IN THE SUPREME COURT OF THE STATE OF NEVADA

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MINH NGUYET LUONG, Petitioner, vs. THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK, AND THE HONORABLE DAWN THRONE, DISTRICT COURT JUDGE, Respondents, and JAMES W. VAHEY, Real Party in Interest.	S.C. No.: D.C. Case No.: D-18-581444-D

EMERGENCY PETITION FOR WRIT OF MANDAMUS OR

PROHIBITION PER NRAP 21(a)(6) AND NRAP 27(e)

(Relief Required by April 8, 2022, When the Children Are to Be Delivered to "Turning Points for Families" and then be "Sequestered" for Three Months)

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The Hon. Dawn Throne
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Pursuant to NRAP 21 & 27(e),[1] and NRS 34.160, Petitioner Minh Nguyet Luong ("Minh") submits this *Emergency Petition for Writ of Mandamus or Prohibition and Emergency Motion*, requesting issuance of a writ of mandate

[1] NRAP 27(e) requires notice to the opposing counsel and the Clerk of this Court as soon as possible; Mr. Dickerson was advised by phone on Saturday, April 2, that this writ would be filed, and phone notice was provided to this Court not later than April 6.

directing the district court to rescind its orders issued at the March 24, 2022, hearing (filed April 5, 2022). That order has placed the parties' children in the path of direct harm and should be required to be rescinded on several bases, including that it is contrary to federal law and was a violation of due process.

ROUTING STATEMENT

This appeal is presumptively assigned to the Court of Appeals per NRAP 17(b)(10) as it involves family law matters other than the termination of parental rights or NRS Chapter 432B proceedings. However this Court has never weighed in on issues of "immersion therapy" or application of the federal Violence Against Women Act, and if this Court determines that such is a sufficiently important issue of first impression, it could elect to retain the case under NRAP 17(a)(12).

NRAP 26.1 DISCLOSURE

The undersigned counsel of record certifies that the following persons and entities described in NRAP 26.1(a) must be disclosed. In the course of these proceedings leading up to this appeal, Petitioner has been represented by the following attorneys:

a. Neil M. Mullins, Esq., of the Kainen Law Group.

b. Fred Page, Esq., of Page Law Firm.

There are no corporations, entities, or publicly-held companies that own 10% or more of Petitioner's or Respondent's stock, or business interests.

DATED this 8th day of April, 2022.

Respectfully Submitted By:
WILLICK LAW GROUP

//s// Marshal S. Willick
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TABLE OF CONTENTS

TABLE OF AUTHORITIES

FEDERAL CASES

STATE CASES

STATE STATUTES

MISCELLANEOUS

I. PROCEDURAL POSTURE AND REASON FOR WRIT PETITION

On *Order Shortening Time* which provided no meaningful opportunity for either response or to be heard, the district court judge entered orders without taking cognizable evidence, summarily concluding without any valid diagnosis that she "believes" that the mother's "alienation" is the cause of the children's conflicts with their father, and on that basis has ordered "treatment" in New York by an unqualified for-profit enterprise followed by the total deprivation of contact between the mother and her children for "at least" three months.

The procedures followed denied the mother due process. The "therapy" by a for-profit run by a social worker is non-scientific quackery, and the deprivation of contact between the mother and her children violates the federal Violence Against Women Act and has no scientific validity. The children are scheduled to be shipped to New York to be "broken" on April 8, after which they are to be left in the sole care

of their father for "at least" three months, until the mother is compelled to say things that she believes to be false "to the satisfaction of the judge."

Every aspect of what is transpiring here is in violation of basic norms of due process, cannot be in the best interest of the children, and should be ordered stopped immediately.

II. STATEMENT OF ISSUES PRESENTED AND OF THE RELIEF SOUGHT

A. Issues

1. Whether a district court is permitted to conclude that there has been a "change of circumstances" justifying a change of custody due to "parental alienation" in the absence of any such diagnosis by anyone qualified to give such an opinion, and without an

evidentiary hearing, when the various therapists involved with the parties have not even ever conferred as to what would be best for the children involved.

2. Whether an order totally depriving a parent of contact with children as was done here violates the federal Violence Against Women Act.

3. Whether it violated Minh's due process rights to make orders changing custody and ordering non-scientific "therapy" based on a hearsay report from a therapist who had never examined the subject children, or taking evidence, or permitting an examination of the witness.

4. Whether the district court was required to follow the stipulated agreement of the parties and court order that any orders relating

to Hannah would only issue after receiving a recommendation of Dr. Michelle Fontenelle-Gilmer, which was neither requested nor received in this case.

B. Relief Sought

Appellant, Minh Luong, is seeking relief from this Court in the form of a writ of mandamus to have the district court be compelled to rescind its change of custody and "immersion therapy" orders.

A prior appeal was resolved by the parties expressly stipulating that any custody orders relating to their eldest daughter Hannah would only issue after seeking and receiving a recommendation from the child's treating therapist. The district court ignored that order and never even sought the therapist's input – which would have been to not do what the district court did. The district court should be compelled to

follow its own orders as to necessary procedure before spontaneously issuing change of custody orders.

There has been no valid diagnosis of "parental alienation." And the district court acted without permitting any such evidence to be offered, or challenged in an evidentiary hearing. The district court should be compelled to only make findings of adequate cause to change custody after due process is afforded the parent facing a loss of custodial rights.

The district court should be expressly prohibited from violating applicable federal law under the Supremacy Clause.

C. Damages Caused by Not Granting the Writ

Left unaddressed, the children are going to be shipped to a very questionable "facility" in New York where they are to be "broken" and then left in the sole custody

of a parent who they have repeatedly accused of physical and emotional abuse, threatened with being permanently and solely left in the custody of that parent until they express affection for that parent and change their minds about what they believe to be true.

One of the children has already been left in the sole "care" of that parent for two months. By all reports, as detailed below, he is now in the psychological condition of a prisoner of war; the district court judge appears much more concerned with making sure the other parent (Minh) has no contact with the child.

It would be difficult to overstate the probable long-term harm to the children at issue, not to mention their mother and their parent-child relationships.

III. STATEMENT OF FACTS

Minh Luong, a pediatric dentist, and James Vahey, an orthopedic surgeon, executed a lengthy and detailed premarital agreement written by Jim's attorneys,[2] and were married on July 8, 2006. They have three minor children: Hannah Vahey, born March 19, 2009 (age 13), Matthew Vahey, born June 26, 2010, (age 11), and Selena Vahey, born April 4, 2014, (age 8).

Minh filed for divorce on December 13, 2018.[3] The litigation was contentious. A first therapist for the children, Michelle Gravley Ph.D., was appointed by stipulation and order on July 30, 2019.[4]

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[2] Volume four of Petitioner's Appendix ("IV AA") 679-735.

[3] I AA 1-7.

[4] II AA 279-281.

In January, 2019, Minh sought to relocate with the children to California, pursuant to what she said was a long-agreed-to plan with Jim to move the family.[5] Minh owned homes in both states.[6] After hearings, her motion was denied in an order filed September 20, 2019, finding that Minh was sincere, but that it was in the best interest of the children for the parents to share joint physical custody, which could not be accomplished if she moved.[7] That order included "concerns" that Minh sought to put distance between herself and Jim and had a "negative attitude" toward Jim based on his refusal to allow the move to California as she claimed he had promised.[8]

In October 2019, Minh relocated to California, which required her to do all of the transportation of the children per Judge Ritchie's order.[9] Three months after she

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[5] I AA 52-81.

[6] IV AA 793.

[7] II AA 481-545.

[8] *See* IV AA 800.

[9] III AA 544.

moved, Hannah and Matthew tried to run away from Jim's home.[10] In Jim's custody, the children's grades began to decline.[11] Jim also began interfering with the children's right to privacy and recording their communications with Minh.[12]

When Minh arrived at the former marital residence to pick up the children for Spring Break visitation in March, 2020, an altercation ensued between Minh and Jim regarding a windsurfing board, including Jim battering Minh in front of the children.[13]

Minh, Hannah, and Matthew were interviewed separately by the Henderson Police, after which Jim was arrested and charged with battery/domestic violence.[14] Minh sought and received a Temporary Protective Order on behalf of herself and the

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[10] V AA 887, 884-910.

[11] V AA 866, 868, 870, 888, 891.

[12] V AA 889.

[13] V AA 893-896.

[14] V AA 895-896; Case number 20CR002146.

children,[15] and filed a motion to extend that order, for an interim change of custody, and for the children to be interviewed.[16]

The same day, Jim filed a "emergency" motion seeking "return" of the children, dissolution of the TPO, a modification of custody, to replace the children's therapist, and sought to hold Minh in contempt for "faking" domestic violence, claiming that she was actually the only one to commit any violent acts, and "caused" his problems with the children because she would not speak with him pleasantly or adequately force the children to be with him.[17] Jim asserted that Dr. Gravely had been "ineffective" since the children were resistant to him; ironically, given the subject of this writ petition, he complained that she was trying to find a way in which he would have no contact with the children.

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[15] Case number T-20-204489-T.

[16] V AA 884-910.

[17] V AA 917-973.

Judge Ritchie never signed the Order to Show Cause Jim requested.[18]

On April 22, 2020, the competing motions came on for hearing. Judge Ritchie ordered that the Temporary Protective Order be dissolved, that the parties resume their custodial schedule, and denied Jim's request for compensatory visitation.[19] The district court denied both parties' requests to modify custody, indicating that if Minh relocated back to Las Vegas, he would re-institute a week on/week off custodial schedule from Friday to Friday at 9:00 a.m.

On June 5, 2020, Jim filed another "emergency" motion titled *Emergency Motion to Resolve Parent-Child Issues and for Attorney's Fees and Costs*.[20] This time, Jim wanted Bree Mullins, Psy.D., to be appointed both as the children's therapist and have Ms. Mullins investigate forensically and issue a report as to

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[18] V AA 1044-1045.

[19] VIII AA 1508-1517.

[20] VIII AA 1518-1552.

whether alienation was occurring in addition to providing therapy.[21] Jim additionally wanted to restrict even telephonic access to Minh to 10 minutes three times per week.[22] Even though Jim's request had been denied at the April 22, 2020, hearing, Jim made another request for compensatory visitation.[23]

On June 19, 2020, Jim punched his daughter Hannah in the face hard enough to cause her nose to bleed,[24] and immediately called his lawyer.[25] Hannah called Minh, who called the police, who went to investigate.[26] Jim told the Henderson

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[21] VIII AA 1519, 1543-1544. Of course, it would violate American Psychological Association ethics guidelines for a single therapist to both provide treatment and do a forensic analysis.

[22] VIII AA 1519, 1544-1545, 1546

[23] VIII AA 1520, 1547.

[24] IX AA 1710-1712, 1776.

[25] IX AA 1776, 1778.

[26] IX AA 1712.

Police officers that Hannah "ran into his closed fist" which "happened to be at the level of Hannah's face."[27] The Henderson Police Department declined to charge Jim.

Just prior to the hearing on Jim's second "emergency motion" scheduled for July 13, 2020, Jim shoved a hot pan onto Hannah's arm to punish her for wanting to eat the food she fixed for herself and then wash the pan afterwards. Jim caused a burn on Hannah's arm, CPS was contacted; they investigated but did nothing.

At the hearing, the district court allowed Bree Mullins to be the therapist but explicitly refused to allow Dr. Mullins, or any other therapist, to be delegated any kind of decision-making or to testify at a custody hearing (thus keeping the therapeutic and forensic functions separate).[28] Most miscellaneous financial relief was denied or was deferred to an evidentiary hearing, and request to restrict Minh's

[27] IX AA 1712.

[28] XI AA 2193-2194.

ability to speak to the children was denied.[29] Jim's request for compensatory time was denied again.[30] Despite Jim punching Hannah in the face, the district court declined to have Hannah interviewed or schedule any further proceedings on the matter.[31]

The evidentiary hearing on reimbursements, leading to entry of a *Decree of Divorce*, was held August 13 and September 4, 2020. When Minh confirmed she was going to continue to reside in Las Vegas, the district court clarified the exchanges needed to continue to take place at school when children are attending school, and when children were virtually learning, exchanges were to take place at the guard gate at Lake Las Vegas, but also provided that the pick-up/drop-off point could be

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[29] *Id*.

[30] IX AA 2195.

[31] IX AA 2193, 2196.

modified once Minh had a fixed address if that point of exchange was inconvenient, but the *Decree* was not actually filed until March 26, 2021.[32]

The children's school performance had dropped precipitously while living primarily with Jim. Hannah went from a straight "A" student to "D" and "F" scores and a 1.11 GPA.[33]

On January 4, 2021, the case was administratively reassigned from Judge Ritchie to Judge Dawn Throne as a result of the new departments created.

On February 11, 2022, Minh filed a *Motion to Enter Decree of Divorce* and sought modifications to the custody orders because Hannah was not doing well psychologically, was not eating, was having psychosomatic pain, and her grades were continuing to decline.[34] Minh requested that the receiving parent pick up instead of

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[32] XIII AA 2658-2683.

[33] XI AA 2286-2287, 2294-2295.

[34] XI AA 2266-2299.

her having to do 100 percent of the transportation. The same day, Jim filed a *Motion to Transfer Case Back to Department H*, and also sought to have the *Decree* filed.

The competing motions were heard March 22, 2021, at which time Judge Throne without hearing any evidence, spontaneously diagnosed "alienation."[35] Reversing Judge Ritchie's order from the July 13, 2020, hearing, Judge Throne spontaneously ordered that Minh was limited to 10 minutes per telephone call per child,[36] accused Minh of wanting Hannah to align with her, and concluded that because Minh did not "support" Jim that any changes would be to increase his time share.[37] Judge Throne refused to permit Hannah to be interviewed.[38]

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[35] XIV AA 2794-2795.

[36] XIV AA 2793-2794, 2796.

[37] XIV AA 2794.

[38] XIV AA 2795.

Judge Throne ordered that Minh would have to continue conducting 100 percent of the transportation for the children, dismissing the fact that Minh chose a home near her dental practice for the same reason that Jim had a home near his medical practice, and accused her of selecting the house solely to be as far from Jim's house as possible.[39]

Minh appealed the orders requiring her to do all transportation and restricting her phone contact with the children.[40]

At the appellate settlement conference in September 2021, the parties stipulated to dismiss the appeal based on an express agreement that Hannah would be seen by psychiatrist Michelle Fontenelle-Gilmer, M.D., and that if Dr. Fontenelle-Gilmer recommended a change in custody, visitation, timeshare, transportation, phone calls,

[39] IX AA 2807.

[40] IX AA 2823-2824.

etc. was in Hannah's best interests, the parties would follow the recommendation; it eventually became a *Stipulation and Order*.[41]

Various other litigation continued, and near midnight on October 12, 2021, Jim filed yet another "emergency motion," this time seeking full custody of Hannah and forced therapy and a psychiatric evaluation of the child, along with full legal custody control of the children's schooling and records.[42] The filing was filled with racist and xenophobic innuendo regarding Minh.

Judge Throne granted Jim's requested order shortening time, giving Minh two business days in which to respond,[43] and at the hearing denied Jim's request for sole legal and sole physical custody, made school choice orders, appointed Valarie Fuji, Esq., as guardian ad litem for Hannah and Matthew, and ordered that Hannah be

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[41] XV AA 3036-3042.

[42] XV AA 2905-2948.

[43] XV AA 2952-2953.

delivered to Jim for the next two weeks, adding that if the child refused, she would be incarcerated in Child Haven.[44]

Jim piled on with more motions on October 31, again seeking full control of the children.[45] Again he sought and was granted an order shortening time, this time giving Minh one judicial day in which to respond.[46]

On November 3, 2021, the first day of the evidentiary hearing was held and Dr. Fontenelle testified. Given the conclusion of "alienation" adopted by Judge Throne before hearing any evidence, Dr. Fontenelle was asked if Hannah had been alienated from Jim.

Q: Throughout this case Minh's been accused of alienation. Have you ever seen any signs that she's trying to alienate Hannah from her dad?

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[44] XVII AA 3376-3379.

[45] XVI AA 3094-3136.

[46] XVI AA 3154-3155.

A. No.[47]

On November 5, 2021, the second day of the evidentiary hearing was held. After the conclusion of the evidentiary hearing Judge Throne entered orders requiring Hannah to continue therapy with Dr. Fontenelle-Gilmer, permitting Jim to seek another psychiatrist to work with himself and Hannah, altering schools for the kids, and changing the time share to a "2-2-3" schedule.[48]

While the children were with Jim that weekend, Jim battered both Hannah and Matthew; when they returned to Minh, they told her what happened; because she had so often been accused by Jim of falsifying the children's reports, Minh secretly recorded what the children told her.

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[47] XVII AA 3278.

[48] XVII AA 3423-3433.

Matthew said that when Jim picked up the children, Jim dragged him by the arms and threw him into the van, and when he tried getting up Jim punched him and then his glasses fell off. Matthew responded by kicking the glass in the van and when it broke Jim got really mad, but Jim then went to get Hannah, making it clear to Matthew that if the child went outside again Jim would punch him again.[49]

Hannah described that when Jim came to get her, he dragged her on the floor of the van with all the glass which cut her foot, and that Jim pushed her to the ground on top of all the glass in the van and kept yelling and screaming at her.[50]

Matthew stated that the next morning, November 6, he tried taking a Nintendo into Hannah's room, but Jim then chased Matthew into Hannah's room, pushed Matthew on the floor and threw him on Hannah's bed, and then went outside with the

[49] XIX AA 3737.

[50] XIX AA 3734.

Nintendo.[51] Jim returned, grabbed Matthew and dragged him on the rug causing a rug burn, while Jim and Matthew each yelled at one another "What's wrong with you?"[52]

After Matthew took a nap, Jim made Matthew clean up the glass from the van window that he broke and told him that he was going to have to pay for it.[53] Matthew took refuge in Hannah's room, and she eventually secured some food and brought it to the room, but a few hours later Jim tried to drag him out of Hannah's room for dinner, but Matthew refused.[54] Matthew later called Minh on his cellphone, but he heard screams from Hannah and Minh told him to hang up.[55]

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[51] XIX AA 3734-3738.

[52] XIX AA 3738-3739.

[53] *Id.*

[54] XIX AA 3739.

[55] XIX AA 3740.

Matthew saw Hannah being hit by Jim, upon the apparent provocation of trying to reason with Jim about her and Matthew being able to see their sister Selena.[56] Hannah reported that Jim kept getting mad and did the thing that Hannah describes "where he is so close to [her] face like his nose is almost touching [hers]."[57]

Hannah indicated that while Jim's nose was almost touching hers, she slapped him and he got mad and said "slap me again." Hannah slapped Jim again then began running down the hall, but Jim caught her and pinned her to the ground, which Hannah described as painful.[58]

Hannah reports that Jim kept telling her to "slap me" over and over again, and that she started screaming for help from her brother Matthew, but by the time Matthew got out of her room, Jim had Hannah in a hold such that Hannah could not

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[56] *Id*.

[57] XIX AA 3734.

[58] XIX AA 3735.

move, but was trying to defend herself by pulling Jim's hair and ears.[59] Hannah reported that when she was on the floor, and Jim was pushing her against the wall and telling her to "slap me, slap me" and would not let her go.

Hannah advised that when she tried getting up Jim pushed her back down and kept hitting her head on the floor. Jim then turned on Matthew, choking the child and squeezing him with his legs. Hannah tried to help Matthew but was told to "go back to her room" which she did not want to do because she thought that Jim was going to kill Matthew.[60]

To try and get Jim off of Matthew, Hannah got Matthew's laptop computer and told Jim, "Let go of Matthew. I'm going to smash it," which got Jim to let go of Matthew, run up to Hannah and begin choking her around her neck with the crook of

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[59] XIX AA 3735.

[60] *Id*.

his elbow, at which point Matthew started trying to help Hannah.[61] The altercation went on for some time.

When Hannah and Matthew eventually got back to Hannah's room, Matthew kept screaming, "You tried to kill us, you tried to kill us," to which Jim responded "Yeah, I did try to kill you."[62] The children described the physical violence in significant detail, including both the violence and threats of further violence by Jim.

When the children reported to Minh what had occurred, she was upset and reached out to her counsel, the guardian ad litem, and Dr. Fontenelle-Gilmer about making a report to Child Protective Services. Dr. Fontenelle-Gilmer, upon having a therapy session with Hannah, did make a report to Child Protective Services as she is a mandatory reporter.

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[61] XIX AA 3736.

[62] *Id*.

All of this was reported to Judge Throne who, at the next status check on November 12, 2021, blamed Minh for the violence in Jim's home and ordered that Jim would have interim sole legal and sole physical custody of Matthew, while Hannah would stay with Minh and would not have to have any contact with Jim.[63] Hannah immediately returned to thriving at school.[64]

On November 18, Judge Throne filed Findings of Fact, Conclusions of Law and Order from the November 3 and 5 evidentiary hearing that she wrote herself.[65]

The ***only*** cognizable evidence in the record on the relevant point was the testimony of the psychiatrist who met with Hannah at length and reported that Hannah was ***not*** being alienated by Minh from Jim, but Judge Throne nevertheless

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[63] XVII AA 3401-3402, 3590-3592.

[64] XVIII 3500-3501. By February 2022, Hannah's GPA had gone from 1.11 while with Jim to 3.6. XVIII AA 3568.

[65] XVII AA 3423-3433.

opined that "this Court finds that MINH has alienated the children from Jim."[66] Judge Throne then disregarded evidence from Ernest Becker Middle School that Hannah and Matthew were not enrolled there at all, finding that Minh had "wrongfully" enrolled both children in that school.[67]

At the December 16, status check hearing, Judge Throne ignored the children's reports of extensive violence in Jim's home, finding that "Minh acts as if she has to protect the children, but there is nothing from which to protect them."[68] The district

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[66] XVII AA 3426, 3429. There was no finding from the children's first psychologist, Michelle Gravely, Ph.D. that Minh has ever alienated the children from Jim, and there was no finding from the second therapist Nate Minetto, MFT, that Minh has alienated the children from Jim. No such diagnosis has been made by anyone qualified to render one.

[67] XVII AA 3426.

[68] XVIII AA 3613.

court concluded that it was the children who had assaulted Jim, and has opined that she would not find abuse if Jim hit the children more.

Before the next status check hearing, on January 14, the guardian ad litem wanted to have a video conference with counsel because she was concerned that Matthew continued being despondent in Jim's custody.[69]

Matthew refused to allow Jim to touch him. Jim ignored Matthew's personal boundaries and touched him anyway, further driving a wedge between them.[70] Matthew refused to leave his room to look for food at meal times because he did not want to see Jim. By all reports, Matthew has been isolated and behaves like a prisoner of war, refusing food and to be touched, eating food that he hides, alone, and refusing to interact with his father in any way despite being left in his sole "care" for

[69] XVIII AA 3569.

[70] XVIII AA 3567.

two months at this point; Jim's therapist Ms. Collins has suggested further isolating the child from anyone who might encourage "resistance," until the child can be eventually broken.[71]

Jim refused to engage with Matthew in Matthew's sport, rock climbing. Before Jim stopped taking Matthew (apparently because it was not convenient for him), Jim would either drop Matthew off and leave or Jim would sit in his car and do paperwork.[72] At the conference, the guardian ad litem indicated that everyone can agree that it is getting worse and we cannot continue on like this.[73]

On January 22, Minh tried to talk to Jim about Matthew and his unhappiness; Jim's response was to berate Minh on the telephone, Jim sent Minh a hostile text blaming her for his problems with his son:

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[71] XVIII AA 3583-3587.

[72] XVIII AA 3567-3568.

[73] XVIII AA 3569.

> I don't need another person to tell me what the problem is. Every person has told us. Two judges, Nate Minetto, Michelle Gravely, Bree Mullin, Dr. Sirsy, his PA, Val, and your lawyer. I probably have mental issues. Anyone would after living with a person who has a severe narcissistic personality disorder. Good thing for you people with personality disorders have no insight. You, like Donald Trump believe you're always right and everyone else is the problem. Ask Kim, at least in medical school he was taught about people with personality disorders.[74]

At the February 8, status check hearing, Ms. Fujii's report dated February 2 was discussed. Ms. Fujii described Hannah as a thoughtful, respectful child who is talkative about school and her friends, but speaks negatively about Jim stating that he lies and hits her.[75]

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[74] XVIII AA 3570. Minh's significant other, Kim Chen, a physician, believes that Jim likely has a personality disorder.

[75] XVIII AA 3524.

Ms. Fujii indicated that Jim needed get out of his entrenched belief that Minh is alienating the children from him, but that Jim is fixated on looking for people who support his position that he is not responsible for his problems with the children because it Minh is alienating the children, and that "forcing the children to see him is arguably hurting his relationship with them."[76] She reported no good result from the order cutting off Matthew from his mother entirely, and that Hannah had been enormously traumatized by the violence suffered at Jim's hands during the events in November recounted above.[77]

Dr. Sunshine Collins' report dated February 7, was discussed at the hearing of February 8.[78] The district court fixated on the sentence fragment that Dr. Collins wrote that Matthew would not voice disappointment regarding the move to California

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[76] XVIII AA 3526.

[77] XVIII AA 3527, 3596.

[78] XVIII AA 3593.

"without significant encouragement and stoking of negative emotions by some outside source" and concluded without any evidence that Minh "had to be" to blame,[79] and threatened that she would give sole legal and physical custody to Jim if the children's relationship with him did not improve.[80]

The district court decided that the best thing to do for Matthew, who was miserable and failing, was to make sure he had no contact with his mother for at least another 90 days.[81]

Judge Throne addressed a New York program she had heard about called "Turning Point for Families" that she thought was "terrific."[82] She was unimpressed with Hannah's turn-around in Minh's custody to a happy, straight-A 4.0, energized

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[79] XVIII AA 3593.

[80] *Id.*

[81] XVIII AA 3594.

[82] XVIII AA 3593, 3596.

student who was making friends at school and in the neighborhood, eating well again, whose psychosomatic pain has gone away, attends school every day, and has been seeing Dr. Fontenelle-Gilmer on a regular basis and doing well in therapy.[83]

Meanwhile, Matthew, required to live full time with Jim against his will, has grades continuing to decline; the guardian ad litem reported that he is uncommunicative and his mood and temperament has not improved since January. There is no progress in the therapy with Dr. Collins who, despite the complete lack of any contact between Matthew and his mother, continues to blame Minh for Jim's troubled relationship with his son, before eventually conceding that she did not know who "promotes his relationship with dad or against his relationship with dad":

> Okay. Yes, so my letter was definitely intended to let the court know that I think that Matthew has definitely been getting a lot of feedback about how to get what he wants out of this situation, which is to not have to see dad anymore. I think that he has a lot of feedback about how Hannah accomplished that, which she has at this point successfully managed to not have to go see

[83] XVIII 3598-3601.

> dad anymore. So, my major concern is that Matthew is going to start copying a lot of the behaviors that he knows that she has had.[84]

Even Dr. Collins conceded that keeping Matthew from his mother for an extended period was "not helping" him in any way and that the relationship between Matthew and Jim is "very poor."[85]

Hannah's therapist, Dr. Fontenelle-Gilmer, when asked about "Turning Points for Families" indicated that she does not recommend that Hannah participate in any "Turning Points" program as it is not advisable, nor was any changes in Hannah staying with Minh, as Hannah was happy and thriving.[86]

Despite all that, on March 15, 2022, Jim filed yet another "emergency motion" to send all three children to the "Turning Points for Families Program" – and to

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[84] XIX AA 3764-3767.

[85] XIX AA 3778-3779.

[86] *Id*.

require Minh to pay for it.[87] Yet again he requested and was given an order shortening time giving Minh only two days in which to respond.[88] Minh and her attorney had about 45 minutes to read, digest, and respond to Dr. Collins' report, submitted that morning.[89]

Jim's counsel wanted all three children immediately sent to "Turning Points," incorrectly identifying its director (Linda Gottlieb) as a "doctor" when she is actually an MFT with no professional capacity to either diagnose or treat anything.[90]

Since Minh provided a record of what the children said, Judge Throne pivoted from accusing Minh of fabricating their comments to criticizing her for recording the

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[87] XIX AA 3701-3713.

[88] *Id*.

[89] XIX AA 3718-3719, 3920-3922.

[90] XIX AA 3627, 3629, 3631, 3650.

children saying what Jim did to them on November 5-6, claiming that Minh ***not*** coaching them with questions somehow made their statements "unilaterally biased."[91]

The webpage for Turning Points for Families states that the program is for "severe parental alienation."[92] It was pointed out to Judge Throne that there has never ***been*** a diagnosis of parental alienation by Dr. Gravley, Nate Minetto, Dr. Fontenelle-Gilmer, or Dr. Collins, and that Dr. Collins' recommendation of that program was made for children she had never met, nevertheless diagnosed.[93]

Even though the *Stipulation and Order* filed October 16, 2021, required the parties to follow Dr. Fontenelle-Gilmer's recommendations as it related to Hannah, Dr. Collins never even met with Dr. Fontenelle-Gilmer before making her recommendation regarding Hannah to attend Turning Points, and never conferred

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[91] XIX AA 3936.

[92] XIX AA 3650.

[93] XIX AA 3937, 3939-3940, 3948.

with the guardian ad litem for Hannah and Matthew before she made her recommendation.[94]

Counsel asked for the opportunity to question Dr. Collins as to the content of her report – why she wrote what she wrote, when she wrote it and preventing Minh from being meaningfully able to respond impacted her due process rights.[95]

All such concerns were summarily disregarded. On March 21, the district court found that the children would be summarily shipped off to that program and that custody would be changed, without an evidentiary hearing:

> THE COURT FURTHER FINDS that it has carefully considered Minh's position that making the family participate in this program would amount to "torturing" the children, particularly because of the required 90 day sequestration period after the intensive four days in New York. However, this family is in crisis and needs this intensive intervention and Minh holds the keys to how long the sequestration period will actually last. She has to get

[94] XIX AA 3949, 3963-3964.

[95] XIX AA 3942-3943.

started immediately with her therapeutic services with Ms. Keiford (sic) to support her in this process of change.

The district court summarily changed both legal and physical custody:

> THE COURT FURTHER ORDERS that Jim shall have temporary sole legal and sole physical custody of the parties' minor children as recommended by the Turning Points for Families Program.
>
> THE COURT FURTHER ORDERS that there shall be a minimum of ninety (90) days sequestration period between Minh, Minh's family, and the children. During the sequestration period, Minh and Minh's family, friends, associates, and other relatives of Minh shall have no contact with the subject children, directly or indirectly, through third parties or otherwise, including but not limited to: in person, written, telephonic, Facebook, twitter, texts, photos, or other electronic means or modes of communication.

IV. STANDARD OF REVIEW AND SUMMARY OF THE ARGUMENT

The district court violated this Court's recent directive requiring it to make a finding based on admitted evidence of a substantial change in circumstances affecting

the welfare of the child before entering an order altering custody. It did so in a manner depriving Minh of fundamental due process and opportunity to be heard.

The order in question subjects the children to "treatment" that is utter quackery – a non-scientific, ill-conceived program that has been roundly criticized by the responsible psychological establishment and independent researchers, and derided by the courts that have actually had substantive hearings examining it. These are things the judge would have learned had she afforded basic due process before making orders.

The order of "sequestering" the children is another label for "immersion therapy" which is another species of quackery, as discussed in the literature for years, which again would have been demonstrated had the district court followed this Court's orders for how to determine matters of custody. It is damaging and dangerous and the antithesis of serving the best interest of children. It also directly

contradicts the federal Violence Against Women Act – the authors of which were familiar with this fake "science" and its mis-use in courts.

The utter disregard for fundamental due process indicates that this case should probably be reassigned to a different department upon remand.

V. ARGUMENT

A. A Writ of Mandamus or in the Alternative a Writ Prohibition Is the Appropriate Remedy

A writ of mandamus is available to compel the performance an act which the law requires as a duty resulting from an office, trust or station, or to control a manifest abuse or an arbitrary or capricious exercise of discretion; a writ of prohibition restrains a lower court from actions beyond its authority.[96] A writ is

[96] *Canarelli v. Eighth Judicial Dist. Court (Canarelli II)*, 138 Nev. ___, ___

available to control a manifest abuse of discretion,[97] and shall be issued when "no plain, speedy and adequate remedy in the ordinary course of law" exists. Writ relief is also expressly available to remedy a "manifest abuse of discretion" in a district court's "temporary child custody decision" because such decisions, while classified as "temporary" may "have far reaching consequences for both the parents and children."[98]

Here, a writ is proper because the district court disregarded this Court's recent case law mandate as to what a district court is required to do before altering child

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P.3d ___ (Adv. Opn. No. 12, Mar. 24, 2022), quoting from *Cote H. v. Eighth Judicial Dist. Court*, 124 Nev. 36, 39, 175 P.3d 906, 907-08 (2008) (internal quotes and alterations omitted).

[97] *Pengilly v. Rancho Santa Fe Homeowners Association*, 116 Nev. 646, 650, 5 P.3d 569, 571 (2000).

[98] *Aug H. v. State*, 105 Nev. 41, 444-43, 777 P.2d 901, 902 (1989).

custody, and to compel the district court to obey its own orders to have the parties follow Dr. Fontenelle-Gilmer's recommendations relating to their daughter Hannah.

A writ is also proper because the district court manifestly abused its discretion and violated Minh's due process rights by denying her request to cross-examine Dr. Collins on the hearsay report received less than an hour before the "emergency" hearing.

B. The District Court Acted in Excess of its Jurisdiction by Refusing to Conduct an Evidentiary Hearing to Determine a Change of Circumstances Before Changing Physical Custody of the Children

Just a month before the district court's ill-advised summary orders changing custody, this Court mandated that in any request to change custody of children, the movant must show that (1) there has been a substantial change in circumstances

affecting the welfare of the child, and (2) the child's best interest is served by the modification.[99]

Here the record showed that there had been no change in circumstances since the last prior custodial order, and the district court entered summary orders on an order shortening time, giving no time or meaningful opportunity to present any evidence relating to the request made.

Minh had a right to cross-examine the author of the report that was the basis of the district court's order – who had never even met the children to be affected by the change of custody – before any order affecting their custody was made.[100] She had a right to bring to the district court's attention the information recounted below

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[99] *Romano v. Romano*, 138 Nev. ___, ___ P.3d ___ (Adv. Opn. No. 1, Jan. 13, 2022).

[100] *See*, *e.g.*, *Anastassatos v. Anastassatos*, 112 Nev. 317, 913 P.2d 652 (1996).

– that the "recommended" program is a for-profit quackery devoid of legitimacy and derided by the courts that have actually examined it.

C. Both the "Turning Point" Program and "Immersion Therapy" are Pseudo-Scientific Quackery that Has No Scientific Merit and Damages Children

The "Turning Point" program in New York ***presumes*** the existence of "severe alienation" – it is a for-profit mill run by a social worker unqualified to either diagnose or treat any kind of medical or psychiatric disorder and its basic function is to serve the needs and desires of paying parents, not children. As stated by one recent scientific analysis of the program:

> [T]hree main concerns arise surrounding this program. First, if an intense dispute occurs between parents, it is essential to explore how the parents came into this situation and how the child became involved in this dynamic. Second, it is important to determine what the concern of the child is. What exactly

needs to change (e.g. difficult behavior, emotional approach)? This will help operationalize potential effectiveness of the program on a particular family. In essence, it is imperative to listen to the child. Whether such allegations were to be true or false, the reality is the child might still experience difficult reactions with a parent who has not been around them for a while. A relationship cannot be imposed on someone and, even if the child maintains misinformed beliefs of a parent, it is vital to consider the psychological impact of this process on the child. Exploring these adverse effects or potential risks could highlight the transparency of the program and provide further avenues of improvement for the future. Currently, the program is marketed as a family program; however, the focus tends to be on the satisfaction of the parents. It would be advised to have each parent of the child attend individual therapy before engaging in such a program. The child should also engage in individualized therapy for others to obtain further insight into the feelings and thoughts of the child through the litigation process. Third, the structure of TPFF relies on the absence of the "alienating parent" in the outings and aftermath of the program. Ultimately, it is vital to understand why Gottlieb concluded the "alienating" parent should not attend these outings and why this was the best method for reuniting the child and "rejected" parent. These

explanations would provide a better understanding of the program as well as the reasoning behind the techniques and protocols.[101]

While the journal authors use very circumspect language, the bottom line is that the entire program is junk science designed to fleece parents and lacks any kind of validity, scientific, psychological, or otherwise: "Ultimately, there is a lack of reliable research behind each of these programs and a potential concern for traumatizing individuals who engage in such programs."[102] It costs a lot of money, can be harmful to the child, and has no unbiased, scientific backing. The district court would have

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[101] Elena Andreopoulos & Alison Wexler: *The "Solution" to Parental Alienation: A Critique of the Turning Points and Overcoming Barriers Reunification Programs*, Journal of Family Trauma, Child Custody & Child Development, DOI: 10.1080/26904586.2022.2049462 (March 15, 2022), posted at https://doi.org/10.1080/26904586.2022.2049462.

[102] *Id*. at 2.

had this information presented if she had not made a precipitous custody ruling in violation of this Court's requirements of how to proceed.

The courts that have had substantive hearings as to the "program" have been pretty universally condemning. In a very lengthy and well-reasoned decision the Supreme Court of New York blasted the program and its director as essentially perpetrating a for-profit fraud.

In a 2018 case out of New York,[103] the trial judge conducted an exhaustive review of the literature and testimony regarding the "Turning Points" program available at that time, and described the testimony of its director, Linda Gottlieb, in unflattering terms:

> [f]or this court, the expert's [Linda Gottlieb's] comment, at times, reached almost the apex of foolishness: she testified that a mother who tells her children that she misses them when they are gone is guilty of alienating

[103] *J.F. v D.F.*, 2018 NY Slip Op. 51829(U) (Dec. 6, 2018), N.Y.S.C.

> conduct and manipulation. If so, every mother in the world needs reprogramming.

The court was highly critical of Ms. Gottlieb's testimony, essentially describing her entire program as illogical, ill-founded, and irresponsible, and stating that her reasoning was shallow, involves "magical thinking," and is a "detachment from reality." ***That*** is the "program" that Judge Throne has summarily ordered these three children to be subjected to.

The New York court was exhaustive in its analyses, discussing the tactics of lawyers like those representing Jim as employing "para-psychology-in-the-courtroom complex" tactics "as part of a strategy to upend negotiated parenting agreements by the more aggressive and more monied spouse" and noting the common sense reality that "even if there is proof of "rejection" (lack of access by a parent), that fact alone does not lead to the conclusion of alienation."

The New York court observed, correctly, that "'parental alienation'" is not a diagnosis included in the Fifth Edition of the Diagnostic and Statistical Manual of Mental Disorders and that the once-trendy "Parental alienation syndrome" had been roundly "rejected as not being accepted in the scientific community."[104] It observed, correctly, that casual conclusions of "alienation" cannot withstand a *Reed*/*Frye* expert threshold analysis.[105]

The article cited included a quote from the past president of the American Psychiatric Association, stating that the theory "has been excoriated by legitimate researchers across the nation" and should be "a rather pathetic footnote or an example

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[104] *Citing*, *e.g.*, *People v. Wesley*, 633 N.E.2d 451, 462 n.4. (N.Y. 1994).

[105] *J.F.*, *supra*, citing Smith, *Parental Alienation Syndrome: Fact or Fiction? The Problem with Its Use in Child Custody Cases*, 11 U. Mass L. Rev. 64 (2016) (collecting cases).

of poor scientific standards." The New York court proposed a test for evaluating claims of "parental alienation," analogizing intentional infliction of emotional distress, that nothing in this case comes anywhere close to satisfying.

And presuming the children returen from the ill-advised New York "programming" unscathed, Judge Throne has ordered them into a version of "immersion therapy" re-labeled "sequestration." ***That*** variety of junk science has been derided, justifiably, for many years as lacking any kind of scientific or other validity.[106]

As observed in 2017, that "remedy" is often employed "in lieu of actual work and legitimate therapy, out of negligence, laziness, ineptitude, or worse." As noted

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[106] *See*, *e.g.*, Marshal Willick, Legal Note Vol. 65 – Shrinks Gone Wild 5: "Immersion Therapy" posted at https://www.willicklawgroup.com/vol-65-shrinks-gone-wild-5-immersion-therapy (June 2, 2017).

in that article, "In other words, stripped of psychological double-speak, the professed goal of this "treatment" is to break the child's spirit. It is what was done to Patty Hearst when she was kidnaped by the Symbionese Liberation Army, essentially screwing her up for life." Summarizing the "program," the article noted:

> In short, as far as we have been able to determine, the entire construct is junk science posited by a quack. ["Junk science" (noun): untested or unproven theories when presented as scientific fact, especially in a court of law.]

Again, ***that*** is what the district court has ordered, without conducting an evidentiary hearing to even try to determine whether it might be appropriate.

The authors of the recently re-authorized federal Violence Against Women Act were aware of this particular brand of quackery in child custody cases, and included proscriptions in it prohibiting the federal government from funding states that violated its common-sense proscriptions:

(ii) a court may not, solely in order to improve a deficient relationship with the other parent of a child, restrict contact between the child and a parent or litigating party

(I) who is competent, protective, and not physically or sexually abusive; and

(II) with whom the child is bonded or to whom the child is attached

(iii) a court may not order a reunification treatment, unless there is reunification generally accepted and scientifically valid proof of the safety, effectiveness, and therapeutic value of the reunification treatment; reunification.

(iv) **a court may not order a reunification treatment that is predicated on reunification cutting off a child from a parent with whom the child is bonded or to whom the child is attached**; and

(v) any order to remediate the resistance of a child to have contact with a violent or abusive parent primarily addresses the behavior of that parent or the contributions of that parent to the resistance of the child before ordering the other parent of the child to take steps to potentially

improve the relationship of the child with the parent with whom the child resists contact.[107]

(Emphasis added).

The analysis is straightforward and the relevant facts in this case are clear. The children are very bonded with Minh. Under VAWA, this Court may not, solely in order to improve the children's deficient relationship with Jim, restrict contact between the children and Minh as it has ordered. Further, under VAWA, this Court cannot order a reunification treatment that is predicated on cutting off the children from Minh as it has ordered because they are very bonded with her.

Even if this Court concludes that VAWA is not binding, its common-sense proscription of what amounts to child abuse should be noted, and acted on.

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[107] S.3623, 117th Cong. (2021-2022), Violence Against Women Act Reauthorization Act of 2022, section 1504, pages 119-121, section 1504(k)(1)(B)(ii)-(v).

D. The District Court Acted in Excess of its Jurisdiction by Entering Orders as it Relates to Hannah Vahey Without First Obtaining Recommendations from Dr. Michelle Fontenelle-Gilmer

The parents expressly stipulated that they would not do anything regarding the custody of Hannah without obtaining, and following, the recommendations of the child's treating psychiatrist, Dr. Fontenelle-Gilmer.[108] The Stipulation and Order filed October 16, 2021, stated:

> If Dr. Michelle Fontenelle-Gilmer recommends that a change in custody, visitation, timeshare, transportation, phone calls, etc. is in the children's best interest, the parties shall follow the recommendation(s).[109]

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[108] VII AA 3036-3039.

[109] *See* Stipulation and Order Resolving Outstanding Issues on Appeal at 2, lines 22-27. AA003037.

Judge Throne's justification for not getting input from the named psychiatrist as to whether there Hannah should attend "Turning Points" was that she was "not going to delegate that authority" terming it a custody decision when it was actually just a requirement to obtain a recommendation.[110]

Ironically, Judge Throne was quite willing to abdicate entirely to Dr. Collins' opinion when she stated, "they are going to Turning Points as soon as possible."[111]

Judge Throne further stated that she would be adopting the recommendations of a Marriage and Family Therapist (Linda Gottlieb) as to what the custody decisions should be when Ms. Gottlieb's cookie-cutter formula recommends that there be a 90 day "sequestration."

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[110] XIX AA 3959.

[111] XIX AA 3937.

One of the creepier aspects of Judge Throne's orders is that in order to have contact and a relationship with her children, Minh must renounce what she has personally observed and knows to be true – that Jim is abusive to the children – and state things she knows to be false, adequately promising to the satisfaction of the judge that she will "support the relationship" between Jim and the children when she has directly observed him to be abusive to the children and herself. This Court has specifically condemned orders from any judicial officer to require a party to say things they believe to be false in order to maintain a relationship with their children.[112]

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[112] *See In the Matter of the Parental Rights as to A.L. and C.B., Minors. Keaundra D., v. Clark County Department of Family Services*, 130 Nev. 914, 337 P.3d 758 (2014).

The current order violates the prior, stipulated order of the parents as to what would be required to modify orders relating to Hannah.[113] This Court has given parents great discretion to agree to what is in their children's best interest,[114] and those agreements should not so casually be disregarded.

As to summarily adopting the recommendation by Dr. Collins regarding treatment of children she had never even met, under NRS 50.275, and *Hallmark*,[115] there are limits on what is and is not acceptable content for an "expert witness report." Under the statute, the witness must be able to demonstrate special knowledge, skill, experience, training or education, and to deliver testimony ***within the scope*** of such knowledge. Personal opinion has no place in an expert's testimony.

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[113] *See*, *e.g.*, *Hsu v. County of Clark*, 173 P.3d 724, 123 Nev. 625 (2007).

[114] *See*, *e.e.g., Romano*, *supra*.

[115] *Hallmark v. Eldridge*, 124 Nev. 492, 189 P.3d 646 (2008).

Under *Hallmark*, the five factors to judge reliability of a methodology as to a proffered opinion is whether it is: (1) within a recognized field of expertise; (2) testable and has been tested; (3) published and subjected to peer review; (4) generally accepted in the scientific community [this is not always determinative]; and (5) based on particularized facts rather than assumption, conjecture, or generalization.

Not one of those required elements was established as to Dr. Collins' suggestion that all three kids be shipped off to "Turning Point," and the recommendation could not withstand examination.

Much too often in Nevada courts, "personal biases or unsupported beliefs" are paraded as expert testimony – despite the 2009 warning in the Guidelines from the American Psychological Association against doing so. This case is a prime example.

E. The District Court Has Acted in Excess of its Jurisdiction by Finding that Minh has Committed "Parental Alienation"

In the two years that Judge Ritchie had the case, in which multiple hearings were held on August 5, August 8, and September 11, 2019, and April 22, July 13, August 13, and September 3, 2020, Judge Ritchie made no findings that Minh had ever "alienated" the children from Jim.

None of the four mental health experts in this case who have worked with this family from an MFT, to a Psy.D., to Ph.D., to a psychiatrist have actually applied legitimate diagnostic criteria within their professional capacity and made any finding of alienation by Minh.

In fact, the ***only*** person who has ever "diagnosed" alienation was Judge Throne – sua sponte – at the very first hearing on March 22, 2021, which was done without

taking any testimony or reviewing any evidence.[116] And the only time a mental health professional was asked under oath whether there was any evidence of parental alienation, the testimony was "no."[117]

But Judge Throne has altered custody without an evidentiary hearing, and regardless of the only evidence in the record, because she simply "knows." This is impermissible.[118]

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[116] See XIV AA 2794-2795.

[117] XVII AA 3243-3353.

[118] *See*, *e.g.*, *Alba v. Alba*, 111 Nev. 426, 892 P.2d 574 (1995) (rulings must be made within the parameters of admissible evidence).

F. The District Court Has Acted in Excess of its Jurisdiction and Has Deprived Minh of Her Due Process Rights by Refusing to Allow Minh to Cross-Examine Sunshine Collins, Psy.D. Regarding Her Progress Report Dated March 23, 2022

The Fourteenth Amendment provides that no State shall "deprive any person of life, liberty, or property, without due process of law." The United States Supreme Court stated,

> We have long recognized that the Amendment's Due Process Clause, like its Fifth Amendment counterpart, "guarantees more than fair process." Washington v. Glucksberg, 521 U. S. 702, 719 (1997). The Clause also includes a substantive component that "provides heightened protection against government interference with certain fundamental rights and liberty interests."[119]

Here, Judge Throne decided that all three children would be sent out to program run by a Marriage and Family Therapist based upon the report written by the

[119] *Troxel v. Granville*, 530 U.S. 57, 65, 120 S.Ct. 2054, 147 L.Ed.2d 49 (2000).

reunification therapist, Dr. Collins, the Sunday before the hearing, after meeting with Hannah once, never speaking to Hannah's therapist, never speaking to the guardian ad litem, never reviewing any of the underlying pleadings, and never meeting the child Selena.[120]

It is a facial due process violation to have a law and motion hearing set on order shortening time on two business day's notice, providing the relevant document 45 minutes before the hearing, and refusing any opportunity to cross-examine the author, before making custody orders.

Judge Throne has removed custody from a fit parent when there has been no evidence from any professional that she has physically or psychologically abused these children, and in defiance of the evidence from the children themselves that Jim

[120] XX AA 3920-3922.

has battered these children. The objective evidence showed that Hannah went from a 1.11 GPA student (with Jim) to a 4.0 GPA student (with Minh). Judge Throne has directly violated Minh's fundamental liberty interest in the care, custody, and control of her children.

G. The District Court's Conduct Demonstrates That the District Court Has Acted in an Arbitrary and Capricious Manner and Has an Impermissible Bias Against Minh

This is an emergency writ and there is not sufficient time to detail the reasons why it might be appropriate to remand this case to another department, but it is glaringly apparent that Judge Throne has been openly hostile to Minh since the first hearing in which Judge Throne sua sponte declared that this is an "alienation case" and ever since has made comments and orders exhibiting open bias, such as requiring

Minh to turn over the children's passports because she has "family" in foreign countries.[121] This is not an isolated instance.[122]

As detailed above, there have been three requests for Orders Shortening Time requested by Jim and granted in the last three months, giving Minh anywhere between 1 to 3 judicial days notice in which to respond to 30 to 40 page motions. That is, per se unreasonable. The burdens purposefully placed on Minh by the Court to try and "run her over" have been unduly prejudicial toward her ability to have the matter heard on its merits.

We request leave after the immediate emergency is addressed to brief whether this case should be remanded to a different department.

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[121] XV AA 2941.

[122] *See* Case No. 83997 (refusing to accord normal paternity and support orders to a woman because she is a "foreigner."

VI. CONCLUSION

Immediately, the order requiring the children to be shipped off to a LCSW who has never met anyone and has no professional credentials indicating a likely breadth of experience in either diagnostics or appropriate treatment – while running a for-profit enterprise that assumes "alienation" and attempts to "treat" it – is irresponsible, probably destructive to several of those involved, and in a word, pretty stupid. A writ of prohibition should order that transfer of the children, and their subsequent "sequestration" in "immersion therapy" rescinded.

Other matters presented by this case can then be examined with greater time permitted to both sides to present their case in writing.

Dated this 8th day of March, 2022.

Respectfully submitted,
WILLICK LAW GROUP

//s//*Marshal S. Willick, Esq.*
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Attorney for Petitioner

CERTIFICATE OF COMPLIANCE

1. I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because:

[**X**] This brief has been prepared in a proportionally spaced typeface using Corel WordPerfect Office 2021, Standard Edition in font size 14, and the type style of Times New Roman; or

[ ] This brief has been prepared in a monospaced typeface using [*state name and version of word processing program*] with [*state number of characters per inch and name of type style*].

2. I further certify that this brief complies with the page or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is either:

[**X**] Proportionately spaced, has a typeface of 14 points or more and contains 9463 words. This exceeds the type/volume limits; a motion requesting leave to exceed those limits has been filed contemporaneously with the Petition.

[ ] Monospaced, has 10.5 or fewer characters per inch, and contains _____ words or _____ lines of text; or

[ ] Does not exceed _____ pages.

3. Finally, I hereby certify that I have read this appellate brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

DATED this 8th day of April, 2022.

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VERIFICATION

Marshal S. Willick, Esq., being first duly sworn, deposes and says that:

I am an attorney duly licensed to practice law in the State of Nevada. I am an attorney at the Willick Law Group, and I am the attorney representing Petitioner, Ahed Senjab. I have read the preceding filing, and it is true to the best of my knowledge, except those matters based on information and belief, and as to those matters, I believe them to be true.

DATED this 8th day of April, 2022.

/s/Marshal. S. Willick
MARSHAL S. WILLICK, ESQ.

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Willick Law Group and that on 8th day of April, 2022, I served a true and correct copy of the Petitioner's *Petition for Writ of Mandamus or Prohibition* by electronically with the Clerk of the Nevada Supreme Court, to the following:

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