

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

AHED SAID SENJAB,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA, IN
AND FOR THE COUNTY OF CLARK, AND
THE HONORABLE T. ARTHUR RITCHIE,
DISTRICT COURT JUDGE,

Respondents,

and

MOHAMAD ALHULAIBI,

Real Party in Interest.

S.C. No.:

Electronically Filed

Apr 05 2022 03:02 p.m.

D.C. Case No.:

D-20-606093-D

Elizabeth A. Brown

Clerk of Supreme Court

PETITIONER'S APPENDIX

Attorney for Petitioner:

Marshal S. Willick, Esq.

Nevada Bar No. 2515

WILICK LAW GROUP

3591 East Bonanza Road, Suite 200

Las Vegas, Nevada 89110-2101

(702) 438-4100

Email: email@willicklawgroup.com

Attorneys for Respondent:

David Markman, Esq.

Nevada Bar No. 12440

Markman Law

4484 S. Pecos Rd, Ste. 130

Las Vegas, Nevada 89121

(702) 843-5899

Email: David@MarkmanLawfirm.com

APPENDIX INDEX

#	DOCUMENT	FILE STAMP DATE	PAGES
Volume I			
1.	Statement of Legal Aid Representation and Fee Waiver (Pursuant to NRS 12.015)	3/24/2020	AA000001
2.	Complaint for Divorce	3/24/2020	AA000002 - AA000005
3.	Request for Issuance of Joint Preliminary Injunction	3/24/2020	AA000006
4.	Summons	3/26/2020	AA000007
5.	Joint Preliminary Injunction	3/26/2020	AA000008 - AA000009
6.	Affidavit of Service	3/26/2020	AA000010
7.	Request for Waiver of Program Attendance	4/14/2020	AA000011 - AA000012
8.	Defendant's Motion to Dismiss for Lack of Jurisdictional Requirements	4/14/2020	AA000013 - AA000022
9.	Notice of Appearance	4/14/2020	AA000023 - AA000024
10.	Notice of Hearing	4/15/2020	AA000027
11.	Affidavit of Resident Witness	4/15/2020	AA000028 - AA000029
12.	Affidavit of Plaintiff in Support of Request for Summary Disposition of Decree of Divorce	4/15/2020	AA000030 - AA000031
13.	Plaintiff's Opposition to Defendant's Motion to Dismiss for Lack of Jurisdictional Requirements	4/24/2020	AA000032 - AA000045

14.	Exhibit in Support of Plaintiff's Opposition to Defendant's Motion to Dismiss for Lack of Jurisdictional Requirements	4/24/2020	AA000046 - AA000049
15.	Defendant's Reply in Support of His Motion to Dismiss for Lack of Jurisdictional Requirements	5/13/2020	AA000050 - AA000076
16.	Supplemental Exhibits in Support of Plaintiff's Opposition to Defendant's Motion to Dismiss for Lack of Jurisdictional Requirements	5/18/2020	AA000077 - AA000086
17.	Court Minutes	5/20/2020	AA000087 - AA000088
18.	2nd Supplemental Exhibits in Support of Plaintiff's Opposition to Defendant's Motion to Dismiss for Lack of Jurisdictional Requirements	5/20/2020	AA000089 - AA000117
19.	Confidential Exhibit of Plaintiff's Memorandum of Law in Opposition of Defendant's Motion to Dismiss	6/8/2020	AA000118 - AA000124
20.	Plaintiff's Memorandum of Law in Opposition to Defendant's Motion to Dismiss	6/8/2020	AA000125 - AA000145
21.	Exhibit in Support of Plaintiff's Memorandum of Law in Opposition of Defendant's Motion to Dismiss	6/8/2020	AA000146 - AA000211
22.	Defendant's Supplemental Briefing in Support of His Motion to Dismiss	6/8/2020	AA000212 - AA000218
23.	Confidential Exhibit in Support of Plaintiff's Memorandum of Law in Opposition of Defendant's Motion to Dismiss	6/11/2020	AA000219 - AA000225
24.	Court Minutes	6/16/2020	AA000226 - AA000227
25.	Findings of Fact, Conclusions of Law, Decision and Order	6/17/2020	AA000228 - AA000235

Volume II			
26.	Notice of Entry of Order	6/17/2020	AA000236 - AA000246
27.	Request Transcript of Proceedings	6/18/2020	AA000247 - AA000248
28.	Estimated Cost of Expedited Transcript	6/18/2020	AA000249
29.	Order Waiving Cost of Transcript of Proceedings	6/18/2020	AA000250 - AA000252
30.	Errata to Estimate of Transcript	6/18/2020	AA000253
31.	Court Minutes	6/22/2020	AA000254
32.	Mohamad Alhulaibi's Ex parte Petition/Motion for an Order Requiring Production of the Minor Child; For Issuance of a Warrant for the Pick-Up of the Minor Child; for an Order Preventing Abduction of the Minor Child Pursuant to NRS 125D; For a Return Order for the Minor Child to His Home Country of Saudi Arabia	6/29/2020	AA000255 - AA000288
33.	Notice of Hearing	6/30/2020	AA000289
34.	Notice of Association as Co-Counsel	7/1/2020	AA000290 - AA000292

35.	Plaintiff's Opposition to "Mohamad Alhulaibi's Ex parte Petition/Motion for an Order Requiring Production of the Minor Child; For Issuance of a Warrant for the Pick-Up of the Minor Child; for an Order Preventing Abduction of the Minor Child Pursuant to NRS 125D; For a Return Order for the Minor Child to His Home Country of Saudi Arabia" and Plaintiff's Countermotion/Peititon for Abduction Prevention Measures, for Orders Prohibiting Removal of Child From Las Vegas, for Court Safeguard of Child's Passport; For Limited Visitation by a Perpetrator of Domestic Violence; Stay of Order for Dismissal of Case; and for Attorney Fees and Costs.	7/1/2020	AA000293 - AA000321
36.	General Financial Disclosure Form	7/2/2020	AA000322 - AA000329
37.	Defendant's Opposition to Plaintiff's Countermotion	7/15/2020	AA000330 - AA000366
38.	Notice of Appeal	7/16/2020	AA000367 - AA000369
39.	Appellant's Case Appeal Statement	7/17/2020	AA000370 - AA000374
40.	Supplement of Appellate Counsel Concerning the Pending Cross-motions, NRS 125D Application, and Stay Request on Appeal	7/17/2020	AA000375 - AA000389
41.	Transcript re: All Pending Motions, Tuesday, June 16, 2020	7/21/2020	AA000390 - AA000414

42.	Mohamad Alhulaibi's Reply in Support of Ex Parte Petition/Motion for an Order Requiring Production of the Minor Child; For Issuance of a Warrant for the Pick-Up of the Minor Child; for an Order Preventing Abduction of the Minor Child Pursuant to NRS 125D; For a Return Order for the Minor Child to His Home Country of Saudi Arabia and Mohamad's Motion to Strike Plaintiff's Supplement of Appellate Counsel Concerning the Pending Cross motions, NRS 125D Application, and Stay to Request on Appeal	7/28/2020	AA000415 - AA000440
43.	Exhibit 1 - Reply in Support of Return Order Declaration of Hani Yousef Al-Saadawi	8/3/2020	AA000441 - AA000449
44.	Exhibit 2 - Opposition to Countermotion (Translated)	8/3/2020	AA000450 - AA000467
45.	Notice of intent to Appear by Telephonic Communications Equipment	8/4/2020	AA000468 - AA000470
Volume III			
46.	Court Minutes	8/4/2020	AA000471 - AA000472
47.	Order for Prevention of Abduction	8/10/2020	AA000473 - AA000477
48.	Estimate of Expedited Transcripts(s)	8/13/2020	AA000478
49.	Request for Transcript of Proceedings	8/13/2020	AA000479 - AA000482
50.	Request for Transcript of Proceedings	8/14/2020	AA000483 - AA000486
51.	Order Waiving Cost of Transcript of Proceedings	8/14/2020	AA000487 - AA000489
52.	Order Waiving Cost of Transcript of Proceedings	8/14/2020	AA000490 - AA000492
53.	Estimate of Expedited Transcript(s)	8/14/2020	AA000493

54.	Transcript re: All Pending Motions - Tuesday, August 4 th , 2020	8/21/2020	AA000494 - AA000507
55.	Final Billing of Transcripts (Fees Waived)	8/21/2020	AA000508
56.	Certification of Transcripts & Notification of Completion	8/21/2020	AA000509
57.	Transcript re: All Pending Motions - Wednesday, May 20 th , 2020	8/28/2020	AA000510 - AA000534
58.	Final Billing of Transcripts (Fees Waived)	8/28/2020	AA000535
59.	Certification of Transcripts & Notification of Completion	8/28/2020	AA000536
Volume IV			
60.	Appellant's Fast Track Statement	9/21/2020	AA000537 - AA000583
61.	Respondent Mohamad Alhulaibi's Fast Track Response	11/12/2020	AA000584 - AA000617
62.	Appellant's Reply to Fast Track Response	11/17/2020	AA000618 - AA000632
63.	Supreme Court's Decision	10/21/2021	AA000633 - AA000639
64.	Notice to the Courts of Nevada Supreme Court Decision (No Attachment)	10/22/2021	AA000640
65.	Plaintiff's Case Management Conference Report	11/1/2021	AA000641 - AA000643
66.	Mohamad Alhulaibi's Case Management Conference Report	11/1/2021	AA000644 - AA000647
67.	Court Minutes - Case Management Conference	11/2/2021	AA000648 - AA000649
68.	Plaintiff's Motion for Temporary Custody, Visitation and Child Support	11/2/2021	AA000650 - AA000671
69.	Notice of Hearing	11/2/2021	AA000672

70.	Nevada Supreme Court Clerk's Certificate and Remittitur; Judgment - Reversed and Remand (No Attachment)	11/16/2021	AA000673 - AA000674
Volume V			
71.	Opposition to Plaintiff's Motion for Temporary Custody, Visitation, and Child Support and Countermotion for Primary Physical Custody; and Exhibits, Part 1	11/16/2021	AA000675 - AA000720
Volume VI			
71.	Opposition to Plaintiff's Motion for Temporary Custody, Visitation, and Child Support and Countermotion for Primary Physical Custody; and Exhibits, Part 2	11/16/2021	AA000721 - AA000731
Volume VII			
72.	Defendant's Motion to Dismiss Child Custody Claims	12/6/2021	AA000732 - AA000753
73.	Court Minutes	12/7/2021	AA000754 - AA000755
74.	Notice of Hearing	12/7/2021	AA000756
75.	Opposition to "Defendant's Motion to Dismiss Child Custody Claims" and Countermotion for Attorney's Fees and Costs	12/17/2021	AA000757 - AA000787
76.	Order (Case Management Conference)	12/20/2021	AA000788 - AA000791
77.	Notice of Entry of Order (No Attachment)	12/20/2021	AA000792
78.	Defendant's Reply in Support of Motion to Dismiss Child Custody Claims	1/4/2022	AA000793 - AA000825

79.	Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion for Temporary Custody, Visitation and Child Support and Plaintiff's Opposition to Defendant's Countermotion for Primary Physical Custody	1/5/2022	AA000826 - AA000832
80.	Notice of Entry of Decision and Order of Supreme Court - Dismissed	1/7/2022	AA000833 - AA000835
81.	Court Minutes	1/11/2022	AA000836 - AA000837
82.	Request Transcript of Proceedings	1/13/2022	AA000838 - AA000842
83.	Order Waiving Cost of Transcript of Proceedings	1/13/2022	AA000843 - AA000845
84.	Notice of Entry of Order (No Attachment)	1/13/2022	AA000846
85.	Nevada Supreme Court Clerk's Certificate and Remittitur; Judgment - Dismissed (No Attachment)	2/1/2022	AA000847 - AA000848
86.	Plaintiff's Supplement to Plaintiff's Opposition to "Defendant's Motion to Dismiss Child Support Claims"	3/2/2022	AA000849 - AA000865
87.	Transcript re: All Pending Motions; Tuesday, January 11, 2022	3/4/2022	AA000866 - AA000925
88.	Court Minutes	3/7/2022	AA000926 - AA000927
89.	Order Setting Evidentiary Hearing	3/10/2022	AA000928 - AA000933
90.	Request Transcript of Proceedings	3/11/2022	AA000934 - AA000938
91.	Order Waiving Cost of Transcript of Proceedings	3/12/2022	AA000939 - AA000940
92.	Notice of Entry of Order	3/12/2022	AA000941

93.	Transcript of Status Check Hearing	3/31/2022	AA000942 - AA000964
94.	Certification of Transcripts/Notification of Completion	3/31/2022	AA000965 - AA000966
95.	Order from the January 11, 2022, Hearing	4/1/2022	AA000967 - AA000982
96.	Notice of Entry of Order from the January 11, 2022, Hearing	4/1/2022	AA000983 - AA0001001

46

46

DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint

COURT MINUTES

August 04, 2020

D-20-606093-D Ahed Said Senjab, Plaintiff
vs.
Mohamad Abulhakim Alhulaibi, Defendant.

August 04, 2020 11:00 AM All Pending Motions

HEARD BY: Ritchie, T. Arthur, Jr. COURTROOM: RJC Courtroom 03G

COURT CLERK: Prock, Kathy

PARTIES PRESENT:

Ahed Said Senjab, Plaintiff, Present

April S. Green, Attorney, Present

Marshal Shawn Willick, Attorney, Present

Mohamad Abulhakim Alhulaibi, Defendant, Present David Markman, Attorney, Present

Ryan Mohamad Alhulaibi, Subject Minor, Not Present

JOURNAL ENTRIES

DEFENDANT'S MOHAMAD ALHULAIBI'S EX PARTE PETITION/MOTION FOR AN ORDER REQUIRING PRODUCTION OF THE MINOR CHILD; FOR THE ISSUANCE OF A WARRANT FOR THE PICK-UP OF THE MINOR CHILD; FOR AN ORDER PREVENTING ABDUCTION OF THE MINOR CHILD PURSUANT TO NRS 125D; FOR A RETURN ORDER FOR THE MINOR CHILD TO HIS HOME COUNTRY OF SAUDI ARABIA...PLAINTIFF'S REPLY IN SUPPORT OF PLAINTIFF'S MOTION FOR AN ORDER TO SHOW CAUSE WHY DEFENDANT SHOULD NOT BE HELD IN CONTEMPT FOR FAILURE TO ABIDE BY THE COURT ORDER REGARDING PLAINTIFF'S TIMESHARE, FOR PENALTIES AND SANCTIONS AGAINST DEFENDANT, FOR AN EMERGENCY PICK UP ORDER, FOR MAKEUP TIME, TO AMEND PLEADINGS, FOR ATTORNEY'S FEES AND COSTS, AND FOR OTHER RELATED RELIEF...MOHAMAD'S OPPOSITION TO PLAINTIFF'S COUNTERMOTION

This matter is a companion case with T-20-203688-T heard simultaneously.

Court interpreter (Arabic), Dalyia Ahmed, present on behalf of the Plaintiff.

Both parties, Court interpreter, Attorney Green, Attorney Markman, and Attorney Willick appeared telephonically, pursuant to the Administrative Orders for public safety.

Court noted this hearing stems from the disposing of the granting of the Motion To Dismiss. Further, Defendant filed timely the Notice Of Appeal.

Court stated the case was dismissed, the matter is on appeal, and the Defendant's Motion and Plaintiff's Countermotion seek relief not collateral to the appeal. Further, filing these Motions in a case that was dismissed, is not appropriate and the relief requested is DENIED for lack of jurisdiction.

If the result of the appeal results in the reverse of the dismissal of the case, then these issues can be heard. Until that happens, this Court is not the appropriate place to file these Motions. The appeal will proceed.

Attorney Willick and Attorney Green shall prepare the Order and Attorney Markman will approve as to form and content.

For further information, see Minute Order in case no. T-20-203688-T.

INTERIM CONDITIONS:

FUTURE HEARINGS:

47

47

Heather S. Hume

CLERK OF THE COURT

NOTC

WILICK LAW GROUP
MARSHAL S. WILICK, ESQ.
Nevada Bar No. 2515
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110-2101
Phone (702) 438-4100; Fax (702) 438-5311
email@willicklawgroup.com

LEGAL AID CENTER OF SOUTHERN NEVADA, INC.
APRIL S. GREEN, ESQ.
Nevada Bar No.: 8340C

BARBARA E. BUCKLEY, ESQ.
Nevada Bar No. 3918
725 E. Charleston Blvd.
Las Vegas, Nevada 89104
Phone (702) 386-1415
asgreen@lacs.org

Attorneys for Applicant

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

AHED SAID SENJAB,
Applicant,

vs.

MOHAMAD ABULHAKIM ALHULAIBI,
Adverse Party.

CASE NO: T-20-203688-T
DEPT. NO: H

ORDER FOR PREVENTION OF ABDUCTION

This matter coming before the Court pursuant to NRS 125D, on Mohamad Alhulaibi's Ex Parte Petition/Motion for an Order Requiring Production of the Minor Child; for the Issuance of a Warrant for the Pick-Up of the Minor Child; for an Order Preventing Abduction of the Minor Child Pursuant to NRS 125D; for a Return order for the Minor Child to his Home Country of Saudi Arabia, and upon Plaintiff's Opposition to Mohamad Alhulaibi's Ex Parte Petition/Motion for an Order Requiring

1 Production of the Minor Child; for the Issuance of a Warrant for the Pick-Up of the
2 Minor Child; for an Order Preventing Abduction of the Minor Child Pursuant to NRS
3 125D; for a Return order for the Minor Child to his Home Country of Saudi Arabia
4 and Plaintiff's Countermotion/Petition for Abduction Prevention Measures, for Orders
5 Prohibiting Removal of Child from Las Vegas, for Court Safeguard of Child's
6 Passport, for Limited Visitation by a Perpetrator of Domestic Violence, Stay of Order
7 for Dismissal of Case; and for Attorney's Fees and Costs; and subsequent Replies and
8 Exhibits; Plaintiff, AHED SAID SENJAB, appearing telephonically, and represented
9 by LEGAL AID CENTER OF SOUTHERN NEVADA, INC., by APRIL GREEN,
10 ESQ., and Associate Counsel, Marshal Willick, Esq., of the Willick Law Group, Court
11 Certified Interpreter, Dalyia Ahmed (Arabic Language); and Defendant, MOHAMAD
12 ABULHAKIM ALHULAIBI, appearing telephonically, and represented by DAVID
13 MARKMAN, ESQ., of Markman Law, and the Court having reviewed the papers and
14 pleadings, and good cause appearing, the Court finds as follows:

15 **THE COURT HEREBY FINDS:**

- 16 1. That custody of the following child is at issue: RYAN MOHAMAD
17 ALHULAIBI, born February 16, 2019
- 18 2. a Temporary Order for Protection Against Domestic Violence was issued and
19 remains in effect until February 21, 2021, unless further extended, restraining
20 Adverse Party, MOHAMAD ABULHAKIM ALHULAIBI, from contacts and
21 domestic violence against Applicant, AHED SAID SENJAB.
- 22 3. Adverse Party, MOHAMAD ALHULAIBI, was awarded modified visitation
23 with the subject minor child each Thursday at 6:00 p.m. until Sunday at 5:00
24 p.m. with visitation exchanges to take place at Donna's House located at the
25 Family Courthouse at 601 N. Pecos Road, Las Vegas, Nevada, 89101.
- 26 4. The subject child shall not travel or be taken outside of either the State of
27 Nevada or the United States for any purpose; this Order shall be filed and
28 registered with the United States Department of State's Child Passport Issuance

Alert Program and any relevant child abduction prevention program to prevent the removal of the subject child from the United States of America. This Order is intended specifically to preclude the child's removal from this Country.

5. It is in the best interest of RYAN MOHAMAD ALHULAIBI, minor child, to be picked up wherever he may be located by law enforcement and placed in the custody of the Plaintiff pending further Order of the Court in the event the Adverse Party, Father of the Child, MOHAMAD ABULHAKIM ALHULAIBI, attempts to remove him from the State of Nevada or from the United States of America.

THE COURT HEREBY ORDERS:

1. This Order shall be filed and registered with the United States Department of State's Child Passport Issuance Alert Program and any relevant child abduction prevention program to prevent the removal of the subject child from the United States of America in contravention of this Court Order.
2. It is in the best interest of RYAN MOHAMAD ALHULAIBI, minor child, to be picked up along with his belongings, clothing, and personal effects wherever he may be located by law enforcement in the event the Adverse Party, Father of the Child, MOHAMAD ABULHAKIM ALHULAIBI, attempts to remove him from the State of Nevada or from the United States of America, and law enforcement shall transport the child to CHILD HAVEN located at 601 North Pecos Blvd., Las Vegas, Nevada, or to the care of Plaintiff, AHED SAID SENJAB.

3. Should those events occur, Plaintiff, AHED SAID SENJAB, shall notify this Court as soon as practicable after the child is returned or transported to Child Haven.

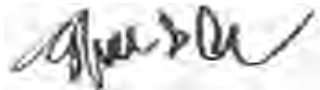
DATED this ____ day of August, 2020. Dated this 10th day of August, 2020



DISTRICT COURT JUDGE

DATED this 6th day of August, 2020
Respectfully submitted,
LEGAL AID CENTER OF
SOUTHERN NEVADA, INC.

549 67A BA18 116F
T. Arthur Ritchie
District Court Judge



APRIL GREEN, ESQ.
Nevada Bar No.: 8340C
BARBARA BUCKLEY, ESQ.
Nevada Bar No.: 3918
725 E. Charleston Blvd.
Las Vegas, Nevada 89104
(702) 386-1070 x 1414
Attorney for Plaintiff
asgreen@lacsns.org

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Ahd Sinjab, Applicant

CASE NO: T-20-203688-T

7 vs

DEPT. NO. Department H

8 Mohamad Alhulaibi, Adverse
9 Party

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 8/10/2020

15 April Green, Esq.

asgreen@lacsns.org

16 Aileen Yeo

AYeo@lacsns.org

17 Ahd Sinjab

ahdsinjab@gmail.com

18 David Markman

David@markmanlawfirm.com

48

48

1 EOT

FILED

AUG 13 2020

Alvin D. Williams
CLERK OF COURT

COPY

2
3
4 EIGHTH JUDICIAL DISTRICT COURT

5 FAMILY DIVISION

6 CLARK COUNTY, NEVADA

7 AHED SAID SENJAB,) CASE NO. D-20-606093-D
8 Plaintiff)
9 vs.) DEPT. H
10 MOHAMAD ALHULAIBI,) APPEAL NO. 81515
Defendant.)

11 ESTIMATE OF EXPEDITED TRANSCRIPT(S)

12 The office of Transcript Video Services received a request
13 for transcript estimate from April S. Green, Esq. on August 5th,
14 2020 for the following proceedings in the above-captioned case:

15 AUGUST 4TH, 2020

16 The estimated cost of the expedited transcript is \$124.00.
17 Payment in the amount of \$124.00, payable to Clerk of Court,
18 must be presented to the Transcript Video Services Office prior
to work commencing on the transcript. The Clerk accepts
cashier's check, money order, MasterCard/Visa or exact cash.

19 Dated this 13th day of August, 2020.

20 *Quentin Mansfield*
21 Quentin Mansfield, Transcriber
Transcript Video Services

22 Transcript ESTIMATE amount of _____ Check# _____ CC _____ CASH _____ CLERK _____
Received by _____ day of _____, 2020.

23 This is only an ESTIMATE. Upon completion of transcript(s), a balance may be due, or you may
receive a refund of your deposit if overpayment is greater than \$15.00.

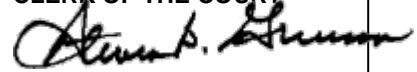
24 NOTE: STATUTORY FEES ARE SUBJECT TO CHANGE PER LEGISLATIVE SESSION.

Items left beyond 90 days are subject to disposal without refund.

COUNTY RETENTION POLICY APPROVED BY INTERNAL AUDIT

49

49



RTPR
APRIL S. GREEN, ESQ.
Nevada Bar No.: 8340C
BARBARA E. BUCKLEY, ESQ.
Nevada Bar No.: 3918
LEGAL AID CENTER OF SOUTHERN NEVADA, INC.
725 East Charleston Blvd.
Las Vegas, NV 89104
(702) 386-1415 Direct/Fax
(702) 386-1070 Ext. 1415
asgreen@lacs.org
Attorneys for Plaintiff

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

AHED SAID SENJAB,)	
)	
Plaintiff,)	Case No.: D-20-606093-D
)	
vs.)	Dept. No.: H
)	
MOHAMAD ALHULAIBI,)	
)	
Defendant.)	

REQUEST TRANSCRIPT OF PROCEEDINGS

Plaintiff requests preparation of a transcript of the proceedings before the district court,
as reflected in the attached Request for Transcript Estimate.

I hereby certify that on August 5, 2020, the attached Request for Transcript Estimate
was emailed to Transcript Video Services at videorequests@clarkcountycourts.us.

On August 13, 2020, an Estimated Cost of Transcript was received from Transcript
Video Services, attached hereto as Exhibit 1.

As Plaintiff is a client of a program for Legal Aid, all transcripts were requested

////

////

////

////

1 pursuant to Nevada Revised Status, Section 12.015. Statement of Legal Aid Representation
2 attached.

3 Dated this 13th day of August, 2020.
4

5 **LEGAL AID CENTER OF SOUTHERN NEVADA,**
6 **INC.**

7
8 By: 

APRIL S. GREEN, ESQ.

Nevada Bar No.: 8340

BARBARA E. BUCKLEY, ESQ.

Nevada Bar No.: 3918

725 East Charleston Blvd.

Las Vegas, NV 89104

(702) 386-1415 Direct/Fax

(702) 386-1070 Ext. 1415

asgreen@lacsnc.org

Attorneys for Plaintiff
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 1

EOT

FILED

AUG 13 2020

Alana L. Williams
CLERK OF COURT

ORIGINAL

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

AHED SAID SENJAB,) CASE NO. D-20-606093-D
Plaintiff)
) DEPT. H
vs.)
) APPEAL NO. 81515
MOHAMAD ALHULAIBI,)
Defendant.)

ESTIMATE OF EXPEDITED TRANSCRIPT(S)

The office of Transcript Video Services received a request for transcript estimate from April S. Green, Esq. on August 5th, 2020 for the following proceedings in the above-captioned case:

AUGUST 4TH, 2020

The estimated cost of the expedited transcript is \$124.00. Payment in the amount of \$124.00, payable to Clerk of Court, must be presented to the Transcript Video Services Office prior to work commencing on the transcript. The Clerk accepts **cashier's check, money order, MasterCard/Visa or exact cash.**

Dated this 13th day of August, 2020.

Quentin Mansfield
Quentin Mansfield, Transcriber
Transcript Video Services

Transcript ESTIMATE amount of _____ Check# _____ CC _____ CASH _____ CLERK _____
Received by _____ day of _____, 2020.

This is only an **ESTIMATE**. Upon completion of transcript(s), a balance may be due, or you may receive a refund of your deposit if overpayment is greater than \$15.00.

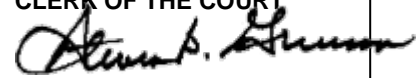
NOTE: STATUTORY FEES ARE SUBJECT TO CHANGE PER LEGISLATIVE SESSION.

Items left beyond 90 days are subject to disposal without refund.

COUNTY RETENTION POLICY APPROVED BY INTERNAL AUDIT

50

50



RTPR
APRIL S. GREEN, ESQ.
Nevada Bar No.: 8340C
BARBARA E. BUCKLEY, ESQ.
Nevada Bar No.: 3918
LEGAL AID CENTER OF SOUTHERN NEVADA, INC.
725 East Charleston Blvd.
Las Vegas, NV 89104
(702) 386-1415 Direct/Fax
(702) 386-1070 Ext. 1415
asgreen@lacsns.org
Attorneys for Plaintiff

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

AHED SAID SENJAB,)	
)	
Plaintiff,)	Case No.: D-20-606093-D
)	
vs.)	Dept. No.: H
)	
MOHAMAD ALHULAIBI,)	
)	
Defendant.)	

REQUEST TRANSCRIPT OF PROCEEDINGS

Plaintiff requests preparation of a transcript of the proceedings before the district court,
as reflected in the attached Request for Transcript Estimate.

I hereby certify that on August 13, 2020, the attached Request for Transcript Estimate
was emailed to Transcript Video Services at videorequests@clarkcountycourts.us.

On August 14, 2020, an Estimated Cost of Transcript was received from Transcript
Video Services, attached hereto as Exhibit 1.

As Plaintiff is a client of a program for Legal Aid, all transcripts were requested

////

////

////

////

1 pursuant to Nevada Revised Status, Section 12.015. Statement of Legal Aid Representation
2 attached.

3 Dated this 14th day of August, 2020.
4

5 **LEGAL AID CENTER OF SOUTHERN NEVADA,**
6 **INC.**

7
8 By: 

APRIL S. GREEN, ESQ.

Nevada Bar No.: 8340

BARBARA E. BUCKLEY, ESQ.

Nevada Bar No.: 3918

725 East Charleston Blvd.

Las Vegas, NV 89104

(702) 386-1415 Direct/Fax

(702) 386-1070 Ext. 1415

asgreen@lacsns.org

Attorneys for Plaintiff
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 1

1 EOT

FILED

AUG 14 2020

Alvin J. Johnson
CLERK OF COURT

COPY

2
3
4 EIGHTH JUDICIAL DISTRICT COURT

5 FAMILY DIVISION

6 CLARK COUNTY, NEVADA

7 AHED SAID SENJAB,) CASE NO. D-20-606093-D
8 Plaintiff)
9 vs.) DEPT. H
10 MOHAMAD ALHULAIBI,) APPEAL NO. 81515
Defendant.)

11 ESTIMATE OF EXPEDITED TRANSCRIPT(S)

12 The office of Transcript Video Services received a request
13 for transcript estimate from April S. Green, Esq. on August
14 13th, 2020 for the following proceedings in the above-captioned
case:

15 MAY 20TH, 2020

16 The estimated cost of the expedited transcript is \$188.00.
17 Payment in the amount of \$188.00, payable to Clerk of Court,
18 must be presented to the Transcript Video Services Office prior
to work commencing on the transcript. The Clerk accepts
cashier's check, money order, MasterCard/Visa or exact cash.

19 Dated this 14th day of August, 2020.

20 *Quentin Mansfield*
21 Quentin Mansfield, Transcriber
Transcript Video Services

22 Transcript ESTIMATE amount of _____ Check# _____ CC _____ CASH _____ CLERK _____
23 Received by _____ day of _____, 2020.

24 This is only an ESTIMATE. Upon completion of transcript(s), a balance may be due, or you may
receive a refund of your deposit if overpayment is greater than \$15.00.

NOTE: STATUTORY FEES ARE SUBJECT TO CHANGE PER LEGISLATIVE SESSION.

Items left beyond 90 days are subject to disposal without refund.

COUNTY RETENTION POLICY APPROVED BY INTERNAL AUDIT

51

51

ORDR
APRIL S. GREEN, ESQ.
Nevada Bar No.: 8340C
BARBARA E. BUCKLEY, ESQ.
Nevada Bar No.: 3918
LEGAL AID CENTER OF SOUTHERN NEVADA, INC.
725 East Charleston Blvd.
Las Vegas, NV 89104
(702) 386-1415 Direct/Fax
(702) 386-1070 Ext. 1415
asgreen@lacsns.org
Attorneys for Plaintiff

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

AHED SAID SENJAB,)	
)	
Plaintiff,)	Case No.: D-20-606093-D
)	
vs.)	Dept. No.: H
)	
MOHAMAD ALHULAIBI,)	
)	
Defendant.)	

ORDER WAIVING COST OF TRANSCRIPT OF PROCEEDINGS

Having read Plaintiff's Request for transcript of proceeding, and other good cause appearing,

IT IS HEREBY ORDERED that pursuant to NRS 12.015(3) the Clerk of Court shall allow the preparation of the transcript for the May 20, 2020 hearing without charge.


Dated this ____ day of _____, ~~2020~~ this 14th day of August, 2020



DISTRICT COURT JUDGE

F1A 953 86F6 9BF5 LCD
T. Arthur Ritchie
District Court Judge

**LEGAL AID CENTER OF SOUTHERN
NEVADA, INC.**

By: 

APRIL S. GREEN, ESQ.
Nevada Bar No.: 8340C
BARBARA E. BUCKLEY, ESQ.
Nevada Bar No.: 3918
725 East Charleston Blvd.
Las Vegas, NV 89104

1 (702) 386-1415 Direct/Fax
2 (702) 386-1070 Ext. 1415
3 asgreen@lacs.n.org
4 Attorneys for Defendant
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Ahed Said Senjab, Plaintiff

CASE NO: D-20-606093-d

7 vs.

DEPT. NO. Department H

8 Mohamad Abulhakim Alhulaibi,
9 Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 8/14/2020

15 Reception Reception

email@willicklawgroup.com

16 April Green, Esq.

asgreen@lacs.org

17 Justin Johnson

Justin@willicklawgroup.com

18 Aileen Yeo

AYeo@lacs.org

19 Richard Crane

richard@willicklawgroup.com

20 David Markman

David@MarkmanLawfirm.com

52

52

ORDR
APRIL S. GREEN, ESQ.
Nevada Bar No.: 8340C
BARBARA E. BUCKLEY, ESQ.
Nevada Bar No.: 3918
LEGAL AID CENTER OF SOUTHERN NEVADA, INC.
725 East Charleston Blvd.
Las Vegas, NV 89104
(702) 386-1415 Direct/Fax
(702) 386-1070 Ext. 1415
asgreen@lacs.org
Attorneys for Plaintiff

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

AHED SAID SENJAB,)	
)	
Plaintiff,)	Case No.: D-20-606093-D
)	
vs.)	Dept. No.: H
)	
MOHAMAD ALHULAIBI,)	
)	
Defendant.)	

ORDER WAIVING COST OF TRANSCRIPT OF PROCEEDINGS

Having read Plaintiff's Request for transcript of proceeding, and other good cause appearing,

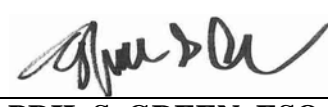
IT IS HEREBY ORDERED that pursuant to NRS 12.015(3) the Clerk of Court shall allow the preparation of the transcript for the August 4, 2020 hearing without charge.

Dated this ____ day of _____, ~~2020~~ ^{Dated this 14th day of August, 2020}



DISTRICT COURT JUDGE
EF9 81E 34DD AA61
T. Arthur Ritchie
District Court Judge
LCD

**LEGAL AID CENTER OF SOUTHERN
NEVADA, INC.**

By: 

APRIL S. GREEN, ESQ.
Nevada Bar No.: 8340C
BARBARA E. BUCKLEY, ESQ.
Nevada Bar No.: 3918
725 East Charleston Blvd.
Las Vegas, NV 89104

1 (702) 386-1415 Direct/Fax
2 (702) 386-1070 Ext. 1415
3 asgreen@lacsns.org
4 Attorneys for Defendant
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Ahed Said Senjab, Plaintiff

CASE NO: d-20-606093-d

7 vs.

DEPT. NO. Department H

8 Mohamad Abulhakim Alhulaibi,
9 Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 8/14/2020

15 Reception Reception

email@willicklawgroup.com

16 April Green, Esq.

asgreen@lacsns.org

17 Justin Johnson

Justin@willicklawgroup.com

18 Aileen Yeo

AYeo@lacsns.org

19 Richard Crane

richard@willicklawgroup.com

20 David Markman

David@MarkmanLawfirm.com

53

53

EOT

FILED

AUG 14 2020

ORIGINAL

Ann L. Blum
CLERK OF COURT

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

AHED SAID SENJAB,) CASE NO. D-20-606093-D
Plaintiff)
) DEPT. H
vs.)
) APPEAL NO. 81515
MOHAMAD ALHULAIBI,)
Defendant.)

ESTIMATE OF EXPEDITED TRANSCRIPT(S)

The office of Transcript Video Services received a request for transcript estimate from April S. Green, Esq. on August 13th, 2020 for the following proceedings in the above-captioned case:

MAY 20TH, 2020

The estimated cost of the expedited transcript is \$188.00. Payment in the amount of \$188.00, payable to Clerk of Court, must be presented to the Transcript Video Services Office prior to work commencing on the transcript. The Clerk accepts cashier's check, money order, MasterCard/Visa or exact cash.

Dated this 14th day of August, 2020.

Quentin Mansfield
Quentin Mansfield, Transcriber
Transcript Video Services

Transcript ESTIMATE amount of _____ Check# _____ CC _____ CASH _____ CLERK _____
Received by _____ day of _____, 2020.

This is only an **ESTIMATE**. Upon completion of transcript(s), a balance may be due, or you may receive a refund of your deposit if overpayment is greater than \$15.00.

NOTE: STATUTORY FEES ARE SUBJECT TO CHANGE PER LEGISLATIVE SESSION.

Items left beyond 90 days are subject to disposal without refund.

COUNTY RETENTION POLICY APPROVED BY INTERNAL AUDIT

54

54

1 TRANS

COPY

FILED

AUG 21 2020

John J. Williams
CLERK OF COURT

2

3

4

EIGHTH JUDICIAL DISTRICT COURT

5

FAMILY DIVISION

6

CLARK COUNTY, NEVADA

7

8

AHED SAID SENJAB,

)

CASE NO. D-20-606093-D

9

Plaintiff

)

DEPT. H

10

vs.

)

APPEAL NO. 81515

11

MOHAMAD ALHULAIBI,

)

12

Defendant.

)

13

14

BEFORE THE HONORABLE ARTHUR T. RITCHIE, JR.

15

DISTRICT COURT JUDGE

16

TRANSCRIPT RE: ALL PENDING MOTIONS

17

TUESDAY, AUGUST 4TH, 2020

18

APPEARANCES:

19

The Plaintiff:

AHED SAID SENJAB

20

For the Plaintiff:

APRIL S. GREEN, ESQ.

725 E. Charleston Blvd.

Las Vegas, NV 89104

21

&

22

MARSHAL S. WILICK

3591 E. Bonanza Rd. STE 200

Las Vegas, NV 89110

23

24

The Defendant:

MOHAMAD ALHULAIBI

For the Defendant:

DAVID MARKMAN, ESQ.

4484 S. Pecos Rd. STE 130

Las Vegas, NV 89121

25

1 LAS VEGAS, NEVADA

TUESDAY, AUGUST 4TH, 2020

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

3 [THE PROCEEDING BEGAN AT: 11:52:32.]

4 MS. GREEN: ... turned over pending appeals filed by -
5 first by the Defendant, then the Plaintiff's counter motion.
6 Then everything would have been all for not. The - the mother
7 would have been deprived of the parent child relationship and
8 they're asking we make arrangements with Mr. Markman for video
9 with - with the [indiscernible] to take place until we got to
10 this hearing. So we have a pending appeal, we have abduction
11 prevention measures, we have motions filed under 125 D. After
12 the quarantine those motions were filed and we took the
13 position that the Court would make a decision less the child
14 be taken out of the country in the meantime which would
15 destroy the mother child relationship. The child lived with
16 the mother all of his life, bonded to the mother, and we
17 needed this Court to weigh in and that's why we're here today.

18 THE COURT: Well, I'm sure you don't want me to make a
19 finding of wrongful deprivation of time and to essentially
20 keep the child from your client for two or three months at
21 time, are you? I - I mean that seems obvious, right? It's -
22 it's - Judge Norheim - and I know you were not the lawyer from
23 legal aid that argued this - or the hearing master found that
24 even with these allegations, it was appropriate to issue that
25 split week custody, and ordered that the split week custody

1 schedule be enforced. It's not been modified by that Court or
2 this Court, and with the dismissal.

3 MS. GREEN: [Indiscernible], Your Honor?

4 THE COURT: I - look, it's not - it's not - the Court is
5 not supporting the decision that you made or the mom made to
6 keep the child from him. Now the health issues might - I mean
7 I can't make a finding of wrongful denial without knowing the
8 detail of whether or not - the pandemic had contributed to
9 these exchanges, but this nonsense about - you know - the
10 child has been with mom the entire life and - and so dad
11 shouldn't be entitled to visitation that way. That's not a
12 valid argument that's gonna have any particular.

13 MS. GREEN: Well, Your Honor, there were motions in front
14 of you to give us - both - both asking the Court to make
15 abduction prevention measures. He's stated with a - firstly,
16 that he intends to get the child and go to Saudi Arabia. We
17 have an appeal pending with the Nevada Supreme Court. We
18 believe that the District Court has a duty and an obligation
19 to - protect the outcome of the appeal - in this case. That is
20 the - the parent child relationship, the mother child
21 relationship. We believe we have a meritory appeal, had the
22 child ben turned over there would be no point in even having
23 this - this hearing. These - these motions were pending before
24 you. We believed that we would get a decision before you. We
25 did - we did not want to do anything that would cause the

1 child to be taken out of the country.

2 THE COURT: Okay, well, I can issue orders that
3 specifically address that issue. Hold on, hold on. The - the -
4 the interpreter is way behind. Please let her do the job. The
5 - okay, Ms. Green, anything further?

6 MS. GREEN: Not at this time, Your Honor.

7 THE COURT: All right. Mr. Markman, the posture of this
8 case is that the civil domestic case has been dismissed and
9 the protective order case is extended until February 14th,
10 2021. Don't answer yet, go ahead madame interpreter. The Court
11 reviewed the record as I stated and find that there was more
12 than sufficient evidence for the hearing officer to grant the
13 extension of the protective order. After reviewing the papers
14 that had been filed since that hearing, the Court concludes
15 that the protective order should not be dissolved. Now, Mr.
16 Markman, you - you made a filing on July 28th, in response to
17 filings that they made. I wanna specifically focus on the
18 request to stay the order in the D case pending the appeal.
19 Did you wanna speak to that?

20 MR. MARKMAN: I mean I think the U.S. Supreme Court is
21 very clear. What is it, Chafin [sic], whether it's - Monasky.
22 That prompt return - and especially Chafin - that no state
23 issues when you - you know - just 'cause you lose a case
24 doesn't mean a stay should be issued. What's needed is to
25 return the child to their home country, and I understand that

1 you're not affording belief on that at this point, but that's
2 what the Court - that's what Chafin says. It says that if you
3 lose - if - if you were granted a stay then everyone would
4 just file an appeal because what everyone wants is the kid to
5 remain in the United States, so Chafin, the U.S. Supreme Court
6 has said no. We can't just issue a stay just because you wanna
7 stay 'cause it wouldn't moot it, 'cause in fact it doesn't
8 moot it. This Court could assume jurisdiction to file an order
9 if he - if he did not follow a subsequent order that requested
10 the return of the - of the child to America, so there's no
11 need to stay the case to some degree 'cause this Court is not
12 going to issue a return order - does not want to hear
13 arguments on the return order. It - I don't know that - it's a
14 huge deal. At this point I'm mostly focused - if - if that's
15 the case, I'm mostly focused on getting Mohamad the ability to
16 see his son again, and - and I think that there's so much...

17 THE COURT: All right.

18 MR. MARKMAN: ... that I'd like to address from paper all
19 - on that regard.

20 THE COURT: All right, one of you let the interpreter
21 interpret that and then I have - I'm gonna turn - I'll give
22 you a chance to do that. Okay, Mr. Markman, briefly, what
23 other questions or points do you have to make?

24 MR. MARKMAN: Well, mainly it goes to the email between
25 April and myself, and this is a email from - it's been part of

1 exhibit 15 and the motion to dissolve, and it's Friday, June
2 26th, at 2:05. So this is before the motion to return was
3 filed, and - and April's response to me when I'm asking about
4 - Ryan's health - which is the minor child is - okay, we'll -
5 although that I have not heard that neither of them have the
6 virus. It may be they are on lock down - other reasons, and
7 that's 2:05, so at 2:08 on Friday, I respond. Okay, can you
8 please find out? Confirm the reasons they are on lock down as
9 Mohamad is very concerned about the health of Ryan - and is
10 entitled to information about his son's health. And there's no
11 on response - you know - Friday. There's no response on
12 Saturday, Sunday, or Monday, and then I filed a motion for
13 return order at roughly 6 p.m. that following Monday.

14 THE COURT: Okay, hold on. You - you gotta let the
15 interpreter - you gotta - you gotta - I got the gist of it.
16 Let the interpreter interpret, please. All right. Mr. Markman,
17 Ms. Green's comments were clear that it was a combination of
18 considerations as to what happened with the visitation. I - I
19 don't want to get into the detail of it. Obviously you believe
20 that there was - that it not should not have been done, right?

21 MR. MARKMAN: That's correct, and I just wanna make - I
22 just wanna make one last statement about that. They filed this
23 - this opposition and counter motion July 1st, so two days -
24 two days after I filed a motion for return order - on page
25 eight, line 13 and 14 - so it'd be - you know - the - the -

1 the Defendant has threatened to abscond with the minor child,
2 however, because of the preventative measures taken by Ahd,
3 she is not allowed to occur, so-

4 THE COURT: Yeah - that's fine. I - I read the papers. I
5 also saw the July 9th hearing, and I know you didn't get to
6 make a long argument then, but I - I - I know - I've read
7 this, okay? I) need to move on - I need - I - I - we - we're
8 already - it's 12:10, okay? Madame interpreter, interpret that
9 and then I need to ask Mr. Willick a question or two. Okay,
10 Mr. Willick.

11 MR. WILLICK: Yes, Your Honor?

12 THE COURT: If you prevail on appeal, it's get remanded a
13 reversal, the Court picks up the divorce case, right?

14 MR. WILLICK: Yes, sir.

15 THE COURT: Okay, if you don't prevail on appeal then we
16 have this protective order in place until February 14th, 2021,
17 and it has custody provisions, right?

18 MR. WILLICK: Yes, Your Honor, I believe so.

19 THE COURT: All right, and the - the only thing - I mean
20 the things that will happen at that time would be it would
21 dissolve on it's own. It would - there would be a request in
22 advance to that for extraordinary findings to extend it,
23 right?

24 MR. WILLICK: Yes. Actually, the current law I believe has
25 the extended maximum time for a D-V out to one to two years.

1 THE COURT: Well, you - you may not have reviewed the
2 hearings like I did recently, but Norheim made a ruling that
3 there were no extraordinary terms to go passed the year, but
4 that could be revisited by this Court upon...

5 MR. WILLICK: Yes, Your Honor.

6 THE COURT: ... request, okay? So there's irreparable harm
7 as it relates to the - because of the decision of the Court to
8 deny the dissolving of the protective order, and to have
9 custody orders with restrictions like travel and - and so I
10 suppose you can ask for stay from the Supreme Court but I
11 don't see it right now. Maybe as we get closer to the deadline
12 of February, 2021. Madame interpreter, will you - will you
13 interpret, please? So Mr. Willick, the - the Court just wants
14 to have this dialogue with you that says if I do not grant the
15 stay now, that's without prejudice as these events occur
16 'cause it's probably unlikely the Supreme Court will resolve
17 this by February, right?

18 MR. WILLICK: I - I have learned from long experience not
19 second guess the timing of how long a Supreme Court decision
20 might take, so I really would rather not go on the record with
21 expressing - the Court series of orders largely encompass the
22 same concepts that were involved in the stay. It's been clear
23 from Mr. Markman's comments that the Defendant remains fixated
24 on the concept of what he calls prompt return and what Ms.
25 Green refers to as an international kidnapping. We believe

1 that self help remains a very significant concern, so we have
2 the Court in dealing with the T-P-O enters - and the 125 D
3 applications on both sides - and there's sufficient orders to
4 essentially ensure that there is no self help and the child is
5 not spirited away, then the effect of the request for the stay
6 that has been granted despite the denial of the stay itself,
7 and I'm sorry if that sounded circular but I hope it's clear.

8 THE COURT: All right. Let - let the interpreter interpret
9 and then I'll see whether we can sort of agree. Okay, whether
10 the - whether a departure would be an abduction or not is
11 really about a point of view, Mr. Willick. The-

12 MR. WILLICK: Okay.

13 THE COURT: The Court can issue an order in the protective
14 order I believe that says that the child will not travel
15 outside the United States pursuant to 125 D 150, per - under
16 the principle that we respect the process of appeal. We -
17 respect the fact that we have a protective order that requires
18 a split custody schedule temporarily, right?

19 MR. WILLICK: Okay.

20 THE COURT: Okay, so as it relates to the filing that you
21 made as appellate counsel - I forget the date now but it was I
22 think the 17th of July - the request for stay is denied
23 without prejudice for the reasons that we've established.

24 MR. WILLICK: Thank you, Your Honor.

25 THE COURT: Madame interpreter. Okay, so - let's talk

1 about the orders. We have jurisdiction over the parties and
2 the subject matter. I directed that an order be processed that
3 denies the request to dissolve the protective order. I've
4 directed an order that denies the request for a stay of the D
5 case, so that's gotta be filed in the D case. That's without
6 prejudice.

7 The Court is gonna be issuing two bench orders in
8 the T case. One is going to be to amend the protective order,
9 to modify the visitation and custody provisions for the shared
10 physical arrangement to include supervised exchanges of the
11 children since they have not - or the child - since the child
12 has not been exchanged. We'll be using the supervised exchange
13 center and the exchanges will take place on Thursday at six
14 o'clock and Sunday at five P.M. Adverse Party will have the
15 child from Thursday at six until Sunday at five.

16 MS. GREEN: Thank you, Your Honor.

17 THE COURT: Applicant will have the child each week Sunday
18 at five through Thursday at six P.M. There is no restriction
19 on the custody schedule except as to time, and as to the
20 restriction pursuant to 125 D 150, in that the child at this
21 time will not travel outside the United States or Nevada -
22 until further of the Court. Ms. Green, I want you to make sure
23 that your client is able to do the orientation or the
24 instruction for Donna's House Central as soon as possible.

25 MS. GREEN: Yes, Your Honor.

1 THE COURT: And Mr. Markman, you can do the same.

2 MR. MARKMAN: Yes, Your Honor.

3 THE COURT: All right. So we're - the - the D case is
4 essentially closed. I mean I - I don't - there shouldn't be
5 filings in the D case anymore unless it's I guess some sort of
6 request - Mr. Willick - for a stay on the eve of the
7 expiration of the protective order if you find yourself in
8 that position, okay?

9 MR. WILLICK: I understand.

10 THE COURT: You know I hope - I - you know - this is -
11 this is an important matter. It's - it's time sensitive. I
12 hope that the Supreme Court will give it - you know - swift
13 attention and make a ruling one way or another, and the T-P-O
14 is essentially even more important now than it was when it was
15 granted in March - in my mind. Now Mr. Markman, if you have
16 any issues, or Ms. Green, any issues of enforcement or any
17 relief seeking Court assistance related to the T case, it
18 should be filed in the T case - and this Court is responsible
19 for the T case. The hearing master's role in this case is
20 over.

21 MS. GREEN: I understand, Your Honor. I do have a
22 question.

23 THE COURT: All right. Let the interpreter interpret that,
24 please. Okay, Ms. Green, your question.

25 MS. GREEN: I - I just wanted to say with intention if

1 it's plead to the Court to file the Court order from today's
2 hearing with the authority that flags passports for minor
3 child in light of the situation and the Court order we have
4 today.

5 THE COURT: For the child? Does the child have a passport?

6 MS. GREEN: Yes, Your Honor.

7 THE COURT: Yeah, that's fine. That - that'll be
8 consistent with the order that I wrote out today, and it would
9 - it - it's time sensitive so you can get that to me. Mr.
10 Markman, if it's overreaching then you can ask to modify it or
11 dissolve it down the road, okay?

12 MR. MARKMAN: Oh, so I just - are you requesting the
13 minor's passport?

14 THE COURT: No, no, no, I'm not requesting the passport.
15 What she's talking about is - as part of 125 D, there's a
16 notice that - an order that can be entered that the State
17 Department would recognize to flag any travel. I'm not
18 suggesting your client would - would violate the orders, but
19 it just is another safeguard to protect - and I know that your
20 client's point of view is that with the dismissal of the case
21 - you know he - if it were up to him he would dissolve the
22 protective order and he would litigate this in Syria or Saudi
23 Arabia, that's his point of view. I'm not - I'm not really
24 commenting on that one way or another, but that's something
25 that we can't have in the short term, do you understand?

1 MR. MARKMAN: Understood, Your Honor.

2 THE COURT: All right. Madame interpreter will you
3 interpret that, please? Mr. Markman, before we go, any
4 questions from your side?

5 MR. MARKMAN: Just a quick question. So counsel for Ahd
6 is gonna prepare for the D case, and then my understanding was
7 that yours and [indiscernible] was gonna include the
8 description on the minor's passport and that's gonna come from
9 the bench, is that correct, Your Honor?

10 THE COURT: Well, a protective order order came from the
11 bench and the Donna's House Central referral came from the
12 bench and Ms. Green is gonna submit an order in the T case
13 that has that flag notice - and - and so all of that will be
14 reviewed and processed. Now a protective order form may come
15 out after this hearing - after they get my handwritten order,
16 that's typical, and just - that's a - form of process where
17 the presiding judge approves the hearing master's orders. I -
18 I'm gonna be signing these orders, okay?

19 Do - the - so yeah, you're gonna get notice of any of the
20 orders and they're gonna run the other two orders by you
21 because they're not exigent. So madame interpreter, will you
22 interpret that, please? Great job, madame interpreter. Thank
23 you very much.

24 INTERPRETER: You're welcome, Your Honor.

25 THE COURT: All right, so - I'll receive the orders. Thank

55

55

FILED

AUG 21 2020

John L. Mansfield
CLERK OF COURT

ORIGINAL

1 COST

2
3 EIGHTH JUDICIAL DISTRICT COURT
4 FAMILY DIVISION
5 CLARK COUNTY, NEVADA

6 AHED SAID SENJAB,) CASE NO. D-20-606093-D
7)
8 Plaintiff) DEPT. H
9 vs.) APPEAL NO. 81515
10 MOHAMAD ALHULAIBI,)
11 Defendant.)

12
13 FINAL BILLING OF TRANSCRIPTS (FEES WAIVED)

14 The office of Transcript & Video Services filed transcripts
15 for April S. Green, Esq. for the following proceedings in the
16 above captioned case:

17 AUGUST 4TH, 2020

18 Original transcript and one copy were requested. The total
19 number of pages is 14 for a final cost of \$53.20.

20 Fees are waived.

21 DATED this 21st day of August, 2020.

22 *Quentin L. Mansfield*
Quentin L. Mansfield, Transcriber

23 Balance of _____ Check # _____ CC# _____ CASH _____ CLERK _____

24 Received by *[Signature]* this _____ day of _____, 2020.

25 ITEMS LEFT BEYOND NINETY DAYS ARE SUBJECT TO DISPOSAL WITHOUT REFUND
COUNTY RETENTION POLICY APPROVED BY INTERNAL AUDIT.

EIGHTH JUDICIAL DISTRICT COURT - TRANSCRIPT VIDEO SERVICES
601 N. Pecos Road, Las Vegas, Nevada 89101 (702) 455-4977

56

56

FILED

AUG 21 2020

Am. i. Blum
CLERK OF COURT

ORIGINAL

CTNC

EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

AHED SAID SENJAB,) CASE NO. D-20-606093-D
)
Plaintiff) DEPT. H
)
vs.) APPEAL NO. 81515
)
MOHAMAD ALHULAIBI,)
)
Defendant.)

RECEIVED
LAS VEGAS DROP BOX
CLERK OF SUPREME COURT
2020 AUG 21 PM 4:46

CERTIFICATION OF TRANSCRIPTS & NOTIFICATION OF COMPLETION

The Office of Transcript & Video Services received a request for original transcript and one copy from April S. Green, Esq. on August 5th, 2020, for the following proceedings in the above-captioned case:

AUGUST 4TH, 2020;

I do hereby certify that copies of the transcript requested in the above-captioned case were submitted to be filed with the Eighth Judicial District Court on August 21st, 2020, and ordering party was notified August 21st, 2020.

DATED this 21st day of August, 2020.

Quentin L. Mansfield
Quentin L. Mansfield, Transcriber
Transcript & Video Services

EIGHTH JUDICIAL DISTRICT COURT - TRANSCRIPT VIDEO SERVICES
601 N. Pecos Road, Las Vegas, Nevada 89101 (702) 455-4977

57

57

1 TRANS

FILED

AUG 28 2020

Alvin L. Johnson
CLERK OF COURT

2
3 ORIGINAL

4 EIGHTH JUDICIAL DISTRICT COURT

5 FAMILY DIVISION

6 CLARK COUNTY, NEVADA

7
8 AHED SAID SENJAB,) CASE NO. D-20-606093-D
9 Plaintiff) DEPT. H
10 vs.) APPEAL NO. 81515
11 MOHAMAD ALHULAIBI,)
12 Defendant.)
13

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

16 TRANSCRIPT RE: ALL PENDING MOTIONS

17 WEDNESDAY, MAY 20TH, 2020

18 APPEARANCES:

19 The Plaintiff: AHED SAID SENJAB
20 For the Plaintiff: APRIL S. GREEN, ESQ.
725 E. Charleston Blvd.
Las Vegas, NV 89104
21 The Defendant: MOHAMAD ALHULAIBI
22 For the Defendant: DAVID MARKMAN, ESQ.
4484 S. Pecos Rd. STE 130
Las Vegas, NV 89121
23
24 Certified Court Interpreter: OMAR J. RIFAAT
25

1 LAS VEGAS, NEVADA

WEDNESDAY, MAY 20TH, 2020

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

3 [THE PROCEEDING BEGAN AT: 11:01:59.]

4 THE COURT: [Through an interpreter throughout] ...
5 prejudgment proceeding. The case number is D-606093. This is a
6 divorce case and initial appearance. We are in the Regional
7 Justice Center, on the record. The parties and counsel for the
8 parties are appearing by phone pursuant to administrative
9 order. We are assisted in this hearing by the Court certified
10 interpreter. Mister interpreter, will you state your
11 appearance for the record.

12 MR. RIFAAT: Omar J. Rifaat.

13 THE COURT: Thank you. Ms. Green, will you state your
14 appearance for the plaintiff.

15 MS. GREEN: [Through an interpreter throughout] April
16 Green, Your Honor. Legal Aid Center, bar number 8-3-4-0, for
17 Ahed Senjab.

18 THE COURT: Mr. Markman, will you state your appearance
19 for the defendant.

20 MR. MARKMAN: [Through an interpreter throughout] Good
21 morning, Your Honor. David Markman, from Markman Law on behalf
22 of Mohamad Alhulaibi, bar number 1-2-4-4-0.

23 THE COURT: I am the judge responsible for the divorce
24 case. I have reviewed the pleadings and the papers that have
25 been on file. I also reviewed the papers in case T-203688.

1 Before I go over those papers, are they any matters that are
2 resolved by agreement?

3 MS. GREEN: No, Your Honor.

4 MR. MARKMAN: No, Your Honor.

5 THE COURT: Okay, go ahead, mister interpreter. Ms. Green,
6 I want to confirm a couple of notes that I have based on these
7 files.

8 MS. GREEN: Mm-hm.

9 THE COURT: You allege that the parties were married in
10 Saudi Arabia in February, 2018.

11 MS. GREEN: Let me look at complaint, Your Honor.

12 THE COURT: Well, hold on. Let - let the interpreter
13 translate.

14 MS. GREEN: Yes, correct.

15 MS. SENJAB: [Through an interpreter throughout.] Yes,
16 Your Honor.

17 THE COURT: Okay, and you allege that they have one child
18 born the issue of their relationship, Ryan, age one.

19 MS. GREEN: Yes, Your Honor.

20 MS. SENJAB: Yes, Your Honor. Right.

21 THE COURT: Okay. I did not see a jurisdiction enforcement
22 act affidavit, but the motion says that mom moved to the
23 United States with the child in January of this year.

24 MS. GREEN: Yes, Your Honor.

25 THE COURT: Well, let the interpreter interpret, please.

1 MR. RIFAAT: Yes. Yes, Your Honor.

2 MS. SENJAB: Yes, Your Honor.

3 THE COURT: Okay. Mr. Markman?

4 MR. MARKMAN: Yes, Your Honor.

5 THE COURT: If she moved to the United States with the
6 child on January 13th, of 2020-

7 MR. MARKMAN: Yes.

8 THE COURT: I'm - the interpreter needs to interpret,
9 please. And this - and this case for divorce was filed on
10 March 24th. And the plaintiff alleges - or mom alleges
11 physical - physical presence in Nevada with the intent to make
12 Nevada her home. This Court has jurisdiction to grant her
13 divorce. It has nothing to do with your client's intention or
14 his physical presence or his visa status. On the other hand,
15 Nevada courts are required to have subject matter jurisdiction
16 over custody in order to enter divorce decrees with custody
17 orders. Okay, which is a segway into the discussion about
18 whether or not the motion to dismiss should be focusing on the
19 scope of claims or whether the case itself can be dismissed.
20 Okay, so Mr. Markman I want to ask you a couple questions and
21 then after the interpreter translates then you can respond,
22 okay?

23 MR. MARKMAN: Okay, [indiscernible].

24 THE COURT: Do you have any evidence that would refute the
25 physical presence of mom in Nevada from January 13th, 2020?

1 Mr. Markman?

2 MR. MARKMAN: I do not have any evidence that she's not in
3 the State of Nevada, no.

4 THE COURT: Okay. Is your client arguing - oh, I'm sorry
5 mister interpreter. I'm so sorry. Go ahead.

6 MR. RIFAAT: Yes, Your Honor?

7 THE COURT: He said no, so you can interpret - you can
8 translate that. Mr. Markman, is your client's position that
9 the home state of the child is not Nevada?

10 MR. MARKMAN: Yes, Your Honor. My - my client is -
11 believes that Saudi Arabia is the home state of the child.

12 THE COURT: Well, he alleged in the motion that the
13 plaintiff and defendant are residents of Syria.

14 MR. MARKMAN: The child has lived in Saudi Arabia and they
15 are - have been in Saudi Arabia for the six months prior to
16 them moving to the United States and I believe even longer
17 than that.

18 THE COURT: So did the Court make a mistake when it wrote
19 a note that the allegation is that - well, it doesn't really
20 matter. If - if the home state is not Nevada, it's - it's
21 either Syria or Saudi Arabia, right?

22 MR. MARKMAN: Correct, Your Honor.

23 THE COURT: Go ahead, mister interpreter.

24 MR. RIFAAT: Yes, Your Honor.

25 THE COURT: Okay.

1 MS. SENJAB: Yes, Your Honor.

2 THE COURT: Okay. Okay, the Court is aware that there's a
3 protective order that's been entered and extended until
4 February of next year.

5 MR. RIFAAT: Should I go, Your Honor?

6 THE COURT: Yes, that's fine. I'm sorry - I'm sorry.

7 MR. RIFAAT: No problem, Your Honor.

8 THE COURT: The Court is also aware that that protective
9 order provides for a split week custody schedule with dad
10 having Friday to Monday. And I understand you were not the
11 lawyer Mr. - Markman, but I do not see any objection to the
12 jurisdiction of the Court to enter that visitation order. The
13 - it would be appropriate to issue a custody order in an
14 emergency protective order case. But in order for a judgment
15 to be entered concerning custody, this Court must have custody
16 jurisdiction. Okay, is there any other case besides the
17 protective order case and this divorce case involving these
18 parties?

19 MS. GREEN: No, Your Honor. Not in any other jurisdiction
20 and there were no other cases - and no other cases in Nevada.

21 THE COURT: Okay. Mr. Markman, are you aware of any other
22 cases?

23 MR. MARKMAN: Not that I'm aware of, Your Honor.

24 THE COURT: Okay, so let me visit with Ms. Green for a
25 second. Go ahead, mister interpreter.

1 MR. RIFAAT: Yes, Your Honor.

2 THE COURT: Okay. Ms. Green, my - my take on this case
3 right now - and - I - I haven't made any kinda orders but your
4 client - if she's been physically here since January 13th,...

5 MS. GREEN: Mm-hm.

6 THE COURT: ... she's entitled to a divorce.

7 MS. GREEN: Yes.

8 THE COURT: But you cannot move here from another country,
9 live here for six weeks and establish custody jurisdiction in
10 Nevada this way. Mister interpreter, you can interpret that.

11 MR. RIFAAT: Yes, Your Honor.

12 THE COURT: The only justification for a - for a custody
13 order in a case under this - these facts would be as an
14 emergency order, or under the vacuum jurisdiction under the
15 Uniform Enforcement Act. Which would allow only limited orders
16 until a court of - of jurisdiction could make those orders.
17 Are there any - are there any-

18 MS. GREEN: [Indiscernible].

19 THE COURT: Yeah, Ms. Green, why don't you make whatever
20 points you think are important for the court to understand.

21 MS. GREEN: Okay. Your Honor, all of the - the parties and
22 the child are here in this jurisdiction. There is no action
23 pending in any other country or state, so just in terms of
24 judicial economy and appropriate forum, it is appropriate for
25 Nevada to exercise jurisdiction. The mother had a path to

1 citizenship independent from the father, and you've already
2 said you have jurisdiction over her but I - I believe that it
3 would be an absurd result and in contrary to the law and
4 theories of the U.C.C.J.E.A., and this is a matter where the
5 Court has already exercised jurisdiction over the parties and
6 the child without objection, and the defendant has indicated
7 his is following the orders of this court.

8 The child has a doctor, he's [indiscernible],
9 utilize various [indiscernible] services in the state. As I
10 said the parents are here, a divorce action is pending here.
11 We're asking the Court assume jurisdiction on all - under all
12 of the vacuum authorities of the U.C.C.J.E.A., and if it would
13 please the Court, Your Honor, we would be pleased to brief
14 this issue. This is more narrow issue now that - you know -
15 you determined what - what happens with the parents in the
16 divorce case. It's not a issue of the U.C.C.J.E.A. and the
17 Court exercising jurisdiction over the child for all of the
18 reasons I've stated before. I believe that the Court should
19 exercise jurisdiction and they did the most appropriate forum.
20 They are all here already in front of this court. There is
21 nobody there, no action filed in Saudi Arabia.

22 My client, a domestic violence victim, does not to
23 intend to return to Saudi Arabia and she doesn't have to
24 because she has her own independent right to [indiscernible]
25 which she had pursued. So for those reasons, Your Honor, we're

1 asking you to exercise jurisdiction. Nevada is the most
2 appropriate forum for the child. There's no action pending
3 anywhere else and the parents are here and the mother intends
4 to stay here.

5 THE COURT: All right. Mister interpreter, I can't expect
6 you to interpret all of that argument, but it's part of the
7 record, okay?

8 MR. RIFAAT: Yes, Your Honor. I got it, I can go ahead and
9 proceed if you-

10 THE COURT: Why don't you give it a shot?

11 MR. RIFAAT: Absolutely.

12 THE COURT: Okay - all right, look - stop - stop the
13 dialogue between a party and - and the interpreter, okay? I
14 can't have that as part of the record, okay? 'Cause I'm not
15 soliciting information from mom or dad on that, okay?

16 MR. RIFAAT: Yes, Your Honor.

17 THE COURT: All right, that's fine - that's fine. All
18 right, look - the Court has to have initial custody
19 jurisdiction. We don't have initial custody jurisdiction but
20 the court may find that it can have temporary emergency
21 jurisdiction under N.R.S. 125 A .335. Ms. Green, I don't
22 have...

23 MS. GREEN: Yes, Your Honor.

24 THE COURT: ... discretion. I either have subject - this
25 Court either has subject matter jurisdiction or it doesn't,

1 and Nevada's not the home state, and before final orders are
2 made concerned of custody, you better be prepared to walk
3 through the theory - the elements of child custody because the
4 emergency jurisdiction of the Court is only so long as - as it
5 is a bridge between the time that that order's made and the
6 time that the Court that actually has jurisdiction issues an
7 order. Now Mr. Markman-

8 MR. MARKMAN: Yes, Your Honor.

9 THE COURT: The Court can issue an emergency order and the
10 jurisdiction for the T-P-O order was emergency jurisdiction -
11 a vacuum. There was no state that had a case and we had
12 physical presence of the parties and the child here. It is a
13 problem for the plaintiff in this case as it relates to
14 subject matter jurisdiction. Now I think Saudi Arabia is a
15 signator on the Hague Convention but that's something you need
16 to - you need to know about, and whether or not that impacts
17 the analysis on how we deal with the jurisdictional dispute
18 between courts. 'Cause that's either - that - that may happen.

19 The case can't get dismissed for a couple reasons.
20 Number one, she has a right to get a divorce here, and she
21 probably has a good minimum connection case regardless of your
22 client's visa status to connections with Nevada to litigate
23 property issues if there are property issues. The custody
24 piece of it is the one that's problematic for the Court, and
25 something that I'm not gonna make a final ruling on today. Do

1 you understand?

2 MR. MARKMAN: Yes, Your Honor, and can I - can I - address
3 some of those? [Indiscernible].

4 THE COURT: Well, I think I just-

5 MR. MARKMAN: [Indiscernible].

6 THE COURT: What I'm concerned about is that I'm talking
7 too much. I can't - I'm not giving the interpreter an
8 opportunity to interpret what I said, so why don't I let -
9 mister interpreter, I know that I - I completely forgot that
10 you're need to translate.

11 MR. RIFAAT: Not a problem, Your Honor.

12 THE COURT: Just do what you can to translate the - the -
13 the comments of the Court for plaintiff, please.

14 MR. RIFAAT: Yes. Copy, Your Honor.

15 THE COURT: All right, Mr. Markman, the - I want you to be
16 able to make a couple of points on the record too. Before you
17 do let the interpreter translate.

18 MR. MARKMAN: Okay.

19 THE COURT: Mr. Markman.

20 MR. MARKMAN: Your Honor - as for domicile, I don't
21 believe - if you look at Toll case, which is a U.S. Supreme
22 Court case, the plaintiff can't establish domicile which is
23 necessary in Nevada in order to even have a divorce action.
24 It's because - because recovered aliens can't have the
25 subjective intent to remain in the United States.

1 THE COURT: Oh, yeah, you can. We got millions of 'em with
2 the subjective intent with not a valid visa, okay? So - they -
3 physical presence with intent is the standard that the Court
4 is applying there, okay?

5 MR. MARKMAN: If you - and this is - you know - if you
6 look at the Parr [sic] case - if you look at the Parr case,
7 it's - it's pretty similar in the non-immigrant alien sought a
8 divorce and the Ninth Circuit actually voided the divorce
9 because she could not have the proper domicile, or was not
10 properly domiciled in order to get the divorce.

11 THE COURT: I know but look counsel, look, they - we grant
12 divorces by the hundreds with folks who are undocumented. We
13 treat them with the same due process and rights to dissolve
14 their marriages, okay? I - I understand - I - I'll have to
15 look at that case and before I close this case, I will have to
16 give you a ruling on each one of these legal points. This -
17 this case is - has got many nuances with it, okay? But this
18 notion that somebody has to be a - a citizen in the United
19 States to get divorced - if they're physically here and
20 testified that they have the intention to make Nevada their
21 home for an indefinite period of time, forget the overlap of
22 the Violence Against Women's Act and domestic violence
23 allegations and things like that - you have - there is no bar
24 to a person seeking a divorce who's physically here and can
25 state the intent to be here from getting a divorce here, okay?

1 I - I - I - and - and I appreciate - you know the
2 immigration cases and some of these other jurisdictional
3 nuances that I'm gonna have to really get my arms around
4 before I make final orders in this case, but I will look at
5 the case - I mean I'll look at these cases and give you a
6 specific ruling one each one, okay?

7 MR. MARKMAN: Okay, I - and I appreciate it, Your Honor.
8 That - that - that is - I mean that's just how - I read the
9 cases and I think they - that they - they really touch upon
10 [indiscernible] and - and make it somewhat - in my opinion -
11 clear that - that they actually cannot get a divorce here
12 because they're never supposed to have the - the subjective
13 intent to stay. That's part of the visa condition and - and
14 the cases go further and I'm not - you know - advocating for
15 this, but they go to the sense that if you form that
16 subjective intent it's actually the [indiscernible].

17 THE COURT: Well, I have to have - I have cases where
18 people come in and their visa's expired, and their immigration
19 lawyers come in and testify saying you're not here illegally,
20 and maybe some months or years down the road someone will
21 notice a hearing and have them come in, okay? But they're
22 still physically here, all right? This comes up in the -
23 custody context where somebody says I need to get permission
24 to remove because I'm required to leave the country - okay -
25 by law, but do they leave the country? No, they don't.

1 So look, I - I appreciate the argument. This is an
2 important process of this case. I - if I don't have
3 jurisdiction to grant - the order then I need to make sure
4 that - that I don't issue a void order, okay? Now, your - go
5 on.

6 MR. MARKMAN: And - and as for the abuse allegations, I
7 don't think they've been substantiated in any means, and
8 you're right, I wasn't a part of the T-P-O hearing, but when
9 the officers came out on February 9th, she admit to the
10 officers it was verbal only. When Mr. - when Mohamad went back
11 the next day to collect some belongings that he needed from
12 the apartment, then after she had time to - I - I'm not gonna
13 say concoct a story but after she had time to think about what
14 she wanted to say to the officers, she then claims physical
15 abuse and - and on the - I think there's some family dynamic -
16 'cause if you look at the T-P-O, what she's - really asking
17 for is to be able to stay here and to help immigrate her
18 family here, and - and she specifically requests that in the
19 T-P-O, so my client is under the belief that this might be
20 something she's using in order to not only become a legal
21 resident here, but also to help immigrate her family here.

22 THE COURT: Now let me - let me-

23 MR. MARKMAN: And that's why-

24 THE COURT: All right, let me ask you this Mr. Markman
25 because - you know - you cite the Dale [sic] case, you cite

1 the Swan case, some of these other cases. I'm looking, where
2 in your memoranda have you cited Toll, U.S. Supreme Court
3 case?

4 MR. MARKMAN: It's - it's - it's in the reply brief, Your
5 Honor.

6 THE COURT: In the reply that was filed when?

7 MR. MARKMAN: It was filed in the 13th.

8 THE COURT: May 13th? All right, and - because I - I'm
9 aware of those other cases that are cases that we deal with a
10 lot. The Toll, Moreno?

11 MR. MARKMAN: Toll - Toll versus Moreno, and Santilk [sic]
12 and - and then also the - the most recent one was the Ninth
13 Circuit case.

14 THE COURT: Yeah.

15 MR. MARKMAN: Which was Park v. Barr and that was decided
16 earlier this year.

17 THE COURT: Okay, and you think that there's some - either
18 on - it's on all fours or there's some analogies for that?

19 MR. MARKMAN: I think Park v. Barr is pretty much on -
20 completely on point. I think the - the Elkins and Toll case
21 talk about the subjective intent and - you know - establishing
22 domicile.

23 THE COURT: Yeah, well it's interesting because you know
24 most of the time when you look at the cases regarding content
25 [sic], they're - they're a 150 years or 110 years old. You

1 know Nevada has a rich history of divorce cases where people
2 would come here and - you know - so I'm - I'm interested in
3 looking at that, but I'm not gonna dismiss this case at this
4 stage. As far as the protective order matter, that's - the
5 standard of proof on a protective order isn't even. It doesn't
6 - I mean it's the lowest civil standard, and the protective
7 order's been extended and that - and the provisions of that
8 are fine, that's not the issue. If mom wants to prove domestic
9 violence relevant to custody, she'll have to prove it by the
10 legal standard in the divorce case and that - that hasn't been
11 done, okay?

12 MR. MARKMAN: Yeah.

13 MS. GREEN: May I reply, Your Honor?

14 THE COURT: No, not yet. Okay, so let me see where we are.

15 MS. SENJAB: Excuse me, Judge. Can interpreter tell me
16 what - what they said? What-

17 THE COURT: Yeah. Mister - I'm sorry - mister interpreter,
18 will you-

19 MR. RIFAAT: Yes, Your Honor.

20 THE COURT: Just - Mr. Markman has offered arguments saying
21 that - questioning whether or not there is jurisdiction, or
22 whether the plaintiff can establish that she is a resident of
23 Nevada, okay?

24 MR. RIFAAT: Yes, Your Honor.

25 THE COURT: All right, so Mr. Markman, are there any other

1 - other than looking at these Ninth - the Ninth Circuit court
2 case and asking the Court to consider whether or not she can -
3 the Court can make a finding of subjective intent to live
4 here. Are there any other points that you want to mention? And
5 don't answer that until after the interpreter gets a chance to
6 interpret that.

7 MS. SENJAB: Okay.

8 THE COURT: Mr. Markman. Mr. Markman, were there any
9 other-

10 MR. MARKMAN: Yes, Your Honor.

11 THE COURT: Any other points that you wanted to mention to
12 the Court?

13 MR. MARKMAN: I talked about it briefly in the reply as
14 well and it's really does she even have the subjective intent
15 to stay in Nevada. If you don't find it on the first issue and
16 it's mentioned in - in the police report that was submitted
17 with the reply. That she was waiting for her brother in law to
18 come from the state of Maryland and - and it basically was my
19 reading or understanding of it is that, she was waiting for
20 her brother in law to come from the state of Maryland so that
21 she - they could pick her and Ryan up - up to go to Maryland.
22 So I think that also is - does she have even have a subjective
23 intent to remain in Nevada is - is also potential issue if -
24 the first one - if the - if she can even form the subjective
25 intent to remain in the United States which I think she

1 really, but just to kinda quote that next level analysis I
2 think that's also a potential issue.

3 And - and it's fairly what we're just asking for
4 that Mohamad be - not Mohamad - that Ryan, the minor child, be
5 ordered to be on the plane ticket where they - they have these
6 round trip ticket, and it's set for June 18th. Mohamad's done
7 with school and if he doesn't leave within - you know - 60
8 days from the expiration of his visa - which was actually May
9 16th - then he - you know - he's gonna be in violation and he
10 doesn't wanna violate the - he doesn't wanna violate - you
11 know - his visa status and just wants to return home with
12 Mohamad.

13 THE COURT: Yeah, well I - I have - I - I appreciate that
14 and I - and I also understand that - you know - we have the
15 legal aspect of it and the practical aspect of it, and I - I
16 tell you what I'm - I'll tell you what I'm gonna do. Let the -
17 let the interpreter translate what you said.

18 MR. RIFAAT: Yes, Your Honor. Yes, Your Honor.

19 THE COURT: All right, thank you. So - this is what I'm
20 gonna do for today.

21 MS. GREEN: May I speak, Your Honor?

22 THE COURT: Why? Yeah, Ms. Green, sure.

23 MS. GREEN: Because I have a couple of responsive points.
24 Just very briefly, Your Honor.

25 THE COURT: Yeah.

1 MS. GREEN: Okay. I just wanna say, Your Honor, that the
2 reply motion papers presented by counsel were way beyond the
3 scope of my [indiscernible].

4 THE COURT: Yeah, I - I - look, I-

5 MS. GREEN: So-

6 THE COURT: I'm way ahead - I'm way ahead of you there. It
7 is - it is a problem that the - that the - that the authority
8 that he would like the Court to rely on wasn't filed 'til last
9 week, and you haven't had a chance to even know or respond to
10 it, okay? And that - that - the - the point that I wanna make
11 is - is this, okay? And mister interpreter, you can interpret
12 that interchange if you want.

13 MR. RIFAAT: Yes, Your Honor.

14 THE COURT: All right. Let me just - let me just say this
15 and then - then we'll - we're gonna segway into - into sort of
16 how we're gonna stage the resolution of this case. This
17 divorce case presents many layers of analysis. The issue of
18 jurisdiction to grant a divorce, the issue of custody
19 jurisdiction, the issue of personal jurisdiction. Each one of
20 these issues could form the basis for a need to litigate
21 factual disputes. Go ahead, mister interpreter.

22 MS. RIFAAT: Yes, Your Honor.

23 THE COURT: The Court has already addressed it's view that
24 the plaintiff may be able to get a divorce. She may even be
25 able to persuade the Court to issue custody orders, and she

1 may be able to persuade the Court that there's personal
2 jurisdiction over the defendant. Go ahead, mister interpreter.

3 MR. RIFAAT: Yes, Your Honor.

4 THE COURT: Each of these issues involve legal questions
5 and factual questions. Go ahead. The Court is going to allow
6 the plaintiff to supplement the memoranda of law to address
7 each of these issues; jurisdiction to grant the divorce,
8 custody jurisdiction, and personal jurisdiction over the
9 defendant. The defendant will have an opportunity to brief
10 these - each of these issues also if he does not feel - or Mr.
11 Markman does not feel that his reply brief filed last week
12 sufficiently addresses those issues.

13 The deadline for the briefs to be filed and served will
14 be Monday, June 8th. This matter will be hard on Tuesday, June
15 16th. At 9 A.M. Mr. Markman, I will read the cases that you
16 cited and I'll read the - any authority that Ms. Green
17 provides prior to that date.

18 MR. MARKMAN: Thank you, Your Honor.

19 MS. GREEN: Thank you, Your Honor.

20 THE COURT: Now the motion is-

21 MR. MARKMAN: Your Honor, I have a quick-

22 THE COURT: If - if the motion to dismiss is dependent on
23 factual disputes, then you know that I'm gonna deny the motion
24 to dismiss until we've had the chance to do discovery. If
25 there is a - a legal basis to deny the plaintiff's claims,

1 then the Court may consider the motion to dismiss at that
2 time.

3 MR. MARKMAN: Understood, Your Honor. And - and is there
4 any way we could move those deadlines up from the practical
5 perspective?

6 THE COURT: Well I'm - I - how can I - I mean that's only
7 two weeks from now.

8 MR. MARKMAN: I understand. Is there any way to move it to
9 June, 1st? Does that - does that give enough time? I - I don't
10 know opposing counsel's schedule.

11 MS. GREEN: I - I - I would like [indiscernible]-

12 THE COURT: Well - all right, look. You're asking me to
13 find that she cannot get divorced in Nevada because of her
14 visa status. I'm gonna look at these cases, I'm gonna give
15 them a chance since - since these cases weren't even cited
16 until last week to brief it. I gotta give 'em at least 10 days
17 to do it.

18 MS. GREEN: Thank you, Your Honor. I need it.

19 THE COURT: So, look. This is a challenge for counsel,
20 it's a challenge for the Court because each one of these
21 issues which is often an uncontested matter in these cases is
22 being challenged. The Court needs to make sure that I can
23 articulate the basis for determining that we can proceed in
24 this case, and certainly since we're not the home state, I
25 have to articulate a basis to issue and enter a judgment with

1 custody orders under this - under the uniform enforcement act
2 adopted in Nevada.

3 I would say that the focus for the plaintiff is probably
4 to address the analysis that was provided by the defendant in
5 the filing last week, and probably the focus for the defendant
6 is to address the comments of the Court related to - you know
7 - the vacuum or the emergency jurisdiction, okay? Now the -
8 the protective order is - is a valid order. It's a one year
9 order, the parties are following it. That is gonna be what
10 they - what they - I mean I - I'm not worried about them
11 sharing the child on the short term, but if the protective
12 order affected by the civil orders, then we'll - you guys need
13 to know that the Court is gonna have to amend that protective
14 order to deal with any orders that are entered in the D case.
15 So mister interpreter, will you - will you try to cover that?
16 Piece of it.

17 MR. RIFAAT: Yes, Your Honor.

18 THE COURT: Any questions before I let you go?

19 MS. GREEN: Your Honor, this is Mohamad.

20 MR. ALHULAIBI: Your Honor, this is Mohamad.

21 MR. MARKMAN: So Your Honor, we're - we're staying with
22 the - and I apologize for bringing this back up, but we're
23 staying with the June, 8th date for briefing for both sides?
24 And the reason I ask is just - I'm just trying to figure out
25 for my - my client. His plane ticket is June 18th and I mean -

1 the 8th is - is 19 days, which is five more days if he even
2 gets to file an opposition. Even if it was a motion for
3 summary judgment, and so I'm just - I'm just trying to see so
4 I can help him figure out what he needs to do. If he needs to
5 move the plane ticket or what he needs to do.

6 THE COURT: Right. Well, I mean even-

7 MS. GREEN: Your Honor.

8 THE COURT: Even - all right, look - the - I - I think
9 that you need to understand the practicality of this. In that
10 if this case goes forward it's not gonna be resolved in June.
11 I mean even under the administrative orders I'm keeping these
12 calendars so that I can address matters in these cases, but -
13 you know - the - the kind of deadlines for even simple things
14 like discovery and custody proceedings. We're - we're doing
15 the best we can to keep the court business moving, so you're
16 gonna have to advise him however you see fit. You know - he's
17 - he's - they're in the same boat from the legal point of view
18 as far as - you know - he graduated, his visa expires, and he
19 - and - and you're gonna have to advise him that way. I can't
20 help you there, okay? We're gonna have a hearing on the 16th
21 at 9 A.M., and-

22 MS. GREEN: Thank you, Your Honor.

23 THE COURT: Thank you.

24 MS. ALHULAIBI: Excuse me, Your Honor.

25 THE COURT: Yeah.

1 MR. ALHULAIBI: Can I speak? This is Mohamad. Your Honor,
2 I just need for now, if she gives me permission. Ms. Senjab,
3 she took - I - I won't use - she took my [indiscernible] and
4 my [indiscernible] bank card. She has it for no way or
5 reasons, and she tried to get some personal information from
6 my bank, and then she used my [indiscernible].

7 THE COURT: Well, you can't - look. Mr. - I - I appreciate
8 that there's probably a lot of detailed information that
9 you're seeking from the Court, but you're asking the Court to
10 dismiss the case. You can't ask me for relief and then ask the
11 Court to dismiss the case at the same time. That's what the
12 Vail [sic] case stands for, okay? So - so I'm sorry, I - you
13 know that's something you, your lawyer and Ms. Green can try
14 to work out informally between now and the time we here this,
15 okay? All right.

16 MR. ALHULAIBI: All right, thank you [indiscernible].

17 THE COURT: Thank you. All right.

18 THE MARSHAL: That's all for today folks. Thank you.

19 MS. GREEN: Thank you.

20 MR. RIFAAT: Yes, Your Honor. Thank you, thank you.

21 THE COURT: Thank you, mister interpreter. Appreciate it.

22 MR. RIFAAT: Thank you, Your Honor. No problem.

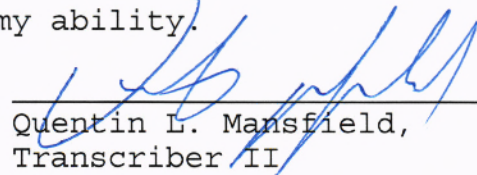
23 [THE PROCEEDING ENDED AT: 11:49:28.]

24 * * * * *

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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



Quentin L. Mansfield,
Transcriber II

58

58

FILED

AUG 28 2020

[Signature]
CLERK OF COURT

ORIGINAL

1 COST

2
3 EIGHTH JUDICIAL DISTRICT COURT
4 FAMILY DIVISION
5 CLARK COUNTY, NEVADA

6 AHED SAID SENJAB,) CASE NO. D-20-606093-D
7)
8 Plaintiff) DEPT. H
9)
10 vs.) APPEAL NO. 81515
11)
12 MOHAMAD ALHULAIBI,)
13)
14 Defendant.)
15)

16 FINAL BILLING OF TRANSCRIPTS (FEES WAIVED)

17 The office of Transcript & Video Services filed transcripts
18 for April S. Green, Esq. for the following proceedings in the
19 above captioned case:

20 MAY 20TH, 2020

21 Original transcript and one copy were requested. The total
22 number of pages is 25 for a final cost of \$95.00.

23 Fees are waived.

24 DATED this 28th day of August, 2020.

25 *[Signature]*
Quentin C. Mansfield, Transcriber

Balance of _____ Check # _____ CC# _____ CASH _____ CLERK _____

Received by: *[Signature]* this 31st day of August, 2020.

ITEMS LEFT BEYOND NINETY DAYS ARE SUBJECT TO DISPOSAL WITHOUT REFUND
COUNTY RETENTION POLICY APPROVED BY INTERNAL AUDIT.

EIGHTH JUDICIAL DISTRICT COURT - TRANSCRIPT VIDEO SERVICES
601 N. Pecos Road, Las Vegas, Nevada 89101 (702) 455-4977

59

59

FILED

AUG 28 2020

Sharon L. Williams
CLERK OF COURT

ORIGINAL

CTNC

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

AHED SAID SENJAB,

CASE NO. D-20-606093-D

Plaintiff

DEPT. H

vs.

APPEAL NO. 81515

MOHAMAD ALHULAIBI,

Defendant.

RECEIVED
LAS VEGAS DROP BOX
CLERK OF SUPREME COURT
2020 AUG 28 PM 3:52

CERTIFICATION OF TRANSCRIPTS & NOTIFICATION OF COMPLETION

The Office of Transcript & Video Services received a request for original transcript and one copy from April S. Green, Esq. on August 13th, 2020, for the following proceedings in the above-captioned case:

MAY 20TH, 2020

I do hereby certify that copies of the transcript requested in the above-captioned case were submitted to be filed with the Eighth Judicial District Court on August 28th, 2020, and ordering party was notified August 28th, 2020.

DATED this 28th day of August, 2020.

Quentin L. Mansfield
Quentin L. Mansfield, Transcriber
Transcript & Video Services

EIGHTH JUDICIAL DISTRICT COURT - TRANSCRIPT VIDEO SERVICES
601 N. Pecos Road, Las Vegas, Nevada 89101 (702) 455-4977