

**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  
Apr 08 2022 09:28 a.m.  
Elizabeth A. Brown  
D.C. Case No.: Clerk of Supreme Court

**PETITIONER'S  
APPENDIX**

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**APPENDIX INDEX**

#	DOCUMENT	FILE STAMP DATE	PAGES
<b>VOLUME I</b>			
1.	Complaint for Divorce	12/13/2018	AA000001 - AA000007
2.	Ex Parte Motion to Seal File	12/13/2018	AA000008 - AA000011
3.	Request for Issuance of Joint Preliminary Injunction	12/13/2018	AA000012 - AA000013
4.	Summons	12/13/2018	AA000014 - AA000015
5.	Ex Parte Order Sealing File	1/3/2019	AA000019 - AA000020
6.	Notice of Entry of Ex Parte Order Sealing File	1/4/2019	AA000021 - AA000025
7.	Answer and Counterclaim for Divorce	1/11/2019	AA000026 - AA000033
8.	Reply to Counterclaim for Divorce	1/24/2019	AA000034 - AA000039
9.	General Financial Disclosure Form	1/29/2019	AA000040 - AA000051
10.	Defendant's Motion for Primary Physical Custody to Relocate with Minor Children to Southern California	1/29/2019	AA000052 - AA000079
11.	Notice of Entry of Stipulation to Reschedule Case Management Conference	2/14/2019	AA000080 - AA000084

12.	Plaintiff's Opposition to Defendant's Motion for Primary Physical Custody to Relocate with Minor Children to Southern California and Countermotion for Joint Physical Custody	2/20/2019	AA000088 - AA000120
13.	Appendix of Exhibits to Defendant's Reply to Plaintiff's Opposition to Defendant's Motion for Primary Physical Custody to Relocate With Minor Children to California	3/5/2019	AA000121 - AA000146
14.	Defendant's Reply to Plaintiff's Opposition to Defendant's Motion for Primary Physical Custody to Relocate with Minor Children to California	3/5/2019	AA000147 - AA000180
15.	Clerk's Notice of Hearing	3/6/2019	AA000181
16.	Receipt of Copy	3/12/2019	AA000182
17.	Notice of Taking of Deposition of Plaintiff, James W. Vahey	3/13/2019	AA000183 - AA000185
18.	Plaintiff's Witness List	4/18/2019	AA000186 - AA000190
19.	General Financial Disclosure Form	4/26/2019	AA000191 - AA000199
20.	Declaration of James W. Vahey Regarding His Income	4/2019	AA000200 - AA000206
21.	Notice of Entry of Order from Hearing on March 12, 2019	5/2/2019	AA000207 - AA000210
22.	Defendant's Motion for Order Permitting Minor Children to Testify at Evidentiary Hearing	6/20/2019	AA000214 - AA000225
<b>VOLUME II</b>			
23.	Notice of Hearing	6/20/2019	AA000213
24.	Appendix of Exhibits in Support of Plaintiff's Opposition to Defendant's Motion for Order Permitting Minor Children to Testify at Evidentiary Hearing	7/12/2019	AA000226 - AA000244

25.	Plaintiff's Opposition to Defendant's Motion for Order Permitting Minor Children to Testify at Evidentiary Hearing	7/12/2019	AA000245 - AA000258
26.	Errata to Plaintiff's Opposition to Defendant's Motion for Order Permitting Minor Children to Testify at Evidentiary Hearing	7/15/2019	AA000259 - AA000263
27.	Defendant's Motion for Order Permitting Minor Children to Testify at Evidentiary Hearing	7/18/2019	AA000264 - AA000274
28.	Notice of Rescheduling of Hearing	7/18/2019	AA000275 - AA000276
29.	Notice of Entry of Stipulation and Order Appointing Dr. Michelle Gravely as Children's Therapist	7/30/2019	AA000277 - AA000281
30.	Defendant's Witness List	7/31/2019	AA000285 - AA000288
31.	Defendant's Pre-Trial Memorandum	8/2/2019	AA000295 - AA000326
32.	Errata to Defendant's Pre-Trial Memorandum	8/2/2019	AA000289 - AA000294
33.	Plaintiff's Pre-Trial Memorandum	8/2/2019	AA000327 - AA000408
34.	Receipt of Defendant's N.R.C.P. 16.2 Production -9 and Disclosure of Witness	8/2/2019	AA000409
35.	Notice of Seminar Completion	8/5/2019	AA000410 - AA000412
36.	Receipt of Copy	8/7/2019	AA000413
<b>VOLUME III</b>			
37.	Defendant's Trial Brief	9/3/2019	AA000414 - AA000477
38.	Certificate of Seminar Completion	9/7/2019	AA000478 - AA000480



39.	Findings of Fact, Conclusions of Law, Decision and Order	9/20/2019	AA000481 - AA000512
40.	Notice of Entry of Order	9/20/2019	AA000513 - AA000545
41.	Substitution of Attorney	10/9/2019	AA000546 - AA000547
42.	Notice of Hearing	1/22/2020	AA000548 - AA000549
43.	Appendix of Exhibits in Support of Plaintiff's Individual Case Management Conference Brief	2/10/2020	AA000550 - AA000641
<b>VOLUME IV</b>			
44.	Plaintiff's Individual Case Management Conference Brief	2/10/2020	AA000642 - AA000647
45.	Defendant's Individual Case Management Conference	2/14/2020	AA000648 - AA000656
46.	Order Setting Evidentiary Hearing	2/19/2020	AA000657 - AA000661
47.	Plaintiff's Witness List	3/5/2020	AA000662 - AA000665
48.	Plaintiff's Pre-Trial Memorandum	3/13/2020	AA000666 - AA000856
<b>VOLUME V</b>			
49.	Defendant's Exhibit Appendix in Support of 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	3/27/2020	AA000857 - AA000883
50.	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	3/27/2020	AA000884 - AA000910

**VOLUME VI**

51.	Notice of Entry of Stipulation and Order to Continue ,arch 19, 2020 Trial	3/27/2020	AA000911 - AA000916
52.	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	3/27/2020	AA000917 - AA000973
53.	Plaintiff's Ex Parte Application for Issuance of Order to Show Cause	3/27/2020	AA000974 - AA001045
<b>VOLUME VI</b>			
54.	Appendix of Exhibits in Support of 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	3/27/2020	AA001112 - AA001177
55.	Certificate of Service	3/30/2020	AA001046
56.	Certificate of Service	3/30/2020	AA001047
57.	Defendant's Response to Plaintiff's Ex Parte Application for an Order to Show Cause	3/30/2020	AA001048 - AA001109
58.	Notice of Hearing	3/30/2020	AA001110
59.	Notice of Hearing	3/30/2020	AA001111
60.	Plaintiff's Ex Parte Motion for Order Shortening Time 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	3/31/2020	AA001178 - AA001192

61.	Defendant's Response to Plaintiff's Ex Parte Motion for and Order Shortening Time	4/1/2020	AA001193 - AA001203
62.	Order Shortening Time	4/7/2020	AA001204 - AA001205
63.	Amended Order Setting Evidentiary Hearing	4/8/2020	AA001206 - AA001208
64.	Notice of Entry of Order Shortening Time	4/8/2020	AA001209 - AA001213
65.	Appendix of Exhibits in Support of Plaintiff's Opposition to 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	4/10/2020	AA001214 - AA001237
66.	Plaintiff's Opposition to 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	4/10/2020	AA001238 - AA001267
<b>VOLUME VII</b>			
67.	Appendix of Exhibits in Support of Plaintiff's Reply to Defendant's Opposition to 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	4/15/2020	AA001268 - AA001328

68.	Plaintiff's Reply to Defendant's Opposition to 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	4/15/2020	AA001329 - AA001352
69.	Defendant's Opposition to 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	4/19/2020	AA001353 - AA001387
70.	Defendant's Exhibit Appendix in Support of Opposition to 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	4/19/2020	AA001388 - AA001396
71.	Defendant's Exhibit Appendix in Support of Reply to Opposition to Motion to Extend Temporary Protective Order T-20-204489-T, to Change Custody on an Interim Basis, to Change Custody, and for an Interview of the Minor Children	4/20/2020	AA001397 - AA001457
72.	Defendant's Opposition to Motion to Extend Temporary Protective Order T-20-204489-T, to Change Custody on an Interim Basis, to Change Custody, and for an Interview of the Minor Children	4/20/2020	AA001458 - AA001491
<b>VOLUME VIII</b>			

73.	Second Amended Order Setting Evidentiary Hearing	5/11/2020	AA001492 - AA001495
74.	Notice of Entry of Order from April 22, 2020 Hearing	6/1/2020	AA001496 - AA001507
75.	Plaintiff's Emergency Motion to Resolve Parent-Child Issues and for Attorney's Fees and Costs	6/5/2020	AA001518 - AA001552
76.	Appendix of Exhibits in Support of Plaintiff's Emergency Motion to Resolve Parent-Child Issues and for Attorney's Fees and Costs	6/5/2020	AA001553 - AA001675
77.	Notice of Hearing	6/8/2020	AA001676
78.	Defendant's Exhibit Appendix in Support of Opposition to Plaintiff's Emergency Motion to Resolve Parent-Child Issues and for Attorney's Fees and Costs and Countermotion to Appoint Jen Mitzel as the Children's Therapist, for an Interview of the Minor Children or in the Alternative for the Appointment of a Guardian Ad Litem, to Change Custody, and for Attorney's Fees and Costs	6/29/2020	AA001677 - AA001705
<b>VOLUME IX</b>			
79.	Defendant's Opposition to Plaintiff's Emergency Motion to Resolve Parent-Child Issues and for Attorney's Fees and Costs and Countermotion to Appoint Jen Mitzel as the Children's Therapist, for an Interview of the Minor Children or in the Alternative for the Appointment of a Guardian Ad Litem, to Change Custody, and for Attorney's Fees and Costs	6/29/2020	AA001706 - AA001741
80.	Notice of Hearing	6/30/2020	AA001742

81.	Plaintiff's Reply in Support of His Emergency Motion to Resolve Parent-Child Issues and for Attorney's Fees and Costs and Opposition to Countermotion to Appoint Jen Mitzel as the Children's Therapist, for an Interview of the Minor Children or in the Alternative for the Appointment of a Guardian Ad Litem, to Change Custody, and for Attorney's Fees and Costs	7/6/2020	AA001743 - AA001770
82.	Defendant's Reply to Plaintiff's Opposition to Countermotion to Appoint Jen Mitzel as the Children's Therapist, for an Interview of the Minor Children or in the Alternative for the Appointment of a Guardian Ad Litem, to Change Custody, and for Attorney's Fees and Costs	7/9/2020	AA001771 - AA001788
83.	Defendant's Exhibit Appendix in Support of Reply to Plaintiff's Opposition to Countermotion to Appoint Jen Mitzel as the Children's Therapist, for an Interview of the Minor Children or in the Alternative for the Appointment of a Guardian Ad Litem, to Change Custody, and for Attorney's Fees and Costs	7/10/2020	AA001789 - AA001804
84.	Defendant's Second Exhibit Appendix in Support of Reply to Plaintiff's Opposition to Countermotion to Appoint Jen Mitzel as the Children's Therapist, for an Interview of the Minor Children or in the Alternative for the Appointment of a Guardian Ad Litem, to Change Custody, and for Attorney's Fees and Costs	7/12/2020	AA001805 - AA001809
85.	Plaintiff's Pretrial Memorandum	8/6/2020	AA001810 - AA001839
<b>VOLUME X</b>			
86.	Plaintiff's Amended Pretrial Memorandum	8/6/2020	AA001840 - AA002152
<b>VOLUME XI</b>			

87.	Defendant's Pre-Trial Memorandum	8/10/2020	AA002153 - AA002183
88.	Notice of Entry of Order from July 13, 2020 Hearing	8/11/2020	AA002192 - AA002197
89.	Notice of Entry of Order from July 13, 2020 Hearing	8/11/2020	AA002184 - AA002191
90.	Receipt of Copy	8/12/2020	AA002198
91.	Amended Order Setting Evidentiary Hearing	8/14/2020	AA002199 - AA002201
92.	Supplemental Appendix of Exhibits in Support of Plaintiff's Emergency Motion to Resolve Parent-Child Issues and for Attorney's Fees and Costs	9/3/2020	AA002202 - AA002212
93.	Defendant's Exhibit Appendix in Support Motion to Enter Decree of Divorce, for an Interim Change in Custody, and to Change Custody, and for Attorney's Fees and Costs	2/11/2021	AA002213 - AA002265
94.	Defendant's Motion to Enter Decree of Divorce, for an Interim Modification of Custody, to Change Custody, and for attorney's Fees and Costs	2/11/2021	AA002266 - AA002299
95.	Notice of Hearing	2/11/2021	AA002300
96.	Notice of Hearing	2/11/2021	AA002301
<b>VOLUME XII</b>			
97.	Appendix of Exhibits in Support of Plaintiff's Motion to Transfer Case to Department Hand to Enter Plaintiff's Proposed Findings of Fact, Conclusions of Law, and Decree of Divorce	2/11/2021	AA002303 - AA002455
98.	Notice of Rescheduling of Hearing	2/26/2021	AA002456 - AA002457

99.	Defendant's Exhibit Appendix in Support Opposition to Plaintiff's Motion to Transfer Case to Department H, to Enter Plaintiff's Proposed Findings of Fact, Conclusions of Law, and Dcree of Divorce	3/5/2021	AA002458 - AA002477
100.	Defendant's Opposition to Plaintiff's Motion to Transfer Case to Department H, to Enter Plaintiff's Proposed Findings of Fact, Conclusions of Law, and Decree of Divorce	3/5/2021	AA002478 - AA002512
<b>VOLUME XIII</b>			
101.	Appendix of Exhibits in Support of Plaintiff's Opposition to Defendant's Motion to Enter Decree of Divorce, for an Interim Modification of Custody, to Change Custody and for Attorney's Fees and Costs	3/5/2021	AA002513 - AA002531
102.	Plaintiff's Opposition to Defendant's Motion to Enter Decree of Divorce, for an Interim Modification of Custody, to Change Custody and for Attorney's Fees and Costs	3/5/2021	AA002532 - AA002560
103.	Defendant's Exhibit Appendix in Support of [Reply to] Opposition to Motion to Enter Decree of Divorce. for an Interim Modification of Custody, to Change Custody, and for Attorney's Fees and Costs	3/15/2021	AA002561 - AA002576
104.	Defendant's Reply to Opposition to Motion to Enter Decree of Divorce, for an Interim Modification of Custody, to Change Custody and for Attorney's Fees and Costs	3.15/2021	AA002577 - AA002610
105.	Appendix of Exhibits in Support of Plaintiff's Motion to Transfer Case to Department H and to Enter Plaintiff's Proposed Findings of Fact, Conclusions of Law, and Decree of Divorce	3/15/2021	AA002611 - AA002627



106.	Plaintiff's Reply in Support of Motion to Transfer Case to Department H and to Enter Plaintiff's Proposed Findings of Fact, Conclusions of Law, and Decree of Divorce	3/15/2021	AA002628 - AA002647
107.	Defendant's Supplemental Exhibit Appendix in Support of Opposition to Plaintiff's Motion to Transfer Case to Department H and to Enter Plaintiff's Proposed Findings of Fact, Conclusions of Law, and Decree of Divorce	3/22/2021	AA002648 - AA002657
108.	Findings of Fact, Conclusions of Law, and Decree of Divorce	3/26/2021	AA002658 - AA002683
109.	Defendant's Brief Regarding Outstanding Issues	4/2/2021	AA002684 - AA002692
110.	Plaintiff's Brief for April 13, 2021 Hearing	4/2/2021	AA002693 - AA002704
111.	Notice of Entry of Findings of Fact, Conclusions of Law, and Decree of Divorce	4/8/2021	AA002705 - AA002733
<b>VOLUME XIV</b>			
112.	Transcription of April 13, 2021, Hearing	4/13/2021	AA003980 - AA004008
113.	Defendant's Documents Filed Regarding Outstanding Issues	4/23/2021	AA002737 - AA002773
114.	Document Filed Pursuant to Court Order Plaintiff's United Healthcare Insurance Policy Summary of Benefits and Coverage	4/23/2021	AA002774 - AA002788
115.	Notice of Entry of Order from March 22, 2021, Hearing	5/11/2021	AA002789 - AA002797
116.	Order from April 13, 2021 Hearing and April 28, 2021 Minute Order	5/18/2021	AA002804 - AA002811
117.	Notice of Entry Order from April 13, 2021 Hearing and April 28, 2021 Minute Order	5/19/2021	AA002812 - AA002822

118.	Notice of Appeal	6/14/2021	AA002823 - AA002824
119.	Stipulation and Order Modifying Findings of Fact, Conclusions of Law, and Decree of Divorce	8/8/2021	AA002836 - AA002839
120.	Notice of Entry of Stipulation and Order Modifying Findings of Fact, Conclusions of Law, and Decree of Divorce	8/9/2021	AA002840 - AA002846
121.	Defendant's Notice of Completion of Cooperative Parenting Class	8/16/2021	AA002847 - AA002850
122.	Defendant's Motion to Correct Clerical error in the Decree of Divorce Regarding the 529 Accounts, or in the Alternative, to Set Aside the Terms in the Decree of Divorce Regarding the Division of the 529 Accounts and for Attorney's Fees and Costs	9/27/2021	AA002851 - AA002864
123.	Certificate of Service	9/28/2021	AA002865 - AA002867
124.	Notice of Hearing	9/28/2021	AA002868 - AA002869
125.	Notice of Change of Firm Address	10/12/2021	AA002870 - AA002872

126.	Appendix of Exhibits in Support of Plaintiff's Opposition to Defendant's Motion to Correct Clerical error in the Decree of Divorce Regarding the 529 Accounts, or in the Alternative, to Set Aside the Terms in the Decree of Divorce Regarding the Division of the 529 Accounts and for Attorney's Fees and Costs and Emergency Countermotion for Immediate Return of Hannah to Jim's Custody, an Order that Hannah Immediately Participate in Therapy with Dr. Dee Pierce, an Order that Hannah have a Forensic Psychiatric Evaluation, an Order Requiring the Parties to Participate in Co-Parenting Counseling with Dr. Bree Mullin, Sole Legal Custody, School Choice Determination, Return of the Children's Passports, and Attorney's Fees and Costs	10/12/2021	AA002873 - AA002900
127.	Certificate of Seminar Completion	10/12/2021	AA002901 - AA002904
<b>VOLUME XV</b>			
128.	Plaintiff's Opposition to Defendant's Motion to Correct Clerical error in the Decree of Divorce Regarding the 529 Accounts, or in the Alternative, to Set Aside the Terms in the Decree of Divorce Regarding the Division of the 529 Accounts and for Attorney's Fees and Costs and Emergency Countermotion for Immediate Return of Hannah to Jim's Custody, an Order that Hannah Immediately Participate in Therapy with Dr. Dee Pierce, an Order that Hannah have a Forensic Psychiatric Evaluation, an Order Requiring the Parties to Participate in Co-Parenting Counseling with Dr. Bree Mullin, Sole Legal Custody, School Choice Determination, Return of the Children's Passports, and Attorney's Fees and Costs	10/12/2021	AA002905 - AA002946
129.	Notice of Entry of Order Shortening Time	10/13/2021	AA002947 - AA002951

130.	Order Shortening Time	10/13/2021	AA002952 - AA002954
131.	Ex Parte motion for Order Shortening Time on Plaintiff's Opposition to Defendant's Motion to Correct Clerical error in the Decree of Divorce Regarding the 529 Accounts, or in the Alternative, to Set Aside the Terms in the Decree of Divorce Regarding the Division of the 529 Accounts and for Attorney's Fees and Costs and Emergency Countermotion for Immediate Return of Hannah to Jim's Custody, an Order that Hannah Immediately Participate in Therapy with Dr. Dee Pierce, an Order that Hannah have a Forensic Psychiatric Evaluation, an Order Requiring the Parties to Participate in Co-Parenting Counseling with Dr. Bree Mullin, Sole Legal Custody, School Choice Determination, Return of the Children's Passports, and Attorney's Fees and Costs	10/13/2021	AA002955 - AA002962
132.	Defendant's Exhibit Appendix in Support of Reply to Plaintiff's Opposition to Defendant's Motion to Correct Clerical error in the Decree of Divorce Regarding the 529 Accounts, or in the Alternative, to Set Aside the Terms in the Decree of Divorce Regarding the Division of the 529 Accounts and for Attorney's Fees and Costs and Opposition to Emergency Countermotion for Immediate Return of Hannah to Jim's Custody, an Order that Hannah Immediately Participate in Therapy with Dr. Dee Pierce, an Order that Hannah have a Forensic Psychiatric Evaluation, an Order Requiring the Parties to Participate in Co-Parenting Counseling with Dr. Bree Mullin, Sole Legal Custody, School Choice Determination, Return of the Children's Passports, and Attorney's Fees and Costs	10/17/2021	AA002963 - AA002982

133.	Defendant's Reply to Plaintiff's Opposition to Defendant's Motion to Correct Clerical error in the Decree of Divorce Regarding the 529 Accounts, or in the Alternative, to Set Aside the Terms in the Decree of Divorce Regarding the Division of the 529 Accounts and for Attorney's Fees and Costs and Opposition to Emergency Countermotion for Immediate Return of Hannah to Jim's Custody, an Order that Hannah Immediately Participate in Therapy with Dr. Dee Pierce, an Order that Hannah have a Forensic Psychiatric Evaluation, an Order Requiring the Parties to Participate in Co-Parenting Counseling with Dr. Bree Mullin, Sole Legal Custody, School Choice Determination, Return of the Children's Passports, and Attorney's Fees and Costs	10/17/2021	AA002983 - AA003035
134.	Stipulation and Order Resolving Outstanding Issues on Appeal (and Memorandum of Understanding	10/17/2021	AA003036 - AA003040
135.	Certificate of Service	10/18/2021	AA002043 - AA003044
136.	Notice of Intent to Serve Subpoena Duces Tecum	10/19/2021	AA003045 - AA003047
137.	Subpoena Duces Tecum	10/19/2021	AA003048 - AA003051
138.	Subpoena Duces Tecum to Challenger School	10/25/2021	AA003052 - AA003061
139.	Subpoena Duces Tecum to Ernest A. Becker Sr. Middle School	10/25/2021	AA003062 - AA003071

140.	Appendix of Exhibits in Support of Plaintiff's Motion for an Order to Show Cause to Issue Against Defendant for Violations of the Court's October 18, 2021 Orders, to Compel Compliance with the Court's Orders, for an Order for Matthew to Attend Counseling, for Temporary Sole Legal and Sole Physical Custody of the Minor Children, for an Order that Defendant Pay Child Support to Plaintiff, for an Award of Attorney's Fees and Costs, and for Other Related Relief	10/31/2021	AA003072 - AA003093
<b>VOLUME XVI</b>			
141.	Plaintiff's Motion for an Order to Show Cause to Issue Against Defendant for Violations of the Court's October 18, 2021 Orders, to Compel Compliance with the Court's Orders, for an Order for Matthew to Attend Counseling, for Temporary Sole Legal and Sole Physical Custody of the Minor Children, for an Order that Defendant Pay Child Support to Plaintiff, for an Award of Attorney's Fees and Costs, and for Other Related Relief	10/31/2021	AA003094 - AA003137
142.	Ex Parte Application for Issuance of an Order to Show Cause Against Defendant	11/1/2021	AA003138 - AA003145
143.	Amended Notice of Hearing	11/1/2021	AA003146 - AA003149
144.	Notice of Hearing	11/1/2021	AA003150 - AA003153
145.	Order Shortening Time	11/1/2021	AA003154 - AA003156
146.	Order to Show Cause	11/1/2021	AA003157 - AA003159
147.	Receipt of Copy	11/2/2021	AA003160 - AA003161

148.	Notice of Entry of Order Shortening Time	11/2/2021	AA003162 - AA003166
149.	Notice of Entry of Order to Show Cause	11/2/2021	AA003167 - AA003171
150.	Receipt of Copy	11/2/2021	AA003172
151.	Defendant's Opposition to Plaintiff's Motion for an Order to Show Cause Against Defendant for Violations of the Court's October 18, 2021, Orders, to Compel Compliance with the Court's Orders, for an Order for Matthew to Attend Counseling, for Temporary Sole Legal and Sole Physical Custody of the Minor Children. for an Order that Defendant Pay Child Support to Plaintiff, for an Award of Attorney's Fees and Costs, and for Other Related Relief and Countermotion for Attorney's Fees	11/3/2021	AA003173 - AA003205
152.	Amended Trial Subpoena	11/3/2021	AA003206 - AA003213
153.	General Financial Disclosure Form	11/3/2021	AA003214 - AA003221
154.	Declaration of James W. Vahey Regarding His Income	11/3/2021	AA003222 - AA003233
155.	Trial Subpoena	11/3/2021	AA003234 - AA003241
<b>VOLUME XVII</b>			
156.	Transcript of Hearing Held on November 3, 2021	11/3/2021	AA003242 - AA003353
157.	Defendant's Supplemental Exhibits	11/8/2021	AA003354 - AA003369
158.	Order Regarding Minor Children's Schooling	11/8/2021	AA003370 - AA003372

159.	Notice of Entry of Order	11/9/2021	AA003373 - AA003380
160.	Notice of Entry of Order Regarding Minor Children's Schooling	11/9/2021	AA003381 - AA003386
161.	Order from October 18, 2021, Hearing	11/9/2021	AA003387 - AA003391
162.	Order from November 12, 2021 Hearing	11/12/2021	AA003392 - AA003394
163.	Notice of Entry of Order from November 12, 2021 Hearing	11/12/2021	AA003398 - AA003403
164.	Order Regarding Hannah Vahey's School Attendance	11/14/2021	AA003404 - AA003406
165.	Plaintiff's Memorandum of Attorneys' Fees and Costs	11/15/2021	AA003407 - AA003422
166.	Findings of Fact, Conclusions of Law and Order Regarding Minor Children's Schooling	11/18/2021	AA003423 - AA003434
167.	Notice of Entry of Findings of Fact, Conclusions of Law and Order Regarding Minor Children's Schooling	11/18/2021	AA003435 - AA003448
168.	Notice of Entry of Order	11/18/2021	AA003449 - AA003454
169.	Order Regarding Hannah Vahey's School Attendance	11/18/2021	AA003455 - AA003457
<b>VOLUME XVIII</b>			
170.	Defendant's Objection/Response to Plaintiff's Memorandum of Fees and Costs	11/24/2021	AA003458 - AA003466
171.	Guardian Ad Litem Report	12/6/2021	AA003467 - AA003474
172.	Notice of Appeal	12/8/2021	AA003475 - AA003481



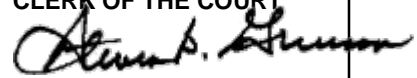
173.	Notice of Entry of Stipulation and Order	12/13/2021	AA003482 - AA003490
174.	Scheduling Order and Order Setting Civil Non-Jury Trial	12/12/2021	AA003491 - AA003493
175.	Stipulation and Order for Guardian Ad Litem	12/13/2021	AA003494 - AA003499
176.	Defendant's Exhibit Appendix in Support of December 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
<b>VOLUME XIX</b>			

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
<b>VOLUME XX</b>			
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

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EXHS  
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

**APPENDIX OF EXHIBITS IN SUPPORT OF 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 hereby submits his Appendix of Exhibits in Support of 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.

1	<b>Title/Description of Document</b>	<b>Exhibit Number</b>
2	March 1, 2020 Audio Recording	1
3	Minh's Visitation Calendar	2
4	March 15, 2020 Text Messages Regarding Spring Break	3
5	March 19-20, 2020, Text Messages Regarding Visitation	4
6	March 20, 2020 Emails Exchanged Between Sabrina M. Dolson, Esq., and Fred Page, Esq.	5
7	September 27, 2019 Email from Minh to Jim	6
8	January 17-18, 2020 Emails Exchanged Between Minh and Jim Regarding Reimbursement for Private School Tuition; and October 30, 2020 Email to Minh Regarding Reimbursement for School Uniforms, Extracurricular Activities, and Private School Tuition, and Attached Receipts and Statements	7
9	Toothfairy Children's Dental Statement of Account, dated March 20, 2020	8
10	March 3, 2020, Email from Dr. Michelle Gravley	9
11	Photograph of Aluminum Handle	10
12	Photograph of Ladder	11
13	Audio Recording and Transcript of March 20, 2020 Incident	12
14	Video Recording and Transcript of March 20, 2020 Incident	13
15	Photographs of Damage Caused by Minh on March 20, 2020	14
16	March 20, 2020 Email from Fred Page	15
17	March 22, 2020 Email from Fred Page	16

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DATED this 27<sup>th</sup> day of March, 2020.

THE DICKERSON  
KARACSONYI LAW GROUP

By /s/ Sabrina M. Dolson  
ROBERT P. DICKERSON, ESQ.  
Nevada Bar No. 000945  
SABRINA M. DOLSON, ESQ.  
Nevada Bar No. 013105  
1745 Village Center Circle  
Las Vegas, Nevada 89134  
Attorneys for Plaintiff

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 27<sup>th</sup> day of  
4 March, 2020, I caused the above and foregoing document entitled  
5 Appendix of Exhibits in Support of Plaintiff's Emergency Motion for  
6 Immediate Return of the Children, Dissolution of TPO, Modification of  
7 Child Custody, Appointment of a New Therapist for the Children, an  
8 Order to Show Cause Why Defendant Should Not Be Held in Contempt,  
9 and to Resolve Other Parent Child Issues to be served as follows:

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

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

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

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



# EXHIBIT 1

# EXHIBIT 1

MARCH 1, 2020 AUDIO RECORDING TO BE PRODUCED

# EXHIBIT 1

EXHIBIT 2

EXHIBIT 2

EXHIBIT 2

## 2019 Calendar

January 2019							February 2019							March 2019									
W.	S.	M.	T.	W.	T.	F.	W.	S.	M.	T.	W.	T.	F.	S.	W.	S.	M.	T.	W.	T.	F.	S.	
1			1	2	3	4	5						1	2	9							1	2
2	6	7	8	9	10	11	12	6	1	4	5	6	7	8	9	10	1	4	5	6	7	8	9
3	13	14	15	16	17	18	19	7	10	11	12	13	14	15	16	11	10	11	12	13	14	15	16
4	20	21	22	23	24	25	26	8	17	18	19	20	21	22	23	12	17	18	19	20	21	22	23
5	27	28	29	30	31			9	24	25	26	27	28			13	25	26	27	28	29	30	
																14	31						

April 2019							May 2019							June 2019									
W.	S	M	T	W	T	F	S	W.	S	M	T	W	T	F	S	W.	S	M	T	W	T	F	S
14		1	2	3	4	5	6	18				1	2	3	4	22							1
15	7	8	9	10	11	12	13	19	4	6	7	8	9	10	11	23	7	3	4	5	6	7	8
16	14	15	16	17	18	19	20	20	1	13	14	15	16	17	18	24	8	10	11	12	13	14	15
17	21	22	23	24	25	26	27	21	10	20	21	22	23	24	25	25	16	17	18	19	20	21	22
18	28	29	30					22	18	27	28	29	30	31		26	23	24	25	26	27	28	29
																27	30						

July 2019							August 2019							September 2019						
W.	S	M	T	W	T	F	W.	S	M	T	W	T	F	W.	S	M	T	W	T	F
27	1	2	3	4	5	6	31					1	2	36	1	2	3	4	5	6
28	8	9	10	11	12	13	32	8	5	6	7	8	9	37	8	9	10	11	12	13
29	14	15	16	17	18	19	33	11	12	13	14	15	16	38	15	16	17	18	19	20
30	22	23	24	25	26	27	34	18	19	20	21	22	23	39	22	23	24	25	26	27
31	29	30	31				35	25	26	27	28	29	30	40	29	30				

October 2019							November 2019							December 2019						
W	T	W	T	F	S	S	W	T	W	T	F	S	S	W	T	W	T	F	S	S
40		1	2	3	4	5	44					1	2	49		1	2	3	4	5
41	6	7	8	9	10	11	45	1	4	5	6	7	8	50	6	9	10	11	12	13
42	14	15	16	17	18	19	46	10	11	12	13	14	15	51	13	16	17	18	19	20
43	21	22	23	24	25	26	47	18	19	20	21	22	23	52	20	23	24	25	26	27
44	28	29	30	31			48	25	26	27	28	29	30	1	28	30	31			

## 2020 Calendar

January 2020							February 2020							March 2020									
W.	S	M	T	W	T	F	S	W.	S	M	T	W	T	F	S	W.	S	M	T	W	T	F	S
1				1	2	3	4	5							1	10	1	2	3	4	5	6	7
2	5	6	7	8	9	10	11	6	7	8	9	10	11	12	13	11	8	9	10	11	12	13	14
3	12	13	14	15	16	17	18	7	8	9	10	11	12	13	14	12	15	16	17	18	19	20	21
4	19	20	21	22	23	24	25	8	15	16	17	18	19	20	21	13	22	23	24	25	26	27	28
5	26	27	28	29	30	31		9	22	23	24	25	26	27	28	14	29	30	31				

April 2020							May 2020							June 2020								
W.	S	M	T	W	T	F	W.	S	M	T	W	T	F	S	W.	S	M	T	W	T	F	S
14				1	2	3	4	18					1	2	23							
15	5	6	7	8	9	10	11	19	24	5	6	7	8	9	24	29	8	9	10	11	12	13
16	12	13	14	15	16	17	18	20	25	11	12	13	14	15	16	25	14	15	16	17	18	19
17	19	20	21	22	23	24	25	21	26	18	19	20	21	22	23	28	21	22	23	24	25	26
18	26	27	28	29	30			22	27	24	25	26	27	28	29	30	27	28	29	30		
								23	31													

July 2020							August 2020							September 2020										
W.	S.	M.	T.	W.	T.	F.	S.	W.	S.	M.	T.	W.	T.	F.	S.	W.	S.	M.	T.	W.	T.	F.	S.	
27				1	2	3	4	31							1	36				1	2	3	4	5
28	5	6	7	8	9	10	11	32	2	3	4	5	6	7	8	37	6	7	8	9	10	11	12	
29	12	13	14	15	16	17	18	33	9	10	11	12	13	14	15	38	13	14	15	16	17	18	19	
30	19	20	21	22	23	24	25	34	16	17	18	19	20	21	22	39	20	21	22	23	24	25	26	
31	26	27	28	29	30	31		35	23	24	25	26	27	28	29	40	27	28	29	30				
								36	30	31														

October 2020							November 2020							December 2020										
W.	S	M	T	W	T	F	S	W.	S	M	T	W	T	F	S	W.	S	M	T	W	T	F	S	
40					1	2	3	45	1	2	3	4	5	6	7	49				1	2	3	4	5
41	4	5	6	7	8	9	10	46	8	9	10	11	12	13	14	50	6	7	8	9	10	11	12	
42	11	12	13	14	15	16	17	47	15	16	17	18	19	20	21	51	13	14	15	16	17	18	19	
43	18	19	20	21	22	23	24	48	22	23	24	25	26	27	28	52	20	21	22	23	24	25	26	
44	25	26	27	28	29	30	31	49	29	30						53	27	28	29	30	31			

OCT 25 - NOV DAY  
NOV 27-29 TRSGNG  
DEC 27 - JAN 5 XMAS  
JAN 20 MLK

FEB 17 PRESIDENT  
APR 3-12 SPG BRK  
MAY 10 MOTHER'S D  
MAY 25 MEMORIAL D

CalendarVIP.com

JUN 5-19 2 WKS SUMMER  
JUN 26-JULY 24 4 WKS SUMMER  
SEPT 7 LABOR D  
OCT 30 M D  
DEC 27-JAN 4 XMAS

EXHIBIT 3

EXHIBIT 3

EXHIBIT 3



Nguyet &gt;

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. Spring break is going to be a week earlier. Let me know what you would like to do. I can make accommodations for whatever you would like. Let me know.

11:56 AM

I forwarded the email to you.

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

12:16 PM



iMessage



EXHIBIT 4

EXHIBIT 4

EXHIBIT 4



11:44



Nguyet >

Thursday 10:56 PM

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

10:56 PM

You just had a gathering of a non family member 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.

10:58 PM

Friday 1:19 PM

The Court's custodial order



iMessage



VOLUME VI

AA001122

11:44



Nguyet >

up at 4.

Friday 1:19 PM

The Court's custodial order provides you have one weekend of visitation each month here in Nevada. In addition, given the current issues surrounding 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?

1:19 PM

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.



iMessage



VOLUME VI

AA001123



11:44



Nguyet >

see you at 10 o'clock per the court's order.

Friday 2:24 PM

I will comply with court order

2:24 PM

As always

2:24 PM

Thank you for giving me a straight answer. We can only coparent together if we understand how important it is for us to communicate with each 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.

2:40 PM

Delivered



iMessage



EXHIBIT 5

EXHIBIT 5

EXHIBIT 5

## Sabrina Dolson

---

**From:** Fred Page <fpage@pagelawoffices.com>  
**Sent:** Friday, March 20, 2020 3:43 PM  
**To:** Sabrina Dolson  
**Cc:** Bob Dickerson  
**Subject:** Re: Vahey v. Luong

Ms. Dolson,

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.

Get [Outlook for iOS](#)

---

**From:** Sabrina Dolson <sabrina@thedklawgroup.com>  
**Sent:** Friday, March 20, 2020 1:50:18 PM  
**To:** Fred Page <fpage@pagelawoffices.com>  
**Cc:** Bob Dickerson <bob@thedklawgroup.com>  
**Subject:** Vahey v. Luong

Mr. Page:

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

Thank you for your time and attention to this matter.

Best Regards,

Sabrina M. Dolson, Esq.

The Dickerson Karacsonyi Law Group  
Telephone (702) 388-8600  
Facsimile (702) 388-0210  
1745 Village Center Circle  
Las Vegas, Nevada 89134  
[www.thedklawgroup.com](http://www.thedklawgroup.com)

**\*\*Please note my email address has changed to [sabrina@thedklawgroup.com](mailto:sabrina@thedklawgroup.com)**

**SECURITY REMINDER:** E-mail transmissions may not be secure. If you prefer for communications to be handled by another means, please let us know. By your use of e-mail, we assume you agree to our transmission of information by e-mail, including confidential or privileged information.

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**NOTICE REQUIRED BY IRS (IRS CIRCULAR 230 DISCLOSURE):** As required by U.S. Treasury Regulations governing tax practice, you are hereby advised that any written tax advice contained herein was not written or intended to be used (and cannot be used) by any taxpayer for the purpose of avoiding penalties that may be imposed under the U.S. Internal Revenue Code.

EXHIBIT 6

EXHIBIT 6

EXHIBIT 6

[REDACTED]

Sent from my iPhone

Begin forwarded message:

**From:** Minh Nguyet Luong <[luongdds@gmail.com](mailto:luongdds@gmail.com)>  
**Date:** September 27, 2019 at 6:02:23 AM PDT  
**To:** Jim Vahey <[hotsail.jim@gmail.com](mailto:hotsail.jim@gmail.com)>  
**Subject:** kids' schedule 2019-2020 and all related info

Jim,

Attached is the schedule that I highlighted the dates I will have the children. These are the tentative schedule. Unless I inform you one week in advance we can expect that I will have the children on those dates. Let me know if I am wrong on any of those dates.

Few items I want to go over with you:

Michelle Gravely: The children's therapy sessions are covered under your insurance. Angela told me that Dr. Gravely does take your insurance and that the sessions are covered with your insurance. She also told me that because you called saying that it would be a cash pay at the beginning, that's why we have been paying for it. I suggest for you to request for it to be placed under the insurance. I believe that I am responsible for 1/2 of medical expenses Not covered by insurance. This medical expense is covered by insurance.

Matthew's Taekwondo:

I have been paying for his tuition and tests and weapons. I have requested for you to pay for half of it but I have not seen any reimbursement.

When I signed up for the kids to take extracurricular activities, I was told by you that you would not pay for any of it because you were not involved in it.

Since I am not going to be living in NV, I won't be involved in any of the kids' activities. I am not approving any of it since I don't get to participate with them in it. I will not pay for any of it.

I will inform Master Duran to remove my credit card that he has on file today. Please contact him ASAP and place your credit card on file. You will need to sign Matthew up for tests also.

Since the children will only be with me in OC one week a month, all the extracurricular classes that they have been taking won't do them any good. These are the classes that the children love doing. I highly recommend that you continue signing them up in NV.

Selena loves to take dance lessons. She has been in ballet/tap combo class.

Selena still can not swim one lap. She should be placed in swim classes. If she falls out of the boat she can drown. She should always be watched when she's in your backyard.

Selena has also been asking to take a painting class. She loves to paint.

Hannah and Matthew still have not completed their curriculum in Waterwings. They enjoy their swim lessons.

Both Hannah and Matthew absolutely love tennis. It is a talent they both have. It would be ashamed if they don't get to explore in this passion that they both have.

Matthew also loves to play golf. He is very good at it.

These are the things they get to do when they were with me half of the time. I hope you can provide them these things that I could have with just half of the week.

The children love to spend time with their families. They enjoy spending time with Jason but they have complained that Jason spends a lot of his time on the cell phone. They don't perceive the time with him as something valuable.

Let me know if you have any other questions.

Minh Nguyet Luong, DDS  
Toothfairy Children's Dental  
8000 W. Sahara Ave Ste 180

Las Vegas, NV 89011  
Office: 702-222-9700  
Cell: 702-353-2319  
[luongdds@gmail.com](mailto:luongdds@gmail.com)



EXHIBIT 7

EXHIBIT 7

EXHIBIT 7

[REDACTED]

Sent from my iPhone

Begin forwarded message:

**From:** James Vahey <hotsail.jim@gmail.com>  
**Date:** January 18, 2020 at 8:18:26 AM PST  
**To:** Minh Nguyet Luong <luongdds@gmail.com>  
**Subject:** Re: Challenger Payments.

You could send a one time on line payment to the school for your half.  
You still need to pay half for the cost of their school from January 2019 through June 2019. Why do you think you should not financially support your children's educations? Unless you've changed, you always cared about education for them in the past.

Sent from my iPhone

On Jan 17, 2020, at 3:11 PM, Minh Nguyet Luong <luongdds@gmail.com> wrote:

I only want to make payment directly to the school. The order for me to pay half starts Oct 2019.

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

On Jan 17, 2020, at 3:08 PM, James Vahey <hotsail.jim@gmail.com> wrote:

Upon your request, I inquired at Challenger about whether it would be possible for you to set up automatic draws for half of the school payments. Unfortunately, this is not possible. If you want, you can set up automatic online payments from your bank account to be mailed to me at my office for your half of the payment. Half would be \$2140/month. Please also reimburse me for half of what I've paid by myself since your last payment in February of 2019. My total payments add up to \$34,513, so your half is \$17,256.50. Please send your checks to my office (8585 S.Eastern Ave, Las Vegas, 89123).

Thank you

On Wed, Mar 25, 2020 at 6:55 PM James Vahey <[hotsail.jim@gmail.com](mailto:hotsail.jim@gmail.com)> wrote:

Sent from my iPhone

Begin forwarded message:

**From:** Bo Bautista <[BoBautista@handcenterofnv.com](mailto:BoBautista@handcenterofnv.com)>  
**Date:** October 30, 2019 at 5:49:46 PM PDT  
**To:** "[luongdds@gmail.com](mailto:luongdds@gmail.com)" <[luongdds@gmail.com](mailto:luongdds@gmail.com)>, "[hotsail.jim@gmail.com](mailto:hotsail.jim@gmail.com)" <[hotsail.jim@gmail.com](mailto:hotsail.jim@gmail.com)>  
**Subject:** Refund Request

Hello Dr Luong,

Below is the breakdown of amounts due for reimbursement of Medical, Vision, Tuition @ Challenger School, Scholar Uniforms for Challenger School, Karate, for the period of January 2019 thru October 2019. See attached copies of receipts or amounts.

Medical Coverage for Minh Luong = \$5,077.10 (100% coverage)  
Medical Coverage for Hannah, Matthew, Selena = \$4,034.55 (50% of the amount)  
Vision Coverage for Hannah, Matthew, Selena = \$ 49.50 (50% of the amount)  
Tuition @ Challenger School for Hannah, Matthew, Selena = \$14,312.50 (50% of the amount)  
Scholar Uniforms for Challenger School for Hannah, Matthew, Selena = \$ 188.84 (50% of the amount)  
Karate = \$460.24 (50% of the amount)

**Total Refund due to James W. Vahey = \$ 24,122.73**

Thank you,

*Bo Bautista  
Practice Manager*

*Hand Center of Nevada*

*\*\*James W. Vahey MD \*\*George S. Gluck MD\*\*Alan J. Micev MD\*\**

*8585 S. Eastern Ave #100, Las Vegas NV 89123*

*P: 702-798-8585 F: 702-341-01019 C: 702-326-0137*

*[www.handtoshouldersurgery.com](http://www.handtoshouldersurgery.com)*



12/1/18 - 11/30/19

AA001137



## Vision renewal

		Employee	Empl + Spouse	Empl + Child	Empl + Fam	Monthly Premium
Current Vision Insurance	Enrollment	6	2	1	3	
Plan: V0008/Type: VOLUNTARY	Rate	\$9.59	\$19.88	\$19.88	\$27.61	\$171.00
Renewal Vision Insurance	Enrollment	6	2	1	3	
Plan: V0008/Type: VOLUNTARY	Rate	\$9.59	\$19.88	\$19.88	\$27.61	\$171.00
					Change from current:	0.0%

## Vision benefit summary

	Services & Materials	Amount		Services & Materials	Amount
In-Network Copay	Exam	\$10		Exam	Up to \$40
	Materials	\$25		Single Lenses	Up to \$40
				Bifocal Lenses	Up to \$60
Frequencies	Exam	1 x per 12 mos.		Trifocal Lenses	Up to \$60
	Lenses	1 x per 12 mos.		Concave Lenses	Up to \$60
	Frames	1 x per 24 mos.		Frames	Up to \$45
				Elective Contacts	Up to \$105

Vision plans have a two year rate guarantee. The vision rates will be in effect through 11/30/20. Note that the rate guarantee is subject to change based upon changes to the policy and/or plan structure.

## Life AD&D options

	Enrollment	Benefit	Volume	Rate	Total	Monthly Premium
Life Insurance	12	\$25,000	\$300,000	\$0.17 per 1,000	\$51.00	\$57.00
AD&D Insurance	12	\$25,000	\$300,000	\$0.02 per 1,000	\$6.00	

### Life AD&D Quote Assumptions:

- The Basic Life/AD&D and Basic Dependent Life plans have a 24 month guarantee from the initial date of rate issuance. Note that the rate guarantee is subject to change based upon changes to the policy and/or plan structure.
- All coverage terminates at retirement.
- If you choose to offer \$25,000 or more in base life insurance, the Packaged Savings Program may apply. Packaged Savings may not be available in all states or for all group sizes.
- UnitedHealthcare also offers long and short term disability products. For additional information about these products contact your broker for plan design and premium information today!

## Dental options

	Quote 1		Quote 2		Quote 3		Quote 4	
	Plan P1329 <sup>1</sup> Type: VPPD		Plan A2549 <sup>1</sup> Type: DPPD		Plan P3377 <sup>1</sup> Type: VPPD		Plan D0230 <sup>1</sup> Type: Managed Care	
Coinsurance	Benefit	In/Out	Benefit	In/Out	Benefit	In/Out	Benefit	In
	Preventive	100%/100%	Preventive	100%/100%	Preventive	100%/100%	Preventive	Copay
	Minor Restore	80%/80%	Minor Restore	80%/80%	Minor Restore	80%/80%	Minor Restore	Copay
	Endo/Perio/Dental*	50%/50%	Endo/Perio/Dental**	50%/50%	Endo/Perio/Dental*	80%/80%	Endo/Perio/Dental*	Copay
	Major	50%/50%	Major	50%/50%	Major	50%/50%	Major	Copay
Annual Plan Maximum	In/Out Network	\$1,200/\$1,200	In/Out Network	\$1,000/\$1,000	In/Out Network	\$1,500/\$1,500	In Network	Unlimited
Orthodontia Coverages	Benefit: NA		Benefit: NA		Benefit: NA		Benefit: NA	
	Coinurance	NA/NA	Coinurance	NA/NA	Coinurance	NA/NA	Coinurance	NA/NA
	Lifetime Max	NA/NA	Lifetime Max	NA/NA	Lifetime Max	NA/NA	Max Out of Pocket	\$3,000
Waiting Period for Major Services		12 mos		NO WAIT		12 mos		NO WAIT
Enrollment Rates	Tiers	Monthly Rate	Tiers	Monthly Rate	Tiers	Monthly Rate	Tiers	Monthly Rate
	Empl	\$31.70	Empl	\$35.85	Empl	\$37.85	Empl	\$20.63
	Empl + Spouse	\$63.39	Empl + Spouse	\$71.69	Empl + Spouse	\$15.71	Empl + Spouse	\$38.40
	Empl + Child	\$59.35	Empl + Child	\$78.30	Empl + Child	\$81.55	Empl + Child	\$35.07
	Empl + Family	\$106.07	Empl + Family	\$118.00	Empl + Family	\$125.23	Empl + Family	\$61.30
Deductible	Indiv/Family	\$50/\$150	Indiv/Family	\$50/\$150	Indiv/Family	\$50/\$150	Indiv/Family	NONE/NONE
Monthly Premium		\$709.57		\$801.84		\$841.58		\$431.41

<sup>1</sup>Please refer to your benefit summary or certificate of coverage for a more detailed view of the benefit coverage for services within these categories as some plans may have benefits that differ from what we are able to display here.

Managed Care is In-Network only with the exception of NY which includes In-Network and Out-of-Network Copayments.

<sup>2</sup>Ask about our Consumer Max Multiplier! This consumer driven benefit allows members to carry forward a portion of their unused annual dental maximum into an account for future use.



# CHALLENGER SCHOOL

9900 Isaac Newton Way  
Las Vegas, NV 89129  
(702) 878-8418

## Summary of Charges and Payments

From: 01/01/19 To: 10/30/19  
Date Prepared: 10/30/19

10/30/19 13:11  
CORP.CSS:CSS

Federal Tax ID Number: 47-1405971

Customer Name: Luong, Minh  
Customer Address: 9742 W. Tomkins Ave  
Las Vegas, NV 89147

### Charges

This includes tuition, excused tuition, all fees, account transfers, bad-debt write offs and discounts.

Child Name	Transaction Type	Amount Billed
	Late and Returned Check Fees	\$25.00
Vahey, Hannah	Tuition 4th Grade Silverado 18-19	\$6,840.00
Vahey, Hannah	Tuition 5th Grade Silverado 19-20	\$4,054.00
Vahey, Hannah	Tuition Ext Classtime P.M. Silverado 19-20	\$194.00
Vahey, Hannah	Application Fees Silverado 19-20	\$175.00
Vahey, Matthew	Tuition 3rd Grade Silverado 18-19	\$6,840.00
Vahey, Matthew	Tuition 4th Grade Silverado 19-20	\$4,054.00
Vahey, Matthew	Tuition Ext Classtime P.M. Silverado 19-20	\$194.00
Vahey, Matthew	Application Fees Silverado 19-20	\$175.00
Vahey, Selena	Tuition All-day 4-year-old 2-day Silverado 18-19	\$2,335.00
Vahey, Selena	Tuition All-day Kindergarten Silverado 19-20	\$3,564.00
Vahey, Selena	Application Fees Silverado 19-20	\$175.00
Total Charges and Fees for the period 1/1/19 to 10/30/19:		\$28,526.00

### Payments

This includes cash and check payments, payroll deductions, refunds and returned checks.

Payment Date	Transaction Type	Check/Receipt Nbr	Amount Paid
Jan 15, 2019	Check E Payment Received	021000022613203	\$3,203.00
Feb 15, 2019	Check E Payment Received	021000025898221	\$3,203.00
Feb 28, 2019	Check Payment Received	2001	\$525.00
Mar 15, 2019	Check E Payment Received	021000028935351	\$3,203.00
Apr 15, 2019	Check E Payment Received	021000021963087	\$3,203.00
May 15, 2019	Check E Payment Received	021000025114625	\$3,203.00
Aug 15, 2019	Check E Payment Received	021000029562671	\$2,700.00
Aug 19, 2019	Check E Payment Reversal	021000029562671	(\$2,700.00)
Aug 20, 2019	Check Payment Received	1541	\$3,892.00
Sep 03, 2019	Check Payment Received	1543	\$3,913.00
Oct 01, 2019	Check Payment Received	2025	\$3,892.00
Oct 08, 2019	Check E Payment Received	021000020548589	\$386.00
Total Payments for the period 1/1/19 to 10/30/19:			\$28,526.00



**Fwd: Order #9894 confirmed**

James Vahey

Sun 10/27/2019 11:17 PM

To: Bo Bautista <BoBautista@handcenterofnv.com>

----- Forwarded message -----

From: **ScholarWear** <[info@scholarwear.com](mailto:info@scholarwear.com)>

Date: Wed, Oct 2, 2019 at 10:46 PM

Subject: Order #9894 confirmed

To: <[hotsail.jim@gmail.com](mailto:hotsail.jim@gmail.com)>

**ScholarWear**

ORDER #9894

**Thank you for your purchase!**

Hi James, we're getting your order ready to be shipped. We will notify you when it has been sent.

---

[View your order](#)

[or Visit our store](#)

### Order summary



Girls Polo - Long Sleeve × 1  
Dark Maroon / XS (5/6)

**\$30.00**

Girls Polo - Short Sleeve × 1

**\$28.00**



White / M (10/12)



**Girls Polo - Long Sleeve × 1**  
Dark Maroon / M (10/12)

**\$30.00**



**Girls Skirts - Regular × 1**  
12 - Box Pleat

**\$48.00**



**Girls Cardigan Sweater × 1**  
M (10/12)

**\$45.00**



**Oxford - Long Sleeve × 1**  
10

**\$30.00**



**Boys Pullover Sweater - Black × 1**  
M (10/12)

**\$41.00**



**Girls Penny Tie × 2**  
Yellow (XSmall Strap)

**\$24.00**



**Girls Penny Oxford Blouse - Long Sleeve × 1**  
10

**\$30.00**



**Girls Penny Oxford Blouse - Long Sleeve × 1**  
5

**\$30.00**

Subtotal	\$336.00
Shipping	\$13.95
State Tax	\$27.72

Total	<b>\$377.67 USD</b>
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## Customer information

### Shipping address

James Vahey  
27 Via Mira Monte  
Henderson NV 89011  
United States

### Billing address

James Vahey  
27 Via Mira Monte  
Henderson NV 89011  
United States

### Shipping method

11 Items

### Payment method



Payment method — **\$377.67**

---

If you have any questions, reply to this email or contact us at [info@scholarwear.com](mailto:info@scholarwear.com)

*Rate*

Nov 01, 2019 Scheduled Payment: \$125.00 (plus \$4.63 administrative fees) (MasterCard xxxxxx1180) [Apply Payment Credit]

PAYMENT HISTORY:

Mar 29, 2019 Payment: \$13.06 (includes \$0.96 administrative fees) (MasterCard xxxxxx1180) (Prorated) [Refund]  
Apr 01, 2019 Payment: \$129.63 (includes \$4.63 administrative fees) (MasterCard xxxxxx1180) [Refund]  
May 02, 2019 Payment: \$129.63 (includes \$4.63 administrative fees) (MasterCard xxxxxx1180) [Refund]  
Jun 01, 2019 Payment: \$129.63 (includes \$4.63 administrative fees) (MasterCard xxxxxx1180) [Refund]  
Jul 01, 2019 Payment: \$129.63 (includes \$4.63 administrative fees) (MasterCard xxxxxx1180) [Refund]  
Aug 01, 2019 Payment: \$129.63 (includes \$4.63 administrative fees) (MasterCard xxxxxx1180) [Refund]  
Sep 01, 2019 Payment: \$129.63 (includes \$4.63 administrative fees) (MasterCard xxxxxx1180) [Refund]  
Oct 01, 2019 Payment: \$129.63 (includes \$4.63 administrative fees) (MasterCard xxxxxx1180) [Refund]

EXHIBIT 8

EXHIBIT 8

EXHIBIT 8



# STATEMENT OF ACCOUNT

Toothfairy Childrens Dental  
10925 S. Eastern Ave #130  
Henderson, NV 89052-5214

(702)222-9700

CHART NO.

016201

PAGE NO.

1

BILLING DATE

03/20/2020

## GUARANTOR NAME AND MAILING ADDRESS

James Vahey  
27 Via Mira Monte  
Henderson, NV 89011

AMOUNT ENCLOSED

\$

TO ENSURE PROPER CREDIT, PLEASE DETACH AND RETURN THIS PORTION OF THE STATEMENT WITH YOUR PAYMENT

PLEASE RETAIN THIS PORTION OF THE STATEMENT FOR YOUR RECORDS

DATE	DESCRIPTION	PATIENT'S NAME	CHARGES	CREDITS
02/20/2020	Balance Forward		2171.00	
03/01/2020	Sealant-per tooth	Hannah	46.00	
03/01/2020	Sealant-per tooth	Hannah	46.00	
03/01/2020	Sealant-per tooth	Hannah	46.00	
03/01/2020	Sealant-per tooth	Hannah	46.00	
03/01/2020	Sealant-per tooth	Hannah	46.00	
03/01/2020	Sealant-per tooth	Hannah	46.00	
03/01/2020	Sealant-per tooth	Hannah	46.00	
03/01/2020	Topical fluoride varnish	Hannah	55.00	
03/01/2020	Prophylaxis-child	Hannah	65.00	
03/01/2020	Bitewings-two films	Hannah	39.00	
03/01/2020	Periodic oral evaluation	Hannah	46.00	
03/01/2020	Intraoral-periapical-each add'l	Hannah	19.00	
03/01/2020	Intraoral-periapical-each add'l	Hannah	19.00	
03/01/2020	Intraoral-periapical-each add'l	Hannah	19.00	
03/01/2020	Intraoral-periapical-each add'l	Hannah	19.00	
03/01/2020	Intraoral-periapical-each add'l	Hannah	19.00	
03/01/2020	Intraoral-periapical-1st film	Hannah	24.00	
03/01/2020	Sealant-per tooth	Matthew	46.00	
03/01/2020	Sealant-per tooth	Matthew	46.00	
03/01/2020	Sealant-per tooth	Matthew	46.00	
03/01/2020	Sealant-per tooth	Matthew	46.00	
03/01/2020	Sealant-per tooth	Matthew	46.00	
03/01/2020	Sealant-per tooth	Matthew	46.00	
03/01/2020	Sealant-per tooth	Matthew	46.00	
03/01/2020	Sealant-per tooth	Matthew	46.00	
03/01/2020	Sealant-per tooth	Matthew	46.00	
03/01/2020	Sealant-per tooth	Matthew	46.00	
03/01/2020	Sealant-per tooth	Matthew	46.00	
03/01/2020	Sealant-per tooth	Matthew	46.00	
03/01/2020	Bitewings-two films	Matthew	39.00	

-continued-

PRIOR BALANCE	CURRENT CREDITS	CURRENT CHARGES	NEW BALANCE
-	+	=	



# STATEMENT OF ACCOUNT

Toothfairy Childrens Dental  
10925 S. Eastern Ave #130  
Henderson, NV 89052-5214

(702)222-9700

CHART NO.

016201

PAGE NO.

2

BILLING DATE

03/20/2020

## GUARANTOR NAME AND MAILING ADDRESS

James Vahey  
27 Via Mira Monte  
Henderson, NV 89011

AMOUNT ENCLOSED

\$

TO ENSURE PROPER CREDIT, PLEASE DETACH AND RETURN THIS PORTION OF THE STATEMENT WITH YOUR PAYMENT

PLEASE RETAIN THIS PORTION OF THE STATEMENT FOR YOUR RECORDS

DATE	DESCRIPTION	PATIENT'S NAME	CHARGES	CREDITS
03/01/2020	Intraoral-periapical-each add'l	Matthew	19.00	
03/01/2020	Intraoral-periapical-each add'l	Matthew	19.00	
03/01/2020	Intraoral-periapical-each add'l	Matthew	19.00	
03/01/2020	Intraoral-periapical-each add'l	Matthew	19.00	
03/01/2020	Intraoral-periapical-each add'l	Matthew	19.00	
03/01/2020	Intraoral-periapical-1st film	Matthew	24.00	
03/01/2020	Periodic oral evaluation	Matthew	46.00	
03/01/2020	Scaling/full mouth after evalua	Matthew	60.00	
03/01/2020	Topical fluoride varnish	Matthew	55.00	
03/01/2020	Sealant-per tooth	Selena	46.00	
03/01/2020	Sealant-per tooth	Selena	46.00	
03/01/2020	Sealant-per tooth	Selena	46.00	
03/01/2020	Sealant-per tooth	Selena	46.00	
03/01/2020	Sealant-per tooth	Selena	46.00	
03/01/2020	Sealant-per tooth	Selena	46.00	
03/01/2020	Sealant-per tooth	Selena	46.00	
03/01/2020	Topical fluoride varnish	Selena	55.00	
03/01/2020	Prophylaxis-child	Selena	65.00	
03/01/2020	Intraoral-periapical-each add'l	Selena	19.00	
03/01/2020	Intraoral-periapical-each add'l	Selena	19.00	
03/01/2020	Intraoral-periapical-each add'l	Selena	19.00	
03/01/2020	Intraoral-periapical-each add'l	Selena	19.00	
03/01/2020	Intraoral-periapical-each add'l	Selena	19.00	
03/01/2020	Intraoral-periapical-1st film	Selena	24.00	
03/01/2020	Periodic oral evaluation	Selena	46.00	

Charges on account over 90 days. PLEASE PAY IMMEDIATELY!

To pay with your credit card please complete:



Acct. No. \_\_\_\_\_



Exp. Date \_\_\_\_\_ ☐ VISA ☐ MasterCard

Signature \_\_\_\_\_

PRIOR BALANCE	CURRENT CREDITS	CURRENT CHARGES	NEW BALANCE
2171.00	0.00	2170.00	4341.00

BALANCE DUE BY 04/05/2020. THANK YOU!!

- Please contact our office to provide dental insurance info. if there is dental coverage for the kids. Thanks

EXHIBIT 9

EXHIBIT 9

EXHIBIT 9



[REDACTED]

[REDACTED]

[REDACTED]

Sent from my iPhone

Begin forwarded message:

**From:** MICHELLE GRAVLEY <drgravley@cox.net>  
**Date:** March 3, 2020 at 3:06:27 PM PST  
**To:** James Vahey <hotsail.jim@gmail.com>  
**Subject:** ongoing therapy  
**Reply-To:** MICHELLE GRAVLEY <drgravley@cox.net>

Hello,

When Angela reached out to Minh regarding paying her balance she indicated that both of you feel "the children are not responding to therapy sessions" and she referenced an email from your attorney that stated that.

She does not want to continue with the sessions and paying. She agreed to pay what was owed but no further. She stated she was fine if you wanted to continue bringing them but that you would be responsible for the full amount.

Please advise how we move forward from here. Thank you.

*Michelle A. Gravley, Psy.D.  
Licensed Psychologist PY0381  
2881 Business Park Court, suite 150  
Las Vegas, NV 89128  
(702)508-2112 fax (702)965-4587*

CONFIDENTIALITY NOTICE: This email may contain confidential material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is prohibited. If you have received this communication in error, please notify the sender immediately and delete the message and any attachments from your computer. Thank you.

EXHIBIT 10

EXHIBIT 10

EXHIBIT 10







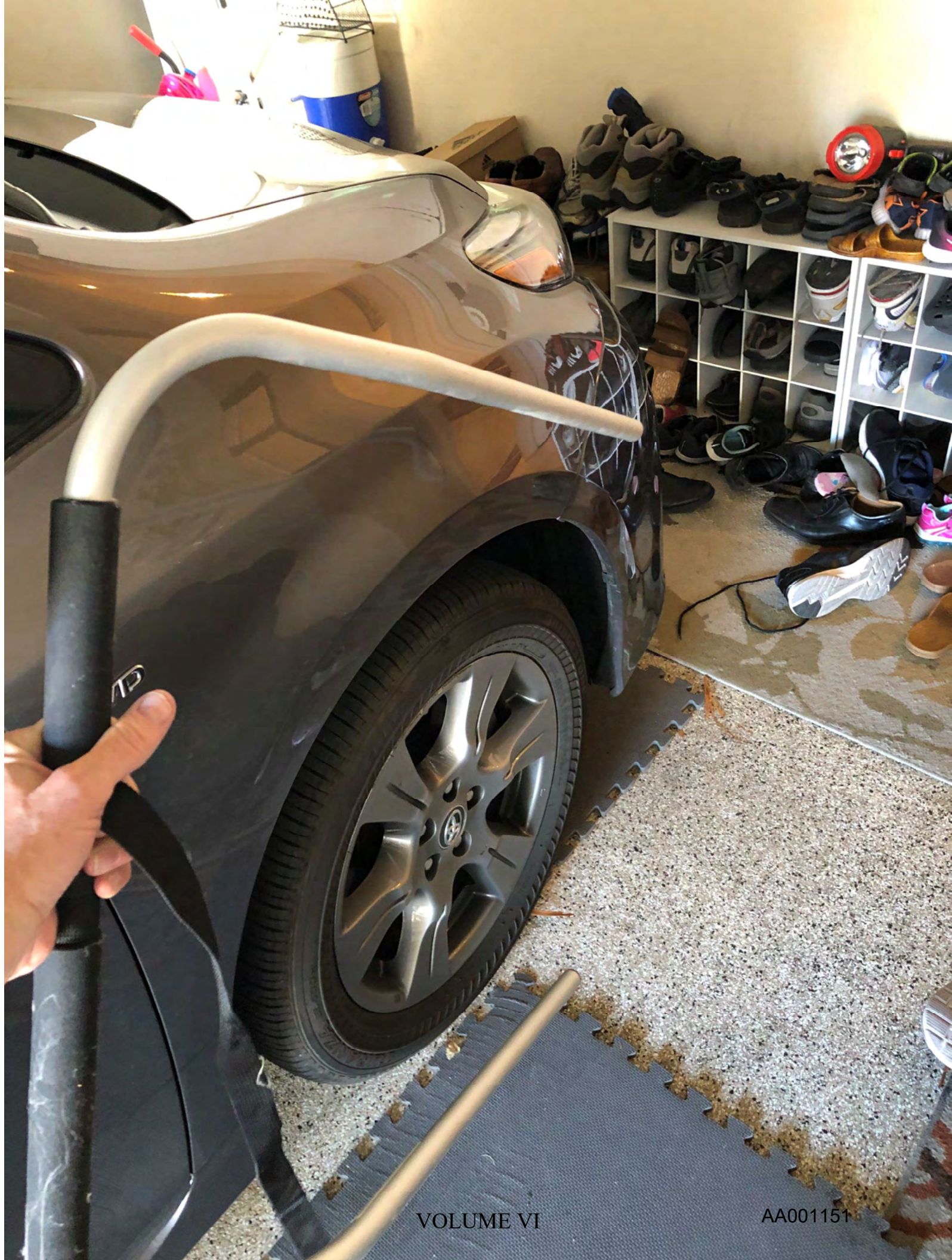




EXHIBIT 11

EXHIBIT 11

EXHIBIT 11



# EXHIBIT 12

# EXHIBIT 12

MARCH 20, 2020 AUDIO RECORDING TO BE PRODUCED

# EXHIBIT 12

**TRANSCRIPT OF MARCH 20, 2020 AUDIO RECORDING**

JIM: Bye baby.

JIM: Hey, hey, hey

SELENA: Yes, I need this.

JIM: Okay.

SELENA: Daddy. Daddy can you please help me....

JIM: What do you need?

SELENA: Find the gumball machine?

JIM: I'll look for it honey.

SELENA: Okay.

JIM: Give this to Matthew.

SELENA: Will you please...

JIM: Do you have your shoes? Where are your shoes? Let's get your shoes.

SELENA: Daddy please. Daddy.

JIM: I'll take this to Matthew. No...you have to get your shoes.

SELENA: But Daddy.

JIM: Come on.

SELENA: Daddy, will you please get my gum ball machine?

JIM: I can't get it now but I'll look for it while you're gone, okay?

SELENA: No. I want you to give it to me.

JIM: Hey Matthew. (inaudible) buddy. You guys have a great time.

MATTHEW: Look how many glasses we have.

MINH: My board.



SELENA: Daddy. Daddy.

JIM: Nguyet, I don't know where it is.

MINH: It's up there. If you can't take it, I will take it.

SELENA: Daddy. Daddy.

JIM: Matthew. Here buddy.

SELENA: Daddy. Daddy.

JIM: Yes?

SELENA: Can you please get my gum ball machine? Will you please get my gum ball machine?

JIM: I don't know where it is now but I'll look for it.

SELENA: Can you please look for it and give it to me?

JIM: I will honey. I will. I will.

SELENA: No. I want it today. Please? Could you please help me find it today? Please, daddy?

JIM: I'll go look. (kissing sound)

SELENA: Okay.

JIM: I hope you guys have a great time.

\*\*Inaudible talking

JIM: What does she want?

SELENA: No. I want to get this.

\*\*inaudible talking

JIM: Tell mommy about your story. Lena, I'll send mommy pictures of your book.

MINH: I'm done reading the first book she sent.

JIM: Is she going to take it?

SELENA: Take it, take it, take it. Take that.

(inaudible talking)

JIM: Nguyet. Nguyet. That's a kite surfing board. That's mine. That's a kite surfing...

MINH: Well, then you need to go out there and get my board.

JIM: There is no wind surf board.

MINH: Go get my board please.

JIM: Here. Here.

MINH: Go get my board.

JIM: I don't know where your board is. Nguyet, I don't think you had one.

MINH: Yeah, I do. How did I wind surf?

JIM: We didn't wind surf here. That is a kite surfing board.

MINH: Get my board. Get my board.

JIM: Stop it. You don't take my kite surfing board.

MINH: Get my board.

JIM: I don't know where your board is. Show me it. Show me it.

MINH: Get my board. And that's my bag too by the way.

JIM: This is not your bag. This is mine. Absolutely not. Absolutely not.

MINH: So you're not going to get my board right?

JIM: Stop. Stop. You're not taking my kite surfing board.

MINH: Get my board.

JIM: I don't know where your board is. I don't think we even have a board for you.

MINH: Of course we did.

JIM: When?

MINH: I bought the whole set.

MINH: Get the board.

JIM: I don't know where it is. You're not taking my kite surfing board.

MINH: Then give me that board.

JIM: This is a wake surfing board.

MINH: I don't care. Get me my board.

JIM: No. I bought that board down at the village with Hannah.

MINH: Okay.

JIM: You're not taking my kite surfing board. Let go of it.

MINH: Then give me back my stuff.

JIM: I don't know where it is.

MINH: Yeah. Like everything else that belongs to me. You don't know where it is.

JIM: Nguyet, I've given you more than (inaudible)

MINH: No! Are you kidding me? That couch over there I paid for myself and left it for you.

JIM: No, you didn't. It was in this house...

MINH: Yes, I did.

JIM: No. It was from Costco.

MINH: Costco with my business card.

JIM: No.

MINH: Can you show it? Can you prove that it's from your card?

JIM: I don't have to. Let go of my board.

MINH: You don't have to?

JIM: No.

MINH: Okay. So how do you...

JIM: Let go of the board.

MINH: So how do you say that that's yours? I will get it from the Costco and I will have a truck come here and pick it up.

JIM: Okay. Do that.

MINH: Okay. Well.

JIM: No. Let go of my kite surfing board.

MINH: No.

JIM: Let go of my kite surfing board.

MINH: Get my, get my board.

JIM: I don't know where it is. Show me where it is. I'll give it to you.

MINH: This is your house. How do I know you didn't hide it?

JIM: I didn't.

MINH: Right. You're the lowest scum ever.

JIM: Thanks for the opinion.

MINH: Get out of the way.

JIM: Let go of my kite surfing board.

MINH: Get out of the way.

JIM: Let go of my ..... hey. Hey, hey, hey, hey, hey.

MINH: Get out of my way!

JIM: Let go of my kite surfing board.

MINH: Get out of my way!

JIM: Let go of my kite surfing board.

\*\*loud noises

JIM: You're breaking it now? Let go of my board. Let go of the board.

JIM: Oh my gosh. Let go of the board. Get out. Get out. Oh, Nguyet. You are such a baby. Get out of here. Get out of here. You're immature, a narcissistic baby. Get out.

MINH: That's funny

JIM: Get out! Get out. Get out. Get out. Get out.

\*\*\*Lots of loud noise

JIM: Oh my god! Get out of here. Now!! Get out.

MINH: Go ahead.

JIM: Are you proud of yourself?

MINH: Hit me.

JIM: I would never hit you.

MINH: Really?

JIM: You're the one that hits me. You're the one that does violent things.

MINH: Really?

JIM: Get out.

MINH: Who pushed me when I was in this house?

JIM: Get out.

\*\*\*loud noise

JIM: Golly, Nguyet.

\*\*\*loud noise

JIM: Nguyet!!! What's wrong with you? What happened to you?

MINH: What happened to you?

JIM: .... to a monster

MINH: You are the monster!

JIM: Get out.

MINH: Son of a bitch.

JIM: Get out. I'm calling the police. Get out.

\*\*\*Loud noise

JIM: What are you doing? Get out.

MINH: You're pushing me?

JIM: Get out! No! Hey! Get out. Ow! You just kicked me in the shin. What are you trying to damage the house?

MINH: Stop pushing me!

JIM: Get out of here.

\*\*loud noise

JIM: Get out. Get out, Nguyet.

MINH: You are pushing me.

\*\*\* loud noises

JIM: Do you want to break something?

MINH: Give me back my stuff.

JIM: Nguyet, get away from here.

MINH: Give me back my stuff! \*\*\*LOUD NOISES

JIM: You're crazy, you're crazy.

# EXHIBIT 13

# EXHIBIT 13

MARCH 20, 2020 VIDEO RECORDING TO BE PRODUCED

# EXHIBIT 13

**TRANSCRIPT OF MARCH 20, 2020 VIDEO RECORDING**

JIM: Get away, get away, get away. Get away.

JIM: Your kids watched that. You should be ashamed of yourself.

MINH: You should be ashamed of yourself. Do not push me again. Do not push me again.

JIM: I didn't push you.

MINH: You pushed me.

JIM: You're breaking things. I didn't do...

MINH: You pushed me.

JIM: I didn't touch you.

JIM: I didn't touch you.

MINH: You pushed me.

JIM: I did not touch you.

JIM: Make believe.



EXHIBIT 14

EXHIBIT 14

EXHIBIT 14







**ALUMINUM STEEL JOIST AND PLASTIC JOINT**  
**SAFETY PRECAUTIONS**  
Before using this product, read the following instructions carefully. Failure to follow all instructions may result in injury or death.

**PRECAUTIONS**  
1. Do not use this product on wet or slippery surfaces.  
2. Do not use this product on surfaces that are not level or flat.  
3. Do not use this product on surfaces that are not clean or free of debris.  
4. Do not use this product on surfaces that are not dry.  
5. Do not use this product on surfaces that are not smooth.

**INSTALLATION**  
1. Remove the old adhesive.  
2. Clean the surface.  
3. Apply the adhesive.  
4. Press the joint into the adhesive.  
5. Allow the adhesive to cure.

**MAINTENANCE**  
1. Clean the joint regularly.  
2. Do not use harsh chemicals.

**DISPOSAL**  
1. Do not dispose of this product in the trash.  
2. Do not dispose of this product in the water.

**WARNING**  
1. Do not use this product on surfaces that are not approved for use with this product.  
2. Do not use this product on surfaces that are not approved for use with this product.





















EXHIBIT 15

EXHIBIT 15

EXHIBIT 15

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Fred Page <fpage@pagelawoffices.com>  
Date: March 20, 2020 at 9:16:34 PM PDT  
To: Bob Dickerson <bob@thedklawgroup.com>  
Subject: Vahey v. Luong - Visitation

Bob,

Dr. Luong went to pick up the children today for spring break. After Dr. Luong put the children in her vehicle, she told Jim that she still had some of her personal belongings there and 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."

Dr. Luong advises she told Jim that the board was stored in the garage. Because her vehicle was parked in front of the garage, 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.

The windsurfing board was stored up high in the garage. Dr. Luong got the ladder, climbed up the ladder, and got her windsurfing board down herself. Jim refused to even hold the ladder and simply watched Dr. Luong get the board. While 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 Dr. Luong was "not allowed to take it."

Dr. Luong advises that Jim looked like he was going to hit her and charged at her aggressively and tried to wrest the board from her. Dr. Luong further advises that Jim battered her and pushed her several times, and eventually ripped the board away 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.

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

Jim's rage is extremely detrimental to the children have them witness him attacking and battering their mother, and then 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 the vehicle for several minutes to try and compose herself because her hands were trembling. Dr. Luong is shaken and is frightened of Jim. The children appear to be frightened of him too, as well being unhappy.

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

Nevada State Bar Certified Family Law Specialist  
Page Law Firm  
Fred Page, Esq.  
6930 South Cimarron Road, Suite 140  
Las Vegas, Nevada 89113  
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EXHIBIT 16

EXHIBIT 16

EXHIBIT 16

## Sabrina Dolson

---

**From:** Bob Dickerson  
**Sent:** Sunday, March 22, 2020 5:25 PM  
**To:** Fred Page  
**Cc:** Sabrina Dolson; Marie Jorczak  
**Subject:** RE: Vahey v. Luong - Visitation and Contact with the Children

The issue will be addressed by the Court.

Thank you.

Bob Dickerson

*Robert P. Dickerson, Esq.  
The Dickerson Karacsonyi Law Group  
Telephone (702) 388-8600  
Facsimile (702) 388-0210  
1745 Village Center Circle  
Las Vegas, Nevada 89134  
[www.thedklawgroup.com](http://www.thedklawgroup.com)*

---

**From:** Fred Page <fpage@pagelawoffices.com>  
**Sent:** Sunday, March 22, 2020 5:07 PM  
**To:** Bob Dickerson <bob@thedklawgroup.com>  
**Subject:** Vahey v. Luong - Visitation and Contact with the Children

Bob,

After Jim attacked Dr. Luong late Friday afternoon, Dr. Luong advises that she went to the Henderson Police Department to file a report as to what Jim did to her. Dr. Luong was interviewed as were the children. After Dr. Luong and the children were interviewed, Jim was arrested by the Henderson Police Department for battery/domestic violence for attacking her and battering her in front of the children.

Friday afternoon is the first time that Dr. Luong has gone to the police to report acts of violence committed by Jim against her. However, Friday afternoon was not the first time Jim has been violent toward her and battered her. Dr. Luong is very traumatized as to what Jim did. The children are understandably shaken up as well.

Dr. Luong has sought and received protective order. As the Henderson Police Department concluded that there was probable cause that a crime had been committed, it was a foregone conclusion that the protective order would be issued. The protective order covers the children as well since the children were witnesses to the battery committed by Jim against Dr. Luong. Inexplicably, Jim actually had Henderson PD call Dr. Luong on Saturday and asking for her to bail him out. It appears that Jim fails to grasp the gravity of what he has done. Jim has put his medical license at risk. If Jim were an attorney his license would be well on its way to already being suspended.

In addition to the protective order, the pending criminal charges will also result in a no contact order against Jim for the protection of Dr. Luong. Because the children are witnesses in the pending criminal case against Jim, he cannot have contact with the children until the criminal case is resolved. There is no admonition that can be given that will dissuade Jim from tampering with the primary witnesses in the State's case. There is no admonition that can be given to prevent Jim from attempting unduly influence with children with threats and/or intimidation of "you don't want to see your dad go to jail do you?"

To protect the integrity of the criminal investigation and prosecution, and thereby protect the children's best interests, a no contact order should be stipulated to by Jim for the protection of the children until the criminal matter is resolved. Dr. Luong and the children need time to heal and feel safe as well. Under Chapter 178 of the Nevada Revised Statutes victim and witness information shall remain confidential. It should go without saying that if victim and witness information shall remain confidential there shall be no contact between the perpetrator of the crime and the witnesses to the crime.

Please provide Jim's agreement.

Your time and attention to this matter are appreciated. Should you have any questions or concerns, please do not hesitate to contact us.

Nevada State Bar Certified Family Law Specialist

Page Law Firm

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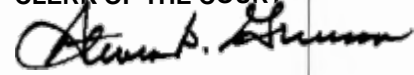
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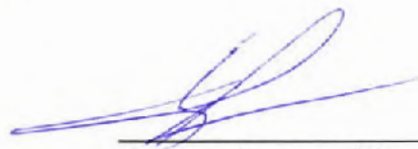
1 **CSERV**  
2 FRED PAGE, ESQ.  
3 NEVADA STATE BAR NO. 6080  
4 PAGE LAW FIRM  
5 6930 SOUTH CIMARRON ROAD, SUITE 140  
6 LAS VEGAS, NEVADA 89113  
7 TELEPHONE: (702) 823-2888  
8 FACSIMILE: (702) 628-9884  
9 [fpagelaw@pagelawoffices.com](mailto:fpagelaw@pagelawoffices.com)  
10 *Attorney for Defendant*

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

14 JAMES W. VAHEY,	) Case No.: D-18-581444-D
15	)
16 Plaintiff,	) Dept.: H
17 v.	)
18	)
19 MINH NGUYET LUONG,	)
20	)
21 Defendant,	)
22	)
23	)

24 **CERTIFICATE OF SERVICE**

25 The undersigned hereby certifies that on the 27<sup>th</sup> day of March 2020, the  
26 foregoing MOTION TO EXTEND TPO, TO CHANGE CUSTODY AND FOR  
27 RELATED RELIEF was served pursuant to NECFR 9 via e-service to Robert  
28 Dickerson, Esq. attorney for Plaintiff.

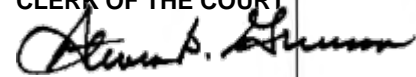


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1 **CSERV**  
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10 *Attorney for Defendant*

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

14	JAMES W. VAHEY,	)	Case No.: D-18-581444-D
15		)	
16	Plaintiff,	)	Dept.: H
17		)	
18	v.	)	
19		)	
20	MINH NGUYET LUONG,	)	
21		)	
22	Defendant,	)	
23		)	
24		)	

25 **CERTIFICATE OF SERVICE**

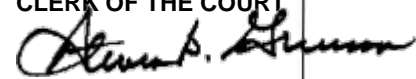
26 The undersigned hereby certifies that on the 30<sup>th</sup> day of March 2020, the  
27 foregoing DEFENDANT'S RESPONSE TO PLAINTIFF'S EX PARTE  
28 APPLICATION FOR AN ORDER TO SHOW CAUSE was served pursuant to  
NECFR 9 via e-service to Robert Dickerson, Esq. attorney for Plaintiff.



An employee of Page Law Firm

*57*

*57*



1 RSPN  
2 FRED PAGE, ESQ.  
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10 Attorney for Defendant

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

11 JAMES W. VAHEY,	) Case No.: D-18-58144-D
12	)
13	) Dept.: H
14	)
15	)
16	)
17	)
	)

11  
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21  
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25  
26  
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28

Plaintiff,

v.

MINH NGUYET LUONG,

Defendant,

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
**DEFENDANT'S RESPONSE  
TO PLAINTIFF'S EX PARTE APPLICATION FOR AN ORDER TO  
SHOW CAUSE**

21 COMES NOW Defendant, MINH NGUYET LUONG, by and through her  
22 counsel, Fred Page Esq., of Page Law Firm and hereby submits her Response to  
23

24 ///


25 ///

26 ///

1 Plaintiff's Ex Parte Application for an Order to Show Cause

2 DATED this 29<sup>th</sup> day of March 2020

3  
4 PAGE LAW FIRM

5  
6  
7   
Fred Page, Esq.

8 Nevada State Bar No. 6080

9 6930 South Cimarron Road, Suite 140

10 Las Vegas, Nevada 89113

(702) 823-2888

11 *Attorney for Defendant*

12 **MEMORANDUM OF POINTS AND AUTHORITIES**

13 **I.**

14 **STATEMENT OF FACTS**

15 Defendant, MINH LUONG (hereinafter "Minh") incorporates the  
16 Statement of Facts from her Motion to Extend Temporary Protective Order T-  
17 20-T204489-T to Change Custody on an Interim Basis, for an Interview of the  
18 Minor Children, and to Change Custody by reference as though fully set forth  
19 herein.  
20

21 **II.**

22 **OPPOSITION**

23 Jim makes the out and out lie that Minh, has "unilaterally decided that she  
24 will not return the children to Jim for indefinite period of time, until his criminal  
25 trial is conducted." Ex Parte Application at page 3, lines 14-15. **AT NO**  
26 **POINT HAS THAT EVER BEEN STATED BY MINH.** To the contrary, one  
27  
28

1 of the last communications to Jim's counsel **STATED THE EXACT**  
2 **OPPOSITE.** An email to Jim's counsel dated March 22, 2020, stated,

3  
4 To protect the integrity of the criminal investigation and  
5 prosecution, and thereby protect the children's best interests, a no  
6 contact order should be stipulated to by Jim for the protection of  
7 the children until the criminal matter is resolved. Dr. Luong and  
8 the children need time to heal and feel safe as well. Under  
9 Chapter 178 of the Nevada Revised Statutes victim and witness  
10 information shall remain confidential. It should go without saying  
11 that if victim and witness information shall remain confidential  
12 there shall be no contact between the perpetrator of the crime and  
13 the witnesses to the crime.

14 Please provide Jim's agreement.

15 **AGAIN, AT NO POINT DID MINH EVER STATE SHE WAS**  
16 **GOING TO VIOLATE THE COURT'S ORDER.**

17 Jim's response to Minh's request that she should stipulate to a no contact  
18 order to protect the integrity of the investigation and the protection of the  
19 children was, "the issue will be addressed by the Court."

20 Jim claims that Minh, tried to steal a kite surf board and damaged it, then  
21 claims that Minh banged a ladder against a vehicle, and then made false  
22 allegations of domestic violence. Ex Parte Application at page 3, lines 18-27.

23 Jim was not arrested because of what Minh reported. Jim was arrested  
24 and charged with committing acts of domestic violence against Minh because of  
25 what Hannah and Matthew stated they witnessed in their separate interviews.  
26 The children were interviewed separately, within approximately 30-40 minutes  
27  
28

1 after the attack occurred. The children were interviewed separately to ensure  
2 that their recollections were consistent.

3  
4 The children's recollections from their separate interviews were consistent  
5 and Jim was arrested and then criminally charged. Now Jim wants the children  
6 in his possession so that he can intimidate them to get them to recant what the  
7 told the Henderson Police Department on March 20. The remainder Jim's  
8 argument may properly be viewed as histrionics and as a tool to try and  
9 accomplish his scheme.  
10

11  
12 Jim falsely claims that Minh failed to provide an "itinerary." Ex Parte  
13 Application at page 4, lines 6-14. The claim is false.

14  
15 Jim knows they were in Brianhead because the children told him that is  
16 where they were going *before* they left.<sup>1</sup> The ski trip was on Martin Luther  
17 King weekend, so Minh could leave the Nevada, and was not a "vacation." The  
18 trip was party of a long holiday weekend. Furthermore, Jim never complained  
19 about the trip and never complained about an itinerary to Minh. Jim even sent  
20 Minh a text stating, "have fun in Brian Head."<sup>2</sup>  
21  
22

---

23  
24 <sup>1</sup> The children had always skied before but this year they started snowboarding.  
25 When the children told Jim that they were snowboarding Jim was unhappy  
because he prefers skiing and Minh prefers snowboarding.

26 <sup>2</sup> A copy of the text message string is attached for the Court's convenience as  
27 Exhibit A wherein Jim states, "have fun in Brian Head." Estoppel seems  
28 appropriate.

1 And, Jim *never* provided her with an itinerary when he took the children  
2 on a ski trip he took in February. As it turns out both of them went to  
3 Brianhead and neither one of them provided the other with an itinerary. Under  
4 Jim's "logic" Minh should provide an itinerary but he should not.  
5

6 Jim falsely claims that Minh takes the children on "vacations" in Nevada  
7 on her "non-holiday" weekends.  
8

9 Jim alleges that he "believes" Minh took the children on "vacation" to  
10 Northern Nevada during weekend visitation and failed to provide an itinerary.  
11 Ex Parte Application at page 4, lines 19-20. The claim is false.  
12

13 Holidays and are defined in the Findings of Fact, Conclusions of Law,  
14 and Order specifically defines holidays as Mother's Day, Father's Day, Spring  
15 Break, Summer Break, Thanksgiving Break, and Winter Break. FFCLO at page  
16 30, line 14 to page 31, line 21. No vacations are provided for in the Findings of  
17 Fact, Conclusions of Law, and Order.  
18

19 The weekend was Minh's weekend. She is required, per the terms of the  
20 Court's order, keep the children in the state of Nevada. Minh has done just that.  
21 Minh advises many weekends she and children drive through Nevada in her RV  
22 exploring what Nevada has to offer. Weekend visitation whether it involves  
23 fishing, camping or both in Nevada is not a "vacation," it *is* the weekend.  
24

25 Jim claims that he believes that Minh took the children on a fishing and  
26 camping trip the week of February 29, and March 1, but conspiratorially, claims  
27  
28



1 that the children are "secretive." Since Jim wants to pry into what the children  
2 do when they are with Minh, she took them to Pahrnagat National Wildlife  
3 Refuge about 90 minutes north of Las Vegas in Alamo. The children had a  
4 great time.  
5

6 Jim's conduct of trying to interrogate the children violates what parents  
7 are to do and not do in COPE class parents are supposed to take. Under Jim's  
8 "logic" he can interrogate the children about anything they want but Minh  
9 cannot ask them how their day went. Jim's admitted conduct of interrogating  
10 the children in very detrimental to their best interests.  
11  
12

13 Jim claims that Minh rarely answers his phone calls. Ex Parte  
14 Application at page 5, lines 6-16. The allegation is false and is a desperate  
15 attempt to distract this Court from the battery he committed against Minh.  
16

17 Minh does answer phone calls Facetime calls and text messages. It is not  
18 necessary to prove a negative, however, attached Exhibit B are a small  
19 sampling of messages between Minh and Jim, mostly of Minh advising Jim that  
20 he has been speaking to the children should be contacting the Hannah and  
21 Matthew directly. Those messages from Minh to Jim include,  
22  
23

- 24 • Please call them directly.
- 25 • You spoke to them yesterday. Again, please call them directly.
- 26 You don't have to go through me.
- 27
- 28

- 1 • Please call them directly. I have suggested you do that multiple  
2 times already. You spoke to Lena the day before. I called you and  
3 handed them the phone.
- 4 • Matthew is still sleeping. I think he is getting sick. I asked  
5 Hannah to call you. Lena is playing happily. If I call you and  
6 hand her the phone she will start crying. If that is what you want I  
7 will do it.
- 8 • How they respond to you is dependent on your relationship with  
9 them. I cannot change that. I can only do so much.
- 10 • Please call them directly.
- 11 • I asked you to call them directly. You know Hannah has her own  
12 cell phone and Matthew has an iPad that I paid for both. . . Why  
13 can't you call them directly?<sup>3</sup>
- 14 • I encourage them to daily and multiple times a day. I call your  
15 number and give the phone. I insisted [to] them to stay on the  
16 phone to speak with you and you said go ahead and hang up. You  
17 blaming me is not going to help your relationship with them.

18 As can be seen, Minh answers phone calls and text message from Jim.

19 Minh also discusses the health and well-being of the children. See also, Exhibit  
20 A.

21 Jim complains that Minh will not pay for the extracurricular activities in  
22 which the children participate. Ex Parte Application at page 5 lines 17-25.

23 Again, Jim's attempt to try and find "contempt" is a desperate attempt on his  
24

25  
26  
27 <sup>3</sup> Jim tries to deflect by claiming he does not have Hannah's number of  
28 Matthew's email address.

1 part to distract the Court from the fact that he was arrested and a criminal  
2 complaint for battery constituting domestic violence is pending against him.

3  
4 The FFCLO has been reviewed. There is no order which requires Minh  
5 to pay, other than activities that the parties agree that are best for the children.

6 On September 27, 2019, Minh sent an email to Jim, Exhibit C that read in  
7  
8 pertinent part,

9 When I signed up for the kids to take extracurricular activities, I  
10 was told by you that you would not pay for any of it because  
11 you were not involved in it.

12 Since I am not going to be living in NV, I won't be involved in  
13 any of the kids' activities. I am not approving of any of it since  
14 I don't get to participate them in it. I will not pay for any of it.

15 It is curious that Jim not wanting to pay for extracurricular activities in  
16 which he not involved, but he believes that Minh should have to pay for  
17 extracurricular activities in which she is not involved. Jim's contention should  
18 expire of its own internal contradictions.

1 Jim alleges that Minh is not paying for one-half of the tuition expenses  
2 for the children. Mot. at page 10, 18-21. Minh has asked Jim on multiple  
3 occasions for Jim to set up an account so that she can pay the school directly.  
4

5 ☆ luongdds@gmail.com

January 11, 2020 at 4:56 AM



6 Kids tuition

7 To: Jim Vahey

8 **Jim,**

9 ***I had asked you before to set it up where I can pay the kids tuition***  
10 ***directly to the school. I have not heard back from you regarding this. Let***  
11 ***me know how we can do this. I know you have set it up to pay***  
12 ***automatically to them. If possible, you can turn your automatic payment***  
13 ***off for the next three months and I can pay for the next three months.***  
14 ***Please let me know if we can do this.***

15 ***Thanks***

16  
17  
18  
19 ***Minh Nguyet Luong, DDS***  
20 ***Toothfairy Children's Dental***  
21 ***8000 W. Sahara Ave #180***  
22 ***Las Vegas, NV 89117***  
23 ***Cell: 702-353-2319***  
24 ***Office: 702-222-9700***  
25 ***Fax: 702-564-0005***

26 Jim has simply ignored Minh's multiple requests and no claims that Minh  
27 is violating the Court's orders. Minh even offered to pay for three months  
28 straight in order even things up. Minh has made a simple request to Jim on  
multiple occasions now and he refuses to act. Jim cannot create the problem  
and complain of the problem he creates.

Jim claims that Minh has violated the Court's order that "each parent  
acknowledges and agrees that they each currently have adequate access to all

1 information regarding the well-being of the children. Ex Parte Application at  
2 page 6, lines 18-26.

3  
4 The claim is false and is knowingly false when made. One only has to  
5 look at Exhibits A and B which is a small sampling of the texts between Minh  
6 and Jim where she tells him to contact the children. In one text, Minh tells Jim  
7 that Matthew is sleeping and she thinks he might be coming down with  
8 something. In Exhibit A, Minh discusses Selena's back problems.

9  
10 Jim then claims that Minh did not allow him to contact the children for 10  
11 days over Winter Break. Ex Parte Application at page 10, lines 26-27. Please  
12 see Exhibit B which are excerpts of texts between the parties. In one text, on  
13 December 30, Jim claims that it has been three days since he spoke to the  
14 children. Minh reminds him that he spoke to them the day prior.

15  
16  
17 In another text, on December 31, Minh reminds him that he spoke to  
18 Selena the day prior, and in response Jim just complains that Selena only cries  
19 when she has to speak to him. Minh reminds Jim that he caused Selena to cry  
20 and that how the children respond to him is dependent upon his relationship with  
21 them.

22  
23  
24 Minh informing Jim of Matthew's health and telling Jim that he is free to  
25 contact the children in a text message string is part and parcel of discussing the  
26 well-being of the children. Jim desperate attempt to deflect from his own acts of  
27 domestic violence should expire of its own self-inflicted wounds.

1 Jim further claims that while the children were not in her care because  
2 she did not call him soon enough when Hannah and Matthew ran away from  
3 him that Minh is somehow in contempt. Ex Parte Application at page 6, line  
4 28, to page 7, line 8. How someone is in contempt when the children are not in  
5 their care is unexplained.  
6

7  
8 On December 17, at 5:30 approximately 5:30 a.m., Hannah and Matthew  
9 snuck out of the house while Jim was sleeping and biked uphill in the cold 30  
10 degree weather 1.7 miles from Jim's house to the guard station.  
11

12 Minh was awakened by a telephone call from the guard station at 5:58  
13 a.m. informing Minh that the children were there and that they wanted to speak  
14 to Minh. Hannah had informed Minh that she and Matthew had ran away from  
15 home because they missed her.  
16

17 Minh advises that she was very concerned about the children. Up until  
18 now, the children have always been well behaved. Minh reports she is  
19 concerned as to what might have driven them to a point of setting up a plan,  
20 waking up in the dark and running away from Jim.  
21

22 Minh spoke to the guard and informed the guard that the children had ran  
23 away from home. The guard informed Minh that Minh should get to the  
24 children as soon as possible otherwise Child Protection Services would be  
25 involved.  
26  
27  
28

1 The guard called the police while Minh was on the phone with her. The  
2 phone call was from 5:58 a.m. to 6:03 a.m. Minh rushed out of bed and got  
3 herself dressed while calling her attorney at 6:05 a.m. to inform him of what has  
4 just happened. Minh got into her car and drove as quickly as she could to the  
5 guard station.  
6

7  
8 Minh advises on her way to the guard station at 6:09 a.m. and 6:12 a.m.,  
9 she called the guard to reassure herself that the children were okay and whether  
10 Jim had arrived to pick up the children. Minh was assured that the children were  
11 doing fine, they missed their mother, and that Jim was not anywhere to be found.  
12

13 At 6:13 a.m. Minh called Jim (not 6:20 as Jim falsely claims).<sup>4</sup> Instead of  
14 answering, the call went to Jim's voicemail. Jim did not pick up and the call  
15 went into Jim's voice mail. Minh reports she left Jim a quick message saying  
16 the kids ran away and that they were at the guard station and to please go pick  
17 them up otherwise Child Protective Services would get involved.<sup>5</sup>  
18  
19

20 It took Minh approximately 40 minutes to drive from her house to the  
21 guard station. When Minh got there she was informed that Jim had picked up  
22 Hannah and Matthew already. Minh reports she made four phone calls to Jim,  
23

---

24 <sup>4</sup> Minh has the phone logs pinpointing all of this to the minute and showing Jim  
25 to be less than forthright.

26 <sup>5</sup> As can be seen in Jim's request for contempt, Jim's concern is not about the  
27 children, but rather, "what about me, what about me, and what took you so long  
28 to call me."



1 but all of the phone calls went to voice mail. Minh also asked the guard to call  
2 him because Jim did not even have the courtesy to inform Minh that he had the  
3 children and that they were okay.  
4

5 Jim finally picked up the phone and his first response was not, "the kids  
6 are safe, we have a problem, what should do to solve this," was an accusation,  
7 "what do you know about this?!" He then told Minh that he was not granting  
8 Minh access to get to his house to see the children.  
9

10 Since Jim did not even bother to tell Minh how the children were doing  
11 were after her calling him and driving over 40 minutes to get to the guard  
12 station, she waited at the guard station for the police to be done at Jim's house  
13 so she could speak to them instead. When Minh got there, she was unable to  
14 speak to the children. Instead of looking out for their children, Jim shut the  
15 door in Minh's face.  
16

17 Jim complains in his Motion at page 11, lines 12-13, that Dr. Gravley has  
18 not been effective in helping children's behavior is concerning, especially  
19 immediately following their return from Minh. Jim further admits that since  
20 Dr. Gravley's services provided no benefit of any kind to the children that Dr.  
21 Gravley's services should be terminated and a new therapist found.  
22

23 Even though there is complete agreement that Dr. Gravley is of no  
24 benefit of any kind and should be replaced, Jim believes that Minh should be  
25 held in contempt because she is following through on their agreement that Dr.  
26  
27  
28

1 Gravley should be replaced. Jim's request should expire of its own internal  
2 defects.

3  
4 As part of his Ex Parte Application for an Order to Show Cause, Jim  
5 attaches the entirety of the 52 page Motion he filed on Friday at 7:10 p.m. in the  
6 apparent hopes that Minh's counsel would not be working and thereby engage  
7 in litigation by ambush by attaching that Motion as Exhibit 1 to his Ex Parte  
8 Application.  
9

10 In return, Minh is attaching her Opposition in to that Motion as Exhibit D  
11 to her Response in order to forestall any further attempts by Jim to poison the  
12 Court against Minh, engage in further acts of litigation by ambush, and further  
13 violate her, and the children's, due process rights.  
14

15  
16 In short there is no contempt, but rather a desperate attempt on Jim's part  
17 to deflect from the fact that he is now facing criminal charges for committing  
18 acts of domestic violence against Minh and witnessed by the children, that the  
19 children are running away from home, and that Hannah's and Matthew's grades  
20 are declining dramatically.<sup>6</sup>  
21  
22  
23

---

24 <sup>6</sup> Hannah's grades are now a "D" for grammar, "C+" for spelling, a "D" for  
25 science, and a "C" for history for the period ending 12/22/19. Hannah was a 4.0  
26 student. Hannah is now a 2.35 grade point average student. To put it another  
27 way, Hannah's grades have declined by 41 percent since Jim assumed primary  
28 physical custody.

(Continued...)

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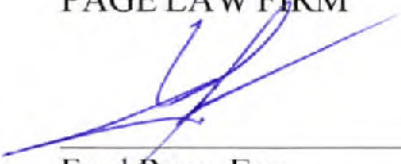
**III.**  
**CONCLUSION**

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

1. Denying Jim's "Ex Parte Application for an Order to Show Cause, and;
2. For any further relief the Court deems proper and just.

DATED this 29<sup>th</sup> 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*

(...Continued)

Matthew's grades have decreased as well, but not to the same degree as Hannah. Like Hannah, Matthew was essentially a straight "A" student. Matthew has gone from straight "A's" to straight "B's" and a "C." Matthew is now a 3.2 grade point average student. To put it another way, Matthew's grades have declined by approximately 20 percent since Jim assumed primary physical custody.

## DECLARATION IN SUPPORT OF OPPOSITION/RESPONSE

I, Minh Luong, declare, under penalty of perjury:

1. I have read this Opposition/Response and the statements it contains are true and correct to the best of my knowledge, except as to those matters based on information and belief, and as to those matters, I believe them to be true. The statements contained in this motion are incorporated here as if set forth in full.

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

DATED this 29<sup>th</sup> day of March 2020

MINH LUONG

# EXHIBIT A

VOLUME VI

AA001064

1:01



Vahey >

8:30am on Thursday,  
the 20th with Diedre  
Ryan at Children's  
Bone and Spine  
Surgery at 1525 E.  
Windmill

Would you like to pick  
the kids up at school  
at 3:30.

Have fun in Brian  
Head.

I will pick them up at  
3:30 thanks

Have a good time



iMessage

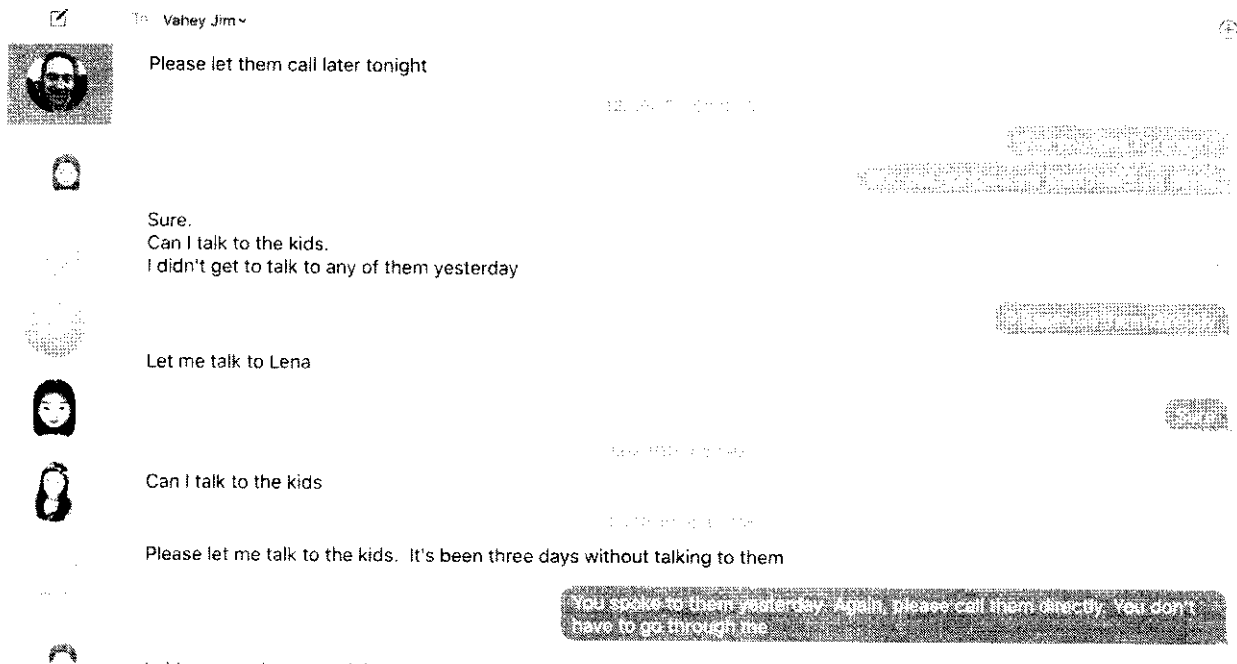




# EXHIBIT B

VOLUME VI

AA001067





To: Vahey Jim



[Redacted text]

4:11 PM 11/1/19

Please Let me talk to the kids. It's been four days since I've been able to talk to even one of them.



[Redacted text]



Listening to Selena cry is not speaking to her. When I was unable to speak to her because she was crying, you suggested hanging up. I asked that you call back so I could speak to her when she was in a better mood. You have not.



You may think that you're getting even with me. Although it is very hurtful to me and that probably is your goal, you are seriously psychologically harming your children too



Please stop lying and blaming. I did not suggest for you to hang up. You wanted to hang up not I. I don't care to get even with you. There is nothing to get even with. You are harming the children psychologically and you are in denial. Selena was not crying when I called you and handed her the phone. You caused her to cry.



Matthew is still sleeping. I think he is getting sick. I asked hannah to call you.



Lena is playing happily. If I call you and hand her the phone she will start crying. If that is what you want I will do it.

Let me know if that is what you want and I will do it

You're a smart person and very persuasive. I'm sure you can figure out a good time and place sometime today and persuade Selena to FaceTime with me



How they respond to you is dependent on your relationship with them. I can not change that. I can only do so much.



To: **Vahey Jim** ▾



May I talk to them



What's wrong with you?

Are you intentionally playing games. I just tried. You didn't pick it up



[REDACTED]

[REDACTED]

[REDACTED]

You never shared with me Hannah's phone number or Matthew's email address. Yes, you use Hannah's phone and Matthew's iPad as you're portal to converse. Regardless, I continue to use my phone to connect you to them. You now have escalated from not talking to me, but you won't even let me talk to the kids on your phone. What about Lena?.

[REDACTED]



12/31/18 1:11 PM  
Please let me talk to the kids. It's been three days without talking to them



I did not speak to any of them yesterday.  
I don't have a direct number for Matthew. You do have to make the call for Lena. Even when it's Matthew's calling you, he needs encouragement from me to call you. I regularly encourage all of them to call you. I only got to listen to Lena cry. What you're doing is classic alienation



12/31/18 4:01 PM  
Please Let me talk to the kids. It's been four days since I've been able to talk to even one of them.

Please stop with the threats. Encourage them daily and multiple times a day. I call your number and give them the phone. I insisted them to stay on the phone to speak with you and you said to go ahead and hang up. You blaming me is not going to help your relationship with them. Please really listen to them. Relationship is not a one way thing. You can't expect them to do whatever you want and not listen to what they want. Doesn't matter how many therapists they are going to, if your intention is for them to do whatever you want then it is not going to work. You also need to learn to listen to them. I value your relationship with them and that was the reason I recommended for them to see the therapist at the beginning. But how successful it is is dependent on you. Blaming me is not going to help you.

Please call them directly. I have suggested you to do that multiple times already. You spoke to Lena the day before. I called you and handed them the phone.



The connection dropped. I called back. No answer.  
Please call me back



1/1/20, 9:31 PM

Please let me talk to Lena

If not, please show her this 🐼🐼🐼🐼🐼🐼🐼  
🐼🐼🐼🐼🐼🐼🐼🐼🐼🐼🐼🐼🐼🐼🐼🐼🐼🐼🐼🐼🐼🐼🐼🐼

(Just with Echo)

1/1/20, 7:12 PM

Can I talk to Lena

She's sleeping

Will you please have her call if she wakes up later

I will but I think she's out for the night

Thanks



1/5/20, 4:25 PM

Can I talk to Lena

1/5/20, 9:11 PM

I hope you guys had a nice winter break.  
Let me know if the kids will have eaten or if I should prepare dinner.

1/5/20, 4:26 PM

They have not eaten



Ok.  
Thanks

1/5/20, 6:28 PM

We will be there at 7



# EXHIBIT C



luongdds@gmail.com

Kids' schedule 2019-2020 and all related info

To: [redacted]

Jim,

Attached is the schedule that I highlighted the dates I will have the children. These are the tentative schedule. Unless I inform you one week in advance we can expect that I will have the children on those dates. Let me know if I am wrong on any of those dates.

Few items I want to go over with you:

Michelle Gravely: The children's therapy sessions are covered under your insurance. Angela told me that Dr. Gravely does take your insurance and that the sessions are covered with your insurance. She also told me that because you called saying that it would be a cash pay at the beginning, that's why we have been paying for it. I suggest for you to request for it to be placed under the insurance. I believe that I am responsible for 1/2 of medical expenses Not covered by insurance. This medical expense is covered by insurance.

Matthew's Taekwondo:

I have been paying for his tuition and tests and weapons. I have requested for you to pay for half of it but I have not seen any reimbursement.

When I signed up for the kids to take extracurricular activities, I was told by you that you would not pay for any of it because you were not involved in it.

Since I am not going to be living in NV, I won't be involved in any of the kids' activities. I am not approving any of it since I don't get to participate with them in it. I will not pay for any of it.

I will inform Master Duran to remove my credit card that he has on file today. Please contact him ASAP and place your credit card on file. You will need to sign Matthew up for tests also.

Since the children will only be with me in OC one week a month, all the extracurricular classes that they have been taking won't do them any good. These are the classes that the children love doing. I highly recommend that you continue signing them up in NV.

Selena loves to take dance lessons. She has been in ballet/tap combo class.

Selena still can not swim one lap. She should be placed in swim classes. If she falls out of the boat she can drown. She should always be watched when she's in your backyard.

Selena has also been asking to take a painting class. She loves to paint.

Hannah and Matthew still have not completed their curriculum in Waterwings. They enjoy their swim lessons.

Both Hannah and Matthew absolutely love tennis. It is a talent they both have. It would be ashamed if they don't get to explore in this passion that they both have.

Matthew also loves to play golf. He is very good at it.

These are the things they get to do when they were with me half of the time. I hope you can provide them these things that I could have with just half of the week.

The children love to spend time with their families. They enjoy spending time with Jason but they have complained that Jason spends a lot of his time on the cell phone. They don't perceive the time with him as something valuable.

Let me know if you have any other questions.

# EXHIBIT D

1 **OPPS**

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](mailto:fpagelaw@pagelawoffices.com)

10 *Attorney for Defendant*

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

JAMES W. VAHEY,

Plaintiff,

v.

MINH NGUYET LUONG,

Defendant,

) Case No.: D-18-58144-D

) Dept.: H

) **Hearing Date:**

) **Hearing Time:**

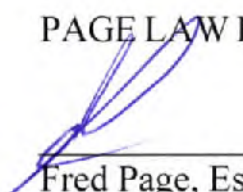
**DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR  
IMMEDIATE RETURN OF THE CHILDREN, DISSOLUTION OF TPO,  
MODIFICATION OF CHILD CUSTODY, APPOINTMENT OF A NEW  
THERAPIST FOR THE CHILDREN, AN ORDER TO SHOW CAUSE  
WHY DEFENDANT SHOULD NOT BE HELD IN CONTEMPT,  
AND  
TO RESOLVE OTHER PARENT CHILD ISSUES**

COMES NOW Defendant, MINH NGUYET LUONG, by and through her  
counsel, Fred Page Esq., of Page Law Firm and hereby submits her Opposition to  
Plaintiff's Motion for Immediate Return of the Children, Dissolution of TPO,  
Modification of Child Custody, Appointment of a New Therapist for the

1 Children, an Order to Show Cause Why Defendant Should Not Be Held in  
2 Contempt and to Resolve Other Parent Child Issues. This Opposition is based  
3 upon the papers and pleadings on file, the attached Points and Authorities, and  
4 any oral argument that this Court may wish to entertain.  
5

6 DATED this 30th day of March 2020  
7

8 PAGE LAW FIRM  
9

10   
11 Fred Page, Esq.  
12 Nevada State Bar No. 6080  
13 6930 South Cimarron Road, Suite 140  
14 Las Vegas, Nevada 89113  
15 (702) 823-2888  
16 *Attorney for Defendant*

17 **MEMORANDUM OF POINTS AND AUTHORITIES**

18 **I.**

19 **STATEMENT OF FACTS**

20 Defendant, MINH LUONG (hereinafter "Minh") incorporates the  
21 Statement of Facts from her Motion to Extend Temporary Protective Order T-  
22 20-T204489-T to Change Custody on an Interim Basis, for an Interview of the  
23 Minor Children, and to Change Custody by reference as though fully set forth  
24 herein.

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1 her counsel, to avoid the fact that Jim committed acts of domestic violence  
2 against her and was arrested.

3  
4 **A. Jim Has Failed to Comply With EDCR 5.501**

5 It is a jurisdictional requirement to Jim to first try and resolve matters  
6 outside of court. Jim admits that he never tried anything outside of court before  
7 filing his "emergency" Motion.  
8

9 **B. Jim's Misstatements of Fact Should be Addressed**

10 As often occurs in the family division of district court, Jim's claimed  
11 statement of facts is replete with misstatements. Minh will attempt to address  
12 the most significant of those misstatements below.  
13

14 Jim complains that Minh refuses to make eye contact with him. Mot. at  
15 page 3, line 28. Eye contact is irrelevant. Jim betrayed the agreement he and  
16 Minh had to move to California. Jim cannot create the problem and then  
17 complain of the problem he creates.<sup>1</sup> There is no contact at the visitation  
18 exchanges because refuses to assist and then goes back inside the house and  
19 resumes watching television.  
20  
21

22 Jim claims that Minh has called him an "idiot, scum of the earth, and a  
23 piece of shit" in front of the children. Mot. at page 4, lines 2-3. Jim apparently  
24 records everything. If there was an audio recording of Minh calling him any of  
25  
26

---

27 <sup>1</sup> Jim's narcissistic lack of insight should be seen as troubling.  
28



1 those terms, it would have been attached to his Ex Parte Application for an  
2 Order to Show Cause.

3  
4 Jim complains about the exchange that occurred on March 1, 2020. Jim  
5 admits that he “waited for an hour and a half for the children to get out of  
6 Minh’s RV.” Mot. at page 4, line 4, to page 5 line 14.

7  
8 After refusing to help Minh for an hour and a half, and apparently  
9 recording the entire hour and a half, as Minh was struggling to get the children  
10 out of her vehicle for an hour and a half, Jim has the temerity to complain Minh  
11 because she paused in her efforts in efforts to get the children out of her vehicle,  
12 “are you helping to bring them in or are you just sitting there.”

13  
14 Jim then has the further temerity for complain that after he left her alone  
15 for an hour and a half to try and get the children out of her vehicle that Minh  
16 expresses her frustration after receiving no co-parenting from him.

17  
18 Jim actually complains after he abandoned Minh to leave her to struggle  
19 with the children in the RV for an hour and a half, by herself, that she pointed  
20 out that he is “beneath her” “a low life,” and “beneath her.”<sup>2</sup> Jim is oblivious as  
21  
22  
23  
24

---

25 <sup>2</sup> Jim actually complains that after an hour and a half of smugly watching Minh  
26 struggle with the children, who clearly unhappy residing with him that Minh  
27 does not wish to communicate with him.  
28

1 to how he criticizes Minh with “are just sitting there,” “you’re their mother,  
2 you’re their mother.”

3  
4 Jim then tries to goad Minh after she tells him that she is not speaking to  
5 him because he refused to with the children, by asking her the “children have  
6 eaten.” The children are old enough to tell Jim if he asks them.

7  
8 Jim asked Minh when the children had eaten for the express purpose of  
9 trying to provoke a reaction. Jim could have and should have asked the  
10 children. They are capable of responding. Instead, Jim tried to instigate conflict  
11 by trying to get a response from Minh after she told him that not to speak to her.  
12

13 It is extremely difficult to see how Jim including self-selected excerpts of  
14 this exchange between Minh and Jim helps him in any way. It should be  
15 distressing for everyone to read that Jim admits that he smugly watched the  
16 mother of their children struggle for an hour and a half of trying to get children  
17 who are fighting her and who do not want to return him. Minh’s restraint after  
18 struggling in this situation for an hour and a half after receiving no help from  
19 Jim and being taunted should be seen as being remarkable.  
20  
21

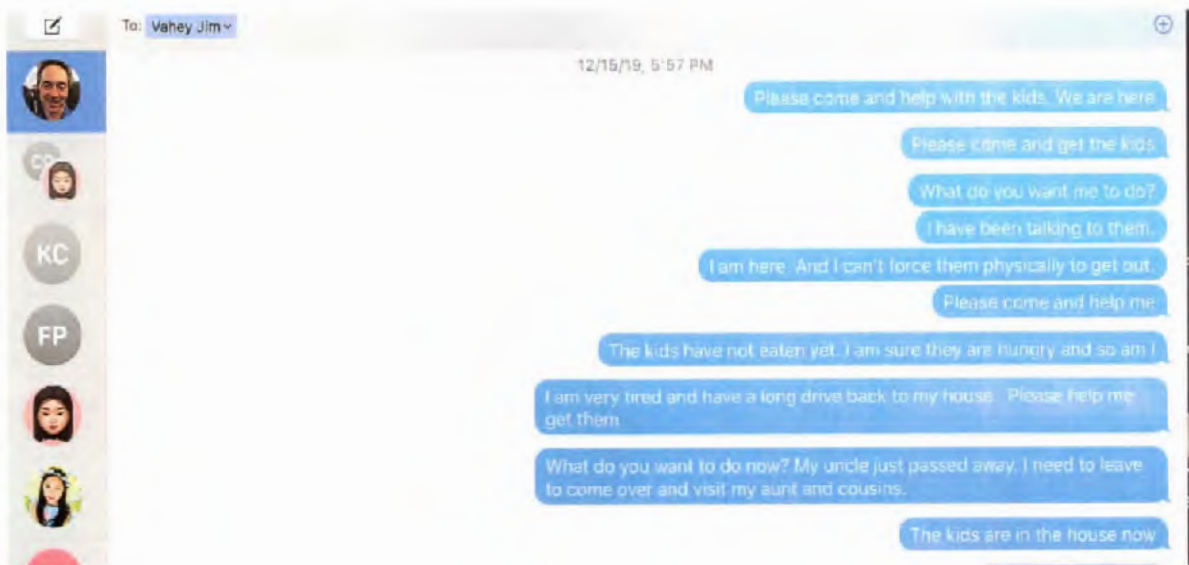
22 Jim could have done anything other than have complete disregard for  
23 Minh (and the children) trying to get the children out of her vehicle. Instead  
24 Jim stood there, taunting Minh by doing nothing for an hour and a half while  
25 she struggled. The children watched Jim act in a completely abhorrent way to  
26 their mother for an hour and a half, and then Jim complains about seven words  
27  
28

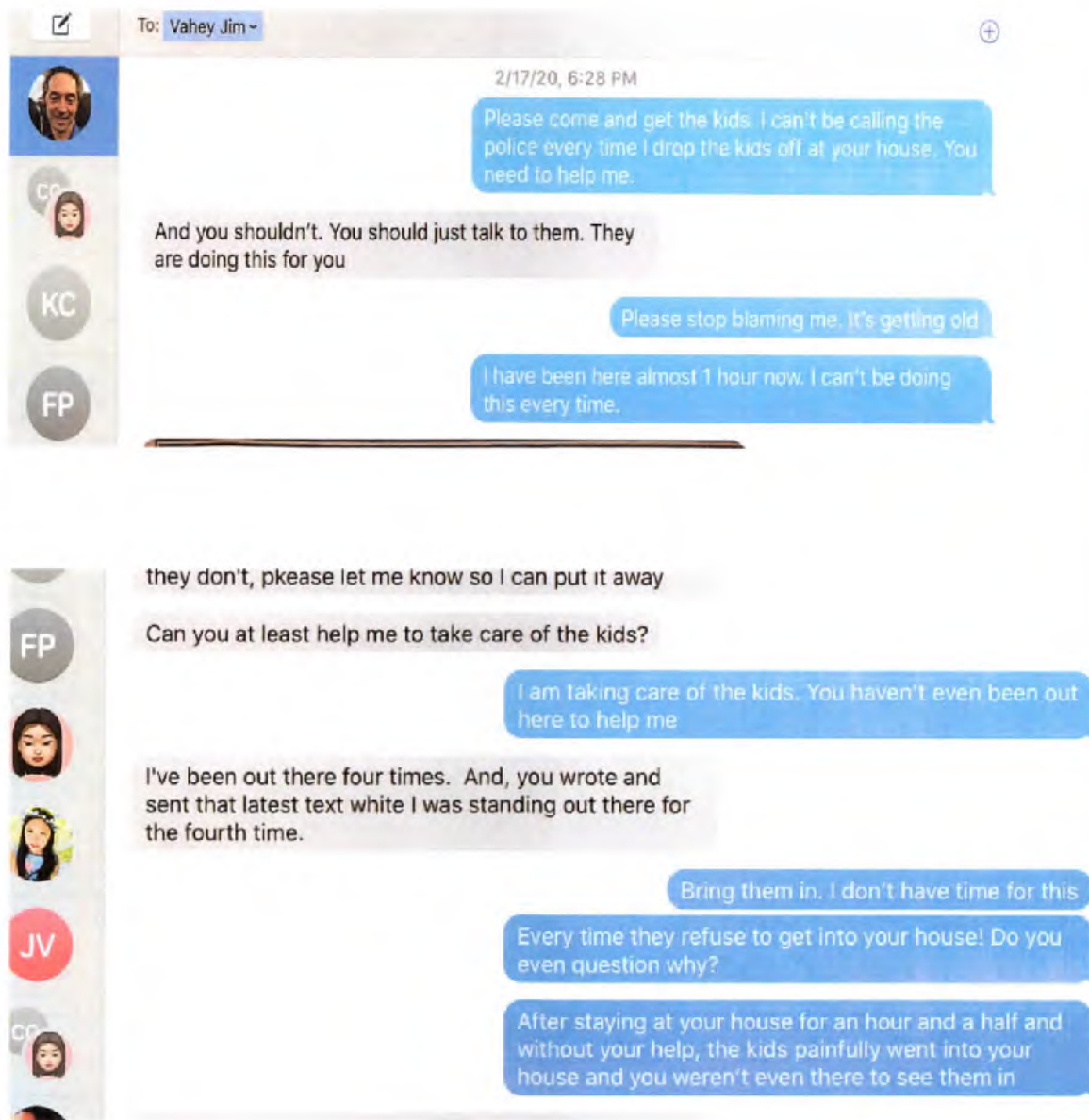
1 that occurred in a span of less than five seconds and then wants a pat on the  
2 back for the situation he helped create. The children are intelligent. It is little  
3 wonder the children resent him, choose their mother over him, and run away.  
4

5 Jim then claims on page 5 lines 17-19, that he tries "to coax the children  
6 to leave Minh's vehicle with no assistance from Minh." The allegation is  
7 completely false. It is Minh who is the one struggling to get the children out of  
8 her vehicle when her visitation has ended.  
9

10 Jim further claims that another time, no time period is provided, that the  
11 children were sitting in the back bed of the RV and Minh was sitting in the  
12 middle of the RV texting. Mot. at page 5, lines 21-23. The claim is simply  
13 false.  
14

15 Below are examples of texts that Minh sends to Jim trying, in vain, to get  
16 his assistance from him.  
17





Minh advises that Jim would come out and say “hi” to the children and say that he was going to count to “5” and then he will leave to go back into his house. Jim then turns to tells Minh that it is her responsibility to get them into his house and then leaves Minh with the children.

Minh reports that at one of the events where Minh had to call the police to come and help because Jim was inside his house watching football. The

1 officer went into Jim's house and asked him to come out to help carry the  
2 children in. Jim told the officer that he does not want to do that.<sup>3</sup>

3  
4 Jim made a few threats to the children and then again left to go inside his  
5 house leaving Minh and the officers to deal with the children. With the  
6 officers' authority figure, the children are more willing and at that point Minh  
7 has to carry each one of the three children into Jim's home by herself. At  
8 another event, because Jim did not come out to help bring in the children or  
9 their belongings.  
10

11  
12 If Jim were actually giving an accurate account, there would not be  
13 messages from Minh asking Jim to come out and help with the children.

14 On page 5, line 26, line 24 to page 6, line 14. Jim then attaches an email  
15 exchange that *contradicts* his claim that Minh does not communicate or co-  
16 parent as the parties discuss visitation, Minh responds and the parties cooperate.

17  
18 On page 5, line 26, to page 6, line 20. Jim claims that the he was  
19 "confused" as to when Spring Break was going to occur and that Minh "knew"  
20 of his mistake and should have told him. The claim by Jim is false and is  
21 demonstrably false.  
22

23  
24 On March 15, Jim forwarded the following email to Minh,  
25

26  
27 <sup>3</sup> As indicated in Minh's Motion, she is in the process of trying to get those  
28 Incident Reports.



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

4 **From:** Challenger School <noreply@qemailserver.com>

5 **Date:** March 14, 2020 at 3:52:36 PM PDT

6 **To:** Jim Vahey <hotsail.jim@gmail.com>

7 **Subject:** COVID-19 Update

8 **Reply-To:** Challenger School <noreply@  
9 challengerschool.com>

10 March 14, 2020

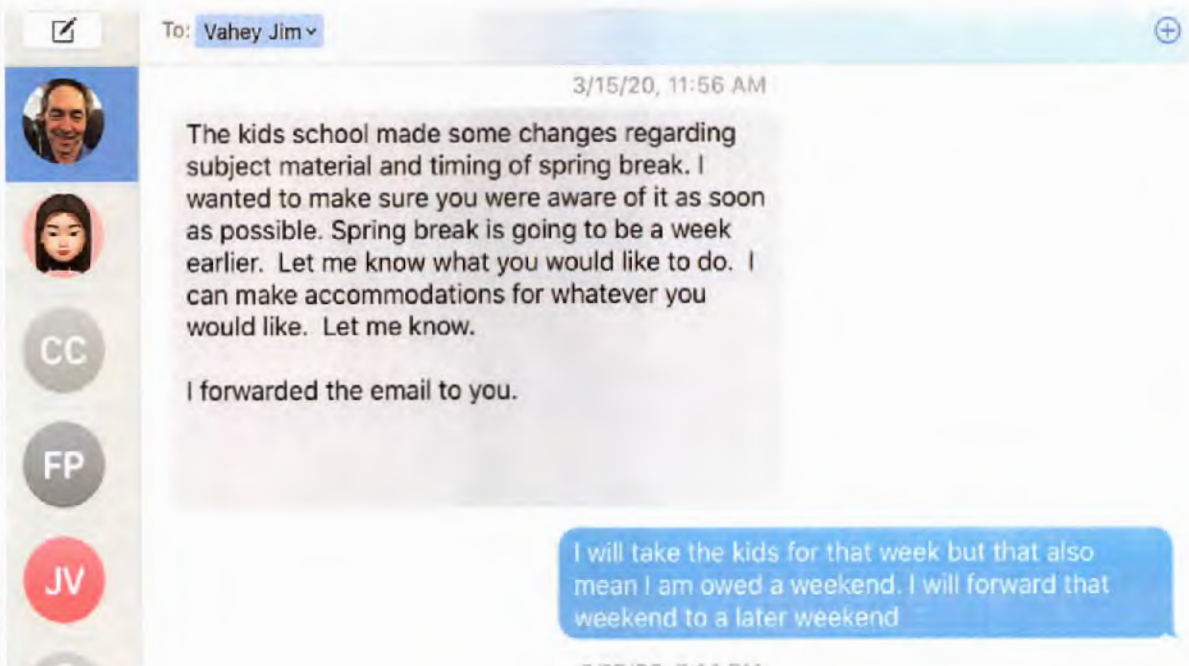
11 Dear Parents of Challenger Students Attending California,  
12 Nevada, and Utah Campuses,

13 I recognize that, as of yesterday, public schools have closed in  
14 several states. I hear the requests asking for Challenger School  
15 to do the same, and I also hear the statements of gratitude for  
16 keeping our doors open.

17 ...

- 18 • **March 23–27 will be spring break (rescheduled from April  
19 6–10).**

20 As soon as Minh got Jim's text regarding the change of Spring Break  
21 date, and read the email he forwarded her she responded to him:





1 Jim texted and emailed Minh of the Spring Break changed of date. Minh  
2 read it and texted him back saying that she will take the kids during the new  
3 week and that the previously intended non holiday weekend will need to be  
4 made up another weekend.<sup>4</sup>

6 It is completely apparent that if Jim had read the email from Challenger  
7 School and had actually read Minh's text that he would have understood that  
8 she was referring to Spring Break commencing March 20. The email from  
9 Challenger that Jim forwarded to Minh had in bold typeface exactly when  
10 Spring Break was going to be. It strains credulity for Jim to allege that he did  
11 not know when Spring Break was for their own children.<sup>5</sup>

14 Minh cannot understand how she is to blame when Jim is the one who is  
15 confused and disorganized and not in tune with the children's schedule. How  
16 can one not know when their children are not in school?

18 Minh does not know or understand how Jim could not understand that  
19 simple text and later accused her for not being cooperative for not informing  
20 him that he was mistaken? How much more clear can Minh be?

---

23 <sup>4</sup> School was released at Challenger the week earlier. Since the children would  
24 be at home and Jim would be working, Minh offered to Jim to take care of the  
25 children. Jim rejected the request and would rather have the children be with a  
26 babysitter than their own parent.

27 <sup>5</sup> One should hope for better than Jim trying to Minh for his own clerical error.

1 Jim needs to be responsible for himself. Minh clearly states that she will  
2 take the children for the new Spring Break week. She did not even realize that  
3 Jim had mistaken of when the Spring Break was going to be. When Jim asks if  
4 she will follow court's order and she replied right away that she "will comply  
5 with court order as always."<sup>6</sup>  
6

7  
8 Minh could not understand why her counsel received correspondence  
9 from Jim's attorney later that day saying that she was not responding to his  
10 texts when Jim in the text trails even thank her for giving him a "straight  
11 answer." See Motion at page 7, lines 10-28.  
12

13 From Jim's mistake of getting the date mixed up, Minh is accused of  
14 being uncooperative? Jim needs to take responsibility for his own actions and  
15 mistakes and stop throwing out random accusations and hold Minh liable for  
16 what clearly was his mistake.  
17

18 Minh responded to Jim's email within minutes and yet she got a letter  
19 from Jim's attorney saying she was unresponsive and not cooperating? All these  
20 accusations must stop. It is causing a lot of unnecessary stress, attorney fees  
21 and Minh's time with the children.  
22

---

23  
24 <sup>6</sup> As to Jim's request that Minh not travel outside Nevada, Minh cannot travel  
25 outside of the state of Nevada per the terms of the Court's orders anyway. See  
26 Findings of Fact, Conclusions of Law, and Order page 30, lines 8-9 ("Minh  
27 Luong may have the children for one non-holiday weekend each calendar  
28 month"). There are no such restrictions for holiday visitation.

1 Jim then takes the time to try and attack Minh's counsel because of a  
2 cryptic email sent by his counsel demanding an immediate response. Mot. at  
3 page 8, lines 6-28. Jim has his counsel send a completely vague "emergency"  
4 email and then complains that the response is specific enough for his  
5 satisfaction.  
6

7  
8 It would have been helpful to try and put some who, what, where and  
9 why the email was being sent instead of making the opening sentence an  
10 attempt at personally attacking Minh and then going into some "stay at home"  
11 order.<sup>7</sup> Jim trying to deflect *his* responsibility for *his* own poorly crafted email  
12 compounded his own failure to know even when his own children are on  
13 Spring Break and then demand a specific response is duly noted.<sup>8</sup>  
14

15  
16 Jim complains that Minh did not provide an itinerary for when she and  
17 the children went to Brianhead. Mot. at page 2-3. Jim knows they were in  
18 Brianhead because the children told him that is where they were going *before*  
19

---

20 <sup>7</sup> The email could have affirmatively stated that Minh only has weekend  
21 visitation that because of the Court's orders that Minh can only exercise her  
22 time in Nevada for weekend visitation. As to traveling, Minh has an RV.  
23 During her weekends, she and children spend those weekends exploring in  
24 Nevada.

25 <sup>8</sup> One would reasonably conclude that since Jim does not even know when his  
26 children's Spring Break is that he does not communicate with the children very  
27 much and they do not communicate with him very much. As to Jim taking the  
28 time to personally attack Minh's counsel, it has been standard operating  
procedure since the outset of this case.

1 they left.<sup>9</sup> The ski trip was on Martin Luther King weekend, so Minh could  
2 leave the Nevada, and was not a "vacation." The trip was party of a long  
3 holiday weekend. Furthermore, Jim never complained and never complained  
4 about an itinerary to Minh.<sup>10</sup>

6 Minh will complain in return that he never provided her with an itinerary  
7 when he took the children on a ski trip he took in February. As it turns out both  
8 of them went to Brianhead and neither one of them provided the other with an  
9 itinerary. It appears that Jim may be engaging in mudslinging in an effort to  
10 create conflict where none should exist.

13 As to the "ski equipment" about which Jim complains, the children had  
14 jackets, gloves, and ski pants, not skis and poles. Mot. at page 9, lines 10-13.  
15 Minh advises that Hannah and Matthew grew out of their jackets so Hannah  
16 ended up wearing Minh's jacket and Matthew ended up wearing his aunt's  
17 jacket. It strains credulity that Jim would spend \$1,000 for jackets, gloves,  
18 pants for children.

21 Jim further admits that he questions the children as to what they have  
22 done with their mother and where they have gone. Mot. at page 9, lines 20-28.  
23

---

25 <sup>9</sup> The children had always skied before but this year they started snowboarding.  
26 When the children told Jim that they were snowboarding Jim was unhappy  
27 because he prefers skiing and Minh prefers snowboarding.

28 <sup>10</sup> Estoppel seems appropriate.

1 Jim's conduct violates what parents are to do and not do in COPE class parents  
2 are supposed to take. Jim's admitted conduct of interrogating the children in  
3 very detrimental to their best interests.  
4

5 Jim alleges that he "believes" Minh took the children on "vacation" to  
6 Northern Nevada during weekend visitation and failed to provide an itinerary.  
7  
8 Mot. at page 9, through page 10, line 6. The claim is false.

9 Holidays and are defined in the Findings of Fact, Conclusions of Law,  
10 and Order specifically defines holidays as Mother's Day, Father's Day, Spring  
11 Break, Summer Break, Thanksgiving Break, and Winter Break. FFCLO at page  
12 30, line 14 to page 31, line 21. No vacations are provided for in the Findings of  
13 Fact, Conclusions of Law, and Order.  
14

15  
16 The weekend was Minh's weekend. She is required, per the terms of the  
17 Court's order, keep the children in the state of Nevada. Minh has done just that.  
18 Minh advises many weekends she and children drive through Nevada in her RV  
19 exploring what Nevada has to offer. Weekend visitation whether it involves  
20 fishing, camping or both in Nevada is not a "vacation," it is the weekend. It  
21 appears that Jim may be trying to mislead.  
22

23  
24 Jim alleges that "[c]onsidering Minh usually does not answer Jim's  
25 phone calls, Facetime calls and text messages during her visitation, it is  
26 extremely concerning that Minh also does not provide Jim with an itinerary  
27  
28

1 when she take the children on vacation . . .” and if something happens he will  
2 not have any information. Mot. at page 10, lines 1-7.

3  
4 The allegation is false. Minh was exercising her weekend visitation.  
5 Visitation over the weekend is not vacation. Furthermore, Minh does answer  
6 phone calls Facetime calls and text messages. It is not necessary to prove a  
7 negative, however, attached Exhibit A are a small sampling of messages  
8 between Minh and Jim, mostly of Minh advising Jim that he has been speaking  
9 to the children should be contacting the Hannah and Matthew directly. Those  
10 messages from Minh to Jim include,  
11  
12

- 13 • Please call them directly.
- 14  
15 • You spoke to them yesterday. Again, please call them directly.  
16 You don't have to go through me.
- 17 • Please call them directly. I have suggested you do that multiple  
18 times already. You spoke to Lena the day before. I called you and  
19 handed them the phone.
- 20 • Matthew is still sleeping. I think he is getting sick. I asked  
21 Hannah to call you. Lena is playing happily. If I call you and  
22 hand her the phone she will start crying. If that is what you want I  
23 will do it.
- 24 • How they respond to you is dependent on your relationship with  
25 them. I cannot change that. I can only do so much.
- 26  
27 • Please call them directly.
- 28



- I asked you to call them directly. You know Hannah has her own cell phone and Matthew has an iPad that I paid for both. . . Why can't you call them directly?<sup>11</sup>
- I encourage them to daily and multiple times a day. I call your number and give the phone. I insisted [to] them to stay on the phone to speak with you and you said go ahead and hang up. You blaming me is not going to help your relationship with them.

Jim complains that Minh will not pay for the extracurricular activities in which the children participate. Mot. at page 10, lines 14-15. FFCLO has been reviewed. There is no order which requires Minh to pay, other than activities that the parties agree that are best for the children. On September 27, 2019, Minh sent an email to Jim, Exhibit B that read in pertinent part,

When I signed up for the kids to take extracurricular activities, I was told by you that you would not pay for any of it because you were not involved in it.

Since I am not going to be living in NV, I won't be involved in any of the kids' activities. I am not approving of any of it since I don't get to participate them in it. I will not pay for any of it.

It is curious that Jim not wanting to pay for extracurricular activities in which he not involved, but he believes that Minh should have to pay for extracurricular activities in which she is not involved. Jim's contention should expire of its own internal contradictions.

---

<sup>11</sup> Jim tries to deflect by claiming he does not have Hannah's number or Matthew's email address.

1 Jim alleges that Minh is not paying for one-half of the tuition expenses  
2 for the children. Mot. at page 10, 18-21. Minh has asked Jim on multiple  
3 occasions for Jim to set up an account so that she can pay the school directly.  
4

5 ☆ luongdds@gmail.com

January 11, 2020 at 4:56 AM



6 Kids tuition

7 To: Jim Vahey



8 **Jim,**  
9 ***I had asked you before to set it up where I can pay the kids tuition***  
10 ***directly to the school. I have not heard back from you regarding this. Let***  
11 ***me know how we can do this. I know you have set it up to pay***  
12 ***automatically to them. If possible, you can turn your automatic payment***  
13 ***off for the next three months and I can pay for the next three months.***  
14 ***Please let me know if we can do this.***  
15 **Thanks**

16 **Minh Nguyet Luong, DDS**  
17 **Toothfairy Children's Dental**  
18 **8000 W. Sahara Ave #180**  
19 **Las Vegas, NV 89117**  
20 **Cell: 702-353-2319**  
21 **Office: 702-222-9700**  
22 **Fax: 702-564-0005**

23 Jim has simply ignored Minh's multiple requests and no claims that Minh  
24 is violating the Court's orders. Minh even offered to pay for three months  
25 straight in order even things up. Minh has made a simple request to Jim on  
26 multiple occasions now. Jim cannot create the problem and complain of the  
27 problem he creates.  
28

29 Jim alleges that Minh is seeking reimbursement for dental work. Mot. at  
30 page 10, lines 22, to page 11, line 1.

1 Jim complains that Dr. Gravley has not been effective in helping  
2 children's behavior is concerning, especially immediately following their return  
3 from Minh. Mot. at page 11, lines 12-13.  
4

5 The children's behavior is concerning for Minh because the children  
6 refuse to get out of her vehicle. Jim will not help in in getting the children out  
7 of the vehicle and instead stands back and taunts her by watching her struggle  
8 in getting the children out of the car to the point the Henderson Police  
9 Department has to get involved. There are no problems of the children going to  
10 Minh. By contrast the children count down the days until they are able to see  
11 her.  
12  
13

14 In contrast, the children *run* to Minh when it is her time for visitation.  
15 Jim has the children approximately 75 percent of the time and yet Hannah's  
16 grades are deteriorating dramatically and Matthew's grades are significantly  
17 deteriorating and Hannah and Matthew are running away. Yet, Jim blames and  
18 claims that he has "no problems" of any kind and Minh is the one with  
19 problems.  
20  
21

22 Jim claims that Minh refuses to help Jim get the children out of the  
23 vehicle. Mot. at page 11, lines 14-15. The claim is utterly false and is  
24 contradicted by Jim's claims earlier in his own Motion. See Mot. at page 4, line  
25  
26  
27  
28

1 4, to page 5 line 14 ("Jim waited approximately an hour and a half for the  
2 children to get out of Minh's RV.")<sup>12</sup>

3  
4 Jim accuses Minh of manipulating the children and that the children only  
5 misbehave soon after they are with Minh and then they turn back to normal the  
6 next day after being with Jim. Mot. at page 11, lines 24-26. If the children  
7 actually returned to normal in a few days, Hannah and Matthew's grades would  
8 not have dropped by 41 percent and 20 percent respectively, they would not be  
9 seeing a counselor, and they would not be running away.

10  
11 Jim tries to cover up Hannah and Matthew running away by claiming that  
12 the only time the children did not return to normal was before they ran away.  
13 Mot. at page 12, line 1, though page 13 lines 2.

14  
15 In contrary to Jim's claim as to the children doing well under his care, On  
16 December 17, at 5:30 approximately 5:30 a.m., Hannah and Matthew snuck out  
17 of the house while Jim was sleeping and biked uphill in the cold 30 degree  
18 weather 1.7 miles from Jim's house to the guard station.

19  
20  
21  
22  
23 <sup>12</sup> Jim is judicially estopped from taking a contrary position. In *Vaile v. Dist.*  
24 *Ct.*, 44 P.3d 506, 522 (Nev. 2002), the Supreme Court held and stated, "judicial  
25 estoppel is designed to "protect the integrity of the judicial process" in order to  
26 "prohibit[ ] parties from deliberately changing positions according to the  
27 exigencies of the moment." There is no integrity when Jim takes two  
28 contradictory positions within the same document.

1        Minh was awakened by a telephone call from the guard station at 5:58  
2 a.m. informing Minh that the children were there and that they wanted to speak  
3 to Minh. Hannah had informed Minh that she and Matthew had ran away from  
4 home because they missed her.  
5

6        Minh advises that she was very concerned about the children. Up until  
7 now, the children have always been well behaved. Minh reports she is  
8 concerned as to what might have driven them to a point of setting up a plan,  
9 waking up in the dark and running away from Jim.  
10

11        Minh spoke to the guard and informed the guard that the children had ran  
12 away from home. The guard informed Minh that Minh should get to the  
13 children as soon as possible otherwise Child Protection Services would be  
14 involved.  
15

16        The guard called the police while Minh was on the phone with her. The  
17 phone call was from 5:58 a.m. to 6:03 a.m. Minh rushed out of bed and got  
18 herself dressed while calling her attorney at 6:05 a.m. to inform him of what has  
19 just happened. Minh got into her car and drove as quickly as she could to the  
20 guard station.  
21

22        Minh advises on her way to the guard station at 6:09 a.m. and 6:12 a.m.,  
23 she called the guard to reassure herself that the children were okay and whether  
24 Jim had arrived to pick up the children. Minh was assured that the children were  
25 doing fine, they missed their mother, and that Jim was not anywhere to be found.  
26  
27  
28

1 At 6:13 a.m. Minh called Jim. Instead of answering, the call went to Jim's  
2 voicemail. Jim did not pick up and the call went into Jim's voice mail. Minh  
3 reports she left Jim a quick message saying the kids ran away and that they were  
4 at the guard station and to please go pick them up otherwise Child Protective  
5 Services would get involved.<sup>13</sup>  
6

7  
8 It took Minh approximately 40 minutes to drive from her house to the  
9 guard station. When Minh got there she was informed that Jim had picked up  
10 Hannah and Matthew already. Minh reports she made four phone calls to Jim,  
11 but all of the phone calls went to voice mail. Minh also asked the guard to call  
12 him because Jim did not even have the courtesy to inform Minh that he had the  
13 children and that they were okay.  
14

15  
16 Jim finally picked up the phone and his first response was not, "the kids  
17 are safe, we have a problem, what should do to solve this," was an accusation,  
18 "what do you know about this?!" He then told Minh that he was not granting  
19 Minh access to get to his house to see the children.  
20

21 Since Jim did not even bother to tell Minh how the children were doing  
22 were after her calling him and driving over 40 minutes to get to the guard  
23 station, she waited at the guard station for the police to be done at Jim's house so  
24 she could speak to them instead. When Minh got there, she was unable to speak  
25

26  
27 <sup>13</sup> As can be seen in Jim's Motion, Jim's concern is not about the children, but  
28 rather, "what about me, what about me, and what took you so long to call me."



1 to the children. Instead of looking out for their children, Jim shut the door in  
2 Minh's face.

3  
4 Jim then complains about the Christmas program. Mot. at page 13, lines  
5 3-15. Later that same day, Minh went to Selena's Christmas Program. Minh  
6 reports that she arrived there early and sat down on the bleachers and waited for  
7 the program to start.  
8

9 After being as rude, hostile, accusatory, and having lied to the Court about  
10 their agreement to move to California, Jim came later and sat next to Minh.  
11 Hannah and Matthew were allowed out of their classrooms so they could watch  
12 Selena's performance.  
13

14 Minh advises that Hannah and Matthew seemed to be very distressed and  
15 asked Minh to move a couple of rows back because they did not want to sit close  
16 to Jim.  
17

18 Minh obliged their requests due to the children's current condition.  
19 Hannah proceeded to tell Minh that Jim had try to choke her after he picked  
20 them up at the guard station. Hannah told Minh that Jim pulled the car over to  
21 the side of the road on the way back to his house and demanded Hannah to turn  
22 over her phone.  
23

24 Hannah at that time was sitting in the middle row of Jim's van started  
25 moving toward the back row where Matthew was sitting so Matthew could help  
26 her. Jim, in a fit of rage, pulled Hannah's purse which was around Hannah's  
27  
28

1 neck, choking her. Jim then pulled on Hannah's collar and almost pulled her off  
2 her feet and dragged her back to her seat and ripped the phone out of her hands,  
3 and screamed in her face.  
4

5 Hannah and Matthew were shaken and traumatized by what Jim had done  
6 and was why they were still frightened of him and they did not want to sit next  
7 to him. Instead of Jim finding out the underlining reason why the children ran  
8 away, address the underlining causes and prevent it from happening again, Jim  
9 acted out in a fit of rage, committed another act of domestic violence, and  
10 managed to further distance himself from the children by physically,  
11 psychologically, and emotionally harming them.  
12  
13

14 The children had mentioned to Minh and the guard that they miss their  
15 mommy and they wanted to be with her. Instead of allowing the children to  
16 have more contact with Minh so they would not miss her so much that drove  
17 them to run away, Jim decided to take their phone and iPads away to even  
18 further prevent them from talking to Minh.  
19  
20

21 Instead of showing understanding, and even compassion, Jim physically,  
22 psychologically and mentally abused the children to instill fear in them of him  
23 that there will be physical consequences to them (and now Minh) if they do not  
24 do exactly what he wants. Jim blames Minh for her ruining his relationship with  
25 the children. It is Jim himself who ruins his own relationship with his own  
26 children.  
27  
28

1 Jim claims the Minh is calling the police to "create a record." Mot. at  
2 page 13, lines 16-17. The record is that children are deteriorating academically,  
3 are running away, and now Jim is committing acts of domestic violence against  
4 Minh, and Hannah. One only has to look at the text messages from above and  
5 see that Minh is asking for Jim's help and he is refusing to provide.  
6

7  
8 Jim claims that the children are beginning to speak like Minh that Jim  
9 only cares about himself and that he loves his job more. Mot. at page 13, line  
10 24, to page 14, line 18. The assertion by Jim assumes that Minh actually made  
11 the claimed statements, and two, Jim is relying on hearsay that he attributes to  
12 the children.<sup>14</sup>  
13

14 Jim complains that the cell phone for Hannah and the iPad for Matthew  
15 has passwords on them. Mot. at page 14, lines 20-24. It is not known if he has  
16 not passwords. The passwords exist to prevent improper parties from accessing  
17 credit card information that Minh has put on the devices so the children can  
18 purchase and download apps.  
19

20  
21 Jim alleges that Minh claims he is recording the children. Mot. at page  
22 15, lines 1-13. It is Jim who instills distrust onto the children by placing  
23 recorders throughout his house, on the dining table, under the sofa and in  
24 Hannah's bedroom. It was Hannah and Matthew who found the recorders and  
25

26  
27 <sup>14</sup> Jim's hearsay claims would be a good reason for the children to be  
28 interviewed.

1 informed Minh of Jim's behavior. The children informed Minh that Jim would  
2 turn on his recorder before handing the phones over to them.

3  
4 Minh advises that Hannah told her that she accidentally stepped on a  
5 recorder in her room and heard her voice. Hannah also found a recorder under a  
6 newspaper next to the couch where she was sitting to talk to Minh and once on  
7 the dining table. At the previous hearing, Jim admitted to doing so and turned  
8 over two of the recordings while Minh was on the phone with the children.  
9 Since the hearing was over, Hannah and Matthew still question "why daddy is  
10 still recording Selena". It is these kinds of behaviors that cause the children to  
11 distrust Jim.  
12

13  
14 Jim claims that Minh has convinced Hannah that there is a camera or  
15 recording device in her room. Mot. at page 15, lines 14-21. This issue was  
16 addressed and dealt with in correspondence between counsels. It is unknown  
17 why Jim should be bringing it up now.  
18

19  
20 Jim accuses Minh of interrogating the children. Mot. at page 15, line 22,  
21 to page 16, line 4. The claim is false. Minh has general discussions with them  
22 about their day. Jim, on the other hand, admits he interrogates them and  
23 demands to know where they went and what they did during Minh's visitations.  
24 And, Jim is apparently completely oblivious to his double standard.  
25  
26  
27  
28

1 Jim claims that Minh has discussed with Hannah her belief that when  
2 Hannah is 13 years old that Hannah can decide on where she wants to live. Mot.  
3 at page 16, lines 5-11. Minh denies. It is not worth discussing.  
4

5 Jim asserts that Minh has a constant irrational belief that Jim has most of  
6 the children's clothing. Mot. at page 16, lines 14-21. The Court has seen this  
7 before. One parent uses the other parent to provide them a wardrobe. It is what  
8 is happening here. Minh picks up the children in uniforms after school, puts  
9 them in regular clothes and then never sees those clothes ever again. And, Minh  
10 has not taken the school uniforms.  
11  
12

13 When the children are with Minh during her visitations, she rarely allows  
14 Jim to speak to the children. Mot. at page 17, lines 1-2. The claim is false and  
15 was addressed above. In addition, Jim is now repeating himself.  
16

17 Jim claims that the children need a therapist who specializes in treating  
18 children who have been subjected to alienation and manipulation. Mot. at page  
19 17, lines 11-13. There are a number of problems with Jim's contention.  
20

21 One, "manipulation" is not a psychological diagnosis, it is an attempt to  
22 attack Minh and deflect away from what Jim has done. Two, Dr. Gravley has  
23 practice with a focus primarily on child and adolescent treatment. One would  
24 think if a mental health provider has a focus on children that they would be well  
25 versed in the alienation. The children have been in therapy for a year and Dr.  
26  
27  
28

1 Gravley has expressed no concerns to anyone that there is any alienation  
2 occurring. Three, Jim is not qualified to make any psychological diagnoses.

3  
4 Jim then spends from page 17, line 21, to page 20, line 20, giving up his  
5 right against self-incrimination and testifies as to what he claims occurred.<sup>15</sup>

6 Jim was not arrested because of what Minh reported. Jim was arrested  
7 and charged with committing acts of domestic violence because of what the  
8 Hannah and Matthew were interviewed and each stated what they witnessed in  
9 their separate interviews. The children were interviewed separately, within  
10 approximately 30-40 minutes after the attack occurred. The children were  
11 interviewed separately to ensure that their recollections were consistent.

12  
13 The children's recollections from their separate interviews were consistent  
14 and Jim was arrested and then criminally charged. Now Jim wants the children  
15 in his possession so that he can intimidate them to get them to recant what the  
16 told the Henderson Police Department on March 20.

17  
18 Jim then inexplicably attaches the email sent to Minh's counsel sent to his  
19 counsel on March 20 and then claims Minh is manipulating her counsel and that  
20 there never have been any prior incidents of domestic violence. Mot. at page 21,  
21 to page 22, line 8. It is unclear as to why Jim would put the full text of Minh's

22  
23  
24  
25  
26  
27 <sup>15</sup> Jim supported everything he claimed by Affidavit which will now be  
28 forwarded to the attorney for the City of Henderson who is prosecuting the case.



1 counsel's email into his Motion. There is nothing helpful to him in the content  
2 of the email and only highlights why the children should be with Minh. Jim's  
3 violent outbursts *are* negatively impacting the children.  
4

5 Jim then complains about the email sent to his counsel from Minh's  
6 counsel dated March 22, and then claims that Minh has never previously made  
7 an allegation of domestic violence. Mot. at page 22, line 27, to page 23, line 8.  
8

9 Without waiving any privileges, Minh reached out to the undersigned  
10 months before the evidentiary hearing was and Jim's prior acts of domestic  
11 violence against her were discussed.  
12

13 Minh's prior counsel ultimately made the decision to not make those prior  
14 incidents part of the evidentiary record. It is presumed that it was a tactical  
15 decision because there was not a separate documentary record, no police reports,  
16 no photographs of bruises, no visits to the emergency room, no adult witnesses,  
17 and at that time Minh chose to protect Jim's reputation. The focus was on prior  
18 agreement of the parties to move and the advantages of Irvine versus Las Vegas.  
19

20 Jim further tries to rehash the claim on which he tried to sandbag Minh as  
21 the evidentiary hearing regard the memo on a check of vacation home. Mot. at  
22 page 22, lines 18-19. The claim by Jim is still false.  
23

24 The parties agreed in 2014 that they would retire in 5 years. In order to do  
25 that in 2015, the parties started looking at houses that they would use as a  
26 vacation house until they retired. That is why the term vacation home was put  
27  
28

1 in the memo portion of the earnest money deposit of the houses in 2015 and  
2 2016 that the parties did not purchase. The house in Irvine was to be a vacation  
3 home until the parties retired. When 2019 arrived, Jim reneged on his agreement  
4 and the divorce commenced.  
5

6 Jim makes the outrageous allegation that Minh would not return the  
7 children to Jim until the criminal trial has been conducted. Mot. at page 23,  
8 lines 9-27. No citation to any document is provided because the assertion  
9 **NEVER OCCURRED. AT NO POINT IN ANY COMMUNICATION WITH**  
10 **OPPOSING COUNSEL WAS IT EVER STATED THAT MINH WOULD**  
11 **NOT RETURN TO JIM UNTIL THE CRIMINAL TRIAL WAS**  
12 **CONDUCTED.** See page 3 of this response.  
13  
14  
15

16 The allegation made by Jim is completely and utterly false and Minh  
17 should be awarded the attorney's fees she has incurred in having to respond. See  
18 NRCP 11 (fees for making allegations that are not well grounded in law or fact).  
19 In contrast to Jim's false claim, Minh filed a Motion to extend the TPO in the  
20 "T" case and file her Motion to Extend the TPO as well as for interim sole legal  
21 and sole physical custody.  
22  
23

24 Jim claims that the children return to their normal behavior within a short  
25 period after having visitation. Mot. at page 24, lines 1-17. The facts contradict  
26 the claim. If the children "return to normal" they would not be having  
27 meltdowns when they are dropped off with Jim, would not run to Minh when  
28

1 she picks them up, and their grades would not plummeting at school. In  
2 addition, Hannah refuses to eat and her growth is slowing down to the point  
3 Minh is concerned. Jim's claims should expire of their own self-inflicted  
4 wounds.  
5

## 6 7 **II.** 8 **OPPOSITION**

### 9 **A. Jim's Request to Dissolve the TPO Should Be Denied**

10 Minh incorporates her argument from her Motion to Extend the TPO as  
11 though fully set forth herein. For the reasons indicated, the TPO should be  
12 extended until the criminal proceedings against Jim are concluded.  
13

### 14 **B. Jim's Request to Modify Custody Should Be Denied**

15 Minh incorporates her argument for interim sole legal and sole physical  
16 custody and for custody to be changed from her Motion for Interim Sole Legal  
17 and Sole Physical Custody and to Change Custody as fully set forth herein. For  
18 the reasons indicated, interim custody should be changed for the protection of  
19 the children as witnesses pending the outcome of the criminal proceedings  
20 against Jim, and an evidentiary hearing should be set to permanently change  
21 custody. There is more than sufficient adequate cause for that hearing to occur.  
22  
23

24 ///

25 ///

26 ///

1 **C. A New Therapist Should Be Appointed**

2 Minh and Jim stipulated in December that Dr. Gravley was of no value to  
3 the children and should be replaced. Minh recommends Jen Mitzel an MFT who  
4 has offices on the east side of Las Vegas.  
5  
6  
7

8 **D. There is No Contempt and No Order to Show Cause Should Be Issued**

9 Minh's response to request for an Order to Show Cause was adequately  
10 addressed in her Response/Opposition to Jim's Ex Parte Application for an  
11 Order to Show Cause. Minh incorporates that Response/Opposition as though  
12 fully set forth herein.  
13  
14

15 It should be noted that Jim is attempted to sandbag Minh by filing his  
16 Motion to Dissolve the TPO at approximately 7:10 p.m. on a Friday evening and  
17 then attach that same Motion as an Exhibit to his Ex Parte Application for an  
18 Order to Show Cause. Jim would then apparently hand deliver the Ex Parte  
19 Application to the Court on Monday morning and attempt to unduly prejudice  
20 Minh's ability to respond.  
21

22 It is simply false for Jim to admit that Minh is the one getting the  
23 children out of the vehicle, page 4, lines 4-5, then claims on page 5, lines 1 that  
24 he is the one that gets the children out of the vehicle.  
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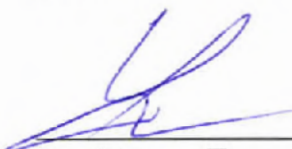
**III.**  
**CONCLUSION**

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

1. Denying Jim's Motion in its entirety and;
2. For any further relief the Court deems proper and just.

DATED this 29<sup>th</sup> 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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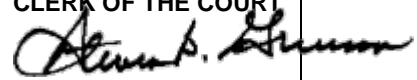
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DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*\*

Electronically Filed  
3/30/2020 9:08 AM  
Steven D. Grierson  
CLERK OF THE COURT



James W. Vahey, Plaintiff

vs.

Minh Nguyet Luong, Defendant.

Case No.: D-18-581444-D

Department H

**NOTICE OF HEARING**

Please be advised that the 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 in the above-entitled matter is set for hearing as follows:

**Date:** May 05, 2020

**Time:** 10:00 AM

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

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

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Desiree Darris  
Deputy Clerk of the Court

**CERTIFICATE OF SERVICE**

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

By: /s/ Desiree Darris  
Deputy Clerk of the Court

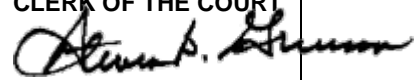
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DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*\*

Electronically Filed  
3/30/2020 9:16 AM  
Steven D. Grierson  
CLERK OF THE COURT



James W. Vahey, Plaintiff

vs.

Minh Nguyet Luong, Defendant.

Case No.: D-18-581444-D

Department H

**NOTICE OF HEARING**

Please be advised that the 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 in the above-entitled matter is set for hearing as follows:

**Date:** May 05, 2020

**Time:** 10:00 AM

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

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

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Desiree Darris  
Deputy Clerk of the Court

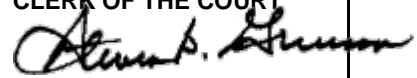
**CERTIFICATE OF SERVICE**

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

By: /s/ Desiree Darris  
Deputy Clerk of the Court

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EXMT  
THE DICKERSON KARACSONYI LAW GROUP  
ROBERT P. DICKERSON, ESQ.  
Nevada Bar No. 000945  
SABRINA M. DOLSON, ESQ.  
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1745 Village Center Circle  
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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

PLAINTIFF'S EX PARTE MOTION FOR ORDER SHORTENING  
TIME 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

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 hereby moves this Court for an Order Shortening Time of  
the hearing 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



1 Other Parent Child Issues, scheduled to be heard on May 5, 2020 at 10:00  
2 a.m.

3 This Ex Parte Motion is made and based upon EDCR 5.514, the  
4 pleadings and papers on file herein, the Memorandum of Points and  
5 Authorities contained herein, and the attached Declaration of Jim.

6 DATED this 31<sup>st</sup> 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 5.514 (2020), provides as  
3 follows:

4                    (a) Unless prohibited by other rule, statute, or court order,  
5 a party may seek an order shortening time for a hearing.

6                    (b) An ex parte motion to shorten time must explain the  
7 need to shorten the time. Such a motion must be supported by  
8 affidavit.

9                    (c) Absent exigent circumstances, an order shortening time  
10 will not be granted until after service of the underlying motion  
11 on the nonmoving parties. Any motion for order shortening  
12 time filed before service of the underlying motion must provide  
13 a satisfactory explanation why it is necessary to do so.

14                    (d) Unless otherwise ordered by the court, an order  
15 shortening time must be served on all parties upon issuance  
16 and at least 1 day before the hearing. An order that shortens  
17 the notice of a hearing to less than 14 days may not be served  
18 by mail.

19                    (e) If the time for a hearing is shortened to a date before the  
20 due date of an opposition, the opposing party may orally  
21 oppose the motion at the hearing. In its discretion, the court  
22 may order a written opposition to be filed after the hearing.

23                    (f) Should the court shorten the time for the hearing of a  
24 motion, the court may direct that the subject matter of any  
25 countermotion be addressed at the accelerated time, at the  
26 original hearing time, or at some other time.

27                    Good cause exists to advance the hearing date on Jim's Emergency Motion  
28 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 and  
served on March 27, 2020. Minh has falsely accused Jim of domestic  
violence, obtained a TPO against Jim, and is using the TPO to keep the  
children from Jim in violation of this Court's orders, as detailed below.  
Jim has not spoken to his children since March 20, 2020, and the children  
were supposed to be returned to him on March 28, 2020.

1 Administrative Order 20-11 provides: “Motions related to emergency  
2 legal and physical custody issues should receive priority with respect to the  
3 scheduling of a hearing on an appropriate order shortening time.  
4 Depending on the circumstances, the Court may determine these motions  
5 be considered essential [Administrative Order] 20-1.” In addition, in Jim’s  
6 Emergency Motion, he requested this Court order the immediate return  
7 of the children pursuant to NRS 125C.0055, which governs the removal  
8 of children from this State. NRS 125C.0055(5) provides that “[a]  
9 proceeding under this section must be given priority on the court  
10 calendar.” Given Minh is depriving Jim of his custodial time with the  
11 children in violation of this Court’s orders, Jim respectfully requests this  
12 Court give this matter priority on its calendar and enter an Order  
13 Shortening Time pursuant to EDCR 5.514, Administrative Order 20-1,  
14 and NRS 125C.0055.

15 Jim and Minh were married on July 8, 2006. The parties have three  
16 (3) minor children the issue of their marriage: Hannah, born March 19,  
17 2009, Matthew, born June 26, 2010, and Selena, born April 4, 2014. This  
18 Court held an evidentiary hearing on child custody and support on August  
19 8, September 5, and September 11, 2019. This Court issued its Findings  
20 of Fact, Conclusions of Law, and Decision and Order (“Decision and  
21 Order”) on September 20, 2019, setting forth its orders regarding child  
22 custody and child support. This Court ordered the parties to share joint  
23 legal custody and awarded Jim primary physical custody. Decision and  
24 Order, pg. 28, lines 5-8. Minh has visitation with the children on certain  
25 enumerated holiday weekends and extended school breaks throughout the  
26 year, which she can exercise in California, and one non-holiday weekend  
27 each month, which she must exercise in Nevada. Decision and Order, pg.  
28 29, line 21, to pg. 30, line 13.

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  
9 relationship with Jim. Decision and Order, pg. 11, lines 13-17. The Court  
10 noted it received evidence demonstrating Minh had discussed the dispute  
11 with the parties' children and advised them to discuss same with their  
12 father. Decision and Order, pg. 11, lines 18-27. The Court determined  
13 that Minh's dialog with the children "has the potential to alienate the  
14 children from their father." Decision and Order, pg. 12, lines 5-6. The  
15 Court 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.

22 As detailed in Jim's Emergency Motion, on March 20, 2020, Minh  
23 falsely accused Jim of domestic violence and is using the TPO she obtained  
24 as a result of her false allegations to violate the Court's Decision and  
25 Order, deprive Jim of his custody of the children, and alienate Jim from his  
26 children as he is not permitted to speak to them. Minh arrived at Jim's  
27 home at approximately 4:00 p.m. on March 20, 2020 to pick up the  
28 children for their Spring Break vacation. After Minh got the children into

1 her RV, she demanded Jim give her windsurf board to her. Jim explained  
2 that he did not recall her owning a windsurf board, and he did not have  
3 her windsurf board at his home. In front of the children, Minh told Jim  
4 that if he did not give her the (nonexistent) windsurf board, she would go  
5 in and get it herself. Jim allowed Minh into his garage to look for her  
6 purported board believing that once she looked around and realized Jim  
7 was not hiding her windsurf board she would leave. Jim initially stayed  
8 with the children, standing outside the RV, while Minh retrieved Jim's  
9 ladder and set it up in between his car and the garage wall to look for her  
10 board, which she believed was stored with other boards on shelves  
11 installed on the wall of his garage.

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

28 . . .

1           Minh eventually released the board, picked up a U-shaped aluminum  
2 handle, which attaches to a small trampoline and is partially wrapped with  
3 foam, and proceeded to strike Jim's vehicle. Exhibit 10, Appendix of  
4 Exhibits to Emergency Motion. Jim was shocked. Jim placed the kitesurf  
5 board in his house and told Minh to stop hitting his car and to get out of  
6 his garage. Minh, however, was in an incredible rage, and yelled at Jim,  
7 "you're the lowest scum ever." Jim took the handle from Minh and placed  
8 it in front of his vehicle, away from her reach. Minh then turned her focus  
9 to the ladder she had set up in between Jim's car and the side wall of the  
10 garage and tried to tip it onto Jim's car. Jim was able to stop the ladder  
11 from hitting his car, and stated: "Oh my God. Get out of here now." Jim  
12 then closed the ladder and placed it partially inside his house. The ladder  
13 was leaning on its side against the open door leading from the garage to  
14 the house and a wall inside Jim's house. Exhibit 11, Appendix of Exhibits  
15 to Emergency Motion.

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

26           Minh then forcefully started to bang the ladder against the door  
27 frame and wall. Jim pleaded with Minh to stop, and asked what happened  
28 to her. Minh yelled at Jim, "you're a son of a bitch," and continued to

1 bang the ladder side to side. Minh then lifted the ladder and struck the  
2 marble floor with it. Jim tried to hold the ladder to prevent Minh from  
3 continuing to strike the marble, and Minh started to kick Jim in the shins  
4 and continued to try to bang the ladder against the marble and door  
5 frame. At this time, Minh falsely accused Jim of pushing her. Jim again  
6 told Minh to get out of his garage and that he was going to call the police.  
7 Jim then took his phone out of his pocket, which was audio recording the  
8 incident, and started video recording Minh. This finally induced Minh to  
9 leave. As Minh walked back to her vehicle, where the children were the  
10 entire time, she yelled at Jim, “you pushed me.” Jim never pushed or hit  
11 Minh during this entire ordeal. Jim was keenly aware Minh was  
12 attempting to bait him to hit her so she would claim to have a basis to  
13 change custody. Exhibit 12, Audio Recording and Transcript, Exhibit 13,  
14 Video Recording and Transcript, and Exhibit 14, Photographs of the  
15 Damage Minh Caused, Appendix of Exhibits to Emergency Motion.

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

21 At approximately 7:00 p.m. that night, police officers from the  
22 Henderson Police Department arrived at Jim’s home. Despite his warning  
23 that he was going to call the police to get Minh to stop damaging his  
24 possessions and attacking him, Jim did not call the police. Minh, however,  
25 did and filed a police report alleging Jim battered her. Jim spoke to the  
26 police, who had him write a statement, and was then arrested. Jim was  
27 taken to the Henderson Detention Center, where he was processed and  
28 kept overnight for approximately fifteen (15) hours. Jim was released at



1 approximately 11:00 a.m. the following morning. Needless to say, this  
2 was a humiliating, demeaning, and extremely uncomfortable experience for  
3 Jim. Jim was attacked in his own home, had his property damaged, and,  
4 yet, he was arrested.

5 There is only one party in this matter who has exhibited hate, anger,  
6 and rage toward the other party, and that is Minh. Minh has never before  
7 claimed Jim abused her, not in her Motion for Primary Physical Custody  
8 to Relocate with Minor Children to Southern California, nor at the  
9 evidentiary hearing. It is not beneath Minh to make such false allegations,  
10 which this Court observed at the evidentiary hearing. After testifying the  
11 parties had an agreement to move to California, Minh was presented with  
12 two checks she wrote for the escrow deposits of two homes she attempted  
13 to purchase in California. Minh wrote on both checks that the escrow  
14 deposit was for the purchase of a “vacation home.” Minh is not credible  
15 and will stoop to any level to get what she wants.

16 In addition to filing a false police report alleging Jim battered her,  
17 Minh unnecessarily filed an application for a temporary protective order,  
18 which was granted. Jim received the Temporary Order for Protection  
19 Against Domestic Violence (“TPO”) and a Notice for Hearing, which  
20 provided that a hearing on Minh’s Application for an extended protection  
21 order is scheduled for March 30, 2020, at 1:00 p.m. However, because  
22 both parties filed motions in this divorce case, the Hearing Master  
23 continued the March 30 hearing to allow this Court to determine whether  
24 to extend the TPO or dissolve it. This Court scheduled the hearing on  
25 both parties’ motions for May 5, 2020.

26 On Sunday, March 22, 2020, Mr. Page sent an email to Mr.  
27 Dickerson stating Jim cannot have contact with the children until the  
28 criminal case is resolved. Exhibit 16, Appendix of Exhibits to Emergency

1 Motion. In this email, Mr. Page states: “Friday afternoon is the first time  
2 that Dr. Luong has gone to the police to report acts of violence committed  
3 by Jim against her. However, Friday afternoon was not the first time Jim  
4 has been violent toward her and battered her.” This is an absolutely  
5 outrageous allegation considering Minh has never mentioned any abuse  
6 by Jim prior to this email. Jim has never battered Minh. Jim has never  
7 been violent, not in words or actions, to Minh. The only person who has  
8 demonstrated hate, rage, and violence is Minh. In the Decision and  
9 Order, this Court even found that “neither party proved parental abuse or  
10 neglect of the children” and “neither party provided sufficient proof that  
11 the other parent engaged in an act of domestic violence against the  
12 children or against any person living with [the] children.” Decision and  
13 Order, pg. 14, lines 11-22.

14 It is currently Jim’s custodial timeshare with the children. However,  
15 Minh is using the TPO to keep the children from Jim, and believes she can  
16 do so **until the criminal trial has been conducted**. Mr. Page informed  
17 Mr. Dickerson that Minh was entitled to change custody for an indefinite  
18 period of time “[b]ecause the children are witnesses in the pending  
19 criminal case against Jim[ and, thus,] he cannot have contact with the  
20 children until the criminal case is resolved.” This has obviously been  
21 Minh’s intention and plan all along. In an effort to try to bait Jim to hit  
22 her, Minh tried to steal Jim’s kitesurf board, damaged his kitesurf board  
23 by smashing its tail against the garage floor, struck his vehicle with an  
24 aluminum handle, attempted to tip a ladder onto his vehicle, damaged  
25 Jim’s door and walls by banging the ladder against them, tried to ruin the  
26 marble in Jim’s home by smashing the ladder against it, aggressively  
27 approached Jim and told him to hit her, and kicked Jim in the shins.  
28 When she did not succeed in getting Jim to hit her, she resorted to making

1 false allegations. This has allowed Minh to keep the children from Jim  
2 and prevent him from communicating with them, and she believes she can  
3 do so indefinitely. Minh has never had any intention of following this  
4 Court's Decision and Order. She has simply been trying to figure out a  
5 way to circumvent it.

6 Based on the foregoing, good cause exists for an order shortening  
7 time of the May 5, 2020 hearing as Minh is withholding the children from  
8 Jim in violation of the Court's Decision and Order. A proposed Order  
9 Shortening Time is attached as **Exhibit I**.

10 DATED this 31<sup>st</sup> day of March , 2020.

11 THE DICKERSON  
12 KARACSONYI LAW GROUP

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

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

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

2. I am making this declaration in support of my Ex Parte Motion for Order Shortening Time 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 ("Ex Parte Motion"). I have read the Ex Parte Motion prepared by my counsel and swear, to the best of my knowledge, that the facts as set forth therein are true and accurate, save and except any fact stated upon information and belief, and as to such facts I believe them to be true. I hereby reaffirm said facts as if set forth fully herein to the extent that they are not recited herein. If called upon by this Court, I will testify as to my personal knowledge of the truth and accuracy of the statements contained therein.

3. For the reasons set forth in the Ex Parte Motion, my request for an Order Shortening Time is made in good faith and not interposed to obtain an unfair advantage.

DATED this 3/5<sup>th</sup> day of March, 2020.

~~JAMES W. VAHEY~~

EXHIBIT 1

EXHIBIT 1

EXHIBIT 1

1 **OST**  
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  
18 Plaintiff,

19 v.

20 MINH NGUYET LUONG,  
21  
22 Defendant.

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

25 **ORDER SHORTENING TIME**

26 Based upon the Ex Parte Motion for Order Shortening Time on  
27 Plaintiff's Emergency Motion for Immediate Return of the Children,  
28 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, and good cause appearing therefor:

IT IS HEREBY ORDERED that the hearing date 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, currently  
...

1 scheduled for May 5, 2020, is hereby shortened to the \_\_\_\_\_ day of  
2 \_\_\_\_\_, 2020, at \_\_\_\_\_ a.m./p.m.

3 DATED this \_\_\_\_\_ day of March, 2020.

4  
5 DISTRICT COURT JUDGE

6  
7 Respectfully submitted by:

8 THE DICKERSON KARACSONYI  
9 LAW GROUP

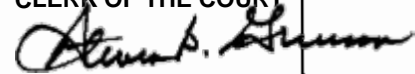
10 By /s/ Sabrina M. Dolson

11 ROBERT P. DICKERSON, ESQ.  
12 Nevada Bar No. 000934  
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 RSPN  
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](mailto:fpagelaw@pagelawoffices.com)  
10 Attorney for Defendant

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

11 JAMES W. VAHEY, ) Case No.: D-18-58144-D  
12 )  
13 Plaintiff, ) Dept.: H  
14 v. )  
15 )  
16 MINH NGUYET LUONG, )  
17 Defendant, )  
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**DEFENDANT'S RESPONSE  
TO PLAINTIFF'S EX PARTE MOTION FOR AN ORDER  
SHORTENING TIME**

21 COMES NOW Defendant, MINH NGUYET LUONG, by and through her  
22 counsel, Fred Page Esq., of Page Law Firm and hereby submits her Response to

23 ///

24 ///

25 ///

1 Plaintiff's Ex Parte Motion for an Order Shortening Time.

2 DATED this 1<sup>st</sup> day of April 2020

3  
4 PAGE LAW FIRM

5  
6  
7 

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

12 **MEMORANDUM OF POINTS AND AUTHORITIES**

13 **I.**

14 **STATEMENT OF FACTS**

15 Defendant, MINH LUONG (hereinafter "Minh") incorporates the  
16 Statement of Facts from her Motion to Extend Temporary Protective Order T-  
17 20-T204489-T to Change Custody on an Interim Basis, for an Interview of the  
18 Minor Children, and to Change Custody and her corrections to the record to  
19 Plaintiff, JAMES VAHEY'S (hereinafter "Jim") misstatements of fact contained  
20 in his Motion for the Immediate Return the Minor Children Dissolution of the  
21 TPO, Modification of Child Custody, Appointment of a New Therapist for the  
22 Children, and an Order to Show Cause Why Defendant Should Not Be Held in  
23 Contempt and to Resolve Other Parent Child Issues.

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## II. OPPOSITION

As with what is almost everything else in this case, Jim engages in histrionics and serial misstatements of fact in an attempt to get an Order Shortening Time. Minh will attempt to address the most significant of Jim's misstatements below.

Jim claims that "Minh has falsely accused [him] of domestic violence, obtained a TPO against [him] and is using the TPO to keep the children from [him] in violation of the Court's orders." Ex Parte Motion at page 1, lines 24-26. The claim is false. One, Jim has committed acts of domestic violence as witnessed by the children. Two, Minh is not using the TPO to keep the children from him in violation of the TPO. The TPO exists for the protection of Minh and the protection of the children has Jim has committed acts of domestic violence against Minh that were witnessed by the children.

Jim claims that he has not spoken to the children since March 20, 2020. Ex Parte Motion at page 1, line 27. Because there is a TPO in effect Jim *cannot* speak to the children, or Minh. However, notwithstanding that, Minh has offered to carve out an exception to the TPO to allow Jim to have supervised telephonic contact. As of the writing of this Response, Jim has ignored that offer.

1 Jim asserts that "Minh is depriving Jim of his custodial time with the  
2 children in violation of the Court's orders." Ex Parte Motion at page 2, lines 10-  
3 11. The assertion is false and is knowingly false when made. As stated, there is  
4 protective order that prohibits Jim from having any contact with the children  
5 until April 30, when the TPO is to be reviewed. Jim has intentionally and  
6 willfully misstated the current orders in an apparent effort to mislead this Court.  
7

8 Jim alleges that "Minh falsely accused [him] of domestic violence and is  
9 using the TPO she obtained as a result of the false allegations to violate the  
10 Court's Decision and Order, deprive [him] of his custody of the children, and  
11 alienate the children as he is not permitted to speak to them." Ex Parte Motion  
12 at page 3, lines 22-26. The allegation is false.  
13

14 Jim was not arrested because of what Minh reported. Jim was arrested  
15 and charged with committing acts of domestic violence against Minh because of  
16 what Hannah and Matthew stated they witnessed in their separate interviews.  
17 The children were interviewed separately, within approximately 30-40 minutes  
18 after the attack occurred. The children were interviewed separately to ensure  
19 that their recollections were consistent.  
20

21 The children's recollections from their separate interviews were consistent  
22 and Jim was arrested and then criminally charged. Now Jim wants the children  
23 in his possession so that he can intimidate them to get them to recant what the  
24 told the Henderson Police Department on March 20. As stated, Jim has not  
25  
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28

1 responded to Minh's offer to provide telephonic contact as of the writing of this  
2 response and the TPO exists because he committed acts of domestic violence  
3 against Minh and as witnessed by the children.  
4

5 Jim spends three pages, from page 3, line 22, to page 6, line 15, giving his  
6 recitation of what occurred. It is unclear why Jim has provided a sworn  
7 statement. As stated, Jim was likely not arrested because of what Minh stated to  
8 the Henderson Police Department, Jim was arrested because of what Hannah and  
9 Matthew told the Henderson Police Department.  
10

11 Jim's sworn statement will be given to the city attorney for Henderson and  
12 Jim's statement will be used to impeach his credibility as his statement will vary  
13 what he told the Henderson Police Department (as it varies from what he put in  
14 his initial Motion) when they recorded him on their bodycam and his written  
15 statement to the Henderson Police Department giving his reasons why he  
16 committed acts of domestic violence against Minh.  
17  
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20 Jim even admits that Minh stayed in her RV for about ten minutes after  
21 the incident. Ex Parte Motion at page 6, lines 16-17. Minh stayed in the RV  
22 because, as she stated, she was so shaken up by what Jim did. Jim's admission  
23 only confirms what Minh has previously stated.<sup>1</sup>  
24  
25  
26

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27 <sup>1</sup> This admission will be forwarded to the city attorney for Henderson as well.  
28

1 Jim again tries to attack Minh because of the alleged escrow check. As  
2 stated by Minh in her Opposition to Jim's Motion, The parties agreed in 2014  
3 that they would retire in 5 years. In order to do that in 2015, the parties started  
4 looking at houses that they would use as a vacation house until they retired.  
5 That is why the term vacation home was put in the memo portion of the earnest  
6 money deposit of the houses in 2015 and 2016 that the parties did not purchase.  
7 The house in Irvine was to be a vacation home until the parties retired. When  
8 2019 arrived, Jim reneged on his agreement and the divorce commenced.  
9

10 Again, Jim was arrested because of the acts of domestic violence  
11 committed by Jim against Minh that Hannah and Matthew witnessed and  
12 reported to the Henderson Police Department.  
13

14 Jim claims that the undersigned to an email to Jim's counsel that he could  
15 not have contact with the children until the criminal case is resolved. Ex Parte  
16 Motion at page 7, lines 26-28. Jim then selectively quote from the email the  
17 undersigned sent to Jim's counsel in an attempt to mislead this Court.  
18

19 Jim counsel states, "[b]ecause the children are witnesses in the pending  
20 criminal case against Jim [and, thus,] he cannot have contact with the children  
21 until the criminal case is resolved." Ex Parte Motion at page 8, lines 18-20.  
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1 What Jim's counsel omitted from the email dated March 22, 2020, was,

2 To protect the integrity of the criminal investigation and  
3 prosecution, and thereby protect the children's best interests, a no  
4 contact order should be stipulated to by Jim for the protection of  
5 the children until the criminal matter is resolved. Dr. Luong and  
6 the children need time to heal and feel safe as well. Under  
7 Chapter 178 of the Nevada Revised Statutes victim and witness  
8 information shall remain confidential. It should go without saying  
9 that if victim and witness information shall remain confidential  
10 there shall be no contact between the perpetrator of the crime and  
11 the witnesses to the crime.

12 *Please provide Jim's agreement.*<sup>2</sup>

13 (Emphasis added).

14 Jim's response to this request for an agreement and to protect the integrity  
15 of the investigation was "the issue will be addressed by the Court."

16 Jim's misstatement by omission and should be considered serious. When  
17 Jim refused to agree, Minh prepared her Motion to Extend the TPO which was  
18 filed in the "T" case and filed her Motion to extend the TPO which was filed in  
19 this case in order to honor this Court's orders and to properly obtain this Court's  
20 authorization.

21 Jim claims that Minh getting her kiteboard getting arrested was part of  
22 some scheme to get him arrested. Ex Parte Motion at page 8, line 21, to page 5.  
23 The claim is laughable. All Jim had to do was not let her into the garage to  
24

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27 <sup>2</sup> It should axiomatic that if one was going to unilaterally do something in  
28 violation the Court's orders, one would not ask for the other parties' agreement.

1 retrieve her kiteboard. Jim was recording the whole time. And, in during the  
2 whole time when he was trying to set up Minh, he still could not even control  
3 himself, while he knew he was recording. By the end of the recording, he made,  
4 Jim lacks such self-control that he is screaming at Minh and battering her in  
5 front of the children.  
6

7  
8 This Court gave Jim the designation of primary physical custody as  
9 designation of responsibility. Jim has completely failed at that responsibility.  
10 Rather than taking the designation of primary physical custodian as a  
11 designation of responsibility and act accordingly, Jim has taken the designation  
12 as an excuse to try and exercise power and control over Minh and not do what is  
13 best for the children, but do what is best for himself.  
14

15  
16 The consequence to the children of Jim misusing the designation of  
17 responsibility is that he is committing acts of domestic violence against Minh  
18 and witnessed by the children, that the children are running away from home,  
19 and that Hannah's and Matthew's grades are declining dramatically.<sup>3</sup>  
20

21  
22 <sup>3</sup> Hannah's grades are now a "D" for grammar, "C+" for spelling, a "D" for  
23 science, and a "C" for history for the period ending 12/22/19. Hannah was a 4.0  
24 student. Hannah is now a 2.35 grade point average student. To put it another  
25 way, Hannah's grades have declined by 41 percent since Jim assumed primary  
physical custody.

26 Matthew's grades have decreased as well, but not to the same degree as Hannah.  
27 Like Hannah, Matthew was essentially a straight "A" student. Matthew has  
28 gone from straight "A's" to straight "B's" and a "C." Matthew is now a 3.2

(Continued...)

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**III.  
CONCLUSION**

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

1. Denying Jim's "Ex Parte Motion for an Order Shortening Time as currently requested, and;

2. For any further relief the Court deems proper and just.

DATED this 1<sup>st</sup> day of April 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*

\_\_\_\_\_  
(...Continued)

grade point average student. To put it another way, Matthew's grades have declined by approximately 20 percent since Jim assumed primary physical custody.

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An employee of Page Law Firm

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Case Number: D-18-581444-D



1 scheduled for May 5, 2020, is hereby shortened to the 22 day of  
2 APRIL, 2020, at 09:00 a.m./~~p.m.~~

3 DATED this 7 day of April, 2020.

4 

5 DISTRICT COURT JUDGE

6 LCD

7 Respectfully submitted by:

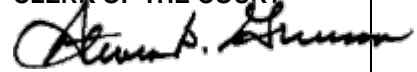
8 THE DICKERSON KARACSONYI  
9 LAW GROUP

10 By /s/ Sabrina M. Dolson

11 ROBERT P. DICKERSON, ESQ.  
12 Nevada Bar No. 000934  
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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**DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA**

\*\*\*\*

10 JAMES W. VAHEY,  
11

Plaintiff,  
12

vs.  
13

MINH NGUYET LUONG,  
14

Defendant.  
15  
16

CASE NO.: D-18-581444-D  
DEPARTMENT H  
RJC-Courtroom 3G

17 **AMENDED ORDER SETTING EVIDENTIARY HEARING**  
18

Date of Hearing: **May 28, 2020**

Time of Hearing: **9:00 a.m.**  
19  
20

21 **IT IS HEREBY ORDERED** that pursuant to AO 20-09 and AO 20-11, civil  
22 domestic trials or evidentiary hearings may be conducted by alternate means or  
23 may be continued on a case by case basis. The court has reviewed the upcoming  
24 evidentiary/trial matter and concludes that it should be continued. Therefore the  
25 evidentiary hearing in the above-entitled case currently set for April 30, 2020,  
26 has been reset for the **28<sup>th</sup>** day of **May, 2020**, at the hour of **9:00 a.m. for one**  
27  
28

1 (1) day in Department H at the Regional Justice Center, 200 Lewis Avenue,  
2 Courtroom 3G, Las Vegas, Nevada.  
3

4 **IT IS FURTHER ORDERED** that no continuances will be granted to  
5 either party unless written application is made to the Court, served upon  
6 opposing counsel or proper person litigant, and a hearing held at least three (3)  
7 days prior to the Evidentiary Hearing. *If this matter settles, please advise the*  
8 *Court as soon as possible.*  
9

10 DATED this 8 day of April, 2020.  
11

12 

13 \_\_\_\_\_  
14 T. Arthur Ritchie, Jr.  
15 DISTRICT COURT JUDGE  
16 DEPARTMENT H  
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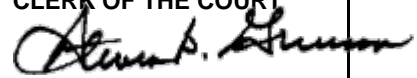
☒ E-served pursuant to NEFCR 9; placed in attorney folder(s) at the RJC; or  
mailed, via first-class mail, postage fully prepaid to:

Fred Page, Esq. for  
DEFENDANT

Katrina Rausch  
Katrina Rausch  
Judicial Executive Assistant  
Department H

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NEOJ  
THE DICKERSON KARACSONYI LAW GROUP  
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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

NOTICE OF ENTRY OF ORDER SHORTENING TIME

TO: MINH NGUYET LUONG, Defendant; and

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

...

...

...

...

...

...

...



1 PLEASE TAKE NOTICE that an ORDER SHORTENING TIME, a  
2 true and correct copy of which is attached hereto, was entered in the  
3 above-entitled matter on the 7<sup>th</sup> day of April, 2020.

4 DATED this 8<sup>th</sup> day of April, 2020.

5 THE DICKERSON KARACSONYI  
6 LAW GROUP

7  
8 By /s/ Sabrina M. Dolson  
9 ROBERT P. DICKERSON, ESQ.  
10 Nevada Bar No. 000945  
11 SABRINA M. DOLSON, ESQ.  
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15 Attorneys for Plaintiff  
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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 8<sup>th</sup> day of  
4 April, 2020, I caused the above-referenced document entitled NOTICE OF  
5 ENTRY OF ORDER SHORTENING TIME to be served as follows:

6 [X] pursuant to NEFCR 9, NRCP 5(b)(2)(E), and Administrative  
7 Order 14-2 captioned "In the Administrative Matter of  
8 Mandatory Electronic Service in the Eighth Judicial District  
Court," by mandatory electronic service through the Eighth  
Judicial District Court's electronic filing system;

9 [ ] pursuant to NRCP 5(b)(2)(C), by placing same to be deposited  
10 for mailing in the United States Mail, in a sealed envelope  
upon which first class postage was prepaid in Las Vegas,  
11 Nevada;

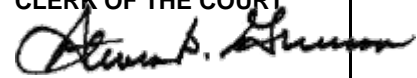
12 [ ] pursuant to NRCP 5(b)(2)(F), to be sent via facsimile, by duly  
executed consent for service by electronic means; and

13 [ ] pursuant to NRCP 5(b)(2)(A), by hand-delivery with signed  
14 Receipt of Copy.

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

17 FRED PAGE, ESQ.  
18 PAGE LAW FIRM  
6930 South Cimarron Road, Suite 140  
19 Las Vegas, Nevada 89113  
fpage@pagelawoffices.com  
20 Attorney for Defendant

21  
22 /s/ Edwardo Martinez  
An employee of The Dickerson Karacsonyi Law Group



1 **OST**  
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

8 **DISTRICT COURT**  
9 **FAMILY DIVISION**  
10 **CLARK COUNTY, NEVADA**

10 **JAMES W. VAHEY,**  
11 **Plaintiff,**

12 **v.**

13 **MINH NGUYET LUONG,**  
14 **Defendant.**

11 **CASE NO. D-18-581444-D**  
12 **DEPT NO. H**

15 **ORDER SHORTENING TIME**

16  
17 Based upon the Ex Parte Motion for Order Shortening Time on  
18 Plaintiff's Emergency Motion for Immediate Return of the Children,  
19 Dissolution of TPO, Modification of Child Custody, Appointment of a  
20 New Therapist for the Children, an Order to Show Cause Why Defendant  
21 Should Not Be Held in Contempt, and to Resolve Other Parent Child  
22 Issues, and good cause appearing therefor:

23 IT IS HEREBY ORDERED that the hearing date on Plaintiff's  
24 Emergency Motion for Immediate Return of the Children, Dissolution of  
25 TPO, Modification of Child Custody, Appointment of a New Therapist for  
26 the Children, an Order to Show Cause Why Defendant Should Not Be  
27 Held in Contempt, and to Resolve Other Parent Child Issues, currently

28 . . .

1 scheduled for May 5, 2020, is hereby shortened to the 22 day of  
2 APRIL, 2020, at 09:00 a.m./~~p.m.~~

3 DATED this 7 day of April, 2020.

4 

5 DISTRICT COURT JUDGE

6 LCD

7 Respectfully submitted by:

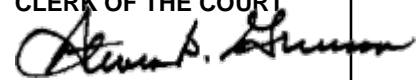
8 THE DICKERSON KARACSONYI  
9 LAW GROUP

10 By /s/ Sabrina M. Dolson

11 ROBERT P. DICKERSON, ESQ.  
12 Nevada Bar No. 000934  
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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19  
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EXHS  
THE DICKERSON KARACSONYI LAW GROUP  
ROBERT P. DICKERSON, ESQ.  
Nevada Bar No. 000945  
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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

**APPENDIX OF EXHIBITS IN SUPPORT OF PLAINTIFF'S  
OPPOSITION TO 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**

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 hereby submits his Appendix of Exhibits in Support of  
Plaintiff's Opposition to 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.

...

...

Title/Description of Document	Exhibit Number
December 23, 2019 Letter from Robert P. Dickerson, Esq. to Fred Page, Esq.	1
December 19, 2019 Letter from Fred Page, Esq. to Robert P. Dickerson, Esq.	2
Challenger School Achievement Report for Fifth Grade, Term 1, for Hannah Vahey	3
Challenger School Mid-Term Notice for Fourth Grade, Term 2, for Hannah Vahey	4
Challenger School Achievement Report for Fourth Grade, Term 1, for Matthew Vahey	5
Challenger School Mid-Term Notice for Third Grade, Term 2, for Matthew Vahey	6
Photograph of Jim Vahey's Garage from Where Minh Luong's RV Was Parked	7
March 31, 2020 Email from Fred Page, Esq. to Robert P. Dickerson, Esq.	8
Challenger School Achievement Report for Kindergarten, Term 1, for Selena Vahey	9

DATED this 10<sup>th</sup> day of April, 2020.

THE DICKERSON  
KARACSONYI LAW GROUP

By /s/ Sabrina M. Dolson  
ROBERT P. DICKERSON, ESQ.  
Nevada Bar No. 000945  
SABRINA M. DOLSON, ESQ.  
Nevada Bar No. 013105  
1745 Village Center Circle  
Las Vegas, Nevada 89134  
Attorneys for Plaintiff



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 10<sup>th</sup> day of  
4 April, 2020, I caused the above and foregoing document entitled Appendix  
5 of Exhibits in Support of Plaintiff's Opposition to Defendant's Motion to  
6 Extend Temporary Protective Order T-20-204489-T, to Change Custody  
7 on an Interim Basis, for an Interview of the Minor Children and to Change  
8 Custody to be served as follows:

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

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

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

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

EXHIBIT 1

EXHIBIT 1

EXHIBIT 1

## THE DICKERSON KARACSONYI LAW GROUP

ROBERT P. DICKERSON  
JOSEF M. KARACSONYI  
NATALIE E. KARACSONYI  
SABRINA M. DOLSON  
JONATHAN S. CHUNG  
MICHAEL Z. STANNARD  
YASNA G. RODRIGUEZ-ZAMAN

A PROFESSIONAL CORPORATION OF ATTORNEYS AT LAW  
HILLS CENTER NORTH BUSINESS PARK  
1745 VILLAGE CENTER CIRCLE  
LAS VEGAS, NEVADA 89134

ARLA COBB (702)  
TELEPHONE 988-8800  
FAX 988-0310

December 23, 2019

Fred Page, Esq.  
Page Law Firm  
6930 South Cimmaron Road, Suite 140  
Las Vegas, Nevada 89113  
fpage@pagelawoffices.com

SENT VIA E-MAIL

Re: James W. Vahey v. Minh Nguyet Luong

Dear Fred:

This letter is being sent in response to your December 19, 2019 letter. On December 17, 2019, you spoke to Sabrina M. Dolson regarding the children running away from Dr. James Vahey's ("Jim") house earlier that same morning. Ms. Dolson informed you she had not spoken to Jim regarding the incident. However, Jim did call me shortly after the incident to inform me of the situation. I was out of town at the time and had not discussed same with Ms. Dolson prior to your and Ms. Dolson's telephone conference. Thus, contrary to your allegations, Jim was not trying to avoid disclosing the incident.

In addition, Jim was not negligent in his supervision of the Hannah and Matthew as you suggest. The children formed a plan to leave Jim's house in the morning before school, and did not make it far when Jim realized they were gone. Jim immediately got Selena into his vehicle, called the guard station at his development, and confirmed the children were with the guard. Jim immediately picked the children up at the guard station.

As you acknowledge, the children informed the guard they wanted to call their mother, your client, Minh Nguyet Luong ("Minh"), which they did so at approximately 5:55 p.m. Despite being informed of what the children had done, and no doubt knowing Jim would be in a state of panic, Minh waited 20 minutes before she called Jim at 6:15 p.m. When Jim answered his cellular phone, instead of informing Jim what she learned about the children's whereabouts, she hung up the phone and did not say a word to him.

After Jim returned the children to his home, Jim discussed the children's actions with them and informed them that such behavior is unacceptable. Jim took away the Hanna's use of her cell phones and Matthew's use of his iPad to appropriately punish them for their actions. Despite taking away the children's electronics, Jim allowed the children to call Minh that same

Fred Page, Esq.  
December 23, 2019  
Page 2

day. Although Minh did not answer the children's phone call, Minh saw and spent time with the children that same day at the children's school because the parties' youngest child, Selena, had a school performance, which Jim, Minh, Hannah, and Matthew attended.

It could not be further from the truth that the children are failing to thrive in Jim's care. Many of these same allegations regarding the children's ability to thrive and prosper in Jim's care were presented to the Court by Minh at the evidentiary hearing. As I trust you now are aware, the issue of the children's physical custody and best interests were litigated and the Court determined it was in the children's best interest to remain in Las Vegas. The children no doubt are going through a difficult time adjusting to the parties' divorce and Minh's decision to move away from Las Vegas instead of continuing to share joint physical custody of the children by remaining in Las Vegas during the weeks the children would have been in her custody. However, just as he did during the marriage, Jim continues to provide excellent care for the children, notwithstanding Minh's decision that it is more important for her to live full-time in Irvine, California.

It also could not be further from the truth that Jim has a camera in Hannah's room. There is no camera or other video device, or any audio or recording device, in Hannah's room. Please ask your client to stop trying to create fear in Hannah (or the other two children). Suffice it to say, that is exactly what she is attempting to do.

Moreover, your suggestion about how Jim is using his bluetooth device to monitor the children's conversations with their mother also is not true. I can only assume you are making such suggestions based on what your client tells you. Unfortunately, you did not have the opportunity to observe Minh's total lack of credibility demonstrated at the evidentiary hearing.

Given the children's issues adjusting to the parties' divorce, Jim does agree that the children's current therapist has not been effective and should be replaced. I believe you previously suggested Dr. Stephanie Holland in a prior case in which you and I were involved. While I have not discussed this specific issue with my client, I have no objection to changing the children's therapist from Ms. Grayley to Dr. Holland. I am sure Jim will accept my recommendation on this issue. Please let me know if Minh is agreeable to having Dr. Holland provide counseling for the children.

Thank you for your attention to this matter.

Sincerely,



Robert P. Dickerson

EXHIBIT 2

EXHIBIT 2

EXHIBIT 2

## PAGE LAW FIRM

ATTORNEY AT LAW  
6930 SOUTH CIMARRON ROAD, SUITE 140, LAS VEGAS, NEVADA 89113  
TELEPHONE (702) 469-3278 | FACSIMILE (702) 628-9884

December 19, 2019

Fred Page, Esq.

e-mail: [fpagelawoffices.com](mailto:fpagelawoffices.com)

### **VIA E-SERVICE ONLY**

Robert Dickerson, Esq.

Dickerson Karacsonyi Law Group

1745 Village Center Circle

Las Vegas, Nevada 89134

**Re: James W. Vahey v. Minh Nguyen Luong**  
PLF Client: Minh Nguyen Luong  
Case No.: D-18-581444-D  
Subject: The Children Running Away From Mr. Vahey's House

Dear Bob:

It appears that your client did not inform you, but in the early morning hours of Tuesday, December 17, 2019, Hannah, Matthew, and Selena developed a coordinated plan and ran away from Mr. Vahey's house. The children only got as far as the guardhouse. When the children got to the guardhouse they informed the guard they missed their mother and wanted to be with her.

The guard contacted Ms. Luong, and the Henderson Police Department. The children were then taken back to Mr. Vahey's house. Mr. Vahey's negligence of allowing the children to exit the house, at apparently any time, is borderline neglect for which Child Protective Services can become involved.

Ms. Luong immediately drove to Lake Las Vegas. When she got there, the Henderson Police Department was already there, apparently taking a report of what had transpired. Ms. Luong asked Mr. Vahey to enter the house so that she could check on the children. Mr. Vahey's response was to refuse her reasonable request to check on the children's wellbeing and shut the door on her.

Your office was subsequently called to discuss what had occurred. Mr. Vahey never contacted your office to let anyone know what had occurred. It appears by not contacting your office, while there is an open case, Mr. Vahey may have been trying to avoid disclosing what had occurred or cover up what had occurred while the children were with him. When it was reported to your office what had happened and the concerns, that Ms. Luong had, it was retorted back that she is "brainwashing" the children. It seems unlikely that the Court is going to be assumed that the response for Mr. Vahey allowing the children to run away is not to take any responsibility, but rather to attack and blame Ms. Luong.

Robert Dickerson, Esq.  
December 19, 2019  
Page 2

Everyone should agree that it appears that the children are failing to thrive in Mr. Vahey's care. Hannah's grades have dropped from A's and B's to C's and D's and an F. At this rate, Hannah may be held back a grade. Matthew lays on the floor of the van and cries and screams at the custody exchanges.

Now that he has primary physical custody, Mr. Vahey has placed a surveillance camera *inside* Hannah's bedroom so that he can watch what she is doing, at all times. A soon to be entering puberty girl is unable to sleep and dress without being videotaped. Mr. Vahey taking the approach of "you do what I tell you to do, when I tell you to do it," or treating her as an infant or toddler for which there are cameras is unlikely to be construed as being in her best interests. Mr. Vahey is emotionally scarring the child. Please confirm that Mr. Vahey has removed the surveillance camera from Hannah's room.

Joint legal custody requires that each parent is entitled to privacy during their communications with the other parent. Mr. Vahey has taken away that privacy and is violating the terms of joint legal custody. Mr. Vahey has taken away the children's iPhones and iPads. The children are required to communicate with Ms. Luong on Mr. Vahey's phone. The children communicate through earpieces. When Ms. Luong speaks with the children the children only have one earpiece in their ear. The other earpiece is in Mr. Vahey's ear so that he can monitor the communications. Please confirm that that Mr. Vahey will return the children's iPhones and iPads and that he will respect Ms. Luong's and the children's right of privacy and cease violating the terms of joint legal custody.

Again, the children are failing to thrive in Mr. Vahey's care. The therapist for the children is failing to provide any meaningful assistance. Rather than taking the designation of primary physical custodian as a designation of responsibility and act accordingly, Mr. Vahey has taken the designation as an excuse to try and exercise power and control over Ms. Luong. In addition, Mr. Vahey tries to blame Ms. Luong for the children failing to thrive rather than co-parent.

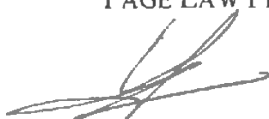
Rather than shutting out Ms. Luong it is requested by Ms. Luong that Mr. Vahey engage in co-parenting and look for solutions together so that the children are able to thrive.

Robert Dickerson, Esq.  
December 19, 2019  
Page 3

Your time and attention to this matter are appreciated. Should you have any questions or concerns, please do not hesitate to contact us at the number above.

Very truly yours,

PAGE LAW FIRM

A handwritten signature in black ink, appearing to read 'Fred Page', with a stylized flourish extending to the right.

Fred Page, Esq.

FCP



EXHIBIT 3

EXHIBIT 3

EXHIBIT 3



For Hannah Vahey

5th Grade

Silverado Campus

	1st Term 8/19/19 - 12/22/19	2nd Term 12/23/19 - 5/29/20
<b>LANGUAGE ARTS</b>		
Reading/Literature	B	
Writing/Composition	B-	
Grammar	D (1)	
Spelling/Vocabulary	C+	
Speech/Memorization	B+	
<b>MATHEMATICS</b>		
Computation/Application	B-	
<b>SCIENCE</b>		
Science	D (1)	
<b>LOGIC</b>		
Word Processing/Programming	B-	
Thinking Skills	B	
<b>HISTORY/GEOGRAPHY</b>		
World History I	C-	
<b>ANCILLARY SUBJECTS</b>		
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- = 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 4

EXHIBIT 4

EXHIBIT 4

# Mid-Term Notice

Page: 1

Student:	Vahey, Hannah	25	CAW
Class:	Fourth Grade		
Date:	03/18/19		
Period:	Term 2 01/07/19-06/07/19		
Teacher:	Rebecca Wagner		

*Rebecca Wagner*

Subject	Class Average
Grammar	45.9 %
History	65.8 %
Literature	83.8 %
Logic	79.5 %
Math	81.4 %
Science	70.2 %
Speech	88.2 %
Spell/Voc	83.3 %
Writing	85.5 %
Average of all subjects:	75.9



Signature Required:

*James W. Weir*

## Comments:

I will call if there are academic concerns.

Please sign and return on the next school day.

EXHIBIT 5

EXHIBIT 5

EXHIBIT 5





For Matthew Vahey

4th Grade

Silverado Campus

2019-2020

Child ID: 002-058-141

Birthday: 6/26/10

		1st Term	2nd Term
		8/19/19 - 12/22/19	12/23/19 - 5/29/20
LANGUAGE ARTS			
Reading/Literature	81%	B -	
Writing/Composition	89%	B +	
Grammar	84% (1)	B	
Spelling/Vocabulary	86%	B	
Speech/Memorization	92%	A -	
MATHEMATICS			
Computation/Application	95% (2)	A	
SCIENCE			
Science	83%	B -	
LOGIC			
Word Processing/Programming	93%	A -	
Thinking Skills	82%	B -	
HISTORY/GEOGRAPHY			
History	75% (3)	C	
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:

R Wagner

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 6

EXHIBIT 6

EXHIBIT 6

## Mid-Term Notice

Page: 1

Student:	Vahey, Matthew	00015	CAW
Class:	Third Grade 2018-2019		
Date:	03/19/19		
Period:	Term 2 01/07/19-05/29/19		
	Ms. Katris		

Subject	Class Average	
Grammar	84.6	%
History	72.4	%
Literature	77.9	%
Logic	90.2	%
Math	86.4	%
Science	81.9	%
Speech	87.0	%
Spelling	86.9	%
Writing	80.6	%
Average of all subjects:	83.1	

*Cynthia Katris*



Signature Required:

*James Vahey*

Comments:

I will call if there are academic concerns. Please sign and return on the next school day.



EXHIBIT 7

EXHIBIT 7

EXHIBIT 7







EXHIBIT 8

EXHIBIT 8

EXHIBIT 8

## PAGE LAW FIRM

ATTORNEY AT LAW  
6930 SOUTH CIMARRON ROAD, SUITE 140, LAS VEGAS, NEVADA 89113  
TELEPHONE (702) 469-3278 | FACSIMILE (702) 628-9884

March 31, 2020

Fred Page, Esq.  
email: fpage@pagelawoffices.com

**VIA E-SERVICE ONLY**

Robert Dickerson, Esq.  
Dickerson Karacsonyi Law Group  
1745 Village Center Circle  
Las Vegas, Nevada 89134

**Re: James W. Vahey v. Minh Nguyet Luong**  
PLF Client: Minh Nguyet Luong  
Case No.: D-18-581444-D  
Subject: Telephone Contact

Dear Mr. Dickerson:

As the Temporary Protective Order is still in place, it may be appropriate for Jim and the children to have supervised telephone contact. Dr. Luong is proposing that he can speak to the children for up to five minutes each. Please inform you client that he is not to discuss anything about the March 20, incident wherein the children witnessed him committing acts of domestic violence on Dr. Luong, his incarceration, or the pending criminal matter. Should that occur, Dr. Luong would have to terminate the call immediately. The calls may be recorded at Dr. Luong's discretion.

We can carve out an exception to the protective order for Jim to call at 3:00 p.m. on Monday, Wednesday, and Fridays. Please advise as to Jim's agreement.

Your time and attention to this matter are appreciated. Should you have any questions or concerns, please do not hesitate to contact us at the number above.

Very truly yours,

PAGE LAW FIRM



Fred Page, Esq.

FCP

EXHIBIT 9

EXHIBIT 9

EXHIBIT 9





For Selena Vahey

All-day Kindergarten

Silverado Campus

	1st Term 8/19/19 - 12/22/19	2nd Term 12/23/19 - 5/29/20
<b>PHONICS</b>		
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	
<b>READING</b>		
Fluency	N	
Comprehension	S	
<b>SPELLING</b>		
Spelling Assessments	N (2)	
Application in Compositions	N	
<b>WRITING</b>		
Composition	S	
<b>MATHEMATICS</b>		
Computation/Application	E (3)	
<b>ANCILLARY SUBJECTS</b>		
Penmanship	S	
Science	S	
Geography	S	
Music	S	
Art	S	
Logic	S	
Large Motor Skills	S	
<b>COMPORTMENT</b>		
Controls emotions	S	
Engages in learning	S	
Responsible for oneself	S	
Relates well with others	S	
Partial Days Absent	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: Miss MorrisSignature: Miss Morris

Teacher: \_\_\_\_\_

Signature: \_\_\_\_\_

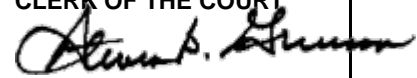
An S mark indicates that the student is meeting the Challenger standard for the subject.

E = Excellent  
S = Satisfactory  
N = Needs Improvement

AA001237

66

66



1 **OPP**  
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

8 DISTRICT COURT  
9 FAMILY DIVISION  
10 CLARK COUNTY, NEVADA

10 JAMES W. VAHEY,  
11 Plaintiff,

12 v.

13 MINH NGUYET LUONG,  
14 Defendant.

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

Date of Hearing: April 22, 2020  
Time of Hearing: 9:00 a.m.

Oral Argument Requested: Yes

15  
16 **PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO**  
17 **EXTEND TEMPORARY PROTECTIVE ORDER T-20-204489-T,**  
18 **TO CHANGE CUSTODY ON AN INTERIM BASIS, FOR AN**  
19 **INTERVIEW OF THE MINOR CHILDREN AND TO CHANGE**  
20 **CUSTODY**

21 COMES NOW Plaintiff, JAMES W. VAHEY ("Jim"), by and  
22 through his attorneys, ROBERT P. DICKERSON, ESQ., and SABRINA  
23 M. DOLSON, ESQ., of THE DICKERSON KARACSONYI LAW  
24 GROUP, and submits Plaintiff's Opposition to Defendant's Motion to  
25 Extend Temporary Protective Order T-20-204489-T, to Change Custody  
26 on an Interim Basis, for an Interview of the Minor Children and to Change  
27 Custody ("Opposition").  
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1 This Opposition is made and based upon the following Memorandum  
2 of Points and Authorities, the Declaration of Jim attached hereto, the  
3 attached exhibits, all papers and pleadings on file herein, as well as oral  
4 argument of counsel as may be permitted at the hearing on this matter.

5 DATED this 10<sup>th</sup> day of April, 2020.

6 THE DICKERSON  
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8 By */s/ Sabrina M. Dolson*

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## MEMORANDUM OF POINTS AND AUTHORITIES

### **I. INTRODUCTION**

On March 27, 2020, Jim filed his 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”), which addresses most of the facts and issues addressed in Defendant’s, MINH NGUYET LUONG (“Minh”), 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 (“Minh’s Motion”). Accordingly, this Opposition focuses on addressing the facts and arguments not specifically addressed in Jim’s Emergency Motion.

### **II. FACTUAL STATEMENT**

In Minh’s Motion, she addresses the Court’s Findings of Fact, Conclusions of Law, and Decision and Order (“Decision and Order”), entered September 20, 2019. Minh confirms she choose not to preserve her joint custody rights despite the fact this Court found the evidence demonstrates it is in the best interest of the children that the parties share joint physical custody. Decision and Order, pg, 6, lines 25-28; pg. 14, lines 1-10; pg. 23, lines 1-4. The Court gave Minh “reasonable time to consider the effect of [the Court’s] decision in [sic] order and take the necessary steps to preserve her joint physical custody rights.” Decision and Order, pg, 6, lines 25-28; pg. 14, lines 1-10; pg. 23, lines 1-4. Minh choose to move to California without her children rather than preserve her joint physical custody rights.

Minh is now making many of the same arguments she made at the evidentiary hearing only seven (7) months ago to seek a modification of

1 custody. Minh contends the Court should modify its custody order  
2 because the children have been failing to thrive since Jim assumed primary  
3 physical custody. To support this contention, Minh asserts the children's  
4 behavior and grades have deteriorated. The only examples Minh provides  
5 of the children's behavior deteriorating is around the times the parties  
6 exchange the children for the custodial timeshare. Minh addressed the  
7 incident in which the children ran away from Jim's home in December  
8 2019, which Jim also addressed in his Emergency Motion. Minh also  
9 acknowledges that she has involved the police on several occasions to  
10 facilitate the custodial exchanges, which is unnecessary and a waste of  
11 valuable public resources. Each time the police have been involved in the  
12 custodial exchanges it is because Minh has called them, likely to present  
13 to this Court a "record" of the children misbehaving given the lack of her  
14 own credibility.

15 As detailed in his Emergency Motion, Jim does not disagree that the  
16 children, primarily Hannah and Matthew, misbehave surrounding the  
17 custodial exchanges. However, Jim has custody of the children a vast  
18 majority of the time, and the children typically return to their normal,  
19 happy, and well behaved demeanor within twelve (12) hours of returning  
20 to his custody. The December 2019 incident in which the children ran  
21 away from Jim's home is an anomaly and the only time in the past seven  
22 (7) months that the children have misbehaved in such a way. It is also not  
23 a coincidence the children ran away two days after being returned from  
24 Minh. Minh attempts to use this situation as an example of "the length  
25 to which the children would go to be with their mother," which, if she truly  
26 believes this, is incredibly heartbreaking for the children who do not have  
27 a mother who would put their best interests before hers. Minh attempts  
28 to demonstrate how much the children miss her, but refuses to accept they

1 were put in this situation of having to miss her because she choose  
2 California over them. Minh refuses to take responsibility for her decision.  
3 Ironically, Minh blames Jim for her decision to leave the children.

4       Minh also falsely states that upon arriving at Lake Las Vegas after the  
5 children called her from the guard station when they ran away from Jim's  
6 home, she requested to enter Jim's house so she could check on the  
7 children and Jim "shut the door in her face."<sup>1</sup> This is an example of  
8 Minh's distortion of the truth. Minh never arrived at Jim's home and  
9 asked to enter the house so it was not even possible for Jim to shut a door  
10 in her face. Minh only made it as far as the Lake Las Vegas guard station.  
11 When she arrived there, Minh asked that Jim let her through the guard  
12 gate. Jim was busy talking to the police who had arrived at his home and  
13 simultaneously trying to get the three children ready for school. Taking  
14 into account how the children act during custodial exchanges when Minh  
15 is present, Jim knew it would have caused more of a disruption to allow  
16 Minh in his home at that time, especially while Jim was attempting to get  
17 the children to school on time. Most notable about Minh's account of this

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19                   <sup>1</sup> Minh claims her counsel contacted Jim's counsel to discuss the incident  
20 and Jim's counsel "initially disclaimed any knowledge as to what happened." Minh  
21 then contends that "Jim's counsel later tried to claim that they 'knew of what happened  
22 shortly after it occurred.'" Minh's Motion, pg. 6 n. 5. This is yet another example of  
23 how Minh misrepresents facts. On December 17, 2019, Minh's counsel, Fred Page,  
24 contacted The Dickerson Karacsonyi Law Group offices to discuss the incident. Robert  
25 Dickerson was out of town at the time so Sabrina Dolson spoke to Mr. Page. Ms.  
26 Dolson informed Mr. Page she had not discussed the incident with Jim, and would  
27 have to get back to Mr. Page. Shortly thereafter, Ms. Dolson learned Jim had called  
28 Mr. Dickerson on his cellular telephone on December 17 to discuss the incident. Mr.  
Dickerson sent a letter to Mr. Page on December 23, 2019, explaining he had spoken  
to Jim the day the children ran away, but he was out of town and had not yet relayed  
such information to Ms. Dolson. **Exhibit 1**, December 23, 2019 Letter to Fred Page.  
Despite providing this clarification, Minh essentially accuses Jim's counsel of lying  
about their knowledge of the incident, stating "Jim's counsel later tried to claim that  
they 'knew of what happened shortly after it occurred.'" It is unclear for what benefit  
Minh misrepresents such facts, but she clearly believes whether Jim's counsel had  
knowledge of the incident on the day it occurred is somehow helpful to her request for  
modification of child custody.

1 morning, Minh does not deny she did not immediately call Jim to notify  
2 him the children had run away and called her.

3       Minh has also now made a new allegation of abuse she has never  
4 mentioned before—that Jim choked Hannah by pulling her purse, which  
5 was around her neck, and pulling the collar of her shirt after she ran away.  
6 Minh expects this Court to believe that although she has never before  
7 raised any examples of Jim having violent tendencies in the ten (10) years  
8 they raised their children together, now, after being awarded primary  
9 custody, Jim has all of a sudden become a violent person. Jim has never  
10 choked Hannah by pulling on her purse or collar. Jim simply took  
11 Hannah’s cell phone away from her. Hannah did attempt to prevent Jim  
12 from doing so and kicked him in the jaw, but Jim never choked, pulled, hit,  
13 or harmed Hannah in any way. Hannah even spoke to the police privately,  
14 without Jim present, less than an hour after Jim took her cell phone away.  
15 Hannah never made any mention that Jim had choked her or hurt her in  
16 any way to the police.

17       Minh also claims Jim twisted Selena’s arm during a custodial  
18 exchange, which prompted her to call the Henderson Police Department  
19 and make a statement. Not surprisingly, this is also the first time Jim or  
20 his counsel have been notified of this incident, that the police were called,  
21 or that Minh felt it appropriate to make a statement. If Minh was  
22 honestly concerned about the well-being of the children in Jim’s care, she  
23 would have addressed these issues immediately. She did not because she  
24 is simply trying to “build” a case to modify custody.

25       It is now quite clear Minh has been setting up her case since  
26 December 2019. Minh’s counsel, Fred Page, sent a letter to Jim’s counsel  
27 on December 19, 2019, to address the children running away and to  
28 provide the exact same arguments Minh now includes in her Motion, albeit

1 without any reference to any abuse committed by Jim, to suggest a change  
2 of custody was warranted. Exhibit 2, December 19, 2019 Letter from  
3 Fred Page. This letter is essentially a summary of Minh's current Motion,  
4 a foreshadowing of her plans to come. Minh was likely advised that the  
5 reasoning provided in the December 19, 2019 letter was not sufficient to  
6 modify custody, which likely led to Minh's current allegations of domestic  
7 violence. There is absolutely no mention of Jim choking Hannah in this  
8 letter, and the first time this allegation has been made is in Minh's Motion.

9        Minh seems to believe that because the children miss her and struggle  
10 leaving her, they must not be thriving with Jim. This could not be further  
11 from the truth. Of course the children miss their mother. Of course the  
12 children are happy to see her for her one weekend visitation each month.  
13 Of course the children struggle emotionally with leaving their mother at  
14 the custodial exchanges. The children went from having a mother involved  
15 in their every day lives to having a mother they see approximately a few  
16 days every month. This is normal behavior for children who have been  
17 forced to adjust to a completely new situation because they, unfortunately,  
18 have a mother who would rather live in California than live near them.

19        Contrary to Minh's allegations, at custodial exchanges, Jim does not  
20 simply tell Minh to bring the children in and leave, and then return to his  
21 home to watch television. Jim spends a considerable amount of time trying  
22 to persuade the children to come into the house. His efforts are not  
23 encouraged by Minh. What Minh further fails to advise the Court is that  
24 Jim often has one child, typically Selena and sometimes Matthew, in the  
25 house while Hannah and/or Matthew refuse to come in. This requires that  
26 Jim supervise Selena inside the house until Hannah and Matthew are ready  
27 to come inside. Typically, Jim will turn the television on for Selena so he  
28 . . .

1 is able to make additional attempts to talk to Hannah and Matthew and  
2 to persuade them to come inside.

3       Minh also continues to misrepresent to the Court that Jim placed a  
4 surveillance camera or recording device in Hannah's room. There is no  
5 such surveillance camera or recording device in Hannah's room, and Minh  
6 was informed of this in December 2019. Nevertheless, Minh accomplished  
7 her goal of making Hannah feel uncomfortable in her own bedroom. In a  
8 footnote of her Motion, Minh acknowledges Jim denied placing a  
9 surveillance camera in Hannah's room, and accuses him of representing  
10 that the surveillance camera was placed outside of the house near a window  
11 outside of Hannah's bedroom. There is also no surveillance camera  
12 outside of Jim's house near Hannah's window, and Jim never made any  
13 such statement. On December 23, 2019, Mr. Dickerson sent a letter to  
14 Mr. Page informing him there is no camera or other video device, or any  
15 audio or recording device, in Hannah's room. Exhibit 1. Mr. Dickerson  
16 requested Mr. Page ask Minh to cease trying to create fear in Hannah and  
17 the other children. Mr. Dickerson's request was obviously not heeded as  
18 Minh's most recent actions demonstrate.

19       Minh also makes outrageous allegations that Jim does not provide  
20 the children with privacy when they speak to her and requires the children  
21 to use an earpiece when speaking with her so that he is able to listen in on  
22 their conversations. Minh claims one earpiece is in the child's ear and one  
23 is in Jim's so that he can monitor the communications. This is absolutely  
24 false. This fabrication is on par with Minh's false allegations of domestic  
25 abuse, which has no basis in truth and is contradicted by the audio  
26 recording Jim fortunately had the foresight to take. Jim also does not  
27 record the children's conversations with Minh.

28 . . .



1 Jim also does not routinely take away the children's iPhones and  
2 iPads, and certainly not to prevent them from talking to Minh. Since  
3 having primary physical custody, Jim has only taken away Matthew's iPad  
4 twice and Hannah's cell phone three times as consequences for their  
5 behavior. Jim took away Hannah's cell phone and Matthew's iPad when  
6 the children ran away on December 17, 2019, and another time when the  
7 children were misbehaving toward each other in the parking lot at church.  
8 Jim took Hannah's cell phone from her another time when Hannah had a  
9 fight with Selena. Apart from these occasions, Jim has not taken the  
10 children's electronics from them. During these instances, Jim allowed the  
11 children to communicate with Minh on his cell phone or the land line at  
12 his house. Even when the children have their electronics, they are always  
13 permitted to communicate with Minh via Jim's cell phone and land line.

14 At the evidentiary hearing on custody, Minh claimed the children  
15 were failing to thrive academically with the parties sharing joint physical  
16 custody at that time, which was untrue. Minh is again claiming the  
17 children are failing to thrive academically, which is still untrue. Minh  
18 claims Hannah's grades have dropped from A's and B's to C's, D's, and an  
19 F. Hannah has struggled with school since third grade, long before the  
20 parties separated. Hannah also struggled more after she moved from Coral  
21 Academy to Challenger as Challenger is much more difficult. However,  
22 Hannah's grades have not dramatically decreased as Minh's contends.  
23 Even the exhibit Minh attaches to her Motion does not support her  
24 assertion. The Achievement Report attached as Exhibit C to Minh's  
25 Motion, and Exhibit 3 to this Opposition, shows that for the period of  
26 August 19, 2019 to December 22, 2019, Hannah had one B+, two B's,  
27 three B-'s, one C+, one C-, and two D's. Hannah has earned similar  
28 grades since transferring from Coral Academy to Challenger, prior to the

1 parties' separation and while they shared joint physical custody. Hannah's  
2 Mid-Term Notice for Term 2 of fourth grade, which was the period of  
3 January 7, 2019 to June 7, 2019 shows that Hannah had one B+, three  
4 B's, one B-, one C+, one C-, one D, and one F. Exhibit 4, Mid-Term  
5 Notice for Hannah Vahey.

6 Minh makes similar misrepresentations regarding Matthew's grades,  
7 claiming he went from being a straight A student to now earning B's and  
8 C's. The Achievement Report for Matthew Vahey, which Minh attached  
9 as Exhibit D to her Motion and is attached to this Opposition as Exhibit  
10 5, also does not show that Matthew's grades have suffered since Jim was  
11 awarded primary physical custody. The Achievement Report Minh  
12 attached to her Motion shows that for the period of August 19, 2019 to  
13 December 22, 2019, Matthew had two A's, one A-, two B+'s, two B's, two  
14 B-'s, and one C. Matthew's grades have actually improved since Jim has  
15 had primary physical custody. When the parties' shared joint physical  
16 custody, Matthew's Mid-Term Notice for Term 2 of third grade, which was  
17 the period of January 7, 2019 to May 29, 2019, shows that Matthew had  
18 one B+, three B's, one B-, one C+, one C-, one D, and one F. Exhibit 6,  
19 Mid-Term Notice for Matthew Vahey. The children's grades have not  
20 decreased and the children are not failing to thrive as Minh alleges.

21 Jim continues to support the children with their homework, and the  
22 children are receiving tutoring at school as well as at home with a private  
23 tutor. Jim ensures the children have the necessary resources to excel in  
24 school, and a healthy environment to support the children's ability to  
25 learn. Jim ensures the children eat healthy, are well nourished, sleep  
26 enough hours each night, have all required school supplies, arrive to school  
27 on time, have tutoring available when needed, and parental support to  
28 complete their homework and school projects. Jim understands it is the

1 children's responsibility for their school performance and homework, as  
2 well as their behavior at school. Jim has consistently provided everything  
3 they need to succeed.

4 Essentially, the only evidence provided by Minh in support of her  
5 request for this Court to reconsider its custody order, which was entered  
6 only seven (7) months ago, are the children's grades, which have not  
7 suffered and have actually improved for Matthew, copies of the police  
8 reports she only began making once she retained her new counsel, and a  
9 false allegation of domestic violence. It is not a coincidence that these  
10 issues have arisen since Minh retained new counsel; this is clearly a new  
11 strategy to attempt to overturn this Court's custody decision.

12 Regarding Minh's allegation of domestic abuse on March 20, 2020,  
13 Minh continues to misrepresent the facts. First, Minh states that her RV  
14 was parked in front of Jim's garage. Minh's RV was actually not in Jim's  
15 driveway. It was parked at the apron of Jim's driveway and remained on  
16 the street, approximately 50 feet from Jim's garage. The RV's position is  
17 clear in the video recording Jim attached to his Emergency Motion as  
18 **Exhibit 13**. Minh states that "Jim refused to even hold the ladder and  
19 simply watched Minh get the board." Jim was with the children while  
20 Minh went to look for the windsurf board she mistakenly believed she had.  
21 Minh did not ask Jim to hold the ladder for her, and Jim did not refuse any  
22 such request. This is evident on the audio recording and transcript of  
23 same, which is attached as **Exhibit 12** to Jim's Emergency Motion.

24 Minh claims that after she got her windsurf board down, "Jim  
25 changed his mind and told Minh that the board was his now and that  
26 Minh was 'not allowed to take it.'" It is clear from the audio recording of  
27 this event that Minh never took her windsurf board, but rather took Jim's  
28 kitesurf board. Minh acknowledges in the audio recording that she knew

1 she had the wrong board. After Jim tells Minh she has his kitesurf board,  
2 and not her windsurf board, Minh states: “Well, then you need to go up  
3 there and get my board.” Emergency Motion, Exhibit 12. Minh tells Jim  
4 to “get her board” a total of eleven (11) times. The fact that Minh tries to  
5 now represent to the Court that she was actually in possession of her  
6 windsurf board and Jim changed his mind and told her “the board was his  
7 now” is yet another example of Minh’s total lack of credibility. Minh will  
8 lie whenever it suits her. Here, she wanted the police and this Court to  
9 believe Jim was preventing her from taking her property when she knew  
10 she was trying to take Jim’s board.

11 Minh also asserts that Jim “looked like he was going to hit her and  
12 charged at her aggressively and tried to wrest the board from her. Minh  
13 further advises that Jim battered her and pushed her several times, and  
14 eventually ripped the board away from her, yelling at her, “the board is  
15 mine.” The audio recording and transcript do not support Minh’s  
16 “version” of the event. After Jim noticed Minh had taken his kitesurf  
17 board down, he walked to the garage and stated: “Nguyet. Nguyet. That’s  
18 a kitesurfing board. That’s mine. That’s a kitesurfing board.” Emergency  
19 Motion, Exhibit 12. Jim does not even raise his voice when talking to  
20 Minh. The parties had an entire discussion regarding the fact that the  
21 board Minh had taken down was not a windsurf board, but was Jim’s  
22 kitesurf board. Minh told Jim multiple times to get her board and Jim  
23 informed Minh multiple times he did not think she had a windsurf board  
24 and he did not know where her board was, if she did have one. Both  
25 parties were holding onto the board during this conversation. Despite  
26 knowing she had taken down Jim’s kitesurfing board, Minh did not release  
27 the board to Jim. Jim never charged at Minh aggressively or tried to wrest  
28 the board from her.

1 Even after Minh began smashing the tail of the board on the garage  
2 floor, Jim does not raise his voice or become aggressive in any way. Jim  
3 states to Minh: "You're breaking it now? Let go of my board. Let go of  
4 my board. Oh my gosh. Let go of the board. Get out. Get out. Oh,  
5 Nguyet. You are such a baby. Get out of here. Get out of here. You're  
6 an immature, narcissistic baby. Get out." Minh replies, "that's funny."  
7 Minh never felt threatened by Jim because she was the aggressor.  
8 Emergency Motion, Exhibit 12.

9 Minh contends that after Jim "threw the board inside the house," he  
10 "pushed her and then pushed her again causing the ladder to fall over, and  
11 nearly strike his car." The audio recording and transcript do not support  
12 Minh's misrepresentations. After Minh finally released Jim's kitesurfing  
13 board, Jim again tells Minh, "get out! Get out. Get out. Get out. Get  
14 out." There are then loud noises on the audio recording, which is when  
15 Minh picks up the aluminum handle and starts hitting Jim's car with it.  
16 After Jim takes the aluminum handle from Minh to stop her from hitting  
17 his car, he places it in front of his vehicle to keep it out of her reach. Minh  
18 then tries to tip the ladder onto Jim's vehicle, which Jim was able to stop  
19 before it hits his vehicle. Throughout this entire event, Jim's statements  
20 evidence he is not the aggressor and he is trying to get Minh to leave his  
21 garage. At one point, Jim states: "Oh my God! Get out of here. Now!  
22 Get out." At another point, Jim states: "Golly, Nguyet." Minh, on the  
23 other hand, taunts Jim, stating, "go ahead, hit me," to which Jim replies, "I  
24 would never hit you." Emergency Motion, Exhibit 12. Jim's tone and  
25 statements are not the reaction of an aggressive person who is pushing  
26 another person into a ladder. This is the reaction of someone watching  
27 another person damage their property. Jim's tone demonstrates he is in  
28 disbelief by Minh's actions and he pleads with her to leave his garage.

1 Notably, there is no mention in Minh's Motion of Minh trying to hit  
2 Jim's car with the aluminum handle or of her smashing Jim's ladder against  
3 the wall of his house and the marble floor near his garage door. Minh  
4 must have conveniently left these parts out because according to Minh's  
5 account of the event, Jim pushed her after placing the ladder in his home  
6 and screamed at her to get out of his home, and she walked back to her  
7 vehicle. Minh's false allegations are not supported by the audio recording  
8 and transcript, as detailed above and in Jim's Emergency Motion.

9 Minh asserts that the children were "percipient witnesses" and were  
10 separately interviewed by police to ensure their statements were consistent.  
11 Based on Minh's past conduct demonstrating she has no reservations  
12 discussing inappropriate matters with the children, Jim believes Minh  
13 likely informed the children of her version of the event. Minh did not  
14 immediately leave his house after he started video recording her and she  
15 finally left his garage. Jim was inside his house watching Minh's RV to  
16 make sure she left his property. Minh stayed in her RV at the apron of  
17 Jim's driveway for approximately ten (10) minutes. Jim believes Minh  
18 used this time to tell the children what she wanted them to believe had  
19 occurred. Whether the children's statements were consistent has no  
20 bearing on the accuracy of what actually occurred. The children are young  
21 and impressionable. They have no reason to believe their mother would  
22 lie to them, which is how Minh was able to convince Matthew and Hannah  
23 that there was a family plan to move to California. Jim even questions  
24 whether he and Minh were visible to the children from where the RV was  
25 parked. The following day after the incident, Jim took a photograph from  
26 where the RV was parked looking into the garage at approximately the  
27 same time the incident occurred (i.e., 4:00 p.m.). Attached as Exhibit 7  
28 is a photograph showing how dark it is in the garage from where the RV

1 was parked. It is highly unlikely the children would have been able to see  
2 Jim and Minh, especially when Minh was hitting Jim's car and trying to  
3 smash the ladder against his wall and floor as these occurred at the back  
4 of the garage.

5 The children continue to be manipulated and coached by Minh and  
6 used as pawns in her game to change custody. It is truly disturbing how  
7 Minh is psychologically harming these children. Minh asserts that "Selena  
8 refuses to go outside because she associates going outside with having to  
9 go back to Jim." Jim does not believe this is true. If there is any truth to  
10 this allegation, Minh has unfortunately done more harm to their children  
11 than even Jim anticipated. Selena has typically been the most well  
12 behaved at the exchanges, readily coming inside his home while the two  
13 oldest stay in Minh's vehicle. Jim recently spoke to the children, after  
14 Minh's counsel sent a letter stating Minh would allow Jim to have  
15 supervised telephonic contact with the children for up to five (5) minutes  
16 each on Mondays, Wednesdays, and Fridays. **Exhibit 8**, March 31, 2020  
17 Letter from Fred Page. While Jim appreciates the ability to speak to his  
18 children, such an offer is completely contrary to Minh's past actions and  
19 likely only being offered for the purposes of attempting to show the Court  
20 Minh's ability to facilitate the children's relationship with their father.

21 Minh's false allegations of abuse resulted in Jim being arrested, which  
22 was a traumatic event for Jim who has never been arrested.<sup>2</sup> Minh also  
23 obtained a Temporary Protection Order ("TPO") to prevent Jim from  
24 seeing the children. Jim is not a violent person and has never abused Minh  
25 or the children. Jim even raised concerns of Minh's methods of punishing  
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27 <sup>2</sup> Minh contends that Jim had the Henderson Police Department call her  
28 on the Saturday after he was arrested to bail him out of jail. Jim did no such thing.  
Jim called his brother. It also does not make sense that the Henderson Police  
Department would call Minh on Jim's behalf to ask that she bail him out.



1 the children at the evidentiary hearing because he did not agree with  
2 corporal punishment. Minh raised no such concerns about Jim's methods  
3 of punishment or any aggressive or abusive behavior during the parties'  
4 marriage at the evidentiary hearing, but now wants the Court to believe  
5 Jim has basically become a completely different person. Minh wants this  
6 Court to believe that she—a person who is aggressive, angry, and  
7 vindictive—is afraid of Jim all of a sudden.

### 8 **III. LEGAL ARGUMENT**

#### 9 A. The Court Should Deny Minh's Request to Extend the TPO and 10 Order the TPO be Dissolved

11 NRS 33.020 provides:

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

20 Domestic violence occurs when a person commits battery against the  
21 person's spouse. NRS 33.018(1)(a). Minh has falsely alleged Jim  
22 committed an act of battery against her, which led to her filing the police  
23 report, Jim's arrest, and her being granted the TPO. Jim should have never  
24 been arrested and the TPO should have never been granted. Minh  
25 obtained the TPO by falsely reporting Jim pushed her during the March  
26 20, 2020 incident in which she tried to take his kitesurf board from his  
27 home. The audio and video recordings demonstrate Minh was the  
28 aggressor and attacked Jim and his property in his garage. Minh is  
requesting the Court extend the TPO for an indefinite period of time,  
"until the criminal matter is resolved," "[t]o protect the integrity of the  
criminal investigation and prosecution, and thereby protect Minh and the

1 children's best interests." Preventing Jim from having contact with his  
2 children, who he has primary physical custody of, would only serve as a  
3 grave miscarriage of justice given the false allegations upon which this  
4 request relies. This would also allow Minh to continue to manipulate and  
5 coach the children.

6 Minh's attempts at making it seem as if Jim has all of a sudden  
7 become a violent person and the children are suddenly fearful of him are  
8 completely baseless. Minh did not allege Jim was violent or abusive in any  
9 way at any time prior to or at the evidentiary hearing. After Hannah ran  
10 away, Hannah did not inform the police Jim had choked her by pulling her  
11 purse or her collar in any way. The police spoke privately to Hannah  
12 immediately after she ran away and after Jim had taken her cell phone  
13 away from her as a consequence for her actions. The first time Minh even  
14 made the allegation that Jim choked Hannah is in her Motion. In  
15 addition, Minh claims that although March 20, 2020 is the first time she  
16 went to the police, it "was not the first time Jim has been violent toward  
17 her and battered her." Yet, Minh provides no examples of Jim's purported  
18 past violence. That is because there are no examples. Jim is not a violent  
19 person. Jim is not an angry person. Jim is not a resentful person. Minh,  
20 on the contrary, is.

21 Minh has failed to demonstrate in her Motion that Jim is a threat to  
22 the children's safety. Jim has not spoken to the children about the parties'  
23 divorce or the matters being litigated. Jim will absolutely not speak to the  
24 children about the March 20, 2020 incident. Jim does not even believe the  
25 children actually witnessed Minh's rampage. As Minh has done before,  
26 Jim is aware Minh likely relayed to the children her version of the incident  
27 and the children are merely parroting what Minh told them. This Court  
28 noted it received evidence at the evidentiary hearing that demonstrated

1 Minh had discussed the dispute with the parties' children and advised  
2 them to discuss same with their father. Decision and Order, pg. 11, lines  
3 18-27. This Court determined that Minh's dialog with the children "has  
4 the potential to alienate the children from their father." Decision and  
5 Order, pg. 12, lines 5-6. Jim believes Minh similarly discussed the March  
6 20, 2020 incident with them when she stayed in her RV for ten (10)  
7 minutes after finally leaving his garage. There is no evidence Jim would do  
8 the same and speak to the children about these adult matters. Jim is more  
9 concerned that the children resume therapy as soon as possible so that  
10 they can receive the help they need in processing the last few weeks.

11 Given the audio and video recordings do not support Minh's  
12 allegation that Jim committed domestic abuse or that there exists a  
13 continued threat of domestic violence, this Court should deny Minh's  
14 request to extend the TPO. It is apparent Minh is attempting to use the  
15 TPO as a sword rather than a shield. There was no basis upon which the  
16 TPO should have been granted and this Court should now dissolve it.

17 B. The Court Should Deny Minh's Request for Temporary Sole Legal  
18 and Sole Physical Custody Until the Criminal Matter is Resolved and  
19 Deny Minh's Request for an Evidentiary Hearing to Permanently  
20 Modify Custody as Minh Has Failed to Demonstrate Adequate  
21 Cause Pursuant to *Rooney v. Rooney* for This Court to Hold a Hearing

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. This Court has  
discretion to deny Minh's motion to modify custody without holding a  
hearing based on the fact Minh has failed to demonstrate adequate cause

1 to hold a hearing. *Rooney v. Rooney*, 109 Nev. 540, 542, 853 P.2d 123, 124  
2 (1993).

3 'Adequate cause' requires something more than allegations  
4 which, if proven, might permit inferences sufficient to establish  
5 grounds for a custody change. 'Adequate cause' arises where  
6 the moving party presents a prima facie case for modification.  
7 To constitute a prima facie case it must be shown that: (1) the  
8 facts alleged in the affidavits are relevant to the grounds for  
9 modification; and (2) the evidence is not merely cumulative or  
10 impeaching.

11 *Id.* at 543, 853 P.2d at 125 (citing *Roorda v. Roorda*, 25 Wash. App. 849,  
12 611 P.2d 794, 796 (1980)). Minh has not presented a prima facie case for  
13 modification as a majority of the "facts" alleged are false. Jim did not  
14 commit any act of domestic violence and the children are not failing to  
15 thrive in Jim's care.

16 More importantly, it would absolutely not serve the children's best  
17 interest for Minh to be awarded primary physical custody permanently, or  
18 even sole legal and sole physical custody temporarily. Pursuant to NRS  
19 125C.0035(4), in determining the best interest of the minor child, the  
20 Court shall consider and set forth its specific findings concerning, among  
21 other things:

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

24 Hannah is eleven (11) years old, Matthew is nine (9) years old, and  
25 Selena is six (6) years old. Although Hannah is the oldest, she appears to  
26 be the child most affected by Minh's alienation and manipulation, and has  
27 been exhibiting the most behavioral issues. Furthermore, this Court found  
28 less than seven (7) months ago that "[n]one of the children are of sufficient  
age to form a preference." Decision and Order, pg. 11, lines 1-4. Nothing  
has changed in the past several months to suggest any of the children are  
...

1 now of sufficient age and capacity to form an intelligent preference as to  
2 their physical custody.

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

4 Minh actually argues that because she has historically been the  
5 primary caregiver for the children, Jim has nominated her to be the  
6 primary caregiver. This argument is absurd and borderline comical. Minh  
7 was given the choice to share joint physical custody with Jim and she  
8 choose to move to California instead. Yet, Minh has the audacity to  
9 accuse Jim of being a “disinterested” parent. Minh’s decision to only have  
10 limited visitation with her children, despite being given the opportunity to  
11 share joint physical custody, demonstrates her nomination of Jim to be the  
12 children’s primary physical custodian.

13 Even when the parties previously shared joint physical custody, prior  
14 to Minh choosing California over her children, the Court found that “both  
15 parties are dedicated to raising their children” and “both parents have been  
16 involved in managing the children’s daily routines, sharing responsibilities  
17 for supervision, guidance, and education.” Decision and Order, pg. 10,  
18 lines 5-21. This Court specifically found that Minh’s “allegation that  
19 James Vahey was a disengaged or neglectful parent, or that she was the  
20 primary parent or the more suitable parent, was not credible, and was not  
21 supported by sufficient proof.” Decision and Order, pg. 10, lines 11-16.  
22 The fact that Minh can assert to this Court with a straight face that Jim  
23 nominated her to be the children’s primary caregiver, after she specifically  
24 denied her option to share joint physical custody, should demonstrate to  
25 this Court how unreasonable Minh truly is.

26 . . .

27 . . .

28 . . .

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

3 Jim is the parent more likely to allow the children to have a frequent  
4 and continuing relationship with the other parent, which this Court found  
5 after hearing the testimony and receiving the evidence at the evidentiary  
6 hearing in August and September 2019. Decision and Order, pg. 11, lines  
7 11-13. The Court raised its concerns that Minh's negative attitude toward  
8 Jim based on his refusal to allow her to move to California has caused her  
9 to negatively influence the children's relationship with Jim. Decision and  
10 Order, pg. 11, lines 13-17. The Court noted it received evidence  
11 demonstrating Minh had discussed the dispute with the parties' children  
12 and advised them to discuss same with their father. Decision and Order,  
13 pg. 11, lines 18-27. The Court determined that Minh's dialog with the  
14 children "has the potential to alienate the children from their father."  
15 Decision and Order, pg. 12, lines 5-6. The Court further stated it "is  
16 concerned that Minh Luong's decision to live in California is intended to  
17 create a distance between the parties, and to create a distance between the  
18 children and their father, to avoid the sometimes tedious and inconvenient  
19 aspects of co-parenting." Decision and Order, pg. 19, lines 3-8. The Court  
20 found that Minh's "intention to move is, in part, to deprive [Jim] of [his]  
21 parenting time." Decision and Order, pg. 18, lines 13-15.

22 As discussed in detail in his Emergency Motion, the Court's concerns  
23 have been realized. Minh has continued to refuse to speak to Jim, at least  
24 civilly, in the children's presence. When Minh does communicate with  
25 Jim, she disparages him in front of the children. On March 1, 2020, in  
26 front of Matthew and Hannah, Minh told Jim he was beneath her, beneath  
27 dirt, and that she did not have to speak to him. Emergency Motion,  
28 **Exhibit 1**. With Hannah and Matthew still present, Minh stated to Jim:

1 “You’re selfish. You selfish SOB. I don’t want to look at your face. I  
2 don’t want to see you. Do you know that? You’re just beneath dirt.  
3 Unbelievable.” Emergency Motion, Exhibit 1. Minh even refuses to sit  
4 with Jim at school events for the children. During Selena’s Christmas  
5 performance, after Jim sat down next to Hannah and Minh, Minh took  
6 Hannah and moved to a different area far from Jim. Minh has no intent  
7 on facilitating the children’s relationship with Jim.

8 Minh does not help the children understand they must go with Jim  
9 at the custodial exchanges. Rather, Minh is smug when the children  
10 misbehave. Minh comforts the children as if she is helpless to change the  
11 custodial timeshare, even though this is the custodial timeshare Minh  
12 chose. Minh also has the children keep secrets from Jim, teaching them an  
13 “us” versus “him” mentality. When Jim asks the children about their  
14 weekend with their mother, the children are secretive and uncomfortable.

15 Based on the foregoing, Minh is not the parent more likely to allow  
16 the children to have a frequent and continuing relationship with the other  
17 parent. Minh shows her disdain for Jim in front of the children.

18 (d) *The level of conflict between the parents*

19 After the evidentiary hearing, the Court found the parties had  
20 moderate conflict, but communicated well enough to address the children’s  
21 daily needs. Decision and Order, pg. 12, line 21, to pg. 13, line 4. The  
22 Court noted Minh’s insistence on communicating only via text message  
23 and Jim’s testimony that Minh does not speak to him verbally, even in  
24 front of the children. Decision and Order, pg. 12, lines 25-28. The parties  
25 have continued to communicate primarily via text message as Minh still  
26 refuses to have any cordial in person communications with Jim. When  
27 Minh does communicate with Jim, she disparages him in front of the  
28 children, as detailed in the previous section and Jim’s Emergency Motion.



1 The conflict has now increased even further as a result of Minh attacking  
2 Jim and damaging his property in his garage, and then making a false  
3 allegations of domestic violence to the Henderson Police Department  
4 resulting in Jim's arrest. Minh's request that the TPO be extended for an  
5 indefinite period of time, until the criminal case is resolved, further  
6 demonstrates the level of conflict as she believes it is appropriate to  
7 prevent Jim from seeing his children and prevent him from communicating  
8 with her regarding their well-being.

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

10 The Court found the parents have the ability to cooperate to meet  
11 the needs of the children despite Minh's testimony that she cannot co-  
12 parent with Jim. Decision and Order, pg. 13, lines 11-17. On March 1,  
13 2020, Minh would not even communicate with Jim regarding whether the  
14 children had eaten dinner. When Jim asked whether the children had  
15 eaten, Minh replied: "Don't talk to me." Emergency Motion, Exhibit 1.  
16 Hannah and Matthew were present.

17 Minh cannot even cooperate with Jim when it is solely for the  
18 children's benefit. For instance, Jim described in his Emergency Motion  
19 that he provided the children's ski gear to Minh for a ski trip she planned  
20 with the children. When Jim asked Minh to return the ski gear because he  
21 had a ski stip planned with the children, his brother, and his nephew,  
22 Minh refused to do so. Jim ended up having to purchase new ski gear for  
23 the children. Minh also demonstrated her inability to cooperate to meet  
24 the children's needs when she informed Jim, within a week of this Court  
25 entering its Decision and Order, that she would no longer support the  
26 children's involvement in the extracurricular activities in which they were  
27 enrolled at that time and would not contribute to the cost. Minh also has  
28 not financially supported the children's private school education as she

1 refuses to reimburse Jim for one-half the cost, as ordered by the Court. In  
2 addition, Minh refuses to pay for one-half of the children's health  
3 insurance and one-half of the expenses not covered by health insurance.

4 Minh has further failed to cooperate to meet the children's needs  
5 when it comes to the therapy the parties agreed the children needed in July  
6 2019. Minh actually tries to use the children's participation in therapy as  
7 a reason custody should now be modified, claiming "[t]he children are  
8 seeing a counselor because they are living with Jim." The parties' children  
9 have been participating in therapy since July 2019, when the parties agreed  
10 the children needed therapy to cope with their divorce. Minh's prior  
11 counsel even drafted the Stipulation and Order Appointing Dr. Michelle  
12 Gravley as Children's Therapist, filed on July 30, 2019. The children are  
13 not in therapy because they are living with Jim, and why Minh would  
14 make such an allegation knowing the children began therapy when the  
15 parties were sharing joint physical custody is unknown. Minh is now  
16 refusing to take the children to therapy and informed Dr. Gravley that she  
17 will not pay for one-half the cost of such therapy. Although Jim agrees the  
18 children need a new therapist who specializes in alienation and  
19 manipulation, such as Bree Mullins, he does not agree that the children  
20 should cease attending therapy with Dr. Gravley until a new therapist is  
21 chosen.

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

23 Jim has valid concerns for Minh's mental health and believes her  
24 mental health may be the underlying cause of Minh's recent aggressive  
25 actions and her inability to coparent with him. The fact that Minh has  
26 compromised the children's psychological health for her own selfish needs  
27 is extremely concerning. This is why Jim has requested that Minh be  
28 required to participate in therapy with the children.

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

2           Although this Court found in September 2019 that the children's  
3 physical, developmental, and emotional needs are being met, Jim is  
4 concerned Minh's behavior toward him in front of the children and her  
5 manipulation and alienation of the children has psychologically harmed  
6 the children. Apart from the emotional harm Minh's actions have on the  
7 children, Jim has been meeting the children's physical, developmental, and  
8 emotional needs. Jim has continued to encourage the children's  
9 participation in the extracurricular activities they enjoy, despite Minh's  
10 withdraw of her approval and financial support of same.

11           Despite Minh's claims that the children's grades have dramatically  
12 declined, it is apparent based on a comparison of the children's grades  
13 when the parties shared joint physical custody to the children's grades for  
14 the first semester of the 2019-2020 school year, in which Jim had primary  
15 physical custody, that the children's grades have not dramatically declined.  
16 Matthew's grades have even improved. Hannah has historically struggled  
17 a bit more in school than Matthew, but she has nonetheless maintained  
18 similar grades. Selena does not earn grades yet, but has earned satisfactory  
19 marks in nearly all her classes. Exhibit 9, Challenger Achievement Report  
20 for Selena Vahey.

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

22           Jim is very closely bonded with the children. Minh only witnesses  
23 the children not wanting to leave her at custodial exchanges to support her  
24 conclusion that the children's relationship with Jim is poor. This could not  
25 be further from the truth. The children typically return to their normal,  
26 happy, well-behaved demeanor within approximately twelve (12) hours of  
27 being in Jim's care. The children are also closely bonded to Minh, which  
28 . . .

1 is why they have struggled with the custodial exchanges and adjusting to  
2 spending much less time with their mother.

3 (i) *The ability of the child to maintain a relationship with any sibling*  
4 Not applicable.

5 (j) *Any history of parental abuse or neglect of the child or a sibling of the*  
6 *child*

7 There is no history of parental abuse or neglect of the children  
8 although Jim previously raised his concerns for Minh's methods of corporal  
9 punishment. This Court found that "neither party proved parental abuse  
10 or neglect of the children." Decision and Order, pg. 14, lines 13-15. Jim  
11 denies ever choking Hannah by pulling on her purse or the collar of her  
12 shirt, and did not twist Selena's arm during a custodial exchange, as Minh  
13 alleges. It is significant that Minh never before raised any concerns about  
14 Jim being abusive to the children, but is now doing so because she believes  
15 making such allegations will support her request for a modification of the  
16 custody order this Court entered less than seven (7) months ago.

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

19 As discussed in detail in his Emergency Motion and above, Jim has  
20 never committed an act of domestic violence against Minh. Minh has  
21 simply made such false allegations because she believes doing so will  
22 support her plan to modify this Court's custodial orders.

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

25 Not applicable.

26 Based on the foregoing, it would not be in the children's best interest  
27 for Minh to be awarded temporary sole legal and sole physical custody or  
28 for the Court to grant Minh's request for an evidentiary hearing on

1 modification of the child custody orders the Court entered less than seven  
2 (7) months ago.

3 C. This Court Should Deny Minh's Request for the Children to Be  
4 Interviewed

5 Minh requests the Court allow the children to be "interviewed as to  
6 what they like and dislike at each house, how they rate their relationship  
7 with each parent, and how they are disciplined at each residence." Minh  
8 contends the children should be interviewed to "find out why Hannah and  
9 Matthew are running away, and why the children's grades are declining."  
10 As set forth above, Hannah and Matthew have run away once from Jim's  
11 home in the past seven (7) months. The reason they ran away is  
12 clear—they miss their mother, who chose to move to California without  
13 them. The children running away was an anomaly, and not a recurring  
14 event. The children's grades are also not declining, and Minh has failed to  
15 provide sufficient evidence to show anything to the contrary. Even the  
16 exhibits Minh attached to her Motion demonstrate the Hannah is  
17 receiving similar grades to when the parties were sharing joint physical  
18 custody, and Matthew's grades have improved. This request is an attempt  
19 to have the children, who are not of sufficient age or capacity to form an  
20 intelligent preference as to their physical custody as this Court found in its  
21 Decision and Order, choose between their mother and father.

22 Minh made a similar request in June 2019 when she filed  
23 Defendant's Motion for Order Permitting Minor Children to Testify at  
24 Evidentiary Hearing. The Court properly denied her motion then, and  
25 should do so now. In opposing Minh's motion in July 2019, Jim raised  
26 similar concerns that he continues to have regarding Minh's manipulation,  
27 alienation, and coaching of the children. The children are young and do  
28 not have the ability to distinguish between truth and falsehood regarding

1 the information their mother tells them. Hannah is only eleven (11) years  
2 old, Matthew is nine (9) years old, and Selena is six (6) years old. The  
3 children are too young to receive just impressions of whether they are  
4 being influenced, manipulated, and coached, and possess the ability to  
5 relate such impressions to the Court.

6 **IV. CONCLUSION**

7 Jim respectfully requests the Court deny Minh's Motion in its  
8 entirety.

9 DATED this 10<sup>th</sup> day of April, 2020.

10 THE DICKERSON  
11 KARACSONYI LAW GROUP

12 By */s/ Sabrina M. Dolson*  
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28

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 OPPOSITION  
8 TO DEFENDANT'S MOTION TO EXTEND TEMPORARY  
9 PROTECTIVE ORDER T-20-204489-T, TO CHANGE CUSTODY ON  
10 AN INTERIM BASIS, FOR AN INTERVIEW OF THE MINOR  
11 CHILDREN AND TO CHANGE CUSTODY ("Opposition"). I have read  
12 the Opposition prepared by my counsel and swear, to the best of my  
13 knowledge, that the facts as set forth therein are true and accurate, save  
14 and except any fact stated upon information and belief, and as to such  
15 facts I believe them to be true. I hereby reaffirm said facts as if set forth  
16 fully herein to the extent that they are not recited herein. If called upon  
17 by this Court, I will testify as to my personal knowledge of the truth and  
18 accuracy of the statements contained therein.

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

21                                    Executed on 4-10-2020

22  
23                                      
24 JAMES W. VAHEY



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 10<sup>th</sup> day of April, 2020, I caused the above and foregoing document entitled PLAINTIFF'S OPPOSITION TO 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 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:

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