

Form 1. Notice of Appeal to the Supreme Court From a Judgment or Order of District Court

No. **D-15-523582-D**

Dept. No. ....X...

IN THE **8th** JUDICIAL DISTRICT COURT OF THE  
STATE OF NEVADA IN AND FOR  
THE COUNTY OF **CLARK**

Electronically Filed  
Jul 19 2021 09:17 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

A. B., Plaintiff }  
v. }  
C. D., Defendant }

**NOTICE OF APPEAL**

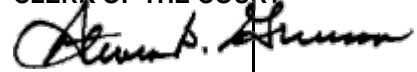
Notice is hereby given that C. D., defendant above named, hereby appeals to the Supreme Court of Nevada (from the final judgment) (from the order (describing it)) entered in this action

on the 14th day of June 2021

**Wilbert R Holmes pro se**

/s/ *Wilbert R Holmes*  
Attorney for C.D.

Address  
**3980 S NELLIS BLVD  
LAS VEGAS NV 89183**



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6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**  
7 **STATE OF NEVADA IN AND FOR**  
8 **THE COUNTY OF CLARK**  
9

10 CAPUCINE YOLANDA HOLMES,

11 Plaintiff(s)

12 vs.

13 WILBERT ROY HOLMES,

14 Defendant(s),  
15

Case No: D-15-523582-D

Dept No: X

16  
17 **CASE APPEAL STATEMENT**  
18

19 1. Appellant(s): Wilbert R. Holmes

20 2. Judge: Heidi Almase

21 3. Appellant(s): Wilbert R. Holmes

22 Counsel:

23 Wilbert R. Holmes  
24 3980 S. Nellis Blvd.  
Las Vegas, NV 89183

25 4. Respondent (s): Capucine Yolanda Holmes

26 Counsel:

27 James A. Fontano, Esq.  
28 5135 Camino Al Norte, Ste 273  
North Las Vegas, NV 89031

1 5. Appellant(s)'s Attorney Licensed in Nevada: N/A  
2 Permission Granted: N/A

3 Respondent(s)'s Attorney Licensed in Nevada: Yes  
4 Permission Granted: N/A

5 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

6 7. Appellant Represented by Appointed Counsel On Appeal: N/A

7 8. Appellant Granted Leave to Proceed in Forma Pauperis: Yes, March 13, 2020  
8 Expired  
9 Appellant Filed Application to Proceed in Forma Pauperis: No  
10 Date Application(s) filed: N/A

11 9. Date Commenced in District Court: November 5, 2015

12 10. Brief Description of the Nature of the Action: DOMESTIC - Marriage Dissolution

13 Type of Judgment or Order Being Appealed: Misc. Order

14 11. Previous Appeal: Yes

15 Supreme Court Docket Number(s): 73291, 76206, 79976, 80465, 80565, 80641, 80923

16 12. Case involves Child Custody and/or Visitation: N/A  
17 Appeal involves Child Custody and/or Visitation: N/A

18 13. Possibility of Settlement: Unknown

19 Dated This 14 day of July 2021.

20 Steven D. Grierson, Clerk of the Court

21 /s/ Amanda Hampton

22 Amanda Hampton, Deputy Clerk  
23 200 Lewis Ave  
24 PO Box 551601  
25 Las Vegas, Nevada 89155-1601  
26 (702) 671-0512

27 cc: Wilbert R. Holmes  
28

## EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY****CASE NO. D-15-523582-D**

**Capucine Yolanda Holmes, Plaintiff**  
**vs.**  
**Wilbert Roy Holmes, Defendant.**

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 §  
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Location: **Department X**  
 Judicial Officer: **Almase, Heidi**  
 Filed on: **11/05/2015**  
 Case Number History:

**CASE INFORMATION****Related Cases**

D-08-399088-D (1J1F Related - Rule 5.42)

Case Type: **Divorce - Complaint**  
 Subtype: **Complaint No Minor(s)**

**Statistical Closures**

02/05/2020 Settled/Withdrawn With Judicial Conference or Hearing  
 02/05/2020 Settled/Withdrawn With Judicial Conference or Hearing  
 10/29/2019 Settled/Withdrawn With Judicial Conference or Hearing  
 09/17/2019 Settled/Withdrawn Without Judicial Conference or Hearing  
 10/30/2018 Settled/Withdrawn Without Judicial Conference or Hearing  
 01/30/2018 Settled/Withdrawn Without Judicial Conference or Hearing  
 06/01/2017 Settled/Withdrawn With Judicial Conference or Hearing

Case Status: **03/09/2021 Reopened**

**DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number D-15-523582-D  
 Court Department X  
 Date Assigned 04/29/2021  
 Judicial Officer Almase, Heidi

**PARTY INFORMATION****Plaintiff****Holmes, Capucine Yolanda**

**Fontano, James A.**  
*Retained*  
 702-329-9901(W)

**Defendant****Holmes, Wilbert Roy**

**Pro Se**  
 702-281-5752(H)

**DATE****EVENTS & ORDERS OF THE COURT****EVENTS**

07/14/2021



Case Appeal Statement

Filed By: Defendant Holmes, Wilbert Roy

*Case Appeal Statement*

07/14/2021



Case Appeal Statement

Filed By: Defendant Holmes, Wilbert Roy

*Case Appeal Statement*

06/16/2021



Notice of Hearing

*Notice of Hearing*

06/14/2021



Notice of Appeal

06/14/2021



Notice of Entry

*Notice of Entry of Order from June 9, 2021 Chambers Review*

06/10/2021



Notice of Appeal

06/10/2021



Order

*Order from June 9, 2021 Chambers Review*


**CASE SUMMARY**

**CASE NO. D-15-523582-D**

06/10/2021	 Order <i>Order from June 9, 2021 Chambers Review</i>
06/10/2021	 Notice of Hearing <i>Notice of Hearing</i>
06/04/2021	 Notice of Hearing <i>Notice of hearing</i>
06/02/2021	 Certificate of Service <i>Certificate of Service re Motion for Sanctions Pursuant to Rule 11</i>
06/02/2021	 Supplement <i>Supplement to Motion for Sanctions Pursuant to Rule 11</i>
06/02/2021	 Motion <i>Motion for Sanctions Pursuant to Rule 11</i>
05/24/2021	 Motion Filed By: Defendant Holmes, Wilbert Roy <i>MOTION TO REVERSE/DROP WITHDRAWAL OF MOTION FOR REQUEST FOR ORDER TO REVISE PROERTY SETTLEMENT</i>
05/24/2021	 Motion Filed By: Defendant Holmes, Wilbert Roy <i>MOTION for Request for Order to Revise Property Settlement</i>
04/29/2021	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
04/16/2021	 Reply to Opposition Filed by: Attorney Blanchard, Brent A.; Intervenor Panfil, Kimberly <i>REPLY MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE</i>
04/10/2021	 Opposition to Motion Filed by: Attorney Fontano, James A.; Plaintiff Holmes, Capucine Yolanda <i>Plaintiff's Opposition to Motion to Intervene</i>
04/01/2021	 Notice of Hearing <i>Notice of Hearing</i>
03/29/2021	 Motion Filed By: Defendant Holmes, Wilbert Roy <i>DEFENDANT'S MOTION TO WITHDRAW: MOTION FOR REQUEST FOR ORDER TO REVISE PROPERTY SETTELMENT</i>
03/24/2021	 Certificate of Service Filed by: Intervenor Panfil, Kimberly <i>Certificate of Electronic Service</i>
03/23/2021	 Opposition Filed By: Attorney Fontano, James A.; Plaintiff Holmes, Capucine Yolanda <i>Plaintiff's Opposition to Motion for Request for Order to Revise Property Settlement</i>
03/18/2021	 Notice of Hearing <i>Notice of Hearing</i>
03/17/2021	 Clerk's Notice of Nonconforming Document <i>Clerks Notice of Nonconforming Document</i>
03/12/2021	 Addendum Filed By: Defendant Holmes, Wilbert Roy <i>ADDENDUM A1 IN SUPPORT OF MOTION FILED</i>
03/12/2021	

# CASE SUMMARY

CASE NO. D-15-523582-D

	 Motion to Intervene Filed by: Attorney Blanchard, Brent A.; Intervenor Panfil, Kimberly <i>Motion to Intervene with Exparte Motion for Order Shortening Time</i>
03/11/2021	 Clerk's Notice of Nonconforming Document <i>Clerk's Notice of Nonconforming Document</i>
03/11/2021	 Notice of Hearing <i>Notice of Hearing</i>
03/10/2021	 Clerk's Notice of Nonconforming Document <i>Clerk's Notice of Nonconforming Document</i>
03/09/2021	 Motion Filed By: Defendant Holmes, Wilbert Roy <i>Defendant's Motion Request for Order to Revise Property Settlement</i>
03/05/2021	 Exhibits <i>Exhibit E</i>
03/05/2021	 Exhibits <i>Exhibit D-Escrow Receipt</i>
03/05/2021	 Exhibits <i>Exhibit C-Signed Counteroffer</i>
03/05/2021	 Exhibits <i>Exhibit B-Settlement Statement</i>
03/05/2021	 Exhibits <i>Exhibit A-MLS Listing</i>
03/05/2021	 Motion <i>Motion to Approve Sale of Marital Property**No Designation filed by Kimberly Panfi</i>
03/05/2021	 Declaration <i>Declaration and [Proposed] Order Shortening Time</i>
03/05/2021	 Motion to Intervene <i>Motion to Intervene**No Designation filed by Kimberly Panfil</i>
03/05/2021	 Appearance <i>Notice of Entry of Appearance</i>
01/04/2021	Administrative Reassignment - Judicial Officer Change <i>Judicial Reassignment to Judge Dee Smart Butler</i>
05/13/2020	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>
04/22/2020	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>
03/30/2020	 Case Appeal Statement Filed By: Defendant Holmes, Wilbert Roy <i>Case Appeal Statement</i>
03/26/2020	 Notice of Appeal Filed By: Defendant Holmes, Wilbert Roy <i>DIV APPEAL 03/18/2020 Order Denying Motion for Rehearing</i>
03/26/2020	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>
03/19/2020	 Notice of Entry of Order

# CASE SUMMARY

CASE NO. D-15-523582-D

## NOTICE OF ENTRY OF ORDER

03/18/2020	 Order Denying Filed by: Plaintiff Holmes, Capucine Yolanda <i>Order Denying Motion for Rehearing</i>
03/13/2020	 Order to Proceed In Forma Pauperis Filed By: Defendant Holmes, Wilbert Roy <i>Order to Proceed In Forma Pauperis</i>
03/05/2020	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>
02/20/2020	 Case Appeal Statement Filed By: Defendant Holmes, Wilbert Roy <i>Case Appeal Statement</i>
02/18/2020	 Notice of Appeal Filed By: Defendant Holmes, Wilbert Roy <i>VALID APPEAL OF 12 16 2019 COURT ORDER</i>
02/14/2020	 Addendum Filed By: Defendant Holmes, Wilbert Roy <i>DIVORCE CASE PERTINENT INFORMATION</i>
02/07/2020	 Application to Proceed in Forma Pauperis Filed By: Defendant Holmes, Wilbert Roy <i>DIVORCE Application to Proceed in Forma Pauperis - PIFP (FAM)</i>
02/07/2020	 Case Appeal Statement Filed By: Defendant Holmes, Wilbert Roy <i>Case Appeal Statement</i>
02/07/2020	 Notice of Entry of Order Filed By: Plaintiff Holmes, Capucine Yolanda <i>Notice of Entry of Order</i>
02/05/2020	 Notice of Appeal Filed By: Defendant Holmes, Wilbert Roy <i>Notice of Appeal</i>
02/04/2020	 Order <i>Order Granting Motion for Order to Show Cause why Defendant Should not be Held in Contempt, to Compel Compliance with Decree of Divorce, and for Award of Attorney's Fees and Costs</i>
01/21/2020	 Case Appeal Statement Filed By: Defendant Holmes, Wilbert Roy <i>Case Appeal Statement</i>
01/16/2020	 Notice of Appeal Filed By: Defendant Holmes, Wilbert Roy <i>Notice Of Appeal Divorce 2nd Submittal</i>
01/09/2020	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>
12/19/2019	 Opposition Filed By: Defendant Holmes, Wilbert Roy <i>OPPOSITION TO DIVORCE MOTION</i>
12/13/2019	 Ex Parte Motion Filed by: Defendant Holmes, Wilbert Roy <i>Ex Parte Motion for Continuance</i>

# CASE SUMMARY

CASE NO. D-15-523582-D

12/12/2019	 Order <i>Order Awarding Attorney's Fees</i>
12/10/2019	 Certificate of Service <i>Certificate of Service</i>
12/03/2019	 Order to Show Cause Filed By: Plaintiff Holmes, Capucine Yolanda <i>Order to Show Cause</i>
11/13/2019	 Objection Filed By: Defendant Holmes, Wilbert Roy <i>CORRECTION TO PREVI SUMMITTED FILING OBJECTION TO FONTANO FILINGS</i>
11/12/2019	 Objection Filed By: Defendant Holmes, Wilbert Roy <i>OBJECTION TO FORTANO SHOW CASE FILING ETC</i>
11/12/2019	 Notice of Hearing <i>Notice of Haring</i>
11/08/2019	 Ex Parte Application Filed by: Plaintiff Holmes, Capucine Yolanda <i>EX PARTE APPLICATION FOR ORDER TO SHOW CAUSE</i>
11/08/2019	 Exhibits Filed By: Plaintiff Holmes, Capucine Yolanda <i>EXHIBIT APPENDIX</i>
11/08/2019	 Motion for Order to Show Cause Filed By: Plaintiff Holmes, Capucine Yolanda <i>MOTION FOR ORDER TO SHOW CAUSE WHY DEFENDANT SHOULD NOT BE FOUND IN CONTEMPT, TO COMPEL COMPLIANCE WITH DECREE OF DIVORCE, AND FOR AWARD OF ATTORNEY S FEES AND COSTS</i>
11/08/2019	 Memorandum Filed By: Plaintiff Holmes, Capucine Yolanda <i>Memorandum of Fees and Costs</i>
11/04/2019	 Case Appeal Statement Filed By: Defendant Holmes, Wilbert Roy <i>Case Appeal Statement</i>
10/30/2019	 Notice of Appeal Filed By: Defendant Holmes, Wilbert Roy <i>DIV REHEARING NOTICE OF APPEAL</i>
10/28/2019	 Request Filed By: Defendant Holmes, Wilbert Roy <i>UPDATED REQUEST FOR TELEPHONIC HEARING</i>
10/28/2019	 Request Filed By: Defendant Holmes, Wilbert Roy <i>REQUEST FOR TELEPHONIC HEARING</i>
10/21/2019	 Opposition Filed By: Plaintiff Holmes, Capucine Yolanda <i>Opposition to Motion for Rehearing</i>
09/26/2019	 Notice of Hearing <i>Notice of Hearing</i>
09/25/2019	 Re-Notice of Motion Filed by: Defendant Holmes, Wilbert Roy

# CASE SUMMARY

CASE NO. D-15-523582-D

	<i>Re-Notice of Motion DIVORCE</i>
08/20/2019	 Notice of Hearing <i>Notice of Hearing</i>
08/20/2019	 Notice of Hearing <i>Notice of Hearing</i>
08/20/2019	 Amended Motion Filed by: Defendant Holmes, Wilbert Roy <i>AMENDED TO CORRECT MOT FOR DIV REHRG</i>
08/19/2019	 Motion Filed By: Defendant Holmes, Wilbert Roy <i>Motion for Rehearing</i>
08/19/2019	 Notice of Entry <i>Notice of Entry of Order Quashing Subpoena</i>
08/19/2019	 Notice of Entry <i>Notice of Entry of Order Quashing Subpoena</i>
08/16/2019	 Order <i>Order Quashing Subpoena</i>
08/16/2019	 Order <i>Order Quashing Subpoena</i>
08/02/2019	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed; Review Denied</i>
09/04/2018	 Subpoena Duces Tecum Filed by: Defendant Holmes, Wilbert Roy <i>BANK OF AMERICA CY Subpeona Duces Tecum</i>
08/31/2018	 Subpoena Duces Tecum Filed by: Defendant Holmes, Wilbert Roy <i>Subpeona Duces Tecum</i>
08/13/2018	 Certificate of Mailing <i>Certificate of Mailing</i>
08/13/2018	 Affidavit <i>Affidavit of the Honorable Rena G. Hughes in Response to "Defendant's Motion to Disqualify"</i> <i>Filed in Case D-15-523582-D</i>
08/13/2018	 Addendum Filed By: Defendant Holmes, Wilbert Roy <i>ADDENDUM 5 FOR DIV APPEAL CASE NO 76206</i>
08/07/2018	 Request Transcript of Proceedings Party: Defendant Holmes, Wilbert Roy <i>Request Transcript of Proceedings</i>
07/26/2018	 Receipt of Copy Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy <i>Receipt of Copy</i>
07/17/2018	 Motion to Disqualify Judge Filed by: Defendant Holmes, Wilbert Roy <i>Motion to Disqualify</i>
07/16/2018	 Addendum Filed By: Defendant Holmes, Wilbert Roy

# CASE SUMMARY

CASE NO. D-15-523582-D

	<i>Addendum (4) Divorce</i>
07/09/2018	 Request Transcript of Proceedings
06/30/2018	 Addendum Filed By: Defendant Holmes, Wilbert Roy <i>Addendum (3) Divorce</i>
06/21/2018	 Case Appeal Statement
06/20/2018	 Notice of Appeal Filed By: Defendant Holmes, Wilbert Roy
06/18/2018	 Motion to Disqualify Judge Filed by: Defendant Holmes, Wilbert Roy <i>Motion to Disqualify</i>
06/14/2018	 Notice of Entry of Order <i>Notice of Entry of Order Upon Remand Clarifying Decree of Divorce</i>
06/14/2018	 Order to Proceed In Forma Pauperis Filed By: Defendant Holmes, Wilbert Roy <i>Order to Proceed In Forma Pauperis (Sealed)</i>
06/12/2018	 Order <i>Order Upon Remand Clarifying Decree of Divorce</i>
05/31/2018	 NV Supreme Court Clerks Certificate/Judgment - Affd/Rev Part <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed in Part, Reversed in Part and Remand</i>
05/17/2018	 Addendum Filed By: Defendant Holmes, Wilbert Roy <i>Addendum (1) Divorce</i>
05/17/2018	 Application to Proceed in Forma Pauperis Filed By: Defendant Holmes, Wilbert Roy <i>Application to Proceed in Forma Pauperis (Sealed)</i>
01/30/2018	 Domestic Notice to Statistically Close Case
11/08/2017	 Order Denying <i>Order Denying Motion to Disqualify</i>
11/03/2017	 Certificate of Mailing
11/03/2017	 Affidavit <i>Affidavit of the Honorable Rena G. Hughes in Response to "Motion to Disqualify Judge" Filed in Case D-15-523582-D</i>
10/20/2017	 Notice of Entry of Order Filed By: Plaintiff Holmes, Capucine Yolanda <i>Notice of Entry of Order Shortening Time</i>
10/20/2017	 Notice of Entry of Order Filed By: Plaintiff Holmes, Capucine Yolanda <i>Notice of Entry of Order to Show Cause</i>
10/20/2017	 Order Shortening Time Filed By: Plaintiff Holmes, Capucine Yolanda
10/20/2017	 Order to Show Cause Filed By: Plaintiff Holmes, Capucine Yolanda
10/12/2017	 Ex Parte Motion



















# CASE SUMMARY

CASE NO. D-15-523582-D

	Filed by: Plaintiff Holmes, Capucine Yolanda <i>Ex Parte Motion for Order Shortening Time</i>
10/11/2017	 Exhibits Filed By: Plaintiff Holmes, Capucine Yolanda <i>Exhibit Appendix</i>
10/11/2017	 Ex Parte Application for Order <i>Ex Parte Application for Order to Show Cause</i>
10/11/2017	 Motion for Order to Show Cause Filed By: Plaintiff Holmes, Capucine Yolanda <i>Motion for Order to Show Cause Why Defendant Should Not Be Found in Contempt, to Compel Compliance with Decree of Divorce, and for Award of Attorney's Fees and Costs</i>
10/11/2017	 Notice of Appearance Party: Plaintiff Holmes, Capucine Yolanda
10/06/2017	 Ex Parte Motion Filed by: Defendant Holmes, Wilbert Roy <i>Ex Parte Motion for Motion to Stay</i>
10/05/2017	 Ex Parte Motion Filed by: Defendant Holmes, Wilbert Roy <i>Ex Parte Motion for an Order Shortening Time</i>
09/25/2017	 Amended Motion Filed by: Defendant Holmes, Wilbert Roy <i>Amended Motion and Notice of Motion for Orders to Set Aside Order, Judgment, and/or Default</i>
09/25/2017	 Notice of Motion Filed By: Defendant Holmes, Wilbert Roy
09/25/2017	 Motion Filed By: Defendant Holmes, Wilbert Roy Party 2: Plaintiff Holmes, Capucine Yolanda <i>Motion and Notice of Motion for Orders to Set Aside Order, Judgment, and/or Default</i>
09/19/2017	 Motion to Disqualify Judge Filed by: Defendant Holmes, Wilbert Roy <i>Defendant Wilbert Holmes Memorandum of Law in Support of Motion to Disqualify Judge Rena G. Hughes Under 28U.S.C. 144</i>
07/18/2017	 Motion to Stay Filed by: Defendant Holmes, Wilbert Roy
06/14/2017	 Case Appeal Statement Filed By: Defendant Holmes, Wilbert Roy
06/09/2017	 Withdrawal of Attorney Filed By: Plaintiff Holmes, Capucine Yolanda
06/09/2017	 Notice of Entry of Order Filed By: Plaintiff Holmes, Capucine Yolanda
06/08/2017	 Notice of Appeal Filed By: Defendant Holmes, Wilbert Roy
06/01/2017	 Notice of Entry of Decree <i>Notice of Entry of Decree of Divorce</i>
06/01/2017	 Decree of Divorce Filed by: Defendant Holmes, Wilbert Roy; Plaintiff Holmes, Capucine Yolanda
04/06/2017	


# CASE SUMMARY

CASE NO. D-15-523582-D

	 Order Filed By: Plaintiff Holmes, Capucine Yolanda <i>Order from Hearing 4-05-17</i>
04/06/2017	 Miscellaneous Filing <i>Closing Instructions</i>
02/21/2017	 Statement Filed By: Defendant Holmes, Wilbert Roy <i>Buyer Settlement Statement</i>
02/18/2017	 Notice of Rescheduling of Hearing
02/16/2017	 Statement Filed By: Defendant Holmes, Wilbert Roy <i>Buyer Settlement Statement</i>
02/16/2017	 Document Filed Filed by: Plaintiff Holmes, Capucine Yolanda <i>Document of Property Settlement Statement Purchase Sheet</i>
02/14/2017	 Ex Parte Motion Filed by: Defendant Holmes, Wilbert Roy <i>Ex Parte Motion for an Order Shortening Time</i>
02/14/2017	 Affidavit of Service Filed By: Defendant Holmes, Wilbert Roy Party 2: Plaintiff Holmes, Capucine Yolanda
02/10/2017	 Miscellaneous Filing <i>Property Detail Required</i>
02/09/2017	 Notice of Change of Hearing <i>Clerk of the Court's Notice of Change of Hearing</i>
02/05/2017	 Motion to Enforce Filed by: Defendant Holmes, Wilbert Roy <i>Motion and Notice of Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt</i>
02/01/2017	 Request Filed By: Defendant Holmes, Wilbert Roy <i>Divorce Status and Finalization Request</i>
01/24/2017	 Affidavit of Service Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy
01/20/2017	 Subpoena Duces Tecum Filed by: Plaintiff Holmes, Capucine Yolanda
01/18/2017	 Certificate of Service Filed by: Plaintiff Holmes, Capucine Yolanda
01/17/2017	 Amended Filed By: Plaintiff Holmes, Capucine Yolanda <i>Amended Pre-Trial Memorandum</i>
01/16/2017	 Pre-trial Memorandum Filed By: Defendant Holmes, Wilbert Roy <i>Pre Trial Memorandum Exhibit A and D Updated</i>
01/10/2017	 Financial Disclosure Form Filed by: Plaintiff Holmes, Capucine Yolanda

# CASE SUMMARY

















CASE NO. D-15-523582-D

	<i>General Financial Disclosure Form (Sealed)</i>
01/10/2017	 Financial Disclosure Form Filed by: Defendant Holmes, Wilbert Roy <i>General Financial Disclosure Form (Sealed)</i>
01/08/2017	 Pre-trial Memorandum Filed By: Defendant Holmes, Wilbert Roy <i>Pre Trial Memorandum - Updated Fin Disclo Form with Exhibit J (Sealed)</i>
01/05/2017	 Pre-trial Memorandum Filed By: Defendant Holmes, Wilbert Roy <i>Pre Trial Memorandum Computation Schedule A A</i>
01/05/2017	 Certificate of Mailing Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy
01/05/2017	 Amended Filed By: Plaintiff Holmes, Capucine Yolanda <i>Amended Pre-Trial Memorandum</i>
01/04/2017	 Pre-trial Memorandum Filed By: Defendant Holmes, Wilbert Roy <i>Pre Trial Memorandum Exhibit E and F</i>
01/03/2017	 Pre-trial Memorandum Filed By: Defendant Holmes, Wilbert Roy <i>Updated Pre Trial Memorandum</i>
12/31/2016	 Certificate of Mailing Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy
12/22/2016	 Certificate of Mailing Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy
12/22/2016	 Pre-trial Memorandum Filed By: Plaintiff Holmes, Capucine Yolanda
12/20/2016	 Certificate of Mailing Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy
12/19/2016	 Pre-trial Memorandum Filed By: Defendant Holmes, Wilbert Roy <i>Updated Pre Trail Memorandum</i>
12/18/2016	 Exhibits Filed By: Defendant Holmes, Wilbert Roy <i>Malicious Prosecution Detail and Exhibits</i>
12/14/2016	 Miscellaneous Filing <i>Updated Witness Letter/Kim Panfield</i>
12/13/2016	 Certificate of Mailing Filed By: Defendant Holmes, Wilbert Roy Party 2: Plaintiff Holmes, Capucine Yolanda
12/12/2016	 Financial Disclosure Form Filed by: Defendant Holmes, Wilbert Roy <i>General Financial Disclosure Form (Sealed)</i>
12/11/2016	 Stricken Document

# CASE SUMMARY



















CASE NO. D-15-523582-D

\*\*\*PARTIALLY STRICKEN EXHIBITS B AND C PER MINUTE ORDER 12/20/16\*\*\*

12/11/2016	 Affirmation Filed By: Defendant Holmes, Wilbert Roy <i>Affirmation - Case Conference Report or Pre-Trial Memorandum Pursuant to NRS 239.030</i>
12/11/2016	 Pre-trial Memorandum Filed By: Defendant Holmes, Wilbert Roy ***PARTIALLY STRICKEN PER MINUTE ORDER 12/20/16*** Defendant's Pre-Trial Memorandum
12/07/2016	 Order Shortening Time Filed By: Plaintiff Holmes, Capucine Yolanda
12/01/2016	 Motion to Withdraw As Counsel Filed By: Attorney Kimble-Simms, Marsha <i>Motion to Withdraw as Counsel of Record</i>
11/29/2016	 Notice of Rescheduling of Hearing Filed by: Plaintiff Holmes, Capucine Yolanda
10/26/2016	 Trial Management Order
10/26/2016	 Notice of Rescheduling of Hearing
10/26/2016	 Notice of Hearing
10/19/2016	 Notice of Motion Filed By: Defendant Holmes, Wilbert Roy
10/19/2016	 Ex Parte Motion Filed by: Defendant Holmes, Wilbert Roy <i>Ex Parte Motion for an Order Shortening Time</i>
10/18/2016	 Motion Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy
10/17/2016	 Certificate of Service Filed by: Plaintiff Holmes, Capucine Yolanda
10/17/2016	 Notice Filed By: Plaintiff Holmes, Capucine Yolanda <i>Notice of Taking Evidentiary Hearing Off Calendar</i>
10/11/2016	 Trial Management Order Filed by: Plaintiff Holmes, Capucine Yolanda
10/11/2016	 Application to Proceed in Forma Pauperis Filed By: Defendant Holmes, Wilbert Roy <i>Application to Proceed in Forma Pauperis (Sealed)</i>
10/10/2016	 Order to Proceed In Forma Pauperis Filed By: Defendant Holmes, Wilbert Roy <i>Order to Proceed in Forma Pauperis (Sealed)</i>
10/06/2016	 Trial Management Order
10/05/2016	 Notice of Rescheduling of Hearing <i>Notice of Rescheduling of Evidentiary Hearing</i>
09/23/2016	 Order Denying Filed by: Plaintiff Holmes, Capucine Yolanda <i>Order Denying Motion to Disqualify</i>
09/02/2016	



















# CASE SUMMARY

CASE NO. D-15-523582-D

	 Certificate of Service Filed by: Plaintiff Holmes, Capucine Yolanda
08/31/2016	 Subpoena Duces Tecum Filed by: Plaintiff Holmes, Capucine Yolanda
08/31/2016	 Opposition to Motion Filed by: Plaintiff Holmes, Capucine Yolanda <i>Opposition to Motion to Disqualify Judge Rena G. Hughes</i>
08/31/2016	 Certificate of Mailing Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy
08/18/2016	 Notice of Motion Filed By: Defendant Holmes, Wilbert Roy
08/05/2016	 Memorandum Filed By: Defendant Holmes, Wilbert Roy <i>Defendant Wilbert Holmes Memorandum of Law in Support of Motion to Disqualify Judge Rena G. Hughes Under 28U.S.C.144</i>
08/04/2016	 Certificate of Mailing Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy <i>Certificate</i>
08/03/2016	 Proof of Service Filed By: Plaintiff Holmes, Capucine Yolanda Party Served: Defendant Holmes, Wilbert Roy
07/29/2016	 Affidavit of Service Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy
07/26/2016	 Order Shortening Time Filed By: Plaintiff Holmes, Capucine Yolanda
07/25/2016	 Ex Parte Motion Filed by: Plaintiff Holmes, Capucine Yolanda <i>Ex Parte Motion for an Order Shortening Time</i>
07/22/2016	 Motion to Amend Filed by: Plaintiff Holmes, Capucine Yolanda <i>Motion to Amend the Pleadings, for an Order to Enforce and for an Order to Show Cause, and to Set Aside the Premarital Agreement</i>
07/19/2016	 Application to Proceed in Forma Pauperis Filed By: Defendant Holmes, Wilbert Roy <i>Application to Proceed Informa Pauperis (Sealed)</i>
07/18/2016	 Notice of Motion Filed By: Defendant Holmes, Wilbert Roy
07/16/2016	 Motion for Change of Venue Filed By: Defendant Holmes, Wilbert Roy
07/15/2016	 Application to Proceed in Forma Pauperis Filed By: Defendant Holmes, Wilbert Roy <i>Application to Proceed Informa Pauperis (Sealed)</i>
07/12/2016	 Interrogatories Filed By: Plaintiff Holmes, Capucine Yolanda
07/12/2016	 Request


# CASE SUMMARY


CASE NO. D-15-523582-D


	Filed By: Plaintiff Holmes, Capucine Yolanda <i>Request for Production of Documents</i>
07/07/2016	 Subpoena Duces Tecum Filed by: Plaintiff Holmes, Capucine Yolanda
06/29/2016	 Ex Parte Motion Filed by: Defendant Holmes, Wilbert Roy <i>Ex Parte Motion for an Order Shortening Time</i>
05/26/2016	 Reply to Counterclaim Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy <i>Reply to Amended Answer and Counterclaim</i>
05/17/2016	 Notice of Entry of Order Filed By: Plaintiff Holmes, Capucine Yolanda
05/16/2016	 Amended Answer Filed by: Defendant Holmes, Wilbert Roy <i>Amended Answer and Counterclaim</i>
05/16/2016	 Order Filed By: Defendant Holmes, Wilbert Roy <i>Order Regarding Hearing of April 6, 2016</i>
05/16/2016	 Notice of Entry of Order Filed By: Defendant Holmes, Wilbert Roy <i>Notice of Entry of Order Re: Motion to Withdraw as Attorney of Record for Defendant</i>
05/16/2016	 Order to Withdraw as Attorney of Record Filed by: Defendant Holmes, Wilbert Roy <i>Order Re: Motion to Withdraw as Attorney of Record for Defendant</i>
04/18/2016	 Certificate of Service Filed by: Defendant Holmes, Wilbert Roy
04/14/2016	 Motion to Withdraw As Counsel Filed By: Defendant Holmes, Wilbert Roy <i>Motion to Withdraw as Attorney of Record for Defendant</i>
04/11/2016	 Trial Management Order Filed by: Plaintiff Holmes, Capucine Yolanda
03/30/2016	 Notice of Rescheduling of Hearing
03/16/2016	 Financial Disclosure Form Filed by: Defendant Holmes, Wilbert Roy <i>General Financial Disclosure Form (Sealed)</i>
02/22/2016	 Notice of Rescheduling of Hearing
02/18/2016	 Notice Filed By: Defendant Holmes, Wilbert Roy <i>Notice of Unavailability</i>
02/18/2016	 Substitution of Attorney Filed By: Defendant Holmes, Wilbert Roy
02/09/2016	 Notice of Rescheduling of Hearing
02/08/2016	 Subpoena Duces Tecum Filed by: Plaintiff Holmes, Capucine Yolanda <i>Subpoena Duces Tecum for Business Records (No Appearance Required)</i>


# CASE SUMMARY


CASE NO. D-15-523582-D


02/02/2016  Notice of Appearance  
Party: Defendant Holmes, Wilbert Roy  
*Notice of Appearance and Request for Notice*


01/05/2016  Financial Disclosure Form  
Filed by: Plaintiff Holmes, Capucine Yolanda  
*General Financial Disclosure Form (Sealed)*


12/30/2015  Notice of Case Management Conference  
*Notice of NRCP 16.2 Case Management Conferences*


12/23/2015  Reply to Counterclaim  
Filed By: Plaintiff Holmes, Capucine Yolanda  
Party 2: Defendant Holmes, Wilbert Roy

12/17/2015  Certificate of Service  
Filed by: Defendant Holmes, Wilbert Roy

12/07/2015  Answer and Counterclaim - Divorce, Annulment, Separate Maint  
Filed by: Defendant Holmes, Wilbert Roy  
For: Plaintiff Holmes, Capucine Yolanda  
*Answer and Counterclaim for Divorce (No Children)*

11/19/2015  Application to Proceed in Forma Pauperis  
Filed By: Defendant Holmes, Wilbert Roy  
*Application to Proceed in Forma Pauperis (Sealed)*

11/16/2015  Affidavit of Service  
Filed By: Plaintiff Holmes, Capucine Yolanda  
Party 2: Defendant Holmes, Wilbert Roy

11/05/2015  Complaint for Divorce  
*Complaint for Divorce (No Children)*

## DISPOSITIONS

12/13/2019 **Judgment** (Judicial Officer: Hughes, Rena G.)  
Judgment (\$1,254.00, In Full , Attorney Fees)

06/01/2017 **Judgment** (Judicial Officer: Hughes, Rena G.)  
Judgment (\$100,862.73, In Full , Wilburt Roy Holmes shall pay Capucine Yolanda Holmes for her interest in the marital residence.)


## HEARINGS

07/29/2021 **Motion** (10:00 AM) (Judicial Officer: Almase, Heidi)  
*Motion For Sanctions Pursuant To NRCP 11*

07/28/2021 **Motion** (3:00 AM) (Judicial Officer: Almase, Heidi)  
*Motion for Request for Order to Revise Property Settlement*

07/28/2021 **Motion** (3:00 AM) (Judicial Officer: Almase, Heidi)  
*Motion to Reverse/Drop Withdrawal of Motion for Request for Order to Reverse Property Settlement*

06/09/2021 **Motion** (3:00 AM) (Judicial Officer: Almase, Heidi)  
*DEFENDANT'S MOTION TO WITHDRAW: MOTION FOR REQUEST FOR ORDER TO REVISE PROPERTY SETTLEMENT*

04/28/2021  **Minute Order** (3:45 PM) (Judicial Officer: Butler, Dee Smart)  
Minute Order - No Hearing Held;  
Journal Entry Details:  
  
*MINUTE ORDER - NO HEARING HELD Case No. D-15-523582-D Capucine Yolanda Holmes, Plaintiff vs. Wilbert Roy Holmes, Defendant Pursuant to NRCP 1 and EDCR 1.10, the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. NCJC 2.11(A)(1) states: (A) A judge shall disqualify himself or*

# CASE SUMMARY

CASE NO. D-15-523582-D

herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances: (1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding. COURT FINDS that Plaintiff Capucine "Cap" Yolanda Holmes is a personal friend and the court desires to continue and maintain the personal friendship. The Honorable Dee Butler has a personal bias concerning Ms. Holmes and would like to see a favorable outcome for her. The COURT FINDS that her impartiality might be reasonably questioned due to the personal friendship. NOW THEREFORE, IT IS HEREBY ORDERED that to avoid the appearance of impropriety and implied bias, the Court shall disqualify itself. IT IS FURTHER ORDERED that the Clerk of Court shall randomly reassign the matter to another department. IT IS FURTHER ORDERED that the Court Clerk shall provide a copy of this Minute Order to all parties. CLERK'S NOTE: On 4/28/2021 a copy of the Court's Minute Order was provided to each Attorney or Parties via email, if an email address is on record with the Court; if no email address is available then the Minute Order was mailed to the physical address of record. (ajr);


04/28/2021 **Hearing** (3:00 AM) (Judicial Officer: Butler, Dee Smart)  
*REPLY MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE*

04/28/2021 **Opposition** (3:00 AM) (Judicial Officer: Butler, Dee Smart)  
*Plaintiff's Opposition to Motion to Intervene*

04/28/2021 **Opposition** (3:00 AM) (Judicial Officer: Butler, Dee Smart)  
*Plaintiff's Opposition to Motion for Request for Order to Revise Property Settlement*

04/28/2021 **Motion** (3:00 AM) (Judicial Officer: Butler, Dee Smart)  
*Motion to Intervene with Ex parte Motion for Order Shortening Time*

04/28/2021 **Motion** (3:00 AM) (Judicial Officer: Butler, Dee Smart)  
*Defendant's Motion Request for Order to Revise Property Settlement*

12/16/2019  **All Pending Motions** (2:30 PM) (Judicial Officer: Hughes, Rena G.)

## MINUTES


Matter Heard;

Journal Entry Details:

PLTF'S MOTION FOR ORDER TO SHOW CAUSE WHY DEFT SHOULD NOT BE HELD IN CONTEMPT TO COMPEL COMPLIANCE WITH DECREE OF DIVORCE, AND FOR AWARD O ATTY'S FEES AND COSTS...PLTF'S ORDER TO SHOW CAUSE Court addressed, last Friday the department received Defendant's ex parte motion to continue this hearing. Counsel stated Defendant e served him and counsel did see it. Court stated it is not supported, by any medical records that say he could not be present, today. Court reviewed the documents that were filed, with the motion. A proper motion was not filed, or proof that Defendant is in the hospital. Court reviewed page 9, of the divorce decree. COURT FOUND, Defendant should have been present today or filed the proper motion to give the court some basis for the allegations that he has made about being in the hospital. Counsel stated he is seeking an order to be able control the sale of the property. It is counsel's understanding, Defendant has moved out of the house and is renting it as a short term rental through AirBnB. Court reviewed page 9, of the divorce decree, regarding if Defendant failed to pay Plaintiff her equity, in the home. COURT ORDERED: 1. It shall be JUST and REASONABLE to AWARD ATTORNEY'S FEES, for today. Counsel shall FILE a MEMORANDUM of FEES and COSTS, together with the BRUNZELL AFFIDAVIT. 2. Plaintiff's MOTION shall be GRANTED. 3. The PROVISION, in the DIVORCE DECREE, regarding Plaintiff being ENTITLED to ENFORCE the SALE of the PROPERTY, to OBTAIN her EQUITY SHARE (\$100,862.73) in the property and ATTORNEY'S FEES shall be GRANTED. Attorney Fontano to prepare an Order, from today's hearing.;

12/16/2019 **Order to Show Cause** (2:30 PM) (Judicial Officer: Hughes, Rena G.)  
*Plaintiff's Order to Show Cause*  
Decision Made;

12/16/2019 **Motion** (2:30 PM) (Judicial Officer: Hughes, Rena G.)  
Events: 11/08/2019 Motion for Order to Show Cause  
*Plaintiff's Motion for Order to Show Cause why Defendant Should not be Held in Contempt. to Compel Compliance with Decree of Divorce, and for Award of Attorney's Fees and Costs*  
Granted;

10/29/2019  **All Pending Motions** (1:30 PM) (Judicial Officer: Hughes, Rena G.)

## MINUTES

**CASE SUMMARY****CASE NO. D-15-523582-D**

Matter Heard;

Journal Entry Details:

**OPPOSITION TO MOTION FOR REHEARING...DEFT'S RE NOTICE OF MOTION FOR REHEARING** Defendant appeared TELEPHONICALLY. Court inquired if the request for a rehearing is for the final decree, which Defendant said yes. Defendant stated there was an item that has not been recognized, on his behalf, in the divorce. Court discussed, the matter was taken up to the Court of Appeals and is on appeal; therefore, this Court no longer has jurisdiction. Defendant stated he was informed the matter was sent back to District Court, to make a decision. Court reviewed the case file. Further, addressed the matter was appealed and has been confirmed. Defendant discussed Plaintiff signed off on a quick claim deed and signed off on any property rights. Defendant does not understand how Plaintiff can be awarded any equity in the property, when she has no rights to it. Plaintiff had to sign off before the house could be put under the Senior Citizen Home Equity Program. Defendant stated his argument is Plaintiff signed legal documents that Plaintiff does not have any equity then, or in the future, on that property. Court addressed, it was recognized Defendant was the only title holder, at the time of trial and the Court heard evidence and testimony. Further, Plaintiff signed the quick claim deed because it was necessary for Defendant to be able to refinance the residence and get equity out of the property. Court reviewed the trial notes. **COURT FOUND**, the motion is legally deficient, has no legal or factual basis, it has been appealed and affirmed, by the Supreme Court. **COURT ORDERED:** 1. As Defendant's **MOTION** is **LEGALLY DEFICIENT** the **MOTION** shall be **DENIED**. 2. Attorney Fontano shall **FILE** a **MEMORANDUM** of **FEEES** and **COSTS**, for **THIS HEARING**, which **INCLUDES** the **BRUNZELL FACTORS**, within the next 10 days. Upon **RECEIPT**, Defendant shall have 10 days to **FILE** a **RESPONSE**. **COURTESY COPIES** shall be **PROVIDED**, to the **DEPARTMENT**. Attorney Fontano to prepare an Order, from today's hearing. **CASE CLOSED**. Clerk's note, as Defendant was being disruptive and over talking the Court, the Court lowered the volume of Defendant speaking, so the Court could make findings and the order, without interruptions.;

10/29/2019

**Opposition** (1:30 PM) (Judicial Officer: Hughes, Rena G.)

Events: 10/21/2019 Opposition

*Opposition to Motion for Rehearing.....Wilbert Homes to appear by phone his number is 702.281.5752.*

Decision Made;

10/29/2019

**Motion** (1:30 PM) (Judicial Officer: Hughes, Rena G.)

Events: 09/25/2019 Re-Notice of Motion

*Defendant's Re-Notice of Motion Motion for Rehearing*

Denied;

09/24/2019

**CANCELED Motion** (10:00 AM) (Judicial Officer: Hughes, Rena G.)*Vacated**Defendant's Motion for Rehearing*

09/24/2019

**CANCELED Motion** (10:00 AM) (Judicial Officer: Hughes, Rena G.)*Vacated**Motion for Rehearing*

09/17/2019

**Minute Order** (4:00 PM) (Judicial Officer: Hughes, Rena G.)

Minute Order - No Hearing Held;

Journal Entry Details:

*Minute Order D-15-523582-D Holmes v Holmes NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.501(b), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed. This Court has read and considered the current underlying pleadings in this matter. On August 19, 2019 Defendant filed a Motion for Rehearing. On August 20, 2019 Defendant filed an Amended Motion for Rehearing. Defendant filed a Certificate of Service indicating he had the Motions electronically served on August 16, 2019. As Defendant's Motions were not e-filed until August 20, 2019, Defendant's claimed date of service is deficient. Therefore the Motion hearing scheduled for September 24, 2019 is hereby vacated. Defendant may re-notice his Motion through the Clerk's Office to set this matter back on calendar. Case closed. Clerk's note, a copy, of today's minute order was mailed, to Defendant and counsel, at the addresses, on file.;*

06/29/2018

**Motion to Disqualify Judge** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Events: 06/18/2018 Motion to Disqualify Judge

*Defendant's Motion to Disqualify Judge*

# CASE SUMMARY

CASE NO. D-15-523582-D

## MINUTES



**Motion to Disqualify Judge**

Filed by: Defendant Holmes, Wilbert Roy

*Motion to Disqualify*

Denied; Denied without prejudice.

Journal Entry Details:

*The Court has reviewed the latest Motion to Disqualify filed by Defendant in this matter. As the Motion was not served upon the Judge, the matter is DENIED WITHOUT PREJUDICE to refile and serve in accordance with NRS 1.235(4). CLERK'S NOTE: A copy of this minute order was mailed to: Wilbert Holmes 10550 Patrington Ct. Las Vegas, NV 89183 Defendant in Pro Se Capucine Holmes 637 Twilight Blue Avenue North Las Vegas, NV 89032 Plaintiff James A. Fontano, Esq. 5135 Camino al Norte, Suite 273 North Las Vegas, NV 89031 Counsel for Plaintiff/ dr;*

11/29/2017 **CANCELED Order to Show Cause** (10:00 AM) (Judicial Officer: Hughes, Rena G.)

*Vacated - per Law Clerk*

11/29/2017 **CANCELED Motion for Order to Show Cause** (10:00 AM) (Judicial Officer: Hughes, Rena G.)

*Vacated - per Law Clerk*

*Motion For Order To Show Cause Why Defendant Should Not Be Found In Contempt, To Compel Compliance With Decree Of Divorce, And For Award OF Attorney's Fees adn Cost's*

11/29/2017 **CANCELED Motion** (10:00 AM) (Judicial Officer: Hughes, Rena G.)

*Vacated - per Law Clerk*

*Deft's Motion and Notice of Motion for Orders to Set Aside Order, Judgment, and/or Default*

11/28/2017 **Minute Order** (2:00 PM) (Judicial Officer: Hughes, Rena G.)

Minute Order - No Hearing Held;

Journal Entry Details:

*MINUTE ORDER: NO HEARING HELD AND NO APPEARANCES This matter having come before the Court on Plaintiff's Motion for an Order to Show Cause Why Defendant Should Not Be Held in Contempt, to Compel Compliance with Decree of Divorce, and for Award of Attorney's Fees and Costs filed on October 11, 2017 and on Plaintiff's Order to Show Cause, signed by the Court on October 18, 2017 and filed on October 20, 2017, set to be heard by the Court on November 29, 2017. The Court finds that pursuant to NRCP 1 and EDCR 1.10, the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. The Court finds that subsequent to the Court signing off on Plaintiff's Order to Show Cause, the Court was unaware that the case was under appeal, as Defendant had erroneously filed a Notice of Appeal and a Case Appeal Statement under the District Court caption. The case was therefore not flagged as a case under appeal. The Court was only notified that the case was under appeal when a Notice of Transfer to Court of Appeals was filed on October 19, 2017. The Court finds that a notice of appeal divests this Court of jurisdiction to act and vests the jurisdiction in the appellate court. Rust v. Clark Cty. School District, 103 Nev. 686, 688, 747 P.2d 1380, 1382 (1987). As this case was appealed to the Court of Appeals and the District Court no longer has jurisdiction to hear this matter, the Court is hereby vacating the Order to Show Cause hearing and Plaintiff's Motion without prejudice. The hearing set on November 29, 2017 is hereby vacated. Minute Order to suffice. JEA to mail/fax a copy of this Minute Order to the parties and/or their respective counsel. ;*

11/20/2017 **Minute Order** (1:30 PM) (Judicial Officer: Hughes, Rena G.)

Minute Order - No Hearing Held;

Journal Entry Details:

*MINUTE ORDER: NO HEARING HELD AND NO APPEARANCES NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.501(b), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed. This Court has read and considered the current underlying pleadings in this matter. The Defendant has failed to comply with EDCR 5.206 by failing to file proof of service for the Motion he filed on September 25, 2017. Therefore, Defendant's Motion for Orders to Set Aside Order, Judgment, and/or Default scheduled for November 29, 2017, is taken off calendar for failure to serve. Plaintiff's Motion for an Order to Show Cause and the Order to Show Cause hearing, scheduled for November 29, 2017, shall remain on calendar. Clerk's note, a copy, of today's minute order, was mailed, to the Defendant, at the address, on file and placed, in counsel's folder, at Family Court.;*

11/08/2017 **CANCELED Motion** (11:00 AM) (Judicial Officer: Hughes, Rena G.)

# CASE SUMMARY

CASE NO. D-15-523582-D

*Vacated*

*Def't's Ex Parte Motion to Stay*

11/03/2017

**Motion to Disqualify Judge** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Events: 09/25/2017 Notice of Motion

*Def't Wilbert Holmes' Memorandum of Law in Support of Motion to Disqualify Judge Rena G. Hughes Under 28 U.S.C. 144*

## MINUTES



Notice of Motion

Filed By: Defendant Holmes, Wilbert Roy

Denied;

Journal Entry Details:

*See order denying motion to disqualify.;*

10/03/2017



**Minute Order** (3:39 PM) (Judicial Officer: Gonzalez, Elizabeth)

*Minute Order re: Ex Parte Motion for OST for the Motion to Disqualify Judge Rena G. Hughes*

Minute Order - No Hearing Held;

Journal Entry Details:

*The Court reviewed the Ex Parte Motion for Order Shortening Time (OST) submitted for the Motion to Disqualify Judge filed 9/1/9/17. As it does not appear that the Motion or Amended Motion has been served on the judge as required by NRS 1.235(4) the Ex parte Motion is DENIED WITHOUT PREJUDICE. CLERK'S NOTE: A copy of this minute order was distributed to: Wilbert R. Holmes 10550 Pattrington Ct. Las Vegas, NV 89183 / dr 10-4-17;*

08/23/2017



**Motion to Stay** (11:00 AM) (Judicial Officer: Hughes, Rena G.)

Events: 07/18/2017 Motion to Stay

*Def't's Motion to Stay*

## MINUTES



Motion to Stay

Filed by: Defendant Holmes, Wilbert Roy

Minute Order - No Hearing Held;

Journal Entry Details:

*Per Judge Hughes NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.501(b), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed. This matter came on for hearing on the Court's in chambers calendar on August 23, 2017 for Defendant's Motion to Stay. This Court has read and considered the current underlying pleadings in this matter. Defendant has filed an Appeal of the final Decree of Divorce in this matter and applied to the District Court for a stay of the Decree of Divorce pending the appeal. Defendant's Motion for Stay is devoid of legal authorities and any factual basis. Any motion filed without points and authorities is subject to being denied pursuant to EDCR 2.20(c). A party filing a motion must also serve and file with it a memorandum of points and authorities in support of each ground thereof. The absence of such memorandum may be construed as an admission that the motion is not meritorious, as cause for its denial or as a waiver of all grounds not so supported. Further, Defendant has not filed a supersedeas bond. Defendant's Motion to Stay is therefore denied. NRCP 62 (d) Stay Upon Appeal. When an appeal is taken the appellant by giving a supersedeas bond may obtain a stay subject to the exceptions contained in subdivision (a) of this rule. The bond may be given at or after the time of filing the notice of appeal. The stay is effective when the supersedeas bond is filed. Clerk's note, a copy, of today's minute order, was mailed to the Parties, at the addresses, on file.;*

04/05/2017



**Motion** (11:00 AM) (Judicial Officer: Hughes, Rena G.)

Events: 02/05/2017 Motion to Enforce

*DEFENDANT'S MOTION TO ENFORCE/SHOW CAUS*

## MINUTES



Motion to Enforce

Filed by: Defendant Holmes, Wilbert Roy

*Motion and Notice of Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt*

# CASE SUMMARY

CASE NO. D-15-523582-D

Decision Made;

Journal Entry Details:

*Clerk's note, matter was on the IN CHAMBERS calendar and a hearing was not heard. However, a DECISION was made, on the PLEADINGS, with the ORDER, FILED 4/6/17.;*

04/04/2017

**CANCELED Calendar Call** (11:00 AM) (Judicial Officer: Hughes, Rena G.)

*Vacated - per Secretary*

*Stack #2*

01/10/2017



**Evidentiary Hearing** (1:30 PM) (Judicial Officer: Hughes, Rena G.)

**01/10/2017, 01/18/2017**

Events: 10/05/2016 Notice of Rescheduling of Hearing

*DAY 2 - Finances / equity in marital residence*

## MINUTES



Notice of Rescheduling of Hearing

*Notice of Rescheduling of Evidentiary Hearing*

Due to stacking

reset to 4/18/17. New TMO will be sent by JEA

Stack #5

Matter Continued;

Under Advisement;

Journal Entry Details:

*Court noted both parties filed an Amended Pretrial Memorandum with additional exhibits. Testimony and exhibits presented (see worksheets). COURT ORDERED, matter is taken UNDER ADVISEMENT. As the Court is unable to make a DECISION at this time, Ms. Kimble-Simms shall obtain the closing documents from the title company on the home when it was purchased in 1999 and file it with the Court; she may prepare an Order for the Court to sign should a subpoena not be sufficient. Ms. Kimble-Simms shall prepare the Order from today's hearing. Clerk's Note: After the hearing, COURT ORDERED, Defendant is to make Plaintiff's personal items in the home available for her to pick up within 10 days of today's date. (ag);*

## MINUTES



Notice of Rescheduling of Hearing

*Notice of Rescheduling of Evidentiary Hearing*

Due to stacking

reset to 4/18/17. New TMO will be sent by JEA

Stack #5

Matter Continued;

Under Advisement;

Journal Entry Details:

*HOUSEKEEPING ISSUES. Review of issues and the pre marital agreement. Witness's sworn and testified. Court heard testimony, from Plaintiff and Wendell Snow. Exhibits offered and admitted. See exhibit worksheet. Court addressed, exhibit C1 is an appraisal, for 2002, however, an appraisal, for 2001 was requested. Due to TIME RESTRICTIONS, COURT ORDERED, matter CONTINUED, to 1/18/17. ;*

12/20/2016



**All Pending Motions** (11:00 AM) (Judicial Officer: Hughes, Rena G.)

Matter Heard;



Journal Entry Details:

**DEFT'S MOTION FOR MALICIOUS PROSECUTION...CALENDAR CALL...STATUS CHECK...MOTION TO WITHDRAW AS COUNSEL OF RECORD PER OST** Court discussed Defendant's notice of motion failed to provide points or authorities, and a proper motion was not filed. Further, Plaintiff has not filed a pre trial memorandum. Court addressed counsel's motion to withdraw was not served; therefore, can not be heard, today. Discussion regarding not having the entire pre nuptial agreement, from Michigan, appraisals of the residence and the length of time the case has been ongoing. Court reviewed the pre nuptial agreement, which was filed, with the Court. Court noted, there is enough information, in the pre nuptial to apply the laws, of Michigan, to the document. Counsel stated she does not feel comfortable moving forward, with the trial, with the documents she has, as they are not complete. Further, counsel has attempted to retrieve a copy of the full document, however has been able to, due to needing Defendant's authorization. COURT stated FINDINGS and ORDERED: 1. Defendant's MOTION shall be DENIED. 2. As Defendant FILED his EXHIBITS, in his PRE TRIAL MEMORANDUM (12/11/16), EXHIBITS B and C shall be STRICKEN. 3. EVIDENTIARY

# CASE SUMMARY

CASE NO. D-15-523582-D

HEARING STANDS. ;

- 12/20/2016 **Motion** (11:00 AM) (Judicial Officer: Hughes, Rena G.)  
Events: 12/01/2016 Motion to Withdraw As Counsel  
*Motion to Withdraw as Counsel of Record per OST*  
Off Calendar;
- 12/20/2016 **Calendar Call** (11:00 AM) (Judicial Officer: Hughes, Rena G.)  
Events: 11/29/2016 Notice of Rescheduling of Hearing  
*Stack #5*  
Matter Heard;
- 12/20/2016 **Status Check** (11:00 AM) (Judicial Officer: Hughes, Rena G.)  
Events: 10/26/2016 Notice of Hearing  
Matter Heard;
- 12/20/2016 **Motion** (11:00 AM) (Judicial Officer: Hughes, Rena G.)  
Events: 10/19/2016 Notice of Motion  
*Deft's Motion for Malicious Prosecution*  
Denied;
- 12/15/2016 **CANCELED Evidentiary Hearing** (10:00 AM) (Judicial Officer: Hughes, Rena G.)  
*Vacated - per Attorney or Pro Per*  
*Validity of Pre nuptial agreement - per Judge one hour*
- 10/11/2016  **Minute Order** (10:00 AM) (Judicial Officer: Hughes, Rena G.)  
Minute Order - No Hearing Held;  
Journal Entry Details:  
*-PER JUDGE NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure 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. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed. At the April 6, 2016 Case Management Conference hearing, the Court set the matter for an Evidentiary Hearing regarding finances and equity in the marital residence. The Court Ordered a marital appraisal be prepared by Scott Dugan, for the prenuptial agreement to govern the division of property, for discovery to open, for the exchange of documents to be voluntarily completed pursuant to 16.2, and for counsel to amend the pleadings to include the tort claim and the community waste claim within the next 30 days. The Evidentiary Hearing was scheduled for October 12, 2016. Subsequent to the April 6, 2016 hearing, Plaintiff filed a Motion to Amend the Pleadings, for an Order to Enforce and for an Order to Show Cause and to Set Aside the Premarital Agreement. At the Motion hearing on October 4, 2016, the Court granted Plaintiff's request to amend the complaint to include the tort and community waste claim. The Court set an Evidentiary Hearing on the validity of the prenuptial agreement. The Evidentiary Hearing was scheduled for December 15, 2016. This Court has read and considered the current underlying pleadings in this matter. As the prenuptial agreement controls the marital estate and the validity of the prenuptial agreement is being contested, the Court is hereby continuing the Evidentiary Hearing re: finances and equity in the marital estate from October 12, 2016 to April 18, 2017. The Court will first hear the Evidentiary Hearing re: the validity of the prenuptial agreement, on December 15, 2016. Thereafter the Court will address the Evidentiary Hearing regarding the finances and the equity in the marital residence. Clerk's note, a copy of today's minute order, was mailed to Defendant, at the address on file and placed in Attorney's folder, at Family Court. ;*
- 10/04/2016  **Motion** (10:00 AM) (Judicial Officer: Hughes, Rena G.)  
Events: 07/22/2016 Motion to Amend  
*Plt's Motion to Amend the Pleadings, For An Order to Enforce and for An Order to Show Cause, and to Set Aside the Premarital Agreement per OST*

## MINUTES



Motion to Amend

Filed by: Plaintiff Holmes, Capucine Yolanda

*Motion to Amend the Pleadings, for an Order to Enforce and for an Order to Show Cause, and to Set Aside the Premarital Agreement*

JEA

for the OST. rescheduled back to original date

Evidentiary Hearing;

# CASE SUMMARY

CASE NO. D-15-523582-D

## Journal Entry Details:

*PLTF'S MOTION TO AMEND THE PLEADINGS, FOR AN ORDER TO ENFORCE AND FOR AN ORDER TO SHOW CAUSE, AND TO SET ASIDE THE PREMARITAL AGREEMENT PER OST Court clerk Tiffany Skaggs present. Discussion regarding lack of full disclosure, prenuptial agreement, 4/6/16 hearing and SOGG. Counsel stated Plaintiff found out after the 4/16 hearing that Defendant owned a liquor business and did not disclose everything. Attorney advised, Defendant represented he was not going to appear in court anymore. COURT ORDERED, 1. Behavioral Order shall be in EFFECT immediately. 2. Plaintiff's request to AMEND, regarding the TORQUE CLAIM and COMMUNITY WASTE shall be GRANTED. 3. Defendant's Complaint for Malicious Prosecution filed 9/28/16 shall be STRICKEN as it is not a Motion or Proper Document. 4. Plaintiff's claim that Defendant interfered with a job offer shall NOT be ALLOWED as claim does NOT relate to Divorce. 5. Plaintiff's Intentional Infliction claim shall NOT be ALLOWED as claim does NOT relate to Divorce. 6. Attorney shall file briefs pursuant to Michigan Law. 7. Evidentiary hearing regarding financials and marital residence STANDS. 12/15/2016 10:00 am EVIDENTIARY HEARING - validity of prenuptial agreement Minute's from today's hearing to suffice.;*

09/27/2016



**Calendar Call** (11:00 AM) (Judicial Officer: Hughes, Rena G.)

*due to stacking - set EH on 10/12/16*

Matter Heard;

## Journal Entry Details:

*Court noted, there were no appearance, for today's hearing, due to confusion, regarding the final order dealing with Defendant's motion, to disqualify. Court clerk trainee, Marlana Elliott, present. COURT ORDERED, DUE to STACKING, the EVIDENTIARY HEARING shall be RESET, to 10/12/16. Court's JEA to NOTICE said HEARING. The MOTION set, for 10/4/16, STANDS.;*

09/23/2016



**Minute Order** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

*Minute Order: Motion to Disqualify*

Minute Order - No Hearing Held; Motion to disqualify denied.

## Journal Entry Details:

*COURT ORDERED, as it does not appear that the motion was properly served upon the judge under NRS 1.235(4) the motion to disqualify is DENIED. See written order. CLERK'S NOTE: A copy of the above minute order was electronically mailed to Atty. Marsha Simms, counsel for Plaintiff, and mailed to Wilbert Holmes, Defendant in Pro Se, at 10550 Pattrington Ct Las Vegas, NV 89183. / dr 9-28-16 ;*

09/23/2016

**Motion to Disqualify Judge** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

*Deft's Memorandum of Law in Support of Motion to Disqualify Judge Rena G. Hughes Under 28U.S.C.144*

09/22/2016



**Motion to Disqualify Judge** (3:00 AM) (Judicial Officer: Barker, David)

Events: 08/18/2016 Notice of Motion

*Deft's Memorandum of Law in Support of Motion to Disqualify Judge Rena G. Hughes Under 28U.S.C.144*

## MINUTES



**Notice of Motion**

Filed By: Defendant Holmes, Wilbert Roy

Matter Continued;

## Journal Entry Details:

*The Court notes that in Plaintiff's Motion to Amend Pleadings, filed July 22, 2016, and set for hearing on October 4, 2016, Plaintiff's counsel references having spoken with this Court and being referred to Presiding Judge of the Family Division, Judge Charles Hoskin. See motion at 8:9-14. To avoid the appearance of impropriety Defendant's Motion to Disqualify Judge Hughes is ORDERED transferred to the Department 11 September 23, 2016, chamber calendar for either reassignment or decision by Judge Gonzalez at her discretion. CLERK'S NOTE: A copy of this Minute Order has been placed in the attorney folder of Marsha Kimble-Simms, Esq., and mailed to: Wilbert Roy Holmes 10550 Pattrington Ct. Las Vegas, NV 89183.ann/9/22/16 ;*

09/21/2016

**CANCELED Motion** (10:00 AM) (Judicial Officer: Hughes, Rena G.)

*Vacated - per Judge*

*Deft's Motion for Change of Venue*

07/26/2016



**Minute Order** (11:00 AM) (Judicial Officer: Hughes, Rena G.)

## CASE SUMMARY

CASE NO. D-15-523582-D

Minute Order - No Hearing Held;

Journal Entry Details:

*Per Judge Hughes NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure 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. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed. On July 16, 2016 Defendant filed a Motion for Change of Venue, with a Notice of Motion filed July 22, 2016 setting a hearing for September 21, 2016 at 10:00 a.m. The basis of Defendant's motion to change venue is his assertion that Plaintiff somehow can exert undue influence over the judiciary in Clark County, Nevada, and thus he will not receive a fair trial. Defendant further asserts that members of the judiciary have attended social events at his home, and that Plaintiff, his wife, is friends with members of the judiciary. Defendant does not assert Judge Rena Hughes attended social events at his home, or that Judge Rena Hughes is friends with his wife. Judge Rena Hughes has in fact not attended any social events at the parties home, and is not friends with Plaintiff. Judge Rena Hughes has no bias, nor prejudice for, or against, either party. Plaintiff has no undue influence over Judge Rena Hughes, and there is no basis to change venue as Defendant asserts. See, SCR 2.11. Defendant's Motion for Change of Venue is devoid of legal points and authorities, and does not meet the requirements of EDCR 2.20. Even if Defendant had cited to the appropriate statute or rule, the Court finds no basis for a change in venue. Both parties reside in Clark County, Nevada, the forum is convenient, and there is no obstacle to a fair and impartial trial. See, NRS 13.040 and 13.050. Defendant's Motion is DENIED, and the hearing of September 21, 2016 is VACATED. Clerk's note, a copy of today's was mailed to Defendant, at the address, on file and placed, in counsel's folder, at Family Court.;*

05/17/2016 CANCELED Motion (10:00 AM) (Judicial Officer: Hughes, Rena G.)

Vacated

Def't's Attorney's Motion to Withdraw as Attorney of Record

03/30/2016  Case Management Conference (11:00 AM) (Judicial Officer: Hughes, Rena G.)

03/30/2016, 04/06/2016

Events: 02/09/2016 Notice of Rescheduling of Hearing

Reset, from 3/30/16, due to JNA.

## MINUTES



Notice of Rescheduling of Hearing

Notice of Unavailability filed 2/18/16

Off Calendar;

Evidentiary Hearing;

Journal Entry Details:

*Arguments regarding, pre nuptial agreement, division of property, appraisal of marital residence, selling of the marital residence, job search for Plaintiff, assets and debts, domestic violence, TORTE claims and battery. COURT stated FINDINGS and ORDERED: 1. The MARTIAL APPRAISAL shall be PREPARED, by SCOTT DUGAN. Defendant shall FRONT the COST; HOWEVER, in the END, said COST shall be EQUALLY DIVIDED, by the Parties. 2. The PRE NUPITAL AGREEMENT shall GOVERN the DIVISION, of PROPERTY. 3. DISCOVERY shall be OPEN. 4. Pursuant to 16.2, EXCHANGE of DOCUMENTS shall be VOLUNTARILY COMPLETED. 5. Counsel shall AMEND the PLEADINGS, to INCLUDE the TORTE CLAIM and COMMUNITY WASTE, within the next 30 days. Attorney Jacobson to prepare an Order, from today's hearing. 9/27/16 11:00 am CALENDAR CALL 10/11/16 1:30 pm EVIDENTIARY HEARING - finances and equity in residence (stack #2);*

## MINUTES



Notice of Rescheduling of Hearing

Notice of Unavailability filed 2/18/16

Off Calendar;

Evidentiary Hearing;

Journal Entry Details:

*Due to the unavailability, of the Court, matter OFF CALENDAR and RESET, for 4/6/16. A copy of today's minute order and Notice of Rescheduling of Hearing, placed, in counsel's folder, at Family Court.;*

DATE

FINANCIAL INFORMATION

Intervenor Panfil, Kimberly

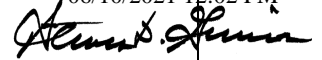
Total Charges

25.00

# CASE SUMMARY

CASE NO. D-15-523582-D

Total Payments and Credits	25.00
<b>Balance Due as of 7/14/2021</b>	<b>0.00</b>
<b>Defendant</b> Holmes, Wilbert Roy	
Total Charges	441.00
Total Payments and Credits	441.00
<b>Balance Due as of 7/14/2021</b>	<b>0.00</b>
<b>Plaintiff</b> Holmes, Capucine Yolanda	
Total Charges	435.50
Total Payments and Credits	435.50
<b>Balance Due as of 7/14/2021</b>	<b>0.00</b>

  
CLERK OF THE COURT

ORDR

DISTRICT COURT  
CLARK COUNTY, NEVADA

CAPUCINE YOLANDA HOLMES,

Plaintiff,

vs.

WILBERT ROY HOLMES,

Defendant

Case No: D-15-523582-D

Dept. No: X

DATE OF HEARING: 06/09/2021

TIME OF HEARING: CHAMBERS

**ORDER FROM JUNE 9, 2021 CHAMBERS REVIEW**

This is a post-judgment divorce proceeding reassigned to this judicial department on April 29, 2021. This case involves significant litigation to include a total of seven (7) appeals filed by Wilbert with Nevada Supreme Court.

**DECREE OF DIVORCE AND RELATED ORDERS**

On June 1, 2017, a final Decree of Divorce was filed following non-jury bench trial. At issue in the underlying proceeding and Decree was a marital residence located at 10550 Patrington Court, Las Vegas, Nevada (marital residence). In the Decree, Plaintiff Capucine Yolanda Holmes (Capucine) was awarded \$100,862.73 as her interest in the marital residence, said amount ordered reduced to judgment. See Decree at p.8, ll.21-26 (filed June 1, 2017). The Court further granted Capucine a lien on the marital residence in the awarded sum. Id. at p.9, ll.1-7. The Court additionally ordered that, if Defendant Wilbert Roy Holmes (Wilbert) failed to tender \$100,862.73 to Capucine within the ordered sixty (60) day period, Capucine would be entitled to force the sale of the marital residence in order to obtain her equity plus any costs and attorney fees and costs related to having to effectuate sale. Id. at p.9, ll.8-14. On June 1, 2017,

1 Notice of Entry of Decree was filed.

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3 of Reversal and Remand, this Court entered an Order upon Remand Clarifying Decree of  
4 Divorce (filed June 12, 2018). In the Order, the Court found a math error at page 6 with a  
5 correct figure listed at page 7. See Order at p.1, ll.19-22 (filed June 12, 2018). The Court  
6 additionally found Capucine's equity in the marital residence, as stated in the Decree of Divorce,  
7 was correct. Id. at p.1, ll.23-24.  
8

9       Following significant intervening litigation, on February 4, 2020, an Order from  
10 December 16, 2019 hearing was filed. The Court found Wilbert failed to appear for hearing  
11 following issuance of a December 3, 2019 Order to Show Cause and that his ex parte request to  
12 continue was not supported by admissible evidence. The Court granted Capucine's sole  
13 authority to sell the marital residence, to have sole authority to execute any and all documents  
14 necessary for the sale of the marital residence to include contracting with realtors and/or brokers  
15 and to retain the proceeds from the sale. See Order at p.2, ll.15-21 (filed February 4, 2020).  
16 The Court further ordered Capucine to notice an evidentiary hearing to establish the nature and  
17 value of personal property not returned to her by Wilbert pursuant to the terms of the Decree of  
18 Divorce. Id. at ll.22-24. On February 5, 2020, Wilbert filed a Notice of Appeal with was  
19 dismissed by the Nevada Supreme Court on March 5, 2020. On March 18, 2020, the Court  
20 denied Wilbert's Motion for Rehearing. Additional appeals followed, all of which were  
21 dismissed by the Nevada Supreme Court.  
22  
23  
24

25       The instant motions follow.

26 ///

27 ///

1 **MOTIONS BEFORE THE COURT**

2       There are multiple motions pending in this matter: 1) Kimberly Panfil's March 5, 2021  
3 Motion to Intervene; 2) Kimberly Panfil's March 5, 2021 Motion to Approve Sale of Real  
4 Property; 3) Wilbert's March 9, 2021 Motion for Order to Revise Property Settlement; 4)  
5 Kimberly Panfil's renewed March 12, 2021 Motion to Intervene with attached ex parte  
6 application for order shortening time; 5) Wilbert's March 29, 2021 Motion to Withdraw Request  
7 to Review Property Settlement; 6) Wilbert's May 24, 2021 Motion for Request to Revise  
8 Property Settlement; 7) Wilbert's May 24, 2021 Motion to Reverse/Drop Withdrawal of Motion  
9 for Request to Order Revise [sic] Property Settlement; and 8) Capucine's June 2, 2021 Motion  
10 for NRCP 11 Sanctions.  
11

12  
13       This Court exercises authority granted it pursuant to NRCP 1 and EDCR 1.10 which  
14 provide district court dockets shall be administered to secure speedy, efficient and inexpensive  
15 determinations in every action. Accordingly, all eight (8) motions and related responsive  
16 pleadings shall be included in this order.  
17

18 **KIMBERLY PANFIL'S MOTION TO INTERVENE**

19       On March 5, 2021, Kimberly Panfil (Panfil) filed her Motion to Intervene as well as her  
20 Motion to Approve Sale of Marital Property. On March 12, 2021, Panfil filed a second Motion  
21 to Intervene. Panfil, a realtor contracted by Wilbert, seeks leave of the Court to intervene in this  
22 matter as an interested party pursuant to NRCP 24(b). Panfil contends she was excluded from  
23 the December 16, 2019 hearing and, thus, unable to notify the Court that Wilbert had listed the  
24 marital residence for sale. Panfil further asserts the marital residence has or had an offer of  
25 \$900,000 and that, on February 19, 2021, she opened escrow on the property. In support of her  
26 assertions, Panfil cited to American Home Assur. Co. v. Eighth Jud. Dist. Ct., 122 Nev. 1229,  
27  
28

1 147 P.3d 1120 (2006), a case analyzing NRCP 24(a), Intervention of Right rather than NRCP  
2 24(b), Permissive Intervention as alleged in her motion. On April 10, 2021, Capucine filed her  
3 Opposition with Panfil filing her Reply on April 16, 2021.

4 NRCP 24(b) provides as follows:

5 **Permissive Intervention.**

6 (1) **In General.** On timely motion, the court may permit anyone to intervene who:

7 (A) is given a conditional right to intervene by a state or federal statute; or

8 (B) has a claim or defense that shares with the main action a common question  
9 of law or fact.

10 The Nevada Supreme Court has concluded as follows:

11 “A district court's ruling on permissive intervention is subject to “particularly  
12 deferential” review. *United States v. City of New York*, 198 F.3d 360, 367 (2d Cir.1999).  
13 Permissive intervention “is wholly discretionary with the [district] court ... and  
14 even though there is a common question of law or fact, or the requirements of Rule 24(b)  
15 are otherwise satisfied, the court may refuse to allow intervention.” 7C Charles Alan  
16 Wright et al., *Federal Practice and Procedure* § 1913 (3d ed.2007). Thus, on review, the  
17 question “is not whether ‘the factors which render permissive intervention appropriate  
18 under [Rule] 24(b) were present,’ but is rather ‘whether the trial court committed a clear  
19 abuse of discretion in denying the motion.’ ” *New Orleans Pub. Serv., Inc. v. United Gas  
20 Pipe Line Co.*, 732 F.2d 452, 471 (5th Cir.1984) (quoting *Korioth v. Briscoe*, 523 F.2d  
21 1271, 1278 (5th Cir.1975)).

22 Hairr v. First Jud. Dist. Ct., 132 Nev. 180, 187, 368 P.3d 1198, 1202–03 (2016).

23 This Court FINDS Panfil has not set forth a sufficient basis for conditional right to  
24 intervene in this matter via state or federal statute. The Court further FINDS, Panfil, Wilbert’s  
25 realtor, has no claim or defense that shares with this action a common question of law or fact.  
26 Given the underlying litigation in this case and the fact Panfil is Wilbert’s agent, the likelihood  
27 for potential delay and increased costs, should Panfil be allowed to intervene, is significant. As  
28

1 noted herein, this divorce proceeding involves significant litigation, delay in final resolution of  
2 the June 1, 2017 Decree of Divorce as well as seven appeals, all filed by Wilbert.

3 Therefore, Panfil's Motion to Intervene is DENIED. As such, the Court is not required  
4 to consider the subject of her Motion to Approve Sale of the Marital Residence.  
5

#### 6 **WILBERT'S MOTION TO REVISE PROPERTY SETTLEMENT**

7 On March 9, 2021, Wilbert filed his Motion to Revise Property Settlement followed, on  
8 March 12, 2021, with his supporting Addendum. On March 23, 2021, Capucine filed her  
9 Opposition. On March 29, 2021, Wilbert filed a Motion to Withdraw the Motion to Revise  
10 Property Settlement. However, on May 24, 2021, Wilbert filed his Motion to Reverse his  
11 Motion to Withdraw.  
12

13 In his initial March 9, 2021 motion, Wilbert asserts legally recorded property deeds  
14 should have ended the marital property ownership save for Judge Rena Hughes failing to  
15 acknowledge them and keeping the case open indefinitely. See Motion at p.2, paragraph 3.  
16 Wilbert provides no factual support or evidence or citation to law in support of this allegations.  
17 Wilbert additionally contends false allegations have been made against him to include having  
18 committed some type of crime. Id. at paragraphs 4-8. At page 3 of Wilbert's motion was an  
19 inflammatory photograph of a racial nature with the caption "Wilbert R. Holmes . . . this the Las  
20 Vegas police and legal system [sic]." The bulk of Wilbert's sixteen-page motion is a multiple  
21 page narrative and diatribe against the legal system and Capucine. The Court FINDS the  
22 motion wholly devoid of any factual or legal support. See EDCR 2.20(c)(mandating inclusions  
23 of points and authorities in support of any motion filed with the court and that the absence of  
24 points and authorities may be construed as an admission the motion is meritless and a cause for  
25 denial).  
26  
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1 Wilbert's March 12, 2021 Addendum appears to be a filing identical to the March 9,  
2 2021 motion. Wilbert's March 29, 2021 motion sought leave to withdraw his March 9, and  
3 presumably March 12, 2021, motions. However, on May 24, 2021, Wilbert filed his motion to  
4 reverse his withdrawal motion.  
5

6 In her March 23, 2021 Opposition, Capucine noted the underlying history of the case  
7 and requested the Court deny Wilbert's motions as legally deficient.

8 The Court FINDS Wilbert's motions legally deficient pursuant to EDCR 2.20(c) and that,  
9 in any event, the motions failed to set forth any cognizable grounds for relief. Accordingly,  
10 Wilbert's motions are DENIED.  
11

#### 12 **CAPUCINE'S MOTION FOR NRCP 11 SANCTIONS**

13 On June 2, 2021, Capucine filed her Motion for Sanctions pursuant to NRCP 11 followed  
14 on June 6, 2021 with her Supplement. Both documents contained a Certificate of Service by  
15 mail to Wilbert at his known address rather than his court-listed address. No opposition has  
16 been filed and the time for filing any opposition has passed.  
17

18 Notwithstanding the possible merit of Capucine's motion, the Court FINDS there is a  
19 service defect where her motion and supplement were not also served on Wilbert's court-listed  
20 address. Accordingly, Capucine's Motion for NRCP 11 Sanctions is DENIED without  
21 prejudice.  
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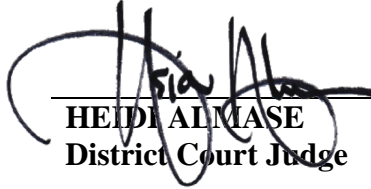
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1 **FEBRUARY 4, 2020 ORDER**

2 This Court FINDS the February 4, 2020 Order is the most current and controlling order  
3 in this matter and is hereby AFFIRMED. To the extent any of the listed motions sought a delay  
4 of or revision of that order, those orders have been DENIED herein.  
5

6 Dated this \_\_\_\_\_ day of June, 2021. Dated this 10th day of June, 2021

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8   
9 **HEIDI ALMASE**  
District Court Judge

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11 **C6A D80 1F60 3792**  
12 **Heidi Almase**  
13 **District Court Judge**  
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1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Capucine Yolanda Holmes,  
7 Plaintiff

CASE NO: D-15-523582-D

8 vs.

DEPT. NO. Department X

9 Wilbert Roy Holmes, Defendant.

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 6/10/2021

16 James Fontano

jim@heatonfontano.com

17 "Marsha Kimble-Simms, Esq." .

simmslawfirm@aol.com

18 CAPUCINE HOLMES

UCINE68@YAHOO.COM

19 WILBERT HOLMES

WHOLMES711@AOL.COM

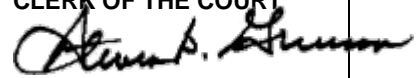
20 Brent Blanchard, Esq

blanchardlaw1@gmail.com

21  
22 If indicated below, a copy of the above mentioned filings were also served by mail  
23 via United States Postal Service, postage prepaid, to the parties listed below at their last  
24 known addresses on 6/11/2021

25 Brent Blanchard

10120 S. Eastern Ave., Ste. 200  
Henderson, NV, 89052-3951



DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*

Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

Case No.: D-15-523582-D  
Department X

**NOTICE OF ENTRY OF ORDER FROM JUNE 9, 2021 CHAMBERS REVIEW**

TO ALL INTERESTED PARTIES:

**PLEASE TAKE NOTICE** that an Order from June 9, 2021 Chambers Review was entered in the above-entitled matter on June 14, 2021, a true and correct copy of which is attached hereto.

Dated this 14th day of June, 2021.

/s/ Natalie Castro

Natalie Castro  
Judicial Executive Assistant to the  
HONORABLE HEIDI ALMASE

**CERTIFICATE OF SERVICE**

I hereby certify that on the above file stamped date:

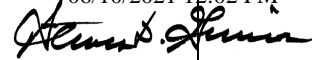
☒ E-Served pursuant to NEFCR 9 on June 14, 2021, or placed in the folder(s) located in the Clerk's Office of, the following attorneys:

James A. Fontano  
Wilbert Roy Holmes  
Brent A. Blanchard

☐ I mailed, via first-class mail, postage fully prepaid, the foregoing NOTICE OF ENTRY OF ORDER to:

/s/ Natalie Castro

Natalie Castro  
Judicial Executive Assistant to the  
HONORABLE HEIDI ALMASE

  
CLERK OF THE COURT

ORDR

DISTRICT COURT  
CLARK COUNTY, NEVADA

CAPUCINE YOLANDA HOLMES,  
Plaintiff,

vs.

WILBERT ROY HOLMES,  
Defendant

Case No: D-15-523582-D  
Dept. No: X

DATE OF HEARING: 06/09/2021  
TIME OF HEARING: CHAMBERS

**ORDER FROM JUNE 9, 2021 CHAMBERS REVIEW**

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**DECREE OF DIVORCE AND RELATED ORDERS**

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25       The instant motions follow.

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22 matter as an interested party pursuant to NRCP 24(b). Panfil contends she was excluded from  
23 the December 16, 2019 hearing and, thus, unable to notify the Court that Wilbert had listed the  
24 marital residence for sale. Panfil further asserts the marital residence has or had an offer of  
25 \$900,000 and that, on February 19, 2021, she opened escrow on the property. In support of her  
26 assertions, Panfil cited to American Home Assur. Co. v. Eighth Jud. Dist. Ct., 122 Nev. 1229,  
27  
28

1 147 P.3d 1120 (2006), a case analyzing NRCP 24(a), Intervention of Right rather than NRCP  
2 24(b), Permissive Intervention as alleged in her motion. On April 10, 2021, Capucine filed her  
3 Opposition with Panfil filing her Reply on April 16, 2021.

4 NRCP 24(b) provides as follows:

5 **Permissive Intervention.**

6 (1) **In General.** On timely motion, the court may permit anyone to intervene who:

7 (A) is given a conditional right to intervene by a state or federal statute; or

8 (B) has a claim or defense that shares with the main action a common question  
9 of law or fact.

10 The Nevada Supreme Court has concluded as follows:

11 “A district court's ruling on permissive intervention is subject to “particularly  
12 deferential” review. *United States v. City of New York*, 198 F.3d 360, 367 (2d Cir.1999).  
13 Permissive intervention “is wholly discretionary with the [district] court ... and  
14 even though there is a common question of law or fact, or the requirements of Rule 24(b)  
15 are otherwise satisfied, the court may refuse to allow intervention.” 7C Charles Alan  
16 Wright et al., *Federal Practice and Procedure* § 1913 (3d ed.2007). Thus, on review, the  
17 question “is not whether ‘the factors which render permissive intervention appropriate  
18 under [Rule] 24(b) were present,’ but is rather ‘whether the trial court committed a clear  
19 abuse of discretion in denying the motion.’ ” *New Orleans Pub. Serv., Inc. v. United Gas  
20 Pipe Line Co.*, 732 F.2d 452, 471 (5th Cir.1984) (quoting *Korioth v. Briscoe*, 523 F.2d  
21 1271, 1278 (5th Cir.1975)).

22 Hairr v. First Jud. Dist. Ct., 132 Nev. 180, 187, 368 P.3d 1198, 1202–03 (2016).

23 This Court FINDS Panfil has not set forth a sufficient basis for conditional right to  
24 intervene in this matter via state or federal statute. The Court further FINDS, Panfil, Wilbert’s  
25 realtor, has no claim or defense that shares with this action a common question of law or fact.  
26 Given the underlying litigation in this case and the fact Panfil is Wilbert’s agent, the likelihood  
27 for potential delay and increased costs, should Panfil be allowed to intervene, is significant. As  
28

1 noted herein, this divorce proceeding involves significant litigation, delay in final resolution of  
2 the June 1, 2017 Decree of Divorce as well as seven appeals, all filed by Wilbert.

3 Therefore, Panfil's Motion to Intervene is DENIED. As such, the Court is not required  
4 to consider the subject of her Motion to Approve Sale of the Marital Residence.  
5

## 6 **WILBERT'S MOTION TO REVISE PROPERTY SETTLEMENT**

7 On March 9, 2021, Wilbert filed his Motion to Revise Property Settlement followed, on  
8 March 12, 2021, with his supporting Addendum. On March 23, 2021, Capucine filed her  
9 Opposition. On March 29, 2021, Wilbert filed a Motion to Withdraw the Motion to Revise  
10 Property Settlement. However, on May 24, 2021, Wilbert filed his Motion to Reverse his  
11 Motion to Withdraw.  
12

13 In his initial March 9, 2021 motion, Wilbert asserts legally recorded property deeds  
14 should have ended the marital property ownership save for Judge Rena Hughes failing to  
15 acknowledge them and keeping the case open indefinitely. See Motion at p.2, paragraph 3.  
16 Wilbert provides no factual support or evidence or citation to law in support of this allegations.  
17 Wilbert additionally contends false allegations have been made against him to include having  
18 committed some type of crime. Id. at paragraphs 4-8. At page 3 of Wilbert's motion was an  
19 inflammatory photograph of a racial nature with the caption "Wilbert R. Holmes . . . this the Las  
20 Vegas police and legal system [sic]." The bulk of Wilbert's sixteen-page motion is a multiple  
21 page narrative and diatribe against the legal system and Capucine. The Court FINDS the  
22 motion wholly devoid of any factual or legal support. See EDCR 2.20(c)(mandating inclusions  
23 of points and authorities in support of any motion filed with the court and that the absence of  
24 points and authorities may be construed as an admission the motion is meritless and a cause for  
25 denial).  
26  
27  
28

1 Wilbert's March 12, 2021 Addendum appears to be a filing identical to the March 9,  
2 2021 motion. Wilbert's March 29, 2021 motion sought leave to withdraw his March 9, and  
3 presumably March 12, 2021, motions. However, on May 24, 2021, Wilbert filed his motion to  
4 reverse his withdrawal motion.  
5

6 In her March 23, 2021 Opposition, Capucine noted the underlying history of the case  
7 and requested the Court deny Wilbert's motions as legally deficient.

8 The Court FINDS Wilbert's motions legally deficient pursuant to EDCR 2.20(c) and that,  
9 in any event, the motions failed to set forth any cognizable grounds for relief. Accordingly,  
10 Wilbert's motions are DENIED.  
11

#### 12 **CAPUCINE'S MOTION FOR NRCP 11 SANCTIONS**

13 On June 2, 2021, Capucine filed her Motion for Sanctions pursuant to NRCP 11 followed  
14 on June 6, 2021 with her Supplement. Both documents contained a Certificate of Service by  
15 mail to Wilbert at his known address rather than his court-listed address. No opposition has  
16 been filed and the time for filing any opposition has passed.  
17

18 Notwithstanding the possible merit of Capucine's motion, the Court FINDS there is a  
19 service defect where her motion and supplement were not also served on Wilbert's court-listed  
20 address. Accordingly, Capucine's Motion for NRCP 11 Sanctions is DENIED without  
21 prejudice.  
22

23 ///

24 ///

25 ///

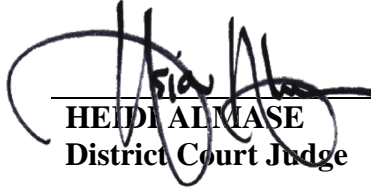
26 ///

27 ///

1 **FEBRUARY 4, 2020 ORDER**

2 This Court FINDS the February 4, 2020 Order is the most current and controlling order  
3 in this matter and is hereby AFFIRMED. To the extent any of the listed motions sought a delay  
4 of or revision of that order, those orders have been DENIED herein.  
5

6 Dated this \_\_\_\_\_ day of June, 2021. Dated this 10th day of June, 2021

7  
8   
9 **HEIDI ALMASE**  
District Court Judge

10  
11 **C6A D80 1F60 3792**  
12 **Heidi Almase**  
13 **District Court Judge**  
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1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Capucine Yolanda Holmes,  
7 Plaintiff

CASE NO: D-15-523582-D

8 vs.

DEPT. NO. Department X

9 Wilbert Roy Holmes, Defendant.

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 6/10/2021

16 James Fontano

jim@heatonfontano.com

17 "Marsha Kimble-Simms, Esq." .

simmslawfirm@aol.com

18 CAPUCINE HOLMES

UCINE68@YAHOO.COM

19 WILBERT HOLMES

WHOLMES711@AOL.COM

20 Brent Blanchard, Esq

blanchardlaw1@gmail.com

21  
22 If indicated below, a copy of the above mentioned filings were also served by mail  
23 via United States Postal Service, postage prepaid, to the parties listed below at their last  
24 known addresses on 6/11/2021

25 Brent Blanchard

10120 S. Eastern Ave., Ste. 200  
Henderson, NV, 89052-3951

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

March 30, 2016

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D-15-523582-D	Capucine Yolanda Holmes, Plaintiff vs. Wilbert Roy Holmes, Defendant.
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March 30, 2016	11:00 AM	Case Management Conference
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**HEARD BY:** Hughes, Rena G.

**COURTROOM:** Courtroom 04

**COURT CLERK:** Tiffany Skaggs

**PARTIES:**

Capucine Holmes, Plaintiff, not present	James Fontano, Attorney, not present
Kimberly Panfil, Intervenor, not present	Brent Blanchard, Attorney, not present
Wilbert Holmes, Defendant, not present	Pro Se

<b>JOURNAL ENTRIES</b>
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- Due to the unavailability, of the Court, matter OFF CALENDAR and RESET, for 4/6/16.

A copy of today's minute order and Notice of Rescheduling of Hearing, placed, in counsel's folder, at Family Court.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

**April 06, 2016**

---

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

---

**April 06, 2016      11:00 AM      Case Management  
Conference**

**HEARD BY:** Hughes, Rena G.

**COURTROOM:** Courtroom 04

**COURT CLERK:** Tiffany Skaggs

**PARTIES:**

Capucine Holmes, Plaintiff, present	Marsha Kimble-Simms, Attorney, present
Kimberly Panfil, Intervenor, not present	Brent Blanchard, Attorney, not present
Wilbert Holmes, Defendant, present	Pro Se

<b>JOURNAL ENTRIES</b>
------------------------

- Arguments regarding, pre nuptial agreement, division of property, appraisal of marital residence, selling of the marital residence, job search for Plaintiff, assets and debts, domestic violence, TORTE claims and battery.

COURT stated FINDINGS and ORDERED:

1. The MARTIAL APPRAISAL shall be PREPARED, by SCOTT DUGAN. Defendant shall FRONT the COST; HOWEVER, in the END, said COST shall be EQUALLY DIVIDED, by the Parties.
2. The PRE NUPTIAL AGREEMENT shall GOVERN the DIVISION, of PROPERTY.
3. DISCOVERY shall be OPEN.
4. Pursuant to 16.2, EXCHANGE of DOCUMENTS shall be VOLUNTARILY COMPLETED.

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5. Counsel shall AMEND the PLEADINGS, to INCLUDE the TORTE CLAIM and COMMUNITY WASTE, within the next 30 days.

Attorney Jacobson to prepare an Order, from today's hearing.

9/27/16 11:00 am CALENDAR CALL

10/11/16 1:30 pm EVIDENTIARY HEARING - finances and equity in residence (stack #2)

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:** Apr 06, 2016 11:00AM Case Management Conference  
Reset, from 3/30/16, due to JNA.  
Courtroom 04 Hughes, Rena G.

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint****COURT MINUTES**

July 26, 2016

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

**July 26, 2016      11:00 AM      Minute Order**

**HEARD BY:** Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Tiffany Skaggs**PARTIES:**

Capucine Holmes, Plaintiff, not present	James Fontano, Attorney, not present
Kimberly Panfil, Intervenor, not present	Brent Blanchard, Attorney, not present
Wilbert Holmes, Defendant, not present	Pro Se

<b>JOURNAL ENTRIES</b>
------------------------

- Per Judge Hughes

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure 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. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed.

On July 16, 2016 Defendant filed a Motion for Change of Venue, with a Notice of Motion filed July 22, 2016 setting a hearing for September 21, 2016 at 10:00 a.m. The basis of Defendant's motion to change venue is his assertion that Plaintiff somehow can exert undue influence over the judiciary in Clark County, Nevada, and thus he will not receive a fair trial. Defendant further asserts that members of the judiciary have attended social events at his home, and that Plaintiff, his wife, is friends with members of the judiciary. Defendant does not assert Judge Rena Hughes attended social events at his home, or that Judge Rena Hughes is friends with his wife.

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Judge Rena Hughes has in fact not attended any social events at the parties home, and is not friends with Plaintiff. Judge Rena Hughes has no bias, nor prejudice for, or against, either party. Plaintiff has no undue influence over Judge Rena Hughes, and there is no basis to change venue as Defendant asserts. See, SCR 2.11.

Defendant's Motion for Change of Venue is devoid of legal points and authorities, and does not meet the requirements of EDCR 2.20. Even if Defendant had cited to the appropriate statute or rule, the Court finds no basis for a change in venue. Both parties reside in Clark County, Nevada, the forum is convenient, and there is no obstacle to a fair and impartial trial. See, NRS 13.040 and 13.050.

Defendant's Motion is DENIED, and the hearing of September 21, 2016 is VACATED.

Clerk's note, a copy of today's was mailed to Defendant, at the address, on file and placed, in counsel's folder, at Family Court.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:** Sep 27, 2016 11:00AM Calendar Call  
due to stacking - set EH on 10/12/16  
Courtroom 04 Hughes, Rena G.

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint****COURT MINUTES**

September 22, 2016

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

**September 22, 2016      3:00 AM      Motion to Disqualify Judge**

**HEARD BY:** Barker, David**COURTROOM:****COURT CLERK:****PARTIES:**

Capucine Holmes, Plaintiff, not present	James Fontano, Attorney, not present
Kimberly Panfil, Intervenor, not present	Brent Blanchard, Attorney, not present
Wilbert Holmes, Defendant, not present	Pro Se

<b>JOURNAL ENTRIES</b>
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- The Court notes that in Plaintiff's Motion to Amend Pleadings, filed July 22, 2016, and set for hearing on October 4, 2016, Plaintiff's counsel references having spoken with this Court and being referred to Presiding Judge of the Family Division, Judge Charles Hoskin. See motion at 8:9-14. To avoid the appearance of impropriety Defendant's Motion to Disqualify Judge Hughes is ORDERED transferred to the Department 11 September 23, 2016, chamber calendar for either reassignment or decision by Judge Gonzalez at her discretion.

CLERK'S NOTE: A copy of this Minute Order has been placed in the attorney folder of Marsha Kimble-Simms, Esq., and mailed to:  
Wilbert Roy Holmes  
10550 Patrington Ct.  
Las Vegas, NV 89183.anm/9/22/16

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**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

**September 23, 2016**

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D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

---

**September 23, 2016      3:00 AM      Minute Order**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 14C

**COURT CLERK:** Dulce Romea

**PARTIES:**

Capucine Holmes, Plaintiff, not present	James Fontano, Attorney, not present
Kimberly Panfil, Intervenor, not present	Brent Blanchard, Attorney, not present
Wilbert Holmes, Defendant, not present	Pro Se

<b>JOURNAL ENTRIES</b>
------------------------

- COURT ORDERED, as it does not appear that the motion was properly served upon the judge under NRS 1.235(4) the motion to disqualify is DENIED. See written order.

CLERK'S NOTE: A copy of the above minute order was electronically mailed to Atty. Marsha Simms, counsel for Plaintiff, and mailed to Wilbert Holmes, Defendant in Pro Se, at 10550 Patrington Ct Las Vegas, NV 89183. / dr 9-28-16

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

September 27, 2016

---

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

---

**September 27, 2016      11:00 AM      Calendar Call**

**HEARD BY:** Hughes, Rena G.

**COURTROOM:** Courtroom 04

**COURT CLERK:** Tiffany Skaggs

**PARTIES:**

Capucine Holmes, Plaintiff, not present	James Fontano, Attorney, not present
Kimberly Panfil, Intervenor, not present	Brent Blanchard, Attorney, not present
Wilbert Holmes, Defendant, not present	Pro Se

<b>JOURNAL ENTRIES</b>
------------------------

- Court noted, there were no appearance, for today's hearing, due to confusion, regarding the final order dealing with Defendant's motion, to disqualify.

Court clerk trainee, Marlana Elliott, present.

COURT ORDERED, DUE to STACKING, the EVIDENTIARY HEARING shall be RESET, to 10/12/16. Court's JEA to NOTICE said HEARING. The MOTION set, for 10/4/16, STANDS.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

**October 04, 2016**

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D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

---

**October 04, 2016      10:00 AM      Motion**

**HEARD BY:** Hughes, Rena G.

**COURTROOM:** Courtroom 04

**COURT CLERK:** Tiffany Skaggs

**PARTIES:**

Capucine Holmes, Plaintiff, present	Marsha Kimble-Simms, Attorney, present
Kimberly Panfil, Intervenor, not present	Brent Blanchard, Attorney, not present
Wilbert Holmes, Defendant, not present	Pro Se

<b>JOURNAL ENTRIES</b>
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- PLTF'S MOTION TO AMEND THE PLEADINGS, FOR AN ORDER TO ENFORCE AND FOR AN ORDER TO SHOW CAUSE, AND TO SET ASIDE THE PREMARITAL AGREEMENT PER OST

Court clerk Tiffany Skaggs present.

Discussion regarding lack of full disclosure, prenuptial agreement, 4/6/16 hearing and SOGG.

Counsel stated Plaintiff found out after the 4/16 hearing that Defendant owned a liquor business and did not disclose everything.

Attorney advised, Defendant represented he was not going to appear in court anymore.

COURT ORDERED,

1. Behavioral Order shall be in EFFECT immediately.

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2. Plaintiff's request to AMEND, regarding the TORQUE CLAIM and COMMUNITY WASTE shall be GRANTED.

3. Defendant's Complaint for Malicious Prosecution filed 9/28/16 shall be STRICKEN as it is not a Motion or Proper Document.

4. Plaintiff's claim that Defendant interfered with a job offer shall NOT be ALLOWED as claim does NOT relate to Divorce.

5. Plaintiff's Intentional Infliction claim shall NOT be ALLOWED as claim does NOT relate to Divorce.

6. Attorney shall file briefs pursuant to Michigan Law.

7. Evidentiary hearing regarding financials and marital residence STANDS.

12/15/2016 10:00 am EVIDENTIARY HEARING - validity of prenuptial agreement

Minute's from today's hearing to suffice.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint****COURT MINUTES****October 11, 2016**

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

**October 11, 2016      10:00 AM      Minute Order**

**HEARD BY:** Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Marlana Elliott**PARTIES:**

Capucine Holmes, Plaintiff, not present	James Fontano, Attorney, not present
Kimberly Panfil, Intervenor, not present	Brent Blanchard, Attorney, not present
Wilbert Holmes, Defendant, not present	Pro Se

<b>JOURNAL ENTRIES</b>
------------------------

- -PER JUDGE

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure 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. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed.

At the April 6, 2016 Case Management Conference hearing, the Court set the matter for an Evidentiary Hearing regarding finances and equity in the marital residence. The Court Ordered a marital appraisal be prepared by Scott Dugan, for the prenuptial agreement to govern the division of property, for discovery to open, for the exchange of documents to be voluntarily completed pursuant to 16.2, and for counsel to amend the pleadings to include the tort claim and the community waste claim within the next 30 days. The Evidentiary Hearing was scheduled for October 12, 2016.

Subsequent to the April 6, 2016 hearing, Plaintiff filed a Motion to Amend the Pleadings, for an Order

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to Enforce and for an Order to Show Cause and to Set Aside the Premarital Agreement. At the Motion hearing on October 4, 2016, the Court granted Plaintiff s request to amend the complaint to include the tort and community waste claim. The Court set an Evidentiary Hearing on the validity of the prenuptial agreement. The Evidentiary Hearing was scheduled for December 15, 2016.

This Court has read and considered the current underlying pleadings in this matter. As the prenuptial agreement controls the marital estate and the validity of the prenuptial agreement is being contested, the Court is hereby continuing the Evidentiary Hearing re: finances and equity in the marital estate from October 12, 2016 to April 18, 2017.

The Court will first hear the Evidentiary Hearing re: the validity of the prenuptial agreement, on December 15, 2016. Thereafter the Court will address the Evidentiary Hearing regarding the finances and the equity in the marital residence.

Clerk's note, a copy of today's minute order, was mailed to Defendant, at the address on file and placed in Attorney's folder, at Family Court.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint****COURT MINUTES**

December 20, 2016

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

**December 20, 2016 11:00 AM****All Pending Motions****HEARD BY:** Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Tiffany Skaggs**PARTIES:**

Capucine Holmes, Plaintiff, present

Kimberly Panfil, Intervenor, not present

Wilbert Holmes, Defendant, present

Marsha Kimble-Simms, Attorney, present

Brent Blanchard, Attorney, not present

Pro Se

<b>JOURNAL ENTRIES</b>
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- DEFT'S MOTION FOR MALICIOUS PROSECUTION...CALENDAR CALL...STATUS  
CHECK...MOTION TO WITHDRAW AS COUNSEL OF RECORD PER OST

Court discussed Defendant's notice of motion failed to provide points or authorities, and a proper motion was not filed. Further, Plaintiff has not filed a pre trial memorandum. Court addressed counsel's motion to withdraw was not served; therefore, can not be heard, today.

Discussion regarding not having the entire pre nuptial agreement, from Michigan, appraisals of the residence and the length of time the case has been ongoing.

Court reviewed the pre nuptial agreement, which was filed, with the Court. Court noted, there is enough information, in the pre nuptial to apply the laws, of Michigan, to the document.

Counsel stated she does not feel comfortable moving forward, with the trial, with the documents she has, as they are not complete. Further, counsel has attempted to retrieve a copy of the full document,

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however has been able to, due to needing Defendant's authorization.

COURT stated FINDINGS and ORDERED:

1. Defendant's MOTION shall be DENIED.
2. As Defendant FILED his EXHIBITS, in his PRE TRIAL MEMORANDUM (12/11/16), EXHIBITS B and C shall be STRICKEN.
3. EVIDENTIARY HEARING STANDS.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

January 10, 2017

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D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

---

**January 10, 2017      1:30 PM      Evidentiary Hearing**

**HEARD BY:** Hughes, Rena G.

**COURTROOM:** Courtroom 04

**COURT CLERK:** Tiffany Skaggs

**PARTIES:**

Capucine Holmes, Plaintiff, present	Marsha Kimble-Simms, Attorney, present
Kimberly Panfil, Intervenor, not present	Brent Blanchard, Attorney, not present
Wilbert Holmes, Defendant, present	Pro Se

<b>JOURNAL ENTRIES</b>
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- HOUSEKEEPING ISSUES.

Review of issues and the pre marital agreement.

Witness's sworn and testified. Court heard testimony, from Plaintiff and Wendell Snow.

Exhibits offered and admitted. See exhibit worksheet.

Court addressed, exhibit C1 is an appraisal, for 2002, however, an appraisal, for 2001 was requested.

Due to TIME RESTRICTIONS, COURT ORDERED, matter CONTINUED, to 1/18/17.

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**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

January 18, 2017

---

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

---

**January 18, 2017      1:30 PM      Evidentiary Hearing**

**HEARD BY:** Hughes, Rena G.

**COURTROOM:** Courtroom 04

**COURT CLERK:** April Graham

**PARTIES:**

Capucine Holmes, Plaintiff, present	Marsha Kimble-Simms, Attorney, present
Kimberly Panfil, Intervenor, not present	Brent Blanchard, Attorney, not present
Wilbert Holmes, Defendant, present	Pro Se

<b>JOURNAL ENTRIES</b>
------------------------

- Court noted both parties filed an Amended Pretrial Memorandum with additional exhibits.

Testimony and exhibits presented (see worksheets).

COURT ORDERED, matter is taken UNDER ADVISEMENT. As the Court is unable to make a DECISION at this time, Ms. Kimble-Simms shall obtain the closing documents from the title company on the home when it was purchased in 1999 and file it with the Court; she may prepare an Order for the Court to sign should a subpoena not be sufficient.

Ms. Kimble-Simms shall prepare the Order from today's hearing.

Clerk's Note: After the hearing, COURT ORDERED, Defendant is to make Plaintiff's personal items in the home available for her to pick up within 10 days of today's date. (ag)

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**INTERIM CONDITIONS:**

**FUTURE HEARINGS:** Jan 18, 2017 1:30PM Evidentiary Hearing  
DAY 2 - Finances / equity in marital residence  
Courtroom 04 Hughes, Rena G.

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

April 05, 2017

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D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

---

**April 05, 2017      11:00 AM      Motion**

**HEARD BY:** Hughes, Rena G.

**COURTROOM:** Courtroom 04

**COURT CLERK:** Tiffany Skaggs

**PARTIES:**

Capucine Holmes, Plaintiff, not present	James Fontano, Attorney, not present
Kimberly Panfil, Intervenor, not present	Brent Blanchard, Attorney, not present
Wilbert Holmes, Defendant, not present	Pro Se

<b>JOURNAL ENTRIES</b>
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- Clerk's note, matter was on the IN CHAMBERS calendar and a hearing was not heard. However, a DECISION was made, on the PLEADINGS, with the ORDER, FILED 4/6/17.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint****COURT MINUTES**

August 23, 2017

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

**August 23, 2017      11:00 AM      Motion to Stay**

**HEARD BY:** Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Tiffany Skaggs**PARTIES:**

Capucine Holmes, Plaintiff, not present	James Fontano, Attorney, not present
Kimberly Panfil, Intervenor, not present	Brent Blanchard, Attorney, not present
Wilbert Holmes, Defendant, not present	Pro Se

<b>JOURNAL ENTRIES</b>
------------------------

- Per Judge Hughes

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.501(b), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed.

This matter came on for hearing on the Court's in chambers calendar on August 23, 2017 for Defendant's Motion to Stay.

This Court has read and considered the current underlying pleadings in this matter.

Defendant has filed an Appeal of the final Decree of Divorce in this matter and applied to the District Court for a stay of the Decree of Divorce pending the appeal. Defendant's Motion for Stay is devoid

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of legal authorities and any factual basis. Any motion filed without points and authorities is subject to being denied pursuant to EDCR2.20 (c) A party filing a motion must also serve and file with it a memorandum of points and authorities in support of each ground thereof. The absence of such memorandum may be construed as an admission that the motion is not meritorious, as cause for its denial or as a waiver of all grounds not so supported.

Further, Defendant has not filed a supersedeas bond. Defendant's Motion to Stay is therefore denied.

NRCP 62 (d) Stay Upon Appeal. When an appeal is taken the appellant by giving a supersedeas bond may obtain a stay subject to the exceptions contained in subdivision (a) of this rule. The bond may be given at or after the time of filing the notice of appeal. The stay is effective when the supersedeas bond is filed.

Clerk's note, a copy, of today's minute order, was mailed to the Parties, at the addresses, on file.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

**October 03, 2017**

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D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

---

**October 03, 2017      3:39 PM      Minute Order**

**HEARD BY:**    Gonzalez, Elizabeth

**COURTROOM:**

**COURT CLERK:**    Dulce Romea

**PARTIES:**

Capucine Holmes, Plaintiff, not present	James Fontano, Attorney, not present
Kimberly Panfil, Intervenor, not present	Brent Blanchard, Attorney, not present
Wilbert Holmes, Defendant, not present	Pro Se

<b>JOURNAL ENTRIES</b>
------------------------

- The Court reviewed the Ex Parte Motion for Order Shortening Time (OST) submitted for the Motion to Disqualify Judge filed 9/1/9/17. As it does not appear that the Motion or Amended Motion has been served on the judge as required by NRS 1.235(4) the Ex parte Motion is DENIED WITHOUT PREJUDICE.

CLERK'S NOTE: A copy of this minute order was distributed to:

Wilbert R. Holmes  
10550 Patrington Ct.  
Las Vegas, NV 89183

/ dr 10-4-17

**INTERIM CONDITIONS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

November 03, 2017

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D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

---

**November 03, 2017      3:00 AM      Motion to Disqualify Judge**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** Chambers

**COURT CLERK:** Dulce Romea

**PARTIES:**

Capucine Holmes, Plaintiff, not present	James Fontano, Attorney, not present
Kimberly Panfil, Intervenor, not present	Brent Blanchard, Attorney, not present
Wilbert Holmes, Defendant, not present	Pro Se

<b>JOURNAL ENTRIES</b>
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- See order denying motion to disqualify.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint****COURT MINUTES**

November 20, 2017

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

**November 20, 2017      1:30 PM      Minute Order**

**HEARD BY:** Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Tiffany Skaggs**PARTIES:**

Capucine Holmes, Plaintiff, not present	James Fontano, Attorney, not present
Kimberly Panfil, Intervenor, not present	Brent Blanchard, Attorney, not present
Wilbert Holmes, Defendant, not present	Pro Se

<b>JOURNAL ENTRIES</b>
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- MINUTE ORDER: NO HEARING HELD AND NO APPEARANCES

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.501(b), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed.

This Court has read and considered the current underlying pleadings in this matter.

The Defendant has failed to comply with EDCR 5.206 by failing to file proof of service for the Motion he filed on September 25, 2017.

Therefore, Defendant s Motion for Orders to Set Aside Order, Judgment, and/or Default scheduled

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for November 29, 2017, is taken off calendar for failure to serve.

Plaintiff s Motion for an Order to Show Cause and the Order to Show Cause hearing, scheduled for November 29, 2017, shall remain on calendar.

Clerk's note, a copy, of today's minute order, was mailed, to the Defendant, at the address, on file and placed, in counsel's folder, at Family Court.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint****COURT MINUTES**

November 28, 2017

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

**November 28, 2:00 PM Minute Order**  
**2017**

**HEARD BY:** Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Tiffany Skaggs**PARTIES:**

Capucine Holmes, Plaintiff, not present	James Fontano, Attorney, not present
Kimberly Panfil, Intervenor, not present	Brent Blanchard, Attorney, not present
Wilbert Holmes, Defendant, not present	Pro Se

<b>JOURNAL ENTRIES</b>
------------------------

- MINUTE ORDER: NO HEARING HELD AND NO APPEARANCES

This matter having come before the Court on Plaintiff s Motion for an Order to Show Cause Why Defendant Should Not Be Held in Contempt, to Compel Compliance with Decree of Divorce, and for Award of Attorney s Fees and Costs filed on October 11, 2017 and on Plaintiff s Order to Show Cause, signed by the Court on October 18, 2017 and filed on October 20, 2017, set to be heard by the Court on November 29, 2017.

The Court finds that pursuant to NRCP 1 and EDCR 1.10, the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action.

The Court finds that subsequent to the Court signing off on Plaintiff s Order to Show Cause, the Court was unaware that the case was under appeal, as Defendant had erroneously filed a Notice of Appeal and a Case Appeal Statement under the District Court caption. The case was therefore not

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flagged as a case under appeal.

The Court was only notified that the case was under appeal when a Notice of Transfer to Court of Appeals was filed on October 19, 2017.

The Court finds that a notice of appeal divests this Court of jurisdiction to act and vests the jurisdiction in the appellate court. *Rust v. Clark Cty. School District*, 103 Nev. 686, 688, 747 P.2d 1380, 1382 (1987).

As this case was appealed to the Court of Appeals and the District Court no longer has jurisdiction to hear this matter, the Court is hereby vacating the Order to Show Cause hearing and Plaintiff's Motion without prejudice.

The hearing set on November 29, 2017 is hereby vacated. Minute Order to suffice. JEA to mail/fax a copy of this Minute Order to the parties and/or their respective counsel.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

June 29, 2018

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D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

---

**June 29, 2018      3:00 AM      Motion to Disqualify  
Judge**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** Chambers

**COURT CLERK:** Dulce Romea

**PARTIES:**

Capucine Holmes, Plaintiff, not present	James Fontano, Attorney, not present
Kimberly Panfil, Intervenor, not present	Brent Blanchard, Attorney, not present
Wilbert Holmes, Defendant, not present	Pro Se

<b>JOURNAL ENTRIES</b>
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- The Court has reviewed the latest Motion to Disqualify filed by Defendant in this matter. As the Motion was not served upon the Judge, the matter is DENIED WITHOUT PREJUDICE to refile and serve in accordance with NRS 1.235(4).

CLERK'S NOTE: A copy of this minute order was mailed to:

Wilbert Holmes  
10550 Patrington Ct.  
Las Vegas, NV 89183  
Defendant in Pro Se

Capucine Holmes  
637 Twilight Blue Avenue  
North Las Vegas, NV 89032

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Plaintiff

James A. Fontano, Esq.  
5135 Camino al Norte, Suite 273  
North Las Vegas, NV 89031  
Counsel for Plaintiff

/ dr

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint****COURT MINUTES****September 17, 2019**

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

**September 17, 2019      4:00 PM      Minute Order**

**HEARD BY:** Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Tiffany Skaggs**PARTIES:**

Capucine Holmes, Plaintiff, not present	James Fontano, Attorney, not present
Kimberly Panfil, Intervenor, not present	Brent Blanchard, Attorney, not present
Wilbert Holmes, Defendant, not present	Pro Se

<b>JOURNAL ENTRIES</b>
------------------------

- Minute Order  
D-15-523582-D  
Holmes v Holmes

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.501(b), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed.

This Court has read and considered the current underlying pleadings in this matter. On August 19, 2019 Defendant filed a Motion for Rehearing. On August 20, 2019 Defendant filed an Amended Motion for Rehearing. Defendant filed a Certificate of Service indicating he had the Motions electronically served on August 16, 2019. As Defendant's Motions were not e-filed until August 20,

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2019, Defendant s claimed date of service is deficient. Therefore the Motion hearing scheduled for September 24, 2019 is hereby vacated. Defendant may re-notice his Motion through the Clerk s Office to set this matter back on calendar. Case closed.

Clerk's note, a copy, of today's minute order was mailed, to Defendant and counsel, at the addresses, on file.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

**October 29, 2019**

---

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

---

**October 29, 2019      1:30 PM      All Pending Motions**

**HEARD BY:** Hughes, Rena G.

**COURTROOM:** Courtroom 04

**COURT CLERK:** Tiffany Skaggs

**PARTIES:**

Capucine Holmes, Plaintiff, not present	James Fontano, Attorney, present
Kimberly Panfil, Intervenor, not present	Brent Blanchard, Attorney, not present
Wilbert Holmes, Defendant, present	Pro Se

<b>JOURNAL ENTRIES</b>
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- OPPOSITION TO MOTION FOR REHEARING...DEFT'S RE NOTICE OF MOTION FOR REHEARING

Defendant appeared TELEPHONICALLY.

Court inquired if the request for a rehearing is for the final decree, which Defendant said yes. Defendant stated there was an item that has not been recognized, on his behalf, in the divorce. Court discussed, the matter was taken up to the Court of Appeals and is on appeal; therefore, this Court no longer has jurisdiction.

Defendant stated he was informed the matter was sent back to District Court, to make a decision.

Court reviewed the case file. Further, addressed the matter was appealed and has been confirmed.

Defendant discussed Plaintiff signed off on a quick claim deed and signed off on any property rights.

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Defendant does not understand how Plaintiff can be awarded any equity in the property, when she has no rights to it. Plaintiff had to sign off before the house could be put under the Senior Citizen Home Equity Program. Defendant stated his argument is Plaintiff signed legal documents that Plaintiff does not have any equity then, or in the future, on that property.

Court addressed, it was recognized Defendant was the only title holder, at the time of trial and the Court heard evidence and testimony. Further, Plaintiff signed the quick claim deed because it was necessary for Defendant to be able to refinance the residence and get equity out of the property.

Court reviewed the trial notes.

COURT FOUND, the motion is legally deficient, has no legal or factual basis, it has been appealed and affirmed, by the Supreme Court.

**COURT ORDERED:**

1. As Defendant's MOTION is LEGALLY DEFICIENT the MOTION shall be DENIED.
2. Attorney Fontano shall FILE a MEMORANDUM of FEES and COSTS, for THIS HEARING, which INCLUDES the BRUNZELL FACTORS, within the next 10 days. Upon RECEIPT, Defendant shall have 10 days to FILE a RESPONSE. COURTESY COPIES shall be PROVIDED, to the DEPARTMENT.

Attorney Fontano to prepare an Order, from today's hearing. CASE CLOSED.

Clerk's note, as Defendant was being disruptive and over talking the Court, the Court lowered the volume of Defendant speaking, so the Court could make findings and the order, without interruptions.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

**December 16, 2019**

---

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

---

**December 16, 2019    2:30 PM**

**All Pending Motions**

**HEARD BY:**    Hughes, Rena G.

**COURTROOM:**    Courtroom 04

**COURT CLERK:**    Tiffany Skaggs

**PARTIES:**

Capucine Holmes, Plaintiff, not present  
Kimberly Panfil, Intervenor, not present  
Wilbert Holmes, Defendant, not present

James Fontano, Attorney, present  
Brent Blanchard, Attorney, not present  
Pro Se

<b>JOURNAL ENTRIES</b>
------------------------

- PLTF'S MOTION FOR ORDER TO SHOW CAUSE WHY DEFT SHOULD NOT BE HELD IN CONTEMPT TO COMPEL COMPLIANCE WITH DECREE OF DIVORCE, AND FOR AWARD O ATTY'S FEES AND COSTS...PLTF'S ORDER TO SHOW CAUSE

Court addressed, last Friday the department received Defendant's ex parte motion to continue this hearing. Counsel stated Defendant e served him and counsel did see it. Court stated it is not supported, by any medical records that say he could not be present, today. Court reviewed the documents that were filed, with the motion. A proper motion was not filed, or proof that Defendant is in the hospital.

Court reviewed page 9, of the divorce decree.

COURT FOUND, Defendant should have been present today or filed the proper motion to give the court some basis for the allegations that he has made about being in the hospital.

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Counsel stated he is seeking an order to be able control the sale of the property. It is counsel's understanding, Defendant has moved out of the house and is renting it as a short term rental through AirBnB.

Court reviewed page 9, of the divorce decree, regarding if Defendant failed to pay Plaintiff her equity, in the home.

**COURT ORDERED:**

1. It shall be JUST and REASONABLE to AWARD ATTORNEY'S FEES, for today. Counsel shall FILE a MEMORANDUM of FEES and COSTS, together with the BRUNZELL AFFIDAVIT.
2. Plaintiff's MOTION shall be GRANTED.
3. The PROVISION, in the DIVORCE DECREE, regarding Plaintiff being ENTITLED to ENFORCE the SALE of the PROPERTY, to OBTAIN her EQUITY SHARE (\$100,862.73) in the property and ATTORNEY'S FEES shall be GRANTED.

Attorney Fontano to prepare an Order, from today's hearing.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

April 28, 2021

---

D-15-523582-D      Capucine Yolanda Holmes, Plaintiff  
vs.  
Wilbert Roy Holmes, Defendant.

---

**April 28, 2021      3:45 PM      Minute Order**

**HEARD BY:** Butler, Dee Smart

**COURTROOM:** Courtroom 05

**COURT CLERK:** Ameiona Ratcliff

**PARTIES:**

Capucine Holmes, Plaintiff, not present	James Fontano, Attorney, not present
Kimberly Panfil, Intervenor, not present	Brent Blanchard, Attorney, not present
Wilbert Holmes, Defendant, not present	Pro Se

<b>JOURNAL ENTRIES</b>
------------------------

- MINUTE ORDER - NO HEARING HELD

Case No. D-15-523582-D

Capucine Yolanda Holmes, Plaintiff vs. Wilbert Roy Holmes, Defendant

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

NCJC 2.11(A)(1) states:

(A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances:

(1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding.

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COURT FINDS that Plaintiff Capucine "Cap" Yolanda Holmes is a personal friend and the court desires to continue and maintain the personal friendship. The Honorable Dee Butler has a personal bias concerning Ms. Holmes and would like to see a favorable outcome for her. The COURT FINDS that her impartiality might be reasonably questioned due to the personal friendship.

NOW THEREFORE, IT IS HEREBY ORDERED that to avoid the appearance of impropriety and implied bias, the Court shall disqualify itself.

IT IS FURTHER ORDERED that the Clerk of Court shall randomly reassign the matter to another department.

IT IS FURTHER ORDERED that the Court Clerk shall provide a copy of this Minute Order to all parties.

CLERK'S NOTE: On 4/28/2021 a copy of the Court's Minute Order was provided to each Attorney or Parties via email, if an email address is on record with the Court; if no email address is available then the Minute Order was mailed to the physical address of record. (ajr)

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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APMEM

Marsha Kimble Simms, Esq.  
Nevada Bar No. 008530  
The Simms Law Firm, LLC  
2560 W. Brooks Ave., Suite 101  
North Las Vegas, Nevada 89032  
(702) 333-1449 (O), 702-644-0457 (F)  
simmslawfirm@aol.com  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

CAPUCINE YOLANDA HOLMES,

Plaintiff,

vs.

WILBERT ROY HOLMES,

Defendant.

CASE NO.: D-15-523582-D

DEPT NO.: J

AMENDED PRE-TRIAL MEMORANDUM

The plaintiff's Pretrial Memorandum is amended as follows:

1. Six additional exhibits are added to the list of exhibits.

V. LIST OF EXHIBITS

- |                                     |  |   |  |  |
|-------------------------------------|--|---|--|--|
| <input checked="" type="checkbox"/> | Exhibit P. Henderson Police Department Incident Report 6/9/2016                                |   |  |  |
| <input checked="" type="checkbox"/> | 17. Exhibit Q. Lien on Property of Creditor William H. George Case No.: A-15-722160-F          | X |  |  |
| <input checked="" type="checkbox"/> | 18. Exhibit R. Lien on Property HOA violation failure to use Property single family uses only. | X |  |  |
| <input checked="" type="checkbox"/> | 19. Exhibit S. Affidavit of Capucine Holmes to Chief Judge Tyrell.                             | X |  |  |
| <input checked="" type="checkbox"/> | 20. Exhibit T. Response to Letter to San Rafeal HOA  | X |  |  |
| <input checked="" type="checkbox"/> | 21. Exhibit U. Advertisement for listing of home for rent.                                     | X |  |  |

DATED: January 5, 2017

Submitted by: 

~~22. Justin Wodinger report~~

23. Justin Wodinger report

CASE NO D-15-523582-0

OFFERED

[illegible]

D15 523 582D

**IX. LIST OF EXHIBITS**

I intend to introduce the following exhibits at trial:

1. ~~EXHIBIT A~~ My proposed distribution of property and debts is attached as
2. ~~EXHIBIT B~~ Recorded deeds and documents showing ownership in real property
3. ~~EXHIBIT C~~ Letter document showing reverse mortgage required release from plaintiff
4. ~~EXHIBIT D~~ Court required certified property appraisals
5. ~~EXHIBIT E~~ Violated fiduciary duties and immoral actions resulting in financial loss and hardship
6. ~~EXHIBIT F~~ see exhibit E documents..also
7. ~~EXHIBIT G~~ Detail from IED case filed in NLV court
8. ~~EXHIBIT H~~ Letter from Nevada Legal Aid Center

OFFERED	OBJECTION	ADMITTED

**X. UNUSUAL ISSUES TO BE PRESENTED AT TRIAL**

The following unusual legal or factual issues may be presented at trial: \_\_\_\_\_

These would be Exhibits E and F showing "some of !" the plaintiffs adulterous extramarital affairs and activities that factually date back to 2004. These "bisexual affairs" and events has caused marital discourse and financial and mental stress upon myself. Thusly the true reason for the dissolution of a happy marriage.

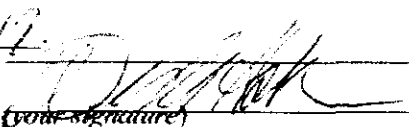
EXHIBIT ~~X~~ 7/3/02 APPRAISAL  
 11 ✓ C2 6/5/14 APPRAISAL

X	X	
X	X	1/10/17

**XI. LENGTH OF TRIAL**

This trial should take approximately \_\_\_\_ 1 \_\_\_\_ x ☒ hours / ☐ days.

DATED January 2, 2017 . 2017

Submitted By: 

(print your name)

WILBERT R. HOLMES

Defendant's:

## EXHIBITS

CASE NO D-15-523582-U

**ADMITTED****OFFERED**[illegible]



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

WILBERT R. HOLMES  
3980 S. NELLIS BLVD.  
LAS VEGAS, NV 89183

DATE: July 14, 2021  
CASE: D-15-523582D

RE CASE: CAPUCINE YOLANDA HOLMES vs. WILBERT ROY HOLMES

NOTICE OF APPEAL FILED: June 14, 2021

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

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

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

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

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

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

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

# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; ORDER FROM JUNE 9, 2021 CHAMBER REVIEW; NOTICE OF ENTRY OF ORDER FROM JUNE 9, 2021 CHAMBERS REVIEW; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

CAPUCINE YOLANDA HOLMES,

Plaintiff(s),

vs.

WILBERT ROY HOLMES,

Defendant(s),

Case No: D-15-523582-D

Dept No: X

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 14 day of July 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk