

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

MINH NGUYET LUONG,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA, IN
AND FOR THE COUNTY OF CLARK, AND
THE HONORABLE DAWN THRONE,
DISTRICT COURT JUDGE,

Respondents,

and

JAMES W. VAHEY,

Real Party in Interest.

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

**PETITIONER'S
APPENDIX**

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APPENDIX INDEX

#	DOCUMENT	FILE STAMP DATE	PAGES
VOLUME I			
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
VOLUME II			
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
VOLUME III			
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
VOLUME IV			
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
VOLUME V			
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

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
VOLUME VI			
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

VOLUME VII

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
VOLUME VII			
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
VOLUME VIII			

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
VOLUME IX			
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
VOLUME X			
86.	Plaintiff's Amended Pretrial Memorandum	8/6/2020	AA001840 - AA002152
VOLUME XI			

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
VOLUME XII			
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
VOLUME XIII			
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
VOLUME XIV			
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
VOLUME XV			
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
VOLUME XVI			
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
VOLUME XVII			
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
VOLUME XVIII			
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

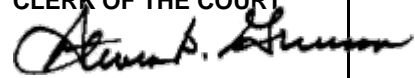
173.	Notice of Entry of Stipulation and Order	12/13/2021	AA003482 - AA003490
174.	Scheduling Order and Order Setting Civil Non-Jury Trial	12/12/2021	AA003491 - AA003493
175.	Stipulation and Order for Guardian Ad Litem	12/13/2021	AA003494 - AA003499
176.	Defendant's Exhibit Appendix in Support of December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

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

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

67

67



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 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

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 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.

Title/Description of Document	Exhibit Number
Notification of Service 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
March 27, 2020 Email from Sabrina M. Dolson, Esq. to Fred Page, Esq.	2
Earnest Money Deposit Checks Dated August 29, 2016 and April 24, 2017	3
December 15, 2019, Text Messages	4
January 26-28, 2020 Text Messages Regarding Ski Gear	5
Photographs of Ski Gear	6
January 22 and 24, 2020 Emails Exchanged Between Minh and Jim Regarding Reimbursement for Private School Tuition	7
Photograph of Check to Pay Challenger School Applicant Fees	8
Google Maps Showing Time to Drive from Challenger School to Bree Mullins' Office	9
Google Maps Showing Time to Drive from Challenger School to Jen Mitzel's Office	10
Psychology Today – Jen Mitzel	11
Psychology Today – Bree Mullins	12
March 14, 2020 Email from Jim to Minh Regarding Challenger School Tuition	13
December 19, 2019 Email from Jim to Minh Regarding Dr. Gravely's Bill	14
February 19, 2020 Text Message from Jim to Minh Regarding Hannah's Ophthalmology Appointment	15
March 3, 2020 Email from Jim to Minh Regarding Selena's Ophthalmology Appointment	16

3 DATED this 15th day of April, 2020.

4 THE DICKERSON
5 KARACSONYI LAW GROUP

6 By /s/ Sabrina M. Dolson
7 ROBERT P. DICKERSON, ESQ.
8 Nevada Bar No. 000945
9 SABRINA M. DOLSON, ESQ.
10 Nevada Bar No. 013105
11 1745 Village Center Circle
12 Las Vegas, Nevada 89134
13 Attorneys for Plaintiff
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[X] 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.

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

26
27
28

EXHIBIT 1

EXHIBIT 1

EXHIBIT 1

Sabrina Dolson

From: efilingmail@tylerhost.net
Sent: Friday, March 27, 2020 7:11 PM
To: Sabrina Dolson
Subject: Notification of Service for Case: D-18-581444-D, James W. Vahey, Plaintiffvs.Minh Nguyet Luong, Defendant. for filing Motion - MOT (FAM), Envelope Number: 5865248

Notification of Service

Case Number: D-18-581444-D
Case Style: James W. Vahey, Plaintiffvs.Minh
Nguyet Luong, Defendant.
Envelope Number: 5865248



This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

Filing Details	
Case Number	D-18-581444-D
Case Style	James W. Vahey, Plaintiffvs.Minh Nguyet Luong, Defendant.
Date/Time Submitted	3/27/2020 7:09 PM PST
Filing Type	Motion - MOT (FAM)
Filing Description	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
Filed By	Sabrina Dolson
Service Contacts	James W. Vahey: Sabrina Dolson (Sabrina@thedklawgroup.com) Robert Dickerson (Bob@thedklawgroup.com) Info info email (info@thedklawgroup.com) Edwardo Martinez (edwardo@thedklawgroup.com) Other Service Contacts not associated with a party on the case: Fred Page (fpage@pagelawoffices.com)

Document Details

Served Document	Download Document
This link is active for 30 days.	

EXHIBIT 2

EXHIBIT 2

EXHIBIT 2

Sabrina Dolson

From: Sabrina Dolson
Sent: Friday, March 27, 2020 7:49 PM
To: Fred Page
Cc: Bob Dickerson
Subject: Vahey v. Luong

Mr. Page:

Today, we filed Dr. Vahey'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, and an Appendix of Exhibits in Support of the Emergency Motion. There are two audio files and one video file included as exhibits that we could not serve electronically, and which are too large to email. We will be mailing you the audio and video files on a flash drive on Monday. However, if you have a Dropbox account or any other service in which you are able to receive large files, I can send you these files that way. Please let me know if you would like me to do so.

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

****Please note my email address has changed to 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.

NOTICE TO UNINTENDED RECIPIENTS: Information contained in this electronic transmission (e-mail) is private and confidential and is the property of The Dickerson Karacsonyi Law Group. The information contained herein is privileged and is intended only for the use of the individual(s) or entity(ies) named above. If you are not the intended recipient, be advised that any unauthorized disclosure, copying, distribution or the taking of any action in reliance on the contents of this (e-mail) electronically transmitted information is strictly prohibited. If you have received this (e-mail) electronic transmission in error, please immediately notify us by telephone and delete the e-mail from your computer. You may contact The Dickerson Karacsonyi Law Group at (702) 388-8600 (Las Vegas, Nevada).

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 3

EXHIBIT 3

EXHIBIT 3

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND, MICROPRINTING AND A VOID FEATURE PANTOGRAPH.

LUONG ESTATE MAJOR, LLC
27 VIA MIRA MONTE
HENDERSON, NV 89011

1026

75-7003/2919

DATE

8/29/16

PAY TO THE
ORDER OF

ESCROW

\$ 90,000

Ninty thousand 00/100

DOLLARS

MidCountry Bank
3240 E Tropicana Ave.
Las Vegas, NV 89119

FOR

Vacation home

Luong Minh Ngoc

AA001278

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND, MICROPRINTING AND A VOID FEATURE PANTOGRAPH.

LUONG ESTATE MAJOR, LLC
27 VIA MIRA MONTE
HENDERSON, NV 89011

1028
75-7003/2919

DATE 4/24/17

PAY TO THE ORDER OF Escrow \$ 150,000⁰⁰/₁₀₀ DOLLARS

MidCountry Bank
3240 E Tropicana Ave.
Las Vegas, NV 89119

FOR Vacation home ding Mitthysel

[REDACTED]

EXHIBIT 4

EXHIBIT 4

EXHIBIT 4

Sent - December 13, 2019 at 3:38 PM - (iMessage) - Delivered

The transfer is at 4:00 The police would tell you that

Received - Nguyet Luong - December 13, 2019 at 3:48 PM - (iMessage)



I am happy to pick up and drop off at the police station every time. I can not travel to wherever it is convenient for you.

Sent - December 13, 2019 at 3:48 PM - (iMessage) - Delivered

The transfer time is 4:00 unless you and I mutually agree on something different. Abide by the judges decision.

Received - Nguyet Luong - December 13, 2019 at 3:49 PM - (iMessage)



We will do our transfer at the police station every time at 4

Sent - December 13, 2019 at 3:49 PM - (iMessage) - Delivered

Transportation is your responsibility

Received - Nguyet Luong - December 13, 2019 at 4:01 PM - (iMessage)



I think you are confused with transportation and location

12/14/19

Sent - December 14, 2019 at 6:01 PM - (iMessage) - Delivered

Can I talk to the kids

Received - Nguyet Luong - December 14, 2019 at 6:03 PM - (iMessage)



We are at a show

12/15/19

Received - Nguyet Luong - December 15, 2019 at 5:57 PM - (iMessage)



Please come and help with the kids. We are here

Received - Nguyet Luong - December 15, 2019 at 6:04 PM - (iMessage)



Please come and get the kids

Received - Nguyet Luong - December 15, 2019 at 6:05 PM - (iMessage)



What do you want me to do?

Received - Nguyet Luong - December 15, 2019 at 6:05 PM - (iMessage)



I have been talking to them.

Received - Nguyet Luong - December 15, 2019 at 6:06 PM - (iMessage)



I am here. And I can't force them physically to get out.

Received - Nguyet Luong - December 15, 2019 at 6:06 PM - (iMessage)



Please come and help me

Received - Nguyet Luong - December 15, 2019 at 6:07 PM - (iMessage)



The kids have not eaten yet. I am sure they are hungry and so am I

Received - Nguyet Luong - December 15, 2019 at 6:09 PM - (iMessage)



I am very tired and have a long drive back to my house. Please help me get them

Received - Nguyet Luong - December 15, 2019 at 6:16 PM - (iMessage)



What do you want to do now? My uncle just passed away. I need to leave to come over and visit my aunt and cousins.

Received - Nguyet Luong - December 15, 2019 at 6:38 PM - (iMessage)



The kids are in the house now

Received - Nguyet Luong - December 15, 2019 at 7:18 PM - (iMessage)



Happy birthday Jim.

Sent - December 15, 2019 at 7:19 PM - (iMessage) - Delivered

Thanks

12/16/19

Sent - December 16, 2019 at 8:12 AM - (iMessage) - Delivered

We're here. What's your ETA

Received - Nguyet Luong - December 16, 2019 at 5:26 PM - (iMessage)

EXHIBIT 5

EXHIBIT 5

EXHIBIT 5

🐯 Happy New Year 🐯

1/26/20

Sent - January 26, 2020 at 11:09 AM - (iMessage) - Delivered

We'll be going skiing before your next trip. Please get their ski clothes to me.

Sent - January 26, 2020 at 11:37 AM - (iMessage) - Delivered

Let me know if your having dinner together or if I should have dinner prepared for them to have after they get back.

Received - Nguyet Luong - January 26, 2020 at 6:06 PM - (iMessage)



Please come out and help me with the kids

Sent - January 26, 2020 at 6:07 PM - (iMessage) - Delivered

coming

Sent - January 26, 2020 at 9:13 PM - (iMessage) - Delivered

Darn it, Nguyet. When they got here they were all hungry. Please, for them just let me know whether to have dinner ready or not. I asked you if you were going to have dinner with them or if I should prepare it. It's beyond me why you don't communicate. Please call, text, or email. I know you are angry, but would you please, at least, communicate enough to let me know whether to make dinner for our kids or not. Regardless, I just finished feeding them by 8:15. Next time, please help me to know whether or kids need dinner or have already had it. Thank you Nguyệt.

Sent - January 26, 2020 at 9:15 PM - (iMessage) - Delivered

Lena has an abrasion. What happened



Received - Nguyet Luong - January 26, 2020 at 9:16 PM - (iMessage)



She did not have that when she was with me

Sent - January 26, 2020 at 9:16 PM - (iMessage) - Delivered

She told me she fell

Sent - January 26, 2020 at 9:17 PM - (iMessage) - Delivered

Please, next time let me know if they need dinner. They were all hungry

Sent - January 26, 2020 at 9:20 PM - (iMessage) - Delivered

You have to communicate for the kids. Even if you are angry at me. Please communicate for the well-being of our kids.

Received - Nguyet Luong - January 26, 2020 at 9:27 PM - (iMessage)



I am not angry at you for the 101th time. It's just never pleasant communicating with you.

Sent - January 26, 2020 at 9:31 PM - (iMessage) - Delivered

Regardless of your tenth, please just tell me about our kids. If you let me know I can be ready with food on the table for them.

Received - Nguyet Luong - January 26, 2020 at 9:35 PM - (iMessage)



They were all fed right before we left. Why don't you just assume to feed them all the time

Sent - January 26, 2020 at 10:00 PM - (iMessage) - Delivered

I asked you about feeding them. In the future, would you please let me know about whether to get dinner ready for them

Received - Nguyet Luong - January 26, 2020 at 10:02 PM - (iMessage)



Always get dinner ready

1/27/20

Sent - January 27, 2020 at 4:46 PM - (iMessage) - Delivered

Please bring the kids' ski gear tomorrow to Dr. Gravley's. They need it for a ski trip we're taking with Ed and Jason.

Received - Nguyet Luong - January 27, 2020 at 5:27 PM - (iMessage)



Here are a few personal items I need returned to me. Some I have asked for months and have been ignored: painting above fire place, red sleeping bag that you took to use at Zion with the kids, large multi room tent and small one person tent including all the kids clothes that have been accumulating at your house since September.

1/28/20

Sent - January 28, 2020 at 9:36 AM - (iMessage) - Delivered

Please bring their ski clothes tonight. They need them for our ski trip

Received - Nguyet Luong - January 28, 2020 at 10:37 AM - (iMessage)



Please bring all the items I have requested

Sent - January 28, 2020 at 11:04 AM - (iMessage) - Delivered

I need the ski gear for this weekend

Sent - January 28, 2020 at 6:12 PM - (iMessage) - Delivered

You interrupted Lena twice when she was reading her book for school. Please let her finish her homework without distracting her. I know you care about her doing well in school

Sent - January 28, 2020 at 6:15 PM - (iMessage) - Delivered

Please give me the ski gear tonight. I gave it to you promptly when you asked that you would have it for their ski trip. We need it our upcoming trip. Please give it to me tonight I don't know when the next time is that we will see you. It would be a shame if you caused them to miss out on a ski trip. This would clearly be your trying to alienate them by preventing our plans for a enjoyable ski trip.

Received - Nguyet Luong - January 28, 2020 at 6:20 PM - (iMessage)



I asked you for all those items for months. You have been trying to alienate them from me for months

Sent - January 28, 2020 at 6:20 PM - (iMessage) - Delivered

You have the majority of the kids' clothes. You provisioned your Irvine house when we were still together with a large amount of their clothing. You then took the majority of what remained when you moved out. I have very few clothes that you purchased. You have a very large amount of clothing that I purchased. I already offered to you that I would walk around with FaceTime and you would identify them. You have yet to return all of the clothing that I purchased. Almost all of the ski gear I purchased it was purchased with my credit card That was paid from my checking account. I'm not even asking that I keep the ski clothes, I am just asking that you abide by the agreement that we made that we would share their ski clothes. Again, I was Johnny on the spot, I collected the clothes, put them together, and got them to you promptly so that our children would have their gear for your ski trip. Please exercise the same courtesy for them for this trip. You are harming them in your attempt to be vindictive to me. Please consider tire kids. Please return the ski gear to me tonight.

Received - Nguyet Luong - January 28, 2020 at 6:21 PM - (iMessage)



All of the above statements are false

Sent - January 28, 2020 at 6:29 PM - (iMessage) - Delivered

EXHIBIT 6

EXHIBIT 6

EXHIBIT 6





EXHIBIT 7

EXHIBIT 7

EXHIBIT 7

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

From: James Vahey <hotsail.jim@gmail.com>
Date: Fri, Jan 24, 2020 at 6:06 PM
Subject: Re: 20-21 application fees
To: Minh Nguyet Luong <luongdds@gmail.com>

Please contact the school for whatever you need and whatever payment arrangements you want to set up. You still need to reimburse me for half of the applicant fees.

Sent from my iPhone

> On Jan 22, 2020, at 10:11 AM, Minh Nguyet Luong <luongdds@gmail.com> wrote:

>

> Like I said multiple times before in my emails, I will make the payments directly to the school. I need documents from the school of the amount and the break down for each items, FROM THE SCHOOL.

>

>

>

> 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 22, 2020, at 8:59 AM, James Vahey <hotsail.jim@gmail.com> wrote:

>>

EXHIBIT 8

EXHIBIT 8

EXHIBIT 8

JAMES W. VAHEY, M.D.
8585 S EASTERN AVE., STE. 100
LAS VEGAS, NV 89123-2818

75-7003/2919

1154

DATE 1-21-20 PMP

PAY TO
THE ORDER OF

Challenger

\$ 525⁰⁰

Five Hundred Twenty Five ⁰⁰/₁₀₀

DOLLARS



Heat
Reactive
Ink

MIDCOUNTRY
BANK

www.MidCountryBank.com

MEMO

Application fees 20/21

James W. Vahey

MP

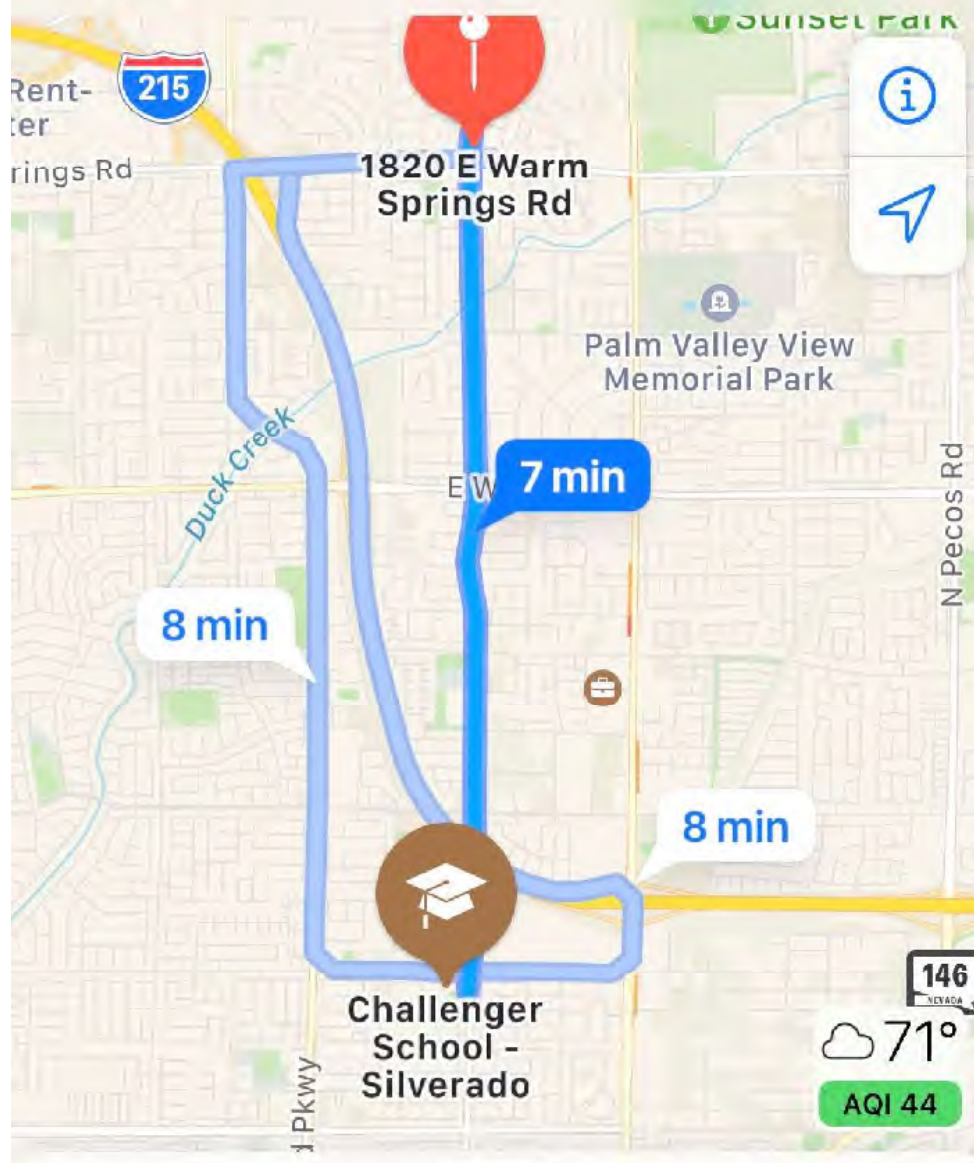
LOOK FOR FRAUD-DETERRING FEATURES INCLUDING THE SECURITY SQUARE AND HEAT-REACTIVE INK. DETAILS ON BACK.

EXHIBIT 9

EXHIBIT 9

EXHIBIT 9

2:59



To 1820 E Warm Springs Rd

From **Challenger School - Silverado**

7 min

2.7 mi · Spencer St
Fastest route



Drive



Walk



Transit

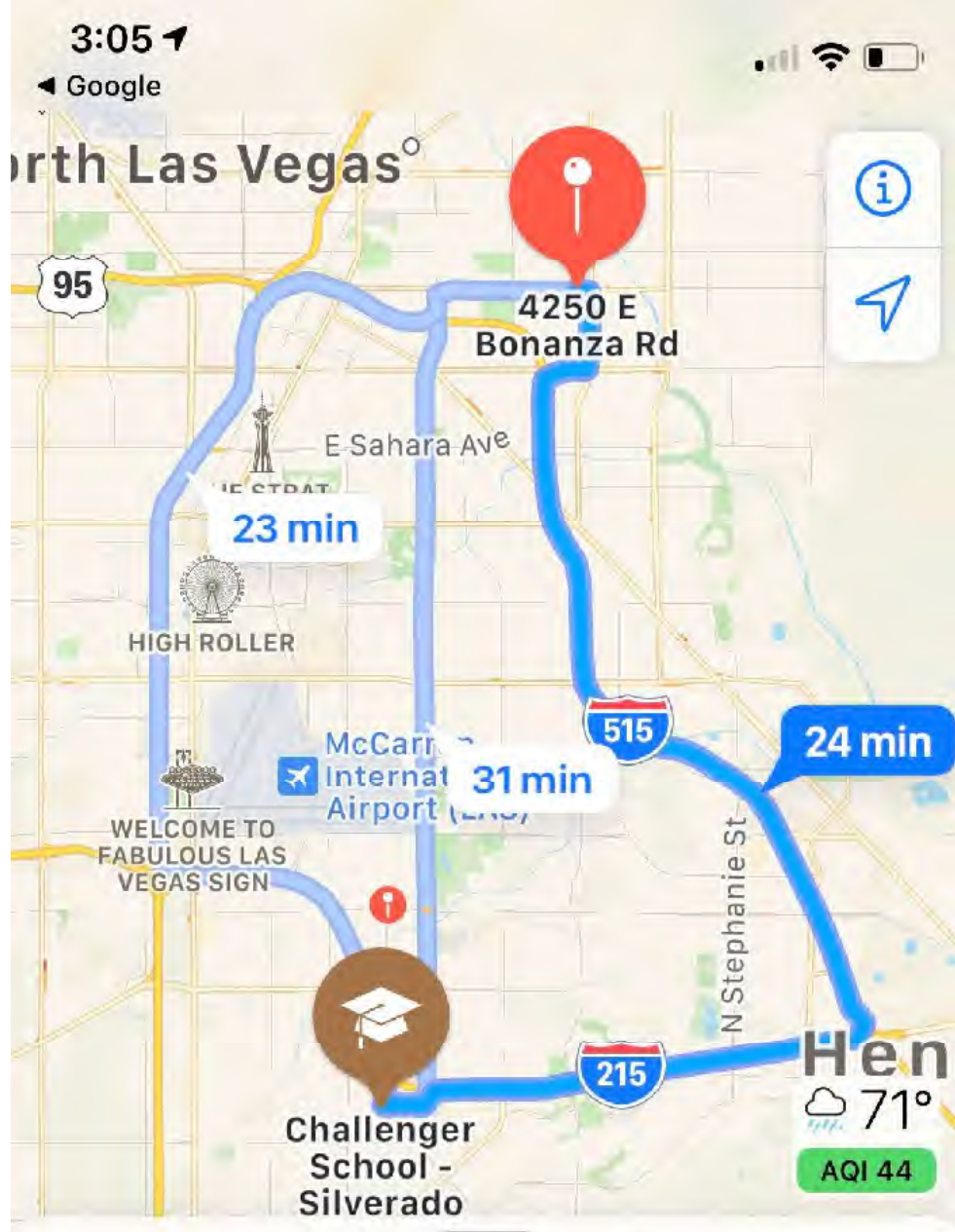


Ride

EXHIBIT 10

EXHIBIT 10

EXHIBIT 10



To 4250 E Bonanza Rd
From Challenger School - Silverado

24 min
19 mi · US-95 N
Suggested route

GO


Drive


Walk


Transit


Ride

EXHIBIT 11

EXHIBIT 11

EXHIBIT 11

Jen Mitzel


Clinical Social Work/Therapist, LCSW

Verified by Psychology Today



(702) 983-2034

 Email Me

 Ask about video and phone sessions

Therapeutic Solutions Behavioral Health

4250 E Bonanza Rd

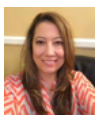
Suite 17

Las Vegas, Nevada 89110

[\(702\) 983-2034](#)

We all suffer challenges in life and oftentimes therapy is the answer to those challenges. I am a Licensed Clinical Social Worker specializing in individual and family work. I have been a Social Worker for 20 years and have worked in a variety of settings including both in-patient and out-patient therapy. I enjoy working with all age groups from children to geriatrics.

My therapy modalities are eclectic, some of which include play therapy, sand tray therapy, cognitive behavioral therapy, and neurofeedback. I work with children with behavioral disorders, adults and children



Jen Mitzel

Clinical Social Work/Therapist, LCSW

Email Me

(702) 983-2034

Qualifications

School: University of Nevada, Las Vegas
Year Graduated: 2006
License and State: 6736-C Nevada

Finances

Cost per Session: \$100 - \$120
Pay By: American Express, Cash, Discover, Health Savings Account, Mastercard, Visa

Accepted Insurance Plans

- Aetna
- All Medicaid plans
- Ambetter
- Anthem
- Beacon
- Beech Street
- Behavioral Healthcare Options (BHO)
- BlueCross and BlueShield
- Cigna
- Clark County Self-Funded
- GEHA
- Health Plan of Nevada
- Healthscope
- MHNet Behavioral Health
- MINES and Associates
- Medicaid
- Medicare
- MultiPlan
- Optum
- PHCS
- Sierra Health
- SilverSummit
- TRICARE



Jen Mitzel
Clinical Social Work/Therapist, LCSW

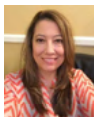
Email Me

(702) 983-2034

- Mood Disorders
- Anxiety
- Depression

Issues

- ADHD
- Adoption
- Anger Management
- Behavioral Issues
- Bipolar Disorder
- Borderline Personality
- Child or Adolescent
- Chronic Impulsivity
- Codependency
- Coping Skills
- Developmental Disorders
- Divorce
- Domestic Violence
- Dual Diagnosis
- Eating Disorders
- Emotional Disturbance
- Family Conflict
- Gambling
- Grief
- Infertility
- Obsessive-Compulsive (OCD)
- Oppositional Defiance
- Parenting
- Peer Relationships
- Relationship Issues
- Self Esteem
- Self-Harming
- Sexual Abuse
- Suicidal Ideation
- Teen Violence
- Trauma and PTSD
- Women's Issues



Jen Mitzel

Clinical Social Work/Therapist, LCSW

Email Me

(702) 983-2034

- Gay
- Lesbian

Client Focus

Age

- Children (6 to 10)
- Preteens / Tweens (11 to 13)
- Adolescents / Teenagers (14 to 19)
- Adults
- Elders (65+)

Treatment Approach

Types of Therapy

- Eclectic
- Neurofeedback

Modality

- Individuals
- Family

Video/Skype

- Online/Phone Counseling

Nearby Areas

This location is easily accessible from:

Cities:

- Las Vegas, NV

Counties:

- Clark

Zips:

Neighborhoods:



Jen Mitzel

Clinical Social Work/Therapist, LCSW

Email Me

(702) 983-2034

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United States

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EXHIBIT 12

EXHIBIT 12

EXHIBIT 12

Bree Mullin

Psychologist, PsyD

Verified by Psychology Today



(702) 903-2693

Email Me

Ask about video and phone sessions

1820 E Warm Springs Road
Suite #115
Las Vegas, Nevada 89119
(702) 903-2693



Dr. Mullin is currently offering HIPAA/HITECH compatible telehealth services. Please contact us to schedule an appointment.

Every person is an individual and every individual has unique strengths and weaknesses, supports and challenges. Depression, anxiety, and relationship issues can feel debilitating, and are more common than we think, yet they do not have to govern our lives. Specializing in children, adolescents, and families, I support people in using their strengths and support s to overcome adversity and improve life



Bree Mullin

Psychologist, PsyD

Email Me

(702) 903-2693

Emotional and behavioral health are important aspects of physical health. An integrated health care philosophy, focusing on collaborating with physicians in addressing all aspects of health, is imperative. As the President of the Nevada Psychological Association, I advocate for improved access to all health care for all Nevada's residents.



Take the first step to help. Call or [Email](#) Bree Mullin now - **(702) 903-2693**

Qualifications

School: Alliant International University

Year Graduated: 2011

License and State: PY0677 Nevada

Finances

Cost per Session: \$100 - \$230

Sliding Scale: Yes

Pay By: ACH Bank transfer, Cash, Check, Discover, Health Savings Account, Mastercard, Visa

Accepted Insurance Plans

BlueCross and BlueShield

Medicaid

Out of Network

Verify your health insurance coverage when you [arrange your first visit](#).

Additional Credentials

Certificate: Nevada Psychological Association / President

Certificate Date: 2016



Bree Mullin

Psychologist, PsyD

Email Me

(702) 903-2693

Issues

- Adoption
- Anger Management
- Depression
- Divorce
- Emotional Disturbance
- Grief
- Oppositional Defiance
- Parenting
- Peer Relationships
- Relationship Issues
- Self Esteem
- Sexual Abuse
- Sleep or Insomnia
- Testing and Evaluation
- Trauma and PTSD

Mental Health

- Mood Disorders

Client Focus

Age

- Children (6 to 10)
- Preteens / Tweens (11 to 13)
- Adolescents / Teenagers (14 to 19)
- Adults

Communities

- Aviation Professionals
- Bisexual Allied
- Cancer
- Gay Allied
- HIV / AIDS Allied
- Lesbian Allied
- Transgender Allied



Bree Mullin

Psychologist, PsyD

Email Me

(702) 903-2693

- Forensic Psychology
- Integrative
- Motivational Interviewing
- Play Therapy
- Psychological Testing and Evaluation

Modality

- Individuals
- Family

Video/Skype

- Online/Phone Counseling

Links

My Website

Nearby Areas

This location is easily accessible from:

Cities:

- Las Vegas, NV

Counties:

- Clark

Zips:

- 89121
- 89120
- 89119

Neighborhoods:

- Paradise

Professional Connections

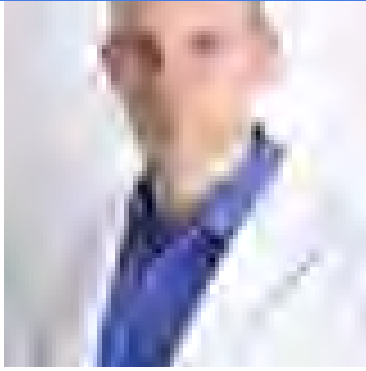


Bree Mullin

Psychologist, PsyD

Email Me

(702) 903-2693



Last Modified: 20 Mar 2020

Searches containing Bree Mullin ▾

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United States

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EXHIBIT 13

EXHIBIT 13

EXHIBIT 13

[REDACTED]

Sent from my iPhone

Begin forwarded message:

From: James Vahey <hotsail.jim@gmail.com>
Date: March 14, 2020 at 12:08:50 AM PDT
To: Nguyệt <luongdds@gmail.com>
Subject: Fwd: Payment Confirmation for Monthly Recurring Payments

Sent from my iPhone

Begin forwarded message:

From: Challenger School <noreply@payconnexion.com>
Date: March 13, 2020 at 9:03:27 PM PDT
To: HotSail.Jim@gmail.com
Subject: Payment Confirmation for Monthly Recurring Payments



*** PLEASE DO NOT RESPOND TO THIS EMAIL

This message is to notify you that your payment authorized on Oct-07-2019 for Monthly Recurring Payments has now been released. The bank account listed below will be debited by Challenger School on the scheduled payment date.

Confirmation Number:	CSFPAY000106003
Reference Number:	CSFPAYR00006978
Confirmation Date (ET):	Mar-13-2020 11:11:35 AM
Payer Name:	Jim Vahey
Amount Due:	\$4,318.00

Payment Due Date:	Mar-15-2020
--------------------------	-------------

Payment Amount Debited:	\$4,318.00
Scheduled Payment Date:	Mar-16-2020
EPID :	2151104

Account Nickname:	JWV Rev Family Trust
Bank Routing Number:	██████████
Bank Account Number:	XXXXXXXXXXXXXXXX4997
Bank Account Type:	Checking
Bank Account Category:	Consumer

If you have questions about this payment or need assistance, please view the payment online at <http://www.challengerschool.com>.

Thank you for using the Challenger School electronic payment system.

EXHIBIT 14

EXHIBIT 14

EXHIBIT 14

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

From: Minh Nguyet Luong <luongdds@gmail.com>

Date: Mon, Dec 23, 2019 at 12:59 PM

Subject: Re: Receipt from Michelle Gravley, P.C.

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

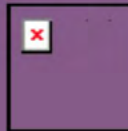
I had sent you emails previously regarding bills from Dr. Gravely. Did you not get it? I will send it again. Please confirm when you received it.

On Dec 19, 2019, at 5:06 PM, James Vahey <hotsail.jim@gmail.com> wrote:

Please reimburse half of this bill as well as the ones I sent you for three previous sessions
Sent from my iPhone

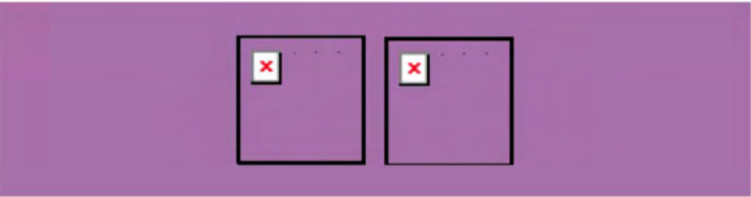
Begin forwarded message:

From: "Michelle Gravley, P.C. via Square" <receipts@messaging.squareup.com>
Date: December 19, 2019 at 4:49:48 PM PST
To: HotSail.Jim@gmail.com
Subject: Receipt from Michelle Gravley, P.C.
Reply-To: "Michelle Gravley, P.C. via Square"
<CAESRxlAGjlyX29yemRnbnRkbXE0dG96anJtdJkYXpiemdhemRrbmxbkZ2ZzdGFuZGVtZXp0YW56c2hmcXRpbmEiCGRpYWxvZ3VliBiP6jXV+MFqOjBv+hQmoKpqboJprFsZov3Y7cnY2pTEA==@reply2.squareup.com>



Michelle Gravley, P.C.

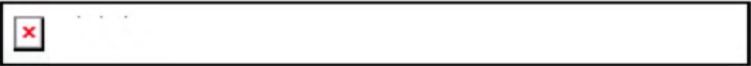
How was your experience?



\$175.50

Custom Amount \$175.50
Therapy Session with Dr. Gravley
(12/19/2019)

Total \$175.50



Michelle Gravley, P.C.
2881 Business Park Court, 150
Las Vegas, NV 89128
702-508-2112

Visa 6968 (On File)



Dec 19
2019 at
4:49
PM
#i0YI
Auth
code:
08069G

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San Francisco, CA 94103

[© Mapbox](#) [© OpenStreetMap](#) [Improve this map](#)

[Square Privacy Policy](#) · [Not your receipt?](#)



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

EXHIBIT 15

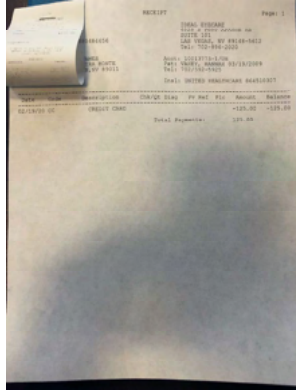
EXHIBIT 15

EXHIBIT 15

blaming. There's nothing for me to do because she doesn't get those red marks when she's with me.

Sent - February 19, 2020 at 8:52 PM - (iMessage) - Delivered

Hannah's ophthalmology appointment went well. Her numbers went up slightly. Grace recommended leaving her glasses the way they are. Please reimburse for \$62.50 (half of \$125)



Sent - February 19, 2020 at 9:05 PM - (iMessage) - Delivered

Late this afternoon, Children's Bone and Spine Surgery left me a message saying they needed to reschedule Selena's appointment from tomorrow to another day. They want a different doctor to see her. I'll try to set it up on a day I think will be convenient for you. I'll keep you posted. P.S. The mineral oil and probiotics didn't make any difference. Like I told you before, Lena's pain is low thoracic and not retroabdominal (behind the abdomen). I'm not sure what your anesthesia doctor friend was thinking, but, at least I gave the idea you and your friend had a try.

Received - Nguyet Luong - February 19, 2020 at 9:22 PM - (iMessage)



Please increase the mineral dosage

Sent - February 19, 2020 at 9:36 PM - (iMessage) - Delivered

Please explain. I'm confused. Does your doctor friend want Her to have more minerals or mineral oil?

Received - Nguyet Luong - February 19, 2020 at 10:01 PM - (iMessage)



Mineral oil

Sent - February 19, 2020 at 10:04 PM - (iMessage) - Delivered

I encouraged Matthew to call you, but you told him you'd call later. He stayed up waiting but you didn't call. He was disappointed. Eventually, I had him go to bed

Received - Nguyet Luong - February 19, 2020 at 10:05 PM - (iMessage)



I didn't talk to Matthew. It was Lena I spoke to. By the time I got home it was late. Matthew didn't talk to me at all

EXHIBIT 16

EXHIBIT 16

EXHIBIT 16

[REDACTED]

Sent from my iPhone

Begin forwarded message:

From: James Vahey <hotsail.jim@gmail.com>
Date: March 3, 2020 at 5:06:57 PM PST
To: Nguyệt <luongdds@gmail.com>
Subject: Selena did very well at her ophthalmology appointment with Grace Shin...

Selena did very well at her ophthalmology appointment with Grace Shin today. Lena improved all way from 20/50 with correction to 20/25 with correction. Dr. Shin was very pleased. The plan is to continue with the drops and patching. The goal is to have her wear a patch for two hours per day. Hey next appointment is at the same time as Matthew's: June 24th at 2:40.
Please reimburse for half of the \$70 copay for Lena's visit today.

03/20
c: 20

RECEIPT

Page: 1

IRS # 880484656

IDEAL EYECARE
6028 S FORT APACHE RD
SUITE 101
LAS VEGAS, NV 89148-5612
Tel: 702-896-2020

VAHEY, JAMES
27 VIA MIRAMONTE
HENDERSON, NV 89011

Acct: 10018858-1/UH
Pat: VAHEY, SELENA
Tel: 702/592-5925

Ins1: UNITED HEALTHCARE 864510307

te	Code	Description	Chk/Qt	Diag	Pv	Ref	Plc	Amount	Balance
03/20	CC	CREDIT CARD						-70.00	-70.00

Total Payments: 70.00

IDEAL EYECARE
6028 S FORT APACHE RD
SUITE 101
LAS VEGAS, NV 89148-5612
Tel: 702-896-2020

Sub Total: \$70.00
Total: \$70.00

AA001322

Sent from my iPhone

EXHIBIT 17

EXHIBIT 17

EXHIBIT 17

[REDACTED]

Sent from my iPhone

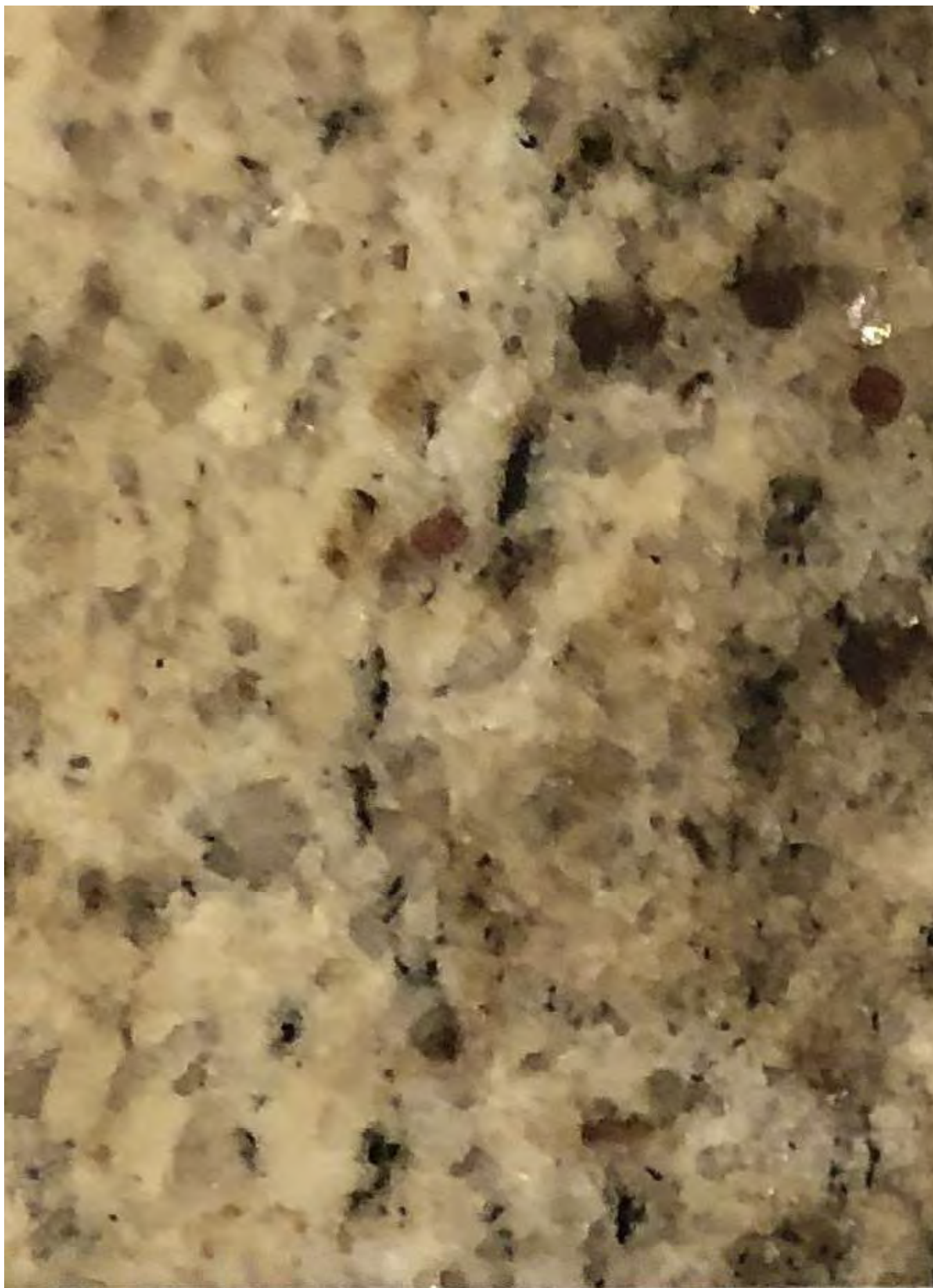
Begin forwarded message:

From: James Vahey <hotsail.jim@gmail.com>
Date: March 9, 2020 at 10:55:00 PM PDT
To: Nguyệt <luongdds@gmail.com>
Subject: Copay for Selena's eyedrops

I know I told you about Lena's ophthalmology appointment before, but, I wanted totell you again.

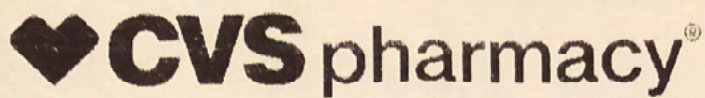
. At Lena's appointment, her vision improved a lot. Thanks to hard work and close attention by you and me about putting the drops in Lena's eye every night as well as having her wear the patch at least two hours per day, her corrected vision is now 20/25.

Please keep up the drops and patches. If you need more drops, please call Grace Shin. Or, if you don't want to, let me know, and I will do it for you.



Please reimburse me for half of the after insurance cost for Lena's Eye drops.
Thanks.

Sent from my iPhone



1402 EAST LAKE MEAD PARKWAY
HENDERSON, NV 89015
702.558.5101

REG#19 TRN#3609 CSHR#1253767 STR#121

Helped by: TATIANA

ExtraCare Card #: *****7913

F 1 RX #: ****0970010 15.00N

TOTAL 15.00

CHARGE 15.00

*****0004 CH

CAPITAL ONE VISA *****0004

APPROVED# 09380G

REF# 196093

TRAN TYPE: SALE

AID: A0000000031010

TC: 002A1BE8D631B296

TERMINAL# 88295293

NO SIGNATURE REQUIRED

CVM: 5E0000

TVR(95): 0080008000

TSI(9B): E800

CHANGE .00



3500 1210 0663 6091 98

State law may prohibit the return
of prescriptions. Please consult
your pharmacist.

Returns with receipt, subject to
CVS Return Policy, thru 05/05/2020
Refund amount is based on price
after all coupons and discounts.

MARCH 6, 2020

8:03 PM

F-FLEXIBLE SPENDING ACCT SUMMARY (FSA)

Prescription Eligible Total 15.00

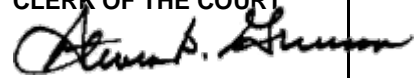
*****VOLUME VII*****

FSA summary above includes items
(and tax) that may be eligible

AA001328

68

68



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

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES W. VAHEY,
Plaintiff,

v.

MINH NGUYET LUONG,
Defendant.

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

Oral Argument Requested: Yes

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

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

1 Should Not Be Held in Contempt, and to Resolve Other Parent Child
2 Issues (“Reply”).

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

7 DATED this 15th day of April, 2020.

8 THE DICKERSON
9 KARACSONYI LAW GROUP

10 By /s/ Sabrina M. Dolson
11 ROBERT P. DICKERSON, ESQ.
12 Nevada Bar No. 000945
13 SABRINA M. DOLSON, ESQ.
14 Nevada Bar No. 013105
15 1745 Village Center Circle
16 Las Vegas, Nevada 89134
17 Attorneys for Plaintiff
18
19
20
21
22
23
24
25
26
27
28

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

As of the date of this filing, Jim has filed and served 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”), filed March 27, 2020,¹ and his 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 (“Opposition to Motion to Extend TPO”), filed on April 10, 2020. These documents address many of the facts addressed in Defendant’s, MINH NGUYET LUONG (“Minh”), Opposition to Jim’s Emergency Motion, which was not filed as a separate Opposition, but was attached as an exhibit to Defendant’s Response to Plaintiff’s Ex Parte Application for an Order to Show Cause. Accordingly, this Reply will focus on facts and issues not previously addressed.

II. FACTUAL STATEMENT

In her Opposition to Jim’s Emergency Motion, Minh essentially admits that she refuses to communicate in a cordial manner with Jim in front of the children. In responding to Jim’s claim that she refuses to make

¹ In Minh’s Response to Plaintiff’s Ex Parte Application for an Order to Show Cause, filed on March 30, 2020, Minh accuses Jim of engaging in “litigation by ambush.” It appears Minh believes Jim did not file his Emergency Motion separately, but rather attached it as an exhibit to his Ex Parte Application for an Order to Show Cause. This is not the case. Attached as Exhibit 1 is the Notification of Service showing Jim’s Emergency Motion was served on Minh’s counsel on March 27, 2020 prior to the filing of his Ex Parte Application for Order to Show Cause. Jim’s counsel, Sabrina Dolson, also emailed Minh’s counsel, Fred Page, on March 27, 2020, the day the Emergency Motion was filed and served, informing him again that the Emergency Motion had been filed and requesting how Mr. Page would like to be sent the audio and video recordings attached as exhibits to the Emergency Motion. Exhibit 2, March 27, 2020 Email from Sabrina M. Dolson, Esq. to Fred Page, Esq.

1 eye contact with him at custodial exchanges, she simply replies “[e]ye
2 contact is irrelevant.” Minh’s Opposition, pg. 4, line 16. Minh then
3 proceeds to justify her refusal to cordially communicate with Jim in front
4 of the children by arguing that Jim created the problem by “betraying the
5 agreement he and Minh had to move to California.”² Minh basically
6 admits that she has no issue behaving in such a manner in front of the
7 children because Jim deserves it. Minh’s childish behavior does not go
8 unnoticed by the children. The children mimic Minh’s behavior and
9 become awkward at exchanges, as if they feel uncomfortable
10 communicating with Jim when Minh is present. This is extremely unfair
11 to the children who witness the discord between Jim and Minh, and feel
12 as if they must choose sides.

13 Minh also claims there is no contact at the custodial exchanges
14 because Jim refuses to assist Minh with getting the children out of her
15 vehicle and then goes back inside the house to watch television. This is
16 untrue. Jim makes multiple attempts to coax the children to come inside.
17 When Jim goes inside his house, it is because one or more of the children,
18 usually Selena and sometimes Matthew, have come inside and he needs to
19 care for them and cook dinner. Jim asks Minh to help with whichever
20 child or children are misbehaving, most often Hannah, but usually receives
21 no assistance from Minh. Jim has returned to Minh’s vehicle on several
22 occasions to find Minh comforting the children or text messaging.

24 ² Minh continues to claim the parties had an agreement to move to
25 California despite evidence and testimony being presented to the Court showing this
26 was not true. Attached as **Exhibit 3** are the checks Minh wrote as earnest money
27 deposits on two homes in California. The most recent one is dated April 24, 2017,
28 approximately four (4) months before Minh purchased the Irvine home. Despite Minh
admitting she purchased the Irvine home after she became angry at Jim, concluded he
did not care for her, and she would move to California with or without him, Minh now
changes her story and claims she purchased the Irvine home to be a vacation home
until the parties retired. Minh’s Opposition, pg. 29, line 25, to pg. 30, line 5.

1 Minh even mischaracterizes the March 1, 2020 exchange in which
2 Jim explained he had waited over an hour and a half for Matthew and
3 Hannah to get out of Minh's vehicle. Minh falsely contends that Jim did
4 nothing to help get the children out of her vehicle for this hour and a half
5 while she "was struggling to get the children out of her vehicle." Jim even
6 stated in his Emergency Motion that during this exchange, he had tried to
7 coax Hannah and Matthew to leave Minh's RV five (5) separate times over
8 the period of an hour and a half with no assistance from Minh. The first
9 time Jim went to Minh's vehicle to get the children after she arrived, he
10 brought Selena in with no issues. The first thing Minh asked when Jim
11 opened the door of her RV is "can I get my gear?" Jim replied yes, and
12 then proceeded to help Selena out of the RV with her belongings. Selena
13 was extremely comfortable going with Jim and began telling him about her
14 weekend. After Jim brought Selena in, he told her to pick a movie so they
15 could have dinner and watch a movie, and then went back to Minh's RV
16 to get Hannah and Matthew.

17 Upon returning to Minh's RV, Minh again immediately asked for her
18 gear. Jim told her he would get it as soon as the children were inside as
19 that was the most important thing. Minh replied to Jim that she did not
20 have control of Hannah and Matthew, but he had control of her gear,
21 which she needed. Wanting to avoid confrontation with Minh, Jim then
22 grabbed the bag of Minh's windsurf gear and other belongings she had
23 requested and gave it to her. Jim asked Minh if she had plans to take the
24 children windsurfing, and stated that would be a great idea as it is a lot of
25 fun. Minh did not respond to Jim's question. Instead, Minh asked Jim
26 where the frame for a painting he had given her was. Minh was referring
27 to a frame that was given to Jim in exchange for two surgeries he
28 performed for a patient. Jim told Minh he worked hard for that frame and

1 was not going to give it to her. Minh then told Jim she was going to come
2 back to his house and get everything for which she paid. Matthew and
3 Hannah were still in the RV at this time listening to Minh argue over
4 possessions. Jim tried to tell Minh she was harming the children by
5 arguing in front of them, but she did not care. Jim again tried to ask
6 Hannah and Matthew to come in, but they ignored him. Jim told Minh
7 he had to go back inside his home to care for Selena.

8 The second time Jim attempted to coax Hannah and Matthew out
9 of Minh's vehicle is when Minh and Jim have the exchange transcribed in
10 his Emergency Motion. This is when Jim asked Minh if she was helping
11 to bring the children in and Minh responded, "You are beneath me. I
12 don't need to talk to you." Emergency Motion, Exhibit 1. This is also
13 when Minh refused to communicate with Jim regarding whether the
14 children had eaten, telling him: "Don't talk to me." Emergency Motion,
15 Exhibit 1. During this encounter, Minh continued to disparage Jim, and
16 told him he is "a low life," a "selfish SOB," and "beneath dirt." Emergency
17 Motion, Exhibit 1. Minh does not deny making these comments to Jim
18 and actually states that "after [Jim] abandoned Minh to leave her to
19 struggle with the children in the RV for an hour and a half, by herself, that
20 she pointed out that he is 'beneath her[,] 'a low life,' and 'beneath her.'
21 Minh's Opposition, pg. 5, lines 18-22.

22 Minh cannot even admit, after being recorded making such
23 demeaning and derogatory remarks, that she lost her temper and acted
24 inappropriately in front of the children. Instead, Minh stands by her
25 actions, characterizing her comments as merely pointing out what must be
26 the truth because it is what she believes. Despite her embarrassing
27 outburst in front of the children, Minh commends herself, stating her
28 "restraint after struggling in this situation for an hour and a half after

1 receiving no help from Jim and being taunted should be seen as being
2 remarkable.” Minh’s Opposition, pg. 6, lines 18-22. Minh even has the
3 audacity to contend that Jim asking Minh whether the children have eaten
4 is him goading her “for the express purpose of trying to provoke a reaction”
5 because she told him not to speak to her. Minh’s Opposition, pg. 6, lines
6 3-7. Again, Minh sees no wrong in her refusal to communicate with Jim
7 regarding the children’s well-being.

8 On Jim’s third attempt, he went out to Minh’s RV and told Minh
9 that the children had school the following day in hopes she would help him
10 get the children inside. Minh replied to Jim, “get them in.” Jim asked
11 Minh to talk to Hannah and Matthew, and she told Jim, “you talk to
12 them.” While Jim again tried to coax Matthew and Hannah to come
13 inside, Minh got out of her RV and tried to enter Jim’s home. Jim told
14 Minh not to go inside and Minh replied she needed to get the shoes Selena
15 was wearing because she purchased them. After Jim asked Minh not to go
16 inside his house, Minh started calling for Selena from the door. Jim told
17 Minh not to use Selena to take things from his home. After the parties
18 briefly argued about the children’s clothing, Minh became upset and told
19 Jim he was a piece of shit. Minh finally left Jim’s front door and went back
20 to the RV. Jim again tried to talk to Hannah and Matthew to no avail.
21 Jim told Minh he had to take care of Selena and asked Minh to please
22 bring Hannah and Matthew in.

23 Jim made two more attempts to coax Hannah and Matthew out of
24 Minh’s RV. This entire custodial exchange took approximately an hour
25 and a half before Hannah and Matthew came inside Jim’s home. Contrary
26 to Minh’s allegations, Jim did not refuse to help Minh while she struggled
27 to get the children out of her vehicle, as is demonstrated above. Jim had
28 to take care of Selena, who readily went to him, while cooking dinner and

1 also trying to make several trips to Minh's RV to talk to Hannah and
2 Matthew about coming inside. And, yet, Minh asserts that "[i]t should be
3 distressing for everyone to read that Jim admits that he smugly watched
4 the mother of their children struggle for an hour and a half of trying to get
5 children who are fighting her and who do not want to return [to] him."
6 Minh describes Jim as acting "completely abhorrent" and having a
7 "complete disregard for Minh (and the children)." This is how
8 unreasonable Minh is, and how much her memories and/or representations
9 are distorted and not factual.

10 Minh claims there was one instance in which she called the police to
11 help facilitate the custodial exchange because Jim was inside watching
12 football. As demonstrated above, Jim does not simply ignore Minh and the
13 children at the custodial exchanges. He tries talking to whichever child or
14 children are refusing to come in while at the same time caring for the child
15 or children that have come in. Jim did not tell any police officer that he
16 would not get the children from Minh's vehicle. If anything, Jim may have
17 told a police officer he did not feel comfortable going into Minh's RV to
18 physically take the children out, but Jim has never refused to help talk to
19 the children about coming inside his home. Jim believes Minh has more
20 of an effect convincing the children they should leave her RV because they
21 are refusing to go to Jim to appease Minh.

22 Minh includes text messages she sent to Jim during one exchange in
23 which she claims she attempted "in vain" to get his assistance with the
24 children. Minh claims that "[i]f Jim were actually giving an accurate
25 account, there would not be messages from Minh asking Jim to come out
26 and help with the children." However, it is evident from the time stamps
27 of these text messages, which Minh did not include in her Opposition, that
28 Minh sent them minutes apart to make it appear as if she was requesting

1 Jim's help for a long period of time. In reality, from the time Minh sent
2 the text message stating "Please come and help with the kids. We are
3 here," to the time Minh sent the text message stating "What do you want
4 to do now? My uncle just passed away. I need to leave to come over and
5 visit my aunt and cousins," a total of nineteen (19) minutes had passed.
6 Yet, Minh sent Jim nine (9) text messages to make it appear as if he was
7 ignoring her. Exhibit 4. Jim does not recall this particular custodial
8 exchange or why there are no text messages from him, but Jim is positive
9 he has helped Minh get the children out of her vehicle at every custodial
10 exchange. At most custodial exchanges, at least one child readily comes
11 inside so Jim may have been attending to one or more children at the time.

12 Minh has also sent text messages to Jim when he is in the process of
13 trying to get the children inside. This is even evident from the text
14 messages Minh references in her Opposition, which were sent on March 1,
15 2020:

16 Minh: I am taking care of the kids. You haven't even
17 been out here to help me.

18 Jim: I've been out there four times. And, you
19 wrote and sent that latest text while I was
20 standing out there for the fourth time.

21 Minh's Opposition, pg. 8, lines 12-15.

22 Minh agrees with Jim that the children's behavior at custodial
23 exchanges is concerning, but believes the children are only acting out
24 because they must not want to be with Jim. Minh cannot even fathom
25 that the children may be acting out because they only see their mother a
26 few days every month when they previously had both parents involved in
27 their every day lives. The children miss their mother and feel guilty she
28 left them. The children are also made to feel as if they are choosing sides
when they leave Minh. When they leave Jim, they are comfortable

1 knowing he wants them to enjoy their time with Minh and he will not be
2 disappointed to see them happily go to Minh. It is no surprise the children
3 have no issue going to Minh when it is her custodial timeshare when they
4 spend such little time with her. The only reason the children count the
5 days until they see Minh is because she constantly tells them how many
6 days there are until she will see them. Jim discussed this with Dr. Gravley,
7 who thought it was odd even Selena, who was only five (5) at the time,
8 knew the number of days until Minh had visitation again. The children do
9 not count the days on their own. Minh constantly reminds them.

10 In response to the December 17, 2019 incident in which the children
11 ran away, Minh admits she called her attorney and the guard station twice
12 before she called Jim. Minh's Opposition, pg. 21, lines 17-27. When the
13 parties attended Selena's Christmas program later that same day, Minh
14 claims her moving with Hannah to a different part of the bleachers was
15 justified because the children "seemed to be very distressed" and Jim was
16 "rude, hostile, accusatory, and . . . lied to the Court about their agreement
17 to move to California." Minh's Opposition, pg. 23, lines 9-17. How
18 Minh's warped perception of the parties having an "agreement" to move
19 to California is relevant to Minh's ability to co-parent for the benefit of the
20 children is unknown. Yet, this seems logical to Minh. Minh then asserts
21 this is when Hannah first informed her that Jim choked her by pulling on
22 her purse or the collar of her shirt. Minh's Opposition, pg. 23, line 25, to
23 pg. 26, line 4. If this were true, there is no doubt Minh would have been
24 up in arms and informed her counsel immediately. Yet, her counsel makes
25 no mention of this alleged choking in his December 19, 2019 letter to
26 Jim's counsel addressing the December 17, 2019 incident.

27 Regarding the confusion surrounding Spring Break, Minh contends
28 she did not know Jim had confused the dates Spring Break was

1 rescheduled. Jim readily admitted he mistakenly believed Spring Break was
2 only moved up one week when in reality it had been moved up two weeks.
3 Unlike Minh, Jim admits when he is wrong. Despite her claims, Minh was
4 well aware of Jim's mistake, which was clearly evident when he asked her
5 if she would be staying in Nevada for what he believed was her weekend
6 visitation. Rather than correct Jim and inform him she was taking the
7 children to California for the Spring Break holiday, Minh allowed Jim to
8 believe she was staying in Nevada with the children by responding she
9 would be complying with the Court's order. Jim thanked Minh for what
10 he believed was a straight answer given he had clearly referenced her
11 weekend visitation in Nevada and not Spring Break. Minh's answer
12 turned out not be, which, unfortunately, is not surprising. Nevertheless,
13 what this exchange demonstrates is that under normal circumstances most
14 parents would co-parent and communicate to clear up any confusion, but
15 Jim does not have that luxury. Minh tries to use even the slightest
16 mistakes to make Jim out to be a bad parent, stating that because Jim
17 confused the dates of Spring Break, he must not communicate with his
18 children. Such a conclusion is illogical.

19 Minh asserts she was not required to return the children's ski gear
20 Jim provided to her because she determined the ski clothing no longer fit
21 the children. If this is true, Minh could have simply returned the ski gear
22 to Jim for him to determine whether the younger children could use the
23 gear the older children had outgrown. Minh did not even inform Jim that
24 the reason she was refusing to return the children's ski gear was because it
25 did not fit. Jim and Minh exchanged text messages regarding the children's
26 ski gear from January 26–28, 2020. Exhibit 5, Text Messages Exchanged
27 January 26–28, 2020. The following are the responses Jim received from
28 Minh regarding why she would not return the children's ski gear:

1 *January 26, 2020

2 Jim: We'll be going skiing before your next trip.
3 Please get their ski clothes to me.

4 *No response from Minh

5 ...

6 *January 27, 2020

7 Jim: Please bring the kids' ski gear tomorrow to
8 Dr. Gravley's. They need it for a ski trip were
 taking with Ed and Jason.

9 Minh: Here are a few personal items I need returned
10 to me. Some I have asked for months and
11 have been ignored: painting above fire place,
12 red sleeping bag that you took to use at Zion
 with the kids, large multi room tent and small
 one person tent including all the kids clothes
 that have been accumulating at your house
 since September.

13 *January 28, 2020

14 Jim: Please bring their ski clothes tonight. They
15 need them for our skip trip.

16 Minh: Please bring all the items I have requested.

17 Minh did not inform Jim the ski gear did not fit the children. She tried to
18 use it to obtain items she wanted from Jim's home.³

19 Minh states it "strains credulity" that Jim spent nearly \$1,000 to
20 purchase new ski gear for the children to replace the ski gear she would not
21 return. Minh's Opposition, pg. 14, lines 13-20. Attached as **Exhibit 6** are
22 photographs of the ski gear Jim provided to Minh. Contrary to Minh's
23 assertions, the ski gear did not only include jackets, pants, and gloves. In
24

25 ³ Minh includes a footnote in her Opposition stating she believes Jim was
26 unhappy the children snow boarded with her while in Brianhead. Minh's Opposition,
27 pg. 14 n.9. Jim is unsure why Minh believes whether the children skied or snow
28 boarded would matter to him. Needless to say, Jim was not unhappy to learn the
children snow boarded with Minh. Jim skis and snow boards and has actually snow
boarded almost exclusively the past four years. It has always been the parties' intention
to teach the children how to both ski and snow board.

1 addition to jackets, pants, and gloves for each of their three children, Jim
2 also provided boots, beanies, helmets, and goggles for each of the three
3 children. It is completely unreasonable for Minh to claim that she did not
4 return all of this ski gear when only a few items no longer fit the children.
5 Minh simply did not return the children's ski gear because she is angry at
6 Jim, and wanted to hold it hostage to make Jim give her more items from
7 his home she claims are hers. Minh cares more about her possessions than
8 she does about ensuring the children have their ski gear.

9 Minh unreasonably asserts that when Jim asks the children about
10 their weekend with their mother, including what they did and where they
11 went, he is interrogating the children to their detriment. Minh's
12 Opposition, pg. 14, line 21, to pg. 15, line 4. Parents are allowed to
13 discuss how their children's weekend was without it being an interrogation.
14 Jim certainly does not grill the children and try to obtain information from
15 them to use against Minh. Jim genuinely cares about how the children
16 spent their weekend and wants to hear what fun things they did with their
17 mother. Jim is not even sure why Minh believes where she and the
18 children spent their weekend or what they did is information he should not
19 know. For most divorced or separated parents, this would not even be an
20 issue. However, because Minh directs the children to keep where they go
21 and what they do a secret from Jim, it suddenly becomes an interrogation
22 for Jim to ask the children how their weekend was.

23 Minh contends that as long as she spends her weekend visitation
24 anywhere in the state of Nevada, whether it be in another city hundreds
25 of miles away or in Las Vegas, she is essentially never required to provide
26 an itinerary to Jim pursuant to the Court's Findings of Fact, Conclusions
27 of Law, Decision and Order ("Decision and Order"), entered September
28 20, 2019. Minh's Opposition, pg. 15, lines 9-23. Minh claims that the

1 Decision and Order only provides that “[t]he parent vacationing with the
2 minor children shall provide the other parent with a travel itinerary”
3 Pg. 19, lines 16-20 (emphasis added). Minh argues that because the
4 Decision and Order does not provide specified vacation time to either
5 party, only “holiday” time, Minh is never required to provide Jim an
6 itinerary. Minh’s Opposition, pg. 15, lines 9-23. Minh claims the holidays
7 and her visitation set forth in the Decision and Order are not “vacations”
8 regardless of where Minh takes the children. This is yet another example
9 of the unreasonableness Jim has to deal with on a daily basis—difficulty co-
10 parenting because Minh uses semantics to avoid complying with the spirit
11 of the Decision and Order, which is to require the parents to communicate
12 and co-parent for the children’s benefit. If this is how Minh wishes to
13 behave, it may be necessary for the Court to specifically order that if either
14 party will not be spending their custodial timeshare at their homes in
15 Nevada or Minh’s home in California, then the party is required to provide
16 the other parent with the same type of itinerary as when “vacationing.”

17 Minh acknowledges she will not reimburse Jim directly for one-half
18 ($\frac{1}{2}$) the cost of the children’s private school tuition. Minh will only
19 contribute to the children’s private school tuition if she can pay the school
20 directly. Jim inquired into whether the parties would be able to each have
21 one-half ($\frac{1}{2}$) the cost of the children’s tuition automatically withdrawn
22 from their bank accounts each month, but the school system will only
23 allow an automatic payment from one account. Minh includes in her
24 Opposition an email she sent to Jim on January 11, 2020 offering to pay
25 the school directly and claims “Jim has simply ignored Minh’s multiple
26 requests and no [sic] claims that Minh is violating the Court’s orders.”
27 Minh’s Opposition, pg. 18, lines 19-25. Jim sent Minh an email on
28 January 18, 2020, stating: “You could send a one time on line payment to

1 the school for your half.” Emergency Motion, Exhibit 7. On January 22,
2 2020, Minh sent an email to Jim, stating: “Like I said multiple times before
3 in my emails, I will make the payments directly to the school. I need
4 documents from the school of the amount and the break down for each
5 items, FROM THE SCHOOL.” Exhibit 7, Emails Exchanged Between
6 Minh and Jim on January 22 and 24, 2020. Jim replied on January 24,
7 2020: “Please contact the school for whatever you need and whatever
8 payment arrangements you want to set up. You still need to reimburse me
9 for half of the applicant fees.” Exhibit 7; Exhibit 8, Receipt for
10 Challenger School Applicant Fees.

11 These emails demonstrate Jim did not ignore Minh’s requests and
12 agreed she could pay the school directly. It is Minh’s responsibility to
13 reimburse Jim for her one-half ($\frac{1}{2}$) portion once Jim has paid for the
14 expense. If Minh cannot behave maturely and pay Jim directly, and would
15 prefer to pay the school instead, which Jim told her she is free to do, it is
16 her responsibility to request from the school whatever information she
17 believes she needs to set up her payment. Both parties have access to the
18 billing information from the school.

19 In addition to refusing to pay for the children’s private school
20 tuition, Minh also believes she is justified in refusing to pay one-half ($\frac{1}{2}$)
21 the cost of the children’s extracurricular activities. Minh claims that Jim
22 previously refused to pay for the children’s extracurricular activities, which
23 is why she withdrew her agreement to the children’s participation in their
24 extracurricular activities a week after this Court’s Decision and Order.
25 Minh’s Opposition, pg. 17, lines 19-24. The only extracurricular activities
26 for which Jim has refused to pay are the extracurricular activities in which
27 Minh unilaterally enrolled the children in California during the summer of
28 2019 when the Court had yet to hold the evidentiary hearing on child

1 custody. Jim did not want Minh to interpret his contribution to
2 extracurricular activities in California as his consent to the children moving
3 there, which Minh no doubt would have twisted to use for her case.

4 Minh provides no coherent response to the fact that Jim finds it
5 completely unreasonable she is requesting he reimburse her for one-half
6 (1/2) the cost of the children's dental work she performed without
7 discussing same with him. Half of the amount for which Minh billed Jim
8 was a carryover charge; however, no date for previous charges or the work
9 completed was provided. The parties never purchased dental insurance for
10 the children during their marriage for the obvious reason that Minh is a
11 children's dentist and can and did provide the children's dental care. If
12 Minh is now going to be "charging" Jim, and obviously only Jim, for dental
13 work she performs on the children, Jim would rather purchase dental
14 insurance and find a dentist under his insurance plan to provide dental
15 care for the children. This will be much more cost effective considering the
16 exorbitant amount Minh has tried to charge Jim for dental work on their
17 children.

18 **III. LEGAL ARGUMENT**

19 **A. Jim Did Not Fail to Comply with EDCR 5.501**

20 EDCR 5.501(a) provides: "Except as otherwise provided herein or by
21 other rule, statute, or court order, before any family division matter motion
22 is filed, the movant must attempt to resolve the issues in dispute with the
23 other party." As set forth in Jim's Emergency Motion, the parties
24 discussed a majority of the issues raised in Jim's Emergency Motion in
25 December 2019 and March 2020. Once Minh falsely accused Jim of
26 domestic violence, obtained a TPO against him, and informed him she
27 believed he should not have contact with his children until the criminal
28 trial was conducted, it became clear Court intervention would be necessary.

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

3 Jim has not seen his children since March 20, 2020. The children
4 should have been returned to him on March 29, 2020. When the hearing
5 on Jim's Emergency Motion is held on April 22, 2020, it will have been 33
6 days since he last saw his children and 24 days since the children should
7 have been in his custody. As set forth in detail in Jim's Emergency Motion
8 and Opposition to Minh's Motion to Extend TPO, Jim is not a violent
9 person, has never assaulted or battered Minh or the children, and is not
10 any danger to the children. Jim, unlike Minh, understands he cannot
11 discuss these matters with the children. Although Minh continues to state
12 that Jim has been charged with a crime, Jim has been informed by his
13 attorney, John Marchiano, that he has not actually been charged with a
14 crime at this time.

15 It would be unjustified to deprive Jim of his custodial rights based on
16 Minh's allegations as she has an ulterior motive for falsely accusing Jim of
17 domestic violence. Jim has no idea what Minh told the children and had
18 them tell the police, but he does not believe the children were able to see
19 Minh damaging his property and losing her temper from where the RV was
20 parked. Jim, and this Court, have previously expressed concern over
21 Minh's past inappropriate discussions with the children and how such
22 discussions have the potential to lead to alienating the children from their
23 father. Jim has been trying to address such manipulation and alienation
24 through therapy for the children, but Minh's actions have gone too far this
25 time. The more time the children go without seeing their father, the
26 greater the potential for irreversible alienation.

27 . . .

28 . . .

1 Jim requests the Court order that the TPO be dissolved, the children
2 be immediately returned to Jim, and Jim be awarded 24 days of makeup
3 time with the children during the Summer.

4 C. This Court Should Modify Custody and Appoint a New Therapist
5 for the Children

6 The parties agree a new therapist should be appointed for the
7 children. Jim has researched and recommended Bree Mullins and Minh
8 has recommended Jen Mitzel. Jim believes Ms. Mullins would be a much
9 more convenient choice as her office is within seven (7) minutes of the
10 children's school, which is important as the children will most likely be
11 attending sessions on weekdays after school and will need sufficient time
12 to complete their homework and study when they get home. Exhibit 9,
13 Google Maps – Challenger School to Bree Mullin's Office. Ms. Mitzel's
14 office is 24 minutes from the children's school. Exhibit 10, Google Maps
15 – Challenger School to Jen Mitzel's Office. Jim also believes Ms. Mullins
16 is more qualified than Ms. Mitzel. Ms. Mullins is a psychologist whereas
17 Ms. Mitzel is a clinical social worker/therapist. Exhibit 11, Psychology
18 Today, Jen Mitzel. Ms. Mullins has worked with high-conflict families in
19 navigating the divorce process, improving co-parenting, and guiding
20 children to achieve their full potential. Exhibit 12, Psychology Today,
21 Bree Mullins. Considering the present psychological health of the children,
22 especially Hannah who has been most affected, a child psychologist is a
23 much better choice than a clinical social worker/therapist. A child
24 psychologist has a greater likelihood of successfully helping the children to
25 recover and foster healthy relationships with both parents.

26 Jim respectfully requests this Court appoint Ms. Mullins to provide
27 the children therapy, and allow Ms. Mullins to testify as a witness if
28 necessary. Jim also requests that Minh's visitation be suspended or

1 supervised here in Nevada until the children and Minh participate in
2 therapy to address the valid concerns of alienation and manipulation.

3 D. The Court Should Issue an Order to Show Cause Why Minh Should
4 Not Be Held in Contempt

5 The following is a list summarizing the instances in which Minh has
6 committed contempt and failed to abide by the Court's Decision and
7 Order requiring the parties "to share equally private school tuition and
8 related expenses, all medical and dental expenses for the children that are
9 not covered by insurance, expenses for the children's extracurricular
10 activities that the parties agree are best for the children[] . . . pursuant to
11 the 30/30 rule" Decision and Order, pg. 29, lines 1-13.

12 1. Children's Challenger School tuition: Minh's one-half portion
13 each month is \$1,946 for the period of August 2019 to March 2020
14 (Minh's one-half equals \$15,568)

15 Jim has provided receipts for the children's tuition to Minh and
16 emailed her on multiple occasions requesting she reimburse him for one-
17 half the cost of the children's Challenger School tuition. Jim emailed Minh
18 on October 30, 2019 (Emergency Motion, Exhibit 7), January 17 and 18,
19 2020 (Emergency Motion, Exhibit 7), January 24, 2020, and March 14,
20 2020 (Exhibit 13). Jim previously stated he believed Minh's monthly one-
21 half portion for the children's tuition was \$2,140, however, he believes this
22 amount includes the children's after school tutor and other expenses. Jim
23 believes the base rate for the children's tuition is \$3,892 per month, and
24 Minh's one-half portion would be \$1,946. Minh has not reimbursed Jim
25 for this expense.

26 2. Challenger School Uniforms: \$377.67 (Minh's one-half equals
27 \$188.84)

28 . . .

1 Jim emailed Minh on October 30, 2019 requesting she reimburse him
2 for her one-half portion of the cost of the children's school uniforms, and
3 provided Minh the receipt for same. Emergency Motion, Exhibit 7. Minh
4 has not done so.

5 3. Matthew's Karate: \$460.24 (Minh's one-half equals \$230.12)

6 Jim emailed Minh on October 30, 2019 requesting she reimburse him
7 for her one-half portion of the cost of Matthew's karate, and provided
8 Minh the receipt for same. Emergency Motion, Exhibit 7. Minh has not
9 reimbursed Jim.

10 4. Michelle Gravley Therapy: \$175.50 (Minh's one-half equals
11 \$87.78)

12 Jim emailed Minh on December 19, 2019 requesting she reimburse
13 him for her one-half portion of the cost of the children's December 19,
14 2019 therapy session with Dr. Gravley, and provided proof of payment of
15 same. Exhibit 14. Minh has not reimbursed Jim.

16 5. Challenger School Applicant Fees: \$525 (Minh's one-half
17 equals \$262.50)

18 Jim emailed Minh on January 22, 2020 requesting she reimburse him
19 for her one-half portion of the cost of the Challenger School applicant fees,
20 and provided her a copy of the check with which he paid these fees.
21 Exhibits 7 and 8. Minh has not reimbursed Jim.

22 6. Hannah's ophthalmology appointment: \$125 (Minh's one-half
23 equals \$62.50)

24 Jim sent the receipt and a text message to Minh on February 19,
25 2020 requesting she reimburse him for one-half the cost of the
26 ophthalmology appointment. Exhibit 15. Minh has not reimbursed Jim.

27 . . .

28 . . .

1 7. Selena's ophthalmology appointment and eye drops: \$70 for
2 the ophthalmology appointment and \$15 for eye drops (Minh's one-half
3 equals \$35.00 and \$7.50, respectively)

4 Jim emailed Minh on March 3, 2020 requesting she reimburse him
5 for one-half the cost of the ophthalmology appointment, and provided a
6 copy of the receipt. Exhibit 16. Jim emailed Minh on March 9, 2020
7 requesting she reimburse him for her one-half portion of the cost of
8 Selena's eye drops and provided Minh the receipt verifying payment of
9 same. Exhibit 17. Minh has not reimbursed Jim for either of these
10 expenses.

11 E. This Court Should Address Other Parent Child Issues

12 Minh did not address this section of Jim's Emergency Motion and,
13 thus, must not be opposed to Jim's request for the Court to address other
14 parent child issues. Jim requests the Court enter a Behavioral Order
15 directing that neither party is to communicate with the children about this
16 matter, or make any derogatory or demeaning statements about the other
17 parent in the presence of the children. The Court should order that the
18 children's clothing, belongings, and possessions are to be transferred freely
19 with the children. This Court should order Minh to return the children's
20 school uniforms given Jim has primary custody and takes the children to
21 and from school.

22 In addition, the Court ordered both parties to provide health
23 insurance for the children if offered through employment. Minh does not
24 provide health insurance for the children so Jim is requesting this Court
25 order Minh to pay one-half of the health insurance premium Jim pays for
26 the children from the date of the Decision and Order (i.e., September 20,
27 2019 to the present). *See* Emergency Motion, Exhibit 7. Jim has also paid
28 for Minh's health insurance since September 20, 2019, and is requesting

1 this Court order Minh to reimburse him for this expense. Jim has
2 previously requested Minh reimburse him for her health insurance
3 premium and she has refused.

4 Lastly, Jim is also requesting this Court order that neither party is to
5 travel internationally with the children without the approval and consent
6 of the other parent. Based on Minh's Opposition, it appears she believes
7 she only needs to provide an itinerary to Jim for vacations and not out of
8 town travel for the holidays or other custodial timeshare the Court
9 specifically granted to each party. Minh contends the Court did not grant
10 either party "vacation" time that would require her to provide an itinerary,
11 and a "vacation" is separate and distinct from the holidays and other
12 custodial timeshare set forth in the Court's Decision and Order. Minh has
13 the ability to travel internationally without Jim's consent as she took the
14 children's passports with her when she moved out of Jim's home.

15 IV. CONCLUSION

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

20 DATED this 15th day of April, 2020.

21 THE DICKERSON
22 KARACSONYI LAW GROUP

23 By /s/ Sabrina M. Dolson
24 ROBERT P. DICKERSON, ESQ.
25 Nevada Bar No. 000945
26 SABRINA M. DOLSON, ESQ.
27 Nevada Bar No. 013105
28 1745 Village Center Circle
Las Vegas, Nevada 89134
Attorneys for Plaintiff

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

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

23 Executed on 4-15-2020

24 
25 JAMES W. VAHEY
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☒ 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.

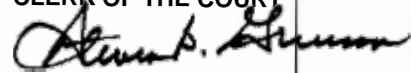
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10 *Attorney for Defendant*

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

14 JAMES W. VAHEY,) Case No.: D-18-58144-D
15)
16 Plaintiff,) Dept.: H
17)
18 v.) Hearing Date: May 5, 2020
19)
20 MINH NGUYET LUONG,) Hearing Time: 10:00 a.m.
21)
22 Defendant,)
23)
24)
25)
26)
27)
28)

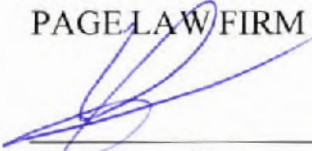
29 **DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR**
30 **IMMEDIATE RETURN OF THE CHILDREN, DISSOLUTION OF TPO,**
31 **MODIFICATION OF CHILD CUSTODY, APPOINTMENT OF A NEW**
32 **THERAPIST FOR THE CHILDREN, AN ORDER TO SHOW CAUSE**
33 **WHY DEFENDANT SHOULD NOT BE HELD IN CONTEMPT,**
34 **AND**
35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

36 COMES NOW Defendant, MINH NGUYET LUONG, by and through her
37 counsel, Fred Page Esq., of Page Law Firm and hereby submits her Opposition to
38 Plaintiff's Motion for Immediate Return of the Children, Dissolution of TPO,
39 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 29th 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.

25 ///

26 ///

27 ///

1 **II.**
2 **OPPOSITION**

3 It is apparent that Jim has become excessively aggressive toward Minh in
4 a desperate effort to deflect the Court's attention from the fact that he committed
5 acts of domestic violence against Minh the fact that the children are doing very
6 poorly in his care.

7
8 Most distressingly, Jim makes the out and out false statement that Minh
9 has stated that she is not going to return the minor children. **AT NO POINT**
10 **HAS THAT EVER BEEN STATED BY MINH.** To the contrary, one of the
11 last communications to Jim's counsel **STATED THE EXACT OPPOSITE.**

12
13
14 An email to Jim's counsel dated March 22, 2020, stated,

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

25 Please provide Jim's agreement.

26
27 **AGAIN, AT NO POINT DID MINH EVER STATE SHE WAS**
28 **GOING TO VIOLATE THE COURT'S ORDER.**

29 Jim's response was, "the issue will be addressed by the Court." Jim's
30 "Motion" can be summarized as 25 pages of personal attacks against Minh, and

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.¹ 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 ¹ 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.”² Jim is oblivious as
21
22
23
24

25 ² 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

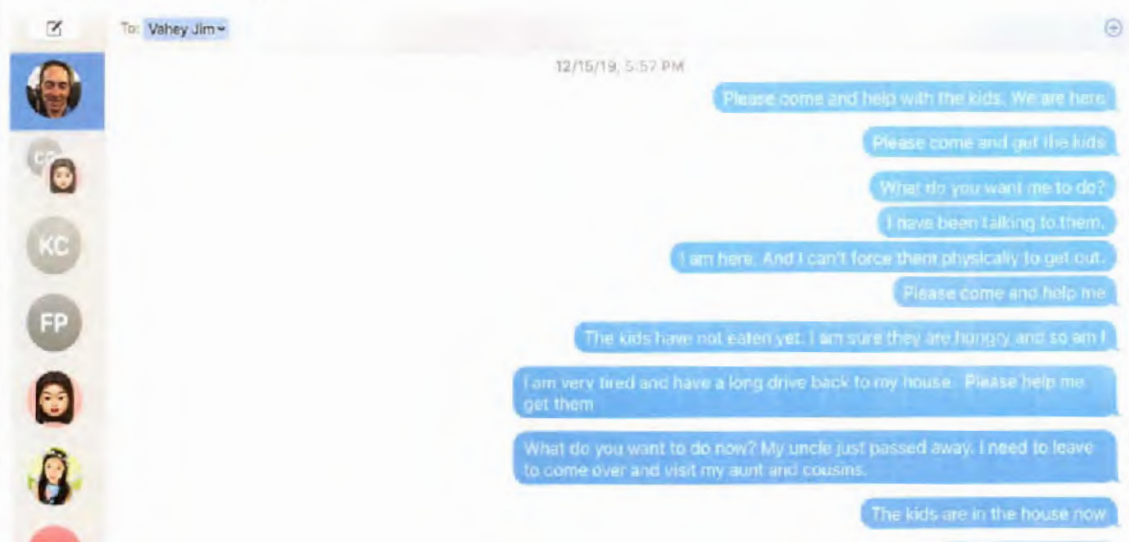
22 Jim could have done anything other than have complete disregard for
23 Minh (and the children) trying to get the children out of her vehicle. Instead
24 Jim stood there, taunting Minh by doing nothing for an hour and a half while
25 she struggled. The children watched Jim act in a completely abhorrent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

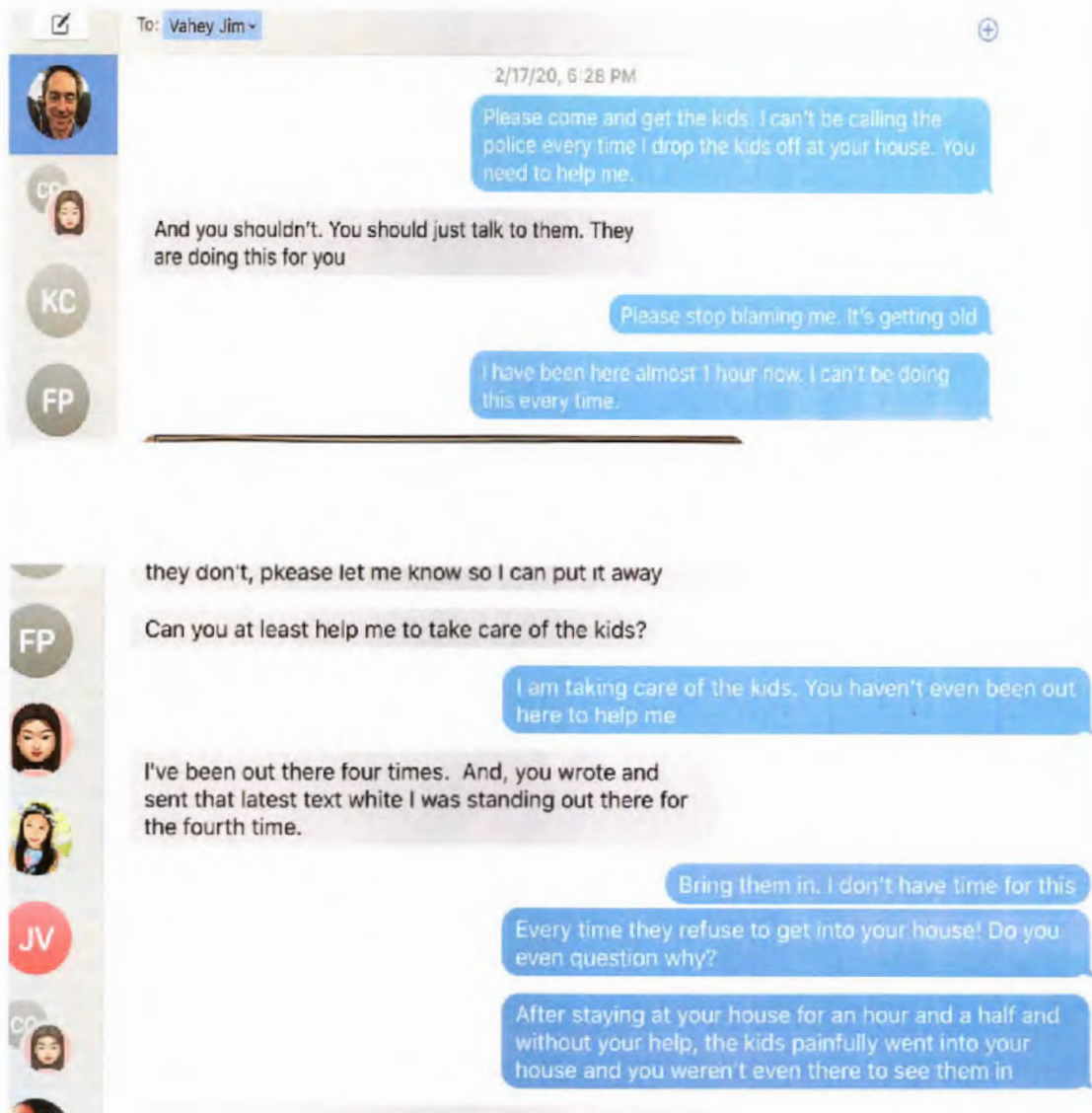
1 that occurred in a span of less than five seconds and then wants a pat on the
2 back for the situation he helped create. The children are intelligent. It is little
3 wonder the children resent him, choose their mother over him, and run away.
4

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.³

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 ³ 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

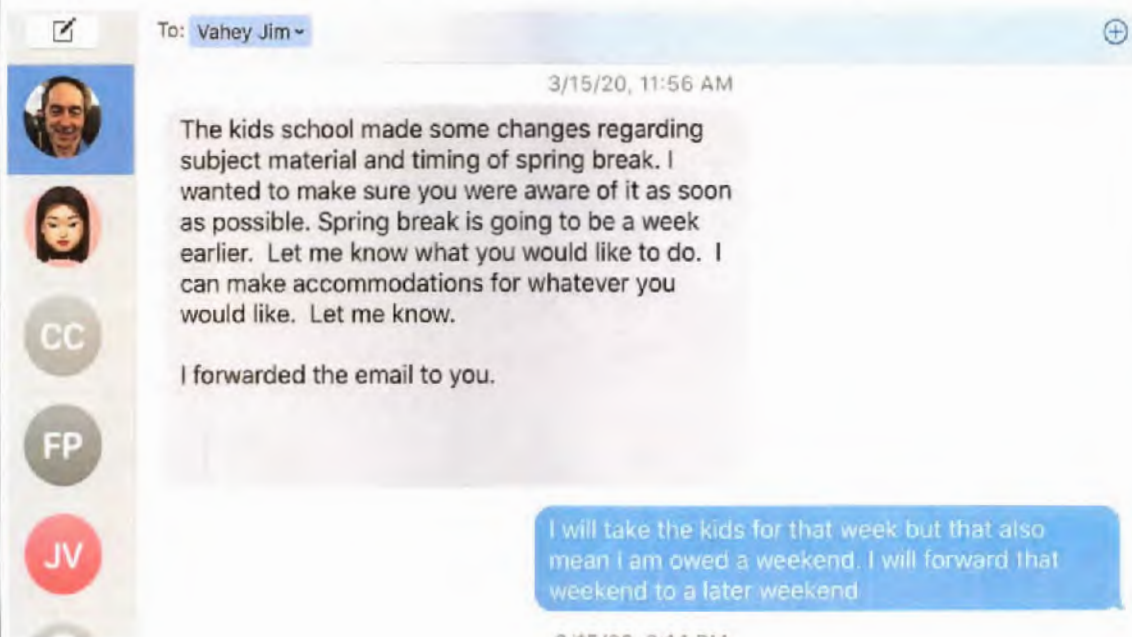
11 Dear Parents of Challenger Students Attending California,
12 Nevada, and Utah Campuses,

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.⁴

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.⁵

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 ⁴ 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 ⁵ 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."⁶
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 ⁶ 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.⁷ Jim trying to deflect *his* responsibility for *his* own poorly crafted email
12 compounded his own failure to known even when his own children are on
13 Spring Break and then demand a specific response is duly noted.⁸
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 ⁷ 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 ⁸ 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.⁹ 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.¹⁰

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.
11

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.
19

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

24 _____
25 ⁹ 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 ¹⁰ 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
8 negative, however, attached Exhibit A are a small sampling of messages
9 between Minh and Jim, mostly of Minh advising Jim that he has been speaking
10 to the children should be contacting the Hannah and Matthew directly. Those
11 messages from Minh to Jim include,
12

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

1 • I asked you to call them directly. You know Hannah has her own
2 cell phone and Matthew has an iPad that I paid for both. . . Why
3 can't you call them directly?¹¹

4 • I encourage them to daily and multiple times a day. I call your
5 number and give the phone. I insisted [to] them to stay on the
6 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.

7 Jim complains that Minh will not pay for the extracurricular activities in
8 which the children participate. Mot. at page 10, lines 14-15. FFCLO has been
9 reviewed. There is no order which requires Minh to pay, other than activities
10 that the parties agree that are best for the children. On September 27, 2019,
11 Minh sent an email to Jim, Exhibit B that read in pertinent part,
12

13
14 When I signed up for the kids to take extracurricular activities, I
15 was told by you that you would not pay for any of it because
16 you were not involved in it.

17 Since I am not going to be living in NV, I won't be involved in
18 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.

19 It is curious that Jim not wanting to pay for extracurricular activities in
20 which he not involved, but he believes that Minh should have to pay for
21 extracurricular activities in which she is not involved. Jim's contention should
22 expire of its own internal contradictions.
23

24
25
26
27 ¹¹ Jim tries to deflect by claiming he does not have Hannah's number of
28 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
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. Jim cannot create the problem and complain of the
problem he creates.

Jim alleges that Minh is seeking reimbursement for dental work. Mot. at
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.")¹²

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 ¹² 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
12 Minh spoke to the guard and informed the guard that the children had ran
13 away from home. The guard informed Minh that Minh should get to the
14 children as soon as possible otherwise Child Protection Services would be
15 involved.
16

17 The guard called the police while Minh was on the phone with her. The
18 phone call was from 5:58 a.m. to 6:03 a.m. Minh rushed out of bed and got
19 herself dressed while calling her attorney at 6:05 a.m. to inform him of what has
20 just happened. Minh got into her car and drove as quickly as she could to the
21 guard station.
22

23
24 Minh advises on her way to the guard station at 6:09 a.m. and 6:12 a.m.,
25 she called the guard to reassure herself that the children were okay and whether
26 Jim had arrived to pick up the children. Minh was assured that the children were
27 doing fine, they missed their mother, and that Jim was not anywhere to be found.
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.¹³
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 ¹³ 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
25 Hannah at that time was sitting in the middle row of Jim's van started
26 moving toward the back row where Matthew was sitting so Matthew could help
27 her. Jim, in a fit of rage, pulled Hannah's purse which was around Hannah's
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.¹⁴
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 ¹⁴ 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.¹⁵

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

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

18
19 Jim then inexplicably attaches the email sent to Minh's counsel sent to his
20 counsel on March 20 and then claims Minh is manipulating her counsel and that
21 there never have been any prior incidents of domestic violence. Mot. at page 21,
22 to page 22, line 8. It is unclear as to why Jim would put the full text of Minh's
23

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

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

21 Jim further tries to rehash the claim on which he tried to sandbag Minh as
22 the evidentiary hearing regard the memo on a check of vacation home. Mot. at
23 page 22, lines 18-19. The claim by Jim is still false.
24

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

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.

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.

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. OPPOSITION**

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

9
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 ///

27
28

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 It should be noted that Jim is attempted to sandbag Minh by filing his
15 Motion to Dissolve the TPO at approximately 7:10 p.m. on a Friday evening and
16 then attach that same Motion as an Exhibit to his Ex Parte Application for an
17 Order to Show Cause. Jim would then apparently hand deliver the Ex Parte
18 Application to the Court on Monday morning and attempt to unduly prejudice
19 Minh's ability to respond.
20
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.
25
26
27
28

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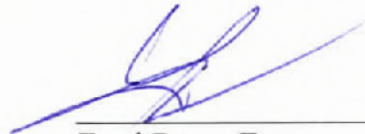
III.
CONCLUSION

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 29th 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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MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES W. VAHEY

Plaintiff/Petitioner

v.

MINH NGUYET LUONG

Defendant/Respondent

Case No. D-18-581444-D

Dept. H

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

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

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

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

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

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

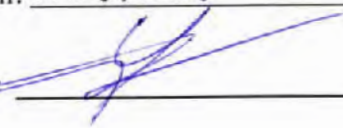
Step 3. Add the filing fees from Step 1 and Step 2.

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

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

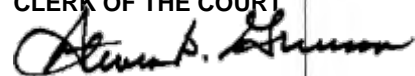
Party filing Motion/Opposition: Minh Nguyet Luong

Date 3-29-20

Signature of Party or Preparer 

70

70



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

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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) Hearing Date: May 5, 2020
16)
17) Hearing Time: 10:00 a.m.
18)
19)
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Plaintiff,
v.
MINH NGUYET LUONG,
Defendant,

18 **DEFENDANT'S EXHIBIT APPENDIX IN SUPPORT OF OPPOSITION**
19 **TO PLAINTIFF'S MOTION FOR IMMEDIATE RETURN OF THE**
20 **CHILDREN, DISSOLUTION OF TPO, MODIFICATION OF CHILD**
21 **CUSTODY, APPOINTMENT OF A NEW THERAPIST FOR THE**
22 **CHILDREN, AN ORDER TO SHOW CAUSE WHY DEFENDANT**
23 **SHOULD NOT BE HELD IN CONTEMPT,**
24 **AND**
25 **TO RESOLVE OTHER PARENT CHILD ISSUES**

24 COMES NOW Defendant, MINH NGUYET LUONG, by and through her
25 counsel, Fred Page Esq., of Page Law Firm and hereby submits her Exhibit
26 Appendix in Support of Opposition to Plaintiff's Motion for Immediate Return of
27 the Children, Dissolution of TPO, Modification of Child Custody, Appointment


1 of a New Therapist for the Children, an Order to Show Cause Why Defendant
2 Should Not Be Held in Contempt and to Resolve Other Parent Child Issues.
3

4 **Exhibit A:** Text messages from Minh to Jim of her asking Jim to contact
5 the children.

6 **Exhibit B:** Email from Minh to Jim dated September 27, 2019, in which
7 she reminded Jim that he refused to pay for the extracurricular activities in
8 which she enrolled the children.
9

10 DATED this 29 day of March 2020
11

12 PAGE LAW FIRM
13

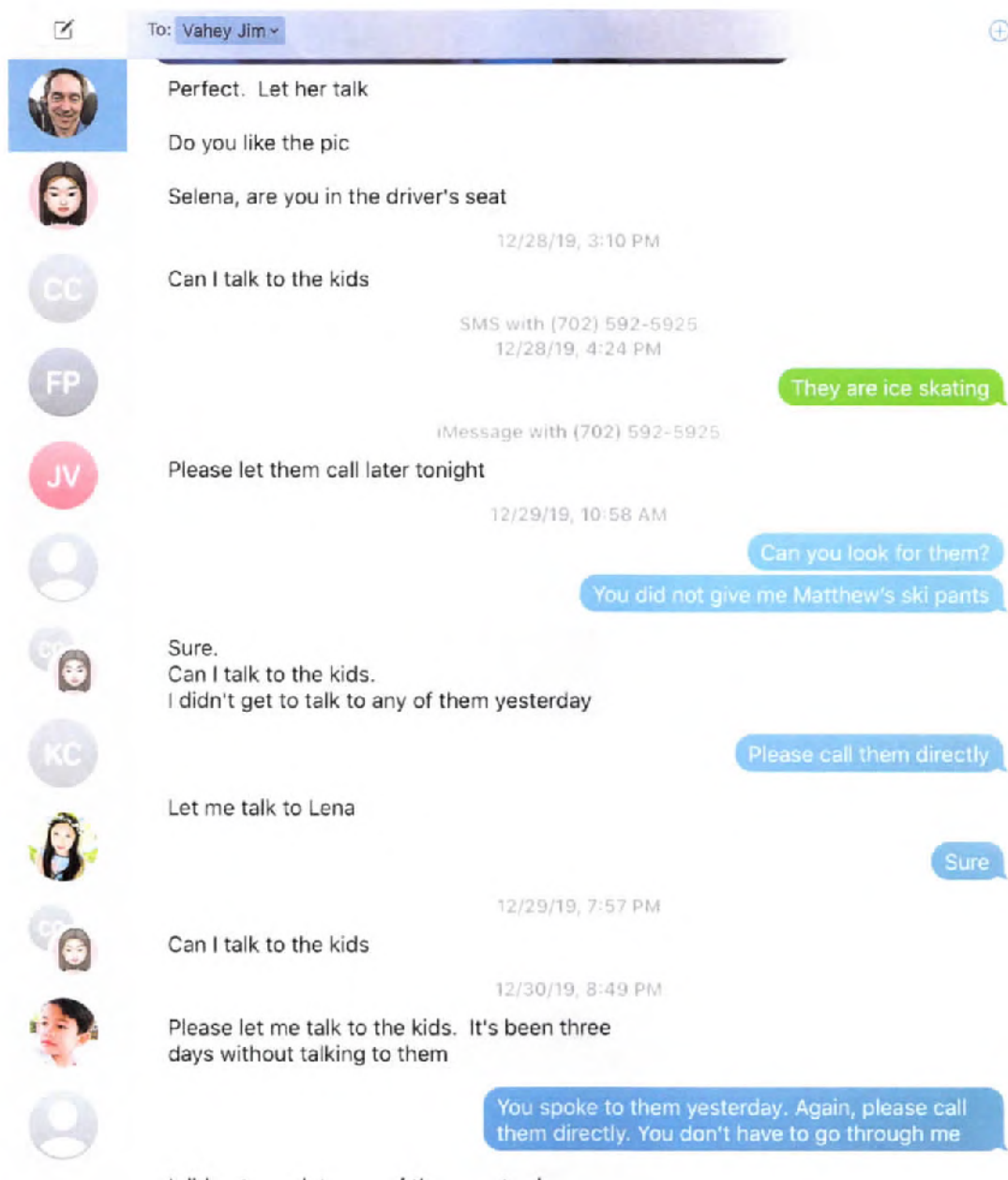
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15 Fred Page, Esq.
16 Nevada State Bar No. 6080
17 6930 South Cimarron Road, Suite 140
18 Las Vegas, Nevada 89113
19 (702) 823-2888
20 Attorney for Defendant
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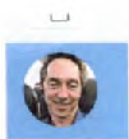
CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 19th day of ^{April}~~March~~ 2020, the foregoing EXHIBIT APPENDIX was served pursuant to NECFR 9 via e-service to Robert Dickerson, Esq. attorney for Plaintiff.


An employee of Page Law Firm.

EXHIBIT A





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.

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.



12/30/19, 8:49 PM

Please let me talk to the kids. It's been three days without talking to them



You spoke to them yesterday. Again, please call them directly. You don't have to go through me



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



Please stop with the blame. I 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.

12/31/19, 9:06 AM

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 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.

EXHIBIT B

luongdds@gmail.com #
kids' schedule 2019-2020 and all related info
To: Jim Vining

Attachment 2 - 20 of 200 (1/1)

ML

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 Gravelly: The children's therapy sessions are covered under your insurance. Angela told me that Dr. Gravelly 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.

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

Seiena 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.

Seiena 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.

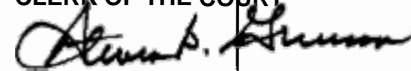
These are the things they get to do when they were with me half of the time. I hope you can provide them these things that I could have with just half of the week.

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.

71

71



EXHS
FRED PAGE, ESQ.
NEVADA STATE BAR NO. 6080
PAGE LAW FIRM
6930 SOUTH CIMARRON ROAD, SUITE 140
LAS VEGAS, NEVADA 89113
TELEPHONE: (702) 469-3278
FACSIMILE: (702) 628-9884
Email: fpagelaw@pagelawoffices.com
Attorney for Defendant

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

JAMES W. VAHEY,

Plaintiff,

vs.

MINH NGUYET LUONG,

Defendant.

Case No.: D-18-581444-D

Dept.: H

Hearing Date: April 22, 2020

Hearing Time: 9:00 a.m.

**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**

COMES NOW Defendant, MINH NGUYET LUONG, by and through her
counsel, Fred Page Esq., of Page Law Firm and hereby submits her Exhibit
Appendix in Support of Reply to Plaintiff's Opposition Motion to Extend
Temporary Protective Order T-20-204489-T to Change Custody on an Interim

///

///

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

3
4 **Exhibit A:** Henderson Police Department Incident Report dated December
5 17, 2019, regarding Hannah and Matthew running away.

6
7 **Exhibit B:** Henderson Police Department Incident Report dated January
8 20, 2020, regarding the children refusing to get out of Mnh's
9 vehicle, Jim being in the residence, Selena stating that her arm
10 had been twisted, and Jim choking Hannah.

11
12 **Exhibit C:** Correspondence dated December 19, 2019, from Fred Page,
13 Esq. to Robert Dickerson, Esq. regarding Hannah and Matthew
14 running away, the children's grades, surveillance camera, right
15 of privacy during telephone calls, and a request that the parties
16 work together for the benefit of the children.

17
18 **Exhibit D:** Texts from Minh to Jim dated December 15, 2019, asking Jim
19 to "Please come help with the kids."

20
21 **Exhibit E:** Henderson Police Department Incident Report dated January 5,
22 2020, regarding the children refusing to get out of Minh's
23 vehicle and Jim refusing to come out of the house.

24
25 **Exhibit F:** Text from Minh to Jim dated February 17, 2020, wherein Minh
26 asks Jim "Please come and get the kids. I can't be calling the
27
28

1 police every time I drop off the kids at your home. You need to
2 help me.” Jim taunting Minh, “And you shouldn’t. You should
3 just talk to them. They are doing this for you. Minh replying,
4 “Please stop blaming me. It’s getting old. I have been here
5 almost 1 hour now. I can’t be doing this every time.” “Every
6 time they refuse to get into your house! Do you even question
7 why?”
8
9
10

11 **Exhibit G:** Hannah’s grades for 2016, 2017, and first quarter of 2018
12

13 **Exhibit H:** Matthew’s grades for 2017 and first quarter of 2018.
14

15 **Exhibit I:** Texts between Minh’s sister, Hieu, and Hannah wherein
16 Hannah advised Hieu that she witnessed Jim pushing Minh.
17

18 **Exhibit J:** Call details from Minh’s phone showing that she received a
19 telephone call from Aztec Bail Bonds the morning after Jim
20 was arrested.
21

22 **Exhibit K:** Declarations from Lynni Nicole Pham and Kha-Nhi Pham
23 regarding Jim becoming violent and pushing a nine year old
24 child to the ground and injuring him.
25


26 **Exhibit L:** Multiple texts from Minh to Jim over from November 2019, to
27 March 2020, complaining that Jim will not allow her to have
28 telephone contact with the children.

Exhibit M: Email from Minh to Jim dated September 27, 2019, advising that since Jim refused to pay for the extracurricular activities in which she had the children enrolled, that Minh was not going to be contributing to the extracurricular activities in Nevada.

Exhibit N: Email from Minh to Jim dated January 11, 2020, wherein Minh is requesting of Jim that he have it set up that she can pay the children's tuition directly to the school and asking if she can pay for the next three months.

DATED this 20th day of April 2020

PAGE LAW FIRM



FRED PAGE, ESQ.
Nevada Bar No. 6080
6930 South Cimarron Road, Suite 140
Las Vegas, Nevada 89113
(702) 823-2888
Attorney for Defendant

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 20th day of April 2020 that the foregoing DEFENDANT'S EXHIBIT APPENDIX as served pursuant to NECFR 9 via e-service to Robert Dickerson, Esq. attorney for Plaintiff.



An employee of Page Law Firm

EXHIBIT A



**Henderson Police Department
Incident Report**

3/30/2020 12:53:08 PM

[Back](#) [Close](#)

Incident: HP191217000097

Report:

Date/Time: 12/17/2019 06:02:09

Officer: CUNNINGHAMC

Address: 33 GRAND MEDITERRA BLVD - SOUTH SHORE GUARD SHACK

Type: 418A - 418A - FOUND PERSON

Comments:

Date/Time:

Comment:

12/17/2019 6:03:08 AM

PR HAS 1 6 YO BOY AND 1 7 YO GIRL AT THE GATE WHO TOLD PR THEY RAN AWAY, AMJ AND AFJ

12/17/2019 6:03:20 AM

THEY DONT KNOW THEIR ADDR

12/17/2019 6:31:21 AM

27 VIA MIRA MONTE

12/17/2019 6:37:18 AM

VAHEY, JAMES WALTER RECORD STATUS: CURRENT SOC: DOB: 12151962

12/17/2019 7:01:31 AM

REC'G CALL FROM MOM LUONG, MINH PH 702-353-2319 & SHE IS REQ'G OFCR CALL HER ALL CHILDREN C4, NO SIGNS OF NEGLECT/ABUSE. CHILDREN WERE UPSET DUE TO MOM AND DADS DIVORCE, CHILDREN STATED THEY WANTED TO SEE MOM AND THATS THE REASON THEY RAN AWAY TO THE GUARD SHACK. MATTHEW AND HANNAH VAHNEY

12/17/2019 7:39:37 AM

THIS RECORD HAS BEEN REDACTED
PURSUANT TO
NRS 239B.030 / 603A.040 - PERSONAL
INFORMATION

EXHIBIT B



Henderson Police Department

Incident Report

3/30/2020 1:06:45 PM

[Back](#) [Close](#)

Incident: HP200120000634

Date/Time: 01/20/2020 18:44:02

Address: 27 VIA MIRA MONTE - WESTIN LAKE LV

Type: 437 - 437 - KEEP PEACE/ASST CITIZEN

Report:

Officer: RODRIGUEZD

Comments:

Date/Time:

Comment:

1/20/2020 6:46:02 PM

PR NEEDS TO DROP HER KIDS OFF ,, 5 YO STATED THAT FATHER TWISTED HER ARM WHEN HE CAME OUT O GET THEM ,, MALE NOW BACK IN RESDINCE ,, PR IN DODGE ROADMASTER , FATHER -JAMES BAHEY - PR DID NOT SEE HIM TWIST HER ARM

1/20/2020 6:46:10 PM

NEG WEAPS/408/446

1/20/2020 8:05:29 PM

MOTHER MINH LUONG (12/27/72) ADVISED THAT THE CHILDREN'S FATHER JAMES VAHEY (12/15/62) DID NOT GRAB SELENA VAHEY (04/04/14) TODAY. HE DID GRAB HER ARM AND TWIST IT TWO TIMES PRIOR. MINH STATED THAT SHE WAS CONCERNED ABOUT HER CHILDREN BEING WITH THEIR FATHER. SELENA WAS UNABLE TO SAY WHEN SHE WAS GRABBED AND WHY. SHE ALSO ADVISED HE CHOKED HER DAUGHTER HANNAH VAHEY (03/19/09) WHEN THEY RAN AWAY BY GRABBING HER BY THE SHIRT AND PURSE STRAP TO KEEP HER SEATED. FATHER STATED THAT HE DOES NOT PHYSICALLY DISCIPLINE HIS CHILDREN AND TALKED TO OFFICERS ABOUT THE INCIDENT WHEN HANNAH AND HER BROTHER MATTHEW VAHEY (06/26/10) RAN AWAY. HE ADVISED THAT HE DID NOT CHOKE HANNAH. CHILDREN WERE LEFT AT THE FATHER'S RESIDENCE WITHOUT INCIDENT.

EXHIBIT C

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.
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: 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 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.

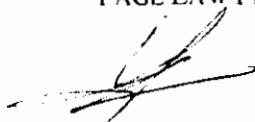
PAGE LAW FIRM

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 be 'Fred Page', written over the printed name.

Fred Page, Esq.

FCP

EXHIBIT D

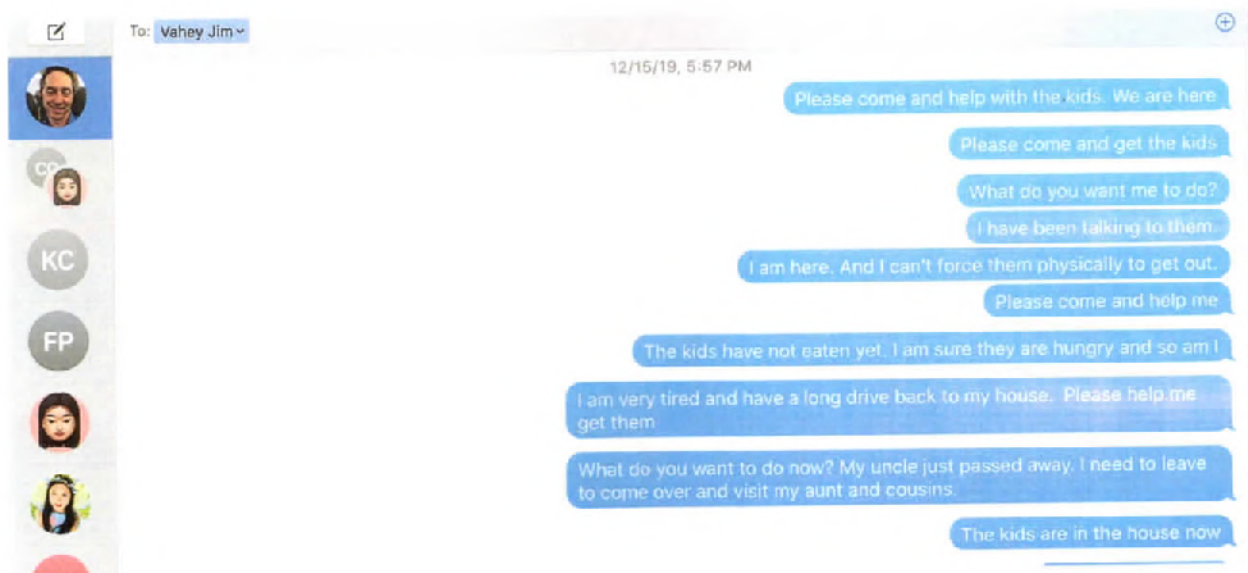


EXHIBIT E



**Henderson Police Department
Incident Report**

3/30/2020 1:07:26 PM

[Back](#) [Close](#)

Incident: HP200105000617

Report:

Date/Time: 01/05/2020 19:24:52

Officer: WOODSJ

Address: 27 VIA MIRA MONTE -

Type: 437 - 437 - KEEP PEACE/ASST CITIZEN

Comments:

Date/Time:

Comment:

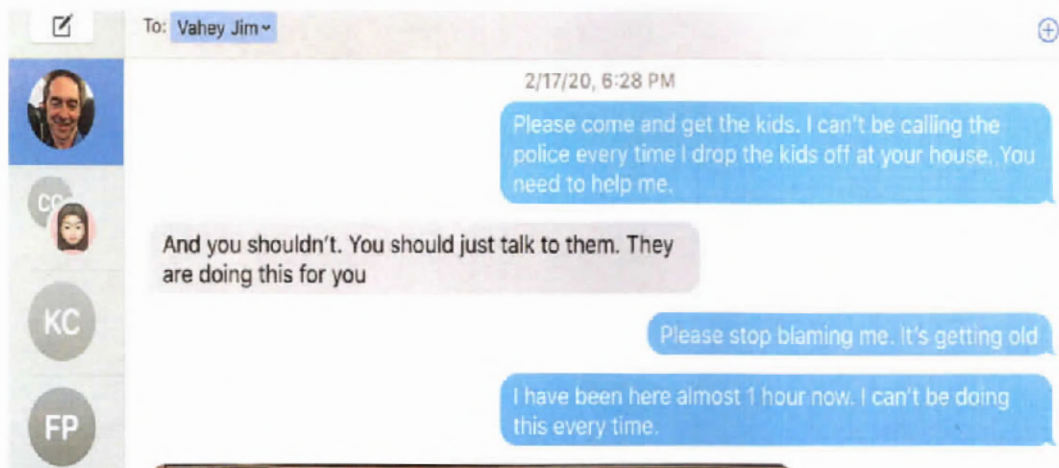
1/5/2020 7:26:14 PM

PR NEEDS TO DROP OFF HER THREE KIDS TO EX HUSBAND ,, 5,9,10 YO REFUSING TO GET OUT OF VEH , MALE REFUSING TO COME OUT OF RESIDENCE,, PR IN A GRY TESLA

1/5/2020 8:15:05 PM

CHILDREN WENT INSIDE WITH FATHER WITHOUT INCIDENT

EXHIBIT F



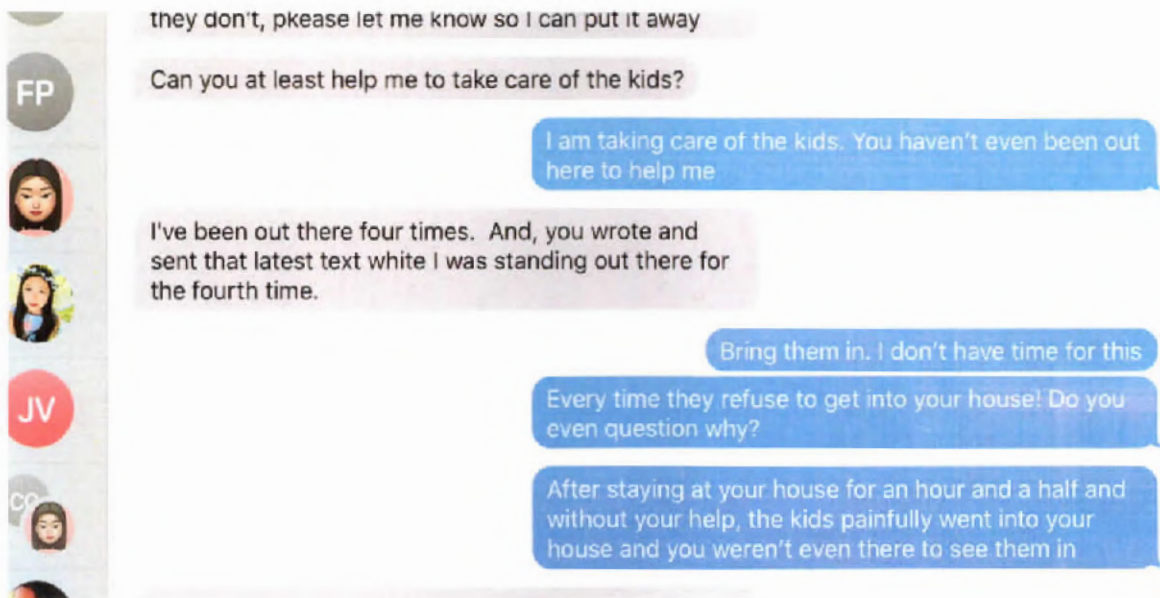


EXHIBIT G

Coral Academy of Science
1051 Sandy Ridge Avenue
Henderson, NV 89052
(702)776-8800

Vahey, Hannah E
2015 - 2016 Report Card
Grade: 1 Student ID: 209795352
Generated on 10/27/2015 04:43:05 PM
Snailum, Christina

GPA Summary:

Cumulative GPA

Q1

Term GPA

Attendance Summary:

Terms:	Q1		Total	
Period	Absent	Tardy	Absent	Tardy
AM	3	0	3	0
PM	4	0	4	0
1	0	0	0	0
2	0	0	0	0
3	0	0	0	0
4	0	0	0	0
5	0	0	0	0
6	0	0	0	0
7	0	0	0	0
8	0	0	0	0
Total	7	0	7	0

Grade Report:

Course	Task	Q1
001-14 AM Elementary Attendance [Snailum, Christina]	CASLV Citizenship Grade <i>Term 1 Comments: She is pleasure to have in class!</i>	E
168-14 Physical Education 1 [Gonzales, Troy]	CASLV Quarter Grade	A+
345-14 Math 1 [Snailum, Christina]	CASLV Quarter Grade	A
359-14 Computers [Gul, Fatos]	CASLV Quarter Grade	A+
360-14 Elementary Science 1 [Snailum, Christina]	CASLV Quarter Grade	B+
375-14 Reading 1 [Snailum, Christina]	CASLV Quarter Grade	B-
380-14 Social Studies 1 [Snailum, Christina]	CASLV Quarter Grade	A
395-14 Writing 1 [Snailum, Christina]	CASLV Quarter Grade	A-
407-14 Music 1 Elem [St.Germaine, Kerri]	CASLV Quarter Grade	A+
408-14 Art 1 [St.Germaine, Kerri]	CASLV Quarter Grade	A

Academic Performance Level for CASLV Coral Citizenship Scores		
E Excellent	S Satisfactory	N Needs Improvement

Academic Performance Level for CASLV Elementary (K-5)															
A+	A	A-	B+	B	B-	C+	C	C-	D+	D	D-	90	70	F	INC
A+	A	A-	B+	B	B-	C+	C	C-	D+	D	D-	Outstanding	Satisfactory	F	Incomplete

To Parent/Guardian of Hannah E Vahey
27 Via Mira Monte
Henderson, NV 89011

Coral Academy of Science

1051 Sandy Ridge Avenue
Henderson, NV 89052
(702)776-8800

Vahey, Hannah E

2015 - 2016 CASLV Report Card

Grade: 1

Snailum, Christina

Attendance Summary:

Q2

Absent	Tardy
1	0

Grade Report:

Course	Task	Q2
001-14 AM Elementary Attendance [Snailum, Christina]	CASLV Citizenship Grade <i>Term 2 Comments: Hannah is a pleasure to have in class.</i>	E
168-14 Physical Education 1 [Gonzales, Troy]	CASLV Quarter Grade	A+
345-14 Math 1 [Snailum, Christina]	CASLV Quarter Grade	A
359-14 Computers [Gul, Fatos]	CASLV Quarter Grade	A+
360-14 Elementary Science 1 [Snailum, Christina]	CASLV Quarter Grade	A
375-14 Reading 1 [Snailum, Christina]	CASLV Quarter Grade	B+
380-14 Social Studies 1 [Snailum, Christina]	CASLV Quarter Grade	A-
395-14 Writing 1 [Snailum, Christina]	CASLV Quarter Grade	A-
407-14 Music 1 Elem [St.Germaine, Kerri]	CASLV Quarter Grade	A+
408-14 Art 1 [St.Germaine, Kerri]	CASLV Quarter Grade	A+

Academic Performance Level for CASLV Elementary (K-5)

A+	A	A-	B+	B	B-	C+	C	C-	D+	D	D-	90	70	F	INC
A+	A	A-	B+	B	B-	C+	C	C-	D+	D	D-	Outstanding	Satisfactory	F	Incomplete

To Parent/Guardian of Hannah E Vahey
27 Via Mira Monte
Henderson, NV 89011

Coral Academy of Science

1051 Sandy Ridge Avenue
Henderson, NV 89052
(702)776-8800

Vahey, Hannah E

2015 - 2016 CASLV Report Card
Grade: 1 Student ID: 209795352
Generated on 03/30/2016 11:01:57 AM
Snailum, Christina

Attendance Summary:

Q3

Absent	Tardy
1	0

Grade Report:

Course	Task	Q3
001-14 AM Elementary Attendance [Snailum, Christina]	CASLV Citizenship Grade <i>Term 3 Comments: Hannah is a pleasure to have in class.</i>	E
168-14 Physical Education 1 [Gonzales, Troy]	CASLV Quarter Grade	A+
345-14 Math 1 [Snailum, Christina]	CASLV Quarter Grade	A
359-14 Computers [Gul, Fatos]	CASLV Quarter Grade	A+
360-14 Elementary Science 1 [Snailum, Christina]	CASLV Quarter Grade	A
375-14 Reading 1 [Snailum, Christina]	CASLV Quarter Grade	A-
380-14 Social Studies 1 [Snailum, Christina]	CASLV Quarter Grade	A
395-14 Writing 1 [Snailum, Christina]	CASLV Quarter Grade	A
407-14 Music 1 Elem [St.Germaine, Kerri]	CASLV Quarter Grade	A+
408-14 Art 1 [St.Germaine, Kerri]	CASLV Quarter Grade	A+

Academic Performance Level for CASLV Elementary (K-5)

A+	A	A-	B+	B	B-	C+	C	C-	D+	D	D-	90	70	F	INC
A+	A	A-	B+	B	B-	C+	C	C-	D+	D	D-	Outstanding	Satisfactory	F	Incomplete

To Parent/Guardian of Hannah E Vahey
27 Via Mira Monte
Henderson, NV 89011

Coral Academy of Science
1051 Sandy Ridge Avenue
Henderson, NV 89052
(702)776-8800

Vahey, Hannah E
2016 - 2017 Report Card
Grade: 2 Student ID: 209795352
Generated on 03/20/2017 12:31:09 PM
Wilber, Sarah

Grade Report:

Course	Task	Q1	Q2	Q3
001-26 AM Elementary Attendance [Wilber, Sarah]	CASLV Citizenship Grade	E	E	E
	<i>Term 3 Comments: Hannah is a very bright and kind student. She is very thoughtful and observant!</i>			
154-26 Music 2 [St.Germaine, Kerri]	CASLV Quarter Grade	A+	A+	A+
170-26 Physical Education 2 [Gonzales, Troy]	CASLV Quarter Grade	A+	A+	A+
347-26 Math 2 [Wilber, Sarah]	CASLV Quarter Grade	A	A	A-
355-26 Art 2 [St.Germaine, Kerri]	CASLV Quarter Grade	A+	A+	A+
359-26 Computers [Fogg, Kathy]	CASLV Quarter Grade	A+	A+	A+
361-26 Elementary Science 2 [Wilber, Sarah]	CASLV Quarter Grade	A	A	A+
376-26 Reading 2 [Wilber, Sarah]	CASLV Quarter Grade	A	A-	B
381-26 Social Studies 2 [Wilber, Sarah]	CASLV Quarter Grade	B+	A	A
396-26 Writing 2 [Wilber, Sarah]	CASLV Quarter Grade	A	A	B+

Academic Performance Level for CASLV Elementary (K-5)													
A+	A	A-	B+	B	B-	C+	C	C-	D+	D	D-	F	INC
A+	A	A-	B+	B	B-	C+	C	C-	D+	D	D-	F	Incomplete

To Parent/Guardian of Hannah E Vahey
27 Via Mira Monte
Henderson, NV 89011

Class	Task	Quarters Q1	Quarters Q2	Quarters Q3	Quarters Q4
Legend: Final Grade In-Progress Grade Future In-Progress Grade Grade Not Available Yet					
407-1 Art 4 Edward, Mary Detail	Progress Grade	A 93.33%			
	Quarter Grade	A 93.33%			
406-1 Computers 4 Christopher, Joan Detail	Progress Grade	A+ 100.00%			
	Quarter Grade	A 99.00%			
501-3 Math 5 Pruszkowski, Dawn Detail	Quarter Grade	A 93.50%			
409-1 Music 4 Burt, Russell Detail	Progress Grade	A+ 100.00%			
	Quarter Grade	A+ 100.00%			
410-1 Physical Education 4 ARMBRUSTER, CHRISTOPHER J Detail	Progress Grade	A+ 100.00%			
	Quarter Grade	A+ 100.00%			
402-1 Reading 4 Robker, Shannon Detail	Progress Grade	A- 91.18%			
	Quarter Grade	A- 90.97%			
403-1 Science 4 Bisarra, Josie Detail	Progress Grade	A- 90.83%			
	Quarter Grade	A 93.67%			
405-1 Social Studies 4 Bisarra, Josie Detail	CASLV Citizenship Grade	E			
	Progress Grade	A+ 100.00%			
	Quarter Grade	A 97.03%			
408-1 Spanish 4 Henderson, Shree Detail	Quarter Grade	A+ 100.00%			

404-1 Writing 4 Ritter, Amy Detail	Quarter Grade	A- 90.00%			
Term GPA		4.000			
Term GPA + AP Bonus		4.000			

EXHIBIT H

Coral Academy of Science
 1051 Sandy Ridge Avenue
 Henderson, NV 89052
 (702)776-8800

Vahey, Matthew
 2016 - 2017 Report Card
 Grade: 1 Student ID: 573817364
 Generated on 03/20/2017 12:31:09 PM
 Cura, Jocelyn

Grade Report:

Course	Task	Q1	Q2	Q3
001-15 AM Elementary Attendance [Cura, Jocelyn]	CASLV Citizenship Grade	E	E	E
168-15 Physical Education 1 [Gonzales, Troy]	CASLV Quarter Grade	A+	A+	A+
345-15 Math 1 [Cura, Jocelyn]	CASLV Quarter Grade	A	A	A
359-15 Computers [Fogg, Kathy]	CASLV Quarter Grade	A+	A+	A+
360-15 Elementary Science 1 [Cura, Jocelyn]	CASLV Quarter Grade	A+	A	A+
375-15 Reading 1 [Cura, Jocelyn]	CASLV Quarter Grade	A-	B+	B+
380-15 Social Studies 1 [Cura, Jocelyn]	CASLV Quarter Grade	A+	A+	A
395-15 Writing 1 [Cura, Jocelyn]	CASLV Quarter Grade	A	A-	A-
407-15 Music 1 Elem [St.Germaine, Kern]	CASLV Quarter Grade	A+	A+	A
408-15 Art 1 [St.Germaine, Kern]	CASLV Quarter Grade	A+	A	A+

Academic Performance Level for CASLV Elementary (K-5)													
A+	A	A-	B+	B	B-	C+	C	C-	D+	D	D-	F	INC
A+	A	A-	B+	B	B-	C+	C	C-	D+	D	D-	F	Incomplete

To Parent/Guardian of Matthew Vahey
 27 Via Mira Monte
 Henderson, NV 89011

Class	Task	Quarters Q1	Quarters Q2	Quarters Q3	Quarters Q4
Legend: Final Grade Available Yet		In-Progress Grade	Future In-Progress Grade	Grade Not	
307-1 Art 3 Edward, Mary Detail	Progress Grade	A+ 100.00%			
	Quarter Grade	A+ 100.00%			
306-1 Computers 3 Christopher, Joan Detail	Progress Grade	A+ 100.00%			
	Quarter Grade	A+ 100.00%			
401-3 Math 4 Pruszkowski, Dawn Detail	Quarter Grade	A- 92.35%			
309-1 Music 3 Burt, Russell Detail	Progress Grade	A+ 100.00%			
	Quarter Grade	A+ 100.00%			
310-1 Physical Education 3 ARMBRUSTER, CHRISTOPHER J Detail	Progress Grade	A+ 100.00%			
	Quarter Grade	A+ 100.00%			
302-1 Reading 3 Robker, Shanon Detail	Progress Grade	B+ 87.27%			
	Quarter Grade	B 83.26%			
303-1 Science 3 Bisarra, Josie Detail	Progress Grade	A 95.34%			
	Quarter Grade	A 94.89%			
305-1 Social Studies 3 Ritter, Amy Detail	CASLV Citizenship Grade	E			
	Quarter Grade	A- 90.00%			
308-1 Spanish 3 Henderson, Shree Detail	Quarter Grade	A+ 100.00%			
304-1 Writing 3 Ritter, Amy Detail	Quarter Grade	B- 81.05%			
Term GPA		3.800			
Term GPA + AP Bonus		3.800			

EXHIBIT I

9:00

LTE



Hannah 🍕🍕 >

Eta?

6:50 PM

long story short
my dad wouldn't give my mom
back her stuff that she forgot
and a lot of pushing and
shoving happened so we went
to the police and 2 hours later
(now) we are finally leaving

7:05 PM

Is everyone ok?

7:05 PM

yes

7:09 PM

Who pushed who

7:14 PM

my dad pushed my mom

7:15 PM

Did you see it?

7:15 PM

ves

7:15 PM

i think my mom might want to
tell u later

7:15 PM



iMessage

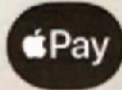


EXHIBIT J

Re: tmobile call log bail bond

Fred Page <fpage@pagelawoffices.com>

Fri 4/17/2020 8:15 PM

To: Minh Nguyet Luong <luongdds@gmail.com>

Thanks.

From: Minh Nguyet Luong <luongdds@gmail.com>

Sent: Friday, April 17, 2020 8:11 PM

To: Fred Page <fpage@pagelawoffices.com>

Subject: tmobile call log bail bond

Hi Fred,

Here is the call log of the call I received asking me to bail Jim out. The lady over the phone told me that Jim only gave them my phone number and no one else. It is the 702-262-0088. I just did a google search of that phone number and it is from Aztec Bail Bond.

I am available any time if you need me.



Bill Usage Account My phone Shop

Contact Us Search MINH



MINH

Call details

Filter

Mar 19 - Current

Total: 3508 minutes

Date & Time (Pacific)	Destination	Number	Min	Type
03/21/2020,08:04 AM	INCOMING	(714) 724-2535	2 Min	T-Mobile to T-Mobile
03/21/2020,06:27 AM	INCOMING	(702) 262-0088	3 Min	--

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

EXHIBIT K

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6 Telephone:
7 Facsimile:
8 Email:
9 Attorneys for:

10
11
12 **DISTRICT COURT**
13 **CLARK COUNTY, NEVADA**

<p>14 JAMES VAHEY,</p> <p>15 16 Plaintiff,</p> <p>17 and</p> <p>18 MINH LUONG,</p> <p>19 Defendant.</p>	<p>20 CASE NO.:</p> <p>21 22 DECLARATION OF LYNNI NICOLE PHAM</p> <p>23 24 25 26 27 28</p>
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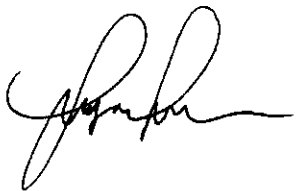
I, LYNNI NICOLE PHAM, declare as follows:

1. I am the defendant's cousin. I live in Las Vegas. I have personal knowledge of the facts stated in this declaration, except those matters which may be based on information and belief, and as to those matters, I believe them to be true. I am competent to testify to all of the facts stated in this declaration, and if called upon to testify, I could competently testify thereto. I declare and state:
2. I was invited to the Plaintiff and Defendant's daughter, Hannah's 2nd birthday party at their residence in March of 2011.
3. My sister, Kha-Nhi Pham and her son, Vincent Ha was also there.

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4. At the party, I witnessed Vincent, at the time was 9 years old, bumped into Hannah. The Plaintiff was very upset and out of rage, pushed Vincent so hard that he landed on his back. Vincent was hurt and terrified. Vincent was in tears.
5. I was in shock witnessing the whole event. Vincent was just a kid! I saw the side of the Plaintiff I have never seen before.

I declare under penalty of perjury under the laws of the State of Nevada that the above are true and correct and that this declaration was executed on April 17, 2020, in Las Vegas, Nevada.



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6 Telephone:
7 Facsimile:
8 Email:
9 Attorneys for:

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12 **DISTRICT COURT**
13 **CLARK COUNTY, NEVADA**

11		CASE NO.:
12	JAMES VAHEY,	DECLARATION OF KHA-NHI PHAM
13	Plaintiff,	
14	and	
15	MINH LUONG,	
16	Defendent.	

17
18 I, KHA-NHI PHAM, declare as follows:

- 19 1. I am Minh Luong's cousin. I live in Las Vegas. I have personal knowledge of the facts
20 stated in this declaration, except those matters which may be based on information and
21 belief, and as to those matters, I believe them to be true. I am competent to testify to all of
22 the facts stated in this declaration, and if called upon to testify, I could competently testify
23 thereto. I declare and state:
- 24 2. My son, Vincent and I were invited to the Plaintiff and Defendent's daughter, Hannah's 2nd
25 birthday party at their residence in March of 2011.
- 26 3. Vincent was 9 years old then. Vincent was hurt as a result of this event.
- 27 4. I was nearby and heard a loud noise. I turned around and found Vincent on his back in
28 agony and in tears.
5. Plaintiff admitted that he pushed Vincent causing Vincent to land on his back.

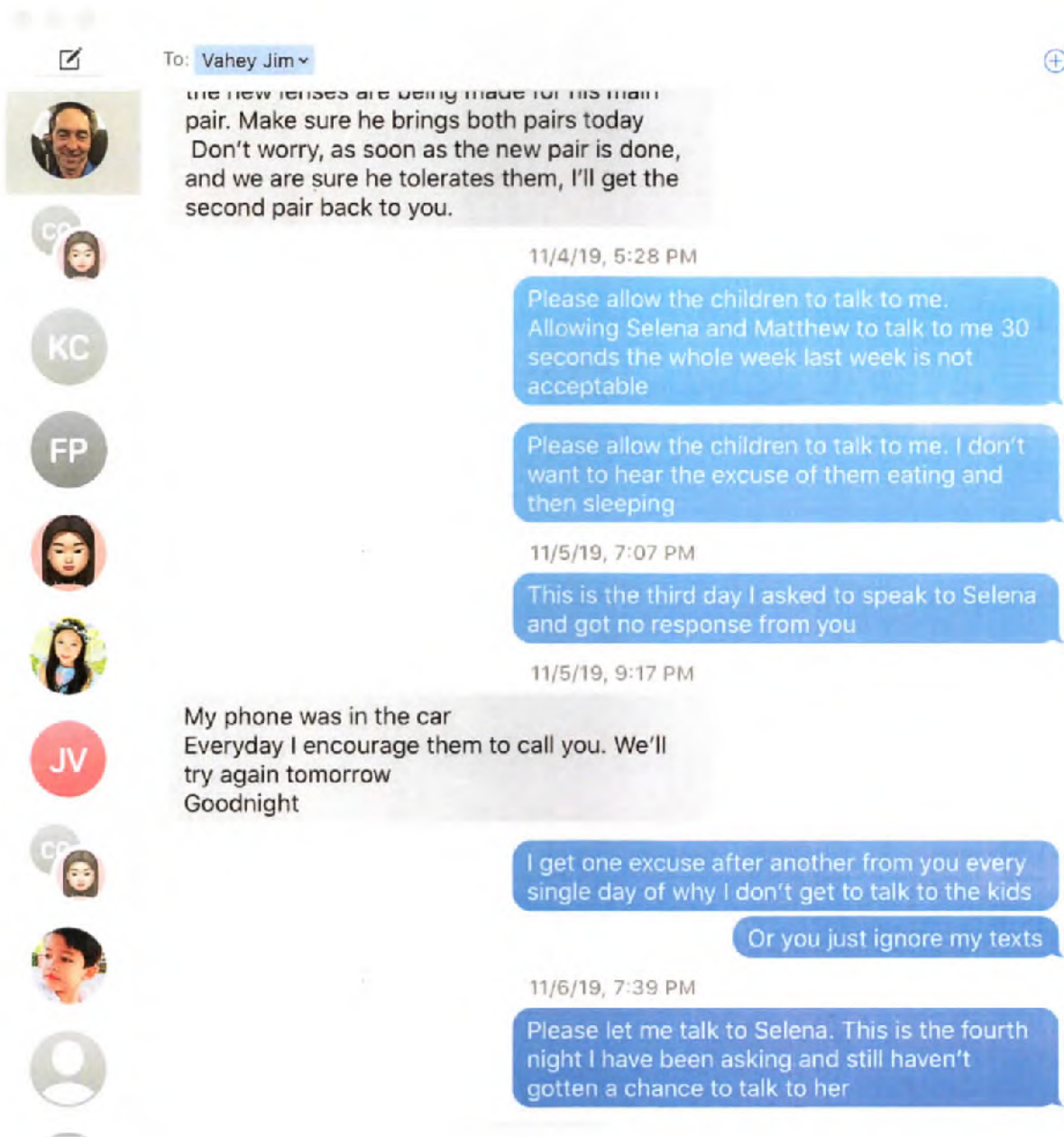
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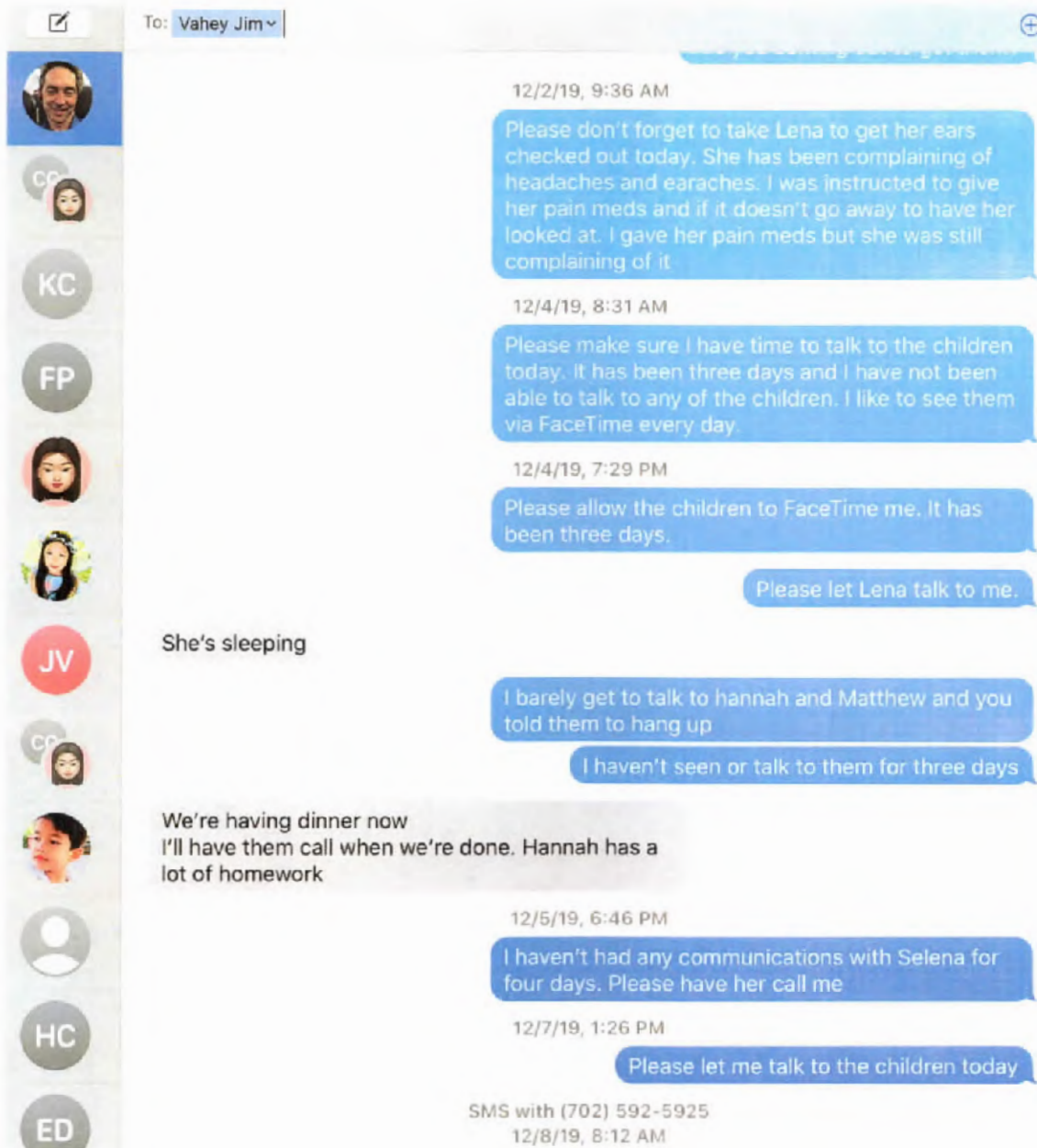
- 6. I was very upset at the Plaintiff but because I value my cousin's relationship, I did not want to make a scene out of this.
- 7. The Defendant called me the next day to find out if Vincent was ok. I informed her that Vincent's left arm and shoulder was bothering him.
- 8. Soon after the Plaintiff called asking about Vincent and apologized for what he had done.

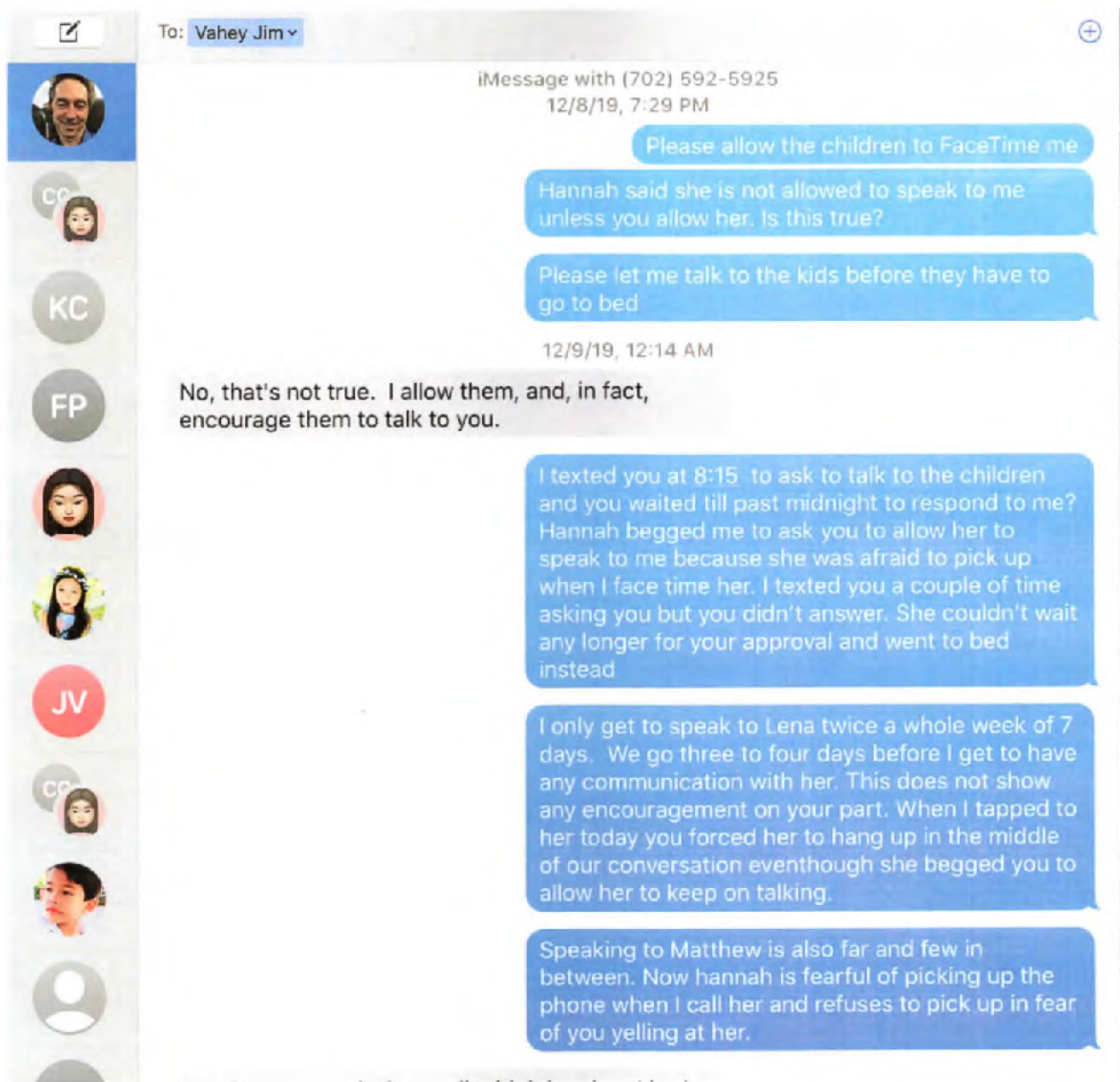
I declare under penalty of perjury under the laws of the State of Nevada that the above are true and correct and that this declaration was executed on April 19, 2020, in Las Vegas, Nevada.



EXHIBIT L







iMessage with (702) 592-5925
12/8/19, 7:29 PM

Please allow the children to FaceTime me

Hannah said she is not allowed to speak to me unless you allow her. Is this true?

Please let me talk to the kids before they have to go to bed

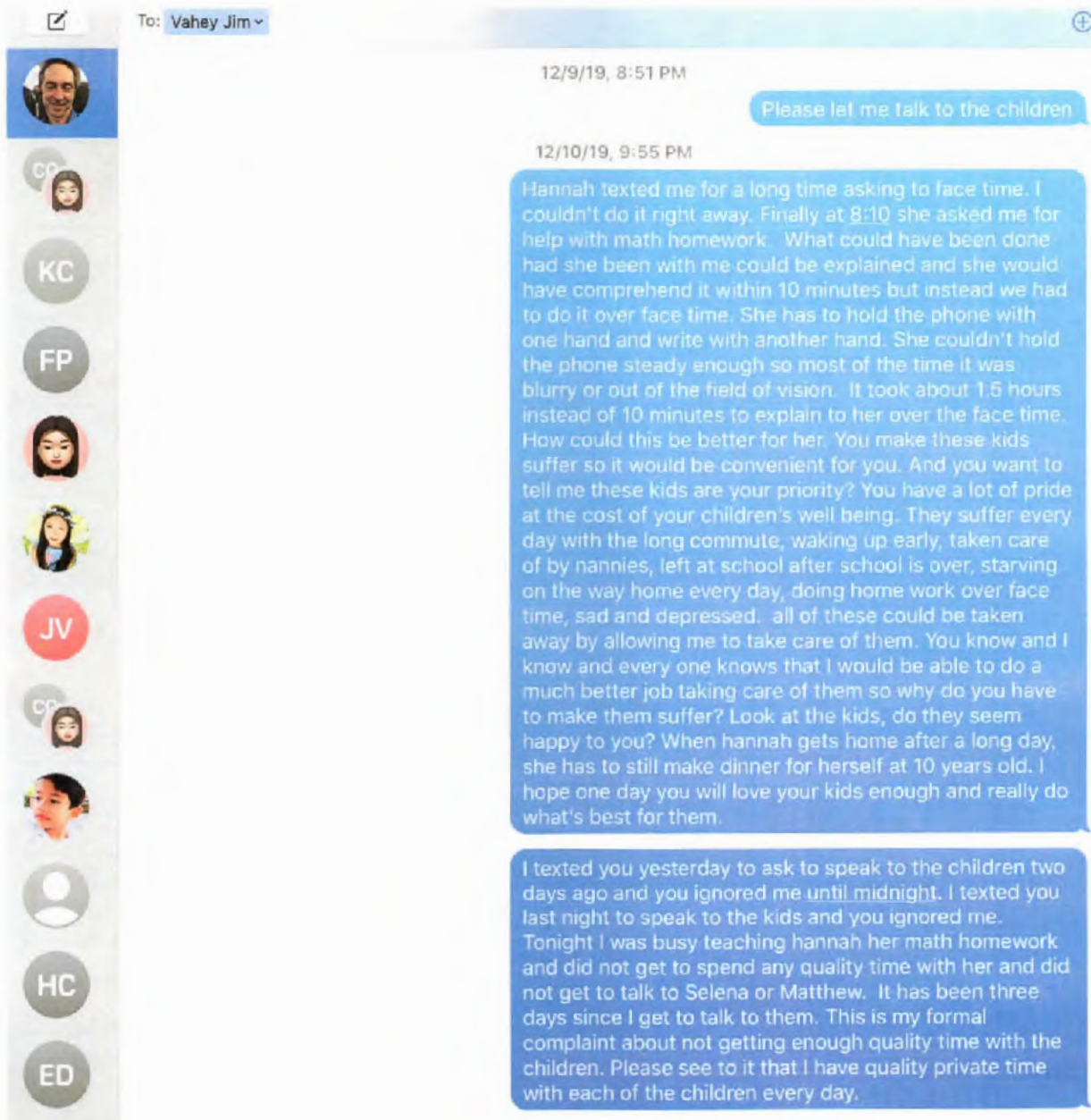
12/9/19, 12:14 AM

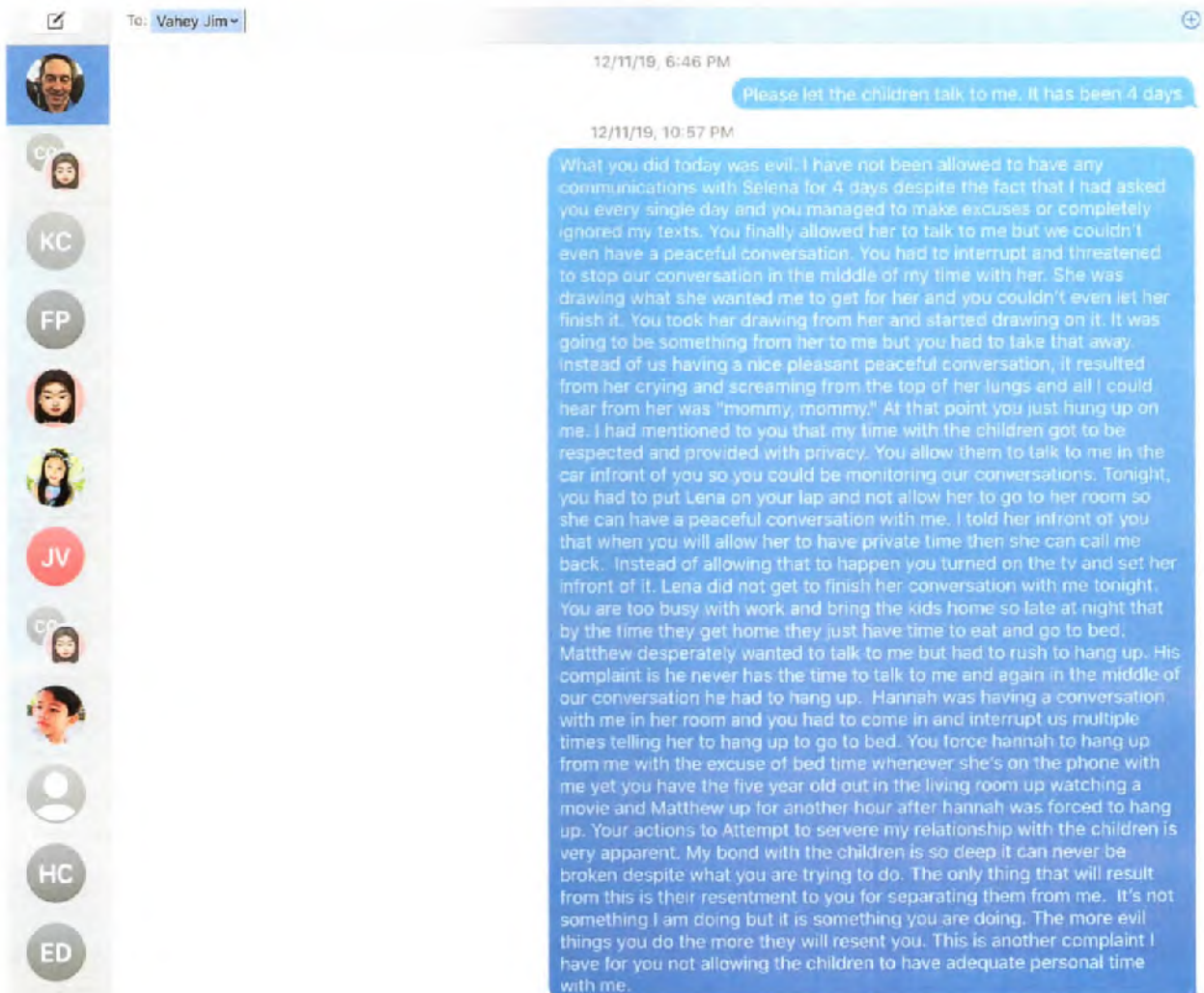
No, that's not true. I allow them, and, in fact, encourage them to talk to you.

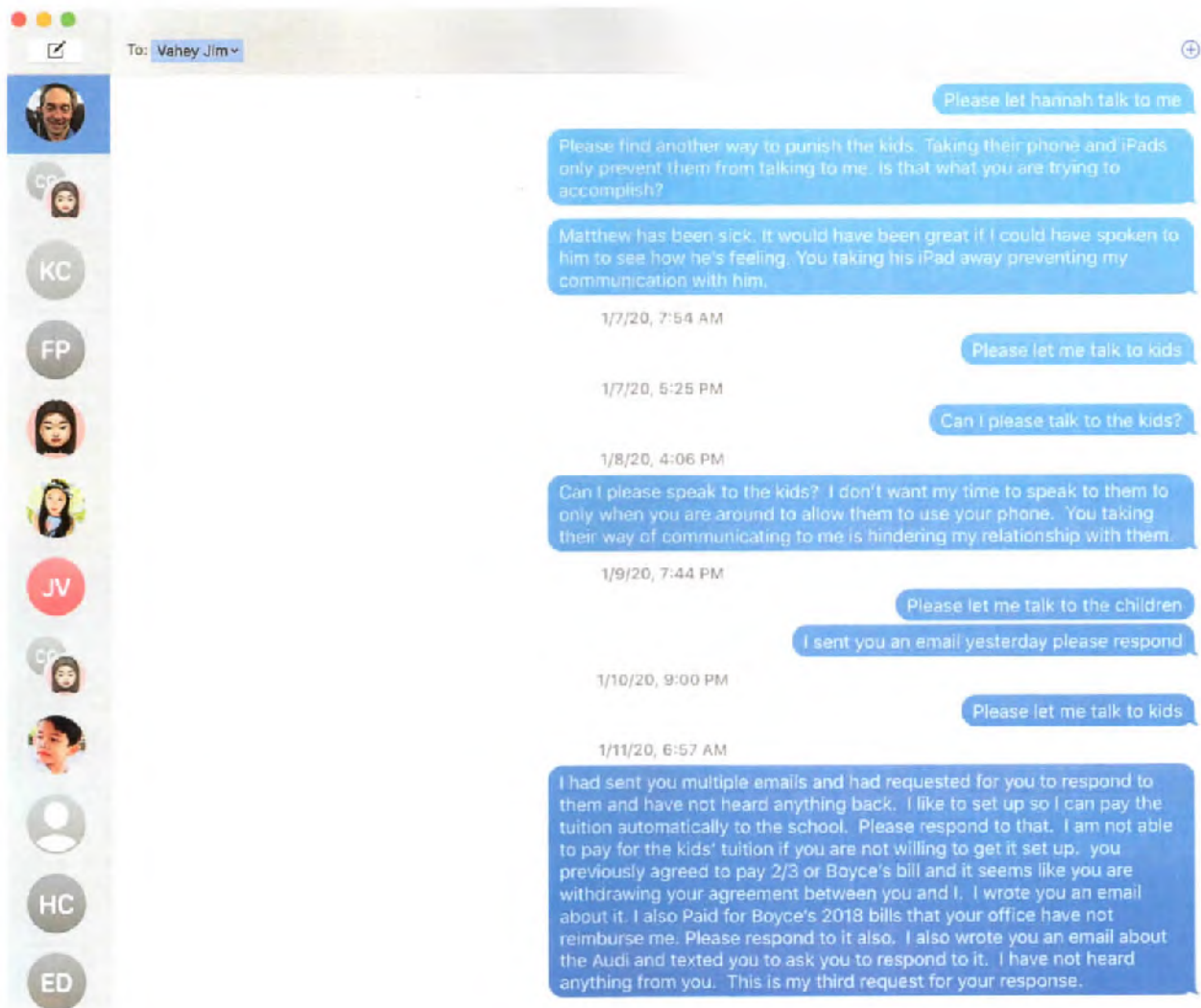
I texted you at 8:15 to ask to talk to the children and you waited till past midnight to respond to me? Hannah begged me to ask you to allow her to speak to me because she was afraid to pick up when I face time her. I texted you a couple of time asking you but you didn't answer. She couldn't wait any longer for your approval and went to bed instead

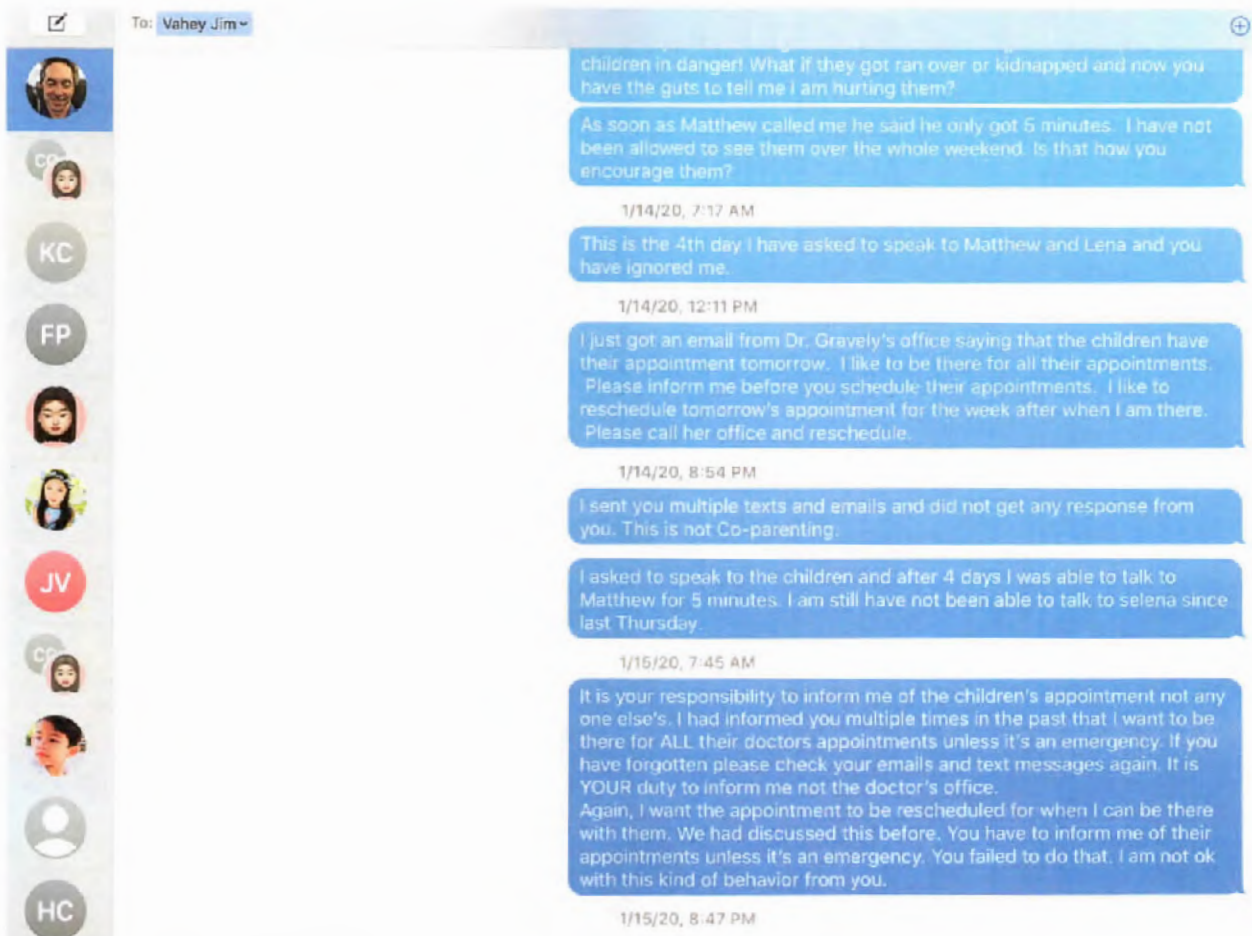
I only get to speak to Lena twice a whole week of 7 days. We go three to four days before I get to have any communication with her. This does not show any encouragement on your part. When I tapped to her today you forced her to hang up in the middle of our conversation eventhough she begged you to allow her to keep on talking.

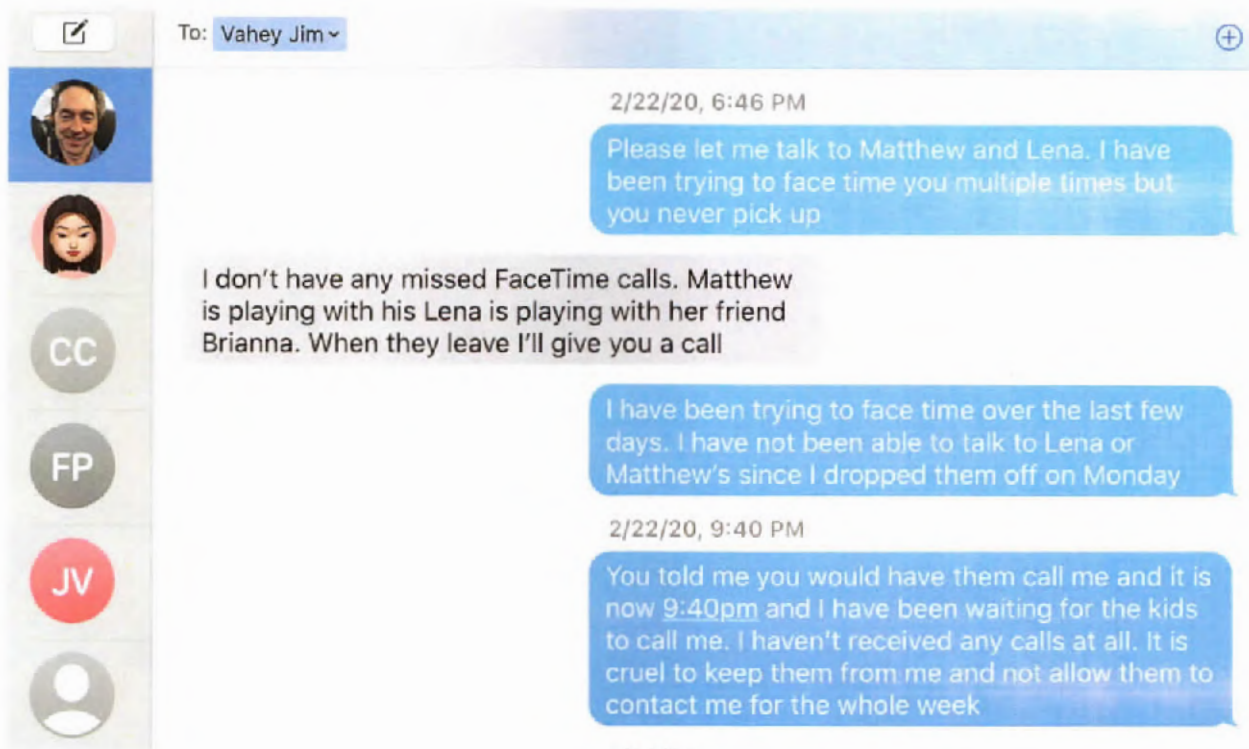
Speaking to Matthew is also far and few in between. Now hannah is fearful of picking up the phone when I call her and refuses to pick up in fear of you yelling at her.

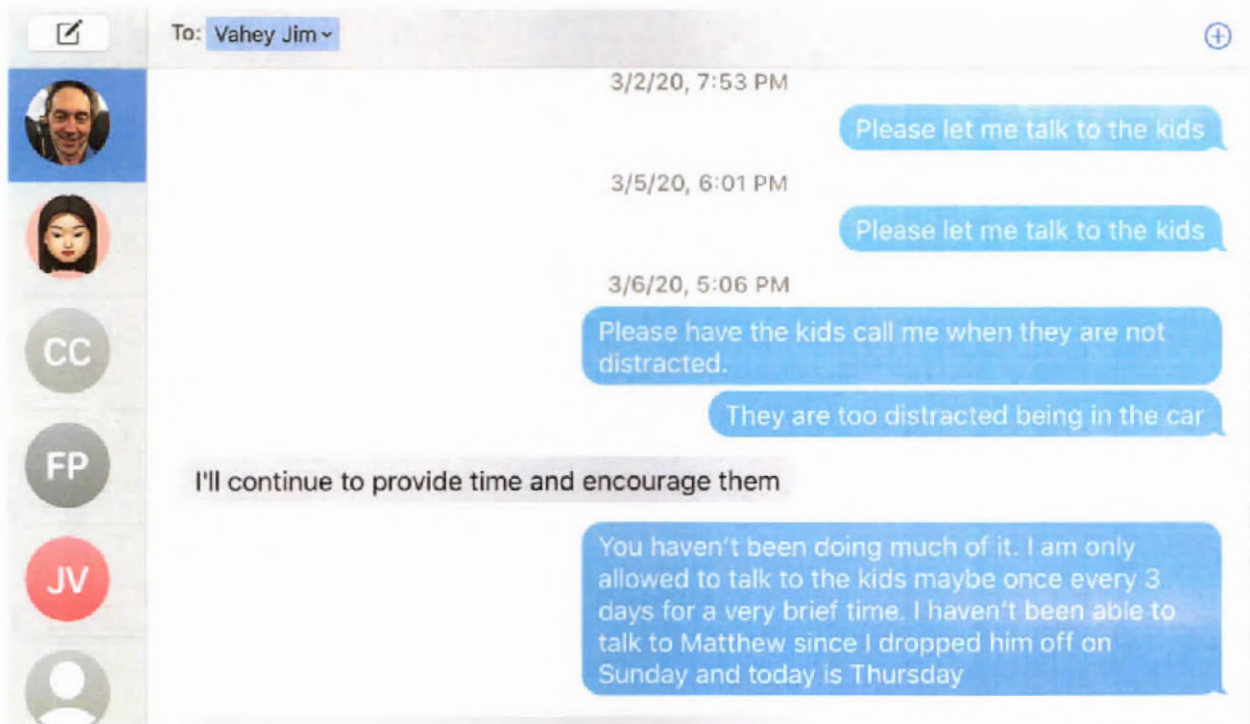


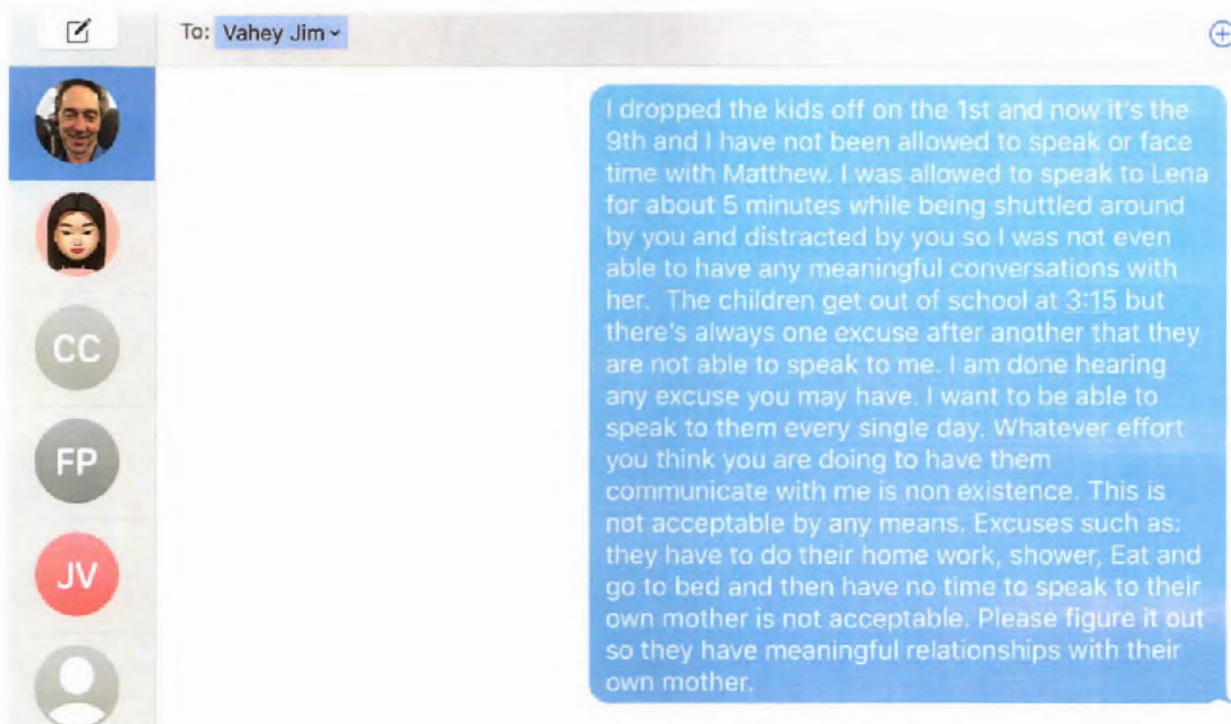


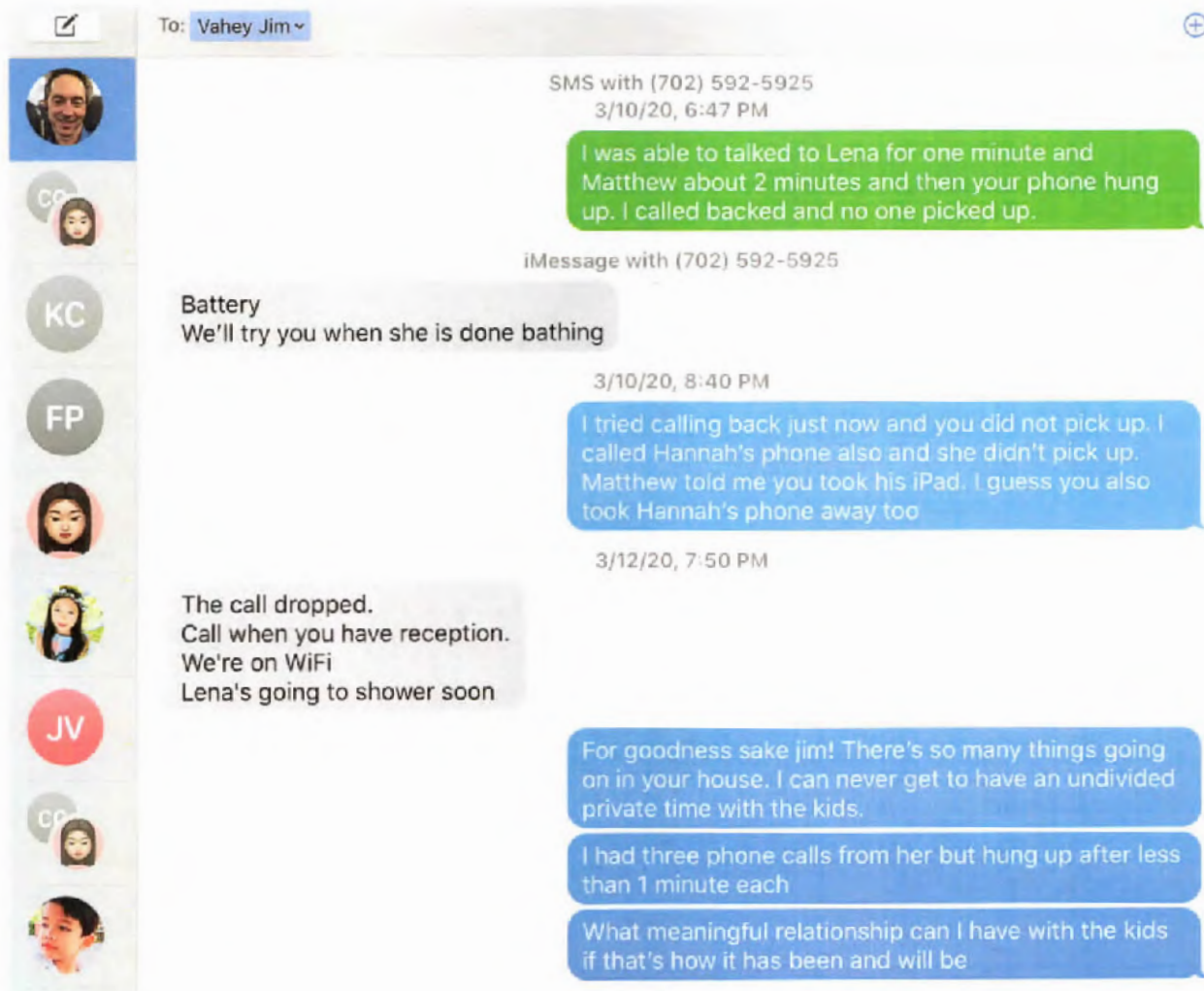


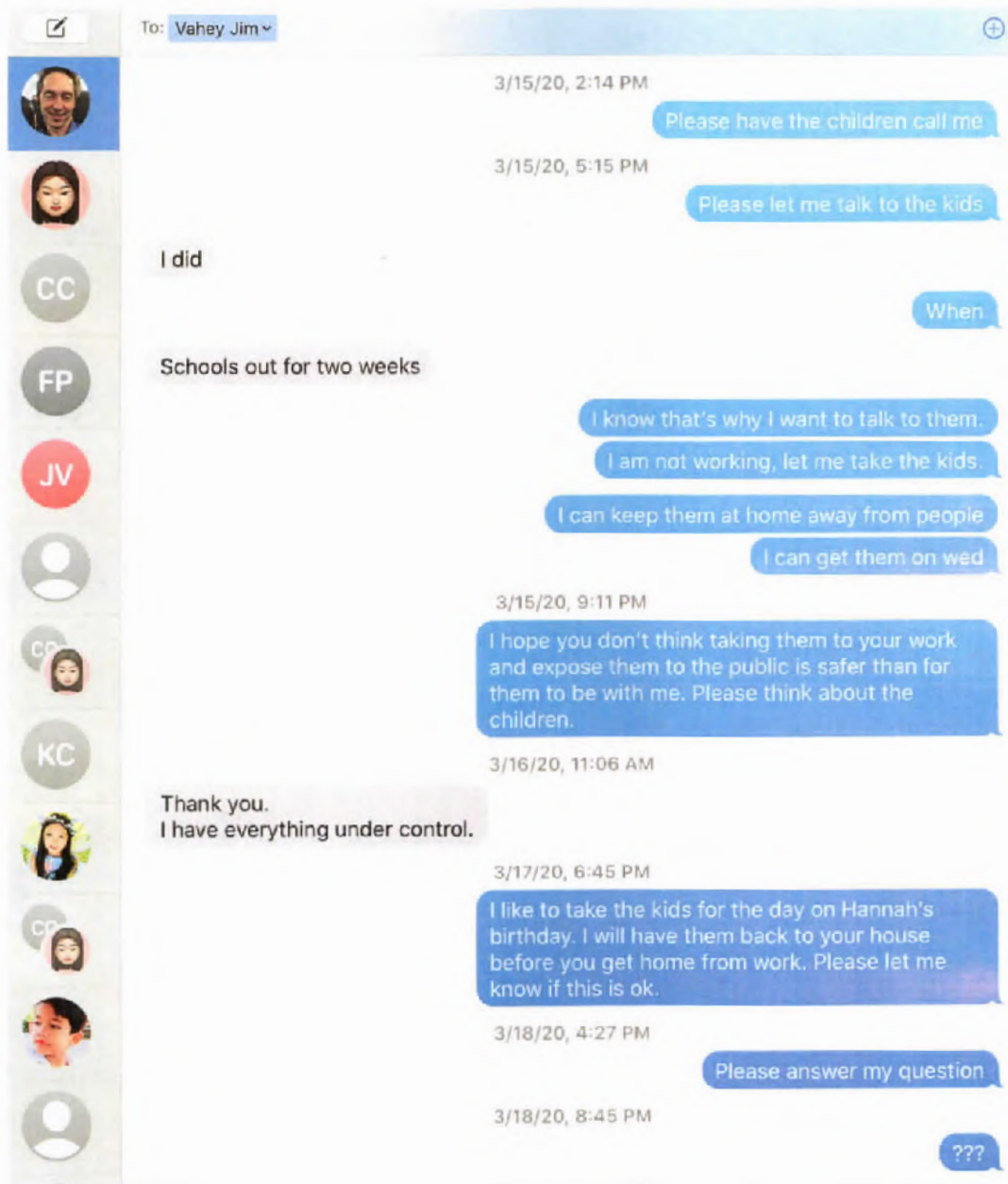












luongdds@gmail.com

Sent - Google December 10, 2019 at 10:06 PM

ML

Hannah's homework and lack of communication between I and the children. Formal complaint

To: Jim Vahey

Hannah texted me for a long time asking to face time. I couldn't do it right away. Finally at 8:10 she asked me for help with math homework. What could have been done had she been with me could be explained and she would have comprehend it within 10 minutes but instead we had to do it over face time. She has to hold the phone with one hand and write with another hand. She couldn't hold the phone steady enough so most of the time it was blurry or out of the field of vision. It took about 1.5 hours instead of 10 minutes to explain to her over the face time. How could this be better for her? You make these kids suffer so it would be convenient for you. And you want to tell me these kids are your priority? You have a lot of pride at the cost of your children's well being. They suffer every day with the long commute, waking up early, taken care of by nannies, left at school after school is over, starving on the way home every day, doing home work over face time, sad and depressed. All of these could be taken away by allowing me to take care of them. You know and I know and every one knows that I would be able to do a much better job taking care of them so why do you have to make them suffer? Look at the kids, do they seem happy to you? When hannah gets home after a long day, she has to still make dinner for herself at 10 years old. I hope one day you will love your kids enough and really do what's best for them.

I texted you yesterday to ask to speak to the children two days ago and you ignored me until midnight. I texted you last night to speak to the kids and you ignored me. Tonight I was busy teaching hannah her math homework and did not get to spend any quality time with her and did not get to talk to Selena or Matthew. It has been three days since I get to talk to them. This is my formal complaint about not getting enough quality time with the children. Please see to it that I have quality private time with each of the children every day.

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

☆ luongdds@gmail.com

November 29, 2019 at 4:30 AM

ML

Children's academic and medical concerns

To: Jim Vahey

I wrote to you about my concern regarding their academic progress because they are doing extremely poor. I thought you would share my same concern and I was hoping we would somehow come up with a plan to help them improve their grades. With your response below, I am taking it as there is nothing going to change in your part to help them. Please put us and your pride aside and think about the children and their future. Like I said, if they miss the basic concepts now they may never catch up. Please put their academic as a priority because it will change their lives forever.

Hannah spoke to me and informed me that the teachers told the class there won't be anything important and that it was ok to take off those 2 days before thanksgiving. She asked me to speak to you regarding taking those days off. I told her I would have to ask you. You like to exercise your power and told me no but later decided to take the children out early so they can go have ice cream with your family instead. You feel that it is more important for them to miss school to be with your family than for them to be with me and now you want to lecture me on removing them from school? Your double standard will continue to rule the children's lives and confuse them.

I wrote to you in emails and also on texts. You chose to ignore both. If taking care of the children is your priority then you would have answered my texts regarding their health issues. You chose to answer whatever benefits you and ignore the children and my concerns.

My time with the children is very precious. I don't appreciate you harassing me and ruin my days with them when I do have them. As I requested before, please answer my texts with a yes or no and leave out your criticisms and judgment.

I go out of my way to make sure the children called you first thing in the morning yesterday to wish you Happy Thanksgiving. All three children spoke to you in the morning even before 9 AM. You could have called them directly via Hannah's cell phone and Matthew's iPad to speak to them any time you want to but instead you harass me all day long. I called you and gave the phone to Selena to speak to you and you would not respond to her. I finally had to speak up for her and what I got was a criticism from you about being forgetting to be a mom. Please refrain from speaking to me that way because the children are almost always next to me. You allow Selena to speak to me less than 30 seconds a week for the last month and now you want to be the one to accuse me of preventing her from talking to you? If I didn't reach out and call Hannah and Matthew directly then their time would also be restricted to 30 seconds a week. Hannah informed me that you are restricting her from talking to me again. In the past you set a timer while she's talking to me and now you are doing that again, telling her she can't talk to me more than a certain amount of time.

I did check the Arizona tax and it was in default. That was why I wrote to you. If you have not paid since then it is still in default. Please pay for the taxes and email me a copy.

I wrote to you about Selena's complaint regarding her right earache. I wrote to you about Hannah's sniffing and her complain of not being able to breathe sometimes. I also want to inform you that Matthew's skin is extremely dry with raised bumps. You informed Neil that you were taking care of Matthew's skin condition but Matthew informed me that you did it for the one week and never have done it again. I can only do so much for the children since my time with them is very limited and what I can do for them academically and for their health and well being is very limited

TUITION

my time with the children is very precious. I don't appreciate you harassing me and ruin my days with them when I do have them. As I requested before, please answer my texts with a yes or no and leave out your criticisms and judgment.

I go out of my way to make sure the children called you first thing in the morning yesterday to wish you Happy Thanksgiving. All three children spoke to you in the morning even before 9 AM. You could have called them directly via Hannah's cell phone and Matthew's iPad to speak to them any time you want to but instead you harass me all day long. I called you and gave the phone to Selena to speak to you and you would not respond to her. I finally had to speak up for her and what I got was a criticism from you about being forgetting to be a mom. Please refrain from speaking to me that way because the children are almost always next to me. You allow Selena to speak to me less than 30 seconds a week for the last month and now you want to be the one to accuse me of preventing her from talking to you? If I didn't reach out and call Hannah and Matthew directly then their time would also be restricted to 30 seconds a week. Hannah informed me that you are restricting her from talking to me again. In the past you set a timer while she's talking to me and now you are doing that again, telling her she can't talk to me more than a certain amount of time.

I did check the Arizona tax and it was in default. That was why I wrote to you. If you have not paid since then it is still in default. Please pay for the taxes and email me a copy.

I wrote to you about Selena's complaint regarding her right earache. I wrote to you about Hannah's sniffing and her complain of not being able to breath sometimes. I also want to inform you that Matthew's skin is extremely dry with raised bumps. You informed Neil that you were taking care of Matthew's skin condition but Matthew informed me that you did it for the one week and never have done it again. I can only do so much for the children since my time with them is very limited and what I can do for them academically and for their health and well being is very limited.

Please put the children as a priority. I know they don't feel comfortable sharing their feelings with you because they feel that you ignore and disregard their thoughts and feelings. This is why Dr. Gravely has been trying to have Hannah speak to you in her presence and Hannah still refuses to speak to you. Matthew spoke to you once with Dr. Gravely and he refuses to do it again. I want the children to have a great relationship with you because you are their father. It is important for them to be able to have a good communication with you so you can better take care of them. I can't tell you what to do but I don't want you to ruin your relationship with them and also harm them because they don't feel comfortable speaking to you. Aside from their thoughts and feelings that they are not sharing with you, they are also not sharing with you their medical conditions. Hannah has frequent stomach pain and headaches. She has trouble staying asleep and wakes up frequently throughout the night. I asked her to inform you of those conditions and she said no. She also did not inform you of her hard of breathing. She often tells me that she feels like throwing up during PE. Matthew complains about his skin condition and if you touch his body you will feel how severe his skin condition is. I asked him to speak to you about it and he said you don't do anything about it. He also complains to me about back pain because you have him sleep on a bed without a mattress and with just a baseboard. I also asked him to speak to you about it but I know you still have him continues to sleep on a bed without a mattress. Selena has a medical condition that she complains as a "burning mouth". Even though she lives with you she never told you and told me instead. I had her seen by Dr. Sirsy and treated but she is still complaining of that condition to me yesterday. She complains of headaches very often also. She lives with you but she also did not feel comfortable enough to tell you that her ear has been aching. These are the conditions that the children have. Please set aside some times to take care of these conditions for them.

Please let me know if you want me to help in any other ways so the children can be better taken care of.

EXHIBIT M

Subject: kids' sched 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 will 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

EXHIBIT N

TUITION

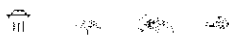
☆ luongdds@gmail.com

January 11, 2020 at 4:56 AM



Kids tuition

To: Jim Vahey



Jim,

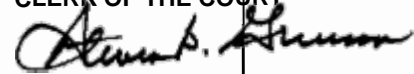
I had asked you before to set it up where I can pay the kids tuition directly to the school. I have not heard back from you regarding this. Let me know how we can do this. I know you have set it up to pay automatically to them. If possible, you can turn your automatic payment off for the next three months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

Thanks

**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**

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RPLY
FRED PAGE, ESQ.
NEVADA STATE BAR NO. 6080
PAGE LAW FIRM
6930 SOUTH CIMARRON ROAD, SUITE 140
LAS VEGAS, NEVADA 89113
TELEPHONE: (702) 469-3278
FACSIMILE: (702) 628-9884
Email: fpage@pagelawoffices.com
Attorney for Defendant

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

JAMES W. VAHEY,

Plaintiff,

vs.

MINH NGUYET LUONG,

Defendant.

Case No.: D-18-581444-D

Dept.: H

Hearing Date: April 22, 2020

Hearing Time: 9:00 a.m.

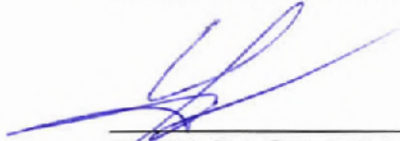
**DEFENDANT'S REPLY TO OPPOSITION TO MOTION TO EXTEND
TEMPORARY PROTECTIVE ORDER T-20-204489-T, TO CHANGE
CUSTODY ON AN INTERIM BASIS, TO CHANGE CUSTODY, AND
FOR AN INTERVIEW OF THE MINOR CHILDREN**

COMES NOW Defendant, MINH NGUYET LUONG, by and through her
counsel, Fred Page Esq., of Page Law Firm and hereby submits her 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. This Reply is based upon the papers and pleadings on file, the

1 attached Points and Authorities and any oral argument that the Court may wish to
2 entertain.
3

4 DATED this 20th day of April 2020

5 PAGE LAW FIRM
6

7 
8

9 FRED PAGE, ESQ.

10 Nevada Bar No. 6080

11 6930 South Cimarron Road, Suite 140

12 Las Vegas, Nevada 89113

13 (702) 823-2888

14 Attorney for Defendant
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POINTS AND AUTHORITIES

**I.
REPLY¹**

Because the matter is being heard on an Order Shortening Time in which the two competing Motions are being consolidated, it is not possible to have the Reply to be filed earlier.

A. Jim's Misstatements Should Be Addressed

Jim contends that the children "typically return to their normal well behaved demeanor within 12 hours of returning to his custody." Opp. at page 2, lines 17-20. Jim further claims that the children running away is an "anomaly." The facts contradict Jim's claims. If the children were returning to being well behaved they would *not* be in psychological counseling, running away, Matthew being terrified of Jim, Hannah refusing to eat, and both Hannah and Matthew having deteriorating grades.²

¹ The Opposition was not received until 6:18 p.m. on Good Friday, meaning that the Opposition was not received until Monday, April 13, 2020. Eighth District Court Rule 5.502(f) states, "[a] moving party may file a reply memorandum of points and authorities not later than 5 days before the matter is set for hearing. A reply memorandum must not be filed within 5 days of the hearing or in open court unless court approval is first obtained." By way of contrast, Jim has had Minh's Opposition since April 1, 2020 and did not file a Reply until April 15, 2020, two weeks after.

² Jim *will* confirm that for these past few weeks that the children have been *very happy* being with Minh during this time.

1 Jim claims that "it is not a coincidence" that the children ran away "two
2 days" after returning from Minh. Opp. at page 2, lines 23-24.³

3 Rather than trying to find out what is troubling the children and finding the
4 root cause, Jim simply blames Minh, "it is all her fault," and denies any
5 responsibility. The battery Jim committed against Hannah after the incident has
6 already been documented. Matthew cries that his father is going to kill him,
7 Selena cries that Jim twists her arm. Selena is still walking around the house
8 crying and asking for her mommy.⁴ Hannah has no appetite and will not eat.⁵

9 Jim claims that Minh is "selfish" for following through on the family plans
10 for moving to California and actually blames her for the children having to miss
11 her. Opp. at page 2, line 24, to page 3, line 3. This is another claim that should
12 expire of its own self-inflicted wounds.

13 The children went along with Minh and Jim when they were looking at
14 houses in California. They as a family made multiple trips to California and
15 looked at dozens of houses. They discussed as a family the agreement to move to

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23 ³ Attached as Exhibit A is the Henderson Police Department Incident Report dated
24 December 17, 2019. The report states, "children stated they wanted to see mom
25 and that's the reason they ran away to the guard shack."

26 ⁴ At no point does Selena ever walk around Minh's house crying and asking for
27 daddy.

28 ⁵ Hannah's growth is slowing down as a result which is medically concerning.

1 California. They discussed as a family where the children would be going to
2 school.

3 The children, particularly Hannah and Matthew, recall looking at houses and
4 the discussions Minh and Jim had about schools.⁶ Jim disavows any agreement
5 when even the children know very well that there was an agreement because they
6 are present as a family with the agreement was being discussed and acted upon,
7 and then blames Minh for following through on that agreement.
8

9 Jim claims the he did not shut the door on Minh's face and that she only
10 made it to the guard station. Opp. at page 3, lines 7. The fact that Jim refused
11 Minh to see the children can be rephrased in more delicate terms, but it does not
12 change the fact that Jim refused to allow Minh access to the children when they
13 were in distress. When Minh spoke to Jim on the phone, he demanded, "what do
14 you know about this," Minh asked to see the children, Jim told her "no" and hung
15 up on her.
16
17
18
19
20
21

22 ⁶ The family had plans to move to Orange County in 2019. The parties had the
23 financial goal analysis to prove that. There is Jim's email to the financial advisor
24 that Jim had the intention to retire in Orange County. Jim made the statement to
25 Minh "give me another five years." 2019 was five years.

26 The parties started looking for houses in 2015. Offers were placed on houses in
27 2015. There was no intention to move until 2019. The check had a memo of a
28 vacation home because the family would use the house as a vacation home until
the move there in 2019.

1 Jim claims that Minh did not immediately call him to notify him the children
2 had run away. Opp. at page 3, line 17, to page 4, line 2. This was already
3 addressed in her Opposition to Jim's Motion for immediate return.⁷ Jim's concern
4 for himself is noted.
5

6 Jim takes issue with Minh beginning to disclose other times that he has been
7 violent during the marriage. Opp. at page 6, lines 6-8. This was already address in
8 Minh's Opposition to the Motion for immediate return.⁸
9

10 Jim claims that Minh is now making a new allegation of abuse that he
11 choked Hannah by pulling on her purse. Opp. at page 4, lines 3-4, Opp. at page 5,
12 lines 7-8. That Jim choked Hannah *is not* a new allegation. On January 20, 2020,
13 when the Henderson Police had to be called to Jim's house Minh raised the fact
14 that Jim had choked Hannah by pulling on her purse.⁹ The report stated,
15
16

17 She also advised he choked her daughter Hannah . . . when they ran
18 away by grabbing her by the shirt and purse to keep her seated."
19

20 ⁷ As stated in her Opposition to the Motion for the immediate return of the
21 children, Minh received the call from the guard station at 5:58 a.m. The phone call
22 lasted until 6:03 a.m. At 6:05 a.m. Minh called her attorney and then got into her
23 car. At 6:09 a.m. Minh called the guard station and was on the phone there until
24 6:12 a.m. At 6:13 a.m. Minh called Jim. Instead of answering, the call went to
Jim's voicemail. Jim did not pick up and the call went into Jim's voice mail.

25 ⁸ However, it does appear that there has been an ongoing pattern of conduct from
26 Jim of being abusive to the children, and to Minh.

27 ⁹ The Henderson Police Department Incident Report dated January 20, 2020, is
28 attached for the Court's convenience as Exhibit B.

1 Father stated that he does not physically discipline the children and
2 talked to officers about the incident when Hannah and her brother
3 Matthew Vahey . . . ran away. He advised that he did not choke
4 Hannah.

5 Jim has *known* about the allegation regarding him choking Hannah for
6 *almost two and one-half months* because the police officers questioned him about
7 it and instead misrepresents himself to the Court.

8 Jim then denies he never choked Hannah by pulling on her purse or collar.
9 Opp. at page 4, lines 7-16. Jim's denial is easy to solve. Hannah can be
10 interviewed.
11 interviewed.

12 Jim claims that he has never twisted Selena's arm. Opp. at page 4, lines 17-
13 21. Again, Jim's denial is easy to solve. Selena can be interviewed.¹⁰ The police
14 report dated January 20, indicates that Selena could not remember when her arm
15 was twisted or why.¹¹
16
17
18
19
20

21 ¹⁰ See Exhibit B, the January 20, 2020, Incident Report. The report stated, "Male
22 back inside the house." Jim going back inside the house may be the kindest thing
23 that could be written down by the officer. Jim going back inside the house before
24 the police got there could also be seen as fleeing from the police to avoid them as
25 much as possible because Minh called the Henderson Police and he knew exactly
26 what he did.

27 ¹¹ See Exhibit B. The report stated,
28

Today he did grab her arm and twist it two time prior. Minh stated
that she was concerned about her children being with their father.
Selena was unable to say when she was grabbed and why.

1 Jim then claims that Minh has been “setting up her case since December
2 2019.” Opp.at page 4, lines 25-26. Jim further claims that Minh provides “the
3 exact same arguments that Minh includes in her Motion. . . Opp. at page 4, lines
4 27-28. Jim promptly fails to provide any evidence as to how Minh’s arguments are
5 “exactly the same.”
6
7

8 Jim further claims that the December 19, 2019, letter is a “summary of
9 Minh’s current Motion, a foreshadowing of her plans to come.” Opp. at page 5,
10 lines 3-4. Not to take away from the seriousness of the matter, if it were not so
11 sad, it would be funny. In the correspondence to Jim, he was advised that the
12 children were running away, not doing well in school, the exchanges were not
13 going well, and that Jim was violating their privacy rights during telephone
14 contact.
15
16
17

18 What Jim leaves out may be most important. At the conclusion of the
19 December 19, correspondence, it was advised to Jim, “[r]ather than shutting out
20 Ms. Luong *it is requested by Ms. Luong that Mr. Vahey engage in co-parenting*
21 *and look for solutions TOGETHER so that the children are able to thrive.*”¹²
22
23

24 ¹² A copy of the correspondence sent to Jim’s counsel dated December 19, 2019,
25 outlining those problems and requesting that Jim work on solutions is attached for
26 the Court’s convenience as Exhibit C.

27 It hardly seems that asking Jim to work with Minh for the benefit of the children is
28 “setting him up” and “a foreshadowing of things to come.” The facts of what have
occurred since Jim assumed caregiving responsibilities speak for themselves.

1 The response from Jim to offer to work together? Everything that has
2 happened is Minh's fault and only her fault and the children were "thriving" in his
3 care despite all evidence to the contrary. There was zero effort from Jim work on
4 the children's academic difficulties, zero effort as to why the children have to
5 continue seeing a counselor, and zero effort to make the exchanges any better.¹³
6

7
8 Jim alleges that Minh must believe that because the children miss her and
9 struggle leaving her that the must not be thriving with Jim. Opp. at page 5, lines 9-
10 10. The facts are that the children are failing to thrive because they are in Jim's
11 primary care. Now that the children are with Minh she reports they do not even
12 ask about Jim.
13

14
15 Jim claims that the children's behavior is "normal." Opp. at page 5, lines
16 16-18. It should be seen as silly for Jim to minimize and deny the reality that the
17 children are in distress.
18

19 Jim admits that the children will not get out of the vehicle, but denies that he
20 sits there and lets Minh struggle in getting the children out of her vehicle and
21 claims that he spends "considerable time" to persuade the children to come into the
22 house. Opp. at page 5, line 19, to page 6, line 2. The claim is easily contradicted.
23
24

25 ¹³ What may be seen as prescient in that December 19, correspondence to Jim, was
26 the observation, "[r]ather than taking the designation of primary physical custodian
27 as a designation of responsibility and act accordingly, Mr. Vahey has taken the
28 designation as an excuse to try and exercise power and control over Ms. Luong."

1 On December 15, 2019, Minh sent the following text begging for Jim's help
2 in getting the children inside the house.

3 Minh: Please come and help with the kids. We are here.

4 Minh: Please come and get the kids.

5 Minh: What do you want me to do?

6 Minh: I have been talking to them.

7 Minh: I am here. And I can't force them physically to get out.

8 Minh: Please come and help me.¹⁴

9 On January 5, 2020, Minh had to contact the Henderson Police Department
10 because the children refused to get out of her vehicle and refused to go into Jim's
11 house. The Henderson police officer reported, "male [Jim] refusing to come out of
12 the residence."¹⁵

14 On January 20, 2020, Minh again had to contact the Henderson Police
15 Department because the children were again refusing to get out of her vehicle and
16 go into Jim's residence. The Henderson police officer reported that "male [Jim]
17 now back in residence." See Exhibit B.

19 On February 17, 2020, Minh had to plead with Jim to come out and help get
20 the children inside the house. Minh texts Jim,

22 Minh: Please come and get the kids. I can't be calling the police every time I
23 drop off the kids at your house. You need to help me.

25
26 ¹⁴ A copy of the text string is attached as Exhibit D.

27 ¹⁵ A copy of the Henderson Police Department incident report dated January 5,
28 2020, is attached for the Court's convenience as Exhibit E.

1 Jim refuses to help and taunts Minh,

2 Jim: And you shouldn't. You should just talk to them. They are doing this
3 for you.

4 Minh: Please stop blaming me. It's getting old.

5 Minh: I have been here almost 1 hour now. I can't be doing this every
6 time.¹⁶

7
8 Minh further pleads for Jim's help.

9 Minh: Bring them in. I don't have time for this.

10
11 Minh: **Every time they refuse to go into your house! Do you even**
12 **question why?**

13 (Emphasis added).

14 Minh: After staying at your house for an hour and a half and without your
15 help the kids painfully went into your house and you weren't even there to
16 see them in.

17 Jim simply ignored Minh's question.

18 Minh advises that Jim has made many comments to her when the children
19 refuse to come into his house telling her, "it is your responsibility to bring them
20 into the house," and then leave and go back into his house.

21
22 It unclear as to why Jim brings up the surveillance camera again. Opp. at
23 page 6, lines 3-18. It was pointed out in footnote 6, that Jim denied placing a
24 camera in Hannah's room. Hannah told Minh there was camera in her room.
25
26

27
28 ¹⁶ A copy of the text string is attached as Exhibit F.

1 Minh asked her "how do you know that?" Hannah told her "because there is a
2 blinking light."

3
4 Hannah told Minh she asked Jim what the blinking light was for and he told
5 her that "it was for surveillance" and then Hannah told Minh about it.
6 Correspondence was sent to Jim and Jim denied that it was a surveillance camera,
7
8 and claimed that it was a motion detector.¹⁷ Jim's conduct is what made Hannah
9 uncomfortable.

10
11 Jim claims that he does not interfere with the children's right of privacy
12 when having phone calls with Minh. Opp. at page 6, lines 19-23. Minh is advised
13 differently. The children can be interviewed.

14
15 Jim again asserts that his recordings contradicts that he committed a battery
16 against Minh. Jim *knew* he was recording and *still* failed to have any self-control.
17
18 The recordings do not help him.

19 Jim alleges that Minh claims that he "routinely" takes away the children's
20 iPhones and iPads. Opp. at page 7, lines 1-13. Minh's motion has been reviewed.
21
22 Minh stated that Jim has taken away the children's iPhones and iPads and the
23
24

25 ¹⁷ However, Hannah complains to Minh that Jim has put recording devices
26 throughout the house and in Hannah's room. Hannah found out about it after she
27 had accidentally stepped on it and heard her own voice on the recorder. Minh
28 advises that Hannah is now very uncomfortable in her own room because of what
Jim has done.

1 correspondence has had to be sent out about that (page 6, line 17, page 7, line 5),
2 but not that it is done routinely.

3 Jim has claimed that Hannah has *always* struggled with school as an excuse
4 for Hannah's poor academic performance. Opp. at page 7, lines 6-8.

5
6 Hannah has done very well in school. In 2016, Hannah was an essentially a
7 straight "A" student 4.0 student.¹⁸ In 2017, Hannah was a 3.89 grade point average
8 student.¹⁹ In 2018, through the first quarter at the Eastgate campus for Coral
9 Academy, Hannah as a straight "A" 4.0 student. As stated in Minh's Motion,
10 Hannah is now a 2.35 grade point average student.²⁰ Challenger *is not* more
11 difficult than Coral as Jim tries to provide cover to deflect blame on anyone but
12 himself and provides zero evidence to support that assertion.
13
14
15

16 Jim additionally tries to claim that Matthew was not a straight "A" student
17 either and that Matthew's grades have actually improved. Opp. at page 8, lines 6-
18 20. That claim is false as well. For 2017, Matthew a 3.94 grade point average.²¹
19 For 2018 for the first quarter at the Eastgate campus for Coral Academy Matthew
20
21

22 ¹⁸ Quarter 1 was 7 "A's" and 2 "B's." Quarter 2 was 8 "A's" and 1 "B." and
23 Quarter 3 was all "A's."

24 ¹⁹ The 2015, 2016, 2018 grade reports for Hannah are attached as Exhibit G.

25 ²⁰ There is no good reason for a child to go from a 4.0 to 2.35 GPA.
26

27 ²¹ A copy of Matthew's grade report for 2017 and 2018 is attached for the Court's
28 convenience as Exhibit H. Minh is obtaining the grades as quickly as she can.

1 was a 3.8 grade point average student. As stated in Minh's Motion, Matthew is
2 now a 3.2 grade point average student. The facts remain that both Hannah and
3 Matthew are having academic difficulties.
4

5 Jim counsel, in a personal attack against Minh's counsel, which has been
6 normal operating procedure in this case, claims that "it is not a coincidence that
7 issues have arisen since Minh retained new counsel; this is clearly a new strategy
8 to attempt to overturn the Court's custody decision." Opp. at page 9, lines 9-11.²²
9

10 The request was made in correspondence dated December 19, to have the
11 parties work together so the children do better. The effective response back was to
12 hurl more insults and blame Minh, and now her counsel.
13

14 Jim actually objects to Minh's contention that Minh's vehicle was not
15 directly in front of the garage, and impliedly contends that the children could not
16 see him while he battering her. Opp. at page 9, lines 12-16. Even reviewing the
17 video Jim started taking after he lost control and battered Minh, the van can clearly
18 be seen at the end of the driveway in front of the garage.
19
20
21
22
23

24 ²² The allegation is extremely offensive and utterly false. However, as stated,
25 engaging in personal attacks against counsel has been the standard operating
26 procedure since the appearance in this case. The undersigned was retained to
27 finish up the Marital Settlement Agreement and Decree of Divorce. The current
28 requests by Minh exists because of the facts that the children are failing to thrive
and Jim's serial batteries.

1 The photograph Jim attaches as Exhibit 7 and the video Jim included in the
2 prior Motion only helps prove that the children witnessed that battery, the garage
3 and Minh's vehicle are clearly visible.
4

5 If there is any question that the children saw Jim attack Minh, attached is a
6 text from Hannah to her aunt, Hieu.
7

8 Hieu: Eta?

9 Hannah: long story short my dad wouldn't give my mom back her stuff that
10 she forgot and a lot of pushing and shoving happened so we went to the
11 police and 2 hours later (now) we are finally leaving

12 Hieu: Is everyone ok?

13 Hannah: yes

14 Hieu: Who pushed who?

15 Hannah: my dad pushed my mom

16 Hieu: Did you see it?

17 Hannah: yes

18 Hannah: i think my mom might want to tell u later²³
19

20 Jim then apparently tries to claim that Minh did not get her windsurf board
21 and that she "knew it." Opp. at page 9, line 18, to page 10, line 10. Jim fails to
22 grasp the larger picture. Jim lost control and battered Minh in front of the children
23 because he lost his temper yet again.
24

25 Jim tries to claim that Minh is "lying" when she claimed that Jim told her
26 "the board is mine." Opp. at page 10, lines 11-20. The audio has a lot of scuffling
27 in it as Jim is pushing and shoving Minh. Even if the audio is unable to pick it up,
28

²³ Hieu is an attorney as well. A copy of the text string between Hieu and Hannah is attached for the Court's convenience as Exhibit I.

1 Jim is certainly saying with his actions that the "board is mine," by violently
2 ripping the board out of Minh's hands and throwing it inside the house.

3 Jim, of course, could have said at any point, "that board is mine, yours is the
4 other one" the entire time while Minh was on the ladder and getting the board, but
5 instead, Jim waited until Minh got down from the ladder and Minh was walking
6 out then to aggressively and physically batter her.
7
8

9 Jim claims that he did not raise his voice to Minh. Opp. at page 10, lines 19-
10 20. Even a cursory review of the audio shows such a lack of self-control that he
11 could not stop himself from yelling, even when he knew he was recording.
12

13 As to the rest of Jim's claims from page 10, line 20, to page 11, line 24, all
14 of what Jim is testifying to under oath will be forwarded to the Henderson city
15 attorney for their prosecution. Jim goes so far as to his that his recording that he
16 would never hit Minh is somehow dispositive.²⁴ There is no mention of Minh in
17 her Motion of trying to hit Jim's car with a handle or the wall of the house with a
18 ladder because *it never occurred*.
19
20
21

22 Remarkably, Jim tries to claim that while Minh was sitting in her vehicle to
23 compose herself after being battered by him and while the children were hugging
24

25 ²⁴ There are probably hundreds of thousands of cases in the United States where
26 the perpetrator of domestic violence states those very same words right **after** they
27 have struck their spouse. None of Jim's machinations change the fact that he lost
28 control and committed acts of domestic violence against Minh which was
witnessed by the children. See Exhibit I, *see also*, Jim's own recordings.

1 her and comfort her that Minh was actually trying to coach the children to say the
2 exact same thing. Opp. at page 12, lines 9-19. Jim's claim should expire of its
3 own self-inflicted wounds.
4

5 Jim then tries to claim that even if the children's stories are consistent that
6 does not actually mean that he battered Minh. Opp. at page 12, lines 19-21.²⁵ A
7 jury will make that determination. Minh's and the children's statements to the
8 investigating officer were consistent.
9

10 Jim tries to claim the garage is dark and attaches a photograph of the garage
11 as Exhibit 7. Opp. at page 12 line 25 to page 13, line 5. The garage and
12 everything in it is clearly visible, including the ability to see Minh being battered.²⁶
13
14

15 On page 13, lines 5-11, Jim simply blames Minh. Jim has the children 75
16 percent of the time, or more, but the reason the children are failing to thrive is
17 because of the less than 25 percent of the time the children spend with her.
18

19 Jim claims that he is only allows five minutes per child on Mondays,
20 Wednesdays, and Fridays. The claim is false. Minh originally offered 3:00 p.m. as
21 the time to speak to the children. Jim rejected that offer and wanted to speak to the
22

23 ²⁵ There appears to be nothing at this point that will dissuade Jim from trying to get
24 the children to recant their statements.

25
26 ²⁶ In Jim's video recording he clearly states, "your kids watched that." Now he
27 claims that it was too dark inside the garage. Jim has impeached himself. The
28 video stating the children saw what he did and Jim's sworn declaration wherein he
now impeaches himself will go the Henderson city attorney as well.

1 children at 7:00 p.m. he did not want to speak to them at 3:00 p.m. because he is in
2 surgery at that time.²⁷

3 Jim wanted to speak to the children only on Mondays, Tuesdays, and
4 Wednesdays, so that is when he speaks to them. It is presumed that Jim did not
5 want Thursday and Friday because he is working late, contrary to his testimony at
6 the evidentiary hearing.
7

8
9 Minh reports that Hannah will listen to Jim talk for about 5 minutes, will not
10 respond to him, tells him goodbye, and then turns over the phone to Matthew.
11 Minh reports that Matthew will speak to Jim for about 5 or 10 minutes and then
12 turns over the telephone to Selena. Minh reports that Jim and Selena speak for
13 about 45 minutes.
14

15
16 Contrary to Jim's claims, he gets about three hours of telephonic contact per
17 week. In addition, Selena had her birthday on Saturday, April 4. Jim was invited
18 to speak to the children on that day as well and wish Selena a "happy birthday."
19

20
21 ²⁷ The Court may recall that Jim testified under oath at the evidentiary hearing that
22 he was done working by approximately 2:00 p.m. every day and that he could pick
23 up the children from school. In part, this is why Jim was awarded primary physical
24 custody if Minh followed through on the plans they had, as a family, to relocate to
Irvine. That testimony from Jim is now shown to be a lie.

25 Since the evidentiary hearing, Jim went back to his usual practice of working late.
26 As a result, the children to stay in daycare after school until the late afternoon/early
27 evening as Jim is constantly working when instead they could be with their mother
28 who could assist them with their school work.

1 Minh had the children call Jim on Easter Sunday. Minh additionally had the
2 children call Jim on a Thursday, but Jim never answered.

3 In footnote 2, Jim claims that he had the Henderson Police Department call
4 Minh on Saturday for bail is false. A slight correction is in order. Jim gave Aztec
5 Bail Bonds rather than the Henderson Police Department Minh's number and had
6 them call her and ask her to bail him out after he battered her.²⁸ It is unclear why
7 Jim keeps lying about things like claiming that he never asked Minh to bail him out
8 that are easily verified.

9 Jim claims that he is not a violent person. Opp. at page 13, lines 24-25. The
10 facts show differently. Jim has battered Minh, has choked Hannah, screamed in
11 Hannah's face, twisted Selena's arm, and has been physically violent with Minh's
12 nephew. Matthew is fearful of Jim.

13 Below is a transcript of a conversation that Minh recorded when she was
14 taking the children back to Jim on January 3, from Crystal Cove State Park. The
15 audio can be provided separately.

16 Minh: What's wrong Matthew? (Matthew crying)

17 Matthew: He's going to kill me.

18 Minh: why do you say that?

19 Matthew: (crying and coughing) He's going to kill me.

20 Minh: Why do you say that, Matthew? Matthew, Mathew, it's ok honey.

21 Matthew: No it's not, He's going to kill me.

22 Minh: Why do you say that?

23
24
25
26
27
28 ²⁸ A copy of the phone log is attached as Exhibit J. The number for Aztec Bail Bonds is (702) 262-0088.

1 Matthew: He's going to kill me! Mommy, mommy. I don't want to go, I
2 don't want to go. (coughing crying). I don't want to go!
3 Minh: Matthew, what are you afraid of honey.
4 Matthew: He's going to kill me.
5 Minh: Why do you say that, why do you say that? Matthew.
6 Matthew: I don't want to go back,
7 Minh: Who is going to kill you?
8 Matthew: Daddy.
9 Minh: Why?
10 Matthew: I don't want to be with him. I don't want to be with him. (Crying,
11 coughing).
12 Minh: What?
13 Matthew: I don't want to be with him, I don't want to...(coughing crying)
14 Selena: mommy...inaudible
15 Minh: Matthew, it's ok honey. Mommy is right here, I'm right here buddy,
16 I'm right here. shh..shh. It's ok buddy, It's ok honey, it's ok, shh...it's ok.
17 (Matthew crying) ok, it's ok Matthew. It's ok. Shh. shh.

18 Matthew suffers from stress and trauma witnessing what Jim had done to
19 Hannah, choking her after the runaway event on December 17. The violence
20 Matthew witnessed has caused him to undergo a tremendous amount of anxiety
21 whenever Minh mentions about heading back to Vegas. Jim has zero interest in
22 finding out why Matthew is in distress. Jim's only interest is in blaming Minh.

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

25 The authorities, with the information given, felt confident not only charging
26 Jim with battery constituting domestic violence but also incarcerating him. The
27 arraignment is May 18. Minh and the children are fearful of future violent
28 behavior they experienced and witnessed.

1 The video and audio provided by Jim *does nothing* to help his case and he
2 even impeaches himself. Even while Jim is surreptitiously recording, he is still
3 unable to control himself. There is sufficient evidence that an act of domestic
4 violence occurred; Jim was arrested and criminally charged. There is a concern,
5 given Jim's demonstrated lack of self-control, pattern of conduct, and the
6 children's fear that another act of domestic violence may occur.
7
8

9 Jim repeating over and over that he "didn't do it," and that "Minh is the
10 aggressor" like it is some kind of mantra fails to make it true. Jim's own children
11 stated that he did the battery that result in him being incarcerated and being
12 charged with domestic violence. Jim, by wresting the board away from Minh, is
13 by definition the aggressor.²⁹
14
15

16 Jim claims that Minh is preventing him from having contact with the
17 children. Opp. at page 15 lines 1-2. That is untrue. Minh turns over the telephone
18 to the children and lets the children speak to Jim as long as they want.
19

20 Jim claims that Minh never reported to the police that he choked Hannah.
21 Opp. at page 15, lines 10-11. That is untrue. *See* Exhibit B.
22
23
24
25

26 ²⁹ All Jim had to do when Minh was on the ladder was say, "Hey, I think you have
27 the wrong board." It is what every peaceable person does. Instead, Jim waited
28 until Minh got down from the ladder and then created the confrontation. The board
was simply the excuse to attack.

1 Jim claims that Minh has provided no examples of past violence. Opp. at
2 page 15, lines 17-18. That is untrue. Attached are Declarations from Kha-Nhi
3 Pham and Lynni Nicole Pham.³⁰ The Phams are cousins of Minh. Kha-Nhi and her
4 son, Vincent, who was nine years old at the time, and Lynni were at Minh and
5 Jim's house for a birthday party. Kha-Ni reports that she heard a loud noise. She
6 turned around and Vincent was on ground in pain and in tears. Lynni witnessed
7 Vincent inadvertently bump into Hannah. Jim became enraged and pushed
8 Vincent so hard he landed on his back, hurt and terrified. *See also*, Exhibit B and
9 Exhibit I.

13 In the recording Jim provides Minh tells Jim that he pushed her in the home.
14 Since she did not know that Jim was recording, there is no reason why she would
15 reference it unless it was true. The incident was when Minh told Jim that she
16 would be moving out of the house into a house on Tompkins Street. The children
17 saw the house and were happy with it. Jim was furious took it out on Selena and
18 she was crying.

22 Minh reported that she was comforting Selena when she ran away from Jim
23 making him even more upset. Jim pushed Minh while she was carrying Selena so
24 she started running away from him around the kitchen island into the hallway and
25 back to the dining table. Selena was so afraid of what Jim was doing and started
26

28 ³⁰ The Declarations are attached as Exhibit K

1 crying in fear. Minh realized that the nanny was in the house so she screamed out
2 her name. At that point, Jim calmed down immediately and went to his room.

3 Jim claims that he is not a violent, angry or resentful person. Opp. at page
4 15, lines 19-20. Jim was arrested for battery. The audio recording shows a person
5 who lacks self-control. *See also*, Exhibit B (incident report), Exhibit I (text
6 message), and Exhibit K (declarations).
7

8
9 Jim claims that since the Court found that Minh had discussed the divorce
10 with the children that Minh has coached the children. Opp. at page 15, line 26 to
11 page 16, 10. It is a false equivalence and a logical fallacy for Jim to try to make
12 anyone believe that discussing divorce matters equates to coaching the children on
13 what to see. After a year, Dr. Gravley saw no alienation or manipulations of any
14 kind from Minh.³¹
15
16

17 Instead, Jim wants the children to resume "therapy" that everyone agrees is
18 providing zero benefit to the children. Jim is only self-interested in finding a
19 therapist who will support his campaign of blaming Minh for everything.
20
21

22 ³¹ Minh is also perplexed. Jim refers to the Court's findings from its Decision, that
23 "[t]he Court noted that it received evidence that Minh had discussed the dispute
24 with the children and advised them to discuss the same with their father." Opp. at
25 page 15, line 27, to page 16, line 2.

26 Dr. Gravley advised Minh that when the children ask questions why Jim changed
27 his mind about the move, she should encourage them to speak to Jim, but yet this is
28 something the Court found is something she should not have said to the children.
Minh is perplexed that it is held against her that followed Dr. Gravley's directions
given in therapy.

1 Jim "believes" that the children did not witness his attack on Minh. Opp. at
2 page 15, lines 24-25. See Exhibit I (Hannah's texts with Hieu) and the witness
3 statements when they are released. In order to protect Minh and the children's best
4 interests, the protective order should be extended until the criminal matter is
5 resolved.
6

7
8 **C. Minh Should Receive Interim Sole Legal and Sole Physical Custody**
9 **Until the Criminal Matter is Resolved**

10 Jim fails to provide any opposition to Minh's request for interim sole legal
11 and sole physical custody. The children resist returning to Jim to the point the
12 police have to be called on multiple occasions. The children, particularly Matthew,
13 are expressing fear of Jim. The recording of Matthew is distressing. The children
14 are doing poorly in school. Hannah's growth is slowing down.
15
16

17 School is currently being conducted online only. The children are doing
18 daily homework packets that Minh helps them complete. Minh is retired so she is
19 available the entire day to assist the children with watching their lectures online.
20 There is no question that Minh has the educational background to help the children
21 with any and all homework. Minh then assists them with their homework each
22 day. The children are extremely happy.
23
24

25 Jim is still working 50-65 hours per week (he lied to the court when he
26 claimed less) and has the nanny raising the children. The nanny cannot assist the
27
28

1 children with their classroom attendance and cannot assist them with their
2 homework.

3 During this time, the children would effectively be left alone all day as Jim
4 is working all day. He is too tired when he comes back in the evening after
5 working all day to provide any meaningful assistance with homework, in addition
6 to making dinner, dictating medical reports, and getting the children to bed.
7

8 Minh is practicing isolation for the coronavirus. Jim is not practicing
9 isolation. Jim is meeting with patients daily and has the heightened potential to
10 bring the coronavirus to the children. The maid Jim uses has multiple clients and
11 is in multiple houses daily.
12

13 As to contact, Minh lets the children speak to Jim for as long as they want.
14 It should be fairly straightforward that what is in the children's best interests, until
15 there is an evidentiary hearing or the criminal is resolved, is that the current
16 arrangement stay in place.
17

18 Accordingly, Minh should receive sole legal and sole physical custody until
19 the battery constituting domestic violence charge is resolved.
20

21 **D. Minh Should Receive Permanent Primary Physical Custody**
22

23 Given the facts, it should be axiomatic that there is adequate cause for there to
24 be an evidentiary hearing.
25
26
27
28

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

4 Whether the children should be given a say as to their preference is fact and
5 circumstance dependent. Given the changes in circumstances, it should be
6 appropriate to inquire of the children as to their likes and dislikes and what has
7 been going on.
8

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

10 The facts speak for themselves. The children absolutely *run to* Minh when
11 it is her time. The children run *away* from Jim. The children *run to* Minh because
12 she has historically been the primary caregiver.
13
14

15 c. Which parent is more likely to allow frequent associations and a
16 continuing relationship with the noncustodial parent

17 Minh allows Jim to speak to the children for as long as he wants. Should
18 Jim dare question that, Minh will provide the phone records. In contrast, Jim tries
19 to restrict Minh's telephone contact with the children. Attached as Exhibit L are
20 excerpts of text messages of Minh complaining to Jim that he refuses to allow
21 phone contact.
22
23

24 On the weekends in which Minh had the children, Minh could easily pick up
25 the children when school lets out on Friday at 3:15 p.m. and 3:30 p.m. Instead,
26 Jim makes the children stay in extended care until 4:00 p.m., and *only* then can
27 Minh pick them up.
28

1 After a school event that both Minh and Jim attended, the children were
2 allowed to leave and go home with the parents. Minh reports that Matthew was
3 crying. Matthew complained that he had a headache. Jim had to work so Minh
4 offered to take Matthew home with her. Jim refused and forced Matthew to stay in
5 school rather than spend an additional minute with Minh.
6

7
8 For Hannah's birthday, her birthday was on a Thursday and school was
9 dismissed due to the coronavirus. Hannah's birthday wish was to spend the day
10 with her mother. Minh advises that she texted Jim and asked if it was okay if she
11 takes the children for the day while he was at work and then bring them back when
12 he gets back from work. For days, Jim did failed to respond after multiple texts to
13 him. Jim finally responded with "no." On Hannah's birthday, Jim left for work
14 and had a babysitter come over and watch the children rather than have the
15 children spend an additional minute with Minh.³²
16
17
18

19 When Challenger School was closed early for the coronavirus, Jim rejected
20 Minh's request to help take care of the children and help them with their online
21 classwork. Instead, Jim would rather the nanny whose first language is Spanish
22 and is less than fluent in English, watch the children while he continued to work
23 rather than take advantage of the offer of assistance from the children's own
24 mother and give a single additional minute with her beyond what is ordered.
25
26
27

28 ³² Minh reports that Hannah complained to her that Jim left for work that day
without saying "happy birthday," or even "goodbye."

1 Jim complains that the children keep secrets about what they do with Minh.
2 Opp. at page 20, lines 13-14. Jim should take the COPE class. He is not to
3 interrogate the children.
4

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

6 The current level of conflict is high.
7

8 **e. The ability of the parents to cooperate to meet the needs of the**
9 **children**

10 The ability to cooperate at this point is minimal. Nothing has changed since
11 the motion was filed. Jim relies upon complaining about ski equipment.³³ This
12 was addressed in Minh's Opposition to the Motion for Immediate Return.
13

14 Jim complains that Minh will not pay for extracurricular activities. Opp. at
15 age 21, lines 25-26. This was addressed in Minh's Opposition to Jim's Motion.
16
17 See Exhibit M.

18 Jim complains that Minh will not pay for the school tuition. Opp. at page
19 21, line 21, to page 22, line 1. The issue of school tuition was addressed in Minh's
20 Opposition. See Exhibit N.³⁴
21
22
23
24
25

26 ³³ Minh advises that she has repeatedly asked Jim to return the children's clothes
27 she gets for them during her time, but Jim completely refuses to do so.

28 ³⁴ Jim ignores Minh, and then claims *she* will not cooperate.

1 Jim claims that a new therapist is needed, but only one who specializes in
2 alienation. Opp. at page 22, lines 17-18. After a year therapy, Dr. Gravely did not
3 see any alienation or manipulations from Minh's part.
4

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

6 Minh is mentally healthy. Jim has been arrested for domestic violence, has
7 committed an act of domestic violence against Hannah, Matthew screams that his
8 dad is going to kill him if he goes back, and the children are failing to thrive, and
9 somehow none of this is his fault and all Minh's fault.
10
11

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

13 Jim chokes Hannah. Jim attacks Minh, the attack is witnessed by the
14 children, Jim is arrested, incarcerated, criminally charged, and Jim actually claims
15 that Minh has psychologically harmed the children. Opp. at page 23, lines 1-7.³⁵
16
17

18 The physical needs (food, clothing, shelter) are being met. The
19 developmental needs of the children are not being met by Jim. The children's
20 grades have declined, Hannah is refusing to eat and her growth is slowing.³⁶ The
21

22
23 ³⁵ When Minh had the children, before and during the divorce, Selena was in swim
24 and dance class. Hannah was in taekwondo, swim, and tennis lessons. Matthew
25 was in taekwondo, swim, tennis, and golf lessons. Now they are no longer in any
26 of those activities. Jim has not been meeting the children's developmental
27 activities by removing them from what they love to do.

28 ³⁶ Jim will text Minh to have her help Hannah with her homework either because
he cannot or does not have the time.

1 emotional needs of the children are not being met by Jim.³⁷ The children are still
2 in counseling, the custody exchanges when the children have to return to Jim are
3 traumatizing to them, and Matthew is crying out in terror that Jim is going to kill
4 him.
5

6 The children love being with their mother. Minh meets their emotional
7 needs. It is in their mother's care where they thrive. The children cannot wait to go
8 to her when it is their time to be with her and they refuse to leave her vehicle when
9 it is time to return to Jim to the point the police have to become involved.³⁸ Minh
10 meets their developmental needs. She involves them in activities. Hannah eats
11 when she is with her mother. The children are very happy attending school with
12 her and appear to be doing well attending school with her.
13
14
15

16 **h. The nature of the relationship of the child with each parent**
17

18 The relationship of the children with Minh is excellent. Jim claims that he is
19 very "closely bonded" with the children. Opp. at page 23, lines 21-22. Being
20 "closely bonded" has very little relevance as to whether Jim has a good
21

22 ³⁷ Dr. Gravley did not feel that Minh needed to have sessions with the children but
23 she feels that Jim needs to have sessions with the children. Dr. Gravley offered to
24 initiate and be present with the children when they speak to Jim. Matthew agreed
25 to speak to Jim in Dr. Gravley's presence once and refused to ever do it again.

26 ³⁸ Jim implies that Minh manipulates the children while they are in her care. If that
27 is so, why are the children not sad when they leave him? Why is there never any
28 hesitation from the children to leave Jim? Why do they run to Minh at Minh's pick
up every time?

1 relationship with the children. Even a casual observer would conclude that Jim's
2 relationship with the children is poor.

3
4 **i. The ability of the child to maintain a relationship with any sibling**

5 Not applicable.

6
7 **j. Any history of parental abuse or neglect of the child or a sibling of**
8 **the child**

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

11
12 **k. Whether either parent or any other person seeking custody has**
13 **engaged in an act of domestic violence against the child, a parent**
14 **of the child or any other person residing with the child**

15 Jim has choked Hannah. Jim has twisted Selena's arm twice as a way of
16 getting compliance. Matthew cries that Jim is going to kill him, because he saw Jim
17 choking Hannah. Minh has been attacked by Jim, witnessed by the children, and
18 Jim has been arrested, incarcerated, and criminally charged. There is also an
19 incident in which Minh's nephew was attacked by Jim at a party.
20

21
22 **l. Whether either parent or any other person seeking physical**
23 **custody has committed any act of abduction against the child or**
24 **any other child**

25 Not applicable.

26
27 **E. The Children Should Be Interviewed**

28 Jim opposes Minh's request but his opposition fails to make sense. Jim
appears to contend that the children should not be interviewed because the request

1 was made last year and because the children are too young. Neither contention is
2 relevant.

3 Whether children should be interviewed is dependent upon the
4 circumstances, not their ages, and not whether the request was made in the prior
5 year. The circumstances are that there are children who are in distress to the point
6 they are running away, their grades are declining, they refuse to get out of Minh's
7 vehicle, they are still in counseling, Matthew is crying that his father is going to
8 kill him, Hannah is refusing to eat, and Jim is battering Minh in front of the
9 children to name a few reasons.
10

11 For Jim to suggest that Hannah and Matthew are too young to distinguish
12 between the truth and a lie is simply silly, and may be seen as desperate. The
13 Court needs information with which to make an informed decision. Since this case
14 is about the children, it would make sense to obtain factual information from them
15 to allow the matter to be heard on its merits.
16

17 **III.**

18 **CONCLUSION**

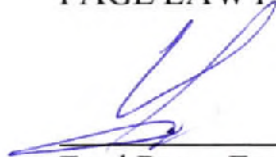
19 WHEREFORE, Defendant, MINH LUONG, respectfully requests that the
20 Court enter the following orders
21

- 22 1. Extending the TPO for six months.
- 23 2. Entering an interim change in custody with Minh having sole legal
24 and sole physical custody until the criminal matter is resolved.
25

3. Setting an evidentiary hearing on custody being changed.
4. Requiring that the children be interviewed, and;
5. For any further relief the Court deems proper and just.

DATED this 20th day of April 2020

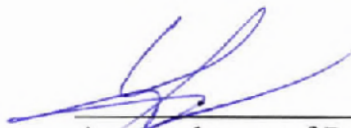
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 20th day of April 2020 that the foregoing DEFENDANT'S REPLY TO OPPOSITION as served pursuant to NECFR 9 via e-service to Robert Dickerson, Esq. attorney for Plaintiff.



An employee of Page Law Firm