

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

2 * * * * *

3 **AMY COLLEEN LUCIANO,**
4 **N/K/A/ AMY HANLEY,**

5 **Appellant,**

6 **vs.**

7 **FRANK LUCIANO,**

8 **Respondent.**

Supreme Court No. 83522

District Court Case No. D698322

Electronically Filed
Jan 16 2022 09:32 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

9 **APPELLANT'S APPENDIX**

Addendum to Answer	1	AA0071-AA0092
Affidavit of Service of Complaint	1	AA0038
Amended Notice of Hearing	1	AA0136
Amended Certificate of Mailing dated 8/25/2021	2	AA0281
Amended Certificate of Mailing dated 8/25/2021	2	AA0282
Answer to Complaint For Divorce	1	AA0039-AA0043
Case and Non-Jury Trial Management Order	1	AA0093-AA0096
Case Conference Brief	1	AA0051-AA0070
Complaint for Divorce	1	AA0001-AA0008
Decree of Divorce	1	AA0173-AA0186
Ex Parte Motion for Order Shortening Time	1	AA0129-AA0133
Exhibit Appendix Motion Dated 2/21/2020	2	AA0207-AA0217
Motion and Notice of Motion to Set Aside Order Dated 7/21/2020	2	AA0202-AA0206
Motion and Notice of Motion to Set Aside Order Dated 5/31/2021	2	AA0250-AA0273

1	Motion for Temporary Order Pending Trial;	1	AA0009-AA0037
2	plaintiff for Sole Legal and Primary		
3	Physical Custody (Subject to Defendant's		
4	Supervised Visitation);for a		
5	Psychological/Substance Abuse Evaluation		
6	of Defendant; Drug Testing Protocols of		
7	Defendant; a Mutual Behavioral Order; a		
8	Talking Parents Communication Orders;		
9	Child Support; an Order Sealing Case File;		
10	and for Attorney's Fees and Costs		
11	Motion to Modify the Court's Temporary	1	AA0101-AA0128
12	Custodial Order		
13	Notice of Appearance Dated 9/7/2021	2	AA0083-AA0285
14	Notice of Appeal Dated 9/9/2021	2	AA0286-AA0287
15	Notice of Entry of Decree Dated 6/8/2020	2	AA0187-AA0201
16	Notice of Entry of Order Dated 8/10/2021	2	AA0277-AA0280
17	Order from December 12, 2019 Hearing	1	AA0097-AA0100
18	Order from November 7, 2019 Hearing	1	AA0044-AA0050
19	Order from February 20, 2020 Hearing	1	AA0137-AA0138
20	Order from August 11, 2021 Chambers	2	AA0274-AA0276
21	Order from September 16, 2020 Hearing	2	AA0241-AA0249
22	Order Shortening Time Dated 2/14/2020	1	AA0134-AA0135
23	Opposition to Motion to Set Aside Order	2	AA0218-AA0240
24	Pre-Trial Memorandum	1	AA0139-AA0172
25	Transcript of February 20, 2020	2	AA0288-AA0296
26	Transcript of May 5, 2020	2	AA0297-AA0302
27	Transcript of May 19, 2020	2	AA0303-AA0323
	Transcript of September 16, 2020	2	AA0324-AA0360

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Dated this 26th day of January, 2022.

/s/ Heather Evans
An Employee of
The Law Offices of Charles R. Zeh, Esq.

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

2 * * * * *

3 **AMY COLLEEN LUCIANO,**
4 **N/K/A/ AMY HANLEY,**

5 **Appellant,**

6 **vs.**

7 **FRANK LUCIANO,**

8 **Respondent.**

Supreme Court No. 83522

District Court Case No. D598320

9 **APPELLANT'S APPENDIX**

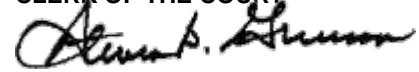
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1	Motion for Temporary Order Pending Trial;	1	AA0009-AA0037
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Dated this 25th day of January, 2022.

/s/ Heather Evans
An Employee of
The Law Offices of Charles R. Zeh, Esq.



1 **COMD**

2 Alex B. Ghibauda, Esq.

3 Nevada Bar No. 10592

4 **ALEX GHIBAUDO, PC**

5 703 South Eighth Street

6 Las Vegas, Nevada 89101

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10 *Attorney for Plaintiff*

CASE NO: D-19-598320-D
Department: To be determined

11 **EIGHTH JUDICIAL DISTRICT COURT**
12 **FAMILY DIVISION**
13 **CLARK COUNTY, NEVADA**

14 FRANK LUCIANO,

15 Plaintiff

16 vs.

17 AMY LUCIANO,

18 Defendant.

Case Number:

Department:

19 **COMPLAINT FOR DIVORCE**

20
21 **COMES NOW**, Plaintiff FRANK LUCIANO, by and through his Attorney
22 of Record, Alex Ghibauda, Esq., of *Alex Ghibauda, PC*, and states her cause of
23 action against Defendant AMY LUCIANO as follows:
24

25 **I.**

26 That Plaintiff is a resident of the State of Nevada, and for a period of more
27 than six (6) weeks before the commencement of this action, has resided and been
28

1 physically present and domiciled therein; and during all of said period of time,
2 Plaintiff has had, and still has, the intent to make the State of Nevada his home
3 residence and domicile for an indefinite period of time.
4

5 **II.**

6 That Plaintiff and Defendant were legally married on November 18, 2017 in
7 Las Vegas, Nevada; and ever since said date, have been husband and wife.
8

9 **III.**

10 That there is one (1) minor child of the marriage, to wit: GIANNA
11 HANLEY LUCIANO, born September 24, 2014, presently age 5. There are no
12 adopted children to the parties; and to the best of Plaintiff's knowledge, Defendant
13 is not currently pregnant.
14

15 **IV.**

16 That the State of Nevada is the home State of said minor child.
17

18 **V.**

19 That, based on Defendant's ongoing drug use/abuse, Plaintiff should be
20 awarded SOLE LEGAL and PRIMARY PHYSICAL care, custody, and control of
21 said minor child; subject to Defendant's right of SUPERVISED visitation.
22

23 **VI.**

24 That Defendant should be ordered to pay child support to Plaintiff of not less
25 than eighteen percent (18%) of her gross monthly income (or the maximum
26 allowed for Defendant's income bracket), pursuant to NRS 125B.070 and NRS
27
28

1 125B.080, until such time as the child (1) becomes emancipated; or (2) reaches the
2 age of eighteen (18) years, the age of majority, unless the child is still attending
3 secondary education when the child reaches eighteen (18) years of age; in which
4 event, said child support payments shall continue until the child graduates from
5 High School, or reaches the age of nineteen (19) years, whichever occurs first.
6
7

8 **VII.**

9 That Plaintiff and Defendant shall provide medical, dental, and vision
10 insurance coverage for the minor child herein, until such time as the child (1)
11 becomes emancipated; or (2) reaches the age of eighteen (18) years, the age of
12 majority, unless the child is still attending secondary education when the child
13 reaches eighteen (18) years of age; in which event, said medical coverage shall
14 continue until the child graduates from High School or reaches the age of nineteen
15 (19) years, whichever occurs first.
16
17

18 **VIII.**

19 That Plaintiff and Defendant shall equally divide the cost of all medical,
20 dental, orthodontic, psychological, and optical expenses of said minor child not
21 covered by insurance, pursuant to the "30/30 Rule," The 30/30 Rule mandates that
22 if a parent pays a medical expense for a child that is not covered by insurance, that
23 parent must send proof of the expense to the other parent within thirty (30) days of
24 incurring the expense; the other parent then has thirty (30) days to reimburse the
25 paying parent one-half (½) the cost.
26
27
28

1 IX.

2 That Plaintiff shall have the right to claim the minor child for tax purposes
3 each year with the Internal Revenue Service (IRS).
4

5 X.

6 That neither party is entitled to an award of alimony/spousal support.
7

8 XI.

9 That there is community property of the parties herein to be adjudicated by
10 the Court, the nature and extent of which may not be fully known to Plaintiff at this
11 time. Plaintiff requests leave to amend this Complaint, upon receipt of further
12 information, if necessary.
13
14

15 XII.

16 That there are community debts of the parties herein to be adjudicated by the
17 Court, the nature and extent of which may not be fully known to Plaintiff at this
18 time. Plaintiff requests leave to amend this Complaint, upon receipt of further
19 information, if necessary.
20
21

22 XIII.

23 That Defendant has wasted community assets and pursuant to Putterman v.
24 Putterman, 113 Nev. 606, 939 P.2d 1047 (1997); Lofgren v. Lofgren, 112 Nev.
25 1282, 926 P.2d 296 (1996); and NRS 125.150 as amended, Plaintiff is entitled to
26 reimbursement for such waste, upon submission of appropriate proof.
27
28

1 **XIV.**

2 That there may be separate property and debts of the parties; which, subject
3 to appropriate proof, should be confirmed to the party owning/owing the same.
4

5 **XV.**

6 That Plaintiff asks this Court to jointly restrain the parties herein in
7 accordance with the terms of the *Joint Preliminary Injunction* to be issued herewith.
8

9 **XVI.**

10 That Plaintiff and Defendant have become incompatible in marriage.
11

12 **XVII.**

13 That it has become necessary for Plaintiff to retain the services of counsel to
14 bring this action and he is, therefore, entitled to an award of reasonable attorney's
15 fees and costs of suit incurred herein.
16

17 ...
18

19 **CONCLUSION**

20 **WHEREFORE**, based upon the foregoing, Plaintiff respectfully requests:

- 21 1. That the bonds of matrimony now and heretofore existing between Plaintiff
22 and Defendant be dissolved; that Plaintiff be granted an absolute Decree of
23 Divorce; and that each of the parties hereto be restored to the status of a
24 single, unmarried, person;
25
26 2. That Plaintiff be awarded SOLE LEGAL custody of the minor child herein;
27
28 3. That Plaintiff be awarded PRIMARY PHYSICAL custody of the minor
child herein, subject to Defendant's supervised visitation;

- 1 4. That Defendant be ordered to pay child support for said minor child,
2 pursuant to Nevada Revised Statutes, until such time as the child (1)
3 becomes emancipated; or (2) reaches the age of eighteen (18) years, the age
4 of majority, unless the child is still attending secondary education when the
5 child reaches eighteen (18) years of age; in which event, said child support
6 payments shall continue until the child graduates from High School, or
7 reaches the age of nineteen (19) years, whichever occurs first;
8
- 9 5. That the Court confirm that Plaintiff and Defendant shall continue to provide
10 medical insurance coverage for the minor child herein, until such time as the
11 child (1) becomes emancipated; or (2) reaches the age of eighteen (18) years,
12 the age of majority, unless the child is still attending secondary education
13 when the child reaches eighteen (18) years of age; in which event, said
14 medical coverage shall continue until the child graduates from High School
15 or reaches the age of nineteen (19) years, whichever occurs first;
16
- 17 6. That the Court Order the parties to equally divide the cost of all medical,
18 dental (including orthodontic), psychological, and optical expenses of said
19 minor child not covered by insurance, pursuant to the 30/30 Rule, until such
20 time as the child (1) becomes emancipated; or (2) reaches the age of eighteen
21 (18) years, the age of majority, unless the child is still attending secondary
22 education when the child reaches eighteen (18) years of age; in which event,
23 said medical coverage shall continue until the child graduates from High
24 School or reaches the age of nineteen (19) years, whichever occurs first;
25
- 26 7. That the Court confirm that Plaintiff shall claim the minor child for tax
27 purposes each year with the IRS.
28

- 1 8. That neither party be awarded alimony/spousal support;
- 2 9. That this Court make an equitable distribution of the community assets;
- 3
- 4 10. That this Court make an equitable distribution of the community obligations;
- 5 11. That the Court enter a finding of waste of community assets by Defendant,
- 6 and that Plaintiff be awarded no less than one-half (1/2) of all assets wasted;
- 7
- 8 12. That this Court confirm to each party his/her separate property and debts.
- 9 13. That this Court issue its *Joint Preliminary Injunction* enjoining the parties
- 10 pursuant to the terms set forth therein;
- 11 14. That Defendant be ordered to pay for Plaintiff's attorney's fees/costs; and
- 12
- 13 15. Any other relief that this Court deems to be just and proper.

14 **DATED** Monday October 21, 2019.

15
16 Respectfully Submitted,

17
18 */s/ Alex Ghibaud*

19 Alex B. Ghibaud, Esq.
20 Nevada Bar No. 10592
ALEX GHIBAUDO, PC
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COUNTY OF CLARK)
) ss:
STATE OF NEVADA)

Under penalty of perjury, I declare that I am the Plaintiff in the above-entitled action; that I have read the foregoing *Complaint for Divorce* and know the contents thereof; that the pleading is true of my own knowledge, except for those matters therein contained stated upon information and belief, and that as to those matters, I believe them to be true.

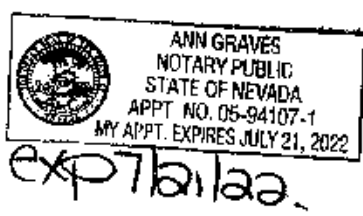
I declare under penalty of perjury under the laws of the State of Nevada that the forgoing is true and correct.

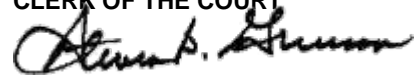
DATED Monday October 21, 2019.

Frank Luciano
Frank Luciano

SUBSCRIBED and SWORN to before
me on this 21st day of October 2019.

NOTARY PUBLIC
in and for said COUNTY and STATE.





MOT

Alex B. Ghibaud, Esq.
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703 South Eighth Street
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Attorney for Plaintiff

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

FRANK LUCIANO,

Plaintiff,

vs.

AMY LUCIANO,

Defendant.

Case Number: D-19-598320-D

Department: E

Oral Argument Requested: Yes

...

**PLAINTIFF'S MOTION FOR TEMPORARY ORDERS PENDING TRIAL;
FOR SOLE LEGAL AND PRIMARY PHYSICAL CUSTODY
(SUBJECT TO DEFENDANT'S SUPERVISED VISITATION);
FOR A PSYCHOLOGICAL/SUBSTANCE ABUSE EVALUATION OF
DEFENDANT; FOR DRUG TESTING PROTOCOLS OF DEFENDANT;
A MUTUAL BEHAVIORAL ORDER; A TALKING PARENTS
COMMUNICATION ORDER; CHILD SUPPORT; AN ORDER SEALING
CASE FILE; AND FOR ATTORNEY FEES AND COSTS**

...

NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN TEN (10) DAYS OF THE RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUEST FOR RELIEF BEING GRANTED BY THE COURT WITHOUT A HEARING PRIOR TO THE SCHEDULED HEARING DATE.

COMES NOW, Plaintiff FRANK LUCIANO, by and through his Attorney of Record, Alex Ghibaud, Esq., of *Alex Ghibaud, PC*, and hereby files this *Motion for Temporary Orders Pending Trial; for Sole Legal and Primary Physical Custody (Subject to Defendant's Supervised Visitation); for a Psychological/Substance Abuse Evaluation of Defendant; Drug Testing Protocols of Defendant; a Mutual Behavioral Order; a Talking Parents Communication Orders; Child Support; an Order Sealing Case File; and for Attorney's Fees and Costs.*

This *Motion* is based upon the attached Memorandum of Points and Authorities, the supporting exhibits provided in *Plaintiff's Exhibit Appendix* filed contemporaneously with this Motion, the attached *Declaration of Frank Luciano*, any and all pleadings and papers on file herein, and any further evidence or argument presented to the Court at the hearing of this matter.

DATED Wednesday October 23, 2019.

Respectfully Submitted,

/s/ *Alex Ghibaud*

Alex B. Ghibaud, Esq.
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PLEASE TAKE NOTICE that a hearing on *Plaintiff's Motion for Temporary Orders Pending Trial; for Sole Legal and Primary Physical Custody (Subject to Defendant's Supervised Visitation); for a Psychological/Substance Abuse Evaluation of Defendant; Drug Testing Protocols of Defendant; a Mutual Behavioral Order; a Talking Parents Communication Orders; Child Support; an Order Sealing Case File; and for Attorney's Fees and Costs* will be held before the Eighth Judicial District Court, at the Family Court Division, Department E, located at 601 N. Pecos Road, Las Vegas, Nevada 89101.

Pursuant to recent changes to the Nevada Supreme Court Electronic Filing Rules, the Clerk's Office will electronically file a *Notice of Hearing* upon receipt of this Motion. In accordance with NEFCR 9(d), if you are not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, undersigned will serve the Clerk's *Notice of Hearing* to you by traditional means.

DATED Wednesday October 23, 2019.

Respectfully Submitted,

/s/ Alex Ghibaud

Alex B. Ghibaud, Esq.
Nevada Bar No. 10592
703 South Eighth Street
Las Vegas, Nevada 89101
Attorney for Plaintiff

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**
3 **INTRODUCTORY FACTS**

4 The parties to this divorce action are Plaintiff FRANK LUCIANO (“Frank”)
5 and Defendant AMY LUCIANO (“Amy”). The parties were married on November
6 18, 2017 in Las Vegas, Nevada; and have one minor child together, to-wit:
7 GIANNA HANLEY LUCIANO (“Gianna”), born September 24, 2014, age 5.
8

9 Frank is 34-years-old and the Internet Sales Manager for Ford Country in the
10 Valley Automall in Henderson, Nevada. Amy is 42-years-old, unemployed, and a
11 junkie (with a 20-plus-year history of *chronic* drug abuse) on the verge of
12 homelessness because of her untreated addiction (Amy and Frank were evicted
13 from their home in December 2018 after Amy blew the parties’ entire savings on
14 pills and drugs). Amy currently lives in her mother’s Summerlin home but is
15 making threats of moving to Reno, Nevada with Gianna.
16
17

18 Amy has been, and continues to be, addicted to drugs like Methamphetamine;
19 Adderall; Oxycodone (Oxycontin); Hydrocodone (Vicodin, Lortab, and Norco);
20 Methadone; Carisoprodol (Soma); and Risperidone (an antipsychotic used to treat
21 bipolar disorder and schizophrenia); in addition to other amphetamines, opiates,
22 and antipsychotics. Amy will likely tell the Court that she has valid prescriptions
23 for her smorgasbord of narcotics; what she won’t tell the Court is that (1) Amy
24 “doctor shops” to get the prescriptions she wants; (2) Amy meets drug dealers at
25 all hours of the night (*sometimes with Gianna in the car*) to score pills; and (3) Amy
26 will even resort to taking her son’s ADHD medication when she “runs out.”
27
28

1 For the Court's reference, Amy has three children from a prior marriage (the
2 subject minors of Case No. D-12-467098): DYLAN DZIEDZIC ("Dylan"), age 13;
3 DANNY DZIEDZIC ("Danny"), age 12; and DEVIN DZIEDZIC ("Devin"), age 11.
4 Danny suffers from ADHD and autism; and takes medication for his condition
5 (medication that Amy takes when she is unable to score a "fix" any other way).
6

7 By taking her son's medication, Amy not only demonstrates that her
8 addiction has spiraled horribly out of control; but Amy further demonstrates that
9 she is willing *to let her own child go through dangerous withdrawal symptoms*
10 *if/when his medication runs out* (ADHD medications must be taken daily and
11 *exactly* as prescribed) to ensure that Amy can maintain her daily euphoric "high."
12 The notion is nauseating; clearly, Amy's top priority is Amy (and no one else)
13 while Gianna, Dylan, Danny, and Devin, come second; and only if convenient.
14

15 Lastly, the Court needs to be made aware that Amy (who is unemployed)
16 likes to portray herself as a lawyer while regularly engaging in judicial interference
17 and attempts to manipulate the judiciary. Amy markets and promotes herself as
18 "Amy Luciano, Esq." on her various social media platforms; and identifies herself
19 as "General Counsel" for a purported domestic nonprofit corporation she created
20 (while under the influence of God knows what) called "Adrestia Project" through
21 which, Amy has engaged in the unauthorized practice of law (see **Exhibit 1**).
22

23 In the Dziedzic matter, when Amy was about to lose custody of the boys,
24 Amy and her mother (Wendy Mazaros) accosted Judge Gayle Nathan at a 2014
25 campaign fundraising event triggering Judge Nathan's recusal and re-assignment
26
27
28

1 of the case to Judge Sandra Pomrenze. Amy's efforts were pre-planned and
2 deliberately designed to change the outcome of that case.

3
4 In this matter, the Court may notice that Amy filed an improper Joint
5 Petition for Divorce on July 18, 2019; followed by a delusional Ex Parte Motion
6 (seeking reassignment to Dept. R) on September 3, 2019. Then, on the eve of
7 Judge Ochoa's Chambers Hearing, Amy filed a mysterious Peremptory Challenge
8 (again, into a joint petition case, where the presiding Judge is of little consequence
9 or relevance to the parties seeking an uncontested divorce).

10
11 Immediately after being retained by Frank, undersigned counsel filed a
12 Notice of Revocation of Petition into that case (Case No. D-19-593073-Z) and
13 initiated this action (Case No. D-19-598320-D) with a Complaint for Divorce
14 seeking sole legal and primary physical custody of Gianna. In any event, to be
15 clear, Amy is not a member of the State Bar of Nevada; nor is she licensed to
16 practice law in Nevada (or anywhere else). However, the Court should assume that
17 Amy will try to manipulate this Court; as she has others since 2014.
18
19

20 II. 21 STATEMENT OF FACTS

22 Frank will prove-up the following facts at the parties' Evidentiary Hearing:
23

24 1) Frank and Amy met through mutual acquaintances and started dating
25 in, or around, September 2013;

26 2) Gianna was born on September 24, 2014 in Las Vegas, Nevada; and is
27 currently five (5) years-old.
28

1 3) Shortly before this filing, Amy pulled Gianna out of Kindergarten
2 (without Frank's knowledge or consent) and is refusing to send the child to school.
3

4 4) Shortly before this filing, Frank also learned that Amy does not have
5 food in the house for Gianna (or the boys) and is not keeping the house clean;
6

7 5) Shortly before this filing, Frank learned that Amy stays up until 4:00
8 or 5:00 a.m. and sleeps most of the day (leaving the kids unattended);
9

10 6) In early-2016, Frank discovered text messages on Amy's cellphone
11 documenting frequent late-night drug deals (*sometimes conducted with Gianna in*
12 *Amy's car*) arranging meet-ups for the pick-up and/or drop-off of controlled
13 substances (see **Exhibit 2**).
14

15 7) In the text messages, Amy is seen negotiating the trafficking of "20's"
16 and "30's" of "addy's" (20mg and 30mg doses of Adderall) along with batches of
17 "blues" (Oxycodone pills) for herself and "other lawyer" friends.
18

19 8) In mid-2016, Amy was evicted from her house and was forced to
20 move in with her mother (Wendy Mazaros);
21

22 9) In late-2016, Frank took Amy to Summerlin Hospital for detox and
23 drug rehab; which was unsuccessful.
24

25 10) After promising to clean up her act and remain sober, Frank and Amy
26 were married on November 18, 2017;
27

28 11) Shortly after getting married, Amy began having friends (fellow
junkies) over to the house late at night to talk about their various Family Court

1 cases (Amy wrote pleadings for many of these people) and would stay up until
2 3:00 or 4:00 a.m. popping pills and drinking;

3
4 12) In mid-2018, Amy called Frank and told him to come home because
5 she couldn't take of Gianna. When Frank arrived, he found Amy passed out in the
6 parties' backyard (where it was 110-plus-degrees) laying face-first into the ground.
7 Amy had nearly overdosed and taken her life.
8

9 13) A week before Christmas 2018, Amy and Frank were evicted from
10 their Summerlin home; unbeknownst to Frank, Amy had emptied the parties'
11 savings account and blown the money on narcotics. The parties were forced to
12 spend Christmas at a hotel and live with a friend, shortly thereafter.
13

14 14) In January 2019, when Frank told Amy that their marriage was over,
15 Amy left what appeared to be a suicide note (using lipstick) on a bathroom mirror.
16 Genuinely wanting to see Amy get help (and genuinely wanting Amy to get clean
17 and sober) Frank stayed and arranged another rehab stay for Amy.
18

19 15) On or around January 22, 2019, Amy spent a few days at a rehab
20 facility and promised Frank she was on a path to long-lasting recovery.
21

22 16) In February 2019, Amy ran for Mayor of Las Vegas (and posted
23 strange campaign videos on her social media platforms raising concerns that her
24 delusions had not ceased; and that her drug use had only escalated);
25

26 17) Shortly thereafter, Frank told Amy that things were over; and,
27

28 18) On July 18, 2019, Amy filed an improper Joint Petition for Divorce.

III.
ARGUMENT AND ANALYSIS

A. Frank Should be Awarded Sole Legal and Primary Physical Custody of Gianna (Subject to Amy's Supervised Visitation) Pending Trial

Pursuant to NRS 125C.0035(1), in any action for determining the physical custody of a minor child, the paramount consideration of the Court is the best interest of the child. Pursuant to NRS 125C.0035(3), the Court shall award physical custody in the following order of preference unless in a particular case the best interests of the child require otherwise:

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

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

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

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

(Emphasis Added)

With regard to the Court granting an award of primary physical custody, NRS125C.003(1) states as follows:

A court may award primary physical custody to a parent if the court determines that joint physical custody is not in the best interest of a child. An award of joint physical custody is presumed not to be in the best interest of the child if:

(a) The court determines by substantial evidence that a parent is unable to adequately care for a minor child for at least 146 days of the year;

1 (b) A child is born out of wedlock and the provisions of subsection 2
2 are applicable; or

3 (c) Except as otherwise provided in subsection 6 of NRS
4 125C.0035 or NRS 125C.210, there has been a determination by the
5 court after an evidentiary hearing and finding by clear and convincing
6 evidence that a parent has engaged in one or more acts of domestic
7 violence against the child, a parent of the child or any other person
8 residing with the child. The presumption created by this paragraph is a
9 rebuttable presumption.

10 (Emphasis Added)

11 As the Court is aware, under NRS 125C.0035(4), there are several
12 considerations for this Court in determining the best interest of the child:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (Emphasis Added as to the Most Applicable Factors)

7 **Analysis of the Best interest Custodial Factors**

8 The following is an analysis of the best interest custodial factors, as they
9 directly apply in the instant case, favoring an award of sole legal and primary
10 physical custody of Gianna to Frank (subject to Amy's supervised visitation)
11 pending an Evidentiary Hearing:

12
13 (a) **The wishes of the child if the child is of sufficient age and**
14 **capacity to form an intelligent preference as to his or her**
15 **physical custody.**

16 Not an applicable factor, as Gianna is only five (5) years-old.

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

18 Not an applicable factor.

19
20 (c) **Which parent is more likely to allow the child to have frequent**
21 **associations and a continuing relationship with the**
22 **noncustodial parent.**

23 Frank understands the increased burden (and firm expectations of the Court)
24 that come with an award of primary physical custody and will follow any/all custodial
25 orders that the Court puts in place to ensure that Gianna has frequent associations with
26 Amy (Frank only wishes for Amy to be clean to ensure that Gianna is safe and
27 properly cared for when in Amy's care).
28

1 **(d) The level of conflict between the parties.**

2
3 Due to Amy's drug use, delusions of grandeur, and poor parental judgment,
4 the level of conflict between the parties is high and will likely escalate. Frank is
5 hopeful that a mutual Behavioral Order will assist the parties, in this regard, and is
6 proactively asking the Court to enter such an order at the parties' initial hearing.
7

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

9
10 In the same spirit as above, Frank is also asking the Court for an Order
11 requiring the parties to communicate exclusively through the Talking Parents co-
12 parenting platform in hopes that respectful communication (limited solely to the
13 topic of Gianna) will increase the level of cooperation between the parties.
14

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

16 This is likely the most important consideration for the Court at this time.
17 Candidly, Amy is in trouble and in desperate need of professional help to treat her
18 mental illness and chronic addiction. Amy is addicted to strong mind-altering
19 substances, including Methamphetamine; Adderall; Oxycodone (Oxycontin);
20 Hydrocodone (Vicodin, Lortab, and Norco); Methadone; Carisoprodol (Soma); and
21 Risperidone (an antipsychotic used to treat bipolar disorder and schizophrenia); in
22 addition to other amphetamines, opiates, and antipsychotics.
23
24

25 The long-term use (and long-term abuse) of these drugs has stripped Amy of
26 her ability to think clearly; to exercise sound judgment; and to properly care for
27 Gianna. Accordingly, Frank is asking the Court for a behavioral/psychological
28

1 evaluation of Amy; a substance abuse evaluation of Amy; and long-term drug
2 testing protocols to ensure that Amy can maintain a level of sobriety.

3
4 **(g) The physical, developmental, and emotional needs of the children.**

5 Gianna's physical, developmental, and emotional needs are *severely*
6 compromised when the minor child is in Amy's care and custody. Shortly before
7 this filing, Amy removed Gianna from Kindergarten (without Frank's knowledge
8 or consent) and is refusing to re-enroll Gianna. Instead, Gianna is left with an iPad
9 and to fend for herself most of the day, while Amy sleeps off her latest drug binge.
10 Educational neglect is now an issue that the Court should address.

11
12
13
14 **(h) The nature of the relationship of the child with each parent.**

15 Frank enjoys a wonderfully loving relationship with Gianna. The two
16 recently took a trip to Salt Lake City (where Frank is from); Frank is teaching
17 Gianna how to ride a bike; and Frank does everything he can to quench Gianna's
18 thirst for knowledge and information (Gianna is an inquisitive young lady and
19 loves to learn, despite Amy's insistence on removing her from school).
20
21

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

23 Gianna is deeply bonded with Danny, Devyn, and Dylan (her half siblings)
24 and, to the most realistic extent possible (considering the circumstances), Frank
25 would like to protect that bond moving forward (but understands the same may not
26 be possible based on Amy's condition).
27
28

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

2
3 Shortly before this filing, Frank learned that (1) Amy pulled Gianna out of
4 Kindergarten (without Frank's knowledge or consent) and is refusing to send the
5 child to school; (2) Amy does not have food in the house for Gianna (or the boys)
6 and is not keeping the house clean; and (3) Amy stays up until 4:00 or 5:00 a.m.
7 and sleeps most of the day (leaving the kids unattended). When coupled with
8 evidence that Amy has taken Gianna on drug deals in the past and has exposed
9 Gianna to other junkies (that come to Amy's house at all hours of the night),
10 neglect is a significant, and highly relevant, consideration in the Court's best
11 interest custodial analysis.
12
13

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

18 Not an applicable factor.

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

22 Neither party has engaged in an act of abduction against the children.
23

24 **Summary**

25 Based on the foregoing analysis of the NRS 125C.0035(4) custodial factors,
26 particularly (f), (g), and (j), an award of sole legal and primary physical custody to
27 Frank (subject to Amy's supervised visitation) is in Gianna's best interest.
28

1 **B. The Court Should Order a Substance Abuse Evaluation, Substance**
2 **Abuse Testing, and a Psychological/Behavioral Evaluation of Amy**

3 Rule 35 of Nevada Rules of Civil Procedure states:

4 **RULE 35 PHYSICAL AND MENTAL EXAMINATION OF PERSONS**

5 **(a) Order for Examination.** When the mental or physical condition
6 (including the blood group) of a party, or of a person in the custody or under
7 the legal control of a party, is in controversy, the court in which the action is
8 pending may order the party to submit to a physical or mental examination by a
9 suitably licensed or certified examiner or to produce for examination the
10 person in the party's custody or legal control. The order may be made only on
11 motion for good cause shown and upon notice to the person to be examined
12 and to all parties and shall specify the time, place, manner, conditions, and
13 scope of the examination and the person or persons by whom it is to be made.

14 **(b) Report of Examiner.**

15 (1) If requested by the party against whom an order is made under Rule 35(a)
16 or the person examined, the party causing the examination to be made shall
17 deliver to the requesting party a copy of the detailed written report of the
18 examiner setting out the examiner's findings, including results of all tests
19 made, diagnoses and conclusions, together with like reports of all earlier
20 examinations of the same condition. After delivery the party causing the
21 examination shall be entitled upon request to receive from the party against
22 whom the order is made a like report of any examination, previously or
23 thereafter made, of the same condition, unless, in the case of a report of
24 examination of a person not a party, the party shows that the party is unable to
25 obtain it. The court on motion may make an order against a party requiring
26 delivery of a report on such terms as are just, and if an examiner fails or
27 refuses to make a report the court may exclude the examiner's testimony if
28 offered at the trial.

(2) By requesting and obtaining a report of the examination so ordered or by
taking the deposition of the examiner, the party examined waives any privilege
the party may have in that action or any other involving the same controversy,
regarding the testimony of every other person who has examined or may
thereafter examine the party in respect of the same mental or physical
condition.

(3) This subdivision applies to examinations made by agreement of the parties,
unless the agreement expressly provides otherwise. This subdivision does not
preclude discovery of a report of an examiner or the taking of a deposition of
the examiner in accordance with the provisions of any other rule.

1 In an effort to protect Gianna; and with good cause appearing, Frank is
2 asking that the Court (1) Order a substance abuse evaluation for Amy with Dr.
3 Michael Levy D.O., FASAM (or other Court approved addiction specialist); (2)
4 Order random hair and urine drug testing through Options (using Options' drug
5 panel of 600-plus drugs); and, 3) Order a full psychological and/or behavioral
6 evaluation of Amy with a Ph.D.-level therapist.
7
8

9 With regard to the fees associate therewith, Amy should be responsible for
10 all evaluation/testing fees pending an Evidentiary Hearing. In Frazier v. Drake,
11 131 Nev. Adv. Rep. 64, 357 P.3d 365 (Nev. App. 2015), the Court of Appeals
12 addresses the factors the Court must analyze to justify an award of expert costs and
13 fees exceeding the \$1,500.00 limit in NRS 18.005:
14
15

- 16 (1) the importance of the expert's testimony to the party's case;
- 17 (2) the degree to which the expert's opinion aided the trier of fact in deciding
18 the case;
- 19 (3) whether the expert's reports or testimony were repetitive of other expert
20 witnesses;
- 21 (4) the extent and nature of the work performed by the expert;
- 22 (5) whether the expert had to conduct independent investigations or testing;
- 23 (6) the amount of time the expert spent in court, [including] preparing a
24 report, and preparing for trial;
- 25 (7) the expert's area of expertise;
- 26 (8) the expert's education and training;
- 27 (9) the fee actually charged to the party who retained the expert;
- 28 (10) the fees traditionally charged by the expert on related matters;
- (11) comparable experts' fees charged in similar cases; and
- (12) if [an out-of-state expert is used], the fees and costs that would have been
incurred to hire a comparable [local] expert where the trial was held.

1 The Court held that for an award of expert fees in excess of \$1,500.00 to be
2 proper, the fees awarded must not only be reasonable, but the circumstances
3 surrounding each expert's testimony must be of such necessity as to require the
4 larger fee. Based on the facts set forth herein (and Amy's current condition),
5 Frank's request is reasonable and appropriate.
6

7
8 **C. Frank is Asking the Court to Enter a Mutual Behavioral Order**

9 Based on the high level of conflict that exists between the parties, Frank is
10 asking the Court to enter the following mutual Behavioral Order (or, in the
11 alternative, Department E's standard mutual Behavioral Order), to set some
12 common sense parameters moving forward:
13
14

15 1. You shall not engage in any abusive contact (foul language, name
16 calling, etc.) with the other party or child, including telephone calls, letters,
17 e-mail, and any and all social media outlets, including but not limited to
18 Facebook, Twitter, Instagram, LinkedIn, Snapchat, Pinterest, Tumblr,
YouTube, and Reddit.

19 2. You shall avoid any unnecessary contact with the other party's
20 family, friends, associate, neighbors, co-workers, "significant other", etc.,
21 and you shall not initiate conflict with them.

22 3. You shall not contact any person associated with the other party
23 (including but not limited to: friends, relatives, neighbors, employers, co-
24 workers, business associates and customers) for purposes of discussing
25 court proceedings or making negative/disparaging allegations about the
26 other party. This also includes any and all social media contact, including
Pinterest, Tumblr, YouTube, and Reddit.

27 4. You will advise all your friends, relatives, and "significant other" not
28 to disparage, criticize or harass the other party. This also includes any and

1 all social media contact, including but not limited to Facebook, Twitter,
2 Instagram, LinkedIn, Snapchat, Pinterest, Tumblr, YouTube, and Reddit.

3 5. You will not harass the other party at their place(s) of employment,
4 including contacting the employer to make negative/disparaging allegations.

5 6. You shall not provide either directly or through third parties, copies
6 of an unsolicited documents (personal letters, court pleadings, court video
7 transcripts, etc.) to anyone associated with a party (family members,
8 neighbors, employers, etc.) for the intended purpose of casting the other
9 party in a negative light.

10 7. Neither party shall interrogate the child as to the activities or events
11 at the other parent's residence, etc., and both parties shall respect and not
12 interfere with the child's privacy and relationship with the other parent.

13 8. Neither party shall interfere with the other party's contact with the
14 minor child, including but not limited to telephone calls, e-mails, and/or
15 social networking, including but not limited to Facebook, Twitter,
16 Instagram, LinkedIn, Snapchat, Pinterest, Tumblr, YouTube, and Reddit.

17 9. Neither party shall threaten to commit, or actually commit, an act of
18 violence upon the other party, or the minor child, or the extended family o
19 the other party.

20 10. All child custody exchanges, visitations, etc., shall be done in a civil,
21 law-abiding manner and reasonably close to the times specified by the
22 Court. In the event of an emergency or unforeseen circumstance that could
23 affect an exchange of the child or the time of the exchange, the party
24 experiencing the difficulty shall call or contact the other party via text
25 messaging as soon as reasonably possible.

26 11. Neither party shall remove the child from the State of Nevada for the
27 purpose of changing the child's residence without a written consent of the
28 other party or further order of the Court. This provision does not preclude
the child from participating in out-of-state family activities provided
advance written notice containing itinerary and contact information is
provided to the other party.

1 **D. Frank is also Requesting an Order Requiring the Parties to**
2 **Communicate Exclusively through the Talking Parents Platform**

3 As the Court is aware, platforms like *Talking Parents* and *Our Family*
4 *Wizard* add accountability to co-parenting communication (while seeking to keep
5 communication professional, respectful, and focused on the parties' minor child.
6 These platforms also help eliminate issues of authentication.
7

8 Here, based on the level of conflict between the parties, Frank is asking for
9 an Order for Talking Parents (which is free when using the website version of the
10 platform). Talking Parents does charge a monthly fee (\$4.99 per month) for cell
11 phone/mobile app use (and for printing messages, if ever needed for submission to
12 the Court). Our Family Wizard is a more expensive option at \$120.00 per year.
13

14 Additionally, Frank would also ask that:
15

- 16 1) The Court order that the parties are to communicate ***exclusively***
17 through *Talking Parents* (emergencies excluded) eliminating any/all
18 communication by phone, text, email, and social media;
19
- 20 2) The Court have access to the parties' *Talking Parents* account, should
21 it ever need to be accessed before or during court proceedings;
22
- 23 3) The Court order that the parties must "read-and-respond" to all
24 *Talking Parents* messages within twenty-four (24) hours to eliminate
25 potential game playing (and to keep the parties' accountable in their
26 co-parenting communications with each other); and,
27
- 28 4) The Court order that the parties shall be responsible for all of their
own expenses associated with the *Talking Parents* platform.

E. Child Support

Frank is requesting child support in an amount to be calculated pursuant to NRS 125B.070; NRS 125B.080; and Amy's *earning potential*:

NRS 125B.070: Amount of payment: Definitions; adjustment of presumptive maximum amount based on change in Consumer Price Index.

1. As used in this section and NRS 125B.080, unless context otherwise requires:

(a) "Gross monthly income" means the total amount of income received each month from any source of a person who is not self-employed or the gross income from any source of a self-employed person, after deduction of all legitimate business expenses, but without deduction for personal income taxes, contributions for retirement benefits, contributions to a pension or for any other personal expenses.

(b) "Obligation for support" means the sum certain dollar amount determined according to the following schedule:

- (1) For one child, 18 percent;
- (2) For two children, 25 percent;
- (3) For three children, 29 percent;
- (4) For four children, 31 percent; and
- (5) For each additional child, an additional 2 percent,

of a parent's gross monthly income, but not more than the presumptive maximum amount per month per child set forth for the parent in subsection 2 for an obligation for support determined pursuant to subparagraphs (1) to (4), inclusive, unless the court sets forth findings of fact as to the basis for a different amount pursuant to subsection 6 of NRS 125B.080.

2. For the purposes of paragraph (b) of subsection 1, the presumptive maximum amount per month per child for an obligation for support, as adjusted pursuant to subsection 3, is:

<u>AMOUNT</u>			<u>PRESUMPTIVE MAXIMUM</u>
INCOME RANGE			The Presumptive Maximum Amount the Parent May Be Required to Pay per Month per Child Pursuant to Paragraph (b) of Subsection 1 Is
If the Parent's Gross Monthly Income is at Least		But Less Than	
\$0	-	\$4,235	\$728
\$4,235	-	\$6,351	\$800
\$6,351	-	\$8,467	\$876
\$8,467	-	\$10,585	\$946

\$10,585	-	\$12,701	\$1,019
\$12,701	-	\$14,816	\$1,091
\$14,816	-	No Limit	\$1,165

3. The presumptive maximum amounts set forth in subsection 2 for the obligation for support must be adjusted on July 1 of each year for the fiscal year beginning that day and ending June 30 in a rounded dollar amount corresponding to the percentage of increase or decrease in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year. On April 1 of each year, the Office of Court Administrator shall determine the amount of the increase or decrease required by this subsection, establish the adjusted amounts to take effect on July 1 of that year and notify each district court of the adjusted amounts.

4. As used in this section, "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320.

Additionally, NRS 125B.080 states:

NRS 125B.080 Amount of payment: Determination.

Except as otherwise provided in NRS 425.450:

1. A court of this State shall apply the appropriate formula set forth in NRS 125B.070 to:

(a) Determine the required support in any case involving the support of children.

(b) Any request filed after July 1, 1987, to change the amount of the required support of children.

2. If the parties agree as to the amount of support required, the parties shall certify that the amount of support is consistent with the appropriate formula set forth in NRS 125B.070. If the amount of support deviates from the formula, the parties must stipulate sufficient facts in accordance with subsection 9 which justify the deviation to the court, and the court shall make a written finding thereon. Any inaccuracy or falsification of financial information which results in an inappropriate award of support is grounds for a motion to modify or adjust the award.

3. If the parties disagree as to the amount of the gross monthly income of either party, the court shall determine the amount and may direct either party to furnish financial information or other records, including income tax returns for the preceding 3 years. Once a court has established an obligation for support by reference to a formula set forth in NRS 125B.070, any subsequent modification or adjustment of that support, except for any modification or adjustment made pursuant to subsection 3 of NRS 125B.070 or NRS 425.450 or as a result of a review conducted pursuant to subsection 1 of NRS 125B.145, must be based upon changed circumstances.

1 4. Notwithstanding the formulas set forth in NRS 125B.070, the minimum
2 amount of support that may be awarded by a court in any case is \$100 per month
3 per child, unless the court makes a written finding that the obligor is unable to
4 pay the minimum amount. Willful underemployment or unemployment is not a
5 sufficient cause to deviate from the awarding of at least the minimum amount.

6 5. It is presumed that the basic needs of a child are met by the formulas set forth
7 in NRS 125B.070. This presumption may be rebutted by evidence proving that
8 the needs of a particular child are not met by the applicable formula.

9 6. If the amount of the awarded support for a child is greater or less than the
10 amount which would be established under the applicable formula, the court shall:

11 (a) Set forth findings of fact as to the basis for the deviation from the
12 formula; and

13 (b) Provide in the findings of fact the amount of support that would have
14 been established under the applicable formula.

15 7. Expenses for health care which are not reimbursed, including expenses for
16 medical, surgical, dental, orthodontic and optical expenses, must be borne
17 equally by both parents in the absence of extraordinary circumstances.

18 8. If a parent who has an obligation for support is willfully underemployed or
19 unemployed to avoid an obligation for support of a child, that obligation must be
20 based upon the parent's true potential earning capacity.

21 9. The court shall consider the following factors when adjusting the amount of
22 support of a child upon specific findings of fact:

23 (a) The cost of health insurance;

24 (b) The cost of child care;

25 (c) Any special educational needs of the child;

26 (d) The age of the child;

27 (e) The legal responsibility of the parents for the support of others;

28 (f) The value of services contributed by either parent;

(g) Any public assistance paid to support the child;

(h) Any expenses reasonably related to the mother's pregnancy and
confinement;

(i) The cost of transportation of the child to and from visitation if the
custodial parent moved with the child from the jurisdiction of the
court which ordered the support and the noncustodial parent
remained;

(j) The amount of time the child spends with each parent;

(k) Any other necessary expenses for the benefit of the child; and

(l) The relative income of both parents.

1 **F. Frank is Requesting an Order Sealing the Parties' Case File**

2 Based on the sensitive information included herein, Frank is asking that this
3
4 case be sealed pursuant NRS 125.110, which states as follows:

5 **NRS 125.110 What pleadings and papers open to public inspection;**
6 **written request of party for sealing.**

7 1. In any action for divorce, the following papers and pleadings in the action
8 shall be open to public inspection in the clerk's office:

9 (a) In case the complaint is not answered by the defendant, the summons,
10 with the affidavit or proof of service; the complaint with memorandum
11 endorsed thereon that the default of the defendant in not answering was
12 entered, and the judgment; and in case where service is made by
publication, the affidavit for publication of summons and the order
directing the publication of summons.

13 (b) In all other cases, the pleadings, the finding of the court, any order
14 made on motion as provided in Nevada Rules of Civil Procedure, and the
judgment.

15 **2. All other papers, records, proceedings and evidence, including exhibits**
16 **and transcript of the testimony, shall, upon the written request of either**
17 **party to the action, filed with the clerk, be sealed and shall not be open to**
18 **inspection except to the parties or their attorneys, or when required as**
19 **evidence in another action or proceeding.**

(Emphasis Added)

20 Additionally, Nevada Rules for Sealing and Redacting Court Records
21 (SRCR) indicate, in relevant part:

22 **Rule 2. Definitions.** In these rules:

23 1. "Court file" means all the pleadings, orders, exhibits, discovery, and other
24 papers properly filed with the clerk of the court under a single or consolidated
25 case number(s).

26 2. "Court record" includes, but is not limited to:

27 (a) Any document, information, exhibit, or other thing that is maintained by a
28 court in connection with a judicial proceeding; and

(b) Any index, calendar, docket, register of actions, official record of the proceedings, order, decree, judgment, minute, and any information in a case management system created or prepared by the court that is related to a judicial proceeding.

“Court record” does not include data maintained by or for a judge pertaining to a particular case or party, such as personal notes and communications, memoranda, drafts, or other working papers; or information gathered, maintained, or stored by a government agency or other entity to which the court has access but which is not entered in connection with a judicial proceeding, nor does it include documents or information provided to the court for inspection or in camera review unless made a part of the court record by order.

3. “Person” shall include and apply to corporations, firms, associations and all other entities, as well as natural persons.

4. “Seal.” To seal means to protect from examination by the public and unauthorized court personnel. A motion or order to delete, purge, remove, excise, erase, or redact shall be treated as a motion or order to seal.

5. “Redact.” To redact means to protect from examination by the public and unauthorized court personnel a portion or portions of a specified court record.

6. “Restricted personal information” includes a person’s social security number, driver’s license or identification card number, telephone numbers, financial account numbers, personal identification numbers (PINs), and credit card or debit card account numbers, in combination with any required security code, access code, or password that would permit access to a person’s financial account(s). The term does not include the last four digits of a social security number or publicly available information that is lawfully made available to the general public.

Rule 3. Process and grounds for sealing or redacting court records.

1. Request to seal or redact court records; service. Any person may request that the court seal or redact court records for a case that is subject to these rules by filing a written motion, or the court may, upon its own motion, initiate proceedings to seal or redact a court record. A motion to seal or redact a court record must disclose, in its title and document code, that sealing or redaction is being sought. The motion must be served on all parties to the action in accordance with NRCP 5.

1 **G. Attorney's Fees and Costs**

2 Frank is requesting an award of attorney's fees based, in part, on NRS
3
4 18.010(2) should he become the prevailing party:

5 **NRS 18.010 Award of attorney's fees.**

6 1. The compensation of an attorney and counselor for his or her services is
7 governed by agreement, express or implied, which is not restrained by law.

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

10 (a) When the prevailing party has not recovered more than \$20,000; or

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

20 3. In awarding attorney's fees, the court may pronounce its decision on the
21 fees at the conclusion of the trial or special proceeding without written motion
and with or without presentation of additional evidence.

22
23 Additionally, pursuant to *Miller v. Wilfong*, 121 Nev. 619, 623-625, 119
24 P.3d 727, 730-731 (2005) and *Brunzell v. Golden Gate National Bank*, 85 Nev.
25 345, 455 P.2d 31 (1969), an *Affidavit and Memorandum of Fees and Costs* to
26 support Frank's request for attorney's fees can be filed upon request by the Court.
27
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IV.
CONCLUSION

WHEREFORE, based upon the foregoing, and for the reasons set forth herein, Frank respectfully requests that the Court:

1. Enter a Temporary Order of SOLE LEGAL and PRIMARY PHYSICAL custody of the parties' minor child, Gianna, pending trial;
2. Order supervised visitation for Defendant pending trial;
3. Order a psychological/substance abuse evaluation of Defendant;
4. Order drug testing protocols of Defendant;
5. Enter a mutual Behavioral Order to address present conflict;
6. Enter a Talking Parents co-parenting communication Order;
7. Establish child support pursuant to NRS 125B.070 and NRS 125B.080;
8. Enter an Order sealing the parties' case file pursuant to NRS 125.110;
9. Award Frank his attorney's fees and costs; and
10. Award Frank any other relief this Court deems just and appropriate.

DATED Wednesday October 23, 2019.

Respectfully submitted,

/s/ Alex Ghibaud

Alex B. Ghibaud, Esq.
Nevada Bar No. 10592
ALEX GHIBAUDO, PC
703 South Eighth Street
Las Vegas, Nevada 89101
Attorney for Plaintiff

1 **DECLARATION OF FRANK LUCIANO**

2 I, FRANK LUCIANO, am the Plaintiff in this action and declare that I am
3 competent to testify to the facts in this Declaration. I have read the foregoing
4 *Motion for Temporary Orders Pending Trial; for Sole Legal and Primary Physical*
5 *Custody (Subject to Defendant's Supervised Visitation); for a Psychological/Substance*
6 *Abuse Evaluation of Defendant; Drug Testing Protocols of Defendant; a Mutual*
7 *Behavioral Order; a Talking Parents Communication Orders; Child Support; an Order*
8 *Sealing Case File; and for Attorney's Fees/Costs*, and know the content thereof; that
9 the same is true of my own knowledge except for those matters therein stated on
10 information and belief, and as to those matters, I believe them to be true. Those factual
11 averments contained in the referenced filing are incorporated here as if set forth in full.
12
13

14 **I declare under penalty of perjury under the laws of the State of**
15 **Nevada (NRS 53.045 and 28 U.S.C. § 1746), that the foregoing is**
16 **true and correct.**

17 **DATED** Wednesday October 23, 2019.

18 
19 _____
20 Frank Luciano

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Pursuant to NRCP 5(b), I declare under penalty of perjury, under the law of the State of Nevada, that I served a true and correct copy of *Plaintiff's Motion for Temporary Orders, et al.*, on October 23, 2019, as follows:

- [x] 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;
- [x] By depositing a copy of same in a sealed envelope in the United States Mail, postage pre-paid, in Las Vegas, Nevada;
- [] Pursuant to EDCR 7.26, sent via facsimile by duly executed consent for service by electronic means.

To the following address:

Amy Luciano
11512 Regal Rock Place
Las Vegas, Nevada 89138
Defendant in Proper Person

/s/ *Alex Ghibardo*

Alex B. Ghibaud, Esq.
Attorney for Plaintiff

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

FRANK LUCIANO

Plaintiff/Petitioner

vs.

AMY LUCIANO

Defendant/Respondent

Case Number: **D-19-598320-D**Department: **Q**

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

Notice: Motions and Oppositions 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:

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> | \$25 | The Motion/Opposition being filed with this form is subject to the \$25 reopen fee. |
| -OR- | | |
| <input checked="" type="checkbox"/> | \$0 | The Motion/Opposition being filed is not subject to the \$25 reopen fee because: |
| | <input checked="" type="checkbox"/> | The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered. |
| | <input type="checkbox"/> | The Motion/Opposition is being filed solely to adjust the amount of child support established in a final Order. |
| | <input type="checkbox"/> | The Motion/Opposition is for reconsideration or for a new trial and is being filed with 10 days after a final judgment or Decree was entered. The final Order was entered on: _____. |
| | <input type="checkbox"/> | Other Excluded Motion |

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

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | \$0 | The Motion/Opposition being filed is not subject to the \$129 or \$57 fee because: |
| | <input checked="" type="checkbox"/> | The Motion/Opposition is being filed in a case not initiated by Joint Petition. |
| | <input type="checkbox"/> | The party filing the Motion/Opposition previously paid a fee of \$129 or \$57 |
| -OR- | | |
| <input type="checkbox"/> | \$129 | The Motion/Opposition 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- | | |
| <input type="checkbox"/> | \$57 | The Motion/Opposition being filed 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: **Frank Luciano**

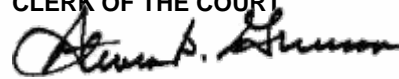
Date: **10.23.2019**

Signature of Party or Preparer: /s/ Alex B. Ghibaud, Esq.

AOS

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

Electronically Filed
10/23/2019 3:59 PM
Steven D. Grierson
CLERK OF THE COURT



FRANK LUCIANO

Plaintiff

vs

AMY LUCIANO

Defendant

CASE NO: D-19-598320-D

HEARING DATE/TIME:

DEPT NO:

AFFIDAVIT OF SERVICE

DOUGLAS DEMOTTA being duly sworn says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, not a party to or interested in the proceedings in which this affidavit is made. That affiant received 1 copy(ies) of the SUMMONS, COMPLAINT, on the 22nd day of October, 2019 and served the same on the 23rd day of October, 2019, at 11:14 by:

serving the servee AMY LUCIANO personally delivering and leaving a copy with JOHN DOE, Co-occupant, a person of suitable age and discretion residing at the defendant's usual place of abode located at (address) 11512 REGAL ROCK PLACE, LAS VEGAS NEVADA 89138

DESCRIPTION; 5'0" TALL, 200LBS, GRAY HAIR, CAUCASIAN MALE, 70 PLUS YEARS OLD. 5FT7IN - 5FT11IN 180-220LBS WHITE MALE 60+ YEARS OLD GREY HAIR

Pursuant to NRS 53.045

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

EXECUTED this 23 day of Oct, 2019.



**DOUGLAS DEMOTTA
R-045600**

Steven D. Grierson

1 ANSN
2 AMY COLLEEN LUCIANO
3 729 Granite Rapids Street
4 Las Vegas, NV 89138
5 Phone: (702) 274.8568
6 Email: elect@amyluciano.com
7 *Appearing in Propria Persona*

8
9 **IN THE EIGHTH JUDICIAL DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

11 FRANK LUCIANO.,
12 Plaintiff / Husband / Dad,
13 vs.
14 AMY LUCIANO.,
15 Defendant / Wife / Mom.

Case No.: D-19-598320-D
Dept. No.: E

16 **I.**

17 **DEFENDANT, AMY LUCIANO'S ANSWER TO PLAINTIFF, FRANK**
18 **LUCIANO'S COMPLAINT FOR DIVORCE**

19 **COMES NOW** the Defendant, Amy Luciano, (*hereinafter* "Ms. Luciano" or
20 "Mom" or "Wife"), appearing in proper person, hereby files her *Answer* to Plaintiff,
21 Frank Luciano's, (*hereinafter* "Mr. Luciano" or "Dad" or "Husband"), *Complaint*
22 *for Divorce*, (*hereinafter* "Complaint"), and she respectfully states:

23 1. Ms. Luciano admits in its entirety the following allegations, but
24 respectfully reserves the right to future amendments and/or objections if warranted:
25

26 I; IV; VII; VIII; X; XIV; and, XVI
27
28

1 2. Ms. Luciano admits in part and/or denies in part the following
2 allegations of Mr. Luciano's *Complaint*, but respectfully reserves the right to future
3 objections if warranted: **Section II:** Mom Admits part 1, in that ("*Plaintiff and*
4 *Defendant were legally married on November 18, 2017 in Las Vegas, Nevada*");
5 and, Mom Denies part 2, in that ("*ever since said date, have been husband and*
6 *wife*"); **Section III:** Mom Denies part 1, in that ("*one (1) minor child of the*
7 *marriage*"); and, Mom Admits part 2, in that ("*no adopted children to the parties*");
8 and, Mom Admits part 3, in that ("*Defendant is not currently pregnant*"); **Section**
9 **XI:** Mom Admits part 1, in that ("*there is community property of the parties herein*
10 *to be adjudicated by the Court*"); but Mom Denies part 1, in that ("*the nature and*
11 *extent of which may not be fully known to Plaintiff at this time*"); **Section XII:** Mom
12 Admits part 1, in that ("*there are community debts of the parties herein to be*
13 *adjudicated by the Court*"); but Mom Denies part 1, in that ("*the nature and extent*
14 *of which may not be fully known to Plaintiff at this time*")......

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20 3. Ms. Luciano denies in its entirety the following allegations of Mr.
21 Luciano's *Complaint*, but respectfully reserves the right to future objections if
22 warranted: V; VI; IX; XIII; XV; and, XVII

23
24 4. Ms. Luciano is without sufficient knowledge to admit or deny the
25 following allegations of Mr. Luciano's *Complaint*, but respectfully reserves the right
26 to future amendments and/or objections if warranted: **Section XI, part 2** ("*Plaintiff*
27
28

1 *requests leave to amend this Complaint, upon receipt of further information, if*
2 *necessary.”); and, Section XII, part 2 (“Plaintiff requests leave to amend this*
3 *Complaint, upon receipt of further information, if necessary.”).....*
4

5 **II.**

6 **MS. LUCIANO’S PRESERVATION OF AFFIRMATIVE DEFENSES**

7
8 1. Ms. Luciano hereby incorporate(s) by reference those affirmative
9 defenses enumerated in NRCP 8 as though fully set forth herein, as applicable upon
10 discovery. In the event, further investigation or discovery reveals the applicability
11 of any such defenses, Ms. Luciano reserve(s) the right to seek leave of court to
12 amend this Answer to more specifically assert any such defense. Such defenses are
13 herein incorporated by reference for the specific purposes of not waiving any such
14 defenses.
15
16

- 17 ☒ . Accord and satisfaction.
18 ☐ . Arbitration and award.
19 ☐ . Assumption of risk.
20 ☐ . Contributory negligence.
21 ☐ . Discharge in bankruptcy.
22 ☐ . Duress.
23 ☒ . Estoppel.
24 ☐ . Failure of consideration.
25 ☐ . Fraud.
26 ☐ . Illegality.
27 ☐ . Injury by fellow servant.
28

. Laches.

. License.

Payment.

✓. Release.

✓ . Res judicata.

✓ . Statute of frauds.

. Statute of limitations.

✓ Waiver.

2. All possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon filing of these Answer(s). Therefore, Ms. Luciano reserves the right to plead additional defenses and claims, crossclaims, third-party claims or counterclaims that may be identified during investigation and/or course of discovery.

III.

CONCLUSION

WHEREFORE, Ms. Luciano respectfully requests and prays for judgment as follows:

1. That the relief requested by Mr. Luciano in his *Complaint* be denied to the extent indicated;
2. That the Court grant the relief requested in its entirety in Mom's *Motion to Dismiss*; and, subsequently filed *Motion to Discipline Attorney Alex B. Ghibauda, Esq.*; and, *Motion to Enforce Marital Settlement Agreement*;

1 3. For Attorney's Fees and Costs to be awarded to Mom as the Court deems just
2 and proper;

3
4 4. For such other and further relief, as to the Court may deem just and proper.

5 **DATED** this 22nd day of November, 2019.

6
7 **RESPECTFULLY SUBMITTED;**

8
9 /s/AMY LUCIANO

10 **AMY HANLEY LUCIANO**

11 729 Granite Rapids Street

12 Las Vegas, NV 89138

13 Phone: (702) 274.8568

14 Email: elect@amyluciano.com

15 *Appearing in Proper Person*

16
17 **AMY LUCIANO'S VERIFICATION**

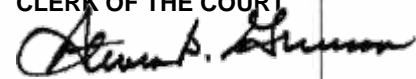
18 I, Amy Luciano, the Defendant declare under penalty of perjury, that I am:

19 1. The mother of the minor child in the above-entitled action; that I have
20 read the foregoing Answer, and know the contents thereof, and I am competent to
21 testify to the same. That the pleading is true of my own knowledge, except for those
22 matters therein contained stated upon information and belief, and that as to those
23 matters, I believe them to be true.

24 **I declare under penalty of perjury under the law of the State of Nevada**
25 **that the foregoing is true and correct.**

26 **DATED** this 22nd day of November, 2019.

27
28 
AMY HANLEY LUCIANO



ORDR

Alex B. Ghibaud, Esq.
Nevada Bar Number: 10592

ALEX GHIBAUDO, PC

703 South Eighth Street
Las Vegas, Nevada 89101

T: (702) 978-7090

F: (702) 924-6553

E: alex@abgpc.com

Attorney for Plaintiff

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

FRANK LUCIANO,

Plaintiff,

vs.

AMY LUCIANO,

Defendant.

Case Number: D-19-598320-D

Department: E

ORDER FROM NOVEMBER 7, 2019 HEARING

THIS MATTER came before the Honorable Charles Hoskin on November 7, 2019 at 10:00 a.m. for hearing on *Plaintiff's Motion for Temporary Orders Pending Trial; for Sole Legal and Primary Physical Custody (Subject to Defendant's Supervised Visitation); for a Psychological/Substance Abuse Evaluation of Defendant; Drug Testing Protocols of Defendant; a Mutual Behavioral Order; a Talking Parents Communication Order; Child Support; an Order Sealing Case File; and for Attorney's Fees and Costs; and Defendant's Motion to Dismiss.* Plaintiff FRANK LUCIANO was present at the

NOV 26 2019

RECEIVED

CLERK OF THE COURT

1 hearing, represented by his Attorney of Record, Alex Ghibauda, Esq.; Defendant
2 AMY LUCIANO was also present; appearing in proper person.

3
4 THE COURT asked Defendant/Mom about her Motion she filed to Dismiss;
5 Defendant represented that there is a jurisdictional defect; further discussion
6 regarding Judge Pomrenze declaring custody in a case pending before her;
7 Defendant/Mom indicated that Plaintiff/Dad filed into the other case; paid for some
8 pleadings; but did not file a formal Motion to Intervene. Defendant believes that
9 the One Judge/One Family Rule applies. Attorney Ghibauda represented Plaintiff
10 is not a party in the Department P case.
11
12

13 COURT NOTES it does not see where Plaintiff is a party in the action
14 pending before Judge Pomrenze and that One Judge/One Family Rule is not a basis
15 to dismiss but could be a basis to transfer. COURT FINDS, in analyzing EDCR
16 5.103, that this Court has jurisdiction to address the issues pending before it.
17

18 Attorney Ghibauda requested to SEAL the case and asked for a CLOSED
19 HEARING; the requests were GRANTED. The COURT NOTES that there is no
20 opposition filed by Defendant which the Court presumes is because she filed a
21 Motion to Dismiss; which Defendant confirmed.
22
23

24 Defendant is seeking a disqualification based on the fact she has worked
25 with Attorney Ghibauda and he represents both Plaintiff and Defendant's ex-
26 husband in the case before Judge Pomrenze. Attorney Ghibauda represented he
27 never employed Defendant and she never employed him. The Court informed
28

1 Defendant that if she feels there is an issue with regard to Attorney Ghibaudo, the
2 Court will require her to file the appropriate motion so he can respond.

3
4 Discussion regarding the Joint Petition (in Case No. D-19-593073-Z) filed in
5 July and why another action was filed. Attorney Ghibaudo represented that in
6 January, Defendant was in rehab; he alleges she is obsessed; she signs her name
7 with an "Esq." at the end of it; she poses as an attorney (which she is not); the
8 Motion to Dismiss was filed at 3:00 a.m.; and, Defendant is high on Adderall.

9
10 Further discussion regarding the multiple e-mails from Defendant to counsel
11 making the same assertions with regard to Judge Pomrenze and that she should
12 have the case. The reason Plaintiff initiated another case is because he no longer
13 wants to move forward with the Joint Petition since Defendant is high again; he
14 feels the child is in danger; and, the child was taken out of school for no reason.

15
16 Further discussion regarding Defendant being unemployed and allegedly
17 moving to Reno, Nevada. Defendant stated that the child was withdrawn from
18 school (on the school's recommendation) because she was too young and not ready
19 for Kindergarten. Mom stated she did discuss it with Dad; and they spoke of
20 enrolling the child in preschool. The Court stated its concern that after the parties
21 reached an agreement in July (to a joint legal and joint physical scenario); the
22 request in October is for sole legal and sole physical (with supervised visitation).

23
24 Attorney Ghibaudo argued Mom threatens to relocate and that her habitual
25 drug use is back in play; as such, there has been a change in circumstances.

1 Attorney Ghibaudo is requesting a full drug screen and Plaintiff agrees to front the
2 cost for same. Attorney Ghibaudo is also requesting a behavioral/psychological
3 evaluation. Further discussion regarding Attorney Ghibaudo's representation that
4 Defendant's Asperger's and/or ADHD are both serious. Defendant indicated she is
5 under a doctor's care; has been under the care of doctor for some time; and, has a
6 list of prescriptions. Defendant stated she is not abusing her prescriptions.
7

8
9 Mom stated she and Plaintiff had everything resolved and now he refuses to
10 sign the Decree. Defendant requested a reciprocal drug test for Plaintiff and is
11 willing to pay for same. Defendant also offered to pay the cost for a psychological
12 evaluation for both parties (as long as it is with either Stephanie Holland or Dr.
13 Lenkeit). Attorney Ghibaudo objected to Dr. Lenkeit and suggested Dr. Paglini.
14
15

16 Mom is requesting joint legal and joint physical custody with a week-on/
17 week-off timeshare. Upon the Court's inquiry, Mom stated she is not relocating to
18 Reno, Nevada. The Court inquired about the status quo regarding visitation. Mom
19 stated Dad picks up the child on Saturday evening after he gets off work until
20 Sunday; and that this has been occurring since September. Mom requested the
21 Court address child support; however the Court will require Mom to file her
22 Financial Disclosure Form in order to address support, which she has not done.
23
24

25 COURT NOTES this is a temporary hearing and the Court would typically
26 hold a Case Management Conference (CMC) but is precluded from doing so based
27 on Mom's failure to file an Answer. Once the Answer is filed, the Court will hold a
28

1 CMC. The issues before the Court today, are Defendant's Motion to Dismiss, and
2 the housekeeping issues regarding the Joint Petition (in case D-19-593073-Z). The
3 Court stated there was a revocation filed and Plaintiff is pursuing the action in this
4 case. The Court went over the preference regarding custody and the issues raised.
5

6 Attorney Ghibauda is requesting that Defendant file an Opposition;
7 Defendant requested ten (10) days. The Court represented to counsel all the issues
8 were resolved today, however Attorney Ghibauda feels the matter will go to trial
9 and the Court is fine if she wants to file an Opposition. If new issues are being
10 raised, then the Court would require a separate Motion.
11
12

13 **IT IS HEREBY ORDERED** that Defendant's Motion to Dismiss is DENIED.

14 **IT IS FURTHER ORDERED** that Case D-19-593073-Z shall be CLOSED;
15 and all issues shall be addressed in this case (D-19-598320-D) moving forward.
16

17 **IT IS FURTHER ORDERED** that the parties shall have TEMPORARY
18 JOINT LEGAL and JOINT PHYSICAL custody of the minor child.
19

20 **IT IS FURTHER ORDERED** that with regard to TIMESHARE, the
21 parties will follow a WEEK-ON/WEEK-OFF custodial schedule (with Plaintiff/
22 Dad's time starting, today, November 7, 2019). Custodial EXCHANGES shall take
23 place on Thursday of each week.
24

25 **IT IS FURTHER ORDERED** that with regard to DRUG TESTING, both
26 parties shall be REFERRED to American Toxicology Institute (ATI) to submit to
27 full drug screens including both hair and urine; Mom's shall also include her
28

1 prescriptions. Each party shall be required to pay for the other's test. A return date
2 set for December 12, 2019. If the Court finds a concern, based on the results, it
3 will issue a separate Order modifying its Temporary Order.
4

5 **IT IS FURTHER ORDERED** that a mutual BEHAVIORAL ORDER shall
6 be issued in this case. Same was executed and filed in OPEN COURT with copies
7 provided to both counsel and Defendant.
8

9 **IT IS FURTHER ORDERED** that, at Defendant's Request, the parties
10 shall communicate through Our Family Wizard (OFW).
11

12 **IT IS FURTHER ORDERED** that CHILD SUPPORT shall be DEFERRED
13 until Defendant has filed her Financial Disclosure Form (FDF) which shall be filed
14 by November 8, 2019. The Court instructed Attorney Ghibaudo to calculate child
15 support based on the parties FDF's (as this is a Temporary Order and the Court can
16 go back and look at it again; however, Defendant has not yet filed a FDF).
17

18 **IT IS FURTHER ORDERED** that Attorney Ghibaudo's request to seal the
19 case is GRANTED. The Court directed counsel to submit the request and Order.
20

21 **IT IS FURTHER ORDERED** that ATTORNEY'S FEES are DEFERRED
22 to the return hearing set for December 12, 2019, as the Court does not have enough
23 information without Defendant's FDF.
24

25 **IT IS FURTHER ORDERED** that the Court is hopeful that the Return
26 Hearing can also be treated as the parties' Case Management Conference (CMC)
27 provided Defendant files her Answer.
28

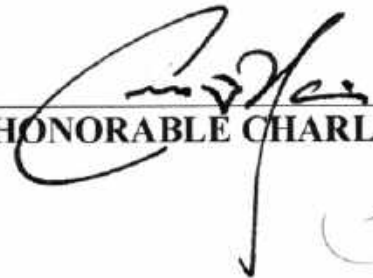

1 **IT IS FURTHER ORDERED** that with regard to a PSYCHOLOGICAL
2 EVALUATION, through the discovery process, an evaluation can be put in place;
3
4 and there is a STIPULATION for the same and that Defendant shall pay for both
5 evaluations (it is just a matter as to who will conduct it). If there is no agreement,
6 the Court will have Attorney Ghibaudo provide three (3) names to Defendant and
7 she can choose the one who will perform the evaluation.
8

9 **IT IS FURTHER ORDERED** that with regard to Defendant's request for
10 MEDIATION, the Court will address mediation at the parties' Return Hearing,
11 after it has had an opportunity to review the parties' drug test results.
12

13 **IT IS FURTHER ORDERED** that a Return Hearing Re: ATI Results shall
14 be calendared for December 12, 2019 at 9:00 a.m.
15

16 **IT IS FURTHER ORDERED** that Mr. Ghibaudo shall prepare the Order.

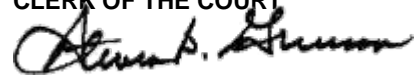
17 **IT IS SO ORDERED** this 2nd day of ^{December}~~November~~ 2019.
18

19
20 
21 **HONORABLE CHARLES HOSKIN**
22 

23 Respectfully Submitted:

24 

25 **Alex B. Ghibaudo, Esq.**
26 Nevada Bar No. 10592
27 703 South Eighth Street
28 Las Vegas, Nevada 89101
Attorney for Plaintiff



BREF

Alex B. Ghibaud, Esq.
Nevada Bar No. 10592
ALEX GHIBAUDO, PC
703 South Eighth Street
Las Vegas, Nevada 89101
T: (702) 978-7090
F: (702) 924-6553
E: alex@abgpc.com
Attorney for Plaintiff

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

FRANK LUCIANO,

Plaintiff,

vs.

AMY LUCIANO,

Defendant.

Case Number: D-19-598320-D
Department: E

Hearing Date: December 12, 2019
Hearing Time: 11:00 a.m.

PLAINTIFF'S CASE MANAGEMENT CONFERENCE BRIEF

COMES NOW, Plaintiff FRANK LUCIANO, by and through his Attorney of Record, Alex Ghibaud, Esq., of *Alex Ghibaud, PC*, and hereby files this *Case Management Conference (CMC) Brief* in preparation of the parties' CMC and to apprise the Court of matters that have occurred since the parties' most recent hearing of November 7, 2019.

...

...

This *Brief* is based upon the attached Memorandum of Points and Authorities, the supporting exhibits provided in *Plaintiff's Exhibit Appendix* filed contemporaneously with this CMC Brief, any and all pleadings and papers on file herein, and any further evidence and/or argument presented to the Court at the hearing of this matter.

DATED Tuesday December 10, 2019.

Respectfully Submitted,

/s/ Alex Ghibaud

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**
3 **INTRODUCTION**

4 The parties hereto, FRANK LUCIANO (“Frank” or “Plaintiff”) and AMY
5 LUCIANO (“Amy” or “Defendant”), were before the Court on November 7, 2019.
6
7 Over the course of the hearing, the Court issued the following Orders:¹

8 **IT IS HEREBY ORDERED** that Defendant's Motion to Dismiss is DENIED.

9 **IT IS FURTHER ORDERED** that Case D-19-593073-Z shall be CLOSED;
10 and all issues shall be addressed in this case (D-19-598320-D) moving forward.

11 **IT IS FURTHER ORDERED** that the parties shall have TEMPORARY JOINT
12 LEGAL and JOINT PHYSICAL custody of the minor child.

13 **IT IS FURTHER ORDERED** that with regard to TIMESHARE, the parties
14 will follow a WEEK-ON/WEEK-OFF custodial schedule (with Plaintiff/ Dad’s
15 time starting, today, November 7, 2019). Custodial EXCHANGES shall take
16 place on Thursday of each week.

17 **IT IS FURTHER ORDERED** that with regard to DRUG TESTING, both
18 parties shall be REFERRED to American Toxicology Institute (ATI) to submit
19 to full drug screens including both hair and urine; Mom's shall also include her
20 prescriptions. Each party shall be required to pay for the other's test. A return
21 date set for December 12, 2019. If the Court finds a concern, based on the
22 results, it will issue a separate Order modifying its Temporary Order.

23 **IT IS FURTHER ORDERED** that a mutual BEHAVIORAL ORDER shall be
24 issued in this case. Same was executed and filed in OPEN COURT with copies
25 provided to both counsel and Defendant.

26 **IT IS FURTHER ORDERED** that, at Defendant’s Request, the parties shall
27 communicate through Our Family Wizard (OFW).

28

¹ The *Order from the Parties’ November 7, 2019 Hearing* was formally entered on December 2, 2019
(with a *Notice of Entry of Order* served to Defendant that same day).

1 **IT IS FURTHER ORDERED** that CHILD SUPPORT shall be DEFERRED
2 until Defendant has filed her Financial Disclosure Form (FDF) which shall be
3 filed by November 8, 2019. The Court instructed Mr. Ghibaudo to calculate child
4 support based on the parties FDF's (as this is a Temporary Order and the Court
can go back and look at it again; however, Defendant has not yet filed a FDF).

5 **IT IS FURTHER ORDERED** that Attorney Ghibaudo's request to seal the case
6 is GRANTED. The Court directed counsel to submit the request and Order.

7 **IT IS FURTHER ORDERED** that ATTORNEY'S FEES are DEFERRED to
8 the return hearing set for December 12, 2019, as the Court does not have enough
9 information without Defendant's FDF.

10 **IT IS FURTHER ORDERED** that the Court is hopeful that the Return Hearing
11 can also be treated as the parties' Case Management Conference (CMC)
provided Defendant files her Answer.

12 **IT IS FURTHER ORDERED** that with regard to a PSYCHOLOGICAL
13 EVALUATION, through the discovery process, an evaluation can be put in
14 place; and there is a STIPULATION for the same and that Defendant shall pay
15 for both evaluations (it is just a matter as to who will conduct it). If there is no
16 agreement, the Court will have Attorney Ghibaudo provide three (3) names to
Defendant and she can choose the one who will perform the evaluation.

17 **IT IS FURTHER ORDERED** that with regard to Defendant's request for
18 MEDIATION, the Court will address mediation at the parties' Return Hearing,
19 after it has had an opportunity to review the parties' drug test results.

20 Based on the Court indicating that it would like to treat the parties'
21 upcoming hearing as their Case Management Conference (CMC) provided
22 Defendant filed an *Answer to Plaintiff's Complaint for Divorce* (which Defendant
23 did on November 22, 2019), Frank submits this *CMC Brief* to apprise the Court of
24 issues that have transpired since the parties' last hearing and to request additional
25 Orders, pending trial, at the parties CMC.
26
27

28 ...

1 **A. PRELIMINARY MATTERS**

2 First, the Court should note that Amy has not yet opposed Frank's initial
3
4 Motion filed on October 23, 2019 (something Amy promised to do at the parties'
5 previous hearing). Accordingly, Frank has filed a *Notice of Non-Opposition* in
6 conjunction with this *CMC Brief* asking this Court to grant any and all relief that
7
8 wasn't addressed at the parties' previous hearing (as unopposed).

9 **Drug Testing**

10 To be candid with the Court, it was undersigned counsel's *hope* that Amy
11 would test positive for the drugs that we already know – by her own admission –
12 she takes (namely, Adderall, opiates, and other ADHD medications; all of which
13 routinely show up on ATI's testing panels). At a minimum, this would have allowed
14 the Court to identify the addiction issues at play, focus on those issues moving
15 forward, and alleviate *some* of Frank's concerns with regard to Amy's current drug
16 use and state of sobriety. Unfortunately, this was not the case.

17
18 Upon information and belief, *Amy is masking her drug use* and using body
19 and/or hair cleansing products to avoid positive drug test results (in both this case,
20 and her other active child custody action, Case No. D-12-467098-D, in Department P);
21 something Amy has become accustomed to doing in pending litigation for years.
22 The obvious concern is that Amy tested negative, *for anything and everything*,
23 when we *know* she should have tested positive for the drugs she has admitted to
24 currently using (purportedly as prescribed by her psychiatrist).

1 Undersigned makes this claim for several reasons. First, Amy made the
2 following admission to undersigned counsel, by email, on November 7, 2019:²
3

4 “While you may think it’s ok to mock me for having Aspergers and ADHD, I
5 do the best I can and function sufficiently ... And the reality is I never
6 surrendered anything, and if anything I was at a disadvantage for many years
7 due to not being properly diagnosed.”

8 Second, Amy made the following admission (and contradictory claim about
9 her Asperger’s/ADHD diagnosis) in open court on November 7, 2019:³

10 “The other issue that I haven't been diagnosed by a doctor or I claim to have
11 Asperger's or ADHD. I'm under the care of a doctor, have been under the care
12 of a doctor. I have my prescription reports here from the pharmacy with all the
13 medical expenses that break down and say exactly who prescribes them, where
14 they come from, so on and so forth. I'm not abusing my prescriptions. Haven't
15 abused my prescriptions. They are well aware of that as well. In fact, when you
16 look at my prescription report, it clearly shows sometimes if anything, maybe I
17 don't take them as often as I should because I go 45 days with getting a refill, so
18 on and so forth on that. So that's a big issue there and that and that's my own
19 personal issue and my own personal fault.”

20 Later in the hearing, Amy went on to say:

21 “The other issue that he goes through is, Frank says that I went to rehab at the
22 beginning of the year. That's incorrect. I went in with him because he had me
23 under severe stress. I had massive dental work. I had 32 Norcos left in the
24 bottle. I was taken them by halves. He started screaming, Oh, you're abusing
25 pills, you're doing this, you're doing that. I said, okay, let's go. Let's go over
26 there. They took me in. We went through, did the assessment. She took my
27 blood pressure 156/130 she looked at him and she goes, it looks like she needs
28 more of a break then she needs rehab. She has a prescription, she has the pills.
He took them, flushed them down the toilet after I had 17 root canals and then
sits here, and turns around, she goes, if you want her to come in, it's going to be
\$4,000.00 Mr. Luciano. She goes, do you want to pay? He said, no, he refused.”

29 ² See **Exhibit 3** in *Plaintiff's Supplemental Appendix of Exhibits* filed in conjunction with this Brief.

30 ³ See **JAVS** Video Record of November 7, 2019.

1 Interestingly, Amy has used the same “root canal” and “dental work” excuse
2 *for years* in the Department P action. If Amy’s claims were even remotely true,
3
4 she would have lost all of her teeth at this point (and would have been reduced to
5 dentures or a mouthful of dental implants). In short, Amy is lying to the Court.

6
7 Third, Frank has already given the Court *stacks* of damning evidence
8 documenting Amy’s frequent trafficking and chronic use of Adderall and various
9 opiates in 2016 and 2017.⁴ *The Court should note that these text messages were*
10 *being exchanged at the same time Amy was testing clean in Department P and*
11 *convincing Judge Pomrenze that she didn’t have a drug problem.* In one of those
12 text message exchanges, Amy tells her drug dealer:
13
14

15 “Frank is home. At breakfast with him. I am waiting for lawyer to bring me
16 money for the rest of the 30’s ... Did you get anything else besides those
17 codeine? They wrote me 5mg of Norco ... Let’s do this right now. Cause
18 Frank isn’t going to let me leave after a certain time. I will swing by to take
19 care of balance and grab 4 addy from you. That’s \$500 and I can come by
20 morning to grab the remaining 16 addy and 10 blues when he brings me the
21 money tonight. He owes me right now and I can only pull \$500 from ATM.”

22 In another exchange, Amy admits to *taking the parties’ daughter on drug deals*:

23 “Yup he is blowing me up. Your (sic) not going to be back sooner cause I
24 am getting money sent to PayPal and can pull now ... 20 mins I am sending
25 last right now and have to load up baby (Gianna). Where is that at? ... Is this
26 where I am going? I am driving trying to find it. Ok I just have to wait.”

27 ...

28 ⁴ See **PLTF 038-087** in *Plaintiff’s Appendix of Exhibits* filed on October 24, 2019.

Heading into the parties' CMC, here's what we **know** about Amy's drug use:

- 1) Amy has been a chronic pill popper for nearly twenty years;
- 2) Amy was trafficking Adderall and opiates in 2016-2017;
- 3) Amy was addicted to Adderall and opiates in 2016-2017;
- 4) That addiction continued into 2018;
- 5) That addiction continued into 2019;
- 6) Amy's January 2019 rehab stint was not successful;
- 7) Amy has admitted to currently being prescribed ADHD medications;
- 8) Amy has admitted to recent prescriptions for opiates;
- 9) ADHD medications (including Adderall) show up as amphetamines on ATI's drug testing panels;
- 10) Despite the above, Amy's ATI drug testing results, miraculously, show no amphetamine and no opiate usage at all.

Bottom line: If Amy is being prescribed ADHD medications and/or opiates (as she has fully admitted), then why did *nothing* show up on her ATI drug results?

The answer is that Amy is masking her drug use from this Court. Accordingly, Frank is asking the Court to Order additional hair/urine testing, this time through Options Diversionary Programs LLC (Options), which offers a more comprehensive 600-drug panel to assist the Court. Frank will front the costs for any/all additional drug testing the Court is willing to order. Frank is also requesting that Amy be evaluated by Dr. Michael Levy (or other court-approved addiction specialist).

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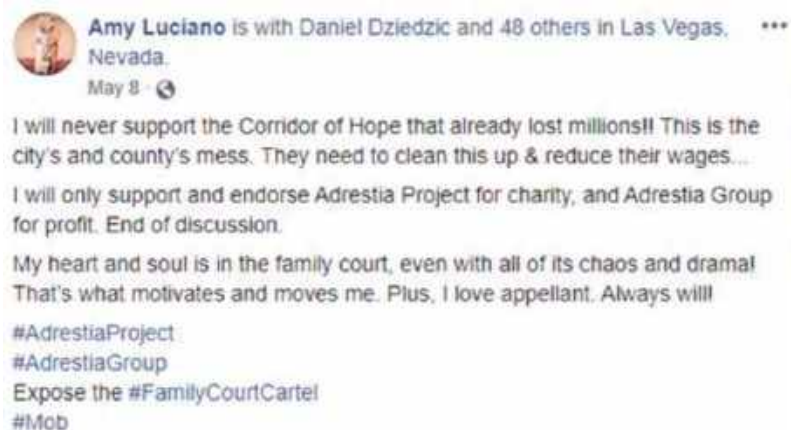
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1 As previously pled, Amy (who is unemployed) likes to portray herself as a
2 lawyer while regularly engaging in judicial interference and attempts to manipulate
3 the judiciary. Amy markets and promotes herself as “Amy Luciano, Esq.” on her
4 various social media platforms; and identifies herself as “General Counsel” for a
5 purported domestic nonprofit corporation called “Adrestia Project” through which,
6 Amy has engaged in the unauthorized practice of law. Amy’s UPL obsession is
7 quite odd and tends to take on a life of its own in the wee hours of the night. As an
8 example, on October 30, 2019, Amy posted the following to social media:
9



20 Equally odd, is Amy’s insistence on “tagging” her children in social media
21 postings that involve *the very litigation* that those children are involved in (which
22 is a direct violation of EDCR 5.301):



1 As recently as three days before this filing, on December 7, 2019 at 2:28
2 a.m., Amy posted the following rant to social media:⁶

youtube.com	youtube.com
<p data-bbox="300 436 844 472"> Amy Luciano 5 hours ago</p> <p data-bbox="341 478 836 577">I am not playing around with anyone anymore. It's over and been over ... it's on There is no "license to practice law"!</p> <p data-bbox="341 609 836 682">The practice of law is a common right, law is common to all..Here's the proofhttps://youtu.be/vieooNH-SkE</p> <p data-bbox="341 709 836 877">The practice of Law is an occupation of common right, the same being a secured liberty right. (Sims v. Aherns, 271 S.W. 720 (1925)). No state may convert a secured liberty right into a privilege, issue a license and fee for it. (Murdock vs Pennsylvania 319 US 105 (1943))</p> <p data-bbox="341 905 836 1402">The practice of Law can not be licensed by any state/State. (Schware v. Board of Examiners, 353 U.S. 238, 239 (1957)) Should any state convert a secured liberty right into a privilege, charge a fee and issue a license for it, one may ignore the license and fee and engage in the exercise of the right with impunity. (Shuttlesworth vs City of Birmingham 373 U.S. 262 (1962)) "A 'Statute' is not a Law," (Flournoy v. First Nat. Bank of Shreveport, 197 La. 1067, 3 So.2d 244, 248), A "Code" is not a Law," (In Re Self v Rhay Wn 2d 261), in point of fact in Law, A concurrent or 'joint resolution' of legislature is not "Law," (Koenig v. Flynn, 258 N.Y. 292, 179 N. E. 705, 707; Ward v State, 176 Okl. 368, 56 P.2d 136, 137; State ex rel. Todd v. Yelle, 7 Wash.2d 443, 110 P.2d 162, 165).</p> <p data-bbox="341 1430 836 1633">All codes, rules, and regulations are for government authorities only, not human/Creators in accord with God's Laws."All codes, rules, and regulations are unconstitutional and lacking due process of Law.."(Rodrigues v. Ray Donovan, U.S. Department of Labor, 769 F.2d 1344, 1348 (1985))</p> <p data-bbox="341 1661 836 1801">The Natural Law, as practiced by all men, and from which all fictions, lesser forms of law and governance are derived, is from the creator, and man's unalienable and inherent natural liberty rights (the Will), and not from</p>	<p data-bbox="917 436 1421 934">derived, is from the creator, and man's unalienable and inherent natural liberty rights (the Will), and not from government, which can create no right or law governing the liberty of man, existing only to protect those lawfully exercised natural liberty rights which existed separate and sovereign from it, before the creation of government by the power of this liberty. "If you've relied on prior decisions of the Supreme Court you have a perfect defense for willfulness." (U.S. v. Bishop, 412 U.S. 346), as "The claim and exercise of a Constitutional right cannot be converted into a crime." (Miller v. U.S., 230 F.2d. 486, 489). "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." (Miranda v. Arizona 384 U.S. 436, 86 S. Ct. 1602, 16 L.Ed. 2d 694 (1966))</p> <p data-bbox="917 961 1421 1423">Should any state convert any right to work into a privilege, issue a license and charge a fee, the same is unconstitutional, void, and without effect in law. (Marbury vs Madison 5 US 137 (1803)) "All acts of legislature apparently contrary to natural right and justice are, in our laws and must be in the nature of things, considered as void. The laws of nature are the laws of God; whose authority can be superseded by no power on earth. A legislature must not obstruct our obedience to him from whose punishments they cannot protect us. All human constitutions which contradict his laws, we are in conscience bound to disobey. Such have been the adjudications of our courts of justice." (Robin v. Hardaway, 1 Jefferson 109, 114 (1772)).</p> <p data-bbox="917 1451 1421 1806">The Supreme Court has warned: "Because of what appear to be Lawful commands on the surface, many citizens, because of their respect for what appears to be law, are cunningly coerced into waiving their rights, due to ignorance." (U.S. v. Minker, 350 U.S. 179, 187), "the general misconception among the public being that any statute passed by legislators bearing the appearance of law constitutes Law. THAT A statute is not a "law," (Flournoy v. First Nat. Bank of Shreveport, 197 La. 1067, 3 So.2d 244, 248), "a concurrent or joint resolution of legislature is not "a law"" (Koenig v. Flynn 258 N.Y. 292</p>

⁶ See <https://www.youtube.com/watch?v=TyApQHexIdo&t=1407s>

1 Amy's bizarre late-night/early-morning rant, *that could have only been*
2 *fueled by narcotics*, didn't end there:
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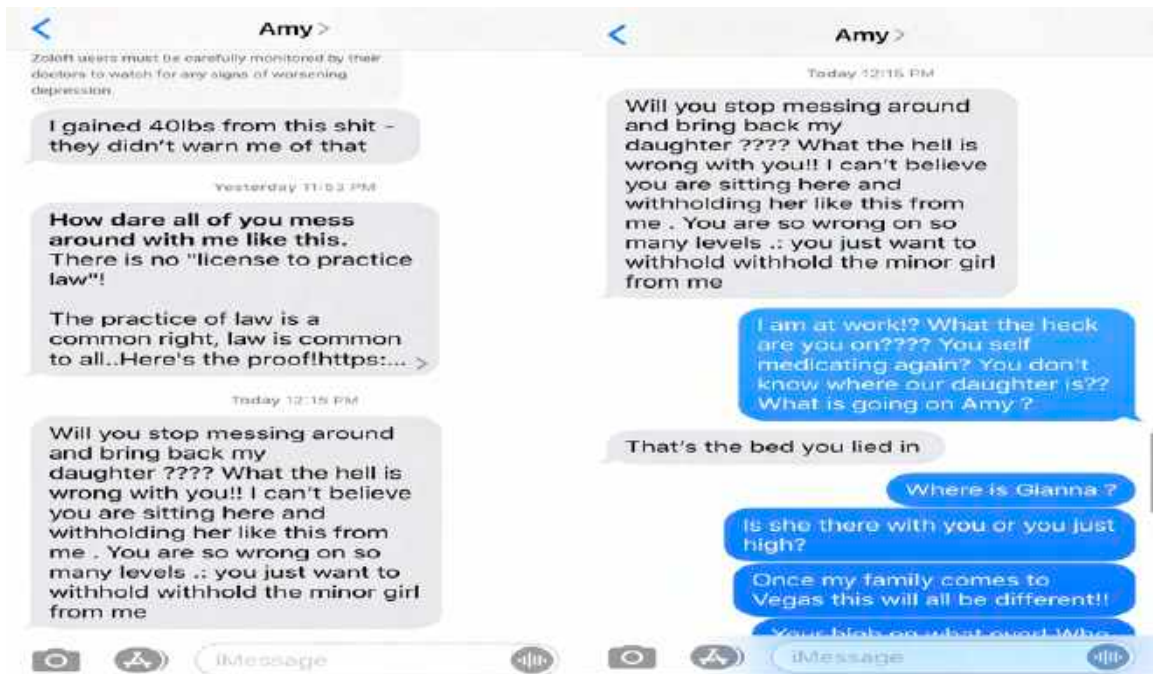
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5 legislature is not "a law," (Koenig v. Flynn, 258 N.Y. 292,
6 179 N.E. 705, 707; Ward v. State, 176 Okl. 368, 56 P.2d
7 136, 137; State ex rel. Todd v. Yelle, 7 Wash.2d 443, 110
8 P.2d 162, 165), nor is 'Code' "Law" (In Re Self v Rhay, 61
9 Wn (2d) 261) These being defined by Black's Law
10 Dictionary as rebuttable prima facie, or superficial,
11 evidence of law, a facade, represented by 'public policy,'
being color-able, or 'color of law,' being 'counterfeit or
feigned' as defined. "The Natural Liberty of man is to be
free from any superior power on earth, and not to be
under the will or legislative authority of man, but only to
have the law of nature for his rule." - Samuel Adams

12 'Litigants may be assisted by unlicensed layman during
13 judicial proceedings' (Brotherhood of Trainmen v.
14 Virginia ex rel. Virginia State Bar 377 U.S. 1; Gideon v.
15 Wainwright 372 U.S. 335; Argersinger v. Hamlin, Sheriff
16 407 U.S. 425). 'Members of groups who are competent
17 nonlawyers may assist other members of the group
18 [family, association, or class] achieve the goals of the
19 group in court without being charged with "Unauthorized
20 practice of law."' (NAACP v. Button 371 U.S. 415; United
21 Mineworkers of America v. Gibbs 383 U.S. 715; and
22 Johnson v. Avery 89 S. Ct. 747 (1969). "Each citizen
23 acts as a 'Private Attorney General who takes on the
24 mantle of sovereign'" (Title 42 U.S.C. Sec. 1983, Wood v.
25 Breier, 54 F.R.D. 7, 10-11 (E.D. Wis. 1972; Frankenhauser
26 v. Rizzo, 59 F.R.D. 339 E.D. Pa. (1973)."Except in certain
27 situations not here pertinent, the court cannot force a
28 competent defendant to be represented by an attorney."
(People v. Mattson (1959), 51 Cal.2d 777, 778-789 [336
P.2d 937]; see Reynolds v. United States (1959, C.A. 9),
267 F.2d 235, 236; Duke v. United States (1958, C.A. 9),
255 F.2d 721, 724 [4, 5], cert. den. 357 U.S. 920 [78 S.Ct.
1361, 2 L.Ed.2d 1365].) [2, 3] When defendant in this
court requested termination of the appointment of his
counsel we were 'not required to demand that defendant,
as a prerequisite to appearing in person, demonstrate
either the acumen or the learning of a skilled lawyer'
(People v. Linden (1959), 52 Cal.2d 1, 17 [3] [338 P.2d
397]) and, having competently elected to represent
himself, defendant "assumes for all purposes connected

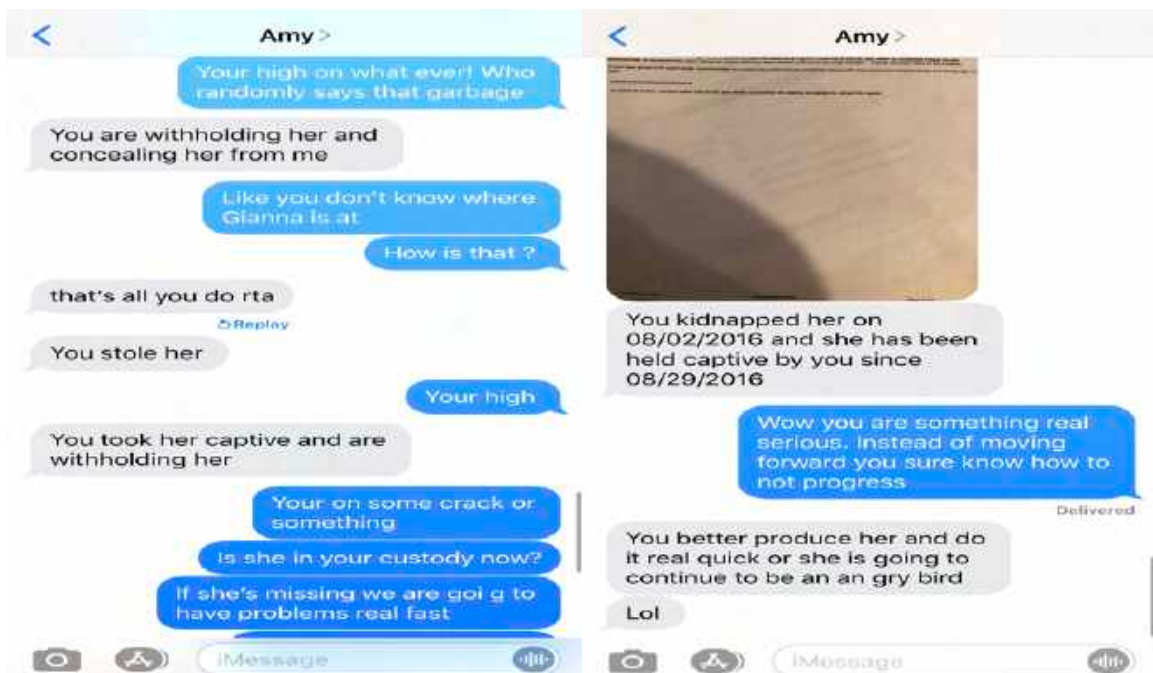
concomitant with the role he has undertaken" (People v.
Mattson (1959), supra, 51 Cal.2d 777, 794 [17]). People
v. Harmon, 54 Cal.2d 9, 16 (1960) No this does NOT
mean that YOU PERSONALLY are a Sovereign, only that
you stand in the Representative place of sovereign. Lets
not get our terms confused with what we WANT them to
be. I too would love to be KING, but the truth in Law
states that is simply not the case. "It is not the function
of our Government to keep the citizen from falling into
error; it is the function of the citizen to keep the
government from falling into error." (American
Communications Association v. Douds, 339 U.S. 382,
442 (1950))

The "Private Attorney General" concept holds that a
successful private party plaintiff is entitled to recovery of
his legal expenses, including attorney fees, if he can
advance a policy inherent in public interest legislation on
behalf of a significant class of persons. ('Equal Access
to Justice Act'; Dasher v. Housing Authority of City of
Atlanta, Ga., D.C.Ga., 64 F.R.D. 720, 722) "In the early
days of our Republic, 'prosecutor' was simply anyone
who voluntarily went before the grand Jury with a
complaint." (United States v. Sandford, Fed. Case No.16,
221 (C.Ct.D.C. 1806). "any private citizen acting as
Private Attorney General may bring suit against any
public official in their private capacity under Rico for
crimes against constitutionally protected natural liberty
rights, often predicated upon mail and wire fraud, and
allows average citizens acting as private attorneys
generals to sue those organizations that commit such
crimes as part of their private criminal enterprise for
damages. There are over 60 federal statutes that
encourage private enforcement by allowing prevailing
plaintiffs to collect attorney's fees. The object of RICO is
thus not merely to compensate victims "but to turn them
into prosecutors," acting as "private attorneys generals,"
dedicated to eliminating racketeering activity, and has
the "further purpose [of] encouraging potential private
plaintiffs diligently to investigate." (Malley-Duff, 483 U.S.,
at 151; 3 Id., at 187),

1 Later that same day, on December 7, 2019 at 12:15 p.m., Amy inundated
2 Frank with text messages accusing him of *abducting Gianna*:
3



15 Amy didn't stop there (and the Court should note that during this entire text
16 exchange, *Gianna was in Amy's care and custody*):
17



Clearly, Amy is dealing with some *serious* mental health problems and she must be evaluated, as the parties' prepare for trial. Frank is asking the Court to enforce the stipulation entered into in open court on November 7, 2019 (reduced to a written Order and entered on December 2, 2019), and order Amy to be evaluated by Kathleen Bergquist, Ph.D.

The remainder of Frank's CMC Brief follows.

B. STATEMENT OF JURISDICTION / PARTIES

The Court has jurisdiction in this matter, as both parties are currently bona fide residents of Clark County, Nevada, and have been present within the State of Nevada for at six (6) weeks prior to the initiation of this divorce proceeding. The Court has both subject matter jurisdiction and jurisdiction over the parties hereto.

1) Names and Ages of the Parties:

a) Plaintiff: FRANK LUCIANO, age 34.

b) Defendant: AMY LUCIANO, age 43.

2) Minor Children: The parties have two (1) minor child, the issue of their marriage, to wit: GIANNA LUCIANO, age 5.

3) Date of Marriage: November 18, 2017.

C. ISSUES RELATED TO CHILD CUSTODY

Frank is requesting PRIMARY PHYSICAL custody of Gianna based on (1) Amy's mental health issues; (2) Amy's drug use; and (3) the following NRS 125C.0035(4) best interest analysis:

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

4 Not an applicable factor, as Gianna is only five (5) years-old.

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

6 Not an applicable factor.

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

10 Frank understands the increased burden (and firm expectations of the Court)
11 that come with an award of primary physical custody and will follow any/all custodial
12 orders that the Court puts in place to ensure that Gianna has frequent associations with
13 Amy (Frank only wishes for Amy to be clean to ensure that Gianna is safe and
14 properly cared for when in Amy's care).

15 **(d) The level of conflict between the parties.**

16 Due to Amy's drug use, delusions of grandeur, and poor parental judgment,
17 the level of conflict between the parties is high and will likely escalate. Frank is
18 hopeful that a mutual Behavioral Order will assist the parties, in this regard, and is
19 proactively asking the Court to enter such an order at the parties' initial hearing.

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

21 In the same spirit as above, Frank is also asking the Court for an Order
22 requiring the parties to communicate exclusively through the Talking Parents co-
23

parenting platform in hopes that respectful communication (limited solely to the topic of Gianna) will increase the level of cooperation between the parties.

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

This is likely the most important consideration for the Court at this time. Candidly, Amy is in trouble and in desperate need of professional help to treat her mental illness and chronic addiction. Amy is addicted to strong mind-altering substances, including Methamphetamine; Adderall; Oxycodone (Oxycontin); Hydrocodone (Vicodin, Lortab, and Norco); Methadone; Carisoprodol (Soma); and Risperidone (an antipsychotic used to treat bipolar disorder and schizophrenia); in addition to other amphetamines, opiates, and antipsychotics.

The long-term use (and long-term abuse) of these drugs has stripped Amy of her ability to think clearly; to exercise sound judgment; and to properly care for Gianna. Accordingly, Frank is asking the Court for a behavioral/psychological evaluation of Amy; a substance abuse evaluation of Amy; and long-term drug testing protocols to ensure that Amy can maintain a level of sobriety.

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

Gianna's physical, developmental, and emotional needs are *severely* compromised when the minor child is in Amy's care and custody. Shortly before this filing, Amy removed Gianna from Kindergarten (without Frank's knowledge or consent) and is refusing to re-enroll Gianna. Instead, Gianna is left with an iPad and to fend for herself most of the day, while Amy sleeps off her latest drug binge.

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

2 Frank enjoys a wonderfully loving relationship with Gianna. The two
3 recently took a trip to Salt Lake City (where Frank is from); Frank is teaching
4 Gianna how to ride a bike; and Frank does everything he can to quench Gianna's
5 thirst for knowledge and information (Gianna is an inquisitive young lady and
6 loves to learn, despite Amy's insistence on removing her from school).
7

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

9 Gianna is deeply bonded with Danny, Devyn, and Dylan (her half siblings)
10 and, to the most realistic extent possible (considering the circumstances), Frank
11 would like to protect that bond moving forward (but understands the same may not
12 be possible based on Amy's condition).
13

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

15 Shortly before this filing, Frank learned that (1) Amy pulled Gianna out of
16 Kindergarten (without Frank's knowledge or consent) and is refusing to send the
17 child to school; (2) Amy does not have food in the house for Gianna (or the boys)
18 and is not keeping the house clean; and (3) Amy stays up until 4:00 or 5:00 a.m.
19 and sleeps most of the day (leaving the kids unattended). When coupled with
20 evidence that Amy has taken Gianna on drug deals in the past and has exposed
21 Gianna to other junkies (that come to Amy's house at all hours of the night),
22 neglect is a significant, and highly relevant, consideration in the Court's best
23 interest custodial analysis.
24
25
26
27
28

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

5 Not an applicable factor.

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

9 Neither party has engaged in an act of abduction against the children.

10 Summary

11
12 Based on the foregoing analysis of the NRS 125C.0035(4) custodial factors,
13 particularly (f), (g), and (j), an award of sole legal and primary physical custody to
14 Frank (subject to Amy's supervised visitation) is in Gianna's best interest.
15

16 **D. RESOLVED ISSUES**

17
18 . Nevada has personal and subject matter jurisdiction.
19

20 **E. UNRESOLVED ISSUES**

21 . Custody of Gianna
22
23 . Child Support
24
25 . Division of Assets and Debts
26
27 . Attorney's Fees and Costs

28 **F. UNUSUAL LEGAL OR FACTUAL ISSUES**

. None

1 **G. INTERIM ORDERS NEEDED AT CMC**

- 2 . Additional Drug Testing of Amy through Options
- 3 . Psychological Evaluation of Amy (at her expense)
- 4 . FMC Referral Regarding Holidays and Vacation Time
- 5 . Child Support
- 6 . Preliminary Attorney's Fees

7

8

9 **H. DISCOVERY AND SCHEDULING**

- 10 . Type of Discovery: Standard discovery
- 11 (Either party may request documents, submit interrogatories, request
- 12 admissions, and/or conduct depositions)
- 13 . Requested Date for Cut-off: 30 days before trial.
- 14 . Deadline for Expert Witness Disclosure: 60 days before trial.
- 15 . Deadline for Expert Witness Reports: 30 days before trial.
- 16 . Deadline for Motions to Amend Pleadings: 60 days before trial.
- 17 . Deadline for Dispositive Motions: 45 days before trial.
- 18 . Time Requested for Gathering Discovery Before Trial: 120 Days.
- 19
- 20

21 **I. LENGTH OF TIME NEEDED FOR TRIAL**

22 One Full Day

23 ...

24

25 **DATED** Tuesday December 10, 2019.

26 */s/ Alex Ghibaudo*

27 **Alex B. Ghibaudo, Esq.**

28 *Attorney for Plaintiff*

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Pursuant to NRCP 5(b), I declare under penalty of perjury, under the law of the State of Nevada, that I served a true and correct copy of *Plaintiff's Return* on December 10, 2019, as follows:

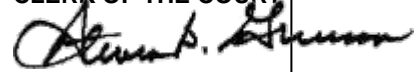
- [x] Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D), and Administrative Order 14-2 captioned “*In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court,*” by mandatory electronic service through the Eighth Judicial District Court’s electronic filing system;
- [x] By depositing a copy of same in a sealed envelope in the United States Mail, postage pre-paid, in Las Vegas, Nevada;
- [] Pursuant to EDCR 7.26, sent via facsimile by duly executed consent for service by electronic means.

To the following address:

Amy Luciano
729 Granite Rapids Street
Las Vegas, Nevada 89138
Defendant in Proper Person

/s/ Alex Ghibardo

Alex B. Ghibaud, Esq.
Attorney for Plaintiff



Code: 1020
Name: Amy C. Hanley- Luciano
Address: 729 Granite Rapids Street
Las Vegas, NV 89138
Telephone: (702) 813-4388
Self-Represented

IN THE FAMILY DIVISION
OF THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CLARK

FRANK LUCIANO, Case No. D - 19 - 598320 - D
Plaintiff, Dept. No. E
vs.

AMY LUCIANO,
Defendant.
/

ADDENDUM TO ANSWER

Attached is the Post-Nuptial Agreements

to cure the deficiency in this matter.

This document does not contain the Social Security Number of any person.

I declare under penalty of perjury, under the law of the State of Nevada, that the foregoing
statements are true and correct.

Signature: /s/AMY HANLEY

Date: Dec. 11, 2019 Print Your Name: Amy C. Hanley- Luciano

NON-DISCLOSURE OF CONFIDENTIAL, PRIVILEGED OR PROPRIETARY INFORMATION AGREEMENT

(“Non-Disclosure Agreement”)

This Non-disclosure Agreement ("**Agreement**") is made effective as of December 15, 2017 ("**Effective Date**"), by and between Lucky 7 Holdings LLC; A.S. Holdings Ltd; and, L7CKY Consultants (the "**Owner**"), of 808 Sand Primrose Street, Las Vegas, Nevada 891838, and Frank Luciano, in his individual and professional capacity, ("**Recipient**"), of 808 Primrose Street, Las Vegas, Nevada 89138.

Confidential, Privileged or Proprietary information may and/or will be disclosed to Frank Luciano in the normal course of business, professional duties or services that are related to agreements, engagements and/or contracts with Lucky 7 Holdings, LLC; A.S. Holdings Ltd., and/or L7CKY Consultants - (including its agents, members, managers, employees, contractors, directors or representatives) – regarding: unrelated registered professional and private corporate clients (including their members, managers, officers, representatives, directors, agents, employees, and contractors) to include, but not limited to:

1. InCorp, LLC;
2. Adrestia, LLC;
3. 3606 Sunset, LLC;
4. Bizapedia;
5. Technoir;
6. Haojia, LLC;
7. Inenvi, Inc.;
8. Mundo, LLC;
9. Owl Territory, Inc.;
10. Village Walk, 2313, LLC;
11. XXYYZZ, Ltd.;
12. Ascent Services, LLC;
13. Lemons, Grundy & Eisenberg, PC.;
14. Alex B. Ghibaud, PC;
15. Black & LoBello;
16. Expert Data Forensics;

17. McLetchie Shell, PC;
18. Anat Levy, PC;
19. GCMAS Law;
20. McNutt Law Firm;
21. Gynda Corp.; and,
22. Roe Corp, PC, or LLC I-XX.

Further, Confidential, Privileged or Proprietary information may and/or will be disclosed to Frank Luciano in the normal course of business, professional duties or services that are related to agreements, engagements and/or contracts with Lucky 7 Holdings, LLC; A.S. Holdings Ltd., and/or L7CKY - (including its agents, members, managers, employees, contractors, directors or representatives) - regarding: private individuals, clients, agents and/or representatives to include, but not limited to:

- A. Douglas B. Ansell;
- B. Yuliya Fohel-Loving;
- C. Sarah Gazla;
- D. Nancy Zorzi (f.k.a. DiCiero);
- E. Julie L. Hammer;
- F. Neda Hisey;
- G. Gonzalo Galindo-Milan;
- H. Joseph Egan; and,
- I. John or Jane Doe I-XX.

Said disclosures of Confidential, Privileged or Proprietary Information (whether through verbal, written, documented, or relayed *via* all forms of communication) is due to a holding of percentage of interest in Lucky 7 Holdings, LLC; A.S. Holdings Ltd.; and, L7CKY Consultants by Frank Luciano and Amy Hanley-Luciano, and/or by and through the marriage of Frank Luciano and Amy Hanley-Luciano.

The Owner has requested, and the Recipient agrees that the Recipient will protect the confidential or privileged material and information which may be disclosed between the Owner and the Recipient. **THEREFORE**, the parties agree as follows:

I. CONFIDENTIAL, PRIVILEGED OR PROPRIETARY INFORMATION.

The term "Confidential Privileged or Proprietary Information" means any

information or material which is proprietary to the Owner, whether or not owned or developed by the Owner, which is not generally known other than by the Owner, and which the Recipient may obtain through any direct or indirect contact with the Owner. Regardless of whether specifically identified as confidential, privileged or proprietary, Confidential, Privileged or Proprietary Information shall include any information provided by the Owner concerning the business, technology and information of the Owner and any third party with which the Owner deals, including, without limitation, business records and plans, legal filings, evidence, service contracts or agreements, engagement letters, e-mail communications, facsimile transmissions (inbound or outbound), trade secrets, technical data, product ideas, contracts, financial information, pricing structure, discounts, computer programs and listings, source code and/or object code, copyrights and intellectual property, inventions, sales leads, strategic alliances, partners, and customer and client lists. The nature of the information and the manner of disclosure are such that a reasonable person would understand it to be confidential or privileged.

A. "Confidential, Privileged or Proprietary Information" does not include:

- matters of public knowledge that result from disclosure by the Owner;
- information rightfully received by the Recipient from a third-party without a duty of confidentiality (that is not directly or indirectly related to the parties, entities, or individuals herein);
- information independently developed by the Recipient (that is not directly or indirectly related to the parties, entities, or individuals herein);
- information disclosed by operation of law;
- information disclosed by the Recipient with the prior written consent of the Owner; and,
- any other information that both parties agree in writing is not confidential.

II. PROTECTION OF CONFIDENTIAL INFORMATION.

The Recipient understands and acknowledges that the Confidential, Privileged or Proprietary Information has been developed or obtained by the Owner by the investment of significant time, effort and expense, and that the Confidential, Privileged or Proprietary Information is a valuable, special and unique asset of the Owner which provides the Owner with a significant competitive advantage, and needs to be protected from improper disclosure. In consideration for the receipt by the Recipient of the Confidential, Privileged or Proprietary Information, the Recipient agrees as follows:

- a. **No Disclosure.** The Recipient will hold the Confidential, Privileged or Proprietary Information in confidence and will not disclose the Confidential, Privileged or Proprietary Information to any person or entity without the prior written consent of the Owner.
- b. **No Copying/Modifying.** The Recipient will not copy or modify any Confidential, Privileged or Proprietary Information without the prior written consent of the Owner.
- c. **Unauthorized Use.** The Recipient shall promptly advise the Owner if the Recipient becomes aware of any possible unauthorized disclosure or use of the Confidential, Privileged or Proprietary Information.
- d. **Application to Employees.** The Recipient shall not disclose any Confidential, Privileged or Proprietary Information to any employees of the Recipient, except those employees who are required to have the Confidential Information in order to perform their job duties in connection with the limited purposes of this Agreement. Each permitted employee to whom Confidential, Privileged or Proprietary Information is disclosed shall sign a non-disclosure agreement substantially the same as this Agreement at the request of the Owner.

III. UNAUTHORIZED DISCLOSURE OF INFORMATION- INJUNCTION.

If it appears that the Recipient has disclosed (or has threatened to disclose) Confidential, Privileged or Proprietary Information in violation of this Agreement, the Owner shall be entitled to an injunction to restrain the Recipient from disclosing the Confidential, Privileged or Proprietary Information in whole or in part. The Owner shall not be prohibited by this provision from pursuing other remedies, including a claim for losses and damages.

IV. NON-CIRCUMVENTION.

For a period of ten (10) years after the end of the term of this Agreement, the Recipient will not attempt to do business with, or otherwise solicit any business contacts found or otherwise referred by Owner to Recipient for the purpose of circumventing, the result of which shall be to prevent the Owner from realizing or recognizing a profit, fees, or otherwise, without the specific written approval of the Owner. If such circumvention shall occur the Owner shall be entitled to any commissions due pursuant to this Agreement or relating to such transaction.

V. RETURN OF CONFIDENTIAL INFORMATION.

Upon the written request of the Owner, the Recipient shall return to the Owner all written materials containing the Confidential, Privileged or Proprietary Information. The Recipient shall also deliver to the Owner written statements signed by the Recipient certifying that all materials have been returned within five (5) days of receipt of the request.

VI. RELATIONSHIP OF PARTIES.

Neither party has an obligation under this Agreement to purchase any service or item from the other party, or commercially offer any products using or incorporating the Confidential, Privileged or Proprietary Information. This Agreement does not create any agency, partnership, or joint venture to disseminate the Confidential, Privileged or Proprietary Information.

VII. NO WARRANTY.

The Recipient acknowledges and agrees that the Confidential Information is provided on an "AS IS" basis. THE OWNER MAKES NO WARRANTIES, EXPRESS OR IMPLIED, WITH RESPECT TO THE CONFIDENTIAL, PRIVILEGED OR PROPRIETARY INFORMATION AND HEREBY EXPRESSLY DISCLAIMS ANY AND ALL IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. IN NO EVENT SHALL THE OWNER BE LIABLE FOR ANY DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES IN CONNECTION WITH OR ARISING OUT OF THE PERFORMANCE OR USE OF ANY PORTION OF THE CONFIDENTIAL, PRIVILEGED OR PROPRIETARY INFORMATION. The Owner does not represent or warrant that any product or business plans disclosed to the Recipient will be marketed or carried out as disclosed, or at all. Any actions taken by the Recipient in response to the disclosure of the Confidential, Privileged or Proprietary shall be solely at the risk of the Recipient.

VIII. LIMITED LICENSE TO USE.

The Recipient shall not acquire any intellectual property rights under this Agreement except the limited right to use as set forth above. The Recipient acknowledges that, as between the Owner and the Recipient, the Confidential, Privileged or Proprietary Information and all related copyrights and other intellectual property rights, are (and at all times will be) the property of the Owner, even if suggestions, comments, and/or

ideas made by the Recipient are incorporated into the Confidential, Privileged or Proprietary Information or related materials during the period of this Agreement.

IX. INDEMNITY.

Each party agrees to defend, indemnify, and hold harmless the other party and its officers, directors, agents, affiliates, distributors, representatives, and employees from any and all third-party claims, demands, liabilities, costs and expenses, including reasonable attorney's fees, costs and expenses resulting from the indemnifying party's material breach of any duty, representation, or warranty under this Agreement.

X. ATTORNEY'S FEES.

In any legal action between the parties concerning this Agreement, the prevailing party shall be entitled to recover reasonable attorney's fees and costs.

XI. TERM.

The obligations of this Agreement shall survive 25 years from the Effective Date or until the Owner sends the Recipient written notice releasing the Recipient from this Agreement. After that, the Recipient must continue to protect the Confidential, Privileged or Proprietary Information that was received during the term of this Agreement from unauthorized use or disclosure indefinitely.

XII. GENERAL PROVISIONS.


This Agreement sets forth the entire understanding of the parties regarding confidentiality. Any amendments must be in writing and signed by both parties. This Agreement shall be construed under the laws of the State of Wyoming. This Agreement shall not be assignable by either party. Neither party may delegate its duties under this Agreement without the prior written consent of the other party. The confidentiality provisions of this Agreement shall remain in full force and effect at all times in accordance with the term of this Agreement. If any provision of this Agreement is held to be invalid, illegal or unenforceable, the remaining portions of this Agreement shall remain in full force and effect and construed so as to best effectuate the original intent and purpose of this Agreement.

XIII. SIGNATORIES.

This Agreement shall be executed by Amy Hanley-Luciano, Manager, on behalf of *Lucky 7 Holdings LLC*; *A.S. Holdings Ltd.*; and, *L7CKY Consultants*; and, Frank Luciano, in his individual and professional capacity as Manager of: *Lucky 7 Holdings LLC*; *A.S. Holdings Ltd.*; and, *L7CKY Consultants* and delivered in the manner prescribed by law as of the date first written above.


OWNER:

Lucky 7 Holdings LLC (A Wyoming LLC);
A.S. Holdings Ltd (A Nevada LLC); and,
L7CKY Consultants (A DBA of A.S. Holdings Ltd).

By: 
Amy Hanley-Luciano
Manager of: *Lucky 7 Holdings LLC*;
A.S. Holdings Ltd; and,
L7CKY Consultants

RECIPIENT:

Frank Luciano

By: 
Frank Luciano
Individual and Professional Capacity of
Manager of: *Lucky 7 Holdings LLC*;
A.S. Holdings Ltd; and,
L7CKY Consultants

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3. 3606 Sunset, LLC;
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5. Technoir;
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information or material which is proprietary to the Owner, whether or not owned or developed by the Owner, which is not generally known other than by the Owner, and which the Recipient may obtain through any direct or indirect contact with the Owner. Regardless of whether specifically identified as confidential, privileged or proprietary, Confidential, Privileged or Proprietary Information shall include any information provided by the Owner concerning the business, technology and information of the Owner and any third party with which the Owner deals, including, without limitation, business records and plans, legal filings, evidence, service contracts or agreements, engagement letters, e-mail communications, facsimile transmissions (inbound or outbound), trade secrets, technical data, product ideas, contracts, financial information, pricing structure, discounts, computer programs and listings, source code and/or object code, copyrights and intellectual property, inventions, sales leads, strategic alliances, partners, and customer and client lists. The nature of the information and the manner of disclosure are such that a reasonable person would understand it to be confidential or privileged.

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- information disclosed by operation of law;
- information disclosed by the Recipient with the prior written consent of the Owner; and,
- any other information that both parties agree in writing is not confidential.

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VI. RELATIONSHIP OF PARTIES.

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The Recipient acknowledges and agrees that the Confidential Information is provided on an "AS IS" basis. THE OWNER MAKES NO WARRANTIES, EXPRESS OR IMPLIED, WITH RESPECT TO THE CONFIDENTIAL, PRIVILEGED OR PROPRIETARY INFORMATION AND HEREBY EXPRESSLY DISCLAIMS ANY AND ALL IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. IN NO EVENT SHALL THE OWNER BE LIABLE FOR ANY DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES IN CONNECTION WITH OR ARISING OUT OF THE PERFORMANCE OR USE OF ANY PORTION OF THE CONFIDENTIAL, PRIVILEGED OR PROPRIETARY INFORMATION. The Owner does not represent or warrant that any product or business plans disclosed to the Recipient will be marketed or carried out as disclosed, or at all. Any actions taken by the Recipient in response to the disclosure of the Confidential, Privileged or Proprietary shall be solely at the risk of the Recipient.

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The Recipient shall not acquire any intellectual property rights under this Agreement except the limited right to use as set forth above. The Recipient acknowledges that, as between the Owner and the Recipient, the Confidential, Privileged or Proprietary Information and all related copyrights and other intellectual property rights, are (and at all times will be) the property of the Owner, even if suggestions, comments, and/or

ideas made by the Recipient are incorporated into the Confidential, Privileged or Proprietary Information or related materials during the period of this Agreement.

IX. INDEMNITY.

Each party agrees to defend, indemnify, and hold harmless the other party and its officers, directors, agents, affiliates, distributors, representatives, and employees from any and all third-party claims, demands, liabilities, costs and expenses, including reasonable attorney's fees, costs and expenses resulting from the indemnifying party's material breach of any duty, representation, or warranty under this Agreement.

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XII. GENERAL PROVISIONS.

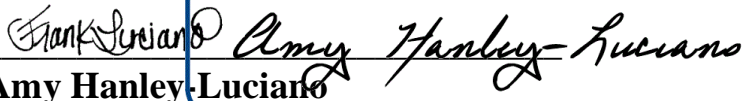
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XIII. SIGNATORIES.

This Agreement shall be executed by Amy Hanley-Luciano, Manager, on behalf of *Lucky 7 Holdings LLC*; *A.S. Holdings Ltd.*; and, *L7CKY Consultants*; and, Frank Luciano, in his individual and professional capacity as Manager of: *Lucky 7 Holdings LLC*; *A.S. Holdings Ltd.*; and, *L7CKY Consultants* and delivered in the manner prescribed by law as of the date first written above.

OWNER:

Lucky 7 Holdings LLC (A Wyoming LLC);
A.S. Holdings Ltd (A Nevada LLC); and,
L7CKY Consultants (A DBA of A.S. Holdings Ltd).

By: 
Amy Hanley-Luciano
Manager of: *Lucky 7 Holdings LLC*;
A.S. Holdings Ltd; and,
L7CKY Consultants
info@l7cky.com

RECIPIENT:

Frank Luciano

By: 
Frank Luciano
Individual and Professional Capacity of
Manager of: *Lucky 7 Holdings LLC*;
A.S. Holdings Ltd; and,
L7CKY Consultants
frank7luciano@gmail.com

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12. Ascent Services, LLC;
13. Lemons, Grundy & Eisenberg, PC.;
14. Alex B. Ghibaud, PC;
15. Black & LoBello;
16. Expert Data Forensics;

- 17. McLetchie Shell, PC;
- 18. Anat Levy, PC;
- 19. GCMAS Law;
- 20. McNutt Law Firm;
- 21. Gynda Corp.; and,
- 22. Roe Corp, PC, or LLC I-XX.

Further, Confidential, Privileged or Proprietary information may and/or will be disclosed to Frank Luciano in the normal course of business, professional duties or services that are related to agreements, engagements and/or contracts with Lucky 7 Holdings, LLC; A.S. Holdings Ltd., and/or L7CKY - (including its agents, members, managers, employees, contractors, directors or representatives) - regarding: private individuals, clients, agents and/or representatives to include, but not limited to:

- A. Douglas B. Ansell;
- B. Yuliya Fohel-Loving;
- C. Sarah Gazla;
- D. Nancy Zorzi (f.k.a. DiCiero);
- E. Julie L. Hammer;
- F. Neda Hisey;
- G. Gonzalo Galindo-Milan;
- H. Joseph Egan; and,
- I. John or Jane Doe I-XX.

Said disclosures of Confidential, Privileged or Proprietary Information (whether through verbal, written, documented, or relayed *via* all forms of communication) is due to a holding of percentage of interest in Lucky 7 Holdings, LLC; A.S. Holdings Ltd.; and, L7CKY Consultants by Frank Luciano and Amy Hanley-Luciano, and/or by and through the marriage of Frank Luciano and Amy Hanley-Luciano.

The Owner has requested, and the Recipient agrees that the Recipient will protect the confidential or privileged material and information which may be disclosed between the Owner and the Recipient. **THEREFORE**, the parties agree as follows:

I. CONFIDENTIAL, PRIVILEGED OR PROPRIETARY INFORMATION.

The term "Confidential Privileged or Proprietary Information" means any

information or material which is proprietary to the Owner, whether or not owned or developed by the Owner, which is not generally known other than by the Owner, and which the Recipient may obtain through any direct or indirect contact with the Owner. Regardless of whether specifically identified as confidential, privileged or proprietary, Confidential, Privileged or Proprietary Information shall include any information provided by the Owner concerning the business, technology and information of the Owner and any third party with which the Owner deals, including, without limitation, business records and plans, legal filings, evidence, service contracts or agreements, engagement letters, e-mail communications, facsimile transmissions (inbound or outbound), trade secrets, technical data, product ideas, contracts, financial information, pricing structure, discounts, computer programs and listings, source code and/or object code, copyrights and intellectual property, inventions, sales leads, strategic alliances, partners, and customer and client lists. The nature of the information and the manner of disclosure are such that a reasonable person would understand it to be confidential or privileged.

A. "Confidential, Privileged or Proprietary Information" does not include:

- matters of public knowledge that result from disclosure by the Owner;
- information rightfully received by the Recipient from a third-party without a duty of confidentiality (that is not directly or indirectly related to the parties, entities, or individuals herein);
- information independently developed by the Recipient (that is not directly or indirectly related to the parties, entities, or individuals herein);
- information disclosed by operation of law;
- information disclosed by the Recipient with the prior written consent of the Owner; and,
- any other information that both parties agree in writing is not confidential.

II. PROTECTION OF CONFIDENTIAL INFORMATION.

The Recipient understands and acknowledges that the Confidential, Privileged or Proprietary Information has been developed or obtained by the Owner by the investment of significant time, effort and expense, and that the Confidential, Privileged or Proprietary Information is a valuable, special and unique asset of the Owner which provides the Owner with a significant competitive advantage, and needs to be protected from improper disclosure. In consideration for the receipt by the Recipient of the Confidential, Privileged or Proprietary Information, the Recipient agrees as follows:

- a. **No Disclosure.** The Recipient will hold the Confidential, Privileged or Proprietary Information in confidence and will not disclose the Confidential, Privileged or Proprietary Information to any person or entity without the prior written consent of the Owner.
- b. **No Copying/Modifying.** The Recipient will not copy or modify any Confidential, Privileged or Proprietary Information without the prior written consent of the Owner.
- c. **Unauthorized Use.** The Recipient shall promptly advise the Owner if the Recipient becomes aware of any possible unauthorized disclosure or use of the Confidential, Privileged or Proprietary Information.
- d. **Application to Employees.** The Recipient shall not disclose any Confidential, Privileged or Proprietary Information to any employees of the Recipient, except those employees who are required to have the Confidential Information in order to perform their job duties in connection with the limited purposes of this Agreement. Each permitted employee to whom Confidential, Privileged or Proprietary Information is disclosed shall sign a non-disclosure agreement substantially the same as this Agreement at the request of the Owner.

III. UNAUTHORIZED DISCLOSURE OF INFORMATION- INJUNCTION.

If it appears that the Recipient has disclosed (or has threatened to disclose) Confidential, Privileged or Proprietary Information in violation of this Agreement, the Owner shall be entitled to an injunction to restrain the Recipient from disclosing the Confidential, Privileged or Proprietary Information in whole or in part. The Owner shall not be prohibited by this provision from pursuing other remedies, including a claim for losses and damages.

IV. NON-CIRCUMVENTION.

For a period of ten (10) years after the end of the term of this Agreement, the Recipient will not attempt to do business with, or otherwise solicit any business contacts found or otherwise referred by Owner to Recipient for the purpose of circumventing, the result of which shall be to prevent the Owner from realizing or recognizing a profit, fees, or otherwise, without the specific written approval of the Owner. If such circumvention shall occur the Owner shall be entitled to any commissions due pursuant to this Agreement or relating to such transaction.

V. RETURN OF CONFIDENTIAL INFORMATION.

Upon the written request of the Owner, the Recipient shall return to the Owner all written materials containing the Confidential, Privileged or Proprietary Information. The Recipient shall also deliver to the Owner written statements signed by the Recipient certifying that all materials have been returned within five (5) days of receipt of the request.

VI. RELATIONSHIP OF PARTIES.

Neither party has an obligation under this Agreement to purchase any service or item from the other party, or commercially offer any products using or incorporating the Confidential, Privileged or Proprietary Information. This Agreement does not create any agency, partnership, or joint venture to disseminate the Confidential, Privileged or Proprietary Information.

VII. NO WARRANTY.

The Recipient acknowledges and agrees that the Confidential Information is provided on an "AS IS" basis. THE OWNER MAKES NO WARRANTIES, EXPRESS OR IMPLIED, WITH RESPECT TO THE CONFIDENTIAL, PRIVILEGED OR PROPRIETARY INFORMATION AND HEREBY EXPRESSLY DISCLAIMS ANY AND ALL IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. IN NO EVENT SHALL THE OWNER BE LIABLE FOR ANY DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES IN CONNECTION WITH OR ARISING OUT OF THE PERFORMANCE OR USE OF ANY PORTION OF THE CONFIDENTIAL, PRIVILEGED OR PROPRIETARY INFORMATION. The Owner does not represent or warrant that any product or business plans disclosed to the Recipient will be marketed or carried out as disclosed, or at all. Any actions taken by the Recipient in response to the disclosure of the Confidential, Privileged or Proprietary shall be solely at the risk of the Recipient.

VIII. LIMITED LICENSE TO USE.

The Recipient shall not acquire any intellectual property rights under this Agreement except the limited right to use as set forth above. The Recipient acknowledges that, as between the Owner and the Recipient, the Confidential, Privileged or Proprietary Information and all related copyrights and other intellectual property rights, are (and at all times will be) the property of the Owner, even if suggestions, comments, and/or

ideas made by the Recipient are incorporated into the Confidential, Privileged or Proprietary Information or related materials during the period of this Agreement.

IX. INDEMNITY.

Each party agrees to defend, indemnify, and hold harmless the other party and its officers, directors, agents, affiliates, distributors, representatives, and employees from any and all third-party claims, demands, liabilities, costs and expenses, including reasonable attorney's fees, costs and expenses resulting from the indemnifying party's material breach of any duty, representation, or warranty under this Agreement.

X. ATTORNEY'S FEES.

In any legal action between the parties concerning this Agreement, the prevailing party shall be entitled to recover reasonable attorney's fees and costs.

XI. TERM.

The obligations of this Agreement shall survive 25 years from the Effective Date or until the Owner sends the Recipient written notice releasing the Recipient from this Agreement. After that, the Recipient must continue to protect the Confidential, Privileged or Proprietary Information that was received during the term of this Agreement from unauthorized use or disclosure indefinitely.

XII. GENERAL PROVISIONS.

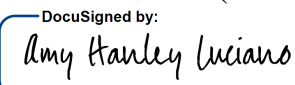
This Agreement sets forth the entire understanding of the parties regarding confidentiality. Any amendments must be in writing and signed by both parties. This Agreement shall be construed under the laws of the State of Wyoming. This Agreement shall not be assignable by either party. Neither party may delegate its duties under this Agreement without the prior written consent of the other party. The confidentiality provisions of this Agreement shall remain in full force and effect at all times in accordance with the term of this Agreement. If any provision of this Agreement is held to be invalid, illegal or unenforceable, the remaining portions of this Agreement shall remain in full force and effect and construed so as to best effectuate the original intent and purpose of this Agreement.

XIII. SIGNATORIES.

This Agreement shall be executed by Amy Hanley-Luciano, Manager, on behalf of *Lucky 7 Holdings LLC*; *A.S. Holdings Ltd.*; and, *L7CKY Consultants*; and, Frank Luciano, in his individual and professional capacity as Manager of: *Lucky 7 Holdings LLC*; *A.S. Holdings Ltd.*; and, *L7CKY Consultants* and delivered in the manner prescribed by law as of the date first written above.

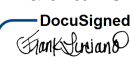
OWNER:

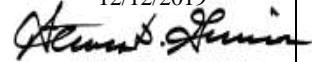
Lucky 7 Holdings LLC (A Wyoming LLC);
A.S. Holdings Ltd (A Nevada LLC); and,
L7CKY Consultants (A DBA of A.S. Holdings Ltd).

By: 
DocuSigned by:
93065C44A1934F4...
Amy Hanley-Luciano
Manager of: *Lucky 7 Holdings LLC*;
A.S. Holdings Ltd; and,
L7CKY Consultants
info@l7cky.com

RECIPIENT:

Frank Luciano

By: 
DocuSigned by:
8FA98B7248DF42E...
Frank Luciano
Individual and Professional Capacity of
Manager of: *Lucky 7 Holdings LLC*;
A.S. Holdings Ltd; and,
L7CKY Consultants
frank7luciano@gmail.com


CLERK OF THE COURT

CMO

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Frank Luciano, Plaintiff
vs.
Amy Luciano, Defendant.

Case No.: D-19-598320-D
Dept. No.: E
Date of Conference: December 12, 2019
Time of Conference: 11:00 AM

Case and Non-Jury Trial Management Order

*This order sets forth critical dates and times for the major proceedings in this case.
It is the responsibility of the attorneys, or the litigants (when appearing in proper
person), to meet the deadlines and to appear for the following required proceedings:*

Calendar Call date: May 5, 2020 at 11:00 AM

Non-Jury Trial date: May 19, 2020 at 1:30 PM

Pre Non-Jury Trial Memorandum/Brief due date: April 28, 2020

Other deadlines are contained herein.

This matter having come on for a Case Management Conference, pursuant to
NRCp 16.2 and/or 16.205, on December 12, 2019, in the Family Division, Department
E, of the Eighth Judicial District Court, County of Clark; the following parties being
present: Frank Luciano, Alex Ghibaud, Amy Luciano; and the Court being fully
advised in the premises, both as to subject matter as well as the parties thereto, and that
jurisdiction is proper in Nevada, and good cause appearing, the court makes the
following findings:

The nature of this action is a Complaint for Divorce. In the above stated action all
claims for relief and all defenses asserted are contained within the Complaint, filed

1 October 21, 2019 and the Answer - First Appearance Fee Not Required filed November
2 22, 2019 which are incorporated herein by reference.

3
4 The parties shall participate in the discovery process in good faith and may utilize all
5 discovery methods, consistent with NRCP 16.2 and/or 16.205. The parties maintain a
6 continuing duty to supplement and disclose consistent with NRCP 16.2 and 16.205.

7 On or before **April 6, 2020**, the parties shall submit a list of names of individuals who
8 are likely to possess discoverable information regarding this action, consistent with
9 NRCP 16.2(a)(2)(A) and/or 16.205(b)(2)(D).

10 On or before **April 28, 2020**, the parties shall submit all documents intended to be
11 utilized at Trial or Evidentiary Hearing consistent with NRCP 16.2(a)(2)(B) and/or
12 16.205(b)(8) to the opposing party or their attorney.

13 The deadline for the parties in this case to file a motion to amend the pleadings or add
14 parties is **April 6, 2020**.

15 The deadline for the parties to disclose the identity of any expert witnesses who will
16 be used at trial to present evidence under NRS 50.275, 50.285 and 50.305 is February
17 20, 2020. Any report from an expert witness shall be disclosed on or before **February**
18 **19, 2020**.

19 The deadline for the parties to file dispositive motions is **April 20, 2020**.

20 Discovery will close on **April 28, 2020**.

21 The Pre-Trial Memorandum shall be filed on or before **April 28, 2020**, a copy of
22 same is to be hand-delivered to the Judge's chambers and served on opposing counsel
23 the same day. The Pre-Trial Memorandum shall substantially comply with the form
24 attached hereto including the Asset and Debt Schedules. ***Failure to submit the Pre-***
25 ***Trial Memorandum on or before this date, absent the Court's approval, will result in***
26
27
28

1 *the trial date being vacated and the matter rescheduled in ordinary course and/or*
2 *sanctions.*

3
4 Pursuant to EDCR 5.524(a), prior to or at the Calendar Call, the parties shall meet to
5 arrive at stipulations and agreements for the purpose of simplifying the issues to be tried
6 and exchange final lists of exhibits and the names and addresses of all witnessed
7 (including experts) to be actually called or used at trial.

8 **The Calendar Call is set for May 5, 2020. Failure to appear at the Calendar Call**
9 **may result in a default judgment, or other sanctions, consistent with EDCR 2.69.**

10
11 Counsel or proper person litigants are to provide all disclosures consistent with the
12 mandates of NRCP 16.2 and/or 16.205. Failure to provide foregoing may result in such
13 exhibits or evidence being excluded or other appropriate court-imposed sanctions
14 against counsel or party in proper person.

15 Any and all Exhibits and Witness Lists (a set of original exhibits ready for marking
16 by the Clerk with a courtesy copy for the Court), must be delivered to chambers at least
17 two (2) judicial days prior to trial for marking.

18
19 **Non-Jury Trial is set for May 19, 2020.** If your Non-Jury Trial is set on a half-day
20 setting, you will be allotted a total of three (3) hours to present evidence. If your Non-
21 Jury Trial is set on a full day setting, you will be allotted a total of six (6) hours to
22 present evidence. The time will be divided equally between the parties and includes
23 breaks and delays.

24 Absent stipulation of the parties (and good cause appearing therefore), no
25 continuances will be granted to either party unless written application is made to the
26 Court, served upon opposing counsel, and a hearing held at least three (3) days prior to
27 the time of trial. If this matter settles, please advise the Court as soon as possible.
28

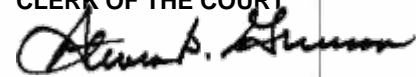
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IT IS HEREBY ORDERED that the above-stated findings are hereby adopted and confirmed as an order of this Court.

DATED This 12th day of December, 2019



CHARLES J. HOSKIN
DISTRICT JUDGE
DEPARTMENT E



ORDR

Alex B. Ghibaud, Esq.
Nevada Bar Number: 10592

ALEX GHIBAUDO, PC

703 South Eighth Street
Las Vegas, Nevada 89101

T: (702) 978-7090

F: (702) 924-6553

E: alex@abgpc.com

Attorney for Plaintiff

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

FRANK LUCIANO,

Plaintiff,

vs.

AMY LUCIANO,

Defendant.

Case Number: D-19-598320-D

Department: E

ORDER FROM DECEMBER 12, 2019 HEARING

THIS MATTER came before the Honorable Charles Hoskin on December 12, 2019 at 11:00 a.m. for the parties' Return Hearing (ATI Results); and the parties' Case Management Conference. Plaintiff FRANK LUCIANO was present at the hearing, represented by Alex Ghibaud, Esq. and Michancy Cramer, Esq.; Defendant AMY LUCIANO was also present, appearing in proper person.

...

...

RECEIVED

DEC 30 2019

DEPARTMENT AA0097

1 **THE COURT NOTED** that it reviewed the drug test results and that
2 Attorney Ghibaudo is alleging Defendant is masking the test and requests that she
3 go for a blood test. For the record, Defendant's Answer was filed on November 22,
4 2019, after the default was filed on November 19, 2019. Upon the Court's inquiry,
5 Defendant informed the Court that she has not filed her Financial Disclosure Form
6 (FDF) as she was not able to get the information she needed.
7

8
9 Attorney Ghibaudo brought to the Court's attention Defendant's failure to
10 cooperate in selecting a therapist's name (after she offered to pay for a psychological
11 evaluation), and counsel is asking the Court to compel her to do so. Defendant
12 stated she was only to select a therapist post drug test results; the Court read a
13 portion of the court minutes into the record regarding Defendant STIPULATING
14 to select a therapist.
15

16
17 Defendant went on to argue Plaintiff is not exercising his custodial time with
18 the minor child; requesting that the Court compel him to follow the Court Order.
19 Further discussion regarding the Defendant bringing up issues not before the Court
20 and her need to put it in a Motion so the Court can address it.
21

22 **COURT NOTED** there is a Notice of Entry of Order (NOE) indicating
23 Defendant was served the order; however another was provided to her in OPEN
24 COURT today. Defendant informed the Court about the Motions she was going to
25 file; including one to relocate to Reno after she informed the Court at the last
26 hearing she was not relocating.
27
28

1 The Court having reviewed the papers, pleadings, and other documents filed
2 in this case, by all parties hereto, and having heard any oral arguments presented;
3 and good cause appearing therefore:
4

5 **IT IS HEREBY ORDERED** that the DEFAULT filed on November 19,
6 2019 shall be SET ASIDE.
7

8 **IT IS FURTHER ORDERED** that a NON JURY TRIAL to address
9 CUSTODY and DIVORCE related issues shall be set for May 19, 2020 at 1:30 p.m.
10 The Court's Trial Management Order was executed and FILED in OPEN COURT;
11 copies provided to Attorney Ghibaudo and Defendant.
12

13 **IT IS FURTHER ORDERED** that a CALENDAR CALL shall be set for
14 May 5, 2020 at 11:00 a.m.
15

16 **IT IS FURTHER ORDERED** that Defendant shall be required to file her
17 Financial Disclosure Form in the next fourteen (14) days.
18

19 **IT IS FURTHER ORDERED** that Defendant shall be required to select a
20 therapist and confirm the same in writing to Attorney Ghibaudo. Defendant stated
21 she will have one selected by this Friday (December 13, 2019).
22

23 **IT IS FURTHER ORDERED** that Attorney Ghibaudo shall go through the
24 DISCOVERY process if he is seeking additional drug testing of Defendant; and
25 both parties are permitted to do so (since the Court already sent the parties to a
26 facility that the Court utilizes).
27

28 ...

IT IS FURTHER ORDERED that the Court shall WAIVE MEDIATION absent a stipulation.

IT IS FURTHER ORDERED that Attorney Ghibaudo shall prepare the Order from today's hearing.

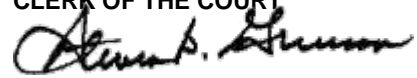
IT IS SO ORDERED this 6th day of January 2020.

HONORABLE CHARLES HOSKIN

Respectfully Submitted:

Alex Stokes

Alex B. Ghibaud, Esq.
Nevada Bar Number: 10592
ALEX GHIBAUDO, PC
703 South Eighth Street
Las Vegas, Nevada 89101
T: (702) 978-7090
F: (702) 924-6553
E: alex@abgpc.com
Attorney for Plaintiff



MOT

Alex B. Ghibaud, Esq.
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T: (702) 978-7090
F: (702) 924-6553
E: alex@glawvegas.com
Attorney for Plaintiff

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

FRANK LUCIANO,

Plaintiff,

vs.

AMY LUCIANO,

Defendant.

Case Number: D-19-598320-D

Department: E

Oral Argument Requested: Yes

NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN TEN (10) DAYS OF THE RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUEST FOR RELIEF BEING GRANTED BY THE COURT WITHOUT A HEARING PRIOR TO THE SCHEDULED HEARING DATE.

**PLAINTIFF'S MOTION TO MODIFY THE COURT'S TEMPORARY
CUSTODIAL ORDERS; TO ESTABLISH CHILD SUPPORT;
AND FOR ATTORNEY'S FEES AND COSTS**

COMES NOW, Plaintiff FRANK LUCIANO, by and through his Attorney of Record, Alex Ghibaud, Esq., of *Alex Ghibaud, PC*, and hereby files this *Motion to Modify the Court's Temporary Custodial Orders; to Establish Child Support; and for Attorney's Fees and Costs.*

1 This *Motion* is based upon the attached Memorandum of Points and
2 Authorities, the attached *Declaration of Frank Luciano*, any and all pleadings and
3 papers on file herein, and any further evidence or argument presented to the Court
4 at the hearing of this matter.
5

6 As set forth herein, Frank respectfully requests that the Court:
7

- 8 1. Modify its temporary custodial orders based on the best interests and
9 physical safety of the parties' minor child, Gianna;
- 10 2. Award Frank sole legal and physical custody of Gianna pending trial;
- 11 3. Establish child support pursuant to Nevada guidelines;
- 12 4. Award Frank his attorney's fees and costs; and
- 13 5. Award Frank any other relief this Court deems just and appropriate.
14
15

16 **DATED** Wednesday February 5, 2020.

17 Respectfully Submitted,
18

19 */s/ Alex Ghibaud*

20 Alex B. Ghibaud, Esq.
21 Nevada Bar No. 10592
22 **ALEX GHIBAUDO, PC**
23 703 South Eighth Street
24 Las Vegas, Nevada 89101
25 T: (702) 978-7090
26 F: (702) 924-6553
27 E: alex@glawvegas.com
28 *Attorney for Plaintiff*

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TO: ALL OTHER INTERESTED PARTIES

Pursuant to recent changes to the Nevada Supreme Court Electronic Filing Rules, the Clerk's Office will electronically file a *Notice of Hearing* upon receipt of this Motion. In accordance with NEFCR 9(d), if you are not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, undersigned will serve the Clerk's *Notice of Hearing* to you by traditional means.

Respectfully Submitted,

Alex B. Ghibaud, Esq.
Nevada Bar No. 10592
ALEX GHIBAUDO, PC
703 South Eighth Street
Las Vegas, Nevada 89101
T: (702) 978-7090
F: (702) 924-6553
E: alex@glawvegas.com
Attorney for Plaintiff

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**
3 **INTRODUCTION**

4 The parties to this divorce action are Plaintiff FRANK LUCIANO (“Frank”)
5 and Defendant AMY LUCIANO (“Amy”). The parties were married on November
6 18, 2017 in Las Vegas; and have one minor child together, to-wit: GIANNA
7 HANLEY LUCIANO (“Gianna”), born September 24, 2014, age 5.
8

9 The parties were first before the Court on November 7, 2019. Over the
10 course of the hearing, the Court issued the following Orders (in pertinent part):¹
11

12 **IT IS FURTHER ORDERED** that the parties shall have TEMPORARY JOINT
13 LEGAL and JOINT PHYSICAL custody of the minor child.

14 **IT IS FURTHER ORDERED** that with regard to TIMESHARE, the parties
15 will follow a WEEK-ON/WEEK-OFF custodial schedule (with Plaintiff/ Dad’s
16 time starting, today, November 7, 2019). Custodial EXCHANGES shall take
17 place on Thursday of each week.

18 **IT IS FURTHER ORDERED** that CHILD SUPPORT shall be DEFERRED
19 until Defendant has filed her Financial Disclosure Form (FDF) which shall be
20 filed by November 8, 2019. The Court instructed Mr. Ghibauda to calculate child
21 support based on the parties FDF's (as this is a Temporary Order and the Court
can go back and look at it again; however, Defendant has not yet filed a FDF).

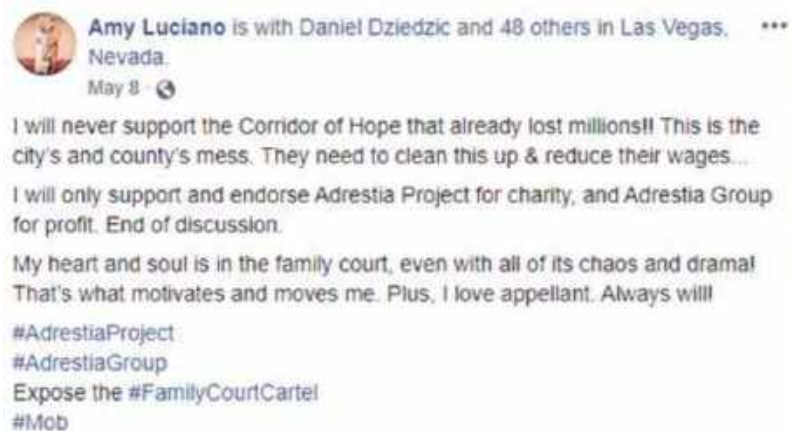
22 As the Court may recall, Amy never filed an Opposition to Frank’s initial
23 Motion in this case (asking for, among several other things, a full psychological
24 evaluation of Amy); Amy then STIPULATED to undergoing an evaluation, in open
25 court, on November 7, 2019.
26

27 _____
28 ¹ The *Order from the Parties’ November 7, 2019 Hearing* was formally entered on December 2, 2019
(with a *Notice of Entry of Order* served to Defendant that same day).

1 As of this filing, Amy still refuses to cooperate in arranging a psychological
2 and/or behavioral evaluation, despite ongoing concerns related to Amy's mental
3 health. In this regard, several examples of Amy's social media activity were
4 brought to the Court's attention, in prior pleadings, including this online post made
5 by Amy on Facebook, on October 30, 2019:
6



15 Amy also insists on “tagging” her children in social media postings that
16 involve *the very litigation* that those children are involved in (which is a direct
17 violation of EDCR 5.301):
18




27 ...

28 ...

1 . On December 7, 2019 at 2:28 a.m., Amy posted this rant to social media:²

youtube.com

 Amy Luciano 5 hours ago

I am not playing around with anyone anymore. It's over and been over ... it's on
There is no "license to practice law"!

The practice of law is a common right, law is common to all..Here's the proof!<https://youtu.be/vieo0NH-SkE>

The practice of Law is an occupation of common right, the same being a secured liberty right. (Sims v. Aherns, 271 S.W. 720 (1925)). No state may convert a secured liberty right into a privilege, issue a license and fee for it. (Murdock vs Pennsylvania 319 US 105 (1943))

The practice of Law can not be licensed by any state/State. (Schware v. Board of Examiners, 353 U.S. 238, 239 (1957)) Should any state convert a secured liberty right into a privilege, charge a fee and issue a license for it, one may ignore the license and fee and engage in the exercise of the right with impunity. (Shuttlesworth vs City of Birmingham 373 U.S. 262 (1962))"A 'Statute' is not a Law," (Flournoy v. First Nat. Bank of Shreveport, 197 La. 1067, 3 So.2d 244, 248), A "Code" is not a Law," (In Re Self v Rhay Wn 2d 261), in point of fact in Law, A concurrent or 'joint resolution' of legislature is not "Law," (Koenig v. Flynn, 258 N.Y. 292, 179 N. E. 705, 707; Ward v State, 176 Okl. 368, 56 P.2d 136, 137; State ex rel. Todd v. Yelle, 7 Wash.2d 443, 110 P.2d 162, 165).

All codes, rules, and regulations are for government authorities only, not human/Creators in accord with God's Laws."All codes, rules, and regulations are unconstitutional and lacking due process of Law.."(Rodriques v. Ray Donovan, U.S. Department of Labor, 769 F.2d 1344, 1348 (1985))

The Natural Law, as practiced by all men, and from which all fictions, lesser forms of law and governance are derived, is from the creator, and man's unalienable and inherent natural liberty rights (the Will), and not from

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derived, is from the creator, and man's unalienable and inherent natural liberty rights (the Will), and not from government, which can create no right or law governing the liberty of man, existing only to protect those lawfully exercised natural liberty rights which existed separate and sovereign from it, before the creation of government by the power of this liberty. "If you've relied on prior decisions of the Supreme Court you have a perfect defense for willfulness." (U.S. v. Bishop, 412 U.S. 346), as "The claim and exercise of a Constitutional right cannot be converted into a crime." (Miller v. U.S., 230 F.2d. 486, 489). "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." (Miranda v. Arizona 384 U.S. 436, 86 S. Ct. 1602, 16 L.Ed. 2d 694 (1966))

Should any state convert any right to work into a privilege, issue a license and charge a fee, the same is unconstitutional, void, and without effect in law. (Marbury vs Madison 5 US 137 (1803)) "All acts of legislature apparently contrary to natural right and justice are, in our laws and must be in the nature of things, considered as void. The laws of nature are the laws of God; whose authority can be superseded by no power on earth. A legislature must not obstruct our obedience to him from whose punishments they cannot protect us. All human constitutions which contradict his laws, we are in conscience bound to disobey. Such have been the adjudications of our courts of justice." (Robin v. Hardaway, 1 Jefferson 109, 114 (1772)).

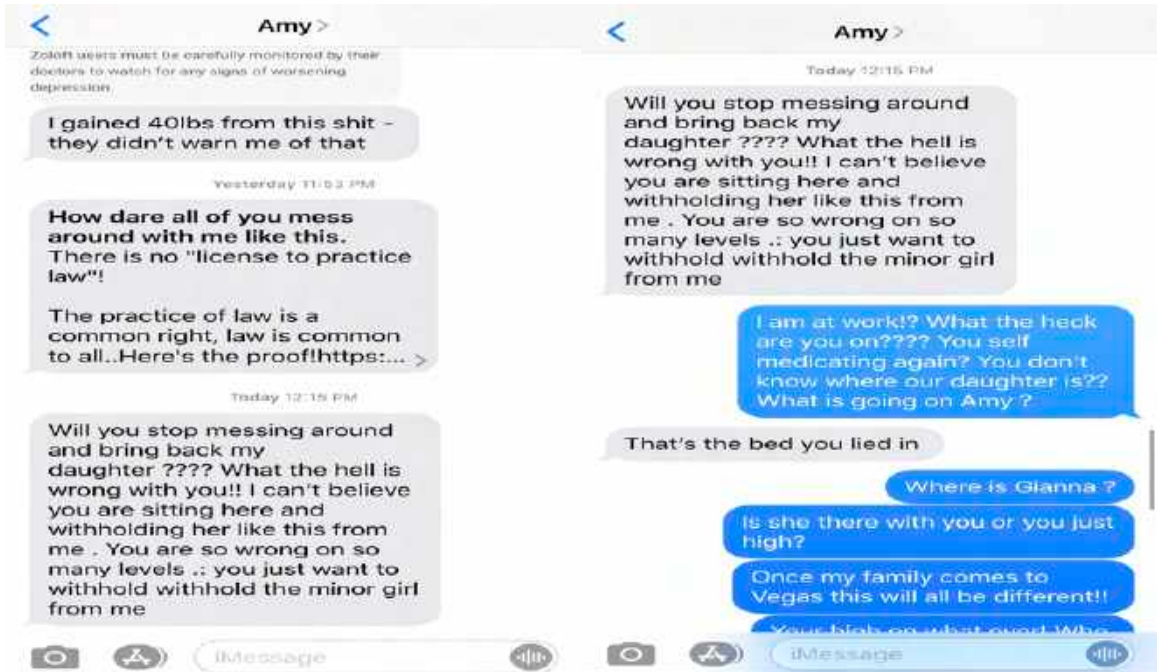
The Supreme Court has warned: "Because of what appear to be Lawful commands on the surface, many citizens, because of their respect for what appears to be law, are cunningly coerced into waiving their rights, due to ignorance." (U.S. v. Minker, 350 U.S. 179, 187), "the general misconception among the public being that any statute passed by legislators bearing the appearance of law constitutes Law. THAT A statute is not a "law," (Flournoy v. First Nat. Bank of Shreveport, 197 La. 1067, 3 So.2d 244, 248), "a concurrent or joint resolution of legislature is not "a law"" (Koenig v. Flynn 258 N.Y. 292

² See <https://www.youtube.com/watch?v=TyApQHexIdo&t=1407s>

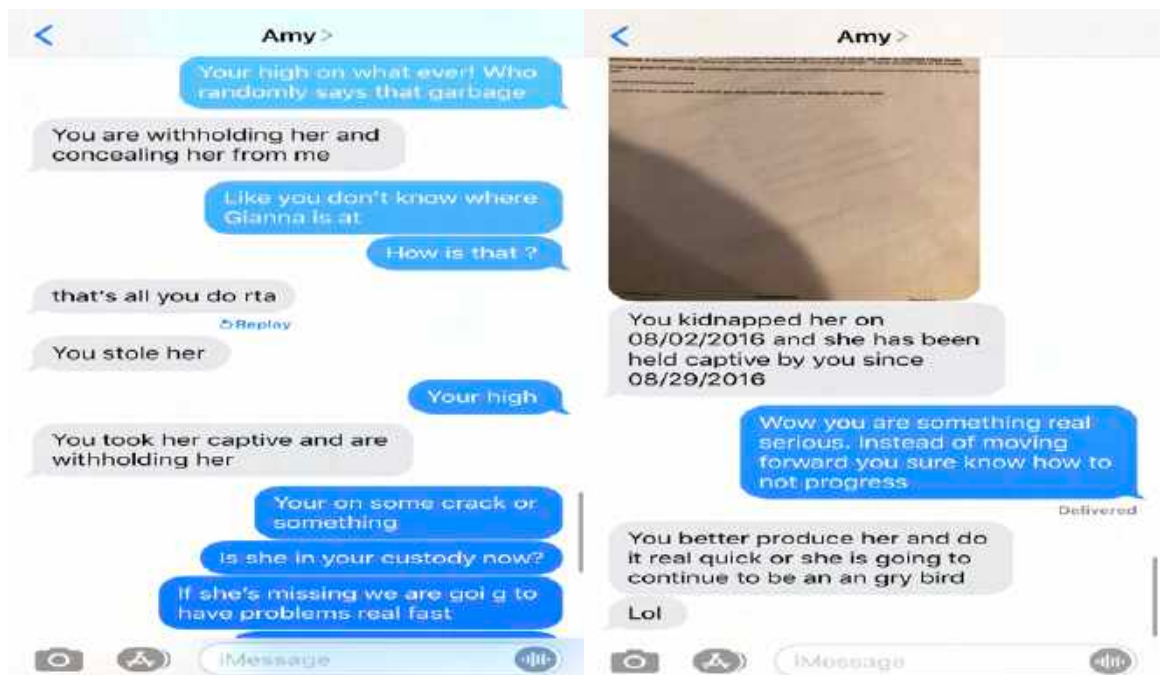
- 1 . Amy's bizarre late-night/early-morning diatribe didn't end there:

youtube.com	youtube.com
<p>legislature is not "a law," (Koenig v. Flynn, 258 N.Y. 292, 179 N.E. 705, 707; Ward v. State, 176 Okl. 368, 56 P.2d 136, 137; State ex rel. Todd v. Yelle, 7 Wash.2d 443, 110 P.2d 162, 165), nor is 'Code' 'Law' (In Re Self v Rhay, 61 Wn (2d) 261) These being defined by Black's Law Dictionary as rebuttable prima facie, or superficial, evidence of law, a facade, represented by 'public policy,' being color-able, or 'color of law,' being 'counterfeit or feigned' as defined. "The Natural Liberty of man is to be free from any superior power on earth, and not to be under the will or legislative authority of man, but only to have the law of nature for his rule." - Samuel Adams</p> <p>'Litigants may be assisted by unlicensed layman during judicial proceedings' (Brotherhood of Trainmen v. Virginia ex rel. Virginia State Bar 377 U.S. 1; Gideon v. Wainwright 372 U.S. 335; Argersinger v. Hamlin, Sheriff 407 U.S. 425), 'Members of groups who are competent nonlawyers may assist other members of the group [family, association, or class] achieve the goals of the group in court without being charged with "Unauthorized practice of law."' (NAACP v. Button 371 U.S. 415; United Mineworkers of America v. Gibbs 383 U.S. 715; and Johnson v. Avery 89 S. Ct. 747 (1969). "Each citizen acts as a 'Private Attorney General who 'takes on the mantle of sovereign' " (Title 42 U.S.C. Sec. 1983, Wood v. Breier, 54 F.R.D. 7, 10-11 (E.D. Wis. 1972; Frankenhauser v. Rizzo, 59 F.R.D. 339 E.D. Pa. (1973). "Except in certain situations not here pertinent, the court cannot force a competent defendant to be represented by an attorney." (People v. Mattson (1959), 51 Cal.2d 777, 778-789 [336 P.2d 937]; see Reynolds v. United States (1959, C.A. 9), 267 F.2d 235, 236; Duke v. United States (1958, C.A. 9), 255 F.2d 721, 724 [4, 5], cert. den. 357 U.S. 920 [78 S.Ct. 1361, 2 L.Ed.2d 1365].) [2, 3] When defendant in this court requested termination of the appointment of his counsel we were 'not required to demand that defendant, as a prerequisite to appearing in person, demonstrate either the acumen or the learning of a skilled lawyer' (People v. Linden (1959), 52 Cal.2d 1, 17 [3] [338 P.2d 397]) and, having competently elected to represent himself, defendant 'assumes for all purposes connected</p>	<p>concomitant with the role he has undertaken" (People v. Mattson (1959), supra, 51 Cal.2d 777, 794 [17]). People v. Harmon, 54 Cal.2d 9, 16 (1960) No this does NOT mean that YOU PERSONALLY are a Sovereign, only that you stand in the Representative place of sovereign. Lets not get our terms confused with what we WANT them to be. I too would love to be KING, but the truth in Law states that is simply not the case. "It is not the function of our Government to keep the citizen from falling into error; it is the function of the citizen to keep the government from falling into error." (American Communications Association v. Douds, 339 U.S. 382, 442 (1950)</p> <p>The "Private Attorney General" concept holds that a successful private party plaintiff is entitled to recovery of his legal expenses, including attorney fees, if he can advance a policy inherent in public interest legislation on behalf of a significant class of persons. ('Equal Access to Justice Act'; Dasher v. Housing Authority of City of Atlanta, Ga., D.C.Ga., 64 F.R.D. 720, 722) "In the early days of our Republic, 'prosecutor' was simply anyone who voluntarily went before the grand Jury with a complaint." (United States v. Sandford, Fed. Case No.16, 221 (C.Ct.D.C. 1806). "any private citizen acting as Private Attorney General may bring suit against any public official in their private capacity under Rico for crimes against constitutionally protected natural liberty rights, often predicated upon mail and wire fraud, and allows average citizens acting as private attorneys generals to sue those organizations that commit such crimes as part of their private criminal enterprise for damages. There are over 60 federal statutes that encourage private enforcement by allowing prevailing plaintiffs to collect attorney's fees. The object of RICO is thus not merely to compensate victims "but to turn them into prosecutors," acting as "private attorneys generals," dedicated to eliminating racketeering activity, and has the "further purpose [of] encouraging potential private plaintiffs diligently to investigate." (Malley-Duff, 483 U.S., at 151; 3 Id., at 187),</p>

- 26
- 27 . Later that same day, on December 7, 2019 at 12:15 p.m., Amy
- 28 inundated Frank with text messages accusing him of *abducting Gianna*:

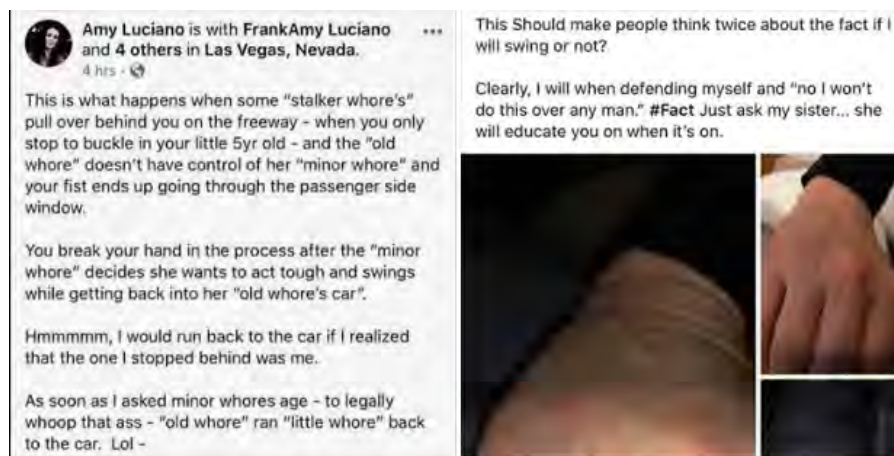


Amy didn't stop there (and the Court should note that during this entire text exchange, *Gianna was in Amy's care and custody*):



1 . On December 30, 2019, Amy no showed for a deposition that had been
2 noticed and filed into the record on December 12, 2019. Undersigned counsel filed
3 a *Motion to Compel* later that same day.
4

5 . On January 12, 2020, Amy took to social media to “brag” about a
6 road rage incident that resulted in a violent physical altercation; all of which took
7 place in front of the parties’ minor daughter, Gianna:
8



17 . On January 14, 2020, Amy told her three sons from a prior relationship
18 (Dylan, Danny, and Devin; the subject minors in Case No. D-12-467098-D) that she
19 was about to be evicted from her Las Vegas residence and that she was planning on
20 moving to Reno, Nevada immediately to live with her mother (Wendy Mazaros).
21

22 . Dylan, Danny, and Devin also reported that earlier that day (January
23 14, 2020), Amy had told them to “get the f--- out of her house”; that “they were all
24 bad boys”; that Amy “no longer wanted them”; and that they “needed to go live
25 with their father (Michael Dziedzic) permanently.”
26
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1 . On January 16, 2020, Amy emptied out her Las Vegas residence
2 (located at 729 Granite Rapids Street, Las Vegas, Nevada 89138):
3



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12 . Also, on January 16, 2020, Amy showed up unannounced at
13 Plaintiff's ("Frank") place of employment (Ford Country in the Valley Automall);
14 made an obnoxious scene in front of customers and Frank's bosses; and demanded
15 that Frank immediately turn over Gianna. Since that day (January 16, 2020) was
16 the first day of Frank's regular custodial period (and since Frank had just picked up
17 Gianna from her preschool for the start of his regular custodial week), he refused
18 and turned Amy away.
19
20
21

22 . Shortly thereafter, Amy contacted the Las Vegas Metropolitan Police
23 Department; levied false allegations of child abduction/concealment against Frank;
24 and had Metro conduct multiple welfare checks on Gianna. Amy's incessant
25 harassment of Frank has continued ever since and it has become abundantly clear
26 that Amy wishes to "keep" Gianna in Reno (after "discarding" Dylan, Danny, and
27 Devin in Las Vegas) without first asking this Court for permission to relocate.
28

1 . On January 17, 2020, Amy had her mother's husband (Carl Mazaros)
2 drop-off the boys' bicycles, clothes, and personal belongings (thrown in trash bags)
3 at Mr. Dziedzic's house:
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15 . On January 18, 2020, without saying goodbye to the boys, Amy left
16 for Reno and hasn't communicated with Dylan, Danny, or Devin since.
17

18 . On January 27, 2020, Amy filed an *Ex Parte Motion* into this case
19 making it perfectly clear how she feels about her sons:
20

21 *"Gianna's half-brothers were bad – and as a mother it is my job*
22 *and duty to ensure they understand that. They need to repent, seek*
23 *and obtain forgiveness for their acts."*

24 . On January 31, 2020, during a hearing before the Discovery
25 Commissioner on Frank's *Motion to Compel* (filed on December 30, 2019); ***Amy***
26 ***had to be escorted out of the courtroom by five Marshals*** after screaming at
27 Commissioner Fic about "being disqualified" from this case ("disqualification"
28

without a basis has become a common theme from Amy in this case; as she has alleged the same thing of both this Court and undersigned counsel). The hearing continued without Amy's participation; and sanctions were levied against Amy.

. On February 2, 2020, Amy filed a *Financial Disclosure Form* into the Joint Petition case Amy initiated in this matter (that this Court has since dismissed; Case No. D-19-590373-Z) claiming that (1) Amy has a Master of Laws Degree (LL.M.); (2) Amy has been diagnosed with a disability (ADD and Asperger's); and that her prior source of employment, Adestria Project, has been fully dissolved (despite the Nevada Secretary of State's website saying otherwise):

GENERAL FINANCIAL DISCLOSURE FORM

A. Personal Information:

1. What is your full name? (first, middle, last) AMY HANLEY LUCIANO
2. How old are you? 43 3. What is your date of birth? 11/16/1976
4. What is your highest level of education? MASTERS - LL.M.

B. Employment Information:

1. Are you currently employed/ self-employed? (check one)
☒ No
☐ Yes If yes, complete the table below. Attached an additional page if needed.

Date of Hire	Employer Name	Job Title	Work Schedule (days)	Work Schedule (shift times)

2. Are you disabled? (check one)
☐ No
☒ Yes If yes, what is your level of disability? Mild-Moderate
What agency certified you disabled? Spunk for Autism Research
What is the nature of your disability? Asperger's and ADHD

C. Prior Employment: If you are unemployed or have been working at your current job for less than 2 years, complete the following information.

Prior Employer: Adestria Group Date of Hire: 04/09/2018 Date of Termination: 02/03/2019
Reason for Leaving: Dismissed and Disagreement

. Interestingly, Amy filed a Financial Disclosure Form into her case against Michael Dzedzic (Case No. D-12-467098-D) in late-2018 claiming that (1) Amy attended "some college"; (2) Amy was not disabled at all; and (3) Amy was earning \$127,500.00 per year from Adestria Project (income that should now be imputed to Amy based on her documented earning potential):

...

GENERAL FINANCIAL DISCLOSURE FORM

A. Personal Information:

1. What is your full name? (*first, middle, last*) Amy C. Hanley-Luciano

2. How old are you? 41 3. What is your date of birth? 11/16/1976

4. What is your highest level of education? Some College

B. Employment Information:

1. Are you currently employed/ self-employed? (*check one*)

☒ No

☐ Yes If yes, complete the table below. Attached an additional page if needed.

Date of Hire	Employer Name	Job Title	Work Schedule (days)	Work Schedule (shift times)
04/09/2018	Adrestia Group, LLC	Executive Director	Mon-Fri	9am-4pm

2. Are you disabled? (*check one*)

☒ No

☐ Yes If yes, what is your level of disability? _____

What agency certified you disabled? _____

What is the nature of your disability? _____

Finally, on February 4, 2020, Amy claimed in open court that she was living in both Reno and Las Vegas; and that her Las Vegas home (at 729 Granite Rapids Street, Las Vegas, Nevada 89138) had not been fully vacated.

Immediately after court, on February 4, 2020, Frank confirmed (through Realtor Shaun Marion) that the Granite Rapids residence is vacant; has been vacant; and is currently listed on the market (**Exhibit 1**). In short, Amy knowingly and willfully lied to this Court and can no longer be trusted.

To top things off, Amy is now communicating from an email account belonging to “Dorta Lawyers” (Frank’s previous last name was Dorta) sending bizarre “cease and desist” letters to undersigned counsel and his staff (**Exhibit 2**).

As noted. on the record. by Frank’s counsel on February 4, 2020, the Court’s temporary custodial Orders should be modified pending trial, based on (1) Amy’s erratic/hysterical behavior (fueled either by narcotics or a regular state of psychosis) directly jeopardizing Gianna’s physical safety; (2) Amy’s deteriorating mental health; (3) Amy abandoning her sons and moving to Reno; and (4) Amy blatantly lying to this Court about still living in Las Vegas (when clearly she does not).

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II.
ARGUMENT AND ANALYSIS

A. The Best Interests and Physical Safety of Gianna Require an Immediate Modification in the Court's Temporary Custodial Orders

As the Court is aware, NRS 125C.0045 states in relevant part:

Court orders; modification or termination of orders; form for orders; court may order parent to post bond if parent resides in or has significant commitments in foreign country.

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

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

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

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

Under NRS 125C.0035, there are several considerations for this Court in determining the best interest of the child. NRS 125C.0035(4) states as follows:

Best interests of child: Joint physical custody; preferences; presumptions when court determines parent or person seeking custody is perpetrator of domestic violence or has committed act of abduction against child or any other child.

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

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

- (b) Any nomination of a guardian for the child by a parent.
- (c) Which parent is more likely to allow the child to have frequent associations and continuing relationship with the noncustodial parent.
- (d) The level of conflict between the parents.
- (e) The ability of the parents to cooperate to meet the needs of child.
- (f) The mental and physical health of the parents.
- (g) The physical, developmental and emotional needs of the child.
- (h) The nature of the relationship of the child with each parent.
- (i) The ability of the child to maintain a relationship with any sibling.
- (j) Any history of parental abuse or neglect of the child or sibling of the child.
- (k) Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.
- (l) Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child.

Analysis of the Best interest Custodial Factors

The following is an analysis of the best interest custodial factors, as they directly apply in the instant case favoring an award of sole custody pending trial:

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

Not an applicable factor, as Gianna is only five (5) years-old.

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

By moving to Reno, Nevada; abandoning her three sons; abandoning Gianna; and leaving Gianna in the sole care and custody of Frank, Amy has effectively nominated Frank as Gianna's guardian.

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

4 Frank understands the increased burden (and firm expectations of the Court)
5 that come with an award of sole or primary physical custody and will follow any/all
6 custodial orders that the Court puts in place to ensure that Gianna has frequent
7 associations with Amy; however, *Gianna is not safe in Amy's care/custody right now.*
8 Frank only wishes for Amy to get better to ensure that Gianna is safe and properly
9 cared for when in Amy's care.
10

11 (d) *The level of conflict between the parties.*
12

13 Due to Amy's apparent detachment from reality, ongoing prescription drug
14 abuse, delusions of grandeur, and woefully poor parental judgment, the level of
15 conflict between the parties remains high and will likely continue to escalate until
16 Amy can get professional help.
17

18 (e) *The ability of the parents to cooperate to meet the needs of the child.*
19

20 Same considerations as above in sub-factor (d).
21

22 (f) *The mental and physical health of the parents.*
23

24 This is likely the most important consideration for the Court at this time.
25 Candidly, Amy is in trouble and in desperate need of professional help to treat her
26 mental illness and addiction issues. The screen captures of Amy's social media
27 activity provided herein – alone – should cause great concern about Amy's state of
28 mind; as should Amy's refusal to participate in the parties' stipulated evaluation.

1 **(g) The physical, developmental, and emotional needs of the children.**

2 As noted previously, *Gianna is not safe in Amy's care/custody*. Notably,
3
4 since being in Frank's sole custody (after Amy's move to Reno), Gianna is now in
5 school full-time; is loving school; has already made many new friends; and is not
6 exhibiting the same behavioral and temperament issues that she did in Amy's care.
7
8 In short, Gianna is finally thriving (and it is undoubtedly due to the *stability* that
9 Frank is able to provide).

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

11 Amy has abandoned Gianna (and her three sons from a prior relationship) by
12 moving to Reno without Court permission to relocate. Conversely, Frank enjoys a
13 wonderfully loving relationship with Gianna. The two recently took a trip to Salt
14 Lake City (where Frank is from); Frank is teaching Gianna how to ride a bike; and
15
16 Frank does everything he can to quench Gianna's thirst for knowledge and
17 information (Gianna is an inquisitive young lady and is now excelling in school).
18
19

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

21 Not an applicable factor.
22

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

25 Amy's refusal to seek treatment for her mental illness; Amy's willingness to
26 take Gianna on "drug deals" for Adderall; and Amy's refusal to enroll Gianna in
27 Kindergarten are all acts of neglect.
28

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

Not an applicable factor.

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

Neither party has engaged in an act of abduction against the children.

B. Child Support

According to Amy's *Financial Disclosure Form* filed into her case against Michael Dziedzic (Case No. D-12-467098-D) in late-2018, Amy earned \$127,500.00 per year at her previous job; income that should now be imputed to Amy based on her documented earning potential. Accordingly, and pursuant to Nevada's new child support guidelines (that went into effect on February 1, 2020) Amy should be ordered to pay Frank \$1,305.00 per month in child support pending trial.

CHILD SUPPORT COMPARISON CALCULATOR									
Parent 1					Parent 2				
FRANK LUCIANO					AMY LUCIANO				
Number of Children: 1									
Custodial Parent: Parent 1									
Parent 1 GMI: \$10,625.00					Parent 2 GMI: \$10,625.00				
New Child Support Formula (Not for tax income payers)									
Parent 1					Parent 2				
1 - 6,000	16.0%	\$	-		1 - 6,000	16.0%	\$	960.00	
6,001 - 10,000	8.0%	\$	-		6,001 - 10,000	8.0%	\$	320.00	
10,001 +	4.0%	\$	-		10,001 +	4.0%	\$	25.00	
BSO: \$				-	BSO: \$				1,305.00
Parent 2 owes: Parent 1					Parent 2				
\$					1,305.00 per month				
Effective rate: 12.28%					of Parent 2's gross monthly income				

1 **C. Attorney's Fees and Costs**

2 Frank is requesting an award of attorney's fees based, in part, on NRS
3
4 18.010(2) should he become the prevailing party:

5 **NRS 18.010 Award of attorney's fees.**

6
7 1. The compensation of an attorney and counselor for his or her services is
8 governed by agreement, express or implied, which is not restrained by law.

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

10 (a) When the prevailing party has not recovered more than \$20,000; or

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

20 3. In awarding attorney's fees, the court may pronounce its decision on the
21 fees at the conclusion of the trial or special proceeding without written motion
and with or without presentation of additional evidence.

22
23 Additionally, pursuant to *Miller v. Wilfong*, 121 Nev. 619, 623-625, 119
24 P.3d 727, 730-731 (2005) and *Brunzell v. Golden Gate National Bank*, 85 Nev.
25 345, 455 P.2d 31 (1969), an *Affidavit and Memorandum of Fees and Costs* to
26 support Frank's request for attorney's fees can be filed upon request by the Court.
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III.
CONCLUSION

WHEREFORE, based upon the foregoing, and for the reasons set forth herein, Frank respectfully requests that the Court:

1. Modify its temporary custodial orders based on the best interests and physical safety of the parties' minor child, Gianna;
2. Award Frank sole legal and physical custody of Gianna pending trial;
3. Establish child support pursuant to Nevada guidelines;
4. Award Frank his attorney's fees and costs; and
5. Award Frank any other relief this Court deems just and appropriate.

DATED Wednesday February 5, 2020.

Respectfully Submitted,

/s/ Alex Ghibaud

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T: (702) 978-7090
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E: alex@glawvegas.com
Attorney for Plaintiff

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- [x] 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;
- [x] By depositing a copy of same in a sealed envelope in the United States Mail, postage pre-paid, in Las Vegas, Nevada;
- [] Pursuant to EDCR 7.26, sent via facsimile by duly executed consent for service by electronic means.

To the following address:

Amy Luciano
729 Granite Rapids Street
Las Vegas, Nevada 89138
Defendant in Proper Person

/s/ Alex Ghibaudo

Alex B. Ghibaud, Esq.
Attorney for Plaintiff

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

FRANK LUCIANO

Plaintiff/Petitioner

vs.

AMY LUCIANO

Defendant/Respondent

Case Number: **D-19-598320-D**Department: **E**

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

Notice: Motions and Oppositions 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:

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> | \$25 | The Motion/Opposition being filed with this form is subject to the \$25 reopen fee. |
| -OR- | | |
| <input checked="" type="checkbox"/> | \$0 | The Motion/Opposition being filed is not subject to the \$25 reopen fee because: |
| | <input type="checkbox"/> | The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered. |
| | <input type="checkbox"/> | The Motion/Opposition is being filed solely to adjust the amount of child support established in a final Order. |
| | <input type="checkbox"/> | The Motion/Opposition is for reconsideration or for a new trial and is being filed with 10 days after a final judgment or Decree was entered. The final Order was entered on: _____. |
| | <input checked="" type="checkbox"/> | Other Excluded Motion |

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

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | \$0 | The Motion/Opposition being filed is not subject to the \$129 or \$57 fee because: |
| | <input checked="" type="checkbox"/> | The Motion/Opposition is being filed in a case not initiated by Joint Petition. |
| | <input type="checkbox"/> | The party filing the Motion/Opposition previously paid a fee of \$129 or \$57 |
| -OR- | | |
| <input type="checkbox"/> | \$129 | The Motion/Opposition 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- | | |
| <input type="checkbox"/> | \$57 | The Motion/Opposition being filed 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: **Frank Luciano**

Date: **02.05.2020**

Signature of Party or Preparer: /s/ Alex B. Ghibaud, Esq.

EXHIBIT 1

EXHIBIT 1

4:14



< 228

729 Granite Rapids



From: Shaun Marion <lvmarion@gmail.com>

Sent: Tuesday, February 4, 2020 3:35 PM

To: JLKLuxury@gmail.com

Subject: Re: 729 Granite Rapids

Oh my gosh, I'm sorry. The home is vacant now.

It will be cleaned by tomorrow and I will be changing the status to Key Any.

Shaun Marion

Team Leader/CEO/Realtor

Keller Williams The Marketplace One

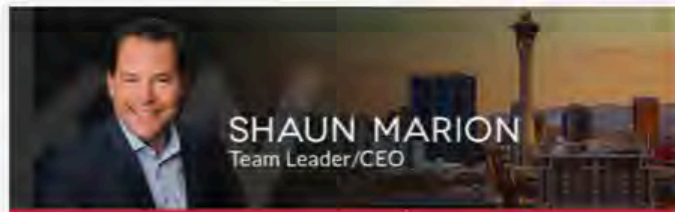
702.592.4485

LVmarion@gmail.com

www.KWsummerlin.com

10000 West Charleston #130

Las Vegas, NV 89135



AA0124

EXHIBIT 2

EXHIBIT 2

Formal notice to Cease and Desist

Consultant Services <consultant@lucky7consultants.com>

Wed 2/5/2020 4:28 PM

To: Alex Ghibaudo <alex@glawvegas.com>

Cc: Mark DiCiero <mark@glawvegas.com>

Ghibaudo,



Cease and desist from disseminating privileged and confidential emails online that are protected by trademarks and patents.

Further, as you are aware - the days of the cartel are over and this madness is to cease immediately. In fact, the location of:

729 Granite Rapids Street, Las Vegas, Nevada 89138 is not to be stalked or harassed any further, the location of:

11512 Regal Rock Place, Las Vegas, NV 89138 is not to be stalked and harassed anymore;

and the address of:

638 John FREMONT Street , Reno, NV 89503 is not to be stalled or harassed anymore.

Should you not cease I will be forced to proceed to federal court for immediate relief. Finally, a petition for confidential records has been prepared to be filed with the Nevada Supreme Court; and, a motion to convert to writ of prohibition is being prepared. Have a good day.

Regards,

/S/AMY HANLEY-LUCIANO

AMY H. LUCIANO, Esq.

DORTA LAW™

ADRESTIA GROUP™

L7CKY Litigation Consultants™

Lucky 7 Holdings LLC™

OUR CHILDREN 1ST FAMILY LAW PROJECT™

JUSTICE 4 ALL™

NEVADA

AA0126

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"It's not what its titled, it's what it does!"™

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Regards,

AMY H. LUCIANO, G.C. (000001)

AMY HANLEY LUCIANO, GENERAL COUNSEL (000017)

ADRESTIA GROUP™

L7CKY Litigation Consultants™

OUR CHILDREN 1ST FAMILY LAW PROJECT™

JUSTICE 4 ALL™

NEVADA

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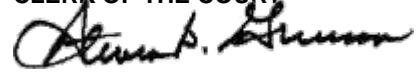
AA0127

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"It's not what its titled, it's what it does!"™

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1 **EXMT**

2 Alex B. Ghibauda, Esq.

3 Nevada Bar No. 10592

4 **ALEX GHIBAUDO, PC**

5 703 South Eighth Street

6 Las Vegas, Nevada 89101

7 T: (702) 978-7090

8 F: (702) 924-6553

9 E: alex@abgpc.com

10 *Attorney for Plaintiff*

11 **EIGHTH JUDICIAL DISTRICT COURT**
12 **FAMILY DIVISION**
13 **CLARK COUNTY, NEVADA**

14 FRANK LUCIANO,

15 Plaintiff,

16 vs.

17 AMY LUCIANO,

18 Defendant.

Case Number: D-19-598320-D

Department: E

19 **PLAINTIFF'S EX PARTE MOTION FOR ORDER SHORTENING TIME**

20 **COMES NOW**, Plaintiff FRANK LUCIANO, by and through his Attorney
21 of Record, Alex B. Ghibauda, Esq. of *Alex Ghibauda, PC*, and hereby files this *Ex*
22 *Parte Motion for an Order Shortening Time*, pursuant to EDCR 5.513.

23 **DATED** Sunday February 9, 2020.

24 */s/ Alex Ghibauda*

25 **Alex B. Ghibauda, Esq.**

26 *Attorney for Plaintiff*

1 **DECLARATION OF ALEX B. GHIBAUDO, ESQ.**

2 **I, ALEX GHIBAUDO, hereby declare under penalty of perjury:**

3
4 1. I am the Attorney of Record for the Plaintiff (“Frank”) in this action.

5 2. I am competent to testify to the facts set forth in this Declaration.

6
7 3. During the parties’ most-recent hearing, on February 4, 2020, the
8 Court ordered that based on Frank’s concerns regarding Defendant (“Amy”)
9 moving to Reno, Amy was to provide Frank with a current address prior to her
10 next visitation period with the parties’ minor child (“Gianna”); which was set to
11 begin two days later, on February 6, 2020.

12
13 4. The Court further ordered that Frank had permission to enter Amy’s
14 home to ensure there were appropriate accommodations and/or food for Gianna.

15
16 5. The Court further ordered that if Amy was not residing at the address
17 she provided, then Frank would be authorized to withhold Gianna.

18
19 6. Immediately after the February 4, 2020 hearing, both Frank and
20 undersigned counsel asked Amy to disclose her current address. Amy responded
21 by email (**Exhibit 1**) and insisted that she still resided at the Granite Rapids address
22 (729 Granite Rapids Street, Las Vegas, Nevada 89138) during her custodial weeks
23 with Gianna; and that she stayed at her Reno address during her non-custodial
24 weeks with Gianna (10628 Foxberry Park Drive, Reno, Nevada 89521).

25
26
27 7. Later that same day, Frank drove by the Granite Rapids address and
28 noted that the property had been completely vacated and that a real estate agent

1 had a lock box on the front door (the same information undersigned placed on the
2 record during the February 4, 2020 hearing). Frank knocked on the door and rang
3 the bell; no one answered.
4

5 8. Frank then contacted Shaun Marion (of Keller Williams Realty) and
6 Jamie Kiger (of Sotheby's International Realty) to check on the status of the Granite
7 Rapids property. Both agents confirmed that the property is vacant; has been
8 professionally cleaned; and is currently listed on the market (**Exhibit 2**).
9

10 9. On February 5, 2020, pursuant to the Court's Order, Frank advised
11 Amy that he would not be dropping-off Gianna, the following day, for the start of
12 Amy's custodial week; and that he would be filing a Motion to address the Court's
13 temporary custodial orders (which undersigned filed later that same day).
14

15 10. On February 6, 2020, Amy showed up unannounced at Frank's place
16 of employment (Ford Country in the Valleyautomall); made an obnoxious scene;
17 demanded to be given Gianna; and then levied verbal threats in front of Ford
18 Country sales managers, sales associates, and even Frank's boss (something Amy
19 had also done on January 16, 2020).
20

21 11. Later that evening, Amy inundated Frank with *dozens* of emails and
22 text messages that are rambling, erratic, and incoherent in nature; messages that
23 appear to be fueled by some level of psychosis or other mental illness (**Exhibit 3**).
24

25 12. On February 7, 2020, Amy and a friend showed up at Gianna's school
26 (Cunningham Elementary) demanding that the school turn-over Gianna. Concerned
27
28

1 by Amy's belligerent demeanor and appearance, the school contacted Frank and
2 asked him to come to the school as soon as possible. Frank left work immediately;
3 as soon as Frank arrived at the school, Amy and her friend left. Notably, the friend
4 Amy brought with her to Gianna's school (Julie Hammer) is presently on house
5 arrest and *facing charges for kidnapping/child abduction* (District Court Case No.
6 C-19-338469-1 and Family Court Case No. D-12-469416-D).
7
8

9 13. Later that evening, Amy showed up at Frank's apartment (3800 South
10 Nellis Boulevard, Las Vegas, Nevada 89121); began screaming; and proceed to
11 kick Frank's front door. The Las Vegas Metropolitan Police Department quickly
12 arrived; asked Frank if Amy suffered from mental illness; and proceeded to escort
13 Amy off the property. Officers advised that Frank should obtain a Temporary
14 Protective Order, as soon as possible (LVMPD Event No. LLV200200033432).
15
16

17 14. Later that evening, Frank found a note from Amy (written on the back
18 of a receipt) that she left on Frank's door *after police had left* stating in part, "*I still*
19 *love you ... but now ... we both go!*" (see **Exhibit 4**).
20

21 15. Later that evening, and throughout the day of February 8, 2020, Amy
22 continued with her non-stop texting and emailing of Frank (see **Exhibit 5**).
23

24 16. On February 9, 2020, a friend of Amy's (who had been trying to
25 convince Amy to get some professional help) reached out to undersigned counsel
26 and indicated that Amy may be living in Utah (see **Exhibit 6**).
27
28

...

17. Based on the facts set forth herein, Frank and undersigned counsel have become *extremely concerned* with regard to Amy's state of mental health and Gianna's physical safety (should Amy pick Gianna up from school and flee to Reno; or somewhere else for that matter).

18. Undersigned is compelled to remind the Court that, on January 12, 2020, Amy took to social media to “brag” about a road rage incident that resulted in a violent physical altercation; all of which took place in front of Gianna (while Gianna was not properly secured in her car seat).


19. On January 17, 2020, Amy abandoned her three sons from a prior relationship; had a family member drop-off all of their belongings at their father's house (Michael Dziedzic); and fled to Reno without saying goodbye.

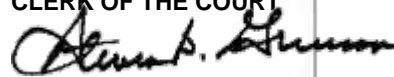
20. On January 31, 2020, Amy had to be removed from a Motion to Compel hearing in front of Hearing Master Holly Fic, *by five Court Marshals*, after becoming belligerent with the Court (Amy also became belligerent in front of Judge Pomrenze, two days earlier, on January 29, 2020).

21. Based on the current circumstances, I ask that this matter be given priority on the Court's calendar. This Declaration is submitted in good faith.

I declare under penalty of perjury under the laws of the State of Nevada (NRS 53.045 and 28 U.S.C. § 1746), that the forgoing is true and correct.

DATED Sunday February 9, 2020.


Alex B. Ghibaud, Esq.



ORDR

Alex B. Ghibaud, Esq.
Nevada Bar No. 10592
ALEX GHIBAUDO, PC
703 South Eighth Street
Las Vegas, Nevada 89101
T: (702) 978-7090
F: (702) 924-6553
E: alex@abgpc.com
Attorney for Plaintiff

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

FRANK LUCIANO,

Plaintiff,

Case Number: D-19-598320-D
Department: E

vs.

AMY LUCIANO,

Defendant.

ORDER SHORTENING TIME

The Court, having reviewed *Plaintiff's Ex Parte Motion for an Order Shortening Time*, and good cause appearing:

IT IS HEREBY ORDERED that the time for hearing *Plaintiff's Motion to Modify the Court's Temporary Custodial Orders; to Establish Child Support; and for Attorney's Fees and Costs* is hereby shortened and shall be heard before the Eighth Judicial District Court, at the Family Court Division, Department E, located at 601 N. Pecos Rd., Las Vegas, Nevada 89101, on the following date/time:

1
2 New Hearing Date:

February 20, 2020

3
4 New Hearing Time:

10:00 a.m.

5
6 **IT SO ORDERED** this 14th day of February 2020.

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HONORABLE CHARLES HOSKIN
CHARLES J. HOSKIN

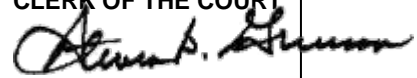
Respectfully Submitted:

/s/ Alex Ghibauda

Alex B. Ghibauda, Esq.
Nevada Bar Number: 10592
ALEX GHIBAUDO, PC
703 South Eighth Street
Las Vegas, Nevada 89101
T: (702) 978-7090
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E: alex@abgpc.com
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
2/18/2020 8:01 AM
Steven D. Grierson
CLERK OF THE COURT



Frank Luciano, Plaintiff
vs.
Amy Luciano, Defendant.

Case No.: D-19-598320-D
Department E

AMENDED NOTICE OF HEARING

Please be advised that the Plaintiff's Motion to Modify the Courts Temporary Custodial Orders; to Establish Child Support; and for Attorney's Fees and Costs in the above-entitled matter is reset (ORDER SHORTENING TIME) for hearing as follows:

Date: February 20, 2020
Time: 10:00 AM
Location: Courtroom 02
Family Courts and Services Center
601 N. Pecos Road
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/ Cecilia Dixon
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/ Cecilia Dixon
Deputy Clerk of the Court

AA0136

Steven D. Grierson

ORDR

Alex B. Ghibaud, Esq.
Nevada Bar Number: 10592

ALEX GHIBAUDO, PC

703 South Eighth Street
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E: alex@abgpc.com

Attorney for Plaintiff

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

FRANK LUCIANO,

Plaintiff,

vs.

AMY LUCIANO,

Defendant.

Case Number: D-19-598320-D

Department: E

ORDER FROM FEBRUARY 20, 2020 HEARING

THIS MATTER came before the Honorable Charles Hoskin on February 20, 2020 at 10:00 a.m. for hearing on *Plaintiff's Motion to Modify the Court's Temporary Custodial Orders; to Establish Child Support; and for Attorney's Fees and Costs*. Plaintiff FRANK LUCIANO was present at the hearing, represented by his Attorney of Record, Alex Ghibaud, Esq. ~~and Michaney Cramer, Esq.~~ Defendant AMY LUCIANO was not present.

...

1 The Court having reviewed the papers, pleadings, and other documents filed
2 in this case, by all parties hereto, and having heard any oral arguments presented;
3 and good cause appearing therefore:

4 **THE COURT HEREBY FINDS** that Defendant ~~deliberately~~ withheld the
5 parties' minor child from Plaintiff on his custodial time.
6

7 ~~THE COURT FURTHER FINDS~~ that Defendant is deliberately and
8 willfully evading service of papers and pleadings in this matter.

9 **THE COURT FURTHER FINDS** that ^{it appears that} Defendant ~~knowingly and~~
10 ~~deliberately~~ misrepresented to the Court where she physically resides.
11

12 **IT IS HEREBY ORDERED** that Plaintiff shall be awarded temporary
13 SOLE LEGAL and SOLE PHYSICAL custody of the parties' minor child, Gianna
14 Hanley Luciano (dob: September 24, 2014), pending further Order of this Court.

15 **IT IS FURTHER ORDERED** that child support is ^{SUSPENDED} ~~WAIVED~~ pending the
16 parties' non-jury trial currently set for May 19, 2020.

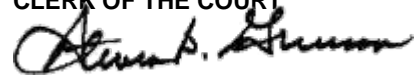
17 **IT IS FURTHER ORDERED** that Plaintiff's request for attorney's fees is
18 also DEFERRED to the parties' non-jury trial.
19

20 **IT IS SO ORDERED** this 20th day of February 2020.
21

22
23 
HONORABLE CHARLES HOSKIN


24 Respectfully Submitted:
25

26 
27 **Alex B. Ghibaud, Esq.**
28 *Attorney for Plaintiff*



PMEM

Alex B. Ghibaudo, Esq.
Nevada Bar No. 10592
ALEX GHIBAUDO, PC
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E: alex@abgpc.com
Attorney for Plaintiff

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

FRANK LUCIANO,

Plaintiff,

vs.

AMY LUCIANO,

Defendant.

Case Number: D-19-598320-D
Department: E

Date of Hearing: May 19, 2020
Time of Hearing: 1:30 p.m.

PLAINTIFF'S PRE-TRIAL MEMORANDUM

COMES NOW, Plaintiff FRANK LUCIANO, by and through his Attorney of Record, Alex Ghibaudo, Esq., of *Alex Ghibaudo, PC*, and hereby submits *Plaintiff's Pre-Trial Memorandum* in preparation of the parties' Evidentiary Hearing scheduled for May 19, 2020 at 1:30 p.m.

DATED Monday May 4, 2020.

/s/ Alex Ghibaudo

Alex B. Ghibaudo, Esq.
Attorney for Plaintiff

1 I.
2 **STATEMENT OF ESSENTIAL FACTS**

- 3 1. Name of Plaintiff: Frank Luciano (age 34).
4
5 2. Name of Defendant: Amy Luciano (age 43).
6
7 3. Names of Children: Gianna Luciano (age 5).
8
9 3. Date of Marriage: November 18, 2017.
10
11 4. Resolved Issues: None.
12
13 5. Unresolved Issues:
14 . Legal Custody of Gianna
15 . Physical Custody of Gianna
16 . Child Support
17 . Attorney's Fees and Costs

18 II.
19 **PRELIMINARY MATTERS**

20 As the Court may recall, on February 13, 2020 (one week before the parties'
21 previous hearing before this Court), Amy showed up unannounced at Gianna's
22 school; unilaterally removed Gianna from school; and immediately fled to the State
23 of Utah (all without any notice or communication to Frank). After law enforcement
24 in both Nevada and Utah became involved, Amy finally returned Gianna to Frank,
25 on February 16, 2020, with bruises on Gianna's face. Four days later, on February
26 20, 2020, Amy was a no-show for court and Frank was granted sole legal and sole
27 physical custody of Gianna pending further order of the Court; more specifically:
28

1 **THE COURT HEREBY FINDS** that Defendant withheld the parties' minor
2 child from Plaintiff on his custodial time.

3 **THE COURT FURTHER FINDS** that it appears that Defendant
4 misrepresented to the Court where she physically resides.

5 **IT IS HEREBY ORDERED** that Plaintiff shall be awarded temporary
6 SOLE LEGAL and SOLE PHYSICAL custody of the parties' minor child,
7 Gianna Hanley Luciano, pending further Order of this Court.

8 **IT IS FURTHER ORDERED** that child support is SUSPENDED pending
9 the parties' non-jury trial currently set for May 19, 2020.

10 **IT IS FURTHER ORDERED** that Plaintiff's request for attorney's fees is
11 also DEFERRED to the parties' non-jury trial.

12 Since the parties' February 20, 2020 hearing: (1) Amy has threatened to kill
13 Frank;¹ (2) Amy has become homeless;² (3) Amy has harassed administrators at
14 Cunningham Elementary (where Gianna attends Kindergarten);³ (4) Amy has
15 harassed Frank at his home and work;⁴ (5) Amy has continued to refuse to
16 participate in a psychological evaluation (as ordered by the Court); and (6) Amy has
17 continued to refuse to participate in the discovery process.

19
20 ¹ In text messages sent to Frank on April 6, 2020, Amy said, "Listen sweetheart I don't care; how about
that; in fact ***I am going to go an fucking kill your ass***; watch what I do now."

21 ² Amy's purported address of 729 Granite Rapids Street, Las Vegas, Nevada 89138
22 has been vacant since 01/16/2020 (and was sold on 04/03/20);

23 Amy's purported address of 11512 Regal Rock Place, Las Vegas, Nevada 89138
has been vacant since 12/1/2020 (and was sold on 02/11/2020); and,

24 Amy's purported address of 10628 Foxberry Park Drive, Reno, Nevada 89521
25 belongs to family members that Amy no longer speaks with; mail sent to this address has been returned.

26 ³ At the request of school administrators, the Las Vegas Metropolitan Police Department removed Amy
27 from campus on March 12, 2020. LVMPD reported that, during their altercation with Amy, she
claimed to be a "lawyer"; then a "judge"; and that she was "dismissing" Cunningham's Principal.

28 ⁴ Since this litigation commenced in October 2019, Frank has been forced to contact LVMPD for
assistance at work (and at home) on more than a dozen different occasions.

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III. DISCOVERY ISSUES

With regard to discovery, three different *Discovery Commissioner's Report and Recommendations* (DCRR's) have been entered in this case; each of which was ultimately adopted and accepted as the formal Order of the Court.

On February 12, 2020, the first DCRR was entered (and adopted by Order of the Court on March 10, 2020) with the following findings and recommendations:

Defendant attempted to refuse service, became belligerent, and the Court had Defendant removed from the court by five (5) Court Marshals. The hearing continued without Defendant present. The Court then reviewed the normal procedures in her courtroom and summarized the events of today's hearing.

ALTERNATE HEARING MASTER HEREBY FINDS that Defendant failed to appear for her deposition that was noticed for December 30, 2019.

ALTERNATE HEARING MASTER FURTHER FINDS that the Complaint for Divorce was filed on October 21, 2019; and that NRCP 16.2 requirements start with the filing of the Financial Disclosure Form (FDF) which is due within 30-days of the service of the Complaint and Summons.

ALTERNATE HEARING MASTER HEREBY FINDS that on December 30, 2019, Defendant was served with the Request for NRCP 16.2 Admissions, Interrogatories, Request for Production of Documents and the Deposition Subpoena once again (the Court noted that Defendant filed a Motion to Disqualify Plaintiff's Attorney, Alex Ghibaud, Esq., thereafter).

ALTERNATE HEARING MASTER HEREBY FINDS that Defendant needs to appear at her Deposition; that EDCR 5.602 was not met as to the Deposition and Attorney Ghibaud did not reach out to Defendant before her Deposition by phone or in person meetings; however, there were emails (Attorney Cramer stated they don't have the ability to do that with this Defendant and that Attorney Ghibaud made every reasonable effort to attempt a Meet and Confer but Defendant simply makes herself unavailable).

1 **ALTERNATE HEARING MASTER HEREBY FINDS** that with
2 Plaintiff's Motion to Compel (filed on December 30, 2019) there is a
3 Certificate of Service attached (also dated December 30, 2019); that
4 Defendant's Opposition was due by January 13, 2020; and that there was no
5 Opposition filed. Therefore, pursuant to EDCR 5.502, the Court could deem
6 the Motion meritorious because Defendant failed to file an Opposition which
7 was due by January 13, 2020.

8 **IT IS THEREFORE RECOMMENDED** that Plaintiff's request for
9 Sanctions shall be GRANTED. Defendant shall be SANCTIONED \$100.00
10 for not appearing at her December 30, 2019 deposition.

11 **IT IS FURTHER RECOMMENDED** that Defendant shall have the
12 opportunity to OBJECT to the findings since she is not present.

13 **IT IS FURTHER RECOMMENDED** that Attorney Ghibaudo shall
14 SUPPLEMENT the record with an Affidavit stating why he believed that
15 efforts to have an in person meeting or telephone call with Defendant would
16 have been futile pursuant to EDCR 5.602. Said Affidavit shall be served
17 upon the Defendant.

18 **IT IS FURTHER RECOMMENDED** that Attorney Ghibaudo shall file his
19 argument for Attorney's Fees/Costs wherein he sets forth the Brunzell
20 Factors; and attach his invoice for the Fees and Costs that he is asking for.
21 Defendant shall be SERVED with said request and can be served by
22 electronic service because she has registered for it. Defendant shall have five
23 straight days to object to the request. On the sixth (6th) day the Court will
24 review the pleadings and determine whether or not to award Attorney's Fees.

25 **IT IS FURTHER RECOMMENDED** that based on Defendant's FAILURE
26 TO RESPOND to the December 27, 2019 served NRCP 16.2 Admissions,
27 Interrogatories and Request for Production of Documents. If Defendant fails
28 to answer or respond, then Attorney Ghibaudo shall file a Motion to Compel;
and have his EDCR 5.602 call or in-person meeting (or state why it is futile)
prior to filing his Motion to Compel.

IT IS FURTHER RECOMMENDED that Defendant MUST appear at a
DEPOSITION. Said Deposition shall be noticed for after the February 4,
2020 hearing for disqualification (to make sure counsel is going to stay in the

1 case); and a Status Check shall be set for after that time. The Deposition
2 shall be noticed between February 5, 2020 and February 20, 2020 (if
3 Attorney Ghibaudo is still Plaintiff's attorney).

4 On April 15, 2020, the second DCRR was entered (and adopted by Order of
5 the Court on April 30, 2020) with the following findings and recommendations:
6

7 **THE COURT NOTED** that it attempted to get Defendant AMY LUCIANO
8 on the telephone twice for today's hearing but Defendant became belligerent
9 with the Court; was disrespectful with Court staff; and continued to talk over
10 the Court while ranting about the Court process and her refusal to participate
11 in the proceedings (Defendant wouldn't even allow the Court to call the
12 case). Accordingly, the Court had no choice but to terminate the call and
13 move forward without Defendant's involvement (video cite 1:37:20).

14 **THE COURT FURTHER NOTED** that at the parties' previous hearing
15 before the Discovery Commissioner, on January 31, 2020, Defendant had to
16 be removed from the courtroom by five (5) Court Marshals after similar
17 behavior, including screaming and yelling at the Court (video cite 1:42:05).

18 **THE ALTERNATE HEARING MASTER HEREBY FINDS:**

19 1) That Defendant contacted Court staff claiming she did not receive
20 service of Plaintiff's Motion. Based on the Court's review of the record, the
21 Court does NOT find that claim to be credible (video cite 1:38:24);

22 2) That the first *Discovery Commissioner's Report and Recommendations*
23 from the parties' January 31, 2020 discovery hearing (filed on March 12,
24 2019) is now an Order of the Court (video cite 1:38:40);

25 3) That Defendant was given an opportunity to object to the first *Report*
26 *and Recommendations*, but chose not to do so (video cite 1:39:00);

27 4) That, as previously discussed at the parties' January 31, 2020 hearing,
28 Defendant was properly served with NRCP 16.2 Requests for Admissions,
Interrogatories, Requests for Production of Documents, and a Deposition
Subpoena; and is failing to cooperate in discovery (video cite 1:39:20);

1 5) That the address that the Court has on file for the Defendant is 729
2 Granite Rapids Street, Las Vegas, Nevada 89138 (video cite 1:39:40);

3 6) That based upon the *Certificate of Service* attached to Plaintiff's
4 Motion, said Motion was served via e-service and by regular mail to
5 Defendant's Las Vegas address on February 5, 2020 (video cite 1:39:55);

6 7) That out of abundance of caution, Attorney Ghibaudo served
7 Defendant again, on February 6, 2020, via e-service and by regular mail to
8 both Defendant's Las Vegas and Reno address (video cite 1:40:08);

9 8) That at the parties' January 31, 2020 hearing, the Discovery
10 Commissioner advised that a *Motion to Compel* would need to be filed to
11 address Defendant's refusal to provide discovery responses (which were due
12 in late January); Plaintiff's counsel filed that Motion on February 5, 2020
(video cite 1:40:54);

13 9) That Plaintiff's Motion is meritorious, pursuant to EDCR 5.502, based
14 on Defendant not filing a written Opposition thereto (video cite 1:41:16);

15 10) That service of Plaintiff's Motion was effected; Defendant's claims to
16 the contrary are not credible; and the Court is moving forward (video cite
17 1:41:50);

18 11) That EDCR 5.602 was met by Attorney Ghibaudo in attempting to
19 conduct a telephone conference with Defendant, which also had to be
20 terminated based on Defendant's behavior (video cite 1:43:00); and,

21 12) That Defendant's *Motion to Disqualify* Attorney Ghibaudo was
22 DENIED by Judge Hoskin on February 4, 2020 (video cite 1:43:27).

23 **IT IS THEREFORE RECOMMENDED** that Defendant shall have until
24 March 27, 2020 at 5:00 p.m. to fully answer *Plaintiff's First Set of*
25 *Interrogatories* and *Plaintiff's First Set of Requests for Production of*
26 *Documents*; otherwise, NRCp 37(c)(1) shall be applied and Defendant will not
be allowed to present any witnesses or documents related to discovery at trial.

27 **IT IS FURTHER RECOMMENDED** that, pursuant to EDCR 5.502,
28 Plaintiff's Motion shall be deemed MERITORIOUS (video cite 1:41:16).

1 **IT IS FURTHER RECOMMENDED** that any/all objections to *Plaintiff's*
2 *First Set of Interrogatories* and *Plaintiff's First Set of Requests for*
3 *Production of Documents* shall be deemed WAIVED (video cite 1:42:39).

4 **IT IS FURTHER RECOMMENDED** that *Plaintiff's First Set of Requests*
5 *for Admissions* shall be deemed ADMITTED (video cite 1:42:42).

6 **IT IS FURTHER RECOMMENDED** that Defendant must comply with
7 NRCP 16.2 mandatory disclosures, pursuant to Attorney Ghibaudo's
8 December 20, 2019 letter to Defendant (attached as Exhibit 1 – Nos. 1
9 through 9 – to Plaintiff's Motion to Compel) (video cite 1:42:45).

10 **IT IS FURTHER RECOMMENDED** that Plaintiff's request for Attorney's
11 Fees and Costs shall be GRANTED. Attorney Cramer shall submit an
12 Affidavit addressing the *Brunzell* factors along with redacted invoices so the
13 Court may award the appropriate fees and costs (video cite 1:43:40).

14 **IT IS FURTHER RECOMMENDED** that Plaintiff's *Motion for Case-*
15 *Ending Sanctions* to address Defendant's second non-appearance for her
16 deposition shall move forward on March 27, 2020 at 1:00 p.m. The Court
17 will not entertain argument from Defendant at that time regarding the Motion
18 to Compel on for today's hearing (video cite 1:44:10).

19 On April 15, 2020, the third DCRR was entered (and adopted by Order of
20 the Court on April 30, 2020) with the following findings and recommendations:

21 **THE COURT NOTED** that no Opposition and/or Countermotion was filed
22 by Defendant; that no Notice of Intent to Appear Telephonically was filed by
23 Defendant; and that Defendant did not call the department to indicate that the
24 Court should call her for today's hearing.

25 **THE COURT FURTHER NOTED** that during the parties' previous
26 hearing before the Discovery Commissioner, on March 20, 2020, the Court
27 attempted to get Defendant on the telephone twice but Defendant became
28 belligerent with the Court; was disrespectful with Court staff; and continued
to talk over the Court while ranting about the Court process and her refusal
to participate in the proceedings. Accordingly, the Court had no choice but
to terminate the call and move forward without Defendant's involvement.

1 **THE COURT FURTHER NOTED** that during the parties' January 31,
2 2020 hearing before the Discovery Commissioner, Defendant had to be
3 removed from the courtroom by five (5) Court Marshals after similar
4 behavior, including screaming and yelling at the Court.

5 **THE ALTERNATE HEARING MASTER HEREBY FINDS:**

6 1) That there was proper service of *Plaintiff's Motion for Case-Ending*
7 *Discovery Sanctions; to Strike Defendant's Answer and Enter a Default*
8 *Judgment Against Defendant; for Monetary Sanctions; and for an Award of*
9 *Attorney's Fees and Costs* upon Defendant (pursuant to the *Certificate of*
 Service attached to Plaintiff's Motion) on February 19, 2020;

10 2) That there was proper service of the *Notice of Hearing* upon
11 Defendant (pursuant to the *Certificate of Service* filed separately) on
12 February 20, 2020;

13 2) That pursuant to EDCR 5.602, the Court could deem Plaintiff's
14 Motion as meritorious based on Defendant not filing an Opposition thereto;
15 however, Judge Hoskin denied a similar Motion on February 4, 2020. In that
16 regard, the Court will stay consistent with Judge Hoskin's ruling and will not
 circumvent his denial; and,

17 3) Plaintiff's counsel may reserve these issues for Judge Hoskin and
18 bring them back before Judge Hoskin at the appropriate time.

19 **IT IS THEREFORE RECOMMENDED** that SANCTIONS shall be
20 IMPOSED upon Defendant, in the amount of \$500.00, for missing her
21 second deposition on February 19, 2020.

22 **IT IS FURTHER RECOMMENDED** that *Plaintiff's Motion for Case*
23 *Ending Sanctions* shall be DENIED.

24 **IT IS FURTHER RECOMMENDED** that the Court will allow Plaintiff to
25 RESERVE these issues for Judge Hoskin.

26 **IT IS FURTHER RECOMMENDED** that Attorney Cramer shall be
27 awarded ATTORNEY'S FEES and COSTS for the second missed deposition;
28 for the drafting of the Motion; and for all of the costs associated therewith.

1 **IT IS FURTHER RECOMMENDED** that if Plaintiff's counsel sets a third
2 deposition and Defendant fails to appear, she will be responsible for all costs.
3 If the deposition takes place upon the closure of discovery, it shall be
4 deemed waived.

5 **IT IS FURTHER RECOMMENDED** that Plaintiff's request for Attorney's
6 Fees shall be GRANTED. Attorney Cramer shall submit a *Memorandum of*
7 *Fees and Costs* and an Affidavit addressing the *Brunzell* factors along with
8 redacted invoices so the Court may award the appropriate fees and costs.

9 Based on the foregoing, the following *Requests for Admissions* (served on
10 Defendant on December 30, 2019) are deemed ADMITTED:

11 **Request for Admission No. 1:**

12 Admit that you are mentally ill.

13
14 **Request for Admission No. 2:**

15 Admit that you are a drug addict.

16
17 **Request for Admission No. 3:**

18 Admit that, *in the past*, you have been addicted to amphetamines.

19
20 **Request for Admission No. 4:**

21 Admit that you are *currently* addicted to amphetamines.

22
23 **Request for Admission No. 5:**

24 Admit that, *in the past*, you have been addicted to opiates.

25
26 **Request for Admission No. 6:**

27 Admit that you are *currently* addicted to opiates.

28 ...

1 **Request for Admission No. 7:**

2 Admit that you currently take psychotropic medications.

3
4 **Request for Admission No. 8:**

5 Admit that you have engaged in “doctor shopping” to obtain multiple
6 prescriptions for the same controlled substances.

7 **Request for Admission No. 9:**

8 Admit that you have taken ADHD medication prescribed to your son,
9 Danny, when your psychotropic prescriptions have run out.

10
11 **Request for Admission No. 10:**

12 Admit that you were evicted from your home in December 2018
13 (approximately one week before Christmas).

14 **Request for Admission No. 11:**

15 Admit that the December 2018 eviction was the result of you not paying bills
16 (that Frank gave you money specifically for) and spending the money on
17 drugs instead.

18
19 **Request for Admission No. 12:**

20 Admit that you have purchased Adderall from drug dealers (including, but
21 not limited to Shane Peterson).

22 **Request for Admission No. 13:**

23 Admit that you have purchased opiates from drug dealers (including, but not
24 limited to, Shane Peterson).

25
26 **Request for Admission No. 14:**

27 Admit that you have taken Gianna with you, in the car, on various drug deals
28 to score pills.

1 **Request for Admission No. 15:**

2 Admit that you have sold Adderall to lawyers.

3
4 **Request for Admission No. 16:**

5 Admit that you have sold opiates to lawyers.

6
7 **Request for Admission No. 17:**

8 Admit that you frequently portray yourself as a lawyer (identifying yourself
9 as “General Counsel” and “Esquire”).

10 **Request for Admission No. 18:**

11 Admit that you are not a lawyer.

12
13 **Request for Admission No. 19:**

14 Admit you are currently being investigated for unauthorized practice of law.

15
16 **Request for Admission No. 20:**

17 Admit that you are willfully unemployed.

18 **Request for Admission No. 21:**

19 Admit that you have engaged in judicial interference (including, but not
20 limited to, orchestrating the recusal of Judge Gayle Nathan in your Dziedzic
21 divorce action).

22 **Request for Admission No. 22:**

23 Admit that you removed Gianna from Kindergarten at Doral Academy
24 without Frank’s knowledge or consent.

25
26 **Request for Admission No. 23:**

27 Admit that you frequently stay up until the wee of hours of the morning
28 drafting legal papers and/or posting nonsensical rantings to social media.

1 **Request for Admission No. 24:**

2 Admit that you frequently have “friends” over to the house late at night
3 (while the children are sleeping) to discuss Family Court litigation and/or
4 draft pleadings.

5 **Request for Admission No. 25:**

6 Admit that you frequently sleep until the late hours of the morning (or early
7 afternoon) leaving Gianna, Dylan, Danny, and Devin to fend for themselves.

8 **Request for Admission No. 26:**

9 Admit you frequently leave Gianna, Dylan, Danny, and Devin unattended.
10

11 **Request for Admission No. 27:**

12 Admit that you were also evicted from your home in 2016 (resulting in you
13 moving in with your mother).
14

15 **Request for Admission No. 28:**

16 Admit that, in 2016, Frank took you to Summerlin Hospital for drug
17 detoxification and rehab.

18 **Request for Admission No. 29:**

19 Admit that, in 2018, Frank came home to find you passed out in the backyard
20 (while Gianna was in your care) due to a near overdose.
21

22 **Request for Admission No. 30:**

23 Admit that, after being evicted from your home in 2018, you stayed in a
24 house belonging to Douglas Ansell (your former employer and a convicted
25 sex offender).

26 **Request for Admission No. 31:**

27 Admit that, in January 2019, you left what appeared to be a suicide note to
28 Frank; written in lipstick on your bathroom mirror.

1 **Request for Admission No. 32:**

2 Admit that, shortly thereafter, you once again entered a drug rehab facility.

3
4 **Request for Admission No. 33:**

5 Admit that rehab stints have not been successful in treating your addiction(s).

6
7 **Request for Admission No. 34:**

8 Admit that, ultimately, your goal is to relocate to Reno with Gianna.

9 **Request for Admission No. 35:**

10 Admit that you do not value Frank as a partner in parenting.

11
12 **Request for Admission No. 36:**

13 Admit that Frank is a loving and caring father to Gianna.

14
15 **Request for Admission No. 37:**

16 Admit that Frank is a fit and proper candidate to have primary physical
17 custody of Gianna.

18 **Request for Admission No. 38:**

19 Admit that Frank values your relationship with Gianna and will
20 encourage/foster frequent associations between you and Gianna (even with
21 Frank having primary physical custody of Gianna).

22
23 **Request for Admission No. 39:**

24 Admit that you are primarily to blame for the high level of conflict that
25 presently exists between Frank and yourself.

26 **Request for Admission No. 40:**

27 Admit that you have withheld Gianna from Frank (even *after* the Court
28 entered a temporary custodial timeshare).

1 Also based on the foregoing, any/all objections Amy may have to the
2 *Interrogatories and Requests for Production of Documents* (also served on her on
3 December 30, 2019) are deemed WAIVED.
4

5
6 **IV.**
CHILD CUSTODY

7 Frank is requesting SOLE LEGAL and SOLE PHYSICAL custody of Gianna
8 based on the papers and pleadings on file; and based on the events that have taken
9 place since this litigation commenced. In this regard, Frank submits the following
10 initial fact pattern and subsequent timeline for the Court's consideration:
11
12

13 1) Frank and Amy met through mutual acquaintances and started dating
14 in, or around, September 2013;
15

16 2) Gianna was born on September 24, 2014 in Las Vegas, Nevada; and is
17 currently five (5) years-old.
18

19 3) Shortly before this filing, Amy pulled Gianna out of Kindergarten
20 (without Frank's knowledge or consent) and is refusing to send the child to school.
21

22 4) Shortly before this filing, Frank also learned that Amy does not have
23 food in the house for Gianna (or the boys) and is not keeping the house clean;
24

25 5) Shortly before this filing, Frank learned that Amy stays up until 4:00
26 or 5:00 a.m. and sleeps most of the day (leaving the kids unattended);
27

28 6) In early-2016, Frank discovered text messages on Amy's cellphone
documenting frequent late-night drug deals (*sometimes conducted with Gianna in*

1 *Amy's vehicle*) arranging meet-ups for the pick-up and/or drop-off of various
2 controlled substances.

3
4 7) In the text messages, Amy is seen negotiating the trafficking of "20's"
5 and "30's" of "addy's" (20mg and 30mg doses of Adderall) along with batches of
6 "blues" (Oxycodone pills) for herself and "other lawyer" friends.

7
8 8) In mid-2016, Amy was evicted from her house and was forced to
9 move in with her mother (Wendy Mazaros);

10
11 9) In late-2016, Frank took Amy to Summerlin Hospital for detox and
12 drug rehab; which was unsuccessful.

13
14 10) After promising to clean up her act and remain sober, Frank and Amy
15 were married on November 18, 2017;

16
17 11) Shortly after getting married, Amy began having friends (fellow
18 junkies) over to the house late at night to talk about their various Family Court
19 cases (Amy wrote pleadings for many of these people) and would stay up until
20 3:00 or 4:00 a.m. popping pills and drinking;

21
22 12) In mid-2018, Amy called Frank and told him to come home because
23 she couldn't take of Gianna. When Frank arrived, he found Amy passed out in the
24 parties' backyard (where it was 110-plus-degrees) laying face-first into the ground.
25 Amy had nearly overdosed and taken her life.

26
27 13) A week before Christmas 2018, Amy and Frank were evicted from
28 their Summerlin home; unbeknownst to Frank, Amy had emptied the parties'

1 savings account and blown the money on narcotics. The parties were forced to
2 spend Christmas at a hotel and live with a friend, shortly thereafter.

3
4 14) In January 2019, when Frank told Amy that their marriage was over,
5 Amy left what appeared to be a suicide note (using lipstick) on a bathroom mirror.
6 Genuinely wanting to see Amy get help (and genuinely wanting Amy to get clean
7 and sober) Frank stayed and arranged another rehab stay for Amy.
8

9 15) On or around January 22, 2019, Amy spent a few days at a rehab
10 facility and promised Frank she was on a path to long-lasting recovery.
11

12 16) In February 2019, Amy ran for Mayor of Las Vegas (and posted
13 strange campaign videos on her social media platforms raising concerns that her
14 delusions had not ceased; and that her drug use had only escalated);
15

16 17) Shortly thereafter, Frank told Amy that things were over;

17 18) On July 18, 2019, Amy filed an improper Joint Petition for Divorce;
18

19 19) On October 21, 2019, Frank filed a Complaint for Divorce;

20 20) On December 7, 2019 at 12:15 p.m., Amy inundated Frank with text
21 messages accusing him of *abducting Gianna*:
22

23 21) On December 30, 2019, Amy no showed for a deposition that had been
24 noticed and filed into the record on December 12, 2019. Undersigned counsel filed
25 a *Motion to Compel* later that same day;
26

27 ...

28 ...

1 22) On January 12, 2020, Amy took to social media to “brag” about a
2 road rage incident that resulted in a violent physical altercation; all of which took
3 place in front of Gianna.
4

5 23) On January 14, 2020, Amy told her three sons from a prior relationship
6 (Dylan, Danny, and Devin; the subject minors in Case No. D-12-467098-D) that she
7 was about to be evicted from her Las Vegas residence and that she was planning on
8 moving to Reno, Nevada immediately to live with her mother (Wendy Mazaros).
9

10 24) Dylan, Danny, and Devin also reported that earlier that day (January
11 14, 2020), Amy had told them to “get the f--- out of her house”; that “they were all
12 bad boys”; that Amy “no longer wanted them”; and that they “needed to go live
13 with their father (Michael Dziedzic) permanently.”
14
15

16 25) On January 16, 2020, Amy emptied out her Las Vegas residence
17 (located at 729 Granite Rapids Street, Las Vegas, Nevada 89138).
18

19 26) Also, on January 16, 2020, Amy showed up unannounced at
20 Plaintiff’s (“Frank”) place of employment (Ford Country in the Valley Automall);
21 made an obnoxious scene in front of customers and Frank’s bosses; and demanded
22 that Frank immediately turn over Gianna. Since that day (January 16, 2020) was
23 the first day of Frank’s regular custodial period (and since Frank had just picked up
24 Gianna from her preschool for the start of his regular custodial week), he refused
25 and turned Amy away.
26
27

28 ...

1 27) Shortly thereafter, Amy contacted the Las Vegas Metropolitan Police
2 Department; levied false allegations of child abduction/concealment against Frank;
3 and had Metro conduct multiple welfare checks on Gianna. Amy's incessant
4 harassment of Frank has continued ever since and it has become abundantly clear
5 that Amy wishes to "keep" Gianna in Reno (after "discarding" Dylan, Danny, and
6 Devin in Las Vegas) without first asking this Court for permission to relocate.
7

8
9 28) On January 17, 2020, Amy had her mother's husband (Carl Mazaros)
10 drop-off the boys' bicycles, clothes, and personal belongings (thrown in trash bags)
11 at Mr. Dziedzic's house:
12

13 29) On January 18, 2020, without saying goodbye to the boys, Amy left
14 for Reno and hasn't communicated with Dylan, Danny, or Devin since.
15

16 30) On January 27, 2020, Amy filed an *Ex Parte Motion* into this case
17 making it perfectly clear how she feels about her sons, saying "*Gianna's half-*
18 *brothers were bad – and as a mother it is my job and duty to ensure they*
19 *understand that. They need to repent, seek and obtain forgiveness for their acts.*"
20

21 31) On January 31, 2020, during a hearing before the Discovery
22 Commissioner on Frank's *Motion to Compel* (filed on December 30, 2019); ***Amy***
23 ***had to be escorted out of the courtroom by five Marshals*** after screaming at
24 Commissioner Fic about "being disqualified" from this case.
25

26
27 32) On February 2, 2020, Amy filed a *Financial Disclosure Form* into the
28 Joint Petition case Amy initiated in this matter (that this Court has since dismissed;

1 Case No. D-19-590373-Z) claiming that (1) Amy has a Master of Laws Degree
2 (LL.M.); (2) Amy has been diagnosed with a disability (ADD and Asperger's); and
3 that her prior source of employment, Adestria Project, has been fully dissolved
4 (despite the Nevada Secretary of State's website saying otherwise).
5

6 33) Interestingly, Amy filed a *Financial Disclosure Form* into her case
7 against Michael Dziedzic (Case No. D-12-467098-D) in late-2018 claiming that (1)
8 Amy attended "some college"; (2) Amy was not disabled at all; and (3) Amy was
9 earning \$127,500.00 per year from Adestria Project (income that should now be
10 imputed to Amy based on her documented earning potential):
11
12

13 34) On February 4, 2020, Amy claimed in open court that she was living in
14 both Reno and Las Vegas; and that her Las Vegas home (at 729 Granite Rapids Street,
15 Las Vegas, Nevada 89138) had not been fully vacated.
16

17 35) Immediately after court, on February 4, 2020, Frank confirmed (through
18 Realtor Shaun Marion) that the Granite Rapids residence is vacant; has been vacant;
19 and is currently listed on the market.
20

21 36) On February 13, 2020 (one week before the parties' previous hearing
22 before this Court), Amy showed up unannounced at Gianna's school; unilaterally
23 removed Gianna from school; and immediately fled to the State of Utah (all
24 without any notice or communication to Frank). After law enforcement in both
25 Nevada and Utah became involved, Amy finally returned Gianna to Frank, on
26 February 16, 2020, with bruises on Gianna's face.
27
28

37) Four days later, on February 20, 2020, Amy was a no-show for court and Frank was granted sole legal and sole physical custody of Gianna pending further order of the Court.

38) Since the parties' February 20, 2020 hearing: (1) Amy has threatened to kill Frank; (2) Amy has become homeless; (3) Amy has harassed administrators at Cunningham Elementary (where Gianna attends Kindergarten); (4) Amy has harassed Frank at his home and work; (5) Amy has continued to refuse to participate in a psychological evaluation (as ordered by the Court); and (6) Amy has continued to refuse to participate in the discovery process.

...

As to the applicable law supporting Frank's requests, pursuant to NRS 125C.0035(1), in any action for determining the physical custody of a minor child, the paramount consideration of the Court is the *best interest of the child*. With regard to the Court granting an award of sole or primary physical custody, NRS125C. 003(1) states as follows:

A court may award primary physical custody to a parent if the court determines that joint physical custody is not in the best interest of a child. An award of joint physical custody is presumed not to be in the best interest of the child if:

(a) The court determines by substantial evidence that a parent is unable to adequately care for a minor child for at least 146 days of the year;

(b) A child is born out of wedlock and the provisions of subsection 2 are applicable; or

(c) Except as otherwise provided in subsection 6 of NRS 125C.0035 or NRS 125C.210, there has been a determination by the court after an evidentiary hearing and finding by clear and convincing

1 evidence that a parent has engaged in one or more acts of domestic
2 violence against the child, a parent of the child or any other person
3 residing with the child. The presumption created by this paragraph is a
rebuttable presumption.

4 (Emphasis Added)

5 Under NRS 125C.0035(4), there are several considerations for this Court in
6
7 determining the best interest of the child:

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

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

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

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

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

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

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

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

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

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

21 **(j) Any history of parental abuse/neglect of the child or sibling of the child.**

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

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

26 (Emphasis Added)

27 ...

28 ...

1 **Analysis of the Best interest Custodial Factors**

2 The following is an analysis of the best interest custodial factors, as they
3
4 directly apply in the instant case, favoring an award of sole legal and sole physical
5 custody of Gianna to Frank:

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

9 Not an applicable factor, as Gianna is only five (5) years-old.

- 10
11 **(b) Any nomination of a guardian for the child by a parent.**

12 Not an applicable factor.

- 13
14 **(c) Which parent is more likely to allow the child to have frequent**
15 **associations and a continuing relationship with the**
16 **noncustodial parent.**

17 Frank understands the increased burden (and firm expectations of the Court)
18 that come with an award of sole or primary physical custody and will follow any/all
19 custodial orders that the Court puts in place; conversely, Amy (with litigation pending
20 and fully knowing that she was under the microscope of the Court) attempted to flee
21 the state with Gianna (from Nevada to Utah). After law enforcement in both stated
22 intervened, Amy finally returned Gianna to Frank (with bruised on Gianna's face).

- 23
24 **(d) The level of conflict between the parties.**

25 Due to Amy's chronic drug use, delusions of grandeur, and poor parental
26 judgment, the level of conflict between the parties is extremely high and has not
27 improved during litigation.
28

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

2 Same considerations set forth in subfactor (d).

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

5 This is likely the most important consideration for the Court at this time.
6
7 Candidly, Amy is in trouble and in desperate need of professional help to treat her
8 mental illness and chronic addiction. Amy is addicted to strong mind-altering
9 substances, including Methamphetamine; Adderall; Oxycodone (Oxycontin);
10 Hydrocodone (Vicodin, Lortab, and Norco); Methadone; Carisoprodol (Soma); and
11 Risperidone (an antipsychotic used to treat bipolar disorder and schizophrenia); in
12 addition to other amphetamines, opiates, and antipsychotics. The long-term use
13 (and long-term abuse) of these drugs has stripped Amy of her ability to think
14 clearly; to exercise sound judgment; and to properly care for Gianna. During the
15 parties' initial hearing, Amy agreed to participate in a psychological evaluation;
16 and then refused to follow through (as her condition has increasingly worsened).
17
18
19

20 (g) **The physical, developmental, and emotional needs of the children.**

21 Gianna's physical, developmental, and emotional needs are *severely*
22 compromised when the minor child is in Amy's care and custody. Prior to Frank
23 filing for divorce, Amy removed Gianna from Kindergarten (without Frank's
24 knowledge or consent) and then refused to re-enroll Gianna. Instead, Gianna was
25 left with an iPad and to fend for herself, while Amy slept off her latest drug binge.
26
27 This factor also favors Frank's request for sole legal and sole physical custody.
28

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

2 Frank enjoys a wonderfully loving relationship with Gianna. The two
3 recently took a trip to Salt Lake City (where Frank is from); Frank is teaching
4 Gianna how to ride a bike; and Frank does everything he can to quench Gianna's
5 thirst for knowledge and information (Gianna is an inquisitive young lady and
6 loves to learn, despite Amy's insistence on removing her from school).
7

8
9 **(i) The ability of the child to maintain a relationship with any sibling.**

10 Gianna is deeply bonded with Danny, Devyn, and Dylan (her half siblings)
11 and, to the most realistic extent possible (considering the circumstances), Frank
12 would like to protect that bond moving forward (but understands the same may not
13 be possible based on Amy's condition).
14

15
16 **(j) Any history of parental abuse or neglect of the child or a sibling.**

17 On February 13, 2020, while litigation was pending and while Amy was
18 under the Court's watchful eye, Amy showed up unannounced at Gianna's school;
19 unilaterally removed Gianna from school; and immediately fled to the State of
20 Utah (all without any notice or communication to Frank). After law enforcement in
21 both Nevada and Utah became involved, Amy finally returned Gianna to Frank, on
22 February 16, 2020, with bruises on Gianna's face.
23

24 Prior to filing for divorce, Frank learned that (1) Amy pulled Gianna out of
25 Kindergarten (without Frank's knowledge or consent) and is refusing to send the
26 child to school; (2) Amy did not have food in the house for Gianna (or the boys)
27
28

1 and was not keeping the house clean; and (3) Amy stayed up until 4:00 or 5:00
2 a.m. and would sleep most of the day (leaving the kids unattended). When coupled
3 with evidence that Amy has taken Gianna on drug deals in the past and has
4 exposed Gianna to other junkies (that come to Amy's house at all hours of the
5 night), neglect is a significant, and highly relevant, consideration in the Court's
6 best interest custodial analysis.
7

8
9 (k) Whether either parent or any other person seeking physical
10 custody has engaged in an act of domestic violence against
11 the child, a parent of the child, or any other person residing
12 with the child.

13 After fleeing to Utah, Gianna was returned to Frank with bruises on her face.
14 Bruises that were noted by the Las Vegas Metropolitan Police Department.

15
16 (l) Whether either parent or any other person seeking physical
17 custody has committed any act of abduction against the child
18 or any other child.

19 Amy attempted to abduct Gianna and flee the state in February 2020.

20 Summary

21 Based on the foregoing analysis of the NRS 125C.0035(4) custodial factors,
22 particularly (c), (f), (j), (k), and (l), an award of sole legal and sole physical
23 custody to Frank is clearly in Gianna's best interest at this time.
24

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V.
CHILD SUPPORT

With regard to child support, Frank is asking that (1) Amy be ordered to pay child support to Frank, each month, in accordance with Chapter 425 of Nevada Administrative Code *based on Amy's earning potential*; (2) Amy be ordered to pay back child support to Frank from November 2019 (immediately after Frank's *Complaint for Divorce* was filed) to present; and (3) the Court confirm that Frank shall claim Gianna as a dependent for tax purposes each year.

As to the applicable law supporting Frank's requests, effective February 1, 2020, NRS 125B.080 provides that, "a Court of this state shall apply the guidelines established by the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.620 to (1) determine the required support in any case involving the support of children; or (2) change the amount of the required support of children." In this regard, Nevada's new child support guidelines and regulations, set forth in Approved Regulation R183-18, are now in effect and have been codified in Chapter 425 of Nevada Administrative Code (NAC).

Since the parties have not reached a stipulation with regard to a child support obligation in the instant case, NAC 425.115 applies:

NAC 425.115 Determination of child support obligation in accordance with guidelines if no stipulation; adjustment of obligation based upon type of custody held by parent. (NRS 425.620)

1 1. If the parties do not stipulate to a child support obligation pursuant to NAC
2 425.110, the court must determine the child support obligation in accordance
3 with the guidelines set forth in this chapter.

4 2. If a party has primary physical custody of a child, he or she is deemed to be
5 the obligee and the other party is deemed to be the obligor, and the child
6 support obligation of the obligor must be determined.

7 3. If the parties have joint physical custody of a child, the child support
8 obligation of each party must be determined. After each party's respective child
9 support obligation is determined, the child support obligations must be offset so
10 that the party with the higher child support obligation pays the other party the
11 difference.

12 4. If the parties have two or more children and each party has joint physical
13 custody of at least one, but not all, of the children, the total child support
14 obligation of each party must be determined based on the number of children to
15 whom each party owes a child support obligation. After each party's respective
16 child support obligation is determined, the child support obligations must be
17 offset so that the party with the higher child support obligation pays the other
18 party the difference.

19 In this action, Amy should have income imputed to her for the purposes of
20 calculating child support. On February 2, 2020, Amy filed a *Financial Disclosure*
21 *Form* into the Joint Petition case Amy initiated in this matter (that this Court has
22 since dismissed; Case No. D-19-590373-Z) claiming that (1) Amy has a Master of
23 Laws Degree (LL.M.); (2) Amy has been diagnosed with a disability (ADD and
24 Asperger's); and that her prior source of employment, Adestria Project, has been
25 fully dissolved (despite the Nevada Secretary of State's website saying otherwise).

26 Interestingly, Amy filed a *Financial Disclosure Form* into her case against
27 Michael Dziedzic (Case No. D-12-467098-D) in late-2018 claiming that (1) Amy
28 attended "some college"; (2) Amy was not disabled at all; and (3) Amy was earning
\$127,500.00 per year from Adestria Project (income that should now be imputed to

1 Amy based on her documented earning potential). In this regard, the Court must now
2 determine if Amy is willfully un/underemployed.

3
4 As the Court is aware, the obligation to financially support one's child is
5 paramount, and a parent cannot benefit monetarily from their poor employment
6 choices to the detriment of their child. Doing otherwise would incentivize parents
7 to avoid their court ordered obligations.

8 Earning capacity is based on an obligor's true income potential, not what an
9 obligor limits him/herself to from a new venture.⁵ Additionally, in *Rosenbaum v.*
10 *Rosenbaum*,⁶ the Nevada Supreme Court held that deliberate avoidance by an
11 obligor to work and/or generate income is grounds upon which to deny a reduction
12 or termination of support. The Court further stated that trial courts should be
13 allowed in fixing the amount of alimony or child support to consider what a litigant
14 could in good faith earn if he/she so desired.⁷ As the Court stated, "If one
15 intentionally holds a job below his reasonable level of skill or purposefully earns less
16 than his reasonable capabilities," this should be considered in setting the support.
17

18
19 Further, a court can impute income to a party upon a showing that the party
20 has the ability to earn more by use of his or her best efforts to gain employment
21 equal to his or her capabilities.⁸ This is often the case where a litigant loses their
22 income due to their own misconduct.⁹
23

24 ⁵ *In re Marriage of Padilla*, 38 Cal. App. 4th 1212 (1995); *In re Marriage of Ilias*, 12 Cal. App. 4th
25 1630, 1635 (1993)(holding that a "payor does not have the right to divest himself [or herself] of his [or
her] earning ability at the expense of...minor children"); *Dolgas*, 1988 Del. Fam. Ct. Lexis 23 (1988).

26 ⁶ 86 Nev. 550, 471 P.2d 254 (1970)

27 ⁷ *Id.* at 554.

28 ⁸ *Haas v. Haas*, 552 So.2d 221, 224 (Fla. App. 1989)

⁹ *In re Marriage of Imlay*, 621 N.E.2d at 994

1 As for where the burden lies, the Nevada Supreme Court found that “where
2 evidence of willful underemployment preponderates, a presumption will arise that
3 such underemployment is for the purpose of avoiding support. Once this
4 presumption arises, the burden of proving willful underemployment for reasons
5 other than avoidance of a support obligation will shift to the supporting parent.”¹⁰
6

7
8 In this regard, NAC 425.125 states as follows:

9 **NAC 425.125 Court authorized to impute income to obligor who is**
10 **underemployed or unemployed without good cause; consideration of**
11 **circumstances of obligor. (NRS 425.620)**

12 1. If after taking evidence, the court determines that an obligor is
13 underemployed or unemployed without good cause, the court may impute
14 income to the obligor.

15 2. If the court imputes income, the court must take into consideration, to the
16 extent known, the specific circumstances of the obligor, including, without
17 limitation:

18 (a) The obligor’s:

- 19 (1) Assets;
- 20 (2) Residence;
- 21 (3) Employment and earnings history;
- 22 (4) Job skills;
- 23 (5) Educational attainment;
- 24 (6) Literacy;
- 25 (7) Age;
- 26 (8) Health;
- 27 (9) Criminal record and other employment barriers; and
- 28 (10) Record of seeking work;

(b) The local job market;

(c) The availability of employers willing to hire the obligor;

(d) The prevailing earnings level in the local community; and

(e) Any other relevant background factors in the case.

¹⁰ *Minneer v. Minneer*, 107 Nev. 495, 498, 814 P.2d 85 (1991)

1 This Court has the authority to impute income based on the above factors for
2 purposes of calculating child support if the obligor is willfully underemployed or
3 unemployed. Here, Amy has now been unemployed for over a year with no sign of
4 pending employment. At her previous job, Amy was earning \$127,500.00 per year
5 from Adestria Project (income that should now be imputed to Amy based on her
6 documented earning potential).
7
8

9
10 **VI.**
SPOUSAL SUPPORT

11 Frank is not seeking spousal support; as the parties were only married for 2-years
12
13

14 **VII.**
PROPERTY AND DEBTS

15 Not applicable; the parties have already divided any/all applicable assets and debts.
16
17

18 **VIII.**
FINANCIAL DISCLOSURE FORM

19 Frank's *Financial Disclosure Form* on file remains accurate and current.
20
21

22 **IX.**
ATTORNEY'S FEES

23 Frank is requesting an award of attorney's fees and costs.
24
25

26 **X.**
LIST OF WITNESSES

27 Undersigned only intends to call Plaintiff and Defendant as witnesses.
28

XI.
LIST OF EXHIBITS

Exhibit	Description	Bates No.
1	Attorney General Complaint Regarding Defendant's Unauthorized Practice of Law	PLTF 001-037
2	Screenshots from Defendant's Phone (Documenting Defendant's Drug Abuse)	PLTF 038-087
3	Email Exchanges Between Defendant and Counsel (Regarding Drug Use)	PLTF 088-090
4	Email Exchanges Between Defendant and Counsel (Regarding Psychological Evaluation)	PLTF 091-104
5	Defendant's Social Media Postings	PLTF 105-111
6	Defendant's Text Messages to Plaintiff (Falsely Alleging Withholding and Child Abduction)	PLTF 112-117
7	Text Messages from Attorney Grimes (December 11, 2019)	PLTF 118-120
8	Direct Messages Between Defendant and Attorney Grimes (December 11, 2019)	PLTF 121-139
9	Text Messages and Social Media Postings from Defendant Since Litigation Commenced	PLTF 140-300

1 **XII.**
2 **UNUSUAL ISSUES TO BE PRESENTED AT TRIAL**

3 (None)

4
5 **XIII.**
6 **LENGTH OF TRIAL**

7 Trial should take approximately one-half day.

8
9 ...

10 **DATED** Monday May 4, 2020.

11
12 Respectfully Submitted,

13
14 */s/ Alex Ghibaud*

15 Alex B. Ghibaud, Esq.
16 Nevada Bar No. 10592
17 **ALEX GHIBAUDO, PC**
18 703 South Eighth Street
19 Las Vegas, Nevada 89101
20 *Attorney for Plaintiff*
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Pursuant to NRCP 5(b), I declare under penalty of perjury, under the law of the State of Nevada, that I served a true and correct copy of *Plaintiff's Pre-Trial Memorandum* on May 4, 2020, 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;
- [x] By depositing a copy of same in a sealed envelope in the United States Mail, postage pre-paid, in Las Vegas, Nevada (along with a courtesy copy sent via electronic mail);
- [] Pursuant to EDCR 7.26, sent via facsimile by duly executed consent for service by electronic means.

To the following address:

Amy Luciano
729 Granite Rapids Street
Las Vegas, Nevada 89138
Defendant in Proper Person

Amy Luciano
10628 Foxberry Park Drive
Reno, Nevada 89521
Defendant in Proper Person

/s/ Alex Ghibaudo

Alex B. Ghibaud, Esq.
Attorney for Plaintiff

1 **DECD**

2 Alex B. Ghibaud, Esq.
3 Nevada Bar No. 10592
4 **ALEX GHIBAUDO, PC**
5 703 South Eighth Street
6 Las Vegas, Nevada 89101
7 T: (702) 978-7090
8 F: (702) 924-6553
9 E: alex@glawvegas.com
10 *Attorney for Plaintiff*

11 **EIGHTH JUDICIAL DISTRICT COURT**
12 **FAMILY DIVISION**
13 **CLARK COUNTY, NEVADA**

14 FRANK LUCIANO,
15
16 Plaintiff,

Case Number: D-19-598320-D
Department: E

17 vs.

18 AMY LUCIANO,
19
20 Defendant.

21 **DECREE OF DIVORCE**

22 The above-entitled matter came before the Honorable Charles Hoskin of the
23 Eighth Judicial District Court, Family Division, Department E, Clark County, Nevada,
24 on May 19, 2020 for the parties' *Non-Jury Trial* and *Order to Show Cause Hearing*.
25 Plaintiff FRANK LUCIANO (hereinafter "Frank") was present via audiovisual
26 equipment represented by Michancy M. Cramer, Esq. (appearing on behalf of
27 Plaintiff's Attorney of Record, Alex B. Ghibaud, Esq.); Defendant AMY
28 LUCIANO (hereinafter "Amy") was not present for the hearing.

1 THE COURT, having reviewed the papers/pleadings on file herein; having
2 heard oral argument from counsel; and having found good cause to take testimony
3 from Plaintiff (pursuant to Rules 1 and 4 of Nevada's Rules Governing Appearance
4 by Telephonic Transmission Equipment), **THE COURT HEREBY FINDS:**

5
6 PRELIMINARY FINDINGS

7 (Video Cite 01:35:10)

8
9 1. The date of today's hearing (the parties' Non-jury Trial) was listed on
10 the *Case Management Order* personally handed to Defendant, in open court, during
11 the parties' Case Management Conference on December 12, 2019.

12
13 2. Defendant was also present at the parties' February 4, 2020 hearing
14 wherein the Court set a Show Cause Hearing for the same date of May 19, 2020.

15
16 3. Therefore, Defendant was notified of today's trial date on at least two
17 (2) different occasions; both times in writing.

18
19 4. Court staff sent three separate e-mail invites to Defendant (to the three
20 different email address the Court has for Defendant) with regard to the parties'
21 May 5, 2020 Calendar Call; two of those emails came back; one went through.

22
23 5. Court staff tried calling Defendant (at both numbers the Court has for
24 Defendant) with regard to the May 5, 2020 Calendar Call, without success.

25
26 6. Court staff sent three different email invites to Defendant (to the three
27 different email addresses the Court has for Defendant) regarding today's Non-jury
28 Trial; all three emails came back.

1 7. Court staff tried calling Defendant (at both numbers the Court has for
2 Defendant) on multiple occasions over the course of the week leading up to today's
3 Non-jury Trial, also without success.
4

5 8. Despite potential concerns related to COVID-19, Defendant also had
6 the opportunity to show up in-person for today's hearing; the Court would have
7 allowed Defendant into the courtroom with a mask and gloves; and Defendant
8 would have had the ability to appear and present whatever she wished to the Court.
9

10 9. It appears she has chosen to essentially abandon this case.
11

12 10. Based upon Defendant's non-appearance at the parties' Calendar Call,
13 on May 5, 2020, the Court invoked EDCR 2.69.
14

15 11. Plaintiff's counsel wanted to give Defendant one more opportunity to
16 appear and participate; unfortunately, she has chosen not to take advantage of that.
17

18 12. Based upon Defendant's non-appearance at today's Non-jury Trial
19 (May 19, 2020), the Court is again invoking EDCR 2.69.
20

21 CHILD CUSTODY FINDINGS

22 (Video Cite 01:48:30)
23

24 13. This Court has complete jurisdiction in the premises, both as to the
25 subject matter thereof as well as the parties thereto and their minor child.
26

27 14. Plaintiff now is, and has been an actual and bona fide resident of the
28 County of Clark, State of Nevada, and has actually been domiciled therein for
more than six (6) weeks immediately preceding the commencement of this action.

1 15. All of the allegations contained in Plaintiff's *Complaint for Divorce*
2 (filed on October 19, 2019) are true as therein alleged; and Plaintiff is entitled to an
3 absolute *Decree of Divorce*.
4

5 16. The parties were married on or about November 18, 2017 in Clark
6 County, Nevada; and have ever since been husband and wife.
7

8 17. That there is one minor child born the issue of this marriage, to wit:
9 GIANNA HANLEY LUCIANO (hereinafter "Gianna"), born September 24, 2014.
10 There are no adopted children of the parties.
11

12 18. Based on the testimony of Plaintiff, and an analysis of the factors set
13 forth in NRS 125C.0035, it is in the minor child's best interest for Plaintiff to have
14 SOLE LEGAL and SOLE PHYSICAL custody of said minor child.
15

16 19. The Court will not put visitation in place for Defendant unless/until
17 Plaintiff deems it appropriate; or until Defendant brings the matter back before the
18 Court (to make additional findings as to the best interest of the minor child in order
19 to potentially re-establish contact with the minor child).
20

21 20. The Court accepts Plaintiff's testimony that he would eventually like
22 Defendant to have contact with the minor child; but said contact needs to be "fit"
23 contact that ensures the safety of the minor child.
24

25 21. The Court notes that Defendant had agreed, at a prior hearing, to not
26 only undergo a psychological evaluation, but to also pay for said evaluation; to
27 date, it appears that Defendant has failed to do so (video cite at 01:44:10).
28

1 CHILD SUPPORT FINDINGS

2 (Video Cite 01:48:30)

3 22. With regard to child support, Defendant's *Financial Disclosure Form*
4 filed on February 4, 2020 indicates that she is unemployed; however, Defendant
5 was not present to offer any evidence in this regard.
6

7 23. Based upon the testimony of Plaintiff, and based on not having any
8 contrary evidence from Defendant, the Court finds it appropriate to impute income
9 to Defendant based on a yearly salary of approximately \$100,000.00; which equals
10 a gross monthly income of \$8,333.33.
11

12 24. In applying the calculations set forth in Chapter 425 of Nevada
13 Administrative Code, Defendant's child support obligation to Plaintiff shall be set
14 at \$1,146.00 per month; said child support shall commence in May 2020.
15

16 ASSETS/DEBTS FINDINGS

17 (Video Cite 01:50:50)

18 25. With regard to assets and debts, each party will keep any assets or
19 debt in their name, or under their control, as their sole and separate assets/debts.
20

21 26. The only evidence the Court has is that this is a fair and equitable
22 resolution of the assets/debts in the community, which the Court hereby accepts.
23

24 ATTORNEY'S FEES FINDINGS

25 (Video Cite 01:51:23)

26 27. Absent contrary evidence, good cause exists to award attorney's fees
27 to Plaintiff under NRS 18.010 based upon the multiplication of these proceedings
28

1 and what appears to be Defendant's abandonment of the case. The Court is also
2 considering the fact that a *Joint Petition for Divorce* was initially filed in 2019; and
3
4 based upon Defendant's actions, this matter had to be litigated rather than resolved.

5 28. The Court will require Plaintiff's counsel to file a *Memorandum of*
6 *Fees/Costs* and *Brunzell Affidavit* for the Court's review; sanctions/fees previously
7
8 entered against Defendant during this action shall also be incorporated herein.

9 ...

10 **NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND**
11
12 **DECREED** that the bonds of matrimony heretofore and now existing between
13 Frank and Amy be, and the same are hereby wholly dissolved, and an absolute
14 *Decree of Divorce* is hereby granted, and each of the parties hereto is restored to
15
16 the status of a single, unmarried person.

17 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Frank
18 shall have SOLE LEGAL and SOLE PHYSICAL custody of the parties' one minor
19
20 child, to-wit: GIANNA HANLEY LUCIANO, born September 24, 2014.

21 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Amy's
22 VISITATION with Gianna shall be at Frank's SOLE DISCRETION.
23

24 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Amy
25 shall pay CHILD SUPPORT to Frank, in the amount of \$1,146.000 per month,
26
27 pursuant to Chapter 425 of Nevada Administrative Code. Said child support shall
28 be due on the 30th of each month; and shall commence this month (May 2020).

1 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that neither
2 party shall pay SPOUSAL SUPPORT or ALIMONY to the other.
3

4 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Frank
5 shall continue to provide MEDICAL INSURANCE for the benefit of Gianna. Any
6 unreimbursed medical, dental, optical, orthodontic or other health related expense,
7 incurred for the benefit of the minor child, is to be divided equally between the
8 parties. Either party incurring an out of pocket medical expense for the child shall
9 provide a copy of the paid invoice/receipt to the other party within thirty (30) days
10 of incurring such expense (if not tendered within the thirty (30) day period, the
11 Court may consider it as a waiver of reimbursement). The other party will then
12 have thirty (30) days from receipt within which to dispute the expense in writing or
13 reimburse the incurring party for one-half (½) of the out of pocket expense (if not
14 disputed or paid within the thirty (30) day period, the party may be subject to a
15 finding of contempt and appropriate sanctions).
16
17
18
19

20 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Frank
21 shall be entitled to claim Gianna as a dependent for tax purposes EACH year.
22

23 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that each
24 party shall retain all ASSETS, BANK ACCOUNTS, and PERSONAL PROPERTY
25 in their own name and/or possession as their SOLE and SEPARATE PROPERTY.
26

27 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that each
28 party shall assume all DEBTS in their name as their SOLE and SEPARATE DEBT.

1 **NOTICE IS FURTHER GIVEN** that pursuant to NRS 125C.0045(7)(8):

2 The terms of the Hague Convention of October 25, 1980, adopted by the
3 14th Session of the Hague Conference on Private International Law,
4 apply if a parent abducts or wrongfully retains a child in a foreign
5 country, as follows:

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

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

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

22 **NOTICE IS HEREBY GIVEN** that:

23 Under the terms of the Parental Kidnapping Prevention Act, 28 U.S.C.
24 Sec. 1738A, and the Uniform Child Custody Jurisdiction Act, NRS
25 125A.010 et seq., the Courts of Nevada have exclusive modification
26 jurisdiction of the custody, visitation and child support terms relating to
27 the child(ren) at issue in this case so long as either of the parties, or the
28 child, continue to reside in this jurisdiction. The minor child(ren)'s home
state is Nevada, which is in the United States of America.

...

...

1 **NOTICE IS FURTHER GIVEN** that pursuant to NRS 125C.006:

2 1. If PRIMARY PHYSICAL custody has been established pursuant to
3 an order, judgment or decree of a court and the custodial parent intends to
4 relocate his or her residence to a place outside of this State or to a place
5 within this State that is at such a distance that would substantially impair
6 the ability of the other parent to maintain a meaningful relationship with
7 the child, and the custodial parent desires to take the child with him or
 her, the custodial parent shall, before relocating:

8 (a) Attempt to obtain the written consent of the noncustodial
9 parent to relocate with the child; and

10 (b) If the noncustodial parent refuses to give that consent,
11 petition the court for permission to relocate with the child.

12 2. The court may award reasonable attorney's fees and costs to the
13 custodial parent if the court finds that the noncustodial parent refused to
14 consent to the custodial parent's relocation with the child:

15 (a) Without having reasonable grounds for such refusal; or

16 (b) For the purpose of harassing the custodial parent.

17 3. A parent who relocates with a child pursuant to this section
18 without the written consent of the noncustodial parent or the permission
19 of the court is subject to the provisions of NRS 200.359.

20 **NOTICE IS FURTHER GIVEN** that pursuant to NRS 125C.0065:

21 1. If JOINT PHYSICAL custody has been established pursuant to an
22 order, judgment or decree of a court and one parent intends to relocate his
23 or her residence to a place outside of this State or to a place within this
24 State that is at such a distance that would substantially impair the ability
25 of the other parent to maintain a meaningful relationship with the child,
26 and the relocating parent desires to take the child with him or her, the
 relocating parent shall, before relocating:

27 (a) Attempt to obtain the written consent of the non-relocating
28 parent to relocate with the child; and

1 (b) If the non-relocating parent refuses to give that consent,
2 petition the court for PRIMARY PHYSICAL custody for
3 the purpose of relocating.

4 2. The court may award reasonable attorney's fees and costs to the
5 relocating parent if the court finds that the non-relocating parent refused
6 to consent to the relocating parent's relocation with the child:

7 (a) Without having reasonable grounds for such refusal; or

8 (b) For the purpose of harassing the relocating parent.

9 3. A parent who relocates with a child pursuant to this section before
10 the court enters an order granting the parent PRIMARY PHYSICAL
11 custody of the child and permission to relocate with the child is subject to
12 the provisions of NRS 200.359.

13 **NOTICE IS FURTHER GIVEN** that the parties, and each of them, are
14 hereby placed on notice that in the event either party is ordered to pay
15 child support to the other, that, pursuant to NRS 125.450, a parent
16 responsible for paying child support is subject to NRS 31A.010 through
17 NRS 31A.340, inclusive, and Sections 2 and 3 of Chapter 31A of the
18 Nevada Revised Statutes regarding the withholding of wages and
19 commissions for the delinquent payment of support, that these statutes
20 and provisions require that, if a parent responsible for paying child
21 support is delinquent in paying the support of a child that such person has
22 been ordered to pay, then that person's wages or commissions shall
23 immediately be subject to wage assignment and garnishment, pursuant to
24 the provisions of the above-referenced statutes.

25 **NOTICE IS FURTHER GIVEN** that pursuant to NRS 125B.145:

26 1. An order for the support of a child must, upon the filing of a request for
27 review by:

28 (a) The Division of Welfare and Supportive Services of the Department of
Health and Human Services, its designated representative or the district
attorney, if the Division of Welfare and Supportive Services or the district
attorney has jurisdiction in the case; or

1 (b) A parent or legal guardian of the child,
2 ...be reviewed by the court at least every 3 years pursuant to this section to
3 determine whether the order should be modified or adjusted. Each review
4 conducted pursuant to this section must be in response to a separate request.

5 2. If the court:

6 (a) Does not have jurisdiction to modify the order, the court may forward the
7 request to any court with appropriate jurisdiction.

8 (b) Has jurisdiction to modify the order and, taking into account the best
9 interests of the child, determines that modification or adjustment of the order is
10 appropriate, the court shall enter an order modifying or adjusting the previous
11 order for support in accordance with the guidelines established by the
12 Administrator of the Division of Welfare and Supportive Services of the
13 Department of Health and Human Services pursuant to NRS 425.620.

14 3. The court shall ensure that:

15 (a) Each person who is subject to an order for the support of a child is notified,
16 not less than once every 3 years, that the person may request a review of the
17 order pursuant to this section; or

18 (b) An order for the support of a child includes notification that each person
19 who is subject to the order may request a review of the order pursuant to this
20 section.

21 4. An order for the support of a child may be reviewed at any time on the basis
22 of changed circumstances. For the purposes of this subsection, a change of 20
23 percent or more in the gross monthly income of a person who is subject to an
24 order for the support of a child shall be deemed to constitute changed
25 circumstances requiring a review for modification of the order for the support
26 of a child.

27 5. As used in this section:

28 (a) "Gross monthly income" has the meaning ascribed to it in NRS 125B.070.

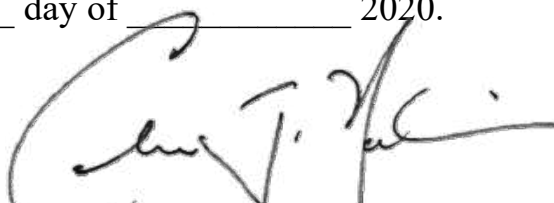
(b) "Order for the support of a child" means such an order that was issued or is
being enforced by a court of this State.

NOTICE IS HEREBY GIVEN that if you want to adjust the amount of
child support established in this order, you must file a motion to modify the

1 order with or submit a stipulation to the court. If a motion to modify the
2 order is not filed or a stipulation is not submitted, the child support
3 obligation established in this order will continue until such time as all
4 children who are the subject of this order reach 18 years of age or, if the
5 youngest child who is subject to this order is still in high school when he or
6 she reaches 18 years of age, when the child graduates from high school or
7 reaches 19 years of age, whichever comes first. Unless the parties agree
8 otherwise in a stipulation, any modification made pursuant to a motion to
9 modify the order will be effective as of the date the motion was filed.

10 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the
11 parties shall submit the information required in NRS 125B.055, NRS
12 125.130, and NRS 125.230 on a separate form to the Court and the
13 Welfare Division of the Department of Human Resources within ten (10)
14 days from the date this Order is filed; such information shall be
15 maintained by the Clerk in a confidential manner and not part of the
16 public record. The parties shall update the information filed with the
17 Court and the Welfare Division of the Department of Human Resources
18 within ten (10) days should any of the information become inaccurate.

19 **DONE and DATED** this 8th day of June, 2020.
20

21 

22 **HONORABLE CHARLES HOSKIN SE**
23 **DISTRICT COURT JUDGE**
24 **EDA 85C ADDD D327**
25 **Charles J. Hoskin**

26 Respectfully Submitted:

27 

28 **Alex B. Ghibaud, Esq.**
Nevada Bar Number: 10592
ALEX GHIBAUDO, PC
703 South Eighth Street
Las Vegas, Nevada 89101
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

Frank Luciano, Plaintiff

CASE NO: D-19-598320-D

vs.

DEPT. NO. Department E

Amy Luciano, Defendant.

AUTOMATED CERTIFICATE OF SERVICE

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

Envelope ID: 6149986

Service Date: 6/8/2020

Amy Luciano, G.C.	amy.luciano@asholdingsltd.com
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Alex Ghibaudo	alex@abgpc.com
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Mark DiCiero	alex@glaw.com
--------------	---------------

Amy Luciano	amy.luciano@L7CKY.com
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Amy Luciano	elect@amyluciano.com
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Alex Ghibaudo	alex@glawvegas.com
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Mark DiCiero	mark@glawvegas.com
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1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2 * * * * *

3 **AMY COLLEEN LUCIANO,**
4 **N/K/A/ AMY HANLEY,**

5 **Appellant,**

6 **vs.**

7 **FRANK LUCIANO,**

8 **Respondent.**

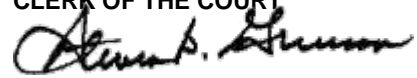
Supreme Court No. 83522

District Court Case No. D598320

9 **APPELLANT'S APPENDIX**

Addendum to Answer	1	AA0071-AA0092
Affidavit of Service of Complaint	1	AA0038
Amended Notice of Hearing	1	AA0136
Amended Certificate of Mailing dated 8/25/2021	2	AA0281
Amended Certificate of Mailing dated 8/25/2021	2	AA0282
Answer to Complaint For Divorce	1	AA0039-AA0043
Case and Non-Jury Trial Management Order	1	AA0093-AA0096
Case Conference Brief	1	AA0051-AA0070
Complaint for Divorce	1	AA0001-AA0008
Decree of Divorce	1	AA0173-AA0186
Ex Parte Motion for Order Shortening Time	1	AA0129-AA0133
Exhibit Appendix Motion Dated 2/21/2020	2	AA0207-AA0217
Motion and Notice of Motion to Set Aside Order Dated 7/21/2020	2	AA0202-AA0206
Motion and Notice of Motion to Set Aside Order Dated 5/11/2021	2	AA0250-AA0273

1	Motion for Temporary Order Pending Trial;	1	AA0009-AA0037
2	plaintiff for Sole Legal and Primary		
3	Physical Custody (Subject to Defendant's		
4	Supervised Visitation);for a		
5	Psychological/Substance Abuse Evaluation		
6	of Defendant; Drug Testing Protocols of		
7	Defendant; a Mutual Behavioral Order; a		
8	Talking Parents Communication Orders;		
9	Child Support; an Order Sealing Case File;		
10	and for Attorney's Fees and Costs		
11	Motion to Modify the Court's Temporary	1	AA0101-AA0128
12	Custodial Order		
13	Notice of Appearance Dated 9/7/2021	2	AA0083-AA0285
14	Notice of Appeal Dated 9/9/2021	2	AA0286-AA0287
15	Notice of Entry of Decree Dated 6/8/2020	2	AA0187-AA0201
16	Notice of Entry of Order Dated 8/10/2021	2	AA0277-AA0280
17	Order from December 12, 2019 Hearing	1	AA0097-AA0100
18	Order from November 7, 2019 Hearing	1	AA0044-AA0050
19	Order from February 20, 2020 Hearing	1	AA0137-AA0138
20	Order from August 11, 2021 Chambers	2	AA0274-AA0276
21	Order from September 16, 2020 Hearing	2	AA0241-AA0249
22	Order Shortening Time Dated 2/14/2020	1	AA0134-AA0135
23	Opposition to Motion to Set Aside Order	2	AA0218-AA0240
24	Pre-Trial Memorandum	1	AA0139-AA0172
25	Transcript of February 20, 2020	2	AA0288-AA0296
26	Transcript of May 5, 2020	2	AA0297-AA0302
27	Transcript of May 19, 2020	2	AA0303-AA0323
	Transcript of September 16, 2020	2	AA0324-AA0360



NED

Alex B. Ghibaud, Esq.
Nevada Bar Number: 10592

ALEX GHIBAUDO, PC

703 South Eighth Street
Las Vegas, Nevada 89101

T: (702) 978-7090

F: (702) 924-6553

E: alex@abgpc.com

Attorney for Plaintiff

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

FRANK LUCIANO,

Plaintiff,

vs.

AMY LUCIANO,

Defendant.

Case Number: D-19-598320-D

Department: E

NOTICE OF ENTRY OF DECREE

PLEASE TAKE NOTICE that a *Decree of Divorce* was entered in the
above-captioned matter on June 8, 2020; a copy of which is attached hereto.

DATED Monday June 8, 2020.

Respectfully Submitted,

/s/ Alex Ghibaud

Alex B. Ghibaud, Esq.
Attorney for Plaintiff

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Pursuant to NRCP 5(b), I declare under penalty of perjury, under the law of the State of Nevada, that I served a true and correct copy of the foregoing *Notice of Decree of Divorce*, on June 8, 2020, 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;
- [x] By depositing a copy of same in a sealed envelope in the United States Mail, postage pre-paid, in Las Vegas, Nevada;
- [] Pursuant to EDCR 7.26, sent via facsimile by duly executed consent for service by electronic means.

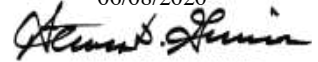
To the following address:

Amy Luciano
729 Granite Rapids Street
Las Vegas, Nevada 89138
Defendant in Proper Person

Amy Luciano
10628 Foxberry Park Drive
Reno, Nevada 89521
Defendant in Proper Person

/s/ *Alex Ghibaud*

Alex B. Ghibaud, Esq.
Attorney for Plaintiff


CLERK OF THE COURT

DECD

Alex B. Ghibaud, Esq.
Nevada Bar No. 10592
ALEX GHIBAUDO, PC
703 South Eighth Street
Las Vegas, Nevada 89101
T: (702) 978-7090
F: (702) 924-6553
E: alex@glawvegas.com
Attorney for Plaintiff

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

FRANK LUCIANO,

Plaintiff,

Case Number: D-19-598320-D
Department: E

vs.

AMY LUCIANO,

Defendant.

DECREE OF DIVORCE

The above-entitled matter came before the Honorable Charles Hoskin of the Eighth Judicial District Court, Family Division, Department E, Clark County, Nevada, on May 19, 2020 for the parties' *Non-Jury Trial* and *Order to Show Cause Hearing*. Plaintiff FRANK LUCIANO (hereinafter "Frank") was present via audiovisual equipment represented by Michancy M. Cramer, Esq. (appearing on behalf of Plaintiff's Attorney of Record, Alex B. Ghibaud, Esq.); Defendant AMY LUCIANO (hereinafter "Amy") was not present for the hearing.

1 THE COURT, having reviewed the papers/pleadings on file herein; having
2 heard oral argument from counsel; and having found good cause to take testimony
3 from Plaintiff (pursuant to Rules 1 and 4 of Nevada's Rules Governing Appearance
4 by Telephonic Transmission Equipment), **THE COURT HEREBY FINDS:**

5
6 PRELIMINARY FINDINGS

7 (Video Cite 01:35:10)

8
9 1. The date of today's hearing (the parties' Non-jury Trial) was listed on
10 the *Case Management Order* personally handed to Defendant, in open court, during
11 the parties' Case Management Conference on December 12, 2019.

12
13 2. Defendant was also present at the parties' February 4, 2020 hearing
14 wherein the Court set a Show Cause Hearing for the same date of May 19, 2020.

15
16 3. Therefore, Defendant was notified of today's trial date on at least two
17 (2) different occasions; both times in writing.

18
19 4. Court staff sent three separate e-mail invites to Defendant (to the three
20 different email address the Court has for Defendant) with regard to the parties'
21 May 5, 2020 Calendar Call; two of those emails came back; one went through.

22
23 5. Court staff tried calling Defendant (at both numbers the Court has for
24 Defendant) with regard to the May 5, 2020 Calendar Call, without success.

25
26 6. Court staff sent three different email invites to Defendant (to the three
27 different email addresses the Court has for Defendant) regarding today's Non-jury
28 Trial; all three emails came back.

1 7. Court staff tried calling Defendant (at both numbers the Court has for
2 Defendant) on multiple occasions over the course of the week leading up to today's
3 Non-jury Trial, also without success.
4

5 8. Despite potential concerns related to COVID-19, Defendant also had
6 the opportunity to show up in-person for today's hearing; the Court would have
7 allowed Defendant into the courtroom with a mask and gloves; and Defendant
8 would have had the ability to appear and present whatever she wished to the Court.
9

10 9. It appears she has chosen to essentially abandon this case.
11

12 10. Based upon Defendant's non-appearance at the parties' Calendar Call,
13 on May 5, 2020, the Court invoked EDCR 2.69.
14

15 11. Plaintiff's counsel wanted to give Defendant one more opportunity to
16 appear and participate; unfortunately, she has chosen not to take advantage of that.
17

18 12. Based upon Defendant's non-appearance at today's Non-jury Trial
19 (May 19, 2020), the Court is again invoking EDCR 2.69.
20

21 CHILD CUSTODY FINDINGS

22 (Video Cite 01:48:30)
23

24 13. This Court has complete jurisdiction in the premises, both as to the
25 subject matter thereof as well as the parties thereto and their minor child.
26

27 14. Plaintiff now is, and has been an actual and bona fide resident of the
28 County of Clark, State of Nevada, and has actually been domiciled therein for
more than six (6) weeks immediately preceding the commencement of this action.

1 15. All of the allegations contained in Plaintiff's *Complaint for Divorce*
2 (filed on October 19, 2019) are true as therein alleged; and Plaintiff is entitled to an
3 absolute *Decree of Divorce*.
4

5 16. The parties were married on or about November 18, 2017 in Clark
6 County, Nevada; and have ever since been husband and wife.
7

8 17. That there is one minor child born the issue of this marriage, to wit:
9 GIANNA HANLEY LUCIANO (hereinafter "Gianna"), born September 24, 2014.
10 There are no adopted children of the parties.
11

12 18. Based on the testimony of Plaintiff, and an analysis of the factors set
13 forth in NRS 125C.0035, it is in the minor child's best interest for Plaintiff to have
14 SOLE LEGAL and SOLE PHYSICAL custody of said minor child.
15

16 19. The Court will not put visitation in place for Defendant unless/until
17 Plaintiff deems it appropriate; or until Defendant brings the matter back before the
18 Court (to make additional findings as to the best interest of the minor child in order
19 to potentially re-establish contact with the minor child).
20

21 20. The Court accepts Plaintiff's testimony that he would eventually like
22 Defendant to have contact with the minor child; but said contact needs to be "fit"
23 contact that ensures the safety of the minor child.
24

25 21. The Court notes that Defendant had agreed, at a prior hearing, to not
26 only undergo a psychological evaluation, but to also pay for said evaluation; to
27 date, it appears that Defendant has failed to do so (video cite at 01:44:10).
28

1 CHILD SUPPORT FINDINGS

2 (Video Cite 01:48:30)

3 22. With regard to child support, Defendant's *Financial Disclosure Form*
4 filed on February 4, 2020 indicates that she is unemployed; however, Defendant
5 was not present to offer any evidence in this regard.
6

7 23. Based upon the testimony of Plaintiff, and based on not having any
8 contrary evidence from Defendant, the Court finds it appropriate to impute income
9 to Defendant based on a yearly salary of approximately \$100,000.00; which equals
10 a gross monthly income of \$8,333.33.
11

12 24. In applying the calculations set forth in Chapter 425 of Nevada
13 Administrative Code, Defendant's child support obligation to Plaintiff shall be set
14 at \$1,146.00 per month; said child support shall commence in May 2020.
15

16 ASSETS/DEBTS FINDINGS

17 (Video Cite 01:50:50)

18 25. With regard to assets and debts, each party will keep any assets or
19 debt in their name, or under their control, as their sole and separate assets/debts.
20

21 26. The only evidence the Court has is that this is a fair and equitable
22 resolution of the assets/debts in the community, which the Court hereby accepts.
23

24 ATTORNEY'S FEES FINDINGS

25 (Video Cite 01:51:23)

26 27. Absent contrary evidence, good cause exists to award attorney's fees
27 to Plaintiff under NRS 18.010 based upon the multiplication of these proceedings
28

1 and what appears to be Defendant's abandonment of the case. The Court is also
2 considering the fact that a *Joint Petition for Divorce* was initially filed in 2019; and
3
4 based upon Defendant's actions, this matter had to be litigated rather than resolved.

5 28. The Court will require Plaintiff's counsel to file a *Memorandum of*
6 *Fees/Costs* and *Brunzell Affidavit* for the Court's review; sanctions/fees previously
7
8 entered against Defendant during this action shall also be incorporated herein.

9 ...

10 **NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND**
11
12 **DECREED** that the bonds of matrimony heretofore and now existing between
13 Frank and Amy be, and the same are hereby wholly dissolved, and an absolute
14 *Decree of Divorce* is hereby granted, and each of the parties hereto is restored to
15
16 the status of a single, unmarried person.

17 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Frank
18 shall have SOLE LEGAL and SOLE PHYSICAL custody of the parties' one minor
19
20 child, to-wit: GIANNA HANLEY LUCIANO, born September 24, 2014.

21 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Amy's
22 VISITATION with Gianna shall be at Frank's SOLE DISCRETION.
23

24 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Amy
25 shall pay CHILD SUPPORT to Frank, in the amount of \$1,146.000 per month,
26
27 pursuant to Chapter 425 of Nevada Administrative Code. Said child support shall
28 be due on the 30th of each month; and shall commence this month (May 2020).

1 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that neither
2 party shall pay SPOUSAL SUPPORT or ALIMONY to the other.
3

4 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Frank
5 shall continue to provide MEDICAL INSURANCE for the benefit of Gianna. Any
6 unreimbursed medical, dental, optical, orthodontic or other health related expense,
7 incurred for the benefit of the minor child, is to be divided equally between the
8 parties. Either party incurring an out of pocket medical expense for the child shall
9 provide a copy of the paid invoice/receipt to the other party within thirty (30) days
10 of incurring such expense (if not tendered within the thirty (30) day period, the
11 Court may consider it as a waiver of reimbursement). The other party will then
12 have thirty (30) days from receipt within which to dispute the expense in writing or
13 reimburse the incurring party for one-half (½) of the out of pocket expense (if not
14 disputed or paid within the thirty (30) day period, the party may be subject to a
15 finding of contempt and appropriate sanctions).
16
17
18
19

20 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Frank
21 shall be entitled to claim Gianna as a dependent for tax purposes EACH year.
22

23 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that each
24 party shall retain all ASSETS, BANK ACCOUNTS, and PERSONAL PROPERTY
25 in their own name and/or possession as their SOLE and SEPARATE PROPERTY.
26

27 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that each
28 party shall assume all DEBTS in their name as their SOLE and SEPARATE DEBT.

1 **NOTICE IS FURTHER GIVEN** that pursuant to NRS 125C.0045(7)(8):

2 The terms of the Hague Convention of October 25, 1980, adopted by the
3 14th Session of the Hague Conference on Private International Law,
4 apply if a parent abducts or wrongfully retains a child in a foreign
5 country, as follows:

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

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

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

22 **NOTICE IS HEREBY GIVEN** that:

23 Under the terms of the Parental Kidnapping Prevention Act, 28 U.S.C.
24 Sec. 1738A, and the Uniform Child Custody Jurisdiction Act, NRS
25 125A.010 et seq., the Courts of Nevada have exclusive modification
26 jurisdiction of the custody, visitation and child support terms relating to
27 the child(ren) at issue in this case so long as either of the parties, or the
28 child, continue to reside in this jurisdiction. The minor child(ren)'s home
state is Nevada, which is in the United States of America.

...

...

1 **NOTICE IS FURTHER GIVEN** that pursuant to NRS 125C.006:

2 1. If PRIMARY PHYSICAL custody has been established pursuant to
3 an order, judgment or decree of a court and the custodial parent intends to
4 relocate his or her residence to a place outside of this State or to a place
5 within this State that is at such a distance that would substantially impair
6 the ability of the other parent to maintain a meaningful relationship with
7 the child, and the custodial parent desires to take the child with him or
 her, the custodial parent shall, before relocating:

8 (a) Attempt to obtain the written consent of the noncustodial
9 parent to relocate with the child; and

10 (b) If the noncustodial parent refuses to give that consent,
11 petition the court for permission to relocate with the child.

12 2. The court may award reasonable attorney's fees and costs to the
13 custodial parent if the court finds that the noncustodial parent refused to
14 consent to the custodial parent's relocation with the child:

15 (a) Without having reasonable grounds for such refusal; or

16 (b) For the purpose of harassing the custodial parent.

17 3. A parent who relocates with a child pursuant to this section
18 without the written consent of the noncustodial parent or the permission
19 of the court is subject to the provisions of NRS 200.359.

20 **NOTICE IS FURTHER GIVEN** that pursuant to NRS 125C.0065:

21 1. If JOINT PHYSICAL custody has been established pursuant to an
22 order, judgment or decree of a court and one parent intends to relocate his
23 or her residence to a place outside of this State or to a place within this
24 State that is at such a distance that would substantially impair the ability
25 of the other parent to maintain a meaningful relationship with the child,
26 and the relocating parent desires to take the child with him or her, the
 relocating parent shall, before relocating:

27 (a) Attempt to obtain the written consent of the non-relocating
28 parent to relocate with the child; and

1 (b) If the non-relocating parent refuses to give that consent,
2 petition the court for PRIMARY PHYSICAL custody for
3 the purpose of relocating.

4 2. The court may award reasonable attorney's fees and costs to the
5 relocating parent if the court finds that the non-relocating parent refused
6 to consent to the relocating parent's relocation with the child:

7 (a) Without having reasonable grounds for such refusal; or

8 (b) For the purpose of harassing the relocating parent.

9 3. A parent who relocates with a child pursuant to this section before
10 the court enters an order granting the parent PRIMARY PHYSICAL
11 custody of the child and permission to relocate with the child is subject to
12 the provisions of NRS 200.359.

13 **NOTICE IS FURTHER GIVEN** that the parties, and each of them, are
14 hereby placed on notice that in the event either party is ordered to pay
15 child support to the other, that, pursuant to NRS 125.450, a parent
16 responsible for paying child support is subject to NRS 31A.010 through
17 NRS 31A.340, inclusive, and Sections 2 and 3 of Chapter 31A of the
18 Nevada Revised Statutes regarding the withholding of wages and
19 commissions for the delinquent payment of support, that these statutes
20 and provisions require that, if a parent responsible for paying child
21 support is delinquent in paying the support of a child that such person has
22 been ordered to pay, then that person's wages or commissions shall
23 immediately be subject to wage assignment and garnishment, pursuant to
24 the provisions of the above-referenced statutes.

25 **NOTICE IS FURTHER GIVEN** that pursuant to NRS 125B.145:

26 1. An order for the support of a child must, upon the filing of a request for
27 review by:

28 (a) The Division of Welfare and Supportive Services of the Department of
Health and Human Services, its designated representative or the district
attorney, if the Division of Welfare and Supportive Services or the district
attorney has jurisdiction in the case; or

1 (b) A parent or legal guardian of the child,
2 ...be reviewed by the court at least every 3 years pursuant to this section to
3 determine whether the order should be modified or adjusted. Each review
4 conducted pursuant to this section must be in response to a separate request.

5 2. If the court:

6 (a) Does not have jurisdiction to modify the order, the court may forward the
7 request to any court with appropriate jurisdiction.

8 (b) Has jurisdiction to modify the order and, taking into account the best
9 interests of the child, determines that modification or adjustment of the order is
10 appropriate, the court shall enter an order modifying or adjusting the previous
11 order for support in accordance with the guidelines established by the
12 Administrator of the Division of Welfare and Supportive Services of the
13 Department of Health and Human Services pursuant to NRS 425.620.

14 3. The court shall ensure that:

15 (a) Each person who is subject to an order for the support of a child is notified,
16 not less than once every 3 years, that the person may request a review of the
17 order pursuant to this section; or

18 (b) An order for the support of a child includes notification that each person
19 who is subject to the order may request a review of the order pursuant to this
20 section.

21 4. An order for the support of a child may be reviewed at any time on the basis
22 of changed circumstances. For the purposes of this subsection, a change of 20
23 percent or more in the gross monthly income of a person who is subject to an
24 order for the support of a child shall be deemed to constitute changed
25 circumstances requiring a review for modification of the order for the support
26 of a child.

27 5. As used in this section:

28 (a) "Gross monthly income" has the meaning ascribed to it in NRS 125B.070.

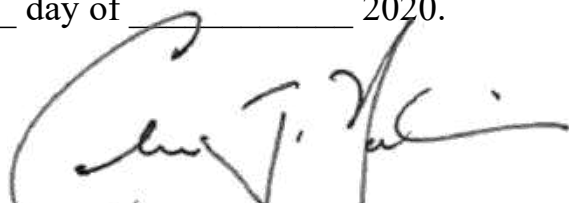
(b) "Order for the support of a child" means such an order that was issued or is
being enforced by a court of this State.

NOTICE IS HEREBY GIVEN that if you want to adjust the amount of
child support established in this order, you must file a motion to modify the

1 order with or submit a stipulation to the court. If a motion to modify the
2 order is not filed or a stipulation is not submitted, the child support
3 obligation established in this order will continue until such time as all
4 children who are the subject of this order reach 18 years of age or, if the
5 youngest child who is subject to this order is still in high school when he or
6 she reaches 18 years of age, when the child graduates from high school or
7 reaches 19 years of age, whichever comes first. Unless the parties agree
8 otherwise in a stipulation, any modification made pursuant to a motion to
9 modify the order will be effective as of the date the motion was filed.

10 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the
11 parties shall submit the information required in NRS 125B.055, NRS
12 125.130, and NRS 125.230 on a separate form to the Court and the
13 Welfare Division of the Department of Human Resources within ten (10)
14 days from the date this Order is filed; such information shall be
15 maintained by the Clerk in a confidential manner and not part of the
16 public record. The parties shall update the information filed with the
17 Court and the Welfare Division of the Department of Human Resources
18 within ten (10) days should any of the information become inaccurate.

19 **DONE and DATED** this 8th day of June, 2020.
20

21 

22 **HONORABLE CHARLES HOSKIN SE**
23 **DISTRICT COURT JUDGE**
24 **EDA 85C ADDD D327**
25 **Charles J. Hoskin**

26 Respectfully Submitted:

27 

28 **Alex B. Ghibaud, Esq.**
Nevada Bar Number: 10592
ALEX GHIBAUDO, PC
703 South Eighth Street
Las Vegas, Nevada 89101
Attorney for Plaintiff

COURT CODE: MOT

Your Name: Amy C. Luciano
Address: Protected / Safeguarded

Telephone: 1-702-581-3613 (Protected / Safeguarded)
Email Address: luciano.amyc@icloud.com
Self-Represented

DISTRICT COURT
CLARK COUNTY, NEVADA

Frank Luciano,
Plaintiff,
vs.

Amy Luciano,
Defendant.

CASE NO.: D-19-598320-D

DEPT: E

Hearing Requested? (☒ check one, the clerk will
enter dates when you file)

☐ Yes. Hearing Date: _____

Hearing Time: _____

☒ No. Chambers Decision: _____

MOTION AND NOTICE OF MOTION TO SET ASIDE ORDER, JUDGMENT, AND/OR
DEFAULT

TO: Name of Opposing Party and Party's Attorney, if any, Frank Luciano

If a hearing was requested above, the hearing on this motion will be held on the date and
time above before the Eighth Judicial District Court - Family Division located at:
(clerk will check one)

- ☒ The Family Courts and Services Center, 601 N. Pecos Road Las Vegas, Nevada 89101.
☐ The Regional Justice Center, 200 Lewis Avenue Las Vegas, Nevada 89101.
☐ The Child Support Center of Southern Nevada, 1900 E. Flamingo Rd #100, LV NV 89119.

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

Submitted By: Amy C. Luciano
☐ Plaintiff / ☒ Defendant

© 2020 Family Law Self-Help Center

the judges are responsible for knowing the law & applying it properly.
* You are responsible for knowing the law about your case. For more information on the law, this form, and free
classes, visit www.familylawselfhelpcenter.org or the Family Law Self Help Center at 601 N. Pecos Road. To find
an attorney, call the State Bar of Nevada at (702) 382-0504.

MOTION

(Your name) Amy C. Luciano moves this Court for an order to set aside an order, judgment and/or default. (☒ check one)

- ☒ I tried to resolve this issue with the other party before filing this motion.
- ☐ I did not try to resolve this issue with the other party before filing this motion. Any attempt to resolve the issue would have been useless or impractical because *(explain why you did not try to resolve this issue directly with the other party before filing this motion)*
- _____
- _____

POINTS AND AUTHORITIES LEGAL ARGUMENT

The court may set aside a final order or judgment pursuant to Nevada Rule of Civil Procedure 60(b) for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud, misrepresentation or other misconduct of an adverse party;
- (4) the judgment is void; or
- (5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that an injunction should have prospective application.

The motion shall be made within a reasonable time, and for reasons (1), (2), and (3) not more than 6 months after the proceeding was taken or the date that written notice of entry of the judgment or order was served.

When a default order is entered against a party who was never personally served with the summons and complaint, the court may set aside the order pursuant to Nevada Rule of Civil Procedure 60(c) so the party can answer the merits of the original action. A defaulted party must file a motion within 6 months of the date of service of written notice of entry of the order.

In addition, a default may be set aside for good cause. NRCP 55(c).

FACTS AND ARGUMENT

1. Order/Default. (☒ check one)

- ☐ I want to set aside a default that was entered on (date default was filed) _____.
- ☒ I want to set aside an order. A hearing was held on (date of the hearing, or "n/a" if there was no hearing) 05/12/2020 A written order was filed (date of the order) 06/08/2020
I was served with a copy of the order on (date you received the order) N/A - Not served

2. Grounds. The default, or ^{Decree} order should be set aside because: (☒ check all that apply)

- ☒ I was never served with the other party's court papers that led to the court order/default. - "Summons"
Served on other people and not myself.
- ☐ I did not respond to the other party's court papers because of my mistake, inadvertence, surprise, or excusable neglect. (Explain why you did not respond to the original papers):

A decree, judgment or order requires personal service upon a party to a case. I have never been personally served with any order. In fact, I was informed by several judicial executive assistants that they are aware I had all of my emails hacked & lost access, lost my phone lines, and just now comfortable contacting this court. See Continuation.

- ☒ The other party committed fraud, misrepresentation, or misconduct that resulted in the order. (Explain what the other party did to get the order that was wrong):

A motion was filed requesting temporary orders - in which I was never served. In addition, I received the hearing minutes for 02/20/2020 or 02/21/2020, which stated clearly ^{that} I was not personally served. New evidence exists where the Court failed to protect my substantial rights & that of our daughter. See Exhibit "A".

- ☒ Other (Explain the reasons you want the default/order set aside):
On December 31, 2019, I filed an "amended motion to disqualify, etc.", which this Court failed to address. As this Court is aware, any motion to disqualify stays proceedings until the motion is properly addressed. As such, I filed and submitted the amended motion to disqualify with the state bar of Nevada, and they stated this court has jurisdiction.

2. Grounds. The default, decree, or order should be set aside because:

In addition, my social media accounts were hacked, items posted that I did not post. I was ~~att~~^{att} also physically assaulted on two (2) separate occasions by the bailiff's at family court. One (1) time being after the hearing for protective order; and the other being after a discovery commissioner's hearing. Under no circumstances should I have been physically assaulted and I filed two (2) reports with the court administration. Further, I am in possession of a video from the St. George Police Department's body cam footage, whereas Frank Luciano admitted all allegations made in the pleadings filed by the former attorney's were in fact slander. In addition, Frank Luciano admitted in emails that he was informing the former attorney's of my new email address, but clearly the attorneys' failed to notify this Court of such. Therefore they cannot claim under any circumstance they were protecting anyone's substantial rights. Further, this Court knows I was fired by my former employer and was on unemployment for most of 2019. The fact there was purported child support awarded in excess of a \$1,000 is gross negligence. It's this job of the elected judge of this Court to know the law and protect the substantial rights of self-represented litigants to prevent reversible error. That did not occur here and must be corrected.

3. **Other Relief.** In addition to the relief requested above, I would like the Court to also order the following: (Explain anything else that you would like the judge to order, or enter "N/A" if you do not want anything else. Be specific.)

The facts are simple, I did not consent to these proceedings and neither attorney present on the opposing side ~~at~~ during this time can attest to supposedly protecting my substantial rights, that of Frank's, or even our daughter's. The fact I had to seek assistance in the State of Utah from the behavior and actions that occurred is upsetting and confounding at best. See Exhibit "B".
I respectfully ask the Court to grant me the relief requested above, including an award of attorney's fees if I am able to retain an attorney for this matter, and any other relief the Court finds appropriate. I am unable to retain an attorney as none of them will take this mess of a case. They all said it was an atrocity
DATED July 16th, 2020.

Submitted By: (your signature) Amy C. Luciano

(print your name) Amy C. Luciano

DECLARATION IN SUPPORT OF MOTION TO SET ASIDE

I declare, under penalty of perjury:

- I have read the foregoing motion, and the factual averments it contains are true and correct to the best of my knowledge, except as to those matters based on information and belief, and as to those matters, I believe them to be true. Those factual averments contained in the referenced filing are incorporated here as if set forth in full.
- Any Exhibit(s) in support of this Motion will be filed separately in an Exhibit Appendix.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

DATED July 16th, 2020.

Submitted By: (your signature) Amy C. Luciano

(print your name) Amy C. Luciano

Steven D. Grierson

EXHS

Name: Amy C. Luciano

Address: Protected/Safeguarded

Protected/safeguarded

Telephone: 1-702-581-3613 Protected/Safeguarded

Email Address: luciano.amyc@icloud.com

In Proper Person

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Frank Luciano,

Plaintiff,

vs.

Amy Luciano,

Defendant.

CASE NO.: D-19-598320-D

DEPT: E

DATE OF HEARING: _____

TIME OF HEARING: Chamber's Decision

EXHIBIT APPENDIX

(your name) Amy C. Luciano, the (check one ☒ ☐ Plaintiff
/ ☒ Defendant, submits the following exhibits in support of my (title of motion / opposition you
filed that these exhibits support) Motion and Notice of Motion to Set Aside Order, Judgment, and/or Default. I understand that

~~these are not considered substantive evidence in my case until formally admitted into evidence. Since~~
this is a motion placed on Chamber's calendar, these exhibits
are considered immediately.

Table of Contents:

1. March 2, 2020, State Bar of Nevada Letter (Exhibit "A")
2. Certified Copy of Temporary Protective Order issued by 5th Judicial District of the State of Utah (Exhibit "B")
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____
19. _____
20. _____

DATED (month) July (day) 17, 2020.

Submitted By: (your signature) /s/ Amy C. Luciano

(print your name) Amy C. Luciano

CERTIFICATE OF MAILING

I, (your name) Amy C. Luciano declare under penalty of perjury under the law of the State of Nevada that on (month) July (day) 17, 2020, I served this **Exhibit Appendix** by depositing a copy in the U.S. Mail in the State of Nevada, postage prepaid, addressed to:

Name of Person Served:

Frank Luciano

Address:

3800 S. Nellis Blvd., Apt 261

City, State, Zip

Las Vegas, Nevada 89121

DATED (month) July (day) 17, 2020.

Submitted By: (your signature) /s/ Amy C. Luciano

EXHIBIT "A"

STATE BAR OF NEVADA



3100 W. Charleston Blvd.
Suite 100
Las Vegas, NV 89102
phone 702.382.2200
toll free 800.254.2797
fax 702.385.2878

9456 Double R Blvd., Ste. B
Reno, NV 89521-5977
phone 775.329.4100
fax 775.329.0522

www.nvbar.org

March 2, 2020

Amy Luciano
729 Granite Rapids Street
Las Vegas, NV 89138

Re: Grievance / Alex Ghibaud, Esq.
Reference No. OBC20-0279

Dear Ms. Luciano:

The Office of Bar Counsel has considered your grievance to the State Bar of Nevada regarding attorney Alex Ghibaud, who is opposing counsel in your ongoing divorce case.

Court records show that *Frank Luciano vs. Amy Luciano*, Case No. D598320, remains pending in the Eighth Judicial District Court. Accordingly, your grievance involves issues which, at this time, should be addressed in the appropriate judicial setting.

The Office of Bar Counsel and the disciplinary boards of the State Bar are not substitutes for the court system. Therefore, this grievance has been dismissed. No further action shall be taken in this matter.

If a court makes written findings which clearly establish attorney misconduct, please re-submit that information for our reconsideration.

Sincerely,

Phillip J. Pattee
Assistant Bar Counsel

PJP/bkm

A70210 "A"

Exhibit "B"

Temporary Protective Order



Court: 5th District Court St George
Case No: 204500674 District: FIFTH
County: WASHINGTON State: Utah
Judge: JOHN J WALTON

Name of Petitioner AMY COLLEEN LUCIANO Address: <i>Safeguarded / Protected</i> Phone #: <i>Safeguarded / Protected</i> Date of Birth: 11-16-1976 Petitioner's Attorney: Attorney's Phone:	Name of Respondent FRANK LUCIANO Address: 3800 S NELLIS BLVD, #261, LAS VEGAS, NV 89121 Phone #: 801-879-0944 Date of Birth: 06-24-1985 Respondent's Attorney: Attorney's Phone:
Other Person(s) Protected by this Order: Name: GIANNA HANLEY LUCIANO Age: 5 Relationship to Respondent: Child	Respondent Identifying Information: Sex: M Race: White Height: 5 ft 10 in Weight: 175 lbs Eyes: Brown Hair: Black Date of Birth: 06-24-1985 SSN: xxx-xx-5173 Driver License #: xxx3151 State: NV Expiration: Distinguishing Features (Scars, Marks, Tattoos, etc): scars on back Other Names Used: SOLIN DORTA, SOLIN DORTA-CASTANO

Findings: The Court finds there is reason to believe: it has jurisdiction over the parties and this case, the Respondent and Petitioner are cohabitants, the Respondent will be served notice of his/her opportunity to be heard at the scheduled hearing, and the Respondent has abused or committed domestic violence against Petitioner, or that there is a substantial likelihood that Respondent immediately threatens Petitioner's physical safety.

The Court orders the Respondent to obey all orders on this form and to not abuse, or threaten to abuse, anyone protected by this order.

Warnings to the Respondent:

- This is a court order. No one except the court can change it. You can tell your side when you go to court. If you do not obey this order, you can be arrested, fined, and face other charges.
- This order is valid in all U.S. states and territories, the District of Columbia, and tribal lands. If you go to another U.S. state, territory, or tribal land to violate this order, a federal judge can send you to prison.
- **No guns or firearms!**

Obey all orders entered in this document.

Violation of criminal orders below is a criminal Class A Misdemeanor, punishable by up to 364 days in jail and a fine. A second or subsequent violation can result in more severe penalties.

1 You must not have contact with the Petitioner.

2 To: FRANK LUCIANO

Go to the court hearing on the date listed below. If you do not go to the hearing, the judge can make orders without hearing your side.

A hearing will be held on **July 31, 2020** with Judge **G MICHAEL WESTFALL** at **9:00 am** in room **3C** at **206 West Tabernacle, St. George UT 84770**.

This order lasts until the above hearing date; or later, if the Court extends time for service.

3 **Personal Conduct Order** Do not commit, try to commit or threaten to commit any form of violence against the Petitioner or any person listed on this order. This includes stalking, harassing, threatening, physically hurting, or causing any other form of abuse.

4 **Stay Away Order**

Stay at least **20** from the Petitioner.

5 Stay away from Petitioner's

Home: **Safeguarded / Protected**

Work:

School:

Place of worship:

6 **Property Orders** Until the hearing, only the Petitioner can use, control and possess the following property and things, but cannot dispose of this property without court approval:

Home at: **Safeguarded / Protected**

Car, truck, or other property: **2019 Ford Fusion**

7 **Civil Orders**(you can be held in contempt of court for violating these)

If you (respondent) violate the orders below, you will be in contempt of court and may be punished with jail time and fines.

8 **Property Orders**

You cannot interfere with or change Petitioner's phone, utility or other services.

You must maintain Petitioner's existing wireless phone contracts or accounts.

9 **Other Orders Due to the alleged abuse having occurred in February, and in a different state, issues related to custody must be dealt with in a divorce/custody action.**

10 **Law Enforcement to Assist** A law enforcement officer from will enforce the orders below:

Essential personal belongings means daily use items, such as clothing, medications, jewelry, toiletries, financial or personal records solely in one persons name, or items needed to work at a job or go to school.

Warning to the Respondent: Do not go to the home or other protected places without an officer. Law enforcement can evict you or keep you away from protected places, if needed.

Notice to the Petitioner:

The court may amend or dismiss a protective order after one year if it finds that the basis for the issuance of the protective order no longer exists and the petitioner has repeatedly acted in

contravention of the protective order provisions to intentionally or knowingly induce the respondent to violate the protective order, demonstrating to the court that the petitioner no longer has a reasonable fear of the respondent. (Utah Code 78B-7-105(6)(c))

Expiration Date: 01-03-2021

Dated: July 07, 2020
08:25:08 AM

/s/ JOHN J. WALTON
District Court Judge



Interpretation. If you do not speak or understand English, contact the court at least 3 days before the hearing, and an interpreter will be provided.

• *Interpretación.* Si usted no habla ni entiende el Inglés contacte al tribunal pro lo menos 3 días antes de la audiencia y le proveerán un intérprete.

Disability Accommodation. If you have a disability requiring accommodation, including an ASL interpreter, contact the court at least 3 days before the hearing.

• *Atención en caso de incapacidades.* Si usted tiene una incapacidad por la cual requiere atención especial, favor de contactar al tribunal por lo menos 3 días antes de la audiencia.

STATE OF UTAH
COUNTY OF Washington
I hereby certify that the document to
which this certificate is attached is a
full, true and correct copy of the
original filed in the Utah State Courts.
WITNESS my hand and seal
this 10 day of July
20 20
DISTRICT/JUVENILE COURT



Paul R. Mucha CLERK

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

LAS VEGAS, NV 89121

OFFICIAL USE

Certified Mail Fee \$3.55

\$

Extra Services & Fees (check box, add fee as appropriate) \$0.00

☐ Return Receipt (hardcopy)

\$0.00

☐ Return Receipt (electronic)

\$0.00

☐ Certified Mail Restricted Delivery

\$0.00

☐ Adult Signature Required

\$0.00

☐ Adult Signature Restricted Delivery

\$0.00

Postage

\$0.55

\$

Total Postage and Fees

\$4.10

\$

Sent To

Frank Luciano & Amy Luciano

Street and Apt. No., or PO Box No.

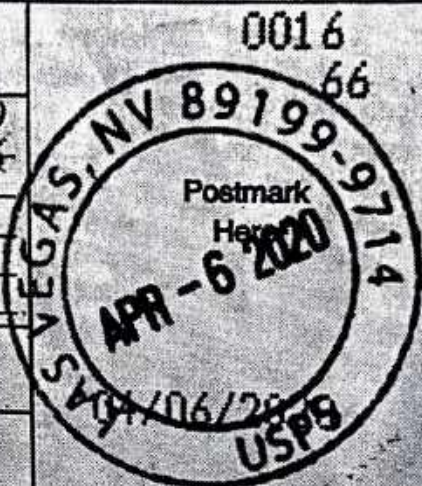
3800 S. Wells Blvd. Apt. 261

City, State, ZIP+4®

Las Vegas, NV 89121-3164

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



4:30



tools.usps.com

Tracking Number:

Remove X

70192970000183401558

Your item was delivered to an individual at the address at 2:08 pm on April 8, 2020 in LAS VEGAS, NV 89121.

✓ Delivered

April 8, 2020 at 2:08 pm
Delivered, Left with Individual
LAS VEGAS, NV 89121

Tracking History



April 8, 2020, 2:08 pm
Delivered, Left with Individual
LAS VEGAS, NV 89121

Your item was delivered to an individual at the address at 2:08 pm on April 8, 2020 in LAS VEGAS, NV 89121.

April 7, 2020, 7:43 am
Departed USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

April 6, 2020, 10:41 pm
Arrived at USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

April 6, 2020, 8:35 pm
USPS in possession of item
LAS VEGAS, NV 89109

AA0218

OFFICE OF THE SHERIFF
CLARK COUNTY DETENTION
CIVIL PROCESS SECTION

FILED
Date 7-14-20
Fifth District Court • Washington County
By _____

AMY COLLEEN LUCIANO)

PLAINTIFF)

Vs)

FRANK LUCIANO)

DEFENDANT)

CASE No. 204500674
SHERIFF CIVIL NO.: 20003863

AFFIDAVIT OF SERVICE

STATE OF NEVADA }
COUNTY OF CLARK } ss:

NICHOLAS DITUSA, being first duly sworn, deposes and says: That he/she is, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Deputy Sheriff in and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action; that on 7/8/2020, at the hour of 7:25 AM. affiant as such Deputy Sheriff served a copy/copies of **TEMPORARY PROTECTIVE ORDER, REQUEST FOR PROTECTIVE ORDER** issued in the above entitled action upon FRANK LUCIANO the defendant FRANK LUCIANO named therein, by delivering to and leaving with said defendant FRANK LUCIANO, personally, at **FORD COUNTRY 380 N GIBSON ROAD HENDERSON, NV 89014** within the County of Clark, State of Nevada, copy/copies of **TEMPORARY PROTECTIVE ORDER, REQUEST FOR PROTECTIVE ORDER**

DATED: July 9, 2020.

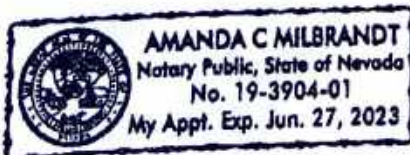
Joseph M. Lombardo, Sheriff

#18066

SUBSCRIBED AND SWORN to me before me this
14th day of July 2020.

By Nicholas Ditusa
NICHOLAS DITUSA
Deputy Sheriff

Amanda C Milbrandt
NOTARY PUBLIC in and for said County & State



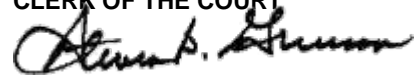
STATE OF UTAH
COUNTY OF Washington
I hereby certify that the document to which this certificate is attached is a full, true and correct copy of the original filed in the Utah State Courts.
WITNESS my hand and seal this 14 day of July 2020
DISTRICT/JUVENILE COURT



Arango CLERK

301 E. Clark Ave. #100 Las Vegas, NV 89101 (702) 455-5400

AA0217
Ex. "B"



1 **OPPC**
2 Alex B. Ghibauda, Esq.
3 Nevada Bar No. 10592
4 Michancy M. Cramer, Esq.
5 Nevada Bar No. 11545
6 **ALEX GHIBAUDO, PC**
7 197 East California Avenue – Suite 250
8 Las Vegas, Nevada 89104
9 T: (702) 978-7090
10 F: (702) 924-6553
11 E: alex@glawvegas.com
12 *Attorneys for Plaintiff*

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

16 FRANK LUCIANO,
17
18 Plaintiff,

19 vs.

20 AMY LUCIANO,
21
22 Defendant.

Case Number: D-19-598320-D

Department: E

Date of Hearing: August 28, 2020

Time of Hearing: Chambers Calendar

Oral Argument Requested: Yes

23 **PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO SET**
24 **ASIDE ORDER, JUDGMENT, AND/OR DEFAULT; AND**
25 **COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS**

26 **COMES NOW**, Plaintiff FRANK LUCIANO, by and through his Attorney
27 of Record, Alex Ghibauda, Esq., of *Alex Ghibauda, PC*, and hereby files his
28 *Opposition to Defendant's Motion to Set Aside Order, Judgment, and/or Default;*
and Countermotion for Attorney's Fees and Costs.

...

This *Opposition/Counter-motion* is based upon the attached Memorandum of Points and Authorities, any supporting exhibits provided in *Plaintiff's Exhibit Appendix* filed contemporaneously with this Motion, the attached *Declaration of Frank Luciano*, any and all pleadings and papers on file herein, and any further evidence or argument presented to the Court at the hearing of this matter.

As set forth herein, Frank respectfully requests that the Court:

1. Deny Defendant's Motion in its entirety;
2. Award Frank his attorney's fees and costs; and
3. Award Frank any other relief this Court deems just and appropriate.

DATED Monday August 3, 2020.

Respectfully Submitted,

/s/ Alex Ghibaud

Alex B. Ghibaud, Esq.
Nevada Bar No. 10592
Michancy M. Cramer, Esq.
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TO: ALL OTHER INTERESTED PARTIES

Pursuant to recent changes to the Nevada Supreme Court Electronic Filing Rules, the Clerk's Office will electronically file a *Notice of Hearing* upon receipt of this Motion. In accordance with NEFCR 9(d), if you are not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, undersigned will serve the Clerk's *Notice of Hearing* to you by traditional means.

Respectfully Submitted,

Alex B. Ghibaudo, Esq.
Nevada Bar No. 10592
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**
3 **INTRODUCTORY FACTS**

4 The parties to this post-judgment divorce action are FRANK LUCIANO
5 (hereinafter “Frank” or “Plaintiff”) and AMY LUCIANO (hereinafter “Amy” or
6 “Defendant”); the parties have one minor child together from their marriage, to-wit:
7
8 GIANNA HANLEY LUCIANO (hereinafter “Gianna”), born September 24, 2014,
9 presently age 5, and thriving in Frank’s care and custody.

10
11 A *Decree of Divorce* was entered, less than two months ago, on June 8, 2020
12 (with a *Notice of Entry of Decree* filed that same day) wherein Frank was awarded
13 SOLE LEGAL and SOLE PHYSICAL custody of Gianna (see Decree at 6:17). The
14 parties’ Decree also includes twenty-eight (28) specific FINDINGS entered by this
15 Honorable Court, specifically (see Decree starting at 2:6):

16
17 PRELIMINARY FINDINGS
18 (Video Cite 01:35:10)

19
20 1. The date of today’s hearing (the parties’ Non-jury Trial) was listed on
21 the *Case Management Order* personally handed to Defendant, in open court, during
22 the parties’ Case Management Conference on December 12, 2019.

23
24 2. Defendant was also present at the parties’ February 4, 2020 hearing
25 wherein the Court set a Show Cause Hearing for the same date of May 19, 2020.

26 3. Therefore, Defendant was notified of today’s trial date on at least two
27 (2) different occasions; both times in writing.
28

1 4. Court staff sent three separate e-mail invites to Defendant (to the three
2 different email address the Court has for Defendant) with regard to the parties'
3 May 5, 2020 Calendar Call; two of those emails came back; one went through.
4

5 5. Court staff tried calling Defendant (at both numbers the Court has for
6 Defendant) with regard to the May 5, 2020 Calendar Call, without success.
7

8 6. Court staff sent three different email invites to Defendant (to the three
9 different email addresses the Court has for Defendant) regarding today's Non-jury
10 Trial; all three emails came back.

11 7. Court staff tried calling Defendant (at both numbers the Court has for
12 Defendant) on multiple occasions over the course of the week leading up to today's
13 Non-jury Trial, also without success.
14

15 8. Despite potential concerns related to COVID-19, Defendant also had
16 the opportunity to show up in-person for today's hearing; the Court would have
17 allowed Defendant into the courtroom with a mask and gloves; and Defendant
18 would have had the ability to appear and present whatever she wished to the Court.
19

20 9. It appears she has chosen to essentially abandon this case.

21 10. Based upon Defendant's non-appearance at the parties' Calendar Call,
22 on May 5, 2020, the Court invoked EDCR 2.69.
23

24 11. Plaintiff's counsel wanted to give Defendant one more opportunity to
25 appear and participate; unfortunately, she has chosen not to take advantage of that.
26

27 12. Based upon Defendant's non-appearance at today's Non-jury Trial
28 (May 19, 2020), the Court is again invoking EDCR 2.69.

1 CHILD CUSTODY FINDINGS

2 (Video Cite 01:48:30)

3 13. This Court has complete jurisdiction in the premises, both as to the
4 subject matter thereof as well as the parties thereto and their minor child.
5

6 14. Plaintiff now is, and has been an actual and bona fide resident of the
7 County of Clark, State of Nevada, and has actually been domiciled therein for
8 more than six (6) weeks immediately preceding the commencement of this action.
9

10 15. All of the allegations contained in Plaintiff's *Complaint for Divorce*
11 (filed on October 19, 2019) are true as therein alleged; and Plaintiff is entitled to an
12 absolute *Decree of Divorce*.
13

14 16. The parties were married on or about November 18, 2017 in Clark
15 County, Nevada; and have ever since been husband and wife.

16 17. That there is one minor child born the issue of this marriage, to wit:
17 GIANNA HANLEY LUCIANO (hereinafter "Gianna"), born September 24, 2014.
18 There are no adopted children of the parties.
19

20 18. Based on the testimony of Plaintiff, and an analysis of the factors set
21 forth in NRS 125C.0035, it is in the minor child's best interest for Plaintiff to have
22 SOLE LEGAL and SOLE PHYSICAL custody of said minor child.
23

24 19. The Court will not put visitation in place for Defendant unless/until
25 Plaintiff deems it appropriate; or until Defendant brings the matter back before the
26 Court (to make additional findings as to the best interest of the minor child in order
27 to potentially re-establish contact with the minor child).
28

20. The Court accepts Plaintiff's testimony that he would eventually like Defendant to have contact with the minor child; but said contact needs to be "fit" contact that ensures the safety of the minor child.

21. The Court notes that Defendant had agreed, at a prior hearing, to not only undergo a psychological evaluation, but to also pay for said evaluation; to date, it appears that Defendant has failed to do so (video cite at 01:44:10).

CHILD SUPPORT FINDINGS

(Video Cite 01:48:30)

22. With regard to child support, Defendant's *Financial Disclosure Form* filed on February 4, 2020 indicates that she is unemployed; however, Defendant was not present to offer any evidence in this regard.

23. Based upon the testimony of Plaintiff, and based on not having any contrary evidence from Defendant, the Court finds it appropriate to impute income to Defendant based on a yearly salary of approximately \$100,000.00; which equals a gross monthly income of \$8,333.33.

24. In applying the calculations set forth in Chapter 425 of Nevada Administrative Code, Defendant's child support obligation to Plaintiff shall be set at \$1,146.00 per month; said child support shall commence in May 2020.

ASSETS/DEBTS FINDINGS

(Video Cite 01:50:50)

25. With regard to assets and debts, each party will keep any assets or debt in their name, or under their control, as their sole and separate assets/debts.

1 26. The only evidence the Court has is that this is a fair and equitable
2 resolution of the assets/debs in the community, which the Court hereby accepts.
3

4 ATTORNEY'S FEES FINDINGS
5 (Video Cite 01:51:23)

6 27. Absent contrary evidence, good cause exists to award attorney's fees
7 to Plaintiff under NRS 18.010 based upon the multiplication of these proceedings
8 and what appears to be Defendant's abandonment of the case. The Court is also
9 considering the fact that a *Joint Petition for Divorce* was initially filed in 2019; and
10 based upon Defendant's actions, this matter had to be litigated rather than resolved.
11

12 28. The Court will require Plaintiff's counsel to file a *Memorandum of*
13 *Fees/Costs* and *Brunzell Affidavit* for the Court's review; sanctions/fees previously
14 entered against Defendant during this action shall also be incorporated herein.
15

16 **II.**
17 **OPPOSITION**

18 **A. Amy Has Not Met Her Burden to Set Aside the Parties' Decree Under**
19 **NRCP 60(b); and her Motion Should be Denied**

20 NRCP 60 states, in relevant part:

21 **RULE 60. RELIEF FROM JUDGMENT OR ORDER**

22 **(b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered**
23 **Evidence; Fraud, Etc.**

24 On motion and upon such terms as are just, the court may relieve a party or a
25 party's legal representative from a final judgment, order, or proceeding for
26 the following reasons:

- 27 1) mistake, inadvertence, surprise, or excusable neglect;
28 2) newly discovered evidence which by due diligence could not have been
 discovered in time to move for a new trial under Rule 59(b);

- 3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation or other misconduct of an adverse party;
- 4) the judgment is void; or,
- 5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that an injunction should have prospective application.

The motion shall be made within a reasonable time, and for reasons (1), (2), and (3) not more than 6 months after the proceeding was taken or the date that written notice of entry of the judgment or order was served. A motion under this subdivision (b) does not affect the finality of a judgment or suspend its operation.

This rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order, or proceeding, or to set aside a judgment for fraud upon the court. Writs of coram nobis, coram vobis, audita querela, and bills of review and bills in the nature of a bill of review, are abolished, and the procedure for obtaining any relief from a judgment shall be by motion as prescribed in these rules.

In her Motion, filed on July 21, 2020, Amy seems to allege that the parties' Decree of Divorce should be set aside for the following reasons:

1) First, on page 1 of the Motion form Amy used from the Family Court Self-help Center, Amy crosses out the line at the bottom of the page that says, "you are responsible for knowing the law about your case," and replaces it by writing in, "the judges are responsible for knowing the law and applying it properly," which is precisely what this Honorable Court (and the Discovery Commissioner) have done throughout the history of this case.

2) On page 3 of her Motion, Amy alleges that she was never personally served with a copy of Frank's Summons and Complaint. *This is simply not true.*

1 Pursuant to the *Affidavit of Service* filed on October 26, 2019, Amy was personally
2 served with copies of the Summons; Complaint; Frank’s Motion for Temporary
3 Orders; Exhibits; FDF; and the Clerk’s Notice of Hearing. Then, according to an
4 additional *Affidavit of Service* filed on November 4, 2020, Amy was also personally
5 served with a copy of the Court’s Order Shortening Time setting the matter for an
6 initial hearing on November 7, 2019 (a hearing that Amy attended).
7
8

9 3) Amy goes on to allege, also on page 3, that she “has never been
10 personally served with any order” in this case. *This is also false.* During a hearing
11 before the Discover Commissioner on January 31, 2020 (immediately prior to Amy
12 being removed from the courtroom by five marshals based on Amy becoming
13 uncontrollably hysterical and belligerent), Frank’s counsel personally served Amy,
14 on the record in open court, with copies of multiple orders, papers, and pleadings.
15
16

17 4) In the very next sentence, Amy alleges that, “I was informed by
18 several judicial executive assistants that they are aware that I had all of my emails
19 hacked and lost access.” A claim that, while entertaining and amusing, *is also false*
20 and makes absolutely no sense.
21
22

23 The remainder of Amy’s Motion is equally bizarre/unintelligible, making it
24 difficult for undersigned to provide a substantive response for the Court. As the
25 Court is well aware, this kind of behavior from Amy is nothing new. On February
26 13, 2020 (one week before the parties’ February 20, 2020 hearing), Amy showed
27 up unannounced at Gianna’s school; unilaterally removed Gianna from school; and
28

1 immediately fled to the State of Utah (all without any notice or communication to
2 Frank). After law enforcement in both Nevada and Utah became involved, Amy
3 finally returned Gianna to Frank, on February 16, 2020, with bruises on Gianna's
4 face. Four days later, on February 20, 2020, Amy was a no-show for court and
5 Frank was granted sole legal and sole physical custody of Gianna (which
6 ultimately became the final Order of the Court and incorporated into the parties'
7 *Decree of Divorce* entered on June 8, 2020) .

10 After the parties' February 20, 2020 hearing: (1) Amy threatened to kill
11 Frank;¹ (2) Amy became homeless;² (3) Amy harassed administrators at
12 Cunningham Elementary (where Gianna attended Kindergarten);³ (4) Amy harassed
13 Frank at his home and work;⁴ (5) Amy continued to refuse to participate in a
14 psychological evaluation (as ordered by the Court); and (6) Amy continued to
15 refuse to participate in the discovery process.

19 ¹ In text messages sent to Frank on April 6, 2020, Amy said, "Listen sweetheart I don't care; how about
20 that; in fact *I am going to go an fucking kill your ass*; watch what I do now."

21 ² Amy's purported address of 729 Granite Rapids Street, Las Vegas, Nevada 89138
22 has been vacant since 01/16/2020 (and was sold on 04/03/20);

Amy's purported address of 11512 Regal Rock Place, Las Vegas, Nevada 89138
23 has been vacant since 12/1/2020 (and was sold on 02/11/2020); and,

Amy's purported address of 10628 Foxberry Park Drive, Reno, Nevada 89521
24 belongs to family members that Amy no longer speaks with; mail sent to this address has been returned.

25 ³ At the request of school administrators, the Las Vegas Metropolitan Police Department removed Amy
26 from campus on March 12, 2020. LVMPD reported that, during their altercation with Amy, she
27 claimed to be a "lawyer"; then a "judge"; and that she was "dismissing" Cunningham's Principal.

28 ⁴ Since this litigation commenced in October 2019, Frank has been forced to contact LVMPD for
assistance at work (and at home) on more than a dozen different occasions.

1 In this regard, the history of these parties and the history of the parties'
2 lengthy litigation is worth repeating:

3
4 1) Frank and Amy met through mutual acquaintances and started dating
5 in, or around, September 2013;

6 2) Gianna was born on September 24, 2014 in Las Vegas, Nevada; and is
7 currently five (5) years-old.

8
9 3) Shortly before this filing, Amy pulled Gianna out of Kindergarten
10 (without Frank's knowledge or consent) and is refusing to send the child to school.
11

12 4) Shortly before this filing, Frank also learned that Amy does not have
13 food in the house for Gianna (or the boys) and is not keeping the house clean;
14

15 5) Shortly before this filing, Frank learned that Amy stays up until 4:00
16 or 5:00 a.m. and sleeps most of the day (leaving the kids unattended);
17

18 6) In early-2016, Frank discovered text messages on Amy's cellphone
19 documenting frequent late-night drug deals (*sometimes conducted with Gianna in*
20 *Amy's vehicle*) arranging meet-ups for the pick-up and/or drop-off of various
21 controlled substances.
22

23 7) In the text messages, Amy is seen negotiating the trafficking of "20's"
24 and "30's" of "addy's" (20mg and 30mg doses of Adderall) along with batches of
25 "blues" (Oxycodone pills) for herself and "other lawyer" friends.
26

27 8) In mid-2016, Amy was evicted from her house and was forced to
28 move in with her mother (Wendy Mazaros);

1 9) In late-2016, Frank took Amy to Summerlin Hospital for detox and
2 drug rehab; which was unsuccessful.

3
4 10) After promising to clean up her act and remain sober, Frank and Amy
5 were married on November 18, 2017;

6 11) Shortly after getting married, Amy began having friends (fellow
7 junkies) over to the house late at night to talk about their various Family Court
8 cases (Amy wrote pleadings for many of these people) and would stay up until
9 3:00 or 4:00 a.m. popping pills and drinking;
10

11 12) In mid-2018, Amy called Frank and told him to come home because
12 she couldn't take of Gianna. When Frank arrived, he found Amy passed out in the
13 parties' backyard (where it was 110-plus-degrees) laying face-first into the ground.
14 Amy had nearly overdosed and taken her life.
15

16 13) A week before Christmas 2018, Amy and Frank were evicted from
17 their Summerlin home; unbeknownst to Frank, Amy had emptied the parties'
18 savings account and blown the money on narcotics. The parties were forced to
19 spend Christmas at a hotel and live with a friend, shortly thereafter.
20

21 14) In January 2019, when Frank told Amy that their marriage was over,
22 Amy left what appeared to be a suicide note (using lipstick) on a bathroom mirror.
23 Genuinely wanting to see Amy get help (and genuinely wanting Amy to get clean
24 and sober) Frank stayed and arranged another rehab stay for Amy.
25
26

27 15) On or around January 22, 2019, Amy spent a few days at a rehab
28 facility and promised Frank she was on a path to long-lasting recovery.

1 16) In February 2019, Amy ran for Mayor of Las Vegas (and posted
2 strange campaign videos on her social media platforms raising concerns that her
3 delusions had not ceased; and that her drug use had only escalated);
4

5 17) Shortly thereafter, Frank told Amy that things were over;
6

7 18) On July 18, 2019, Amy filed an improper Joint Petition for Divorce;
8

9 19) On October 21, 2019, Frank filed a Complaint for Divorce;
10

11 20) On December 7, 2019 at 12:15 p.m., Amy inundated Frank with text
12 messages accusing him of *abducting Gianna*:
13

14 21) On December 30, 2019, Amy no showed for a deposition that had been
15 noticed and filed into the record on December 12, 2019. Undersigned counsel filed
16 a *Motion to Compel* later that same day;
17

18 22) On January 12, 2020, Amy took to social media to “brag” about a
19 road rage incident that resulted in a violent physical altercation; all of which took
20 place in front of Gianna.
21

22 23) On January 14, 2020, Amy told her three sons from a prior relationship
23 (Dylan, Danny, and Devin; the subject minors in Case No. D-12-467098-D) that she
24 was about to be evicted from her Las Vegas residence and that she was planning on
25 moving to Reno, Nevada immediately to live with her mother (Wendy Mazaros).
26

27 24) Dylan, Danny, and Devin also reported that earlier that day (January
28 14, 2020), Amy had told them to “get the f--- out of her house”; that “they were all
bad boys”; that Amy “no longer wanted them”; and that they “needed to go live

1 with their father (Michael Dziedzic) permanently.” Mr. Dziedzic now has full
2 custody of Dylan, Danny, and Devin.

3
4 25) On January 16, 2020, Amy emptied out her Las Vegas residence
5 (located at 729 Granite Rapids Street, Las Vegas, Nevada 89138).

6
7 26) Also, on January 16, 2020, Amy showed up unannounced at
8 Plaintiff’s (“Frank”) place of employment (Ford Country in the Valley Automall);
9 made an obnoxious scene in front of customers and Frank’s bosses; and demanded
10 that Frank immediately turn over Gianna. Since that day (January 16, 2020) was
11 the first day of Frank’s regular custodial period (and since Frank had just picked up
12 Gianna from her preschool for the start of his regular custodial week), he refused
13 and turned Amy away.

14
15
16 27) Shortly thereafter, Amy contacted the Las Vegas Metropolitan Police
17 Department; levied false allegations of child abduction/concealment against Frank;
18 and had Metro conduct multiple welfare checks on Gianna. Amy’s incessant
19 harassment of Frank has continued ever since and it has become abundantly clear
20 that Amy wishes to “keep” Gianna in Reno (after “discarding” Dylan, Danny, and
21 Devin in Las Vegas) without first asking this Court for permission to relocate.

22
23
24 28) On January 17, 2020, Amy had her mother’s husband (Carl Mazaros)
25 drop-off the boys’ bicycles, clothes, and personal belongings (thrown in trash bags)
26 at Mr. Dziedzic’s house:

27
28 ...

1 29) On January 18, 2020, without saying goodbye to the boys, Amy left
2 for Reno and hasn't communicated with Dylan, Danny, or Devin since.
3

4 30) On January 27, 2020, Amy filed an *Ex Parte Motion* into this case
5 making it perfectly clear how she feels about her sons, saying "*Gianna's half-*
6 *brothers were bad – and as a mother it is my job and duty to ensure they*
7 *understand that. They need to repent, seek and obtain forgiveness for their acts.*"
8

9 31) On January 31, 2020, during a hearing before the Discovery
10 Commissioner on Frank's *Motion to Compel* (filed on December 30, 2019); Amy
11 *had to be escorted out of the courtroom by five Marshals* after screaming at
12 Commissioner Fic about "being disqualified" from this case.
13

14 32) On February 2, 2020, Amy filed a *Financial Disclosure Form* into the
15 Joint Petition case Amy initiated in this matter (that this Court has since dismissed;
16 Case No. D-19-590373-Z) claiming that (1) Amy has a Master of Laws Degree
17 (LL.M.); (2) Amy has been diagnosed with a disability (ADD and Asperger's); and
18 that her prior source of employment, Adestria Project, has been fully dissolved
19 (despite the Nevada Secretary of State's website saying otherwise).
20
21

22 33) Interestingly, Amy filed a *Financial Disclosure Form* into her case
23 against Michael Dziejcz (Case No. D-12-467098-D) in late-2018 claiming that (1)
24 Amy attended "some college"; (2) Amy was not disabled at all; and (3) Amy was
25 earning \$127,500.00 per year from Adestria Project (income that should now be
26 imputed to Amy based on her documented earning potential):
27
28

1 34) On February 4, 2020, Amy claimed in open court that she was living in
2 both Reno and Las Vegas; and that her Las Vegas home (at 729 Granite Rapids Street,
3 Las Vegas, Nevada 89138) had not been fully vacated.
4

5 35) Immediately after court, on February 4, 2020, Frank confirmed (through
6 Realtor Shaun Marion) that the Granite Rapids residence is vacant; has been vacant;
7 and is currently listed on the market.
8

9 36) On February 13, 2020 (one week before the parties' previous hearing
10 before this Court), Amy showed up unannounced at Gianna's school; unilaterally
11 removed Gianna from school; and immediately fled to the State of Utah (all
12 without any notice or communication to Frank). After law enforcement in both
13 Nevada and Utah became involved, Amy finally returned Gianna to Frank, on
14 February 16, 2020, with bruises on Gianna's face.
15
16

17 37) Four days later, on February 20, 2020, Amy was a no-show for court
18 and Frank was granted sole legal and sole physical custody of Gianna pending
19 further order of the Court.
20

21 38) Since the parties' February 20, 2020 hearing: (1) Amy has threatened
22 to kill Frank; (2) Amy has become homeless; (3) Amy has harassed administrators
23 at Cunningham Elementary (where Gianna attends Kindergarten); (4) Amy has
24 harassed Frank at his home and work; (5) Amy has continued to refuse to
25 participate in a psychological evaluation (as ordered by the Court); and (6) Amy has
26 continued to refuse to participate in the discovery process.
27
28

1 ...

2 Under NRCP 60(b), Amy may set aside the decree of divorce or individual
3 provisions of it if she demonstrates that there was fraud, there is new evidence,
4 there is a mistake of fact or duress, or if there exists excusable neglect. Defendant
5 seems to claim that she was never served something, and that is why Frank
6 obtained the decree of divorce. If that is her argument, NRCP 60(b) is not her rule.
7 Therefore, this court must deny the motion.
8
9

10 Additionally, to date, (1) Amy has still not completed a psychological/
11 behavioral evaluation as previously stipulated between the parties and ordered by
12 this Court; (2) Frank has been forced to obtain a *Temporary Protective Order*
13 against Amy based on ongoing harassment/threats from Amy (see the parties' T-
14 cases hereto); and, (3) Amy has not met her burden under NRCP 60(b) to set aside
15 the parties' *Decree of Divorce*. Accordingly, Amy's Motion must be denied and
16 Frank should be awarded his attorney's fees and costs.
17
18

19
20 **III.**
21 **COUNTERMOTION**

22 Frank is requesting an award of attorney's fees and costs based, in part, on
23 NRS 18.010(2) should he become the prevailing party:
24

25 **NRS 18.010 Award of attorney's fees.**

- 26 1. The compensation of an attorney and counselor for his or her services is
27 governed by agreement, express or implied, which is not restrained by law.
28 2. In addition to the cases where an allowance is authorized by specific statute,
the court may make an allowance of attorney's fees to a prevailing party:

1 (a) When the prevailing party has not recovered more than \$20,000; or

2 (b) Without regard to the recovery sought, when the court finds that the
3 claim, counterclaim, cross-claim or third-party complaint or defense of
4 the opposing party was brought or maintained without reasonable ground
5 or to harass the prevailing party. The court shall liberally construe the
6 provisions of this paragraph in favor of awarding attorney's fees in all
7 appropriate situations. It is the intent of the Legislature that the court
8 award attorney's fees pursuant to this paragraph and impose sanctions
9 pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all
10 appropriate situations to punish for and deter frivolous or vexatious
11 claims and defenses because such claims and defenses overburden
12 limited judicial resources, hinder the timely resolution of meritorious
13 claims and increase the costs of engaging in business and providing
14 professional services to the public.

15 3. In awarding attorney's fees, the court may pronounce its decision on the
16 fees at the conclusion of the trial or special proceeding without written motion
17 and with or without presentation of additional evidence.

18 Frank also makes her request for fees pursuant to EDCR 7.60(b), based on
19 Amy's ongoing non-compliance with this Court's Orders and unnecessarily
20 multiplying these proceedings:

21 **Rule 7.60. Sanctions.**

22 (b) The court may, after notice and an opportunity to be heard, impose upon an
23 attorney or a party any and all sanctions which may, under the facts of the case,
24 be reasonable, including the imposition of fines, costs or attorney's fees when
25 an attorney or a party without just cause:

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

28 (2) Fails to prepare for a presentation.

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

(4) Fails or refuses to comply with these rules.

(5) Fails or refuses to comply with any order of a judge of the court.

Additionally, pursuant to *Halbrook v. Halbrook*, 114 Nev. 1455, 1461, 971 P.2d 1262, 1266 (1998) citing to *Leeming v. Leeming*, 87 Nev. 530, 532, 490 P.2d, 342, 343 (1971), this Court has continuing jurisdiction to make an award of attorney's fees in a post-divorce proceeding under NRS 125.150(4), which states:

Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney's fee to either party to an action for divorce.

Lastly, pursuant to *Miller v. Wilfong*, 121 Nev. 619, 623-625, 119 P.3d 727, 730-731 (2005) and *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31 (1969), an *Affidavit and Memorandum of Fees and Costs* to support Frank's request for attorney's fees can be filed upon request by the Court.

IV. CONCLUSION

WHEREFORE, based upon the foregoing, and for the reasons set forth herein, Frank respectfully requests that the Court:

1. Deny Amy's Motion in its entirety;
2. Award Frank his attorney's fees and costs; and
3. Award Frank any other relief this Court deems just and appropriate.

DATED Monday August 3, 2020.

Respectfully Submitted,

/s/ Alex Ghibaud

Alex B. Ghibaud, Esq.
Attorney for Plaintiff

DECLARATION OF FRANK LUCIANO

I, FRANK LUCIANO, am the Plaintiff in this action and declare that I am competent to testify to the facts in this Declaration. I have read the foregoing *Opposition to Defendant's Motion to Set Aside Order, Judgment, and/or Default; and Countermotion for Attorney's Fees and Costs* and know the content thereof; that the same is true of my own knowledge except for those matters therein stated on information and belief, and as to those matters, I believe them to be true. Those factual averments contained in the referenced filing are incorporated here as if set forth in full.

I declare under penalty of perjury under the laws of the State of Nevada (NRS 53.045 and 28 U.S.C. § 1746), that the forgoing is true and correct.

DATED Monday August 3, 2020.

/s/ Frank Luciano ⁵

Frank Luciano
Plaintiff

⁵ Plaintiff's signature affixed electronically pursuant to Eighth Judicial District Court Administrative Orders 20-10 and 20-17. Plaintiff's authorization was obtained prior to this filing.

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I declare under penalty of perjury, under the law of the State of Nevada, that I served a true and correct copy of *Plaintiff's Opposition to Defendant's Motion to Set Aside Order, Judgment, and/or Default; and Countermotion for Attorney's Fees and Costs*, on August 3, 2020, 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;
- [x] By depositing a copy of same in a sealed envelope in the United States Mail, postage pre-paid, in Las Vegas, Nevada (along with a courtesy copy sent via electronic mail);
- [] Pursuant to EDCR 7.26, sent via facsimile by duly executed consent for service by electronic means.

To the following address:

Amy Luciano
729 Granite Rapids Street
Las Vegas, Nevada 89138
Defendant in Proper Person

Amy Luciano
10628 Foxberry Park Drive
Reno, Nevada 89521
Defendant in Proper Person

/s/ Alex Ghibaudo

Alex B. Ghibaud, Esq.
Attorney for Plaintiff

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

FRANK LUCIANO

Plaintiff/Petitioner

vs.

AMY LUCIANO

Defendant/Respondent

Case Number: **D-19-598320-D**Department: **E**

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

Notice: Motions and Oppositions 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:

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> | \$25 | The Motion/Opposition being filed with this form is subject to the \$25 reopen fee. |
| -OR- | | |
| <input checked="" type="checkbox"/> | \$0 | The Motion/Opposition being filed is not subject to the \$25 reopen fee because: |
| | <input checked="" type="checkbox"/> | The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered. |
| | <input type="checkbox"/> | The Motion/Opposition is being filed solely to adjust the amount of child support established in a final Order. |
| | <input type="checkbox"/> | The Motion/Opposition is for reconsideration or for a new trial and is being filed with 10 days after a final judgment or Decree was entered. The final Order was entered on: _____. |
| | <input type="checkbox"/> | Other Excluded Motion |

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

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | \$0 | The Motion/Opposition being filed is not subject to the \$129 or \$57 fee because: |
| | <input checked="" type="checkbox"/> | The Motion/Opposition is being filed in a case not initiated by Joint Petition. |
| | <input type="checkbox"/> | The party filing the Motion/Opposition previously paid a fee of \$129 or \$57 |
| -OR- | | |
| <input type="checkbox"/> | \$129 | The Motion/Opposition 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- | | |
| <input type="checkbox"/> | \$57 | The Motion/Opposition being filed 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:

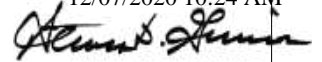
The total filing fee for the Motion/Opposition I am filing with this form is

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

Party filing Motion/Opposition: **Frank Luciano**

Date: **08.03.2020**

Signature of Party or Preparer: /s/ Alex B. Ghibaud, Esq.


CLERK OF THE COURT

ORDR

Alex B. Ghibaud, Esq.
Nevada Bar Number: 10592
ALEX GHIBAUDO, PC
197 E California Ave, Ste 250
Las Vegas, Nevada 89106
T: (702) 462-5888
F: (702) 924-6553
E: alex@glawvegas.com
Attorney for Plaintiff

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

FRANK LUCIANO,

Plaintiff,

vs.

AMY LUCIANO,

Defendant.

Case Number: D-19-598320-D
Department: E

ORDER FROM SEPTEMBER 16, 2020 HEARING

THIS MATTER came before the Honorable Charles Hoskin on September 16, 2020 at 10:00 a.m. for hearing on *Defendant's Motion and Notice of Motion to Set Aside Order, Judgement and/or Default; Plaintiff's Opposition to Defendant's Motion and Notice of Motion to Set Aside Order, Judgement and/or Default; and Countermotion for Attorney's Fees and Costs*. Plaintiff FRANK LUCIANO was present at the hearing via audio, represented by his Attorney of Record, Alex Ghibaud, Esq. and Michancy Cramer, Esq., present via video; Defendant AMY

1 LUCIANO was present via video, representing herself.

2 The Court having reviewed the papers, pleadings, and other documents filed
3 in this case, by all parties hereto, and having heard any oral arguments presented;
4 and good cause appearing therefore:
5

6 The Court noted its review of Defendant's Motion and Plaintiff's
7 Opposition. Ms. Luciano stated that she was not served.

8 The Court heard discussion from Ms. Luciano in which she confirmed that
9 she failed to file an updated Financial Disclosure Form (FDF) and the Court was
10 therefore unable to address financial matters. The Court heard discussion regarding
11 Ms. Luciano's allegations her not having contact with the children for 4-5 months,
12 her suggestion that Mr. Luciano failed to show up at a dental appointment she
13 made for the child, and her allegation that she sent Mr. Luciano a request to sign in
14 and communicate with her via Our Family Wizard (OFW) and him failing to do so.
15

16 The Court then heard discussion regarding Ms. Luciano's request to have the
17 Decree of Divorce set aside as a result of her failure to appear at the Calendar Call
18 on May 5, 2020 or the Non Jury Trial set for May 19, 2020. Ms. Luciano brought
19 up her amended motion to disqualify Mr. Ghibaud and his failure to response; the
20 Court indicated that the matter was resolved several hearings ago and was denied
21 at the February 4, 2020 hearing. Ms. Luciano was present and confirmed the same.
22

23 Ms. Luciano went on to state that Michael, her other ex-husband, just
24 appeared for this hearing. This case was heard on an electronic break-out session
25 with only the Court, the parties, and counsel present. The Court directed that Ms.
26 Luciano focus on why there was a basis to set aside the order from the May 19,
27 2020 hearing. Ms. Luciano stated that she uploaded all the messages into OFW
28

1 and it was her belief that the hearing was not going forward. After reviewing the
2 minutes from the February 4, 2020 hearing, Ms. Luciano stated that that it said Mr.
3 Ghibaudo was the prevailing party, but he was not a party to the case. The Court
4 has already previously resolved that issue and indicated that Mr. Ghibaudo is not a
5 party to the case, but counsel for the plaintiff.
6

7 Ms. Luciano claimed that there was no intervention pursuant to NRCP and
8 there was a duty to postpone absent that being herself. Ms. Luciano claimed that
9 she was misled and told by Mr. Luciano to remain at his mother's house in Utah,
10 and that she has all her medical records to indicate that she was sick with COVID-
11 19.
12

13 The Court informed Ms. Luciano that she was notified on several occasions
14 about being required to appear for the Calendar Call. The Court confirmed that
15 Ms. Luciano was in court on two separate occasions where she was physically
16 handed in OPEN COURT copies of the Case Management Order (CMO.) Ms.
17 Luciano's argument that she went by what Mr. Luciano told her about not having
18 to appear and stated that she was sick with COVID-19 causing her confusion,
19 being hospitalized several times along with sustaining other injuries, confirming it
20 was her mistake. Ms. Luciano stated that Mr. Luciano testified at a recent hearing
21 in Utah that everything was resolved between her and him through their joint
22 petition.
23

24 The Court indicated that it was not hearing a basis for the request to set aside
25 the order.
26

27 The Court heard further discussion regarding Ms. Luciano being a self-
28 represented litigant who is unable to locate an attorney and every attorney she

1 spoke with wants an exorbitant amount of money or wants nothing to do with the
2 case. She further stated that as a self-represented litigant it is this Court's job to
3 know the law and apply it appropriately, especially if she is unable to provide a
4 basis. She further stated that there was a prior motion with pictures, her having to
5 file a motion to dismiss, she was misled while sick with COVID, not able to work,
6 is awaiting benefits, she was informed through emails which she lost all access to
7 along with her phone numbers being lost as well as anything that was provided to
8 the Court.
9

10 Ms. Luciano stated that she sent communication to Mr. Ghibaudo
11 representing that she had her own place, the reason she was evicted and/or what
12 occurred providing proof her lease was fulfilled. She further discussed what
13 happened at the first hearing in this case. She went on to discuss the history of her
14 allegations that Mr. Luciano retained Mr. Ghibaudo's office, her attempts to
15 resolve the issues and their refusal to return her calls. She stated that she cannot be
16 held in debtors prison pursuant to *Fernandez* based on erroneous information being
17 provided and if a person is sick with COVID.
18
19

20 Discussion was further heard regarding the court minutes from the February
21 20, 2020 hearing, and the temporary order that was put in place was based on
22 fraud, based on Ms. Luciano's claims. The Court inquired as to whether or not Ms.
23 Luciano was taking any responsibility for any of this. She stated that she had tried
24 her best and there is basis, the record is clear that she never failed a drug test, she
25 has no idea what happened or what was brought up, but she could tell the Court
26 every allegation made against her was false, that she never received a copy of the
27 Decree of Divorce other than the first and last page, and stating that she was not
28

1 properly served.

2 The Court again inquired as to what Ms. Luciano wanted the Court to do.
3 She indicated she wanted an order to set aside the Decree as it had erroneous
4 findings based on evidence that was precluded and rebutted over the years stating
5 again that she never failed a drug test. The Court confirmed that the test was not
6 included in the Decree of Divorce and inquired over the last few months why she
7 had not obtained a copy. Ms. Luciano stated that it was to preserve her rights so
8 she did not obtain a copy, repeating that she was to be served personally.
9

10 Ms. Cramer confirmed that their office received zero calls from Ms.
11 Luciano, that she had not reached out to their office, and they received nothing
12 other than the motion. Ms. Cramer stated that Ms. Luciano has proven time and
13 time again that she can log on to the Court's online portal, can obtain documents
14 on several of her cases, and can do so with this case. Ms. Luciano does not have
15 credibility, did not provide a legal basis to set aside the Decree, and that her
16 pleadings were somewhat incoherent. Ms. Luciano stated that Ms. Cramer should
17 be cautious when attacking her credibility and she is lying to the Court. Ms.
18 Cramer pointed out that Ms. Luciano claims that the Decree has erroneous findings
19 in it, but then says that she did not receive a copy, she is not credible, and this is
20 just more of the same.
21
22

23 The Court notes that a Notice of Entry of Decree of Divorce was filed on
24 June 8, 2020, was mailed to the Granite Rapids address in Las Vegas, and the
25 Foxberry Park address in Reno, Nevada, but that the Granite Rapids address is the
26 last known address in the Court's file; good service was effectuated in this case.
27 Ms. Luciano stated that she was not served at the Granite Rapids address as that
28

1 lease expired, and she was in the State of Utah. The Court confirmed that Ms.
2 Luciano assured the Court she was still residing at the Granite Rapids address and
3 that was where her visitation had been taking place. Ms. Luciano stated that she
4 did not filed a Notice of Change of Address and by her filing an Ex Parte
5 application of any other pleading constitutes an update of address. She confirmed
6 her email address on the record as luciano.amyc@icloud.com. She claimed their
7 family life was intruded upon by two political motivated attorneys when they had
8 no right to do so and repeatedly asked for the removal after the case was sealed.
9

10 The record indicates Ms. Luciano was provided a copy of the Decree of
11 Divorce by the court by way of email on September 16, 2020.
12

13 The Court stated for the record after its review of each hearing that Ms.
14 Luciano was not present on, the Court outlined at the outset all efforts that were
15 made to provide her with information for her appearance. The CMO was
16 personally handed to her at the December 12, 2019 hearing which contained the
17 May 19, 2020 evidentiary hearing date and further discussed the February date, all
18 the addresses (home and email) Ms. Luciano provided were sent notice regarding
19 the hearings not only from Mr. Luciano's attorney, but also from court staff. Ms.
20 Luciano told the Court to STOP RIGHT NOW. Based on her interruptions the
21 Court muted her audio so that it could finish its ruling.
22

23 Based on Ms. Luciano's lack of participation in the May 5, 2020 calendar
24 call the Court utilized EDCR 2.69 with regard to finalization of the matter.
25 Notwithstanding that, the Court set the matter for a hearing to provide another
26 opportunity for her to appear and provide information contrary to the information
27 that was going to be provided by Mr. Luciano. She again failed to appear. The
28

1 Court heard sworn testimony from Mr. Luciano and made determinations. At this
2 point and similar to the child support, it is very possible that the custody order
3 entered as a result of that hearing should be modified and changes made. In fact,
4 when the Court entered its order on May 19, 2020, it stated that it would be the
5 order in place until she came back before the Court and provided a basis to make a
6 change. The ability of Ms. Luciano to request a modification still exists, but was
7 not properly requested in the moving papers she submitted to the Court at this time.
8 The Court suggested that she file a motion to modify and to follow the rules so the
9 Court can consider the relief.
10

11 Ms. Luciano stated that this Court can sua sponte address holiday time as
12 she was denied regular custodial time. The Court confirmed that she has not been
13 denied custodial or holiday time as Mr. Luciano was awarded sole legal and
14 physical custody; there is no visitation in the order based on her failure to appear to
15 request the same. Ms. Luciano stated that this case must be dismissed. She asked
16 the Court to clarify its decision and the Court confirmed its order was based on her
17 failure to appear and what was presented.
18

19 The COURT stated its FINDINGS and ORDERED the following:
20

21 **IT IS HEREBY ORDERED** that Ms. Luciano's request for modification of
22 child support at this time is DENIED absent her filing an FDF as required.
23

24 **IT IS FURTHER ORDERED** that based on what has been presented today
25 the Court has no basis to set aside the Decree of Divorce or the order therein. The
26 Court does have the ability to modify, but not absent a motion being filed.

27 **IT IS FURTHER ORDERED** that as for the countermotion and given the
28 ruling, there is a basis under NRS 18.010 as prevailing party to award some fees.

1 The Court shall require Ms. Cramer to file a *Brunzell* affidavit along with the
2 memorandum of fee and costs, leaving the amount blank in the order.

3 Ms. Cramer shall prepare the order, case closed upon entry of the same.

4 **IT IS SO ORDERED** this _____ day of _____, 2020.

5 Dated this 7th day of December, 2020

6 

7 **HONORABLE CHARLES HOSKIN** se

8 6CB 9D5 82DC C972
9 Charles J. Hoskin
District Court Judge

10 Respectfully Submitted:

11 *//s//Michancy M. Cramer*

12 **Michancy M. Cramer, Esq.**
13 *Attorney for Plaintiff*

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Frank Luciano, Plaintiff

CASE NO: D-19-598320-D

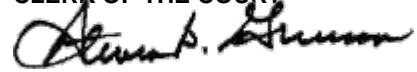
7 vs.

DEPT. NO. Department E

8 Amy Luciano, Defendant.
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 Electronic service was attempted through the Eighth Judicial District Court's
12 electronic filing system, but there were no registered users on the case. The filer has been
13 notified to serve all parties by traditional means.
14
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COURT CODE: MOT

Your Name: Amy Colleen Hanley

Address: 6551 Annie Oakley Drive, Apt. 321

Henderson, NV 89014

Telephone: 702-557-6415

Email Address: ahanley1976@gmail.com

Self-Represented

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Frank Luciano,
Plaintiff,

vs.

Amy Colleen Luciano,
Defendant.

CASE NO.: D-19-598320-D

DEPT: x

Hearing Requested? (☒ *check one, the clerk will enter dates when you file*)

☐ **Yes.** Hearing Date: _____

Hearing Time: _____

☒ **No.** Chambers Decision: _____

**MOTION AND NOTICE OF MOTION TO SET ASIDE ORDER, JUDGMENT, AND/OR
DEFAULT**

TO: Name of Opposing Party and Party's Attorney, if any, Frank Luciano

If a hearing was requested above, the hearing on this motion will be held on the date and time above before the Eighth Judicial District Court - Family Division located at:
(clerk will check one)

- ☐ The Family Courts and Services Center, 601 N. Pecos Road Las Vegas, Nevada 89101.
- ☐ The Regional Justice Center, 200 Lewis Avenue Las Vegas, Nevada 89101.
- ☐ The Child Support Center of Southern Nevada, 1900 E. Flamingo Rd #100, LV NV 89119.

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

Submitted By: /s/ Amy Colleen Hanley
☐ Plaintiff / ☒ Defendant

MOTION

(Your name) Amy Colleen Hanley moves this Court for an order to set aside an order, judgment and/or default. (☒ *check one*)

- ☒ I tried to resolve this issue with the other party before filing this motion.
- ☐ I did not try to resolve this issue with the other party before filing this motion. Any attempt to resolve the issue would have been useless or impractical because (*explain why you did not try to resolve this issue directly with the other party before filing this motion*)
- See Exhibit A.

POINTS AND AUTHORITIES LEGAL ARGUMENT

The court may set aside a final order or judgment pursuant to Nevada Rule of Civil Procedure 60(b) for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud, misrepresentation or other misconduct of an adverse party;
- (4) the judgment is void; or
- (5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that an injunction should have prospective application.

The motion shall be made within a reasonable time, and for reasons (1), (2), and (3) not more than 6 months after the proceeding was taken or the date that written notice of entry of the judgment or order was served.

When a default order is entered against a party who was never personally served with the summons and complaint, the court may set aside the order pursuant to Nevada Rule of Civil Procedure 60(c) so the party can answer the merits of the original action. A defaulted party must file a motion within 6 months of the date of service of written notice of entry of the order.

In addition, a default may be set aside for good cause. NRCP 55(c).

FACTS AND ARGUMENT

1. **Order/Default.** (☒ *check one*)

- ☐ I want to set aside a default that was entered on (*date default was filed*) _____.
- ☒ I want to set aside an order. A hearing was held on (*date of the hearing, or "n/a" if there was no hearing*) 2/20/20; 5/19/20; 9/16/20. A written order was filed (*date of the order*) 2/21/20; 6/8/20; 12/03/20. I was served with a copy of the order on (*date you received the order*) Never served.

2. **Grounds.** The default or order should be set aside because: (☒ *check all that apply*)

- ☒ I was never served with the other party's court papers that led to the court order/default.
- ☐ I did not respond to the other party's court papers because of my mistake, inadvertence, surprise, or excusable neglect. (*Explain why you did not respond to the original papers*):

- ☒ The other party committed fraud, misrepresentation, or misconduct that resulted in the order. (*Explain what the other party did to get the order that was wrong*):

There was an Motion filed sometime in Feb. of 2020, with an Ex Parte Application for an Order Shortening Time; and an Order Shortening time had been granted, however I was never personally served with the Motion; Ex Parte Application for an Order Shortening Time; and Order Shortening Time. Further, I was never served with an Order filed on Feb. 21, 2020. I was able to obtain a copy of the Feb. 20, 2020, hearing minutes. In review, multiple misrepresentations had been made to the Court. Because I don't know what date the Order Shortening Time was filed, I can't list a date but include herein to be set-aside. (See cont. pg 4-13).

- ☒ Other (*Explain the reasons you want the default/order set aside*):

In review of the Feb. 20, 2020, hearing minutes I was not fully apprised of the fact Plaintiff had been ordered prior thereto to pay child support in the amount of \$754.00, pursuant to the July 26, 2017, Order filed in case: Amy Hanley vs. Frank Luciano, no.: R-17198640-R. In fact, Plaintiff has a minimum of \$12,809.00 in child support arrears due to be paid to me without adding in interest and penalties, notwithstanding current child support upon set-aside of these egregious orders. (See cont. pg. 14-15).

2. Grounds. The default or order should be set aside because:

The other party committed fraud, misrepresentation, or misconduct that resulted in the order.

During the hearing held on Feb. 20, 2020, Dept. E was apprised and specifically knew it would be problematic to enter an order absent personal service.¹ In fact, the hearing scheduled on Feb. 20, 2020, should have been cancelled until I was personally served with the necessary documents. In review of the Feb. 20, 2020, hearing minutes, I can only discern the following:

Plaintiff's Motion, Ex Parte Application for an Order Shortening Time, and Order Shortening Time was nothing more than an amended version of his original Complaint for Divorce filed on Oct. 21, 2019. However, based on the following misrepresentations prior custody orders² were improperly set-aside and temporary

¹ The 14th amendment of the United States Constitution gives everyone a right to due process of law, which includes judgments that comply with the rules and case law. Most due process exceptions deal with the issue of **notification**. If, for example, someone gets a judgement against you in another state without you having been notified, you can attack the judgement for lack of due process of law. In *Griffen v. Griffen*, 327 U.S. 220, 66 S. Ct. 556, 90 L. Ed. 635.

² Pursuant to our private parenting agreement under *Bluestein vs. Bluestein*, Gianna is to reside primarily with me while Plaintiff is at work,² in accordance with the July 26, 2017, Child Support Order entered in case: *Amy Hanley vs. Frank Luciano*, no.: R-17-198640-R, as I have always held primary physical custody of her. However, an affidavit had never been properly filed to the record in the instant matter or another related matter providing with specificity our exact private parenting

orders obtained under fraud were entered without personal service having occurred.³
See EDCR 5.208; and 5.514.

Specifically, multiple misrepresentations had been made. The initial misrepresentation made during the hearing held on Feb. 20, 2020, was I supposedly picked up our only underage child, Gianna Hanley Luciano, born Sep. 24, 2014, (*hereinafter* Gianna), on a Thursday and ran with her.⁴ When in fact, Plaintiff improperly withdrew Gianna from Givens Elementary School on Jan. 23, 2020 (Thursday), and concealed her whereabouts over several weeks. See Exhibit B. After I was able to locate what elementary school Gianna had been improperly enrolled in without my consent and permission, I picked her up after school on Feb. 13, 2020 (Friday). Upon my arrival, I had been improperly removed from Gianna's school records and had to supply all my identifying documentation. Further, in mid-2016, Plaintiff had signed in front of a notary at America First Credit Union, paperwork to voluntarily terminate his parental rights of Gianna. These documents were sent to Patrick Driscoll, Esq., to keep safe and his office is currently locating them.

agreement pursuant to *Bluestein vs. Bluestein*, 131 Nev. Adv. Op. 14 (March 31, 2015).

³ *See* 02/20/2020, Hearing Minutes at pg. 1.

⁴ *See* 02/20/2020, Hearing Minutes at pg. 1.

In addition, on Feb. 16, 2020 (Sunday), when I took Gianna to Plaintiff, it was discovered he had been out the night before heavily drinking. Plaintiff became angry and physically pushed me out of our door, causing me to fall on my right knee and get injured while Gianna witnessed the entire event.⁵ See Exhibit C. However, Plaintiff was not arrested.⁶ In fact, if Plaintiff would have been arrested all hearings would have been cancelled and should have been cancelled irrespective of the fact Plaintiff had not been arrested, but solely due to the fact I had not been personally served. However, because Plaintiff knew he had a deceptive pending Motion on an Order Shortening Time, he yelled and told Gianna to go inside, slammed and locked the door, essentially concealing and detaining her as he knew I had not been personally served with his deceptive Motion; Ex Parte Application for an Order Shortening Time; and Order Shortening Time so I could personally oppose and attend a hearing held on Feb. 20, 2020. *See* EDCR 5.208; and 5.514.

An additional misrepresentation had been made that I was supposedly a flight risk, however I do not have a valid passport and only Plaintiff has a valid passport.⁷ Further, Plaintiff has improperly disconnected his phone number, shut down his

⁵ LVMPD Event #: LLV200200076812.

⁶ In fact, on Apr. 24, 2014, Plaintiff demonstrated the same type of behavior, when I was barely four (4) months pregnant with Gianna. During that time, Plaintiff got upset I was pregnant, asked me to get an abortion, and then pushed me out of our door causing me to fall. To be clear, we were not legally married on Apr. 24, 2014.

⁷ *See* 02/20/2020 Hearing Minutes at pg. 2.

email addresses,⁸ and refused to communicate, irrespective of the fact his prior lawyers just sent an email verifying I am to contact Plaintiff directly to resolve all outstanding issues. See Ex. A. In addition, Plaintiff has made multiple threats in the past of relocating with Gianna out of this State and improperly believes he is not subject to the Court's jurisdiction. See Exhibit D.

Further, Plaintiff's deceptive Motion and Ex Parte Application for an Order Shortening Time is a complete misrepresentation of the facts since on Feb. 14, 2021, Plaintiff sent text messages from his phone number of 1-801-879-0944 to Robin Stoddard's cell phone number⁹ falsely alleging something completely different had occurred in Feb. of 2020, prior to the filing of his deceptive Motion and Ex Parte Application for an Order Shortening Time, as opposed to taking responsibility and telling the truth.¹⁰ I had just received these photos of text messages in the last few weeks and was able to finally discern what I could possibly file and who to serve. See Exhibit E.

⁸ Plaintiff had frank7luciano@gmail.com; frank777luciano@gmail.com; and access to all business email addresses and my personal email addresses. In fact, Plaintiff has had access to iCloud email addresses I have established. In addition, additional evidence had been obtained establishing additional access had been improperly obtained.

⁹ 1-775-636-5569.

¹⁰ Plaintiff should have been communicating with me, and not with Stoddard who is my only maternal half-sister. In fact, Plaintiff improperly sent a photo of page one and the last page of the June 8, 2020, decree to Stoddard, irrespective of the fact, I had not been personally served. See Ex. E.

The next misrepresentation made during the Feb. 20, 2020, hearing was I supposedly evaded service, when in fact, such never occurred. Plaintiff has always known where I physically resided. In fact, it was Plaintiff who made several misrepresentations as to his physical address. When Plaintiff's Complaint was initially filed on Oct. 21, 2019, his address was listed as 729 Granite Rapids Street, Las Vegas, NV 89138. However, Plaintiff was not residing full time with me, Gianna, and her three underage older siblings, but instead had rented a room located in Henderson, NV. Prior to renting a room in Henderson, NV, Plaintiff had demanded that I accept \$500.00 per month from him towards rent and child support, or he was going to move out. Shortly after Christmas of 2019, Plaintiff had rented an apartment but refused to provide the address.¹¹

Another misrepresentation made was I supposedly violated orders of the court when I never did. In fact, Plaintiff had and has violated multiple orders and caused significant procedural irregularities and defects in the past, either at the advice of his prior counsel and/or by his own decision.

Specifically, during a hearing held prior to Feb. 20, 2020, Plaintiff was required to provide his physical address after he had already improperly removed Gianna from Givens Elementary School without my explicit permission. However,

¹¹ Plaintiff knew the temporary rental home located at 729 Granite Rapids Street, Las Vegas, NV 89138 was listed on the real estate market to be sold and had been sold.

during the hearing Plaintiff failed to provide his full and complete address and only provided a partial address, essentially concealing and detaining Gianna from me. In addition, Plaintiff was ordered to allow me inside the apartment. Further, my Dec. 31, 2019, Motion to Disqualify had been improperly denied. However, I have just recently acquired new evidence clearly demonstrating Alex Ghibaud, Esq., and his entire law firm should not have been allowed to represent Plaintiff and proceed on a baseless matter where significant harm has already been done, and an injustice has occurred and thus must be corrected.¹² See Exhibit F.

In addition, on Dec. 18, 2018, we lost our rental home¹³ located at 808 Sand Primrose Street, Las Vegas, NV 89138.¹⁴ However, on Dec. 31, 2018, Plaintiff had quit his full-time job at Ford Country. Plaintiff did not return to work full time at Ford Country until on or about May 2, 2019. Also, Plaintiff knew and has known I

¹² In Sep. of 2019, Plaintiff was improperly contacted and solicited through text messaging by a former employee of Alex Ghibaud, Esq., after the joint petition had been filed and all matters resolved, specifically child custody and support.

¹³ Plaintiff's name was not included on the original lease agreement, though I had requested such, and he resided there from May 2, 2017 through Dec. 18, 2019, until we were improperly evicted. We did not have the money to hire an attorney to properly address the issue since Plaintiff felt it was more important to fly his older child out to Las Vegas, NV from Chicago, IL.

¹⁴ In Sep. of 2018, we had contracted to purchase a Luma home built by Pardee. We had been pre-qualified and approved, but Pardee had refused to sell us our home in Jan. of 2019. We did not have the money to hire an attorney to properly address the issue and a real estate agent who Plaintiff knew had contacted Pardee Homes to see what the problem was, but a reasonable excuse had not been given.

was permanently laid off from a temporary job on Feb. 2, 2019 and been receiving unemployment since Aug. of 2019. See Exhibit G. Further, Plaintiff has known I have thyroid cancer since mid-2019, after I lost the city of Las Vegas Mayor's Race. In fact, Plaintiff intentionally did not list me on his employer sponsored group medical and dental insurance plan through Ford Country.

On Oct. 8, 2020, and Oct. 9, 2020, I received multiple emails from Plaintiff demanding I contact America First Credit Union and Mercedes Benz Financial to pay close to \$50,000.00 in community debts. Plaintiff's emails demonstrate his willingness to proceed without an attorney and prohibit the application of EDCR 5.209(b)(3). Rather than provide commentary as to what Plaintiff wrote, I will allow the Court to review these emails and discern as to Plaintiff's true motive and intent. See Exhibit H.

On Feb. 17, 2021, I received text messages from Plaintiff while he was at work and using Gianna's iPad. The Court can discern Plaintiff's demeanor and behavior since obtaining multiple egregious, fraudulent and void orders subject to immediate set-aside. See Exhibit I.

As of the filing of this Motion, I still have not been personally served with Plaintiff's deceptive Motion; Ex Parte Application for an Order Shortening Time; Order Shortening Time; and post Hearing Order from the Feb. 20, 2020, hearing held. In fact, I still have not been properly served with most of the documents filed

by Plaintiff through his prior lawyers.¹⁵ In addition, when I asked Plaintiff to supply the name and number to his supposed retained lawyers on multiple occasions, he had refused to supply such. When I had attempted to reach Alex Ghibaud, Esq., on the phone, through facsimile and email, I never received a response until just recently. See Ex. A.

Gianna's and my substantial rights have been violated due to these procedural defects, irregularities, and injustices thus having already caused significant harm thereby prohibiting a court from improperly applying NRCP 61. In fact, I have not seen and spoken to Gianna since Feb. 16, 2020, when there was never basis to proceed and due to significant egregious past mistakes with orders entered subject to immediate set-aside. Further, I have never failed a drug test, but Plaintiff failed his and tested positive with THC in his system.

Whenever I have attempted to pick up Gianna from Plaintiff, I was threatened some random female was going to beat me up, called multiple vulgar names by Plaintiff, and been degraded and demeaned in the past. Plaintiff also continuously threatened to call the cops, irrespective of the fact, I had only tried to pick up Gianna. In addition, when I asked to receive copies of paperwork, those requests were improperly ignored, and I was told Plaintiff needed to personally serve me.

¹⁵ Including but not limited to June 8, 2020, Decree; Opposition to my July 21, 2020, Motion to Set Aside; and Order filed on Dec. 3, 2020.

Plaintiff has known since early Feb. of 2021, I was awarded custody of my other three older underage children who are Gianna's siblings and whom she has been raised with since birth during an emergency hearing held before 2nd Judicial District Court, Washoe County, Nevada. See Ex. H.

Therefore, in the instant matter, Dept. E lost jurisdiction to proceed when it improperly entered temporary orders during a hearing held on Feb. 20, 2020, without Defendant being personally served with a Plaintiff's Motion, Ex Parte Application for an Order Shortening Time, Order Shortening Time, and a post Hearing Order supposedly entered on Feb. 21, 2020.

Plaintiff's Oct. 21, 2019, initial Complaint had requested primary physical custody, but such had denied upon enforcement of their private parenting agreement. However, Plaintiff's erroneous and deceptive motion, and ex parte application for an order shortening time were based on an entirely different story than what Plaintiff recently sent to Robin Stoddard's phone number on Feb. 14, 2021. In addition, since an affidavit had never been submitted pursuant to *Bluestein vs. Bluestein*, 131 Nev. Adv. Op. 14 (Mar. 26, 2015),¹⁶ as to the parents private parenting agreement, Dept. E erred when it asked Defendant to provide a verbal custodial arrangement without

¹⁶ *Bluestein vs. Bluestein*, 131 Nev. Adv. Op. 14 (Mar. 26, 2015), is noticeably clear that parents are entitled to keep private parenting agreements private and are only required to supply such details in a written affidavit upon enforcement.

the proper documentation being supplied, thus thereby created additional harmful error subject to immediate set-aside.

Further, Defendant did attempt to call in on May 5, 2020, to attend all hearings but never received a return phone call, as she had not been personally served with the corresponding documents filed in Feb. of 2020, that resulted in a void judgment being filed on June 8, 2020.¹⁷ In addition, due to unexplainable reasons, Plaintiff and/or his prior lawyers repeatedly refused and/or failed to properly serve Defendant, thus intentionally adversely affecting her substantial parental rights and Gianna's substantial rights to have both of her parents involved in her life and her siblings.

Further, even though Defendant filed a Motion to Set Aside on July 21, 2020, such was done based on receiving knowledge a June 8, 2020, Decree of Divorce had been filed but was not properly served upon Defendant. In addition, during the hearing held on Sep. 16, 2020, it was brought to Defendant's attention, that Plaintiff had indeed attended the hearing but intentionally typed in the incorrect first name, knowing such would immediately preclude him from the hearing, thus denying Defendant the right to a fair hearing on Sept. 16, 2020.

¹⁷ It must be noted the June 8, 2020, Decree contains an inaccurate date as to when Plaintiff's initial Complaint was filed. In fact, Plaintiff's initial Complaint was filed on Oct. 21, 2019. Further, to my understanding there are no findings of fact and conclusions of law provided, as there was and is not a basis to proceed.

Other (*Explain the reasons you want the default/order set aside*):

After recently consulting with a family law attorney, I was apprised as to the multiple procedural defects and violations. Further, I never knew Plaintiff was ordered to pay child support to me in the amount of \$754.00 per month pursuant to the July 26, 2017, Order filed in case: Amy Hanley vs. Frank Luciano, no.: R-17-198640-R. In fact, Plaintiff has a minimum of \$12,809.00 in child support arrears due to be paid to me without adding in interest and penalties, notwithstanding a current child support award upon immediate set-aside of these egregious orders.¹⁸

In addition, when I called I.R.S. to acquire copies of a valid tax transcript, Plaintiff improperly claimed Gianna on his personal income tax return filed year ending Dec. 31, 2019 and had improperly filed as single. The Dec. 31, 2019, federal income tax return needs to be amended and filed properly with I.R.S., to conform with all prior year filings. Plaintiff was also egregiously allowed to claim Gianna as a dependent on future income tax return filings, and such should be corrected immediately.

Further, I was also made aware Plaintiff currently has Gianna on Medicaid and other assistance, though he currently works full time and demanded and received thousands of dollars from me in 2020.

¹⁸ To include but not limited to June 8, 2020, Decree (to my understanding such is absent findings of fact and conclusion of law); and Order filed on Dec. 3, 2020 (never been served and unsure of the contents).

Plaintiff also knew the leased 2018 Ford Explorer was under a business name since he signed all paperwork on behalf of the dissolved business. The lease expired and the vehicle was returned. The repossessed 2018 Mercedes Benz S450 was also a company leased vehicle and Plaintiff is a personal guarantor on the loan. However, Plaintiff acquired the 2019 Ford Fusion, knew I did not have a vehicle, and such is subject to community property.

3. Other Relief. In addition to the relief requested above, I would like the Court to also order the following:

A. Sole legal custody of Gianna should be granted to Amy Colleen Hanley.

Sole legal custody is justified as Plaintiff has intentionally thwarted and frustrated all past attempts, I have made to establish a meaningful relationship with Gianna. In fact, when I have tried to contact Gianna on Plaintiff's cell phone I was told no and was not allowed to speak to her. Further, since Plaintiff never took the mandated COPE class pursuant to EDCR 5.302, he does not understand what it means to parent and co-parent in the best interest of Gianna. (<http://selfhelp.nvcourts.gov/self-help/divorce/divorce-laws-and-rules>). See Exhibit

J.¹⁹

¹⁹ Irrespective of Plaintiff's multiple false allegations, at his demands and false promises to bring Gianna physically home, I have sent thousands of dollars and had delivered clothes, toys, games, gift cards, groceries and food to 3800 S. Nellis Blvd., Apt. 261, Las Vegas, NV 89121 to ensure Gianna's needs were met. However, Plaintiff had only paid a mere total of \$735.26 in child support back in Aug., Sept.,

B. Primary physical custody of the minor child should be restored and granted to Amy Colleen Hanley, pursuant to our private parenting agreement under *Bluestein vs. Bluestein*, with the other parent having visitation as proposed in Exhibit 1 attached hereto.

C. The proposed holiday visitation schedule is attached as Exhibit 1. The holiday visitation schedule should control when in conflict with the regular visitation schedule.

Best Interest of the Child. The proposed physical custody and visitation arrangements are in the child's best interest because:

a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to her custody (Gianna is a 6.5yr old child and not of sufficient age to form an intelligent preference.);

b) Any nomination of a guardian for the child by a parent (Neither parent has ever nominated a guardian, nor has there ever been any paperwork fully signed and authenticated.);

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

and Oct. of 2017. Plaintiff complained then and did not understand why Nevada imposed such a high amount when he only had to pay \$354.00 per month in child support regarding his older child.

Plaintiff supposedly testified on May 19, 2020, his desire to ensure Defendant had contact and a relationship with Gianna, however such has not occurred. To the contrary, Defendant has always fostered Plaintiff's relationship with Gianna and ensured contact. Specifically, even after Defendant obtained an enforceable Order in case: *Amy Hanley vs. Frank Luciano*, no.: R-17-198640-R, Defendant and Plaintiff resided together to ensure Gianna's best interest was met. It must be noted that Plaintiff had lost custody of his other older child and Defendant made sure to help reestablish and foster his relationship with his other older child. Specifically, in Aug. of 2018, Plaintiff's older child was flown out to Las Vegas, Nevada from Chicago, IL, at Defendant's suggestion and request. Further, though Plaintiff and Defendant had lost their rental home located at 808 Sand Primrose St., Las Vegas, NV 89138, on Dec. 18, 2018, Plaintiff demanded an airline ticket be bought to fly his older child from Chicago, IL to Las Vegas, NV to spend the holidays with him, Defendant, Gianna, and her three underage older siblings while they were staying in a suite at Green Valley Ranch Hotel and Casino. Defendant complied not to disappoint Plaintiff and purchased the airline ticket.);

d) The level of conflict between the parents (There was no conflict until Dept. E grossly erred when it entered Temporary Orders without Defendant being personally served with those requests and knew such would be a problem; and, also failed to require the mandated COPE class.);

e) The ability of the parents to cooperate to meet the needs of the child (There was an ability to cooperate and meet Gianna's needs, up and until, Dept. E erred when it entered temporary orders based on false premises and inaccurate facts without personal service ever occurring. When Defendant discovered Gianna had been to a dentist appointment on April 11, 2020, she had contacted and attempted to schedule Gianna a dentist appointment to have dental work done she needs. On Sep. 8, 2020, Plaintiff was contacted but had refused to bring Gianna to her dentist appointment. Shortly thereafter, Plaintiff had received a dental bill in the mail and had written Defendant's address on the envelope so she could pay a dental bill from 2019, even though Plaintiff is the guarantor on the account. See Exhibit K. However, irrespective of those circumstances, Plaintiff has willfully refused to supply any relevant information as to Gianna's wellbeing, medical needs, or education to Defendant. Further, Defendant did receive a notice in the mail from Cunningham elementary school indicating Gianna has 16 absences, but unclear about her grades since Plaintiff has told Cunningham Elementary School not to release those details to Defendant. See Exhibit L.);

f) The mental and physical health of the parents (Plaintiff's mental and physical health is unknown but based on review of text messages and comments made about blocking Defendant and calls being snuck through appear to indicate some type of underlying mental health disorder. See Ex. D. However, Defendant's own mental

and physical wellbeing is perfectly fine as she obtained sole physical and legal custody of her three other underage children and intends to properly address her cancer diagnosis upon immediate conclusion of the matter.);

g) The physical, developmental and emotional needs of the child (Gianna is a thriving, energetic, loving, compassionate, and caring child. However, due Plaintiff's past refusal to properly coparent and parent with Defendant, there are significant concerns as to Gianna's development. See Ex. A; D; I; and J. Gianna misses and loves Defendant very much; and Defendant loves and misses Gianna very much and such parent/child bond must be corrected. Gianna also misses her three underage older siblings and has been unjustly denied contact with them the past year.);

h) The nature of the relationship of the child with each parent (Gianna's relationship with Defendant is very bonded and close knit. Plaintiff's relationship with Gianna have clearly demonstrated his motive and intent is to use a child to obtain money to pay off debts. Further, it is overly concerning and alarming due to Plaintiff's inability to co-parent and parent effectively with Defendant. In fact, Plaintiff has referred to Defendant with the use of vulgar names when she has tried to pick up Gianna in the past, it can only be assumed Gianna has heard and witnessed such.);

i) The ability of the child to maintain relationship with any sibling (Defendant was justly awarded sole legal and physical custody of Gianna's three older underage siblings. Concerningly, Plaintiff allowed contact only once with Gianna's siblings on December 25, 2020, irrespective of the fact Gianna has been raised with her older underage siblings since her birth. To the contrary, Defendant has always made sure Gianna had contact and a relationship with Plaintiff's other older child from a previous relationship. In fact, Plaintiff had lost custody of his other older child, did not have much contact, and was constantly past due on his child support obligation. It was not until Plaintiff met Defendant is when he became somewhat of a mature and responsible adult in paying and taking care of his other child. However, due to unforeseen circumstances, when Plaintiff quit his job at Ford Country on Dec. 31, 2018, his child support obligation went unpaid. Shortly thereafter Defendant was unemployed. When their joint income tax return was filed in year ending Dec. 31, 2018, a substantial portion was garnished to pay in full Plaintiff's remaining child support obligation and arrears owed on his other older child.);

j) Any history of parental abuse or neglect of the child or a sibling of the child (Plaintiff nor Defendant have never abused or neglected Gianna. Further, there has never been abuse or neglect of Gianna's three underage older siblings.);

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

residing with the child (Plaintiff did commit an act of domestic violence on Feb. 16, 2020, against Defendant with their minor child present. Confoundingly, Plaintiff should have been arrested but was not and such an egregious mistake must not occur in the future. In doing so, Plaintiff intentionally deceived the court on Feb. 20, 2020, to illegally obtain custody of their minor child, irrespective of the fact the law of the case is Defendant has always held primary physical custody of their minor child. Further, Plaintiff does have a history of such behavior and has not ever properly been held accountable to attend anger management and impulse control classes. Further, it appears Plaintiff's sole motive and intent was to obtain monies out of Defendant, that she does not have, because of some ill willed intent his credit was ruined. Likewise, Defendant's credit was also ruined.);

1) Whether either parent or any other person seeking custody has committed any act of abduction against the child or any other child. (Such has not occurred here, however Plaintiff has willfully withheld, detained and concealed Gianna from Defendant over the past year and such an injustice must be immediately corrected.)

3. **Other Relief.** In addition to the relief requested above, I would like the Court to also order the following: (*Explain anything else that you would like the judge to order, or enter "N/A" if you do not want anything else. Be specific.*)

When determining physical custody of a child, the sole consideration of the court is the best interest of the minor child. NRS 125C.0035. There is a presumption that joint physical custody and joint legal custody would be in the best interest of the child if: 1) the parents have so agreed; or 2) a parent has demonstrated, or attempted to demonstrate but had his or her efforts frustrated by the other parent, an intent to establish a meaningful relationship with the child. NRS 125C.0025. A court may award one parent primary physical custody if it determines that joint physical custody is not in the best interest of the child. NRS 125C.003. The court shall also determine child support under NRS 125B.080. See also NRS 125.040. (See Cont. pgs. 15-21)

I respectfully ask the Court to grant me the relief requested above, including an award of attorney's fees if I am able to retain an attorney for this matter, and any other relief the Court finds appropriate.

DATED May 28, 2021.

Submitted By: (*your signature*) /s/ Amy Colleen Hanley
(*print your name*) Amy Colleen Hanley

DECLARATION IN SUPPORT OF MOTION TO SET ASIDE

I declare, under penalty of perjury:

- a. I have read the foregoing motion, and the factual averments it contains are true and correct to the best of my knowledge, except as to those matters based on information and belief, and as to those matters, I believe them to be true. Those factual averments contained in the referenced filing are incorporated here as if set forth in full.
- b. Any Exhibit(s) in support of this Motion will be filed separately in an Exhibit Appendix.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

DATED May 28, 2021.

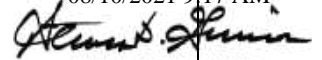
Submitted By: (*your signature*) /s/ Amy Colleen Hanley
(*print your name*) Amy Colleen Hanley

EXHIBIT 1: Parenting Timeshare and Holiday Schedule

☐ No Visitation Requested Because: (explain) _____

<p>Regular Schedule: <i>Be very specific. Include the times and days of the week for each parent's timeshare.</i> (ex.: <u>Mom</u>: Saturday 7pm – Wednesday 3pm, <u>Dad</u>: Wednesday 3pm – Saturday 7pm)</p>	<p>Amy Colleen Hanley: Monday at 7:30a.m., until Saturday at 5:00p.m. Frank Luciano: Saturday at 5:00p.m., until Monday at 7:30a.m.</p>
<p>Summer Schedule:</p>	<p><input checked="" type="checkbox"/> Same as the regular schedule. <input type="checkbox"/> Other: _____</p>
<p>Mother's Day and Mother's Birthday:</p>	<p><input checked="" type="checkbox"/> Mother every year from 9am – 7pm. <input type="checkbox"/> Other: _____</p>
<p>Father's Day and Father's Birthday:</p>	<p><input checked="" type="checkbox"/> Father every year from 9am – 7pm. <input type="checkbox"/> Other: _____</p>
<p>Child's Birthday:</p>	<p><input checked="" type="checkbox"/> <u>Even years</u> with (parent) <u>Frank Luciano</u>. <u>Odd years</u> with (parent) <u>Amy Colleen Hanley</u>. *Time shall be from 9am – 7pm.* <input type="checkbox"/> Other: _____</p>
<p>3 Day Weekends:</p>	<p><input checked="" type="checkbox"/> <u>Even Years</u>: MLK Jr. Day, Memorial Day, Labor Day with (parent) <u>Frank Luciano</u>, President's Day, Independence Day, Nevada Admissions Day with the other parent. <u>Odd Years</u>: MLK Jr. Day, Memorial Day, Labor Day with (parent) <u>Amy Colleen Hanley</u>, President's Day, Independence Day, Nevada Admissions Day with the other parent. *Time begins when school lets out the day before the holiday weekend (or 3pm if no school), and ends the day following the holiday weekend when school resumes (or 9am).* **If Independence Day falls on a Tuesday, Wednesday, or Thursday, the time shall be from July 3 at 9am until July 5 at 9am.** <input type="checkbox"/> Other: _____</p>

Easter / Spring Break:	<input checked="" type="checkbox"/> Even years with (<i>parent</i>) <u>Frank Luciano</u> . Odd years with the other parent. *Time shall begin the day school lets out until noon the day before school resumes.* <input type="checkbox"/> Other: _____
Thanksgiving:	<input checked="" type="checkbox"/> Odd years with (<i>parent</i>) <u>Amy Colleen Hanley</u> . Even years with the other parent. *Time shall begin the day school lets out until noon the day before school resumes.* <input type="checkbox"/> Other: _____
Winter Break / Christmas:	<input checked="" type="checkbox"/> Segment 1 (Christmas) consists of the day school lets out until December 26 at noon. Segment 2 (New Year's) consists of December 26 at noon until noon the day before school resumes. <u>Even years:</u> segment 1 with (<i>parent</i>) <u>Frank Luciano</u> , segment 2 with the other parent. <u>Odd years:</u> segment 1 with (<i>parent</i>) <u>Amy Colleen Hanley</u> , segment 2 with the other parent. <input type="checkbox"/> Other: _____
Other Holidays:	
Vacation:	<input type="checkbox"/> The parents will not establish a formal vacation plan, and will instead mutually agree on vacation days and times with the child(ren). <input checked="" type="checkbox"/> Each parent may have up to (<i>number</i>) <u>7</u> vacation days per year with the child(ren). The parent shall notify the other parent of the vacation and provide a general vacation itinerary at least (<i>number</i>) <u>14</u> days before the planned vacation. Vacation time is not allowed during a holiday allotted to the other parent.


CLERK OF THE COURT

ORDR

DISTRICT COURT
CLARK COUNTY, NEVADA

FRANK LUCIANO,

Plaintiff,

vs.

AMY HANLEY F/K/A LUCIANO,

Defendant

Case No: D-19-598320D

Dept. No: X

DATE OF HEARING: 08/11/2021

TIME OF HEARING: CHAMBERS

ORDER FROM AUGUST 11, 2021 CHAMBERS RE: DEFENDANT'S MOTION TO SET ASIDE

This matter is scheduled for Chambers (NO appearances) review on August 11, 2021 on Defendant Amy (Amy) Hanley's May 31, 2021 Motion to Set Aside Order, Judgment and/or Default. In support of her motion, Amy filed May 31, 2021 Exhibits and Financial Disclosure Forms. On June 2, 2021, Amy filed a Schedule of Arrearages. On June 7, 2021, Amy filed additional Financial Disclosure Forms.

This Court exercises authority granted it pursuant to NRCP 1 and EDCR 1.10 which provide district court dockets shall be administered to secure speedy, efficient and inexpensive determinations in every action.

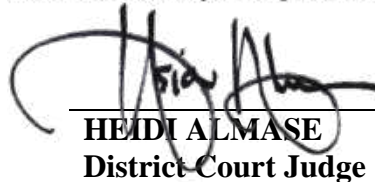
The Court FINDS Amy failed to file any proofs of service for her documents with the exception of her May 31, 2021 Exhibits (110 pages). The Court FINDS no opposition has been filed and the time for filing any opposition has passed.

The Court FINDS there is a service defect for Amy's motion where she failed to file a proof of service for her motion, financial disclosure forms and schedule of arrearages.

1 The Court further FINDS, in her motion, Amy requested several orders be set aside.
2 Specifically, Amy requested the following orders be set aside: 1) February 2, 2020, an order
3 filed prior to the June 8, 2020 Decree of Divorce; 2) May 19, 2020 order (this is actually the June
4 8, 2020 Decree of Divorce which was scheduled for non-jury trial and order to show cause
5 hearing on May 19, 2020); and September 16, 2020 order (this is actually a December 7, 2020
6 written order from September 16, 2020). The Court FINDS, notwithstanding the service defect
7 for Amy's motion, the Court previously considered and denied Amy's July 21, 2020 Motion to
8 Set Aside the February 2, 2020 order and June 8, 2020 Decree of Divorce. Accordingly, these
9 requests are controlled by law of the case. See Order (filed September 16, 2020).
10
11

12 Therefore, good cause appearing, this Court ORDERS the August 11, 2021 matter
13 VACATED.

14 Dated this 10th day of August, 2021

15
16 
17 HEIDI ALMASE
18 District Court Judge

19 069 2D7 9C48 8B85
20 Heidi Almase
21 District Court Judge
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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Frank Luciano, Plaintiff

CASE NO: D-19-598320-D

7 vs.

DEPT. NO. Department X

8 Amy Luciano, Defendant.
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 8/10/2021

15 Alex Ghibaudo

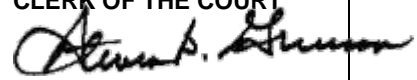
alex@glawvegas.com

16 Amy Hanley

ahanley1976@gmail.com

17 Frank Luciano

fluciano@fordcountrylv.com



DISTRICT COURT
CLARK COUNTY, NEVADA

Frank Luciano, Plaintiff

vs.

Amy Luciano, Defendant.

Case No.: D-19-598320-D

Department X

NOTICE OF ENTRY OF ORDER FROM AUGUST 11, 2021 CHAMBERS RE:
DEFENDANT'S MOTION TO SET ASIDE

TO ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE that an Order was entered in the above-entitled matter on August 10, 2021, a true and correct copy of which is attached hereto.

Dated this 10th day of August, 2021.

/s/ Natalie Castro

Natalie Castro
Judicial Executive Assistant to the
HONORABLE HEIDI ALMASE

CERTIFICATE OF SERVICE

I hereby certify that on the above file stamped date:

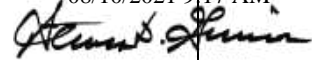
☒ E-Served pursuant to NEFCR 9 on August 10, 2021, or placed in the folder(s) located in the Clerk's Office of, the following attorneys:

Frank Luciano
Amy Luciano

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

/s/ Natalie Castro

Natalie Castro
Judicial Executive Assistant to the
HONORABLE HEIDI ALMASE


CLERK OF THE COURT

1 ORDR

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 FRANK LUCIANO,

7 Plaintiff,

8 vs.

9 AMY HANLEY F/K/A LUCIANO,

10 Defendant

Case No: D-19-598320D

Dept. No: X

DATE OF HEARING: 08/11/2021

TIME OF HEARING: CHAMBERS

11 **ORDER FROM AUGUST 11, 2021 CHAMBERS RE: DEFENDANT'S MOTION TO SET**
12 **ASIDE**

13 This matter is scheduled for Chambers (NO appearances) review on August 11, 2021 on
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18
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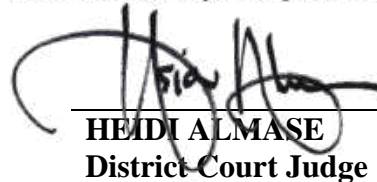
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13 VACATED.

14 Dated this 10th day of August, 2021

15
16 
17 HEIDI ALMASE
18 District Court Judge

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20 Heidi Almase
21 District Court Judge
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1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Frank Luciano, Plaintiff

CASE NO: D-19-598320-D

7 vs.

DEPT. NO. Department X

8 Amy Luciano, Defendant.
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 8/10/2021

15 Alex Ghibaudo

alex@glawvegas.com

16 Amy Hanley

ahanley1976@gmail.com

17 Frank Luciano

fluciano@fordcountrylv.com

Steven D. Grierson

Your Name: Amy Colleen Hanley
Address: 10628 Foxberry Park Dr.
City, State, Zip Reno, NV 89512
Telephone: 702-557-6415
Email Address: ahanley1976@gmail.com
Self-Represented

DISTRICT COURT
CLARK COUNTY, NEVADA

Frank Luciano F/K/A Luciano,
Plaintiff,

CASE NO.: D-19-598320-D

DEPT: X

vs.

Amy Luciano N/K/A Amy Hanley,
Defendant.

Amended

CERTIFICATE OF MAILING

I, (name of person who mailed the document) Amy Hanley,

declare under penalty of perjury under the law of the State of Nevada that the following is true
and correct. That on (month) May (day) 31, 2021, service of the:

(☒ check all that apply)

- ☐ Motion ☐ Answer ☐ Financial Disclosure Form
☐ Opposition ☐ Reply ☐ Notice of Entry of Judgment / Order / Decree
☒ Other: Defendant's Motion and Notice of Motion to Set Aside and for Other Related Relief filed on 05/31/2021

was made pursuant to NRCPP 5(b) by depositing a copy in the U.S. Mail in the State of Nevada,
postage prepaid, addressed to:

(Print the name and address of the person you mailed the document to)

Frank Luciano
3800 S. Nellis Blvd., Apt. 261
Las Vegas, NV 89121

DATED this 25 day of August, 2021

Submitted By: (your signature)

Amy Hanley

Steven D. Grierson

Your Name: Amy Colleen Hanley
Address: 10628 Foxberry Park Dr.
City, State, Zip Reno, NV 89512
Telephone: 702-557-6415
Email Address: ahanley1976@gmail.com
Self-Represented

DISTRICT COURT
CLARK COUNTY, NEVADA

Frank Luciano F/K/A Luciano,
Plaintiff,

vs.

Amy Luciano N/K/A Amy Hanley,
Defendant.

CASE NO.: D-19-598320-D

DEPT: X

Amended **CERTIFICATE OF MAILING**

I, (name of person who mailed the document) Amy Hanley,
declare under penalty of perjury under the law of the State of Nevada that the following is true
and correct. That on (month) June (day) 16, 2021, service of the:

(☒ check all that apply)

- ☐ Motion ☐ Answer ☐ Financial Disclosure Form
☐ Opposition ☐ Reply ☐ Notice of Entry of Judgment / Order / Decree
☒ Other: Notice of Hearing filed on 06/16/2021

was made pursuant to NRCP 5(b) by depositing a copy in the U.S. Mail in the State of Nevada,
postage prepaid, addressed to:

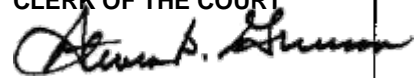
(Print the name and address of the person you mailed the document to)

Frank Luciano
3800 S. Nellis Blvd., Apt. 261
Las Vegas, NV 89121

DATED this 25 day of August, 2021

Submitted By: (your signature)

Amy Hanley



1 NOA
2 Charles R. Zeh, Esq.
3 Nevada State Bar No. 1739
4 Pete Cladianos III, Esq.
5 State Bar No: 8406
6 The Law Offices of Charles R. Zeh, Esq.
7 50 West Liberty Street, Suite 950
8 Reno, NV 89501
9 Telephone: 775.323.5700
10 Facsimile: 775.786.8183
11 E-mail: crzeh@aol.com
12 pete@crzehlaw.com

13 *Attorneys for defendant*
14 Amy Colleen Hanley

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DISTRICT COURT
CLARK COUNTY, NEVADA

Frank Luciano,
Plaintiff,

vs.

Amy Colleen Luciano,
Defendants.

CASE NO.: D-19-598320-D

DEPT: X

NOTICE OF APPEARANCE

COMES NOW, The Law Offices of Charles R. Zeh, Esq., and hereby enters his
appearance as attorney of record for Amy Colleen Hanley, Defendant, in the above-entitled
matter, and demands that all copies of notices, pleadings, and documents be served upon him at:

The Law Offices of Charles R. Zeh, Esq.
50 West Liberty Street, Suite 950
Reno, NV 89501
Telephone: 775.323.5700
Facsimile: 775.786.8183
E-mail: crzeh@aol.com
pete@crzeh.com

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AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the foregoing document does not contain the social security number of any person.

DATED this 7th day of September, 2021.

The Law Offices of Charles R. Zeh, Esq.

By: 
Pete Cladianos III, Esq.
Attorneys for Defendants

CERTIFICATE OF SERVICE

Pursuant to NRCp 5(b), I certify that I am an employee of, over 18 years of age, and that on this date I caused to be served a true copy of the foregoing *Notice of Appearance* on all parties to this action by the method(s) indicated below:


X . Placing an original or true copy thereof in a sealed envelope, postage prepaid, placed for collection and mailing in the United States Mail, at Reno, Nevada.

Frank Luciano
38005 Wellis Blvd.
Apt. 261
Las Vegas, NV 89121

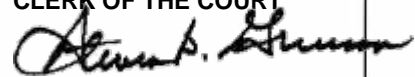
Frank Luciano
280 N. Gibson Rd.
Henderson, NV 89014

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct, and that this declaration was executed on this 7th day of September, 2021.

Dated this 7th day of September, 2021.


An employee of
The Law Offices of Charles R. Zeh, Esq.

S:\Clients\Hanley, Amy\Notice of Appearance.r1.wpd



1 NOAS
2 Charles R. Zeh, Esq.
3 State Bar No. 1739
4 Pete Cladianos III, Esq.
5 State Bar No. 8406
6 The Law Offices of Charles R. Zeh, Esq.
7 50 W. Liberty St., Suite 950
8 Reno, NV 89501
9 Phone: (775) 323-5700
10 Fax: (775) 786-8183
11 e-mail: pete@crzehlaw.com

12 *Attorneys for Defendant*
13 Amy Colleen Luciano

14
15 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
16 **STATE OF NEVADA IN AND FOR**
17 **THE COUNTY OF CLARK**

18 * * * * *

19 **Frank Luciano**

20 **Case No. D-19-598320-D**

21 **Plaintiff**

22 **Dept. X**

23 **v.**

24 **Amy Colleen Luciano**

25 **Defendant**

26 **NOTICE OF APPEAL**

27 Notice is hereby given that Amy Colleen Luciano, defendant above named, hereby
28 appeals from the Eighth Judicial District Court of Nevada to the Supreme Court of Nevada, this
appeal is taken from Decree of Divorce dated June 8, 2020, the denial of the Appellant's Motion
to Set Aside dated July 21, 2020, and the denial of Appellant's Motion to Set Aside dated May
31, 2021.

The undersigned does hereby affirm that the preceding does not contain the social
security number of any person.

Dated this 4th day of September 2021.

The Law Offices of Charles R. Zeh, Esq.

By: 
Charles R. Zeh, Esq.
Attorneys for Defendant

AA0286

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of, over 18 years of age, and that on this date I caused to be served a true copy of the foregoing *Notice of Appeal* on all parties to this action by the method(s) indicated below:

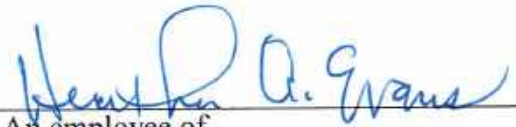
X. Placing an original or true copy thereof in a sealed envelope, postage prepaid, placed for collection and mailing in the United States Mail, at Reno, Nevada.

Frank Luciano
3800 S. Nellis Blvd.
Apt. 261
Las Vegas, NV 89121

Frank Luciano
280 N. Gibson Rd.
Henderson, NV 89014

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct, and that this declaration was executed on this 9th day of September, 2021.

Dated this 9th day of September, 2021.


An employee of
The Law Offices of Charles R. Zeh, Esq.

S:\Clients\Hanley, Amy\Notice of Appeal.R4.wpd

1 TRANS

2 ORIGINAL

FILED

AUG 27 2021

Sharon A. Hoffman
CLERK OF COURT

5 EIGHTH JUDICIAL DISTRICT COURT
6 FAMILY DIVISION
7 CLARK COUNTY, NEVADA

9 FRANK LUCIANO,)
10 Plaintiff,) CASE NO. D-19-598320-D
11 vs.) DEPARTMENT. X
12 AMY LUCIANO,) (SEALED)
13 Defendant.)
14

15 BEFORE THE HONORABLE CHARLES J. HOSKIN
DISTRICT COURT JUDGE

16 TRANSCRIPT RE: DIVORCE - COMPLAINT
17 MOTION

18 THURSDAY, FEBRUARY 20, 2020

19 APPEARANCES:

20 The Plaintiff: FRANK LUCIANO
For the Plaintiff: ALEX B. GHIBAUDO, ESQ.
197 E. California Ave. #250
21 Las Vegas, Nevada 89104
22 (702) 306-8104
23
24

1 LAS VEGAS, NEVADA

THURSDAY, FEBRUARY 20, 2020

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

3 (THE PROCEEDINGS BEGAN AT 10:22:18)

4 THE MARSHAL: Come to order. The court is now in
5 session. The Honorable Judge Charles Hoskin, presiding.

6 THE COURT: All right. We are on the record,
7 598320. Counsel, your appearance, please?

8 MR. GHIBAUDO: Good morning, Your Honor. Alex
9 Ghibaudo, for Frank Luciano, who's present.

10 THE COURT: All right. I set this on an order
11 shortening time, because of what I received in pleadings and
12 the concerns that I had with regard to where we are. The
13 reason -- and I understand -- certainly, you can tell me if
14 I'm wrong -- but you haven't had an opportunity to serve her?

15 MR. GHIBAUDO: I haven't. I've had a runner out for
16 rush service with Junes from the day that she -- that I
17 received the OST. I also, when we found out that she was up
18 in Utah, in St. George, I actually sent somebody that I know,
19 at my own expense, out there to -- to follow her. She'd
20 bailed, though. She -- she's actively evading service. She
21 went from St. George to his mom's house. And when she could
22 find nowhere to stay, she dropped the kid. The child's back
23 with him now.

24 THE COURT: Okay. That was my next question.

1 MR. GHIBAUDO: Right. So the child's back with him.
2 But I -- she's not in school, because we're concerned that
3 she'll go and take her again. She's -- as far as I can tell
4 from the communications I've had with her, which includes a
5 conversation by phone, pursuant to the rules for discovery,
6 she's completely out of her mind. I'm not sure from what, but
7 it's pretty clear that she's not all there right now.

8 THE COURT: So has she withheld the children during
9 Dad's time --

10 MR. GHIBAUDO: She did --

11 THE COURT: -- from Dad?

12 MR. GHIBAUDO: That was -- so Dad's time was last
13 week. It started last Thursday, pursuant to the week-on,
14 week-off schedule. That's the day she took the child and just
15 disappeared.

16 THE COURT: Okay.

17 MR. GHIBAUDO: So we have -- what we do have -- I
18 know, because there's no service, it'd be problematic to enter
19 any orders. But we do have a TPO on for today, because we
20 filed the T -- for a TPO application.

21 THE COURT: On behalf of the children --

22 MR. GHIBAUDO: Oh, that I --

23 THE COURT: -- or the child?

24 MR. GHIBAUDO: -- don't recall. But we can amend

1 it, certainly, today.

2 THE COURT: Well --

3 MR. GHIBAUDO: Because this is the concern. We
4 don't know what she's capable of --

5 THE COURT: All right. Let's --

6 MR. GHIBAUDO: -- at this point.

7 THE COURT: Let's do this. The -- and the reason I
8 -- I was trying to explain. The reason I set this is because
9 given the -- what's occurred in this case, the representations
10 that have been made -- I want it to be on the record -- to get
11 to this point. The -- I -- I would've loved to have her give
12 me her side of where we are. But the fact that she's violated
13 my court order, it appears that she made a -- a direct
14 misrepresentation to the Court, with regard to her address --

15 MR. GHIBAUDO: She did.

16 THE COURT: -- at the last hearing. So I've got
17 some concerns with her as a flight risk. So what I'm going to
18 do is, temporarily, I'm going to grant sole legal, sole
19 physical to your client. I know this is ex parte. But my
20 job, first and foremost, is to protect the children. And my
21 anticipation is that once this order is served -- and that
22 should help you with the school issue as well, with regard to
23 those kinds of things -- is once she finally does get served
24 with this order, then she'll come in. We'll be able to sort

1 out where we are, moving forward. But at least on a temporary
2 basis, I think it's in the -- in the child's best interest to
3 -- to award your client sole legal and sole physical custody.
4 And then when we can get her back into court, we can deal with
5 making some temporary modifications --

6 MR. GHIBAUDO: Thank you --

7 THE COURT: -- to that.

8 MR. GHIBAUDO: -- Your Honor. And so, just so you
9 know, the -- the -- her intention is to not cooperate in this
10 case. So I doubt we'll ever see her again. She specifically
11 told me -- and I don't know if this is because she's off her
12 rocker or not -- but this Court's invalid. I'm not a lawyer.
13 She's the only lawyer. Now he's a lawyer. She's just not --
14 she's just not there right now. So I don't --

15 THE COURT: Okay.

16 MR. GHIBAUDO: -- think that we're going to see her
17 again, honestly.

18 THE COURT: Well, and -- and if that's the case,
19 certainly, we've got hearings set so we can resolve the case,
20 ultimately getting us to that point. But at least in the
21 short-term, from a procedural standpoint, temporary sole
22 legal, sole physical to -- to your client. I'll ask you to
23 prepare that order. Certainly, child support is suspended.
24 Based upon that, I won't put a -- a separate child support in

1 yet, because we're only making a temporary change. But please
2 include that in the order.

3 I'm going to defer on fees. Certainly, under
4 18.010, you'd be entitled to fees. Although, the question is,
5 because you didn't get her served, then we're -- we're dealing
6 with those kinds of issues. But I'd like to have a full
7 hearing to get to that point. But it appears as though, at
8 least from a -- a prevailing party standpoint, you'd be
9 entitled to fees. So we'll defer on that until we have --

10 MR. GHIBAUDO: All right.

11 THE COURT: -- (indiscernible).

12 MR. GHIBAUDO: Thank you, Your Honor.

13 THE COURT: Thank you. Good luck, sir.

14 THE CLERK: Your Honor, what are we going to do
15 about the TPO? Because the TPO was actually set for
16 April 2nd, and then you put this on an OST.

17 THE COURT: Did he -- is the TPO before me today?

18 THE CLERK: It's supposed to be.

19 MR. GHIBAUDO: He --

20 THE CLERK: But --

21 MR. GHIBAUDO: He moved it onto the --

22 THE CLERK: He moved it --

23 MR. GHIBAUDO: -- the April 2nd --

24 THE CLERK: -- to the 4/2.

1 MR. GHIBAUDO: -- which was the motion to modify
2 custody hearing. He moved it onto that date. And then you
3 advanced that, pursuant to the OST. But the child, I don't
4 think we put the child -- the child on --

5 THE COURT: Okay.

6 MR. GHIBAUDO: -- on the -- on the TPO anyway. This
7 serves the purposes that we -- we just want to --

8 THE COURT: All right. Then --

9 MR. GHIBAUDO: -- to protect the kid.

10 THE COURT: Then if -- if the TPO is before me
11 today, then we'll -- was it -- it was on --

12 THE CLERK: It was --

13 THE COURT: -- for extension?

14 THE CLERK: -- (indiscernible).

15 THE COURT: It was on to issue?

16 MR. GHIBAUDO: It was on to issue.

17 THE CLERK: It was on to issue.

18 THE COURT: Okay.

19 MR. GHIBAUDO: Judge (indiscernible) --

20 THE COURT: Then we won't -- then we won't issue --

21 THE CLERK: It's a hearing required --

22 THE COURT: -- the protective order. And then we'll
23 -- we'll -- because I think, from what I'm hearing from you,
24 is this solves that issue, the -- you -- concerns you had. If

1 it was an on-behalf-of, then that may have helped as well.

2 But if it's not.

3 MR. GHIBAUDO: It's not. And I think -- if the
4 Court grants it, that would be helpful as well. Because she's
5 -- she went to -- when she went to drop off the child, she
6 actually created an incident and tried to get him arrested for
7 domestic violence. The police showed up. Nothing happened.

8 THE COURT: Okay.

9 MR. GHIBAUDO: Noth -- nothing went down.

10 THE COURT: Yeah.

11 MR. GHIBAUDO: But it would be helpful, because
12 she's just appearing, suddenly, wherever.

13 THE COURT: And I --

14 MR. GHIBAUDO: But if the Court's not inclined --

15 THE COURT: I -- and I -- I'm not inclined, because
16 I haven't had an opportunity to review the --

17 MR. GHIBAUDO: Okay.

18 THE COURT: -- application and get us to that point.
19 So we won't issue it. Certainly, it doesn't foreclose your
20 client. If he needs it in the future, and -- and if it needs
21 to be on behalf to protect the children, then make sure that
22 on-behalf-of is part of that application.

23 MR. GHIBAUDO: All right.

24 THE COURT: All right.

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MR. GHIBAUDO: Thank you, Your Honor.

THE COURT: Thank you.

(PROCEEDINGS CONCLUDED AT 10:18:50)

* * * * *

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

/s/Mellanie Longpre
Mellanie Longpre

December 21, 2021



CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

1 TRANS

2 ORIGINAL

FILED

AUG 27 2021

CLERK OF COURT

5 EIGHTH JUDICIAL DISTRICT COURT

6 FAMILY DIVISION

7 CLARK COUNTY, NEVADA

9 FRANK LUCIANO,)
10 Plaintiff,)
11 vs.)
12 AMY LUCIANO,)
13 Defendant.)

CASE NO. D-19-598320-D

DEPARTMENT. X

(SEALED)

14 BEFORE THE HONORABLE CHARLES J. HOSKIN
15 DISTRICT COURT JUDGE

16 TRANSCRIPT RE: DIVORCE - COMPLAINT
17 NON-JURY TRIAL

18 TUESDAY, MAY 19, 2020

19 APPEARANCES:

20 The Plaintiff:
21 For the Plaintiff:

FRANK LUCIANO
MICHANCY CRAMER, ESQ.
197 E. California Ave. #250
Las Vegas, Nevada 89104
(702) 306-8104

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I N D E X O F W I T N E S S E S

<u>PLAINTIFF'S</u> <u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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FRANK LUCIANO	6	--	--	--
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DEFENDANT'S
WITNESSES:

(None presented)

* * * * *

I N D E X O F E X H I B I T S

<u>PLAINTIFF'S</u> <u>EXHIBITS:</u>	<u>ADMITTED</u>
--	-----------------

(None presented)

DEFENDANT'S
EXHIBITS:

(None presented)

1 LAS VEGAS, NEVADA

TUESDAY, MAY 19, 2020

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

3 (THE PROCEEDINGS BEGAN AT 1:35:15)

4 THE COURT: All right. We are on the record,
5 598320. Ms. Cramer, your appearance, please.

6 MS. CRAMER: Good afternoon, Your Honor, Michancy
7 Cramer, 11545, for the Plaintiff, Frank Luciano, who's with me
8 here in my office.

9 THE COURT: All right. If you can turn it towards
10 him, we'll get him sworn in.

11 MS. CRAMER: There you go.

12 THE COURT: Hold on.

13 THE CLERK: Your video's gone.

14 THE COURT: I lost the video. There it is. Okay.

15 (Oath administered)

16 THE WITNESS: Yeah.

17 THE CLERK: Thank you.

18 THE COURT: All right. We are on today. This was
19 the time set for the trial in this matter. I need to put some
20 findings on the record, because the Defendant is not present
21 today. This date was on the case management order which was
22 personally handed to the Defendant on December 12th of 2019.
23 She was present at the Apr -- I'm sorry, the February 4th
24 hearing where I set a show cause for this same date. So she

1 was notified of this date at least twice, and again in
2 writing.

3 We sent three email invites to the -- to the
4 calendar call that was May 5th. Two came back. One actually
5 went through. We tried calling her on all the numbers we
6 have. We sent the same invites to her email addresses that
7 have been provided to the Court, all three of them. All three
8 of them did come back.

9 My staff called her on both phone numbers that she
10 had, on numerous occasions over the last week or so. And
11 never was able to get through and contact her. And she's
12 chosen what appears to be to abandon this case because -- for
13 lack of appearance. Certainly, there's a question as to
14 whether she was able to appear today, but she has the ability
15 to come to the courthouse. If she comes to the courthouse,
16 they will notify the Court and let me know. And certainly, if
17 she'd shown up today, I would have allowed her into the
18 courtroom with a mask and gloves, certainly. But she would've
19 had the ability to appear and to present whatever she wanted
20 to present.

21 Based on the fact that she's not here, the Court
22 invoked EDCR 2.69 at the calendar call. But we wanted to give
23 her, and Mr. Ghibaudo wanted to give her, at least one more
24 chance to participate in the case. She's chosen not to take

1 advantage of that. So what I'm looking to do, Ms. Cramer, is
2 have you essentially do a prove-up and canvas your client.
3 And then we'll enter orders.

4 MS. CRAMER: Okay. Thank you, Your Honor.

5 FRANK LUCIANO

6 having been called as a witness and being first duly sworn,
7 testified as follows:

8 DIRECT EXAMINATION

9 BY MS. CRAMER:

10 Q All right, Frank. What is your full name?

11 A Frank Luciano.

12 Q Okay. And you are the Plaintiff in this action?

13 A Yes.

14 Q And what is your address?

15 A 3800 South Nellis Boulevard, Building Number 10,
16 Apartment 261.

17 THE COURT: I need you to speak up --

18 THE WITNESS: (Indiscernible).

19 THE COURT: -- just a little, sir. Sir, I need you
20 to speak up --

21 THE WITNESS: Sorry.

22 THE COURT: -- just a little.

23 THE WITNESS: Thir -- 3800 South Nellis Boulevard,
24 Apartment Number 261, in Las Vegas, Nevada 89121.

1 BY MS. CRAMER:

2 Q And how long have you been a resident of Clark
3 County, Nevada?

4 A Going on -- since December of '13. So almost five
5 si -- five years plus.

6 Q Okay. And when you came here, was it your intention
7 to make this your home permanently, or at least for an
8 indefinite period of time?

9 A Yes.

10 Q Okay. And do you still have that intention?

11 A Yes.

12 Q And are the allegations in your complaint true?

13 A Yes.

14 Q And are there any minor children of this marriage?

15 A Gianna.

16 Q Okay. And what is Gianna's full name?

17 A Gianna H. Luciano.

18 Q Okay. And what is her birthday?

19 A It's 9/24/2014.

20 Q Okay. And what custody arrangement are you seeking,
21 with regard to physical custody?

22 A Full custody.

23 Q And do you mean, sole legal --

24 A Sole legal.

1 Q -- or sole physical custody?

2 A Sole legal (indiscernible).

3 Q Okay. So sole legal and sole physical; is that
4 correct?

5 A Yes.

6 Q Okay. And are there properties and debts to be
7 adjudicated by the Court?

8 A Just my portion of my bills that I submitted.

9 Q Okay. So do you propose to the Court that you keep
10 your debt and your property that's in your possession?

11 A Correct. Yes.

12 Q Okay. And have you and your spouse lived separate
13 and apart for at least one year?

14 A Very close.

15 Q Okay. So, close to one year? Is there any
16 possibility of a reconciliation?

17 A No.

18 Q And are you seeking child support in this matter?

19 A Yes.

20 MS. CRAMER: Okay. And Your Honor, we did brief the
21 discovery sanctions in our pretrial memo. Is there anything
22 else that the Court wants me to prove up, as far as testimony
23 from my client?

24 THE COURT: Child support.

1 MS. CRAMER: I'm sorry, Your Honor?

2 THE COURT: Child support?

3 MS. CRAMER: Oh, ch -- yes, Your Honor. We did --
4 he is seeking child support. We did not -- we briefed this in
5 the -- in the pretrial memo. Mom's last employer was through
6 the Edestria (ph) Group. And she represented that she made
7 127 -- excuse me, Your Honor, \$127,500 per year. And we don't
8 have any updated financials from her. And so we are asking
9 that the child support be set at that amount.

10 THE COURT: On the 127,000? Because I --

11 MS. CRAMER: Yes, Your Honor.

12 THE COURT: I do have a financial disclosure form.
13 The last one I have from her is from February 4th, indicating
14 she's collecting unemployment.

15 (Counsel confer)

16 MS. CRAMER: Oh, okay. Your Honor, I believe
17 Edestria was the previous employment prior to her
18 unemployment.

19 THE COURT: Right.

20 MS. CRAMER: So we would ask that child support be
21 set in accordance with her previous employment, which is her
22 earning abilities.

23 THE COURT: Okay. And -- then I would need -- in
24 order to make that finding, Ms. Cramer, I need some testimony

1 from your client so that I can make those findings.

2 MS. CRAMER: Did we get that?

3 (Counsel confer)

4 MS. CRAMER: Oh, okay. Your Honor, I believe
5 Edeslria was the previous employment prior to her
6 unemployment.

7 THE COURT: Right. So we would ask that child
8 support be set in accordance with her previous employment,
9 which is her earning abilities.

10 THE COURT: Okay. And --

11 MS. CRAMER: And --

12 THE COURT: Then I would need -- in order to make
13 that finding, Ms. Cramer, I need some testimony from your
14 client so that I can make those findings, with regard to her
15 ability to --

16 THE WITNESS: (Indiscernible).

17 THE COURT: -- work and her choosing not to work,
18 and -- and why, and those kinds of issues. I would need those
19 in order to make those findings.

20 MS. CRAMER: Okay.

21 BY MS. CRAMER:

22 Q Frank, since you've known Amy, has she been able to
23 sust -- sustain employment?

24 A She has in the past.

1 Q Okay. And are you familiar with her earnings?
2 A Yes.
3 Q And what are you -- what are you aware that she's
4 capable of earning?
5 A She makes more than me.
6 Q Okay. Give me an approximate number.
7 A A hundred-plus at least.
8 Q Okay.
9 A On the low side --
10 Q On the low side?
11 A -- a hundred. Yeah.
12 Q Okay. And has she maintained that employment since
13 you've known her?
14 A Since I came here in Las Vegas, yes.
15 Q And that was in --
16 A But --
17 Q -- 2013?
18 A Yes.
19 Q And so she's made that -- at least six figures since
20 you moved here?
21 A Off and on, yes.
22 Q Okay.
23 THE COURT: Do you know why she's not currently
24 employed, sir?

1 THE WITNESS: I have no idea.

2 THE COURT: Do you know how long she's been
3 unemployed, or whether she's unemployed?

4 THE WITNESS: No.

5 THE COURT: Okay. And you're requesting that I
6 calculate child support based upon a six-figure income?

7 THE WITNESS: Yes.

8 THE COURT: Okay. And as far as -- as the custody's
9 concerned, you believe that sole legal and sole physical's in
10 the minor child's best interest?

11 THE WITNESS: Yes, sir.

12 THE COURT: And you've been exercising sole legal,
13 sole physical custody for a period of time; is that correct?

14 THE WITNESS: Yes, sir.

15 THE COURT: And how long has that been?

16 THE WITNESS: At least about four months, five
17 months.

18 THE COURT: Okay. And has the Defendant made any
19 attempt to contact or maintain contact with the child during
20 those four or five months?

21 MS. CRAMER: Yes, Your Honor. She has. She has
22 shown up repeatedly at his home, and she has also texted him
23 death threats.

24 THE COURT: Okay. Can I --

1 MS. CRAMER: So she has --
2 THE COURT: Ms. --
3 MS. CRAMER: -- attempted --
4 THE COURT: Ms. Cramer?
5 MS. CRAMER: -- to make contact.
6 THE COURT: I -- I kind --
7 MS. CRAMER: Oh.
8 THE COURT: I need him to testify so I can make the
9 findings.
10 MS. CRAMER: I'm sorry --
11 THE WITNESS: (Indiscernible).
12 MS. CRAMER: -- about that, Your Honor.
13 THE COURT: That's okay.
14 THE WITNESS: Sorry about that. Yes, she has. I
15 have received several threats. I've received -- I've had to
16 call the cops numerous of times because she shows up -- I
17 don't know, I -- so -- right word's intoxicated or not, but
18 not well to, you know, see Gianna. And -- and, you know, at
19 my door, she's been, several times, banging and -- and trying
20 to break the glass, and -- and breaking in. So I've had to
21 call the Met -- multiple times on Metro, which I have the
22 reports for.
23 And -- but she's just not in the right state of
24 mind. I don't -- could it be the -- the -- the pills? I

1 don't know. But it -- she -- it's not normal behavior.

2 THE COURT: Do you believe the child would be in
3 danger if she -- if she were to spend time with her mother, at
4 this stage?

5 THE WITNESS: Yes.

6 THE COURT: And why do --

7 THE WITNESS: Yes.

8 THE COURT: -- you think that?

9 THE WITNESS: Well, even though I work a lot, I -- I
10 -- I -- I have my father. I have family here now that can
11 help out. Before, I did not have that support. And -- and I
12 would find random strangers bathing my daughter, cleaning my
13 house, or wherever the settings may be, when I'd come home
14 from a ten-hour shift at work. So to -- to -- to be -- so my
15 han -- my daughter's hand -- you know, being in the hands of
16 -- of -- of a stranger is -- is a lot worse than it would be
17 me.

18 THE COURT: You previously indicated some concerns
19 with regard to her mental state. Do you still have those
20 concerns?

21 THE WITNESS: Yes.

22 THE COURT: We --

23 THE WITNESS: I do.

24 THE COURT: In fact, she had agreed, at a prior

1 hearing, to not only take a psychological evaluation, but to
2 pay for it. My understanding is, that never happened. But
3 those -- that doesn't alleviate any concerns that you have.
4 That -- does that exacerbate those concerns?

5 THE WITNESS: It -- it makes it -- it's more -- it's
6 more concerning, because I -- I would love to have her have a
7 relationship with her mother but -- Gianna and -- and -- and
8 Amy. But at this point in time, she can't even -- she's not
9 -- not physically there -- mentally.

10 THE COURT: Okay. And did the two of you have a
11 problem communicating or cooperating, with regard to the
12 child?

13 THE WITNESS: No. I always kept my end of the
14 bargain whenever it was one-week on, one-week off. I always
15 -- I always did -- I was -- in -- in -- in the Court's papers
16 and hearings. And to this point, she -- you know, that's all
17 I've been doing is following what the Court says.

18 THE COURT: Okay. And how's your relationship with
19 the child?

20 THE WITNESS: It's great. It's grown en --
21 tirely, immense. It -- there's no swearing. There's no
22 slamming doors. So the atmosphere itself, learning, school
23 curriculums, mannerisms, eating, learning how to eat with a
24 knife and a fork, I mean, everything that a child, instead of

1 being glued to an iPad all day, 24/7. You know, life in
2 itself, she's grown a lot. So she's -- she's definitely
3 advanced from where she was at.

4 THE COURT: Okay. And you're requesting that she
5 not -- currently not have any contact with Mom until Mom is
6 able to express --

7 THE WITNESS: I would --

8 THE COURT: Go ahead.

9 THE WITNESS: If I could, I -- I wish that sh -- I
10 do want some -- you know, her to have contact. I don't want
11 to be, like, the person that doesn't get to see -- you know, I
12 don't want to exclude her from her life, because it is her
13 mom. But she needs -- I want her to make sure that she can
14 pass a psychol -- you know, evaluations and -- and so forth.
15 And -- and maybe some therapy of some sort, to where she can
16 regain -- you know, step back into her life. Because at the
17 end of the night, it is her mother. But at this point in
18 case, it's -- it's not -- it just -- give her and throw her to
19 the wolves, I -- I -- I don't want that.

20 THE COURT: Okay. Anything I left out, Ms. Cramer?

21 MS. CRAMER: No, Your Honor. I don't believe so --
22 oh, actually, Your Honor, I would like to canvas my client
23 regarding an incident in February.

24 THE COURT: Certainly. Go ahead.

1 MS. CRAMER: Okay.

2 BY MS. CRAMER:

3 Q Frank, did Amy remove Gianna from your home in -- in
4 February?

5 A Yes.

6 Q And where did she take her?

7 A To St. George and then Salt Lake City after that.

8 Q Okay. And that's in Utah?

9 A Yes.

10 Q Okay. And did she tell you where she was going?

11 A No.

12 Q Did she indicate a time when she was going to return
13 her?

14 A No. I never knew when she was going to come back.
15 That's why I -- I went all the way to St. George myself, to
16 see where she was at. And I tried to intervene, to tell her
17 to come back, at least wait for the court. And she took it a
18 step further and went up to Salt Lake. So after that, I -- I
19 didn't know where she went.

20 Q Okay. And so how was Gianna ultimately returned to
21 you?

22 A Well, she was dirty.

23 Q No. How did -- physically, how did you get her
24 back?

1 A She came to my doorstep and said, you need to take
2 her.

3 Q Okay.

4 A And of course I would. Of course I would.

5 Q Okay

6 A I wouldn't turn that down.

7 MS. CRAMER: And so, Your Honor, I would just point
8 to this unauthorized removal of the child from his home and
9 from his --

10 THE WITNESS: School.

11 MS. CRAMER: -- from the state.

12 THE WITNESS: School, too. She was in school -- she
13 was --

14 MS. CRAMER: Okay.

15 THE WITNESS: It was from school, not from my
16 (indiscernible).

17 MS. CRAMER: She took her away from Nevada and away
18 from Las Vegas without permission, and contrary to the Court's
19 orders. I would just suggest that this is -- this was, at
20 least, an attempted abduction. Although she ultimately did
21 return her, it was contrary to the Court's orders, and she
22 didn't notify Dad of where she was going. She actually had to
23 be sought out. So as far as the best interest factors, which
24 Your Honor's touched on most of them, that was the -- just the

1 last one I would like to draw your attention to.

2 THE COURT: All right. All right. Then I find that
3 I have personal subject matter jurisdiction in this case. The
4 Court has found good cause to take testimony and evidence
5 today, over the video-transmitting services, based upon that
6 good cause finding, out of Nevada Civil Procedure Audiovisual
7 Equipment Rules number 1 and 4, in order to deal with this at
8 this point.

9 The Court has invoked EDCR 2.69, based upon the --
10 what appears to be an abandonment of this case by the
11 Defendant. Which is unfortunate, because we -- we're doing
12 quite a bit of litigation. I thought we were making some
13 headway. Then it appeared as though the Defendant ceased
14 trying to, or even attempting to, follow the Court's orders
15 with regard to representations, misrepresentations, removal of
16 the child, and those kinds of circumstances, which brought us
17 to this point.

18 The Court finds that it is in the minor child's best
19 interest, based upon the testimony that's been received today
20 and analysis of NRS 125C.0035 and those factors, that sole
21 legal and sole physical custody will be granted to the
22 Plaintiff in this action. The Court is not going to put any
23 visitation in place for the Defendant unless and until the
24 Plaintiff determines that it's appropriate, or she brings it

1 back before the Court and the Court can make some findings
2 with regard to best interests, in order to reestablish that
3 contact.

4 The Court accepts the fact that the Plaintiff would
5 like Mom to have contact with the child, but it needs to be
6 fit contact and make sure the child is not harmed during that
7 time frame. As far as child support is concerned, as the
8 Court indicated, the last financial disclosure form from
9 February of 2020, indicates that the Defendant is unemployed.
10 The Defendant was not here to provide any evidence to the
11 contrary to the testimony the Court received with regard to
12 potential income.

13 The Court finds it appropriate, based upon the fact
14 that I don't have any contrary evidence to impute income. The
15 testimony I received is that she was earning about \$100,000 a
16 year, which would put her gross monthly income at \$8,333.
17 Applying the statutor -- or the -- I guess it's the
18 administrative code formula, would put her child support
19 obligation at \$1,146 per month. That'll begin in the month of
20 May, moving forward, with regard to child support.

21 As far as assets and debts, each party will keep any
22 asset or debt in their name or under their control as their
23 sole and separate property. The only evidence I have is that
24 that is a fair and equitable resolution of the assets and

1 debts of the community. So the Court will accept that, moving
2 forward. Was there any other issues that I haven't dealt
3 with, Ms. Cramer?

4 MS. CRAMER: Your Honor, we would like leave from
5 the Court to submit a memo of fees and costs.

6 THE COURT: For -- you want attorney's fees awarded?

7 MS. CRAMER: Yes, Your Honor.

8 THE COURT: All right. The Court finds, absent any
9 contrary evidence, which was not received today, good cause to
10 award attorney's fees, under NRS 18.010, based upon the
11 multiplication of the proceedings, based upon the Defendant's
12 aband -- essential abandonment of this case and then necessity
13 to move forward. The Court is also considering the fact that
14 a joint petition was prepared earlier in 2019. And based upon
15 the actions of the Defendant, this matter had to be litigated,
16 rather than resolved, on a contested basis. So all that would
17 come into play under NRS 18.010. So the Court will require a
18 affidavit of fees and costs, and a Brunzell affidavit with a
19 blank in that decree of divorce -- that I'm going to ask you
20 to prepare, Ms. Cramer -- for the Court to fill out, to reduce
21 arrears -- or to reduce the -- the attorney's fees award to
22 judgment.

23 MS. CRAMER: Okay. Thank you, Your Honor.

24 THE COURT: Ms. Cramer, I know that there were prior

1 awards and sanctions that were included in prior orders. If
2 you would reference those so we've got one order that combines
3 anything that -- that has a requirement for the Defendant, in
4 the decree?

5 MS. CRAMER: Okay. We'll do that.

6 THE COURT: All right.

7 THE COURT: And I appreciate it. Once you submit
8 that and we receive it, I'll go ahead and close the case.

9 MS. CRAMER: Okay. Thank you, Your Honor.

10 THE COURT: Thank you.

11 MS. CRAMER: Have a good day.

12 THE COURT: You, too.

13 (PROCEEDINGS CONCLUDED AT 1:52:40)

14 * * * * *

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

18
19 December 21, 2021 /s/Mellanie Longpre
Mellanie Longpre



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1 TRANS

FILED

AUG 27 2021

Sharon A. Hoffman
CLERK OF COURT

2
3 ORIGINAL

4
5 EIGHTH JUDICIAL DISTRICT COURT

6 FAMILY DIVISION

7 CLARK COUNTY, NEVADA

8
9 FRANK LUCIANO,)

10 Plaintiff,)

11 vs.)

12 AMY LUCIANO,)

13 Defendant.)

CASE NO. D-19-598320-D

DEPARTMENT. X

(SEALED)

14
15 BEFORE THE HONORABLE CHARLES J. HOSKIN
DISTRICT COURT JUDGE

16 TRANSCRIPT RE: DIVORCE - COMPLAINT
17 MOTION

18 FRIDAY, MAY 5, 2020

19 APPEARANCES:

20 For the Plaintiff:

ALEX B. GHIBAUDO, ESQ.
197 E. California Ave. #250
Las Vegas, Nevada 89104
(702) 306-8104

2 PROCEEDINGS

3 (THE PROCEEDINGS BEGAN AT 11:52:50)

4 THE COURT: All right. We are on the record,
5 598320, Luciano matter. And Mr. Ghibaudo, your appearance?

6 MR. GHIBAUDD: Good morning, Your Honor. Alex
7 Ghibaudo, 10592, on behalf of Mr. Luciano, who's not present.

8 THE COURT: Oh, okay. And Ms. Luciano, are you
9 there? No? All right. Mr. Ghibaudo, we are on today for
10 calendar call. Typically, if I have a party that doesn't show
11 up for calendar call, I -- I give the parties the option of
12 using EDCR 2.69, essentially defaulting them and -- and
13 proving it up, which proves difficult if your client's not
14 available via video for me to take that testimony. Is that
15 what you're asking me to do today?

16 MR. GHIBAUDD: I would -- yes, Your Honor. I would
17 like to -- for her to be defaulted at this point, obviously.
18 And I was having a hard time getting my client to figure out
19 how to use BlueJeans, and --

20 THE COURT: Okay.

21 MR. GHIBAUDD: -- (indiscernible) play it.

22 THE COURT: And what --

23 MR. GHIBAUDD: It's just all kinds of falling off.
24 I mean, I'm -- I'm fairly certain that she's not going to

1 appear at trial. We can keep the trial on, because, look,
2 this is the reality, is if this happened, she's going to
3 appeal it and it's going to be problematic. I prefer to just
4 keep the trial on, at this point, I suppose.

5 THE COURT: Okay.

6 (Court and clerk confer briefly)

7 THE COURT: I'm just looking to see if I've given
8 away that date. We run a stack, so give me one second,
9 Mr. Ghibaud.

10 MR. GHIBAUDO: All right. Because we can always
11 prove it up on that day.

12 THE COURT: No, I understand.

13 (Court and clerk confer briefly)

14 MR. GHIBAUDO: We have a date set, Your Honor, on
15 motion for case ending sanctions.

16 THE COURT: I'm sorry, say that again, Counsel?

17 MR. GHIBAUDO: We have a date set, currently, on a
18 motion for case ending sanctions. And I believe that's before
19 you.

20 THE COURT: We --

21 MR. GHIBAUDO: Maybe we can use --

22 THE COURT: We do?

23 MR. GHIBAUDO: -- That date if she doesn't appear at
24 that.

1 THE COURT: Let me take a peek. I didn't -- I
2 didn't see that on my calendar, but that doesn't mean it's not
3 there, so. Yeah, I've got -- I've got a show cause at the
4 same time as your -- as your trial date. But I don't have --
5 okay.

6 (Court and clerk confer briefly)

7 THE COURT: Okay. Then what I'm going to do,
8 Mr. Ghibaud, we'll -- we'll invoke EDCR 2.69 today.
9 Certainly, if she appears on the 19th, we'll deal with that at
10 that point. But I'll set you firm for the 19th. I will -- it
11 will be video, so I will need your client to -- to get the
12 video figured out so that he can appear by video, so I can
13 take testimony that way, under our -- under our local -- or on
14 our audiovisual --

15 MR. GHIBAUDO: I'll

16 THE COURT: -- rules. Okay?

17 MR. GHIBAUDO: I'll have him here in my office to do
18 that, Your Honor.

19 THE COURT: Okay. All right. Then we've got you --

20 MR. GHIBAUDO: All right.

21 THE COURT: -- firm on the 19th.

22 MR. GHIBAUDO: So the 19th --

23 THE COURT: -- at 1:30.

24 MR. GHIBAUDO: -- is set for a prove up, then, or --

1 THE COURT: It's set -- current --

2 MR. GHIBAUDO: And that's for a prove up?

3 THE COURT: Currently, it's set for prove up to take
4 testimony, because we've invoked EDCR 2.69. If the Defendant
5 appears and wants to challenge that, then I'll -- I'm going to
6 -- you and I will have a conversation on how you'd like to
7 proceed, based upon the findings I've made today. But I
8 anticipate --

9 MR. GHIBAUDO: All right.

10 THE COURT: -- it'll -- I -- I --

11 MR. GHIBAUDO: Very well.

12 THE COURT: I anticipate --

13 MR. GHIBAUDO: Thank you, Your Honor.

14 THE COURT: -- based on her non-appearance today,
15 that it'll probably be a prove up. But we'll take it as it
16 comes. All right?

17 MR. GHIBAUDO: All right. Thank you, Your Honor.

18 THE COURT: Thank you.

19 MR. GHIBAUDO: Thank you. Bye.

20 THE COURT: Bye.

21 (PROCEEDINGS CONCLUDED AT 11:56:40)

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

/s/Mellanie Longpre
Mellanie Longpre

December 21, 2021



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1 TRANS

FILED

2 AUG 27 2021

3 ORIGINAL

4 *Sharon A. Hoffman*
CLERK OF COURT

5 EIGHTH JUDICIAL DISTRICT COURT

6 FAMILY DIVISION

7 CLARK COUNTY, NEVADA

8
9 FRANK LUCIANO,)

10 Plaintiff,)

11 vs.)

12 AMY LUCIANO,)

13 Defendant.)

CASE NO. D-19-598320-D

DEPARTMENT. X

(SEALED)

14
15 BEFORE THE HONORABLE CHARLES J. HOSKIN
DISTRICT COURT JUDGE

16 TRANSCRIPT RE: DIVORCE - COMPLAINT
17 ALL PENDING MOTIONS

18 WEDNESDAY, SEPTEMBER 16, 2020

19 APPEARANCES:

20 The Plaintiff:
For the Plaintiff:

FRANK LUCIANO
MICHAEL CRAMER, ESQ.
197 E. California Ave. #250
Las Vegas, Nevada 89104
(702) 306-8104

22 The Defendant:
23 For the Defendant:

AMY LUCIANO
AMY LUCIANO, PRO SE
729 Granite Rapids Street
Las Vegas, Nevada 89138

1 LAS VEGAS, NEVADA

WEDNESDAY, SEPTEMBER 16, 2020

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

3 (THE PROCEEDINGS BEGAN AT 10:22:29)

4 THE COURT: All right. We're on the record in
5 598320. Ms. Cramer, your appearance?

6 MS. CRAMER: Good morning, Your Honor. Michancy
7 Cramer, 11545, for Frank Luciano.

8 THE COURT: Thank you. Ms. Luciano, your
9 appearance?

10 THE DEFENDANT: Amy --

11 UNIDENTIFIED VOICE: I am here, sir --

12 THE DEFENDANT: -- Luciano --

13 UNIDENTIFIED VOICE: -- Your Honor.

14 THE DEFENDANT: -- appearing in pro per person.

15 THE COURT: All right. So we are here today, ma'am,
16 on your -- on your motion, which I have reviewed. I've
17 reviewed the response that was filed by --

18 THE DEFENDANT: I was never served with any
19 response, Your Honor.

20 THE COURT: Okay. I don't -- I don't remember
21 asking if you were served. I was indicating --

22 THE DEFENDANT: And I apologize.

23 THE COURT: -- that I've reviewed it. I have
24 reviewed it. What I didn't see, ma'am, was a financial

1 disclosure form. Did you submit one and I missed that?

2 THE DEFENDANT: The last financial disclosure form
3 that I submitted, because I didn't ask for attorney's fees,
4 was back at the very beginning of the case when I filed the
5 amended motion to disqualify. And it was put into the joint
6 petition. And you moved it from the joint petition to this
7 particular case. However, I can get a financial disclosure
8 form in, if you need one, Your Honor.

9 THE COURT: Well, the -- the reason I ask is because
10 you're asking for a modification in a child support order.
11 And I can't consider that without a current financial
12 disclosure form. So that's why I'm asking the question.

13 THE DEFENDANT: Understood.

14 THE COURT: Okay.

15 THE DEFENDANT: And I can get that over. But in
16 addition to a modification of the child support order, there's
17 also current child custody issues that are going on.
18 Mr. Luciano, which I have text messages and emails, is
19 adamantly refusing to allow me to see or speak to our minor
20 daughter, Gianna Hanley Luciano. In addition, I went to a
21 dental appointment for her that needed to be scheduled, which
22 I had scheduled, and he refused to show up with her. I have
23 not seen her on Mother's Day. I did not see her for July 4th.
24 I did not see her for Labor Day. I haven't seen or spoken to

1 her in approximately four to five months.

2 And Mr. Luciano knew, the entire time, that I was up
3 in the state of Utah at his mother's home, because I was up
4 there handling particular matters pertaining to business, like
5 a revoked registration, and certain other things. I have
6 signed up for Our Family Wizard, sent a request to him to
7 please communicate with me through Our Family Wizard, and he
8 has refused to sign on to such. And every time I call his
9 phone, I am unable to get in contact with him.

10 THE COURT: Okay. Ma'am, I'm -- I'm trying to make
11 this hearing make some sense, to move through it. I pointed
12 out to you that your request for child support can't be
13 considered because I don't have a financial disclosure form.
14 Of course, I reviewed your motion, and I know there's more to
15 it than that. But that was the reason I asked you about the
16 financial disclosure form. What you've asked me to do is to
17 set aside the decree that was entered, as a result of your
18 failure to appear at the calendar call or at the -- the
19 May 19th date set for the resolution, or to participate in
20 this action. So please explain to me why it is that I have a
21 basis to set aside that order.

22 THE DEFENDANT: First and foremost, Your Honor, the
23 amended motion to disqualify Mr. Ghibaudo and his entire firm
24 stayed proceedings. They never filed an opposition to that

1 particular motion. They actually never filed an opposition to
2 the first motion or to the op -- amended motion.

3 THE COURT: Ma'am, I --

4 THE DEFENDANT: And --

5 THE COURT: I resolved --

6 THE DEFENDANT: It's --

7 THE COURT: I resolved that issue.

8 THE DEFENDANT: Not the amended motion, Your Honor.

9 THE COURT: What -- amended motion to --

10 THE DEFENDANT: And they --

11 THE COURT: -- disqualify?

12 THE DEFENDANT: -- have to -- pardon me?

13 THE COURT: I resolved the -- the request to
14 disqualify, several hearings ago, and I denied it.

15 THE DEFENDANT: Your Honor -- but they never
16 opposed, Your Honor. And they have to file an opposition --

17 THE COURT: I denied it --

18 THE DEFENDANT: -- to that --

19 THE COURT: -- ma'am.

20 THE DEFENDANT: -- particular motion.

21 THE COURT: At the February 4th --

22 THE DEFENDANT: Okay.

23 THE COURT: -- hearing, I denied the motion to
24 disqualify. I made that -- you were present --

1 THE DEFENDANT: Okay.

2 THE COURT: -- at that one.

3 THE DEFENDANT: Yes, I was present at that one.

4 THE COURT: All right. So I'm not --

5 THE DEFENDANT: And then --

6 THE COURT: I'm not clear on --

7 THE DEFENDANT: -- thereafter --

8 THE COURT: -- why you don't --

9 THE DEFENDANT: And thereafter --

10 THE COURT: -- understand that.

11 THE DEFENDANT: Okay. That's something I will

12 address later on, because I sent over, in the amended motion,

13 the letter from the bar association. And the fact that

14 Michael just appeared, who is my ex-husband to the three boys.

15 That's who actually just appeared. And that was his voice.

16 That was not Mr. Luciano.

17 THE COURT: Okay. Ma'am, I need you to focus. I

18 need you to focus. The question I had --

19 THE DEFENDANT: Okay.

20 THE COURT: -- for you was, why -- how do I have a

21 basis to set aside those orders? And you started --

22 THE DEFENDANT: First and foremost --

23 THE COURT: -- talking about --

24 THE DEFENDANT: -- I was --

1 THE COURT: -- a disqualification that occurred back
2 in March -- or I'm sorry, in February. So we're focusing --

3 THE DEFENDANT: But you only ruled --

4 THE COURT: -- on the order from the May 19th
5 hearing. What basis do I have to set that aside?

6 THE DEFENDANT: First and foremost, Mr. Luciano and
7 I had been speaking, and I had uploaded all of those
8 communications into Our Family Wizard, along with the money
9 that I had been sending to him when I was up in the state of
10 Utah at his mother's property. And as far as I knew, the
11 matter was not proceeding. That is what he had informed me.
12 Further, on top of that, when I look at the minutes from
13 February 21st, it says that Mr. Ghibaudo was a party -- was
14 the prevailing party, not Mr. Luciano. Which he couldn't be a
15 party to this action. Second, on top of that, there was no
16 proper intervention made, pursuant to NRCP. And there was a
17 duty to postpone, as evidence was absent, which was myself --

18 THE COURT: I'm sorry. Intervention?

19 THE FATHER: -- as I was not list --

20 THE COURT: Intervention? What are you talking
21 about?

22 THE DEFENDANT: Look at the February 21st minutes,
23 Your Honor, because I received a copy of them in the mail.
24 And it indicates in those that Mr. Ghibaudo was a party to

1 this action. And that's just what they appear to read, to
2 myself. And I could be mistaken.

3 THE COURT: But you've raised this issue in the
4 past, ma'am, and I've made it very clear that Mr. Ghibauda is
5 an attorney, not a party. So we've already resolved this.
6 I'm not quite sure -- so you --

7 THE DEFENDANT: Okay.

8 THE COURT: -- you want him -- you want him to
9 intervene, or you want him to not -- I didn't understand your
10 argument about --

11 THE DEFENDANT: No. I don't want --

12 THE COURT: -- intervention.

13 THE DEFENDANT: -- him to intervene, Your Honor.

14 THE COURT: Okay.

15 THE DEFENDANT: No.

16 THE COURT: Then what's the -- what -- what does
17 that have to do with setting aside the order?

18 THE DEFENDANT: The set-aside-of-the-order, I wasn't
19 present. And my custodial rights can't be tromped on, the way
20 that they were --

21 THE COURT: Of course they can.

22 THE DEFENDANT: -- without me being present at the
23 trial. And I understand the calender call. But the Nevada
24 Supreme Court has held it, very clearly, that those types of

1 sanctions should not apply. Because I was misled, and
2 misinformed, and was told to stay up in the state of Utah at
3 his mother's home, as opposed to appear. Not to mention, I
4 had become very sick with COVID-19. I have all of my medical
5 records here --

6 THE COURT: Okay. Let me make sure --

7 THE DEFENDANT: -- to be able to show that --

8 THE COURT: I'm sorr --

9 THE DEFENDANT: -- and that I was ill.

10 THE COURT: I'm sorry, ma'am.

11 THE DEFENDANT: And on top of it --

12 THE COURT: Let me make sure --

13 THE DEFENDANT: I was listed --

14 THE COURT: -- I understand. Let me make sure I
15 understand --

16 THE DEFENDANT: Pardon.

17 THE COURT: -- your argument. You received from
18 this Court, on several occasions, information relating to the
19 calendar call and you're required to be appearing. So you've
20 got that --

21 THE DEFENDANT: When did I --

22 THE COURT: -- from the Court.

23 THE DEFENDANT: -- receive those notifications, Your
24 Honor?

1 THE COURT: Ma'am, you were in the courtroom on two
2 separate hearings when we discussed that date.

3 THE DEFENDANT: Yes.

4 THE COURT: And we handed you --

5 THE DEFENDANT: Yes.

6 THE COURT: -- a physical copy of a case management
7 order. My staff tried --

8 THE DEFENDANT: Understood.

9 THE COURT: -- to contact you throughout this
10 period. Here, let me get to my question before you interrupt
11 me. You received --

12 THE DEFENDANT: Okay.

13 THE COURT: -- all that information from me. And
14 what you're telling me today is, rather than believe what I
15 told you, you believed what the opposing party told you; is
16 that your argument?

17 THE DEFENDANT: It wasn't just that I believed what
18 he had told me, Your Honor, I was sick with COVID-19, which
19 caused confusion. And I have been hospitalized several times.
20 I have all of the paperwork pertaining to that. As well as
21 sustained other injuries. And at that point, it was my
22 mistake.

23 THE COURT: So is it your --

24 THE DEFENDANT: And I --

1 THE COURT: Is your position today that because you
2 chose not to appear, that I'm not permitted to take evidence
3 on who is here, and resolve those issues? Is that the
4 argument?

5 THE DEFENDANT: I didn't choose not to appear, Your
6 Honor. I was sick and I wasn't feeling well. And I had been
7 told by Mr. Luciano that I did not need to appear, that
8 everything had been resolved in the joint petition. In fact,
9 he had testified up in the state of Utah, at a recent hearing,
10 that everything was resolved between he and I.

11 THE COURT: Well, it has been resolved. I entered
12 an order.

13 THE DEFENDANT: No. He stated up there that we had
14 resolved everything through the joint petition, is what he had
15 stated before the hearing in the state of Utah, Your Honor.

16 THE COURT: So I'm -- I'm still not hearing a basis
17 for a set-aside.

18 THE COURT: And Your Honor, I'm a self-represented
19 litigant. And as a self-represented litigant, I'm as -- I
20 can't find an attorney. I cannot locate an attorney. Every
21 attorney I've spoken to wants either an exorbitant amount of
22 money or they want absolutely nothing to do with this case.
23 Because the things that were entered in and what occurred, as
24 they all stated, was atrocious. And I placed that in there.

1 And as a self-represented litigant, it is this
2 Court's job -- duty and job to know the law and to be able to
3 apply such, appropriately. Especially if I am unable to
4 provide a basis. Because at the end of the day, when it's all
5 said and done, my rights, what was brought before this Court
6 in the initial pleadings that were filed by them, were
7 pleadings that contained pictures, which is not permissible,
8 pursuant to Nevada Rules of Civil Procedure. I filed several
9 motions to dismiss, which were ignored, including in the
10 amended motion to disqualify.

11 On top of that, I re -- I was essentially misled,
12 when I was sick with COVID-19 -- and I'm currently PUA -- wait
13 -- or waiting for PUA from Unemployment Division. I have not
14 been able to work. While I understand you're looking at
15 certain things, I was told, in emails, that -- what was it
16 exactly? That I lost acc -- well, actually, let me restate
17 that. I lost access to all of my emails, my phone numbers,
18 everything that had been provided to the Court. I even sent
19 communication to Mr. Ghibaudo's office on August 14th of 2020,
20 where I sent over that I had my own place, that the basis that
21 I had been kicked out or evicted, or whatever was done, had
22 actually not occurred, where I showed that that lease had been
23 fulfilled. They never attempted to serve me there.

24 I understand the orders that you gave, but I also

1 recall, at the very first hearing, Your Honor, you asking me
2 what I want. And I'm telling you right now, this was not
3 appropriate and it was wrong, by all means whatsoever.
4 Mr. Luciano also indicated to me that Mr. Ghibaudo and
5 Ms. Cramer was not his attorney of choice. That they
6 contacted him. That they told him that I was going to
7 terminate his parental rights, which was not the case, by any
8 means whatsoever. And he never paid them.

9 First, they were pro bono. Then they went to
10 retained. And they still have failed to provide any proof
11 pertaining to that. In addition, on top of all of that, I've
12 attempted to resolve this with their office. They've refused.
13 They won't even make a phone call. They won't even call to
14 discuss these matters with me. As far as the child support
15 orders, I can't be held in a debtor's prison, pursuant to
16 Fernandez v. Fernandez, because of erroneous information that
17 was provided. And as I explained, it is an excuse if a person
18 is sick with COVID-19 and is unable to appear, and was told by
19 my real husband, Mr. Luciano, that I was not there -- not to
20 appear, to stay at his mother's. Which is also present in the
21 February 21st, 2020 minutes. That -- it clearly states that I
22 was at his mother's. And Mr. Ghibaudo stated he was sending a
23 person up there, at his own expense, to this court, to have me
24 properly served.

1 Temporary orders were entered in, that were
2 obtained, under fraud, at the February 21st hearing. I have
3 evidence where Mr. Luciano states, on a video, to a cop at the
4 St. George Police Department, that everything that was being
5 stated --

6 THE COURT: Ma'am?

7 THE DEFENDANT: -- down here --

8 THE COURT: Ma'am?

9 THE DEFENDANT: -- in the state of Nevada --

10 THE COURT: Ma'am?

11 THE DEFENDANT: -- and also --

12 THE COURT: Ma'am?

13 THE DEFENDANT: -- stated in --

14 THE COURT: Ma'am?

15 THE DEFENDANT: -- the state of Utah, was slander
16 and liable.

17 THE COURT: Ma'am.

18 THE DEFENDANT: I'm -- I mean, I -- you have to --

19 THE COURT: I --

20 THE DEFENDANT: -- understand, this isn't my case.

21 I didn't bring this case. And the fact that I just heard
22 Mr. Deczic (ph) attempting to appear as Mr. Luciano, that's a
23 serious concern.

24 THE COURT: Ma'am, I don't -- nobody tried to appear

1 as anybody in this case. It's --
2 THE DEFENDANT: Yes, he --
3 THE COURT: -- a sealed case.
4 THE FATHER: Actually, he just did.
5 THE COURT: Ma'am, is he -- do you see him?
6 THE DEFENDANT: Oh, well -- well, you guys didn't
7 have him turn on his video.
8 THE COURT: If --
9 THE DEFENDANT: And he --
10 THE COURT: If --
11 THE DEFENDANT: -- came on and --
12 THE COURT: Oh, my --
13 THE DEFENDANT: -- he came off.
14 THE COURT: -- goodness.
15 THE DEFENDANT: But when he spoke --
16 THE COURT: Okay.
17 THE DEFENDANT: -- I recognized --
18 THE COURT: Ma'am --
19 THE DEFENDANT: -- his voice.
20 THE COURT: -- what is it that you think needs to be
21 accomplished today? Because I'm -- I'm not -- I'm having a
22 hard time following your arguments. So --
23 THE DEFENDANT: And I asked you to actually assist,
24 at this point --

1 THE COURT: Asked me --
2 THE DEFENDANT: -- because I am a --
3 THE COURT: -- to do what?
4 THE DEFENDANT: -- self-repre --
5 THE COURT: Asked me to do what?
6 THE DEFENDANT: I asked you -- you're the --
7 THE COURT: What --
8 THE DEFENDANT: You're the elected judge who is in
9 control of your courtroom --
10 THE COURT: Correct.
11 THE DEFENDANT: -- Your Honor.
12 THE COURT: So what is it that you're --
13 THE DEFENDANT: Okay?
14 THE COURT: -- asking me to do?
15 THE DEFENDANT: It is your duty and obligation to
16 know the law and to ensure that the law is upheld and that
17 self-represented litigants' rights are not completely trampled
18 on like they have been here.
19 THE COURT: Okay. And do you --
20 THE DEFENDANT: And I am -- and I am a self-
21 represented litigant.
22 THE COURT: Do you have any responsibility, in that
23 -- in that case, or is it just me?
24 THE DEFENDANT: No. Your Honor, I -- I have tried

1 my best. I really have.

2 THE COURT: Okay.

3 THE DEFENDANT: And I've really tried my best. And
4 there is no basis -- I've never failed my drug tests. I have
5 never failed the drug tests in family court.

6 THE COURT: It --

7 THE COURT: And I have no idea what occurred or what
8 was brought, but I can tell you right now, every allegation
9 that has ever been made against me is false. And that record
10 is there. You are aware that I never failed my drug test. I
11 have never failed a drug test in this court --

12 THE COURT: What does your --

13 THE DEFENDANT: -- before the court.

14 THE COURT: -- drug test have to do with the decree?

15 THE DEFENDANT: I haven't even been served the
16 decree, Your Honor. Do you know what I received? A front --
17 a picture of the first page and a picture of the last page, v-
18 i-a text message. That is all that I've received.

19 THE COURT: Okay.

20 THE DEFENDANT: I haven't even seen the decree or
21 been able to read it --

22 THE COURT: So what --

23 THE DEFENDANT: -- because I haven't been properly
24 served.

1 THE COURT: Why are you disc -- you don't -- you
2 don't -- you -- what -- why -- when I asked you about what you
3 want, why did you go to drug tests? There was no --

4 THE DEFENDANT: Because I'm -

5 THE COURT: -- reference to --

6 THE DEFENDANT: -- sitting here -- because the --the
7 stuff that has just been said, and the things that have
8 happened, and the repeated false allegations. A person can
9 only put up with so much.

10 THE COURT: Okay. Ma'am --

11 THE DEFENDANT: And I --

12 THE COURT: -- come -- come back to me.

13 THE DEFENDANT: I have been through enough, Your
14 Honor.

15 THE COURT: Do you recall --

16 THE DEFENDANT: And what I want --

17 THE COURT: -- my question? Ma'am? Do you recall
18 my question, or would you like me to ask it again?

19 THE DEFENDANT: Please ask again.

20 THE COURT: What is it that you would like to
21 accomplish by today's hearing? Because I'm not understanding
22 what it is you'd like me to do.

23 THE DEFENDANT: I would like this order set aside,
24 Your Honor.

1 THE COURT: Why?

2 THE DEFENDANT: And the joint pet --

3 THE COURT: What --

4 THE DEFENDANT: Because it has erroneous findings in
5 it, based on evidence that was claimant issue precluded and
6 has been repeatedly rebutted over throughout the years, and is
7 also supported by the fact that I never failed a drug test
8 before in family court, ever.

9 THE COURT: Okay. A drug test --

10 THE DEFENDANT: And the fact that st --

11 THE COURT: -- isn't part of it. You keep going
12 back to drug tests. Drug test isn't part of the decision --

13 THE DEFENDANT: Your Honor --

14 THE COURT: -- that I made.

15 THE DEFENDANT: -- I haven't seen a copy of the
16 decree, so I have no idea what it states.

17 THE COURT: Okay. You couldn't, over the last
18 several months, request a copy of it?

19 THE COURT: Your Honor, I've attempted to log
20 online. I've lost access to all of my email accounts. I just
21 gained access on the one. And to preserve my rights, no, I
22 did not request a copy --

23 THE COURT: Okay.

24 THE DEFENDANT: -- because I'm supposed to be

1 personally served --

2 THE COURT: You are.

3 THE DEFENDANT: -- with that type of a decree.

4 THE COURT: You are correct. All right. Thank you.
5 Ms. Cramer?

6 MS. CRAMER: Hi, Your Honor. I've got my
7 receptionist sitting here in my office with me. And I did con
8 -- did confirm with her that we have received zero calls from
9 Ms. Luciano. She has not reached out to our office. We
10 haven't received anything from her other than the motion.
11 She's proven, time and time again, that she can log in to the
12 portal, that she can download documents. She's done it on
13 other cases. She's done it on her case in Department P. Done
14 it on this case.

15 THE COURT: Ma'am?

16 MS. CRAMER: She really doesn't provide a legal
17 basis in her -- in her motion. It's really somewhat
18 incoherent. I believe our opposition addressed it as best we
19 can. I would also point out, Your Honor, that she claims --
20 in one breath, she says that the decree has erroneous findings
21 in it. And in the very next breath, she says that she hasn't
22 gotten a copy of it.

23 THE COURT: Uh-huh.

24 MS. CRAMER: So she just -- she isn't credible.

1 It's just more of the same.

2 THE COURT: All right. And it looks like -- that a
3 notice of entry decree was filed on June 8th, mailing to the
4 Grand (sic) Rapids Street address in Las Vegas, and the
5 Foxberry Park Drive address in Reno. The Las Vegas one was
6 the -- the last known address that we had in the court file at
7 the time. So it does appear that good service was effectuated
8 in this case.

9 THE COURT: Ma'am, is there anything else I need to
10 hear from you?

11 THE DEFENDANT: Your Honor, if I may?

12 THE COURT: Yes.

13 THE DEFENDANT: Ms. Cramer actually just misstated.
14 I'm sitting here with a fax transmittal. The fax was sent on
15 August 14th at 5:21 p.m. to fax number 702-924-6553. I have
16 the fax cover sheet. So clearly, what -- her statement there,
17 or her assistant's, was erroneous. And I can actually upload
18 and send this over. I was not served at the 729 Granite
19 Rapids Street, as that lease had expired and I was no longer
20 residing there. And I was up in the state of Utah, per the
21 minutes from February 21st of 2020. Mr. Ghibaudo even stated
22 such to the Court, and Ms. Cramer was aware as well. So --

23 THE COURT: But you told me --

24 THE DEFENDANT: -- service was --

1 THE COURT: You told me --

2 THE DEFENDANT: -- not made.

3 THE COURT: -- just the opposite though, ma'am.

4 They accused you of --

5 THE DEFENDANT: Told --

6 THE COURT: -- of getting -- they accused you of
7 getting evicted out of that residence, and you assured me that
8 that was not the case.

9 THE DEFENDANT: I did not get evicted out of that
10 residence. The lease had expired --

11 THE COURT: You told me --

12 THE DEFENDANT: -- Your Honor

13 THE COURT: -- you were still living in that
14 residence and that that's where the visitation was taking
15 place.

16 THE DEFENDANT: No, Your Honor. No, Your Honor.
17 The lease had expired on that residence. I had moved out of
18 that residence because the property --

19 THE COURT: So when --

20 THE DEFENDANT: -- had been placed for sale.

21 THE COURT: When did you --

22 THE DEFENDANT: I -- well, no --

23 THE COURT: -- submit your --

24 THE DEFENDANT: -- Your Honor. I --

1 THE COURT: -- change of address --

2 THE DEFENDANT: -- never stated --

3 THE COURT: -- to the Court?

4 THE DEFENDANT: Okay. The only reason I haven't
5 filed the change of address to the Court --

6 THE COURT: Oh, so you haven't?

7 THE DEFENDANT: -- was because of some of the -- it
8 -- no, I have not, Your Honor.

9 THE COURT: Okay. Then the --

10 THE DEFENDANT: In fact, on my order --

11 THE COURT: -- Grand (sic) Rapids --

12 THE DEFENDANT: sealing --

13 THE COURT: -- would be a good service, because you
14 have a responsibility to maintain --

15 THE DEFENDANT: Actually, wait a second. On order
16 sealing file, Your Honor, on the ex parte application for
17 order sealing file that I had to place in because Mr. Ghibaudo
18 failed to file such -- and he also failed to file the order
19 with this Court -- I listed a current email address, as well
20 as a phone number for myself, which would've allowed them to
21 effectuate process of service at that point. I gave them my
22 phone number.

23 THE COURT: Ma'am, I --

24 THE DEFENDANT: I have the fax transmittal --

1 THE COURT: My --
2 THE DEFENDANT: -- sheet.
3 THE COURT: My department --
4 THE DEFENDANT: All they had to do --
5 THE COURT: -- utilized --
6 THE DEFENDANT: -- was call.
7 THE COURT: My department utilized --
8 THE DEFENDANT: Pardon me?
9 THE DEFENDANT: -- three different email addresses
10 that you provided, to try and communicate --
11 THE DEFENDANT: I lost --
12 THE COURT: -- with you.
13 THE DEFENDANT: -- acc -- I lost access to all of
14 those email addresses.
15 THE COURT: All right.
16 THE DEFENDANT: They had all been hacked. And I
17 suspect --
18 THE COURT: Any --
19 THE DEFENDANT: Let me restate that.
20 THE COURT: Anything else that's relevant that you'd
21 like to discuss, ma'am?
22 THE DEFENDANT: Well, I think it's relevant at the
23 fact that I made it very clear as -- if they stated in their
24 paperwork that I was evicted at 729 Granite Rapids Street,

1 what are they doing sending service of process there?

2 THE COURT: Because that is --

3 THE DEFENDANT: And sent --

4 THE COURT: -- the last known address. Because the
5 law requires them to do that. They added the Reno address in
6 the hopes that perhaps maybe you were there, because there was
7 some discussion about Reno. But what they -- the address they
8 have to send to is the address that you have with the Court.
9 That's how that works.

10 THE DEFENDANT: But I updated that address when I
11 filed the ex parte application. And whenever an ex parte
12 application or any type of paper or pleading is filed,
13 pursuant to the rules, and an address, email, and phone number
14 is provided, that is -- constitutes as a update of address. I
15 have not seen the decree. And the reason that I state
16 erroneous findings, is based off of the communications --

17 THE COURT: Ma'am, is there --

18 THE DEFENDANT: -- that I have received from
19 Mr. Luciano.

20 THE COURT: Is there a good email --

21 THE DEFENDANT: That is the --

22 THE COURT: -- address for you?

23 THE DEFENDANT: -- only reason. Pardon me?

24 THE COURT: Do you have a good email address that I

1 can send the -- the decree of divorce to you?

2 THE DEFENDANT: Yes. It is luciano.amyc@icloud.com,
3 the email address that I provided on the ex parte application.

4 THE COURT: Okay. Is it a-m-y and then the letter
5 C, or s-e-e?

6 THE DEFENDANT: The letter C.

7 THE COURT: All right. We will --

8 THE DEFENDANT: My middle initial.

9 THE COURT: -- forward that to you in addition to
10 the service you already received. Is there any other relevant
11 information, with regard to --

12 THE DEFENDANT: Your Honor, I have to object,
13 because I did not receive any additional service. I was not
14 residing in the state -- up in the city of Reno, Nevada.

15 THE COURT: Okay. You can --

16 THE DEFENDANT: And they --

17 THE COURT: Ma'am, you can object --

18 THE DEFENDANT: -- stated --

19 THE COURT: -- all you want. You have to take some
20 responsibility here.

21 THE DEFENDANT: And, Your Honor, but I did take some
22 responsibility. I made a mistake and shouldn't have listened
23 to Mr. Luciano, and I should've appeared at the May 19th. In
24 fact, at one point, he told me that the hearing was on

1 May 20th. And when I went and tried to look, no. My
2 credibility is there. And Ms. Cramer should be very cautious
3 as to when she attacks my credibility, because she just
4 blatantly lied to this Court, including her assistant, stating
5 that they never received a facsimile, when in fact, they did.
6 And I sent that on August 14th at 5:21 p.m. My credibility is
7 not up for subject here. I made a mistake and I apologize.
8 And here is what really happened.

9 The -- our family life was intruded upon by two
10 politically motivated attorneys who posted all of our family
11 business online, when they had no right to do such. I have
12 repeatedly asked them to remove that content after the order
13 sealing file was done. They have refused to respond. And I
14 will submit this to the Court as well, too. I will not have
15 my credibility attacked by any means whatsoever.

16 THE COURT: All right.

17 THE DEFENDANT: Because that is improper. And that
18 is --

19 MS. CRAMER: Your Honor --

20 THE DEFENDANT: And that is wrong. And I do -- and
21 I am entitled to be properly served a copy of the decree, so
22 this way I'm able to review it and take a look and see what
23 actually occurred and not what was made up. I remember when
24 they came with this case, initially. First, it was about me

1 being mayor. Then it was about me being a judge. Then there
2 was some family dispute. Then there was -- I was supposed to
3 file three petitions for writ of mandamus or prohibition.
4 That is what occurred in these hearings.

5 By the second hearing, Your Honor, it was made very
6 clear that I held de facto primary custody of Gianna. And at
7 that point, I -- I don't know what happened. But I took
8 responsibility and I said I was sorry. I made a mistake. I
9 should've appeared at the May 19th hearing. I was sick and I
10 did not appear. And this probably wouldn't have occurred. At
11 this point, though, I am a self-represented litigant and I am
12 entitled to relief under this. I haven't even seen my little
13 girl. What's the basis for me not to see my little girl? Why
14 is Mr. Luciano refusing any type of contact whatsoever between
15 mine and his daughter?

16 THE COURT: All right. With regard to the issue
17 that's pending before the Court today, the easy side of it
18 would be the child support request. As I indicated at the
19 outset of the hearing, absent a financial disclosure form, I
20 don't have any basis to make any modifications. The child
21 support obligation was based upon testimony the Court received
22 from the Plaintiff at the May 19th hearing. And that's how
23 child support was calculated. It is extremely possible and
24 very likely, ma'am, that you're entitled to a modification of

1 that child support obligation, but I cannot grant that to you
2 absent the financial information that's required ---

3 THE DEFENDANT: Your Honor --

4 THE COURT: -- by rule.

5 THE DEFENDANT: -- I'm going to ask for an extension
6 so I can get a financial disclosure form submitted and you
7 continue this hearing.

8 THE COURT: Okay. Ma'am?

9 THE DEFENDANT: So this way we can actually --

10 THE COURT: Ma'am?

11 THE DEFENDANT: -- address that, please.

12 THE COURT: Ma'am, do me a favor. When I'm -- when
13 I'm rendering my decision, please wait until I'm done to ask
14 me any questions with regard to it. It just makes the record
15 so much cleaner. All right. As I've indicated, that there --
16 there's likely a basis for a modification, although I can't
17 make that determination, because the only evidence I have
18 before me, with regard to the income -- the current income of
19 the Defendant, was provided via testimony at the May 19th
20 hearing.

21 The rest of the requests, with regard to setting
22 aside the other portions of the order that was contained in
23 the decree, each hearing that I went through that the
24 Defendant was not present on, I outlined at the outset, the

1 efforts that had been made to -- to provide her with
2 information and appearance. As indicated at the outset, the
3 case management order was personally handed to her on
4 December 12th, which contained that May 5th calendar call
5 hearing date. Additionally, we discussed the -- the date in
6 February, emails and all the addresses that the Defendant
7 provided were sent, with regard to notice. Not just from the
8 Plaintiff's attorney's office, but from my staff, trying to
9 elicit the cooperation and appearance of --

10 THE DEFENDANT: Your Honor, they already -- okay.
11 Wait a second. Stop. Right now. I have to -- I'm sorry.

12 THE COURT: Okay. Ma'am, I'm going to mute you.

13 THE DEFENDANT: This order --

14 THE COURT: I'm going to mute you so that I can
15 finish my ruling, and then I'll give you an opportunity to ask
16 any questions at the end.

17 THE DEFENDANT: No --

18 THE COURT: All right. So moving on with the
19 decision. That was the efforts that were made to elicit her
20 participation at the time. Based upon her lack of
21 participation at the May 5th calendar call, the Court utilized
22 EDCR 2.69, with regard to finalizing. And notwithstanding
23 that fact, we still set the matter for a hearing, to provide
24 another opportunity for the Defendant to appear, to provide

1 information to the Court, which would be contrary to the
2 information that was going to be provided by the Plaintiff.
3 She did not appear at that hearing.

4 The hearing went forward. The Court took evidence,
5 sworn statements from the Plaintiff, and made a determination
6 based upon that. At this point, similar to the child support,
7 it is very possible that the custody order that was entered as
8 a result of that hearing, should be modified and some changes
9 made. In fact, when the Court entered its order on May 19th,
10 it indicated that it would be the order in place until the
11 Defendant came back before the Court and provided a basis to
12 make a change. So certainly, the ability of the Defendant to
13 request modification still exists. But that wasn't requested
14 in the moving papers that she submitted at that time. So my
15 suggestion is, ma'am, as you -- when you interrupted me
16 previously, with regard to the child support, is that you file
17 a motion to modify, and follow the rules so that the Court can
18 appropriately consider your requested relief. But I do not
19 have a basis before me today, based upon the entirety of this
20 record, to set aside the decree or the orders contained
21 therein. I do have an ability to modify, but I need an
22 appropriate motion submitted to me to allow me to take those
23 steps.

24 As far as the countermotion, given the ruling the

1 Court has put in place today, there is a basis, under NRS
2 18.010, under prevailing party, for some award of attorney's
3 fees. I'm going to ask Ms. Cramer to prepare the order from
4 today, submit a Brunzell affidavit, an affidavit of fees and
5 costs, and leave me a blank, in that order, to include an
6 appropriate award of attorney's fees. All right. Ma'am, that
7 is my decision. You had something you wanted to say?

8 THE DEFENDANT: Your Honor, this Court has
9 jurisdiction, under sua sponte authority, to address holiday
10 time, considering the fact that I've been denied those.
11 Because that supercedes even regular custodial time.

12 THE COURT: You haven't been --

13 THE DEFENDANT: And --

14 THE COURT: You haven't been --

15 THE DEFENDANT: -- this Court also --

16 THE COURT: -- denied holiday time --

17 THE DEFENDANT: -- ordered -- Your Honor --

18 THE COURT: -- ma'am. He has sole --

19 THE DEFENDANT: -- you also ordered --

20 THE COURT: -- legal and sole --

21 THE DEFENDANT: -- Mr. -- you --

22 THE COURT: -- physical custody.

23 THE DEFENDANT: Pardon me?

24 THE COURT: I said, you haven't been denied holiday

1 time, because he has sole legal and sole physical custody.

2 There's no visitation for you in that order.

3 THE DEFENDANT: Why would there be no visitation in
4 that order?

5 THE COURT: Because you --

6 THE DEFENDANT: That would be an abuse --

7 THE COURT: -- did not appear --

8 THE DEFENDANT: -- of discretion.

9 THE COURT: -- to request visitation. The evidence
10 that was presented to me --

11 THE DEFENDANT: Your Honor, I would --

12 THE COURT: -- indicated that that was --

13 THE DEFENDANT: -- never -- I had de facto primary
14 custody by the second hearing. and that's the truth of the
15 matter right there. And the proceedings sh -- the case
16 should've ended. The case should've been dismissed. The case
17 must be dismissed.

18 THE COURT: Okay. Ma'am?

19 THE DEFENDANT: They brought stuff that didn't make
20 sense, Your Honor.

21 THE COURT: Is there anything --

22 THE DEFENDANT: They brought papers and pleadings
23 that clearly were inappropriate.

24 THE COURT: Is there anything --

1 THE DEFENDANT: And this --

2 THE COURT: -- that's in my order that needs to be
3 clarified for you at this point, ma'am?

4 THE DEFENDANT: Yes.

5 THE COURT: What needs to be clarified?

6 THE DEFENDANT: You need to clarify the fact that he
7 had no basis to have sole legal and sole physical custody,
8 solely just because I didn't appear, when I actually stated
9 why I didn't appear, and gave you the exact reason --

10 THE COURT: Okay. I didn't --

11 THE DEFENDANT: -- and apologized --

12 THE COURT: I didn't ask -- ma'am?

13 THE DEFENDANT: -- and said I made a mistake.

14 THE COURT: I didn't ask --

15 THE DEFENDANT: I shouldn't be unjustly denied
16 contact with my daughter.

17 THE COURT: I did not --

18 THE DEFENDANT: I have not --

19 THE COURT: -- ask, for you to continue --

20 THE DEFENDANT: -- seen her --

21 THE COURT: --arguing, ma'am. I asked if you need
22 clarification.

23 THE DEFENDANT: What was the basis he was awarded
24 sole physical and sole legal custody --

1 THE COURT: The --
2 THE DEFENDANT: -- and clarification --
3 THE COURT: The --
4 THE DEFENDANT: -- of a holiday schedule --
5 THE COURT: The testimony I --
6 THE DEFENDANT: -- including visitation --
7 THE COURT: -- received on --
8 THE DEFENDANT: -- Your Honor?
9 THE COURT: -- May 19th is the basis for the
10 decision that was entered.
11 THE DEFENDANT: And what was that basis, Your Honor?
12 What was the testimony received and who gave the testimony?
13 THE COURT: The Plaintiff gave the testimony.
14 THE DEFENDANT: And he appeared by videoconference?
15 THE COURT: He did.
16 THE DEFENDANT: Why was Mr. Deesic just appearing?
17 THE COURT: I'm sorry, are you asking me, or are you
18 asking somebody else?
19 THE DEFENDANT: Mr. Cramer, why was Mr. Deezic just
20 appearing --
21 THE COURT: No. Ma'am, you don't --
22 THE DEFENDANT: -- and attempting to state --
23 THE COURT: -- get to ask Ms. Cramer questions
24 during a hearing. That has nothing to do with clarifying my

1 order. Do you have any other --

2 THE DEFENDANT: You know, Your Honor, at the second
3 hearing, I actually --

4 THE COURT: All right.

5 THE DEFENDANT: -- pointed out that --

6 THE COURT: Thank you, ma'am.

7 THE DEFENDANT: -- Mr. Chicaudo --

8 THE COURT: I resolved it.

9 THE DEFENDANT: -- and Ms. Cramer --

10 THE COURT: Ms. Cramer, prepare that --

11 THE DEFENDANT: -- had violated --

12 THE COURT: -- order.

13 THE DEFENDANT: NRS 22 --

14 THE COURT: Thank you.

15 THE DEFENDANT: -- by using --

16 MS. CRAMER: Will do --

17 THE DEFENDANT: -- foul language.

18 MS. CRAMER: -- Your Honor. Have a good day.

19 UNIDENTIFIED VOICE: Thank you --

20 THE DEFENDANT: You (indiscernible) --

21 UNIDENTIFIED VOICE: -- Your Honor.

22 THE DEFENDANT: -- clarify the order --

23 (PROCEEDINGS CONCLUDED AT 10:55:48)

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

/s/Mellanie Longpre
Mellanie Longpre

December 21, 2021



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ELECTRONIC SEAL (NRS 1.190(3))