 March, 2020, Plaintiff, ANDREW WARREN, appearing by and through his
20 attorney of record, AMBER ROBINSON, ESQ., of ROBINSON LAW GROUP,
21 and Defendant, AIMEE JUNG YANG, appearing by and through her attorney of
22 record, KENNETH S. FRIEDMAN, ESQ. of WALSH & FRIEDMAN, LTD.,
23 the Court being fully advised as to the law and facts of this case, **FINDS**
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WALSH & FRIEDMAN, LTD
400 S. Maryland Parkway
Las Vegas, NV 89101
(702) 474-4660

1 That 125C.0035(4)(a): the wishes of the child if the child is of sufficient
2 age and capacity to form an intelligent preference as to his custody. The Court
3 does not find factor (a) to be applicable.
4

5 **THE COURT FURTHER FINDS** that 125C.0035(4)(b): any nomination
6 by a parent or a guardian for the child. The Court does not find factor (b) to be
7 applicable.
8

9 **THE COURT FURTHER FINDS** that 125C.0035(4)(c): which parent is
10 more likely to allow the child to have frequent associations and a continuing
11 relationship with the other parent. Mother's behavior on helping Father to have
12 visitation, even on the child's birthday is commendable. Mother is trying very
13 hard to allow the child to have frequent association with the Father. Since the
14 time of the Order, Mother has never denied Father his time; however, Father did
15 not always exercise his time and the Court finds that Father had valid reasons.
16 Mother would assist with visitation when it's needed and when it's ordered. The
17 Court Finds, that Factor (c) favors Mother.
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22 **THE COURT FURTHER FINDS** that 125C.0035(4)(d): the level of
23 conflict between the parents. The Court finds the conflict is relatively low, other
24 than Father's previous paranoia/behavior from his mental instability that was
25 evidenced by his statements in the text messages of "I want to die". That
26 behavior and the fact that he took the child to the hospital after he told Mother
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1 he was going to be a few minutes late. The Court finds that any increase in
2 conflict is due to Father's behavior and not Mother's behavior. The Court still
3 finds that conflict relatively low.
4

5 **THE COURT FURTHER FINDS** that 125C.0035(4)(e): the ability of
6 the parents to cooperate to meet the needs of the child. The Court finds that both
7 parents have taken the child to the doctor. There was some communication
8 between the Parties and it seemed that they could work together, however, the
9 Court finds Father's statement to the Court concerning when he stated he
10 "doesn't believe the Parties can do that now". The Court can only grant joint
11 physical custody if it believes the Parents can cooperate to meet the needs of the
12 child. The Court believes that Mother has tried to meet the needs by planning a
13 birthday. Father did not meet the needs. Father did not discuss with Mother
14 regarding the drug tests he conducted on the child. Father did not discuss that he
15 was going to take the child to the hospital, he was really late, and he caused
16 Mother to worry. Additionally, Father did not meet the needs of the child when
17 he missed the visitation although he had some excuses. The Court Finds that
18 Mother has the ability to cooperate to meet the needs of the child and Father
19 does not. The Court finds that factor (e) favors Mother.
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1 **THE COURT FURTHER FINDS** that 125C.0035(4)(f): the mental and
2 physical health of the parents. The Court is very concerned as to this Factor. The
3 Court finds that Mother used to have a drug issue, but she has fixed it. The Court
4 is concerned that it was stated Father's issue is ADD; however, his behavior
5 shows some paranoia which is not really consistent with ADD. The Court is
6 concerned about Father's mental health. The Court finds that Mother has
7 improved her situation. The Court was presented with multiple drug tests for
8 Mother that were negative and that show Mother is not using any illegal drugs.
9 Mother has that issue under control. The Court is concerned that Father does not
10 have that under control; there is an incident concerning paranoia regarding the
11 neighbors. There was a police incident where Father took the child upstairs and
12 he said he took the child into the shower which is concerning to the Court.
13 Father's threats that he wants to die is extremely concerning. The Court finds that
14 Father's behavior is in opposition to the fact that Father is able to maintain a job.
15 The only testimony Father gave about his mental health is that he goes to the
16 therapist, however, he did not provide any medical records. The position is that
17 Father had to find an expert; however, that is not his burden. The Court is
18 concerned that Father seems to know what special plates are on a vehicle. The
19 Court finds that factor (f) favors Mother.
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1 **THE COURT FURTHER FINDS** that 125C.0035(4)(g): the physical,
2 developmental and emotional needs of the child. The court finds that the child
3 does not have special needs. Father thinks the child has some delusions about
4 drugs; however, there was no evidence. Father stated the Doctor saw a drug test
5 that was positive. The Court does not believe that a Doctor would see such a drug
6 test without reporting it to CPS as a mandatory reporter. The child has no special
7 needs and he needs to not be put in harm's way by being drug tested and taken to
8 the hospital. Factor (g) slightly favors Mother.

9 **THE COURT FURTHER FINDS** that 125C.0035(4)(h): the nature of the
10 relationship of the child with each parent. The Court believes the child loves both
11 parents, most children do. The Court believes that Father has always loved and
12 cared for the child, which was also a statement made by Mother. The Court is
13 concerned about Father's relationship with the child as he only stayed for 20
14 minutes on the child's birthday even though Mother made accommodations and
15 the Father had sufficient time. The Court is concerned that Father is hurting his
16 relationship with the child, but the Court believes that the child loves both the
17 parents.

18 **THE COURT FURTHER FINDS** that 125C.0035(4)(i): the ability of the
19 child to maintain a relationship with any sibling. This would be a factor if Father
20 had any relationship with Tanner. Per Father's testimony, he sees the child 2 to 3
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1 times per year which is really sad. The other statement made was that Father did
2 not see the other child between 2017 and 2019. The fact that Father did not see
3 Tanner means Father did not foster the relationship between Tanner and Roen.
4
5 The Court does not find factor (i) to be a factor in this case.

6 **THE COURT FURTHER FINDS** that 125C.0035(4)(j): any history of
7
8 parental abuse or neglect of the child or a sibling of the child. The Court does not
9 find any proven history of abuse or neglect. The Court is concerned about
10 multiple drug tests on the child and rushing the child to the emergency room.
11
12 Currently, factor (j) is not a factor in this case.

13 **THE COURT FURTHER FINDS** that 125C.0035(4)(k): whether either
14
15 parent or any other person seeking custody has engaged in an act of domestic
16 violence. The Court does not find that either parent did so or that there was any
17 evidence presented to that effect.
18

19 **THE COURT FURTHER FINDS** that 125C.0035(4)(l): whether either
20
21 parent or any other person seeking custody has engaged in an act of abduction.
22 The Court does not find that either parent did so or that there was any evidence
23 presented and the Court does not find it to be factor.
24

25 **NOW THEREFORE, THE COURT HEREBY ORDERS THAT:** the
26 Defendant shall have Primary Physical Custody of the subject minor child to-wit:
27 ROEN WARREN, born February 13, 2017.
28

1 **THE COURT FURTHER ORDERS** that the parties shall share Joint
2 Legal Custody of the subject minor child to-wit: ROEN WARREN, born
3 February 13, 2017.
4

5 **THE COURT FURTHER ORDERS** that Mother shall have Primary
6 Physical Custody of the subject minor child to-wit: ROEN WARREN, born
7 February 13, 2017.
8

9 **THE COURT FURTHER ORDERS** that Plaintiff's supervised
10 visitation shall be lifted.
11

12 **THE COURT FURTHER ORDERS** that Father shall have
13 VISITATION with the subject minor child to-wit: ROEN WARREN, born
14 February 13, 2017 on Fridays at 6:00 p.m. until Sunday at 6:00 p.m. for every
15 weekend until the child starts school. Once the child starts school, Father shall
16 have visitation with the child on the first, second, and fourth weekends. Mother
17 shall have the third weekend of the month and any fifth weekend; with Father
18 having the child from Monday after school until Wednesday with drop off at
19 school during mom's weekends with the child.
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23 **THE COURT FURTHER ORDERS** that both parties had a reason to
24 appear in Court and ATTORNEY'S FEES are not granted for either parent.
25

26 **THE COURT FURTHER ORDERS** that based on Father's gross
27 monthly income of Eight Thousand Seventy Five Dollars (\$8,075.00) minus a
28

1 DEVIATION DOWNWARD of Three Hundred Dollars (\$300.00) for Father's
2 other child support obligation, Father shall pay Mother CHILD SUPPORT in the
3 amount of Eight Hundred Twenty Six Dollars (\$826.00) per month effective
4
5 March 1, 2020.

6 **THE COURT FURTHER ORDERS** that Father shall maintain the
7
8 child's health insurance. The parties shall split the child's health insurance
9 premium.

10 **THE COURT FURTHER ORDERS** that the parties shall follow
11
12 the 30/30 Rule that any unreimbursed medical, dental, optical, orthodontic or
13
14 other health related expense incurred for the benefit of the minor child are to be
15 divided equally between the parties. Either party incurring an out of pocket
16 medical expense for the child shall provide a copy of the paid invoice/receipt to
17
18 the other party within thirty (30) days of incurring such expense, if not tendered
19 within the thirty (30) day period; the Court may consider it as a waiver of
20 reimbursement. The other party will then have thirty (30) days from receipt
21
22 within which to dispute the expense in writing or reimburse the incurring party
23
24 for one-half of the out of pocket expense, if not disputed or paid within the thirty
25 (30) day period, the party may be subject to a finding of contempt and
26 appropriate sanctions.
27
28

1 **THE COURT FURTHER ORDERS** that attorney Kenneth S. Friedman
2 shall prepare the Findings of Facts, Conclusions of Law, and Order of the Court;
3 Attorney Robinson shall review and countersign.
4

5 **NOTICE IS HEREBY GIVEN** of the following provision of NRS
6 125.510(6):
7

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

21 **NOTICE IS HEREBY GIVEN** that the terms of the Hague Convention of
22 October 25, 1980, adopted by the 14th Session of the Hague Conference on
23 Private International Law apply if a parent abducts or wrongfully retains a child
24 in a foreign country. The parties are also put on notice of the following
25 provisions in NRS 125.510(8):

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

28 (a) The parties may agree, and the court shall include in the order for
custody of the child, that the United States is the country of habitual
residence of the child for the purposes of applying the terms of the
Hague Convention as set forth in subsection 7.

(b) Upon motion of one of the parties, the court may order the parent to

1 post a bond if the court determines that the parent poses an imminent
2 risk of wrongfully removing or concealing the child outside the country
3 of habitual residence. The bond must be in an amount determined by
4 the court and may be used only to pay for the cost of locating the child
5 and returning him to his habitual residence if the child is wrongfully
6 removed from or concealed outside the country of habitual residence.
7 The fact that a parent has significant commitments in a foreign country
8 does not create a presumption that the parent poses an imminent risk of
9 wrongfully removing or concealing the child.

10 **NOTICE IS HEREBY GIVEN** of the following provision of NRS
11 125C.006:

- 12 1. If PRIMARY PHYSICAL CUSTODY has been established
13 pursuant to an order, judgement or decree of a court and the
14 custodial parent intends to relocate his or her residence to a place
15 outside of this State or to a place within this State that is at such a
16 distance that would substantially impair the ability of the other
17 parent to maintain a meaningful relationship with the child, and
18 the custodial parent desires to take the child with him or her, the
19 custodial parent shall before relocating:
20 (a) Attempt to obtain the written consent of the noncustodial
21 parent to relocate with the child; and
22 (b) If the noncustodial parent refuses to give that consent,
23 petition the court for permission to relocate with the child.
24 2. The court may award reasonable attorney's fees and costs to the
25 custodial parent if the court finds that the noncustodial parent
26 refused to consent to the custodial parent's relocation of the
27 child:
28 (a) Without having reasonable grounds for such refusal; or
(b) For the purpose of harassing the custodial parent.
3. A parent who relocates with a child pursuant to this section
without written consent of the noncustodial parent or the
permission of the court is subject to the provisions of NRS
200.359.

10 **NOTICE IS HEREBY GIVEN** of the following provision of NRS
11 125C.0065:

- 12 1. If JOINT PHYSICAL CUSTODY has been established pursuant to an

1 order, judgement or decree of a court and the custodial parent intends to
2 relocate his or her residence to a place outside of this State or to a place
3 within this State that is at such a distance that would substantially
4 impair the ability of the other parent to maintain a meaningful
5 relationship with the child, and the custodial parent desires to take the
6 child with him or her, the custodial parent shall before relocating:

7 (a) Attempt to obtain the written consent of the non-relocating parent
8 to relocate with the child; and

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

12 2. The court may award reasonable attorney's fees and costs to the
13 relocating parent if the court finds the non-relocating parent refused to
14 consent to the relocating parent's relocation with the child:

15 (a) Without having reasonable grounds for such refusal, or

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

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

21 **NRS 125C.0035 Best interests of child: Joint physical custody;**
22 **preferences; presumptions when court determines parent or person seeking**
23 **custody is perpetrator of domestic violence or has committed act of**
24 **abduction against child or any other child.**

25 1. In any action for determining physical custody of a minor child, the sole
26 consideration of the court is the best interest of the child. If it appears to the court
27 that joint physical custody would be in the best interest of the child, the court may
28 grant physical custody to the parties jointly.

2. Preference must not be given to either parent for the sole reason that the
parent is the mother or the father of the child.

3. The court shall award physical custody in the following order of
preference unless in a particular case the best interest of the child requires
otherwise:

(a) To both parents jointly pursuant to NRS 125C.0025 or to either parent
pursuant to NRS 125C.003. If the court does not enter an order awarding joint
physical custody of a child after either parent has applied for joint physical
custody, the court shall state in its decision the reason for its denial of the parent's
application.

(b) To a person or persons in whose home the child has been living and

1 where the child has had a wholesome and stable environment.

2 (c) To any person related within the fifth degree of consanguinity to the child
3 whom the court finds suitable and able to provide proper care and guidance for
4 the child, regardless of whether the relative resides within this State.

5 (d) To any other person or persons whom the court finds suitable and able to
6 provide proper care and guidance for the child.

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

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

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

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

14 (d) The level of conflict between the parents.

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

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

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

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

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

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

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

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

27 **NOTICE IS HEREBY GIVEN** that they are subject to the provisions of
28 NRS 31A and 125.450 regarding the collection of delinquent child support
payments.

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1 **NOTICE IS HEREBY GIVEN** that either party may request a review of
2 child support pursuant to NRS 125B.145.

3 DATED the ____ day of _____, 2020. Dated this 19th day of July, 2020


4
5 


6 DISTRICT COURT JUDGE ^{ad.}
7 CCB 216 BA4F 24D4
8 Rhonda K. Forsberg
Approved District Court Judge

9 Respectfully submitted by:

10 WALSH & FRIEDMAN, LTD.

ROBINSON LAW GROUP

11 
12 Kenneth S. Friedman, Esq.
13 Nevada Bar No.: 5311
14 400 S. Maryland Pkwy.
15 Las Vegas, Nevada 89101
Attorney for Defendant

16
17 
18 Amber Robinson, Esq.
19 Nevada Bar No. 10731
20 1771 E. Flamingo Road, B-114
21 Las Vegas, Nevada 89119
22 *Attorney for Plaintiff*

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Andrew Warren, Plaintiff.

CASE NO: D-19-590407-C

7 vs.

DEPT. NO. Department G

8 Aimee Jung Ahyang, Defendant.
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

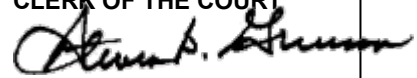
11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Findings of Fact, Conclusions of Law and Judgment was served via the
13 court's electronic eFile system to all recipients registered for e-Service on the above entitled
case as listed below:

14 Service Date: 7/19/2020

15 Christine Moreno	cmoreno@walshandfriedman.com
16 Robert Walsh	rwalsh@walshandfriedman.com
17 Robert Walsh	staff@wf-legal.com
18 Kenneth Friedman	k.friedman@hotmail.com
19 Amber Robinson	arobinson@familylawyerlasvegas.com
20 Matthew Pawlowski	mpp@walshandfriedman.com
21 E-Filing & E-Service	efile@familylawyerlasvegas.com
22 Andrew Warren	andrewwarrenus7@gmail.com

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JA000788



1 **NEO**
2 Amber Robinson, Esq.
3 Nevada Bar No. 10731
4 **ROBINSON LAW GROUP**
5 1771 E. Flamingo Road, Suite B-120
6 Las Vegas, NV 89119
7 Telephone: 702-527-2625
8 Facsimile: 702-933-0924
9 Email: arobinson@familylawyerlasvegas.com
10 Attorneys for Plaintiff
11 **ANDREW WARREN**

12 **DISTRICT COURT**
13 **FAMILY DIVISION**
14 **ANDREW COUNTY, NEVADA**

15 ANDREW WARREN,	}	CASE NO.: D-19-590407-C
16 Plaintiff,		DEPT. NO.: G
17 vs.		
18 AIMEE YANG,		
19 Defendant.		

20 **NOTICE OF FINDING OF FACTS AND CONCLUSIONS OF LAW**

21 **PLEASE TAKE NOTICE** that a Finding of Facts and Conclusions of
22 Law were filed into this matter on July 19th, 2020 a copy of which is attached
23 hereto and by reference fully incorporated herein.

24 DATED this 20th day of July, 2020.

25 Respectfully submitted by:
26 **ROBINSON LAW GROUP**

27 */s/ Amber Robinson*
28 Amber Robinson, Esq.
Nevada Bar No. 10731
1771 E. Flamingo Road, Suite B-120
Las Vegas, NV 89119
Unbundled Attorney for Plaintiff,
ANDREW WARREN

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CERTIFICATE OF SERVICE VIA E-SERVICE

I hereby certify that I am a citizen of the United States and am employed in Clark County, where this mailing occurs. My business address is 1771 E. Flamingo, Suite B-120, Las Vegas, Nevada 89119. I am over the age of 18 years and not a party to the within cause.

On July 20, 2020, following ordinary business practice, I served the foregoing document(s) described as:

NOTICE OF FINDING OF FACTS AND CONCLUSIONS OF LAW
in the following manner, by placing a true copy/true copies thereof in a sealed envelope/sealed envelopes, addressed as follows:

Mr. Kenneth Friedman, Esq.
Friedman & Walsh
400 S. Maryland Pkwy
Las Vegas, NV 89101

Mr. Andrew Warren
andrewwarrenus7@gmail.com

 X (BY E-SERVICE) I caused such documents to be transmitted electronically to e-service contacts on file.

This was sent electronically via electronic service, pursuant to NEFCR 9 to the eservice contacts on file.

/S/ DANIELLE CHARLET
An Employee of *ROBINSON LAW GROUP*

Heather S. Hume
CLERK OF THE COURT

1 KENNETH S. FRIEDMAN, ESQ.
2 Nevada Bar No.: 5311
3 WALSH & FRIEDMAN, LTD.
4 400 S. Maryland Parkway
5 Las Vegas, NV 89101
6 (702) 474-4660
7 *Attorney for Defendant*

8 **DISTRICT COURT**
9 **FAMILY DIVISION**
10 **CLARK COUNTY, NEVADA**

11 ANDREW WARREN,

CASE NO.: D-19-590407-C
DEPT. NO.: G

12 Plaintiff/Counterdefendant,

13 vs.

14 AIMEE JUNG YANG,

15 Defendant/Counterclaimant

16 **FINDINGS OF FACTS AND CONCLUSIONS OF LAW**

17 This matter having come on for an Evidentiary Hearing before the
18 Honorable Rhonda K. Forsberg, on 4th day of February, 2020, and the 4th day of
19 March, 2020, Plaintiff, ANDREW WARREN, appearing by and through his
20 attorney of record, AMBER ROBINSON, ESQ., of ROBINSON LAW GROUP,
21 and Defendant, AIMEE JUNG YANG, appearing by and through her attorney of
22 record, KENNETH S. FRIEDMAN, ESQ. of WALSH & FRIEDMAN, LTD.,
23 the Court being fully advised as to the law and facts of this case, **FINDS**
24
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27
28

WALSH & FRIEDMAN, LTD
400 S. Maryland Parkway
Las Vegas, NV 89101
(702) 474-4660

1 That 125C.0035(4)(a): the wishes of the child if the child is of sufficient
2 age and capacity to form an intelligent preference as to his custody. The Court
3 does not find factor (a) to be applicable.
4

5 **THE COURT FURTHER FINDS** that 125C.0035(4)(b): any nomination
6 by a parent or a guardian for the child. The Court does not find factor (b) to be
7 applicable.
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9 **THE COURT FURTHER FINDS** that 125C.0035(4)(c): which parent is
10 more likely to allow the child to have frequent associations and a continuing
11 relationship with the other parent. Mother's behavior on helping Father to have
12 visitation, even on the child's birthday is commendable. Mother is trying very
13 hard to allow the child to have frequent association with the Father. Since the
14 time of the Order, Mother has never denied Father his time; however, Father did
15 not always exercise his time and the Court finds that Father had valid reasons.
16 Mother would assist with visitation when it's needed and when it's ordered. The
17 Court Finds, that Factor (c) favors Mother.
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22 **THE COURT FURTHER FINDS** that 125C.0035(4)(d): the level of
23 conflict between the parents. The Court finds the conflict is relatively low, other
24 than Father's previous paranoia/behavior from his mental instability that was
25 evidenced by his statements in the text messages of "I want to die". That
26 behavior and the fact that he took the child to the hospital after he told Mother
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1 he was going to be a few minutes late. The Court finds that any increase in
2 conflict is due to Father's behavior and not Mother's behavior. The Court still
3 finds that conflict relatively low.
4

5 **THE COURT FURTHER FINDS** that 125C.0035(4)(e): the ability of
6 the parents to cooperate to meet the needs of the child. The Court finds that both
7 parents have taken the child to the doctor. There was some communication
8 between the Parties and it seemed that they could work together, however, the
9 Court finds Father's statement to the Court concerning when he stated he
10 "doesn't believe the Parties can do that now". The Court can only grant joint
11 physical custody if it believes the Parents can cooperate to meet the needs of the
12 child. The Court believes that Mother has tried to meet the needs by planning a
13 birthday. Father did not meet the needs. Father did not discuss with Mother
14 regarding the drug tests he conducted on the child. Father did not discuss that he
15 was going to take the child to the hospital, he was really late, and he caused
16 Mother to worry. Additionally, Father did not meet the needs of the child when
17 he missed the visitation although he had some excuses. The Court Finds that
18 Mother has the ability to cooperate to meet the needs of the child and Father
19 does not. The Court finds that factor (e) favors Mother.
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1 **THE COURT FURTHER FINDS** that 125C.0035(4)(f): the mental and
2 physical health of the parents. The Court is very concerned as to this Factor. The
3 Court finds that Mother used to have a drug issue, but she has fixed it. The Court
4 is concerned that it was stated Father's issue is ADD; however, his behavior
5 shows some paranoia which is not really consistent with ADD. The Court is
6 concerned about Father's mental health. The Court finds that Mother has
7 improved her situation. The Court was presented with multiple drug tests for
8 Mother that were negative and that show Mother is not using any illegal drugs.
9 Mother has that issue under control. The Court is concerned that Father does not
10 have that under control; there is an incident concerning paranoia regarding the
11 neighbors. There was a police incident where Father took the child upstairs and
12 he said he took the child into the shower which is concerning to the Court.
13 Father's threats that he wants to die is extremely concerning. The Court finds that
14 Father's behavior is in opposition to the fact that Father is able to maintain a job.
15 The only testimony Father gave about his mental health is that he goes to the
16 therapist, however, he did not provide any medical records. The position is that
17 Father had to find an expert; however, that is not his burden. The Court is
18 concerned that Father seems to know what special plates are on a vehicle. The
19 Court finds that factor (f) favors Mother.

1 **THE COURT FURTHER FINDS** that 125C.0035(4)(g): the physical,
2 developmental and emotional needs of the child. The court finds that the child
3 does not have special needs. Father thinks the child has some delusions about
4 drugs; however, there was no evidence. Father stated the Doctor saw a drug test
5 that was positive. The Court does not believe that a Doctor would see such a drug
6 test without reporting it to CPS as a mandatory reporter. The child has no special
7 needs and he needs to not be put in harm's way by being drug tested and taken to
8 the hospital. Factor (g) slightly favors Mother.

9 **THE COURT FURTHER FINDS** that 125C.0035(4)(h): the nature of the
10 relationship of the child with each parent. The Court believes the child loves both
11 parents, most children do. The Court believes that Father has always loved and
12 cared for the child, which was also a statement made by Mother. The Court is
13 concerned about Father's relationship with the child as he only stayed for 20
14 minutes on the child's birthday even though Mother made accommodations and
15 the Father had sufficient time. The Court is concerned that Father is hurting his
16 relationship with the child, but the Court believes that the child loves both the
17 parents.

18 **THE COURT FURTHER FINDS** that 125C.0035(4)(i): the ability of the
19 child to maintain a relationship with any sibling. This would be a factor if Father
20 had any relationship with Tanner. Per Father's testimony, he sees the child 2 to 3
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1 times per year which is really sad. The other statement made was that Father did
2 not see the other child between 2017 and 2019. The fact that Father did not see
3 Tanner means Father did not foster the relationship between Tanner and Roen.
4 The Court does not find factor (i) to be a factor in this case.
5

6 **THE COURT FURTHER FINDS** that 125C.0035(4)(j): any history of
7 parental abuse or neglect of the child or a sibling of the child. The Court does not
8 find any proven history of abuse or neglect. The Court is concerned about
9 multiple drug tests on the child and rushing the child to the emergency room.
10 Currently, factor (j) is not a factor in this case.
11

12 **THE COURT FURTHER FINDS** that 125C.0035(4)(k): whether either
13 parent or any other person seeking custody has engaged in an act of domestic
14 violence. The Court does not find that either parent did so or that there was any
15 evidence presented to that effect.
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17 **THE COURT FURTHER FINDS** that 125C.0035(4)(l): whether either
18 parent or any other person seeking custody has engaged in an act of abduction.
19 The Court does not find that either parent did so or that there was any evidence
20 presented and the Court does not find it to be factor.
21

22 **NOW THEREFORE, THE COURT HEREBY ORDERS THAT:** the
23 Defendant shall have Primary Physical Custody of the subject minor child to-wit:
24 ROEN WARREN, born February 13, 2017.
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1 **THE COURT FURTHER ORDERS** that the parties shall share Joint
2 Legal Custody of the subject minor child to-wit: ROEN WARREN, born
3 February 13, 2017.
4

5 **THE COURT FURTHER ORDERS** that Mother shall have Primary
6 Physical Custody of the subject minor child to-wit: ROEN WARREN, born
7 February 13, 2017.
8

9 **THE COURT FURTHER ORDERS** that Plaintiff's supervised
10 visitation shall be lifted.
11

12 **THE COURT FURTHER ORDERS** that Father shall have
13 VISITATION with the subject minor child to-wit: ROEN WARREN, born
14 February 13, 2017 on Fridays at 6:00 p.m. until Sunday at 6:00 p.m. for every
15 weekend until the child starts school. Once the child starts school, Father shall
16 have visitation with the child on the first, second, and fourth weekends. Mother
17 shall have the third weekend of the month and any fifth weekend; with Father
18 having the child from Monday after school until Wednesday with drop off at
19 school during mom's weekends with the child.
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23 **THE COURT FURTHER ORDERS** that both parties had a reason to
24 appear in Court and ATTORNEY'S FEES are not granted for either parent.
25

26 **THE COURT FURTHER ORDERS** that based on Father's gross
27 monthly income of Eight Thousand Seventy Five Dollars (\$8,075.00) minus a
28

1 DEVIATION DOWNWARD of Three Hundred Dollars (\$300.00) for Father's
2 other child support obligation, Father shall pay Mother CHILD SUPPORT in the
3 amount of Eight Hundred Twenty Six Dollars (\$826.00) per month effective
4
5 March 1, 2020.

6 **THE COURT FURTHER ORDERS** that Father shall maintain the
7
8 child's health insurance. The parties shall split the child's health insurance
9 premium.

10 **THE COURT FURTHER ORDERS** that the parties shall follow
11
12 the 30/30 Rule that any unreimbursed medical, dental, optical, orthodontic or
13
14 other health related expense incurred for the benefit of the minor child are to be
15 divided equally between the parties. Either party incurring an out of pocket
16 medical expense for the child shall provide a copy of the paid invoice/receipt to
17
18 the other party within thirty (30) days of incurring such expense, if not tendered
19 within the thirty (30) day period; the Court may consider it as a waiver of
20 reimbursement. The other party will then have thirty (30) days from receipt
21
22 within which to dispute the expense in writing or reimburse the incurring party
23
24 for one-half of the out of pocket expense, if not disputed or paid within the thirty
25 (30) day period, the party may be subject to a finding of contempt and
26 appropriate sanctions.
27
28

1 **THE COURT FURTHER ORDERS** that attorney Kenneth S. Friedman
2 shall prepare the Findings of Facts, Conclusions of Law, and Order of the Court;
3 Attorney Robinson shall review and countersign.
4

5 **NOTICE IS HEREBY GIVEN** of the following provision of NRS
6 125.510(6):
7

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

21 **NOTICE IS HEREBY GIVEN** that the terms of the Hague Convention of
22 October 25, 1980, adopted by the 14th Session of the Hague Conference on
23 Private International Law apply if a parent abducts or wrongfully retains a child
24 in a foreign country. The parties are also put on notice of the following
25 provisions in NRS 125.510(8):

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

28 (a) The parties may agree, and the court shall include in the order for
custody of the child, that the United States is the country of habitual
residence of the child for the purposes of applying the terms of the
Hague Convention as set forth in subsection 7.

(b) Upon motion of one of the parties, the court may order the parent to

1 post a bond if the court determines that the parent poses an imminent
2 risk of wrongfully removing or concealing the child outside the country
3 of habitual residence. The bond must be in an amount determined by
4 the court and may be used only to pay for the cost of locating the child
5 and returning him to his habitual residence if the child is wrongfully
6 removed from or concealed outside the country of habitual residence.
7 The fact that a parent has significant commitments in a foreign country
8 does not create a presumption that the parent poses an imminent risk of
9 wrongfully removing or concealing the child.

10 **NOTICE IS HEREBY GIVEN** of the following provision of NRS
11 125C.006:

- 12 1. If PRIMARY PHYSICAL CUSTODY has been established
13 pursuant to an order, judgement or decree of a court and the
14 custodial parent intends to relocate his or her residence to a place
15 outside of this State or to a place within this State that is at such a
16 distance that would substantially impair the ability of the other
17 parent to maintain a meaningful relationship with the child, and
18 the custodial parent desires to take the child with him or her, the
19 custodial parent shall before relocating:
20 (a) Attempt to obtain the written consent of the noncustodial
21 parent to relocate with the child; and
22 (b) If the noncustodial parent refuses to give that consent,
23 petition the court for permission to relocate with the child.
24 2. The court may award reasonable attorney's fees and costs to the
25 custodial parent if the court finds that the noncustodial parent
26 refused to consent to the custodial parent's relocation of the
27 child:
28 (a) Without having reasonable grounds for such refusal; or
(b) For the purpose of harassing the custodial parent.
3. A parent who relocates with a child pursuant to this section
without written consent of the noncustodial parent or the
permission of the court is subject to the provisions of NRS
200.359.

NOTICE IS HEREBY GIVEN of the following provision of NRS
125C.0065:

1. If JOINT PHYSICAL CUSTODY has been established pursuant to an

1 order, judgement or decree of a court and the custodial parent intends to
2 relocate his or her residence to a place outside of this State or to a place
3 within this State that is at such a distance that would substantially
4 impair the ability of the other parent to maintain a meaningful
5 relationship with the child, and the custodial parent desires to take the
6 child with him or her, the custodial parent shall before relocating:

7 (a) Attempt to obtain the written consent of the non-relocating parent
8 to relocate with the child; and

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

12 2. The court may award reasonable attorney's fees and costs to the
13 relocating parent if the court finds the non-relocating parent refused to
14 consent to the relocating parent's relocation with the child:

15 (a) Without having reasonable grounds for such refusal, or

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

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

21 **NRS 125C.0035 Best interests of child: Joint physical custody;**
22 **preferences; presumptions when court determines parent or person seeking**
23 **custody is perpetrator of domestic violence or has committed act of**
24 **abduction against child or any other child.**

25 1. In any action for determining physical custody of a minor child, the sole
26 consideration of the court is the best interest of the child. If it appears to the court
27 that joint physical custody would be in the best interest of the child, the court may
28 grant physical custody to the parties jointly.

2. Preference must not be given to either parent for the sole reason that the
parent is the mother or the father of the child.

3. The court shall award physical custody in the following order of
preference unless in a particular case the best interest of the child requires
otherwise:

(a) To both parents jointly pursuant to NRS 125C.0025 or to either parent
pursuant to NRS 125C.003. If the court does not enter an order awarding joint
physical custody of a child after either parent has applied for joint physical
custody, the court shall state in its decision the reason for its denial of the parent's
application.

(b) To a person or persons in whose home the child has been living and

1 where the child has had a wholesome and stable environment.

2 (c) To any person related within the fifth degree of consanguinity to the child
3 whom the court finds suitable and able to provide proper care and guidance for
4 the child, regardless of whether the relative resides within this State.

5 (d) To any other person or persons whom the court finds suitable and able to
6 provide proper care and guidance for the child.

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

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

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

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

14 (d) The level of conflict between the parents.

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

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

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

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

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

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

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

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

27 **NOTICE IS HEREBY GIVEN** that they are subject to the provisions of
28 NRS 31A and 125.450 regarding the collection of delinquent child support
payments.

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1 **NOTICE IS HEREBY GIVEN** that either party may request a review of
2 child support pursuant to NRS 125B.145.

3 DATED the ____ day of _____, 2020. Dated this 19th day of July, 2020


4
5 


6 DISTRICT COURT JUDGE ^{ad.}
7 CCB 216 BA4F 24D4
8 Rhonda K. Forsberg
Approved District Court Judge

9 Respectfully submitted by:

10 WALSH & FRIEDMAN, LTD.

ROBINSON LAW GROUP

11 
12 Kenneth S. Friedman, Esq.
13 Nevada Bar No.: 5311
14 400 S. Maryland Pkwy.
15 Las Vegas, Nevada 89101
Attorney for Defendant

16
17 
18 Amber Robinson, Esq.
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20 1771 E. Flamingo Road, B-114
21 Las Vegas, Nevada 89119
22 *Attorney for Plaintiff*

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Andrew Warren, Plaintiff.

CASE NO: D-19-590407-C

7 vs.

DEPT. NO. Department G

8 Aimee Jung Ahyang, Defendant.
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

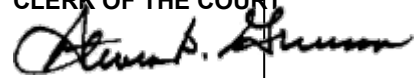
11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Findings of Fact, Conclusions of Law and Judgment was served via the
13 court's electronic eFile system to all recipients registered for e-Service on the above entitled
case as listed below:

14 Service Date: 7/19/2020

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JA000804



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Attorney for Plaintiff,
Andrew Warren

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

ANDREW WARREN,

Plaintiff,

vs.

AIMEE YANG,

Defendant.

Case Number: D-19-590407-C

Department: G

Oral Argument Requested: ☐ Yes ☒ No

PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR NEW TRIAL
PURSUANT TO NRCP 59, AND RECONSIDERATION

TO: Defendant, Aimee Yang, and her attorney, Kenneth Friedman, Esq.

NOTICE: YOU MAY FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN 14 DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN 14 DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE

1 COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING
2 DATE.

3 COMES NOW Plaintiff, Andrew Warren, by and through his attorney, Emily
4 McFarling, Esq. of McFarling Law Group, and hereby moves the Court for an Order:

- 5 1. Reconsidering the Order from the February 4 and 18 2020, hearing;
- 6 2. Granting Plaintiff's Request for a New Trial;
- 7 3. For any other relief this Court deems fair and appropriate.

8 This Motion is made and based on the Memorandum of Points and Authorities
9 set forth below, the Declaration of Andrew Warren attached hereto, all papers and
10 pleadings on file herein, and evidence presented by counsel, if any, at the hearing.

11 DATED this 3rd day of August, 2020.

12 **McFARLING LAW GROUP**

13 /s/ Emily McFarling

14 Emily McFarling, Esq.
15 Nevada Bar Number 8567
16 6230 W. Desert Inn Road
17 Las Vegas, NV 89146
18 (702) 565-4335
19 Attorney for Plaintiff,
20 Andrew Warren

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. STATEMENT OF FACTS**

3 **A. History of the Case**

4 Plaintiff, Andrew Warren (hereinafter referred to as “Andrew”) and
5 Defendant, Aimee Yang (hereinafter referred to as “Aimee”) were in a long term
6 relationship to which they had a minor child to wit: Roen Warren (hereinafter
7 referred to as “Roen”), born February 13, 2017, age 3.

8 On May 30, 2019, Andrew filed a Complaint for Custody wherein he
9 requested joint legal custody and primary physical custody.

10 On June 14, 2019, Aimee filed an Answer and Counterclaim requesting joint
11 legal custody and joint physical custody as long as the Plaintiff’s treating physicians
12 state that he is not a danger to the child and he continues to follow the directives of
13 his physicians. If Plaintiff’s physicians do not state that he is not a danger around the
14 child or if Plaintiff is not following his physician’s directives, then the Defendant
15 shall be awarded Primary Physical Custody of the minor child.

16 On July 25, 2019, Andrew was contacted by CPS regarding allegations of
17 abuse and/or neglect against Aimee.

18 On or about July 26, 2019, Aimee moved out of the parties’ residence, took
19 Roen with her and denied Andrew all contact with him.

1 On July 31, 2019, Aimee filed a Motion for Temporary Primary Physical
2 Custody of the Parties' Minor Child, for Child Support and For Attorney's Fees,
3 alleging that Andrew was diagnosed with emotional instability and that he had not
4 provided a HIPAA release to enable her counsel to obtain Andrew's mental health
5 records. Moreover, she requested that Andrew only receive supervised visitation, on
6 the basis of his alleged emotional instability and a text message saying "I don't care
7 if I die anymore."

8 On August 15, 2019, Andrew filed an Opposition and Countermotion for
9 Primary Physical Custody, Random Drug Testing and an Outsourced Evaluation, Et
10 Al. Andrew requested that Aimee be subject to random drug testing and undergo an
11 outsourced substance abuse evaluation due to her abuse of illegal drugs and
12 prescribed medications, as well as the behavior she had been displaying including
13 talking to herself, being paranoid and refusing to lock doors during dark hours.

14 Throughout the relationship Aimee has had a drug problem. The parties
15 attended couple's counseling, but Aimee refused to attend counseling to address her
16 drug problem.

17 Andrew acknowledged he has been diagnosed with ADHD and has been
18 prescribed medications to treat the ADHD. Andrew takes his medications as
19 prescribed and follows his doctor's orders.

1 On September 5, 2019, Aimee filed her Reply to her Opposition wherein she
2 acknowledged that in early 2018 she was prescribed controlled substances for a c-
3 section and on occasion instead of paying for her prescription, she would ask her
4 brother for pain medications. In support of her Reply, she provided a negative drug
5 test from ATI, which she took voluntarily on July 18, 2019.

6 On September 10, 2019, this matter came on for a hearing on all pending
7 motions and ordered as follows:

8 “Plaintiff shall immediately provide Mr. Friedman with a fully executed
9 H.I.P.A.A. Release Form. Mr. Friedman shall obtain Plaintiff's medical
10 records and provide Plaintiff's therapist with a copy of Plaintiff's text
11 messages regarding his appearance of paranoia.”

12 “A Status Check is SET for 11/19/19 at 10:00 AM. In the interim, Plaintiff
13 shall have TEMPORARY SUPERVISED VISITATION every Saturday
14 from 11:00 AM to 7:00 PM. Plaintiff's friend/roommate (Jerry) shall provide
15 line of sight supervision and shall accompany Plaintiff when he picks up the
16 child. Pending the return, if there is nothing concerning in the medical
17 records, the Court expects counsel to confer and lift the supervised visitation
18 restriction.”

19 Andrew complied with the Court's orders by providing a HIPAA release to
20 Aimee's counsel and exercised his supervised visitation as much as possible.

At the Status check on November 19, 2019, the Court inquired once again
about whether counsel had lifted Andrew's supervised visitation. However, counsel
stated that Aimee had continued to require supervision because there were no
medical records (omitting the fact that a HIPAA release had been provided).

1 The Court then set the matter for an evidentiary hearing with a calendar call
2 set for January 30, 2020, all temporary orders remained in full force and effect and
3 Plaintiff was to submit to a psychological evaluation at Aimee's expense. Aimee's
4 counsel was ordered to provide Andrew's counsel with the names of three
5 professionals.

6 Aimee did not provide the three names and did not pay for an evaluation; thus,
7 Andrew did not submit to a psychological evaluation. She also did not provide
8 Andrew's medical records and, in fact, did not provide proof that the records had
9 even been requested from the provider using the HIPAA release Andrew had
10 provided.

11 **B. Trial**

12 The trial on this matter was held on February 4 and 18, 2020, both half days.
13 During trial both parties offered evidence. Aimee did not present evidence that
14 showed Andrew was a danger to Roen or that he does not follow the directives of
15 his physicians. She further had no personal knowledge to even testify as to Andrew's
16 compliance with his doctor's orders. Andrew offered his medical records into
17 evidence; however, they were not admitted into evidence even though they were
18 highly relevant, and, upon information and belief, Aimee had not previously
19 objected to their authenticity. The parties were the only witnesses.

20 ///

1 **C. Decision**

2 On March 4, 2020 the Court issued its decision and on July 19, 2020, Findings
3 of Fact, Conclusions of Law were entered. In short, the Court found there is no
4 history of child abuse or neglect or domestic violence from either party, the level of
5 conflict between the parties is relatively low and the child loves both parents. The
6 findings as to the parties' mental and physical health are as follows:

7 “THE COURT FINDS that 125C.0035(4)(f): the mental and physical
8 health of the parents. The Court is very concerned as to this Factor. The
9 Court finds that Mother used to have a drug issue, but she has fixed it.
10 The Court is concerned that it was stated Father's issue is ADD;
11 however, his behavior shows some paranoid which is not really
12 consistent with ADD. The Court is concerned about Father's mental
13 health. The Court finds that Mother has improved her situation. The
14 Court was presented with multiple drug tests for Mother that were
15 negative and that show Mother is not using any illegal drugs. Mother
16 has that issue under control. The Court is concerned that Father does
17 not have that under control; there is an incident concerning paranoia
regarding the neighbors. There was a police incident where Father took
the child upstairs and he said he took the child into the shower which is
concerning to the Court. Father's threats that he wants to die is
extremely concerning. The court finds that Father's behavior is in
opposition to the fact that Father is able to maintain a job. The only
testimony Father gave about his mental health is that he goes to the
therapist, however, he did not provide any medical records. The
position is that Father had to find an expert; however, that is not his
burden. The Court is concerned that Father seems to know what special
plates are on a vehicle. The Court finds that factor (f) favors Mother.”

18 The Court ordered that Aimee shall have Primary Physical Custody of Roen
19 with the parties having joint legal custody.

20 *This motion follows.*

1 **II. LEGAL ARGUMENT**

2 **A. The Court Should Reconsider Plaintiff's Request for Primary**
3 **Physical Custody.**

4 **1. This Motion to Reconsider is Timely.**

5 “A party seeking reconsideration and/or rehearing of a ruling (other than an
6 order that may be addressed by motion pursuant to NRCp 50(b), 52(b), 59, or 60),
7 must file a motion for such relief not later than 14 days after service of notice of
8 entry of order.”¹

9 Here, the Order from the February 4 and 18, 2020 Hearing was filed July 19,
10 2020. The Notice of Entry of Order was subsequently filed and served on July 20,
11 2020. Therefore, 14 days from service of the Notice of Entry of Order is August 3,
12 2020 — the date on which this Motion is filed. Therefore, this Motion to Reconsider
13 is timely.

14 **2. Bases for Reconsideration/Rehearing**

15 The Nevada Supreme Court has long held that “a court may, for sufficient
16 cause shown, amend, correct, resettle, modify, or vacate, as the case may be, an order
17 previously made and entered on motion in the progress in the cause or proceeding.”²
18
19
20

¹ EDCR 5.513(a).

² *Trail v. Faretto*, 91 Nev. 401, 536 P.2d 1026 (1975).

1 Indeed, the Nevada Supreme Court stated as follows: “[U]nless and until an order is
2 appealed, the District Court retains jurisdiction to reconsider the matter.”³

3 The granting of a motion for reconsideration is a discretionary decision.⁴ Two
4 cases provide district courts with guidance in exercising this discretion. In the first
5 of these cases, the Nevada Supreme Court held that “[o]nly in very rare instances in
6 which new issues of fact or law are raised supporting a ruling contrary to the ruling
7 already reached should a motion for rehearing be granted.”⁵ The second case
8 provides that “[a] District Court may consider a previously decided issue if
9 substantially different evidence is subsequently introduced or the decision is clearly
10 erroneous.”⁶ The United States Supreme Court has defined the clearly erroneous
11 standard as follows: “A finding is ‘clearly erroneous’ when although there is
12 evidence to support it, the reviewing court on the entire evidence is left with the
13 definite and firm conviction that a mistake has been committed.”⁷

14 Here, we first argue that the decision from the trial was clearly erroneous as
15 the Court failed to consider the substantial evidence presented and legal analysis for
16 this type of matter. Specifically the Court did not consider Andrew’s medical records,
17 despite the fact that the Court voiced its concerns multiple times about his health and
18

19 ³ *Gibbs v. Giles*, 97 Nev. 243, 607 P.2d 118 (1980),

20 ⁴ *Harvey’s Wagon Wheel, Inc. v. MacSween*, 96 Nev. 215, 606 P.2d 447 (1980).

⁵ *Moore v. City of Las Vegas*, 92 Nev. 402, 551 P.2d 244 (1976),

⁶ *Masonry Contractors v. Jolley, Urga & Worth*, 113 Nev. 737, 941 P.2d 487 (1997).

⁷ *United States v. Gypsum Co.*, 333 U.S. 364, 395, 68 S.Ct. 525, 542 (1948).

1 issued Orders consistent with those concerns such as ordering that Aimee pay for his
2 mental health evaluation. Aimee did not follow those Orders which was the reason
3 Andrew did not submit to an evaluation. The Court acknowledged in its decision
4 that calling an expert was not Andrew's burden, therefore one can only conclude that
5 Aimee failed to meet her burden. The Court's decision rests on Aimee's allegations
6 without personal knowledge and a few text messages. Aimee did not present
7 evidence sufficient for this Court to now award joint physical custody to Andrew
8 and Andrew's evidence supported an award of joint physical custody. Aimee was
9 given a HIPAA release but either did not request Andrew's records or requested
10 them and chose not to include them as proposed exhibits due to them being beneficial
11 to Andrew. She then objected to the admission of those same records by Andrew.

12 The District Court may not enter a default judgment regarding child custody
13 because child custody must only be determined based on the best interests of the
14 child.⁸ By excluding Andrew's mental health records and relying on baseless
15 allegations with no evidence from Aimee, this Court did not make a decision based
16 upon the best interests of the child, but made a decision based upon exclusion of
17 relevant evidence that went to the exact issue that was the deciding factor in this case.

18 Based on this, the Court should reconsider its Orders granting Aimee's request
19 for primary physical custody of Roen.

20 _____
⁸ *Blanco v. Blanco*, 129 Nev. Adv. Op. 77 (Oct. 31, 2013).

1 **B. The Court Should Set a New Trial in this Matter pursuant to**

2 **NRCP 59**

3 NRCP 59(a)(1) provides:

4 (1) **Grounds for New Trial.** The court may, on motion, grant a new trial on all
5 or some of the issues — and to any party — for any of the following causes or
6 grounds materially affecting the substantial rights of the moving party:

7 (A) irregularity in the proceedings of the court, jury, master, or adverse
8 party or in any order of the court or master, or any abuse of discretion by which
9 either party was prevented from having a fair trial;

10 (B) misconduct of the jury or prevailing party;

11 (C) accident or surprise that ordinary prudence could not have guarded
12 against;

13 (D) newly discovered evidence material for the party making the
14 motion that the party could not, with reasonable diligence, have discovered and
15 produced at the trial;

16 (E) manifest disregard by the jury of the instructions of the court;

17 (F) excessive damages appearing to have been given under the
18 influence of passion or prejudice; or

19 (G) error in law occurring at the trial and objected to by the party
20 making the motion.

 The decision to grant or deny a motion for new trial under NRCP 59 rests
within the sound discretion of the trial court.⁹

3. This Motion is Timely

 A motion for a new trial must be filed no later than 28 days after service of
written notice of entry of judgment.¹⁰ Here, the written judgment was filed on July
19, 2020. The Notice of Entry of this judgment was entered and served on July 20,
2020. Therefore, 28 days from service of written notice of entry of judgment is

⁹ *Southern Pac. Transp. Co. v. Fitzgerald*, 94 Nev. 241, 577 P.2d 1234 (1978).

¹⁰ NRCP 59(b).

1 August 17, 2020. This Motion was filed on August 3, 2020. Therefore, this Motion
2 is timely under NRCP 59(b).

3 Andrew reiterates that the Court did not consider his medical records,
4 presumably because they were not certified by a Custodian of Records or a witness.
5 Based on Aimee's baseless allegations, the Court voiced its concerns multiple times
6 about Andrew's health and issued Orders consistent with those concerns such as
7 ordering that Aimee pay for his mental health evaluation and ordering Andrew to
8 provide a HIPAA release. Andrew followed those orders. Aimee did not follow those
9 Orders, thereby not allowing this Court to have any evidence that would be sufficient
10 to justify an award other than joint physical custody.

11 The Court acknowledged in its decision that calling an expert was not
12 Andrew's burden, therefore one can only conclude that Aimee failed to meet her
13 burden. The Court's decision rests on Aimee's allegations and some text messages.

14 Andrew was prevented from having a fair trial due to irregularity in the
15 proceedings or abuse of discretion because the Court made a decision based upon
16 allegations regarding his mental health from a person with no personal knowledge
17 on the issue and yet refused to admit his mental health records into evidence even
18 though Andrew had provided a HIPAA release to Aimee allowing her to obtain the
19 same records.

1 Andrew's was subject to accident or surprise that ordinary prudence could not
2 have guarded against. Andrew provided Aimee's counsel with a HIPAA release and
3 then also obtained those same records himself. Ordinary prudence could not have
4 guarded against his surprise at Aimee objecting to the admission of his mental health
5 records when they were the only evidence on the issue beyond his own testimony
6 and she had not previously objected to their authenticity, thereby waiving that
7 objection.

8 The Court should grant Andrew's request for a new trial to allow him to
9 properly offer his medical records, which are highly relevant in this matter.

10 **III. CONCLUSION**

11 BASED ON THE FOREGOING, Andrew Warren requests this Court issue
12 an Order:

- 13 1. Reconsidering the Order from the February 4 and 18 2020, hearing;
- 14 2. Granting Plaintiff's Request for a New Trial; and
- 15 3. For any other relief this Court deems fair and appropriate.

16 DATED this 3rd day of August, 2020.

17 **McFARLING LAW GROUP**

18 /s/ Emily McFarling

19 Emily McFarling, Esq.

20 Nevada Bar Number 8567

6230 W. Desert Inn Road

Las Vegas, NV 89146

(702) 565-4335

Attorney for Plaintiff, Andrew Warren

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DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

ANDREW WARREN

Plaintiff/Petitioner

v.
AIMEE YANG

Defendant/Respondent

Case No. D-19-590407-C

Dept. G

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

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

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

- ☐ **\$25** The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.
- OR-
- ☒ **\$0** The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:
- ☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
 - ☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
 - ☒ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 14 days after a final judgment or decree was entered. The final order was entered on 07/20/20.
 - ☐ Other Excluded Motion (must specify) _____.

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

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

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

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

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

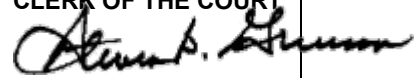
Party filing Motion/Opposition: Plaintiff Date 08/03/20

Signature of Party or Preparer /s/Maria Rios Landin

JA000820

DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
8/5/2020 8:52 AM
Steven D. Grierson
CLERK OF THE COURT



Andrew Warren, Plaintiff.

vs.

Aimee Jung Ahyang, Defendant.

Case No.: D-19-590407-C

Department G

NOTICE OF HEARING

Please be advised that the Plaintiff's Notice of Motion and Motion for New Trial Pursuant to NRCP 59, and Reconsideration in the above-entitled matter is set for hearing as follows:

Date: September 14, 2020

Time: No Appearance Required

Location: Courtroom 09
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

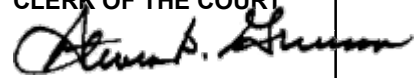
By: /s/ Juanito Nasarro
Deputy Clerk of the Court

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/ Juanito Nasarro
Deputy Clerk of the Court

JA000821



OPP

KENNETH S. FRIEDMAN, ESQ.
Nevada Bar No.: 5311
WALSH & FRIEDMAN, LTD.
400 S. Maryland Parkway
Las Vegas, NV 89101
(702) 474-4660
Attorney for Defendant/Counterclaimant

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

ANDREW WARREN,

CASE NO.: D-19-590407-C
DEPT. NO.: G

Plaintiff/Counterdefendant,

HEARING REQUESTED: NO

vs.

AIMEE JUNG YANG,

Defendant/Counterclaimant.

**OPPOSITION TO PLAINTIFF'S MOTION FOR NEW TRIAL
PURSUANT TONRCP 59, AND RECONSIDERATION**

COMES NOW DEFENDANT, AIMEE JUNG YANG, by and through her
attorney, KENNETH S. FRIEDMAN, ESQ. of WALSH & FRIEDMAN, LTD.,
and hereby submits her Opposition to Plaintiff's Motion for New Trial Pursuant
to NRCP 59, and Reconsideration.

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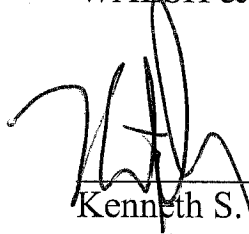
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1 This Opposition is made and based upon the papers and pleadings on file
2 herein, the Points and Authorities attached hereto.

3 DATED this 17th day of August, 2020.
4

5 WALSH & FRIEDMAN, LTD.
6

7 
8 Kenneth S. Friedman, Esq.
9 Nevada Bar No.: 5311
10 400 S. Maryland Parkway
11 Las Vegas, NV 89101
12 Attorney for Defendant

13 **POINTS AND AUTHORITIES**
14

15 **Rule 59. New Trials; Amendment of Judgments**

16 **(a) In General.**

17 **(1) Grounds for New Trial.** The court may, on motion, grant a new
18 trial on all or some of the issues — and to any party — for any of the following
19 causes or grounds materially affecting the substantial rights of the moving party:

20 (A) irregularity in the proceedings of the court, jury, master, or
21 adverse party or in any order of the court or master, or any abuse of discretion by
22 which either party was prevented from having a fair trial;

23 (B) misconduct of the jury or prevailing party;

24 (C) accident or surprise that ordinary prudence could not have
25 guarded against;

26 (D) newly discovered evidence material for the party making the
27 motion that the party could not, with reasonable diligence, have discovered and
28 produced at the trial;

(E) manifest disregard by the jury of the instructions of the court;

(F) excessive damages appearing to have been given under the
influence of passion or prejudice; or

(G) error in law occurring at the trial and objected to by the party
making the motion.

1
2 **I.**

3 **PROCEDURAL HISTORY**
4

5 The instant matter came on for evidentiary hearing before the Honorable
6 Judge Rhonda Forsberg on February 4, 2020 and February 18, 2020. Following
7 the conclusion of the Evidentiary Hearing, Judge Forsberg entered the following
8 findings of fact:
9

- 10 A. That 125C.0035(4)(a): the wishes of the child if the child is of
11 sufficient age and capacity to form an intelligent preference as to
12 his custody. The Court does not find factor (a) to be applicable.
- 13 B. That 125C.0035(4)(b): any nomination by a parent or a guardian for
14 the child. The Court does not find factor (b) to be applicable.
- 15 C. That 125C.0035(4)(c): which parent is more likely to allow the
16 child to have frequent associations and a continuing relationship
17 with the other parent. Mother's behavior on helping Father to have
18 visitation, even on the child's birthday is commendable. Mother is
19 trying very hard to allow the child to have frequent association with
20 the Father. Since the time of the Order, Mother has never denied
21 Father his time; however, Father did not always exercise his time
22 and the Court finds that Father had valid reasons. Mother would
23 assist with visitation when it's needed and when it's ordered. The
24 Court Finds, that Factor (c) favors Mother.
- 25 D. That 125C.0035(4)(d): the level of conflict between the parents.
26 The Court finds the conflict is relatively low, other than Father's
27 previous paranoia/behavior from his mental instability that was
28 evidenced by his statements in the text messages of "I want to die".
That behavior and the fact that he took the child to the hospital after
he told Mother he was going to be a few minutes late. The Court
finds that any increase in conflict is due to Father's behavior and not
Mother's behavior. The Court still finds that conflict relatively low.

1
2 E. That 125C.0035(4)(e): the ability of the parents to cooperate to
3 meet the needs of the child. The Court finds that both parents have
4 taken the child to the doctor. There was some communication
5 between the Parties and it seemed that they could work together,
6 however, the Court finds Father's statement to the Court concerning
7 when he stated he "doesn't believe the Parties can do that now". The
8 Court can only grant joint physical custody if it believes the Parents
9 can cooperate to meet the needs of the child. The Court believes
10 that Mother has tried to meet the needs by planning a birthday.
11 Father did not meet the needs. Father did not discuss with Mother
12 regarding the drug tests he conducted on the child. Father did not
13 discuss that he was going to take the child to the hospital, he was
14 really late, and he caused Mother to worry. Additionally, Father did
15 not meet the needs of the child when he missed the visitation
16 although he had some excuses. The Court Finds that Mother has the
17 ability to cooperate to meet the needs of the child and Father does
18 not. The Court finds that factor (e) favors Mother.

19 F. That 125C.0035(4)(f): the mental and physical health of the parents.
20 The Court is very concerned as to this Factor. The Court finds that
21 Mother used to have a drug issue, but she has fixed it. The Court is
22 concerned that it was stated Father's issue is ADD; however, his
23 behavior shows some paranoia which is not really consistent with
24 ADD. The Court is concerned about Father's mental health. The
25 Court finds that Mother has improved her situation. The Court was
26 presented with multiple drug tests for Mother that were negative
27 and that show Mother is not using any illegal drugs. Mother has that
28 issue under control. The Court is concerned that Father does not
have that under control; there is an incident concerning paranoia
regarding the neighbors. There was a police incident where Father
took the child upstairs and he said he took the child into the shower
which is concerning to the Court. Father's threats that he wants to
die is extremely concerning. The Court finds that Father's behavior
is in opposition to the fact that Father is able to maintain a job. The
only testimony Father gave about his mental health is that he goes
to the therapist, however, he did not provide any medical records.
The position is that Father had to find an expert; however, that is
not his burden. The Court is concerned that Father seems to know

1 what special plates are on a vehicle. The Court finds that factor (f)
2 favors Mother.

3 G. That 125C.0035(4)(g): the physical, developmental and emotional
4 needs of the child. The court finds that the child does not have
5 special needs. Father thinks the child has some delusions about
6 drugs; however, there was no evidence. Father stated the Doctor
7 saw a drug test that was positive. The Court does not believe that a
8 Doctor would see such a drug test without reporting it to CPS as a
9 mandatory reporter. The child has no special needs and he needs to
 not be put in harm's way by being drug tested and taken to the
 hospital. Factor (g) slightly favors Mother.

10 H. That 125C.0035(4)(h): the nature of the relationship of the child
11 with each parent. The Court believes the child loves both parents,
12 most children do. The Court believes that Father has always loved
13 and cared for the child, which was also a statement made by
14 Mother. The Court is concerned about Father's relationship with the
15 child as he only stayed for 20 minutes on the child's birthday even
16 though Mother made accommodations and the Father had sufficient
17 time. The Court is concerned that Father is hurting his relationship
18 with the child, but the Court believes that the child loves both the
19 parents.

20 I. That 125C.0035(4)(i): the ability of the child to maintain a
21 relationship with any sibling. This would be a factor if Father had
22 any relationship with Tanner. Per Father's testimony, he sees the
23 child 2 to 3 times per year which is really sad. The other statement
24 made was that Father did not see the other child between 2017 and
25 2019. The fact that Father did not see Tanner means Father did not
26 foster the relationship between Tanner and Roen. The Court does
27 not find factor (i) to be a factor in this case.

28 J. That 125C.0035(4)(j): any history of parental abuse or neglect of
 the child or a sibling of the child. The Court does not find any
 proven history of abuse or neglect. The Court is concerned about
 multiple drug tests on the child and rushing the child to the
 emergency room. Currently, factor (j) is not a factor in this case.

1 K. That 125C.0035(4)(k): whether either parent or any other person
2 seeking custody has engaged in an act of domestic violence. The
3 Court does not find that either parent did so or that there was any
4 evidence presented to that effect.

5 L. That 125C.0035(4)(l): whether either parent or any other person
6 seeking custody has engaged in an act of abduction. The Court does
7 not find that either parent did so or that there was any evidence
8 presented and the Court does not find it to be factor.

9 II.

10 ARGUMENT

11 The Nevada Supreme Court has long held that “a court may, for sufficient
12 cause shown, amend, correct, resettle, modify or vacate, as the case may be, an
13 order previously made and entered on motion in the progress in the cause or
14 proceeding.”¹ Indeed, the Nevada Supreme Court, stated as follows: “[U]nless
15 and until an order is appealed, the District Court retains jurisdiction to reconsider
16 the matter.”²

17 The granting of a motion for reconsideration is discretionary decision.³
18 Two cases provide district courts with guidance in exercising this discretion. In
19 the first of these cases, the Nevada Supreme Court held that “[o]nly in very rare
20 instances in which new issues of fact or law are raised supporting a ruling
21 contrary to the ruling already reached should a motion for rehearing be
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27 ¹ *Trail v. Faretto*, 91 Nev. 401, 536 P.2d 1026 (1975)

28 ² *Gibbs v. Giles*, 97 Nev. 243, 607 P.2d 118 (1980)

³ *Harvey's Wagon Wheel, Inc. v. MacSween*, 96 Nev. 215, 606 P.2d 447 (1980)

1 granted.”⁴ The second case provides that “[a] District Court may consider a
2 previously decided issue if substantially different evidence is subsequently
3 introduced or the decision is clearly erroneous.”⁵ The United States Supreme
4 Court has defined the clearly erroneous standard as follows: “A finding is
5 ‘clearly erroneous’ when although there is evidence to support it, the reviewing
6 court on the entire evidence is left with the definite and firm conviction that a
7 mistake has been committed.”⁶

10 Plaintiff essentially objects that the decision from the Evidentiary Hearing
11 was clearly erroneous inasmuch as the Court did not consider Andrew’s medical
12 records. Nothing could be further from the truth. First, the Court’s decision was
13 based upon all of the factors as enumerated in NRS 125C.0035(4), not just NRS
14 125C.0035(4)(f). More specifically NRS 125C.0035(4)(c), NRS
15 125C.0035(4)(e), NRS 125C.0035(4)(f), NRS 125C.0035(4)(g) all favored the
16 Defendant. Moreover, the Court did not find any factor that specifically favored
17 the Plaintiff.

18 Second, the Court heard detailed testimony concerning the Plaintiffs
19 emotional stability. More specifically, there was testimony by the Plaintiff where
20 he acknowledged that he took the child into the bathroom and barricaded himself
21

27 ⁴ *Moore v. City of Las Vegas*, 92 Nev. 402, 551 P.2d 244 (1976)

28 ⁵ *Masonry Contractors v. Jolley, Urga & Worth*, 113 Nev. 737, 941 P.2d 487 (1997)

⁶ *United States v. Gypsum Co.*, 333 U.S. 364, 395, 68 S.Ct. 525, 542 (1948)

1 therein and only released the child after police intervention. There was evidence
2 that Plaintiff threatened that he wanted to die, which was extremely concerning.
3 Additionally, Plaintiff testified about individuals "following him." Premised on
4 the foregoing, the Court made the determination that by the Plaintiff's own
5 actions that there was an issue with his mental health.
6

7
8 Finally, Plaintiff objects that the Court did not consider any of the
9 Plaintiff's medical records however Plaintiff's assertion is a red herring as the
10 Plaintiff failed to produce any medical records during the discovery process.
11

12 Based on the foregoing, this Court's decision on February 4, 2020 was
13 well-grounded in facts and law, thus said decision was not clearly erroneous in
14 any way, shape, or form.
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IV.

CONCLUSION

Given the foregoing, Plaintiff respectfully requests that this Honorable court deny Defendant's motion in its entirety.

Dated this 17th day of August, 2020.

WALSH & FRIEDMAN, LTD.


Kenneth S. Friedman, Esq.
Nevada Bar No.: 5311
400 S. Maryland Parkway
Las Vegas, Nevada 89101
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of WALSH & FRIEDMAN, LTD., and on the 17th day of August, 2020, I served a true and correct copy of the above and foregoing OPPOSITION TO PLAINTIFF'S MOTION FOR NEW TRIAL PURSUANT TO NRCP 59, AND RECONSIDERATION, pursuant to NRCP 5 and EDCR 8, by the method or methods indicated below:

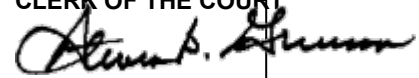
_____ by depositing the same in the U.S. Mail, First Class Mail, with postage fully prepaid, at Las Vegas, Nevada, addressed as follows:

_____ by facsimile to the below listed number:

X_____ by electronic mail to the below-listed email address:

Emily McFarling, Esq.
eservice@mcfarlinglaw.com


an Employee of WALSH & FRIEDMAN, LTD.



RPLY

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Attorney for Plaintiff,
Andrew Warren

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

ANDREW WARREN,

Plaintiff,

vs.

AIMEE YANG,

Defendant.

Case Number: D-19-590407-C

Department: G

Date of Hearing: 09/14/20

Time of Hearing: No Appearance

PLAINTIFF'S REPLY TO OPPOSITION TO MOTION FOR NEW TRIAL
PURSUANT TO NRCP 59, AND RECONSIDERATION

COMES NOW Plaintiff, Andrew Warren, by and through his attorney, Emily McFarling, Esq. of McFarling Law Group, and hereby submits the following reply to Defendant's Opposition requesting the Court issue an Order:

1. Reconsidering the Order from the February 4 and 18 2020 hearings;

2. Granting Plaintiff's Request for a New Trial; and

3. For any other relief this Court deems fair and appropriate.

This Reply is made and based on the Memorandum of Points and Authorities set forth below, the Declaration of Plaintiff attached hereto, all papers and pleadings on file herein, and evidence presented by counsel, if any, at the hearing.

DATED this 24th day of August, 2020.

McFARLING LAW GROUP

/s/ *Emily McFarling*

Emily McFarling, Esq.
Nevada Bar Number 8567
6230 W. Desert Inn Road
Las Vegas, NV 89146
(702) 565-4335
Attorney for Plaintiff,
Andrew Warren

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. STATEMENT OF FACTS**

3 Plaintiff, Andrew Warren (hereinafter referred to as “Andrew”) reiterates
4 and incorporates herein the facts stated in his Motion.

5 **A. Trial**

6 Plaintiff, Andrew Warren (hereinafter referred to as “Andrew”) agrees with
7 the procedural history in Defendant’s Opposition and adds the following:

8 **1. Visitation pending trial**

9 The Court heard testimony regarding Andrew’s supervised visitation
10 pending trial and found that Aimee would assist with visitation when it’s needed
11 and when it’s ordered. However, on December 7, 2019, Andrew requested to see
12 Roen and Aimee denied the visit simply because Jerry, the supervisor, was not
13 available that day. She could have facilitated Andrew seeing Roen with the
14 babysitter’s presence, however, she did not¹.

15 **2. The parents’ ability to cooperate to meet the needs of the child**

16 **Andrew acknowledged he believes he can co-parent with Aimee:**

17 Ms. Robinson to Andrew: “So coparenting, do you believe you can co-
18 parent with clearly outlined orders?”

19 Andrew: “Yes².”

20

 ¹ See Exhibit 1 – Text messages dated December 7, 2019.

² See video time stamp 3:08:07 – 3:08:22.

1 Aimee changed Roen's doctor without first consulting with Andrew:

2 Ms. Robinson to Andrew: "How did you learn recently that Roen had
3 changed doctors?"

4 Andrew: "Aimee told me that she changed doctors³."

5 Ms. Robinson to Andrew: "And did she [Aimee] consult with you
6 before making that decision?"

7 Andrew: She did not consult with uh me about changing his doctors. I
8 didn't know she was looking for a new doctor⁴."

9 **3. Andrew's mental health**

10 **a) Andrew's mental health diagnosis and medical records**

11 The Court found that the only testimony Father gave about his mental health
12 is that he goes to the therapist, however, he did not provide any medical records.

13 However, the Court indeed heard more testimony regarding Andrew's mental
14 health and there were medical records submitted as proposed exhibits.

15 The court heard testimony that Andrew has been diagnosed with adult ADD
16 and was prescribed Adderall.

17 Moreover, Andrew testified as a child he had ADHD, so this is not something
18 new. He also testified that his Adult ADD does not impede him in any way shape or
19 form in the parenting of Roen, when he manages it with medication and he takes his
20 medication unless the pharmacy is out of his medication but that does not happen

³ See Video Time Stamp 3:08:23 - 3:08:32.

⁴ See Video Time Stamp 3:08:32 - 3:08:52.

1 often. Even when he is out of his medication, he does not feel it would impede him
2 from caring for Roen, as he is more affected if solving complex issues at work or
3 managing work and school.

4 Ms. Robinson: do you have anything that would be classified as a
mental health issue?

5 Andrew: Yes

Ms. Robinson: What is that?

6 Andrew: I have adult ADD

Ms. Robinson: What are some symptoms of adult ADD?

7 Andrew: If not medicated, lack of attention, lethargic, brain scattered
and lack of focus⁵.

8 Ms. Robinson: did you have ADHD or ADD as a child?

9 Andrew: Yes

Ms. Robinson: What are you currently taking to manage your adult
10 ADD?

11 Andrew: I'm taking Aderall...⁶

Ms. Robinson: Do you feel that your adult add impedes you in any way
12 shape or form in the parenting of Roen?

13 Andrew: Not when managed with medication, no ⁷.

Ms. Robinson: Do you consistently take your medication as prescribed?
14 Yes, but there's been a couple of issues where pharmacies have been
lacking just recently like 3 or 4 days they ran out and then I didn't have
15 medication.

Ms. Robinson: How often does that occur?

16 Andrew: More so, not not as recent so this is just the only occurrence
17 in recent memory that I can recall⁸.

18
19 ⁵ See Video at 1:59:32 – 2:01:31.

⁶ See Video at 2:03:15-2:03:23.

20 ⁷ See Video at 2:04:00 - 2:04:13

⁸ See Video at 2:04:15 -2:04:52

1 Ms. Robinson: If you are without your medication for a few days, how
do you think that affects you?

2 Andrew: I mean it usually only affects me if I have to it doesn't affect
me along the lines of caring with my son it usually affects me when I
3 have school and work because of the complex problems I solve let's
say at work⁹.

4 Aimee alleges in her Opposition that Andrew failed to produce medical
5 records during discovery. While it is true that Andrew did not produce the records
6 during discovery, the evidence showed that he attempted to obtain them and was not
7 able to do so until after discovery had closed. Specifically, the Court heard testimony
8 that not only was Mr. Friedman's office having trouble obtaining the records, but so
9 was Andrew. He attempted numerous times to get his doctor to release the records
10 to Mr. Friedman's office and it was not until February 4, 2020, the day of the trial,
11 that the records were sent to Mr. Friedman's office. In fact, Mr. Friedman
12 acknowledged having received them that day and had not reviewed them yet.

13 Andrew was testifying as to specific details regarding his mental health, but
14 the Court had that part stricken from the record because no one had reviewed the
15 medical records yet.

16 When Andrew's counsel offered the medical records as evidence, the Court
17 declined to admit them because Mr. Friedman had not had the opportunity to review
18 them and unless he was stipulating to them, the Court would not allow them. Mr.
19

20

⁹ See Video at 02:05:06.

1 Friedman did not stipulate to admit the records that day and the Court indicated the
2 medical records would be discussed on day 2 of the trial.

3 On February 18, 2020, the second day of trial, the medical records were not
4 discussed or admitted.

5 Andrew's mental health records clearly show that he is mentally and
6 emotionally stable and there is nothing in them to cause concern¹⁰. Specifically, they
7 show:

8 1) Andrew consistently saw his doctor for management of his ADHD medication
9 between 7/23/2018 and 1/22/2020 when the records end.

10 2) Andrew shows no concerns about suicide in EVERY VISIT.

11 3) Andrew is diagnosed with ADHD.

12 4) Andrew is consistently prescribed medication for his ADHD.

13 5) Andrew's issues with ADHD affect his work.

14 6) Andrew is consistently noted as being cooperative, stable, well groomed, etc.

15 7) Andrew mentions in two visits that his girlfriend (Aimee) is using drugs.

16 8) Andrew mentions that his girlfriend (Aimee) accused him of being paranoid
17 because he suspected Aimee was cheating and found out she was using drugs.

18 ///

20 ¹⁰ See Exhibit 2 – Andrew's medical records.

1 **b) Andrew’s text message about wanting to die**

2 The Court stated in its findings that “Father’s threats that he wants to die is
3 extremely concerning.” However, Andrew’s testimony indicates that 1) his text
4 message to Aimee from March 2019 “I don’t care if I die” was not a suicidal threat,
5 and 2) he discussed the issue with his psychiatrist.

6 Aimee did not present any evidence that Andrew had indeed attempted to
7 commit suicide at any given time or showed more text messages that showed a
8 continuous pattern of “wanting to die.” One text message, taken out of context and
9 blown out of proportion was all that was entered into evidence on this issue and all
10 there even exists.

11 **4. The physical, development and emotional needs of the child and the**
12 **nature of the relationship of the child with each parent**

13 **a) Andrew’s bond with Roen**

14 The Court heard testimony regarding Andrew’s bond with Roen, he described
15 in detail what he does with Roen for fun and how Roen enjoys those things.

16 Ms. Robinson: I would like you to please tell the court just about your
17 relationship with Roen. What do you guys like to do for fun?

18 Andrew: Just recently we got some coloring books and stuff like that
19 we play around; it was pretty cool the other day we were doing some
20 sit ups and we just found the fun in that, he was enjoying it. We play

1 with cars, a lot of toys, read books, this little music book that we like to
2 play and trying to teach both of us how to play the Ukulele¹¹.

3 As Andrew testified the above, he smiled and seemed like he was having a
4 conversation with a friend, rather than testifying at trial.

5 **b) Developmental needs of the child**

6 The Court heard testimony regarding Andrew's plans should he get primary
7 or joint physical custody while he is at work, as follows:

8 Ms. Robinson: What is your plan should you get primary physical
9 custody or joint physical custody, what would be your plan with Roen
10 when you are at work?

11 Andrew: So when I am at work he would go to preschool but I would
12 like to keep the same **consistency**, I would take him to the same baby
13 sitter that he's had but also a couple of days a week I would like him to
14 go to preschool¹².

15 **c) Roen's birthday**

16 The Court is concerned about Father's relationship with the child as he only
17 stayed for 20 minutes on the child's birthday even though Mother made
18 accommodations and the Father had sufficient time. Yes, Andrew saw Roen for a
19 short time on his birthday. He showed up late because he worked that day and stayed
20 for a short time because the visitation supervisor was not present and Aimee, who
was supervising at that time, kept running upstairs. When she ran upstairs Roen kept

¹¹ See Video at 2:07:11 – 2:08:06.

¹² See Video at 2:06:30 – 2:07:06.

1 wondering what she was doing; to avoid Roen from being further disturbed and
2 Andrew being left alone with him, he left. Regardless, Andrew saw Roen on his
3 birthday and Aimee agreed Roen was happy to see him.

4 Moreover, Andrew had reached out to Aimee to plan Roen's birthday but she
5 insisted that they plan it separately¹³. Andrew had a birthday party with Roen at a
6 train station on another day.

7 **II. LEGAL ARGUMENT**

8 **A. The Court Should Reconsider Plaintiff's Request for Primary** 9 **Physical Custody and/or Grant a New Trial.**

10 The evidence and testimony presented at trial warrant a reconsideration, as it
11 shows that Andrew has been in Roen's life since day one, he has taken him to the
12 doctor, cooked for him, played with him, read to him and provided for him
13 financially, all of which have contributed to the physical, developmental and
14 emotional needs of Roen.

15 Moreover, it should be considered that his plan to put Roen in preschool and
16 keep him with the same babysitter to keep consistency in his life, as it shows his goal
17 for stability.

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19
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¹³ See video from 02/04/20 at 03:10:12.

1 Andrew's testimony shows that he is taking his prescribed medications, and
2 even when he hasn't for whatever reason, it does not impair him or prevent him from
3 properly caring for Roen.

4 Andrew took his son to the hospital because he believed he had drugs in his
5 system but did not put Roen in danger.

6 While it is concerning that Andrew sent a text message he didn't care if he
7 died, it was not a suicidal threat and Aimee did not present additional or similar
8 messages for it to be a continuing concern. It can be generalized that at some point
9 almost everyone has said in their life, without actually meaning to kill oneself, that
10 they didn't care if they died. Further, if it was such a concern, then those concerns
11 would have been allayed by admission of Andrew's mental health records. Yet, the
12 Court chose to not admit the records and instead simply rely on one out of context
13 text message.

14 Andrew's mental health records clearly show that he is mentally and
15 emotionally stable, seeks regular oversight from his ADHD doctor and monitoring
16 of his ADHD medication. They also show there is nothing concerning about Andrew
17 mental health-wise that is sufficient to warrant an award of primary physical custody
18 to mom.

19 This Court should reconsider and/or grant a new trial and award Andrew
20 primary physical custody.

1 **III. CONCLUSION**

2 BASED ON THE FOREGOING, Plaintiff requests this Court issue an Order:

- 3 1. Reconsidering the Order from the February 4 and 18, 2020 hearings;
- 4 2. Granting Plaintiff's Request for a New Trial;
- 5 3. For any other relief this Court deems fair and appropriate.

6 DATED this 24th day of August, 2020.

7 **McFARLING LAW GROUP**

8 /s/ Emily McFarling

9 Emily McFarling, Esq.
10 Nevada Bar Number 8567
6230 W. Desert Inn Road
Las Vegas, NV 89146
(702) 565-4335
11 Attorney for Plaintiff,
12 Andrew Warren
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- I declare under penalty of perjury, under the laws of the State of Nevada and the United States (NRS 53.045 and 28 USC § 1746), that the foregoing is true and correct.

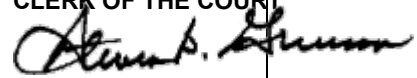
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Andrew Warren

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Kenneth Friedman, Esq.
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JA000846



EXHS

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Andrew Warren

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

ANDREW WARREN,

Plaintiff,

vs.

AIMEE YANG,

Defendant.

Case Number: D-19-590407-C
Department: G

PLAINTIFF'S EXHIBIT APPENDIX

COMES NOW Plaintiff, Andrew Warren, by and through his attorney, Emily McFarling, Esq. of McFarling Law Group, and hereby submits the following exhibits in support of his Reply to Opposition to Motion for New Trial Pursuant to NRCP 59, and Reconsideration. Plaintiff understands that these are not considered substantive evidence in the case until formally admitted into evidence.

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EXHIBIT 2: Andrew Warren’s medical records.

DATED this 24th day of August, 2020.

McFARLING LAW GROUP

/s/Emily McFarling

Emily McFarling, Esq.

Nevada Bar Number 8567

6230 W. Desert Inn Road

Las Vegas, NV 89146

(702) 565-4335

Attorney for Plaintiff,

Andrew Warren

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 X via mandatory electronic service by using the Eighth Judicial District Court's E-file and E-service System to the following:

/s/Maria Rios Landin

Maria Rios Landin

EXHIBIT 1

EXHIBIT 1

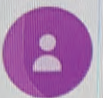
Saturday, December 7, 2019



I'm working
I'll have him call u later 12:44 PM

1:10 PM

Where is roen? I would like to see him today.



Jerry told me he is working today so he will not be available today

1:17 PM

1:19 PM

I can see him without Jerry. Where is roe?n?



No u cannot. Roen is with his babysitter 1:20 PM

1:21 PM



Yes I can. What is the address?



Was there something that changed with the court order that ur visits are unsupervised now?

1:22 PM

Sunday, December 8, 2019

11:15 AM

Visitation change last time in court.

11:17 AM

I will make sure that all parties are aware of your refusal of visitation.



er message



EXHIBIT 2

EXHIBIT 2

Date:

7/23/18

7

Andrew WARREN

1015 0945

Rosa

✓

Initial Psychiatric Evaluation

Chief Complaint:

HOPD

PCP treating for ADD 16 mths. Looking for referral.
30 y/o Male Dx: ADD, seeking a new provider.
It been taking Adderall since 2016. PCP no longer
prescribing Adderall for Pt. Unable to focus, unable to
complete task. Difficulty memory. Interfering w work.
Unable to complete task. Poor performance

Past Psych History:

Onset:

Past Meds: @ work

Diagnosed:

Adderall ER 10mg QD

Hospitalizations:

Y

(N)

Suicide Attempts:

Y

(N)

Prior Outpatient:

Y

(N)

Family History:

Paternal: son, brother ADD.

Maternal: Borderline personality disorder

Childhood/ Social History:

work as assistance engineer
18 mth old son

Medical History:

⊕

Allergies:

NKA

Current Medications:

Adderall ER 10mg QD

Substance Abuse:

⊕

<u>MSE:</u>		
<u>Appearance</u>	Alert, well-groomed	<u>YES</u> NO
General Movements	Accelerated, increased speed	<u>YES</u> NO
	Decreased, slowed	YES <u>NO</u>
	Restlessness, fidgety	YES <u>NO</u>
Speech	Increased, loud	<u>YES</u> NO
	Decreased, slowed	YES <u>NO</u>
	Atypical quality, slurring, stammer	YES <u>NO</u>
Mood	Euphoria, elation	YES <u>NO</u>
	Anger, hostility	YES <u>NO</u>
	<u>Fear</u> , anxiety, apprehension	<u>YES</u> NO
	Depression, sadness	YES <u>NO</u>
<u>Affect</u>	Full and Appropriate	<u>YES</u> NO
Perception	Auditory hallucinations	YES <u>NO</u>
	Visual hallucinations	YES <u>NO</u>
	Other type of hallucination	YES <u>NO</u>
Intellectual Functioning	Impaired attention/ concentration	<u>YES</u> NO
	Impaired abstract thinking	YES <u>NO</u>
	Impaired calculation ability	YES <u>NO</u>
	Impaired intelligence	YES <u>NO</u>
<u>Orientation</u>	Time, Place, Person	<u>YES</u> NO
Insight	Difficulty in acknowledging the presence Of psychological problems	YES <u>NO</u>
	Mostly blames others/circumstances for problems	YES <u>NO</u>
Judgment	Impaired ability to manage daily living activities	YES <u>NO</u>
	Impaired ability to make reasonable like decisions	YES <u>NO</u>
<u>Memory</u>	Intact	<u>YES</u> NO
Thought Content	Obsessions	YES NO
	Compulsions	YES NO
	Phobias	YES NO
	Derealization depersonalization	YES NO
	Suicidal Ideation	YES NO
	Homicidal Ideation	YES NO
	Delusions	YES NO
	Ideas of reference	YES NO
	Ideas of influence	YES NO
Thought Perception	Thought flow decreased, slowed	YES NO
	Thought flow increased	YES NO

Patient Name:

Date: 09-21-18

22

Andrew Warner

4:00

4:15

History

CHIEF COMPLAINT/ REASON FOR ENCOUNTER:

Flu med. management.

HPI (1-3 elements - 4+ elements - Extended)

30 y/o male Flu med. management. OxA DO. Pt
stated med. effective. Resting. Focusing. Appetite Intact.
mood stable.

Elements: Location, Quality, Severity, Duration, Timing, Content, Modifying Factors,
Associated, Signs & Symptoms

PAST, FAMILY, SOCIAL HISTORY (PFSH) ☒ Check if no change (1 history area pertinent; 2-3
history areas- Complete)

REVIEW OF SYSTEMS & ACTIVE MEDICAL PROBLEMS

NOTES IF POSITIVE

(1 system - Problem Pertinent; 2-9 systems- Extended; 10 or more systems or some systems noted as
"all others negative" - complete)

- | | | |
|----------------------|-------|-------|
| 1. Constitutional | POS__ | NEG__ |
| 2. Eyes | POS__ | NEG__ |
| 3. ENT | POS__ | NEG__ |
| 4. Cardiovascular | POS__ | NEG__ |
| 5. Respiratory | POS__ | NEG__ |
| 6. Gastrointestinal | POS__ | NEG__ |
| 7. Genitourinary | POS__ | NEG__ |
| 8. Muscular | POS__ | NEG__ |
| 9. Integumentary | POS__ | NEG__ |
| 10. Neurological | POS__ | NEG__ |
| 11. Endocrine | POS__ | NEG__ |
| 12. Hematologic | POS__ | NEG__ |
| 13. Allergies/Immune | POS__ | NEG__ |

PSYCHIATRIC SPECIALTY EXAMINATION

(1-5 bullets - Problem Focused; at least 6 bullets Expanded Problem Focused; at least 9 bullets-
Detailed; all bullets- Comprehensive Exam)

Vital Signs (any 3 or more of the 7 listed);

Blood Pressure: (Sitting/ Standing) _____ (Supine) _____
Temp _____ Pulse (Rate/ Regularly) _____ Respiration _____ Height _____ Weight _____
General Appearance and Manner; (e.g. development, nutrition, body habitus, deformities,
attention to grooming)

Well-Groomed

Musculoskeletal: ☐ Assessment of muscle strength and tone (e.g., flaccid cog wheel, spastic)
(note any atrophy or abnormal movements)

(and/or) ☐ Examination of gait and station

Speech: Check if normal ☒ rate ☒ volume ☒ articulation ☐ coherence ☐ spontaneity

(Note abnormalities; e.g. preservation, paucity of language)

Thought process: Check if normal ☒ associations ☒ processes ☒ abstraction ☐ computation

Description of associations (e.g. loose, tangential, circumstantial, intact):

Description of abnormal or psychotic thoughts: ☒

Suicidal ideation: ☐ Present ☒ Absent Homicidal Ideation: ☐ Present ☒ Absent

Description of patient's judgement and insight: Fair

Orientation: ☒

Memory (Recent/Remote):

Attention/Concentration:

Language:

Fund of knowledge: ☒ intact ☐ inadequate

Mood and affect: Cooperative

Other Findings (e.g. cognitive screens, etc.):

MEDICAL DECISION MAKING

DIAGNOSIS

Axis I-V

ADD

Rule Out:

Inattentive

Formulation:

DATA

Medical Records/ Labs/ Diagnostic Tests Reviewed

PROBLEM/ CONDITION

TREATMENT PLAN

D- Amphetamine ER salt
combo 20mg QAM
Flu 40mg

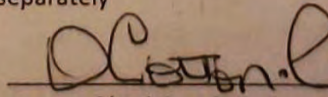
☐ Greater than 50% of time spent in counseling/coordination if care (document)

PSYCHOTHERAPY, if performed should be documented separately

Rosa Bellota, MD

Physician Name

Date and Time

 ROSA BELLOTA, FNP-C
Physician signature

Patient Name:

Date: 10.22.18

4 Andrew Warren	1545	11600	Rosa		
-----------------	------	-------	------	--	--

History

CHIEF COMPLAINT/ REASON FOR ENCOUNTER:

Flu med. management

HPI (1-3 elements - 4+ elements - Extended)

30 y/o male Flu med. management. Pt effective focusing. Resting. Appetite Intact. Mood stable. OSTE. OHS. OISE.

Elements: Location, Quality, Severity, Duration, Timing, Content, Modifying Factors, Associated, Signs & Symptoms

PAST, FAMILY, SOCIAL HISTORY (PFSH) ☐ Check if no change (1 history area pertinent; 2-3 history areas - Complete)

REVIEW OF SYSTEMS & ACTIVE MEDICAL PROBLEMS

NOTES IF POSITIVE

(1 system - Problem Pertinent; 2-9 systems - Extended; 10 or more systems or some systems noted as "all others negative" - complete)

- | | | |
|----------------------|-------|-------|
| 1. Constitutional | POS__ | NEG__ |
| 2. Eyes | POS__ | NEG__ |
| 3. ENT | POS__ | NEG__ |
| 4. Cardiovascular | POS__ | NEG__ |
| 5. Respiratory | POS__ | NEG__ |
| 6. Gastrointestinal | POS__ | NEG__ |
| 7. Genitourinary | POS__ | NEG__ |
| 8. Muscular | POS__ | NEG__ |
| 9. Integumentary | POS__ | NEG__ |
| 10. Neurological | POS__ | NEG__ |
| 11. Endocrine | POS__ | NEG__ |
| 12. Hematologic | POS__ | NEG__ |
| 13. Allergies/Immune | POS__ | NEG__ |

W N

PSYCHIATRIC SPECIALTY EXAMINATION

(1-5 bullets - Problem Focused; at least 6 bullets Expanded Problem Focused; at least 9 bullets - Detailed; all bullets - Comprehensive Exam)

Vital Signs (any 3 or more of the 7 listed);

Blood Pressure: (Sitting/ Standing) _____ (Supine) _____

Temp _____ Pulse (Rate/ Regularly) _____ Respiration _____ Height _____ Weight _____

General Appearance and Manner; (e.g. development, nutrition, body habitus, deformities, attention to grooming)

Well-Groomed

Musculoskeletal: ☐ Assessment of muscle strength and tone (e.g., flaccid cog wheel, spastic)
(note any atrophy or abnormal movements)

(and/or) ☐ Examination of gait and station

Speech: Check if normal ☒ rate ☒ volume ☐ articulation ☐ coherence ☐ spontaneity
(Note abnormalities; e.g. preservation, paucity of language)

Thought process: Check if normal ☐ associations ☐ processes ☐ abstraction ☐ computation

Description of associations (e.g. loose, tangential, circumstantial, intact):

Description of abnormal or psychotic thoughts ☒

Suicidal ideation: ☐ Present ☒ Absent Homicidal Ideation: ☐ Present ☒ Absent

Description of patient's judgement and insight: Fair

Orientation: ☒

Memory (Recent/Remote):

Attention/Concentration:

Language:

Fund of knowledge: ☒ Intact ☐ inadequate

Mood and affect: Cooperative

Other Findings (e.g. cognitive screens, etc.):

MEDICAL DECISION MAKING

DIAGNOSIS

Axis I-V

ADHD Inattentive

DATA

Medical Records/Labs/ Diagnostic Tests Reviewed

Rule Out:

Formulation:

PROBLEM/CONDITION

TREATMENT PLAN

Adderall XR 20mg QAM

Fluoxetine

☐ Greater than 50% of time spent in counseling/coordination if care (document)
PSYCHOTHERAPY, if performed should be documented separately

Rosa Bellota, MD

Physician Name

Date and Time

Physician signature

Patient Name:

Date:

12-21-18

14

Andrew WARREN

1250 1300

History

Yes, insurance

CHIEF COMPLAINT/ REASON FOR ENCOUNTER:

Flu & med.

HPI (1-3 elements - 4+ elements - Extended)

30 y/o male stated med. effective. PSYCH. focusing. Appetite Intact. Resting. mood stable. seeking marriage counseling. & SIDS. & IS. & IS.

Elements: Location, Quality, Severity, Duration, Timing, Content, Modifying Factors,

Associated, Signs & Symptoms

PAST, FAMILY, SOCIAL HISTORY (PFSH) ☒ Check if no change (1 history area pertinent; 2-3 history areas- Complete)

REVIEW OF SYSTEMS & ACTIVE MEDICAL PROBLEMS

NOTES IF POSITIVE

(1 system - Problem Pertinent; 2-9 systems- Extended; 10 or more systems or some systems noted as "all others negative" - complete)

- | | | |
|----------------------|-------|-------|
| 1. Constitutional | POS__ | NEG__ |
| 2. Eyes | POS__ | NEG__ |
| 3. ENT | POS__ | NEG__ |
| 4. Cardiovascular | POS__ | NEG__ |
| 5. Respiratory | POS__ | NEG__ |
| 6. Gastrointestinal | POS__ | NEG__ |
| 7. Genitourinary | POS__ | NEG__ |
| 8. Muscular | POS__ | NEG__ |
| 9. Integumentary | POS__ | NEG__ |
| 10. Neurological | POS__ | NEG__ |
| 11. Endocrine | POS__ | NEG__ |
| 12. Hematologic | POS__ | NEG__ |
| 13. Allergies/Immune | POS__ | NEG__ |

WNL

PSYCHIATRIC SPECIALTY EXAMINATION

(1-5 bullets - Problem Focused; at least 6 bullets Expanded Problem Focused; at least 9 bullets- Detailed; all bullets- Comprehensive Exam)

Vital Signs (any 3 or more of the 7 listed);

Blood Pressure: (Sitting/ Standing) _____ (Supine) _____
Temp _____ Pulse (Rate/ Regularly) _____ Respiration _____ Height _____ Weight _____
General Appearance and Manner; (e.g. development, nutrition, body habitus, deformities, attention to grooming)

Well-Groomed

Musculoskeletal: ☐ Assessment of muscle strength and tone (e.g., flaccid cog wheel, spastic)
(note any atrophy or abnormal movements)

(and/or) ☐ Examination of gait and station

Speech: Check if normal ☒ rate ☒ volume ☒ articulation ☒ coherence ☒ spontaneity
(Note abnormalities; e.g. preservation, paucity of language)

Thought process: Check if normal ☒ associations ☒ processes ☒ abstraction ☒ computation

Description of associations (e.g. loose, tangential, circumstantial, intact):

Description of abnormal or psychotic thoughts ☒

Suicidal ideation: ☐ Present ☒ Absent

Homicidal Ideation: ☐ Present ☒ Absent

Description of patient's judgement and insight: *Fair*

Orientation: *✓*

Memory (Recent/Remote):

Attention/Concentration:

Language:

Fund of knowledge: ☒ intact ☐ inadequate

Mood and affect: *Cooperative*

Other Findings (e.g. cognitive screens, etc.):

MEDICAL DECISION MAKING

DIAGNOSIS

Axis I-V

ADD Inattentive

DATA

Medical Records/ Labs/ Diagnostic Tests Reviewed

Rule Out:

Formulation:

PROBLEM/ CONDITION

TREATMENT PLAN

Adderall 10mg

☐ Greater than 50% of time spent in counseling/coordination if care (document)
PSYCHOTHERAPY, if performed should be documented separately

Rosa Bellota, MD

Physician Name

Date and Time

[Signature]
Physician signature

Patient Name:

Andrew Warren

Date:

2/10/19

History

CHIEF COMPLAINT/ REASON FOR ENCOUNTER:

Flu & med's

HPI (1-3 elements - 4+ elements - Extended)

30 y/o male having relationship issues w girlfriend.
Pt going through legal issues w girlfriend. Pt has a
2 yr old dtr w girlfriend. Stated he doesn't trust girlfriend

Elements: Location, Quality, Severity, Duration, Timing, Content, Modifying

Factors, Associated, Signs & Symptoms

PAST, FAMILY, SOCIAL HISTORY (PFSH)

pertinent; 2-3 history areas- Complete)

DIT cheating. Focusing. Allegedly

girlfriend on drugs. Tried
couples therapy. Relationship

of 5-6 years. Currently
seeing a therapist.

Girlfriend concern about
Pt being paranoid +

delusional DIT thinking
POL following him,

cameras in home,
finding objects in

home, accusing
girlfriend of sleeping
around w neighbors.
Following POL.

REVIEW OF SYSTEMS & ACTIVE MEDICAL PROBLEMS

NOTES IF POSITIVE

(1 system - Problem Pertinent; 2-9 systems- Extended; 10 or more systems or some systems

noted as "all others negative" - complete)

- | | | |
|----------------------|-----|-----|
| 1. Constitutional | POS | NEG |
| 2. Eyes | POS | NEG |
| 3. ENT | POS | NEG |
| 4. Cardiovascular | POS | NEG |
| 5. Respiratory | POS | NEG |
| 6. Gastrointestinal | POS | NEG |
| 7. Genitourinary | POS | NEG |
| 8. Muscular | POS | NEG |
| 9. Integumentary | POS | NEG |
| 10. Neurological | POS | NEG |
| 11. Endocrine | POS | NEG |
| 12. Hematologic | POS | NEG |
| 13. Allergies/Immune | POS | NEG |

WNL

PSYCHIATRIC SPECIALTY EXAMINATION

(1-5 bullets - Problem Focused; at least 6 bullets Expanded Problem Focused; at least 9 bullets-
Detailed; all bullets- Comprehensive Exam)

Vital Signs (any 3 or more of the 7 listed);

Blood Pressure: (Sitting/ Standing) _____ (Supine) _____
Temp _____ Pulse (Rate/ Regularly) _____ Respiration _____ Height _____
Weight _____

Well-Groomed

General Appearance and Manner; (e.g. development, nutrition, body habitus, deformities, attention to grooming)
Musculoskeletal: ☐ Assessment of muscle strength and tone (e.g., flaccid cog wheel, spastic) (note any atrophy or abnormal movements)
(and/or) ☐ Examination of gait and station
Speech: Check if normal ☒ rate ☒ volume ☒ articulation ☐ coherence ☐ spontaneity
(Note abnormalities; e.g. preservation, paucity of language)
Thought process: Check if normal ☐ associations ☐ processes ☐ abstraction
☐ computation
Description of associations (e.g. loose, tangential, circumstantial, intact):

Description of abnormal or psychotic thoughts ☒
Suicidal ideation: ☐ Present ☒ Absent Homicidal Ideation: ☐ Present ☒ Absent

Description of patient's judgement and insight: Fair

Orientation: ☒ 3

Memory (Recent/Remote):

Attention/Concentration:

Language:

Fund of knowledge: ☒ intact ☐ inadequate

Mood and affect: Cooperative

Other Findings (e.g. cognitive screens, etc.):

MEDICAL DECISION MAKING

DIAGNOSIS

Axis I-V

Reviewed

ADHD Inattentive

DATA

Medical Records/ Labs/ Diagnostic Tests

Rule Out:

Formulation:

PROBLEM/ CONDITION

TREATMENT PLAN

Adderall XR 20mg

#2
Greater than 50% of time spent in counseling/coordination if care (document)
PSYCHOTHERAPY, if performed should be documented separately

COC, Active-listener, Educating

Rosa Bellota, MD

Physician Name

Date and Time

Physician signature

Patient Name:

Date:

Andrew Warren

2/20/19

History

CHIEF COMPLAINT/ REASON FOR ENCOUNTER:

PU medication management

HPI (1-3 elements - 4+ elements - Extended)

Pt is doing well on current medrx. O sleep

Elements: Location, Quality, Severity, Duration, Timing, Content, Modifying Factors, Associated, Signs & Symptoms

PAST, FAMILY, SOCIAL HISTORY (PFSH) ___ Check if no change (1 history area pertinent; 2-3 history areas- Complete)

REVIEW OF SYSTEMS & ACTIVE MEDICAL PROBLEMS

NOTES IF POSITIVE

(1 system - Problem Pertinent; 2-9 systems- Extended; 10 or more systems or some systems noted as "all others negative" - complete)

- | | | |
|----------------------|-----|-----|
| 1. Constitutional | POS | NEG |
| 2. Eyes | POS | NEG |
| 3. ENT | POS | NEG |
| 4. Cardiovascular | POS | NEG |
| 5. Respiratory | POS | NEG |
| 6. Gastrointestinal | POS | NEG |
| 7. Genitourinary | POS | NEG |
| 8. Muscular | POS | NEG |
| 9. Integumentary | POS | NEG |
| 10. Neurological | POS | NEG |
| 11. Endocrine | POS | NEG |
| 12. Hematologic | POS | NEG |
| 13. Allergies/Immune | POS | NEG |

WM

PSYCHIATRIC SPECIALTY EXAMINATION

(1-5 bullets - Problem Focused; at least 6 bullets Expanded Problem Focused; at least 9 bullets- Detailed; all bullets- Comprehensive Exam)

Vital Signs (any 3 or more of the 7 listed);

Blood Pressure: (Sitting/ Standing) _____ (Supine) _____
Temp _____ Pulse (Rate/ Regularly) _____ Respiration _____ Height _____ Weight _____
General Appearance and Manner; (e.g. development, nutrition, body habitus, deformities, attention to grooming)

well groomed, good eye contact

Musculoskeletal: ☐ Assessment of muscle strength and tone (e.g., flaccid cog wheel, spastic)
(note any atrophy or abnormal movements)
(and/or) ☐ Examination of gait and station
Speech: Check if normal ☐ rate ☐ volume ☐ articulation ☐ coherence ☐ spontaneity
(Note abnormalities; e.g. preservation, paucity of language)
Thought process: Check if normal ☐ associations ☐ processes ☐ abstraction ☐ computation
Description of associations (e.g. loose, tangential, circumstantial, intact):

Description of abnormal or psychotic thoughts ☒
Suicidal ideation: ☐ Present ☒ Absent Homicidal Ideation: ☐ Present ☒ Absent

Description of patient's judgement and insight: *Poor*

Orientation: *X3*
Memory (Recent/Remote): *WM*
Attention/Concentration:
Language:
Fund of knowledge: ☐ intact ☒ inadequate
Mood and affect: *Eut twice to full affect*
Other Findings (e.g. cognitive screens, etc.):

MEDICAL DECISION MAKING

DIAGNOSIS

Axis I-V

DDND

Rule Out:
Formulation:

Paranoid type

PROBLEM/ CONDITION

DATA

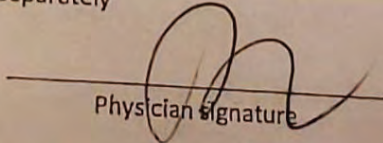
Medical Records/ Labs/ Diagnostic Tests Reviewed

TREATMENT PLAN

*Discontinue xanax
PO Queti.*

☐ Greater than 50% of time spent in counseling/coordination if care (document)
PSYCHOTHERAPY, if performed should be documented separately

Rosa Bellota, MD
Physician Name
Date and Time


Physician Signature

Patient Name:

Andrew Warren

Date:

4/17/2019

History

CHIEF COMPLAINT/ REASON FOR ENCOUNTER:

Flu & med

HPI (1-3 elements - 4+ elements - Extended)

36 y/o male Flu & evaluation. Pt doesn't feel as if he's paranoid. Pt in fear of son under mother care of PT started doing drugs. Pt continue to fight to keep relationship together. Pt stated he's building up evidence against girlfriend. Denies auditory/visual hallucinations. O.S.I.S. O.H.I.S. Only suspicious of girl friend. & trust in girl friend.

PAST, FAMILY, SOCIAL HISTORY (PFSH) (Check if no change (1 history area pertinent; 2-3 history areas- Complete)

REVIEW OF SYSTEMS & ACTIVE MEDICAL PROBLEMS

NOTES IF POSITIVE

(1 system - Problem Pertinent; 2-9 systems- Extended; 10 or more systems or some systems noted as "all others negative" - complete)

- | | | |
|----------------------|-----|-----|
| 1. Constitutional | POS | NEG |
| 2. Eyes | POS | NEG |
| 3. ENT | POS | NEG |
| 4. Cardiovascular | POS | NEG |
| 5. Respiratory | POS | NEG |
| 6. Gastrointestinal | POS | NEG |
| 7. Genitourinary | POS | NEG |
| 8. Muscular | POS | NEG |
| 9. Integumentary | POS | NEG |
| 10. Neurological | POS | NEG |
| 11. Endocrine | POS | NEG |
| 12. Hematologic | POS | NEG |
| 13. Allergies/Immune | POS | NEG |

WNL

PSYCHIATRIC SPECIALTY EXAMINATION

(1-5 bullets - Problem Focused; at least 6 bullets Expanded Problem Focused; at least 9 bullets- Detailed; all bullets- Comprehensive Exam)

Vital Signs (any 3 or more of the 7 listed);

Blood Pressure: (Sitting/ Standing) _____ (Supine) _____
Temp _____ Pulse (Rate/ Regularly) _____ Respiration _____ Height _____ Weight _____
General Appearance and Manner; (e.g. development, nutrition, body habitus, deformities, attention to grooming)

Well-Groomed

Musculoskeletal: ☐ Assessment of muscle strength and tone (e.g., flaccid cog wheel, spastic)
(note any atrophy or abnormal movements)
(and/or) ☒ Examination of gait and station
Speech: Check if normal ☒ rate ☒ volume ☒ articulation ☒ coherence ☒ spontaneity
(Note abnormalities; e.g. preservation, paucity of language)
Thought process: Check if normal ☒ associations ☒ processes ☒ abstraction ☒ computation
Description of associations (e.g. loose, tangential, circumstantial, intact):

Description of abnormal or psychotic thoughts ☒
Suicidal ideation: ☐ Present ☒ Absent Homicidal Ideation: ☐ Present ☒ Absent

Description of patient's judgement and insight: Fair
Orientation: x3
Memory (Recent/Remote):
Attention/Concentration:
Language: wnl
Fund of knowledge: ☒ intact ☐ inadequate
Mood and affect: Cooperative
Other Findings (e.g. cognitive screens, etc.):

MEDICAL DECISION MAKING

DIAGNOSIS

Axis I-V

ADHD
Inattentive

DATA

Medical Records/ Labs/ Diagnostic Tests Reviewed

Rule Out:

Formulation:

PROBLEM/ CONDITION

* Continue to
counseling *

TREATMENT PLAN

Adderall XR 20mg QAM

☐ Greater than 50% of time spent in counseling/coordination if care (document)
PSYCHOTHERAPY, if performed should be documented separately

Rosa Bellota, MD

Physician Name
Date and Time

Physician signature

Patient Name:

Andrew Warren

Date:

05.17.19

History

CHIEF COMPLAINT/ REASON FOR ENCOUNTER:

PU medication management

HPI (1-3 elements - 4+ elements - Extended)

mood is stable.

sleep and appetite

are good

Q SE Q HT

Elements: Location, Quality, Severity, Duration, Timing, Content, Modifying Factors, Associated, Signs & Symptoms

PAST, FAMILY, SOCIAL HISTORY (PFSH) ☒ Check if no change (1 history area pertinent; 2-3 history areas- Complete)

Q SE

Praxis

meds

REVIEW OF SYSTEMS & ACTIVE MEDICAL PROBLEMS

NOTES IF POSITIVE

(1 system - Problem Pertinent; 2-9 systems- Extended; 10 or more systems or some systems noted as "all others negative" - complete)

- | | | |
|----------------------|-------|-------|
| 1. Constitutional | POS__ | NEG__ |
| 2. Eyes | POS__ | NEG__ |
| 3. ENT | POS__ | NEG__ |
| 4. Cardiovascular | POS__ | NEG__ |
| 5. Respiratory | POS__ | NEG__ |
| 6. Gastrointestinal | POS__ | NEG__ |
| 7. Genitourinary | POS__ | NEG__ |
| 8. Muscular | POS__ | NEG__ |
| 9. Integumentary | POS__ | NEG__ |
| 10. Neurological | POS__ | NEG__ |
| 11. Endocrine | POS__ | NEG__ |
| 12. Hematologic | POS__ | NEG__ |
| 13. Allergies/Immune | POS__ | NEG__ |

WM

PSYCHIATRIC SPECIALTY EXAMINATION

(1-5 bullets - Problem Focused; at least 6 bullets Expanded Problem Focused; at least 9 bullets- Detailed; all bullets- Comprehensive Exam)

Vital Signs (any 3 or more of the 7 listed);

Blood Pressure: (Sitting/ Standing) _____ (Supine) _____

Temp _____ Pulse (Rate/ Regularly) _____ Respiration _____ Height _____ Weight _____

General Appearance and Manner; (e.g. development, nutrition, body habitus, deformities, attention to grooming)

all good

good eye contact

Thought process: Check if normal ☒ associations ☒ processes ☒ abstraction ☒ computation
Description of associations (e.g. loose, tangential, circumstantial, intact):

Description of abnormal or psychotic thoughts

Suicidal ideation: ☐ Present ☒ Absent Homicidal Ideation: ☐ Present ☒ Absent

Description of patient's judgement and insight: Fair

Orientation: ☒

Memory (Recent/Remote):

Attention/Concentration: WM

Language:

Fund of knowledge: ☐ intact ☒ inadequate

Mood and affect:

Other Findings (e.g. cognitive screens, etc.): Euthymic to R/L & P/Net

MEDICAL DECISION MAKING

DIAGNOSIS

Axis I-V

DD HD
Inattentive
type

Rule Out:

Formulation:

DATA

Medical Records/ Labs/ Diagnostic Tests Reviewed

PROBLEM/ CONDITION

Poor attention
and concentration

TREATMENT PLAN

DD derall & R
2000 BB Bar.

Greater than 50% of time spent in counseling/coordination if care (document)
PSYCHOTHERAPY, if performed should be documented separately

Rosa Bellota, MD

Physician Name

Date and Time

Physician signature

Patient Name:

Andrew Wamen

Date:

09/23/19

History

CHIEF COMPLAINT/ REASON FOR ENCOUNTER:

Flu & med. management.

HPI (1-3 elements - 4+ elements - Extended)

30 y/o male Flu & med. Stable mood
Stable. Resting. Focusing. -OSIS. -HIS.

Elements: Location, Quality, Severity, Duration, Timing, Content, Modifying Factors,
Associated, Signs & Symptoms

PAST, FAMILY, SOCIAL HISTORY (PFSH) ☒ Check if no change (1 history area pertinent; 2-3
history areas- Complete)

REVIEW OF SYSTEMS & ACTIVE MEDICAL PROBLEMS

NOTES IF POSITIVE

(1 system - Problem Pertinent; 2-9 systems- Extended; 10 or more systems or some systems noted as
"all others negative" - complete)

- | | | |
|----------------------|-------|-------|
| 1. Constitutional | POS__ | NEG__ |
| 2. Eyes | POS__ | NEG__ |
| 3. ENT | POS__ | NEG__ |
| 4. Cardiovascular | POS__ | NEG__ |
| 5. Respiratory | POS__ | NEG__ |
| 6. Gastrointestinal | POS__ | NEG__ |
| 7. Genitourinary | POS__ | NEG__ |
| 8. Muscular | POS__ | NEG__ |
| 9. Integumentary | POS__ | NEG__ |
| 10. Neurological | POS__ | NEG__ |
| 11. Endocrine | POS__ | NEG__ |
| 12. Hematologic | POS__ | NEG__ |
| 13. Allergies/Immune | POS__ | NEG__ |

WNL

PSYCHIATRIC SPECIALTY EXAMINATION

(1-5 bullets - Problem Focused; at least 6 bullets Expanded Problem Focused; at least 9 bullets-
Detailed; all bullets- Comprehensive Exam)

Vital Signs (any 3 or more of the 7 listed);

Blood Pressure: (Sitting/ Standing) _____ (Supine) _____
Temp _____ Pulse (Rate/ Regularly) _____ Respiration _____ Height _____ Weight _____
General Appearance and Manner; (e.g. development, nutrition, body habitus, deformities,
attention to grooming)

Well-Groomed

Musculoskeletal: ☐ Assessment of muscle strength and tone (e.g., flaccid cog wheel, spastic)
(note any atrophy or abnormal movements)

(and/or) ☒ Examination of gait and station

Speech: Check if normal ☒ rate ☒ volume ☒ articulation ☒ coherence ☒ spontaneity

(Note abnormalities; e.g. preservation, paucity of language)

Thought process: Check if normal ☒ associations ☒ processes ☒ abstraction ☒ computation

Description of associations (e.g. loose, tangential, circumstantial, intact):

Description of abnormal or psychotic thoughts ☒

Suicidal ideation: ☐ Present ☒ Absent

Homicidal Ideation: ☐ Present ☒ Absent

Description of patient's judgement and insight: Fair

Orientation: x4

Memory (Recent/Remote):

Attention/Concentration:

Language:

Fund of knowledge: ☒ intact ☐ inadequate

Mood and affect: Cooperative

Other Findings (e.g. cognitive screens, etc.):

MEDICAL DECISION MAKING

DIAGNOSIS

Axis I-V

DATA
Medical Records/ Labs/ Diagnostic Tests Reviewed

ADHD Inattentive

Rule Out:

Formulation:

PROBLEM/ CONDITION

TREATMENT PLAN

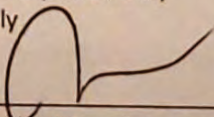
Adderall XR 20mg Am

☐ Greater than 50% of time spent in counseling/coordination if care (document)
PSYCHOTHERAPY, if performed should be documented separately

Rosa Bellota, MD

Physician Name

Date and Time



Physician signature

Patient Name:

Andrew Warren

Date:

9/23/2019

History

CHIEF COMPLAINT/ REASON FOR ENCOUNTER:

FU medication management

HPI (1-3 elements - 4+ elements - Extended)

Pt is doing well on current medrx. QSI.

Sleep and appetite are good. ADHD symptoms.

Elements: Location, Quality, Severity, Duration, Timing, Content, Modifying Factors, Associated, Signs & Symptoms

PAST, FAMILY, SOCIAL HISTORY (PFSH) ___ Check if no change (1 history area pertinent; 2-3 history areas - Complete)

QSI
QI+E

REVIEW OF SYSTEMS & ACTIVE MEDICAL PROBLEMS

NOTES IF POSITIVE

(1 system - Problem Pertinent; 2-9 systems - Extended; 10 or more systems or some systems noted as "all others negative" - complete)

- | | | | |
|----------------------|-----|-----|-------------------------------------|
| 1. Constitutional | POS | NEG | <input checked="" type="checkbox"/> |
| 2. Eyes | POS | NEG | <input type="checkbox"/> |
| 3. ENT | POS | NEG | <input type="checkbox"/> |
| 4. Cardiovascular | POS | NEG | <input type="checkbox"/> |
| 5. Respiratory | POS | NEG | <input type="checkbox"/> |
| 6. Gastrointestinal | POS | NEG | <input type="checkbox"/> |
| 7. Genitourinary | POS | NEG | <input type="checkbox"/> |
| 8. Muscular | POS | NEG | <input type="checkbox"/> |
| 9. Integumentary | POS | NEG | <input type="checkbox"/> |
| 10. Neurological | POS | NEG | <input type="checkbox"/> |
| 11. Endocrine | POS | NEG | <input type="checkbox"/> |
| 12. Hematologic | POS | NEG | <input type="checkbox"/> |
| 13. Allergies/Immune | POS | NEG | <input type="checkbox"/> |

WM.

PSYCHIATRIC SPECIALTY EXAMINATION

(1-5 bullets - Problem Focused; at least 6 bullets Expanded Problem Focused; at least 9 bullets - Detailed; all bullets - Comprehensive Exam)

Vital Signs (any 3 or more of the 7 listed);

Blood Pressure: (Sitting/ Standing) _____ (Supine) _____

Temp _____ Pulse (Rate/ Regularly) _____ Respiration _____ Height _____ Weight _____

General Appearance and Manner; (e.g. development, nutrition, body habitus, deformities, attention to grooming)

well groomed

Musculoskeletal: ☐ Assessment of muscle strength and tone (e.g., flaccid cog wheel, spastic)
(note any atrophy or abnormal movements)

(and/or) ☐ Examination of gait and station

Speech: Check if normal ☐ rate ☐ volume ☐ articulation ☐ coherence ☐ spontaneity
(Note abnormalities; e.g. preservation, paucity of language)

Thought process: Check if normal ☐ associations ☐ processes ☐ abstraction ☐ computation
Description of associations (e.g. loose, tangential, circumstantial, intact):

Description of abnormal or psychotic thoughts

Suicidal ideation: ☐ Present ☒ Absent Homicidal Ideation: ☐ Present ☒ Absent

Description of patient's judgement and insight: Fair

Orientation: 23

Memory (Recent/Remote):

Attention/Concentration:

Language:

Fund of knowledge: ☐ intact ☐ inadequate

Mood and affect:

Other Findings (e.g. cognitive screens, etc.):

MEDICAL DECISION MAKING

DIAGNOSIS

Axis I-V

P90.0

DATA

Medical Records/ Labs/ Diagnostic Tests Reviewed

Rule Out:

Formulation:

PROBLEM/ CONDITION

TREATMENT PLAN

Adderall XR
20mg po Qam.

☐ Greater than 50% of time spent in counseling/coordination if care (document)
PSYCHOTHERAPY, if performed should be documented separately

Rosa Bellota, MD

Physician Name

Date and Time

Physician signature

Patient Name:

Andrew Warren

Date:

1/22/20

History

CHIEF COMPLAINT/ REASON FOR ENCOUNTER:

Flu & med.

HPI (1-3 elements - 4+ elements - Extended)

34yo male Flu & med. Focusing.
Appetite Intact. Resting. Travel for work

Elements: Location, Quality, Severity, Duration, Timing, Content, Modifying Factors,
Associated, Signs & Symptoms

PAST, FAMILY, SOCIAL HISTORY (PFSH) ☒ Check if no change (1 history area pertinent; 2-3 history areas- Complete)

REVIEW OF SYSTEMS & ACTIVE MEDICAL PROBLEMS

NOTES IF POSITIVE

(1 system - Problem Pertinent; 2-9 systems- Extended; 10 or more systems or some systems noted as "all others negative" - complete)

- | | | |
|----------------------|-----|-----|
| 1. Constitutional | POS | NEG |
| 2. Eyes | POS | NEG |
| 3. ENT | POS | NEG |
| 4. Cardiovascular | POS | NEG |
| 5. Respiratory | POS | NEG |
| 6. Gastrointestinal | POS | NEG |
| 7. Genitourinary | POS | NEG |
| 8. Muscular | POS | NEG |
| 9. Integumentary | POS | NEG |
| 10. Neurological | POS | NEG |
| 11. Endocrine | POS | NEG |
| 12. Hematologic | POS | NEG |
| 13. Allergies/Immune | POS | NEG |

well

PSYCHIATRIC SPECIALTY EXAMINATION

(1-5 bullets - Problem Focused; at least 6 bullets Expanded Problem Focused; at least 9 bullets- Detailed; all bullets- Comprehensive Exam)

Vital Signs (any 3 or more of the 7 listed);

Blood Pressure: (Sitting/ Standing) _____ (Supine) _____
Temp _____ Pulse (Rate/ Regularly) _____ Respiration _____ Height _____ Weight _____
General Appearance and Manner; (e.g. development, nutrition, body habitus, deformities, attention to grooming)

Well-Groomed

Musculoskeletal: ☐ Assessment of muscle strength and tone (e.g., flaccid cog wheel, spastic)
(note any atrophy or abnormal movements)

(and/or) ☐ Examination of gait and station

Speech: Check if normal ☒ rate ☒ volume ☒ articulation ☐ coherence ☐ spontaneity
(Note abnormalities; e.g. preservation, paucity of language)

Thought process: Check if normal ☒ associations ☒ processes ☒ abstraction ☐ computation

Description of associations (e.g. loose, tangential, circumstantial, intact):

Description of abnormal or psychotic thoughts: ☒

Suicidal ideation: ☐ Present ☒ Absent Homicidal Ideation: ☐ Present ☒ Absent

Description of patient's judgement and insight: Fair

Orientation: xy

Memory (Recent/Remote):

Attention/Concentration:

Language:

Fund of knowledge: ☐ intact ☐ inadequate

Mood and affect: Cooperative

Other Findings (e.g. cognitive screens, etc.):

MEDICAL DECISION MAKING

DIAGNOSIS

Axis I-V

ADHD Inattentive

DATA

Medical Records/ Labs/ Diagnostic Tests Reviewed

Rule Out:

Formulation:

PROBLEM/ CONDITION

TREATMENT PLAN

Adderall XR 20mg
PO QAM

☐ Greater than 50% of time spent in counseling/coordination if care (document)
PSYCHOTHERAPY, if performed should be documented separately

Rosa Bellota, MD

Physician Name

Date and Time

Physician signature

History

CHIEF COMPLAINT/ REASON FOR ENCOUNTER:

Flu & med's -

HPI (1-3 elements - 4+ elements - Extended)

31 y/o male Flu & med's. Mood stable.
Appetite Intact. Resting. @ST's. @HT's. @SE's.

Elements: Location, Quality, Severity, Duration, Timing, Content, Modifying Factors,
Associated, Signs & Symptoms

PAST, FAMILY, SOCIAL HISTORY (PFSH) ☒ Check if no change (1 history area pertinent; 2-3
history areas- Complete)

REVIEW OF SYSTEMS & ACTIVE MEDICAL PROBLEMS

NOTES IF POSITIVE

(1 system - Problem Pertinent; 2-9 systems- Extended; 10 or more systems or some systems noted as
"all others negative" - complete)

- | | | |
|----------------------|-------|-------|
| 1. Constitutional | POS__ | NEG__ |
| 2. Eyes | POS__ | NEG__ |
| 3. ENT | POS__ | NEG__ |
| 4. Cardiovascular | POS__ | NEG__ |
| 5. Respiratory | POS__ | NEG__ |
| 6. Gastrointestinal | POS__ | NEG__ |
| 7. Genitourinary | POS__ | NEG__ |
| 8. Muscular | POS__ | NEG__ |
| 9. Integumentary | POS__ | NEG__ |
| 10. Neurological | POS__ | NEG__ |
| 11. Endocrine | POS__ | NEG__ |
| 12. Hematologic | POS__ | NEG__ |
| 13. Allergies/Immune | POS__ | NEG__ |

WNL

PSYCHIATRIC SPECIALTY EXAMINATION

(1-5 bullets - Problem Focused; at least 6 bullets Expanded Problem Focused; at least 9 bullets-
Detailed; all bullets- Comprehensive Exam)

Vital Signs (any 3 or more of the 7 listed);

Blood Pressure: (Sitting/ Standing) _____ (Supine) _____

Temp _____ Pulse (Rate/ Regularly) _____ Respiration _____ Height _____ Weight _____

General Appearance and Manner; (e.g. development, nutrition, body habitus, deformities,
attention to grooming)

Well-Groomed

Musculoskeletal: ☐ Assessment of muscle strength and tone (e.g., flaccid cog wheel, spastic)
(note any atrophy or abnormal movements)

(and/or) ☒ Examination of gait and station

Speech: Check if normal ☒ rate ☒ volume ☒ articulation ☐ coherence ☐ spontaneity

(Note abnormalities; e.g. preservation, paucity of language)

Thought process: Check if normal ☒ associations ☒ processes ☐ abstraction ☐ computation

Description of associations (e.g. loose, tangential, circumstantial, intact):

Description of abnormal or psychotic thoughts ☒

Suicidal ideation: ☐ Present ☒ Absent Homicidal Ideation: ☐ Present ☒ Absent

Description of patient's judgement and insight: Fair

Orientation: xy

Memory (Recent/Remote):

Attention/Concentration:

Language:

Fund of knowledge: ☒ intact ☐ inadequate

Mood and affect: Cooperative

Other Findings (e.g. cognitive screens, etc.):

MEDICAL DECISION MAKING

DIAGNOSIS

Axis I-V

A 90 Inattentive

DATA

Medical Records/ Labs/ Diagnostic Tests Reviewed

Rule Out:

Formulation:

PROBLEM/ CONDITION

TREATMENT PLAN

- Adderall XR 20mg PO qd

☐ Greater than 50% of time spent in counseling/coordination if care (document)

PSYCHOTHERAPY, if performed should be documented separately

Rosa Bellota, MD

Physician Name

Date and Time

Physician signature

Diagnosis: Practice Home

Axis I:

Axis II:

Axis III:

Axis IV:

Axis V: Current GAF: _____

Testing for ADHD/ADD

Test results (+) for
ADHD/ADD

TREATMENT PLAN

Problem #1:

ADHD Inattentive

Problem #2:

Problem #3:

D-Amphetamine ER 10mg
Salt combo QAM

Discussed Risks, Benefits and Alternatives

☒ YES ☐ NO

Refer For Psychotherapy

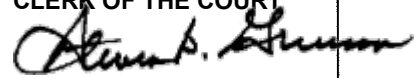
YES ☒ NO

Other Referrals

Follow Up 1 week 2 weeks ☒ 1 month 3 months other _____

Rosa Bellota, M.D.

Deborah L. Allen



OBJ
KENNETH S. FRIEDMAN, ESQ.
Nevada Bar No.: 5311
WALSH & FRIEDMAN, LTD.
400 S. Maryland Parkway
Las Vegas, NV 89101
(702) 474-4660
Attorney for Defendant/Counterclaimant

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

ANDREW WARREN,

CASE NO.: D-19-590407-C
DEPT. NO.: G

Plaintiff/Counterdefendant,

vs.

AIMEE JUNG YANG,

Defendant/Counterclaimant.

**DEFENDANT/COUNTERCLAIMANT'S OBJECTION TO PLAINTIFF'S
EXHIBITS IN SUPPORT REPLY TO OPPOSITION FOR NEW TRIAL
PURSUANT TO NRCP 59, AND RECONSIDERATION**

COMES NOW Defendant/Counterclaimant, AIMEE YANG, by and
through her attorney, KENNETH S. FRIEDMAN, ESQ. of WALSH &
FRIEDMAN, LTD., and hereby objects

///

///

WALSH & FRIEDMAN, LTD
400 S. Maryland Parkway
Las Vegas, NV 89101
(702) 474-4660

1 to the Exhibits in Support of Reply to Opposition for New Trial Pursuant to
2 NRCP 59, as these exhibits were not admitted or produced during normal
3 discovery.

4 DATED this 26th day of August, 2020.

5 WALSH & FRIEDMAN, LTD.
6

7
8
9 
Kenneth S. Friedman, Esq.

10 Nevada Bar No.: 5311

11 400 S. Maryland Parkway

12 Las Vegas, NV 89101

13 *Attorney for Defendant/Counterclaimant*
14
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Location : Family Courts [Images](#) [Help](#)

R. GISTER OF ACTIONS

[CASE No. D-19-590407-C](#)

Andrew Warren, Plaintiff. vs. Aimee Jung Ahyang, Defendant.

§
§
§
§
§
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§
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§
§

Case Type: **Child Custody Complaint**

Date Filed: **05/30/2019**

Location: **Department G**

Cross-Reference Case Number: **D590407**

Supreme Court No.: **82909**

PARTY INFORMATION

Defendant **Jung Ahyang, Aimee** *Also Known As Yang, Aimee*
9279 Sterling Hill Ave
Las Vegas, NV 89148

Lead Attorneys
Kenneth S. Friedman
Retained
702-474-4660(W)

Plaintiff **Warren, Andrew**
9279 Sterling Hill Ave
Las Vegas, NV 89148

Emily M McFarling, ESQ
Retained
702-565-4335(W)

Subject Minor Warren, Roen

EVENTS ☐ ORDERS OF THE COURT

09/14/2020 [All Pending Motions](#) (8:45 AM) (Judicial Officer Forsberg, Rhonda K.)

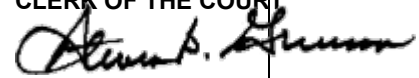
Minutes

09/14/2020 8:45 AM

- (MINUTE ORDER - NO HEARING HELD) PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR NEW TRIAL PURSUANT TO NRCP 59, AND RECONSIDERATION OPPOSITION TO PLAINTIFF'S MOTION FOR NEW TRIAL PURSUANT TO NRCP 59, AND RECOMMENDATION PLAINTIFF'S REPLY TO OPPOSITION TO MOTION FOR NEW TRIAL PURSUANT TO NRCP 59, AND RECONSIDERATION. NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to ensure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.11(e), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Upon review, the Court determines to hear oral arguments on Plaintiff's Notice of Motion and Motion for New Trial Pursuant to NRCP 59, and Reconsideration and Defendant's Opposition to Plaintiff's Motion for new Trial Pursuant to NRCP 59, and Recommendation. Accordingly, Plaintiff's Notice of Motion and Motion for New Trial Pursuant to NRCP 59, and Reconsideration and Defendant's Opposition to Plaintiff's Motion for new Trial Pursuant to NRCP 59, and Recommendation shall be heard on March 18, 2021 at 10:00 AM. A copy of this Minute Order shall be provided to all parties. (ap)

[Return to Register of Actions](#)

JA000880



NOTC

Emily McFarling, Esq.

Nevada Bar Number 8567

McFARLING LAW GROUP

6230 W. Desert Inn Road

Las Vegas, NV 89146

(702) 565-4335 phone

(702) 732-9385 fax

eservice@mcfarlinglaw.com

Attorney for Plaintiff,

Andrew Warren

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

ANDREW WARREN,

Plaintiff,

vs.

AIMEE YANG,

Defendant.

Case Number: D-19-590407-C

Department: G

Date of Hearing:

Time of Hearing:

Oral Argument Requested: ☒ Yes ☐ No

**PLAINTIFF'S RE-NOTICE OF MOTION FOR NEW TRIAL PURSUANT
TO NRCP 59, AND RECONSIDERATION**

TO: Plaintiff, Andrew Warren, and his attorney, Kenneth Friedman, Esq.:

NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN FOURTEEN (14) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN FOURTEEN (14) DAYS OF YOUR RECEIPT OF THIS MOTION MAY

1 RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT
2 WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING DATE.

3 PLEASE TAKE NOTICE that a hearing on Plaintiff's Motion for New Trial
4 Pursuant to NRCP 59, and Reconsideration filed on August 3, 2020 will be held
5 before the Court, located at the Family Courts and Services Center, 601 N. Pecos
6 Rd., Las Vegas, Nevada 89155 in Department G, Courtroom #3, at the following
7 date and time: _____. The Case was
8 previously set for a chamber hearing on September 14, 2020, yet no decision was
9 has issued.

10 DATED this 10th day of February, 2021.

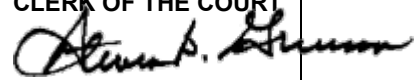
11 **McFARLING LAW GROUP**

12 /s/Emily McFarling

13 Emily McFarling, Esq.
14 Nevada Bar Number 8567
15 6230 W. Desert Inn Road
16 Las Vegas, NV 89146
17 (702) 565-4335
18 Attorney for Plaintiff,
19 Andrew Warren
20

DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
2/10/2021 12:20 PM
Steven D. Grierson
CLERK OF THE COURT



Andrew Warren, Plaintiff.

vs.

Aimee Jung Ahyang, Defendant.

Case No.: D-19-590407-C

Department G

NOTICE OF HEARING

Please be advised that the Plaintiff's Re-Notice of Motion for Notice of Motion for New Trial Pursuant to NRCP 59, and Reconsideration in the above-entitled matter is set for hearing as follows:

Date: March 18, 2021

Time: 10:00 AM

Location: Courtroom 09
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

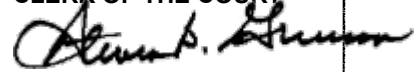
By: /s/ Cynthia Hill
Deputy Clerk of the Court

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/ Cynthia Hill
Deputy Clerk of the Court

JA000883



OPP

KENNETH S. FRIEDMAN, ESQ.
Nevada Bar No.: 5311
WALSH & FRIEDMAN, LTD.
400 S. Maryland Parkway
Las Vegas, NV 89101
(702) 474-4660

Attorney for Defendant/Counterclaimant

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

ANDREW WARREN,

Plaintiff/Counterdefendant,

CASE NO.: D-19-590407-C
DEPT. NO.: G

vs.

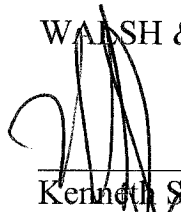
AIMEE JUNG YANG,

Defendant/Counterclaimant.

**RENEWAL OF OPPOSITION TO PLAINTIFF'S MOTION FOR NEW TRIAL
PURSUANT TONRCP 59, AND RECONSIDERATION**

COMES NOW DEFENDANT, AIMEE JUNG YANG, by and through her attorney, KENNETH S. FRIEDMAN, ESQ. of WALSH & FRIEDMAN, LTD., and renews her Opposition to Plaintiff's Motion for New Trial filed on August 17, 2020 to Plaintiff's Motion for Reconsideration filed on August 3, 2020.

WALSH & FRIEDMAN, LTD.



Kenneth S. Friedman, Esq.
Nevada Bar No.: 5311
400 S. Maryland Parkway
Las Vegas, NV 89101
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of WALSH & FRIEDMAN, LTD., and on the 23rd day of February, 2021, I served a true and correct copy of the above and foregoing RENEWAL OF OPPOSITION TO PLAINTIFF'S MOTION FOR NEW TRIAL PURSUANT TO NRCP 59, AND RECONSIDERATION, pursuant to NRCP 5 and EDCR 8, by the method or methods indicated below:

_____ by depositing the same in the U.S. Mail, First Class Mail, with postage fully prepaid, at Las Vegas, Nevada, addressed as follows:

_____ by facsimile to the below listed number:

☒ _____ by electronic mail to the below-listed email address:

Emily McFarling, Esq.
eservice@mcfarlinglaw.com

E. Vargas
an Employee of WALSH & FRIEDMAN, LTD.

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TRANS

COPY

FILED

SEP 22 2021

Sharon A. Spivey
CLERK OF COURT

EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

ANDREW WARREN)	
)	
Plaintiff,)	CASE NO. D-19-590407-C
)	
vs.)	DEPT. G
)	
AIMEE JUNG AHYANG,)	APPEAL NO. 82909
)	
Defendant.)	
)	

BEFORE THE HONORABLE RHONDA FORSBERG
DISTRICT COURT JUDGE

TRANSCRIPT RE: MOTION

WEDNESDAY, MARCH 18, 2020

1 APPEARANCES:
2 The Plaintiff: ANDREW WARREN
 (videoconference)
3 For the Plaintiff: EMILY MCFARLING, ESQ.
 (videoconference)
4 1771 E. Flamingo Rd., #B120
 Las Vegas, NV 89119
5 (702) 527-2625

6 The Defendant: AIMEE JUNG AHYANG
 (videoconference)
7 For the Defendant: KENNETH S. FRIEDMAN, ESQ.
 (videoconference)
8 400 S. Maryland Pkwy.
 Las Vegas, Nevada 89101
9 (702) 474-4660
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1 LAS VEGAS, NEVADA

WEDNESDAY, MARCH 18, 2020

2 P R O C E E D I N G S

3 (THE PROCEEDINGS BEGAN AT 10:29:24)

4

5 THE COURT: Good morning. We're on the record in
6 Case D-590407, Andrew Warren vs. Aimee Ahyang. Counsel, your
7 appearances for the record? Let's start with Plaintiff's
8 Counsel, please.

9 MS. MCFARLING: Emily McFarling, Bar number 8567,
10 appearing on behalf of the Plaintiff, Andrew Warren --

11 THE COURT: Okay. Mr. Friedman, your appearance,
12 please.

13 MS. MCFARLING: -- who is present.

14 THE COURT: Okay.

15 MR. FRIEDMAN: Yes. Good morning, Your Honor.
16 Kenneth Friedman, Bar number 5311, on behalf of Ms. Ahyang who
17 is present in my office.

18 THE COURT: Okay. This is the time set on
19 Mr. Warren's motion for new trial pursuant to NRCP-9 and
20 reconsideration, and Mom's opposition and reply. Counsel, I
21 have read it. I also read your objection, Mr. Friedman. But
22 I'm going to tell you up front that I did still review them as
23 an offer of proof.

24 And so I also want to give him every possible chance

1 to -- to address it. I still didn't find that portion
2 compelling, Mr. Friedman, but I did review them. So you
3 understand, I know you filed an objection, but I did review
4 them as just an offer of proof.

5 Ms. McFarling, it is your motion. I have, like I
6 said, reviewed all of your information, including your
7 exhibits that showed all the medical records, went through
8 them in detail -- went through them in detail and reviewed
9 them.

10 So I'm happy to hear from you, but I'm not seeing
11 anything, Counsel, that's going to change my mind as to
12 locking him and the child in the bathroom, his statements on
13 the record, and all the -- all the testimony that was
14 presented regarding the paranoia or that he doesn't want to
15 live. I don't think that even that that I've seen so far,
16 that it would have outweighed it even if that -- that evidence
17 had come before me, Ms. McFarling. But I will hear from you
18 if there's anything else you want to add.

19 MS. MCFARLING: I don't really think there's
20 anything beyond what is in the briefing. And you've noted
21 that you have read everything. So I'm not going to waste time
22 going into any detail or rehashing what you've already read.

23 You -- you have the ability in your discretion to
24 reconsider or grant a new trial. At this time, I think all of

1 the evidence and information in the motion and the reply brief
2 are sufficient for you to do that. If you do deny those
3 requests at this time, I ask that you make sure to have clear
4 findings of fact in that order so that it can be fully
5 reviewed.

6 THE COURT: Okay. Mr. Friedman --

7 MS. MCFARLING: Thank you.

8 THE COURT: -- your -- your turn, sir.

9 MR. FRIEDMAN: Judge, I'm going to submit.

10 THE COURT: Okay. Counsel, my finding is -- this is
11 my finding. I do not find -- even after thorough review of
12 the medical records that -- that your client has stated that
13 -- that would change my mind as to it, the Court still finds
14 that it is in the child's best interest, Rowan Warren, as to
15 the previous order that I have ordered.

16 My concern is still there regarding his behavior,
17 and his testimony regarding his behavior. That has not
18 changed. I do not find anything that has swayed that I think
19 there's a basis for granting a new trial, nor a
20 reconsideration, Counsel. Specifically, I still have -- I
21 still believe the findings are accurate in the order from the
22 evidentiary hearing, that it is in Rowan's best interest for
23 the custody to remain as ordered.

24 Anything else you need, Counsel?

1 MS. MCFARLING: I can prepare the order from today.
2 THE COURT: That's fine. Mr. Friedman, unless you
3 want to prepare it, you -- you did prevail on this issue.
4 But --
5 MR. FRIEDMAN: No. Ms. McFarling can do it. My
6 client was very generous. We didn't ask for an award of
7 attorney's fees. So if Ms. McFarling would prepare the order,
8 that would be great.
9 THE COURT: Okay. All right. Prepare the order,
10 Counsel, and submit it to my court. Thank you for your
11 appearances.
12 MS. MCFARLING: Thank you.
13 MR. FRIEDMAN: Thank you. Have a nice morning.
14 (PROCEEDINGS CONCLUDED AT 10:33:01)
15 * * * * *
16 ATTEST: I do hereby certify that I have truly and
17 correctly transcribed the digital proceedings in the above-
18 entitled case to the best of my ability.
19
20 /s/ Michelle Rogan
21 Michelle Rogan
22 Electronic Transcriber
23
24

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

Child Custody Complaint

March 18, 2021

D-19-590407-C Andrew Warren, Plaintiff.
vs.
Aimee Jung Ahyang, Defendant.

March 18, 2021 10:00 AM Motion

HEARD BY: Forsberg, Rhonda K.**COURTROOM:** Courtroom 03**COURT CLERK:** Antoria Pickens**PARTIES:**

Aimee Jung Ahyang, Defendant, present
Andrew Warren, Plaintiff, present
Roan Warren, Subject Minor, not present

Kenneth Friedman, Attorney, present
Emily McFarling, Attorney, present

JOURNAL ENTRIES

- PLAINTIFF'S RE-NOTICE OF MOTION FOR NOTICE OF MOTION FOR NEW TRIAL PURSUANT TO NRCP 59, AND RECONSIDERATION

The Court reviewed the case history and the pleadings on file. Court advised Counsel, the Court reviewed all pleadings and exhibits as an offer of proof; however, the Court does not see anything that outweighs what occurred in the bathroom.

Discussion.

Court FINDS, after reviewing the medical records, the Court still FINDS the previous order was in the child's best interest as to his behavior. Court further FINDS there is no basis for a new trial or reconsideration.

COURT ORDERED,

Custody shall be status quo as to Court's previous order.

There shall be no award of Attorney Fees.

Attorney McFarling shall prepare the order from today's hearing; Attorney Friedman shall review and countersign.

PRINT DATE:	03/25/2021	Page 1 of 2	Minutes Date:	March 18, 2021
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

JA000892

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	03/25/2021	Page 2 of 2	Minutes Date:	March 18, 2021
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

JA000893

1 **ORDR**

2 Emily McFarling, Esq.
3 Nevada Bar Number 8567
4 **MCFARLING LAW GROUP**
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6 Las Vegas, NV 89146
7 (702) 565-4335 phone
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9 eservice@mcfarlinglaw.com
10 Attorney for Plaintiff,
11 Andrew Warren

7 **EIGHTH JUDICIAL DISTRICT COURT**

8 **FAMILY DIVISION**

9 **CLARK COUNTY, NEVADA**

10 **ANDREW WARREN,**

11 **Plaintiff,**

12 **vs.**

13 **AIMEE JUNG AHYANG,**

14 **Defendant.**

Case Number: D-19-590407-C
Department: G

15 **ORDER FROM MARCH 18, 2021 HEARING**

16
17 THIS MATTER came before the Honorable Rhonda Forsberg, on March 18th at 10:00am
18 regarding Plaintiff's Motion For Notice Of Motion For Review Trial Pursuant To NRCP 59, And
19 Reconsideration. Present at the hearing were Plaintiff, Andrew Warren, represented by his attorney
20 of record, Emily McFarling, Esq. and Defendant, Aimee Jung Ahyang, represented by her attorney
21 of record, Kenneth Friedman, Esq.

22 The Court reviewed the case history and the pleadings on file. The Court advised Counsel
23 that the Court reviewed all pleadings and exhibits as an offer of proof.
24

1 THE COURT FINDS after reviewing Plaintiff's medical records that the previous order
2 was in the child's best interest.

3 THE COURT CONCLUDES there is no basis for a new trial or reconsideration.

4 The Court, having reviewed the papers and pleadings on file herein, and having taken
5 argument from counsel, and being duly and fully advised in the premises, issues the following
6 orders:

7 IT IS HEREBY ORDERED that Plaintiff's motion for a new trial and/or reconsideration
8 of the final custody order is denied.

9 IT IS FURTHER ORDERED that custody shall be status quo as to the court's previous
10 order.

11 IT IS FURTHER ORDERED that there shall be no award of Attorney Fees.

12 IT IS FURTHER ORDERED that Attorney McFarling shall prepare the order from today's
13 hearing. Attorney Friedman shall review and countersign. Dated this 3rd day of May, 2021



16 F4B 7B1 3FA5 1087 (ap)
Rhonda K. Forsberg
District Court Judge

17 Submitted by:
18 MCFARLING LAW GROUP

Approved as to form and content:
WALSH AND FRIEDMAN

19 Emily McFarling, Esq.
20 Nevada Bar Number 8567
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21 Las Vegas, NV 89146
(702) 565-4335
22 Attorney for Plaintiff,
Andrew Warren

23 Kenneth Friedman, Esq.
24 Nevada Bar Number 5311
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702-474-4660
Attorney for Defendant,
Aimee Jung Ahyang

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Andrew Warren, Plaintiff.

CASE NO: D-19-590407-C

7 vs.

DEPT. NO. Department G

8 Aimee Jung Ahyang, Defendant.
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 5/3/2021

15 Kenneth Friedman

k.friedman@hotmail.com

16 Darin Imlay

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18 Gary Lenkeit, Ph.D

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19 Susanna Sliwa

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20 Steven Wolfson

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21 John Paglini, PhD

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22 Dodge Slagle

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23 Mariam Marvasti

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24 Gregory Brown

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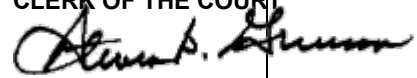
25 Andrew Warren

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JA000896

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Andrew Warren

EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

ANDREW WARREN,

Plaintiff,

vs.

AIMEE JUNG AH YANG ,

Defendant.

Case Number: D-19-590407-C
Department: G

NOTICE OF ENTRY OF MARCH 18, 2021 HEARING

PLEASE TAKE NOTICE that on May 3, 2021, an ORDER FROM MARCH 18, 2021 HEARING was entered, a copy of which is attached hereto and by reference fully incorporated herein.

DATED this 3rd day of May, 2021.

McFARLING LAW GROUP

/s/ Emily McFarling

Emily McFarling, Esq.
Nevada Bar Number 8567
6230 W. Desert Inn Road
Las Vegas, NV 89146
(702) 565-4335
Attorney for Plaintiff, Andrew Warren

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☒ via mandatory electronic service using the Eighth Judicial District Court's E-file and E-service System to the following:

/s/ Alex Aguilar
Alex Aguilar

1 **ORDR**

2 Emily McFarling, Esq.
3 Nevada Bar Number 8567
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10 Attorney for Plaintiff,
11 Andrew Warren

7 **EIGHTH JUDICIAL DISTRICT COURT**

8 **FAMILY DIVISION**

9 **CLARK COUNTY, NEVADA**

10 **ANDREW WARREN,**

11 **Plaintiff,**

12 **vs.**

13 **AIMEE JUNG AHYANG,**

14 **Defendant.**

Case Number: D-19-590407-C
Department: G

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20 of record, Emily McFarling, Esq. and Defendant, Aimee Jung Ahyang, represented by her attorney
21 of record, Kenneth Friedman, Esq.

22 The Court reviewed the case history and the pleadings on file. The Court advised Counsel
23 that the Court reviewed all pleadings and exhibits as an offer of proof.
24

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2 was in the child's best interest.

3 THE COURT CONCLUDES there is no basis for a new trial or reconsideration.

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8 of the final custody order is denied.

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10 order.

11 IT IS FURTHER ORDERED that there shall be no award of Attorney Fees.

12 IT IS FURTHER ORDERED that Attorney McFarling shall prepare the order from today's
13 hearing. Attorney Friedman shall review and countersign. Dated this 3rd day of May, 2021



16 F4B 7B1 3FA5 1087 (ap)
Rhonda K. Forsberg
District Court Judge

17 Submitted by:
18 MCFARLING LAW GROUP

Approved as to form and content:
WALSH AND FRIEDMAN

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Attorney for Defendant,
Aimee Jung Ahyang

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Andrew Warren, Plaintiff.

CASE NO: D-19-590407-C

7 vs.

DEPT. NO. Department G

8 Aimee Jung Ahyang, Defendant.
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 5/3/2021

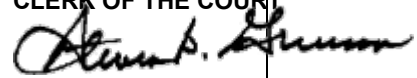
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EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

ANDREW WARREN,

Plaintiff,

vs.

AIMEE JUNG YANG,

Defendant.

Case Number: D-19-590407-C
Department: G

NOTICE OF APPEAL

TO: Defendant, Aimee Jung Yang, and to her attorney of record, Kenneth Friedman, Esq.:

///

///

///

///

///

///

1 Notice is hereby given that Plaintiff, Andrew Warren, in the above-named matter, hereby
2 appeals to the Supreme Court of Nevada the following orders:

- 3 1. Order From March 18, 2021 Hearing entered in this action on May 3, 2021 which
4 denied reconsideration/new trial from the Finding of Fact and Conclusion of Law
5 entered in this action on July 19th 2020.

6 DATED this 7th day of May, 2021.

7 **McFARLING LAW GROUP**

8 /s/ Emily McFarling

9 Emily McFarling, Esq.
10 Nevada Bar Number 8567
6230 W. Desert Inn Road
Las Vegas, NV 89146
11 (702) 565-4335
Attorney for Plaintiff,
12 Andrew Warren

13 **CERTIFICATE OF SERVICE**

14 The undersigned, an employee of McFarling Law Group, hereby certifies that on this 7th
15 day of May, 2021, served a true and correct copy of this Notice of Appeal:

16
17 ☒ via mandatory electronic service using the Eighth Judicial District Court's E-file and E-
18 service System to the following:

19 Kenneth Friedman, Esq.
20 k.friedman@hotmail.com

21 /s/ Alex Aguilar

22 Alex Aguilar
23
24