

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

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.: Electronically Filed
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Elizabeth A. Brown
D.C. Case No.: Clerk of Supreme Court

**PETITIONER'S
APPENDIX**

Attorneys for Petitioner:

Marshal S. Willick, Esq.
Nevada State Bar No. 2515
3860 East Bonanza Road, Suite 201
Las Vegas, Nevada 89110
Telephone (702) 438-4100
Email: Info@willicklawgroup.com

Fred Page, Esq.
Nevada State Bar No. 6080
PAGE LAW FIRM
6930 South Cimarron Road, Suite 140
Las Vegas, Nevada 89113
Telephone: (702) 823-2888
Email: Fpage@pagelawoffices.com

Attorneys for Respondent:

Robert Dickerson, Esq.
Dickerson Karacsonyi Law Group
1645 Village Center Circle, Suite 291
Las Vegas, Nevada 89134

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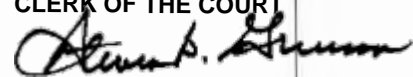
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174.	Scheduling Order and Order Setting Civil Non-Jury Trial	12/12/2021	AA003491 - AA003493
175.	Stipulation and Order for Guardian Ad Litem	12/13/2021	AA003494 - AA003499
176.	Defendant's Exhibit Appendix in Support of December 16, 2021, Return Hearing	12/15/2021	AA003500 - AA003512
177.	Supplement to Order from November 12, 2021 Hearing	1/31/2022	AA003513 - AA003516
178.	Notice of Entry of Supplement to Order from November 12, 2021 Hearing	2/1/2022	AA003517 - AA003523
179.	Guardian Ad Litem Report	2/2/2022	AA003524 - AA003527
180.	Declaration of James W. Vahey Regarding Case Status	2/5/2022	AA003528 - AA003537
181.	Defendant's Exhibit Appendix in Support of February 8, 2022, Return Hearing	2/7/2022	AA003538 - AA003564
182.	Defendant's Supplement and Response for the February 3, 2022, Return Hearing	2/7/2022	AA003565 - AA003587
183.	Transcript of Hearing Held on February 8, 2022	2/8/2022	AA003588 - AA003609
184.	Notice of Entry of Order from December 16, 2021 Hearing	2/15/2022	AA003610 - AA003619
185.	Order from December 16, 2021 Hearing	2/15/2022	AA003620 - AA003628
186.	Notice of Hearing	3/15/2022	AA003629 - AA003630
VOLUME XIX			

187.	Appendix of Exhibits in Support of Plaintiff's Emergency Motion for Order for Plaintiff to Participate in the Turning Points for Families Program with Minor Children, for Defendant to be Solely Responsible for the Costs Associated with the Program, and for Related Relief	3/15/2022	AA003631 - AA003700
188.	Plaintiff's Emergency Motion for Order for Plaintiff to Participate in the Turning Points for Families Program with Minor Children, for Defendant to be Solely Responsible for the Costs Associated with the Program, and for Related Relief	3/15/2022	AA003701 - AA003715
189.	Notice of Entry of Order Shortening Time	3/17/2022	AA003716 - AA003720
190.	Ex Parte Motion for Order Shortening Time on Plaintiff's Emergency Motion for Order for Plaintiff to Participate in the Turning Points for Families Program with Minor Children, for Defendant to be Solely Responsible for the Costs Associated with the Program, and for Related Relief	3/17/2022	AA003721 - AA003727
191.	Receipt of Copy	3/18/2022	AA003728 - AA003729
192.	Defendant's Exhibit Appendix in Support of Opposition to Plaintiff's Emergency Motion for Order for Plaintiff to Participate in the Turning Points for Families Program with Minor Children, for Defendant to be Solely Responsible for the Costs Associated with the Program, and for Related Relief and Countermotion to Hannah to be Interviewed, for the Immediate Return of Matthew to Minh, and for Attorney's Fees and Costs	3/20/2022	AA003730 - AA003790

193.	Defendant's Opposition to Plaintiff's Emergency Motion for Order for Plaintiff to Participate in the Turning Points for Families Program with Minor Children, for Defendant to be Solely Responsible for the Costs Associated with the Program, and for Related Relief and Countermotion to Hannah to be Interviewed, for the Immediate Return of Matthew to Minh, and for Attorney's Fees and Costs	3/20/2022	AA003791 - AA003824
VOLUME XX			
194.	Defendant's Exhibit Appendix in Support of Opposition to Plaintiff's Emergency Motion for Order for Plaintiff to Participate in the Turning Points for Families Program with Minor Children, for Defendant to be Solely Responsible for the Costs Associated with the Program, and for Related Relief and Countermotion to Hannah to be Interviewed, for the Immediate Return of Matthew to Minh, and for Attorney's Fees and Costs	3/21/2022	AA003825 - AA003885
195.	Defendant's Opposition to Plaintiff's Emergency Motion for Order for Plaintiff to Participate in the Turning Points for Families Program with Minor Children, for Defendant to be Solely Responsible for the Costs Associated with the Program, and for Related Relief and Countermotion to Hannah to be Interviewed, for the Immediate Return of Matthew to Minh, and for Attorney's Fees and Costs	3/21/2022	AA003886 - AA003922
196.	Transcript of Hearing on Monday, March 21, 2022, Before the Honorable Judge Dawn R. Throne	3/21/2022	AA003923 - AA003979

49

49



1 **EXHS**

2 FRED PAGE, ESQ.

3 NEVADA STATE BAR NO. 6080

4 PAGE LAW FIRM

5 6930 SOUTH CIMARRON ROAD, SUITE 140

6 LAS VEGAS, NEVADA 89113

7 TELEPHONE: (702) 823-2888

8 FACSIMILE: (702) 628-9884

9 fpagelaw@pagelawoffices.com

10 *Attorney for Defendant*

11 **EIGHTH JUDICIAL DISTRICT COURT**
12 **COUNTY OF CLARK**
13 **STATE OF NEVADA**

14 JAMES W. VAHEY,

15 Plaintiff,

16 v.

17 MINH NGUYET LUONG,

18 Defendant,

) Case No.: D-18-581444-D

) Dept.: H

) **Hearing Date:**

) **Hearing Time:**

19 **DEFENDANT'S EXHIBIT APPENDIX IN SUPPORT**
20 **OF**
21 **MOTION TO EXTEND TEMPORARY PROTECTIVE ORDER T-20-**
22 **204489-T, TO CHANGE CUSTODY ON AN INTERIM BASIS, FOR AN**
23 **INTERVIEW OF THE MINOR CHILDREN**
24 **AND**
25 **TO CHANGE CUSTODY**

26 COMES NOW Defendant, MINH NGUYET LUONG, by and through her
27 counsel, Fred Page Esq., of Page Law Firm and hereby submits her Exhibit
28 Appendix in Support of her Motion to Extend Temporary Protective Order T-20-

1 204489-T to Change Custody on an Interim Basis, for an Interview of the Minor
2 Children, and to Change Custody. The Exhibits are as follows:

3
4 **Exhibit A:** A copy of the Case Information Sheet provided by the
5 Henderson Police Department to Minh regarding the children
6 running away.

7
8 **Exhibit B:** A copy of the card provided by Metro dated January 5, 2020,
9 when the children locked themselves in the bathroom in
10 Minh's house.

11
12 **Exhibit C:** Hannah's most recent grade report dated December 22, 2019

13 **Exhibit D:** Matthew's most recent grade report dated December 22,
14 2019.

15
16 **Exhibit E:** Selena's most recent grade report dated December 22, 2019

17 **Exhibit F:** Text messages between Minh and Jim regarding Spring
18 Break visitation.

19
20 **Exhibit G:** Printout given to Minh by the Henderson Police Department
21 dated March 20, 2020, after she reported that Jim battered
22 her.

23
24 **Exhibit H:** Minh's Witness Statement to the Henderson Police
25 Department dated March 20, 2020, after Jim battered her.

Exhibit I: Printout from the Henderson Municipal Court regarding Jim being charged with Battery Constituting Domestic Violence.

DATED this 27th day of March 2020

PAGE LAW FIRM



Fred Page, Esq.
Nevada State Bar No. 6080
6930 South Cimarron Road, Suite 140
Las Vegas, Nevada 89113
(702) 823-2888
Attorney for Defendant

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- 28



An employee of Page Law Firm

EXHIBIT A

DR #

Ofc

C. CUNNINGHAM P# 2396

191217000697

HENDERSON POLICE DEPARTMENT
CASE INFORMATION

This card is important for you to keep, since it is the only way you will have to refer to your particular case. If additional information should become available to you concerning this case, please contact the Henderson Police Department information desk at (702) 267-4555 from 7:30 a.m. to 5:30 p.m.

The Department relies on a number of factors available in any report to assign a follow-up investigator. Experience has proven that certain information must normally be determined at the time of the initial investigation before a case has the potential for being solved. Without suspects, witnesses, evidence, or other investigative leads, a case cannot be solved, except under special circumstances. For example, a suspect caught committing a crime, found with evidence linking him/her to another crime, may then confess to both crimes.

COMPENSATION FOR VICTIMS OF VIOLENT CRIMES: Victims of crimes may qualify for monetary compensation from the State of Nevada under NRS 217.280. For information or an application, call Clark County District Attorney's Office Victim Services Center at (702) 671-2525 or State of NV Victims of Crime Program (702) 486-2740. Victims can also apply online at www.voc.nv.gov. Note: Applications for this service must be received within one year of the commission of the crime.*

ASSISTANCE TO VICTIMS OF SEXUAL ASSAULT: Victims of sexual assault may be eligible for medical treatment and counseling under NRS 217.290. For information call the Clark County District Attorney's Office Victim Services Center at (702) 671-2525. Note: Applications for this service must be received within 60 days of commission of the crime.*

PROTECTION OF VICTIMS AND WITNESSES: (Felony/Gross Misdemeanor) When a case is prosecuted, each victim/witness will receive initial notification by mail from the Victim Assistance Center. In addition, victims/witnesses of crimes in which the case is not prosecuted are also entitled to certain rights, as indicated in NRS 178.569 (i.e. investigation of threats of harm, notice of release of defendant, a listing of property being held by a law enforcement agency). For further information concerning these rights, you may contact the investigator handling your case or the Victim Assistance Center.

* Henderson Police Department Victim Advocates can also provide you with applications.

Adam Jessica

EXHIBIT B

LAS VEGAS METROPOLITAN POLICE DEPARTMENT



- ☐ Apt. Notification
☐ Garage Door
☐ Curfew Notification
☐ Other

- ☐ Disturbance
☐ Drug Activity
☐ Theft
☐ Vandalism

- ☐ Trespassing
☐ Domestic Violence
☐ Civil Stand-by

☒ FAMILY DISTURBANCE

Address 9742 W. TOMPKINS
AVE LV NV

Event # LV200100022883

Apt. Name

Message

OFFICER RESPONDED

TO ABOVE ADDRESS REFERENCE TO "MATTHEW
AND HANNAH VAHEY LOCKED THEMSELVES IN
THE BATHROOM, REFUSING TO BE DROP
OFF AT THEIR FATHER'S RESIDENCE.

Date

Time

Officer Name

P#

1/5/20

1818

S. QUINTANO

16250

LVMPD 275 (REV. 10-14)

DISTRIBUTION WHITE • SUBSTATION CARDSTOCK • CITIZEN

EXHIBIT C



For Hannah Vahey

5th Grade

Silverado Campus

	1st Term 8/19/19 - 12/22/19	2nd Term 12/23/19 - 5/29/20
LANGUAGE ARTS		
Reading/Literature	B	
Writing/Composition	B-	
Grammar	D (1)	
Spelling/Vocabulary	C+	
Speech/Memorization	B+	
MATHEMATICS		
Computation/Application	B-	
SCIENCE		
Science	D (1)	
LOGIC		
Word Processing/Programming	B-	
Thinking Skills	B	
HISTORY/GEOGRAPHY		
World History I	C-	
ANCILLARY SUBJECTS		
Penmanship	S	
Music	S+	
Art	S+	
PE/Sports	S	
Comportment	E	
Partial Days Absent	Days Absent	1 0

COMMENTS:

1st Term

Improved participation

Improved study habits

Capable student

(1) Has difficulty grasping concepts

Teacher:

Mrs. Baron

Signature:

Ms. Baron

Challenger prefers students to view their grades as a measure of progress toward Challenger's standard of excellence.

A grade of 80 percent or above indicates that the student is meeting the Challenger standard for the subject. A grade below 70 percent is not considered to be a passing grade.

The achievements for first through fourth grades are reported in percentages. Fifth through eighth grades are reported with letters.

A = 94% and above	B+ = 87-89%	C+ = 77-79%	D = 60-69%	E = Excellent	S- = Barely satisfactory
A- = 90-93%	B = 84-86%	C = 74-76%	F = Below 60%	S+ = Above satisfactory	U = Unsatisfactory
	B- = 80-83%	C- = 70-73%		S = Satisfactory	

EXHIBIT D



For Matthew Vahey

4th Grade

Silverado Campus

	1st Term 8/19/19 - 12/22/19	2nd Term 12/23/19 - 5/29/20			
LANGUAGE ARTS					
Reading/Literature	81%				
Writing/Composition	89%				
Grammar	84% (1)				
Spelling/Vocabulary	86%				
Speech/Memorization	92%				
MATHEMATICS					
Computation/Application	95% (2)				
SCIENCE					
Science	83%				
LOGIC					
Word Processing/Programming	93%				
Thinking Skills	82%				
HISTORY/GEOGRAPHY					
History	75% (3)				
ANCILLARY SUBJECTS					
Penmanship	S+				
Music	S+				
Art	S+				
PE/Sports	S+				
Comportment	E				
Partial Days Absent	Days Absent	3	3		

COMMENTS: 1st Term

Determined student
Progressing well
(1) Off to a good start
(2) Excels in this area
(3) Has difficulty applying concepts

Teacher: Ms. Rebecca Wagner Signature: [Signature]

Challenger prefers students to view their grades as a measure of progress toward Challenger's standard of excellence. A grade of 80 percent or above indicates that the student is meeting the Challenger standard for the subject. A grade below 70 percent is not considered to be a passing grade.

The achievements for first through fourth grades are reported in percentages. Fifth through eighth grades are reported with letters.

A = 94% and above B+ = 87-89% C+ = 77-79% D = 60-69% E = Excellent S- = Below satisfactory
A- = 90-93% B = 84-86% C = 74-76% F = Below 60% S+ = Above satisfactory U = Unsatisfactory
B- = 80-83% C- = 70-73% S = Satisfactory

EXHIBIT E



For Selena Vahey

All-day Kindergarten

Silverado Campus

	1st Term 8/19/19 - 12/22/19	2nd Term 12/23/19 - 5/29/20
PHONICS		
Alphabet Letters and Sounds	S	
Beginning/Middle/Ending Sounds	S	
One-Vowel Families and Words	S	
Two-Vowel Families and Words	N (1)	
Sight Words	S	
Consonant Digraphs and Blends	S	
Irregular Vowel Families	S	
Phonics Rules	S	
READING		
Fluency	N	
Comprehension	S	
SPELLING		
Spelling Assessments	N (2)	
Application in Compositions	N	
WRITING		
Composition	S	
MATHEMATICS		
Computation Application	E (3)	
ANCILLARY SUBJECTS		
Permanence	S	
Science	S	
Geography	S	
Music	S	
Art	S	
Physical Education	S	
Large Motor Skills	S	
COMPORTMENT		
Self-management	S	
Quality of Learning	S	
Responsible for self	S	
Respected well with others	S	
Partial Days Absent	2	1

COMMENTS

1st Term

Good thinking skills

Participates willingly

(1) Practice will improve fluency

(2) Low test score(s)

(3) Excels in this area

Teacher

Signature

Teacher

Signature

EXHIBIT F

Text messages regarding spring break

Minh Nguyet Luong <luongdds@gmail.com>

Fri 3/20/2020 2:14 PM

To: Fred Page <fpage@pagelawoffices.com>

Hi Fred,

Here are text messages from jim asking me about taking the kids the spring break week that the school changed to. I agreed and responded to him.

2:11



Vahey >

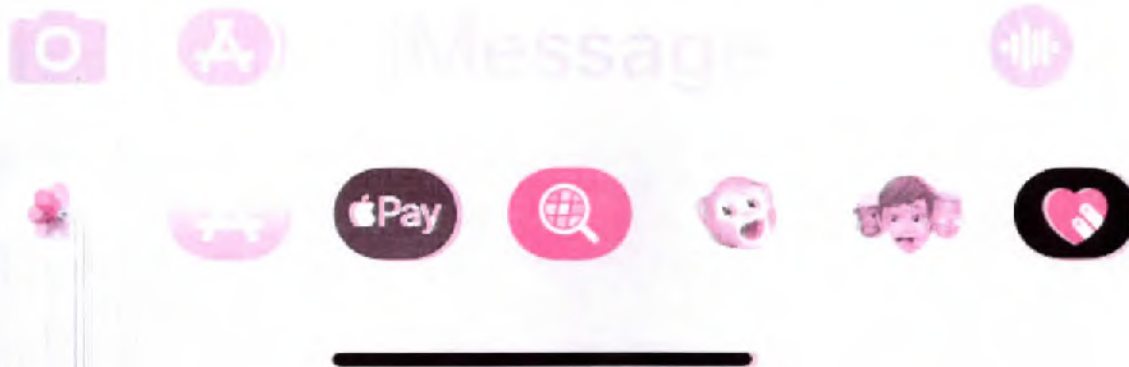
Sunday 11:56 AM

The kids school made some changes regarding subject material and timing of spring break. I wanted to make sure you were aware of it as soon as possible.

VOLUME V

Spring break is going
to be a week earlier.

Let me know what
you would like to do. I
can make accommo-



2:11



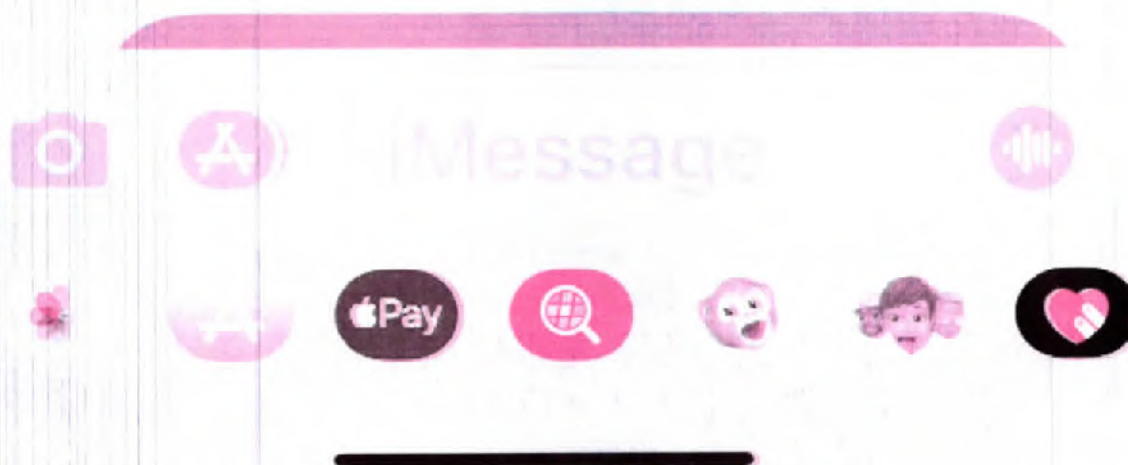
Vahey >

to be a week earlier.

Let me know what
you would like to do. I
can make accommo-

dations for whatever
you would like. Let
me know.

I forwarded the email
to you.





Vahey >

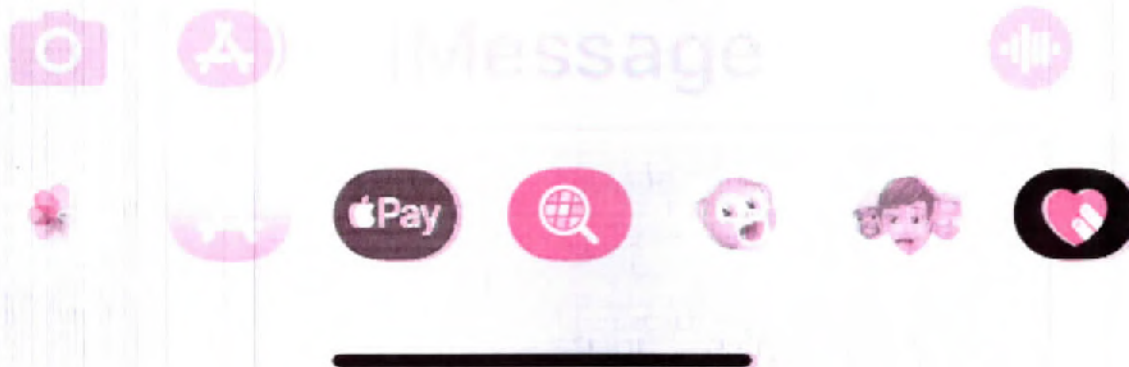
I torwarded the email
to you.

I will take the kids for
that week but that
also mean I am owed
a weekend. I will for-
ward that weekend to
a later weekend

Sunday 2:14 PM

VOLUME V

AA000875



Minh Nguyet Luong, DDS
Toothfairy Children's Dental
8000 W. Sahara Ave #180
Las Vegas, NV 89117
Cell: 702-353-2319
Office: 702-222-9700
Fax: 702-564-0005

EXHIBIT G

**INFORMATION FOR VICTIMS OF
DOMESTIC VIOLENCE**MY NAME IS OFFICER: D. RODRIGUEZAGENCY: HENDERSON PDEVENT #: 20-05662

If an arrest is made, suspect will be taken to:

HENDERSON Detention.**NEVADA LAW REQUIRES ME TO INFORM
YOU OF THE FOLLOWING INFORMATION:****For information regarding the suspect's CHARGES or
RELEASE from jail, call:**

Clark County Detention Center 702-671-3900
Las Vegas City Detention Center 702-229-6460
North Las Vegas Detention Center 702-633-1400
Henderson Jail 702-267-4600
24-Hour TDD 1-800-326- 6868

You may also request notification of the suspect's release from custody
by calling the above numbers.

Victim Services (702) 267-4727

Family Violence Intervention Program website:

www.clarkcountycourts.us

Click on Family Division, Family Violence Intervention

COMMUNITY RESOURCES

Safe Nest Crisis Line/Shelter 702-646-4981
Counseling 702-877-0133
Henderson SAFE House Crisis Line/Shelter .. 702-564-3227
Counseling 702-451-4203

Protection Orders - Family Court 702-455-3400

Emergency Protection Order 702-646-4981
(If suspect is arrested and in custody) available 24-hours,
including weekends & Holidays

This card is provided by:

The EIGHTH JUDICIAL DISTRICT COURT
FAMILY VIOLENCE INTERVENTION PROGRAM

REV. 11-15

EXHIBIT H



HEAVENBORN & SONS, INC. (INCORPORATED) WITNESS STATEMENT

HPD 0155

PAGE 1 OF 1
JRS

STATE OF NEVADA

COUNTY OF CLARK

DATE

FILE

I, Heavenborn & Sons, Inc., do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the Nevada State Bar Association, and that the same is a true and correct copy of the original as the same appears in the records of the Nevada State Bar Association, and that the same is a true and correct copy of the original as the same appears in the records of the Nevada State Bar Association.

I, Heavenborn & Sons, Inc., do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the Nevada State Bar Association, and that the same is a true and correct copy of the original as the same appears in the records of the Nevada State Bar Association, and that the same is a true and correct copy of the original as the same appears in the records of the Nevada State Bar Association.

I, Heavenborn & Sons, Inc., do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the Nevada State Bar Association, and that the same is a true and correct copy of the original as the same appears in the records of the Nevada State Bar Association, and that the same is a true and correct copy of the original as the same appears in the records of the Nevada State Bar Association.

Witness Signature

Revised 04/10/2012



HENDERSON POLICE DEPARTMENT
NARRATIVE SHEET

HPD 0080

PAGE _____ OF _____
DR# _____

(1) Narrative

(2) Describe physical evidence, if any, including photographs.

[Handwritten narrative text follows in the lined area]

Officer _____

Witness _____

Revised: 04/10/2012

EXHIBIT I

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

[illegible]

BATTERY CONSTITUTING
DOMESTIC VIOLENCE,
FIRST OFFENSE
03/20/2020
BURR, RODNEY T
05/18/2020

All Information	Party	Charge	Ticket/ Citation #	Event	Docket
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12/15/1962

CHARGE 1 BATTERY CONSTITUTING DOMESTIC VIOLENCE, FIRST OFFENSE

61844 BATTERY CONSTITUTING DOMESTIC
VIOLENCE, FIRST OFFENSE (MISDEMEANOR) 03/20/2020

03/20/2020

RODRIGUEZ, DAISY(2403)

Journal of Management Inquiry 18(6)
DOI: 10.1177/1056492609350000
© The Author(s) 2009

1. Answer:
 2. from 2000
 3. the 1990s

27 VIA MIRA MONTE
HENDERSON NV 89011
N

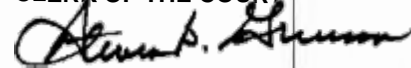
15-18220-10-000	DEPARTING NO.	DEPART. DATE	DEPART. TIME
15-18220-10-000	DEPARTING NO.	DEPART. DATE	DEPART. TIME

1. *Journal of the American Medical Association*, 1997; 277: 1033-1038.

00000000	CHARGE INITIATED AT THE HENDERSON DETENTION CENTER
00000000	PROBABLE CAUSE REVIEW COMPLETED OR HEARING HELD
00000000	JAIL RELEASE / RELEASED ON OWN BOND / RELEASED
00000000	TIME SPENT IN JAIL (HOURS)
00000000	COURT DATE SET

50

50



MOT
FRED PAGE, ESQ.
NEVADA STATE BAR NO. 6080
PAGE LAW FIRM
6930 SOUTH CIMARRON ROAD, SUITE 140
LAS VEGAS, NEVADA 89113
TELEPHONE: (702) 823-2888
FACSIMILE: (702) 628-9884
fpagelawoffices.com
Attorney for Defendant

**EIGHTH JUDICIAL DISTRICT COURT
COUNTY OF CLARK
STATE OF NEVADA**

11	JAMES W. VAHEY,) Case No.: D-18-581444-D
12)
12	Plaintiff,) Dept.: H
13	v.)
13) Hearing Date:
14	MINH NGUYET LUONG,)
15)
15	Defendant,)
16)
17) Oral Argument Requested

ORAL ARGUMENT REQUESTED X YES NO

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 14 DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN 14 DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT A HEARING PRIOR TO THE SCHEDULED HEARING DATE.

**DEFENDANT'S MOTION TO EXTEND TEMPORARY PROTECTIVE
ORDER T-20-204489-T, TO CHANGE CUSTODY ON AN INTERIM
BASIS, FOR AN INTERVIEW OF THE MINOR CHILDREN
AND
TO CHANGE CUSTODY**

1 COMES NOW Defendant, MINH NGUYET LUONG, by and through her
2 counsel, Fred Page Esq., of Page Law Firm and hereby submits her Motion to
3
4 Extend Temporary Protective Order T-20-204489-T to Change Custody on an
5 Interim Basis, for an Interview of the Minor Children, and to Change Custody.
6 This Motion is based upon the papers and pleadings on file the attached Points
7
8 and Authorities and any oral argument that that the Court may wish to entertain.

9 DATED this 27th day of March 2020

10 PAGE LAW FIRM

11
12
13 

14 Fred Page, Esq.
15 Nevada State Bar No. 6080
16 6930 South Cimarron Road, Suite 140
17 Las Vegas, Nevada 89113
18 (702) 823-2888
19 *Attorney for Defendant*
20
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1 The Court entered its Findings of Fact, Conclusions of Law, Decision and
2 Order (hereinafter "Order") on September 20, 2019. In the Order, it was ordered
3
4 that if Minh moved to California, as was her stated intent that Jim would receive
5 primary physical custody. The parties were ordered to share joint legal custody.

6 Minh was ordered to have the following pertinent visitation if she
7
8 relocated back to California,

- 9 1. **Weekend Visitation:** Minh Luong may have the children for one,
10 non-holiday weekend in Nevada each calendar month. The weekend
11 shall be defined as 4:00 p.m. the day school recesses until 6:00 p.m.
12 on Sunday. Minh Luong shall provide James Vahey with written
13 notice of her intention to exercise a weekend visitation seven days in
14 advance.
15
16

17 . . .

- 18 2. **Spring Break:** Minh Luong shall have the children every year for
19 Spring Break defined as 4:00 p.m. the day school recesses until 6:00
20 p.m. the day before school resumes.
21

22 Since the Order was entered, Minh relocated back to California. Minh has
23 been exercising all of the time she has been given under the terms of the Order.
24 The children have been failing to thrive since Jim assumed primary physical
25 custody. The children's behavior has deteriorated and the children's grades have
26 deteriorated.
27
28

1 The police have had to be involved a number of times already. Rather
2 than acknowledge the distress in which the children find themselves, Jim's
3 response has been to blame Minh.
4

5 On December 17, 2019, Hannah and Matthew ran away from Jim's house.
6 The children biked in the dark and cold in 30 degree weather at 6:00 a.m. uphill
7 for 1.7 miles which is the distance from Jim's house to the guardhouse. The
8 children only got as far as the guardhouse. When the children got to the
9 guardhouse they informed the guard they missed their mother and wanted to be
10 with her.¹
12

13 The guard contacted Minh, and the Henderson Police Department. The
14 children were then taken back to Jim's house.² Upon being notified, Minh
15 immediately drove to Lake Las Vegas.³ When she got there, the Henderson
16 Police Department was already there, taking a report of what had transpired.⁴
18
19
20

21 ¹ That is the length to which the children would go to be with their mother.

22 ² Jim may be seen as being negligent in allowing the children to exit the house,
23 at apparently any time. The situation was one in which potentially could have
24 Child Protective Service become involved.

25 ³ Jim's complaint is that Minh did not call fast enough to inform him.

26 ⁴ A copy of the Case Information Sheet provided by the Henderson Police
27 Department to Minh is attached for the Court's convenience as Exhibit A.
28

1 Minh asked Jim to enter the house so that she could check on the children. Jim's
2 response was to refuse her reasonable request and shut the door in her face.⁵

3
4 It was further pointed out in that correspondence that Hannah's grades had
5 dropped from "A's" and "B's" to "C's" and "D's" and an "F." It was further
6 advised to Jim's counsel that Matthew lays on the floor of the van and cries and
7 screams at the custody exchanges.

8
9 It was additionally pointed out that since he obtained physical custody Jim
10 placed a surveillance camera inside Hannah's bedroom depriving her of any
11 privacy.⁶

12
13 Complaints also had to be made regarding the fact that joint legal custody
14 requires that each parent is entitled to privacy during their communications with
15 the other parent. Minh has been complaining that Jim has been taking away the
16 children's iPhones and iPads.

17
18 When it suits Jim, the children were being required to communicate with
19 Minh on Jim's phone. Minh reports the children have to communicate through
20

21 _____
22 ⁵ Jim's counsel was contacted, discuss what had occurred, they initially
23 disclaimed any knowledge as to what happened. When it was reported to Jim's
24 counsel as what had happened and the concerns, Minh had, she was attacked that
25 was "brainwashing" the children and there was no acceptance of any
26 responsibility on Jim's part as to the children running away. Jim's counsel later
27 tried to claim that they "knew of what happened shortly after it occurred."

28 ⁶ Jim later denied that claiming that the surveillance camera was placed outside
of the house near a window outside of Hannah's bedroom.

1 earpieces. When Minh would speak with the children the children only have one
2 earpiece in their ear. The other earpiece is in Jim's ear so that he could monitor
3
4 the communications. Correspondence had to be sent to Jim's counsel requesting
5 that Jim return the children's iPhones and iPads and that he will respect the
6 children's right of privacy. The children complain that Jim is recording the
7
8 Facetime conversations that that they have with Minh.

9 Reluctant agreement was provided from Jim that the therapist, Dr.
10 Gravely, was failing to provide any meaningful assistance. Despite the children
11
12 running away and plummeting grades, Jim still tried to deny the fact that the
13 children were failing to thrive in his care.

14 Hannah reported after she was returned to Jim after running away that Jim
15
16 choked her by pulling her purse which was around her neck, and by pulling the
17 collar of her shirt. Rather than looking for a root cause as to why they were
18
19 running away and addressing that Mathew reported to Minh that Jim was simply
20 mean to them.

21 The exchanges of the children are going badly as well with the children
22
23 having be physically removed kicking and crying from Minh's vehicle by Minh
24 because the children refuse to return to Jim.

1 On January 5, 2020, Metro had to be called because the children locked
2 themselves in the bathroom at Minh's house and refused to get out of the car to
3 go to Jim.⁷

4
5 Since the exchanges have occurred at Jim's house, the children refuse to
6 get out of the car at every single exchange. Minh advises that each of these
7 exchanges take at least an hour at each visitation exchange and the children
8 refuse to go to Jim and she has to physically pull them out of the car.

9
10 Generally, Jim will step outside for a moment, tell Minh, "you bring them
11 in and leave," and then around go back inside and watch television leaving Minh
12 by herself to try and get the children out of her car. Minh estimates she has
13 contacted the Henderson Police Department four or five times to enlist their help
14 in trying to get the children out of the car and into the house.⁸

15
16 Minh advises that there was one time in which Jim did something more
17 than turn around and go back inside the house. The children were refusing to get
18 out of the car. Minh advises that Selena was hiding under a blanket at the back of
19 her van. Minh was at the front of the van. Jim walked to the back of the van, put
20 his hand under the blanket at which point Selena began crying.

21
22
23
24
25 ⁷ A copy of the card provided by Metro dated January 5, 2020, is attached for the
26 Court's convenience as Exhibit B.

27 ⁸ Minh is in the process of getting those other incident reports.
28

1 Jim at that point, left and went back into the house. Selena was crying
2 saying "daddy twisted by arm, he did it two times already."⁹ Minh, at that point,
3
4 contacted the Henderson Police Department who took a statement.

5 The children, particularly Hannah, are not doing well at school, or
6 emotionally. Hannah's grades are now a "D" for grammar, "C+" for spelling, a
7
8 "D" for science, and a "C" for history for the period ending 12/22/19.¹⁰ Hannah
9 was a 4.0 student. Hannah is now a 2.35 grade point average student. To put it
10 another way, Hannah's grades have declined by 41 percent since Jim assumed
11
12 primary physical custody.¹¹

13 Matthew's grades have decreased as well, but not to the same degree as
14 Hannah. Like Hannah, Matthew was essentially a straight "A" student. Matthew
15
16 has gone from straight "A's" to straight "B's" and a "C."¹² Matthew is now a 3.2
17 grade point average student. To put it another way, Matthew's grades have
18
19
20

21
22 ⁹ Apparently, Jim reaching under the blanket for her caused her to remember
23 when it happened previously causing her to cry out.

24 ¹⁰ A copy of Hannah's most recent grade report is attached as Exhibit C.

25 ¹¹ $2.35/4.0 - 1 = .4125$

26 ¹² A copy of Matthew's grades is attached for the Court's convenience as Exhibit
27 D.

1 declined by approximately 20 percent since Jim assumed primary physical
2 custody.¹³

3
4 Selena, because of her age, has either “satisfactory” or “needs
5 improvement.” Selena only has one area in which she excels and four areas in
6 which she “needs improvement.”¹⁴

7
8 Spring Break was moved by Challenger School to March 20, from April
9 6. Challenger school sent out an email to all of the parents. It appears from text
10 messages from Jim to Minh and vice versa that Jim was aware that Spring Break
11 had been moved up.
12

13 On Sunday, March 22, Jim sent Minh a text message telling her that
14 Challenger made a change and that Spring Break was going to be a week earlier
15 Minh responded that she would take the children for that week but that she
16 would be owed a weekend.¹⁵

17
18 On Friday, March 20, 2020, Jim’s counsel sent a cryptic emergency
19 email falsely alleging that Minh was “not cooperating” and “not
20 communicating.” The email stated,
21

22 _____
23 ¹³ $3.2/4.0 - 1 = .20$

24 ¹⁴ A copy of Selena’s Achievement Report is attached for the Court’s
25 convenience as Exhibit E.

26 ¹⁵ A copy of the text message string is attached for the Court’s convenience as
27 Exhibit F.
28

1 Your assistance is needed as Dr. Luong is refusing to
2 communicate and coparent with Dr. Vahey. Dr. Luong will not
3 confirm with Dr. Vahey whether she intends to take the children
4 to California, in violation of the Court's order, this weekend. The
5 Court's Findings of Fact, Conclusions of Law, Decision and
6 Order, entered September 20, 2019, provides Dr. Luong is to
7 have the children for one, non-holiday weekend in Nevada each
8 calendar month. Pg. 30, lines 7-9. In addition, as I'm sure you are
9 aware, unnecessary travel is not recommended at this time given
10 the risks caused by COVID-19, and California's Governor has
11 issued a "State-at-Home" order. Can you please confirm with Dr.
12 Luong that she will not be traveling with the children this
13 weekend in violation of the Court's order?

14 A response was provided back that it was incorrect and libelous to allege
15 that Minh was "refusing to communicate and coparent."¹⁶ It was further
16 requested that Jim stop trying to create conflict and ensure that Jim obey the
17 Court's orders.

18 On March 20, 2020, Minh arrived at the former marital residence to pick
19 up the children for Spring Break visitation. After Minh put the children in her
20 vehicle, she told Jim that she still had some of her personal belongings there and
21 wanted to pick up her windsurfing board as the board was her separate property.
22 When Minh asked for the windsurfing board, she advises that Jim told her he,
23 did not "know where it is."

24
25
26 ¹⁶ It appeared that Jim was attempting to manufacture a situation wherein he
27 would refuse to turn over the children. There was no other reason to send an
28 "emergency email, given that earlier in the week the parties had already
discussed Spring Break visitation, and agreed upon it."

1 Minh advises she told Jim that the board was stored in the garage.
2 Because her vehicle was parked in front of the garage, and it was convenient for
3 Minh to take the board from the garage and put the board in the vehicle. Jim
4 told Minh if she could find the board, she should take it.
5

6 The windsurfing board was stored up high in the garage. Minh got the
7 ladder, climbed up the ladder, and got her windsurfing board down herself. Jim
8 refused to even hold the ladder and simply watched Minh get the board. After
9 Minh got the board down and while Minh was carrying the windsurfing board
10 out of the garage, Jim changed his mind and told Minh that the board was his
11 now that that Minh was "not allowed to take it."
12

13 Minh advises that Jim looked like he was going to hit her and charged at
14 her aggressively and tried to wrest the board from her. Minh further advises that
15 Jim battered her and pushed her several times, and eventually ripped the board
16 away from her, yelling at her, "the board is mine." Jim took the board and threw
17 the board inside the house.
18

19 Jim pushed her and then pushed her again causing the ladder to fall over,
20 and nearly strike his car. Jim threw the ladder in the house. Jim then pushed
21 Minh again and screamed "get out of my house!" twice.
22

23 When Minh got back to her vehicle she reports she was trembling and that
24 Hannah and Selena hugged her and asked her if she was okay. Minh reports that
25
26
27
28

1 she had to sit in the vehicle for several minutes to try and compose herself
2 because her hands were trembling. Minh is shaken and is frightened of Jim.

3
4 After Jim attacked her, Minh advises that she went to the Henderson
5 Police Department to file a report as to what Jim did to her.¹⁷ Minh was
6 interviewed as were the children as the children were percipient witnesses.¹⁸
7
8 Minh advises that the children were interviewed separately to ensure that their
9 statements were consistent.

10 After Minh and the children were interviewed, during the evening of
11
12 March 20, Jim was arrested by the Henderson Police Department for
13 battery/domestic violence for attacking Minh and battering her in front of the
14 children. Jim has been charged with battery constituting domestic violence. The
15 case number is 20CR002146.¹⁹
16

17 Friday afternoon was the first time that Minh has gone to the police to
18 report acts of violence committed by Jim against her. However, Friday
19
20 afternoon was not the first time Jim has been violent toward her and battered
21

22 ¹⁷ A copy of the print out provided by the Henderson Police Department is
23 attached for the Court's convenience as Exhibit G.

24 ¹⁸ Minh's witness statement dated March 20, is attached for the Court's
25 convenience as Exhibit H.

26 ¹⁹ A copy of the printout of the Henderson Municipal Court is attached for the
27 Court's convenience as Exhibit I.

1 her. Minh is very traumatized as to what Jim did. The children are
2 understandably shaken up as well.

3
4 After Jim was arrested, Minh has sought and received protective order.
5 The protective order covers the children as well since the children were
6 witnesses to the battery committed by Jim against Minh.²⁰ The protective order
7 is scheduled to expire March 30.
8

9 In addition to the protective order, the pending criminal charges for
10 battery constituting domestic violence should also result in a no contact order
11 against Jim for the protection of Minh. Because the children are witnesses in
12 the pending criminal case against Jim, he cannot have contact with the children
13 until the criminal case is resolved.²¹
14

15
16 The children are still currently with Minh. She advises when she tries to
17 get the children to go outside to get some fresh air, Selena refuses to go outside
18 because she associates going outside with having to go back to Jim.
19

20 ///

21 ///

22
23
24 ²⁰ Inexplicably, Minh advises that Jim actually had Henderson Police
25 Department call her on Saturday and asking for her to bail him out.

26 ²¹ It is no different that if there is a witness to a murder or a robbery, the
27 perpetrator cannot have any contact with the witnesses. It also appears that Jim
28 may have put his license to practice medicine at risk.

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Eighth District Court Rule 5.501(a), states,

An effort was made to reach out to Jim to avoid the filing of the motion.

B. Minh, and the Minor Children, Should be Granted an Extension of the Temporary Protective Order

Minh respectfully asks the Court to consider the following factors in granting her an extension for her Protection Order.

1) There is an open and ongoing investigation with Henderson Police Department.²²

2) James was charged with battery against Minh. This constitutes domestic violence.

3) The children were witnesses to the act of domestic violence against their mother and all three eldest children were interviewed by authorities.²³

15

1 4) The authorities, with the information given, felt confident not
2 only charging Jim but also incarcerating him.

3 5) Minh and the children are fearful of future violent behavior they
4 experienced and witnessed.

5 6) Jim has become very aggressive angry bringing concerns that he
6 could retaliate against Minh or the children right now.

7
8
9 NRS 33.020 States:

- 10 1. If it appears to the satisfaction of the court from specific facts
11 shown by a verified application that an act of domestic
12 violence has occurred or there exists a threat of domestic
13 violence, the court may grant a temporary or extended order.
14 A court shall only consider whether the act of domestic
15 violence or the threat thereof satisfies the requirements
16 of NRS 33.018 without considering any other factor in its
17 determination to grant the temporary or extended order.

18 In this verified Motion for an extension for an Order of Protection, the
19 standards set forth in NRS 33.020 (1) are met by Minh. Jim has been charged
20 with and incarcerated for an act of domestic violence against her as battery does
21 satisfy the requirements set forth in NRS 33.018.²⁴

22
23 (...Continued)

24 ²³ After authorities interviewed Minh and the minor children, The Henderson
25 Police Department charged Jim with battery constituting domestic violence and
26 arrested him.

²⁴ NRS 33.018 Acts which constitute domestic violence; exceptions.

- 27 1. Domestic violence occurs when a person commits one of the
28 following acts against or upon the person's spouse or former spouse,

(Continued...)

1 Only six days have passed since Jim was arrested for attacking Minh in
2 the presence of their children. Minh is gravely concerned for her safety and the
3
4 safety of the minor children and needs protection from this Court.²⁵

5
6 (...Continued)

7 any other person to whom the person is related by blood or marriage,
8 any other person with whom the person has had or is having a dating
9 relationship, any other person with whom the person has a child in
10 common, the minor child of any of those persons, the person's minor
11 child or any other person who has been appointed the custodian or
12 legal guardian for the person's minor child:

13 (a) A battery.

14 (b) An assault.

15 (c) Coercion pursuant to NRS 207.190.

16 (d) A sexual assault.

17 (e) A knowing, purposeful or reckless course of conduct
18 intended to harass the other person. Such conduct may include, but
19 is not limited to:

20 (1) Stalking.

21 (2) Arson.

22 (3) Trespassing.

23 (4) Larceny.

24 (5) Destruction of private property.

25 (6) Carrying a concealed weapon without a permit.

26 (7) Injuring or killing an animal.

27 (8) Burglary.

28 (9) An invasion

29 ²⁵ NRS 125.0045 states in pertinent part,

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

34 (a) During the pendency of the action, at the final hearing or
35 at any time thereafter during the minority of the child, make such

(Continued...)

1 There is no admonition that can be given that will dissuade Jim from
2 tampering with the primary witnesses in the State's case. There is no
3 admonition that can be given to prevent Jim from attempting undue influence
4 with children with threats and/or intimidation of "you don't want to see your
5 dad go to jail do you?"
6

7
8 To protect the integrity of the criminal investigation and prosecution, and
9 thereby protect Minh and the children's best interests, the protective order should
10 be extended until the criminal matter is resolved.²⁶ The TPO is set to expire for
11 on March 30, 2020.
12

13 ///

14 ///

15 ///

16 _____
17

18 (...Continued)

19 an order for the custody, care, education, maintenance and
20 support of the minor child as appears in his or her best interest;
21 and

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

25 ²⁶ Under Chapter 178 of the Nevada Revised Statutes victim and witness
26 information shall remain confidential. It should go without saying that if victim
27 and witness information shall remain confidential there shall be no contact
28 between the perpetrator of the crime and the witnesses to the crime.

1 **C. Minh Should Receive Interim Sole Legal and Sole Physical Custody**
2 **Until the Criminal Matter is Resolved**

3 The Court is authorized to enters as appears in the children's best interests
4 at any point during their minority pursuant to NRS 125C.0045. The interim
5 orders should be set pursuant to what is in the children's best interests.
6

7 In addition to the protective order, the pending criminal charges should
8 also result in a no contact order against Jim for the protection of Minh. Because
9 the children are percipient witnesses in the pending criminal case against Jim,
10 he cannot have contact with the children until the criminal case is resolved.²⁷
11

12 Jim should have contact with Minh per the terms of the criminal no
13 contact order for education decisions, for health decisions, or to discuss
14 visitation. To require Minh to have contact with Jim would violate any criminal
15 no contact and would further victimize her for the crime Jim perpetrated against
16 her.
17

18
19 The reasons why the TPO should be extended are equally applicable as to
20 why Minh should receive sole legal and sole physical custody until the criminal
21 charge of battery constituting domestic violence that Jim committed against
22 Minh is resolved. School is online for the foreseeable future, Minh will be able
23 to ensure that the children progress academically.
24
25

26 ²⁷ As stated, it is no different than an accused being ordered to have no contact
27 with a witnesses in a murder or robbery case.
28

1 Accordingly, Minh should receive sole legal and sole physical custody
2 until the battery constituting domestic violence charge is resolved.

3
4 **D. The *Ellis v. Carucci*, *Infra* Standard Will Be Met**

5 For there to be a change in custody the following elements have to be
6 met, (1) there has been a substantial change in circumstances affecting the
7 welfare of the child, and (2) the child's best interest is served by the
8 modification. *Ellis v. Carucci*, 123 Nev. 145, 161 P. 3d 239 (2007).

9
10 There are multiple substantial changes in circumstances affecting the
11 welfare of the children. Those substantial changes affecting the welfare of the
12 children include: (1) a dramatic decline in the children's grades (40 percent for
13 Hannah and 20 percent for Matthew) since Jim received primary physical
14 custody, (2) Hannah and Matthew running away from home, (3) the children
15 being in counseling, (4) Jim violating legal custody by refusing to allow the
16 children to have privacy in their communications with Minh, and (5) Jim
17 committing acts of domestic violence on Minh and in front of the children for
18 which he has been arrested and has been charged criminally.

19
20 The children's best interests would be served by modification. The
21 children's grades would go back to what they were when Minh was the primary
22 caregiver which is essentially straight "A's." The children would not be
23 running away from home. The children would no longer need mental health
24 counseling. Minh would not interfere with the children's right of privacy in
25
26
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1 their communications with Jim. Finally, Jim has committed acts of domestic
2 violence by clear and convincing evidence which were witnessed by the
3 children. In Minh's care, the children would be less likely to be subject to
4 witnessing acts of domestic violence against Minh by Jim.

6 **E. Minh Should Receive Permanent Primary Physical Custody**

8 NRS 125C.0035 states in pertinent part,

9 The court shall award custody in the following order of preference unless
10 in a particular case the best interest of the child requires otherwise:

12 (a) . . . If the court does not enter an order awarding joint
13 custody of a child after either parent has applied for joint
14 custody, the court shall state in its decision the reason for
its denial of the parent's application.

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

18 The children are old enough to be factual reporters. Given the how
19 poorly the visitation exchanges have been going, that counseling is not helping,
20 the steep decline in academic performance, and that Hannah and Matthew are so
21 unhappy that they are running away, it should be certain that the children would
22 prefer to remain in Minh's primary care.

24 ///

26 ///

27 //

1 **b. Any nomination of a guardian for the child by a parent**

2 Minh has historically been the primary caregiver. Because Minh has
3
4 historically been the primary caregiver Jim has nominated her to be the primary
5 caregiver.

6 **c. Which parent is more likely to allow frequent**
7 **associations and a continuing relationship with the**
8 **noncustodial parent**

9 Minh has followed all of the orders in this case. Jim refuses to respect the
10 orders regarding joint legal custody and refuses to allow privacy during
11 telephone calls.
12

13 **d. The level of conflict between the parents**

14
15 The parties' conflict in the past has been driven by Jim's violent behavior,
16 his disinterest in the children. With the recent battery Jim committed against
17 Minh, and witnessed by the children, the current level of conflict is high.
18

19 **e. The ability of the parents to cooperate to meet the**
20 **needs of the children**

21 The ability to cooperate at this point is minimal. Jim will not even assist
22 with the visitation exchanges and forces Minh to drag the children crying out of
23 her car. While the children are in distress, Jim refuses to accept any
24 responsibility and simply blames Minh.
25

26
27 ///

28 ///

1 **f. The mental and physical health of the parents**

2 Both parents appear to be physically healthy. Minh is mentally healthy
3
4 despite being traumatized by what Jim has done. Jim's mental health is at issue
5 as he has anger management/impulse control issues that he has battered Minh in
6 front of the children.
7

8 **g. The physical, developmental and emotional needs of the**
9 **children**

10 The children are at an age wherein they are able to spend longer periods
11 away from one of their parents. The children witnessed Jim violently attack
12 their mother. The conduct by Jim can only damage them. The children need
13 stability. The evidence is that Jim cannot provide stability as the children's
14 grades have dropped dramatically and the children are running away, and are
15 seeing a counselor who is providing no benefit for them. The children thrived
16 when Minh was their primary caregiver.
17
18

19 **h. The nature of the relationship of the child with each parent**

20 The relationship of the children with Minh is excellent. The children's
21 relationship with Jim is poor. The children are much more bonded with Minh
22 than Jim.
23

24 Hannah and Matthew are running away from Jim's home. The children
25 are seeing a counselor because they are living with him.
26
27
28

1 The visitation exchanges result in the children locking themselves in the
2 car because they do not want to go to Jim and Metro having to be called.
3
4 Matthew has to be dragged from Minh's car screaming, "I don't want to go, I
5 don't want to go" by Minh to Jim. In contrast, the children count the days until
6 they can be with Minh and run to her when she picks them up.

7
8 i. **The ability of the child to maintain a relationship with**
9 **any sibling**

10 Not applicable.

11
12 j. **Any history of parental abuse or neglect of the child or a**
13 **sibling of the child**

14 It is submitted that the children having to watch their mother be battered
15 by Jim is abuse and neglect.

16
17 k. **Whether either parent or any other person seeking**
18 **custody has engaged in an act of domestic violence**
19 **against the child, a parent of the child or any other**
20 **person residing with the child**

21 Jim battering Minh in front of the children is domestic violence. The
22 evidence and testimony will show that Jim has committed acts of domestic
23 violence. Because of Jim committing acts of domestic violence there is a
24 presumption that Jim is unfit to have joint or primary physical custody.

25
26 ///

1 **I. Whether either parent or any other person seeking**
2 **physical custody has committed any act of abduction**
3 **against the child or any other child**

4 Not applicable.

5 There is adequate cause for custody to be changed. Under *Rooney v.*
6 *Rooney*,²⁸ “adequate cause” arises where the moving party presents a prima
7 facie case for modification. To constitute a *prima facie* case, one must show
8 that: (1) the facts alleged in the affidavits are relevant to the grounds for
9 modification; and (2) the evidence is not merely cumulative or impeaching.
10
11 *Rooney* at 543.

13 There is more than sufficient adequate cause for custody to be changed
14 (1) the children’s grades have gone down dramatically, (2) the Hannah and
15 Matthew are running away from home, (3) the children lock themselves inside
16 Minh’s car at custody exchanges and Matthew has to be dragged to Jim, (4) Jim
17 violates legal custody by refusing to allow the children to have privacy in their
18 communications with Minh, (5) have a poor relationship with Jim, (6) Jim has
19 now been arrested and charged with battery constituting domestic violence and
20 for which the children are witnesses.
21
22

23 ///
24

25 ///
26

27 ²⁸ 109 Nev. 540, 853 P.2d 123 (1993)
28

1 **F. The Children Should Be Interviewed**

2 At this point, it would be in the children's best interests that they be
3 interviewed as to what they like and dislike at each house, how they rate their
4 relationship with each parent, and how they are disciplined at each residence.
5

6 There should be no factual dispute that the children are currently in
7 distress and have been in distress for some time. An investigation in the form of
8 an interview should be conducted to find out why Hannah and Matthew are
9 running away, and why the children's grades are declining. Any negative
10 impact would be minimal under these circumstances. The evidence is needed so
11 that the Court is able to enter a more fully informed decision.
12
13

14 The Court is authorized to enter such an order pursuant to NRS
15 125C.0045. Being more fully informed would be in the children's best interests.
16 Accordingly, the children should be ordered to be interviewed.
17

18 **III.**
19 **CONCLUSION**

20 WHEREFORE, Defendant, MINH LUONG, respectfully requests that the
21 Court enter the following orders
22

- 23 1. Extending the TPO for six months.
- 24 2. Entering an interim change in custody with Minh having sole legal
25 and sole physical custody until the criminal matter is resolved.
26
- 27 3. Setting an evidentiary hearing on custody being changed.
28

4. Requiring that the children be interviewed, and;
5. For any further relief the Court deems proper and just.

DATED this 27th day of March 2020

PAGE LAW FIRM

Fred Page, Esq.
Nevada State Bar No. 6080
6930 South Cimarron Road, Suite 140
Las Vegas, Nevada 89113
(702) 823-2888
Attorney for Defendant

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES W. VAHEY

Plaintiff/Petitioner

V.

MINH NGUYET LUONG

Defendant/Respondent

Case No. D-18-581444-D

Dept. H

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

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

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

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

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

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

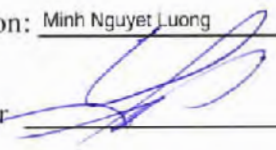
Step 3. Add the filing fees from Step 1 and Step 2.

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

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

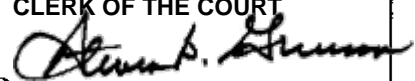
Party filing Motion/Opposition: Minh Nguyet Luong

Date 3-27-19

Signature of Party or Preparer 

51

51



1 NTSO
2 THE DICKERSON KARACSONYI LAW GROUP
3 ROBERT P. DICKERSON, ESQ.
4 Nevada Bar No. 000945
5 SABRINA M. DOLSON, ESQ.
6 Nevada Bar No. 013105
7 1745 Village Center Circle
8 Las Vegas, Nevada 89134
9 Telephone: (702) 388-8600
10 Facsimile: (702) 388-0210
11 Email: info@thedklawgroup.com

12 Attorneys for Plaintiff

13 DISTRICT COURT
14 FAMILY DIVISION
15 CLARK COUNTY, NEVADA

16 JAMES W. VAHEY,

17 Plaintiff,

18 v.

19 MINH NGUYET LUONG,

20 Defendant.

21 CASE NO.: D-18-581444-D
22 DEPT NO.: H

23 NOTICE OF ENTRY OF STIPULATION AND ORDER TO
24 CONTINUE MARCH 19, 2020 TRIAL

25 TO: MINH NGUYET LUONG, Defendant; and

26 TO: FRED PAGE, ESQ. of PAGE LAW FIRM, Attorney for Defendant:

27 ...

28 ...

...

...

...

...

...

1 PLEASE TAKE NOTICE that a STIPULATION AND ORDER TO
2 CONTINUE MARCH 19, 2020 TRIAL, a true and correct copy of which
3 is attached hereto, was entered in the above-entitled matter on the 26th day
4 of March, 2020.

5 DATED this 27th day of March, 2020.

6 THE DICKERSON KARACSONYI
7 LAW GROUP
8

9
10 By /s/ Sabrina M. Dolson
11 ROBERT P. DICKERSON, ESQ.
12 Nevada Bar No. 000945
13 SABRINA M. DOLSON, ESQ.
14 Nevada Bar No. 013105
15 1745 Village Center Circle
16 Las Vegas, Nevada 89134
17 Attorneys for Plaintiff
18
19
20
21
22
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24
25
26
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28

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I certify that I am an employee of THE
3 DICKERSON KARACSONYI LAW GROUP, and that on this 27th day of
4 March, 2020, I caused the above-referenced document entitled NOTICE
5 OF ENTRY OF STIPULATION AND ORDER TO CONTINUE MARCH
6 19, 2020 TRIAL to be served as follows:

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

20 To the following people listed below at the address, email address, and/or
21 facsimile number indicated below:

22 FRED PAGE, ESQ.
23 PAGE LAW FIRM
24 6930 South Cimarron Road, Suite 140
25 Las Vegas, Nevada 89113
26 fpage@pagelawoffices.com
27 Attorney for Defendant
28



An employee of The Dickerson Karacsonyi Law Group

Steven D. Grierson

1 **SAO**
2 **THE DICKERSON KARACSONYI LAW GROUP**
3 **ROBERT P. DICKERSON, ESQ.**
4 Nevada Bar No. 000945
5 **SABRINA M. DOLSON, ESQ.**
6 Nevada Bar No. 013105
7 1745 Village Center Circle
8 Las Vegas, Nevada 89134
9 Telephone: (702) 388-8600
10 Facsimile: (702) 388-0210
11 Email: info@thedklawgroup.com

12 Attorneys for Plaintiff

13 **DISTRICT COURT**
14 **FAMILY DIVISION**

15 **CLARK COUNTY, NEVADA**

16 **JAMES W. VAHEY,**

17 Plaintiff,

18 v.

19 **MINH NGUYET LUONG,**

20 Defendant.

21 } **CASE NO. D-18-581444-D**
22 } **DEPT NO. H**
23 }
24 }
25 }
26 }
27 }
28 }

29 **STIPULATION AND ORDER**
30 **TO CONTINUE MARCH 19, 2020 TRIAL**

31 COMES NOW Plaintiff, JAMES W. VAHEY ("Jim"), by and
32 through his attorneys, ROBERT P. DICKERSON, ESQ., and SABRINA
33 M. DOLSON, ESQ., of THE DICKERSON KARACSONYI LAW
34 GROUP, and Defendant, MINH NGUYET LUONG ("Minh"), by and
35 through her attorney, FRED PAGE, ESQ., of PAGE LAW FIRM, and
36 hereby stipulate and agree as follows:

37 WHEREAS trial for this matter is currently scheduled for March 19,
38 2020, at 9:00 a.m.

39 ...

1 WHEREAS in consideration of Administrative Order 20-01, which
2 delineates the Eighth Judicial District Court's alterations to court
3 procedure given the severity of the risk posed to the public by COVID-19,
4 and the difficulty in complying with the new court procedures and
5 accommodating the parties and witnesses on such short notice, the parties
6 desire to continue the trial.

7 Now therefore,

8 IT IS HEREBY STIPULATED that the trial date presently scheduled
9 for March 19, 2020, should be continued for a period of thirty (30) days
10 to the Court's first available full-day trial setting on or after April 20,
11 2020.

12 Dated 03/17/2020

Dated 3-17-20

13 THE DICKERSON KARACSONYI
14 LAW GROUP

PAGE LAW FIRM

15 



16 ROBERT P. DICKERSON, ESQ.
Nevada Bar No. 000945
17 SABRINA M. DOLSON, ESQ.
Nevada Bar No. 013105
18 1745 Village Center Circle
Las Vegas, Nevada 89134
19 Attorneys for Plaintiff

FRED PAGE, ESQ.
Nevada Bar No. 006080
6930 South Cimarron Road
Suite 140
Las Vegas, Nevada 89113
Attorney for Defendant

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

1 ORDER

2 Based upon the foregoing Stipulation of the parties, and good cause
3 appearing therefore,

4 IT IS HEREBY ORDERED that the trial presently scheduled for
5 March 19, 2020, at 9:00 a.m., is hereby continued to the 30 day of
6 April, 2020, at the hour of 9:00 A.m. pm

7 DATED this 18 day of March, 2020.

8 T. Art Ritchie, Jr.
9 DISTRICT COURT JUDGE

10 T ART RITCHIE, JR.

11
12 Respectfully submitted by:

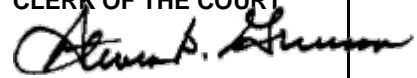
13 THE DICKERSON KARACSONYI PAGE LAW FIRM
14 LAW GROUP

15 Sabrina M. Dolson
16 ROBERT P. DICKERSON, ESQ.
17 Nevada Bar No. 000945
18 SABRINA M. DOLSON, ESQ.
19 Nevada Bar No. 013105
1745 Village Center Circle
Las Vegas, Nevada 89134
Attorneys for Plaintiff

Fred Page
FRED PAGE, ESQ.
Nevada Bar No. 006080
6930 South Cimarron Road
Suite 140
Las Vegas, Nevada 89113
Attorney for Defendant

52

52



MOT
THE DICKERSON KARACSONYI LAW GROUP
ROBERT P. DICKERSON, ESQ.
Nevada Bar No. 000945
SABRINA M. DOLSON, ESQ.
Nevada Bar No. 013105
1745 Village Center Circle
Las Vegas, Nevada 89134
Telephone: (702) 388-8600
Facsimile: (702) 388-0210
Email: info@thedklawgroup.com
Attorneys for Plaintiff

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES W. VAHEY,
Plaintiff,

v.

MINH NGUYET LUONG,
Defendant.

CASE NO. D-18-581444-D
DEPT NO. H

Oral Argument Requested: Yes

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 YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN 14 DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT A HEARING PRIOR TO THE SCHEDULED HEARING DATE.

PLAINTIFF'S EMERGENCY MOTION FOR IMMEDIATE RETURN OF THE CHILDREN, DISSOLUTION OF TPO, MODIFICATION OF CHILD CUSTODY, APPOINTMENT OF A NEW THERAPIST FOR THE CHILDREN, AN ORDER TO SHOW CAUSE WHY DEFENDANT SHOULD NOT BE HELD IN CONTEMPT, AND TO RESOLVE OTHER PARENT CHILD ISSUES

COMES NOW Plaintiff, JAMES W. VAHEY ("Jim"), by and through his attorneys, ROBERT P. DICKERSON, ESQ., and SABRINA M. DOLSON, ESQ., of THE DICKERSON KARACSONYI LAW GROUP, and submits Plaintiff's Emergency Motion for Immediate Return

1 of the Children, Dissolution of TPO, Modification of Child Custody,
2 Appointment of a New Therapist for the Children, an Order to Show
3 Cause Why Defendant Should Not Be Held in Contempt, and to Resolve
4 Other Parent Child Issues (“Emergency Motion”). Specifically, Jim
5 requests this Court enter the following orders:

6 1. An Order directing Defendant, MINH NGUYET LUONG
7 (“Minh”), to immediately return the children to Jim’s custody;

8 2. An Order dissolving the Temporary Order for Protection
9 Against Domestic Violence (“TPO”) Minh obtained against Jim;

10 3. An Order requiring Minh’s visitation be suspended or
11 supervised in Nevada until the children and Minh participate in therapy
12 with a therapist who specializes in dealing with manipulation and
13 alienation issues;

14 4. An Order appointing a new therapist who specializes in dealing
15 with manipulation and alienation issues;

16 5. An Order to Show Cause requiring Minh to demonstrate why
17 she should not be held in contempt for her multiple violations of this
18 Court’s Orders; and

19 6. For such other relief as the Court deems just and proper in the
20 premises.

21 . . .

22 . . .

23 . . .

24 . . .

25 . . .

26 . . .

27 . . .

28 . . .

1 This Emergency Motion is made and based upon the following
2 Memorandum of Points and Authorities, the Declaration of Jim attached
3 hereto, the attached exhibits, all papers and pleadings on file herein, as well
4 as oral argument of counsel as may be permitted at the hearing on this
5 matter.

6 DATED this 27th day of March, 2020.

7 THE DICKERSON
8 KARACSONYI LAW GROUP

9 By /s/ Sabrina M. Dolson
10 ROBERT P. DICKERSON, ESQ.
11 Nevada Bar No. 000945
12 SABRINA M. DOLSON, ESQ.
13 Nevada Bar No. 013105
14 1745 Village Center Circle
15 Las Vegas, Nevada 89134
16 Attorneys for Plaintiff
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19
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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. **FACTUAL STATEMENT**

3 A. Factual and Procedural Background

4 Jim and Minh were married on July 8, 2006. On June 14, 2006, the
5 parties entered into a Premarital Agreement. The parties have three (3)
6 minor children the issue of their marriage: Hannah, born March 19, 2009
7 (eleven (11) years old), Matthew, born June 26, 2010 (nine (9) years old),
8 and Selena, born April 4, 2014 (five (5) years old). On December 13,
9 2018, Jim filed his Complaint for Divorce, asserting the parties' Premarital
10 Agreement is a valid and binding agreement between the parties and
11 addresses all marital issues with the sole exception of child custody and
12 child support. Minh filed her Answer and Counterclaim for Divorce on
13 January 11, 2019, admitting to same. On January 29, 2019, Minh filed a
14 motion seeking primary physical custody of the parties' children and
15 permission to relocate with them to Irvine, California. Jim filed his
16 Opposition and Countermotion for Joint Physical Custody on February 20,
17 2019. This Court held an evidentiary hearing on the child custody and
18 support issues on August 8, September 5, and September 11, 2019.

19 This Court issued its Findings of Fact, Conclusions of Law, and
20 Decision and Order ("Decision and Order") on September 20, 2019,
21 setting forth its orders regarding child custody and child support. This
22 Court ordered the parties to share joint legal custody and awarded Jim
23 primary physical custody. Decision and Order, pg. 28, lines 5-8. Minh
24 has visitation with the children on certain enumerated holiday weekends
25 and extended school breaks throughout the year, which she can exercise in
26 California, and one non-holiday weekend each month, which she must
27 exercise in Nevada. Decision and Order, pg. 29, line 21, to pg. 30, line 13.

28 . . .

1 In determining it was in the children’s best interest for Jim to have
2 primary physical custody, the Court found Jim was the parent more likely
3 to allow the children to have a frequent and continuing relationship with
4 the other parent. Decision and Order, pg. 11, lines 11-3. Minh testified
5 at the evidentiary hearing that she cannot co-parent with Jim. Decision
6 and Order, pg. 13, lines 14-17. The Court raised its concerns that Minh’s
7 negative attitude toward Jim based on his refusal to allow her to move to
8 California has caused her to negatively influence the children’s relationship
9 with Jim. Decision and Order, pg. 11, lines 13-17. The Court noted it
10 received evidence demonstrating Minh had discussed the dispute with the
11 parties’ children and advised them to discuss same with their father.
12 Decision and Order, pg. 11, lines 18-27. The Court determined that
13 Minh’s dialog with the children “has the potential to alienate the children
14 from their father.” Decision and Order, pg. 12, lines 5-6. The Court
15 further stated it “is concerned that Minh Luong’s decision to live in
16 California is intended to create a distance between the parties, and to
17 create a distance between the children and their father, to avoid the
18 sometimes tedious and inconvenient aspects of co-parenting.” Decision
19 and Order, pg. 19, lines 3-8. The Court found that Minh’s “intention to
20 move is, in part, to deprive [Jim] of [his] parenting time.” Decision and
21 Order, pg. 18, lines 13-15. As will be discussed below, the Court’s
22 concerns have been realized.

23 Regarding the Court’s order that the parties share joint legal custody,
24 the Court stated: “Each parent acknowledges and agrees that they each
25 currently have and will continue to have adequate access to all information
26 concerning the wellbeing of the children” Decision and Order, pg. 28,
27 line 22, to pg. 29, line 5. In addition, when a parent vacations with the
28 children, that parent must provide the other parent with a travel itinerary,

1 which shall include telephone numbers, expected times of arrival and
2 departure, and destinations. Decision and Order, pg. 29, lines 16-20.

3 The Court ordered that neither party would pay child support.
4 Decision and Order, pg. 32, lines 1-3. However, the Court entered orders
5 confirming the parties' agreement to share equally in the cost of the
6 children's private school tuition and related expenses. Decision and Order,
7 pg. 32, lines 2-4. The Court specifically noted that Jim

8 waives child support from Minh Luong in consideration for an
9 agreement that the parties share equally the significant private
10 school tuition and related expenses, all medical and dental
11 expenses for the children that are not covered by insurance,
12 expenses for the children's extracurricular activities that the
13 parties agree are best for the children, and tutoring or
14 education expenses that the parties agree are best for the
15 children.

16 Decision and Order, pg. 23, line 24, to pg. 24, line 4. The Court ordered
17 the parties shall follow the 30/30 rule for expenses, which requires the
18 parent who paid for the expense to provide the other parent a copy of the
19 receipt of payment within thirty (30) days of payment, and the other
20 parent to reimburse one-half of such expenses within thirty (30) days.
21 Decision and Order, pg. 32, lines 7-13.

22 B. Issues Since the Court's Decision and Order Was Entered

23 1. *Minh's Continued Refusal to Coparent and Communicate with Jim*

24 Jim testified at the evidentiary hearing that Minh refuses to
25 communicate with him verbally, even in front of the children. See
26 Decision and Order, pg. 12, lines 25-28. Minh confirmed at the
27 evidentiary hearing she cannot (i.e., refuses to) coparent with Jim.
28 Decision and Order, pg. 13, lines 14-17. Minh has continued with this
inappropriate behavior in the presence of the children and only
communicates with Jim to denigrate and disparage him. Minh will not
make eye contact with Jim and treats him as if he does not exist at the

1 custodial exchanges and any event for the children in which they both
2 attend. On multiple occasions, Minh has called Jim an idiot, scum of the
3 earth, and a piece of shit in front of the children.

4 At the custodial exchange on March 1, 2020, after Jim waited
5 approximately an hour and a half for the children to get out of Minh's RV,
6 the parties had the following conversation while Jim was attempting to get
7 Hannah and Matthew out of Minh's car with no help from Minh:

8 Jim: Are you helping to bring them in or are you
just sitting there (inaudible)

9 Minh: You are beneath me. I don't need to talk to
10 you.

11 Jim: Alright. I'm beneath you. Nguyet.
12 Hannah and Matthew. Hannah and
Matthew, let's go.
13 Have they eaten? I'm trying to ask you.

14 Minh: Don't talk to me.

15 Jim: Please answer me.

16 Minh: Don't need to talk to me.

17 Jim: No. No. We need to take care of our
children. Have they eaten? Have they eaten?

18 Minh: You can ask them yourself.

19 Jim: You can answer me.

20 Minh: No. I don't.

21 Jim: You're their mother.

22 Minh: You're a low life.

23 Jim: You're their mother.

24 Minh: You're their father. Now act like one.

25 Jim: I have been.

26 Minh: Besides . . .

27 Jim: I have been.

28 Minh: . . . just thinking of yourself.

1 Jim: I have been.

2 Minh: No, you haven't.

3 Jim: Oh, really?

4 Minh: You're selfish. You selfish SOB. I don't want
5 to look at your face. I don't want to see you.
6 Do you know that? You're just beneath dirt.
7 Unbelievable.

8 Jim: If you have those thoughts, please . . .

9 Minh: I don't want to hear anything you're saying.
10 Don't say anything to me.

11 Jim: . . . please don't say those in front of the
12 children.

13 Minh: Don't talk to me! I ask you not to talk to
14 me!

15 Jim: Hannah and Matthew. Hannah and
16 Matthew, it is not good for you to hear any of
17 this. Come inside now. Bring them inside.

18 **Exhibit 1**, Audio Recording of March 1, 2020 Custodial Exchange. Minh
19 is so consumed by her hate and anger toward Jim she cannot engage in a
20 simple conversation regarding whether the children have eaten and will not
21 help him get the children out of her vehicle. During this exchange, Jim had
22 tried to coax the children to leave Minh's RV five (5) separate times over
23 the period of an hour and a half with no assistance from Minh. At one
24 point, Minh was hugging Hannah, clearly showing her support for the
25 children in their refusal to go to Jim. During another time when Jim tried
26 to get the children, the children were in the back bed of the RV and Minh
27 was sitting in the middle of the RV, texting.

28 Whenever there is confusion over the custodial schedule, Jim cannot
communicate with Minh to resolve any issues as Minh is nonresponsive.
For instance, Jim and Minh agreed Minh would have the children for her
weekend visitation in Nevada for the month of March from March 20-22,
2020. Attached as **Exhibit 2** is a calendar Minh provided to Jim shortly

1 after the Court entered its Decision and Order, which provides the dates
2 on which she will exercise her weekend visitation in Nevada. Thereafter,
3 Jim received an email that the children's Spring Break was being moved
4 from April 6-10, 2020, to March 23-27, 2020. Jim mistakenly thought
5 Spring Break was moved up only one week. Jim and Minh exchanged the
6 following text messages regarding Spring Break, which demonstrates Jim's
7 mistake:

8 Jim: The kids school made some changes regarding
9 subject material and timing of spring break. I
10 wanted to make sure you were aware of it as soon
11 as possible. Spring break is going to be a week
12 earlier. Let me know what you would like to do. I
13 can make accommodations for whatever you would
14 like. Let me know.

15 I forwarded the email to you.

16 Minh: I will take the kids for that week but that also mean
17 I am owed a weekend. I will forward that weekend
18 to a later weekend.

19 **Exhibit 3**, March 15, 2020 Text Messages Regarding Spring Break.
20 Despite Jim forwarding the email regarding the Spring Break change to
21 Minh, she did not correct Jim on his mistake. Thus, Jim believed Minh
22 would be exercising her one weekend visitation in Nevada, pursuant to the
23 calendar she provided to him, from March 20-22, 2020, and would be
24 exercising her Spring Break visitation from March 30 - April 3, 2020.

25 Given Jim mistakenly believed that Minh was exercising her weekend
26 visitation in Nevada beginning March 20, 2020, Jim attempted to
27 communicate with Minh regarding her plans for where she would be
28 spending the weekend with the children as he was concerned she would be
traveling to California. Prior to the outbreak of COVID-19 and the
recommendations for avoiding unnecessary travel, Minh had asked Jim if
she could take the children to California for her March 20-22 weekend.
Jim had informed Minh he did not think such a short trip, with the hours

1 they would spend traveling, was sensible, but told Minh it was her
2 decision. After the outbreak of COVID-19 and after Nevada and
3 California started closing nonessential businesses and advising against
4 unnecessary travel, Jim knew it would be safer for the children to stay in
5 Nevada as there are far fewer cases of COVID-19 in Nevada than there are
6 in California. Jim was also reasonably concerned Minh would travel with
7 the children to California and then use the California Governor's "shelter
8 in place" order to keep the children and refuse to return them to him. Jim
9 and Minh exchanged the following text messages:

10 Jim: I'm concerned about our kids' safety. I think it
11 would be best not to travel to California right now.
12 There are a lot of cases in California, and they
13 really believe the actual number is very
underestimated. Please don't risk exposing the kids
to the virus.

14 Minh: You just had a gathering of a non family member
15 came over to your house. And now you want to tell
me you are concerned? Please get the kids ready
and my gear at your office. I will pick them up at
4.

16 Jim: The Court's custodial order provides you have one
17 weekend of visitation each month here in Nevada.
18 In addition, given the current issues surrounding
COVID-19 and the recommendation that people
19 avoid unnecessary travel, I do not approve nor
consent to the children's traveling outside of Las
20 Vegas this weekend. Can you please confirm you
will be complying with the court's order?

21 We are at the house. We're not going to the office.
22 I'll see you at 4 o'clock per the court's order.

23 Minh: I will comply with court order
As always

24 Jim: Thank you for giving me a straight answer. We can
25 only coparent together if we understand how
important it is for us to communicate with each
26 other and appropriately respond to each other with
honest answers to legitimate questions concerning
27 the well-being of our children. I was concerned
about our children, and I appreciate your giving me
28 a straight answer to my question.

1 **Exhibit 4**, March 19-20, 2020, Text Messages Regarding Visitation. As
2 is evident from Minh's misleading response of "I will comply with court
3 order," Minh was well aware Jim had the dates for Spring Break mistaken
4 and rather than correct him, allowed him to believe she would be spending
5 the weekend in Nevada with the children.

6 Jim's counsel received a similar misleading and nonresponsive email
7 from Minh's counsel when attempting to discuss the issue. On March 20,
8 2020, Sabrina Dolson, sent the following email to Fred Page:

9 Mr. Page:

10 Your assistance is needed as Dr. Luong is refusing to
11 communicate and coparent with Dr. Vahey. Dr. Luong will
12 not confirm with Dr. Vahey whether she intends to take the
13 children to California, in violation of the Court's order, this
14 weekend. The Court's Findings of Fact, Conclusions of Law,
15 Decision and Order, entered September 20, 2019, provides Dr.
16 Luong is to have the children for one, non-holiday weekend **in**
17 **Nevada** each calendar month. Pg. 30, lines 7-9. In addition,
18 as I'm sure you are aware, unnecessary travel is not
19 recommended at this time given the risks caused by COVID-
20 19, and California's Governor has issued a "Stay-at-Home"
21 order. Can you please confirm with Dr. Luong that she will
22 not be traveling with the children this weekend in violation of
23 the Court's order?

24 Thank you for your time and attention to this matter.

25 **Exhibit 5**, March 20, 2020 Emails Exchanged Between Sabrina M.
26 Dolson, Esq., and Fred Page, Esq. Mr. Page responded the same day:

27 Ms. Dolson,

28 It is incorrect to allege that Dr. Luong is not communicating
and co-parenting with Dr. Vahey. Dr. Luong is adhering to the
Court's orders. It is libelous for Dr. Vahey to suggest otherwise.
It is requested that you ask that Dr. Vahey cease trying to
create conflict where none should exist. It is required that Dr.
Vahey obey the Court's orders. Please ensure that Dr. Vahey
obeys the Court's orders.

Exhibit 5. Mr. Page had no intention of helping to clarify the confusion
and confirm where Minh would be taking the children during her
visitation.

1 Minh also refuses to provide an itinerary to Jim when she takes the
2 children on vacation. Jim asked Minh to provide him an itinerary when
3 she took the children to Brianhead, but she refused to do so. The only
4 reason Minh informed Jim about this vacation is because she needed Jim
5 to give her the children's ski gear. Jim organized and packed all of the
6 children's gear for their Brianhead trip and delivered it to Minh on
7 December 27, 2019. After the vacation, Jim asked Minh to return the
8 children's ski gear as he had a ski trip with the children, his brother, and
9 his nephew planned for February 7, 2020. Minh refused to return the
10 children's gear. Instead, Minh tried to bargain the return of the children's
11 ski gear for items she wanted from Jim's home. Jim offered to give her the
12 items she requested, but Minh refused to respond to Jim and to return the
13 children's gear. Jim ended up spending approximately \$1,000, and a
14 considerable amount of time, to purchase new gear for the children.

15 Jim believes Minh took the children to Northern Nevada during her
16 visitation on January 25-26, 2020, in an RV she purchased; however, Minh
17 did not provide Jim an itinerary so he does not know where the children
18 and Minh stayed. Jim also believes Minh took the children on a fishing
19 and camping trip on February 29 and March 1, 2020. Again, Minh did
20 not provide Jim any information about the trip. When Jim asked the
21 children about their weekend, the kids became secretive and defensive. Jim
22 asked Hannah how fishing was and Hannah became awkwardly defensive
23 and stated that they did not leave the state. On a separate occasion when
24 Jim asked the children about their visit with Minh, Matthew told Hannah
25 and Selena their father was trying to trick them. When Jim asked Hannah
26 and Selena what Matthew said to them, Matthew stated: "He's trying to
27 get us to tell him our secret. Don't answer him. He's trying to trick us
28 into telling him. Do you remember what we talked about?"

1 Considering Minh usually does not answer Jim's telephone calls,
2 FaceTime calls, and text messages when the children are with her during
3 her visitation, it is extremely concerning that Minh also does not provide
4 Jim with an itinerary when she takes the children on vacation, including
5 telephone numbers, expected times of arrival and departure, and
6 destinations. If anything were to happen to the children or Minh, Jim
7 would not have any information about where they were.

8 In addition, Minh has refused to coparent with Jim regarding paying
9 for the children's expenses. The Decision and Order provides:

10 The parties agree to share equally private school tuition and
11 related expenses, all medical and dental expenses for the
12 children that are not covered by insurance, expenses for the
13 children's extracurricular activities that the parties agree are
14 best for the children, and tutoring or education expenses that
15 the parties agree are best for the children.

16 Decision and Order, pg. 32, lines 2-8. Within a week of the Court
17 entering its Decision and Order, Minh informed Jim she no longer
18 approved of the extracurricular activities in which the children were
19 enrolled in Nevada and would not contribute to the cost. Exhibit 6,
20 September 27, 2019 Email from Minh to Jim. Minh has also refused to
21 reimburse Jim for her one-half (½) portion of the children's school tuition,
22 owing \$2,140 for each month from August 2019 to the present, school
23 uniforms, and medical expenses. Exhibit 7, Reimbursement Emails.
24 Despite refusing to reimburse Jim for these expenses, Jim received a bill in
25 the amount of \$4,341 in the mail from Minh for dental work she
26 completed on the children. Exhibit 8, Toothfairy Children's Dental
27 Statement of Account, dated March 20, 2020. Minh did not discuss any
28 of this dental work with Jim. Without Jim's knowledge, Minh completed
dental work on the children on March 1, 2020, in the amount of \$2,170
and, according to the Statement of Account, Minh forwarded a balance of

1 \$2,171 to Jim for prior work she purportedly completed on the children.
2 This is the type of game playing Jim has dealt with since the Court's
3 Decision and Order.

4 2. *Minh's Alienation and Manipulation of the Children*

5 At the evidentiary hearing, Jim presented evidence that Minh has
6 been alienating, manipulating, and coaching the children. Minh has not
7 ceased such actions, which is having a detrimental effect on the children.
8 In an effort to provide the children with the therapy they need to cope
9 with their parents' divorce, the parties entered into a Stipulation and
10 Order Appointing Dr. Michelle Gravley as Children's Therapist, filed on
11 July 30, 2019. Unfortunately, Dr. Gravley has not been effective in
12 helping the children. The children's behavior is very concerning, especially
13 immediately following their return from Minh.

14 During the custodial exchanges, Minh refuses to help Jim get the
15 children out of her vehicle. The children are upset to be leaving Minh,
16 which Jim understands given the children went from having their mother
17 involved in their every day lives to seeing her only a few days a month.
18 The children also are initially resentful of Jim upon returning from Minh's,
19 and blame him for Minh's decision to move to California without them.
20 The children follow Minh's lead and avoid talking to Jim when Minh is
21 present. When the parties first started following the custodial schedule,
22 Jim only had behavior issues with Hannah and Matthew. Now, Selena is
23 starting to copy the older children's behavior. Minh sits in her vehicle as
24 the children, who are visibly upset, resist leaving her. Thankfully, the
25 children typically return to their normal behavior by the following day.
26 However, the ordeal that occurs every time the parties exchange custody
27 is exhausting for the parties and the children, and raises serious concerns
28 for the psychological harm the children are incurring.

1 There was one instance in which the children took longer than usual
2 to return to their normal behavior. After the children visited with Minh
3 from December 13-15, 2019, they formed a plan to leave Jim's home in the
4 morning before school on December 17, 2019. At approximately 5:45 a.m.
5 on that day, Hannah and Matthew snuck out of Jim's home and rode their
6 bicycles to the guard station of Jim's gated community. Jim realized
7 Hannah and Matthew had left his home shortly after they snuck out, and
8 he immediately got Selena into his vehicle, called the guard station at his
9 development, and confirmed the children were with the guard. Jim picked
10 up the children from the guard station and learned Hannah and Matthew
11 had called Minh from the guard station at approximately 5:55 a.m.
12 Despite speaking to Hannah and Matthew about what they had done, and
13 knowing Jim, as any parent, would be in a state of panic, Minh did not
14 immediately call Jim to inform him she knew where the children were.
15 Rather, Minh waited until 6:15 a.m., twenty minutes after she spoke to
16 Hannah and Matthew, before she called Jim. When Jim answered Minh's
17 telephone call, Minh hung up on him without saying a word. Jim later
18 learned that Minh had been on her way to pick up the children, and
19 planned to do so without informing him.

20 After Jim returned the children to his home, and while he helped
21 them get ready for school, the police arrived at Jim's home. Jim does not
22 know if the security guard at the guard station or Minh called the police.
23 Nevertheless, after Jim explained the situation to the police and the police
24 spoke to Hannah and Matthew, they left. Jim discussed the children's
25 actions with them and informed them such behavior is unacceptable. Jim
26 took away Hannah's use of her cell phone and Matthew's use of his iPad
27 as consequences for their actions. Despite taking away the children's
28 electronics, he did not prevent them from communicating with Minh,

1 which Minh accused Jim of doing. The children called Minh later that
2 day, but she did not answer.

3 Minh also saw the children later that same day at the children's
4 school because the parties' youngest child, Selena, had a school Christmas
5 performance, which Jim, Minh, Hannah, and Matthew attended. Minh
6 could not even coparent with Jim for that one event. When Jim arrived at
7 Selena's school to watch her performance, he sat next to Hannah, who was
8 sitting next to Minh. Shortly after Jim sat down next to Hannah, Minh
9 got up with Hannah and moved to a different part of the bleachers just so
10 Jim could not sit with them. Minh acted similarly during Hannah's
11 Christmas performance. Minh sat far away from Jim in an area where
12 there was no room for him to sit with her and Selena as they watched
13 Hannah's performance. This obviously sends a horrible message to the
14 parties' children, especially Hannah, who is having the most difficult time
15 coping with the parties' divorce.

16 Since the December 17, 2019, incident, Minh has called the police
17 approximately three (3) times to have the children forced by police officers
18 to either enter her vehicle at her home, or to have the children removed
19 from her vehicle at Jim's home. This spectacle is completely unnecessary.
20 The parties should be able to exchange the children without police
21 involvement as long as they coparent. However, it appears Minh is
22 attempting to create a record of the children not wanting to return to Jim
23 to support a future request for this Court to change its custody orders.

24 Not surprisingly, the children's rhetoric is starting to parallel Minh's.
25 Hannah has told Jim he is selfish, he only cares about himself, and he loves
26 his job more than her. During one instance, Hannah lost her composure
27 after getting into an argument with Selena over popcorn. Hannah became
28 very upset and went on a tirade against Jim, repeating much of Minh's

1 rhetoric. Hannah told Jim he was selfish and only does what he wants to
2 do. Hannah said she does not matter or exist, and that Jim does not love
3 her. Hannah said “mommy actually loves me.” Hannah asked Jim why he
4 did not just let her be in California with Minh. Hannah told Jim he ruined
5 everything and they could have been happy and had a good life in
6 California, but he made them stay in Nevada. Hannah told Jim he only
7 cares about his reputation, he does not need to work, and he lied when he
8 told her he would not choose his job over the children. Hannah asked Jim
9 why he wanted them anyway because he did not care about them.
10 Hannah’s statements and feelings demonstrate these children are hurting
11 and they need better treatment to prevent Minh from destroying Jim’s
12 relationship with them.

13 Even the parties’ youngest child, Selena, who is only five (5) years
14 old, has parroted Minh’s rhetoric. Selena recently told Jim she wanted to
15 go to school in California. When Jim asked why, Selena said it would be
16 so easy, she could just climb over the fence and walk to school. Selena said
17 the children could walk or ride their bikes to school. Jim does not believe
18 this is reasoning Selena would reach on her own at her age. Selena is
19 hearing this rationale from Minh.

20 Minh is also teaching the children to be distrustful of their father.
21 Minh has provided the children with electronics they can use to
22 communicate with her, with passwords to prevent Jim from accessing their
23 devices. The children know they are to keep their passwords secret from
24 Jim. Considering the young age of the children, both parents should have
25 access to the children’s devices to supervise their use. Minh also has the
26 children keep secrets regarding where they spend their visitation weekends
27 with Minh. As detailed above, the children have a secret about where they
28 were on the weekend of February 29, 2020.

1 Minh has also manipulated the children to believe Jim is recording
2 and spying on them, and that they have no privacy. When Minh speaks
3 to the children on FaceTime, she tells them to go their bedrooms so they
4 can have privacy from Jim. Minh has also made Hannah put headphones
5 on when speaking to her so Jim cannot hear what Minh says. Hannah
6 often stays in her bedroom when she speaks to Minh, but on one occasion,
7 while Hannah was speaking to Minh, she went to the kitchen to microwave
8 some food. When Minh noticed Hannah was not in her room, she harshly
9 asked Hannah: “Why are you out there? Why aren’t you in your room?”
10 When Jim drives the children to school, Hannah will cover her head with
11 a blanket and text Minh. Jim would create restrictions for the children
12 regarding their use of electronics, but fears Minh will accuse him of
13 preventing the children from communicating with her.

14 Minh also convinced Hannah that there was a camera or recording
15 device in her bedroom. There is a motion sensor in Hannah’s bedroom
16 that has been there since the home was built. Recently, a red light on the
17 motion sensor started blinking. It was part of a security system the parties
18 had in the home during their marriage, but it is no longer active. Needless
19 to say, the motion sensor has no video or audio recording capabilities.
20 Selena has also told Jim that Minh told her there are cameras and recorders
21 in Jim’s home and she needs to be careful about what she says.

22 In addition, as demonstrated at the evidentiary hearing, Minh
23 continues to interrogate the children about what occurs at Jim’s house.
24 Minh asks the children what they eat, what time they go to bed, when the
25 babysitter is present, if the babysitter’s daughter accompanies the
26 babysitter, etc. Minh interjects her disapproval whenever she dislikes what
27 the children relay to her. If Minh is speaking to one child and wants to
28 speak to another who is sleeping, she will make whomever she is speaking

1 to show her the other child is sleeping. This has occurred on at least two
2 occasions. In one instance, Minh made Selena give the telephone to
3 Matthew to have him show her Hannah was sleeping, and in another
4 instance, Minh told Hannah to show her Matthew was actually sleeping.

5 Minh has inappropriate conversations with the children. Minh tells
6 the children how lonely and unhappy she is, and how she wishes they were
7 with her. This causes the children to feel as if they are needed in
8 California for the sake of their mother's happiness. Minh has discussed
9 with Hannah her belief that when Hannah is thirteen (13) years old, she
10 can decide with whom she wants to live. Jim has overheard Hannah
11 complain, "why do I have to wait until I'm thirteen for everything?" Minh
12 also directs the children to do her bidding. Rather than communicate with
13 Jim about what she would like the children to bring for her visitation,
14 Minh, who has a constant, irrational belief that Jim has most of the
15 children's clothing, will tell the children to bring certain items with them
16 to the custodial exchange. During one instance, Jim recalls Hannah was
17 very stressed as she tried to gather all the clothing Minh requested she
18 bring in a bag and secretly try to get the bag into Jim's vehicle. During
19 another exchange, Minh made Hannah and Matthew go back inside Jim's
20 house to grab a pile of their clothing and bring it to her in the garage. In
21 addition, Minh refused to return the children's school uniforms prior to
22 the start of school, despite Jim's requests. Jim had to purchase new school
23 uniforms at the beginning of the school year. Jim requested Minh
24 reimburse him for her one-half portion of the cost, but she has failed to do
25 so. Minh eventually returned the children's old school uniforms, but since
26 March 1, 2020, Minh has kept the children's new school uniforms that Jim
27 purchased.

28 . . .

1 When the children are with Minh during her visitation, she rarely
2 allows Jim to speak to the children. Jim has tried calling and FaceTiming
3 the children when they are with Minh, but his calls usually go unanswered.
4 Jim has also tried to text message Minh to speak to the children, but he
5 typically receives no response. When Minh had the children for ten (10)
6 days over Winter Break, Jim did not speak to the children the entire time.

7 As is evident, there are a number of issues that need to be addressed
8 through therapy for the children. Unfortunately, Dr. Gravley has not been
9 effective in helping the children cope with Minh's alienation and
10 manipulation as they continue to exhibit concerning behavior upon
11 returning from Minh's care. The children need a therapist who specializes
12 in treating children who have been subjected to alienation and
13 manipulation. Although the parties agree that Dr. Gravley is ineffective,
14 they have not agreed to a new therapist. Jim has continued to take the
15 children to Dr. Gravley for therapy pursuant to the Stipulation and Order
16 entered July 30, 2019. On the contrary, Minh has refused to comply with
17 the Stipulation and Order, and informed Dr. Gravley she no longer
18 supports the children's therapy sessions and will not be taking the children
19 to any therapy sessions or paying her one-half portion of the cost. Exhibit
20 9, March 3, 2020, Email from Dr. Michelle Gravley.

21 3. *Minh's False Allegation of Domestic Violence*

22 On March 20, 2020, at approximately 4:00 p.m., Minh arrived at
23 Jim's house to pick up the children for their Spring Break vacation. After
24 Minh got the children into her RV, in her typical rude manner that Jim has
25 now become accustomed to, she demanded Jim give her windsurf board to
26 her. Jim explained that he did not recall her owning a windsurf board, and
27 he did not have her windsurf board at his home. In front of the children,
28 Minh told Jim that if he did not give her the (nonexistent) windsurf board,

1 she would go in and get it herself. Jim allowed Minh into his garage to
2 look for her purported board believing that once she looked around and
3 realized Jim was not hiding her windsurf board she would leave.

4 Jim initially stayed with the children, standing outside the RV, while
5 Minh retrieved Jim's ladder and set it up in between his car and the garage
6 wall to look for her board, which she believed was stored with other boards
7 on shelves installed on the wall of his garage. Jim could tell the children
8 were uncomfortable and disturbed by Minh demanding Jim give her the
9 windsurf board as they became silent while he stayed with them.

10 Jim then noticed Minh had taken down his kitesurf board. Jim went
11 to the garage to inform Minh that the kitesurf board belonged to him and
12 was not the same thing as a windsurf board. Minh became angry and
13 aggressive, and told Jim he would need to find her windsurf board before
14 she returned his kitesurf board. Jim held onto part of the kitesurf board
15 to prevent Minh from leaving with it. Jim again told Minh he did not
16 recall her ever owning a windsurf board and was not in possession of any
17 windsurf board. Minh irrationally continued to insist that Jim find her
18 windsurf board. Jim told Minh he did not know where it was. Minh then
19 started to yell at Jim, "get out of my way!" to which Jim replied, "let go of
20 my kitesurfing board." It is unclear why Minh yelled "get out of my way"
21 as Jim was not blocking her from leaving. When Jim would not allow
22 Minh to take his kitesurf board, she became even more enraged and began
23 to bang the tail of the board on the garage floor, attempting to break the
24 tail of the board. Jim stepped to the side while still holding onto the
25 kitesurf board. Jim did not pull or wrest the board from Minh's hands.

26 Minh eventually released the board, picked up a U-shaped aluminum
27 handle, which attaches to a small trampoline and is partially wrapped with
28 foam, and proceeded to strike Jim's vehicle. **Exhibit 10**, Photographs of

1 Handle. Jim was shocked. Jim placed the kitesurf board in his house and
2 told Minh to stop hitting his car and to get out of his garage. Minh,
3 however, was in an incredible rage, and yelled at Jim, “you’re the lowest
4 scum ever.” Jim took the handle from Minh and placed it in front of his
5 vehicle, away from her reach. Minh then turned her focus to the ladder
6 she had set up in between Jim’s car and the side wall of the garage and
7 tried to tip it onto Jim’s car. Jim was able to stop the ladder from hitting
8 his car, and stated: “Oh my God. Get out of here now.” Jim then closed
9 the ladder and placed it partially inside his house. The ladder was leaning
10 on its side against the open door leading from the garage to the house and
11 a wall inside Jim’s house. Exhibit 11, Photograph of Ladder.

12 While Jim did this, Minh initially tried to pull a key rack off his
13 garage wall. Then, as Jim was standing up after he laid the ladder down,
14 Minh advanced toward him, pushed him back with her leg so that he was
15 leaning against the doorframe, put her face within six (6) inches of Jim’s,
16 and baited him to hit her. Minh said: “Go ahead, hit me.” Jim replied: “I
17 would never hit you.” Minh then sarcastically stated: “Really?” Jim
18 replied: “You’re the one who hits me. You’re the one who does violent
19 things.” Minh replied; “Who pushed me when I was in the house?” Jim
20 has no idea to what Minh is referring. Minh was not in Jim’s house during
21 this encounter, and regardless, Jim has never pushed Minh.

22 Minh then forcefully started to bang the ladder against the door
23 frame and wall. Jim pleaded with Minh to stop, and asked what happened
24 to her. Minh yelled at Jim, “you’re a son of a bitch,” and continued to
25 bang the ladder side to side. Minh then lifted the ladder and struck the
26 marble floor with it. Jim tried to hold the ladder to prevent Minh from
27 continuing to strike the marble, and Minh started to kick Jim in the shins
28 and continued to try to bang the ladder against the marble and door frame.

1 At this time, Minh falsely accuses Jim of pushing her. Jim again told Minh
2 to get out of his home and that he was going to call the police. Jim then
3 took his phone out of his pocket, which was audio recording the incident,
4 and started video recording Minh. This finally induced Minh to leave. As
5 Minh walked back to her vehicle, where the children were the entire time,
6 she yelled at Jim, “you pushed me.” Jim never pushed or hit Minh during
7 this entire ordeal. Jim was keenly aware Minh was attempting to bait him
8 to hit her so she would claim to have a basis to change custody. Exhibit
9 12, Audio Recording and Transcript. Exhibit13, Video Recording and
10 Transcript. Exhibit 14, Photographs of the Damage Minh Caused.

11 Once Minh finally left Jim’s garage, she stayed in her RV for about
12 ten (10) minutes. Jim called Lake Las Vegas Security to have them make
13 sure she left his property and could not return to cause more damage. A
14 security officer arrived and spoke to Minh. After this conversation Minh
15 then drove away.

16 At approximately 7:00 p.m. that night, police officers from the
17 Henderson Police Department arrived at Jim’s home. Despite his warning
18 that he was going to call the police to get Minh to stop damaging his
19 possessions and attacking him, Jim did not call the police. Minh, however,
20 did and filed a police report alleging Jim battered her. Jim spoke to the
21 police, who had him write a statement, and was then arrested. Jim was
22 taken to the Henderson Detention Center, where he was processed and
23 kept overnight for approximately fifteen (15) hours. Jim was released at
24 approximately 11:00 a.m. the following morning. Needless to say, this was
25 a humiliating, demeaning, and extremely uncomfortable experience for Jim.
26 Jim was attacked in his own home, had his property damaged, and, yet, he
27 was arrested.

28 . . .

1 At 9:16 p.m. that same night, Mr. Page sent the following email to
2 Mr. Dickerson, with a description of Minh's distorted perception of the
3 facts:

4 Bob,

5 Dr. Luong went to pick up the children today for spring break.
6 After Dr. Luong put the children in her vehicle, she told Jim
7 that she still had some of her personal belongings there and
8 wanted to pick up her windsurfing board as the board was her
separate property. When Dr. Luong asked for the windsurfing
board, she advises that Jim told her he, doesn't "know where it
is."

9 Dr. Luong advises she told Jim that the board was stored in the
10 garage. Because her vehicle was parked in front of the garage,
11 and it was therefore convenient to take the board from the
garage and put the board in the vehicle. Jim told her if she
could find, she should take it.

12 The windsurfing board was stored up high in the garage. Dr.
13 Luong got the ladder, climbed up the ladder, and got her
14 windsurfing board down herself. Jim refused to even hold the
15 ladder and simply watched Dr. Luong get the board. While
16 Dr. Luong was carrying the windsurfing board out of the
garage, Jim changed his mind and told Dr. Luong that the
board was his now that that [sic] Dr. Luong was "not allowed
to take it."

17 Dr. Luong advises that Jim looked like he was going to hit her
18 and charged at her aggressively and tried to wrest the board
19 from her. Dr. Luong further advises that Jim battered her and
20 pushed her several times, and eventually ripped the board away
21 from her, yelling at her, "the board is mine." Jim took the
board and threw the board inside the house. When Dr. Luong
tried to go in her board back Jim pushed her and then pushed
her again causing the ladder to fall over, and nearly strike his
car. Jim threw the ladder in the house. Jim then pushed Dr.
Luong again and screamed "get out of my house!" twice.

22 Jim putting his hands on Dr. Luong and battering, and then
23 verbally abusing her, was witnessed by the children while they
24 were sitting in the vehicle. There is no question that Jim was
25 the primary aggressor. Your client has committed acts of
domestic violence and his battering of a woman is utterly
unacceptable.

26 Jim's rage is extremely detrimental to the children have them
27 witness him attacking and battering their mother, and then
28 verbally abusing her before, during, and after he attacked her.
When Dr. Luong got back to her vehicle she reports she was
trembling and that Hannah and Selina hugged her and asked
her if she was okay. Dr. Luong reports that she had to sit in

1 the vehicle for several minutes to try and compose herself
2 because her hands were trembling. Dr. Luong is shaken and is
3 frightened of Jim. The children appear to be frightened of him
4 too, as well being unhappy.

5 Hannah and Matthew are doing poorly in school, they are so
6 unhappy they are seeing a therapist who is providing no
7 benefit, the children are running away, and now Jim is
8 committing acts of domestic violence against Dr. Luong in
9 front of the children, and is verbally abusive. Your client needs
10 to think about how is violent outbursts are negatively
11 impacting the children.

12 **Exhibit 15**, March 20, 2020 Email from Fred Page. Based on this email,
13 Minh has not only been manipulating the children, but has been
14 manipulating her new counsel. There is only one party in this matter who
15 has exhibited hate, anger, and rage toward the other party, and that is
16 Minh. Minh has never before claimed Jim abused her, not in her Motion
17 for Primary Physical Custody to Relocate with Minor Children to Southern
18 California, nor at the evidentiary hearing. It is not beneath Minh to make
19 such false allegations, which this Court observed at the evidentiary hearing.
20 After testifying the parties had an agreement to move to California, Minh
21 was presented with two checks she wrote for the escrow deposits of two
22 homes she attempted to purchase in California. Minh wrote on both
23 checks that the escrow deposit was for the purchase of a “vacation home.”
24 Minh is not credible and will stoop to any level to get what she wants.

25 In addition to filing a false police report alleging Jim battered her,
26 Minh unnecessarily filed an application for a temporary protective order,
27 which was granted. Jim received the Temporary Order for Protection
28 Against Domestic Violence (“TPO”) and a Notice for Hearing, which
provides that a hearing on Minh’s Application for an extended protection
order is scheduled for March 30, 2020, at 1:00 p.m. On Sunday, March
22, 2020, Mr. Page sent another email to Mr. Dickerson, which was more
outrageous than the first. **Exhibit 16**, March 22, 2020 Email from Fred

1 Page. In this email, Mr. Page states: "Friday afternoon is the first time that
2 Dr. Luong has gone to the police to report acts of violence committed by
3 Jim against her. However, Friday afternoon was not the first time Jim has
4 been violent toward her and battered her." This is an absolutely
5 outrageous allegation considering Minh has never mentioned any abuse by
6 Jim prior to this email. Jim has never battered Minh. Jim has never been
7 violent, not in words or actions, to Minh. The only person who has
8 demonstrated hate, rage, and violence is Minh.

9 Mr. Page also informed Mr. Dickerson that Minh would not return
10 the children to Jim until the criminal trial has been conducted. Mr.
11 Page informed Mr. Dickerson that Minh was entitled to unilaterally
12 change custody for an indefinite period of time "[b]ecause the children are
13 witnesses in the pending criminal case against Jim[and, thus,] he cannot
14 have contact with the children until the criminal case is resolved." This
15 has obviously been Minh's intention and plan all along. In an effort to try
16 to bait Jim to hit her, Minh tried to steal Jim's kitesurf board, damaged his
17 kitesurf board by smashing its tail against the garage floor, struck his
18 vehicle with an aluminum handle, attempted to tip a ladder onto his
19 vehicle, damaged Jim's door and walls by banging the ladder against them,
20 tried to ruin the marble in Jim's home by smashing the ladder against it,
21 aggressively approached Jim and told him to hit her, and kicked Jim in the
22 shins. When she did not succeed in getting Jim to hit her, she resorted to
23 making false allegations. This has allowed Minh to keep the children from
24 Jim and prevent him from communicating with them, and she believes she
25 can do so indefinitely. Minh has never had any intention of following this
26 Court's Decision and Order. She has simply been trying to figure out a
27 way to circumvent it.

28 . . .

1 In addition to the above detailed description of alienation and
2 manipulation that Minh subjects the children to, this event will have a
3 detrimental effect on the children, who are already struggling. The
4 children have a mother who chose to move to California without them.
5 They are constantly witnesses to their mother's degrading and belittling
6 their father. Jim observes their dispositions upon returning from visitation
7 with Minh. They misbehave and are angry toward him for approximately
8 twelve (12) hours after they are returned by Minh. Once they recover
9 from their conflicting feelings toward their father, they once again return
10 to normal behavior, and are happy, well-behaved, fun-loving children.
11 Despite the children's ability to return to their normal selves shortly after
12 they are returned from visitation with Minh, Jim does not believe the
13 children are receiving the adequate therapy they need to deal with such
14 conflicting and changing emotions. The children will be emotionally and
15 psychologically drained if they continue to have to deal with Minh's
16 manipulation. It is heartbreaking to Jim that he is essentially powerless to
17 help his children deal with the psychological harm they are experiencing.

18 Based on the foregoing, Minh's actions and blatant disregard for how
19 her actions and treatment of Jim affect the children needs to be addressed
20 by this Court. Jim is trying his best to coparent, but it is exceptionally
21 difficult when Minh cannot have a civil discussion with him, constantly
22 demeans him in front of the children, and has now resorted to trying to
23 instigate Jim and damage his property, again when the children are present.
24 Minh did not get her way with the trial so she has resorted to the
25 manufacturing of abuse to claim she has a basis for keeping the children
26 from Jim. The situation has simply become out of hand, and Minh's
27 attorney has only acted to exacerbate Minh's conduct.

28 . . .

1 II. LEGAL ARGUMENT

2 A. This Court Should Order the Immediate Return of the Children to
3 Jim, Enforce This Court's Decision and Order, and Dissolve the TPO

4 Nevada Revised Statutes, Section 125C.0055, provides that when
5 minor children are removed from this State:

6 1. . . . [T]he court shall forthwith order such child to be
7 produced before it and make such disposition of the child's
8 custody as appears most advantageous to and in the best
9 interest of the child and most likely to secure to him or her the
10 benefit of the final order or the modification or termination of
11 the final order to be made in his or her behalf.

12 2. If . . . the court finds that it would be in the best interest
13 of the minor child, the court may enter an order providing that
14 a party may, with the assistance of the appropriate law
15 enforcement agency, obtain physical custody of the child from
16 the party having physical custody of the child. The order must
17 provide that if the party obtains physical custody of the child,
18 the child must be produced before the court as soon as
19 practicable to allow the court to make such disposition of the
20 child's custody as appears most advantageous to and in the
21 best interest of the child and most likely to secure to him or
22 her the benefit of the final order or the modification or
23 termination of the final order to be made in his or her behalf.

24 3. If the court enters an order pursuant to subsection 2
25 providing that a party may obtain physical custody of a child,
26 the court shall order that party to give the party having
27 physical custody of the child notice at least 24 hours before the
28 time at which he or she intends to obtain physical custody of
the child, unless the court deems that requiring the notice
would likely defeat the purpose of the order.

4. All orders for a party to appear with a child issued
pursuant to this section may be enforced by issuing a warrant
of arrest against that party to secure his or her appearance with
the child.

5. A proceeding under this section must be given priority on
the court calendar.

As set forth in detail above, Minh has unilaterally decided she will
not follow this Court's Decision and Order regarding custody, and **will not**
return the children to Jim until the criminal trial has been conducted.

Minh's allegations of domestic abuse are not supported by the audio and
video recordings and Jim's description of the event, which demonstrate

1 Minh was the aggressor who damaged Jim's property and physically
2 assaulted him in his garage. As evidenced by Minh's own words (i.e., "Go
3 ahead, hit me.") on the audio recording, she had hoped that damaging
4 Jim's property and physically assaulting him would bait him to hit her.
5 When Jim did not do so, Minh resorted to making false allegations of
6 abuse to support her violations of the Court's custodial orders. This Court
7 witnessed Minh lie at the evidentiary hearing about the parties' plans to
8 relocate to California and about her discussing the relocation matter with
9 Jim in front of the children on the first day of school last year. Minh has
10 continued to be dishonest. Accordingly, Jim is requesting this Court enter
11 orders dissolving the TPO and requiring Minh to immediately return the
12 children to Jim pursuant to NRS 125C.0055 as she has removed the
13 children from this State and does not intend on returning them to Jim in
14 compliance with the Court's Decision and Order. In the event Minh defies
15 the Court's order to return the children, Jim requests the Court enter an
16 order providing he may, with the assistance of the appropriate law
17 enforcement agency, obtain physical custody of the children from Minh.
18 Jim should also be entitled to make up any loss of his custodial time, of
19 which Minh has deprived him, once the Court orders the children's return.

20 B. This Court Should Modify Custody and Appoint a New Therapist
21 for the Children

22 Pursuant to NRS 125C.0045(1)(a), in any action for determining the
23 custody of a minor child, the Court may "[d]uring the pendency of the
24 action, at the final hearing or at any time thereafter during the minority of
25 the child, make such an order for the custody, care, education,
26 maintenance and support of the minor child as appears in his or her best
27 interest." NRS 125C.0035(4) sets forth the factors the Court is to
28 consider in determining the children's best interest, including the ability

1 of the parents to cooperate to meet the children's needs, the mental health
2 of the parents, and the physical, developmental, and emotional needs of
3 the children. It is in the children's best interest to be protected from the
4 manipulation and alienation to which Minh is subjecting them. The
5 Court's findings in its Decision and Order regarding its concerns that
6 Minh's behavior has the potential to alienate the children from their father
7 did not deter Minh from continuing such behavior. It is in the children's
8 best interest for Minh's visitation to be suspended or supervised here in
9 Nevada until the children and Minh participate in therapy with a therapist
10 who specializes in dealing with manipulation and alienation issues as Dr.
11 Gravley has been ineffective. This therapist should be permitted to testify
12 as a witness if necessary. The visitation granted Minh in the Decision and
13 Order should not resume until it is determined Minh can exercise such
14 visitation without manipulating and alienating the children. Jim has
15 researched therapists and believes Bree Mullins is qualified to provide such
16 therapy and her office is within seven minutes of the children's school.

17 C. The Court Should Issue an Order to Show Cause Why Minh Should
18 Not Be Held in Contempt

19 Nevada Revised Statutes, Section 22.010, enumerates the acts or
20 omissions which constitute contempt, including "[d]isobedience or
21 resistance to any lawful writ, order, rule or process issued by the court or
22 judge at chambers." Minh has violated multiple orders of this Court.

23 First, the Court ordered the parties to share joint legal custody and
24 awarded Jim primary physical custody. Decision and Order, pg. 28, lines
25 5-8. Minh has visitation with the children on certain enumerated holiday
26 weekends and extended school breaks throughout the year, which she can
27 exercise in California, and one non-holiday weekend each month, which
28 she must exercise in Nevada. Decision and Order, pg. 29, line 21, to pg.

1 30, line 13. Jim has primary physical custody of the children at all other
2 times not specifically granted to Minh in the Decision and Order. Minh
3 has falsely accused Jim of domestic violence and unilaterally decided she
4 will not return the children to Jim for indefinite period of time, until his
5 criminal trial is conducted. Minh's refusal to comply with the Court's
6 custodial orders is an act of contempt.

7 Second, the Court ordered: "Each parent acknowledges and agrees
8 that they each currently have and will continue to have adequate access to
9 all information concerning the wellbeing of the children" Decision
10 and Order, pg. 28, line 22, to pg. 29, line 5. Minh does not ensure Jim has
11 access to the well being of the children while they are in her care. Minh
12 does not communicate with Jim regarding the children's wellbeing and
13 rarely allows the children to communicate with Jim during her visitation.
14 This is particularly distressing for Jim during longer visitation periods. For
15 instance, Minh did not allow Jim to speak to the children for the ten (10)
16 days she had the children over Winter Break. In addition, when the
17 children ran away from Jim's home and called Minh, Minh did not inform
18 Jim about their whereabouts after the children called her. Minh's failure
19 to ensure Jim has adequate access to information regarding the children's
20 wellbeing is a violation of the Court's order and an act of contempt.

21 Third, the Court ordered that when a parent vacations with the
22 children, that parent must provide the other parent with a travel itinerary,
23 which shall include telephone numbers, expected times of arrival and
24 departure, and destinations. Decision and Order, pg. 29, lines 16-20. Jim
25 provided multiple examples of Minh refusing to comply with this order.
26 Although Minh informed Jim she was taking the children to Brianhead
27 (because she needed the children's ski gear from Jim), Minh refused to
28 provide Jim an itinerary at his request. Minh also takes the children on

1 vacations and directs them to keep it a secret from Jim. Jim believes Minh
2 has taken the children camping and fishing, possibly in Utah; however,
3 Minh has not provided any information regarding these vacations. Minh's
4 failure to communicate with Jim and refusal to provide Jim an itinerary are
5 violations of the Court's order and acts of contempt.

6 Fourth, the Court ordered that neither party would pay child
7 support. Decision and Order, pg. 32, lines 1-3. However, the Court
8 entered orders confirming the parties' agreement to share equally in the
9 cost of the children's private school tuition and related expenses,
10 extracurricular activities, and unreimbursed medical expenses. Decision
11 and Order, pg. 32, lines 2-4. Jim has requested Minh reimburse him for
12 her one-half portion of the children's school tuition, school uniforms, and
13 unreimbursed medical expenses, but she has refused to do so. Also, one
14 week after the Court entered its Decision and Order, Minh withdrew her
15 approval of any extracurricular activities in which the children participate
16 in Nevada and no longer pays one half of these expenses. Minh's failure
17 to pay her portion of these expenses constitute acts of contempt.

18 Lastly, Minh has violated the Stipulation and Order providing the
19 children will attend therapy with Dr. Gravley as she refuses to take them
20 to any appointments and will not pay her one-half portion of the costs.

21 NRS 22.100 provides that if a party is found guilty of contempt, the
22 Court may impose a fine not exceeding \$500, imprison the person not
23 exceeding 25 days, or both, and may award attorney's fees incurred as a
24 result of the contempt to the party seeking to enforce the Court's orders.
25 Minh has violated multiple orders of this Court and, thus, committed
26 multiple acts of contempt. For each act of contempt, this Court should
27 fine Minh \$500, and imprison her for 25 days. Jim should also be awarded
28 attorneys' fees he incurred as a result of Minh's contempt.

1 D. This Court Should Address Other Parent Child Issues

2 Pursuant to NRS 125C.0045(1)(a), in any action for determining the
3 custody of a minor child, the Court may “[d]uring the pendency of the
4 action, at the final hearing or at any time thereafter during the minority of
5 the child, make such an order for the custody, care, education,
6 maintenance and support of the minor child as appears in his or her best
7 interest.” Unfortunately, due to childish behavior on Minh’s part, Jim
8 must request this Court address certain parent child issues.

9 First, this Court should enter a Behavioral Order given the extent of
10 Minh’s derogatory actions and communications with Jim in front of the
11 children. This Behavioral Order should also direct that neither party is to
12 communicate with the children about this matter, nor make any
13 derogatory or demeaning statements about the other parent in the presence
14 of the children. Second, this Court should order that the children’s
15 clothing, belongings, and possessions are to be transferred freely with the
16 children. Minh directs the children to bring unreasonable amounts of their
17 clothing with them for their two day visitations with her. Minh does not
18 return this clothing and Jim is continually required to replenish the
19 children’s clothing. This Court also should order Minh to return the
20 children’s school uniforms. Jim has primary custody and takes the children
21 to and from school, while Minh has visitation a few days each month.
22 There is no reason for Minh to have the children’s uniforms. Although
23 Minh may be trying to financially burden Jim by requiring him to purchase
24 more clothing and uniforms, Minh’s actions only harm the children.

25 Lastly, the Court ordered both parties to provide health insurance for
26 the children if offered through employment. Minh does not provide health
27 insurance for the children so Jim is requesting this Court order Minh to
28 pay one-half of the health insurance premium Jim pays for the children.

1 **III. CONCLUSION**

2 The Court must make clear to Minh that she will not be permitted
3 to continue her game playing to the detriment of the parties' children.
4 Based on the foregoing, Jim respectfully requests the Court grant the relief
5 requested in this Emergency Motion.

6 DATED this 27th day of March, 2020.

7 THE DICKERSON
8 KARACSONYI LAW GROUP

9 By /s/ Sabrina M. Dolson
10 ROBERT P. DICKERSON, ESQ.
11 Nevada Bar No. 000945
12 SABRINA M. DOLSON, ESQ.
13 Nevada Bar No. 013105
14 1745 Village Center Circle
15 Las Vegas, Nevada 89134
16 Attorneys for Plaintiff
17
18
19
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21
22
23
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1 DECLARATION OF JAMES W. VAHEY

2 I, JAMES W. VAHEY, declare under penalty of perjury under the law
3 of the State of Nevada that the following statement is true and correct:

4 1. I am over the age of 18 years. I am the Plaintiff in this action.
5 I have personal knowledge of the facts contained herein, and I am
6 competent to testify thereto.

7 2. I am making this declaration in support of my PLAINTIFF'S
8 EMERGENCY MOTION FOR IMMEDIATE RETURN OF THE
9 CHILDREN, DISSOLUTION OF TPO, MODIFICATION OF CHILD
10 CUSTODY, APPOINTMENT OF A NEW THERAPIST FOR THE
11 CHILDREN, AN ORDER TO SHOW CAUSE WHY DEFENDANT
12 SHOULD NOT BE HELD IN CONTEMPT, AND TO RESOLVE OTHER
13 PARENT CHILD ISSUES ("Emergency Motion"). I have read the
14 Emergency Motion prepared by my counsel and swear, to the best of my
15 knowledge, that the facts as set forth therein are true and accurate, save
16 and except any fact stated upon information and belief, and as to such
17 facts I believe them to be true. I hereby reaffirm said facts as if set forth
18 fully herein to the extent that they are not recited herein. If called upon
19 by this Court, I will testify as to my personal knowledge of the truth and
20 accuracy of the statements contained therein.

21 3. Minh and I were married on July 8, 2006. We have three (3)
22 children: Hannah, born March 19, 2009 (eleven (11) years old), Matthew,
23 born June 26, 2010 (nine (9) years old), and Selena, born April 4, 2014
24 (five (5) years old).

25 4. The Court held an evidentiary hearing on the child custody and
26 support issues on August 8, September 5, and September 11, 2019. The
27 Court issued its Findings of Fact, Conclusions of Law, and Decision and
28 Order ("Decision and Order") on September 20, 2019, setting forth its

1 orders regarding child custody and child support. The Court ordered Minh
2 and I to share joint legal custody and awarded me primary physical
3 custody. Decision and Order, pg. 28, lines 5-8. Minh has visitation with
4 the children on certain enumerated holiday weekends and extended school
5 breaks throughout the year, which she can exercise in California, and one
6 non-holiday weekend each month, which she must exercise in Nevada.
7 Decision and Order, pg. 29, line 21, to pg. 30, line 13.

8 5. In determining it was in the children's best interest for me to
9 have primary physical custody, the Court found I was the parent more
10 likely to allow the children to have a frequent and continuing relationship
11 with the other parent. Decision and Order, pg. 11, lines 11-3. Minh
12 testified at the evidentiary hearing that she cannot co-parent with me.
13 Decision and Order, pg. 13, lines 14-17. The Court raised its concerns
14 that Minh's negative attitude toward me based on my refusal to allow her
15 to move to California has caused her to negatively influence the children's
16 relationship with me. Decision and Order, pg. 11, lines 13-17. The Court
17 noted it received evidence demonstrating Minh had discussed the dispute
18 with our children and advised them to discuss same with me. Decision and
19 Order, pg. 11, lines 18-27. The Court determined that Minh's dialog with
20 the children "has the potential to alienate the children from their father."
21 Decision and Order, pg. 12, lines 5-6. The Court further stated it "is
22 concerned that Minh Luong's decision to live in California is intended to
23 create a distance between the parties, and to create a distance between the
24 children and their father, to avoid the sometimes tedious and inconvenient
25 aspects of co-parenting." Decision and Order, pg. 19, lines 3-8. The Court
26 found that Minh's "intention to move is, in part, to deprive [me] of [my]
27 parenting time." Decision and Order, pg. 18, lines 13-15. As will be
28 discussed below, the Court's concerns have been realized.

1 6. Regarding the Court's order that the parties share joint legal
2 custody, the Court stated: "Each parent acknowledges and agrees that they
3 each currently have and will continue to have adequate access to all
4 information concerning the wellbeing of the children" Decision and
5 Order, pg. 28, line 22, to pg. 29, line 5. In addition, when a parent
6 vacations with the children, that parent must provide the other parent with
7 a travel itinerary, which shall include telephone numbers, expected times
8 of arrival and departure, and destinations. Decision and Order, pg. 29,
9 lines 16-20.

10 7. The Court ordered that Minh would not pay child support.
11 Decision and Order, pg. 32, lines 1-3. However, the Court entered orders
12 confirming my and Minh's agreement to share equally in the cost of the
13 children's private school tuition and related expenses, extracurricular
14 activities, and unreimbursed medical expenses. Decision and Order, pg.
15 32, lines 2-4. The Court specifically noted that I

16 waive[] child support from Minh Luong in consideration for an
17 agreement that the parties share equally the significant private
18 school tuition and related expenses, all medical and dental
19 expenses for the children that are not covered by insurance,
20 expenses for the children's extracurricular activities that the
21 parties agree are best for the children, and tutoring or
22 education expenses that the parties agree are best for the
23 children.

24 Decision and Order, pg. 23, line 24, to pg. 24, line 4. The Court ordered
25 Minh and I shall follow the 30/30 rule for expenses, which requires the
26 parent who paid for the expense to provide the other parent a copy of the
27 receipt of payment within thirty (30) days of payment, and the other
28 parent to reimburse one-half of such expenses within thirty (30) days.
Decision and Order, pg. 32, lines 7-13.

 8. I testified at the evidentiary hearing that Minh refuses to
communicate with me verbally, even in front of the children. *See* Decision

1 and Order, pg. 12, lines 25-28. Minh confirmed at the evidentiary hearing
2 she cannot coparent with me. Decision and Order, pg. 13, lines 14-17.
3 Minh has continued with this inappropriate behavior in the presence of the
4 children and only communicates with me to denigrate and disparage me.
5 Minh will not make eye contact with me and treats me as if I do not exist
6 at the custodial exchanges and any event for the children in which we both
7 attend. On multiple occasions, Minh has called me an idiot, scum of the
8 earth, and a piece of shit in front of the children.

9 9. At the custodial exchange on March 1, 2020, after I waited
10 approximately an hour and a half for the children to get out of Minh's RV,
11 Minh and I had the following conversation while I was attempting to get
12 Hannah and Matthew out of Minh's car with no help from Minh:

13 Jim: Are you helping to bring them in or are you just
14 sitting there (inaudible)

15 Minh: You are beneath me. I don't need to talk to you.

16 Jim: Alright. I'm beneath you. Nguyet.
17 Hannah and Matthew. Hannah and Matthew, let's
go.
Have they eaten? I'm trying to ask you.

18 Minh: Don't talk to me.

19 Jim: Please answer me.

20 Minh: Don't need to talk to me.

21 Jim: No. No. We need to take care of our children.
Have they eaten? Have they eaten?

22 Minh: You can ask them yourself.

23 Jim: You can answer me.

24 Minh: No. I don't.

25 Jim: You're their mother.

26 Minh: You're a low life.

27 Jim: You're their mother.
28

1 Minh: You're their father. Now act like one.
2 Jim: I have been.
3 Minh: Besides . . .
4 Jim: I have been.
5 Minh: . . . just thinking of yourself.
6 Jim: I have been.
7 Minh: No, you haven't.
8 Jim: Oh, really?
9 Minh: You're selfish. You selfish SOB. I don't want to
10 look at your face. I don't want to see you. Do you
 know that? You're just beneath dirt. Unbelievable.
11 Jim: If you have those thoughts, please . . .
12 Minh: I don't want to hear anything you're saying. Don't
 say anything to me.
13 Jim: . . . please don't say those in front of the children.
14 Minh: Don't talk to me! I asked you not to talk to me!
15 Jim: Hannah and Matthew. Hannah and Matthew, it is
16 not good for you to hear any of this. Come inside
17 now. Bring them inside.

18 10. I audio recorded this exchange and it attached as **Exhibit 1** to
19 my Emergency Motion. Minh is so consumed by her hate and anger
20 toward me she cannot engage in a simple conversation regarding whether
21 the children have eaten and will not help me get the children out of her
22 vehicle. During this exchange, I had tried to coax the children to leave
23 Minh's RV five (5) separate times over the period of an hour and a half
24 with no assistance from Minh. At one point, Minh was hugging Hannah,
25 clearly showing her support for the children in their refusal to go to me.
26 During another time when I tried to get the children, the children were in
27 the back bed of the RV and Minh was sitting in the middle of the RV,
28 texting.

1 11. Whenever there is confusion over the custodial schedule, I
2 cannot communicate with Minh to resolve any issues as Minh is
3 nonresponsive. For instance, Minh and I agreed Minh would have the
4 children for her weekend visitation in Nevada for the month of March
5 from March 20-22, 2020. Thereafter, I received an email that the
6 children's Spring Break was being moved from April 6-10, 2020, to March
7 23-27, 2020. I mistakenly thought Spring Break was moved up only one
8 week. Minh and I exchanged the following text messages regarding Spring
9 Break, which demonstrates my mistake:

10 Jim: The kids school made some changes regarding
11 subject material and timing of spring break. I
12 wanted to make sure you were aware of it as soon
13 as possible. Spring break is going to be a week
14 earlier. Let me know what you would like to do. I
15 can make accommodations for whatever you would
16 like. Let me know.

14 I forwarded the email to you.

15 Minh: I will take the kids for that week but that also mean
16 I am owed a weekend. I will forward that weekend
17 to a later weekend.

17 This text message exchange is attached as Exhibit 3 to my Emergency
18 Motion.

19 12. Despite my forwarding the email regarding the Spring Break
20 change to Minh, she did not correct me on my mistake. Thus, I believed
21 Minh would be exercising her one weekend visitation in Nevada, pursuant
22 to the calendar she provided to me, from March 20-22, 2020, and would
23 be exercising her Spring Break visitation from March 30 - April 3, 2020.

24 13. Given I mistakenly believed that Minh was exercising her
25 weekend visitation in Nevada beginning March 20, 2020, I attempted to
26 communicate with Minh regarding her plans for where she would be
27 spending the weekend with the children as I was concerned she would be
28 traveling to California, which I did not think was safe given the outbreak

1 of COVID-19. Prior to the outbreak of COVID-19 and the
2 recommendations for avoiding unnecessary travel, Minh had asked me if
3 she could take the children to California for her March 20-22 weekend.
4 I had informed Minh I did not think such a short trip, with the hours they
5 would spend traveling, was sensible, but told Minh it was her decision.
6 After the outbreak of COVID-19 and after Nevada and California started
7 closing nonessential businesses and advising against unnecessary travel, I
8 knew it would be safer for the children to stay in Nevada as there are far
9 fewer cases of COVID-19 in Nevada than there are in California. I was
10 also reasonably concerned Minh would travel with the children to
11 California and then use the California Governor's "shelter in place" order
12 to keep the children and refuse to return them to me. Minh and I
13 exchanged the following text messages:

14 Jim: I'm concerned about our kids' safety. I think it
15 would be best not to travel to California right now.
16 There are a lot of cases in California, and they
17 really believe the actual number is very
underestimated. Please don't risk exposing the kids
to the virus.

18 Minh: You just had a gathering of a non family member
19 came over to your house. And now you want to tell
me you are concerned? Please get the kids ready
and my gear at your office. I will pick them up at
4.

20 Jim: The Court's custodial order provides you have one
21 weekend of visitation each month here in Nevada.
22 In addition, given the current issues surrounding
COVID-19 and the recommendation that people
23 avoid unnecessary travel, I do not approve nor
consent to the children's traveling outside of Las
24 Vegas this weekend. Can you please confirm you
will be complying with the court's order?

25 We are at the house. We're not going to the office.
I'll see you at 4 o'clock per the court's order.

26 Minh: I will comply with court order
27 As always
28

1 Jim: Thank you for giving me a straight answer. We can
2 only coparent together if we understand how
3 important it is for us to communicate with each
4 other and appropriately respond to each other with
5 honest answers to legitimate questions concerning
6 the well-being of our children. I was concerned
7 about our children, and I appreciate your giving me
8 a straight answer to my question.

9 14. These text messages are attached as Exhibit 4 to my Emergency
10 Motion. As is evident from Minh's misleading response of "I will comply
11 with court order," Minh was well aware I had the dates for Spring Break
12 mistaken and rather than correct me, allowed me to believe she would be
13 spending the weekend in Nevada with the children. My counsel received
14 a similar misleading and nonresponsive email from Minh's counsel when
15 attempting to discuss the issue, and their communications are discussed in
16 my Emergency Motion.

17 15. Minh also refuses to provide an itinerary to me when she takes
18 the children on vacation. I asked Minh to provide me an itinerary when
19 she took the children to Brianhead, but she refused to do so. The only
20 reason Minh informed me about this vacation is because she needed me to
21 give her the children's ski gear. I organized and packed all of the children's
22 gear for their Brianhead trip and delivered it to Minh on December 27,
23 2019. After the vacation, I asked Minh to return the children's ski gear as
24 I had a ski trip with the children, my brother, and my nephew planned for
25 February 7, 2020. Minh refused to return the children's gear. Instead,
26 Minh tried to bargain the return of the children's ski gear for items she
27 wanted from my home. I offered to give her the items she requested, but
28 Minh refused to respond to me and to return the children's gear. I ended
up spending approximately \$1,000, and a considerable amount of time, to
purchase new gear for the children.

...

1 16. I believe Minh took the children to Northern Nevada during
2 her visitation on January 25 and 26, 2020, in an RV she recently
3 purchased; however, Minh did not provide me an itinerary so I do not
4 know where the children and Minh stayed. I also believe Minh took the
5 children on a fishing and camping trip the weekend of February 29 and
6 March 1, 2019. Again, Minh did not provide me any information about
7 the trip. When I asked the children about their weekend, the kids became
8 secretive and defensive. I asked Hannah how fishing was and Hannah
9 became awkwardly defensive and stated that they did not leave the state.
10 On a separate occasion when I asked the children about their visit with
11 Minh, Matthew told Hannah and Selena I was trying to trick them. When
12 I asked Hannah and Selena what Matthew said to them, Matthew stated:
13 “He’s trying to get us to tell him our secret. Don’t answer him. He’s
14 trying to trick us into telling him. Do you remember what we talked
15 about?”

16 17. Considering Minh rarely answers my telephone calls, FaceTime
17 calls, and text messages when the children are with her during her
18 visitation, it is extremely concerning that Minh also does not provide me
19 with an itinerary when she takes the children on vacation, including
20 telephone numbers, expected times of arrival and departure, and
21 destinations. If anything were to happen to the children or Minh, I would
22 not have any information about where they were.

23 18. In addition, Minh has refused to coparent with me regarding
24 paying for the children’s expenses. The Decision and Order provides:

25 The parties agree to share equally private school tuition and
26 related expenses, all medical and dental expenses for the
27 children that are not covered by insurance, expenses for the
28 children’s extracurricular activities that the parties agree are
best for the children, and tutoring or education expenses that
the parties agree are best for the children.

1 Decision and Order, pg. 32, lines 2-8. Within a week of the Court
2 entering its Decision and Order, Minh informed me she no longer
3 approved of the extracurricular activities in which the children were
4 enrolled in Nevada and would not contribute to the cost. Exhibit 6.
5 Minh has also refused to reimburse me for her one-half (1/2) portion of the
6 children's private school tuition, owing \$2,140 for each month from
7 August 2019 to the present, children's school uniforms, and medical
8 expenses. Exhibit 7. Despite refusing to reimburse me for these expenses,
9 I received a bill in the amount of \$4,341 in the mail from Minh for dental
10 work she completed on the children. Exhibit 8. Minh did not discuss any
11 of this dental work with me. Without my knowledge, Minh completed
12 dental work on the children on March 1, 2020, in the amount of \$2,170
13 and, according to the Statement of Account, Minh forwarded a balance of
14 \$2,171 to me for prior work she purportedly completed on the children.
15 This is the type of game playing I have dealt with since the Court's
16 Decision and Order.

17 19. At the evidentiary hearing, I presented evidence that Minh has
18 been alienating, manipulating, and coaching the children. Minh has not
19 ceased such actions, which is having a detrimental effect on the children.
20 In an effort to provide the children with the therapy they need to cope
21 with our divorce, Minh and I entered into a Stipulation and Order
22 Appointing Dr. Michelle Gravley as Children's Therapist, filed on July 30,
23 2019. Unfortunately, Dr. Gravley has not been effective in helping the
24 children. The children's behavior is very concerning, especially
25 immediately following their return from Minh.

26 20. During the custodial exchanges, Minh refuses to help me get
27 the children out of her vehicle. The children are upset to be leaving Minh,
28 which I understand given the children went from having their mother

1 involved in their every day lives to seeing her only a few days a month.
2 The children also are initially resentful of me upon returning from Minh's,
3 and blame me for Minh's decision to move to California without them.
4 The children follow Minh's lead and avoid talking to me when Minh is
5 present. When we first started following the custodial schedule, I only had
6 behavior issues with Hannah and Matthew. Now, Selena is starting to
7 copy the older children's behavior. Minh sits in her vehicle as the children,
8 who are visibly upset, resist leaving her. Thankfully, the children typically
9 return to their normal behavior by the following day. However, the ordeal
10 that occurs every time we exchange custody is exhausting for Minh and I
11 and the children, and raises serious concerns for the psychological harm
12 the children are incurring.

13 21. There was one instance in which the children took longer than
14 usual to return to their normal behavior. After the children visited with
15 Minh from December 13-15, 2019, they formed a plan to leave my home
16 in the morning before school on December 17, 2019. At approximately
17 5:45 a.m. on that day, Hannah and Matthew snuck out of my home and
18 rode their bicycles to the guard station of my gated community. I realized
19 Hannah and Matthew had left my home shortly after they snuck out, and
20 I immediately got Selena into my vehicle, called the guard station at my
21 development, and confirmed the children were with the guard. I picked up
22 Hannah and Matthew from the guard station and learned they had called
23 Minh from the guard station at approximately 5:55 a.m. Despite speaking
24 to Hannah and Matthew about what they had done, and knowing I, as any
25 parent, would be in a state of panic, Minh did not immediately call me to
26 inform me she knew where the children were. Rather, Minh waited until
27 6:15 a.m., twenty minutes after she spoke to Hannah and Matthew, before
28 she called me. When I answered Minh's telephone call, Minh hung up on

1 me without saying a word. I later learned that Minh had been on her way
2 to pick up the children, and planned to do so without informing me.

3 22. After I returned the children to my home, and while I was
4 getting the children ready for school, the police arrived at my home. I
5 informed them what happened, and they spoke to Hannah and Matthew
6 and then left. I discussed the children's actions with them and informed
7 them such behavior is unacceptable. I took away Hannah's use of her cell
8 phone and Matthew's use of his iPad as the consequences for their
9 behavior. I informed the children they could receive their electronics back
10 after they provided me with a list of ten (10) reasons why their actions
11 were dangerous and why they would not do anything like that again.
12 Despite taking away the children's electronics, I did not prevent them from
13 communicating with Minh, which Minh accused me of doing. The
14 children called Minh later that day, but she did not answer.

15 23. Minh also saw the children later that same day at the children's
16 school because our youngest child, Selena, had a school Christmas
17 performance, which I, Minh, Hannah, and Matthew attended. Minh could
18 not even coparent with me for that one event. When I arrived at Selena's
19 school to watch her performance, I sat next to Hannah, who was sitting
20 next to Minh. Shortly after I sat down next to Hannah, Minh got up with
21 Hannah and moved to a different part of the bleachers just so I could not
22 sit with them. Minh acted similarly during Hannah's Christmas
23 performance. Minh sat far away from me in an area where there was no
24 room for me to sit with her and Selena as they watched Hannah's
25 performance. This obviously sends a horrible message to our children,
26 especially Hannah, who is having the most difficult time coping with the
27 our divorce.

28 . . .

1 24. Since the December 17, 2019, incident, Minh has called the
2 police approximately three (3) times to have the children forced by police
3 officers to either enter her vehicle to be returned to me, or to have the
4 children removed from her vehicle at my home. This spectacle is
5 completely unnecessary. Minh and I should be able to exchange the
6 children without police involvement as long as we coparent. However, it
7 appears Minh is attempting to create a record of the children not wanting
8 to return to me to support a future request for the Court to change its
9 custody orders.

10 25. Not surprisingly, the children's rhetoric is starting to parallel
11 Minh's. Hannah has told me I am selfish, I only care about myself, and I
12 love my job more than her. During one instance, Hannah lost her
13 composure after getting into an argument with Selena over popcorn.
14 Hannah became very upset and went on a tirade against me, repeating
15 much of Minh's rhetoric. Hannah told me I am selfish and only do what
16 I want to do. Hannah said she does not matter or exist, and that I do not
17 love her. Hannah said "mommy actually loves me." Hannah asked me
18 why I did not just let her be in California with Minh. Hannah told me I
19 ruined everything and they could have been happy and had a good life in
20 California, but I made them stay in Nevada. Hannah told me I only care
21 about my reputation, I do not need to work, and I lied when I told her I
22 would not choose my job over her. Hannah asked me why I wanted them
23 anyway because I did not care about them. Hannah's statements and
24 feelings demonstrate these children are hurting and they need better
25 treatment to prevent Minh from destroying my relationship with them.

26 26. Even our youngest child, Selena, who is only five (5) years old,
27 has parroted Minh's rhetoric. Selena recently told me she wanted to go to
28 school in California. When I asked why, Selena said it would be so easy,

1 she could just climb over the fence and walk to school. Selena said she and
2 her siblings could walk or ride their bikes to school. I do not believe this
3 is reasoning Selena would reach on her own at her age. Selena is hearing
4 this rationale from Minh.

5 27. Minh is also teaching the children to be distrustful of me.
6 Minh has provided the children with electronics they can use to
7 communicate with her, with passwords to prevent me from accessing their
8 devices. The children know they are to keep their passwords secret from
9 me. Minh also has the children keep secrets regarding where they spend
10 their visitation weekends with Minh. As I explained above, the children
11 have a secret about where they were on the weekend of February 29, 2020.

12 28. Minh has also manipulated the children to believe I am
13 recording and spying on them, and that they have no privacy. When
14 Minh speaks to the children on FaceTime, she tells them to go their
15 bedrooms so they can have privacy from me. Minh has also made Hannah
16 put headphones on when speaking to her so I cannot hear what Minh says.
17 Hannah often stays in her bedroom when she speaks to Minh, but on one
18 occasion, while Hannah was speaking to Minh, she went to the kitchen to
19 microwave some food. When Minh noticed Hannah was not in her room,
20 she harshly asked Hannah: "Why are you out there? Why aren't you in
21 your room?" When I drive the children to school, Hannah will cover her
22 head with a blanket and text message Minh. I would create restrictions for
23 the children and their use of their electronics, but I fear Minh will accuse
24 me of preventing the children from communicating with her.

25 29. Minh also convinced Hannah that there was a camera or
26 recording device in her bedroom. There is a motion sensor in Hannah's
27 bedroom that has been there since the home was built. Recently, a red
28 light on the motion sensor started blinking. It was part of a security

1 system Minh and I had in the home throughout our marriage, but it is no
2 longer active. Needless to say, the motion sensor has no video or audio
3 recording capabilities. Selena has also told me that Minh told her there are
4 cameras and recorders in my home and she needs to be careful about what
5 she says.

6 30. Minh continues to interrogate the children about what occurs
7 at my house. Minh asks the children what they eat, what time they go to
8 bed, when the babysitter is present, if the babysitter's daughter
9 accompanies the babysitter, etc. Minh interjects her disapproval whenever
10 she dislikes what the children relay to her. If Minh is speaking to one child
11 and wants to speak to another who is sleeping, she will make whomever
12 she is speaking to show her the other child is sleeping. This has occurred
13 on at least two occasions. In one instance, Minh made Selena give the
14 telephone to Matthew to have him show her Hannah was sleeping, and in
15 another instance, Minh told Hannah to show her Matthew was actually
16 sleeping.

17 31. Minh has inappropriate conversations with the children. Minh
18 tells the children how lonely and unhappy she is, and how she wishes they
19 were with her. This causes the children to feel as if they are needed in
20 California for the sake of their mother's happiness.

21 32. Minh has discussed with Hannah her belief that when Hannah
22 is thirteen (13) years old, she can decide who she wants to live with. I
23 have overheard Hannah complain, "why do I have to wait until I'm
24 thirteen for everything?"

25 33. Minh also directs the children to do her bidding. Rather than
26 communicate with me about what she would like the children to bring for
27 her visitation, Minh, who has a constant, irrational belief that I have most
28 of the children's clothing, will tell the children to bring certain items with

1 them to the custodial exchange. During one instance, Hannah was very
2 stressed as she tried to gather all the clothing Minh requested she bring in
3 a bag and secretly try to get the bag into my vehicle.

4 34. During another exchange, Minh made Hannah and Matthew
5 go back inside my house to grab a pile of their clothing and bring it to her
6 in the garage. In addition, despite having the children only a few days
7 each month, Minh has had the children's school uniforms since March 1,
8 2020 and refuses to return them, despite my requests.

9 35. When the children are with Minh during her visitation, she
10 rarely allows me to speak to the children. I have tried calling and
11 FaceTiming the children when they are with Minh, but most of my calls
12 go unanswered. I have also tried to text message Minh to speak to the
13 children, but I usually receive no response. When Minh had the children
14 for ten (10) days over Winter Break, I did not speak to the children the
15 entire time.

16 36. As is evident, there are a number of issues that need to be
17 addressed through therapy for the children. Unfortunately, Dr. Gravley
18 has not been effective in helping the children cope with Minh's alienation,
19 manipulation, and coaching as they continue to exhibit concerning
20 behavior upon returning from Minh's care. The children need a therapist
21 who specializes in treating children who have been subjected to the
22 alienation and manipulation the children are experiencing. Although Minh
23 and I agree that Dr. Gravley is ineffective, we have not agreed to a new
24 therapist. Thus, I have continued to take the children to Dr. Gravley for
25 their therapy sessions pursuant to the Stipulation and Order entered July
26 30, 2019. On the contrary, Minh has refused to comply with the
27 Stipulation and Order, and informed Dr. Gravley she no longer supports

28 . . .

1 the children's therapy sessions and will not be taking the children to any
2 therapy sessions or paying her one-half portion of the cost.

3 37. On Friday, March 20, 2020, at approximately 4:00 p.m., Minh
4 arrived at my house to pick up the children for their Spring Break vacation.
5 After Minh got the children into her RV, in her typical rude manner that
6 I have now become accustomed to, she demanded I give her windsurf
7 board to her. I explained to Minh that I did not recall her having a
8 windsurf board, and I did not have a windsurf board at my house. In front
9 of the children, Minh told me that if I did not give her the nonexistent
10 windsurf board, she would go in and get it herself. I allowed Minh into my
11 garage to look for her purported windsurf board believing that once she
12 looked around herself and realized I was not hiding her windsurf board she
13 would leave.

14 38. I initially stayed with the children, standing outside the van,
15 while Minh retrieved my ladder and set it up in between my car and the
16 garage wall to look for her board, which she believed was stored with other
17 boards I have hanging high on the wall of my garage. I could tell the
18 children were uncomfortable and disturbed by Minh demanding I give her
19 the wind surfboard as they became silent while I stayed with them. I then
20 noticed Minh had taken down my kitesurf board. I went to the garage to
21 inform Minh that the kitesurf board belonged to me and was not the same
22 thing as a windsurf board. Minh became angry and aggressive, and told
23 me I would need to find her windsurf board before she returned my
24 kitesurf board. I held onto part of the kitesurf board to prevent Minh
25 from leaving with it. I again told Minh I did not recall her ever owning a
26 windsurf board and was not in possession of her windsurf board. Minh
27 irrationally continued to insist that I find her windsurf board. I told Minh
28 I did not know where it was. Minh then started to yell at me, "get out of

1 my way!” to which I replied, “let go of my kitesurfing board.” It is unclear
2 why Minh yelled “get out of my way” as I was not preventing her from
3 leaving. When I would not allow Minh to take my kitesurf board, she
4 became even more enraged and began to bang the tail of the kitesurf board
5 on the garage floor, attempting to break the tail of the board. I stepped to
6 the side while still holding onto the kitesurf board. I did not pull or wrest
7 the board out of Minh’s hands.

8 39. Minh eventually released the kitesurf board, picked up from the
9 ground a U-shaped aluminum handle, which attaches to a trampoline and
10 has a foam covering at the bottom of the “U,” and proceeded to strike my
11 vehicle. I took a photograph of aluminum handle and it is attached as
12 **Exhibit 10** to my Emergency Motion. I was shocked. I placed the kitesurf
13 board in my house and told Minh to stop hitting my car and to get out of
14 my garage. Minh, however, was in an incredible rage, and yelled at me,
15 “you’re the lowest scum ever.” I took the aluminum handle from Minh
16 and placed it in front of my vehicle, away from her reach. Minh then
17 turned her focus to the ladder she had set up in between my car and the
18 side wall of the garage and tried to tip it onto my car. I was able to stop
19 the ladder from hitting my car, and stated: “Oh my God. Get out of here
20 now.” I then closed the ladder and placed it partially inside my house.
21 The ladder was leaning on its side against the open door leading from the
22 garage to the house and a wall inside my house. **Exhibit 11**.

23 40. While I did this, Minh initially tried to pull a key rack off my
24 garage wall. Then, as I was standing up after I laid the ladder down, Minh
25 advanced toward me, pushed me back with her leg so that I was leaning
26 against the doorframe, put her face within six (6) inches of mine, and
27 baited me to hit her. Minh said: “Go ahead, hit me.” I replied: “I would
28 never hit you.” Minh then sarcastically stated: “Really?” I replied: “You’re

1 the one who hits me. You're the one who does violent things." Minh
2 replied; "Who pushed me when I was in the house?" I have no idea to
3 what Minh is referring in this statement. Minh was not in my house
4 during this encounter, and regardless, I have never pushed Minh, prior to
5 or during this incident.

6 41. Minh then forcefully started to bang the ladder against the door
7 frame and wall. I pleaded with Minh to stop, and asked what happened
8 to her. Minh yelled at me, "you're a son of a bitch," and continued to
9 bang the ladder side to side. Minh then lifted the ladder and struck the
10 marble floor with it. I tried to hold the ladder to prevent Minh from
11 continuing to strike the marble with it, and Minh started to kick me in the
12 shins and continued to try to bang the ladder against the marble and door
13 frame. At this time, Minh falsely accused me of pushing her. I again told
14 Minh to get out of my home and that I was going to call the police. I then
15 took my phone out of my pocket, which was audio recording the entire
16 incident, and started video recording Minh. This finally induced Minh to
17 leave. As Minh walked back to her vehicle, where the children were the
18 entire time, she yelled at me, "you pushed me," presumably to have her
19 false accusation on my video recording. I never pushed or hit Minh during
20 this entire ordeal. I was keenly aware Minh was attempting to bait me to
21 hit her so she would claim to have a basis to change custody. The audio
22 recording of the incident, and a transcript of same, is attached as Exhibit
23 12, the video recording, and a transcript of same, is attached as Exhibit
24 13, and photographs of the damage Minh caused are attached as Exhibit
25 14 to my Emergency Motion.

26 42. Once Minh finally left my garage, she sat in her RV at the end
27 of my driveway for about ten (10) minutes. I called Lake Las Vegas
28 Security to have them make sure she left my property and could not return

1 to cause more damage. A security officer arrived and spoke to Minh. After
2 this conversation Minh then drove away.

3 43. At approximately 7:00 p.m. that night, police officers for the
4 Henderson Police Department arrived at my home. Despite my threats to
5 call the police to get Minh removed from my property and stop her
6 damaging my possessions, I did not call the police. Minh, however, did
7 and filed a police report alleging I battered her. I spoke to the police, who
8 had me write a statement, and was then arrested. I was taken to the
9 Henderson Detention Center, where I was processed and kept overnight
10 for approximately fifteen (15) hours. I was released at approximately
11 11:00 a.m. the following morning. Needless to say, this was a humiliating,
12 demeaning, and extremely uncomfortable experience for me. I was
13 attacked in my own garage, had my property damaged, and, yet, I was
14 arrested.

15 44. In addition to filing a false police report alleging I battered her,
16 Minh unnecessarily filed an application for a temporary protective order,
17 which was granted. I received the Temporary Order for Protection Against
18 Domestic Violence and a Notice for Hearing, which provides that a hearing
19 on Minh's Application for an extended protection order is scheduled for
20 March 30, 2020, at 1:00 p.m.

21 45. On Sunday, March 22, 2020, Minh's counsel sent an email to
22 my counsel, which was forwarded to me. This email is attached as
23 **Exhibit 16** to my Emergency Motion. In this email, Mr. Page states:
24 "Friday afternoon is the first time that Dr. Luong has gone to the police to
25 report acts of violence committed by Jim against her. However, Friday
26 afternoon was not the first time Jim has been violent toward her and
27 battered her." This is an absolutely outrageous allegation. I have never
28 . . .

1 been violent toward Minh, not in actions or words. The only person who
2 has demonstrated hate, rage, and violence is Minh.

3 46. Mr. Page also stated that Minh would not **return the children**
4 **to me until the criminal trial has been conducted.** Mr. Page stated that
5 Minh was entitled to unilaterally change custody for an indefinite period
6 of time “[b]ecause the children are witnesses in the pending criminal case
7 against Jim[and, thus,] he cannot have contact with the children until the
8 criminal case is resolved.” This has obviously been Minh’s intention and
9 plan all along. In an effort to try to bait me to hit her, Minh tried to steal
10 my kitesurf board, damaged my kitesurf board by smashing its tail against
11 the garage floor, struck my vehicle with an aluminum handle, attempted
12 to tip a ladder onto my vehicle, damaged my door and walls by banging the
13 ladder against them, tried to ruin the marble in my home by smashing the
14 ladder against it, aggressively approached me and told me to hit her, and
15 kicked me in the shins. When she did not succeed in getting me to hit her,
16 she resorted to making false allegations. I believe Minh has never had any
17 intention of following the Court’s Decision and Order. She has simply
18 been trying to figure out a way to circumvent it.

19 47. In addition to the above detailed description of alienation and
20 manipulation that Minh subjects the children to, this event will have a
21 detrimental effect on the children, who are already struggling. The
22 children have a mother who chose to move to California without them.
23 They are constantly witnesses to their mother degrading and belittling
24 their father. I observe their dispositions upon returning from visitation
25 with Minh. They misbehave and are angry toward me for approximately
26 twelve (12) hours after they are returned by Minh. Once they recover
27 from their conflicting feelings, they once again return to normal behavior,
28 and are happy, well-behaved, fun-loving children. Unfortunately, despite

1 the children's ability to return to their normal selves shortly after they are
2 returned from visitation with Minh, I do not believe the children are
3 receiving the adequate therapy they need to deal with such conflicting and
4 changing emotions. The children will be emotionally and psychologically
5 drained if they continue to have to deal with Minh's manipulation. It is
6 heartbreaking to me that I am essentially powerless to help my children
7 deal with the psychological harm they are experiencing.

8 I, JAMES W. VAHEY, declare under penalty of perjury under the
9 law of the State of Nevada that the foregoing is true and correct.

10 Executed on 3-27-20

11
12 
13 JAMES W. VAHEY
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of THE DICKERSON KARACSONYI LAW GROUP, and that on this 27th day of March, 2020, I caused the above and foregoing document entitled PLAINTIFF'S EMERGENCY MOTION FOR IMMEDIATE RETURN OF THE CHILDREN, DISSOLUTION OF TPO, MODIFICATION OF CHILD CUSTODY, APPOINTMENT OF A NEW THERAPIST FOR THE CHILDREN, AN ORDER TO SHOW CAUSE WHY DEFENDANT SHOULD NOT BE HELD IN CONTEMPT, AND TO RESOLVE OTHER PARENT CHILD ISSUES to be served as follows:

- ☒ pursuant to NEFCR 9, NRCP 5(b)(2)(E) 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;
- ☐ pursuant to NRCP 5(b)(2)(C), by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- ☐ pursuant to NRCP 5(b)(2)(F), to be sent via facsimile, by duly executed consent for service by electronic means;
- ☐ pursuant to NRCP 5(b)(2)(A), by hand-delivery with signed Receipt of Copy.

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

FRED PAGE, ESQ.
PAGE LAW FIRM
6930 South Cimarron Road, Suite 140
Las Vegas, Nevada 89113
fpagelaw@pagelawoffices.com
Attorney for Defendant

/s/ Sabrina M. Dolson
An employee of The Dickerson Karacsonyi Law Group

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1 Held in Contempt, and to Resolve Other Parent Child Issues (“Emergency
2 Motion”), filed March 27, 2020.

3 This Ex Parte Application is made and based upon EDCR 5.510, the
4 pleadings and papers on file herein, and the Memorandum of Points and
5 Authorities contained herein.

6 DATED this 27th day of March, 2020.

7 THE DICKERSON
8 KARACSONYI LAW GROUP

9
10 By /s/ Sabrina M. Dolson
11 ROBERT P. DICKERSON, ESQ.
12 Nevada Bar No. 000945
13 SABRINA M. DOLSON, ESQ.
14 Nevada Bar No. 013105
15 1745 Village Center Circle
16 Las Vegas, Nevada 89134
17 Attorneys for Plaintiff
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Eighth Judicial District Court Rules, Rule 5.510 (2020), provides, in
3 pertinent part, as follows:

4 (b) The party seeking the OSC shall submit an ex parte
5 application for issuance of the OSC to the court, accompanied
6 by a copy of the filed motion for OSC and a copy of the
7 proposed OSC.

8 (c) Upon review of the motion and application, the court
9 may:

10 (1) Deny the motion and vacate the hearing;

11 (2) Issue the requested OSC, to be heard at the motion
12 hearing;

13 (3) Reset the motion hearing to an earlier or later time;
14 or

15 (4) Leave the hearing on calendar without issuing the
16 OSC so as to address issues raised in the motion at
17 that time, either resolving them or issuing the OSC
18 at the hearing.

19 Pursuant to EDCR 5.510(b), attached as **Exhibit 1** is Jim's filed
20 Emergency Motion and attached as **Exhibit 2** is the proposed Order to
21 Show Cause. For the reasons set forth below, and in Jim's Emergency
22 Motion, good cause exists to issue an Order to Show Cause against Minh
23 in this matter, to be heard at the hearing scheduled on Jim's Emergency
24 Motion.

25 Jim and Minh were married on July 8, 2006. The parties have three
26 (3) minor children the issue of their marriage: Hannah, born March 19,
27 2009, Matthew, born June 26, 2010, and Selena, born April 4, 2014. This
28 Court held an evidentiary hearing on child custody and support on August
29 8, September 5, and September 11, 2019. This Court issued its Findings
30 of Fact, Conclusions of Law, and Decision and Order ("Decision and
31 Order") on September 20, 2019, setting forth its orders regarding child
32 custody and child support. This Court ordered the parties to share joint

1 legal custody and awarded Jim primary physical custody. Decision and
2 Order, pg. 28, lines 5-8. Minh has visitation with the children on certain
3 enumerated holiday weekends and extended school breaks throughout the
4 year, which she can exercise in California, and one non-holiday weekend
5 each month, which she must exercise in Nevada. Decision and Order, pg.
6 29, line 21, to pg. 30, line 13.

7 Regarding the Court's order that the parties share joint legal custody,
8 the Court stated: "Each parent acknowledges and agrees that they each
9 currently have and will continue to have adequate access to all information
10 concerning the wellbeing of the children" Decision and Order, pg.
11 28, line 22, to pg. 29, line 5. In addition, when a parent vacations with
12 the children, that parent must provide the other parent with a travel
13 itinerary, which shall include telephone numbers, expected times of arrival
14 and departure, and destinations. Decision and Order, pg. 29, lines 16-20.

15 The Court ordered that neither party would pay child support.
16 Decision and Order, pg. 32, lines 1-3. However, the Court entered orders
17 confirming the parties' agreement to share equally in the cost of the
18 children's private school tuition and related expenses. Decision and
19 Order, pg. 32, lines 2-4. The Court specifically noted that Jim

20 waives child support from Minh Luong in consideration for an
21 agreement that the parties share equally the significant private
22 school tuition and related expenses, all medical and dental
23 expenses for the children that are not covered by insurance,
24 expenses for the children's extracurricular activities that the
25 parties agree are best for the children, and tutoring or
26 education expenses that the parties agree are best for the
27 children.

28 Decision and Order, pg. 23, line 24, to pg. 24, line 4. The Court ordered
the parties shall follow the 30/30 rule for expenses, which requires the
parent who paid for the expense to provide the other parent a copy of the
receipt of payment within thirty (30) days of payment, and the other

1 parent to reimburse one-half of such expenses within thirty (30) days.
2 Decision and Order, pg. 32, lines 7-13.

3 The most egregious of Minh's violations of the Court's Order is her
4 violation of the custody order awarding Jim primary physical custody.
5 Decision and Order, pg. 28, lines 5-8. Minh has visitation with the
6 children on certain enumerated holiday weekends and extended school
7 breaks throughout the year, which she can exercise in California, and one
8 non-holiday weekend each month, which she must exercise in Nevada.
9 Decision and Order, pg. 29, line 21, to pg. 30, line 13. Jim has primary
10 physical custody of the children at all other times not specifically granted
11 to Minh in the Decision and Order. Minh currently has visitation with
12 the children for Spring Break from March 20–28, 2020. However, on
13 March 20, 2020, Minh falsely accused Jim of domestic violence and
14 unilaterally decided she will not return the children to Jim for
15 indefinite period of time, until his criminal trial is conducted. See
16 Exhibit 16, March 22, 2020 Email from Fred Page, attached to Jim's
17 Emergency Motion.

18 Jim did not abuse, hit, batter, or assault Minh in any way. Jim
19 detailed in his Emergency Motion how, in an effort to try to bait Jim to hit
20 her, Minh tried to steal Jim's kitesurf board, damaged his kitesurf board
21 by smashing its tail against the garage floor, struck his vehicle with an
22 aluminum handle, attempted to tip a ladder onto his vehicle, damaged
23 Jim's door and walls by banging the ladder against them, tried to ruin the
24 marble in Jim's home by smashing the ladder against it, aggressively
25 approached Jim and told him to hit her, and kicked Jim in the shins.
26 When Minh did not succeed in getting Jim to hit her, she resorted to
27 making false allegations of domestic abuse. Minh believes her false and
28 unsubstantiated allegations allow her to keep the children from Jim, and

1 she believes she can do so indefinitely. Minh has never had any intention
2 of following this Court's Decision and Order. She has simply been trying
3 to figure out a way to circumvent it. Minh's unilateral decision to deprive
4 Jim of primary physical custody of the children without Court approval is
5 a direct violation of this Court's custodial orders and an act of contempt.

6 Minh has also violated the Court's order that when a parent
7 vacations with the children, that parent must provide the other parent
8 with a travel itinerary, which shall include telephone numbers, expected
9 times of arrival and departure, and destinations. Decision and Order, pg.
10 29, lines 16-20. Jim asked Minh to provide him an itinerary when she
11 took the children to Brianhead, but she refused to do so. The only reason
12 Minh informed Jim about this vacation is because she needed Jim to give
13 her the children's ski gear, which he did and which Minh has refused to
14 return as detailed in Jim's Emergency Motion.

15 Jim believes Minh does not inform him of most vacations on which
16 she takes the children, let alone provide any form of itinerary. Minh
17 recently purchased an RV, and upon information and belief, Minh spends
18 her one weekend visitation each month in Nevada taking the children on
19 vacations in the RV. Jim believes Minh took the children to Northern
20 Nevada in the RV during her visitation on January 25 and 26, 2020;
21 however, Minh did not provide Jim an itinerary so he does not know
22 where the children and Minh stayed. Jim also believes Minh took the
23 children on a fishing and camping trip the weekend of February 29 and
24 March 1, 2019. Again, Minh did not provide Jim any information about
25 the trip. When Jim asked the children about their weekend, the kids
26 became secretive and defensive. Jim asked Hannah how fishing was and
27 Hannah became awkwardly defensive and stated that they did not leave
28 the state. On a separate occasion when Jim asked the children about their

1 visit with Minh, Matthew told Hannah and Selena their father was trying
2 to trick them. When Jim asked Hannah and Selena what Matthew said
3 to them, Matthew stated: “He’s trying to get us to tell him our secret.
4 Don’t answer him. He’s trying to trick us into telling him. Do you
5 remember what we talked about?”

6 Considering Minh rarely answers Jim’s telephone calls, FaceTime
7 calls, and text messages when the children are with her during her
8 visitation, it is extremely concerning that Minh also does not provide Jim
9 with an itinerary when she takes the children on vacation, including
10 telephone numbers, expected times of arrival and departure, and
11 destinations. If anything were to happen to the children or Minh, Jim
12 would not have any information about where they were. Minh’s failure
13 and refusal to provide Jim an itinerary of the vacations on which she takes
14 the children is a violation of the Court’s Decision and Order and each
15 vacation for which Minh did not provide an itinerary to Jim constitutes an
16 act of contempt.

17 Minh has further violated this Court’s order that the parties are to
18 equally share the cost of the children’s private school tuition and related
19 expenses, extracurricular activities, and unreimbursed medical expenses.
20 Decision and Order, pg. 32, lines 2-4. The Court ordered that neither
21 party would pay child support. Decision and Order, pg. 32, lines 1-3.
22 However, the Court entered orders confirming the parties’ agreement to
23 share equally in the cost of the children’s private school tuition and related
24 expenses, extracurricular activities, and unreimbursed medical expenses.
25 Decision and Order, pg. 32, lines 2-4. Jim has requested Minh reimburse
26 him for her one-half portion of the children’s school tuition, school
27 uniforms, and extracurricular activities, but she has refused to do so. Jim’s
28 assistant, Bo Bautista, sent an email to Minh on October 30, 2019,

1 providing receipts for payments made for the children's private school
2 tuition, school uniforms, and Matthew's martial arts class. See Exhibit 7
3 to Jim's Emergency Motion. Minh's one-half portion of the children's
4 private school tuition is \$2,140 per month for the months of August 2019
5 to the present. Minh's one-half portion of the children's school uniforms
6 is \$188.84. Minh's one-half portion of Matthew's martial arts class is
7 \$460.24.

8 Minh has not reimbursed Jim for any of these expenses. Within a
9 week of the Court entering its Decision and Order, Minh informed Jim she
10 no longer approved of the extracurricular activities in which the children
11 were enrolled in Nevada and would not contribute to the cost. Jim sent
12 another email to Minh on January 17, 2020 again requesting she pay her
13 portion of the children's private school tuition, but Minh stated she would
14 only make a payment directly to the school and not to Jim. See Exhibit
15 7 to Jim's Emergency Motion. Minh's failure to pay her one-half portion
16 of these expenses is a violation of the Court's order and an act of
17 contempt.

18 Minh has violated the Court's following order: "Each parent
19 acknowledges and agrees that they each currently have and will continue
20 to have adequate access to all information concerning the wellbeing of the
21 children" Decision and Order, pg. 28, line 22, to pg. 29, line 5.
22 Minh does not ensure Jim has access to the well being of the children
23 while they are in her care. Minh does not communicate with Jim
24 regarding the children's wellbeing and rarely allows the children to
25 communicate with Jim during her visitation. Such actions are particularly
26 distressing for Jim during the longer visitation periods. For instance, Minh
27 did not allow Jim to speak to the children for the ten (10) days she had
28 the children over Winter Break. In addition, when Hannah and Matthew

1 ran away from Jim's home on December 17, 2019, and called Minh at
2 approximately 5:55 a.m. at the guard station of Jim's development, Minh
3 did not communicate with Jim about their whereabouts. Minh waited
4 until 6:20 a.m. to call Jim, at which point he had already picked up
5 Hannah and Matthew. When Jim answered Minh's call, she immediately
6 hung up on him. Minh's failure to ensure Jim has adequate access to
7 information regarding the children's wellbeing while in her care is a
8 violation of the Court's order and an act of contempt.

9 In an effort to provide the children with the therapy they need to
10 cope with their parents' divorce, the parties entered into a Stipulation and
11 Order Appointing Dr. Michelle Gravley as Children's Therapist, filed on
12 July 30, 2019. Unfortunately, Dr. Gravley has not been effective in
13 helping the children. The children's behavior is very concerning, especially
14 immediately following their return from Minh. Although the parties agree
15 that Dr. Gravley is ineffective, they have not agreed to a new therapist.
16 Jim has continued to take the children to Dr. Gravley for therapy pursuant
17 to the Stipulation and Order entered July 30, 2019. On the contrary,
18 Minh has refused to comply with the Stipulation and Order, and informed
19 Dr. Gravley she no longer supports the children's therapy sessions and will
20 not be taking the children to any therapy sessions or paying her one-half
21 portion of the cost. See Exhibit 9 to Jim's Emergency Motion. Minh's
22 refusal to comply with the Stipulation and Order Appointing Dr. Michelle
23 Gravley as Children's Therapist is an act of contempt.

24 . . .

25 . . .

26 . . .

27 . . .

28 . . .

1 For the foregoing reasons, most importantly, Minh's refusal to return
2 the children to Jim pursuant to the Court's Decision and Order, good
3 cause exists for the Court to issue an Order to Show Cause why Minh
4 should not be held in contempt.

5 DATED this 27th day of March , 2020.

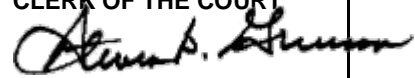
6 THE DICKERSON
7 KARACSONYI LAW GROUP

8 By /s/ Sabrina M. Dolson
9 ROBERT P. DICKERSON, ESQ.
10 Nevada Bar No. 000945
11 SABRINA M. DOLSON, ESQ.
12 Nevada Bar No. 013105
13 1745 Village Center Circle
14 Las Vegas, Nevada 89134
15 Attorneys for Plaintiff
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EXHIBIT 1

EXHIBIT 1

EXHIBIT 1



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THE DICKERSON KARACSONYI LAW GROUP
ROBERT P. DICKERSON, ESQ.
Nevada Bar No. 000945
SABRINA M. DOLSON, ESQ.
Nevada Bar No. 013105
1745 Village Center Circle
Las Vegas, Nevada 89134
Telephone: (702) 388-8600
Facsimile: (702) 388-0210
Email: info@thedklawgroup.com
Attorneys for Plaintiff

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES W. VAHEY,
Plaintiff,

v.

MINH NGUYET LUONG,
Defendant.

CASE NO. D-18-581444-D
DEPT NO. H

Oral Argument Requested: Yes

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 YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN 14 DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT A HEARING PRIOR TO THE SCHEDULED HEARING DATE.

PLAINTIFF'S EMERGENCY MOTION FOR IMMEDIATE RETURN OF THE CHILDREN, DISSOLUTION OF TPO, MODIFICATION OF CHILD CUSTODY, APPOINTMENT OF A NEW THERAPIST FOR THE CHILDREN, AN ORDER TO SHOW CAUSE WHY DEFENDANT SHOULD NOT BE HELD IN CONTEMPT, AND TO RESOLVE OTHER PARENT CHILD ISSUES

COMES NOW Plaintiff, JAMES W. VAHEY ("Jim"), by and through his attorneys, ROBERT P. DICKERSON, ESQ., and SABRINA M. DOLSON, ESQ., of THE DICKERSON KARACSONYI LAW GROUP, and submits Plaintiff's Emergency Motion for Immediate Return

1 of the Children, Dissolution of TPO, Modification of Child Custody,
2 Appointment of a New Therapist for the Children, an Order to Show
3 Cause Why Defendant Should Not Be Held in Contempt, and to Resolve
4 Other Parent Child Issues (“Emergency Motion”). Specifically, Jim
5 requests this Court enter the following orders:

6 1. An Order directing Defendant, MINH NGUYET LUONG
7 (“Minh”), to immediately return the children to Jim’s custody;

8 2. An Order dissolving the Temporary Order for Protection
9 Against Domestic Violence (“TPO”) Minh obtained against Jim;

10 3. An Order requiring Minh’s visitation be suspended or
11 supervised in Nevada until the children and Minh participate in therapy
12 with a therapist who specializes in dealing with manipulation and
13 alienation issues;

14 4. An Order appointing a new therapist who specializes in dealing
15 with manipulation and alienation issues;

16 5. An Order to Show Cause requiring Minh to demonstrate why
17 she should not be held in contempt for her multiple violations of this
18 Court’s Orders; and

19 6. For such other relief as the Court deems just and proper in the
20 premises.

21 . . .

22 . . .

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26 . . .

27 . . .

28 . . .

1 This Emergency Motion is made and based upon the following
2 Memorandum of Points and Authorities, the Declaration of Jim attached
3 hereto, the attached exhibits, all papers and pleadings on file herein, as well
4 as oral argument of counsel as may be permitted at the hearing on this
5 matter.

6 DATED this 27th day of March, 2020.

7 THE DICKERSON
8 KARACSONYI LAW GROUP

9 By /s/ Sabrina M. Dolson
10 ROBERT P. DICKERSON, ESQ.
11 Nevada Bar No. 000945
12 SABRINA M. DOLSON, ESQ.
13 Nevada Bar No. 013105
14 1745 Village Center Circle
15 Las Vegas, Nevada 89134
16 Attorneys for Plaintiff
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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. **FACTUAL STATEMENT**

3 A. Factual and Procedural Background

4 Jim and Minh were married on July 8, 2006. On June 14, 2006, the
5 parties entered into a Premarital Agreement. The parties have three (3)
6 minor children the issue of their marriage: Hannah, born March 19, 2009
7 (eleven (11) years old), Matthew, born June 26, 2010 (nine (9) years old),
8 and Selena, born April 4, 2014 (five (5) years old). On December 13,
9 2018, Jim filed his Complaint for Divorce, asserting the parties' Premarital
10 Agreement is a valid and binding agreement between the parties and
11 addresses all marital issues with the sole exception of child custody and
12 child support. Minh filed her Answer and Counterclaim for Divorce on
13 January 11, 2019, admitting to same. On January 29, 2019, Minh filed a
14 motion seeking primary physical custody of the parties' children and
15 permission to relocate with them to Irvine, California. Jim filed his
16 Opposition and Countermotion for Joint Physical Custody on February 20,
17 2019. This Court held an evidentiary hearing on the child custody and
18 support issues on August 8, September 5, and September 11, 2019.

19 This Court issued its Findings of Fact, Conclusions of Law, and
20 Decision and Order ("Decision and Order") on September 20, 2019,
21 setting forth its orders regarding child custody and child support. This
22 Court ordered the parties to share joint legal custody and awarded Jim
23 primary physical custody. Decision and Order, pg. 28, lines 5-8. Minh
24 has visitation with the children on certain enumerated holiday weekends
25 and extended school breaks throughout the year, which she can exercise in
26 California, and one non-holiday weekend each month, which she must
27 exercise in Nevada. Decision and Order, pg. 29, line 21, to pg. 30, line 13.

28 . . .

1 In determining it was in the children's best interest for Jim to have
2 primary physical custody, the Court found Jim was the parent more likely
3 to allow the children to have a frequent and continuing relationship with
4 the other parent. Decision and Order, pg. 11, lines 11-3. Minh testified
5 at the evidentiary hearing that she cannot co-parent with Jim. Decision
6 and Order, pg. 13, lines 14-17. The Court raised its concerns that Minh's
7 negative attitude toward Jim based on his refusal to allow her to move to
8 California has caused her to negatively influence the children's relationship
9 with Jim. Decision and Order, pg. 11, lines 13-17. The Court noted it
10 received evidence demonstrating Minh had discussed the dispute with the
11 parties' children and advised them to discuss same with their father.
12 Decision and Order, pg. 11, lines 18-27. The Court determined that
13 Minh's dialog with the children "has the potential to alienate the children
14 from their father." Decision and Order, pg. 12, lines 5-6. The Court
15 further stated it "is concerned that Minh Luong's decision to live in
16 California is intended to create a distance between the parties, and to
17 create a distance between the children and their father, to avoid the
18 sometimes tedious and inconvenient aspects of co-parenting." Decision
19 and Order, pg. 19, lines 3-8. The Court found that Minh's "intention to
20 move is, in part, to deprive [Jim] of [his] parenting time." Decision and
21 Order, pg. 18, lines 13-15. As will be discussed below, the Court's
22 concerns have been realized.

23 Regarding the Court's order that the parties share joint legal custody,
24 the Court stated: "Each parent acknowledges and agrees that they each
25 currently have and will continue to have adequate access to all information
26 concerning the wellbeing of the children" Decision and Order, pg. 28,
27 line 22, to pg. 29, line 5. In addition, when a parent vacations with the
28 children, that parent must provide the other parent with a travel itinerary,

1 which shall include telephone numbers, expected times of arrival and
2 departure, and destinations. Decision and Order, pg. 29, lines 16-20.

3 The Court ordered that neither party would pay child support.
4 Decision and Order, pg. 32, lines 1-3. However, the Court entered orders
5 confirming the parties' agreement to share equally in the cost of the
6 children's private school tuition and related expenses. Decision and Order,
7 pg. 32, lines 2-4. The Court specifically noted that Jim

8 waives child support from Minh Luong in consideration for an
9 agreement that the parties share equally the significant private
10 school tuition and related expenses, all medical and dental
11 expenses for the children that are not covered by insurance,
12 expenses for the children's extracurricular activities that the
13 parties agree are best for the children, and tutoring or
14 education expenses that the parties agree are best for the
15 children.

16 Decision and Order, pg. 23, line 24, to pg. 24, line 4. The Court ordered
17 the parties shall follow the 30/30 rule for expenses, which requires the
18 parent who paid for the expense to provide the other parent a copy of the
19 receipt of payment within thirty (30) days of payment, and the other
20 parent to reimburse one-half of such expenses within thirty (30) days.
21 Decision and Order, pg. 32, lines 7-13.

22 B. Issues Since the Court's Decision and Order Was Entered

23 1. *Minh's Continued Refusal to Coparent and Communicate with Jim*

24 Jim testified at the evidentiary hearing that Minh refuses to
25 communicate with him verbally, even in front of the children. See
26 Decision and Order, pg. 12, lines 25-28. Minh confirmed at the
27 evidentiary hearing she cannot (i.e., refuses to) coparent with Jim.
28 Decision and Order, pg. 13, lines 14-17. Minh has continued with this
inappropriate behavior in the presence of the children and only
communicates with Jim to denigrate and disparage him. Minh will not
make eye contact with Jim and treats him as if he does not exist at the

1 custodial exchanges and any event for the children in which they both
2 attend. On multiple occasions, Minh has called Jim an idiot, scum of the
3 earth, and a piece of shit in front of the children.

4 At the custodial exchange on March 1, 2020, after Jim waited
5 approximately an hour and a half for the children to get out of Minh's RV,
6 the parties had the following conversation while Jim was attempting to get
7 Hannah and Matthew out of Minh's car with no help from Minh:

8 Jim: Are you helping to bring them in or are you
just sitting there (inaudible)

9 Minh: You are beneath me. I don't need to talk to
10 you.

11 Jim: Alright. I'm beneath you. Nguyet.
12 Hannah and Matthew. Hannah and
Matthew, let's go.
Have they eaten? I'm trying to ask you.

13 Minh: Don't talk to me.

14 Jim: Please answer me.

15 Minh: Don't need to talk to me.

16 Jim: No. No. We need to take care of our
17 children. Have they eaten? Have they eaten?

18 Minh: You can ask them yourself.

19 Jim: You can answer me.

20 Minh: No. I don't.

21 Jim: You're their mother.

22 Minh: You're a low life.

23 Jim: You're their mother.

24 Minh: You're their father. Now act like one.

25 Jim: I have been.

26 Minh: Besides . . .

27 Jim: I have been.

28 Minh: . . . just thinking of yourself.

1 Jim: I have been.

2 Minh: No, you haven't.

3 Jim: Oh, really?

4 Minh: You're selfish. You selfish SOB. I don't want
5 to look at your face. I don't want to see you.
6 Do you know that? You're just beneath dirt.
7 Unbelievable.

8 Jim: If you have those thoughts, please . . .

9 Minh: I don't want to hear anything you're saying.
10 Don't say anything to me.

11 Jim: . . . please don't say those in front of the
12 children.

13 Minh: Don't talk to me! I ask you not to talk to
14 me!

15 Jim: Hannah and Matthew. Hannah and
16 Matthew, it is not good for you to hear any of
17 this. Come inside now. Bring them inside.

18 **Exhibit 1**, Audio Recording of March 1, 2020 Custodial Exchange. Minh
19 is so consumed by her hate and anger toward Jim she cannot engage in a
20 simple conversation regarding whether the children have eaten and will not
21 help him get the children out of her vehicle. During this exchange, Jim had
22 tried to coax the children to leave Minh's RV five (5) separate times over
23 the period of an hour and a half with no assistance from Minh. At one
24 point, Minh was hugging Hannah, clearly showing her support for the
25 children in their refusal to go to Jim. During another time when Jim tried
26 to get the children, the children were in the back bed of the RV and Minh
27 was sitting in the middle of the RV, texting.

28 Whenever there is confusion over the custodial schedule, Jim cannot
communicate with Minh to resolve any issues as Minh is nonresponsive.
For instance, Jim and Minh agreed Minh would have the children for her
weekend visitation in Nevada for the month of March from March 20-22,
2020. Attached as **Exhibit 2** is a calendar Minh provided to Jim shortly

1 after the Court entered its Decision and Order, which provides the dates
2 on which she will exercise her weekend visitation in Nevada. Thereafter,
3 Jim received an email that the children's Spring Break was being moved
4 from April 6-10, 2020, to March 23-27, 2020. Jim mistakenly thought
5 Spring Break was moved up only one week. Jim and Minh exchanged the
6 following text messages regarding Spring Break, which demonstrates Jim's
7 mistake:

8 Jim: The kids school made some changes regarding
9 subject material and timing of spring break. I
10 wanted to make sure you were aware of it as soon
11 as possible. Spring break is going to be a week
12 earlier. Let me know what you would like to do. I
13 can make accommodations for whatever you would
14 like. Let me know.

15 I forwarded the email to you.

16 Minh: I will take the kids for that week but that also mean
17 I am owed a weekend. I will forward that weekend
18 to a later weekend.

19 **Exhibit 3**, March 15, 2020 Text Messages Regarding Spring Break.
20 Despite Jim forwarding the email regarding the Spring Break change to
21 Minh, she did not correct Jim on his mistake. Thus, Jim believed Minh
22 would be exercising her one weekend visitation in Nevada, pursuant to the
23 calendar she provided to him, from March 20-22, 2020, and would be
24 exercising her Spring Break visitation from March 30 - April 3, 2020.

25 Given Jim mistakenly believed that Minh was exercising her weekend
26 visitation in Nevada beginning March 20, 2020, Jim attempted to
27 communicate with Minh regarding her plans for where she would be
28 spending the weekend with the children as he was concerned she would be
traveling to California. Prior to the outbreak of COVID-19 and the
recommendations for avoiding unnecessary travel, Minh had asked Jim if
she could take the children to California for her March 20-22 weekend.
Jim had informed Minh he did not think such a short trip, with the hours

1 they would spend traveling, was sensible, but told Minh it was her
2 decision. After the outbreak of COVID-19 and after Nevada and
3 California started closing nonessential businesses and advising against
4 unnecessary travel, Jim knew it would be safer for the children to stay in
5 Nevada as there are far fewer cases of COVID-19 in Nevada than there are
6 in California. Jim was also reasonably concerned Minh would travel with
7 the children to California and then use the California Governor's "shelter
8 in place" order to keep the children and refuse to return them to him. Jim
9 and Minh exchanged the following text messages:

10 Jim: I'm concerned about our kids' safety. I think it
11 would be best not to travel to California right now.
12 There are a lot of cases in California, and they
13 really believe the actual number is very
underestimated. Please don't risk exposing the kids
to the virus.

14 Minh: You just had a gathering of a non family member
15 came over to your house. And now you want to tell
16 me you are concerned? Please get the kids ready
and my gear at your office. I will pick them up at
4.

17 Jim: The Court's custodial order provides you have one
18 weekend of visitation each month here in Nevada.
19 In addition, given the current issues surrounding
20 COVID-19 and the recommendation that people
avoid unnecessary travel, I do not approve nor
consent to the children's traveling outside of Las
Vegas this weekend. Can you please confirm you
will be complying with the court's order?

21 We are at the house. We're not going to the office.
22 I'll see you at 4 o'clock per the court's order.

23 Minh: I will comply with court order
As always

24 Jim: Thank you for giving me a straight answer. We can
25 only coparent together if we understand how
26 important it is for us to communicate with each
27 other and appropriately respond to each other with
honest answers to legitimate questions concerning
the well-being of our children. I was concerned
about our children, and I appreciate your giving me
a straight answer to my question.

1 **Exhibit 4**, March 19-20, 2020, Text Messages Regarding Visitation. As
2 is evident from Minh's misleading response of "I will comply with court
3 order," Minh was well aware Jim had the dates for Spring Break mistaken
4 and rather than correct him, allowed him to believe she would be spending
5 the weekend in Nevada with the children.

6 Jim's counsel received a similar misleading and nonresponsive email
7 from Minh's counsel when attempting to discuss the issue. On March 20,
8 2020, Sabrina Dolson, sent the following email to Fred Page:

9 Mr. Page:

10 Your assistance is needed as Dr. Luong is refusing to
11 communicate and coparent with Dr. Vahey. Dr. Luong will
12 not confirm with Dr. Vahey whether she intends to take the
13 children to California, in violation of the Court's order, this
14 weekend. The Court's Findings of Fact, Conclusions of Law,
15 Decision and Order, entered September 20, 2019, provides Dr.
16 Luong is to have the children for one, non-holiday weekend in
17 Nevada each calendar month. Pg. 30, lines 7-9. In addition,
18 as I'm sure you are aware, unnecessary travel is not
19 recommended at this time given the risks caused by COVID-
20 19, and California's Governor has issued a "Stay-at-Home"
21 order. Can you please confirm with Dr. Luong that she will
22 not be traveling with the children this weekend in violation of
23 the Court's order?

24 Thank you for your time and attention to this matter.

25 **Exhibit 5**, March 20, 2020 Emails Exchanged Between Sabrina M.
26 Dolson, Esq., and Fred Page, Esq. Mr. Page responded the same day:

27 Ms. Dolson,

28 It is incorrect to allege that Dr. Luong is not communicating
and co-parenting with Dr. Vahey. Dr. Luong is adhering to the
Court's orders. It is libelous for Dr. Vahey to suggest otherwise.
It is requested that you ask that Dr. Vahey cease trying to
create conflict where none should exist. It is required that Dr.
Vahey obey the Court's orders. Please ensure that Dr. Vahey
obeys the Court's orders.

Exhibit 5. Mr. Page had no intention of helping to clarify the confusion
and confirm where Minh would be taking the children during her
visitation.

1 Minh also refuses to provide an itinerary to Jim when she takes the
2 children on vacation. Jim asked Minh to provide him an itinerary when
3 she took the children to Brianhead, but she refused to do so. The only
4 reason Minh informed Jim about this vacation is because she needed Jim
5 to give her the children's ski gear. Jim organized and packed all of the
6 children's gear for their Brianhead trip and delivered it to Minh on
7 December 27, 2019. After the vacation, Jim asked Minh to return the
8 children's ski gear as he had a ski trip with the children, his brother, and
9 his nephew planned for February 7, 2020. Minh refused to return the
10 children's gear. Instead, Minh tried to bargain the return of the children's
11 ski gear for items she wanted from Jim's home. Jim offered to give her the
12 items she requested, but Minh refused to respond to Jim and to return the
13 children's gear. Jim ended up spending approximately \$1,000, and a
14 considerable amount of time, to purchase new gear for the children.

15 Jim believes Minh took the children to Northern Nevada during her
16 visitation on January 25-26, 2020, in an RV she purchased; however, Minh
17 did not provide Jim an itinerary so he does not know where the children
18 and Minh stayed. Jim also believes Minh took the children on a fishing
19 and camping trip on February 29 and March 1, 2020. Again, Minh did
20 not provide Jim any information about the trip. When Jim asked the
21 children about their weekend, the kids became secretive and defensive. Jim
22 asked Hannah how fishing was and Hannah became awkwardly defensive
23 and stated that they did not leave the state. On a separate occasion when
24 Jim asked the children about their visit with Minh, Matthew told Hannah
25 and Selena their father was trying to trick them. When Jim asked Hannah
26 and Selena what Matthew said to them, Matthew stated: "He's trying to
27 get us to tell him our secret. Don't answer him. He's trying to trick us
28 into telling him. Do you remember what we talked about?"

1 Considering Minh usually does not answer Jim's telephone calls,
2 FaceTime calls, and text messages when the children are with her during
3 her visitation, it is extremely concerning that Minh also does not provide
4 Jim with an itinerary when she takes the children on vacation, including
5 telephone numbers, expected times of arrival and departure, and
6 destinations. If anything were to happen to the children or Minh, Jim
7 would not have any information about where they were.

8 In addition, Minh has refused to coparent with Jim regarding paying
9 for the children's expenses. The Decision and Order provides:

10 The parties agree to share equally private school tuition and
11 related expenses, all medical and dental expenses for the
12 children that are not covered by insurance, expenses for the
13 children's extracurricular activities that the parties agree are
14 best for the children, and tutoring or education expenses that
15 the parties agree are best for the children.

16 Decision and Order, pg. 32, lines 2-8. Within a week of the Court
17 entering its Decision and Order, Minh informed Jim she no longer
18 approved of the extracurricular activities in which the children were
19 enrolled in Nevada and would not contribute to the cost. Exhibit 6,
20 September 27, 2019 Email from Minh to Jim. Minh has also refused to
21 reimburse Jim for her one-half (½) portion of the children's school tuition,
22 owing \$2,140 for each month from August 2019 to the present, school
23 uniforms, and medical expenses. Exhibit 7, Reimbursement Emails.
24 Despite refusing to reimburse Jim for these expenses, Jim received a bill in
25 the amount of \$4,341 in the mail from Minh for dental work she
26 completed on the children. Exhibit 8, Toothfairy Children's Dental
27 Statement of Account, dated March 20, 2020. Minh did not discuss any
28 of this dental work with Jim. Without Jim's knowledge, Minh completed
dental work on the children on March 1, 2020, in the amount of \$2,170
and, according to the Statement of Account, Minh forwarded a balance of

1 \$2,171 to Jim for prior work she purportedly completed on the children.
2 This is the type of game playing Jim has dealt with since the Court's
3 Decision and Order.

4 2. *Minh's Alienation and Manipulation of the Children*

5 At the evidentiary hearing, Jim presented evidence that Minh has
6 been alienating, manipulating, and coaching the children. Minh has not
7 ceased such actions, which is having a detrimental effect on the children.
8 In an effort to provide the children with the therapy they need to cope
9 with their parents' divorce, the parties entered into a Stipulation and
10 Order Appointing Dr. Michelle Gravley as Children's Therapist, filed on
11 July 30, 2019. Unfortunately, Dr. Gravley has not been effective in
12 helping the children. The children's behavior is very concerning, especially
13 immediately following their return from Minh.

14 During the custodial exchanges, Minh refuses to help Jim get the
15 children out of her vehicle. The children are upset to be leaving Minh,
16 which Jim understands given the children went from having their mother
17 involved in their every day lives to seeing her only a few days a month.
18 The children also are initially resentful of Jim upon returning from Minh's,
19 and blame him for Minh's decision to move to California without them.
20 The children follow Minh's lead and avoid talking to Jim when Minh is
21 present. When the parties first started following the custodial schedule,
22 Jim only had behavior issues with Hannah and Matthew. Now, Selena is
23 starting to copy the older children's behavior. Minh sits in her vehicle as
24 the children, who are visibly upset, resist leaving her. Thankfully, the
25 children typically return to their normal behavior by the following day.
26 However, the ordeal that occurs every time the parties exchange custody
27 is exhausting for the parties and the children, and raises serious concerns
28 for the psychological harm the children are incurring.

1 There was one instance in which the children took longer than usual
2 to return to their normal behavior. After the children visited with Minh
3 from December 13-15, 2019, they formed a plan to leave Jim's home in the
4 morning before school on December 17, 2019. At approximately 5:45 a.m.
5 on that day, Hannah and Matthew snuck out of Jim's home and rode their
6 bicycles to the guard station of Jim's gated community. Jim realized
7 Hannah and Matthew had left his home shortly after they snuck out, and
8 he immediately got Selena into his vehicle, called the guard station at his
9 development, and confirmed the children were with the guard. Jim picked
10 up the children from the guard station and learned Hannah and Matthew
11 had called Minh from the guard station at approximately 5:55 a.m.
12 Despite speaking to Hannah and Matthew about what they had done, and
13 knowing Jim, as any parent, would be in a state of panic, Minh did not
14 immediately call Jim to inform him she knew where the children were.
15 Rather, Minh waited until 6:15 a.m., twenty minutes after she spoke to
16 Hannah and Matthew, before she called Jim. When Jim answered Minh's
17 telephone call, Minh hung up on him without saying a word. Jim later
18 learned that Minh had been on her way to pick up the children, and
19 planned to do so without informing him.

20 After Jim returned the children to his home, and while he helped
21 them get ready for school, the police arrived at Jim's home. Jim does not
22 know if the security guard at the guard station or Minh called the police.
23 Nevertheless, after Jim explained the situation to the police and the police
24 spoke to Hannah and Matthew, they left. Jim discussed the children's
25 actions with them and informed them such behavior is unacceptable. Jim
26 took away Hannah's use of her cell phone and Matthew's use of his iPad
27 as consequences for their actions. Despite taking away the children's
28 electronics, he did not prevent them from communicating with Minh,

1 which Minh accused Jim of doing. The children called Minh later that
2 day, but she did not answer.

3 Minh also saw the children later that same day at the children's
4 school because the parties' youngest child, Selena, had a school Christmas
5 performance, which Jim, Minh, Hannah, and Matthew attended. Minh
6 could not even coparent with Jim for that one event. When Jim arrived at
7 Selena's school to watch her performance, he sat next to Hannah, who was
8 sitting next to Minh. Shortly after Jim sat down next to Hannah, Minh
9 got up with Hannah and moved to a different part of the bleachers just so
10 Jim could not sit with them. Minh acted similarly during Hannah's
11 Christmas performance. Minh sat far away from Jim in an area where
12 there was no room for him to sit with her and Selena as they watched
13 Hannah's performance. This obviously sends a horrible message to the
14 parties' children, especially Hannah, who is having the most difficult time
15 coping with the parties' divorce.

16 Since the December 17, 2019, incident, Minh has called the police
17 approximately three (3) times to have the children forced by police officers
18 to either enter her vehicle at her home, or to have the children removed
19 from her vehicle at Jim's home. This spectacle is completely unnecessary.
20 The parties should be able to exchange the children without police
21 involvement as long as they coparent. However, it appears Minh is
22 attempting to create a record of the children not wanting to return to Jim
23 to support a future request for this Court to change its custody orders.

24 Not surprisingly, the children's rhetoric is starting to parallel Minh's.
25 Hannah has told Jim he is selfish, he only cares about himself, and he loves
26 his job more than her. During one instance, Hannah lost her composure
27 after getting into an argument with Selena over popcorn. Hannah became
28 very upset and went on a tirade against Jim, repeating much of Minh's

1 rhetoric. Hannah told Jim he was selfish and only does what he wants to
2 do. Hannah said she does not matter or exist, and that Jim does not love
3 her. Hannah said “mommy actually loves me.” Hannah asked Jim why he
4 did not just let her be in California with Minh. Hannah told Jim he ruined
5 everything and they could have been happy and had a good life in
6 California, but he made them stay in Nevada. Hannah told Jim he only
7 cares about his reputation, he does not need to work, and he lied when he
8 told her he would not choose his job over the children. Hannah asked Jim
9 why he wanted them anyway because he did not care about them.
10 Hannah’s statements and feelings demonstrate these children are hurting
11 and they need better treatment to prevent Minh from destroying Jim’s
12 relationship with them.

13 Even the parties’ youngest child, Selena, who is only five (5) years
14 old, has parroted Minh’s rhetoric. Selena recently told Jim she wanted to
15 go to school in California. When Jim asked why, Selena said it would be
16 so easy, she could just climb over the fence and walk to school. Selena said
17 the children could walk or ride their bikes to school. Jim does not believe
18 this is reasoning Selena would reach on her own at her age. Selena is
19 hearing this rationale from Minh.

20 Minh is also teaching the children to be distrustful of their father.
21 Minh has provided the children with electronics they can use to
22 communicate with her, with passwords to prevent Jim from accessing their
23 devices. The children know they are to keep their passwords secret from
24 Jim. Considering the young age of the children, both parents should have
25 access to the children’s devices to supervise their use. Minh also has the
26 children keep secrets regarding where they spend their visitation weekends
27 with Minh. As detailed above, the children have a secret about where they
28 were on the weekend of February 29, 2020.

1 Minh has also manipulated the children to believe Jim is recording
2 and spying on them, and that they have no privacy. When Minh speaks
3 to the children on FaceTime, she tells them to go their bedrooms so they
4 can have privacy from Jim. Minh has also made Hannah put headphones
5 on when speaking to her so Jim cannot hear what Minh says. Hannah
6 often stays in her bedroom when she speaks to Minh, but on one occasion,
7 while Hannah was speaking to Minh, she went to the kitchen to microwave
8 some food. When Minh noticed Hannah was not in her room, she harshly
9 asked Hannah: “Why are you out there? Why aren’t you in your room?”
10 When Jim drives the children to school, Hannah will cover her head with
11 a blanket and text Minh. Jim would create restrictions for the children
12 regarding their use of electronics, but fears Minh will accuse him of
13 preventing the children from communicating with her.

14 Minh also convinced Hannah that there was a camera or recording
15 device in her bedroom. There is a motion sensor in Hannah’s bedroom
16 that has been there since the home was built. Recently, a red light on the
17 motion sensor started blinking. It was part of a security system the parties
18 had in the home during their marriage, but it is no longer active. Needless
19 to say, the motion sensor has no video or audio recording capabilities.
20 Selena has also told Jim that Minh told her there are cameras and recorders
21 in Jim’s home and she needs to be careful about what she says.

22 In addition, as demonstrated at the evidentiary hearing, Minh
23 continues to interrogate the children about what occurs at Jim’s house.
24 Minh asks the children what they eat, what time they go to bed, when the
25 babysitter is present, if the babysitter’s daughter accompanies the
26 babysitter, etc. Minh interjects her disapproval whenever she dislikes what
27 the children relay to her. If Minh is speaking to one child and wants to
28 speak to another who is sleeping, she will make whomever she is speaking

1 to show her the other child is sleeping. This has occurred on at least two
2 occasions. In one instance, Minh made Selena give the telephone to
3 Matthew to have him show her Hannah was sleeping, and in another
4 instance, Minh told Hannah to show her Matthew was actually sleeping.

5 Minh has inappropriate conversations with the children. Minh tells
6 the children how lonely and unhappy she is, and how she wishes they were
7 with her. This causes the children to feel as if they are needed in
8 California for the sake of their mother's happiness. Minh has discussed
9 with Hannah her belief that when Hannah is thirteen (13) years old, she
10 can decide with whom she wants to live. Jim has overheard Hannah
11 complain, "why do I have to wait until I'm thirteen for everything?" Minh
12 also directs the children to do her bidding. Rather than communicate with
13 Jim about what she would like the children to bring for her visitation,
14 Minh, who has a constant, irrational belief that Jim has most of the
15 children's clothing, will tell the children to bring certain items with them
16 to the custodial exchange. During one instance, Jim recalls Hannah was
17 very stressed as she tried to gather all the clothing Minh requested she
18 bring in a bag and secretly try to get the bag into Jim's vehicle. During
19 another exchange, Minh made Hannah and Matthew go back inside Jim's
20 house to grab a pile of their clothing and bring it to her in the garage. In
21 addition, Minh refused to return the children's school uniforms prior to
22 the start of school, despite Jim's requests. Jim had to purchase new school
23 uniforms at the beginning of the school year. Jim requested Minh
24 reimburse him for her one-half portion of the cost, but she has failed to do
25 so. Minh eventually returned the children's old school uniforms, but since
26 March 1, 2020, Minh has kept the children's new school uniforms that Jim
27 purchased.

28 . . .

1 When the children are with Minh during her visitation, she rarely
2 allows Jim to speak to the children. Jim has tried calling and FaceTiming
3 the children when they are with Minh, but his calls usually go unanswered.
4 Jim has also tried to text message Minh to speak to the children, but he
5 typically receives no response. When Minh had the children for ten (10)
6 days over Winter Break, Jim did not speak to the children the entire time.

7 As is evident, there are a number of issues that need to be addressed
8 through therapy for the children. Unfortunately, Dr. Gravley has not been
9 effective in helping the children cope with Minh's alienation and
10 manipulation as they continue to exhibit concerning behavior upon
11 returning from Minh's care. The children need a therapist who specializes
12 in treating children who have been subjected to alienation and
13 manipulation. Although the parties agree that Dr. Gravley is ineffective,
14 they have not agreed to a new therapist. Jim has continued to take the
15 children to Dr. Gravley for therapy pursuant to the Stipulation and Order
16 entered July 30, 2019. On the contrary, Minh has refused to comply with
17 the Stipulation and Order, and informed Dr. Gravley she no longer
18 supports the children's therapy sessions and will not be taking the children
19 to any therapy sessions or paying her one-half portion of the cost. Exhibit
20 9, March 3, 2020, Email from Dr. Michelle Gravley.

21 3. *Minh's False Allegation of Domestic Violence*

22 On March 20, 2020, at approximately 4:00 p.m., Minh arrived at
23 Jim's house to pick up the children for their Spring Break vacation. After
24 Minh got the children into her RV, in her typical rude manner that Jim has
25 now become accustomed to, she demanded Jim give her windsurf board to
26 her. Jim explained that he did not recall her owning a windsurf board, and
27 he did not have her windsurf board at his home. In front of the children,
28 Minh told Jim that if he did not give her the (nonexistent) windsurf board,

1 she would go in and get it herself. Jim allowed Minh into his garage to
2 look for her purported board believing that once she looked around and
3 realized Jim was not hiding her windsurf board she would leave.

4 Jim initially stayed with the children, standing outside the RV, while
5 Minh retrieved Jim's ladder and set it up in between his car and the garage
6 wall to look for her board, which she believed was stored with other boards
7 on shelves installed on the wall of his garage. Jim could tell the children
8 were uncomfortable and disturbed by Minh demanding Jim give her the
9 windsurf board as they became silent while he stayed with them.

10 Jim then noticed Minh had taken down his kitesurf board. Jim went
11 to the garage to inform Minh that the kitesurf board belonged to him and
12 was not the same thing as a windsurf board. Minh became angry and
13 aggressive, and told Jim he would need to find her windsurf board before
14 she returned his kitesurf board. Jim held onto part of the kitesurf board
15 to prevent Minh from leaving with it. Jim again told Minh he did not
16 recall her ever owning a windsurf board and was not in possession of any
17 windsurf board. Minh irrationally continued to insist that Jim find her
18 windsurf board. Jim told Minh he did not know where it was. Minh then
19 started to yell at Jim, "get out of my way!" to which Jim replied, "let go of
20 my kitesurfing board." It is unclear why Minh yelled "get out of my way"
21 as Jim was not blocking her from leaving. When Jim would not allow
22 Minh to take his kitesurf board, she became even more enraged and began
23 to bang the tail of the board on the garage floor, attempting to break the
24 tail of the board. Jim stepped to the side while still holding onto the
25 kitesurf board. Jim did not pull or wrest the board from Minh's hands.

26 Minh eventually released the board, picked up a U-shaped aluminum
27 handle, which attaches to a small trampoline and is partially wrapped with
28 foam, and proceeded to strike Jim's vehicle. **Exhibit 10**, Photographs of

1 Handle. Jim was shocked. Jim placed the kitesurf board in his house and
2 told Minh to stop hitting his car and to get out of his garage. Minh,
3 however, was in an incredible rage, and yelled at Jim, “you’re the lowest
4 scum ever.” Jim took the handle from Minh and placed it in front of his
5 vehicle, away from her reach. Minh then turned her focus to the ladder
6 she had set up in between Jim’s car and the side wall of the garage and
7 tried to tip it onto Jim’s car. Jim was able to stop the ladder from hitting
8 his car, and stated: “Oh my God. Get out of here now.” Jim then closed
9 the ladder and placed it partially inside his house. The ladder was leaning
10 on its side against the open door leading from the garage to the house and
11 a wall inside Jim’s house. Exhibit 11, Photograph of Ladder.

12 While Jim did this, Minh initially tried to pull a key rack off his
13 garage wall. Then, as Jim was standing up after he laid the ladder down,
14 Minh advanced toward him, pushed him back with her leg so that he was
15 leaning against the doorframe, put her face within six (6) inches of Jim’s,
16 and baited him to hit her. Minh said: “Go ahead, hit me.” Jim replied: “I
17 would never hit you.” Minh then sarcastically stated: “Really?” Jim
18 replied: “You’re the one who hits me. You’re the one who does violent
19 things.” Minh replied; “Who pushed me when I was in the house?” Jim
20 has no idea to what Minh is referring. Minh was not in Jim’s house during
21 this encounter, and regardless, Jim has never pushed Minh.

22 Minh then forcefully started to bang the ladder against the door
23 frame and wall. Jim pleaded with Minh to stop, and asked what happened
24 to her. Minh yelled at Jim, “you’re a son of a bitch,” and continued to
25 bang the ladder side to side. Minh then lifted the ladder and struck the
26 marble floor with it. Jim tried to hold the ladder to prevent Minh from
27 continuing to strike the marble, and Minh started to kick Jim in the shins
28 and continued to try to bang the ladder against the marble and door frame.

1 At this time, Minh falsely accuses Jim of pushing her. Jim again told Minh
2 to get out of his home and that he was going to call the police. Jim then
3 took his phone out of his pocket, which was audio recording the incident,
4 and started video recording Minh. This finally induced Minh to leave. As
5 Minh walked back to her vehicle, where the children were the entire time,
6 she yelled at Jim, “you pushed me.” Jim never pushed or hit Minh during
7 this entire ordeal. Jim was keenly aware Minh was attempting to bait him
8 to hit her so she would claim to have a basis to change custody. Exhibit
9 12, Audio Recording and Transcript. Exhibit13, Video Recording and
10 Transcript. Exhibit 14, Photographs of the Damage Minh Caused.

11 Once Minh finally left Jim’s garage, she stayed in her RV for about
12 ten (10) minutes. Jim called Lake Las Vegas Security to have them make
13 sure she left his property and could not return to cause more damage. A
14 security officer arrived and spoke to Minh. After this conversation Minh
15 then drove away.

16 At approximately 7:00 p.m. that night, police officers from the
17 Henderson Police Department arrived at Jim’s home. Despite his warning
18 that he was going to call the police to get Minh to stop damaging his
19 possessions and attacking him, Jim did not call the police. Minh, however,
20 did and filed a police report alleging Jim battered her. Jim spoke to the
21 police, who had him write a statement, and was then arrested. Jim was
22 taken to the Henderson Detention Center, where he was processed and
23 kept overnight for approximately fifteen (15) hours. Jim was released at
24 approximately 11:00 a.m. the following morning. Needless to say, this was
25 a humiliating, demeaning, and extremely uncomfortable experience for Jim.
26 Jim was attacked in his own home, had his property damaged, and, yet, he
27 was arrested.

28 . . .

1 At 9:16 p.m. that same night, Mr. Page sent the following email to
2 Mr. Dickerson, with a description of Minh's distorted perception of the
3 facts:

4 Bob,

5 Dr. Luong went to pick up the children today for spring break.
6 After Dr. Luong put the children in her vehicle, she told Jim
7 that she still had some of her personal belongings there and
8 wanted to pick up her windsurfing board as the board was her
separate property. When Dr. Luong asked for the windsurfing
board, she advises that Jim told her he, doesn't "know where it
is."

9 Dr. Luong advises she told Jim that the board was stored in the
10 garage. Because her vehicle was parked in front of the garage,
11 and it was therefore convenient to take the board from the
garage and put the board in the vehicle. Jim told her if she
could find, she should take it.

12 The windsurfing board was stored up high in the garage. Dr.
13 Luong got the ladder, climbed up the ladder, and got her
14 windsurfing board down herself. Jim refused to even hold the
15 ladder and simply watched Dr. Luong get the board. While
16 Dr. Luong was carrying the windsurfing board out of the
garage, Jim changed his mind and told Dr. Luong that the
board was his now that that [sic] Dr. Luong was "not allowed
to take it."

17 Dr. Luong advises that Jim looked like he was going to hit her
18 and charged at her aggressively and tried to wrest the board
19 from her. Dr. Luong further advises that Jim battered her and
20 pushed her several times, and eventually ripped the board away
21 from her, yelling at her, "the board is mine." Jim took the
board and threw the board inside the house. When Dr. Luong
tried to go in her board back Jim pushed her and then pushed
her again causing the ladder to fall over, and nearly strike his
car. Jim threw the ladder in the house. Jim then pushed Dr.
Luong again and screamed "get out of my house!" twice.

22 Jim putting his hands on Dr. Luong and battering, and then
23 verbally abusing her, was witnessed by the children while they
24 were sitting in the vehicle. There is no question that Jim was
25 the primary aggressor. Your client has committed acts of
domestic violence and his battering of a woman is utterly
unacceptable.

26 Jim's rage is extremely detrimental to the children have them
27 witness him attacking and battering their mother, and then
28 verbally abusing her before, during, and after he attacked her.
When Dr. Luong got back to her vehicle she reports she was
trembling and that Hannah and Selina hugged her and asked
her if she was okay. Dr. Luong reports that she had to sit in

1 the vehicle for several minutes to try and compose herself
2 because her hands were trembling. Dr. Luong is shaken and is
3 frightened of Jim. The children appear to be frightened of him
4 too, as well being unhappy.

5 Hannah and Matthew are doing poorly in school, they are so
6 unhappy they are seeing a therapist who is providing no
7 benefit, the children are running away, and now Jim is
8 committing acts of domestic violence against Dr. Luong in
9 front of the children, and is verbally abusive. Your client needs
10 to think about how is violent outbursts are negatively
11 impacting the children.

12 **Exhibit 15**, March 20, 2020 Email from Fred Page. Based on this email,
13 Minh has not only been manipulating the children, but has been
14 manipulating her new counsel. There is only one party in this matter who
15 has exhibited hate, anger, and rage toward the other party, and that is
16 Minh. Minh has never before claimed Jim abused her, not in her Motion
17 for Primary Physical Custody to Relocate with Minor Children to Southern
18 California, nor at the evidentiary hearing. It is not beneath Minh to make
19 such false allegations, which this Court observed at the evidentiary hearing.
20 After testifying the parties had an agreement to move to California, Minh
21 was presented with two checks she wrote for the escrow deposits of two
22 homes she attempted to purchase in California. Minh wrote on both
23 checks that the escrow deposit was for the purchase of a "vacation home."
24 Minh is not credible and will stoop to any level to get what she wants.

25 In addition to filing a false police report alleging Jim battered her,
26 Minh unnecessarily filed an application for a temporary protective order,
27 which was granted. Jim received the Temporary Order for Protection
28 Against Domestic Violence ("TPO") and a Notice for Hearing, which
provides that a hearing on Minh's Application for an extended protection
order is scheduled for March 30, 2020, at 1:00 p.m. On Sunday, March
22, 2020, Mr. Page sent another email to Mr. Dickerson, which was more
outrageous than the first. **Exhibit 16**, March 22, 2020 Email from Fred

1 Page. In this email, Mr. Page states: "Friday afternoon is the first time that
2 Dr. Luong has gone to the police to report acts of violence committed by
3 Jim against her. However, Friday afternoon was not the first time Jim has
4 been violent toward her and battered her." This is an absolutely
5 outrageous allegation considering Minh has never mentioned any abuse by
6 Jim prior to this email. Jim has never battered Minh. Jim has never been
7 violent, not in words or actions, to Minh. The only person who has
8 demonstrated hate, rage, and violence is Minh.

9 Mr. Page also informed Mr. Dickerson that Minh would not return
10 the children to Jim until the criminal trial has been conducted. Mr.
11 Page informed Mr. Dickerson that Minh was entitled to unilaterally
12 change custody for an indefinite period of time "[b]ecause the children are
13 witnesses in the pending criminal case against Jim[and, thus,] he cannot
14 have contact with the children until the criminal case is resolved." This
15 has obviously been Minh's intention and plan all along. In an effort to try
16 to bait Jim to hit her, Minh tried to steal Jim's kitesurf board, damaged his
17 kitesurf board by smashing its tail against the garage floor, struck his
18 vehicle with an aluminum handle, attempted to tip a ladder onto his
19 vehicle, damaged Jim's door and walls by banging the ladder against them,
20 tried to ruin the marble in Jim's home by smashing the ladder against it,
21 aggressively approached Jim and told him to hit her, and kicked Jim in the
22 shins. When she did not succeed in getting Jim to hit her, she resorted to
23 making false allegations. This has allowed Minh to keep the children from
24 Jim and prevent him from communicating with them, and she believes she
25 can do so indefinitely. Minh has never had any intention of following this
26 Court's Decision and Order. She has simply been trying to figure out a
27 way to circumvent it.

28 . . .

1 In addition to the above detailed description of alienation and
2 manipulation that Minh subjects the children to, this event will have a
3 detrimental effect on the children, who are already struggling. The
4 children have a mother who chose to move to California without them.
5 They are constantly witnesses to their mother's degrading and belittling
6 their father. Jim observes their dispositions upon returning from visitation
7 with Minh. They misbehave and are angry toward him for approximately
8 twelve (12) hours after they are returned by Minh. Once they recover
9 from their conflicting feelings toward their father, they once again return
10 to normal behavior, and are happy, well-behaved, fun-loving children.
11 Despite the children's ability to return to their normal selves shortly after
12 they are returned from visitation with Minh, Jim does not believe the
13 children are receiving the adequate therapy they need to deal with such
14 conflicting and changing emotions. The children will be emotionally and
15 psychologically drained if they continue to have to deal with Minh's
16 manipulation. It is heartbreaking to Jim that he is essentially powerless to
17 help his children deal with the psychological harm they are experiencing.

18 Based on the foregoing, Minh's actions and blatant disregard for how
19 her actions and treatment of Jim affect the children needs to be addressed
20 by this Court. Jim is trying his best to coparent, but it is exceptionally
21 difficult when Minh cannot have a civil discussion with him, constantly
22 demeans him in front of the children, and has now resorted to trying to
23 instigate Jim and damage his property, again when the children are present.
24 Minh did not get her way with the trial so she has resorted to the
25 manufacturing of abuse to claim she has a basis for keeping the children
26 from Jim. The situation has simply become out of hand, and Minh's
27 attorney has only acted to exacerbate Minh's conduct.

28 . . .

1 **II. LEGAL ARGUMENT**

2 **A. This Court Should Order the Immediate Return of the Children to**
3 **Jim, Enforce This Court's Decision and Order, and Dissolve the TPO**

4 Nevada Revised Statutes, Section 125C.0055, provides that when
5 minor children are removed from this State:

6 1. . . . [T]he court shall forthwith order such child to be
7 produced before it and make such disposition of the child's
8 custody as appears most advantageous to and in the best
9 interest of the child and most likely to secure to him or her the
10 benefit of the final order or the modification or termination of
11 the final order to be made in his or her behalf.

12 2. If . . . the court finds that it would be in the best interest
13 of the minor child, the court may enter an order providing that
14 a party may, with the assistance of the appropriate law
15 enforcement agency, obtain physical custody of the child from
16 the party having physical custody of the child. The order must
17 provide that if the party obtains physical custody of the child,
18 the child must be produced before the court as soon as
19 practicable to allow the court to make such disposition of the
20 child's custody as appears most advantageous to and in the
21 best interest of the child and most likely to secure to him or
22 her the benefit of the final order or the modification or
23 termination of the final order to be made in his or her behalf.

24 3. If the court enters an order pursuant to subsection 2
25 providing that a party may obtain physical custody of a child,
26 the court shall order that party to give the party having
27 physical custody of the child notice at least 24 hours before the
28 time at which he or she intends to obtain physical custody of
 the child, unless the court deems that requiring the notice
 would likely defeat the purpose of the order.

 4. All orders for a party to appear with a child issued
 pursuant to this section may be enforced by issuing a warrant
 of arrest against that party to secure his or her appearance with
 the child.

 5. A proceeding under this section must be given priority on
 the court calendar.

 As set forth in detail above, Minh has unilaterally decided she will
not follow this Court's Decision and Order regarding custody, and **will not**
return the children to Jim until the criminal trial has been conducted.

Minh's allegations of domestic abuse are not supported by the audio and
video recordings and Jim's description of the event, which demonstrate

1 Minh was the aggressor who damaged Jim's property and physically
2 assaulted him in his garage. As evidenced by Minh's own words (i.e., "Go
3 ahead, hit me.") on the audio recording, she had hoped that damaging
4 Jim's property and physically assaulting him would bait him to hit her.
5 When Jim did not do so, Minh resorted to making false allegations of
6 abuse to support her violations of the Court's custodial orders. This Court
7 witnessed Minh lie at the evidentiary hearing about the parties' plans to
8 relocate to California and about her discussing the relocation matter with
9 Jim in front of the children on the first day of school last year. Minh has
10 continued to be dishonest. Accordingly, Jim is requesting this Court enter
11 orders dissolving the TPO and requiring Minh to immediately return the
12 children to Jim pursuant to NRS 125C.0055 as she has removed the
13 children from this State and does not intend on returning them to Jim in
14 compliance with the Court's Decision and Order. In the event Minh defies
15 the Court's order to return the children, Jim requests the Court enter an
16 order providing he may, with the assistance of the appropriate law
17 enforcement agency, obtain physical custody of the children from Minh.
18 Jim should also be entitled to make up any loss of his custodial time, of
19 which Minh has deprived him, once the Court orders the children's return.

20 B. This Court Should Modify Custody and Appoint a New Therapist
21 for the Children

22 Pursuant to NRS 125C.0045(1)(a), in any action for determining the
23 custody of a minor child, the Court may "[d]uring the pendency of the
24 action, at the final hearing or at any time thereafter during the minority of
25 the child, make such an order for the custody, care, education,
26 maintenance and support of the minor child as appears in his or her best
27 interest." NRS 125C.0035(4) sets forth the factors the Court is to
28 consider in determining the children's best interest, including the ability

1 of the parents to cooperate to meet the children's needs, the mental health
2 of the parents, and the physical, developmental, and emotional needs of
3 the children. It is in the children's best interest to be protected from the
4 manipulation and alienation to which Minh is subjecting them. The
5 Court's findings in its Decision and Order regarding its concerns that
6 Minh's behavior has the potential to alienate the children from their father
7 did not deter Minh from continuing such behavior. It is in the children's
8 best interest for Minh's visitation to be suspended or supervised here in
9 Nevada until the children and Minh participate in therapy with a therapist
10 who specializes in dealing with manipulation and alienation issues as Dr.
11 Gravley has been ineffective. This therapist should be permitted to testify
12 as a witness if necessary. The visitation granted Minh in the Decision and
13 Order should not resume until it is determined Minh can exercise such
14 visitation without manipulating and alienating the children. Jim has
15 researched therapists and believes Bree Mullins is qualified to provide such
16 therapy and her office is within seven minutes of the children's school.

17 C. The Court Should Issue an Order to Show Cause Why Minh Should
18 Not Be Held in Contempt

19 Nevada Revised Statutes, Section 22.010, enumerates the acts or
20 omissions which constitute contempt, including "[d]isobedience or
21 resistance to any lawful writ, order, rule or process issued by the court or
22 judge at chambers." Minh has violated multiple orders of this Court.

23 First, the Court ordered the parties to share joint legal custody and
24 awarded Jim primary physical custody. Decision and Order, pg. 28, lines
25 5-8. Minh has visitation with the children on certain enumerated holiday
26 weekends and extended school breaks throughout the year, which she can
27 exercise in California, and one non-holiday weekend each month, which
28 she must exercise in Nevada. Decision and Order, pg. 29, line 21, to pg.

1 30, line 13. Jim has primary physical custody of the children at all other
2 times not specifically granted to Minh in the Decision and Order. Minh
3 has falsely accused Jim of domestic violence and unilaterally decided she
4 will not return the children to Jim for indefinite period of time, until his
5 criminal trial is conducted. Minh's refusal to comply with the Court's
6 custodial orders is an act of contempt.

7 Second, the Court ordered: "Each parent acknowledges and agrees
8 that they each currently have and will continue to have adequate access to
9 all information concerning the wellbeing of the children" Decision
10 and Order, pg. 28, line 22, to pg. 29, line 5. Minh does not ensure Jim has
11 access to the well being of the children while they are in her care. Minh
12 does not communicate with Jim regarding the children's wellbeing and
13 rarely allows the children to communicate with Jim during her visitation.
14 This is particularly distressing for Jim during longer visitation periods. For
15 instance, Minh did not allow Jim to speak to the children for the ten (10)
16 days she had the children over Winter Break. In addition, when the
17 children ran away from Jim's home and called Minh, Minh did not inform
18 Jim about their whereabouts after the children called her. Minh's failure
19 to ensure Jim has adequate access to information regarding the children's
20 wellbeing is a violation of the Court's order and an act of contempt.

21 Third, the Court ordered that when a parent vacations with the
22 children, that parent must provide the other parent with a travel itinerary,
23 which shall include telephone numbers, expected times of arrival and
24 departure, and destinations. Decision and Order, pg. 29, lines 16-20. Jim
25 provided multiple examples of Minh refusing to comply with this order.
26 Although Minh informed Jim she was taking the children to Brianhead
27 (because she needed the children's ski gear from Jim), Minh refused to
28 provide Jim an itinerary at his request. Minh also takes the children on

1 vacations and directs them to keep it a secret from Jim. Jim believes Minh
2 has taken the children camping and fishing, possibly in Utah; however,
3 Minh has not provided any information regarding these vacations. Minh's
4 failure to communicate with Jim and refusal to provide Jim an itinerary are
5 violations of the Court's order and acts of contempt.

6 Fourth, the Court ordered that neither party would pay child
7 support. Decision and Order, pg. 32, lines 1-3. However, the Court
8 entered orders confirming the parties' agreement to share equally in the
9 cost of the children's private school tuition and related expenses,
10 extracurricular activities, and unreimbursed medical expenses. Decision
11 and Order, pg. 32, lines 2-4. Jim has requested Minh reimburse him for
12 her one-half portion of the children's school tuition, school uniforms, and
13 unreimbursed medical expenses, but she has refused to do so. Also, one
14 week after the Court entered its Decision and Order, Minh withdrew her
15 approval of any extracurricular activities in which the children participate
16 in Nevada and no longer pays one half of these expenses. Minh's failure
17 to pay her portion of these expenses constitute acts of contempt.

18 Lastly, Minh has violated the Stipulation and Order providing the
19 children will attend therapy with Dr. Gravley as she refuses to take them
20 to any appointments and will not pay her one-half portion of the costs.

21 NRS 22.100 provides that if a party is found guilty of contempt, the
22 Court may impose a fine not exceeding \$500, imprison the person not
23 exceeding 25 days, or both, and may award attorney's fees incurred as a
24 result of the contempt to the party seeking to enforce the Court's orders.
25 Minh has violated multiple orders of this Court and, thus, committed
26 multiple acts of contempt. For each act of contempt, this Court should
27 fine Minh \$500, and imprison her for 25 days. Jim should also be awarded
28 attorneys' fees he incurred as a result of Minh's contempt.

1 D. This Court Should Address Other Parent Child Issues

2 Pursuant to NRS 125C.0045(1)(a), in any action for determining the
3 custody of a minor child, the Court may “[d]uring the pendency of the
4 action, at the final hearing or at any time thereafter during the minority of
5 the child, make such an order for the custody, care, education,
6 maintenance and support of the minor child as appears in his or her best
7 interest.” Unfortunately, due to childish behavior on Minh’s part, Jim
8 must request this Court address certain parent child issues.

9 First, this Court should enter a Behavioral Order given the extent of
10 Minh’s derogatory actions and communications with Jim in front of the
11 children. This Behavioral Order should also direct that neither party is to
12 communicate with the children about this matter, nor make any
13 derogatory or demeaning statements about the other parent in the presence
14 of the children. Second, this Court should order that the children’s
15 clothing, belongings, and possessions are to be transferred freely with the
16 children. Minh directs the children to bring unreasonable amounts of their
17 clothing with them for their two day visitations with her. Minh does not
18 return this clothing and Jim is continually required to replenish the
19 children’s clothing. This Court also should order Minh to return the
20 children’s school uniforms. Jim has primary custody and takes the children
21 to and from school, while Minh has visitation a few days each month.
22 There is no reason for Minh to have the children’s uniforms. Although
23 Minh may be trying to financially burden Jim by requiring him to purchase
24 more clothing and uniforms, Minh’s actions only harm the children.

25 Lastly, the Court ordered both parties to provide health insurance for
26 the children if offered through employment. Minh does not provide health
27 insurance for the children so Jim is requesting this Court order Minh to
28 pay one-half of the health insurance premium Jim pays for the children.

1 **III. CONCLUSION**

2 The Court must make clear to Minh that she will not be permitted
3 to continue her game playing to the detriment of the parties' children.
4 Based on the foregoing, Jim respectfully requests the Court grant the relief
5 requested in this Emergency Motion.

6 DATED this 27th day of March, 2020.

7 THE DICKERSON
8 KARACSONYI LAW GROUP

9 By /s/ Sabrina M. Dolson
10 ROBERT P. DICKERSON, ESQ.
11 Nevada Bar No. 000945
12 SABRINA M. DOLSON, ESQ.
13 Nevada Bar No. 013105
14 1745 Village Center Circle
15 Las Vegas, Nevada 89134
16 Attorneys for Plaintiff
17
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19
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21
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1 DECLARATION OF JAMES W. VAHEY

2 I, JAMES W. VAHEY, declare under penalty of perjury under the law
3 of the State of Nevada that the following statement is true and correct:

4 1. I am over the age of 18 years. I am the Plaintiff in this action.
5 I have personal knowledge of the facts contained herein, and I am
6 competent to testify thereto.

7 2. I am making this declaration in support of my PLAINTIFF'S
8 EMERGENCY MOTION FOR IMMEDIATE RETURN OF THE
9 CHILDREN, DISSOLUTION OF TPO, MODIFICATION OF CHILD
10 CUSTODY, APPOINTMENT OF A NEW THERAPIST FOR THE
11 CHILDREN, AN ORDER TO SHOW CAUSE WHY DEFENDANT
12 SHOULD NOT BE HELD IN CONTEMPT, AND TO RESOLVE OTHER
13 PARENT CHILD ISSUES ("Emergency Motion"). I have read the
14 Emergency Motion prepared by my counsel and swear, to the best of my
15 knowledge, that the facts as set forth therein are true and accurate, save
16 and except any fact stated upon information and belief, and as to such
17 facts I believe them to be true. I hereby reaffirm said facts as if set forth
18 fully herein to the extent that they are not recited herein. If called upon
19 by this Court, I will testify as to my personal knowledge of the truth and
20 accuracy of the statements contained therein.

21 3. Minh and I were married on July 8, 2006. We have three (3)
22 children: Hannah, born March 19, 2009 (eleven (11) years old), Matthew,
23 born June 26, 2010 (nine (9) years old), and Selena, born April 4, 2014
24 (five (5) years old).

25 4. The Court held an evidentiary hearing on the child custody and
26 support issues on August 8, September 5, and September 11, 2019. The
27 Court issued its Findings of Fact, Conclusions of Law, and Decision and
28 Order ("Decision and Order") on September 20, 2019, setting forth its

1 orders regarding child custody and child support. The Court ordered Minh
2 and I to share joint legal custody and awarded me primary physical
3 custody. Decision and Order, pg. 28, lines 5-8. Minh has visitation with
4 the children on certain enumerated holiday weekends and extended school
5 breaks throughout the year, which she can exercise in California, and one
6 non-holiday weekend each month, which she must exercise in Nevada.
7 Decision and Order, pg. 29, line 21, to pg. 30, line 13.

8 5. In determining it was in the children's best interest for me to
9 have primary physical custody, the Court found I was the parent more
10 likely to allow the children to have a frequent and continuing relationship
11 with the other parent. Decision and Order, pg. 11, lines 11-3. Minh
12 testified at the evidentiary hearing that she cannot co-parent with me.
13 Decision and Order, pg. 13, lines 14-17. The Court raised its concerns
14 that Minh's negative attitude toward me based on my refusal to allow her
15 to move to California has caused her to negatively influence the children's
16 relationship with me. Decision and Order, pg. 11, lines 13-17. The Court
17 noted it received evidence demonstrating Minh had discussed the dispute
18 with our children and advised them to discuss same with me. Decision and
19 Order, pg. 11, lines 18-27. The Court determined that Minh's dialog with
20 the children "has the potential to alienate the children from their father."
21 Decision and Order, pg. 12, lines 5-6. The Court further stated it "is
22 concerned that Minh Luong's decision to live in California is intended to
23 create a distance between the parties, and to create a distance between the
24 children and their father, to avoid the sometimes tedious and inconvenient
25 aspects of co-parenting." Decision and Order, pg. 19, lines 3-8. The Court
26 found that Minh's "intention to move is, in part, to deprive [me] of [my]
27 parenting time." Decision and Order, pg. 18, lines 13-15. As will be
28 discussed below, the Court's concerns have been realized.

1 6. Regarding the Court's order that the parties share joint legal
2 custody, the Court stated: "Each parent acknowledges and agrees that they
3 each currently have and will continue to have adequate access to all
4 information concerning the wellbeing of the children" Decision and
5 Order, pg. 28, line 22, to pg. 29, line 5. In addition, when a parent
6 vacations with the children, that parent must provide the other parent with
7 a travel itinerary, which shall include telephone numbers, expected times
8 of arrival and departure, and destinations. Decision and Order, pg. 29,
9 lines 16-20.

10 7. The Court ordered that Minh would not pay child support.
11 Decision and Order, pg. 32, lines 1-3. However, the Court entered orders
12 confirming my and Minh's agreement to share equally in the cost of the
13 children's private school tuition and related expenses, extracurricular
14 activities, and unreimbursed medical expenses. Decision and Order, pg.
15 32, lines 2-4. The Court specifically noted that I

16 waive[] child support from Minh Luong in consideration for an
17 agreement that the parties share equally the significant private
18 school tuition and related expenses, all medical and dental
19 expenses for the children that are not covered by insurance,
20 expenses for the children's extracurricular activities that the
21 parties agree are best for the children, and tutoring or
22 education expenses that the parties agree are best for the
23 children.

24 Decision and Order, pg. 23, line 24, to pg. 24, line 4. The Court ordered
25 Minh and I shall follow the 30/30 rule for expenses, which requires the
26 parent who paid for the expense to provide the other parent a copy of the
27 receipt of payment within thirty (30) days of payment, and the other
28 parent to reimburse one-half of such expenses within thirty (30) days.
Decision and Order, pg. 32, lines 7-13.

 8. I testified at the evidentiary hearing that Minh refuses to
communicate with me verbally, even in front of the children. *See* Decision

1 and Order, pg. 12, lines 25-28. Minh confirmed at the evidentiary hearing
2 she cannot coparent with me. Decision and Order, pg. 13, lines 14-17.
3 Minh has continued with this inappropriate behavior in the presence of the
4 children and only communicates with me to denigrate and disparage me.
5 Minh will not make eye contact with me and treats me as if I do not exist
6 at the custodial exchanges and any event for the children in which we both
7 attend. On multiple occasions, Minh has called me an idiot, scum of the
8 earth, and a piece of shit in front of the children.

9 9. At the custodial exchange on March 1, 2020, after I waited
10 approximately an hour and a half for the children to get out of Minh's RV,
11 Minh and I had the following conversation while I was attempting to get
12 Hannah and Matthew out of Minh's car with no help from Minh:

13 Jim: Are you helping to bring them in or are you just
14 sitting there (inaudible)

15 Minh: You are beneath me. I don't need to talk to you.

16 Jim: Alright. I'm beneath you. Nguyet.
17 Hannah and Matthew. Hannah and Matthew, let's
go.
Have they eaten? I'm trying to ask you.

18 Minh: Don't talk to me.

19 Jim: Please answer me.

20 Minh: Don't need to talk to me.

21 Jim: No. No. We need to take care of our children.
Have they eaten? Have they eaten?

22 Minh: You can ask them yourself.

23 Jim: You can answer me.

24 Minh: No. I don't.

25 Jim: You're their mother.

26 Minh: You're a low life.

27 Jim: You're their mother.
28

1 Minh: You're their father. Now act like one.
2 Jim: I have been.
3 Minh: Besides . . .
4 Jim: I have been.
5 Minh: . . . just thinking of yourself.
6 Jim: I have been.
7 Minh: No, you haven't.
8 Jim: Oh, really?
9 Minh: You're selfish. You selfish SOB. I don't want to
10 look at your face. I don't want to see you. Do you
 know that? You're just beneath dirt. Unbelievable.
11 Jim: If you have those thoughts, please . . .
12 Minh: I don't want to hear anything you're saying. Don't
 say anything to me.
13 Jim: . . . please don't say those in front of the children.
14 Minh: Don't talk to me! I asked you not to talk to me!
15 Jim: Hannah and Matthew. Hannah and Matthew, it is
16 not good for you to hear any of this. Come inside
17 now. Bring them inside.

18 10. I audio recorded this exchange and it attached as **Exhibit 1** to
19 my Emergency Motion. Minh is so consumed by her hate and anger
20 toward me she cannot engage in a simple conversation regarding whether
21 the children have eaten and will not help me get the children out of her
22 vehicle. During this exchange, I had tried to coax the children to leave
23 Minh's RV five (5) separate times over the period of an hour and a half
24 with no assistance from Minh. At one point, Minh was hugging Hannah,
25 clearly showing her support for the children in their refusal to go to me.
26 During another time when I tried to get the children, the children were in
27 the back bed of the RV and Minh was sitting in the middle of the RV,
28 texting.

1 11. Whenever there is confusion over the custodial schedule, I
2 cannot communicate with Minh to resolve any issues as Minh is
3 nonresponsive. For instance, Minh and I agreed Minh would have the
4 children for her weekend visitation in Nevada for the month of March
5 from March 20-22, 2020. Thereafter, I received an email that the
6 children's Spring Break was being moved from April 6-10, 2020, to March
7 23-27, 2020. I mistakenly thought Spring Break was moved up only one
8 week. Minh and I exchanged the following text messages regarding Spring
9 Break, which demonstrates my mistake:

10 Jim: The kids school made some changes regarding
11 subject material and timing of spring break. I
12 wanted to make sure you were aware of it as soon
13 as possible. Spring break is going to be a week
14 earlier. Let me know what you would like to do. I
15 can make accommodations for whatever you would
16 like. Let me know.

14 I forwarded the email to you.

15 Minh: I will take the kids for that week but that also mean
16 I am owed a weekend. I will forward that weekend
17 to a later weekend.

17 This text message exchange is attached as Exhibit 3 to my Emergency
18 Motion.

19 12. Despite my forwarding the email regarding the Spring Break
20 change to Minh, she did not correct me on my mistake. Thus, I believed
21 Minh would be exercising her one weekend visitation in Nevada, pursuant
22 to the calendar she provided to me, from March 20-22, 2020, and would
23 be exercising her Spring Break visitation from March 30 - April 3, 2020.

24 13. Given I mistakenly believed that Minh was exercising her
25 weekend visitation in Nevada beginning March 20, 2020, I attempted to
26 communicate with Minh regarding her plans for where she would be
27 spending the weekend with the children as I was concerned she would be
28 traveling to California, which I did not think was safe given the outbreak

1 of COVID-19. Prior to the outbreak of COVID-19 and the
2 recommendations for avoiding unnecessary travel, Minh had asked me if
3 she could take the children to California for her March 20-22 weekend.
4 I had informed Minh I did not think such a short trip, with the hours they
5 would spend traveling, was sensible, but told Minh it was her decision.
6 After the outbreak of COVID-19 and after Nevada and California started
7 closing nonessential businesses and advising against unnecessary travel, I
8 knew it would be safer for the children to stay in Nevada as there are far
9 fewer cases of COVID-19 in Nevada than there are in California. I was
10 also reasonably concerned Minh would travel with the children to
11 California and then use the California Governor's "shelter in place" order
12 to keep the children and refuse to return them to me. Minh and I
13 exchanged the following text messages:

14 Jim: I'm concerned about our kids' safety. I think it
15 would be best not to travel to California right now.
16 There are a lot of cases in California, and they
17 really believe the actual number is very
underestimated. Please don't risk exposing the kids
to the virus.

18 Minh: You just had a gathering of a non family member
19 came over to your house. And now you want to tell
me you are concerned? Please get the kids ready
and my gear at your office. I will pick them up at
4.

20 Jim: The Court's custodial order provides you have one
21 weekend of visitation each month here in Nevada.
22 In addition, given the current issues surrounding
COVID-19 and the recommendation that people
23 avoid unnecessary travel, I do not approve nor
consent to the children's traveling outside of Las
24 Vegas this weekend. Can you please confirm you
will be complying with the court's order?

25 We are at the house. We're not going to the office.
I'll see you at 4 o'clock per the court's order.

26 Minh: I will comply with court order
27 As always
28

1 Jim: Thank you for giving me a straight answer. We can
2 only coparent together if we understand how
3 important it is for us to communicate with each
4 other and appropriately respond to each other with
5 honest answers to legitimate questions concerning
6 the well-being of our children. I was concerned
7 about our children, and I appreciate your giving me
8 a straight answer to my question.

9 14. These text messages are attached as Exhibit 4 to my Emergency
10 Motion. As is evident from Minh's misleading response of "I will comply
11 with court order," Minh was well aware I had the dates for Spring Break
12 mistaken and rather than correct me, allowed me to believe she would be
13 spending the weekend in Nevada with the children. My counsel received
14 a similar misleading and nonresponsive email from Minh's counsel when
15 attempting to discuss the issue, and their communications are discussed in
16 my Emergency Motion.

17 15. Minh also refuses to provide an itinerary to me when she takes
18 the children on vacation. I asked Minh to provide me an itinerary when
19 she took the children to Brianhead, but she refused to do so. The only
20 reason Minh informed me about this vacation is because she needed me to
21 give her the children's ski gear. I organized and packed all of the children's
22 gear for their Brianhead trip and delivered it to Minh on December 27,
23 2019. After the vacation, I asked Minh to return the children's ski gear as
24 I had a ski trip with the children, my brother, and my nephew planned for
25 February 7, 2020. Minh refused to return the children's gear. Instead,
26 Minh tried to bargain the return of the children's ski gear for items she
27 wanted from my home. I offered to give her the items she requested, but
28 Minh refused to respond to me and to return the children's gear. I ended
up spending approximately \$1,000, and a considerable amount of time, to
purchase new gear for the children.

...

1 16. I believe Minh took the children to Northern Nevada during
2 her visitation on January 25 and 26, 2020, in an RV she recently
3 purchased; however, Minh did not provide me an itinerary so I do not
4 know where the children and Minh stayed. I also believe Minh took the
5 children on a fishing and camping trip the weekend of February 29 and
6 March 1, 2019. Again, Minh did not provide me any information about
7 the trip. When I asked the children about their weekend, the kids became
8 secretive and defensive. I asked Hannah how fishing was and Hannah
9 became awkwardly defensive and stated that they did not leave the state.
10 On a separate occasion when I asked the children about their visit with
11 Minh, Matthew told Hannah and Selena I was trying to trick them. When
12 I asked Hannah and Selena what Matthew said to them, Matthew stated:
13 “He’s trying to get us to tell him our secret. Don’t answer him. He’s
14 trying to trick us into telling him. Do you remember what we talked
15 about?”

16 17. Considering Minh rarely answers my telephone calls, FaceTime
17 calls, and text messages when the children are with her during her
18 visitation, it is extremely concerning that Minh also does not provide me
19 with an itinerary when she takes the children on vacation, including
20 telephone numbers, expected times of arrival and departure, and
21 destinations. If anything were to happen to the children or Minh, I would
22 not have any information about where they were.

23 18. In addition, Minh has refused to coparent with me regarding
24 paying for the children’s expenses. The Decision and Order provides:

25 The parties agree to share equally private school tuition and
26 related expenses, all medical and dental expenses for the
27 children that are not covered by insurance, expenses for the
28 children’s extracurricular activities that the parties agree are
best for the children, and tutoring or education expenses that
the parties agree are best for the children.

1 Decision and Order, pg. 32, lines 2-8. Within a week of the Court
2 entering its Decision and Order, Minh informed me she no longer
3 approved of the extracurricular activities in which the children were
4 enrolled in Nevada and would not contribute to the cost. Exhibit 6.
5 Minh has also refused to reimburse me for her one-half (1/2) portion of the
6 children's private school tuition, owing \$2,140 for each month from
7 August 2019 to the present, children's school uniforms, and medical
8 expenses. Exhibit 7. Despite refusing to reimburse me for these expenses,
9 I received a bill in the amount of \$4,341 in the mail from Minh for dental
10 work she completed on the children. Exhibit 8. Minh did not discuss any
11 of this dental work with me. Without my knowledge, Minh completed
12 dental work on the children on March 1, 2020, in the amount of \$2,170
13 and, according to the Statement of Account, Minh forwarded a balance of
14 \$2,171 to me for prior work she purportedly completed on the children.
15 This is the type of game playing I have dealt with since the Court's
16 Decision and Order.

17 19. At the evidentiary hearing, I presented evidence that Minh has
18 been alienating, manipulating, and coaching the children. Minh has not
19 ceased such actions, which is having a detrimental effect on the children.
20 In an effort to provide the children with the therapy they need to cope
21 with our divorce, Minh and I entered into a Stipulation and Order
22 Appointing Dr. Michelle Gravley as Children's Therapist, filed on July 30,
23 2019. Unfortunately, Dr. Gravley has not been effective in helping the
24 children. The children's behavior is very concerning, especially
25 immediately following their return from Minh.

26 20. During the custodial exchanges, Minh refuses to help me get
27 the children out of her vehicle. The children are upset to be leaving Minh,
28 which I understand given the children went from having their mother

1 involved in their every day lives to seeing her only a few days a month.
2 The children also are initially resentful of me upon returning from Minh's,
3 and blame me for Minh's decision to move to California without them.
4 The children follow Minh's lead and avoid talking to me when Minh is
5 present. When we first started following the custodial schedule, I only had
6 behavior issues with Hannah and Matthew. Now, Selena is starting to
7 copy the older children's behavior. Minh sits in her vehicle as the children,
8 who are visibly upset, resist leaving her. Thankfully, the children typically
9 return to their normal behavior by the following day. However, the ordeal
10 that occurs every time we exchange custody is exhausting for Minh and I
11 and the children, and raises serious concerns for the psychological harm
12 the children are incurring.

13 21. There was one instance in which the children took longer than
14 usual to return to their normal behavior. After the children visited with
15 Minh from December 13-15, 2019, they formed a plan to leave my home
16 in the morning before school on December 17, 2019. At approximately
17 5:45 a.m. on that day, Hannah and Matthew snuck out of my home and
18 rode their bicycles to the guard station of my gated community. I realized
19 Hannah and Matthew had left my home shortly after they snuck out, and
20 I immediately got Selena into my vehicle, called the guard station at my
21 development, and confirmed the children were with the guard. I picked up
22 Hannah and Matthew from the guard station and learned they had called
23 Minh from the guard station at approximately 5:55 a.m. Despite speaking
24 to Hannah and Matthew about what they had done, and knowing I, as any
25 parent, would be in a state of panic, Minh did not immediately call me to
26 inform me she knew where the children were. Rather, Minh waited until
27 6:15 a.m., twenty minutes after she spoke to Hannah and Matthew, before
28 she called me. When I answered Minh's telephone call, Minh hung up on

1 me without saying a word. I later learned that Minh had been on her way
2 to pick up the children, and planned to do so without informing me.

3 22. After I returned the children to my home, and while I was
4 getting the children ready for school, the police arrived at my home. I
5 informed them what happened, and they spoke to Hannah and Matthew
6 and then left. I discussed the children's actions with them and informed
7 them such behavior is unacceptable. I took away Hannah's use of her cell
8 phone and Matthew's use of his iPad as the consequences for their
9 behavior. I informed the children they could receive their electronics back
10 after they provided me with a list of ten (10) reasons why their actions
11 were dangerous and why they would not do anything like that again.
12 Despite taking away the children's electronics, I did not prevent them from
13 communicating with Minh, which Minh accused me of doing. The
14 children called Minh later that day, but she did not answer.

15 23. Minh also saw the children later that same day at the children's
16 school because our youngest child, Selena, had a school Christmas
17 performance, which I, Minh, Hannah, and Matthew attended. Minh could
18 not even coparent with me for that one event. When I arrived at Selena's
19 school to watch her performance, I sat next to Hannah, who was sitting
20 next to Minh. Shortly after I sat down next to Hannah, Minh got up with
21 Hannah and moved to a different part of the bleachers just so I could not
22 sit with them. Minh acted similarly during Hannah's Christmas
23 performance. Minh sat far away from me in an area where there was no
24 room for me to sit with her and Selena as they watched Hannah's
25 performance. This obviously sends a horrible message to our children,
26 especially Hannah, who is having the most difficult time coping with the
27 our divorce.

28 . . .

1 24. Since the December 17, 2019, incident, Minh has called the
2 police approximately three (3) times to have the children forced by police
3 officers to either enter her vehicle to be returned to me, or to have the
4 children removed from her vehicle at my home. This spectacle is
5 completely unnecessary. Minh and I should be able to exchange the
6 children without police involvement as long as we coparent. However, it
7 appears Minh is attempting to create a record of the children not wanting
8 to return to me to support a future request for the Court to change its
9 custody orders.

10 25. Not surprisingly, the children's rhetoric is starting to parallel
11 Minh's. Hannah has told me I am selfish, I only care about myself, and I
12 love my job more than her. During one instance, Hannah lost her
13 composure after getting into an argument with Selena over popcorn.
14 Hannah became very upset and went on a tirade against me, repeating
15 much of Minh's rhetoric. Hannah told me I am selfish and only do what
16 I want to do. Hannah said she does not matter or exist, and that I do not
17 love her. Hannah said "mommy actually loves me." Hannah asked me
18 why I did not just let her be in California with Minh. Hannah told me I
19 ruined everything and they could have been happy and had a good life in
20 California, but I made them stay in Nevada. Hannah told me I only care
21 about my reputation, I do not need to work, and I lied when I told her I
22 would not choose my job over her. Hannah asked me why I wanted them
23 anyway because I did not care about them. Hannah's statements and
24 feelings demonstrate these children are hurting and they need better
25 treatment to prevent Minh from destroying my relationship with them.

26 26. Even our youngest child, Selena, who is only five (5) years old,
27 has parroted Minh's rhetoric. Selena recently told me she wanted to go to
28 school in California. When I asked why, Selena said it would be so easy,

1 she could just climb over the fence and walk to school. Selena said she and
2 her siblings could walk or ride their bikes to school. I do not believe this
3 is reasoning Selena would reach on her own at her age. Selena is hearing
4 this rationale from Minh.

5 27. Minh is also teaching the children to be distrustful of me.
6 Minh has provided the children with electronics they can use to
7 communicate with her, with passwords to prevent me from accessing their
8 devices. The children know they are to keep their passwords secret from
9 me. Minh also has the children keep secrets regarding where they spend
10 their visitation weekends with Minh. As I explained above, the children
11 have a secret about where they were on the weekend of February 29, 2020.

12 28. Minh has also manipulated the children to believe I am
13 recording and spying on them, and that they have no privacy. When
14 Minh speaks to the children on FaceTime, she tells them to go their
15 bedrooms so they can have privacy from me. Minh has also made Hannah
16 put headphones on when speaking to her so I cannot hear what Minh says.
17 Hannah often stays in her bedroom when she speaks to Minh, but on one
18 occasion, while Hannah was speaking to Minh, she went to the kitchen to
19 microwave some food. When Minh noticed Hannah was not in her room,
20 she harshly asked Hannah: "Why are you out there? Why aren't you in
21 your room?" When I drive the children to school, Hannah will cover her
22 head with a blanket and text message Minh. I would create restrictions for
23 the children and their use of their electronics, but I fear Minh will accuse
24 me of preventing the children from communicating with her.

25 29. Minh also convinced Hannah that there was a camera or
26 recording device in her bedroom. There is a motion sensor in Hannah's
27 bedroom that has been there since the home was built. Recently, a red
28 light on the motion sensor started blinking. It was part of a security

1 system Minh and I had in the home throughout our marriage, but it is no
2 longer active. Needless to say, the motion sensor has no video or audio
3 recording capabilities. Selena has also told me that Minh told her there are
4 cameras and recorders in my home and she needs to be careful about what
5 she says.

6 30. Minh continues to interrogate the children about what occurs
7 at my house. Minh asks the children what they eat, what time they go to
8 bed, when the babysitter is present, if the babysitter's daughter
9 accompanies the babysitter, etc. Minh interjects her disapproval whenever
10 she dislikes what the children relay to her. If Minh is speaking to one child
11 and wants to speak to another who is sleeping, she will make whomever
12 she is speaking to show her the other child is sleeping. This has occurred
13 on at least two occasions. In one instance, Minh made Selena give the
14 telephone to Matthew to have him show her Hannah was sleeping, and in
15 another instance, Minh told Hannah to show her Matthew was actually
16 sleeping.

17 31. Minh has inappropriate conversations with the children. Minh
18 tells the children how lonely and unhappy she is, and how she wishes they
19 were with her. This causes the children to feel as if they are needed in
20 California for the sake of their mother's happiness.

21 32. Minh has discussed with Hannah her belief that when Hannah
22 is thirteen (13) years old, she can decide who she wants to live with. I
23 have overheard Hannah complain, "why do I have to wait until I'm
24 thirteen for everything?"

25 33. Minh also directs the children to do her bidding. Rather than
26 communicate with me about what she would like the children to bring for
27 her visitation, Minh, who has a constant, irrational belief that I have most
28 of the children's clothing, will tell the children to bring certain items with

1 them to the custodial exchange. During one instance, Hannah was very
2 stressed as she tried to gather all the clothing Minh requested she bring in
3 a bag and secretly try to get the bag into my vehicle.

4 34. During another exchange, Minh made Hannah and Matthew
5 go back inside my house to grab a pile of their clothing and bring it to her
6 in the garage. In addition, despite having the children only a few days
7 each month, Minh has had the children's school uniforms since March 1,
8 2020 and refuses to return them, despite my requests.

9 35. When the children are with Minh during her visitation, she
10 rarely allows me to speak to the children. I have tried calling and
11 FaceTiming the children when they are with Minh, but most of my calls
12 go unanswered. I have also tried to text message Minh to speak to the
13 children, but I usually receive no response. When Minh had the children
14 for ten (10) days over Winter Break, I did not speak to the children the
15 entire time.

16 36. As is evident, there are a number of issues that need to be
17 addressed through therapy for the children. Unfortunately, Dr. Gravley
18 has not been effective in helping the children cope with Minh's alienation,
19 manipulation, and coaching as they continue to exhibit concerning
20 behavior upon returning from Minh's care. The children need a therapist
21 who specializes in treating children who have been subjected to the
22 alienation and manipulation the children are experiencing. Although Minh
23 and I agree that Dr. Gravley is ineffective, we have not agreed to a new
24 therapist. Thus, I have continued to take the children to Dr. Gravley for
25 their therapy sessions pursuant to the Stipulation and Order entered July
26 30, 2019. On the contrary, Minh has refused to comply with the
27 Stipulation and Order, and informed Dr. Gravley she no longer supports

28 . . .

1 the children's therapy sessions and will not be taking the children to any
2 therapy sessions or paying her one-half portion of the cost.

3 37. On Friday, March 20, 2020, at approximately 4:00 p.m., Minh
4 arrived at my house to pick up the children for their Spring Break vacation.
5 After Minh got the children into her RV, in her typical rude manner that
6 I have now become accustomed to, she demanded I give her windsurf
7 board to her. I explained to Minh that I did not recall her having a
8 windsurf board, and I did not have a windsurf board at my house. In front
9 of the children, Minh told me that if I did not give her the nonexistent
10 windsurf board, she would go in and get it herself. I allowed Minh into my
11 garage to look for her purported windsurf board believing that once she
12 looked around herself and realized I was not hiding her windsurf board she
13 would leave.

14 38. I initially stayed with the children, standing outside the van,
15 while Minh retrieved my ladder and set it up in between my car and the
16 garage wall to look for her board, which she believed was stored with other
17 boards I have hanging high on the wall of my garage. I could tell the
18 children were uncomfortable and disturbed by Minh demanding I give her
19 the wind surfboard as they became silent while I stayed with them. I then
20 noticed Minh had taken down my kitesurf board. I went to the garage to
21 inform Minh that the kitesurf board belonged to me and was not the same
22 thing as a windsurf board. Minh became angry and aggressive, and told
23 me I would need to find her windsurf board before she returned my
24 kitesurf board. I held onto part of the kitesurf board to prevent Minh
25 from leaving with it. I again told Minh I did not recall her ever owning a
26 windsurf board and was not in possession of her windsurf board. Minh
27 irrationally continued to insist that I find her windsurf board. I told Minh
28 I did not know where it was. Minh then started to yell at me, "get out of

1 my way!” to which I replied, “let go of my kitesurfing board.” It is unclear
2 why Minh yelled “get out of my way” as I was not preventing her from
3 leaving. When I would not allow Minh to take my kitesurf board, she
4 became even more enraged and began to bang the tail of the kitesurf board
5 on the garage floor, attempting to break the tail of the board. I stepped to
6 the side while still holding onto the kitesurf board. I did not pull or wrest
7 the board out of Minh’s hands.

8 39. Minh eventually released the kitesurf board, picked up from the
9 ground a U-shaped aluminum handle, which attaches to a trampoline and
10 has a foam covering at the bottom of the “U,” and proceeded to strike my
11 vehicle. I took a photograph of aluminum handle and it is attached as
12 **Exhibit 10** to my Emergency Motion. I was shocked. I placed the kitesurf
13 board in my house and told Minh to stop hitting my car and to get out of
14 my garage. Minh, however, was in an incredible rage, and yelled at me,
15 “you’re the lowest scum ever.” I took the aluminum handle from Minh
16 and placed it in front of my vehicle, away from her reach. Minh then
17 turned her focus to the ladder she had set up in between my car and the
18 side wall of the garage and tried to tip it onto my car. I was able to stop
19 the ladder from hitting my car, and stated: “Oh my God. Get out of here
20 now.” I then closed the ladder and placed it partially inside my house.
21 The ladder was leaning on its side against the open door leading from the
22 garage to the house and a wall inside my house. **Exhibit 11**.

23 40. While I did this, Minh initially tried to pull a key rack off my
24 garage wall. Then, as I was standing up after I laid the ladder down, Minh
25 advanced toward me, pushed me back with her leg so that I was leaning
26 against the doorframe, put her face within six (6) inches of mine, and
27 baited me to hit her. Minh said: “Go ahead, hit me.” I replied: “I would
28 never hit you.” Minh then sarcastically stated: “Really?” I replied: “You’re

1 the one who hits me. You're the one who does violent things." Minh
2 replied; "Who pushed me when I was in the house?" I have no idea to
3 what Minh is referring in this statement. Minh was not in my house
4 during this encounter, and regardless, I have never pushed Minh, prior to
5 or during this incident.

6 41. Minh then forcefully started to bang the ladder against the door
7 frame and wall. I pleaded with Minh to stop, and asked what happened
8 to her. Minh yelled at me, "you're a son of a bitch," and continued to
9 bang the ladder side to side. Minh then lifted the ladder and struck the
10 marble floor with it. I tried to hold the ladder to prevent Minh from
11 continuing to strike the marble with it, and Minh started to kick me in the
12 shins and continued to try to bang the ladder against the marble and door
13 frame. At this time, Minh falsely accused me of pushing her. I again told
14 Minh to get out of my home and that I was going to call the police. I then
15 took my phone out of my pocket, which was audio recording the entire
16 incident, and started video recording Minh. This finally induced Minh to
17 leave. As Minh walked back to her vehicle, where the children were the
18 entire time, she yelled at me, "you pushed me," presumably to have her
19 false accusation on my video recording. I never pushed or hit Minh during
20 this entire ordeal. I was keenly aware Minh was attempting to bait me to
21 hit her so she would claim to have a basis to change custody. The audio
22 recording of the incident, and a transcript of same, is attached as Exhibit
23 12, the video recording, and a transcript of same, is attached as Exhibit
24 13, and photographs of the damage Minh caused are attached as Exhibit
25 14 to my Emergency Motion.

26 42. Once Minh finally left my garage, she sat in her RV at the end
27 of my driveway for about ten (10) minutes. I called Lake Las Vegas
28 Security to have them make sure she left my property and could not return

1 to cause more damage. A security officer arrived and spoke to Minh. After
2 this conversation Minh then drove away.

3 43. At approximately 7:00 p.m. that night, police officers for the
4 Henderson Police Department arrived at my home. Despite my threats to
5 call the police to get Minh removed from my property and stop her
6 damaging my possessions, I did not call the police. Minh, however, did
7 and filed a police report alleging I battered her. I spoke to the police, who
8 had me write a statement, and was then arrested. I was taken to the
9 Henderson Detention Center, where I was processed and kept overnight
10 for approximately fifteen (15) hours. I was released at approximately
11 11:00 a.m. the following morning. Needless to say, this was a humiliating,
12 demeaning, and extremely uncomfortable experience for me. I was
13 attacked in my own garage, had my property damaged, and, yet, I was
14 arrested.

15 44. In addition to filing a false police report alleging I battered her,
16 Minh unnecessarily filed an application for a temporary protective order,
17 which was granted. I received the Temporary Order for Protection Against
18 Domestic Violence and a Notice for Hearing, which provides that a hearing
19 on Minh's Application for an extended protection order is scheduled for
20 March 30, 2020, at 1:00 p.m.

21 45. On Sunday, March 22, 2020, Minh's counsel sent an email to
22 my counsel, which was forwarded to me. This email is attached as
23 **Exhibit 16** to my Emergency Motion. In this email, Mr. Page states:
24 "Friday afternoon is the first time that Dr. Luong has gone to the police to
25 report acts of violence committed by Jim against her. However, Friday
26 afternoon was not the first time Jim has been violent toward her and
27 battered her." This is an absolutely outrageous allegation. I have never
28 . . .

1 been violent toward Minh, not in actions or words. The only person who
2 has demonstrated hate, rage, and violence is Minh.

3 46. Mr. Page also stated that Minh would not **return the children**
4 **to me until the criminal trial has been conducted.** Mr. Page stated that
5 Minh was entitled to unilaterally change custody for an indefinite period
6 of time “[b]ecause the children are witnesses in the pending criminal case
7 against Jim[and, thus,] he cannot have contact with the children until the
8 criminal case is resolved.” This has obviously been Minh’s intention and
9 plan all along. In an effort to try to bait me to hit her, Minh tried to steal
10 my kitesurf board, damaged my kitesurf board by smashing its tail against
11 the garage floor, struck my vehicle with an aluminum handle, attempted
12 to tip a ladder onto my vehicle, damaged my door and walls by banging the
13 ladder against them, tried to ruin the marble in my home by smashing the
14 ladder against it, aggressively approached me and told me to hit her, and
15 kicked me in the shins. When she did not succeed in getting me to hit her,
16 she resorted to making false allegations. I believe Minh has never had any
17 intention of following the Court’s Decision and Order. She has simply
18 been trying to figure out a way to circumvent it.

19 47. In addition to the above detailed description of alienation and
20 manipulation that Minh subjects the children to, this event will have a
21 detrimental effect on the children, who are already struggling. The
22 children have a mother who chose to move to California without them.
23 They are constantly witnesses to their mother degrading and belittling
24 their father. I observe their dispositions upon returning from visitation
25 with Minh. They misbehave and are angry toward me for approximately
26 twelve (12) hours after they are returned by Minh. Once they recover
27 from their conflicting feelings, they once again return to normal behavior,
28 and are happy, well-behaved, fun-loving children. Unfortunately, despite

1 the children's ability to return to their normal selves shortly after they are
2 returned from visitation with Minh, I do not believe the children are
3 receiving the adequate therapy they need to deal with such conflicting and
4 changing emotions. The children will be emotionally and psychologically
5 drained if they continue to have to deal with Minh's manipulation. It is
6 heartbreaking to me that I am essentially powerless to help my children
7 deal with the psychological harm they are experiencing.

8 I, JAMES W. VAHEY, declare under penalty of perjury under the
9 law of the State of Nevada that the foregoing is true and correct.

10 Executed on 3-27-20

11
12 
13 JAMES W. VAHEY
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of THE DICKERSON KARACSONYI LAW GROUP, and that on this 27th day of March, 2020, I caused the above and foregoing document entitled PLAINTIFF'S EMERGENCY MOTION FOR IMMEDIATE RETURN OF THE CHILDREN, DISSOLUTION OF TPO, MODIFICATION OF CHILD CUSTODY, APPOINTMENT OF A NEW THERAPIST FOR THE CHILDREN, AN ORDER TO SHOW CAUSE WHY DEFENDANT SHOULD NOT BE HELD IN CONTEMPT, AND TO RESOLVE OTHER PARENT CHILD ISSUES to be served as follows:

- ☒ pursuant to NEFCR 9, NRCP 5(b)(2)(E) 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;
- ☐ pursuant to NRCP 5(b)(2)(C), by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- ☐ pursuant to NRCP 5(b)(2)(F), to be sent via facsimile, by duly executed consent for service by electronic means;
- ☐ pursuant to NRCP 5(b)(2)(A), by hand-delivery with signed Receipt of Copy.

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

FRED PAGE, ESQ.
PAGE LAW FIRM
6930 South Cimarron Road, Suite 140
Las Vegas, Nevada 89113
fpagelaw@pagelawoffices.com
Attorney for Defendant

/s/ Sabrina M. Dolson
An employee of The Dickerson Karacsonyi Law Group

EXHIBIT 2

EXHIBIT 2

EXHIBIT 2

1 **OSC**
2 THE DICKERSON KARACSONYI LAW GROUP
3 ROBERT P. DICKERSON, ESQ.
4 Nevada Bar No. 000945
5 SABRINA M. DOLSON, ESQ.
6 Nevada Bar No. 013105
7 1745 Village Center Circle
8 Las Vegas, Nevada 89134
9 Telephone: (702) 388-8600
10 Facsimile: (702) 388-0210
11 Email: info@thedklawgroup.com
12 Attorneys for Plaintiff

13 DISTRICT COURT
14 FAMILY DIVISION
15 CLARK COUNTY, NEVADA

16 JAMES W. VAHEY,
17 Plaintiff,

18 v.

19 MINH NGUYET LUONG,
20 Defendant.

21 CASE NO. D-18-581444-D
22 DEPT NO. H

23 ORDER TO SHOW CAUSE

24 Date of Hearing: _____

25 Time of Hearing: _____

26 Based on Plaintiff's, JAMES W. VAHEY ("Jim"), Ex Parte
27 Application for Issuance of Order to Show Cause ("Ex Parte Application"),
28 filed March 27, 2020, and on Plaintiff's Emergency Motion for Immediate
Return of the Children, Dissolution of TPO, Modification of Child
Custody, Appointment of a New Therapist for the Children, an Order to
Show Cause Why Defendant Should Not Be Held in Contempt, and to
Resolve Other Parent Child Issues ("Emergency Motion"), filed March 27,
2020, and good cause appearing therefor:

IT IS HEREBY ORDERED that Defendant, MINH NGUYET
LUONG, shall APPEAR on the ____ day of _____, 2020, at

_____, __.m. before Department H of the Eighth Judicial District Court, Family Division, located at the Regional Justice Center, 200 Lewis Avenue, Las Vegas, Nevada 89155, and SHOW CAUSE, if any exists:

1. Why she should not be found and held in Contempt of Court pursuant to Subsection (3) of NRS 22.010, for her failure to comply with the Court's Findings of Fact, Conclusions of Law, and Decision and Order ("Decision and Order"), entered September 20, 2019, including, but not limited to:

a. Refusing to return the children to Jim pursuant to the child custody orders granting Jim primary physical custody, as set forth at page 29, line 21, to page 31, line 20, of the Decision and Order;

b. Refusing to provide Jim with an itinerary for the vacations on which she takes the children, in violation of the Court's Order that when a parent vacations with the children, that parent must provide the other parent with a travel itinerary, which shall include telephone numbers, expected times of arrival and departure, and destinations, set forth at pg. 29, lines 16-20, of the Decision and Order;

c. Refusing to reimburse Jim for one-half the cost of the children's private school tuition, school uniforms, and extracurricular activities in violation of the Court's Order that the parties' share equally in the cost of the children's private school tuition and related expenses, and extracurricular activities, set forth at pg. 32, lines 2-4, of the Decision and Order; and

d. Refusing to provide information concerning the wellbeing of the children to Jim, in violation of the Court's Order that "[e]ach parent acknowledges and agrees that they each currently have and will continue to have adequate access to all information concerning the wellbeing of the

. . .

1 children . . . ,” set forth at pg. 28, line 22, to pg. 29, line 5 of the Decision
2 and Order.

3 2. Why she should not be found and held in Contempt of Court
4 pursuant to Subsection (3) of NRS 22.010, for her failure to comply with
5 the Stipulation and Order Appointing Dr. Michelle Gravley as Children’s
6 Therapist, filed on July 30, 2019, which provides the parties are to take
7 the children to therapeutic counseling with Dr. Michelle Gravley to help
8 the children cope with their parents’ divorce;

9 3. Why she should not be found guilty of Contempt of Court,
10 and subjected to the penalties permitted by NRS 22.100(2) for the
11 Contempt of Court delineated above; and

12 4. Why she should not be admonished and directed to comply
13 with Orders of this Court.

14 DATED this ____ day of March, 2020.

15
16
17 DISTRICT COURT JUDGE

18 Respectfully submitted by:

19 THE DICKERSON KARACSONYI
20 LAW GROUP

21 By /s/ Sabrina M. Dolson

22 ROBERT P. DICKERSON, ESQ.
23 Nevada Bar No. 000934
24 SABRINA M. DOLSON, ESQ.
25 Nevada Bar No. 013105
26 1745 Village Center Circle
27 Las Vegas, Nevada 89134
28 Attorneys for Plaintiff