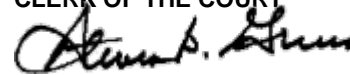


NO: D-16-526954-D

Dept: U

Electronically Filed
11/27/2021 8:16 PM
Steven D. Grierson
CLERK OF THE COURT



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

Electronically Filed
Apr 04 2022 11:21 a.m.
Elizabeth A. Brown
Clerk of Supreme Court


Melinda Lesinksky, Plaintiff

v.

Paul Miller, Defendant

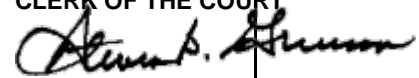
NOTICE OF APPEAL

Notice is hereby given that Paul Miller, Defendant named above, hereby appeals to the Supreme Court of Nevada from the final judgment on September 8th, 2021, with the **ORDER FROM SEPTEMBER 8, 2021 HEARING**, entered on 17th day of Sept. 2021. I am appealing to the Supreme Court, the ruling about the modified Child Support judgement that was conducted with Judge Throne.



Paul Miller, Pro Se

8397 Raven Avenue
Las Vegas, NV 89113



1 ASTA

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

10 MELINDA SUE MILLER,

11 Plaintiff(s)

12 vs.

13 PAUL MENDEZ MILLER,

14 Defendant(s),
15

Case No: D-16-526954-D

Dept No: U

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Paul Miller

20 2. Judge: Dawn R. Throne

21 3. Appellant(s): Paul Miller

22 Counsel:

23 Paul Miller
24 8397 Raven ave.
Las Vegas, NV 89113

25 4. Respondent (s): Melinda Sue Miller

26 Counsel:

27 Michael Burton, Esq.
28 6230 W. Desert Inn Rd.
Las Vegas, NV 89146

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

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

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

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

7 8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

8 Appellant Filed Application to Proceed in Forma Pauperis: No
9 Date Application(s) filed: N/A

10 9. Date Commenced in District Court: January 22, 2016

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

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

13 11. Previous Appeal: Yes

14 Supreme Court Docket Number(s): 83472

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

17 13. Possibility of Settlement: Unknown

18 Dated This 4 day of April 2022.

19 Steven D. Grierson, Clerk of the Court

20
21 /s/ Heather Ungermann
22 Heather Ungermann, Deputy Clerk
23 200 Lewis Ave
24 PO Box 551601
25 Las Vegas, Nevada 89155-1601
26 (702) 671-0512

27 cc: Paul Miller
28

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. D-16-526954-D**

Melinda Sue Miller, Plaintiff
vs.
Paul Mendez Miller, Defendant.

§
 §
 §
 §

Location: **Department U**
 Judicial Officer: **Throne, Dawn R.**
 Filed on: **01/22/2016**
 Case Number History:

CASE INFORMATION**Statistical Closures**

11/02/2021 Settled/Withdrawn Without Judicial Conference or Hearing
 11/12/2020 Settled/Withdrawn With Judicial Conference or Hearing
 05/11/2020 Settled/Withdrawn Without Judicial Conference or Hearing
 02/27/2020 Settled/Withdrawn Without Judicial Conference or Hearing
 02/11/2020 Settled/Withdrawn With Judicial Conference or Hearing
 09/05/2019 Settled/Withdrawn With Judicial Conference or Hearing
 02/20/2019 Settled/Withdrawn With Judicial Conference or Hearing
 10/17/2017 Settled/Withdrawn With Judicial Conference or Hearing
 03/23/2017 Settled/Withdrawn Without Judicial Conference or Hearing
 12/28/2016 Settled/Withdrawn With Judicial Conference or Hearing
 10/14/2016 Disposed After Trial Start (Bench Trial)

Case Type: **Divorce - Complaint**
 Subtype: **Complaint Subject Minor(s)**
 Case Status: **11/02/2021 Closed**







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

Case Number D-16-526954-D
 Court Department U
 Date Assigned 01/04/2021
 Judicial Officer Throne, Dawn R.

PARTY INFORMATION



















Plaintiff	Miller, Melinda Sue	Burton, Michael James <i>Retained</i> 702-565-4335(W)
Defendant	Miller, Paul Mendez	Pro Se 832-248-1622(H)
Subject Minor	Miller, Jett M	

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

04/04/2022	 Case Appeal Statement <i>Case Appeal Statement</i>
04/04/2022	 Case Appeal Statement <i>Case Appeal Statement</i>
04/04/2022	 Case Appeal Statement <i>Case Appeal Statement</i>
11/27/2021	 Notice of Appeal <i>[288] Appeal from Notice of Entry or Order from September 8th, 2021</i>
11/10/2021	 Notice of Appeal <i>[287] Appeal from Notice of Entry Findings of Fact, Conclusion of Law, and Order and Judgement</i>
11/05/2021	 Notice of Entry

CASE SUMMARY

CASE NO. D-16-526954-D

	<i>[286] Notice of Entry of Findings of Facts, Conclusions of Law, and Order and Judgment</i>
11/03/2021	 Notice Filed By: Special Master/Parenting Coordinator Price, Corinne, ESQ <i>[285] Notice of Withdrawal of Special Master's Application for Judgment and Writ of Execution</i>
11/02/2021	 Findings of Fact, Conclusions of Law and Judgment <i>[284] Findings of Fact, Conclusions of Law, and Order and Judgment</i>
10/26/2021	 Application Filed By: Special Master/Parenting Coordinator Price, Corinne, ESQ <i>[283] Special Master's Application for Judgment and Writ of Execution</i>
10/24/2021	 Notice of Appeal <i>[282] Appeal from Notice of Entry or Order from September 8th, 2021</i>
10/22/2021	 Notice of Entry of Order <i>[281] Notice of Entry of Order from September 8, 2021 Hearing</i>
09/23/2021	 Opposition to Motion Filed by: Counter Claimant Miller, Paul Mendez <i>[280] Defendant's Opposition to Attorney Fees Award and Motion for Reconsideration</i>
09/17/2021	 Order <i>[279] Order from September 8, 2021 Hearing</i>
09/17/2021	 Memorandum <i>[278] Plaintiff's Memorandum of Attorney's Fees and Costs & Brunzell Affidavit</i>
09/13/2021	 Errata Filed By: Counter Claimant Miller, Paul Mendez <i>[277] Errata to Withdrawal of Attorney</i>
09/01/2021	 Motion <i>[276] MOTION FOR PERMISSION TO CONDUCT DISCOVERY</i>
08/20/2021	 Reply to Opposition Filed by: Counter Claimant Miller, Paul Mendez <i>[275] DEFENDANT'S MOTION AND NOTICE OF MOTION TO MODIFY CHILD SUPPORT</i>
08/11/2021	 Financial Disclosure Form <i>[274] Plaintiff's Financial Disclosure Form</i>
08/11/2021	 Exhibits <i>[273] Plaintiff's Exhibit Appendix</i>
08/11/2021	 Opposition and Countermotion Filed By: Counter Defendant Miller, Melinda Sue; Attorney Burton, Michael James <i>[272] Plaintiff's Partial Opposition to Motion to Modify Child Support and Countermotion for Attorney's Fees and Costs</i>
08/02/2021	 Notice of Appearance <i>[271] Plaintiff's Notice of Appearance</i>
07/30/2021	 Notice of Hearing <i>[270] Notice of Hearing</i>
07/27/2021	 Motion <i>[269] Defendant's Motion And Notice Of Motion To Modify Child Support</i>
05/25/2021	 Notice of Withdrawal <i>[268] Notice of Withdrawal as Attorney of Record for Plaintiff</i>
01/04/2021	Administrative Reassignment to Department U <i>Case Reassignment - Judicial Officer Dawn R. Throne</i>

CASE SUMMARY












CASE NO. D-16-526954-D

11/16/2020	 Withdrawal of Attorney Filed By: Counter Claimant Miller, Paul Mendez <i>[267] Withdrawal of Attorney</i>
11/16/2020	 Notice of Entry of Order Filed By: Counter Claimant Miller, Paul Mendez <i>[266] Notice of Entry of Order from September 29, 2020 Hearing</i>
11/12/2020	 Order <i>[265] 9/26/20 hearing</i>
09/29/2020	 Financial Disclosure Form Filed by: Counter Defendant Miller, Melinda Sue <i>[264] General Financial Disclosure Form</i>
09/28/2020	 Exhibits <i>[263] Plaintiff's Exhibit Appendix to Reply to Opposition to Countermotion</i>
09/28/2020	 Reply Filed By: Counter Defendant Miller, Melinda Sue <i>[262] Plaintiff's Reply to Defendant's Opposition to Countermotion for Temporary Legal and Physical Custody Modification Pending Evidentiary Hearing and Attorney's Fees & Costs</i>
09/23/2020	 Notice of Entry of Order <i>[261] Notice of Entry of Order from August 26, 2020 Hearing</i>
09/23/2020	 Stipulation and Order <i>[260] SAO for School Executed</i>
09/23/2020	 Objection Filed By: Counter Claimant Miller, Paul Mendez <i>[259] Defendant's Objection to Plaintiff's Memorandum of Attorney's Fees and Costs</i>
09/23/2020	 Order <i>[258] Order From August 26, 2020 Hearing</i>
09/18/2020	 Memorandum of Costs and Disbursements <i>[257] Plaintiff's Memorandum of Attorney's Fees and Costs & Brunzell Affidavit</i>
09/17/2020	 Reply Filed By: Counter Claimant Miller, Paul Mendez <i>[256] Defendant's Reply to Plaintiff's Opposition to Motion to Oppose Special Master's Fifth Report and Recommendations and Decision and Opposition to Countermotion for Temporary Legal and Physical Custody Pending an Evidentiary Hearing and Attorney's Fees and Costs</i>
09/08/2020	 Notice of Hearing Filed By: Counter Defendant Miller, Melinda Sue <i>[255] Notice of Hearing</i>
09/04/2020	 Opposition and Countermotion <i>[254] Plaintiff's Opposition to Motion to Oppose Special Master's Fifth Report and Recommendations and Decision and Countermotion for Temporary Legal and Physical Custody Modification Pending an Evidentiary Hearing, and Attorney's Fees and Costs</i>
08/26/2020	 Exhibits <i>[253] Plaintiff's Supplemental Exhibit Appendix to Opposition and Countermotion</i>
08/25/2020	 Exhibits <i>[252] Plaintiff's Exhibit Appendix to Opposition to Defendant's Motion and Countermotion for Attorney's Fees and Costs.</i>
08/25/2020	 Opposition and Countermotion Filed By: Counter Defendant Miller, Melinda Sue <i>[251] Plaintiff's Opposition to Motion for Minor Child to Attend the Meadows School; for an</i>

CASE SUMMARY

CASE NO. D-16-526954-D



















Order for Plaintiff to Pay Tuition to Defendant; for a New Parenting Coordinator; for Attorney's Fees, Costs and Expenses; and Related Relief and Countermotion for Attorney's Fees and Costs

08/21/2020	 Receipt of Copy Filed By: Counter Claimant Miller, Paul Mendez <i>[250] Receipt of Copy</i>
08/21/2020	 Notice of Entry of Order Filed By: Counter Claimant Miller, Paul Mendez <i>[249] Notice of Entry of Order Shortening Time</i>
08/21/2020	 Notice of Hearing <i>[248] Notice of Hearing</i>
08/20/2020	 Order Shortening Time <i>[247] Miller OST[2]</i>
08/20/2020	 Ex Parte Application Filed by: Counter Defendant Miller, Melinda Sue <i>[246] Ex Parte Application For Order Shortening Time for Defendant's Motion for Minor Child to Attend The Meadows School; For An Order For Plaintiff to Pay Tuition To Defendant; For A New Parenting Coordinator; For Attorney's Fees, Costs and Expenses; and All Other Related Relief</i>
08/19/2020	 Errata Filed By: Counter Claimant Miller, Paul Mendez <i>[245] Notice of Errata to Exhibits For Defendant's Motion</i>
08/19/2020	 Notice Filed By: Counter Claimant Miller, Paul Mendez <i>[244] Notice of Errata to Exhibits for Defendant's Motion For Minor Child to Attend the Meadows School; For an Order to For Plaintiff to Pay Tuition to Defendant; For A New Parenting Coordinator; For Attorney's Fees, Costs and Expenses; and Related Relief</i>
08/19/2020	 Exhibits Filed By: Counter Claimant Miller, Paul Mendez <i>[243] Exhibit Appendix to Defendants Motion to Oppose Special Master's Fifth Report, Recommendations and Decisions</i>
08/19/2020	 Motion Filed By: Counter Claimant Miller, Paul Mendez <i>[242] Defendant's Motion to Oppose Special Master's Fifth Report Report, Recommendation and Decision</i>
08/18/2020	 Notice of Hearing <i>[241] Notice of Hearing</i>
08/14/2020	 Motion Filed By: Counter Claimant Miller, Paul Mendez <i>[240] Motion for Minor Child to Attend the Meadows School; For an Order to For Plaintiff to Pay Tuition to Defendant; For a New Parenting Coordinator; For Attorney's Fees, Costs and Expenses; and Related Relief</i>
08/12/2020	 Substitution of Attorney Filed By: Counter Defendant Miller, Melinda Sue <i>[239] Substitution of Attorney of Record for Plaintiff</i>
08/12/2020	 Document Filed Filed by: Special Master/Parenting Coordinator Price, Corinne, ESQ <i>[238] Special Master's Fifth Report, Recommendation and Decision</i>
08/11/2020	 Notice Filed By: Counter Claimant Miller, Paul Mendez <i>[237] Notice of Withdrawal of Defendant's Motion and Notice of Motion for School Selection</i>

CASE SUMMARY
















CASE NO. D-16-526954-D

for Minor Child

08/11/2020	 Notice of Appearance Party: Counter Claimant Miller, Paul Mendez <i>[236] Notice of Appearance for Defendant</i>
08/03/2020	 Notice of Hearing <i>[235] Notice of Hearing</i>
08/03/2020	 Motion Filed By: Counter Claimant Miller, Paul Mendez <i>[234] Def't's Motion and Notice of Motion for School Selection for Minor Child</i>
05/11/2020	 Notice of Entry of Order <i>[233] Notice of Entry of Order</i>
05/11/2020	 Order <i>[232] Order</i>
05/08/2020	 Order <i>[231]</i>
05/05/2020	 Notice Filed By: Counter Defendant Miller, Melinda Sue <i>[230] Notice of Intent to Appear By Communication Equipment</i>
05/05/2020	 Notice Filed By: Counter Defendant Miller, Melinda Sue <i>[229] Notice of Change of Firm Affiliation and Contact Information</i>
05/03/2020	 Supplemental Exhibits <i>[228] SUPPLEMENTAL EXHIBIT LIST OBJECTION TO PC SPECIAL MASTER'S FOURTH REPORT</i>
04/17/2020	 Notice Filed By: Special Master/Parenting Coordinator Price, Corinne, ESQ <i>[227] Notice of Intent to Appear by Communication Equipment</i>
04/10/2020	 Notice of Hearing <i>[226] Notice of Hearing</i>
04/09/2020	 Exhibits Filed By: Counter Claimant Miller, Paul Mendez <i>[225] Exhibit Appendix</i>
04/09/2020	 Opposition Filed By: Counter Claimant Miller, Paul Mendez <i>[224] Defendant's Opposition to Parenting Coordinators Special Masters Fourth Report, Recommendations and Decisions</i>
04/09/2020	 Notice of Withdrawal Filed by: Counter Claimant Miller, Paul Mendez <i>[223] Amended Notice of Withdrawal</i>
04/07/2020	 Notice of Withdrawal Filed by: Counter Claimant Miller, Paul Mendez <i>[222] Notice of Withdrawal</i>
02/27/2020	 Notice of Entry of Order <i>[221] Notice of Entry of Order</i>
02/27/2020	 Order <i>[220] Order</i>
02/26/2020	 Clerk's Notice of Nonconforming Document and Curative Action














CASE SUMMARY

CASE NO. D-16-526954-D

	<i>[219] Clerk's Notice of Nonconforming Document and Curative Action</i>
02/26/2020	 Stricken Document <i>[218] ***DOCUMENT STRICKEN PER ORDER 2/27/20***</i>
02/26/2020	 Stricken Document Filed by: Counter Claimant Miller, Paul Mendez <i>[217] ***DOCUMENT STRICKEN PER ORDER 2/27/20***</i>
02/26/2020	 Stricken Document Filed by: Counter Claimant Miller, Paul Mendez <i>[216] ***DOCUMENT STRICKEN PER ORDER 2/27/20***</i>
02/26/2020	 Notice of Hearing <i>[215] Notice of Hearing</i>
02/26/2020	 Stricken Document Filed by: Counter Claimant Miller, Paul Mendez <i>[214] ***DOCUMENT STRICKEN PER ORDER 2/27/20***</i>
02/13/2020	 Notice of Entry Filed By: Counter Defendant Miller, Melinda Sue <i>[213] Notice of Entry of Order</i>
02/11/2020	 Order Filed By: Counter Defendant Miller, Melinda Sue <i>[212] Order</i>
01/03/2020	 Opposition Filed By: Counter Defendant Miller, Melinda Sue <i>[211] OPPOSITION TO DEFENDANT S MOTION TO SET ASIDE ORDER ENTERED ON SEPTEMBER 5, 2019 AND FOR RELATED RELIEF AND COUNTERMOTION FOR RELATED MATTERS</i>
12/30/2019	 Notice of Hearing <i>[210] Notice of Hearing</i>
12/27/2019	 Amended Motion Filed by: Counter Claimant Miller, Paul Mendez For: Counter Defendant Miller, Melinda Sue <i>[209] Amended Defendant's Motion to Set Aside Order Entered on September 5, 2019 and for Related Relief</i>
12/24/2019	 Motion to Set Aside Filed by: Counter Claimant Miller, Paul Mendez <i>[208] Defendants Motion to Set Aside Order Entered on September 5th, 2019 and for Related Relief. Oral Argument Requested.</i>
12/19/2019	 Family Court Motion Opposition Fee Information Sheet Filed by: Counter Claimant Miller, Paul Mendez <i>[207] Family Court Motion Opposition Fee Information Sheet</i>
12/19/2019	 Motion Filed By: Counter Claimant Miller, Paul Mendez <i>[206] Defendant's Motion to Set Aside Order Entererd On September 5,2019 and for Related Relief</i>
10/01/2019	 Memorandum Filed By: Counter Claimant Miller, Paul Mendez <i>[205] Defendant's Memorandum of Attorney's Fees and Costs</i>
09/30/2019	 Opposition <i>[204] Opposition to Defendant's Motion for Attorney's Fees and Costs Pursuant to NRCP 54 (d)(2)</i>
















CASE SUMMARY

CASE NO. D-16-526954-D

09/20/2019	 Notice of Seminar Completion EDCR 5.302 Filed by: Counter Defendant Miller, Melinda Sue <i>[203] Plaintiff's Notice of UNLV Seminar Completion EDCR 5.07 Family</i>
09/12/2019	 Motion Filed By: Counter Claimant Miller, Paul Mendez <i>[202] Defendant's Motion for Attorney's Fee and Costs Pursuants to NRCP 54(d)(2)</i>
09/10/2019	 Notice of Entry of Order/Judgment Filed by: Counter Claimant Miller, Paul Mendez <i>[201] Notice of Entry of Order/Judgment</i>
09/05/2019	 Order <i>[200] Order</i>
07/22/2019	 Miscellaneous Filing <i>[199] Exhibit 22 USB Video Surveillance Camera</i>
07/22/2019	 Certificate of Service Filed by: Counter Defendant Miller, Melinda Sue <i>[198] Certificate of Service</i>
07/19/2019	 Certificate of Service Filed by: Counter Claimant Miller, Paul Mendez <i>[197] Certificate of Service</i>
07/19/2019	 Exhibits Filed By: Counter Claimant Miller, Paul Mendez <i>[196] Exhibit Appendix</i>
07/19/2019	 Reply Filed By: Counter Claimant Miller, Paul Mendez <i>[195] Reply to Opposition and/or Countermotion</i>
07/09/2019	 Opposition <i>[194] Opposition to Plaintiff's Motion for an Order to Enforce and/or for and Order to Show Cause Regarding Contempt</i>
07/05/2019	 Order to Show Cause Filed By: Counter Claimant Miller, Paul Mendez <i>[193] Order to Show Cause</i>
06/24/2019	 Proof of Service Filed By: Counter Claimant Miller, Paul Mendez <i>[192] Proof of Service</i>
06/24/2019	 Ex Parte Motion Filed by: Counter Claimant Miller, Paul Mendez <i>[191] Ex Parte Motion for Contempt & Order to Send to Challenger School</i>
06/24/2019	 Ex Parte Application Filed by: Counter Claimant Miller, Paul Mendez <i>[190] Ex Parte Application for an Order to Show Cause</i>
06/24/2019	 Motion Filed By: Counter Claimant Miller, Paul Mendez <i>[189] Deft's Motion and Notice of Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt</i>
04/02/2019	 Notice of Seminar Completion EDCR 5.302 Filed by: Counter Claimant Miller, Paul Mendez <i>[188] Defendant's Notice of UNLV Seminar Completion EDCR 5.07 Family</i>
03/28/2019	 Withdrawal of Attorney

CASE SUMMARY

CASE NO. D-16-526954-D

	Filed By: Counter Claimant Miller, Paul Mendez <i>[187] Notice of Withdrawal of Counsel of Record</i>
03/27/2019	 Notice of Entry of Order Filed By: Counter Claimant Miller, Paul Mendez <i>[186] Notice of Entry of Order</i>
03/27/2019	 Notice of Entry of Order Filed By: Counter Claimant Miller, Paul Mendez <i>[185] Notice of Entry of Order</i>
02/20/2019	 Order Filed By: Counter Claimant Miller, Paul Mendez <i>[184] Order From Haring of January 9, 2019</i>
01/02/2019	 Exhibits Filed By: Counter Claimant Miller, Paul Mendez <i>[183] Exhibits to Reply and Opposition</i>
01/02/2019	 Reply Filed By: Counter Claimant Miller, Paul Mendez <i>[182] Defendant's Reply to Plaintiff's Opposition to Motion for an Order To Show Cause, for Additional Orders, and for Attorney's Fees and Costs and Defendant's Opposition to Plaintiff's Countermotion for Order to Show Cause</i>
12/12/2018	 Certificate of Service Filed by: Counter Defendant Miller, Melinda Sue <i>[181] Certificate of Service</i>
12/12/2018	 Schedule of Arrearages Filed by: Counter Defendant Miller, Melinda Sue <i>[180] Schedule of Arrearages</i>
12/12/2018	 Schedule of Arrearages Filed by: Counter Defendant Miller, Melinda Sue <i>[179] Schedule of Arrearages</i>
12/12/2018	 Financial Disclosure Form Filed by: Counter Defendant Miller, Melinda Sue <i>[178] Financial Disclosure Form</i>
12/12/2018	 Exhibits Filed By: Counter Defendant Miller, Melinda Sue <i>[177] Exhibits Appendix</i>
12/12/2018	 Opposition Filed By: Counter Defendant Miller, Melinda Sue <i>[176] Plaintiff's Opposition to Motion for an Order to Enforce and/or to Show Cause Regarding Contempt</i>
11/29/2018	 Financial Disclosure Form Filed by: Counter Claimant Miller, Paul Mendez <i>[175] Defendant's FDF</i>
11/29/2018	 Schedule of Arrearages Filed by: Counter Claimant Miller, Paul Mendez <i>[174] Schedule of Arrearages</i>
11/29/2018	 Exhibits Filed By: Counter Claimant Miller, Paul Mendez <i>[173] Exhibit Appendix to Motion for OSC</i>
11/29/2018	 Certificate of Service Filed by: Counter Claimant Miller, Paul Mendez <i>[172] Certificate of Service</i>


















CASE SUMMARY

CASE NO. D-16-526954-D

11/28/2018	 Motion Filed By: Counter Claimant Miller, Paul Mendez <i>[171] Def't.'s Motion for an Order to Show Cause, for Additional Orders, and for Attorney's Fees and Costs</i>
11/28/2018	 Family Court Motion Opposition Fee Information Sheet Filed by: Counter Claimant Miller, Paul Mendez <i>[170] Motion/Opposition Fee Information Sheet</i>
05/15/2018	 Withdrawal of Attorney <i>[169] Withdrawal of Attorney</i>
05/03/2018	 Notice Filed By: Counter Defendant Miller, Melinda Sue <i>[168] Notice of Suspension of Parenting-Coordinator Services</i>
04/20/2018	 Notice of Entry of Order Filed By: Counter Defendant Miller, Melinda Sue; Counter Claimant Miller, Paul Mendez <i>[167] Notice of Entry of Order Adopting Special Master's Third Report, Recommendations and Decision</i>
04/17/2018	 Order Filed By: Special Master/Parenting Coordinator Price, Corinne, ESQ <i>[166] Order Adopting Special Master's Third Report Recommendations and Decision</i>
11/22/2017	 Notice of Entry of Order Filed By: Special Master/Parenting Coordinator Price, Corinne, ESQ <i>[165] Notice of Entry of Order Adopting Special Master's Second Report, Recommendation and Decision</i>
11/16/2017	 Order Filed By: Counter Defendant Miller, Melinda Sue <i>[164] Order Adopting Special Master's Second Report, Recommendations and Decision</i>
11/14/2017	 Order Filed By: Special Master/Parenting Coordinator Price, Corinne, ESQ <i>[163] Order Adopting Special MASTER's Second Report, Recommendations and Decision</i>
11/09/2017	 Notice of Entry of Stipulation and Order Filed by: Special Master/Parenting Coordinator Price, Corinne, ESQ <i>[162] Notice of Entry of Stipulation and Order</i>
11/08/2017	 Stipulation and Order Filed By: Special Master/Parenting Coordinator Price, Corinne, ESQ <i>[161] Stipulation and Order</i>
10/30/2017	 Notice of Entry of Stipulation and Order <i>[160] Notice of Entry of Stipulation and Order</i>
10/25/2017	 Stipulation and Order <i>[159] Stipulation and Order Resolving Sction 11a of Premarital Agreement</i>
10/24/2017	 Certificate of Service Filed by: Counter Defendant Miller, Melinda Sue <i>[158] Certificate of Service</i>
10/17/2017	 Order Filed By: Counter Defendant Miller, Melinda Sue <i>[157] Order From August 16, 2017 Hearing</i>
09/12/2017	 Receipt of Copy Filed By: Counter Claimant Miller, Paul Mendez <i>[156] Receipt of Copy</i>

CASE SUMMARY

CASE NO. D-16-526954-D

09/05/2017	 Transcript of Proceedings <i>[155] Rough-Draft Transcript. Hearing date August 16, 2017</i>
09/05/2017	 Certification of Transcripts Notification of Completion <i>[154] Hearing date August 16, 2017</i>
09/05/2017	 Receipt of Copy Filed By: Attorney Riccio, Joseph W. Party 2: Attorney Riccio, Joseph W. <i>[153] FILED BY THE COURT. Hearing date August 16, 2017</i>
09/05/2017	 Final Billing of Transcript Filed by: Attorney Riccio, Joseph W. <i>[152] FILED BY THE COURT. Hearing date August 16, 2017</i>
08/30/2017	 Notice of Entry of Stipulation and Order <i>[151] Notice of Entry of Stipulation and Order</i>
08/30/2017	 Notice of Entry of Order <i>[150] Notice of Entry of Order</i>
08/28/2017	 Order <i>[149] Order From July 12, 2017 Hearing</i>
08/28/2017	 Stipulation and Order <i>[148] Stipulation and Order Regarding Mediation</i>
08/24/2017	 Order Filed By: Special Master/Parenting Coordinator Price, Corinne, ESQ <i>[147] Order Adopting Special Master's Report, Recommendations and Decision</i>
08/24/2017	 Estimate of Transcript <i>[146] APPEAL. Hearing date August 16, 2017</i>
08/11/2017	 Ex Parte Application Filed by: Counter Defendant Miller, Melinda Sue <i>[145] Ex-Parte Application to Strike Defendant's Opposition and Objection to Filed Order to Show Cause and Opposition to Plaintiff's Subsequent Motion and Notice of Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt</i>
08/11/2017	 Family Court Motion Opposition Fee Information Sheet Filed by: Counter Claimant Miller, Paul Mendez <i>[144] Motion/Opposition Fee Information Sheet</i>
08/11/2017	 Opposition Filed By: Counter Claimant Miller, Paul Mendez <i>[143] Def Opposition and Objection to Filed Order to Show Cause and Opposition to Plaintiff's Subsequent Motion and Notice of Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt</i>
08/10/2017	 Exhibits Filed By: Counter Defendant Miller, Melinda Sue <i>[142] Exhibits to Supplement to Plaintiff's Motion and Notice of Motion for an Order to Enforce and/or For an Order to Show Cause Regarding Contempt</i>
08/10/2017	 Schedule of Arrearages <i>[141] Amended Schedule of Arrearages</i>
08/10/2017	 Certificate of Service Filed by: Counter Defendant Miller, Melinda Sue <i>[140] Certificate of Service</i>
08/10/2017	 Supplement Filed by: Counter Defendant Miller, Melinda Sue <i>[139] Supplement to Plaintiff's Motion and Notice of Motion for an Order to Enforce and/or</i>

CASE SUMMARY

CASE NO. D-16-526954-D

For and Order to Show Cause Regarding Contempt

08/03/2017	 Transcript of Proceedings <i>[138] APPEAL. Hearing date May 10, 2017</i>
08/03/2017	 Certification of Transcripts Notification of Completion <i>[137] APPEAL. Hearing date May 10, 2017</i>
08/03/2017	 Receipt of Copy Filed By: Attorney Riccio, Joseph W. Party 2: Attorney Riccio, Joseph W. <i>[136] APPEAL. FILED BY COURT. Hearing date May 10, 2017</i>
08/03/2017	 Final Billing of Transcript Filed by: Attorney Riccio, Joseph W. <i>[135] APPEAL. FILED BY COURT. Hearing date May 10, 2017</i>
07/28/2017	 Notice of Withdrawal Filed by: Counter Defendant Miller, Melinda Sue <i>[134] Notice of Withdrawal of Attorney</i>
07/28/2017	 Notice of Entry Filed By: Counter Defendant Miller, Melinda Sue <i>[133] Notice of Entry of Order</i>
07/25/2017	 Estimate of Transcript <i>[132] AMENDED on APPEAL. Hearing date May 10, 2017</i>
07/25/2017	 Notice of Rescheduling of Hearing <i>[131] Notice of Rescheduling of Hearing</i>
07/21/2017	 Motion to Enforce Filed by: Counter Defendant Miller, Melinda Sue <i>[130] Motion and Notice of Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt</i>
07/21/2017	 Certificate of Service Filed by: Counter Defendant Miller, Melinda Sue <i>[129] Certificate of Service</i>
07/20/2017	 Order to Show Cause Filed By: Counter Defendant Miller, Melinda Sue <i>[128] Order to Show Cause</i>
07/20/2017	 Exhibits <i>[127] Exhibits to Motion and Notice of Motion for an Order to Enforce and/or For an Order to Show Cause Regarding Contempt</i>
07/20/2017	 Schedule of Arrearages <i>[126] Schedule of Arrearages</i>
07/20/2017	 Notice of Entry of Stipulation and Order <i>[125] Notice of Entry of Stipulation and Order</i>
07/20/2017	 Estimate of Transcript <i>[124] APPEAL. Hearing dates March 30, 2016; May 09, 2016; August 2, 2016; October 10, 2016; November 29, 2016; February 22, 2017; May 10, 2017; July 12, 2017</i>
07/18/2017	 Stipulation and Order Filed By: Counter Claimant Miller, Paul Mendez <i>[123] Stipulation and Order to Reschedule Hearing</i>
07/12/2017	 Case Appeal Statement Filed By: Counter Claimant Miller, Paul Mendez <i>[122] Case Appeal Statement</i>










CASE SUMMARY

CASE NO. D-16-526954-D

07/11/2017	 Notice of Appeal Filed By: Counter Claimant Miller, Paul Mendez <i>[121] Notice of Appeal</i>
07/10/2017	 Financial Disclosure Form Filed by: Counter Defendant Miller, Melinda Sue <i>[120] Financial Disclosure Form</i>
07/10/2017	 Notice of Entry of Order Filed By: Special Master/Parenting Coordinator Price, Corinne, ESQ <i>[119] Notice of Entry of Order</i>
07/07/2017	 Exhibits Filed By: Counter Claimant Miller, Paul Mendez <i>[118] Exhibits to Reply to Plaintiff's Opposition and Opposition to Plaintiff's Countermotion</i>
07/07/2017	 Reply Filed By: Counter Claimant Miller, Paul Mendez <i>[117] Reply to Plaintiff's Opposition and Opposition to Plaintiff's Countermotion</i>
06/30/2017	 Notice of Appearance Party: Counter Claimant Miller, Paul Mendez <i>[116] Notice of Appearance of Counsel for Defendant</i>
06/29/2017	 Notice of Entry of Order Filed By: Counter Defendant Miller, Melinda Sue; Counter Claimant Miller, Paul Mendez; Subject Minor Miller, Jett M; Special Master/Parenting Coordinator Price, Corinne, ESQ <i>[115] Notice of Entry of Order</i>
06/28/2017	 Order Filed By: Counter Defendant Miller, Melinda Sue <i>[114] Order</i>
06/27/2017	 Stipulation and Order <i>[113] Stipulation and Order for Appointment of Special Master/Parenting Coordinator</i>
06/27/2017	 Request <i>[112] Request for Submission of Motion or Countermotion Without Oral Argument Pursuant to Eder 5.11(b)</i>
06/27/2017	 Order Filed By: Counter Defendant Miller, Melinda Sue; Counter Claimant Miller, Paul Mendez; Subject Minor Miller, Jett M <i>[111] Order Granting Motion to Withdrawal as Attorney of Record for Defendant</i>
06/21/2017	 Request Filed By: Counter Claimant Miller, Paul Mendez <i>[110] Request for Submission of Motion or Countermotion Without Oral Argument Pursuant to EDCR 5.11(b)</i>
06/19/2017	 Opposition and Countermotion Filed By: Counter Defendant Miller, Melinda Sue Party 2: Counter Claimant Miller, Paul Mendez <i>[109] **Certificate of Service on Page 11* Opposition to Motion for an Order to Show Cause Regarding Contempt and To Enforce Child Custody and/or Visitation; and Opposition to Motion and Notice of Motion for Orders to Modify Child Custody, Visitation, and/or Child Support; and Countermotion for Child Support Increase; Modification of Timeshare Exchange Schedule; Order to Comply with Previous Orders Regarding Purchase of Home for Plaintiff; Reimbursement of Monies Lost Due to Non-Compliance by Defendant for Purchase of Home for Plaintiff and/or Nullification of Previous Order Finding the Prenuptial Enforceable and All Property be Deemed Community Property</i>
06/06/2017	 Ex Parte Application















CASE SUMMARY

CASE NO. D-16-526954-D

	<p>Filed by: Counter Claimant Miller, Paul Mendez <i>[107] Ex Parte Application for an Order to Show Cause</i></p>
06/06/2017	<p> Certificate of Mailing Filed By: Counter Claimant Miller, Paul Mendez Party 2: Counter Defendant Miller, Melinda Sue <i>[106] Certificate of Mailing</i></p>
06/06/2017	<p> Exhibits Filed By: Counter Claimant Miller, Paul Mendez <i>[105] Exhibits Appendix</i></p>
06/06/2017	<p> Motion Filed By: Counter Claimant Miller, Paul Mendez Party 2: Counter Defendant Miller, Melinda Sue <i>[104] Motion and Notice of Motion for Order to Show Cause Regarding Contempt and to Enforce Child Custody, and/or Visitation</i></p>
06/06/2017	<p> Motion Filed By: Counter Claimant Miller, Paul Mendez Party 2: Counter Defendant Miller, Melinda Sue <i>[103] Motion and Notice of Motion for Orders to Modify Child Custody, Visitation, and/or Child Support</i></p>
06/05/2017	<p> Certificate of Service Filed by: Counter Defendant Miller, Melinda Sue <i>[108] Certificate of Service</i></p>
06/02/2017	<p> Family Court Motion Opposition Fee Information Sheet Filed by: Counter Claimant Miller, Paul Mendez <i>[102] Motion/Opposition Fee Information Sheet</i></p>
06/02/2017	<p> Motion Filed By: Counter Claimant Miller, Paul Mendez <i>[101] Motion to Withdraw as Counsel of Record for Defendant</i></p>
05/03/2017	<p> Reply Filed By: Counter Claimant Miller, Paul Mendez <i>[100] Reply to Plaintiff's Opposition to Defendant's Motion for Clarification; for Enforcement of Orders; to Stop Wage Garnishment; for an End to Daycare Payments; Other Relief</i></p>
04/21/2017	<p> Exhibits Filed By: Counter Claimant Miller, Paul Mendez <i>[99] Exhibit to Opposition to Motion for an Order to Show Cause, et al; and Countermotion for Attorney's Fees</i></p>
04/21/2017	<p> Opposition and Countermotion Filed By: Counter Claimant Miller, Paul Mendez <i>[98] Deft's Opposition to Motion for an Order to Show Cause, et al; and, Countermotion for Attorney's Fees and Costs</i></p>
04/14/2017	<p> Exhibits Filed By: Counter Defendant Miller, Melinda Sue <i>[97] Exhibits to Plt's Motion for Clarification; for Enforcement of Orders; to Stop Wage Garnishment; for an End to Daycare Payments; Other Relief</i></p>
04/14/2017	<p> Certificate of Service Filed by: Counter Defendant Miller, Melinda Sue <i>[96] Certificate of Service</i></p>
04/14/2017	<p> Opposition Filed By: Counter Defendant Miller, Melinda Sue <i>[95] Petitioner Melinda Miller's Opposition to Motion</i></p>
04/07/2017	<p> Certificate of Mailing</p>
















CASE SUMMARY

CASE NO. D-16-526954-D

	Filed By: Counter Defendant Miller, Melinda Sue <i>[93] Certificate of Mailing</i>
04/07/2017	 Exhibits Filed By: Counter Defendant Miller, Melinda Sue <i>[94] Plaintiff's Exhibit Appenix</i>
04/05/2017	 Certificate of Service Filed by: Counter Defendant Miller, Melinda Sue <i>[92] Certificate of Service</i>
04/05/2017	 Motion Filed By: Counter Defendant Miller, Melinda Sue Party 2: Counter Claimant Miller, Paul Mendez <i>[91] Plaintiff's Motion for An Order to Show Cause, To Hold the Defendant in Contempt, For Sanctions and Penalties, For A Wage Garnishment, To Compel Defendant to Obey the Court's Order, For Attorney's Fees and Costs, and For Other Related Relief</i>
04/04/2017	 Exhibits Filed By: Counter Claimant Miller, Paul Mendez <i>[90] Exhibits to Motion for Clarification; for Enforcement of Orders; to Stop Wage Garnishment; for an End to Daycare Payments; Other Relief</i>
04/04/2017	 Motion Filed By: Counter Claimant Miller, Paul Mendez <i>[89] Def't's Motion for Clarification; for Enforcement of Orders; to Stop Wage Garnishment; for an End to Daycare Payments; Other Relief</i>
03/29/2017	 Notice of Withdrawal Filed by: Counter Defendant Miller, Melinda Sue <i>[88] Notice of Withdrawal as Attorney</i>
03/24/2017	 Notice of Entry of Order Filed By: Counter Defendant Miller, Melinda Sue <i>[87] Notice of Entry of Order</i>
03/23/2017	 Order Filed By: Counter Claimant Miller, Paul Mendez <i>[86] Order From February 22, 2017 Hearing</i>
02/17/2017	 Exhibits Filed By: Counter Claimant Miller, Paul Mendez <i>[84] Defendant's Exhibits in Reply to Plaintiff's Opposition and Opposition to Plaintiff's Countermotion</i>
02/17/2017	 Reply Filed By: Counter Claimant Miller, Paul Mendez <i>[85] Reply to Plaintiff's Opposition and Opposition to Plaintiff's Countermotion</i>
02/09/2017	 Opposition and Countermotion Filed By: Counter Defendant Miller, Melinda Sue <i>[83] Plaintiff's Opposition to Defendant's Motion for an Order to Show Cause and for Attorney's Fees and Costs and Plaintiff's Countermotion for an Order to Show Cause to Find the Defendant in Contempt; for Sanctions and to Resolve Other Parent Child Issues; for Plaintiff's Attorney's Fees and Costs Incurred Herein; and Related Matters</i>
01/27/2017	 Certificate of Service Filed by: Counter Defendant Miller, Melinda Sue <i>[82] Certificate of Service</i>
01/23/2017	 Certificate of Service Filed by: Counter Defendant Miller, Melinda Sue <i>[81] Certificate of Service</i>
01/23/2017	 Ex Parte Application










CASE SUMMARY

CASE NO. D-16-526954-D

	Filed by: Counter Claimant Miller, Paul Mendez <i>[80] Ex Parte Application for an Order to Shorten Time</i>
01/20/2017	 Motion Filed By: Counter Claimant Miller, Paul Mendez <i>[79] Motion for an Order to Show Cause, and for Attorney's Fees and Costs</i>
01/10/2017	 Receipt of Copy Filed By: Counter Claimant Miller, Paul Mendez <i>[78] Receipt of Copy</i>
12/28/2016	 Order Filed By: Counter Claimant Miller, Paul Mendez <i>[76] Order From November 29, 2016 Hearing</i>
12/28/2016	 Notice of Entry of Order Filed By: Counter Claimant Miller, Paul Mendez <i>[77] Notice of Entry of Order</i>
12/05/2016	 Stricken Document Filed by: Counter Defendant Miller, Melinda Sue <i>[75] ****STRICKEN DOCUMENT per Journal Entries dated 11/29/16**** Exhibits 2, 3 & 4 from Reply filed 11/22/16</i>
11/30/2016	 Affidavit Filed By: Counter Claimant Miller, Paul Mendez <i>[74] Affidavit of Process Server</i>
11/28/2016	 Certificate of Service Filed by: Counter Defendant Miller, Melinda Sue <i>[73] Certificate of Service</i>
11/28/2016	 Ex Parte Application for Order <i>[72] Defendant's Ex Parte Application for Order Shortening Time</i>
11/23/2016	 Motion Filed By: Counter Claimant Miller, Paul Mendez <i>[71] Motion to Strike Plaintiff's Reply and Exhibits, For Attorney's Fees and Sanctions, and For Related Relief</i>
11/22/2016	 Certificate of Service Filed by: Counter Defendant Miller, Melinda Sue <i>[70] Certificate of Service</i>
11/22/2016	 Reply Filed By: Counter Defendant Miller, Melinda Sue <i>[69] Reply to Supplement</i>
11/22/2016	 Reply to Opposition Filed by: Counter Defendant Miller, Melinda Sue <i>[68] Reply to Opposition and/or Countermotion</i>
11/21/2016	 Supplement Filed by: Counter Claimant Miller, Paul Mendez <i>[67] Supplement to Defendant's Opposition to Motion for Reconsideration; and, Countermotion for Attorney's Fees and Costs</i>
11/10/2016	 Opposition and Countermotion Filed By: Counter Claimant Miller, Paul Mendez <i>[66] Opposition to Motion for Reconsideration; and, Countermotion for Atty's Fees and Costs</i>
10/24/2016	 Notice of Withdrawal Filed by: Counter Defendant Miller, Melinda Sue <i>[65] Notice of Withdrawal as Counsel of Record</i>










CASE SUMMARY

CASE NO. D-16-526954-D

10/24/2016	 Certificate of Mailing Filed By: Counter Defendant Miller, Melinda Sue Party 2: Counter Claimant Miller, Paul Mendez <i>[64] Certificate of Mailing</i>
10/24/2016	 Notice of Motion Filed By: Counter Defendant Miller, Melinda Sue <i>[63] Notice of Motion</i>
10/24/2016	 Motion Filed By: Counter Defendant Miller, Melinda Sue Party 2: Counter Claimant Miller, Paul Mendez <i>[62] Plaintiff's Motion for Reconsideration</i>
10/14/2016	 Notice of Entry of Order Filed By: Counter Defendant Miller, Melinda Sue <i>[61] Notice of Entry of Findings of Fact Conclusions of Law and Decree of Divorce</i>
10/14/2016	 Decree of Divorce <i>[60] Findings of Fact, Conclusions of Law and Decree of Divorce</i>
10/10/2016	 Receipt of Copy Filed By: Counter Defendant Miller, Melinda Sue <i>[59] Receipt of Copy</i>
10/07/2016	 Financial Disclosure Form Filed by: Counter Defendant Miller, Melinda Sue <i>[58] General Financial Disclosure Form</i>
10/03/2016	 Brief Filed By: Counter Claimant Miller, Paul Mendez <i>[57] Pre-Trial Brief</i>
10/03/2016	 Pre-trial Memorandum Filed By: Counter Defendant Miller, Melinda Sue <i>[56] Plaintiff's Amended Pre-Trial Memorandum</i>
09/26/2016	 Answer to Counterclaim Filed by: Counter Defendant Miller, Melinda Sue <i>[55] Answer to Amended Counterclaim</i>
09/07/2016	 Amended Complaint Filed By: Counter Claimant Miller, Paul Mendez <i>[54] Defendant's Amended Counterclaim for Divorce</i>
08/22/2016	 Notice of Entry of Order Filed By: Counter Claimant Miller, Paul Mendez <i>[53] Notice of Entry of Order</i>
08/16/2016	 Order Filed By: Counter Claimant Miller, Paul Mendez <i>[52] Order From August 2, 2016 Hearing</i>
07/29/2016	 Affidavit Filed By: Counter Claimant Miller, Paul Mendez <i>[51] Affidavit of Process Server</i>
07/28/2016	 Notice of Entry of Order Filed By: Counter Claimant Miller, Paul Mendez <i>[50] Notice of Entry of Order</i>
07/26/2016	 Brief Filed By: Counter Claimant Miller, Paul Mendez <i>[48] Pre-Trial Brief</i>
















CASE SUMMARY

CASE NO. D-16-526954-D

07/26/2016	 Order Shortening Time Filed By: Counter Defendant Miller, Melinda Sue <i>[49] Order Shortening Time</i>
07/22/2016	 Opposition and Countermotion Filed By: Counter Claimant Miller, Paul Mendez <i>[47] Defendant's Opposition and Countermotion for Attorney's Fees and Costs</i>
07/21/2016	 Opposition to Motion Filed by: Counter Defendant Miller, Melinda Sue <i>[46]</i>
07/21/2016	 Pre-trial Memorandum Filed By: Counter Defendant Miller, Melinda Sue <i>[45]</i>
07/20/2016	 Ex Parte Application Filed by: Counter Claimant Miller, Paul Mendez <i>[44] Defendant's Ex Parte Application</i>
07/18/2016	 Receipt of Copy Filed By: Counter Claimant Miller, Paul Mendez <i>[43] Receipt of Copy</i>
07/14/2016	 Motion Filed By: Counter Claimant Miller, Paul Mendez <i>[42] Defendant's Motion for Primary Physical Custody, Permission to Relocate, Child Support, and Other Relief</i>
07/08/2016	 Order Shortening Time Filed By: Counter Defendant Miller, Melinda Sue <i>[41]</i>
07/07/2016	 Ex Parte Motion Filed by: Counter Defendant Miller, Melinda Sue <i>[40] Ex Parte Motion for an Order Shortening Time</i>
07/07/2016	 Notice of Motion Filed By: Counter Defendant Miller, Melinda Sue <i>[39] Notice of Motion</i>
07/07/2016	 Motion Filed By: Counter Defendant Miller, Melinda Sue Party 2: Counter Claimant Miller, Paul Mendez <i>[38] Motion for Continuance of Trial, Request to Move Discovery</i>
07/05/2016	 Notice of Entry of Order Filed By: Counter Defendant Miller, Melinda Sue <i>[37] Notice of Entry of Order</i>
07/01/2016	 Witness List Filed by: Counter Claimant Miller, Paul Mendez <i>[35] Defendant's 16.2 Designation of Witnesses</i>
07/01/2016	 Order to Withdraw as Attorney of Record Filed by: Counter Defendant Miller, Melinda Sue <i>[36] Order to Withdraw</i>
06/10/2016	 Certificate of Service Filed by: Counter Defendant Miller, Melinda Sue <i>[34] Certificate of Service</i>
06/07/2016	 Motion Filed By: Counter Defendant Miller, Melinda Sue
















CASE SUMMARY

CASE NO. D-16-526954-D

	<i>[33] Motion to Withdraw as Attorney of Record</i>
06/06/2016	 Notice of Entry Filed By: Counter Claimant Miller, Paul Mendez <i>[31] Notice of Entry of Order</i>
06/01/2016	 Order Filed By: Counter Claimant Miller, Paul Mendez <i>[30] Order from May 9, 2016 Evidentiary Hearing</i>
05/18/2016	 Witness List Filed by: Counter Defendant Miller, Melinda Sue <i>[29] Plaintiff's List of Witnesses</i>
05/09/2016	 Case Management Order <i>[28] Case and Evidentiary Hearing Management Order</i>
05/03/2016	 Receipt of Copy Filed By: Counter Claimant Miller, Paul Mendez <i>[27] Receipt of Copy</i>
05/02/2016	 Pre-trial Memorandum Filed By: Counter Defendant Miller, Melinda Sue <i>[26] Plaintiff's Pre-Trial Memorandum Regarding Miller Premarital Agreement</i>
05/02/2016	 Brief Filed By: Counter Claimant Miller, Paul Mendez <i>[25] Brief on Enforceability of Pre-Marital Agreements Under Texas Law</i>
04/28/2016	 Notice of Entry Filed By: Counter Claimant Miller, Paul Mendez <i>[23] Notice of Entry of Order</i>
04/27/2016	 Stipulation and Order Filed By: Counter Defendant Miller, Melinda Sue <i>[24] Stipulation and Order to Extend Due Date for Brief</i>
04/27/2016	 Order Filed By: Counter Claimant Miller, Paul Mendez <i>[22] Order From March 30, 2016 Hearing</i>
03/30/2016	 Receipt of Copy Filed By: Counter Claimant Miller, Paul Mendez <i>[21] Receipt of Copy</i>
03/29/2016	 Declaration Filed By: Counter Claimant Miller, Paul Mendez <i>[20] Declaration of Paul M. Miller</i>
03/25/2016	 Affidavit Filed By: Counter Defendant Miller, Melinda Sue <i>[19] Supplemental Affidavit of Melinda Sue Miller</i>
03/25/2016	 Notice of Seminar Completion EDCR 5.07 Filed by: Counter Defendant Miller, Melinda Sue <i>[17] Notice of Seminar Completion-EDCR 5.07</i>
03/25/2016	 Reply Filed By: Counter Defendant Miller, Melinda Sue <i>[18] Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion for Temporary Orders for Legal and Physical Custody, Child Support, Exclusive Possession of the Marital Residence, Temporary Spousal Support and/or Rehabilitative Alimony, Set Aside of Premarital Agreement, Attorney's Fees and Costs AND Opposition to Countermotion for Legal and Physical Custody, Enforcement of Premarital Agreement, Attorney's Fees and Costs, and for Other Related Relief</i>

CASE SUMMARY

CASE NO. D-16-526954-D

03/18/2016	 Opposition and Countermotion Filed By: Counter Claimant Miller, Paul Mendez <i>[16] Def't's Opposition To Pltf's Motion For Temporary Orders For Legal And Physical Custody, Child Support, Exclusive Possession of The Martial Residence, Temporary Spousal Support And/Or Rehabilitative Alimony, Set Aside Of Pre- Martial Agreement, Attorneys Fees and Costs and Countermotion For Legal and Physical Custody, Enforcement of Premarital Agreement, Attorneys Fees and Costs, and For Other Related Relief</i>
03/18/2016	 Reply to Counterclaim Filed By: Counter Defendant Miller, Melinda Sue <i>[15] Plaintiff's Reply to Defendant's Counterclaim</i>
03/17/2016	 Financial Disclosure Form Filed by: Counter Claimant Miller, Paul Mendez <i>[14] General Financial Disclosure Form</i>
03/08/2016	 Substitution of Attorney Filed By: Counter Claimant Miller, Paul Mendez <i>[13] Substitution of Attorney</i>
03/07/2016	 Notice of Seminar Completion EDCR 5.07 Filed by: Counter Claimant Miller, Paul Mendez <i>[12] Notice of Seminar Completion EDCR 5.07</i>
03/07/2016	 Notice of Seminar Completion EDCR 5.07 Filed by: Counter Claimant Miller, Paul Mendez <i>[11] Notice of Seminar Completion EDCR 5.07</i>
03/04/2016	 Certificate of Service Filed by: Counter Defendant Miller, Melinda Sue <i>[10] Certificate of Service</i>
02/25/2016	 Notice of Rescheduling Filed by: Counter Defendant Miller, Melinda Sue <i>[9] Notice of Rescheduling of Hearing</i>
02/23/2016	 Certificate of Service Filed by: Counter Defendant Miller, Melinda Sue <i>[8] Certificate of Service</i>
02/23/2016	 Motion Filed By: Counter Defendant Miller, Melinda Sue <i>[7] Plaintiff's Motion for Temporary Orders for Legal and Physical Custody, Child Support, Exclusive Possession of the Marital Residence, Temporary Spousal Support and/or Rehabilitative Alimony, Set Aside of Pre-Marital Agreement, Attorney Fees and Costs</i>
02/23/2016	 Affidavit Filed By: Counter Defendant Miller, Melinda Sue <i>[6] Affidavit of Melinda Sue Miller</i>
02/23/2016	 NRCP 16.2 Case Management Conference Order Filed by: Counter Defendant Miller, Melinda Sue <i>[5] NRCP 16.2 Case Management Conference</i>
02/22/2016	 Financial Disclosure Form Filed by: Counter Defendant Miller, Melinda Sue <i>[4] General Financial Disclosure Form</i>
02/17/2016	 Answer and Counterclaim - Divorce, Annulment, Separate Maint Filed by: Counter Claimant Miller, Paul Mendez <i>[3] Defendant's Answer To Plaintiff's Complaint for Divorce and Defendant's Counterclaim for Divorce</i>
02/11/2016	 Notice of Appearance

CASE SUMMARY

CASE NO. D-16-526954-D

Party: Counter Defendant Miller, Melinda Sue
[2] Notice of Appearance

01/22/2016



Complaint for Divorce

Filed by: Counter Defendant Miller, Melinda Sue
[1] Complaint for Divorce

DISPOSITIONS

02/20/2019

Judgment (Judicial Officer: Hoskin, Charles J.)
Judgment (\$1,993.04, In Full , Attorney Fees)

HEARINGS

09/28/2021

CANCELED Review (2:00 AM) (Judicial Officer: Throne, Dawn R.)

*Vacated - per Judge
(attorney fees ~ in-chambers)*

09/27/2021



Minute Order (9:15 AM) (Judicial Officer: Throne, Dawn R.)

Minute Order - No Hearing Held;
Journal Entry Details:

MINUTE ORDER - NO HEARING HELD: NRCP 1 and EDCR 1.10 state that the procedures in district court shall be administered to secure efficient, just, and inexpensive determinations in every action and proceeding. This matter came on for hearing on September 8, 2021 on Defendant's Motion to Modify Child Support and Plaintiff's Opposition and Countermotion, during which Defendant requested to completely eliminate his child support obligation based on speculation regarding how much Plaintiff's new husband might earn. At the hearing, the Court denied Defendant's request to eliminate his child support obligation because the law is clear that base child support is calculated based on the gross monthly income of the parents, not their new spouses or partners. The Court also found that Plaintiff is entitled to an award of attorney's fees and costs pursuant to EDCR 7.60(b) because Defendant's Motion was not well-grounded in Nevada law and Plaintiff had already warned him in writing that if he sought a review of his current child support obligation, his obligation would increase given his gross month income in excess of \$34,000 and the change in Nevada's child support guidelines since his child support obligation had been set. Plaintiff filed her Memorandum of Attorney's Fees and Costs on August 17, 2021 and Defendant filed an Opposition to the same on September 23, 2021. In his Opposition, Defendant did not address the reasonableness of the amount requested by Plaintiff, but again opposed the award of any attorney's fees and costs to Plaintiff. This matter was set on the Court's September 28, 2021 Chambers Calendar for a final decision regarding an award of attorney's fees and costs to Plaintiff. The Court FINDS that when awarding attorney's fees in a family law case, the Court must first determine that an applicable rule authorizes the award of attorney's fees and costs. In this case, the award of attorney's fees and costs to Plaintiff and against Defendant is warranted pursuant to EDCR 7.60(b) because Defendant's Motion lacked legal merit. Plaintiff should not have had to incur fees and costs to oppose his frivolous request to eliminate his child support obligation. As a direct result of Defendant's unreasonable actions in this case, Plaintiff had to incur attorney's fees and costs that should not have been necessary and Defendant should be responsible for a reasonable amount of her attorney's fees and costs. Next, when awarding fees, the Court must consider the Brunzell factors AND must consider the disparity in the parties' income pursuant to Wright v. Osburn, 114 Nev. 1367, 970 P.3d 1071 (1998). See also, Miller v. Wilfong, 121 Nev. 619, 622, 119 P.3d 727, 729 (2005). With regard to the Brunzell factors, the Court FINDS as follows: 1. Qualities of the Advocate: Plaintiff's counsel has been practicing law for 5 years. He is a partner in an AV Preeminent rated law firm that has extensive legal experience in the area of family law. The rate Plaintiff's counsel normally charges his clients is consistent with the rates charged by family law attorneys in Clark County, Nevada with his level of experience and expertise. Plaintiff's counsel also had the assistance of an experienced paralegal that bills at a lower hourly rate, which saved Plaintiff money and that hourly rate is also consistent with the rate charged in Clark County for family law paralegals with that level of experience and expertise. 2. Character of the Work to Be Done: In this case, the work to be done involved normal issues in a child support review matter. 3. Work Actually Performed by the Attorney: The work completed by counsel in this case included preparing Plaintiff's Opposition and Countermotion, her General Financial Disclosure Form ("FDF"), the Memorandum of Attorney's Fees and Costs and the final order, and preparing for and attending the hearing. 4. Result obtained: Counsel was able to successfully assist his client to obtain an appropriate award of child support under Nevada law. With regard to the disparity in the income of the parties and how it impacts the award of attorney's fees and costs to Plaintiff, the Court finds

CASE SUMMARY

CASE NO. D-16-526954-D

that Defendant's gross monthly income is more than ten times greater than Plaintiff's gross monthly income. Defendant earns more in one month than Plaintiff earns in one year. Given this enormous difference in the earnings of the parties, Defendant can afford to take Plaintiff back to court over and over, no matter how frivolous the request and she does not have the financial means to continue to fight him. As such, it is important that Defendant be required to pay Plaintiff the reasonable attorney's fees and costs she incurred in defending against Defendant's frivolous motion. Nothing else will deter Defendant from filing repeated frivolous motions. **BASED UPON THE ABOVE FINDINGS, IT IS HEREBY ORDERED** that Defendant, Paul Miller, is ordered to pay Plaintiff the amount of \$2,147 for attorney's fees and costs. Said award is reduced to judgment against Defendant and shall accrue interest at the legal interest rate from September 7, 2021, until paid in full. Said judgment shall be collectible by all lawful means. **IT IS FURTHER ORDERED** that the Chambers Calendar setting for September 28, 2021 at 2:00 a.m. is VACATED. A copy of this minute order shall be provided to both parties. Counsel for Plaintiff shall prepare findings of fact, conclusions of law and order and judgment consistent with this Minute Order. This case shall be closed upon entry of the same. **SO ORDERED. CLERK'S NOTE:** A copy of this Minute Order was emailed to the parties (9-27-2021 rc);

09/08/2021



All Pending Motions (11:00 AM) (Judicial Officer: Throne, Dawn R.)

MINUTES

Matter Heard;

Journal Entry Details:

MOTION: DEFENDANT'S MOTION AND NOTICE OF MOTION TO MODIFY CHILD SUPPORT... OPPOSITION & COUNTERMOTION: PLAINTIFF'S PARTIAL OPPOSITION TO MOTION TO MODIFY CHILD SUPPORT AND COUNTERMOTION FOR ATTORNEY FEES AND COSTS... HEARING: DEFENDANT'S MOTION AND NOTICE OF MOTION TO MODIFY CHILD SUPPORT. BlueJeans/video hearing. Defendant in-person appearance. Discussion regarding finances and child related matters. **COURT STATED ITS FINDINGS.** The Court stated that Plaintiff is required to look for work, if she chooses not to work, income shall be imputed per her social security earning history and therefore, **COURT ORDERED**, as follows: Defendant's Motion is **DENIED**. Defendant's Motion (filed 9-1-21) is **DENIED**. Defendant's **CHILD SUPPORT** obligation shall be in the monthly amount of \$1,676.50, **EFFECTIVE** August 2021 (\$1,858.00 base child support / \$181.50 downward adjustment = \$100.00 household income - \$75.00 legal support of another minor child - \$6.50 half of health insurance costs). Defendant's **CHILD SUPPORT** obligation shall be in the monthly amount of \$1,818.50, **EFFECTIVE** September 2021 (\$2,000 base child support / \$181.50 downward adjustment = \$100.00 household income - \$75.00 legal support of another minor child - \$6.50 half of health insurance costs). Plaintiff shall inform Defendant upon obtaining gainful employment (for the recalculation of child support). **ATTORNEY FEES** are **GRANTED**. Plaintiff/counsel shall file Brunzell Affidavit and Memorandum of Fees and Costs by 9-17-21. Defendant may file his opposition by 9-24-21. Review (attorney fees ~ in-chambers) **SET** 9-28-21 at 2:00 a.m. Mr. Burton shall prepare the Order from today's hearing and with notice to Defendant.;

09/08/2021

Hearing (11:00 AM) (Judicial Officer: Throne, Dawn R.)

DEFENDANT'S MOTION AND NOTICE OF MOTION TO MODIFY CHILD SUPPORT

Matter Heard;

09/08/2021

Opposition & Countermotion (11:00 AM) (Judicial Officer: Throne, Dawn R.)

Plaintiff's Partial Opposition to Motion to Modify Child Support and Countermotion for Attorney's Fees and Costs

Matter Heard;

09/08/2021

Motion (11:00 AM) (Judicial Officer: Throne, Dawn R.)

Defendant's Motion And Notice Of Motion To Modify Child Support

Matter Heard;

09/29/2020

Hearing (9:00 AM) (Judicial Officer: Hoskin, Charles J.)

Plaintiff's Reply to Defendant's Opposition to Countermotion for Temporary Legal and Physical Custody Modification Pending Evidentiary Hearing and Attorney's Fees & Costs

Matter Heard;

09/29/2020



All Pending Motions (9:00 AM) (Judicial Officer: Hoskin, Charles J.)

DEFENDANT'S MOTION TO OPPOSE SPECIAL MASTER'S FIFTH REPORT, RECOMMENDATION AND DECISION... PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO OPPOSE SPECIAL MASTER'S FIFTH REPORT, RECOMMENDATION AND DECISION; AND COUNTERMOTION FOR TEMPORARY LEGAL AND PHYSICAL CUSTODY MODIFICATION PENDING EVIDENTIARY HEARING; AND FOR ATTORNEY'S

CASE SUMMARY

CASE No. D-16-526954-D

FEES AND COSTS...DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO OPPOSE SPECIAL MASTER'S FIFTH REPORT, RECOMMENDATION AND DECISION AND OPPOSITION TO COUNTERMOTION FOR TEMPORARY LEGAL AND PHYSICAL CUSTODY PENDING EVIDENTIARY HEARING, AND ATTORNEY'S FEES AND COSTS...PLAINTIFF'S REPLY TO DEFENDANT'S OPPOSITION TO COUNTERMOTION FOR TEMPORARY LEGAL AND PHYSICAL CUSTODY MODIFICATION PENDING EVIDENTIARY HEARING AND ATTORNEY'S FEES AND COSTS

MINUTES

Matter Heard;


Journal Entry Details:

- DEFENDANT'S MOTION TO OPPOSE SPECIAL MASTER'S FIFTH REPORT, RECOMMENDATION AND DECISION...PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO OPPOSE SPECIAL MASTER'S FIFTH REPORT, RECOMMENDATION AND DECISION; AND COUNTERMOTION FOR TEMPORARY LEGAL AND PHYSICAL CUSTODY MODIFICATION PENDING EVIDENTIARY HEARING; AND FOR ATTORNEY'S FEES AND COSTS...DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO OPPOSE SPECIAL MASTER'S FIFTH REPORT, RECOMMENDATION AND DECISION AND OPPOSITION TO COUNTERMOTION FOR TEMPORARY LEGAL AND PHYSICAL CUSTODY PENDING EVIDENTIARY HEARING, AND ATTORNEY'S FEES AND COSTS...PLAINTIFF'S REPLY TO DEFENDANT'S OPPOSITION TO COUNTERMOTION FOR TEMPORARY LEGAL AND PHYSICAL CUSTODY MODIFICATION PENDING EVIDENTIARY HEARING AND ATTORNEY'S FEES AND COSTS Ms. Kirigin, Parenting Coordinator Corinne Price, Mr. Burton present by video with Plaintiff/Mom present in office and Defendant/Dad present by audio. Ms. Kirigin represented child tested in February for Meadows School and was accepted in March. Dad understood he could lose the school deposit he paid in March. Dad made efforts to resolve school issues with parenting coordinator Discussion regarding miscommunication between parenting coordinator and Dad, Dad's inquiries about Stipulation and Order, Dad's concerns for child and lack of neutrality of parenting coordinator. Further, Ms. Kirigin believes the above mentioned issues led the parenting coordinator suggesting a mental health evaluation for Dad regardless of the lack of evidence for concerns for mental health. Ms. Kirigin believes a new parenting coordinator is needed to help parties and further stated both parties historically had issues regarding child's schooling. Ms. Kirigin represented if the Court maintains the same Parenting Coordinator Dad will absolutely feel there is a bias against him. Ms. Kirigin stated there are no grounds to set an Evidentiary Hearing nor to a grant Mom primary custody as Ms. Kirigin has proof Mom was frustrated with the current Parenting Coordinator's lack of communication, however, after mental health evaluation for Dad was provided Mom changed her mind. Mr. Burton represented Dad did not like Covid- 19 procedures at Challenger School so he pursued Meadows School. Further discussion regarding Dad's claims in motion being false, Dad not providing a legitimate reason for changing schools, Dad's conduct throughout case and unilaterally making decisions regarding child's school. Mr. Burton further represented Dad's request for a new parenting coordinator is not for child's benefit but for his own as Ms. Price has not caved in to his requests and the unhealthy co-parenting relationship developed. Mr. Burton further stated Dad should not get primary custody based on his actions and he has not seen child since August 2020. Further discussion regarding Dad's lack of visitation with child in the last couple months and Dad's threats of continuous litigation. Finally, Mr. Burton is requesting a temporary modification in Dad's custody, to keep same Parenting Coordinator and to set the matter for an evidentiary hearing for a permanent modification of custody to put all facts in one setting. Ms. Price stated her concerns with Mr. Miller behavior's directly affecting the minor, the parties' ability to co-parent and possibility of a Parenting Coordinator not being appropriate for these parties. Ms. Price further noted Mom's ability to focus and give reasonable answers. Ms. Price further discussed Dad's inability to understand the scope for a Parenting Coordinator and his continuous requests for change of custody. In addition, Dad focuses on punishment for Mom and requests for her to lose child's custody. Further, Ms. Price represented Dad's lack of focus, inability and unwillingness to accept his own conduct and follow court orders. Further discussion regarding Dad's lack of focus to address one issue at a time, lack of compliance, deterrent measures and the reoccurring underlying issues in addition to research which made Ms. Price determine a mental health evaluation was appropriate for Dad. Upon Court's inquiry, Ms. Kirigin represented Dad has psychological evaluations at work every year, however, he does not get copies of the reports. The Court noted this case has been heavily litigated and Dad's work schedule compounds the problems between the parties. However, the Court needs to make sure Dad has the ability to maintain a relationship with child. The Court further noted its concerns for Dad's lack of visitation in September. At the request of Mr. Burton, the Court noted if he wants to request Dad's results of psychological evaluation for work he can, however, the Court

CASE SUMMARY

CASE NO. D-16-526954-D

does not know how Health Insurance Portability and Accountability Act (HIPAA) laws come into play. The Court further noted its ongoing concerns for the child given the animosity between parties and the inability to see past their own behaviors. Upon Ms. Kirigin's inquiry, the Court noted Mom's Financial Disclosure Form (FDF) not being filed within the deadline is one factor the court can consider to award fees but it is not mandated under NRS 18.010. COURT stated its FINDINGS and ORDERED the following: 1. Request for rejection of fifth report recommendation decision is DENIED as there is no order contained within it is simply a recommendation for a parenting coordinator. 2. Request to appoint a NEW PARENTING COORDINATOR is DENIED. The Court agrees with Ms. Price and believes a Parenting Coordinator would not be beneficial moving forward although the Court's hope was a Parenting Coordinator would assist. The Court shall remove the Parenting Coordinator requirements and Ms. Price shall be relieved from her obligation under this order. Any outstanding fees owed to Ms. Price shall be paid. 3. Mom's request to set an Evidentiary Hearing to MODIFY CUSTODY is DENIED under Rooney and Truax. 4. Mom's request for MENTAL HEALTH EVALUATION is DENIED as the Court has concerns however they do not extend to this point. 5. Request for an OUTSOURCE CUSTODY EVALUATION is DENIED. The Court stated it will allow Mr. Burton to submit an outsource custody evaluation request as it is a discovery tool he can pursue if he wishes. 6. Regarding the school issue the Court ADMONISHED the parties continuous violation of court orders is a basis the Court can consider for modification of custody. 7. The Court does not find basis to award FEES and COSTS under NRS 18.010; therefore each party shall bear their own. 8. The Court will leave DISCOVERY open for the limited purpose if Mom wants to pursue her request for outsource custody evaluation. Ms. Kirigin shall prepare the order, Mr. Burton to review and sign off. ;

- 09/29/2020 **Hearing** (9:00 AM) (Judicial Officer: Hoskin, Charles J.)
Defendant's Reply to Plaintiff's Opposition to Motion to Oppose Special Master's Fifth Report and Recommendations and Decision and Opposition to Countermotion for Temporary Legal and Physical Custody Pending an Evidentiary Hearing and Attorney's Fees and Costs
Matter Heard;
- 09/29/2020 **Opposition** (9:00 AM) (Judicial Officer: Hoskin, Charles J.)
Plaintiff's Opposition to Motion to Oppose Special Master's Fifth Report and Recommendations and Decision and Countermotion for Temporary Legal and Physical Custody Modification Pending an Evidentiary Hearing, and Attorney's Fees and Costs
Matter Heard;
- 09/29/2020 **Motion** (9:00 AM) (Judicial Officer: Hoskin, Charles J.)
Defendant's Motion to Oppose Special Master's Fifth Report Report, Recommendation and Decision
Matter Heard;
- 09/11/2020 **CANCELED Motion** (3:00 AM) (Judicial Officer: Hoskin, Charles J.)
Vacated - per Attorney or Pro Per
Def't's Motion and Notice of Motion for School Selection for Minor Child
- 08/26/2020 **Opposition & Countermotion** (11:00 AM) (Judicial Officer: Hoskin, Charles J.)
PLAINTIFF'S OPPOSITION TO MOTION FOR MINOR CHILD TO ATTEND THE MEADOWS SCHOOL; FOR AN ORDER FOR PLAINTIFF TO PAY TUITION TO DEFENDANT; FOR A NEW PARENTING COORDINATOR; FOR ATTORNEY'S FEES, COSTS AND EXPENSES; AND RELATED RELIEF AND COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS
Granted in Part;
- 08/26/2020  **All Pending Motions** (11:00 AM) (Judicial Officer: Hoskin, Charles J.)
DEFENDANT'S MOTION FOR MINOR CHILD TO ATTEND THE MEADOWS SCHOOL FOR AN ORDER FOR PLAINTIFF TO PAY TUITION TO DEFENDANT FOR ANEW ARENTING COORDINATOR; FOR ATTORNEY'S FEES AN COSTS AND EXPENSES AND RELATED RELIEF...PLAINTIFF S OPPOSITION TO MOTION FOR MINOR CHILD TO ATTEND THE MEADOWS SCHOOL; FOR AN ORDER FOR PLAINTIFF TO PAY TUITION TO DEFENDANT; FOR A NEW PARENTING COORDINATOR; FOR ATTORNEY S FEES, COSTS AND EXPENSES; AND RELATED RELIEF AND COUNTERMOTION FOR ATTORNEY S FEES AND COSTS
- MINUTES**
Matter Heard;
Journal Entry Details:
- DEFENDANT'S MOTION FOR MINOR CHILD TO ATTEND THE MEADOWS SCHOOL FOR AN ORDER FOR PLAINTIFF TO PAY TUITION TO DEFENDANT FOR ANEW PARENTING COORDINATOR; FOR ATTORNEY'S FEES AN COSTS AND EXPENSES AND

CASE SUMMARY

CASE NO. D-16-526954-D

RELATED RELIEF...PLAINTIFF'S OPPOSITION TO MOTION FOR MINOR CHILD TO ATTEND THE MEADOWS SCHOOL; FOR AN ORDER FOR PLAINTIFF TO PAY TUITION TO DEFENDANT; FOR A NEW PARENTING COORDINATOR; FOR ATTORNEY'S FEES, COSTS AND EXPENSES; AND RELATED RELIEF AND COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS Plaintiff/Mom in the office with Mr. Burton, Defendant/Dad, Ms. Kirigin and Corrine Price, Parenting Coordinator all present by video. COURT NOTED the review of Defendant's Motion and Plaintiff's response filed 8/25/20. Discussion regarding Dad's good faith efforts to resolve the school issue with the Parenting Coordinator, not getting a response from the PC prior to paying the \$2,500.00 down payment towards the tuition to Meadows to hold the child's place, and the child taking and passing the entrance exam absent Mom's knowledge. Discussion regarding Mr. Burton's intent to file a motion for a modification of custody, the request for the child to return to Challenger at Dad's expense with Mom continuing paying her part per the order, and a request for attorney's fees. Upon the Court's inquiry, Ms. Kirigin confirmed Dad will pay the tuition over and beyond what Mom is currently paying towards Challenger but will not pay the entirety of the tuition up and through the child attending middle school. The Court informed Ms. Kirigin its order was clear, the child was attend Challenger until such time as there was a stipulation between the parties or an order from the Court so the Court can only interpret that as unilateral based on the action Dad took. Ms. Kirigin went on to further state Dad filed his original motion prior to school but did not ask for oral argument so when she was retained they filed another motion to include oral argument and no time for the court to address the issue prior to school. The Court stated its frustration with the history of this issue and Dad not filing his motion in February and waiting until August to file. The Court feels as though this child is being harmed under the guise rather than being helped, the parties put the child in the situation to hurt one another and it continues to happen. The Court has a hard time wrapping it head around the potential logic to justify the self-help taken by Dad. This is not the first time Dad said he cannot afford to pay for private school and somehow after the fact he pays for private school. The Court feels Dad had to have known there was a risk when he paid the tuition before filing a motion and did it anyway; but cannot afford to pay the PC which the Court is having a hard time understanding. The Court clearly does not have enough information to do an Arcella analysis. Ms. Price discussed her communication between the parties, notices being sent and changes being made prior. Ms. Price was directed to file a stipulation and order by Dad and stated an order was not prepared because there was no stipulation. After lengthy arguments the COURT stated its FINDINGS and ORDERED the following: 1. The Court cannot FIND a basis to overcome the existing court order that child remains in the school he was attending until there is either a stipulation of the parties or an order from the Court. The Court's preference is for the parties to reach an agreement not to move the child around again but from a legal standpoint the Court must apply the law to the case and that is, the minor child should be attending Challenger absent another determination. Dad's request for the child to attend Meadows is DENIED; therefore the child shall return to Challenger. 2. The Court's prior order shall remain in full force and effect. 3. The Court is awarding Mom ATTORNEY'S FEES under NRS 18.010. Mr. Burton shall prepare a Brunzell Affidavit along with a Memorandum of Fees and Costs leaving the amount blank in the order. Said amount shall be REDUCED to JUDGMENT collectable by any legal means bearing the legal rate of interest until paid in full. 4. Defendant's Motion currently set for 9/29/20 STANDS. 5. The request for a new PC shall be DEFERRED to the 9/29/20 hearing. Mr. Burton shall prepare the order including ALL of the COURTS FINDINGS, Ms. Kirigin to review and sign off. ;

08/26/2020

Motion (11:00 AM) (Judicial Officer: Hoskin, Charles J.)

Defendant's Motion for Minor Child to Attend the Meadows School for an Order to For Plaintiff to Pay tuition to Defendant for New Parenting Coordination; For Attorney's Fees Costs and Espenses and Related Relief
Decision Made;

05/19/2020

CANCELED Opposition (9:00 AM) (Judicial Officer: Hoskin, Charles J.)

Vacated - per Judge
Defendant's Parenting Coordinators Special Masters Fourth Report, Recomedations and Decision

04/16/2020

CANCELED Motion (9:00 AM) (Judicial Officer: Hoskin, Charles J.)

Vacated - per Judge
Defendant's Motion and Notice of Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt

02/06/2020



All Pending Motions (9:00 AM) (Judicial Officer: Hoskin, Charles J.)

DEFENDANT'S AMENDED MOTION TO SET ASIDE ORDER ENTERED ON SEPTEMBER 5, 2019 AND FOR RELATED RELIEF...PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO SET ASIDE ORDER ENTERED ON SEPTEMBER 5, 2019 AND FOR RELATED

CASE SUMMARY

CASE NO. D-16-526954-D

RELIEF; AND COUNTERMOTION FOR RELATED MATTERS

MINUTES

Matter Heard;

Journal Entry Details:

- DEFENDANT'S AMENDED MOTION TO SET ASIDE ORDER ENTERED ON SEPTEMBER 5, 2019 AND FOR RELATED RELIEF...PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO SET ASIDE ORDER ENTERED ON SEPTEMBER 5, 2019 AND FOR RELATED RELIEF; AND COUNTERMOTION FOR RELATED MATTERS Discussion regarding Defendant's failure to submit the Brunzell Affidavit and the Memorandum of Fees and Cost from his prior counsel on/or before the order was submitted to the Court for signature with regards to the award of attorney's fees. For the record the order was filed on September 5, 2019 and Mr. Riccio filed the Defendant's Memorandum of Fees and Costs on 10/1/2019 but Defendant is claiming there was a procedural defect. The Court let Defendant know the Brunzell Affidavit was not provided when the order was submitted and the reason for the zero award. The Court informed Defendant it would need a legal basis in order for the Court to consider setting the order aside. The Court went over the order filed on September 5, 2019 and read it into the record as to what was required in order for this Court to award fees; and that was not done. Ms. Cohen stated the Affidavit of Fees and Costs went back to November 2018 and included all of the bills which are not correct. Ms. Cohen's counter motion has not been opposed so she is requesting attorney's fees. Defendant represented the Plaintiff continues to violate the Honk and Seat Belt Rule. Ms. Cohen indicated Defendant is not complying with the rules and has not contacted her office regarding Plaintiff not complying with the order. COURT stated its FINDINGS and ORDERED the following: 1. Defendant's Motion to set aside the September 5, 2019 order regarding ATTORNEY'S FEES is DENIED. 2. Ms. Cohen's request for ATTORNEY'S FEES is DENIED. 3. The Court confirmed the PARENTING COORDINATOR needs to be contacted prior to any motion being filed. 4. The parties are ADMONISHED to follow the court orders. Ms. Cohen shall prepare the order INCLUDING ALL OF THE COURT'S FINDINGS; CASE CLOSED upon entry of same. ;

02/06/2020

Opposition & Counter motion (9:00 AM) (Judicial Officer: Hoskin, Charles J.)

Plaintiff's Opposition to Defendant's Motion to Set Aside Order entered on September 5, 2019 and for Related Relief and Counter motion for Related Matters

Matter Heard;

02/06/2020

Motion (9:00 AM) (Judicial Officer: Hoskin, Charles J.)

Amended Defendant's Motion to Set Aside Order Entered on September 5, 2019 and for Related Relief

Denied;

08/06/2019



All Pending Motions (9:00 AM) (Judicial Officer: Hoskin, Charles J.)

DEFENDANT'S MOTION AND NOTICE OF MOTION FOR AN ORDER TO ENFORCE AND/OR FOR AN ORDER TO SHOW CAUSE REGARDING CONTEMPT...PLAINTIFF'S OPPOSITION TO PLAINTIFF'S MOTION FOR AN ORDER TO ENFORCE AND/OR FOR AN ORDER TO SHOW CAUSE REGARDING CONTEMPT...PAUL MILLER'S REPLY TO OPPOSITION AND/OR COUNTERMOTION Defendant/Dad indicated the orders are not being followed and seeing them to be enforced. There have been three (3) mediator and has not utilized the Parenting Coordinator (PC) for these issues. Discussion regarding Plaintiff/Mom's verbal agreement between Dad and Mr. Riccio regarding the minor child attending a Challenger School and the child attending Isaac Newton for summer school and Dad wanting the child to attend Isaac Newton. The Court wants to know why Dad did not use the PC after it was ordered. Dad is requesting Mom be held in contempt of the court order. Dad represented he finished and filed a Certificate of Completion as to the UNLV Cooperative Parenting Class and Mom has not even started the class. Dad is seeking enforcement, contempt and for Mom to comply with the Court orders. Dad wants the minor child to attend a Challenger School. Dad would like Mom to go to jail and/or for monetary relief. Dad indicated he is not on any of the emergency contact information. In addition, Mom went against the court order not to enroll the child into a religious school which she did a few weeks. Dad is requesting reimbursement of attorney's fees. Mr. Cortese represented the order is clear regarding the use the PC and Dad

MINUTES

Matter Heard;

Journal Entry Details:

- DEFENDANT'S MOTION AND NOTICE OF MOTION FOR AN ORDER TO ENFORCE AND/OR FOR AN ORDER TO SHOW CAUSE REGARDING CONTEMPT...PLAINTIFF'S OPPOSITION TO PLAINTIFF'S MOTION FOR AN ORDER TO ENFORCE AND/OR FOR AN ORDER TO SHOW CAUSE REGARDING CONTEMPT...PAUL MILLER'S REPLY TO OPPOSITION AND/OR COUNTERMOTION Defendant/Dad indicated the orders are not being followed and seeing them to be enforced. There have been three (3) mediator and has not utilized the Parenting Coordinator (PC) for these issues. Discussion regarding Plaintiff/Mom's verbal agreement between Dad and Mr. Riccio regarding the minor child attending a Challenger School and the child attending Isaac Newton for summer school and Dad wanting the child to attend Isaac Newton. The Court wants to know why Dad did not use the PC after it was ordered. Dad is requesting Mom be held in contempt of the court order. Dad represented he finished and filed a Certificate of Completion as to the UNLV Cooperative Parenting Class and Mom has not even started the class. Dad is seeking enforcement, contempt and for Mom to comply with the Court orders. Dad wants the minor child to attend a Challenger School. Dad would like Mom to go to jail and/or for monetary relief. Dad indicated he is not on any of the emergency contact information. In addition, Mom went against the court order not to enroll the child into a religious school which she did a few weeks. Dad is requesting reimbursement of attorney's fees. Mr. Cortese represented the order is clear regarding the use the PC and Dad

CASE SUMMARY**CASE NO. D-16-526954-D**

choosing not to. Further discussion regarding the minor child attending Desert Hill Challenger school and has never previously attended Lone Mountain Challenger school. Mom wanted to enroll the child back into Desert Hill where he was previously attending. Mom is requesting the child return back to Batterman where he has friends, knows the teachers and excels there. Mr. Cortese is requesting attorney's fees. Discussion regarding Mom violating the Honk and Seat Belt rule; Mom indicated she was waiting for over an hour. Mom stated she only has three (3) classes left with UNLV Cooperative Parenting Class. The Court stated these parties have a complete inability to co-parent even after sending them to the Cooperative Parenting class and informed them of the damage they are causing to the minor child instead of putting his best interest first. The Court cited and stated its FINDINGS as to Arcella. COURT ORDERED the following: 1. Given the totality and after considering the Arcella factors, the minor child shall be enrolled into the Lone Mountain Challenger School at least for the 2019-2020 school year because the Court cannot guarantee this is where the child will attend the remaining years. 2. COURT FINDS Mom in CONTEMPT regarding the Honk and Seat Belt rule. COURT FINDS Mom admitted to violating the Honk and Seat Belt rule by getting out of car. 3. As for Dad's request for CONTEMPT for Mom's failure to enroll the minor child into the Challenger School, in order for the Court to find contempt there has to be a clear order and willful violation of that order. Everyone here today admitted it was impossible for the child to be re-enrolled in the same challenger school he was previously enrolled so the Court cannot find contempt on that issue; therefore the request is DENIED. 4. As for Mom's request, the Court ADMONISHED Dad for not using the Parenting Coordinator. The Court is frustrated with this reality, the parties do not get to pick and choose what orders are followed and then point the finger at the other stating those orders are not being followed. The Court ADMONISHED both parties to FOLLOW ORDERS. 5. ATTORNEY'S FEES: The Court indicated if there were additional and similar issues at a prior hearing the Court would consider the attorney's fees award, found Mom in contempt and is appropriate to award Dad some fees. The Court shall require Dad to leave a blank in the order. The Court shall require a Brunzell Affidavit and a Memorandum of Fees and Cost he will need to obtain from his prior counsel Mr. Riccio. 6. The Court does not find a basis to incarcerate Mom for her violation; the parties shall be required to comply with future court orders. 7. In the future, the Court shall require the parties to work with the PARENTING COORDINATOR prior to filing a motion. Their failure to do so will result in the Court vacating that specific hearing until such time as they attempt to resolve it through the PC. 8. As for the Dad's request for REIMBURSEMENT of the summer school costs; the Court informed Dad that is still the order of the Court and Dad shall be required to provide the receipt to Mr. Cortese for reimbursement. 9. Mr. Cortese's request for ATTORNEY'S FEES is DENIED. Mr. Miller shall prepare order. CASE CLOSED ;

08/06/2019 **Motion** (9:00 AM) (Judicial Officer: Hoskin, Charles J.)


Paul Miller's Reply to Opposition and/or Counter-motion
Matter Heard;

08/06/2019 **Opposition** (9:00 AM) (Judicial Officer: Hoskin, Charles J.)

Plaintiff's Opposition to Plaintiff's Motion for an Order to Enforce/ and/or for an Order to Show Cause Regarding Contempt
Matter Heard;

08/06/2019 **Motion** (9:00 AM) (Judicial Officer: Hoskin, Charles J.)

Deft's Motion and Notice of Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt
Matter Heard;

01/09/2019  **All Pending Motions** (10:00 AM) (Judicial Officer: Hoskin, Charles J.)

DEFENDANT'S MOTION FOR AN ORDER TO SHOW CAUSE, FOR ADDITIONAL ORDERS, AND FOR ATTORNEY'S FEES AND COSTS...PLAINTIFF'S OPPOSITION TO MOTION FOR AN ORDER TO ENFORCE AND/OR TO SHOW CAUSE REGARDING CONTEMPT...DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION TO MOTION FOR AN ORDER TO SHOW CAUSE, FOR ADDITIONAL ORDERS, AND FOR ATTORNEY'S FEES AND COSTS; AND DEFENDANT'S OPPOSITION TO PLAINTIFF'S COUNTERMOTION FOR AN ORDER TO SHOW CAUSE

MINUTES

Matter Heard;
Journal Entry Details:

- DEFENDANT'S MOTION FOR AN ORDER TO SHOW CAUSE, FOR ADDITIONAL ORDERS, AND FOR ATTORNEY'S FEES AND COSTS...PLAINTIFF'S OPPOSITION TO MOTION FOR AN ORDER TO ENFORCE AND/OR TO SHOW CAUSE REGARDING CONTEMPT...DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION TO MOTION FOR

CASE SUMMARY**CASE NO. D-16-526954-D**

AN ORDER TO SHOW CAUSE, FOR ADDITIONAL ORDERS, AND FOR ATTORNEY'S FEES AND COSTS; AND DEFENDANT'S OPPOSITION TO PLAINTIFF'S COUNTERMOTION FOR AN ORDER TO SHOW CAUSE Mr. Ricco is requesting a new child support order including the medical premiums to eliminate any payback. Further discussion regarding an outstanding medical bill in the amount of \$56.12 which has been turned over to collection and should be paid by Plaintiff in the next 24 hours and receipt provided. Mr. Riccio feels there should be communication regarding doctor appointments. Further discussion regarding FaceTime issues, where he child would be attending school and the after school program and who is responsible for cost. Discussion regarding exchanges and the request for the Honk and Seat Belt rule if there is no school. In June 2018 Dad missed Father's Day, further discussion regarding Dad not being required to provide Mom with notice regarding regular holiday visitation. Upon the Court's inquiry, Dad did not try to pick up the child. Discussion regarding Mom leaving the state, pulling the child out of school for an entire week without notice to Dad against the terms of the Decree. Discussion regarding the Parenting Coordinator's bill and her suspending service until paid. Mr. Ricco request Mom be held in contempt. Mr. Ricco feels Mom should attend a parenting class at her own expense with proof of attendance, for the Court to execute the Order to Show Cause and to defer on his request for attorney's fees. Plaintiff represented the bill for \$56.00 is in her name, has been paid and Dad was notified of same. Mom represented she had no FaceTime contact with the child for eight (8) days when Dad was on his cruise. Mom represented she did contact Dad regarding the child's school, that Dad made no effort and failed to respond to her regarding this issue; Mom has no issue with the child attending Challenger so long as Dad pays the cost. Mom feels the Parenting Coordinator is necessary. Mom is requesting to know what the amount is for the medical/dental premiums; COURT NOTES Mr. Ricco represented her one-half is \$67.50. Mom brought up reimbursement of child care cost in the amount of \$1,062.00 which Dad has not reimbursed. Further discussion regarding the order that Dad not shave the child's hair to his scalp. Mom is asking for the elimination of video conference; Mom represented it causes problems for the minor child. The child has an iPad and can contact either parent when he wants. Mom is requesting she no longer have to pay for one-half the medical/dental premiums. Mom is requesting reimbursement for Ms. Barnes' fees in the amount of \$300.00; and \$4,500.00 which 5% of the money she was to receive, but received it late. Mom is seeking an increase in child support and an admonishment to counsel for the use of his foul language. Mr. Riccio stated the language is only what he cut/pasted after Mom wrote it. Further discussion regarding the medical/dental premiums and there being an increase as of January 2, 2019. Mr. Riccio read the parties communication regarding Dad's travel plans and itinerary into the record confirming Dad provided notice. Upon the Court's inquiry, Dad will be going back to work in the next couple of weeks. The Court stated it is confident it has expressed its concerns regarding the minor child. These parties only concentrate on the hatred for one another to the exclusion of the best interest of the minor child, the damage it causing just to punish one another. The Court cannot believe the amount of litigation in this case with a Parenting Coordinator in place along with three (3) orders in the past year. The Court stated it frustration with the amount of issue being brought back before the Court. The Court has concerns about the minor child based on the games the parties are playing to the detriment of the minor child. There are legal issue the Court has to resolve none of which benefit the child. The Court informed Mom there is a clear order that she owes for health insurance cost. Arguments. COURT ORDERED the following: 1. Based on the parties agreement the child will be re-enrolled back into Challenger. The prior order shall remain in effect; the Court is not modifying it at this time. If Mom cannot afford Challenger there is an order in place for that as well. 2. One-half of the MEDICAL PREMIUMS owed by Mom shall be deducted from the child support obligation Dad owes to her to avoid any issues in the future subject to Dad providing proof of cost(s) attributable to the minor child. 3. ARREARS are REDUCED TO JUDGMENT. 4. VIDEO CONFERENCING shall be ELIMINATED. 5. Both parties shall be required to attend the UNLV Parenting Class. The Court shall require the parties to attend separate classes and have the program completed in the next six (6) to nine (9) months. 6. Pending Dad returning to work and flying again that the parties TIMESHARE shall be WEEK-ON, WEEK-OFF with EXCHANGES taking place on Friday. Once Dad resumes work he shall be required to provide notice to Mom and the VISITATION as previously ordered will resume. If the child is not being picked up from school the Court is implementing the Honk and Seat Belt rule. 7. Mom shall be required to provide Mr. Ricco proof the \$56.00 has been paid by the end of the week (1/11/19). 8. The Parenting Plan and all other orders need to be FOLLOWED. 9. Mom shall be REIMBURSED the \$300.00 for Ms. Barnes fees from Dad. However, her request for \$4,500.00 is not appropriate, and that request, is DENIED. 10. Mr. Riccio's request for ATTORNEY'S FEES for today purposes is DENIED. If this type of thing continues the Court will RESERVE the right to RETROACTIVELY go back and award ATTORNEY'S FEES. 11. The Court stated its concerns regarding the amount of litigation in this case and ADMONISHED the parties to do what is in the best interest of the minor child, to stop focusing on their hatred for one another and the affect it is having on the child now and the detrimental affect it will have on

CASE SUMMARY

CASE NO. D-16-526954-D

him in the future. 12. The Court CONFIRMED again that Dad is not permitted to shave the child's hair. 13. Both Mr. Ricco and Mom's request for an ORDER TO SHOW CAUSE regarding contempt are DENIED. 14. The Court feels the Parenting Coordinator is still necessary so long as she is willing to continue to provide that service. 15. As for the HOLIDAY issue if Dad did not attempt to pick up the child, it is what is and Dad needs to enforce his rights going forward. 16. The girlfriend's name on Dad's phone being "mom" needs to be addressed. Mr. Riccio represented that has been addressed and is moot. 17. The Court confirmed again, if either parent removes the child from the state they shall provide the non-custodial parent with notification of same. Mr. Riccio shall prepare the order. Ms. Miller shall have five (5) days to review as to form and content. CASE CLOSED ;

01/09/2019

Hearing (10:00 AM) (Judicial Officer: Hoskin, Charles J.)

Events: 01/02/2019 Reply

Defendant's Reply to Plaintiff's Opposition to Motion for an Order To Show Cause, for Additional Orders, and for Attorney's Fees and Costs and Defendant's Opposition to Plaintiff's Countermotion for Order to Show Cause

MINUTES



Reply

Filed By: Counter Claimant Miller, Paul Mendez

[182] Defendant's Reply to Plaintiff's Opposition to Motion for an Order To Show Cause, for Additional Orders, and for Attorney's Fees and Costs and Defendant's Opposition to Plaintiff's Countermotion for Order to Show Cause

Matter Heard;

01/09/2019

Opposition (10:00 AM) (Judicial Officer: Hoskin, Charles J.)

Events: 12/12/2018 Opposition

Plaintiff's Opposition to Motion for an Order to Enforce and/or to Show Cause Regarding Contempt

Matter Heard;

01/09/2019

Motion (10:00 AM) (Judicial Officer: Hoskin, Charles J.)

Events: 11/28/2018 Motion

Deft.'s Motion for an Order to Show Cause, for Additional Orders, and for Attorney's Fees and Costs

Decision Made;

08/16/2017



All Pending Motions (10:00 AM) (Judicial Officer: Hoskin, Charles J.)

8/16/17

MINUTES

Matter Heard;

Journal Entry Details:

SHOW CAUSE HEARING...PLTF'S MOTION AND NOTICE OF MOTION FOR AN ORDER TO ENFORCE AND/OR FOR AN ORDER TO SHOW CAUSE REGARDING CONTEMPT... DEFT'S OPPOSITION AND OBJECTION TO FILED ORDER TO SHOW CAUSE AND OPPOSITION TO PLAINTIFF'S SUBSEQUENT MOTION AND NOTICE OF MOTION FOR AN ORDER TO ENFORCE AND/OR FOR AN ORDER TO SHOW CAUSE REGARDING CONTEMPT Bruce Shapiro, Esq., #4050, also present on behalf of Defendant. Statement by Plaintiff regarding the request to strike the opposition and the objection. Argument by Mr. Shapiro. Mr. Shapiro noted a settlement conference has not been set yet as a result of the appeal. Statement by Plaintiff regarding Order to Show Cause and the motion. Statement by Mr. Shapiro regarding the objection and oppositions. Court noted its concern that Defendant is not complying with the portion of the prenuptial agreement that does not benefit him. Further argument by Mr. Shapiro. Statement by Plaintiff. Court reiterated its intention was that Plaintiff would be in a house within thirty days or so and Defendant would be paying the mortgage. Upon Court's inquiry, Plaintiff advised the last down payment request she made to Defendant was \$48,000 which was 20%, a conventional loan, and the mortgage payment would have been \$961 per month. Statement by Mr. Riccio. Court stated its findings. Court noted Mr. Shapiro is correct that Court needs a clear order and the order didn't exist at the time the Order to Show Cause was issued. Court cannot hold Defendant in contempt today, but it is not pleased with where parties are at this point. Based upon the bad faith that has occurred since the Decree was entered on the part of Defendant, when Court gets jurisdiction back it can sanction Defendant for not complying with the term of the prenuptial agreement that Defendant had Court put in place. Costs of \$2,735 are appropriately assessable to the Defendant, although given where we are with the pending appeal, Court has to defer on awarding those at this point in time. COURT ORDERED, Order is enforced. Defendant is to

CASE SUMMARY

CASE NO. D-16-526954-D

place \$48,000 in his attorneys' trust account in the next thirty (30) days. Plaintiff is to continue to look for a house, and if the down payment that is required is less than \$48,000 the rest will go back to Defendant. The money has to be made available so there is not ongoing game playing with regard to getting Plaintiff into a house. Plaintiff is to provide the information to Defendant's counsel so they are aware of what is going on and what is expected. Plaintiff has to give them enough time to be able to review it and make sure it is appropriate and legitimate. The intention is that will be for the down payment on the house. Plaintiff is to prepare the order and send it to Defendant's counsel to sign off. Defendant's counsel is to submit the order from the last hearing with video citations included if Plaintiff does not sign off. Mr. Shapiro suggested Supreme Court mediation or private mediation to resolve all issues. Mr. Shapiro suggested mediation with Radford Smith or Robert Dickerson or another qualified person selected by Plaintiff. Court noted it does not have a problem with either of the mediators suggested by Mr. Shapiro. Mr. Shapiro advised Defendant will pay for the mediation. Plaintiff advised she would like to try to mediate, and maybe parties can go with whoever is available first. Court noted Mr. Shapiro may contact Radford Smith and Robert Dickerson and provide information regarding their availability to Plaintiff and then the parties can move forward that way. ;

08/16/2017



Opposition (10:00 AM) (Judicial Officer: Hoskin, Charles J.)

Events: 08/11/2017 Opposition

Def Opposition and Objection to Filed Order to Show Cause and Opposition to Plaintiff's Subsequent Motion and Notice of Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt

Matter Heard;

08/16/2017

Motion to Enforce (10:00 AM) (Judicial Officer: Hoskin, Charles J.)

Events: 07/21/2017 Motion to Enforce

Pltf's Motion and Notice of Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt

Granted in Part;

08/16/2017

Show Cause Hearing (10:00 AM) (Judicial Officer: Hoskin, Charles J.)

Events: 07/20/2017 Order to Show Cause

Matter Heard;

07/12/2017



All Pending Motions (10:00 AM) (Judicial Officer: Hoskin, Charles J.)

7/12/17

MINUTES

Matter Heard;

Journal Entry Details:

DEFT'S MOTION AND NOTICE OF MOTION FOR ORDER TO SHOW CAUSE REGARDING CONTEMPT AND TO ENFORCE CHILD CUSTODY, AND/OR VISITATION... DEFT'S MOTION AND NOTICE OF MOTION FOR ORDERS TO MODIFY CHILD CUSTODY, VISITATION, AND/OR CHILD SUPPORT...PLTF'S OPPOSITION TO MOTION FOR AN ORDER TO SHOW CAUSE REGARDING CONTEMPT AND TO ENFORCE CHILD CUSTODY AND/OR VISITATION; AND OPPOSITION TO MOTION AND NOTICE OF MOTION FOR ORDERS TO MODIFY CHILD CUSTODY, VISITATION, AND/OR CHILD SUPPORT; AND COUNTERMOTION FOR CHILD SUPPORT INCREASE; MODIFICATION OF TIMESHARE EXCHANGE SCHEDULE; ORDER TO COMPLY WITH PREVIOUS ORDERS REGARDING PURCHASE OF HOME FOR PLTF; REIMBURSEMENT OF MONIES LOST DUE TO NON-COMPLIANCE BY DEFT FOR PURCHASE OF HOME FOR PLTF AND/OR NULLIFICATION OF PREVIOUS ORDER FINDING THE PRENUPTIAL ENFORCEABLE AND ALL PROPERTY BE DEEMED COMMUNITY PROPERTY... DEFT'S REPLY TO PLTF'S OPPOSITION AND OPPOSITION TO PLTF'S COUNTERMOTION

Plaintiff asked that the untimely reply and opposition be stricken. COURT ORDERED, request to strike DENIED. It is untimely but Court already reviewed it. The Supreme Court prefers that Court take all the information that is available in order to come up with the resolution that it comes up with. Court noted given the fact that there is a parenting coordinator is in place, it appears that some, if not all, of Defendant's requests would be better dealt with by the parenting coordinator. Mr. Riccio noted the motions were filed by Defendant and he had a conversation with him about that. Mr. Riccio noted with the parenting coordinator there is some blending because the parenting coordinator made some recommendations that he would like Court to consider with regard to issues that have repeated. Statement by Mr. Riccio regarding the reply and opposition to the counter motion. Mr. Riccio noted Defendant filed an appeal yesterday regarding Section 11(a) and Mr. Shapiro is handling the appeal. Statement by Plaintiff regarding the opposition and the counter motion. Plaintiff noted Defendant has not

CASE SUMMARY

CASE NO. D-16-526954-D

been paying for the rent since last October. Mr. Riccio noted the temporary order was before the divorce trial and is not part of the Decree of Divorce. Court noted that issue is not technically before it today, but its intention was that Defendant continues to pay Plaintiff's rent until he pays Plaintiff's mortgage. It was Court's intent that the house would be purchased in the next thirty days following the entry of the Decree of Divorce, but absent that the rent should be maintained. That is consistent with Court's interpretation of the premarital agreement. If that is an issue that Court needs to deal with it needs to be properly noticed and put before the Court. Upon Court's inquiry, Mr. Riccio advised Defendant did not co-sign or make a down payment on the last house Plaintiff picked because he does not want to associate his credit with any property and the down payment was disproportionate. Court FINDS many of the issues before Court today should have been dealt with and can certainly be dealt with by the parenting coordinator. Court is not persuaded that the order with regard to the visitation allotted to the parties is difficult to accomplish or is impossible to accomplish. It should be fairly simple to accomplish. Court is more interested in having parents have visitation with children rather than third parties. COURT FURTHER ORDERED, Requests for modification of child support DENIED. There isn't anything before the Court to indicate that there has been a 20% change in order to allow Court to review the child support obligation. Request for modifications to the visitation schedule DENIED. If the parenting coordinator feels there is a better way to go about it, those recommendations can be made by the parenting coordinator. As for the daycare obligations, Court clarified that at the last hearing. Garnishment was improper, and if there is ongoing garnishment and there are offsets that need to take place as a result of that the Court reserves jurisdiction with regard to that. With regard to request for order to show cause for violating Court's order with regard to the down payment on the house, Court FINDS good cause to ISSUE ORDER TO SHOW CAUSE for the Defendant to appear and present evidence why he should not be held in contempt for not complying with this Court's previous order on a prenuptial agreement that Defendant pushed to make sure that Court made a determination was valid. Any sanctions associated with that as well as any reimbursements that need to take place will be dealt with at the show cause hearing. The finding of Court under Huneycutt is that the order is enforceable and there is no reason to stay it moving forward waiting for the Supreme Court or the Court of Appeals to deal with that. Certainly on this record as we sit here today, Court cannot make a finding that the premarital agreement is fraudulent as it already made findings that it is valid and enforceable. If there is a determination from the Supreme Court or the Court of Appeals or some other entity that it is or that Court gets some admission from the Defendant that it is not enforceable, then that issue has to remain as previously determined by the Court. Court does not have a basis to re-open discovery at this point. Mr. Riccio is to prepare the order from today's hearing. Plaintiff is to prepare Order to Show Cause to be signed by Court 8/17/17 9:00 A.M. SHOW CAUSE HEARING ;

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|------------|---|
| 07/12/2017 | Hearing (10:00 AM) (Judicial Officer: Hoskin, Charles J.)
Events: 07/07/2017 Reply
<i>Def't's reply to Pltf's Opposition and Opposition to Pltf's Countermotion</i>
Matter Heard; |
| 07/12/2017 | Opposition & Countermotion (10:00 AM) (Judicial Officer: Hoskin, Charles J.)
Events: 06/19/2017 Opposition and Countermotion
<i>Plaintiff's Opposition to Motion for an Order to Show Cause Regarding Contempt and To Enforce Child Custody and/or Visitation; and Opposition to Motion and Notice of Motion for Orders to Modify Child Custody, Visitation, and/or Child Support; and Countermotion for Child Support Increase; Modification of Timeshare Exchange Schedule; Order to Comply with Previous Orders Regarding Purchase of Home for Plaintiff; Reimbursement of Monies Lost Due to Non-Compliance by Defendant for Purchase of Home for Plaintiff and/or Nullification of Previous Order Finding the Prenuptial Enforceable and All Property be Deemed Community Property</i>
Matter Heard; |
| 07/12/2017 | Motion (10:00 AM) (Judicial Officer: Hoskin, Charles J.)
Events: 06/06/2017 Motion
<i>Motion and Notice of Motion for Order to Show Cause Regarding Contempt and to Enforce Child Custody, and/or Visitation</i>
Matter Heard; |
| 07/12/2017 | Motion (10:00 AM) (Judicial Officer: Hoskin, Charles J.)
Events: 06/06/2017 Motion
<i>Motion and Notice of Motion for Orders to Modify Child Custody, Visitation, and/or Child Support</i>
Denied; |
| 07/05/2017 | CANCELED Motion for Withdrawal (3:00 AM) (Judicial Officer: Hoskin, Charles J.) |


CASE SUMMARY

CASE NO. D-16-526954-D

Vacated - Moot

Motion to Withdraw as Counsel of Record for Deft's

05/10/2017

 **All Pending Motions** (10:00 AM) (Judicial Officer: Hoskin, Charles J.)

5/10/17

MINUTES

Matter Heard;

Journal Entry Details:

DEFT'S MOTION FOR CLARIFICATION; FOR ENFORCEMENT OF ORDERS; TO STOP WAGE GARNISHMENT; FOR AN END TO DAYCARE PAYMENTS; OTHER RELIEF...

PLTF'S OPPOSITION TO MOTION PLTF'S MOTION FOR AN ORDER TO SHOW CAUSE, TO HOLD THE DEFT IN CONTEMPT, FOR SANCTIONS AND PENALTIES, FOR A WAGE GARNISHMENT, TO COMPEL DEFT TO OBEY THE COURT'S ORDER, FOR ATTORNEY'S FEES AND COSTS, AND FOR OTHER RELATED RELIEF... DEFT'S OPPOSITION TO

MOTION FOR AN ORDER TO SHOW CAUSE, ET AL; AND, COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS...DEFT'S REPLY TO PLTF'S OPPOSITION TO DEFT'S

MOTION FOR CLARIFICATION; FOR ENFORCEMENT OF ORDERS; TO STOP WAGE GARNISHMENT; FOR AN END TO DAYCARE PAYMENTS; OTHER RELIEF Soraya Veiga,

Esq., # 7944 present with Plaintiff in an unbundled capacity. Arguments by counsel regarding the motions, the oppositions and the counter motion. Ms. Veiga advised Plaintiff took the Decree to DAFS. Ms. Veiga agreed that the daycare costs should not have been garnished.

Court NOTED the prenuptial agreement itself was not vague and ambiguous. There were terms that needed further clarification. Once the parties put the prenuptial agreement before the Court that became its jurisdiction to resolve. Court is not modifying the prenuptial

agreement but is clarifying it. The down payment is going to be whatever down payment is required that Plaintiff can qualify for. If Defendant would prefer to pay a lower down payment

for something that he could assist qualifying for, Court is leaving that to Defendant and is certainly not requiring Defendant to co-sign on a home. If it is worth enough to Defendant to

reduce the down payment from 20% to 3.5% that is Defendant's option, otherwise it will be whatever Plaintiff qualifies for. Most conventional loans require 20% down. The down

payment includes closing costs and everything else that is included in a down payment. There is an agreement as to median price, and the home is within twenty miles of Defendant's

residence, not in the Las Vegas valley. Plaintiff is to provide information for Mr. Riccio to look at when she finds a home as long as it is less than the median home price in that radius that is contemplated as soon as Plaintiff knows what she is going to need for a down payment.

Defendant will provide it at the time the down payment is required. Employment status

changes what portions are. Portion is the percentage difference between the income that the Plaintiff is earning and the income that the Defendant is earning. The portion is what they will

pay of the mortgage payment once the triggering event occurs. Certainly Plaintiff will need to get a reasonable job and Court can impute income to determine that portion but it is hoping it does not have to. There is a requirement to continue to pay the rent. Court is not changing the

triggering events that are in the agreement that the parties agreed to. Technically, school starts at first grade since kindergarten is not required by the Clark County School District.

Court is not resolving the duration today. It is in the same category as spousal support or alimony with regard to that, and Court is not going to require an actual court hearing if

parties get to that point. Certainly if we get three years in and a party is saying about a three and a half year duration that can be raised to Court and can be done on the papers to avoid

parties having to pay attorneys to come back in and deal with that issue. The facts and circumstances that exist at the time will be something that Court will be considering in order to

determine the duration as well as the specific language of the prenuptial agreement. The first and last name of Plaintiff's boyfriend should be disclosed. If either party is having a

relationship with someone involved with the child the other party is entitled to know that. That is a requirement of joint legal custody. With regard to wage garnishment, daycare amount

never should have been garnished and Plaintiff's counsel stipulated that it should not have been garnished. Typically DAFS won't begin a garnishment without a court order or without a

thirty day late payment on that. If they are the Court has concerns. If there is an R case that is being enforced, there should have been an objection brought to Court on that garnishment. As

far as the individuals that are providing daycare, first and last names and contact information need to be included in the receipts that are provided to Defendant or he does not have to pay.

Court stated its findings with regard to request for attorney's fees and DENIED the request for attorney's fees. Per STIPULATION, when Plaintiff is employed she will send written


notification of new employment to Defendant on Our Family Wizard within ten days of employment. Ms. Veiga advised the last name of Plaintiff's boyfriend is Raznick. Plaintiff

advised she does not have his address with her. Court noted she was ordered to provide that. Ms Veiga is to prepare the order from today's hearing and send it to Mr. Riccio to review and

sign off. The order needs to contain some direction to DAFS with regard to the garnishment. ;

CASE SUMMARY

CASE NO. D-16-526954-D

- 05/10/2017 **Hearing** (10:00 AM) (Judicial Officer: Hoskin, Charles J.)
 Events: 04/14/2017 Opposition
Deft's Reply to Pltf's Opposition to Deft's Motion for Clarification; for Enforcement of Orders; to Stop Wage Garnishment; for an End to Daycare Payments; Other Relief
 Matter Heard;
- 05/10/2017 **Opposition & Countermotion** (10:00 AM) (Judicial Officer: Hoskin, Charles J.)
 Events: 04/21/2017 Opposition and Countermotion
Deft's Opposition to Motion for an Order to Show Cause, et al; and, Countermotion for Attorney's Fees and Costs
 Matter Heard;
- 05/10/2017 **Opposition** (10:00 AM) (Judicial Officer: Hoskin, Charles J.)
 Events: 04/14/2017 Opposition
Petitioner Melinda Miller's Opposition to Motion
 Matter Heard;
- 05/10/2017 **Motion** (10:00 AM) (Judicial Officer: Hoskin, Charles J.)
 Events: 04/05/2017 Motion
Pltf's Motion for An Order to Show Cause, To Hold the Defendant in Contempt, For Sanctions and Penalties, For A Wage Garnishment, To Compel Defendant to Obey the Court's Order, For Attorney's Fees and Costs, and For Other Related Relief
 Matter Heard;
- 05/10/2017 **Motion to Clarify** (10:00 AM) (Judicial Officer: Hoskin, Charles J.)
 Events: 04/04/2017 Motion
Deft's Motion for Clarification; for Enforcement of Orders; to Stop Wage Garnishment; for an End to Daycare Payments; Other Relief
 Granted in Part;
- 02/22/2017  **All Pending Motions** (10:00 AM) (Judicial Officer: Hoskin, Charles J.)
 2/22/17

MINUTES

Matter Heard;
 Journal Entry Details:

DEFT'S MOTION FOR AN ORDER TO SHOW CAUSE, AND FOR ATTY'S FEES AND COSTS...PLTF'S OPPOSITION TO DEFT'S MOTION FOR AN ORDER TO SHOW CAUSE AND FOR ATTY'S FEES AND COSTS AND PLTF'S COUNTERMOTION FOR AN ORDER TO SHOW CAUSE TO FIND THE DEFT IN CONTEMPT; FOR SANCTIONS AND TO RESOLVE OTHER PARENT CHILD ISSUES; FOR PLTF'S ATTY'S FEES AND COSTS INCURRED HEREIN; AND RELATED MATTERS...DEFT'S REPLY TO PLTF'S OPPOSITION AND OPPOSITION TO PLTF'S COUNTERMOTION Edward Miley, Esq., #6063, present with Plaintiff in an unbundled capacity. Mr. Riccio noted counsel discussed possibly stipulating to a parenting coordinator. Statements by counsel regarding the motion, the countermotion, the reply and the oppositions. Statement by Plaintiff. Plaintiff advised her phone doesn't ring if she is out of WiFi range and she is having issues with the WiFi at her apartment. COURT ORDERED, A parenting coordinator will be put in place. Mr. Riccio is to provide three names to Mr. Miley and Mr. Miley may select one and then counsel may notify the department and Court will put an order in place. Parties will equally share in the initial fees of the parenting coordinator. There is a provision with regard to reallocation if that needs to be dealt with. Defendant's Motion for Order to Show Cause is DENIED and Plaintiff's Countermotion for Order to Show Cause is DENIED. The child should be with Defendant most if not all of the days he is off. Given that Defendant is exercising the majority of the time that he is in town, the right of first refusal is eliminated. The first and last name and contact information of anyone who is taking care of the child, including a day care or preschool is to be provided to the other party and exchanged through Our Family Wizard. That is part of the joint legal custodial order. No more than 15 days a month is for regular visitation. If there is a holiday that Defendant is exercising or additional vacation, there is a good chance that during that month there will be more than 15 days. Defendant can do what he wants to during his timeshare and just needs to make sure an itinerary is provided. Court will give more clarification with regard to video conferencing. The order itself indicates it will happen daily at 7:00 p.m. unless another time is agreed to by the parties. The intention is for video time with the child every day. The time will be left at 7:00 p.m. and the call needs to take place between 7:00 p.m. and 7:30 p.m., Nevada time. If the call is outside of that time, it will have to be a phone call instead of a video call. If WiFi isn't working then a voice call needs to be made. It is not acceptable if WiFi is not working on a regular basis. With regard to the return of property, that is a criminal matter if there is property that was stolen. Plaintiff has a responsibility to

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CASE NO. D-16-526954-D

prove that she is paying for daycare. If a receipt is not provided for daycare then Defendant is not responsible to pay daycare for the following month. Court does not see a basis for makeup visitation. Court does not see a basis to put a Behavior Order in place today, especially with the insertion of a parenting coordinator in this case. With regard to attorney's fees, there is a lot today that should have been resolved by the parties and many repeat issues that are before the Court today. The issue that Court would probably grant fees for is the video timeshare issue, but Court does not have sufficient information with regard to that nor do the financial circumstances justify that. If the parenting coordinator and the parties cannot work out video conferencing with the instruction that Court has given today, the Court will be awarding fees and sanctions if Court has to deal with this issue again. Parties *STIPULATED* to having the *EXCHANGES* at McDonald's on Fort Apache and Tropicana. Parties *STIPULATED* that Defendant will claim the child as a tax deduction in even numbered tax years and Plaintiff will have odd numbered tax years. Mr. Riccio is to prepare the order and send it to Mr. Miley to review and sign off. ;

02/22/2017



Hearing (10:00 AM) (Judicial Officer: Hoskin, Charles J.)

Events: 02/17/2017 Reply

Reply to Plaintiff's Opposition and Opposition to Plaintiff's Countermotion

Matter Heard;

02/22/2017

Opposition & Countermotion (10:00 AM) (Judicial Officer: Hoskin, Charles J.)

Events: 02/09/2017 Opposition and Countermotion

Pltf's Opposition to Def't's Motion for an Order to Show Cause and for Attorney's Fees and Costs and Pltf's Countermotion for an Order to Show Cause to Find the Def't in Contempt; for Sanctions and to Resolve Other Parent Child Issues; for Plaintiff's Attorney's Fees and Costs Incurred Herein; and Related Matters

Matter Heard;

02/22/2017

Motion (10:00 AM) (Judicial Officer: Hoskin, Charles J.)

Events: 01/20/2017 Motion

Def't's Motion for an Order to Show Cause, and for Attorney's Fees and Costs

Denied;

01/05/2017

CANCELED Motion (10:30 AM) (Judicial Officer: Hoskin, Charles J.)

Vacated

Defendant's Motion To Strike PLaintiff's Reply And Exhibits, For Attorney's Fees And Sanctions, And For Related Relief

11/29/2016



All Pending Motions (9:00 AM) (Judicial Officer: Hoskin, Charles J.)

11/29/16

MINUTES

Matter Heard;

Journal Entry Details:

PLTF'S MOTION FOR RECONSIDERATION... DEFT'S OPPOSITION TO MOTION FOR RECONSIDERATION; AND COUNTERMOTION FOR ATTY'S FEES AND COSTS Court noted it can deal with Defendant's Motion to Strike orally today and the 1/5/17 hearing date is VACATED. Based on the request, COURT ORDERED, Exhibits 2, 3 & 4 of Plaintiff's Reply filed on 11/22/16 are STRICKEN. The balance of the Reply has been reviewed by the Court and will be considered. Statements by Plaintiff and Mr. Riccio regarding the motion and the opposition and countermotion. Upon Court's inquiry, Defendant advised he does not get his final monthly work schedule for the next month until the 28th of each month because of the promotion. Mr. Riccio noted there is a subsequent community tax debt and he realizes he may have to file a motion regarding that issue. Court noted tax issue is not before it today but Amie would deal with an asset or a debt that wasn't disclosed at the time of the entry of the Decree. Parties agreed that personal property that is to be exchanged as a result of the entry of the Decree will be exchanged 12/12/16 at 10:00 a.m. COURT SO ORDERED. Mr. Riccio requested a list of the personal belongings from Plaintiff. Court noted Honda Ridgeline was dealt with in Prenuptial Agreement so Court lacks jurisdiction to deal with that issue. If the ring was also dealt with in Premarital Agreement, Court does not have jurisdiction. Court determined Premarital Agreement was valid. Court anticipates that the Honda Ridgeline will be exchanged when personal property is exchanged on 12/12/16. COURT FURTHER ORDERED, Motion for Reconsideration is DENIED. No new evidence was presented to indicate why there should have been a change in the determinations that were made. With regard to video conferencing, absent a stipulation to change the time at this point in time the Decree will continue. If Defendant does not provide his work schedule for the following month by the 28th of each month he will forego any visitation for that month. Parties should exchange information through Our Family Wizard. The three days from May that Defendant did not have

CASE SUMMARY

CASE NO. D-16-526954-D

visitation can be exercised at any point in time and Defendant can include that in with his time request until the three days are utilized. With regard to the issue regarding the house, parties are to follow Premarital Agreement. There has to be a letter presented so that Defendant can comply with his portion of it. Once Plaintiff chooses a home and a letter is sent, the parties should be able to resolve issue. If there is a contempt issue the matter can be brought to Court. Court finds hat some of the issues that were placed before it today were necessary to bring to court. Court informed Plaintiff if there is a determination that an issue brought by Plaintiff or Defendant that Court finds was inappropriate to bring then Court has the ability to award fees. Court is not making any findings today with regard to fees. Mr. Riccio is to prepare the Order.

11/29/2016

Opposition & Countermotion (9:00 AM) (Judicial Officer: Hoskin, Charles J.)

Events: 11/10/2016 Opposition and Countermotion

Dft's Opposition to Motion for Reconsideration; and, Countermotion for Atty's Fees and Costs

MINUTES



Opposition and Countermotion

Filed By: Counter Claimant Miller, Paul Mendez

[66] Opposition to Motion for Reconsideration; and, Countermotion for Atty's Fees and Costs

Matter Heard;

11/29/2016

Motion (9:00 AM) (Judicial Officer: Hoskin, Charles J.)

Events: 10/24/2016 Motion

Plaintiff's Motion for Reconsideration

Denied;

10/11/2016

CANCELED Non-Jury Trial (1:30 PM) (Judicial Officer: Hoskin, Charles J.)

Vacated

Non-Jury Trial - #3 on Stack

10/10/2016



Non-Jury Trial (1:30 PM) (Judicial Officer: Hoskin, Charles J.)

MINUTES

Decision Made;

Journal Entry Details:

Mark Anderson, Esq., #606, present on behalf of Plaintiff. Opening statements waived.

Testimony and exhibits presented per worksheets. Closing arguments. COURT ORDERED, matter UNDER ADVISEMENT. Court will issue a written decision.;

09/27/2016



Calendar Call (10:00 AM) (Judicial Officer: Hoskin, Charles J.)

Calendar Call - #3 on Stack

Matter Heard;

Journal Entry Details:

CALENDAR CALL Mr. Smith noted he was recently retained and would like to file an Amended Pre-Trial Memorandum. Counsel noted they are trying to resolve matters. Mr. Riccio provided exhibit binders to Mr. Smith and Court Clerk. COURT ORDERED, firm trial date SET. Amended Pre-Trial Memorandum(s) due seven days prior to trial. 10/10/16 1:30 PM NON-JURY TRIAL ;

08/17/2016

CANCELED Motion for Child Custody (10:00 AM) (Judicial Officer: Hoskin, Charles J.)

Vacated

Deft's Motion for Primary Physical Custody, Permission to Relocate, Child Support, and Other Relief

08/16/2016

CANCELED Non-Jury Trial (1:30 PM) (Judicial Officer: Hoskin, Charles J.)

Vacated

Non-jury trial-stack #3

08/02/2016



All Pending Motions (10:00 AM) (Judicial Officer: Hoskin, Charles J.)

8/2/16

MINUTES

Matter Heard;

Journal Entry Details:

PLAINTIFF'S MOTION AND NOTICE OF MOTION FOR CONTINUANCE OF TRIAL, REQUEST TO MOVE DISCOVERY... DEFENDANT'S OPPOSITION AND COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS...CALENDAR CALL Court noted

CASE SUMMARY**CASE NO. D-16-526954-D**

the Motion to Relocate that was recently filed changes the focus and Court will take evidence on the motion at the time of trial. Defendant requested primary custody in the motion but that was not in the initial pleading so Defendant will have to amend in order for Court to have jurisdiction. Statement by Mr. Riccio regarding the opposition and countermotion. Statement by Plaintiff. Parties agreed that exchanges may be at the babysitter's. COURT ORDERED, Motion for Continuance of Trial is GRANTED. Trial date vacated. Calendar call and trial date RESET. Discovery reopened until August 26, 2016. Court will deal with Defendant's request for makeup visitation time at time of trial. If Plaintiff is paying for daycare during her time she may choose the daycare. Request for Defendant to share costs of daycare is deferred until trial. With regard to vacation time, whoever requested the time first will get the vacation time. If parties cannot agree they may submit proof of the notices to chambers and Court will decide. Defendant's request to temporarily impose the Dept. E Standard Holiday Schedule is GRANTED. Mr. Riccio is to provide Plaintiff with a list of personal belongings that Defendant wants to retrieve. If there is a problem the parties may contact Court. Defendant is required to provide his work schedule to Plaintiff. Per STIPULATION, the child may have phone contact with the parent the child is not residing with between 7:00 p.m. and 8:00 p.m. Pacific Time. Mr. Riccio is to prepare the order. 9/27/16 10:00 AM CALENDAR CALL - #1 ON STACK 10/11/16 1:30 PM NON-JURY TRIAL - #1 ON STACK;

08/02/2016 **Opposition & Countermotion** (10:00 AM) (Judicial Officer: Hoskin, Charles J.)

Events: 07/22/2016 Opposition and Countermotion
Defendant's Opposition and Countermotion for Attorney's Fees and Costs
 Matter Heard;

08/02/2016 **Motion** (10:00 AM) (Judicial Officer: Hoskin, Charles J.)


Events: 07/07/2016 Notice of Motion
Plaintiff's Motion and Notice of Motion for Continuance of Trial, Request to Move Discovery
 Granted in Part;

08/02/2016 **Calendar Call** (10:00 AM) (Judicial Officer: Hoskin, Charles J.)

Events: 05/09/2016 Case Management Order
Calendar call-stack #3
 Reset;


07/12/2016 **CANCELED Motion** (9:00 AM) (Judicial Officer: Hoskin, Charles J.)

Vacated - per Order
Pltf's Motion to Withdraw as Attorney of Record

05/09/2016  **All Pending Motions** (1:30 PM) (Judicial Officer: Hoskin, Charles J.)

MINUTES


Matter Heard;
 Journal Entry Details:
EVIDENTIARY HEARING...RETURN HEARING:MEDIATION...CASE MANAGEMENT CONFERENCE Opening statement by Ms. Miller. Mr. Riccio waived opening statement. Testimony and exhibits presented (see worksheets). Closing arguments. Court stated its findings. Court finds, the premarital agreement is valid and enforceable. Counsel requested a trial date in approximately 90 days. COURT ORDERED, non-jury trial and calendar call dates set. Case and Non-Jury Trial Management Order FILED IN OPEN COURT. Counsel noted the partial parenting plan needs to be revised as to joint legal custody so they will submit a new agreement. Counsel advised there is no agreement as to physical custody and vacation. Mr. Riccio is to prepare the Order. 8/2/16 at 10:00 AM CALENDAR CALL - STACK #3 8/16/16 at 1:30 PM NON-JURY TRIAL - STACK #3;

05/09/2016  **Evidentiary Hearing** (1:30 PM) (Judicial Officer: Hoskin, Charles J.)

Firm
 Matter Heard;

05/09/2016 **Return Hearing** (1:30 PM) (Judicial Officer: Hoskin, Charles J.)


Partial Parenting Plan;

05/03/2016  **Calendar Call** (10:00 AM) (Judicial Officer: Hoskin, Charles J.)

Matter Heard;
 Journal Entry Details:
CALENDAR CALL Parties discussed FMC report and partial agreement regarding legal custody and some holidays. Court noted if he has access to the FMC report he will have his clerk provide the parties with a copy. Parties advised they are ready for the prenuptial hearing scheduled on 5/9/16 at 1:30 PM. COURT ORDERED, 5/9/16 hearing date stands.;

CASE SUMMARY**CASE NO. D-16-526954-D**

03/30/2016

 **All Pending Motions** (10:00 AM) (Judicial Officer: Hoskin, Charles J.)**MINUTES**

Matter Heard;

Journal Entry Details:

PLTF'S MOTION FOR TEMPORARY ORDERS FOR LEGAL AND PHYSICAL CUSTODY, CHILD SUPPORT, EXCLUSIVE POSSESSION OF THE MARITAL RESIDENCE, TEMPORARY SPOUSAL SUPPORT AND/OR REHABILITATIVE ALIMONY, SET ASIDE OF PREMARITAL AGREEMENT, ATTORNEY FEES AND COSTS... DEFT'S OPPOSITION AND COUNTERMOTION FOR LEGAL AND PHYSICAL CUSTODY, ENFORCEMENT OF PREMARITAL AGREEMENT, ATTORNEY'S FEES AND COSTS, AND FOR OTHER RELATED RELIEF...CASE MANAGEMENT CONFERENCE Court noted it is premature to hear the Case Management Conference if the prenuptial agreement issue has not been resolved, and counsel will have to brief Texas law. Counsel requested an evidentiary hearing on the prenuptial issue in approximately thirty days. COURT ORDERED, calendar call and evidentiary hearing SET. Briefs with regard to validity of the prenuptial agreement due 4/27/16. Parties REFERRED to Family Mediation Center to attempt mediation. Case Management Conference CONTINUED. Arguments by counsel regarding temporary custody and support. Ms. Miller proposed that the dog be returned to Defendant's residence during the time he has the child. COURT ORDERED, TEMPORARILY, parties awarded JOINT PHYSICAL CUSTODY and JOINT LEGAL CUSTODY of the minor child. Pursuant to Wright v. Osburn and given the fact that 18% of Defendant's income is well above the cap, making that calculation and capping last, Defendant's TEMPORARY CHILD SUPPORT obligation is SET at \$1,091 per month, beginning March 2016 and is due prior to the last day of the month. Defendant shall continue to maintain health insurance and provide Plaintiff with the new insurance cards. NRS 123A.080 allows the Court to grant some temporary support. In lieu of Defendant paying a mortgage payment on behalf of the Plaintiff, TEMPORARILY, Defendant shall pay Plaintiff FAMILY SUPPORT in the amount of \$1,000 for rent beginning April 2016. First payment is due by 4/21/16. Defendant GRANTED EXCLUSIVE POSSESSION of the marital residence pending further order of the Court. Defendant shall provide his monthly work schedule as soon as he receives it. Defendant's TIMESHARE will be the days he is in town from 8:00 a.m. his first day off until 7:00 p.m. the day before he goes back to work. The balance of the time the child will be with Plaintiff. It is possible that Plaintiff will have more than a 50% share, but not that Defendant will have more than a 50% share. Defendant shall drop off the child at 7:00 p.m. whatever day that is to make sure Plaintiff has the child at least 50% of the month. The dog will go with the child. The noncustodial parent shall have a four hour right of first refusal, not including sleeping time. The Court does not have the ability today to grant Plaintiff attorney fees for briefing the prenuptial agreement. Under 18.010 the Court will have the ability to award fees at the time of the evidentiary hearing depending on the evidence that is presented. Mr. Riccio is to prepare the order and Ms. Miller is to review and sign off. 5/3/16 10:00 AM CALENDAR CALL 5/9/16 1:30 PM EVIDENTIARY HEARING (FIRM SETTING)...RETURN: MEDIATION...CASE MANAGEMENT CONFERENCE Clerk's note: Minutes corrected to reflect that briefs are due 4/27/16 instead of 5/27/16. -cf 4/21/16;

03/30/2016

Opposition & Countermotion (10:00 AM) (Judicial Officer: Hoskin, Charles J.)

Events: 03/18/2016 Opposition and Countermotion

Deft's Opposition To Pltf's Motion For Temporary Orders For Legal And Physical Custody, Child Support, Exclusive Possession Of The Marital Residence, Temporary Spousal Support And/Or Rehabilitative Alimony, Set Aside Of Pre- Marital Agreement, Attorneys Fees and Costs and Countermotion For Legal and Physical Custody, Enforcement of Premarital Agreement, Attorneys Fees and Costs, and For Other Related Relief

Matter Heard;

03/30/2016

Motion (10:00 AM) (Judicial Officer: Hoskin, Charles J.)


Pltf's Motion for Temporary Orders for Legal and Physical Custody, Child Support, Exclusive Possession of the Marital Residence, Temporary Spousal Support and/or Rehabilitative Alimony, Set Aside of Pre-Marital Agreement, Attorney Fees and Costs

Matter Heard;

03/30/2016

Case Management Conference (10:00 AM) (Judicial Officer: Hoskin, Charles J.)**03/30/2016, 05/09/2016**

Events: 02/23/2016 NRCP 16.2 Case Management Conference Order

MINUTES NRCP 16.2 Case Management Conference Order

Filed by: Counter Defendant Miller, Melinda Sue

[5] NRCP 16.2 Case Management Conference

CASE SUMMARY**CASE NO. D-16-526954-D**

Matter Continued;
 Non Jury Trial;
 Matter Continued;
 Non Jury Trial;

SCHEDULED HEARINGS**Calendar Call** (08/02/2016 at 10:00 AM) (Judicial Officer: Hoskin, Charles J.)

Events: 05/09/2016 Case Management Order

*Calendar call-stack #3***CANCELED Non-Jury Trial** (08/16/2016 at 1:30 PM) (Judicial Officer: Hoskin, Charles J.)*Vacated**Non-jury trial-stack #3***SERVICE**

03/28/2019

Writ

Miller, Melinda Sue

Unserviced

DATE**FINANCIAL INFORMATION****Attorney** Riccio, Joseph W.

Total Charges

129.20

Total Payments and Credits

129.20

Balance Due as of 4/4/2022**0.00****Counter Claimant** Miller, Paul Mendez

Total Charges

475.00

Total Payments and Credits

475.00

Balance Due as of 4/4/2022**0.00****Counter Defendant** Miller, Melinda Sue

Total Charges

839.40

Total Payments and Credits

839.40

Balance Due as of 4/4/2022**0.00**

Heather S. Lumin

CLERK OF THE COURT

ORDR

Michael Burton, Esq.
Nevada Bar Number 14351
MCFARLING LAW GROUP
6230 W. Desert Inn Road
Las Vegas, NV 89146
(702) 565-4335 phone
(702) 732-9385 fax
eservice@mcfarlinglaw.com
Attorney for Plaintiff,
Melinda Lesinsky

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

MELINDA MILLER (NKA LESINSKY),

Plaintiff,

vs.

PAUL MENDEZ MILLER,

Defendant.

Case Number: D-16-526954-D
Department: U

ORDER FROM SEPTEMBER 8, 2021 HEARING

THIS MATTER came before the Honorable Dawn Throne, on September 8, 2021 at 11:00 a.m. regarding Defendant's Motion to Modify Child Support. Present at the hearing were Plaintiff, Melinda Lesinsky, represented by her attorney of record, Michael Burton appearing via video, and Defendant, Paul Miller, appearing in person.

THE COURT NOTED Plaintiff is required to look for work. If she chooses not to work, income shall be imputed per her Social Security earning history.

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

4 IT IS HEREBY ORDERED Defendant's motion to modify child support is denied.

5 IT IS FURTHER ORDERED Defendant's motion filed September 1, 2021 is denied.

6 IT IS FURTHER ORDERED that based on the respective income of the parties as stated
7 on their financial disclosure forms and application of the statutory child support guidelines,
8 Defendant's child support obligation shall be in the monthly amount of \$1,676.50 effective,
9 August 2021 (\$1,858.00 base child support less downward statutory adjustments of \$100.00
10 relative household incomes; \$75.00 legal support of another minor child; \$6.50 half of health
11 insurance costs).

12 IT IS FURTHER ORDERED that based on the respective income of the parties as stated
13 on their financial disclosure forms and application of the statutory child support guidelines
14 Defendant's child support obligation shall be in the monthly amount of \$1,818.50 effective,
15 September 2021 (\$2,000.00 base child support less downward statutory adjustments of \$100.00
16 relative household incomes; \$75.00 legal support of another minor child; \$6.50 half of health
17 insurance costs).

18 IT IS FURTHER ORDERED Plaintiff shall inform Defendant upon obtaining gainful
19 employment, for the recalculation of child support.

20 IT IS FURTHER ORDERED Attorney fees are granted to Plaintiff. Plaintiff's counsel
21 shall file Brunzell Affidavit and Memorandum of Fees and Costs by September 17, 2021.

22 IT IS FURTHER ORDERED Defendant may file an opposition to the attorney fees award
23 by September 24, 2021.

1 IT IS FURTHER ORDERED In chambers attorney fees review set for September 28, 2021
2 at 2:00 a.m.

3 IT IS SO ORDERED.

Dated this 17th day of September, 2021

4 
5 _____

sa

6 Submitted by:
7 **MCFARLING LAW GROUP**

128 A00 BDD9 EC1A
Dawn R. Throne
District Court Judge

8 */s/ Michael Burton*

9 _____
Michael Burton, Esq.
Nevada Bar Number 14351
6230 W. Desert Inn Road
10 Las Vegas, NV 89146
(702) 565-4335
11 Attorney for Plaintiff,
Melinda Lesinsky
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Exhibit #1

1 NOTICE: IN ORDER TO ENSURE YOU RECEIVE PROPER NOTICE
2 OF FUTURE LEGAL ACTION IN THIS MATTER, YOU HAVE AN
3 AFFIRMATIVE DUTY TO UPDATE YOUR PERSONAL INFORMATION
4 WITH THE CLERK OF THE COURT AND TO SERVE THE OPPOSING
5 PARTY WITH A COPY OF ANY SUCH CHANGE OF INFORMATION
6 FILED WITH THE COURT. YOUR FAILURE TO UPDATE YOUR
7 PERSONAL INFORMATION MAY RESULT IN SERVICE OF LEGAL
8 PROCESS BEING EFFECTUATED TO AN INVALID ADDRESS AND
9 ADVERSE RELIEF BEING GRANTED BY THE COURT.

10 The parents understand and acknowledge that, pursuant to the terms of the
11 Parental Kidnaping Prevention Act, 28 U.S.C. §1738A, and the Uniform Child
12 Custody Jurisdiction and Enforcement Act, NRS 125A.005, et seq., the courts of
13 Nevada have exclusive modification jurisdiction of the custody, visitation, and
14 child support terms relating to the child at issue in this case so long as either of
15 the parents, or the child, continue to reside in Nevada.

16 **NOTICE IS HEREBY GIVEN** of the following provision of NRS
17 125C.0045(6):

18 PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION,
19 CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS
20 ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN
21 NRS 193.130. NRS 200.359 provides that every person having a limited right of
22 custody to a child or any parent having no right of custody to the child who
23 willfully detains, conceals, or removes the child from a parent, guardian or other
24 person having lawful custody or a right of visitation of the child in violation of an
25 order of this Court, or removes the child from the jurisdiction of the Court
26 without the consent of either the Court of all persons who have the right to
27 custody or visitation is subject to being punished for a category D felony as
28 provided in NRS 193.130.

1 **NOTICE IS HEREBY GIVEN** that the terms of the Hague Convention of
2 October 25, 1980, adopted by the 14th Session of the Hague Conference on
3 Private International Law, apply if a parent abducts or wrongfully retains a child
4 in a foreign country. The parties are also put on notice of the following provision
5 of NRS 125C.0045(8):

6 If a parent of the child lives in a foreign country or has significant commitments
7 in a foreign country:

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

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

22 **NOTICE IS HEREBY GIVEN** that the parties are subject to the
23 relocation requirements of NRS 125C.006 & NRS 125C.0065. If joint or primary
24 physical custody has been established pursuant to an order, judgment or decree of
25 a Court and one parent intends to relocate his/her residence to a place outside of
26 this State or to a place within this State that is at such a distance that would
27 substantially impair the ability of the other parent to maintain a meaningful
28 relationship with the child, and the relocating parent desires to take the child with

1 him/her, the relocating parent shall, before relocating: (a) attempt to obtain the
2 written consent of the non-relocating parent to relocate with the child; and (b) if
3 the non-relocating parent refuses to give that consent, petition the Court for
4 permission to move and/or for primary physical custody for the purpose of
5 relocating. A parent who desires to relocate with a child has the burden of proving
6 that relocation with the child is in the best interest of the child. The Court may
7 award reasonable attorney's fees and costs to the relocating parent if the Court
8 finds that the non-relocating parent refused to consent to the relocating parent's
9 relocation with the child without having reasonable grounds for such refusal, or
10 for the purpose of harassing the relocating parent. A parent who relocates with a
11 child pursuant to this section without the written consent of the other parent or the
12 permission of the Court is subject to the provisions of NRS 200.359. The failure
13 of a parent to comply with the provisions of this section may be considered as a
14 factor if a change of custody is requested by the non-custodial parent.

15 **NOTICE IS HEREBY GIVEN** that the parties are subject to the
16 provisions of NRS Chapter 31A and NRS 425.560 regarding the collection of
17 delinquent child support payments.

18 **NOTICE IS HEREBY GIVEN** that:

19 A. Pursuant to NRS 125B.140, if an installment of an obligation to pay support
20 for a child becomes delinquent, the court shall determine interest upon the
21 arrearages at a rate established pursuant to NRS 99.040, from the time each
22 amount became due. Interest shall continue to accrue on the amount ordered until
23 it is paid, and additional attorney's fees must be allowed if required for collection.

24 B. Pursuant to NRS 125B.145, an award of child support shall be reviewed by the
25 court at least every three (3) years to determine whether the award should be
26 modified. The review will be conducted upon the filing of a request by a (1)
27 parent or legal guardian of the child; or (2) the Nevada State Welfare Division or
28

1 the District Attorney's Office, if the Division of the District Attorney has
2 jurisdiction over the case.

3 C. Pursuant to NRS 125.450(2), the wages and commissions of the parent
4 responsible for paying support shall be subject to assignment or withholding for
5 the purpose of payment of the foregoing obligation of support as provided in NRS
6 31A.020 through 31A.240, inclusive.

7 **NAC 425.165 - If the child support order is for more than one child**
8 **and does not allocate a specific amount to each child, the following notice**
9 **must be added:**

10 **NOTICE IS HEREBY GIVEN** that if either party wants to adjust the
11 amount of child support established in this order, they must file a motion to
12 modify the order with or submit a stipulation to the court. If a motion to modify
13 the order is not filed or a stipulation is not submitted, the child support obligation
14 established in this order will continue until such time as all children who are the
15 subject of this order reach 18 years of age or, if the youngest child who is subject
16 to this order is still in high school when he/she reaches 18 years of age, when the
17 child graduates from high school or reaches 19 years of age, whichever comes
18 first. Unless the parties agree otherwise in a stipulation, any modification made
19 pursuant to a motion to modify the order will be effective as of the date the
20 motion was filed.
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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Melinda Sue Miller, Plaintiff

CASE NO: D-16-526954-D

7 vs.

DEPT. NO. Department U

8 Paul Mendez Miller, 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: 9/17/2021

15 Paul Miller

paulmiller737@gmail.com

16 Lesley Cohen

lcohen@defendingnevada.com

17 Melinda Miller

mrsmler737@gmail.com

18 MLG Admin

admin@marathonlawgroup.com

19 Michael Burton, Esq.

eservice@mcfarlinglaw.com

20 Kim DeSario

kimberly@marathonlawgroup.com

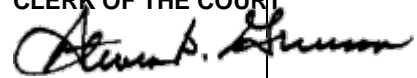
21 Natalie Spencer

natalie@marathonlawgroup.com

22
23 If indicated below, a copy of the above mentioned filings were also served by mail
24 via United States Postal Service, postage prepaid, to the parties listed below at their last
25 known addresses on 9/20/2021

26 Corinne Price

8965 S Pecos RD STE 9
Henderson, NV, 89074



NEO
Michael Burton, Esq.
Nevada Bar Number 14351
McFARLING LAW GROUP
6230 W. Desert Inn Road
Las Vegas, NV 89146
(702) 565-4335 phone
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eservice@mcfarlinglaw.com
Attorney for Plaintiff,
Melinda Lesinsky

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

MELINDA MILLER (NKA LESINSKY),

Plaintiff,

vs.

PAUL MENDEZ MILLER,

Defendant.

Case Number: D-16-526954-D
Department: U

NOTICE OF ENTRY OF ORDER FROM SEPTEMBER 8, 2021 HEARING

PLEASE TAKE NOTICE that on September 17, 2021, Order from September 8, 2021
Hearing was entered, a copy of which is attached hereto and by reference fully incorporated herein.

DATED this 22nd day of October, 2021.

McFARLING LAW GROUP

/s/ Michael Burton

Michael Burton, Esq.
Nevada Bar Number 14351
6230 W. Desert Inn Road
Las Vegas, NV 89146
(702) 565-4335
Attorney for Plaintiff,
Melinda Lesinsky

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—X— by United States mail in Las Vegas, Nevada, with First-Class postage prepaid and addressed as follows:

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

/s/ Crystal Beville
Crystal Beville

Heather S. Lumin

CLERK OF THE COURT

ORDR

Michael Burton, Esq.
Nevada Bar Number 14351
MCFARLING LAW GROUP
6230 W. Desert Inn Road
Las Vegas, NV 89146
(702) 565-4335 phone
(702) 732-9385 fax
eservice@mcfarlinglaw.com
Attorney for Plaintiff,
Melinda Lesinsky

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

MELINDA MILLER (NKA LESINSKY),

Plaintiff,

vs.

PAUL MENDEZ MILLER,

Defendant.

Case Number: D-16-526954-D
Department: U

ORDER FROM SEPTEMBER 8, 2021 HEARING

THIS MATTER came before the Honorable Dawn Throne, on September 8, 2021 at 11:00 a.m. regarding Defendant's Motion to Modify Child Support. Present at the hearing were Plaintiff, Melinda Lesinsky, represented by her attorney of record, Michael Burton appearing via video, and Defendant, Paul Miller, appearing in person.

THE COURT NOTED Plaintiff is required to look for work. If she chooses not to work, income shall be imputed per her Social Security earning history.

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

4 IT IS HEREBY ORDERED Defendant's motion to modify child support is denied.

5 IT IS FURTHER ORDERED Defendant's motion filed September 1, 2021 is denied.

6 IT IS FURTHER ORDERED that based on the respective income of the parties as stated
7 on their financial disclosure forms and application of the statutory child support guidelines,
8 Defendant's child support obligation shall be in the monthly amount of \$1,676.50 effective,
9 August 2021 (\$1,858.00 base child support less downward statutory adjustments of \$100.00
10 relative household incomes; \$75.00 legal support of another minor child; \$6.50 half of health
11 insurance costs).

12 IT IS FURTHER ORDERED that based on the respective income of the parties as stated
13 on their financial disclosure forms and application of the statutory child support guidelines
14 Defendant's child support obligation shall be in the monthly amount of \$1,818.50 effective,
15 September 2021 (\$2,000.00 base child support less downward statutory adjustments of \$100.00
16 relative household incomes; \$75.00 legal support of another minor child; \$6.50 half of health
17 insurance costs).

18 IT IS FURTHER ORDERED Plaintiff shall inform Defendant upon obtaining gainful
19 employment, for the recalculation of child support.

20 IT IS FURTHER ORDERED Attorney fees are granted to Plaintiff. Plaintiff's counsel
21 shall file Brunzell Affidavit and Memorandum of Fees and Costs by September 17, 2021.

22 IT IS FURTHER ORDERED Defendant may file an opposition to the attorney fees award
23 by September 24, 2021.

1 IT IS FURTHER ORDERED In chambers attorney fees review set for September 28, 2021
2 at 2:00 a.m.

3 IT IS SO ORDERED.

Dated this 17th day of September, 2021

4 
5 _____ *sa*

6 Submitted by:
7 **MCFARLING LAW GROUP**

128 A00 BDD9 EC1A
Dawn R. Throne
District Court Judge

8 */s/ Michael Burton*

9 _____
Michael Burton, Esq.
Nevada Bar Number 14351
6230 W. Desert Inn Road
10 Las Vegas, NV 89146
(702) 565-4335
11 Attorney for Plaintiff,
Melinda Lesinsky
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Exhibit #1

1 NOTICE: IN ORDER TO ENSURE YOU RECEIVE PROPER NOTICE
2 OF FUTURE LEGAL ACTION IN THIS MATTER, YOU HAVE AN
3 AFFIRMATIVE DUTY TO UPDATE YOUR PERSONAL INFORMATION
4 WITH THE CLERK OF THE COURT AND TO SERVE THE OPPOSING
5 PARTY WITH A COPY OF ANY SUCH CHANGE OF INFORMATION
6 FILED WITH THE COURT. YOUR FAILURE TO UPDATE YOUR
7 PERSONAL INFORMATION MAY RESULT IN SERVICE OF LEGAL
8 PROCESS BEING EFFECTUATED TO AN INVALID ADDRESS AND
9 ADVERSE RELIEF BEING GRANTED BY THE COURT.

10 The parents understand and acknowledge that, pursuant to the terms of the
11 Parental Kidnaping Prevention Act, 28 U.S.C. §1738A, and the Uniform Child
12 Custody Jurisdiction and Enforcement Act, NRS 125A.005, et seq., the courts of
13 Nevada have exclusive modification jurisdiction of the custody, visitation, and
14 child support terms relating to the child at issue in this case so long as either of
15 the parents, or the child, continue to reside in Nevada.

16 **NOTICE IS HEREBY GIVEN** of the following provision of NRS
17 125C.0045(6):

18 PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION,
19 CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS
20 ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN
21 NRS 193.130. NRS 200.359 provides that every person having a limited right of
22 custody to a child or any parent having no right of custody to the child who
23 willfully detains, conceals, or removes the child from a parent, guardian or other
24 person having lawful custody or a right of visitation of the child in violation of an
25 order of this Court, or removes the child from the jurisdiction of the Court
26 without the consent of either the Court or all persons who have the right to
27 custody or visitation is subject to being punished for a category D felony as
28 provided in NRS 193.130.

1 **NOTICE IS HEREBY GIVEN** that the terms of the Hague Convention of
2 October 25, 1980, adopted by the 14th Session of the Hague Conference on
3 Private International Law, apply if a parent abducts or wrongfully retains a child
4 in a foreign country. The parties are also put on notice of the following provision
5 of NRS 125C.0045(8):

6 If a parent of the child lives in a foreign country or has significant commitments
7 in a foreign country:

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

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

22 **NOTICE IS HEREBY GIVEN** that the parties are subject to the
23 relocation requirements of NRS 125C.006 & NRS 125C.0065. If joint or primary
24 physical custody has been established pursuant to an order, judgment or decree of
25 a Court and one parent intends to relocate his/her residence to a place outside of
26 this State or to a place within this State that is at such a distance that would
27 substantially impair the ability of the other parent to maintain a meaningful
28 relationship with the child, and the relocating parent desires to take the child with

1 him/her, the relocating parent shall, before relocating: (a) attempt to obtain the
2 written consent of the non-relocating parent to relocate with the child; and (b) if
3 the non-relocating parent refuses to give that consent, petition the Court for
4 permission to move and/or for primary physical custody for the purpose of
5 relocating. A parent who desires to relocate with a child has the burden of proving
6 that relocation with the child is in the best interest of the child. The Court may
7 award reasonable attorney's fees and costs to the relocating parent if the Court
8 finds that the non-relocating parent refused to consent to the relocating parent's
9 relocation with the child without having reasonable grounds for such refusal, or
10 for the purpose of harassing the relocating parent. A parent who relocates with a
11 child pursuant to this section without the written consent of the other parent or the
12 permission of the Court is subject to the provisions of NRS 200.359. The failure
13 of a parent to comply with the provisions of this section may be considered as a
14 factor if a change of custody is requested by the non-custodial parent.

15 **NOTICE IS HEREBY GIVEN** that the parties are subject to the
16 provisions of NRS Chapter 31A and NRS 425.560 regarding the collection of
17 delinquent child support payments.

18 **NOTICE IS HEREBY GIVEN** that:

- 19 A. Pursuant to NRS 125B.140, if an installment of an obligation to pay support
20 for a child becomes delinquent, the court shall determine interest upon the
21 arrearages at a rate established pursuant to NRS 99.040, from the time each
22 amount became due. Interest shall continue to accrue on the amount ordered until
23 it is paid, and additional attorney's fees must be allowed if required for collection.
24 B. Pursuant to NRS 125B.145, an award of child support shall be reviewed by the
25 court at least every three (3) years to determine whether the award should be
26 modified. The review will be conducted upon the filing of a request by a (1)
27 parent or legal guardian of the child; or (2) the Nevada State Welfare Division or
28

1 the District Attorney's Office, if the Division of the District Attorney has
2 jurisdiction over the case.

3 C. Pursuant to NRS 125.450(2), the wages and commissions of the parent
4 responsible for paying support shall be subject to assignment or withholding for
5 the purpose of payment of the foregoing obligation of support as provided in NRS
6 31A.020 through 31A.240, inclusive.

7 **NAC 425.165 - If the child support order is for more than one child**
8 **and does not allocate a specific amount to each child, the following notice**
9 **must be added:**

10 **NOTICE IS HEREBY GIVEN** that if either party wants to adjust the
11 amount of child support established in this order, they must file a motion to
12 modify the order with or submit a stipulation to the court. If a motion to modify
13 the order is not filed or a stipulation is not submitted, the child support obligation
14 established in this order will continue until such time as all children who are the
15 subject of this order reach 18 years of age or, if the youngest child who is subject
16 to this order is still in high school when he/she reaches 18 years of age, when the
17 child graduates from high school or reaches 19 years of age, whichever comes
18 first. Unless the parties agree otherwise in a stipulation, any modification made
19 pursuant to a motion to modify the order will be effective as of the date the
20 motion was filed.
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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Melinda Sue Miller, Plaintiff

CASE NO: D-16-526954-D

7 vs.

DEPT. NO. Department U

8 Paul Mendez Miller, 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: 9/17/2021

15 Paul Miller

paulmiller737@gmail.com

16 Lesley Cohen

lcohen@defendingnevada.com

17 Melinda Miller

mrsmler737@gmail.com

18 MLG Admin

admin@marathonlawgroup.com

19 Michael Burton, Esq.

eservice@mcfarlinglaw.com

20 Kim DeSario

kimberly@marathonlawgroup.com

21 Natalie Spencer

natalie@marathonlawgroup.com

22
23 If indicated below, a copy of the above mentioned filings were also served by mail
24 via United States Postal Service, postage prepaid, to the parties listed below at their last
25 known addresses on 9/20/2021

26 Corinne Price

8965 S Pecos RD STE 9
Henderson, NV, 89074

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES****March 30, 2016**

D-16-526954-D Melinda Sue Miller, Plaintiff
vs.
Paul Mendez Miller, Defendant.

March 30, 2016 10:00 AM All Pending Motions

HEARD BY: Hoskin, Charles J.**COURTROOM:** Courtroom 02**COURT CLERK:** Carol Foley; Piera Fuentes**PARTIES:**

Jett Miller, Subject Minor, not present
Melinda Miller, Plaintiff, Counter Defendant, Rebecca Miller, Attorney, present
present
Paul Miller, Defendant, Counter Claimant, Pro Se
present

JOURNAL ENTRIES

- PLTF'S MOTION FOR TEMPORARY ORDERS FOR LEGAL AND PHYSICAL CUSTODY, CHILD SUPPORT, EXCLUSIVE POSSESSION OF THE MARITAL RESIDENCE, TEMPORARY SPOUSAL SUPPORT AND/OR REHABILITATIVE ALIMONY, SET ASIDE OF PREMARITAL AGREEMENT, ATTORNEY FEES AND COSTS... DEFT'S OPPOSITION AND COUNTERMOTION FOR LEGAL AND PHYSICAL CUSTODY, ENFORCEMENT OF PREMARITAL AGREEMENT, ATTORNEY'S FEES AND COSTS, AND FOR OTHER RELATED RELIEF...CASE MANAGEMENT CONFERENCE

Court noted it is premature to hear the Case Management Conference if the prenuptial agreement issue has not been resolved, and counsel will have to brief Texas law. Counsel requested an evidentiary hearing on the prenuptial issue in approximately thirty days. COURT ORDERED, calendar call and evidentiary hearing SET. Briefs with regard to validity of the prenuptial agreement due 4/27/16.

Parties REFERRED to Family Mediation Center to attempt mediation. Case Management Conference CONTINUED.

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Arguments by counsel regarding temporary custody and support.

Ms. Miller proposed that the dog be returned to Defendant's residence during the time he has the child.

COURT ORDERED,

TEMPORARILY, parties awarded JOINT PHYSICAL CUSTODY and JOINT LEGAL CUSTODY of the minor child.

Pursuant to Wright v. Osburn and given the fact that 18% of Defendant's income is well above the cap, making that calculation and capping last, Defendant's TEMPORARY CHILD SUPPORT obligation is SET at \$1,091 per month, beginning March 2016 and is due prior to the last day of the month.

Defendant shall continue to maintain health insurance and provide Plaintiff with the new insurance cards.

NRS 123A.080 allows the Court to grant some temporary support. In lieu of Defendant paying a mortgage payment on behalf of the Plaintiff, TEMPORARILY, Defendant shall pay Plaintiff FAMILY SUPPORT in the amount of \$1,000 for rent beginning April 2016. First payment is due by 4/21/16.

Defendant GRANTED EXCLUSIVE POSSESSION of the marital residence pending further order of the Court.

Defendant shall provide his monthly work schedule as soon as he receives it. Defendant's TIMESHARE will be the days he is in town from 8:00 a.m. his first day off until 7:00 p.m. the day before he goes back to work. The balance of the time the child will be with Plaintiff. It is possible that Plaintiff will have more than a 50% share, but not that Defendant will have more than a 50% share. Defendant shall drop off the child at 7:00 p.m. whatever day that is to make sure Plaintiff has the child at least 50% of the month.

The dog will go with the child.

The noncustodial parent shall have a four hour right of first refusal, not including sleeping time.

The Court does not have the ability today to grant Plaintiff attorney fees for briefing the prenuptial agreement. Under 18.010 the Court will have the ability to award fees at the time of the evidentiary hearing depending on the evidence that is presented.

Mr. Riccio is to prepare the order and Ms. Miller is to review and sign off.

5/3/16 10:00 AM CALENDAR CALL

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5/9/16 1:30 PM EVIDENTIARY HEARING (FIRM SETTING)...RETURN: MEDIATION...CASE
MANAGEMENT CONFERENCE

Clerk's note: Minutes corrected to reflect that briefs are due 4/27/16 instead of 5/27/16. -cf 4/21/16

INTERIM CONDITIONS:

FUTURE HEARINGS: May 03, 2016 10:00AM Calendar Call
Courtroom 02 Hoskin, Charles J.

May 09, 2016 1:30PM Evidentiary Hearing
Firm
Courtroom 02 Hoskin, Charles J.

May 09, 2016 1:30PM Case Management Conference
Courtroom 02 Hoskin, Charles J.

May 09, 2016 1:30PM Return Hearing
Courtroom 02 Hoskin, Charles J.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

May 03, 2016

D-16-526954-D Melinda Sue Miller, Plaintiff
vs.
Paul Mendez Miller, Defendant.

May 03, 2016 10:00 AM Calendar Call

HEARD BY: Hoskin, Charles J.**COURTROOM:** Courtroom 02**COURT CLERK:** Carol Foley; Ashley Gonzales**PARTIES:**

Jett Miller, Subject Minor, not present
Melinda Miller, Plaintiff, Counter Defendant, Michael Burton, Attorney, not present
not present
Paul Miller, Defendant, Counter Claimant, Pro Se
present

JOURNAL ENTRIES

- CALENDAR CALL

Parties discussed FMC report and partial agreement regarding legal custody and some holidays.
Court noted if he has access to the FMC report he will have his clerk provide the parties with a copy.
Parties advised they are ready for the prenuptial hearing scheduled on 5/9/16 at 1:30 PM.

COURT ORDERED, 5/9/16 hearing date stands.

INTERIM CONDITIONS:

FUTURE HEARINGS: May 03, 2016 10:00AM Calendar Call
Courtroom 02 Hoskin, Charles J.

May 09, 2016 1:30PM Evidentiary Hearing
Firm

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Courtroom 02 Hoskin, Charles J.

May 09, 2016 1:30PM Case Management Conference
Courtroom 02 Hoskin, Charles J.

May 09, 2016 1:30PM Return Hearing
Courtroom 02 Hoskin, Charles J.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

May 09, 2016

D-16-526954-D Melinda Sue Miller, Plaintiff
vs.
Paul Mendez Miller, Defendant.

May 09, 2016**1:30 PM****All Pending Motions****HEARD BY:** Hoskin, Charles J.**COURTROOM:** Courtroom 02**COURT CLERK:** Carol Foley; Ashley Gonzales**PARTIES:**

Jett Miller, Subject Minor, not present
Melinda Miller, Plaintiff, Counter Defendant, Rebecca Miller, Attorney, present
present
Paul Miller, Defendant, Counter Claimant, Pro Se
present

JOURNAL ENTRIES

- EVIDENTIARY HEARING...RETURN HEARING:MEDIATION...CASE MANAGEMENT
CONFERENCE

Opening statement by Ms. Miller. Mr. Riccio waived opening statement. Testimony and exhibits presented (see worksheets).

Closing arguments.

Court stated its findings. Court finds, the premarital agreement is valid and enforceable.

Counsel requested a trial date in approximately 90 days. COURT ORDERED, non-jury trial and calendar call dates set. Case and Non-Jury Trial Management Order FILED IN OPEN COURT.

Counsel noted the partial parenting plan needs to be revised as to joint legal custody so they will submit a new agreement. Counsel advised there is no agreement as to physical custody and vacation.

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Mr. Riccio is to prepare the Order.

8/2/16 at 10:00 AM CALENDAR CALL - STACK #3

8/16/16 at 1:30 PM NON-JURY TRIAL - STACK #3

INTERIM CONDITIONS:

FUTURE HEARINGS: Aug 02, 2016 10:00AM Calendar Call
Calendar call-stack #3
Courtroom 02 Hoskin, Charles J.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

August 02, 2016

D-16-526954-D Melinda Sue Miller, Plaintiff
vs.
Paul Mendez Miller, Defendant.

August 02, 2016 10:00 AM All Pending Motions

HEARD BY: Hoskin, Charles J.**COURTROOM:** Courtroom 02**COURT CLERK:** Carol Foley**PARTIES:**

Jett Miller, Subject Minor, not present
Melinda Miller, Plaintiff, Counter Defendant, Pro Se
present
Paul Miller, Defendant, Counter Claimant, Pro Se
present

JOURNAL ENTRIES

- PLAINTIFF'S MOTION AND NOTICE OF MOTION FOR CONTINUANCE OF TRIAL, REQUEST TO MOVE DISCOVERY... DEFENDANT'S OPPOSITION AND COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS...CALENDAR CALL

Court noted the Motion to Relocate that was recently filed changes the focus and Court will take evidence on the motion at the time of trial. Defendant requested primary custody in the motion but that was not in the initial pleading so Defendant will have to amend in order for Court to have jurisdiction.

Statement by Mr. Riccio regarding the opposition and countermotion. Statement by Plaintiff. Parties agreed that exchanges may be at the babysitter's.

COURT ORDERED, Motion for Continuance of Trial is GRANTED. Trial date vacated. Calendar call and trial date RESET. Discovery reopened until August 26, 2016.

Court will deal with Defendant's request for makeup visitation time at time of trial.

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If Plaintiff is paying for daycare during her time she may choose the daycare. Request for Defendant to share costs of daycare is deferred until trial.

With regard to vacation time, whoever requested the time first will get the vacation time. If parties cannot agree they may submit proof of the notices to chambers and Court will decide.

Defendant's request to temporarily impose the Dept. E Standard Holiday Schedule is GRANTED.

Mr. Riccio is to provide Plaintiff with a list of personal belongings that Defendant wants to retrieve. If there is a problem the parties may contact Court.

Defendant is required to provide his work schedule to Plaintiff.

Per STIPULATION, the child may have phone contact with the parent the child is not residing with between 7:00 p.m. and 8:00 p.m. Pacific Time.

Mr. Riccio is to prepare the order.

9/27/16 10:00 AM CALENDAR CALL - #1 ON STACK

10/11/16 1:30 PM NON-JURY TRIAL - #1 ON STACK

INTERIM CONDITIONS:

FUTURE HEARINGS: Sep 27, 2016 10:00AM Calendar Call
Calendar Call - #3 on Stack
Courtroom 02 Hoskin, Charles J.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

September 27, 2016

D-16-526954-D Melinda Sue Miller, Plaintiff
vs.
Paul Mendez Miller, Defendant.

**September 27,
2016** **10:00 AM** **Calendar Call**

HEARD BY: Hoskin, Charles J.

COURTROOM: Courtroom 02

COURT CLERK: Carol Foley

PARTIES:

Jett Miller, Subject Minor, not present
Melinda Miller, Plaintiff, Counter Defendant, Kurt Smith, Attorney, present
present
Paul Miller, Defendant, Counter Claimant, not Pro Se
present

JOURNAL ENTRIES

- CALENDAR CALL

Mr. Smith noted he was recently retained and would like to file an Amended Pre-Trial Memorandum. Counsel noted they are trying to resolve matters.

Mr. Riccio provided exhibit binders to Mr. Smith and Court Clerk.

COURT ORDERED, firm trial date SET.

Amended Pre-Trial Memorandum(s) due seven days prior to trial.

10/10/16 1:30 PM NON-JURY TRIAL

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INTERIM CONDITIONS:

FUTURE HEARINGS: Sep 27, 2016 10:00AM Calendar Call
Calendar Call - #3 on Stack
Courtroom 02 Hoskin, Charles J.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

October 10, 2016

D-16-526954-D Melinda Sue Miller, Plaintiff
vs.
Paul Mendez Miller, Defendant.

October 10, 2016 1:30 PM Non-Jury Trial

HEARD BY: Hoskin, Charles J.

COURTROOM: Courtroom 02

COURT CLERK: Carol Foley

PARTIES:

Jett Miller, Subject Minor, not present
Melinda Miller, Plaintiff, Counter Defendant,
present
Paul Miller, Defendant, Counter Claimant, Pro Se
present

JOURNAL ENTRIES

- Mark Anderson, Esq., #606, present on behalf of Plaintiff.

Opening statements waived.

Testimony and exhibits presented per worksheets.

Closing arguments.

COURT ORDERED, matter UNDER ADVISEMENT. Court will issue a written decision.

INTERIM CONDITIONS:

FUTURE HEARINGS: Oct 10, 2016 1:30PM Non-Jury Trial
Courtroom 02 Hoskin, Charles J.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

November 29, 2016

D-16-526954-D Melinda Sue Miller, Plaintiff
vs.
Paul Mendez Miller, Defendant.

November 29, 2016 9:00 AM All Pending Motions

HEARD BY: Hoskin, Charles J.**COURTROOM:** Courtroom 02**COURT CLERK:** Carol Foley**PARTIES:**

Jett Miller, Subject Minor, not present
Melinda Miller, Plaintiff, Counter Defendant, Pro Se
present
Paul Miller, Defendant, Counter Claimant, Pro Se
present

JOURNAL ENTRIES

- PLTF'S MOTION FOR RECONSIDERATION... DEFT'S OPPOSITION TO MOTION FOR RECONSIDERATION; AND COUNTERMOTION FOR ATTY'S FEES AND COSTS

Court noted it can deal with Defendant's Motion to Strike orally today and the 1/5/17 hearing date is VACATED. Based on the request, COURT ORDERED, Exhibits 2, 3 & 4 of Plaintiff's Reply filed on 11/22/16 are STRICKEN. The balance of the Reply has been reviewed by the Court and will be considered.

Statements by Plaintiff and Mr. Riccio regarding the motion and the opposition and counter motion. Upon Court's inquiry, Defendant advised he does not get his final monthly work schedule for the next month until the 28th of each month because of the promotion.

Mr. Riccio noted there is a subsequent community tax debt and he realizes he may have to file a motion regarding that issue. Court noted tax issue is not before it today but Amie would deal with an asset or a debt that wasn't disclosed at the time of the entry of the Decree.

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Parties agreed that personal property that is to be exchanged as a result of the entry of the Decree will be exchanged 12/12/16 at 10:00 a.m. COURT SO ORDERED. Mr. Riccio requested a list of the personal belongings from Plaintiff.

Court noted Honda Ridgeline was dealt with in Prenuptial Agreement so Court lacks jurisdiction to deal with that issue. If the ring was also dealt with in Premarital Agreement, Court does not have jurisdiction. Court determined Premarital Agreement was valid. Court anticipates that the Honda Ridgeline will be exchanged when personal property is exchanged on 12/12/16.

COURT FURTHER ORDERED,

Motion for Reconsideration is DENIED. No new evidence was presented to indicate why there should have been a change in the determinations that were made.

With regard to video conferencing, absent a stipulation to change the time at this point in time the Decree will continue.

If Defendant does not provide his work schedule for the following month by the 28th of each month he will forego any visitation for that month.

Parties should exchange information through Our Family Wizard.

The three days from May that Defendant did not have visitation can be exercised at any point in time and Defendant can include that in with his time request until the three days are utilized.

With regard to the issue regarding the house, parties are to follow Premarital Agreement. There has to be a letter presented so that Defendant can comply with his portion of it. Once Plaintiff chooses a home and a letter is sent, the parties should be able to resolve issue. If there is a contempt issue the matter can be brought to Court.

Court finds that some of the issues that were placed before it today were necessary to bring to court. Court informed Plaintiff if there is a determination that an issue brought by Plaintiff or Defendant that Court finds was inappropriate to bring then Court has the ability to award fees. Court is not making any findings today with regard to fees.

Mr. Riccio is to prepare the Order.

INTERIM CONDITIONS:

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FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

February 22, 2017

D-16-526954-D Melinda Sue Miller, Plaintiff
vs.
Paul Mendez Miller, Defendant.

February 22, 2017 10:00 AM All Pending Motions

HEARD BY: Hoskin, Charles J.

COURTROOM: Courtroom 02

COURT CLERK: Carol Foley; Annette Duncan;

PARTIES:

Jett Miller, Subject Minor, not present
Melinda Miller, Plaintiff, Counter Defendant, Pro Se
present
Paul Miller, Defendant, Counter Claimant, Pro Se
present

JOURNAL ENTRIES

- DEFT'S MOTION FOR AN ORDER TO SHOW CAUSE, AND FOR ATTY'S FEES AND COSTS...PLTF'S OPPOSITION TO DEFT'S MOTION FOR AN ORDER TO SHOW CAUSE AND FOR ATTY'S FEES AND COSTS AND PLTF'S COUNTERMOTION FOR AN ORDER TO SHOW CAUSE TO FIND THE DEFT IN CONTEMPT; FOR SANCTIONS AND TO RESOLVE OTHER PARENT CHILD ISSUES; FOR PLTF'S ATTY'S FEES AND COSTS INCURRED HEREIN; AND RELATED MATTERS...DEFT'S REPLY TO PLTF'S OPPOSITION AND OPPOSITION TO PLTF'S COUNTERMOTION

Edward Miley, Esq., #6063, present with Plaintiff in an unbundled capacity.

Mr. Riccio noted counsel discussed possibly stipulating to a parenting coordinator. Statements by counsel regarding the motion, the counter motion, the reply and the oppositions. Statement by Plaintiff. Plaintiff advised her phone doesn't ring if she is out of WiFi range and she is having issues with the WiFi at her apartment.

COURT ORDERED,

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A parenting coordinator will be put in place. Mr. Riccio is to provide three names to Mr. Miley and Mr. Miley may select one and then counsel may notify the department and Court will put an order in place. Parties will equally share in the initial fees of the parenting coordinator. There is a provision with regard to reallocation if that needs to be dealt with.

Defendant's Motion for Order to Show Cause is DENIED and Plaintiff's Countermotion for Order to Show Cause is DENIED.

The child should be with Defendant most if not all of the days he is off. Given that Defendant is exercising the majority of the time that he is in town, the right of first refusal is eliminated. The first and last name and contact information of anyone who is taking care of the child, including a day care or preschool is to be provided to the other party and exchanged through Our Family Wizard. That is part of the joint legal custodial order.

No more than 15 days a month is for regular visitation. If there is a holiday that Defendant is exercising or additional vacation, there is a good chance that during that month there will be more than 15 days. Defendant can do what he wants to during his timeshare and just needs to make sure an itinerary is provided.

Court will give more clarification with regard to video conferencing. The order itself indicates it will happen daily at 7:00 p.m. unless another time is agreed to by the parties. The intention is for video time with the child every day. The time will be left at 7:00 p.m. and the call needs to take place between 7:00 p.m. and 7:30 p.m., Nevada time. If the call is outside of that time, it will have to be a phone call instead of a video call. If WiFi isn't working then a voice call needs to be made. It is not acceptable if WiFi is not working on a regular basis.

With regard to the return of property, that is a criminal matter if there is property that was stolen.

Plaintiff has a responsibility to prove that she is paying for daycare. If a receipt is not provided for daycare then Defendant is not responsible to pay daycare for the following month.

Court does not see a basis for makeup visitation.

Court does not see a basis to put a Behavior Order in place today, especially with the insertion of a parenting coordinator in this case.

With regard to attorney's fees, there is a lot today that should have been resolved by the parties and many repeat issues that are before the Court today. The issue that Court would probably grant fees for is the video timeshare issue, but Court does not have sufficient information with regard to that nor do the financial circumstances justify that. If the parenting coordinator and the parties cannot work out video conferencing with the instruction that Court has given today, the Court will be awarding fees and sanctions if Court has to deal with this issue again.

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Parties STIPULATED to having the EXCHANGES at McDonald's on Fort Apache and Tropicana.

Parties STIPULATED that Defendant will claim the child as a tax deduction in even numbered tax years and Plaintiff will have odd numbered tax years.

Mr. Riccio is to prepare the order and send it to Mr. Miley to review and sign off.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

May 10, 2017

D-16-526954-D Melinda Sue Miller, Plaintiff
vs.
Paul Mendez Miller, Defendant.

May 10, 2017 10:00 AM All Pending Motions

HEARD BY: Hoskin, Charles J.**COURTROOM:** Courtroom 02**COURT CLERK:** Carol Foley**PARTIES:**

Jett Miller, Subject Minor, not present
Melinda Miller, Plaintiff, Counter Defendant, Pro Se
present
Paul Miller, Defendant, Counter Claimant, Pro Se
present

JOURNAL ENTRIES

- DEFT'S MOTION FOR CLARIFICATION; FOR ENFORCEMENT OF ORDERS; TO STOP WAGE GARNISHMENT; FOR AN END TO DAYCARE PAYMENTS; OTHER RELIEF... PLTF'S OPPOSITION TO MOTION PLTF'S MOTION FOR AN ORDER TO SHOW CAUSE, TO HOLD THE DEFT IN CONTEMPT, FOR SANCTIONS AND PENALTIES, FOR A WAGE GARNISHMENT, TO COMPEL DEFT TO OBEY THE COURT'S ORDER, FOR ATTORNEY'S FEES AND COSTS, AND FOR OTHER RELATED RELIEF... DEFT'S OPPOSITION TO MOTION FOR AN ORDER TO SHOW CAUSE, ET AL; AND, COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS...DEFT'S REPLY TO PLTF'S OPPOSITION TO DEFT'S MOTION FOR CLARIFICATION; FOR ENFORCEMENT OF ORDERS; TO STOP WAGE GARNISHMENT; FOR AN END TO DAYCARE PAYMENTS; OTHER RELIEF

Soraya Veiga, Esq., # 7944 present with Plaintiff in an unbundled capacity.

Arguments by counsel regarding the motions, the oppositions and the countermotion. Ms. Veiga advised Plaintiff took the Decree to DAFS. Ms. Veiga agreed that the daycare costs should not have been garnished.

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Court NOTED the prenuptial agreement itself was not vague and ambiguous. There were terms that needed further clarification. Once the parties put the prenuptial agreement before the Court that became its jurisdiction to resolve.

Court is not modifying the prenuptial agreement but is clarifying it.

The down payment is going to be whatever down payment is required that Plaintiff can qualify for. If Defendant would prefer to pay a lower down payment for something that he could assist qualifying for, Court is leaving that to Defendant and is certainly not requiring Defendant to co-sign on a home. If it is worth enough to Defendant to reduce the down payment from 20% to 3.5% that is Defendant's option, otherwise it will be whatever Plaintiff qualifies for. Most conventional loans require 20% down. The down payment includes closing costs and everything else that is included in a down payment. There is an agreement as to median price, and the home is within twenty miles of Defendant's residence, not in the Las Vegas valley.

Plaintiff is to provide information for Mr. Riccio to look at when she finds a home as long as it is less than the median home price in that radius that is contemplated as soon as Plaintiff knows what she is going to need for a down payment. Defendant will provide it at the time the down payment is required.

Employment status changes what portions are. Portion is the percentage difference between the income that the Plaintiff is earning and the income that the Defendant is earning. The portion is what they will pay of the mortgage payment once the triggering event occurs.

Certainly Plaintiff will need to get a reasonable job and Court can impute income to determine that portion but it is hoping it does not have to.

There is a requirement to continue to pay the rent.

Court is not changing the triggering events that are in the agreement that the parties agreed to.

Technically, school starts at first grade since kindergarten is not required by the Clark County School District.

Court is not resolving the duration today. It is in the same category as spousal support or alimony with regard to that, and Court is not going to require an actual court hearing if parties get to that point. Certainly if we get three years in and a party is saying about a three and a half year duration that can be raised to Court and can be done on the papers to avoid parties having to pay attorneys to come back in and deal with that issue. The facts and circumstances that exist at the time will be something that Court will be considering in order to determine the duration as well as the specific language of the prenuptial agreement.

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The first and last name of Plaintiff's boyfriend should be disclosed. If either party is having a relationship with someone involved with the child the other party is entitled to know that. That is a requirement of joint legal custody.

With regard to wage garnishment, daycare amount never should have been garnished and Plaintiff's counsel stipulated that it should not have been garnished. Typically DAFS won't begin a garnishment without a court order or without a thirty day late payment on that. If they are the Court has concerns. If there is an R case that is being enforced, there should have been an objection brought to Court on that garnishment.

As far as the individuals that are providing daycare, first and last names and contact information need to be included in the receipts that are provided to Defendant or he does not have to pay.

Court stated its findings with regard to request for attorney's fees and DENIED the request for attorney's fees.

Per STIPULATION, when Plaintiff is employed she will send written notification of new employment to Defendant on Our Family Wizard within ten days of employment.

Ms. Veiga advised the last name of Plaintiff's boyfriend is Raznick. Plaintiff advised she does not have his address with her. Court noted she was ordered to provide that.

Ms Veiga is to prepare the order from today's hearing and send it to Mr. Riccio to review and sign off. The order needs to contain some direction to DAFS with regard to the garnishment.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

July 12, 2017

D-16-526954-D Melinda Sue Miller, Plaintiff
vs.
Paul Mendez Miller, Defendant.

July 12, 2017 10:00 AM All Pending Motions

HEARD BY: Hoskin, Charles J.

COURTROOM: Courtroom 02

COURT CLERK: Carol Foley

PARTIES:

Jett Miller, Subject Minor, not present
Melinda Miller, Plaintiff, Counter Defendant, Pro Se
present
Paul Miller, Defendant, Counter Claimant, Pro Se
present

JOURNAL ENTRIES

- DEFT'S MOTION AND NOTICE OF MOTION FOR ORDER TO SHOW CAUSE REGARDING CONTEMPT AND TO ENFORCE CHILD CUSTODY, AND/OR VISITATION... DEFT'S MOTION AND NOTICE OF MOTION FOR ORDERS TO MODIFY CHILD CUSTODY, VISITATION, AND/OR CHILD SUPPORT...PLTF'S OPPOSITION TO MOTION FOR AN ORDER TO SHOW CAUSE REGARDING CONTEMPT AND TO ENFORCE CHILD CUSTODY AND/OR VISITATION; AND OPPOSITION TO MOTION AND NOTICE OF MOTION FOR ORDERS TO MODIFY CHILD CUSTODY, VISITATION, AND/OR CHILD SUPPORT; AND COUNTERMOTION FOR CHILD SUPPORT INCREASE; MODIFICATION OF TIMESHARE EXCHANGE SCHEDULE; ORDER TO COMPLY WITH PREVIOUS ORDERS REGARDING PURCHASE OF HOME FOR PLTF; REIMBURSEMENT OF MONIES LOST DUE TO NON-COMPLIANCE BY DEFT FOR PURCHASE OF HOME FOR PLTF AND/OR NULLIFICATION OF PREVIOUS ORDER FINDING THE PRENUPTIAL ENFORCEABLE AND ALL PROPERTY BE DEEMED COMMUNITY PROPERTY... DEFT'S REPLY TO PLTF'S OPPOSITION AND OPPOSITION TO PLTF'S COUNTERMOTION

Plaintiff asked that the untimely reply and opposition be stricken. COURT ORDERED, request to strike DENIED. It is untimely but Court already reviewed it. The Supreme Court prefers that Court

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take all the information that is available in order to come up with the resolution that it comes up with.

Court noted given the fact that there is a parenting coordinator is in place, it appears that some, if not all, of Defendant's requests would be better dealt with by the parenting coordinator. Mr. Riccio noted the motions were filed by Defendant and he had a conversation with him about that. Mr. Riccio noted with the parenting coordinator there is some blending because the parenting coordinator made some recommendations that he would like Court to consider with regard to issues that have repeated.

Statement by Mr. Riccio regarding the reply and opposition to the countermotion. Mr. Riccio noted Defendant filed an appeal yesterday regarding Section 11(a) and Mr. Shapiro is handling the appeal. Statement by Plaintiff regarding the opposition and the countermotion.

Plaintiff noted Defendant has not been paying for the rent since last October. Mr. Riccio noted the temporary order was before the divorce trial and is not part of the Decree of Divorce. Court noted that issue is not technically before it today, but its intention was that Defendant continues to pay Plaintiff's rent until he pays Plaintiff's mortgage. It was Court's intent that the house would be purchased in the next thirty days following the entry of the Decree of Divorce, but absent that the rent should be maintained. That is consistent with Court's interpretation of the premarital agreement. If that is an issue that Court needs to deal with it needs to be properly noticed and put before the Court.

Upon Court's inquiry, Mr. Riccio advised Defendant did not co-sign or make a down payment on the last house Plaintiff picked because he does not want to associate his credit with any property and the down payment was disproportionate.

Court FINDS many of the issues before Court today should have been dealt with and can certainly be dealt with by the parenting coordinator. Court is not persuaded that the order with regard to the visitation allotted to the parties is difficult to accomplish or is impossible to accomplish. It should be fairly simple to accomplish. Court is more interested in having parents have visitation with children rather than third parties.

COURT FURTHER ORDERED,

Requests for modification of child support DENIED. There isn't anything before the Court to indicate that there has been a 20% change in order to allow Court to review the child support obligation.

Request for modifications to the visitation schedule DENIED. If the parenting coordinator feels there is a better way to go about it, those recommendations can be made by the parenting coordinator.

As for the daycare obligations, Court clarified that at the last hearing. Garnishment was improper, and if there is ongoing garnishment and there are offsets that need to take place as a result of that the Court reserves jurisdiction with regard to that.

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With regard to request for order to show cause for violating Court's order with regard to the down payment on the house, Court FINDS good cause to ISSUE ORDER TO SHOW CAUSE for the Defendant to appear and present evidence why he should not be held in contempt for not complying with this Court's previous order on a prenuptial agreement that Defendant pushed to make sure that Court made a determination was valid. Any sanctions associated with that as well as any reimbursements that need to take place will be dealt with at the show cause hearing.

The finding of Court under Huneycutt is that the order is enforceable and there is no reason to stay it moving forward waiting for the Supreme Court or the Court of Appeals to deal with that. Certainly on this record as we sit here today, Court cannot make a finding that the premarital agreement is fraudulent as it already made findings that it is valid and enforceable. If there is a determination from the Supreme Court or the Court of Appeals or some other entity that it is or that Court gets some admission from the Defendant that it is not enforceable, then that issue has to remain as previously determined by the Court.

Court does not have a basis to re-open discovery at this point.

Mr. Riccio is to prepare the order from today's hearing. Plaintiff is to prepare Order to Show Cause to be signed by Court

8/17/17 9:00 A.M. SHOW CAUSE HEARING

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

August 16, 2017

D-16-526954-D Melinda Sue Miller, Plaintiff
vs.
Paul Mendez Miller, Defendant.

August 16, 2017 10:00 AM All Pending Motions

HEARD BY: Hoskin, Charles J.

COURTROOM: Courtroom 02

COURT CLERK: Carol Foley

PARTIES:

Jett Miller, Subject Minor, not present
Melinda Miller, Plaintiff, Counter Defendant, Pro Se
present
Paul Miller, Defendant, Counter Claimant, Pro Se
present

JOURNAL ENTRIES

- SHOW CAUSE HEARING...PLTF'S MOTION AND NOTICE OF MOTION FOR AN ORDER TO ENFORCE AND/OR FOR AN ORDER TO SHOW CAUSE REGARDING CONTEMPT... DEFT'S OPPOSITION AND OBJECTION TO FILED ORDER TO SHOW CAUSE AND OPPOSITION TO PLAINTIFF'S SUBSEQUENT MOTION AND NOTICE OF MOTION FOR AN ORDER TO ENFORCE AND/OR FOR AN ORDER TO SHOW CAUSE REGARDING CONTEMPT

Bruce Shapiro, Esq., #4050, also present on behalf of Defendant.

Statement by Plaintiff regarding the request to strike the opposition and the objection. Argument by Mr. Shapiro.

Mr. Shapiro noted a settlement conference has not been set yet as a result of the appeal.

Statement by Plaintiff regarding Order to Show Cause and the motion. Statement by Mr. Shapiro regarding the objection and oppositions. Court noted its concern that Defendant is not complying with the portion of the prenuptial agreement that does not benefit him. Further argument by Mr.

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Shapiro. Statement by Plaintiff. Court reiterated its intention was that Plaintiff would be in a house within thirty days or so and Defendant would be paying the mortgage. Upon Court's inquiry, Plaintiff advised the last down payment request she made to Defendant was \$48,000 which was 20%, a conventional loan, and the mortgage payment would have been \$961 per month. Statement by Mr. Riccio.

Court stated its findings.

Court noted Mr. Shapiro is correct that Court needs a clear order and the order didn't exist at the time the Order to Show Cause was issued. Court cannot hold Defendant in contempt today, but it is not pleased with where parties are at this point. Based upon the bad faith that has occurred since the Decree was entered on the part of Defendant, when Court gets jurisdiction back it can sanction Defendant for not complying with the term of the prenuptial agreement that Defendant had Court put in place. Costs of \$2,735 are appropriately assessable to the Defendant, although given where we are with the pending appeal, Court has to defer on awarding those at this point in time.

COURT ORDERED,

Order is enforced. Defendant is to place \$48,000 in his attorneys' trust account in the next thirty (30) days. Plaintiff is to continue to look for a house, and if the down payment that is required is less than \$48,000 the rest will go back to Defendant. The money has to be made available so there is not ongoing game playing with regard to getting Plaintiff into a house. Plaintiff is to provide the information to Defendant's counsel so they are aware of what is going on and what is expected. Plaintiff has to give them enough time to be able to review it and make sure it is appropriate and legitimate. The intention is that will be for the down payment on the house.

Plaintiff is to prepare the order and send it to Defendant's counsel to sign off. Defendant's counsel is to submit the order from the last hearing with video citations included if Plaintiff does not sign off.

Mr. Shapiro suggested Supreme Court mediation or private mediation to resolve all issues. Mr. Shapiro suggested mediation with Radford Smith or Robert Dickerson or another qualified person selected by Plaintiff. Court noted it does not have a problem with either of the mediators suggested by Mr. Shapiro. Mr. Shapiro advised Defendant will pay for the mediation. Plaintiff advised she would like to try to mediate, and maybe parties can go with whoever is available first. Court noted Mr. Shapiro may contact Radford Smith and Robert Dickerson and provide information regarding their availability to Plaintiff and then the parties can move forward that way.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

January 09, 2019

D-16-526954-D Melinda Sue Miller, Plaintiff
vs.
Paul Mendez Miller, Defendant.

January 09, 2019 10:00 AM All Pending Motions

HEARD BY: Hoskin, Charles J.**COURTROOM:** Courtroom 02**COURT CLERK:** Sherri Estes**PARTIES:**

Jett Miller, Subject Minor, not present
Melinda Miller, Plaintiff, Counter Defendant, Pro Se
present
Paul Miller, Defendant, Counter Claimant, Pro Se
present

JOURNAL ENTRIES

-- DEFENDANT'S MOTION FOR AN ORDER TO SHOW CAUSE, FOR ADDITIONAL ORDERS, AND FOR ATTORNEY'S FEES AND COSTS...PLAINTIFF'S OPPOSITION TO MOTION FOR AN ORDER TO ENFORCE AND/OR TO SHOW CAUSE REGARDING CONTEMPT...DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION TO MOTION FOR AN ORDER TO SHOW CAUSE, FOR ADDITIONAL ORDERS, AND FOR ATTORNEY'S FEES AND COSTS; AND DEFENDANT'S OPPOSITION TO PLAINTIFF'S COUNTERMOTION FOR AN ORDER TO SHOW CAUSE

Mr. Ricco is requesting a new child support order including the medical premiums to eliminate any payback. Further discussion regarding an outstanding medical bill in the amount of \$56.12 which has been turned over to collection and should be paid by Plaintiff in the next 24 hours and receipt provided. Mr. Riccio feels there should be communication regarding doctor appointments. Further discussion regarding FaceTime issues, where he child would be attending school and the after school program and who is responsible for cost. Discussion regarding exchanges and the request for the Honk and Seat Belt rule if there is no school. In June 2018 Dad missed Father's Day, further discussion regarding Dad not being required to provide Mom with notice regarding regular holiday visitation. Upon the Court's inquiry, Dad did not try to pick up the child. Discussion regarding Mom

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leaving the state, pulling the child out of school for an entire week without notice to Dad against the terms of the Decree. Discussion regarding the Parenting Coordinator's bill and her suspending service until paid. Mr. Ricco request Mom be held in contempt. Mr. Ricco feels Mom should attend a parenting class at her own expense with proof of attendance, for the Court to execute the Order to Show Cause and to defer on his request for attorney's fees.

Plaintiff represented the bill for \$56.00 is in her name, has been paid and Dad was notified of same. Mom represented she had no FaceTime contact with the child for eight (8) days when Dad was on his cruise. Mom represented she did contact Dad regarding the child's school, that Dad made no effort and failed to respond to her regarding this issue; Mom has no issue with the child attending Challenger so long as Dad pays the cost. Mom feels the Parenting Coordinator is necessary. Mom is requesting to know what the amount is for the medical/dental premiums; COURT NOTES Mr. Ricco represented her one-half is \$67.50. Mom brought up reimbursement of child care cost in the amount of \$1,062.00 which Dad has not reimbursed. Further discussion regarding the order that Dad not shave the child's hair to his scalp. Mom is asking for the elimination of video conference; Mom represented it causes problems for the minor child. The child has an iPad and can contact either parent when he wants. Mom is requesting she no longer have to pay for one-half the medical/dental premiums. Mom is requesting reimbursement for Ms. Barnes' fees in the amount of \$300.00; and \$4,500.00 which 5% of the money she was to receive, but received it late. Mom is seeking an increase in child support and an admonishment to counsel for the use of his foul language. Mr. Riccio stated the language is only what he cut/pasted after Mom wrote it.

Further discussion regarding the medical/dental premiums and there being an increase as of January 2, 2019. Mr. Riccio read the parties communication regarding Dad's travel plans and itinerary into the record confirming Dad provided notice.

Upon the Court's inquiry, Dad will be going back to work in the next couple of weeks.

The Court stated it is confident it has expressed its concerns regarding the minor child. These parties only concentrate on the hatred for one another to the exclusion of the best interest of the minor child, the damage it causing just to punish one another. The Court cannot believe the amount of litigation in this case with a Parenting Coordinator in place along with three (3) orders in the past year. The Court stated it frustration with the amount of issue being brought back before the Court. The Court has concerns about the minor child based on the games the parties are playing to the detriment of the minor child. There are legal issue the Court has to resolve none of which benefit the child. The Court informed Mom there is a clear order that she owes for health insurance cost.

Arguments. COURT ORDERED the following:

1. Based on the parties agreement the child will be re-enrolled back into Challenger. The prior order shall remain in effect; the Court is not modifying it at this time. If Mom cannot afford Challenger there is an order in place for that as well.

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2. One-half of the MEDICAL PREMIUMS owed by Mom shall be deducted from the child support obligation Dad owes to her to avoid any issues in the future subject to Dad providing proof of cost(s) attributable to the minor child.
3. ARREARS are REDUCED TO JUDGMENT.
4. VIDEO CONFERENCING shall be ELIMINATED.
5. Both parties shall be required to attend the UNLV Parenting Class. The Court shall require the parties to attend separate classes and have the program completed in the next six (6) to nine (9) months.
6. Pending Dad returning to work and flying again that the parties TIMESHARE shall be WEEK-ON, WEEK-OFF with EXCHANGES taking place on Friday. Once Dad resumes work he shall be required to provide notice to Mom and the VISITATION as previously ordered will resume. If the child is not being picked up from school the Court is implementing the Honk and Seat Belt rule.
7. Mom shall be required to provide Mr. Ricco proof the \$56.00 has been paid by the end of the week (1/11/19).
8. The Parenting Plan and all other orders need to be FOLLOWED.
9. Mom shall be REIMBURSED the \$300.00 for Ms. Barnes fees from Dad. However, her request for \$4,500.00 is not appropriate, and that request, is DENIED.
10. Mr. Riccio's request for ATTORNEY'S FEES for today purposes is DENIED. If this type of thing continues the Court will RESERVE the right to RETROACTIVELY go back and award ATTORNEY'S FEES.
11. The Court stated its concerns regarding the amount of litigation in this case and ADMONISHED the parties to do what is in the best interest of the minor child, to stop focusing on their hatred for one another and the affect it is having on the child now and the detrimental affect it will have on him in the future.
12. The Court CONFIRMED again that Dad is not permitted to shave the child's hair.
13. Both Mr. Ricco and Mom's request for an ORDER TO SHOW CAUSE regarding contempt are DENIED.
14. The Court feels the Parenting Coordinator is still necessary so long as she is willing to continue to provide that service.
15. As for the HOLIDAY issue if Dad did not attempt to pick up the child, it is what is and Dad

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needs to enforce his rights going forward.

16. The girlfriend's name on Dad's phone being "mom" needs to be addressed. Mr. Riccio represented that has been addressed and is moot.

17. The Court confirmed again, if either parent removes the child from the state they shall provide the non-custodial parent with notification of same.

Mr. Riccio shall prepare the order. Ms. Miller shall have five (5) days to review as to form and content.

CASE CLOSED

INTERIM CONDITIONS:

FUTURE HEARINGS:

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES****August 06, 2019**

D-16-526954-D Melinda Sue Miller, Plaintiff
vs.
Paul Mendez Miller, Defendant.

August 06, 2019 9:00 AM All Pending Motions

HEARD BY: Hoskin, Charles J.**COURTROOM:** Courtroom 02**COURT CLERK:** Sherri Estes**PARTIES:**

Jett Miller, Subject Minor, not present
Melinda Miller, Plaintiff, Counter Defendant, Damian Sheets, Attorney, not present
present
Paul Miller, Defendant, Counter Claimant, Pro Se
present

JOURNAL ENTRIES

- - DEFENDANT'S MOTION AND NOTICE OF MOTION FOR AN ORDER TO ENFORCE AND/OR FOR AN ORDER TO SHOW CAUSE REGARDING CONTEMPT...PLAINTIFF'S OPPOSITION TO PLAINTIFF'S MOTION FOR AN ORDER TO ENFORCE AND/OR FOR AN ORDER TO SHOW CAUSE REGARDING CONTEMPT...PAUL MILLER'S REPLY TO OPPOSITION AND/OR COUNTERMOTION

Defendant/Dad indicated the orders are not being followed and seeing them to be enforced. There have been three (3) mediator and has not utilized the Parenting Coordinator (PC) for these issues. Discussion regarding Plaintiff/Mom's verbal agreement between Dad and Mr. Riccio regarding the minor child attending a Challenger School and the child attending Isaac Newton for summer school and Dad wanting the child to attend Isaac Newton. The Court wants to know why Dad did not use the PC after it was ordered. Dad is requesting Mom be held in contempt of the court order. Dad represented he finished and filed a Certificate of Completion as to the UNLV Cooperative Parenting Class and Mom has not even started the class. Dad is seeking enforcement, contempt and for Mom to comply with the Court orders. Dad wants the minor child to attend a Challenger School. Dad would like Mom to go to jail and/or for monetary relief. Dad indicated he is not on any of the emergency

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contact information. In addition, Mom went against the court order not to enroll the child into a religious school which she did a few weeks. Dad is requesting reimbursement of attorney's fees.

Mr. Cortese represented the order is clear regarding the use the PC and Dad choosing not to. Further discussion regarding the minor child attending Desert Hill Challenger school and has never previously attended Lone Mountain Challenger school. Mom wanted to enroll the child back into Desert Hill where he was previously attending. Mom is requesting the child return back to Batterman where he has friends, knows the teachers and excels there. Mr. Cortese is requesting attorney's fees. Discussion regarding Mom violating the Honk and Seat Belt rule; Mom indicated she was waiting for over an hour. Mom stated she only has three (3) classes left with UNLV Cooperative Parenting Class.

The Court stated these parties have a complete inability to co-parent even after sending them to the Cooperative Parenting class and informed them of the damage they are causing to the minor child instead of putting his best interest first. The Court cited and stated its FINDINGS as to Arcella.

COURT ORDERED the following:

1. Given the totality and after considering the Arcella factors, the minor child shall be enrolled into the Lone Mountain Challenger School at least for the 2019-2020 school year because the Court cannot guarantee this is where the child will attend the remaining years.
2. COURT FINDS Mom in CONTEMPT regarding the Honk and Seat Belt rule. COURT FINDS Mom admitted to violating the Honk and Seat Belt rule by getting out of car.
3. As for Dad's request for CONTEMPT for Mom's failure to enroll the minor child into the Challenger School, in order for the Court to find contempt there has to be a clear order and willful violation of that order. Everyone here today admitted it was impossible for the child to be re-enrolled in the same challenger school he was previously enrolled so the Court cannot find contempt on that issue; therefore the request is DENIED.
4. As for Mom's request, the Court ADMONISHED Dad for not using the Parenting Coordinator. The Court is frustrated with this reality, the parties do not get to pick and choose what orders are followed and then point the finger at the other stating those orders are not being followed. The Court ADMONISHED both parties to FOLLOW ORDERS.
5. ATTORNEY'S FEES: The Court indicated if there were additional and similar issues at a prior hearing the Court would consider the attorney's fees award, found Mom in contempt and is appropriate to award Dad some fees. The Court shall require Dad to leave a blank in the order. The Court shall require a Brunzell Affidavit and a Memorandum of Fees and Cost he will need to obtain from his prior counsel Mr. Riccio.
6. The Court does not find a basis to incarcerate Mom for her violation; the parties shall be required to comply with future court orders.

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7. In the future, the Court shall require the parties to work with the PARENTING COORDINATOR prior to filing a motion. Their failure to do so will result in the Court vacating that specific hearing until such time as they attempt to resolve it through the PC.

8. As for the Dad's request for REIMBURSEMENT of the summer school costs; the Court informed Dad that is still the order of the Court and Dad shall be required to provide the receipt to Mr. Cortese for reimbursement.

9. Mr. Cortese's request for ATTORNEY'S FEES is DENIED.

Mr. Miller shall prepare order.

CASE CLOSED

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

February 06, 2020

D-16-526954-D Melinda Sue Miller, Plaintiff
vs.
Paul Mendez Miller, Defendant.

February 06, 2020 9:00 AM All Pending Motions

HEARD BY: Hoskin, Charles J.**COURTROOM:** Courtroom 02**COURT CLERK:** Sherri Estes**PARTIES:**

Jett Miller, Subject Minor, not present
Melinda Miller, Plaintiff, Counter Defendant, Lesley Cohen, Attorney, present
present
Paul Miller, Defendant, Counter Claimant, Pro Se
present

JOURNAL ENTRIES

-- DEFENDANT'S AMENDED MOTION TO SET ASIDE ORDER ENTERED ON SEPTEMBER 5, 2019 AND FOR RELATED RELIEF...PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO SET ASIDE ORDER ENTERED ON SEPTEMBER 5, 2019 AND FOR RELATED RELIEF; AND COUNTERMOTION FOR RELATED MATTERS

Discussion regarding Defendant's failure to submit the Brunzell Affidavit and the Memorandum of Fees and Cost from his prior counsel on/or before the order was submitted to the Court for signature with regards to the award of attorney's fees. For the record the order was filed on September 5, 2019 and Mr. Riccio filed the Defendant's Memorandum of Fees and Costs on 10/1/2019 but Defendant is claiming there was a procedural defect. The Court let Defendant know the Brunzell Affidavit was not provided when the order was submitted and the reason for the zero award.

The Court informed Defendant it would need a legal basis in order for the Court to consider setting the order aside. The Court went over the order filed on September 5, 2019 and read it into the record as to what was required in order for this Court to award fees; and that was not done. Ms. Cohen stated the Affidavit of Fees and Costs went back to November 2018 and included all of the bills which

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are not correct. Ms. Cohen's countermotion has not been opposed so she is requesting attorney's fees. Defendant represented the Plaintiff continues to violate the Honk and Seat Belt Rule. Ms. Cohen indicated Defendant is not complying with the rules and has not contacted her office regarding Plaintiff not complying with the order.

COURT stated its FINDINGS and ORDERED the following:

1. Defendant's Motion to set aside the September 5, 2019 order regarding ATTORNEY'S FEES is DENIED.
2. Ms. Cohen's request for ATTORNEY'S FEES is DENIED.
3. The Court confirmed the PARENTING COORDINATOR needs to be contacted prior to any motion being filed.
4. The parties are ADMONISHED to follow the court orders.

Ms. Cohen shall prepare the order INCLUDING ALL OF THE COURT'S FINDINGS; CASE CLOSED upon entry of same.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

August 26, 2020

D-16-526954-D Melinda Sue Miller, Plaintiff
vs.
Paul Mendez Miller, Defendant.

August 26, 2020 11:00 AM All Pending Motions

HEARD BY: Hoskin, Charles J.

COURTROOM: Courtroom 02

COURT CLERK: Sherri Estes

PARTIES:

Jett Miller, Subject Minor, not present
Melinda Miller, Plaintiff, Counter Defendant, Michael Burton, Attorney, present
present
Paul Miller, Defendant, Counter Claimant, Pro Se
present

JOURNAL ENTRIES

-- DEFENDANT'S MOTION FOR MINOR CHILD TO ATTEND THE MEADOWS SCHOOL FOR AN ORDER FOR PLAINTIFF TO PAY TUITION TO DEFENDANT FOR ANEW PARENTING COORDINATOR; FOR ATTORNEY'S FEES AN COSTS AND EXPENSES AND RELATED RELIEF...PLAINTIFF'S OPPOSITION TO MOTION FOR MINOR CHILD TO ATTEND THE MEADOWS SCHOOL; FOR AN ORDER FOR PLAINTIFF TO PAY TUITION TO DEFENDANT; FOR A NEW PARENTING COORDINATOR; FOR ATTORNEY'S FEES, COSTS AND EXPENSES; AND RELATED RELIEF AND COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS

Plaintiff/Mom in the office with Mr. Burton, Defendant/Dad, Ms. Kirigin and Corrine Price, Parenting Coordinator all present by video.

COURT NOTED the review of Defendant's Motion and Plaintiff's response filed 8/25/20.

Discussion regarding Dad's good faith efforts to resolve the school issue with the Parenting Coordinator, not getting a response from the PC prior to paying the \$2,500.00 down payment

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towards the tuition to Meadows to hold the child's place, and the child taking and passing the entrance exam absent Mom's knowledge. Discussion regarding Mr. Burton's intent to file a motion for a modification of custody, the request for the child to return to Challenger at Dad's expense with Mom continuing paying her part per the order, and a request for attorney's fees. Upon the Court's inquiry, Ms. Kirigin confirmed Dad will pay the tuition over and beyond what Mom is currently paying towards Challenger but will not pay the entirety of the tuition up and through the child attending middle school.

The Court informed Ms. Kirigin its order was clear, the child was attend Challenger until such time as there was a stipulation between the parties or an order from the Court so the Court can only interpret that as unilateral based on the action Dad took. Ms. Kirigin went on to further state Dad filed his original motion prior to school but did not ask for oral argument so when she was retained they filed another motion to include oral argument and no time for the court to address the issue prior to school.

The Court stated its frustration with the history of this issue and Dad not filing his motion in February and waiting until August to file. The Court feels as though this child is being harmed under the guise rather than being helped, the parties put the child in the situation to hurt one another and it continues to happen. The Court has a hard time wrapping it head around the potential logic to justify the self-help taken by Dad. This is not the first time Dad said he cannot afford to pay for private school and somehow after the fact he pays for private school. The Court feels Dad had to have known there was a risk when he paid the tuition before filing a motion and did it anyway; but cannot afford to pay the PC which the Court is having a hard time understanding. The Court clearly does not have enough information to do an Arcella analysis.

Ms. Price discussed her communication between the parties, notices being sent and changes being made prior. Ms. Price was directed to file a stipulation and order by Dad and stated an order was not prepared because there was no stipulation.

After lengthy arguments the COURT stated its FINDINGS and ORDERED the following:

1. The Court cannot FIND a basis to overcome the existing court order that child remains in the school he was attending until there is either a stipulation of the parties or an order from the Court. The Court's preference is for the parties to reach an agreement not to move the child around again but from a legal standpoint the Court must apply the law to the case and that is, the minor child should be attending Challenger absent another determination. Dad's request for the child to attend Meadows is DENIED; therefore the child shall return to Challenger.

2. The Court's prior order shall remain in full force and effect.

3. The Court is awarding Mom ATTORNEY'S FEES under NRS 18.010. Mr. Burton shall prepare a Brunzell Affidavit along with a Memorandum of Fees and Costs leaving the amount blank in the order. Said amount shall be REDUCED to JUDGMENT collectable by any legal means bearing the

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legal rate of interest until paid in full.

4. Defendant's Motion currently set for 9/29/20 STANDS.

5. The request for a new PC shall be DEFERRED to the 9/29/20 hearing.

Mr. Burton shall prepare the order including ALL of the COURTS FINDINGS, Ms. Kirigin to review and sign off.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES****September 29, 2020**

D-16-526954-D Melinda Sue Miller, Plaintiff
vs.
Paul Mendez Miller, Defendant.

September 29, 2020 9:00 AM All Pending Motions

HEARD BY: Hoskin, Charles J.**COURTROOM:** Courtroom 02**COURT CLERK:** Sherri Estes; Gabriella Konicek**PARTIES:**

Corinne Price, Special Master/Parenting
Coordinator, present

Jett Miller, Subject Minor, not present

Melinda Miller, Plaintiff, Counter Defendant, Michael Burton, Attorney, present
present

Paul Miller, Defendant, Counter Claimant, Pro Se
present

JOURNAL ENTRIES

-- DEFENDANT'S MOTION TO OPPOSE SPECIAL MASTER'S FIFTH REPORT, RECOMMENDATION AND DECISION...PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO OPPOSE SPECIAL MASTER'S FIFTH REPORT, RECOMMENDATION AND DECISION; AND COUNTERMOTION FOR TEMPORARY LEGAL AND PHYSICAL CUSTODY MODIFICATION PENDING EVIDENTIARY HEARING; AND FOR ATTORNEY'S FEES AND COSTS...DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO OPPOSE SPECIAL MASTER'S FIFTH REPORT, RECOMMENDATION AND DECISION AND OPPOSITION TO COUNTERMOTION FOR TEMPORARY LEGAL AND PHYSICAL CUSTODY PENDING EVIDENTIARY HEARING, AND ATTORNEY'S FEES AND COSTS...PLAINTIFF'S REPLY TO DEFENDANT'S OPPOSITION TO COUNTERMOTION FOR TEMPORARY LEGAL AND PHYSICAL CUSTODY MODIFICATION PENDING EVIDENTIARY HEARING AND ATTORNEY'S FEES AND COSTS

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Ms. Kirigin, Parenting Coordinator Corinne Price, Mr. Burton present by video with Plaintiff/Mom present in office and Defendant/Dad present by audio.

Ms. Kirigin represented child tested in February for Meadows School and was accepted in March. Dad understood he could lose the school deposit he paid in March. Dad made efforts to resolve school issues with parenting coordinator Discussion regarding miscommunication between parenting coordinator and Dad, Dad's inquiries about Stipulation and Order, Dad's concerns for child and lack of neutrality of parenting coordinator. Further, Ms. Kirigin believes the above mentioned issues led the parenting coordinator suggesting a mental health evaluation for Dad regardless of the lack of evidence for concerns for mental health. Ms. Kirigin believes a new parenting coordinator is needed to help parties and further stated both parties historically had issues regarding child's schooling. Ms. Kirigin represented if the Court maintains the same Parenting Coordinator Dad will absolutely feel there is a bias against him. Ms. Kirigin stated there are no grounds to set an Evidentiary Hearing nor to a grant Mom primary custody as Ms. Kirigin has proof Mom was frustrated with the current Parenting Coordinator's lack of communication, however, after mental health evaluation for Dad was provided Mom changed her mind.

Mr. Burton represented Dad did not like Covid- 19 procedures at Challenger School so he pursued Meadows School. Further discussion regarding Dad's claims in motion being false, Dad not providing a legitimate reason for changing schools, Dad's conduct throughout case and unilaterally making decisions regarding child's school. Mr. Burton further represented Dad's request for a new parenting coordinator is not for child's benefit but for his own as Ms. Price has not caved in to his requests and the unhealthy co-parenting relationship developed. Mr. Burton further stated Dad should not get primary custody based on his actions and he has not seen child since August 2020. Further discussion regarding Dad's lack of visitation with child in the last couple months and Dad's threats of continuous litigation. Finally, Mr. Burton is requesting a temporary modification in Dad's custody, to keep same Parenting Coordinator and to set the matter for an evidentiary hearing for a permanent modification of custody to put all facts in one setting.

Ms. Price stated her concerns with Mr. Miller behavior's directly affecting the minor, the parties' ability to co-parent and possibility of a Parenting Coordinator not being appropriate for these parties. Ms. Price further noted Mom's ability to focus and give reasonable answers. Ms. Price further discussed Dad's inability to understand the scope for a Parenting Coordinator and his continuous requests for change of custody. In addition, Dad focuses on punishment for Mom and requests for her to lose child's custody. Further, Ms. Price represented Dad's lack of focus, inability and unwillingness to accept his own conduct and follow court orders. Further discussion regarding Dad's lack of focus to address one issue at a time, lack of compliance, deterrent measures and the reoccurring underlying issues in addition to research which made Ms. Price determine a mental health evaluation was appropriate for Dad.

Upon Court's inquiry, Ms. Kirigin represented Dad has psychological evaluations at work every year, however, he does not get copies of the reports.

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The Court noted this case has been heavily litigated and Dad's work schedule compounds the problems between the parties. However, the Court needs to make sure Dad has the ability to maintain a relationship with child. The Court further noted its concerns for Dad's lack of visitation in September. At the request of Mr. Burton, the Court noted if he wants to request Dad's results of psychological evaluation for work he can, however, the Court does not know how Health Insurance Portability and Accountability Act (HIPAA) laws come into play. The Court further noted its ongoing concerns for the child given the animosity between parties and the inability to see past their own behaviors. Upon Ms. Kirigin's inquiry, the Court noted Mom's Financial Disclosure Form (FDF) not being filed within the deadline is one factor the court can consider to award fees but it is not mandated under NRS 18.010.

COURT stated its FINDINGS and ORDERED the following:

1. Request for rejection of fifth report recommendation decision is DENIED as there is no order contained within it is simply a recommendation for a parenting coordinator.
2. Request to appoint a NEW PARENTING COORDINATOR is DENIED. The Court agrees with Ms. Price and believes a Parenting Coordinator would not be beneficial moving forward although the Court's hope was a Parenting Coordinator would assist. The Court shall remove the Parenting Coordinator requirements and Ms. Price shall be relieved from her obligation under this order. Any outstanding fees owed to Ms. Price shall be paid.
3. Mom's request to set an Evidentiary Hearing to MODIFY CUSTODY is DENIED under Rooney and Truax.
4. Mom's request for MENTAL HEALTH EVALUATION is DENIED as the Court has concerns however they do not extend to this point.
5. Request for an OUTSOURCE CUSTODY EVALUATION is DENIED. The Court stated it will allow Mr. Burton to submit an outsource custody evaluation request as it is a discovery tool he can pursue if he wishes.
6. Regarding the school issue the Court ADMONISHED the parties continuous violation of court orders is a basis the Court can consider for modification of custody.
7. The Court does not find basis to award FEES and COSTS under NRS 18.010; therefore each party shall bear their own.
8. The Court will leave DISCOVERY open for the limited purpose if Mom wants to pursue her request for outsource custody evaluation.

Ms. Kirigin shall prepare the order, Mr. Burton to review and sign off.

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INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

September 08, 2021

D-16-526954-D Melinda Sue Miller, Plaintiff
vs.
Paul Mendez Miller, Defendant.

September 08, 2021 11:00 AM All Pending Motions

HEARD BY: Throne, Dawn R.

COURTROOM: RJC Courtroom 05D

COURT CLERK: Silvia Avena

PARTIES:

Jett Miller, Subject Minor, not present
Melinda Miller, Plaintiff, Counter Defendant, Michael Burton, Attorney, present
present
Paul Miller, Defendant, Counter Claimant, Pro Se
present

JOURNAL ENTRIES

- MOTION: DEFENDANT'S MOTION AND NOTICE OF MOTION TO MODIFY CHILD SUPPORT... OPPOSITION & COUNTERMOTION: PLAINTIFF'S PARTIAL OPPOSITION TO MOTION TO MODIFY CHILD SUPPORT AND COUNTERMOTION FOR ATTORNEY FEES AND COSTS... HEARING: DEFENDANT'S MOTION AND NOTICE MOTION TO MODIFY CHILD SUPPORT.

BlueJeans/video hearing.

Defendant in-person appearance.

Discussion regarding finances and child related matters.

COURT STATED ITS FINDINGS.

The Court stated that Plaintiff is required to look for work, if she chooses not to work, income shall be

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imputed per her social security earning history and therefore, COURT ORDERED, as follows:

Defendant's Motion is DENIED.

Defendant's Motion (filed 9-1-21) is DENIED.

Defendant's CHILD SUPPORT obligation shall be in the monthly amount of \$1,676.50, EFFECTIVE August 2021 (\$1,858.00 base child support / \$181.50 downward adjustment = \$100.00 household income - \$75.00 legal support of another minor child - \$6.50 half of health insurance costs).

Defendant's CHILD SUPPORT obligation shall be in the monthly amount of \$1,818.50, EFFECTIVE September 2021 (\$2,000 base child support / \$181.50 downward adjustment = \$100.00 household income - \$75.00 legal support of another minor child - \$6.50 half of health insurance costs).

Plaintiff shall inform Defendant upon obtaining gainful employment (for the recalculation of child support).

ATTORNEY FEES are GRANTED. Plaintiff/counsel shall file Brunzell Affidavit and Memorandum of Fees and Costs by 9-17-21. Defendant may file his opposition by 9-24-21.

Review (attorney fees ~ in-chambers) SET 9-28-21 at 2:00 a.m.

Mr. Burton shall prepare the Order from today's hearing and with notice to Defendant.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES****September 27, 2021**

D-16-526954-D Melinda Sue Miller, Plaintiff
vs.
Paul Mendez Miller, Defendant.

September 27, 2021 9:15 AM Minute Order

HEARD BY: Throne, Dawn R.**COURTROOM:** Chambers**COURT CLERK:** Ruby Castillo**PARTIES:**

Jett Miller, Subject Minor, not present
Melinda Miller, Plaintiff, Counter Defendant, Michael Burton, Attorney, not present
not present
Paul Miller, Defendant, Counter Claimant, not Pro Se
present

JOURNAL ENTRIES

- MINUTE ORDER - NO HEARING HELD:

NRCP 1 and EDCR 1.10 state that the procedures in district court shall be administered to secure efficient, just, and inexpensive determinations in every action and proceeding.

This matter came on for hearing on September 8, 2021 on Defendant's Motion to Modify Child Support and Plaintiff's Opposition and Countermotion, during which Defendant requested to completely eliminate his child support obligation based on speculation regarding how much Plaintiff's new husband might earn. At the hearing, the Court denied Defendant's request to eliminate his child support obligation because the law is clear that base child support is calculated based on the gross monthly income of the parents, not their new spouses or partners. The Court also found that Plaintiff is entitled to an award of attorney's fees and costs pursuant to EDCR 7.60(b) because Defendant's Motion was not well-grounded in Nevada law and Plaintiff had already warned him in writing that if he sought a review of his current child support obligation, his obligation would increase given his gross month income in excess of \$34,000 and the change in Nevada's child support

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guidelines since his child support obligation had been set.

Plaintiff filed her Memorandum of Attorney's Fees and Costs on August 17, 2021 and Defendant filed an Opposition to the same on September 23, 2021. In his Opposition, Defendant did not address the reasonableness of the amount requested by Plaintiff, but again opposed the award of any attorney's fees and costs to Plaintiff. This matter was set on the Court's September 28, 2021 Chambers Calendar for a final decision regarding an award of attorney's fees and costs to Plaintiff.

The Court FINDS that when awarding attorney's fees in a family law case, the Court must first determine that an applicable rule authorizes the award of attorney's fees and costs. In this case, the award of attorney's fees and costs to Plaintiff and against Defendant is warranted pursuant to EDCR 7.60(b) because Defendant's Motion lacked legal merit. Plaintiff should not have had to incur fees and costs to oppose his frivolous request to eliminate his child support obligation. As a direct result of Defendant's unreasonable actions in this case, Plaintiff had to incur attorney's fees and costs that should not have been necessary and Defendant should be responsible for a reasonable amount of her attorney's fees and costs.

Next, when awarding fees, the Court must consider the Brunzell factors AND must consider the disparity in the parties' income pursuant to *Wright v. Osburn*, 114 Nev. 1367, 970 P.3d 1071 (1998). See also, *Miller v. Wilfong*, 121 Nev. 619, 622, 119 P.3d 727, 729 (2005).

With regard to the Brunzell factors, the Court FINDS as follows:

1. Qualities of the Advocate: Plaintiff's counsel has been practicing law for 5 years. He is a partner in an AV Preeminent rated law firm that has extensive legal experience in the area of family law. The rate Plaintiff's counsel normally charges his clients is consistent with the rates charged by family law attorneys in Clark County, Nevada with his level of experience and expertise. Plaintiff's counsel also had the assistance of an experienced paralegal that bills at a lower hourly rate, which saved Plaintiff money and that hourly rate is also consistent with the rate charged in Clark County for family law paralegals with that level of experience and expertise.
2. Character of the Work to Be Done: In this case, the work to be done involved normal issues in a child support review matter.
3. Work Actually Performed by the Attorney: The work completed by counsel in this case included preparing Plaintiff's Opposition and Countermotion, her General Financial Disclosure Form ("FDF"), the Memorandum of Attorney's Fees and Costs and the final order, and preparing for and attending the hearing.
4. Result obtained: Counsel was able to successfully assist his client to obtain an appropriate award of child support under Nevada law.

With regard to the disparity in the income of the parties and how it impacts the award of attorney's

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fees and costs to Plaintiff, the Court finds that Defendant's gross monthly income is more than ten times greater than Plaintiff's gross monthly income. Defendant earns more in one month than Plaintiff earns in one year. Given this enormous difference in the earnings of the parties, Defendant can afford to take Plaintiff back to court over and over, no matter how frivolous the request and she does not have the financial means to continue to fight him. As such, it is important that Defendant be required to pay Plaintiff the reasonable attorney's fees and costs she incurred in defending against Defendant's frivolous motion. Nothing else will deter Defendant from filing repeated frivolous motions.

BASED UPON THE ABOVE FINDINGS, IT IS HEREBY ORDERED that Defendant, Paul Miller, is ordered to pay Plaintiff the amount of \$2,147 for attorney's fees and costs. Said award is reduced to judgment against Defendant and shall accrue interest at the legal interest rate from September 7, 2021, until paid in full. Said judgment shall be collectible by all lawful means.

IT IS FURTHER ORDERED that the Chambers Calendar setting for September 28, 2021 at 2:00 a.m. is VACATED.

A copy of this minute order shall be provided to both parties.

Counsel for Plaintiff shall prepare findings of fact, conclusions of law and order and judgment consistent with this Minute Order. This case shall be closed upon entry of the same.

SO ORDERED.

CLERK'S NOTE: A copy of this Minute Order was emailed to the parties (9-27-2021 rc).

INTERIM CONDITIONS:

FUTURE HEARINGS:

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1 **EXH**

2 **Joseph W. Riccio, Esq.**
3 Nevada Bar No. 010971
4 PECOS LAW GROUP
5 8925 South Pecos Road, Suite 14A
6 Henderson, Nevada 89074
7 Telephone: (702) 388-1851
8 Facsimile: (702) 388-7406
9 Email: Email@pecoslawgroup.com
10 Attorneys for Defendant
11 *Paul M. Miller*

CC 513

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

11 **Melinda S. Miller,**

12 Plaintiff,

13 vs.

14 **Paul M. Miller,**

15 Defendant.

Case No. **D-16-526954-D**

Dept No. **E**

Date of Hearing:

Time of Hearing:

16 **DEFENDANT'S EXHIBITS**

EXHIBIT No.	DESCRIPTION OF EXHIBIT	OFFER	ADMITTED
✓ A	Parties Premarital Agreement	✓ 5/9/16	✓ 5/9/16 no obj.
✓ B	Emails related to Prenuptial Agreements between the parties	✓ 5/9/16	✓ 5/9/16 no obj.
✓ C	Audio recording related to Premarital Agreement and C-1 - USB audiorecording	✓ 5/9/16	✓ 5/9/16 no obj.
✓ D	Texas premarital law	✓ 5/9/16	✓ 5/9/16 no obj.
X	Texas alimony law		
✓ F	Email dated 7/29/09	✓ 5/9/16	✓ 5/9/16 no obj.

PLAINTIFF'S TRIAL EXHIBITS

MELINDA SUE MILLER

v.

PAUL MENDEZ MILLER

CASE NO.: D-16-526954-D

DEPT. NO.: E TRIAL DATE: 10/10/2016 @ 1:30 P.M.

NO	DESCRIPTION	OFFERED	OBJECTED	ADMITTED
X	College of Southern Nevada Tuition/ Fees/College Expenses PLA 000001-000006			
X	La Villa Estates Lease PLA000007-000008			
X	Umbrella Movers Estimate PLA000009- 0000010			
X	University of Phoenix Cost of Degree PLA0000011-15			
X	Vehicle Registration PLA0000016-000017			
X	Real Estate Marker Analysis/Ticor Title Real Estate Analysis PLA0000018-000021			
X	Ms. Miller and Mr. Miller text message exchange re: Jett having a babysitter with Mr. Miller PLA0000022-000024			
✓ 8	2016 Calendar's February through October re: Mom and Dad timeshare with Jett PLA 0000025-0000033	10/10 ✓	yes	
X	Water Wings swimming lessons for Jett PLA 0000034-0000037			
X	Jett's schedule re: Pre-School Children's Learning Center PLA0000038-0000046			

<input checked="" type="checkbox"/>	Correspondence dated February 29, 2016 from Plaintiff's former attorney PLA0000047-000051			
<input checked="" type="checkbox"/>	Plaintiff's Answers to Interrogatories relating to her possibly relocating to Texas PLA0000052-000056			
<input checked="" type="checkbox"/>	Documentation re Defendant's claims on relocation to Texas PLA0000057-000059			
<input checked="" type="checkbox"/>	Defendant's FDF 3/17/16 PLA 0000060- 0000066			
<input checked="" type="checkbox"/>	Communication between Plaintiff and Defendant January 2016-August 2016 PLA 0000067-000125			
<input checked="" type="checkbox"/>	Communication between Plaintiff and Defendant July 2016-August 2016 PLA 00000126-00000202			
<input checked="" type="checkbox"/>	Plaintiff Financial Disclosure PLA 203000001-20300009			

1 **EXH**

2 **Joseph W. Riccio, Esq.**
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9 Email: Email@pecoslawgroup.com
10 Attorneys for Defendant
11 *Paul M. Miller*

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

15 **Melinda S. Miller,**

16 Plaintiff,

17 vs.

18 **Paul M. Miller,**

19 Defendant.

Case No. **D-16-526954-D**

Dept No. **E**

Date of Hearing: October 11, 2016

Time of Hearing: 1:30 p.m.

20 **DEFENDANT'S EXHIBITS FOR TRIAL**

EXHIBIT No.	DESCRIPTION OF EXHIBIT	OFFER	ADMITTED
✓ A	Premarital Agreement	✓ 10/10 no obj	✓ 10/10/16
✓ B	Text April 27 - 28	✓ 10/10 no obj	✓ 10/10/16
✓ C	Cancun text	✓ 10/10 no obj	✓ "
✓ D	Employer threat text	✓ 10/10 no obj	✓ 10/10
✓ E	Text May 9	✓ 10/10 no obj	✓ 10/10
✓ F	Text unanswered requests	✓ 10/10 no obj	✓ 10/10
✓ G	3 ½ day rule text	✓ 10/10 no obj	✓ "
✓ H	Video threat text	✓ 10/10 no obj	✓ 10/10
✓ I	Schedule emails May 30-31	✓ 10/10 no obj	✓ 10/10
✓ J	Paul's visitation calendar May and June	✓ 10/10 no obj	✓ 10/10
X	Preschool report May 16		
X	Email talk requests June 24 and 27		

			<i>offer</i>	<i>Admitted</i>
1	X	4 th of July emails		
2	X	Jett bite email		
3	X	Karlie Burggraf letter		
4	✓ P	USAA account summary and transaction report	✓ 10/10 no obj	✓ 10/10
5	X	Honda Ridgeline title		
6	X	HUD settlement statement		
7	X	Zillow home details - nearby schools		
8	X	National Assoc. of Realtors - Median prices		
9	✓ U	The Woodlands home pictures	✓ 10/10 no obj	✓ 10/10
10	X	Paul and Jett birth pictures		
11	X	Check Airman training		
12	X	Pecos Law Group billing statements		
13	✓ Y	May 16 email to Rebecca Miller	✓ 10/10 no obj	✓ 10/10
14	✓ Z	May 16 emails between counsel	✓ " "	✓ "
15	AA	February emails from Mindi		
16	BB	Pictures of Paul and Jett		
17	CC	The Woodlands, Texas demographics		
18	DD	The Woodlands Community Profile		
19	✓ EE	The Woodlands Quality of Life	✓ 10/10 obj	not admitted
20	FF	The Woodlands Healthcare		
21	✓ GG	The Woodlands Education	✓ 10/10 obj	not admitted
22	HH	Crime Stats for The Woodlands, TX		
23	X	2014-15 Texas Academic Performance Report		
24	X	Texas Education Agency 2014-15 School Report Card Tough El.		
25	XX	Enrollment and Transfers		
26	XX	Coulson Tough pictures and information		
	✓ MM	Mindi's response to interrogatory No. 19	✓ 10/10 no obj	✓ 10/10



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

PAUL MILLER
8397 RAVEN AVE.
LAS VEGAS, NV 89113

DATE: April 4, 2022
CASE: D-16-526954-D

RE CASE: MELINDA SUE MILLER vs. PAUL MENDEZ MILLER

NOTICE OF APPEAL FILED: November 27, 2021

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

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

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

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

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

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

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; CIVIL COVER SHEET; ORDER FROM SEPTEMBER 8, 2021 HEARING;
NOTICE OF ENTRY OF ORDER FROM SEPTEMBER 8, 2021 HEARING; DISTRICT COURT
MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

MELINDA SUE MILLER,

Plaintiff(s),

vs.

PAUL MENDEZ MILLER,

Defendant(s),

Case No: D-16-526954-D

Dept No: U

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 4 day of April 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

