

**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 06 2022 09:43 a.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](mailto: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](mailto:David@MarkmanLawfirm.com)

## APPENDIX INDEX

#	DOCUMENT	FILE STAMP DATE	PAGES
<b>Volume I</b>			
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
<b>Volume III</b>			
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 <sup>th</sup> , 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 <sup>th</sup> , 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
<b>Volume IV</b>			
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

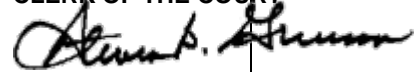
70.	Nevada Supreme Court Clerk's Certificate and Remittitur; Judgment - Reversed and Remand (No Attachment)	11/16/2021	AA000673 - AA000674
<b>Volume V</b>			
71.	Opposition to Plaintiff's Motion for Temporary Custody, Visitation, and Child Support and Countermotion for Primary Physical Custody; and Exhibits, Part 1	11/16/2021	AA000675 - AA000720
<b>Volume VI</b>			
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
<b>Volume VII</b>			
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

72

72



1 **MTD**

2 **DAVID MARKMAN, ESQ.**

3 Nevada Bar No. 12440

4 **MARKMAN LAW**

5 4484 S. Pecos Rd Ste. 130

6 Las Vegas, Nevada 89121

7 Phone: (702) 843-5899

8 Fax: (702) 843-6010

9 Attorneys for Mohamad Alhulabi

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

9 \* \* \* \* \*

10 **AHED SAID SENJAB**

11 Plaintiff,

12 vs.

13 **MOHAMAD ALHULAIBI**

14 Defendants.

CASE NO.: D-20-606093-D

DEPT. NO.: H

**ORAL ARGUMENT REQUESTED**

15 **NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION**  
16 **WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH**  
17 **A COPY OF YOUR RESPONSE WITHIN FOURTEEN (14) DAYS OF YOUR RECEIPT**  
18 **OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK**  
19 **OF THE COURT WITHIN (14) DAYS OF YOUR RECEIPT OF THIS MOTION MAY**  
20 **RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT**  
21 **WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING DATE.**

22 **DEFENDANT'S MOTION TO DISMISS CHILD CUSTODY CLAIMS**

23 Defendant Mohamad Alhulaibi ("Mohamad") by and through his counsel of record  
24 MARKMAN LAW hereby submits this Motion to Dismiss in response to the allegations and  
25 causes of action in the Complaint related to child custody filed by Plaintiff Ahed Senjab ("Ahed"  
26 or "Plaintiff").

27 This Motion is made and based upon the following Memorandum of Points and  
28 Authorities along with Exhibits and any oral argument the Court may consider.

///



1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 On March 24, 2020, the Plaintiff in this matter filed her complaint for Divorce. The  
4 Plaintiff's Complaint centered mainly on dissolution of the marriage, sole legal and physical  
5 custody of the minor, child support, division of community property, and spousal support. While  
6 Mohamad understand based on the Nevada Supreme Court's decision this is the proper Court for  
7 his divorce, Mohammad does not believe this Court is the proper court to hear the child custody  
8 matters.  
9

10 As such, and as demonstrated below, the Plaintiff's Complaint fails, and Mohamad's Motion  
11 should be granted.

12 **II. FACTS**

13 Mohamad and Plaintiff are both citizens of Syria. Mohamad and Plaintiff were married  
14 on February 17<sup>th</sup>, 2018 in the Country of Saudi Arabia. Mohamad and Plaintiff have one son  
15 together, Ryan Mohamad Alhulaibi ("Minor Child"), born on February 16, 2019. The minor child  
16 is not a citizen of the United States. On March 24, 2020, the Plaintiff in this matter filed her  
17 complaint for Divorce and included child custody related.

18 Plaintiff moved to Nevada from Saudi Arabia with the minor child on or about January  
19 13, 2020. Plaintiff moved out of the apartment on or about February 12, 2020.

20 As this Court is aware, the Complaint for divorce was previously dismissed based on  
21 Mohamad's Motion to Dismiss for Lack of Subject Matter Jurisdiction. The Nevada Supreme  
22 Court heard oral arguments on the divorce, determined that domicile was not a prerequisite to  
23 getting divorced and reversed and remanded for further proceedings. While the Nevada Supreme  
24 Court has decided that Nevada has jurisdiction to her the divorce matters as Domicile is not a  
25 requirement for divorce, the Nevada Supreme Court has not heard the two related appeals  
26 regarding child custody, a return order for the minor child, and a warrant for the pickup of the  
27 minor child. Those matters remain on appeal in Nevada Supreme Court Case No. 82121 and  
28 82114.

1 The remitter from Case No. 81515 was filed on November 16, 2021, and Mohamad files  
2 this Motion to Dismiss based on lack of subject matter jurisdiction regarding child custody due  
3 to the pending appeals and six-month residency requirement of the minor child.

## 4 **STANDARDS**

### 5 **a. MOTION TO DISMISS**

6 Nevada Rule of Civil Procedure 12(b)(1) allows a defendant to move for  
7 dismissal on the grounds that the court lacks jurisdiction over the subject matter of plaintiff's  
8 claims. Nev. R. Civ. Pr. 12(b)(1); Wright v. Incline Vill. Gen Improvement Dist., 597 F. Supp. 2d  
9 1191 (D. Nev. 2009), citing Bender v. Williamsport Area Sch. Dist., 475 U.S. 534, 541, 106 S.Ct.  
10 1326, 89 L.Ed. 2d 501 (1986). Once a 12(b)(1) defense is asserted the burden is on plaintiff to  
11 establish that the court has subject matter jurisdiction over the action. Assoc. of Medical Colleges  
12 v. United States, 217 F.3d 770, 778-779 (9<sup>th</sup> Cir. 2000). "In resolving a factual attack on  
13 jurisdiction, [a] district court may review evidence beyond the complaint without converting the  
14 motion to dismiss into a motion for summary judgment." Safe Air v. Meyer, 373 F.3d 1035, 1039  
15 (9<sup>th</sup> Cir. 2004). Although the above mentioned Nevada case law is federal case law, because the  
16 Nevada Rules of Civil Procedure are based in large part upon their federal counterparts (i.e.,  
17 Federal Rules of Civil Procedure), federal cases interpreting the Federal Rules of Civil Procedure  
18 "are strong persuasive authority" when Courts interpret the Nevada Rules of Civil  
19 Procedure. Executive Mgmt., Ltd. v. Ticor Title Ins. Co., 118 Nev. 46, 53, 38 P.3d 872, 876  
20 (2002).

21  
22 Nevada Rule of Civil Procedure 12(b)(2) allows a defendant to move for dismissal on the  
23 grounds that the court lacks jurisdiction over the person whom plaintiff names as a defendant. Nev.  
24 R. Civ. Pr. 12(b)(2).

## 25 **III. ANALYSIS**

### 26 **A. This Court Should Dismiss the causes of action as they relate to any Child Custody** 27 **matters as they are on appeal with the Nevada Supreme Court.**

28 Previous Orders related to Child Custody and a Return Order remain on appeal in Nevada

1 Supreme Court Case No. 82121 and 82114. These matters are not collateral to the appeals and  
2 therefore this Court should dismiss any child custody related causes of actions until the Nevada  
3 Supreme Court makes a decision in the pending appeals. Thereby only allowing temporary  
4 orders to be considered regarding the child custody in accordance with Huneycutt.<sup>1</sup>

5 **B. This Honorable Court should Dismiss all the Child Custody Claims as the Minor was**  
6 **not Living in Nevada for Six Months Prior to the Filing of the Complaint.**

7 This Honorable Court should dismiss the child Custody claims and causes of actions as the  
8 Minor child did not live in Nevada for six months prior to the filing of the Complaint. Settling  
9 the forum for adjudication of a dispute over a child's custody, of course, does not dispose of the  
10 merits of the controversy over custody.<sup>2</sup> “[A] parent cannot create a new habitual residence by  
11 wrongfully removing and sequestering a child.”<sup>3</sup> This Court previously discussed Custody and  
12 that Nevada could not be the Home State of the Minor as the parties had only recently moved  
13 from another country. In the May 20, 2020, hearing prior to supplemental briefing the court was  
14 very clear: “you cannot move here from another country, live here for six weeks and establish  
15 custody jurisdiction in Nevada this way.”<sup>4</sup> The facts regarding the Minor’s arrival in Nevada are  
16 uncontested.<sup>5</sup> This Court while not addressing child custody in its previous orders was clear at  
17 both hearings, Nevada is not the child’s home state “...your client was here for two months. The  
18  
19  
20  
21

---

22  
23 <sup>1</sup> Huneycutt v. Huneycutt, 94 Nev. 79, 575 P.2d 585 (1978)

24 <sup>2</sup> Monasky v. Taglieri, 140 S.Ct. 719, 729 (2020).

25 <sup>3</sup> Miller v. Miller, 240 F.3d 392, 400 (4th Cir. 2001)

26 <sup>4</sup> Please see attached as **Exhibit 1** a true and correct copy of the relevant portions of the May 20,  
27 2020, hearing transcript page 7 line 8-10.

28 <sup>5</sup> Please see attached as **Exhibit 2** a true and correct copy of the relevant portions of the June 16,  
2020, hearing transcript page 4-5.

1 child is – home state is not Nevada.” June 16, 2020 hearing.<sup>6</sup>

2  
3 Home state is defined in Nevada as:

4 **NRS 125A.085 “Home state” defined.** “Home state” means:

5 1. The state in which a child lived with a parent or a person acting as a parent for  
6 at least 6 consecutive months, including any temporary absence from the state,  
7 immediately before the commencement of a child custody proceeding.

8 A court of this state shall treat a foreign country as if it were a state of the United States for  
9 the purpose of applying NRS 125A.005 to NRS 125A.395, inclusive. Kar v. Kar, 132 Nev. 636,  
10 639 (2016); *citing* NRS 125A.225(1). NRS 125A.305(1)(c) permits a court to exercise  
11 jurisdiction when other states that would have jurisdiction under paragraphs (a) or (b) have  
12 declined to do so “on the ground that a court of this State is the more appropriate forum to  
13 determine the custody of the child pursuant to NRS 125A.365 or 125A.375.” This does not apply  
14 here because no state other than Nevada had the opportunity to decline jurisdiction. Id. at 642.

15  
16 Therefore, under NRS 125A.085 and as interpreted by Kar, Saudi Arabia is the Home State  
17 of the Minor child. The Minor child was in Nevada for less than two and a half months prior to  
18 the commencement of the underlying divorce action. Before that the Minor child lived his whole  
19 life in Saudi Arabia including the six months prior to the commencement of the underlying  
20 divorce action except for the less than two-and-a-half-month temporary absence in Nevada.  
21 Saudi Arabia has not declined to exercise jurisdiction. Nor is Nevada the more appropriate forum  
22 as none of the parties are citizens of the United States. Moreover, Mohamad would have left  
23  
24

25  
26 <sup>6</sup> Please see attached as **Exhibit 2** a true and correct copy of the relevant portions of the June 16,  
27 2020, hearing transcript page 15 ln 15-17.  
28

1 Nevada with the minor child if he were legally allowed to do so but Mohamad has been prevented  
2 from leaving Nevada with the Minor by this Court's orders.

3 "Temporary absences do not interrupt the six-month pre-complaint residency period  
4 necessary to establish home state jurisdiction". Ogawa v. Ogawa, 125 Nev. 660, 662, 221 P.3d  
5 699, 700 (2009). "[A]nother aspect of the home state analysis, necessarily requires consideration  
6 of the parents' intentions, as well as other factors relating to the circumstances of the child's or  
7 family's departure from the state where they had been residing." In re Aiden L., 16 Cal. App. 5th  
8 508, 518, 224 Cal. Rptr. 3d 400, 408 (2017).

9  
10 The parties were only supposed to be in the United States temporarily so that Mohamad could  
11 finish his graduate degree. In fact, the very conditions of the F1 student Visa and the dependent  
12 F2 Visas makes the parties stay in the United States temporary in nature as they are non-  
13 immigrant visas that require the parties to maintain "a residence in a foreign country which he  
14 has no intention of abandoning... and who seeks to enter the United States temporarily."<sup>7</sup>  
15

16  
17 Furthermore, Courts have even held that when an entire family was temporarily absent from  
18 the state it did not deprive the Home State from having jurisdiction.<sup>8</sup> In Sarpel, the entire family  
19 left Florida for Turkey for 5 months and 29 days, the father was the only person to return before  
20 6 months expired, the father did not file a petition for two months after returning, the Court still  
21 held that the move to Turkey "was not intended to be a permanent move, characterizing the  
22 children's stay in Turkey...as a temporary absence." Id.  
23

24 It is uncontested that the Minor came to Nevada on January 13, 2020, while Mohamad was  
25

26  
27 <sup>7</sup> Elkins v. Moreno 435 U.S. 647, 665 (1978)

28 <sup>8</sup> Sarpel v. Eflanli, 65 So. 3d 1080, 1081 (Fla. Dist. Ct. App. 2011)

1 concluding his studies at UNLV. The Minor lived in Nevada for two months and eleven days  
2 prior to the commencement of the divorce action. There is no doubt Saudi Arabia remains the  
3 Minor's Home State.

4  
5 Importantly, "a parent cannot create a new habitual residence by wrongfully removing and  
6 sequestering a child."<sup>9</sup> The UCCJEA was created to eliminate exploitable loop-holes and forum  
7 shopping.<sup>10</sup>

8 If persons were allowed to temporarily live in Nevada and keep the minor child in the state  
9 until a sufficient amount of time lapsed or the other parent came to the state to live while looking  
10 for the Minor it would create numerous new and exploitable loopholes in the UCCJEA especially  
11 as the term "live" is extremely malleable.

12  
13 The loopholes would likely be exploited by any party that wanted Nevada to decide custody  
14 even if they in fact created the conditions for all parties remaining in Nevada. An example would  
15 be if a family came here temporarily for business and rented a house for thirty days, they could  
16 subject themselves to having Nevada decide their child custody despite the fact they never gave  
17 up their permanent residence. Since all family members were present and currently "living" in  
18 Nevada. Further, the time frame could actually be even shorter as the parties wouldn't even have  
19 to give up their residence or domicile in their home state. This line of reasoning would upset  
20 nationwide public policy and create the very forum shopping the UCCJEA was created to  
21 prevent. Based on the aforementioned arguments all claims or causes of actions related to child  
22  
23

---

24  
25 <sup>9</sup> Chambers v. Russell, No. 1:20CV498, 2020 WL 5044036, at \*4 (M.D.N.C. Aug. 26, 2020) *citing*  
26 *Miller v. Miller*, [240 F.3d 392, 400 \(4th Cir. 2001\)](#).

27  
28 <sup>10</sup> In re Guardianship of K.B., 172 N.H. 646, 649–50 (2019).

1 custody should be dismissed as under the UCCJEA Nevada is not the proper forum.

### 2 **C. Return Order**

3 Mohamad is requesting a return order or injunction that requires the Minor to be returned to  
4 Saudi Arabia. Mohamad cannot file a petition with the Hague Convention as Saudi Arabia is not  
5 a party to the Hague Convention. An injunction is a writ or order requiring a person to refrain  
6 from a particular act.<sup>11</sup> It may be granted by the court in which the action is brought, or by a  
7 judge thereof, and when made by a judge it may be enforced as an order of the court.<sup>12</sup> A petition  
8 for the return of a minor child under Nevada State law operates similar to an injunction as it  
9 requests an order be issued that requires a person to perform certain acts i.e produce the minor  
10 child and return him to his Home State.  
11

12  
13 In *Robles I*, *ex parte* emergency relief was granted to prevent irreparable harm where: (1) the  
14 respondent already had abducted the child from the familial home in Mexico and smuggled the  
15 child into the United States; (2) the respondent faced the risk of apprehension in the United States;  
16 and (3) there was the possibility if the child was not removed from the respondent's custody that  
17 the respondent would further secret the child and herself.<sup>13</sup> In *Robles*, the Court consolidated the  
18 hearing for a preliminary injunction motion with a hearing on the merits of the case pursuant to  
19 FRCP 65(a)(2).  
20

21 Ahed has previously secreted the Minor Child away in violation of the custodial orders and  
22 has retained the Minor child away from his home state. Therefore, Mohamad would request a  
23  
24

---

25  
26 <sup>11</sup> The Law Dictionary Featuring Black's Law Dictionary Free Online Legal Dictionary 2nd Ed.

27 <sup>12</sup> Id.

28 <sup>13</sup> Robles I, 2004 WL 1895125, at \*3.

1 warrant for the pickup of the Minor child along with the return order because if the Minor's  
2 whereabouts are concealed, Mohamad will face irreparable harm and will have a difficult time  
3 ever locating his son again.

4  
5 A child wrongfully removed from her country of "habitual residence" ordinarily must be  
6 returned to that country.<sup>14</sup> The Convention ordinarily requires the **prompt** return of a child  
7 wrongfully removed or **retained** away from the country in which she habitually resides(*emphasis*  
8 *added*).<sup>15</sup>

9  
10 The UCCJEA does not require a full evidentiary hearing; rather it aims for the speedy  
11 resolution of jurisdictional challenges.<sup>16</sup> "Following the example set in Monasky, we do not  
12 remand for the district court to reconsider because to do so would '**consume time when swift**  
13 **resolution is the Convention's objective,**' and there is no indication that '**the District Court**  
14 **would appraise the facts differently on remand.**'"<sup>17</sup>

15  
16 Here, this Court, previously, based on the undisputed record of when the parties arrived, and  
17 the parties Visa Conditions has already indicated in prior hearings held on the Motion to Dismiss  
18 and the supplemental briefing hearing that it would find Nevada was **not** the Minor's Home State.

19 Thus, this Honorable Court should issue a return order or a substantially similar order so that  
20

---

21  
22 <sup>14</sup> Monasky v. Taglieri, 140 S. Ct. 719 (2020).

23 <sup>15</sup> Monasky v. Taglieri, 140 S. Ct. 719, 723 (2020); *citing* Art. 12, Treaty Doc., at 9 (cross-  
24 referencing Art. 3, *id.*, at 7); *see also* Chafin v. Chafin, 568 U.S. 165, 180, 133 S. Ct. 1017,  
25 1028, 185 L. Ed. 2d 1 (2013) (The Hague Convention mandates the prompt return of children to  
their countries of habitual residence.)

26 <sup>16</sup> Chaker v. Adcock, 464 P.3d 412 (Nev. App. 2020); *citing* In re Yaman(sic), 105 A.3d 600, 613-  
14 (N.H. 2014).

27 <sup>17</sup> Smith v. Smith, No. 19-11310, 2020 WL 5742023, at \*4 (5th Cir. Sept. 25, 2020) *citing*  
28 Monasky, 140 S. Ct. at 731; *see also* Farr v. Kendrick, No. 19-16297, 2020 WL 4877531, at \*2  
(9th Cir. Aug. 20, 2020).



1 Mohamad can return to Saudi Arabia with the minor child. The Supreme Court of the United  
2 States has indicated that the Hague Convention “is based on the principle that the best interests  
3 of the child are well served when decisions regarding custody rights are made in the country of  
4 habitual residence.”<sup>1819</sup> When a Court does not order the prompt return of a child, the child loses  
5 precious months in which the child could have been readjusting to life in his country of habitual  
6 residence.<sup>20</sup>

8 The Minor has already lost precious months since this action was instituted in which he could  
9 be readjusting to life in his Home State. The minor has had to live in between a shelter and an  
10 apartment during the ongoing pandemic and was the subject of at least two Covid-19 scares. The  
11 Minor is a little over two years old now and is barely entering his formidable toddler years in  
12 which he will really begin learning to speak. Delaying his return to his Home State will only  
13 serve to prevent the process of readjustment that is so critical. Especially, since he is currently  
14 being shuffled between a shelter and an apartment.

16 This Court has previously “decline[d] to adopt a bright-line rule prohibiting out-of-country  
17 visitation by a parent whose country has not adopted the Hague Convention or executed an  
18 extradition treaty with the United States” and that was when the minor’s Home State was actually  
19

---

22  
23 <sup>18</sup> Mohamad is aware the Hague convention is not available here but as in Ogawa this Court can  
24 issue a return orders by interpreting Hague case law to determine how to deal with an international  
custody dispute *See Ogawa v. Ogawa*, 125 Nev. 660, 670–71, 221 P.3d 699, 706 (2009).

25 <sup>19</sup> Cook v. Arimitsu, No. A19-1235, 2020 WL 1983223, at \*3 (Minn. Ct. App. Apr. 27, 2020);  
26 *citing Abbott v. Abbott*, 560 U.S. 1, 20, 130 S. Ct. 1983, 1995 (2010); *see*  
27 *also Monasky*, 140 S. Ct. at 723 (recognizing that the “core premise” of the Hague Convention is  
that the children’s best interests are generally “best served when custody decisions are made in the  
child’s country of habitual residence”).

28 <sup>20</sup> *See Chafin* 568 U.S. at 178.

Nevada.<sup>21</sup> Based on this Court's precedent, the Minor should not be barred from returning to his non-Hague Home State of Saudi Arabia. This Honorable Court should issue a return order as was done by the United States Supreme Court in *Monasky* and the various Federal Circuit Courts that have since interpreted *Monasky* since it was decided in 2020 so the minor can be promptly returned to his Home State.

## IV. CONCLUSION

For the above reasons, Mohamad respectfully requests that the Court dismiss the Complaint as it relates to any child custody claims or causes of action.

Dated this 6<sup>th</sup> day of December, 2021.

MARKMAN LAW

By: /s/ DAVID MARKMAN

DAVID MARKMAN, ESQ.

Nevada Bar No. 12440

4484 S. Pecos Rd. #130

Las Vegas, Nevada 89121

(702) 843-5899

Attorneys for Plaintiffs

<sup>21</sup> Davis v. Ewalefo, 131 Nev. 445, 454, 352 P.3d 1139, 1145 (2015); *see also* Long v. Ardestani, 241 Wis.2d 498, 624 N.W.2d 405, 417 (Wis.Ct.App.2001) (finding no cases that “even hint” at a rule that provides, “as a matter of law that a parent ... may not take a child to a country that is not a signatory to the Hague Convention if the other parent objects”).

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of MARKMAN LAW, and that  
3 on this 6<sup>th</sup> day of December 2021, I caused the foregoing document entitled DEFENDANT'S  
4 MOTION TO DISMISS CHILD CUSTODY CLAIMS, to be served as follows:

5 ☐ pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative  
6 Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic  
7 Service in the Eighth Judicial District Court," by mandatory electronic service  
8 through the Eighth Judicial District Court's electronic filing system;

9 ☒ by placing same to be deposited for mailing in the United States Mail, in a sealed  
10 envelope upon which first class postage was prepaid in Las Vegas, Nevada;

11 ☐ pursuant to EDCR 7.26, to be sent via **facsimile**, by duly executed consent for  
12 service by electronic means;

13 ☐ sent out for hand-delivery via Receipt of Copy.

14 To the attorney(s) listed below at the address, email address, and/or facsimile number  
15 indicated below:

16 APRIL GREEN, ESQ.  
17 Nevada Bar 8340C  
18 BARBARA BUCKLEY  
19 Nevada Bar No. 3918  
20 LEGAL AID CENTER OF SOUTHERN NEVADA, INC.  
21 725 E. Charleston Blvd.  
22 Las Vegas, NV 89104  
23 asgreen@lacsns.org  
24  
25  
26  
27  
28

/s/ David Markman  
David Markman, Esq.

# EXHIBIT 1

# EXHIBIT 1

1 TRANS

FILED

AUG 28 2020

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

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-

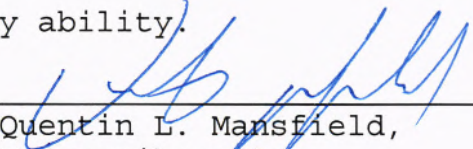
18 MS. GREEN: [Indiscernible].

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  
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

# EXHIBIT 2

# EXHIBIT 2



FILED

JUL 21 2020

*Alvin L. Johnson*  
CLERK OF COURT

1 TRANS

2 ORIGINAL

3  
4  
5 EIGHTH JUDICIAL DISTRICT COURT

6 FAMILY DIVISION

7 CLARK COUNTY, NEVADA

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

14  
15 BEFORE THE HONORABLE T. ARTHUR RITCHIE, JR.

16 TRANSCRIPT RE: ALL PENDING MOTIONS

17 TUESDAY, JUNE 16, 2020

18 APPEARANCES:

19 The Plaintiff: AHED SAID SENJAB  
20 For the Plaintiff: APRIL S. GREEN, ESQ.  
725 E. Charleston Blvd.  
21 Las Vegas, Nevada 89104

22 The Defendant: MOHAMAD ABULHAKIM ALHULAIBI  
23 For the Defendant: DAVID MARKMAN, ESQ.  
4484 S. Pecos Rd.  
Suite 130  
24 Las Vegas, Nevada 89121

25 Court Certified Interpreter: SAAD MUSA

1 matter was heard on May 20th and continued to today's date.  
2 It was continued for two primary reasons. One is that the  
3 plaintiff filed exhibits on the 18th and on the day of the  
4 hearing on May 20th; and because the legal issue of whether or  
5 not federal law prevents the plaintiff from establishing an  
6 essential element of the claim, required additional briefing.  
7 The Court has reviewed the motion, the response, the reply and  
8 the additional memorandum that was filed on June 8th.

9 I set this matter today also so that counsel would  
10 have a full opportunity to make a argument prior to the  
11 decision on the motion to dismiss.

12 Before we hear from Mr. Markman and then Ms. Green,  
13 I want to confirm, since the review of the papers do not show  
14 contested facts that I will summarize in a minute, it does not  
15 appear that there is any dispute of fact that the parties were  
16 married in Saudi Arabia on February 17th, 2018.

17 THE INTERPRETER: What was the date, Your Honor?

18 THE COURT: February 17th, 2018.

19 It does not appear contested that the defendant  
20 obtained an F-1 visa and came to the United States to attend  
21 graduate school at UNLV in 2018. It does not appear contested  
22 that the plaintiff applied for a visa in 2018 and that that F-  
23 2 visa was granted to her in 2019. It does not appear  
24 contested that the defendant purchased air travel and traveled  
25 with himself, his wife and the parties' child to Nevada on

1 January 13th, 2020.

2           The Court also is gonna make note that there is a  
3 protective order against domestic violence. And that that  
4 protective order was heard and extended and is in effect until  
5 February 14th, 2021. It also does not appear contested that  
6 the plaintiff was physically present in the state of Nevada  
7 from January 13th until she filed -- well, until the present  
8 and was physically present in Nevada for more than six weeks  
9 prior to the filing of this case in March of 2020.

10           Okay. Now, Mr. Markman, it appears that the request  
11 for dismissal is based on the essential element of intent  
12 related to the establishment of residence or domicile. Is  
13 that right?

14           MR. MARKMAN: For the divorce, Your Honor, that is  
15 correct.

16           THE COURT: Okay. Well, this is a divorce case.

17           MR. MARKMAN: Right. Right. For the divorce aspect of  
18 it, for the child custody aspect of it, it's based on the, you  
19 know, not being the home state of the child.

20           THE COURT: Well, okay. They -- I...

21           Go ahead, madam -- mister interpreter.

22           THE INTERPRETER: Sure.

23           THE COURT: If this Court has no subject matter  
24 jurisdiction, then the relief is a dismissal of the case  
25 without regard to any custody orders or support orders or a

1 THE COURT: First of all, let -- let -- let him -- I  
2 mean, finish your thought.

3 MS. GREEN: I'm asking the Court to also exercise  
4 jurisdiction over the minor child (indiscernible)...

5 THE COURT: All right. Well, look. I -- I don't wanna  
6 -- I don't wanna -- just like -- just -- I wanna focus on the  
7 -- on the dismissal issue because this Court is not the home  
8 state of the child. The -- the Uniform Child Custody  
9 Jurisdiction Enforcement Act allows this Court to assume  
10 jurisdiction in the divorce case only under an emergency  
11 temporary basis or under a (indiscernible) basis. And that  
12 would be dependent on this case proceeding.

13 And the Court has -- I mean, the -- the Court knows  
14 the custody is being managed on a split-week schedule pursuant  
15 to the TPO. But we're not -- we're not having -- I mean, your  
16 client was here for two months. The child is -- home state is  
17 not Nevada. And the only reason why the Court, if the divorce  
18 case proceeds, would address custody would be on an emergency  
19 or temporary basis because no other court that has  
20 jurisdiction has a case. Now...

21 MS. GREEN: (Indiscernible)...

22 THE COURT: The -- this case, or this motion, does  
23 nothing to address or affect your client's attempt to remain  
24 in the United States pursuant to Violence Against Women Act  
25 from 2005 or any other law that would allow her to stay.


1 THE COURT: All right. You guys take care. Thank you  
2 very much.

3 MS. GREEN: Thank you.

4 (THE PROCEEDING ENDED AT 10:52:55.)  
5

6 \* \* \* \* \*

7  
8 ATTEST: I do hereby certify that I have truly and  
9 correctly transcribed the video proceedings in the above-  
10 entitled case to the best of my ability.

11  
12   
13 SHERRY JUSTICE,  
14 Transcriber II  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

73

73

## Divorce - Complaint

## COURT MINUTES

December 07, 2021

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

December 07, 2021      11:00 AM      All Pending Motions

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

COURT CLERK:      Green, Helen

## PARTIES PRESENT:

Ahed Said Senjab, Plaintiff, Not Present      April S. Green, Attorney, Not Present

Mohamad Abulhakim Alhulaibi, Defendant, Not Present      David Markman, Attorney, Not Present

Ryan Mohamad Alhulaibi, Subject Minor, Not Present

## JOURNAL ENTRIES

PLAINTIFF'S MOTION FOR TEMPORARY CUSTODY, VISITATION, AND CHILD SUPPORT...OPPOSITION TO PLAINTIFF'S MOTION FOR TEMPORARY CUSTODY, VISITATION, AND CHILD SUPPORT AND COUNTERMOTION FOR PRIMARY PHYSICAL CUSTODY

All counsel and both parties appeared by Bluejeans technology.

The Court reviewed the case. Attorney Green stated that the interpreter had to leave and that counsel had requested her at the last minute and the interpreter had another hearing and was unable to stay.

Argument regarding custody jurisdiction.

Attorney Green stated that Plaintiff did not wish to proceed any further today without an interpreter. Counsel requested that the matter be continued to the time of Defendant's motion hearing in January.

## COURT ORDERED:

In light of the fact that attorney Markman filed a Motion to Dismiss on Monday that is set for hearing on 1/11/22 @ 11:00 A.M., this matter shall be CONTINUED TO 1/11/22 @ 11:00 A.M. All prior Orders remain and they are not altered by the continuance.

Mom shall have an interpreter present at the next hearing.

No Order is necessary from today's hearing.

## INTERIM CONDITIONS:

## FUTURE HEARINGS:

Jan 11, 2022 10:00AM Motion  
RJC Courtroom 03G Ritchie, T. Arthur, Jr.

Jan 11, 2022 10:00AM Opposition & Countermotion  
RJC Courtroom 03G Ritchie, T. Arthur, Jr.

Jan 11, 2022 10:00AM Motion  
RJC Courtroom 03G Ritchie, T. Arthur, Jr.



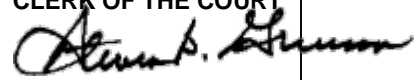
74

74

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  
26  
27  
28

**DISTRICT COURT  
CLARK COUNTY, NEVADA**  
\*\*\*\*

Electronically Filed  
12/7/2021 9:09 AM  
Steven D. Grierson  
CLERK OF THE COURT



Ahed Said Senjab, Plaintiff

vs.

Mohamad Abulhakim Alhulaibi, Defendant.

Case No.: D-20-606093-D

Department H

**NOTICE OF HEARING**

Please be advised that the Defendant's Motion to Dismiss Child Custody Claims in the above-entitled matter is set for hearing as follows:

**Date:** January 11, 2022

**Time:** 10:00 AM

**Location:** RJC Courtroom 03G  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

**NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.**

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Shanay Piggee  
Deputy Clerk of the Court

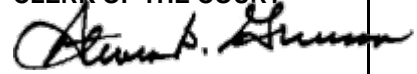
**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Shanay Piggee  
Deputy Clerk of the Court

75

75



**OPPC**  
WILLICK LAW GROUP  
MARSHAL S. WILLICK, 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  
Attorney for Plaintiff

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

AHED SAID SENJAB,  
Plaintiff,

vs.

MOHAMAD ABULHAKIM ALHULAIBI,  
Defendant.

CASE NO: D-20-606093-D  
DEPT. NO: H

DATE OF HEARING: 1/11/2022  
TIME OF HEARING: 10:00 am

ORAL ARGUMENT

Yes X No     

**OPPOSITION TO “DEFENDANT’S MOTION TO DISMISS CHILD  
CUSTODY CLAIMS” AND COUNTERMOTION FOR ATTORNEY’S  
FEES AND COSTS**

**I. INTRODUCTION<sup>1</sup>**

Mohamad’s *Motion* is largely a rehash of his initial appellate filings; as he should know from the materials that were subsequently filed on appeal, the motion is baseless, for several reasons. It should be denied, and an award of fees is

<sup>1</sup> In the interest of the economy to the *Pro Bono* division of the Legal Aid Center of Southern Nevada, I have been asked to file the *Opposition* to that motion, although my primary involvement here is as appellate counsel.

warranted. Ahed's FDF filed on November 1, 2021, remains valid with no changes required.

## POINTS AND AUTHORITIES

### II. FACTS

The facts relating to this Opposition are detailed in the preceding filings by Ahed, which are incorporated here as if set out in full.

The Court entered the *Findings of Fact, Conclusions of Law, Decision and Order* on June 17, 2020. That order was appealed by Ahed to the Nevada Supreme Court on July 16.<sup>2</sup>

Prior to Appeal 1 being decided by the Nevada Supreme Court, the *Order Denying Relief* was filed on October 14, 2020, and subsequently appealed by Mohamad on November 12.<sup>3</sup>

The Nevada Supreme Court issued its *Opinion* in Appeal 1 on October 21, 2021, stating in relevant part:

Under NRS 125.020, "residen[ce]" means mere residence—not domicile—and NRS 10.155 defines residence as "physical[ly] presen[ce]." Because the district court found that Senjab had been physically present in Nevada for at least six weeks before she filed her divorce complaint, we conclude that it had subject-matter jurisdiction under NRS 125.020.

The Nevada Supreme Court specifically found that both Mohamad and Ahed are Nevada residents (Mohamad since August 2018, and Ahed since January 2020).

Appeal 2 is still pending; our status report filed this week asks the Nevada Supreme Court to dismiss it to simplify procedure and because this Court has not yet ruled on the issue of custody and support jurisdiction (or custody and support merits); anyone aggrieved from this Court's eventual decision could appeal from that decision.

---

<sup>2</sup> This is appeal case number 81515 and is referred to here as Appeal 1.

<sup>3</sup> This is appeal case numbers 82114/82121 and are referred to collectively as Appeal 2.

1 At the Post-Remand hearing on December 7, 2021, where this Court intended  
2 to hear Ahed's *Motion for Temporary Custody, Visitation, and Child Support*, the  
3 Court continued the hearing to allow Ahed to respond to Mohamad's *Motion to*  
4 *Dismiss* filed the day before, so that all of the outstanding motions and oppositions  
5 can be heard and resolved at once.

6 This *Opposition* follows.

### 7 8 **III. OPPOSITION**

#### 9 **A. This is the Only Court With Child Custody Jurisdiction**

##### 10 **1. Appeal 2 is Fugitive and Should Soon Be Dismissed**

11 Mohamad attempted to appeal from the order of this Court stating that since  
12 the underlying case had been dismissed, it lacked jurisdiction to entertain the motions  
13 he filed. Of course, that dismissal has now been reversed, and the substance of those  
14 motions are now set for hearing on their merits in this Court.

15 Although we briefed the matters of child custody and child support jurisdiction  
16 in the original appeal, the Supreme Court ruled in Advance Opinion 64 (Appeal 1)  
17 that it declined to consider those issues because this Court had not yet reached them.

18 In any event, as the Supreme Court noted in its resolution of Appeal 1, there  
19 has been no hearing or order in this Court on issues of child custody and child support  
20 jurisdiction for that Court to review. We have asked that Court to dismiss Appeal 2  
21 for that reason, to resolve any jurisdictional complication.<sup>4</sup> If either party believes  
22 that it is aggrieved after a decision is rendered in this Court as to child custody and  
23 child support, that party could appeal the final judgment.

24 We expect the Supreme Court to dismiss Appeal 2 as premature, but it is  
25 notoriously difficult to predict the timing of any action in the appellate courts.

---

26  
27 <sup>4</sup> See *gen'ly Huneycutt v. Huneycutt*, 94 Nev. 79, 575 P.2d 585 (1978); *Mack-Manley v.*  
28 *Manley*, 122 Nev. 849, 138 P.3d 525 (2006) (notwithstanding *Huneycutt*, the district court always  
has jurisdiction "to make short-term, temporary adjustments to the parties' custody arrangement, on  
an emergency basis to protect and safeguard a child's welfare and security").

1 As indicated in the authority recited in the footnotes, this Court could make  
2 such temporary orders as it deems necessary regardless of the remaining appeal. We  
3 submit the Court should hear the pending motions on their merits and issue such  
4 orders as it deems appropriate, as full appellate review will be available if anyone  
5 chooses to file such, and the child at issue should not be left in legal limbo any longer  
6 than absolutely required. But in any event, the existence of Mohamad's improper  
7 appeals is not a reason to dismiss the custody action pending in this Court.

## 8 9 **2. Nevada has UCCJEA Jurisdiction**

10 Child custody jurisdiction is governed by the Uniform Child Custody  
11 Jurisdiction and Enforcement Act, enacted in Nevada as NRS chapter 125A.<sup>5</sup> As  
12 noted by the Nevada Supreme Court in Advance Opinion 64, both parties are Nevada  
13 residents, and have been for years. Both of them, and the child at issue, lived here  
14 when the initial child custody motion was filed.

15 Mohamad's motion to dismiss on this basis was knowingly disingenuous, and  
16 continues his pattern of conflating and confusing UCCJEA matters with Hague  
17 Convention cases – despite finally acknowledging, as he must, that the Hague  
18 Convention is *completely* inapplicable here as Saudi Arabia is not a signatory.<sup>6</sup>  
19 Throughout the proceedings, Mohamad conflated the concept of “Home State” under  
20 the UCCJEA with “Habitual Residence” under the Hague Convention on the Civil  
21 Aspects of International Child Abduction, but all such references were irrelevant for  
22 several reasons.

23  
24  
25  
26  
27 <sup>5</sup> NRS 125A.305.

28 <sup>6</sup> See *Ogawa v. Ogawa*, 125 Nev. 660, 221 P.3d 699 (2009). Every sentence in Mohamad's  
motion discussing “habitual residence” or other Hague terms is irrelevant.

1 First, neither Saudi Arabia nor Syria is a signatory to the Hague Convention,  
2 both are on the State Department's list of non-compliant countries,<sup>7</sup> and the  
3 Convention expressly **does not apply**.<sup>8</sup> No children removed to either country has  
4 any realistic chance of ever being recovered.<sup>9</sup> Second, no Hague Petition was ever  
5 filed by anyone, and no valid Hague issue is before this Court or any other court,  
6 anywhere.

7 During the prior proceedings, and repeated in his current motion, Mohamad  
8 made the false assertion that Saudi Arabia was the "Home State" of the child; the  
9 several reasons Saudi Arabia is not and *cannot* be the child's "Home State" are  
10 discussed below.

11 The objectives of the UCCJEA are to prevent jurisdictional conflicts and re-  
12 litigation of child custody issues, and to deter child abduction.<sup>10</sup> The UCCJEA  
13 addresses those objectives by limiting to *one* court the authority to make custody  
14 determinations, even though more than one court may have personal jurisdiction over  
15 the parties and a legitimate interest in the parent-child relationship.<sup>11</sup>

16  
17 

---

7

18 [https://travel.state.gov/content/travel/en/Intercountry-Adoption/Adoption-Process/understanding-](https://travel.state.gov/content/travel/en/Intercountry-Adoption/Adoption-Process/understanding-the-hague-convention/convention-countries.html)  
19 [the-hague-convention/convention-countries.html](https://travel.state.gov/content/travel/en/Intercountry-Adoption/Adoption-Process/understanding-the-hague-convention/convention-countries.html). Neither Syria nor Saudi Arabia are signatories to  
20 the Hague Abduction Convention, nor are there any bilateral agreements in force between Syria or  
21 Saudi Arabia and the United States that would permit recovery of such children once removed.  
[https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/International-Par-](https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/International-Parental-Child-Abduction-Country-Information/SaudiArabia.html)  
22 [ental-Child-Abduction-Country-Information/SaudiArabia.html](https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/International-Parental-Child-Abduction-Country-Information/SaudiArabia.html).

23 <sup>8</sup> See *Ogawa v. Ogawa*, 125 Nev. 660, 221 P.3d 699 (2009).

24 <sup>9</sup> See, e.g., *Davis v. Ewalefo*, 131 Nev. 445, 352 P.3d 1139 (2015) (where a credible threat  
25 exists that a parent would abduct or refuse to return a child, the Hague Convention status of other  
countries is relevant; noting that some courts have adopted "a bright-line rule prohibiting  
out-of-country visitation" to such places).

26 <sup>10</sup> UCCJEA § 101 (1997), cmt., 9 U.L.A. 657 (1999); see also, e.g., *Ruffier v. Ruffier*, 190  
27 S.W.3d 884, 889 (Tex. App. 2006).

28 <sup>11</sup> See *Ogawa v. Ogawa*, 125 Nev. 660, 221 P.3d 699 (2009), citing to *Hart v. Kozik*, 242  
S.W.3d 102, 106-07 (Tex. App. 2007).



1 A child's "Home State" is the state in which a child lived with a parent or a  
2 person acting as a parent for at least 6 consecutive months, including any temporary  
3 absence from the state, immediately before commencement of a child custody  
4 proceeding, *if a parent remained in that prior state*.<sup>12</sup> Where, as here, the child and  
5 *both* parents have left a prior jurisdiction and moved to this state when proceedings  
6 were first filed, only *this* state has jurisdiction to proceed, and the prior state has no  
7 authority to do so.<sup>13</sup>

8 This is not debatable, or doubtful – it is at the core of how the UCCJEA works.  
9 <sup>14</sup> So Mohamad's comment (at 7) that "Saudi Arabia remains the Minor's Home  
10 State" is an impossible falsehood.

11 The applicable test is for "residence" under Nevada custody law (meaning  
12 actual physical *location*), not "domicile."<sup>15</sup> The official comments to the UCCJEA  
13 make it clear that the statutory language is intended to deal with where the people  
14 involved *actually live*, not with any sense of a technical domicile.<sup>16</sup> Any doubts as  
15 the meaning of those words was resolved by Advance Opinion 64, which also  
16 expressly found that both parties are residents of Nevada; that is the law of the case.

17 *No* other "state" has jurisdiction for multiple reasons, including that (1)  
18 everyone had left the prior residence when these proceedings began; (2) there is no

---

19  
20 <sup>12</sup> NRS 125A.085(1); *Friedman v. Dist. Ct.*, 127 Nev. 842, 264 P.3d 11 (2011).

21 <sup>13</sup> The definition of "Home State" (UCCJEA § 201) explicitly applies to a former home of  
22 the child *only* if "the child is absent from [that] State **but a parent or person acting as a parent**  
**continues to live in [that] State**. See NRS 125A.305.

23 <sup>14</sup> *Friedman, supra*.

24 <sup>15</sup> *Davis v. Ewalefo*, 131 Nev. 445, 352 P.3d 1139 (2015) ("Ewalefo's and E.D.'s residency  
25 made Nevada E.D.'s "home state" as defined in NRS 125A.085 when Davis filed this action").

26 <sup>16</sup> See Official Comments to Section 202. Even in the stricter discussions of modification  
27 jurisdiction after a state has issued a custody order, "The phrase 'do not presently reside' **is not used**  
28 **in the sense of a technical domicile**. The fact that the original determination State still considers  
one parent a domiciliary **does not prevent it from losing exclusive, continuing jurisdiction after**  
**the child, the parents, and all persons acting as parents have moved from the State**.

1 Home State that could exercise CEJ under UCCJEA definitions; and (3) since all  
2 parties had been in Nevada for months at the time the proceedings were brought here,  
3 this state has a significant connection with the parties and child and the *only* relevant  
4 evidence is here.

5 Additionally, as detailed below, neither Syria nor Saudi Arabia is eligible to be  
6 considered a “state” for UCCJEA purposes in any event, so there *is* no “other state”  
7 to consider, even if one of the parents *was* still living there.

8 In short, Nevada, and *only* Nevada, can legitimately assert child custody  
9 jurisdiction, and the courts of this state have the duty to protect the children within  
10 its borders irrespective of any dispute over the power of its courts to grant a divorce  
11 to foreign nationals lawfully residing here.

### 12 13 **3. Saudi Arabia Is Not a “State” under the UCCJEA**

14 Since all parties and the child were residing in Nevada when a custody action  
15 was first filed, the following discussion should not be necessary, save for Mohamad’s  
16 insistence – ignoring the text of the UCCJEA – that custody be resolved in Saudi  
17 Arabia. Even if one of the parties continued to live in Saudi Arabia – and neither has,  
18 in years – there would be no legitimate issue under the UCCJEA.

19 As found by a large number of courts, neither Saudi Arabia nor Syria can even  
20 be considered a “state” under the UCCJEA because their law does not offer both  
21 parties due process and their family law has been found to “violate fundamental  
22 principles of human rights,” barring them from being considered places of  
23 “simultaneous proceedings” under the UCCJEA,<sup>17</sup> even if some proceeding was now  
24 pending there – and there *are* no proceedings pending anywhere but in Nevada.

---

25  
26 <sup>17</sup> See NRS 125A.225(3); see also, e.g., *Ali v. Ali*, 279 N.J. Super. 154, 652 A.2d 253 (1994)  
27 (“the law of the Sharia court was arbitrary and capricious and could not be sanctioned by the court,  
28 regard to custody determinations offended the public policy of New Jersey”). Many more citations  
were provided below, and if this Court wishes fuller briefing on this point, it can be provided.

1 The Superior Court of Chelan County, Washington, recently issued a  
2 memorandum decision after an extensive evidentiary proceeding, including the  
3 detailed examination of multiple experts in Saudi Arabian law, and an exhaustive  
4 review of recent American treatment of the Saudi legal system, and most centrally its  
5 treatment of women in child custody cases.<sup>18</sup>

6 No American court can treat Saudi Arabia as a “state” for purposes of the  
7 UCCJEA, UIFSA, or the Hague Convention, because:

8 It is clear from the record and from the laws of Saudi Arabia both as written  
9 and in practice that, in Saudi Arabia, women are not treated as equals of men,  
10 that non-Muslims are not treated as equals to Muslims, and that non-Saudi  
11 citizens are not treated as equals to Saudi citizens. Not only are these classes  
of individuals not treated as equals, but they are denied basic rights to due  
process, including their right to be heard in front of a fair and impartial  
tribunal.

12 This Court declares that the right to due process is a fundamental principle of  
13 human rights. Without due process, an individual could be subject to loss of  
14 parental rights, imprisonment, and even death without having the opportunity  
15 to be heard. A country which denies any person the right to due process of the  
16 law and the rights of a parent to a child based upon that person’s gender,  
religion, or national origin violates the fundamental principles of human rights  
and should not be recognized as a “state” under Washington’s adoption of the  
UCCJEA.

17 *Id.* at 7.

18 The Washington court also noted: Saudi Arabia’s standing defiance of the  
19 Universal Declaration of Human Rights; the 2018 U.S. Department of State finding  
20 that Saudi Arabian law in substance and practice is discriminatory and inherently  
21 violative of fundamental principles of human rights; and the U.S. Congress’  
22 declaration in 2019 condemning those abuses.

23 *Id.* at 8-10.

24 Based on that analysis, the availability – or even the actuality – of child-related  
25 orders from a Saudi Arabian court should be entirely disregarded even if Saudi Arabia  
26 **could** otherwise be considered a Home State. The custody and support of the minor

---

27  
28 <sup>18</sup> *AlHaidari v. AlHaidari*, No. 20-3-00028-04 (Wash. Super. Ct., Feb. 8, 2021). A full copy  
of the Decision is included as Exhibit 1.

1 child should be entirely determined in accordance with the law of this state, in which  
2 the child was physically present at the time of the initiation of the proceeding.  
3 Nevada is the *only* place in which child custody and support orders can, or should,  
4 be made.

#### 6 4. Nevada Has UIFSA (Support) Jurisdiction

7 Child support jurisdiction is governed by the Uniform Interstate Family  
8 Support Act, enacted in Nevada as NRS chapter 130.<sup>19</sup> The jurisdictional rules for  
9 support initiation are “deliberately expansive,” and titled “Extended Personal  
10 Jurisdiction.”<sup>20</sup>

11 Mohamad has argued that Nevada should “relinquish” child support  
12 jurisdiction to Saudi Arabia, ignoring the fact that under UIFSA a court *may not*  
13 decline to entertain a child support motion.<sup>21</sup>

14 There are multiple bases for exercise of child support jurisdiction over an  
15 obligor, operating independently and in the alternative,<sup>22</sup> *several* of which apply here,  
16 including: Personal service of summons or other notice of the child support  
17 proceeding within this State; having resided with the child in this State; the child  
18 resides in this State by acts or directives of the defendant; and any other basis  
19 “consistent with the Constitution of this State and the Constitution of the United  
20 States for exercise of personal jurisdiction.”

---

23 <sup>19</sup> NRS ch. 130.

24 <sup>20</sup> See NRS ch. 130, Article 2 (Jurisdiction). See also *The Basics of Family Law Jurisdiction*,  
25 *supra*.

26 <sup>21</sup> See Official Comments to § 611 (our NRS 130.611); *Rosen v. Lantos*, 938 P.2d 729, 734  
27 (N.M. App. 1997); see discussion in Marshal Willick, *The Basics of Family Law Jurisdiction*, 22  
28 Nev. Fam. L. Rep., Fall, 2009, at 19 & fn. 61.

<sup>22</sup> NRS 130.201.

1 Simply litigating the question of child support here subjects a party to the  
2 jurisdiction of this state.<sup>23</sup> Under the applicable statute, there is no question that  
3 Nevada has child support jurisdiction over Mohamad. Nevada, and *only* Nevada, can  
4 issue a child support order in this case.

#### 6 IV. COUNTERMOTION

##### 7 A. Attorney's Fees

8 Mohamad continues to knowingly make specious arguments that are not  
9 supported by law. As such, Ahed should be awarded the entirety of the fees that  
10 would accrue in any case, whether or not a party is represented pro bono.

##### 12 B. Legal Basis

13 “[I]t is well established in Nevada that attorney’s fees are not recoverable  
14 unless allowed by express or implied agreement or when authorized by statute or  
15 rule.”<sup>24</sup> Attorney’s fees may be awarded in a pre- or post-divorce motion/opposition  
16 under NRS 125.150.<sup>25</sup> In addition, and because we believe that Ahed will be the  
17 prevailing party in this matter, she should receive an award of attorney’s fees under  
18 *Miller v. Wilfong*<sup>26</sup> and pursuant to NRS 18.010(2).<sup>27</sup> Additionally, this Court can  
19 award attorney’s fees under EDCR 7.60(b):

20 (b) The court may, after notice and opportunity to be heard, impose upon an  
21 attorney or a party any and all sanctions which may, under the facts of the case,  
22

---

23  
24 <sup>23</sup> *Vaile v. District Court*, 118 Nev. 262, 44 P.3d 506 (2002).

25 <sup>24</sup> *Miller v. Wilfong*, 121 Nev. 619, 119 P.3d 727 (2005).

26 <sup>25</sup> NRS 125.150.

27 <sup>26</sup> *Supra*.

28 <sup>27</sup> NRS 18.010(2).

1 be reasonable, including the imposition of fines, costs or attorney's fees when  
2 an attorney or a party without just cause:

3 (1) Presents to the court a motion or an opposition to a motion which is  
4 obviously frivolous, unnecessary or unwarranted.

5 (2) Fails to prepare for a presentation.

6 (3) So multiplies the proceedings in a case as to increase costs unreasonably  
7 and vexatiously.

8 (4) Fails or refuses to comply with these rules.<sup>28</sup>  
9

### 10 C. Disparity in Income

11 The Court must also consider the disparity in the parties' income pursuant to  
12 *Miller*<sup>29</sup> and *Wright v. Osburn*.<sup>30</sup> Therefore, parties seeking attorney fees in family  
13 law cases must support their fee request with affidavits or other evidence that meets  
14 the factors in *Brunzell*<sup>31</sup> and *Wright*.<sup>32</sup> We will provide the *Brunzell* analysis below.  
15 As to *Wright*, the holding is minimal. It specifically says:

16 The disparity in income is also a factor to be considered in the award of  
17 attorney fees.<sup>33</sup> It is not clear that the district court took that factor into  
consideration.

18 The Court did not hold that the decision of the award of attorney's fees hinged on a  
19 disparity in income, only that it is one of the factors that must be considered.  
20  
21

---

22  
23 <sup>28</sup> EDCR 7.60(b).

24 <sup>29</sup> 121 Nev. 619, 119 P.3d 727 (2005).

25 <sup>30</sup> 114 Nev. 1367, 1370, 970 P.2d 1071, 1073 (1998).

26 <sup>31</sup> *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31 (1969).

27 <sup>32</sup> 114 Nev. 1367, 970 P.2d 1071 (1998).

28 <sup>33</sup> *Id.* at 1370, 970 P.2d at 1073 (1998).

1 Here, Mohamad obviously has the funds to allow him to pay an attorney in  
2 multiple courts for years while Ahed is forced to live in a shelter.<sup>34</sup> His FDF only  
3 indicates any money that he makes while in the United States and does not reflect the  
4 apparent war chest he has in the middle east, which has apparently been used to fund  
5 his constant litigation, but even that is vastly more than Ahed has available to her.  
6

7 **D. Brunzell Factors**

8 With specific reference to Family Law matters, the Court has adopted  
9 “well-known basic elements,” which in addition to hourly time schedules kept by the  
10 attorney, are to be considered in determining the reasonable value of an attorney’s  
11 services qualities, commonly referred to as the *Brunzell*<sup>35</sup> factors:

- 12 1. *The Qualities of the Advocate*: his ability, his training, education,  
13 experience, professional standing and skill.
- 14 2. *The Character of the Work to Be Done*: its difficulty, its intricacy, its  
15 importance, time and skill required, the responsibility imposed and the  
16 prominence and character of the parties where they affect the  
17 importance of the litigation.
- 18 3. *The Work Actually Performed by the Lawyer*: the skill, time and  
19 attention given to the work.
- 20 4. *The Result*: whether the attorney was successful and what benefits  
21 were derived.

22  
23  
24  
25  
26 <sup>34</sup> We believe the Court should inquire more closely whether money has actually changed  
27 hands for Mohamad’s legal representation, despite the claim on his FDF that no such payment has  
28 been made.

<sup>35</sup> 85 Nev. 345, 349, 455 P.2d 31, 33 (1969).

1 Each of these factors should be given consideration, and no one element should  
2 predominate or be given undue weight.<sup>36</sup> Additional guidance is provided by  
3 reviewing the “attorney’s fees” cases most often cited in Family Law.<sup>37</sup>

4 The *Brunzell* factors require counsel to make a representation as to the  
5 “qualities of the advocate,” the character and difficulty of the work performed, the  
6 work actually performed by the attorney, and the result obtained.

7 First, respectfully, we suggest that the supervising counsel is A/V rated, a  
8 peer-reviewed and certified (and re-certified) Fellow of the American Academy of  
9 Matrimonial Lawyers, and a Certified Specialist in Family Law.<sup>38</sup>

10 Marshal Willick and April Green, the attorneys primarily responsible for  
11 litigating this case, have practiced exclusively in the field of family law for over 50  
12 years combined and both have substantial experience dealing with complex family  
13 law cases.

14 As to the “character and quality of the work performed,” we ask the Court to  
15 find our work in this matter to have been adequate, both factually and legally; we  
16 have diligently reviewed the applicable law, explored the relevant facts, and believe  
17 that we have properly applied one to the other.

18 The fees charged by paralegal staff are reasonable, and compensable, as well.  
19 The tasks performed by staff in this case were precisely those that were “some of the  
20 work that the attorney would have to do anyway [performed] at substantially less cost  
21

---

22 <sup>36</sup> *Miller v. Wilfong*, 121 Nev. 619, 119 P.3d 727 (2005).

23  
24 <sup>37</sup> Discretionary Awards: Awards of fees are neither automatic nor compulsory, but within  
25 the sound discretion of the Court, and evidence must support the request. *Fletcher v. Fletcher*, 89  
26 Nev. 540, 516 P.2d 103 (1973); *Levy v. Levy*, 96 Nev. 902, 620 P.2d 860 (1980); *Hybarger v.*  
*Hybarger*, 103 Nev. 255, 737 P.2d 889 (1987).

27 <sup>38</sup> Per direct enactment of the Board of Governors of the Nevada State Bar, and independently  
28 by the National Board of Trial Advocacy. Mr. Willick was privileged (and tasked) by the Bar to  
write the examination that other would-be Nevada Family Law Specialists must pass to attain that  
status.



1 per hour.”<sup>39</sup> As the Nevada Supreme Court reasoned, “the use of paralegals and other  
2 nonattorney staff reduces litigation costs, so long as they are billed at a lower rate,”  
3 so “‘reasonable attorney’s fees’ . . . includes charges for persons such as paralegals  
4 and law clerks.”

5 Justin Johnson, the paralegal assigned to Ahed’s case, is a certified paralegal  
6 and has provided substantial assistance to WILLICK LAW GROUP staff in a variety of  
7 family law cases.

8 The work actually performed will be provided to the Court upon request by  
9 way of a *Memorandum of Fees and Costs* (redacted as to confidential information),  
10 consistent with the requirements under *Love*.<sup>40</sup>

## 11 12 V. CONCLUSION

13 When a mother, father, and child all leave a prior residence and live in Nevada,  
14 their prior residence is irrelevant and only Nevada has jurisdiction to enter child  
15 custody orders. The prior residence is precluded from being considered a home state,  
16 and Saudi Arabia is disqualified from being considered a “state” in any event even  
17 if one of the parents *was* still living there – and neither one of them has, for years.  
18 It is impossible to “return” the child to a place that is a non-Hague country with no  
19 conceivable UCCJEA relevance.

20 Nevada, and *only* Nevada, can enter a valid child support order under UIFSA.

21 In short, the requests in Mohamad’s motion are completely bogus. Ahed  
22 respectfully submits her *Opposition and Countermotion* and requests that the Court  
23 grant the following relief:

- 24 1. Deny Mohamad’s motion in its entirety.
- 25 2. Enter appropriate orders relating to custody of the child at issue.

---

26  
27 <sup>39</sup> *LVMPD v. Yeghiazarian*, 129 Nev. 760, 312 P.3d 503 (2013), citing to *Missouri v. Jenkins*,  
491 U.S. 274 (1989).

28 <sup>40</sup> *Love v. Love*, 114 Nev. 572, 959 P.2d 523 (1998).

3. Enter appropriate orders relating to support of the child at issue.
4. Award fees to Ahed's counsel in accordance with *Wilfong*.
5. Such other and further orders as this Court deems appropriate.

DATED this <sup>17<sup>th</sup></sup> day of December, 2021.

Respectfully Submitted By:

WILLICK LAW GROUP



MARSHAL S. WILLICK, ESQ.

Nevada Bar No. 2515

RICHARD L. CRANE, ESQ.

Nevada Bar No. 9536

3591 E. Bonanza, Suite 200

Las Vegas, Nevada 89110-2101

(702) 438-4100 Fax (702) 438-5311

Attorneys for Plaintiff

## CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the WILICK LAW GROUP and that on this 17th day of December, 2021, I caused the above and foregoing document to be served as follows:

- ☒ Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system.
- ☐ By placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada.
- ☐ Pursuant to EDCR 7.26, to be sent via facsimile, by duly executed consent for service by electronic means.
- ☐ By hand delivery with signed Receipt of Copy.
- ☐ By First Class, Certified U.S. Mail.

To the address, email address, and/or facsimile number indicated below:

David Markman, Esq.  
Markman Law  
4484 S. Pecos Rd. Ste 130  
Las Vegas, Nevada 89121  
Attorney for Defendant

/s/Justin K. Johnson

\_\_\_\_\_  
An Employee of the WILICK LAW GROUP

P:\wp19\SENJAB\A\DRAFTS\00535985.WPD

## DISTRICT COURT

CLARK COUNTY, NEVADA

AHED SAID SENJAB,

Plaintiff/Petitioner

-V.-

MOHAMED ALHULAIBI,

Defendant/Respondent

Case No. D-20-606093-DDepartment H**MOTION/OPPOSITION  
FEE INFORMATION SHEET**

**Notice:** Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of \$25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

**Step 1.** Select either the \$25 or \$0 filing fee in the box below.

- ☐ **\$25** The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.
- Or-
- ☒ **\$0** The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:
- ☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
- ☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
- ☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on \_\_\_\_\_.
- ☐ Other Excluded Motion (must specify) \_\_\_\_\_.

**Step 2.** Select the \$0, \$129 or \$57 filing fee in the box below.

- ☒ **\$0** The Motion/Opposition being filed with this form is **not** subject to the \$129 or the \$57 fee because:
- ☒ The Motion/Opposition is being filed in a case that was not initiated by joint petition.
- ☐ The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.
- Or-
- ☐ **\$129** The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order.
- Or-
- ☐ **\$57** The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129.

**Step 3.** Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:

☒ **\$0** ☐ **\$25** ☐ **\$57** ☐ **\$82** ☐ **\$129** ☐ **\$154**

Party filing Opposition: Willick Law Group Date: 12/17/21

Signature of Party or Preparer: /s/Justin K. Johnson

**EXHIBIT “1”**

**EXHIBIT “1”**

**EXHIBIT “1”**

Superior Court of the State of Washington  
For Chelan County

FILED  
FEB 09 2021  
Kim Morrison  
Chelan County Clerk  
Kristin M. Ferrera, Judge  
Department 3  
Tracy S. Brandt  
Court Commissioner

Lesley A. Allan, Judge  
Department 1  
Travis C. Brandt, Judge  
Department 2



401 Washington Street  
P.O. Box 880  
Wenatchee, Washington 98807-0880  
Phone: (509) 667-6210 Fax (509) 667-6588

**February 8, 2021**

Scott Volyn  
Volyn Law  
P.O. Box 3163  
Wenatchee, WA 98807-3163  
scott@volynlawfirm.com

Robert Bennett  
Goldberg & Jones, PLLC  
1200 Westlake Ave. N., Suite 700  
Seattle, WA 98109  
rbennett@goldbergjones.com

***Via Email and First Class Mail***

**Re: *AlHaidari v. AlHaidari*  
Chelan County Cause No. 20-3-00028-04**

Dear Counsel,

This matter came before the Court on June 18, 2020 and June 22, 2020 on Respondent Ghassan AlHaidari's Motion to Dismiss based on his Petition to Enforce Out of State Custody Order. Scott Volyn appeared at the hearings representing Petitioner Bethany AlHaidari. Robert Bennett appeared at the hearings representing Respondent Ghassan AlHaidari. The parties provided additional briefing and declarations on June 24, 2020 and June 29, 2020. Subsequently, Petitioner filed additional declarations on September 15, 2020 to which Respondent filed a response on October 16, 2020. Petitioner then filed declarations on October 22, 2020 and November 30, 2020. Respondent has not replied to the latter two declarations. The Court has considered all pleadings submitted in connection with the motions, arguments of counsel, and the file and records therein. This letter constitutes the Court's memorandum opinion. For the reasons stated below, the Court denies Mr. AlHaidari's Motion to Dismiss to the extent that it relates to any child custody determination. As to the issue of whether the Court has personal jurisdiction over Respondent for the purposes of child support, the Court requests the parties brief as to whether and how *In re Custody of Miller*, 86 Wn.2d 712, 548 P.2d 542 (1976) applies to this case.

## ISSUES PRESENTED

Mr. AlHaidari asks the Court to determine the following issues: 1.) Whether the Court has personal jurisdiction over the Respondent? 2.) Whether the Court must have personal jurisdiction over the Respondent to enter a child support order in this case? 3.) Whether the Court has subject matter jurisdiction to make an initial child custody determination in this case? 4.) Whether the Court would have subject matter jurisdiction to make any further child custody determinations in this case should the Court's temporary emergency jurisdiction expire? 5.) Whether the Court should dismiss this action for lack of personal jurisdiction and lack of subject matter jurisdiction?

At the crux of this case is the very basic and complex question: What are the fundamental principles of human rights? Statutory and case law in Washington and the United States have not clearly defined these principles as they relate to child custody laws in foreign states, leaving trial courts, as the arbiters of initial child custody determinations, at a disadvantage when tasked with answering this question. It is important for the Court to respect and honor the cultural differences reflected in the laws of other countries and the Court takes this very seriously. However, Washington law cannot operate to deny an individual seeking relief in the courts of this state the fundamental right to due process and the fundamental right of a parent to her child by recognizing and enforcing orders from a country which denies her these rights based solely on her gender, national origin, and religion. To honor such child custody laws would deny our state and country's Constitutional rights to a litigant in our state's courts. In adopting the Uniform Child Custody Jurisdiction and Enforcement Act ("UCCJEA"), RCW Ch. 26.27 *et seq.*, the Washington State Legislature could not have intended to adopt laws of another country that violate federal and state Constitutional due process rights.

## FACTS AND PROCEDURAL HISTORY

Petitioner Bethany AlHaidari and Respondent Ghassan AlHaidari married in Saudi Arabia in November of 2013.<sup>1</sup> Bethany and Ghassan had a child, whom this Court will refer to as ZA, who was born in Saudi Arabia in December of 2014. ZA is a citizen of both the United States and Saudi Arabia. Bethany is a United States citizen and Ghassan is a citizen of Saudi Arabia.

Prior to ZA's birth, the couple had problems in their relationship which only worsened as the years went on. The parties went to counseling to attempt to resolve their relationship problems, but the problems continued. Bethany alleges that Ghassan was emotionally, verbally, and physically abusive towards her, sometimes even in front of their daughter.

---

<sup>1</sup> For the sole purpose of preventing confusion as to the individuals referenced, the Court is using their first names for the remainder of this letter opinion, without intending any disrespect of the parties by doing so.

Bethany asked Ghassan for a divorce in September of 2017. If Bethany filed for divorce in Saudi Arabia, she had to provide a reason for the divorce and return her dowry. Ghassan could file for divorce without making payment and without giving any reason.

Bethany's legal residence in Saudi Arabia was dependent on Ghassan as her legal guardian because he was her husband. In 2018, she requested Ghassan update her residency in Saudi Arabia and he refused. He also refused to allow ZA and Bethany to leave the country to visit Bethany's family in Washington State over the holidays. Because her residency in Saudi Arabia was 90 days from expiration and she was worried about her ability to remain in Saudi Arabia and/or travel out of the country and Ghassan refused to renew her residency or file for divorce, Bethany was forced to file for divorce. Bethany was further required to provide her reasons for the divorce which included Ghassan's substance abuse and domestic violence.

The Saudi court granted the parties' divorce in January of 2019. Of particular note, the following occurred during the divorce proceedings in January of 2019: 1.) Bethany struggled to communicate her position and defend herself because she had no legal counsel and the court appointed interpreter did not speak or understand basic English. 2.) Bethany was denied \$26,000 in alimony because Ghassan claimed he "Islamically divorced" Bethany in May of 2018 and swore under oath he was telling the truth, despite Bethany's testimony and text messages expressing his refusal to divorce her at that time. Bethany's testimony was not considered because she could not provide two male witnesses to support her testimony. 3.) Although Bethany wore a full body black covering that also covered her hair, she was ordered by the judge to leave the courtroom and only return if her entire face, including her eyes, was covered as well. This is particularly relevant because it demonstrates the impact of the accusations and photos Ghassan presented to the court later in the case in order to discredit Bethany.

The judge refused to order Ghassan to renew Bethany's residency, despite having the jurisdiction to do so. Ghassan held multiple documents necessary for Bethany to renew her residency, which was fast approaching expiration, yet refused to provide those documents so that Bethany could remain legal in the country.

By February 7, 2019, Bethany no longer had legal status in Saudi Arabia and therefore could not make filings in the court system or take any legal action, pay her salaries for her company, nor access her bank account for risk of being deported or jailed. It was not until Bethany approached the media and her story was published in the *New York Times* that the Saudi government provided her with legal residency status again.

There is some dispute between the parties whether Ghassan refused to see ZA or whether Bethany denied him visitation at this point. Regardless, in April of 2019, Ghassan sued Bethany for visitation. From that point forward, the parties engaged in a bitter custody battle in Saudi Arabia. Both sides made inflammatory accusations about the other in an attempt to discredit the other's ability to parent. Ghassan sought to remove Bethany's custody rights based on allegations that she worked full time, put ZA in school rather than staying home with her, and claimed that Bethany had a



learning disability so she was mentally unfit to parent. Instead of seeking custody for himself, Ghassan moved to give custody to his mother, AlBandari AlMigren, whom he lived with at the time.

In April 2019, Ghassan's legal team attempted to present a video to the Saudi judge of Bethany doing yoga in Riyadh's diplomatic Quarters, uncovered. When the judge refused, the video was spread around social media and Bethany was called in by the police and investigated for criminal charges of public indecency and disrupting public order, a criminal charge that could result in lashings and prison. Bethany hired a lawyer and learned that Ghassan reported Bethany to the authorities for investigation over the yoga video. At this point, Bethany was able to convince the U.S. Embassy in Riyadh to appear as an observer in the court proceedings, although they did not agree to intervene.

In the following custody hearing, Ghassan presented photos and videos to the judge, including photos of Bethany in a bikini *in the United States* (the fact that the judge prohibited Bethany from exposing anything but her eyes in court demonstrates the egregious and humiliating nature of presenting these photos to the judge), the video of her doing yoga, accused Bethany of gender mixing (having male friends is a punishable crime), accused Bethany of adultery by presenting a photo of her with a male friend who he claimed was her boyfriend (a crime punishable by death), accused Bethany of insulting Islam and Saudi Arabia (also crimes punishable by death), and submitted to the judge a video of Bethany stating that ZA was going to visitation so it was “metime,” arguing that caused her to be an unfit mother.

Bethany argued against these allegations, stating that Ghassan had agreed to have ZA live with her but was acting out of revenge rather than ZA’s best interests. Bethany also presented videos of verbal abuse and death threats from Ghassan, and videos of his drug use, but the judge did not consider these videos.

Ghassan's sister, Leena AlHaidari, testified in court against her mother, AlBandari AlMigren, stating that her mother was abusive, unfit to parent, and addicted to pills. But in June 2019, Saudi Judge Tuwaijiri ruled that “though all three candidates were unsuitable to parent, the grandmother was better than the parents.” The judge stated that though there could be security concerns for the father residing with the grandmother, he was a man, and it is not in a man's nature to take on childcare or be in the house. The court awarded custody to Ghassan's mother, stating that Bethany was a foreigner and still embraced her (western) cultural traditions, and ZA was fluent in English so therefore ZA needed to be protected from Bethany’s western culture and traditions.

Bethany sought assistance from the media, the U.S. government, and human rights organizations. Ghassan then filed a complaint with the Saudi government alleging Bethany was refusing visitation and the Saudi government issued an arrest warrant for Bethany as well as a 10-year travel ban prohibiting her from leaving Saudi Arabia. Bethany’s appeal of the custody decision was ignored and the case was

sent back to the civil court to force a settlement. After one unsuccessful settlement conference, the head of the court called the parties back in and told them that no one was awarded custody and he was closing the case. This meant that Ghassan, as ZA's father, would have all rights and Bethany could do nothing. She would not be permitted to travel with ZA, obtain issuance of identification for ZA, take ZA to the hospital, or enroll her in school. Due to this, Bethany agreed to reconcile her relationship with Ghassan in order to convince him to reach a settlement affording her custody rights to ZA. They were to finalize the agreement in November of 2019 but did not agree on terms. Bethany forfeited her financial rights to child support in order to get the right to travel.

The parties' final settlement provided that both parents had equal custody and visitation rights. In December of 2019, Bethany, under the guise of the parties reconciling, received Ghassan's permission to travel to the United States with ZA for a visit with her family in Chelan County, Washington. Bethany has not yet returned to Saudi Arabia and has expressed her intention not to return.

While Ghassan denies some of the allegations regarding the marriage, divorce, and custody case that Bethany has presented to this Court, he does not deny many of the primary allegations. Instead, he attacks Bethany's credibility. Bethany admits that she was dishonest at times to Ghassan and entered into agreements that she did not agree with because she felt trapped and did not feel that she had any choice if she wanted to keep custody of her daughter and be permitted to leave Saudi Arabia. She provides sufficient reasons for any lack of credibility during the Saudi custody battle. Bethany's statements in this court record are supported by her documentary evidence and multiple declarations from individuals who personally witnessed the events she testified to. The Court lends particular weight to the Declaration of Leena Abdulrahman AlHaidari, Ghassan's sister, who testified in her declaration that Ghassan was abusive to Bethany and a neglectful father, Bethany is an excellent mother, and Ghassan's request to have his mother care for ZA over Bethany was incredibly surprising and damaging, given their mother's abusive and neglectful behavior toward her own children and ZA. Leena's testimony puts her at risk both with her family relationships and in her own country, but appears to be solely dedicated to the best interest of ZA.

On January 23, 2020, Bethany filed this action asking this Court to exercise temporary emergency jurisdiction and enter a temporary restraining order and a temporary parenting plan. Bethany's attorney sent Ghassan a copy of the above referenced motions via email on January 23, 2020. Attorneys at Infinity Law in Victoria, British Columbia purported to represent Ghassan in a letter to Petitioner's attorney dated February 19, 2020, acknowledging Ghassan's receipt of the Motion for Emergency Temporary Jurisdiction, Motion for Order to Show Cause for a restraining order and the supporting documents.

On February 20, 2020, the Court held a hearing on the Motion for Emergency Jurisdiction and Motion for Temporary Restraining Order, holding that this Court had Temporary Emergency Jurisdiction under RCW 26.27.231, entering a restraining order

granting temporary custody to Bethany and directing Bethany to have Ghassan personally served with these motions in Saudi Arabia. Ghassan was personally served with the Motion for Emergency Temporary Jurisdiction, Motion for Order to Show Cause for a restraining order, and the supporting documents on February 21, 2020 in Saudi Arabia.

On March 12, 2020, the Court held another hearing in this matter and found Ghassan had defaulted as to the issue of jurisdiction for failing to appear or respond in this matter and further held that Saudi Arabia's child custody laws violated the fundamental principles of human rights thus determining that no court of any state had jurisdiction over the ZA's custody determination. On that date, the Court also entered a Temporary Parenting Plan and Order extending the Immediate Restraining Order. The Court's decision that it would not recognize Saudi Arabia as a "state" under the UCCJEA was based on Saudi Arabia's denying litigants their due process rights in the justice system because of their gender, national origin, and religion.

On March 25, 2020, Bethany filed a Summons and Petition for a Parenting Plan and/or Child Support. Ghassan did not appear in this case until March 31, 2020. Shortly thereafter, Ghassan was personally served in Saudi Arabia with the Summons and Petition and accompanying pleadings supporting the requests on April 8, 2020.

On April 3, 2020, Ghassan filed a Petition to Enforce Out-of-State Custody Order and a Request to Register Out-of-State Custody Order seeking this Court's enforcement of the settlement agreement the parties entered into in Saudi Arabia. Although the Court had already determined it would not recognize Saudi Arabia as a "state" under the UCCJEA and Ghassan did not seek an order to vacate that decision, this Court proceeded to a hearing on this matter to ensure that both parties had an opportunity to have their case heard before this Court.

In her opposition to the present motion, Bethany offered declarations from experts Dr. Hala AlDosari, Dr. Abdullah S. Alaoudh, and Dennis Horak regarding Saudi laws and human rights violations. Ghassan raised no objection to the expert qualifications of these individuals. Ghassan did present one expert declaration regarding the child custody laws of Saudi Arabia: Abdulaziz Alkhorayef. However, Bethany properly disputed this expert's opinions, pointing out that the court records from Saudi Arabia demonstrate Saudi Arabia does not have a codified system as Ghassan's expert alleges.

The Court has reviewed the qualifications of Bethany's experts and finds that both of her legal experts have relevant knowledge, skill, experience, training, and education concerning both family law and child custody law in Saudi Arabia. The Court likewise finds Mr. Horak has the relevant knowledge, skill, and experience, concerning women's treatment in Saudi Arabia, including the treatment of women within the judicial system. The Court finds the declarations from Bethany's experts are credible. Bethany's experts have the specialized knowledge to assist the Court in understanding the applicable Saudi family laws and operation of the judicial system in Saudi Arabia as it relates to mothers in those cases for the purposes of this motion. Ghassan's expert practices law in Saudi Arabia and therefore would be at risk both professionally and personally to speak against

Saudi Arabia's justice system, given how Saudi Arabia treats dissidents. Furthermore, his testimony defies the written court records issued by the Saudi court in the parties' case. Therefore, the Court does not find Ghassan's expert credible or reliable.

## ANALYSIS

Before proceeding further with this case, this Court must determine whether it has authority to do so. Because there is already a child custody proceeding in Saudi Arabia, a country which was ZA's home until December of 2019, this Court must determine whether it will follow the orders in the Saudi case. If this Court decides that Saudi Arabia's child custody laws violate fundamental principles of human rights, then it need not follow Saudi Arabia's child custody determination over ZA and instead can exercise jurisdiction in this case.

It is clear from the record and from the laws of Saudi Arabia both as written and in practice that, in Saudi Arabia, women are not treated as equals of men, that non-Muslims are not treated as equals to Muslims, and that non-Saudi citizens are not treated as equals to Saudi citizens. Not only are these classes of individuals not treated as equals, but they are denied basic rights to due process, including their right to be heard in front of a fair and impartial tribunal.

This Court declares that the right to due process is a fundamental principle of human rights. Without due process, an individual could be subject to loss of parental rights, imprisonment, and even death without having the opportunity to be heard. A country which denies any person the right to due process of the law and the rights of a parent to a child based upon that person's gender, religion, or national origin violates the fundamental principles of human rights and should not be recognized as a "state" under Washington's adoption of the UCCJEA.

### A. Subject Matter Jurisdiction Generally

Superior courts of this state have original and concurrent jurisdiction in family law cases. *See* Wash. Const. Art. IV, § 6; *In re Marriage of Buecking*, 179 Wn.2d 438, 448050, 316 P.3d 999 (2013). The superior court cannot acquire jurisdiction over a civil action until the filing party fulfills the requirements of RCW 4.28.020. The Court adopts with approval the portions of argument in Plaintiff's Brief in Response to Respondent's Motion, pages 1-3 in their entirety and page 4, lines 1-3 as support for its decision that Chelan County Superior Court has subject matter jurisdiction in this matter. Whether the Court has jurisdiction personal to Respondent and under the UCCJEA is set forth below.

### B. Personal Jurisdiction as to Respondent

Ghassan resides in Saudi Arabia. Petitioner effected service on Ghassan via personal service in Saudi Arabia. Ghassan has appeared in this action and received actual notice of these proceedings. Therefore, this Court has personal jurisdiction over Ghassan for the purposes of determining the child custody issues in this case. *In re Marriage of*

*Tsarbopoulos*, 125 Wn. App. 273, 277, 104 P.3d 692, 694 (2004). However, the Court is concerned that Ghassan does not have sufficient contacts with the State of Washington for the Court to exercise personal jurisdiction over him for the purposes of child support. The parties did not argue whether *In re Custody of Miller*, 86 Wn.2d 712, 548 P.2d 542, (1976) applies to this case in order for the Court to exercise personal jurisdiction over Respondent. As such, the Court will allow the parties to provide additional briefing and set a court hearing for oral argument as to this issue.

### **C. Jurisdiction Under the UCCJEA**

The next question the Court must answer is what court has jurisdiction to determine child custody under the UCCJEA. RCW 26.27.201 sets forth whether a Washington court can exercise jurisdiction to make an initial child custody determination. Although a Saudi court has already made a child custody determination regarding ZA, this Court need not recognize and enforce that determination if the Court finds that Saudi Arabia did not make its child custody determination in substantial conformity with the jurisdictional standards of UCCJEA. Even if this Court makes that finding, Saudi Arabia would still be the “home state” for the purposes of jurisdiction over future determinations of child custody of ZA unless this Court determines that Saudi child custody laws violate fundamental principles of human rights. RCW 26.27.051.

Prior to Bethany filing this action, ZA had not resided in Washington State for the requisite six months for Washington to be the “home state” under the UCCJEA. In fact, ZA had resided in Saudi Arabia most of her life, excluding a few months when she visited Washington State with her mother. Therefore, under the UCCJEA, Saudi Arabia is the “home state” that would have sole jurisdiction to make a child custody determination over ZA unless this Court determines that Saudi child custody laws violate fundamental principles of human rights. RCW 26.27.051. If the Court makes this determination, then no other state has sole jurisdiction to enter a child custody determination and this Court can exercise jurisdiction in this case.

Washington’s application of the UCCJEA should not operate to impair the fundamental rights of a child or her parent to safety and protection. The United States of America and Washington State have numerous laws protecting women’s rights to equality under the law. The United Nations has similarly recognized that, “[d]iscrimination based on sex is prohibited under almost every human rights treaty...” United Nations and the Rule of Law, Human Rights and Gender, <https://www.un.org/ruleoflaw/thematic-areas/human-rights-and-gender/> (last visited on Feb. 8, 2021). Furthermore, under the Universal Declaration of Human Rights:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

(Art. 2)

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

(Art. 7)

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

(Art. 10)

(1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

(Art. 13)

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

...

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

(Art. 16)

United Nations, *The Universal Declaration of Human Rights*,  
<https://www.un.org/en/universal-declaration-human-rights/> (last visited Feb. 8, 2021).

Saudi laws and their implementation in the justice system violate each of the above principles for mothers in child custody cases. In addition to the above, the United States Congress declared that Saudi laws impede women's freedom, specifically citing child custody laws as part of these violations:

Whereas the 2018 Department of State Country Report on Human Rights Practices for Saudi Arabia stated that, "Women continued to face significant discrimination under law and custom, and many remained uninformed about their rights", and "women also faced discrimination in courts, where in most cases the testimony of one man equals that of two women";... Whereas serious impediments to women's freedoms in Saudi Arabia remain, including a high

prevalence of forced marriages, inequality in marriage, divorce, child custody and inheritance, laws that prevents women from directly transmitting citizenship to their children, and the male guardianship system;"... "Resolved, that the house of representatives - ... (5) calls on the United States Government to... (d) prioritize human rights, including the rights of women, as a key component of the relationship between the United States and Saudi Arabia.

Condemning the Government of Saudi Arabia's Continued Detention and Alleged Abuse of Women's Rights Activists, H.R. 129, 116<sup>th</sup> Cong. (July 15, 2019).

Undeniably, Saudi Arabia does not afford women equal rights as those provided to men. Notably, Saudi laws prohibited Bethany from leaving the country without permission of Ghassan, did not provide Bethany with all the rights and freedoms without distinction of her sex, religion, and national origin, did not provide her full equality to a fair and public hearing by an independent and impartial tribunal in the determination of her rights as a parent to ZA, and did not allow her the right to leave Saudi Arabia on her own volition. She was not entitled to equal rights as to the dissolution of her marriage nor was her right to her family protected by the State in Saudi Arabia because she was denied basic rights as a parent both within the court system and in the guardianship system for the sole reason that she is a woman.<sup>2</sup>

### **1. Child Custody Law in Saudi Arabia**

The Court, having fully reviewed the record submitted to it regarding the AlHaidari child custody case in Saudi Arabia, is left puzzled with the Saudi court's conclusion and custody determination. It is unclear what standards the court there followed as it appears to have disregarded the father's right to custody and commented that "it is in men's nature not to stay at home and not to honor/fulfill the parental roles themselves" and the mother's right was also disregarded because she is a foreign woman who is new to Islam, and still embraces the culture of her upbringing. (Personal Status Court of Riyadh's Initial AlHaidari Custody Decision, April 14, 2020 Bethany AlHaidari Decl. Ex. K at 14.) Instead, custody was granted to the paternal grandmother apparently because she had good standing in the community, despite the fact that her own daughter expressed concern about her mother's abusive behavior. The Saudi custody determination did not follow any standards set forth in any Saudi law because there is no set codified child custody law in Saudi Arabia. Although judges are expected to follow guidelines set out by Sharia law, child custody determinations are left within the judge's sole discretion. (May 21, 2020 Dr. Hala AlDosari Decl. at 2.)

Saudi Arabia remains the only Gulf state without a codified PSL, despite a PSL draft presented in 2013 by the Shura Council, Saudi Arabia's appointed

---

<sup>2</sup> It is important to note that the Court is not determining whether custody laws based on Sharia law violate fundamental principles of human rights. In fact, Petitioner admits that "Sharia law itself is not the problem, several States which derive inspiration from Sharia law in custody hearings manage to maintain and align with the basic principles of human rights..." (April 14, 2020 Bethany Al-Haidari Decl. at 3:20-22.)

advisory body. Saudi judges follow the Muscat PSL as a reference, but not as an obligatory document. Most Saudi judges continue to apply the strict Hanbali madhhab that rejects any attempts of reformation of earlier interpretation of the Quran and hadith, including codification for legal references. ...Codification of PSL, though it may cement discrimination into laws, restricts the ample authority granted to a judge, who is otherwise left to rule based on his own discretion.

Dr. Hala AlDosari, The Arab Gulf States Institute in Washington, *The Personal is Political: Gender Identity in the Personal Status Laws in the Gulf Arab States*, August 29, 2016, [https://agsiw.org/wp-content/uploads/2016/08/AlDosari\\_ONLINE\\_updated.pdf](https://agsiw.org/wp-content/uploads/2016/08/AlDosari_ONLINE_updated.pdf) at 4 (last visited Feb. 8, 2021).

The lack of codified child custody laws in Saudi Arabia makes it difficult for this Court to determine whether Saudi Arabia's child custody laws "violate fundamental principles of human rights." This Court must look to actual custody determinations presented to the Court which were entered under the minimal laws that do exist as well other Saudi laws that significantly impact the justice system in Saudi Arabia. Of particular concern for the purposes of this case, is the treatment of women, foreigners, and non-Muslim individuals in Saudi Arabia's justice system as well as the guardianship system in Saudi Arabia that appears to trump child custody determinations as they relate to the mothers in these cases. Petitioner cited several cases in which Saudi courts have denied mothers' rights to their children based upon failing to cover their children's faces, gender mixing, working full time jobs, and the mother's cultural or national origin. (April 14, 2020 Bethany AlHaidari Decl. at 5. *See also* April 14, 2020 Autumn Davis Decl.) These custody cases demonstrate the unequal treatment of women and foreigners in the Saudi justice system. In the absence of codified child custody laws in Saudi Arabia, the Court must also look to Saudi laws regarding the justice system in general to determine whether these laws, which would apply to any litigant in the Saudi justice system, violate fundamental principles of human rights.

## **2. Violations of Women's Human Rights in Saudi Arabia**

It is impossible to separate the general human rights violations against women in Saudi Arabia with Saudi Arabia's child custody laws (or lack thereof) and the implementation of Saudi laws. Women's rights are violated in very basic ways from the outset of any case, including child custody cases. For example, one of the most important rights of any individual within the court system is the right to due process, in particular, the right to be heard. Women do not automatically have this right in Saudi Arabia. A woman's testimony is equal to half a man's in Saudi courts. (April 14, 2020 Bethany AlHaidari Decl. at 2:9-15.) She is seen as less than a full person who is not entitled to be heard unless supported by a man's testimony. If a man makes a statement in court under penalty of perjury against a woman, the court will disregard that woman's testimony and her other evidence unless she presents the testimony of at least two male witnesses that support her position. This law alone creates a dangerous and potentially deadly situation for any woman in a country where the death penalty is actively utilized as punishment for



crimes. This law impacts Bethany directly because Ghassan accused Bethany of adultery and insulting Islam and Saudi Arabia which are all crimes punishable by death. The Saudi justice system treats women as less than men, which severely impacts a mother's ability to present her case for child custody. Such laws equate to child custody laws that violate fundamental principles of human rights.

### **3. Violations of the Rights of Foreigners and Non-Muslims in Saudi Arabia**

It is difficult to separate the human rights issues related to Bethany's gender versus her status as a foreigner and non-Muslim in Saudi Arabia but it is necessary to mention how significantly more discriminated against she is because of these two additional factors. Also concerning is that ZA will forever be branded with such discrimination because of her heritage. As demonstrated by the pleadings submitted in this case, the treatment of foreigners and non-Muslims in the Saudi justice system as it relates to child custody cases violates fundamental principles of human rights.

### **4. End Result as Evidence of Fairness**

Ghassan's briefing suggests that the Court should disregard whether Saudi Arabia's child custody laws violate the fundamental principles of basic human rights if the end result in this case was a fair result. If the Court were to adopt this reasoning, Ghassan argues, then the parties' purportedly "agreed" parenting plan is fair and just because it provides both parents with 50/50 shared custody. Ghassan's reasoning ignores the effect of the male guardianship system on the custody of ZA in their case. Furthermore, Bethany has provided substantial evidence that she entered into this agreement under duress so that she could keep ZA protected from the abusive paternal grandmother and because she had been threatened with deportation if she did not follow through with Ghassan's wishes. Bethany's evidence demonstrates that she was forced into a settlement by the Head of the Court in the Personal Status Court of Riyadh and was forced to waive all rights and active appeals in the Saudi courts. Fairness cannot occur when a party enters into a settlement and waives their rights under duress.

Ghassan's reasoning also completely ignores the fact that the custody arrangement the parties allegedly agreed to requires ZA to live in Saudi Arabia, which could effectively cause Bethany to lose all rights to her child if she loses her legal status in Saudi Arabia. This is a situation that has already occurred once due to the actions and omissions of Ghassan and is at extreme risk of happening again, especially considering that Bethany has violated the terms of the custody "agreement" and has "agreed" in this document to be found guilty of kidnapping by keeping ZA in the United States. This "agreement" subjects her to three years of confinement in prison once she returns to Saudi Arabia. This cannot be reasonably considered as a "fair" result.

### **5. Guardianship System in Saudi Arabia**

In addition to the equal protection and human rights violations mentioned above, Saudi Arabia's guardianship system is particularly problematic when it comes to child

custody issues. Guardians can only be men and are generally the father of a female child. Despite a court granting custody to a mother, the father, as the legal guardian under Saudi law, makes the majority of decisions related to their female “ward” until the woman is 21 years of age, far past the age of majority. These decisions which are restricted solely to the male guardian include procuring a passport, authority to travel, authority to live outside of the home and approval of any such accommodations. Regardless of the rights conveyed to a mother in a Saudi child custody order, Saudi Arabia’s guardianship system prevents her from having full parental rights as are afforded to the father of the child. Furthermore, if a mother of a Saudi child is not a Saudi citizen, she may be subject to deportation and prevention of returning to Saudi Arabia, and, because her child’s ability to travel is solely determined by the male guardian (typically the father), this could result in the mother’s complete loss of parental rights. The risk that this could occur in Bethany’s case is significant, given that she has already experienced problems with her immigration and travel status in Saudi Arabia.


The male guardianship system cannot be separated from Saudi child custody laws. Saudi Arabia’s guardianship system that places all major decision-making with the father, solely based on his gender, and which could effectively eliminate the mother’s rights to visitation, equates to a child custody law that violates the fundamental principles of human rights.

### CONCLUSION

A legal system that is set up to not only fail to protect but to deny basic human rights as a matter of course, such as the right to due process and the right of a parent to a child, based solely on that parent’s gender, national origin, and/or religion, is not a legal system whose child custody laws this State can honor. As a woman, an American citizen, and a non-Muslim, Bethany was not honored with due process and equality as a parent in Saudi Arabia, therefore this Court cannot uphold the child custody decisions of the Saudi court. For these reasons and the reasons set forth above, the Court denies Ghassan’s Motion to Dismiss and Motion to Enforce Out of State Custody Order and orders that Washington State can and will exercise jurisdiction over ZA’s child custody determination because no other state has sole jurisdiction over this case.

Mr. Volyn shall prepare the order reflecting this Court’s decision. If the parties agree as to the form of the orders, then they may sign and present the orders *ex parte*. If the parties do not agree to the language of the orders, then they shall note presentment of the orders for hearing.

Sincerely,



Kristin M. Ferrera  
Superior Court Judge

Cc: Court File

76

76

**ORDR**

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

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

AHED SAID SENJAB,

Plaintiff,

vs.

MOHAMAD ABULHAKIM ALHULAIBI,

Defendant.

CASE NO.: D-20-606093-D  
DEPT. NO.: H

DATE OF HEARING: Nov. 2, 2021  
TIME OF HEARING: 9:00 a.m.

**ORDER**

This matter coming before the Court for a Case Management Conference, all parties and attorneys appearing by BlueJeans technology, Plaintiff, AHED SAID SENJAB, appearing and represented by LEGAL AID CENTER OF SOUTHERN NEVADA, INC., by APRIL GREEN, ESQ., Appellate Counsel, Marshal Willick, Esq., of the Willick Law Group, and Court Certified Interpreter, Dalyia Ahmed, Arabic Court Interpreter, and Defendant, MOHAMAD ABULHAKIM ALHULAIBI, appearing and represented by DAVID MARKMAN, ESQ., of Markman Law, and the Court having reviewed the papers and pleadings, and good cause appearing, the Court finds as follows:

1           The Court **REVIEWED THE CASE** and **NOTED** that it set the matter for hearing once  
2 the Supreme Court decision was received stating that the Court has jurisdiction to proceed on the  
3 merits in the divorce case. The Court subsequently set the matter on an expedited basis because  
4 it had been pending for some time. If the remitter has not yet been filed, the Court expects to  
5 receive that at any time now.

6           The **COURT FURTHER NOTED** that the parties had been sharing the child pursuant to  
7 the Order filed in Case No. T-20-203688-T which was filed on August 4, 2020, and that the  
8 custodial exchanges are supervised by a program at Donna's House Central. The Court noted  
9 that it had received two letters from Donna's House.

10          Attorney Green stated that she had filed a motion for primary physical custody to mother  
11 based upon domestic violence in this case and counsel requested a trial date and indicated that  
12 she believed that medication would not be fruitful.

13          Attorney Markman stated that child custody was still up on appeal and those appeals  
14 remain pending and argued that any custody should remain temporary pending the outcome of  
15 those appeals.

16          Attorney Willick stated that counsel had a conference call about a week ago and agreed  
17 that there was more than one way of looking at the situation and that any child custody decision  
18 in this Court could be appealed.

19          Discussion by the Court regarding custody subject matter jurisdiction. That custody of  
20 the following child is at issue:

21                 RYAN MOHAMAD ALHULAIBI, born February 16, 2019.

22          The **COURT** stated **FINDINGS and ORDERED** as follows:

23          **WHEREFORE, IT IS HEREBY ORDERED** that the decision from the Nevada  
24 Supreme Court should prompt the Defendant to file a responsive pleading and the Court expects  
25 that to be filed within twenty (20) days.

26          **IT IS FURTHER ORDERED** that the two letters from Donna's House Central dated  
27 10-19-21 and 10-31-21, which are the programs' reports regarding exchanges, shall be left side  
28 filed under seal with the Court.

**IT IS FURTHER ORDERED** that the parties have joint legal and joint physical custody. Plaintiff is seeking to modify custody orders in this case and the Defendant shall be given an opportunity to file an appropriate answer and any appropriate motion regarding this issue. Attorney Green may notice a motion for child custody and set it for hearing in the normal course and Attorney Markman shall respond in the ordinary course and the Court shall hear the matter. A temporary Order shall be entered in this case so that the temporary Orders are the Orders that the parties are following and made part of this case and that Order shall be consistent with the Order that the Court rendered on the record today and consistent with the order that the Court has already made in the T case regarding the current custodial Order. Attorney Green shall prepare the Order for this hearing and Attorney Markman shall review and sign off as to form and content.

**Dated this 20th day of December, 2021**

*Art Ketchum*

**209 81E 6AA7 D95E**  
**T. Arthur Ritchie**  
**District Court Judge**

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

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 1415  
[asgreen@lacsng.org](mailto:asgreen@lacsng.org)  
Attorney for Plaintiff

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: 12/20/2021

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

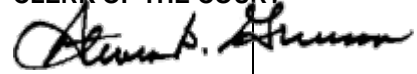
20 David Markman

David@MarkmanLawfirm.com

*77*

*77*





NEO  
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, Nevada 89104  
(702) 386-1415 Direct/Fax  
(702) 386-1070, Ext. 1415  
[asgreen@lacs.org](mailto:asgreen@lacs.org)  
Attorneys for Plaintiff

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

AHED SAID SENJAB,  
Plaintiff,

vs.

MOHAMAD ABULHAKIM ALHULAIBI,  
Defendant.

Case No.: D-20-606093-D  
Dept. No.: H

**NOTICE OF ENTRY OF ORDER**

TO: MOHAMAD ABULHAKIM ALHULAIBI, Defendant; and

TO: DAVID MARKMAN, ESQ., Attorney for Defendant.

PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled action on the 20<sup>th</sup> day of December, 2021 a copy of which is attached hereto.

DATED this 20<sup>th</sup> day of December, 2021.

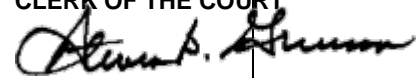
LEGAL AID CENTER OF SOUTHERN NEVADA,  
INC.

By: 

APRIL S. GREEN, ESQ.  
Nevada Bar No. 8340C  
BARBARA E. BUCKLEY, ESQ.  
Nevada Bar No. 3918  
725 East Charleston Boulevard  
Las Vegas, Nevada 89104  
(702) 386-1415 Direct/Fax  
(702) 386-1070, Ext. 1415  
[asgreen@lacs.org](mailto:asgreen@lacs.org)  
Attorneys for Plaintiff

78

78



**RIS**  
**DAVID MARKMAN, ESQ.**  
Nevada Bar No. 12440  
**MARKMAN LAW**  
4484 S. Pecos Rd Ste. 130  
Las Vegas, Nevada 89121  
Phone: (702) 843-5899  
Fax: (702) 843-6010  
Attorneys for Mohamad Alhulabi

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**  
\*\*\*\*\*

AHED SAID SENJAB

Plaintiff,

vs.

MOHAMAD ALHULAIBI

Defendants.

CASE NO.: D-20-606093-D

DEPT. NO.: H

**DEFENDANT'S REPLY IN SUPPORT OF MOTION TO DISMISS CHILD CUSTODY**  
**CLAIMS**

**I. INTRODUCTION**

Mohamad's Motion is based on the Appeal he filed in Nevada Supreme Court Case No. 82121 and 82114. The motion is meritorious and should be granted while the appeals remain pending. Nothing from the remitter in Case No. 81515 nor the NV Supreme Court decision directly affected the remaining appeals. Moreover, fees should not be granted as the opposition/Counter-motion does not comply with the Brunzell factors.

**II. FACTS**

Appeal 1 (Nevada Supreme Court No. 81515) was regarding divorce jurisdiction and did not address Child Custody as they were not addressed in the underlying motions that led to Appeal 1. Nor did the Nevada Supreme Court make any factual determinations about the length of time the parties were here prior to the filing of the divorce complaint. The Nevada Supreme

1 Court concluded that the parties were residents of the state as this Honorable Court previously  
2 found the parties had been in Nevada for longer than six (6) weeks.

3 Appeal 2 derived from motions that were filed after the dismissal of the divorce  
4 complaint. Which the Nevada Supreme Court in its Order Reinstating briefing which was  
5 subsequent to an order to show cause found that the subsequent motions were collateral to Appeal  
6 1, and that they requested injunctive relief, and a special order after final judgment, and allowed  
7 the appeal to proceed. Please find attached as **Exhibit “1”**, The Nevada Supreme Court order  
8 reinstating briefing. In the joint status report filed by the parties, Mohamad specifically requested  
9 that the appeal proceed as the minor had not lived in Nevada for six (6) months prior to the  
10 divorce, as the minor moved to Nevada in January 2020 and the Divorce complaint was filed in  
11 March 2020. Further, that the custody appeal has been pending for almost two years and therefore  
12 the Nevada Supreme Court should hear the issues rather than remand as the UCCJEA does not  
13 require a full evidentiary hearing rather it aims for the speedy resolution of jurisdictional  
14 challenges.  
15

### 16 **III. ANALYSIS**

#### 17 **A) APPEAL 2 IS MERITORIOUS**

18 Ahed tries to conflate the facts that were appealed in Appeal 1 with the facts that are on  
19 appeal in Appeal 2. The Nevada Supreme Court in footnote 1 states in relevant part “Senjab also  
20 raises custody and support issues that we decline to consider because, **as she admits**, the district  
21 court did not reach them.” (**Emphasis added**). Senjab v. Alhulaibi, 137 Nev. Adv. Op. 64 Fn 1.  
22 The facts of Appeal 2 are directly related to UCCJEA and child custody and the Nevada Supreme  
23 Court has full discretion on whether it wants to hear the issue. For Ahed to make any argument  
24 otherwise is premature and should not be relied upon. The rationale behind jurisdictional  
25 challenges is they do not require a full evidentiary hearing; rather it aims for the speedy resolution  
26 of jurisdictional challenges. Chaker v. Adcock, 464 P.3d 412 (Nev. App. 2020); citing In re  
27  
28

1 Yaman(sic), 105 A.3d 600, 613-14 (N.H. 2014). Therefore, Ahed cannot predict how the Nevada  
2 Supreme Court will decide how to move forward with the pending appeals as the important facts  
3 are already before the Nevada Supreme Court.  
4

5 **B) THE UCCJEA WAS INTENDED TO FORECLOSE LOOPHOLES THAT**  
6 **CAN BE EXPLOITED**

7 Mohamad is aware that the Hague convention is not available in this matter but as in  
8 Ogawa the Court can issue return orders in substantial compliance with Hague case law authority  
9 and can look to case law interpreting the Hague to determine how to deal with an international  
10 custody dispute (Even when a country is not a party to the Hague convention, the court can  
11 properly order the return of a minor child.) See Ogawa v. Ogawa, 125 Nev. 660, 670–71, 221  
12 P.3d 699, 706 (2009). Further, the Hague Convention was the foundation for the UCCJEA. In re  
13 Marriage of O.T. & Abdou El Alaoui Lamdaghri, No. E058911, 2018 WL 6242412, at \*19 (Cal.  
14 Ct. App. Nov. 29, 2018), reh'g denied (Dec. 20, 2018). Courts interpreting the UCCJEA's Escape  
15 clause (commonly known as the human rights exception) routinely look to Article 20 of the  
16 Hague convention for assistance in interpreting the clause. People In Interest of A.B-A., 2019  
17 COA 125, ¶ 29, 451 P.3d 1278, 1285.  
18

19 Moreover, Nevada State Courts often look to their Federal Counterparts for procedure  
20 related issues. As the Nevada Rules of Civil Procedure are based in large part upon their federal  
21 counterparts (i.e., Federal Rules of Civil Procedure), federal cases interpreting the Federal Rules  
22 of Civil Procedure “are strong persuasive authority” when Courts interpret the Nevada Rules of  
23 Civil Procedure. Executive Mgmt., Ltd. v. Tigor Title Ins. Co., 118 Nev. 46, 53, 38 P.3d 872,  
24 876 (2002).

25 The fact that Saudi Arabia is not a Hague signatory has no bearing on its ability to be  
26 treated as a state. As discussed in the motion to dismiss, Kar states that a Nevada Court should  
27 treat a foreign country as if it were a state of the understates for the purpose of applying NRS  
28 125A.005 to NRS 125A.395, inclusive. Kar v. Kar, 132 Nev. 636, 639 (2016). So even though

1 Habitual Residence and Home State have separate meanings, they are largely interchangeable for  
2 the purpose of this motion and state courts routinely look to federal Courts for guidance when it  
3 comes to UCCJEA issues, especially when foreign countries are involved as the case law is  
4 significantly more vast in the federal courts. As temporary absences are specifically addressed in  
5 Ogawa, In re Aiden L., Sarpel v. Eflanli, and numerous other state court UCCJEA decisions, it  
6 is clear that the parties intent and temporary absences are indeed relevant to the home state  
7 analysis. See Ogawa v. Ogawa, 125 Nev. 660, 662, 221 P.3d 699, 700 (2009); In re Aiden L., 16  
8 Cal. App. 5th 508, 518, 224 Cal. Rptr. 3d 400, 408 (2017); and Sarpel v. Eflanli, 65 So. 3d 1080,  
9 1081 (Fla. Dist. Ct. App. 2011).

11  
12 Therefore, Saudi Arabia remains the Home State of the minor child as he lived in Nevada  
13 for less than two and a half months prior to the initiation of the divorce and custody proceedings  
14 in Nevada. As Saudi Arabia remains the Home State pursuant to the UCCJEA the child custody  
15 proceedings should occur in Saudi Arabia.

16  
17 **C) SAUDI ARABIA CAN BE CONSIDERED A STATE**

18 Saudi Arabia can be considered a state under the UCCJEA. Saudi Arabia has significant  
19 ties and full diplomatic relations with the United States, Saudi Arabia is the second leading source  
20 of imported oil to the United States.<sup>1</sup> The UCCJEA “mandates that any foreign nation must be  
21 treated as if it were a state within the United States for purposes of jurisdiction and inter-court  
22 cooperative mechanisms. The UCCJEA is not a reciprocal act. There is no requirement that the  
23

24  
25  
26  
27  
28 <sup>1</sup> Please see **Exhibit “2”** A true and correct copy of a document downloaded from the United States  
State Department.

foreign country enact a UCCJEA equivalent.”<sup>2</sup> The UCCJEA is intended to eliminate competition between courts in matters of child custody, with **jurisdictional priority conferred to a child’s home state.**<sup>3</sup> The UCCJEA does not provide exceptions for foreign countries that have no diplomatic jurisdiction with the United States to be deemed anything but a State, nor should a Court read that exception into the Statute.<sup>4</sup> **That a foreign jurisdiction's law is different or strikes us as outdated is not an indication that it violates fundamental principles of human rights, and, therefore, that is not the test under the UCCJEA.**<sup>5</sup>

Courts interpreting the UCCJEA’s Escape clause (commonly known as the human rights exception) routinely look to Article 20 of the Hague convention for assistance in interpreting the clause. People In Interest of A.B-A., 2019 COA 125, ¶ 29, 451 P.3d 1278, 1285. The Article 20 defense is to be “restrictively interpreted and applied.” Id. citing U.S. State Dep’t, Hague International Child Abduction Convention: Text and Legal Analysis, Pub. Notice, 51 Fed. Reg. 10,494, 10,510 (Mar. 26, 1986). The defense is to be invoked only on ‘the rare occasion that return of a child would utterly shock the conscience of the court or offend all notions of due process.” Id. It “is not to be used ... as a vehicle for litigating custody on the merits or for passing judgment on the political system of the country from which the child was removed.” Id.

---

<sup>2</sup> S.B. v. W.A., 38 Misc. 3d 780, 809, 959 N.Y.S.2d 802 (Sup. Ct. 2012), aff’d sub nom. Badawi v. Wael Mounir Alesawy, 135 A.D.3d 792, 24 N.Y.S.3d 683.

<sup>3</sup> Id.

<sup>4</sup> People In Interest of A.B-A., 2019 COA 125, ¶ 45, 451 P.3d 1278, 1287.

<sup>5</sup> Matter of Yaman, 167 N.H. 82, 105 A.3d 600, 611 (2014); See Coulibaly v. Stevance, 85 N.E.3d 911, 917 (Ind. Ct. App. 2017) See D. Marianne Blair, International Application of the UCCJEA: Scrutinizing the Escape Clause, 38 Fam. L. Q. 547, 565 (2004) (“...that the provision not become the basis for magnifying every difference between the U.S. legal system and that of a foreign nation to virtually stymie effective application of the UCCJEA in international cases.”)

1 The Article 20 defense has yet to be used by a federal court to deny a petition for  
2 repatriation. Souratgar v. Lee, 720 F.3d 96, 108–09 (2d Cir. 2013). *Citing* Fed. Jud. Ctr., *The*  
3 *1980 Hague Convention on the Civil Aspects of International Child Abduction: A Guide for*  
4 *Judges* 85 (2012). “In urging the Article 20 exception in this case, Lee insists broadly that Syariah  
5 Courts are incompatible with the principles “relating to the protection of human rights and  
6 fundamental freedoms” of this country. **While this general assertion might find sympathy**  
7 **among some in this country as a political statement, we decline to make this categorical**  
8 **ruling as a legal matter.”** Id. (*emphasis added*).  
9

10  
11 In Coulibaly, the court had to make a decision regarding Mali as a Home State the court  
12 followed the intent of the UCCJEA and opined “it clear that our scrutiny is limited to Mali's child  
13 custody law and not on other aspects of its legal system, including the law (or absence of law)  
14 concerning [Female Gentile Mutilation].”<sup>6</sup> Coulibaly also discussed parental preference stating  
15 “custodial preferences are not foreign to American jurisprudence. Indeed, gender-based custody  
16 preferences were the norm in the United States in the not-so-distant past.”<sup>7</sup>  
17

18 “Jurisdictional issue is limited to determining whether another forum is available with  
19 jurisdiction which will determine the child custody issue in accord with minimum due process  
20 and award custody on the basis of the best interests of the child. Collateral matters relating to the  
21 culture, mores, customs, religion, or social practices in that other forum are not only irrelevant to  
22 the question of jurisdiction but also such cultural comparisons have no place in the ultimate  
23

24  
25  
26  
27 <sup>6</sup> Coulibaly v. Stevance, 85 N.E.3d 911, 920–21 (Ind. Ct. App. 2017).

28 <sup>7</sup> Id.



1 custody award.”<sup>8</sup>

2 The UCCJEA was created to eliminate forum shopping. Saudi Arabia is the proper  
3 jurisdiction and is available to decide the custody matters in accord with the UCCJEA  
4 requirements of due process and make the award based on the best interest of the child. While  
5 Ahed attempts to make a categorical statement that countries with Sharia Courts cannot be  
6 considered a Minor’s home state. No Appellate Court or federal court has actually reached that  
7 decision. In fact, as discussed above most courts have found the complete opposite. Therefore,  
8 this Court should hold that Saudi Arabia can be a state as considered by the UCCJEA and order  
9 the return of the Minor to his Home State/Habitual Residence of Saudi Arabia.  
10

11  
12 Ahed cites to a case from New Jersey - Ali v. Ali, for the proposition that the “the law of  
13 the Sharia court was arbitrary and capricious” but fail to discuss that New Jersey was the home  
14 state of the minor not Gaza, the party attempting to enforce the Sharia Court order failed to  
15 provide a copy of the Gaza decree, and that there was a lack of notice to the other party.<sup>9</sup>  
16 Additionally, the sentence cited from Ali while sounding very drastic was talking about the  
17 specific Sharia court and not Sharia Courts in general.  
18

19 After the Ali v. Ali decision, the New Jersey Supreme Court decided Ivaldi. In Ivaldi the  
20 New Jersey Supreme Court held “We trust, however, that the Moroccan court will consider the  
21 child's best interests in fashioning a custody order. In that regard, the Hague Convention on  
22 Jurisdiction seeks to assure that the best interests of the child is the primary consideration in all  
23

---

24  
25 <sup>8</sup> State ex rel. Rashid v. Drumm, 824 S.W.2d 497, 505 (Mo. Ct. App. 1992).

26  
27 <sup>9</sup> Ali v. Ali, 279 N.J. Super. 154, 167, 652 A.2d 253, 259 (Ch. Div. 1994).  
28

1 international disputes involving children... We trust further that the Moroccan court will consider  
2 the parties' separation agreement, including its provision calling for the application of New Jersey  
3 law. Our goal is to further the purposes of the Act and of the Hague Convention on Jurisdiction  
4 by avoiding jurisdictional competition while simultaneously discouraging parents from  
5 unilaterally removing their children to obtain a more favorable forum.”<sup>10</sup> The Court went on to  
6 discuss why it ultimately declined to assume jurisdiction “If the Family Part dismisses this action,  
7 the dismissal will not preclude a New Jersey court from subsequently reviewing the  
8 enforceability of the Moroccan custody decree. For example, if the Moroccan court denies the  
9 father procedural due process or refuses to consider Lina's best interests, the Family Part may  
10 then refuse to enforce the Moroccan decree. Id.

13 Here, there is nothing in the record that would show that Saudi Arabia would not provide  
14 due process to all parties involved or make a decision based on the best interest of the child.<sup>11</sup>  
15 Instead Ahed makes categorical statements that no Minor should ever be returned to his Home  
16 State if he is from a non-Hague country.

18 Lastly, Ahed discusses a district court case order issued on February 21, 2021 from a  
19 county in Washington that has a total of 75,000 residents to be used as precedent for the fact that  
20 Saudi Arabia cannot be considered a state for purposes of the UCCJEA despite no appellate court  
21 or federal court ever holding that any country could not be considered a home state or habitual  
22 residence.

24 In Alhaidari v. Alhaidari, Chelan No. 20-3-00028-04, the court determined that it would

---

26 <sup>10</sup> Ivaldi v. Ivaldi, 147 N.J. 190, 206–07, 685 A.2d 1319, 1327–28 (1996).

28 <sup>11</sup> Please see **Exhibit 3** a declaration by Hany Youssef Abdul-Ati Al Saadawy, regarding the current law in Saudi Arabia on divorce and child custody.

1 not enforce a custody order that was previously made in Saudi Arabia. The court in that case  
2 appears to have made numerous legal errors, that were so acknowledged by the prevailing party  
3 in an interview she did with insider, in which she said "[t]he judgment is incredibly brave, but  
4 it's incredibly vulnerable on appeal."<sup>12</sup> Some of the errors in the order appear to stem from the  
5 questions posed by the court such as "What are the fundamental principles of human rights" and  
6 the court's statement that in adopting the UCCJEA, Washington could not have intended to adopt  
7 laws of another country.  
8

9         Additionally, there are numerous things to distinguish the instant case from *Alhaidari*,  
10 such as but not limited to, one parent and the minor child being citizens of the United States along  
11 with an order that was entered in that case based on a default that ordered Saudi Arabia not to be  
12 considered a state for purposes of the UCCJEA.  
13

14         Importantly, though in *Alhaidari* the court in that case found there was a lack of codified  
15 child custody laws and therefore the court had to look at the specific facts of that particular case  
16 to make a ruling. The instant case does not have any specific facts in which Saudi Arabia violated  
17 or even came close to violating any due process as it relates to child custody, in fact the only  
18 actual evidence ever admitted is the declaration that shows the best interests of the child standard  
19 is used to determine custody. Moreover, the relevant timeframe in *Alhaidari* appears to be from  
20 2017 to 2019 which predates significant reforms that have been undertaken in Saudi Arabia and  
21 involves a party that appeared to be antagonizing the Saudi Arabian court throughout the  
22 proceedings. According to the World Bank, Saudi Arabia was one of the top reformers in 2020  
23  
24  
25  
26

---

27 <sup>12</sup> See interview given by the prevailing party Bethany Viera; [https://www.insider.com/bethany-](https://www.insider.com/bethany-vierra-american-trapped-saudi-arabia-escape-2021-4)  
28 [vierra-american-trapped-saudi-arabia-escape-2021-4](https://www.insider.com/bethany-vierra-american-trapped-saudi-arabia-escape-2021-4)

1 for women’s rights in the world.<sup>13</sup> Based on the fact that Saudi Arabia has instituted significant  
2 reforms, the only expert declaration on Saudi law demonstrates that Saudi Arabia uses due  
3 process and makes custody determinations with the minor’s best interests in mind, and neither  
4 party is a citizen of the United States, this Honorable Court should issue a return order of the  
5 Minor child to Saudi Arabia.  
6

7 **D) CHILD SUPPORT JURISDICTION**

8 If this Honorable Court issues a return order as discussed *infra*, it will not need to reach  
9 this ultimate decision as the Minor and Mohamad will leave Nevada. “[B]ecause Pennsylvania  
10 is the child's home state, the Pennsylvania child support order  
11 controlled. NRS 130.207(2) (providing that if two states have continuing, exclusive jurisdiction  
12 because at least one of the parties resides in each of the states, the order from the state in which  
13 the child resides controls). Thus, the district court did not err in relinquishing jurisdiction over  
14 child support to the Pennsylvania court.”<sup>14</sup> Here, the Home state of the child is Saudi Arabia and  
15 Nevada should relinquish jurisdiction over child support to Saudi Arabia.  
16  
17

18 Further, pursuant to Ahed’s financial disclosure she makes no money, has no child rearing  
19 expenses and therefore has not incurred any child related expenses. Mohamad has produced his  
20 income and the amount of debt he has incurred while continuing to live in the United States  
21 despite having prospects to obtain much more lucrative opportunities if he were to leave the  
22 United States. Mohamad has never made more than the 150% of the federal poverty level while  
23 working in the United States. As Ahed has spent no money on the minor child’s expenses, if  
24  
25

26  
27 <sup>13</sup> <https://openknowledge.worldbank.org/bitstream/handle/10986/32639/9781464815324.pdf>

28 <sup>14</sup> Henderson v. Henderson, 131 Nev. 1290 (2015)

1 Mohamad is ordered to pay any amount of back child support it should go to any governmental  
2 entity who can come after Mohamad for back support since it could negatively affect his future  
3 immigration to the United States. Moreover, Mohamad has had the minor 3 days a week since at  
4 least April of 2020 so Ahed's argument that she has the primary responsibilities for the minor's  
5 necessities is ludicrous.  
6

7 Moreover, Mohamad had times where he was unemployed and making no money while  
8 waiting for a work permit. Mohamad only recently began making \$15 per hour. Prior to that he  
9 was making \$12 per hour. Mohamad should not be ordered to pay anything more than the  
10 minimum temporary child support allowed by statute and Mohamad should only be ordered to  
11 pay the minimum amount to Ahed after she moves out from the shelter and if this Court does not  
12 dismiss the child custody causes of action or order the return of the minor child.  
13

14 **E) ATTORNEY'S FEES**

15 Mohamad, arguments as they pertain to child custody are not specious. This Court is  
16 aware of the complex procedural issues that have arisen in this case. The issues are valid and  
17 raised to protect Mohamad's ongoing appeal. The Nevada Supreme Court has already ordered  
18 prior to the decision in Appeal 1 that Appeal 2 could proceed forward with the Nevada Supreme  
19 Court's ability to reconsider jurisdictional issues as the appeals progress. Therefore, any  
20 argument as they pertain presumably to NRS 18.010(2)(b), is misplaced as Mohamad's  
21 arguments are meritorious and not maintained for any purpose other than to preserve his ongoing  
22 appeal and have the proper Court hear the child custody claims.  
23  
24

25 As it pertains to the Brunzell factors, Ahed does not submit any declaration or affidavit  
26 to support the Brunzell factors, despite citing to the need for an affidavit in her motion for  
27 attorney's fees and therefore should be precluded from recovering attorney's fees. All factual  
28

1 assertions in a Motion must be presented by affidavits, declarations, depositions, answers to  
2 interrogatories or answers to requests for admission. EDCR 2.21. Nor does Ahed, include any  
3 itemized billings in her request for attorney's fees pursuant to Love therefore, precluding any  
4 challenges to be made to the bills. Love v. Love, 114 Nev. 572, 582, 959 P 2d 523, 529 (1998).  
5  
6 As none of the evidentiary requirements under Brunzell, Wright, or Love are met the request for  
7 attorney's fees should be denied. Presumably, Ahed did not provide a declaration or itemized bill  
8 as the vast majority of her arguments are pulled directly from prior appellate briefings.

9       Moreover, Mohamad, has retained his attorney from the Nevada Bar's Lawyer Referral  
10 Service Modest Means Program, which means that he qualified for reduced fee legal services  
11 based on his financial situation and that he is not to be charged more than seventy-five dollars  
12 per hour for legal services. Mohamad, does not have an war chest in the middle east and the  
13 amount paid to his attorney will be provided in an updated FDF, as it was inadvertently not  
14 included. The amount is very low for the amount of work and time that has been devoted to this  
15 matter. The incomes between the parties are not disparate as Mohamad, has not made more than  
16 150% of the poverty level at any year since living in the United States despite his higher earning  
17 potential based on his graduate degree as he cannot gain regular employment due to his visa  
18 conditions. Lastly, Ahed actually has significant assets in the middle east that she continues to  
19 not use for herself or to promote the best interests of the minor child.  
20  
21

22 ///

23 ///

24 ///

25 //

26 /

- 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
- 26
- 27
- 28

Dated this 4<sup>th</sup> day of January, 2022.

MARKMAN LAW

Attorneys for Plaintiffs

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of MARKMAN LAW, and that  
3 on this 4<sup>th</sup> day of January 2022, I caused the foregoing document entitled REPLY IN SUPPORT  
4 OF DEFENDANT'S MOTION TO DISMISS CHILD CUSTODY CLAIMS, to be served as follows:

- 5 [ ] pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative  
6 Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic  
7 Service in the Eighth Judicial District Court," by mandatory electronic service  
8 through the Eighth Judicial District Court's electronic filing system;
- 9 [ X ] by placing same to be deposited for mailing in the United States Mail, in a sealed  
10 envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- 11 [ ] pursuant to EDCR 7.26, to be sent via **facsimile**, by duly executed consent for  
12 service by electronic means;
- 13 [ ] sent out for hand-delivery via Receipt of Copy.

14 To the attorney(s) listed below at the address, email address, and/or facsimile number  
15 indicated below:

16 APRIL GREEN, ESQ.  
17 Nevada Bar 8340C  
18 BARBARA BUCKLEY  
19 Nevada Bar No. 3918  
20 LEGAL AID CENTER OF SOUTHERN NEVADA, INC.  
21 725 E. Charleston Blvd.  
22 Las Vegas, NV 89104  
23 asgreen@lacsns.org

24 /s/ David Markman  
25 David Markman, Esq.  
26  
27  
28



# EXHIBIT 1

# EXHIBIT 1

IN THE SUPREME COURT OF THE STATE OF NEVADA

MOHAMAD ABULHAKIM ALHULAIBI,  
Appellant,

vs.

AHED SAID SENJAB,  
Respondent.

MOHAMAD ABULHAKIM ALHULAIBI,  
Appellant,

vs.

AHED SAID SENJAB,  
Respondent.

No. 82114

**FILED**

**MAY 06 2021**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT

No. 82121<sup>BY</sup>

*S. Young*  
DEPUTY CLERK

*ORDER CONSOLIDATING APPEALS AND REINSTATING BRIEFING*

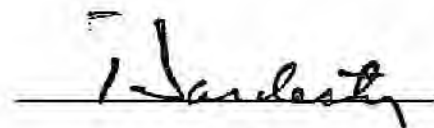
These appeals are from the same order entered in separate district court cases. Preliminary review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(g) indicated that the order appealed from may not be substantively appealable; therefore, this court directed appellant to show cause why the appeals should not be dismissed. Appellant has responded in both appeals and argues that the challenged order is collateral to the issues on appeal from the original divorce decision, currently pending in Docket No. 81515, and effectively denies injunctive relief and a modification of custody. Respondent has filed a reply in each appeal and argues that the order appealed from is not substantively appealable.

The district court in both cases below denied appellant's "Ex Parte Petition/Motion for an Order Requiring Production of the Minor Child;" motion for the "Issuance of a Warrant for the Pick-Up of the Minor Child;" motion for an "Order Preventing Abduction of the Minor Child Pursuant to NRS 125D;" motion for a "Return order for the Minor Child to his Home Country of Saudi Arabia;" and respondent's

"Counter-motion/Petition 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, for Stay of Order for Dismissal of Case" and for attorney's fees and costs. These issues appear to be collateral to the matters on appeal in Docket No. 81515 and constitute both the denial of injunctive relief and a special order after final judgment that affects the substantive rights of the parties rising from the judgment, which is on appeal in Docket No. 81515. See NRAP 3A(b)(8); *Gumm v. Mainor*, 118 Nev. 912, 59 P.2d 1220 (2002) (a special order after final judgment is one that affects the rights of a party arising from the final judgment).

Accordingly, these appeals may proceed without prejudice to this court's right to reconsider the jurisdictional issues as the appeals progress. These appeals are consolidated for all appellate purposes and the briefing schedule is reinstated as follows. Appellant shall have 14 days from the date of this order to file and serve a rough draft transcript request form or certificate that no transcript is requested. NRAP 3E(c). Appellant shall have 40 days from the date of this order to file and serve a single fast track statement and an appendix. Thereafter, briefing shall proceed in accordance with NRAP 3E(d). These consolidated appeals shall be clustered with the appeal in Docket No. 81515 to ensure that the appeals are resolved in a consistent and efficient manner. See IOP 2(c)(2).

It is so ORDERED.

 C.J.

cc: Markman Law  
Legal Aid Center of Southern Nevada, Inc.  
Willick Law Group

# EXHIBIT 2

# EXHIBIT 2

Travelers

[← SAUDI ARABIA](#)

★ ★ ★

# U.S. Relations With Saudi Arabia

BILATERAL RELATIONS FACT SHEET

BUREAU OF NEAR EASTERN AFFAIRS

NOVEMBER 26, 2019

Share 

**More information about Saudi Arabia is available on the Saudi Arabia Page and from other Department of State publications and other sources listed at the end of this fact sheet.**

## U.S.-SAUDI ARABIA RELATIONS

Following recognition in 1931, the United States and Saudi Arabia established full diplomatic relations, with exchange of credentials and the first U.S. ambassadorial posting to Jeddah, in 1940. Saudi Arabia's unique role in the Arab and Islamic worlds, its holding of the world's second largest reserves of oil, and its strategic location all play a role in the long-standing bilateral relationship between the Kingdom and the United States. The United States and Saudi Arabia have a common interest in preserving the stability, security, and prosperity of the Gulf region and consult closely on a wide range of regional and global issues. Saudi Arabia plays an important role in working toward a peaceful and prosperous future for the region and is a strong partner in security and counterterrorism efforts and in military, diplomatic, and financial cooperation. Its forces works closely with U.S. military and law enforcement bodies to safeguard both countries'

national security interests. The United States and Saudi Arabia also enjoy robust cultural and educational ties with some 55,000 Saudi students studying in U.S. colleges and universities and scores of educational and cultural exchange visitors each year. The United States also provides promising youth and emerging Saudi leaders the opportunity to experience the United States and its institutions through the International Visitor Leadership Program and various other exchange programs.

## **U.S. Assistance to Saudi Arabia**

The United States and Saudi Arabia have a longstanding security relationship. Saudi Arabia is the United States' largest foreign military sales (FMS) customer, with more than \$100 billion in active FMS cases. Through FMS, the United States has supported three key security assistance organizations in Saudi Arabia—the Ministry of Defense, the National Guard, and the Ministry of Interior. Since the 1950s, the U.S. Army Corps of Engineers has also played a vital role in military and civilian construction in Saudi Arabia.

Additional programs support closer cultural, educational, and institutional ties between the United States and Saudi Arabia. The U.S.-Saudi partnership is rooted in more than seven decades of close friendship and cooperation, enriched by the exchange opportunities that are key to the promotion of mutual understanding and the long-term development of ties between our two peoples. In cooperation with the Government of Saudi Arabia, the United States provides technical support in areas such as education, trade, and economic development.

## **Bilateral Economic Relations**

The United States and Saudi Arabia enjoy a strong economic relationship. The United States is Saudi Arabia's second largest trading partner, and Saudi Arabia is one of the United States' largest trading partners in the Middle East. Saudi Arabia is the second leading source of imported oil for the United States, providing just under one million barrels per day of oil to the U.S. market. The United States and Saudi Arabia have signed a Trade Investment Framework Agreement. Saudi Arabia launched its Vision 2030 program in April 2016, laying out plans to diversify the economy, including through increased trade and investment with the United States and other countries.

## **Saudi Arabia's Membership in International Organizations**

Saudi Arabia participates in a number of international organizations, including the United Nations, International Monetary Fund, World Bank, and World Trade Organization. Saudi Arabia also is an observer to the Organization of American States.

## **Bilateral Representation**

The Ambassador is John P. Abizaid and Deputy Chief of Mission is Martina Strong; other principal embassy officials are listed in the Department's Key Officers List.

Saudi Arabia maintains an **embassy** in the United States at 601 New Hampshire Avenue NW, Washington, DC 20037; tel. 202-342-3800.

More information about Saudi Arabia is available from the Department of State and other sources, some of which are listed here:

### **U.S. Embassy**

### **History of U.S. Relations With Saudi Arabia**

### **Office of the U.S. Trade Representative Country Page**

### **U.S. Census Bureau Foreign Trade Statistics**

### **Export.gov International Offices Page**

### **Library of Congress Country Studies**

### **Travel Information**

---

## **TAGS**

Bureau of Near Eastern Affairs

Saudi Arabia

---





## Related Articles

— JULY 15, 2020

Secretary Michael R. Pompeo With Bob Cusack, Editor-in-Chief of The Hill

**READ MORE** →

— JULY 15, 2020

Secretary Michael R. Pompeo at a Press Availability

**READ MORE** →

— JULY 15, 2020

The United States and Six Member States of TFTC Target ISIS-Linked Financial Network

**READ MORE** →

[White House](#)

[USA.gov](#)

[Office of the Inspector General](#)

[Archives](#)

[Contact Us](#)

---

[Privacy Policy](#)

[Accessibility Statement](#)

[Copyright Information](#)

[FOIA](#)

[No FEAR Act](#)

# EXHIBIT 3

# EXHIBIT 3

1 DCLR

2 DAVID MARKMAN, ESQ.

3 Nevada Bar No. 12440

4 MARKMAN LAW

5 4484 S. Pecos Rd Ste. 130

6 Las Vegas, Nevada 89121

7 Phone: (702) 843-5899

8 Fax: (702) 843-6010

9 Attorneys for Mohamad Alhulabi

10 DISTRICT COURT  
11 CLARK COUNTY, NEVADA

12 \*\*\*\*\*

13 AHED SAID SENJAB

14 Plaintiff,

15 vs.

16 MOHAMAD ALHULAIBI

17 Defendants.

CASE NO.:

DEPT. NO.:

DECLARATION OF HANY YOUSSEF

ABDUL-ATI AL SAADAWY

18 1) I am Hany Youssef Abdul-Ati Al Saadawy, Ministry of Justice License No. 38719, I  
19 am over the age of 18 years and competent to testify. My statement is attached hereto and is  
20 two pages in Arabic.

21 2) Address : P.O Box 2067 Makkah Al Mukharramah 21955, Saudi Arabia

22 3) Phone Number: 966125100000 Ext 3683 Cell Phone: 966531896176

23 4) Email hanyasaadawi2009@hotmail.com/ H.alsaadawi@aljreic.com

24 4) I declare under the penalty of perjury under the laws of the state of Nevada that the facts I  
25 have provided in my attached statement are true and correct.

26 Signed at (city and State): Makkah, Saudi Arabia

Date

11/8/2020

27 Signature





CERTIFIED TRANSLATION



ترجمة معتمدة

Taha Mohammed Al-Edreesi For Translation

مكتب طه محمد الحسن الإدريسي للترجمة

C.R 4030279920

س.ت: ٤٠٣٠٢٧٩٩٢٠

License No.:720

ترخيص رقم: ٧٢٠

Chamber of Commerce Membership No.: 228194

رقم عضوية الغرفة التجارية ٢٢٨١٩٤

## عالم الترجمة الاحترافية

### CERTIFICATION

Dr. Taha Al-Edresi Certified-Translation Office in Jeddah, Kingdom of Saudi Arabia hereby does certify that the attached Document /s is/are a true and Complete Translation for the original Text without any responsibility for the contents thereof.

### شهادة

بهذا يشهد مكتب د. طه محمد الحسن الإدريسي للترجمة المعتمدة بجدة، المملكة العربية السعودية أن الوثيقة / الوثائق المرفقة هنا هي ترجمة صحيحة وكاملة للنص الأصلي- المرفق صورة منه مع الترجمة- دون أدنى مسؤولية عن محتوياتها.

Dr. Taha Mohammed Al-Edreesi

د. طه محمد الإدريسي

المدير العام



جدة - شارع الستين - مقابل أسواق بن داوود - جوال ٠٥٤٩٥٧٤٨١٤ - المملكة العربية السعودية

Jeddah - Sitteen St. - Opp. Bin Dawood Markets - Mobile 0549574814 - Kingdom of Saudi Arabia

E-mail : [tarjama.world@gmail.com](mailto:tarjama.world@gmail.com)

Volume VII

AA000819



Procedures of Divorce, Abdicative Divorce, Custody, and Visitation in Accordance with the Laws and Regulations Applicable and Followed in the Kingdom of Saudi Arabia:

Arabia:

First: - Subject of Divorce and Abdicative Divorce:

- Based on article (240) of Legal Procedures Code and out of what is emphasized by article (10) of Basic Statute by the State with strengthening family bonds, whereas family is the basic core of society and emphasizing what is stated by article (15) of Child Protection Law issued in the year of 1436 H., which illustrated the parents' responsibility towards their children, whereas the laws and regulations have ensured that the child shall and must enjoy his rights and decreed its protection and the most significant of which are: child right to live and grow up among united family, his right to live a decent life, in addition to his right in education and proper health care, etc... Due to the significance of working on governing the procedures, which ensure preserving the family and strengthening its bonds and out of willingness to regulate the procedures of treating quarrel between spouses, which will contribute in preserving the marital life and restoring it as the case may be. The family status will be treated upon separation between the spouse by working on minimizing the effect of separation of spouses on children and their rights and obligations towards them. These procedures shall support and be in the best interest of children, without deeming them as a party in any dispute arising between the spouses, whereas article (33/16) of regulations of code of procedures came as a complementary part to the procedures taken in regard of reconciliation dated: 29/11/1440 H., article (33/16) of the implementing regulations of code of procedures aimed at the establishment of specific procedures for applications of separation cases between spouses with all conditions, whether with divorce, abdicative divorce, or through the termination of contract of marriage and whether the applicant was the husband or the wife (without discrimination between the spouses), with what ensures pursuing the continuance of the marital relation. In case that was not possible, these procedures ensure regulating the family status after separation, if there were children and then the spouses shall be referred to the reconciliation committee (experts) whether directly or via electronic





means, in order to pursue reconciliation first and restore the marital bond between them and treating quarrel reasons, if possible. Therefore, details of article (33/16) mentioned hereinabove have stated the following: if any of the spouses filed for divorce or abdicative divorce or termination of contract of marriage (marital relation between them) and they had a child, the Court shall take the following actions:

1. Referral of the application or case – as the case may be – to the reconciliation center (experts), whereas reconciliations process shall be initiated in the presence of spouses within a period not exceeding 20 days from the submission date and in case the spouses have reconciled, the reconciliation shall be recorded in a report and this report shall be deemed as an executive bond.
2. If reconciliation processes between the spouses was a failure, a reconciliation process regarding custody, visitation, and alimony cases shall be put forth and if this process was a success, then that shall be recorded in a report of the reconciliation agreement (experts) and it shall be deemed as an executive bond. The application of proof of divorce or abdicative divorce shall be referred to the department concerned in the court to register it.
3. The cases, in which the spouses failed to reconcile, shall be referred to the concerned court in order to oversee it.
4. The competent department in Court of Personal Status shall – in any event – settle the cases of alimony, custody, and visitation within a period not exceeding 30 days from the date of first session.

**Second: Custody: Order of Custody Entitlement of Family Regarding Children in Accordance with the Laws and Regulations in the Kingdom of Saudi Arabia:**

1. Both the father and mother are entitled to custody as long as they are married.
2. The mother in event of separation (divorce).
3. Mother's mother (grandmother).
4. Father.





The competent courts oversee the subject of children custody by pursuing the best interest of the child in custody, without discrimination between the spouses, so whenever the mother is more suitable than the father for the child in custody, then she shall have the custody, whereas the period necessary for children custody is until age of discretion, whereas the Court of Personal Status shall be the competent authority in regard of regulating and arranging the custody procedures between spouses to ensure the best interest of the child. Enforcing courts works on the executions of decisions and judgements after its issue directly and immediately. The laws and regulations demands that the person who enjoy the custody right to be well behaved, honorable, fair and morally conscious. The laws and regulations in the Kingdom of Saudi Arabia have sided with the mother in the subject of child custody in the event that she possesses the conditions required for custody and that by placing her first in order in custody, in addition to immediately finalizing the procedures of custody cases.

### **Third: Domestic Violence and Abuse:**

The Kingdom of Saudi Arabia has regulated the matters related to domestic violence and abuse through law of protection from harm issued in 1435 H. and the society committee in Saudi Ministry of Social Affairs is competent on the issues of domestic violence and abuse and police stations provide support it in these matters, **whereas the Law has defined harm as follows:** all forms of abuse or physical, psychological, or sexual mistreatment or threatening therewith, committed by a person towards another and thereby crossing the borders of his guardianship, power , responsibility, or because of family relation, support, foster, guardianship, or subsistence relation. Saudi Ministry of Social Affairs provides family and social guidance and counselling for the case parties carried out by competent committees, in addition to calling relatives and family to reconcile points of views and settle disagreements, in order to end up with providing the sufficient protection necessary to whoever was exposed to abuse and if it turned out that person who was exposed to abuse is at risk, then the Ministry informs the Administrative Courts and concerned authorities to ensure the safety of the person who was exposed to abuse, including transferring the person who was a subject of abuse to a proper residence until the danger passes. The law of protection from harm has decreed an imprisonment





penalty for a period not less than a month and not exceeding a year and with a fine not less than 5000 thousand and not exceeding 50000 thousand or either of these penalties against the person who commits an action that constitutes an abuse crime, while taking into account more severe penalties decreed by other laws.

The Kingdom of Saudi Arabia has also governed the cases of domestic violence and abuse in accordance with what is decreed by laws and regulation of Human Rights Organization, the Kingdom has also issued Saudi Child Protection Law.

Therefore, the applicable laws and regulations in the Kingdom of Saudi Arabia have preserved, paid the attention necessary, and regulated the interest of spouses individually in regard of divorce and abdicative issues. It also has regulated the custody, child protection, alimony, and visitation issues in a fair and legislated manner to ensure that family and child rights are preserved, without and race or gender discrimination between spouses.

Prepared by / Lawyer

Hany Youssef Abdul-Ati Al Saadawy

Ministry of Justice License No. 38719

Issued on date of: 22/07/2020.



## إجراءات الطلاق والخلع والحضانة والزيارة حسب القوانين والأنظمة المعتمدة والمتبعة بالمملكة العربية السعودية

### أولاً: موضوع الطلاق والخلع:

• بناءً على المادة (240) من نظام المرافعات وإنطلاقاً على ما أكدته المادة (10) من النظام الأساسي للحكم من غناية الدولة بتوثيق أواصر الأسرة باعتبارها نواة المجتمع ، وتأكيداً على ما نصت عليه المادة (15) من نظام حماية الطفل الصادر عام 1436هـ والتي أوضحت على مسؤولية الوالدين تجاه أطفالهم ، وباعتبار أن الأنظمة والقوانين كفلت للطفل تمتعه بحقوقه ، وأوجبت حمايتها والتي من أهمها: حق الطفل في العيش في كنف أسرة متماسكة ، وحقه في الحياة الكريمة ، وحصوله على التعليم ، وحقه في الرعاية الصحية ..... الخ.

ولأهمية العمل على تنظيم الإجراءات التي تكفل الحفاظ على الأسرة وتوثيق أواصرها ورغبة في تنظيم إجراءات معالجة حالات الخصام بين الزوجين ، بما يسهم في إبقاء العلاقة الزوجية أو إعادتها بحسب الأحوال ، وينظم حال الأسرة عند وقوع الفرقة بين الزوجين ، بالأثر تؤثر فرقة الزوجين على الأولاد وحقوقهم والتزامات الوالدين تجاههم ، وأن تكون هذه الإجراءات داعمة ومحققة لمصالح الأولاد ، دون اعتبارهم طرفاً في أي خلاف ينشأ بين الزوجين ، فقد جاءت المادة (16/33) من اللوائح التنفيذية لنظام المرافعات متممة للإجراءات المتخذة بشأن المصالحة بتاريخ: 1440/11/29هـ ، وقد هدفت المادة (16/33) من اللوائح التنفيذية لنظام المرافعات لوضع إجراءات محددة لطلبات دعاوى الفرقة بين الزوجين بجميع أحوالها سواء بالطلاق أو الخلع ، أو من خلال فسخ النكاح ، وسواء كان المتقدم بالطلب الزوج أو الزوجة (لم تميز بين الزوجين) ، بما يحقق السعي إلى استمرار العلاقة الزوجية ، وفي حال تعذر ذلك ، فتكفل هذه الإجراءات تنظيم حال الأسرة بعد الفرقة إن كان بين الزوجين أطفال ، فقد أوجبت على الزوجين إحالتهم للجنة المصالحة (الخبرة) بشكل مباشر أو عبر الوسائل الإلكترونية للسعي من خلاله للوصول للمصلح أولاً ولحفظ أو إعادة الرابطة الزوجية بينهما ومعالجة أسباب الخلاف إن أمكن وعليه فقد نصت تفاصيل المادة (16/33) المحددة أعلاه على ما يلي: إذا تقدم أي من الزوجين بطلب الطلاق أو الخلع ، أو دعوى فسخ النكاح (العلاقة الزوجية بينهم) وكان بينهما ولد ، فتنفذ المحكمة الإجراءات التالية:

1. إحالة الطلب أو الدعوى بحسب الأحوال لمركز المصالحة (الخبرة) ، ويعرض الصلح بحضور الزوجين في مدة لا تزيد عن 20 يوم من تاريخ التقديم ، وفي حال اصطلاح الزوجان فثبت الصلح بحضور ، ويعد سنداً تنفيذياً.
2. إذا تعذر الصلح باستمرار الزوجية ، فيعرض الصلح عليهما في قضايا الحضانة والزيارة والنفقة ، فإن اصطالحاً ، يثبت ذلك بحضور اتفاقية مصالحة (الخبرة) ، وتعد سنداً تنفيذياً ، وبحال طلب إثبات الطلاق أو الخلع إلى الدائرة المعنية بالمحكمة لإثباته.
3. تحال القضايا التي لم يصطلح الزوجان عليها إلى الدائرة المعنية بالمحكمة لنظرها.
4. تفصل الدائرة المختصة بمحكمة الأحوال الشخصية في جميع الأحوال في دعاوى النفقة والحضانة والزيارة في مدة لا تتجاوز 30 يوم من تاريخ الجلسة الأولى.

### ثانياً: الحضانة: ترتيب أحقية الحضانة بالنسبة للأسرة في الأطفال حسب الأنظمة والقوانين بالمملكة العربية السعودية:

1. تكون الحضانة للأب والأم طالما كانا مرتبطين (متزوجين).
2. الأم بحال الفراق (الطلاق).
3. أم الأم (الجدة).
4. الأب.





تنظر المحاكم المختصة في موضوع حضارة الأطفال بحسب الأصلح للمحزون دون أي تمييز بين الزوجين , فمقي كانت الأم أصلح للمحزون من الأب كانت الحضارة لها , وأن المدة اللازمة لحضارة الأطفال حتى بلوغ سن التمييز , وتختص محاكم الأحوال الشخصية بتنظيم وترتيب إجراءات الحضارة بين الزوجين بما يضمن مصلحة الطفل أولاً , وتعمل محاكم التنفيذ على تنفيذ القرارات والأحكام بعد صدورهما بشكل فوري ومباشر , وتستلزم القوانين والأنظمة تمتع من له حق الحضارة بالسلوك الحسن والأخلاق الطيبة والعدالة , وقد أنصفت القوانين والأنظمة بالمملكة العربية السعودية الأم في موضوع حضارة الطفل بحال تمتعها بالشروط المطلوبة للحضارة وذلك بوضها بصدارة الترتيب في الحضارة وبسرعة إنهاء إجراءات الدعاوى الخاصة بالحضارة.

### ثالثاً: العنف والاستغلال الأسري:

نظمت المملكة العربية السعودية الأمور المتعلقة بالعنف والإيذاء الأسري من خلال نظام الحماية من الإيذاء الصادر عام 1434هـ , وتختص لجنة المجتمع بوزارة الشؤون الاجتماعية بأمور التعنيف الأسري والإيذاء وتقوم مراكز الشرطة بمساعدتها , وقد عرف النظام الإيذاء بما يلي: أنه كل شكل من أشكال الاستغلال , أو إساءة المعاملة الجسدية أو النفسية أو الجنسية أو التهديد به , يرتكبه شخص تجاه شخص آخر , متجاوزاً بذلك حدود ماله من من ولاية عليه أو سلطة أو مسؤولية أو بسبب ما يربطهما من علاقة أسرية أو علاقة إعالة أو كفالة أو وصاية أو معيشية , وتوفر وزارة الشؤون الاجتماعية التوجيه والإرشاد الأسري والاجتماعي لأطراف الحالة عن طريق لجان مختصة , واستدعاء الأقارب والأهل لتقريب وجهات النظر وحل الخلافات , وصولاً لتوفير الحماية اللازمة والكافية لمن تعرض للإيذاء , وإذا تبين وجود خطورة على من تعرض للإيذاء تقوم الوزارة بإبلاغ الحاكم الإداري والجهات الأمنية المعنية لضمان سلامة من تعرض للإيذاء بما في ذلك نقل من تعرض للإيذاء إلى مكان الإيواء المناسب حتى يزول الخطر , وقد قرر نظام الحماية من الإيذاء بعقوبة السجن لمدة لا تقل عن شهر ولا تزيد عن سنة وبغرامة لا تقل عن 5000 آلاف ولا تزيد عن 50000 ألف أو بأحد هاتين العقوبتين كل من ارتكب فعلاً شكل جريمة من أفعال الإيذاء , مع مراعاة العقوبات الأشد المقررة بالقوانين الأخرى.

كما نظمت المملكة العربية السعودية حالات العنف والإيذاء الأسري وفق ما تقتضي به أنظمة وقوانين منظمة حقوق الإنسان , كما أصدرت المملكة العربية السعودية نظام حماية الطفل السعودي.

وعليه فإن القوانين والأنظمة المتبعة بالمملكة العربية السعودية , قد حفظت وراعت ونظمت مصلحة الزوجين كلاً على حدا , بأمور الطلاق والخلع وكذلك نظمت أمور الحضارة وحماية الطفل والنفقة والزيارة , بشكل عادل ومقتن , بما يحفظ حقوق الأسرة والطفل دون أي تمييز عنصري أو جنسي بين الزوجين.

إعداد/ المحامي

هاني يوسف عبدالعاطي السعداوي

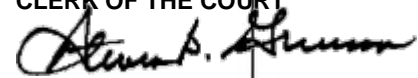
ترخيص وزارة العدل رقم: 38719

حرر بتاريخ: 2020/07/22م.



79

79



RPLY  
APRIL S. GREEN, ESQ.  
Nevada Bar No.: 8340C  
BARBARA E. BUCKLEY, ESQ.  
Nevada Bar No: 3918  
LEGAL AID CENTER OF SOUTHERN NEVADA, INC.  
725 E. 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, )  
) Case No.: D-20-606093-D  
Plaintiff, ) Dept. No.: H  
)  
vs. )  
) Date of Hearing: 1-11-2022  
MOHAMAD ABULHAKIM ALHUIBI, ) Time of Hearing: 11:00 a.m.  
)  
Defendant. ) Oral Argument Request: Yes

**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**

COMES NOW Plaintiff, AHED SAID SENJAB, by and through counsel,  
APRIL S. GREEN, ESQ., of LEGAL AID CENTER OF SOUTHERN NEVADA,  
INC. and hereby files this 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. This  
Motion is made pursuant to NRS 125C.0035, NRS 125B.070, NRS 125B.080, the  
Memorandum of Points and Authorities in Support of the Motion, the Affidavit of

1 AHED SAID SENJAB and any oral arguments allowed at the time of the hearing.  
2

3 DATED this 5<sup>th</sup> day of January, 2022.  
4

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

7  
8 By: 

9 **APRIL S. GREEN, ESQ.**

10 Nevada State Bar No.: 8340C

11 **BARBARA E. BUCKLEY, ESQ.**

12 Nevada Bar No.: 3918

13 725 E. Charleston Blvd.

14 Las Vegas, Nevada 89104

15 (702) 386-1070, Ext. 1415

16 [asgreen@lacsnsn.org](mailto:asgreen@lacsnsn.org)

17 Attorneys for Plaintiff  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **A. Temporary Primary Physical Custody to AHED is Warranted due to**  
4 **Domestic Violence, Among Other Things.**

5 Plaintiff, AHED SAID SENJAB (“AHED,” Applicant or Plaintiff), and  
6 Defendant, MOHAMAD ALHULAIBI (“MOHAMAD,” Adverse Party or  
7 Defendant) lived in Saudi Arabia. The parties were married on February 17, 2018  
8 in the Country of Saudi Arabia although AHED is from Syria. The parties have one  
9 (1) minor child, RYAN MOHAMAD ALHULAIBI (“RYAN”), born February 16,  
10 2019. Since January, 2020, they have all lived in Nevada.

11 MOHAMAD opposed AHED’s motion for temporary custody orders yet  
12 filed a countermotion for primary physical custody of RYAN. Try as he may to  
13 minimize domestic violence against AHED in this case, MOHAMAD cannot deny  
14 the criminal case for DV battery against him nor the ramifications of the extended  
15 protection order against him. Even if he completed his conditions or  
16 “punishments” in connection with the criminal case triggering dismissal of the  
17 case, it does not prevent this Court from making finding that he committed  
18 domestic violence against AHED by clear and convincing evidence based upon  
19 credible testimony and other factors such as the cases and findings against him.  
20 Furthermore, the Court should disregard MOHAMAD attempts to re-litigate the  
21 facts underlying his criminal charges and the extended TPO as though there were  
22 no basis for the Courts to determine that domestic violence occurred against  
23 AHED at his hands. His purported defenses were not convincing then and they are  
24 not convincing now.

25 MOHAMAD, in an effort to deflect away from domestic violence against  
26 AHED, is now erroneously asserting that AHED “hits” RYAN without any  
27 personal knowledge or evidence of any kind. Also, he seeks to take advantage of a  
28 situation he created by criticizing AHED and RYAN for living in a domestic

1 violence shelter when he is the one who put them there. It appears he takes no  
2 personal responsibility for the harm he caused. The best interest of the child  
3 presumption flips from joint to sole or primary physical custody to the non-  
4 offending parent when the other parent commits domestic violence. Nev. Rev. Stat.  
5 Ann. § 125C.0035(5); *Hayes v. Gallacher*, 115 Nev. 1, 7 (1999).

6 **B. The Court Should Deny MOHAMAD's Request for Temporary Primary**  
7 **Physical Custody.**

8 Because of MOHAMAD's inability to contain his temper and because of his  
9 violence against AHED, among other things, AHED opposes MOHAMAD's  
10 baseless request for temporary primary physical custody. AHED is also concerned  
11 because she believes MOHAMAD is programming young RYAN against her by  
12 having the child repeat negative phrases or to have a negative reaction to seeing  
13 her. She believes he is showing RYAN rigged tapes to manipulate the child's  
14 response to her. AHED'S observations of RYAN's peculiar and recent behaviors  
15 has her very concerned and she knows that whatever is going on with RYAN is not  
16 in his best interest. She believes more than ever that MOHAMMAD's time with  
17 the child should be reduced to Friday (instead of Thursday) to Sunday rather than  
18 expanded until the Court hears evidence in this case. Of course, she prefers  
19 supervised visits to MOHAMAD until Trial, but even reduced visitation may be in  
20 the child's best interest.

21 Contrary to MOHAMAD'S assertions, AHED indicates that she shares  
22 information with MOHAMAD as required but he has not given her information  
23 about day care services he uses.

24 As suspected, MOHAMAD is working as an intern after claiming to be  
25 unemployed. He should be paying basic child support so that AHED has some  
26 money while she awaits an opportunity to work.

27 ///

28 ///



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  
26  
27  
28

**II.**  
**CONCLUSION**

WHEREFORE, based on the foregoing, Plaintiff, AHED SAID SENJAB, respectfully requests that this Court issue an Order as follows:

1. That AHED be awarded temporary primary physical custody of the parties' minor child, RYAN MOHAMAD ALHULAIBI.

2. That AHED be awarded the requested custodial timeshare with RYAN MOHAMAD ALHULAIBI.

3. That MOHAMED pay temporary child support in the amount of 18% of his gross monthly expenses and share in their child's healthcare costs; and

4. For such other relief as the Court deems just and equitable.

Dated this 5<sup>th</sup> day of January, 2022.

Respectfully Submitted,  
**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 E. Charleston Blvd.

Las Vegas, Nevada 89104

(702) 386-1070, Ext. 1415

[asgreen@lacsnsn.org](mailto:asgreen@lacsnsn.org)

Attorneys for Plaintiff

DECLARATION OF AHED SAID SENJAB

I, Ahed Said Senjab, do solemnly swear under penalty of perjury, pursuant to NRS 53.045 that these assertions are true:

1. That I am the Plaintiff in the above-entitled action and have personal knowledge and am competent to testify concerning the facts herein.
2. That I have read the above and foregoing 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 and hereby testifies that the facts and statements contained thereon are true and correct to the best of my knowledge and belief also in support of her Countermotion for abduction prevention measures.
3. The factual averments contained in the preceding filing are incorporated herein as if set forth in full.

I declare under penalty of perjury by virtue of the laws of the State of Nevada (NRS § 53.045<sup>1</sup> and 28 § U.S.C. 1746<sup>2</sup>), that the foregoing is true and correct. I have authorized my electronic signature pursuant to Administrative Order 20-10<sup>3</sup> attached as Exhibit 1.

Executed this 5<sup>th</sup> day of January, 2022.

By: Ahed Senjab

<sup>1</sup> Use of unsworn declaration in lieu of affidavit or other sworn declaration; exception. Any matter whose existence or truth may be established by an affidavit or other sworn declaration may be established with the same effect by an unsworn declaration of its existence or truth signed by the declarant under penalty of perjury, and dated, in substantially the following form:

1. If executed in this State: "I declare under penalty of perjury that the foregoing is true and correct."

Executed on.....  
(date)

(signature)

2. Except as otherwise provided in NRS 53.250 to 53.390, inclusive, if executed outside this State: "I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct."

Executed on.....  
(date)

(signature)

<sup>2</sup> Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form: (1) If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)". (2) If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)".

<sup>3</sup> V. Original Signature Requirements. With the exception of documents requiring the signature of a notary, all requirements for original signatures are suspended. All documents filed with the court may be electronically signed as provided in Nevada Electronic Filing and Conversion Rules, Rules 11(a). All documents requiring the signature of another person may be electronically signed without original signatures; however, the party submitting the document must obtain email verification of the other person's agreement to sign electronically and submit the email with the signed documents.

MOFI

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

AHED SAID SENJAB

Plaintiff/Petitioner

v.

MOHAMAD ALHULAIBI

Defendant/Respondent

Case No. D-20-606093-D

Dept. H

**MOTION/OPPOSITION  
FEE INFORMATION SHEET**

**Notice:** Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of \$25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

**Step 1.** Select either the \$25 or \$0 filing fee in the box below.

- ☐ **\$25** The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.
- OR-
- ☒ **\$0** The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:
- ☒ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
- ☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
- ☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on \_\_\_\_\_.
- ☐ Other Excluded Motion (must specify) \_\_\_\_\_.

**Step 2.** Select the \$0, \$129 or \$57 filing fee in the box below.

- ☒ **\$0** The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:
- ☒ The Motion/Opposition is being filed in a case that was not initiated by joint petition.
- ☐ The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.
- OR-
- ☐ **\$129** The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order.
- OR-
- ☐ **\$57** The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129.

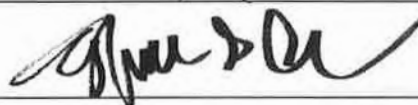
**Step 3.** Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:

☒ **\$0** ☐ **\$25** ☐ **\$57** ☐ **\$82** ☐ **\$129** ☐ **\$154**

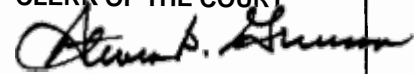
Party filing Motion/Opposition: APRIL S. GREEN, ESQ. Date 01/05/2022

Signature of Party or Preparer



80

80



1 **NEO**  
2 **APRIL GREEN, ESQ.**  
3 Nevada Bar No.: 8340C  
4 **BARBARA E. BUCKLEY, ESQ.**  
5 Nevada Bar No.: 3918  
6 **LEGAL AID CENTER OF SOUTHERN NEVADA, INC.**  
7 725 E. Charleston Blvd.  
8 Las Vegas, NV 89104  
9 (702) 386-1415 Direct/Fax  
10 (702) 386-1070 ext. 1415  
11 [asgreen@lacs.org](mailto:asgreen@lacs.org)  
12 Attorneys for Plaintiff

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

16 **AHED SAID SENJAB,**

17 Plaintiff,

18 vs.

19 **MOHAMED ALHULAIBI,**

20 Defendant.

Case No.: D-20-606093-D

Dept. No.: H

21 **NOTICE OF ENTRY OF DECISION**  
22 **AND ORDER OF SUPREME COURT**

23 **PLEASE TAKE NOTICE** that an ORDER DISMISSING APPEALS was duly entered  
24 in the above-entitled matter on the 6<sup>th</sup> day of January, 2022. A copy of said Order Dismissing  
25 Appeals is attached hereto.

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

28 By: 

**APRIL GREEN, ESQ.**  
Nevada Bar No.: 8340C  
**BARBARA E. BUCKLEY, ESQ.**  
Nevada Bar No.: 3918  
725 E. Charleston Blvd.  
Las Vegas, NV 89104  
(702) 386-1415 Direct/Fax  
(702) 386-1070 ext. 1415  
[asgreen@lacs.org](mailto:asgreen@lacs.org)  
Attorney for Plaintiff

IN THE SUPREME COURT OF THE STATE OF NEVADA

MOHAMAD ABULHAKIM ALHULAIBI,  
Appellant,

vs.

AHED SAID SENJAB,  
Respondent.

MOHAMAD ABULHAKIM ALHULAIBI,  
Appellant,

vs.

AHED SAID SENJAB,  
Respondent.

No. 82114

No. 82121 **FILED**

JAN 06 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

**ORDER DISMISSING APPEALS**

These are appeals from several postjudgment orders involving relocation and modification of custody of the minor child. Eighth Judicial District Court, Family Court Division, Clark County; T. Arthur Ritchie, Jr., Judge.

As appellant describes them, these appeals are from proceedings seeking a "return order" to Saudi Arabia for the minor child, and a warrant for the pickup of the minor child. The district court denied both motions without considering the substantive merits on the ground that because it had dismissed the entire divorce case for lack of jurisdiction, it had no jurisdiction to entertain any such requests for relief. Pursuant to appellant's request, this court suspended the proceedings in these appeals pending the court's disposition in Docket No. 81515. On October 21, 2021, this court issued an opinion holding that the district court has subject matter jurisdiction over the underlying litigation and reversing and remanding to the district court for further proceedings. *Senjab v. Alhulaibi*, 137 Nev. Adv. Op. 64, \_\_\_ P.3d \_\_\_ (2021). In the parties' second joint status report, the parties confirm that the district court has set briefing and

hearing schedules to address the issues raised in these appeals. Further, the parties submit that these appeals should be dismissed. As it appears that the orders appealed from are not the district court's final dispositions on the issues, these appeals are premature. NRAP 3A. Accordingly, this court

**ORDERS these appeals DISMISSED.**

*Silver*, J.  
Silver

*Cadish*, J.  
Cadish

*Pickering*, J.  
Pickering

cc: Hon. T. Arthur Ritchie, Jr., District Judge, Family Court Division  
Markman Law  
Legal Aid Center of Southern Nevada, Inc.  
Willick Law Group  
Eighth District Court Clerk

81

81



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

January 11, 2022

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

**January 11, 2022      10:00 AM      All Pending Motions**

**HEARD BY:** Ritchie, T. Arthur, Jr.**COURTROOM:** RJC Courtroom 03G**COURT CLERK:** Tristy L. Cox**PARTIES:**

Ahed Senjab, Plaintiff, present

April Green, Attorney, present

Mohamad Alhulaibi, Defendant, present

David Markman, Attorney, present

Ryan Alhulaibi, Subject Minor, not present

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

- PLAINTIFF'S MOTION FOR TEMPORARY CUSTODY, VISITATION, AND CHILD SUPPORT...OPPOSITION TO PLAINTIFF'S MOTION FOR TEMPORARY CUSTODY, VISITATION, AND CHILD SUPPORT AND COUNTERMOTION FOR PRIMARY PHYSICAL CUSTODY...DEFENDANT'S MOTION TO DISMISS CHILD CUSTODY CLAIMS...OPPOSITION TO DEFENDANT'S MOTION TO DISMISS CHILD CUSTODY CLAIMS AND COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS...DEFENDANT'S REPLY IN SUPPORT OF MOTION TO DISMISS CHILD CUSTODY CLAIMS

Attorney Marshal Willick, bar #2515, and Attorney Richard Crane, bar #9536, were both present as appellate counsel for Plaintiff. Justin Johnson, Paralegal, was also present. In the interest of public safety due to the Coronavirus pandemic, all parties present appeared via video conference through the BlueJeans application.

The Court reviewed the case and jurisdictional issues. MATTER TRAILED for a Court Interpreter.

PRINT DATE:	01/19/2022	Page 1 of 2	Minutes Date:	January 11, 2022
-------------	------------	-------------	---------------	------------------

**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

MATTER RECALLED. Court Interpreter, Saad Musa, was present to assist Plaintiff via video conference on BlueJeans. All other parties were still present. The Court stated as the hearing began prior to the Court Interpreter being present, after the hearing concludes, the Interpreter shall interpret the first part of the hearing Plaintiff missed after the hearing concludes.

Discussion and argument regarding the home state of the child and jurisdiction for the purpose of adjudicating custody. Discussion regarding temporary custody orders remaining in place.

COURT stated its FINDINGS and ORDERED the following:

The MOTION to DISMISS is DENIED without prejudice. There is a factual dispute that needs to be resolved to determine if there is adequate cause for an Evidentiary Hearing. Plaintiff has the burden to prove the laws in Saudi Arabia violate fundamental human rights for the Court to dismiss Saudi Arabia as the home state.

The Court is not issuing any CUSTODY ORDERS pending adjudication of the motion.

Status Check HEARING SET on March 7, 2022 at 10:00 AM regarding an Evidentiary Hearing setting.

Ms. Green or Mr. Willick shall PREPARE an Order from today's hearing that incorporates the dialogue and the Court's specific findings. Mr. Markman shall review and sign off. Once the Order has been filed, Defendant shall FILE an ANSWER.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

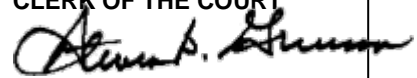
March 07, 2022 10:00 AM Status Check  
Ritchie, T. Arthur, Jr.  
RJC Courtroom 03G

PRINT DATE:	01/19/2022	Page 2 of 2	Minutes Date:	January 11, 2022
-------------	------------	-------------	---------------	------------------

**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

82

82



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

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

AHED SENJAB,	)		
	)		
Plaintiff,	)	Case No:	D-20-606093-D
	)		
vs.	)	Dept. No.	H
	)		
MOHAMAD ABULHAKIM 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 January 11, 2022, the attached Request for Transcript Estimate  
was emailed to Transcript Video Services at [videoa@clarkcountycourts.us](mailto:videoa@clarkcountycourts.us).

On January 13, 2022 an Estimated Cost of Transcript was received from Transcript  
Video Services, attached hereto.

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 13<sup>th</sup> day of January, 2022.  
4

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

7 By: 

8 **APRIL GREEN, ESQ.**

Nevada Bar No.: 8340C

9 **BARBARA E. BUCKLEY, ESQ.**

Nevada Bar No.: 3918

10 725 E. Charleston Blvd.

Las Vegas, NV 89104

11 (702) 386-1415 Direct/Fax

(702) 386-1070 ext. 1415

12 [asgreen@lacsns.org](mailto:asgreen@lacsns.org)

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

# REQUEST FOR TRANSCRIPT ESTIMATE

Today's Date 1/11/22

Requests for all JUVENILE transcripts require an EX-PARTE MOTION form that has been signed by the departmental Judge and filed at the Clerk's Office. Serve a copy on the Transcript Video Service office.

Entire Transcript ✓

or Partial Transcript \_\_\_\_\_

(Start time: \_\_\_\_\_ Stop Time: \_\_\_\_\_)

\* Please list any additional partial times on the reverse of this sheet and note it here.

Personal Use \_\_\_\_\_

or \*Appeal to the Supreme Court? \_\_\_\_\_

\*Supreme Court Case Number \_\_\_\_\_

\*Are child custody issues involved in this appeal? \_\_\_\_\_

**NOTE:** This form does NOT replace the *Formal Request For Transcript* per NRAP 9. To meet time constraints, Transcript Video Services must be served a copy of the *Formal Request For Transcript* that has been **FILED** by the Supreme Court promptly.

\* Per NRAP 9(b)(1)- Appellant shall furnish counsel for each party appearing separately a copy of the transcript. Any costs associated with the preparation and delivery of the transcript shall be paid initially by the appellant, unless otherwise ordered.

Number of copies you are ordering: 1

(\$3.55 per page, per NRS. 3.370 - 1 copy and 1 original)

(\$4.10 per page, per NRS. 3.370 - 2 copies and 1 original)

(\$4.65 per page, per NRS. 3.370 - 3 copies and 1 original)

- All originals are placed in the case file; all copies to ordering party.

Date(s) of Hearing(s) 1/11/22

Case No: D-20-606093-D Dept. 14 Judge Ritchie

Case Name: Ahed SENJAB vs Mohamed ALHULAIBI

**Transcript Video Services makes every effort to produce transcripts in an expedient manner. However, due to the volume of requests received, there may be a delay in processing your request.**

TRANSCRIPT(S) NEEDED BY DATE OF: ASAP

NAME (Please write legibly): April Green Esq -LEGAL AID CENTER of So. NV

ADDRESS: 725 E. Charleston Blvd.

CITY/STATE: Las Vegas NV ZIP: 89104

PHONE: (702) 386-1415 FAX: (702) 386-1415

EMAIL ADDRESS: asgreen@lacsno.org

SIGNATURE: 

This is only an estimate. Upon completion of transcript(s), a balance may be due or you may receive a partial refund of your deposit.  
Eighth Judicial District Court - Family Division - Transcript Video Services  
EMAIL TO: VideoRequests@ClarkCountyCourts.US Phone 702-455-4977

FILED

JAN 13 2022

*Sherry Justice*  
CLERK OF COURT

EOT

COPY

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

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

ESTIMATED COST of TRANSCRIPT(S)

The office of Transcript Video Services received a request for transcripts estimate from April Green, Esq., Legal Aid Center of Southern Nevada, on January 12, 2022, for the following proceedings in the above-captioned case:

JANUARY 11, 2022

for original transcript and one copy.

The estimated (reduced rate, NRS 3.370) cost of the transcripts is \$155.00. Payment in the amount of **\$155.00** payable to **Clerk of Court**, must be presented to the Transcript Video Services Office prior to work commencing on the transcripts. The clerk accepts **cashier's check, money order, MasterCard/Visa or exact cash.**

DATED this 13th day of January, 2022.

*Sherry Justice*  
SHERRY JUSTICE, Court Recorder/Transcriber  
Transcript Video Services

Transcript ESTIMATE amount of \$ \_\_\_\_\_ Check# \_\_\_\_\_ CC \_\_\_\_\_ Cash \_\_\_\_\_ Clerk \_\_\_\_\_

Received this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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 NINETY DAYS ARE SUBJECT TO DISPOSAL WITHOUT REFUND.

COUNTY RETENTION POLICY APPROVED BY INTERNAL AUDIT.

CASE NO: D-20-606093-D  
Department: To be determined

**STATEMENT OF LEGAL AID REPRESENTATION  
AND FEE WAIVER (PURSUANT TO NRS 12.015)**

AA000842



83

83

1 **ORDR**  
2 **APRIL GREEN, ESQ.**  
3 Nevada Bar No.: 8340C  
4 **BARBARA E. BUCKLEY, ESQ.**  
5 Nevada Bar No.: 3918  
6 **LEGAL AID CENTER OF SOUTHERN NEVADA, INC.**  
7 725 E. Charleston Blvd.  
8 Las Vegas, NV 89104  
9 (702) 386-1415 Direct/Fax  
10 (702) 386-1070 ext. 1415  
11 [asgreen@lacsns.org](mailto:asgreen@lacsns.org)  
12 Attorneys for Plaintiff

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

9 AHED SENJAB, )  
10 )  
11 Plaintiff, ) Case No: D-20-606093-D  
12 )  
13 vs. ) Dept. No. H  
14 )  
15 MOHAMAD ABULHAKIM ALHULAIBI, )  
16 )  
17 Defendant. )  
18 )  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )

**ORDER WAIVING COST OF TRANSCRIPT OF PROCEEDINGS**

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

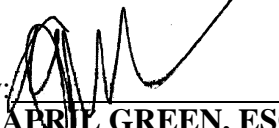
19 IT IS HEREBY ORDERED that pursuant to NRS 12.015(3) the Clerk of Court shall  
20 allow the preparation of the transcript for the January 11, 2022 hearing without charge.

Dated this 13th day of January, 2022

*T. Arthur Ritchie*

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

E49 67D 1950 7A7D  
T. Arthur Ritchie  
District Court Judge

26 By:   
27 **APRIL GREEN, ESQ.**  
28 Nevada Bar No.: 8340C  
**BARBARA E. BUCKLEY, ESQ.**  
Nevada Bar No.: 3918  
725 E. Charleston Blvd.

1 Las Vegas, NV 89104  
2 (702) 386-1415 Direct/Fax  
3 (702) 386-1070 ext. 1415  
4 [asgreen@lacs.n.org](mailto:asgreen@lacs.n.org)  
5 Attorneys for Plaintiff  
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: 1/13/2022

15 Reception Reception

email@willicklawgroup.com

16 Earlean Nelson-Deal

enelson-deal@lacsns.org

17 April Green, Esq.

asgreen@lacsns.org

18 Justin Johnson

Justin@willicklawgroup.com

19 Aileen Yeo

AYeo@lacsns.org

20 Richard Crane

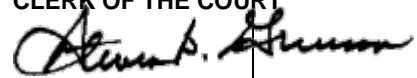
richard@willicklawgroup.com

21 David Markman

David@MarkmanLawfirm.com

84

84



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

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

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

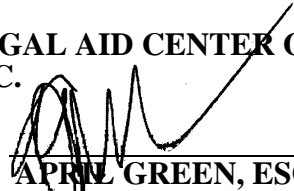
**NOTICE OF ENTRY OF ORDER**

TO: MOHAMAD ABULHAKIM ALHULAIBI, Defendant; and  
TO: DAVID MARKMAN, ESQ., Attorney for Defendant.

**PLEASE TAKE NOTICE** that an **ORDER WAIVING COST OF TRANSCRIPT OF PROCEEDINGS** was entered in the above-entitled action on the 13<sup>th</sup> day of January, 2022, a copy of which is attached hereto.

DATED this 13<sup>th</sup> day of January, 2022.

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

By:   
APRIL GREEN, ESQ.  
Nevada Bar No. 8340C  
BARBARA E. BUCKLEY, ESQ.  
Nevada Bar No. 3918  
725 E. Charleston Blvd.  
Las Vegas, NV 89104  
(702) 386-1415 Direct/Fax  
(702) 386-1070 ext. 1415  
[asgreen@lacs.org](mailto:asgreen@lacs.org)  
Attorneys for Plaintiff

85

85

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

MOHAMAD ABULHAKIM ALHULAIBI,  
Appellant,  
vs.  
AHED SAID SENJAB,  
Respondent.

MOHAMAD ABULHAKIM ALHULAIBI,  
Appellant,  
vs.  
AHED SAID SENJAB,  
Respondent.

Supreme Court No. 82114  
District Court Case No. D606093 ✓

**FILED**

FEB - 1 2022

*Elizabeth A. Brown*  
CLERK OF COURT  
Supreme Court No. 82121  
District Court Case No. T203688

**CLERK'S CERTIFICATE**

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

**JUDGMENT**

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDERS these appeals DISMISSED."

Judgment, as quoted above, entered this 6th day of January, 2022.

IN WITNESS WHEREOF, I have subscribed  
my name and affixed the seal of the Supreme  
Court at my Office in Carson City, Nevada this  
January 31, 2022.

Elizabeth A. Brown, Supreme Court Clerk

By: Andrew Lococo  
Deputy Clerk

D-20-606093-D  
CCJD  
NV Supreme Court Clerks Certificate/Judgm  
4980786





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

MOHAMAD ABULHAKIM ALHULAIBI,  
Appellant,  
vs.  
AHED SAID SENJAB,  
Respondent.

**Supreme Court No. 82114**  
District Court Case No. D606093

**Supreme Court No. 82121**  
District Court Case No. T203688

MOHAMAD ABULHAKIM ALHULAIBI,  
Appellant,  
vs.  
AHED SAID SENJAB,  
Respondent.

**REMITTITUR**

TO: Steven D. Grierson, Eighth District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.  
Receipt for Remittitur.

DATE: January 31, 2022

Elizabeth A. Brown, Clerk of Court

By: Andrew Lococo  
Deputy Clerk

cc (without enclosures):

Hon. T. Arthur Ritchie, Jr., District Judge  
Markman Law \ David A. Markman  
Legal Aid Center of Southern Nevada, Inc. \ April S. Green, Barbara E. Buckley  
Willick Law Group \ Marshal S. Willick

**RECEIPT FOR REMITTITUR**

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the  
REMITTITUR issued in the above-entitled cause, on FEB - 1 2022.

HEATHER UNGERMANN

Deputy District Court Clerk

RECEIVED  
APPEALS

FEB - 1 2022

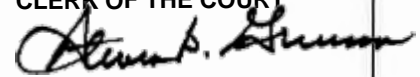
1

22-03082

CLERK OF THE COURT

86

86



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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

AHED SAID SENJAB,  
  
Plaintiff,

vs.

MOHAMED ALHULAIBI,  
  
Defendant.

Case No.: D-20-606093-D  
Dept. No: H

**DATE OF HEARING: 3/7/22**  
**TIME OF HEARING: 10:00 a.m.**

**PLAINTIFF'S SUPPLEMENT TO PLAINTIFF'S OPPOSITION TO**  
**"DEFENDANT'S**  
**MOTION TO DISMISS CHILD CUSTODY CLAIMS."**

Comes now, April Green, Esq. of the Legal Aid Center of Southern Nevada, Inc., counsel for Plaintiff, Ahed Said Senjab, and herein files this Plaintiff's Supplement to Plaintiff's Opposition to "Defendant's Motion to Dismiss Child Custody Claims." This Supplement is made in good faith and is supported by law and fact and is brought before the Court based upon the pleadings on file herein, Points and Authorities and the Declaration of Ahed Said Senjab, attached hereto and arguments as will be made by counsel at the duly noticed hearing.

DATED this 27<sup>th</sup> day of January, 2022.

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  
26  
27  
28

**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 E. Charleston Blvd.

Las Vegas, NV 89104

(702) 386-1415 Direct/Fax

(702) 386-1070 ext. 1415

[asgreen@lacsns.org](mailto:asgreen@lacsns.org)

Attorneys for Plaintiff

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I.**

**FACTS**

Plaintiff, AHED SAID SENJAB (“AHED” or Plaintiff), and Defendant, MOHAMAD ALHULAIBI (“Mohamad” or Defendant), are from Syria but lived in Saudi Arabia as temporary residents. The parties were married on February 17, 2018 in the Country of Saudi Arabia. The parties have one (1) minor child, RYAN MOHAMAD ALHULAIBI, born February 16, 2019. Mohamad moved to Las Vegas, Nevada, from Saudi Arabia in August 2018, and worked for UNLV as a tutor in a graduate program. Upon information and belief, he still works in that capacity. AHED and the parties’ minor child moved to Las Vegas in January, 2020, initially as dependents of Mohamad. The parties and RYAN were temporary residents of Saudi Arabia but their temporary Saudi Arabian residency status has expired. (“Ministry of Interior-Saudi Arabia/translated annexed hereto as Exhibit “1”). Moreover, the Saudi Arabian Visas of AHED, MOHAMAD and RYAN have expired. (“Ministry of Interior-Saudi Arabia/translated annexed hereto as Exhibit “2”) Additional facts relating to this Supplement are detailed in

1 preceding filings of AHED, which are incorporated here as though set fully forth  
2 herein.

## 3 4 II.

### 5 COURT PROCEEDINGS

6 A hearing was conducted on January 11, 2022 wherein the Court considered  
7 the “Defendant’s Motion to Dismiss Child Custody Claims” and the Plaintiff’s  
8 opposition thereto. At the hearing, the Court was apprised of the Supreme Court  
9 of the State of Nevada’s “Order Dismissing Appeals” filed on January 5, 2022 in  
10 Case No. 82114. The Supreme Court opined that, “As it appears that the orders  
11 appealed from are not the district court’s final dispositions on the issues, these  
12 appeals are premature. NRAP 3A. Accordingly, this court ORDERS these  
13 appeals DISMISSED.”

14 Further, on January 11, 2022, after discussion and argument, this Court  
15 determined that Nevada does not have jurisdiction over the minor child pursuant to  
16 NRS 125A.305(a). However, before making a determination that Saudi Arabia is  
17 the child’s “home state,” the Court decided to first conduct an Evidentiary Hearing  
18 on the issue of whether Saudi Arabian custody laws violate fundamental principles  
19 of human rights. The Court found “adequate cause” to conduct the evidentiary  
20 hearing on that question. The Court indicated that Plaintiff would have the burden  
21 to show that Saudi Arabian custody laws violate fundamental principles of human  
22 rights

23 A Status Check is set for March 7, 2022 at 10:00 a.m. for the parties and  
24 their attorneys to apprise the Court regarding the preferred time frame for the Trial  
25 given the necessity for expert and other witness disclosures.

26 However, since the January 11, 2022 hearing, AHED learned that the Saudi  
27 Arabian Visas of both parties and the minor child have expired. AHED’s Saudi  
28 Arabian Visa expired on January 1, 2021 and RYAN’S Saudi Arabian Visa

1 expired on February 22, 2021. Mohamad's Saudi Arabian Visa expired on  
2 February 1, 2022. Therefore, neither party nor the child has the right to return to  
3 Saudi Arabia where they once lived as temporary residents.

4 Moreover, on February 22, 2022, the Saudi Arabian temporary residency  
5 status of both AHED and RYAN expired.

### 6 III.

#### 7 POINTS AND AUTHORITIES

##### 8 **A. The Parties Nor the Subject Minor Child Have the Right to Return to** 9 **Saudi Arabia.**

10 New and supplemental information affecting the parties in this case indicate  
11 that neither party nor RYAN has the right to return to Saudi Arabia since their  
12 Visas and residency status have expired. Therefore, the question of whether Saudi  
13 Arabia could or should be considered RYAN's "home state" is moot.

14 Moreover, even if the residency status of the either party and/or RYAN  
15 were extended, it does not change the fact that their Saudi Arabian Visas have  
16 expired. Therefore, because the Visas have also expired, none of them can enter  
17 that country. Therefore, it would be futile for the Court to conduct a hearing on  
18 whether Saudi Arabian custody law violate fundamental principles of human  
19 rights because, whether it's true or not, none of them have the right to re-enter  
20 Saudi Arabia.

21 That being the case, the State of Nevada is the only place which could  
22 exercise jurisdiction over subject minor child, RYAN. RYAN has lived in Nevada  
23 since January, 2020, and has no right to re-enter Saudi Arabia. He is a national of  
24 Syria, but has not lived in that country since shortly after his birth.

25 Therefore, under the UCCJEA codified at NRS 125A.305(1)(d), Nevada  
26 may assert jurisdiction over the minor child.

27 The **Uniform Child Custody and Jurisdiction Enforcement Act**  
28 (UCCJEA) codified at NRS 125A.305, states in relevant part as follows:

1           1. Except as otherwise provided in NRS 125A.335, a court of  
2 this State has jurisdiction to make an initial child custody  
3 determination only if:

4           (a) This State is the home state of the child on the  
5 date of the commencement of the proceeding or  
6 was the home state of the child within 6 months  
7 before the commencement of the proceeding and  
8 the child is absent from this State but a parent or  
9 person acting as a parent continues to live in this  
10 State;

11           (b) A court of another state does not have  
12 jurisdiction pursuant to paragraph (a) or a court of  
13 the home state of the child has declined to exercise  
14 jurisdiction on the ground that this State is the  
15 more appropriate forum pursuant to NRS  
16 125A.365 or 125A.375 and:

17           (1) The child and the child's parents, or the  
18 child and at least one parent or a person acting  
19 as a parent, have a significant connection with  
20 the State other than mere physical presence;  
21 and

22           (2) Substantial evidence is available in this State  
23 concerning the child's care, protection, training and  
24 personal relationships;

25           (c) All courts having jurisdiction pursuant to  
26 paragraph (a) or (b) have declined to exercise  
27 jurisdiction on the ground that a court of this State is the  
28 more appropriate forum to determine the custody of the  
child pursuant to NRS 125A.365 or 125A.375; or

(d) No court of any other state would have  
jurisdiction pursuant to the criteria specified in  
paragraphs (a), (b) or (c).

**B. Nevada has Jurisdiction to Decide both Divorce and Custody.**

The Nevada Supreme Court in Case No. 81515 decided that "because the  
district court found that Senjab had been physically present in Nevada for at least  
six weeks before she filed her divorce complaint, we conclude that it had subject  
matter jurisdiction under NRS 125.020." Hence, Nevada has jurisdiction to

1 adjudicate the divorce of the parties. Nevada also has jurisdiction to decide  
2 custody and child related issues as well as no other state has jurisdiction to decide  
3 the custody under the circumstances. Neither party nor the subject minor child has  
4 the right to return to Saudi Arabia and, therefore, the question on whether Saudi  
5 Arabian custody laws violate fundamental principles of human rights is moot.

6  
7 **IV.**

8 **CONCLUSION**

9 WHEREFORE, the Plaintiff, Ahed Said Senjab, respectfully requests that  
10 this Court issue an Order as follows:

- 11 1. That Defendant's Motion to Dismiss Child Custody Claims be denied in  
12 its entirety;  
13 2. That Nevada determine child custody and related issues; and  
14 2. For such other and further relief as this Court deems just and equitable.

15 DATED this 28<sup>th</sup> day of February, 2022.

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

17  
18 By: 

19 **APRIL S. GREEN, ESQ.**

Nevada Bar No.: 8340C

20 **BARBARA E. BUCKLEY, ESQ.**

Nevada Bar No.: 3918

21 725 E. Charleston Blvd.

Las Vegas, NV 89104

22 (702) 386-1415 Direct/Fax

23 (702) 386-1070 ext. 1415

[asgreen@lacsns.org](mailto:asgreen@lacsns.org)

24 Attorneys for Plaintiff  
25  
26  
27  
28



DECLARATION OF AHED SENJAB

I, Ahed Senjab, do solemnly swear under penalty of perjury, pursuant to NRS 53.045 that these assertions are true:

1. That I am the Plaintiff in the above-entitled action and have personal knowledge and I am competent to testify concerning the facts herein.
2. That I have read the above and foregoing Plaintiff's Supplement to Plaintiff's Opposition to "Defendant's Motion to Dismiss Child Custody Claims" and hereby testifies that the facts and statements contained thereon are true and correct to the best of my knowledge and belief also in support of her Countermotion for abduction prevention measures.
3. The factual averments contained in the preceding filing are incorporated herein as if set forth in full.

I declare under penalty of perjury by virtue of the laws of the State of Nevada (NRS § 53.045<sup>1</sup> and 28 § U.S.C. 1746<sup>2</sup>), that the foregoing is true and correct. I have authorized my electronic signature pursuant to Administrative Order 20-10<sup>3</sup> attached as Exhibit 1.

Executed this 2<sup>nd</sup> day of March, 2022.

By: Ahed Senjab

<sup>1</sup> Use of unsworn declaration in lieu of affidavit or other sworn declaration; exception. Any matter whose existence or truth may be established by an affidavit or other sworn declaration may be established with the same effect by an unsworn declaration of its existence or truth signed by the declarant under penalty of perjury, and dated, in substantially the following form:

1. If executed in this State: "I declare under penalty of perjury that the foregoing is true and correct."

Executed on.....  
(date) (signature)

2. Except as otherwise provided in NRS 53.250 to 53.390, inclusive, if executed outside this State: "I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct."

Executed on.....  
(date) (signature)

<sup>2</sup> Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form: (1) If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)". (2) If executed within the United States its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)".

<sup>3</sup> V. Original Signature Requirements. With the exception of documents requiring the signature of a notary, all requirements for original signatures are suspended. All documents filed with the court may be electronically signed as provided in Nevada Electronic Filing and Conversion Rules, Rules 11(a). All documents requiring the signature of another person may be electronically signed without original signatures; however, the party submitting the document must obtain email verification of the other person's agreement to sign electronically and submit the email with the signed documents.

# Exhibit 1

Create an account (registration form)

الرئيسية / تسجيل مستخدم جديد

إستمارة التسجيل

FIRST NAME عهد	SECOND NAME *	THIRD NAME *
FAMILY NAME سنياب	USER NAME 2128825813	PASSWORD أدخل كلمة المرور
PASSWORD CONFIRM إعادة إدخال كلمة المرور	EMAIL example@gmail.com	EMAIL CONFIRMATION example@gmail.com
GENDER FEMALE	DATE OF BIRTH 8/22/1417 " " 1/1/1997	
NATIONALITY سوري	IQAMA NUMBER 2128825813	IQAMA EXPIRATION DATE 7/21/1443 2/22/2022
MOBILE NUMBER 05*****	TWITTER ACCOUNT أدخل حساب تويتر	P.O. BOX أدخل الصندوق البريدي
ZIP CODE أدخل الرمز البريدي	FAX NUMBER 01*****	Preferred contact language by e-mail <input checked="" type="radio"/> Arabic Language <input type="radio"/> English Language
Save		Cancel

## Create an account (registration form)

الرئيسية / تسجيل مستخدم جديد

## إستمارة التسجيل

FIRST NAME

محمد

SECOND NAME

عبدالحكيم

THIRD NAME

FAMILY NAME

الخليفي

USER NAME

2162179390

PASSWORD

أدخل كلمة المرور

PASSWORD CONFIRM

إعادة إدخال كلمة المرور

EMAIL

example@gmail.com

EMAIL CONFIRMATION

example@gmail.com

GENDER

MALE

DATE OF BIRTH

6/26/1412 " " 1/1/1992

NATIONALITY

سوري

IQAMA NUMBER

2162179390

IQAMA EXPIRATION DATE

7/21/1443 2/22/2022

MOBILE NUMBER

05\*\*\*\*\*

TWITTER ACCOUNT

أدخل حساب تويتر

P.O. BOX

أدخل الصندوق البريدي

ZIP CODE

أدخل الرمز البريدي

FAX NUMBER

01\*\*\*\*\*

Preferred contact language by e-mail



Arabic Language



English Language

Save

Cancel

## Create an account (registration form)

الرئيسية / تسجيل مستخدم جديد

## إستمارة التسجيل

FIRST NAME

ريان

SECOND NAME

عبد

THIRD NAME

عبدالحكيم

FAMILY NAME

الحلي

USER NAME

2464060800

PASSWORD

أدخل كلمة المرور

PASSWORD CONFIRM

إعادة إدخال كلمة المرور

EMAIL

example@gmail.com

EMAIL CONFIRMATION

example@gmail.com

GENDER

MALE

DATE OF BIRTH

6/11/1440 " " 2/16/2019

NATIONALITY

سوري

IQAMA NUMBER

2464060800

IQAMA EXPIRATION DATE

7/21/1443 2/22/2022

MOBILE NUMBER

05\*\*\*\*\*

TWITTER ACCOUNT

أدخل حساب تويتر

P.O. BOX

أدخل الصندوق البريدي

ZIP CODE

أدخل الرمز البريدي

FAX NUMBER

01\*\*\*\*\*

Preferred contact language by e-mail



Arabic Language



English Language

Save

Cancel



DOI: 01/07/2021

## Person's Data – Dependent

Resident Identity (Iqama) No.	2128825813	Version No.	7	Gender	Female	Kinship	Wife
Name (AS TRANSLATED)	AHED SENJAB						
DOB	01/01/1997	POB	Syria				
Religion	Islam	Profession	-----				
Status	Valid	Date of Entry	21/02/1997	Entry Port	Al-Haditha		
No. of Sponsorship Transfer	1	Fingerprint	Registered	This dependent holds an independent Resident Identity (Iqama).			

## Passport Holder

No.	013349533	Nationality	Syria				
DOI	11/05/2019	DOE	15/05/2025	POI	104		

## Resident Identity (Iqama)'s Data

DOI	03/04/2017	DOE	05/03/2021	No of Iqama renewal delay	--
POI	Makkah passports department	Place of renewal	Electronic Services		

## Visa Data

Visa No.	0159076876	Type	One-time	Expired	
DOI	04/01/2020	Final Return	01/01/2021	Final Departure	02/07/2020

## Householder

No.	2162179390
Name	MOHAMAD ABDULHAKIM ALHULAIBI





DOI: 01/07/2021

## Person's Data – Dependent

Resident Identity (Iqama) No.	2464868880	Version No.	1	Gender	Male	Kinship	Son
Name (AS TRANSLATED)	RYAN MOHAMAD ALHULAIBI						
DOB	16/02/2019	POB	KINGDOM OF SAUDI ARABIA				
Religion	Islam	Profession	-----				
Status	Valid	Date of Entry	-/--/-		Entry Port	---	
No. of Sponsorship Transfer	---						

## Passport Holder

No.	013349520	Nationality	Syria				
DOI	16/05/2019	DOE	15/05/2025	POI	Jeddah		

## Resident Identity (Iqama)'s Data

DOI	03/04/2017	DOE	05/03/2021	No of Iqama renewal delay	--
POI	Makkah passports department		Place of renewal	Electronic Services	

## Visa Data

Visa No.	0159076938	Type	One-time	Expired	
DOI	04/01/2020	Final Return	01/01/2021	Final Departure	02/07/2020
POI	Ministry Portal				

## Householder

No.	2162179390
Name	MOHAMAD ABDULHAKIM ALHULAIBI



# Exhibit 2



## Visa Validity

Check using Iqama Number Visa Number

Iqama Number \* 2128825813

Cross match by \* Passport Number

Passport Number \* 013349533

[Check](#)

## Expired

Name عهد - - سنجاب Visa Number 159076876

Passport Number	013349533	Visa Type	SINGLE
Visa Duration	363	Inside/Outside Kingdom	Outside Kingdom
Visa Issue Date (Hijri)	1441-05-09	Visa Issue Date (Gregorian)	2020-01-04
Return Before (Hijri)	1442-05-17	Return Before (Gregorian)	2021-01-01
Date of Birth (Hijri)	1417-08-21	Date of Birth (Gregorian)	1997-01-01

## Visa Validity

Check using Iqama Number Visa Number

Iqama Number \* 2162179390

Cross match by \* Date of Birth

Date of Birth \* 1992-01-01



Check

## Expired

Name محمد عبدالحكيم الحليبي Visa Number 158823155

Passport Number	N010777180	Visa Type	SINGLE
Visa Duration	779	Inside/Outside Kingdom	Outside Kingdom
Visa Issue Date (Hijri)	1441-04-28	Visa Issue Date (Gregorian)	2019-12-25
Return Before (Hijri)	1443-07-10	Return Before (Gregorian)	2022-02-11
Date of Birth (Hijri)	1412-06-25	Date of Birth (Gregorian)	1992-01-01

## Visa Validity

Check using Iqama Number Visa Number

Iqama Number \* 2464868880

Cross match by \* Passport Number

Passport Number \* 013349520

[Check](#)

## Expired

Name ريان محمد عبدالحكيم الحليبي Visa Number 159076938

Passport Number	013349520	Visa Type	SINGLE
Visa Duration	415	Inside/Outside Kingdom	Outside Kingdom
Visa Issue Date (Hijri)	1441-05-09	Visa Issue Date (Gregorian)	2020-01-04
Return Before (Hijri)	1442-07-10	Return Before (Gregorian)	2021-02-22
Date of Birth (Hijri)	1440-06-11	Date of Birth (Gregorian)	2019-02-16

87

87

FILED

MAR 04 2022

*Sharon A. Hoffman*  
CLERK OF COURT

COPY

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

1 TRANS

2

3

4

5

6

7

8

9	AHED SAID SENJAB,	)	CASE NO. D-20-606093-D
		)	DEPT. H
10	Plaintiff,	)	APPEAL NO. 81515 82114
		)	
11	vs.	)	
		)	
12	MOHAMAD ABULHAKIM ALHULAIBI,	)	
		)	
13	Defendant.	)	
		)	

14

15 BEFORE THE HONORABLE T. ARTHUR RITCHIE, JR.

16 TRANSCRIPT RE: ALL PENDING MOTIONS

17 TUESDAY, JANUARY 11, 2022

18

19

20

21

22

23

24

25

1 APPEARANCES:

2       The Plaintiff:                   AHED SENJAB  
3       For the Plaintiff:           APRIL GREEN, ESQ.  
4                                       725 E. Charleston Blvd.  
                                     Las Vegas, Nevada 89104

5       The Defendant:               MOHAMAD ABULHAKIM ALHULAIBII  
6       For the Defendant:       DAVID MARKMAN, ESQ.  
                                     4484 S. Pecos Rd., Suite 130  
                                     Las Vegas, Nevada 89121

7  
8       Also Present:

9       Appellate Counsel  
10      For the Plaintiff:           MARSHAL SHAWN WILICK, ESQ.  
11                                   3591 E. Bonanza Rd., Suite 200  
                                     Las Vegas, Nevada 89110

12                                   RICHARD CRANE, ESQ.  
13                                   3591 E. Bonanza Rd., Suite 200  
                                     Las Vegas, Nevada 89110

14  
15      Saad Musa - Interpreter  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 LAS VEGAS, NEVADA

TUESDAY, JANUARY 11, 2022

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

3 (THE PROCEEDING BEGAN AT 10:00:48.)

4 THE CLERK: We're on the record, Your Honor.

5 THE COURT: Okay. On page two of our 10:00 calendar, we  
6 have prejudgment proceedings in the divorce case. Senjab and  
7 Alhulaibi, D-2020-606093. No one is present. We are on the  
8 record. It looks like we have everyone that's necessary to  
9 be connected through BlueJeans. So we're gonna confirm  
10 appearance. It looks like we have Ms. Green and Mr. Willick,  
11 who are counsel for plaintiff.

12 Ms. Green first. Please state your appearance.

13 MS. GREEN: April Green, Your Honor, Legal Aid Center,  
14 bar number 8340.

15 THE COURT: All right.

16 MS. GREEN: And I hope that's interpreter at the 403  
17 prefix.

18 UNIDENTIFIED SPEAKER: (Indiscernible).

19 THE COURT: Well, you...

20 MS. GREEN: It's not.

21 THE COURT: ...your client -- your client requires an  
22 interpreter. And you've arranged for that offline. Is that  
23 what I understand?

24 MS. GREEN: I -- I did.

25 THE COURT: All right. So let's confirm. Mr. Willick, I

1 see you in the matrix there we got. Will you state your  
2 appearance.

3 MR. WILLICK: You bet. Marshal Willick, 2515. Also on  
4 line is Richard Crane, bar number...

5 THE COURT: He's muted. But...

6 MR. WILLICK: He's muted.

7 THE COURT: Mr. -- Mr. Crane, unmute yourself so you can  
8 state your appearance.

9 MR. CRANE: Sorry. 9536, Your Honor.

10 THE COURT: All right. Sorry. I didn't see you there.  
11 Fine. Mr. Markman.

12 MR. MARKMAN: Good morning, Your Honor. David Markman on  
13 behalf of Moha- Mohamad Alhulaibi. Bar number 12440.

14 THE COURT: It looks like the defendant is connected also  
15 through BlueJeans. We don't have a video. But I don't need  
16 a video. But I -- I think that that's him, Mr. Markman.

17 THE CLERK: We do not have a court interpreter  
18 (indiscernible)...

19 MR. MARKMAN: Yeah, he's the 403 number, correct.

20 THE COURT: All right. And Ms. Green we don't have -- my  
21 clerk says that we don't have an interpreter connected. Can  
22 you -- can you confirm that? Is it a -- is it a court-  
23 certified interpreter from here, or is it somebody you  
24 arranged for the hearing of your client?

25 MS. GREEN: No, I -- I -- I arranged it through the



1 interpreter's office, Your Honor, weeks ago. I can go on e-  
2 mail and let them know that she's not here.

3 THE COURT: Well, your client...

4 MS. GREEN: And we send the link.

5 THE COURT: Your client is -- your client's connected,  
6 right?

7 MS. GREEN: Yes.

8 THE COURT: So what she -- she's...

9 MS. GREEN: I see her name.

10 THE COURT: ...just going to be on -- she's on the phone;  
11 and you have an interpreter that's gonna interpret for her in  
12 realtime off -- I mean, but not -- not during our proceedings  
13 just so she understands everything happening in the hearings  
14 at the same time that it's being said by counsel and the  
15 Court.

16 MS. GREEN: That was the plan.

17 THE COURT: All right.

18 Brad, will you call the interpreter's office and  
19 see if they have somebody sittin' waitin' to do this? It's  
20 not in person. It's offline. And legal aid contacted them  
21 before the last hearing and arranged for it, so.

22 THE MARSHAL: What -- what's the language?

23 THE COURT: Language, Ms. Green.

24 MS. GREEN: Arabic.

25 THE COURT: Arabic. We'll see what we got there. I

1 don't really want to say much if -- if your client can't  
2 follow the proceedings. So we'll just sit tight for a  
3 second. I've got three or four things this morning. But I  
4 want to make sure that we take the time we need to because we  
5 -- this has been building up a couple of months since the  
6 October order from the supreme court and we're gonna get  
7 input from everyone and the Court's prepared. While we're  
8 efforting offline, Ms. Green, do what you can. Have someone  
9 in your staff or whatever see if you can triangulate this  
10 thing and see if you can get in touch with whoever you  
11 coordinated this with.

12 MS. GREEN: Okay. I -- I was just thinking the same  
13 thing, Your Honor, working on it right now.

14 THE MARSHAL: I'm on hold but Jeff -- Jeff thought it was  
15 at 11:00. He's trying to get a hold of him right now.

16 THE COURT: Why would he think it's around 11:00?

17 THE MARSHAL: I don't know. Jeff thinks that he had it  
18 written down for an 11:00 or a 9:00.

19 THE COURT: All right.

20 MS. GREEN: If -- if we gave the wrong hour initially and  
21 then we corrected it about a week ago, and they said fine.  
22 So they should've known.

23 THE COURT: Well, the good news is that they -- they know  
24 that they need an interpreter for today and I mean worst case  
25 scenario if this person's not available till eleven then I'll

1 just handle other matters and recall it and just get it done  
2 (indiscernible).

3 THE MARSHAL: What's the number for the interpreter to  
4 call?

5 THE COURT: I don't know. Oh, what's the number that  
6 interpreter is supposed to call?

7 UNIDENTIFIED SPEAKER: Brad give us ten minutes. He was  
8 on his way in but it's gonna be 25 minutes before he gets  
9 here. He's gonna find a place to park. And then in ten  
10 minutes you can call him and do it over the phone. Will that  
11 work?

12 THE COURT: Yeah.

13 THE MARSHAL: Well, does he -- does he have the number of  
14 the client?

15 UNIDENTIFIED SPEAKER: I don't know.

16 THE COURT: All right. We'll get it from Ms. Green.

17 Ms. Green, do you have the number where your client  
18 can be reached so that the interpreter can call her as soon  
19 as we need to recall this?

20 MS. GREEN: Okay. So he wants to call her direct cell  
21 phone, Your Honor?

22 THE COURT: Well, I -- I mean, I don't know if you want  
23 to state it on the record. Can you e-mail it to my clerk  
24 because the interpreter's office does know if the interpreter  
25 has the contact number for your client?

1 MS. GREEN: Oh, I -- I sent him the link. I just figured  
2 they would...  
3 THE COURT: All right. Well, then...  
4 MS. GREEN: ...just come into the hearing.  
5 THE COURT: That's fine. Did you hear the -- my marshal  
6 has the interpreter's office on the phone. They did have  
7 11:00. It will be 30 minutes before he can be there and so  
8 we're gonna call other matters. We're not gonna sit here for  
9 20 minutes online. So we're gonna hear other matters. As  
10 soon as you -- well, I'll probably just check back in 30  
11 minutes and see if the interpreter is there. Okay?  
12 MS. GREEN: Okay. Your Honor, sorry about that.  
13 THE COURT: That's all right.  
14 MR. MARSHAL: All right. Judge, hopefully we'll get the  
15 number.  
16 (Whereupon the matter was trailed at  
17 10:09:06 and recalled at 10:50:04.)  
18 THE CLERK: We're back on the record, Judge.  
19 THE COURT: Okay. Let's try this again. We have  
20 prejudgment proceedings in the Senjab Alhulaibi matter. This  
21 is page two of our 10:00 calendar. Case number D-2020-  
22 606093. We should have Ms. Green connected, Mr. Willick  
23 connected, Mr. Crane connected, Mr. Markman connected. We  
24 also should have the parties and a court-certified  
25 interpreter.

1 So, Ms. Green first, please.

2 MS. GREEN: April Green, legal aid center, bar number  
3 8344. Ahd Senjab, Your Honor.

4 THE COURT: Okay. Great.

5 Mr. Willick.

6 MR. WILLICK: Marshal Willick, 2515, also for Ahd  
7 Senjab.

8 THE COURT: Mr. Crane.

9 MR. CRANE: Richard Crane, 9536, on behalf of Ahd  
10 Senjab, as well, Your Honor.

11 THE COURT: Mr. Markman.

12 MR. MARKMAN: Good morning, Your Honor. David Markman on  
13 behalf of Mr. Mohamad Alhulaibi.

14 THE COURT: Okay. Do we have an Arabic interpreter who  
15 can state his appearance?

16 MR. MUSA: This is the interpreter. Good morning, sir.

17 THE COURT: All right. We understand that you're going  
18 to be interpreting for Ms. Senjab offline.

19 MR. MUSA: Yes.

20 THE COURT: Thank you. We also have the parties  
21 connected. Is there anyone else connected besides everyone  
22 who's confirmed?

23 MR. WILLICK: I'm sorry. Yes, Your Honor, we also have  
24 Justin Johnson, case manager, paralegal taking notes.

25 THE COURT: That's fine. All right. Good. Well, we had



1 a hearing on December 7th of last year. And we needed to  
2 continue it because we weren't really ready to weigh in on  
3 these issues. And we needed an interpreter for the  
4 plaintiff. And that really worked out to everyone's  
5 advantage because we continued the matter from December 7th  
6 to today.

7 We -- we got a chance to paper the type of themes  
8 that were being advanced and the discussion about what we do  
9 with this divorce case. It's almost two years old.

10 We had a motion that was filed by Mr. Markman  
11 essentially to summarily adjudicate custody claims in this  
12 divorce case, motion to dismiss those claims.

13 Mr. Willick, you were able for mom to file  
14 opposition on the 17th of December. And we have replied  
15 filed in January. So from my point of view, much better  
16 place than we were on December 7th to weigh in on these  
17 issues. And we -- I -- this -- this case really presents,  
18 you know, some real challenges.

19 I looked -- you know, we had a complaint for  
20 divorce that was filed on March 24th, 2020, almost two years  
21 ago. The marriage was in 2018 in Saudi Arabia. They have a  
22 child. I think it's uncontested that a month or so before  
23 the divorce case was filed, mom and the child came here from  
24 Saudi Arabia. And that there was a protective order case and  
25 a domestic case, a divorce case filed.

1           And the Court managed the case and issued a ruling  
2 on whether or not the divorce case should be dismissed, which  
3 was a catalyst for an appeal and the supreme court of the  
4 state of Nevada on October 21st issued a decision. And in  
5 that decision, they said that the divorce could go forward.  
6 They said that this -- this intent issue that was raised by  
7 this federal authority that the Court relied on didn't matter  
8 and that physical presence was all that was necessary in  
9 order to get a divorce in Nevada.

10           But this -- these filings since that, sort of the  
11 fall out of it is the discussion about, well, you know, we  
12 all know that you can get divorced in Nevada. And it can be  
13 a status only divorce. You don't have personal jurisdiction  
14 over either party or o- over a party. And you simply deal  
15 with marital status.

16           You can get a divorce in Nevada and specifically exclude  
17 custody orders because we have no jurisdiction under the  
18 Uniform Child Custody Jurisdiction Enforcement Act. And the  
19 -- the substance of the request is to basically say, okay,  
20 the supreme court said the divorce can go through but you  
21 need to say that or conclude that the divorce decree is not  
22 gonna include custody orders, which I look at this and I go,  
23 you know, God, this case is two years old almost. If the  
24 Court grants the motion to dismiss, it's -- it -- it -- if  
25 it's not already happening in front of the supreme court,

1 there's another arch of appeal as it relates to that.

2           You look at the decision and you guys probably know  
3 this better than me because you argued it in front of the  
4 supreme court and you -- you know all of the stuff. But it's  
5 kind of hard to take the reversal and the remand saying that  
6 the divorce can proceed and there's no comment concerning  
7 whether that means whether she can get divorced or whether  
8 she can get divorced with a custody order or not.

9           And so, you know, I always like to get to the  
10 absolute fundamentals of this. I know, you know, I -- I  
11 certainly respect, you know, counsel in this case, you know,  
12 especially you, Mr. Willick, because I know you're an expert  
13 in this area.

14           But when we pick up 125A of the Uniform Child  
15 Custody Jurisdiction Enforcement Act and we look at what a  
16 child custody determination is, there's no question this is a  
17 child custody determination incident in divorce. It's a  
18 child custody proceeding.

19           Nevada is not the home state at all under NRS  
20 125A.085. The state in which a child lived or a parent or  
21 person acting as a parent for at least six consecutive months  
22 immediately before the commencement of the action. We know  
23 that's Saudi Arabia, like it's not even contested. The time  
24 line of events is not contested. They were married in Saudi  
25 Arabia. Mom and the child lived in Saudi Arabia. Dad was



1 here going to school. And mom joined him here a month or two  
2 before the case was filed.

3           The definition of a state of the uniform act  
4 125A.155, a state means a state of the United States, the  
5 District of Columbia, Puerto Rico, the Unites States, Virgin  
6 -- Virgin Islands or any territory subject to the  
7 jurisdiction of the United States. And then it says that  
8 under 125A.225 that it also includes countries like Saudi  
9 Arabia. A court of the state shall treat a foreign country  
10 as if it were a state of the United States for the purpose of  
11 applying the jurisdictional test.

12           Now where I think that there's -- that there may be  
13 an issue in this case that is not resolved summarily section  
14 three of that, which says, these provisions do not apply if  
15 the custody laws of the foreign country where the child  
16 custody determination was made violates fundamental  
17 principles of human rights. And so that's not -- I -- what  
18 bothers me is it's not even argued.

19           Basically it's in the opposition that you filed,  
20 Mr. Willick, you said, well they're not a signatory of the  
21 Hague Convention so this court shouldn't apply the Uniform  
22 Child -- Child Custody Jurisdiction Enforcement Act. That's  
23 not law. Okay.

24           Now you could argue that -- that the court should  
25 give some consideration about whether or not the child

1 custody laws of Saudi Arabia would violate the fundamental  
2 principals of human rights. I have no idea. Okay. But  
3 priority...

4 MS. GREEN: Excuse me.

5 THE COURT: ...I mean, now initial -- so I -- I worry  
6 about initial custody jurisdiction under 125A.305. This is  
7 not the home state. So that's the easiest action. Now we  
8 issued custody orders in the protective order because it was  
9 an exigent matter. There was no evidence of any other kind  
10 of case. It's appropriate temporary jurisdiction. But that  
11 temporary jurisdiction is only until the proper jurisdiction  
12 has orders.

13 Now 125A.435 mentions the Hague Convention. It  
14 says that a court of this state may enforce an order for the  
15 return of child made pursuant to the Hague Convention on the  
16 civil aspects of international child abduction if it were a  
17 child custody determination. This is not an abduction case.  
18 This is not an enforcement case.

19 This is a request to get final custody orders in a  
20 Nevada divorce decree where someone has lived here a month  
21 and a half before the case was filed. And under the  
22 enforcement act, Saudi Arabia is a state under the -- under  
23 this.

24 So I, you know, I guess, Mr. Markman, my biggest --  
25 I mean, I got -- I got huge concerns about these folks lives

1 being tied up for two years before this matter is even  
2 resolved. I'm concerned that if the Court analyzes this and  
3 says we don't have any evidence that would support a finding  
4 that plaintiff's human rights would be violated by  
5 recognizing the fact that Saudi Arabia is a home state then,  
6 you know, these folks are denied an order while that's on  
7 appeal.

8           But, you know, Ms. Green, and, Mr. Willick, the  
9 only way that this court has jurisdiction to issue custody  
10 orders would be on a basis that fundamental principles of  
11 human rights would be violated by recognizing Saudi Arabia as  
12 a state that would have jurisdiction over custody.

13           So that -- that's -- that's basically the -- I  
14 mean, we -- we called this at 10:00. And I read all the  
15 papers. I looked at the authority. And I -- I'm gonna give  
16 you a chance to respond to the Court's comments. But I  
17 didn't want to have a 45-minute argument that was just a  
18 rehash of the papers that have been on file already.

19           So we do need to proceed with the divorce. I  
20 imagine if the plaintiff accepted this notion that Nevada  
21 doesn't have custody jurisdiction they can get divorced  
22 tomorrow. But she doesn't. That's -- she wants a divorce  
23 that litigates all issues.

24           Okay. So, Mr. Markman, did you want to add  
25 anything?

1 MR. MARKMAN: Your Honor, I think that covers pretty much  
2 everything. I think that if you did find that Nevada does  
3 not have jurisdiction for the child custody, we could proceed  
4 with the -- the divorce posthaste and -- and at least that  
5 part would be done.

6 THE COURT: Can you -- can you give me your point of view  
7 because your motion that was filed on December 7th, this  
8 isn't the first time this thing has come up for discussion.  
9 In -- you argued -- did you argue the case in front of the  
10 supreme court?

11 MR. MARKMAN: I argued the -- the divorce case in front  
12 of the supreme court. But we did not reach child custody.  
13 It was briefed by everybody. We weren't sure of the issues  
14 that the supreme court would hear. If you recall that the  
15 underlying motion to dismiss, we never got to custody. We  
16 just talked about divorce and the...

17 THE COURT: Why...

18 MR. MARKMAN: ...the six weeks.

19 THE COURT: I get that. But how do you explain? I mean,  
20 am I just being jaded because I've been here for so long,  
21 that why would they say that she, you know, we don't have to  
22 worry about intent or -- or ability. I mean, she's entitled  
23 to a divorce. And in the...

24 UNIDENTIFIED SPEAKER: Excuse me, Judge.

25 THE COURT: ...divorce would be entitled to...

1 MS. SENJAB: Excuse me, Your Honor. Can you please  
2 (indiscernible) the interpreter translate for me?

3 THE COURT: I didn't -- it was garbled on my end. Who's  
4 talking?

5 MR. MARKMAN: I think it's Ms. Senjab. I think she's  
6 asking for the interpreter to interpret for her  
7 (indiscernible).

8 THE COURT: He's not interpreting?

9 THE INTERPRETER: The interpreter can interpret for her,  
10 but I don't want to interfere with your speech during the  
11 procedure. I mean, I don't know how to do that when you will  
12 be talking and I will be talking at the same time and it will  
13 just mess up the Court's procedure.

14 THE COURT: None of these proceedings have been  
15 interpreted? The whole purpose of continuing this matter was  
16 to have an interpreter interpreting for the plaintiff.

17 THE INTERPRETER: Your Honor, this is the interpreter. I  
18 can interpret, but I will -- am afraid that during the court  
19 proceeding your speech will be interfered (indiscernible).  
20 Nobody told me this will be (indiscernible).

21 THE COURT: All right.

22 THE INTERPRETER: And I will not (indiscernible)...

23 THE COURT: All right. The -- the...

24 THE INTERPRETER: ...to the (indiscernible).

25 THE COURT: The Court misunderstood. Okay? In



1 proceedings that I've had like this, we had a closed circuit.  
2 We have the interpreter muted offline talking to the party in  
3 the language that would translate the proceedings so that we  
4 -- I mean, this is not an evidentiary proceeding. We're not  
5 taking testimony from the plaintiff. She needs to hear what  
6 the Court said and what the dialogue is.

7 I mean, she -- this -- this is a recorded  
8 proceeding. So I guess, you know, you can interpret for her.  
9 Just run the hearing back and tell her what was said. But  
10 that -- we want -- you don't have the capability of -- of  
11 interpreting in realtime, electronically...

12 THE INTERPRETER: No, I can interpret. No, I believe two  
13 things. The thing -- the first thing is that the -- the  
14 speed is going a little bit too fast for me to just interpret  
15 in realtime, simultaneously; number two, nobody asked me to  
16 do the simultaneous interpretation while the Court was going.

17 In other words, when Your Honor are speaking -- you  
18 are speaking and when I talk at the same time, it will be  
19 probably interfering with the proceeding. I -- I mean, I was  
20 not -- I was under the impression that I have to interpret to  
21 the person in Arabic one-on-one only and not everything  
22 that's being said.

23 THE COURT: All right. My -- my -- my apologies. I --  
24 we -- we are pressed for time, and we talk to fast. I  
25 apologize for that.

1 THE INTERPRETER: Your Honor...  
2 THE COURT: We are...  
3 THE INTERPRETER: ...it's okay, sir.  
4 THE COURT: We are asking...  
5 THE INTERPRETER: I mean, I...  
6 THE COURT: We are asking for simultaneous proceedings,  
7 and you should mute...  
8 THE INTERPRETER: Okay.  
9 THE COURT: I mean, counsel said that...  
10 THE INTERPRETER: All right.  
11 THE COURT: ...they arranged for this a month ago and  
12 that they had a phone number and the client is sitting there.  
13 So let's get the phone number to him and...  
14 THE CLERK: I'll send it to him.  
15 THE COURT: All right.  
16 We're sending you a phone number. We're not gonna  
17 repeat the whole hearing, but she's gonna get the...  
18 THE INTERPRETER: No.  
19 THE COURT: ...Mr. Willick's comments and/or Ms. Green's  
20 comments. Okay?  
21 THE INTERPRETER: Okay. So -- so what's required of the  
22 interpreter right now? Does she want me...  
23 THE COURT: You're gonna...  
24 THE INTERPRETER: ...to...  
25 THE COURT: You're gonna get the...

1 THE INTERPRETER: ...(indiscernible)...

2 THE COURT: ...phone number. You're gonna mute yourself,  
3 and you're going to interpret for the plaintiff for the rest  
4 of the hearing. And then...

5 THE INTERPRETER: All right.

6 THE COURT: Then...

7 THE INTERPRETER: All right.

8 THE COURT: ...Ms. -- Ms. Green or Mr. Willick will hook  
9 up with you after the hearing and will have the first part of  
10 these proceedings that have been going on for 15 minutes  
11 interpreted for the plaintiff. Okay?

12 THE INTERPRETER: Okay. Now I understand. I mean, I...

13 THE COURT: NO, no, no. I -- I -- I...

14 THE INTERPRETER: Thank you for clarifying that for me.

15 THE COURT: You know, I -- it's not your fault. The  
16 Court thought this was coordinated ahead of time. Okay? And  
17 we did not...

18 THE INTERPRETER: (Indiscernible).

19 THE COURT: I -- I -- I -- it's -- it's not your fault.  
20 It's -- I should have confirmed this before we started.  
21 Okay?

22 THE INTERPRETER: Okay.

23 THE COURT: All right.

24 THE INTERPRETER: Thank you. (Indiscernible) I mean, I  
25 learned all this today when they called me from the clerk's



1 office on my way to come to court. They said, come back and  
2 do it on the phone; but nobody told me the procedures exactly  
3 how they should be taken.

4 THE COURT: Yeah.

5 THE INTERPRETER: Thank you for clarifying that.

6 THE COURT: All right. That's all -- that's all correct.  
7 That's all correct. So let me -- let me know when you are  
8 situated.

9 THE INTERPRETER: Okay. So I am going to call them right  
10 now on my phone and one second, please. Hold on. I'm  
11 calling them right now.

12 MR. MARKMAN: Excuse me. I think we linked with me by  
13 mistake.

14 THE COURT: Thank you.

15 MR. MARKMAN: He's...

16 THE COURT: All right. It looks like we have the  
17 interpreter situation resolved.

18 MR. MARKMAN: Your Honor, I apologize, Your Honor.

19 MS. GREEN: No, Your Honor, I think he's dialed the wrong  
20 number.

21 ((Multiple speakers - indiscernible))

22 MR. MARKMAN: He called -- he called...

23 MS. GREEN: He's gonna...

24 MR. MARKMAN: ...Mohamad, Your Honor.

25 MS. GREEN: ...speak to...

1 MR. MARKMAN: I apologize.

2 MS. GREEN: ...a female. And her phone number is in the  
3 check box.

4 THE INTERPRETER: I -- I -- I dialed the number, ma'am.  
5 702-336-9814. I have it here.

6 MS. GREEN: Oh, okay.

7 THE COURT: You e-mailed...

8 THE INTERPRETER: (Indiscernible).

9 THE COURT: You e-mailed the number to my clerk. The  
10 clerk sent it to the interpreter, Ms. Green.

11 MS. GREEN: Okay.

12 THE INTERPRETER: Okay. I -- I will do that right now.  
13 Me to myself and in listening to the procedure and  
14 interpreting to her. Thank you.

15 THE COURT: All right. Good.

16 The -- this is the Senjab Alhulaibi matter, D-2020-  
17 606093. The Court is...

18 THE INTERPRETER: (Indiscernible).

19 THE CLERK: He's muted now.

20 THE COURT: All right.

21 We have the assistance of a court-certified  
22 interpreter who will interpret the remainder of the hearing.  
23 The hearing did begin before the interpreter was able to  
24 interpret offline in realtime. And Ms. Green has been  
25 advised that her client needs to have an opportunity to

1 review the first portion of the hearing that was missed.

2 Mr. Willick, you're appellate counsel; right?

3 MR. WILLICK: Yes, Your Honor.

4 THE COURT: All right. And so you participated in the  
5 appellate process and -- and the briefing and the argument?

6 MR. WILLICK: Yes, Your Honor.

7 THE COURT: Did they comment or make any rulings that I  
8 missed concerning custody jurisdiction, or were they just  
9 focused on standing or the ability to bring the case?

10 MR. WILLICK: As Mr. Markman indicated, and I agree with  
11 him, the matter was fully briefed by both sides and was  
12 addressed at some length during oral argument and various  
13 questions and answers.

14 There is a footnote in the opinion that you have  
15 which indicates that the court found it unnecessary to reach  
16 that issue because the merits of custody jurisdiction had  
17 never been addressed by the supreme court -- by the district  
18 court, excuse me, and therefore was not considered right for  
19 appellate review.

20 In the interim between our last hearing and today,  
21 as we indicated we would at the time of the last district  
22 court hearing, Mr. Markman and I have submitted a second  
23 interim status report to the Nevada Supreme Court indicating  
24 the current procedural status of this case.

25 The court issued an order dismissing the other two

1 appeals. You -- you didn't mention them. So I want to make  
2 sure our record is clear that it happened. Ms. Green has  
3 filed them in this court. The Court should have it as part  
4 of its record.

5           So Mr. Markman's motion had two bases to it, one,  
6 the continuing existence of two other appeals; and second,  
7 the matter that you've already addressed having to do with  
8 custody jurisdiction.

9           The one basis has been entirely resolved by the  
10 Nevada Supreme Court in the order which is now in the  
11 district court record. This hearing, therefore, should  
12 address the second basis, which has to do with UCCJEA child  
13 custody and URISA child support jurisdiction in this court.  
14 And I am prepared to address both matters at the Court's  
15 convenience, but I did not want to interrupt.

16       THE COURT: Well, you briefed this case for your client  
17 on December 17th; right?

18       MR. WILICK: I did.

19       THE COURT: Okay. Well, we have personal jurisdiction  
20 over the defendant. So we don't' -- we don't have a  
21 contested issue about child support.

22       MR. WILICK: Correct.

23       THE COURT: So the -- are you aware of any Nevada Supreme  
24 Court case where they base jurisdiction on a finding that the  
25 state or the foreign country where the child custody

1 determination exists or the home state would violate  
2 fundamental principles of human rights?

3 MR. WILLICK: There is no current Nevada case law in  
4 point. We have included in the record before this court,  
5 holdings of various other courts which have reached that  
6 conclusion, including a very lengthy decision out of, I don't  
7 have it in front of me, I believe, Washington on exactly that  
8 point. But it's not necessary, frankly, to reach that;  
9 although, it is an alternative grounds for the court  
10 exercising custody jurisdiction.

11 The primary reason that this Court has custody  
12 jurisdiction is in my filing; and if it was confusing or  
13 unclear, then I apologize for that. These jurisdictional  
14 filings can be a little intricate.

15 The short version is, and this is clear in cases  
16 from coast to coast, where mom and dad and child have all  
17 left the prior state, even if that state could be considered  
18 a state, it is (indiscernible) to exercise original  
19 jurisdiction under the UCCJEA.

20 THE COURT: Okay. But dad's here.

21 MR. WILLICK: Saudi Arabia...

22 THE COURT: Dad's here. Dad's here on an education visa.  
23 He never left anywhere. Okay? They got married in Saudi  
24 Arabia. He came to the United States on a restriction to --  
25 he had to attest that he had -- he had the intention to



1 maintain his...

2 MR. WILLICK: Domicile.

3 THE COURT: Yeah. I mean, that -- that's the whole  
4 reason...

5 MR. WILLICK: But domicile...

6 THE COURT: ...for the first thing.

7 MR. WILLICK: ...isn't relevant.

8 THE COURT: So physical presence has nothing to do with  
9 it in the -- in a...

10 MR. WILLICK: It -- it -- it's the only thing it has to  
11 do with, Your Honor. I'm sorry, but I -- I have to directly  
12 contradict you. The UCCJEA cases nationally and in Nevada,  
13 including Friedman, are extremely clear that the question is  
14 not domicile. The only question for UCCJEA jurisdiction is  
15 physical presence, actually where people are. That is the  
16 only thing that the UCCJEA is concerned with. There is...

17 THE COURT: The -- the...

18 MR. WILLICK: ...no...

19 THE COURT: The Court is -- the Court is not questioning,  
20 based on the Nevada Supreme Court decision, that your client  
21 is entitled to a divorce. Okay? You're -- you're...

22 MR. WILLICK: I'm talking about custody.

23 THE COURT: You're confusing -- and the Frie- the --  
24 look. The Friedman case was my case. You don't have to tell  
25 me about the Friedman case. Okay?

1 MR. WILLICK: I know.

2 THE COURT: The Friedman case, it was not contested that  
3 the Court had jurisdiction and that both parties had left the  
4 jurisdiction. And the Friedman case was basically decided  
5 wrongfully by the court relying on the -- on the Vail case  
6 and estoppel and things like that because of the contract the  
7 parties (indiscernible). So it has nothing...

8 MR. WILLICK: I know.

9 THE COURT: ...no implication here at all. Okay? If --  
10 I mean, we -- the -- the original defense by Mr. Alhulaibi  
11 is, she can't establish domicile. And I never established  
12 domicile, and I can't even if I wanted to because I'm here on  
13 a visa to attend UNLV.

14 The supreme court said physical presence for the  
15 plaintiff would allow her to get a divorce. That's not an  
16 issue. But physical presence by both parties here under the  
17 circumstances of this case, I'm -- I -- I appreciate the  
18 argument. And maybe the supreme court it would hang their  
19 hat on that saying that he's actually physically abandoned  
20 his residence in Saudi Arabia by coming here to school. I  
21 don't -- it's -- it's fascinating to me because he can't be a  
22 Nevada resident. It -- and -- you know. So I guess under  
23 this order from October, he could get divorced here in  
24 Nevada, too, even though federal law would say no.

25 But -- but I don't -- I don't care. I -- I want to

1 make the appropriate order, obviously. The ultimate decision  
2 if -- is gonna be made by the supreme court because if the  
3 Court denies the motion to dismiss the custody points, it's  
4 going up. If the Court grants the motion to dismiss the  
5 custody points, it's going up.

6 And so I, in relying on you and Mr. Markman and --  
7 and Ms. Green to give me the best information to make the  
8 order that I think is correct. Okay? And -- and...

9 MR. WILLICK: Very good, Your Honor.

10 THE COURT: ...I -- I read -- I read -- I mean, I looked  
11 at like a lot of the ca- I mean, Friedman I knew about, but  
12 the Ogawa (ph) case, I looked to see if that had any  
13 application; but I -- I didn't see that. And I looked at --  
14 you know, it's an interesting concept. I did not -- the  
15 Court is obviously not saying that dad coming here to come to  
16 school on that -- on the visa that he's here on is a  
17 departure from -- from the home state.

18 MR. WILLICK: Your -- Your Honor, if I may.

19 THE COURT: Yeah.

20 MR. WILLICK: And I'm sorry to belabor it. But I -- I  
21 believe that you are not correctly perceiving the message of  
22 the case law, including some of the cases you've mentioned.  
23 The only question when the flashbulb or jurisdiction is going  
24 -- gone off is whether there is a party, the child is here  
25 with a party who is in the position of a parent remains in



1 the prior jurisdiction. That is not true here.

2 At the time of the initiation of proceedings, mom  
3 was here. Dad was here. The child was here. Under those  
4 circumstances, the law is uniform in the United States.  
5 There are no exceptions.

6 THE COURT: This attach- this...

7 MR. WILLICK: The law of uniform...

8 THE COURT: This attachment, I read this attachment that  
9 you had to your Exhibit 1 to your motion was a letter, or it  
10 looks like a -- a minute order or something from a judge up  
11 in Washington State.

12 MR. WILLICK: Yes, that's the alternate basis.

13 THE COURT: Well, I know.

14 MR. WILLICK: But we don't...

15 THE COURT: But it's not a...

16 MR. WILLICK: ...even have to...

17 THE COURT: It's not a...

18 MR. WILLICK: ...get there.

19 THE COURT: It's not a -- it's not a published decision.

20 MR. WILLICK: Well, it's -- that's how they publish those  
21 decisions.

22 THE COURT: Okay.

23 MR. WILLICK: And -- and I'm sorry. I -- I can't speak  
24 to other states' process.

25 THE COURT: Well, is that a pr-...

1 MR. WILLICK: But it is...

2 THE COURT: Is that a -- is that precedent? I mean, it's  
3 a -- it looks to me like a letter explaining a decision, like  
4 we would call a journal entry directing an order to be  
5 entered; right?

6 MR. WILLICK: Again, I -- I can only deal with things  
7 that are published and disseminated. But this is a -- a  
8 published trial level decision from another state. That's  
9 how they do it there.

10 THE COURT: I can't find...

11 MR. WILLICK: But my point is...

12 THE COURT: I can't find this. Can I find this in  
13 Pacific 3rd? Can I find this? Can I find it anywhere online  
14 or the...

15 MR. WILLICK: I can't...

16 THE COURT: How did you...

17 MR. WILLICK: ...answer that question off the top of my  
18 head. I would have to find out.

19 THE COURT: Well, how'd you find it?

20 MR. WILLICK: I found it with online research that I, at  
21 this moment, I -- I'm sorry, I can't reproduce the search  
22 that lead me to it.

23 THE COURT: Well, I mean, I -- it -- it -- it seems like  
24 a plausible -- I mean, it's not -- it's not controlling. But  
25 it -- it -- it's definitely a decision that was issued by

1 another state related to issues that are relevant in this  
2 case.

3 MR. WILLICK: Yes, Your Honor, that is the alternate  
4 basis that even if the substance of the UCCJEA wasn't  
5 controlling, and it is, that Saudi Arabia could not be  
6 considered a state for UCCJEA purposes. But again, you don't  
7 have to get there because this Court can make the  
8 determination that at the moment of initiation of  
9 proceedings, mom and dad and child had all left the prior  
10 place of residence and were physically present in Nevada.  
11 The only exception to the case law saying that we only care  
12 where people are physically has to do with certain military  
13 cases which are not relevant here. I don't want to go down a  
14 rabbit hole. But it's not...

15 THE COURT: No, you don't -- you don't think...

16 MR. WILLICK: ...directly...

17 THE COURT: You don't think -- you don't think orders  
18 that send somebody away from their -- their residence or  
19 domicile are analogous to somebody who's here on student visa  
20 and...

21 MR. WILLICK: No.

22 THE COURT: ... they have to...

23 MR. WILLICK: They're not.

24 THE COURT: Okay.

25 MR. WILLICK: The case law is -- is pretty clear in my

1 opinion.

2 THE COURT: Okay. Well, I'm looking for...

3 MR. WILLICK: The UC-...

4 THE COURT: Was it cited in this brief anywhere? I mean,  
5 I -- I'm looking...

6 MR. WILLICK: It was (indiscernible)...

7 THE COURT: I'm looking at your brief. I want -- I want  
8 you to give me the -- the ci- the -- the -- what you want me  
9 to focus on to conclude that dad coming here to go to school  
10 and mom coming here in February of 2020 would essentially  
11 eliminate the consideration of whether Saudi Arabia is a  
12 state under the uniform act.

13 MR. WILLICK: One moment, Your Honor, because I think I  
14 -- I did; but I don't have that right in front of me. I will  
15 need a few seconds.

16 THE COURT: Well, I'm -- I'm -- I've got it in front of  
17 me; and -- and when you get there -- I mean, I've looked. I  
18 tried to look. You -- you do a great job with, you know,  
19 citing all of your authority. You -- you have a lot -- you  
20 have 40-something footnotes in this thing. And I -- I -- I  
21 know some of the cases. But the ones I didn't know, I tried  
22 to read. And I just want to make sure I'm not missing it.

23 Like I said, the decision of the Court needs to be  
24 made because it's going up. And I -- I'm gonna make the  
25 decision today. And it's either gonna be to grant the

1 request and say that we have no custody jurisdiction or to  
2 say that we do have custody jurisdiction. And I want to -- I  
3 know -- I know what I would need to hang my hat on to say  
4 that there is no custody jurisdiction. I want to know what  
5 to hang my hat on if there is.

6 MR. WILLICK: Okay. (Indiscernible). It's at the top of  
7 page six.

8 THE COURT: All right.

9 MR. WILLICK: The child's home state is the state in  
10 which the child lived with a parent or a person acting as a  
11 parent for at least six consecutive months, including any  
12 temporary absence from the state immediately before the  
13 commencement of a child proceeding and the folded language is  
14 the controlling language here, if a parent remained in that  
15 prior state. The point here is that at the initiation of  
16 proceedings, nobody physically lived in Saudi Arabia.

17 THE CLERK: Judge.

18 MR. WILLICK: On the face of the UCCJEA, and it's  
19 125A....

20 THE COURT: All right. Hold on. Hold on.

21 MR. WILLICK: ....085(1).

22 THE COURT: I gotta -- I gotta -- I gotta interrupt you,  
23 Mr. Willick.

24 Why am interrupting him?

25 THE CLERK: I believe we lost the court interpreter.



1 THE COURT: Okay. Apparently my clerk says we lost the  
2 court interpreter. I guess, I gotta look at the screen and I  
3 gotta look at the order. Let's find out what happened to  
4 him.

5 THE CLERK: He's not...

6 MR. WILLICK: I'm sorry, Your Honor. I didn't notice.

7 THE COURT: All right. Well, I didn't either.

8 But let's -- the...

9 You know, I -- I -- I -- you cite the Friedman  
10 case. Again, the Friedman case is a case where the court had  
11 jurisdiction and then they both left when -- and -- and so  
12 the -- the decision was correct in that they said that the  
13 departure divests the court of jurisdiction.

14 You know, I -- it -- it's -- I mean, you -- you...

15 MR. WILLICK: Yes, Your Honor, that has to do with  
16 modification jurisdiction.

17 THE COURT: I know. I know.

18 MR. WILLICK: And when you get to modification...

19 THE COURT: This is -- The Friedman case had nothing to  
20 do with initial jurisdiction.

21 MR. WILLICK: Well, it -- it does. And I am sorry. I  
22 don't like to directly contradict the Court during an  
23 argument. But it does because if you lack -- and it's in the  
24 case. If you lack modification jurisdiction, then the test  
25 becomes one for original jurisdiction. And so...

1 THE COURT: Well, you wouldn't...

2 MR. WILLICK: ...the same test...

3 THE COURT: You wouldn't have -- you wouldn't -- okay.

4 Yeah, you wouldn't have -- okay. What -- that's why I'm --

5 so -- so -- well, that's -- I don't want to cri- look. The

6 -- the decision is -- is sound. Were you on that case?

7 MR. WILLICK: Yes, Your Honor.

8 THE COURT: Yeah, so you know what I -- what the Court

9 did. We had a...

10 MR. WILLICK: Yes, I'm...

11 THE COURT: ...one-hour hearing...

12 MR. WILLICK: ...and why.

13 THE COURT: ...in which we said, when I told you guys we  
14 had no subject matter jurisdiction. And you guys said, we're  
15 gonna have a hearing where we're gonna show that we're gonna  
16 make an exception to this matter and enter into contract; and  
17 then afterwards, you guys decided that -- well, one party  
18 did, that -- that that wouldn't hold. And I thought as a  
19 matter of principle you shouldn't be able to take two  
20 positions on a legal matter at the same time, not the least  
21 of which is that while it's pending, while there's an  
22 argument, I'm getting a stipulation and order from the  
23 parties to enter an order regarding the children's schooling  
24 as if I had jurisdiction to do it.

25 You know, I -- I got -- I gotta -- you know, that's

1 -- that's where, you know, citing that kind of authority and  
2 then getting -- you know, it's -- that's -- it is what it is,  
3 you know. That case doesn't stand for much with me. And  
4 (indiscernible)...

5 MR. WILLICK: And (indiscernible).

6 THE COURT: What?

7 MR. WILLICK: You did ask me for specific citations to  
8 authority, and I was attempting to lay that out. If you look  
9 at footnotes 12, 13, 14 and 15 on page six, you will find  
10 that...

11 THE COURT: Yeah, that -- they're all -- they're all  
12 the...

13 MR. WILLICK: ...NRS...

14 THE COURT: They're all the Friedman case. Okay.

15 MR. WILLICK: Well, no. I mean, some of them are  
16 statutory; and one's Davis. But my point is that you keep  
17 saying, and I -- I -- I'm sorry I -- If this sounds rude. I  
18 don't mean to be. And I'm trying to be direct without being  
19 rude about it. Saudi Arabia is not the home state. The  
20 definition of home state as set out in footnote 13 explicitly  
21 states that it is not.

22 THE COURT: Well, okay. But that -- the -- the -- look.  
23 I'm inviting this dialogue, Mr. Willick. Don't worry about  
24 it. Okay?

25 MR. WILLICK: Okay.



1 THE COURT: This is the -- this is the kind of dialogue  
2 that -- that is acceptable on an area -- I mean, if we were  
3 arguing about something that was clear or -- or, you know,  
4 was uncontroverted, then, you know, I -- I'd get -- I -- I  
5 would have an issue about it. But this is something that,  
6 home state is defined at 125A.085, number one, home state  
7 means, the state in which the child lived with a parent or a  
8 person acting as a parent for at least six consecutive  
9 months, including any temporary absence of the state  
10 immediately before the commencement of the child custody  
11 proceedings. That's what the Nevada law and the uniform act  
12 defines home state as. In the case of...

13 MR. WILICK: Yes.

14 THE COURT: ...a child less than six months, the state in  
15 which the child lived from birth, including any temporary  
16 absence from the state with a parent or person acting as a  
17 parent. So section two has no application to this case.

18 So you keep telling me and citing me to -- to  
19 Nevada Supreme Court cases that interpret what home state is.  
20 And I'm citing you to the uniform act adopted by Nevada,  
21 which doesn't say any of that nonsense. It says...

22 MR. WILICK: Well...

23 THE COURT: ...that the home state is where the child  
24 lived for six consecutive months, including any temporary  
25 absence from the state. So the departure by mom to Nevada in

1 February of 2020 to Nevada, until she can establish her six  
2 weeks of physical presence was a temporary departure from the  
3 Saudi Arabia, that's one way to look at that. Okay? So she  
4 had no way...

5 MR. WILLICK: Your Honor...

6 THE COURT: She -- she could not have established the  
7 right to get a divorce in Nevada until she temporarily left  
8 Saudi Arabia and established six consecutive weeks of  
9 physical presence in Nevada. So...

10 MR. WILLICK: If -- Your Honor...

11 THE COURT: ...the argument -- the argument would be that  
12 as soon as one of the parties established physical presence  
13 in the state of Nevada so that they could get divorced and if  
14 neither party was physically in Saudi Arabia, discounting any  
15 consideration of the reason why they were in Nevada in the  
16 first place, then Saudi Arabia would not be considered the  
17 home state.

18 That's your -- that's your -- that's where you want  
19 the Court to go, and that would be the -- so -- so when I  
20 hear that argument, I'm sitting here going, okay. I'm gonna  
21 articulate a basis to deny the motion to dismiss the custody  
22 claims.

23 And the way to articulate that would be to say,  
24 Saudi Arabia is not the home state. They're not the home  
25 state because the plaintiff came with the child, was here in

1 Nevada for six weeks. After the -- she was here for six  
2 weeks, she had a right to file a divorce; and because her  
3 husband was going to school at UNLV at the time and not  
4 physically present in Saudi Arabia, the fact that they got  
5 married in Saudi Arabia and that the child lived in Saudi  
6 Arabia at all times except for the six weeks prior to the  
7 filing of this case, Saudi Arabia has no custody jurisdiction  
8 as home state.

9 MR. WILLICK: That is 125A.305, which specifically bears  
10 on the definition of 125A.085.

11 THE COURT: Okay.

12 MR. WILLICK: There is an explicit consideration...

13 THE COURT: Let me -- let me turn -- let me...

14 MR. WILLICK: ...that a parent who...

15 THE COURT: All right. Let -- let me -- let me follow it  
16 there. So the court of the state has jurisdiction to make  
17 initial custody jurisdiction only if the state is the home  
18 state of the child at the day of the commencement of the  
19 proceedings, which it wasn't, or was the home state of the  
20 child within six months before the commencement of the  
21 proceedings, not in this case, and the child is absent from  
22 the state but a parent or person acting as parent continues  
23 to live in the state.

24 So you're saying that that last clause says that  
25 the defendant in this case cannot say that he continues to

1 live in the state if Saudi Arabia because he's physically  
2 going to college here in Nevada on that visa.

3 MR. WILLICK: Yes, Your Honor. And the national case law  
4 is concerned solely with physical location, not questions of  
5 domicile. There is no domicile or intended location or other  
6 superlative on the test. The UCCJEA is concerned solely with  
7 physical location, where people are living. And that is the  
8 Davis versus Ewalefo case, which is in footnote 15, residency  
9 is defined as physical presence at the moment of the filing  
10 of the initial custody action.

11 So the six-week test, which has to do with divorce  
12 jurisdiction is not technically relevant either. Even if the  
13 parties had been here for a week, if the custody case had  
14 been filed at that time and at the moment of that filing, mom  
15 and dad and child had moved to Nevada, not traveling through,  
16 but moved to Nevada, then if they were residents here,  
17 meaning physical presence, then Nevada would be the place  
18 with custody jurisdiction. That is -- I mean, the language  
19 is -- is quoted on that page.

20 The comments to the UCCJEA make it clear that the  
21 statutory language is intended to deal where the people  
22 actually live not with any sense, and that's a quote from the  
23 official comments of a technical domicile. We don't care  
24 that they had had an intention to return some day to Saudi  
25 Arabia. It just...

1 THE COURT: Well, he ne- he never -- he never change --  
2 he never change -- well, okay. That's fine. So I -- I -- I  
3 respect your argument that says that -- that his visa and his  
4 reason for being here and everything else, it doesn't matter.  
5 I re- I respect that argument. That's...

6 MR. WILLICK: Okay. If you didn't go down that path, if  
7 you didn't make that finding and we think it's required under  
8 the terms of the comments to UCCJEA itself, then you would  
9 need to get to the question of whether Saudi Arabia could be  
10 treated as a state. And respectfully, I don't think you  
11 could do that on law and motion because the matters that are  
12 raised in terms of the fundamental notions of due process, et  
13 cetera, are necessarily fact based. And you probably would  
14 have to hear evidence before making that determination. I --  
15 and I -- I'm certainly not telling the Court how to do its  
16 job. I just...

17 THE COURT: No, no, no, no. Like -- look I -- I ag-...

18 MR. WILLICK: ...I believe that that is...

19 THE COURT: That's -- that was never raised in the  
20 papers. Okay? And the Exhibit 1 was attached by you solely  
21 to make that point, I guess. But the fact is it's not  
22 axiomatic that Saudi Arabia qualifies as a state that would  
23 violate fundamental human rights. Okay? That's not what  
24 this -- what a state court is gonna say. It's gonna require  
25 proof and findings of it. Okay?



1 Now the -- that may be one way to deal with it.

2 MR. WILLICK: Respectfully it is raised in the papers.

3 The discussion begins on page seven and goes into page eight.

4 And I did make the -- the claim as part of our moving  
5 papers...

6 THE COURT: Well, you attached -- you...

7 MR. WILLICK: ...that you couldn't con-...

8 THE COURT: ...attached this decision that was written by  
9 a judge in Washington State that made that finding.

10 MR. WILLICK: Correct.

11 THE COURT: And goes...

12 MR. WILLICK: Yes.

13 THE COURT: ...over the reasons for that finding. But  
14 that hasn't been made here. I -- the point I'm trying to  
15 make is we don't pick and choose countries and then just  
16 summarily decide that it's axiomatic that they violate  
17 fundamental human rights. Okay? That's not -- that's not  
18 what we do.

19 You have your opinions, and

20 MS. GREEN: Your Honor...

21 THE COURT: ...different folks have their opinions.

22 Yeah.

23 MS. GREEN: Your Honor, I hate to interrupt; but it  
24 doesn't look like the interpreter came back; and...

25 THE COURT: I -- you know, I don't...

1 MS. GREEN: ...I'm wondering...

2 THE COURT: Look. Ms. -- Ms. Green, stop. Okay. Your  
3 responsible for organizing this and getting this straight.  
4 We're on the record, and you can fix it by having an  
5 interpreter review these proceedings with your client. I'm  
6 very sorry that -- that there was a snafu here, but it's not  
7 the Court's responsibility or doing.

8 You -- it -- nothing is -- is -- is finalized today  
9 or nothing that's gonna be that you can't review with your  
10 client with an interpreter. Okay? We -- we started at  
11 10:00. The interpreter did- was messed up as far as the  
12 time. We had the hearing for 15 minutes before he even found  
13 out that he wasn't interpreting. And then we lost him for  
14 some reason. And it's 11:30. And I have not even begun my  
15 hearings on the 11s because we trailed this matter for 45  
16 minutes.

17 So we're -- we're operating under the necessity of  
18 having to conclude this hearing. And you'll deal with it  
19 with your client. And you'll get her to understand  
20 everything that's been said for the last 50 minutes. Okay?  
21 And I -- I -- I -- that's -- I'm sorry. That's -- we're not  
22 -- we're not continuing this matter. And we're not wasting  
23 another minute trying to find out why your interpreter isn't  
24 online or -- or handling this matter.

25 You know, I don't remember this case, this Davis

1 case. It had to do with two countries in Africa I think as  
2 it related to physical presence. I'm gonna have to read it.

3 MR. WILLOCK: Yes, yes, Your Honor. But it's not the  
4 substance of that case that we were dealing with. That had  
5 to do with Hague, et cetera. And this isn't -- as you've  
6 noted and we agreed, this is not a Hague matter.

7 But the -- the point to it was the quoted material  
8 in footnote 15. The residency is the trigger point. The  
9 question is the parent and child's residency under Nevada's  
10 -- in -- in Nevada at the moment of the initiation of  
11 proceedings.

12 THE COURT: Okay. The -- all right. I've -- I've heard  
13 enough for today.

14 You know, my -- my -- you know, the other part of  
15 the UCCJEA that I didn't really read or emphasize is when you  
16 have a dispute concerning jurisdiction, it's supposed to have  
17 calendaring priority and resolution as soon as possible;  
18 right?

19 This case is gonna be two years old and I -- and  
20 we're -- we're talking about fundamental issues of what type  
21 of divorce the plaintiff is gonna get. And so we really need  
22 to -- to move this forward.

23 The -- you know, I -- my -- I -- I appreciate the  
24 dialogue, Mr. Willock, in these -- on these areas of -- of  
25 whether I'm dealing with recognizing Saudi Arabia as the home



1 state or just disregarding it as a consideration for home  
2 state. I think it's important. I do think it's important  
3 because if -- we know Nevada's not the home state. That --  
4 this Court could not issue a home state order. It would be  
5 on another basis of the enforcement act.

6           So the international application is what the Court  
7 figured we would be dealing with. And what I intended to  
8 tell Mr. Markman and -- and -- and why this dialogue that  
9 we're having and a review of the papers is this. The  
10 opposition that you filed says that this Court has  
11 jurisdiction for the reasons that you stated. But it also  
12 said that this Court shouldn't recognize Saudi Arabia as the  
13 home state because of this notion that Saudi Arabia would  
14 violate fundamental principles of human rights.

15           If the Court was gonna entertain that that was the  
16 issue that the Court needed to resolve, the motion to dismiss  
17 the custody issues would have to be denied because there  
18 would be material facts in dispute. There would need to be a  
19 hearing to determine whether that would occur. And that's  
20 sort of where the Court was -- was -- was reviewing the  
21 paperwork and looking at where this was going to happen.

22           And the Court wanted to see how soon that type of  
23 dispute can -- can be had because I think that if this Court  
24 was -- received evidence and made findings similar to the  
25 findings that were made in the Washington State court, then

1 the Court could find that Saudi Arabia was the home state;  
2 but Nevada would have to decide custody on that basis. And  
3 that would be a very straight approach to the reading of the  
4 enforcement act adopted in the 125A. Okay?

5 I am more comfortable with that approach than I am  
6 with this approach that says if somebody who gets a visa and  
7 comes here to go to college and then their spouse comes out  
8 here and stays here for six weeks, establishes physical  
9 presence and then trumps any consideration of where the home  
10 state is of the child, I'm not comfort- I'm not as  
11 comfortable with that at all. Maybe that's the law. Maybe  
12 -- I don't read home state under that provision or the  
13 provision of the 305 that way.

14 I think that ordinarily speaking if you look at  
15 cases like Friedman or you look at cases like Davis, you're  
16 talking about folks that went or -- or left the state without  
17 any particular explanation other than they're living in a  
18 different place.

19 The only reason why Mr. Senjab is here in the  
20 United States is to pursue an education pursuant to a  
21 restriction that our federal government placed on him that he  
22 has to go back as soon as he's finished. Okay?

23 And so he can't -- according to the federal law  
24 that the Court relied upon in denying -- in dismissing the --  
25 the divorce initially was this issue of intent, whether or

1 not it was available to either party to say that they're  
2 gonna stay in this country. I think it matters.

3 I think it -- that the Friedman case and the Davis  
4 case and these cases that only looked at where they were  
5 physically present didn't consider an analysis on any of that  
6 nonsense, okay, did not consider why they were here, how they  
7 were here, what restrictions they have on them being here.

8 And so I'm not comfortable saying that as a matter  
9 of law this divorce necessarily is gonna contain an -- a  
10 judgment related to custody on that basis. I -- I -- I, you  
11 know, the Court doesn't want to waste your time. I'm gonna  
12 try to make the correct order.

13 But I think that if I deny the motion to dismiss as  
14 a matter of law, then it's a crap shoot as to what the  
15 supreme court would say about that. They could say  
16 (indiscernible) Saudi Arabia. It's easy peasy. Nevada is  
17 gonna take anybody that comes as long as no one's physically  
18 present in their last home state and forget the -- the  
19 nuances of the reason why they're here or any kind of federal  
20 law or whatever.

21 The appropriate approach to this case is to  
22 determine whether or not the provisions of the uniform act as  
23 adopted by Nevada law should apply. If Saudi Arabia is the  
24 home state, Nevada's not the home state and if the custody  
25 laws of Saudi Arabia do not violate the fundamental

1 principles of human rights, then the uniform act says that  
2 the Court should respect that home state jurisdiction.

3 But as I mentioned before, Mr. Markman, the issue  
4 of whether or not the laws, the custody laws, of Saudi Arabia  
5 violate the fundamental principles of human rights under the  
6 uniform act is a factual issue that is contested. And as Mr.  
7 Willick provided, other jurisdictions have received evidence  
8 and determined that that's true. And that was a basis to not  
9 recognize Saudi Arabia as a home state.

10 And so the motion to dismiss is denied without  
11 prejudice. There is a factual dispute that needs to be  
12 resolved. And the Court is gonna require the plaintiff to  
13 provide proof that the laws of the -- of Saudi Arabia violate  
14 fundamental principles of human rights.

15 Now have you ever put on a case like that, Mr.  
16 Willick? I mean, is it gonna be -- is it gonna be something  
17 that you can do in the next month or two?

18 MR. WILLICK: To be perfectly honest, Your Honor, I have  
19 not actually litigated that point in the Nevada court. I've  
20 only dealt with it as an appellate issue.

21 THE COURT: Right. So, I mean, I want to give you a fair  
22 amount of time; but I've got -- but the law says that I need  
23 to expedite this. So balancing that out between you and Ms.  
24 Green, when can that be done?

25 MR. WILLICK: I -- I'm not trying to be evasive, but I

1 don't have a precise answer for you. I would have to find an  
2 appropriate expert, notify that person of the facts of the  
3 case.

4 THE COURT: All right. That -- that's...

5 MR. WILLOCK: ...fact of the case.

6 THE COURT: That's a fair -- that's a fair response. I  
7 -- I -- I mean, I figured if you'd made a case like this  
8 before maybe you would know how much time it would take.

9 The Court is gonna direct -- has rendered a  
10 decision, is gonna direct you, Ms. Green, or, Mr. Willock, to  
11 prepare an order that the Court appreciates all of the  
12 dialogue that we've had here today by reference but makes the  
13 specific findings that I've just made in the last five  
14 minutes. Okay?

15 It's -- it -- it is the plaintiff's burden to show  
16 -- this is the Court -- this is the law of the case I'm  
17 developing as it -- as it is, that I'm considering the  
18 dismissal because Saudi Arabia is the home state. The Court  
19 is not denying the motion to dismiss as a matter of law  
20 because of both parties being in Nevada at the time this case  
21 was filed.

22 So, Mr. Willock, I -- the -- the reason why I think  
23 that's important to emphasize is that you may think that's  
24 error if the Court, you know, determines that you can't make  
25 a case under the home state consideration, okay, because I --



1 I've decided that issue for the purpose of the appeal,  
2 knowing it's going up either way. Okay?

3 But on the factual issue about whether or not the  
4 Court should ignore the fact that Saudi Arabia is the home  
5 state, that's the conclusion of the Court.

6 The Court is gonna find adequate cause for a  
7 hearing. You're gonna prepare the order. The Court is going  
8 to -- we're in a prejudgment phase. You don't need  
9 permission to do discovery. We're gonna have a hearing at  
10 the beginning of March. At that hearing, I'm gonna ask you  
11 what you've been doing and whether you're ready to make your  
12 case. If you're not ready to make your case, you're gonna  
13 tell me what -- what needs to be done and how -- how much  
14 time we need to do this.

15 I don't know what to tell you about you're -- I --  
16 you're reporting to the supreme court. The only case I know  
17 about is this 81515 appeal. Okay? I don't -- I -- I'm  
18 trying this case just like a divorce case that got remanded  
19 to me. I mean, that's -- that's the way I'm operating on it.

20 Now, Mr. Markman, you don't have to prove anything.  
21 I mean, you're gonna -- you're gonna have an opportunity to  
22 present evidence, too; but it's their burden.

23 The Court needs to expedite the calendaring of  
24 this, which sounds ludicrous when we're talking about a  
25 divorce case. It'll be over two years old by the time we

1 hear this again.

2 So, madam clerk, give me something on a motion  
3 calendar in early March, mid-March.

4 THE CLERK: March 7th at 10 a.m.

5 THE COURT: Are you okay with that?

6 MR. WILLICK: We're open, Your Honor.

7 THE COURT: Say that again.

8 MR. MARKMAN: And, Your Honor...

9 MR. WILLICK: We're open March 7th at 10, 10:00.

10 THE COURT: All right. Now is there anything the Court  
11 can do to help not make this interpreter thing a problem on  
12 these hearings? I mean, can -- can the -- do you want the  
13 Court to contact the interpreter's office to try to set this  
14 up because we can do that?

15 MS. GREEN: No, Your Honor. I -- I think I can handle it  
16 from here. But previous to this hearing, the interpretation  
17 always took place during the hearing. So when we started  
18 this hearing, until then I didn't have this -- this other  
19 thing in mind. I've never...

20 THE COURT: Yeah, well, it's a...

21 MS. GREEN: ...(breaking up - indiscernible), Your Honor,  
22 (breaking up - indiscernible).

23 THE COURT: It's a common thing we do with other  
24 languages. I mean, we -- we have interpreters here almost  
25 every day. Sometimes they interpret...

1 MS. GREEN: I had just...  
2 THE COURT: ...offline. And the other...  
3 MS. GREEN: ...seen it, Your Honor.  
4 THE COURT: But look. Before the next hearing, if you  
5 need help just call us. And we'll...  
6 MS. GREEN: Okay.  
7 THE COURT: We'll...  
8 MS. GREEN: I will.  
9 THE COURT: We'll, you know, either my marshal or someone  
10 in my office will try to facilitate that so that we can get  
11 this -- get this done. I feel...  
12 MS. GREEN: Okay. Your Honor, and thank you.  
13 THE COURT: I feel badly that, you know, the plaintiff  
14 is, you know, she's on pins and needles anyway; but not  
15 knowing what happened and knowing that the hearing went on  
16 for an hour, I mean, I -- I -- that's just not the way it's  
17 supposed to happen. So...  
18 MS. GREEN: I know. And I'll call her right away, Your  
19 Honor.  
20 THE COURT: All right. So...  
21 MR. MARKMAN: Your Honor.  
22 THE COURT: Yes, Mr. Markman.  
23 MR. MARKMAN: I apologize. I just have a couple of  
24 questions for clarification points. So I understand the  
25 motion to di- dismiss was denied, which is going to obviously



1 prompt me to file an answer. So and...

2 THE COURT: You already filed...

3 MR. MARKMAN: ...I'm trying to...

4 THE COURT: You filed -- you already filed an answer.

5 You're objecting to the jurisdiction of the court related to

6 custody. It's not an order that would...

7 MR. MARKMAN: We did not file.

8 THE COURT: ...result in the dismissal of the case. Oh,

9 you haven't filed an answer yet?

10 MR. MARKMAN: We have not. We haven't yet. We filed a

11 motion to dismiss, but we never filed an answer.

12 THE COURT: Ever?

13 MR. MARKMAN: Ever.

14 THE COURT: Well...

15 MR. MARKMAN: It's been a...

16 THE COURT: ...they -- they...

17 MR. MARKMAN: ...motion to dismiss...

18 THE COURT: They're entitled -- they're entitled to...

19 MR. MARKMAN: ...after a motion to dismiss.

20 THE COURT: All right. Once the order denying the motion

21 to dismiss without prejudice is -- is filed, you need to

22 answer. There's gonna be a divorce case. There's gonna be a

23 divorce case, whether it's status and child support or

24 whatever. You need to answer. You can in your answer state

25 the same defense, no subject matter jurisdiction over

1 custody. It's consistent with your motions. The Court  
2 hasn't made a final order on that. So just -- I -- I don't  
3 know why you would even wait. But I get it. It's not a  
4 dispositive motion.

5           Based on the supreme court decision in November, we  
6 knew that the plaintiff had a right to get a divorce and  
7 probably pursue child support orders and things like that,  
8 any personal jurisdiction stuff.

9           So any other questions before I let you go?

10          MR. MARKMAN: And I -- and I apologize, Your Honor. I  
11 was just looking for clarification on that because then  
12 obviously if it's a -- you didn't have the motion to dismiss,  
13 I think I'd have to appeal it. And if I have to file an  
14 answer as to ...

15          THE COURT: (Indiscernible) I...

16          MR. MARKMAN: ...the custody.

17          THE COURT: I don't -- I don't think so because the Court  
18 denied it because it was considered in the nature of the  
19 motion for summary judgment. I don't think you appeal a  
20 denial of a motion for summary judgment until after the final  
21 judgment is entered. Am I wrong?

22          MR. WILLICK: Actually, Your Honor, that's exactly what  
23 the Nevada Supreme Court indicated in the order that has been  
24 lodged in this court. They wanted a decision on the merits  
25 of the jurisdictional issues...

1 THE COURT: All right. Then...

2 MR. WILLOCK: ...to make it ripe...

3 THE COURT: Then that's even...

4 MR. WILLOCK: ...for appellate review.

5 THE COURT: Then that's even more reason to have this  
6 hearing in March. You -- you protect your client, Mr.

7 Markman, however you need to. And the Court -- I thought  
8 that was for a remand to proceed with the divorce case.

9 So -- so the procedure will be, you have a ruling  
10 that says that the motion to dismiss is denied. And the  
11 basis is that there's a factual issue as to how to deal with  
12 the fact that Saudi Arabia is the home state based on the  
13 provision that the Court cited.

14 You're gonna appeal. And what's -- I guess both  
15 parties are gonna appeal. And the Court will be determining  
16 whether or not we do anything while under collateral  
17 jurisdiction or under Huneycutt remand or whatever, what a  
18 nightmare. Okay? But I don't know how -- I mean, if -- if  
19 that's what's required -- because basically what the court  
20 said is, look, we're gonna have an evidentiary hearing to  
21 determine whether or not there's a basis to reject this  
22 notion that Saudi Arabia is home state.

23 I mean, you're saying Saudi Arabia's the home  
24 state. The Court said, okay. It is. But there's a basis to  
25 reject the home state based on a factual offer of proof.

1 Okay?

2 MR. MARKMAN: (Indiscernible), Your Honor. I apologize.  
3 And maybe I'm wrong here. And I would (breaking up -  
4 indiscernible). Does it -- does it maybe make more sense to  
5 deny it and stay it so that we don't have to worry about.  
6 Couldn't we just have an evidentiary hearing?

7 THE COURT: Well, they're -- they're gonna appeal anyway  
8 because Mr. Willick thinks that -- that it should be denied  
9 as a matter of law because neither party were physically  
10 there; right?

11 MR. MARKMAN: Fair enough.

12 THE COURT: So we got -- I mean, I -- I'm try- what I --  
13 look. What I'm trying to do since I don't have an all, in my  
14 opinion, I don't have an all fours on this, is I'm trying to  
15 give you the clearest ruling you can so you can -- you can  
16 take care of it.

17 You can -- I mean, we got two primary issues. One,  
18 is there a basis to grant a divorce, including custody  
19 because mom came here and lived here for six weeks prior to  
20 filing the case. And...

21 (Whereupon the matter was trailed at  
22 11:50:04 and recalled at 11:50:04.)

23 THE COURT: ...dad was here on a -- pursuant to federal  
24 law to go to school. The Court said, no; right? Then we  
25 have dad's request to say, we want a order saying that Nevada

1 does not have custody jurisdiction because Saudi Arabia is  
2 the home state. The Court said, there's been a response  
3 filed that says an exception to the home state applies in  
4 this case, that it's a factual issue that requires proof that  
5 would support a finding that Saudi Arabia violates  
6 fundamental human rights and that the Court could not grant a  
7 motion to dismiss until the plaintiff was given an  
8 opportunity to make that case.

9 MR. MARKMAN: Thank you, Your Honor.

10 THE COURT: Please -- please get a -- a...

11 MR. MARKMAN: I appreciate it.

12 THE COURT: I mean, I, you know, we've been all over the  
13 map on this over the last hour. I -- I hope that the  
14 transcript of the proceedings will be made, you'll get to  
15 reference it. I'm trying to make it as clear as I can to  
16 you.

17 Mr. Willick, in light of the dialogue that we've  
18 had, please let Mr. Markman have the courtesy of reviewing  
19 the form and content of your order. Okay?

20 MR. WILLICK: Oh, of course.

21 THE COURT: Can you think of...

22 MS. GREEN: And, Your Honor.

23 THE COURT: ...anything else you want to just state for  
24 clarification?

25 I'm sorry, Ms. Green.



1 But anything else, Ms. Markman -- Mr. Markman?

2 MR. MARKMAN: I don't believe so, Your Honor.

3 THE COURT: Ms. Green.

4 MR. MARKMAN: I appreciate it.

5 THE COURT: Ms. Green.

6 MS. GREEN: I just wanted to ask if all the -- the  
7 temporary orders regarding custody and all of that will  
8 remain in place...

9 THE COURT: You know, I don't know how to answer that  
10 question.

11 MS. GREEN: ...between hearings.

12 THE COURT: The Court hasn't issued any custody orders.  
13 We talked about this already. And this case is languished...

14 MS. GREEN: Okay. No, I'm...

15 THE COURT: ...has been going on so long that the  
16 protective orders have expired. And so it's in the interest  
17 of both parties to have something. Okay? And you guys keep  
18 talking to each other, but you don't -- I don't see any  
19 orders that are coming from you guys. The Court hasn't  
20 decided whether we have custody jurisdiction in the divorce  
21 case. So the answer's, no. Okay?

22 And I'm even nervous about stipulations that you  
23 submit. I've been down that road before, too. You guys have  
24 reserved jurisdiction on -- I mean, reserved your -- your  
25 rights on all arguments related to custody. How can Mr.

1 Markman stipulate to custody when his position has been  
2 custody -- no custody jurisdiction. It's impossible. It's  
3 an impossible situation exacerbated by the fact that this  
4 case has been pending for two years. And you have legitimate  
5 legal issues that you're wrangling about.

6 So while I sympathize with you...

7 ((Many speakers - indiscernible))

8 MS. GREEN: (Indiscernible) all here, Your Honor.

9 THE COURT: What?

10 MS. GREEN: They're all here. We're litigating the case.  
11 They have a tim...e share. I'm just asking that they  
12 continue to follow it.

13 THE COURT: Yeah. I'm not issuing any orders in the D  
14 case regarding custody, none, until we either know we have  
15 jurisdiction or we don't. Okay? The Court is not go- look.  
16 I forget what Pickering wrote in the -- in the Friedman case.  
17 You either have jurisdiction or you don't. Okay? And we --  
18 and we don't have that determination made. We're not gonna  
19 -- we're not gonna -- we can't. I'm sorry.

20 All right. I've gotta let you go. You guys stay  
21 safe. And I'll see you at -- when is the hearing?

22 THE CLERK: Sorry. It's March 7th at 10 a.m.

23 THE COURT: March 7th at 10 a.m. And, you know, the case  
24 will probably be in appellate status, and we'll talk about  
25 what we're doing between now and then. Okay?

1 MR. WILLICK: Thank you, Your Honor.

2 THE COURT: All right.

3 MS. GREEN: Thank you.

4 (THE PROCEEDING ENDED AT 011:53:29.)

5

6 \* \* \* \* \*

7

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

11

12

Sherry Justice  
SHERRY JUSTICE,  
COURT RECORDER/TRANSCRIBER

13

14

15

16

17

18

19

20

21

22

23

24

25



88

88

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

March 07, 2022

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

**March 07, 2022      10:00 AM      Status Check**

**HEARD BY:** Ritchie, T. Arthur, Jr.**COURTROOM:** RJC Courtroom 03G**COURT CLERK:** Tristy L. Cox**PARTIES:**

Ahed Senjab, Plaintiff, present

April Green, Attorney, present

Mohamad Alhulaibi, Defendant, present

David Markman, Attorney, present

Ryan Alhulaibi, Subject Minor, not present

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

**- STATUS CHECK: EVIDENTIARY HEARING SETTING**

Attorney Richard Crane, bar #9536, was also present on behalf of Plaintiff. Court Interpreter, Dalyia Ahmed, was present to assist Plaintiff. In the interest of public safety due to the Coronavirus pandemic, all parties present appeared via video conference through the BlueJeans application.

The Court reviewed the case and NOTED the Supreme Court decided on an appeal of the Court's ruling to dismiss this action, found that this Court has jurisdiction to grant the parties a divorce. However, the issue is whether this Court has custody jurisdiction. Nevada is not the home state pursuant to the UCCJEA; Saudi Arabia is the home country which under the UCCJEA is considered a state. At the last hearing, the request was made for Nevada to take jurisdiction based on the allegation Saudi Arabian child custody laws violate fundamental principles of human rights. The Court questions whether there are any proceedings in Saudi Arabia, and as a Court in Nevada, if this case is made, does this apply just to the facts of this case, or is the Court making a determination that judgments issued by Saudi Arabia should be ignored by the Courts in Nevada based on this

PRINT DATE:	03/09/2022	Page 1 of 2	Minutes Date:	March 07, 2022
-------------	------------	-------------	---------------	----------------

**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

principle.

Mr. Crane stated they intend on filing a Writ of Mandamus with the Nevada Supreme Court regarding the Court's decision on jurisdiction; however, the transcripts were just filed last Friday so they expect to have it filed in the next fifteen days. They are requesting to recognize terms of UCCJEA as this Court is the only Court that has jurisdiction as neither of the parties are currently living in Saudi Arabia and neither party nor the child has the right to return to Saudi Arabia as none of the parties have valid reasons to return to Saudi Arabia. Further discussion regarding jurisdiction and the Writ of Mandamus.

Ms. Green stated requested a stay of this matter pending the decision on the Writ of Mandamus or set evidentiary hearing proceedings regarding Nevada taking jurisdiction based on the laws of Saudi Arabia violating principles of human rights. Further discussion regarding jurisdiction and an evidentiary hearing setting.

Mr. Markman stated he does not know how they got information regarding Defendant's Visa status, Plaintiff would have had to use his personal information; however, his Visa is still valid and he and the child can return to Saudi Arabia at any time. Ms. Green stated they did an online search under the Visa numbers, it expired on February 22, 2022 if it was not renewed, and their residencies expired quite a long time ago.

COURT ORDERED an Evidentiary HEARING SET on June 9, 2022 at 9:00 AM (full day) regarding custody jurisdiction. DISCOVERY closes on May 6, 2022. The Court is not proceeding on the merits of the case until jurisdiction is established. Counsel shall notify the Court if anything comes up that affects the Evidentiary Hearing date.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

June 09, 2022 9:00 AM Evidentiary Hearing  
Ritchie, T. Arthur, Jr.  
RJC Courtroom 03G

PRINT DATE:	03/09/2022	Page 2 of 2	Minutes Date:	March 07, 2022
-------------	------------	-------------	---------------	----------------

**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

89

89

1 OSEH  
2  
3  
4  
5

6 **DISTRICT COURT**  
7 **FAMILY DIVISION**  
8 **CLARK COUNTY, NEVADA**

9 \*\*\*\*\*

10  
11 AHED SAID SENJAB,

12 Plaintiff,

13 vs.

14 MOHAMAD ABULHAKIM

15 ALHULAIBI,

16 Defendant.

CASE NO.: D-20-606093-D  
DEPARTMENT H  
RJC-Courtroom 3G

17  
18 **ORDER SETTING EVIDENTIARY HEARING**

19 Date of Hearing: June 9, 2022

20 Time of Hearing: 9:00 a.m.

21  
22 **IT IS HEREBY ORDERED** that the above-entitled case is set for an  
23 Evidentiary Hearing in Department H on the 9<sup>th</sup> day of June, 2022, at the hour of  
24 9:00 a.m. for one (1) day at the Regional Justice Center, 200 Lewis Avenue,  
25 Courtroom 3G, Las Vegas, Nevada.  
26

27 **IT IS FURTHER ORDERED** that all Discovery shall be completed no  
28 later than May 6, 2022.

**IT IS FURTHER ORDERED** that pursuant to EDCR 5.525(a): prior to or at any calendar call, or at least 7 calendar days before trial or any evidentiary hearing if there is no calendar call, the designated trial attorneys for all parties shall meet to arrive at stipulations and agreements, for the purpose of simplifying the issues to be tried, and exchange final lists of exhibits and the names and addresses of all witnesses (including experts) to be actually called or used at trial. No new exhibits or witnesses are to be added, although previously disclosed witnesses or exhibits may be eliminated, unless otherwise ordered.

**IT IS FURTHER ORDERED** that Exhibits are *not filed* and must be submitted electronically pursuant to Administrative Order 20-10. See attached directions and form.

**IT IS FURTHER ORDERED** that no continuances will be granted to either party unless written application is made to the Court, served upon opposing counsel or proper person litigant, and a hearing held at least three (3) days prior to the Evidentiary Hearing. *If this matter settles, please advise the Court as soon as possible.*

**Dated this 10th day of March, 2022**

Art Kitchie

**2E8 328 AACA 1777**  
**T. Arthur Ritchie**  
**District Court Judge**

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  
26  
27  
28

## CERTIFICATE OF SERVICE

On or about the file stamp date, a copy of the foregoing Order Setting  
Evidentiary Hearing was:

☒ E-served pursuant to NEFCR 9; or mailed, via first-class mail, postage  
fully prepaid to:

April S. Green, Esq.  
[asgreen@lacs.n.org](mailto:asgreen@lacs.n.org)  
for  
PLAINTIFF

David Markman, Esq.  
[david@markmanlawfirm.com](mailto:david@markmanlawfirm.com)  
for  
DEFENDANT

---

Katrina Rausch  
Judicial Executive Assistant  
Department H

## DIRECTIONS FOR COMPLETING EXHIBIT LIST

### **EXHIBITS are NOT E-FILED FOR EVIDENTIARY HEARINGS OR TRIALS**

Exhibits must be submitted to the opposing attorney or party in proper person seven (7) days prior to the Evidentiary Hearing or Trial pursuant to EDCR 5.525(a).

**Exhibits for the Court must be uploaded at least two (2) days prior to the Evidentiary Hearing or Trial for marking by the Clerk.**

Please email [FCEvidence@clarkcountycourts.us](mailto:FCEvidence@clarkcountycourts.us) and provide: Case Number, Case Name, date of Evidentiary Hearing or Trial and Party Identifier (Plaintiff or Defendant) to receive a link to upload your Exhibits.

On the following form put either Plaintiff or Defendant on the line before the word EXHIBITS. Put your case number in the appropriate space.

If you are the Plaintiff, all of your exhibits will be identified by NUMBERS.  
(Example: Exhibit 1, Exhibit 2, etc.)

If you are the Defendant, all of your exhibits will be identified by LETTERS OF THE ALPHABET. (Example: Exhibit A, Exhibit B, etc.)

You must identify each section of your exhibits and mark them with a divider page which identifies the exhibit. Exhibits are not to be bunched together in one group of papers and are to be numbered in the lower right corner.

Example: Exhibit 1 or Exhibit A

3 pages of bank statements would be tabbed with the appropriate number or letter and submitted together.

2 pages of employment information would be tabbed with the appropriate number or letter and submitted together.



[illegible]

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 Setting Evidentiary Hearing was served via the court's electronic  
14 eFile system to all recipients registered for e-Service on the above entitled case as listed  
below:

15 Service Date: 3/10/2022

16 Reception Reception

email@willicklawgroup.com

17 Earlean Nelson-Deal

enelson-deal@lacsns.org

18 April Green, Esq.

asgreen@lacsns.org

19 Justin Johnson

Justin@willicklawgroup.com

20 Aileen Yeo

AYeo@lacsns.org

21 Richard Crane

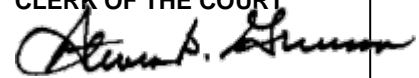
richard@willicklawgroup.com

22 David Markman

David@MarkmanLawfirm.com

90

90



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

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

AHED SENJAB,	)	
	)	
Plaintiff,	)	Case No: D-20-606093-D
	)	
vs.	)	Dept. No. H
	)	
MOHAMAD ABULHAKIM ALHULAIBI,	)	Appeal No.: 81515 82114
	)	
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 March 9, 2022, the attached Request for Transcript Estimate was  
emailed to Transcript Video Services at [videoa@clarkcountycourts.us](mailto:videoa@clarkcountycourts.us).

On March 9, 2022 an Estimated Cost of Transcript was received from Transcript Video  
Services, attached hereto.

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

////

////

////

////

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

3 Dated this 11<sup>th</sup> day of March, 2022.

4  
5 **LEGAL AID CENTER OF SOUTHERN NEVADA,**  
6 **INC.**

7 By: 

8 **APRIL GREEN, ESQ.**

9 Nevada Bar No.: 8340C

**BARBARA E. BUCKLEY, ESQ.**

Nevada Bar No.: 3918

10 725 E. Charleston Blvd.

11 Las Vegas, NV 89104

(702) 386-1415 Direct/Fax

(702) 386-1070 ext. 1415

12 [asgreen@lacsnsn.org](mailto:asgreen@lacsnsn.org)

13 Attorneys for Plaintiff

# REQUEST FOR TRANSCRIPT ESTIMATE

Today's Date 3/9/22

Requests for all JUVENILE transcripts require an EX-PARTE MOTION form that has been signed by the departmental Judge and filed at the Clerk's Office. Serve a copy on the Transcript Video Service office.

Entire Transcript X

or Partial Transcript \_\_\_\_\_

(Start time: \_\_\_\_\_ Stop Time: \_\_\_\_\_)

\* Please list any additional partial times on the reverse of this sheet and note it here.

Personal Use \_\_\_\_\_

or \*Appeal to the Supreme Court? \_\_\_\_\_

\*Supreme Court Case Number \_\_\_\_\_

\*Are child custody issues involved in this appeal? \_\_\_\_\_

**NOTE:** This form does NOT replace the *Formal Request For Transcript* per NRAP 9. To meet time constraints, Transcript Video Services must be served a copy of the *Formal Request For Transcript* that has been FILED by the Supreme Court promptly.

\* Per NRAP 9(b)(1)- Appellant shall furnish counsel for each party appearing separately a copy of the transcript. Any costs associated with the preparation and delivery of the transcript shall be paid initially by the appellant, unless otherwise ordered.

Number of copies you are ordering: 1

(\$3.55 per page, per NRS. 3.370 - 1 copy and 1 original)

(\$4.10 per page, per NRS. 3.370 - 2 copies and 1 original)

(\$4.65 per page, per NRS. 3.370 - 3 copies and 1 original)

- All originals are placed in the case file; all copies to ordering party.

Date(s) of Hearing(s) 03/07/2022

Case No: D-20-606093-D Dept. H Judge Ritchie, T. Arthur, Jr.

Case Name: Senjab vs Alhulaibi

**Transcript Video Services makes every effort to produce transcripts in an expedient manner. However, due to the volume of requests received, there may be a delay in processing your request.**

TRANSCRIPT(S) NEEDED BY DATE OF: ASAP

NAME (Please write legibly): April Green, Esq. - Legal Aid Center of Southern Nevada Inc.

ADDRESS: 725 E. Charleston Blvd.

CITY/STATE: Las Vegas, NV ZIP: 89104

PHONE: (702) 386-1415 FAX: (702) 386-1415

EMAIL ADDRESS: asgreen@lacs.org

SIGNATURE: \_\_\_\_\_

This is only an estimate. Upon completion of transcript(s), a balance may be due or you may receive a partial refund of your deposit.  
Eighth Judicial District Court - Family Division - Transcript Video Services  
EMAIL TO: VideoRequests@ClarkCountyCourts.US Phone 702-455-4977

FILED

MAR 09 2022

*Sherry Justice*  
CLERK OF COURT

EOT

COPY

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

AHED SENJAB, )  
Plaintiff, )  
CASE NO. D-20-606093-D  
DEPT. H  
APPEAL NO. 81515 82114  
vs. )  
MOHAMAD ABULHAKIM ALHULAIBI, )  
Defendant. )

ESTIMATED COST of TRANSCRIPT(S)

The office of Transcript Video Services received a request for transcripts estimate from April Green, Esq., Legal Aid Center of Southern Nevada, on March 09, 2022, for the following proceedings in the above-captioned case:

MARCH 07, 2022

for original transcript and one copy.

The estimated (reduced rate, NRS 3.370) cost of the transcripts is \$82.50. Payment in the amount of **\$82.50** payable to **Clerk of Court**, must be presented to the Transcript Video Services Office prior to work commencing on the transcripts. The clerk accepts **cashier's check, money order, MasterCard/Visa** or **exact cash**.

DATED this 9th day of March, 2022.

*Sherry Justice*  
SHERRY JUSTICE, Court Recorder/Transcriber  
Transcript Video Services

Transcript ESTIMATE amount of \$ \_\_\_\_\_ Check# \_\_\_\_\_ CC \_\_\_\_\_ Cash \_\_\_\_\_ Clerk \_\_\_\_\_

Received this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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 NINETY DAYS ARE SUBJECT TO DISPOSAL WITHOUT REFUND.

COUNTY RETENTION POLICY APPROVED BY INTERNAL AUDIT.

CLERK OF THE COURT  
*Alvin P. Linn*

CASE NO: D-20-606093-D  
Department: To be determined

**STATEMENT OF LEGAL AID REPRESENTATION  
AND FEE WAIVER (PURSUANT TO NRS 12.015)**

  
Signature of Preparer

AA000938



91

91

1 **ORDR**  
2 **APRIL GREEN, ESQ.**  
3 Nevada Bar No.: 8340C  
4 **BARBARA E. BUCKLEY, ESQ.**  
5 Nevada Bar No.: 3918  
6 **LEGAL AID CENTER OF SOUTHERN NEVADA, INC.**  
7 725 E. Charleston Blvd.  
8 Las Vegas, NV 89104  
9 (702) 386-1415 Direct/Fax  
10 (702) 386-1070 ext. 1415  
11 [asgreen@lacsnc.org](mailto:asgreen@lacsnc.org)  
12 Attorneys for Plaintiff

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

9 AHED SENJAB, )  
10 )  
11 Plaintiff, ) Case No: D-20-606093-D  
12 )  
13 vs. ) Dept. No. H  
14 )  
15 MOHAMAD ABULHAKIM ALHULAIBI, ) Appeal No.: 81515 82114  
16 )  
17 Defendant. )  
18 )  
19 )

**ORDER WAIVING COST OF TRANSCRIPT OF PROCEEDINGS**

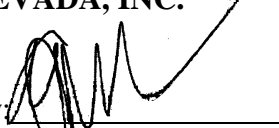
17 Having read Plaintiff's Request for transcript of proceeding, and other good cause  
18 appearing,

19 IT IS HEREBY ORDERED that pursuant to NRS 12.015(3) the Clerk of Court shall  
20 allow the preparation of the transcript for the March 7, 2022 hearing without charge.  
21 Dated this 12th day of March, 2022

*T. Arthur Ritchie*

069 AC0 D33E 9F5F  
T. Arthur Ritchie  
District Court Judge

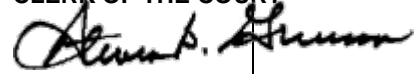
24 **LEGAL AID CENTER OF SOUTHERN  
NEVADA, INC.**

25 By   
26 **APRIL GREEN, ESQ.**  
27 Nevada Bar No.: 8340C  
28 **BARBARA E. BUCKLEY, ESQ.**  
Nevada Bar No.: 3918  
725 E. Charleston Blvd.

1 Las Vegas, NV 89104  
2 (702) 386-1415 Direct/Fax  
3 (702) 386-1070 ext. 1415  
4 [asgreen@lacs.n.org](mailto:asgreen@lacs.n.org)  
5 Attorneys for Plaintiff  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

92

92



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

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

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

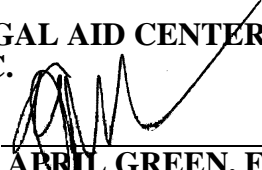
**NOTICE OF ENTRY OF ORDER**

TO: MOHAMAD ABULHAKIM ALHULAIBI, Defendant; and  
TO: DAVID MARKMAN, ESQ., Attorney for Defendant.

**PLEASE TAKE NOTICE** that an **ORDER WAIVING COST OF TRANSCRIPT OF PROCEEDINGS** was entered in the above-entitled action on the 12<sup>th</sup> day of March, 2022, a copy of which is attached hereto.

DATED this 14<sup>th</sup> day of March, 2022.

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

By:   
APRIL GREEN, ESQ.  
Nevada Bar No. 8340C  
BARBARA E. BUCKLEY, ESQ.  
Nevada Bar No. 3918  
725 E. Charleston Blvd.  
Las Vegas, NV 89104  
(702) 386-1415 Direct/Fax  
(702) 386-1070 ext. 1415  
[asgreen@lacs.org](mailto:asgreen@lacs.org)  
Attorneys for Plaintiff

93

93

1 TRANS

2  
3 ORIGINAL

4  
5 EIGHTH JUDICIAL DISTRICT COURT

6 FAMILY DIVISION

7 CLARK COUNTY, NEVADA

8  
9 AHED SAID SENJAB, ) CASE NO. D-20-606093-D  
10 Plaintiff, ) DEPT. H  
11 vs. ) APPEAL NO. 81515 82114  
12 MOHAMAD ABULHAKIM ALHULAIBI, )  
13 Defendant. )

14  
15 BEFORE THE HONORABLE T. ARTHUR RITCHIE, JR.

16 TRANSCRIPT RE: STATUS CHECK

17 MONDAY, MARCH 07, 2022

1 APPEARANCES:

2       The Plaintiff:                   AHED SENJAB  
3       For the Plaintiff:           APRIL GREEN, ESQ.  
4                                       725 E. Charleston Blvd.  
                                     Las Vegas, Nevada 89104

5       The Defendant:               MOHAMAD ABULHAKIM ALHULAIBI  
6       For the Defendant:       DAVID MARKMAN, ESQ.  
7                                       4484 S. Pecos Rd., Suite 130  
                                     Las Vegas, Nevada 89121

8  
9       Also Present:

10      Appellate Counsel  
11      For the Plaintiff:       RICHARD CRANE, ESQ.  
                                     3591 E. Bonanza Rd., Suite 200  
                                     Las Vegas, Nevada 89110

12  
13      Dalyia Ahmed - Interpreter  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



1 LAS VEGAS, NEVADA

MONDAY, MARCH 07, 2022

2

**PROCEEDINGS**

3

(THE PROCEEDING BEGAN AT 10:17:30.)

4

THE CLERK: We're on the record, Your Honor.

5

THE COURT: Okay. Great.

6

Good morning. We have a continuing prejudgment hearing on the Senjab and Alhulaibi case. Case number is D-2020-606093. We are on the record at the Regional Justice Center. No one is present. It looks like we have connections from counsel and parties and interpreters through BlueJeans. So we'll begin our statement of appearance.

12

Ms. Green, state your appearance.

13

MS. GREEN: April Green, Your Honor, Legal Aid Center of Southern Nevada, bar number 8340, for the plaintiff.

15

THE COURT: Okay. Who else is representing -- who else what other counsel for the plaintiff is -- needs to state appearance?

18

MR. CRANE: Your Honor, Richard Crane, 9536, also for Ahed Senjab.

20

THE COURT: Okay. Anyone else?

21

THE INTERPRETER: Your Honor, Dalyia Ahmed. I'm the Arabic interpreter for Ahed Senjab.

23

THE COURT: All right. And you're gonna interpret offline, the proceedings. Are you gonna interpret for the plaintiff offline?

1 THE INTERPRETER: I'm not aware of that. I was told it  
2 was gonna be on BlueJeans.

3 THE COURT: Right.

4 MS. GREEN: I gave the interpreter's of-...

5 THE COURT: But are you gonna -- are you gonna interpret  
6 on a closed circuit, or do we have to wait and for you to  
7 interpret on the record?

8 THE INTERPRETER: (Indiscernible)...

9 MS. GREEN: Your Honor, if I may. I did request offline,  
10 and I gave them Ahed's phone number. Ahed is expecting this  
11 to happen offline.

12 So, Ms. Dalyia, I can give you her phone number in  
13 the chat, if you want.

14 THE INTERPRETER: Absolutely.

15 MS. GREEN: Okay.

16 THE INTERPRETER: That would be great.

17 MS. GREEN: Okay.

18 THE COURT: Did you get the name? All right.

19 Let me know when you're ready, Madam Interpreter.

20 THE INTERPRETER: Ma'am, I didn't get the phone number.

21 MS. GREEN: This went over.

22 THE INTERPRETER: Thank you so much.

23 MS. GREEN: You're welcome.

24 THE INTERPRETER: Your Honor.

25 THE COURT: Yeah.

1 THE INTERPRETER: I'm ready, and I have -- I have -- I  
2 have Senjab on the line.

3 THE COURT: Great. We'll -- we'll circle back.

4 This is the Senjab and Alhulaibi case. It is  
5 prejudgment proceedings. The case number is 606093. No one  
6 is physically present, but we have counsel for the parties  
7 and the parties connected through BlueJeans. The plaintiff  
8 is represented by Ms. Green and Mr. Crane at today's hearing  
9 and assisted by court-certified interpreter.

10 Counsel for defendant, please state your  
11 appearance.

12 MR. MARKMAN: Good morning, Your Honor. David Markman on  
13 behalf of Mohamad Alhulaibi.

14 THE COURT: And is your client also connected?

15 MR. MARKMAN: Yes, Your Honor.

16 THE COURT: All right.

17 This case was filed, and it's a divorce case, two  
18 years ago, March 24th, 2020. There was a motion to dismiss  
19 April 14th, 2020. That motion to dismiss was ultimately  
20 granted, and it was appealed to the Nevada Supreme Court.  
21 Nevada Supreme Court held that juris- that it -- that this  
22 Court had jurisdiction to grant a divorce because there was  
23 physical presence for six weeks prior to the filing by the  
24 plaintiff.

25 That holding confirms that this Court has

1 jurisdiction to grant a divorce. And also because of the  
2 circumstances, we probably have personal jurisdiction over  
3 the plaintiff and the defendant because of the general  
4 appearance and connections to Nevada.

5           The issue that continues, and this is a prejudgment  
6 matter, is the issue of whether or not the divorce judgment  
7 will contain custody provisions, whether there's custody  
8 jurisdiction. And custody jurisdiction is at issue.

9           This contesh- contested issue has been briefed.  
10 It's been alluded to. It's been discussed on various  
11 appeals. And whether the divorce judgment can include  
12 custody orders is what -- what the -- what we're addressing  
13 her today.

14           These folks married in Saudi Arabia on February  
15 17th, 2018. The child and mom lived physically outside the  
16 United States and came to Nevada from Saudi Arabia on January  
17 13th, 2020. These facts are not in dispute.

18           Nevada is not the home state pursuant to the UCCJEA  
19 under NRS 125A. Saudi Arabia is the home state. Saudi  
20 Arabia is a foreign country. The provision of the Uniform  
21 Act as adopted by Nevada State that a foreign country is  
22 treated as if it were a state of the United States for the  
23 purpose of analyzing the Uniform Enforcement Act.

24           At the last hearing we had a long discussion about  
25 how this Court would have jurisdiction under the act. And

1 Mr. Willick, who was making points for the plaintiff at the  
2 time, talked about the provisions of 125A.225, which is the  
3 international application provision and says that this Court  
4 can ignore the home state of Saudi Arabia and does -- and  
5 that the provisions of this section would not apply if the  
6 child custody laws of the foreign custody where the child  
7 custody determination was made violate fundamental principles  
8 of human rights. He cited the unfiled, unreported opinion  
9 from some state. I think it was Washington State.

10 So the Nevada court treats the foreign country of  
11 Saudi Arabia as if it were a state of the state for the  
12 purpose and unless the child custody laws of the foreign  
13 country where the child custody was made violates fundamental  
14 principles of human rights.

15 And so the plaintiff has asked for an opportunity  
16 to make the case. Now the -- I guess what's interesting to  
17 me anyway, maybe it doesn't matter, is that this provision  
18 talks about whether or not this Court would honor a foreign  
19 decision. If you read the provisions of three it says that  
20 the provisions of this section do not apply if the child  
21 custody laws of the foreign country where the child custody  
22 determination was made violated fundamental principles of  
23 human rights.

24 I'm not aware of any case outside of Nevada. I'm  
25 not aware of any decision that was made. And I -- and I am

1 curious as to -- as we're setting this up for some sort of  
2 case to support some sort of order saying that we would  
3 ignore home state, what we'd be referring to.

4           So it's not axiomatic that Saudi Arabia -- that --  
5 or their jurisdiction would be ignored. I have questions  
6 about whether there's been any proceeding in Saudi Arabia.  
7 And I want to know as a -- as a court in Nevada if this case  
8 is made, does this apply just to the facts of this case; or  
9 am I making a determination that says that any judgment  
10 issued by Saudi Arabia should be ignored by states or courts  
11 in Nevada because of this principle?

12           We allowed for this matter to be a short discovery  
13 period. Today was a hearing for the purpose of taking stock  
14 as to whether or not this is ready to be set for a hearing.  
15 I saw some orders probably dealing with some of the appeals.  
16 They were here.

17           But this Court has jurisdiction to grant a divorce,  
18 could grant a divorce; but the plaintiff is asking for a  
19 divorce to be granted to include custody provisions; and this  
20 Court has said, no, and not unless an exception applies. And  
21 that's the law of the case.

22           So, Ms. Green, or, Mr. Crane, are you ready to try  
23 to make that case? Are you still intending to make that  
24 case?

25           MR. CRANE: Your Honor, if I may. I'll let Ms. Green

1 weigh in, as well; but just so the Court is aware, it is our  
2 intention to -- to file a writ of mandamus with the Nevada  
3 Supreme Court. It should have been on file over a month ago.  
4 Unfortunately, it took until last week Friday for the court  
5 to produce the transcripts from the hearing. So we're not  
6 able to actually get that done until now. We expect that  
7 that will be done within the next ten to fifteen days. We  
8 just want to make sure the Court is aware that that is our  
9 intention.

10 THE COURT: Well, to mandate what, to mandate this Court  
11 to issue a divorce judgment that includes custody?

12 MR. CRANE: No, Your Honor, to recognize the terms of the  
13 UCCJEA on two points. One is the point that since no one is  
14 living in Saudi Arabia, that this Court is the only court  
15 that has jurisdiction to enter a custody order; and second,  
16 neither party nor the child has the right to return to Saudi  
17 Arabia because none of them have valid visas to be able to  
18 return to that country.

19 THE COURT: Well, okay. That's all very interesting. I  
20 -- it would be helpful to know the answers to those  
21 questions. I mean, we know that's not the standard because  
22 neither of them had a right to be here in this country when  
23 the case got filed. Okay?

24 So this Court would still, if it had jurisdiction,  
25 would've afford -- would have given them an opportunity to

1 have an order. We don't have a standard that says that if  
2 he's on a student visa and she's here without any visa at all  
3 or any right to that, I'm not going over that again. We know  
4 -- we know what the -- the issues were related to whether the  
5 divorce could be brought in the first instance.

6           It'd be -- it's also interesting to me to see if a  
7 case drags out for two years like this one has whether that  
8 makes any difference. I think that what is -- what -- what  
9 should have happened at the time the case got filed was a  
10 hell of a lot germane to that question. But I would love to  
11 get the answer to those questions because if the Court had  
12 jurisdiction over custody, we would've set the divorce trial  
13 already; and we would've resolved it. Okay?

14           The -- the decision no matter what we have is --  
15 you know, I -- I thought back and said, well, what if the  
16 Court had just granted the motion to dismiss and said, you  
17 know, Nevada wasn't the home state. The home state was some  
18 other place at the time this case got filed. And then it  
19 would be taken up, and then the supreme court would weigh in  
20 just like they did on the issue of domicile or residence.  
21 Okay? This would all be very helpful.

22           As far as a writ of mandamus, what that means to me  
23 is that you guys don't want to put on -- put on that case,  
24 which I completely understand. You know, I -- I don't know  
25 why that would be. So, I mean, I guess it's...



1 MS. GREEN: Your Honor, it's -- it's not that we don't  
2 want to. It -- it's just that the -- the writ has to be  
3 filed to get a determination on that, but if -- if the Court  
4 would want to stay, you know, hold off on the trial until a  
5 writ decision comes out, that's good. If not, we, you know,  
6 we'd like to schedule the date for the follow-up whether  
7 Saudi Arabia violates fundamental human rights...

8 THE COURT: Well, I -- if I understand...

9 MS. GREEN: ...especially in the...

10 THE COURT: If I understand Mr. Crane's point, is that  
11 the preference would be or the -- there's a -- there's more  
12 than just that one request. There's a request to have this  
13 Court conclude that it has custody jurisdiction on another  
14 theory other than that. And, you know, I don't have any  
15 problem.

16 I mean, the -- the -- the Court -- I'm responsible  
17 or the Court is responsible for making decisions. When the  
18 matter is presented to the Court, the Court should make  
19 decisions. I shouldn't contribute to the delay. These folks  
20 have already been stuck in delay for two years.

21 The coordinated decision related to whether or not  
22 the plaintiff could make a case for a divorce under the  
23 circumstances, and it was very interesting, the supreme court  
24 basically said she can make the case, clarifying or making a  
25 change in -- in this notion of intent as it relates to

1 physical presence. So she can make the divorce case.

2           The Court is -- is hearing it now to see whether or  
3 not and grant her a divorce. But she should be entitled to  
4 pursue the type of divorce judgment that she believes she's  
5 entitled to.

6           And this Court is at the point where it says she  
7 can get a divorce. I don't know if there's any asset issues,  
8 but she can litigate personal jurisdiction issues. But the  
9 Court has not determined that she can litigate custody  
10 because at the time she filed this case, the time she filed  
11 this case, she'd been here for two months; and Nevada is not  
12 the home state; and it doesn't become the home state just  
13 because you litigate for two years afterwards. Okay?

14           Now the Court has already commented on this notion  
15 that this argument is different or had -- would not be made  
16 probably in other circumstances, you know? It -- it -- and  
17 it concerns the Court greatly that, you know, if somebody had  
18 come here, a student, and their spouse and their child came  
19 here for a month and a half from Canada, Australia, Chili,  
20 United Kingdom, we wouldn't have an argument that Nevada  
21 would be the home state or we should reject the notion that  
22 those countries should be states for the purpose of  
23 determining custody jurisdiction. Okay?

24           We have -- we have a request to determine that  
25 Saudi Arabia is not the custody jurisdiction when Saudi

1 Arabia clearly was the home state when this case was filed  
2 for the reasons that I've stated, which is that the plaintiff  
3 would like the Court to conclude that recognizing that as a  
4 state would violate fundamental principles of human rights.  
5 And I'm not gonna...

6 MS. GREEN: And we're ready to set that.

7 THE COURT: I'm not gonna find that -- that it does with  
8 -- absent sufficient proof. And I'm gonna -- and -- and so I  
9 -- I would say this. I don't think I should take it off  
10 calendar. If I take it off calendar, who knows how long that  
11 writ process will take.

12 MS. GREEN: Mm-hm.

13 THE COURT: That writ process is between the parties.  
14 I'm not -- I don't want the district court to be influenced,  
15 I mean, interfering with either parties request for a final  
16 order on this matter. Okay?

17 It's possible you could file this writ and the  
18 court -- I don't want the district court or the trial of the  
19 court to contribute to delay in any way.

20 I absolutely welcome, Ms. Green, or, Mr. Crane, any  
21 orders from any appellate court that would direct the Court  
22 to resolve this dispute in one way or another.

23 I've already put on the record that -- that I have  
24 concerns about whether this Court has custody jurisdiction.

25 MS. GREEN: We'll take...

1 THE COURT: I think...  
2 MS. GREEN: ...a date...  
3 THE COURT: I think what I'll...  
4 MS. GREEN: Your Honor.  
5 THE COURT: I think what I'll...  
6 MS. GREEN: That's a...  
7 THE COURT: ...do is I'll just give you a date in...  
8 MS. GREEN: Okay.  
9 THE COURT: ...in May. And if the writ affects our time  
10 line of the hearing or if the writ is -- is decided before  
11 then, you know, I'll -- I'll do whatever is the district  
12 court needs to do related to it. Okay?  
13 Now, Mr. Markman...  
14 MS. GREEN: Could we make it...  
15 THE COURT: ...do you have...  
16 MS. GREEN: ...late May, Your Honor?  
17 THE COURT: Do you have -- is this your client's writ or  
18 is it the plaintiff's writ, Mr. Markman?  
19 MR. MARKMAN: This is the first...  
20 MS. GREEN: Plaintiff.  
21 MR. MARKMAN: ...I'm hearing about the writ, Your Honor.  
22 So I believe it's gonna be April -- plaintiff's writ. I  
23 haven't heard anything about it.  
24 THE COURT: Well, I mean, you...  
25 MS. GREEN: Yes, Your Honor.

1 THE COURT: You might...

2 MS. GREEN: We have...

3 THE COURT: You might be asking...

4 MS. GREEN: ...(indiscernible)...

5 THE COURT: I'm sorry? You guys can't talk at the same  
6 time.

7 It -- I mean, I can see a situation just like in  
8 the jurisdictional piece of this where both parties are  
9 asking for a writ. You've got one side saying directed  
10 district court to issue orders that include custody orders  
11 and you got the other one -- I mean, if I -- if the Court was  
12 saying, we're going forward on the merits and setting an  
13 evidentiary hearing to resolve custody, Mr. Markman, you --  
14 you would be the one filing a mo- a writ of prohibition  
15 against the Court; right? Because...

16 MR. MARKMAN: Right.

17 THE COURT: So it -- this has got to get resolved one way  
18 or another. And it doesn't matter to the Court if the Court  
19 had leave to grant -- to -- or direction to set a hearing to  
20 resolve custody on the merits, the Court would do it.

21 If the Court had no custody jurisdiction, then the  
22 Court would give a divorce judgment and close the matter; and  
23 custody would be resolved elsewhere.

24 But what I -- what pains me is every time I pick up  
25 this case I see that it's now two years old and -- and the

1 parties don't have -- they don't have finality to that.

2           So, Mr. Green, I -- I -- if I set a hearing, would  
3 it be possible to have this case ready to present in any  
4 fashion related to the evidentiary proceeding by May?

5           MS. GREEN: Late May I would ask, Your Honor; and I  
6 believe so.

7           THE COURT: All right. Now the only reason why we're  
8 having an evidentiary proceeding is for a case to be made on  
9 this provision of the Uniform Enforcement Act adopted in  
10 Nevada, not to -- the Court hasn't agreed that there's a  
11 jurisdictional basis otherwise.

12          MS. GREEN: Understood.

13          THE COURT: And so, you know, you're basically gonna have  
14 to present a case and try to persuade this Court that, you  
15 know, the -- the, you know. And if you don't, then the  
16 Court's gonna deny that request; and then you'll have an ord-  
17 an order that you can address.

18          MS. GREEN: Okay.

19          THE COURT: All right. I mean...

20          MS. GREEN: Thank you, Your Honor.

21          THE COURT: It's going either way. If the Court actually  
22 could articulate or if the evidence was presented that would  
23 support a finding then it would reject Saudi Arabia as a home  
24 state because it -- they're -- because child custody would  
25 violate fundamental principles of human rights. That would

1 be an appealable issue for Mr. Markman, too.

2 I -- I -- it's just odd because there's no  
3 annotations on this provision; and I haven't done the  
4 research, which I'll do between now and the time that that's  
5 resolved. The context of the -- of that particular provision  
6 suggests more of a comity or full faith in credit recognition  
7 of an -- of a decision that was -- has been made, not one of  
8 these situation where -- let -- let me put it this way.

9 Mr. Markman, it -- it's possible that there could  
10 be a different argument for jurisdiction if, say, Saudi  
11 Arabia was requested to resolve custody and they refused on  
12 this notion that neither party lived there or they didn't  
13 have visa status or whatever. I don't know what the law is  
14 -- is there related to that.

15 So I -- I've always assumed or thought that there  
16 was a possibility that there was a possibility that there  
17 could other proceedings but never been informed of any  
18 proceedings. Okay?

19 So I presume that -- that this thing will take  
20 three hours or more, right?

21 MS. GREEN: Yes, Your Honor.

22 THE COURT: How about the -- the 26th?

23 MR. MARKMAN: I would -- I would prefer not to do the  
24 26th, Your Honor. It's my birthday. I'm trying to actually  
25 go somewhere that week. If we could move it into July, I

1 would love it -- or June, I mean; but if not, I'll do  
2 whatever the Court wants.

3 THE COURT: What about the 9th of June?

4 MR. MARKMAN: Ninth of June is good for me, Your Honor.

5 THE COURT: Mr. Crane, or, Ms. Green?

6 MS. GREEN: Fine for me.

7 THE COURT: Okay. We will...

8 MR. CRANE: I'm looking. I'm looking right now, Your  
9 Honor.

10 THE COURT: Right.

11 MR. CRANE: Right now the 9th of June works for us, Your  
12 Honor.

13 THE COURT: This will be a -- a full day. I'll -- I'll  
14 set aside the morning and afternoon for it. I -- I don't  
15 imagine discovery is a big deal in this case, but we're gonna  
16 have discovery cutoff the Friday of May, May 6th, which will  
17 be a month plus before the evidentiary proceeding. I don't  
18 want there to be any -- I want you to have the full  
19 opportunity to do any kind of discovery work that you need  
20 to.

21 Now the -- there's gonna be things that may happen  
22 that affect that date. Please keep me in the loop. Usually  
23 -- sometimes if it's a writ of mandamus or whatever, I'll get  
24 served with it; and I'll be able to track it myself. But if  
25 anything has been -- anything that would affect the



1 evidentiary proceeding comes up or if there's any orders  
2 entered, let me know so that I can use that setting for  
3 another case if we don't go forward on it.

4 MR. MARKMAN: Absolutely, Your Honor.

5 MS. GREEN: Absolutely, Your Honor.

6 THE COURT: All right. So is there anything else that  
7 you need?

8 MR. MARKMAN: Nothing I can think of right now, Your  
9 Honor. There's just one thing I want to address just because  
10 it came up. And I don't know what's gonna happen in the --  
11 the next hearings.

12 My client was unaware how they got this visa. They  
13 would have had to use his private information to get any  
14 information about his visa status. My client's visa is  
15 valid. (Indiscernible) him and his son can both still go to  
16 Saudi Arabia. But we just want to make sure that this Court  
17 is aware that they had -- would have had to use my client's  
18 personal information to get his visa and get the status of  
19 his visa. So she is using his personal information to  
20 bolster her case.

21 THE COURT: Well, we'll...

22 MS. GREEN: Your Honor, it was just an online search. I  
23 believe both parties have their visa numbers. It was just a  
24 search, and it revealed that his visa was recently expired.  
25 Perhaps it's been renewed. And that all of the residencies

1 had expired quite a long time ago for Ahed and Ryan. But we  
2 also learned that his residency status had recently been  
3 expired, I think on the 22nd of February. So that's --  
4 that's all it was. Anybody can command those searches. The  
5 numbers were in her possession, and she did the searches.

6 THE COURT: Okay. But why -- why do you think that's  
7 important? The only reason why he didn't return to Saudi  
8 Arabia two years ago is because your client opposed it, and  
9 the Court supported her -- the denial of his request to  
10 return with the child. Okay? So it's like...

11 MS. GREEN: Your Honor, I think we thought it was in...

12 THE COURT: It's like if anything -- if anything's  
13 expired over the last two years, how does that -- how does  
14 that affect the jurisdictional analysis? I don't get it. I  
15 -- I -- he...

16 MR. CRANE: Your -- Your -- Your Honor, if I may?

17 THE COURT: Yeah.

18 MR. CRANE: If I may, the -- one -- one of the arguments  
19 we made at the last hearing were -- which is driving most of  
20 this writ of mandamus is the fact that we believe the Court  
21 has got the law wrong as a -- as a part- to the parties, both  
22 departing Saudi Arabia. Everybody is here. Does that give  
23 this Court jurisdiction? And the Court made the  
24 determination at the last hearing that that wasn't the case.  
25 And it's our intention to bring that to the appellate

1 court's...

2 THE COURT: Yeah, I -- I -- I...

3 MR. CRANE: ...to make that determination.

4 THE COURT: I know. But look, you could argue that the  
5 law, the -- the decisional law suggests that he's never here  
6 legally. Okay? Because of the type of visa that he has.

7 And so, look, let that be sorted out. They didn't  
8 -- the supreme court didn't reverse the analysis on whether  
9 or not he could establish residency here in Nevada and what  
10 type of visa it was on. It was -- it was different. It was  
11 a different point that they decided that matter on. They  
12 said that she didn't have to establish the mens rea -- or the  
13 -- the intent on residency. She just had to physically be  
14 here.

15 I -- they -- whatever. Again, there are gonna be  
16 issues on both sides I imagine that are -- you know, I'm  
17 gonna do my best to make sure that you have a good record of  
18 the basis of any orders that are entered in here re-  
19 regarding jurisdiction.

20 And both of you will probably have a basis to  
21 challenge the -- the factual determinations or the legal  
22 determinations. The Court obviously has said that we're not  
23 proceeding on the merits of the custody in this judgment at  
24 this time. And so I think that that's a pretty clear -- I  
25 mean, the dialogue I had with Mr. Willick, if I remember it

1 correctly, we went over that fact and the Court said, no,  
2 that that does not give the Court jurisdiction under these  
3 facts.

4           The issue of jurisdiction was challenged a month  
5 after the case was filed. Okay?

6           So look, you got a lot -- you got a lot on your  
7 plate as counsel. The Court has a big challenge. I'm -- I'm  
8 gonna do the best that I can to try to make sure that the  
9 orders are clear. But they're not gonna satisfy both  
10 parties. So let's just get the orders done as soon as we  
11 can.

12           The matter's set for a time certain; and that's  
13 June 9th, 9 a.m.

14           MR. MARKMAN: Appreciate it, Your Honor.

15           MS. GREEN: Thank you, Your Honor.

16           MR. MARKMAN: Thank you for everything.

17           THE COURT: Yeah.

18           MR. CRANE: Thank you, Your Honor.

19           THE COURT: Yeah.

20           (THE PROCEEDING ENDED AT 10:47:27.)

21        ////

22        ////

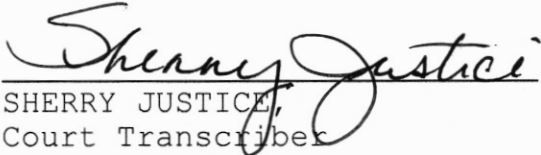
23        ////

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.

  
SHERRY JUSTICE,  
Court Transcriber

94

94

FILED

MAR 31 2022

*Sherry Justice*  
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 82114  
MOHAMAD ABULHAKIM ALHULAIBI, )  
Defendant. )

CERTIFICATION OF TRANSCRIPTS/NOTIFICATION OF COMPLETION

The office of Transcript Video Services received a request for original transcript and one copy, for the purpose of appeal, from April Green, Esq., on March 09, 2022, for the following proceedings in the above-captioned case:

MARCH 07, 2022

I do hereby certify that true and accurate copies of the transcripts requested in the above-captioned case were filed with the Eighth Judicial District Court on March 31, 2022; and ordering party was notified March 31, 2022.

DATED this 31st day of March, 2022.

*Sherry Justice*  
Sherry Justice, Court Recorder/Transcriber  
Transcript Video Services

FILED  
MAR 31 1955  
CLERK OF COURT



95

95

**ORDR**

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  
Pro Bono Attorneys for Plaintiff

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

AHED SAID SENJAB,  
Plaintiff,

vs.

MOHAMAD ABULHAKIM ALHULAIBI,  
Defendant.

CASE NO: D-20-606093-D  
DEPT. NO: H

DATE OF HEARING: 1/11/22  
TIME OF HEARING: 10:00 am

**ORDER FROM THE JANUARY 11, 2022, HEARING**

This matter came on for hearing before the Honorable T. Arthur Ritchie, Jr., District Court Judge, Family Division, Department H, for a return hearing after the Supreme Court's *Reversal and Remand* Decision and on Defendant's *Motion to Dismiss Child Custody Claims*.

Plaintiff, Ahed Said Senjab, was present remotely and represented by her counsel, Marshal S. Willick, Esq., and Richard L. Crane, Esq. of WILICK LAW GROUP and April Green, Esq. of the LEGAL AID CENTER OF SOUTHERN NEVADA; Defendant, Mohamad Abulhakim Alhulaibi, was present remotely and represented by his counsel, David Markman, Esq., of MARKMAN LAW.

1 The Court, having reviewed the papers and pleadings on file herein, made the  
2 following findings and orders after having a discussion of the issues on the record.

3  
4 **DISCUSSION:<sup>1</sup>**

5 The Court directed the dialogue between the Court and counsel be recited as  
6 part of this Order. That discussion went as follows:

7  
8 The Court started the discussion:

9 “Nevada is not the home state at all under NRS 125A.085. The state in which  
10 a child lived or a parent or person acting as a parent for at least six consecutive  
11 months immediately before the commencement of the action. We know that’s Saudi  
12 Arabia, like it’s not even contested. The time line of events is not contested. They  
13 were married in Saudi Arabia. Mom and the child lived in Saudi Arabia. Dad was  
14 here going to school. And mom joined him here a month or two before the case was  
15 filed.”

16 “The definition of a state of the uniform act 125A.155, a state means a state of  
17 the United States, the District of Columbia, Puerto Rico, the Unites States, Virgin  
18 Islands or any territory subject to the jurisdiction of the United States. And then it  
19 says that under 125A.225 that it also includes countries like Saudi Arabia. A court  
20 of the state shall treat a foreign country as if it were a state of the United States for  
21 the purpose of applying the jurisdictional test.”

22 “The Court worries about initial custody jurisdiction under 125A.305. Nevada  
23 is not the home state. The Court issued custody orders in the protective order because  
24 it was an exigent matter. There was no evidence of any other kind in the case. It’s  
25 appropriate temporary jurisdiction. But that temporary jurisdiction is only until the  
26 proper jurisdiction has orders.”

27  
28 <sup>1</sup> Due to spelling and grammar issues with the transcript, not all quotes are verbatim; counsel  
conferred and concurred to have the substance of statements recited in the order for clarity.

1 “Now, 125A.435 mentions the Hague Convention. It says that a court of this  
2 state may enforce an order for the return of child made pursuant to the Hague  
3 Convention on the civil aspects of international child abduction if it were a child  
4 custody determination. This is not an abduction case. This is not an enforcement  
5 case.”

6 “This is a request to get final custody orders in a Nevada divorce decree where  
7 someone has lived here a month and a half before the case was filed. And under the  
8 enforcement act, Saudi Arabia is a state.”

9 “The Court has concerns about these parties’ lives being tied up for two years  
10 before this matter is even resolved. It’s concerned that if the Court analyzes this and  
11 says there isn’t any evidence that would support a finding that Plaintiff’s human  
12 rights would be violated by recognizing the fact that Saudi Arabia is a home state  
13 then, these parties are denied an order while that issue is on appeal.”

14 “The only way that this court has jurisdiction to issue custody orders would be  
15 on a basis that fundamental principles of human rights would be violated by  
16 recognizing Saudi Arabia as a state that would have jurisdiction over custody.”

17 “Counsel will have a chance to respond to the Court’s comments.”

18 “We need to proceed with the divorce. The Court imagines if the Plaintiff  
19 accepted the notion that Nevada doesn’t have custody jurisdiction they can get  
20 divorced tomorrow. But she doesn’t. She wants a divorce that litigates all issues.”

21  
22 The Court allowed Mr. Markman to respond first.

23 “Your Honor, I think that covers pretty much everything. I think that if you did  
24 find that Nevada does not have jurisdiction for the child custody, we could proceed  
25 with the divorce posthaste and at least that part would be done.”

26 “I argued the divorce case in front of the Supreme Court. But, we did not reach  
27 child custody. It was briefed by everybody. We weren’t sure of the issues that the  
28

1 Supreme Court would hear. If you recall that the underlying motion to dismiss, we  
2 never got to custody. We just talked about divorce and the six weeks.”  
3

4 The Court then asked if the Supreme Court made any rulings that it may have  
5 missed concerning custody jurisdiction, or if they were they just focused on standing  
6 or the ability to bring the case. This question was directed at Mr. Willick.  
7

8 Mr. Willick:

9 “As Mr. Markman indicated, and I agree with him, the matter was fully briefed  
10 by both sides and was addressed at some length during oral argument and various  
11 questions and answers.”

12 “There is a footnote in the opinion that you have which indicates that the court  
13 found it unnecessary to reach that issue because the merits of custody jurisdiction had  
14 never been addressed by the district court, and therefore was not considered ripe for  
15 appellate review.”

16 “In the interim between our last hearing and today, as we indicated we would  
17 at the time of the last district court hearing, Mr. Markman and I have submitted a  
18 second interim status report to the Nevada Supreme Court indicating the current  
19 procedural status of this case.”

20 “So Mr. Markman’s motion had two bases to it, one, the continuing existence  
21 of two other appeals; and second, the matter that you’ve already addressed having to  
22 do with custody jurisdiction.”

23 “The one basis has been entirely resolved by the Nevada Supreme Court in the  
24 order which is now in the district court record [dismissing the other two appeals].  
25 This hearing, therefore, should address the second basis, which has to do with  
26 UCCJEA child custody and UIFSA child support jurisdiction in this court.”  
27  
28

1 The Court:

2 “Are you aware of any Nevada Supreme Court case where they base  
3 jurisdiction on a finding that the state or the foreign country where the child custody  
4 determination exists or the home state would violate fundamental principles of human  
5 rights?”

6  
7 Mr. Willick:

8 “There is no current Nevada case law on point. We have included in the record  
9 before this court, holdings of various other courts which have reached that  
10 conclusion, including a very lengthy decision out of, I don’t have it in front of me, I  
11 believe, Washington on exactly that point. But it’s not necessary, frankly, to reach  
12 that; although, it is an alternative grounds for the court exercising custody  
13 jurisdiction.”

14 “The primary reason that this Court has custody jurisdiction is in my filing; and  
15 if it was confusing or unclear, then I apologize for that. These jurisdictional filings  
16 can be a little intricate.”

17 “The short version is, and this is clear in cases from coast to coast, where mom  
18 and dad and child have all left the prior state, even if that state could be considered  
19 a state, it is unable to exercise original jurisdiction under the UCCJEA.”

20  
21 The Court:

22 “Dad’s here. Dad’s here on an education visa. He never left anywhere. They  
23 got married in Saudi Arabia. He came to the United States on a restriction to – he had  
24 to attest that he had the intention to maintain his Domicile.”

25  
26 Mr. Willick:

27 “But domicile isn’t relevant.”  
28

1 The Court:

2 “So physical presence has nothing to do with it.”

3  
4 Mr. Willick:

5 “It’s the only thing it has to do with, Your Honor. The UCCJEA cases  
6 nationally and in Nevada, including *Friedman*, are extremely clear that the question  
7 is not domicile. The only question for UCCJEA jurisdiction is physical presence,  
8 actually where people are. That is the only thing that the UCCJEA is concerned  
9 with.”

10  
11 The Court:

12 “The Friedman case, it was not contested that the Court had jurisdiction and  
13 that both parties had left the jurisdiction.”

14 “The original defense by Mr. Alhulaibi is, she can’t establish domicile. And  
15 the Court never established domicile, and it could not even if it wanted to because  
16 he’s here on a visa to attend UNLV.”

17 “The Supreme Court said physical presence for the plaintiff would allow her  
18 to get a divorce. That’s not an issue. But physical presence by both parties here  
19 under the circumstances of this case. Maybe, the Supreme Court would hang their  
20 hat on that, saying that he’s actually physically abandoned his residence in Saudi  
21 Arabia by coming here to school. It’s fascinating to the Court because he can’t be a  
22 Nevada resident. So, under this order from October, he could get divorced here in  
23 Nevada, too, even though federal law would say no.”

24 “The Court wants to make the appropriate order. The ultimate decision is  
25 gonna be made by the Supreme Court because if the Court denies the motion to  
26 dismiss the custody points, it’s going up. If the Court grants the motion to dismiss  
27 the custody points, it’s going up.”

28

1 “And so, the Court is relying on counsel to give the best information to make  
2 the order that the Court thinks is correct.”

3 “I looked at like a lot of the ca- I mean, Friedman I knew about, but the Ogawa  
4 case, I looked to see if that had any application; but I -- I didn't see that.”

5 “The Court is obviously not saying that dad coming here to come to school on  
6 the visa is a departure from the home state.”

7  
8 Mr. Willick:

9 “The only question when the flashbulb on jurisdiction has gone off is whether  
10 there is a party here with the child and there is a party who is in the position of a  
11 parent who remains in the prior jurisdiction. That is not true here.”

12 “At the time of the initiation of proceedings, mom was here. Dad was here.  
13 The child was here. Under those circumstances, the law is uniform in the United  
14 States. There are no exceptions.”

15  
16 The Court:

17 “Exhibit 1 to your motion was a letter, or it looks like a minute order from a  
18 judge up in Washington State.”

19  
20 Mr. Willick:

21 “Exhibit 1 is a published trial level decision from another state. That’s how  
22 they do it there.”

23  
24 The Court:

25 “I can’t find this. Can I find this in Pacific 3rd? Can I find this? Can I find it  
26 anywhere online or the. . .”

27 “It’s not controlling. But it’s definitely a decision that was issued by another  
28 state related to issues that are relevant in this case.”



1 Mr. Willick:

2 “That is the alternate basis that even if the substance of the UCCJEA wasn’t  
3 controlling, and it is, that Saudi Arabia could not be considered a state for UCCJEA  
4 purposes. But again, you don’t have to get there because this Court can make the  
5 determination that at the moment of initiation of proceedings, mom and dad and child  
6 had all left the prior place of residence and were physically present in Nevada. The  
7 only exception to the case law saying that we only care where people are physically  
8 has to do with certain military cases which are not relevant here.”

9  
10 The Court:

11 “You don’t think orders that send somebody away from their residence, or  
12 domicile, are analogous to somebody who’s here on student visa?”

13  
14 Mr. Willick:

15 “No. The child’s home state is the state in which the child lived with a parent  
16 or a person acting as a parent for at least six consecutive months, including any  
17 temporary absence from the state immediately before the commencement of a child  
18 proceeding and the following language is the controlling language here: “if a parent  
19 remained in that prior state.” The point here is that at the initiation of proceedings,  
20 nobody physically lived in Saudi Arabia.”

21 “Saudi Arabia is not the home state. The definition of home state as set out in  
22 our footnote explicitly states that it is not.”

23  
24 The Court:

25 “You know, I -- I -- I -- you cite the Friedman case. Again, the Friedman case  
26 is a case where the court had jurisdiction and then they both left when -- and -- and  
27 so the -- the decision was correct in that they said that the departure divests the court  
28 of jurisdiction.”

1 “Home state is defined at 125A.085, number one, home state means, the state  
2 in which the child lived with a parent or a person acting as a parent for at least six  
3 consecutive months, including any temporary absence of the state immediately before  
4 the commencement of the child custody proceedings.”

5 “That’s what the Nevada law and the uniform act defines home state as.”

6 “In a case of a child less than six months, the state in which the child lived  
7 from birth, including any temporary absence from the state with a parent or person  
8 acting as a parent. So section two has no application to this case.”

9 “The uniform act adopted by Nevada, the home state is where the child lived  
10 for six consecutive months, including any temporary absence from the state. So the  
11 departure by mom to Nevada in February of 2020 to Nevada, until she can establish  
12 her six weeks of physical presence was a temporary departure from the Saudi Arabia,  
13 that’s one way to look at that.”

14 “The argument would be that as soon as one of the parties established physical  
15 presence in the state of Nevada so that they could get divorced and if neither party  
16 was physically in Saudi Arabia, discounting any consideration of the reason why they  
17 were in Nevada in the first place, then Saudi Arabia would not be considered the  
18 home state.”

19 “That’s your -- that’s your -- that’s where you want the Court to go, and that  
20 would be the -- so -- so when I hear that argument, I’m sitting here going, okay. I’m  
21 gonna articulate a basis to deny the motion to dismiss the custody claims.”

22 “And the way to articulate that would be to say, Saudi Arabia is not the home  
23 state. They’re not the home state because the plaintiff came with the child, was here  
24 in Nevada for six weeks. After she was here for six weeks, she had a right to file a  
25 divorce; and because her husband was going to school at UNLV at the time and not  
26 physically present in Saudi Arabia, the fact that they got married in Saudi Arabia and  
27 that the child lived in Saudi Arabia at all times except for the six weeks prior to the  
28 filing of this case, Saudi Arabia has no custody jurisdiction as home state.”

1 Mr. Willick:

2 “That is 125A.305, which specifically bears on the definition of 125A.085.”

3  
4 Court:

5 “So the court of the state has jurisdiction to make initial custody jurisdiction  
6 only if the state is the home state of the child at the day of the commencement of the  
7 proceedings, which it wasn’t, or was the home state of the child within six months  
8 before the commencement of the proceedings, not in this case, and the child is absent  
9 from the state but a parent or person acting as parent continues to live in the state.”

10 “So you’re saying that the last clause says that the defendant in this case cannot  
11 say that he continues to live in the state of Saudi Arabia because he’s physically  
12 going to college here in Nevada on that visa.”

13  
14 Mr. Willick:

15 “The national case law is concerned solely with physical location, not questions  
16 of domicile. There is no domicile or intended location or other superlative on the test.  
17 The UCCJEA is concerned solely with physical location, where people are living.  
18 And that is the *Davis vs. Ewalefo* case, which is in footnote 15, residency is defined  
19 as physical presence at the moment of the filing of the initial custody action.”

20 “So the six-week test, which has to do with divorce jurisdiction is not  
21 technically relevant either. Even if the parties had been here for a week, if the  
22 custody case had been filed at that time and at the moment of that filing, mom and  
23 dad and child had moved to Nevada – not traveling through, but moved to Nevada –  
24 then if they were residents here, meaning physical presence, then Nevada would be  
25 the place with custody jurisdiction. That language is quoted on that page.”

26 “The comments to the UCCJEA make it clear that the statutory language is  
27 intended to deal where the people actually live “not with any sense,” and that’s a  
28

1 quote from the official comments “of a technical domicile.” We don’t care that they  
2 had an intention to return some day to Saudi Arabia.”

3 “If you didn’t go down that path, if you didn’t make that finding and we think  
4 it’s required under the terms of the comments to UCCJEA itself, then you would need  
5 to get to the question of whether Saudi Arabia could be treated as a state. And  
6 respectfully, I don’t think you could do that on law and motion because the matters  
7 that are raised in terms of the fundamental notions of due process, *et cetera*, are  
8 necessarily fact based. And you probably would have to hear evidence before making  
9 that determination.”

10  
11 The Court:

12 “But the fact is it’s not axiomatic that Saudi Arabia qualifies as a state that  
13 would violate fundamental human rights. It’s gonna require proof and findings of it.”

14 “I - - the point I’m trying to make is we don’t pick and choose countries and  
15 then just summarily decide that it’s axiomatic that they violate fundamental human  
16 rights. Okay? That’s not -- that’s not what we do.”

17 “Whether the Court is dealing with recognizing Saudi Arabia as the home state  
18 or just disregarding it as a consideration for home state. I think it’s important.”

19 “We know Nevada’s not the home state. This Court could not issue a home  
20 state order. It would be on another basis of the enforcement act.”

21 “So, the international application is what the Court figured we would be  
22 dealing with. And what the Court intended to tell Mr. Markman and why this  
23 dialogue that we’re having and a review of the papers is this. The opposition that you  
24 filed says that this Court has jurisdiction for the reasons that you stated. But it also  
25 said that this Court shouldn’t recognize Saudi Arabia as the home state because of  
26 this notion that Saudi Arabia would violate fundamental principles of human rights.”

27 “If the Court was going entertain that as the issue that the Court needs to  
28 resolve, the motion to dismiss the custody issues would have to be denied because

1 there would be material facts in dispute. There would need to be a hearing to  
2 determine whether that would occur. And that's sort of where the Court was  
3 reviewing the paperwork and looking at where this was going to happen."

4 "And, the Court wanted to see how soon that type of dispute can -- can be had  
5 because I think that if this Court was -- received evidence and made findings similar  
6 to the findings that were made in the Washington State court, then the Court could  
7 find that Saudi Arabia was the home state; but Nevada would have to decide custody  
8 on that basis. That would be a very straight approach to the reading of the  
9 enforcement act adopted in the 125A."

10 "The Court is more comfortable with that approach than it is with the approach  
11 that says if somebody who gets a visa and comes here to go to college and then their  
12 spouse comes out here and stays here for six weeks, establishes physical presence and  
13 then trumps any consideration of where the home state is of the child. The Court does  
14 not read home state under that provision or the provision of the 305 that way."

15 "Ordinarily speaking, if you look at cases like *Friedman* or you look at cases  
16 like *Davis*, you're talking about parties that went or -- or left the state without any  
17 particular explanation other than they're living in a different place."

18 "The only reason why Mr. Senjab is here in the United States is to pursue an  
19 education pursuant to a restriction that our federal government placed on him that he  
20 has to go back as soon as he's finished."

21 "And so he can't -- according to the federal law that the Court relied upon in  
22 dismissing the divorce initially was this issue of intent, whether or not it was  
23 available to either party to say that they're gonna stay in this country."

24 "The *Friedman* case and the *Davis* case and these cases that only looked at  
25 where they were physically present didn't consider an analysis on any of that, did not  
26 consider why they were here, how they were here, what restrictions they have on them  
27 being here."

28

1 “And so the Court is not comfortable saying that as a matter of law this divorce  
2 necessarily is going to contain a judgment related to custody on that basis.”

3 “If the Court denies the motion to dismiss as a matter of law, then it’s a crap  
4 shoot as to what the Supreme Court would say.”

5 “The appropriate approach to this case is to determine whether or not the  
6 provisions of the uniform act as adopted by Nevada law should apply. If Saudi  
7 Arabia is the home state, Nevada’s not the home state and if the custody laws of  
8 Saudi Arabia do not violate the fundamental principles of human rights, then the  
9 uniform act says that the Court should respect that home state jurisdiction.”

10 “The issue of whether or not the custody laws, of Saudi Arabia violate the  
11 fundamental principles of human rights under the uniform act is a factual issue that  
12 is contested. And as Mr. Willick provided, other jurisdictions have received evidence  
13 and determined that that’s true. And that was a basis to not recognize Saudi Arabia  
14 as a home state.”

15 “And so the *Motion to Dismiss* is denied without prejudice. There is a factual  
16 dispute that needs to be resolved. And the Court is gonna require the plaintiff to  
17 provide proof that the laws of the -- of Saudi Arabia violate fundamental principles  
18 of human rights.”

19  
20 **THE COURT HEREBY FINDS AND/OR NOTES:**

- 21 1. Saudi Arabia is the Home State of the parties and the minor child.
- 22 2. The Court is not denying the motion to dismiss as a matter of law  
23 because of both parties being in Nevada at the time this case was filed. Plaintiff has  
24 contested that Saudi Arabia’s custody laws violate fundamental principles of human  
25 rights and thus cannot be considered the home state under the UCCJEA.
- 26 3. As Plaintiff’s claims show a factual issue is in dispute, the *Motion to*  
27 *Dismiss*, which is being heard as a request for summary judgment, is denied.
- 28

4. An Evidentiary Hearing will need to be held on whether Saudi Arabia's custody laws violate fundamental principles of human rights.

5. It will be Plaintiff's burden to prove Saudi Arabia's custody laws violate fundamental principles of human rights.

6. Once the Order from today's hearing is entered, an Answer to Plaintiff's *Complaint for Divorce* will be expected.

**THE COURT HEREBY ORDERS:**

1. The *Motion to Dismiss* is denied without prejudice.

2. An Evidentiary hearing is ordered to be held on whether Saudi Arabia's custody laws violate fundamental principles of human rights.

3. A Status Check Hearing will be set for March 7, 2022, at 10:00 am regarding the Evidentiary Setting.

4. Attorney Willick shall prepare the *Order* from today's hearing that incorporates the dialogue and the Court's specific findings. Mr. Markman shall review and sign off.

5. Once the Order from this proceeding has been entered, the Defendant shall file an Answer to Complaint for Divorce.

Dated this 1st day of April, 2022



5F8 224 C1CD DA08 LCD  
T. Arthur Ritchie

Respectfully Submitted By:  
WILICK LAW GROUP

Approved by: District Court Judge  
MARKMAN LAW

/s/ Marshal S. Willick

/s/ David Markman

MARSHAL S. WILICK, ESQ.  
Nevada Bar No. 2515  
RICHARD L. CRANE, ESQ.  
Nevada Bar No. 9536  
3591 East Bonanza Road, Suite 200  
Las Vegas, Nevada 89110-2101  
Pro Bono Attorneys for Plaintiff

DAVID MARKMAN, ESQ.  
Nevada Bar No. 12440  
4484 S. Pecos Road, Suite 130  
Las Vegas, Nevada 89121  
(702) 843-5889  
Attorney for Defendant

P:\wp19\SENJAB,A\DRAFTS\00552856.WPD\jj

## Justin Johnson

---

**Subject:** FW: Ahed Said Senjab vs. Mohamad Abulhakim Alhulaibi - Proposed Order from the January 11, 2022, Hearing

---

**From:** David Markman <david@markmanlawfirm.com>

**Sent:** Friday, April 01, 2022 1:29 PM

**To:** Marshal Willick <marshal@willicklawgroup.com>

**Cc:** Justin Johnson <justin@willicklawgroup.com>; Richard Crane <richard@willicklawgroup.com>; April Green <ASGreen@lacs.org>

**Subject:** Re: Ahed Said Senjab vs. Mohamad Abulhakim Alhulaibi - Proposed Order from the January 11, 2022, Hearing

Marshall,

I reviewed the order you may affix my e-signature to the order from the hearing on January 11, 2022 for submission to the Court.

Thank you,



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: 4/1/2022

15 Reception Reception

email@willicklawgroup.com

16 Earlean Nelson-Deal

enelson-deal@lacsns.org

17 April Green, Esq.

asgreen@lacsns.org

18 Justin Johnson

Justin@willicklawgroup.com

20 Aileen Yeo

AYeo@lacsns.org

21 Richard Crane

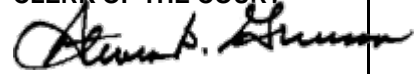
richard@willicklawgroup.com

22 David Markman

David@MarkmanLawfirm.com

96

96



NEOJ  
WILLICK LAW GROUP  
MARSHAL S. WILLICK, ESQ.  
Nevada Bar No. 002515  
3591 E. Bonanza Road, Suite 200  
Las Vegas, NV 89110-2101  
Phone (702) 438-4100; Fax (702) 438-5311  
email@willicklawgroup.com  
Attorney for Defendant

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

AHED SAID SENJAB,  
Plaintiff,

vs.

MOHAMAD ABULHAKIM ALHULAIBI,  
Defendant.

CASE NO: D-20-606093-D  
DEPT. NO: H

DATE OF HEARING: 1/11/2022  
TIME OF HEARING: 10:00 am

**NOTICE OF ENTRY OF ORDER FROM  
THE JANUARY 11, 2022, HEARING**

TO: MOHAMAD ABULHAKIM ALHULAIBI, Defendant.

TO: DAVID MARKMAN, ESQ., Attorney for Defendant.

**PLEASE TAKE NOTICE** that an *Order From the January 11, 2022 Hearing*  
was duly entered in the above action on the 1<sup>st</sup> day of April, 2022, by filing with the

\*\*\*\*\*

\*\*\*\*\*

\*\*\*\*\*

\*\*\*\*\*

\*\*\*\*\*

\*\*\*\*\*

\*\*\*\*\*

\*\*\*\*\*

1 clerk of the court; a true and correct copy is attached.

2 **DATED** this 1st day of April, 2022.

3 Respectfully Submitted By:  
4 WILICK LAW GROUP

5 /s/ Marshal S. Willick

6 **MARSHAL S. WILICK, ESQ.**  
7 Nevada Bar No. 2515  
8 **RICHARD L. CRANE, ESQ.**  
9 Nevada Bar No. 9536  
10 3591 E. Bonanza, Suite 200  
11 Las Vegas, Nevada 89110-2101  
12 (702) 438-4100 Fax (702) 438-5311  
13 Attorneys for Plaintiff  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

## CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the WILICK LAW GROUP and that on this 1st day of April, 2022, I caused the above and foregoing document to be served as follows:

- ☒ Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system;
- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- ☐ pursuant to EDCR 7.26, to be sent via facsimile, by duly executed consent for service by electronic means;
- ☐ by hand delivery with signed Receipt of Copy.

To the attorney and/or litigant listed below at the address, email address, and/or facsimile number indicated below:

David Markman, Esq.  
Markman Law  
4484 S. Pecos Rd. Ste 130  
Las Vegas, Nevada 89121  
Attorney for Defendant

//s// Justin K. Johnson  
An Employee of the WILICK LAW GROUP

P:\wp19\SENJAB\A\DRAFTS\00555088.WPD\jj

**ORDR**

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  
Pro Bono Attorneys for Plaintiff

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

AHED SAID SENJAB,  
Plaintiff,

vs.

MOHAMAD ABULHAKIM ALHULAIBI,  
Defendant.

CASE NO: D-20-606093-D  
DEPT. NO: H

DATE OF HEARING: 1/11/22  
TIME OF HEARING: 10:00 am

**ORDER FROM THE JANUARY 11, 2022, HEARING**

This matter came on for hearing before the Honorable T. Arthur Ritchie, Jr., District Court Judge, Family Division, Department H, for a return hearing after the Supreme Court's *Reversal and Remand* Decision and on Defendant's *Motion to Dismiss Child Custody Claims*.

Plaintiff, Ahed Said Senjab, was present remotely and represented by her counsel, Marshal S. Willick, Esq., and Richard L. Crane, Esq. of WILICK LAW GROUP and April Green, Esq. of the LEGAL AID CENTER OF SOUTHERN NEVADA; Defendant, Mohamad Abulhakim Alhulaibi, was present remotely and represented by his counsel, David Markman, Esq., of MARKMAN LAW.

1 The Court, having reviewed the papers and pleadings on file herein, made the  
2 following findings and orders after having a discussion of the issues on the record.

3  
4 **DISCUSSION:<sup>1</sup>**

5 The Court directed the dialogue between the Court and counsel be recited as  
6 part of this Order. That discussion went as follows:

7  
8 The Court started the discussion:

9 “Nevada is not the home state at all under NRS 125A.085. The state in which  
10 a child lived or a parent or person acting as a parent for at least six consecutive  
11 months immediately before the commencement of the action. We know that’s Saudi  
12 Arabia, like it’s not even contested. The time line of events is not contested. They  
13 were married in Saudi Arabia. Mom and the child lived in Saudi Arabia. Dad was  
14 here going to school. And mom joined him here a month or two before the case was  
15 filed.”

16 “The definition of a state of the uniform act 125A.155, a state means a state of  
17 the United States, the District of Columbia, Puerto Rico, the Unites States, Virgin  
18 Islands or any territory subject to the jurisdiction of the United States. And then it  
19 says that under 125A.225 that it also includes countries like Saudi Arabia. A court  
20 of the state shall treat a foreign country as if it were a state of the United States for  
21 the purpose of applying the jurisdictional test.”

22 “The Court worries about initial custody jurisdiction under 125A.305. Nevada  
23 is not the home state. The Court issued custody orders in the protective order because  
24 it was an exigent matter. There was no evidence of any other kind in the case. It’s  
25 appropriate temporary jurisdiction. But that temporary jurisdiction is only until the  
26 proper jurisdiction has orders.”

27  
28 <sup>1</sup> Due to spelling and grammar issues with the transcript, not all quotes are verbatim; counsel  
conferred and concurred to have the substance of statements recited in the order for clarity.

1 “Now, 125A.435 mentions the Hague Convention. It says that a court of this  
2 state may enforce an order for the return of child made pursuant to the Hague  
3 Convention on the civil aspects of international child abduction if it were a child  
4 custody determination. This is not an abduction case. This is not an enforcement  
5 case.”

6 “This is a request to get final custody orders in a Nevada divorce decree where  
7 someone has lived here a month and a half before the case was filed. And under the  
8 enforcement act, Saudi Arabia is a state.”

9 “The Court has concerns about these parties’ lives being tied up for two years  
10 before this matter is even resolved. It’s concerned that if the Court analyzes this and  
11 says there isn’t any evidence that would support a finding that Plaintiff’s human  
12 rights would be violated by recognizing the fact that Saudi Arabia is a home state  
13 then, these parties are denied an order while that issue is on appeal.”

14 “The only way that this court has jurisdiction to issue custody orders would be  
15 on a basis that fundamental principles of human rights would be violated by  
16 recognizing Saudi Arabia as a state that would have jurisdiction over custody.”

17 “Counsel will have a chance to respond to the Court’s comments.”

18 “We need to proceed with the divorce. The Court imagines if the Plaintiff  
19 accepted the notion that Nevada doesn’t have custody jurisdiction they can get  
20 divorced tomorrow. But she doesn’t. She wants a divorce that litigates all issues.”

21  
22 The Court allowed Mr. Markman to respond first.

23 “Your Honor, I think that covers pretty much everything. I think that if you did  
24 find that Nevada does not have jurisdiction for the child custody, we could proceed  
25 with the divorce posthaste and at least that part would be done.”

26 “I argued the divorce case in front of the Supreme Court. But, we did not reach  
27 child custody. It was briefed by everybody. We weren’t sure of the issues that the  
28



1 Supreme Court would hear. If you recall that the underlying motion to dismiss, we  
2 never got to custody. We just talked about divorce and the six weeks.”  
3

4 The Court then asked if the Supreme Court made any rulings that it may have  
5 missed concerning custody jurisdiction, or if they were they just focused on standing  
6 or the ability to bring the case. This question was directed at Mr. Willick.  
7

8 Mr. Willick:

9 “As Mr. Markman indicated, and I agree with him, the matter was fully briefed  
10 by both sides and was addressed at some length during oral argument and various  
11 questions and answers.”

12 “There is a footnote in the opinion that you have which indicates that the court  
13 found it unnecessary to reach that issue because the merits of custody jurisdiction had  
14 never been addressed by the district court, and therefore was not considered ripe for  
15 appellate review.”

16 “In the interim between our last hearing and today, as we indicated we would  
17 at the time of the last district court hearing, Mr. Markman and I have submitted a  
18 second interim status report to the Nevada Supreme Court indicating the current  
19 procedural status of this case.”

20 “So Mr. Markman’s motion had two bases to it, one, the continuing existence  
21 of two other appeals; and second, the matter that you’ve already addressed having to  
22 do with custody jurisdiction.”

23 “The one basis has been entirely resolved by the Nevada Supreme Court in the  
24 order which is now in the district court record [dismissing the other two appeals].  
25 This hearing, therefore, should address the second basis, which has to do with  
26 UCCJEA child custody and UIFSA child support jurisdiction in this court.”  
27  
28

1 The Court:

2 “Are you aware of any Nevada Supreme Court case where they base  
3 jurisdiction on a finding that the state or the foreign country where the child custody  
4 determination exists or the home state would violate fundamental principles of human  
5 rights?”

6  
7 Mr. Willick:

8 “There is no current Nevada case law on point. We have included in the record  
9 before this court, holdings of various other courts which have reached that  
10 conclusion, including a very lengthy decision out of, I don’t have it in front of me, I  
11 believe, Washington on exactly that point. But it’s not necessary, frankly, to reach  
12 that; although, it is an alternative grounds for the court exercising custody  
13 jurisdiction.”

14 “The primary reason that this Court has custody jurisdiction is in my filing; and  
15 if it was confusing or unclear, then I apologize for that. These jurisdictional filings  
16 can be a little intricate.”

17 “The short version is, and this is clear in cases from coast to coast, where mom  
18 and dad and child have all left the prior state, even if that state could be considered  
19 a state, it is unable to exercise original jurisdiction under the UCCJEA.”

20  
21 The Court:

22 “Dad’s here. Dad’s here on an education visa. He never left anywhere. They  
23 got married in Saudi Arabia. He came to the United States on a restriction to – he had  
24 to attest that he had the intention to maintain his Domicile.”

25  
26 Mr. Willick:

27 “But domicile isn’t relevant.”  
28

1 The Court:

2 “So physical presence has nothing to do with it.”

3  
4 Mr. Willick:

5 “It’s the only thing it has to do with, Your Honor. The UCCJEA cases  
6 nationally and in Nevada, including *Friedman*, are extremely clear that the question  
7 is not domicile. The only question for UCCJEA jurisdiction is physical presence,  
8 actually where people are. That is the only thing that the UCCJEA is concerned  
9 with.”

10  
11 The Court:

12 “The Friedman case, it was not contested that the Court had jurisdiction and  
13 that both parties had left the jurisdiction.”

14 “The original defense by Mr. Alhulaibi is, she can’t establish domicile. And  
15 the Court never established domicile, and it could not even if it wanted to because  
16 he’s here on a visa to attend UNLV.”

17 “The Supreme Court said physical presence for the plaintiff would allow her  
18 to get a divorce. That’s not an issue. But physical presence by both parties here  
19 under the circumstances of this case. Maybe, the Supreme Court would hang their  
20 hat on that, saying that he’s actually physically abandoned his residence in Saudi  
21 Arabia by coming here to school. It’s fascinating to the Court because he can’t be a  
22 Nevada resident. So, under this order from October, he could get divorced here in  
23 Nevada, too, even though federal law would say no.”

24 “The Court wants to make the appropriate order. The ultimate decision is  
25 gonna be made by the Supreme Court because if the Court denies the motion to  
26 dismiss the custody points, it’s going up. If the Court grants the motion to dismiss  
27 the custody points, it’s going up.”

28

1 “And so, the Court is relying on counsel to give the best information to make  
2 the order that the Court thinks is correct.”

3 “I looked at like a lot of the ca- I mean, Friedman I knew about, but the Ogawa  
4 case, I looked to see if that had any application; but I -- I didn't see that.”

5 “The Court is obviously not saying that dad coming here to come to school on  
6 the visa is a departure from the home state.”

7  
8 Mr. Willick:

9 “The only question when the flashbulb on jurisdiction has gone off is whether  
10 there is a party here with the child and there is a party who is in the position of a  
11 parent who remains in the prior jurisdiction. That is not true here.”

12 “At the time of the initiation of proceedings, mom was here. Dad was here.  
13 The child was here. Under those circumstances, the law is uniform in the United  
14 States. There are no exceptions.”

15  
16 The Court:

17 “Exhibit 1 to your motion was a letter, or it looks like a minute order from a  
18 judge up in Washington State.”

19  
20 Mr. Willick:

21 “Exhibit 1 is a published trial level decision from another state. That’s how  
22 they do it there.”

23  
24 The Court:

25 “I can’t find this. Can I find this in Pacific 3rd? Can I find this? Can I find it  
26 anywhere online or the. . .”

27 “It’s not controlling. But it’s definitely a decision that was issued by another  
28 state related to issues that are relevant in this case.”

1 Mr. Willick:

2 “That is the alternate basis that even if the substance of the UCCJEA wasn’t  
3 controlling, and it is, that Saudi Arabia could not be considered a state for UCCJEA  
4 purposes. But again, you don’t have to get there because this Court can make the  
5 determination that at the moment of initiation of proceedings, mom and dad and child  
6 had all left the prior place of residence and were physically present in Nevada. The  
7 only exception to the case law saying that we only care where people are physically  
8 has to do with certain military cases which are not relevant here.”

9  
10 The Court:

11 “You don’t think orders that send somebody away from their residence, or  
12 domicile, are analogous to somebody who’s here on student visa?”

13  
14 Mr. Willick:

15 “No. The child’s home state is the state in which the child lived with a parent  
16 or a person acting as a parent for at least six consecutive months, including any  
17 temporary absence from the state immediately before the commencement of a child  
18 proceeding and the following language is the controlling language here: “if a parent  
19 remained in that prior state.” The point here is that at the initiation of proceedings,  
20 nobody physically lived in Saudi Arabia.”

21 “Saudi Arabia is not the home state. The definition of home state as set out in  
22 our footnote explicitly states that it is not.”

23  
24 The Court:

25 “You know, I -- I -- I -- you cite the Friedman case. Again, the Friedman case  
26 is a case where the court had jurisdiction and then they both left when -- and -- and  
27 so the -- the decision was correct in that they said that the departure divests the court  
28 of jurisdiction.”

1 “Home state is defined at 125A.085, number one, home state means, the state  
2 in which the child lived with a parent or a person acting as a parent for at least six  
3 consecutive months, including any temporary absence of the state immediately before  
4 the commencement of the child custody proceedings.”

5 “That’s what the Nevada law and the uniform act defines home state as.”

6 “In a case of a child less than six months, the state in which the child lived  
7 from birth, including any temporary absence from the state with a parent or person  
8 acting as a parent. So section two has no application to this case.”

9 “The uniform act adopted by Nevada, the home state is where the child lived  
10 for six consecutive months, including any temporary absence from the state. So the  
11 departure by mom to Nevada in February of 2020 to Nevada, until she can establish  
12 her six weeks of physical presence was a temporary departure from the Saudi Arabia,  
13 that’s one way to look at that.”

14 “The argument would be that as soon as one of the parties established physical  
15 presence in the state of Nevada so that they could get divorced and if neither party  
16 was physically in Saudi Arabia, discounting any consideration of the reason why they  
17 were in Nevada in the first place, then Saudi Arabia would not be considered the  
18 home state.”

19 “That’s your -- that’s your -- that’s where you want the Court to go, and that  
20 would be the -- so -- so when I hear that argument, I’m sitting here going, okay. I’m  
21 gonna articulate a basis to deny the motion to dismiss the custody claims.”

22 “And the way to articulate that would be to say, Saudi Arabia is not the home  
23 state. They’re not the home state because the plaintiff came with the child, was here  
24 in Nevada for six weeks. After she was here for six weeks, she had a right to file a  
25 divorce; and because her husband was going to school at UNLV at the time and not  
26 physically present in Saudi Arabia, the fact that they got married in Saudi Arabia and  
27 that the child lived in Saudi Arabia at all times except for the six weeks prior to the  
28 filing of this case, Saudi Arabia has no custody jurisdiction as home state.”

1 Mr. Willick:

2 “That is 125A.305, which specifically bears on the definition of 125A.085.”

3  
4 Court:

5 “So the court of the state has jurisdiction to make initial custody jurisdiction  
6 only if the state is the home state of the child at the day of the commencement of the  
7 proceedings, which it wasn’t, or was the home state of the child within six months  
8 before the commencement of the proceedings, not in this case, and the child is absent  
9 from the state but a parent or person acting as parent continues to live in the state.”

10 “So you’re saying that the last clause says that the defendant in this case cannot  
11 say that he continues to live in the state of Saudi Arabia because he’s physically  
12 going to college here in Nevada on that visa.”

13  
14 Mr. Willick:

15 “The national case law is concerned solely with physical location, not questions  
16 of domicile. There is no domicile or intended location or other superlative on the test.  
17 The UCCJEA is concerned solely with physical location, where people are living.  
18 And that is the *Davis vs. Ewalefo* case, which is in footnote 15, residency is defined  
19 as physical presence at the moment of the filing of the initial custody action.”

20 “So the six-week test, which has to do with divorce jurisdiction is not  
21 technically relevant either. Even if the parties had been here for a week, if the  
22 custody case had been filed at that time and at the moment of that filing, mom and  
23 dad and child had moved to Nevada – not traveling through, but moved to Nevada –  
24 then if they were residents here, meaning physical presence, then Nevada would be  
25 the place with custody jurisdiction. That language is quoted on that page.”

26 “The comments to the UCCJEA make it clear that the statutory language is  
27 intended to deal where the people actually live “not with any sense,” and that’s a  
28

1 quote from the official comments “of a technical domicile.” We don’t care that they  
2 had an intention to return some day to Saudi Arabia.”

3 “If you didn’t go down that path, if you didn’t make that finding and we think  
4 it’s required under the terms of the comments to UCCJEA itself, then you would need  
5 to get to the question of whether Saudi Arabia could be treated as a state. And  
6 respectfully, I don’t think you could do that on law and motion because the matters  
7 that are raised in terms of the fundamental notions of due process, *et cetera*, are  
8 necessarily fact based. And you probably would have to hear evidence before making  
9 that determination.”

10  
11 The Court:

12 “But the fact is it’s not axiomatic that Saudi Arabia qualifies as a state that  
13 would violate fundamental human rights. It’s gonna require proof and findings of it.”

14 “I - - the point I’m trying to make is we don’t pick and choose countries and  
15 then just summarily decide that it’s axiomatic that they violate fundamental human  
16 rights. Okay? That’s not -- that’s not what we do.”

17 “Whether the Court is dealing with recognizing Saudi Arabia as the home state  
18 or just disregarding it as a consideration for home state. I think it’s important.”

19 “We know Nevada’s not the home state. This Court could not issue a home  
20 state order. It would be on another basis of the enforcement act.”

21 “So, the international application is what the Court figured we would be  
22 dealing with. And what the Court intended to tell Mr. Markman and why this  
23 dialogue that we’re having and a review of the papers is this. The opposition that you  
24 filed says that this Court has jurisdiction for the reasons that you stated. But it also  
25 said that this Court shouldn’t recognize Saudi Arabia as the home state because of  
26 this notion that Saudi Arabia would violate fundamental principles of human rights.”

27 “If the Court was going entertain that as the issue that the Court needs to  
28 resolve, the motion to dismiss the custody issues would have to be denied because



1 there would be material facts in dispute. There would need to be a hearing to  
2 determine whether that would occur. And that's sort of where the Court was  
3 reviewing the paperwork and looking at where this was going to happen."

4 "And, the Court wanted to see how soon that type of dispute can -- can be had  
5 because I think that if this Court was -- received evidence and made findings similar  
6 to the findings that were made in the Washington State court, then the Court could  
7 find that Saudi Arabia was the home state; but Nevada would have to decide custody  
8 on that basis. That would be a very straight approach to the reading of the  
9 enforcement act adopted in the 125A."

10 "The Court is more comfortable with that approach than it is with the approach  
11 that says if somebody who gets a visa and comes here to go to college and then their  
12 spouse comes out here and stays here for six weeks, establishes physical presence and  
13 then trumps any consideration of where the home state is of the child. The Court does  
14 not read home state under that provision or the provision of the 305 that way."

15 "Ordinarily speaking, if you look at cases like *Friedman* or you look at cases  
16 like *Davis*, you're talking about parties that went or -- or left the state without any  
17 particular explanation other than they're living in a different place."

18 "The only reason why Mr. Senjab is here in the United States is to pursue an  
19 education pursuant to a restriction that our federal government placed on him that he  
20 has to go back as soon as he's finished."

21 "And so he can't -- according to the federal law that the Court relied upon in  
22 dismissing the divorce initially was this issue of intent, whether or not it was  
23 available to either party to say that they're gonna stay in this country."

24 "The *Friedman* case and the *Davis* case and these cases that only looked at  
25 where they were physically present didn't consider an analysis on any of that, did not  
26 consider why they were here, how they were here, what restrictions they have on them  
27 being here."

28

1 “And so the Court is not comfortable saying that as a matter of law this divorce  
2 necessarily is going to contain a judgment related to custody on that basis.”

3 “If the Court denies the motion to dismiss as a matter of law, then it’s a crap  
4 shoot as to what the Supreme Court would say.”

5 “The appropriate approach to this case is to determine whether or not the  
6 provisions of the uniform act as adopted by Nevada law should apply. If Saudi  
7 Arabia is the home state, Nevada’s not the home state and if the custody laws of  
8 Saudi Arabia do not violate the fundamental principles of human rights, then the  
9 uniform act says that the Court should respect that home state jurisdiction.”

10 “The issue of whether or not the custody laws, of Saudi Arabia violate the  
11 fundamental principles of human rights under the uniform act is a factual issue that  
12 is contested. And as Mr. Willick provided, other jurisdictions have received evidence  
13 and determined that that’s true. And that was a basis to not recognize Saudi Arabia  
14 as a home state.”

15 “And so the *Motion to Dismiss* is denied without prejudice. There is a factual  
16 dispute that needs to be resolved. And the Court is gonna require the plaintiff to  
17 provide proof that the laws of the -- of Saudi Arabia violate fundamental principles  
18 of human rights.”

19  
20 **THE COURT HEREBY FINDS AND/OR NOTES:**

- 21 1. Saudi Arabia is the Home State of the parties and the minor child.  
22 2. The Court is not denying the motion to dismiss as a matter of law  
23 because of both parties being in Nevada at the time this case was filed. Plaintiff has  
24 contested that Saudi Arabia’s custody laws violate fundamental principles of human  
25 rights and thus cannot be considered the home state under the UCCJEA.  
26 3. As Plaintiff’s claims show a factual issue is in dispute, the *Motion to*  
27 *Dismiss*, which is being heard as a request for summary judgment, is denied.  
28

4. An Evidentiary Hearing will need to be held on whether Saudi Arabia's custody laws violate fundamental principles of human rights.

5. It will be Plaintiff's burden to prove Saudi Arabia's custody laws violate fundamental principles of human rights.

6. Once the Order from today's hearing is entered, an Answer to Plaintiff's *Complaint for Divorce* will be expected.

**THE COURT HEREBY ORDERS:**

1. The *Motion to Dismiss* is denied without prejudice.

2. An Evidentiary hearing is ordered to be held on whether Saudi Arabia's custody laws violate fundamental principles of human rights.

3. A Status Check Hearing will be set for March 7, 2022, at 10:00 am regarding the Evidentiary Setting.

4. Attorney Willick shall prepare the *Order* from today's hearing that incorporates the dialogue and the Court's specific findings. Mr. Markman shall review and sign off.

5. Once the Order from this proceeding has been entered, the Defendant shall file an Answer to Complaint for Divorce.

Dated this 1st day of April, 2022



5F8 224 C1CD DA08 LCD  
T. Arthur Ritchie

Respectfully Submitted By:  
WILICK LAW GROUP

Approved by: District Court Judge  
MARKMAN LAW

/s/ Marshal S. Willick

/s/ David Markman

MARSHAL S. WILICK, ESQ.  
Nevada Bar No. 2515  
RICHARD L. CRANE, ESQ.  
Nevada Bar No. 9536  
3591 East Bonanza Road, Suite 200  
Las Vegas, Nevada 89110-2101  
Pro Bono Attorneys for Plaintiff

DAVID MARKMAN, ESQ.  
Nevada Bar No. 12440  
4484 S. Pecos Road, Suite 130  
Las Vegas, Nevada 89121  
(702) 843-5889  
Attorney for Defendant

P:\wp19\SENJAB,A\DRAFTS\00552856.WPD\jj

## Justin Johnson

---

**Subject:** FW: Ahed Said Senjab vs. Mohamad Abulhakim Alhulaibi - Proposed Order from the January 11, 2022, Hearing

---

**From:** David Markman <david@markmanlawfirm.com>

**Sent:** Friday, April 01, 2022 1:29 PM

**To:** Marshal Willick <marshal@willicklawgroup.com>

**Cc:** Justin Johnson <justin@willicklawgroup.com>; Richard Crane <richard@willicklawgroup.com>; April Green <ASGreen@lacs.org>

**Subject:** Re: Ahed Said Senjab vs. Mohamad Abulhakim Alhulaibi - Proposed Order from the January 11, 2022, Hearing

Marshall,

I reviewed the order you may affix my e-signature to the order from the hearing on January 11, 2022 for submission to the Court.

Thank you,

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: 4/1/2022

15 Reception Reception

email@willicklawgroup.com

16 Earlean Nelson-Deal

enelson-deal@lacsns.org

17 April Green, Esq.

asgreen@lacsns.org

18 Justin Johnson

Justin@willicklawgroup.com

20 Aileen Yeo

AYeo@lacsns.org

21 Richard Crane

richard@willicklawgroup.com

22 David Markman

David@MarkmanLawfirm.com