

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

\* \* \* \* \*

MINH NGUYET LUONG,

Petitioner,

vs.

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

Respondents,

and

JAMES W. VAHEY,

Real Party in Interest.

S.C. No.: Electronically Filed  
Apr 08 2022 09:33 a.m.  
Elizabeth A. Brown  
D.C. Case No.: Clerk of Supreme Court

**PETITIONER'S  
APPENDIX**

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173.	Notice of Entry of Stipulation and Order	12/13/2021	AA003482 - AA003490
174.	Scheduling Order and Order Setting Civil Non-Jury Trial	12/12/2021	AA003491 - AA003493
175.	Stipulation and Order for Guardian Ad Litem	12/13/2021	AA003494 - AA003499
176.	Defendant's Exhibit Appendix in Support of December 16, 2021, Return Hearing	12/15/2021	AA003500 - AA003512
177.	Supplement to Order from November 12, 2021 Hearing	1/31/2022	AA003513 - AA003516
178.	Notice of Entry of Supplement to Order from November 12, 2021 Hearing	2/1/2022	AA003517 - AA003523
179.	Guardian Ad Litem Report	2/2/2022	AA003524 - AA003527
180.	Declaration of James W. Vahey Regarding Case Status	2/5/2022	AA003528 - AA003537
181.	Defendant's Exhibit Appendix in Support of February 8, 2022, Return Hearing	2/7/2022	AA003538 - AA003564
182.	Defendant's Supplement and Response for the February 3, 2022, Return Hearing	2/7/2022	AA003565 - AA003587
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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
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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
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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
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DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

JAMES W. VAHEY,

Plaintiff,

vs.

Case No.  
D-18-581444-D

MINH NGUYET LUONG,

Defendant.

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HEARING BEFORE THE HONORABLE JUDGE DAWN R. THRONE

Las Vegas, Nevada

Wednesday, November 3, 2021

1:00 p.m.

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Proceedings recorded by electronic sound recording;  
transcript produced by transcription service.

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24 MINH NGUYET LUONG

25

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1 LAS VEGAS, NEVADA

2 WEDNESDAY, NOVEMBER 3, 2021, 1:00 P.M.

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4

5 THE CLERK: We are on the record, Your Honor.

6 THE COURT: Good afternoon. This is the time  
7 set for Case D-18-581444-D. If we could have counsel  
8 make their appearances, please.

9 MR. DICKERSON: Yes, Your Honor.

10 Bob Dickerson, Bar Number 945, and Sabrina Dolson, Bar  
11 Number --

12 MS. DOLSON: 13105.

13 MR. DICKERSON: On behalf of James Vahey.

14 MR. PAGE: Good afternoon, Your Honor.

15 Fred Page, Bar Number 6080, on behalf of Defendant  
16 Minh Luong.

17 THE COURT: All right. First of all, do we  
18 have any housekeeping? I know we have Dr. Fontenelle,  
19 and I want to get right to her.

20 MR. PAGE: A quick housekeeping matter. I do  
21 have a hearing in front of Nadin Cutter, Judge Cutter,  
22 at 3:30. I was wondering if we could take our natural  
23 break then.

24 THE COURT: Sure. We should -- as long as  
25 we're done. The only one we had real serious time

1 concerns about is Dr. Fontenelle.

2 Any -- any other agreements the parties have  
3 reached or --

4 MR. DICKERSON: No, Your Honor.

5 THE COURT: All right. I had one question in  
6 reading everything that was filed recently.

7 Is Dr. Fontenelle treating Matthew at all?

8 MR. DICKERSON: No. And we'll establish that  
9 through her testimony.

10 THE COURT: All right. Then she will not be  
11 offering any information or opinions regarding Matthew.

12 MR. PAGE: No.

13 Did Your Honor have a chance to review the  
14 opposition and counter motion filed earlier --

15 THE COURT: Yes.

16 MR. PAGE: -- this morning?

17 THE COURT: Yes, I did. So the issues today,  
18 I want to make sure we're all on the same issues of the  
19 issues we are deciding today is what to do mainly --  
20 first of all, about the schooling. I mean, that needs  
21 to be decided sooner rather than later, right? At least  
22 the immediate issues.

23 And then contempt for defendant on the issue  
24 of the joint legal custody.

25 The other contempt I do agree with the

1 defendant. There's no written order entered yet from --  
2 from October 18th, so I can't technically hold her in  
3 contempt.

4 MR. DICKERSON: No.

5 THE COURT: Although that -- that information  
6 may be really relevant to what's going on.

7 MR. DICKERSON: We -- we acknowledge that.  
8 We have submitted the order, and Ms. Dolson will explain  
9 it to the Court, but it's been with Mr. Page for some  
10 time.

11 MR. PAGE: No, I -- I surrendered it back to  
12 Mr. Dickerson back on Monday --

13 THE COURT: Okay.

14 MR. PAGE: -- with the conclusion. But I  
15 did -- but I did also suggest changes for Ms. Dolson. I  
16 haven't heard back from her since then.

17 MR. DICKERSON: All right.

18 THE COURT: Yeah. I mean, we set this  
19 definitely on an expedited matter for reasons that we  
20 all know. It's an expedited issue that we need to  
21 address sooner or later, so we didn't have all the  
22 niceties on getting the order done and getting the  
23 exhibits ahead of time and things like that. So  
24 we're -- we're just address -- I want to address the  
25 immediate issues of what's going on.

1           And Mr. Page, I want to address what wasn't  
2 clear or -- to me is, are -- is Matthew and Hannah  
3 attending any school right now?

4           MR. PAGE: If they are it's IXL. It's just  
5 some sort of online school as a stopgap measure to try  
6 and make sure that they are making some sort of  
7 progress.

8           THE COURT: Okay. So Mom cannot get them to  
9 attend Challenger either?

10          MR. PAGE: Correct. Neither one can.

11          THE COURT: Okay. I will frank -- be frank  
12 with the parties, I don't understand that with an 11 and  
13 12 year old. I don't think this is good parenting at  
14 all. An 11 and 12 year old should do what their parents  
15 tell them to do. So I'm not happy that they -- going to  
16 school is their basic function. That's what they're  
17 supposed to be doing at this time in life is learning.  
18 And if you can't get them to school, that's neglect. So  
19 I'll just say that, and we'll go on.

20          I have to do something regarding the  
21 situation with regard to Hannah not going to that and --

22          MR. DICKERSON: And now Matthew.

23          THE COURT: And now Matthew. And, frankly,  
24 where I am on Matthew, just so you know, is I'm inclined  
25 to grant Dad sole legal and sole physical custody of

1 Matthew with no visitation or contact with Mom. This --  
2 that -- that situation is completely unacceptable.

3 MR. PAGE: I think before we act  
4 peremptorily, we do have information that we need to get  
5 from the guardian ad litem, the information we need to  
6 get from Dr. Coffey. We need to get information --

7 THE COURT: Well, I'm not letting this  
8 current situation sit. And, again, it's very poor  
9 parenting if you can't get an 11 year old to do what  
10 they're told to do, which is go to school and go on a  
11 custodial schedule. That is very poor parenting.

12 MR. DICKERSON: And to throw a rock --

13 MR. PAGE: Yeah. And there are some things  
14 that maybe perhaps --

15 THE COURT: Yeah. Exactly.

16 MR. PAGE: -- that Dr. Fontenelle can shed  
17 some light on.

18 THE COURT: Well, she's not going to be  
19 shedding any light regarding Matthew.

20 MR. PAGE: Well, as -- as to Hannah that was  
21 true. And also as to children in general just because  
22 of her credentialing.

23 I do want to mention that I did receive a  
24 message from Ms. Fujii. She asked that we send her the  
25 BlueJeans link so she can participate. I sent that



1 BlueJeans link to her. She may be logging on  
2 momentarily.

3 THE COURT: Okay.

4 MR. DICKERSON: And I -- I recommended to her  
5 that she may want to log in around 2 p.m.

6 THE COURT: Okay. Well, she may want to  
7 hear.

8 MR. PAGE: I -- I -- I'm not sure why we'd  
9 want to wait until 2:00.

10 THE COURT: Do you not -- do you not want to  
11 have her here?

12 MR. DICKERSON: Oh, no, I don't mind her  
13 hearing. I just don't want to waste her time.

14 THE COURT: Okay. That's fine.

15 MR. DICKERSON: If she wants to log in, God  
16 bless her.

17 THE COURT: I don't have a problem --

18 THE CLERK: She is logged in, Your Honor.

19 THE COURT: She is? Okay.

20 All right. So let's -- is there any -- and,  
21 I mean, I've read everything that's been recently filed.  
22 I don't think there's any need for opening statements  
23 and stuff.

24 MR. DICKERSON: No. And we just -- we just  
25 filed the doctor's financial disclosure form just before

1 that.

2 THE COURT: Right. I did see that too.

3 MR. PAGE: And we're waiting to get that from  
4 her accountant, Geno Morelli, and --

5 THE COURT: Okay.

6 MR. PAGE: -- he's supposed to have it done  
7 last night or today, and I'm still waiting for the email  
8 to come in.

9 THE COURT: Okay.

10 DR. LUONG: He got sick.

11 THE COURT: I don't anticipate --

12 MR. PAGE: He got sick?

13 DR. LUONG: Yeah.

14 MR. PAGE: Oh, I guess -- she told me he got  
15 sick.

16 THE COURT: Okay. That's happening to a lot  
17 of people lately. I don't anticipate that -- that I  
18 need to have the financial disclosure forms today to --  
19 to make much in the way of financial rulings. That's  
20 not our crisis right this minute.

21 MR. PAGE: Ms. Clerk, Ms. Fujii indicates  
22 that she's in the waiting room, and if you could please  
23 bring her over.

24 THE COURT: Yeah. All right. So then --  
25 with that, I'm going to turn on the BlueJeans, and we're

1 going to go -- who's going first?

2 MR. DICKERSON: I am.

3 THE COURT: We didn't talk about that.

4 MR. DICKERSON: Yes. I am.

5 THE COURT: Did we do that? Okay.

6 MR. PAGE: And, also, if we're going to do  
7 this, she's going to be here for two hours, that we  
8 would break up that we each have an hour with her so  
9 that no one monopolizes her time.

10 MR. DICKERSON: With the doctor?

11 THE COURT: Yeah. I thought she was only  
12 available from 1:00 to 2:00.

13 MR. DICKERSON: I think she's only available  
14 for an hour. I -- I --

15 THE COURT: So then I would have to --

16 MR. PAGE: I saw it as being --

17 THE COURT: Let's clarify that with her.

18 MR. DICKERSON: We'll find out how long she  
19 has.

20 MR. PAGE: Yeah.

21 THE COURT: Yeah. I want to make sure we get  
22 the crucial information from her, so I want to get  
23 down and -- down and dirty to the facts. I mean, I do  
24 need some of the background regarding her training.

25 MR. DICKERSON: And with the Court's

1 permission, because of the time, if I may ask leading  
2 questions just to lay the foundation as to who she is,  
3 her credentials --

4 THE COURT: And when she started --

5 MR. DICKERSON: Yes.

6 THE COURT: -- treating --

7 MR. DICKERSON: Yeah.

8 THE COURT: -- Hannah. That's kind of --

9 MR. DICKERSON: I was planning on going  
10 through all that.

11 THE COURT: Yeah. That would be perfect.

12 All right. So if we're going to -- if we're  
13 ready, we'll swear doc- -- Doctor, what -- what is your  
14 preferred last name? I know have you a hyphenated name.  
15 I want to make sure I say it the way you want.

16 You're muted.

17 MR. DICKERSON: You're muted.

18 DR. FONTENELLE: Fontenelle.

19 THE COURT: Okay. All right, Dr. Fontenelle.  
20 Thank you for being here. I'm going to have the clerk  
21 swear you in.

22 THE CLERK: Please raise your right hand.  
23 You do solemnly swear the testimony you're about to give  
24 in this action shall be the truth, the whole truth, and  
25 nothing but the truth so help you God.

1 DR. FONTENELLE: I do.

2 THE CLERK: Please put -- state your name and  
3 spell your first and last name for the record. Thank  
4 you.

5 DR. FONTENELLE: Sure. It's Michelle  
6 Fontenelle-Gilmer. And I'll spell the -- spell it out.  
7 M-I-C-H-E-L-L-E. Last name is F, as in Frank,  
8 O-N-T-E-N-E-L-L-E hyphen G-I-L-M-E-R.

9 THE CLERK: Thank you.

10 MR. DICKERSON: Okay. May I proceed, Your  
11 Honor?

12 THE COURT: Yes, please.

13 DIRECT EXAMINATION

14 BY MR. DICKERSON:

15 Q. Good afternoon, Dr. Fontenelle. Can you see  
16 me?

17 A. I can.

18 Q. Okay. My name is Bob Dickerson, and this is  
19 Sabrina Dolson, my -- my law partner.

20 A. Hi.

21 Q. And we represent -- and we represent  
22 Dr. Vahey.

23 Have you ever met Sabrina or myself?

24 A. No.

25 Q. Have we ever had any conversation?

1           A.       Not with me, no.

2           Q.       Okay. I'd like -- I don't know if you can  
3 see Mr. Page. Can you see Mr. Page, the gentleman right  
4 here to my -- my left?

5                   THE COURT: You might have to talk.

6                   THE WITNESS: Now I can see him.

7                   MR. PAGE: Can you see me now? Okay. Yeah.  
8 Thanks for telling me to talk.

9 BY MR. DICKERSON:

10          Q.       Have you ever met Mr. Page or had any  
11 communications with him?

12          A.       No, I have not.

13          Q.       Okay. Now, because I'm the plaintiff in this  
14 action, we go first with presenting the evidence. And I  
15 want to suggest to you this is not the ideal situation  
16 for an attorney to be questioning a witness without ever  
17 having taken a deposition or at least have the  
18 opportunity to meet. So I'm going to be asking you  
19 questions that, quite frankly, I don't have a clue of  
20 what your testimony is going to be.

21                   Do you understand that?

22          A.       Yes.

23          Q.       Now, it's my understanding that you are a --  
24 you're a psychologist, a licensed psychologist here in  
25 town, special- --

1           A.       Licensed in psychiatry and MD.

2           Q.       Did I say psychologist? I apologize. You're  
3 a licensed psychiatrist specializing in children and  
4 adolescent psychology; is that correct?

5           A.       Psychiatry, yes.

6           Q.       Okay. And I'm going to use the term  
7 "children" to mean both children and adolescents. It's  
8 going to be simpler. Is that all right?

9           A.       Yep. That's how we do it.

10          Q.       Okay. And my understanding is that you --  
11 you are with a group called Life Bridge Kids; is that  
12 correct?

13          A.       That's correct.

14          Q.       Are you -- do you have an ownership interest  
15 in this business?

16          A.       A very small one, yes.

17          Q.       Okay. And Life -- Life Bridge Kids is a  
18 group of physicians, and I believe there's also a  
19 psychologist there, that works with children; is that  
20 right?

21          A.       No. It is -- at this point it's only me,  
22 actually.

23          Q.       Oh, okay. All right. Now, you have been  
24 practicing in the area of psychiatry for the past  
25 20 years; is that right?

1           A.           22.

2           Q.           22 years. And you are -- my understanding is  
3 you have some affiliation with the University Medical  
4 Center?

5           A.           That's correct.

6           Q.           And what is that?

7           A.           I am a professor -- assistant professor, and  
8 I am the associate program director for the child and  
9 adolescent psychiatry fellowship at the UNLV School of  
10 Medicine.

11          Q.           Okay. Now, from your education, it's my  
12 understanding that you have a -- a bachelor of arts  
13 degree from what college?

14          A.           Johns Hopkins University.

15          Q.           Okay. And if I understand correctly, it's a  
16 dual major, biology and psychology?

17          A.           That's correct.

18          Q.           And you got your MD, your medical degree,  
19 from the University of Maryland Medical School; is that  
20 right?

21          A.           That's correct. That's correct.

22          Q.           And you also, in addition to being an MD, you  
23 are a -- you have a master's of health science; is that  
24 correct?

25          A.           That's correct.



1 Q. That's MHS. What is --

2 A. Correct.

3 Q. -- MHS? What is it, MHS?

4 A. It's a -- it's a public health degree. I  
5 have a master's in health policy and finance.

6 Q. Okay. Which did you get first, your MD or  
7 your MHS?

8 A. MD.

9 Q. Your MD first. You also, as I understand,  
10 you did a fellowship in child and adolescent psychiatry  
11 at Boston Children's Hospital, which is affiliated with  
12 Harvard University; is that right?

13 A. That's correct.

14 Q. Okay. And before practicing here in Nevada,  
15 you practiced in Michigan. Is that true?

16 A. That's correct.

17 Q. Now, as a psychiatrist, and in particular as  
18 a child psychiatrist, you diagnose and treat med- --  
19 medical -- mental illness. Is that true?

20 A. That's correct.

21 Q. So you're experienced in training -- or  
22 treating a multitude of psychiatric conditions?

23 A. That's correct.

24 Q. Can you give us an example of what we're  
25 talking about? Depression?

1           A.       Depression, anxiety, post-traumatic stress  
2   disorder, ADHD, anxiety, generalized anxiety disorders.  
3   Yeah. Autism.

4           Q.       Okay. Now, from your website -- well, in  
5   treating a patient, it, as I understand psychiatry, it  
6   is a mixture of psychotherapy and medication; is that  
7   right?

8           A.       It -- it -- it can be. It can be  
9   psychotherapy only or it can be psychotherapy in  
10   combination with medication.

11          Q.       Okay. Now, my understanding is you take a  
12   more conservative approach in -- with medication; is  
13   that correct?

14          A.       That's correct.

15          Q.       And as I understand --

16          A.       Uh-huh.

17          Q.       -- it, you do -- it's a hol- -- holistic  
18   treatment. Can you explain that to us? What -- what is  
19   your philosophy with respect to medication, particularly  
20   for children?

21          A.       Okay. So medication should not be used  
22   unless clinically indicated, which does reach a high  
23   level, a high bar, meaning that you've tried alternative  
24   treatments and they're not effective. If I do think  
25   that there needs to be something as far as sort of a

1 medication, I'm more inclined to often start with a  
2 vitamin that is FDA approved.

3 I do recommend things like exercise, getting  
4 enough sun, you know, eating well. And medications are  
5 us- -- usually the last thing, not the first thing.

6 Q. Okay. Fair enough. Now, you were treating  
7 Hannah Vahey; is that correct?

8 A. That's correct.

9 Q. You are not treating Matthew Vahey?

10 A. I've never met Matthew. So no.

11 Q. And you're not treating Selena Vahey; is that  
12 correct?

13 A. That is correct. That's correct.

14 Q. And as I understand it, you're not treating  
15 either of the two parties here either, Dr. Vahey or  
16 Dr. Luong. Is that true?

17 A. That's correct.

18 Q. All right. So --

19 A. That's correct.

20 Q. -- I'm going to focus on -- on Hannah and  
21 your treatment of Hannah.

22 When did you first see Hannah?

23 A. Since I'm going to have to cheat and look at  
24 the chart, it looks like I had an appointment for her on  
25 the 26th of August, and then I actually saw her on the

1 2nd of September.

2 Q. Okay. So the first time you actually saw her  
3 was on September 2nd; is that right?

4 A. Uh-huh.

5 Q. Okay. Is that a yes?

6 A. Let me just double-check because I have two  
7 appointments here. I have one for the 1st and one for  
8 the 2nd. Let me double-check which one is which.

9 The 2nd and the 1st.

10 Q. Okay. It was the -- September 1st and  
11 September 2nd, both dates?

12 A. Uh-huh.

13 Q. Is that yes?

14 A. Uh-huh.

15 Q. Okay.

16 A. I'm sorry. Yes.

17 Q. Okay. Now, you -- you first had an  
18 appointment with her on August 26th of this year;  
19 correct?

20 A. That is correct.

21 Q. But it's my understanding that she refused to  
22 go into your office that day. Is that true?

23 A. That is correct.

24 Q. And so you had an hour appointment, and you  
25 used that hour to talk with Dr. Luong and Dr. Vahey; is

1 that correct?

2 A. That is correct.

3 Q. You spent --

4 A. That's correct.

5 Q. -- approximately 50 minutes with Dr. Luong?

6 A. I don't know the amount of time.

7 Q. Okay. And you spent -- you -- you spent  
8 approximately 10 minutes with Dr. Vahey and -- and you  
9 needed more time so you made another appointment for him  
10 in the future; is that right?

11 A. If that's the timing, then yes. I don't  
12 remember.

13 Q. Okay. All right. Do you recall what  
14 Dr. Luong told you when she met with you on August 26,  
15 2001 (sic)? What did she tell you about Hannah's  
16 condition and what she was going through?

17 A. She said that she was anxious, had some  
18 depression. I'm actually trying to look at the note  
19 here.

20 Can be aggressive. I guess that was  
21 actually -- now I'm looking at that's what Dad reported.  
22 I think that's -- mild melancholy, ang- -- angry, some  
23 emotional dysregulation, some anhedonia --

24 Q. Did she express --

25 A. -- those kind --

1 Q. Did she express to you her thoughts as to why  
2 Hannah was behaving the way she was behaving?

3 A. No, none. Huh-uh.

4 Q. Okay. Similarly, did you -- you talked with  
5 Dr. Vahey. What did he tell you about Hannah's  
6 condition?

7 A. He was very concerned about her. He was  
8 afraid for her safety, I guess, essentially her  
9 emotional safety. He did feel that there was conflict  
10 between Hannah and himself. And I think that he wanted  
11 to make sure he could maintain the relationship with  
12 her. Just trying to see. A lot of stress. I'm trying  
13 to see what else. I think that's kind of the main  
14 things.

15 Q. Okay. How many times have you met with  
16 Hannah since your first meeting with her on  
17 September 1st? So we know September 1st and  
18 September 2nd. So we have two meetings.

19 How many times have you met with her?

20 A. Let's see. I met with her on the 10th, the  
21 27th, the 7th. Let me see. I have two of them in here.  
22 I think one of them was a phone call. Let me just  
23 double-check.

24 Q. Let's include any video conference or  
25 telephone conferencing with -- you may have had with

1 her.

2 A. Okay. So the one on the 8th was parents  
3 only. But the one on the -- on the 7th was her.  
4 Then -- well, they entered these incorrectly so I'm  
5 trying to see the actual date.

6 The 11th of October I did meet with her  
7 directly. The 20th I met with her directly. And then  
8 the 28th.

9 Q. Okay. So we have then September 1st,  
10 September 2nd, September 10th, September 27th,  
11 October 7, October 11, October 20, and October 28; is  
12 that correct?

13 A. That's correct.

14 Q. Okay. Now, in your -- in your sessions with  
15 Hannah, what has she told you about what she's going  
16 through and -- well, just tell us, what has she told  
17 you?

18 A. Okay. So, I mean, I think she has expressed  
19 her anxiety, her symptoms of sadness, her feeling  
20 confused and not really sure, you know, what to feel  
21 some of the time. She has talked about the issues  
22 related to Dad, and going to California and her desire  
23 to live in Irvine. She did -- she has talked about  
24 that.

25 Let's see. She talked about school and the

1 stresses of school and not having many friends because a  
2 lot of her friends moved and went to other schools.

3 She has spoken about -- she had made the  
4 accusations that Dad had scratched her, I believe, and  
5 the police got involved, but it didn't sound like, based  
6 on what she was saying, that it warranted a CPS call.

7 I'm trying to think what else would I say  
8 Hannah has spoken about. She has spoken about her  
9 anger. She does have a lot of anger.

10 Q. Did she tell you --

11 A. I mean --

12 Q. -- what her anger is about?

13 A. Uh-huh.

14 Q. What is her anger about?

15 A. So she has -- sure. She has anger towards --  
16 again, the whole thing where she wants to be in Irvine.  
17 She has anger about the fact that she feels her voice  
18 has not been heard and that no one seems to care what  
19 she thinks. And I think that's the biggest two things  
20 that she's angry about.

21 But, I mean, I think one of the -- one of the  
22 biggest is she really feels like nobody's listening.  
23 And when I say nobody, she means nobody.

24 Q. Does she mean nobody or just her father?

25 A. She means nobody's listening.



1 Q. Has she blamed her father for her not living  
2 in Irvine?

3 A. Yes.

4 Q. And has she told you that her father lied?

5 A. Yes. That's what she said.

6 Q. Has she told you that she hates her father?

7 A. Yes, she has.

8 Q. Okay. So she's used that word, I hate my  
9 father; is that right?

10 A. Yes, she has.

11 Q. Okay. Has she ever said anything derogatory  
12 about her mother?

13 A. No.

14 Q. In fact, what she's talked to you about, her  
15 mother cannot do wrong; is that right?

16 A. I wouldn't say that's an interpretation I  
17 could make.

18 Q. You could not make that interpretation?

19 A. Huh-uh.

20 Q. From what she has discussed with you, do you  
21 believe she has discussed these subjects or gotten her  
22 ideas from one of her parents?

23 A. Do I think she's gotten her ideas from one of  
24 her parents? I think she's -- again, I think she's 12,  
25 and she actually is able to make some decisions. I

1 mean, at least, you know, what the appropriate -- age  
2 appropriate for a 12 year old. I think she's very  
3 actually mature for her age.

4 Sorry about that. I do think that -- I'm so  
5 sorry.

6 Q. That's all right. Do you want to -- do you  
7 want to take it or do you want to --

8 A. No. Actually, I want it to -- I don't know  
9 how to send it to voicemail. So -- I'm sorry. Okay.  
10 So that should be the last ring.

11 So as far as -- I'm sorry, I've -- I've lost  
12 track of the question.

13 Q. Oh, we were talking --

14 A. I apologize.

15 Q. -- about whether you believe -- well, let's  
16 just get to the -- do you believe she is being coached  
17 by either of her parents?

18 A. Do I believe she's being coached by either of  
19 her parents? No, I don't think so.

20 Q. And -- and what -- how do you -- and what is  
21 it that makes you arrive at that decision, or that  
22 conclusion?

23 A. I think -- you know, I think if she's  
24 relaying the same exact verbiage as one or other of the  
25 parents, that's usually more of an indicator that it is

1 more likely that they're being coached.

2 Q. Okay. Are you aware of that there was a  
3 trial before the court I believe back in 2019 --

4 A. Uh-huh.

5 Q. -- with respect to Dr. Luong's request to  
6 move to Irvine, California?

7 A. I am.

8 Q. Okay. And are you aware that throughout that  
9 proceeding, her position was is that Dr. Vahey lied to  
10 his family about being able to move to California?

11 A. That is correct.

12 Q. Are you --

13 A. That is my understanding.

14 Q. -- aware that on every house that Ms. -- that  
15 Dr. Luong put a down payment on prior to the purchase of  
16 this house, in the box at the bottom, the purpose was  
17 issued "vacation home"?

18 MR. PAGE: Objection. Relevance.

19 BY MR. DICKERSON:

20 Q. Are you aware of that?

21 THE COURT: Overruled.

22 THE WITNESS: I am not.

23 BY MR. DICKERSON:

24 Q. Okay.

25 A. I am not aware of that, no.

1 Q. All right. Are you aware of -- are you aware  
2 that as a result of that hearing in 2019, the Court  
3 denied Dr. Luong's request to move to -- with the  
4 children to California? Are you aware of that?

5 A. That's my -- that's my thought, but I -- I  
6 couldn't say that that's definitively what I know.

7 Q. Okay. Are you aware that the Court told  
8 Dr. Luong that she is free to move to California  
9 herself, she could stay in Las Vegas and share joint  
10 physical custody with the children's father, or she  
11 could move to California and the Court would award  
12 primary physical custody to Dr. Vahey. Are you aware of  
13 that?

14 A. Yes. This is something that I believe that  
15 was inferred but I can't say for sure. I was not  
16 specifically told those details.

17 Q. Are you aware that Dr. Luong made the choice  
18 of moving to California without her children? Are you  
19 aware of that?

20 A. I'm aware that she did move to California at  
21 some point.

22 Q. And are you aware that for the next six  
23 months, from September of 2019 through March of 2020,  
24 Dr. Vahey had primary physical custody of the children  
25 here in Las Vegas?

1 MR. PAGE: Objection. Misstates the  
2 evidence.

3 THE WITNESS: Yes.

4 BY MR. DICKERSON:

5 Q. Let me get the dates. Hold on.

6 MR. PAGE: I think it's October.

7 MR. DICKERSON: It may be. Okay.

8 BY MR. DICKERSON:

9 Q. Are you aware that during or about September  
10 or October of '19 -- of 2019 through March of 2020 the  
11 children lived here primarily with their father in  
12 Las Vegas?

13 MR. PAGE: Objection. Misstates the  
14 evidence.

15 THE COURT: I think it's overruled. I think  
16 that's part of the record, right?

17 MR. PAGE: No, it's part -- part of the  
18 record is that she didn't move to Irvine until October.  
19 The record is that she moved back to Las Vegas in March.

20 MR. DICKERSON: Okay. So what's wrong with  
21 my question?

22 MR. PAGE: Well, you said September, and  
23 then --

24 MR. DICKERSON: I said during or about  
25 September or October.

1 MR. PAGE: Then you said through March that  
2 she was in Irvine. She came back in March.

3 MR. DICKERSON: Am I explaining -- all right.

4 BY MR. DICKERSON:

5 Q. Let me do it a little differently for  
6 counsel, okay? Are you aware that it's Dr. Luong's  
7 position that some time in October she relocated to  
8 Irvine, California without her children, and she did not  
9 return back to Las Vegas until March 20th? We had a  
10 hearing, I believe, at about that time, March 20 -- 20th  
11 of 2020. Are you aware of that?

12 A. I'm aware of the fact that she moved to  
13 California. The time frame I am not aware of.

14 Q. So are you aware that Dr. Vahey had the  
15 primary physical custody of the children for at least  
16 five to six months, approximately?

17 A. Yes.

18 Q. Okay. Now, are you aware of an incident that  
19 occurred -- help me. March what?

20 MS. DOLSON: March 20th.

21 BY MR. DICKERSON:

22 Q. Are you --

23 MR. DICKERSON: Thanks. March 20th.

24 BY MR. DICKERSON:

25 Q. Are you aware of an incident that occurred on

1 March 20th at Dr. Vahey's home?

2 A. No.

3 Q. Okay. Are you aware that on March 20th of  
4 2020, Dr. Luong went to the Henderson Police Department  
5 and filed a report claiming that Dr. Vahey physically  
6 assaulted her that day? Are you aware of that?

7 A. No.

8 Q. Are you aware --

9 A. Nope.

10 Q. -- that on that day, March 20th, 2020, she  
11 took all three of her children to the Henderson Police  
12 Department and had them interviewed by a representative  
13 there with respect to her claim that their father  
14 assaulted her on that day?

15 MR. PAGE: Again, objection. Misstates the  
16 evidence. The only two kids that were interviewed by  
17 the Henderson Police Department were Matthew and Hannah.  
18 BY MR. DICKERSON:

19 Q. Okay. So with that correction that counsel  
20 has made, are you aware that Dr. Luong took Hannah and  
21 Matthew to the Henderson Police Department for them to  
22 be interviewed by the police department with respect to  
23 her claim that she was physically assaulted by Dr. Vahey  
24 on that day?

25 A. No, I'm not aware of that.

1 Q. Are you aware that Dr. Vahey was arrested  
2 later that day?

3 A. I can't remember.

4 Q. Okay. Are you aware that Dr. Vahey actually  
5 had an audiotape and a -- an audio recording and a video  
6 recording of what occurred that day? Are you aware of  
7 that?

8 A. No.

9 Q. Okay. Are you aware that after listening to  
10 that audio recording and viewing the video recording,  
11 the city attorney for the City of Henderson refused to  
12 file a criminal complaint against Dr. Vahey? Are you  
13 aware of that?

14 MR. PAGE: Objection. Misstates the record.  
15 One, there was only a video- -- only an audio recording;  
16 and two, a criminal complaint was filed.

17 MR. DICKERSON: No, a criminal complaint was  
18 not filed.

19 MR. PAGE: Yes.

20 MR. DICKERSON: A criminal complaint was not  
21 filed.

22 MR. PAGE: There was a -- charges were filed.  
23 There was a --

24 MR. DICKERSON: A criminal complaint was not  
25 filed.



1 MR. PAGE: After the arraignment, after trial  
2 was scheduled, they elected not to proceed forward, but  
3 there was a criminal complaint filed. I can --

4 MR. DICKERSON: That's incorrect.

5 MR. PAGE: -- show you the record.

6 MR. DICKERSON: That's incorrect.

7 BY MR. DICKERSON:

8 Q. Are you aware, regardless, that the city  
9 attorney of the City of Henderson refused to prosecute  
10 Dr. Vahey after he observed the evidence of exactly what  
11 occurred that day? Are you aware of that?

12 A. I am not.

13 Q. Are you aware that for the next five weeks,  
14 Dr. Luong withheld the children from Dr. Vahey?

15 MR. PAGE: Objection. Misstates the record.  
16 There was a temporary protective order in place until  
17 April 22 and was argued in front of Judge Ritchie.  
18 There is no withholding. It is pursuant to a court  
19 order.

20 BY MR. DICKERSON:

21 Q. Are you aware that for the next five weeks,  
22 the children were not allowed to be in the presence of  
23 their father?

24 MR. PAGE: Objection. Misstates the record.  
25 There was a TPO that covered the children.

1 THE COURT: Overruled.

2 BY MR. DICKERSON:

3 Q. Are you aware of that?

4 A. Am I aware that the children were not seeing  
5 their father for a period of five weeks?

6 Q. Yes.

7 A. That is correct.

8 Q. Okay. Has Dr. Vahey explained to you the  
9 difference in the behavior of the children from  
10 March 20th until he saw them again five weeks later?  
11 Has he explained to you that?

12 A. Yes.

13 Q. And what has he told you?

14 A. He feels that he had more difficulty with the  
15 children and that they seemed to be, I think, more  
16 negative towards him, given that period of time.

17 Q. Did -- are you aware that in the presence of  
18 all three children, Dr. Luong has called Dr. Vahey the  
19 scum of the earth? And I quote, scum of the earth. Are  
20 you aware of that?

21 A. No, I am not.

22 Q. Are you aware that -- do you have an opinion  
23 as to what Hannah's condition is?

24 A. Hannah --

25 Q. Is she -- is she suffering from mental

1 illness?

2 A. Yes. Hannah has depression and anxiety. And  
3 I think those symptoms do seem to be worse when she is  
4 one location versus the other.

5 Q. And do you have a recommendation as to what,  
6 if anything, we can do to fix the medical -- or the --  
7 the mental issues that Hannah is going through right  
8 now? Do you have an opinion that you could recommend to  
9 the Court?

10 A. Yes. I -- I am recommending that she  
11 continue in therapy. You know, she can continue with  
12 me. I think we've established a good rapport. However,  
13 if either or both parents would prefer for her -- her to  
14 see someone else, that's also an option. But I do think  
15 that I've pretty well established a relationship with  
16 her. So I think I would like to continue individual  
17 therapy with her.

18 Q. Do you believe that Hannah missing the last  
19 five weeks of school has affected her in any way?

20 A. She actually seems happier and --

21 Q. Happier not attending school? I guess I  
22 would too be. Do you think that's in her best  
23 interests?

24 A. No, not at all. I do think she needs to go  
25 back to school, and I think I've expressed that to both

1 of their parents. So I think it's important for her to  
2 get back to school sooner rather than later.

3 MR. DICKERSON: I -- I have no further  
4 questions, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. PAGE:

7 Q. Dr. Fontenelle, I just want to make sure.  
8 How much time have you allocated for us this afternoon?  
9 It's not one of the ground rules that we -- we started  
10 out with.

11 A. I can't hear you.

12 Q. I got to speak into the mic. Can you see me  
13 now?

14 A. Yes.

15 Q. Okay.

16 A. Yes.

17 Q. How much time did you allocate for us this  
18 afternoon?

19 A. Let me see. It was only supposed to be a  
20 half an hour, but let me check and see whether she did  
21 not schedule that next half hour.

22 She did not. I allocated half an hour, but I  
23 do have more time. She didn't put anybody in the  
24 schedule.

25 MR. DICKERSON: I'm sorry. We were told by

1 your assistant that we had an hour.

2 THE WITNESS: Yeah. No. What I had was a  
3 half an hour. But again, there's no one on the  
4 schedule, so we're fine.

5 BY MR. PAGE:

6 Q. Mr. Dickerson went over a lot of your  
7 background information, so I'm not going to go over that  
8 with you.

9 In addition to the anxiety and depression  
10 that you had -- have a diagnosis for Hannah on, have you  
11 also diagnosed Hannah with having amplified pain?

12 A. That was diagnosed by Dr. Lowe. It would be  
13 consistent with depression, anxiety, the -- the  
14 chemicals -- chemicals. Serotonin and norepinephrine  
15 are both involved in pain as well as mood and anxiety.

16 Q. Have you observed any difference in Hannah's  
17 reports of amplified pain when she's with one parent as  
18 opposed to the other?

19 A. She has not been reporting pain at all to me.

20 Q. There's been some statements made in court as  
21 to whether Hannah should be institutionalized.

22 Do you see any reason why Hannah should be  
23 institutionalized?

24 A. No. I am the medical director over at the  
25 Southern Hills Pavilion, and so I oversee admissions to

1 an in-patient facility. That is another part of my  
2 duties. And she would not be a child that I would admit  
3 to our unit.

4 Q. Also, do you see any reason why Hannah would  
5 have to go to Child Haven?

6 A. Child Haven is generally for children who  
7 don't have parents, or have parents who have been  
8 abusive or neglectful. And it's not an environment that  
9 I would want any of the children who are already there  
10 to be in, much less a child who does have two parents  
11 who care for her and love her very much.

12 Q. When you said Hannah seems to be happier, is  
13 it because she's happier being with her mom versus her  
14 dad?

15 A. I do think she does have a better  
16 relationship with Mom than she does with Dad.

17 Q. One of the things that you talked about as  
18 far as mood is exercise.

19 Are you aware as to whether Hannah gets any  
20 exercise when she's at her father's? Does she move at  
21 all?

22 A. I'm -- I know that she does not leave her  
23 room.

24 Q. One of the things that she was recommended,  
25 we saw in an email which is from your assistant

1 Jeanette, that she was recommending a foren- -- forensic  
2 custody assessment.

3 What is the reason why you're recommending a  
4 forensic custody assessment?

5 A. I would like to have both parents -- I -- I  
6 think I would like it to be much more concrete as to the  
7 personality structure, the way they parent, their, you  
8 know, their own moods, et cetera, which defined so that  
9 we have some assessments based on that information. I  
10 don't think it would be -- have an objective observation  
11 of Hannah. And I guess if -- also, I don't know her  
12 siblings. But, again, I don't know them. But for  
13 Hannah specifically, I think it would be good to have a  
14 more neutral, not treat -- not treating, because I think  
15 here I am having a little bit of difficulty because my  
16 role really was to be treating Hannah, not to be  
17 testifying for anything. So I'd rather her have a full  
18 evaluation. They can determine, based on their clinical  
19 experience, which direction they think things should go.

20 Q. Are you aware that a guardian ad litem has  
21 been appointed for Matthew and Hannah in this matter?

22 A. I was told that there was a guardian ad  
23 litem.

24 Q. As the -- there's a guardian ad -- ad litem  
25 appointed, would you be interested in receiving whatever

1 input or report the guardian ad litem has regarding at  
2 least Hannah?

3 A. Sure.

4 Q. As we sit here today, Hannah's refusing to  
5 return to Jim. What are your recommendations to deal  
6 with that situation?

7 A. My recommendation, as I spoke to both  
8 parents, I think is to have a ground where she is seeing  
9 both parents every day as much as possible.

10 Q. Could you --

11 A. Uh-huh.

12 Q. Sorry. I didn't mean to interrupt. Go  
13 ahead.

14 A. Yeah. My thought is that I don't want -- I  
15 want her to experience both parents, like every other  
16 child. It's in the ideal world children have exposure  
17 to both of their parents on a daily basis. And, again,  
18 that's an ideal world.

19 So it is my recommendation, if they're able  
20 to come up with a compromised position where Hannah  
21 would be with one of the parents in the -- right after  
22 school, and then the other one maybe after dinner and  
23 bedtime, and then repeat. I really do think that it  
24 would be beneficial that -- it would also prevent any  
25 sense of alienation of one parent versus the other. I



1 think this would allow both -- you know, I think this  
2 would really allow her to have what she needs. She  
3 needs both parents.

4 Q. When we're talking specifically about this,  
5 are we talking about that Hannah would see Jim for a few  
6 hours after school until say maybe dinnertime, then  
7 return to Mom, spend the night at Mom's, go to school,  
8 repeat the same thing next day?

9 A. Uh-huh. That's -- I mean, and it could go  
10 the other direction. However it worked best. But I  
11 really think it is in Hannah's best interest to see both  
12 of her parents and to have a relationship with both of  
13 parents.

14 Q. Would you believe that is -- I think you've  
15 alluded to this -- generally true for all children?

16 A. All children should have both parents, yeah.  
17 In an ideal world, yeah.

18 Q. Even though you've never seen Matthew, would  
19 Matthew fall under the umbrella of all other children?

20 MR. DICKERSON: Objection, Your Honor.

21 THE COURT: Sustained.

22 THE WITNESS: Yeah.

23 BY MR. PAGE:

24 Q. What is your opinion of physically dragging  
25 one child from one parent to the other parent?

1           A.       I think physically dragging a child is  
2   traumatizing.

3           Q.       Do you think that would be contrary to a  
4   child's best interest because it's traumatizing to  
5   physically force one child to leave one parent and go to  
6   the other?

7           A.       I think it would be traumatizing to have  
8   either parent pull or, you know -- yeah, I think either  
9   way.

10          Q.       You probably already answered this, but I  
11   need to ask the specific question. Jim is requesting  
12   sole legal and sole physical custody of, quite frankly,  
13   of Hannah and Matthew. But as it relates to Hannah,  
14   based upon your involvement, do you believe it's in  
15   Hannah's best interest for Jim to have sole legal and  
16   sole physical custody?

17          A.       No. As I've said, I believe that they should  
18   have contact with both parents every day as much as  
19   possible. So basically I think maintaining joint  
20   custody with that sort of set up would be the ideal for  
21   me.

22          Q.       You've indicated you thought Hannah's mature  
23   for her age. Do you believe that she's --

24          A.       Uh-huh.

25          Q.       -- reasonably, if the term is correct,

1 congruent in her thinking?

2 A. Yes.

3 Q. Do you believe that Hannah should have a  
4 voice in where she lives?

5 A. I think, yes, I do think she should have a  
6 voice.

7 Q. Do you believe that Hannah should have a  
8 voice in where she goes to school?

9 A. I think she should have a voice in where she  
10 goes to school, but I do think that one is a little  
11 bit -- I really have tried to have both parents come up  
12 with some options that -- two options, and then she  
13 could choose between those two options, because I do  
14 think she needs to have a voice in this particular  
15 situation as far as determining which -- determining her  
16 school. I think it will give her a sense of her opinion  
17 mattering.

18 However, again, I still think it should be the  
19 parents who make the determination of the two schools  
20 that she has to choose from.

21 Q. Okay. So Jim -- Jim provides one school,  
22 Minh provides another school, and Hannah gets to pick  
23 the school. That's your recommendation?

24 A. No. Actually, what I'd like is for them to  
25 come to a decision on two schools that they both can

1 agree on.

2 Q. Okay.

3 A. And since they both can agree on, and then  
4 Hannah can choose amongst the two schools that they both  
5 have agreed on -- agreed to.

6 Q. Do you have a solution if the parents can't  
7 agree on two schools?

8 A. I guess I'm -- I'm an idealist, and I really  
9 hope that they'd be able to figure what is going to be  
10 in the best interest of Hannah's educational experience  
11 because I think this is not only negative for her  
12 educational experience, I think it's also her social and  
13 emotional experience. Not being in school is a problem.  
14 So I really would like them to be able to come up -- I  
15 think there's a -- there are a lot of schools in town  
16 for them to be able to do this.

17 Q. Do you recall on or about September 10 in a  
18 session with Minh that you told her that Hannah needed  
19 to be removed from Challenger School?

20 A. I did. I told her -- but I didn't tell her  
21 right away.

22 Q. Okay. Was it your expectation that she'd  
23 start investigating other schools?

24 A. Investigating, yes.

25 Q. Okay. Did she tell you about schools like

1 Hyde, Doral, Becker?

2 A. Uh-huh. She did.

3 Q. Did you indicate that it would be -- Becker  
4 would be an okay school for -- for Hannah? Was it  
5 mellow, I think is the word you used?

6 A. Uh-huh. It would be an okay school. Uh-huh.  
7 Correct.

8 Q. You are aware that Minh took Hannah to tour  
9 the school?

10 A. Yes.

11 Q. Okay. When we're talking about the proposed  
12 schedule that you have with the children, or at least in  
13 this case Hannah, seeing both parents each day --

14 A. Uh-huh.

15 Q. -- do you see that as a mechanism to try and  
16 heal any estrangement that would occur between the  
17 parents and the -- and the child?

18 A. That's -- I really think that I'd like Hannah  
19 to have a better relationship with her dad. And I think  
20 by having more time to do that on a regular basis, that  
21 would be good.

22 I don't think she would do well, I think,  
23 with him solely. I think she needs both parents. And I  
24 guess I can't emphasize that enough, that I think she  
25 really does need to have both parents as much as

1 possible on every single day.

2 Q. As it relates to trying to repair her  
3 relationship with Jim, would you use the term  
4 reunification?

5 A. No. I would just say improv- -- improving  
6 their relationship.

7 Q. Throughout this case Minh's been accused of  
8 alienation. Have you ever seen any signs that she's  
9 trying to alienate Hannah from her dad?

10 A. No.

11 Q. Have you seen any types of attempts from Jim  
12 to alienate Hannah from her mom?

13 A. No.

14 Q. It's kind of your opinion though that  
15 whatever relationship occurs between Hannah and Jim is  
16 something that should occur naturally?

17 A. Yes. I do think I would want them to also do  
18 therapy between the two of them. I think having Hannah  
19 and her dad be -- be able to have that kind of therapy  
20 would also be really helpful so that they can be back on  
21 the same page of life.

22 Q. Do you think it's a good idea for Hannah to  
23 be involved in extracurricular activities?

24 A. I think she needs the socialization. So yes,  
25 I think -- and I think it's healthy for her.

1 Q. Are you aware that when Hannah's with Jim,  
2 she doesn't do any extracurricular activities?

3 A. That is correct, that is my understanding.

4 Q. Would you recommend that as part of healing  
5 the relationship, that Hannah and Jim be encouraged to  
6 engage in some extracurricular activities?

7 A. I think if there's some -- in general, I  
8 really do think having Dad encourage that would be  
9 great.

10 Q. And do you have any particular activities  
11 that you know Hannah would like to do that would be a  
12 good idea for him to take her to and watch her do?

13 A. No. She is not the -- she personally has not  
14 discussed that with me.

15 Q. Are you aware that Hannah likes to paint as  
16 her craft?

17 A. Yes. Uh-huh.

18 Q. Were you aware that Jim has taken away her  
19 ability to paint at his house?

20 A. No.

21 Q. I think you've -- you've already answered  
22 this, but I'm going to ask it in a more specific way.

23 Do you think Hannah should be forced to live  
24 with Jim as a way of creating a relationship?

25 A. I think Hannah will be more resentful. She's

1 kind of stuck her heels in the sand. I do think by  
2 having her feel that Dad hears her by allowing this  
3 particular way of doing things, although I'm -- I've  
4 specifically not -- not mentioned that to her, but my  
5 sense from talking to her is I think she would feel more  
6 heard and I think that would really go a far way to  
7 improve that relationship.

8 Q. Did Jim ever tell you that he's filed a  
9 motion for sole physical and legal custody of Hannah?

10 MR. DICKERSON: Objection, Your Honor. It's  
11 temporary sole physical custody.

12 MR. PAGE: I'll rephrase the question.

13 BY MR. PAGE:

14 Q. Did Jim ever tell you he's filed a motion for  
15 temporary sole physical and legal custody of Hannah?

16 A. He has not.

17 Q. Did Hannah ever tell you how she's sleeping  
18 and eating when she's at Jim's house?

19 A. Yes.

20 Q. How is she sleeping and eating?

21 A. She reports that when she's at Dad's house  
22 that she stays in her room the majority of the time, and  
23 then she sometimes go -- goes out to eat but sometimes  
24 doesn't. And she states that she doesn't sleep well  
25 there as well. Those are her reports.



1 Q. Is it because Dad also wakes her up at night?

2 A. She did not tell me that.

3 Q. Do you think that Minh should be punished  
4 because Hannah doesn't want to go to Jim?

5 A. I -- I don't know. I -- I don't think I  
6 believe in this punishment thing. This is -- these  
7 are -- they're supposed to be able to cooperate with  
8 each other to do what's in the best interest of their  
9 daughter. There's -- there shouldn't be, again, any  
10 punishment one side or the other. And again, that's why  
11 I will -- I will reiterate that I think it is in  
12 Hannah's best interest to be able to see both of them on  
13 a daily basis and have a good relationship with both of  
14 them.

15 Q. Do you recall what happened October 18 when  
16 you were contacted regarding some statements that Hannah  
17 made?

18 A. Yes.

19 Q. Are you -- based upon everything you know,  
20 did Minh do everything she could to try and get Hannah  
21 out of her vehicle and go to Jim's house?

22 MR. DICKERSON: Can we establish what was  
23 said?

24 THE WITNESS: Okay. I'm assuming that this  
25 is the time when they had gone back to the Lake

1 Las Vegas guard gate.

2 BY MR. PAGE:

3 Q. They went to Jim's house Las -- in Lake Las  
4 Vegas.

5 A. Right. And that she was unwilling to leave  
6 the car. It is -- Hannah did not tell me -- again, this  
7 is not what Hannah told me. Hannah's not spoken to me  
8 about this particular incident.

9 What I was told was that she refused to come  
10 out of the car. That her mother reports that she  
11 explained to Hannah that she would be in contempt of the  
12 court if Hannah was not going to her dad's, and that she  
13 made -- she reports that she made efforts to get Hannah  
14 out of the car, but Hannah refused in spite of her  
15 reporting that she told Hannah that she could go to jail  
16 for being in contempt.

17 Q. Was there also a report to you around about  
18 that time of some suicidal ideation by Hannah?

19 A. Yes. But it sounded like she was so  
20 desperate that she made these threats. Do I think she  
21 was going to kill herself? No, not at all.

22 Q. Because there's suicidal ideations, what were  
23 your recommendations regarding Hannah's cell phone and  
24 her possession of it?

25 A. My recommendation was that she have access to

1 a phone, not necessarily her cell phone, a phone, in  
2 case she needed to call someone, even the suicide  
3 hotline.

4 Q. At any time have you ever told Minh that  
5 physical force as it relates to getting Hannah out of --  
6 out of the vehicle is okay?

7 MR. DICKERSON: It's asked and answered.

8 MR. PAGE: Okay. I'll move on. I agree.

9 BY MR. PAGE:

10 Q. Did you have an emergency meeting on  
11 October 19 because of Hannah's suicidal ideations?

12 A. With -- no. We had -- sorry. I'm going to  
13 have to go back to her chart. It's closed. The 19th is  
14 what you're saying?

15 Q. Yes, that's what I have written down.

16 MR. DICKERSON: That would have been the  
17 20th.

18 BY MR. PAGE:

19 Q. It could have been the 20th.

20 A. Okay. Let me get to that. I'm trying to  
21 find the handwritten note because they have not -- they  
22 have not entered the typed one.

23 Okay. What -- what is your question about  
24 that date?

25 Q. Did you have an emergency meeting because

1 Hannah was making suicidal ideations?

2 A. We had a meeting so that we could, again, get  
3 the parents on the same page to provide the best care  
4 for this child. It was to determine -- yeah, determine  
5 what the next -- next steps should be in that if it  
6 was -- if she was suicidal that she -- that they should  
7 take her to the emergency room and not necessarily to  
8 any of the specific hospitals.

9 Q. Did Hannah tell you that her biggest fear  
10 that she would have to live with Jim in the -- full  
11 time? Excuse me.

12 A. She has expressed that, yes.

13 Q. What have you told Hannah?

14 A. I told Hannah that I, again, I -- I think  
15 that -- same thing I'm saying, I'm going to re- --  
16 repeat this over and over and over. I do think she  
17 needs to have a relationship with her dad. I think that  
18 it's in her best interest to have contact with both of  
19 her parents. I don't think this -- I don't think this  
20 part of what I'm saying is going to change.

21 Q. Okay. Have -- had you recalled Jim ever  
22 taking Hannah to a counseling session with you?

23 A. He brought her -- he tried to bring her to  
24 that first one, and she refused to get out of the  
25 vehicle. And after that I believe she only came with

1 Mom, but I do think that's because Mom encouraged her to  
2 come.

3 Q. Okay. If Hannah is living with -- with Jim,  
4 do you know how he's going to be able to get her to  
5 your -- his counseling sessions -- or her counseling  
6 sessions with you?

7 A. A couple of things. If need be, we could do  
8 a video conference with Hannah, so that would be one way  
9 to make sure that we had the contact. I believe if Mom  
10 encourages her to go and -- I think she would go.

11 I think, again, if we're working on  
12 establishing an improvement in this relationship, then I  
13 do think it will -- it will be -- she would be in a  
14 better space to be able to just go to the appointment.

15 Q. And if Hannah's living with Jim, do you know  
16 how he's going to be able to get her to physically  
17 attend school?

18 A. It's the same thing. Again, I think it's all  
19 about relationship here. If she can feel that they're  
20 united, that they're encouraging of one another, that  
21 Mom wants her to go to school, Dad wants her to go to  
22 school, I think they'll go to school.

23 Q. Are you also recommending counseling for  
24 Matthew even though you haven't met him?

25 MR. DICKERSON: Objection.

1 THE WITNESS: I --

2 THE COURT: Sustained. I'm not going to  
3 allow that question to be answered, so...

4 BY MR. PAGE:

5 Q. Have you had to address with Jim about him  
6 speaking badly about Minh in the presence of Hannah?

7 A. No, I have not.

8 Q. Do you think it would be a good idea to have  
9 Jim tour one of the schools with Hannah that she might  
10 like to attend?

11 A. Yes, but --

12 MR. DICKERSON: Your Honor, it's been asked  
13 and answered. And she's indicated --

14 MR. PAGE: I asked with Jim.

15 MR. DICKERSON: She's been -- she's been  
16 asked and answered that question that she thinks these  
17 two parties need to agree on two schools and then allow  
18 Hannah to pick the school. The problem we have is we  
19 can't get these two people to agree to anything.

20 THE COURT: Well, and the problem is now Mom  
21 can't get them to go to school either. So that's a big  
22 problem.

23 I mean, Doctor, what do you recommend? I  
24 mean, the primary function of a 12 year old's life is to  
25 get her education, and if she's not going to school at

1 all, that's problematic.

2 THE WITNESS: I think, again, if they can  
3 just decide on a school, because I think -- not that I  
4 think that Becker is her better option. I'm not saying  
5 that by any stretch of the imagination. If it's a  
6 school that she's willing to go to, then I think that's  
7 the direction we would have to go.

8 But, again, I really think if they can come  
9 up with -- and again, yes, I guess I'm -- I'm in dream  
10 world where I think that they can be able to make these  
11 decisions based on what's going to be in her best  
12 interest as far as her academic and social and emotional  
13 well being with her peers, because that's another thing,  
14 she's pretty isolated. I think -- I mean, again, I  
15 think she's not unwilling to go to school. I think  
16 she's unwilling to go to Challenger.

17 BY MR. PAGE:

18 Q. Do you think that Sig Rogich would be a good  
19 school for her?

20 MR. DICKERSON: Objection, your Honor.  
21 There's no foundation as to how she would even be able  
22 to make an opinion on --

23 MR. PAGE: If she knows.

24 MR. DICKERSON: -- what is the best school.

25 MR. PAGE: If she knows. If she doesn't

1 know, she'll say she doesn't know.

2 THE COURT: I'm going to sustain that. You  
3 got to lay a foundation. And I have some pretty  
4 important questions of the doctor, if you --

5 MR. PAGE: Just a couple more questions, if I  
6 may.

7 BY MR. PAGE:

8 Q. Do you see that Minh is trying to co-parent  
9 with Jim?

10 A. I think they're both having trouble with  
11 co-parenting.

12 Q. Do you see any reason for a delay for Hannah  
13 tend -- Hannah attending a new school?

14 A. No. Hannah needs to go to school.

15 Q. Do you see any issue with Hannah and Matthew  
16 potentially attending the same school together?

17 MR. DICKERSON: Objection, Your Honor.

18 THE COURT: Sustained.

19 MR. PAGE: Okay. I'll move on.

20 BY MR. PAGE:

21 Q. If she's willing to go -- if Hannah is  
22 willing to go to Sig Rogich, would you have any  
23 opposition to it?

24 MR. DICKERSON: Objection, Your Honor. She's  
25 already testified as to what should be done.



1 THE COURT: Sustained.

2 BY MR. PAGE:

3 Q. As far as your experiences that you had with  
4 Hannah and Minh and Jim, do you believe that Hannah is  
5 concerned about Hannah's well -- or that Minh is  
6 concerned about Hannah's well being?

7 A. Yes. I believe they both are.

8 MR. PAGE: Thank you. I think that's my  
9 time.

10 EXAMINATION

11 BY THE COURT:

12 Q. Okay. Dr. Fontenelle, thank you very much  
13 for coming. Unfortunately, when the parents don't get  
14 along, I have to make a decision regarding what's best  
15 for their children. And I've heard you say they need  
16 both parents and ideally to see them every day, which is  
17 directly opposite what we're taught as judges when  
18 there's a high conflict. That these exchanges are very  
19 stressful, and I think -- I think there's evidence in  
20 this case that the exchanges are very stressful for the  
21 children between their parents.

22 So how's -- how do we -- how do we even get  
23 this started when everyone is letting Hannah just do  
24 what she wants to do here?

25 A. I do think that Hannah would go. I -- I

1 think Hannah would go between the two if she felt heard.  
2 Again, I don't think that she should be ruling the roost  
3 by any stretch of the imagination. But I do think by  
4 feeling at least heard, she would be more apt to just go  
5 between the two homes.

6 Q. Okay. Why do you meet with her parents  
7 separately?

8 A. I have met with her parents separately in the  
9 beginning until I realized that I could not do that  
10 because there was misinterpretation of what I said. So  
11 I therefore afterwards stated that they would have to be  
12 together for any further recommendations at any point in  
13 time.

14 I did meet with Minh one time, and all I did  
15 was listen. And I made the point of only listening  
16 because I -- again, I think they need to be able to have  
17 the same information as to what I'm recommending or what  
18 my thought process is. So they have to do it together.

19 Q. And I'm a little confused about your earlier  
20 testimony in response to Mr. Page's question about -- he  
21 asked about a custody evaluation. But the way you were  
22 talking, I think you were talking about a psychiatric  
23 evaluation for Hannah. I want to make sure I'm clear at  
24 what you were recommending there.

25 A. The way that -- and again, I may do things

1 differently. But the way I was taught back when I was  
2 in Boston, the way they did it was that they had -- they  
3 did have psychiatric evaluations of both parents and  
4 each child. And then from that they were able to make a  
5 determination based on parenting style, personality,  
6 their own symptomatology, then they would be able to  
7 make a determination as to which child or how they  
8 thought this would be best.

9 Q. And that -- and that would be what we would  
10 call a custody evaluation on here. But we're -- that  
11 horse is already out of the barn in this case because  
12 they've already had a trial and stuff, and we're not --  
13 at this point not redoing the trial.

14 But my -- I guess my question, and I don't  
15 know which parent right at this minute said -- said you  
16 had recommended sending her to see another psychiatrist  
17 for a forensic evaluation, I guess, of -- well, but you  
18 might call it something else. An evaluation of what is,  
19 maybe it's a differential diagnosis, try to figure out  
20 what exactly is her underlying mental health issue, if  
21 any. Maybe she just is stressed because her parents are  
22 going through court for the last three straight years.

23 A. Uh-huh. Yeah. I mean, again, I think stress  
24 is exactly, she's presenting with -- the reason why she's  
25 not on any medication is really because I do think that

1 this is situational depression and situational anxiety.  
2 And I think that if we can resolve some of these  
3 circumstances, I think she would do a lot better.

4 Q. And you recommended that she attend therapy  
5 with Dad.

6 A. Uh-huh.

7 Q. I assume that would be with somebody besides  
8 yourself or --

9 A. That is correct.

10 Q. Okay. And do you have a recommendation --  
11 and it'd be more than one -- one therapist that would be  
12 good at doing that?

13 A. I think I would probably recommend  
14 Dr. David Brownstein.

15 Q. Is he a psychologist?

16 A. He's a -- he's a psychologist, correct.

17 Q. All right. Thank you.

18 Have you made any reports in this case to  
19 CPS?

20 A. No, I have not.

21 THE COURT: All right. Does -- did that open  
22 up any questions for either of you?

23 MR. DICKERSON: No, Your Honor.

24 MR. PAGE: Briefly.

25 ///

1 RECROSS-EXAMINATION

2 BY MR. PAGE:

3           Q.       When you're doing the forensic custody  
4  evaluation with Dr. Coffey, you're also looking at  
5  collateral --

6 MR. DICKERSON: Objection. She did not  
7 mention Dr. Coffey. She never talked about Dr. Coffey.

8 MR. PAGE: We've already reached out to  
9 Dr. Coffey. She's on board. We --

10 MR. DICKERSON: She didn't testify about  
11 Dr. Coffey.

12 THE COURT: Okay.

13 MR. PAGE: Okay. Let me rephrase the  
14 question.

15 BY MR. PAGE:

16 Q. You've spoken to Dr. Coffey about a  
17 custody -- forensic custody evaluation.

18           A.       Dr. Coffey called me, and we have not been  
19   able to speak about it, no.

20 Q. Okay. But you did recommend that Dr. Coffey  
21 conduct a forensic custody evaluation.

22           A.     I did.

23 Q. Okay. As part of that forensic custody  
24 evaluation, you expect Dr. Coffey to not only interview  
25 Mom, Dad, child and conduct psychological testing, but

1 also speak to collateral witnesses?

2 A. Yes, collateral witnesses and definitely  
3 anybody who would be having firsthand knowledge of the  
4 two of them and that kind of thing.

5 Q. And she can also interview the other  
6 children, just depends upon what she determines her  
7 scope of the work is going to be.

8 A. That is totally up to her.

9 Q. Okay. And at the conclusion of this process,  
10 she'll presumably issue a report to you?

11 A. The report ideally would go to the court.

12 Q. Very good.

13 MR. PAGE: I don't think I have anything  
14 else.

15 MR. DICKERSON: I have nothing, Your Honor.

16 THE COURT: All right. Thank you very much,  
17 Dr. Fontenelle, for your time.

18 MR. PAGE: Thank you for your time.  
19 Appreciate it.

20 MR. DICKERSON: May I ask one more question?

21 MR. PAGE: Sure. Go ahead.

22 REDIRECT EXAMINATION

23 BY MR. DICKERSON:

24 Q. What do you do -- what do you do --

25 A. I can't hear you.

1           Q.       -- unfortunately, we're talking about  
2 this ideal --

3           THE COURT: I think --

4           THE WITNESS: I can't hear you.

5           THE COURT: -- there's something wrong with  
6 your --

7           MR. DICKERSON: Can you hear me?

8           THE COURT: -- your mic.

9           MR. DICKERSON: Can you hear me?

10          THE COURT: There we go.

11          MR. DICKERSON: Can you hear me now?

12          THE WITNESS: I can hear you now.

13 BY MR. DICKERSON:

14          Q.       Okay. We're talking about this ideal world  
15 that unfortunately just doesn't exist. Okay? And  
16 you're recommending that Hannah see each parent, both  
17 parents, on a daily basis, which again is going to be  
18 very, very difficult when these parents live so far away  
19 with each other and they both are in the medical  
20 profession and have work to do. Okay?

21                 So how do you recommend that they do that?  
22 What is your recommendation and what is your  
23 recommendation as to how you get Hannah out of the car  
24 to spend any time with her dad?

25          A.       It's, again, I think establishing the

1 relationship -- improving this relationship is the key  
2 here. And I don't think necessarily by having her go  
3 and hold herself up in the room that's going to get  
4 any -- that's going to establish the relationship.

5 I think having her, again, do this therapy  
6 with her dad, again, ideally seeing him daily will  
7 improve their relationship, and I think that's --

8 Q. Well, what is your recommen- -- what is your  
9 recommendation to Jim as to what he should do when his  
10 daughter refuses to leave her room?

11 A. Well, you can't drag a child out of their  
12 room. Again, you're -- when you see them, you are  
13 trying to establish a relationship at any -- any  
14 opportunity. It's the same thing with all of our  
15 teenagers who stay in their room. When you have any  
16 opportunity to be able to connect, find out things that  
17 they like, make sure that you are able to have those  
18 conversations. Have deep conversations about what are  
19 the things that -- how do you feel? How do -- how can I  
20 do things differently? What do you think that you might  
21 do differently so we can work things out?

22 I mean it's -- it's all of those things  
23 that's going to improve this relationship, and it's --  
24 it's got to be time.

25 MR. DICKERSON: Thank you. Appreciate your



1 time.

2 THE COURT: Thank you very much,  
3 Dr. Fontenelle.

4 THE WITNESS: All right. You're welcome.  
5 I'm dismissed, yes?

6 THE COURT: Yes. Thank you.

7 MR. DICKERSON: Thank you.

8 THE WITNESS: Okay. Thanks. All right.  
9 Bye-bye.

10 MR. PAGE: Okay.

11 THE COURT: It is 2:12. So what do you want  
12 to do next, I guess?

13 MR. DICKERSON: We -- we were going to  
14 present the testimony of Dr. Vahey, and I'm assuming he  
15 wants to present the testimony of his client.

16 THE COURT: Okay. All right. Let's go for  
17 it then.

18 You want us to take a break at 3:30, right --

19 MR. PAGE: I do.

20 THE COURT: -- for the other hearing?

21 MR. PAGE: Please.

22 THE COURT: Okay.

23 MS. DOLSON: And just to address a  
24 preliminary issue, Your Honor. We did subpoena the  
25 documents from Becker Middle School and from Challenger,

1 as you requested at the last hearing. Those are  
2 Exhibits 1 and 2 in our trial binder.

3 And we have the certificate of the custodian  
4 of records for the Challenger School and then an email  
5 that the Becker assistant principal pulled and sent to  
6 us with those records that they have, and so we're  
7 requesting that they be admitted.

8 THE COURT: Any objection?

9 MR. PAGE: What's the exhibit number again?

10 MR. DICKERSON: 1 and 2.

11 MS. DOLSON: 1 and 2. The Becker documents  
12 are the same that you have included in your -- your  
13 trial book.

14 MR. PAGE: If you'll stipulate to the  
15 entirety of the exhibit that we have related to Becker  
16 Middle School.

17 MR. DICKERSON: What you received pursuant to  
18 the subpoena --

19 MS. DOLSON: That's --

20 MR. DICKERSON: -- we don't have an objection  
21 to.

22 MS. DOLSON: Yeah.

23 MR. PAGE: Well, then I don't have --

24 MS. DOLSON: What exhibit number is that?

25 MR. PAGE: Then I'm asking all of it in its

1 entirety.

2 MR. DICKERSON: I think it's the same thing,  
3 isn't it?

4 MS. DOLSON: Yeah, it's same thing.

5 MR. PAGE: Because --

6 MR. DICKERSON: See, it's identical.

7 MR. PAGE: No, it's not.

8 MR. DICKERSON: What's -- what's different?

9 MR. PAGE: You have an email. I have an  
10 email.

11 MS. DOLSON: They just have an email from the  
12 person that sent it to them.

13 MR. DICKERSON: Oh, okay.

14 MS. DOLSON: That's not at issue.

15 MR. DICKERSON: All right.

16 MR. PAGE: You have an e- -- you have an  
17 email from the assistant principal. I have an email  
18 from the registrar.

19 MS. DOLSON: Yeah. I don't have any issue  
20 with agreeing to admit that one. Which exhibit is it?

21 MR. PAGE: It's our Exhibit G.

22 MS. DOLSON: G.

23 MR. PAGE: So the entirety of Exhibit G and  
24 the entirety of Exhibit 1.

25 MS. DOLSON: 1 and 2.

1 MR. PAGE: I have not received any particular  
2 return from Challenger.

3 MS. DOLSON: Well, the certificate of the  
4 custodian of records that was executed for the return of  
5 documents for this is on page 2358.

6 THE COURT: So Exhibit G and Exhibit 1 --

7 MR. DICKERSON: 1 and 2.

8 THE COURT: -- are admitted. And now we're  
9 talking about Exhibit 2 --

10 MS. DOLSON: Uh-huh.

11 THE COURT: -- I take it.

12 Not hearing anything from Mr. Page, it's  
13 safe --

14 MR. PAGE: No, just -- I -- I wanted to --

15 THE COURT: Okay.

16 MR. PAGE: I'll conditionally agree, but I --  
17 it's going to take me --

18 THE COURT: Yes. It's quite a bit of  
19 information there so...

20 MS. DOLSON: Yeah. We provided this to you  
21 last week once we received the documents pursuant to the  
22 subpoena.

23 MR. PAGE: I haven't -- we got the order  
24 shortening time on this on Monday.

25 MS. DOLSON: No, this -- these are documents

1 we subpoenaed. We disclosed them last week.

2 MR. PAGE: I know that, but I -- actually I  
3 have other cases.

4 THE COURT: Okay. So you'll conditionally  
5 agree to that. If there's something you object to --

6 MR. PAGE: Yeah, unless there's, you know --

7 THE COURT: Obviously you're going to have  
8 to -- both of you will have to point me to what you want  
9 me to look at --

10 MR. DICKERSON: Yes, we will.

11 THE COURT: -- but they're Bate labeled. So  
12 Exhibit 2 will be conditionally admitted. If there's  
13 something in there that shouldn't be, because you  
14 haven't had enough time to look at that, then we'll talk  
15 about it as you run across that.

16 All right. So we're going to have Dr. Vahey  
17 testify now?

18 MR. DICKERSON: Yes.

19 MS. DOLSON: Yes, Your Honor.

20 THE BAILIFF: Please watch your step. Go  
21 ahead and face the clerk.

22 THE CLERK: Please raise your right hand.  
23 You do solemnly swear the testimony you're about to give  
24 in this action shall be the truth, the whole truth and  
25 nothing but the truth so help you God.

1 DR. VAHEY: I do.

2 THE CLERK: You can go ahead and be seated.  
3 Please state your name and spell your first and last  
4 name for the record.

5 DR. VAHEY: James Vahey, J-A-M-E-S,  
6 V-A-H-E-Y.

7 THE CLERK: Thank you.

8 THE COURT: Okay. I'm going to ask you both  
9 a question. Are you -- are you expecting me to make a  
10 decision on something today?

11 MR. DICKERSON: Yes.

12 THE COURT: Okay. What I'm asking that about  
13 is we may need to truncate their testimony to let them  
14 both have enough time to testify. If you want me to do  
15 that today, that's what I'm --

16 MR. DICKERSON: How much time do we have?

17 THE COURT: If we take a 15-minute break, I  
18 mean, we could have -- have another two hours.

19 MR. DICKERSON: Oh, we won't be more than --  
20 he won't be on more than that --

21 THE COURT: Oh.

22 MR. DICKERSON: -- yes.

23 THE COURT: All right.

24 MR. DICKERSON: No problem.

25 THE COURT: I'm just going to plan for

1 that so that we --

2 MR. DICKERSON: Yeah. No problem.

3 THE COURT: -- have both -- both parents  
4 testify.

5 And you guys have no other witnesses besides  
6 that for these issues, right?

7 MR. PAGE: No. We did list Ken Chen  
8 (phonetic) as a witness because he was a percipient  
9 witness to some of these things.

10 THE COURT: Okay.

11 MR. DICKERSON: When was he listed?

12 MS. DOLSON: Yeah. When did -- when was he  
13 listed?

14 MR. PAGE: Monday.

15 MS. DOLSON: Monday of this week? Okay.

16 MR. PAGE: Yeah.

17 MS. DOLSON: Okay.

18 DIRECT EXAMINATION

19 BY MS. DOLSON:

20 Q. Dr. Vahey, can you please state your date of  
21 birth?

22 A. December 15th, 1962.

23 Q. And how old are you?

24 A. 58.

25 Q. And do you have three children?

1 A. Yes.

2 Q. What are their names, birth dates, and ages?

3 A. Hannah, Matthew, and Selena. Hannah's birth  
4 date March 19th, 2009. Matthew's birthday is June 26,  
5 2010. Selena's birth date is 4/4/14.

6 Q. So would that make Hannah 12 years old?

7 A. Yes.

8 Q. Matthew 11 years old?

9 A. Yes.

10 Q. And Selena seven years old?

11 A. Correct.

12 Q. And you were divorced from Dr. Luong on  
13 March 26, 2021; is that correct?

14 A. That is.

15 Q. And do you recall us having an evidently  
16 hearing on custody in August and September of 2019?

17 A. I do.

18 Q. And what custody orders did you request the  
19 court enter at that evidentiary hearing?

20 A. I requested joint physical and legal custody.

21 Q. And why is that?

22 A. I think the children should be with -- should  
23 be with both parents.

24 Q. And what custody orders did the Court enter  
25 as a result of the 2019 evidentiary hearing?



1           A.       Minh told us during the trial that she was  
2     planning to go to California even if she did not get  
3     custody. So the judge said that he also thought there  
4     should be joint custody. But, for lack of a better  
5     word, by default if she continued her position, and I  
6     believe he gave her, I think it was on the order of two  
7     weeks, then by default he would award full physical  
8     custody to me with visitation by Minh.

9           Q.       And did Minh proceed with relocating to  
10    California without the children?

11          A.       She did.

12          Q.       So you assumed primary physical custody of  
13    the children at that time?

14          A.       I did.

15          Q.       And how was the children's behavior at that  
16    time that you had primary physical custody? Let's start  
17    with Hannah.

18          A.       Appropriate, interactive. Back then Hannah  
19    would eat dinner with the family, interact well with her  
20    siblings. She was a regular person.

21          Q.       And what about Matthew?

22          A.       The same.

23          Q.       And Selena?

24          A.       The same.

25          Q.       Did you have any issues with custodial

1 exchanges at that time?

2 A. They were slower to transfer to me, but not  
3 nearly of the caliber of what we have presently. They  
4 would act slightly differently for about 12 to 24 hours  
5 when they'd return to my custody. After that, in  
6 general, they behaved appropriately, obediently,  
7 interacted well, and from a behavior point of view, we  
8 did not have troubles.

9 Q. And how long did you maintain primary  
10 physical custody of the children?

11 A. From on or about September or October through  
12 March 20 -- I'm sorry, of 2019, through March 20th of  
13 2020.

14 Q. And why did custody change in March?

15 A. Because of a restraining order.

16 Q. And what happened?

17 A. The kids were transferring from me to Minh.  
18 When Minh arrived, after the kids were in her vehicle,  
19 she insisted that I had a wind surfboard of hers that  
20 doesn't exist. And I told her, you can go in there and  
21 look, into my garage. She went into the garage and she  
22 had gotten very angry when she couldn't find a wind  
23 surfboard. And eventually she took something that's  
24 much smaller than a wind surfboard, it's actually a kite  
25 surfboard that belongs to me. And she insisted that she

1 was going to take that. I told her that's not your  
2 board. That's a kite surfboard.

3 MR. PAGE: Objection, Your Honor. This is a  
4 nar- -- this is a narrative response. And two, this was  
5 already litigated in front of Judge Ritchie. He  
6 declined to find adequate cause to have any further  
7 proceedings, therefore the matter is res judicata and  
8 it's not relevant for the Court's consideration.

9 MR. DICKERSON: And, your Honor, the purpose  
10 of this is to set the stage for how the children have  
11 changed as a result of this incident.

12 MR. PAGE: Again, this has already been  
13 litigated by Judge Ritchie. He found adequate cause,  
14 the matter is res judicata and is not relevant to the  
15 Court's determination.

16 THE COURT: I think I've gotten a picture of  
17 what -- what both parties claim happened at that. So if  
18 we can move on to the -- what happened with the children  
19 after that.

20 BY MS. DOLSON:

21 Q. Sure. And this incident occurred on what  
22 date?

23 A. March 20th, 2020.

24 Q. And how long were the children away from you  
25 after that date?

1           A.           About five weeks.

2                   MR. PAGE:   Okay.  The same -- the same  
3   objection.  This was already considered by  
4   Judge Ritchie.  He made the order that he made.  The  
5   matter is res judicata.

6                   MS. DOLSON:  Your Honor, I'm moving on.  I  
7   was just answering --

8                   MR. DICKERSON:  It's not --

9                   MS. DOLSON:  -- asking some follow-up  
10   questions.

11                  MR. DICKERSON:  It's not res judicata.

12                  MR. PAGE:  Absolutely.  It's already been  
13   raised and litigated extensively.

14                  THE COURT:  I don't think what happened  
15   afterwards with regard to the relationship is what was  
16   before him.  It wasn't extended, right?  That's what he  
17   did rule on.

18                  MR. PAGE:  He did -- he did make another  
19   ruling on July 11th.  And at the July 11th hearing all  
20   of these same things were brought up to Judge Ritchie.

21                  THE COURT:  Okay.

22                  MR. DICKERSON:  But they weren't -- this  
23   wasn't pursuant to any motion to change custody.  It was  
24   a motion to get additional time and to bring to the  
25   Court's attention why we should reestablish the joint

1 physical custody relationship.

2 THE COURT: All right. Go -- go ahead. Go  
3 on.

4 MS. DOLSON: Thank you, Your Honor.

5 THE COURT: I'm overruling the objection.

6 BY MS. DOLSON:

7 Q. Did the children's behavior change after the  
8 March 20, 2020 incident?

9 A. It did.

10 Q. And how did it change?

11 A. Matthew and Selena's behavior didn't change  
12 to speak of. Let's say within 24 hours they were  
13 behaving in a similar fashion as they had previously.  
14 Hannah changed precipitously.

15 MR. PAGE: I don't -- I don't mean to  
16 inter- -- interrupt, but I -- I'm going to have to  
17 because we made this request for Your Honor to change  
18 custody back in -- our motion was filed in -- I believe  
19 it was February of 2021. You heard it in March of 2021.  
20 You declined it show -- find adequate cause at that  
21 time, so therefore it was rejected. At this time,  
22 again, they're just treading over the ground we've tread  
23 over before.

24 MS. DOLSON: Your Honor, the children's  
25 mental health is at issue, and I'm trying to establish

1 how it -- we are -- where we are today.

2 MR. PAGE: We've had Dr. Fontenelle testify,  
3 and she's giving her snapshot of the picture today.  
4 That is what we needed.

5 MS. DOLSON: And Dr. Fontenelle has only  
6 provided therapy to Hannah for the past two months.

7 MR. PAGE: We're --

8 MS. DOLSON: She only has that short snapshot  
9 and we need to figure out how the children got to where  
10 they are.

11 MR. PAGE: Well, we're --

12 MR. DICKERSON: We'll take a ruling from the  
13 Court.

14 MR. PAGE: If we take -- if we take a look at  
15 the --

16 MR. DICKERSON: I thought the Court had  
17 already overruled the objection.

18 MR. PAGE: If I take a look at the order that  
19 we -- proposed order that we have for what we're here  
20 for today, we are here --

21 MR. DICKERSON: I thought the Court has  
22 already overruled the objection.

23 MR. PAGE: Counsel, the order that's in this  
24 case is that we are here today on contempt issues and  
25 school choice issues.

1 MS. DOLSON: And Hannah's mental health.

2 MR. PAGE: That is it.

3 MS. DOLSON: Hannah's mental health is also  
4 there.

5 MR. PAGE: We've already addressed Hannah's  
6 mental health when we had the hearing back in --

7 MR. DICKERSON: No, we haven't.

8 MR. PAGE: -- March of 2021. We have  
9 Dr. Fontenelle's recommendations as to that. We don't  
10 need anything further.

11 The order is that --

12 MS. DOLSON: Your Honor, the court minutes  
13 are pretty clear.

14 MR. PAGE: I'm going to keep -- I'm going to  
15 keep raising this because --

16 MR. DICKERSON: Keep raising it.

17 MR. PAGE: -- we set out the parameters as to  
18 what this was going to be back on October 18th. This  
19 was about school choice and eventual contempt.

20 MR. DICKERSON: And Hannah's mental --

21 MR. PAGE: That is -- that is the scope of  
22 our hearing. To go beyond that, would be a violation of  
23 my client's due process rights to go ahead and bring  
24 something up for whatever Jim thinks it's going to be  
25 for what he thinks is going to be his request for sole

1 legal and sole physical custody. That is not an  
2 evidentiary hearing. That is a motion hearing for which  
3 the Court can determine whether there's adequate cause  
4 to have an evidentiary hearing, which is not today.  
5 That would be a gross violation of her procedural and  
6 substantive due process rights.

7 MR. DICKERSON: It's on for her mental health  
8 for Hannah.

9 THE COURT: I overruled the objection because  
10 I take that as background as to how we got where we are  
11 today and what we're going to do from today forward to  
12 address these issues.

13 MR. PAGE: I'm -- I'm concerned that, one, we  
14 can't unring a bell; and two, we're opening the door  
15 into making other orders that have nothing to do with  
16 actual school choice.

17 MR. DICKERSON: Your Honor, the objection --

18 MR. PAGE: Dr. Fontenelle -- look --

19 MR. DICKERSON: -- has been made. How many  
20 times do you have to rule?

21 MR. PAGE: -- our -- our -- our stipulation  
22 and order said that we're to follow Dr. Fontenelle's  
23 recommendations. Dr. Fontenelle's rec- -- has made a  
24 recommendation as to what we should do regarding school.  
25 That is the width and depth of our proceedings here



1 today.

2 THE COURT: Well, I'm definitely doing  
3 something about the -- the custodial situation today  
4 because it ain't going to continue the way it is,  
5 Mr. Page. That should be very clear. That's not going  
6 to continue. What I do --

7 MR. PAGE: But -- but we're talking about  
8 temporary orders and that would be --

9 THE COURT: That's right.

10 MR. PAGE: That would be -- that would be law  
11 and motion, and that's where we make argument, and Your  
12 Honor would find adequate cause for there to be further  
13 proceedings. But we've heard Dr. Fontenelle's  
14 recommendations. The stipulation order says that we're  
15 supposed to follow those recommendations. That's what  
16 the parents agreed to. In the Rivera were allow- --  
17 parents were allowed to make agreements, and those  
18 agreements are to be honored. So we're asking that the  
19 agreement between Mom and Dad be honored, but that's --  
20 what we're here for is --

21 MR. DICKERSON: So what are you suggesting?  
22 We're at the end of the case?

23 MR. PAGE: They're at -- we're here for, one,  
24 an evidentiary hearing on school, an evidentiary hearing  
25 on contempt which can't go forward. And then we're here

1 on law and motion based upon what we had on the motion  
2 that was filed at 11:44 on Halloween for a hearing on  
3 here on today as to whether there is sufficient adequate  
4 cause for there to be further proceedings. That's all  
5 we have, and that's all we can do under the due process  
6 constraints that we have.

7 MS. DOLSON: Your Honor, again, the Court  
8 made its order very clear that Hannah's mental health  
9 would be addressed today.

10 THE COURT: Well, yeah. And Doc --  
11 Dr. Fontenelle made a very specific recommendation that  
12 it could go either way. So I guess the children can  
13 spend every night at Dad's house and could be with Mom  
14 after school --

15 MR. PAGE: That's not the rec- --

16 THE COURT: -- assuming we can get them to  
17 school.

18 MR. PAGE: That --

19 THE COURT: She recommended it could go  
20 either way. I heard her very carefully and took notes,  
21 Mr. Page.

22 MR. PAGE: What Dr. Fontenelle indicated is  
23 they should stay with Mom, and they should see --

24 MS. DOLSON: She absolutely did not.

25 MR. PAGE: -- Dad for a few hours every day.

1 That's exactly what she said.

2 THE COURT: That's --

3 MR. PAGE: And it would be a bastardization  
4 to suggest anything different.

5 THE COURT: That's not what she said.

6 MR. DICKERSON: All right. May we proceed,  
7 Your Honor?

8 MR. PAGE: No, she did not.

9 MR. DICKERSON: May we proceed, Your Honor?

10 MR. PAGE: She absolutely did not.

11 THE COURT: Huh?

12 MR. DICKERSON: May we proceed?

13 THE COURT: Yes. Go -- go ahead, please.

14 BY MS. DOLSON:

15 Q. How did Hannah act upon returning to your  
16 custody after the five weeks that she was with  
17 Mr. Luong?

18 A. As I said earlier, before the objections,  
19 precipitously differently. That's when Hannah began not  
20 speaking to me. That's when Hannah began addressing me  
21 badly. Hannah began telling me I'm a liar, that she  
22 hated me. She wished I were dead.

23 That's when Hannah started physically doing  
24 things against me, including kicking me, scratching me.  
25 That's when Hannah began breaking things in the house.

1 And it's also when Hannah stopped eating with the rest  
2 of the family. And because of concerns regarding simply  
3 eating, I supported her eating in her bedroom, and  
4 that's the behavior she's continued since.

5 Q. Now, do you recall appearing before the Court  
6 on April 22nd, 2020?

7 A. I do.

8 Q. And at that time did the Court change the  
9 custody orders?

10 A. They did.

11 Q. And what did the Court do?

12 A. They returned Hannah to me immediately -- or  
13 all three children to me immediately. And at that time  
14 Minh said that she would rent a townhouse so that she  
15 could stay in Vegas half time and they -- the Court had  
16 custody become joint.

17 Q. And what type of custody arrangement was it?

18 A. Week on, week off.

19 Q. Okay. Now, after you and Dr. Luong started  
20 sharing joint physical custody, did you have any issues  
21 co-parenting with Dr. Luong?

22 A. I did.

23 Q. And what were those issues?

24 A. I'll use the judge's words, it wasn't  
25 co-parenting, it was no parenting. But it was -- it was

1 very, very difficult.

2 Just to start off with, Minh refused to speak  
3 to me. Even in a small room, like an ophthalmologist  
4 office room, Minh would turn her head the other way to  
5 not have her gaze be in -- or me be in her gaze. Even a  
6 simple question I might ask would not be answered. It  
7 was truly like a grade school child giving the silent  
8 treatment to someone they got angry with.

9 I remember Hannah had an appointment to be  
10 checked by the children's orthopedic doctor. We were  
11 leaving there. Hannah and I were planning to go to  
12 lunch. I asked Minh if she would like to join us.  
13 Not -- she didn't say, no, thanks, she said nothing.  
14 Not an answer. I repeated the question just to make  
15 sure it wasn't that she had not heard it. But the  
16 saddest part about that is Hannah got to see her mom  
17 absolutely just not answer me. The --

18 Q. Were there any other issues with how  
19 Dr. Luong spoke to you in front of the children?

20 A. Yes. One time at -- I was -- they were  
21 transferring to me, it was around noon, and I asked her  
22 if they'd eaten that day. She couldn't even give me an  
23 answer. No answer is what I had. I had to ask the  
24 children later, are you guys hungry? Have you eaten?

25 And they all blend together but in front of --

1 in front of the children she's called me scum of the  
2 earth, she called me dirt, lower than dirt, an SOB. And  
3 it's been very, very difficult co-parenting.

4 Q. Any other co-parenting issues that you can  
5 think of?

6 A. Not at this time.

7 Q. So you explained to us how Hannah has behaved  
8 since returning to your custody in April of 2020. Did  
9 you seek therapy for Hannah or the other children after  
10 that?

11 A. May I go back to the other question first?  
12 Or before this?

13 Q. Of course, yeah.

14 A. Yes. Any other co-parent --

15 MR. PAGE: Objection. Narrative response.

16 THE COURT: Overruled.

17 THE WITNESS: You asked me any other  
18 co-parenting issues. I think we'll get to it later, but  
19 certainly the event with the school -- taking them out  
20 of school and the things that led thereafter. Should I  
21 talk about that now or should I wait?

22 BY MS. DOLSON:

23 Q. We'll get to that --

24 A. Okay.

25 Q. -- in a minute.

1                   So after Hannah started behaving poorly upon  
2   returning to your custody in April of 2020, did you take  
3   her or the other children to therapy?

4           A.       I believe she was already in therapy with  
5   Michelle Gravley. And at that time all three children  
6   were in therapy with Michelle Gravley. But after they  
7   returned in April, it was COVID lockdown and everything  
8   was by tele, and it was not as effective. And shortly  
9   thereafter, Dr. Gravley determined that it -- it wasn't  
10   productive, and we discontinued therapy at that time.

11          Q.       Did Hannah refuse to participate in therapy  
12   with Dr. Gravley?

13          A.       I don't remember.

14          Q.       So after Dr. Gravley determined that therapy  
15   should not proceed, what did you do, if anything, to get  
16   the children treatment?

17          A.       I -- I found out about a woman named Bree  
18   Mullin, and we, of course, had to use the court because  
19   as has been demonstrated so far, we can't seem to agree  
20   on anything. And eventually we had a hearing, and in  
21   that hearing it was ordered that Hannah begin treatment  
22   with Bree Mullin or somebody under her.

23          Q.       And did Hannah begin treatment with  
24   Dr. Mullin?

25          A.       No. She began under her supervision, but

1 directly with Nate Minetto.

2 Q. Okay. And did the other children participate  
3 in therapy with Mr. Minetto or was it just Hannah?

4 A. Just Hannah.

5 Q. And how did Hannah do in therapy with  
6 Mr. Minetto?

7 A. Initially she did well. He -- he gained her  
8 confidence. He -- she improved with him. In fact, she  
9 improved --

10 MR. PAGE: Objection. Foundation.

11 THE COURT: Do you want to --

12 MR. DICKERSON: I don't know how you can --

13 THE WITNESS: I can answer that.

14 MR. DICKERSON: He lives with her.

15 MS. DOLSON: Yeah. He's --

16 MR. PAGE: How -- how would he know? Does he  
17 speak to Nate Minetto? Does he --

18 MR. DICKERSON: No. He has his daughter with  
19 him. She's improved. What kind of a foundation do you  
20 need?

21 THE WITNESS: I can answer.

22 MR. PAGE: A report from him.

23 MR. DICKERSON: Go ahead.

24 MR. PAGE: She stopped going for a month. We  
25 know that. Thought she would be doing well.



1 MS. DOLSON: We're talking about the  
2 beginning of Hannah treating with Dr. Minet- -- with  
3 Mr. Minetto, and we can get to where she ended up with  
4 Mr. Minetto.

5 BY MS. DOLSON:

6 Q. So can you please continue explaining how  
7 Hannah was doing with Mr. Minetto when she started  
8 treatment with him?

9 A. Initially she didn't want to go. And he came  
10 out to the car, he sat with her in the car for the whole  
11 session.

12 Next time she went, I don't know if he  
13 started with her in the car or she went in. Soon, she  
14 would go into the sessions.

15 When she'd come out of the sessions, she was  
16 a happier person. We saw steady improvement all the way  
17 through and including the winter holiday. And -- and  
18 yes, Mr. Page, yes, I spoke to Mr. Minetto. I spoke to  
19 him many times. And in December Hannah was quite good.  
20 She would make me iced coffee drinks at, you know, over  
21 the holiday. Our holiday activities were good. Hannah  
22 participated in activities with the family. Hannah went  
23 to my brother's, who lives locally, and Hannah  
24 participated with the family.

25 Then in January --

1 MR. PAGE: Objection, Your Honor. This is  
2 still a narrative. It's also -- I'm going to make an  
3 ongoing objection.

4 MR. DICKERSON: What happened in January?

5 MR. PAGE: It's a violation of my client's --  
6 BY MS. DOLSON:

7 Q. At some point did --

8 MR. PAGE: -- due process rights to  
9 relitigate these items that had been -- already been  
10 litigated by this Court and other courts --

11 MR. DICKERSON: We will re- -- we'll rephrase  
12 the question, Your Honor.

13 MR. PAGE: -- that have already been  
14 addressed.

15 MS. DOLSON: The judge has already ruled.

16 MR. PAGE: It's all res judicata. It's a  
17 violation of --

18 MR. DICKERSON: May we proceed, your Honor?

19 MR. PAGE: -- my client's due -- due process  
20 rights.

21 MR. DICKERSON: Thank you.

22 THE COURT: Yes. Go ahead and ask the next  
23 question.

24 BY MS. DOLSON:

25 Q. At some point did Hannah's progress with

1 Mr. Minetto change?

2 A. Yes.

3 Q. And what happened?

4 A. Two things happened. One, Hannah potentially  
5 was exposed to COVID, and that caused Nate's office to  
6 potentially be exposed. And after that, the decision  
7 was that Hannah's therapy had to be done tele.

8 The other was Nate told me that he had told  
9 Minh that she -- if she didn't start speaking to me,  
10 Hannah would not improve. And he told me that she said  
11 that she couldn't do that. And after that -- these two  
12 things, Hannah's willingness to participate --

13 MR. PAGE: Objection. Hearsay.

14 THE WITNESS: -- declined.

15 BY MS. DOLSON:

16 Q. How did Hannah's behavior -- how was Hannah's  
17 behavior after he learned --

18 THE COURT: Hold on. I've got to rule on  
19 that.

20 MR. DICKERSON: The question is how did  
21 Hannah -- that's not hearsay. He certainly didn't -- he  
22 didn't say hearsay -- make any objection prior to that.

23 THE COURT: It is -- I mean, what Mr. Minetto  
24 said is hearsay.

25 MR. DICKERSON: It is, but he didn't object,

1 Your Honor.

2 THE COURT: Yes.

3 MR. PAGE: I'm objecting now. It doesn't  
4 matter whether I objected before or did not --

5 MR. DICKERSON: Sure, it does.

6 MR. PAGE: -- I'm objecting it's hearsay.

7 THE COURT: I'm not taking that for the --  
8 the truth of the matter on that issue.

9 You can move on to the next question.

10 BY MS. DOLSON:

11 Q. What is your understanding as to why therapy,  
12 apart from the COVID and the tele-therapy, why therapy  
13 with Hannah and Mr. Minetto came to a stop essentially?

14 A. Minh no longer supported it.

15 Q. And after Dr. Luong no longer supported  
16 therapy with Mr. Minetto, did Hannah refuse to  
17 participate in therapy?

18 A. Correct. She needed to do it by tele, and I  
19 recall very well that she did a partial session one  
20 week. I believe there were issues when she was with  
21 Minh that she stopped her session. Minh informed me  
22 that she stopped her session early.

23 And the next time she had a session when in  
24 my custody, she was unwilling to do it.

25 Q. So following Hannah's therapy stopping with

1 Mr. Minetto, did you do anything to seek any other  
2 treatment for Hannah?

3 A. I believe it required another legal event,  
4 and we asked that Hannah's therapy be restarted. I'm  
5 having a little trouble on timing, but I think it may  
6 have been when we were told by Your Honor that we should  
7 get a child psychiatrist involved.

8 Q. Does April of 2021 ring a bell?

9 A. That does.

10 Q. And did you end up obtaining a psychiatrist  
11 for Hannah?

12 A. I did.

13 Q. And which psychiatrist is that?

14 A. Dr. Michelle Fontenelle.

15 Q. And how has Hannah been doing since she  
16 started seeing Dr. Fontenelle?

17 A. Hannah's behavior at my home is not  
18 substantially different, but I do believe that Hannah  
19 has built a rapport with Dr. Fontenelle, and I believe  
20 ultimately this will help Hannah.

21 Q. Now, are you concerned about Hannah's mental  
22 health?

23 A. Extremely.

24 Q. And why is that?

25 A. First, the diagnoses are very serious

1 diagnoses, especially for a child, especially a girl at  
2 the age of 12. Major depression is a serious diagnosis  
3 for anybody. Anxiety. The acute pain -- or I'm sorry,  
4 the amplified pain syndrome, as the doctor clarified,  
5 was not a diagnosis made by Dr. Fontenelle but rather by  
6 a pediatric rheumatologist. And the other diagnosis is  
7 low self-esteem. And again, that's not good for a  
8 12 year old girl or anybody.

9           The -- the symptoms and man- --  
10   manifestations are very alarming.  These include  
11   something --

12 MR. PAGE: Objection. This is a narrative  
13 response.

14 THE COURT: Overruled.

15 THE WITNESS: -- something as simple as  
16 seeing cilantro in wontons and just losing it. She  
17 believed it was mold. She -- hysterical crying and  
18 anger. And not going to go to school. She -- the --  
19 the -- the recent one, I was told by...

20 (Audio concluded.)

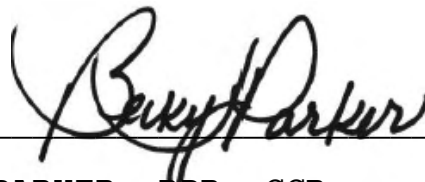
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## C E R T I F I C A T E

I, BECKY J. PARKER, do hereby certify  
that the foregoing pages constitute a full, true, and  
accurate transcript of the digital recording, all  
transcribed to the best of my skill and ability.

WITNESS my hand this 25th day of March,  
2022.



BECKY J. PARKER, NPR, CCR

Nevada Certified Court Reporter No. 934

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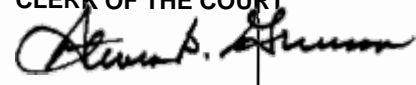


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**DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA**

JAMES W. VAHEY,

Plaintiff,

vs.

MINH NGUYET LUONG,

Defendant.

Case No.: D-18-581444-D

Dept.: U

**DEFENDANT'S SUPPLEMENTAL EXHIBITS**

Defendant, MINH NGUYET LUONG, by and through her attorney of record, PAGE LAW FIRM and hereby submits Supplemental Exhibits. The Supplemental Exhibits are as follows:

**Exhibit A:** Cover letter and executed proposed Order from the November 3, 2021, and November 5, 2021, hearings.

///

///

///

1       **Exhibit B:** Email to Department U inbox regarding proposed Order being  
2  
3                   attached.

4       DATED this 8<sup>th</sup> day of November 2021

5                               PAGE LAW FIRM

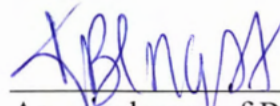
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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 8<sup>th</sup> day of November 2021 that the foregoing DEFENDANT'S SUPPLEMENTAL EXHIBIT was served pursuant to NECFR 9 via e-service to Robert Dickerson, Esq. attorney for Plaintiff.



---

An employee of Page Law Firm

EXHIBIT A

EXHIBIT A

EXHIBIT A

# PAGE LAW FIRM

ATTORNEY AT LAW  
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November 8, 2021

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

## VIA E-SERVICE ONLY

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

**Re: James W. Vahey v. Minh Nguyet Luong**  
PLF Client: Minh Nguyet Luong  
Case No.: D-18-581444-D  
Subject: Proposed Order Regarding School Choice

Dear Bob:

We are in receipt of your proposed Order regarding school choice. Below are our comments and requested changes,

On page 2, line 18, Dr. Fontenelle-Gilmer found that Hannah was very mature. Dr. Fontenelle-Gilmer testified, think she's very . . . actually mature for her age. Please add in "very."

On page 2, lines 18-19, you put in the Court found that Minh has alienated the children from Jim. The proposed finding contradicts what Dr. Fontenelle-Gilmer found. Specifically, the question to Dr. Fontenelle-Gilmer was "Throughout this case Min's been accused of alienation. Have you seen any signs that she's trying to alienate Hannah from her dad?" The answer from Dr. Fontenelle-Gilmer was "no." There certainly can be no conclusion that Selena has been alienated by Minh. There is no time index that would support any statement from the Court to support that as well in addition to the language failing to support the evidence at the hearing. Please remove.

On page 2, lines 19-20, you put in that Minh enrolled the children at Becker. No, she did not. The email from Kathleen Dunaway indicated that Minh had no enrolled the children at Becker. Furthermore, the Court did not allow us the opportunity to bring in Ms. Dunaway via subpoena to have her further elaborate on her statement that the children were never enrolled at Becker. We cannot ignore facts simply because they are inconvenient or not afford witnesses the opportunity to testify for the same reason. Please remove.

Robert Dickerson, Esq.  
November 8, 2021  
Page 2

On page 2, lines 21-25, it does not follow, and there is no finding that allowing the children to tour a campus, meet with counselors, or discuss classes they might want to take equates to "alienation." Please remove. Similarly, the fact that the children may have toured the campus fails to equate to being able to form an intelligent preference as to their schooling. Please remove.

On page 4, lines 18-19, the sentence "when Minh relocated to Las Vegas from California, she chose to move to a home in Summerlin, as far as possible from Jim's home in Lake Las Vegas." The statement is factually inaccurate for the reasons set forth below. Please remove.

On page 4, lines 21-25, the Court's statement that Minh choose to move to a residence as far away as possible from Jim's house is simply factually inaccurate. You heard the testimony that Minh chose the house because the house was close to her Sahara office which is where she predominately operates her practice. In addition, one can and should take judicial notice that Reverence is not as far as possible as one can get from Jim's house. Skye Canyon is farther. Tule Springs is farther. The assertion was an emotional one, not a factual one. Accordingly, the assertion should be removed. Please remove.

On page 5, lines 3-4, the statement in the Order that Minh has alienated the children from Jim is contradicted from the testimony from the one person best suited to make such a conclusion, Dr. Fontenelle-Gilmer.

As to page 5, lines 4-5, the Court is not qualified to make diagnosis of the same. The evidence absolutely contradicts the assertion that Minh has called the police on multiple occasions without first consulting Jim. That assertion is unsupported by the record. Please remove.

As to page 5, lines 7-10, the Court never opined as to whether Minh moving away from Jim constituted alienation; further Minh does not refuse to communicate with Jim, Minh does not care to engage in small talk with Jim regarding issues unrelated to the children. Please remove.

As to page 5, lines 12-15, if you believe that the Court made such a statement, please provide a time index. Otherwise, please remove.

On page 5, line 16, please remove "weighs heavily."





**PAGE LAW FIRM**

Robert Dickerson, Esq.

November 8, 2021

Page 3

On page 6, lines 4-6, the Court never found that the fact that Minh proposed Sig Rogich was, in and of itself, a basis to conclude that Minh was trying to alienate the children from Jim. Dr. Fontenelle-Gilmer testified "If it's a school that she's willing to go to, then I think that's the direction we would have to go." Please remove.

On page 6, line 9, please remove, "weighs heavily."

In order to make things move more quickly, this office has redrafted the Order regarding school choice for your review and the same is attached.

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

Very truly yours,

PAGE LAW FIRM

A handwritten signature in blue ink, appearing to be "Fred Page", written over the printed name.

Fred Page, Esq.

Enc.  
FCP

**ORDR**

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

JAMES W. VAHEY,  
Plaintiff,

vs.

MINH NGUYET LUONG,  
Defendant.

Case No.: D-18-581444-D

Dept.: U

Hearing Dates: November 3, 2021,  
and November 5, 2021

Hearing Times: 1:00 p.m. and 2:00  
p.m.

**ORDER REGARDING MINOR CHILDREN'S SCHOOLING**

This matter having come before the Hon. Judge Dawn R. Throne on November 5<sup>th</sup>, 2021 for a trial regarding the schooling of the minor children, Hannah Vahey ("Hannah"), and MATTHEW VAHEY ("Matthew"). Defendant, Minh Nguyet Luong ("Minh") was present and represented by Fred Page, Esq. of Page Law Firm. Plaintiff, James Vahey ("Jim") was present and represented by Robert P. Dickerson, Esq., and Sabrina M. Dolson, Esq. of the Dickerson Karacsonyi Law Group. The cause having been submitted for decision, and the Court having before it all the files, pleadings, and papers in the action, having

1 heard all the testimony and examined the evidence offered by each party, and good  
2 cause appearing, the Court hereby makes the following findings and enters the  
3 following orders:  
4

5 **THE COURT HEREBY FINDS** that it has complete jurisdiction in the  
6 premises, both as to the subject matter of this custody action, and the personal  
7 jurisdiction over the parties and their minor children.  
8

9 **THE COURT FURTHER FINDS** that the Supreme Court of Nevada in  
10 *Arcella v. Arcella*, 133 Nev. 868, 407 P. 3d 341 (2017), set forth factors that will  
11 likely be relevant to a court's determination of which school is in Hannah and  
12 Matthew's best interest considered these factors as follows:  
13

14  
15 1. *The wishes of the child, to the extent that the child is of sufficient age*  
16 *and capacity to form intelligent preference.*

17 Hannah is twelve years old and Matthew is eleven years old. Although the  
18 children would typically be considered of sufficient age and capacity to form an  
19 intelligent preference as to their schooling, and Dr. Michelle Fontenelle-Gilmer  
20 testified that Hannah is very mature. Specifically, in regards to the school issue,  
21 Minh had Hannah and Matthew tour Becker Middle School ("Becker") campus,  
22 had Hannah and Matthew meet with one or more counselors at Becker.  
23

24  
25 2. *The child's educational needs and each school's ability to meet them.*  
26

27 Hannah and Matthew do not have special educational needs, and Sig Rogich  
28 Middle School ("Sig Rogich"), the school proposed by Minh, and Bob Miller

1 Middle School ("Bob Miller"), the school proposed by Jim, will both be able to  
2 meet the children's educational needs. This factor is neutral.

3 3. *The curriculum, method of teaching, and quality of instruction at each*  
4 *school.*

5 Both Sig Rogich and Bob Miller are good public schools. The curriculum,  
6 method of teaching, and quality of instruction at each school does not weigh in  
7 favor of either school. This factor is neutral.  
8

9 4. *The child's past scholastic achievement and predicted performance at*  
10 *each school.*  
11

12 Hannah and Matthew have attended Challenger School for many years and  
13 are both intelligent, capable students. They should have no issue being successful  
14 at either Sig Rogich or Bob Miller. This factor is neutral.  
15

16 5. *The child's medical needs and each school's ability to meet them.*  
17

18 Hannah and Matthew do not have special medical needs, and Sig Rogich and  
19 Bob Miller will both be able to meet the children's medical needs. This factor is  
20 neutral.  
21

22 6. *The child's extracurricular interests and each school's ability to*  
23 *satisfy them.*

24 Both Sig Rogich and Bob Miller will be able to satisfy Hannah and  
25 Matthew's extracurricular interests. This factor is neutral.  
26  
27  
28

1       7.     *Whether leaving the child's current school would disrupt the child's*  
2     *academic progress.*

3       Hannah and Matthew currently refuse to return to their current school,  
4     Challenger School, so leaving their current school will not disrupt their academic  
5     progress.  
6

7       8.     *The child's ability to adapt to an unfamiliar environment.*

8       Hannah and Matthew both want to attend a new school, thus indicating they  
9     desire an ability to adapt to an unfamiliar environment.  
10

11      9.     *The length of commute to each school and other logistical concerns.*

12       Depending on traffic, Sig Rogich, the school proposed by Minh, is nearly an  
13     hour away from Jim's home (it is at least 48 to 60 minutes from Jim's home),  
14     while it is less than 15 minutes from Minh's home. Bob Miller, the school  
15     proposed by Jim is more equidistant from each party's home – approximately 25 to  
16     30 minutes from each party's home. The Court finds that because Bob Miller is  
17     more equidistant from each party's home, it is in the children's best interest to  
18     attend Bob Miller. The Court further finds that it is not in the children's best  
19     interest to travel close to an hour from their father's home to attend school.  
20     Moreover, the Court finds that Bob Miller is closer to Challenger School where the  
21     parties' youngest child, Selena, is attending school. Because each party will be  
22     taking the children to school on his or her respective custodial days, which  
23     includes taking Selena to the Challenger School, neither party is overly burdened  
24  
25  
26  
27  
28

1 by taking and picking up Hannah and Matthew at Bob Miller. Thus, based on the  
2 forgoing, this factor (*i.e.*, the length of commute to each school and other logistical  
3 concerns) in favor of the children attending Bob Miller.  
4

5 10. *Whether enrolling the child at a school is likely to alienate the child*  
6 *from a parent.*

7 Enrolling the children at Sig Rogich is likely to alienate the children from  
8 Jim. Thus, this factor weighs in favor of the children attending Bob Miller.  
9

10 **THE COURT HEREBY ORDERS** that the children shall immediately  
11 enroll in and attend Bob Miller Middle School.  
12

13 **THE COURT FURTHER ORDERS** that the parties shall immediately

14 ///

15 ///

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24 ///

1 begin the process of obtaining a zone variance for the children to attend Bob Miller  
2 Middle School.  
3  
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9 Respectfully submitted:  
10 PAGE LAW FIRM

Approved as to form and content:  
THE DICKERSON KARACSONYI  
LAW GROUP

11  
12   
13 FRED PAGE, ESQ.  
14 Nevada Bar No. 6080  
15 6930 South Cimarron Road, Suite 140  
16 Las Vegas, Nevada 89113  
17 (702) 328-2888  
18 Attorney for Defendant  
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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 89135  
Attorneys for Plaintiff

EXHIBIT B

EXHIBIT B

EXHIBIT B



**Vahey v. Luong - ORDR - D-18-581444-D**

Fred Page &lt;fpage@pagelawoffices.com&gt;

Date: 11/8/2021 1:40 PM

To: Deputinbox@clarkcountycourts.us &lt;Deputinbox@clarkcountycourts.us&gt;

Cc: Bob Dickerson &lt;bob@thedklawgroup.com&gt;; Sabrina Dolson &lt;sabrina@thedklawgroup.com&gt;

Dear Department U:

A copy of this email is cc'd to opposing counsel. Opposing counsel has submitted its proposed Order, apparently declining to make any of the changes requested by this office. The assertion is made that this office requested that several of this Court's "clear orders" be removed. The statement can only be described as false. This office objected to a number of the "findings" not orders that Jim, through his counsel, has attempted insert into the Order that we maintain are either unsupported by the record or contradicted by the record. It appears that opposing counsel has declined to make any of the changes requested.

Attached please find the proposed Order from Dr. Luong that we believe more accurately reflects what occurred on November 3, and November 5. It is requested that the Court sign the attached proposed Order from this office.

Should you have any questions or concerns, please do not hesitate to contact me.

Nevada State Bar Certified Family Law Specialist

Page Law Firm

Fred Page, Esq.

6930 South Cimarron Road, Suite 140

Las Vegas, Nevada 89113

Office: (702) 823-2888

Cell: (702) 469-3278

Fax: (702) 628-9884

Email: fpage@pagelawoffices.com

**CONFIDENTIALITY NOTICE:**

If you have received this e-mail in error, please immediately notify the sender by e-mail at the address shown. This e-mail transmission may contain confidential information. This information is intended only for the use of the individual(s) or entity to whom it is intended even if addressed incorrectly. Please delete it from your files if you are not the intended recipient. Thank you for your compliance.

IRS Circular 230 Disclosure: To ensure compliance with requirements imposed by the U.S. Internal Revenue Service, we inform you that any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code or (2) promoting, marketing or recommending to another party any tax-related matters.

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158

1 **ORDR**

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  
13 DISTRICT COURT  
14 FAMILY DIVISION  
15 CLARK COUNTY, NEVADA

16 JAMES W. VAHEY,

17 Plaintiff,

18 vs.

19 MINH NGUYET LUONG,

20 Defendant.

Case No.: D-18-581444-D

Dept.: U

21 **ORDER REGARDING MINOR CHILDREN'S SCHOOLING**

22 This matter having come before the Honorable Judge Dawn R.  
23 Throne, on the 5<sup>th</sup> day of November, 2021, for a trial regarding the  
24 schooling of the minor children, HANNAH VAHEY ("HANNAH"), and  
25 MATTHEW VAHEY ("MATTHEW"); Plaintiff, JAMES W. VAHEY  
26 ("JIM"), appearing in person with his attorneys, ROBERT P.  
27 DICKERSON, ESQ., and SABRINA M. DOLSON, ESQ., of THE  
28 DICKERSON KARACSONYI LAW GROUP; and Defendant, MINH  
NGUYET LUONG ("MINH"), present in person with her attorney,  
FRED PAGE, ESQ., of PAGE LAW FIRM. The cause having been  
submitted for decision, and the Court having before it all the files,

1 pleadings, and papers in the action, having heard all the testimony and  
2 examined the evidence offered by each party, and good cause appearing  
3 therefor, the Court finds and orders as follows:

4 THE COURT HEREBY FINDS that it has complete jurisdiction  
5 in the premises, both as to the subject matter of this custody action and  
6 the personal jurisdiction over the parties and their minor children.

7 Now, therefor,

(Hannah Vahey and Matthew Vahey)

8 THE COURT HEREBY ORDERS that the children ^ shall  
9 immediately enroll in and attend Bob Miller Middle School.

10 THE COURT FURTHER ORDERS that the parties shall  
11 immediately begin the process of obtaining a zone variance for the  
12 children to attend Bob Miller Middle School.

13 Dated this 8th day of November, 2021

14 

15 DISTRICT COURT JUDGE

16 D1B 9F8 6A42 0043  
17 Dawn R. Throne  
18 District Court Judge

18 Submitted by:

19 THE DICKERSON KARACSONYI  
20 LAW GROUP

21 /s/ Sabrina M. Dolson

22 ROBERT P. DICKERSON, ESQ.

23 Nevada Bar No. 000945

24 SABRINA M. DOLSON, ESQ.

25 Nevada Bar No. 013105

26 1645 Village Center Circle, Suite 291

27 Las Vegas, Nevada 89134  
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 was served via the court's electronic eFile system to all  
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 11/8/2021

15 Sabrina Dolson

Sabrina@thedklawgroup.com

16 Robert Dickerson

Bob@thedklawgroup.com

17 Info info email

info@thedklawgroup.com

18 Fred Page

fpage@pagelawoffices.com

19 Edwardo Martinez

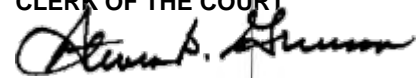
edwardo@thedklawgroup.com

20 Admin Admin

Admin@pagelawoffices.com  
21  
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FRED PAGE, ESQ.  
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PAGE LAW FIRM  
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(702) 823-2888 office  
(702) 628-9884 fax  
Email: [fpagelawoffices.com](mailto:fpagelawoffices.com)  
Attorney for Defendant

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

JAMES W. VAHEY,  
Plaintiff,

vs.

MINH NGUYET LUONG,  
Defendant.

Case No.: D-18-581444-D

Dept.: U

**NOTICE OF ENTRY OF ORDER**

TO: JAMES W. VAHEY, Plaintiff and

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

YOU AND EACH OF YOU please take notice that on the 9<sup>th</sup> day of  
November 2021, the Order from the October 18, 2021 hearing was duly entered, a

///

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///

///

///

1  
2 true and correct copy of which is attached hereto.

3  
4 DATED this 9<sup>th</sup> day of November 2021

5 PAGE LAW FIRM

6  
7 

8 FRED PAGE, ESQ.

9 Nevada Bar No. 6080

10 6930 South Cimarron Road, Suite 140

11 Las Vegas, Nevada 89113

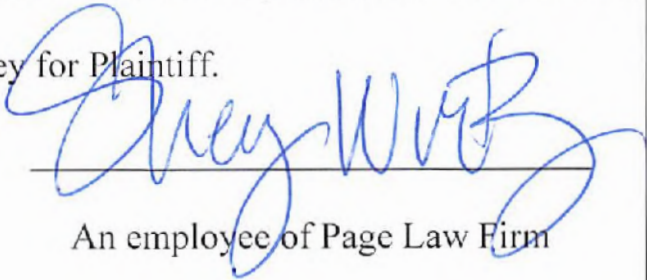
12 (702) 823-2888

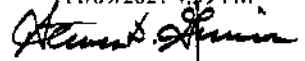
13 Attorney for Defendant  
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1  
2 **CERTIFICATE OF SERVICE**

3 The undersigned hereby certifies that on the 9<sup>th</sup> day of November 2021, the  
4 foregoing NOTICE OF ENTRY OF ORDER was served pursuant to NEFCR 9 via  
5 e-service to Robert P. Dickerson, attorney for Plaintiff.  
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8   
9 An employee of Page Law Firm  
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CLERK OF THE COURT

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

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

JAMES W. VAHEY,  
Plaintiff,

vs.

MINH NGUYET LUONG,  
Defendant.

Case No.: D-18-581444-D

Dept.: U

Hearing Date; October 18, 2021

Hearing Time: 9:30 a.m.

**ORDER FROM OCTOBER 18, 2021, HEARING**

The hearing on Defendant, MINH NGUYET LUONG'S, Motion to Correct Clerical Error in the Decree of Divorce Regarding the 529 Accounts, or in the Alternative, to Set Aside the Terms in the Decree of Divorce Regarding the Division of the 529 Accounts and for Attorney's Fees and Costs and Plaintiff, JAMES VAHEY'S, Countermotion for Immediate Return of Hannah to Jim's Custody, an Order that Hannah Immediately Participate in Therapy with Dee Pierce, Ph.D., an Order that Hannah Have a Forencis Pyschiatric Evaluation, an Order Requiring the Parties to Participate in Co-Parenting Counseling with Bree Mullin, Ph.D., Sole Legal Custody, School Choice Determination, Return of the

1 Children's Passports, and Attorney's Fees and Costs came on for hearing on the  
2 above referenced date and time in front of the Hon. Dawn Throne. Defendant,  
3 MINH LUONG, was present via Bluejeans video and was represented by and  
4 through her counsel, Fred Page, Esq. Plaintiff, JAMES VAHEY, was present via  
5 Bluejeans video and was represented by and through his counsel, Sabrina Dolson,  
6 Esq., and Robert Dickerson, Esq. The Court having reviewed the papers and  
7 pleadings on file and having entertained oral argument hereby makes the following  
8 findings and enters the following orders.  
9

10  
11  
12 **THE COURT HEREBY FINDS** that is has personal and subject matter  
13 jurisdiction.  
14

15 **THE COURT HEREBY ORDERS** as follows:  
16

- 17 1. Defendant's Motion under NRCP 60(a) is denied.
- 18 2. Defenfendant's Motion under NRCP 60(b) is denied.
- 19 3. Plaintiff's Countermotion for sole legal custody is denied.
- 20 4. Matthew Vahey shall remain at Challenger School until further order  
21 of the Court.  
22
- 23 5. Defendant shall ensure that Hannah Vahey is delivered to Plaintiff's  
24 care and custody (at his home) today at 5:00 p.m. and to remain in Plaintiff's care  
25 for the next two weeks.  
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28

1           6.     If Hannah does not go with Plaintiff today, a Warrant Pick Up Order  
2 will be entered and Hannah shall go to Child Haven.  
3

4           7.     A Guardian Ad Litem shall be appointed for Hannah and Matthew.  
5 Counsel shall confer and agree. The parties shall equally pay the costs.  
6

7           8.     A parenting coordinator shall be appointed. Counsel shall confer and  
8 agree or provide the Court with two proposals each. The parties shall equally pay  
9 the costs.  
10

11          9.     The parties shall file updated Financial Disclosure Forms  
12

13          10.    Plaintiff is awarded attorney's fees. Ms. Dolson shall submit  
14 Memorandum of Fees and Costs incurred to oppose 529 motion. Mr. Page may  
15 submit objection as to fees requested.  
16

17          11.    Hannah's and Selena's passports shall be given to Mr. Dickerson's  
18 office to hold by this Friday. Matthew's passport shall remain with Defendant.  
19 Neither of the parties shall travel internationally with the minor children without  
20 the other parent's<sup>written</sup> agreement.  
21

22          12.    Discovery is open solely as to school related issues.  
23

24          13.    The parties shall submit joint letter as to Dr. Michelle Fontenelle's  
25 availability. ~~Per Dr. Michelle Fontenelle's recommendation, a psychiatric~~  
26 ~~evaluation to be completed.~~  
27

28          14.    The request for co-parenting counseling is deferred.

15. An evidentiary hearing is set for November 3, 2021, at 1:00 p.m.  
regarding school and mental health. An evidentiary hearing is set for November  
18, 2021, regarding school and mental health is set for November 18, at 9:00 a.m.

16. An order to show cause hearing is set for November 3, 2021~~2~~, at 1:30  
p.m.

Dated this 9th day of November, 2021



SR

5C9 A4D E337 4707  
Dawn R. Throne  
District Court Judge

Respectfully submitted:  
PAGE LAW FIRM



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

Approved as to form and content:  
DICKERSON KARACSONYI LAW  
GROUP

ROBERT DICKERSON, ESQ.  
Nevada Bar No. 945  
1645 Village Center Circle, Suite 291  
Las Vegas, Nevada 89134  
(702) 388-0210  
Attorney for Plaintiff

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5	
6 James W. Vahey, Plaintiff	CASE NO: D-18-581444-D
7 vs.	DEPT. NO. Department U
8 Minh Nguyet Luong, Defendant.	
9	

10 **AUTOMATED CERTIFICATE OF SERVICE**

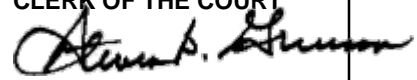
11 This automated certificate of service was generated by the Eighth Judicial District  
12 Court. The foregoing Order was served via the court's electronic eFile system to all  
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 11/9/2021

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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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 REGARDING MINOR  
CHILDREN'S SCHOOLING

TO: MINH NGUYET LUONG, Defendant; and

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

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1 PLEASE TAKE NOTICE that an ORDER REGARDING MINOR  
2 CHILDREN'S SCHOOLING, a true and correct copy of which is attached  
3 hereto, was entered in the above-entitled matter on the 8<sup>th</sup> day of  
4 November, 2021.

5 DATED this 9<sup>th</sup> day of November, 2021.

6 THE DICKERSON KARACSONYI  
7 LAW GROUP

8  
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 Plaintiff  
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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  
Attorney for Defendant

19  
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28

1 **ORDR**

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 DISTRICT COURT  
13 FAMILY DIVISION  
14 CLARK COUNTY, NEVADA

15 JAMES W. VAHEY,

Case No.: D-18-581444-D

Dept.: U

Plaintiff,

vs.

MINH NGUYET LUONG,

Defendant.

17  
18 **ORDER REGARDING MINOR CHILDREN'S SCHOOLING**

19 This matter having come before the Honorable Judge Dawn R.  
20 Throne, on the 5<sup>th</sup> day of November, 2021, for a trial regarding the  
21 schooling of the minor children, HANNAH VAHEY ("HANNAH"), and  
22 MATTHEW VAHEY ("MATTHEW"); Plaintiff, JAMES W. VAHEY  
23 ("JIM"), appearing in person with his attorneys, ROBERT P.  
24 DICKERSON, ESQ., and SABRINA M. DOLSON, ESQ., of THE  
25 DICKERSON KARACSONYI LAW GROUP; and Defendant, MINH  
26 NGUYET LUONG ("MINH"), present in person with her attorney,  
27 FRED PAGE, ESQ., of PAGE LAW FIRM. The cause having been  
28 submitted for decision, and the Court having before it all the files,

1 pleadings, and papers in the action, having heard all the testimony and  
2 examined the evidence offered by each party, and good cause appearing  
3 therefor, the Court finds and orders as follows:

4 THE COURT HEREBY FINDS that it has complete jurisdiction  
5 in the premises, both as to the subject matter of this custody action and  
6 the personal jurisdiction over the parties and their minor children.

7 Now, therefor,

(Hannah Vahey and Matthew Vahey)

8 THE COURT HEREBY ORDERS that the children ^ shall  
9 immediately enroll in and attend Bob Miller Middle School.

10 THE COURT FURTHER ORDERS that the parties shall  
11 immediately begin the process of obtaining a zone variance for the  
12 children to attend Bob Miller Middle School.

13 Dated this 8th day of November, 2021

14 

15 DISTRICT COURT JUDGE

16 D1B 9F8 6A42 0043  
17 Dawn R. Throne  
18 District Court Judge

18 Submitted by:

19 THE DICKERSON KARACSONYI  
20 LAW GROUP

21 /s/ Sabrina M. Dolson

22 ROBERT P. DICKERSON, ESQ.

23 Nevada Bar No. 000945

24 SABRINA M. DOLSON, ESQ.

25 Nevada Bar No. 013105

26 1645 Village Center Circle, Suite 291

27 Las Vegas, Nevada 89134  
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

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18 Fred Page

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20 Admin Admin

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161

161

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

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

JAMES W. VAHEY,  
Plaintiff,

vs.

MINH NGUYET LUONG,  
Defendant.

Case No.: D-18-581444-D

Dept.: U

**Hearing Date; October 18, 2021**

**Hearing Time: 9:30 a.m.**

**ORDER FROM OCTOBER 18, 2021, HEARING**

The hearing on Defendant, MINH NGUYET LUONG'S, Motion to Correct Clerical Error in the Decree of Divorce Regarding the 529 Accounts, or in the Alternative, to Set Aside the Terms in the Decree of Divorce Regarding the Division of the 529 Accounts and for Attorney's Fees and Costs and Plaintiff, JAMES VAHEY'S, Countermotion for Immediate Return of Hannah to Jim's Custody, an Order that Hannah Immediately Participate in Therapy with Dee Pierce, Ph.D., an Order that Hannah Have a Forencis Pyschiatric Evaluation, an Order Requiring the Parties to Participate in Co-Parenting Counseling with Bree Mullin, Ph.D., Sole Legal Custody, School Choice Determination, Return of the

1 Children's Passports, and Attorney's Fees and Costs came on for hearing on the  
2 above referenced date and time in front of the Hon. Dawn Throne. Defendant,  
3 MINH LUONG, was present via Bluejeans video and was represented by and  
4 through her counsel, Fred Page, Esq. Plaintiff, JAMES VAHEY, was present via  
5 Bluejeans video and was represented by and through his counsel, Sabrina Dolson,  
6 Esq., and Robert Dickerson, Esq. The Court having reviewed the papers and  
7 pleadings on file and having entertained oral argument hereby makes the following  
8 findings and enters the following orders.  
9

12 **THE COURT HEREBY FINDS** that is has personal and subject matter  
13 jurisdiction.  
14

15 **THE COURT HEREBY ORDERS** as follows:  
16

- 17 1. Defendant's Motion under NRCP 60(a) is denied.
- 18 2. Defendant's Motion under NRCP 60(b) is denied.
- 19 3. Plaintiff's Countermotion for sole legal custody is denied.
- 20 4. Matthew Vahey shall remain at Challenger School until further order  
21 of the Court.  
22
- 23 5. Defendant shall ensure that Hannah Vahey is delivered to Plaintiff's  
24 care and custody (at his home) today at 5:00 p.m. and to remain in Plaintiff's care  
25 for the next two weeks.  
26  
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1           6.     If Hannah does not go with Plaintiff today, a Warrant Pick Up Order  
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4           7.     A Guardian Ad Litem shall be appointed for Hannah and Matthew.  
5 Counsel shall confer and agree. The parties shall equally pay the costs.  
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7           8.     A parenting coordinator shall be appointed. Counsel shall confer and  
8 agree or provide the Court with two proposals each. The parties shall equally pay  
9 the costs.  
10

11          9.     The parties shall file updated Financial Disclosure Forms  
12

13          10.    Plaintiff is awarded attorney's fees. Ms. Dolson shall submit  
14 Memorandum of Fees and Costs incurred to oppose 529 motion. Mr. Page may  
15 submit objection as to fees requested.  
16

17          11.    Hannah's and Selena's passports shall be given to Mr. Dickerson's  
18 office to hold by this Friday. Matthew's passport shall remain with Defendant.  
19 Neither of the parties shall travel internationally with the minor children without  
20 the other parent's<sup>written</sup> agreement.  
21

22          12.    Discovery is open solely as to school related issues.  
23

24          13.    The parties shall submit joint letter as to Dr. Michelle Fontenelle's  
25 availability. ~~Per Dr. Michelle Fontenelle's recommendation, a psychiatric~~  
26 ~~evaluation to be completed.~~  
27

28          14.    The request for co-parenting counseling is deferred.

1 15. An evidentiary hearing is set for November 3, 2021, at 1:00 p.m.  
2 regarding school and mental health. An evidentiary hearing is set for November  
3 18, 2021, regarding school and mental health is set for November 18, at 9:00 a.m.


4 16. An order to show cause hearing is set for November 3, 2021~~2~~, at 1:30  
5 p.m.  
6

7  
8 Dated this 9th day of November, 2021

9  
10   
11

12 5C9 A4D E337 4707  
13 Dawn R. Throne  
14 District Court Judge

15 Respectfully submitted:  
16 PAGE LAW FIRM

17   
18 FRED PAGE, ESQ.  
19 Nevada Bar No. 6080  
20 6930 South Cimarron Road, Suite 140  
21 Las Vegas, Nevada 89113  
22 (702) 823-2888  
23 Attorney for Defendant  
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Approved as to form and content:  
DICKERSON KARACSONYI LAW  
GROUP

ROBERT DICKERSON, ESQ.  
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1645 Village Center Circle, Suite 291  
Las Vegas, Nevada 89134  
(702) 388-0210  
Attorney for Plaintiff

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5  
6 James W. Vahey, Plaintiff

CASE NO: D-18-581444-D

7 vs.

DEPT. NO. Department U

8 Minh Nguyet Luong, Defendant.  
9

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13 recipients registered for e-Service on the above entitled case as listed below:

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**ORDR**

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DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

JAMES W. VAHEY,

Plaintiff,

vs.

MINH NGUYET LUONG,

Defendant.

Case No.: D-18-581444-D

Dept.: U

**ORDER FROM NOVEMBER 12, 2021 HEARING**

This matter having come before the Honorable Judge Dawn R. Throne, on the 12<sup>th</sup> day of <sup>November</sup> December, 2021, for a Status Check Hearing; Plaintiff, JAMES W. VAHEY ("JIM"), appearing via Blue Jeans with his attorneys, ROBERT P. DICKERSON, ESQ., and SABRINA M. DOLSON, ESQ., of THE DICKERSON KARACSONYI LAW GROUP; and Defendant, MINH NGUYET LUONG ("MINH"), present in person with her attorney, FRED PAGE, ESQ., of PAGE LAW FIRM. The Court having reviewed the files, pleadings, and papers in the action, having considered the argument of each party's counsel, and good cause appearing therefor, the Court FINDS and ORDERS as follows:

The Court having also heard and considered the verbal interim report from the agreed upon Guardian ad Litem for the minor children Valarie Fujii, Esq.

1 THE COURT HEREBY FINDS that it is the best interest of the  
2 minor child, MATTHEW VAHEY, for JIM to have temporary sole legal  
3 and sole physical custody beginning November 13, 2021 at 4:00 p.m.

4 Now, therefor,

5 THE COURT HEREBY ORDERS that JIM shall have temporary  
6 sole legal and sole physical custody of Matthew beginning November 13,  
7 2021 at 4:00 p.m.

8 THE COURT FURTHER ORDERS that the custody exchange of  
9 Matthew shall occur at Red Rock Climbing Center at 4:00 p.m. on  
10 November 13, 2021. MINH shall drive Matthew to Red Rock Climbing  
11 Center and shall leave once Matthew is inside Red Rock Climbing  
12 Center. The Guardian Ad Litem, Valarie Fujii, Esq., and JIM shall meet  
13 MINH and Matthew at Red Rock Climbing Center, and Ms. Fuji shall  
14 help facilitate the custody exchange of Matthew to JIM.

15 Dated this 12th day of November, 2021

16  
17 

18 DISTRICT COURT JUDGE

19 5AA AEF 75D2 77B1

20 Dawn R. Throne

21 District Court Judge

22 Submitted by:

23 THE DICKERSON KARACSONYI  
24 LAW GROUP

25 /s/ Sabrina M. Dolson

26 ROBERT P. DICKERSON, ESQ.

27 Nevada Bar No. 000945

28 SABRINA M. DOLSON, ESQ.

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Las Vegas, Nevada 89134

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
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5  
6 James W. Vahey, Plaintiff

CASE NO: D-18-581444-D

7 vs.

DEPT. NO. Department U

8 Minh Nguyet Luong, Defendant.  
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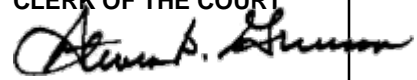
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Attorneys for Plaintiff

DISTRICT COURT  
FAMILY DIVISION

CLARK COUNTY, NEVADA

JAMES W. VAHEY,

Plaintiff,

v.

MINH NGUYET LUONG,

Defendant.

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

NOTICE OF ENTRY OF  
ORDER FROM NOVEMBER 12, 2021 HEARING

TO: MINH NGUYET LUONG, Defendant; and

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

...

...

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...

1 PLEASE TAKE NOTICE that an ORDER FROM NOVEMBER 12,  
2 2021 HEARING, a true and correct copy of which is attached hereto, was  
3 entered in the above-entitled matter on the 12<sup>th</sup> day of November, 2021.

4 DATED this 12<sup>th</sup> day of November, 2021.

5 THE DICKERSON KARACSONYI  
6 LAW GROUP

7  
8 By /s/ Sabrina M. Dolson  
9 ROBERT P. DICKERSON, ESQ.  
10 Nevada Bar No. 000945  
11 SABRINA M. DOLSON, ESQ.  
12 Nevada Bar No. 013105  
13 1645 Village Center Circle, Suite 291  
14 Las Vegas, Nevada 89134  
15 Attorneys for Plaintiff  
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☒ by mandatory electronic service through the Eighth Judicial District Court's electronic filing system;

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

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

☐ by hand-delivery with signed Receipt of Copy.

FRED PAGE, ESQ.  
PAGE LAW FIRM  
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Las Vegas, Nevada 89113  
fpage@pagelawoffices.com  
Attorney for Defendant

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28

1 **ORDR**

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

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11 Email: info@thedklawgroup.com

12 DISTRICT COURT  
13 FAMILY DIVISION  
14 CLARK COUNTY, NEVADA

15 JAMES W. VAHEY,

16 Plaintiff,

17 vs.

18 MINH NGUYET LUONG,

19 Defendant.

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

} Dept.: U

20 **ORDER FROM NOVEMBER 12, 2021 HEARING**

21 This matter having come before the Honorable Judge Dawn R.  
22 Throne, on the 12<sup>th</sup> day of <sup>November</sup> ~~December~~, 2021, for a Status Check Hearing;  
23 Plaintiff, JAMES W. VAHEY ("JIM"), appearing via Blue Jeans with his  
24 attorneys, ROBERT P. DICKERSON, ESQ., and SABRINA M.  
25 DOLSON, ESQ., of THE DICKERSON KARACSONYI LAW GROUP;  
26 and Defendant, MINH NGUYET LUONG ("MINH"), present in  
27 person with her attorney, FRED PAGE, ESQ., of PAGE LAW FIRM.  
28 The Court having reviewed the files, pleadings, and papers in the action,  
having considered the argument of each party's counsel, and good cause  
appearing therefor, the Court FINDS and ORDERS as follows:

The Court having also heard and considered the verbal interim report from the agreed upon Guardian ad Litem for the minor children Valarie Fujii, Esq.

1 THE COURT HEREBY FINDS that it is the best interest of the  
2 minor child, MATTHEW VAHEY, for JIM to have temporary sole legal  
3 and sole physical custody beginning November 13, 2021 at 4:00 p.m.

4 Now, therefor,

5 THE COURT HEREBY ORDERS that JIM shall have temporary  
6 sole legal and sole physical custody of Matthew beginning November 13,  
7 2021 at 4:00 p.m.

8 THE COURT FURTHER ORDERS that the custody exchange of  
9 Matthew shall occur at Red Rock Climbing Center at 4:00 p.m. on  
10 November 13, 2021. MINH shall drive Matthew to Red Rock Climbing  
11 Center and shall leave once Matthew is inside Red Rock Climbing  
12 Center. The Guardian Ad Litem, Valarie Fujii, Esq., and JIM shall meet  
13 MINH and Matthew at Red Rock Climbing Center, and Ms. Fuji shall  
14 help facilitate the custody exchange of Matthew to JIM.

15 Dated this 12th day of November, 2021

16 

17  
18 DISTRICT COURT JUDGE

19 5AA AEF 75D2 77B1  
20 Dawn R. Throne  
District Court Judge

21 Submitted by:

22 THE DICKERSON KARACSONYI  
23 LAW GROUP

24 /s/ Sabrina M. Dolson

25 ROBERT P. DICKERSON, ESQ.

26 Nevada Bar No. 000945

27 SABRINA M. DOLSON, ESQ.

28 Nevada Bar No. 013105

1645 Village Center Circle, Suite 291

Las Vegas, Nevada 89134

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

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Attorney for Defendant

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

JAMES W. VAHEY,  
Plaintiff,  
vs.  
MINH NGUYET LUONG,  
Defendant.

Case No.: D-18-581444-D  
Dept.: U  
**Hearing Dates: November 12, 2021**  
**Hearing Time: 2:00 p.m.**

**ORDER REGARDING HANNAH VAHEY'S SCHOOL ATTENDANCE**

This matter having come before the Hon. Judge Dawn R. Throne on November 12, 2021 for a status check regarding the schooling of the minor children, Hannah Vahey ("Hannah"), and MATTHEW VAHEY ("Matthew"). Defendant, Minh Nguyet Luong ("Minh") was present and represented by Fred Page, Esq. of Page Law Firm. Plaintiff, James Vahey ("Jim") was present via Bluejeans video and was represented by and through Robert P. Dickerson, Esq., and Sabrina M. Dolson, Esq. of the Dickerson Karacsonyi Law Group who also appeared via Bluejeans video. The Court having before it all the files, pleadings,



1 and papers in the action, having entertained oral argument, and good cause  
2 appearing, the Court hereby makes the following findings and enters the following  
3 orders:  
4

5 **THE COURT HEREBY FINDS** that it has complete jurisdiction in the  
6 premises, both as to the subject matter of this custody action, and the personal  
7 jurisdiction over the parties and their minor children.  
8

9 **THE COURT HEREBY ORDERS** that Hannah Vahey may be  
10 immediately enrolled in and attend Sig Rogich Middle School.  
11

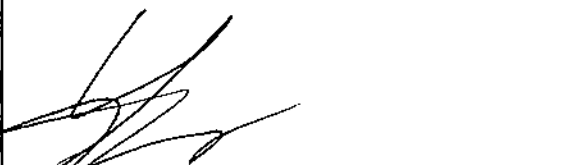
12 **THE COURT FURTHER ORDERS** that the parties shall immediately  
13 begin the process of obtaining a zone variance for Hannah Vahey to attend Sig  
14 Rogich Middle School.  
15

16 Dated this 14th day of November, 2021

17   
18

19 DDA 74D 6C4D FB24  
20 Dawn R. Throne  
21 District Court Judge

22 Respectfully submitted:  
23 PAGE LAW FIRM

24   
25 FRED PAGE, ESQ.  
26 Nevada Bar No. 6080  
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28 Las Vegas, Nevada 89113  
(702) 328-2888  
Attorney for Defendant

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.  
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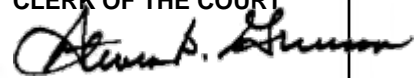
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1 **MEMO**

2 **THE DICKERSON KARACSONYI LAW GROUP**  
3 **ROBERT P. DICKERSON, ESQ.**

4 Nevada Bar No. 000945

5 **SABRINA M. DOLSON, ESQ.**

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12 Attorneys for Plaintiff

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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 **PLAINTIFF'S MEMORANDUM OF**  
25 **ATTORNEYS' FEES AND COSTS**

26 STATE OF NEVADA }  
27 COUNTY OF CLARK } ss.

28 SABRINA M. DOLSON, ESQ., declares under penalty of perjury  
under the laws of the State of Nevada as follows:

1. Declarant is attorney for Plaintiff, JAMES W. VAHEY ("JIM"),  
in the above-entitled action, and as such is familiar with the facts and  
circumstances surrounding this action.

2. JIM incurred certain attorneys' fees and costs, as itemized  
herein below, which attorneys' fees and costs were reasonable and  
necessary in: 1) drafting JIM's Opposition to Defendant, MINH NGUYET

1 LUONG's ("MINH"), Motion to Correct Clerical Error in the Decree of  
2 Divorce Regarding the 529 Accounts, or in the Alternative, to Set Aside  
3 the Terms in the Decree of Divorce Regarding the Division of the 529  
4 Accounts and Attorney's Fees and Costs; and Countermotion for  
5 Immediate Return of Hannah to Jim's Custody, an Order that Hannah  
6 Immediately Participate in Therapy with Dr. Dee Pierce, an Order that  
7 Hannah Have a Forensic Psychiatric Evaluation, an Order Requiring the  
8 Parties to Participate in Co-Parenting Counseling with Dr. Bree Mullin,  
9 Sole Legal Custody, School Choice Determination, Return of Children's  
10 Passports, and Attorneys' Fees and Costs ("Opposition and  
11 Countermotion"), filed October 12, 2021; and 2) presenting JIM's  
12 Opposition and Countermotion at the October 18, 2021 hearing.

13 3. At the October 18, 2021 hearing, the Court denied MINH's  
14 Motion, finding the following:

15 a. There was no authorization or order allowing MINH to  
16 conduct further discovery or investigation on the 529 Plans. Hearing  
17 Video, 9:44:50.

18 b. The order regarding the division of the 529 Plans set  
19 forth in the Decree of Divorce was clear that MINH would receive 75%  
20 and JIM would receive 25% of the funds in the 529 Plans, and there was  
21 no clerical error. Hearing Video, 9:44:55.

22 c. There was a trial on the merits of the division of the 529  
23 Plans and both parties had adequate time to conduct discovery on all  
24 financial issues before trial, which occurred a year ago in 2020. Hearing  
25 Video, 9:45:00. There was no excuse for MINH to wait until September  
26 25, 2021, a year later, to have a forensic analysis completed. Hearing  
27 Video, 9:45:22.

28 . . .

1 d. There was no mistake, inadvertence, surprise, or  
2 excusable neglect. Hearing Video, 9:45:42.

3 e. The funds in the 529 Plans do not belong to the parties,  
4 but are for the educational expenses of the children, both parties have  
5 enforceable fiduciary duties to the children regarding the funds in these  
6 accounts and the very small difference that MINH alleges demonstrates  
7 MINH's Motion was vexatious and frivolous and JIM is entitled to an  
8 award of attorneys' fees pursuant to EDCR 7.60(b). Hearing Video,  
9 9:45:53.

10 f. MINH's Motion regarding the 529 Plans is even more  
11 frivolous given the ongoing crisis with Hannah, and the 529 Plans issue  
12 being raised by MINH is a power and control issue that should not have  
13 been brought to Court. Hearing Video, 9:46:35.

14 4. Based on the foregoing, the Court ordered JIM to file a  
15 Memorandum of Fees and Costs and ordered both parties to file a  
16 Financial Disclosure Form. JIM filed his updated Financial Disclosure  
17 Form on November 3, 2021. To date, MINH has not filed an updated  
18 Financial Disclosure Form.

19 5. The following is an itemized list of the attorneys' fees and  
20 costs, which were actually and necessarily incurred by JIM from September  
21 28, 2021, through the date of filing of this Memorandum of Fees and  
22 Costs, in association with the above-referenced tasks and preparing this  
23 Memorandum of Attorneys' Fees and Costs. The time entries for such  
24 attorneys' fees and costs have been redacted only so as to exclude time not  
25 associated with JIM's Opposition and Countermotion and the subsequent  
26 hearing related thereto, and so as to protect JIM's attorney-client privilege.  
27 The time expended by Robert P. Dickerson, Esq., is reflected in the  
28 following table with the initials "RPD." The time expended by Sabrina M.



Dolson, Esq., is reflected in the following table with the initials "SMD."  
Mr. Dickerson's normal hourly fee is \$600.00 and Ms. Dolson's hourly fee is \$350.00.

DATE	DESCRIPTION	TIME
Sept. 28, 2021	Downloaded and saved the following electronically filed documents: (1) Defendant's Motion to Correct Clerical Error in the Decree of Divorce Regarding the 529 Accounts, or in the Alternative, to Set Aside the Terms in the Decree of Divorce Regarding the Division of the 529 Accounts and for Attorney's Fees and Costs; and (2) Notice of Hearing; calendared date of hearing and deadline to file opposition. (NO CHARGE) [Paralegal Edwardo Martinez]	0.1
Sept. 28, 2021	Review Notice of Hearing entered by Court – [REDACTED]; intra-office communications with Edwardo Martinez regarding [REDACTED]; briefly review opposing party's Motion to Correct Clerical Error in the Decree of Divorce; telephone conference with Dr. James Vahev regarding [REDACTED]; review email from Dr. Vahev and attached text messages [REDACTED]; review email from Dr. Vahev and attached letter [REDACTED]. [Attorney SMD]	(0.5)

DATE	DESCRIPTION	TIME
Oct. 7, 2021	Telephone conference with Dr. Vahey regarding [REDACTED] [REDACTED] review Defendant's Motion to Correct Clerical Error in the Decree of Divorce Regarding the 529 Accounts, or in the Alternative, to Set Aside the Terms in the Decree of Divorce Regarding the Division of the 529 Accounts and Attorney's Fees and Costs; begin drafting Opposition to Defendant's Motion and Countermotion for Immediate Return of Hannah to Jim's Custody, an Order that Hannah Immediately Participate in Therapy with Dr. Dee Pierce, an Order that Hannah Have a Forensic Psychiatric Evaluation, an Order Requiring the Parties to Participate in Co-Parenting Counseling with Dr. Bree Mullin, Sole Legal Custody, School Choice Determination, Return of Children's Passports, and Attorneys' Fees and Costs ("Opposition and Countermotion"); review several emails from Dr. Vahey. [Attorney SMD]	(1.9)
Oct. 8, 2021	Continue drafting Opposition to Defendant's Motion to Correct Clerical Error in the Decree of Divorce Regarding the 529 Accounts, or in the Alternative, to Set Aside the Terms in the Decree of Divorce Regarding the Division of the 529 Accounts and Attorney's Fees and Costs; and Countermotion for Immediate Return of Hannah to Jim's Custody, an Order that Hannah Immediately Participate in Therapy with Dr. Dee Pierce, an Order that Hannah Have a Forensic Psychiatric Evaluation, an Order Requiring the Parties to Participate in Co-Parenting Counseling with Dr. Bree Mullin, Sole Legal Custody, School Choice Determination, Return of Children's Passports, and Attorneys' Fees and Costs ("Opposition and Countermotion"); telephone conferences with Dr. James Vahey regarding [REDACTED] [REDACTED]; email Dr. Vahey [REDACTED] [REDACTED] [Attorney SMD]	(6.6)



DATE	DESCRIPTION	TIME
Oct. 9, 2021	Continue drafting Opposition to Defendant's Motion to Correct Clerical Error in the Decree of Divorce Regarding the 529 Accounts, or in the Alternative, to Set Aside the Terms in the Decree of Divorce Regarding the Division of the 529 Accounts and Attorney's Fees and Costs; and Countermotion for Immediate Return of Hannah to Jim's Custody, an Order that Hannah Immediately Participate in Therapy with Dr. Dee Pierce, an Order that Hannah Have a Forensic Psychiatric Evaluation, an Order Requiring the Parties to Participate in Co-Parenting Counseling with Dr. Bree Mullin, Sole Legal Custody, School Choice Determination, Return of Children's Passports, and Attorneys' Fees and Costs ("Opposition and Countermotion"); telephone conference with Dr. James Vahey regarding [REDACTED]; exchange emails with Dr. Vahey regarding [REDACTED]. [Attorney SMD]	(2.3)
Oct. 10, 2021	Continue drafting Opposition to Defendant's Motion to Correct Clerical Error in the Decree of Divorce Regarding the 529 Accounts, or in the Alternative, to Set Aside the Terms in the Decree of Divorce Regarding the Division of the 529 Accounts and Attorney's Fees and Costs; and Countermotion for Immediate Return of Hannah to Jim's Custody, an Order that Hannah Immediately Participate in Therapy with Dr. Dee Pierce, an Order that Hannah Have a Forensic Psychiatric Evaluation, an Order Requiring the Parties to Participate in Co-Parenting Counseling with Dr. Bree Mullin, Sole Legal Custody, School Choice Determination, Return of Children's Passports, and Attorneys' Fees and Costs ("Opposition and Countermotion"), and email same to Dr. James Vahey for his review; review and respond to emails from Dr. Vahey regarding [REDACTED]. [Attorney SMD]	(4.8)
Oct. 11, 2021	Examination and approval of the October 10, 2021 draft of the Opposition and Countermotion prepared by Sabrina Dolson and send email to Ms. Dolson and Dr. Vahey regarding the same. (NO CHARGE) [Attorney RPD]	0.8



DATE	DESCRIPTION	TIME
Oct. 12, 2021	Telephone conference with Dr. James Vahey regarding his extensive revisions to Opposition to Defendant's Motion to Correct Clerical Error in the Decree of Divorce Regarding the 529 Accounts, or in the Alternative, to Set Aside the Terms in the Decree of Divorce Regarding the Division of the 529 Accounts and Attorney's Fees and Costs; and Countermotion for Immediate Return of Hannah to Jim's Custody, an Order that Hannah Immediately Participate in Therapy with Dr. Dee Pierce, an Order that Hannah Have a Forensic Psychiatric Evaluation, an Order Requiring the Parties to Participate in Co-Parenting Counseling with Dr. Bree Mullin, Sole Legal Custody, School Choice Determination, Return of Children's Passports, and Attorneys' Fees and Costs ("Opposition and Countermotion"), and revise and edit same; email revised Opposition and Countermotion to Dr. James Vahey for his review; review email from Dr. Vahey with his additional requested revisions, revise and edit Opposition and Countermotion as requested, and email revised Opposition and Countermotion to Dr. Vahey for his review; draft Appendix of Exhibits in Support of Opposition and Countermotion and compile all exhibits; exchange text message with Dr. Vahey regarding his review of the revised Opposition and Countermotion; telephone conferences with Dr. Vahey regarding Opposition and Countermotion; file and serve Opposition and Countermotion and Appendix of Exhibits in support of same. [Attorney SMD]	(8.7)
Oct. 13, 2021	Draft Ex Parte Motion for Order Shortening Time on Plaintiff's Opposition and Countermotion, and email same to Dr. James Vahey for his review; draft proposed Order Shortening Time; exchange emails with Dr. Vahey regarding [REDACTED] finalize and file Ex Parte Motion for Order Shortening Time; email proposed Order Shortening Time to Department U; review email from Department U approving of Order Shortening Time; revise and edit Notice of Entry of Order Shortening Time, drafted by Edwardo Martinez; email Dr. Vahey regarding [REDACTED]; revise and edit Receipt of Copy of Ex Parte Motion and Order Shortening Time. [REDACTED]. [Attorney SMD]	(2.4)



DATE	DESCRIPTION	TIME
Oct. 13, 2021	Downloaded and saved electronically filed Plaintiff's Opposition to Defendant's Motion to Correct Clerical Error in the Decree of Divorce Regarding the 529 Accounts, or in the Alternative, to Set Aside the Terms in the Decree of Divorce Regarding the Division of the 529 Accounts and Attorney's Fees and Costs; and Countermotion for Immediate Return of Hannah to Jim's Custody, an Order that Hannah Immediately Participate in Therapy with Dr. Dee Pierce, an Order that Hannah Have a Forensic Psychiatric Evaluation, an Order Requiring the Parties to Participate in Co-Parenting Counseling with Dr. Bree Mullin, Sole Legal Custody, School Choice Determination, Return of Children's Passports, and Attorneys' Fees and Costs; prepared and electronically filed Notice of Entry of Order Shortening Time; sent copies of both aforementioned documents via email to Dr. Vahey for his records; prepared Receipt of Copy re: OST [Paralegal Edwardo Martinez]	0.5
Oct. 18, 2021	Prepare for today's hearing by [REDACTED] and [REDACTED] drafting hearing outline; telephone conference with Dr. Vahey regarding [REDACTED]; attend hearing via Blue Jeans; telephone conferences with Dr. Vahey regarding [REDACTED] (3.3 hours, but billed for only 3.0 hours) [Attorney SMD]	(3.0)



DATE	DESCRIPTION	TIME
Oct. 18, 2021	<p>Downloaded and saved the following electronically filed document: (1) Stipulation and Order Resolving Outstanding Issues on Appeal; (2) Defendant's Reply to Plaintiff's Opposition to Motion to Correct Clerical Error in the Decree of Divorce Regarding the 529 Accounts, or in the Alternative, to Set Aside the Terms in the Decree of Divorce Regarding the Division of the 529 Accounts and for Attorney's Fees and Costs and Opposition to Plaintiff's Countermotion for Immediate Return of Hannah to Jim's Custody, an Order that Hannah Immediately Participate in Therapy with Dee Pierce, Ph.D., an Order that Hannah Have a Forensic Psychiatric Evaluation, an Order Requiring the Parties to Participate in Co-Parenting Counseling with Bree Mullin, Ph.D., Sole Legal Custody, School Choice Determination, Return of the Children's Passports, and Attorney's Fees and Cost; (3) Defendant's Exhibit Appendix</p> <p>in Support of Reply to Plaintiff's Opposition to Motion to Correct Clerical Error in the Decree of Divorce Regarding the 529 Accounts, or in the Alternative, to Set Aside the Terms in the Decree of Divorce Regarding the Division of the 529 Accounts and for Attorney's Fees and Costs and Opposition to Plaintiff's Countermotion for Immediate Return of Hannah to Jim's Custody, an Order that Hannah Immediately Participate in Therapy with Dee Pierce, Ph.D., an Order that Hannah Have a Forensic Psychiatric Evaluation, an Order Requiring the Parties to Participate in Co-Parenting Counseling with Bree Mullin, Ph.D., Sole Legal Custody, School Choice Determination, Return of the Children's Passports, and Attorney's Fees and Costs; and (4) Certificate of Service; sent copies of same via email to Dr. Vahey for his records. (NO CHARGE) [Paralegal Edwardo Martinez]</p>	(0.2)



DATE	DESCRIPTION	TIME
Oct. 18, 2021	Participate in the scheduled hearing before Judge Throne on Dr. Vahey's motions relating to Hannah and the children and Dr. Luong's "frivolous" motion (the Court found it to be frivolous) – [REDACTED] [REDACTED] (NO CHARGE) [Attorney RPD]	(1.4)
Oct. 21, 2021	Prepared initial draft of October 18, 2021 Order. [Paralegal Edwardo Martinez]	(0.8)
Oct. 25, 2021	Review email from Fred Page regarding Dr. Fontenelle's availability; leave voicemails for Dr. Fontenelle requesting a call back to confirm her availability on November 3, 2021; telephone conference with Jeanette from Dr. Fontenelle's office regarding Dr. Fontenelle's availability on November 3 and 18, 2021; revise letter to Judge Throne based on information learned from Jeanette; email revised letter to Fred Page for his review; review October 18, 2021 hearing video and revise and edit Order from October 18, 2021 Hearing, which was drafted by Edwardo Martinez based on the Court Minutes alone; review records received from Challenger School; review emails from Dr. Vahey regarding [REDACTED] [REDACTED] review email from Mr. Page with attached signed letter to the Court; email letter to Department U; begin drafting 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. (10.1 hours, but billed for only 9.0 hours) [Attorney SMD]	(2.0) <sup>1</sup>

<sup>1</sup>The hearing video was seventy-three (73) minutes long so it took Ms. Dolson approximately 2.0 hours to review the hearing video and revise and edit the Order from October 18, 2021 Hearing.



DATE	DESCRIPTION	TIME
Nov. 12, 2021	Telephone conference with Department U's staff regarding appearing for today's hearing; review email from Elizabeth Scheinman directing us to appear via Blue Jeans, and email Blue Jeans information to Valarie Fujii and Dr. James Vahey; email Fred Page regarding requested revisions to Stipulation and Order Appointing Guardian Ad Litem; begin drafting Memorandum of Fees and Costs; appear for hearing via Blue Jeans; telephone conference with Bob Dickerson and Dr. Vahey [REDACTED]; draft Order from November 12, 2021 Hearing and submit same to Department U's inbox as ordered by the Court; review Order from November 12, 2021 Hearing filed by Court, and draft Notice of Entry of Order and file same. [Attorney SMD]	(1.0 <sup>2</sup> )
Nov. 15, 2021	Continue drafting Memorandum of Fees and Costs. [Attorney SMD]	(2.5)

6. Between September 28, 2021, and November 15, 2021, the total attorneys' fees and costs incurred by JIM in association with the Opposition and Countermotion are as follows:

35.7 hours @ \$350/hour by SMD = \$12,495.00

1.3 hours @ \$200/hour by EM = \$260.00

TOTAL FEES AND COSTS . . . . . \$12,755.00

7. Time designated as "NO CHARGE" or reduced in the chart above was not charged to JIM by his counsel, and is not included in the total amount of attorneys' fees incurred by JIM, as set forth above. In total, JIM was not charged for 2.2 hours of Mr. Dickerson's time, which resulted in savings of \$1,320.00, 0.3 hours of Ms. Dolson's time, which resulted in savings of \$105.00, and 0.3 hours of paralegal time, which resulted in savings of \$60.00.

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<sup>2</sup> This is the approximate amount of time Ms. Dolson spent drafting the Memorandum of Fees and Costs on November 12, 2021.



1       8.    NRS 18.010(2)(b) permits litigants to recover their attorneys’  
2 fees where the Court finds that a claim or defense of an opposing party  
3 was brought without reasonable ground or to harass the prevailing party.  
4 Similarly, EDCR 7.60(b)(1) and (3) permit the Court to sanction a party  
5 for presenting or maintaining an opposition to a motion “which is  
6 obviously frivolous, unnecessary or unwarranted,” or for multiplying “the  
7 proceedings in a case as to increase costs unreasonably and vexatiously.”

8       9.    At the October 18, 2021 hearing, the Court specifically found  
9 that MINH’s Motion was frivolous and JIM was entitled to attorneys’ fees  
10 pursuant to EDCR 7.60(b) as set forth in detail above.

11       10.   Finally, the Court must take into consideration the factors set  
12 forth in *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349, 455 P.2d  
13 31, 33 (1969), in awarding fees and costs to JIM, and this Court will need  
14 to make specific findings regarding the quality of his advocate, the  
15 character of the work done in achieving the relief sought, the work actually  
16 performed, and the result.

17       a.    With respect to the quality of JIM’s attorneys, The  
18 Dickerson Karacsonyi Law Group is an AV Preeminent rated law firm –  
19 the highest level of professional excellence. The attorneys at The  
20 Dickerson Karacsonyi Law Group have extensive experience in the area of  
21 family law, and a reputation for competency. Further, the rates charged by  
22 JIM’s attorneys are reasonable in light of their experience and the  
23 character of the work performed in the instant proceedings. Robert P.  
24 Dickerson’s hourly rate is \$600.00 and Sabrina M. Dolson’s hourly rate  
25 is \$350.00. Mr. Dickerson has been practicing law for over forty-five (45)  
26 years, with at least the last thirty (30) years devoted to the practice of  
27 family law. He is a former President of the State Bar of Nevada, and the  
28 Clark County Bar Association, and is AV rated both as to skill and ethics.

1 Mr. Dickerson has been an adjunct professor at the UNLV Boyd School  
2 of Law, teaching domestic relations law, and he has been an instructor in  
3 trial advocacy at the United States Department of Justice in Washington,  
4 D.C. Sabrina M. Dolson has been licensed to practice law in Nevada since  
5 2013, is a member of the Family Law Section of the State Bar of Nevada,  
6 and was appointed by her peers to the State Bar of Nevada, Family Law  
7 Executive Council in 2021. Ms. Dolson has practiced almost exclusively  
8 in the area of family law since becoming licensed. Ms. Dolson is listed in  
9 Super Lawyers Rising Stars for 2019 to 2021. In 2016, 2017, 2018, 2019,  
10 2020, and 2021, Ms. Dolson was recognized in Nevada Business  
11 magazine's Legal Elite in the area of family law. In 2015, 2016, and 2018,  
12 Ms. Dolson was recognized in Nevada Business magazine's Best Up and  
13 Coming Attorneys in the area of family law.

14           b. The character of the work performed by JIM's attorneys  
15 was extremely detailed and involved significant time, skill, and effort.

16           c. The work actually performed by JIM's attorneys  
17 demonstrates that a high level of skill, time, and attention was devoted to  
18 such work, including, but not limited to, reviewing and analyzing MINH's  
19 Motion; researching Nevada law to respond to MINH's request for relief;  
20 reviewing and analyzing the Court's prior findings and orders regarding  
21 the division of the 529 accounts; and preparing, drafting, and presenting  
22 JIM's Opposition at the October 18, 2021 Hearing.

23 . . .

24 . . .

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d. Finally, as evidenced by the Court's Orders at the October 18, 2021 hearing, the work performed by JIM's attorneys was successful and resulted in the Court denying MINH's Motion in its entirety as requested by JIM, and awarding JIM his attorney's fees and costs.

DATED this 15<sup>th</sup> day of November, 2021.

THE DICKERSON KARACSONYI  
LAW GROUP

/s/ Sabrina M. Dolson  
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  
Attorneys for Plaintiff

1                   **DECLARATION OF SABRINA M. DOLSON, ESQ.**

2           I, SABRINA M. DOLSON, ESQ., declare under penalty of perjury  
3 under the law of the State of Nevada that the following statements are  
4 true and correct:

5           1.    I am an attorney for the Plaintiff, JAMES W. VAHEY, in the  
6 above-entitled action.

7           2.    I have read the above and foregoing PLAINTIFF'S  
8 MEMORANDUM OF ATTORNEYS' FEES AND COSTS, and know the  
9 contents thereof, which are true of my own knowledge, except for any  
10 matters therein stated upon information and belief, and as to those  
11 matters therein stated, I believe them to be true.

12                               Executed on: November 15, 2021

13   /s/ Sabrina M. Dolson  
14   SABRINA M. DOLSON, ESQ.

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of THE DICKERSON KARACSONYI LAW GROUP, and that on the 15<sup>th</sup> day of November, 2021, I caused the document entitled PLAINTIFF'S MEMORANDUM OF ATTORNEYS' FEES AND COSTS to be served as follows:

- ☒ [X] by mandatory electronic service through the Eighth Judicial District Court's electronic filing system;
- ☐ [ ] pursuant to NRCP 5(b)(2)(c), by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- ☐ [ ] pursuant to NRCP 5(b)(2)(F), to be sent via facsimile, by duly executed consent for service by electronic means;
- ☐ [ ] pursuant to NRCP 5(b)(2)(A), by hand-delivery with signed Receipt of Copy.

To the following attorney(s) and/or person(s) 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/ Sabrina M. Dolson  
An employee of The Dickerson Karacsonyi Law Group

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1 **FFCLO**

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

10 JAMES W. VAHEY,

11 Plaintiff,

12 vs.

13 MINH NGUYET LUONG,

14 Defendant.

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

} Dept.: U

15  
16 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**  
17 **REGARDING MINOR CHILDREN'S SCHOOLING**

18 This matter having come before the Honorable Judge  
19 Dawn R. Throne, on the 3<sup>rd</sup> day and 5<sup>th</sup> days of November, 2021,  
20 for a trial regarding the schooling of the minor children,  
21 HANNAH VAHEY ("HANNAH") and MATTHEW VAHEY  
22 ("MATTHEW") and the crisis issues regarding mental health  
23 treatment for Hannah; Plaintiff, JAMES W. VAHEY ("JIM"),  
24 appearing in person with his attorneys, ROBERT P.  
25 DICKERSON, ESQ., and SABRINA M. DOLSON, ESQ., of THE  
26 DICKERSON KARACSONYI LAW GROUP; and Defendant, MINH  
27 NGUYET LUONG ("MINH"), present in person with her  
28 attorney, FRED PAGE, ESQ., of PAGE LAW FIRM. The cause

1 having been submitted for decision, and the Court having  
2 before it all the files, pleadings, and papers in the action,  
3 having heard all the testimony and examined the evidence  
4 offered by each party, and good cause appearing therefor, the  
5 Court finds and orders as follows:

6 THE COURT HEREBY FINDS that it has complete  
7 jurisdiction in the premises, both as to the subject matter of  
8 this custody action and the personal jurisdiction over the  
9 parties and their minor children.

10 THE COURT FURTHER FINDS that the parties entered into  
11 a detailed Stipulation and Order Resolving Outstanding Issues  
12 on Appeal on October 17, 2021, in which they agreed that the  
13 minor child Hannah Vahey would receive treatment from  
14 Michelle Fontanelle-Gilmer, M.D., and that the parents will  
15 follow her recommendations regarding changes in custody,  
16 visitation, timeshare, transportation, phone calls, etc.  
17 However, nothing in that Stipulation and Order delegated to  
18 Dr. Fontenelle-Gilmer authority to make recommendations  
19 regarding the school Hannah attends. Plaintiff and Defendant  
20 have brought to the Court disputes regarding what Dr.  
21 Fontenelle-Gilmer has recommended regarding Hannah. The  
22 one recommendation that the parents agree on is that Hannah  
23 not continue to attend Challenger School, which Dr. Fontenelle-  
24 Gilmer conveyed to the parents on September 27, 2021. The  
25 parents also agreed that their son Matthew will transfer  
26 schools to the same school Hannah attends. What they cannot  
27 agree on is which school Hannah and Matthew will attend.

1 THE COURT FINDS that this dispute has become a crisis  
2 because the day after Dr. Fontenelle-Gilmer made the  
3 recommendation to the parents and before even discussing the  
4 school issue with Jim so that they could try to come to a  
5 consensus regarding what school Matthew and Hannah would  
6 attend, Defendant, Minh took Hannah and Matthew to tour the  
7 Clark County School District public school her home is zoned  
8 for, Ernest Becker Middle School (“Becker”). She allowed them  
9 to talk to the school counselors regarding the classes they  
10 could take and told them that they were going to attend that  
11 school. These actions were admitted to by Minh in messages  
12 she sent to Jim through Our Family Wizard (“OFW”). Minh  
13 specifically told Jim in an OFW message on September 28, 2021  
14 at 11:33 a.m., “They are both placed in advance levels for  
15 academic classes.” See page 110 of 294 of Defendant’s Exhibit  
16 “A.” Minh knew that Jim was not going to agree to Hannah  
17 and Matthew attending Becker before she took them there and  
18 enrolled them. She did it anyway and when Jim objected, as  
19 she knew he would, the children did not attend Becker but the  
20 children were even more upset and thereafter refused to attend  
21 school at all despite what this Court ordered regarding the  
22 children attending Challenger until the issue could be resolved  
23 so that they did not get behind and possibly have to repeat 7<sup>th</sup>  
24 grade and 6<sup>th</sup> grade respectively.

25 THE COURT FURTHER FINDS that Minh now denies that  
26 she ever enrolled Hannah and Matthew in Becker. She is not  
27 telling the truth and her enrolling the children in Becker  
28 violates the terms of the Findings of Fact, Conclusions of Law

1 Decision and Order regarding custody of the children entered  
2 on September 20, 2019, which states on page 28 at lines 9 – 12  
3 that the parents “shall consult and cooperate with each other”  
4 regarding the children’s educational programs. By sending  
5 subpoenas to both Becker and Challenger, Jim discovered that  
6 Minh actually submitted the Online Registration for Hannah  
7 and Matthew to attend Becker on September 25, 2021, which  
8 was 2 days **before** Dr. Fontenelle-Gilmer recommended to the  
9 parents that Hannah not continue to attend Challenger. The  
10 records received by subpoena from Challenger show that Minh  
11 signed forms to request Hannah and Matthew’s school records  
12 from Challenger on September 28, 2021, which informed  
13 Challenger by facsimile that the children had been enrolled in  
14 Becker. See documents labelled PLTF002418 and PLTF002368.  
15 Minh’s own words in her OFW message to Jim on September  
16 28, 2021 and the records received from Becker and Challenger  
17 show very clearly that Minh enrolled Hannah and Matthew in  
18 Becker. She did so knowing that Jim would not agree but  
19 hoping she could manipulate him into acquiescing because  
20 Hannah and Matthew already had their hearts set on attending  
21 Becker. Her words and actions made Hannah and Matthew  
22 believe that they would be able to immediately leave  
23 Challenger and attend Becker and when that could not happen,  
24 they blamed Jim instead of Minh who actually caused the whole  
25 conflict. The result of Minh’s actions, in violation of the  
26 existing orders regarding their sharing joint legal custody, is  
27 that Hannah and Matthew have been alienated from Jim.



1 THE COURT FURTHER FINDS that it heard testimony from  
2 Dr. Fontenelle-Gilmer and she did make specific  
3 recommendations for the benefit of her patient Hannah that  
4 the parents must comply with in accordance with their October  
5 17, 2021 Stipulation and Order. These recommendations  
6 include that Hannah should continue individual therapy with  
7 Dr. Fontenelle-Gilmer or another provider and that Jim and  
8 Hannah should attend counseling with Dr. David Brownstein.

9 THE COURT FURTHER FINDS that Dr. Fontenelle-Gilmer  
10 made two other recommendations that are not practical or able  
11 to be followed at this time. First, she recommended that,  
12 ideally, the parents would select two schools for Hannah that  
13 they both agreed to (i.e. both parents agreed that both schools  
14 are acceptable to them) and then Hannah would be able to  
15 decide which of the two schools she would attend so that she  
16 feels heard and that she has some level of choice. The Court  
17 finds that this recommendation is acceptable for where Hannah  
18 attends school for the 2022-2023 school year, but for the  
19 current school year, because we are already in the middle of  
20 the school year, there are very limited choices where Hannah  
21 can transfer to, and there is a crisis in that Hannah is not  
22 attending any school at this time. It is not in the best interest  
23 of Hannah for her to be allowed to continue not attending  
24 school at all while the parents try to come up with not one  
25 school that is acceptable to them both but two. The other  
26 recommendation that the Dr. Fontenelle-Gilmer made that is  
27 not possible to follow at this time is that Hannah be allowed to  
28 spend time with both of her parents every day. The logistics of

1 that recommendation are very difficult, especially given Minh's  
2 decision to purchase a home as far away from Jim as possible.  
3 (At the time the parties separated, they lived in the residence  
4 Jim owns in Lake Las Vegas, at the eastern end of the valley,  
5 where he continues to live with the children. When Minh  
6 moved back to Nevada from California in 2020, she rented a  
7 home in the northwest part of the valley and she recently  
8 moved into the new home she purchased in the heart of  
9 Summerlin on the west end of the valley.) With regard to this  
10 second recommendation, the Court even ordered the parties to  
11 try that between the first and second days of the evidentiary  
12 hearing and they could not accomplish the transfer of Hannah  
13 and Matthew to Jim at all.

14 THE COURT FURTHER FINDS that it is with this  
15 background that the parents come to the Court and ask the  
16 Court to resolve the urgent dispute between them regarding  
17 where Hannah and Matthew will attend school for the  
18 remainder of the 2021-2022 school year.

19 THE COURT FURTHER FINDS that the Supreme Court of  
20 Nevada in *Arcella v. Arcella*, 133 Nev. 868, 407 P.3d 341 (2017),  
21 set forth factors that will likely be relevant to a court's  
22 determination of which school is in a child's best interest. The  
23 Court in evaluating which school is in HANNAH and  
24 MATTHEW's best interest considered these factors as follows:

25 . . .

26 . . .

27 . . .

28

1           1.     *The wishes of the child, to the extent that the child is*  
2 *of sufficient age and capacity to form an intelligent preference.*

3           HANNAH is twelve (12) years old and MATTHEW is eleven  
4 (11) years old. Although the children would typically be  
5 considered of sufficient age and capacity to form an intelligent  
6 preference as to their school preference, and Dr. Michelle  
7 Fontenelle-Gilmer testified that HANNAH is mature, the Court  
8 finds that MINH has alienated the children from JIM.  
9 Specifically, in regards to the school issue, MINH enrolled the  
10 children at Becker without JIM's consent, took HANNAH and  
11 MATTHEW to tour the Becker campus, had HANNAH and  
12 MATTHEW meet with one or more counselors at Becker, and  
13 had HANNAH and MATTHEW choose classes they would take at  
14 Becker. MINH's unilateral actions have resulted in the children  
15 being unable to be form an intelligent preference regarding  
16 their schooling options for the 2021-2022 school year.

17           2.     *The child's educational needs and each school's ability*  
18 *to meet them.*

19           HANNAH and MATTHEW do not have special educational  
20 needs and Sig Rogich Middle School ("Sig Rogich"), the school  
21 proposed by MINH, and Bob Miller Middle School ("Bob  
22 Miller"), the school proposed by JIM, will both be able to meet  
23 the children's educational needs. This factor is neutral.

24           3.     *The curriculum, method of teaching, and quality of*  
25 *instruction at each school.*

26           Both Sig Rogich and Bob Miller are good public schools.  
27 The curriculum, method of teaching, and quality of instruction  
28

1 at each school does not weigh in favor of either school. This  
2 factor is neutral.

3 4. *The child's past scholastic achievement and predicted*  
4 *performance at each school.*

5 HANNAH and MATTHEW have attended Challenger School  
6 for many years and are both intelligent, capable students. They  
7 should have no issue being successful at either Sig Rogich or  
8 Bob Miller. This factor is neutral.

9 5. *The child's medical needs and each school's ability to*  
10 *meet them.*

11 HANNAH and MATTHEW do not have special medical  
12 needs, and Sig Rogich and Bob Miller will both be able to meet  
13 the children's medical needs. This factor is neutral.

14 6. *The child's extracurricular interests and each school's*  
15 *ability to satisfy them.*

16 Both Sig Rogich and Bob Miller will be able to satisfy  
17 HANNAH and MATTHEW's extracurricular interests. This  
18 factor is neutral.

19 7. *Whether leaving the child's current school would*  
20 *disrupt the child's academic progress.*

21 HANNAH and MATTHEW currently refuse to return to  
22 their current school, Challenger School, so leaving their  
23 current school will not disrupt their academic progress.

24 8. *The child's ability to adapt to an unfamiliar*  
25 *environment.*

26 HANNAH and MATTHEW both want to attend a new  
27 school, thus indicating their desire and ability to adapt to an  
28 unfamiliar environment.

1           9.    *The length of commute to each school and other*  
2                           *logistical concerns.*

3           When MINH relocated to Las Vegas from California, she  
4 chose to move to a home in Summerlin, as far as possible from  
5 JIM's home in Lake Las Vegas. Depending on traffic, Sig  
6 Rogich, the school proposed by MINH, is nearly an hour away  
7 from JIM's home (it is at least 48 to 60 minutes away from  
8 JIM's home), while it is less than 15 minutes from MINH's  
9 home. Bob Miller, the school proposed by JIM is more  
10 equidistant from each party's home - approximately 25 to 30  
11 minutes from each party's home. The Court finds that because  
12 Bob Miller is more equidistant from each party's home, it is in  
13 the children's best interest to attend Bob Miller. The Court  
14 further finds that it is not in the children's best interest to  
15 travel close to an hour from their father's home to attend  
16 school. Moreover, the Court finds that Bob Miller is closer to  
17 Challenger School where the parties' youngest child, Selena, is  
18 attending school. Because each party will be taking the  
19 children to school on his or her respective custodial days,  
20 which includes taking Selena to the Challenger School, neither  
21 party is overly burdened by taking and picking up HANNAH  
22 and MATTHEW at Bob Miller. Finally, based on MINH's  
23 decision to move as far away as possible from JIM's home, she  
24 should bear any increased burden she may experience by the  
25 longer commute she wants to avoid by having HANNAH and  
26 MATTHEW attend Bob Miller, instead of the school closer to  
27 her home. Thus, based on the forgoing, this factor (i.e., the  
28

length of commute to each school and other logistical concerns) weighs heavily in favor of the children attending Bob Miller.

10. *Whether enrolling the child at a school is likely to alienate the child from a parent.*

As stated above, the Court finds that MINH has alienated the children from JIM. The Court considered the evidence regarding the multiple times MINH has called the police to JIM's home without first communicating with him regarding what was happening at his home, MINH's refusal to communicate with JIM in front of the children, the several instances in which MINH has moved away from JIM with their children when JIM has attempted to sit with them in public places, such as in doctor's offices. MINH's behavior toward JIM in the presence of the children demonstrates her attempts to alienate the children from JIM. MINH's conduct demonstrates to the children how she feels about JIM and indicates to the children that they also should not like, trust, or respect their father and implies that they should in fact fear him. MINH also has proposed the children attend Sig Rogich, which is located nearly an hour away from JIM's home. Based on the foregoing, enrolling the children at Sig Rogich is likely to alienate the children from JIM. Thus, this factor weighs heavily in favor of the children attending Bob Miller.

Based on the foregoing, the Court finds it is in HANNAH and MATTHEW's best interest to attend Bob Miller Middle School.

Now, therefor,

1 THE COURT HEREBY ORDERS that the children shall  
2 immediately enroll in and attend Bob Miller Middle School.

3 THE COURT FURTHER ORDERS that the parties shall  
4 immediately begin the process of obtaining a zone variance for  
5 the children to attend Bob Miller Middle School.

6  
7 Dated this 18th day of November, 2021

8 

9 DISTRICT COURT JUDGE

10 BFA 636 582E FF46  
11 Dawn R. Throne  
12 District Court Judge

13 Submitted by:

14 THE DICKERSON KARACSONYI  
15 LAW GROUP

16 /s/ Sabrina M. Dolson

17 ROBERT P. DICKERSON, ESQ.

18 Nevada Bar No. 000945

19 SABRINA M. DOLSON, ESQ.

20 Nevada Bar No. 013105

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1 **CSERV**

2  
3 DISTRICT COURT  
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 Findings of Fact, Conclusions of Law and Judgment was served via the  
13 court's electronic eFile system to all recipients registered for e-Service on the above entitled  
case as listed below:

14 Service Date: 11/18/2021

15 Sabrina Dolson

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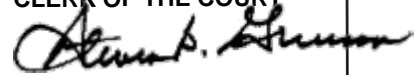
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1 NEO

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5 **DISTRICT COURT**  
6 **CLARK COUNTY, NEVADA**

7  
8 \* \* \*

9  
10 James W. Vahey, Plaintiff  
11 vs.  
12 Minh Nguyet Luong, Defendant.

Case No: D-18-581444-D  
Department U

13  
14 **NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF**  
15  
16 **LAW AND ORDER REGARDING MINOR CHILDREN'S**  
17 **SCHOOLING**

18 TO ALL INTERESTED PARTIES:

19  
20 **PLEASE TAKE NOTICE** that an Order was entered in the above-entitled  
21 matter on the November 18, 2021 a true and correct copy of which is attached  
22 hereto.

23  
24 Dated: November 18, 2021

25  
26 /s/ Suzanna Zavala  
27 Suzanna Zavala,  
28 Judicial Executive Assistant to the  
Honorable Dawn R. Throne

1  
2 **CERTIFICATE OF SERVICE**  
3

4 I hereby certify that on the above file stamp date:  
5

6 ☒ I ESERVE, EMAIL or MAIL a copy of the foregoing NOTICE OF  
7 ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND  
8 ORDER REGARDING MINOR CHILDREN'S SCHOOLING to the  
9 appropriate attorneys to:  
10  
11

12 **Robert Paul Dickerson, Esq.**  
13 **Sabrina M. Dolson, Esq.**  
14 1745 Village Center Circle  
15 Las Vegas, NV 89134  
16 info@thedklawgroup.com  
Attorneys for Plaintiff

17 **Fred Page, Esq.**  
18 6930 South Cimmaron Road Suite 140  
19 Las Vegas, NV 89113  
20 fpage@pagelawoffices.com  
Attorney for Defendant

21  
22 /s/ Suzanna Zavala  
23 Suzanna Zavala,  
24 Judicial Executive Assistant to the  
25 Honorable Dawn R. Throne  
26  
27  
28

*Heidi L. Smith*  
CLERK OF THE COURT

1 **FFCLO**

2  
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5  
6  
7 DISTRICT COURT  
8 FAMILY DIVISION  
CLARK COUNTY, NEVADA

9 JAMES W. VAHEY,

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

10 Plaintiff,

} Dept.: U

11 vs.

12  
13 MINH NGUYET LUONG,

14 Defendant.

15  
16 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**  
17 **REGARDING MINOR CHILDREN'S SCHOOLING**

18 This matter having come before the Honorable Judge  
19 Dawn R. Throne, on the 3<sup>rd</sup> day and 5<sup>th</sup> days of November, 2021,  
20 for a trial regarding the schooling of the minor children,  
21 HANNAH VAHEY ("HANNAH") and MATTHEW VAHEY  
22 ("MATTHEW") and the crisis issues regarding mental health  
23 treatment for Hannah; Plaintiff, JAMES W. VAHEY ("JIM"),  
24 appearing in person with his attorneys, ROBERT P.  
25 DICKERSON, ESQ., and SABRINA M. DOLSON, ESQ., of THE  
26 DICKERSON KARACSONYI LAW GROUP; and Defendant, MINH  
27 NGUYET LUONG ("MINH"), present in person with her  
28 attorney, FRED PAGE, ESQ., of PAGE LAW FIRM. The cause

1 having been submitted for decision, and the Court having  
2 before it all the files, pleadings, and papers in the action,  
3 having heard all the testimony and examined the evidence  
4 offered by each party, and good cause appearing therefor, the  
5 Court finds and orders as follows:

6 THE COURT HEREBY FINDS that it has complete  
7 jurisdiction in the premises, both as to the subject matter of  
8 this custody action and the personal jurisdiction over the  
9 parties and their minor children.

10 THE COURT FURTHER FINDS that the parties entered into  
11 a detailed Stipulation and Order Resolving Outstanding Issues  
12 on Appeal on October 17, 2021, in which they agreed that the  
13 minor child Hannah Vahey would receive treatment from  
14 Michelle Fontanelle-Gilmer, M.D., and that the parents will  
15 follow her recommendations regarding changes in custody,  
16 visitation, timeshare, transportation, phone calls, etc.  
17 However, nothing in that Stipulation and Order delegated to  
18 Dr. Fontenelle-Gilmer authority to make recommendations  
19 regarding the school Hannah attends. Plaintiff and Defendant  
20 have brought to the Court disputes regarding what Dr.  
21 Fontenelle-Gilmer has recommended regarding Hannah. The  
22 one recommendation that the parents agree on is that Hannah  
23 not continue to attend Challenger School, which Dr. Fontenelle-  
24 Gilmer conveyed to the parents on September 27, 2021. The  
25 parents also agreed that their son Matthew will transfer  
26 schools to the same school Hannah attends. What they cannot  
27 agree on is which school Hannah and Matthew will attend.

1 THE COURT FINDS that this dispute has become a crisis  
2 because the day after Dr. Fontenelle-Gilmer made the  
3 recommendation to the parents and before even discussing the  
4 school issue with Jim so that they could try to come to a  
5 consensus regarding what school Matthew and Hannah would  
6 attend, Defendant, Minh took Hannah and Matthew to tour the  
7 Clark County School District public school her home is zoned  
8 for, Ernest Becker Middle School ("Becker"). She allowed them  
9 to talk to the school counselors regarding the classes they  
10 could take and told them that they were going to attend that  
11 school. These actions were admitted to by Minh in messages  
12 she sent to Jim through Our Family Wizard ("OFW"). Minh  
13 specifically told Jim in an OFW message on September 28, 2021  
14 at 11:33 a.m., "They are both placed in advance levels for  
15 academic classes." See page 110 of 294 of Defendant's Exhibit  
16 "A." Minh knew that Jim was not going to agree to Hannah  
17 and Matthew attending Becker before she took them there and  
18 enrolled them. She did it anyway and when Jim objected, as  
19 she knew he would, the children did not attend Becker but the  
20 children were even more upset and thereafter refused to attend  
21 school at all despite what this Court ordered regarding the  
22 children attending Challenger until the issue could be resolved  
23 so that they did not get behind and possibly have to repeat 7<sup>th</sup>  
24 grade and 6<sup>th</sup> grade respectively.

25 THE COURT FURTHER FINDS that Minh now denies that  
26 she ever enrolled Hannah and Matthew in Becker. She is not  
27 telling the truth and her enrolling the children in Becker  
28 violates the terms of the Findings of Fact, Conclusions of Law

1 Decision and Order regarding custody of the children entered  
2 on September 20, 2019, which states on page 28 at lines 9 - 12  
3 that the parents "shall consult and cooperate with each other"  
4 regarding the children's educational programs. By sending  
5 subpoenas to both Becker and Challenger, Jim discovered that  
6 Minh actually submitted the Online Registration for Hannah  
7 and Matthew to attend Becker on September 25, 2021, which  
8 was 2 days **before** Dr. Fontenelle-Gilmer recommended to the  
9 parents that Hannah not continue to attend Challenger. The  
10 records received by subpoena from Challenger show that Minh  
11 signed forms to request Hannah and Matthew's school records  
12 from Challenger on September 28, 2021, which informed  
13 Challenger by facsimile that the children had been enrolled in  
14 Becker. See documents labelled PLTFOO2418 and PLTFOO2368.  
15 Minh's own words in her OFW message to Jim on September  
16 28, 2021 and the records received from Becker and Challenger  
17 show very clearly that Minh enrolled Hannah and Matthew in  
18 Becker. She did so knowing that Jim would not agree but  
19 hoping she could manipulate him into acquiescing because  
20 Hannah and Matthew already had their hearts set on attending  
21 Becker. Her words and actions made Hannah and Matthew  
22 believe that they would be able to immediately leave  
23 Challenger and attend Becker and when that could not happen,  
24 they blamed Jim instead of Minh who actually caused the whole  
25 conflict. The result of Minh's actions, in violation of the  
26 existing orders regarding their sharing joint legal custody, is  
27 that Hannah and Matthew have been alienated from Jim.

1 THE COURT FURTHER FINDS that it heard testimony from  
2 Dr. Fontenelle-Gilmer and she did make specific  
3 recommendations for the benefit of her patient Hannah that  
4 the parents must comply with in accordance with their October  
5 17, 2021 Stipulation and Order. These recommendations  
6 include that Hannah should continue individual therapy with  
7 Dr. Fontenelle-Gilmer or another provider and that Jim and  
8 Hannah should attend counseling with Dr. David Brownstein.

9 THE COURT FURTHER FINDS that Dr. Fontenelle-Gilmer  
10 made two other recommendations that are not practical or able  
11 to be followed at this time. First, she recommended that,  
12 ideally, the parents would select two schools for Hannah that  
13 they both agreed to (i.e. both parents agreed that both schools  
14 are acceptable to them) and then Hannah would be able to  
15 decide which of the two schools she would attend so that she  
16 feels heard and that she has some level of choice. The Court  
17 finds that this recommendation is acceptable for where Hannah  
18 attends school for the 2022-2023 school year, but for the  
19 current school year, because we are already in the middle of  
20 the school year, there are very limited choices where Hannah  
21 can transfer to, and there is a crisis in that Hannah is not  
22 attending any school at this time. It is not in the best interest  
23 of Hannah for her to be allowed to continue not attending  
24 school at all while the parents try to come up with not one  
25 school that is acceptable to them both but two. The other  
26 recommendation that the Dr. Fontenelle-Gilmer made that is  
27 not possible to follow at this time is that Hannah be allowed to  
28 spend time with both of her parents every day. The logistics of



1 that recommendation are very difficult, especially given Minh's  
2 decision to purchase a home as far away from Jim as possible.  
3 (At the time the parties separated, they lived in the residence  
4 Jim owns in Lake Las Vegas, at the eastern end of the valley,  
5 where he continues to live with the children. When Minh  
6 moved back to Nevada from California in 2020, she rented a  
7 home in the northwest part of the valley and she recently  
8 moved into the new home she purchased in the heart of  
9 Summerlin on the west end of the valley.) With regard to this  
10 second recommendation, the Court even ordered the parties to  
11 try that between the first and second days of the evidentiary  
12 hearing and they could not accomplish the transfer of Hannah  
13 and Matthew to Jim at all.

14 THE COURT FURTHER FINDS that it is with this  
15 background that the parents come to the Court and ask the  
16 Court to resolve the urgent dispute between them regarding  
17 where Hannah and Matthew will attend school for the  
18 remainder of the 2021-2022 school year.

19 THE COURT FURTHER FINDS that the Supreme Court of  
20 Nevada in *Arcella v. Arcella*, 133 Nev. 868, 407 P.3d 341 (2017),  
21 set forth factors that will likely be relevant to a court's  
22 determination of which school is in a child's best interest. The  
23 Court in evaluating which school is in HANNAH and  
24 MATTHEW's best interest considered these factors as follows:

25 . . .

26 . . .

27 . . .

28

1           1.     *The wishes of the child, to the extent that the child is*  
2 *of sufficient age and capacity to form an intelligent preference.*

3           HANNAH is twelve (12) years old and MATTHEW is eleven  
4 (11) years old. Although the children would typically be  
5 considered of sufficient age and capacity to form an intelligent  
6 preference as to their school preference, and Dr. Michelle  
7 Fontenelle-Gilmer testified that HANNAH is mature, the Court  
8 finds that MINH has alienated the children from JIM.  
9 Specifically, in regards to the school issue, MINH enrolled the  
10 children at Becker without JIM's consent, took HANNAH and  
11 MATTHEW to tour the Becker campus, had HANNAH and  
12 MATTHEW meet with one or more counselors at Becker, and  
13 had HANNAH and MATTHEW choose classes they would take at  
14 Becker. MINH's unilateral actions have resulted in the children  
15 being unable to be form an intelligent preference regarding  
16 their schooling options for the 2021-2022 school year.

17           2.     *The child's educational needs and each school's ability*  
18 *to meet them.*

19           HANNAH and MATTHEW do not have special educational  
20 needs and Sig Rogich Middle School ("Sig Rogich"), the school  
21 proposed by MINH, and Bob Miller Middle School ("Bob  
22 Miller"), the school proposed by JIM, will both be able to meet  
23 the children's educational needs. This factor is neutral.

24           3.     *The curriculum, method of teaching, and quality of*  
25 *instruction at each school.*

26           Both Sig Rogich and Bob Miller are good public schools.  
27 The curriculum, method of teaching, and quality of instruction  
28

1 at each school does not weigh in favor of either school. This  
2 factor is neutral.

3 4. *The child's past scholastic achievement and predicted*  
4 *performance at each school.*

5 HANNAH and MATTHEW have attended Challenger School  
6 for many years and are both intelligent, capable students. They  
7 should have no issue being successful at either Sig Rogich or  
8 Bob Miller. This factor is neutral.

9 5. *The child's medical needs and each school's ability to*  
10 *meet them.*

11 HANNAH and MATTHEW do not have special medical  
12 needs, and Sig Rogich and Bob Miller will both be able to meet  
13 the children's medical needs. This factor is neutral.

14 6. *The child's extracurricular interests and each school's*  
15 *ability to satisfy them.*

16 Both Sig Rogich and Bob Miller will be able to satisfy  
17 HANNAH and MATTHEW's extracurricular interests. This  
18 factor is neutral.

19 7. *Whether leaving the child's current school would*  
20 *disrupt the child's academic progress.*

21 HANNAH and MATTHEW currently refuse to return to  
22 their current school, Challenger School, so leaving their  
23 current school will not disrupt their academic progress.

24 8. *The child's ability to adapt to an unfamiliar*  
25 *environment.*

26 HANNAH and MATTHEW both want to attend a new  
27 school, thus indicating their desire and ability to adapt to an  
28 unfamiliar environment.

1           9.   *The length of commute to each school and other*  
2                           *logistical concerns.*

3           When MINH relocated to Las Vegas from California, she  
4 chose to move to a home in Summerlin, as far as possible from  
5 JIM's home in Lake Las Vegas. Depending on traffic, Sig  
6 Rogich, the school proposed by MINH, is nearly an hour away  
7 from JIM's home (it is at least 48 to 60 minutes away from  
8 JIM's home), while it is less than 15 minutes from MINH's  
9 home. Bob Miller, the school proposed by JIM is more  
10 equidistant from each party's home - approximately 25 to 30  
11 minutes from each party's home. The Court finds that because  
12 Bob Miller is more equidistant from each party's home, it is in  
13 the children's best interest to attend Bob Miller. The Court  
14 further finds that it is not in the children's best interest to  
15 travel close to an hour from their father's home to attend  
16 school. Moreover, the Court finds that Bob Miller is closer to  
17 Challenger School where the parties' youngest child, Selena, is  
18 attending school. Because each party will be taking the  
19 children to school on his or her respective custodial days,  
20 which includes taking Selena to the Challenger School, neither  
21 party is overly burdened by taking and picking up HANNAH  
22 and MATTHEW at Bob Miller. Finally, based on MINH's  
23 decision to move as far away as possible from JIM's home, she  
24 should bear any increased burden she may experience by the  
25 longer commute she wants to avoid by having HANNAH and  
26 MATTHEW attend Bob Miller, instead of the school closer to  
27 her home. Thus, based on the forgoing, this factor (i.e., the  
28

1 length of commute to each school and other logistical concerns)  
2 weighs heavily in favor of the children attending Bob Miller.

3 10. *Whether enrolling the child at a school is likely to*  
4 *alienate the child from a parent.*

5 As stated above, the Court finds that MINH has alienated  
6 the children from JIM. The Court considered the evidence  
7 regarding the multiple times MINH has called the police to  
8 JIM's home without first communicating with him regarding  
9 what was happening at his home, MINH's refusal to  
10 communicate with JIM in front of the children, the several  
11 instances in which MINH has moved away from JIM with their  
12 children when JIM has attempted to sit with them in public  
13 places, such as in doctor's offices. MINH's behavior toward JIM  
14 in the presence of the children demonstrates her attempts to  
15 alienate the children from JIM. MINH's conduct demonstrates  
16 to the children how she feels about JIM and indicates to the  
17 children that they also should not like, trust, or respect their  
18 father and implies that they should in fact fear him. MINH also  
19 has proposed the children attend Sig Rogich, which is located  
20 nearly an hour away from JIM's home. Based on the foregoing,  
21 enrolling the children at Sig Rogich is likely to alienate the  
22 children from JIM. Thus, this factor weighs heavily in favor of  
23 the children attending Bob Miller.

24 Based on the foregoing, the Court finds it is in HANNAH  
25 and MATTHEW's best interest to attend Bob Miller Middle  
26 School.

27 Now, therefor,  
28

1 THE COURT HEREBY ORDERS that the children shall  
2 immediately enroll in and attend Bob Miller Middle School.

3 THE COURT FURTHER ORDERS that the parties shall  
4 immediately begin the process of obtaining a zone variance for  
5 the children to attend Bob Miller Middle School.

6  
7 Dated this 18th day of November, 2021

8  
9   
DISTRICT COURT JUDGE

10 BFA 636 582E FF46  
11 Dawn R. Throne  
District Court Judge

12  
13 Submitted by:

14 THE DICKERSON KARACSONYI  
15 LAW GROUP

16 /s/ Sabrina M. Dolson

17 ROBERT P. DICKERSON, ESQ.

Nevada Bar No. 000945

18 SABRINA M. DOLSON, ESQ.

Nevada Bar No. 013105

19 1645 Village Center Circle, Suite 291

20 Las Vegas, Nevada 89134  
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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.  
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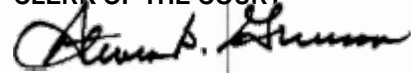
19 Edwardo Martinez edwardo@thedklawgroup.com

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1 **NEOJ**  
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  
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9 Email: [fpagelaw@pagelawoffices.com](mailto:fpagelaw@pagelawoffices.com)  
10 Attorney for Defendant

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

9 JAMES W. VAHEY,  
10 Plaintiff,

11 vs.

12  
13 MINH NGUYET LUONG,  
14 Defendant.

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

} Dept.: U

15 **NOTICE OF ENTRY OF ORDER**

16  
17 TO: JAMES W. VAHEY, Defendant

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

19  
20 YOU AND EACH OF YOU please take notice that on the 14<sup>th</sup> day of  
21 November 2021, the Order Regarding Hannah Vahey's School Attendance was  
22  
23  
24  
25  
26  
27  
28

1 duly entered, a true and correct copy of which is attached hereto.

2 DATED this 18<sup>th</sup> day of November 2021

3 PAGE LAW FIRM

4 

5 FRED PAGE, ESQ.

6 Nevada Bar No. 6080

7 6930 South Cimarron Road, Suite 140

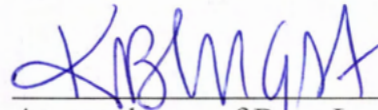
8 Las Vegas, Nevada 89113

9 (702) 823-2888

10 Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 18<sup>th</sup> day of November 2021,  
the foregoing NOTICE OF ENTRY OF ORDER was served pursuant to NEFCR 9  
via e-service to Robert Paul Dickerson, Esq., attorney for Plaintiff.



An employee of Page Law Firm

*Heather L. Smith*  
CLERK OF THE COURT

**ORDR**

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

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

JAMES W. VAHEY,

Plaintiff,

vs.

MINH NGUYET LUONG,

Defendant.

Case No.: D-18-581444-D

Dept.: U

Hearing Dates: November 12, 2021

Hearing Time: 2:00 p.m.

**ORDER REGARDING HANNAH VAHEY'S SCHOOL ATTENDANCE**

This matter having come before the Hon. Judge Dawn R. Throne on November 12, 2021 for a status check regarding the schooling of the minor children, Hannah Vahey ("Hannah"), and MATTHEW VAHEY ("Matthew"). Defendant, Minh Nguyet Luong ("Minh") was present and represented by Fred Page, Esq. of Page Law Firm. Plaintiff, James Vahey ("Jim") was present via Bluejeans video and was represented by and through Robert P. Dickerson, Esq., and Sabrina M. Dolson, Esq. of the Dickerson Karacsonyi Law Group who also appeared via Bluejeans video. The Court having before it all the files, pleadings,

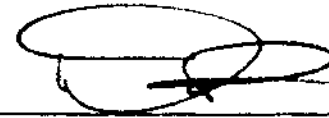
1 and papers in the action, having entertained oral argument, and good cause  
2 appearing, the Court hereby makes the following findings and enters the following  
3 orders:  
4

5 **THE COURT HEREBY FINDS** that it has complete jurisdiction in the  
6 premises, both as to the subject matter of this custody action, and the personal  
7 jurisdiction over the parties and their minor children.  
8

9 **THE COURT HEREBY ORDERS** that Hannah Vahey may be  
10 immediately enrolled in and attend Sig Rogich Middle School.  
11


12 **THE COURT FURTHER ORDERS** that the parties shall immediately  
13 begin the process of obtaining a zone variance for Hannah Vahey to attend Sig  
14 Rogich Middle School.  
15

16 Dated this 14th day of November, 2021

17   
18

19 DDA 74D 6C4D FB24  
20 Dawn R. Throne  
21 District Court Judge

22 Respectfully submitted:  
23 PAGE LAW FIRM  
24

25   
26 FRED PAGE, ESQ.  
27 Nevada Bar No. 6080  
28 6930 South Cimarron Road, Suite 140  
Las Vegas, Nevada 89113  
(702) 328-2888  
Attorney for Defendant

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5  
6 James W. Vahey, Plaintiff

CASE NO: D-18-581444-D

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13 recipients registered for e-Service on the above entitled case as listed below:

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169

**ORDR**

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Attorney for Defendant

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

JAMES W. VAHEY,

Plaintiff,

vs.

MINH NGUYET LUONG,

Defendant.

Case No.: D-18-581444-D

Dept.: U

**Hearing Dates: November 12, 2021**

**Hearing Time: 2:00 p.m.**

**ORDER REGARDING HANNAH VAHEY'S SCHOOL ATTENDANCE**

This matter having come before the Hon. Judge Dawn R. Throne on November 12, 2021 for a status check regarding the schooling of the minor children, Hannah Vahey ("Hannah"), and MATTHEW VAHEY ("Matthew"). Defendant, Minh Nguyet Luong ("Minh") was present and represented by Fred Page, Esq. of Page Law Firm. Plaintiff, James Vahey ("Jim") was present via Bluejeans video and was represented by and through Robert P. Dickerson, Esq., and Sabrina M. Dolson, Esq. of the Dickerson Karacsonyi Law Group who also appeared via Bluejeans video. The Court having before it all the files, pleadings,



1 and papers in the action, having entertained oral argument, and good cause  
2 appearing, the Court hereby makes the following findings and enters the following  
3 orders:  
4

5 **THE COURT HEREBY FINDS** that it has complete jurisdiction in the  
6 premises, both as to the subject matter of this custody action, and the personal  
7 jurisdiction over the parties and their minor children.  
8

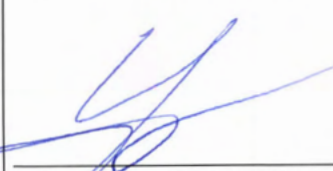
9 **THE COURT HEREBY ORDERS** that Hannah Vahey may be  
10 immediately enrolled in and attend Ernest Becker Middle School.  
11

12  
13 Dated this 18th day of November, 2021

14   
15

16  
17 728 43E 9D30 D7B4  
18 Dawn R. Throne  
19 District Court Judge

20 Respectfully submitted:  
21 PAGE LAW FIRM

22   
23 FRED PAGE, ESQ.  
24 Nevada Bar No. 6080  
25 6930 South Cimarron Road, Suite 140  
26 Las Vegas, Nevada 89113  
27 (702) 328-2888  
28 Attorney for Defendant

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
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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 was served via the court's electronic eFile system to all  
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 11/18/2021

15 Sabrina Dolson

Sabrina@thedklawgroup.com

16 Robert Dickerson

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18 Fred Page

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19 Edwardo Martinez

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20 Admin Admin

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