

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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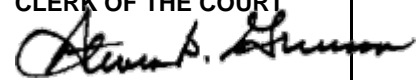
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176.	Defendant's Exhibit Appendix in Support of December 16, 2021, Return Hearing	12/15/2021	AA003500 - AA003512
177.	Supplement to Order from November 12, 2021 Hearing	1/31/2022	AA003513 - AA003516
178.	Notice of Entry of Supplement to Order from 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

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OPPC
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DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES W. VAHEY,
Plaintiff,

v.

MINH NGUYET LUONG,
Defendant.

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

Hearing Date: 11/3/2021
Hearing Time: 10:00 a.m.

Oral Argument Requested: Yes

**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
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 CHILDREN'S
PASSPORTS, AND ATTORNEYS' FEES AND COSTS**

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,

1 and submits his Opposition to Defendant's Motion to Correct Clerical
2 Error in the Decree of Divorce Regarding the 529 Accounts, or in the
3 Alternative, to Set Aside the Terms in the Decree of Divorce Regarding the
4 Division of the 529 Accounts and Attorney's Fees and Costs; and
5 Countermotion for Immediate Return of Hannah to Jim's Custody, an
6 Order that Hannah Immediately Participate in Therapy with Dr. Dee
7 Pierce, an Order that Hannah Have a Forensic Psychiatric Evaluation, an
8 Order Requiring the Parties to Participate in Co-Parenting Counseling with
9 Dr. Bree Mullin, Sole Legal Custody, School Choice Determination, Return
10 of Children's Passports, and Attorneys' Fees and Costs ("Opposition and
11 Countermotion"). Specifically, Jim requests this Court enter the following
12 orders:

13 1. An Order denying Defendant's Motion to Correct Clerical Error
14 in the Decree of Divorce Regarding the 529 Accounts, or in the Alternative,
15 to Set Aside the Terms in the Decree of Divorce Regarding the Division of
16 the 529 Accounts and Attorney's Fees and Costs ("Motion") in its entirety;

17 2. An Order that Hannah shall immediately be returned to Jim's
18 custody, including the entering of a Pick Up Order if necessary;

19 3. An Order that Hannah shall immediately participate in therapy
20 with Dee Pierce;

21 4. An Order that Hannah have a forensic psychiatric evaluation as
22 recommended by Dr. Michelle Fontenelle-Gilmer;

23 5. An Order that Minh and Jim attend co-parenting counseling
24 with Dr. Bree Mullin;

25 6. An Order awarding sole legal custody of the minor children to
26 Jim;

27 ...

28 ...

1 7. An Order resolving which school Hannah and Matthew shall
2 attend if the parties are unable to resolve the issue as suggested by Dr.
3 Michelle Fontenelle-Gilmer;

4 8. An Order that Minh shall provide the children's passports to
5 Jim or a third party for safekeeping;

6 9. An Order awarding Jim his attorneys' fees and costs for having
7 to file this Opposition and Countermotion;

8 10. For such other relief as the Court deems just and proper in the
9 premises.

10 This Opposition and Countermotion is made and based upon the
11 following Memorandum of Points and Authorities, the Declaration of Jim
12 attached hereto, the attached exhibits, all papers and pleadings on file
13 herein, as well as oral argument of counsel as may be permitted at the
14 hearing on this matter.

15 DATED this 12th day of October, 2021.

16 THE DICKERSON
17 KARACSONYI LAW GROUP

18 By /s/ Sabrina M. Dolson
19 ROBERT P. DICKERSON, ESQ.
20 Nevada Bar No. 000945
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27
28

1 MEMORANDUM OF POINTS AND AUTHORITIES¹

2 I. INTRODUCTION

3 Minh has filed a Motion requesting this Court set aside and amend
4 the findings and orders set forth in the Findings of Fact, Conclusions of
5 Law, and Decree of Divorce entered March 26, 2021. Minh attempts to
6 deceive the Court by referring to her request as simply a correction of a
7 clerical error. However, this is not the case. At the evidentiary hearing on
8 August 13, 2020 and September 4, 2020, the Court heard testimony
9 regarding each party's contributions to the children's 529 plans, reviewed
10 the evidence admitted in support of each party's argument, and made
11 specific and clear findings and orders that Minh shall receive 75% and Jim
12 shall receive 25% of the 529 accounts, which shall be held for the benefit
13 of the children.

14 Now, more than a year after the trial concluded, Minh has taken it
15 upon herself to obtain an analysis completed by Adam Udy, a financial
16 consultant at Every Season Wealth Management, claiming that she actually
17 contributed 2.11% more than the Court found, and thus, the Court's prior
18 findings and orders should be amended. Minh had every opportunity to
19 hire an expert, engage in discovery, and provide such an analysis to the
20 Court prior to the evidentiary hearing in 2020. Minh failed to do so, and
21 her request she be denied.

22 In addition, to the extent Minh is requesting any relief set forth in the
23 Conclusion of her Motion, this Court should deny same as it is not
24

25 ¹ Although this Opposition and Countermotion exceeds the page
26 limitation of 30 pages set forth in EDCR 5.504(e), it is within the type volume
27 limitation as it does not contain more than 14,000 words. The Memorandum of Points
28 and Authorities contains 12,253 words. Jim is respectfully requesting the Court permit
him to exceed the page limit given the emergency nature of the issues addressed herein
and the need to fully explain to the Court all co-parenting issues Jim has dealt with the
past two (2) years.

1 supported by the Factual Background and Governing Law and Argument
2 sections of her Motion, was previously addressed by the Court, and was
3 most recently the subject of an appeal filed by Minh that the parties have
4 since resolved in the Supreme Court's settlement program.

5 Of more importance than Minh's unwarranted and frivolous Motion
6 is the legal and physical custody issues that have recently arisen. Despite
7 completing the 8 Hour Parenting Without Conflict and Teen Triple P
8 Online Positive Parenting Program, Minh has continued her campaign to
9 destroy Jim's relationship with the children. As this Court is aware, Minh
10 has been most successful with Hannah, who now has severe psychological
11 issues. However, Minh's selfish and harmful actions are now having a
12 detrimental effect on Matthew. Minh's most recent stunt includes
13 unilaterally, and without Jim's knowledge or consent, taking the
14 children out of their school at Challenger School ("Challenger"), touring
15 and enticing the children on Becker Middle School ("Becker"), and trying
16 to enroll them at Becker.

17 Unfortunately, prior to Jim objecting to Minh's unilateral actions,
18 Minh enamored the children with missing school at Challenger to tour
19 Becker's campus, meet with school counselors, and pick out classes they
20 wanted to take. When Jim put a stop to Minh's detrimental actions, he
21 became the "bad parent" in the children's eyes. This is a tried and true
22 tactic of Minh's as she previously harmed the children's relationship with
23 Jim by telling them he is the reason they cannot move and be happy in
24 California. Now, the children believe he is the reason they are not currently
25 attending Becker. Since Minh's stunt on September 28, 2021, both
26 Hannah and Matthew have refused to return to school at Challenger, and
27 Hannah has refused to return to Jim's custody. Accordingly, this Emergency
28 Countermotion has become necessary.

1 Since this case was initiated in 2018, Minh has blatantly admitted
2 she refuses to coparent with Jim. At the evidentiary hearing on custody in
3 2019, Minh boldly testified she cannot coparent with Jim. Findings of Fact,
4 Conclusions of Law, Decision and Order entered September 20, 2019
5 (“September 2019 Decision and Order”), pg. 13, lines 13-15. Minh was not
6 exaggerating. In the past two (2) years, nothing has changed and the
7 children are the ones suffering for Minh’s shortcomings as a coparent.

8 It has always been Jim’s position that it is in the children’s best
9 interest for the parents to share joint physical custody.² At a meeting on
10 October 8, 2021, which Jim and Minh attended with Dr. Fontenelle-
11 Gilmer, Dr. Fontenelle-Gilmer reiterated Jim’s sentiment to Minh. During
12 the meeting, Minh was attempting to convince Dr. Fontenelle-Gilmer that
13 the reason Hannah is so disturbed is because she is being forced to live with
14 her father when she does not want to be there because of the things Jim has
15 done and how he treats her. Dr. Fontenelle-Gilmer explained to Minh that
16 studies show children do best when they are raised by both divorced
17 parents. Jim is not sure what else he or anyone else can do to convince
18 Minh that it is in the children’s best interest for her to coparent with Jim
19 and support both parents being involved in the children’s lives. As one last
20 option, Jim is hoping his request for the parties to attend co-parenting
21 counseling with Dr. Mullin will be beneficial. However, until Minh’s
22 concerning and outrageous behavior changes, Jim sees no other
23 . . .

24
25 ² Jim has done everything in his power to share joint physical custody of
26 the children with Minh based on his belief the children need both parents in their lives.
27 Jim is requesting the Court order the parties participate in co-parenting counseling as
28 a last ditch effort to get Minh to coparent with him. However, he understands that if
Minh continues to alienate the children, make unilateral legal custody decisions, and
refuse to coparent with Jim that he will be forced to request primary physical custody
to protect the children.

1 alternative but for sole legal custody to be awarded to him so that the
2 children are not subjected to Minh's rash and unreasonable decisions.

3 II. FACTUAL STATEMENT

4 A. Procedural Background and the Years of Minh's Strategic Alienation 5 of the Children from Jim

6 Jim and Minh were divorced on March 26, 2021. The parties have
7 three (3) minor children the issue of their marriage: Hannah, born March
8 19, 2009 (twelve (12) years old), Matthew, born June 26, 2010 (eleven
9 (11) years old), and Selena, born April 4, 2014 (seven (7) years old).

10 In January 2019, Minh filed a Motion seeking primary physical
11 custody and permission to relocate to California with the minor children.
12 Judge Ritchie held an evidentiary hearing on custody on August 8, 2019,
13 September 5, 2019, and September 11, 2019. At the evidentiary hearing,
14 Jim testified to the co-parenting issues he was already experiencing with
15 Minh at that time. Jim testified that during many custody exchanges, Minh
16 refused to communicate with him verbally, even in front of the children.
17 September 2019 Decision and Order, pg. 12, lines 25-28.

18 When Minh did speak to Jim during custody exchanges, she
19 inappropriately discussed the parties' disputes in the presence of the
20 children. Jim testified to one incident in August 2019 when Hannah was
21 upset and crying on the first day of school and, in the presence of the
22 children, Minh told Jim that he forced the children to go to school in
23 Nevada instead of Irvine and misled her and the children. *Id.* at pg. 11,
24 lines 19-27. The Court found Jim's testimony credible. *Id.* at pg. 11, lines
25 19-22. The Court also noted that "[e]vidence was presented that supports
26 a finding that Minh Luong encouraged Hannah and Matthew to discuss the
27 move to California with their father." *Id.* at pg. 11, lines 26-28.

28 . . .

1 The Court concluded that Minh’s dialogue with the children “shows
2 poor judgment and has the potential to alienate the children from their
3 father.” *Id.* at pg. 12, lines 1-6. The Court also found that Minh’s intention
4 to move to California was, in part, to deprive Jim of his parenting time. *Id.*
5 at pg. 18, lines 13-15. Specifically, the Court stated: “The court is
6 concerned that Minh Luong’s decision to live in California is intended to
7 create a distance between the parties, and to create a distance between the
8 children and their father, to avoid the sometimes tedious and inconvenient
9 aspects of co-parenting.” *Id.* at pg. 19, lines 3-8.

10 Based on the foregoing, and the very detailed findings set forth in the
11 September 2019 Decision and Order, the Court denied Minh’s request to
12 relocate to California with the children and ordered the parties to share
13 joint legal and joint physical custody. *Id.* at pg. 15, lines 1-10. However,
14 given Minh’s representations that she intended to relocate to California
15 with or without the children, the Court gave Minh the opportunity to
16 decide whether she wanted to share joint physical custody in Las Vegas. *Id.*
17 at pg. 15, lines 1-10; *see also* Order from April 22, 2020 Hearing, pg. 3, lines
18 9-19. If Minh was steadfast in her decision to relocate to California without
19 the children and chose to forego her joint physical custody rights, Jim
20 would be awarded primary physical custody, almost in the nature of a
21 default. Decision and Order, pg. 15, lines 1-10; *see also* Order from April 22,
22 2020 Hearing, pg. 3, lines 9-19. Minh ultimately decided to forego her
23 joint custody rights, and Jim was awarded primary physical custody.

24 The Court’s denial of Minh’s request to relocate infuriated her, and
25 she has taken her anger out on Jim ever since. Minh decided that if she was
26 not successful in physically taking away the children from Jim, then she
27 would take away their love, trust, and cooperation from him. Within a
28 week of the Court entering its September 2019 Decision and Order, Minh

1 informed Jim she no longer approved of the extracurricular activities in
2 which the children were enrolled in Nevada and would not contribute to
3 the cost. Minh also refused to reimburse Jim for her one-half ($\frac{1}{2}$) portion
4 of the children's school tuition, school uniforms, and medical expenses, and
5 health insurance, and even refused to pay for her own health insurance
6 arguing that because the parties were still married Jim was required to
7 continue paying for her health insurance, contrary to the terms of their
8 Premarital Agreement.³ Despite refusing to reimburse Jim for these
9 expenses, Jim received a bill in the amount of \$4,341 in the mail from
10 Minh for dental work she completed on the children without informing
11 Jim. This is the type of game playing Jim has dealt with since the Court's
12 Decision and Order.

13 Minh continued to be exceptionally hostile to Jim during the custody
14 exchanges. **In the presence of the children**, Minh would tell Jim not to
15 talk to her, refuse to answer Jim's questions regarding the children, such as
16 whether they had eaten dinner, and make inappropriate comments such as:
17 (1) "You are beneath me. I don't need to talk to you." (2) "You're a low
18 life." (3) "You're selfish. You selfish SOB. I don't want to look at your face.
19 I don't want to see you. Do you know that? You're just beneath dirt." Jim
20 audio recorded these comments and previously provided the audio
21 recordings to the Court.

22 Also in the presence of the children and in public areas, Minh has
23 completely ignored Jim and physically moved away from him on multiple
24

25 ³ These financial issues were addressed at the evidentiary hearing on
26 August 13, 2020 and September 4, 2020. The Court had to order Minh to reimburse
27 Jim \$12,059 for the payment of expenses for the children, \$8,771 for her one-half ($\frac{1}{2}$)
28 portion of the children's health insurance from January 2019 to September 2020, and
\$11,946 for the cost of her health insurance from January 2019 to September 2020,
which she also refused to pay. Findings of Fact, Conclusions of Law, and Decree of
Divorce ("Decree of Divorce"), pg. 23, line 18, to pg. 24, line 9. Minh has not
reimbursed Jim for any of these expenses.

1 occasions. For instance, in December 2019, Selena had a Christmas
2 performance at school. When Jim arrived at Selena's school to watch her
3 performance, he sat next to Hannah, who was sitting next to Minh. Shortly
4 after Jim sat down next to Hannah, Minh got up with Hannah and moved
5 to a different part of the bleachers just so Jim could not sit with them.
6 Minh acted similarly during Hannah's Christmas performance. Minh sat
7 far away from Jim in an area where there was no room for him to sit with
8 her and Selena as they watched Hannah's performance. Similarly, in the
9 waiting room at Hannah's first appointment with Robert Lowe, M.D., Jim
10 sat next to Minh and Hannah, and Minh moved with Hannah to the
11 farthest corner of the waiting room from Jim. Further, during one doctor
12 appointment where Jim and Minh were waiting with Hannah in the waiting
13 room, Jim asked Minh if they could all go to lunch following the
14 appointment. Minh completely ignored Jim in front of Hannah, not
15 having the decency to even respond. Without saying a word, Minh
16 continues manipulating and alienating the children from Jim.

17 Minh also has refused to help Jim exchange the children if one or
18 more of them was having a difficult time with the custody exchange. For
19 example, Jim recalls one particularly difficult custody exchange on March
20 1, 2020, in which Hannah did not want to transfer. Rather than encourage
21 Hannah to go to Jim's custody, Minh stayed with her in her RV for an hour
22 and a half. At one point, Minh was hugging Hannah, clearly showing her
23 support for her refusal to go to Jim.

24 In addition, Minh refused to cooperate with Jim to transfer the
25 children's belongings. For instance, in December 2019, Minh told Jim she
26 was taking the children skiing and asked for their ski gear. Jim organized,
27 packed, and delivered the children's ski gear to Minh for their trip. When
28 Jim asked Minh to return the ski gear in February 2020 because he

1 planned on taking the children skiing, Minh refused. Jim ended up having
2 to spend \$1,000 to purchase new gear for the children. In April 2020, while
3 the children were participating in distance learning as a result of the
4 pandemic, Minh refused to allow the children to bring their iPads to Jim's
5 home because she paid for them, even though she knew the children were
6 using the iPads to complete their homework. Jim was required to purchase
7 electronics for the children so they could complete their homework as he
8 did not have separate electronics for each child to use at the same time.

9 Moreover, when Jim had primary physical custody and Minh was
10 required to exercise her one (1) weekend per month in Las Vegas, Minh
11 refused to tell Jim if she took the children out of Las Vegas. Jim believed
12 Minh took the children on a fishing and camping trip on February 29 and
13 March 1, 2020. Minh did not provide Jim any information about the trip.
14 When Jim asked the children about their weekend, the kids became
15 secretive and defensive. Jim asked Hannah how fishing was and Hannah
16 became awkwardly defensive and stated that they did not leave the state.
17 On a separate occasion when Jim asked the children about their visit with
18 Minh, Matthew told Hannah and Selena their father was trying to trick
19 them. When Jim asked Hannah and Selena what Matthew said to them,
20 Matthew stated: "He's trying to get us to tell him our secret. Don't answer
21 him. He's trying to trick us into telling him. Do you remember what we
22 talked about?" Little did Jim know that these issues were just the beginning
23 of the nightmare Minh would put the children and Jim through simply
24 because she did not get her way.

25 Jim had primary physical custody of the children from September
26 2019 until March 20, 2020 when Minh falsely reported Jim for domestic
27 violence, allowing her to take the children from Jim for five (5) consecutive
28 weeks. On March 20, 2020, Minh picked up the children from Jim's home

1 for a custody exchange. After the children were in Minh's RV, Minh walked
2 into Jim's garage, took his ladder, and attempted to take his kitesurf board
3 believing it to be her windsurf board. When Jim informed Minh that she
4 could not take his property, Minh became angry and violent with Jim. In
5 her tirade, Minh slammed Jim's kitesurf board against the floor of Jim's
6 garage, grabbed a U-shaped aluminum handle wrapped in foam and struck
7 Jim's vehicle multiple times, tried to tip the ladder onto Jim's car, and, after
8 Jim moved the ladder to the entry way of his home from the garage, struck
9 Jim's ladder against the entry way floor and walls. Minh was also verbally
10 aggressive during this incident, calling Jim "the lowest scum ever" and
11 baiting him to hit her. Because of Minh's hostility and aggressiveness at
12 prior custody exchanges, Jim thankfully had the foresight to audio record
13 this exchange with his phone. It was not until Jim took his phone out of his
14 pocket to videotape Minh that Minh finally left Jim's garage.

15 After Minh left Jim's garage, and finally his home, Minh went straight
16 to the Henderson Police Department and reported Jim committed domestic
17 violence against her. Minh also obtained a Temporary Protective Order
18 ("TPO") based on her false allegations. Jim was arrested as a result and had
19 to spend a night in jail. Thankfully, because of his recordings, charges were
20 rightfully never brought against Jim and Judge Ritchie dissolved the TPO.
21 *See* Order from April 22, 2020 Hearing, pg. 8, lines 9-16.

22 Jim was forced to file an Emergency Motion to have the children
23 returned to him. Minh filed a competing motion seeking primary physical
24 custody of the children. The Court held a hearing on Jim's Emergency
25 Motion on April 22, 2020. At the hearing, the Court granted Jim's request
26 for immediate return of the children, who had been away from him for five
27 (5) weeks, and denied Minh's request for primary physical custody.
28 Instead, the Court temporarily modified the custody order to give Minh the

1 opportunity to reconsider her decision not to share physical custody of the
2 children. Order from April 22, 2020 Hearing, pg. 5, lines 5-8. The Court
3 ordered the parties to share physical custody of the children on a week
4 on/week off basis until the evidentiary hearing on financial matters. *Id.* at
5 pg. 6, line 27, to pg. 7, line 10. Based on the events of March 20, 2020,
6 Judge Ritchie also ordered the custody exchanges to occur at the guard gate
7 of Jim's home, rather than at the parties' residences. Order from April 22,
8 2020, pg. 7, lines 10-12. Unfortunately, Minh's keeping the children away
9 from Jim for the five (5) weeks before he was able to have the children
10 returned to him did irreparable damage. Hannah has never been the same.

11 Hannah's behavior declined so severely Jim had to file another
12 Emergency Motion on June 5, 2020 to get Hannah the psychological help
13 she needed. Hannah started locking herself in her bedroom for most of the
14 day. Hannah would rarely speak to Jim civilly and was very angry with him.
15 When Jim attempted to communicate with Hannah, she yelled at him, told
16 him he lies, everything is his fault, he ruined everything, he does not exist,
17 he is not her daddy, she hates him, and she wishes he were dead. Hannah
18 ate very little each day, which caused Jim great concern for her health.
19 Hannah also would not complete her school work or watch her school
20 videos. Jim also found two (2) photographs of the family prior to the
21 parties' separation in Hannah's room where she completely blacked out Jim
22 from the photograph. *See* Appendix of Exhibits in Support of Jim's June 5,
23 2020 Emergency Motion, Exhibit 7. Hannah also slid two (2) letters under
24 her door to Jim. One simply stated: "Don't ever talk to me agian [sic]."
25 The other stated:

26 Do you want me to live like this? Oh wait! Let me rephrase that
27 since you don't care about me. Do you want to live like this?
28 With me hating you for the rest of my life? Oh wait, YOU
DON'T CARE ABOUT ME! I have a life, don't ruin it with
yours. I WANT TO LIVE.

1 See Appendix of Exhibits in Support of Jim's June 5, 2020 Emergency
2 Motion, Exhibit 8. The Court held a hearing on July 13, 2020, and granted
3 Jim's request to immediately initiate therapy for Hannah with Dr. Bree
4 Mullin, PsyD, who co-founded the Psychology Institute of Las Vegas. Dr.
5 Mullin ultimately was unable to provide therapy for Hannah, but arranged
6 to have Hannah participate in therapy with Nathaniel Minetto, LCPC (a
7 Licensed Clinical Professional Counselor) under Dr. Mullin's supervision.
8 Hannah participated in therapy with Mr. Minetto following the Court's
9 order, and was improving.

10 The Court held the evidentiary hearing on financial matters on
11 August 13 and September 4, 2020. The Court issued findings and orders
12 regarding the financial matters and directed Jim's counsel to prepare the
13 Decree of Divorce. In addition, the Court inquired as to whether it was
14 Minh's intention to continue sharing joint physical custody of the children
15 on a week on/week off basis. Minh confirmed that it was her intention to
16 do so. Given the Court's September 2019 Decision and Order regarding
17 custody premised the holiday and school break schedule on the fact that
18 Jim would have primary physical custody and Minh would be living in
19 California without the children, the Court directed the parties to discuss
20 modifying the holiday and school break schedule to ensure both parties had
21 a fair amount of time with the children.

22 Given the history of the case, it is not surprising that the parties were
23 unable to reach an agreement on the holiday and school break schedule. In
24 addition to making unreasonable requests, such as insisting she be
25 permitted to have the children for their Spring Break from school in odd-
26 numbered years despite having the children for their Spring Break in 2020,
27 Minh insisted Jim agree to modify certain orders made by Judge Ritchie at
28 the 2020 evidentiary hearing. Jim was forced to file a motion on February

1 11, 2021, to resolve the issues interfering with finalizing the Decree of
2 Divorce and to address child custody issues that had arisen since the
3 evidentiary hearing.

4 For instance, Jim addressed Minh's unilateral decision to spend an
5 hour every single day teaching the children Vietnamese on FaceTime. Minh
6 promised to buy Selena toys if she participated and promised \$1,000.00 to
7 whomever of the children did the best in the following three (3) months.
8 Enticed by the promise of toys and money, the children, not Minh,
9 informed Jim that their mother wanted to teach them Vietnamese and they
10 needed to be able to FaceTime with her for one (1) hour every day, even on
11 school days. In a more than generous attempt to coparent
12 with Minh, Jim told Minh he would cooperate with her to allow her to
13 teach the children Vietnamese.

14 As this Court is aware, Minh immediately began abusing Jim's
15 generosity. Not only did Minh keep the children on FaceTime over the one
16 (1) hour, but she also encouraged the children to defy Jim when he asked
17 them to end the call at the end of the hour. It became such an issue that
18 one night at 8:20 p.m. Jim told Selena that she had to end the FaceTime
19 session with Minh because he had to get her ready for bed. When Minh
20 heard Jim telling Selena it was time to get ready for bed, Minh told Selena
21 that her father was lying when he said her bedtime was 8:30 p.m. Jim was
22 forced to take away the iPad from Selena, which obviously set him up to be
23 the bad parent. Selena was very upset and cried.

24 Jim also brought to the Court's attention the fact that Minh was
25 scheduling times during Jim's custody for the children to watch a movie
26 with her while she was on FaceTime. Minh told the children they would
27 watch a one and a half hour movie on a Sunday at 4:45 p.m. during Jim's
28 custody time without first discussing same with Jim. Jim had already

1 scheduled a play date for Matthew and one his friends during that time.
2 Rather than coparent with Jim, Minh told Matthew that he needed to tell
3 his friend and his friend's family that they had to leave Jim's home before
4 4:45 p.m. so the children could watch a movie with Minh.

5 On January 31, 2021, Minh sent the following email regarding same:

6 Jim,

7 The children asked to have a movie date with me tonight at
8 4:45. Matthew said he will inform his friend that his play date
9 will have to end then. Please don't disrupt our plan. Again, the
judge placed the order that you are not allowed to limit my
contacts with the children. Please do no violate the judge's
direct order.

10
11 Appendix of Exhibits in Support of Jim's February 11, 2021 Motion,
12 **Exhibit 13**. Jim responded the same day to Minh:

13 Nguyet,

14 The kids told me you wanted to do a movie. You are creating
15 so much stress for them. Remember, parents are not supposed
16 to schedule activities for their children while the children are in
the custody of the other, especially without discussing it
privately together ahead of time.

17 I respect your time. Please respect ours.

18 *Id.* In response, Minh sent an email to Jim and carbon copied Nate
19 Minetto, Hannah's therapist:

20 Hi nate,

21 I want to include you in these emails because I want you to
22 help Jim to work on these items. We put so much of my, your
and Hannah's time into helping Jim with his relationship with
the children. Yet, he continuously ruin them.

23 Jim,

24 Please stop and see what you are doing to the children. They
25 were so excited and looked forward to watching the movies
together at 5pm. Even after informing you, you made sure that
26 the movie would not happen. You did not let Lena get on the
phone with me till close to 8:30pm at which time you kept on
27 repeating that her bed time is at 8:30 and that she and I need
to hang up. Lena was in tears when she was able to get on
28 saying that you would not let her get on the iPad at 5pm. In her

1 exact words: "Daddy wouldn't let me turn on the iPad." You
2 tramatized [sic] her Jim. You are the ugly person that you were
3 calling me in front of the kids. Please refrain yourself from
4 calling me names in front of the children.

5 How much longer will you torture the children. Hannah has
6 been locking herself in her room for 2 years now. She doesn't
7 want to leave her room because she doesn't want to see your
8 face. She starves herself until she knows you are not in the
9 dinning room/kitchen area. Is this the kind of relationship you
10 want with your children? You force Hannah to go to therapy so
11 you can continuously torture her and you expect her to
12 heal? Again, the more you try to alienate the children the more
13 they will hate you. Is this what you are trying to accomplish?
14 You are very successful if that is what you want. Do you know
15 the children are counting till the day you die? They were
16 so happy when they found out your actual age. How sad is
17 that? Do you think any kids would wish their parent to die
18 if the parent were good to them? This is how much they
19 hate being with you. I did not want to tell you these because
20 it is hurtful but you need to know to reflect on it.

21 *Id.* Minh is so blind to her manipulation, coaching, and alienation of the
22 children that she thought it was a good idea to include a third party,
23 Hannah's prior therapist, on an email in which she tells Jim that the
24 children are counting the day until he dies. Contrary to Minh's hurtful
25 words, Jim has a great relationship with Matthew and Selena. In his many
26 motions, Jim has detailed the issues he has experienced with Hannah since
27 the parties' separation, and primarily since Minh kept the children from
28 Jim for five (5) consecutive weeks in March and April 2020. Hannah has
not been the same since that time.

21 The Court held a hearing on Jim's February 11, 2021 Motion on
22 March 22, 2021. The Court found that Minh's constant telephone calls
23 with the children, her telephonic Vietnamese lessons with the children, and
24 her scheduling of times to watch movies with the children during Jim's time
25 was interfering with Jim's custody time. Order from March 22, 2021
26 Hearing, pg. 2, lines 20-26. In response to Hannah's behavioral issues, the
27 Court found:

28 . . .

1 THE COURT FURTHER FINDS that if there continues
2 to be issues with Hannah's behavior and relationship with her
3 father, the Court will address the underlying issues. Video
4 Transcript, 10:47:00. The Court believes part of the issue
5 with Hannah's behavior is her involvement in the parties'
6 conflict, and Minh wanting Hannah to align with her and
7 Minh not supporting Jim. Video Transcript, 10:47:04;
8 10:48:52. If the Court were to make any interim changes, it
9 would be to have Hannah be in Jim's custody more, not less.
10 Video Transcript, 10:48:43. The Court will not allow either
11 party to triangulate the children to make them think that
12 if they behave badly with one parent, they can have a say
13 in deciding with which parent they will live. Video
14 Transcript, 10:49:18. The Court believes there is alienation of
15 the children occurring, and a power struggle between the
16 parents. Video Transcript, 10:54:56.

17 *Id.* at pg. 3, line 19, to pg. 4, line 3. The Court ordered the parties to utilize
18 Our Family Wizard ("OFW") to communicate with each other. *Id.* at pg.
19 4, lines 15-18. The Court ordered the parties to submit additional briefing
20 on health insurance, the holiday timeshare, and the location of custody
21 exchanges, which would be decided by the Court at a hearing on April 13,
22 2021. *Id.* at pg. 5, lines 14-18. The Court also ordered Jim's counsel to
23 submit the proposed Findings of Fact, Conclusions of Law, and Decree of
24 Divorce ("Decree of Divorce") to Judge Ritchie for his review and signature
25 if Minh's counsel would not sign. Fortunately, Minh's counsel signed the
26 Decree of Divorce, and same was entered by Judge Ritchie on March 26,
27 2021.

28 At the April 13, 2021 hearing, the Court resolved the issues on which
it requested additional briefing. In addition, the Court admonished the
parties:

THE COURT HEREBY ADMONISHES the parties that the
fighting needs to stop, the parties need to be civil to each other,
and the parties need to put the children first. The Court
further admonishes the parties that if they come before the
Court again regarding parenting issues, a parenting
coordinator may be appointed and a cooperative parenting
course may be ordered, to be completed together, and
whomever the Court believes to be the least cooperative
may be responsible to pay for the costs.

1 Order from April 13, 2021 Hearing and April 28, 2021 Minute Order, pg.
2 3, lines 10-17. The Court ordered the parties to complete a high conflict
3 (eight (8) or twelve (12) hour) online course and a Teen Triple P (Positive
4 Parenting Program) online course, and stated any motion filed prior to the
5 completion of same would be denied via Minute Order. *Id.* at pg. 6, lines
6 3-11. Both parties have completed the ordered classes and filed proof of
7 same.

8 The Court also limited the non-custodial parent's telephone contact
9 with the children to ten (10) minutes with each child on Saturdays,
10 Mondays, and Wednesdays at 7:30 p.m. *Id.* at pg. 5, lines 21-24. Minh has
11 completed disregarded the Court's order and continues to speak with
12 Hannah at all times of the day.

13 The Court found it was in Hannah's best interest to continue therapy
14 with Mr. Minetto and ordered Hannah shall continue therapy sessions with
15 Mr. Minetto until he determines she may be exited from therapy. *Id.* at pg.
16 4, lines 18-20; pg. 6, lines 12-14. Jim had brought to the Court's attention
17 the fact that in or around February 2021, Hannah was exposed to Minh's
18 sister who tested positive for COVID-19 and her therapy sessions with Mr.
19 Minetto were converted to remote sessions. Not being able to meet with
20 Mr. Minetto in person drastically interfered with Hannah's progress and in
21 or around March 2021 she refused to continue attending therapy sessions
22 with Minh's support. During this time, Minh was undermining the therapy
23 with Mr. Minetto, making comments about how she did not see the point
24 in Hannah continuing with therapy because nothing had changed. Minh
25 also became upset with Mr. Minetto when he explained to her that
26 Hannah's situation would not get better if she did not start communicating
27 with Jim. In Minh's mind, the only thing she believes will help Hannah is
28 if Hannah is in her sole custody and has no relationship with Jim. Minh

1 dismisses any recommendations to the contrary, or suggestions that she co-
2 parent with Jim.

3 After the Court ordered that Hannah shall continue therapy sessions
4 with Mr. Minetto until he determines she may be exited, Jim did everything
5 in his power to resume Hannah's therapy, but Minh refused to cooperate.
6 Minh simply tells Jim that Mr. Minetto did not help so returning Hannah
7 to therapy is useless. In an effort to get Hannah into therapy immediately
8 with any professional who could help, Jim called many psychologists in Las
9 Vegas. Unfortunately, the wait to get Hannah in to see the potential
10 therapists Jim contacted was several months long. Thus, Jim reached out to
11 Mr. Minetto and Dr. Mullin, to see if they were still able to provide
12 therapy for Hannah. They informed Jim that they were, but Dr. Mullin
13 wanted to meet with Jim and Minh first.

14 On September 15, 2021, Minh and Jim met with Dr. Mullin to
15 discuss helping Hannah. Dr. Mullin recommended that Hannah begin
16 participating in therapy with Dylana "Dee" Pierce, LCSW, PhD, who
17 specializes in treating patients with trauma, depression, anxiety, and
18 children (five years old and older), and is under Dr. Mullin's supervision.
19 Dr. Mullin also recommended that Jim and Minh participate in co-
20 parenting counseling with her. Jim discussed with Mr. Minetto whether he
21 believed Hannah should continue therapy with him or Dr. Pierce and he
22 stated he believed Hannah needed a fresh start after the past issues with
23 her attending therapy with him. Jim believes the parties should follow Dr.
24 Mullin's and Mr. Minetto's advice and immediately begin co-parenting
25 counseling with Dr. Mullin and have Hannah immediately begin therapy
26 with Dr. Pierce. Minh refuses to follow Dr. Mullin's recommendations.

27 Despite not being able to get Hannah back into therapy, Jim and
28 Minh were able to have Hannah evaluated by a psychiatrist. At the April

1 13, 2021 hearing, the Court noted that the parties agreed to have Hannah
2 evaluated by a psychiatrist. *Id.* at pg. 4, lines 21-22. In regards to having a
3 psychiatrist help Hannah, the Court found “that the solution to helping
4 Hannah is not to have her live primarily with Minh.” *Id.* at pg. 5, lines 2-3.
5 The parties chose Dr. Michelle Fontenelle-Gilmer to complete the
6 psychiatric evaluation. Dr. Fontenelle-Gilmer has been meeting with
7 Hannah since September 2, 2021.

8 After the Order from the April 13, 2021 Hearing was entered, Minh
9 filed an appeal of the Court’s orders. The parties participated in the
10 Supreme Court of Nevada’s settlement program and were able to reach a
11 resolution. The parties agreed that the Court’s orders appealed by Minh
12 would stand. The parties agreed that Hannah shall continue to receive
13 mental health treatment from Dr. Fontenelle-Gilmer, who shall be
14 empowered to make recommendations regarding Hannah, including
15 changes to custody, visitation, timeshare, transportation, telephone contact,
16 etc. The parties also agreed Dr. Fontenelle-Gilmer may conduct or refer
17 Hannah for a forensic evaluation to make such recommendations. The
18 Stipulation and Order Resolving Outstanding Issues on Appeal has not yet
19 been entered by the Court.

20 Unfortunately, approximately two (2) weeks following the parties’
21 resolution of the issues subject to Minh’s appeal, Minh began
22 misconstruing conversations with Dr. Fontenelle-Gilmer to serve her own
23 purposes, and then making unilateral decisions regarding the children
24 without Jim’s knowledge or consent. This was obviously not the intent of
25 the parties’ agreement to follow Dr. Fontenelle-Gilmer’s recommendations.

26 . . .

27 . . .

28 . . .

1 B. Minh's Unilateral Decision to Take Hannah and Matthew out of
2 Challenger Without Jim's Consent and the Detrimental Impact
3 Minh's Actions Have Had on the Children

4 On Monday, September 27, 2021, Jim and Minh took Hannah to an
5 appointment with Dr. Fontenelle-Gilmer. At the conclusion of Hannah's
6 appointments, Dr. Fontenelle-Gilmer always meets individually and
7 separately with Minh and Jim. During Jim's meeting, Dr. Fontenelle-Gilmer
8 recommended to Jim that he and Minh consider enrolling Hannah in a new
9 school. Later that night, Jim immediately reached out to Minh on OFW to
10 cooperate and coparent in choosing a school for Hannah. The parties
11 exchanged the following messages:

12 September 27, 2021, 8:27 p.m.

13 Jim: Today, Dr. Gilmer told me that she thought it
14 would be good for Hannah to change schools. Dr.
15 Gilmer also said that Hannah did not want to go
16 back to Coral.

17 If you agree, let's look for another school for
18 Hannah.

19 September 27, 2021, 9:46 p.m.

20 Minh: Dr. Fontenelle thought that Earnest Becker would
21 be good for Hannah since it would be more mellow.
22 I also asked if Matthew would be able to attend
23 Earnest Becker with Hannah and she agrees that it
24 would be good for Hannah to have someone she
25 knows at the new school. Matthew also dislike
26 Challenger and had a melt down at the beginning of
27 this school year. He would also like to move to the
28 same school as Hannah. We agreed to take Dr.
Fontenelle's recommendations for the children. I
hope you will honor what you agreed to. I am going
to take Matthew and Hannah there tomorrow to
check it out and turn in the documents they
require.

25 Exhibit 1. Jim did not see Minh's OFW message sent at 9:46 p.m. until the
26 afternoon of the following day and, thus, was not aware Minh,
27 immediately, unilaterally without any discussion with Jim, and without his
28 consent, planned to take Matthew and Hannah to Becker to enroll them.

1 At 11:33 a.m. on Tuesday, September 28, 2021, Minh sent to Jim the
2 following message via OFW:

3 Following Dr. Fontenelle's recommendation from yesterday's
4 session and as I informed you last night, I took Hannah and
5 Matthew to Earnest Becker intermediate school this morning.
6 They get to see the campus and met the counselors. They got
7 to discuss about the classes they get to choose. Both Hannah
8 and Matthew are excited to be able to take piano. They are
9 both placed in advance levels for academic classes. I explained
10 to the counselors that both usually had done very well in school
11 in the past but the last couple of years have been tough on
12 them. They believe that Hannah and Matthew will still do well
13 in their advance levels. They said if Hannah and Matthew still
14 feel like it's still too tough then they can always be moved out
15 of those levels.

16 Hannah asked to go to Hyde Park because she knows Jaclyn
17 there. I called the school and we have to be either zoned into
18 that school or get picked through lottery. At this time, it is too
19 late for the lottery for this school year. I will put our names in
20 for lottery next year although Hyde Park has a very high
21 curriculum that Hannah may not be able to keep up since she
22 had fell so far behind. I called another school that Dr.
23 Fontenelle is also very keen on. It's called Doral Academy. It is
24 a charter school and also has to be picked through a lottery
25 process. I think at this point, it is too hard for Hannah to be in
26 a charter school as she had fallen too far behind.

27 Hannah has serious mental issues that I fear the longer it goes
28 on the harder it will be or impossible to fix. Please reevaluate
your priorities. It is not a matter of winning or loosing. WE
both are losing our daughter. Please listen to what she is asking
for. She doesn't deserve to be mentally ill because of us.

The kids can start school as early as tomorrow. If you want to
go check out the school tomorrow and let me know you can do
that. However, the longer we wait the worse it will be for the
kids as they have already fallen behind and school started over
a month ago.

22 **Exhibit 1.** Jim did not read Minh's September 27 or September 28
23 messages until the afternoon of September 28. After reviewing the message
24 Minh sent on September 27, but prior to reading the message she sent on
25 September 28, Jim sent Minh the following message on OFW:

26 September 28, 2011, 1:11 p.m.

27 Dr. Fontanelle-Gilmer did not recommend Earnest Becker to
28 me. Dr. Gilmer didn't recommend to me to change Matthew to
another school.

Picking Hannah's new school and whether to transfer Matthew are decisions for us to make jointly and not for you to make unilaterally. Please don't discuss the decisions with them until you and I are in agreement. Please do not take them there or fill out any paperwork until you and I agree on a school and whether Matthew is going to transfer also.

We need to investigate good charter schools that are in close proximity to Challenger where at least Lena, and possibly Matthew, will be continuing. The school also should be fairly equidistant between your residence and mine. Summerlin certainly is not equidistant.

Do not take the kids there today. This will cause more harm to all of them. You and I need to discuss and agree before any changes are made.

Exhibit 1. When Jim then read Minh's September 28 message, he was shocked to learn that Minh unilaterally decided to have Hannah and Matthew miss school at Challenger, and took them to Becker to enrol them without Jim's knowledge or consent. Jim sent to Minh the following messages via OFW:

September 28, 2021, 1:19 p.m.

I just read this message [Minh's September 28, 2021 message]. What you've done is unilaterally make a decision that we jointly need to make. Do not start the kids at Earnest Becker or any where else until we discuss and agree on the change.

September 28, 2021, 2:21 p.m.

Until we reach an agreement on the school to where WE want Hannah transferred, all of the children need to continue at Challenger.

Please don't involve the kids in our discussion until we are in agreement.

Exhibit 1. Knowing that Minh may not immediately check her OFW messages, Jim also sent the following text messages to Minh:

Please look at the OFW message I sent you. Please don't discuss changing schools, which school, or whether Matthew will be changing schools also with the children until you and I are in agreement. Including the kids at this point is harmful to them.

...

1 Please do not take the kids to Earnest Becker today. You and
2 I need to investigate and agree on the new school for Hannah
first before any discussions and paperwork are started.

3 **Exhibit 2.** When Jim did not receive a response to his text messages, he
4 sent a follow up text message to Minh, again pleading that she not involve
5 the children in any discussion regarding school until she and Jim were able
6 to discuss the issue.

7 **Hannah's school change**

8 Until we reach an agreement on the school where WE want
9 Hannah transferred, all of the children need to continue at
Challenger. Please don't involve the kids in our discussion until
we are in agreement.

10 **Exhibit 2.** Minh did not respond to any of Jim's messages that day.

11 When Jim learned that Minh had unilaterally enrolled Hannah and
12 Matthew in Becker, he also immediately contacted Challenger and spoke
13 to the administrator. The administrator informed Jim that the
14 administrator from Becker called to inform her that Hannah and Matthew
15 would not be returning to Challenger and they would be starting school at
16 Becker that day. The administrator also informed Jim that Selena arrived
17 late, around 10:00 a.m. to 11:00 a.m., to Challenger that day. Jim asked
18 the administrator to ensure Hannah and Matthew were not withdrawn
19 from Challenger as Jim had no involvement in this matter and did not
20 consent to the children changing schools.

21 Jim also immediately reached out to Dr. Fontenelle-Gilmer to ask
22 whether Minh was honest when she informed Jim that Dr. Fontenelle-
23 Gilmer recommended Hannah, and Matthew (who is not a patient of Dr.
24 Fontenelle-Gilmer's), be immediately withdrawn from Challenger and
25 enrolled at Becker. Not surprisingly, Minh was not. Dr. Fontenelle
26 informed Jim that she absolutely did not recommend Minh immediately
27 withdraw Hannah, and certainly not Matthew who is not her patient, from
28 Challenger and enroll them in Becker. Dr. Fontenelle-Gilmer confirmed

1 that Minh, in fact, was the one who specifically asked about Becker as a
2 potential new school in the first place. Dr. Fontenelle-Gilmer agreed Becker
3 may be an option; however, she never indicated Minh should make that
4 decision unilaterally and without Jim's knowledge or consent.

5 After not receiving any response to his OFW messages and text
6 messages, Jim sent a follow up message to Minh on OFW later that night:

- 7 • We have joint legal and joint physical custody of our
8 three children.
- 9 • It's illegal for either of us to unilaterally make a decision
10 about changing schools for any of our children without
11 discussing and agreeing with each other.
- 12 • You took the kids to Ernest Becker School today without
13 my knowledge or consent.
- 14 • Again, you discussed with the children about changing
15 schools, and even worse, you discussed with them your
16 vision for our kids to go to another school that you
17 unilaterally selected without ever including me in the
18 decision.
- 19 • Discussing your unilateral decision with them without
20 any agreement from me is wrong and sets them up for
21 serious psychological harm.
- 22 • Without my knowledge or consent, you chose to have
23 Hannah and Matthew miss school today and Lena arrive
24 tardy.
- 25 • Without any legal right to enroll them, today, you toured
26 the school with them, met counselors, picked classes, and
27 completed paperwork for enrollment.
- 28 • Challenger told me that someone from Ernest Becker
contacted Challenger informing them that Hannah and
Matthew "were withdrawing from Challenger and that
they started over there today."

23 You had no courtesy to include me, and you had no legal right
24 exclude me in any of the decisions and actions you did today
25 with respect to our kids.

- 26 • Do not withdraw Hannah or Matthew from Challenger.
- 27 • Hannah and Matthew need to attend school at
28 Challenger tomorrow (Wednesday, 9/29/21)

28 . . .

- 1 • Do not proceed with enrollment in Ernest Becker or any
2 other school for any of our kids until you and I are in
3 agreement.
- 4 • All three of our kids need to attend Challenger tomorrow
5 (You and I can discuss this and come to a decision.
6 Regardless, Hannah, Matthew, and Selena need to attend
7 school tomorrow.)

8 My Due Diligence

9 1. I contacted Dr. Gilmer, I verified that what you wrote to
10 me in your OFW message is false. What you wrote were not
11 what her recommendations were.

12 2. I contacted Challenger and informed them that Hannah
13 and Matthew are not to be withdrawn.

14 3. I reached Ernest Becker School a couple minutes after
15 closing at 3:30, but will be speaking with them first thing
16 tomorrow morning to inform them that Hannah and Matthew
17 are not to be enrolled at this time.

18 Nguyet, what I've provided above is enough explanation for not
19 disrupting Hannah's and Matthew's school more than you did
20 today.

21 It's extremely important that you understand without any
22 doubt that there is no psychological or physical reason for you
23 to change Hannah's or Matthew's school today or tomorrow.

24 YES, Dr. Fontanelle [sic] recommended to us to transfer
25 Hannah to another school. Dr. Fontanelle [sic] absolutely did
26 not recommend transferring Hannah (AND CERTAINLY NOT
27 MATTHEW) from Challenger to anywhere including Ernest
28 Becker today, especially without our mutual agreement.
(Certainly, secretly without my knowledge or consent.) Dr.
Fontanelle [sic] called me this evening. She confirmed that in
no way, shape, or form did she recommend that Hannah
transfer to Ernest Becker School.

In fact, she told me she didn't recommend it to you, but you
were the one who asked her about that specific school.

She was very clear that she made no recommendation that
Matthew transfer from Challenger to anywhere. He's not her
patient and she's never even met him.

Please call me, email me, text me, or communicate in any way
you want. Please never again do anything like what you did
today. You did not have the best interest of our kids, or even a
recommendation of Dr. Fontanelle [sic], any legal right, my
consent, or any other sensible reason to entice the kids with
another of your agendas.

1 Please, Nguyet, let's talk, or if you won't, at least electronically
2 converse.

3 **Exhibit 1.**

4 Minh's actions have had a severe, detrimental impact on the children
5 and their relationship with Jim. Jim knew Minh would be telling the
6 children that the reason they could not attend Becker was because Jim
7 would not allow them to do so. Minh previously was able to alienate the
8 children, especially Hannah, by informing them that the reason the
9 children could not live in California and "be happy" is because Jim will not
10 allow it. Minh's concerning behavior and inappropriate conversations with
11 the children were noted by Judge Ritchie in the September 2019 Decision
12 and Order, as detailed above. Minh has not changed her alienating
13 behaviors for the past two (2) years.

14 As expected, since Minh unilaterally attempted to enroll Hannah and
15 Matthew at Becker, Hannah and Matthew have refused to return to
16 Challenger. Prior to Minh's actions, Matthew was excelling at Challenger,
17 and attending school with his best friend. Jim also had a great relationship
18 with Matthew. Now, Matthew blames Jim for not being able to attend
19 Becker. Hannah is even worse. Although Hannah has remained in Minh's
20 custody since September 28, and Minh believes Hannah does better in her
21 care, Hannah has refused to participate in online schooling for Challenger.

22 On October 1, 2021, Selena attended Challenger and Matthew and
23 Hannah stayed at Minh's home. When Jim learned Hannah and Matthew
24 would not go to school, he asked Minh to drive them to the guard gate of
25 his home to exchange them for his custody time. Minh claimed she could
26 not get Matthew in the car. Jim was forced to pick up Hannah and
27 Matthew from Minh's home. When Jim arrived to pick up Hannah and
28 Matthew, Matthew was cooperative and got into Jim's vehicle. Hannah,

1 however, refused to go to Jim's custody unless he would sign a note stating
2 that he would not limit her cell phone time, would not take away her cell
3 phone, and would not bother her. Exhibit 3. Jim explained to Hannah that
4 they do not make bargains like that, and the Court's order required her to
5 transfer to his custody. Hannah remained steadfast in her refusal to go with
6 Jim. Jim advised Minh and Hannah that he saw no other option but to call
7 the police and see if they could help with the exchange.

8 Initially, the parties attempted to exchange the children at the guard
9 gate of Minh's home. While Jim was trying to convince Hannah to come
10 with him and waiting for the police to arrive, Matthew asked if he could get
11 out of the vehicle and play in a patch of grass. Jim agreed. After
12 approximately an hour and a half of Matthew playing, Minh called
13 Matthew over to her vehicle, talked him into getting into her vehicle, and
14 drove off with Hannah and Matthew. Jim immediately sent a text message
15 to Minh insisting that she bring the children back to his custody. Minh
16 refused to answer. Jim could do nothing but wait for the police to arrive. A
17 few minutes after the police arrived at the guard gate, Minh's boyfriend
18 arrived and informed the police that Minh would be back soon. It took
19 Minh approximately ten (10) minutes to return with the children. Jim was
20 able to obtain custody of Matthew, but Hannah continued to refuse to go
21 with Jim. Jim attempted to pick up Hannah the following day as well, on
22 October 2, 2021, but Hannah refused to go with him.

23 **III. LEGAL ARGUMENT**

24 **A. Minh's Motion Should Be Denied In Its Entirety Because Minh** 25 **Failed to Comply with EDCR 5.501, and Failed to Provide Legal** **Authority Supporting Her Position**

26 First and foremost, Minh did not comply with EDCR 5.501 as she
27 claims in her Motion. EDCR 5.501(a) requires a movant to first attempt
28 to resolve the issues in dispute with the other party prior to filing a motion.

1 Failure to do so may result in the imposition of sanctions if the Court
2 concludes the issues would have been resolved if an attempt at resolution
3 had been made before the filing. EDCR 5.501(c).

4 Minh never attempted to resolve her claim of a clerical error prior to
5 filing her Motion. Had she done so, Jim could have reminded Minh that
6 the issue of the percentage each party contributed to the children's 529
7 accounts was litigated at length at the August 13 and September 4, 2021
8 evidentiary hearing. In fact, evidence was submitted proving Minh herself
9 took the position that Jim contributed 25% and Minh contributed 75% to
10 the children's 529 accounts. Attached as **Exhibit 4** is Plaintiff's Trial
11 Exhibit 2, which is an email dated May 29, 2019 from Neil Mullins,
12 Minh's counsel at the time, and was admitted at trial. The email from Mr.
13 Mullins states:

14 **529 Accounts**

15 Jim will get one-fourth of the 529 plans and Minh 3/4ths
16 (according to contributions), and with provisions that neither
17 will withdraw, except for college tuition and room and board
18 without both parties approving by email. And each party would
provide annual statements to the other. We disagree Jim should
get half, as such is even contrary to the the [sic] PMA. But Jim
should not mind, as we are protecting the children anyway.

19 **Exhibit 4.** In response to Mr. Mullins' email, Jim's counsel sent an email
20 on May 31, 2019 stating Minh's position regarding the 529 accounts was
21 acceptable to Jim. **Exhibit 5**, Plaintiff's Trial Exhibit 3, admitted at trial.
22 Thereafter, the parties discussed specifically identifying the exact amounts
23 contributed by each party to the 529 accounts. On August 16, 2019, **one**
24 **year before trial**, Mr. Mullins sent a letter to Jim's counsel stating:

25 Paragraph V, at Page 6, we are in agreement with placing an
26 exact dollar amount to be transferred from the children's 529
27 accounts in accordance with our previous agreement. My client
28 is in the process of obtaining the records from the plan
administrator so we can calculate the exact figure to be
transferred to a 529 account in Jim's name only.

1 Exhibit 6, Plaintiff's Trial Exhibit 7, admitted at trial. An entire year prior
2 to the August 13 and September 4, 2020 evidentiary hearing, Minh was
3 gathering documentation to prove the exact amounts contributed by each
4 party. In fact, at the evidentiary hearing, Minh admitted documents
5 evidencing each party's contributions to the children's 529 accounts.
6 Despite this, Minh waited until a year following the trial to have Mr.
7 Udy complete an analysis of the parties' contributions because she was
8 unhappy with Judge Ritchie's decision. Based on the evidence admitted at
9 trial, Judge Ritchie found:

10 THE COURT FURTHER FINDS that the ratio of capital
11 investment in the 529 accounts established by the parties for
12 their children was approximately 25% by JIM and 75% by
13 MINH and her family members. THE COURT FURTHER
14 FINDS that the 529 accounts were established during the
15 marriage for the intended, sole purpose of providing resources
16 for the children's educations, and are held in MINH's name for
17 the benefit of the children. THE COURT FINDS that it is not
18 dividing the 529 accounts based on any contract purportedly
19 entered into by the parties or pursuant to the parties'
20 Premarital Agreement as it does not include any provision
21 regarding 529 accounts. THE COURT FURTHER FINDS that
22 MINH's claim that JIM's contribution to the 529 accounts was
23 a gift to MINH as her separate property is not accepted by the
24 Court. THE COURT FURTHER FINDS that it has discretion
25 to apportion the 529 accounts, and dividing the 529 accounts
26 pursuant to each party's capital contributions is an appropriate
27 and logical way to divide the 529 accounts.

28 Minh is attempting to deceive this Court by now claiming there is
simply a clerical issue in Judge Ritchie's Order dividing the 529 accounts.
NRCP 60(a) is not applicable to this matter as there was no clerical mistake
or mistake arising from oversight or omission. Similarly, NRCP 60(b)(1)
does not apply to this matter because there has been no mistake,
inadvertence, surprise, or excusable neglect. Minh argued at the evidentiary
hearing before Judge Ritchie that Jim should not receive 25% of the
children's 529 accounts. Minh presented evidence she believed supported
her claims, including the statements for the children's 529 accounts. Minh

1 had every opportunity to present an analysis of the parties' contributions
2 at the trial and chose not to do so. Ultimately, Judge Ritchie did not agree
3 the evidence support Minh's position and made his findings and orders
4 based upon the evidence admitted at trial. Minh's Motion should be denied
5 and Minh should be sanctioned for failing to comply with EDCR 5.501 by
6 having to pay Jim's attorneys' fees and costs.

7 B. The Court Should Resolve the Parent-Child Issues as Requested by
8 Jim

9 1. *The Court Should Enter an Order that Minh Immediately Return*
10 *Hannah to Jim's Custody, Including Entering a Pick Up Order*

11 As detailed above, since Minh unilaterally pulled Hannah and
12 Matthew out of Challenger and attempted to enroll them at Becker,
13 Hannah has refused to return to Jim's custody. Jim has now missed one (1)
14 week of his custody time with Hannah, for which he should receive makeup
15 time. The longer Hannah is in Minh's custody and away from Jim, the
16 more Hannah will be manipulated and alienated from him. Jim has
17 explained to this Court that Hannah has never been the same since Minh
18 kept the children for five (5) consecutive weeks in March and April 2020.
19 Jim anticipates that if Hannah remains in Minh's custody, contrary to the
20 custody orders, Hannah's well-being will deteriorate as it did previously.
21 This Court should warn Minh that if she does not comply with the custody
22 order, she may be held in contempt pursuant to NRS 22.010 for
23 disobedience of a lawful order. Minh should also be warned that she may
24 be penalized by serving 25 days in jail for each violation (i.e., each day she
25 keeps Hannah during Jim's custody time) of the Court's order pursuant to
26 NRS 22.100. Lastly, the Court should enter a Pick Up Order ordering all
27 law enforcement personnel, including the Henderson Police Department
28 and Las Vegas Metropolitan Police Department, be authorized and directed

1 to assist Jim in obtaining physical custody of Hannah for Jim's custody
2 time.

3 2. *This Court Should Enter an Order that Hannah Immediately*
4 *Participate in Therapy with Dr. Pierce*

5 This Court previously ordered Hannah shall continue therapy with
6 Mr. Minetto until he determines Hannah may be exited from therapy.
7 Order from April 13, 2021 Hearing, pg. 4, lines 18-20; pg. 6, lines 12-14.
8 Since April, Jim has tried to get Hannah to return to therapy with Mr.
9 Minetto, but she refuses and is supported by Minh, who claims Mr.
10 Minetto did not help Hannah. This is simply not true. Hannah was
11 improving while participating in therapy with Mr. Minetto in person.
12 Hannah began declining when the therapy sessions were held remotely.
13 When Hannah and Minh refused to cooperate in returning to Mr. Minetto,
14 Jim started contacting other potential therapists. Unfortunately, the wait
15 for a new therapist is months long. Jim asked Minh if she would meet with
16 Dr. Mullin to see what other options are available for Hannah, and was
17 pleasantly surprised when she agreed.

18 Jim and Minh recently met with Dr. Mullin, who recommended that
19 Hannah participate in therapy with Dr. Pierce. Dr. Pierce works in Dr.
20 Mullin's practice and specializes in treating patients with trauma,
21 depression, anxiety, and children (five years old and older). Jim also spoke
22 to Hannah's prior therapist, Mr. Minetto, and he confirmed a "fresh start"
23 with a new therapist would be beneficial for Hannah. Hannah is suffering
24 immensely. Hannah is doing extremely poorly in school, even before Minh
25 unilaterally attempted to withdraw her from Challenger. Unfortunately,
26 since then, Hannah has refused to return to school. Hannah also struggles
27 with eating and her body image. Hannah's relationship with Jim is
28 deteriorating, and she is refusing to go to his custody. Hannah needs

1 emergency help. Accordingly, Jim is requesting the Court order Hannah to
2 immediately participate in therapy with Dr. Pierce.

3 Jim also would like the Court to consider ordering that Matthew and
4 Selena participate in therapy with Dr. Pierce. As detailed above, they are
5 not immune to Minh's manipulation and alienation. Both Matthew and
6 Selena have parroted the positions Minh has taken in litigation. Matthew
7 and Selena also have shows signs of being scared to show any affection
8 toward Jim while in Minh's presence. Thus, they may benefit from
9 participating in therapy as well.

10 3. *The Court Should Enter an Order that Hannah Participate in a*
11 *Forensic Psychiatric Evaluation as Recommended by Dr. Michelle*
Fontenelle-Gilmer

12 At the October 8, 2021 meeting between Jim, Minh, and Dr.
13 Fontenelle-Gilmer, Dr. Fontenelle-Gilmer recommended a forensic
14 psychiatric evaluation be completed on Hannah, and referred the parties to
15 Dr. Tricia Coffey. At the Supreme Court settlement conference, the parties
16 agreed to follow Dr. Fontenelle-Gilmer's recommendations, including
17 obtaining a forensic psychiatric evaluation if she so recommended. If Minh
18 opposes Dr. Fontenelle-Gilmer's recommendations, contrary to the parties'
19 agreement, the Court should enter an order requiring the parties to
20 facilitate Hannah's participation in a forensic psychiatric evaluation with
21 Dr. Coffey.

22 4. *The Court Should Enter an Order Requiring Minh and Jim to*
23 *Participate in Co-Parenting Counseling with Dr. Mullin*

24 When Jim and Minh met with Dr. Mullin, she also recommended
25 that Jim and Minh participate in co-parenting counseling with her. It is
26 clear Hannah's psychological issues are resulting from being involved in the
27 parties' conflict. Jim has tried to shield Hannah as much as possible from
28 the parties' conflict, but he cannot control how Minh behaves in front of

1 the children and the detrimental impact such behavior has had on them. As
2 set forth in detail above, for years, Minh's behavior toward Jim indicates to
3 the children that she does not respect him or like him, and neither should
4 they, he is not trustworthy and they should not believe him, he does not
5 listen to her or to their opinions, the rules in his house are not reasonable
6 and they do not need to follow them, and the list goes on. Jim is terrified
7 that Minh's behavior may eventually have the same effect on Matthew and
8 Selena. It is evident from Minh unilaterally pulling Hannah and Matthew
9 out of Challenger that Minh was able to make Jim look like the bad parent
10 to Matthew, with whom Jim has a great relationship. Matthew was upset
11 with Jim that he would not allow him to go to Becker and thus, refused to
12 return to Challenger, where he was excelling. Jim is willing to do anything
13 to ensure his children are not further damaged and believes the Court
14 should order the parties to follow Dr. Mullin's recommendation that the
15 parties participate in co-parenting counseling with her.

16 5. *The Court Should Award Sole Legal Custody to Jim*

17 For the past two (2) years, Minh has continuously undermined Jim's
18 legal and physical custody rights. Recently, Minh refused to cooperate and
19 co-parent with Jim to ensure Hannah returned to therapy with Mr. Minetto
20 as ordered by the Court. The most egregious of Minh's actions occurred
21 when she unilaterally, and without Jim's knowledge or consent, withdrew
22 Hannah and Matthew from Challenger and attempted to enroll them at
23 Becker. Minh chose Becker because it is located only ten (10) minutes from
24 her home and nearly an hour away from Jim's home. Minh enamored the
25 children by taking them to tour Becker, speak with counselors, and pick out
26 classes, fully aware that by doing so she could make Jim the bad parent if
27 he objected. Minh knew Jim would not agree to transfer the children to
28 Becker, a school that is ranked 47th in the State of Nevada, and is nearly an

1 hour drive from his home. Since Minh unilaterally attempted to enroll the
2 children in Becker, both Hannah and Matthew have refused to return to
3 Challenger. This is extremely disappointing as Matthew was excelling at
4 Challenger. Minh has demonstrated she will not act in the children's best
5 interest and comply with the Court's order that the parties share joint legal
6 custody. Thus, the Court should award Jim sole legal custody.

7
8 6. *The Court Should Order the Parties to Comply with Dr. Fontelle-*
9 *Gilmer's Recommendations Regarding Choosing a New School for*
Hannah and Matthew, and if the Parties Are Unable to Agree on Two
Schools, the Court Should Resolve the Issue

10 Dr. Fontenelle-Gilmer recommended the parties should come to an
11 agreement on two (2) schools to present to the children, take Hannah and
12 Matthew to tour both schools, and allow Hannah and Matthew to decide
13 which school to attend. The parties should follow Dr. Fontenelle-Gilmer's
14 recommendation. However, Jim is concerned that Minh will not participate
15 in good faith in this co-parenting task given Minh's actions the past few
16 years and, specifically, the past two (2) weeks. Jim is concerned Minh will
17 only present Becker or schools close to her home, but approximately an
18 hour away from Jim's home, as options to present to the children. Having
19 one parent drive the children nearly an hour to school would not be in the
20 children's best interest as it would interfere with their sleep schedules and
21 their ability to complete homework or participate in extracurricular
22 activities after school. Thus, the Court should order the parties to comply
23 with Dr. Fontenelle-Gilmer's recommendations; however, if the parties are
24 unsuccessful, the Court should resolve the issue. Until a new school is
25 agreed upon by the parties or ordered by the Court, the Court should order
26 the children shall continue to attend Challenger.

27 . . .

28 . . .

1 6. *The Court Should Order Minh to Return the Children's Passports to*
2 *Jim*

3 Jim has become increasingly concerned that Minh will do something
4 drastic if she continues to feel like she is not getting her way. Ever since
5 Minh was denied her request to relocate with the children to California,
6 Minh's actions have become progressively worse. Minh truly believes that
7 Jim is to blame for all issues between the parties, Jim should not be a part
8 of the children's lives, and she is the only one who can help the children,
9 Hannah in particular. Jim would have never believed Minh was capable of
10 falsely accusing him of domestic violence, until he was arrested. Jim would
11 have never believed Minh could be so nasty to him in front of the children,
12 and he is now watching his daughter deteriorate mentally because of what
13 she has witnessed. Jim does not want his next nightmare to be that Minh
14 has left the country with the children. Jim also has concerns for Minh being
15 solely in possession of the children's passports because she has relatives in
16 Vietnam, Germany, and Australia, and undeclared cash stored away that
17 she could easily access. Thus, the Court should order Minh to return the
18 children's passports to Jim, or that they be kept by a neutral third party.

19 C. The Court Should Award Jim His Attorneys' Fees and Costs for
20 Having to File this Opposition and Countermotion

21 Jim respectfully submits that he is entitled to an award of attorneys'
22 fees pursuant to NRS 18.010 and EDCR 7.60(b). NRS 18.010(2)(b)
23 permits litigants to recover their attorneys' fees where the Court finds that
24 a party's a claim or defense was brought without reasonable ground or to
25 harass the prevailing party. EDCR 7.60(b)(1) and (3) permit the Court to
26 sanction a party for presenting or maintaining a motion "which is obviously
27 frivolous, unnecessary or unwarranted," or for multiplying "the proceedings
28 in a case as to increase costs unreasonably and vexatiously."

1 As detailed above, Minh made no attempt to resolve the issues
2 presented in her Motion prior to filing same. Had Minh done so, Jim would
3 have reminded her of the evidence presented at trial and the arguments
4 made by each party, and explained how there was no clerical error justifying
5 modification of the Court's Orders. Minh's Motion was brought without
6 reasonable ground, and is obviously frivolous and unwarranted.

7 In addition, Jim has been required to file this lengthy Countermotion
8 as a result of Minh's violation of the Court's order that the parties shall
9 share joint legal custody, specifically, her unilateral withdrawing of the
10 children from Challenger and attempt to enroll the children at Becker, her
11 refusal to act in the best interests of Hannah by cooperating to ensure
12 Hannah receives the therapy she needs, and her withholding of Hannah
13 from Jim during his custody time. Jim has attempted to co-parent with
14 Minh consistently for the past two (2) years, and has remained civil to her
15 despite the nightmares she has put him through. Jim has been forced to file
16 several motions over the past year and a half as a result of Minh's inability
17 to coparent and her persistent attempts to interfere with Jim's relationship
18 with the children. Based on the foregoing, Jim is entitled to an award of
19 attorneys' fees and costs pursuant to NRS 18.010 and EDCR 7.60(b).

20 Pursuant to *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349,
21 455 P.2d 31, 33 (1969), in awarding attorneys' fees and costs, this Court
22 will need to make specific findings regarding the quality of Jim's advocates,
23 the character of the work done in this Emergency Motion, the work
24 actually performed, and the result. It is impossible at this time to provide
25 the Court with a total amount of time spent towards this Opposition and
26 Emergency Countermotion, as a Court appearance will be required.

27 To assist the Court in making the other necessary findings, Robert P.
28 Dickerson charges an hourly fee of \$600 for his services. Sabrina M.

1 Dolson's hourly fee is \$350. These fees are customary and reasonable in
2 this locality for similarly situated persons and cases. Mr. Dickerson has
3 been practicing law for forty-five (45) years, with the last thirty (30) plus
4 years devoted to the practice of family law. He is a former President of the
5 State Bar of Nevada, and Clark County Bar Association, and is AV rated
6 both as to skill and ethics. Mr. Dickerson has been a adjunct professor at
7 the UNLV Boyd School of Law, teaching domestic relations law, and he has
8 been an instructor in trial advocacy at the Unites States Department of
9 Justice in Washington, D.C. Sabrina M. Dolson has been licensed to
10 practice law in Nevada since 2013, is a member of the Family Law Section
11 of the State Bar of Nevada, and was appointed by her peers to the State
12 Bar of Nevada, Family Law Executive Council in 2021. Ms. Dolson has
13 practiced almost exclusively in the area of family law since becoming
14 licensed. Ms. Dolson is listed in Super Lawyers Rising Stars for 2019 to
15 2021. In 2016, 2017, 2018, 2019, 2020, and 2021, Ms. Dolson was
16 recognized in Nevada Business magazine's Legal Elite in the area of family
17 law. In 2015, 2016, and 2018, Ms. Dolson was recognized in Nevada
18 Business magazine's Best Up and Coming Attorneys in the area of family
19 law. The Dickerson Karacsonyi Law Group is an AV Preeminent rated law
20 firm, the highest level of professional excellence. All attorneys at the firm
21 have extensive experience in family law, and a reputation for competency.

22 **III. CONCLUSION**

23 Based on the foregoing, Jim respectfully requests the Court enter the
24 following orders:

- 25 1. An Order denying Minh's Motion in its entirety;
- 26 2. An Order that Hannah shall immediately be returned to Jim's
- 27 custody, including the entering of a Pick Up Order if necessary;
- 28 . . .

1 3. An Order that Hannah shall immediately participate in therapy
2 with Dr. Pierce;

3 4. An Order that Hannah have a forensic psychiatric evaluation as
4 recommended by Dr. Fontenelle-Gilmer;

5 5. An Order that Minh and Jim attend co-parenting counseling
6 with Dr. Mullin;

7 6. An Order awarding sole legal custody of the children to Jim;

8 7. An Order resolving which school Hannah and Matthew shall
9 attend if the parties are unable to resolve the issue as suggested by Dr.
10 Fontenelle-Gilmer;

11 8. An Order that Minh shall provide the children's passports to
12 Jim or a third party for safekeeping;

13 9. An Order awarding Jim his attorneys' fees and costs for having
14 to file this Opposition and Countermotion;

15 10. For such other relief as the Court deems just and proper in the
16 premises.

17 DATED this 12th day of October, 2021.

18 THE DICKERSON
19 KARACSONYI LAW GROUP

20 By /s/ Sabrina M. Dolson
21 ROBERT P. DICKERSON, ESQ.
22 Nevada Bar No. 000945
23 SABRINA M. DOLSON, ESQ.
24 Nevada Bar No. 013105
25 1645 Village Center Circle, Suite 291
26 Las Vegas, Nevada 89134
27 Attorneys for Plaintiff
28

1 DECLARATION OF JAMES W. VAHEY

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

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

7 2. I am making this declaration in support of my *Opposition to*
8 *Defendant's Motion to Correct Clerical Error in the Decree of Divorce Regarding the*
9 *529 Accounts, or in the Alternative, to Set Aside the Terms in the Decree of Divorce*
10 *Regarding the Division of the 529 Accounts and Attorney's Fees and Costs; and*
11 *Countermotion for Immediate Return of Hannah to Jim's Custody, an Order that*
12 *Hannah Immediately Participate in Therapy with Dr. Dee Pierce, an Order that*
13 *Hannah Have a Forensic Psychiatric Evaluation, an Order Requiring the Parties*
14 *to Participate in Co-Parenting Counseling with Dr. Bree Mullin, Sole Legal*
15 *Custody, School Choice Determination, Return of Children's Passports, and*
16 *Attorneys' Fees and Costs* ("Opposition and Countermotion"). I have read the
17 Opposition and Countermotion prepared by my counsel and swear, to the
18 best of my knowledge, that the facts as set forth therein are true and
19 accurate, save and except any fact stated upon information and belief, and
20 as to such facts I believe them to be true. I hereby reaffirm said facts as if
21 set forth fully herein to the extent that they are not recited herein. If called
22 upon by this Court, I will testify as to my personal knowledge of the truth
23 and accuracy of the statements contained therein.

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

26 Executed on October 12, 2021

27 /s/ James W. Vahey
28 JAMES W. VAHEY

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[X] pursuant to mandatory electronic service through the Eighth Judicial District Court's electronic filing system;

[] 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;

[] via facsimile, by duly executed consent for service by electronic means;

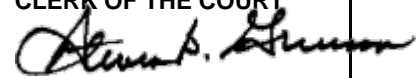
[] by hand-delivery with signed Receipt of Copy.

FRED PAGE, ESQ.
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6930 South Cimarron Road, Suite 140
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Attorney for Defendant

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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.: U

NOTICE OF ENTRY OF ORDER SHORTENING TIME

TO: MINH NGUYET LUONG, Defendant; and
TO: FRED PAGE, ESQ. of PAGE LAW FIRM, Attorney for Defendant:
PLEASE TAKE NOTICE that an ORDER SHORTENING TIME,
a true and correct copy of which is attached hereto, was entered in the
above-entitled matter on the 13th day of October, 2021.

DATED this 13th day of October, 2021.

THE DICKERSON KARACSONYI
LAW GROUP

By /s/ Sabrina M. Dolson

SABRINA M. DOLSON, ESQ.
Nevada Bar No. 013105
1645 Village Center Circle, Suite 291
Las Vegas, Nevada 89134
Attorneys for Plaintiff

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☒ by mandatory electronic service through the Eighth Judicial District Court's electronic filing system;

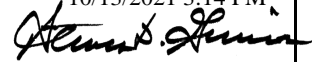
☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;

☐ to be sent via facsimile, by duly executed consent for service by electronic means

☐ 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

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CLERK OF THE COURT

1 **OST**
2 **THE DICKERSON KARACSONYI LAW GROUP**
3 **ROBERT P. DICKERSON, ESQ.**
4 Nevada Bar No. 000945
5 **SABRINA M. DOLSON, ESQ.**
6 Nevada Bar No. 013105
7 1645 Village Center Circle, Suite 291
8 Las Vegas, Nevada 89134
9 Telephone: (702) 388-8600
10 Facsimile: (702) 388-0210
11 Email: info@thedklawgroup.com

12 Attorneys for Plaintiff

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

15 **CLARK COUNTY, NEVADA**

16 **JAMES W. VAHEY,**

17 Plaintiff,

18 v.

19 **MINH NGUYET LUONG,**

20 Defendant.

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

23 **ORDER SHORTENING TIME**

24 Based upon the Ex Parte Motion for Order Shortening Time on
25 Plaintiff's Opposition to Defendant's Motion to Correct Clerical Error in
26 the Decree of Divorce Regarding the 529 Accounts, or in the Alternative,
27 to Set Aside the Terms in the Decree of Divorce Regarding the Division of
28 the 529 Accounts and Attorney's Fees and Costs; and Emergency
Counter-motion 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,
...

1 Return of Children's Passports, and Attorneys' Fees and Costs, and good
2 cause appearing therefor:

3 IT IS HEREBY ORDERED that the hearing date on Plaintiff's
4 Opposition to Defendant's Motion to Correct Clerical Error in the Decree
5 of Divorce Regarding the 529 Accounts, or in the Alternative, to Set Aside
6 the Terms in the Decree of Divorce Regarding the Division of the 529
7 Accounts and Attorney's Fees and Costs; and Emergency Countermotion
8 for Immediate Return of Hannah to Jim's Custody, an Order that Hannah
9 Immediately Participate in Therapy with Dr. Dee Pierce, an Order that
10 Hannah Have a Forensic Psychiatric Evaluation, an Order Requiring the
11 Parties to Participate in Co-Parenting Counseling with Dr. Bree Mullin,
12 Sole Legal Custody, School Choice Determination, Return of Children's
13 Passports, and Attorneys' Fees and Costs, currently scheduled for
14 November 3, 2021 at 10:00 a.m., is hereby shortened to
15 OCTOBER 18, 2021 at 9:30AM.

16 Dated this 13th day of October, 2021

17 
18 _____

19 D4B AD8 485F 8471
20 Dawn R. Throne
21 District Court Judge

22 Respectfully submitted by:

23 THE DICKERSON KARACSONYI
24 LAW GROUP

25 By /s/ Sabrina M. Dolson

26 ROBERT P. DICKERSON, ESQ.
27 Nevada Bar No. 000945
28 SABRINA M. DOLSON, ESQ.
Nevada Bar No. 013105
1645 Village Center Circle, Suite 291
Las Vegas, Nevada 89134
Attorneys for Plaintiff

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5 James W. Vahey, Plaintiff

CASE NO: D-18-581444-D

7 vs.

DEPT. NO. Department U

8 Minh Nguyet Luong, Defendant.
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order Shortening Time was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 10/13/2021

15 Sabrina Dolson

Sabrina@thedklawgroup.com

16 Robert Dickerson

Bob@thedklawgroup.com

17 Info info email

info@thedklawgroup.com

18 Fred Page

fpage@pagelawoffices.com

19 Edwardo Martinez

edwardo@thedklawgroup.com

20 Admin Admin

Admin@pagelawoffices.com
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1 **OST**
2 **THE DICKERSON KARACSONYI LAW GROUP**
3 **ROBERT P. DICKERSON, ESQ.**
4 Nevada Bar No. 000945
5 **SABRINA M. DOLSON, ESQ.**
6 Nevada Bar No. 013105
7 1645 Village Center Circle, Suite 291
8 Las Vegas, Nevada 89134
9 Telephone: (702) 388-8600
10 Facsimile: (702) 388-0210
11 Email: info@thedklawgroup.com

12 Attorneys for Plaintiff

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

15 **CLARK COUNTY, NEVADA**

16 **JAMES W. VAHEY,**

17 Plaintiff,

18 v.

19 **MINH NGUYET LUONG,**

20 Defendant.

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

23 **ORDER SHORTENING TIME**

24 Based upon the Ex Parte Motion for Order Shortening Time on
25 Plaintiff's Opposition to Defendant's Motion to Correct Clerical Error in
26 the Decree of Divorce Regarding the 529 Accounts, or in the Alternative,
27 to Set Aside the Terms in the Decree of Divorce Regarding the Division of
28 the 529 Accounts and Attorney's Fees and Costs; and Emergency
Counter-motion 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,
...

1 Return of Children's Passports, and Attorneys' Fees and Costs, and good
2 cause appearing therefor:

3 IT IS HEREBY ORDERED that the hearing date on Plaintiff's
4 Opposition to Defendant's Motion to Correct Clerical Error in the Decree
5 of Divorce Regarding the 529 Accounts, or in the Alternative, to Set Aside
6 the Terms in the Decree of Divorce Regarding the Division of the 529
7 Accounts and Attorney's Fees and Costs; and Emergency Countermotion
8 for Immediate Return of Hannah to Jim's Custody, an Order that Hannah
9 Immediately Participate in Therapy with Dr. Dee Pierce, an Order that
10 Hannah Have a Forensic Psychiatric Evaluation, an Order Requiring the
11 Parties to Participate in Co-Parenting Counseling with Dr. Bree Mullin,
12 Sole Legal Custody, School Choice Determination, Return of Children's
13 Passports, and Attorneys' Fees and Costs, currently scheduled for
14 November 3, 2021 at 10:00 a.m., is hereby shortened to
15 OCTOBER 18, 2021 at 9:30AM.

16 Dated this 13th day of October, 2021

17 
18 _____

19 D4B AD8 485F 8471
20 Dawn R. Throne
21 District Court Judge

22 Respectfully submitted by:

23 THE DICKERSON KARACSONYI
24 LAW GROUP

25 By /s/ Sabrina M. Dolson

26 ROBERT P. DICKERSON, ESQ.
27 Nevada Bar No. 000945
28 SABRINA M. DOLSON, ESQ.
Nevada Bar No. 013105
1645 Village Center Circle, Suite 291
Las Vegas, Nevada 89134
Attorneys for Plaintiff

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 James W. Vahey, Plaintiff

CASE NO: D-18-581444-D

7 vs.

DEPT. NO. Department U

8 Minh Nguyet Luong, Defendant.
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order Shortening Time was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 10/13/2021

15 Sabrina Dolson

Sabrina@thedklawgroup.com

16 Robert Dickerson

Bob@thedklawgroup.com

17 Info info email

info@thedklawgroup.com

18 Fred Page

fpage@pagelawoffices.com

19 Edwardo Martinez

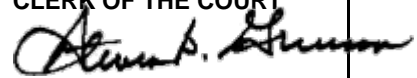
edwardo@thedklawgroup.com

20 Admin Admin

Admin@pagelawoffices.com
21
22
23
24
25
26
27
28

131

131



EXMT
THE DICKERSON KARACSONYI LAW GROUP
ROBERT P. DICKERSON, ESQ.
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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.: U

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 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 CHILDREN'S
PASSPORTS, AND ATTORNEYS' FEES AND COSTS

COMES NOW Plaintiff, JAMES W. VAHEY ("Jim"), by and
through his attorneys, ROBERT P. DICKERSON, ESQ., and SABRINA

1 M. DOLSON, ESQ., of THE DICKERSON KARACSONYI LAW
2 GROUP, and hereby moves this Court for an Order Shortening Time of
3 the hearing on Plaintiff's Opposition to Defendant's Motion to Correct
4 Clerical Error in the Decree of Divorce Regarding the 529 Accounts, or in
5 the Alternative, to Set Aside the Terms in the Decree of Divorce Regarding
6 the Division of the 529 Accounts and Attorney's Fees and Costs; and
7 Emergency Countermotion for Immediate Return of Hannah to Jim's
8 Custody, an Order that Hannah Immediately Participate in Therapy with
9 Dr. Dee Pierce, an Order that Hannah Have a Forensic Psychiatric
10 Evaluation, an Order Requiring the Parties to Participate in Co-Parenting
11 Counseling with Dr. Bree Mullin, Sole Legal Custody, School Choice
12 Determination, Return of Children's Passports, and Attorneys' Fees and
13 Costs, scheduled to be heard on November 3, 2021 at 10:00 a.m.

14 This Ex Parte Motion is made and based upon Eighth Judicial
15 District Court Rules, Rule 5.514 (2021), all papers and pleadings on file
16 herein, the Memorandum of Points and Authorities contained herein, and
17 the attached Declaration of Jim.

18 DATED this 13th day of October, 2021.

19
20 THE DICKERSON KARACSONYI
21 LAW GROUP

22 By /s/ Sabrina M. Dolson
23 ROBERT P. DICKERSON, ESQ.
24 Nevada Bar No. 000945
25 SABRINA M. DOLSON, ESQ.
26 Nevada Bar No. 013105
27 1645 Village Center Circle, Suite 291
28 Las Vegas, Nevada 89134
Attorneys for Plaintiff

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 Eighth Judicial District Court Rules, Rule 5.514 (2021), provides as
3 follows:

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

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

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

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

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

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

27 An Order Shortening Time of the hearing on Jim's Opposition and
28 Countermotion filed on October 12, 2021 is necessary as Jim needs the
Court's immediate assistance in addressing emergency issues that have
arisen, including Hannah's and Matthew's refusal to return to Challenger
School ("Challenger"), and Hannah's refusal to return to Jim's custody.

 As detailed in Jim's Motion, these issues arose on September 28,
2021 when Defendant, MINH NGUYET LUONG ("Minh"), unilaterally,
and without Jim's knowledge or consent, took Hannah and Matthew
out of Challenger, toured and enticed the children on Becker Middle
School ("Becker"), and tried to enroll them at Becker. Since that time,

1 Hannah and Matthew have refused to return to Challenger and Jim has
2 lost seven (7) days of his custody time with Hannah as she has refused to
3 go with him at custody exchanges. Prior to Minh's detrimental actions,
4 Matthew was excelling at Challenger and attending school with his best
5 friend. Now, he refuses to return to Challenger and has been attending
6 school remotely. This is only a temporary resolution, and Matthew needs
7 to return to school immediately. On the contrary, Hannah has been
8 struggling at school, and to Jim's knowledge, Hannah has not been
9 attending school remotely, which also needs to immediately be addressed
10 by the Court.

11 Further, the parties are supposed to exchange the children this
12 Friday, October 15, 2021, from Minh's custody to Jim's custody. On
13 October 12, 2021, Minh sent Jim a message stating she will try to help
14 facilitate the transfer of Hannah to Jim, but she is "afraid [she] won't be
15 able to convince her to go to [Jim]." Minh further informed Jim she has
16 plans to go to Utah and Colorado this Friday, until next Wednesday, and
17 will not be able to spend a long time facilitating the transfer of Hannah to
18 Jim so if the parties cannot "convince Hannah to go with [Jim] then
19 [Minh] will have to take [Hannah] with [her]." Thus, Jim is at risk of
20 missing yet another week of his custody time with Hannah. If the parties
21 are not able to have the Court address the emergency issues before the
22 November 3, 2021 hearing, Jim may go another five (5) weeks without
23 having Hannah in his custody.

24 As this Court is aware, Jim was previously deprived of his custody
25 time with all three (3) children for five (5) weeks in March and April 2020.
26 When the children were finally returned to Jim, as ordered by Judge
27 Ritchie, it immediately became evident that Hannah's mental health had
28 deteriorated. Hannah has never been the same since that time. Jim is

1 concerned history will repeat itself and the longer Hannah is in Minh's sole
2 custody, the more her mental health will be adversely affected. In his
3 Opposition and Countermotion, Jim details the manipulative and
4 alienating actions Minh has taken not only recently, but for the past two
5 (2) years, which is the primary cause of Hannah's mental health issues, and
6 also have been adversely affecting Matthew and Selena. Accordingly, it is
7 imperative Hannah be returned to Jim's custody as soon as possible.

8 Accordingly, good cause exists to advance the hearing on Jim's
9 Opposition and Countermotion to the Court's first available date.

10 DATED this 13th day of October, 2021.

11 THE DICKERSON KARACSONYI
12 LAW GROUP

13 By /s/ Sabrina M. Dolson

14 ROBERT P. DICKERSON, ESQ.
15 Nevada Bar No. 000945
16 SABRINA M. DOLSON, ESQ.
17 Nevada Bar No. 013105
18 1645 Village Center Circle, Suite 291
19 Las Vegas, Nevada 89134
20 Attorneys for Defendant
21
22
23
24
25
26
27
28

1 DECLARATION OF JAMES W. VAHEY

2 I, JAMES W. VAHEY, declare under penalty of perjury under the
3 law 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 *Ex Parte Motion*
8 *for Order Shortening Time on Plaintiff's Opposition to Defendant's Motion to*
9 *Correct Clerical Error in the Decree of Divorce Regarding the 529 Accounts, or in*
10 *the Alternative, to Set Aside the Terms in the Decree of Divorce Regarding the*
11 *Division of the 529 Accounts and Attorney's Fees and Costs; and Emergency*
12 *Countermotion for Immediate Return of Hannah to Jim's Custody, an Order that*
13 *Hannah Immediately Participate in Therapy with Dr. Dee Pierce, an Order that*
14 *Hannah Have a Forensic Psychiatric Evaluation, an Order Requiring the Parties*
15 *to Participate in Co-Parenting Counseling with Dr. Bree Mullin, Sole Legal*
16 *Custody, School Choice Determination, Return of Children's Passports, and*
17 *Attorneys' Fees and Costs ("Ex Parte Motion").*

18 3. I have read the Ex Parte Motion prepared by my counsel and
19 swear, to the best of my knowledge, that the facts as set forth therein are
20 true and accurate, save and except any fact stated upon information and
21 belief, and as to such facts I believe them to be true. I hereby reaffirm said
22 facts as if set forth fully herein to the extent that they are not recited
23 herein. If called upon by this Court, I will testify as to my personal
24 knowledge of the truth and accuracy of the statements contained therein.

25 DATED this 13th day of October, 2021.

26
27 /s/ James W. Vahey
28 JAMES W. VAHEY

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I certify that I am an employee of THE
3 DICKERSON KARACSONYI LAW GROUP, and that on this 13th day of
4 October, 2021, I caused the above and foregoing document entitled *Ex*
5 *Parte Motion for Order Shortening Time on Plaintiff's Opposition to Defendant's*
6 *Motion to Correct Clerical Error in the Decree of Divorce Regarding the 529*
7 *Accounts, or in the Alternative, to Set Aside the Terms in the Decree of Divorce*
8 *Regarding the Division of the 529 Accounts and Attorney's Fees and Costs; and*
9 *Emergency Countermotion for Immediate Return of Hannah to Jim's Custody, an*
10 *Order that Hannah Immediately Participate in Therapy with Dr. Dee Pierce, an*
11 *Order that Hannah Have a Forensic Psychiatric Evaluation, an Order Requiring*
12 *the Parties to Participate in Co-Parenting Counseling with Dr. Bree Mullin, Sole*
13 *Legal Custody, School Choice Determination, Return of Children's Passports, and*
14 *Attorneys' Fees and Costs* to be served as follows:

- 15 [X] by mandatory electronic service through the Eighth Judicial
16 District Court's electronic filing system;
17 [] by placing same to be deposited for mailing in the United
18 States Mail, in a sealed envelope upon which first class postage
19 was prepaid in Las Vegas, Nevada;
20 [] to be sent via facsimile, by duly executed consent for service by
21 electronic means;
22 [] by hand-delivery with signed Receipt of Copy.

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

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

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

Sabrina Dolson

From: James Vahey <hotsail.jim@gmail.com>
Sent: Wednesday, October 13, 2021 12:42 PM
To: Sabrina Dolson
Cc: Bob Dickerson
Subject: Re: Ex Parte Motion

[REDACTED]
I give my authority for you to electronically sign the Declaration on my behalf.
Thanks

On Wed, Oct 13, 2021 at 12:11 PM Sabrina Dolson <sabrina@thedklawgroup.com> wrote:

Dr. Vahey,

Attached please find the Ex Parte Motion for an Order Shortening Time of the November 3, 2021 hearing. Please review as soon as possible and let me know if I have your authority to electronically sign the Declaration on your behalf.

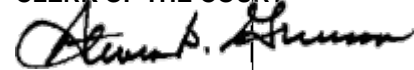
***Please note our address has changed.**

Best Regards,

Sabrina M. Dolson, Esq.

132

132



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

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

JAMES W. VAHEY,
Plaintiff,

vs.

MINH NGUYET LUONG,
Defendant.

Case No.: D-18-581444-D

Dept.: U

Hearing Date: October 18, 2021

Hearing Time: 9:30 a.m.

**DEFENDANT'S EXHIBIT APPENDIX IN SUPPORT OF REPLY TO
PLAINTIFF'S OPPOSITION TO 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 COUNTERMOTION FOR IMMEDIATE RETURN OF
HANNAH TO JIM'S CUSTODY, AN ORDER THE HANNAH
IMMEDIATELY PARTICIPATE IN THERAPY WITH DEE PIERCE,
PHD., AN ORDER THAT HANNAH HAVE A FORENSIC EVALUTION,
AN ORDER REQUIRING THE PARTIES TO PARTICIPATE IN CO-
PARENTING COUNSELING WITH BREE MULLIN, PHD., SOLE LEGAL
CUSTODY, SCHOOL CHOICE DETERMINATION, RETURN OF THE
CHILDREN'S PASSPORTS, AND ATTORNEY'S FEES AND COSTS**

COMES NOW, Defendant, MINH NGUYET LUONG, by and through her counsel, Fred Page, Esq. and hereby submits her Exhibit Appendix in Support of Reply to Plaintiff, JAMES VAHEY'S, Opposition to 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 submits here Opposition to Plaintiff's Countermotion for Immediate Return of Hannah to Jim's Custody, an Order that Hannah Immediately Participate in Therapy with Dee Pierce, Ph.D., an Order that Hannah Have a Forencis Pyschiatric Evaluation, an Order Requiring the Parties to Participate in Co-Parenting Counseling with Bree Mullin, Ph.D., Sole Legal Custody, School Choice Determination, Return of the Children's Passports, and Attorney's Fees and Costs. The Exhibit Appendix consists of the following:

Exhibit	Description
Exhibit A	Texts between Hannah and her anut, Hieu, stating that she witnessed Jim pushing Minh
Exhibit B	Memorandum of Understanding
Exhibit C	A copy of the text dated September 30, 2021, Jim sent to Minh stating, "I will be there no matter what" in regarding to showing a united front to ensure that Hannah would attend school. Jim then never showed.
Exhibit D	A copy of the Our Family Wizard email exchange dated Septebmer 30, 2021, wherein Jim stated "I will be there" in showing a united front in getting the children to attend school. Jim never showed.
Exhibit E	A copy of the Our Family Wizard email exchange dated Octoboer 1, 2021, wherein Jim stated that if Dr. Fontenelle recommends

	that Hannah transfer she should and that he will support Matthew transferring if that is what he wants and Minh's response that she did nothing wrong by showing the children around Becker, she was following Dr. Fontenelle's recommendations.
Exhibit F	A copy of the Our Family Wizard email dated September 28, 2021, regarding school selection
Exhibit G	A copy of Matthew's grades

DATED this 17th day of October 2021

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 17th day of October 2021, the foregoing EXHIBIT APPENDIX was served pursuant to NEFCR 9 via e-service to Robert Dickerson, Esq. attorney for Plaintiff.

An employee of Page Law Firm

EXHIBIT A

9:00

LTE



Hannah

Ets?

8:50 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

Is everyone ok?

yes

Who pushed who

my dad pushed my mom

Did you see it?

ves

EXHIBIT B

1 MEMORANDUM OF UNDERSTANDING

2 MINH NGUYET LUONG,

3 APPELLANT,

4 VS.

5 JAMES W. VAHEY,

6 RESPONDENT.

7 CASE NO.: 83098

8 The parties having met for a Supreme Court Settlement Conference, have resolved the matter as follows:

9 The parties and the minor child shall continue to see Dr. Michelle Fontanelle-Gilmer. Dr. Fontanelle-Gilmer shall be empowered to make recommendations and if she is unable or unwilling to do so, she shall refer to a child psychiatrist to do a forensic evaluation as deemed necessary.

10 If the psychiatrist concludes that a change in custody, visitation, timeshare, transportation, phone calls, etc., is in the child's best interest, the parties shall follow the recommendations. If a recommendation is made for psychotropic medication, and one of the parties disagrees with the recommendation, the issue will be submitted to the Court.

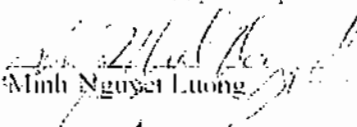
11 Both parents will impress upon the child the importance of her cooperation. The parents shall cooperate to assure that the child attends all scheduled appointments. If Hannah refuses to go with either parent to a scheduled appointment, that parent shall message the other parent via Our Family Wizard to ask assistance in getting Hannah to the appointment, which assistance shall be provided.

12 Both parents will assure their respective attendance at any appointment set for them, whether individually or jointly.

13 This MOU shall be turned into a Stipulation and Order to be filed in the District Court.

14 The above appeal shall be dismissed.

15 Dated this 9th day of September, 2021.

16 
17 Minh Nguyet Luong
18 Fred Page, Esq.

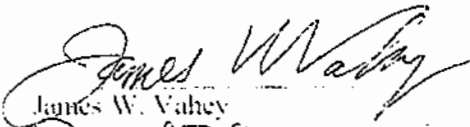
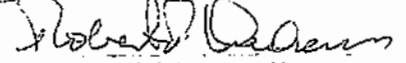
19 
20 James W. Vahey
21 
22 Robert P. Dickerson, Esq.

EXHIBIT C

To: Jim Vahey

Fri, Sep 30, 11:21 PM

I sent you an important
message on OFW.

I think it would be a good
idea for both of us two be at
school tomorrow morning to
show Hannah and Matthew
that both of us agree that i
t's important that they
attend.

Please don't give up on
them.

It's very important that they
attend school until we
transfer them to their new
school.

If you and I are on the same
page (and both of us are
there personally every day,
they will understand).

I'll be there no matter what.

Please, Nguyet, will you
come?

Please don't send Kim.

Fri, Oct 1, 7:04 AM

EXHIBIT D

Message Report

Generated: 10/17/2021 at 04:27 PM by minh luong

Number of messages: 1

Timezone: America/Los_Angeles

Parents: minh luong, James Vahey

Child(ren): Hannah Vahey, Matthew Vahey, Selena Vahey

Third Party:



OurFamilyWizard, LLC
230 13th Avenue NE, Minneapolis, MN 55413
ourfamilywizard.com
info@ourfamilywizard.com
(866) 755-9991

Message 1 of 1

Sent: 09/30/2021 at 11:14 PM
From: James Vahey
To: minh luong (First Viewed: 09/30/2021 at 11:16 PM)
Subject: Coparenting so Hannah and Matthew attend school

I called the school and they said Hannah and Matthew haven't been there since Monday.
Unless I'm wrong, WE both agree to follow Dr. Fontanelle's recommendation to transfer Hannah to another school.

Let's do this the right way.
If Dr Fontanelle recommends we transfer Hannah to another school, then, we should.
How about you and I work together to do that? Please don't do anything secretly and cause more conflict for our kids.

Although we never talked about Matthew, I will support him if that is what he wants. Would you please allow me the opportunity to talk to Matthew before you unilaterally tell him you're transferring to another school?

What you did on Tuesday really caused much harm for Hannah and Matthew. I'm sure you see and understand that now. Let's do our best as co-parents to avoid this kind of conflict.

Please don't give up on Hannah and Matthew.
It's not ok to just say to them, "You don't have to go to school if Daddy doesn't let you go to the school a Mommy found for you."

It's extremely important for Hannah and Matthew to finish their schooling at Challenger regardless of to where they are transferring. Becker, and at least the other four other middle schools I spoke to today, want their "transfer grades."

Nguyet, considering tomorrow,
if you and I are both on board with Hannah and Matthew attending school tomorrow, they will go. Matthew has never done anything like this until after you took him out of school to tour Becker's campus.
Please bring them to school with the intention of their attending (breakfast and uniforms), and I will be there so we both can show them that attending is the right thing. If they don't cooperate, will you please meet us on Monday morning at school so they know you agree that they should attend school until we get them transferred.

I agree and support Dr. Fontanelle's recommendation to transfer Hannah to another school. If Matthew wants to transfer, I support that as well. They must attend school until you and I do the transfer.
I canceled my patients tomorrow morning so I can be at Challenger when you bring the kids. I think it would be much better for them if you come instead of having Kim bring them.
I hope you will be at school for our kids tomorrow.
I'll be there at 8:00 am.

EXHIBIT E

Message Report



OurFamilyWizard, L.L.C.
230 13th Avenue NE, Minneapolis, MN 55413
ourfamilywizard.com
info@ourfamilywizard.com
(866) 755-9991

Generated: 10/15/2021 at 09:44 PM by minh luong

Number of messages: 1

Timezone: America/Los_Angeles

Parents: minh luong, James Vahey

Child(ren): Hannah Vahey, Matthew Vahey, Selena Vahey

Third Party:

Message 1 of 1

Sent: 10/01/2021 at 12:43 AM
From: minh luong
To: James Vahey (First Viewed: 10/01/2021 at 06:36 AM)
Subject: RE: Coparenting so Hannah and Matthew attend school

Jim,

I am so very disappointed in you of the choices you have made and for you to have written the last message to me after I have shared my concerns regarding the children to you over the phone.

You just can't help it to blame me. You made multiple false statements one message after another. Don't you get tired of lying? Remember Jim, all these lies you are writing may impress others but it will only draw you further away from the children. You have fought so hard but you have lost sight of what you are fighting for.

The children stopped sharing their thoughts and feelings to you because you don't listen. I shared their thoughts and feelings to you over the phone and you still don't listen. I know that from the last message you just sent me. You are hopeless. This is why the children tell me: "Daddy only cares about himself." The last phone call was my last attempt to help you mend your relationship with them. You obviously don't care to mend your relationship with them. Your end goal is to force them to live with you no matter how damaging it is to them.

Your last message contain so many wrong information. You are becoming your attorney Jim. I am going to correct every single one of them.

"Please don't do anything secretly and cause more conflict for our kids." I didn't do anything secretly. As I told you over the phone: Dr. Fontenelle and I discussed Hyde Park, Doral Academy and Becker. I informed her that I reached out to Hyde park and was told that it is too late for this school year. I called Doral Academy and was told that they might have some open spots but then later on was told that they have a long wait list that we can't even get on and our options is to apply in Jan and February for the following year. Our other option is Becker. Dr. Fontenelle agreed that Hannah will be suited there since it is a "mellow school". I also asked her if Matthew would benefit going there and she also said yes. Eventhough Dr. Fontenelle is not Matthew's doctor, we both agreed and signed stating that she has the power to decide on what is best for the children and not just Hannah. Please read the MOU again for your information. We both agreed that Dr. Fontenelle will be the one deciding. She decided when I left that room. She informed me that she will talk to you about it. What actual information transpired between you and her I have no knowledge of. I wrote to you that night of my plan the next day. I also wrote to you again right after that morning and invited you to tour the school also. So, Jim, to make the statement that I do it secretly is a lie. The only person causing more conflict is you. The children were excited about the school and you had to ruin it for them.

"What you did on Tuesday really caused much harm for Hannah and Matthew. I'm sure you see and understand that now. Let's do our best as co-parents to avoid this kind of conflict." Another false statement. No Jim, I did nothing wrong taking them to Becker. Again we both agreed to follow Dr. Fontenelle's recommendation but since her recommendation is not what you like so you don't want to follow it. This defeats the purpose of the MOU. All you are doing is prolonging the process. It's what you are doing is causing them so much pain and it's sad you don't even see it or care to see it.

"It's not ok to just say to them, "You don't have to go to school if Daddy doesn't let you go to the school a mommy found for you." Another lie Jim.

Don't you get tired of lying? I would never tell them that. Just because you write it down as if you are quoting them does not mean they actually say something like that.

"If you and I are both on board with Hannah and Matthew attending school tomorrow, they will go. Matthew has never done anything like this until after you took him out of school to tour Becker's campus." Are you kidding Jim? Over the phone I reminded you that Matthew missed 2 days of school the first week of school because he hates Challenger and said that it was too stressful. He said: "Why don't I die already. Life is too stressful." I informed you when that happened. Over the phone I reminded you that and you said you remember. But now you feel justify to say that "Matthew has never done anything like this until after (I) took him out of school to tour Becker's campus." Over the phone you told me that you thought Matthew was fine since he missed those two days. I reminded you that the children don't share their thoughts and feelings with you because they said you don't care about what they say and that they have told you many times before. The children gave up on sharing their thoughts and feelings but you take that as them being ok. I informed you that Matthew banged his head against the wall and said that you can kill him and drag him to Challenger if you want when I exhausted all my efforts to convince him.

To make peace with you until we can resolve this, I told the kids that they need to continue to go to Challenger. I spent hours the night before and the morning off. Hannah finally agreed to go to school after me begging her to do so no matter how fearful she was of having to go back to Challenger. When she got there she could not force herself to come in. I messaged you asking you for help. After waiting for 2 hours for you to show up in front of Challenger, you never did. We were forced to bring Hannah home. Matthew refused to even get in the car to go to school and I am not capable of using physical force on him. No matter what I said to him he refused to get in the car.

I asked you for help today and asked for you to come to the house to help with convincing the children to go to school. That did not happen. You never showed up. So, were you not onboard with the children going to school these last few days that's why they didn't go?

Again, you are not listening. For a physician, you don't have very good listening skills. I have tried for the last few days to get them to Challenger but they refuse to go. Both Kim and I exhausted our efforts and no matter what they won't go. Not only do they not want to go to Challenger, they are traumatized to go back to you. You cause Hannah a lot of grief. The way you are treating her, she will run away again. And as I have told you over the phone, I am afraid the next time she runs away from home she might not call me again.

Are you listening Jim? I also told you that Hannah loses 5 pounds a week each week she is with you. Do you care Jim? Your response to me was: "it's better for the children to be with both parents." Yes, that is true Jim if you were to have a good relationship with her. In this case, you are killing her spirit. You took a normal healthy happy girl and forced her to live with you and now she is diagnosed with anxiety, severe depression and amplified pain in less than 3 years. How far will you push her? I also informed you that she is inflicting pain on herself by pouring wax on herself. Are you listening Jim? That is your daughter hurting herself while she is under your care. Can you imagine the stress she is under to do that to herself while being with you. She is so happy when she is with me. Does her happiness mean anything to you? Does her health mean anything to you? Stop and think for a second. What are you fighting for?

We have tried the last few days to get them to Challenger but we were not able to. We asked you for help and you were not there. I highly doubt they will get into the car tomorrow. I won't be able to force them to get into the car. Please be prepare to come to my house and convince them with me. Maybe they will listen to you. I have to leave the house at 7:45 the latest to take Selena to school. Please be at my house before then to help me get Hannah and Matthew to school. This is your doing Jim.

On 09/30/2021 at 11:14 PM, James Vahey wrote:

To: minh luong (*First Viewed: 09/30/2021 at 11:16 PM*)

Subject: Coparenting so Hannah and Matthew attend school

I called the school and they said Hannah and Matthew haven't been there since Monday.

Unless I'm wrong, WE both agree to follow Dr. Fontanelle's recommendation to transfer Hannah to another school.

Let's do this the right way.

If Dr Fontanelle recommends we transfer Hannah to another school, then, we should.

How about you and I work together to do that? Please don't do anything secretly and cause more conflict for our kids.

Although we never talked about Matthew, I will support him if that is what he wants. Would you please allow me the opportunity to talk to Matthew before you unilaterally tell him you're transferring to another school?

What you did on Tuesday really caused much harm for Hannah and Matthew. I'm sure you see and understand that now. Let's do our best as co-parents to avoid this kind of conflict.

Please don't give up on Hannah and Matthew.

It's not ok to just say to them, "You don't have to go to school if Daddy doesn't let you go to the school a Mommy found for you."

It's extremely important for Hannah and Matthew to finish their schooling at Challenger regardless of to where they are transferring. Becker, and at least the other four other middle schools I spoke to today, want their "transfer grades."

Nguyet, considering tomorrow,

if you and I are both on board with Hannah and Matthew attending school tomorrow, they will go. Matthew has never done anything like this until after you took him out of school to tour Becker's campus.

Please bring them to school with the intention of their attending (breakfast and uniforms), and I will be there so we both can show them that attending is the right thing. If they don't cooperate, will you please meet us on Monday morning at school so they know you agree that they should attend school until we get them transferred.

I agree and support Dr. Fontanelle's recommendation to transfer Hannah to another school. If Matthew wants to transfer, I support that as well.

They must attend school until you and I do the transfer.

I canceled my patients tomorrow morning so I can be at Challenger when you bring the kids. I think it would be much better for them if you come instead of having Kim bring them.

I hope you will be at school for our kids tomorrow.

I'll be there at 8:00 am.

EXHIBIT F

Message Report

Generated: 10/17/2021 at 04:22 PM by minh luong

Number of messages: 1

Timezone: America/Los_Angeles

Parents: minh luong, James Vahey

Child(ren): Hannah Vahey, Matthew Vahey, Selena Vahey

Third Party:



OurFamilyWizard, LLC
230 13th Avenue NE, Minneapolis, MN 55413
ourfamilywizard.com
info@ourfamilywizard.com
(866) 755-9991

Message 1 of 1

Sent: 09/28/2021 at 01:19 PM
From: James Vahey
To: minh luong (*First Viewed: 09/28/2021 at 01:31 PM*)
Subject: Re: New school

I just read this message. What you've done is unilaterally make a decision that we jointly need to make. Do not start the kids at Earnest Becker or any where else until we discuss and agree on the change.

On 09/28/2021 at 11:33 AM, minh luong wrote:

To: James Vahey (*First Viewed: 09/28/2021 at 01:15 PM*)
Subject: New school

Following Dr. Fontenelle's recommendation from yesterday's session and as I informed you last night, I took Hannah and Matthew to Earnest Becker intermediate school this morning. They got to see the campus and met the counselors. They got to discuss about the classes they get to choose. Both Hannah and Matthew are excited to be able to take piano. They are both placed in advance levels for academic classes. I explained to the counselors that both usually had done very well in school in the past but the last couple of years have been rough on them. They believe that Hannah and Matthew will still do well in their advance levels. They said if Hannah and Matthew still feel like it's still too rough then they can always be moved out of those levels.

Hannah asked to go to Hyde Park because she knows Jaclyn there. I called the school and we have to be either zoned into that school or get picked through lottery. At this time, it is too late for the lottery for this school year. I will put our names in for lottery next year although Hyde Park has a very high curriculum that Hannah may not be able to keep up since she had fell so far behind. I called another school that Dr. Fontenelle is also very keen on. It's called Doral Academy. It is a charter school and also has to be picked through a lottery process. I think at this point, it is too hard for Hannah to be in a charter school as she had fallen too far behind.

Hannah has serious mental issues that I fear the longer it goes on the harder it will be or impossible to fix. Please reevaluate your priorities. It is not a matter of winning or loosing. WE both are losing our daughter. Please listen to what she is asking for. She doesn't deserve to be mentally ill because of us.

The kids can start school as early as tomorrow. If you want to go check out the school tomorrow and let me know you can do that. However, the longer we wait the worse it will be for the kids as they have already fallen behind and school started over a month ago.

EXHIBIT G.



CHALLENGER
SCHOOL

Achievement Report

2020-2021

Child ID: 002-058-141

Birthday: 6/26/10

For Matthew Vahey

5th Grade

Silverado Campus

	1st Term 8/17/20 - 12/18/20	2nd Term 1/4/21 - 5/26/21
LANGUAGE ARTS		
Reading/Literature	B-	
Writing/Composition	B	
Grammar	C+	
Spelling/Vocabulary	B-	
Speech/Memorization	A-	
MATHEMATICS		
Computation/Application	B-	
SCIENCE		
Science	C+	
LOGIC		
Word Processing/Programming		
Thinking Skills	C	
HISTORY/GEOGRAPHY		
World History I	C+	
ANCILLARY SUBJECTS		
Penmanship	S-	
Music	S	
Art	S-	
PE/Sports	E	
Comportment	S	
Partial Days Absent	2	20

COMMENTS:	1st Term
Capable student	
Progress affected by absences	
More study for tests needed	

Teacher:

Sarah Shurko

Signature:

[Signature]

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

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

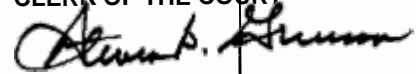
A = 94% and above	S+ = 87-93%	C+ = 77-79%	D = 60-69%	E = Excellent	S- = Below satisfactory
A- = 90-93%	B+ = 84-86%	C = 74-76%	E = Below 60%	S+ = Above satisfactory	U = Unsatisfactory
	B = 80-83%	C- = 70-73%		S = Satisfactory	

VOLUME XV

AA002982

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ROPP
FRED PAGE, ESQ.
NEVADA BAR NO. 6080
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Attorney for Defendant

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

JAMES W. VAHEY,
Plaintiff,

vs.

MINH NGUYET LUONG,
Defendant.

Case No.: D-18-581444-D

Dept.: U

Hearing Date: October 18, 2021

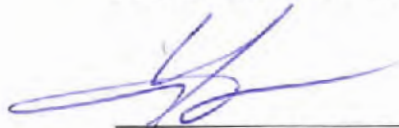
Hearing Time: 9:30 a.m.

**DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION TO 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 COUNTERMOTION FOR IMMEDIATE RETURN OF
HANNAH TO JIM'S CUSTODY, AN ORDER THE HANNAH
IMMEDIATELY PARTICIPATE IN THERAPY WITH DEE PIERCE,
PHD., AN ORDER THAT HANNAH HAVE A FORENSIC EVALUTION,
AN ORDER REQUIRING THE PARTIES TO PARTICIPATE IN CO-
PARENTING COUNSELING WITH BREE MULLIN, PHD., SOLE LEGAL
CUSTODY, SCHOOL CHOICE DETERMINATION, RETURN OF THE
CHILDREN'S PASSPORTS, AND ATTORNEY'S FEES AND COSTS**

1 COMES NOW, Defendant, MINH NGUYET LUONG, by and through her
2 counsel, Fred Page, Esq. and hereby submits her Reply to Plaintiff, JAMES
3 VAHEY'S, Opposition to Motion to Correct Clerical Error in the Decree of
4 Divorce Regarding the 529 Accounts, or in the Alternative, to Set Aside the Terms
5 in the Decree of Divorce Regarding the Division of the 529 Accounts and for
6 Attorney's Fees and Costs and submits here Opposition to Plaintiff's
7 Countermotion for Immediate Return of Hannah to Jim's Custody, an Order that
8 Hannah Immediately Participate in Therapy with Dee Pierce, Ph.D., an Order that
9 Hannah Have a Forencis Pyschiatric Evaluation, an Order Requiring the Parties to
10 Participate in Co-Parenting Counseling with Bree Mullin, Ph.D., Sole Legal
11 Custody, School Choice Determination, Return of the Children's Passports, and
12 Attorney's Fees and Costs. This Reply and Opposition is based upon the papers
13 and pleadings on file, the attached Points and Authorities and any oral argument
14 that this Court may wish to entertain.
15
16
17
18
19
20

21 DATED this 17th day of October 2021

22 PAGE LAW FIRM

23 
24

25 FRED PAGE, ESQ.

26 Nevada Bar No. 6080

27 6930 South Cimarron Road, Suite 140

28 Las Vegas, Nevada 89113

(702) 823-2888

Attorney for Defendant

POINTS AND AUTHORITIES¹

I. REPLY

Jim alleges that there was no attempt to reach out to him to resolve the matter outside of court. A call was made to his counsel, and a message was left, but no return call was received. Mr. Udy reached out to Jim with multiple phone calls and emails in an attempt to separate the account into appropriate amounts, but Jim refused to sign. It can be seen from the Opposition that any attempt to obtain agreement from Jim would have been fruitless.

A. **The Percentage Awarded to Jim for the 529 Account in the Decree is a Clerical Error That Should be Corrected Under NRCP 60(a)**

Jim tries to misstate the record. Opp. at page 27, lines 4-18. The email to which Jim references states "Jim will get one-fourth of the 529 plans and Minh 3/4ths (**according to contributions**). (Emphasis added). It was acknowledged in the email that the percentages were approximations and that the specific amounts would be "according to contributions."

The amounts "according to contributions" was set out in Exhibit A, attached to Minh's Motion. Minh and her family contributed 77.11 percent of the total value to the 529 accounts and Jim contributed 22.89 percent of the total value to the 529 accounts. The prenuptial agreement upon which Jim insisted was specific that Minh's property would stay her separate property and Jim property would stay his separate property.

¹ It is unfortunate, that Jim has violated the proscription of limiting filings to 30 pages and less than 14,000 words as set forth EDCR 5.504(e). It is also a violation of the principles of *res judicata* for Jim to try and relitigate everything from before the date of divorce until the present. However, since Jim has chosen to violate the rules, Minh has no alternative but to respond. Accordingly, this Reply and Opposition exceeds 30 pages as well. The word count for the body this Reply and Opposition 13,975.

1 The interpretation by prior counsel of "according to contributions" is in
2 harmony with the prenuptial agreement. Because the prenuptial agreement was
3 stipulated to as being valid, then it is a mathematical calculation to determine the
4 exact percentages. Mr. Udy has performed those calculations. There is no reason
5 why the contract between Minh and Jim should be not enforced and for the Decree
6 to be corrected.

7 The email from prior counsel is referenced as Exhibit 5 in Jim's Opposition
8 states they are in the process of obtaining the records so we can calculate the exact
9 figure transferred to a 529 account in Jim's name only. That figure has been
10 determined and there is no dispute as to its accuracy. Accordingly, the exact
11 figure should be transferred as it has now been calculated.

12 Jim makes the claim, in bold underlined, that "Minh waited until a year
13 following the trial to have Mr. Udy complete an analysis for the parties'
14 contributions because she was unhappy with Judge Ritchie's decision." Opp. at
15 page 28, lines 6-9. The claim is false and at some point, Jim has to be required to
16 be providing some substantiation for the wild allegations he continually throws
17 out and personal attacks he makes.

18 Jim then claims that, Minh is trying to "deceive" Court by claiming that
19 there is simply a clerical issue. One, it is an alternative authority for relief. Two,
20 there is an error in the numbers entered into the Decree to which everyone agrees.

21 **B. In the Alternative, the Percentage Awarded to Jim for the 529 Account**
22 **in the Decree Should be Corrected Under NRCP 60(b)**
23

24 Jim fails to substantively address any of the factors under NRCP 60(b), fails
25 to address any of the factors under Lesley (citations omitted), and fails to mention
26 the Supreme Court's language that it is the policy of the Nevada Legislature that
27 matters should be heard on their merits and that this policy is especially heightened
28 in domestic relations cases.

1 That policy means that on the merits means that the correct percentages
2 should be used and that this policy of having the correct percentages used is
3 especially heightened in domestic relations matters. Jim studiously avoids all of that
4 analysis. A negative inference should be imposed because of Jim's avoidance of
5 providing that analysis. Effectively, what Jim is trying to do is unjustly enrich
6 himself at Minh, and her family's expense.

7 **C. Minh May be Awarded the Attorney's Fees She Has Incurred**

8 Minh incorporates her request for attorney's fees from her Motion as though
9 fully set forth herein.

10 **II.**
11 **OPPOSITION²**

12 **A. Factual Background**

13 There are three minor children the issue of the marriage: Hannah Vahey
14 March 19, 2009 (age 12 ½), Matthew Vahey, June 26, 2010, (age 11) and Selena
15 Vahey, April 4, 2014, (age 7).

16 **1. Events From Leading Up to The Divorce**

17 Prior to the parties getting married to each other, Jim insisted upon there
18 being a prenuptial agreement because he was a physician and Minh was a dentist
19 and as a physician Jim was going to earn more than she did. Essentially, Jim
20 wanted terms that everything he earned would stay his separate property and
21 everything Minh earned would stay her separate property.

22 Soon after Hannah was born in March 2009, Minh expressed her feeling of
23 wanting to move back to Orange County to raise the children there with her
24 family. Jim responded with, "give me 5 years." In 2014, Minh reminded Jim of
25 his promise to move. Again, Jim responded, "I'm not ready, give me another 5
26

27
28 ² Because Jim has decided to rehash everything from the past and is attempting to mislead this Court, Minh has no alternative but to respond.

1 years." Minh made sure they as a couple had enough money to move and retire
2 by 2019. With the help of Jim's financial advisor, Stephen Hazel and UBS team,
3 a financial analysis was done. Part of the equation to calculate whether the couple
4 had enough to live, Jim gave the retirement year to be 2019 as planned.

5 In one of the emails from Mr. Hazel to both Minh and Jim, Mr. Hazel
6 specifically asked Jim where Jim was planning to live once they retired in 2019
7 which Jim replied "California." They sat down at Green Valley Ranch on August
8 21, 2015, to go over the data. The result came back that the couple had enough to
9 live until their late 90's with the 99 percent success rate had they chose to retire in
10 2019.

11 With that information, Minh and Jim started looking for houses late 2015
12 throughout Orange County with the intention to move in 2019. They made
13 multiple offers on houses 2015 through 2017, with the intention of purchasing a
14 home and moving not until 2019. Until they actually moved in 2019, they would
15 use the house as a vacation home until the move in 2019.³

16
17 Minh and Jim involved all the children and Minh's family members and
18 close friends with the home purchasing process. The children picked out the
19 rooms where they would be living in. Jim asked the sellers' brokers about the
20 schools rating of those schools in the areas in they were seeking to purchase.

21 In 2017, Jim was involved with real estate fraud scheme with his realtor to
22 defraud a lender for \$3,000,000. Jim lost a substantial amount of money as a
23 result of his attempt to defraud the lender and requested for Minh to bail him out.

24
25
26
27
28 ³ Minh put down on an earnest money check in the memo, "vacation home" on a home the
couple made an offer on in 2015.

1 Minh borrowed \$1,600,000 in a loan from her account from her own funds to
2 rescue Jim and saved his practice and rescued him from multiple lawsuits.⁴

3 Because Jim involved Minh in his lawsuits, Minh was also sued by the
4 lender. Jim decided to settle with the lender. During Jim's settlement's
5 conference, Jim called Minh and informed her that the seller was willing to drop
6 Jim's lawsuit for \$800,000. Minh asked Jim what about her lawsuit which Jim
7 answered, "I am going to get myself out first and worry about you later."⁵

8 After thoroughly searching for the best home for the family to move to,
9 Minh purchased a house in Irvine in July 2017. The family purchased furniture
10 including kids' school desks which Jim put together. The couple discussed and
11 Jim pointed out the school the children were going to as they drove by it multiple
12 times since the school is right next to the house.

13 Beginning of 2018, Minh listed her office for sale and started the negotiation
14 process with Absolute Dental's CEO, David Drzewiecki. Soon after she listed her
15 practice for sale, Minh started getting hesitation from Jim about the move.
16 Because of Jim's hesitation, Minh decided to hold off on selling her practice.
17

18 On April 27, 2018, the couple met with Carol Conti, MFT to help resolve
19 their issues. During the session, Jim admitted of making the promises of "Give me
20 5 years." And again later, "give me another 5 years." Both Ms. Conti and Minh
21 asked Jim why he said, "give me another 5 years." And what he meant by it. Jim
22 responded, "when I asked for another 5 years, I didn't mean I was going to move
23 in 5 years. I meant I was going to think about it in another 5 years." Jim had
24
25
26

27 ⁴ Jim still owes Minh roughly \$1.5 million secured by his house and the building which houses
28 his medical practice.

⁵ Jim's true color showed through when he backstabbed his own wife who saved him from
financial ruins and his medical practice collapse.

1 misled his wife and children in believing they were going to move but now he
2 refuses to admit to ever having any intention of moving.

3 The children resent Jim for lying to them about promising them that they
4 were going to move. The children have distanced themselves from Jim because
5 they lived the lie Jim displayed for years.

6 On September 20, 2020, Judge Ritchie issued his decision regarding Minh's
7 request to relocate. Judge Ritchie denied Minh's request to relocate with the
8 children, and if she did relocate that Jim would have primary physical custody and
9 set a specific visitation schedule what would give Minh substantial contact if that
10 occurred. Later, in October 2019, Minh followed through as she testified at the
11 evidentiary hearing and relocated to Irvine.

12 **2. Events From December 2019, Through September 2020**

13 In December 17, 2019, Hannah and Matthew ran away from Jim's house.
14 The children biked in the dark at 6:00 a.m. uphill for 1.7 miles which is the
15 distance from Jim's house to the guardhouse. The children only got as far as the
16 guardhouse. When the children got to the guardhouse, they informed the guard
17 they missed their mother and wanted to be with her. Minh, and the Henderson
18 Police Department were contacted.
19

20 When Minh got to Jim's house and asked Jim to enter the house so that she
21 could check on the children. Jim's response was to refuse her reasonable request
22 and shut the door in her face. While Jim was driving the children back to the
23 house from the guard gate, Jim committed a battery against Hannah by choking her
24 with the strap of her purse.

25 Jim also began recording the children's phone calls with Minh. When Minh
26 would speak with the children the children only have one earpiece in their ear. The
27 other earpiece is in Jim's ear so that he could monitor the communications and he
28 would audio record the calls. Sometimes Jim would escalate and put his cellphone

1 right in their face when he is becoming confrontational. The children found
2 recording devices throughout the house, in Hannah's room, bathroom, in the living
3 room under the couch, in newspapers etc. as well.

4 Hannah's and Matthew's grades began dropping. Both Hannah and
5 Matthew used to be straight "A" students. While in Jim's care, their grades began
6 plummeting. The exchanges of the children began going badly as well with the
7 children having be physically removed kicking and crying from Minh's vehicle by
8 Minh because the children refuse to return to Jim. There were multiple occasions
9 in which the police would have to be contacted in order to try and facilitate getting
10 the children out of Minh's van.

11 On March 20, 2020, Minh arrived at Jim's house. After Minh put the
12 children in her vehicle, she told Jim that she still had some of her personal
13 belongings there and wanted to pick up her windsurfing board as the board was her
14 separate property. When Minh asked for the windsurfing board, she advises that
15 Jim told her he, did not "know where it is." Jim invited Minh to go into the garage
16 and get the windsurfing board.

17 The windsurfing board was stored up high in the garage. Minh got the
18 ladder, climbed up the ladder, and got her windsurfing board down herself. After
19 Minh got the board down and while Minh was carrying the windsurfing board out
20 of the garage, Jim changed his mind and told Minh that the board was his now that
21 that Minh was "not allowed to take it."

22 Minh advises that Jim looked like he was going to hit her and charged at her
23 aggressively and tried to wrest the board from her. Minh further advises that Jim
24 battered her and pushed her several times, and eventually ripped the board away
25 from her, yelling at her, "the board is mine." Jim took the board and threw the
26 board inside the house.
27
28

1 Jim shoved Minh and then shoved her again causing the ladder to fall over,
2 and nearly strike his car. Jim threw the ladder in the house. Jim then shoved Minh
3 again and screamed "get out of my house!" twice. The children witnessed
4 *everything* that Jim did to Minh.⁶

5 When Minh got back to her vehicle she reports she was trembling and that
6 Hannah and Selena hugged her and asked her if she was okay. Minh reports that
7 she had to sit in the vehicle for several minutes to try and compose herself because
8 her hands were trembling.

9 After Jim attacked her, Minh advises that she went to the Henderson Police
10 Department to file a report as to what Jim did to her. Minh was interviewed as
11 were the children as the children were percipient witnesses.

12 After Minh and the children were interviewed, during the evening of March
13 20, 2020, Jim was arrested by the Henderson Police Department for
14 battery/domestic violence for attacking Minh and battering her in front of the
15 children. Jim was charged battery constituting domestic violence. Minh sought
16 and received protective order for herself and the children.

17 On March 27, 2020, Minh filed a *Motion to Extend Temporary Protective*
18 *Order T-20-204489-T to Change Custody on an Interim Basis, for an Interview of*
19 *the Minor Children, and to Change Custody.*

20 That same day, Jim filed an *Emergency Motion for Immediate Return of the*
21 *Children, Dissolution of TPO, Modification of Child Custody, Appointment of a*
22 *New Therapist for the Children, an Order to Show Cause Why Defendant Should*
23 *Not Be Held in Contempt, and to Resolve Other Parent Child Issues.*

24 The hearings on the competing Motions came on for hearing on April 22,
25 2020. At the hearing Jim claimed that he was working "telemedicine" and that he
26
27

28 ⁶ No matter how many times Jim tries to deny it, the children saw everything that he did. Attached as Exhibit A are texts between Hieu, Minh's sister, and Hannah wherein Hannah stated that Jim pushed Minh.

1 was at home to take care of the children while they were out of school for COVID-
2 19. Judge Ritchie declined to find adequate cause for there to be an evidentiary
3 hearing, declined to extend the TPO, and ordered that if Minh wanted to return to
4 Las Vegas that the parties return to a week on/week off custody schedule. Jim's
5 request for compensatory time was denied and for restricted communication was
6 denied.⁷

7 After the children were dropped off with Jim, he engaged in retribution
8 against Hannah. Jim confiscated Hannah's cell phone, iPad, removed the locks
9 from her bedroom and bathroom doors, and disconnected the landline until *he*
10 decided Hannah could speak to her mother.

11 Jim began having Matthew sleep in the master bedroom so he could sleep
12 next to Hannah's bedroom. Hannah reports there were times when she would
13 wake up with Jim watching her while she sleeps. Jim continued recording
14 telephones that the children were having with Minh.

15 On June 5, 2020, Jim filed yet another "emergency" motion. This Motion
16 was *Emergency Motion to Resolve Parent- Child Issues and for Attorney's Fees*
17 *and Costs*. Judge Ritchie thought the Motion was such an emergency that he set it
18 for six weeks later July 13.

19 On June 19, 2020, Jim became physically violent again, this time with
20 Hannah. Jim punched Hannah in the face with a closed fist, causing her nose to
21 bleed. Jim cleaned up the blood while Hannah called Minh crying telling her that
22 Jim punched her.⁸ Minh tried to calm Hannah down and then called the Henderson
23 Police who then went out to the house to take statements and make a report.
24
25
26
27

28 ⁷ Minh does not believe that communication should be restricted as she believes that the
relationship between both parents and the children should be encouraged.

⁸ Matthew and Selena report that they witnessed the blood as well.

1 Jim told the Henderson Police Department the improbable story that Hannah
2 turned herself into his closed fist causing her nose to bleed. In other words, Jim
3 blamed Hannah. Not having any bruises and Jim had cleaned up the blood, the
4 Henderson Police Department declined to pursue the matter any further.

5 On June 29, Minh filed her *Opposition to Plaintiff's Emergency Motion to*
6 *Resolve Parent Child Issues and for Attorney s Fees and Costs, and Countermotion*
7 *to Appoint Jen Mitzel as the Children's Therapist, for an Interview of the Minor*
8 *Children, or in the Alternative for the Appointment of a Guardian Ad Litem, to*
9 *Change Custody, and for Attorney s Fees and Costs*

10 At the hearing, on July 11, 2020, Judge Ritchie declined to find adequate
11 cause for there to be an evidentiary hearing to change custody. Judge Ritchie did
12 order counseling for Hannah with Bree Mullin. Judge Ritchie denied Jim's request
13 to limit telephone contact. The request for a guardian-ad-litem was denied. Jim's
14 request for compensatory time was denied again.

15 The evidentiary hearing on the financial issues was held on August 13, and
16 September 4. The financial issues were largely resolved except for the percentage
17 of the 529 accounts each party was to receive. Judge Ritchie ordered that Minh
18 and Jim were to share joint legal and joint physical custody with a week on/week
19 off schedule. The parties were to submit a Stipulation and Order to adjust the
20 holiday schedule. If Minh obtained insurance, then the insurance issue could be
21 reviewed. Jim's serial request for compensatory visitation was denied for the third
22 time.
23

24 The parties then attempted to resolve the holiday schedule and the insurance
25 issue regarding the children. It was decided that given the week on/week off
26 schedule that it would be unnecessary to accommodate most of the three-day
27 weekends. However, Jim demanded an overly convoluted and complex schedule
28

1 for summer. Jim also refused to consider the children being double covered
2 through Minh's health insurance.

3 On February 11, 2021, Minh filed her *Motion to Enter Decree of Divorce for*
4 *An Interim Modification of Custody to Change Custody and For Attorney's Fees*
5 *and Costs*. Also on February 11, Jim filed his *Motion to Transfer Case to*
6 *Department H and to Enter Plaintiff's Proposed Findings of Fact, Conclusions of*
7 *Law, and Decree of Divorce.*⁹

8 On March 23, 2021, the competing Motions came on for hearing. This
9 Court declined Jim's request to have the matter transferred back to Judge Ritchie.
10 The Court advised that it did not see sufficient adequate cause to order a change in
11 custody. A Spring Break schedule was implemented. The parties were to register
12 for Our Family Wizard. The Decree was to be submitted by Friday. Minh's time
13 with the children during her off weeks was limited. The request for a child
14 interview was denied. Jim's request for compensatory visitation was denied for a
15 fourth time.

16 On April 13, 2021, the return hearing was held. Jim made the false
17 accusation to the Court that Minh's health insurance was not really insurance.
18 Minh had to defend herself against this false accusation from Jim and essentially
19 had to prove a negative. Minh and Jim were ordered to provide Briefs regarding
20 the respective insurance coverages.

21 This Court ordered the parties to obtain a psychiatrist conduct therapy with
22 Hannah. Minh was required to continue being responsible for all custody
23 exchanges not occurring at school. The parties were allowed to have telephone
24 communication with the children three times per week during their off week. The
25 parties were directed to complete a high conflict parenting class and the Teen
26 Triple P class. Minh was required to provide the names of three psychiatrists for
27
28

⁹ It is the only non-emergency *Motion* he has filed in that last year and a half.

1 Jim to select one. The parties were also to provide summaries of their health
2 insurance plans.

3 On April 28, 2021, this Court found that Minh's health insurance did
4 provide benefits similar to Jim's group health plan. It was ordered that as of
5 January 1, 2021, both Minh and Jim would provide health insurance for the
6 children through their respective health insurance plans. The parties were also to
7 follow the 30/30 Rule.

8 **3. Events Since the Last Time the Parties Were Before the Court**

9 After the last hearing, Minh filed a Notice of Appeal regarding the
10 transportation and telephone contact orders. Jim also began trying to brainwash
11 the children in believing that he never made that promise and that he never told
12 them they were ever going to move to Irvine, California.

13 However, Hannah and Matthew still remember the houses they visited,
14 played in and the house they dreamt about growing up in.¹⁰ Jim has also taken to
15 telling the children, "mommy left us for a whole year and I (Jim) was the one
16 taking care of you."¹¹

17 On June 5, 2021, Hannah recorded what Jim was saying to her Minh
18 abandoning the family. Hannah recorded Jim telling her and trying to convince
19 her, that "mommy caused this. She left us. She should not have left us and come
20
21
22
23

24 ¹⁰ Jim thinks by him telling them that never happened would somehow erase their memories of
25 house shopping to move to Irvine. Jim only continues his estrangement of Hannah by continuing
26 to lie to her about what she specifically remembers.

27 ¹¹ The children are able to remember. They know Jim is lying to them. Jim continued lying to
28 the children only further contributes to the estrangement. Why would anyone tell any child they
were abandoned? What ill feelings can this person have to want to cause mental harm to the
children?

1 back a year later.”¹² Hannah became angry for his attempt to drive a wedge
2 between her and Minh and called out Jim for being the liar that he is. Hannah then
3 forwarded the recording to Minh. It is little wonder that Hannah and Jim are
4 estranged.

5 Selena does not remember Minh leaving for one year as Jim keeps trying to
6 do because that *never* happened. Jim is trying to brainwash and alienate the
7 children from Minh, but he only ends up rupturing his relationship with them. Jim
8 then ends up being unable to take responsibility for anything, blames Minh by
9 accusing her of alienation in court filings when he is the one estranging the
10 children from himself.

11 The children do not want to spend time with Jim partly because they do not
12 want to hear their dad saying negative things about their own mother that they
13 know from their own experiences are not true. All Jim is doing by lying about
14 Minh to them is estranging the children from him.

15 After the last hearing, Hannah refused to go back to Dr. Mullin’s office as
16 she stating, “they don’t want to help me. They just keep on telling me to breathe
17 and it doesn’t help. All they want to do is to cover up the problem. They have no
18 interest in helping me.”¹³ Jim had also been trying to blame on the fact that
19 Hannah refuses to do treatment at Dr. Mullin’s office by placing blames that was
20 due to online therapy.¹⁴
21
22

23 ¹² Jim is trying to brainwash these children and it absolutely wrong what he is trying to do. Jim
24 is only damaging his relationship with the children by trying to brainwash them. The recording
25 is available for the Court to review if it wishes to review.

26 ¹³ Jim can continue to insist that Mr. Minetto helped Hannah and she improved, but the fact
27 presents itself. Hannah refused to talk to Minetto the last month of her treatment with her
28 running out of the room crying.

¹⁴ If that is truly the case then all of Dr. Mullin’s patients who did online therapy did not do well
during the pandemic not just Hannah.

1 Over the summer, Hannah was finally seen by a pediatric bone and spine
2 group.¹⁵ Hannah was finally diagnosed of having flat feet, a condition where most
3 of her weight is leaned toward her ankle putting all the pressure on her ankle hence
4 causing her severe pain. Minh took Hannah to get an orthotic device custom made
5 for her to alleviate her pain.

6 Because of Hannah's severe pain throughout her body, she was referred to
7 Dr. Rob Lowe, a child rheumatologist. At that visit, Dr. Lowe diagnosed Hannah
8 of amplified pain. Jim callously denied any such diagnosis even though he is not a
9 specialist in the area.¹⁶

10 Dr. Lowe advised as a child the condition has 80 percent chance of recovery.
11 Dr. Lowe also stated if the condition not recovered from during childhood and
12 continues to develop into adulthood, the condition would only have 20 percent
13 chance of recovery. In other words, Hannah would be living with fibromyalgia for
14 life. Minh is very concerned and does not want Hannah to be permanently ill.
15 Minh is asking the Court to remove Hannah from the environment so that she can
16 recover.
17

18 Dr. Lowe then recommended for Hannah to be seen by Dr. Michelle
19 Fontenelle-Gilmore, a child psychiatrist (hereinafter "Dr. Fontenelle"). Minh and
20 Jim agreed for Dr. Fontenelle to be Hannah's therapist. After only the first visit
21
22
23
24

25 ¹⁵ Minh had been asking since January 2020, to get Hannah evaluated. Jim would only take a
26 photograph of Hannah's foot and send the photograph to one of his friends. It took a year and a
27 half for her to get treated.

28 ¹⁶ In Minh's February 11, 2020, Motion, she advised the Court that Hannah was suffering from
amplified pain. Jim's response was to minimize and deny those concerns. Now, Dr. Fontenelle
has confirmed that condition. Until, Dr. Fontenelle, nothing was done by anyone.

1 with Hannah, Dr. Fontenelle in about 30 minutes quickly diagnosed Hannah with
2 anxiety, severe depression, and amplified pain.¹⁷

3 Dr. Fontenelle explained to Minh and Jim that Hannah is expressing her
4 anxiety physically through her body. While being at Jim's house, Hannah refuses
5 to eat. She has no appetite or desire to eat. Minh has to beg Hannah to leave her
6 room and get some food and drinks. Hannah loses weight every time she is at
7 Jim's house due to her refusal to eat. Jim will also not lift finger to make Hannah
8 anything to eat. Hannah has been the one cooking for herself since Minh moved
9 out of the house.

10 August 16, was the first day of school. Minh reports that Matthew cried
11 after the first day of school, every day the rest of the week, and ended up missing
12 two days of the first week of school.¹⁸ He said: "life is too stressful and I just
13 wanted to die. Why don't I die already." Minh encouraged Matthew to attend
14 school and enjoy his time there. Minh informed Jim via Our Family Wizard app
15 on August 16, 17, 18, 20, and 22, but Jim cannot listen to his children.¹⁹

16 Jim's response was to minimize and deny Matthew's concerns, like he
17 minimized and denied Hannah's amplified pain complaints. For Hannah's pain,
18 Jim refused to believe that Hannah had having anxiety, depression or
19

20
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22
23 ¹⁷ Hannah was seen by Nate Minetto supervised by Dr. Mullin for almost one year but they
24 failed to make a diagnoses of anxiety, severe depression, and amplified pain that Dr. Fontenelle
25 made within the first 30 minutes of meeting with Hannah.

26 ¹⁸ Jim has forgotten all of those concerns Matthew had about Challenger but blame Minh that the
27 children do not want to go there because of Minh taking to tour Becker Middle School at the end
28 of September at Dr. Fontenelle's recommendation.

¹⁹ It has been emphasized before when this case was in front of Judge Ritchie, but Jim does not
talk with people. Jim communicates at people.

1 psychosomatic pain. Instead, Jim told Hannah that she was menstruating instead,
2 and menstruating is why she was "feeling bad" and not anything *he* has done.²⁰

3 Even after Minh writing to Jim about Matthew's concerns, Jim decided that
4 Matthew had Rotavirus and that there was nothing else wrong with Matthew. Jim
5 instructed Minh to take Matthew to the pediatrician because Jim diagnosed
6 Matthew as having Rotavirus. Minh took Matthew to his pediatrician and he was
7 diagnosed as having severe stress due to school and other personal life items and
8 nothing to do with Rotavirus.

9 Minh completed the parenting classes as ordered by this Court. The proof of
10 Minh's completion of those classes was filed on August 16, 2021. During Jim's
11 custodial time, Hannah stopped going to Challenger, and Jim stopped forcing
12 Hannah to go to Challenger.

13 On September 10, an appellate settlement conference was held. As a way of
14 resolving the appeal, it was agreed that the parties would follow the
15 recommendations of Dr. Fontenelle as it relates to Hannah, Matthew, and Selena
16 for custody, education, and visitation. A Memorandum of Understanding was
17 drafted which was then converted into a Stipulation and Order.²¹ The substance of
18 the agreement was as follows:
19

20 **IT IS HEREBY STIPULATED AND AGREED** that the
21 parties' minor child, Hannah Vahey, shall continue to be seen by and
22 receive mental health treatment from Dr. Michelle Fontanelle-Gilmer,
the child's psychiatrist.

23 **IT IS FURTHER STIPULATED AND AGREED** that Dr.
24 Michelle Fontantelle-Gilmer shall be empowered to make
25 recommendations regarding Hannah. If Dr. Michelle Fontanelle-

26
27 ²⁰ Minh advises that Hannah still to date has not menstruated.

28 ²¹ A copy of the Memorandum of Understanding dated September 10, 2021, is attached for the
Court's convenience as Exhibit B.

1 Gilmer concludes she is unable to conduct the type of forensic
2 evaluation to make such recommendations, Dr. Michelle Fontanelle-
3 Gilmer shall have the authority to refer the matter to another child
4 psychiatrist in Clark County, Nevada, to conduct such a forensic
5 evaluation as Dr. Michelle Fontanelle-Gilmer deems necessary for the
6 purpose of making any recommendations. Dr. Michelle Fontanelle-
7 Gilmer may provide all her therapy notes and records to the child
8 psychiatrist she selects, and Dr. Michelle Fontenelle-Gilmer may
9 confer with such child psychiatrist to whatever extent either of them
10 believes might be necessary.

11 **IT IS FURTHER STIPULATED AND AGREED** that if Dr.
12 Michelle Fontenelle-Gilmer recommends that a change in custody,
13 visitation, timeshare, transportation, phone calls, etc. is in the
14 children's best interest, the parties shall follow the recommendation(s).

15 Minh and Jim both agreed to follow Dr. Fontenelle's recommendations.
16 Neither party gets to pick and choose any more. Minh does not need to seek
17 Jim's approval and Jim does not need to seek Minh's approval.

18 Later that day, there was also a therapy session between Dr. Fontenelle and
19 Hannah, as well as Dr. Fontenelle and Minh and Dr. Fontenelle and Jim.²² At that
20 session, Minh advises that Dr. Fontenelle indicated to her that she told Minh that
21 she needed to get Hannah out of Challenger.

22 Minh followed Dr. Fontenelle's recommendations and then began
23 investigating Hyde Park and Doral Academy, both charter schools. Hannah
24 requested that she go to Hyde Park because she knows someone there. Minh
25 contacted the school and was told that they are by lottery system and it is too late
26 for this year. Minh found another charter school, Doral Academy, and also
27 contacted them. Minh was told the same thing. Doral recommended Minh to try
28 to apply in January for the following year.

²² When visiting Dr. Fontenelle, everyone is being seen individually. Normally nobody knows
know what is being communicated with the other person and Dr. Fontenelle. The pattern is
Hannah is being seen first for half hour then Minh for 15 minutes and then Jim for 15 minutes.

1 Minh was left with the only other option which is public schools which the
2 children would have to be zoned for. Knowing that the schools zoned for near
3 Jim's house have extremely poor rating of 1 and 2 stars out of 5, Minh looked into
4 the school for which her address is zoned which is Earnest Becker Middle School.

5 On Thursday September 23, while under Jim's care, as usual, Hannah
6 prepared her own lunch for school that day. Hannah reported that the food is
7 moldy and smelled moldy. Hannah broke down in tears and said "there's no food
8 at his house [for her] to eat." Hannah also confronted with Minh that now she
9 looks at food even her favorite food, she just wants to throw up.

10 Hannah again refused to go to school and Jim left her at home that day.
11 Instead of trying to understand why Hannah was feeling like throwing up seeing
12 food and understanding that that symptom is linked to her anxiety and depression
13 and trying to help Hannah cope with her condition, Jim decided to punish Hannah
14 even more. Jim confiscated Hannah's phone.

15 Hannah reported to Minh that she cried herself to sleep that night in her
16 room by herself. Jim promised Hannah that if she went to school the next day
17 then he would give her phone back to her. Hannah refused to go to school again.
18 Hannah asked Minh to pick her up from school which Minh informed Hannah she
19 could not do because she needs to be in school.
20

21 Hannah indicated to Minh the last time she went to school with her eyes
22 swollen the kids there made fun of her. Hannah refused to go to school. Minh
23 advises that Hannah pleaded with her to please come and pick her up. Minh
24 informed Hannah that she could only do that if her dad agreed to it.

25 On Friday, September 24, Minh sent a message to Jim telling him that she
26 had to work but if he wanted her to pick Hannah up at school at 8:00 o'clock then
27
28

1 let her know. Jim refused to ask Minh for help. Minh went to work. Jim took
2 Hannah to Challenger and Hannah refused to get out of Jim's car.²³

3 Instead of forcing Hannah to get out of the car like he insists that Minh do
4 on his behalf at custody exchanges, Jim took Hannah to his office and left her in
5 his van by herself, again refusing to physically force Hannah to get out of the
6 van.²⁴ Minh reports that Hannah called her for help via her iPad as Jim still
7 refused to return Hannah her phone. Minh reports that she could hear Hannah
8 telling Jim that she is done with Jim and his house and that she would never going
9 back to him.²⁵

10 Jim eventually took Hannah to Minh's office as he again failed to bring
11 Hannah to school the second day in a row. Of course, there was no difficulty in
12 getting Hannah to leave Jim's van and go to Minh.²⁶

13 Matthew refused to go back to school the week of September 27, to October
14 1. Matthew refused to get out of the car. Minh advises she asked Matthew why
15 he does not talk to his father about his concerns. Minh reports that Matthew
16 responded with, "He doesn't care how I feel. He only cares about himself." Of
17

18
19
20 ²³ Even Mr. Minetto suggested to have Hannah removed from Challenger last year but nothing
21 was done because Jim was dead set against it, again thinking only of himself and his
22 convenience.

23 ²⁴ The contradiction should be self-evident; Jim expects Minh to physically remove Hannah from
24 the van herself, but he refuses to do the same.

25 ²⁵ Again, Jim ignored Dr. Fontenelle's diagnosed medical conditions, and care for Hannah
26 appropriately, but instead he prefers to strong arm Hannah into submission. Instead of obtaining
27 compliance, all Jim got was a bigger wedge between himself and his children. However, Jim
28 fails to see this. All Jim can do is blame others, specifically Minh, for his diminishing
relationship caused all by his conduct.

²⁶ Hannah's depression leaves her no desire to thrive while being with Jim. Hannah could care
less what her grades are and had five "F's" during her last report card. Hannah could care less
about her health also.

1 course, Minh advises that she tried to tell Matthew that Jim does care, and that he
2 should speak to his father about his concerns.²⁷

3 On September 27, during the second visit with Dr. Fontenelle, she
4 recommended for Hannah **not** go back to Dr. Mullin's office as it has not helped
5 Hannah. Dr. Fontenelle also stated, "doing the same thing over and over and
6 expect a different result is insanity."

7 Dr. Fontenelle said that she will take over the role of a therapist and teach
8 Hannah how to cope with stress herself since she has the rapport with Hannah
9 which Dr. Mullin's office does not have. During the meeting on Friday, October
10 8, with Jim, Minh and Dr. Fontenelle, she recommended for Minh and Jim to get
11 co-parenting counseling by someone else **other** than Dr. Mullin.

12 Dr. Fontenelle also recommended to allow the children to tour the school
13 and pick the school they want to go. Dr. Fontenelle recommended it's good for
14 the children to feel that they have a voice. As part of that voice, Dr. Fontenelle
15 recommended that children should be given input as to where they live as well.
16

17 Minh brought up to Dr. Fontenelle all three schools, Becker, and the two
18 charter schools. Dr. Fontenelle agreed that Becker is a very good middle school
19 and that Hannah would be suited for the school.

20 As indicated, Memorandum of Understanding signed by both parties also
21 gave Dr. Fontenelle the power to make recommendation not just for Hannah but
22 for all of the children. Minh was concerned for Matthew's level of stress dealing
23 with Challenger and coping with the divorce. Minh asked if Dr. Fontanelle would
24

25
26 ²⁷ Jim claims that he tries every effort to "co-parent" with Minh but Jim values no one else's
27 opinion but his own and either minimizes or denies any other concerns. Even after all those
28 communications Minh tried to share with Jim about the children as they cannot share their
feelings directly with him, Jim still insists on Matthew thriving at Challenger and wants to
continue to force him to go there, although some recent emails states that he will follow Dr.
Fontenelle's recommendations.

1 see any harm in having Matthew going to Becker with Hannah and Dr. Fontenelle
2 said "no, there was no harm."

3 Dr. Fontenelle asked Minh if Jim knows about the school. Minh advised
4 that Jim did not. When Minh left that session, Dr. Fontenelle said that she would
5 inform Jim of the school issue.²⁸ Not knowing what was said between Dr.
6 Fontenelle and Jim, Minh can only expect that they would have discussed the
7 schools that Minh investigated and left agreeing to take Hannah and Matthew to
8 tour Becker Middle School. Minh wrote to Jim that night September at 9:26 p.m.
9 of her plan for the next day of taking the children to visit Becker. Minh also
10 informed Jim of the children's tour soon after suggesting for Jim to go check out
11 the school.

12 When Jim finally got around to reading his messages much later the next
13 day, he pitched a fit and he unilaterally demanded that Minh cannot take Hannah
14 out of Challenger, despite Dr. Fontenelle's recommendation that at least Hannah
15 attend a different school. Jim also unilaterally called Becker and unenrolled them
16 out of the school *after* Dr. Fontenelle recommended that it was okay to enroll the
17 children at the school.
18

19 Jim can only force Matthew to do online program with Challenger with the
20 promise that he will never have to go back to Challenger. Hannah refuses to do
21 anything with Challenger on campus or online. Hannah stated that she has already
22 toured Becker and she likes it.
23
24
25

26 ²⁸ Minh can only assume that Jim would have that conversation with Dr. Fontenelle. Minh did
27 her part that night co-parenting with Jim writing to him immediately of her next step to getting
28 the children in the right direction. Minh then again, wrote to Jim again advising him of the
progress. It is not Minh's job to make sure Jim reads his messages via Our Family Wizard.
Minh went above and beyond the duty to inform Jim of every step she took. That Jim failed to
read his messages and has no one to blame but himself.

1 Becker is not that much farther away to the existing Challenger school.
2 However, Jim refuses to be inconvenienced by any extra amount of time. Selena
3 has been asking to be moved out of Challenger as well. Using the excuse of
4 keeping Hannah and Matthew close to Selena's current school fails to make sense.
5 The only reason Jim is forcing the children to go to Challenger or schools close to
6 there is because it is five minutes to his office.²⁹

7 Instead of following the Memorandum of Understanding and the Stipulation
8 and Order, that the parties would follow Dr. Fontenelle's recommendations, Jim
9 ignored the Memorandum of Understanding and Stipulation and Order and
10 pitched a fit to Dr. Fontenelle and Minh and insisted to Minh that they had to
11 "agree" on school choice for the children. Jim created such a scene that Dr.
12 Fontenelle backed off of her recommendation.

13 After the children visited Becker, Minh again wrote to Jim on September
14 28, at 11:33 a.m. Minh wrote,

15 Following Dr. Fontenelle's recommendations from yesterday's
16 session and as I informed you last night, I took Hannah and
17 Matthew to Earnest Becker intermediate school this morning.
18 They get to see the campus and met the counsels. They got to
19 discuss about the classes they get to choose. Both Hannah and
20 Matthew are excited to be able to take piano. They are both placed
21 in advance levels for academic classes. I explained to the
22 counselors that both usually had done very well in school in the
23 past but the last couple of years have been tough on them. They
24 believe that Hannah and Matthew will still do well in their advance
25 levels. They said if Hannah and Matthew still feel like it's still too
26 tough then they can always be moved out of those levels.

27 Hannah asked to go to Hyde Park because she knows Jaclyn there.
28 I called the school and we have to be either zoned into that school
or get picked through lottery. At this time, it is too late for the

²⁹ Minh is currently the only dentist covering all of her three practice locations. Jim has partners and associates who can cover his patients for him. Jim needs to be doing half of his share of transfers for the children.

1 lottery for this school year. I will put our names in for lottery next
2 year although Hyde Park has a very high curriculum that Hannah
3 may not be able to keep up since she had fell so far behind. I called
4 another school that Dr. Fontenelle is also very keen on. It's called
5 Doral Academy. It is a charter school and also has to be picked
6 through a lottery process. I think at this point, it is too hard for
7 Hannah to be in a charter school as she had fallen too far behind.

8 Hannah has serious mental issues that I fear the longer it goes on
9 the harder it will be or impossible to fix. Please reevaluate your
10 priorities. It is not a matter of winning or loosing. WE both are
11 losing our daughter. Please listen to what she is asking for. She
12 doesn't deserve to be mentally ill because of us.

13 The kids can start school as early as tomorrow. If you want to go
14 check out the school tomorrow and let me know you can do that.
15 However, the longer we wait the worse it will be for the kids as
16 they have already fallen behind and school started over a month
17 ago.

18 On September 29, Jim acknowledged that Dr. Fontenelle recommended
19 Becker, but refused to acknowledge that they are to follow Dr. Fontenelle's
20 recommendations. Jim wrote to Minh,

21 I am not in agreement with the Hannah and Matthew transferring
22 to Becker at this time. The kids need to stay in Challenge until we
23 mutually decide on a school.

24 Choosing a new school is not a unilateral decision. The first time I
25 heard about Hannah's going to a different school was Monday
26 evening when Dr. Fontanelle recommended it. Yesterday when
27 you and I spoke, you told me you were going to give me your
28 address so I could research schools that would be good options.
Please send me your address.

Again, the Memorandum of Understanding and Stipulation and Order is
that Minh and Jim are to follow Dr. Fontenelle's recommendations. Jim simply
needs to follow them and not argue about them.

1 On September 30, at 7:16 a.m., Minh wrote to Jim regarding the children
2 visiting Becker and Dr. Fontenelle having the ability to decide what is best,

3 We decided and signed that dr. Fontenelle gets to decide what's
4 best for the children. We can never agree on anything because you
5 have your own interest to protect and that's why we need someone
6 else to decide. You need to follow this agreement. My address was
7 given to you during the last hearing but here it is: 3023 The peaks
8 lane.

9 I spoke to Dr. Fontenelle last night. She also suggested that the
10 children should see the school and get to decide where they get to
11 go so they feel like they have a voice. They tour this school and
12 they do like this school. You are going to pick the schools and they
13 are not going to like it. All the efforts will be wasted.

14 Are you sure you want to drag this out and make this another
15 dramatic event for the children? I will not be able to convince them
16 to go to challenger no matter what I do just like yesterday. There
17 was a lot of crying and screaming. Does every day have to be a
18 dramatic day for them? Yesterday when we talked you mentioned
19 that there's someone we can call to force them to go to school. Is
20 this what you think is best for them? You think they should be
21 dragged into school and be humiliated? Do you think they can also
22 force the kids to learn?

23 Jim then acknowledged what he agreed to regarding Dr. Fontenelle. On
24 September 30, late in the evening, at 11:21 p.m. Jim wrote to Minh,

25 ...

26 Let's do this the right way. If Dr Fontanelle recommends we
27 transfer Hannah to another school, then, we should.

28 ...

Although we never talked about Matthew, I will support him if that
is what he wants.

...

1 Nguyet, considering tomorrow, if you and I are both on board with
2 Hannah and Matthew attending school tomorrow, they will go.
3 Matthew has never done anything like this until after you took him
4 out of school to tour Becker's campus.

5 Please bring them to school with the intention of their attending
6 (breakfast and uniforms), and **I will be there** so we both can show
7 them that attending is the right thing. If they don't cooperate, will
8 you please meet us on Monday morning at school so they know
9 you agree that they should attend school until we get them
10 transferred. (Emphasis added).

11 **I agree and support Dr. Fontanelle's recommendation to**
12 **transfer Hannah to another school. If Matthew wants to**
13 **transfer, I support that as well.**

14 ...

15 Jim then sent Minh a text stating, "**I will be there no matter what.**"³⁰ After
16 agreeing that Hannah and Matthew could transfer and that he would show up at
17 school, Jim then never showed up at school as he stated that he would, and now he
18 opposes any transfer of which he does not approve.

19 On October 1, at 8:24 a.m. Minh wrote to Jim:

20 I could not get Matthew out of his bed and into the car. I asked
21 you for help and you weren't there. I got Hannah in the car and we
22 are in the way to school. We should be there in 20 minutes.
23 Please meet me there to help me get her out of the car.

24 At 8:38 a.m., Jim wrote: "If she's not attending school today, you will need
25 to bring her to the guard gate." Minh immediately responded to Jim as she had
26 been waiting for Jim to show up as he had said the night before "**I will be there**
27 **no matter what.**" Minh texted, "where are you, you said you were going to meet
28

³⁰ A copy of the text Jim sent to Minh stating, "**I will be there no mater what,**" is attached for the Court's convenience as Exhibit C.

1 us at school to show that we both want them to go to challenger. Are you
2 coming?"

3 At 8:43 a.m., Jim texted Minh back with the excuse, "I am not there
4 because you didn't notify me in time. If she's dressed for school and you think
5 she will attend, I will come. Let me know."

6 Minh waited for Jim to show up at Challenger until almost 9:00 a.m. and
7 finally Jim responded with: "call me. Let me talk to Hannah." Jim never showed
8 up at Challenger to help co-parent like he likes to lead the Court to believe he
9 would.³¹ The above example shows how ridiculous and amateur Jim is to play
10 games with Minh and the children.

11 Jim wrote so nicely, "I will be there no matter what." Minh co-parented
12 with Jim, informing him of what she was doing every step of the way. Minh
13 informed Jim when she was able to get one child in the car and on the way to the
14 school.

15 At 8:43 a.m. Jim told Minh he would be there, and then never showed up to
16 help persuade the children to go to school or accept the children to go with him.
17 Instead, he barked orders for Minh to take the children to his house like she was
18 his servant when he was the one who failed to follow through on what he said he
19 would do.
20

21 Hannah refused to get out of the car and Minh drove Hannah home. Jim
22 responded by sending multiple threatening text messages from 11:55 a.m.
23 threatening to call the police. Minh sent Jim a text stating,

24 I have done everything you ask and you didn't bother to show up. I
25 will try to persuade the kids again and take them to school later
26 today. You can meet us at school at 3:15. If you can't wait and
27 want to call the police, you are only going to traumatize them even
28 further.

³¹ Jim was probably more concerned that Kim would be there.

1 Jim responded with,

2
3 I do not want Lena to be exposed to this conflict. Your custody of
4 Hannah and Matthew ended at 9:00 a.m. You are in violation of the
5 custody order. If you don't notify me within fifteen minutes that
6 you are on your way to the court-designated exchange location of
the guard gate, I will get the police to assist.³²

7 Minh was on her way to take Hannah and Matthew to Jim when she received
8 a text from Jim that he was at Minh's guard gate. Minh turned around and met
9 Jim at her guard gate. Both kids were reluctant to go with Jim but after much
10 persuasion from Minh, Matthew agreed to leave and go with Jim.

11 Hannah on the other hand, no matter what both Minh and Jim said, she
12 refused to go with him. Minh spent all her effort trying to persuade Hannah from
13 2:33 p.m. until 4:57 p.m. Jim informed Minh that he had called the police.

14 After waiting for hours and the police had not shown up, Minh wrote to Jim,
15 "I have not had anything to eat all day and I am getting very dizzy. The kids are
16 thirsty also. We are going back to the house. Please let me when [the police] get
17 here."
18

19 Jim responded with "Bring Matthew back immediately. He's not in your
20 custody." The police did not arrive for another two hours until close to 7:00 p.m.
21 Minh drove the children to the guard gate where the police were waiting.
22 Matthew agreed to go with Jim but Hannah refused no matter what threats the
23 police made to her including, "your mom will get in trouble, she can go to jail for
24 this, and let's arrest her now."³³
25

26 ³² As noted, Jim talks at people, not with them.

27 ³³ Had Jim actually followed through with his, **I will be there no matter what** and went to
28 Challenger to show the children a unified front, the children probably would have attended
school and calling the police probably could have been avoided.

1 Jim eventually drove off with Matthew. In an effort to show the court the
2 true picture of the event and Hannah's current status at that time, Minh recorded
3 Hannah without her knowing. Hannah was crying hysterically,³⁴

4 **Minh:** You want mommy to take you over there?

5 **Hannah:** No, I am not going to his car. This isn't fair. This is
6 bias. How come he always get what he wants. I am just some
7 stupid kid that all I care about is some stupid phone. I just want to
8 go home. (sobbing). Nobody wants to listen to me. I am not
9 leaving mommy. I can't take it anymore. I just want to go home.

10 **Kim:** I know sweetie.

11 **Hannah:** I don't want to go to him. He hurt me but they don't
12 want to see it, they don't care.

13 **Kim:** The police officer says you can call him if anything happens,
14 if he breaks his agreement with you or something like that.

15 **Hannah:** He didn't make that agreement.

16 **Kim:** Mommy is going to get in a lot of trouble if you don't go.

17 **Hannah:** I don't want to get you in trouble but please I don't want
18 to go back there. Please. It's not fair.

19 **Kim:** You can talk to Dr. Fontenelle and you can tell her all these,
20 what happens but if mommy gets this. This is criminal charge. She
21 will get...
22

23 **Hannah:** It's not kidnapping if I want to be with her.

24 **Hannah:** exactly! The court doesn't care until I am 18 years old
25 but I am not 18. I am just some stupid kid and what I want doesn't
26 matter. It's not fair. I want to go home. It's not fair! It's not fair!!
27 I want to go home!

28 ³⁴ Minh has provided the recording of Hannah to Dr. Fontenelle to see if there is anything she
can do.

1 **Kim:** I know sweet heart. It would be so much harder for mommy
2 to help you if you ...

3 **Hannah:** It has been 2 years. Nobody listens to me. They came
4 over here and I tried talking to him and every time I talk, he talks.
5 He didn't want to listen to me. I have so many photos. . . look . . .
6 look . . . there's so much but they don't care. They don't care. I am
7 not 18 so what I want doesn't matter. I want to go home. I want to
8 live a normal life.

9 **Harrah:** I am sorry mommy. I don't want you to cry. Please
10 don't. I don't want to get you in trouble either. Please, I am
11 sorry. I am sorry. I am sorry mommy. I am sorry. This is
12 stupid. Life is stupid. I wish I was never born. Imagine I would
13 never have to feel like this. It wouldn't matter if nobody listens
14 to me because I wouldn't even exist. I wouldn't exist. . . It
15 shouldn't feel that way. It shouldn't feel so nice to not exist, It's
16 not fair. It's not fair mommy. I am sorry mommy. I am sorry.
17 I just want to go home. I can't do this ... It's not fair. I don't
18 want to live here. I just want to live somewhere else....

19 The recording of Hannah goes on for much longer than that.³⁵ Even after
20 Metro told Hannah that Minh was going to be arrested and go to jail if she did not
21 get out of the car, Hannah refused to get out of Minh's car and go to Jim.

22 On Monday, October 4, Matthew again refused to attend school while in
23 Jim's care. As a result, for the entirety of the week during Jim's custodial time,
24 Matthew attended school online.

25 On Friday, October 8, Jim failed to provide Matthew's school backpack at
26 the exchange. Jim dropped Matthew off at Challenger school at the beginning of
27 the school day because Matthew is attending online because he refuses to attend
28 school and then drove off without giving Matthew his backpack containing all of

³⁵ A copy of the recoding is available if the Court would like to review the same.

1 his school books. Jim later texted to Minh later that telling her "*you* forgot
2 Matthew's backpack and *you* need to come to my office and get it."

3 Also, on October 8, during the last meeting with Dr. Fontenelle, Minh, and
4 Jim, Jim asked Dr. Fontenelle to confirm that she did not recommend Becker. Dr.
5 Fontenelle responded with "we discussed other schools as also." Minh stated, "we
6 discussed Hyde Park and Doral Academy and both are not available due to the
7 lottery system and it's too late for this school year. So, we discussed Becker and
8 you said it would be suitable for Hannah since Becker is a mellow school."³⁶ Dr.
9 Fontenelle never said that she did not recommend Becker. Dr. Fontenelle just said
10 that "we did discuss other schools also."

11 At that last session between Dr. Fontenelle, Minh, and Jim, she indicated
12 that Minh and Jim were to leave things as they are as it relates to Hannah not
13 wanting to go to Jim. They should not force a child to go with her dad while she is
14 kicking and screaming. Dr. Fontenelle advised that research shows that she
15 emphasized in in general that children do well with both parents. However, Dr.
16 Fontenelle obviously does not believe that is case here which is why she is
17 recommending a custody evaluator.
18

19 Dr. Fontenelle also advised that Hannah is 12 years old now and she should
20 be able to voice her opinion and she should be heard. Dr. Fontenelle specifically
21 told Jim that she will be the one to do therapy with Hannah and that Hannah should
22 **not** be returning to Dr. Mullin's office. Dr. Fontenelle also said that she would be
23 the one to also be teaching Hannah coping techniques.

24 Dr. Fontenelle also recommended to allow the children to tour the schools
25 that both Minh and Jim pick and let them decide where they want to do so they can
26

27 ³⁶ One of the complaints Jim made about Becker was that it was too far from the children's
28 extracurricular activities. Jim has the children in no extracurricular activities. The only one who
has the children in any extracurricular activities is Minh during her time.

1 feel that are a part of the process and that their opinion counts.³⁷ Dr. Fontenelle
2 says the children should go where it is best for them, whether it is close to Jim or
3 close to Minh; it should be where they will be happy at.³⁸

4 Jim has also been speaking badly about Minh in front of the children. Both
5 Matthew and Selena have reported that after Jim and Hannah get into a fight,
6 "daddy would say Hannah has bad behaviors because she copies mommy's bad
7 behaviors"³⁹ Jim has been told multiple times by both Mr. Minetto and now Dr.
8 Fontenelle that he needs to stop badmouthing Minh in front of the children. Jim's
9 demeaning demeanor is why Minh prefers not to speak to him.

10 On Monday, October 11, Jim later wanted to turn over the backpack at the
11 therapy session at Dr. Fontenelle's office. Jim contacted Matthew and told him
12 that he would turn over the backpack at the therapy session; Hannah found out and
13 had a breakdown crying that she did not want to see Jim and if he was there; she
14 was not going to go. Minh instructed Hannah that she needed to communicate
15 with her father. As a result, Jim did not show up at the therapy session. Jim was
16 invited to come to the house and drop off the backpack at the house.

17 During that session, Hannah told Dr. Fontenelle that she was not going back
18 to Jim. Dr. Fontenelle told Minh that Hannah should be encouraged to go back to
19 Jim temporarily until the forensic analysis is done, but not forced if she was crying
20 and kicking.

21 As of October 15, Matthew is now refusing to get out of the van and go to
22 Jim as well.

24
25 ³⁷ Jim does not want the children to have a voice. Jim wants to rule by force and force the
26 children into going where it is convenient for him.

27 ³⁸ Of course, Jim's response to that is to try and get out of the Memorandum of Understanding
28 and Stipulation and Order to which he just agreed.

³⁹ Jim lacks the insight to see what a comment like that would do to the children.

1 **B. Jim's Misstatements in His Countermotion Need to be Addressed**

2 As with every other filing from Jim, it is necessary to correct the serial
3 misstatements and argument he persists in putting into every submission filed with
4 this Court. After a year and half, Jim's efforts to misstate and make up accusations
5 out of whole cloth and call them "fact" to this Court can only be described as
6 pathological.⁴⁰

7 Jim claims that "Minh has continued with her campaign to destroy Jim's
8 relationship with the children" and has been most successful with Hannah. Opp.
9 and CM at page 2, 8-10. Histrionics is not argument and cannot substitute for it.
10 Jim has destroyed his own relationship with the children, particularly Hannah.

11 Jim claims that "Minh's most recent "stunt" includes unilaterally, and
12 without Jim's knowledge or consent, taking the children out of their school at
13 Challenger School ("Challenger"), touring and "enticing" the children on Becker
14 Middle School ("Becker"), and trying to enroll them in Becker." Opp. and CM at
15 page 2, lines 12-16.

16
17 The assertion by Jim is so blatantly false unless some action is taken, the
18 conduct is only going to continue and get worse. As stated, Dr. Fontenelle
19 recommended that Hannah attend a different school. Minh followed Dr.
20 Fontenelle's recommendation kept Jim fully informed through Our Family
21 Wizard.⁴¹ Jim has stated, in emails that he would support Hannah and Matthew
22 transferring.

23
24
25 ⁴⁰ According to David G. Knibb, Federal Court of Appeals Manual Section 31.7 at 549 (4th ed.
26 2000). For Statements of Fact, "[j]udges want a non-argumentative, fair summary without
27 argument or comment." Jim continuously placing argument and emotional statements in a
statement of facts is un-useful for determining anything in his Opposition and Countermotion.

28 ⁴¹ It should be seen as shocking that Jim complains of Minh following Dr. Fontenelle's
recommendations at agreed to in the Memorandum of Understanding and the Stipulation and
Order based upon that Memorandum of Understanding.

1 Jim was apparently too lazy or indifferent to actually open and read the
2 emails sent to him by Minh who was co-parenting and keeping him apprised of
3 what she was doing. Then, after he took the time to open and read the emails, did
4 Jim pitch a fit and try and bully Dr. Fontenelle into changing her
5 recommendation.⁴²

6 Jim's claims that Minh "enamored" the children into touring Becker. Opp.
7 and CM at page 2, lines 18-19. Again, the claim is false. All Jim had to do was
8 actually open and read the Our Family Wizard emails that Minh sent him. Dr.
9 Fontenelle recommended that the children tour the new schools they might attend.
10 Minh followed Dr. Fontenelle's recommendation.

11 Jim claims that Minh, "previously harmed the children's relationship with
12 Jim by telling them that he is the reason they cannot move and be happy in
13 California." Opp. and CM at page 2, lines 22-25. The Orders have been reviewed,
14 there appears to be no finding, no exhibit that supports such an outrageous
15 statement.

16 Jim claims that Minh boldly states cannot co-parent with him and references
17 the FFCLO. Opp. and CM at page 3, lines 1-2. Sometimes deception by omission
18 is worse than deception by commission. What the FFCLO really states, is "s.
19 Despite the fact that Minh Luong testified she cannot co-parent with James Vahey,
20 **they have cooperated to meet the needs of the children.**"⁴³ FFCLO at page 13,
21 lines 14-16. (Emphasis added).

22 Our Family Wizard is littered with emails of Minh trying to discuss issues
23 with Jim and then being rebuffed or ignored and Minh attending joint counseling
24
25

26
27 ⁴² Again, Jim cannot create the problem of being too indifferent or lazy to read the Our Family
28 Wizard emails and then complain of the problem he creates.

⁴³ Why tell the truth when a lie will suffice.

1 sessions. The Memorandum of Understanding that Jim refuses to follow attached
2 as Exhibit B and signed by both Minh, Jim, and their respective counsel is yet
3 another attempt at co-parenting.

4 A recent specific example is on September 30, Jim stating in text, "I will be
5 there no matter what" to co-parent with Minh and then fails to even show up.
6 And then, after the children fail to get out of the car and attend school, Jim calls the
7 police on Minh. Jim's fatuous claim of "no co-parenting" should collapse under its
8 own internal contradictions.

9 Jim claims that the children do not have a relationship with him because of
10 Minh's "shortcomings as a parent." Opp. and CM at page 3, line 7. The children
11 have a poor relationship with Jim because of Jim, no one else. Jim cannot go
12 through life blaming everyone for the problems he creates.⁴⁴ Jim then contradicts
13 himself and claims he has a "great relationship" with Matthew and Selena, when
14 he does not.

15 Jim puts down in a "statement of facts," "Procedural Background of Years"
16 of Minh's Strategic Alienation of the Children from Jim." Opp. and CM at page 4,
17 lines 4-5. The language used by Jim is wholly inappropriate and argumentative for
18 a purported statement of facts.⁴⁵ Unless this Court does something about what Jim
19 continually does, the conduct will only continue and only get worse.⁴⁶

20 Jim then launches into and rehashes the same diatribe that he has serially
21 done in his case in front of Judge Ritchie and now this Court. The claims are false
22
23

24 ⁴⁴ Occam's Razor can applicable here, "when you have two competing theories that make
25 exactly the same predictions, the simpler one is the better."

26 ⁴⁵ See David G. Knibb, Federal Court of Appeals Manual Section 31.7 at 549 (4th ed. 2000),
27 *supra*.

28 ⁴⁶ One cannot be doing this in downtown district court and certainly cannot be doing it in Federal
court. There is no reason to be doing it here.

1 as they have been since Jim has been rehashing those claims since 2019. *See* Opp.
2 and CM at page 4, line 10, to page 10, line 10. There is no alienation, but Jim
3 lying to the family for years.

4 Jim claims, as a fact, that the denial of the request to relocate “infuriated”
5 Minh. Opp. and CM at page 5, line 24. The claim is false, is argument, and
6 highlights Jim’s desire to blame Minh for *everything*.

7 Jim claims, in a “statement of facts” “Minh decided that if she was not
8 successful in physically taking away the children from Jim, then she would take
9 away their love, trust, and cooperation from him. Opp. and CM at page 5, lines 25-
10 26. Argument, and histrionics, has no place in a statement of facts.

11 Jim complains that she informed him that she no longer approved of the
12 extracurricular activities in which the children are enrolled in Nevada and would
13 not contribute to the cost. Opp. and CM at page 6, lines 1-3.

14 Again, deception by omission may be as bad as deception by commission.
15 This was litigated previously in front of Judge Ritchie. Minh was paying for all of
16 the extracurricular activities in Orange County and Las Vegas. Minh requested for
17 Jim to contribute for the children’s activities that they were doing in Orange
18 County. Jim refused to pay a dime for the children’s activities in Orange County.
19 Minh continued paying for all of the children’s activities in which she gets to
20 participate. Jim has terminated all of the children’s extracurricular activities when
21 they are with him.
22

23 Jim complains that Minh’s still owes her monies from the August 13, and
24 September 4, evidentiary hearing and that there is “gameplaying.” Opp. and CM at
25 page 6, lines 3-12. There is no “gameplaying.” Minh has requested for Jim to
26 finalize the bills multiple times but Jim keeps blaming that he doesn’t have the
27 time. The email exchanges can be submitted if the Court has any curiosity as to
28 veracity.

1 Jim alleges that Minh continues to be hostile to him and that she does so in
2 the presence of the children. Opp. and CM at page 6, line 13-20. Again, this is
3 rehash of matters already litigated in front of Judge Ritchie in April 2020, 18
4 months ago.⁴⁷ Minh stated then and she states now, tried for an hour and a half
5 for the children to get out of Minh's van.

6 Jim did not help; he smugly watched Minh struggle with getting the
7 children out of the van. Because she paused in her efforts in efforts to get the
8 children out of her vehicle, Jim taunted Minh, "are you helping to bring them in or
9 are you just sitting there." Of course, after been taunted by Jim after struggling for
10 an hour and a half, Minh pointed out that he is "beneath her" "a low life," and
11 "beneath her."

12 Jim complains that Minh will not let him sit by her or ignores him. Opp.
13 and CM at page 6, line 23, to page 7, line 16. They are divorced. Jim needs to
14 learn not to invade the personal space of others. He needs to respect Minh's
15 personal space; what he does is inappropriate. Forcing himself to be next to Minh
16 makes everyone uncomfortable. Jim behavior is demeaning and condescending to
17 Minh when he speaks to her. There is no reason for Minh and Jim to go to lunch
18 together and it is highly inappropriate for Jim to suggest lunch given what he has
19 done.
20

21 Jim complains that Minh hugged Hannah at a custody exchange, "clearly
22 showing support for her refusal to go with him." Opp. and CM at page 7, lines
23 22-23. Hugging your child is not a bad thing; it can mean you providing comfort.
24 Jim should try it sometime; the children might like him better.

26
27 ⁴⁷ Minh's response was addressed in her *Opposition to Plaintiff's Motion for Immediate Return*
28 *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 filed April 19, 2020, at page 5, lines 4-21.

1 Jim complains about transfer of belongings and ski gear. Opp. and CM at
2 page 7, line 24, to page 8, line 2. Again, this is a rehash of complaints put in front
3 of Judge Ritchie in April 2020.⁴⁸

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

10 Jim complains about iPads. Opp. and CM at 8, page 2-7. It is all *res*
11 *judicata*. Again, this was heard by Judge Ritchie on July 13, 2020.⁴⁹ Minh's
12 response then was that Jim has physical custody of three school age children but
13 he was not equipped to do so. Jim failed to provide computers or printers for the
14 children to do their school work. And, somehow all of this is Minh's fault.
15 Because Jim refuses to return whatever the children take to Jim's house, Minh
16 fears that Jim will confiscate the iPads.

17
18 Jim complains about trips inside the state of Nevada that Minh and the
19 children took. Opp. and CM at page 8, lines 9-24. Still a repeat of what has been
20 put in front of Judge Ritchie and still *res judicata*.⁵⁰ Minh is required, per the
21
22

23 ⁴⁸ Minh's response was addressed in her *Opposition to Plaintiff's Motion for Immediate Return of*
24 *the Children, Dissolution of TPO, Modification of Child Custody, Appointment of a New*
25 *Therapist for the Children, an Order to Show Cause Why Defendant Should Not Be Held in*
Contempt and to Resolve Other Parent Child Issues filed April 19, 2020, at page 14, lines 14-20.

26 ⁴⁹ Minh's response was addressed in her *Opposition to Plaintiff's Emergency Motion to Resolve*
27 *Parent Child Issues and for Attorney's Fees and Costs, and Countermotion* at page 10, line 9, to
28 page 11, line 2.

⁵⁰ Minh's response was addressed in her *Opposition to Plaintiff's Motion for Immediate Return of*
the Children, Dissolution of TPO, Modification of Child Custody, Appointment of a New

1 terms of the Court's order, keep the children in the state of Nevada. Minh advises
2 many weekends she and children drive through Nevada in her RV exploring what
3 Nevada has to offer. Custody whether it involves fishing, camping or both in
4 Nevada is not a "vacation," it is the weekend.

5 Jim still tries to relitigate the time he battered Minh in front of the children.
6 Opp. and CM at page 8, line 26, to page 9, line 14.⁵¹ Jim tries to claim that
7 because of a recording he took that the charges were never brought against him.
8 Opp. and CM at page 9, lines 19-20. That simply wrong and is knowingly wrong
9 when made. Charges were brought against Jim. The criminal case number is
10 20CR002146 in Henderson Justice Court.

11 Minh, Hannah, and Matthew gave consistent statements to the investigating
12 officer. The undersigned spoke to the city attorney for Henderson, he stated that
13 he did "feel" that this was a good case. The city attorney indicated that there was
14 a recording in which it was claimed that there was scuffling over property. It was
15 pointed out to him that if the recording was admitted into evidence that Jim would
16 be waiving his right to self-incrimination and that he could be cross-examined.

17
18 Therefore, if Jim did not want to subject himself to cross-examination then
19 the recording would not come in because there was no one to lay a foundation.
20 Since the recording would not come in the only pieces of evidence would be the
21 three consistent statements from Dr. Luong, Hannah, and Matthew that Jim
22 attacked and violently battered her. When this fact was pointed out to the city
23 attorney, the response was awkward silence on his part.

24
25
26 *Therapist for the Children, an Order to Show Cause Why Defendant Should Not Be Held in*
27 *Contempt and to Resolve Other Parent Child Issues* filed April 19, 2020, at page 15, lines 16-23.

28 ⁵¹ Minh's response was addressed in her *Opposition to Plaintiff's Emergency Motion to Resolve*
Parent Child Issues and for Attorney's Fees and Costs, and Countermotion at page 8, line 18, to
page 9, line 18.

1 Jim tries to claim, in a “statement of facts” that having Hannah away for
2 five weeks caused irreparable damage. Opp. and CM at page 10, lines 8-10.
3 Argument is not fact and does not belong in the body of a statement of facts. The
4 facts are that in December 2019, Hannah and Matthew tried to run away from
5 home, that all three children would not return to Jim at custody exchanges long
6 before April 2020, Hannah and Matthew’s grades have declined precipitously
7 since Jim assumed custodial responsibilities.

8 Jim claims that his relationship with Hannah deteriorated after those five
9 weeks in March and April 2020, after he battered Minh. Opp. at page 10, line 11,
10 to page 11, line 11. Jim should remember that Hannah witnessed him batter her
11 mother.⁵² As soon as Hannah returned to his custody, Jim engaged in retribution
12 against her by removing the locks on her bedroom and bathroom doors, took away
13 her electronics, began sleeping in Mathew’s room next to hers, and she would
14 wake up to find him creepily watching her sleep.

15 From page 11, line 10, through page 14, line 11,⁵³ Jim rehashes the same
16 things that he brought for competing Motions to Enter Decree.⁵⁴ Jim claims that he
17 had to file a Motion because of Minh, blaming her (in a statement of facts). It is a
18 lie and Jim knows it.⁵⁵ The truth is both parties filed Motions on the same day,
19
20

21 ⁵² Jim can lie and try and deny it all he wants, but the children saw what they saw.

22 ⁵³ At page 14, lines 9-11, it was Minh who put into her Opposition to Jim’s Motion, the tragic
23 statement the children are counting the days until he dies. The statement was not meant to hurt
24 Jim, but to get him to wake up because he is destroying his relationship with the children.

25 ⁵⁴ Minh’s responses Jim’s rehashing in this section is contained in her Defendant's *Opposition to*
26 *Plaintiff's Motion to Transfer Case to Department H, and to Enter Plaintiff's Proposed Findings*
27 *of Fact, Conclusions of Law, and Decree of Divorce* filed March 5, 2021, and her *Reply to*
28 *Opposition to Motion to Enter Decree of Divorce, for an Interim Modification of Custody, to*
Change Custody, and for Attorney's Fees and Costs filed March 15, 2021.

⁵⁵ Jim’s mantra literally appears to be, “why tell the truth when a lie will suffice.”

1 February 11, 2021, because neither party could come to an agreement regarding a
2 holiday/vacation visitation schedule. Minh would maintain that it was particularly
3 over Jim's overly complicated demand regarding a summer custody schedule.

4 Jim claims that he has "great relationship" with Matthew and Selena. Opp.
5 and CM at page 14, lines 15-16. If that were true, Minh would not have to drag
6 Matthew out of her van to Jim's van. On October 15, Matthew refused to get out
7 of Minh's van and go to Jim. If that were true, Minh would not be tragically
8 telling Jim "you need to improve your relationship with the kids because they tell
9 me they are counting the days until you die." Jim is blind to everything.

10 Jim claims that Hannah has not been the same since Minh had custody
11 because he had battered her in front of the children. Opp. and CM at page 14.
12 Lines 19-20. The claim is false and it is unfortunate that this Court does not have
13 the institutional knowledge that Judge Ritchie had.

14 Judge Richie well knows that before Jim battered Minh in front of the
15 children and she had the children for five weeks in March and April 2020 that in
16 December 2019, Hannah and Matthew ran away from Jim's house, the police had
17 to be called multiple times for custody exchanges, and both Hannah and Matthew's
18 grades were declining.⁵⁶ Jim claims that the guard gate is the only place where
19 custody exchanges go smoothly. There is no location where the exchanges go
20 smoothly.
21

22 Jim highlights and underlines what the Court then stated as its beliefs as to
23 Minh wanting Hannah to align with her. Opp. and CM at page 15, lines 2-4. The
24 record is absent from any expert opinion as to such a conclusion. There is not a
25 single professional, not Dr. Gravely, Dr. Mullin, Nate Minetto, or Dr. Fontenelle
26

27 ⁵⁶ All of Hannah's deteriorating behavior that Jim now tries deny and lie about was detailed in
28 Minh'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 filed March 27,
2020.

1 has made such a finding that Minh is wanting Hannah to align with her and not
2 supporting Jim.

3 Jim also highlights the language that the Court will not allow either party to
4 triangulate the children and that if they behave badly with one parent, they can
5 have a say in deciding with which parent they will live. Opp. and CM at page 15,
6 lines 5-7. As with the above, no professional has made that conclusion. To the
7 contrary, Dr. Fontenelle has recommended that Hannah should have a say in where
8 she wishes to reside and attend school.

9 Jim makes the "assertion of fact" that Hannah "refused to continue attending
10 therapy sessions with Minh's support, that Minh was undermining therapy and
11 became upset with Mr. Minetto. Opp. and CM at page 16, lines 19-22. The
12 "assertion of fact" is utterly and completely false. It never occurred and Minh does
13 not have to prove a negative. Minh is the only person who takes Hannah to
14 therapy. Hannah refuses to go to therapy when she is with Jim.

15 Jim makes the assertion in a "statement of facts" that "in Minh's mind, the
16 only thing she believes will help Hannah is if Hannah is in her sole custody and
17 has no relationship with Jim. Opp. and CM at page 16, lines 27-28. False, and
18 unless the Court enforces the rules on not putting argument into a statement of
19 facts, the behavior will only continue.

20 Jim makes the assertion in a "statement of facts" that "Minh dismisses any
21 recommendations to the contrary, or suggestions that she co-parent with Jim. Opp.
22 at page 16, line 28, to page 17, line 2. Once again, Jim fails to provide any
23 substantiation for the assertion, the argument is improperly being placed into a
24 statement of facts, and the claim is contradicted by the record.

25 It is claimed by Jim that Minh refused to cooperate in sending Hannah to
26 therapy. Opp. and CM at page 17, lines 6-7. The claim is false. No further
27 discussion should be required.
28

1 Jim asserts that Dr. Fontenelle was chosen to complete a psychiatric
2 evaluation. Opp. and CM at page 18, lines 5-6. No, she was not and it is utterly
3 false to state as such. A psychiatric evaluation would be a forensic evaluation.
4 The Memorandum of Understanding and Stipulation and Order state the Hannah is
5 to see and receive mental health treatment from Dr. Michelle Fontanelle-
6 Gilmer, the child's psychiatrist. The Stipulation and Order at page 2, further states
7 that Dr. Fontenelle may refer a forensic evaluation out to a third party.⁵⁷

8 Jim claims that Minh withdrew the children from Challenger. Opp. and CM
9 at page 19, lines 1-7. The claim is false and knowingly false when made. Never
10 happened.

11 Jim claims that Minh "planned to take Matthew and Hannah to Becker and
12 enroll them." Opp. and CM at page 19, lines 27-28. Again, false and knowingly
13 false when made.

14 Even the text of the OFW message that Jim quotes contradicts him. Minh
15 wrote to Jim, "we agreed to take Dr. Fontenelle's recommendations for the
16 children. I hope you will honor what you agreed to. I am going to take Matthew
17 and Hannah there tomorrow and check it out and turn in the documentation they
18 require."⁵⁸ As can be seen in the email at 11:33 a.m., Minh also communicated
19 with Jim that she investigated Hyde and Doral Academy and the difficulties in
20

21
22
23 ⁵⁷ The Stipulation and Order states,

24 If Dr. Michelle Fontanelle-Gilmer concludes she is unable to conduct the type of
25 forensic evaluation to make such recommendations, Dr. Michelle Fontanelle-
26 Gilmer shall have the authority to refer the matter to another child psychiatrist in
27 Clark County, Nevada, to conduct such a forensic evaluation as Dr. Michelle
Fontanelle-Gilmer deems necessary for the purpose of making any
recommendations.

28 ⁵⁸ A copy of the email exchange from OFW on September 27, and September 28, is attached for
the Court's convenience as Exhibit D.

1 getting the children enrolled there. Minh also suggested and invited Jim to tour the
2 Becker campus.⁵⁹

3 Minh initially planned to enroll the children because that is what Dr.
4 Fontenelle had recommended and Minh was following the terms of the Stipulation
5 and Order that they would follow Dr. Fontenelle's recommendations.⁶⁰ However,
6 because Jim protested, Minh co-parented and followed up with Dr. Fontenelle and
7 requested clarification. Upon requesting clarification, Dr. Fontenelle clarified that
8 it was not necessarily specifically Becker Middle School that she recommended
9 although Becker would be a fine school for the children.

10 On page 20, line 26, to page 21, line 9, Jim accuses Minh of acting
11 unilaterally and picking a school for the children on her own. The accusation is
12 false. Did Jim not read the Memorandum of Understanding and Stipulation and
13 Order? The parties agreed to follow Dr. Fontenelle's recommendations regarding
14 school attendance.⁶¹ Minh was, and is, trying to follow Dr. Fontenelle's
15 recommendation. Jim was, and is, trying to avoid following Dr. Fontenelle's
16 recommendations.

17 On page 21, lines 10-22, Jim accuses Minh of unilaterally enrolling the
18 children in Becker. The claim is false. Because Jim was refusing to follow Dr.
19 Fontenelle's recommendations, as indicated above, Minh did nothing about
20 enrolling the children anywhere and at the next meeting with Dr. Fontenelle, on
21

22
23
24 ⁵⁹ A copy of the September 28, 11:33 a.m. email is attached for the Court's convenience as Exhibit E.

25 ⁶⁰ It is incredible that Jim would attack Minh for following Dr. Fontenelle's recommendations
26 when that is what they agreed to.

27 ⁶¹ The Stipulation and Order states on page 2, "if Dr. Michelle Fontenelle-Gilmer recommends
28 that a change in custody, visitation, timeshare, transportation, phone calls, etc. is in the children's best interest, the parties shall follow the recommendation(s)."

1 October 8, asked for clarification. At that time Dr. Fontenelle declined to give
2 confirmation either way, and stated "other schools were discussed."⁶²

3 On page 21, line 23, to page 22, line 9, Jim claims that the children should
4 not be involved in school choice discussions. Jim's statement directly contradicts
5 Dr. Fontenelle's recommendation from the September 27, and October 8, meeting
6 that the children be given a voice in where they are going to attend.

7 On page 21, lines 11-12, Jim asserts that Minh took the children to Becker to
8 enroll them. Minh took the children to Becker at Dr. Fontenelle's recommendation
9 to have them tour the campus. It was Minh's hope to be able to enroll the children
10 based on Dr. Fontenelle's recommendation, but held off since Jim was refusing to
11 follow the Memorandum of Understanding.

12 On page 23, lines 3-4, Jim alleges that Dr. Fontenelle never indicated that
13 Minh should make the decision of school unilaterally without Jim's knowledge or
14 consent. The allegation is false. Again, the parties are to follow Dr. Fontenelle's
15 recommendations.

16 Dr. Fontenelle recommended that Hannah transfer from Challenger. Minh
17 investigated Hyde, Doral, and Becker. Hyde and Doral were unavailable. Dr.
18 Fontenelle recommended that the children should tour the campuses and
19 communicate their thoughts so they have a voice. There is no requirement that Jim
20 has to attend any tour, but he is free to go along if he wishes. Minh had the
21 children tour the campus and was hopeful that the children would be enrolled
22 there; as the other choices, Hyde and Doral, were no longer options.⁶³ As to of
23
24
25

26
27 ⁶² Those other schools were Hyde and Doral, neither of which were available for the children to
28 attend.

⁶³ If Hyde and Doral were options, Minh would have had the children tour those campuses as
well since that is what Dr. Fontenelle recommended.

1 date, Jim has failed to show any effort in taking the children to tour any of the
2 schools.

3 At page 23, lines 4-5, Jim puts in a “statement of facts” that Minh having the
4 children tour a single middle school campus has had a “severe, detrimental impact
5 on the children and their relationship with [him].” Argument has no place in a
6 statement of facts. In addition, Jim fails to provide any examples of any “severe,
7 detrimental impact” on his relationship.

8 Jim wrecked his relationship with the children long ago by lying to them
9 about moving to California, battering their mother in front of them, punching
10 Hannah in the face, burning Hannah’s arm with a pan, manhandling Hannah in
11 order to obtain compliance, and lying to the children and trying to brainwash them
12 by telling them that Minh abandoned the family for a year. Additional examples
13 can be provided.

14 On page 25, lines 7-10, Jim claims, again, in a “statement of facts, that
15 “Minh was previously able to alienate the children, especially Hannah, by
16 informing them that the reason the children could not live in California and be
17 happy is because Jim will not allow it.” Jim then fails to provide any
18 substantiation for the claim. Jim is unable to provide any substantiation because it
19 *never* occurred. The children know because all planned move was before the
20 divorce; there were frequent family discussions (children included) about the
21 move.
22

23 Jim rehashes “inappropriate comments” at page 25, lines 10-13. The Court
24 is invited and encouraged to listen the audio recording from June 5, 2021, wherein
25 Jim is trying to brainwash and program Hannah to believe that Minh abandoned
26 them for a year.

27 On page 25, lines 14-21, Jim claims that Matthew’s grades were “great” and
28 that he had a “great relationship” with Matthew. The lying from Jim never ends.

1 The Court is invited to review a recent audio recording wherein Matthew is having
2 a meltdown at the prospect of having to go back to Jim.

3 Matthew's grades are poor. For the 2020-2021, Matthew was a 2.94 GPA
4 student.⁶⁴ Before the divorce, and Minh was the primary caregiver she made sure
5 that the children performed academically; Matthew was a 4.0 student.

6 **C. Jim's Request for the Immediate Return of Hannah Should be Denied**

7 Again, the parties are to follow the recommendations of Dr. Fontenelle. The
8 recommendation from Dr. Fontenelle is that none of the children should be forced
9 kicking and screaming to go with either parent. Forcing the children is and has
10 been traumatic to them and is contrary to their best interests. The
11 recommendations of Dr. Fontenelle need to be followed.

12 Hannah continues to fail to thrive as she lives with Jim. During the last
13 hearing, Minh voiced her concern for Hannah as Hannah had cried out to Minh
14 while she was in Jim's care for help, "mommy, I can't live like this anymore."
15 Hannah was seen by Nate Minetto under the supervision of Dr. Mullin for almost a
16 year. Hannah used to be a healthy happy child with no medical conditions
17 whatsoever.

18
19 Minh brought up to both Mr. Minetto and Jim that Hannah is very depressed
20 and that she was developing all sorts of pain throughout her body. Hannah was
21 complaining of shortness of breaths, sweating, abdominal pain, chest pain, arm leg
22 pain, and headaches. Minh asked Hannah to keep documentation of when it
23 happened and the severity of it.

24 **D. Jim's Request to Use Dee Pierce as a Therapist Has to be Rejected**

25 The Memorandum of Understanding which was turned into the Stipulation
26 and Order is clear and unambiguous. See Exhibit B. The parties are to use
27 psychiatrist, Michelle Fontenelle-Gilmer, M.D. as the therapist for Hannah. See
28

⁶⁴ A copy of Matthew's grades are attached as Exhibit F.

1 Stipulation and Order at page 1. The Memorandum of Understanding and
2 Stipulation and Order provide,

3 Dr. Michelle Fontanelle-Gilmer shall be empowered to make
4 recommendations regarding Hannah. If Dr. Michelle Fontanelle-
5 Gilmer concludes she is unable to conduct the type of forensic
6 evaluation to make such recommendations, Dr. Michelle
7 Fontanelle-Gilmer shall have the authority to refer the matter to
8 another child psychiatrist in Clark County, Nevada, to conduct
9 such a forensic evaluation as Dr. Michelle Fontanelle-Gilmer
10 deems necessary for the purpose of making any recommendations.
11 Dr. Michelle Fontanelle-Gilmer may provide all her therapy notes
and records to the child psychiatrist she selects, and Dr. Michelle
Fontanelle-Gilmer may confer with such child psychiatrist to
whatever extent either of them believes might be necessary.

12 The only limitation on Dr. Fontanelle is that if Dr. Fontanelle believes that
13 she cannot conduct a forensic evaluation (because there may be an ethical conflict
14 in acting a therapeutic *and* a forensic capacity) then Dr. Fontanelle may refer
15 Hannah to a third party for a *forensic* evaluation.

16 It strains credulity that in less than four weeks after signing the
17 Memorandum of Understanding and his counsel signing off on the Stipulation and
18 Order that Jim is trying to act as though the stipulations reduced to the
19 Memorandum of Understanding and Stipulation and Order never existed. Even
20 worse, Jim wants to follow the agreements he does like and ignore the one's he
21 does not like. The Supreme Court in *Rivero v. Rivero*, 216 P.3d 213, 219 (Nev.
22 2009) stated, "we clarify that parties may enter into custody agreements and create
23 their own custody terms and definitions. The courts may enforce such
24 agreements."

25 The agreement that the parties are to use Dr. Fontanelle is the agreement.
26 Jim does not get to fire Dr. Fontanelle because he dislikes her and put in
27 somebody that he likes because he thinks she is going to do what he wants her to
28 do. Furthermore, Dee Pierce is not a psychiatrist and the prior order from April

13, was that Hannah was to see a psychiatrist for therapy. That is the law of the case as well.⁶⁵

D. Jim's Request for a Psychiatric Evaluation Should be Rejected, but a Custody Evaluation as Recommended by Dr. Fontenelle

Dr. Fontenelle has recommended that Hannah should be evaluated by Dr. Coffey. The parties agreed to follow Dr. Fontenelle's recommendation. Therefore the parties should follow that recommendation. It is unclear why Jim is making an accusation that Minh is opposed. Jim is simply treating to create conflict for the sake of creating conflict.

However, there should be a custody evaluation. As to the custody evaluation the parties should follow Dr. Fontenelle's recommendations as to who should perform the evaluation as well as any recommendations that Dr. Fontenelle makes after the custody evaluation is completed.

E. Jim's Request for Minh and Jim to Participate in Co-Parenting Counseling with Dr. Mullin Should be Denied

The parties have been engaging in counseling with Dr. Fontenelle. The recommendation from Dr. Fontenelle is that they not return to Dr. Mullin. Again, the parties agreed to follow Dr. Fontenelle's recommendations. Therefore, the parties should follow that recommendation as well. Jim does not get to pick and choose which recommendations he wants to follow.

Jim's request should be denied.

⁶⁵ The agreement of the parties and the law of the case is that the parties are to follow Dr. Fontenelle's recommendations, *See Rivero v. Rivero, supra*; *Hsu v. County of Clark*, 123 Nev. 625, 173 P.3d 724 (2007) (referring the district courts are to follow what the Supreme Court orders on remand). The law of the case is that Maggie is responsible for the costs of reunification therapy. *See Hsu v. County of Clark*, 123 Nev. 625, 173 P.3d 724 (2007) (referring the district courts are to follow what the Supreme Court orders on remand). h

1 **F. Jim's Request for Sole Legal Custody Should be Denied**

2 Jim is again trying to create false conflict for the sake of creating conflict.
3 Dr. Fontenelle recommended that the children be involved in school choice and
4 tour schools. Again, the parties agreed to follow Dr. Fontenell's
5 recommendations. Minh followed Dr. Fontenelle's recommendations and had
6 Becker be toured because that was the only school available. Moreover, as stated,
7 Minh kept Jim fully apprised that she was following Dr. Fontnelle's
8 recommendations. It is not Minh's fault that Jim does not read his emails on a
9 timely basis.

10 Jim's request should be denied.

11 **E. Jim's Request for Resolving the School Issue for Hannah and Matthew**
12 **Should be Denied**

13
14 The parties should follow Dr. Fontenelle's recommendation and each party
15 should pick a school where they think the children will be happiest at. Minh and
16 Jim should each select a school. The children should tour the school regardless of
17 whether it is close to Minh or Jim. The children should tour both schools and
18 select the one they want. Dr. Fontenelle's primary recommendation was that the
19 children attend a school where they are happiest at regardless to whom the school
20 is closest. The conflict Jim is creating because he wants to get his way is
21 unhelpful.

22 **F. Jim's Request for "Safekeeping" of the Passports Should be Denied**

23 Jim's request is exaggerated drama and histrionics. Minh has a thriving
24 practice in Las Vegas, owns multiple real properties, and Jim owes her \$1.5
25 million. The idea that Minh is flight risk and is going to flee the country with the
26 children is laughable.

27 **G. Jim's Request for Attorney's Fees Should be Denied**

28 Jim has sought to escalate matters at every turn. Given the foregoing, Jim's

1 request for fees should be denied without any further discussion.

2 **III.**
3 **CONCLUSION**

4 WHEREFORE, based upon the foregoing, Defendant, MINH NGUYET
5 LUONG, respectfully requests that the Court enter orders:

- 6 1. Denying Jim's Countermotion in its entirety.
7 2. Dividing the 529 account as requested by Minh.
8 3. Awarding Minh the attorney's fees and costs she has incurred, and;
9 4. For any further relief the Court deems proper and just.

10 DATED this 17th day of October 2021

11
12 PAGE LAW FIRM

13
14 

15 FRED PAGE, ESQ.
16 Nevada 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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1 **DECLARATION IN SUPPORT OF OPPOSITION TO COUNTERMOTION**

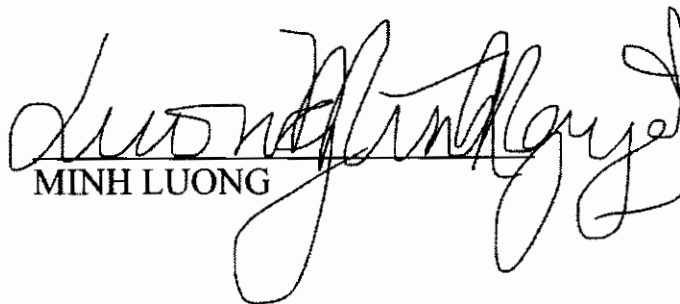
2 I, Minh Luong, declare, under penalty of perjury:

3 I have read this Opposition to Countermotion and the statements it contains
4 are true and correct to the best of my knowledge, except as to those matters based
5 on information and belief, and as to those matters, I believe them to be true. The
6 statements contained in this motion are incorporated here as if set forth in full.
7

8
9 **I declare under penalty of perjury under the law of the State of Nevada that**
10 **the foregoing is true and correct.**

11 DATED this 17th day of October 2021

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MINH LUONG

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SAO
FRED PAGE, ESQ.
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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.: U

**STIPULATION AND ORDER RESOLVING OUTSTANDING ISSUES ON
APPEAL**

COMES NOW Defendant, MINH NGUYET LUONG, by and through her
counsel, Fred Page Esq., of Page Law Firm, and Plaintiff, JAMES W. VAHEY, by
and through his counsel, Robert Dickerson, Esq. and the parties hereby stipulate
and agree as follows:

IT IS HEREBY STIPULATED AND AGREED that the parties' minor
child, Hannah Vahey, shall continue to be seen by and receive mental health
treatment from Michelle Fontanelle-Gilmer, M.D., the child's psychiatrist.

1 **IT IS FURTHER STPULATED AND AGREED** that Dr. Michelle
2 Fontantelle-Gilmer shall be empowered to make recommendations regarding
3 Hannah. If Dr. Michelle Fontanelle-Gilmer concludes she is unable to conduct the
4 type of forensic evaluation to make such recommendations, Dr. Michelle
5 Fontanelle-Gilmer shall have the authority to refer the matter to another child
6 psychiatrist in Clark County, Nevada, to conduct such a forensic evaluation as Dr.
7 Michelle Fontanelle-Gilmer deems necessary for the purpose of making any
8 recommendations. Dr. Michelle Fontanelle-Gilmer may provide all her therapy
9 notes and records to the child psychiatrist she selects, and Dr. Michelle
10 Fontanelle-Gilmer may confer with such child psychiatrist to whatever extent
11 either of them believes might be necessary.
12


13 **IT IS FURTHER STIPULATED AND AGREED** that if Dr. Michelle
14 Fontanelle-Gilmer recommends that a change in custody, visitation, timeshare,
15 transportation, phone calls, etc. is in the Hannah's best interest, the parties shall
16 follow the recommendation(s).
17

18 **IT IS FURTHER STIPULATED AND AGREED** that if a
19 recommendation is made for psychotropic medication for Hannah and either of the
20 parties disagrees with the recommendation, the issue will be submitted to the
21 Court.
22

1 **IT IS FURTHER STIPULATED AND AGREED** that both parties will
2
3 impress upon Hannah the importance of her cooperation. If Hannah refuses to go
4
5 with either parent to a scheduled appointment, that parent shall message the other
6
7 parent via Our Family Wizard to ask assistance in getting Hannah to the
8 appointment which assistance shall be provided.

9 **IT IS FURTHER STIPULATED AND AGREED** that both parents will
10
11 assure their respective attendance at any appointment set for them, whether
12 individually or jointly.

13 DATED 10-13-21
14 PAGE LAW FIRM

15
16 
17 FRED PAGE, ESQ.
18 Nevada Bar No. 6080
19 6930 South Cimarron, Suite 140
20 Las Vegas, Nevada 89113
21 (702) 823-2888
22 Attorney for Defendant
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25
26
27
28

DATED October 5, 2021
DICKERSON KARACSONYI
LAW FIRM

/s/ Sabrina M. Dolson #13105 for
ROBERT DICKERSON, ESQ.
Nevada Bar No. 945
1645 Village Center Circle, Suite 291
Las Vegas, Nevada 89134
(702) 388-8600
Attorney for Plaintiff

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ORDER

Good cause appearing, the above referenced stipulations are hereby entered
as this Court's orders.

IT SO ORDERED

Dated this 17th day of October, 2021



Respectfully submitted:
PAGE LAW FIRM

949 5D2 2DF1 BE58
Dawn R. Throne
District Court Judge



FRED PAGE, ESQ.
Nevada Bar No. 6080
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(702) 823-2888
Attorney for Defendant

Vahey v. Luong

Sabrina Dolson <sabrina@thedklawgroup.com>

To: Fred Page <fpage@pagelawoffices.com>

Cc: Bob Dickerson <bob@thedklawgroup.com>; Edwardo Martinez <edwardo@thedklawgroup.com>



Stipulation and Order Resolving Outstanding Issues ver.pdf

Hi Fred,

Attached please find the executed Stipulation and Order Resolving Outstanding Issues on Appeal.

***Please note our address has changed.**

Best Regards,

Sabrina M. Dolson, Esq.

The Dickerson Karacsonyi Law Group

Telephone (702) 388-8600

Facsimile (702) 388-0210

1645 Village Center Circle, Suite 291

Las Vegas, Nevada 89134

www.thedklawgroup.com

****Please note my email address has changed to sabrina@thedklawgroup.com**

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1 MEMORANDUM OF UNDERSTANDING

2 MINH NGUYET LUONG,)

3 APPELLANT,)

4 VS.)

5 JAMES W. VAHEY,)

6 RESPONDENT.)

CASE No.: 83098

7
8
9 The parties having met for a Supreme Court Settlement Conference, have resolved the matter as follows:

10 The parties and the minor child shall continue to see Dr. Michelle Fontanelle-Gilmer. Dr.
11 Fontanelle-Gilmer shall be empowered to make recommendations and if she is unable or
12 unwilling to do so, she shall refer to a child psychiatrist to do a forensic evaluation as deemed
13 necessary.

14 If the psychiatrist concludes that a change in custody, visitation, timeshare, transportation, phone
15 calls, etc., is in the child's best interest, the parties shall follow the recommendations. If a
16 recommendation is made for psychotropic medication, and one of the parties disagrees with the
17 recommendation, the issue will be submitted to the Court.

18 Both parents will impress upon the child the importance of her cooperation. The parents shall
19 cooperate to assure that the child attends all scheduled appointments. If Hannah refuses to go
20 with either parent to a scheduled appointment, that parent shall message the other parent via Our
21 Family Wizard to ask assistance in getting Hannah to the appointment, which assistance shall be
22 provided.

23 Both parents will assure their respective attendance at any appointment set for them, whether
24 individually or jointly.

25 This MOU shall be turned into a Stipulation and Order to be filed in the District Court.

26 The above appeal shall be dismissed.

27 Dated this 9th day of September, 2021.

28
Minh Nguyen Luong

Fred Page, Esq.

James W. Vahey
Robert P. Dickerson, Esq.

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 James W. Vahey, Plaintiff

CASE NO: D-18-581444-D

7 vs.

DEPT. NO. Department U

8 Minh Nguyet Luong, Defendant.
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Stipulation and Order was served via the court's electronic eFile system
13 to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 10/17/2021

15 Sabrina Dolson

Sabrina@thedklawgroup.com

16 Robert Dickerson

Bob@thedklawgroup.com

17 Info info email

info@thedklawgroup.com

18 Fred Page

fpage@pagelawoffices.com

19 Edwardo Martinez

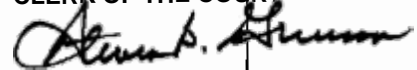
edwardo@thedklawgroup.com

20 Admin Admin

Admin@pagelawoffices.com
21
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CSERV
FRED PAGE, ESQ.
NEVADA BAR NO. 6080
PAGE LAW FIRM
6930 SOUTH CIMARRON ROAD, SUITE 140
LAS VEGAS, NEVADA 89113
(702) 823-2888 office
(702) 628-9884 fax
Email: fpagelaw@pagelawoffices.com
Attorney for Defendant

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

JAMES W. VAHEY,
Plaintiff,

vs.

MINH NGUYET LUONG,
Defendant.

Case No.: D-18-581444-D

Dept.: U

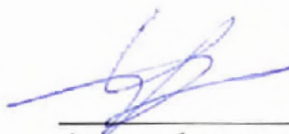
Hearing Date: October 18, 2021

Hearing Time: 9:30 a.m.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 17th day of October 2021, Defendant Reply to Plaintiff's Opposition to 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 submits here Opposition to Plaintiff's Countermotion for Immediate Return of Hannah to Jim's Custody, an Order that Hannah Immediately Participate in Therapy with Dee Pierce, Ph.D., an Order that Hannah Have a Forencis Pyschiatric Evaluation, an Order Requiring the Parties to Participate in Co-Parenting Counseling with Bree Mullin, Ph.D., Sole

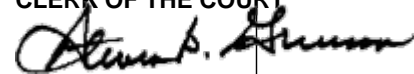
1 Legal Custody, School Choice Determination, Return of the Children's Passports,
2 and Attorney's Fees and Costs was served pursuant to NEFCR 9 via e-service to
3
4 Robert Dickerson, Esq., attorney for Plaintiff.
5

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7 

8 An employee of Page Law Firm
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NOTC

FRED PAGE, ESQ.
NEVADA BAR NO. 6080
PAGE LAW FIRM
6930 SOUTH CIMARRON ROAD, SUITE 140
LAS VEGAS, NEVADA 89113
(702) 823-2888 office
(702) 628-9884 fax
Email: fpage@pagelawoffices.com
Attorney for Defendant

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

JAMES W. VAHEY,

Plaintiff,

vs.

MINH NGUYET LUONG,

Defendant.

Case No.: D-18-581444-D

Dept.: U

SUBPOENA DUCES TECUM
(Records May be Mailed in Lieu of
Appearance)

NOTICE OF INTENT TO SERVE SUBPOENA DUCES TECUM

TO: JAMES W. VAHEY, Plaintiff

TO: ROBERT DICKERSON, ESQ., attorney for Plaintiff,

PLEASE TAKE NOTICE that on October 26, 2021, a Subpoena Duces

///

///

///


///

///

1 Tecum will be sent to Earnest Becker Middle School located at 9151 Pinewood
2 Hills Dr. Las Vegas, Nevada 89134.

3
4 DATED this 19th day of October 2021

5 PAGE LAW FIRM

6 

7 FRED PAGE, ESQ.

8 Nevada Bar No. 6080

9 6930 South Cimarron Road, Suite 140

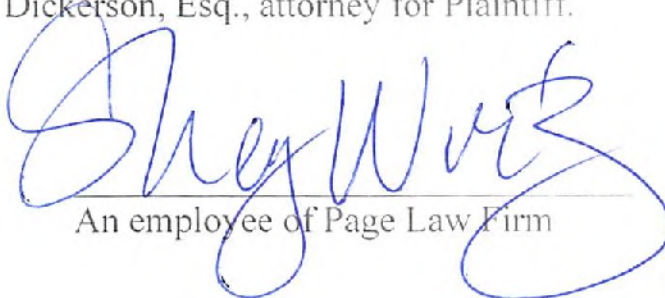
10 Las Vegas, Nevada 89113

11 (702) 823-2888

12 Attorney for Defendant

CERTIFICATE OF SERVICE

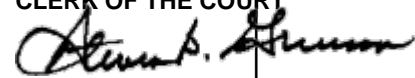
The undersigned hereby certifies that on the 19th day of October 2021, the foregoing Notice of Intent to Serve Subpoena Duces Tecum was served pursuant to NEFRC 9 via e-service to Robert Dickerson, Esq., attorney for Plaintiff.



An employee of Page Law Firm

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SUBP
FRED PAGE, ESQ.
NEVADA BAR NO. 6080
PAGE LAW FIRM
6930 SOUTH CIMARRON ROAD, SUITE 140
LAS VEGAS, NEVADA 89113
(702) 823-2888 office
(702) 628-9884 fax
Email: fpage@pagelawoffices.com
Attorney for Defendant

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

JAMES W. VAHEY,

Plaintiff,

vs.

MINH NGUYET LUONG,

Defendant.

Case No.: D-18-581444-D

Dept.: U

SUBPOENA DUCES TECUM
(Records May be Mailed in Lieu of
Appearance)

THE STATE OF NEVADA SENDS GREETINGS TO:

Earnest Becker Middle School
901 Fremont Hills Drive
Las Vegas, Nevada 89134

YOU ARE HEREBY COMMANDED to appear on the 11th day of November 2021, at
12:00 p.m. at the Page Law Office 6930 South Cimarron Road, Suite 140, Las Vegas, Nevada
89113 for the purpose of taking your deposition upon oral examination, pursuant to Rules 26 and
30 of the Nevada Rules of Civil Procedure, before a notary public, or before some other office
authorized by law to administer oaths for your deposition upon oral examination, pursuant to
Rules 26 and 30 of the Nevada Rules of Civil Procedure, before a Notary Public, or before some
other office authorized by law to administer oaths.

YOU ARE FURTHER COMMANDED to produce at the deposition at the time and
place set forth above, the writings, records, documents and other items forth below.

1 The deposition will be cancelled, provided the requested documents listed below are
2 received prior to the date for the appearance, set forth above.

3 Pursuant to NRCP 45(d), Defendant, MINH NGUYET LUONG, will pay the reasonable
4 cost of reproducing said documents.

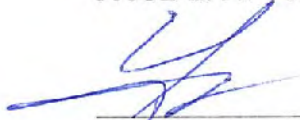
5 If you fail to attend, you may be deemed guilty of contempt of Court and liable to pay all
6 losses and damages caused by your failure to appear. Please see Exhibit "A" attached hereto for
7 information regarding the rights of the person subject to this Subpoena.
8

9 **ITEMS TO BE PRODUCED**

10 1. Any and all documents pertaining to any enrollment of Hannah Vahey or
11 Matthew Vahey into Earnest Becker Middle School.
12

13 DATED this 19th day of October 2021

14 PAGE LAW FIRM

15 

16 FRED PAGE, ESQ.
17 Nevada Bar No. 6080
18 6930 South Cimarron Road, Suite 140
19 Las Vegas, Nevada 89113
20 (702) 823-2888
21 Attorney for Defendant
22
23
24
25
26
27
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EXHIBIT “A”

NRCP 45

(c) **Protection of Persons Subject to Subpoena.**

(1) **Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court that issued the subpoena must enforce this duty and may impose an appropriate sanction — which may include lost earnings and reasonable attorney fees — on a party or attorney who fails to comply.

(2) **Command to Produce Materials or Permit Inspection.**

(A) **Appearance Not Required.**

(i) A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(ii) If documents, electronically stored information, or tangible things are produced to the party that issued the subpoena without an appearance at the place of production, that party must, unless otherwise stipulated by the parties or ordered by the court, promptly copy or electronically reproduce the documents or information, photograph any tangible items not subject to copying, and serve these items on every other party. The party that issued the subpoena may also serve a statement of the reasonable cost of copying, reproducing, or photographing, which a party receiving the copies, reproductions, or photographs must promptly pay. If a party disputes the cost, then the court, on motion, must determine the reasonable cost of copying the documents or information, or photographing the tangible items.

(B) **Objections.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, or a person claiming a proprietary interest in the subpoenaed documents, information, tangible things, or premises to be inspected, may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The person making the objection must serve it before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made:

(i) the party serving the subpoena is not entitled to inspect, copy, test, or sample the materials or tangible things or to inspect the premises except by order of the court that issued the subpoena;

(ii) on notice to the parties, the objecting person, and the person commanded to produce or permit inspection, the party serving the subpoena may move the court that issued the subpoena for an order compelling production or inspection; and

(iii) if the court enters an order compelling production or inspection, the order must protect the person commanded to produce or permit inspection from significant expense resulting from compliance.

(3) **Quashing or Modifying a Subpoena.**

(A) **When Required.** On timely motion, the court that issued a subpoena must quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance;

(ii) requires a person to travel to a place more than 100 miles from the place where that person resides, is employed, or regularly transacts business in person, unless the person is commanded to attend trial within Nevada;

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to an undue burden.

(B) When Permitted. On timely motion, the court that issued a subpoena may quash or modify the subpoena if it requires disclosing:

(i) a trade secret or other confidential research, development, or commercial information; or

(ii) an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order an appearance or production under specified conditions if the party serving the subpoena:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

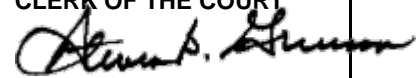
(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

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SUBP
THE DICKERSON KARACSONYI LAW GROUP
ROBERT P. DICKERSON, ESQ.
Nevada Bar No. 000945
SABRINA M. DOLSON, ESQ.
Nevada Bar No. 013105
1645 Village Center Circle, Suite 291
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. U

SUBPOENA DUCES TECUM TO
CHALLENGER SCHOOL

TO: CUSTODIAN OF RECORDS
CHALLENGER SCHOOL
1725 East Serene Avenue
Las Vegas, Nevada 89123

YOU ARE HEREBY COMMANDED to appear and attend your deposition on the 29th day of October, 2021, at the hour of 10:00 a.m. at the office of THE DICKERSON KARACSONYI LAW GROUP, located at 1645 Village Center Circle, Suite 291, Las Vegas, Nevada 89134. Your attendance is required to give testimony and/or to produce and permit inspection and copying of designated books, documents, or tangible things

...

1 in your possession, custody, or control, or to permit inspection of
2 premises.

3 You are required to bring with you at the time of your appearance
4 the following documents:

5 **The entire student file, including, but not limited to**
6 **school applications, attendance records, report cards,**
7 **academic testing results, teacher/staff notes, any and all**
8 **email/text/application communications between staff**
9 **and/or parents, and any and all written or recorded**
10 **incident reports, related to Hannah Vahey, date of birth:**
11 **March 19, 2009, and Matthew Vahey, date of birth: June**
12 **26, 2010, from January 1, 2017 to the present.**

13 If you fail to attend, you will be deemed guilty of contempt of Court
14 and liable to pay all losses and damages caused by your failure to appear.

15 In lieu of your appearance on the above-referenced date, the
16 requested documents may be produced, along with the duly executed
17 Certification of Records served herewith, on or before October 28, 2021,
18 by 5:00 p.m.

19 Please see attached Exhibit A for information regarding the rights
20 and responsibilities of the person subject to this Subpoena Duces Tecum.

21 DATED this 20th day of October, 2021.

22 THE DICKERSON KARACSONYI
23 LAW GROUP

24 By /s/ Sabrina M. Dolson

25 ROBERT P. DICKERSON, ESQ.
26 Nevada Bar No. 000945
27 SABRINA M. DOLSON, ESQ.
28 Nevada Bar No. 013105
1645 Village Center Circle, Suite 291
Las Vegas, Nevada 89134
Attorneys for Plaintiff

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Now comes, _____, who after first being
duly sworn, deposes and states:

2. That I am the _____ (position/title) of
Challenger School, and in my capacity as _____

3. That Challenger School is licensed or registered to do business as a _____ in the State of Nevada.

4. That on the ____ day of _____, 2021, I was served with a Subpoena Duces Tecum, in connection with *James W. Vahey v. Minh Nguyet Luong*, Case Number D-18-581444-D, calling for the production of certain records.

5. That I have examined the original of those records and have made or caused to be made a true and exact copy of them and that the reproduction of them is true and complete.

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1 6. That the original of those records was made at or near the time
2 of the act, event, condition, opinion, or diagnosis recited therein by or
3 from information transmitted by a person with knowledge, in the course
4 of a regularly conducted activity of Challenger School.

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Custodian of Records of
CHALLENGER SCHOOL

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Subscribed and sworn to before me
this _____ day of _____, 2021

Notary Public in and for said
County and State.

EXHIBIT A
NEVADA RULES OF CIVIL PROCEDURE

Rule 45(c) and (d):

(c) Protection of Persons Subject to Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court that issued the subpoena must enforce this duty and may impose an appropriate sanction — which may include lost earnings and reasonable attorney fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required.

(i) A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(ii) If documents, electronically stored information, or tangible things are produced to the party that issued the subpoena without an appearance at the place of production, that party must, unless otherwise stipulated by the parties or ordered by the court, promptly copy or electronically reproduce the documents or information, photograph any tangible items not subject to copying, and serve these items on every other party. The party that issued the subpoena may also serve a statement of the reasonable cost of copying, reproducing, or photographing, which a party receiving the copies, reproductions, or photographs must promptly pay. If a party disputes the cost, then the court, on motion, must determine the

reasonable cost of copying the documents or information, or photographing the tangible items.

(B) Objections. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, or a person claiming a proprietary interest in the subpoenaed documents, information, tangible things, or premises to be inspected, may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The person making the objection must serve it before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made:

(i) the party serving the subpoena is not entitled to inspect, copy, test, or sample the materials or tangible things or to inspect the premises except by order of the court that issued the subpoena;

(ii) on notice to the parties, the objecting person, and the person commanded to produce or permit inspection, the party serving the subpoena may move the court that issued the subpoena for an order compelling production or inspection; and

(iii) if the court enters an order compelling production or inspection, the order must protect the person commanded to produce or permit inspection from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court that issued a subpoena must quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance;

(ii) requires a person to travel to a place more than 100 miles from the place where that person resides, is employed, or regularly

transacts business in person, unless the person is commanded to attend trial within Nevada;

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to an undue burden.

(B) When Permitted. On timely motion, the court that issued a subpoena may quash or modify the subpoena if it requires disclosing:

(i) a trade secret or other confidential research, development, or commercial information; or

(ii) an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

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(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

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...

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(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing

information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

AOS

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

JAMES W. VAHEY

Plaintiff

VS

MINH NGUYET LUONG

Defendant

CASE NO: D-18-581444-D

HEARING DATE/TIME:

DEPT NO: U

AFFIDAVIT OF SERVICE

GREGORY BROWN being duly sworn says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, not a party to or interested in the proceedings in which this affidavit is made. That affiant received 1 copy(ies) of the SUBPOENA DUCES TECUM, WITNESS FEE CHECK IN THE AMOUNT OF \$26.00., on the 22nd day of October, 2021 and served the same on the 22nd day of October, 2021, at 11:41 by:

serving the servee CUSTODIAN OF RECORDS FOR CHALLENGER SCHOOL by personally delivering and leaving a copy at (address) 1725 EAST SERENE AVENUE, LAS VEGAS NEVADA 89123 with SARAH SHURKO- HEAD MASTER as , an agent lawfully designated by statute to accept service of process;

WHITE FEMALE 40S, LIGHT BROWN HAIR

Pursuant to NRS 53.045

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

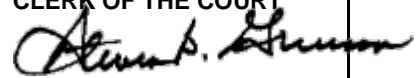
EXECUTED this 22 day of Oct, 2021.



**GREGORY BROWN
R-2020-14947**

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SUBP
THE DICKERSON KARACSONYI LAW GROUP
ROBERT P. DICKERSON, ESQ.
Nevada Bar No. 000945
SABRINA M. DOLSON, ESQ.
Nevada Bar No. 013105
1645 Village Center Circle, Suite 291
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. U

SUBPOENA DUCES TECUM TO
ERNEST A. BECKER SR. MIDDLE SCHOOL

TO: CUSTODIAN OF RECORDS
ERNEST A. BECKER SR. MIDDLE SCHOOL
9151 Pinewood Hills Drive
Las Vegas, Nevada 89134

YOU ARE HEREBY COMMANDED to appear and attend your deposition on the 29th day of October, 2021, at the hour of 9:00 a.m. at the office of THE DICKERSON KARACSONYI LAW GROUP, located at 1645 Village Center Circle, Suite 291, Las Vegas, Nevada 89134. Your attendance is required to give testimony and/or to produce and permit inspection and copying of designated books, documents, or tangible things

...

1 in your possession, custody, or control, or to permit inspection of
2 premises.

3 You are required to bring with you at the time of your appearance
4 the following documents:

5 Any and all (1) applications to attend Ernest A. Becker Sr.
6 Middle School, (2) correspondence related to or
7 concerning attendance at Ernest A. Becker Sr. Middle
8 School, (3) documents related to registration and program
9 selection at Ernest A. Becker Sr. Middle School, (4)
10 placement test results; and (5) educational records for
11 Hannah Vahey, date of birth: March 19, 2009, and/or
12 Matthew Vahey, date of birth: June 26, 2010.

13 If you fail to attend, you will be deemed guilty of contempt of Court
14 and liable to pay all losses and damages caused by your failure to appear.

15 In lieu of your appearance on the above-referenced date, the
16 requested documents may be produced, along with the duly executed
17 Certification of Records served herewith, on or before October 28, 2021,
18 by 5:00 p.m.

19 Please see attached Exhibit A for information regarding the rights
20 and responsibilities of the person subject to this Subpoena Duces Tecum.

21 DATED this 20th day of October, 2021.

22 THE DICKERSON KARACSONYI
23 LAW GROUP

24 By /s/ Sabrina M. Dolson

25 ROBERT P. DICKERSON, ESQ.
26 Nevada Bar No. 000945
27 SABRINA M. DOLSON, ESQ.
28 Nevada Bar No. 013105
1645 Village Center Circle, Suite 291
Las Vegas, Nevada 89134
Attorneys for Plaintiff

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Now comes, _____, who after first being
duly sworn, deposes and states:

1. I am over the age of 18 years old. I have personal knowledge of the facts contained herein and I am competent to testify thereto.

2. That I am the _____ (position/title) of Ernest
A. Becker Middle School, and in my capacity as _____

_____ (position/title) am the custodian of the records for Ernest A. Becker Middle School.

3. That Ernest A. Becker Middle School is licensed or registered to do business as a _____ in the State of Nevada.

4. That on the ____ day of _____, 2021, I was served with a Subpoena Duces Tecum, in connection with *James W. Vahey v. Minh Nguyet Luong*, Case Number D-18-581444-D, calling for the production of certain records.

5. That I have examined the original of those records and have made or caused to be made a true and exact copy of them and that the reproduction of them is true and complete.

The diagram consists of seven identical horizontal rows stacked vertically. Each row contains three small black dots spaced evenly apart. The entire figure is centered horizontally and occupies most of the vertical space of the page.

6. That the original of those records was made at or near the time of the act, event, condition, opinion, or diagnosis recited therein by or from information transmitted by a person with knowledge, in the course of a regularly conducted activity of Ernest A. Becker Middle School.

Custodian of Records of
ERNEST A. BECKER MIDDLE SCHOOL

Subscribed and sworn to before me
this _____ day of _____, 2021

Notary Public in and for said
County and State.

EXHIBIT A
NEVADA RULES OF CIVIL PROCEDURE

Rule 45(c) and (d):

(c) Protection of Persons Subject to Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court that issued the subpoena must enforce this duty and may impose an appropriate sanction — which may include lost earnings and reasonable attorney fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required.

(i) A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(ii) If documents, electronically stored information, or tangible things are produced to the party that issued the subpoena without an appearance at the place of production, that party must, unless otherwise stipulated by the parties or ordered by the court, promptly copy or electronically reproduce the documents or information, photograph any tangible items not subject to copying, and serve these items on every other party. The party that issued the subpoena may also serve a statement of the reasonable cost of copying, reproducing, or photographing, which a party receiving the copies, reproductions, or photographs must promptly pay. If a party disputes the cost, then the court, on motion, must determine the

reasonable cost of copying the documents or information, or photographing the tangible items.

(B) Objections. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, or a person claiming a proprietary interest in the subpoenaed documents, information, tangible things, or premises to be inspected, may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The person making the objection must serve it before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made:

(i) the party serving the subpoena is not entitled to inspect, copy, test, or sample the materials or tangible things or to inspect the premises except by order of the court that issued the subpoena;

(ii) on notice to the parties, the objecting person, and the person commanded to produce or permit inspection, the party serving the subpoena may move the court that issued the subpoena for an order compelling production or inspection; and

(iii) if the court enters an order compelling production or inspection, the order must protect the person commanded to produce or permit inspection from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court that issued a subpoena must quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance;

(ii) requires a person to travel to a place more than 100 miles from the place where that person resides, is employed, or regularly

transacts business in person, unless the person is commanded to attend trial within Nevada;

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to an undue burden.

(B) When Permitted. On timely motion, the court that issued a subpoena may quash or modify the subpoena if it requires disclosing:

(i) a trade secret or other confidential research, development, or commercial information; or

(ii) an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order an appearance or production under specified conditions if the party serving the subpoena:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

...

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing

information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

AOS

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

JAMES W. VAHEY

Plaintiff

VS

MINH NGUYET LUONG

Defendant

CASE NO: D-18-581444-D

HEARING DATE/TIME:

DEPT NO: U

AFFIDAVIT OF SERVICE

GREGORY BROWN being duly sworn says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, not a party to or interested in the proceedings in which this affidavit is made. That affiant received 1 copy(ies) of the SUBPOENA DUCES TECUM, WITNESS FEE CHECK IN THE AMOUNT OF \$26.00., on the 22nd day of October, 2021 and served the same on the 22nd day of October, 2021, at 12:51 by:

serving the servee CUSTODIAN OF RECORDS FOR ERNEST A. BECKER SR. MIDDLE SCHOOL by personally delivering and leaving a copy at (address) 9151 PINWOOD HILLS DRIVE, LAS VEGAS NEVADA 89134 with PHILICIA KING SPEHARD- PRINCIPAL as , an agent lawfully designated by statute to accept service of process;

BLACK FEMALE, 30S, WEARING GLASSES

Pursuant to NRS 53.045

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

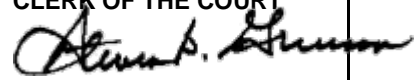
EXECUTED this 22 day of Oct, 2021.



**GREGORY BROWN
R-2020-14947**

140

140



EXHS
THE DICKERSON KARACSONYI LAW GROUP
ROBERT P. DICKERSON, ESQ.
Nevada Bar No. 000945
SABRINA M. DOLSON, ESQ.
Nevada Bar No. 013105
1645 Village Center Circle, Suite 291
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. U

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
ATTORNEYS' FEES AND COSTS, AND FOR OTHER RELATED
RELIEF

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 Motion for an Order to Show Cause to Issue Against Defendant
for Violations of the Court's October 18, 2021 Orders, to Compel

1 Compliance with the Court's Orders, for an Order for Matthew to Attend
2 Counseling, for Temporary Sole Legal and Sole Physical Custody of the
3 Minor Children, for an Order that Defendant Pay Child Support to
4 Plaintiff, for an Award of Attorneys' Fees and Costs, and for Other Related
5 Relief.

Title/Description of Document	Exhibit Number
Photograph of Jim's Shattered Window	1
Messages Exchanged Between Jim and Minh Via Our Family Wizard	2
Text Messages Exchanged Between Jim and Minh on October 22, 2021	3
Documents Received from Becker Middle School in Response to Subpoena Duces Tecum	4

13 DATED this 31st day of October, 2021.

14 THE DICKERSON KARACSONYI LAW GROUP

15
16 By /s/ Sabrina M. Dolson
17 ROBERT P. DICKERSON, ESQ.
18 Nevada Bar No. 000945
19 SABRINA M. DOLSON, ESQ.
20 Nevada Bar No. 013105
21 1645 Village Center Circle, Suite 291
22 Las Vegas, Nevada 89134
23 Attorneys for Plaintiff
24
25
26
27
28

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCp 5(b), I certify that I am an employee of THE
3 DICKERSON KARACSONYI LAW GROUP, and that on this 31st day of
4 October, 2021, I caused the above and foregoing document entitled
5 *Appendix of Exhibits in Support of Plaintiff's Motion for an Order to Show Cause*
6 *to Issue Against Defendant for Violations of the Court's October 18, 2021 Orders,*
7 *to Compel Compliance with the Court's Orders, for an Order for Matthew to*
8 *Attend Counseling, for Temporary Sole Legal and Sole Physical Custody of the*
9 *Minor Children, for an Order that Defendant Pay Child Support to Plaintiff, for*
10 *an Award of Attorneys' Fees and Costs, and for Other Related Relief* to be served
11 as follows:

- 12 ☒ by mandatory electronic service through the Eighth Judicial
13 District Court's electronic filing system;
14 ☐ by placing same to be deposited for mailing in the United
15 States Mail, in a sealed envelope upon which first class postage
16 was prepaid in Las Vegas, Nevada;
17 ☐ via facsimile, by duly executed consent for service by electronic
18 means;
19 ☐ by hand-delivery with signed Receipt of Copy.

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

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

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

EXHIBIT 1

EXHIBIT 1

EXHIBIT 1



EXHIBIT 2

EXHIBIT 2

EXHIBIT 2

Sent: 10/19/2021 at 11:11 AM
From: minh luong
To: James Vahey (*First Viewed: 10/19/2021 at 11:41 AM*)
Subject: Re: transferring of Hannah and Matthew court order

she said the school should be what is best for the kids not what is convenient for you or I and regardless whether it is close to you or I.

On 10/19/2021 at 11:09 AM, James Vahey wrote:

To: minh luong (*First Viewed: 10/19/2021 at 11:09 AM*)
Subject: Re: transferring of Hannah and Matthew court order

Dr. Fontenelle did say, "Ok, Becker is off the table." Let's start discussing some schools that are similar distance from both houses.

On 10/19/2021 at 10:56 AM, minh luong wrote:

To: James Vahey (*First Viewed: 10/19/2021 at 11:06 AM*)
Subject: Re: transferring of Hannah and Matthew court order

Dr. Fontenelle did not say that Becker is off the table. YOU said that. There's no reason for Becker to be off the table. She also told us that regardless where the school is, whether close to you or I, they should go there because it is better for them not because it is convenient for you or I. You then argued with her about it. We hire her to look out for the best interest of the children. Not just when you agree with it.

I agree that the children should continue to go to school. Can you enforce it? The only thing I can get them do now is IXL. If you think you can enforce it please come over and help me.

On 10/19/2021 at 10:47 AM, James Vahey wrote:

To: minh luong (*First Viewed: 10/19/2021 at 10:50 AM*)
Subject: Re: transferring of Hannah and Matthew court order

I disagree with much of what you wrote. I agree that we need to find a new school ASAP. Let's decide on a pair of schools that both of us agree on. As Dr. Fontenelle said, Becker is off the table. I'm researching now.

I am agreeable to asking the Judge for Matthew to go to the school Hannah picks. They need to be in Challenger in the mean time. They never should have been taken out.

On 10/19/2021 at 10:23 AM, minh luong wrote:

To: James Vahey (*First Viewed: 10/19/2021 at 10:39 AM*)
Subject: Re: transferring of Hannah and Matthew court order

The judge ordered it because you led her to believe that Mathew is perfectly happy being at challenger when you know that is not the case. You get the court to do what you want even though you promised Mathew otherwise. Parents can decide where their kids go. If you and I agree to take Mathew out then the judge will agree. You need to stop forcing the kids to do things that you want and blame it on the court and court orders. How do you think Mathew will trust you again when you promised him one thing and force him to do another.

I of course will follow court's orders and do my best to make sure it will happen but I will not use physical force. Dr. Fontenelle specifically stated they are not to be physically forced or dragged by any body and especially by police. For the last three years, you have used force on the children and it has not worked out well. All it did is further push them away from you. Dr Fontenelle told you that it has been a very long time for Hannah to be secluded in her room when she's with you even if you think it has only started since March 2020. That's a year and a half already.

Dr. Fontenelle emphasized it's important for kids to have relationships with both parents. Not just physically be with both parents. The important thing is relationship. You can't build relationships by force. It has to be slow and gradual and they have to see that you care and love

them. Telling them you love them is not enough. It has to be proven.

I understand the court order them to go to challenger. They need to go to school and not stay home. They refuse to go to challenger . If you think you can convince them then please help me.

If you and I can not convince them then we need to come up with another solution. I am sure you don't want them to repeat a whole school year. Can we do what dr. Fontenelle recommended? The longer you wait around the more harm it will be done on these kids.

On 10/19/2021 at 09:56 AM, James Vahey wrote:

To: minh luong (*First Viewed: 10/19/2021 at 09:58 AM*)

Subject: Re: transferring of Hannah and Matthew court order

I am available to talk to them. If they will talk, make the call for them and give them the phone. They need to return to Challenger because the Judge ordered it. It is not for us to decide otherwise. This is not our choice.

On 10/19/2021 at 08:01 AM, minh luong wrote:

To: James Vahey (*First Viewed: 10/19/2021 at 08:23 AM*)

Subject: Re: transferring of Hannah and Matthew court order

They refuse to get in the car. You promised Mathew that he wouldn't have to go to challenger any more or do challenger online three days ago. He can't understand why he is forced to go back there now.

As of now they both agree to do IXL while waiting for us to pick another school for them. As the judge said yesterday, the longer we wait the more likely they will have to repeat another year. Can we resolve this matter as soon as possible?

Mean while, would you be able to come to the house to talk to them about the current court order of both having to attend challenger?

The children refuse to go to you. If you would like to come to the house and talk to them you are welcome to do so.

On 10/19/2021 at 07:45 AM, James Vahey wrote:

To: minh luong (*First Viewed: 10/19/2021 at 07:46 AM*)

Subject: Re: transferring of Hannah and Matthew court order

We are on our way

On 10/18/2021 at 11:14 PM, minh luong wrote:

To: James Vahey (*First Viewed: 10/19/2021 at 07:39 AM*)

Subject: transferring of Hannah and Matthew court order

Today, I asked you to postpone the kids' transfer until after we get to speak to Dr. Fontenelle at 5:30 because I want to ask her for help with the transfer. You agreed, We spoke to Dr. Fontenelle today and I explained to her that during the last transfer, even after Kim and I told Hannah that I will get in trouble with the court and I might go to jail, Hannah still can't get herself to go to you. I explained to dr. Fontenelle that I am afraid with me saying the same thing again still won't get Hannah to go to you. I explained to Dr. Fontenelle that because of court's order, I will have to physically force and drag the kids out of the car. Dr. Fontenelle made it clear to both you and I that she absolutely does not want any body to drag any body. She doesn't want me to drag them out. she doesn't want you to drag them out and she absolutely does not want the police to physically drag them out either. Dr. Fontenelle suggest for us to try our best to persuade them but by no mean are we to physically force or drag them out.

Dr. Fontenelle recommended for us to consider having the kids seeing both of us every day. She suggests for you to maybe pick up the kids from school and spend time with them from 3-5 and I will pick them up and keep them and take them to school the next morning. In this case the children will get to see both of us.

Dr. Fontenelle was extremely upset that Hannah was even recommended to be hospitalized or taken to Child Haven by the court. She stated that Hannah absolutely does not belong there.

Dr. Fontenelle also reiterated that she will be Hannah's therapist also and that she does not recommend Hannah to go back to Dr. Mullins' office. Dr. Fontenelle stated that we had already discussed this.

Immediately after Dr. Fontenelle's appointment, We took the kids straight to your house. The children were very upset and refused to get out. You stayed in your house for most of the time and said that it is my job to take them inside your house. Again, I said every thing there is to say. Hannah knows that I could be put in jail for not able to bring her inside your house but she said to me that she could not get herself to do it.

She said that she can not fall asleep and stay asleep at your house and that she can not eat at your house. She also said that she had put a knife next to her throat before while under your care and that she doesn't think she will stop herself this time. I explained all these to you. You were very surprised but I don't know why as I have already told you that both Mathew and Hannah have suicidal thoughts. This is why I say you don't listen because you did nothing about it. You and you alone drive Hannah to this point.

I did everything Dr. Fontenelle recommended. I try with everything there is and the children would not get themselves inside your house. I finally left your house at 9:11pm.

Tomorrow, I will try to get the kids to Challenger so they can go to school as ordered by the court. please come to the school to help me with the children to show that we both want them to go to challenger,

EXHIBIT 3

EXHIBIT 3

EXHIBIT 3

Conversation with Nguyet Luong

Contains 51 messages

Showing messages sent/received between 11 Oct 2021 and 24 Oct 2021

Sent - October 11, 2021 at 7:27 AM - (iMessage) - Delivered

Matthew's School Gear

I'll meet you at Challenger to get you Matthew's Zuca. Let me know what time to meet you. Thanks

Received - Nguyet Luong - October 11, 2021 at 7:49 AM - (iMessage)

NL

You have to bring to the house

Received - Nguyet Luong - October 11, 2021 at 7:49 AM - (iMessage)

NL

He's at home

Sent - October 11, 2021 at 7:51 AM - (iMessage) - Delivered

I'll give it to you at Dr Fontanelle's this evening

Received - Nguyet Luong - October 11, 2021 at 7:51 AM - (iMessage)

NL

Then he won't be able to do his work today

Sent - October 11, 2021 at 7:52 AM - (iMessage) - Delivered

He can still do his packet and watch the videos

Received - Nguyet Luong - October 11, 2021 at 7:52 AM - (iMessage)

NL

That's not what he's saying

Sent - October 11, 2021 at 7:53 AM - (iMessage) - Delivered

Can you have him call me

Received - Nguyet Luong - October 11, 2021 at 8:08 AM - (iMessage)

NL

I asked him earlier this morning

Sent - October 11, 2021 at 12:27 PM - (iMessage) - Delivered

I'm going to bring Matthew's Zuca to him. Please let me know if he's at your house and that I will be able to get through the gate

Sent - October 11, 2021 at 7:34 PM - (iMessage) - Delivered

Can you call me and give the phone to Matthew please

10/12/21

Sent - October 12, 2021 at 10:31 AM - (iMessage) - Delivered

Check OFW for a message about Matthew's packet for online schooling today. He needs help getting it printed.

10/15/21

Sent - October 15, 2021 at 8:05 AM - (iMessage) - Delivered

I'm here

Received - Nguyet Luong - October 15, 2021 at 8:06 AM - (iMessage)

NL

So am I

Sent - October 15, 2021 at 8:07 AM - (iMessage) - Delivered

I'm in the parking lot that's encircled by the car line Turn left at the fire hydrant by handicap parking

10/18/21

Received - Nguyet Luong - October 18, 2021 at 2:14 PM - (iMessage)

NL

Please see OFW

10/20/21

Received - Nguyet Luong - October 20, 2021 at 7:46 PM - (iMessage)

NL



10/22/21

Received - Nguyet Luong - October 22, 2021 at 7:53 AM - (iMessage)

NL

We are on our way. You have the kids uniforms.

Sent - October 22, 2021 at 8:05 AM - (iMessage) - Delivered

I'm here. That's not true. Matthew's uniform was in the side of his Zuca when I delivered it to your house.

Received - Nguyet Luong - October 22, 2021 at 8:08 AM - (iMessage)

NL

Hannah's uniform is at your house

Sent - October 22, 2021 at 8:10 AM - (iMessage) - Delivered

Do you have Matthew's

Received - Nguyet Luong - October 22, 2021 at 8:18 AM - (iMessage)

NL

We are here

Sent - October 22, 2021 at 8:18 AM - (iMessage) - Delivered

If you don't have Matthew's, I'll go buy a pair. Let me know

Sent - October 22, 2021 at 8:19 AM - (iMessage) - Delivered

I'm going back for Hannah's. Send Matthew in

Received - Nguyet Luong - October 22, 2021 at 8:20 AM - (iMessage)

NL

I need you to be here to show United front.

Received - Nguyet Luong - October 22, 2021 at 8:23 AM - (iMessage)

NL

Are you coming here now or are you playing that game again? I have to go to work.

Received - Nguyet Luong - October 22, 2021 at 8:24 AM - (iMessage)

NL

I have patients scheduled at 8:30 at my sahara office.

Sent - October 22, 2021 at 8:24 AM - (iMessage) - Delivered

Well, no, I was there and now I'm going for Hannah's uniform I'll turn around now if you want

Received - Nguyet Luong - October 22, 2021 at 8:28 AM - (iMessage)

NL

The plan was for us to meet and tell them to get in school between 8:15 and 8:30 since you told me you have to leave at 8:30 because you have to be done where else. I also have patients at 8:30. I can't

keep playing this game of yours. I got them in the car and got them here and then you decide to not be here.

Sent - October 22, 2021 at 9:12 AM - (iMessage) - Delivered

You didn't bring Matthew's uniform. It's very important that you be the one who brings them back to school so that both of us are there on a united front with the same goal. When you know your ETA for getting back to the school, please let me know.

Received - Nguyet Luong - October 22, 2021 at 9:25 AM - (iMessage)

NL



Received - Nguyet Luong - October 22, 2021 at 9:26 AM - (iMessage)

NL



Received - Nguyet Luong - October 22, 2021 at 9:26 AM - (iMessage)

NL



Received - Nguyet Luong - October 22, 2021 at 9:26 AM - (iMessage)

NL

You didn't transfer his uniform to me to bring to school. I asked you to bring them this morning at 7:22am

Sent - October 22, 2021 at 9:29 AM - (iMessage) - Delivered

I made a special trip back to my house that day to get his uniform. I put it in the side pocket of his Zuca and hand delivered it to Kim. You have it.

Received - Nguyet Luong - October 22, 2021 at 9:33 AM - (iMessage)

NL

Earlier you said you left them on the side of matthews Zuca. I sent you the photos as soon as I got home. They are not there. I looked everywhere and we don't have it. I have not seen his uniform since you took them. Mathew said the last time he saw his uniform was at your house. I canceled my morning patients. Please let me know what you want me to do next

Sent - October 22, 2021 at 9:35 AM - (iMessage) - Delivered

I have a pair of shorts he can wear and a pair of long pants that will be a little short

Sent - October 22, 2021 at 9:37 AM - (iMessage) - Delivered

I'll meet you at the school My ETA is 31 minutes

Received - Nguyet Luong - October 22, 2021 at 9:47 AM - (iMessage)

NL

You have no idea how hard it is for me to convince them to get in the car. I got them to school and was instructed by you to go home. Now it will only be much harder for me to get them in the car again. I will let you know when they will get in the car. You might need to come here and talk to them also.

Received - Nguyet Luong - October 22, 2021 at 9:52 AM - (SMS)

NL

You have no idea how hard it is for me to convince them to get in the car. I got them to school and was instructed by you to go home. Now it will only be much harder for me to get them in the car again. I will let you know when they will get in the car. You might need to come here and talk to them also.

Sent - October 22, 2021 at 9:54 AM - (iMessage) - Delivered

No you never should have let them out of the car. You are responsible to get them back to school. My ETA is 10 minutes

Received - Nguyet Luong - October 22, 2021 at 9:57 AM - (iMessage)

NL

They are human jim. I can't go in the house and look for the uniform and them not knowing how to get out of the car. They are 11 and 12 years old

Received - Nguyet Luong - October 22, 2021 at 9:57 AM - (iMessage)

NL

Had you brought their uniform we wouldn't have to be in this situation

Sent - October 22, 2021 at 10:02 AM - (iMessage) - Delivered

I'm here.

Sent - October 22, 2021 at 10:10 AM - (iMessage) - Delivered

I left Matthew's clothes at the front desk. It is tour responsibility to get Hannah and Mathew to school

Received - Nguyet Luong - October 22, 2021 at 10:19 AM - (iMessage)

NL

Are you telling me you won't be there to help me so we can show United front?

Sent - October 22, 2021 at 10:27 AM - (iMessage) - Delivered

Tell me when you leave but have Hannah in her uniform. If you can find Matthew's uniform before you leave, have him change also.

Received - Nguyet Luong - October 22, 2021 at 10:38 AM - (iMessage)

NL

Are you barking orders at me again?

Received - Nguyet Luong - October 22, 2021 at 10:40 AM - (iMessage)

NL

Are you going to meet me there at the school or not?

Received - Nguyet Luong - October 22, 2021 at 10:40 AM - (iMessage)

NL

I don't have time for your games

10/23/21

Sent - October 23, 2021 at 8:05 PM - (iMessage) - Delivered

Please let me talk to our kids. Please give Mathew your phone and some privacy.

EXHIBIT 4

EXHIBIT 4

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Online Registration Summary

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1828520

Modified By: KATHLEEN DUNAWAY
Modified Date: 09/27/2021
Application End Year: 2022

Submission Date 09/25/2021
Confirmation Number: # 1828520
Application Created By: Minh Luong

Household

Primary Phone

Primary
Phone
Number: (702)353-2319

Home Address

3023 THE PEAKS LN
LAS VEGAS, NV 89138
CLARK
Household has no separate Mailing Address

Zoning Information

Housing

Housing Situation: Permanent housing (own, rent or lease)
Move due to disaster: No

Code Of Conduct

I have read the CCSD K-12 Student Code of Conduct: Yes

Education Accord

I have read the Nevada Department of Education's Educational
Involvement Accord: Yes

Code Of Honor

I have read the Nevada Department of Education's Code of Honor:
Yes

Home Connectivity

Reliable Internet: Yes

Safe Gun Storage

Parent/Guardian

Luong, Minh
Birthdate: 12/27/1972
Gender: F
Household: Yes

Contact Information

Cell: (702)353-2319
Work:
Other:
Email: luongdds@gmail.com
Secondary
Email:

Migrant Worker

This individual is currently a
migrant worker: No

Impact Aid

Parent/Guardian in Military: No
Federally owned properties: No

Student

Vahey, Hannah E
School: Becker, Ernest MS
Student Number: 12391389
Gender: F
DOB: 03/19/2009

Demographics

Student Cell Number: (714)616-8900
Student Email: luonghannah@icloud.com
Was your child born in the United States or Puerto Rico?: Yes
Enrollment Grade: 07

Race/Ethnicity

Asian
White
Is Hispanic/Latino: No

Student Services

IEP: No
504 Plan: No

Language Information

Parent/Guardian language: English
First language spoken by student: Vietnamese
Language most often spoken at home: English
Language most often spoken with friends: English

Previous School

Previous Enrolled in CCSD?: No
The School was: Private
The last school attended was: Within Nevada
School: Challenger Sch, Silverado Campus, LV
School Address: 1725 E. Serene Ave
School City: Las Vegas
School State: Nevada
School Zip Code: 89123
School Country: America, United States of
Is your child currently suspended or expelled from another
school?: No

Tribal Enrollment

Child is American Indian or Alaska Native: No
State or Federal Tribe: No

Relationships

Minh Luong - Mother
Guardian: true
Mailing: true
Portal: true
Messenger: true
Contact Order: 1

Matthew Vahey - Sibling

Student		
Vahey , Hannah E	Gender: F	DOB: 03/19/2009
School: Becker, Ernest MS		
Student Number: 12391389		

Emergency Info

Emergency 1: Yes
 Contact 1 First Name: Kim
 Contact 1 Last Name: Chen
 Contact 1 Phone: (801)652-5572
 Emergency 2: Yes
 Contact 2 First Name: Jenssy
 Contact 2 Last Name: Lopez
 Contact 2 Phone: (702)335-5707
 Emergency 3: Yes
 Contact 3 First Name: Hieu
 Contact 3 Last Name: Luong
 Contact 3 Phone: (714)724-2535
 Emergency 4: No

AUP

AUP Permission: Yes

Directory Info

Withhold Outside Directory: No
 Withhold Internal Directory: No

Release Agreement-Media and Public Release

Media Release Permission: I give permission to release information described about my child for use in CCSD Owned/Produced material and NON CCSD Owned/Produced material. (Yes to both)

Sharing Information with Other Programs

Advanced Placement (AP) Exam Fee Reductions: Yes
 SAT/PSAT/NMSQT Fee Waivers: Yes
 ACT Fee Waivers: Yes
 Nevada Ready! Pre-K: Yes
 21st Century Community Learning Centers: Yes
 Tutoring Programs: Yes
 Title VII, Part A - Indian Education: Yes
 International Baccalaureate (IB) Testing: Yes

Instructional Model

Instructional Model: I want my child to participate in full-time face-to-face instruction five days a week for the 2021-2022 school year. I understand my child will attend for daily instruction at the school site.

Student		
Vahey , Matthew James	Gender: M	DOB: 06/26/2010
School: Becker, Ernest MS		
Student Number: 12391391		

Demographics

Student Cell Number:
 Student Email: luongmatthew@icloud.com
 Was your child born in the United States or Puerto Rico?: Yes
 Enrollment Grade: 06

Race/Ethnicity

Asian
 White
 Is Hispanic/Latino: No

Student		
Vahey , Matthew James	Gender: M	DOB: 06/26/2010
School: Becker, Ernest MS		
Student Number: 12391391		

Student Services

IEP: No
 504 Plan: No

Language Information

Parent/Guardian language: Spanish
 First language spoken by student: Vietnamese
 Language most often spoken at home: English
 Language most often spoken with friends: English

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Hannah Vahey - Sibling

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 Contact 2 Last Name: Lopez
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