IN THE SUPREME COURT OF THE STATE OF NEVADA

Andrew Warren,

Appellant,

vs.

Aimee Jung Ahyang a/k/a **Aimee Jung Yang**

Respondent.

Supreme Court Case No. **82909**
District Court Case No. **D-19-590407-C**

CHILD CUSTODY FAST TRACK RESPONSE

1. NAME OF PARTY FILING THIS FAST TRACK RESPONSE: Aimee Jung Yang.[1]

2. NAME, LAW FIRM, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY SUBMITTING THIS FAST TRACK RESPONSE: Bruce I. Shapiro, Esq. and Alicia S. May, Esq., of Pecos Law Group, 8925 South Pecos Road, Suite 14A, Henderson, Nevada 89074, (702) 388-1851.

3. PROCEEDINGS RAISING SAME ISSUES: None to counsel's knowledge.

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[1] Though her surname has been recorded as "Ahyang," her correct surname is "Yang."

4. PROCEDURAL HISTORY: The Honorable Rhonda Forsberg of the Eighth Judicial District Court, Family Division, awarded Aimee primary physical custody of the parties' minor child. The procedural history is recounted in more detail in the "Statement of Facts" below.

5. STATEMENT OF FACTS:

Appellant Andrew Warren ("Andrew") and Respondent Aimee Yang ("Aimee") were never married and have one minor child together: Roen Warren ("Roen"), born February 13, 2017. Joint Appendix at pg. 2 ("JA 2").

In early 2019, Andrew began exhibiting behavior that worried Aimee. JA 677. He began telling Aimee he was being followed and that his car was being broken into. JA 677-678. Even after Andrew started parking in the garage, he continued to believe his car was being broken into at his workplace JA 678. Aimee did not see any evidence to indicate this was occurring. *Id.*

Andrew also began accusing Aimee of cheating on him. JA 680. Though she was not having an affair, Andrew would confront her about having an affair on a daily or weekly basis. *Id.* Andrew often accused Aimee of cheating on him with one of the neighbors. JA 374.

In March or April 2019, while Roen was in Andrew's care, Andrew took Roen into the Forum Shops in Caesar's Palace, where Aimee works. Andrew's explanation of what occurred that day at the mall, as recounted in the argument

below, was not entirely clear, but essentially Andrew stated he saw someone at the mall who looked familiar and was acting odd, and then he saw a vehicle outside by the valet with a license plate he also thought he recognized. JA 455-456. After leaving the mall, Andrew told Aimee that people were following him. JA 678-679. He texted Aimee, "I don't care if I die anymore." JA 377. Aimee told Andrew he needed to get help because Aimee was worried for his well-being, as well as Roen's well-being. JA 679.

When asked about the connection to Aimee with this entire mall incident, Andrew's explanation was similarly difficult to understand. He said something about seeing "two guys" walking around outside of their home, getting a notification from a security sensor from inside of a house, then noticing a truck drive by his home and the neighbor's home. JA 458. Aimee told Andrew she wanted to tell his therapist about this behavior, (JA 462) but was unable. (JA 681).

Andrew filed his *Complaint for Custody* on May 30, 2019, requesting primary physical custody and asking that Aimee's visitation be supervised. JA 1-4. Aimee filed her answer on June 14, 2019, requesting primary physical custody as well, unless certain conditions were met. JA 5-9.

On July 24, 2019 (JA 20), Andrew contacted Child Protective Services ("CPS") and told them he suspected Aimee was giving Roen drugs. JA 383. This

was one of Aimee's days off and Roen was in her care all day with no protest from Andrew. JA 384-385; JA 687.

When Aimee and Roen returned to home that day, Andrew was waiting for them, and he grabbed Roen from Aimee after Roen was removed from his car seat, causing Roen to cry. JA 682-683. Andrew then went upstairs with Roen and locked himself and Roen in a bedroom, prompting Aimee to call the police. JA 683. The police arrived and Andrew finally opened the door for them. JA 685. Aimee and Roen moved out after this incident. JA 685-686.

Aimee learned about the CPS allegation made by Andrew earlier that day from the police. JA 687. Aimee was asked by CPS to take a drug test, which she took and passed. JA 692. Between the July 2019 incident and the February 2020 trial, Aimee took five or six drug tests, all of which were clean. *Id.*

Sometime in July 2019, Andrew conducted an at-home drug test on Roen. JA 438. Aimee was unaware of this test. JA 426. On July 31, 2019, Aimee filed a motion for temporary primary physical custody of Roen, noting the concerning incidents and requesting temporary primary physical custody, with supervised visits to Andrew. JA 14-29.

Aimee's motion was heard on September 10, 2019. JA 136. The district court ordered Andrew to provide Aimee's counsel with an executed HIPAA release form and awarded Aimee temporary primary physical custody, with Andrew having

visitation supervised by his roommate, Jerry, on Saturdays from 11:00 a.m. to 7:00 p.m. JA 192-197.

Around September 2019, unbeknownst to Aimee, Andrew conducted a second drug test on Roen. JA 386. Andrew testified he had conducted these home drug tests "twice or three … times." JA 426. Andrew claimed the test was positive for "MDMA" and "MDT." JA 172. It is unknown what drug Andrew refers to when he claims the test was positive for "MDT," but it is also mentioned in his brief. Fast Track Statement at 7.

Approximately three weeks later in October, during one of Andrew's supervised visits, he took Roen to the hospital to be tested for drugs. JA 346. Andrew claimed he did so because he believed Roen had been "hallucinating" due to "pointing out" things like "spiders and dinosaurs" on the walls (JA 172), "rubbing his head," and "fluttering his eyes" (JA 345-346). Notably, Roen was two years old at the time.

When Andrew was supposed to drop off Roen, Andrew told Aimee they were running late. JA 688. After significant time passed, Aimee became nervous and began calling Andrew and Jerry, but no one would answer. JA 689. Around 45 minutes to an hour later, Aimee finally heard from Andrew, who told her he was at the hospital with Roen. *Id.*

Aimee rushed to the hospital to find Roen with Jerry. JA 690. Roen became anxious and began crying hysterically. *Id.* The hospital told Aimee that CPS had been contacted, and Roen had to be drug tested. JA 691. It does not appear anything was found as a result of the drug test. JA 348-349.

The drug testing incident was discussed at the status check hearing on November 19, 2019. JA 166-168. Andrew admitted to bringing Roen in for a drug test, and the district court noted it was concerned about this incident. JA 170-176.

The district court held a calendar call on January 30, 2020. JA 215. At no time during the calendar call did Andrew's counsel indicate they would not be ready for trial by February 4, 2020, even after the district court asked Andrew's counsel if that was too soon. JA 175-176. Andrew's counsel never filed a motion to continue the trial.

The first day of trial occurred on February 3, 2020. JA 284. Though Andrew spent significant time testifying about Aimee's alleged drug use, he admitted that when he worked, he left Roen in Aimee's care, even during times he accused Aimee of using drugs. JA 298-299.

As for his own mental health, Andrew testified he has adult ADD and takes Adderall. JA 306-307. When asked if he takes his medication as prescribed, consistently, Andrew stated that there were times when the "pharmacy's been lacking," which caused him to run out of medication. JA 307-308.

On cross-examination, Andrew admitted that he missed six supervised visits with Roen within about a 12-week period. JA 371. Andrew confirmed he sent the text to Aimee stating he did not care if he died and that he believed he was being followed. JA 376-377. Andrew also admitted he never discussed the drug tests with Aimee before conducting them or before taking Roen to the hospital. JA 391-392.

Andrew testified that his medical records had been provided the day of trial. JA 314. After Aimee's counsel stated he had not yet reviewed the records, the district court stated it would not admit Andrew's medical records at the first day of trial, but that they could be discussed at the second day of trial. JA 467.

The second day of trial occurred on February 18, 2020. JA 629. Andrew's counsel did not raise his medical records or tried to introduce them into evidence during the second day of trial. JA 629-7442.

Aimee was the only other person to testify. Aimee testified honestly about her use of hydrocodone in the past, explaining that she had been prescribed hydrocodone after Roen was born via C-section and that she had limited her use of narcotics while breastfeeding, but began using them again in late 2018. JA 635-636. Aimee testified that in January 2019, Aimee and Andrew spoke about Aimee's use of narcotics (JA 637), and Aimee stopped taking hydrocodone in early 2019. JA 657.

Aimee testified that she reached out to Andrew on February 13, 2020, about seeing Roen for his birthday, and that she offered to supervise because Andrew's

supervisor was unavailable. JA 654. She testified that she expected Andrew to arrive around 5:00, but that he did not arrive until 7:00 and then stayed only 20 or 30 minutes. JA 674-675.

Aimee also mentioned that she had taken five or six drug tests since July 2019, and none had come up dirty. JA 692. She testified that Andrew had missed six or seven of his visitation days, and that he had never asked Aimee to make any of them up. JA 693-694. Aimee also testified about the various incidents that caused her concern. JA 678-692.

The district court put its findings and orders on the record on March 4, 2020. JA 745-749. The *Findings of Fact and Conclusions of Law* was filed July 19, 2020, and the district court made detailed findings pursuant to the best interest factors, ultimately concluding and ordering that Aimee would have primary physical custody of Roen, with Andrew having unsupervised visitation. JA 776-781.

On August 3, 2020, Andrew filed a Rule 59 motion for a new trial, arguing that the Court did not consider Andrew's medical records. JA 805-820. The motion was heard on March 18, 2021, and in its order, the district court noted that it had reviewed Andrew's medical records but found no basis for a new trial or reconsideration and that the previous order was still in the child's best interests. JA 894-895. Andrew then appealed. JA 904-905.

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6. ISSUES ON APPEAL:

A. Whether the district court erred in denying a new trial and in excluding Andrew's medical records from evidence;

B. Whether the district court erred in not reconsidering its order granting Aimee primary physical custody;

C. Whether the district court erred in not awarding joint physical custody;

D. Whether the district court erred in not awarding Andrew primary physical custody;

E. Whether the district court erred in entering a stipulation for a holiday and vacation schedule;

F. Whether the district court erred in not requiring Aimee to submit to drug testing;

G. Whether the district court erred in concluding that Andrew had mental health issues that would detrimentally impact his ability to parent his child.

7. LEGAL ARGUMENT, INCLUDING AUTHORITIES:

A. Standard of Review.

District court decisions regarding the custody of children rest in the district court's sound discretion.[2] The sole consideration of the district court in making

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[2] *Wallace v. Wallace,* 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996).

custody decisions is the best interest of the child.[3] Such decisions are, therefore, reviewed by this Court for an abuse of discretion.[4] The factual findings of the district court will not be set aside if they are supported by substantial evidence, which is "evidence that a reasonable person may accept as adequate to sustain a judgment."[5] Custody determinations from the district court will not be disturbed on appeal absent a clear abuse of discretion.[6]

B. The District Court, in Its Discretion, Found No Basis for a New Trial.

Andrew filed his motion under NRCP 59 on August 3, 2020. JA 805. In it, he argued that the district court's decision was erroneous because it failed to consider Andrew's medical records. JA 814-815. As part of his reply in support of the motion, Andrew submitted his medical records as an exhibit. JA 853-877.

At the March 18, 2021, hearing on Andrew's motion, the district court stated it reviewed the medical records provided by Andrew. JA 888. ***The district court found that even after reviewing the medical records, it did not find anything that would change its mind as to the custody order and that it still believed what was ordered was in Roen's best interests.*** JA 888-891.

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3 NRS 125C.0035(1).

4 *Rivero v. Rivero,* 125 Nev. 410, 428, 216 P.3d 213, 225 (2009).

5 *Ellis v. Carucci,* 123 Nev. 145, 149, 161 P.3d 239, 242 (2007).

6 *Id.* at 149, 241.

Andrew now alleges there was "irregularity in the proceedings" or "abuse of discretion" because the district court "based its decision upon allegations regarding his mental health from a person with no personal knowledge on the issue." Fast Track Statement at 15. This is not, however, consistent with the district court's actual findings.

Many of the district court's findings addressed issues which Andrew testified at trial, including not telling Aimee he was going to take the child to the hospital (JA 777), Andrew being paranoid about the neighbors following him (JA 778), Andrew taking the child upstairs and into the shower when Aimee called the police (*Id.*), Andrew's statement about dying (*Id.*), and Andrew's statement about special vehicle plates (*Id.*). The district court also referenced Andrew's testimony that he showed Roen's doctor a positive drug test, yet the doctor never made a report to CPS. JA 779. The district court noted it was concerned about the multiple drug tests conducted on the child by Andrew and Andrew taking the child to the emergency room for a drug test – all of which Andrew admitted. JA 780; JA 426; JA 438.

A denial of a motion under NRCP 59 is reviewable for abuse of discretion.[7] It is unclear from Andrew's fast track statement how he contends the district court abused its discretion in denying his motion, given that it did review his medical

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[7] *AA Primo Builders, LLC v. Washington,* 126 Nev. 578, 589, 245 P.3d 1190, 1197 (2010)..

records. The district court reviewed Andrew's medical records and concluded it still believed its order was in Roen's best interest. Andrew presents no cogent argument that the district court committed legal error in making this finding.

C. *Andrew's Counsel Failed to Attempt to Introduce the Medical Records into Evidence.*

Andrew's position is that Aimee was obligated to obtain and introduce at trial records Andrew claims would disprove Aimee's allegations against him. Nevada Rule of Civil Procedure 16.205, which applies to custody and paternity actions, provides, at subsection (d)(3)(E), that a party "must provide a copy of every other document or exhibits, including summaries of other evidence, that a party expects to offer as evidence at trial in any manner."

Andrew was put on notice from the onset of the case that his mental health was at issue. It was mentioned in Aimee's answer (JA 5-9) and initial motion (JA 14-29). While Aimee did request, and the Court did order, Andrew to sign a HIPAA release, Aimee was not obligated to subpoena records that *Andrew* wanted to use as exhibits for trial. Per NRCP 16.205, it was *Andrew's* responsibility to obtain and disclose documents he wanted to offer as evidence at trial.

Andrew did not provide medical records until the day of trial. JA 314. The district court did not admit the records at trial because counsel had no time to review them. JA 467. The district court stated they could be discussed at the second day of

trial *Id.* On the second day of trial, however, Andrew's counsel did not offer the records to be admitted into evidence. JA 629-744.

Andrew presents no legal argument as to why it would have been Aimee's responsibility to subpoena and admit into evidence records he wanted to use at trial, or why it was improper for the district court not to admit a proposed trial exhibit that counsel had not yet even seen. Further, the district court considered Andrew's medical records on reconsideration, and therefore, the issue is moot.

Andrew also complains that the district court allowed trial to go forward despite the fact that the medical records were not yet obtained by the time of the calendar call. Fast Track Statement at 18. Andrew's counsel, however, represented at the calendar call that she was ready to go forward with trial. JA 218. Andrew never filed a motion to continue the trial. An argument not raised in the district court may not be considered on appeal.[8]

D. The District Court Considered Andrew's Medical Records.

Andrew argues that the district court should not have granted Aimee primary physical custody because it "failed to consider substantial evidence." Fast Track Statement at 19. Again, though Andrew's counsel did not attempt to admit the medical records into evidence during the second day of trial, the district court

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[8] *Old Aztec Mine, Inc. v. Brown,* 97 Nev. 49, 52, 623 P.2d 981, 983 (1981).

nevertheless considered Andrew's medical records and found they did not present sufficient compelling evidence to change its order.

Andrew also claims that his medical records "went to the exact issue that was the deciding factor in this case." Fast Track Statement at 21. As was noted by the district court after reviewing the records, however:

> I'm not seeing anything, Counsel, that's going to change my mind as to locking him and the child in the bathroom, his statements on the record, and all the – all the testimony that was presented regarding the paranoia or that he doesn't want to live.

JA 889. Again, many of the examples of paranoia that Andrew appears to say were "baseless allegations" by Aimee were testified to *by Andrew,* including the at-home drug tests (JA 426), his believe his two-year-old was hallucinating (JA 345-346), taking Roen to the hospital to be tested for drugs (JA 346), and believing that he was being followed at the mall (JA 455-460).

The district court even noted after reviewing the medical records that they did not explain Andrew's own "statements on the record[.]" JA 889. The district court did consider the medical records – it just did not make the decision pertaining to the medical records that Andrew wanted it to make.

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E. The District Court's Findings as to Custody Were Supported by a Preponderance of the Evidence.

The standard of proof in civil matters, including custody determinations, is the preponderance of the evidence standard.[9] This Court does not reweigh evidence on appeal.[10] "The law requires nothing to be conclusively proven ... All that is generally required in civil actions is a preponderance of the evidence upon any issuable fact."[11] "Preponderance of the Evidence" has been defined as follows:

> The greater weight of the evidence, not necessarily established by the greater number of witnesses testifying to a fact but by evidence that has the most convincing force; superior evidentiary weight that, though not sufficient to free the mind wholly from all reasonable doubt, is still sufficient to include a fair and impartial mind to one side of the issue rather than the other.[12]

Most of the evidence presented was testimony, which the district court personally observed and considered. It is the duty of the trier of fact to assess the credibility of witnesses and to determine the weight their testimony should have.[13]

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9 *Mack v. Ashlock,* 112 Nev. 1062, 1066, 921 P.2d 1258, 1261 (1996).

10 *Ellis,* 123 Nev. at 152, 161 P.3d at 244; *Quintero v. McDonald,* 116 Nev. 1181, 1183, 14 P.3d 522, 523 (2000).

11 *Silver Mining Co. v. Fall,* 6 Nev. 116, 123 (1870).

12 *Preponderance of the Evidence, Black's Law Dictionary* (11th ed. 2019).

13 *Carlson v. McCall,* 70 Nev. 437, 442, 271 P.2d 1002, 1004 (1954).

It is the district court's prerogative, "as the arbiter of fact, to decide which testimony is most credible."[14]

The district court noted Aimee's testimony that she helped Andrew have visitation on Roen's birthday, and both parties' testimony that Andrew "did not always exercise his time" but that he "had valid reasons." JA 776. The district court noted Andrew's concerning text to Aimee, and taking Roen to the hospital to be drug tested. JA 777-778. The district court even specifically mentioned Andrew's own testimony about how he does not believe the parties could cooperate to meet Roen's needs. JA 777.

When evaluating mental and physical health, the district court noted the incidents it found concerning with Andrew. JA 778. To put into context what Andrew claims are "baseless" allegations of paranoia from Aimee, this was Andrew's testimony concerning the incident at the mall that concluded with his text message about not caring if he died:

> Andrew: Basically we went to the mall. Aimee was extremely concerned with like where we parked at, whether it would be, like, the valet. She was really wanted to know where we were really parked at. I thought that was, you know, another strange behavior. Didn't necessarily think anything of it.
>
> We were walking around the mall and I saw, you know, basically somebody that I, you know, that looked, you know, that I've seen before around the neighbor's house, right, standing around and talking

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[14] *Truax v. Truax,* 110 Nev. 437, 439, 874 P.2d 10, 11 (1994) (internal citations omitted).

to a security guard, something like that. And I'm like that's strange. And he looks at me, and he seems, like, fairly startled.

Then he's walking around in circles texting on his phone. Seems to be very distraught, but seems to be going in circles texting on his phone. Seems to be fairly nervous. I'm like this, what – like this, you know, to me seemed strange to this person.

Basically, then after that, he walked about to the valet doors. And then I looked at the valet. And there was this car speeding through the parking lot. And then this car, I think his name was – I think the guys name was – it was a BMW. Basically it was a black BMW. The guy was sitting in the car also waiting –

Ms. Robinson: Is this the same guy?

Andrew: No, it's a different guy. But, which was really interesting as – I mean, the whole situation was interesting. But basically, he speeds through the parking lot. He's like, going around in circles in the valet. And the license plate was the kind of – it seemed like a customization pattern, the same custom pattern as a possibly a volunteer firefighter code I do believe.

JA 172-173.

The district court noted the evidence and testimony considered in its findings. A preponderance of the evidence – including Andrew's own testimony – supported the district court's findings, and the district court clearly did not base its findings solely on Aimee's allegations.

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F. The Court Made Detailed Findings Pertaining to the Child's Best Interests.

"In any action for determining physical custody of a minor child, the sole consideration of the court is the best interest of the child."[15] In determining the best interests of a child, the court considers the factors set forth in NRS 125C.0035(4).

A custody order should "tie the child's best interest, as informed by specific relevant findings" pertaining to the factors above, "and any other relevant factors, to the custody determination made." *Davis v. Ewalefo,* 131 Nev. 445, 451, 352 P.3d 1139, 1143 (2015).

Andrew presented no evidence that Aimee had an ongoing drug problem, and she had taken and passed five to six drug tests between July 2019 and trial in February 2020. JA 692. Aimee was questioned, and testified, extensively about her prior use of hydrocodone. JA 635-658. Andrew also testified that even when Aimee had been using hydrocodone, he still left Roen in her care while he worked. JA 298-299.

Again - this Court does not reweigh evidence on appeal.[16] The district court heard the evidence of this prior substance use, weighed it, and made detailed findings

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15 NRS 125C.0035(1).

16 *Ellis,* 123 Nev. at 152, 161 P.3d at 244; *Quintero v. McDonald,* 116 Nev. 1181, 1183, 14 P.3d 522, 523 (2000).

pertaining to Roen's best interest, addressing every subsection of NRS 125C.0035(4). JA 775-787.

G. Andrew Is Bound by His Counsel's Stipulations.

Andrew complains that he did not agree to the stipulated holiday and vacation plan. Andrew presents no factual or legal basis for his position that a party must sign a stipulation and order in order for it to be enforceable if that party's attorney has already signed it.

Even the rule cited by Andrew – Eighth Judicial District Court Rule 7.50 – states, "No agreement or stipulation between the parties *or their attorneys* will be effective … unless the same is in writing subscribed by the party against whom the same shall be alleged, *or by the party's attorney*" (emphasis added). The district court did not err in entering a stipulation and order that was signed by both counsel.

H. Andrew Presented No Evidence to Support that Aimee Had an Ongoing Drug Problem.

The testimony and text messages did not show that Aimee had a drug problem "for years" or until July 2019. Aimee passed a drug test administered by CPS in July 2019. JA 692. Andrew only presented text message "evidence" about drugs through January 2019. JA 539. This was in congruence with Aimee's testimony. JA 646. This occurred over a year prior to the first day of trial.

Andrew presented zero legal authority to suggest that the district court must order drug testing upon request of a party in a custody action. The district court did not err in not requiring Aimee to be subject to random drug testing.

I. The District Court Properly Considered Evidence of Andrew's Irrational and Erratic Actions, to which Andrew Admitted at Trial.

As stated above, Andrew's own actions and testimony were, in large part, what led to the district court's findings. Andrew's allegation that he and Aimee "discussed" the surveillance cameras in their home came from an opposition he filed (JA 45), but does not appear to be based on testimony given at trial. Regardless, it does not appear that the district court mentioned surveillance cameras in its findings.

The allegation that the district court was "fixated" on Andrew's text message to Aimee stating he did not care if he died is misleading. As shown above, the district court was concerned not only about the text message, but about Andrew's explanation of the events leading up to sending the message. JA 455-456, JA 778. Andrew presents no legal authority that suggests that Aimee was required to have a psychological evaluation performed, or that the district court could not award her primary physical custody without one. The district court's order should be affirmed.

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8. ROUTING STATEMENT / ISSUES OF FIRST IMPRESSION. This appeal is presumptively assigned to the Court of Appeals per NRAP 17(b)(10) because it involves an issue of family law other than termination of parental rights or NRS Chapter 432B proceedings.

DATED this 16th day of November, 2021.

PECOS LAW GROUP

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NRAP 26.1 DISCLOSURE

The undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1 (a), and must be disclosed. These representations are made in order that the justices of this court may evaluate possible disqualification or recusal.

1. All parent corporations and publicly-held companies owning 10 percent or more of the party's stock: None
2. Names of all law firms whose attorneys have appeared for the party or amicus in this case (including proceedings in the district court or before an administrative agency) or are expected to appear in this court:
    a. Amber Robinson, Esq., Robinson Law Group, for Plaintiff/Appellant;
    b. Kenneth S. Friedman, Esq., Walsh & Friedman, Ltd., for Defendant/Respondent;
    c. Emily McFarling, Esq., McFarling Law Group, for Plaintiff/ Appellant;
    d. Bruce I. Shapiro, Esq. & Alicia S. May, Esq., Pecos Law Group, for Respondent.

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3. If litigant is using a pseudonym, the litigant's true name: Litigant is not using a pseudonym; however, it appeals Respondent's name was misspelled when the district court case was opened. Respondent's correct name is Aimee Jung Yang.

DATED this 10th day of November, 2021.

PECOS LAW GROUP

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VERIFICATION

The undersigned counsel of record certifies as follows:

1. I hereby certify that this fast track response complies with the formatting requirement of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5), and the type style requirements of NRAP 32(a)(6) because this fast track response has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in Times New Roman, size 14 font.

2. I further certify that this fast track response complies with the page- or type-volume limitations of NRAP 3E(e)(2) because it is proportionally spaced, has a typeface of 14 words or more, and contains 4,647 words, excluding the NRAP 26.1 disclosure, this Verification, and the Certificate of Service per NRAP 32(a)(7)(C).

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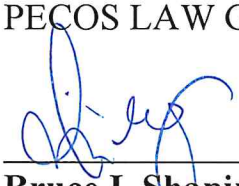
3. Finally, I recognize that under NRAP 3E I am responsible for timely filing a fast track response and that the Supreme Court of Nevada may impose sanctions for failing to timely file a fast track response. I therefore certify that the information provided in this fast track response is true and complete to the best of my knowledge, information, and belief.

DATED this 10th day of November, 2021.

PECOS LAW GROUP



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CERTIFICATE OF SERVICE

I certify that on the 10th day of November, 2021, the foregoing Child Custody Fast Track Response was served via the Court's electronic service to:

Emily McFarling, Esq.
MCFARLING LAW GROUP
6230 W. Desert Inn Road
Las Vegas, Nevada 89146

Janine Shapiro
an Employee of Pecos Law Group