

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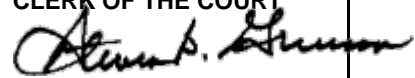
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176.	Defendant's Exhibit Appendix in Support of December 16, 2021, Return Hearing	12/15/2021	AA003500 - AA003512
177.	Supplement to Order from November 12, 2021 Hearing	1/31/2022	AA003513 - AA003516
178.	Notice of Entry of Supplement to Order from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

Date of Hearing:
Time of Hearing:

Oral Argument Requested: Yes

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

PLAINTIFF'S 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

1 COMES NOW Plaintiff, JAMES W. VAHEY (“Jim”), by and
2 through his attorneys, ROBERT P. DICKERSON, ESQ., and SABRINA
3 M. DOLSON, ESQ., of THE DICKERSON KARACSONYI LAW
4 GROUP, and respectfully submits for the Court’s consideration the
5 following Memorandum of Points and Authorities in support of his
6 Motion for an Order to Show Cause to Issue Against Defendant for
7 Violations of the Court’s October 18, 2021 Orders, to Compel
8 Compliance with the Court’s Orders, for an Order for Matthew to Attend
9 Counseling, for Temporary Sole Legal and Sole Physical Custody of the
10 Minor Children, for an Order that Defendant Pay Child Support to
11 Plaintiff, for an Award of Attorneys’ Fees and Costs, and for Other Related
12 Relief (“Motion”).

13 Specifically, Jim requests the Court enter the following Orders:

14 1. An Order to Show Cause to issue against Defendant, MINH
15 NGUYET LUONG (“Minh”), for violations of the Court’s Orders made
16 at the October 18, 2021 hearing, specifically, her failure to comply with
17 the Court’s Order to transfer Hannah and Matthew on October 18, 2021
18 and her failure to ensure the children attend Challenger School;

19 2. An Order compelling Minh to comply with the Court’s custody
20 orders and to immediately transfer Hannah and Matthew to Jim’s custody;

21 3. An Order that Matthew immediately begin attending
22 counseling;

23 4. An Order that Jim shall have temporary sole legal and sole
24 physical custody of the minor children;

25 5. An Order that Minh shall pay child support to Jim pursuant to
26 NAC 425;

27 6. An award of attorneys’ fees and costs pursuant to NRS
28 22.100(3) to Jim for having to file this Motion; and

1 7. For such further relief as deemed appropriate in the premises.
2 This Motion is made and based upon the following Memorandum
3 of Points and Authorities, all papers and pleadings on file herein, the
4 attached Declaration of Jim, as well as oral argument of counsel as may be
5 permitted at the hearing on this matter.

6 DATED this 31st day of October, 2021.

7 THE DICKERSON KARACSONYI
8 LAW GROUP

9 By /s/ Sabrina M. Dolson
10 ROBERT P. DICKERESON, ESQ.
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14 1645 Village Center Circle, Suite 291
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. FACTUAL STATEMENT**

3 Jim and Minh were divorced on March 26, 2021. The parties have
4 three (3) minor children the issue of their marriage: Hannah, born March
5 19, 2009 (twelve (12) years old), Matthew, born June 26, 2010 (eleven
6 (11) years old), and Selena, born April 4, 2014 (seven (7) years old).

7 The parties were recently before the Court on October 18, 2021 for
8 a Hearing on Defendant's Motion to Correct Clerical Error in the Decree
9 of Divorce Regarding the 529 Accounts, or in the Alternative, to Set Aside
10 the Terms in the Decree of Divorce Regarding the Division of the 529
11 Accounts and for Attorney's Fees and Costs ("Minh's Motion"); and
12 Plaintiff's Opposition to Defendant's Motion and Emergency
13 Countermotion for Immediate Return of Hannah to Jim's Custody, an
14 Order that Hannah Immediately Participate in Therapy with Dr. Dee
15 Pierce, an Order that Hannah Have a Forensic Psychiatric Evaluation, an
16 Order Requiring the Parties to Participate in Co-Parenting Counseling
17 with Dr. Bree Mullin, Sole Legal Custody, School Choice Determination,
18 Return of Children's Passports, and Attorneys' Fees and Costs ("Jim's
19 Opposition and Countermotion").

20 As of the date of the filing of this Motion, the Order from the
21 October 18, 2021 Hearing has not yet been submitted to and entered by
22 the Court. Undersigned counsel prepared the proposed Order from
23 October 18, 2021 Hearing, and emailed same to Minh's counsel, Fred
24 Page, on October 25, 2021 for his review. Undersigned counsel will submit
25 the proposed Order from October 18, 2021 Hearing to the Court as soon
26 as it is countersigned by Mr. Page.

27 At the hearing, the Court entered several orders that Minh has since
28 violated. First, the Court ordered that Matthew shall remain at Challenger

1 School and shall immediately return to attending school in person.
2 Hearing Video, 9:49:23, 10:00:35; October 18, 2021 Court Minutes.
3 Second, the Court ordered that, due to the fact Hannah had spent one (1)
4 of Jim's custody weeks with Minh, Hannah would spend two (2) weeks
5 with Jim beginning October 18, 2021. October 18, 2021 Court Minutes.
6 The Court ordered Minh to deliver Hannah to Jim's custody at 5:00 p.m.
7 on October 18, 2021, at his home. October 18, 2021 Court Minutes. The
8 Court specifically ordered Minh was solely responsible for ensuring
9 Hannah transferred to Jim's custody. Hearing Video, 10:11:00; October
10 18, 2021 Court Minutes. The Court ordered that if Minh was unable to
11 facilitate the custody exchange of Hannah, the Court would issue a
12 warrant pick up order and Hannah would be taken to Child Haven.
13 October 18, 2021 Court Minutes. Third, the Court ordered Minh to
14 deliver Hannah's and Selena's passports to Jim's counsel's office by Friday,
15 October 22, 2021.

16 Minh has violated each of the above set forth orders. First, Minh
17 failed to transfer Hannah and Matthew to Jim's custody on October 18,
18 2021. Jim's custody week with the children was supposed to occur from
19 October 15 to 22, 2021. However, Hannah and Matthew refused to
20 transfer to Jim on October 15, 2021. Thus, Minh was ordered to transfer
21 the children to Jim's custody at 5:00 p.m. on October 18, 2021.

22 On the evening of October 18, 2021, Hannah had a session with Dr.
23 Michelle Fontenelle-Gilmer and the parties agreed Minh would transfer
24 Hannah and Matthew to Jim after Hannah's session. During this session,
25 Dr. Fontenelle-Gilmer informed the parties that neither of them, nor the
26 police, should physically force Hannah into Jim's custody, and Hannah
27 should not be taken to Child Haven if she refused to transfer to Jim's
28 custody.

1 Minh and her boyfriend, Kim Chen, arrived at Jim's home with
2 Hannah and Matthew at approximately 8:30 p.m. At that time, Jim was
3 inside his home with Selena when he heard a thud. Shortly following the
4 thud, Jim heard his doorbell ring. Jim answered his door and Minh and
5 Hannah were standing there. Hannah refused to go inside Jim's home and
6 Minh failed to get Hannah into Jim's home. Minh made blatantly
7 insincere comments to Hannah telling her to go into Jim's home because
8 it was his custody time. Hannah told Jim that if she was forced to go
9 inside his home she would ruin it. Jim told Hannah that she is not
10 permitted to threaten adults. Minh said nothing. Hannah then smugly
11 stated: "What are you going to do, huh? Matthew just smashed a window
12 over it. You want to go look at it?"

13 Jim, Minh, and Hannah then quickly ran over to Minh's vehicle, in
14 which Matthew and Kim were sitting. Matthew was sitting in Minh's
15 vehicle with his head turned away from Jim. Matthew would not make eye
16 contact with or speak to Jim. Kim was sitting in the front seat looking at
17 his cell phone. That is when Jim realized Matthew had thrown rocks at his
18 window, shattering the outside pane of the double pane window. Exhibit
19 1. Jim realized that the thud he had heard before Minh and Hannah rang
20 his doorbell must have been the sound of Matthew breaking his window.
21 Minh did not reprimand Matthew in front of Jim. Rather, Minh's response
22 was, "Oh my God, Jim." Minh obviously knew Matthew had thrown rocks
23 at Jim's window prior to her ringing the doorbell given Hannah's comment
24 to Jim. Yet Minh did not say anything about the broken window. Hannah
25 was the one who brought it to Jim's attention after she threatened to ruin
26 his home if she had to stay there that night.

27 Jim expressed his disappointment in Matthew's actions, but this was
28 so out of character for Matthew and Jim knew how conflicted Matthew

1 must feel. While Jim, Minh, and Hannah were standing there, Hannah
2 proceeded to tell Jim that he was not a good parent and not doing his job,
3 and commented “if his kids don’t want to be with him that much, he must
4 have really messed up.” Minh did nothing to discipline Hannah for her
5 disrespectfulness toward Jim. Rather, Minh responded: “Hannah, he’s
6 gonna try to work on it honey,” essentially agreeing with Hannah that Jim
7 is to blame for the children refusing to be in his custody. In a moment that
8 absolutely shocked Jim, Matthew turned to Jim and told him “go back in
9 the house or you’re going to look like the window.” Matthew has never
10 spoken to Jim in such a disrespectful way. Minh did not discipline
11 Matthew for his actions or disrespectful comments, and simply stated
12 “Matthew.”

13 Matthew also asked Jim what he wanted them to do to be able to
14 stay with Minh. Jim explained to Matthew that it was not a bargain, it was
15 a court order. Matthew asked whose order, and Jim responded “the Judge.”
16 Matthew then asked, “who asked for it?” Jim responded, “me,” and as he
17 was explaining the Court’s order, Hannah interrupted: “There is one
18 answer to that. No! You are not going to manipulate words. Who asked
19 for this?” It was clear at this point that the children blame even the
20 Court’s orders on Jim. The fact that Matthew knew to ask who requested
21 the Court enter orders made it abundantly clear the children already knew
22 Jim asked the Court to order Minh to return them to his custody. Minh
23 did nothing to help Jim with the children’s accusations and to explain the
24 Court’s orders. Minh also did nothing to get Matthew out her vehicle and
25 Hannah returned to Minh’s vehicle. Jim eventually reminded Minh that
26 it was her responsibility to get the children to transfer and told Minh he
27 was going inside to put Selena to bed.

28 . . .

1 After Jim put Selena to bed, Minh rang his doorbell. Jim answered
2 the door and Minh told him she could not get the children to go to his
3 custody and there was nothing else she could do because Dr. Fontenelle-
4 Gilmer advised against either party physically forcing the children. Minh
5 then told Jim that Hannah told her that Hannah put a knife to her throat
6 and thought about killing herself during a previous time she was at Jim's
7 home, and if she had to stay at Jim's home that night, she did not know
8 if she could stop herself from cutting her throat. Jim told Minh they
9 needed to talk to Dr. Fontenelle-Gilmer about Hannah's threat to commit
10 suicide the following day. Minh told Jim that if he forces the children to
11 be with him, "he's going to force Hannah to put a knife on her throat like
12 she did before." The parties continued to discuss getting the children into
13 Jim's custody and finally returned to Minh's vehicle.

14 Jim again explained to the children that they needed to follow the
15 Court's orders and they needed to go into his home. Hannah responded:
16 "If you want me to hold a knife to my throat again, you can tell me that."
17 Jim attempted addressing Minh, imploring her to help him explain to the
18 children that both parents wanted to follow the Court's orders when
19 Hannah interrupted: "You can talk directly to us! This isn't her fault. This
20 is your fault." Instead of providing help, Minh argued that she was the one
21 talking to the children while he was in his home (as the Court ordered),
22 and in front of the children told Jim that everything the Court ordered was
23 requested by him. Minh went on to state in front of the children that the
24 parties do not have to follow the Court's orders if they agree otherwise.
25 Minh stated in front of the children: "The order is made because one of
26 us wanted it that way. You don't have to do it that way. You see your
27 kids. The Judge does not see the kids. The Judge does not know their
28 condition. You are the father. You can change that. It is a choice." It is

1 comments like this that make it clear the children will never be able to
2 repair their relationship with Jim while remaining in Minh's custody.
3 Minh undermines Jim as a parent, and the orders entered by the Court
4 with these types of comments. After making such comments, Minh told
5 the children they needed to follow the Court's orders and asked Jim what
6 else he wanted her to say to the children. Any hope of showing a united
7 front with the children was completely gone after Minh's comments in
8 front of the children.

9 Minh told Jim that she was tired, she was unable to get the children
10 out of the car, blamed Jim for not getting the children out of the car even
11 though the Court was clear it was her responsibility, and told Jim she was
12 going home with Hannah and Matthew. Minh sent Jim a message on
13 OFW after she got home with the children. In her message, Minh
14 reiterated much of what she told Jim in person about Hannah's threats to
15 commit suicide. Minh told Jim in her OFW message: "You and you alone
16 drive Hannah to this point." Exhibit 2. Minh informed Jim that she
17 would try to get Hannah and Matthew to Challenger the following day.
18 Exhibit 2.

19 At 7:45 a.m. on October 19, 2021, Jim sent Minh a message on
20 OFW informing her that he was on his way to Challenger. Exhibit 2.
21 Minh responded at 8:01 a.m. informing him Hannah and Matthew
22 refused to get in her car, but they both agreed to do work on IXL, which
23 is an interactive online learning program, until Jim and Minh chose a new
24 school for them. Exhibit 2. Despite the Court's clear admonitions to the
25 parties that the children do not get to make decisions regarding their
26 schooling and do not get to tell the adults which rules they will or will not
27 follow, Minh continues to kowtow to the children. It is clear Minh has no
28 intention of following the Court's order that Matthew should immediately

1 return to in person schooling at Challenger School. During the week prior,
2 when Matthew was in Jim's custody, Jim had Matthew completing
3 Challenger's online program, which Challenger's principal approved for
4 one month after Jim explained the current issues. When Matthew returned
5 to Minh's custody, Minh did not have Matthew continue Challenger's
6 online program, and instead had Matthew start completing exercises on
7 IXL. Minh told Jim he could come to her home to speak to the children
8 about the Court's orders. Jim told Minh to call him and to put the
9 children on the line if she wanted him to speak to them. Jim stated: "They
10 need to return to Challenger because the Judge ordered it. It is not for us
11 to decide otherwise. This is not our choice." **Exhibit 2.** Minh responded:

12 The judge ordered it because you led her to believe that
13 Mathew [sic] is perfectly happy being at challenger when you
14 know that is not the case. You get the court to do what you
15 want even though you promised Mathew [sic] otherwise.
16 Parents can decide where their kids go. If you and I agree to
17 take Mathew [sic] out then the judge will agree. You need to
18 stop forcing the kids to do things that you want and blame it
19 on the court and court orders. How do you think Mathew will
20 trust you again when you promised him one thing and force
21 him to do another.

22 . . .

23 I understand the court order them to go to challenger. They
24 need to go to school and not stay home. They refuse to go to
25 challenger. If you think you can convince them then please
26 help me.

27 If you and I can not convince them then we need to come up
28 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.

Exhibit 2.

On October 21, 2021, Jim's counsel reached out to Minh's counsel
to see if Minh would try again to drop off Hannah and Matthew at
Challenger, allowing Jim to then pick them up from school. The parties
agreed to attempt this exchange on October 22, 2021, however, Minh

1 insisted that Jim be at the school when she dropped off the children to
2 “show a united front.” Jim agreed and intended to meet Minh at her
3 vehicle after he dropped off Selena. On October 22, at 7:20 a.m., Minh
4 sent Jim a message on OFW asking him to bring the children’s uniforms.
5 Minh knew Jim likely would not see this message as he would be busy
6 getting Selena ready for school, and Jim, in fact, did not see this message.
7 Minh then waited until 7:53 a.m. to send Jim a text message informing
8 him she did not have the children’s uniforms, knowing Jim would have
9 already left his house to get Selena to school on time. Minh’s text message
10 stated: “We are on our way. You have the kids uniforms.” **Exhibit 3**. The
11 parties then exchanged the following text messages:

12 Jim: I’m here. That’s not true. Matthew’s uniform was
13 in the side of his Zuca when I delivered it to your
home.

14 Minh: Hannah’s uniform is at your house.

15 Jim: Do you have Matthew’s

16 Minh: We are here

17 Jim: If you don’t have Matthew’s, I’ll go buy a pair. Let
me know

18 I’m going back for Hannah’s. Send Matthew in

19 Minh: I need you to be here to show United front.

20 Are you coming here now or are you playing that
21 game again? I have to go to work.

22 I have patients scheduled at 8:30 at my sahara
office.

23 Jim: Well, no, I was there and now I’m going for
24 Hannah’s uniform I’ll turn around now if you want

25 Minh: The plan was for us to meet and tell them to get in
26 school between 8:15 and 8:30 since you told me
27 you have to leave at 8:30 because you have to be
done [sic] where else. I also have patients at 8:30.
28 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.

1 Jim: You didn't bring Matthew's uniform. It's very
2 important that you be the one who brings them
3 back to school so that both of us are there on a
4 united front with the same goal. When you know
5 your ETA for getting back to the school, please let
6 me know.

7 Minh: You didn't transfer his uniform to me to bring to
8 school. I asked you to bring them this morning at
9 7:22am

10 Jim: I made a special trip back to my house that day to
11 get his uniform. I put it in the side pocket of his
12 Zuca and hand delivered it to Kim. You have it.

13 Minh: Earlier you said you left them on the side of
14 matthews [sic] Zuca. I sent you the photots as
15 soon as I got home. They are not there. I looked
16 everywhere and we don't have it. I have not seen
17 his uniform since you took them. Matthew said the
18 last time he saw his uniform was at your house. I
19 canceled my morning patients. Please let me know
20 what you want me to do next

21 Jim: I have a pair of shorts he can wear and a pair of
22 long pants that will be a little short

23 I'll meet you at the school[.] My ETA is 31 minutes

24 Minh: You have no idea how hard it is for me to convince
25 them to get in the car. I got them to school and
26 was instructed by you to go home. Now it will only
27 be much harder for me to get them in the car
28 again. I will let you know when they will get in the
29 car. You might need to come here and talk to them
30 also.

31 Jim: No you never should have let them out of the car.
32 You are responsible to get them back to school. My
33 ETA is 10 minutes

34 Minh: They are human jim. I can't go in the house and
35 look for the uniform and them not knowing how to
36 get out of the car. They are 11 and 12 years old

37 Had you brought their uniform we wouldn't have
38 to be in this situation

39 Jim: I'm here.

40 I left Matthew's clothes at the front desk. It is tour
41 [sic] responsibility to get Hannah and Matthew to
42 school

43 ...

1 Minh: Are you telling me you won't be there to help me
2 so we can show United front?

3 Jim: Tell me when you leave but have Hannah in her
4 uniform. If you can find Matthew's uniform before
5 you leave, have him change also.

6 Minh: Are you barking orders at me again?
7 Are you going to meet me there at the school or
8 not?

9 I don't have time for your games

10 **Exhibit 3.** Despite informing Jim she would try to take the children to
11 Challenger on October 19 and agreeing to take the children to Challenger
12 again on October 22, Minh waited until the morning of October 22 to
13 inform Jim that she did not have either child's school uniform. Most
14 notably, Minh did not send Jim a text message informing him she did not
15 have the children's uniforms until after she knew he would have left his
16 home to take Selena to school. On October 22, Minh had Hannah in her
17 custody for a total of twenty-eight (28) consecutive days and Matthew in
18 her custody for a total of fourteen (14) consecutive days and yet Minh
19 claims that she did not have a school uniform for either child and showed
20 up to Challenger on the morning of October 22 without either child
21 dressed in their school uniform. Minh set the entire event up for failure,
22 and knew exactly what she was doing.

23 Despite Minh's game playing, Jim did everything in his power to
24 ensure the children could attend school that morning. After dropping off
25 Selena at 8:05 a.m., and not seeing Minh, Hannah, and Matthew, Jim left
26 to meet his babysitter who he had asked to bring one of Hannah's
27 uniforms. Jim picked up Hannah's uniform from his babysitter and
28 stopped at a Walmart to purchase slacks for Matthew as Minh had not
29 responded to his text message about whether she was able to locate
30 ...

1 Matthew's uniform.¹ Jim could not find slacks at Walmart so he called
2 Challenger to see if Matthew would be permitted to wear gray jeans. The
3 Challenger staff informed Jim that was not permitted. The entire time Jim
4 was running around trying to ensure Matthew and Hannah would have
5 the proper clothing to attend school, Minh was sending text messages to
6 Jim accusing him of not being at the school at the time they agreed. This
7 was obviously false as Jim was at the school to drop off Selena at 8:05 a.m.
8 and only left to try to obtain proper clothing for Hannah and Matthew.

9 When Jim returned to the school to meet Minh and the children, he
10 provided Hannah's uniform to her and learned from Minh that she did
11 not have Matthew's uniform. Hannah threw her uniform in the back of
12 Minh's vehicle and refused to wear it. Jim then told Minh he was certain
13 Matthew's uniform was in his Zuca case and asked her to look for it at her
14 home while he went to his home to pick up an older pair of Matthew's
15 slacks just in case she could not find Matthew's uniform.

16 Minh was unable to find Matthew's uniform at her home so Jim
17 obtained the older pair of Matthew's slacks and returned to the school. By
18 the time Jim was able to grab proper clothing for Matthew from his home,
19 Minh informed Jim she was home with the children and it would be too
20 difficult to get them back into her car to take them to school. The entire
21 morning was an absolute fiasco orchestrated by Minh to make it appear
22 as if she attempted to comply with the Court's Orders. Neither Hannah
23 nor Matthew have returned to Challenger to this date.

24
25 ¹ Jim is certain Minh has Matthew's uniform because he made a
26 special trip to Minh's home on October 11, 2021 to deliver Matthew's
27 uniform and Zuca case. Jim handed the Zuca case to Kim because
28 Matthew refused to come downstairs to speak to Jim. In addition, at the
beginning of the school year, Jim recommended to Minh that they each
purchase a set of uniforms for the children. Minh did not purchase a set
of uniforms for the children, and also did not reimburse Jim for one-half
(1/2) the cost of the uniforms he bought for the children.

1 Although this Court stated that if Minh failed to transfer the
2 children to Jim's custody, the Court would enter a warrant pick up order
3 and Hannah would be taken to Child Haven, Dr. Fontenelle-Gilmer
4 advised the parties that having the police physically force Hannah into
5 Jim's custody or taking Hannah to Child Haven would not be in her best
6 interest. Accordingly, Jim is filing this Motion seeking the Court's
7 assistance in transferring the children to his custody. To be frank, Jim is
8 at a complete loss as how to transfer the children into his custody when
9 Dr. Fontenelle-Gilmer has advised the parties not to use the police and not
10 to physically force the children. Despite Hannah's threats to commit
11 suicide if she is returned to Jim's custody, Dr. Fontenelle-Gilmer told Jim
12 that Hannah did not need to be admitted to an inpatient facility at this
13 time.

14 Also, since October 3, 2021, Jim has attempted to discuss school
15 options for Hannah with Minh, but Minh refuses to consider any
16 reasonable options suggested by Jim and continues to suggest the children
17 attend schools in Summerlin that are nearly an hour away from Jim's
18 home and only approximately ten (10) minutes from her home. Apart
19 from the Becker stunt, Minh has suggested the children attend Sig Rogich
20 Middle School ("Sig Rogich"). Although Sig Rogich has a good rating, it
21 is located nearly an hour away from Jim's home. In contrast, the three (3)
22 schools Jim has suggested to Minh all have similar driving times for each
23 party and are high ranking schools in the Clark County School District.
24 To this date, Minh has not responded to Jim's suggestions.

25 Minh is insisting Jim travel nearly an hour to and from her proposed
26 schools, not because it is in the children's best interest, but because it will
27 allow her to further alienate the children from their father and his home.
28 In yet another attempt to align the children with her school choice, Minh

1 has signed up Hannah for art class, Matthew for rock climbing, and Selena
2 for gymnastics in Summerlin. Minh did not discuss signing up the children
3 for these extracurricular activities with Jim and now is arguing the children
4 should attend Sig Rogich because it is near where the children will be
5 attending their extracurricular activities in which she unilaterally enrolled
6 them. Minh also began taking Hannah and Matthew to these
7 extracurricular activities after they refused to transfer to Jim's custody and
8 refused to go to school, essentially rewarding them for their refusal to
9 attend school and abhorrent behavior toward Jim.

10 Lastly, although the Court ordered Minh to provide Hannah's and
11 Selena's passports to Jim's counsel's office by Friday, October 22, 2021,
12 Minh informed Jim she was unable to do so because the children's
13 passports are at her home in California. Minh could easily have her sister,
14 Hieu, who lives in Minh's California home, FedEx the children's passports
15 to Minh's home in Nevada. Giving Minh the benefit of the doubt, which
16 she does not deserve, and assuming she is being honest, which is not
17 likely, Jim will agree to give Minh additional time to provide Hannah's
18 and Selena's passports. However, Jim is requesting the Court order Minh
19 to provide Hannah's and Selena's passports no later than November 3,
20 2021, the date of the evidentiary hearing. If Minh refuses to provide
21 Hannah's and Selena's passports by November 3, 2021, Jim is requesting
22 the Court hold Minh in contempt.

23 II. LEGAL ANALYSIS

24 A. Minh Should Be Ordered to Show Cause Why She Should Not Be 25 Held in Contempt of Court for Violations of the Court's Orders

26 Nevada Revised Statutes, Section 22.010 (2021), enumerates the
27 acts or omissions which constitute contempt, as follows:

28 . . .

1 1. Disorderly, contemptuous or insolent behavior toward
2 the judge while the judge is holding court, or engaged in
3 judicial duties at chambers, or toward masters or arbitrators
while sitting on a reference or arbitration, or other judicial
proceeding.

4 2. A breach of the peace, boisterous conduct or violent
5 disturbance in the presence of the court, or in its immediate
6 vicinity, tending to interrupt the due course of the trial or
other judicial proceeding.

7 3. **Disobedience or resistance to any lawful writ, order,**
8 **rule or process issued by the court or judge at chambers.**

9 4. Disobedience of a subpoena duly served, or refusing to
be sworn or answer as a witness.

10 5. Rescuing any person or property in the custody of an
11 officer by virtue of an order or process of such court or judge
at chambers.

12 6. Disobedience of the order or direction of the court made
13 pending the trial of an action, in speaking to or in the presence
14 of a juror concerning an action in which the juror has been
impaneled to determine, or in any manner approaching or
interfering with such juror with the intent to influence the
verdict.

15 7. Abusing the process or proceedings of the court or falsely
16 pretending to act under the authority of an order or process of
the court.

17 Emphasis added. The Court should hold Minh in contempt for her wilful
18 violations of the Court's Orders made at the October 18, 2021 hearing.

19 Minh's violations of the Court's Orders are described in detail in the
20 Factual Statement above, and include the following: 1) Minh's failure to
21 transfer Hannah and Matthew to Jim's custody on October 18, 2021; 2)
22 Minh's failure to return Matthew to in person schooling at Challenger;
23 and 3) Minh's failure to provide Hannah's and Selena's passports to Jim's
24 attorneys' office by October 22, 2021.

25 NRS 22.100 dictates the penalties for contempt, as follows:

26 1. Upon the answer and evidence taken, the court or judge
27 or jury, as the case may be, shall determine whether the person
proceeded against is guilty of the contempt charged.

28 ...

2. Except as otherwise provided in NRS 22.110, if a person is found guilty of contempt, a fine may be imposed on the person not exceeding \$500 or the person may be imprisoned not exceeding 25 days, or both.

3. In addition to the penalties provided in subsection 2, if a person is found guilty of contempt pursuant to subsection 3 of NRS 22.010, the court may require the person to pay to the party seeking to enforce the writ, order, rule or process the reasonable expenses, including, without limitation, attorney's fees, incurred by the party as a result of the contempt.

Accordingly, as punishment for her contemptuous acts, Minh should be subjected to the maximum penalties permitted by NRS 22.100(2), including, but not limited to, being fined \$500.00 for each act of contempt and being imprisoned 25 days. The Court should compel Minh to immediately transfer the children to Jim's custody. In addition, Jim should be awarded attorneys' fees pursuant to NRS 22.100(3), as further discussed in Section C below.

B. This Court Should Award Jim Temporary Sole Legal and Sole Physical Custody of the Children, Order Minh to Pay Child Support, and Order Matthew to Immediately Attend Counseling

As set forth in NRS 125C.001, the Legislature declares that it is the policy of this State:

1. To ensure that minor children have frequent associations and a continuing relationship with both parents after the parents have ended their relationship, become separated or dissolved their marriage;

2. To encourage such parents to share the rights and responsibilities of child rearing; and

3. To establish that such parents have an equivalent duty to provide their minor children with necessary maintenance, health care, education and financial support. As used in this subsection, "equivalent" must not be construed to mean that both parents are responsible for providing the same amount of financial support to their children.

The policy of the State of Nevada is not being served by the current custody orders. Jim has tried for three (3) years to co-parent and share the rights and responsibilities of child rearing with Minh, to no avail. Minh

1 has no intention of ever changing her behavior and cooperating with Jim
2 to share the rights and responsibilities of raising their children. Minh's
3 actions continue to interfere with the children's relationship with Jim and
4 have now resulted in two (2) of the parties' children refusing to return to
5 his custody. Jim has not had Hannah in his custody since September 24,
6 2021 and has not had Matthew in his custody since October 8, 2021.
7 Minh is refusing to ensure the children have frequent associations and a
8 continuing relationship with Jim. Accordingly, this Motion has become
9 necessary.

10 Pursuant to NRS 125C.0045(1)(a), in any action for determining
11 the custody of a minor child, the Court may "[d]uring the pendency of the
12 action, at the final hearing or at any time thereafter during the minority
13 of the child, make such an order for the custody, care, education,
14 maintenance and support of the minor child as appears in his or her best
15 interest." NRS 125C.0035(4) sets forth the factors the Court must
16 consider in determining the best interest of the minor child:

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

19 Hannah is twelve (12) years old, Matthew is eleven (11) years old,
20 and Selena is seven (7) years old. The Court is well aware of Minh's
21 manipulation and alienation of the children, which has caused Hannah,
22 and now, sadly, Matthew, to behave extremely disrespectfully toward Jim.
23 Based on the extensive and persistent manipulation and alienation that
24 has occurred for the past several years, the children are not of sufficient
25 capacity to form an intelligent preference as to his or her physical custody.

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

27 Not applicable.

28 . . .

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

3 Jim is the parent more likely to allow the children to have frequent
4 associations and a continuing relationship with the other parent. This has
5 not changed since Judge Ritchie determined Jim “is more likely to allow
6 the children to have a frequent and continuing relationship with the other
7 parent” in 2019. Findings of Fact, Conclusions of Law, and Decision and
8 Order, entered September 20, 2019 (“September 2019 Decision and
9 Order”), pg. 11, lines 11-13. Judge Ritchie previously raised his concerns
10 that Minh’s negative attitude toward Jim based on his refusal to allow her
11 to move to California has caused her to negatively influence the children’s
12 relationship with Jim. September 2019 Decision and Order, pg. 11, lines
13 13-17. Judge Ritchie noted he received evidence demonstrating Minh had
14 discussed the dispute with the parties’ children and advised them to
15 discuss same with their father. September 2019 Decision and Order, pg.
16 11, lines 18-27. The Court determined that Minh’s dialog with the
17 children “has the potential to alienate the children from their father.”
18 September 2019 Decision and Order, pg. 12, lines 5-6. The Court further
19 stated it “is concerned that Minh Luong’s decision to live in California is
20 intended to create a distance between the parties, and to create a distance
21 between the children and their father, to avoid the sometimes tedious and
22 inconvenient aspects of co-parenting.” September 2019 Decision and
23 Order, pg. 19, lines 3-8. The Court found that Minh’s “intention to move
24 is, in part, to deprive [Jim] of [his] parenting time.” September 2019
25 Decision and Order, pg. 18, lines 13-15.

26 Following Judge Ritchie’s orders, Minh chose to relocate to
27 California without her children, and as a result, Jim was awarded primary
28 physical custody. The children did much better in Jim’s primary custody

1 than they have been doing since the parties started sharing joint physical
2 custody in May 2020. As discussed in the many filings since Judge
3 Ritchie's September 2019 Decision and Order, Judge Ritchie's concerns
4 of Minh's attempts to alienate the children from their father have been
5 realized. Minh has successfully alienated Hannah, and now Matthew, to
6 such an extent that Jim has not had Hannah in his custody since
7 September 24, 2021 and has not had Matthew in his custody since
8 October 8, 2021. Minh has clearly demonstrated to this Court that she
9 has no intention of changing her behavior to ensure the children have
10 frequent associations and a continuing relationship with Jim. The
11 children's behavior and psychological well-being are deteriorating in
12 Minh's custody.

13 As if Jim needed any more evidence of Minh's attempts to eliminate
14 him from the children's lives, Jim received documents from Becker Middle
15 School on October 27, 2021 in response to the Subpoena Duces Tecum
16 he served. Exhibit 4. The only document Becker Middle School
17 ("Becker") had in its possession was the Online Registration Summary
18 Minh submitted on September 25, 2021, *two (2) days before Dr.*
19 *Fontenelle-Gilmer informed Jim that he and Minh should discuss school*
20 *options for Hannah, before Jim sent Minh a message on OFW asking to*
21 *discuss same, and before Minh responded by telling Jim she was taking the*
22 *children to Becker the following day.* Exhibit 4. The timing of Minh's
23 submission of the Online Registration Summary proves she had no
24 intention of coparenting with Jim and involving him in the discussion of
25 which school Hannah should attend. The timing also demonstrates Minh
26 already initiated the enrollment process for Matthew before she
27 supposedly asked Dr. Fontenelle-Gilmer on September 27, 2021 if
28 Matthew should attend a new school with Hannah. Lastly, it shows that

1 the only reason Minh even informed Jim she was taking Hannah and
2 Matthew to tour Becker on September 28, 2021 was because Jim sent her
3 a message requesting they discuss school options.

4 Moreover, the information provided on the Online Registration
5 Summary could not exemplify Minh's attempts to eliminate Jim from the
6 children's lives more. First, Minh did not list Jim as the children's parent.
7 Minh is the only parent listed under "Relationships." Second, **Minh did**
8 **not even list Jim as an emergency contact for the children.** The first
9 emergency contact Minh listed is Kim Chen, her boyfriend. The second
10 emergency contact Minh listed is Jenssy Lopez, her employee. The third
11 emergency contact Minh listed is Hieu Luong, her sister *who lives in*
12 *California*. Although given the option, Minh did not list a fourth
13 emergency contact, electing to leave that option blank rather than list the
14 children's father as an emergency contact.

15 Third, the email addresses Minh listed for the children demonstrate
16 an additional way in which she has attempted to remove their association
17 with Jim. Hannah's email address is luonghannah@icloud.com and
18 Matthew's email address is luongmatthew@icloud.com. Selena, who is
19 only seven (7) years old, has mentioned to Jim that she wants to use
20 Minh's surname. Selena is too young to have a discussion about her
21 surname unless she was prompted by Minh. Changing children's names to
22 remove an association with the other parent is one significant parental
23 alienation behavior. Other parental alienation behaviors Minh has engaged
24 in over the past approximately three (3) years, which have been detailed
25 in Jim's many filings, include the following:

26 1. Bad-mouthing him in front of the children, including calling
27 him names and referring to him as "that man" when speaking to the
28 children;

- 1 2. Telling Jim, in front of the children, that he is selfish and does
2 not listen to what the children want, making the children believe Jim does
3 not care about them or their opinion;
- 4 3. Physically moving with the children away from Jim to separate
5 them from him at school events and in doctors' offices, creating the
6 impression that Jim is not part of their family unit or welcome;
- 7 4. Limiting the children's contact with Jim and allowing the
8 children to choose between the parents by not returning them to Jim's
9 custody as ordered;
- 10 5. Creating the impression for the children that Jim is dangerous
11 by accusing him of domestic violence, involving the children in her false
12 claims by having them write reports, and falsely reporting that Jim abused
13 Hannah;
- 14 6. Asking the children to keep secrets from Jim about where they
15 went with Minh during her weekend visitations back when Jim had
16 primary physical custody;
- 17 7. Confiding in the children that she does not agree with the
18 Court's orders and the orders are the result of Jim's requests; and
- 19 8. Undermining Jim's authority, such as when Jim told Selena it
20 was time for bed and it was time to get off the phone with mommy, to
21 which Minh told Selena that Jim was lying and it was not her bed time.
- 22 Jim has done everything in his power to share joint physical custody
23 with Minh, but she refuses to coparent and cooperate with Jim and is
24 actively damaging his relationship with the children. Accordingly, Jim is
25 the parent who is more likely to allow frequent associations and a
26 continuing relationship with the other parent.
- 27 ...
- 28 ...

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

2 The Court is well aware of the history of this high conflict case. The
3 Court has done everything in its power to attempt to create a healthy and
4 safe environment for the children while maintaining joint legal and joint
5 physical custody. The Court ordered the parties to complete an eight (8)
6 or twelve (12) hour course on high conflict parenting and a Teen Triple P
7 (Teen Positive Parenting Program) course. Both parties completed these
8 courses, but unfortunately, this remains a high conflict case.

9 The Court has consistently warned Minh that if she does not cease
10 manipulating and alienating the children from Jim, the Court will have no
11 other option but to place the children in Jim's sole custody. Minh has
12 ignored every single one of the Court's admonitions and is now blatantly
13 refusing to comply with the Court's custody orders. Accordingly, it is
14 necessary for the Court to do what is in the children's best interest and
15 award Jim temporary sole legal and sole physical custody so that he may
16 be reunified with the children and provide them a safe and healthy
17 environment free from the conflict caused by Minh.

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

19 Minh refuses to genuinely cooperate with Jim to meet the children's
20 needs. The incidents that occurred since October 18, 2021 are perfect
21 examples of Minh's token efforts to cooperate with Jim. On October 18,
22 2021, Minh failed to make good faith efforts to transfer the children to
23 Jim. Minh knew Matthew shattered Jim's window and did not discipline
24 him. Minh allowed Hannah to make threats to Jim to destroy his home if
25 forced to stay there. Minh allowed Matthew to threaten to harm Jim as
26 she did absolutely nothing when Matthew told Jim, "if you don't go in the
27 house, you will look like the window." Minh stands idly by as the children
28 treat Jim disrespectfully demonstrating her alliance with them and not

1 with Jim as a coparent. Minh let the children know she does not agree
2 with the Court's orders and that they were entered at Jim's request,
3 undermining both Jim and the Court by asking Jim to agree not to follow
4 the Court's orders.

5 Moreover, despite having Hannah in her custody since September
6 24, 2021 and Matthew in her custody since October 8, 2021, Minh
7 claimed she did not have either child's uniform and arrived at the school
8 without the children properly dressed to attend on October 22, 2021.
9 Minh did not timely notify Jim that she did not have Hannah's and
10 Matthew's uniforms and had no intention of making good faith efforts to
11 get the children to attend school. Minh solely attempted to make it appear
12 as if she was co-parenting with Jim by being present at the school with the
13 children, when she was, in fact, setting up the entire event for failure. This
14 Court has given Minh every opportunity to act in the children's best
15 interest and has warned Minh that Jim will be awarded sole legal and sole
16 physical custody of the children if she does not cooperate with Jim to meet
17 the children's needs.

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

19 Jim has valid concerns for Minh's mental health and believes her
20 mental health may be the underlying cause of Minh's unreasonable actions
21 and her inability to act in the children's best interest. It is apparent from
22 hearings before the Court that Minh truly does not understand how her
23 actions and behavior adversely affect the children. If Minh does not
24 comprehend how she is manipulating and alienating the children, she will
25 not be able to change her behavior. Years of litigation have demonstrated
26 Minh has not changed her behavior at all, and as a result, Minh has
27 compromised the children's psychological health for her own selfish needs.

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

1 The children's physical, developmental, and emotional needs are not
2 being met with the current custody arrangement. The children are being
3 tormented emotionally by being involved in the conflict Minh creates.
4 Matthew was doing well in school and he had a great relationship with Jim
5 prior to Minh attempting to enroll Matthew in Becker. Recently, in
6 Minh's custody, Matthew's behavior, attitude, and psychological well-
7 being have deteriorated faster than Jim could have ever imagined.
8 Matthew's behavior toward Jim on October 18, 2021 was so out of
9 character and shocking to Jim. Jim has informed the Court of the
10 deterioration of Hannah's behavior, attitude, and psychological well-being
11 after spending nearly five (5) weeks with Minh in March and April 2020.
12 Now, the exact same thing is occurring with Matthew. If the Court does
13 not change custody, Selena will be next.

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

15 In the September 2019 Decision and Order, Judge Ritchie found
16 "the children are well-adjusted with a loving relationship with both
17 parents. There was ample evidence showing that Minh Luong and James
18 Vahey participated in many activities with the children, and that both
19 were engaged in the children's schooling, and extracurricular activities."
20 September 2019 Decision and Order, pg. 14, lines 1–5. Sadly, this is no
21 longer the case. Minh has entangled Hannah and Matthew in the parties'
22 conflict to the extent they now have a poor relationship with Jim. The
23 longer the children remain in Minh's custody, the more damaged Jim's
24 relationship with them will be. Jim should be immediately awarded sole
25 legal and sole physical custody of the children so that he is able to begin
26 the long process of helping his children and improving their relationship.

27 (i) *The ability of the child to maintain a relationship with any sibling*

28 Not applicable.

1 (j) *Any history of parental abuse or neglect of the child or a sibling of the*
2 *child*

3 Minh has falsely accused Jim of abuse in the past, but Jim has never
4 neglected or abused his children. Accordingly, this factor is not applicable.

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

7 Minh has falsely accused Jim of domestic violence in the past.
8 Fortunately, Jim audio recorded the incident, which demonstrated Minh
9 was the aggressor and damaged his property, and the prosecutor declined
10 to pursue charges against Jim. Accordingly, this factor is not applicable.

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

13 Not applicable.

14 Based on the foregoing, it is in the children's best interest for the
15 Court to award temporary sole legal and sole physical custody of the
16 children to Jim so that Jim is able to get the children the help they need
17 and begin the long process of repairing his relationship with Hannah and
18 Matthew. If the Court awards Jim sole physical custody, Minh should be
19 ordered to pay him child support pursuant to NAC 425. Jim also requests
20 the Court enter an Order that Matthew immediately begin attending
21 counseling to address his recent, concerning behaviors.

22 C. Jim Should Be Awarded Fees and Costs for Having to File this
23 Motion and to Seek Enforcement of the Court's Orders

24 NRS 22.100(3) allows for an award of attorneys' fees where a party
25 is in contempt of Court. As has been set forth throughout, Minh has
26 clearly, blatantly, and deliberately violated the Court's October 18, 2021
27 Orders, and pursuant to NRS 22.100(3), must be required to pay Jim's
28 attorneys' fees associated with this Motion.

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

8 To assist the Court in making the other necessary findings, Robert
9 P. Dickerson charges an hourly fee of \$600 for his services. Sabrina M.
10 Dolson's hourly fee is \$350. These fees are customary and reasonable in
11 this locality for similarly situated persons and cases.

12 Mr. Dickerson has been practicing law for forty-five (45) years, with
13 the last thirty (30) plus years devoted to the practice of family law. He is
14 a former President of the State Bar of Nevada, and Clark County Bar
15 Association, and is AV rated both as to skill and ethics. Mr. Dickerson has
16 been a adjunct professor at the UNLV Boyd School of Law, teaching
17 domestic relations law, and he has been an instructor in trial advocacy at
18 the Unites States Department of Justice in Washington, D.C.

19 Sabrina M. Dolson has been licensed to practice law in Nevada since
20 2013, is a member of the Family Law Section of the State Bar of Nevada,
21 and was appointed by her peers to the State Bar of Nevada, Family Law
22 Executive Council in 2021. Ms. Dolson has practiced almost exclusively
23 in the area of family law since becoming licensed. Ms. Dolson is listed in
24 Super Lawyers Rising Stars for 2019 to 2021. In 2016, 2017, 2018, 2019,
25 2020, and 2021, Ms. Dolson was recognized in Nevada Business
26 magazine's Legal Elite in the area of family law. In 2015, 2016, and 2018,
27 Ms. Dolson was recognized in Nevada Business magazine's Best Up and
28 Coming Attorneys in the area of family law. The Dickerson Karacsonyi

1 Law Group is an AV Preeminent rated law firm, the highest level of
2 professional excellence. All attorneys at the firm have extensive experience
3 in family law, and a reputation for competency.

4 **III. CONCLUSION**

5 Based upon the foregoing, Jim respectfully requests from the Court
6 all of the following:

7 1. An Order to Show Cause to issue against Minh for violations
8 of the Court's Orders made at the October 18, 2021 hearing, specifically,
9 her failure to comply with the Court's Order to transfer Hannah and
10 Matthew on October 18, 2021, and her failure to ensure the children
11 attend Challenger School;

12 2. An Order compelling Minh to comply with the Court's custody
13 orders and to immediately transfer Hannah and Matthew to Jim's custody;

14 3. An Order that Matthew shall immediately begin attending
15 counseling;

16 4. An Order that Jim shall have temporary sole legal and sole
17 physical custody of the minor children;

18 5. An Order that Minh pay child support to Jim pursuant to NAC
19 425;

20 6. An award of attorneys' fees and costs pursuant to NRS
21 22.100(3) to Jim for having to file this Motion; and

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

1 7. For such further relief as deemed appropriate in the premises.
2 DATED this 31st day of October, 2021.

3 THE DICKERSON KARACSONYI
4 LAW GROUP

5 By /s/ Sabrina M. Dolson

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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 *Motion for an*
8 *Order to Show Cause to Issue Against Defendant for Violations of the Court's*
9 *October 18, 2021 Orders, to Compel Compliance with the Court's Orders, for an*
10 *Order for Matthew to Attend Counseling, for Temporary Sole Legal and Sole*
11 *Physical Custody of the Minor Children, for an Order that Defendant Pay Child*
12 *Support to Plaintiff, for an Award of Attorneys' Fees and Costs, and for Other*
13 *Related Relief* ("Motion"). I have read the Motion prepared by my counsel
14 and swear, to the best of my knowledge, that the facts as set forth therein
15 are true and accurate, save and except any fact stated upon information
16 and belief, and as to such facts I believe them to be true.

17 3. On October 18, 2021, Defendant, MINH NGUYET LUONG
18 ("Minh"), and I appeared before the Court for a hearing. At that hearing,
19 the Court ordered Minh to return the children to my custody that same
20 day at 5:00 p.m. The Court ordered Hannah was to stay in my custody for
21 two (2) weeks. The Court ordered Minh was solely responsible for
22 ensuring the children transferred to my custody. The Court also ordered
23 that Matthew was to remain at Challenger School ("Challenger") and was
24 to immediately return to attending school in person. Lastly, the Court
25 ordered Minh to provide Hannah's and Selena's passports to my
26 attorneys' office by October 22, 2021.

27 4. On the evening of October 18, 2021, Hannah had a session
28 with Dr. Michelle Fontenelle-Gilmer and Minh and I agreed Minh would

1 transfer Hannah and Matthew to me after Hannah's session. Minh and
2 her boyfriend, Kim Chen, arrived at my home with Hannah and Matthew.
3 I was inside my home with Selena when I heard a thud. Shortly following
4 the thud, I heard my doorbell ring. I answered my door and Minh and
5 Hannah were standing there. Hannah refused to go inside my home and
6 Minh failed to get Hannah into my home. Minh made insincere comments
7 to Hannah telling her to go into my home because it was my custody time.
8 Hannah told me that if she was forced to go inside my home, she would
9 ruin it. I told Hannah that she is not permitted to threaten adults. Minh
10 said nothing. Hannah then smugly stated: "What are you going to do,
11 huh? Matthew just smashed a window over it. You want to go look at it?"

12 5. Minh, Hannah, and I then quickly ran over to Minh's vehicle,
13 which was parked in my driveway and in which Matthew and Kim were
14 sitting. Matthew was sitting in Minh's vehicle with his head turned away
15 from me. Matthew would not make eye contact with or speak to me. Kim
16 was sitting in the front seat looking at his cell phone. That is when I
17 realized Matthew had thrown rocks at my window, shattering the outside
18 pane of the double pane window. Exhibit 1. I realized that the thud I had
19 heard before Minh and Hannah rang my doorbell must have been the
20 sound of Matthew breaking my window. Minh did not reprimand
21 Matthew in front of me. Rather, Minh's response was, "Oh my God, Jim."
22 Minh obviously knew Matthew had thrown rocks at my window prior to
23 her ringing the doorbell given Hannah's smug comment to me. Yet Minh
24 did not say anything about the broken window. Hannah was the one who
25 brought it to my attention after she threatened to break everything in my
26 home if she had to stay there that night.

27 6. I expressed my disappointment in Matthew's actions, but this
28 was so out of character for Matthew and I knew how conflicted Matthew

1 must feel. While Minh, Hannah, and I were standing there, Hannah
2 proceeded to tell me that I was not a good parent and not doing my job,
3 and commented “if his kids don’t want to be with him that much, he must
4 have really messed up.” Minh did nothing to discipline Hannah for her
5 disrespectfulness toward me. Rather, Minh responded: “Hannah, he’s
6 gonna try to work on it honey,” essentially agreeing with Hannah that I
7 am to blame for the children refusing to be in my custody. In a moment
8 that absolutely shocked me, Matthew turned to me and said “go back in
9 the house or you’re going to look like the window.” Matthew has never
10 spoken to me in such a disrespectful way. Minh did not discipline
11 Matthew for his actions or disrespectful comments, and simply stated
12 “Matthew.”

13 7. Matthew also asked me what I wanted them to do to be able
14 to stay with Minh. I explained to Matthew that it was not a bargain, it was
15 a court order. Matthew asked whose order, and I responded “the judge.”
16 Matthew then asked, “who asked for it?” I responded, “me,” and as I was
17 explaining the Court’s order, Hannah interrupted: “There is one answer
18 to that. No! You are not going to manipulate words. Who asked for this?”
19 It was clear at this point that the children blame even the Court’s orders
20 on me. The fact that Matthew knew to ask who requested the Court enter
21 orders made it abundantly clear the children already knew I asked the
22 Court to order Minh to return them to my custody. Minh did nothing to
23 help me with the children’s accusations and to explain the Court’s orders.
24 Minh also did nothing to get Matthew out her vehicle and Hannah
25 returned to Minh’s vehicle. I eventually reminded Minh that it was her
26 responsibility to get the children to transfer and told Minh I was going
27 inside to put Selena to bed.

28 . . .

1 8. After I checked on Selena, Minh rang my doorbell. I answered
2 the door and Minh told me she could not get the children to go to my
3 custody and there was nothing else she could do because Dr. Fontenelle-
4 Gilmer advised against either of us physically forcing the children. Minh
5 then told me that Hannah told her that Hannah put a knife to her throat
6 and thought about killing herself during a previous time she was at my
7 home, and if she had to stay at my home that night, she did not know if
8 she could stop herself from cutting her throat. I told Minh we needed to
9 talk to Dr. Fontenelle-Gilmer about Hannah's threat to commit suicide the
10 following day. Minh told me that if I forced the children to be with him,
11 "I'm going to force Hannah to put a knife on her throat like she did
12 before." Minh and I continued to discuss getting the children into my
13 custody and finally returned to Minh's vehicle.

14 9. I again explained to the children that they needed to follow the
15 Court's orders and they needed to go into my home. Hannah responded:
16 "If you want me to hold a knife to my throat again, you can tell me that."
17 I attempted addressing Minh, imploring her to help me explain to the
18 children that both parents wanted to follow the Court's orders when
19 Hannah interrupted: "You can talk directly to us! This isn't her fault. This
20 is your fault." Instead of providing help, Minh argued that she was the one
21 talking to the children while I was in my home (as the Court ordered), and
22 in front of the children told me that everything the Court ordered was
23 requested by me. Minh went on to state in front of the children that we
24 do not have to follow the Court's orders if we agree otherwise. Minh
25 stated in front of the children: "The order is made because one of us
26 wanted it that way. You don't have to do it that way. You see your kids.
27 The judge does not see the kids. The judge does not know their condition.
28 You are the father. You can change that. It is a choice." It is comments

1 like this that make it clear the children will never be able to repair their
2 relationship with me while remaining in Minh's custody. Minh
3 undermines me as a parent, and the orders entered by the Court with
4 these types of comments. After making such comments, Minh told the
5 children they needed to follow the Court's orders and asked me what else
6 I wanted her to say to the children. Any hope of showing a united front
7 with the children was completely gone after Minh's comments in front of
8 the children.

9 10. Minh told me that she was tired, she was unable to get the
10 children out of the car, blamed me for not getting the children out of the
11 car even though the Court was clear it was her responsibility, and told me
12 she was going home with Hannah and Matthew. Minh sent me a message
13 on OFW after she got home with the children. In her message, Minh
14 reiterated much of what she told me in person about Hannah's threats to
15 commit suicide. Minh told me in her OFW message: "You and you alone
16 drive Hannah to this point." Exhibit 2. Minh informed me that she would
17 try to get Hannah and Matthew to Challenger the following day. Exhibit
18 2.

19 11. At 7:45 a.m. on October 19, 2021, I sent Minh a message on
20 OFW informing her that I was on my way to Challenger. Exhibit 2. Minh
21 responded at 8:01 a.m. informing me Hannah and Matthew refused to get
22 in her car, but they both agreed to do work on IXL, which is an interactive
23 online learning program, until Minh and I chose a new school for them.
24 Exhibit 2. It is clear Minh has no intention of following the Court's order
25 that Matthew should immediately return to in person schooling at
26 Challenger School. During the week prior, when Matthew was in my
27 custody, I had Matthew completing Challenger's online program, which
28 Challenger's principal approved for one month after I explained the

1 current issues. When Matthew returned to Minh's custody, Minh did not
2 have Matthew continue Challenger's online program, and instead had
3 Matthew start completing exercises on IXL. Minh told me I could come to
4 her home to speak to the children about the Court's orders. I told Minh
5 to call me and to put the children on the line if she wanted me to speak to
6 them. I stated: "They need to return to Challenger because the Judge
7 ordered it. It is not for us to decide otherwise. This is not our choice."

8 **Exhibit 2.** Minh responded:

9 The judge ordered it because you led her to believe that
10 Mathew [sic] is perfectly happy being at challenger when you
11 know that is not the case. You get the court to do what you
12 want even though you promised Mathew [sic] otherwise.
13 Parents can decide where their kids go. If you and I agree to
14 take Mathew [sic] out then the judge will agree. You need to
15 stop forcing the kids to do things that you want and blame it
16 on the court and court orders. How do you think Mathew will
17 trust you again when you promised him one thing and force
18 him to do another.

19 . . .

20 I understand the court order them to go to challenger. They
21 need to go to school and not stay home. They refuse to go to
22 challenger. If you think you can convince them then please
23 help me.

24 If you and I can not convince them then we need to come up
25 with another solution. I am sure you don't want them to
26 repeat a whole school year. Can we do what dr. Fontenelle
27 recommended? The longer you wait around the more harm it
28 will be done on these kids.

29 **Exhibit 2.**

30 12. On October 21, 2021, my attorney reached out to Minh's
31 attorney to see if Minh would again try to drop off Hannah and Matthew
32 at Challenger, allowing me to then pick them up from school. Minh agreed
33 to attempt this exchange on October 22, 2021, however, Minh insisted
34 that I be at the school when she dropped off the children to "show a
35 united front." I agreed and intended to meet Minh at her vehicle after I
36 dropped off Selena. On October 22, at 7:20 a.m., Minh sent me a message

1 on OFW asking me to bring the children's uniforms. Minh knew I likely
2 would not see this message as I would be busy getting Selena ready for
3 school, and I, in fact, did not see this message. Minh then waited until
4 7:53 a.m. to send me a text message informing me she did not have the
5 children's uniforms, knowing I would have already left his house to get
6 Selena to school on time. Minh sent me a text message stating: "We are
7 on our way. You have the kids uniforms." **Exhibit 3**. Minh and I then
8 exchanged the following text messages:

9 Jim: I'm here. That's not true. Matthew's uniform was
10 in the side of his Zuca when I delivered it to your
home.

11 Minh: Hannah's uniform is at your house.

12 Jim: Do you have Matthew's

13 Minh: We are here

14 Jim: If you don't have Matthew's, I'll go buy a pair. Let
me know

15 I'm going back for Hannah's. Send Matthew in

16 Minh: I need you to be here to show United front.

17 Are you coming here now or are you playing that
18 game again? I have to go to work.

19 I have patients scheduled at 8:30 at my sahara
20 office.

21 Jim: Well, no, I was there and now I'm going for
Hannah's uniform I'll turn around now if you want

22 Minh: The plan was for us to meet and tell them to get in
23 school between 8:15 and 8:30 since you told me
24 you have to leave at 8:30 because you have to be
25 done [sic] where else. I also have patients at 8:30.
I can't keep playing this game of yours. I got them
26 in the car and got them here and then you decide
to not be here.

27 Jim: You didn't bring Matthew's uniform. It's very
28 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

1 your ETA for getting back to the school, please let
me know.

2 Minh: You didn't transfer his uniform to me to bring to
3 school. I asked you to bring them this morning at
7:22am

4 Jim: I made a special trip back to my house that day to
5 get his uniform. I put it in the side pocket of his
Zuca and hand delivered it to Kim. You have it.

6 Minh: Earlier you said you left them on the side of
7 matthews [sic] Zuca. I sent you the photots as
8 soon as I got home. They are not there. I looked
9 everywhere and we don't have it. I have not seen
his uniform since you took them. Matthew said the
last time he saw his uniform was at your house. I
canceled my morning patients. Please let me know
10 what you want me to do next

11 Jim: I have a pair of shorts he can wear and a pair of
12 long pants that will be a little short
I'll meet you at the school[.] My ETA is 31 minutes

13 Minh: You have no idea how hard it is for me to convince
14 them to get in the car. I got them to school and
15 was instructed by you to go home. Now it will only
16 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.

17 Jim: No you never should have let them out of the car.
18 You are responsible to get them back to school. My
ETA is 10 minutes

19 Minh: They are human jim. I can't go in the house and
20 look for the uniform and them not knowing how to
21 get out of the car. They are 11 and 12 years old
Had you brought their uniform we wouldn't have
22 to be in this situation

23 Jim: I'm here.
I left Matthew's clothes at the front desk. It is tour
24 [sic] responsibility to get Hannah and Matthew to
25 school

26 Minh: Are you telling me you won't be there to help me
so we can show United front?

27 Jim: Tell me when you leave but have Hannah in her
28 uniform. If you can find Matthew's uniform before

1 you leave, have him change also.

2 Minh: Are you barking orders at me again?

3 Are you going to meet me there at the school or
4 not?

5 I don't have time for your games

6 **Exhibit 3.** Despite informing me she would try to take the children to
7 Challenger on October 19 and agreeing to take the children to Challenger
8 again on October 22, Minh waited until the morning of October 22 to
9 inform me that she did not have either child's school uniform. Most
10 notably, Minh did not send me a text message informing me she did not
11 have the children's uniforms until after she knew I would have left my
12 home to take Selena to school. On October 22, Minh had Hannah in her
13 custody for a total of twenty-eight (28) consecutive days and Matthew in
14 her custody for a total of fourteen (14) consecutive days and yet Minh
15 claims that she did not have a school uniform for either child and showed
16 up to Challenger on the morning of October 22 without either child
17 dressed in their school uniform.

18 13. I did everything in my power to ensure the children could
19 attend school that morning. After dropping off Selena at 8:05 a.m., and
20 not seeing Minh, Hannah, and Matthew, I left to meet my babysitter who
21 I had asked to bring one of Hannah's uniforms. I picked up Hannah's
22 uniform from my babysitter and stopped at a Walmart to purchase slacks
23 for Matthew as Minh had not responded to my text message about
24 whether she was able to locate Matthew's uniform.² I could not find slacks

25
26 ² I know Minh has Matthew's uniform because I made a special trip
27 to Minh's home on October 11, 2021 to deliver Matthew's uniform and
28 Zuca case. I handed the Zuca case to Kim because Matthew refused to
come downstairs to speak to me. In addition, at the beginning of the
school year, I recommended to Minh that we each purchase a set of

1 at Walmart so I called Challenger to see if Matthew would be permitted
2 to wear gray jeans. The Challenger staff informed me that was not
3 permitted. The entire time I was running around trying to ensure Matthew
4 and Hannah would have the proper clothing to attend school, Minh was
5 sending text messages to me accusing me of not being at the school at the
6 time we agreed. This was obviously false as I was at the school to drop off
7 Selena at 8:05 a.m. and only left to try to obtain proper clothing for
8 Hannah and Matthew.

9 14. When I returned to the school to meet Minh and the children,
10 I provided Hannah's uniform to her and learned from Minh that she did
11 not have Matthew's uniform. Hannah threw her uniform in the back of
12 Minh's vehicle and refused to wear it. I then told Minh I was certain
13 Matthew's uniform was in his Zuca case and asked her to look for it at her
14 home while I went to my home to pick up an older pair of Matthew's
15 slacks just in case she could not find Matthew's uniform.

16 15. Minh was unable to find Matthew's uniform at her home so
17 I obtained the older pair of Matthew's slacks and returned to the school.
18 By the time I was able to grab proper clothing for Matthew from my
19 home, Minh informed me she was home with the children and it would be
20 too difficult to get them back into her car to take them to school. Neither
21 Hannah nor Matthew have returned to Challenger to this date.

22 16. Although this Court stated that if Minh failed to transfer the
23 children to my custody, the Court would enter a warrant pick up order
24 and Hannah would be taken to Child Haven, Dr. Fontenelle-Gilmer
25 advised Minh and me that having the police physically force Hannah into
26

27 uniforms for the children. Minh did not purchase a set of uniforms for the
28 children, and also did not reimburse me for one-half (1/2) the cost of the
uniforms I bought for the children.

1 my custody or taking Hannah to Child Haven would not be in her best
2 interest. Accordingly, I am filing this Motion seeking the Court's
3 assistance in transferring the children to my custody. To be frank, I am at
4 a complete loss as to how to transfer the children to my custody when Dr.
5 Fontenelle-Gilmer has advised Minh and me not to use the police and not
6 to physically force the children. Despite Hannah's threats to commit
7 suicide if she is returned to my custody, Dr. Fontenelle-Gilmer told me
8 that Hannah did not need to be admitted to an inpatient facility at this
9 time.

10 17. Since October 3, 2021, I have attempted to discuss school
11 options for Hannah with Minh, but Minh refuses to consider any
12 reasonable options suggested by me and continues to suggest the children
13 attend schools in Summerlin that are nearly an hour away from my home.
14 Apart from the Becker stunt, Minh has suggested the children attend Sig
15 Rogich Middle School ("Sig Rogich"). Although Sig Rogich has a good
16 rating, it is located nearly an hour away from my home. In contrast, the
17 three (3) schools I have suggested to Minh all have similar driving times
18 for each of us and are high ranking schools in the Clark County School
19 District. To this date, Minh has not responded to my suggestions.

20 18. In yet another attempt to align the children with her school
21 choice, Minh has signed up Hannah for art class, Matthew for rock
22 climbing, and Selena for gymnastics in Summerlin. Minh did not discuss
23 signing up the children for these extracurricular activities with me and now
24 is arguing the children should attend Sig Rogich because it is near where
25 the children will be attending their extracurricular activities in which she
26 unilaterally enrolled them. Minh also began taking Hannah and Matthew
27 to these extracurricular activities after they refused to transfer to my
28 . . .

1 custody and refused to go to school, essentially rewarding them for their
2 refusal to attend school and abhorrent behavior toward me.

3 19. Lastly, although the Court ordered Minh to provide Hannah's
4 and Selena's passports to my counsel's office by Friday, October 22, 2021,
5 Minh informed me she was unable to do so because the children's
6 passports are at her home in California. Minh could easily have her sister,
7 Hieu, who lives in Minh's California home, FedEx the children's passports
8 to Minh's home in Nevada. I will agree to give Minh additional time to
9 provide Hannah's and Selena's passports; however, I am requesting the
10 Court order Minh to provide Hannah's and Selena's passports no later
11 than November 3, 2021, the date of the evidentiary hearing. If Minh
12 refuses to provide Hannah's and Selena's passports by November 3, 2021,
13 I am requesting the Court hold Minh in contempt.

14 20. Because Minh has failed to comply with the Court's October
15 18, 2021 Orders, it is necessary for this Court to hold her in contempt of
16 Court.

17 DATED this 31st day of October, 2021.

18
19 /s/ James W. Vahey
20 JAMES W. VAHEY
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[X] 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
Attorneys for Defendant

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Sabrina Dolson

From: James Vahey <hotsail.jim@gmail.com>
Sent: Sunday, October 31, 2021 10:53 PM
To: Sabrina Dolson
Subject: Re: Final comments

I authorize the use of my electronic signature on the Declaration in support of the Motion for Order to Show Cause.

On Sun, Oct 31, 2021 at 10:37 PM Sabrina Dolson <sabrina@thedklawgroup.com> wrote:

Dr. Vahey,

Attached please find the revised Motion and a compare draft redlining the revisions that were made. Please review the revised Motion and, if you approve, respond to this email: "I authorize the use of my electronic signature on the Declaration in support of the Motion for Order to Show Cause."

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

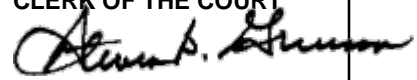
Best Regards,

Sabrina M. Dolson, Esq.

The Dickerson Karacsonyi Law Group

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EXMT
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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 APPLICATION FOR ISSUANCE OF AN ORDER TO
SHOW CAUSE AGAINST DEFENDANT**

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 does hereby move this Court for the issuance of an Order to Show Cause against Defendant, MINH NGUYET LUONG ("Minh"), based on the facts set forth in this Ex Parte Application for Issuance of an Order to Show Cause Against Defendant ("Ex Parte Application"), as well as in Jim'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

1 Counseling, for Temporary Sole Legal and Sole Physical Custody of the
2 Minor Children, for an Order that Defendant Pay Child Support to
3 Plaintiff, for an Award of Attorneys' Fees and Costs, and for Other Related
4 Relief("Motion"), scheduled to be heard on December 6, 2021, at 11:00
5 a.m.

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

9 DATED this 1st day of November, 2021.

10 THE DICKERSON KARACSONYI
11 LAW GROUP

12 By /s/ Sabrina M. Dolson
13 ROBERT P. DICKERESON, ESQ.
14 Nevada Bar No. 000945
15 SABRINA M. DOLSON, ESQ.
16 Nevada Bar No. 013105
17 1645 Village Center Circle, Suite 291
18 Las Vegas, Nevada 89134
19 Attorneys for Plaintiff
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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 Eighth Judicial District Court rules, Rule 5.510 (2021), provides, in
3 pertinent part, as follows:

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

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

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

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

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

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

18 For the reasons set forth below, and in Jim's Motion, good cause exists to
19 issue an Order to Show Cause against Minh in this matter, to be heard on
20 November 3, 2021¹ and December 6, 2021².

21 A. To date, Minh Has Failed to Transfer Hannah and Matthew to Jim's
22 Custody

23 On October 18, 2021, the Court ordered that, due to the fact
24 Hannah had spent one (1) of Jim's custody weeks with Minh, Hannah
25 would spend two (2) weeks with Jim beginning October 18, 2021. October
26 _____

27 ¹ At the October 18, 2021 hearing, the Court ordered that an Order
28 to Show Cause should be issued against Minh and the evidentiary hearing
to determine if Minh's actions (i.e., her attempt to unilaterally enroll
Hannah and Matthew in Becker Middle School) constitute contempt of
joint legal custody shall be held on November 3, 2021 at 1:30 p.m. The
Court ordered Jim's counsel to submit an Order to Show Cause to the
Court.

² Jim is contemporaneously filing an Ex Parte Motion for Order
Shortening Time of the hearing on his Motion and is requesting the Court
shorten the December 6, 2021 hearing to November 3, 2021.

1 18, 2021 Court Minutes. Jim's custody week with the children was
2 supposed to occur from October 15 to 22, 2021. However, Hannah and
3 Matthew refused to transfer to Jim on October 15, 2021. Thus, Minh was
4 ordered to transfer the children to Jim's custody at 5:00 p.m. on October
5 18, 2021 at his home. The Court specifically ordered Minh was solely
6 responsible for ensuring the children transferred to Jim's custody. Hearing
7 Video, 10:11:00; October 18, 2021 Court Minutes. The Court ordered
8 that if Minh was unable to facilitate the custody exchange of Hannah, the
9 Court would issue a warrant pick up order and Hannah would be taken to
10 Child Haven. October 18, 2021 Court Minutes.

11 Minh failed to transfer Hannah and Matthew to Jim's custody on
12 October 18, 2021. A detailed description of Minh's "attempt" to transfer
13 the children to Jim's custody, which was not a good faith effort by any
14 means, is detailed in Jim's Motion. During the attempted custody
15 exchange on October 18, 2021, Minh made insincere comments to the
16 children that they needed to transfer to Jim's custody, allowed the children
17 to speak disrespectfully to and to threaten Jim without disciplining them,
18 allowed Matthew to smash Jim's window with rocks without disciplining
19 him, and made comments to Jim in front of the children regarding the
20 Court's Orders and how he was the one who requested the Court enter
21 certain Orders, including having the children transferred to him and
22 attend school at Challenger. The Court ordered it was Minh's sole
23 responsibility to ensure the children transferred to Jim's custody, and she
24 did not comply with that Order.

25 To date, Hannah and Matthew have not been returned to Jim's
26 custody. Hannah has been in Minh's custody since September 24, 2021
27 and Matthew has been in Minh's custody since October 8, 2021. Although
28 the Court ordered that if Minh was unable to facilitate the custody

1 exchange of Hannah, the Court would issue a warrant pick up order and
2 Hannah would be taken to Child Haven, Dr. Michelle Fontenelle-Gilmer,
3 Hannah's psychiatrist, advised the parties that it would not be in
4 Hannah's best interest to be physically forced by the police or either party
5 into Jim's custody or to be taken to Child Haven. Accordingly, Jim filed
6 his Motion to address Minh's refusal to comply with the Court's order to
7 transfer the children to his custody.

8 B. To Date, Minh Has Not Returned Matthew to Challenger as
9 Ordered by the Court

10 At the October 18, 2021 hearing, the Court ordered that Matthew
11 shall remain at Challenger School and shall immediately return to
12 attending school in person. Hearing Video, 9:49:23, 10:00:35; October 18,
13 2021 Court Minutes. To date, neither Hannah nor Matthew have
14 returned to Challenger School. As this Court is aware, Hannah and
15 Matthew have refused to return to Challenger since Minh attempted to
16 enroll them in Becker Middle School on September 28, 2021 without
17 Jim's consent. When Jim had Matthew in his custody from October 1 to
18 8, 2021, Jim ensured Matthew participated in Challenger's online
19 program, which Challenger's principal informed Jim Matthew could do for
20 one (1) month maximum. Upon information and belief, since returning to
21 Minh's custody on October 8, 2021, Matthew has not participated in
22 Challenger's online program, but is instead completing assignments on
23 IXL, an online interactive learning program. The Court was very clear in
24 its Order that Matthew immediately return to in person schooling at
25 Challenger, and that the children do not get to decide which school they
26 will attend or if they will attend school. It is the parents' responsibility to
27 ensure their children attend school. Minh has failed to comply with the
28 Court's Order.

1 C. To Date, Minh Has Not Delivered Hannah's and Selena's Passports
2 to Jim's Counsel's Office as Ordered by the Court

3 The Court ordered Minh to deliver Hannah's and Selena's passports
4 to Jim's counsel's office by Friday, October 22, 2021. Minh informed Jim
5 she was unable to do so because the children's passports are at her home
6 in California. Minh could easily have her sister, Hieu, who lives in Minh's
7 California home, FedEx the children's passports to Minh's home in
8 Nevada. Giving Minh the benefit of the doubt, which she does not
9 deserve, and assuming she is being honest, which is not likely, Jim will
10 agree to give Minh additional time to provide Hannah's and Selena's
11 passports. However, Jim is requesting the Court order Minh to provide
12 Hannah's and Selena's passports no later than November 3, 2021, the
13 date of the evidentiary hearing.

14 D. Minh Violated the Court's Joint Legal Custody by Unilaterally
15 Attempting to Enroll Hannah and Matthew in Becker Middle School
Without Jim's Consent

16 At the October 18, 2021 hearing, the Court ordered that an Order
17 to Show Cause should be issued against Minh and the evidentiary hearing
18 to determine if Minh's actions (i.e., enrolling Hannah and Matthew in
19 Becker Middle School ("Becker") without Jim's consent) constitute
20 contempt of joint legal custody shall be held on November 3, 2021 at 1:30
21 p.m. October 18, 2021 Court Minutes. The Court ordered Jim's counsel
22 to submit the Order to Show Cause to the Court. October 18, 2021 Court
23 Minutes.

24 The Court also directed Jim's counsel to subpoena records from
25 Becker prior to the November 3, 2021 hearing, which Jim's counsel did.
26 The only document Becker had in its possession was the Online
27 Registration Summary Minh submitted on September 25, 2021, *two (2)*
28 *days before Dr. Fontenelle-Gilmer informed Jim that he and Minh should*

1 *discuss school options for Hannah, before Jim sent Minh a message on*
2 *OFW asking to discuss same, and before Minh responded by telling Jim she*
3 *was taking the children to Becker the following day.* The document
4 confirms Minh violated the Court's joint legal custody orders.

5 In addition, the timing of Minh's submission of the Online
6 Registration Summary proves she had no intention of coparenting with
7 Jim and involving him in the discussion of which school Hannah should
8 attend. The timing demonstrates Minh already initiated the enrollment
9 process for Matthew before she supposedly asked Dr. Fontenelle-Gilmer
10 on September 27, 2021 if Matthew should attend a new school with
11 Hannah. Lastly, it shows that the only reason Minh even informed Jim she
12 was taking Hannah and Matthew to tour Becker on September 28, 2021
13 was because Jim sent her a message requesting they discuss school options.

14 Moreover, the information provided on the Online Registration
15 Summary could not exemplify Minh's attempts to eliminate Jim from the
16 children's lives more. First, Minh did not list Jim as the children's parent.
17 Minh is the only parent listed under "Relationships." Second, *Minh did*
18 *not even list Jim as an emergency contact for the children.* The first
19 emergency contact Minh listed is Kim Chen, her boyfriend. The second
20 emergency contact Minh listed is Jenssy Lopez, her employee. The third
21 emergency contact Minh listed is Hieu Luong, her sister *who lives in*
22 *California.* Although given the option, Minh did not list a fourth
23 emergency contact, electing to leave that option blank rather than list the
24 children's father as an emergency contact.

25 ...

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1 For the reasons set forth above, good cause exists for the Court to
2 issue an Order to Show Cause against Minh. A copy of Jim's Motion was
3 filed with the Court on October 31, 2021. A proposed Order to Show
4 Cause will be submitted to the Court with this Ex Parte Application
5 pursuant to EDCR 5.510.

6 DATED this 1st day of November, 2021.

7 THE DICKERSON KARACSONYI
8 LAW GROUP

9 By /s/ Sabrina M. Dolson

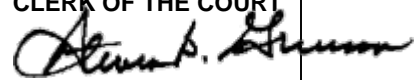
10 ROBERT P. DICKERSON, ESQ.
11 Nevada Bar No. 000945
12 SABRINA M. DOLSON, ESQ.
13 Nevada Bar No. 013105
14 1645 Village Center Circle, Suite 291
15 Las Vegas, Nevada 89134
16 Attorneys for Defendant
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DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
11/1/2021 1:46 PM
Steven D. Grierson
CLERK OF THE COURT



James W. Vahey, Plaintiff

vs.

Minh Nguyet Luong, Defendant.

Case No.: D-18-581444-D

Department U

AMENDED NOTICE OF HEARING

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

Date: December 06, 2021

Time: 11:00 AM

Location: RJC Courtroom 05D
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

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

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Cecilia Dixon
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

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

By: /s/ Cecilia Dixon
Deputy Clerk of the Court

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

James W. Vahey, Plaintiff

vs.

Minh Nguyet Luong, Defendant.

Case No.: D-18-581444-D

Department U

NOTICE OF HEARING

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

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By: /s/ Cecilia Dixon
Deputy Clerk of the Court

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By: /s/ Cecilia Dixon
Deputy Clerk of the Court

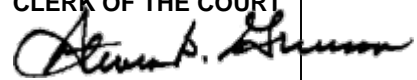
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Electronically Filed
11/1/2021 1:36 PM
Steven D. Grierson
CLERK OF THE COURT



James W. Vahey, Plaintiff

vs.

Minh Nguyet Luong, Defendant.

Case No.: D-18-581444-D

Department U

NOTICE OF HEARING

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

Date: December 06, 2021

Time: 11:00 AM

Location: RJC Courtroom 05D
Family Courts and Services Center
601 N. Pecos Road
Las Vegas, NV 89101

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

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Cecilia Dixon
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

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By: /s/ Cecilia Dixon
Deputy Clerk of the Court

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

James W. Vahey, Plaintiff

vs.

Minh Nguyet Luong, Defendant.

Case No.: D-18-581444-D

Department U

NOTICE OF HEARING

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

Date: December 06, 2021

Time: 11:00 AM

Location: RJC Courtroom 05D
Family Courts and Services Center
601 N. Pecos Road
Las Vegas, NV 89101

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

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Cecilia Dixon
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

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

By: /s/ Cecilia Dixon
Deputy Clerk of the Court

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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 Motion for an Order to Show Cause to Issue Against Defendant
26 for Violations of the Court's October 18, 2021 Orders, to Compel
27 Compliance with the Court's Orders, for an Order for Matthew to Attend
28 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, and good cause appearing therefor:

IT IS HEREBY ORDERED that the hearing date on 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, currently scheduled for December 6, 2021, is hereby shortened to
6 November 3, 2021 at 1:00 p.m..

7
8 Dated this 1st day of November, 2021

9
10 

11 48B 1DE 5FA9 54F1
12 Dawn R. Throne
13 District Court Judge

14
15 Respectfully submitted by:

16 THE DICKERSON KARACSONYI
17 LAW GROUP

18 By /s/ Sabrina M. Dolson

19 ROBERT P. DICKERSON, ESQ.
20 Nevada Bar No. 000945
21 SABRINA M. DOLSON, ESQ.
22 Nevada Bar No. 013105
23 1645 Village Center Circle, Suite 291
24 Las Vegas, Nevada 89134
25 Attorneys for Plaintiff
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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: 11/1/2021

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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OSC
THE DICKERSON KARACSONYI LAW GROUP
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Nevada Bar No. 000945
SABRINA M. DOLSON, ESQ.
Nevada Bar No. 013105
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Las Vegas, Nevada 89134
Telephone: (702) 388-8600
Facsimile: (702) 388-0210
Email: info@thedklawgroup.com

Attorneys for Plaintiff

DISTRICT COURT
FAMILY DIVISION

CLARK COUNTY, NEVADA

JAMES W. VAHEY,
Plaintiff,

v.

MINH NGUYET LUONG,
Defendant.

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

ORDER TO SHOW CAUSE

Date and Time of Hearing:

November 3, 2021 at 1:30 p.m.

Based upon the Court's Orders at the October 18, 2021 hearing, and
good cause appearing therefor:

IT IS HEREBY ORDERED that Defendant, MINH NGUYET
LUONG, shall PERSONALLY APPEAR on November 3, 2021, at 1:30
p.m. before Department U of the Eighth Judicial District Court Family
Division, located at the Regional Justice Center, Courtroom 5D, 200 Lewis
Avenue, Las Vegas, Nevada 89155, and SHOW CAUSE, if any exists:

1. Why she should not be found and held in contempt of Court
pursuant to subsection (3) of NRS 22.100, for her failure to comply with

1 the Court's joint legal custody order, by attempting to unilaterally enroll
2 Hannah and Matthew in Becker Middle School without Plaintiff, JAMES
3 W. VAHEY's ("Jim"), consent.

4 2. Why she should not be found guilty of Contempt of Court,
5 and subjected to the maximum penalties permitted by NRS 22.100(2) for
6 each Count of Contempt of Court delineated above; and

7 3. Why she should not be admonished and directed to comply
8 with the Orders of this Court.

9
10
11 Dated this 1st day of November, 2021

12 

13
14 0B9 939 ED9C 22D6
15 Dawn R. Throne
16 District Court Judge

17 Respectfully submitted by:

18 THE DICKERSON KARACSONYI
19 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 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

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**

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12 Court. The foregoing Order to Show Cause 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: 11/1/2021

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

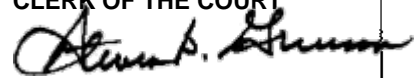
edwardo@thedklawgroup.com

20 Admin Admin

Admin@pagelawoffices.com

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1 **ROC**
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
14 **DISTRICT COURT**
15 **FAMILY DIVISION**
16 **CLARK COUNTY, NEVADA**

17 **JAMES W. VAHEY,**
18
19 Plaintiff,

20 } **CASE NO.: D-18-581444-D**
21 } **DEPT NO.: U**

22 v.

23 **MINH NGUYET LUONG,**
24
25 Defendant.

26
27 **RECEIPT OF COPY**

28 RECEIPT OF COPY of the following documents is hereby
acknowledged this 1 day of November, 2021:

1. 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, filed October 31, 2021;

2. Ex Parte Motion for Order Shortening Time on Plaintiff's
Motion for an Order to Show Cause to Issue Against Defendant for

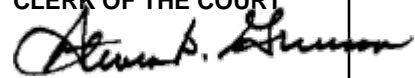
1 Violations of the Court's October 18, 2021 Orders, to Compel
2 Compliance with the Court's Orders, for an Order for Matthew to Attend
3 Counseling, for Temporary Sole Legal and Sole Physical Custody of the
4 Minor Children, for an Order that Defendant Pay Child Support to
5 Plaintiff, for an Award of Attorneys' Fees and Costs, and for Other Related
6 Relief, filed November 1, 2021; and

7 3. Order Shortening Time, filed November 1, 2021.
8

9 By Y S SSS @ 4:58pm
10 An employee of Page Law Firm
11 6930 South Cimarron Road, Suite 140
12 Las Vegas, Nevada 89113
13 Attorneys for Defendant
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NEOJ
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

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 1st day of November, 2021.

DATED this 2nd day of November, 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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CERTIFICATE OF SERVICE

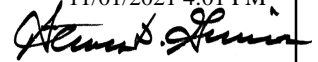
Pursuant to NRCP 5(b), I certify that I am an employee of THE DICKERSON KARACSONYI LAW GROUP, and that on this 2nd day of November, 2021, I caused the above and foregoing document entitled NOTICE OF ENTRY OF ORDER SHORTENING TIME to be served as follows:

- ☒ [X] 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.

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

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

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


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 Motion for an Order to Show Cause to Issue Against Defendant
26 for Violations of the Court's October 18, 2021 Orders, to Compel
27 Compliance with the Court's Orders, for an Order for Matthew to Attend
28 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, and good cause appearing therefor:

IT IS HEREBY ORDERED that the hearing date on 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, currently scheduled for December 6, 2021, is hereby shortened to
6 November 3, 2021 at 1:00 p.m..

7
8 Dated this 1st day of November, 2021

9
10 

11 48B 1DE 5FA9 54F1
12 Dawn R. Throne
13 District Court Judge

14
15 Respectfully submitted by:

16 THE DICKERSON KARACSONYI
17 LAW GROUP

18 By /s/ Sabrina M. Dolson

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

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: 11/1/2021

15 Sabrina Dolson

Sabrina@thedklawgroup.com

16 Robert Dickerson

Bob@thedklawgroup.com

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18 Fred Page

fpage@pagelawoffices.com

19 Edwardo Martinez

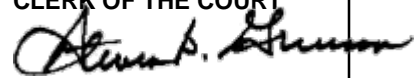
edwardo@thedklawgroup.com

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NEOJ
THE DICKERSON KARACSONYI LAW GROUP
ROBERT P. DICKERSON, ESQ.
Nevada Bar No. 000945
SABRINA M. DOLSON, ESQ.
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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

NOTICE OF ENTRY OF ORDER TO SHOW CAUSE

TO: MINH NGUYET LUONG, Defendant; and

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

PLEASE TAKE NOTICE that an ORDER TO SHOW CAUSE, a true and correct copy of which is attached hereto, was entered in the above-entitled matter on the 1st day of November, 2021.

DATED this 2nd day of November, 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

1
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CERTIFICATE OF SERVICE

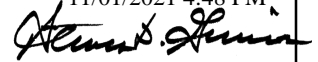
Pursuant to NRCP 5(b), I certify that I am an employee of THE DICKERSON KARACSONYI LAW GROUP, and that on this 2nd day of November, 2021, I caused the above and foregoing document entitled NOTICE OF ENTRY OF ORDER TO SHOW CAUSE to be served as follows:

- ☒ [X] 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.

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

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

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


CLERK OF THE COURT

1 **OSC**
2 **THE DICKERSON KARACSONYI LAW GROUP**
3 **ROBERT P. DICKERSON, ESQ.**
4 Nevada Bar No. 000945
5 **SABRINA M. DOLSON, ESQ.**
6 Nevada Bar No. 013105
7 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 TO SHOW CAUSE**

24 Date and Time of Hearing:

25 November 3, 2021 at 1:30 p.m.

26 Based upon the Court's Orders at the October 18, 2021 hearing, and
27 good cause appearing therefor:

28 IT IS HEREBY ORDERED that Defendant, MINH NGUYET
LUONG, shall PERSONALLY APPEAR on November 3, 2021, at 1:30
p.m. before Department U of the Eighth Judicial District Court Family
Division, located at the Regional Justice Center, Courtroom 5D, 200 Lewis
Avenue, Las Vegas, Nevada 89155, and SHOW CAUSE, if any exists:

1. Why she should not be found and held in contempt of Court
pursuant to subsection (3) of NRS 22.100, for her failure to comply with

1 the Court's joint legal custody order, by attempting to unilaterally enroll
2 Hannah and Matthew in Becker Middle School without Plaintiff, JAMES
3 W. VAHEY's ("Jim"), consent.

4 2. Why she should not be found guilty of Contempt of Court,
5 and subjected to the maximum penalties permitted by NRS 22.100(2) for
6 each Count of Contempt of Court delineated above; and

7 3. Why she should not be admonished and directed to comply
8 with the Orders of this Court.

9
10
11 Dated this 1st day of November, 2021

12 

13
14 0B9 939 ED9C 22D6
15 Dawn R. Throne
16 District Court Judge

17 Respectfully submitted by:

18 THE DICKERSON KARACSONYI
19 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 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

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 to Show Cause 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: 11/1/2021

15 Sabrina Dolson

Sabrina@thedklawgroup.com

16 Robert Dickerson

Bob@thedklawgroup.com

17 Info info email

info@thedklawgroup.com

18 Fred Page

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150

150

Steven D. Grierson

1 **ROC**
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3 **ROBERT P. DICKERSON, ESQ.**
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12 Attorneys for Plaintiff

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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

RECEIPT OF COPY

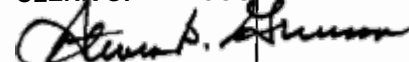
RECEIPT OF COPY of the following documents is hereby
acknowledged this 2 day of November, 2021:

1. Ex Parte Application for Issuance of an Order to Show Cause
Against Defendant;
2. Order to Show Cause;
3. Notice of Entry of Order to Show Cause; and
4. Notice of Entry of Order Shortening Time

By W. S. S. F. 1:06 pm
An employee of Page Law Firm
6930 South Cimarron Road, Suite 140
Las Vegas, Nevada 89113
Attorneys for Defendant

151

151



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

7 **EIGHTH JUDICIAL DISTRICT COURT**
8 **COUNTY OF CLARK**
9 **STATE OF NEVADA**

10 JAMES W. VAHEY,
11 Plaintiff,

12 vs.

13 MINH NGUYET LUONG,
14 Defendant.

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

) Dept.: U

) Hearing Date: November 2, 2021

) Hearing Time: 1:00 p.m.

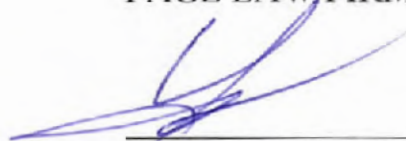
15 **DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR AN**
16 **ORDER TO SHOW CASE AGAINST DEFENDANT FOR VIOLATIONS**
17 **OF THE COURT'S OCTOBER 18, 2021, ORDERS, TO COMPEL**
18 **COMPLIANCE WITH THE COURT'S ORDERS, FOR AN ORDER FOR**
19 **MATTHEW TO ATTEND COUNSELING, FOR TEMPORARY SOLE**
20 **LEGAL AND SOLE PHYSICAL CUSOTDY OF THE MINOR CHILDREN,**
21 **FOR AN ORDER THAT DEFENDANT PAY CHILD SUPORT TO**
22 **PLAINTIFF, FOR AN AWARD OF ATTORNEY'S FEES AND COSTS,**
23 **AND FOR OTHER RELATED RELIEF**
24 **AND**
25 **COUNTERMOTION FOR ATTORNEY'S FEES**

26 COMES NOW, Defendant, MINH NGUYET LUONG, by and through her
27 counsel, Fred Page, Esq. and hereby submits her Opposition to Plaintiff's Motion
28 for an Order to Show Cause against Defendant for Violations of the Court's
October 18, 2021, Orders, to Compel Compliance with the Court's Orders, for an

1 Order for Matthew to Attend Counseling, for Temporary Sole Legal and Sole
2 Physical Custody of the Minor Children, for an Order that Defendant Pay Child
3 Support to Plaintiff, for an Award of Attorney's Fees and Costs, and for Other
4 Related Relief and submits her Countermotion for Attorney's Fees. This
5 Opposition and Countermotion is based upon the papers and pleadings on file, the
6 attached Points and Authorities and any oral argument that this Court may wish to
7 entertain.
8
9
10

11 DATED this 2nd day of November 2021

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 Minh pointed out Matthew had been hating Challenger for some time. There
2 is no factual dispute that Matthew had a breakdown, crying and screaming the first
3 week of school, stating that he hated Challenger and did not want to go there.³

4 Jim then misrepresented to the Court that Minh, "Immediately takes the kids
5 out of their current school and takes them to a new school, and "she knows very
6 well that Dr. Fontenelle did not intend for her to immediately change the schools of
7 two children after just speaking about possibly doing that." The children were
8 never de-enrolled from Challenger and were never enrolled at Becker.

9 Jim misrepresented to the Court, and then inferred that the children were not
10 attending Challenger after Becker. Never occurred. Despite, Jim on October 1,
11 putting in an Our Family Wizard email that he would allow Matthew to attend
12 school where he wanted, the Court stated,

13 Matthew is not going to a different school. He will be going to
14 Challenger for the rest of the school year and in person, and if either a
15 parent has a problem getting him to school, then I can do something
16 about that too, because that's neglect. He will be going to Challenger.
17 He is not going be dis-enrolled from Challenger, he's not going be
doing online school. He needs to go in person and do school."

18 In addition, prior to the October 18, hearing, Matthew was told by Jim that
19 he no longer had to attend Challenger in person and was told by Jim that he would
20 only have to attend online.⁴
21
22

23 ³ As to Hannah, all. Dr. Fontenelle is the one who approached Minh saying that, "This is too
24 much for Hannah. She cannot handle Challenger along with the divorce. We need to get Hannah
25 out of Challenger." Dr. Fontenelle's recommendation is consistent with what Mr. Minetto
26 recommended a year ago to Minh and Jim. Nothing was ever done to follow that through
27 because Jim balked at any change. Now, Hannah is seeing Dr. Fontenelle, and Hannah is asking
28 Dr. Fontenelle for help.

⁴ On October 15, Jim had promised to Matthew that he would not have to do Challenger online
any more, but now Minh had to tell that they had to go back to Challenger in person.

1 Further misrepresentations were made when it was stated that "Dr. Vahey
2 called Challenger, and they had told him that they received a call from somebody
3 at Becker who told them the children were no longer going to be attending
4 Challenger and they were now being rolled at Becker." One, the statement is
5 hearsay and two, the records from Challenger do not indicate that the children were
6 disenrolled. Further, Minh tried to co-parent with Jim by writing to him and telling
7 him that they needed to discuss the children being enrolled in a different school.

8 As to Minh dropping off Hannah, the Court stated, "Mom needs to deliver
9 her to dad's house, mom is to stay seat-belted in the car and she's to tell Hannah to
10 get out and go and that's what parents do."

11 The Minutes from that hearing stated in pertinent part:

12 Minh's Motion under NRCP 60(a) and NRCP 60(b) were denied. Jim's
13 Moton for sole legal custody was denied. Matthew was to remain at Challenger
14 School until further order of the Court. Minh was to ensure that Hannah is
15 delivered to Jim's home. Hannah was to remain at Jim's for the next two weeks.

16 If Hannah did not go to Jim, then a Warrant Pick Up Order was to be entered
17 and Hannah was to go to Child Haven. A Guardian Ad Litem was to be appointed
18 for Hannah and Matthew. A Parenting Coordinator was to be appointed.
19 Hannah's and Selena's passports shall be given to Mr. Dickerson's office to hold
20 by this Friday. Matthew's passport shall remain with Defendant. Discovery was to
21 remain open solely as to school related issues.

22 On October 18, at 5:00 p.m., Hannah was delivered to Jim's house. Minh
23 did exactly as directed by the Court, and Hannah still refused to get out of the
24 vehicle. Per Dr. Fontenelle's instructions, and this Court's directions to stay seat
25 belted, Minh did not physically drag Hannah out of her vehicle. Jim, of course, did
26 nothing to encourage Hannah to get out of Minh's vehicle hoping that Hannah
27 would stay in Minh's vehicle so that he could file a Motion for an Order to Show
28 Cause.

1 On October 18, not only did Hannah refuse to leave Minh's vehicle, but
2 Matthew also refused to leave Minh's vehicle. Minh did not have possession of
3 the passports; they were at the home in Irvine, California. Minh advised Jim of the
4 same via Our Family Wizard and that she would make arrangements to get the
5 passports. Jim was in agreement with the proposal. The same was communicated
6 to Jim's counsel.

7 Minh and Jim were having a discussion at the front door when they heard a
8 "thud" noise. Hannah ran to Jim and Minh and said "Matthew just threw rocks."
9 The front window was broken. At that point, Minh, Jim, and Hannah ran back to
10 the car which was in front of Jim's garage. Minh had no knowledge of what had
11 just happened because she was at the front door speaking to Jim.⁵

12 After they ran out front, Jim tried speaking to Matthew.⁶ No matter what
13 Jim said to Matthew, Matthew would not look at him. A very angry Matthew told
14 Jim, "go back in the house or you're going to look like the window." Mot. at page
15 4, lines 8-9. Minh admonished Matthew by stating Matthew's name.

16 Since the hearing, Dr. Fontenelle recommended, and Minh is agreeable to as
17 a way of trying to reunify Jim with the children is having Jim pick up the children
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21 ⁵ On October 15, Matthew refused to get in the car and go back to Jim's house. Minh asked
22 Matthew why he refused to go. Matthew said "he doesn't care about me. He just wants to force
23 me to do the things he wants." Minh of course, told Matthew this was not true." Minh asked
24 Matthew, "what is it that you want?" Matthew stated that Jim told him that [he] would only have
25 to do Challenger online for 1 month and [he] would not have to do it anymore." Matthew further
stated, "I don't want to do Challenger online anymore and I know he's going to force me." Minh
was finally able to get Matthew into the car.

26 ⁶ On October 10, 2021, Matthew refused to go to Jim. No matter what Jim said to Matthew,
27 Matthew would not answer. Minh tried to help Jim so she told Jim what Matthew's concerns
28 were, that Jim does not listen to him and that he only does what he wants to do. Jim told
Matthew that he did have to do Challenger in person anymore. On October 15, Jim told
Matthew that he did not have to do online anymore. Then, on October 18, Minh had to tell
Matthew, not only was he going to have to attend online but that he was going to have to attend
in person.

1 from school for a couple of hours and then Minh keeps them for the night and
2 bring them back to school the next day.

3 On November 1, Kim Chen was able to obtain the passports from Minh's
4 house in Irvine.

5 **II.** 6 **OPPOSITION**

7 **A. Jim Made No Attempt to Comply With EDCR 5.501**

8 Some attempt, any attempt could and should have been made to comply
9 with EDCR 5.501 to see what issues could be resolved without the necessity of
10 filing a Motion. The Rule is mandatory. Instead of complying with the Rules,
11 Jim, being as vexatious as he can be, filed a Motion without ever taking the first
12 set to resolve anything outside of a courtroom.
13

14 **B. Jim's Misstatements in His Motion Need to be Addressed**

15 Jim continues unabated with his serial misstatements in his effort to mislead
16 this Court. Jim appears to fail to understand or not care that argument, conjecture,
17 personal attacks, and histrionics have no place in a statement of fact.⁷

18 Jim claims that Minh, and Hannah, must have witnessed Matthew throwing
19 rocks at his house. Mot. at page 3, lines 13-23. The claim is false like everything
20 else Jim does. Jim has a recording of this event since he records everything else.
21 Jim should produce the recording to determine who is telling the truth. The
22 recording will never be produced because the recording will show Jim has been
23 misrepresenting himself to the Court.
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27 ⁷ According to David G. Knibb, Federal Court of Appeals Manual Section 31.7 at 549 (4th ed.
28 2000). For Statements of Fact, "[j]udges want a non-argumentative, fair summary without
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.

1 Jim claims that when Minh moved to California that the children did better
2 in his primary physical custody. Mot. at page 17, line 28, to page 18, line 2. The
3 lie by Jim is so outrageous as to be sanctionable. Not only does Jim completely
4 fail to provide any evidence supporting his bald faced lie, but all objective
5 evidence contradicts his claim.

6 In December 17, 2019, Hannah and Matthew ran away from Jim's house.
7 The children biked in the dark at 6:00 a.m. uphill for 1.7 miles which is the
8 distance from Jim's house to the guardhouse and told the guard they missed their
9 mother.

10 After Jim assumed primary custody, Hannah's and Matthew's grades began
11 dropping. Both Hannah and Matthew used to be straight "A" students. While in
12 Jim's care, their grades continued plummeting. The exchanges of the children
13 began going badly as well with the children having be physically removed kicking
14 and crying from Minh's vehicle by Minh because the children refuse to return to
15 Jim. There were multiple occasions in which the police would have to be
16 contacted in order to try and facilitate getting the children out of Minh's van.
17

18 Two weeks ago, Jim was claiming that Matthew's grades were "great" (2
19 C's and an F) and that he had a "great relationship" with Matthew, who will not go
20 into Jim's house. The Court is invited to review a recent audio recording wherein
21 Matthew is having a meltdown at the prospect of having to go back to Jim.
22 Matthew's grades are poor. For the 2020-2021, Matthew was a 2.94 GPA student.
23 See Exhibit F from Minh's Reply to Jim's Motion for the Return of Hannah.
24 Before the divorce, and Minh was the primary caregiver she made sure that the
25 children performed academically; Matthew was a 4.0 student. Immediately after
26 Jim assumed primary physical custody, Hannah, who also used to be a 4.0 student
27 grades began plummeting. Again, all objective evidence contradicts Jim's
28 intentional misrepresentations to this Court.

1 **C. Jim's Conduct in This Case Should be Addressed**

2 Throughout this case, Jim has been claiming that he is the "victim" and
3 continually blames Minh for *everything*. There are multiple examples in this latest
4 filing. Jim should be admonished for continuing to place argument and invective
5 in what is supposed to be a statement of facts. One cannot put such argument and
6 invective in a filing in downtown district court, cannot do so in federal and
7 certainly cannot put the argument and invective that Jim has been doing in an
8 appellate brief. There is no reason why Jim's conduct should be tolerated in the
9 family division of district court when it would not be tolerated elsewhere.

10 Jim blames Minh for not disciplining Matthew when he was told, "go back
11 in the house or you're going to look like the window." Mot. at page 4, lines 8-9.
12 Minh admonished Matthew by stating Matthew's name. Jim did nothing but act
13 like a victim that he cannot discipline his own child and that Minh has to, in a
14 calculated attempt to curry sympathy with this Court. Jim is an adult, and parent.
15 Jim is obligated to discipline the children.⁸

16 Jim openly discusses the Court proceedings with the children and blames
17 Minh. Mot. at page 4, lines 13-24. Matthew tried to bargain with Jim and Jim, not
18 Minh, told Matthew that it was because of a court order. Jim blatantly discussed
19 the court proceedings with Matthew and then tries to blame Minh because he
20 discussed the court proceedings with Matthew.

21 Jim blames Minh because she would not discuss the court orders with the
22 children and in the same breath blames Minh for discussing the court orders with
23 the children. Mot. at page 4, lines 20-24. Minh could discuss nothing with the
24 children, or Minh would discuss everything with the children. It would not matter
25 because Jim will take responsibility for nothing and blames Minh for everything.
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28 ⁸ Jim could have had a conversation or email exchange with Minh on what should be done, if
anything, to discipline Matthew as a way of showing a united front. Instead of doing that, Jim
saved up the incident so that he could attack Minh and blame her later.

1 Jim blames Minh because she did nothing to get Matthew out of the vehicle.
2 Mot. at page 4, lines 24-25. The Court stated earlier that day, "Mom needs to
3 deliver her to dad's house, mom is to stay seat-belted in the car and she's to tell
4 Hannah to get out and go and that's what parents do."

5 Now Minh is to be blamed by Jim because she did not physically remove
6 Matthew from the vehicle. Jim also ignores the fact that Dr. Fontenelle has stated
7 to both of them that she does not think it is in any child's best interests to be
8 forcibly removed from a vehicle and be forced to go to the other parent.

9 Minh tries to plead with Jim that they do not have to put children through the
10 trauma and that they know their children's condition better than anyone else.⁹
11 Mot. at page 5, line 25, to page 6, line 1. Minh is correct; the person who knows
12 the least about the children is the one tasked with making decisions affecting them.
13 Yet, rather than work toward solutions, all Jim can do is accuse and blame.¹⁰

14 Jim's counsel then, in a "statement of facts," engages in an extended diatribe
15 against Minh, blaming her for everything. Mot. at page 6, lines 1-8. Jim's counsel
16 appears to fail to understand what a statement of facts means; "a non-
17 argumentative, fair summary without argument or comment." Until the Court does
18 something regarding Jim's continuous flouting of the rules and inserting argument
19 and personal diatribes into statement of facts, the conduct is only going to continue
20 and the record is only going to continue being muddled and distorted.

21 Jim tries to blame Minh for having the children do IXL an online learning
22 curriculum. Page 6, lines 20-24. Hannah and Matthew refuse to attend in person
23 school when they are with Jim. Hannah and Matthew refuse to attend in person
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27 ⁹ Dr. Fontenelle has told Minh and Jim that subjecting Hannah, and presumably the rest of the
28 children to trauma like this is very contrary to their best interests.

¹⁰ In *Rivero v. Rivero*, 216 P.3d 213, 227 (Nev. 2009), the Supreme Court stated and held,
"parties are free to agree to child custody arrangements and those agreements are enforceable if
they are not unconscionable, illegal, or in violation of public policy."

1 school when they are with Minh. Jim does nothing to lessen the impact of the
2 children refusing to attend school because he will not make them attend. While not
3 substituting for actual school attendance, at least making the children attend IXL is
4 something.¹¹ Rather than acknowledge that fact, all that Jim can do is attack and
5 blame.

6 In what is supposed to be a "statement of facts" *i.e.* a chronology of what
7 occurred, Jim attacks Minh and claims that she kowtows to the children. Mot. at
8 page 6, lines 24-27. First it was Minh was alienating the children, now Minh is
9 kowtowing to the children. The only thing that is consistent is that Jim can blame
10 Minh.

11 Jim claims that when Matthew returned to Minh's custody, she did not have
12 Matthew continue the Challenger online program, and instead had Matthew
13 working on the IXL program. Mot. at page 7, lines 4-7. Since Jim records
14 everything like he is some kind of child, he recorded this telephone conversation as
15 well. In addition to cherry picking whatever self-serving statements Jim wanted,
16 of course, what Jim recording Minh without her consent is a felony in Nevada.¹²

17 Jim's counsel claims that he "reached out" on October 21, to see if Hannah
18 and Matthew could be dropped off at Challenger. Mot. at page 7, lines 25-26.
19 That to is an attempt to mislead this Court by Jim. The call from Jim's counsel did
20 not come until after business hours until 5:11 p.m. October 21, causing Minh's
21 counsel to have to drop everything else that had to be done to see if the request
22 could be accomplished, all because Jim, or his counsel, decided to wait to the last
23 minute and unnecessarily created an emergency.¹³

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27 ¹¹ To date, the children are still enrolled at Challenger.

28 ¹² Nev. Rev. Stat. § 200.690: The illegal recording of oral or electronic conversations is a felony.

¹³ Jim's counsel complains that it was a "set up" for Minh to not have uniforms. Jim's counsel is projecting. The only set up was to wait until after business hours to make a call for a more than

1 Nonetheless, Minh was contacted and the undersigned able to begin
2 speaking to her at 7:07 p.m. regarding Jim's request. Minh readily agreed and
3 hoped that Jim would show up unlike on October 1, when Jim was a complete no
4 show even though he stated to Minh that he would be there "no matter what."

5 From page 8, line 12, to page 9, line 10, line 6, Minh does what she can to
6 get the children to attend school and show a united front and in return Jim barks
7 orders at her.

8 Jim then attacks Minh for "waiting until the morning of October 22," to let
9 Jim know that she did not have the children's uniforms. Jim's counsel waited until
10 **5:11 p.m. to make the request** and then blames Minh because he waited until after
11 normal business hours to make the request and then expects everyone else to try
12 and compensate for his complete lack of planning, or consideration, to anyone else.

13 The only person who set October 22, up for failure was Jim. It was Jim's
14 counsel who suggested only the night before for Minh to take the children to
15 Challenger. It is Jim's responsibility to know and not have to be reminded by
16 Minh and then blame Minh for not reminding him early enough. Jim refuses to
17 take responsibility for anything.¹⁴

18 Then, still in a "statement of facts," Jim writes, "despite Minh's game
19 playing, Jim did everything in his power to ensure the children could attend school
20 that morning." Mot. at page 10, lines 21-27. One, given the sequence above, it is a
21 complete lie, and two, unless this Court does something about Jim putting
22 histrionics and argument into what is supposed to be a statement of facts, the
23 unacceptable conduct by Jim is only going to continue.

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26
27 last minute request to see if Minh would be unable to accommodate Jim's demand and then
28 blame Minh.

¹⁴ If this is Jim's best sample of how he deals with people, there should be little wonder that he
has a poor relationship with the children.

1 Jim claims that he heroically went running around trying to find proper
2 clothing for Challenger. Mot. at page 11, lines 9-23, Jim made a more than last
3 minute request for a “show of unity” and then abdicates any responsibility for
4 himself in making sure that the children had the proper clothing. Since the idea
5 was Jim’s, Jim could have and should have reached out to Minh via text message
6 or Our Family Wizard to make sure that they were coordinated, rather than waiting
7 for Minh’s text indicating that she did not have the correct clothing. Instead, all
8 Jim can do is the only thing he knows how to do – blame somebody else and take
9 zero responsibility.¹⁵

10 Jim claims that “since October 3, 2021, [he] has attempted to discuss school
11 options for Hannah, but Minh refuses to discuss any reasonable options. Jim also
12 calls Becker a “stunt.”¹⁶ Mot. at page 12, 14-24. It is a lie and Jim knows it.

13 All Jim cares about, when he is not blaming others for the problems he
14 creates, is his convenience. Minh’s primary choice, after Becker, is Sig Rogich
15 Middle School. Sig Rogich Middle School is a five star school on
16 SchoolDigger.com and because of that is one of the highest rated schools in
17 Nevada. The school is 53 minutes away per Mapquest, however, in a child
18 centered approach, as stated by the Nevada Supreme Court, “[i]n custody matters,
19 the polestar for judicial decision is the best interest of the child.” *Schwartz v.*
20 *Schwartz*, 107 Nev. 378, 382, 812 P.2d 1268, 1270-71 (1991).

21
22 Jim’s response to Minh having the temerity to suggest a five start school is
23 that “it will allow her to further alienate the children from their father and his
24

25
26 ¹⁵ It is also probably why Jim is the Plaintiff in 10 different lawsuits in the Eighth Judicial
27 District, including a currently active case against Black & LoBello.

28 ¹⁶ The insults and personal attacks in which Jim persists in engaging have no place in a legal
proceeding; they are also not age appropriate and are not what should be expected in a
professional document.

1 home.”¹⁷ Mot. at page 12, 14-20. The children are not alienated, the children are
2 estranged from Jim. The older the children get the worse their relationship is with
3 Jim as they figure out who he is. The older the children get, the better their
4 relationship is with Minh.¹⁸ As the children get older, they better understand that
5 Minh is the parent that listens to them and is looking out for their best interests.
6 Jim cares about Jim.¹⁹

7 Jim attacks Minh for signing the children up for extracurricular claiming that
8 Minh signing up the children for extracurricular activities during her time is
9 alienation. Mot. at page 12, line 28, to page 13, line 3. What Minh does with the
10 children during her time is her business. The world does not revolve around Jim.
11 The children could be involved in extracurricular activities when they are with Jim;
12 his relationship with them might be better if he actually did something with them.

13 Jim does nothing with the children because he works all of the time; Jim lied
14 to Judge Ritchie about how he was going to change his work schedule for the sake
15 of the children during the evidentiary hearing in August and September 2019. All
16 Jim cares about is making sure that school and extracurricular activities, if any, are
17 close to him. Instead of taking responsibility to correct the situation, Jim blames
18 other people for his poor relationship because it is all about Jim.

19 In a “statement of facts,” Jim engages in the invective and insults toward
20 Minh that “giving Minh the benefit of the doubt, which she does not deserve, and
21 assuming she is not honest, which is not likely. . .” Mot. page 13, lines 15-17. Jim
22

23
24 ¹⁷ Again, argument and invective have no place in a statement of facts.

25 ¹⁸ Younger, more developmentally challenged children are more susceptible to alienation, not
26 older more developed children. If there was alienation actually going on, Selena would be the
27 one most impacted. The converse is true, Selena, for the moment, is the child who has the best
28 relationship with Jim because she has not figured him out yet like Hannah and Matthew have.

¹⁹ Examples of Jim caring only about Jim include, the prenuptial agreement he insisted upon,
abandoning Minh in the lawsuit wherein he got caught trying to commit fraud in a real estate
transaction, and lying about the move to California in front of the children.

1 then wonders why Minh does not care to speak to him unless necessary and does
2 not want Jim to sit next to her.²⁰ That attitude the Jim has toward Minh laced with
3 insults is grotesque and should speak volumes as to why the children are estranged
4 from him. Jim's attitude toward Minh is not lost on them.²¹ Again, a statement of
5 facts should that, a statement of facts, not an emotional diatribe.

6 **D. Jim's Request for Minh to be Held In Contempt Should be Denied**

7 Jim's request for contempt is deficient and was deficient the moment it was
8 submitted. Jim submitting a Motion for an Order to Show Cause prematurely only
9 highlights his vexatious nature. Nevada Revised Statute 22.030(1) provides that a
10 district court's oral order is enforceable, but that a written order must be entered.
11 *See Houston v. District Court*, 135 P.3d 1269 (Nev. 2006), the Supreme Court held
12 that an order must be entered before one can be held in contempt under NRS
13 22.030.

14 Under NRS 22.010(3), contempt includes "disobedience or resistance to any
15 lawful writ, order, rule or process issued by the court or judge at chambers." A
16 Court has the right to punish for disobedience to its lawful mandate. *See Poirer v.*
17 *Board of Dental Exmainers*;²² *Cunningham v. Eighth Judicial Dist. Court of State*
18

19
20
21 ²⁰ Minh's sister, Hieu, recently gave birth and is in no condition to travel with or without her
22 infant. Minh did ask Jim if she could have some extra time to that she could take Hannah and
23 Selena to Hieu's baby shower. Jim refused to engage in any discussion with Minh about Hannah
and Selena attending their aunt's baby shower in anticipation of their cousin's birth.

24 ²¹ On June 5, 2021, Hannah recorded what Jim was saying to her Minh abandoning the family.
25 Hannah recorded Jim telling her and trying to convince her, that "mommy caused this. She left
26 us. She should not have left us and come back a year later." ²¹ Hannah became angry for his
27 attempt to drive a wedge between her and Minh and called out Jim for being the liar that he is.
28 Hannah then forwarded the recording to Minh. The children, particularly Hannah and Matthew,
are able to remember. They know Jim is lying to them. Jim trying to alienate and brainwash the
children. There should be little wonder there is estrangement.

²² 102 Nev. 551 729 P.2d 1328 (1986)

1 of Nev., *In and For Clark County*.²³ In *Southwest Gas Corp. v. Flinkote Co. -U.S.*
2 *Lime Div.*,²⁴ the Supreme Court held that the order on which a judgment of civil
3 contempt is grounded must be clear and unambiguous.

4 In order for an Order to be clear and unambiguous, there has to be a written
5 Order. There is no written Order filed with the clerk of the court which would
6 allow the complained of conduct to be clearly specified so the alleged contemtor
7 would know ahead of time what conduct was permitted and what conduct was
8 prohibited.

9 There is no factual dispute at the time of the conduct complained of by Jim,
10 returning Hannah to him, for having Matthew attend class in person, and return of
11 the passport, there was no written order. Because of the quasi-criminal nature of
12 contempt, the requirements for contempt are to be strictly construed.

13 A requirement of a written Order would be essential because the Court
14 stated what Minh needed to do in order to comply with the turnover of Hannah.
15 For example, the Court stated on October 18, "Mom needs to deliver her to dad's
16 house, mom is to stay seat-belted in the car and she's to tell Hannah to get out and
17 go and that's what parents do." Minh did exactly that; she drove to Jim's house,
18 she told Hannah to get out of the vehicle and go to Jim and Hannah refused.
19 Again, Minh did exactly was she was told to do by the Court.

20
21 As another example, Matthew was to attend class in person. The Court
22 stated,

23 Matthew is not going to a different school. He will be going to
24 Challenger for the rest of the school year and in person, and if either a
25 parent has a problem getting him to school, then I can do something
26 about that too, because that's neglect. He will be going to Challenger.
27 He is not going be dis-enrolled from Challenger, he's not going be
28 doing online school.

²³ 102 Nev. 551 729 P.2d 1328 (1986)

²⁴ 99 Nev. 127, 659 P.2d 861 (1983)

1 Neither parent is able to get Matthew to attend school in person. After the
2 October 18, hearing, both Minh and Jim agreed with each that Matthew has to
3 attend a different school. There are emails documenting this agreement. The
4 parents agree that Matthew should not be attending Challenger and that the change
5 from Challenger to a different school should be done as quickly as possible. See
6 *Rivero, supra*.²⁵ There is still no written Order that would make the orders
7 unambiguous given this fact pattern.
8

9 As to the passports, the passports were in Irvine. It was not physically
10 possible to get the passports regardless of any snide comments that Jim's counsel
11 makes about Minh's sister. Jim agreed that because the passports were in Irvine
12 that additional time should be given to obtain them. See *Rivero, supra*.²⁶ Despite
13 that agreement, Jim's counsel still requests contempt, and even when an Order has
14 not be filed.

15 In addition to the lack of willfulness and the lack of a written Order. There
16 are additional problems. The Ex Parte Application for an Order to Show Cause
17 was not served until November 2, less than one judicial day before the hearing. It
18 also appears that the Order to Show Cause was not served until less than one
19 judicial day before the commencement of the hearing.
20

21 Jim fails to adhere to the requirements of EDCR 5.510(a) as well. The Rule
22 requires, in keeping with *Houston, supra*,

23 A motion seeking an Order to Show Cause (OSC) for contempt must
24 be accompanied by a detailed affidavit complying with NRS
25 22.030(2) that identifies the specific provisions, pages and lines of
26 the existing order(s) alleged to have been violated, the acts or
27 omissions constituting the alleged violation, any harm suffered or

28 ²⁵ "Parties are free to agree to child custody arrangements and those agreements are enforceable
if they are not unconscionable, illegal, or in violation of public policy."

²⁶ Stipulations to modify orders should be honored.

1 anticipated, and the need for a contempt ruling, which should be filed
2 and served as any other motion.

3 The rule is specific and should be self-explanatory. The rule is also
4 jurisdictional. There should be no factual dispute that Jim has completely failed to
5 adhere to the requirements of the rule. There is no reference to specific pages and
6 line numbers, there is no reference to the harm suffered or anticipated, and the
7 need for a contempt ruling. Engaging in invective against Minh and personal
8 attacks against Minh is not "harm suffered or anticipated" and "a need for a
9 contempt ruling."

10 The requirements are jurisdictional and Jim is not permitted to backfill his
11 deficient request, because as stated, contempt requirements are to be strictly
12 construed.

13 **E. Jim's Request for Temporary Sole Legal and Sole Physical Custody,**
14 **and for Child Support Should be Denied**

15 Under NRS 125C.0045(1)(a), a court may enter orders, "[d]uring the
16 pendency of the action, at the final hearing or at any time thereafter during the
17 minority of the child, make such an order for the custody, care, education,
18 maintenance and support of the minor child as appears in his or her best interest."
19

20 For reasons that are unclear, Jim engages in an analysis of NRS
21 125C.0035,²⁷ which applies to final custody orders, when the proper analysis
22 should be applied is NRS 125C.0045, the best interests of the child for interim
23 (temporary) custody orders which is what Jim is seeking.

24 In the interests of completeness, Minh will address the contentions, and
25 misstatements put down by Jim.

26 An analysis of the factors is as follows:
27
28

²⁷ NRS 125C.0035(3), states "The court shall award custody in the following order of preference
..." An award of custody is a final determination, not an initial determination.

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

3 The children without a doubt would rather be with Minh. Jim lies to the
4 children, does not listen to them, spies on them, and has battered Hannah. Matthew
5 informed Minh “daddy keeps on saying bad things about you mommy. I don’t like
6 it but I just stay quiet.” Dr. Fontenelle believes that Hannah, based upon her
7 therapy sessions, should be given a voice in where she lives and where she goes to
8 school. Therefore, Hannah is of a sufficient age and capacity to form an intelligent
9 preference as to her physical custody.

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

11 Not applicable.

12 c. **Which parent is more likely to allow frequent associations and a**
13 **continuing relationship with the noncustodial parent**

14 The record is replete with examples of Minh trying to facilitate a
15 relationship between Jim and the children in the form of text messages and Our
16 Family Wizard messages. Minh has followed the Court’s orders; Hannah and
17 Matthew will not get out of the vehicle to go to him. Not a single therapist of the
18 several that have been engaged has ever found that Minh was unwilling to allow
19 frequent associations and a continuing relationship with Jim.
20

21 What Jim latches onto is an application for enrollment filled out by Minh.
22 Mot. at page 18, line 13, to page 19, line 15, as Minh “being unwilling to facilitate
23 a relationship.” Jim engages in histrionics in bold italics about an “online
24 registration packet,” two days before Dr. Fontenelle advised Minh and Jim that
25 they should discuss school options for Hannah. Mot. at page 18, lines 18-22.
26 Jim’s contention is inaccurate.
27

28 During the September 10, session, Dr. Fontenelle recommended that Hannah
be removed from Challenger. Dr. Fontenelle explained that Hannah was under a

1 lot of stress and removing Hannah from Challenger would remove a big stress
2 factors in her life. Following Dr. Fontenelle's recommendation, Minh researched a
3 few schools. Hannah asked to attend Hyde Park because she knew someone there.
4 Minh reached out to Hyde Park and was advised that the school is on a lottery
5 based system and they are full for the year. Minh also reached out to Doral
6 Academy and was told the same thing.

7 Minh advises that she researched schools in Jim's area and her area and
8 found the school for which Jim was zoned to be substandard. Minh conducted
9 research and found out that based on her address the children were zoned to
10 Becker Middle School.

11 Minh reached out to Becker for information. When Minh reached out for
12 information Minh was told that she would need to fill out the application online to
13 see if the children could even be approved to go to Becker. Minh filled out the
14 application to see if the children would be qualified for Becker for both Hannah
15 and Matthew on September 25, since both children were not doing well at
16 Challenger.²⁸

17
18 During the session on September 27, Minh discussed the schools she
19 researched to Dr. Fontenelle and explained to her that the only option available
20 left is Becker because the charter schools were full and Becker is where the kids
21 are zoned in. Dr. Fontenelle agreed that Becker would be suitable for Hannah
22 since Becker is a "mellow school."

23 Since the MOU Minh and Jim signed stating that the parents were to follow
24 the recommendations of Dr. Fontenelle for the children, Minh asked Dr.
25 Fontenelle if she saw any harm in having Matthew enrolled there also which she
26

27 ²⁸ Researching schools independently to see if the school are suitable and whether the child
28 would qualify is not "no intention of co-parenting." It is a parent being involved in the education
of the children and the other parent not being involved. There was nothing that prevented Jim
from doing the same research, but Jim appears to prefer to act like a victim in all situations and
blame others.

1 replied, "No, no harm." Minh left the session with the impression that Dr.
2 Fontenelle was okay with Minh enrolling the children at Becker.

3 Dr. Fontenelle asked Minh if Jim knows about the school which Minh
4 replied "no." Dr. Fontenelle then told Minh that she was going to tell Dad about
5 it. That night Minh wrote to Jim via Our Family Wizard on September 27, at
6 9:46pm, "I am going to take Hannah and Matthew there to check it out."

7 At no point did Minh tell Jim that she was going to enroll the children there
8 but merely to go there and check it out. Jim did not respond to Minh's message
9 that night. The next morning, Minh took the children to Becker to check out the
10 school as discussed with Dr. Fontenelle and Minh had informed Jim the night
11 before.

12 On September 28, at 11:33 am, Minh wrote and invited Jim via Our Family
13 Wizard, in friendly terms, "if you want to go check out the school tomorrow and
14 let me know you can do that." Again, Minh informed Jim and still had not (and
15 has never) enrolled the children, waiting for Jim to let her know of his thoughts.
16

17 There is nowhere in Minh's messages to Jim wherein she stated that she had
18 already enrolled the children at Becker. Nowhere in her messages had Minh told
19 Jim she unenrolled the children from Challenger.

20 Minh followed the recommendation of Dr. Fontenelle to get Hannah out of
21 Challenger by researching for the next best school for her. Minh kept Jim
22 informed and included him in every step of the way but now she is on trial
23 following Dr. Fontenelle's recommendations and the MOU that they both signed
24 just weeks before. To date, the children were never unenrolled at Challenger by
25 Minh and were never enrolled at Becker by Minh as confirmed by the documents
26 subpoenaed.

27 Jim then goes into histrionics regarding the online packet for the Clark
28 County School District. Mot. at page 19, lines 8-14, crying, "Minh did not even

1 list Jim as an emergency contact for the children.” Jim’s attempt to mislead and
2 attempt to provoke an emotional reaction from the Court is noted.

3 Minh is familiar with the process she has been filling out for the children at
4 Challenger. **Both** parents fill out separate forms and both parents list their own
5 emergency contacts. Minh was not filling out the form to enroll the children but
6 to see if they are zoned and qualify to go to Becker so she could present to Dr.
7 Fontenelle at the next session. Of course, that never happened because Jim first
8 went apoplectic without knowing why.

9 Minh’s understanding was that Jim will be filling out his own form once he
10 goes check out the school. As with Challenger, when Jim filled out the form to
11 enroll the children, Jim did not list Minh as an emergency contact person but only
12 his brother, sister in law, and his staff.

13 On page 19, lines 15-20, Jim has histrionics over email addresses. Hannah’s
14 email address is luonghannah@icloud.com and Matthew’s email address
15 is luongmatthew@icloud.com.” Jim has been well aware of those email addresses
16 for years. Jim signed them up years ago and Hannah told Jim to sign her up under
17 that name. Jim has known about these email addresses for *years* now. Only now
18 when it is convenient for him does Jim omit that critical fact and strategically
19 throw a fit. As to last names, all three children because of strong ties with their
20 mother and her extended family whom they see frequently probably themselves
21 more Asian than Caucasian as Jim has no real family. Minh has never suggested
22 for the kids to change their last name and it would probably better for them that
23 they have a less “ethnic” sounding last name.

24
25 As to the rest of Jim’s accusations,

26 Page 20, line 1. The children are the ones who complain to Minh that Jim is
27 selfish and does not listen to them. Minh reassure the children when they make
28 those comments that their father do love them.

1 Page 20, line 4. The children are 7, 11, and 12 years old. They move
2 themselves and do not need to be physically moved by Minh. At no point has
3 Minh ever physically moved the children from Jim. The children requested to
4 move from Jim since Jim had choked Hannah after she and Matthew ran away
5 from home and then went to the show right after.

6 It is also stressed again that Minh and Jim are no longer married. Jim needs
7 to respect Minh's personal space and not violate by pushing himself on to
8 her causing her to be uncomfortable.

9 Page 20, line 7. Jim is the one limiting the children's contact with Minh
10 by restricting how much time she can talk to the children. Minh calls Jim and
11 hand the phone to the children. Minh and Dr. Chen chase the children around the
12 house to give them the phone so Jim can talk to them.

13 Minh made multiple attempts to return the children to Jim but
14 Jim's negative behaviors and lies had pushed his children away from him.

15 Page 20, line 10. The children witnessed Jim battering Minh in his garage.
16 The police took separate statements from Minh, Hannah, and Matthew. The
17 stories aligned and arrested Jim. Minh did not create the impression for the
18 children that Jim is dangerous, Jim did. The children saw their mother being
19 battered by Jim. Hannah experiences the abuse first hand with Jim man handling
20 her on multiple occasions.

21 Page 20, line 14. Minh does not ask the children to keep secrets from him
22 but what Minh does with the children on her weekend is her business not Jim's.
23 Jim further estrange himself from the children by interrogating them causing the
24 children to distance themselves from him.

25 Page 20, line 17. Minh has never confided in the children that she does not
26 agree with the court's orders. Minh simply stated what the court's orders are and
27 they are to follow it. The children are smart enough to draw their own
28 conclusions.

1 Page 20, line 19. Jim is the one underlining Minh's authority by telling
2 them that mommy has bad behaviors. Jim attempts to remove the children's
3 respect for their mother by stating that their mother has "bad behaviors." Jim is
4 too blind to see what negative effects on him when he tries to undermine the one
5 person they love and respect the most.

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

7 The level of conflict is significantly heightened.

8 Jim claims that this Court has found Minh is manipulating and alienating
9 the children and has warned her. Mot. at page 21, lines 9-10. THERE NEVER
10 HAS BEEN ANY FINDING OF FACT THAT MINH HAS MANIPULATED
11 OR ALIENATED THE CHILDREN. There is no reference to the record of such
12 a finding of fact. There is no reference because none exists. Dr. Michelle Gravely,
13 Mr. Nate Minetto, or Dr. Fontenelle have never come to any such conclusion.

14 At some point, something has to be done about the serial lies that Jim is
15 spewing in an effort to mislead and provoke an emotional reaction from this Court.

16 Jim claims that Minh has ignored every single one of the Court's
17 admonitions and is now blatantly refusing to comply with the Court's orders. Mot.
18 at page 21, lines 12-13. What is being done here by Jim should be so false as to be
19 sanctionable. Jim saying, "it is because I say it is," is circular reasoning that fails
20 to meet any cogent level of legal proof. Jim fails to provide any proof.

21 Jim is well aware that Minh took Hannah and Matthew to his house on
22 October 18. Jim is well aware that the Court stated, "Mom needs to deliver her to
23 dad's house, mom is to stay seat-belted in the car and she's to tell Hannah to get out
24 and go and that's what parents do." Jim is well aware that Minh stayed seat-belted
25 for a time and told Hannah, and Matthew, to get out of the car and go to Jim's
26 house. Jim is also well aware that Dr. Fontenelle does not recommend dragging a
27 child out of a car to the other parent. Despite all of that, Jim still tries to claim that
28

1 Minh is “refusing to comply with the Court’s custody orders.” Again, these blatant
2 misrepresentations by Jim have no place in a court filing.

3 **e. The ability of the parents to cooperate to meet the needs of the**
4 **child**

5 Jim claims that he tries every effort to “co-parent” with Minh. Jim values no
6 one else’s opinion but his own and either minimizes or denies any other concerns.
7 Even after all those communications Minh tried to share with Jim about the
8 children as they cannot share their feelings directly with him, Jim still insists on
9 Matthew thriving at Challenger and wanted to continue to force him to go there,
10 despite all evidence to the contrary.

11 As to Becker being toured, Minh did her part that night co-parenting with
12 Jim writing to him immediately of her next step to getting the children in the right
13 direction. Minh then again, wrote to Jim again advising him of the progress. It is
14 not Minh’s job to make sure Jim reads his messages via Our Family Wizard. That
15 Jim failed to read his messages and has no one to blame but himself.

16 Judge Ritchie stated in the Findings of Fact, Conclusions of Law and Order
17 Despite the fact that Minh Luong testified she cannot co-parent with James Vahey,
18 they have cooperated to meet the needs of the children.” FFCLO at page 13, lines
19 14-16.
20

21 Jim fixates upon Matthew’s words to him – and then blames Minh for his
22 failure to discipline Matthew after Minh admonished Matthew. Jim’s blaming,
23 once again, of Minh, should expire of its own internal contradictions.

24 Jim argues that Minh let the children know that she does not agree with the
25 Court’s orders. Mot. at page 22, lines 1-2. Minh sees the children being in
26 distress, she reaches out to Jim to try and find a solution for the children’s distress.
27 Jim response Minh doing the compassionate thing on behalf of their children and
28 their distress is to attack her as viciously as he possibly can.

1 Jim continues complain about October 22. Jim's idea of co-parenting is to
2 fail to show up on October 1, to try and get Hannah to attend school after stating to
3 Minh, "I will be there no matter what." Apparently his job was more important.

4 As to October 22, Jim's idea of co-parenting is to ask for a "show of unity"
5 in a phone call by his counsel after 5:00 p.m. to Minh's counsel for early the next
6 morning and then expect everyone else to scramble because of his quite frankly
7 self-centered lack of planning, and then blame everyone else for the chaos he
8 caused.

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

10 Minh is physically and mentally healthy. Jim appears physically healthy.
11 Jim's mental health is unknown. Jim tries to now state he has valid concerns for
12 Minh's mental health. Under oath, in court with Judge Richie during a hearing in
13 2019, Jim clearly testified and also noted by Judge Richie in his ruling:" Minh is
14 an exceptional mother." Jim will say what he wants when it suits him.

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

16 Hannah is 12, Matthew is 11, and Selena is 7. The children need someone
17 who is going to provide protective capacity. The children do not like Jim, in part,
18 because they know he has lied to them and as such, cannot provide protective
19 capacity. Jim lied to them to their face about moving to California. Jim does not
20 speak with the children; he speaks at them and barks orders at them. Jim has
21 recently lied to Matthew about having to attend school at Challenger. Matthew,
22 like all children, deeply resents being lied to. Jim is so self-centered that he cannot
23 even bring himself to apologize to his children for the lies he has told them and his
24 conduct, or acknowledge that they have opinions because it is all about Jim.

25
26 Minh, by contrast, is honest with the children, listens to them, talks with
27 them (not at them) and acknowledges their concerns, and makes sure that her
28 relationship with the children is very stable – and Jim calls that alienation. Minh
believes that the children have voices that should be heard. Minh's opinion is

1 aligned with Dr. Fontenelle who believes at least to Hannah should be given a
2 voice that can be heard. There should be little wonder why the children prefer to
3 spend their time with Minh and are upset when they are not given a voice.

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

5 The older the children get the worse their relationship is with Jim as they
6 figure out who he is. Again, the older the children get, the better their relationship
7 gets with Minh. As the children get older better understand that Minh is the parent
8 that is looking out for their best interest and does not physically or emotionally
9 abuse them.

10 **i. Ability of the child to maintain a relationship with any sibling**

11 Effort should be made for the siblings to stay together.

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

14 Jim has engaged in medical neglect by refusing to acknowledge the mental
15 and physical problems Hannah has been having. Jim has engaged in educational
16 neglect because it was with him when Hannah stopped attending school.

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

20 Jim claims, again, that Minh “falsely” accused him of battery. Jim is lying
21 and he knows it and is committing perjury by doing so. *All* of the children
22 witnessed Jim batter Minh in March 2020. Hannah and Matthew gave statements
23 to the Henderson Police Department that they saw Jim batter Minh. In addition to
24 Jim battering Minh, Jim has punched Hannah in July 2020, the face causing her
25 nose to bleed. Jim has also deliberately burned Hannah’s arm with a hot frying
26 pan. All one has to do is interview the children to show Jim that Jim is
27 misrepresenting himself to this Court, again.
28

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

4 Not applicable.

5 The orders in this case are that the parties are to follow the recommendations
6 of Dr. Michelle Fontenelle-Gilmer. The Memorandum of Understanding and
7 Stipulation and Order are barely a month old and Jim is trying to avoid those
8 orders. The Orders Minh and Jim agreed to are pretty clear at least as it relates to
9 Hannah. Dr. Fontenelle can probably opine as to what negative impacts such a
10 request may have on children generally.²⁹

11 The Stipulation and Order states,

12 **IT IS FURTHER STIPULATED AND AGREED** that Dr. Michelle
13 Fontantelle-Gilmer shall be empowered to make recommendations
14 regarding Hannah. If Dr. Michelle Fontanelle-Gilmer concludes she
15 is unable to conduct the type of forensic evaluation to make such
16 recommendations, Dr. Michelle Fontanelle-Gilmer shall have the
17 authority to refer the matter to another child psychiatrist in Clark
18 County, Nevada, to conduct such a forensic evaluation as Dr.
19 Michelle Fontanelle-Gilmer deems necessary for the purpose of
20 making any recommendations. Dr. Michelle Fontanelle-Gilmer may
21 provide all her therapy notes and records to the child psychiatrist she
22 selects, and Dr. Michelle Fontenelle-Gilmer may confer with such
23 child psychiatrist to whatever extent either of them believes might be
24 necessary.

25 **IT IS FURTHER STIPULATED AND AGREED** that if Dr.
26 Michelle Fontenelle-Gilmer recommends that a change in custody,
27 visitation, timeshare, transportation, phone calls, etc. is in Hannah's
28 best interest, the parties shall follow the recommendation(s).

Stipulation and Order at page 2, lines 1-21.

²⁹ Before there are any impulsive orders regarding Matthew, it would be in Matthew's best interest to get an opinion from a therapist.

1 The Guardian Ad Litem needs to interview the parties and the children and
2 provide her report. The forensic custody evaluator, Dr. Coffey, needs to conduct
3 her evaluation and provide her report. Rather than choosing a rational approach,
4 Jim wants to engage in venomous hatred toward Minh, blaming, histrionics, name
5 calling, and personal attacks.³⁰

6 Jim engages in invective and vitriol toward Minh claiming, without a shred
7 of objective proof, that he has tried to co-parent and Minh has not. There are
8 innumerable text messages and Our Family Wizard messages of Minh trying to co-
9 parent. The children refuse to return to Jim because he has estranged those
10 children from him.

11 As stated, what Dr. Fontenelle has recommended, and Minh is agreeable to
12 as a way of trying to reunify Jim with the children is having Jim pick up the
13 children from school for a couple of hours each day and then Minh keeps them for
14 the night and bring them back to school the next day. Jim was reluctant to accept
15 those recommendations, even though it is stipulated and ordered that Minh and Jim
16 are to follow the recommendations, at least as it relates to Hannah.

17
18 Jim's Motion should be denied for a complete lack of adequate cause and
19 because NRS 125C.0035 is the incorrect legal standard for requests for temporary
20 changes in custody.

21 **F. Matthew Should Attend Counseling**

22 Rather than get into a debate about the obvious estrangement that Jim has
23 created between himself and the children, it would be better for Matthew to get
24 some therapy and then follow the recommendations of the therapist, as the parties
25 have stipulated and agreed to do with Hannah.

27 ³⁰ Should this case continue on the road it is going down, a blind person can see this; when these
28 children come of age, or sooner, these children will have absolutely nothing to do with Jim and
will have everything to do with Minh and her family. Minh has been trying to warn Jim, for years
now, that he is damaging his relationship with the children. Jim's response has always been,
"but what about me."

1 Matthew should see a therapist that Dr. Fontenelle recommends so that she
2 can work with someone she has vetted and she is comfortable. That would be in
3 Matthew's best interest rather than the knee-jerk emotional reaction, histrionics,
4 and blaming in which Jim prefers to engage.

5 A Motion and the associated histrionics from Jim's counsel were never
6 required. All Jim and Minh would have had to do was to meet with Dr. Fontenelle
7 and get her recommendation, the matter would have been resolved, and Matthew
8 would have had a counselor. See EDCR 5.501. Instead, Jim chose to make the
9 unnecessary request for Court intervention for a therapist for Matthew as drawn
10 out, dramatic, as vexatious as possible as well.

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

12 There is no basis for Jim to request fees. Jim's request for contempt fails to
13 meet the requirements set forth by the Nevada Supreme Court in the case law and
14 as set forth in the Eighth District Court Local Rules. No Motion ever had to be
15 filed regarding Matthew. The issues regarding Hannah and Matthew could have
16 and should have been resolved in a less adversarial way. Jim is well aware of Dr.
17 Fontenelle's recommendations are, Jim simply does not like them and is trying to
18 provoke the Court have an emotional reaction regarding temporary custody and
19 circumvent those recommendations. The Court still needs to hear from Dr.
20 Fontenelle, Valarie Fujii, Esq., and Dr. Coffey.

22 **III.**

23 **COUNTERMOTION**

24 Space constraints prevent a more detailed argument. Attorney's fees should
25 be awarded to Minh under NRS 18.010(2)(b), NRS 125.040(1)(c), and NRS
26 150.140(3) and under *Brunzell v. Golden Gate National Bank*.³¹ The factors can be
27

28 ³¹ 85 Nev. 345, 455 P.2d 31 (1969)

1 addressed at the time of the hearing.

2 **IV.**
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 Motion in its entirety.
7 2. Awarding Minh the attorney's fees and costs she has incurred, and;
8 3. For any further relief the Court deems proper and just.

9 DATED this 2nd day of November 2021

10 PAGE LAW FIRM

11 
12
13

14 FRED PAGE, ESQ.
15 Nevada Bar No. 6080
16 6930 South Cimarron Road, Suite 140
17 Las Vegas, Nevada 89113
18 (702) 823-2888
19 Attorney for Defendant
20
21
22
23
24
25
26
27
28

1 **DECLARATION IN SUPPORT OF OPPOSITION**

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

3 I have read this Opposition to Countermotion and the statements it contains
4
5 are true and correct to the best of my knowledge, except as to those matters based
6
7 on information and belief, and as to those matters, I believe them to be true. The
8
9 statements contained in this motion are incorporated here as if set forth in full.

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

12 DATED this 2nd day of November 2021

13
14 
15 MINH LUONG

CERTIFICATE OF SERVICE

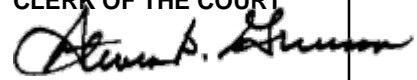
The undersigned hereby certifies that on the 2nd day of November 2021, the foregoing OPPOSITION AND COUNTERMOTION was served pursuant to NEFCR 9 via e-service to Robert Dickerson, Esq., attorney for Plaintiff.



An employee of Page Law Firm

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SUB
THE DICKERSON KARACSONYI LAW GROUP
ROBERT P. DICKERSON, ESQ.
Nevada Bar No. 000945
SABRINA M. DOLSON
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,	}	CASE NO. D-18-581444-D DEPT NO. U
Plaintiff,		
v.		
MINH NGUYET LUONG,	}	Date of Trial: 11/03/21 Time of Trial: 1:00 p.m.
Defendant.		

AMENDED TRIAL SUBPOENA

THE STATE OF NEVADA SENDS GREETINGS TO:

Dr. Michelle Fontenelle-Gilmer
9440 West Sahara Avenue, Suite 237
Las Vegas, Nevada 89134

YOU ARE HEREBY COMMANDED, that all and Singular,
business and excuses set aside, you appear and attend on the 3rd day of
November, 2021, at the hour of 1:00 p.m., via Blue Jeans:

<https://bluejeans.com/663882297/4774?src=calendarLink>
Meeting ID: 663 882 297
Participant Passcode: 4774

...

1 If you fail to attend, you will be deemed guilty of contempt of Court and
2 liable to pay all losses and damages caused by your failure to appear and
3 in addition forfeit One Hundred Dollars (\$100.00). Your testimony is
4 expected to begin on November 3, 2021, but it may continue from day to
5 day until completed. You are under subpoena to appear until you are
6 released by the Court.

7 You are entitled to witness fees as provided by Nevada Revised
8 Statutes, Section 50.225 (2021). Pursuant to Nevada Rules of Civil
9 Procedure, Rule 45(b) (2021), this Subpoena is accompanied by the fees
10 for one day's attendance.

11 Please see attached Exhibit A for information regarding the rights
12 and responsibilities of the person subject to this Subpoena.

13 Dated this 1st day of November, 2021.

14 Issued Officer of the Court:

15 THE DICKERSON KARACSONYI
16 LAW GROUP

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

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.

[REDACTED]

From: Sabrina Dolson
Sent: Thursday, October 28, 2021 11:11 PM
To: jeanette@lifebridgekids.com
Cc: Bob Dickerson; Edwardo Martinez
Subject: November 3, 2021 Evidentiary Hearing; Vahey v. Luong
Attachments: Trial Subpoena.Fontenelle001.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Hi Jeanette,

Attached please find the Trial Subpoena you requested. I will have it formally served on Monday given your office is closed tomorrow.

***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**

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

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

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

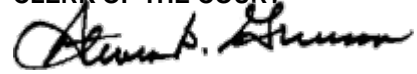
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FDF

Name: ROBERT P. DICKERSON, ESQ.
Address: 1645 Village Center Circle, Suite 291
Las Vegas, Nevada 89134
Phone: 702-388-8600
Email: info@thedklawgroup.com
Attorney for Plaintiff
Nevada State Bar No. 000945

Electronically Filed
11/3/2021 12:13 PM
Steven D. Grierson
CLERK OF THE COURT



Eighth Judicial District Court
Clark County, Nevada

<u>JAMES W. VAHEY</u> Plaintiff, vs. <u>MINH NGUYET LUONG</u> Defendant.	Case No. <u>D-18-581444-D</u> Dept. <u>U</u>
---	---

GENERAL FINANCIAL DISCLOSURE FORM

A. Personal Information:

1. What is your full name? (*first, middle, last*) James W. Vahey
2. How old are you? 58
3. What is your date of birth? 12/15/1962
4. What is your highest level of education? Medical School, orthopaedic residency, and hand surgery fellowship

B. Employment Information:

1. Are you currently employed/ self-employed? (☒ *check one*)
☐ No
☒ Yes If yes, complete the table below. Attached an additional page if needed.

Date of Hire	Employer Name	Job Title	Work Schedule (days)	Work Schedule (shift times)
08/1995	Hand Center of Nevada	Hand Surgeon	Monday - Friday	8:30 a.m. - 5:00 p.m.

2. Are you disabled? (☒ *check one*)

☒ No
☐ Yes

If yes, what is your level of disability? _____
What agency certified you disabled? _____
What is the nature of your disability? _____

C. Prior Employment: If you are unemployed or have been working at your current job for less than 2 years, complete the following information.

Prior Employer: _____ Date of Hire: _____ Date of Termination: _____
Reason for Leaving: _____

* Please see attached Declaration of James W. Vahey Regarding His Income.

Monthly Personal Income Schedule

A. Year-to-date Income.

As of the pay period ending September 30, 2021 my gross year to date pay is \$500,000.00.

B. Determine your Gross Monthly Income.

Hourly Wage

	×		=	\$0.00	×	52	=	\$0.00	÷	12	=	\$0.00
Hourly Wage		Number of hours worked per week		Weekly Income		Weeks		Annual Income		Months		Gross Monthly Income

Annual Salary

	÷	12	=	\$0.00
Annual Income		Months		Gross Monthly Income

C. Other Sources of Income.

Source of Income	Frequency	Amount	12 Month Average
Annuity or Trust Income			
Bonuses			
Car, Housing, or Other allowance:			
Commissions or Tips:			
Net Rental Income:			
Overtime Pay			
Pension/Retirement:			
Social Security Income (SSI):			
Social Security Disability (SSD):			
Spousal Support			
Child Support			
Workman's Compensation			
Other:			
Total Average Other Income Received			\$0.00

Total Average Gross Monthly Income (add totals from B and C above)	\$0.00
---	---------------

* Please see attached Declaration of James W. Vahey Regarding His Income.

D. Monthly Deductions

	Type of Deduction	Amount
1.	Court Ordered Child Support (automatically deducted from paycheck)	
2.	Federal Health Savings Plan	
3.	Federal Income Tax	
4.	Health Insurance Amount for you: \$971.14 For Opposing Party: _____ For your Child(ren): \$874.71	1,845.85
5.	Life, Disability, or Other Insurance Premiums	1,604.00
6.	Medicare	
7.	Retirement, Pension, IRA, or 401(k)	
8.	Savings	
9.	Social Security	
10.	Union Dues	
11.	Other: (Type of Deduction)	
Total Monthly Deductions (Lines 1-11)		3,449.85

Business/Self-Employment Income & Expense Schedule

A. Business Income:

What is your average gross (pre-tax) monthly income/revenue from self-employment or businesses?

\$ _____

* Please see James W. Vahey, M.D., Ltd.

Profit & Loss Statement attached to

B. Business Expenses: Attach an additional page if needed.

Declaration of James W. Vahey Regarding His Income

Type of Business Expense	Frequency	Amount	12 Month Average
Advertising			
Car and truck used for business			
Commissions, wages or fees			
Business Entertainment/Travel			
Insurance			
Legal and professional			
Mortgage or Rent			
Pension and profit-sharing plans			
Repairs and maintenance			
Supplies			
Taxes and licenses (include est. tax payments)			
Utilities			
Other:			
Total Average Business Expenses			0.00

Personal Expense Schedule (Monthly)

A. Fill in the table with the amount of money **you** spend each month on the following expenses and check whether you pay the expense for you, for the other party, or for both of you.

Expense	Monthly Amount I Pay	For Me ✓	Other Party ✓	For Both ✓
Alimony/Spousal Support				
Auto Insurance	178.00	✓		
Car Loan/Lease Payment	817.00	✓		
Cell Phone <small>Paid by business</small>				
Child Support (not deducted from pay)				
Clothing, Shoes, Etc...	200.00	✓		
Credit Card Payments (minimum due)	1,474.00	✓		
Dry Cleaning	50.00	✓		
Electric	195.00	✓		
Food (groceries & restaurants) <small>Jim and kids</small>	2,000.00	✓		
Fuel	600.00	✓		
Gas (for home)	46.00	✓		
Health Insurance (not deducted from pay)				
HOA	747.00	✓		
Home Insurance (if not included in mortgage)	347.00	✓		
Home Phone <small>Bundled with internet and cable</small>	164.99	✓		
Internet/Cable	183.00	✓		
Lawn Care <small>Included in HOA</small>				
Membership Fees				
Mortgage/Rent/Lease	1,427.00	✓		
Pest Control	28.00	✓		
Pets				
Pool Service	200.00	✓		
Property Taxes (if not included in mortgage)				
Security Insurance for boats	53.00	✓		
Sewer Garbage/Trash	16.39	✓		
Student Loans				
Unreimbursed Medical Expense				
Water and sewer	79.00	✓		
Other: Umbrella Insurance	117.00	✓		
Total Monthly Expenses	8,922.38			

Household Information

- A. Fill in the table below with the name and date of birth of each child, the person the child is living with, and whether the child is from this relationship. Attached a separate sheet if needed.

	Child's Name	Child's DOB	Whom is this child living with?	Is this child from this relationship?	Has this child been certified as special needs/disabled?
1 st	Hannah E. Vahey	03/19/09	Both	Yes	No
2 nd	Matthew J. Vahey	06/26/10	Both	Yes	No
3 rd	Selena A. Vahey	04/04/14	Both	Yes	No
4 th					

- B. Fill in the table below with the amount of money you spend each month on the following expenses for each child.

Type of Expense	1 st Child	2 nd Child	3 rd Child	4 th Child
Cellular Phone				
Child Care	230.00	100.00	100.00	
Clothing	100.00	100.00	100.00	
Education	698.85	698.85	668.25	
Entertainment	200.00	200.00	200.00	
Extracurricular & Sports		40.00	80.00	
Health Insurance (if not deducted from pay)				
Summer Camp/Programs				
Transportation Costs for Visitation				
Unreimbursed Medical Expenses				
Vehicle				
Other:				
Total Monthly Expenses	1,228.85	1,138.85	1,148.25	0.00

*These education expenses are one-half the amount of the 12-month average for the children's tuition.

- C. Fill in the table below with the names, ages, and the amount of money contributed by all persons living in the home over the age of eighteen. If more than 4 adult household members attached a separate sheet.

Name	Age	Person's Relationship to You (i.e. sister, friend, cousin, etc...)	Monthly Contribution

Personal Asset and Debt Chart

A. Complete this chart by listing all of your assets, the value of each, the amount owed on each, and whose name the asset or debt is under. If more than 15 assets, attach a separate sheet.

Line	Description of Asset and Debt Thereon	Gross Value		Total Amount Owed		Net Value	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.	N/A pursuant to EDCR 5.507(h)	\$	-	\$	=	\$ 0.00	
2.		\$	-	\$	=	\$ 0.00	
3.		\$	-	\$	=	\$ 0.00	
4.		\$	-	\$	=	\$ 0.00	
5.		\$	-	\$	=	\$ 0.00	
6.		\$	-	\$	=	\$ 0.00	
7.		\$	-	\$	=	\$ 0.00	
8.		\$	-	\$	=	\$ 0.00	
9.		\$	-	\$	=	\$ 0.00	
10.		\$	-	\$	=	\$ 0.00	
11.		\$	-	\$	=	\$ 0.00	
12.		\$	-	\$	=	\$ 0.00	
13.		\$	-	\$	=	\$ 0.00	
14.		\$	-	\$	=	\$ 0.00	
15.		\$	-	\$	=	\$ 0.00	
Total Value of Assets (add lines 1-15)		\$ 0.00	-	\$ 0.00	=	\$ 0.00	

B. Complete this chart by listing all of your unsecured debt, the amount owed on each account, and whose name the debt is under. If more than 5 unsecured debts, attach a separate sheet.

Line #	Description of Credit Card or Other Unsecured Debt	Total Amount owed	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.		\$	
2.		\$	
3.		\$	
4.		\$	
5.		\$	
6.		\$	
Total Unsecured Debt (add lines 1-6)		\$ 0.00	

CERTIFICATION

* From March 26, 2021, the date the Decree
Divorce was entered, through September 30,
2021

Attorney Information: Complete the following sentences:

1. I (have/have not) have retained an attorney for this case.
2. As of the date of today, the attorney has been paid a total of \$ 24605.00 on my behalf.
3. I have a credit with my attorney in the amount of \$ 0.00.
4. I currently owe my attorney a total of \$ 4,680.00.
5. I owe my prior attorney a total of \$ 0.00.

IMPORTANT: Read the following paragraphs carefully and initial each one.

JWV I swear or affirm under penalty of perjury that I have read and followed all instructions in completing this Financial Disclosure Form. I understand that, by my signature, I guarantee the truthfulness of the information on this Form. I also understand that if I knowingly make false statements I may be subject to punishment, including contempt of court.

 I have attached a copy of my 3 most recent pay stubs to this form.

JWV I have attached a copy of my most recent YTD income statement/P&L statement to this form, if self-employed.

 I have not attached a copy of my pay stubs to this form because I am currently unemployed.

James W. Wally
Signature

11-3-21
Date

CERTIFICATE OF SERVICE

I hereby declare under the penalty of perjury of the State of Nevada that the following is true and correct:

That on *(date)* November 3, 2021, service of the General Financial Disclosure Form was made to the following interested parties in the following manner:

☐ Via 1st Class U.S. Mail, postage fully prepaid addressed as follows:

☒ Via Electronic Service, in accordance with the Master Service List, pursuant to NEFCR 9, to:

fpage@pagelawoffices.com_____

☐ Via Facsimile and/or Email Pursuant to the Consent of Service by Electronic Means on file herein to: _____

Executed on the 3rd day of November, 2021.

/s/ Edwardo Martinez
Signature

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1 **DECL**

2 **THE DICKERSON KARACSONYI LAW GROUP**

3 **ROBERT P. DICKERSON, ESQ.**

4 Nevada Bar No. 000945

5 **SABRINA M. DOLSON**

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

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12 Attorneys for Plaintiff

13
14 DISTRICT COURT
15 FAMILY DIVISION

16 CLARK COUNTY, NEVADA

17 JAMES W. VAHEY,

18 Plaintiff,

19 v.

20 MINH NGUYET LUONG,

21 Defendant.

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

24
25 **DECLARATION OF JAMES W. VAHEY**
26 **REGARDING HIS INCOME**

27 I, JAMES W. VAHEY ("Jim"), declare under penalty of perjury
28 under the law of the State of Nevada that the following statements are
true and correct:

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

2. I am making this declaration in support of my General
Financial Disclosure Form ("FDF"). I have read the FDF prepared by my
counsel and swear, to the best of my knowledge, that the facts as set forth

1 therein are true and accurate, save and except any fact stated upon
2 information and belief, and as to such facts I believe them to be true. I
3 hereby reaffirm said facts as if set forth fully herein to the extent that they
4 are not recited herein. If called upon by this Court, I will testify as to my
5 personal knowledge of the truth and accuracy of the statements contained
6 therein.

7 3. I am a hand surgeon, and until December 2018, I operated my
8 medical practice under James W. Vahey, M.D., Ltd., a Nevada
9 professional corporation. In 2018, James W. Vahey, M.D., Ltd. received
10 its income from fees paid directly to the corporation and distributions
11 from Vahey & Gluck Hand Surgery Ltd. ("Vahey & Gluck"), a Nevada
12 professional limited liability company. I then paid myself an officer salary
13 from James W. Vahey, M.D., Ltd., as well as distributions.

14 4. In 2020, Vahey & Gluck distributed \$240,000.00 to James W.
15 Vahey, M.D., Ltd. and \$350,000.00 to JW Vahey, PLLC. **Exhibit 1**,
16 James W. Vahey, M.D., Ltd. Profit & Loss, January through December
17 2020. In addition, in 2020, James W. Vahey, M.D., Ltd. received fees in
18 the amount of \$3,220.00. After paying expenses in 2020, the net income
19 for James W. Vahey, M.D., Ltd. in 2020 was \$185,537.00. After paying
20 expenses in 2020, the net income for JW Vahey, PLLC in 2020 was
21 \$265,174.00.

22 5. In addition to the foregoing, I also can receive income from
23 Other Hand, LLC. Other Hand, LLC receives rent from Vahey & Gluck.
24 However, in 2020, Other Hand, LLC's expenses for the rental property
25 exceeded the rent received from Vahey & Gluck. Thus, in 2020, Other
26 Hand, LLC's net rental income was -\$44,786.00, which amounts to
27 monthly net rental income of -\$3,732.00.

28 . . .

6. I also will owe Federal Income tax, Social Security tax, and Medicare tax on this 2020 income, the amount of which will be determined when I file my taxes. I have an extension to file my 2020 taxes.

Executed on: 11-3-21

James W. Vahey
JAMES W. VAHEY

JAMES VAHEY, M.D., LTD.
Profit & Loss
January through December 2020

	Jan - Dec 20
Ordinary Income/Expense	
Income	
501 · FEES	220.05
508 · VAHEY & GLUCK LTD.	240,000.00
Total Income	240,220.05
Expense	
626 · BANK CHGS & CREDIT CARD DISC.	15,155.94
630 · BOOKKEEPING	350.00
644 · CLIENT BUSINESS MEALS	944.28
654 · COMPUTER EXPENSES	71.88
675 · DRUGS AND MEDICAL SUPPLIES	288.84
683 · GAS, OIL, REPAIRS	2,978.64
687 · GIFTS, FLOWERS, BEREAVEMENTS	57.36
692 · INSURANCE- AUTO	996.00
696 · INTEREST	27,884.65
711 · LEGAL AND ACCOUNTING	1,743.12
715 · LICENSES AND DUES	1,520.00
739 · OFFICE EXPENSES	15.41
744 · OFFICE SUPPLIES	237.57
779 · REPAIRS AND MAINTENANCE	33.52
793 · SUPPLIES	147.54
805 · TAXES-PAYROLL	1,767.10
809 · TELEPHONE	491.26
Total Expense	54,683.11
Net Ordinary Income	185,536.94
Net Income	185,536.94

JW VAHEY PLLC
Transactions by Account
As of December 31, 2020

Type	Date	Num	Name	Paid Amount
418 · SHAREHOLDER DISTRIBUTIONS				
418-1 · MEDICAL EXPENSES				
Check	01/01/2020	1552	NADINE BLEEKER, M.S., LTD.	-380.00
Check	01/30/2020	1553	NADINE BLEEKER, M.S., LTD.	-380.00
Check	02/13/2020	1554	NADINE BLEEKER, M.S., LTD.	-400.00
Check	02/28/2020	1555	NADINE BLEEKER, M.S., LTD.	-400.00
Check	03/12/2020	1559	NADINE BLEEKER, M.S., LTD.	-400.00
Check	03/26/2020	1560	NADINE BLEEKER, M.S., LTD.	-400.00
Check	04/14/2020	1561	NADINE BLEEKER, M.S., LTD.	-156.00
Check	05/11/2020	1563	NADINE BLEEKER, M.S., LTD.	-822.00
Check	06/03/2020	1002	NADINE BLEEKER, M.S., LTD.	-300.00
Check	06/25/2020	1566	NADINE BLEEKER, M.S., LTD.	-354.00
Check	07/12/2020	1568	NADINE BLEEKER, M.S., LTD.	-444.00
Check	07/17/2020	1646	NADINE BLEEKER, M.S., LTD.	-420.00
Check	08/07/2020	1570	NADINE BLEEKER, M.S., LTD.	-462.00
Check	08/25/2020	1571	NADINE BLEEKER, M.S., LTD.	-400.00
Check	09/08/2020	1573	NADINE BLEEKER, M.S., LTD.	-400.00
Check	09/09/2020	1649	NADINE BLEEKER, M.S., LTD.	0.00
Check	09/22/2020	1574	NADINE BLEEKER, M.S., LTD.	-400.00
Check	10/20/2020	1575	NADINE BLEEKER, M.S., LTD.	-400.00
Check	10/30/2020	1577	NADINE BLEEKER, M.S., LTD.	-400.00
Check	11/17/2020	1578	NADINE BLEEKER, M.S., LTD.	-400.00
Check	12/01/2020	1579	NADINE BLEEKER, M.S., LTD.	-400.00
Check	12/21/2020	1580	NADINE BLEEKER, M.S., LTD.	-400.00
Total 418-1 · MEDICAL EXPENSES				-8,518.00
Total 418 · SHAREHOLDER DISTRIBUTIONS				-8,518.00
TOTAL				-8,518.00

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11/01/21

Cash Basis

JW VAHEY PLLC
Transactions by Account
As of December 31, 2020

Type	Date	Num	Name	Paid Amount
418 · SHAREHOLDER DISTRIBUTIONS				
Deposit	01/03/2020		TRANSFER FROM VAHEY, LTD.	300.00
Transfer	01/07/2020			100.00
Deposit	01/21/2020		TRANSFER FROM VAHEY, LTD.	1,810.36
Deposit	02/03/2020		TRANSFER FROM VAHEY, LTD.	380.00
Deposit	02/18/2020		TRANSFER FROM VAHEY, LTD.	400.00
Deposit	02/19/2020		TRANSFER FROM VAHEY, LTD.	291.66
Deposit	02/21/2020		TRANSFER FROM VAHEY, LTD.	816.87
Check	02/24/2020		TRANSFER TO VAHEY, LTD.	-50,000.00
Check	03/03/2020	1556	ALLISON ROTH	-60.00
Deposit	03/03/2020		TRANSFER FROM VAHEY, LTD.	400.00
Check	03/12/2020	1557	JAMES W. VAHEY	-260.00
Deposit	03/12/2020		TRANSFER FROM VAHEY, LTD.	11,389.89
Deposit	03/16/2020		TRANSFER FROM VAHEY, LTD.	400.00
Deposit	03/17/2020		TRANSFER FROM VAHEY, LTD.	60.00
Deposit	03/23/2020		TRANSFER FROM VAHEY, LTD.	816.87
Deposit	03/31/2020		TRANSFER FROM VAHEY, LTD.	400.00
Check	04/10/2020		TRANSFER TO VAHEY, LTD.	-50,000.00
Deposit	04/21/2020		TRANSFER FROM VAHEY, LTD.	816.87
Deposit	04/27/2020		TRANSFER FROM VAHEY, LTD.	2,824.81
Deposit	05/18/2020		TRANSFER FROM VAHEY, LTD.	3,725.43
Check	05/21/2020		LOAN PAYMENT MID COUNTRY	-49,173.92
Deposit	05/21/2020		TRANSFER FROM VAHEY, LTD.	816.87
General J...	05/22/2020	1		-650,000.00
Check	06/04/2020	1001	JAMES W. VAHEY, M.D., LTD.	-45,000.00
Check	06/15/2020		TRANSFER TO VAHEY, LTD.	-50,000.00
Check	06/17/2020		TRANSFER TO CCM FUND	-900.00
Deposit	06/18/2020		TRANSFER FROM VAHEY, LTD.	106.27
Deposit	06/22/2020		TRANSFER FROM VAHEY, LTD.	816.87
Deposit	06/29/2020		TRANSFER FROM VAHEY, LTD.	978.72
Deposit	06/30/2020		TRANSFER FROM VAHEY, LTD.	1,176.61
Deposit	07/15/2020		TRANSFER FROM VAHEY, LTD.	996.00
Deposit	07/16/2020		TRANSFER FROM VAHEY, LTD.	1,562.88
Check	07/20/2020		TRANSFER TO VAHEY, LTD.	-53,000.00
Deposit	07/21/2020		TRANSFER FROM VAHEY, LTD.	816.87
General J...	07/27/2020	2		30,000.00
Deposit	08/06/2020		TRANSFER FROM VAHEY, LTD.	444.00
Deposit	08/10/2020		TRANSFER FROM VAHEY, LTD.	420.00
Check	08/12/2020		TRANSFER TO CCM FUND	-24.00
Deposit	08/17/2020		TRANSFER FROM VAHEY, LTD.	462.00
Deposit	08/18/2020		TRANSFER FROM JW VAHEU...	10.00
Deposit	08/18/2020		TRANSFER FROM PERSONAL	10.00
Check	08/18/2020		TRANSFER TO VAHEY, LTD.	-49,913.73
Transfer	08/20/2020			5,000.00
Deposit	08/21/2020		TRANSFER FROM VAHEY, LTD.	4,005.73
General J...	08/21/2020	3		50,000.00
Deposit	08/28/2020		TRANSFER FROM VAHEY, LTD.	616.00
Check	08/28/2020	1572	NADINE BLEEKER, M.S., LTD.	-216.00
Deposit	09/11/2020		TRANSFER FROM VAHEY, LTD.	4,497.61
Deposit	09/14/2020		TRANSFER FROM VAHEY, LTD.	600.00
Check	09/14/2020	1005	JAMES W. VAHEY, M.D., LTD.	-20,000.00
Deposit	09/17/2020		TRANSFER FROM VAHEY, LTD.	106.27
Deposit	09/21/2020		TRANSFER FROM VAHEY, LTD.	816.87
Deposit	09/28/2020		TRANSFER FROM VAHEY, LTD.	400.00
Check	10/16/2020		TRANSFER TO REVOCABLE T...	-55,000.00
Deposit	10/19/2020		TRANSFER FROM VAHEY, LTD.	106.27
Deposit	10/21/2020		TRANSFER FROM VAHEY, LTD.	816.87
Transfer	10/22/2020			49,300.00
Deposit	10/26/2020		TRANSFER FROM VAHEY, LTD.	400.00
Deposit	10/27/2020		TRANSFER FROM VAHEY, LTD.	100.00
Deposit	11/04/2020		TRANSFER FROM VAHEY, LTD.	400.00
Deposit	11/19/2020		TRANSFER FROM VAHEY, LTD.	106.27
Deposit	11/23/2020		TRANSFER TO VAHEY, LTD.	1,216.87
Transfer	12/04/2020			50,000.00
Deposit	12/07/2020		TRANSFER FROM VAHEY, LTD.	400.00
Check	12/08/2020		TRANSFER TO VAHEY, LTD.	-400.00
Check	12/14/2020		TRANSFER TO VAHEY, LTD.	-61,600.00
Transfer	12/17/2020			10,000.00

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11/01/21

Cash Basis

JW VAHEY PLLC
Transactions by Account
As of December 31, 2020

Type	Date	Num	Name	Paid Amount
Check	12/17/2020		TRANSFER TO VAHEY, LTD.	-9,893.73
Check	12/18/2020		TRANSFER TO VAHEY, LTD.	-20,000.00
Deposit	12/18/2020		TRANSFER FROM VAHEY, LTD.	20,000.00
Deposit	12/21/2020		TRANSFER FROM VAHEY, LTD.	1,216.87
Deposit	12/28/2020		TRANSFER FROM VAHEY, LTD.	100.00
Total 418 · SHAREHOLDER DISTRIBUTIONS				-901,685.90
TOTAL				-901,685.90

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11/01/21
Cash Basis

JAMES VAHEY, M.D., LTD.
Transactions by Account
As of December 31, 2020

Type	Date	Num	Name	Paid Amount
415 - DRAW- J. VAHEY				
415-4 - Medical Expense				
Check	04/09/2020	1215	CITICARDS	-195.00
Check	06/11/2020		CAPITAL ONE	-108.08
Check	06/11/2020		CAPITAL ONE	-88.00
Check	07/13/2020		CAPITAL ONE	-88.00
Check	07/13/2020		CAPITAL ONE	-40.00
Check	07/13/2020		CAPITAL ONE	-15.00
Check	07/13/2020		CAPITAL ONE	-100.00
Check	07/13/2020		CAPITAL ONE	-75.00
Check	07/13/2020		CAPITAL ONE	-15.00
Check	08/11/2020		CAPITAL ONE	-175.50
Check	08/11/2020		CAPITAL ONE	-40.00
Check	08/11/2020		CAPITAL ONE	-195.00
Check	08/11/2020		CAPITAL ONE	-150.00
Check	08/11/2020		CAPITAL ONE	-10.00
Check	10/13/2020		CAPITAL ONE	-1,000.00
Check	11/12/2020		CAPITAL ONE	-70.00
Check	11/12/2020		CAPITAL ONE	-125.00
Check	11/12/2020		CAPITAL ONE	-40.00
Check	11/12/2020		CAPITAL ONE	-75.00
Check	11/12/2020		CAPITAL ONE	-1,000.00
Check	12/11/2020		CAPITAL ONE	-15.00
Check	12/11/2020		CAPITAL ONE	-108.08
Total 415-4 - Medical Expense				-3,727.66
415-3 - Estimated Taxes				
Check	07/16/2020		U.S. TREASURY	-35,000.00
Total 415-3 - Estimated Taxes				-35,000.00
415-2 - JW Vahey PLLC				
Check	01/03/2020		TRANSFER TO JW VAHEY PLLC	-300.00
Check	01/21/2020		TRANSFER TO JW VAHEY PLLC	-1,810.36
Check	02/03/2020		TRANSFER TO JW VAHEY PLLC	-380.00
Check	02/18/2020		TRANSFER TO JW VAHEY PLLC	-400.00
Check	02/19/2020		TRANSFER TO JW VAHEY PLLC	-291.66
Check	02/21/2020		TRANSFER TO JW VAHEY PLLC	-816.87
Check	03/03/2020		TRANSFER TO JW VAHEY PLLC	-400.00
Check	03/12/2020		TRANSFER TO JW VAHEY PLLC	-11,389.89
Check	03/16/2020		TRANSFER TO JW VAHEY PLLC	-400.00
Check	03/17/2020		TRANSFER TO JW VAHEY PLLC	-60.00
Check	03/23/2020		TRANSFER TO JW VAHEY PLLC	-816.87
Check	03/31/2020		TRANSFER TO JW VAHEY PLLC	-400.00
Deposit	04/10/2020		FROM JW VAHEY PLLC	50,000.00
Check	04/21/2020		TRANSFER TO JW VAHEY PLLC	-816.87
Check	04/27/2020		TRANSFER TO JW VAHEY PLLC	-2,824.81
Check	05/18/2020		TRANSFER TO JW VAHEY PLLC	-3,725.43
Check	05/21/2020		TRANSFER TO JW VAHEY PLLC	-816.87
Deposit	06/15/2020		FROM JW VAHEY PLLC	50,000.00
Check	06/18/2020		TRANSFER TO JW VAHEY PLLC	-106.27
Check	06/22/2020		TRANSFER TO JW VAHEY PLLC	-816.87
Check	06/29/2020		TRANSFER TO JW VAHEY PLLC	-978.72
Check	06/30/2020		TRANSFER TO JW VAHEY PLLC	-1,176.61
Check	07/15/2020		TRANSFER TO JW VAHEY PLLC	-996.00
Check	07/16/2020		TRANSFER TO JW VAHEY PLLC	-1,562.88
Deposit	07/20/2020		FROM JW VAHEY PLLC	53,000.00
Check	07/21/2020		TRANSFER TO JW VAHEY PLLC	-816.87
Check	08/06/2020		TRANSFER TO JW VAHEY PLLC	-444.00
Check	08/10/2020		TRANSFER TO JW VAHEY PLLC	-420.00
Check	08/17/2020		TRANSFER TO JW VAHEY PLLC	-462.00
Deposit	08/18/2020		FROM JW VAHEY PLLC	49,913.73
Check	08/21/2020		TRANSFER TO JW VAHEY PLLC	-4,005.73
Check	08/28/2020		TRANSFER TO JW VAHEY PLLC	-616.00
Check	09/11/2020		TRANSFER TO JW VAHEY PLLC	-4,497.61
Check	09/14/2020		TRANSFER TO JW VAHEY PLLC	-600.00
Check	09/17/2020		TRANSFER TO JW VAHEY PLLC	-106.27
Check	09/21/2020		TRANSFER TO JW VAHEY PLLC	-816.87

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11/01/21

Cash Basis

JAMES VAHEY, M.D., LTD.
Transactions by Account
As of December 31, 2020

Type	Date	Num	Name	Paid Amount
Check	09/28/2020		TRANSFER TO JW VAHEY PLLC	-400.00
Check	10/19/2020		TRANSFER TO JW VAHEY PLLC	-106.27
Check	10/21/2020		TRANSFER TO JW VAHEY PLLC	-816.87
Check	10/26/2020		TRANSFER TO JW VAHEY PLLC	-400.00
Check	10/27/2020		TRANSFER TO JW VAHEY PLLC	-100.00
Check	11/04/2020		TRANSFER TO JW VAHEY PLLC	-400.00
Check	11/19/2020		TRANSFER TO JW VAHEY PLLC	-106.27
Check	11/23/2020		TRANSFER TO JW VAHEY PLLC	-1,216.87
Check	12/07/2020		TRANSFER TO JW VAHEY PLLC	-400.00
Deposit	12/08/2020		FROM JW VAHEY PLLC	400.00
Deposit	12/14/2020		FROM JW VAHEY PLLC	61,600.00
Deposit	12/17/2020		FROM JW VAHEY PLLC	9,893.73
Deposit	12/18/2020		FROM JW VAHEY PLLC	20,000.00
Check	12/21/2020		TRANSFER TO JW VAHEY PLLC	-1,216.87
Check	12/28/2020		TRANSFER TO JW VAHEY PLLC	-100.00
Total 415-2 · JW Vahey PLLC				245,471.98
415-1 · Personal				
Check	01/03/2020		TRANSFER TO PERSONAL	-2,811.77
Deposit	01/06/2020		TRANSFER FROM PERSONAL	11,322.00
Check	01/06/2020		TRANSFER TO #500094997	-860.00
Check	01/06/2020		TRANSFER TO PERSONAL	-13,000.00
Check	01/07/2020		TRANSFER TO PERSONAL	-388.39
Check	01/10/2020		TRANSFER TO #500094997	-8.00
Check	01/13/2020		TRANSFER TO PERSONAL	-1,333.00
Check	01/13/2020		TRANSFER TO #500094997	-3,721.56
Check	01/13/2020		CAPITAL ONE	-285.15
Check	01/15/2020		TRANSFER TO PERSONAL	-1,000.00
Check	01/15/2020		TRANSFER TO #500094997	-4,318.00
Check	01/15/2020		TRANSFER TO PERSONAL	-37,743.47
Check	01/16/2020		TRANSFER TO PERSONAL	-2,133.35
Check	01/23/2020		TRANSFER TO PERSONAL	-525.00
Check	01/29/2020		TRANSFER TO #500094997	-80.85
Check	01/29/2020		TRANSFER TO PERSONAL	-1,465.38
Check	01/30/2020		TRANSFER TO PERSONAL	-600.00
Deposit	01/31/2020		TRANSFER FROM #5000984997	30.65
Deposit	02/04/2020		TRANSFER FROM #5000984997	4,914.49
Deposit	02/04/2020		TRANSFER FROM PERSONAL	13,000.00
Check	02/04/2020		TRANSFER TO PERSONAL	-13,000.00
Deposit	02/05/2020		TRANSFER FROM #5000984997	151.40
Check	02/07/2020		TRANSFER TO PERSONAL	-305.40
Check	02/07/2020		TRANSFER TO #500094997	-5,535.56
Check	02/09/2020	1023	CITICARDS	-2,097.27
Check	02/11/2020		TRANSFER TO #500094997	-3,477.58
Check	02/11/2020		CAPITAL ONE	-632.68
Check	02/12/2020		TRANSFER TO #500094997	-8.00
Check	02/18/2020		TRANSFER TO PERSONAL	-2,743.47
Check	02/18/2020		TRANSFER TO PERSONAL	-4,356.00
Check	02/23/2020		TRANSFER TO PERSONAL	-1,320.00
Check	02/24/2020		TRANSFER TO #500094997	-225.00
Check	02/28/2020		TRANSFER TO PERSONAL	-2,300.00
Check	03/02/2020		TRANSFER TO #500094997	-68.37
Check	03/02/2020		TRANSFER TO PERSONAL	-1,465.38
Deposit	03/04/2020		TRANSFER FROM PERSONAL	13,000.00
Check	03/04/2020		TRANSFER TO PERSONAL	-13,000.00
Check	03/09/2020		TRANSFER TO PERSONAL	-610.80
Check	03/11/2020		TRANSFER TO #500094997	-6,874.82
Check	03/11/2020		CAPITAL ONE	-457.75
Check	03/12/2020		TRANSFER TO PERSONAL	-8.00
Check	03/13/2020		TRANSFER TO PERSONAL	-4,165.91
Check	03/16/2020		TRANSFER TO PERSONAL	-2,640.59
Check	03/16/2020		TRANSFER TO PERSONAL	-4,318.00
Check	03/17/2020		TRANSFER TO #500094997	-180.00
Deposit	03/27/2020		TRANSFER FROM PERSONAL	97,000.00
Check	03/30/2020		TRANSFER TO PERSONAL	-546.16
Check	03/31/2020		TRANSFER TO PERSONAL	-1,465.38
Check	03/31/2020		TRANSFER TO #500094997	-30,000.00
Deposit	04/06/2020		TRANSFER FROM PERSONAL	9,222.00

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11/01/21

Cash Basis

JAMES VAHEY, M.D., LTD.
Transactions by Account
As of December 31, 2020

Type	Date	Num	Name	Paid Amount
Check	04/06/2020		TRANSFER TO PERSONAL	-13,000.00
Check	04/07/2020		TRANSFER TO PERSONAL	-2,858.91
Check	04/13/2020		TRANSFER TO PERSONAL	-1,293.00
Check	04/13/2020		CAPITAL ONE	-671.97
Check	04/15/2020		TRANSFER TO PERSONAL	-2,126.16
Deposit	04/20/2020		TRANSFER FROM PERSONAL	10,000.00
Check	04/20/2020		TRANSFER TO PERSONAL	-10,000.00
Check	04/20/2020		TRANSFER TO #500094997	-10,000.00
Check	04/29/2020		TRANSFER TO PERSONAL	-1,983.18
Check	04/29/2020		TRANSFER TO PERSONAL	-638.66
Deposit	05/04/2020		TRANSFER FROM PERSONAL	6,100.00
Check	05/04/2020		TRANSFER TO PERSONAL	-13,000.00
Check	05/05/2020		TRANSFER TO #500094997	-6,928.62
Check	05/07/2020		TRANSFER TO PERSONAL	-305.40
Check	05/07/2020		TRANSFER TO #500094997	-110,000.00
Check	05/12/2020		CAPITAL ONE	-994.88
Check	05/13/2020		TRANSFER TO PERSONAL	-1,281.00
Deposit	05/13/2020		TRANSFER FROM #5000984997	50,000.00
Check	05/14/2020		TRANSFER TO PERSONAL	-10,100.42
Deposit	05/15/2020		TRANSFER FROM PERSONAL	7,339.26
Check	05/19/2020		TRANSFER TO PERSONAL	-3,613.83
Deposit	05/20/2020		TRANSFER FROM PERSONAL	3,578.83
Deposit	05/21/2020		TRANSFER FROM #5000984997	30,000.00
Check	05/22/2020		TRANSFER TO PERSONAL	-2,761.96
Deposit	05/26/2020		TRANSFER FROM PERSONAL	2,726.96
Check	05/29/2020		TRANSFER TO PERSONAL	-1,476.68
Check	06/01/2020		TRANSFER TO PERSONAL	-1,243.33
Deposit	06/02/2020		TRANSFER FROM PERSONAL	6,613.79
Deposit	06/04/2020		TRANSFER FROM PERSONAL	13,105.00
Check	06/04/2020		TRANSFER TO PERSONAL	-13,000.00
Deposit	06/09/2020		TRANSFER FROM PERSONAL	11,694.60
Check	06/09/2020		TRANSFER TO #500094997	-6,000.00
Check	06/09/2020		TRANSFER TO PERSONAL	-12,000.00
Deposit	06/12/2020		TRANSFER FROM PERSONAL	10,000.00
Check	06/12/2020		TRANSFER TO #500094997	-100.00
Deposit	06/12/2020		TRANSFER FROM #5000984997	10,000.00
Check	06/12/2020		TRANSFER TO #500094997	-7,314.01
Check	06/12/2020		TRANSFER TO PERSONAL	-10,000.00
Check	06/15/2020		TRANSFER TO PERSONAL	-2,733.17
Check	06/17/2020		TRANSFER TO #500094997	-10,000.00
Check	06/30/2020		TRANSFER TO PERSONAL	-1,901.34
Check	07/06/2020		TRANSFER TO PERSONAL	-1,678.00
Check	07/07/2020		TRANSFER TO PERSONAL	-3,164.31
Deposit	07/13/2020		TRANSFER FROM PERSONAL	8,745.00
Check	07/13/2020		TRANSFER TO #500094997	-1,200.00
Check	07/13/2020		TRANSFER TO PERSONAL	-10,000.00
Check	07/15/2020		TRANSFER TO PERSONAL	-2,881.97
Check	07/29/2020		TRANSFER TO PERSONAL	-1,492.53
Check	07/30/2020		TRANSFER TO PERSONAL	-254.78
Check	08/05/2020		TRANSFER TO #500094997	-900.00
Check	08/10/2020		TRANSFER TO PERSONAL	-305.40
Check	08/11/2020		TRANSFER TO #500094997	-40,100.00
Check	08/13/2020		TRANSFER TO PERSONAL	-1,784.00
Check	08/14/2020		TRANSFER TO PERSONAL	-1,454.00
Check	08/17/2020		TRANSFER TO PERSONAL	-151.04
Check	08/17/2020		TRANSFER TO #500094997	-2,800.00
Deposit	08/18/2020		TRANSFER FROM PERSONAL	116.04
Check	08/20/2020	2088	JAMES W. VAHEY	-5,000.00
Check	08/21/2020		TRANSFER TO PERSONAL	-1,405.97
Check	08/25/2020	1926	JAMES W. VAHEY	-5,646.41
Check	08/26/2020		TRANSFER TO #500094997	-100.00
Check	08/28/2020		TRANSFER TO #500094997	-5,500.00
Check	08/31/2020		TRANSFER TO PERSONAL	-1,814.48
Check	09/08/2020		TRANSFER TO PERSONAL	-305.40
Check	09/09/2020	1084	CITICARDS	-20.59
Check	09/11/2020		TRANSFER TO PERSONAL	-5,600.00
Check	09/11/2020		CAPITAL ONE	-582.93
Deposit	09/14/2020		TRANSFER FROM PERSONAL	3,214.00

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11/01/21

Cash Basis

JAMES VAHEY, M.D., LTD.
Transactions by Account
As of December 31, 2020

Type	Date	Num	Name	Paid Amount
Check	09/14/2020		TRANSFER TO PERSONAL	-5,000.00
Check	09/15/2020		TRANSFER TO PERSONAL	-1,432.00
Check	09/16/2020		TRANSFER TO PERSONAL	-1,405.97
Check	09/16/2020		TRANSFER TO #500094997	-2,200.00
Check	09/29/2020		TRANSFER TO PERSONAL	-1,465.58
Check	09/30/2020		TRANSFER TO PERSONAL	-1,036.89
Check	09/30/2020		TRANSFER TO #500094997	-5,500.00
Check	10/05/2020		TRANSFER TO PERSONAL	-1,678.00
Check	10/07/2020		TRANSFER TO PERSONAL	-400.40
Check	10/13/2020		TRANSFER TO #500094997	-900.00
Check	10/13/2020		TRANSFER TO PERSONAL	-1,768.00
Check	10/14/2020		TRANSFER TO PERSONAL	-1,411.00
Check	10/14/2020		TRANSFER TO #500094997	-2,100.00
Check	10/16/2020		TRANSFER TO PERSONAL	-1,426.73
Deposit	10/19/2020		TRANSFER FROM PERSONAL	25,000.00
Check	10/23/2020		TRANSFER TO PERSONAL	-11,000.00
Check	10/29/2020		TRANSFER TO PERSONAL	-1,465.58
Check	10/30/2020		TRANSFER TO PERSONAL	-504.78
Check	11/09/2020		TRANSFER TO PERSONAL	-305.40
Check	11/10/2020		TRANSFER TO PERSONAL	-7,000.00
Deposit	11/13/2020		TRANSFER FROM PERSONAL	6,791.96
Check	11/16/2020		TRANSFER TO PERSONAL	-2,816.73
Check	11/30/2020		TRANSFER TO PERSONAL	-1,700.42
Check	12/01/2020		TRANSFER TO PERSONAL	-6,928.62
Deposit	12/08/2020		TRANSFER FROM PERSONAL	94.60
Check	12/09/2020		TRANSFER TO PERSONAL	-4,364.40
Check	12/11/2020		TRANSFER TO PERSONAL	-4,834.47
Deposit	12/11/2020		TRANSFER FROM PERSONAL	5,000.00
Deposit	12/14/2020		TRANSFER FROM PERSONAL	12,277.11
Deposit	12/14/2020		TRANSFER FROM #5000984997	37,203.32
Deposit	12/14/2020		TRANSFER FROM PERSONAL	50,000.00
Deposit	12/15/2020		TRANSFER FROM #5000984997	4.12
Check	12/15/2020		TRANSFER TO PERSONAL	-1,369.00
Check	12/15/2020		TRANSFER TO #500094997	-800.00
Check	12/16/2020		TRANSFER TO PERSONAL	-1,426.73
Check	12/16/2020		TRANSFER TO #500094997	-5,535.56
Check	12/17/2020		TRANSFER TO #500094997	-10,000.00
Check	12/17/2020		TRANSFER TO PERSONAL	-151,515.92
Deposit	12/18/2020		TRANSFER FROM #5000984997	20,000.00
Deposit	12/18/2020		TRANSFER FROM PERSONAL	20,000.00
Check	12/18/2020		TRANSFER TO PERSONAL	-60,000.00
Deposit	12/21/2020		TRANSFER FROM PERSONAL	1,216.87
Deposit	12/21/2020		TRANSFER FROM #5000984997	89,333.92
Check	12/21/2020		TRANSFER TO PERSONAL	-89,333.92
Deposit	12/22/2020		TRANSFER FROM #5000984997	58,783.13
Check	12/22/2020		TRANSFER TO PERSONAL	-58,783.13
Deposit	12/23/2020		TRANSFER FROM #5000984997	89,333.92
Check	12/23/2020		TRANSFER TO PERSONAL	-89,333.92
Deposit	12/24/2020		TRANSFER FROM #5000984997	58,783.13
Check	12/24/2020		TRANSFER TO PERSONAL	-58,783.13
Deposit	12/28/2020		TRANSFER FROM PERSONAL	100.00
Deposit	12/28/2020		TRANSFER FROM #5000984997	89,295.92
Check	12/28/2020	2090	?????????	-50.00
Check	12/28/2020		TRANSFER TO PERSONAL	-89,245.92
Deposit	12/29/2020		TRANSFER FROM #5000984997	57,217.55
Check	12/29/2020		TRANSFER TO PERSONAL	-57,217.55
Deposit	12/30/2020		TRANSFER FROM #5000984997	89,245.92
Check	12/30/2020		TRANSFER TO PERSONAL	-89,245.92
Deposit	12/31/2020		TRANSFER FROM #5000984997	48,104.56
Check	12/31/2020		TRANSFER TO PERSONAL	-48,097.37
Total 415-1 - Personal				-323,267.36
415 - DRAW- J. VAHEY - Other				
Check	01/08/2020		CHASE	-420.48
Check	01/09/2020	1627	CITICARDS	-348.03
Check	03/09/2020	1364	CITICARDS	-171.93
General ...	05/22/2020			697,363.92
Check	06/11/2020		CAPITAL ONE	-12.99

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11/01/21

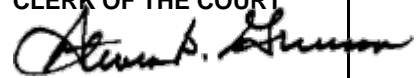
Cash Basis

JAMES VAHEY, M.D., LTD.
Transactions by Account
As of December 31, 2020

Type	Date	Num	Name	Paid Amount
Check	07/09/2020	1172	CITICARDS	-190.95
Check	07/13/2020		CAPITAL ONE	-12.99
Check	07/24/2020	2087	MEADOWS BANK	-30,000.00
Check	08/11/2020		CAPITAL ONE	-12.99
Check	08/11/2020		CAPITAL ONE	-25.00
Check	08/11/2020		CAPITAL ONE	-24.99
Check	08/11/2020		CAPITAL ONE	-3.22
Check	08/21/2020	2089	MEADOWS BANK	-50,000.00
Check	10/13/2020		CAPITAL ONE	-15.99
Check	10/13/2020		CAPITAL ONE	-9.20
Check	10/13/2020		CAPITAL ONE	-6.82
Check	10/13/2020		CAPITAL ONE	-18.07
Check	10/13/2020		CAPITAL ONE	-24.99
Check	10/13/2020		CAPITAL ONE	-7.81
Check	11/09/2020	1706	CITICARDS	-1,186.13
Check	11/12/2020		CAPITAL ONE	-15.99
Check	11/12/2020		CAPITAL ONE	-1.95
Check	11/12/2020		CAPITAL ONE	-1.95
Check	11/12/2020		CAPITAL ONE	-24.99
Check	11/12/2020		CAPITAL ONE	-44.99
Check	11/12/2020		CAPITAL ONE	-34.95
Check	11/12/2020		CAPITAL ONE	-833.40
Check	12/11/2020		CAPITAL ONE	44.99
Check	12/11/2020	1233	CITICARDS	-186.85
Check	12/11/2020		CAPITAL ONE	34.95
Check	12/11/2020		CAPITAL ONE	-15.99
Check	12/11/2020		CAPITAL ONE	-5.36
Check	12/11/2020		CAPITAL ONE	-24.99
Total 415 · DRAW- J. VAHEY - Other				613,759.87
Total 415 · DRAW- J. VAHEY				497,236.83
TOTAL				<u>497,236.83</u>

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SUB
THE DICKERSON KARACSONYI LAW GROUP
ROBERT P. DICKERSON, ESQ.
Nevada Bar No. 000945
SABRINA M. DOLSON
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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,	}	CASE NO. D-18-581444-D DEPT NO. U
Plaintiff,		
v.		
MINH NGUYET LUONG,	}	Date of Trial: 11/03/21 Time of Trial: 1:30 p.m.
Defendant.		

TRIAL SUBPOENA

THE STATE OF NEVADA SENDS GREETINGS TO:

Dr. Michelle Fontenelle-Gilmer
9440 West Sahara Avenue, Suite 237
Las Vegas, Nevada 89134

YOU ARE HEREBY COMMANDED, that all and Singular,
business and excuses set aside, you appear and attend on the 3rd day of
November, 2021, at the hour of 1:30 p.m., via Blue Jeans:

<https://bluejeans.com/663882297/4774?src=calendarLink>
Meeting ID: 663 882 297
Participant Passcode: 4774

...

1 If you fail to attend, you will be deemed guilty of contempt of Court and
2 liable to pay all losses and damages caused by your failure to appear and
3 in addition forfeit One Hundred Dollars (\$100.00). Your testimony is
4 expected to begin on November 3, 2021, but it may continue from day to
5 day until completed. You are under subpoena to appear until you are
6 released by the Court.

7 You are entitled to witness fees as provided by Nevada Revised
8 Statutes, Section 50.225 (2021). Pursuant to Nevada Rules of Civil
9 Procedure, Rule 45(b) (2021), this Subpoena is accompanied by the fees
10 for one day's attendance.

11 Please see attached Exhibit A for information regarding the rights
12 and responsibilities of the person subject to this Subpoena.

13 Dated this 28th day of October, 2021.

14 Issued Officer of the Court:

15 THE DICKERSON KARACSONYI
16 LAW GROUP

17 By /s/ Sabrina M. Dolson

18 ROBERT P. DICKERSON, ESQ.

19 Nevada Bar No. 000945

20 SABRINA M. DOLSON, ESQ.

21 Nevada Bar No. 013105

22 1645 Village Center Circle, Suite 291

23 Las Vegas, Nevada 89134

24 Attorneys for Plaintiff

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, WITNESS FEE CHECK IN THE AMOUNT OF \$26.00., on the 1st day of November, 2021 and served the same on the 1st day of November, 2021, at 16:58 by:

serving the servee DR. MICHELLE FONTENELLE-GILMER by personally delivering and leaving a copy at (address) 9440 WEST SAHARA AVENUE, SUITE 237, LAS VEGAS NEVADA 89134 with JEANETTE INGRAM-MEDICAL ASSISTANT as , an agent lawfully designated by statute to accept service of process;

FEMALE, 40S, WEARING GLASSES, VERY PETITE

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 01 day of Nov, 2021.

**GREGORY BROWN
R-2020-14947**