

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

LISA MYERS,

Appellant,

vs.

CALEB HASKINS,

Respondent.

Supreme Court No. 83576  
District Court Case No. D-10-737493-C  
Electronically Filed  
Dec 08 2021 03:26 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**APPELLANT'S APPENDIX – VOLUME I**

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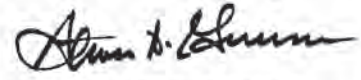
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CLERK OF THE COURT

7 **DISTRICT COURT**  
8 **CLARK COUNTY, NEVADA**  
9

10 CALEB HASKINS,

11 Plaintiff,

12 v.

13 LISA MYERS,

14 Defendant.

) Case No: D-10-434495-D

) Dept No: H

) **DECREE OF DIVORCE**  
)  
)  
)  
)  
)

15 This cause coming on for an Evidentiary Hearing on the 18<sup>th</sup> day of October, 2012, and  
16 for a Decision on the 22<sup>nd</sup> day of October, 2012, before the above entitled Court; the Plaintiff,  
17 Caleb Haskins, being present and represented by and through his attorney of record, Amanda M.  
18 Roberts, Esq., of Roberts Stoffel Family Law Group, and the Defendant, Lisa Myers, being  
19 present *in proper person*; and the Court having heard testimony, taken evidence and reviewed the  
20 papers and pleading herein,

21 NOW THEREFORE,

22 THE COURT HEREBY FINDS the Parties married on September 21, 2009.

23 THE COURT FURTHER FINDS pursuant to *NRS* § 125.181, the Plaintiff has resided in  
24 the State of Nevada for a period in excess of six (6) weeks prior to filing this action; therefore,  
25 this Court has complete jurisdiction as to the subject matter and personal jurisdiction.

26 THE COURT FURTHER FINDS there is one (1) minor child born the issue of this  
27 marriage, to wit: Sydney Rose Haskins, born on the 30<sup>th</sup> day of March, 2010.  
28

☐ Other  
☐ Dismissed - Want of Prosecution  
☐ Involuntary (Statutory) Dismissal  
☐ Default Judgment  
☐ Transferred  
☐ Disposed After Trial Start  
☐ Judgment Reached by Trial  
Settled/Withdrawn:  
☐ Without Judicial Conf/Hrg  
☐ With Judicial Conf/Hrg  
☐ By ADR  
Trial Dispositions:



1 THE COURT FURTHER FINDS the Plaintiff is the minor child's Father and the  
2 Defendant is the minor child's Mother.

3 THE COURT FURTHER FINDS there are no other children born the issue of this  
4 marriage or adopted by the Parties during the marriage.

5 THE COURT FURTHER FINDS The Defendant is not currently pregnant.

6 THE COURT FURTHER FINDS pursuant to *NRS* § 125A.085, Nevada is the "home  
7 state" of the minor child. The child has resided with the parents in the State of Nevada, County of  
8 Clark, in excess of six (6) months prior to the filing of this action.

9 THE COURT FURTHER FINDS the Plaintiff and Defendant only lived together for a  
10 short time before separating and filing the divorce action.

11 THE COURT FURTHER FINDS a Complaint for Divorce was filed on August 20, 2010.

12 THE COURT FURTHER FINDS an Answer and Counterclaim was filed on October 5,  
13 2010.

14 THE COURT FURTHER FINDS both the Plaintiff and Defendant sought the divorce on  
15 no-fault grounds which were established by testimony.

16 THE COURT FURTHER FINDS an Affidavit of Resident Witness is on file with the  
17 Court.

18 THE COURT FURTHER FINDS at the commencement of this action Plaintiff requested  
19 the Court confirm the Discovery Commissioner's Recommendation to strike Defendant's Answer  
20 and Counterclaim for her failure to comply with *NRCP* § 16.2 in accordance with *NRCP* § 37,  
21 which is denied because the Court finds the Nevada Supreme Court has indicated that custody  
22 matters should be decided on their merits. The Court further finds this matter is substantially  
23 similar to the *Lesley v. Lesley*, 113 Nev. 727, 941 P.2d 451 (1997), which supports the finding the  
24 Court should hear the matter on its merits.

25 THE COURT FURTHER FINDS at the commencement of this action, Defendant  
26 requested a continuance and the Court denied the request finding that the request is without merit.

27 \\\

1 This matter has been for set for a matter of months and the Court made it clear that the matter  
2 would proceed even if a subsequent Appeal was filed or the Federal Lawsuit moved forward.

3 THE COURT FURTHER FINDS the primary matter in this case is custody of the minor  
4 child.

5 THE COURT FURTHER FINDS the Plaintiff is seeking joint legal custody with an Order  
6 that he is permitted to make all medical decisions for the minor child and primary physical  
7 custody with supervised visitation to the Defendant.

8 THE COURT FURTHER FINDS the Defendant continues to seek sole legal and sole  
9 physical custody of the minor child.

10 THE COURT FURTHER FINDS there were three (3) limited issues of finances: (1.) 2010  
11 and 2011 tax related issues; (2.) monies owed for child's alleged medical expenses; and (3.) the  
12 default on the lease.

13 THE COURT FURTHER FINDS the limited financial issues allow for a final judgment in  
14 this matter.

15 THE COURT FURTHER FINDS there was testimony that there is a potential liability to a  
16 leasing company of \$1,800.00, but neither Party has paid the expense or is being pursued for the  
17 expenses.

18 THE COURT FURTHER FINDS, as for the community debt of the lease, there is no  
19 sufficient evidence presented to resolve this matter, but the Court shall reserve jurisdiction  
20 through indemnity or contribution for this debt because it is community in nature.

21 THE COURT FURTHER FINDS in 2010 and 2011, Defendant claimed head of  
22 household and claimed the minor child as a dependent for tax purposes.

23 THE COURT FURTHER FINDS Judge Moss issued an Order that the Parties were to use  
24 the most advantageous manner to resolve the filing of income tax returns.

25 THE COURT FURTHER FINDS there was testimony that in 2010 the Defendant did  
26 work, but she chose to claim head of household and take the minor child as a deduction on her  
27 2010 taxes, without any agreement between the Parties.  
28



1 THE COURT FURTHER FINDS in 2011, Defendant was unemployed and Plaintiff  
2 would have benefitted in the amount of \$3,000.00 if he was able to claim the minor child for the  
3 tax exemption.

4 THE COURT FURTHER FINDS the \$3,000.00 would be community in nature; therefore,  
5 Defendant shall pay to the Plaintiff \$1,500.00 for his community share of the 2011 taxes which  
6 was not received because Defendant defied/violated Judge Moss' Order.

7 THE COURT FURTHER FINDS the Defendant alleged there were community medical  
8 bills for the minor child.

9 THE COURT FURTHER FINDS the Defendant noted the medical bills for the minor  
10 child in her Financial Disclosure Form filed January 10, 2011, and indicated the amount was to be  
11 determined, but has not provided documentation to establish the medical bill exist.

12 THE COURT FURTHER FINDS there is insufficient evidence to establish community  
13 medical bills exist for the minor child, but the Court will Order that if there are unreimbursed  
14 medical expenses for the minor child the Plaintiff and Defendant should share those expenses  
15 equally.

16 THE COURT FURTHER FINDS the Court shall reserve jurisdiction on the issue of  
17 undisclosed community debts.

18 THE COURT FURTHER FINDS pursuant to *NRS* § 125.465, married Parties have joint  
19 legal custody absent findings of the Court for a different legal custody arrangement.

20 THE COURT FURTHER FINDS the Plaintiff proved material concerns regarding  
21 Defendant's medical treatment of the minor child during Defendant's custodial timeshare.

22 THE COURT FURTHER FINDS the Plaintiff proved the Defendant failed to notify him  
23 of medical treatments for the minor child on at least three (3) occasions in violation of the Court's  
24 Order filed on November 14, 2011.

25 THE COURT FURTHER FINDS the Plaintiff proved a pattern by the Defendant of  
26 violating the Court's Order filed on November 14, 2011, regarding medical treatment for the  
27 minor child.  
28

1 THE COURT FURTHER FINDS the Defendant's judgment, motives and decision  
2 making regarding medical treatment are questionable.

3 THE COURT FURTHER FINDS it is in the best interest of the minor child for the  
4 Plaintiff's proposed legal custody language in Exhibit "3" to be adopted as the Order of the Court  
5 with the Plaintiff making all medical decisions for the minor child.

6 THE COURT FURTHER FINDS pursuant to *NRS* § 125.480 (4), the Court is required to  
7 consider the factors set forth within the statute when deciding best interest and the analysis of  
8 physical custody.

9 THE COURT FURTHER FINDS the Parties could not agree regarding physical custody,

10 THE COURT FURTHER FINDS the Court must make findings to support the award of  
11 physical custody.

12 THE COURT FURTHER FINDS the wishes of the child, if the child is of a sufficient age  
13 and capacity to state a preference, is not relevant in this matter because the child at issue is only  
14 two and a half (2 ½) years old.

15 THE COURT FURTHER FINDS there was no nomination made for someone other than a  
16 parent to be awarded custody; therefore, this factor is not relevant.

17 THE COURT FURTHER FINDS the Plaintiff has established and proved he is the parent  
18 more likely to allow frequent associations and a continuing relationship with the non-custodial  
19 parent.

20 THE COURT FURTHER FINDS the Plaintiff has proven and the Defendant's testimony  
21 shows that the Defendant does not value the relationship between the minor child and the  
22 Plaintiff.

23 THE COURT FURTHER FINDS the Plaintiff has proven, the Defendant cannot be  
24 trusted to foster and encourage a relationship between the Plaintiff and minor child.

25 THE COURT FURTHER FINDS the Plaintiff has proven the Defendant has been  
26 inappropriate at child exchanges.

27 \ \ \



1 THE COURT FURTHER FINDS the Plaintiff has proven the Defendant's conduct and  
2 actions shows, consistently through the litigation, that she does not promote the relationship with  
3 the Plaintiff and the minor child because she believes the child is a significant risk in Plaintiff's  
4 care without any proof to support this allegation.

5 THE COURT FURTHER FINDS the Plaintiff and Defendant are in a high conflict  
6 situation and there is no ability or willingness for them to co-parent.

7 THE COURT FURTHER FINDS the Plaintiff is mentally and physical healthy. Although  
8 Plaintiff was involved in an IED explosion in the military and the Defendant raised the issues of  
9 mental fitness, Defendant has failed to provide evidence to support her arguments and  
10 Defendant's testimony alone does not rise to the level to establish this as a fact.

11 THE COURT FURTHER FINDS the Plaintiff presented evidence in the form of  
12 testimony and the evaluation from Dr. Paglini that the Defendant is not mentally healthy, but the  
13 information is stale.

14 THE COURT FURTHER FINDS the Plaintiff established the Defendant does not have  
15 visitation with one (1) of her children, Cameron Gambini, for over four (4) years, but she has had  
16 custody of a child, Logan.

17 THE COURT FURTHER FINDS the Plaintiff and Defendant have had joint legal and  
18 physical custody of Sydney for nearly two (2) years.

19 THE COURT FURTHER FINDS the Defendant testified she attended law school and had  
20 just graduated in 2011, but she worked in 2010 and it does not appear physically possible for her  
21 attend law school since this time.

22 THE COURT FURTHER FINDS the Defendant appears delusional, as addressed by Dr.  
23 Paglini, regarding the issues of law school and it raises concerns for the Court regarding the  
24 Defendant's credibility and her fitness.

25 THE COURT FURTHER FINDS there is no proof that Defendant has sought treatment,  
26 except for her testimony which the Court finds unreliable.

27 \\\

1 THE COURT FURTHER FINDS as for the physical needs of the child, she is two and a  
2 half (2 ½) years old and dependent upon her parents for care and supervision.

3 THE COURT FURTHER FINDS there is no evidence the child is not bonded with both  
4 parents.

5 THE COURT FURTHER FINDS the child has three (3) half siblings and through each  
6 parent the minor child shall continue a relationship with these siblings.

7 THE COURT FURTHER FINDS as for domestic violence, parental abuse and abduction,  
8 there was no proof presented that these factors are relevant to the issues of custody in this matter.

9 THE COURT FURTHER FINDS the Plaintiff lives with his girlfriend who assists in  
10 providing care for the minor child.

11 THE COURT FURTHER FINDS the Defendant lives with her fiancé, Logan and her  
12 fiancé's two (2) children.

13 THE COURT FURTHER FINDS the Defendant has not worked since 2010.

14 THE COURT FURTHER FINDS the Defendant's expenses are paid by her fiancé and her  
15 Father.

16 THE COURT FURTHER FINDS the Defendant refused to provide her physical address  
17 which created gaps in considering what was in the child's best interest, the Court explained to the  
18 Defendant that her refusal to provide the information was problematic and could weigh on the  
19 issue of physical custody.

20 THE COURT FURTHER FINDS the Defendant is financially unstable.

21 THE COURT FURTHER FINDS there is no finding regarding non-payment of child  
22 support for Cameron.

23 THE COURT FURTHER FINDS in balancing Sydney's best interest and the mitigating  
24 factor that the Defendant has custody of Logan, the Court cannot Order supervised visitation  
25 because it is not supported by the facts, but the Court will not tolerate Defendant's continued  
26 violations of the Court's Orders.

27 \\\



1 THE COURT FURTHER FINDS the Plaintiff proved it is in the best interest of the minor  
2 child for the Plaintiff to be awarded primary physical custody and his timeshare shall be from  
3 4:00 p.m. Friday to 4:00 p.m. Wednesday.

4 THE COURT FURTHER FINDS there are concerns regarding Defendant's fitness as  
5 stated, but also the mitigating considerations were considered when establishing a visitation  
6 schedule for the Defendant.

7 THE COURT FURTHER FINDS the Defendant shall have visitation with the minor child  
8 from 4:00 p.m. Wednesday to 4:00 p.m. Friday.

9 THE COURT FURTHER FINDS there is not going to be a Court Ordered holiday/  
10 vacation schedule, but the Parties are free to stipulate to same.

11 THE COURT FURTHER FINDS the Plaintiff proved through evidence that the  
12 Defendant is willfully unemployed, by proving the Defendant's earning capacity to be greater  
13 than \$0.00 per month.

14 THE COURT FURTHER FINDS the Plaintiff provided the lowest income Defendant  
15 earned was \$3,000.00 per month, or \$36,000.00 annually, which is Defendant's earning capacity  
16 whereas 18% of said income equals a child support obligation in the amount of \$540.00 per  
17 month for one (1) child, but it is appropriate to allow a downward deviation.

18 THE COURT FURTHER FINDS the child support obligation shall be deviated each  
19 month for Defendant's support of another child, Cameron is \$580.00 per month.

20 THE COURT FURTHER FINDS the child support obligation shall be deviated each  
21 month for health insurance provided by the Plaintiff in the amount of \$238.00 per month, but the  
22 Court is concerned whether the health insurance covers both Sydney and his new child.

23 THE COURT FURTHER FINDS it is appropriate to deviate downward by \$240.00 per  
24 month; thus, Defendant's child support obligation shall be set at \$300.00 per month.

25 THE COURT FURTHER FINDS there are no child support arrears owed in this matter.

26 THE COURT FURTHER FINDS the Plaintiff's child support obligation shall cease as of  
27 October 22, 2012.  
28



1 THE COURT FURTHER FINDS the Defendant's child support obligation shall start on  
2 November 15, 2012.

3 THE COURT FURTHER FINDS it is in the best interest of the minor child for the  
4 Plaintiff to maintain medical insurance and for unreimbursed expenses to be split equally  
5 pursuant to the 30/30 rule.

6 THE COURT FURTHER FINDS the Discovery Commissioner's Report and  
7 Recommendations shall survive the Decree of Divorce and be incorporated therein.

8 THE COURT FURTHER FINDS the recommendations of the Discovery Commissioner,  
9 from September 21, 2012 hearing, wherein the Plaintiff was awarded \$2,629.02 in attorney fees,  
10 costs and sanctions from the Defendant shall be confirmed and incorporated into the Decree of  
11 Divorce.

12 THE COURT FURTHER FINDS the recommendations of the Discovery Commissioner,  
13 from October 5, 2012 hearing, wherein the Plaintiff was awarded \$1,000.00 in attorney fees, costs  
14 and sanctions from the Defendant shall be confirmed and incorporated into the Decree of  
15 Divorce.

16 THE COURT FURTHER FINDS this matter has spanned in excess of two (2) years.

17 THE COURT FURTHER FINDS the Defendant filed ten (10) Appeals in this matter.

18 THE COURT FURTHER FINDS the Plaintiff has paid \$10,000.00 in attorney fees.

19 THE COURT FURTHER FINDS the Plaintiff testified his outstanding balance in attorney  
20 fees was \$40,000.00.

21 THE COURT FURTHER FINDS the Plaintiff incurred attorney fees as a direct  
22 consequence of the Defendant's behavior, claims and defenses.

23 THE COURT FURTHER FINDS the Plaintiff is the prevailing Party on the issue of  
24 custody.

25 THE COURT FURTHER FINDS the Defendant is currently unemployed and supported  
26 by her family and fiancé.

27 \\\

1 THE COURT FURTHER FINDS an application of the *Brunzell* factors, it is appropriate  
2 to award attorney fees and costs to the Plaintiff.

3 THE COURT FURTHER FINDS it is appropriate to adjudicate a portion of the Plaintiff's  
4 attorney fees and costs to the Defendant and said amount is \$7,500.00.

5 NOW THEREFORE,

6 THE COURT HEREBY CONCLUDES AS A MATTER OF LAW pursuant to the  
7 holding in *Lesley v. Lesley*, 113 Nev. 727, 941 P.2d 451 (1997), this matter shall proceed on the  
8 merits.

9 THE COURT FURTHER CONCLUDES AS A MATTER OF LAW pursuant to the  
10 holding in *Rico v. Rodriguez*, 121 Nev. 695, 120 P.3d 812 (2005), has established that best  
11 interest is the constitutional standard for deciding placement.

12 THE COURT FURTHER CONCLUDES AS A MATTER OF LAW *NRS* § 125.480 (4)  
13 provides the Court with a statutory construct for evaluating best interest; it is a balancing test; and  
14 when there is not agreement the Court must weigh the factors to determine placement.

15 THE COURT FURTHER CONCLUDES AS A MATTER OF LAW *NRS* § 125B.070  
16 dictates the child support be set at eighteen percent (18%) of the non-custodial parents income  
17 and the Court's Order complies with same.

18 THE COURT FURTHER CONCLUDES AS A MATTER OF LAW the Court is  
19 permitted to consider deviating factors for child support pursuant to *NRS* § 125B.080 and here the  
20 Court applied relevant deviating factors when setting the appropriate amount of child support in  
21 this matter.

22 THE COURT FURTHER CONCLUDES AS A MATTER OF LAW the Court has  
23 applied the *Brunzell* factors in considering the award of attorney fees herein. Specifically,  
24 Counsel's quality of advocacy, character of the work completed in the matter; work performed  
25 based upon the billing statements; and the results obtained.

26 THE COURT FURTHER CONCLUDES AS A MATTER OF LAW the Plaintiff is the  
27 prevailing Party on the issue of custody and attorney fees are appropriate based upon *NRS* 18.010.  
28



1 THE COURT FURTHER FINDS an application of the *Brunzell* factors, it is appropriate  
2 to award attorney fees and costs to the Plaintiff.

3 THE COURT FURTHER FINDS it is appropriate to adjudicate a portion of the Plaintiff's  
4 attorney fees and costs to the Defendant and said amount is \$7,500.00.

5 NOW THEREFORE,

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21 this matter.

22 THE COURT FURTHER CONCLUDES AS A MATTER OF LAW the Court has  
23 applied the *Brunzell* factors in considering the award of attorney fees herein. Specifically,  
24 Counsel's quality of advocacy, character of the work completed in the matter; work performed  
25 based upon the billing statements; and the results obtained.

26 THE COURT FURTHER CONCLUDES AS A MATTER OF LAW the Plaintiff is the  
27 prevailing Party on the issue of custody and attorney fees are appropriate based upon *NRS* 18.010.  
28



1 NOW THEREFORE,

2 IT IS HEREBY ORDERED, ADJUDGED AND DECREED the bonds of matrimony  
3 hereto existing between Plaintiff and Defendant are dissolved and Plaintiff is granted an absolute  
4 Decree of Divorce and each of the Parties be restored to the status of a single, unmarried person.

5 IT IS FURTHER ORDERED, ADJUDGED AND DECREED the Plaintiff's request for  
6 the Court to confirm Discovery Commissioner's Recommendation to strike Defendant's Answer  
7 and Counterclaim for her failure to comply with *NRCP* § 16.2 in accordance with *NRCP* § 37 is  
8 DENIED.

9 IT IS FURTHER ORDERED, ADJUDGED AND DECREED the Parties shall be  
10 designated joint legal custodians with the Plaintiff, Caleb Haskins, designated as the parent who  
11 shall make all medical decisions for the minor child with joint legal custody being defined as  
12 follows:

- 13
- 14 a. Each parent is responsible for setting their own rules and  
15 punishments for their respective home, during their respective  
16 timeshares; however, the rules shall not violate any of the  
17 terms set forth herein below.
- 18 b. Each parent will consult and cooperate with the other in  
19 substantial questions relating to religious upbringing,  
20 education programs, and significant changes in social  
21 environment of the child.
- 22 c. Each parent will have access to medical and school records  
23 pertaining to their child.
- 24 d. In the case of emergency, Lisa is permitted to transport the  
25 minor child to the emergency room, but is not permitted to  
26 make any medical decisions. Lisa *must* contact Caleb on the  
27 way to the emergency room and inform him of the necessity  
28 of the emergency visit, thereafter, Caleb shall communicate  
with the emergency room doctors and make the medical  
decisions for the minor child.
- e. Each parent will provide the other parent, upon receipt, with  
any information concerning the well-being of the child,  
including, but not limited to, copies of report cards; school  
meeting notices; vacation schedules; class notices of activities  
involving the child; samples of school work; order forms for  
school pictures; all communications from health care  
providers and the names, addresses, and telephone numbers of  
all schools, health care providers, regular day care providers,  
and counselors.
- f. Each parent will advise the other parent of school, athletic,

1 religious, and social events in which the child participate, and  
2 each agrees to so notify the other parent within a reasonable  
3 time after first learning of the future occurrence of any such  
4 event as to allow the other parent to make arrangements to  
5 attend the event if he or she chooses to do so. Both parents  
6 may participate in all such activities with the child, including,  
7 but not limited to, such activities as open house, ceremonies,  
8 school carnivals, and any other events involving the child.

9 g. Each parent will provide the other parent with the address and  
10 telephone number at which the minor child reside, and shall  
11 notify the other parent at least ten (10) days prior to any  
12 change of address and provide the telephone number.

13 h. Each parent will provide the other parent with a travel  
14 itinerary, address where the child will reside and telephone  
15 numbers at which the child can be reached whenever the child  
16 will be away from the parent's home for a period of one (1)  
17 night or more.

18 i. Each parent will encourage liberal communication between  
19 the child and the other parent. Each parent will be entitled to  
20 reasonable telephone communication with the child; and each  
21 parent agrees he or she will not unreasonably interfere with  
22 the child's right to privacy during such telephone  
23 conversation.

24 j. Neither parent will interfere with the right of the child to  
25 transport her clothing and personal belongings freely between  
26 the parents respective homes.

27 k. The parents agree to communicate directly with each other  
28 regarding the needs and well-being of the child, and each  
parent further agrees not to use the child to communicate with  
the other parent regarding parental issues. The parents agree  
to use self-control and to not verbally or physically abuse  
each other in the presence of the minor child.

l. Neither parent will disparage the other in the presence of the  
child, nor will either parent make any comment of any kind  
that would demean the other parent in the eyes of the child.  
Additionally, each parent agrees to instruct their respective  
family and friends to make no disparaging remarks regarding  
the other parent in the presence of the child. The parents will  
take all action necessary to prevent such disparaging remarks  
from being made in the presence of the child, and will report  
to each other in the event such disparaging remarks are made.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED the Plaintiff, Caleb Haskins, is  
hereby designated the primary physical custodian of the minor child. Caleb's custodial timeshare  
shall be Friday at 4:00 p.m. until Wednesday at 4:00 p.m.; and the Defendant, Lisa Myers, is

\\

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1 hereby awarded visitation with the minor child from Wednesday at 4:00 p.m. to Friday at 4:00  
2 p.m. Child exchanges shall continue to occur at the security station of the Family Courthouse.

3 IT IS FURTHER ORDERED, ADJUDGED AND DECREED the Defendant shall pay the  
4 Plaintiff child support, pursuant to NRS §125B.070 whereas support for one (1) minor child  
5 equals 18% of Defendant's income, commencing November 15, 2012 and each month thereafter,  
6 at a rate of \$300.00 per month which includes a downward deviation as set forth herein. Said  
7 child support obligation shall continue until said child reaches the age of eighteen, or if still in  
8 high school, until the age of nineteen, or otherwise become emancipated.

9 IT IS FURTHER ORDERED, ADJUDGED AND DECREED there are no child support  
10 arrears as of October 22, 2012.

11 IT IS FURTHER ORDERED, ADJUDGED AND DECREED the Plaintiff's child support  
12 obligation ceases October 22, 2012.

13 IT IS FURTHER ORDERED, ADJUDGED AND DECREED the Plaintiff shall continue  
14 to provide medical insurance for the minor child.

15 IT IS FURTHER ORDERED, ADJUDGED AND DECREED any and all unreimbursed  
16 medical expenses shall be equally divided by the Parties pursuant to the 30/30 rule. The Parties  
17 shall use the child's insurance whenever possible. The 30/30 rule defined as follows:

18 Any unreimbursed medical, dental, optical, orthodontic, or other  
19 health related expense incurred for the benefit of the minor  
20 children is to be divided equally between the Parties. Either Party  
21 incurring an out of pocket medical expense for the children shall  
22 provide a copy of the paid invoice/receipt to the other party within  
23 thirty (30) days of incurring such expense. If not tendered within  
24 the thirty (30) day period, the Court may consider it a waiver of  
25 reimbursement. The other Party will then have thirty (30) days  
from receipt within which to dispute the expense in writing or  
reimburse the incurring Party for one-half of the out of pocket  
expense. If not disputed or paid within the thirty (30) day period,  
the Party may be subject to a finding of contempt and appropriate  
sanctions.

26 IT IS FURTHER ORDERED, ADJUDGED AND DECREED the Defendant shall be  
27 permitted to claim the minor child for tax purposes in the 2010 tax year.



1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED the Defendant shall owe to  
2 the Plaintiff the sum of \$1,500.00 as and for the difference in the community amount Plaintiff  
3 would have saved if he had been permitted to claim the minor child as a deduction in the 2011 tax  
4 year. Said amount is reduced to judgment and collectable by any and all legal means. Said  
5 amount shall accrue interest until paid in full at the legal rate.

6 IT IS FURTHER ORDERED, ADJUDGED AND DECREED each Party is awarded the  
7 personal property currently in their possession.

8 IT IS FURTHER ORDERED, ADJUDGED AND DECREED neither Party shall pay or  
9 receive alimony.

10 IT IS FURTHER ORDERED, ADJUDGED AND DECREED as for the community debt  
11 of the lease, should the property management company come after either party for the default of  
12 the lease, the Court reserves jurisdiction on this matter through indemnity or contribution.

13 IT IS FURTHER ORDERED, ADJUDGED AND DECREED the Court reserves  
14 jurisdiction over community debts not disclosed herein.

15 IT IS FURTHER ORDERED, ADJUDGED AND DECREED the attorney fees and costs  
16 recommended by the Discovery Commissioner, from the hearing on September 21, 2012,  
17 awarded to the Plaintiff from the Defendant shall be confirmed as an Order of the Court in the  
18 amount of \$2,629.00. Said amount is reduced to judgment and collectable by any and all legal  
19 means. Said amount shall accrue interest until paid in full at the legal rate.

20 IT IS FURTHER ORDERED, ADJUDGED AND DECREED the attorney fees and costs  
21 recommended by the Discovery Commissioner, from the hearing on October 5, 2012, awarded to  
22 the Plaintiff from the Defendant shall be confirmed as an Order of the Court, in the amount of  
23 \$1,000.00. Said amount is reduced to judgment and collectable by any and all legal means. Said  
24 amount shall accrue interest until paid in full at the legal rate.

25 \ \

26 \ \

27 \ \

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED the Plaintiff is awarded  
2 attorney fees and costs in the amount of \$7,500.00 from the Defendant. Said amount is reduced  
3 to judgment and collectable by any and all legal means. Said amount shall accrue interest until  
4 paid in full at the legal rate.

5 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this case shall be  
6 closed upon Entry and Notice of this Order.  
7

8 **STATUTORY NOTICES**

9 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, pursuant to *NRS*  
10 §125.510(6), the Parties are hereby put on notice of the following:

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

21 The State of Nevada, United States of America, is the habitual residence of the minor  
22 children of the Parties hereto. The Parties are also put on notice that the terms of the Hague  
23 Convention of October 25, 1980, adopted by the 14<sup>th</sup> Session of the Hague Conference on Private  
24 International Law apply if a parent abducts or wrongfully retains a child in a foreign country.  
25

26 \\\

27 \\\



1 The Parties are also put on notice of the following provisions in *NRS* §125.510(8):

2 If a parent of the child lives in a foreign country or has significant commitments in a  
3 foreign country:

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

8 (b) Upon motion of one of the Parties, the court may order the  
9 parent to post a bond if the court determines that the parent poses  
10 an imminent risk of wrongfully removing or concealing the child  
11 outside of the country of habitual residence. The bond must in an  
12 amount determined by the court and may be used only to pay for  
13 the cost of locating the child and returning him to his habitual  
14 residence if the child is wrongfully removed from or concealed  
15 outside the country of habitual residence. The fact that a parent  
16 has significant commitments in a foreign country does not create a  
17 presumption that the parent poses an imminent risk of wrongfully  
18 removing or concealing the child.

19 The Parties are also put on notice of the following provision of *NRS* §125C.200:

20 If custody has been established and the custodial parent or a parent  
21 having joint custody intends to move his residence to a place  
22 outside of this state and to take the child with him, he must, as  
23 soon as possible and before the planned move, attempt to obtain  
24 the written consent of the other parent to move the child from the  
25 state. If the non-custodial parent or other parent having joint  
26 custody refuses to give that consent, the parent planning the move  
27 shall, before he leaves the state with the child, petition the court for  
28 permission to move the child. The failure of a parent to comply  
with the provisions of this section may be considered as a factor if  
a change of custody is requested by the non-custodial parent or  
other parent having joint custody.

The Parties are further put on notice that they are subject to the provisions of *NRS* §31A  
and 125.450 regarding the collection of delinquent child support payments.

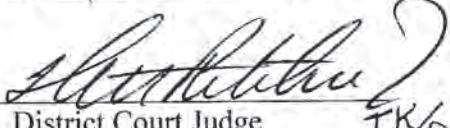

The Parties are further put on notice that either Party may request a review of child  
support pursuant to *NRS* §125B.145.

The Parties shall submit the information required in *NRS* §125B.055, *NRS* §125.130 and  
*NRS* §125.230 on a separate form to the Court and the Welfare Division of the Department of  
Human Resources within ten (10) days from the date the Decree in this matter is filed. Such



1 information shall be maintained by the Clerk in a confidential manner and shall not become part  
2 of the public record. The Parties shall update the information filed with the Court and the  
3 Welfare Division of the Department of Human Resources within ten (10) days should any of that  
4 information become inaccurate.  
5

6 IT IS SO ORDERED this 7 day of Nov, 2012.

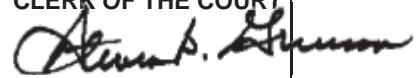
7  
8   
9 District Court Judge  
T ART RITCHIE, JR. 

10 Respectfully submitted this 2nd day of  
11 day of Nov., 2012.

12 **ROBERTS STOFFEL FAMILY  
LAW GROUP**

13 By: Amanda M. Roberts

14 Amanda M. Roberts, Esq.  
15 State Bar of Nevada No. 9294  
2011 Pinto Lane, Suite 100  
16 Las Vegas, Nevada 89106  
17 PH: (702) 474-7007  
18 FAX: (702) 474-7477  
EMAIL: attorneys@lvfamilylaw.com  
Attorneys for Plaintiff



MOSC  
CALEB HASKINS  
340 N. 16th Lane  
Philomath, Oregon  
(775) 445-0488  
Plaintiff in Proper Person 97370

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

CALEB HASKINS,	)	CASE NO.: D-10-434495-D
	)	DEPT NO.: H
Plaintiff,	)	
	)	Date of Hearing:
vs.	)	Time of Hearing:
	)	
LISA MYERS,	)	Oral Argument Requested: Yes
	)	
Defendant.	)	
	)	

**"Notice: You are required to file a written response to this Motion with the Clerk of the Court and provide the undersigned with a copy of your response within 14 days of receiving this motion. Failure to file a written response with the Clerk of the Court within 14 days of your receipt may result in the requested relief being granted by the Court without a hearing prior to the scheduled hearing date.**

**PLAINTIFF'S MOTION AND NOTICE OF MOTION FOR AN ORDER TO ENFORCE AND/OR TO HOLD DEFENDANT IN CONTEMPT FOR HER WILLFUL VIOLATIONS; FOR AN ORDER THAT THE MINOR CHILD BE RETURNED TO THE STATE OF OREGON,; FOR A MODIFICATION OF DEFENDANT'S VISITATION; FOR PLAINTIFF'S FEES AND COSTS INCURRED HEREIN; AND OTHER RELATED MATTERS**

**COMES NOW** the Plaintiff, Caleb Haskins, in proper person and moves this Honorable Court for the following relief:

\*\*\*



1. For an order that the Defendant, be held in contempt of court for her refusal to return the parties' daughter, Sydney to Plaintiff's custody;
2. For sanctions and jailtime for Defendant's willful misconduct;
3. For an Order that the child, be immediately returned to the State of Oregon;
4. For a modification of Defendant's visitation;
5. For Plaintiff's fees and costs incurred herein;
6. For any such other and further relief as the court deems just and equitable.

This motion is made and based upon all the papers and pleadings on file, the attached affidavit and is made in good faith and not to delay justice.

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

Respectfully submitted:

/s/ Caleb Haskins

---

CALEB HASKINS  
340 N. 16th Lane  
Philomath, Oregon 97370  
(775) 445-0488  
Plaintiff in Proper Person

1 **NOTICE OF MOTION**

2 **TO: DEFENDANT, Lisa Myers**

3  
4 **YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE** that the  
5 undersigned will bring the above and foregoing Motion on for hearing  
6 before the Court at the courtroom of the above-entitled Court on the  
7 \_\_\_\_ day of \_\_\_\_\_, 2020, at the hour of \_\_ o'clock \_\_\_\_ .m. of said  
8 day, in Department \_\_\_\_ of said Court.  
9  
10

11 Dated this 21<sup>st</sup> day of September, 2020.

12  
13  
14 Respectfully submitted:

15 /s/ Caleb Haskins

16 \_\_\_\_\_  
17 CALEB HASKINS  
18 340 N. 16th Lane  
19 Philomath, Oregon 97370  
20 (775) 445-0488  
21 Plaintiff in Proper Person  
22  
23  
24  
25  
26  
27  
28



1 **POINTS AND AUTHORITIES**

2 **I. FACTUAL BACKGROUND**

3  
4 The parties in this matter were divorced on or about November 13,  
5 2012 and have one (1) minor child at issue to wit: Sydney Rose Haskins  
6  
7 born on March 30, 2010 presently age 10.

8 At the time of the parties divorce the Court made the following  
9 findings:  
10

- 11 • The Court finds that the Plaintiff proved a pattern by the  
12 Defendant of violating the Court's Order filed on  
13 November 14, 2011, regarding medical treatment for the  
14 minor child.
- 15 • The Court finds Defendant's judgment, motives and  
16 decision making regarding medical treatment are  
17 questionable.
- 18 • The Court finds it is in the best interest of the minor child  
19 of the Plaintiff's proposed legal custody language in  
20 Exhibit "3" to be adopted as the Order of the Court with  
21 the Plaintiff making all medical decisions for the minor  
22 child.
- 23 • The Court finds pursuant to NRS 125.480(4), the Court is  
24 required to consider the factors set forth within the statute  
25 when deciding best interest and the analysis of physical  
26 custody.
- 27 • The Court finds Plaintiff has proven the Defendant has  
28 been inappropriate at child exchanges.

- The Court finds Plaintiff has proven Defendant's conduct and actions shows, consistently through the litigation, that she does not promote the relationship with the Plaintiff and the minor child because she believes the child is a significant risk in Plaintiff's care without any proof to support this allegation.
- The Court finds the Plaintiff presented evidence in the form of testimony and the evaluation from Dr. Paglini that the Defendant is not mentally healthy, but the information is stale.
- That the Court finds the Defendant testified she attended law school and had just graduated in 2011, but she worked in 2010 and it does not appear physically possible for her attend law school since this time.
- The Court finds that Defendant appears delusional, as addressed by Dr. Paglini regarding the issues of law school and it raises concerns for the Court regarding Defendant's credibility and her fitness.
- That the Court finds there is no proof that Defendant has sought treatment except or her testimony which the Court finds unreliable.
- The Court finds as for domestic violence, parental abuse and abduction there was no proof presented that these factors are relevant to the issues of custody in this matter.

\*\*\*  
\*\*\*  
\*\*\*  
\*\*\*  
\*\*\*



- The Court finds in balancing Sydney's best interest and the mitigating factor that Defendant has custody of Logan the Court cannot Order supervised visitation because it is not supported by the facts, but the Court will not tolerate Defendant's violations of the Court's Orders.
- The Court finds Plaintiff proved it is in the best interest of the minor child for the Plaintiff to be awarded primary physical custody and his timeshare shall be from 4 p.m. Friday to 4 p.m. Wednesday.
- The Court finds there are concerns regarding Defendant's fitness as stated, but also the mitigating considerations were considered when establishing a visitation schedule for the Defendant.
- The Court finds that Defendant filed ten (10) appeals in this matter.
- The Court finds the Plaintiff is the prevailing Party on the issue of custody.

Therefore, the Court Ordered:

- The Plaintiff is hereby designated the primary physical custodian of the minor child.

\*\*\*

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\*\*\*

\*\*\*

\*\*\*

1           On February 27, 2014 the parties were before this Court and made  
2 the following Findings of Fact and Conclusions of Law:  
3

- 4           • The Plaintiff brought action seeking relocation for the  
5 consideration of this Court after following procedures of  
6 NRS 125C.200.
- 7           • The Court finds that Plaintiff, Caleb Haskins, attempted to  
8 obtain written consent of the Defendant, Lisa Myers, to  
9 move the child, Sydney Rose Myers-Haskins from this  
10 State. Defendant, Lisa Meyers, refused.
- 11           • The Court finds Plaintiff has proven a sensible good faith  
12 reason to move. Additionally, the move does improve the  
13 quality of life, of the parent Caleb Haskins and the child  
14 Sydney Rose Myers-Haskins.
- 15           • The Court finds that Plaintiff Caleb Haskins brought action  
16 for the consideration of the court to determine best  
17 interest of the child. See NRS 125.480.
- 18           • The Court finds that minor child, Sydney Rose Myers-  
19 Hoskins is not of sufficient age and capacity to form an  
20 intelligent preference as to his or her custody.
- 21           • That the Court finds Caleb Haskins will allow the child to  
22 have frequent associations and a continuing relationship  
23 with Lisa Myers.
- 24           • That the Court finds there is conflict between the parents:  
25 however, parents Caleb Haskins and Lisa Myers have the  
26 ability to cooperate to meet the needs of Sydney Rose  
27 Myers-Haskins.
- 28           • The Court finds that Caleb Haskins and Lisa Myers have  
considered physical, developmental and emotional needs  
of the child.



- 1 • The Court finds that the facts at trial established that the  
2 requirements of Flynn v Flynn, 1209 Nev. 436, 92 P.3d  
3 1224 (2004) were met.
- 4 • The Court finds that Caleb Haskin's intentions with the  
5 move does not impede visitation between the child and  
6 Defendant Lisa Myers.
- 7 • The Court finds that Plaintiff Caleb Haskins will comply  
8 with court orders regarding visitation.
- 9 • The Court Finds that Defendant Lisa Myers objections to  
10 the move were honorable.
- 11 • The Court finds that Plaintiff Caleb Haskin's is willing to  
12 comply with alternative visitation schedule to preserve  
13 Defendant Lisa Myers relationship with the child.
- 14 • The Court finds a god faith reason for the move.
- 15 • The Court Finds that Plaintiff Caleb Haskins  
16 demonstrated that the proposed move would allow a  
17 reasonable alternative visitation.
- 18 • The Court Finds that the motive for the move "honorable"  
19 and not design to frustrate or defeat visitation rights with  
20 Lisa Myers.
- 21 • Plaintiff Caleb Haskins demonstrates a realistic  
22 opportunity for a visitation schedule that will adequately  
23 foster and preserve the relation with Lisa Myers.

24  
25 Ultimately, this Court granted Plaintiff permission to relocate to his  
26 home in Oregon subject to Defendant's rights of visitation. Once Sydney  
27 began school Defendant was awarded a portion of the school's winter  
28

1 break, spring break every year and eight consecutive weeks of visitation  
2 during the summer break commencing the first Saturday after school  
3 releases with Sydney being returned to Plaintiff at the termination of  
4 Defendant's summer visitation. This is the current custody schedule.  
5

## 6 **II. ARGUMENT**

### 7 **1. RETURN OF THE CHILD TO THE STATE OF OREGON**

8  
9 If it appears that a child has been or is likely to been concealed within  
10 the state or taken out of the state, the court shall order the child to appear  
11 and shall make a determination most advantageous to and in the best of  
12 the child. The court may authorize law enforcement to assist a party in  
13 obtaining physical custody of a child. Any such order shall require the  
14 moving party to give 24 hours' notice to the person with physical custody of  
15 the child prior to the moving party obtaining physical custody of the child,  
16 unless the court deems that such notice would likely defeat the purpose of  
17 the order.  
18  
19  
20  
21

22 A proceeding under this section must be given priority on the court's  
23 calendar. NRS125C.0055.  
24

25 Plaintiff would inform the Court that Defendant failed to return the  
26 parties' daughter, Sydney to Oregon upon completion of her summer  
27 visitation. Specifically, Defendant led Plaintiff to believe that Sydney would  
28

1 be returning home on August 22, 2020, but then e-mailed him minutes prior  
2 to their landing that Sydney would not be returning home to Oregon.  
3

4 Plaintiff has made multiple attempts for Defendant to return Sydney to  
5 his care, but she simply refuses. Therefore, Plaintiff is requesting that this  
6 Court issue an immediate pick up order so that he may retrieve Sydney  
7 with the assistance of law enforcement. Time is of the essence because  
8 Sydney has been unable to return to school and is missing out on valuable  
9 information and educational opportunities. Defendant cannot see past her  
10 own selfish desires and will continue make decisions that harm Sydney  
11 unless this Court intervenes.  
12  
13  
14

## 15 **2. ORDER TO SHOW CAUSE**

16  
17 **NRS 22.010 Acts or omissions constituting contempts. The**  
18 **following acts or omissions shall be deemed contempts:**

19 3. Disobedience or resistance to any lawful writ, order, rule or  
20 process issued by the court or judge at chambers.

21 **NRS 22.110 Imprisonment until performance if contempt is**  
22 **omission to perform an act;**

23 1. Except as otherwise provided in subsection 2, when the contempt  
24 consists in the omission to perform an act which is yet in the power of the  
25 person to perform, he may be imprisoned until he performs it. The required  
26 act must be specified in the warrant of commitment.

27 \*\*\*

28 \*\*\*



1 Pursuant to NRS22.010 contempt includes acts of disobedience or  
2 resistance to any lawful writ, order, rule or process issued by the court.  
3  
4 Any order meant to be the subject of a contempt proceeding must be clear,  
5 unambiguous, and set forth the details of compliance in clear, specific  
6 terms, so the parties will know what duties or obligations are imposed.  
7  
8 *Cunningham v. District Court*, 102 Nev. 551, 729 P.2d 1328 (1986). The  
9 moving party carries the burden of demonstrating the other party had the  
10 ability to comply with the order, and the violation of the order was willful.  
11  
12 *Rodriguez v. District Court*, 120 Nev. 789, 102 P.3d 41 (2004). The  
13 inability of a contemnor to obey the order (without fault on their part) is a  
14 complete defense and sufficient to purge them of the contempt charged.  
15  
16 *Mccormick v. Sixth Judicial District Court*, 67 Nev. 318, 326; 218 P.2d 939  
17 (1950). However, where the contemnors have voluntarily or  
18 contumaciously brought on themselves the disability to obey the order or  
19 Decree, such a defense is not available; and the burden of proving inability  
20 to comply is upon the contemnor. *Id.*

21  
22  
23  
24 Plaintiff would inform the Court that Defendant refuses to accept this  
25 Court's original order granting him primary physical custody and relocation  
26 to the State of Oregon. Time after time Defendant has filed a motion to  
27 modify this order to no avail, so this time Defendant simply refused to  
28

1 return Sydney to Plaintiff's care on Saturday, August 22, 2020.  
2 Specifically, Defendant emailed Plaintiff at 8:18 a.m. that stated "We will be  
3 at the Portland, Oregon Airport (TSA Security checkpoint where our  
4 exchanges have occurred while in OR) Saturday, August 22<sup>nd</sup> at 6 p.m., so  
5 you may pick-up Miss Sydney Rose from me at that time.". Then at 5:32  
6 p.m. thirty-eighty (38) minutes prior to the custody exchange Defendant  
7 writes "Unfortunately, Sydney Rose was unable to get on the flight this  
8 afternoon to Portland. We were at the airport prepared to bored (sic) the  
9 flight, however, Sydney refused to get on the flight. She is home with me,  
10 resting as she was quite distraught. I think it best she remain with me  
11 under the circumstances and until we can speak with our Judge. I will have  
12 her call you later on this evening if she is feeling up to it."

13  
14 Plaintiff has made numerous requests for Defendant to please return  
15 Sydney to his care and she simply refuses. Instead, Defendant emails  
16 Plaintiff updates of how she is making sure that Sydney is reading and  
17 doing other educational activities chosen by Defendant, decorating her new  
18 room, playing with her new puppy and spending time "with our family", as if  
19 this Court's order doesn't exist.

20  
21 Plaintiff fears that Defendant may be off of her meds again and that  
22 she has become unstable. Plaintiff has no way of ensuring Sydney's safety  
23  
24  
25  
26  
27  
28

1 but fears that Defendant is beginning to realize she has no control and  
2 believes Defendant may have tried to enroll Sydney in school.  
3

4 Plaintiff would remind this Court that at the time of the last hearing  
5 this Court admonished Defendant to adhere to the orders of this Court or it  
6 will terminate her in state visitation.  
7

8 Obviously, Defendant did not take this Court's admonishment seriously  
9 given her unilateral decision not to return Sydney to Plaintiff's care on  
10 August 22, 2020. Clearly under these circumstances the court has the  
11 power to punish a transgressor for contempt in order to maintain respect,  
12 decency and dignity in the court's proceedings. *Lamb v. Lamb*, 83 Nev.  
13 425, 433 P2d. 265 (1967). There is no excuse for Defendant's failure to  
14 comply with this court's custody order and wanton disregard for Plaintiff's  
15 parental rights let alone the damage it causes to Sydney's young psyche.  
16  
17  
18

19 Defendant knows and understands why this Court awarded Plaintiff  
20 primary physical custody and permission to relocate to the State of Oregon.  
21 The only practical solution is to punish Defendant to bring her into  
22 compliance and hopefully prevent it from happening again. Plaintiff is  
23 therefore requesting that Defendant be found in contempt, sanctioned and  
24 incarcerated for her ongoing contemptuous behavior.  
25  
26  
27

28 \*\*\*



1                   **3. MODIFICATION OF THE CURRENT VISITATION ORDER**

2                   **NRS 125C.0045 Court orders; modification or termination of orders;**  
3                   **form for orders; court may order parent to post bond if parent resides**  
4                   **in or has significant commitments in foreign country.**

5                   1. In any action for determining the custody of a minor child, the court  
6                   may, except as otherwise provided in this section and NRS 125C.0601 to  
7                   125C.0693, inclusive, and chapter 130 of NRS:

8                   (a) During the pendency of the action, at the final hearing or at any  
9                   time thereafter during the minority of the child, make such an order for the  
10                  custody, care, education, maintenance and support of the minor child as  
11                  appears in his or her best interest; and

12                  (b) At any time modify or vacate its order, even if custody was  
13                  determined pursuant to an action for divorce and the divorce was obtained  
14                  by default without an appearance in the action by one of the parties.

15                  The party seeking such an order shall submit to the jurisdiction of the  
16                  court for the purposes of this subsection. The court may make such an  
17                  order upon the application of one of the parties or the legal guardian of the  
18                  minor.

19                  2. Any order for joint custody may be modified or terminated by the  
20                  court upon the petition of one or both parents or on the court's own motion  
21                  if it is shown that the best interest of the child requires the modification or  
22                  termination. The court shall state in its decision the reasons for the order of  
23                  modification or termination if either parent opposes it.

24                  3. Any order for custody of a minor child entered by a court of another  
25                  state may, subject to the provisions of NRS 125C.0601 to 125C.0693,  
26                  inclusive, and to the jurisdictional requirements in chapter 125A of NRS, be  
27                  modified at any time to an order of joint custody.

28                  4. A party may proceed pursuant to this section without counsel.

\*\*\*

\*\*\*

1       5. Any order awarding a party a limited right of custody to a child must  
2 define that right with sufficient particularity to ensure that the rights of the  
3 parties can be properly enforced and that the best interest of the child is  
4 achieved. The order must include all specific times and other terms of the  
5 limited right of custody. As used in this subsection, "sufficient particularity"  
6 means a statement of the rights in absolute terms and not by the use of the  
7 term "reasonable" or other similar term which is susceptible to different  
8 interpretations by the parties.

9       6. All orders authorized by this section must be made in accordance  
10 with the provisions of chapter 125A of NRS and NRS 125C.0601 to  
11 125C.0693, inclusive, and must contain the following language:

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

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

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

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

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

      (b) To a person or persons in whose home the child has been living  
and where the child has had a wholesome and stable environment.

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (k) Whether either parent or any other person seeking physical custody  
24 has engaged in an act of domestic violence against the child, a parent of  
25 the child or any other person residing with the child.  
26  
27  
28



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

3 5. Except as otherwise provided in subsection 6 or NRS 125C.210, a  
4 determination by the court after an evidentiary hearing and finding by clear  
5 and convincing evidence that either parent or any other person seeking  
6 physical custody has engaged in one or more acts of domestic violence  
7 against the child, a parent of the child or any other person residing with the  
8 child creates a rebuttable presumption that sole or joint physical custody of  
9 the child by the perpetrator of the domestic violence is not in the best  
10 interest of the child. Upon making such a determination, the court shall set  
11 forth:

12 (a) Findings of fact that support the determination that one or more  
13 acts of domestic violence occurred; and

14 (b) Findings that the custody or visitation arrangement ordered by the  
15 court adequately protects the child and the parent or other victim of  
16 domestic violence who resided with the child.

17 6. If after an evidentiary hearing held pursuant to subsection 5 the  
18 court determines that each party has engaged in acts of domestic violence,  
19 it shall, if possible, then determine which person was the primary physical  
20 aggressor. In determining which party was the primary physical aggressor  
21 for the purposes of this section, the court shall consider:

22 (a) All prior acts of domestic violence involving either party;

23 (b) The relative severity of the injuries, if any, inflicted upon the  
24 persons involved in those prior acts of domestic violence;

25 (c) The likelihood of future injury;

26 (d) Whether, during the prior acts, one of the parties acted in self-  
27 defense; and

28 (e) Any other factors which the court deems relevant to the  
determination.

1 In such a case, if it is not possible for the court to determine which  
2 party is the primary physical aggressor, the presumption created pursuant  
3 to subsection 5 applies to both parties. If it is possible for the court to  
4 determine which party is the primary physical aggressor, the presumption  
5 created pursuant to subsection 5 applies only to the party determined by  
6 the court to be the primary physical aggressor.  
7

9  
10 7. A determination by the court after an evidentiary hearing and  
11 finding by clear and convincing evidence that either parent or any other  
12 person seeking physical custody has committed any act of abduction  
13 against the child or any other child creates a rebuttable presumption that  
14 sole or joint physical custody or unsupervised visitation of the child by the  
15 perpetrator of the abduction is not in the best interest of the child. If the  
16 parent or other person seeking physical custody does not rebut the  
presumption, the court shall not enter an order for sole or joint physical  
custody or unsupervised visitation of the child by the perpetrator and the  
court shall set forth:

17 (a) Findings of fact that support the determination that one or more  
18 acts of abduction occurred; and

19 (b) Findings that the custody or visitation arrangement ordered by the  
20 court adequately protects the child and the parent or other person from  
21 whom the child was abducted.

22 8. For the purposes of subsection 7, any of the following acts  
23 constitute conclusive evidence that an act of abduction occurred:

24 (a) A conviction of the Defendant of any violation of NRS 200.310 to  
25 200.340, inclusive, or 200.359 or a law of any other jurisdiction that  
26 prohibits the same or similar conduct;

27 (b) A plea of guilty or nolo contendere by the Defendant to any  
28 violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any  
other jurisdiction that prohibits the same or similar conduct; or

1 (c) An admission by the Defendant to the court of the facts contained in  
2 the charging document alleging a violation of NRS 200.310 to 200.340,  
3 inclusive, or 200.359 or a law of any other jurisdiction that prohibits the  
4 same or similar conduct.

5 9. If, after a court enters a final order concerning physical custody of  
6 the child, a magistrate determines there is probable cause to believe that  
7 an act of abduction has been committed against the child or any other child  
8 and that a person who has been awarded sole or joint physical custody or  
9 unsupervised visitation of the child has committed the act, the court shall,  
10 upon a motion to modify the order concerning physical custody, reconsider  
11 the previous order concerning physical custody pursuant to subsections 7  
12 and 8.

13 10. As used in this section:

14 (a) "Abduction" means the commission of an act described in NRS  
15 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction  
16 that prohibits the same or similar conduct.

17 (b) "Domestic violence" means the commission of any act described in  
18 NRS 33.018.

19 Plaintiff submits that the Court modify Defendant's visitation schedule  
20 to allow her daily webcam visitation to ensure that she and Sydney have  
21 daily contact but modify Defendant's in person timeshare. Specifically,  
22 Plaintiff is requesting that any in person visitation be supervised and/or take  
23 place in the State of Oregon to ensure that Defendant cannot abduct  
24 Sydney and interfere with her day to day life and routines.

25 \*\*\*

26 \*\*\*

27 \*\*\*



1 Because of the problems Plaintiff has encountered with Defendant's  
2 pathogenic parenting and emotional issues that continue to have a  
3 negative impact on Sydney he is requesting that the court issue a standard  
4 behavior order.  
5

#### 6 **4. FEES AND COSTS**

##### 7 **NRS 18.010 provides as follows:**

8  
9 2. In addition to the cases where an allowance is authorized by  
10 specific statute, the court may make an allowance of attorney's fees to a  
11 prevailing party:

- 12 (a) When he has not recovered more than \$20,000.00; or  
13 (b) Without regard to the recovery sought, when the court finds that  
14 the claim, counterclaim, cross-claim or third-party complaint or defense of  
15 the opposing party was brought without reasonable ground or to harass the  
16 prevailing party.

17 **NRS 125.150(3).** Except as otherwise provided in NRS 125.141,  
18 whether or not application for suit money has been made under the  
19 provisions of NRS 125.040, the court may award a reasonable attorney's  
20 fee to either party to an action for divorce if those fees are in issue under  
21 the pleadings.

22 In a long line of cases, the Nevada Supreme Court has held that  
23 attorney's fees may be awarded in a post divorce action pursuant to  
24 NRS18.010 and NRS125.150(3). See *Sargeant v. Sargeant*, 88 Nev. 223,  
25 495 P.2d 618 1972); *Leeming v. Leeming*, 87 Nev. 530, 490 P.2d 342  
26 (1971); *Korbel v. Korbel*, 101 Nev. 140, 696 P.2d 993 (1985); *Fletcher v.*  
27 *Fletcher*, 89 Nev 540, 516 P.2d 103 (1973); *Halbrook v. Halbrook*, 114 Nev.  
28

1 1455, 971 P.2d 1262 (1998); and, *Love v. Love*, 114 Nev. 572, 959 P.2d  
2 523 (1998).  
3

4 In the case of *Miller v. Wilfong*, 119 P.3d 727 (2005) the Nevada  
5 Supreme Court held that it is within the trial court's discretion to determine  
6 the reasonable amount of attorney fees under a statute or rule and that in  
7 exercising its discretion, the district court must evaluate the factors set forth  
8 in *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31  
9 (1969), including the qualities of the advocate, the character and difficulty  
10 of the work performed, the work actually performed by the attorney, and the  
11 result obtained. In this case, Plaintiff's counsel is an experienced attorney  
12 who has litigated numerous divorces, custody, paternity and post-divorce  
13 actions. The legal representation in this case involved the collection and  
14 analysis of the pertinent information, the preparation of legal documents  
15 and court appearances. Plaintiff's counsel expects to obtain a good result  
16 based on the facts of the case. Plaintiff is therefore requesting that she  
17 have an award of attorney's fees in the sum of \$1,200.00.  
18  
19  
20  
21  
22

23 \*\*\*  
24

25 \*\*\*  
26

27 \*\*\*  
28

\*\*\*

1       **WHEREFORE**, in the best interests of the minor child, let an order  
2 issue granting the relief requested by Plaintiff.  
3

4       Dated this 21<sup>st</sup> day of September, 2020.  
5

6                               Respectfully submitted:  
7

8                               /s/ Caleb Haskins  
9

10                              \_\_\_\_\_  
11                              CALEB HASKINS  
12                              340 N. 16th Lane  
13                              Philomath, Oregon 97370  
14                              (775) 445-0488  
15                              Plaintiff in Proper Person  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



## DECLARATION OF CALEB HASKINS

STATE OF OREGON                    )  
  )  
COUNTY OF BENTON                )        SS.

1. I CALEB HASKINS, declare under oath and states as follows:
2. That I am the Plaintiff in the above-entitled action. That I have read the foregoing motion, including the points and authorities and any exhibits attached thereto and the same are true and correct to the best of my knowledge and belief.
3. That I am asking the Court to issue an order directing the Defendant to return Sydney to my care immediately.
4. That I called Defendant on August 22, 2020 and there was no answer.
5. That I called Defendant on August 25, 2020 and there was no answer.
6. That I called Defendant on August 27, 2020 and there was no answer.
7. That I called Defendant on August 28, 2020 and there was no answer.
8. That I called Defendant on August 30, 2020 and there was no answer.

- 1 9. That I called Defendant on September 5, 2020 and there was no  
2 answer.  
3
- 4 10. That I called Defendant on September 6, 2020 and there was no  
5 answer.  
6
- 7 11. That I called Defendant on September 11, 2020 and there was no  
8 answer.  
9
- 10 12. That I called Defendant on September 13, 2020 and there was no  
11 answer.  
12
- 13 13. That I have attempted to co-parent with Defendant at every turn.  
14 In fact, I gave her an extra week of summer visitation due to her  
15 missing Spring Break as a result of the coronavirus pandemic.  
16
- 17 14. That Defendant refuses to provide me with Sydney's flight  
18 information.  
19
- 20 15. That Defendant never intended on returning Sydney to my care in  
21 fact she brags in the e-mail that she remodeled and entire room  
22 with a new loft. She also bought Sydney a teacup Pomeranian  
23 puppy costing \$5,000.00.  
24
- 25 16. That there is no co-parenting with Defendant.  
26
- 27 17. That I believe her mental illness continues to be untreated.  
28
18. That Defendant forces Sydney to ride in a stroller.

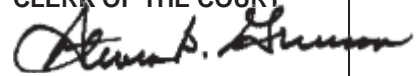
- 1 19. That Defendant will not allow Sydney to walk up stairs and at times  
2 insists on wiping her bottom.  
3
- 4 20. That when Sydney is in my care, she shows bathes on her own  
5 with no assistance from me.  
6
- 7 21. That when Sydney is in my care, she uses the bathroom without  
8 assistance.  
9
- 10 22. That I fear for Sydney's well-being in Defendant's care given that  
11 she was previously diagnosed with Schizophrenia as well as a  
12 dissociative personally disorder. My research has shown that  
13 people with this disorder can have hallucinations and/or delusions  
14 which can lead to harming others.  
15
- 16 23. That Defendant has never returned any of my calls or messages.  
17
- 18 24. That Defendant lost custody Cameron, Sydney's half brother until  
19 she agreed to receive mental healthcare.  
20
- 21 25. That Defendant failed to return Sydney after her summer visitation.  
22
- 23 26. That Defendant limits my ability to communicate freely with  
24 Sydney.  
25
- 26 27. That Sydney has not been able to return to school because of  
27 Defendant's conduct.  
28



- 1 28. That I am requesting that the Court hold Defendant in contempt of  
2 court for her failure to return Sydney to Oregon.  
3
- 4 29. That I am requesting the Court sanction and incarcerate the  
5 Defendant for were disobedience of this court's order.  
6
- 7 30. That I am requesting that the Court terminate Defendant's right to  
8 have visitation with Sydney in the State of Nevada.  
9
- 10 31. That I am requesting the Court award Defendant supervised visits  
11 in the State of Nevada.  
12
- 13 32. That I am requesting that the Court award Defendant daily web-  
14 chat visitation so that Sydney can maintain daily contact with  
15 Defendant.  
16
- 17 33. That I am asking the Court to issue a Behavior Order.  
18
- 19 34. For the reasons stated in my points and authorities, I am  
20 requesting that the Court grant me the relief sought in my motion.  
21

22 /s/ Caleb Haskins

23 \_\_\_\_\_  
24 **CALEB HASKINS**  
25  
26  
27  
28



PATRICIA A. MARR, LLC.  
PATRICIA A. MARR, ESQ.  
Nevada Bar No. 008846  
2470 St. Rose Parkway, Suite 110  
Henderson, Nevada 89074  
Telephone: (702) 353-4225  
Facsimile: (702) 912-0088  
*Counsel for Defendant*  
*LISA MYERS*

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

\* \* \* \* \*

CALEB HASKINS,	)	Case No. D-10-434495-D
	)	Dept No. H
	)	
	)	
	)	
Plaintiff,	)	
vs.	)	
	)	
LISA MYERS,	)	
	)	
Defendant.	)	

**OPPOSITION TO MOTION FOR ORDER TO ENFORCE  
AND/OR TO HOLD DEFENDANT IN CONTEMPT FOR HER WILLFUL  
VIOLATIONS; FOR AN ORDER THAT MINOR CHILD BE RETURNED  
TO THE STATE OF OREGON; FOR MODIFICATION OF  
DEFENDANT'S VISITATION; FOR PLAINTIFF'S FEES AND COSTS  
INCURRED HEREIN; AND OTHER RELATED MATTERS;  
AND  
COUNTERMOTION FOR CHILD INTERVIEW;  
CHANGE OF TIMESHARE; EVIDENTIARY HEARING; AWARD OF  
ATTORNEYS FEES AND COSTS; AND RELATED RELIEF**

PATRICIA A. MARR, LTD.  
Attorney at Law  
2470 St. Rose Parkway, Suite 110  
Henderson, Nevada 89074  
(702) 353-4225  
Facsimile (702) 912-0088

COMES NOW, Defendant, by and through her attorney, PATRICIA A. MARR, ESQ, and files her Opposition and Countermotion as follows:

1. That Plaintiff take nothing by way of his Motion.
2. That the Court interview the child as to current issues.
3. That the Court review and modify the timeshare of the minor child.
4. That Defendant be awarded attorney's fees and costs for having to respond to this increased litigation.

This Opposition and Countermotion is made and based upon the facts and files herein, Declaration of Defendant, and any oral argument that may be adduced at the time of hearing.

Dated this 9th day of October, 2020.

PATRICIA A. MARR, LLC.

/s/ Patricia A. Marr, Esq.

PATRICIA A. MARR, ESQ.  
Nevada Bar No. 008846  
2470 St. Rose Parkway, Suite 110  
Henderson, NV 89074  
Telephone: (702) 353-4225  
Facsimile: (702) 912-0088  
*Attorney for Defendant*  
*LISA MYERS*

## MEMORADUM OF POINTS AND AUTHORITIES

### **I.**

#### **FACTS/HISTORY**

The parties in this matter have one minor child, to wit: **SYDNEY ROSE HASKINS** (DOB: 3/30/10), presently age 10 ½ years.

Upon Plaintiff's relocation from Nevada to Oregon in 2014, the parties retained joint legal custody, with Plaintiff awarded primary physical custody of the minor child. There have been ongoing issues since that time.



1 The parties were before the Court most recently in 2018, when Defendant  
2 cited concerns with the welfare of the child while in Plaintiff's custody, several  
3 relocations with the child, and other parenting issues. Discovery was opened, and  
4 the Court stated that the parties could bring the matter back thereafter.

5  
6 The Court should note, Defendant was denied contact with the minor child  
7 for over six (6) months prior to summer vacation, however, she was finally able to  
8 effectuate the summer visitation. Further, Defendant was denied spring vacation,  
9 due to COVID, and the parties agreed to add one (1) week summer vacation.

10  
11 Interestingly, while Plaintiff refused to provide the child to Defendant for  
12 spring break due to COVID, he DEMANDED his ex-wife, CHARITY, provide his  
13 son, Mason, for spring vacation. Arguably, if Plaintiff truly had concerns  
14 regarding COVID, he would not have demanded his other minor child for spring  
15 visitation.

16  
17 The last visitation between Defendant and the child was over six (6) months  
18 prior to summer visitation, specifically, for one (1) week at Christmas time. After  
19 Christmas visitation, Plaintiff refused to allow regular phone contact between  
20 Defendant and the minor child. In fact, there were constant phone interruptions  
21 for the approximate twenty (20) minutes total time of communication.

22  
23 Further, from March – June, 2020, the child was on-line for schooling,  
24 without any assistance from Plaintiff or his now current wife, Valerie.  
25 Consequently, the child was behind in her schooling, unable to attend zoom  
26  
27  
28

1 meetings with her teachers and Plaintiff missed a parent-teacher conference as he  
2 was busy with his work.

3  
4 Defendant was provided no information regarding the child's education –  
5 no progress reports; no grades; and Defendant was not provided access to the  
6 parent portal so that Defendant could access the child's educational information  
7 herself. Plaintiff continues to refuse to provide this information to Defendant.  
8

9 Plaintiff has also failed to produce for Defendant the child's birth certificate  
10 and immunization records. At this time, Plaintiff listed his present wife, Valeri as  
11 "mother" of the minor child. If the Court will recall, he previously listed his  
12 former wife, Charity, as mother.  
13

14 Plaintiff still refuses zoom, skype, facetime session between Defendant and  
15 the minor child. Plaintiff has the ability to provide such communications, as he  
16 does so with his son, Caleb, because he does not have primary physical custody of  
17 this child. In fact, Defendant is informed there are times Plaintiff does not even  
18 exercise his full visitation with Caleb, yet he withholds the minor child from  
19 Defendant.  
20  
21

22 The child has greatly enjoyed the ongoing events and activities she has  
23 participated in since she has been in Nevada, and has asked if she could spend  
24 more time with Defendant. Plaintiff refused to agree to additional time, in spite of  
25 the fact that school is on the internet in both Nevada and Oregon at this time. In  
26 fact, when Plaintiff communicated with the child, he was very rude to her and  
27  
28

## CONCERNS OF THE CHILD

Defendant brought the child home and calmed her down. She asked the child why she did not want to return to Plaintiff's home and Defendant's concerns were genuine and meritorious.

The child has stated there are a number of people staying in Plaintiff's



1 house on a regular basis. Plaintiff's wife, Valeri, has two (2) teenage sons and  
2 their friends and/or cousins are frequently at Plaintiff's house. The small house  
3 with three (3) bedrooms and one (1) bathroom is overcrowded. In fact, the child  
4 used to sleep in a room with Plaintiff's mother, but his mother moved out. The  
5 child now sleeps on a foam mattress in Valeri's craft room. The child states this  
6 room is to be the bedroom for Josiah, Angelic and their new baby's room  
7 sometime this Fall.

10 The child further states she cannot sleep in the house and that she is afraid.  
11 To that end, the child states that Valeri is often drunk and walks around the house  
12 yelling and mumbling at all hours; falling asleep in the bathtub with cans of beans,  
13 stumbling through the house or leaving out the back door to pass out on the lawn  
14 or on the trampoline. The door would then be left unlocked in the middle of the  
15 night.

18 The teenage boys are up throughout the night, smoking marijuana, partying  
19 with alcohol and drugs with friends – and even coming into the child's room to  
20 grab extra blankets. The child feels like she is continually harassed.

22 In fact, Valeri's son, Malakai, was recently arrested and served time in  
23 Juvenile Hall. Malakai is on probation, wears an ankle bracelet, and is monitored  
24 by parole officers coming to the house. Apparently, Malakai is no longer able to  
25 attend school, due to his violence/aggression and criminal activity. Malakai has  
26 been stopped and/or arrested on multiple occasions, even threatening others with a  
27  
28

1 knife he always carries. Malakai has graffitied/tagged in the neighborhood,  
2 smokes pot in the residence, and drinks alcohol, and parties with friends. In fact,  
3 he had a fight with his father where Malakai ended up serving time – and his  
4 father remains in jail due to this fight.  
5

6 Plaintiff and his wife argue and fight with each other, the teenage boys - and  
7 the child on a regular basis. One time, Valerie was so angry she took a hammer  
8 to one of her son's phones in front of the other children and smacked one of her  
9 son's in the face. The child has witnessed all of this behavior in the house.  
10  
11

12 One time, Plaintiff and Valerie got into a heated argument, and Valerie left  
13 the house, taking the child with her. Valerie took the child to a friend's house out  
14 of town, where they remained for the weekend. The child was also taken to a  
15 cemetery, which frightened her, and she slept on the floor for a week, terrified.  
16

17 The child is afraid that Plaintiff and Valeri are going to start physically  
18 abusing her, as she has seen them do to the teenage boys. When the child spoke  
19 with Plaintiff on the phone the day the child was to return to Oregon, Plaintiff and  
20 Valeri got on the phone and began yelling and threatening the child, telling her  
21 they are "done" with her and to "wait" until you get back here, you will be  
22 stuck/locked in your room by yourself and alone to sleep. Plaintiff and Valerie  
23 then hung up on the child and she was left scared and crying.  
24  
25

26 The child has further stated that Plaintiff and his wife have individually  
27 taken her to "Philomath Market" where they purchase their alcohol and cigarettes,  
28

1 sometimes on a daily basis. Plaintiff and Valerie leave the child in the car alone,  
2 which she is not comfortable with. The child states that Plaintiff and Valerie have  
3 a tequila bottle by their bedside and take shots to help them sleep and relax. She  
4 has mentioned “Red beer”, “Redbull”, “Coors Light”, “Corona”, “Bud Light” and  
5 “Jack Daniels.”  
6

7  
8 The child also states that she found Malakai’s “stash” of drugs and the boys  
9 – Josiah, Trenton and Malakai – threatened her not to say anything to Plaintiff and  
10 Valerie – or her mother – about this, or she will find out what they will do to her.  
11  
12 The child is scared to return to Plaintiff’s house.

13 Plaintiff and Valeri are extremely verbally and emotionally abusive with the  
14 child, and have her listen while they yell, cuss, and call Defendant names on the  
15 phone and in person during the exchanges. Plaintiff and Valerie refer to  
16 Defendant as crazy, mentally ill, sicko, birth mom, nothing, bitch, f&\*&g c\*&t,  
17 and threaten that they will put Defendant in jail and the child will never see her  
18 mother again. Plaintiff and Valerie have further stated that they hope Defendant  
19 dies and her parents and brother, Logan, die as well. Moreover, Plaintiff and  
20 Valerie demean and belittle the child on a regular basis, as well as taking her  
21 belongings from her and having her wear clothing several sizes too small for her.  
22  
23

24  
25 The child must make her own food at Plaintiff’s house, if the house has  
26 food in it. At times, Plaintiff or Valeri make food, however, the child often  
27 remains in her room for the entire day watching TV and YouTube. Plaintiff and  
28

1 Valerie do not check on her or let her know if dinner is ready. Sometimes she  
2 comes out of the room and the food is gone, or cold. She has heard mean things  
3 from them about her personally, including telling Sydney she is not pretty, she is  
4 ugly, she's a bitch and stuck up "like her mother." They laugh at her for showing  
5 interest in pageants and gymnastics.  
6

7  
8 Sydney indicates that Valeri no longer works, as she has back pain. She  
9 remains at home in bed or on the couch watching tv all day. Sydney is forced to  
10 feed Valeri's disabled/handicapped 20+ year old son, Trenton, who resides on a  
11 mattress on the floor of the boys' room. He is confined to a wheelchair without  
12 exercise of his legs, hands or majority of his body. She brings him hot coffee each  
13 morning, lunch and dinner at times, and feeding him as he is not ambulatory at all.  
14

15  
16 Sydney indicates she does dishes and cleans up after the boys in their room,  
17 does laundry, cleans the bathroom – stating that she feels like Cinderella, and they  
18 laugh at her; and that she cares for the two girls, Maddie, 9 and Bailey, 4, who  
19 come over on Wednesday. Valeri babysits these girls for a former co-  
20 worker/friend. But it is Sydney that has to fix them food throughout the day, and  
21 entertain them.  
22

23  
24 Sydney states she has to watch the young child of Plaintiff and Charity,  
25 named Mason, while they are tired, drinking and smoking and watching TV in  
26 their rooms.  
27

28 Sydney has said her father tells her to make sure her mother buys her



1 clothing, and bring them back, because her father does not buy her clothing.

2 Apparently there is a woman named Peggy, possibly a social worker, who has  
3 come by and provided some clothes for Sydney, and gives Plaintiff money to get  
4 the boys clothes as well. However, this money is spent on expensive shoes for the  
5 boys, leaving Sydney will none.  
6

7  
8 In fact, Plaintiff has taken away clothing – and even pictures given to  
9 Sydney by her mother.

10 The child states that there are numerous animals in the crowded residence,  
11 particularly, the boys’ bedroom. This includes a large snake, mice, bearded  
12 dragon, Russian tortoise, lizard and a tarantula. The live meal worms are left in  
13 the fridge. The child is forced to feed these reptiles since the boys are out skating  
14 or running around the neighborhood and do not do so.  
15

16  
17 Plaintiff and Valeri have left to stay at a motel for the weekend, leaving the  
18 child alone with the troubled teenage boys.  
19

20 Apparently, Plaintiff works Monday – Friday 7:30 a.m. to 6 p.m and when  
21 he arrives home, he goes directly to his bedroom, sometimes not even seeing or  
22 speaking with the child.  
23

24 **Plaintiff and his wife threaten the child NOT to tell Defendant what is**  
25 **going on in the home.**  
26

## 27 CHILD NEGLECT

28 Plaintiff refuses to allow the child to get a haircut or her nails done. The

1 child is presented for visitation to Defendant looking like a rag-a-muffin, with  
2 dirty hair, ripped, dirty clothing, holes in her shoes, and no jacket, even when it is  
3 cold.  
4

5 Moreover, the child's teeth are painful to her, but Plaintiff refuses to allow  
6 her to have her teeth repaired (braces or Invisalign), despite her teeth being  
7 crowded and putting her in such pain that it hurts drinking cold drinks or eating  
8 cold ice cream. The child also has trouble chewing certain foods.  
9

10 Apparently, Plaintiff has taken the child to the boys' doctor in Philomath  
11 earlier in the year, where he was informed that she is underweight and needs to  
12 drink milk and gain weight.  
13

14 The child has informed Defendant that she does not have any assistance  
15 with school, especially since she has been working remotely from the home.  
16 Plaintiff and his wife have informed Defendant they do not know how to use  
17 Zoom and cannot help her get on line with her classes or for teacher conferences.  
18 The child struggled in math and was behind in her studies – Plaintiff will not assist  
19 the child with her education/school work, which is arguably, educational neglect.  
20 Plaintiff does not review her work, nor use the parent portal on line - he merely  
21 asks the child if she has completed her work.  
22  
23  
24

### 25 **PLAINTIFF'S VIOLENCE ISSUES**

26 Defendant has always been aware of Plaintiff's violent nature. Defendant is  
27 informed at this time, that there was a recent court hearing regarding the same  
28

1 concerns Defendant has herein, between Plaintiff and the mother of his other  
2 child, Charity. Upon information and belief, Defendant is informed that Charity  
3 attests in the Oregon case that Plaintiff cusses at her in the presence of their son,  
4 Mason, just as he does with the child at issue in this case. That child is refusing to  
5 go to Plaintiff's house, at age 4, just as this child is refusing to do. Charity is  
6 willing to speak with this Court about the issues in her Oregon case.  
7

8  
9 In spite of Plaintiff's addictions and anger issues, he has accumulated a  
10 number of guns and will go into the woods and fire the weapons without regard  
11 for child-safety issues. Further, Plaintiff allows Malakai to shoot guns, in spite of  
12 his own violence issues and arrests. Defendant submits that this scenario is a  
13 powder keg of disaster just waiting to happen.  
14

### 15 COUNTERMOTION

16  
17 These issues warrant a child interview – and even counseling and therapy  
18 for the minor child. Plaintiff's household appears too chaotic, unsafe and unstable  
19 for the child and the child is adamant that she does not want to reside there.  
20

21 Custody is predicated on the best interest of the minor child. It does not  
22 appear that the child is safe in Plaintiff's house, and there has clearly been medical  
23 and educational neglect.  
24

25 Defendant is capable of providing proper education for the child on-line,  
26 and to address the child's dental and health issues.  
27

28 Additionally, there are ongoing concerns for COVID and social unrest in

1 Oregon, while the rate of COVID is dropping in Nevada. Defendant believes it  
2 would benefit the child to stay in Nevada until the social unrest is resolved, and  
3 the rate of infection for COVID in Oregon begins trending downward as it has  
4 been doing in Nevada. Plaintiff had kept the child due to the concerns of COVID  
5 previously, and these issues are just as valid at this time.  
6

7  
8 The child is well cared for and feels safe and loved in Defendant's home.  
9 She is involved in gymnastics, keyboard/music, fencing, swimming, she  
10 participates in pageants, there is a focus on her education, she has friends and  
11 family, and she participates in charitable work in Defendant's household.  
12

13 The child also enjoys baking, playing with her toy pom puppy, Sassy, and  
14 decorating her room. She is extremely close with her maternal grandparents, and  
15 her older brother, Logan – whom she misses dearly. Logan is attending Faith  
16 Lutheran and is doing well in life and in his studies.  
17

18 More specifically, the child has become involved in Nevada State Pageants  
19 and is currently the title holder for Miss Congeniality, and Miss Ambassador of  
20 Nevada. In fact, the child's confidence has definitely improved due to her  
21 involvement and she is much more positive about herself, setting goals for her life  
22 and looking forward to college and a career in the future.  
23

24  
25 The child has been involved in educational activities as well. In that regard,  
26 she has BrainQuest workbooks (reading, writing, language arts, spelling/vocab,  
27 science, math (developing her skills with division and multiplication) and social  
28



1 Studies (learning her states and state capitals), on-line resources, reading chapter  
2 books, learning Microsoft Office and even prepared her first Power Point  
3 presentation. The child has also learned about geodes and astronomy with her  
4 telescope during the summer.  
5

6 The difference in the child's living environments is extreme, which is not  
7 lost on the child. The child has is now thriving, and she does not want to return to  
8 a foam mattress on the floor in a craft room that will be converted to a room for  
9 one of her stepbrothers, who dropped out of school to have a baby with his  
10 girlfriend. The child feels she will have nowhere to go, and she feels unimportant  
11 with so many people in a small home.  
12

13 This is the root of the child getting physically sick returning to the unknown  
14 – and to fear at this time.  
15

16 This Court is to address what is in the best interest of the child. The history  
17 of this case raised concern before, but that concern is more extreme and manifest  
18 at this point. The child is also experiencing physical pain in relation to being  
19 forced to return to Oregon.  
20

21 Defendant respectfully requests this Court order a child interview to address  
22 the fears of the child. Indeed, these concerns need to be properly addressed, as do  
23 the educational and medical neglect. Defendant submits that she is more suited to  
24 address the educational needs of the child, particularly given that she is working  
25 remotely due to COVID, and is able to ensure the child gets on line and completes  
26  
27  
28

1 assignments. Defendant is also available for parent-teacher conferences.

2 Defendant is presently the Director of Legal Studies Department at a private  
3 College in Las Vegas, Nevada and is active in community programs, including  
4 Nevada Child Seekers, Missing and Exploited Children, Free International, Three  
5 Square, Shade Tree, March of Dimes, St. Jude's, Shriners, Faith Lutheran School,  
6 etc.  
7

8  
9 It is wholly appropriate the child be able to disclose to this Court, where she  
10 feels safe, and what she has been experiencing at Plaintiff's house.  
11

## 12 II.

### 13 LEGAL ARGUMENT

#### 14 A. CUSTODY

15 In entering orders for the custody and support of minor children, the Court's  
16 paramount consideration should be the welfare of the minor Child(ren).  
17

18 Culbertson v. Culbertson, 91 Nev. 230, 533 P.2d 768 (1975). The guiding  
19 principle in the Court's exercise of its discretion in cases affecting the rights and  
20 welfare of the children, is the best interests and the welfare of the children whose  
21 rights are involved in the matter. Fenkell v. Fenkell, 86 Nev. 397, 469 P.2d 701  
22 (1970).  
23

24  
25 In this matter, Defendant believes it is in the best interest of the minor child  
26 that the Court modify the present physical custody order to award Defendant  
27 primary physical custody of the minor child, subject to Plaintiff's specified  
28

1 visitation.

2           The standard for a change of custody is pursuant to “Ellis v. Carucci”, 123  
3 Nev. Adv. Op. No. 18 (June 28, 2007), wherein the Nevada Supreme Court  
4 modified the standards for a change of custody under Murphy v. Murphy, 84 Nev.  
5 710, 711, 447 P.2d 664, 665 (1968), and stated that this case was decided a decade  
6 prior to the change in NRS 125.480 and 125.510. The Nevada Supreme Court  
7 noted that while the premise behind Murphy aims to promote stability by  
8 discouraging the frequent re-litigation of custody disputes, it also unduly limits  
9 courts in their determination of whether a custody modification is in the best  
10 interest of the minor children. Upon revisiting Murphy in light of the current  
11 statutes, it is now concluded modification of primary physical custody is  
12 warranted only when (1) there has been a substantial change in circumstances  
13 affecting the welfare of the child, and (2) the best interest is served by the  
14 modification. Under this revised test, the party seeking a modification of custody  
15 bears the burden of satisfying both prongs.

16           The significant changes in circumstances are outlined herein, and clearly  
17 relate to the welfare of the child. The teenage boys in Plaintiff’s house have  
18 severe behavioral issues. One child already has a criminal record, both boys have  
19 dropped out of school, and one boy has a pregnant girlfriend. This is not the  
20 lifestyle that Defendant desires for the child at issue.

21           The child is terrified at the prospect of returning to Oregon, and fearful of

1 the Plaintiff. This is not a fiction created by Defendant, as Plaintiff will no doubt  
2 allege. The child's safety and welfare, as well as her education are at issue, and  
3 this Court cannot ignore these significant changes in circumstances – especially as  
4 the very same concerns are stated by Plaintiff's former wife, Charity, and their  
5 four (4) year old son, who is also terrified to return to Plaintiff's house.  
6

7  
8 Moreover, there does not appear to be enough room for everyone in the  
9 house - there are three (3) bedrooms: Plaintiff and Valeri sleep in one room; three  
10 (3) boys apparently are in another bedroom; the pregnant girlfriend will be moving  
11 in one (1) bedroom – thus, all bedrooms are occupied and the child presently  
12 sleeps on a foam mattress in the present craft room which is being converted to a  
13 room for one of the teenaged sons and his pregnant girlfriend.  
14

15  
16 Accordingly, a modification of custody is in the best interest of the child, as  
17 detailed herein.  
18

19 It is appropriate to modify custody, when such modification is in the best  
20 interest of the minor child, the second prong of Ellis.

21 NRS 125C.0035(4) details the best interest factors.  
22

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

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

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

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



(d) The level of conflict between the parents.

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

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

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

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

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

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

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

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

In this matter, Defendant states the following:

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

***The child is 10 ½ years old, and of sufficient age to be interviewed.***

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

N/A

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

***Plaintiff withheld the child for spring vacation and the child did not get to see Defendant for six (6) months. Plaintiff interfered with communication between the child and Defendant likely because Plaintiff did not want Defendant to know the child is terrorized in his home. The child refuses to return to Oregon, and as a mother, Defendant is advocating for the welfare of her daughter. Defendant is not seeking to withhold the child. She purchased airline tickets and when the child became physically ill, she left with the child, informing Plaintiff.***

(d) The level of conflict between the parents.

1        *The level of conflict is moderate to high; because this is the manner in*  
2        *which Plaintiff tries to maintain control.*

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

4        *Cooperation is NOT in Plaintiff's vocabulary. Defendant went six (6)*  
5        *months without visitation.*

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

7        *Defendant has no issues of physical or mental health. She cannot speak*  
8        *to Plaintiff's mental health, but there are clear signs of concern in that regard.*

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

10        The child is 10 ½ years old, and needs STABILITY and STRUCTURE.  
11        She needs her medical and educational needs met. And she needs to feel SAFE.

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

13        *The child has a good relationship with Defendant, and fears Plaintiff.*

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

15        Defendant has a sibling of the child in her home and Plaintiff has numerous  
16        step-siblings in his house.

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

19        *There is no history with Defendant. Defendant believes the evidence*  
20        *demonstrates, at a MINIMUM, NEGLECT by Plaintiff at this time.*

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

24        N/A

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

27        N/A

A change of custody is in the best interest of the minor child.

**B. ATTORNEY FEES**

**Defendant is Entitled to an Award of Attorney's Fees**

**a. Defendant is Entitled to Attorney's Fees Pursuant to NRS 125C.250**

**NRS 125C.250 Attorney's fees and costs.** Except as otherwise provided in [NRS 125C.0689](#), in an action to determine legal Custody, physical Custody or visitation with respect to a Child, the Court may order reasonable fees of counsel and experts and other costs of the proceeding to be paid in proportions and at times determined by the Court.

(Added to NRS by [2013, 2956](#))

NRS 125C.250 permits the Court to enter an award of Attorney's Fees and Costs in any case concerning the custody and visitation of a child. The Court may order any party to pay all or some of the other party's attorney's fees with the amount awarded to be at the Court's discretion. In this case, Plaintiff has failed to protect the child and he has interfered with spring vacation, and communication while the child was with him. The child is frightened to return to Oregon with Plaintiff, where she feels ignored, neglected, unwanted. Accordingly, Defendant has no choice but to protect the child.

**b. Defendant is Entitled to Attorney's Fees Pursuant to NRS 18.010.**

**NRS 18.010 Award of Attorneys' Fees**

...

2. In addition to the cases where an allowance is authorized by specific statute, *the Court may make an allowance of attorneys' fees to a prevailing Party:*

...

(b) Without regard to the recovery sought, when the Court finds that the claim, counterclaim, cross-claim or third-Party complaint or defense of the opposing Party was brought or maintained without reasonable ground or to harass the prevailing Party. The Court shall liberally construe the provisions of this paragraph in favor of awarding attorneys' fees in all appropriate situations. *It is the intent of the Legislature that the Court award attorneys' fees pursuant to this paragraph and impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all appropriate situations to punish for and deter frivolous or vexatious claims and defenses because such claims and defenses overburden limited judicial resources, hinder the timely resolution of meritorious claims and increase the costs of engaging in business and providing professional services to the public.* [Emphasis added.]

The general provisions for fees, NRS 18.010, provides the statutory guidance for what type of findings would support an award of attorneys' fees. The enumerated requirements include filings made "without reasonable ground or to harass the prevailing Party." In short, although District Courts "shall liberally construe" the provisions of the statute in awarding fees, the rule has been sharpened to clearly target those acting without a valid basis or whose sole purpose is to harass. Defendant's response and requests herein are to protect the child, and are reasonable under the circumstances. Accordingly, Defendant hereby requests that the Court award her full attorney's fees.

**c. Defendant is Entitled to Attorney's Fees Pursuant to Brunzell.**

In Barney v. Mt. Rose Heating & Air Conditioning, 192 P.3d 730, 736 (2008), citing Brunzell v. Golden Gate National Bank, 85 Nev. 345, 455 P.2d 31



(1969), the Court enumerated factors that the District Court should consider in awarding attorney's fees, with no one factor controlling, as follows:

- (1) the advocate's qualities, including ability, training, education, experience, professional standing, and skill;
- (2) the character of the work, including its difficulty, intricacy, importance, as well as the time and skill required, the responsibility imposed, and the prominence and character of the Parties when affecting the importance of the litigation;
- (3) the work performed, including the skill, time, and attention given to the work; and
- (4) the result--whether the attorney was successful and what benefits were derived.

Defendant has met the factors outlined in Brunzell. Her counsel is qualified and has considerable experience, ability, and training in the field of Family Law litigation. The litigation is necessary to protect the child, and Defendant's custody rights. It is the responsibility of counsel to assist in this endeavor to ensure that her rights are preserved and litigated. Counsel was attentive to the work performed. Based upon the foregoing, it is not only fair, but also reasonable under the circumstances that Plaintiff be fully responsible for Defendant's reasonable attorney fees and costs, the sum to be determined pursuant to a Memorandum of Fees and Costs filed at the conclusion of this case pursuant to NRS §18.010, NRS §125C.250, and Brunzell. Defendant requests that her attorney's fees be awarded and reduced to judgment, collectable by any legal means.

1 **C. CONCLUSION**

2 Based on the facts and files set forth herein, Plaintiff's Motion should be  
3 denied; and Defendant should be granted the following relief:

- 4
- 5 1. That the Court modify joint physical custody to award Defendant  
6 primary physical custody with specified visitation to Plaintiff.  
7
  - 8 2. That the Court award Plaintiff attorney fees and costs for having to file  
9 this motion;  
10
  - 11 3. For other relief this Court deems just and proper.

12 DATED this 9<sup>th</sup> day of October, 2020.

13 PATRICIA A. MARR, LLC.

14 /s/ Patricia A. Marr, Esq.

15  
16 

---

PATRICIA A. MARR, ESQ.  
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Henderson, Nevada 89074  
Telephone: (702) 353-4225  
Facsimile: (702) 912-0088  
*Counsel for Defendant*  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1                                    **DECLARATION IN SUPPORT OF OPPOSITION AND**  
2                                    **COUNTERMOTION**

3                                    COMES NOW, Defendant, LISA MYERS, and declares and testifies as  
4 follows:  
5

6                                    1.        That I am the Defendant in the above-referenced action and have  
7 personal knowledge of the facts herein and I am competent to testify thereto:

8                                    2.        That I have read the foregoing Opposition and Countermotion and  
9 know the contents thereof; that the same is true of my own knowledge, except as  
10 to those matters therein contained stated upon information and belief, and as to  
11 those matters, I believe them to be true.

12                                    WHEREFORE, it is respectfully requested that this Court deny Plaintiff's  
13 Motion in its entirety and grant my Countermotion.  
14

15                                    Pursuant to NRS 53.045, I declare under the penalty of perjury that the  
16 foregoing is true and correct.

17                                    DATED this 9<sup>th</sup> day of October, 2020.  
18  
19

20                                    /s/Lisa Myers

21                                    \_\_\_\_\_  
22 LISA MYERS  
23  
24  
25  
26  
27  
28

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**CERTIFICATE OF SERVICE**

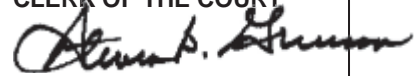
I HEREBY CERTIFY that on the 12<sup>th</sup> day of October, 2020, I served a copy of the foregoing, Opposition and Countermotion, via the United States Mail, postage prepaid and/or electronic service, to the following:

Caleb Haskins  
340 N. 16<sup>th</sup> Lane  
Philomath, Oregon 97370

/s/Patricia A. Marr

---

An employee of Patricia A. Marr, LLC



PATRICIA A. MARR, LLC.  
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*Counsel for Defendant*  
**LISA MYERS**

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

\* \* \* \* \*

CALEB HASKINS,	)	Case No. D-10-434495-D
	)	Dept No. H
	)	
	)	
	)	
Plaintiff,	)	
vs.	)	
	)	
LISA MYERS,	)	
	)	
Defendant.	)	

**AMENDED OPPOSITION TO MOTION FOR ORDER TO ENFORCE**  
**AND/OR TO HOLD DEFENDANT IN CONTEMPT FOR HER WILLFUL**  
**VIOLATIONS; FOR AN ORDER THAT MINOR CHILD BE RETURNED**  
**TO THE STATE OF OREGON; FOR MODIFICATION OF**  
**DEFENDANT'S VISITATION; FOR PLAINTIFF'S FEES AND COSTS**  
**INCURRED HEREIN; AND OTHER RELATED MATTERS;**  
**AND**  
**COUNTERMOTION FOR CHILD INTERVIEW;**  
**CHANGE OF TIMESHARE; EVIDENTIARY HEARING; AWARD OF**  
**ATTORNEYS FEES AND COSTS; AND RELATED RELIEF**



COMES NOW, Defendant, by and through her attorney, PATRICIA A. MARR, ESQ, and files her Amended Opposition and Countermotion as follows:

1. That Plaintiff take nothing by way of his Motion.
2. That the Court interview the child as to current issues.
3. That the Court review and modify the timeshare of the minor child.
4. That Defendant be awarded attorney's fees and costs for having to respond to this increased litigation.

This Opposition and Countermotion is made and based upon the facts and files herein, Declaration of Defendant, and any oral argument that may be adduced at the time of hearing.

Dated this 9th day of October, 2020.

PATRICIA A. MARR, LLC.

/s/ Patricia A. Marr, Esq.

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*Attorney for Defendant*  
*LISA MYERS*

## MEMORADUM OF POINTS AND AUTHORITIES

### **I.**

#### **FACTS/HISTORY**

The parties in this matter have one minor child, to wit: **SYDNEY ROSE MYERS-HASKINS** (DOB: 3/30/10), presently age 10 ½ years.

Upon Plaintiff's relocation from Nevada to Oregon in 2014, the parties retained joint legal custody, with Plaintiff awarded primary physical custody of the minor child. There have been ongoing issues since that time.

1 The parties were before the Court most recently in 2018, when Defendant  
2 cited concerns with the welfare of the child while in Plaintiff's custody, several  
3 relocations with the child, and other parenting issues. Discovery was opened, and  
4 the Court stated that the parties could bring the matter back thereafter.  
5

6 The Court should note, Defendant was denied contact with the minor child  
7 for over six (6) months prior to summer vacation, however, she was finally able to  
8 effectuate the summer visitation. Further, Defendant was denied spring vacation,  
9 due to COVID, and the parties agreed to add one (1) week summer vacation.  
10

11 Interestingly, while Plaintiff refused to provide the child to Defendant for  
12 spring break due to COVID, he DEMANDED his ex-wife, CHARITY, provide his  
13 son, Mason, for spring vacation. Arguably, if Plaintiff truly had concerns  
14 regarding COVID, he would not have demanded his other minor child for spring  
15 visitation.  
16

17 The last visitation between Defendant and the child was over six (6) months  
18 prior to summer visitation, specifically, for one (1) week at Christmas time. After  
19 Christmas visitation, Plaintiff refused to allow regular phone contact between  
20 Defendant and the minor child. In fact, there were constant phone interruptions  
21 for the approximate twenty (20) minutes total time of communication.  
22

23 Further, from March – June, 2020, the child was on-line for schooling,  
24 without any assistance from Plaintiff or his now current wife, Valerie.  
25 Consequently, the child was behind in her schooling, unable to attend zoom  
26  
27  
28

1 meetings with her teachers and Plaintiff missed a parent-teacher conference as he  
2 was busy with his work.

3  
4 Defendant was provided no information regarding the child's education –  
5 no progress reports; no grades; and Defendant was not provided access to the  
6 parent portal so that Defendant could access the child's educational information  
7 herself. Plaintiff continues to refuse to provide this information to Defendant.  
8

9 Plaintiff has also failed to produce for Defendant the child's birth certificate  
10 and immunization records. At this time, Plaintiff listed his present wife, Valeri as  
11 "mother" of the minor child. If the Court will recall, he previously listed his  
12 former wife, Charity, as mother.  
13

14 Plaintiff still refuses zoom, skype, facetime session between Defendant and  
15 the minor child. Plaintiff has the ability to provide such communications, as he  
16 does so with his son, **MASON**, because he does not have primary physical  
17 custody of this child. In fact, Defendant is informed there are times Plaintiff does  
18 not even exercise his full visitation with **MASON**, yet he withholds the minor  
19 child from Defendant.  
20  
21

22 The child has greatly enjoyed the ongoing events and activities she has  
23 participated in since she has been in Nevada, and has asked if she could spend  
24 more time with Defendant. Plaintiff refused to agree to additional time, in spite of  
25 the fact that school is on the internet in both Nevada and Oregon at this time. In  
26 fact, when Plaintiff communicated with the child, he was very rude to her and  
27  
28

Regardless, Defendant did not “plan” not to return the child. In fact, she purchased tickets for both Defendant and the minor child to fly to Oregon. She lost her flights AND the \$500 for the tickets. Defendant and the child were at the airport, but the child refused to get on the plane. When heading through McCarran Airport Security – TSA checkpoint, the child began to have a panic attack and said she was going to throw up. While at the airport, Defendant rushed with the child to the restroom twice, where the child vomited. She became physically ill and panicked at the prospect of having to return to Oregon. Defendant tried to document the incidence by video and pictures, while at the airport, because the child REFUSED to board the plane, and remains fearful of returning to Plaintiff, Valerie and the boys. Defendant attempted to take her later that same afternoon, however, the child again, began crying, stated her stomach was still ill, and she again, refused to go.

Defendant brought the child home and calmed her down. She asked the child why she did not want to return to Plaintiff's home and Defendant's concerns were genuine and meritorious.

The child has stated there are a number of people staying in Plaintiff's

1 house on a regular basis. Plaintiff's wife, Valeri, has three (3) teenage sons<sup>1</sup> and  
2 their friends and/or cousins are frequently at Plaintiff's house. The small house  
3 with three (3) bedrooms and one (1) bathroom is overcrowded. In fact, the child  
4 used to sleep in a room with **Valerie's elderly** mother, but her mother moved out.  
5 The child now sleeps on a foam mattress in Valeri's craft room. The child states  
6 this room is to be the bedroom for Josiah, Angelic and their new baby's room  
7 sometime this Fall.

8  
9 The child further states she cannot sleep in the house and that she is afraid.  
10 To that end, the child states that Valeri is often drunk and walks around the house  
11 yelling and mumbling at all hours; falling asleep in the bathtub with cans of beans,  
12 stumbling through the house or leaving out the back door to pass out on the lawn  
13 or on the trampoline. The door would then be left unlocked in the middle of the  
14 night.

15  
16 The teenage boys are up throughout the night, smoking marijuana, partying  
17 with alcohol and drugs with friends – and even coming into the child's room to  
18 grab extra blankets. The child feels like she is continually harassed.

19  
20 In fact, Valeri's son, Malakai, was recently arrested and served time in  
21 Juvenile Hall. Malakai is on probation, wears an ankle bracelet, and is monitored  
22 by parole officers coming to the house. Apparently, Malakai is no longer able to  
23

---

24  
25  
26  
27  
28 <sup>1</sup> **Valerie sons are Malakai, age 15; Josiah, age 18 and Trenton, age 20, who is**



1 attend school, due to his violence/aggression and criminal activity. Malakai has  
2 been stopped and/or arrested on multiple occasions, even threatening others with a  
3 knife he always carries. Malakai has graffitied/tagged in the neighborhood,  
4 smokes pot in the residence, and drinks alcohol, and parties with friends. In fact,  
5 he had a fight with his father where Malakai ended up serving time – and his  
6 father remains in jail due to this fight.  
7  
8

9 Plaintiff and his wife argue and fight with each other, the teenage boys - and  
10 the child on a regular basis. One time, Valerie was so angry she took a hammer  
11 to one of her son's phones in front of the other children and smacked one of her  
12 son's in the face. The child has witnessed all of this behavior in the house.  
13

14 One time, Plaintiff and Valerie got into a heated argument, and Valerie left  
15 the house, taking the child with her. Valerie took the child to a friend's house out  
16 of town, where they remained for the weekend. The child was also taken to a  
17 cemetery, which frightened her, and she slept on the floor for a week, terrified.  
18  
19

20 The child is afraid that Plaintiff and Valeri are going to start physically  
21 abusing her, as she has seen them do to the teenage boys. When the child spoke  
22 with Plaintiff on the phone the day the child was to return to Oregon, Plaintiff and  
23 Valeri got on the phone and began yelling and threatening the child, telling her  
24 they are "done" with her and to "wait" until you get back here, you will be  
25  
26  
27

28 **handicapped and unable to feed or care for himself.**

1 stuck/locked in your room by yourself and alone to sleep. Plaintiff and Valerie  
2 then hung up on the child and she was left scared and crying.  
3

4 The child has further stated that Plaintiff and his wife have individually  
5 taken her to “Philomath Market” where they purchase their alcohol and cigarettes,  
6 sometimes on a daily basis. Plaintiff and Valerie leave the child in the car alone,  
7 which she is not comfortable with. The child states that Plaintiff and Valerie have  
8 a tequila bottle by their bedside and take shots to help them sleep and relax. She  
9 has mentioned “Red beer”, “Redbull”, “Coors Light”, “Corona”, “Bud Light” and  
10 “Jack Daniels.”  
11

12 The child also states that she found Malakai’s “stash” of drugs and the boys  
13 – Josiah, Trenton and Malakai – threatened her not to say anything to Plaintiff and  
14 Valerie – or her mother – about this, or she will find out what they will do to her.  
15  
16 The child is scared to return to Plaintiff’s house.  
17

18 Plaintiff and Valeri are extremely verbally and emotionally abusive with the  
19 child, and have her listen while they yell, cuss, and call Defendant names on the  
20 phone and in person during the exchanges. Plaintiff and Valerie refer to  
21 Defendant as crazy, mentally ill, sicko, birth mom, nothing, bitch, f&\*&g c\*&t,  
22 and threaten that they will put Defendant in jail and the child will never see her  
23 mother again. Plaintiff and Valerie have further stated that they hope Defendant  
24 dies and her parents and brother, Logan, die as well. Moreover, Plaintiff and  
25 Valerie demean and belittle the child on a regular basis, as well as taking her  
26  
27  
28

1 belongings from her and having her wear clothing several sizes too small for her.

2       The child must make her own food at Plaintiff's house, if the house has  
3 food in it.<sup>1</sup> At times, Plaintiff or Valeri make food, however, the child often  
4 remains in her room for the entire day watching TV and YouTube. Plaintiff and  
5 Valerie do not check on her or let her know if dinner is ready. Sometimes she  
6 comes out of the room and the food is gone, or cold. She has heard mean things  
7 from them about her personally, including telling Sydney she is not pretty, she is  
8 ugly, she's a bitch and stuck up "like her mother." They laugh at her for showing  
9 interest in pageants and gymnastics.  
10

11       **The child states** that Valerie no longer works, as she has back pain and  
12 remains at home in bed or on the couch watching tv all day. The child is forced to  
13 feed Valerie's disabled/handicapped 20+ year old son, Trenton, who resides on a  
14 mattress on the floor of the boys' room. Trenton is confined to a wheelchair  
15 without exercise of his legs, hands or majority of his body. **The child** brings him  
16 hot coffee each morning, lunch and dinner at times, and feeding him as he is not  
17 ambulatory at all.  
18

19       **The child further states** she does dishes and cleans up after the boys in  
20  
21  
22

23  
24  
25 <sup>1</sup> **The child weighed only 60 pounds when Defendant picked her up June,**  
26 **2020. The child now weighs 77.4 pounds as she has been eating healthy food,**  
27 **exercising and otherwise doing well in a healthy environment. The child**  
28 **drinks vitamin D milk, and eats fruits, vegetables and protein shakes daily.**

1 their room, does laundry, cleans the bathroom – stating that she feels like  
2 Cinderella, and they laugh at her; and that she cares for the two (2) girls, Maddie,  
3 9 and Bailey, 4, who come over on Wednesday. Valerie babysits these girls for a  
4 former co-worker/friend, but it is the minor child that has to fix them food  
5 throughout the day, and entertain them.  
6

7  
8 **The child also** states she has to watch the young child of Plaintiff and  
9 Charity, Mason, while they are tired, drinking and smoking and watching TV in  
10 their rooms.  
11

12 **The child has said** that Plaintiff tells her to make sure **Defendant** buys her  
13 clothing, and bring them back, because **Plaintiff** does not buy her clothing.  
14 Apparently, there is a woman named Peggy, possibly a social worker, who has  
15 come by and provided some clothes for the child, and gives Plaintiff money to get  
16 the boys clothes as well. However, this money is spent on expensive shoes for the  
17 boys, leaving **the child with nothing**. In fact, Plaintiff has taken away clothing –  
18 and even pictures given to the **child** by **the Defendant**.  
19  
20

21 The child states that there are numerous animals in the **crowded** residence,  
22 particularly, the boys' bedroom. This includes a large snake, mice, bearded  
23 dragon, Russian tortoise, lizard and a tarantula. The live meal worms are left in  
24 the fridge. The child is forced to feed these reptiles since the boys are out skating  
25 or running around the neighborhood and do not do so.  
26  
27

28 Plaintiff and Valeri have left to stay at a motel for the weekend, leaving the

**Plaintiff and his wife threaten the child NOT to tell Defendant what is going on in the home.**



1 Zoom and cannot help her get on line with her classes or for teacher conferences.  
2 The child struggled in math and was behind in her studies – Plaintiff will not assist  
3 the child with her education/school work, which is arguably, educational neglect.  
4 Plaintiff does not review her work, nor use the parent portal on line - he merely  
5 asks the child if she has completed her work.  
6

### 7 **PLAINTIFF’S VIOLENCE ISSUES**

8  
9 Defendant has always been aware of Plaintiff’s violent nature. Defendant is  
10 informed at this time, that there was a recent court hearing regarding the same  
11 concerns Defendant has herein, between Plaintiff and the mother of his other  
12 child, **Mason**. Upon information and belief, Defendant is informed that Charity  
13 attests in the Oregon case that Plaintiff cusses at her in the presence of their son,  
14 Mason, just as he does with the child at issue in this case. That child is refusing to  
15 go to Plaintiff’s house, at age **8**, just as this child is refusing to do. Charity is  
16 willing to speak with this Court about the issues in her Oregon case.  
17

18  
19 In spite of Plaintiff’s addictions and anger issues, he has accumulated a  
20 number of guns and will go into the woods and fire the weapons without regard  
21 for child-safety issues. Further, Plaintiff allows Malakai to shoot guns, in spite of  
22 his own violence issues and arrests. Defendant submits that this scenario is a  
23 powder keg of disaster just waiting to happen.  
24

### 25 **COUNTERMOTION**

26  
27 These issues warrant a child interview – and even counseling and therapy  
28

1 for the minor child. Plaintiff's household appears too chaotic, unsafe and unstable  
2 for the child and the child is adamant that she does not want to reside there.<sup>1</sup>  
3

4 Custody is predicated on the best interest of the minor child. It does not  
5 appear that the child is safe in Plaintiff's house, and there has clearly been medical  
6 and educational neglect.  
7

8 Defendant is capable of providing proper education for the child on-line,  
9 and to address the child's dental and health issues.  
10

11 Additionally, there are ongoing concerns for COVID and social unrest in  
12 Oregon, while the rate of COVID is dropping in Nevada. Defendant believes it  
13 would benefit the child to stay in Nevada until the social unrest is resolved, and  
14 the rate of infection for COVID in Oregon begins trending downward as it has  
15 been doing in Nevada. Plaintiff had kept the child due to the concerns of COVID  
16 previously, and these issues are just as valid at this time.  
17

18 The child is well cared for and feels safe and loved in Defendant's home.  
19  
20

---

21 **<sup>1</sup> In contrast, Defendant maintains full medical, dental and vision coverage for**  
22 **the child, including orthodontic benefits. Unbeknownst to Defendant,**  
23 **Plaintiff took the child to the Philomath Clinic for a staph infection twice.**  
24 **Defendant has received a billing statement for two (2) separate bills for two**  
25 **(2) separate dates in the approximate amount of \$2,000.00. The child now**  
26 **has a permanent indentation on the side of her face due to the unexplained**  
27 **staph infection. Although Defendant requested information regarding the**  
28 **same, Plaintiff refused to provide any information to her.**

1 She is involved in gymnastics, keyboard/music, fencing, swimming, she  
2 participates in pageants, there is a focus on her education, she has friends and  
3 family, and she participates in charitable work in Defendant's household.  
4

5 The child also enjoys baking, playing with her toy pom puppy, Sassy, and  
6 decorating her room. She is extremely close with her maternal grandparents, and  
7 her older brother, Logan – whom she misses dearly. Logan is attending Faith  
8 Lutheran and is doing well in life and in his studies.  
9

10 More specifically, the child has become involved in Nevada State Pageants  
11 and is currently the title holder for Miss Congeniality, and Miss Ambassador of  
12 Nevada. In fact, the child's confidence has definitely improved due to her  
13 involvement and she is much more positive about herself, setting goals for her life  
14 and looking forward to college and a career in the future.  
15  
16

17 The child has been involved in educational activities as well. In that regard,  
18 she has BrainQuest workbooks (reading, writing, language arts, spelling/vocab,  
19 science, math (developing her skills with division and multiplication) and social  
20 Studies (learning her states and state capitals), on-line resources, reading chapter  
21 books, learning Microsoft Office and even prepared her first Power Point  
22 presentation. The child has also learned about geodes and astronomy with her  
23 telescope during the summer.  
24  
25

26 The difference in the child's living environments is extreme, which is not  
27 lost on the child. The child has is now thriving, and she does not want to return to  
28

1 a foam mattress on the floor in a craft room that will be converted to a room for  
2 one of her stepbrothers, who dropped out of school to have a baby with his  
3 girlfriend. The child feels she will have nowhere to go, and she feels unimportant  
4 with so many people in a small home.  
5

6 This is the root of the child getting physically sick returning to the unknown  
7 – and to fear at this time.  
8

9 This Court is to address what is in the best interest of the child. The history  
10 of this case raised concern before, but that concern is more extreme and manifest  
11 at this point. The child is also experiencing physical pain in relation to being  
12 forced to return to Oregon.  
13

14 Defendant respectfully requests this Court order a child interview to address  
15 the fears of the child. Indeed, these concerns need to be properly addressed, as do  
16 the educational and medical neglect. Defendant submits that she is more suited to  
17 address the educational needs of the child, particularly given that she is working  
18 remotely due to COVID, and is able to ensure the child gets on line and completes  
19 assignments. Defendant is also available for parent-teacher conferences.  
20

21 Defendant is presently the Director of Legal Studies Department at a private  
22 College in Las Vegas, Nevada and is active in community programs, including  
23 Nevada Child Seekers, Missing and Exploited Children, Free International, Three  
24 Square, Shade Tree, March of Dimes, St. Jude's, Shriners, Faith Lutheran School,  
25 etc.  
26  
27  
28

1 It is wholly appropriate the child be able to disclose to this Court, where she  
2 feels safe, and what she has been experiencing at Plaintiff's house.

## 3 4 II.

### 5 LEGAL ARGUMENT

#### 6 A. CUSTODY

7  
8 In entering orders for the custody and support of minor children, the Court's  
9 paramount consideration should be the welfare of the minor Child(ren).

10 Culbertson v. Culbertson, 91 Nev. 230, 533 P.2d 768 (1975). The guiding  
11 principle in the Court's exercise of its discretion in cases affecting the rights and  
12 welfare of the children, is the best interests and the welfare of the children whose  
13 rights are involved in the matter. Fenkell v. Fenkell, 86 Nev. 397, 469 P.2d 701  
14 (1970).  
15

16  
17 In this matter, Defendant believes it is in the best interest of the minor child  
18 that the Court modify the present physical custody order to award Defendant  
19 primary physical custody of the minor child, subject to Plaintiff's specified  
20 visitation.  
21

22 The standard for a change of custody is pursuant to "Ellis v. Carucci", 123  
23 Nev. Adv. Op. No. 18 (June 28, 2007), wherein the Nevada Supreme Court  
24 modified the standards for a change of custody under Murphy v. Murphy, 84 Nev.  
25 710, 711, 447 P.2d 664, 665 (1968), and stated that this case was decided a decade  
26 prior to the change in NRS 125.480 and 125.510. The Nevada Supreme Court  
27  
28



1 noted that while the premise behind Murphy aims to promote stability by  
2 discouraging the frequent re-litigation of custody disputes, it also unduly limits  
3 courts in their determination of whether a custody modification is in the best  
4 interest of the minor children. Upon revisiting Murphy in light of the current  
5 statutes, it is now concluded modification of primary physical custody is  
6 warranted only when (1) there has been a substantial change in circumstances  
7 affecting the welfare of the child, and (2) the best interest is served by the  
8 modification. Under this revised test, the party seeking a modification of custody  
9 bears the burden of satisfying both prongs.

13 The significant changes in circumstances are outlined herein, and clearly  
14 relate to the welfare of the child. The teenage boys in Plaintiff's house have  
15 severe behavioral issues. One child already has a criminal record, both boys have  
16 dropped out of school, and one boy has a pregnant girlfriend. This is not the  
17 lifestyle that Defendant desires for the child at issue.

20 The child is terrified at the prospect of returning to Oregon, and fearful of  
21 the Plaintiff. This is not a fiction created by Defendant, as Plaintiff will no doubt  
22 allege. The child's safety and welfare, as well as her education are at issue, and  
23 this Court cannot ignore these significant changes in circumstances – especially as  
24 the very same concerns are stated by Plaintiff's former wife, Charity, and their  
25 **eight (8)** year old son, who is also terrified to return to Plaintiff's house.

28 Moreover, there does not appear to be enough room for everyone in the

1 house - there are three (3) bedrooms: Plaintiff and Valeri sleep in one room; three  
2 (3) boys apparently are in another bedroom; the pregnant girlfriend will be moving  
3 in one (1) bedroom – thus, all bedrooms are occupied and the child presently  
4 sleeps on a foam mattress in the present craft room which is being converted to a  
5 room for one of the teenaged sons and his pregnant girlfriend. <sup>1</sup>  
6

7  
8 Accordingly, a modification of custody is in the best interest of the child, as  
9 detailed herein.

10 It is appropriate to modify custody, when such modification is in the best  
11 interest of the minor child, the second prong of Ellis.  
12

13 NRS 125C.0035(4) details the best interest factors.

14  
15 4. In determining the best interest of the child, the court shall consider and  
16 set forth its specific findings concerning, among other things:

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

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

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

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

23 (e) The ability of the parents to cooperate to meet the needs of the child.  
24

25 <sup>1</sup> In contrast, Defendant resides in Summerlin in a large, two-story, four (4)  
26 bedroom home, with a loft on a large piece of property. The child has her  
27 own room, which she has re-decorated as part of a fun DIY project, including  
28 a sophisticated loft bed with a desk and a Parisian theme as she is now a pre-  
tween.

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

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

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

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

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

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

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

In this matter, Defendant states the following:

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

***The child is 10 ½ years old, and of sufficient age to be interviewed.***

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

***N/A***

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

***Plaintiff withheld the child for spring vacation and the child did not get to see Defendant for six (6) months. Plaintiff interfered with communication between the child and Defendant likely because Plaintiff did not want Defendant to know the child is terrorized in his home. The child refuses to return to Oregon, and as a mother, Defendant is advocating for the welfare of her daughter. Defendant is not seeking to withhold the child. She purchased airline tickets and when the child became physically ill, she left with the child, informing Plaintiff.***

(d) The level of conflict between the parents.

***The level of conflict is moderate to high; because this is the manner in which Plaintiff tries to maintain control.***

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

1                    *Cooperation is NOT in Plaintiff's vocabulary. Defendant went six (6)*  
2 *months without visitation.*

3  
4            (f) The mental and physical health of the parents.

5                    *Defendant has no issues of physical or mental health. She cannot speak*  
6 *to Plaintiff's mental health, but there are clear signs of concern in that regard.*  
7 *Specifically, Plaintiff has been diagnosed with a TBI, has a prior drug addiction*  
8 *with methamphetamine and other drugs, including alcohol abuse and has*  
9 *moderate PTSD with night terrors.*

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

11                    The child is 10 ½ years old, and needs STABILITY and STRUCTURE.  
12 She needs her medical and educational needs met. And she needs to feel SAFE.

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

14                    *The child has a good relationship with Defendant, and fears Plaintiff.*

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

16                    Defendant has a sibling of the child in her home and Plaintiff has numerous  
17 step-siblings in his house.

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

20                    *There is no history with Defendant. Defendant believes the evidence*  
21 *demonstrates, at a MINIMUM, NEGLECT by Plaintiff at this time.*

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

25                    N/A

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

28                    N/A

A change of custody is in the best interest of the minor child.

**B. ATTORNEY FEES**

**Defendant is Entitled to an Award of Attorney's Fees**

**a. Defendant is Entitled to Attorney's Fees Pursuant to NRS 125C.250**

**NRS 125C.250 Attorney's fees and costs.** Except as otherwise provided in [NRS 125C.0689](#), in an action to determine legal Custody, physical Custody or visitation with respect to a Child, the Court may order reasonable fees of counsel and experts and other costs of the proceeding to be paid in proportions and at times determined by the Court.

(Added to NRS by [2013, 2956](#))

NRS 125C.250 permits the Court to enter an award of Attorney's Fees and Costs in any case concerning the custody and visitation of a child. The Court may order any party to pay all or some of the other party's attorney's fees with the amount awarded to be at the Court's discretion. In this case, Plaintiff has failed to protect the child and he has interfered with spring vacation, and communication while the child was with him. The child is frightened to return to Oregon with Plaintiff, where she feels ignored, neglected, unwanted. Accordingly, Defendant has no choice but to protect the child.

**b. Defendant is Entitled to Attorney's Fees Pursuant to NRS 18.010.**

**NRS 18.010 Award of Attorneys' Fees**

...

2. In addition to the cases where an allowance is authorized by specific statute, *the Court may make an allowance of attorneys' fees to a prevailing Party:*

...



(b) Without regard to the recovery sought, when the Court finds that the claim, counterclaim, cross-claim or third-Party complaint or defense of the opposing Party was brought or maintained without reasonable ground or to harass the prevailing Party. The Court shall liberally construe the provisions of this paragraph in favor of awarding attorneys' fees in all appropriate situations. *It is the intent of the Legislature that the Court award attorneys' fees pursuant to this paragraph and impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all appropriate situations to punish for and deter frivolous or vexatious claims and defenses because such claims and defenses overburden limited judicial resources, hinder the timely resolution of meritorious claims and increase the costs of engaging in business and providing professional services to the public.* [Emphasis added.]

The general provisions for fees, NRS 18.010, provides the statutory guidance for what type of findings would support an award of attorneys' fees. The enumerated requirements include filings made "without reasonable ground or to harass the prevailing Party." In short, although District Courts "shall liberally construe" the provisions of the statute in awarding fees, the rule has been sharpened to clearly target those acting without a valid basis or whose sole purpose is to harass. Defendant's response and requests herein are to protect the child, and are reasonable under the circumstances. Accordingly, Defendant hereby requests that the Court award her full attorney's fees.

**c. Defendant is Entitled to Attorney's Fees Pursuant to Brunzell.**

In Barney v. Mt. Rose Heating & Air Conditioning, 192 P.3d 730, 736 (2008), citing Brunzell v. Golden Gate National Bank, 85 Nev. 345, 455 P.2d 31

(1969), the Court enumerated factors that the District Court should consider in awarding attorney's fees, with no one factor controlling, as follows:

- (1) the advocate's qualities, including ability, training, education, experience, professional standing, and skill;
- (2) the character of the work, including its difficulty, intricacy, importance, as well as the time and skill required, the responsibility imposed, and the prominence and character of the Parties when affecting the importance of the litigation;
- (3) the work performed, including the skill, time, and attention given to the work; and
- (4) the result--whether the attorney was successful and what benefits were derived.

Defendant has met the factors outlined in Brunzell. Her counsel is qualified and has considerable experience, ability, and training in the field of Family Law litigation. The litigation is necessary to protect the child, and Defendant's custody rights. It is the responsibility of counsel to assist in this endeavor to ensure that her rights are preserved and litigated. Counsel was attentive to the work performed. Based upon the foregoing, it is not only fair, but also reasonable under the circumstances that Plaintiff be fully responsible for Defendant's reasonable attorney fees and costs, the sum to be determined pursuant to a Memorandum of Fees and Costs filed at the conclusion of this case pursuant to NRS §18.010, NRS §125C.250, and Brunzell. Defendant requests that her attorney's fees be awarded and reduced to judgment, collectable by any legal means.

1 **C. CONCLUSION**

2 Based on the facts and files set forth herein, Plaintiff's Motion should be  
3 denied; and Defendant should be granted the following relief:  
4

- 5 1. That the Court modify joint physical custody to award Defendant  
6 primary physical custody with specified visitation to Plaintiff;  
7  
8 2. **That the Court conduct a child interview if it believes necessary**  
9 **prior to modification;**  
10  
11 3. That the Court award Plaintiff attorney fees and costs for having to file  
12 this motion;  
13  
14 4. For other relief this Court deems just and proper.

15 DATED this 9<sup>th</sup> day of October, 2020.

16 PATRICIA A. MARR, LLC.

17 /s/ Patricia A. Marr, Esq.

18 \_\_\_\_\_  
19 PATRICIA A. MARR, ESQ.  
20 Nevada Bar No. 008846  
21 2470 St. Rose Parkway, Suite 110  
22 Henderson, Nevada 89074  
23 Telephone: (702) 353-4225  
24 Facsimile: (702) 912-0088  
25 *Counsel for Defendant*  
26  
27  
28

1                                    **DECLARATION IN SUPPORT OF OPPOSITION AND**  
2                                    **COUNTERMOTION**

3                                    COMES NOW, Defendant, LISA MYERS, and declares and testifies as  
4 follows:  
5

6                                    1.        That I am the Defendant in the above-referenced action and have  
7 personal knowledge of the facts herein and I am competent to testify thereto:

8                                    2.        That I have read the foregoing Opposition and Countermotion and  
9 know the contents thereof; that the same is true of my own knowledge, except as  
10 to those matters therein contained stated upon information and belief, and as to  
11 those matters, I believe them to be true.

12                                    WHEREFORE, it is respectfully requested that this Court deny Plaintiff's  
13 Motion in its entirety and grant my Countermotion.  
14

15                                    Pursuant to NRS 53.045, I declare under the penalty of perjury that the  
16 foregoing is true and correct.

17                                    DATED this 9<sup>th</sup> day of October, 2020.  
18  
19

20                                    /s/Lisa Myers

21                                    \_\_\_\_\_  
22 LISA MYERS  
23  
24  
25  
26  
27  
28

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 12<sup>th</sup> day of October, 2020, I served a copy of the foregoing, Amended Opposition and Countermotion, via the United States Mail, postage prepaid and/or electronic service, to the following:

Caleb Haskins  
340 N. 16<sup>th</sup> Lane  
Philomath, Oregon 97370

/s/Patricia A. Marr

---

An employee of Patricia A. Marr, LLC



1 TRANS

FILED

NOV 03 2021

*Sharon A. Hoffman*  
CLERK OF COURT

COPY

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3  
4  
5 EIGHTH JUDICIAL DISTRICT COURT

6 FAMILY DIVISION

7 CLARK COUNTY, NEVADA

8  
9 CALEB OBADIAH HASKINS, )

CASE NO. D-10-434495-D

10 Plaintiff, )

DEPT. H

11 vs. )

APPEAL NO. 57825, 58306

12 LISA MYERS, )

58581, 59626, 59916, 60690

13 Defendant. )

61046, 61664, 62330, 65518

83576

14 (SEALED)

15 BEFORE THE HONORABLE T. ARTHUR RITCHIE, JR.  
16 DISTRICT COURT JUDGE

17 TRANSCRIPT RE: MOTION

18 WEDNESDAY, OCTOBER 14, 2020

19  
20  
21  
22  
23  
24  
D-10-434495-D HASKINS v. MYERS 10/14/2020 TRANSCRIPT (SEALED)

VERBATIM REPORTING & TRANSCRIPTION, LLC (520) 303-7356

1 APPEARANCES:

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3 For the Plaintiff:

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1 LAS VEGAS, NEVADA

WEDNESDAY, OCTOBER 14, 2020

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

3 (THE PROCEEDINGS BEGAN AT 10:57:33)

4

5 THE COURT: This is post judgment proceeding, Case  
6 D-2010-434495. Mr. Melgar, you're representing Mr. Haskins?

7 MR. MELGAR: Yes, unbundled.

8 THE COURT: Okay. We've been trying to call him and  
9 it goes to a busy signal. I want to confirm the number with  
10 you.

11 MR. MELGAR: Is that -- what number do you have for  
12 him?

13 THE CLERK: 775-445-0488.

14 MR. MELGAR: Okay. Let me just send him a text real  
15 fast.

16 (Pause)

17 MR. MELGAR: I just sent him a text.

18 THE COURT: We'll call again. Get off the phone,  
19 try again.

20 (Pause)

21 THE COURT: It went to a busy signal again. We're  
22 beginning. Ms. Marr, state your appearance, please.

23 MS. MARR: Good morning, Your Honor. Patricia Marr,  
24 Bar number 8846, appearing on behalf of the Defendant, Lisa

1 Myers.

2 THE COURT: Yeah. Ms. Myers is on the phone.  
3 Mr. Melgar, we'll waive your client's appearance. We've  
4 called three times and it's gone to busy signal each time.  
5 This -- the Court knows this case. It's had evidentiary  
6 proceedings. It's been up and down throughout the years. The  
7 most recent custodial order is the March 18th, 2014's order  
8 from the hearings of February that year. It was last before  
9 the Court in 2018, when the Court denied to request to reopen  
10 the issue of custody and ordered the parties to continue to  
11 follow the order.

12 September this year, we got a pro se motion,  
13 Mr. Melgar, to enforce and to show cause because the child was  
14 not returned to him at the end of summer visitation, and he  
15 supported it with a financial disclosure form. The Court  
16 granted an order shortening time. The Defendant retained  
17 Ms. Marr and filed an opposition on the 12th of October.

18 So I just wanted to confirm some of the pieces of  
19 the dispute. And, Mr. Melgar, in the response it said that  
20 Mom had summer visitation. I just need to know when that  
21 summer visitation began, and when it was scheduled to end.

22 MR. MELGAR: Yeah. And I -- and I have him on line.  
23 I conference called him. So he's on the line, as well.

24 THE COURT: All right, good. Mr. Haskins, you can

1 just listen as if you're with your lawyer. Go ahead.

2 MR. MELGAR: Okay. I believe the summer vacation  
3 started in June, and it was supposed to end in -- towards the  
4 end of August.

5 THE COURT: Okay.

6 MR. MELGAR: However --

7 THE COURT: You don't know? You don't know?

8 MR. MELGAR: The dates -- the dates exactly was --  
9 what's the date, Caleb?

10 THE PLAINTIFF: I believe it was June 13th to -- she  
11 was supposed to return her August 15th, I believe.

12 THE COURT: Okay. And that would have been I guess  
13 more than six weeks. That would have been about eight weeks.  
14 And I read Ms. Marr's narrative that said that there was some  
15 dialogue about when that would occur, but that it did occur.  
16 And the justification about returning the child is what was  
17 described in the opposition at the (indiscernible) or so.

18 So the child has been with Mom since August 15th,  
19 for two months after the scheduled return?

20 MR. MELGAR: That's correct.

21 THE COURT: Okay. And the -- what are you asking  
22 the Court to consider doing, Mr. Melgar, today?

23 MR. MELGAR: Attorney's fees, sanctions, possible  
24 jail time, behavioral order.



1           THE COURT: Well, we don't jail people for violating  
2 the order. We use -- that's a possibly remedy of indirect  
3 civil contempt. Your client has filed a motion to enforce the  
4 order, which would essentially coordinate the return of the  
5 child to him. Right?

6           MR. MELGAR: Yes, Your Honor.

7           THE COURT: Is he in Washington State, or is he in  
8 Nevada?

9           MR. MELGAR: I believe he is in Oregon.

10          THE COURT: I mean Oregon. I'm sorry. Yeah. All  
11 right. All right. Let me visit with Ms. Marr. Ms. Marr, you  
12 know, and I'm sure you advised your client that somebody who  
13 wants a change of custody doesn't get it by keeping the child  
14 in violation of an order, and then doing nothing.

15          You know, if she -- the day after she determined  
16 that she was keeping this child, she should have been the one  
17 that reopened this case and filed. Okay? She's not -- she's  
18 not -- she's not in the right as it relates to procedure, in  
19 any event.

20          MS. MARR: I -- I understand that, Your Honor. And  
21 the -- the problem is we have a child who's almost 11 years  
22 old who became physically ill at the prospect of returning.  
23 And so the Plaintiff --

24          THE COURT: So why -- what do you need -- what do

1 you need me for? If your client's the judge, then why even  
2 come to court? She's not -- first of all, that doesn't  
3 justify a denial of a custody order. And even if the Court  
4 considered a change in custody and evaluated best interest,  
5 Dad would have meaningful contact with the child.

6 We would be evaluating whether we could rely on the  
7 parties to follow court orders. We would be evaluating  
8 whether or not someone fosters and encourages that  
9 relationship between the child and the other parent. It's one  
10 of the dumbest moves to make in a custody case to keep a child  
11 in violation of a custody order, and result in keeping the  
12 child for two months doing nothing. And the best that could  
13 be said for her is that she tried to justify it with a filing  
14 that occurred this week.

15 THE DEFENDANT: Well --

16 MS. MARR: Right. Go ahead --

17 THE COURT: No, I --

18 THE DEFENDANT: Your Honor, if I may, I did hire  
19 Michelle Hauser, and I hired her immediately when this  
20 occurred, and spoke with her. And she was going to file a  
21 motion on my behalf. The motion wasn't filed. There was a  
22 notice of appearance, substitution of counsel. She said  
23 (indiscernible).

24 And we did get the record from Attorney Kerr. And

1 she's going to file a motion. She ended up not filing the  
2 motion, and I ended up hiring Patricia Marr, gave her the  
3 file, and she filed -- in between all of this, Caleb had filed  
4 the motion. So I did hire Michelle --

5 THE COURT: All right. Well, that's -- all right.  
6 So that's -- that's --

7 THE DEFENDANT: I'm sorry.

8 THE COURT: That shows that there were at least a  
9 recognition that you needed to do something.

10 THE DEFENDANT: Yeah --

11 THE COURT: But -- but look, this is not -- this is  
12 what causes chaos in these cases. It is not unusual, in fact  
13 it's happened several times during the course of the last,  
14 what, six, seven years that I've heard this case, where issues  
15 of whether or not there should be orders related to custody  
16 have come up.

17 And I don't have to go over the same standard. The  
18 issue is the same. Have things happened since the 18th of --  
19 I mean since 2018 that would be changes in circumstance that  
20 whatever circumstances could justify a change in the physical  
21 custody order. And that's presented to the Court, and then  
22 the Court determines whether there's adequate cause, sets a  
23 discovery schedule, and there's an orderly process to  
24 considering a change of custody.

1           It is not unusual at all that you could have  
2 transition issues, especially at the airport where there's a  
3 lot of stress and everything else between children who are  
4 going back and forth. In fact, you can almost bank on having  
5 a handful of cases at the end of winter break, at the end of  
6 spring break, at the end of the summer break for this very  
7 thing. Okay?

8           And that's because the child may not want to go back  
9 to the other parent because they've just spent six to eight  
10 weeks with that parent. It's the parent's responsibility to  
11 make sure that that transition takes place. Okay? And so  
12 it's not a basis for a change of custody that a child would  
13 act out at an airport and get physically sick and not want to  
14 go back.

15           That -- that might result in a delay of a travel of  
16 a day, or maybe they won't take them on the plane because  
17 they're unaccompanied. But there's a lot of reasons why  
18 children stress about that.

19           Now, the other thing is if you have a case for a  
20 change that emphasizes things that have occurred like  
21 stability issues or neglect issues or abuse issues or  
22 whatever, you lay those out in a specific affidavit so the  
23 Court can evaluate whether there's a basis to consider a  
24 change in custody.

1           If Mom were the custodial parent and had sent the  
2 child to Dad, and Dad kept the child against their wishes for  
3 two months because the child got sick at the airport according  
4 to him, and didn't want to come back, she would be livid, and  
5 understandably so. That's not a justification for a  
6 essentially self-help in keeping the child. Okay?

7           The child is 10 years old. He's going to be 11 in  
8 March. There's nothing magical about that age. He's in the  
9 middle of being basically a child with, you know, little or no  
10 say to a child that might have some influence on a custody  
11 schedule. But we don't ask 10-year-olds whether they want to  
12 live with their mom in one state or their dad in another  
13 state. They're not a sufficient age to really be put in that  
14 position.

15           Now what I want to know is I would like to know what  
16 the circumstances are of the relationship. How does the child  
17 feel as far as, you know, their security feelings with either  
18 parent. What would be -- what would be a basis for Mom to  
19 raise issues about custody is how Dad has performed as the  
20 custodial parent for what, six years now, Mr. Melgar? I mean  
21 --

22           MR. MELGAR: Yes.

23           THE COURT: -- before that -- before the removal  
24 anyway, obviously one of the findings in the 2014 order was



1 that he had had primary before that. But -- but you know, I'm  
2 very concerned about how this matter is presented to the  
3 Court.

4 And then setting that aside, what do I do about the  
5 things that have come up. Now, I know that she just filed a  
6 response on the 12th, and today is what, the 14th. So you  
7 haven't had any opportunity to respond to it. But --

8 MR. MELGAR: Your Honor, we responded.

9 THE COURT: What?

10 MR. MELGAR: Pretty much we did deny everything she  
11 says, Your Honor. She didn't give any contact to him even  
12 during this time. And he has not been able to talk to her  
13 since August 26th.

14 THE COURT: Yeah. I mean, none of that is justified  
15 at all. Has there been any -- any interaction with any  
16 bureaucracy or state agency or welfare agency or anything --

17 MR. MELGAR: No.

18 THE COURT: -- Ms. Marr?

19 MR. MELGAR: No.

20 MS. MARR: No, not to my knowledge. But I -- I  
21 would note for the Court that Ms. Hauser, for whatever reason,  
22 she was unable to file that motion, was going to. And my  
23 client understands that self-help isn't appropriate. She  
24 certainly understands that. But when -- when you have a child

1 that is actually just refuses because she's terrified, so  
2 something's there, Your Honor.

3 THE COURT: Yeah, I know. But you know --

4 MS. MARR: And I understand --

5 THE COURT: -- the thing is just because you say it  
6 doesn't mean that -- that it resonates with the Court. Okay?  
7 I don't -- Dad doesn't accept that notion. Dad's had custody  
8 for -- for years. What would be interesting would be if this  
9 was manifested in some sort of Division of Family Services  
10 action in the State of Oregon where the child actually lives  
11 and goes to school. Okay?

12 So I don't know, and I haven't seen any case that  
13 you developed of any kind of problems over the last years with  
14 the child interacting with Dad where the child lives. I mean,  
15 is it just that they have not been alleged, or -- or --

16 MS. MARR: Well, it's -- it's laid out in the  
17 opposition and in the counter motion, Your Honor. And  
18 specifically what I noted was -- was the grades. There's  
19 absolutely nobody that is assisting her with it. And it's  
20 imperative now more than ever based upon the fact that most  
21 children are attending school virtually. And so she's pretty  
22 much on her own.

23 THE COURT: How would you -- how would you know? I  
24 mean, they -- virtual school happened for a month or two sort

1 of like ad hoc at the end of the year, and she didn't return  
2 the child to start school this fall.

3 MS. MARR: Right. But when she was attending  
4 virtually --

5 MR. MELGAR: She has --

6 MS. MARR: -- you know, she --

7 MR. MELGAR: She has As and Bs.

8 THE COURT: It doesn't -- it doesn't even --

9 MR. MELGAR: So --

10 THE COURT: It doesn't even matter. Okay? The fact  
11 of the matter is if educational neglect was a primary theme of  
12 this case, the Court would be asked to make adequate cause  
13 that there was a basis to make that case. We'd be following  
14 the custody order while we developed that case. We'd be  
15 setting a time certain for that discovery to end and for an  
16 evidentiary proceeding to happen. And we would be deciding  
17 whether that case had merit. That's how it happens. Okay?

18 It doesn't happen that you make that -- that claim,  
19 and it's not even fully developed, I don't even think it is,  
20 and then decide that you just ignore the custody orders and  
21 keep the child. It's not the -- I don't want those type of  
22 findings to color the notion of whether or not there is a  
23 basis to consider whether there's been a change in  
24 circumstance related to the child because the Court went

1 through this exact same analysis in the hearing in 2018 and  
2 said there was no adequate cause, and we closed the request to  
3 reopen the issue of custody.

4           So I feel like I've already had this discussion at  
5 least once, maybe twice in this case. What is --

6           MR. MELGAR: Your Honor --

7           THE COURT: What is the position of -- I mean, I  
8 guess this -- as succinctly as you can put it, Ms. Marr, what  
9 is the issue that is the most compelling issue for Mom to make  
10 to the Court that -- I mean, is she -- is she alleging that  
11 Dad is abusing or neglecting the child? Is she alleging that  
12 -- I'm not talking about educational neglect. I'm talking  
13 about the type of things that -- I mean, she's obviously, if  
14 you take what she says at face value, she's afraid that her  
15 child is traumatized by going back there. Right?

16           MS. MARR: Well, right. And there are allegations  
17 of medical neglect also, that --

18           THE COURT: Where?

19           MS. MARR: -- she is being overcrowded -- on page  
20 11.

21           THE COURT: No, no, no. Where are the --

22           MS. MARR: The child is not --

23           THE COURT: Just because you say it -- where are the  
24 allegations of it. Where are the allegations of -- what is

1 the specific allegation that is the most compelling?

2 MS. MARR: The allegations are that the Plaintiff  
3 refused to take her to the dentist. The child apparently has  
4 overcrowding teeth and it's painful for her to even chew.  
5 She's underweight. She had acquired a staph infection that my  
6 client was never informed of, and consequently she has an  
7 indentation in her face.

8 So, and again, my client's never informed of these  
9 medical issues. And -- and the teeth, presumably the teeth,  
10 because her teeth are so painful, that's probably why she --  
11 she's underweight. So there are concerns of the medical  
12 neglect. It's a chaotic household.

13 And again, my client understands more than anything  
14 that she doesn't use -- she's not to use self-help. And  
15 again, she retained Michelle Hauser and she was unable to  
16 assist her. And so there was a delay. In the interim, Dad  
17 filed and here we are.

18 THE COURT: Okay. The --

19 THE DEFENDANT: Your Honor --

20 THE COURT: Mr. -- no. Mr. Melgar, do you have a  
21 question or point?

22 MR. MELGAR: Yes, Your Honor. The whole thing about  
23 the dentist is actually false. He takes the child to the  
24 dentist. What it is --

1           THE COURT: I don't -- I don't really know whether  
2 it's true or false now. I'm trying to understand what the  
3 allegations would be. None of them in the whole filing  
4 justifies what's happened in this case. Whether or not they  
5 --

6           THE DEFENDANT: Your Honor --

7           THE COURT: Stop. Stop. Whether they justify a  
8 hearing is a different analysis. Okay? I -- I didn't -- you  
9 just told me a minute ago when I said that the opposition was  
10 just filed two days ago that he denies all of the factual  
11 obligations. So I take that generally to mean that when he  
12 files a response, he's going to deny it. Okay?

13           So we have a logistical issue. If the parties were  
14 both in town, the Court would be organizing the relief that's  
15 been requested and be ordering an exchange. I just, I'm going  
16 to -- I mean, that's going to be part of the order, but I  
17 don't know how the logistics are going to work with  
18 Mr. Haskins. The --

19           MR. MELGAR: We would request she put -- she put the  
20 child on the plane back to Oregon.

21           THE COURT: Well, I don't want to create a fiasco  
22 about that. If that -- that's what should happen. That's  
23 what should have happened. It should have happened each of  
24 the last 60 days. If -- if the child didn't go the one day,



1 there's -- there's -- but I also know that it's, you know,  
2 this is, from a practical point of view, getting -- getting  
3 that situated and then organizing how we're going to manage  
4 the rest of this case is, you know, are a few different  
5 considerations.

6           The -- what is the circumstance -- what does your  
7 client do? I know that he listed a job and he listed  
8 disability pay. Right? He works Monday through Friday?

9           MR. MELGAR: Yes, Your Honor.

10          THE COURT: Okay. And --

11          MR. MELGAR: From 8:30 to 5:00.

12          THE COURT: I didn't get a financial disclosure from  
13 Mom. Is she working on one?

14          MS. MARR: Yes.

15          THE COURT: What does she do?

16          THE DEFENDANT: I'm a dir -- I'm the director of  
17 legal studies at a private college here in town.

18          THE COURT: Legal studies?

19          THE DEFENDANT: Yes, sir.

20          THE COURT: Okay. All right.

21          THE DEFENDANT: Your Honor, and if I may know,  
22 Sydney has spoken with her counselors at school and relayed  
23 her concerns about seeing drugs and alcohol, and the neglect  
24 in the home.

1 THE COURT: Yeah. I think that that --

2 MR. MELGAR: Your Honor --

3 THE COURT: -- goes, again -- again, that goes to --  
4 I mean, first of all -- yeah. I don't want to have a dialogue  
5 with --

6 MR. MELGAR: Why is she taking the child to  
7 counselors --

8 THE COURT: Look, she's going to -- she's -- she  
9 shouldn't be doing any of that stuff.

10 THE DEFENDANT: No, I am not.

11 THE COURT: Okay.

12 THE DEFENDANT: I am not. She went and spoke with  
13 counselors at her school --

14 THE COURT: Right.

15 THE DEFENDANT: -- in Oregon.

16 THE COURT: At the school in Oregon. Okay. Good.  
17 Then you can --

18 THE DEFENDANT: In Oregon --

19 THE COURT: Then you can --you'll be able to access  
20 that information. Remember -- look, this is -- I don't want  
21 to have a real informal dialogue about this thing. In April  
22 of 2018, when the Court heard this matter last, when the Court  
23 considered the allegations to determine there was no adequate  
24 cause to order an evidentiary hearing, the Court still said

1 that we would have a 90 day discovery period to do discovery  
2 to get records and information, to give Mom an additional  
3 opportunity to try to develop an adequate cause case, to be  
4 able to state in an affidavit facts and circumstance which is  
5 required in a request for a change in custody that could state  
6 a prima facie case for change in the physical custody order.

7           Nothing came of that. What the inference is is that  
8 -- is that the Court -- the discover period either didn't  
9 occur, or it occurred and it did not result in a request for  
10 the Court to reexamine its decision to close the matter, and  
11 to require the parties to follow the same order.

12           In fact, I don't see any filings between the time of  
13 the filing of the order and the filing of this motion by Dad.

14           THE DEFENDANT: My attorney --

15           MS. MARR: Your Honor --

16           THE DEFENDANT: -- previously -- oh, I'm sorry. Go  
17 ahead.

18           THE COURT: Again, I don't need an -- I don't need  
19 an explanation. This is a finding, okay? The Court -- the  
20 Court said what was presented to the Court in '18 was not  
21 enough. But the Court also said that if there is a basis to  
22 reopen, then there would be a window, because you need  
23 permission to do discovery, and that that discovery is usually  
24 done with a finding of adequate cause.

1           So the Court bent over backwards to give Mom an  
2 opportunity to try to develop the case, to ask the Court to  
3 revisit the issue of adequate cause. That's why this is so  
4 galling to the Court two years later because not only is this  
5 case -- how many times has it been on appeal? The decision  
6 was in 2014. We've had a motion that was filed through change  
7 of custody with the exact same concepts of due process and  
8 considerations of res judicata that we're talking about right  
9 here today.

10           Mom works -- works in legal studies, has the  
11 opportunity to meet with lawyers and retain lawyers for this.  
12 There's no excuse for the decision that she made. Okay? The  
13 Court has jurisdiction to enforce the order. The motion to  
14 enforce the order is granted. Mom is to return the child to  
15 Dad immediately.

16           The Court, if -- if the Court has to get involved in  
17 the details of how the child is returned to Dad, then the  
18 Court will issue a show cause and will consider the course of  
19 powers of indirect civil contempt.

20           Unlike 2018, the Court is going to determine that  
21 there is adequate cause of a reopening of discovery for the  
22 purpose of determining whether or not a change of custody  
23 could occur. The Court will consider setting an evidentiary  
24 hearing after a short discovery period, that that discovery

1 period will be a period of 90 days. It will begin immediately  
2 and will conclude in mid-January when we have a case  
3 management hearing for the purpose of setting an evidentiary  
4 proceeding.

5 The parties will follow the custodial order that has  
6 been in place since 2014 between now and any further order of  
7 the Court. So that includes visitation rights that are  
8 scheduled for -- pursuant to this order between now and then.

9 At the time of the evidentiary hearing, Mr. Melgar,  
10 the Court will consider any remedies related to the violation  
11 of the custodial order, which include either compensatory time  
12 or sanctions, and will also consider whether or not Mom has  
13 made some sort of case for change in the physical custody  
14 order.

15 It's very simple. Mom must show two things. One  
16 material changes in circumstance affecting the welfare of the  
17 child since the last custody order. And two, that it would be  
18 in the best interest of the child that she have primary  
19 physical custody. Both of those matters require sufficient  
20 proof. And the Court will consider proceeding on an  
21 evidentiary matter which is the way that these disputes are  
22 resolved.

23 So, Mr. Melgar, you'll prepare an order that grants  
24 the motion to enforce and requires the child to be returned to

1 Dad. Parties will continue to follow the custodial schedule.  
2 The adequate cause finding, Ms. Marr, gives you and Mr. Melgar  
3 an opportunity to litigate this matter, meaning reopening  
4 discovery for a short period of time.

5 My clerk will give us a case management conference  
6 hearing in mid-January. And at that time if the matter is  
7 still contested, the Court will set an evidentiary hearing  
8 after that.

9 THE DEFENDANT: Thank you, Your Honor.

10 THE COURT: The -- Madam Clerk, give me a date in  
11 mid-January.

12 THE CLERK: I have January 13th at 9:00.

13 THE COURT: All right. So January 13th at 9:00 a.m.  
14 will be the -- the case management conference date. Mr. --  
15 Ms. Marr, I need you to be the coordinator to let Mr. Melgar  
16 know for his client because I know that it's not -- there's  
17 going to be some logistics that are discussed as to how the  
18 child will be returned. And you need to let him know when  
19 it's going to happen and -- and how. Okay?

20 MS. MARR: Sure. Thank you, Your Honor. I'll have  
21 my office coordinate that.

22 THE COURT: Mr. Melgar, a question before I let you  
23 go?

24 MR. MELGAR: Yes. Can we get a copy of the minutes?



1 The case is sealed and we don't have access to it. So if they  
2 could email me a copy of the minutes, we'll print it up.

3 THE COURT: We may not do that as a matter of  
4 course. You can call my law clerk and you can tell them that  
5 you're in and out, it's unbundled counsel, you've been counsel  
6 years ago, and maybe she can email you the minutes so that you  
7 have them. Okay?

8 MR. MELGAR: I appreciate it.

9 THE COURT: All right, thank you.

10 MR. MELGAR: Okay. Thank you.

11 MS. MARR: Thank you, Your Honor.

12 (PROCEEDINGS CONCLUDED AT 11:22:05)

13 \* \* \* \* \*

14 ATTEST: I do hereby certify that I have truly and  
15 correctly transcribed the digital proceedings in the  
16 above-entitled case to the best of my ability.

17  
18 /s/ Michelle Rogan  
Michelle Rogan

19  
20  
21  
22  
23  
24

*Heather S. Lewis*  
CLERK OF THE COURT

ORDR  
G. OLIVER MELGAR, ESQ.  
Nevada Bar No. 10146  
JAMES C. OWENS, ESQ.  
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**DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA**

CALEB O. HASKINS,	)	Case No.	:	D-10-434495-D
	)	Dept. No.	:	H
Plaintiff,	)			
	)	Hearing Date:		October 14, 2020
vs.	)			
	)			
LISA MYERS,	)			
	)			
Defendant.	)			
_____	)			

**ORDER**

This matter having come on for hearing on September 30, 2020; Plaintiff CALEB O. HASKINS, present, and being represented by G. OLIVER MELGAR, ESQ. of REVOLUTIONARY LAW in an UNBUNDLED CAPACITY. Defendant, LISA MYERS, present and being represented by PATRICIA A. MARR, ESQ. All parties and counsel appeared via audiovisual, in accordance with Administrative Order 20-17, out of an abundance of caution, in order to prevent the spread of COVID-19 infection in the community. The Court having read and reviewed the papers and pleadings on file herein and considered all of the evidence presented and good cause appearing therefore;

1 ATTORNEY MELGAR STATED that the child has been with the Defendant from June  
2 2020 until present. The child was expected to return to the Plaintiff in August 2020, however,  
3 Defendant has yet to return the child.

4 ATTORNEY MELGAR STATED they are requesting Attorney fees, Sanctions, jail time,  
5 and a Behavioral Order.

6 THE COURT STATED it would not order jail time in this situation.

7 DISSCUSSION regarding the child becoming physically ill when she had to return to  
8 Plaintiff.

9 ATTORNEY MARR ARGUED that she has concerns regarding the welfare of the child.

10 DEFENDANT STATED she previously hired counsel, Michele House to file a motion  
11 regarding this matter; how ever it was never filed.

12 THE COURT NOTED this shows recognition to make attempts.

13 ATTORNEY MELGAR STATED they responded and denied every allegation by  
14 Defendant.

15 ATTORNEY MARR STATED there are allegations of medical neglect.

16 DEFENDANT STATED the child has reported concerns to a counselor at the school  
17 regarding the neglect.

18 ATTORNEY MARR STATED there has been no involvement with anyone from the  
19 Department of Family Services.

20 THE COURT STATED it has jurisdiction to enforce order.

21 THE COURT DETERMINED there is adequate cause for the reopening of discovery for  
22 ninety (90) days beginning immediately and ending in mid-January 2021.

23 THE COURT FINDS that the parties CALEB O. HASKINS and LISA MYERS, have the

1 minor child together SYDNEY ROSE HASKINS, born March 30, 2010. The Court has  
2 jurisdiction over this minor child.

3 **THE COURT HEREBY ORDERED** that Plaintiff's Motion shall be GRANTED.

4 **IT IS FURTHER ORDERED** that Defendant shall return the parties' daughter, Sydney  
5 to the Plaintiff immediately.

6 **IT IS FURTHER ORDERED** that parties shall continue to follow the custodial order  
7 that is already in place.

8 **IT IS FURTHER ORDERED** that the Case Management Conference is set for January  
9 13, 2021.

10 **IT IS FURTHER ORDERED** that this Court shall consider any remedies regarding the  
11 violation of its court orders.

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1 IT IS FURTHER ORDERED that Mr. Melgar shall prepare the Order.

2 IT IS SO ORDERED.


3 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2020

4 

5  
6 DISTRICT COURT JUDGE  
91A CA6 F53E C752

7 Respectfully Submitted By:

8 Respectfully Submitted By:  
District Court Judge

9   
10 G. OLIVER MELGAR, ESQ.  
Nevada Bar No. 10146  
11 JAMES C. OWENS, ESQ.  
Nevada Bar No. 13925  
12 REVOLUTIONARY LAW  
711 South 6th Street  
13 Las Vegas, Nevada 89101  
14 "Unbundled" Attorney for Plaintiff

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PATRICIA A. MARR, ESQ.  
Nevada Bar No. 8846  
2470 St. Rose Parkway, suite 110  
Henderson, NV 89074  
Attorney for Defendant

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Caleb Obadiah Haskins, Plaintiff | CASE NO: D-10-434495-D  
7 vs. | DEPT. NO. Department H  
8 Lisa Myers, Defendant.  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 11/16/2020

15 Patricia Marr patricia@marrlawlv.com  
16 Caleb Haskins calebhaskins1290@gmail.com  
17 Robert Kurth, Jr. robert.kurthlawoffice@gmail.com  
18 Jessica Adams jessica@marrlawlv.com  
19  
20  
21  
22  
23  
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1 TRANS

FILED

NOV 03 2021

*Sharon A. Hoffman*  
CLERK OF COURT

COPY

5 EIGHTH JUDICIAL DISTRICT COURT

6 FAMILY DIVISION

7 CLARK COUNTY, NEVADA

9 CALEB OBADIAH HASKINS, )

CASE NO. D-10-434495-D

10 Plaintiff, )

DEPT. H

11 vs. )

APPEAL NO. 57825,58306

12 LISA MYERS, )

58581,59626,59916,60690

13 Defendant. )

61046,61664,62330,65518  
83576

(SEALED)

15 BEFORE THE HONORABLE T. ARTHUR RITCHIE, JR.  
16 DISTRICT COURT JUDGE

17 TRANSCRIPT RE: CASE MANAGEMENT CONFERENCE

18 WEDNESDAY, JANUARY 13, 2021

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APPEARANCES:

The Plaintiff:  
For the Plaintiff:

CALEB OBADIAH HASKINS  
G. OLIVER MELGAR, ESQ.  
(UNBUNDLED)  
711 South 6th Street  
Las Vegas, NV 89101  
(702) 255-5552

The Defendant:  
For the Defendant:

LISA MYERS  
PATRICIA A. MARR, ESQ.  
2470 Saint Rose Parkway  
Ste. 110  
Henderson, Nevada 89074  
(702) 353-4225

1 LAS VEGAS, NEVADA

WEDNESDAY, JANUARY 13, 2021

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

3 (THE PROCEEDINGS BEGAN AT 8:58:18)

4

5 THE COURT: We're here conducting a post judgment  
6 proceeding in D-2010-434495. We are on the record at the  
7 Regional Justice Center. We have Counsel and both parties  
8 appearing by phone pursuant to administrative order.  
9 Mr. Melgar first, please confirm appearance.

10 MR. MELGAR: Good morning, Your Honor. Oliver  
11 Melgar, Bar number 10146 appearing unbundled for Caleb  
12 Haskins.

13 THE COURT: Okay. Ms. Marr?

14 MS. MARR: Good morning, Your Honor. Patricia Marr,  
15 Bar number 8846 appearing on behalf of Ms. Myers.

16 THE COURT: Okay. Great. Both parties just remain  
17 quiet as if you were in court next to your counsel. If we  
18 need you, we'll -- we'll speak to you directly. If you can't  
19 hear us, then just speak up, okay?

20 We had this matter reopened in September with the  
21 motion filed by the custodial parent to enforce. The Court  
22 heard the matter October 14th, issued an order for the return  
23 of the child, and granted a 90-day period of discovery. The  
24 Court, in reviewing for today, saw that there was a pick up

1 order on November 16th. And I guess I just want to -- a  
2 report since that's the only filing since October.

3 Mr. Melgar, the Court --

4 MR. MELGAR: Yes, Your Honor?

5 THE COURT: -- ordered the immediate return of the  
6 child. Did you -- was the child returned a month after that  
7 hearing?

8 MR. MELGAR: The child was returned in November,  
9 November 1st.

10 THE COURT: Okay. All right. So what -- you're the  
11 movant. What do you -- what are you asking the Court to  
12 consider for this proceeding?

13 MR. MELGAR: Yes, Your Honor. Well, at the last  
14 court hearing, if you recall, you stated that well the reason  
15 why she kept the child was she claimed all these allegations.  
16 And you told the parties if those are true, you need to file a  
17 motion, you need to file something.

18 That was never done. You opened discovery on -- on  
19 the fact that she would have to file something to let us know  
20 what the --

21 THE COURT: Yeah, I guess that's -- that's what I'm  
22 getting at is you said that she had made allegations of  
23 educational neglect, the fact that the 10-year-old -- the  
24 reason why she didn't return after the summer is because the

1 10-year-old didn't want to go back. I have seen no filing.

2 Nothing --

3 MR. MELGAR: Exactly. And so if there's a trial to  
4 be had, it should be limited to her violations of the Court's  
5 orders. So holding her in contempt for keeping the child for  
6 five months past --

7 THE COURT: Well, that's sort of why I talked with  
8 you first is that, you know --

9 MR. MELGAR: Yeah.

10 THE COURT: -- I reviewed the hearing. I saw what  
11 we did and what we expected to see, and we didn't see it since  
12 October. Nothing's been done for that.

13 MS. MARR: Well --

14 THE COURT: No, I'll turn to you in a minute,  
15 Ms. Marr. The -- we have the motion to enforce which the  
16 Court granted. We have a request for sanctions which the  
17 Court would require a hearing to consider. And the -- it's  
18 just the question do you want -- do you want to have those  
19 matters reserved, or do you want to proceed on that part of  
20 the request.

21 MR. MELGAR: May I ask my client to see if he wants  
22 to --

23 THE COURT: Well, just think about it. Think about  
24 it for a second while I talk to Ms. Marr. Ms. Marr, you were

1 at the hearing on October 14th. And the Court reviewed the  
2 history. You made representations about why your client did  
3 what she did. And the Court said there would be adequate  
4 cause for some sort of limited discovery.

5 And, you know, the Court -- you know, the only thing  
6 I have to review is the October 12, 2020 filing which is the  
7 opposition and counter motion. And, you know, she made  
8 allegations that Dad denied her spring break, that there was  
9 a, you know, issues or concerns about school, those kind of  
10 things. So what --

11 MS. MARR: Right. And we did conduct limited  
12 discovery, and --

13 THE COURT: What did you do?

14 MS. MARR: -- I haven't received --

15 THE COURT: What did you -- what did you do?

16 MS. MARR: -- the responses yet.

17 THE COURT: What did you do?

18 MS. MARR: I did request for production of documents  
19 and interrogatories.

20 THE COURT: When -- when were they --

21 MS. MARR: And we haven't --

22 THE COURT: When are they due?

23 MS. MARR: -- received -- I'm sorry?

24 THE COURT: When were they due?



1 MS. MARR: They were due on -- you have to forgive  
2 me, Your Honor, because --

3 THE COURT: Well, that's okay. I -- Mr. Melgar's  
4 unbundled counsel. I assume that you either served them on  
5 Mr. Haskins, or you served them on Mr. Melgar during his  
6 representation, right?

7 MS. MARR: No. I served them on Mr. Haskins.

8 THE COURT: All right. So --

9 MS. MARR: -- (indiscernible) out with COVID here.  
10 So I'm dealing with that news was just dropped on me --

11 THE COURT: All right. Well, let's --

12 MS. MARR: -- five minutes ago. So forgive me if I  
13 --

14 THE COURT: Yeah. Don't worry. Don't worry about  
15 it. But I'm just trying to get an idea of whether or not --

16 MS. MARR: Sure.

17 THE COURT: -- discovery was started as expected  
18 sometime after October, or whether it just happened on the eve  
19 of this hearing. I just want to have an idea.

20 MS. MARR: No, no. This was -- let me see. I'm  
21 looking at the date it was sent over. It was sent the  
22 beginning of -- it was sent over -- actually, no. November  
23 20th.

24 THE COURT: Okay. So the answers would be due at

1 the end of the year. So they're past due maybe a couple of  
2 weeks if they were served then. Right?

3 MS. MARR: Yeah. Well, I just spoke to Mr. Melgar  
4 the other day, and I -- this came up. And he said that he  
5 thought that they would be forthcoming. So --

6 THE COURT: All right. Then we'll -- what we'll do  
7 is this. I -- I do -- this is what I have to go on. I have  
8 the motion that was filed on September 4th, and I have the  
9 opposition to counter motion on October 12th. I did look at  
10 the allegations that were made and determined that there  
11 should be an opportunity for both you and the Plaintiff to do  
12 some limited discovery so that if the Court needed to resolve  
13 some factual issues, either for enforcement or sanctions, or  
14 your client's request to seek a modification of the physical  
15 custody order, we set this hearing, you know, two, three  
16 months later to see if that process was completed. It's not  
17 completed.

18 The -- the Court doesn't want this to be pending for  
19 very long, but it's only been -- well, it will be three months  
20 tomorrow on the calendar. So I think what I'm going to do is,  
21 Mr. Melgar, if your client was served in the interim between  
22 the time that you were counsel at the last hearing and the  
23 time that you filed your notice on your unbundled  
24 representation, you need to help make sure that he's

1 responding to these discovery requests.

2 I understand that you may have your own requests. I  
3 mean, if we set an evidentiary hearing to deal with Mom's  
4 counter motion, then we're going to, you know, consider the  
5 relief that was not yet addressed that you filed in your  
6 motion. The current custodial order is being enforced. And  
7 the current situation is consistent with that order. Right,  
8 Mr. Melgar?

9 MS. MARR: Yes, Your Honor. Can we have some time  
10 limit on when she files her motion because --

11 THE COURT: Well, she filed a -- she -- look,  
12 technically speaking she filed the counter motion on October  
13 12th. Okay? Now, when I reviewed it on October 14th, which  
14 was two days before that hearing, number one, you know, it was  
15 filed late and you didn't have an opportunity to reply for  
16 your client.

17 There were some issues that were not fleshed out,  
18 just general allegations that were made that were not  
19 necessarily in the papers. And so, you know, if the Court has  
20 a hearing, it's going to pull that -- that filing out, the  
21 affidavit and, you know, determine whether or not there's any  
22 material changes in circumstance or best interest case to make  
23 any kind of change.

24 But the thing that was corrected in October was the

1 fundamental which is self-help was not supported by the Court,  
2 and that the parties were going to follow the custody order.  
3 If and when we have an evidentiary hearing, we can determine  
4 why the child might not have been delivered to your client for  
5 two weeks after that hearing.

6 But -- but either way, I'm going to extend the  
7 discovery period, but not for very much longer. I'm going to  
8 have a hearing at the end of February, which gives you  
9 basically six weeks to confirm the responses. It will give  
10 you a chance to do something if you want. I understand from  
11 your point of view you say that the Court, you know, that they  
12 don't have a case for change of custody.

13 But I want to see that discovery is completed, and  
14 then I'll be asking you okay, what -- what do you have. What  
15 is the prima facie case because, Ms. Marr, when your client  
16 files for a change of custody, I look at the jurisdictional  
17 affidavit to determine whether she stated a prima facie case  
18 for change of custody. That -- that's thin. Okay?

19 I granted the discovery period, and continued it to  
20 today because I took what your client said at face value --

21 MS. MARR: Right.

22 THE COURT: -- that she may have had justification  
23 for not returning the child in August, end of August. Okay?  
24 But that doesn't mean that -- that the Court is just going to

1 let her try to make a case for change of custody. This is a  
2 post judgment matter. So I need to know --

3 MS. MARR: Your Honor, I understand.

4 THE COURT: I need to know what the -- they're  
5 entitled to know what they're alleging is the material changes  
6 in circumstance and the best interest facts. So --

7 MS. MARR: So do you --

8 THE COURT: I'm going to ask my Clerk --

9 MS. MARR: Do you want me --

10 THE COURT: -- to give us -- my Clerk's going to  
11 give us a date at the end of February.

12 MS. MARR: Okay.

13 THE COURT: I prefer the last week in February. And  
14 that will give you -- we're right in the middle of January.  
15 That will give you the balance of January and -- and all of  
16 February. And then at the next hearing, we'll determine  
17 whether we proceed with an evidentiary proceeding. Questions?

18 MR. MELGAR: Thank you, Your Honor.

19 MS. MARR: Yeah. I have some questions. So do you  
20 want me to supplement her counter motion with a more detailed  
21 affidavit? Is that what the Court --

22 THE COURT: Well, let me -- let me take -- while I  
23 have the time, while my -- we're looking for a date --

24 MS. MARR: Okay.

1           THE COURT: I'm going to see what -- I'm going to  
2 pull up the October filing. Okay. Let me see what I can do  
3 to address it. All right. I'm going not look at the -- she  
4 filed an opposition and then she filed an amended opposition,  
5 or I should say you filed it for her. And a counter motion,  
6 she asked for a child interview of a 10-year-old, an  
7 evidentiary hearing. And let me see. All right. So I go to  
8 the base that she did adopting an affidavit.

9           You know something, I'm fine with it. I'm fine with  
10 the narrative. She does a sworn statement at the end saying  
11 that she adopts the facts which may not work for contempt, but  
12 it certainly works for -- or are within the rules. She  
13 complains about getting information. But you know, whether  
14 that's some sort of compelling reason or meets the standard,  
15 I'm not sure.

16           I want to make sure that -- because she talks  
17 generally saying that there's a problem with electronic  
18 communication between she and the child. And she alleges that  
19 -- I mean, there's some stuff in here that's not relevant.  
20 But yeah. Mr. Melgar, the general narrative that's in the --  
21 in the counter motion addresses your motion.

22           She talks about what happened at the McCarran  
23 Airport TSA checkpoint, et cetera. That would go to -- that's  
24 what you need to talk about with your client offline about



1 whether or not he can make a case for contempt for not  
2 returning the child. Now, there may be attorneys fees  
3 considerations that are not contempt sanctions that may be  
4 warranted since the Court ordered the return of the child.

5 But, okay. So what do I got, last week in February?

6 THE CLERK: I have February 24th at 10:00 a.m.

7 THE COURT: That is a Wednesday morning at 10:00  
8 a.m. Counsel, if you have a hard conflict on your calendars,  
9 let me know.

10 MS. MARR: No, that works for me.

11 THE COURT: Mr. Melgar?

12 MR. MELGAR: I'm looking right now. February 24th.  
13 No, nothing -- nothing.

14 THE COURT: All right. At that time, if it's not  
15 resolved, we'll be pulling our calendars out. And -- and if  
16 the Court finds that we need to set an evidentiary hearing,  
17 we'll try to set it then. So please complete your discovery  
18 efforts by then. Okay?

19 MS. MARR: And just a question while I have  
20 Mr. Melgar on the phone. So when can we -- are you going to  
21 assist with making sure that we receive responses to those  
22 requests?

23 MR. MELGAR: Well, I'll talk to him. I wasn't -- I  
24 wasn't hired for that, but I'll talk to him.

1 MS. MARR: I know. I know.

2 THE COURT: All right. Well, this is -- this is the  
3 thing. Just give Ms. Marr --

4 MR. MELGAR: (Indiscernible) potential conflict.

5 THE COURT: Yeah. Give Ms. Marr the courtesy of  
6 filing your notice when your unbundled services are ended.

7 MR. MELGAR: Yeah.

8 THE COURT: And, Mr. Haskins, I'm speaking to you  
9 directly in that I know it's good to have lawyers for as much  
10 as this process as possible. But if you're going to be doing  
11 some things yourself, there are rules and deadlines that could  
12 affect, you know, how this Court reviews this record. So if  
13 you get served with stuff, you need to respond. And you can  
14 do it by yourself if you have to. But doing nothing is bad.  
15 You can't do that. Okay? Talk to Mr. Melgar and get advice  
16 from him, and make sure that you're clear on those  
17 obligations.

18 All right. I got to let you go. But be safe, and  
19 we'll see you guys at the end of February.

20 MS. MARR: Thank you. Your Honor, just final --

21 THE COURT: Yes.

22 MS. MARR: -- final question for you. Since I  
23 haven't received those responses yet, is discovery still open?  
24 Hopefully I'll receive them soon and not have any follow up on

1 it.

2 THE COURT: Oh, no, no. The Court -- the Court was  
3 extending the discovery until the next case management  
4 conference at the end of February.

5 MS. MARR: Okay.

6 THE COURT: So you can file a mot --

7 MS. MARR: Okay.

8 THE COURT: You can file a motion to compel, you can  
9 file -- theoretically, you could do additional discovery. You  
10 can notice deposition. You know, I'm not seeing that that's  
11 happening, but I'm extending the discovery period that was --  
12 we thought we'd do 90 days. Based on what you told me, I'm  
13 going to give it another six weeks. Okay?

14 MS. MARR: Okay. Beautiful. Thank you for the  
15 clarity.

16 THE COURT: All right. Bye-bye.

17 (PROCEEDINGS CONCLUDED AT 9:13:31)

18 \* \* \* \* \*

19 ATTEST: I do hereby certify that I have truly and  
20 correctly transcribed the digital proceedings in the  
21 above-entitled case to the best of my ability.

22  
23 /s/ Michelle Rogan  
Michelle Rogan

24

*Heather S. Linn*  
CLERK OF THE COURT

ORD  
PATRICIA A. MARR, LLC.  
PATRICIA A. MARR, ESQ.  
Nevada Bar No. 008846  
2470 St. Rose Parkway, Suite 110  
Henderson, Nevada 89074  
Telephone: (702) 353-4225  
Facsimile: (702) 912-0088  
*Counsel for Defendant*  
**LISA MYERS**

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

CALEB HASKINS,

Case No. D-10-434495-D  
Dept No. H

Plaintiff,

vs.

LISA MYERS,

Defendant.

**ORDER**

Date of Hearing: 2/24/2021  
Time of Hearing: 10:00 am

This matter having come before the Court for a Case Management Conference on the above date and time and Defendant, Lisa Myers, appearing via BlueJeans app with her counsel, Patricia A. Marr, Esq. of Patricia A. Marr, LLC and Plaintiff, Caleb Haskins, appearing via the BlueJeans app with his unbundled counsel, Gary Zernich, Esq. of the law firm Roberts & Stoffel, and the Court, having heard from counsel and reviewed the pleadings and papers on file herein, and good cause appearing therefore, it is hereby

**ORDERED** that the matter shall be continued to March 31, 2021 at 10:00 am; and it is

**FURTHER ORDERED** that Attorney Zernich shall provide Attorney Marr with a code and/or link to view Plaintiff's discovery responses and documents;

PATRICIA A. MARR, LTD.  
Attorney at Law  
2470 St. Rose Parkway, Suite 110  
Henderson, Nevada 89074  
(702) 353-4225  
Facsimile (702) 912-0088

PATRICIA A. MARR, LTD.  
Attorney at Law  
2470 St. Rose Parkway, Suite 110  
Henderson, Nevada 89074  
(702) 353-4225  
Facsimile (702) 912-0088

1 and it is

2 **FURTHER ORDERED** that limited discovery is open until the next  
3 hearing.

4 Dated this \_\_\_\_ day of March, 2021. Dated this 5th day of March, 2021

5 

6 DISTRICT COURT JUDGE

7 Respectfully submitted by:

8 PATRICIA A. MARR, LLC

9 /s/Patricia A. Marr, Esq.

10  
11 PATRICIA A. MARR, ESQ.  
12 Nevada Bar No. 008846  
13 2470 St. Rose Parkway, Suite 110  
14 Henderson, Nevada 89074  
15 Telephone: (702) 353-4225  
16 Facsimile: (702) 912-0088  
17 *Counsel for Defendant*  
18 *LISA MYERS*

16 Reviewed and Approved by:

17 ROBERTS & STOFFEL

18 

19 GARY ZERNICH  
20 Nevada Bar No. 007963  
21 4411 S. Pecos Rd.  
22 Las Vegas, Nevada 89121  
23 (702) 474-7007 (telephone)  
24 *Counsel for Plaintiff in an*  
25 *Unbundled Capacity*

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Caleb Obadiah Haskins, Plaintiff | CASE NO: D-10-434495-D  
7 vs. | DEPT. NO. Department H  
8 Lisa Myers, Defendant.  
9

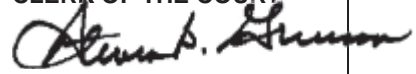
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 3/5/2021

15 Patricia Marr	patricia@marrlawlv.com
16 Caleb Haskins	calebhaskins1290@gmail.com
17 Robert Kurth, Jr.	robert.kurthlawoffice@gmail.com
18 Jessica Adams	jessica@marrlawlv.com





PATRICIA A MARR, LLC  
PATRICIA A. MARR, ESQ.  
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[patricia@marrlawlv.com](mailto:patricia@marrlawlv.com)  
*Counsel for Defendant*  
LISA MYERS

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

\* \* \* \* \*

CALEB HASKINS,	)	Case No. D-10-434495-D
	)	Dept No. H
	)	
	)	
	)	
Plaintiff,	)	
vs.	)	
	)	
LISA MYERS,	)	
	)	
Defendant.	)	

**DEFENDANT'S DISCLOSURES OF WITNESSES AND DOCUMENTS**

COMES NOW, Defendant, LISA MYERS, by and through her counsel of record, Patricia A. Marr, Esq. of Patricia A Marr, LLC and hereby files her List of Witnesses and Documents as follows:

**I.**  
**WITNESSES**

1. Lisa Myers  
c/o Patricia A. Marr, Esq.  
2470 St. Rose Parkway, Ste. 110  
Henderson, Nevada 89074  
(702) 353-4225 (telephone)

Ms. Myers will testify regarding the facts and circumstances related to this matter.

2. Caleb Haskins  
340 N. 16th Lane  
Philomath, Oregon 97370  
(775) 445-0488 (telephone)

Mr. Haskins is expected to testify regarding the facts and circumstances related to this matter.

3. Charity Alana Haskins  
1570 SW Hill St.  
Dallas, Oregon 97338  
(503) 873-3012 (telephone)

Ms. Haskins is expected to testify regarding the facts and circumstances related to this matter, including but not limited to, the anger issues of Plaintiff and how he speaks in front of the minor child in this case, while speaking to her, as well as the domestic violence she suffered at the hands of Plaintiff.

4. Valerie Sullivan  
340 N. 16<sup>th</sup> Lane  
Philomath, Oregon 97370

Ms. Sullivan is expected to testify regarding the facts and circumstances related to this matter.

5. PMK  
Mark Twain Elementary School  
2111 Carriage Crest Dr.  
Carson City Nevada 89706

The Person Most Knowledgeable is expected to testify regarding the facts

1 and circumstances related to this case, including the child's enrollment at the  
2 school and related matters.

3  
4 6. PMK  
5 Fremont Elementary School  
6 1511 Firebox Rd.  
7 Carson City, Nevada 89706

8 The Person Most Knowledgeable is expected to testify regarding the facts  
9 and circumstances related to this case, including the child's enrollment at the  
10 school and related matters.

11 7. PMK  
12 Philomath Elementary School  
13 239 South 16<sup>th</sup> Street  
14 Philomath, Oregon 97370

15 The Person Most Knowledgeable is expected to testify regarding, inter alia,  
16 the child's counseling at the school, and related matters thereto.

17 8. PMK  
18 Boys and Girls Club of Albany  
19 1215 Hill St., SE  
20 Albany, Oregon 97322

21 The Person Most Knowledgeable is expected to testify regarding, inter alia,  
22 the care of the minor child at their facility and the injury she sustained.

23 9. Officer Tipton  
24 Philomath Oregon Police Department  
25 1010 Applegate St.  
26 Philomath, Oregon 97370  
27 (541)929-6911

28 Officer Tipton is expected to testify regarding ongoing police calls to

Plaintiff's house in Oregon and his welfare check on the minor child upon her return to Oregon.

10. Sharon Myers  
10779 Silver Lace Lane  
Las Vegas, Nevada 89135  
(725) 735-2918

Ms. Myers is expected to testify regarding the facts and circumstances of this case, including, inter alia, the pain that the child has been in upon her return to Nevada based upon medical neglect.

Defendant reserves the right to call any, and all witnesses identified by Plaintiff(s), including, but not limited to, those identified in the discovery process, including and rebuttal witnesses.

## II. LIST OF DOCUMENTS

DOCUMENT	BATE STAMP
Pictures of Minor Child during Lisa's visitation time	DEF000001-227
Dental Records for minor child	DEF000228-234
Flight documentation, including boarding passes	DEF000235-246
Phone Records	DEF000247-262
Emails	DEF000263-293
Welfare Check	DEF000294
Plaintiff's house	DEF000295-298
School	DEF000299-300
Travel advisories	DEF000301-304
Plaintiff's discovery responses	DEF000305-993
Recordings of phone calls with minor child	(link will be provided)
Recording of phone calls regarding welfare of child	(link will be provided)

1 Video of minor child getting ill at  
2 prospect of returning to Plaintiff's  
3 house

(link will be provided)

4 Defendant reserves the right to use any and all documents identified by  
5 Plaintiff(s), including, but not limited to, those identified in the discovery process,  
6 as well as any and all documentation that is a part of the record.  
7

8 DATED this 18<sup>th</sup> day of June, 2021.  
9

10 Submitted by:

11 PATRICIA A MARR, LLC  
12

13 /s/ Patricia A. Marr, Esq.

14 PATRICIA A. MARR, ESQ.

15 2470 St. Rose Parkway, Ste. 110

16 Henderson, NV 89074

17 *Counsel for Defendant*  
18  
19  
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22  
23  
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28

PATRICIA A MARR, LLC  
Attorney at Law  
2470 St. Rose Parkway, Suite 110  
Henderson, Nevada 89074  
(702) 353-4225  
Facsimile (702) 912-0088

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 18<sup>th</sup> day of June, 2021, I served a copy of  
the above and foregoing *DEFENDANT'S DISCLOSURES OF WITNESSES AND*  
*DOCUMENTS* to the following via E-Service to:

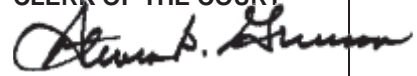
Caleb Haskins  
340 N. 16th Lane  
Philomath, Oregon 97370  
[Calebhaskins1290@gmail.com](mailto:Calebhaskins1290@gmail.com)  
*Plaintiff In Proper Person*

/s/Patricia A. Marr

---

An employee of Patricia A Marr, LLC





PATRICIA A. MARR, LLC.  
PATRICIA A. MARR, ESQ.  
Nevada Bar No. 008846  
2470 St. Rose Parkway, Suite 110  
Henderson, Nevada 89074  
Telephone: (702) 353-4225  
Facsimile: (702) 912-0088  
*Counsel for Defendant*  
**LISA MYERS**

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

\* \* \* \* \*

CALEB HASKINS,

Case No. D-10-434495-D  
Dept No. H

Plaintiff,

vs.

**DECLARATION RE:**  
**SUFFICIENCY OF**  
**EVIDENCE**

LISA MYERS,

Defendant.

COMES NOW, Defendant, by and through her attorney, PATRICIA A.  
MARR, ESQ, and files the following Declaration of Counsel regarding the  
sufficiency of evidence in support of her request to proceed to evidentiary hearing

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in relation to Defendant's Motion to modify custody of the minor child.

Dated this 19<sup>th</sup> day of July, 2021.

PATRICIA A. MARR, LLC.

/s/ Patricia A. Marr, Esq.

PATRICIA A. MARR, ESQ.  
Nevada Bar No. 008846  
2470 St. Rose Parkway, Suite 110  
Henderson, NV 89074  
Telephone: (702) 353-4225  
Facsimile: (702) 912-0088  
*Attorney for Defendant*  
*LISA MYERS*

**DECLARATION RE: SUFFICIENCY OF EVIDENCE TO PROCEED TO  
TRIAL**

COMES NOW, Patricia A. Marr, Esq. on behalf of Defendant, LISA MYERS, and declares, testifies makes the offers of proof as follows:

1. That I am counsel for the Defendant in the above-referenced action and have knowledge of the facts herein and can make offers of proof as follows:

2. The parties in this matter have one minor child, to wit: **SYDNEY ROSE HASKINS** (DOB: 3/30/10), presently 11 years old.

3. Upon Plaintiff's relocation from Nevada to Oregon in 2014, the parties retained joint legal custody, with Plaintiff awarded primary physical custody of the minor child. However, there have been ongoing issues since that time which include, primarily, Plaintiff's continued efforts to alienate Defendant from the minor child/deny the mother/daughter relationship, medical neglect and domestic violence and drug use in Plaintiff's home.

1           4. Counsel submits that the evidence at the time of trial will show that  
2 Plaintiff has done so by way of his denial of Defendant having contact with the  
3 minor child for as long as six (6) months; Plaintiff withholding the minor child for  
4 Spring Break 2020; Plaintiff interference with Defendant's telephone calls with  
5 the minor child when they are permitted; Plaintiff's refusal to allow Defendant to  
6 communicate with the minor child via Zoom, Skype, Facetime despite his ability  
7 to provide such communication; and Plaintiff refusing to seek dental care on  
8 behalf of the minor child to the extent that it is painful for her to eat. In this  
9 regard, Defendant will testify to the pathogenic parenting of Plaintiff and the pain  
10 the child is in because of her dental issues, as well as phone records and emails  
11 between the parties, which will demonstrate the same;

12           5. The parties were before the Court in 2018, when Defendant cited  
13 concerns with the welfare of the child while in Plaintiff's custody, the fact that  
14 Plaintiff relocated several times with the child without informing Defendant, and  
15 other parenting issues;

16           6. Dental records, and witnesses, such as the Defendant and maternal  
17 grandmother, who will testify to the significant pain the minor child has been in  
18 due to Plaintiff's refusal to provide her adequate dental care, to the extent the child  
19 is malnourished and underweight because it is physically painful for the child to  
20 eat;

21           7. Counsel further submits that the counselor at the minor child's school,  
22  
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Philomath Elementary School, will testify to the emotional issues the child has experienced based upon her Plaintiff's continued pathogenic parenting and domestic violence in Plaintiff's home;

8. Officer Tipton of the Philomath Oregon Police Department will testify to the child's state of mind presented during a welfare check upon her return to Oregon and the ongoing, numerous times that the Philomath Police Department has been dispatched to Plaintiff's home for domestic violence calls and other matters, including criminal matters involving Plaintiff and/or Plaintiff's new wife and her children, including drug use;

9. Charity Alan Haskins, Plaintiff's former spouse, will testify to also inform the Court of the ongoing domestic violence that occurs in Plaintiff's house, how Plaintiff treats the minor child as she has witnessed troubling incidents and the unhealthy environment that Plaintiff's house is for the child;

10. Counsel further submits the offer of proof that as part and parcel of Plaintiff's pathogenic parenting, Plaintiff refused to provide any academic information to Defendant, including his denial of access to the parent portal for the minor child's school, continues to refuse to provide such information to Defendant, and listed his current wife and former wife, as the "mother" on the child's enrollment documentation;

11. Counsel submits an offer of proof that the Person Most Knowledgeable

1 at the Mark Twain Elementary School and Freemont Elementary School will  
2 testify to not only Plaintiff's failure to name Defendant as the child's mother on  
3 school enrollment documentation, but also testify regarding Plaintiff's relocations  
4 without notice to Defendant;  
5

6 12. Counsel submits the offer of proof that the Person Most Knowledgeable  
7 for the Boys and Girls Club of Albany will testify regarding the injury the child  
8 sustained at their facility, how the Plaintiff reacted to the injury and Defendant  
9 will testify to whether she was ever notified of such injury;  
10

11 13. Counsel submits as an offer of proof that recent video will evidence that  
12 the minor child got physically sick at the prospect of returning to Plaintiff's house  
13 in Oregon and refused to board the aircraft. Documentation, specifically copies of  
14 airline tickets will confirm Defendant's attempts to return the child to Oregon,  
15 however, as stated above, the child became physically ill at the prospect of  
16 returning to Oregon and would not board the plane.  
17

18 14. Counsel submits that the testimony of Defendant's proposed witnesses  
19 will confirm that the best interest of the child will be served by a custodial  
20 modification in favor of Defendant and that documentation, including but not  
21 limited to photographs, will support the modification;  
22

23 15. Counsel submits as an offer of proof that the foregoing facts constitute a  
24 significant change in circumstances in the child's life such that it is no longer in  
25 her best interest to reside primarily with Plaintiff and that custody should be  
26  
27  
28

1 modified to award primary physical custody to Defendant with visitation to  
2 Plaintiff.

3  
4 WHEREFORE, it is respectfully requested that this Court schedule an  
5 evidentiary hearing for Defendant's Countermotion.  
6

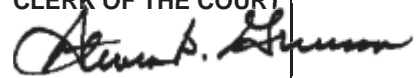
7 Pursuant to NRS 53.045, I declare under the penalty of perjury that the  
8 foregoing is true and correct.

9 DATED this 19<sup>th</sup> day of July, 2021.  
10

11  
12 /s/Patricia A. Marr, Esq.

13 \_\_\_\_\_  
14 PATRICIA A. MARR, ESQ.  
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DECL  
CALEB HASKINS  
340 N. 16th Lane  
Philomath, Oregon  
(775) 445-0488  
Plaintiff in Proper Person 97370

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

CALEB HASKINS,	)	CASE NO.: D-10-434495-D
	)	DEPT NO.: H
Plaintiff,	)	
	)	
vs.	)	
	)	
LISA MYERS,	)	
	)	
Defendant.	)	
	)	

**PLAINTIFF'S RESPONSIVE DECLARATION TO DEFENDANT'S  
DECLARATION RE: SUFFICIENT OF EVIDENCE**

**COMES NOW** the Plaintiff, Caleb Haskins, in proper person and files  
the following Responsive Declaration to Defendant's Declaration Re:  
Sufficient of Evidence in support of his request to deny Defendant's request  
for an Evidentiary Hearing regarding a modification of custody.

Dated this \_\_\_\_\_ day of August, 2021

Respectfully submitted:

/s/ Caleb Haskins

\_\_\_\_\_  
CALEB HASKINS  
Plaintiff in Proper Person

1           1. That I plan on retaining attorney Gary Zernich, Esq. to represent  
2 me in an unbundled capacity at the next hearing.  
3

4           2. That the parties in this matter have one (1) minor child to wit:  
5 Sydney Rose Haskins born March 30, 2010, and she is eleven (11) years  
6 old.  
7

8           3. That in 2014 the parties were granted joint legal custody with  
9 Plaintiff having primary physical custody of our daughter, Sydney.  
10

11           4. That I was awarded primary physical custody with permission to  
12 relocate with Sydney to my home in Oregon.  
13

14           5. That Plaintiff denies Defendant's allegations that he has denied  
15 and/or interfered with her relationship with the parties daughter.  
16

17           6. That Plaintiff has never neglected the minor child's medical,  
18 dental, vision, mental health and/or orthodontic needs.  
19

20           7. That Plaintiff does not use drugs nor does he allow drugs in his  
21 home.  
22

23           8. That Plaintiff has not been involved with any form of domestic  
24 violence.  
25

26           9. That Plaintiff has never withheld contact between Defendant and  
27 the parties' daughter, Sydney.  
28

\*\*\*

1           10. That Plaintiff was unable to send the parties' daughter for  
2 Defendant's 2020 Spring Break visitation due to flight restrictions.  
3  
4 However, Plaintiff did send Sydney and allowed Defendant to keep Sydney  
5 for an extra week at the end of her 2020 summer visitation to compensate  
6 her for the week of Spring Break. Accompanying this Declaration is an  
7 Exhibit Appendix containing an email wherein Defendant acknowledged  
8 that she was keeping Sydney for an extra week at the end of her 2020  
9 summer visitation. More importantly it should be noted that Defendant  
10 failed to return the child at the conclusion of her summer visitation in 2020.  
11  
12

13  
14           11. That Plaintiff does not interfere with Defendant's telephone calls  
15 with the parties' daughter.  
16

17           12. That Plaintiff has not denied Defendant's request to  
18 communicate with the minor child via Zoom, Skype and/or Facetime.  
19

20           13. That since receiving primary physical custody of Sydney  
21 Plaintiff takes her to the dentist on a regular basis. Accompanying this  
22 Declaration is an Exhibit Appendix containing Sydney's dental records  
23 showing that she has been receiving regular dental care and has never  
24 complained of her teeth hurting when she eats.  
25

26 \*\*\*

27 \*\*\*  
28

1           14. That Plaintiff will testify that Defendant is the pathogenic parent  
2 which can be easily ascertained by reviewing the history of this case. This  
3  
4 review will show that Defendant has consistently failed to return Sydney to  
5 Plaintiff's care without some sort of discord or issue.

6  
7           15. That Defendant has mental health issues that remain unchecked  
8 and directly impact her parenting.

9  
10          16. That Plaintiff denies Defendant's allegations that he has  
11 relocated many times with the minor child. In fact Plaintiff has lived at his  
12 current address for just shy five (5) years.

13  
14          17. That Plaintiff has never neglected Sydney's dental care. As  
15 previously noted above Sydney has been receiving routine dental care  
16 since the time he was awarded primary physical custody in 2012.

17  
18          18. That Sydney has never been malnourished or underweight nor  
19 has Sydney complained that it is "physically painful" for her to eat as  
20 alleged by the Defendant.

21  
22          19. That Plaintiff does not deny that Sydney has talked about that  
23 she sometimes misses her mother and that it is difficult to leave either  
24 parent after a visit. This only demonstrates that Sydney deeply loves both  
25 parents and that the current custody arrangement adequately foster  
26 Sydney's relationship with both parents.  
27  
28

1           20. That Plaintiff is not a pathogenic parent and has always been  
2 supportive of Sydney's relationship with the Defendant.  
3

4           Plaintiff would inform the Court that Defendant is the parent that  
5 psychologically manipulates Sydney for example Defendant is constantly  
6 telling Sydney to call Plaintiff "Caleb" instead of dad. Moreover, Defendant  
7 is constantly telling Sydney that she is sick and that Plaintiff neglects her  
8 health. A perfect example is Defendant's allegation that Sydney has pain  
9 when eating because Plaintiff has neglected her dental health. At the time  
10 of hearing Plaintiff will provide the Court with an Exhibit Appendix that  
11 includes her dental records.  
12  
13  
14

15           21. That Plaintiff agrees that Defendant did a welfare check the day  
16 after Sydney was returned to his care. The reason Defendant called for the  
17 welfare check was because Plaintiff's twenty-one (21) year old step-son  
18 was watching Sydney and Malacai because his wife was attending the  
19 delivery of their first grandchild.  
20  
21

22           Prior to the welfare check Defendant had told Sydney she was doing  
23 the welfare check and that she needed to act upset or "distraught" because  
24 it would make it so that she could be returned to Defendant's care.  
25

26           22. That the police have never been called to Plaintiff's home as a  
27 result of domestic violence.  
28

1           23. That the police have never been called to Plaintiff home due to  
2 illegal drug use.  
3

4           24. That Plaintiff's ex-wife, Charity Alan Haskins has never been at  
5 his home outside of dropping their son off one (1) or possibly two (2) times  
6 in the past five (5) years.  
7

8           25. That Plaintiff would inform the Court that Defendant and his ex-  
9 wife Charity were granted a protective order because the Court found that  
10 Defendant was a danger to Charity.  
11

12           26. That any testimony from Charity regarding "troubling incidents  
13 and/or an unhealthy living environment" at Plaintiff's home would not be  
14 truthful given to the fact Charity has no contact with the Plaintiff outside of a  
15 custody exchange.  
16  
17

18           27. That Plaintiff denies Defendant's allegations that he is and/or  
19 has been withholding school information. In fact Defendant has called the  
20 school on multiple occasions to obtain information on Sydney. Plaintiff's  
21 accompanying Exhibit Appendix includes all of Sydney's school records to  
22 date and these records include a copy of the parties Decree of Divorce  
23 along with the order granting Plaintiff's relocation.  
24  
25

26           28. That Plaintiff does not use a school parent portal but will inquire  
27 about this portal and will immediately email the Defendant said information.  
28



1           29. That Plaintiff denies that he has failed to list Defendant as  
2 Sydney's mother on school records. Plaintiff further denies that he has  
3 listed his wife as the mother on Sydney's enrollment documentation.  
4

5           30. That Plaintiff has listed his current wife as Sydney's step-mother  
6 and emergency contact because Defendant lives in Nevada and is  
7 unavailable if there is an emergency.  
8

9           31. That Plaintiff would inform the Court that Defendant's allegations  
10 regarding Mark Twain Elementary and Freemont Elementary School pre-  
11 dates the current order and should not be considered.  
12

13           32. That Plaintiff would inform the Court that Sydney sustained an  
14 abrasion to her scalp while playing at the Boys and Girls club after falling  
15 off the bleachers. However, this incident pre-dates the controlling order  
16 and should not be considered.  
17

18           33. That Plaintiff would inform the Court that he has never seen a  
19 video of Sydney being physically ill over the prospect of returning to his  
20 care. However, since being returned to Plaintiff's care Sydney shared with  
21 him that after her grandpa died she got upset with the Defendant because  
22 she made Sydney feel guilty about wanting to go home to Plaintiff. As a  
23 result Sydney remembers throwing up and her mother recording it instead  
24 of comforting her.  
25  
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34. That Plaintiff believes that after the court reviews the medical, dental and school records the Court will find that Defendant continues to be disingenuous with this Court and that it would not be in Sydney's best interest to modify the current custodial order.

In the event that this Court decides to entertain Defendant's request to modify custody reviewing Plaintiff's evidence that completely dispels Defendant's abuse allegations. Then Plaintiff would remind this Court that Dr. Paglini testified that Defendant is schizophrenic with a delusional personality disorder. This disorder remains untreated and a re-evaluation should be completed by Dr. Paglini solely for the purposes of ensuring Sydney's safety prior to any Evidentiary Hearing.

Dated this 16<sup>th</sup> day of August, 2021.

Respectfully submitted:

/s/ Caleb Haskins

CALEB HASKINS  
340 N. 16th Lane  
Philomath, Oregon 97370  
(775) 445-0488  
Plaintiff in Proper Person