

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

MINH NGUYET LUONG,

Petitioner,

vs.

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

Respondents,

and

JAMES W. VAHEY,

Real Party in Interest.

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

**PETITIONER'S
APPENDIX**

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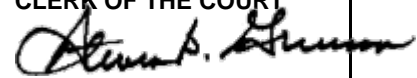
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174.	Scheduling Order and Order Setting Civil Non-Jury Trial	12/12/2021	AA003491 - AA003493
175.	Stipulation and Order for Guardian Ad Litem	12/13/2021	AA003494 - AA003499
176.	Defendant's Exhibit Appendix in Support of December 16, 2021, Return Hearing	12/15/2021	AA003500 - AA003512
177.	Supplement to Order from November 12, 2021 Hearing	1/31/2022	AA003513 - AA003516
178.	Notice of Entry of Supplement to Order from November 12, 2021 Hearing	2/1/2022	AA003517 - AA003523
179.	Guardian Ad Litem Report	2/2/2022	AA003524 - AA003527
180.	Declaration of James W. Vahey Regarding Case Status	2/5/2022	AA003528 - AA003537
181.	Defendant's Exhibit Appendix in Support of February 8, 2022, Return Hearing	2/7/2022	AA003538 - AA003564
182.	Defendant's Supplement and Response for the February 3, 2022, Return Hearing	2/7/2022	AA003565 - AA003587
183.	Transcript of Hearing Held on February 8, 2022	2/8/2022	AA003588 - AA003609
184.	Notice of Entry of Order from December 16, 2021 Hearing	2/15/2022	AA003610 - AA003619
185.	Order from December 16, 2021 Hearing	2/15/2022	AA003620 - AA003628
186.	Notice of Hearing	3/15/2022	AA003629 - AA003630
VOLUME XIX			

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

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

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EXHS
THE DICKERSON KARACSONYI LAW GROUP
ROBERT P. DICKERSON, ESQ.
Nevada Bar No. 000945
SABRINA M. DOLSON, ESQ.
Nevada Bar No. 013105
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Email: info@thedklawgroup.com
Attorneys for Plaintiff

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES W. VAHEY,
Plaintiff,

v.

MINH NGUYET LUONG,
Defendant.

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

**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**

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

...

Title/Description of Document	Exhibit Number
Declaration of Linda J. Gottlieb, LMFT, LCSW-R	1
Proposed Order for Plaintiff to Participate in Turning Points for Families Program with Minor Children	2
Template Order for Turning Points for Families Program	3
Turning Points for Families, A Therapeutic Vacation with Linda J. Gottlieb, LMFT, LCSW-R	4
February 26, 2022 Letter from Minh Luong to Dr. Sunshine Collins	5
March 2, 2022 Email from Minh to Nate Minetto	6

DATED this 15th day of March, 2022.

THE DICKERSON KARACSONYI
LAW GROUP

By /s/ Sabrina M. Dolson
ROBERT P. DICKERSON, ESQ.
Nevada Bar No. 000945
SABRINA M. DOLSON, ESQ.
Nevada Bar No. 013105
1645 Village Center Circle, Suite 291
Las Vegas, Nevada 89134
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;

[] 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
fpagelaw@pagelawoffices.com
Attorney for Defendant

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EXHIBIT 1

EXHIBIT 1

EXHIBIT 1

1 **DECL**

2 **THE DICKERSON KARACSONYI LAW GROUP**

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

4 Nevada Bar No. 000945

5 **SABRINA M. DOLSON**

6 Nevada Bar No. 013105

7 1645 Village Center Circle, Suite 291

8 Las Vegas, Nevada 89134

9 Telephone: (702) 388-8600

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11 Email: info@thedklawgroup.com

12 Attorneys for Plaintiff

DISTRICT COURT
FAMILY DIVISION

CLARK COUNTY, NEVADA

11 JAMES W. VAHEY,

12 Plaintiff,

13 v.

14 MINH NGUYET LUONG,

15 Defendant.

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

16
17 **DECLARATION OF LINDA J. GOTTLIEB, LMFT, LCSW-R**

18 I, LINDA J. GOTTLIEB, LMFT, LCSW-R, declare under penalty of
19 perjury under the laws of the State of Nevada and the State of New York
20 that the following statements are true and correct:

21 1. I am over the age of 18 years. I have personal knowledge of the
22 facts contained in this Declaration, and I am competent to testify thereto.

23 2. I am the therapist and program director for Turning Points for
24 Families located in Great Neck, New York. The physical business address
25 for Turning Points for Families is Seven Hill Park Avenue, Great Neck,
26 New York 11021.

27 ...

28 ...

1 3. I am making this Declaration to provide the Court with
2 information regarding the Turning Points for Families program (the
3 "Program").

4 4. I was contacted by Sabrina M. Dolson, Esq., counsel for
5 JAMES W. VAHEY ("Jim"), who informed me the Court directed Jim to
6 look into the Program for his two (2) oldest children. Ms. Dolson advised
7 me that there were discussions with the Court about Jim participating in
8 the Program with his son, Matthew, and then later participating in the
9 Program with his daughter, Hannah. Ms. Dolson also informed me Jim
10 has three (3) children.

11 5. I informed Ms. Dolson that it is the policy of the Program to
12 treat all children at the same time, rather than each child separately at
13 different times. The purpose of treating all children at the same time is to
14 avoid having the children at various points in the reunification process and
15 to keep all children together in the reunification process. It would also
16 save the parties a significant amount of money to have the children
17 participate in the Program at the same time rather than separately.

18 6. The cost for the Program for all three (3) children is \$15,000.

19 7. I have availability for Jim and his children to participate in the
20 Program from April 8-12, 2022 and April 22-30, 2022.

21
22 Executed on March 11, 2022.

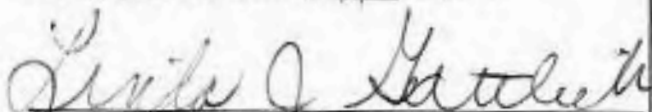
23 
24 LINDA J. GOTTLIEB
25
26
27
28

EXHIBIT 2

EXHIBIT 2

EXHIBIT 2

1 **ORDR**

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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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 FOR PLAINTIFF TO PARTICIPATE IN TURNING**
21 **POINTS FOR FAMILIES PROGRAM WITH MINOR CHILDREN**

22 This matter having come before the Honorable Judge Dawn R.
23 Throne, on Plaintiff's Emergency Motion for Order for Plaintiff to
24 Participate in Turning Points for Families Program with Minor Children,
25 for Defendant to Be Solely Responsible for the Costs Associated with
26 the Program, and for Related Relief. The Court having before it all the
27 files, pleadings, and papers in the action, and good cause appearing
28 therefor, the Court finds and orders as follows:

THE COURT HEREBY FINDS that it is in the best interest of the
minor children, Hannah, born March 19, 2009 (twelve (12) years old),

1 Matthew, born June 26, 2010 (eleven (11) years old), and Selena, born
2 April 4, 2014 (seven (7) years old), to participate in the Turning Points
3 for Families Program in New York with JIM.

4 THE COURT FURTHER FINDS that it is in the children's best
5 interest for JIM to have temporary sole legal and sole physical custody
6 of the minor children as recommended by the Turnings Points for
7 Families Program.

8 NOW, THEREFORE,

9 THE COURT HEREBY ORDERS that JIM shall participate in the
10 Turning Points for Families Program in New York with the parties'
11 minor children, Hannah, born March 19, 2009 (twelve (12) years old),
12 Matthew, born June 26, 2010 (eleven (11) years old), and Selena, born
13 April 4, 2014 (seven (7) years old).

14 THE COURT FURTHER ORDERS that JIM shall have temporary
15 sole legal and sole physical custody of the parties' minor children as
16 recommended by the Turning Points for Families Program.

17 THE COURT FURTHER ORDERS that JIM and MINH shall
18 cooperate and facilitate the reunification therapy (Turnings Points for
19 Families Program) with Linda J. Gottlieb, LMFT, LCSW-R, as per the
20 instructions of Linda J. Gottlieb. Neither party shall do anything to
21 thwart the reunification process.

22 THE COURT FURTHER ORDERS that neither party shall
23 inform the children of this Order until they have a consultation with
24 Linda J. Gottlieb and will comply with her direction on how to explain
25 the program.

26 THE COURT FURTHER ORDERS that on the ____ day of
27 _____, 2022 (a date and time to be determined by Linda
28 Gottlieb/or by Order of the Court), JIM shall transport Matthew and

1 Selena and MINH shall transport Hannah to the New York location as
2 determined by Linda J. Gottlieb.

3 THE COURT FURTHER ORDERS that MINH and her family
4 and friends must stay at least sixty (60) miles away at all times from said
5 treatment location of Linda J. Gottlieb. At no time should MINH
6 intrude upon the intervention unless so authorized by Linda J. Gottlieb.

7 THE COURT FURTHER ORDERS that there shall be a minimum
8 of ninety (90) days sequestration period between MINH, MINH's
9 family, and the children. During the sequestration period, MINH and
10 MINH's family, friends, associates, and other relatives of MINH shall
11 have no contact with the subject children, directly or indirectly, through
12 third parties or otherwise, including but not limited to: in person,
13 written, telephonic, Facebook, twitter, texts, photos, or other electronic
14 means or modes of communication.

15 THE COURT FURTHER ORDERS that the sequestration period
16 can be shortened at the discretion of Linda J. Gottlieb should she
17 determine that MINH has sufficiently demonstrated that she is ready,
18 willing, and able to support the relationship between the other parent
19 and the children.

20 THE COURT FURTHER ORDERS that an extension of the
21 sequestration period shall be recommended to the Court for review
22 Linda J. Gottlieb, based upon the progress and success of the
23 reunification and based upon MINH's cooperation and support for the
24 reunification. The Court may schedule a review date on or about ninety
25 (90) days from day one of the intervention to determine testimony
26 whether the no-contact period should be lifted or extended.

27 . . .
28

1 THE COURT FURTHER ORDERS that MINH shall engage in
2 parent education services with Linda J. Gottlieb during the four-day
3 intervention via electronic communication regarding the children's need
4 and best interest to have a meaningful relationship with JIM. MINH will
5 further engage in individual therapy with a local therapist, the costs of
6 which shall be borne solely by MINH. Linda J. Gottlieb shall be
7 authorized to communicate and collaborate with said local therapist.
8 MINH shall execute all necessary authorizations, releases, or other
9 documents to facilitate communication, collaboration, and release of
10 information to Linda J. Gottlieb. The therapist must be approved by
11 Linda J. Gottlieb based upon the therapist's specialization for the
12 treatment required.

13 THE COURT FURTHER ORDERS that MINH shall provide to
14 Linda J. Gottlieb a letter addressed to the children stating the
15 importance of having JIM meaningfully in the children's lives, including
16 the qualities JIM has to offer the child, the importance of having a
17 meaningful relationship with JIM, and that MINH supports the
18 reunification and why. MINH shall also state she expects the children
19 to support the reunification program by cooperating with all
20 instructions.

21 THE COURT FURTHER ORDERS that on the date when MINH
22 transports Hannah to the location selected by Linda J. Gottlieb, MINH
23 shall ensure that Hannah has adequate supplies and clothing for a
24 minimum of six (6) nights lodging. MINH must also provide to JIM any
25 mementos, childhood photographs, videos, including without limitation:
26 the childhood toys that were retained that may not be in the possession
27 of JIM. This must be executed on or before the beginning of the
28 intervention as the items are needed for the intervention. MINH will

1 cooperate in providing whatever family mementos are requested by
2 Linda J. Gottlieb. Upon return from the intervention, MINH will
3 provide JIM with all the necessities and other items that are in her
4 possession which are needed by the children.

5 THE COURT FURTHER ORDERS that MINH shall be required
6 to pay the costs of the reunification therapy as determined by the Court
7 according to MINH's cause for this action. Such costs shall include the
8 transportation, food, entertainment activities, and overnight lodging of
9 the children and JIM.

10 THE COURT FURTHER ORDERS that all parties will comply
11 with the Turning Points for Families treatment protocol as outlined on
12 the Turning Points for Families' website.

13 THE COURT FURTHER ORDERS that a condition for lifting the
14 sequestration period scheduled to end on _____, MINH's
15 therapist must have provided documentation satisfactory to Linda J.
16 Gottlieb that MINH is ready, willing, and able to support the
17 relationship between petitioner JIM and the children, and MINH will
18 abstain from any further behaviors/strategies that sabotage, interfere
19 with, and/or do not proactively support JIM's relationships with the
20 children.

21 THE COURT FURTHER ORDERS that upon conclusion of the
22 four-day therapeutic intervention, JIM shall engage a local family
23 therapist (i.e., Dr. Sunshine Collins) to continue family therapy between
24 the children and JIM, with collaboration with Linda J. Gottlieb, to
25 further the reunification. The costs of this continued family therapy
26 shall be shared equally between the parties 50/50.

27 THE COURT FURTHER ORDERS that upon conclusion of the
28 therapeutic intervention, the children will reside with JIM, who will

1 continue to have sole physical and sole legal custody and sole decision
2 making until and unless the sequestration period is lifted by the Court.

3 THE COURT FURTHER ORDERS that MINH will cooperate
4 fully with all releases and support for the adjustment of the children to
5 the home of JIM as directed by Linda J. Gottlieb.

6 THE COURT FURTHER ORDERS that upon court review and
7 with testimony and/or reports by Linda J. Gottlieb and the local
8 therapists that MINH has demonstrated genuine support for the
9 reunification and is ready, willing, and able to support the relationships
10 between JIM and their children, the sequestration period will be lifted.
11 A 50/50 parenting schedule may be recommended to the Court for its
12 determination as to the best interests of the children, and the Court will
13 order the parenting schedule.

14 THE COURT FURTHER ORDERS that Law enforcement,
15 including but not limited to police, sheriffs, state police, shall enforce
16 the terms of this Order and lend all necessary assistance.

17
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20
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

EXHIBIT 3

EXHIBIT 3

EXHIBIT 3

SUGGESTED ORDER (BASED UPON PRIOR COURT ORDERS)

FAMILY COURT OF THE STATE OF _____

Petitioner

V.

respondent

_____X

NOW THEREFORE, it is hereby Ordered as follows:

1. Temporary sole physical and legal custody of the subject children, born on, (and born on) shall be transferred to the Petitioner Father/Mother.
2. Both parties shall cooperate and facilitate the reunification therapy (Turning Points for Families program) with Linda J. Gottlieb, LMFT, LCSW-R, as per the instructions of Linda J. Gottlieb. Neither party shall do anything to thwart the reunification process.
3. Respondent Mother/Father shall not inform the children of this Order until they have a consultation with Linda J. Gottlieb and will comply with her direction on how to explain the program.
4. On _____, 20__ (a date and time to be determined by Linda Gottlieb/or by order of the court), the respondent Mother/Father shall transport the subject children to the New York location as determined by Linda J. Gottlieb.

Or

On _____, 20__ (a date and time to be determined by Linda J. Gottlieb or by order of the court), the respondent Mother/Father shall transfer custody of the subject children to the petitioner mother/father at the location of _____ as determined by the court or agreed upon by the parties, and the petitioner Mother/Father shall travel to the New York location as determined by Linda J. Gottlieb to commence the treatment intervention.

5. Respondent Mother/Father and her/his family/friends must stay at least sixty (60 miles) away at all times from said treatment location of Linda J. Gottlieb—unless respondent mother/father should reside within such distance of the location selected by Linda J. Gottlieb for the

intervention. At no time should respondent mother/father intrude upon the intervention unless so authorized by Linda J. Gottlieb.

6. There shall be a minimum of ninety (90) days sequestration period between respondent Mother/Father, Mother's/Father's family, and the children. During the sequestration period respondent Mother/Father and respondent Mother's/Father's family, friends, associates, and other relatives of respondent shall have **no contact** with the subject children, directly or indirectly, through third parties or otherwise, including but not limited to: in person, written, telephonic, Facebook, twitter, texts, photos, or other electronic means or modes of communication.
7. However, the sequestration period can be *shortened* at the discretion of Linda J. Gottlieb should she determine that Respondent Mother/Father has sufficiently demonstrated that she/he is ready, willing, and able to support the relationship between the other parent and their child(ren.)
8. Should any person subject to the **no contact** order have contact with the child(ren) during the no contact/sequestration period, then the ninety (90) day period of no contact begins again from the date of the infraction contact.
9. An extension of the sequestration period shall be recommended to the court for review by Linda J. Gottlieb, based upon the progress and success of the reunification AND based upon Respondent Mother's/Father's cooperation and support for the reunification. The court may schedule a review date on or about 90 days from day one of the intervention to determine testimony whether the no-contact period should be lifted or extended.
10. The respondent Mother/father shall engage in parent education services with Linda J. Gottlieb during the four-day intervention via electronic communication regarding the child's need and best interests to have a meaningful relationship with the other parent. Respondent parent will further engage in individual therapy with a local therapist, the costs of which shall be borne solely by respondent Mother/Father. Linda J. Gottlieb shall be authorized to communicate and collaborate with said local therapist. Respondent Mother/Father shall execute all necessary authorizations, releases, or other documents to facilitate communication, collaboration, and release of information to Linda J. Gottlieb. The therapist must be approved by Linda J. Gottlieb based upon the therapist's specialization for the treatment required.
11. The respondent Mother/Father shall provide to Linda J. Gottlieb a letter addressed to the children stating the importance of having their other parent meaningfully in the children's lives, including the qualities the other has to offer the child, the importance of having a meaningful relationship with the other parent, and that respondent Mother/Father supports the reunification and why. Respondent Mother/Father shall also state she/he expects the children to support the reunification program by cooperating with all instructions.
12. On the date when respondent Mother/Father either transfers physical custody to the other parent or transports the children to the location selected by Linda J. Gottlieb, the respondent

Mother/Father shall ensure that the children have adequate supplies and clothing for a minimum of six (6) nights lodging. Respondent Mother/Father must also provide to the other parent any mementos, childhood photographs, videos including without limitation: the childhood toys that were retained that may not be in the possession of the petitioner mother/father. This must be executed on or before the beginning of the intervention as the items are needed for the intervention. Respondent Mother/Father will cooperate in providing whatever family mementos are requested by Linda J. Gottlieb. Upon return from the intervention, respondent Mother/Father will provide the other parent with all the necessities and other items that are in respondent's possession which are needed by the children.

13. Respondent Mother/Father shall be required to pay the costs of the reunification therapy as determined by the court according to the Respondent's cause for this action. Such costs shall include the transportation, food, entertainment activities, and overnight lodging of the child(ren) and the other parent.
14. All parties will comply with the Turning Points for Families treatment protocol as outlined on the Turning Points for Families' website.
15. A condition for lifting the sequestration period scheduled to end on --/--, Respondent Mother's/Father's therapist must have provided documentation satisfactory to Linda J. Gottlieb that Respondent Mother/Father is ready, willing, and able to support the relationship between petitioner Father/Mother and the child(ren), and Respondent Mother/Father will abstain from any further behaviors/strategies that sabotage, interfere with, and/or do not proactively support the other parent's relationships with their child(ren.)
16. Upon conclusion of the four-day therapeutic intervention, Petitioner Father/Mother shall engage a local family therapist to continue family therapy between the children and Petitioner Father/Mother, with collaboration with Linda J. Gottlieb, to further the reunification. The costs of this continued family therapy shall be shared equally between the parties 50/50. Linda J. Gottlieb will participate in the selection of the ongoing therapist and provide collaboration as needed; if appropriate, a previously involved therapist will be given first consideration.
17. Upon conclusion of the therapeutic intervention, the children will reside with the petitioner Father/Mother, who will continue to have sole physical and sole legal custody and sole decision making until and unless the sequestration period is lifted by the court.
18. Respondent Mother/Father will cooperate fully with all releases and support for the adjustment of the children to the home of the plaintiff Mother/Father as directed by Linda J. Gottlieb.
19. Upon court review and with testimony and/or reports by Linda J. Gottlieb and the local therapists that the respondent Mother/Father has demonstrated genuine support for the reunification and is ready, willing, and able to support the relationships between the other parent and their child(ren,) the sequestration period will be lifted. A 50/50 parenting schedule may be recommended to the Court for its determination as to the best interests of the children, and the Court will order the parenting schedule.

20. Law enforcement, including but not limited to police, sheriffs, state police, shall enforce the terms of this Order and lend all necessary assistance.

DATED:

SO, ORDERED: _____
Hon.

EXHIBIT 4

EXHIBIT 4

EXHIBIT 4



Turning Points for Families A Therapeutic Vacation

with
Linda J. Gottlieb, LMFT, LCSW-R

*Reunification Therapy for Severe Parental Alienation¹
or for
an Unreasonably Disrupted Parent-Child Relationship*

Caveat: Please note, this is a **generic** treatment protocol for treatment of the *typical* family dynamics occurring in severe cases. Of course, every family is idiosyncratic and there can be some *minor* modifications and some additional requirements to this treatment protocol after my communications with the family members. These modifications and additions are based solely upon the standard of “the best interests of the child.”

Program Description

Turning Points for Families (*TPFF*) is a four-day, transitional program to “jump-start” the healing of a severed or severely damaged relationship between a child and fit parent. *TPFF* is a symbolic-experiential intervention that merges family systems

¹ The term *parental alienation* describes an observable family dynamic in which a child denigrates and rejects or resists a parent (known as the alienated parent) *in the absence* of a reasonable or valid reason—child abuse/neglect or a *pattern of markedly* deficit parenting—and justifies the rejection with weak, trivial, frivolous, or absurd reasons. The influencing parent (known as the alienating parent) manipulates the child through a brainwashing process to sever or severely undermine the relationship between the alienated parent and child. The child and alienating parent form a coalition to marginalize and banish the alienated parent. In severe cases, the coalition is characterized by “pathological enmeshment”—a highly disabling psychiatric condition for the child. *TPFF*, however, is not wedded to a particular label for this family dynamic or phenomenon. The phenomenon can alternatively be labeled “hostile parenting, selfish parenting, restrictive gatekeeping, or variety of other labels that are used by States throughout the country to describe this very common phenomenon that occurs in cases of parental separation or divorce. A rose by any other name is still a rose.

therapy with psycho-education. The intervention is compelling because it involves human learning and growth in all three forms—cognitive, affective, and behavioral. Suspension of contact with the favored or alienating/favored parent is essential in order for the child to feel free to engage with the rejected or alienated parent and be freed from the loyalty web imposed by the favored or alienating/favored parent. The mental health and judicial communities struggle to realize effective treatment for severe alienation, which is unresponsive to traditional reunification therapy. *TPFF* is evidence-based: The program's outcome data confirm its high success rate of reunification and its effectiveness in realizing enriched reconnection—when its treatment protocol is followed precisely.

Program Philosophy

The *TPFF* intervention is based upon the principles of structural family therapy, founded by my mentor, child psychiatrist, Salvador Minuchin. Its philosophical underpinnings are effective and logical: people are most likely to change for those whom they love and for those who love them. Based on that principle, *TPFF* elevates the rejected parent into the position of the healer of the child. To quote from my 2012 book:

No quantity or quality of words between the child and the therapist—who is nonetheless a stranger—can possibly have as powerful and as meaningful an impact as when the therapist provides, instead, an environment in which emotions and experiences are released among family members. No therapist, however competent and well intentioned, can possibly recreate a relationship with the child that rivals intimate family relationships—particularly the meaningful parent/child relationship.

It seems so evident, then, that the crucial player to assume the deprogramming role for the child is the “formerly” loved and loving rejected parent. Indeed, I assert that the healer who has the greatest potential for success is the rejected parent—who is not only the holder of the family truths—but who has had the loving relationship with the child. The role then for the therapist is to serve as a catalyst who encourages and guides the creation of healthy, corrective transactions between the rejected parent and child as well as among all the family members. (P. 143)

Reviewing various mementos of the family history—such as photographs, video recordings, cards, letters, drawings, etc.—the rejected parent and child travel down memory lane together and reconnect emotionally by reliving the experiences of their relationship prior to the onset of the alienation. This corrective re-experiencing of their relationship inspires the child to spontaneously lift the repression of her/his genuine loving feelings and need for the rejected parent. Additionally, through this corrective experiential intervention, the child's instinctual loving feelings for the rejected parent readily emerge to produce healing. Positive new experiences are

created to replace unhealthy, misperceived ones. *TPFF* appreciates the compelling effectiveness of experience over words to produce change.

To facilitate this experiential intervention, the rejected parent must bring to the therapy mementos of the family life and relationship with the child. In many alienation cases, unfortunately, these mementos have been denied to the rejected parent—who, in some cases, has been excluded from the child’s life for many years. The favored parent must therefore provide the rejected parent with all meaningful mementos of the child’s life—and, in particular, the child’s life with the rejected parent.

Correcting the child’s “revisionist family history” is essential to the healing process. Although the memorabilia intervention is an effective tool in mitigating the child’s distortions and powerful false belief system, it is frequently not sufficiently effective in counteracting the child’s false, programmed beliefs—which are deeply entrenched. A frank and factual discussion of the family history is central to the healing process. The extremely bizarre myths and distortions that are typically perpetuated upon the child by a severely alienating/favored parent must be corrected. Particularly when these distortions involve false allegations of child abuse and child sex abuse—as they often do—it is profoundly pernicious to the child. Indeed, research confirms that, should children falsely believe that a parent had abused them, they are likely to suffer the same PTSD as if the abuse had actually occurred. The rejected parent is therefore coached to sensitively correct the child’s distorted, and often delusional thinking, but without pathologizing or defaming the source of the misinformation.

Correcting misinformation and outrageous allegations against the alienated/rejected parent mitigates the damage done to the child from having chosen sides as a result of the loyalty web imposed by the favored parent. The damage was due to having been initially put in the middle by the favored parent, who had inappropriately and callously provided the child with information and misinformation about adult conflicts from which the child should have been protected. Correcting distorted information is therefore an obligation to the child and, doing so is in the child’s best interests.

The healing process is a give and take in which the child will be supported in expressing his/her own *genuine, unprogrammed* feelings for and beliefs about the alienated/rejected parent—as long as it is done so in a respectful and civil manner. But the child will not be granted an audience to denigrate and smear the alienated/rejected parent with a litany of scripted and brainwashed distortions about that parent. In recognition that no parent is perfect, the child’s uninfluenced perceptions and beliefs will be acknowledged and addressed. The child and rejected parent are helped to resolve *reasonable* issues that the child may have with the rejected parent. Respect for the child’s chronological age and developmental stage will be considered—after all, due to the rupture of some of these relationships that span several years, the child may require different responses from the rejected parent, who no longer knows whom the child has become. Special attention will be

provided to help the child deal with guilt from having maltreated and rejected a parent.

The *TPFF* intervention involves not only experiences and dialogues that occur in the therapeutic sessions; it involves experiences that occur during the family's chosen activities. During the activities, the parent assumes the parental role of supervising and engaging with and enjoying the child. Comporting with the philosophical underpinnings of family systems therapy, change occurs—not as a result of talking about new experiences—but *actually creating new experiences*. I accompany the child and parent throughout these activities to provide support and encouragement as needed.

The alienated/rejected parent's nuclear and extended family with whom the child has had prior relationships are invited to participate in the intervention. These family members help to facilitate the reunification. The alienated/rejected parent determines who should be invited to participate in the intervention.

Why reunification is essential to the child's healthy behavioral, cognitive, and emotional development

1. Emotional cutoffs are never an appropriate remedy for interpersonal conflicts—especially with respect to the vital parent/child relationship. Remaining with hatred and anger is not healthy under any circumstances, especially when directed at a parent.
2. How a child relates to and resolves conflicts with each parent is the single, most significant factor that will determine how the child interacts with peers, authority relationships, and adult relationships.
3. A child cannot develop healthy self-esteem if she/he perceives a parent to be evil, abusive, unloving, worthless, etc. Expert consensus recognizes that children think very concretely—"I am half my mother and half my father." The qualities the child attributes to parents are therefore introjected by the child and experienced as characterological to her/him.
4. If a child feels unloved *by a parent*, then the child cannot help but feel unlovable *in general* and will pursue the perilous goal of seeking love in all the wrong places.
5. Misperceptions and misconceptions about the rejected parent, the favored parent, and about the family history are often so extreme that they represent a break with reality. Cognitive stability is therefore put at risk if not corrected for the child.

6. It is anti-instinctual to hate and reject a parent—especially a loving parent. The child must therefore create an elaborate delusional system to justify the rejection—a highly dysfunctional condition.
7. The child is existing under a cloud of anxiety due to the fear that of a slip of the tongue or a slip of behavior will reveal the child's true loving feelings and need for the rejected parent. This situationally-caused anxiety is frequently mistaken for a chemical imbalance—and the child consequently receives inappropriate treatment, and perhaps unnecessarily prescribed psychotropic medications.
8. The rejection of a parent is essentially a loss—and one of the deepest kinds of all. Generally the rejection extends to the rejected parent's family of origin so that loving grandparents, aunts, uncles, and cousins are likewise rejected. Losses of this magnitude often lead to depressive symptoms. These symptoms are, again, often assumed to be the result of a bio-chemical imbalance rather than being situationally caused. As a result, the child is often needlessly treated with powerful, psychotropic medications.
9. The rejecting child is subject to suffering from guilt because, at some point, the child recognizes that she/he has maltreated a parent. And if that parent is no longer available or even deceased to receive an apology—should the child become free to provide it—the guilt will last a lifetime.
10. The emotional hole left in the child from the loss of a parent is frequently filled with a great deal of negativity including, but not limited to: eating disorders, suicidal symptoms, self-cutting, criminal activities, oppositional and other antisocial behaviors, defiance, disrespect for other authority figures, cognitive distortion, depression, anxiety, panic attacks, other forms of emotional dysregulation, unhealthy peer relationships, underperformance in school, drug abuse, and a general malaise about one's life.

Standard clinical practice for severe parental rejection

TPFF's treatment protocol adheres to *standard clinical practice* as adopted by overwhelming consensus among specialists in severe parental alienation.

The treatment protocol requires a 90-day no-contact period between the favored parent and child to include no direct or indirect contact, such as telephonic and electronic communication. The necessity of the no-contact period garners widespread support among specialists in alienation and is decisively confirmed by my evidence-based practice in successfully treating hundreds of alienated children. The necessity for the no-contact period is, first and foremost, a protective separation for the child due to the psychological abuse by the alienating parent. Additionally, the child will enthusiastically invest in the rejected parent absent any influence from the favored/alienating parent. The favored parent must be temporarily relieved of

exercising power and influence over the child—that is, the child must be psychologically free from the loyalty web in which the child feels disloyal to the favored/alienating parent should the child embrace the rejected/alienated parent. The no-contact period is a necessity beyond the 4-day intensive treatment phase in order to prevent the child's *regression and relapse*—which is a virtual certainty should there be even minimal contact with an unreformed alienating/favored parent.

In almost all situations of severe alienation, the favored or alienating/favored parent either fails to recognize or denies any role in having influenced the child to reject the other parent. This situation is highly detrimental and insidious to the child—one cannot correct what one does not recognize to be a problem. The alienating/favored parent's denial must therefore be lifted as the preliminary step to remedying the alienating behaviors and is a pre-condition to lifting the no-contact period.

The Rejecting or Alienated Child

It is one of many counterintuitive issues occurring in alienation to assume that the rejected parent must have done something to warrant the child's rejection. To the contrary, when one considers how very rare it is for a child to reject a parent—even an abusive parent—another explanation for the rejection must be entertained. I discovered just how rare it is to reject a parent in my professional work with 3000 foster children, who had been removed from their homes due to adjudicated abuse and/or neglect. This population rarely—if ever—rejected a parent. To the contrary, these children craved to be reunited with their parents. Furthermore, they were quite protective of and aligned with their abusive parents—often denying or minimizing the abuse.

Why is it that abused or neglected children do not reject their parents and actually crave to be with them? Firstly, our long dependency period depends upon a powerful instinct to need a parent—the child's survival is dependent upon parents. *The need for a parent is therefore part of the instinct for survival.* Secondly, we believe that, if our own parents maltreat us, we must be bad; and this self-perception is intolerable to bear. So, we crave connection with even an abusive parent in a process known as “undoing.”

It is only the intense brainwashing by the favored or alienating parent that has the efficaciousness to overcome the child's powerful, self-protective, survival instinct to have and need a parent.

All this is to say that, in cases when abuse or neglect has not occurred, it is highly probable—to 99% clinical certainty—that alienation is the cause of the rejection. This means that the child has been unduly influenced or brainwashed to mimic the feelings and beliefs of the alienating/favored parent. We must therefore recognize that the child's rejection is *not genuine* to them. The child is *not* opposed to restoration of the relationship with the rejected parent. To the contrary, the child secretly relishes the reconnection, but—because of loyalty to the alienating/favored parent—the child

cannot initiate contact and must openly and actively oppose it. But when the contact is imposed by outside authority—such as the court—the child experiences it as an albatross being lifted from around her/his neck. When professionals free the child from the loyalty web that had been imposed by the alienating/favored parent, it is exactly what the child needs and desires. *Children really do not want to chose!*

We must therefore recognize that, when the child expresses rejection of, hatred for, and fear of the rejected parent, the sentiments are not genuine to the child. The child is merely going along to get along with the alienating/favored parent. This phenomenon is confirmed by how quickly the child *flips like a light switch* should the alienating/favored parent permit the child to welcome the rejected parent back in his/her life.

Do not be fooled by the child's threats of self-harm or running away if ordered to participate in *TPFF*. No child who was ordered to participate in *TPFF* acted upon such a threat. Indeed, virtually every child who had been on psychotropic medications and/or had a history of suicidal ideation/threats, anxiety, depression, etc., prior to participating in *TPFF*, experienced marked symptom reduction and had their medications significantly reduced upon completing the intervention at *TPFF*. This phenomenon replicated the chronology of 1) the six alienated children who had been manifesting serious psychiatric disorders and who had been prescribed psychotropic medications of whom I had written about in my book and 2) numerous alienated children manifesting psychiatric symptomatology whom I had treated in my practice over the years. Among the psychiatric group of children who had participated in *TPFF* and had who experienced marked symptom reduction, those who subsequently experienced the reemergence of psychiatric symptoms, were the ones who had been permitted pre-mature contact with their unreformed alienating/favored parent. One would have to throw science out the window not to make the connection between the alienating/favored parent's influence and the development and progression of the child's psychiatric symptomatology.

My experience with this phenomenon of the child's empty threats of self-harm and of running away is confirmed by Richard Warshak, PhD, who reached the same finding of "empty threats" and which he wrote about in his 2015 article entitled, "10 Parental Alienation Fallacies that Compromise Decisions in Court and in Therapy", published in *Professional Psychology*. Furthermore, acquiescing to a child's threats would only serve to further empower the child—who is already overly-empowered. Appropriate measures, instead, must be employed to handle a child's threats and demands—just as we would should the child engage in threats to manipulate adults to acquiesce to any other ultimatum. Anyone who has been a parent knows exactly how manipulative a child can be should the child come to believe she/he can get away with it.

The Alienating or Favored Parent

In the 2013 book published by the American Bar Association entitled, *Children Held Hostage: Identifying Brainwashed Children, Presenting a Case, and Crafting Solutions*, the authors, Clawar and Rivlin, followed 1000 children of parental conflict or separation/divorce. They arrived at the finding that the percentage of parents who program/brainwash their children at least one time a week was 86%—with the percentage of those who engage in programming/brainwashing behavior more than once per day being 23%. (P. 420) These are very alarming statistics indicative of widespread anguish and trauma to children.

Clawar and Rivlin comprehensively described the characteristics and behaviors of moderate and severe alienators. Their disturbing findings about these alienators provides justification for the judicial system to treat alienation cases seriously, recognize it for the child abuse that it is, and apply the standard of “time is of the essence” when adjudicating these cases.

Some of the authors’ assessments of moderate and severe alienators are as follow:

Programming-and-brainwashing parents are conflict-habituated types. This means that they *instigate, facilitate, and, for some, thrive on conflict*. They seem to become more intense and excited as the social and legal tensions mount surrounding the children. There is almost *an addictive-like quality* to their response to conflict—the more there is, the more they stimulate; the more they need and the threshold increases.... This is because they are receiving psychic and social rewards from the conflict. Their conflict is often planned conflict. (P. 288)

Programming-and-brainwashing parents will escalate social situations.... This technique is employed to create burnout, frustration, and ultimately exhaustion on the part of other parties. (Pp. 274-275)

The programming and brainwashing parent above employed the “*shotgun approach*.” It is characteristic of these parents to attack any and all people who even seem to be supportive of the target parent. (P. 275)

The effect of the shotgun approach was to cause all parties extensive outlays of money, time, energy, and anxiety. It is part of their socially abusive (and, at times, *sociopathic*) [*bold print mine*] style of operation. The behaviors are generally resistant to change and *usually will not cease until there are powerful sanctions* (financial and legal) for frivolous litigation and/or custody allocation to the target parent. Even then they may not stop. (P. 275)

Escalation takes many forms. **Increasing the pressure on children**, [*bold print mine*] cranking up litigation accelerating rumors, and heightening allegations are just a few examples of what may take place. (P. 276)

Treatment of severe alienators requires, consequently, a highly complex intervention necessitating specialized skills and knowledge. Extensive research has arrived at the

finding that severe alienators present with profound psychopathology and with one or more cluster B personality disorders. Cluster B personality disorders include borderline, narcissistic, and antisocial. *Normal* parents *do not* perpetrate an alienation on their children; *normal* parents will not selfishly keep the child for themselves; normal parents will not drive a fit parent from their child's life; normal parents do not claim to be the only parent the child needs; normal parents do not convince their children to falsely believe that they had been abused by their other parent; normal parents do not defy the law by breaking court orders for the other parent's parenting time and oblige their children to do likewise; normal parents do not manipulate their children to maltreat and reject their other parent normal parents simply do not do all this to their children. The Diagnostic and Statistical Manual of Mental Disorders (DSM-5) defines a personality disorder as follows:

“an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual's culture.” The pattern is “inflexible and pervasive across a broad range of personal and social situations.” The pattern is manifested in the areas of cognition, affectivity, interpersonal functioning, and impulse control.” DSM 5, P. 646.

Given all of the above, change in behavior on the part of severe alienators rarely occurs voluntarily and expeditiously—and often not even with the benefit of therapy. Severe alienators generally change only in the face of meaningful legal consequences—such as loss of time and contact with the children.

The Alienated/Rejected Parent

Not infrequently the mental health clinician or forensic evaluator who is not a specialist in alienation misdiagnoses the rejected parent with a dispositional disorder or with a serious psychological condition. This happens because the professional has failed to assess whether the symptomatic behavior is situationally caused—resulting from the trauma of the alienation—as opposed to being caused by an internal characteristic. When attributing the problems to the latter, absent an assessment to rule out for situational factors, the professional has committed an error known as the “fundamental attribution error.” Before arriving at the finding that the problematic behavior is characterological, one must establish that the behavior is casually connected to the rejection—that is, temporally connected or *preceding* the rejection. If the problematical behavior is a *response* to the rejection, then it could not have caused the rejection. Alienated/rejected parents are trauma victims; they are *reacting* to the rejection, humiliation, and maltreatment by their beloved children. Surely, it is an example of blaming the victim when professionals criticize and pathologize the rejected parent for having had a normal human reaction such as anger, fear, anxiety, or any other symptom associated with trauma.

The alienating parent's letter to the child

The *TPFF* treatment protocol requests alienating parents to write a letter to their children—the principal purpose for the letter being an assessment tool to test the “conscience of the alienating parent” in determining if she or he is genuinely supportive of the reunification. The letter is *not* a precondition for admission of the alienated parent and child(ren) into *TPFF*; nor is the letter a necessity for successful treatment. However, the letter is requested of alienating parents upon receipt of the court order for the *TPFF* intervention. Ideally, an approved letter can be read to the child during the four-day intervention. To reiterate, the letter is not needed for—but can be helpful to—a successful intervention.

The issues requested of alienating parents to express to their children in the letter are: 1) genuine support and why for the child’s relationship with the alienated parent, 2) the qualities that the alienated parent has to offer the child, 3) the importance to the child of having the alienated parent meaningfully in her or his life and why, and 4) should false allegations of child abuse have been alleged, the alienating parent must convey to the child that the child is safe in the custody of the alienated parent; 5) should the favored parent have placed the blame on the child for rejecting, resisting, and/or maltreating the targeted parent—for example, stating that it was the child’s choice not to comply with the parenting plan and to maltreat the targeted parent—then the favored parent must explicitly and definitively absolve the child from being responsible for any inappropriate and hurtful behaviors towards their targeted parent. No child should have to carry the guilt for these behaviors—which will burden and punish the child for the rest of her or his life if not convincingly absolved. Only the favored parent has the authority to do this.

I want to emphasize this crucial purpose of the favored/alienating parent’s letter to the child to exonerate the child from guilt by having blamed the child for the behaviors resulting in court proceedings. It is typical of favored/alienating parents to claim that they had only acceded to their child’s wishes to not have a relationship with the rejected/alienated parent, and this script is mimicked by the child. This defense of “plausible deniability” by favored/alienating parents places the blame for the alienation squarely on the shoulders of the child. How horrific! In defense of their alienating parent, *all* children who had participated in the *TPFF* intervention shouldered the blame for the family crisis by stating it was their choice not to have a relationship and to maltreat and/or abuse their alienated parent. Unless the alienating parent takes responsibility for the alienation and for the child’s unjustified rejection of the other parent, the child must live with this burdensome guilt for the rest of their lives—until and unless exonerated by the alienating parent. Although the alienated parent makes it clear during the *TPFF* intervention that it was not the child’s fault, this does not sufficiently absolve the child of guilt.

The expectations for the letter comply with the standard of the best interests of the child. These expectations are not extreme; to the contrary, I would expect that each applicable message be conveyed by every separating/divorcing parent to their children.

Other issues to be addressed in the letter may be requested of the favored parent on a case by case basis after *TPFF* has formed opinions about the family dynamics from observations during the intervention and discussions with both parents.

The apology letter

At some point during the alienating parent's therapy—hopefully upon having gained insight into the parent's behaviors that had required the court order for the *TPFF* intervention—the alienating parent is requested to write an apology letter to the child and alienated parent accepting responsibility for the alienating behaviors. As with any other case of child abuse, child protection requires the relinquishment of offending behaviors prior to permitting contact between the offending parent and child. And one cannot fix what one does not deem to be broken. I recognize that this letter has been misperceived to be punitive towards the alienating parent. The letter is not intended to be so but is, instead, a necessity required by child protection. I ask that the reader to substitute sexual or physical abuse for parental alienation and then process the request for the apology letter according to these clinical conditions.

The apology letter is expected to be provided to the alienated parent and child in a therapeutic situation. The purposes of apology letter comply with the standard of the best interests of the child. There are several reasons, which I cite as follows:

- 1) It is the typical course of developments in severe alienation cases for alienating parents to declare that they had not instigated nor are responsible for the alienation but were, instead, only *responding* to their child's grievances, complaints, and even child abuse allegations against the other parent. Alienating parents are thereby engaging in "plausible deniability" by callously placing squarely on their children's shoulders the blame for the alienation—and for all the consequent family negativity, frustration, hostilities, depletion of family assets, etc.—that such a devious and untruthful claim engenders. What a horrific burden the alienating parent has inflicted on the child! Just Imagine the lifetime of guilt the child will likely endure if not disabused of this devious and untruthful claim.
- 2) On some level, alienated children recognize that they have abused, maltreated, defied, rejected, and/or told appalling lies about a parent. Alienated children do not, however, realize that they had been manipulated by their alienating parent to engage in these antisocial behaviors and that they had not been free agents when they did so. So again, alienated children are at risk for suffering a lifetime of guilt—and will likely do so until and unless they are *fully* exonerated from having engaged in behaviors which so grievously harmed their alienated parent. Even though the *TPFF* treatment protocol requires alienated parents to not only forgive their children but to also exonerate their children from having committed these behaviors, the alienated parent's pardon is not generally sufficient—although necessary. It is only when alienating parents accept such responsibility for having negatively manipulated their children to engage in these behaviors, is it possible for the child to relinquish guilt.

- 3) Humans learn by example; seldom, if at all, do we learn by words—which are readily forgotten or frequently ignored. The best way, therefore, to teach children to take responsibility for their mistakes and misadventures is for parents to model acceptance of responsibility for their own mistakes and misadventures.
- 4) Should the child believe a false claim of child abuse, the belief must be corrected because the child has the same risk potential for PTSD and other psychiatric disturbances as if the abuse had actually occurred. False claims of child abuse commonly occur in severe cases of alienation. The alienating parent typically initiates the false allegation or has manipulated the child or a mandated reporter do so. The false abuse allegation may be based upon the alienated parent’s harmless parenting behavior or minor mistake, but which the alienating parent so distorts or exaggerates that the abuse allegation bears no resemblance to what the alienated parent had actually done. The alienating parent then manipulates the child to confirm the abuse allegation(s). Imagine the intensity of child’s guilt for having participated in causing the ensuing CPS investigation and for any consequences that may be imposed on the innocent alienated parent!

Although it may be difficult for the alienating parent to assume full responsibility for the role played in instigating the false claims of child abuse and to apologize to the alienated parent and child for having done so—doing so serves the child’s best interests. A child cannot develop normally if falsely believing that a parent had physically or sexually abused him or her. It is simply not sufficient to a child’s healthy development merely to hear from the alienating parent that he or she is currently safe in the care and custody of the alienated parent should the child continue to believe that a prior false abuse incident(s) had occurred.

Although the *TPFF* intervention intervenes to correct the child’s erroneous perceptions of the alienated parent, only the alienating parent has the ability to *convincingly* correct the child’s distorted belief system about the alienated parent and family history. The alienating parent’s acceptance of responsibility for his or her badmouthing of the alienated parent and consequent apology for these behaviors go a long way to reducing the child’s risk potential for major dysfunction across the behavioral, cognitive, emotional, and interpersonal spectrums. Most importantly, the alienating parent’s apology will significantly counter the propensity of alienated children to “seek love in all the wrong places” and to engage in repetitive behaviors of entering abusive relationships because of the erroneous belief that their alienated parent had abused them.

- 5) It is an expectation in family therapy that there be acceptance of and apologies given for family member’s mistakes that have hurt or have violated the rights of other family members. Parents are expected to model acceptance of and apologies for bad behaviors so that their children are more likely to do the same. It is very difficult for alienated parents to apologize for their actual mistakes given the context of having had to continuously defend against false allegations of having committed horrific

behaviors that frequently involve child abuse and child sex abuse allegations. When the alienating parent apologizes for having engaged in an array of alienating behaviors, alienated parents are more likely to accept responsibility for their misdeeds and provide appropriate apologies. (TPFF does, however, require that the alienated parent apologize for their parenting mistakes, and the alienated parent has virtually always complied with the request.)

Children need to observe both parents' acceptance of responsibility for their respective mistakes and misdeeds.

Family Healing

TPFF is committed to facilitating a meaningful and respectful co-parenting relationship and assuring that both parents are meaningfully involved with their child—but this is predicated upon the favored parent conveying to the child genuine support for the reunification and an ongoing relationship with the rejected parent. When the favored parent conveys *genuine* support for the relationship between the other parent and their child, the child knows and *experiences* it and reacts accordingly to swiftly embrace the rejected parent. Even a prudent parent's perception recognizes that parental competency involves the capacity to get a child to do what the parent *genuinely* wants the child to do. A parent cannot simultaneously claim both genuine support and competency when declaring that he or she has always supported the relationship but the child has nonetheless failed to comply. Lack of genuineness or incompetency: Take your pick!

TPFF will attempt to engage the favored parent to address the barriers to expeditiously lifting the no-contact period. This is handled through daily telephone contact during the 4-day intervention to provide parent-education services that address a parent's responsibility to facilitate and *guarantee* the relationship between the other parent and their child and to address the profoundly detrimental effects to children from having had a loving parent driven from their lives. It is important that the favored parent engage in treatment with a therapist to address the behaviors that had been employed to influence the child against the rejected parent and to address the parent's failure to be proactive in *requiring* the child to have a relationship with the rejected parent—*just as a competent parent would require the child attend school and to keep medical appointments*. Because this type of therapy requires special skills, it is recommended that the TPFF program approves the selection of therapist. An inappropriate therapist would only result in delay the favorite/alienating parent's healing process. TPFF collaborates with the favored parent's therapist to facilitate the therapy—one goal of which is intended to overcome the barriers to lifting the no-contact period. Through this collaborative effort, recommendations will be made to the court based upon the parent's efforts at change.

Timely Transition to the care of the Alienated/Rejected Parent

Generally, it is best for the child to be transitioned to the care of the alienated/rejected parent at the time of the court order for the intervention at *TPFF*. Given the research we have about the profound psychological instability of severe alienators—and especially if the alienating/favored parent has had a history of suicidal ideation, attempts, and/or threats, or if there are other significant red flags for instability—it may be a grave risk to the child to remain in the alienating/favored parent’s care until the initiation of the intervention. There have been some situations in which the alienating/favored parent has absconded with the child subsequent to the court ruling for treatment. And in a few rare cases, the alienating/favored parent has committed the act of homicide of the child and then suicide. Another important reason for the prompt transition of the child into the care of the alienated/rejected parent is that the alienating/favored parent will take advantage of the time between the ruling and the intervention to escalate the brainwashing process—just as described by Clawer and Rivlin. The *TPFF* intervention should, therefore, ideally begin immediately upon the issuing of the court order. Alternative placement with the alienated/rejected parents’ extended family can be an option should the alienated/rejected parent not be available immediately upon the issuance of the court order.

Location:

The family will need to travel to New York and secure accommodations of their choosing in a hotel or in a short-term house rental. *TPFF* is not a residential program. I arrange for a nearby New York location to meet for the therapy sessions, and the afternoon activities are selected by the family from a list of nearby attractions. The precise location in New York for the intervention is selected based upon the family’s convenience and interest.

Requirements for admission:

TPFF accepts and relies upon the findings of the Court, which heard testimony and received evidence regarding the family dynamics. *TPFF* therefore operates on the premise that the court has determined: 1) the child is safe in the care of the rejected parent, and 2) the favored parent has, at a minimum, interfered with and/or not adequately supported the relationship between the other parent and their child. *TPFF* is not suitable for and does not accept referrals for cases of bona fide protective causes for the rejection.

Given all of the above, the following stipulations of the Court order must include:

- 1) the child to accompany the rejected parent to New York to attend the 4-day intervention at *TPFF*.
- 2) a temporary or permanent order for the transfer of sole physical and legal custody to the rejected parent;

- 3) a 90-day no-contact period between the child and the favored parent and contributing alliances; this must include all telephone and electronic communications as well as physical contact. Lifting of the no-contact must be dependent upon stabilization of the child's reconnection with the rejected parent *and* the favored parent's demonstration of willingness and commitment to support the relationship between the other parent and their child. A control date should be set for the Court to hear testimony as to these factors so as to make a determination if extension of the no-contact is required. Notice must be taken that relapse is a virtual certainty should there be contact with an unreformed favored parent. By the same token, when the favored parent demonstrates genuine support for the reunification, the child swiftly and eagerly welcomes back the rejected or alienated parent;
- 4) a requirement for the favored parent to accept parent education services with *TPFF*;
- 5) the favored parent is expected to write a letter to the child—the specifics in the letter were already discussed. This letter is to be approved by *TPFF* before being given to the child;
- 6) the favored parent is to provide the alienated/rejected parent with any mementos, videos, pictures, and other materials indicative of the family history and of the rejected parent's involvement with their child to be used in the intervention—should the rejected parent not have this in her or his possession;
- 7) the favored parent is to engage with a *TPFF*-approved therapist to address her or his behaviors that had contributed to the damaged or severed relationship between the other parent and their child, to gain awareness about the damage done to the child from the loss of a meaningful relationship with the rejected parent, and to recognize that it is in the child's best interests for the other parent to be meaningfully in the child's life. Before the no-contact period can be lifted, the therapist should provide documentation that the favored parent is ready, willing, and able to support the relationship between the other parent and their child and will abstain from alienating/favored behaviors.

★ *TPFF does not have a minimum or maximum age-requirement for the child. I have treated children as young as 12 months for refusal to be cuddled by a loving parent at the instigation of the other parent. TPFF does not have an upper age limit either. Children who have aged-out are welcome to participate on a voluntary basis.*

Upon the request of the Court, *TPFF* will provide a summary and/or give testimony regarding the intervention developments, recommendations for follow-up care, and other concerns the Court may wish *TPFF* to address.

Travel to TPFF

There are two options for travel to TPFF. But the preferable option is for the child to travel under the supervision and care of the rejected parent—and more than 95 % of the children did come under the auspices of the rejected parent.

Given my experience assessing and/or treating cases in which alienation has occurred—involving direct treatment of more than 700 alienated children and involving another 250 children whom I assessed to be alienated based upon the clinical files—I can state with a high degree of clinical certainty that the alienated child secretly craves the reunification—even if the desire has been repressed. When caught imposes no contact-period, the court frees the child's loyalty web. Counterintuitively, the court order not only frees the child from abuse, but it is what the child secretly craves.

The assistance of relatives or significant friends of the alienated/rejected parent who have had a previously positive relationship with the child is welcomed and appreciated and will further be meaningfully incorporated into the reunification therapy.

As an alternative option, the favored parent may escort the child to TPFF and transition the child to the care of the rejected parent in my presence. It is helpful to the child and further indicative of the favored parent's *genuine* support for the reunification if the letter that had been previously discussed and approved can be read aloud in the presence of all parties. Upon the transition, the favored parent will promptly depart TPFF and will not remain within 60 miles of the location of the treatment intervention.

Although there are our professional transport services for this kind of travel, it has thus far been *unnecessary* to have relied upon such services.

In response to the comments of a small number of professionals—generally those who have not had experience treating severe alienation—I trust that the following information allays the concern that this intervention—including travel to TPFF—is traumatic for the child: All of the evidenced-based outcome data at Turning Points for Families and the research undertaken at Family Bridges and at Family Reflections conclusively dispute this. No child has been traumatized nor has acted on any threat for self-harm or running away—even though some have made the threats. The children love the activity portion of the intervention, and the therapeutic sessions are *no more* uncomfortable than what is the norm for other models of therapeutic change. The trauma concern is based upon pure speculation: *there is nothing in the peer-reviewed clinical literature to support this speculation*. In fact, the clinical literature supports just the opposite: *that the repairing of the parent-child relationship is in the child's best interests and is embraced by the child*.

Payment of Fees:

The program fee—considered to be very reasonable for this type of intervention—and identification of the covered services will be provided upon request. The program services include, but are not limited to, pre-planning and post intervention services. Successful results are significantly enhanced if the alienating/favored parent is primarily, if not solely responsible, for the fee—wherever possible. The reconnection is much more intense and is further enhanced if the alienating/favored parent cooperates by freeing the child from the loyalty web—and a financial investment can be a huge motivating factor to gaining this cooperation—this is simply human nature. But at least some financial investment by the favored/alienating parent is highly recommended although not required.

One third of the program fee is taken as a non-refundable deposit when the intervention time is scheduled and thereby reserved. The deposit reserves the time, and no other intervention can thereby be scheduled during that time slot—only one family at a time participates. However, as a courtesy, and in recognition that legal proceedings and other maneuvers may preclude the intervention from occurring at the scheduled time, the full deposit will be deemed as a non-refundable *credit* and can be applied to a mutually agreeable rescheduled date—should that hopefully occur.

Program Summary

A therapy session is provided daily on each of the 4 days and lasts for 3-4 hours. The balance of the day is also therapeutic—perhaps even more so; this is because the rejected parent and child will be engaging in continual new corrective *experiences* with each other as they enjoy exploring the local attractions and experiencing mutually satisfying activities. They can visit the local library where the rejected parent can provide tutorial services if needed. Other options are museums, amusement parks, gardens, swimming, boating, bowling, ice-skating, hiking, rock climbing, trampoline activities, and of course, toy and electronic stores. The rejected parent's authority with the child is re-established as a result of the supervision, nurturing, and support being provided by her/him throughout the four days. I accompany the family on these activities, coaching and intervening when necessary and monitoring the developments. At the conclusion of the daily activity at dinner time, the family retires to their selected accommodations.

I am on call after we separate should my services be needed in an emergency—which has never happened, by the way!

After-care services:

As Turning Points for Families is an intensive program that “jump-starts” the reunification process, after-care family treatment with a local, experienced family therapist assures the maintenance and enhancement of the reunification. The therapy involves the child(ren), alienated/rejected parent, and other family members living in the home with the child and parent—especially another parental figure. In general, individual therapy follow-up therapy for the child is ***contraindicated***—meaning forbidden. The story script takes much longer to change than does the positive

behavioral changes that had occurred at *TPFF*. Individual therapy will therefore only serve as a forum for the programmed child to revert to venting the programmed script, just as a cult member will only repeat the words of the cult leader—and this only subjects the child to abuse from reliving the alienation script. One goal of the family therapy is to empower the alienated/rejected parent to help the child deal with any problems.

I am available to serve in a collaborative role with all therapists providing aftercare treatment to the family members, including the alienating/favored parent's therapist.

Statistical Outcomes/Peer Review

Turning Points for Families has proven to be a highly successful reunification program. The program's outcome data has recently been studied by Colorado State University, and a research article regarding its outcome has been submitted to a peer-review journal for publication.

THE INTERVENTION IS VIDEO RECORDED AND IS PRIVILEGED. SEE BELOW

Treatment Protocol Regarding the Video Recording of the TPFF Intervention

Please note that the program's standard treatment protocol to video record the TPFF intervention is for the private use of the program in order to: 1) create a safe, protected, confidential environment for the child to invest in and reconnect to the alienated parent; 2) for the program to review and observe and assess the accurate and complete statements, interactions, body language, and affect of the participants in the sessions; and 3) create an correct, contemporaneous written summary that accounts for the general themes that had occurred during the intervention.

Regarding No. 1, the therapy has a high probability of *failing* should the child not be assured of the confidentiality of the videos. That is, without such assurances of confidentiality, the alienated child will be *fearful of reprisals* by the alienating parent, who, in viewing the videos, will observe the depth, willingness, and genuineness of the child's reconnection to the alienated parent. In other words, just as the success of the intervention is dependent upon the no-contact period, so the same rationale applies to preserving the confidentiality of the videos. The child must have the assurance of confidentiality in order to be freed from the loyalty conflict that had been thrust upon him or her by the alienating parent and thereby reconnect to the alienated parent.

Regarding No. 2, the TPFF reunification program is an intense, complex, and sophisticated intervention that relies upon review of the video of each day's preceding events in order to develop the succeeding day's most effective strategies and interventions for the particular idiosyncratic family that is currently participating

in the program. Given the ease with which videos can be copied in today's technological culture, it is in keeping with the standard of the best interests of the child to zealously guard against the possible inappropriate dissemination of the videos—videos that often depict an acting-out, surly, and defiant child—and which may thereby be used against the child should unprotected videos thereby fall into the wrong hands.

Regarding No. 3, the program will create a contemporaneous written record of the major events to have transpired during in the intervention based upon a review of the video recordings. The purpose is to be informative to the court in any ongoing legal proceedings. Once the contemporaneous written record is created, the program has no obligation to retain the video recordings.

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EXHIBIT 5

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Feb 26th, 2022

Dear Dr. Collins,

As of now you have met my ex husband and discussed our family background at least 5 -6 times from his one sided story. As of now, you have not allowed me to meet you in person. I have requested to speak to you even just by phone but some how your schedule just won't permit. You allowed me to speak to you for a total of 20 minutes this whole 2 months since you first met with Jim on Dec 29th, 2021. During that 20 minutes you told me that you will have nothing to report to the court as you have not had enough time to learn about the family's dynamics. A week later, you wrote a report that was clearly influenced by a one sided story. You made conclusions before you even had the chance to really understand the history of this family. It has been almost 20 days since you wrote to me stating that one of your "next steps is to contact Mother to collect family's background." As of today, you still haven't done that yet. How can you come up with the report you did when you have not even had the chance to collect your clients' family background? You indicated in your report that "information provided by Guardian ad Litem was consistent with your clinical observations working with the family". When you stated "family" you meant mostly just Jim and small amount of Matthew since you were "still building rapport with Matthew" and no one else. Please request for the Guardian ad Litem's report where after spending time with the family including, Jim, Matthew, Hannah, Selena and I since the beginning of Nov 2021. The report was from after spending numerous hours with the children both in person and over the phone and after observing their behaviors while they went through court orders since Nov 2021. The first time she met Matthew, he was with me at my home. Ms. Fujii described Matthew as being a happy child. Ms. Fujii saw the progression of Matthew to where Matthew was given temporary physical and legal custody to Jim and Hannah was ordered to live with me full time. She had witnessed first hand how Matthew progressed from being a happy child under my care to someone who is despondent to a point where he threatened to hurt himself and running away. As a result, she concluded that "**currently, forcing the**

children to see Dad is arguably hurting his relationship with them.” And “Matthew perceives as he is being “forced” to be with his Dad and he resents him for it.” On the other hand, she also had reported that Hannah did not and could not eat or sleep and had no friends while at her Dad’s home when she first met Hannah in Nov 2021. And she reported now after Hannah had been in my care that Hannah is a happy child who does well in school, who has friends and are also involved with piano and arts. When Dr. Fontenelle first met Hannah, she diagnosed Hannah as being severely depressed, with anxiety and low self esteem. After Hannah being with me Dr. Fontenelle’s latest report for this last hearing stated that Hannah’s current diagnosis is :”Major depressive disorder, recurrent, in remission and unspecified anxiety disorder.” She also reported:” She is doing well in school and socially. Her depression has remitted but she continues to have anxiety. Some of her anxiety stems from the unknown anxiety about her custody. Additionally her anxiety also stem from the incident where she was physically forced into a car for a transfer that she was unaware of as it has been set up under the guise of meeting her mother at Yogurtland. Hannah expressed her fear of something like this happening again and this fear prevent her from seeing her father again.” You may or may not know that Matthew was also the victim of this set up. He too was also physically forced into a car for a transfer that he was unaware of as it has been set up under the guise of meeting his mother at Yogurtland. Hannah luckily has been in the care of Dr. Fontenelle to help treat her anxiety and to work on overcoming of the violence and mistrust placed upon her by her father. Unfortunately for Matthew he had not been under any one’s care to deal with the violence and mistrust placed upon him by his father.

In your report, you couldn’t believe how an 8 year old child would be holding on resentments about the move. What information you lack is that he was involved over 2 years with the house shopping from 2015 through 2017 and planning of the schools they would be going to. We purchased the house in Irvine right across from a school that their father and I discussed about them going there as we drove by it multiple times because the school is right in front of the house. We

moved into our Irvine house Oct 2017 and spent our times there as a family every chance we had including most if not all holidays and at least every other weekends until Sept 2018. We participated in community events and church events there. It wasn't until almost a year later Jim started to not travel there with the rest of the family. However, the children and I continued traveling there every opportunity we have as they see that house to be their home. It is there where they are the happiest because they have aunts, uncles, grandparents and cousins who surround them with love. These children had their dreams set. They were to move there and be with the people they love and go to the school that is right next to the house. When they heard the news that they weren't going there their whole world collapsed, however, they can not forget because it is there they call home.

You also stated that it is unusual for a child to hold that much resentment against his dad for **one** single event that happened when he was only 8. As I have tried to explain to you over the brief conversation that we had the different personalities of my children, Matthew is not verbal and therefore did not communicate with you all that he had gone through the last 3 years or he had not had the opportunity to tell you all as you stated, you had just built rapport with him. Matthew is not likely to be the person who will bring up the bad things that happened to him if you don't intentionally probe him on that specific topic. Even though he doesn't bring them up does not mean he didn't live through those events. For the last 3 years, Hannah had gone through therapy with 3 different psychologist, therapist and psychiatrist. Her relationship with her dad had not improved but worsen because Jim would continue to lie to her, would physically abused her multiple times, would not admit to any of his wrong doings and the mental professionals would not push Jim to discuss those topics with her. Instead, they took the approach of sweeping all Jim's wrong doings under the rug and hope that the children will forget about them. If you truly want to help the children to develop a healthy relationship with their father as I do, they will have to start there. Otherwise, the relationship that you develop if successful at all will be short lived. I am not a mental healthcare professional but I am their mother and I have witnessed what they

have gone through and nobody knows my children like I do. I have discussed this matter with Dr. Fontenelle and she agrees that Jim will have to discuss about all their resentments and lies if he wants to start a healthy relationship with his children. Ms. Fujii had also stated in her latest report:” He (Jim) must discuss with Hannah and Matthew about the promised moved to California and why it did not occur.” If Jim continues to deny the truths then you will not be successful at reestablishing their relationship and this court will continue to punish the children and I. Yes, there is no other way of seeing it as it is, a punishment on me for one failed order after another placed by what we call the justice system. And the children will continue to resent their father which I sincerely do not wish as it is not mentally healthy for them. As Dr. Fontenelle explained, “It’s important for the children to have a bond with their father especially the girls. They will have a hard time forming a meaningful relationship with men if they don’t have it with their father.” I want my children to grow up healthy physically and mentally. I want the best for my children and I want Hannah to have a normal life. I want her to be able to have a healthy relationship and be able to trust men later in life. I want her to have a healthy relationship with her father. I want them to be able to get pass the past but the only healthy way is by dealing with them.

I want to help Jim rebuild his relationship with his children but I will not lie to or deceive my children and I will not do anything to harm my children physically, emotionally or mentally.

Dr. Fontenelle testified in court that forcing the children to go with one parent or another while they are screaming and kicking will cause more resentments. That is just basic human logic and psychiatry. Jim ignored the recommendation of a very well respected psychiatrist and fought me in court to be allowed to physically use all his physical force to drag the children from one car to another which he later described as “bear hugs” when a witness, Mr. Jacob Ortega who drove the children to Yogurtland described it as a “kidnapping scene.” Jim was reprimanded by Mr. Minetto, Hannah’s second therapist multiple times in the past and advised against using any physical force on any of the children. Jim had already forgotten about that recommendation as it did not suit him. Matthew reported

that he was dragged out of one car, tossed into Jim's van backseat where his body hit "some metal piece of the van and punched in the face". Matthew was furious and kicked Jim's van window and broke it. Matthew said his glasses were crooked after the hit on his face. Jim now sees the negative effect of it and now places the blame on the court as if it was not his choice. Jim is soon to be 60 year old man who needs to take responsibility for his own actions, the choices he made and the harm it did on the children and how it affected his relationship with them. Instead, he can not take responsibility for all his wrong doings but place all the blames on me for alienating the children from him. However, as Ms. Fujii witnessed and suggested : "Dad on the other hand has to get out of his entrenched belief that Mom is poisoning the kids and alienating them from him. Dad looks for people that supports this position that Mom is coaching the kids....Dad also needs to hear Mom's side not through third parties, counselors, school teachers, CPS, and attorneys.". Jim's relationship with the children can not be repaired if he can not take responsibility for his wrong doings.

It wasn't just the one time at Yougurtland that Jim placed his hands on the children. Jim had dragged Hannah around his house multiple times. One time he dragged her out of her room, into his van, sat on her, strapped her in not just with the car seat belt but also with another restraint device so she can't just unbuckle. I raised this concern to Mr. Minetto, Hannah' therapist at the time and Jim was reprimanded for it. However, Jim did not stop there. He continued using force and man handled her, grabbing her so tightly and dragging her around his house. Hannah took pictures and sent them to me with her arms all red from being squeezed. In another event, Hannah sent pictures of her arms all scratched up from Jim grabbing her and dragging her. I brought it up to Mr. Minetto again, and Mr. Minetto told Jim again that he can not stress enough that Jim can not use any physical force on any of the children. Jim seems to have never taken that recommendation to heart. He continued using force against the children as he sees fit. Hannah was punched in the nose and bled all over the powder room sink. She called me with Jim's house phone and asked me for help because Jim had confiscated her cell phone. Hannah couldn't take any pictures of the blood that

splattered all over the sink because she didn't have her phone. However, both Matthew and Selena later reported to me that they had saw the blood all over the sink. I didn't know how to help Hannah other than calling the police to come to Jim's house. When the police arrived, Jim had already wiped up all the blood. Jim responded in his declaration that he did not punch Hannah but that Hannah "walked into his hand" and bleed. Hannah is 4 foot 7 inch. Jim is not a very tall man. Hannah's nose is not any where near Jim's hand's level for Hannah to walk into. As of now, Hannah still brings this event up, resenting her dad for lying to the police officers. Hannah reported to me that Jim brought up to the police officers that arrived that he was the hand surgeon for the police force in town. I can imagine that this is something Jim would have done as he collects all police officers' business cards that he had taken care of and store them in his car's glove compartment. During our marriage, whenever Jim got pulled over for reckless driving, Jim would pull out that stack of business cards and they would let him go without any citations. That got Jim out of trouble with the police who arrived at the house but it did not save his relationship with his daughter. Hannah is still very bitter about it and her resentments continue to build up.

At another incident, Hannah and I FaceTimed each other so she can show off her skill of making fried rice then we were going to sit down and have dinner together over the phone. She was so proud of her accomplishment when she was done. She scooped up some and put in a bowl and went into her bedroom to eat. We were about to sit down and have dinner together over Face time until Jim walked into her room and demanded for her to go back into the kitchen and clean up. Hannah asked if she could eat first while her food is hot and clean up after. Jim refused and Hannah's phone got hung up. 5-10 minutes later, Hannah called me back sobbing telling me that she had spilled the pan with the left over fried rice onto the floor, Jim got upset and shoved the hot pan onto her arm causing a red burn mark on her arm and that he proceeded with dumping the rest of her fried rice that she did not get to eat into the trash can. Hannah went to bed hungry that night. I called CPS the next day. CPS visited Hannah and informed me that the burn mark was not as bad as what she is accustomed to seeing so nothing was done. Jim got a way

with it again. However, that does not mean Hannah did not live the horror and bitter life under Jim's roof. And the resentment continues to build up.

The day after the Yogurtland kidnaping scene, Hannah called me telling me of the struggle both she and Matthew went through. Both Hannah and Matthew had not seen their sister for days because they had been staying with me. When they got back to Jim's house, they did not see their 7 year old sister, Selena. Jim kept Selena somewhere else that Friday night. Selena did not return home until Saturday morning. When Matthew and Hannah got back to Jim's house Matthew stayed in Hannah's room that whole weekend. Hannah wanted Selena to do a "sleep over" in her room because she had not seen Selena. Jim did not allow it and Hannah was unhappy because there was no reason why they couldn't since it was a Saturday night and there was no school the next day which was the excuse Jim used previously to prevent Selena from sleeping in Hannah's room. Hannah was upset, left her room and confronted with Jim. At that point, Hannah and Jim got into an altercation and Hannah was trapped under Jim. Matthew left Hannah's room to go help Hannah. Hannah escaped Jim and Jim grabbed Matthew. Jim was sitting on the couch with his legs wrapped around Matthew and his one arm around Matthew's neck choking him. Jim would not let go of Matthew. Hannah took Jim's lap top and told Jim that if he didn't let go of Matthew she would have smashed his laptop onto the floor. At that point, Jim let go of Matthew and both children ran back into Hannah's room and locked the door fearing for their lives. Matthew was very grateful to Hannah as he described it: "She saved my life, mommy". The next day, Sunday morning, Jim dropped the children at my house at around 9 AM. The children ran out of Jim's car as fast as they could like prisoners being freed after being held captive and tortured. Jim did not say any thing to me.

When I took the children inside my house, Hannah showed me the bruises Jim left on her body. Hannah said: "He squeezed me so hard and lifted me off the ground and it was hurting me so much mommy but he wouldn't let go." I took some pictures of Hannah with the bruises. Jim did not even have the courtesy to warn me ahead of time or gave me any explanation of what went on in his house even

after I wrote to him asking for an explanation. To date, Jim gave no explanation what so ever to me in person, email, Our Family Wizard or in court. The court also did not even address this issue with Jim.

Ms. Val Fujii visited my house for the first time a couple of days later and saw the bruises on Hannah. Ms. Fujii suggested for me not to call CPS as she said that will not make things better between Jim and I. She also stated that CPS sees severe cases and that they would just dismiss this case. I hesitated and went against my judgment but I followed her recommendation and did not report to CPS. However, I called Dr. Fontenelle's office and ask for her recommendation of what I should do. I was told to call CPS before the night was over. Because Hannah was going to see Dr. Fontenelle the next day for their previously scheduled appointment, I wanted Dr. Fontenelle to make a professional assessment and act accordingly. After Dr. Fontenelle saw Hannah, she told me that she will have to call CPS as those were "marks Hannah can not placed on herself". Dr. Fontenelle reported Jim to CPS for physically abusing Hannah. I wrote to Jim asking him to explain what happened and how Hannah got the bruises on her body. Jim never replied.

Hannah and Matthew reported to me that Jim was recording during the altercation and choking of Matthew. This is not unusual of Jim's character as Jim sees nothing wrong with placing recorders throughout the house taping my conversations before handing the phone over to the children. Hannah found recordings under her bed, in her bathroom, wrapped inside newspapers hiding under the couch and on the dinning table. My counsel demanded for the recordings at the beginning of our divorce. Jim turned over 2 but it did not stop him from continuing recording the children. During court, I asked for the recording of the choking of Matthew and bruising of Hannah to be handed over. Both Jim's counsel and the judge protected Jim and refused to force Jim to hand it over. Jim never denied not recording the event but stayed quiet hiding behind his attorneys and the judge's protection. Ms. Fujii can not believe that Jim could possibly do something that stupid during this time so she dismissed it. No body demanded Jim to give an explanation or talk about what happened that Saturday, the day after the kidnapping scene at Yogurtland. My

children have no reason to lie to me to make up those stories. Hannah have bruises that Jim left behind that lasted over a week to prove it. During that week, Hannah made sure she wore long sleeves to hide her bruises when going out in public. Again, Jim got away with physically abusing the children. Just because Jim got powerful forces backing him does not mean the children did not live through the abuse. They will not forget it and the resentment continues to build up. As you may have noticed by now, Matthew refuses to have his dad touches him in any way. Hannah responds the same way. Jim has traumatized them to a point where his physical touch is repulsive to them. This traumatic event where the children were physically abused have to be addressed if the children were to ever allow Jim to touch them again.

Over 2 years ago, Hannah started developing pain throughout her body. I brought it up to Mr. Minetto and he suggested that it could possibly be psychosomatic pain. Hannah was complaining of shortness of breath, sweating and feeling really hot. She reported that she opened Jim's freezer and laid on the floor with the freezer door open. Jim came by and took her temperature, told her that she did not have a fever and left her unattended. She reported that her chest hurt, her neck and back was hurting and she was also having abdominal pain where she had to hunch over while walking. Hannah also complained of frequent severe headaches. Jim dismissed all Hannah's symptoms and gave her some feminine pads. That was 2 years ago and to date, Hannah still has not menstruated. A year ago, I brought up to the court of my concerns about Hannah's symptoms and Mr.Minetto's thoughts of the possibility of psychosomatic pain. I brought up about my concern that Hannah is now very depressed. Jim denied that Hannah could possibly have psychosomatic pain or depression. Because of Hannah's sever pain on her feet, she was seen by a foot specialist where she was diagnosed of flat feet. They could not explain why she was having other symptoms so blood test was taken and she was sent to a child rheumatologist, Dr. Rob Lowe. Dr. Lowe diagnosed Hannah of amplified pain which he explained is equivalent to adult fibromyalgia except amplified pain in children have an 80%chance of recovery but if left untreated will become

adult fibromyalgia when the patient becomes an adult at which point will only have 20% chance of recovery rate. Dr. Lowe explained to Jim that the pain is real and that Jim needs to recognize it. Other diagnosis Dr. Lowe included were anxiety, abdominal pain, non-restorative sleep, neck pain, and back pain. Dr. Lowe then recommended Hannah to be seen by a child psychiatrist, Dr. Fontenelle. At the beginning of her divorce, Hannah was seen by Dr. Michelle Gravely for about 1 year and even Jim stated was not helping. No diagnosis of any sorts were made by her. However, Dr. Gravely also never diagnosed of alienation of any sorts. Jim insisted on Hannah seeing Dr. Bree Mullins as his own personal therapist insisted on us taking Hannah to her. Dr. Mullins had her associate, Mr. Minetto directly manage Hannah under her supervision. Hannah was reluctant to see another therapist at first but Mr. Minetto built rapport with Hannah and she agreed to see him. Hannah continued seeing Mr. Minetto for about a year. He was disapproving of Jim laying his hands on Hannah but was not firm enough to prevent Jim from ever doing it again. He saw signs of depression, anxiety and psychosomatic pain but never actually diagnosed them. Her underlining issues against her father was never addressed but hidden. He tried to improve Hannah's relationship with her dad by forcing him on to her without addressing her resentments. Hannah eventually refused to see Mr. Minetto saying he was not helping. Even during my time, I encouraged her to continue therapy but toward the end she often ran out of the room crying and not completing her treatment time. Mr. Minetto also did not report any alienation.

After Hannah refused to see Mr. Minetto, Jim tried to force Hannah to go back to therapy but with Dr. Bree Mullin, someone who Jim's personal therapist specifically requested for Jim even though Dr. Fontenelle had already developed rapport with Hannah and is the only one Hannah is willing to see. When that did not work Jim tried to force Matthew to go see Dr. Mullins even though the court had made the order for him to see you. The following is Jim's first email to Dr. Mullin to taint her mind even before Matthew became Dr. Mullin's patient:

From: James Vahey <hotsail.jim@gmail.com>
Subject: Re: Requested services
Date: December 8, 2021 at 1:20:16 PM PST
To: Bree Mullin <drmullin@psychsolutionsnv.com>
Cc: Minh Nguyet Luong <luongdds@gmail.com>, Team Administrator
<admin@psychsolutionsnv.com>

About four weeks ago, the court temporarily gave full legal and physical custody of Matthew (11) to me and had Hannah (12) stay with Minh on a full time basis. Selena (7) continues with joint custody.

Sadly, after Matthew returned to my custody after an eight week period continuously out of my custody and not attending school, **Matthew had become very alienated** and began acting the way Hannah started to a year and a half ago. Hannah has only gotten worse since terminating therapy in February of this year. We don't want Matthew to suffer the way Hannah

As to date, Hannah has been treated by 3 mental specialists and Matthew by 1 other besides you. The children also spent a lot of time with Ms. Fujii. None have reported alienation. As Jim try to blame alienation for the reasons why the children are estranged to him his relationship with them will not improve. This email to Dr. Mullins were written soon after the Yogurtland kidnapping scene and the altercation, choking event at Jim's house. Jim just can't fathom that his physical violence against the children have any part in them being estranged to him. One can not be forgiven of his sins if he can not admit to them. Jim can also not improve on his relationship with his children if he refuses to learn from his mistakes.

Jim thinks he can persuade Dr. Mullins to side with him and pin me for alienation instead of really focusing on how to improve on his relationship with his children. He reached out to her to seek therapy for Matthew even though the order stated for Matthew to see another therapist, you. In my defense from Jim's accusation I sent the following to Dr. Mullins:

Please only send court-orders. Your interpretation is tainting Dr. Mullin's mind. Both Dr. Fontenelle and the children minor's counsel have stated that there is NO alienation. Court orders did NOT say to bring any of the kids to Dr. Bree Mullins' office.

You left out the parts how you have dragged the children out of one's car and into your car and the day after physically abused them to a point where you left bruises on

Hannah's body and Dr. Fontennelle had called CPS on you. Do you think it's possible for the children to feel estranged from you because of your physical violence towards them? But instead, you accused me of alienation?

After receiving my email, Dr. Mullins refused services to Jim.

I have no doubt in my mind that it was the first thing Jim did to you what he tries to do with everyone including Matthew's coach and Matthew's counselor, Ms. Karen Davis. Jim quoted Ms. Davis in his declaration as if she supports him for his actions. I contacted Ms. Davis and spoke to her in front of the Vice Principle on speakers. They both reassured me that they do not get involve with personal family affairs and denied all Jim's claims. Ms. Davis clearly stated that she only gets involve if it pertains to Matthew's grades and she is not here to take sides, not like Jim claims.

Over a year and a half ago, Matthew also started developing amplified pain similarly to Hannah. Both these children do not know what they are other than the effects of their pain. Matthew complained of severe headaches that he would break down crying even during a fun event. Matthew stated: "Life is so stressful, why don't I die already." It became so frequent that I brought it up to Jim. Just like how he treated Hannah and dismissed her amplified pain, he dismissed Matthew's headaches saying that it was only from his eyesight. We took Matthew to his pediatric ophthalmologist, Dr. Grace Shin that the children have been seeing for over 5 years. Dr. Shin is an acquaintance of Jim and told Jim that it is not Matthew's eyesight and that his headaches are from something else. Matthew also complained of abdominal pain for days. Jim dismissed that saying that Matthew must have Rotavirus. We took Matthew to his pediatrician where we were told that it was definitely not Rotavirus and that it is due to stress in his life. Over a month ago, while under Jim's care, Matthew texted me around 5 AM complained that his whole body was shaking. Matthew refused to talk to his dad so I asked him if it was ok for me to tell his dad so his dad can help him. Matthew was reluctant at first but then agreed. I informed Jim and Jim took Matthew

to his pediatrician. They couldn't come up with any diagnosis and Jim kept Matthew out of school that day. I requested for Matthew to be seen by a psychiatrist and Dr. Fontenelle also suggested doing so, "so he can be properly be diagnosed and treated". I bring this up so you can be well informed. Matthew's actions is not as a result of what Hannah just recently get a couple of months ago. It has been going on for almost 2 years now. If left up to Jim, to date, Hannah would still not be diagnosed or treated and possibly her adolescent amplified pain will develop to adult fibromyalgia. I know you are ordered to work on Hannah and Matthew's relationship with Jim and that maybe the only thing you will focus on. However, I ask that you put the children's best interest first. Their best interest is more important than Jim's or mine. Matthew's best interest should supersede any one's secondary gain. You should know that Jim requested for physical and legal custody of Mathew and Selena and also requested for me to pay him for child support. You should be aware that Jim's intention might be encouraged by financial gains. Child support is something I would never ask for. I would only ask for my children to be healthy and happy no matter whose care they are under.

You witnessed how Matthew responded when you told him that there won't be any contacts between him and I for a period of time. Let me fill you in through Matthew's eyes: Matthew started developing headaches and abdominal pains and begged not to go to Challenger any more for he couldn't handle the amount of stress both at home and in school in August 2021. His dad at first agreed for him to go to whatever new school Hannah was going to and told him that he just needed to do Challenger online for the time being until we can figure out the school they will be transferred to. Matthew agreed and continued to do online until he just couldn't handle it any more. At that time, Jim told Matthew that he wouldn't even need to do Challenger at all any more, not in person or online. However, Jim went to court and presented as if there was nothing wrong with Matthew going to Challenger. The judge forced the children to go back to Challenger in person. Matthew felt lied to by his dad and started breathing heavily and kept quiet during the drive back to his dad's house. When we got

there, Hannah and I left the car to speak to Jim at the front door. At that point, we heard a loud noise and ran back to the car. Matthew had broken Jim's house window. The children refused to go into Jim's house that night. We went back to court and Matthew was ordered to be with Jim full time with the promise that if he was good then he will get to spend Thanksgiving with me. The total amount of time was about 4 weeks. To Matthew that felt like eternity but Matthew did what he was told so he could spend Thanksgiving with me. Even then, Jim decided to revoke his promise and decided not to allow Matthew to spend Thanksgiving with me. He told Matthew that Matthew wasn't allowed to go. It wasn't until Ms. Fujii persuaded Jim to allow Matthew to go as he had been going to school and doing what he was supposed to do. Jim didn't inform me that Matthew was allowed to go until the morning of the transfer. No body told Matthew that what he perceived as a punishment will not end after Thanksgiving. Matthew thought he would be able to go back and forth between both parents after Thanksgiving. Matthew had a great time with my family and I in our home in Irvine for Thanksgiving. After Thanksgiving, I had to tell him that he will have to continue to be with his dad until after Christmas and that I would see him on the 26th. His spirit got shattered after hearing the news. He became withdrawn and upset and as Ms. Fujii stated: "He had lost his spirit." Jim can not comprehend and see it from Matthew's perspective of why Matthew would be upset. He was told that if he goes to school and do what he is supposed to do then everything will go back to normal. Matthew did just that and things still did not go back to normal but instead his punishment got extended. Jim blamed me for the cause why Matthew became withdrawn and stated that Matthew spending Thanksgiving with me was a mistake. Matthew couldn't bare being away from me for so long. He grew to resent Jim more and more each day. I did not want to tell Matthew that after Xmas he would still have to go back to his dad full time. I asked Ms. Fujii to inform him before the 26th of December. I am not sure what was said but when Matthew was with me he still didn't understand that he had to go back to his dad full time and only see me every other weekends. After spending the New Year's with Matthew, He asked me when he will get to be with me

again and that he can not go on like this any more. I saw that he had lost all hopes so I had to give him a date that there will be a possibility that a normal schedule will resume. I told him that if he goes to school and be willing to go back and forth during the transfers then the Judge may allow a normal schedule on Feb 8th. That was the extend of the mentioning of the court date. I don't believe that mentioning court dates is the same thing as discussing court matters. Matthew needed a day he knows the torture would end. Matthew continued going to school and continued going back to his dad with no problems. He thought as Ms. Fujii also reassured him that the then schedule was just temporary and will go back to normal. This court made that promise to him. However, Jim still is not satisfied and went to court demanded for the time to be extended for an even longer period of time. How can Matthew not feel bitter and angry about life? All these adults lied to him. Not only they did not keep their promise but now took his mother away from him for what he perceives as permanently. What else is expected from Matthew? He went to school and went back to his dad. Are you and this court hoping that Matthew will develop Stockholm syndrome toward Jim? Are we expecting Matthew to be happy with his dad by taking his mom away from him for an even much longer period of time with absolutely no contacts meanwhile not addressing the issues why Mathew dislikes his dad? Jim lacks the insights therefore he was never connected with the children. Jim will claim that his relationship with his children was perfect before and he showed you pictures of their happy moments. You may not be aware that the children NEVER have been willingly go back to Jim during transfers from the moment I left Jim's house. Jim's relationship with the children was contingency on my presence while we were married. After the separation, I have called police officers to come to my house to help persuade the children to get into my car so I can drive them to Jim's house. When I get to Jim's house, I had to call Henderson police to come and help me get the children out of my car and into Jim's house. Jim felt that it is my responsibility to get the children into his house. There are multiple police calls to help with the transfers because every single transfer was traumatic. I would spend some times over 2 hours at Jim's house before being successful at

getting the kids to go to Jim. One of the police officers wrote on the report that “dad just stay in his house and refuse to come out and help.” Three years ago when Jim came to pick up the children at my house, Matthew locked himself in the bedroom, and pushed all the furniture against the door to prevent Jim from being able to come in. Jim left my house to buy tools to unlock the door. Matthew got out of the bedroom and jumped into my washing machine to hide from Jim. Matthew had also opened my second story bedroom’s windows where he was hiding to prepare to jump out of the window had Jim forced himself into the room. One time, Matthew took my car keys and intended to drive away so he didn’t have to go back to Jim. Multiple times, Matthew would hide in the trunk of my car and refuse to get out to go to Jim. Jim claimed in court that he had the perfect relationships with the children. Jim had forgotten to mention that Hannah and Matthew had ran away from Jim’s house at 5AM in December of 2019. It is 1.7 miles from Jim’s house to the guard station. When they got to the guard station they asked the guard to call me. They had told the officers that they ran away because they missed their mother. What this court and you might not be aware of is the differences in our cultures and the relationship between a mother and child compared to the American culture and their relationship between a parent and child. My children have a bond with me that Jim will never be able to have. It is something that is developed since birth and not forced by physical means. It is a bond formed by spending time with your children which Jim did not do because he was busy working 65 hours a week and saw nothing wrong with it. I asked him to work less and spend more time with his family. I brought up to him that he was working over 65 hours a week and his answer was: “So, what’s wrong with that!” But now Jim will claim that he was the primary care taker of the children. Jim has no shame and will continue to lie as long as he continues to get the support from the court and now possibly you. He refused to reduce his work hours and therefore never had bonded with the children. Had Jim bonded with the children, that bond would not be able to be broken even if his theory of me alienating the children is true. Jim tried to alienate the children from me telling them that I abandoned them for a year. That did not work and backfired on him.

The children again got another confirmation that their dad lied to them again. Asian families don't force their children out of their houses when the children reach 18. Children are encouraged to live with or stay close to their parents. Sons are expected to live with the parents. My brother is 35 years old and lives with my mother to help take care of her. I don't get to live close to my mother but I speak to her every day and I manage her medical appointments and well beings. It is our way of life. It is not right or wrong or which culture is better. It is just different. Asian families have a much stronger bond than American families. My siblings and I would see each other at least every other weekend. We make the effort and the drive of 5-8 hours to see each other every other weekend. Jim's brother, Ed and his family live in Vegas. Ed's son and my children see each other less than 2 times a year. There is a big difference in our cultures. As my American Attorney, Mr. Fred Page stated to the court multiple times: "it is possible that some children are just more bonded with one parent than another." This judge refuses to believe it and responded with: "Not this much!". This court is learning this lesson at the expense of my son. I hope you will have an open mind to accept that there are major differences among cultures.

This court is hoping with your recommendation to keep Matthew away from me for 90 days without contacts so "Matthew will have time to work on his relationship with his father." Ms. Fujii is absolutely against this cruel unjustified order and tried to explain and justify it by telling me that "they are hoping Matthew will see that his dad loves him during this 90 days and so their relationship can get better." It is not a matter if his dad loves him or not. Mathew doesn't care. Mathew is grieving the loss of his mother as he has since the separation. Like Ms. Fujii observed, "Mathew doesn't care about any body else. He Doesn't ask about his sisters, just his mom. He's a mama's boy and he just want to be with his mom." He could care less if his dad loves him or not. He just knows that his dad took away what he loves most and will only grow to resent his dad even more. If jim continue in this path, as soon as Mathew is old enough to leave jim, he will never look

back. He will never have any thing to do with jim. This is not something any body wants but will happen.

I truly believe that it is best for the children to have **healthy** relationships with both parents. However, I have done nothing to deserve for my son to be taken away from me. Matthew has done nothing wrong to be taken away from his mother. Matthew and I should not be punish for Jim's dysfunctional relationship with his son. Jim tortured the children, physically abused them but Matthew was taken away from me and given to Jim instead? Is this a case of White, male doctor privilege? Is my case approaching to be as equally unjust as Britney Spears's case? If and when my case is made public, how would each and every one involved look? It has been 20 days since I have no contacts with my son. I have no idea how he is doing because no one has the courtesy to inform me, not you and not his dad. I had asked you and your office scheduler, Dawn multiple times to speak with you about my son. But you don't even have the courtesy to make an effort to speak to me after taking my son away from me and torturing him psychologically and emotionally. What gives you and this court the power to take a son away from his mother when it is not deserved? The abusive White male doctor got rewarded and the loving minority mother got her child taken away from her. I am assuming Matthew's relationship with his dad has not improved and your theory is wrong so you have nothing to report to me? Meanwhile you and Jim will continue to torture my son. Yes, taking a mother away from a child is a TORTURE. There is no other way around seeing this no matter how you try to justify it. For the remainder of the 90 days torture, Matthew would be missing out on his grandmother's birthday, Hannah's birthday, Selena's birthday, his spring break with his family and Mother's Day, while he is being held captive and secluded in his room by himself.

I have included photos and documents for your review.

These includes the diagnosis and recommendation from Dr. Lowe.

Photos of Matthew the day after Yougurtland incident where he was punched to the decree that his glasses were crooked.

Photos of Hannah and her bruises right after she got into my house after she was physically abused by Jim and reported by Dr. Fontenelle.

Photos of Hannah and the red mark left on Hannah's skin after the shoving of the hot pan onto her arm.

Photos of Hannah's arms all scratched up from Jim dragging her throughout his house.

Recordings that Hannah took and sent to me when Jim told Hannah: "the problem begins when mommy left us and came back a year later." I never left the children but Jim told all three kids that their mother abandoned them. If this role was reversed, I would be found guilty for alienation and my children would have been taken away from me. On the other hand, Jim got rewarded with Matthew and Matthew and I got punished and ordered no contacts.

Please ask Jim for the recording that he took during the strangulation of Matthew to see how he responds as no one has dared to ask him and I was accused by the judge for making up lies and telling the children that their father's house is unsafe. I remind you, I was not the one who reported Jim to CPS but Dr. Fontenelle, a child psychiatrist who is trained to recognize and required to report when she sees child abuse.

You are now Hannah's 4th therapist and Matthew's second. I hope the path you take will make a difference in the children's lives and will actually improve their relationship with their father. Another piece of important information that Jim might not have shared with you is that he has a family history of mental disorder. His oldest brother, John is

schizophrenic and bipolar. Jim accused me of being a narcissist but I am not the one with a family history of mental disorders.

I thank you for taking the time to read this letter.

Sincerely,

Minh Luong, DDS

EXHIBIT 6

EXHIBIT 6

EXHIBIT 6

Sabrina Dolson

From: James Vahey <hotsail.jim@gmail.com>

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

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

Date: Wed, Mar 2, 2022 at 1:03 AM

Subject: Re: Psychiatry

To: Nate Mental Health Therapist Minetto <nminetto@psychinstitute.lv.com>

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

Hi Nate,

I hope you are well. I know you are no longer Hannah's therapist but I know you cared about her. I am grateful for your help with Hannah as she had you to share her thoughts and feelings with. I wanted to update you with how she is doing.

Hannah was seen by a child rheumatologist, Dr. Rob Lowe who diagnosed her of amplified pain/ psychosomatic pain. He referred her to see a child psychiatrist, Dr. Michelle Fontenelle-Gilmer. After seeing Hannah for the first time, Dr. Fontenelle diagnosed her with severe depression, anxiety and low self esteem. Hannah continued being forced to be with Jim half of the time. Jim continued to being physically and mentally abusive to Hannah despite the many times you told him that you were "absolutely against using any force on any of the children". Both Hannah and Matthew eventually couldn't take it any more and refused to return to Jim's house even after multiple police involvements. Even after multiple times you told Jim to never use force on the children, Jim

dragged the children out of one's car and tossed them into his car and drove off to his house. The next day, Jim choked Matthew with his arm around Matthew's neck and his legs wrapped around Matthew's body. Jim would not let go until Hannah threatened to smash Jim's lap top if he didn't let go of Matthew. At which point, Jim let go of Matthew. The children tried to run to Hannah's room but Jim tripped Hannah. They eventually got freed and hid in Hannah's room after. Jim physically abused Hannah to a point where he left bruises on her body. The next day the children returned to me telling me their horror story. Jim did not and still not have given me an explanation of what happened at his house. Dr. Fontenelle saw Hannah the next day and reported Jim to CPS for child abuse. Jim testified that Hannah was going to hurt Jim on the drive back to his house after he physically forced them out of one car and into his car. The judge allowed Hannah to stay with me full time after that event but she did not state for how long. Hannah has been in my care full time since before Thanksgiving. This is Dr. Fontenelle's latest report of Hannah on Feb 7th:

"Her current diagnosis is Major Depressive Disorder, recurrent, in remission and unspecified anxiety disorder. She is doing well in school and socially. Her depression has remitted but she continues to have anxiety...her anxiety stem from the incident where she was physically forced into the car for a transfer that she was unaware of, as it has been set up under the guise of meeting her mother at Yogurtland..."

I don't know what the future will hold for Hannah. Jim went to court and requested for custody of Matthew and Selena and requested for child support. Jim refuse to admit any of his wrong doings and insists that the children refuse to go to him because of my alienation. Hannah is now also seeing another psychologist, Dr. Collins to help restore her relationship with him. She will now be Hannah's 4th mental therapist. If Jim is not willing to discuss, admit and learn from his mistakes then how can their relationship ever be restored. Hannah has been documented by her Guardian ad Litem that she is completely autonomous. Jim is hoping that somehow another therapist will buy into his entrenched belief and state that the children were alienated by me and his relationship with the children somehow will be restored.

On a positive note, I am happy to inform you that since Hannah has been with me, she is a happy person again, no more crying herself to sleep every night, no more wishing she was dead. She is making friends in school and best of all she is doing extremely well academically.

Thank you for your time and thank you for being really good to Hannah.

Sincerely,

On Feb 7, 2022, at 10:09 AM, Minh Nguyet Luong <luongdds@gmail.com> wrote:

Hi Nate,

Thank you for forwarding the email. I have not heard any response from the office. Any chance you could have them get back to us?

On Jan 25, 2022, at 8:21 AM, Nate Minetto <nminetto@psychinstituteLV.com> wrote:

I forwarded the message to Michelle.

Nathaniel Minetto, MA, LCPC
Licensed Clinical Professional Counselor
Psychology Institute of Las Vegas, PLLC
P: 702-546-9600
F: 702-829-8065

www.PsychInstituteLV.com

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From: Minh Nguyet Luong <luongdds@gmail.com>
Sent: Tuesday, January 25, 2022 5:44 AM
To: Nate Minetto <nminetto@psychinstituteLV.com>
Cc: Jim Vahey <hotsail.jim@gmail.com>
Subject: Re: Psychiatry

Hi Nate,

I tried to reach out to the office to ask for our retainers to be refunded back to us and got no response. Would you kindly forward the message to your front desk? Please send my retainer to 3023 The Peaks Lane LV NV 89138.
Thank you,

On May 5, 2021, at 11:01 AM, Nate Minetto <nminetto@psychinstituteLV.com> wrote:

Right now, I only have a Tuesday at 10am.

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From: James Vahey <hotsail.jim@gmail.com>
Sent: Tuesday, May 4, 2021 10:54 AM
To: Nate Minetto <nminetto@psychinstituteLV.com>
Cc: Nguyet Luong, DDS. <luongdds@gmail.com>
Subject: Re: Psychiatry

What days and times do you have available?
Please, would it be possible for her to attend live?
Thanks

James W. Vahey, M.D.

On May 4, 2021, at 10:49 AM, Nate Minetto <nminetto@psychinstituteLV.com> wrote:

Jim and Minh,

I believe Hannah would benefit from continued services. Currently, I only have mornings available for the time being.

Best Regards,
Nate

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From: James Vahey <hotsail.jim@gmail.com>

Sent: Monday, May 3, 2021 10:32 PM

To: Nate Minetto <nminetto@psychinstituteLV.com>; Nguyet Luong, DDS.

<luongdds@gmail.com>

Subject: Re: Psychiatry

The Judge did not "terminate services" for Hannah to go to another provider. In fact, the Judge ordered that Hannah continue therapy until you (her counselor) "...determines she may be exited from therapy."

I've attached the minutes from our hearing on April 13, 2021. At this hearing the Judge ordered that Hannah continue therapy until the counselor determines she may be "EXITED" from therapy. The Judge also ordered that Minh select three psychiatrists for Hannah and provide them to me so I should pick one of them. the Judge ordered that both of us shall cooperate and work together.

Hannah shall CONTINUE THERAPY SESSIONS until the COUNSELOR determines she may be EXITED from THERAPY.

Defendant shall SELECT THREE (3) NAMES for a PSYCHIATRIST for Hannah and PROVIDE them to the Plaintiff. Plaintiff shall PICK ONE of those names and Parties shall COOPERATE and WORK TOGETHER.

I think it's possible that Minh mistook the Judge's order to find a psychiatrist as an order to terminate psychology counseling services. Nothing in the Judge's Order indicates that continuing services with you (Nate) has anything to do with having Hannah evaluated by a psychiatrist.

Minh is incorrect; I did not start looking for another counselor or psychiatrist.

On April 12th, you emailed Minh and me saying that if everyone is willing to participate in therapy that you could continue therapy services with Hannah. If you are amenable to resuming therapy as long as we are willing, then Minh and I have been ordered to facilitate therapy. The Court Order from July 13, 2020 hearing states, "The Court further orders that Minh must support and participate in the process and cooperate with Ms. Mullin, as the children's psychologist." Thus, if you (Nate and Dr. Mullin) are recommending that therapy continue, Minh must support it. I certainly will.

I am confident that Hannah will be cooperative if both Minh and I are cooperative. I am ready and willing. A child should not get to decide if she's going to get mental healthcare any more than a child should be allowed to refuse healthcare for any similarly serious physical condition. (If Hannah needed an appendectomy, would we let her refuse?) I want Hannah to have the help she needs. Presently, Hannah's certainly not ok. In fact, she's declined ever since she stopped receiving therapy. It's not Hannah's fault; she's the victim. Just as the Judge says, she's in the middle of a very high conflict situation.

On Mon, May 3, 2021 at 4:35 PM Minh Nguyet Luong <luongdds@gmail.com> wrote:

In addition, if jim can provide you the minutes you will see that his attorney stated that jims has started looking for another therapist. My attorney took offense of that because Jim did not even consult with me before looking for another therapist.

Regardless, hannah refused to get any more treatments. I spoke to her about going to a psychiatrist and she also refused. I will look for three psychiatrists as instructed by the judge but I don't know if it will go any where. I don't know why we would continue therapy if hannah refused to go and jim refused to do what is recommended?

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

On May 3, 2021, at 4:24 PM, Minh Nguyet Luong <luongdds@gmail.com> wrote:

Hi Nate,

I don't have the minutes or recording. I do remember her saying that we can not force some one to do therapy if they don't want to do it. I also recall that she asked me to provide to Jim three psychiatrists so he can pick one to help Hannah.

Minh Nguyet Luong, DDS
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Fax: 702-564-0005

On May 3, 2021, at 4:12 PM, Nate Minetto
<nminetto@psychinstitute.lv> wrote:

Minh and Jim,

I would like to request a copy of the minutes from the court session in which the judge "terminated services" for Hannah to go to another provider or a recording if it is available.

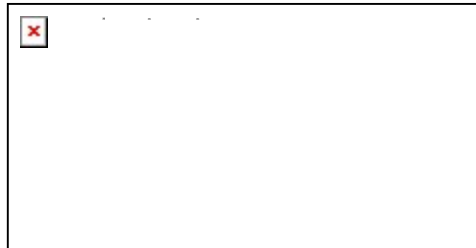
Psychiatry Referrals
Dr. Jonathan Still, <https://jonathanstillmd.com/>

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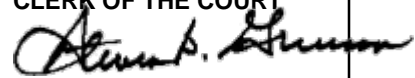
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Attorneys for Plaintiff

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

Oral Argument Requested: Yes

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

**PLAINTIFF'S 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**

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

1 to Participate in the Turning Points for Families Program with Minor
2 Children, for Defendant to Be Solely Responsible for the Costs Associated
3 with the Program, and for Related Relief (“Emergency Motion”).
4 Specifically, Jim requests this Court enter the following orders:

5 1. An Order that Jim participate in the program, Turning Points
6 for Families, with the parties’ three (3) minor children;

7 2. An Order that Defendant, MINH NGUYET LUONG
8 (“Minh”), be responsible for the cost of the program;

9 3. An Order that Minh be responsible for the cost of travel for Jim
10 and the minor children to and from New York to participate in the
11 program; and

12 4. For such other relief as the Court deems just and proper in the
13 premises.

14 This Emergency Motion is made and based upon the following
15 Memorandum of Points and Authorities, the Declaration of Jim attached
16 hereto, the attached exhibits, all papers and pleadings on file herein, as well
17 as oral argument of counsel as may be permitted at the hearing on this
18 matter.

19 DATED this 15th day of March, 2022.

20 THE DICKERSON
21 KARACSONYI LAW GROUP

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

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. FACTUAL STATEMENT**

3 Jim and Minh were married on July 8, 2006 and divorced by Decree
4 of Divorce entered on March 26, 2021. The parties have three (3) minor
5 children the issue of their marriage: Hannah, born March 19, 2009 (twelve
6 (12) years old), Matthew, born June 26, 2010 (eleven (11) years old), and
7 Selena, born April 4, 2014 (seven (7) years old).

8 The Court last held a hearing in this matter on February 8, 2022. At
9 that hearing, the Court stated it believed it would be in the best interest
10 of the children to participate in the New York program, Turning Points for
11 Families (the “Program”). The Program provides reunification therapy for
12 severe parental alienation or unreasonably disruptive parent-child
13 relationships. The Program consists of four (4) days of in person, intense
14 therapy in New York and then two (2) years of follow-up with a local
15 provider. The Court directed Jim to look into the Program and to discuss
16 with Dr. Sunshine Collins, Matthew’s therapist, whether she believed
17 attending the Program would benefit Matthew. The Court stated that Jim
18 may need to participate in the Program with Matthew first, and then with
19 Hannah at a later time, but the Program may also allow both children to
20 participate at the same time.

21 Following the hearing, Jim researched the Program and was impressed
22 and encouraged with the treatment offered. Jim also discussed the Program
23 with Dr. Collins and provided her the informative resources provided by
24 the Court. Dr. Collins also contacted the Program staff directly to find out
25 more information about the Program. Dr. Collins agrees with the Court
26 and Jim that this program could help.

27 Jim spoke to Elizabeth Eberle, the Administrator of the Program
28 regarding the Court’s suggestion that Jim could participate in the Program

1 with Matthew first and then with Hannah at a later time. Ms. Eberle
2 informed Jim that it is the Program's policy to treat all children at the same
3 time so that the children are at the same point in the reunification process,
4 rather than at various points in the reunification process at separate times.
5 Jim's counsel followed up with Linda J. Gottlieb, LMFT, LCSW-R, who
6 confirmed the information provided by Ms. Eberle. Exhibit 1, Declaration
7 of Linda J. Gottlieb, LMFT, LCSW-R. The Program also requires that Jim
8 have temporary sole legal and sole physical custody of the minor children
9 for a period of at least ninety (90) days. Pursuant to the Program, neither
10 party shall inform the children of their participation in the Program until
11 the parties have a consultation with Ms. Gottlieb, who will direct the
12 parties how to explain the Program.

13 The children will need to be transported to New York to participate
14 in the Program. Given the many issues with custody exchanges in the past,
15 Jim believes it would be best for Matthew and Selena to travel with Jim
16 and Hannah to travel with Minh to the New York location to be
17 determined by Ms. Gottlieb. Ms. Eberle provided Jim with a proposed
18 Order to be entered by the Court for Jim's and the children's participation
19 in the program. The proposed Order prepared by Jim's counsel, with the
20 information specific to this case, and which was drafted based on the
21 template order is attached hereto as Exhibit 2. The template order
22 provided by Ms. Eberle is attached hereto as Exhibit 3, for the Court's
23 reference.

24 The program will cost \$15,000 for all three (3) children. At the
25 February 8, 2022 hearing, the Court ordered that Minh shall be 75%
26 responsible for the cost of the Program and Jim shall be responsible for
27 25%. The Program materials provide, however:

28 . . .

1 Successful results are significantly enhanced if the
2 alienating/favored parent is primarily, if not solely responsible,
3 for the fee-wherever possible. The reconnection is much more
4 intense and is further enhanced if the alienating/favored parent
cooperates by freeing the child from the loyalty web-and a
financial investment can be a huge motivating factor to gaining
this cooperation-this is simply human nature.

5 **Exhibit 4**, Turning Points for Families, A Therapeutic Vacation with Linda
6 J. Gottlieb, LMFT, LCSW-R, pg. 17. The cost of travel and lodging for Jim
7 and the children will be expensive. Jim believes that Minh's being
8 responsible for the cost of the program, as well as transportation, food,
9 entertainment activities, and overnight lodging for Jim and the children
10 will motivate Minh to change her behavior.

11 Thus far, Minh has refused to comply with every Court order
12 directing her to pay Jim a sum of money. For instance, in the Findings of
13 Fact, Conclusions of Law, and Decree of Divorce, the Court ordered Minh
14 to reimburse Jim \$12,059 for expenses he paid for the parties' children,
15 \$8,771 for Minh's one-half (½) portion of the children's health insurance
16 for the period of January 2019 to September 2020, and \$11,946 for the
17 cost of Minh's health insurance from January 2019 to September 2020.
18 Decree of Divorce, entered March 26, 2021, pg. 23, line 18, to pg. 24, line
19 9. Minh has refused to pay Jim any portion of the total \$32,776 she owes
20 him. Lastly, Minh has failed to pay Jim the \$3,092.50 for attorneys' fees
21 and costs, which this Court ordered her to do within 15 days of the date
22 of the Minute Order (i.e., February 15, 2022).¹

23 Minh has consistently demonstrated her complete disregard for
24 Court orders and Jim has been so focused on addressing the dire issues
25

26 ¹ On March 14, 2022, at 8:19 p.m., Minh's counsel, Fred Page, sent a
27 letter to Jim's counsel advising that Minh's payment of fees to Jim pursuant to the
28 Court's Order has been delayed due to Mr. Page being detained by several multi-day
trials, a settlement conference, and an oral argument in Carson City. Mr. Page advised
that Minh "should get the check out to Jim in the next day or two."

1 with their children that he has not expended energy on attempting to
2 collect these amounts from Minh. However, Jim believes that if Minh is
3 forced to be solely responsible for all costs associated with the Program,
4 that Minh will start to understand that her actions have more than just a
5 psychologically damaging effect on her children, for which Minh seems to
6 have no concern. Accordingly, Jim is requesting the Court order Minh to
7 be 100% responsible for the \$15,000 cost of the Program, as well as the
8 costs of transportation, food, entertainment activities, and overnight
9 lodging for Jim and the children to participate in the Program.

10 Lastly, Jim would like to bring to the Court's attention further
11 actions by Minh since the February 8, 2022 hearing that clearly
12 demonstrate her refusal or inability to understand her alienating behavior.
13 On February 26, 2022, Minh sent a lengthy letter (20 pages long) to Dr.
14 Collins wherein she perpetuated the many lies she has told for years now.
15 Exhibit 5, February 26, 2022 Letter from Minh Luong to Dr. Sunshine
16 Collins. First, Minh perpetuated the lie that there was a family plan to
17 move to California despite all evidence demonstrating the exact opposite
18 and Judge Ritchie clearly determining the evidence failed to support
19 Minh's contention. Rather, Judge Ritchie stated he was "concerned that
20 Minh Luong's decision to live in California is intended to create a distance
21 between the parties, and to create a distance between the children and
22 their father, to avoid the sometimes tedious and inconvenient aspects of
23 co-parenting." Findings of Fact, Conclusions of Law, Decision and Order,
24 entered September 20, 2019, pg. 18, line 18, to pg. 19, line 8.

25 Second, Minh perpetuated the lie that Jim is physically abusive to the
26 children. This Court has made it clear to Minh on multiple occasions that
27 there has never been any evidence that Jim has physically abused the
28 children and there is no danger at Jim's home from which Minh needs to

1 save the children. Nevertheless, Minh continued to lie to Dr. Collins
2 claiming that Jim was abusive and that Matthew told her Hannah “saved
3 [his] life” on one occasion. Minh described one instance in which Jim
4 dropped the children off at her home as follows: “The children ran out of
5 Jim’s car as fast as they could like prisoners being freed after being held
6 captive and tortured.” Minh also told Dr. Collins that Jim “got away with
7 physically abusing the children” because he has “powerful forces backing
8 him.” Minh further attempted to excuse her poor judgment in discussing
9 hearing dates with Matthew by claiming she only told Matthew about the
10 February 8, 2022 hearing date because “Matthew needed a day he knows
11 the torture would end.”

12 In addition, Minh attempted to discount anything Matthew
13 communicated to Dr. Collins by telling her Matthew is not verbal, did not
14 communicate to her all he has gone through the past three (3) years, and
15 would not communicate the “bad things that happened to him if [Dr.
16 Collins does not] intentionally probe him on that specific topic.” Minh
17 even went so far as to try to explain certain situations “through Matthew’s
18 eyes” because she believes he will not do so himself.

19 Most importantly, Minh spent twenty (20) pages blaming Jim for all
20 the issues the children are dealing with and denied any responsibility for
21 how her behavior has negatively impacted the children and caused the
22 current situation in which the family now finds themselves. Specifically,
23 Minh claimed she has “done nothing to deserve for [her] son to be taken
24 away from [her.]” Minh’s own words demonstrate she may never
25 understand how her actions are affecting the children as she truly believes
26 “[m]y children have a bond with me that Jim will never be able to have.”

27 In addition to sending the letter to Dr. Collins, on March 2, 2022,
28 for some unknown reason, Minh sent an email to Nate Minetto, Hannah’s

1 prior therapist who she has not seen since approximately March 2021.
2 Minh carbon copied Jim on this email, which read:

3 Hi Nate,

4 I hope you are well. I know you are no longer Hannah's
5 therapist but I know you cared about her. I am grateful for
6 your help with Hannah as she had you to share her thoughts
and feelings with. I wanted to update you with how she is
doing.

7 Hannah was seen by a child rheumatologist, Dr. Rob Lowe who
8 diagnosed her of amplified pain/ psychosomatic pain. He
9 referred her to see a child psychiatrist, Dr. Michelle
Fontenelle-Gilmer. After seeing Hannah for the first time, Dr.
10 Fontenelle diagnosed her with severe depression, anxiety and
low self esteem. Hannah continued being forced to be with Jim
11 half of the time. Jim continued to being physically and
mentally abusive to Hannah despite the many times you
told him that you were "absolutely against using any force
on any of the children". Both Hannah and Matthew
12 eventually couldn't take it any more and refused to return to
Jim's house even after multiple police involvements. Even after
13 multiple times you told Jim to never use force on the children,
Jim dragged the children out of one's car and tossed them into
14 his car and drove off to his house. The next day, Jim choked
Matthew with his his arm around Matthew's neck and his
legs wrapped around Matthew's body. Jim would not let
go until Hannah threatened to smash Jim's lap top if he
didn't let go of Matthew. At which point, Jim let go of
Matthew. The children tried to run to Hannah's room but
Jim tripped Hannah. They eventually got freed and hid in
Hannah's room after. Jim physically abused Hannah to a
point where he left bruises on her body. The next day the
children returned to me telling me their horror story. Jim
19 did not and still not have given me an explanation of what
happened at his house. Dr. Fontenelle saw Hannah the next
20 day and reported Jim to CPS for child abuse. Jim testified that
Hannah was going to hurt Jim on the drive back to his house
21 after he physically forced them out of one car and into his car.
The judge allowed Hannah to stay with me full time after
that event but she did not state for how long. Hannah has
22 been in my care full time since before Thanksgiving. This is
23 Dr. Fontenelle's latest report of Hannah on Feb 7th:

24 "Her current diagnosis is Major Depressive Disorder, recurrent,
25 in remission and unspecified anxiety disorder. She is doing
well in school and socially. Her depression has remitted but
26 she continues to have anxiety...her anxiety stem from the
incident where she was physically forced into the car for a
27 transfer that she was unaware of, as it has been set up under
the guise of meeting her mother at Yogurtland..."

1 I don't know what the future will hold for Hannah. Jim went
2 to court and requested for custody of Matthew and Selena and
3 requested for child support. Jim refuse to admit any of his
4 wrong doings and insists that the children refuse to go to
5 him because of my alienation. Hannah is now also seeing
6 another psychologist, Dr. Collins to help restore her
7 relationship with him. She will now be Hannah's 4th mental
8 therapist. If Jim is not willing to discuss, admit and learn
9 from his mistakes then how can their relationship ever be
10 restored. Hannah has been documented by her Guardian ad
11 Litem that she is completely autonomous. Jim is hoping that
12 somehow another therapist will buy into his entrenched
13 belief and state that the children were alienated by me and
14 his relationship with the children somehow will be
15 restored.

9 On a positive note, I am happy to inform you that since
10 Hannah has been with me, she is a happy person again, no
11 more crying herself to sleep every night, no more wishing she
12 was dead. She is making friends in school and best of all she
13 is doing extremely well academically.

12 Thank you for your time and thank you for being really good
13 to Hannah.

13 Sincerely,

14
15 **Exhibit 6**, March 2, 2022 Email from Minh to Nate Minetto (emphasis
16 added).

17 It is difficult to determine where one should even start in addressing
18 the email from Minh, which can only be described as a defamation
19 campaign and evidence of her persistent delusions. Why Minh chose to
20 reach out to Mr. Minetto and copy Jim just to disparage and spread lies
21 about Jim is anyone's guess. One thing is clear though, Minh has not
22 accepted responsibility for her atrocious behavior, and instead continues
23 to demonstrate she has no intention of changing or listening to anyone
24 who has offered sound advice on how to help her children.

25 As recommended by the Program, the children need to be
26 sequestered from Minh as soon as possible, and given the resources and
27 time to heal from the torment and chaos Minh has created. Accordingly,
28 this Emergency Motion has become necessary.

1 **II. LEGAL ARGUMENT**

2 The Court has authority to enter orders, including temporary custody
3 orders, as appears in the children's best interest. Nevada Revised Statute
4 125C.0045(1) provides in pertinent part:

5 1. In any action for determining the custody of a minor
6 child, the court may, except as otherwise provided in this
7 section and NRS 125C.0601 to 125C.0693, inclusive, and
8 chapter 130 of NRS:

9 (a) During the pendency of the action, at the final
10 hearing or at any time thereafter during the minority of the
11 child, make such an order for the custody, care, education,
12 maintenance and support of the minor child as appears in his
13 or her best interest

14 As set forth above, it is in the children's best interest to participate
15 in the Program to hopefully repair the damage that has been done by
16 Minh. Pursuant to the protocol of the Program, the children will need to
17 be sequestered from Minh for at least ninety (90) days after they
18 participate in the Program. Minh should be solely responsible for the entire
19 cost of the Program (i.e., \$15,000), as well as solely responsible for all costs
20 associated with transportation, food, entertainment activities, and
21 overnight lodging for Jim and the children. Thus far, nothing has
22 motivated Minh to want to change her behavior or act in her children's
23 best interest. Perhaps Minh will be driven by pecuniary repercussions given
24 her children's mental health does not appear to be a concerning factor.

25 Given issues in the past with custody exchanges, Minh should be
26 ordered to travel with Hannah to deliver her to a location to be determined
27 by Ms. Gottlieb. The Court must also order Minh to comply with all
28 recommendations and requirements of the Program for it to be successful.
Ms. Gottlieb has informed undersigned counsel that she has availability for
Jim and the children to participate in the Program from April 8-12, 2022
. . .

1 and April 22-30, 2022. Jim is hopeful that he and the children will be able
2 to participate from April 8-12, 2022.

3 **III. CONCLUSION**

4 Based on the foregoing, Jim respectfully requests the Court grant the
5 relief requested in this Emergency Motion.

6 DATED this 15th day of March, 2022.

7 THE DICKERSON
8 KARACSONYI LAW GROUP

9 By /s/ Sabrina M. Dolson
10 ROBERT P. DICKERSON, ESQ.
11 Nevada Bar No. 000945
12 SABRINA M. DOLSON, ESQ.
13 Nevada Bar No. 013105
14 1645 Village Center Circle, Suite 291
15 Las Vegas, Nevada 89134
16 Attorneys for Plaintiff
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1 DECLARATION OF JAMES W. VAHEY

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

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

7 2. I am making this declaration in support of my Emergency
8 Motion for Order for Plaintiff to Participate in the Turning Points for
9 Families Program with Minor Children, for Defendant to Be Solely
10 Responsible for the Costs Associated with the Program, and for Related
11 Relief (“Emergency Motion”). I have read the Emergency Motion prepared
12 by my counsel and swear, to the best of my knowledge, that the facts as set
13 forth therein are true and accurate, save and except any fact stated upon
14 information and belief, and as to such facts I believe them to be true. I
15 hereby reaffirm said facts as if set forth fully herein to the extent that they
16 are not recited herein. If called upon by this Court, I will testify as to my
17 personal knowledge of the truth and accuracy of the statements contained
18 therein.

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

21 Executed on March 15, 2022

22 /s/ James W. Vahey
23 JAMES W. VAHEY
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☒ pursuant to mandatory electronic service through the Eighth Judicial District Court's electronic filing system;

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

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

☐ by hand-delivery with signed Receipt of Copy.

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

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Sabrina Dolson

From: James Vahey <hotsail.jim@gmail.com>
Sent: Tuesday, March 15, 2022 2:21 PM
To: Sabrina Dolson
Cc: Bob Dickerson
Subject: Re: Notes for Sabrina's red-line version
Attachments: Motion for New York Program.COMPARE .002 and .003.pdf; Motion for New York Program.003.pdf

You have my authority to attach my electronic signature to the declaration page.

James W. Vahey, M.D.

[REDACTED]

[REDACTED]

[REDACTED]

On Mar 15, 2022, at 10:02 AM, Sabrina Dolson <sabrina@thedklawgroup.com> wrote:

Dr. Vahey,

Attached please find the Emergency Motion revised as you requested. I have also attached a redlined version of the revisions that were made. If you approve of this revised Emergency Motion (version 3), please sign, date, and return the Declaration page, or respond to this email by stating that I have authority to add your electronic signature on the Declaration.

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

Best Regards,

Sabrina M. Dolson, Esq.

The Dickerson Karacsonyi Law Group
Telephone (702) 388-8600
Facsimile (702) 388-0210
1645 Village Center Circle, Suite 291
Las Vegas, Nevada 89134
www.thedklawgroup.com

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

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

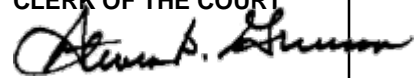
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[REDACTED]

[REDACTED]

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NEOJ
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Email: info@thedklawgroup.com

Attorneys for Plaintiff

DISTRICT COURT
FAMILY DIVISION

CLARK COUNTY, NEVADA

JAMES W. VAHEY,

Plaintiff,

v.

MINH NGUYET LUONG,

Defendant.

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

**NOTICE OF ENTRY OF
ORDER SHORTENING TIME**

TO: MINH NGUYET LUONG, Defendant; and

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

PLEASE TAKE NOTICE that an ORDER SHORTENING TIME,
a true and correct copy of which is attached hereto, was entered in the
above-entitled matter on the 17th day of March, 2022.

DATED this 17th day of March, 2022.

THE DICKERSON KARACSONYI LAW GROUP

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

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I certify that I am an employee of THE
3 DICKERSON KARACSONYI LAW GROUP, and that on this 17th day of
4 March, 2022, I caused the above and foregoing document entitled
5 NOTICE OF ENTRY OF ORDER SHORTENING TIME to be served as
6 follows:

- 7 [X] by mandatory electronic service through the Eighth Judicial
8 District Court's electronic filing system;
9 [] by placing same to be deposited for mailing in the United
10 States Mail, in a sealed envelope upon which first class postage
11 was prepaid in Las Vegas, Nevada;
12 [] to be sent via facsimile, by duly executed consent for service by
13 electronic means
14 [] by hand-delivery with signed Receipt of Copy.

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

17 FRED PAGE, ESQ.
18 PAGE LAW FIRM
19 6930 South Cimarron Road, Suite 140
20 Las Vegas, Nevada 89113
21 fpage@pagelawoffices.com
22 Attorney for Defendant
23
24
25
26
27
28

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

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

12 Attorneys for Plaintiff

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

15 **CLARK COUNTY, NEVADA**

16 **JAMES W. VAHEY,**

17 Plaintiff,

18 v.

19 **MINH NGUYET LUONG,**

20 Defendant.

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

23 **ORDER SHORTENING TIME**

24 Based upon the Ex Parte Motion for Order Shortening Time on
25 Plaintiff's Emergency Motion for Order for Plaintiff to Participate in the
26 Turning Points for Families Program with Minor Children, for Defendant
27 to Be Solely Responsible for the Costs Associated with the Program, and
28 for Related Relief, and good cause appearing therefor:

IT IS HEREBY ORDERED that the hearing date on Plaintiff's
Emergency Motion for Order for Plaintiff to Participate in the Turning
Points for Families Program with Minor Children, for Defendant to Be
Solely Responsible for the Costs Associated with the Program, and for

...

...

1 Related Relief, currently scheduled for April 19, 2022, is hereby shortened
2 to Monday, March 21, 2022 at 10:30 a.m. in courtroom 3H at the Regional Justice Center,
3 200 Lewis Ave, Las Vegas, Nevada 89155.

4 Dated this 17th day of March, 2022

5 
6

7 108 04F 55E3 AC35
8 Dawn R. Throne
9 District Court Judge

10
11 Respectfully submitted by:

12 THE DICKERSON KARACSONYI
13 LAW GROUP

14 By /s/ Sabrina M. Dolson

15 ROBERT P. DICKERSON, ESQ.
16 Nevada Bar No. 000945
17 SABRINA M. DOLSON, ESQ.
18 Nevada Bar No. 013105
19 1645 Village Center Circle, Suite 291
20 Las Vegas, Nevada 89134
21 Attorneys for Plaintiff
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1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 James W. Vahey, Plaintiff

CASE NO: D-18-581444-D

7 vs.

DEPT. NO. Department U

8 Minh Nguyet Luong, Defendant.
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 3/17/2022

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

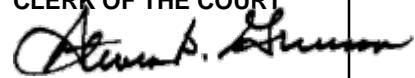
edwardo@thedklawgroup.com

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EXMT
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
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Email: info@thedklawgroup.com

Attorneys for Plaintiff

DISTRICT COURT
FAMILY DIVISION

CLARK COUNTY, NEVADA

JAMES W. VAHEY,
Plaintiff,

v.

MINH NGUYET LUONG,
Defendant.

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

**EX PARTE MOTION FOR ORDER SHORTENING TIME ON
PLAINTIFF'S EMERGENCY MOTION FOR ORDER FOR
PLAINTIFF TO PARTICIPATE IN THE TURNING POINTS FOR
FAMILIES PROGRAM WITH MINOR CHILDREN, FOR
DEFENDANT TO BE SOLELY RESPONSIBLE FOR THE COSTS
ASSOCIATED WITH THE PROGRAM, AND FOR RELATED
RELIEF**

COMES NOW Plaintiff, JAMES W. VAHEY ("Jim"), by and
through his attorneys, ROBERT P. DICKERSON, ESQ., and SABRINA
M. DOLSON, ESQ., of THE DICKERSON KARACSONYI LAW
GROUP, and hereby moves this Court for an Order Shortening Time of
the hearing on Plaintiff's Emergency Motion for 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
...

1 with the Program, and for Related Relief (“Emergency Motion”),
2 scheduled to be heard on April 19, 2022 at 10:00 a.m.

3 This Ex Parte Motion is made and based upon Eighth Judicial
4 District Court Rules, Rule 5.514 (2022), all papers and pleadings on file
5 herein, the Memorandum of Points and Authorities contained herein, and
6 the attached Declaration of Jim.

7 DATED this 17th day of March, 2022.

8 THE DICKERSON KARACSONYI
9 LAW GROUP

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

2 Eighth Judicial District Court Rules, Rule 5.514 (2022), provides as
3 follows:

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

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

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

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

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

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

27 An Order Shortening Time of the hearing on Jim's Emergency
28 Motion filed on March 15, 2022 is necessary as Jim needs the Court's
immediate assistance in addressing the issue of whether Jim may
participate in the Turning Points for Families Program (the "Program")
with the minor children in April 2022.

As detailed in Jim's Emergency Motion, Jim researched the Program
at the direction of the Court and learned that it is the Program's policy to
treat all children at the same time so that the children are at the same
point in the reunification process. Linda J. Gottlieb, LMFT, LCSW-R, the
therapist and program director for the Program, informed Jim's counsel

1 that she has availability from April 8-12, 2022 and April 22-30, 2022 for
2 Jim and the children. *See* Appendix of Exhibits in Support of Plaintiff's
3 Emergency Motion filed on March 15, 2022, Exhibit 1, Declaration of
4 Linda J. Gottlieb, LMFT, LCSW-R. The hearing on Jim's Emergency
5 Motion currently is scheduled for April 19, 2022. Thus, good cause exists
6 to advance the hearing on Jim's Emergency Motion to the Court's first
7 available date so the parties have sufficient time to secure dates on which
8 Ms. Gottlieb is available and to make travel arrangements.

9 DATED this 17th day of March, 2022.

10 THE DICKERSON KARACSONYI
11 LAW GROUP

12 By /s/ Sabrina M. Dolson

13 ROBERT P. DICKERSON, ESQ.
14 Nevada Bar No. 000945
15 SABRINA M. DOLSON, ESQ.
16 Nevada Bar No. 013105
17 1645 Village Center Circle, Suite 291
18 Las Vegas, Nevada 89134
19 Attorneys for Plaintiff
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1 DECLARATION OF JAMES W. VAHEY

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

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

7 2. I am making this declaration in support of my *Ex Parte Motion*
8 *for Order Shortening Time on Plaintiff's Emergency Motion for Order for Plaintiff*
9 *to Participate in the Turning Points for Families Program with Minor Children,*
10 *for Defendant to Be Solely Responsible for the Costs Associated with the Program,*
11 *and for Related Relief* ("Ex Parte Motion").

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

19 DATED this 17th day of March, 2022.

20
21 /s/ James W. Vahey
22 JAMES W. VAHEY

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I certify that I am an employee of THE
3 DICKERSON KARACSONYI LAW GROUP, and that on this 17th day of
4 March, 2022, I caused the above and foregoing document entitled *Ex Parte*
5 *Motion for Order Shortening Time on Plaintiff's Emergency Motion for Order for*
6 *Plaintiff to Participate in the Turning Points for Families Program with Minor*
7 *Children, for Defendant to Be Solely Responsible for the Costs Associated with the*
8 *Program, and for Related Relief* to be served as follows:

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

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

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

21 /s/ Sabrina M. Dolson
22 An employee of The Dickerson Karacsonyi Law Group
23
24
25
26
27
28

Sabrina Dolson

From: James Vahey <hotsail.jim@gmail.com>
Sent: Wednesday, March 16, 2022 7:55 PM
To: Sabrina Dolson
Cc: Bob Dickerson
Subject: Re: Ex Parte Motion for Order Shortening Time

Yes, I approve.
You have my authority to use my electronic signature on the Declaration page.
Thank you.

On Wed, Mar 16, 2022 at 11:25 AM Sabrina Dolson <sabrina@thedklawgroup.com> wrote:

Dr. Vahey,

Attached please find the Ex Parte Motion for Order Shortening Time on Plaintiff's Emergency Motion. Please review and if you approve, respond to this email letting me know if I have your authority to use your electronic signature on the Declaration page.

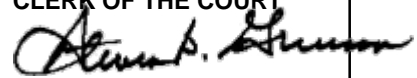
***Please note our address has changed.**

Best Regards,

Sabrina M. Dolson, Esq.

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1 **ROC**
2 **THE DICKERSON KARACSONYI LAW GROUP**
3 **ROBERT P. DICKERSON, ESQ.**
4 Nevada Bar No. 000945
5 **SABRINA M. DOLSON, ESQ.**
6 Nevada Bar No. 013105
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10 Facsimile: (702) 388-0210
11 Email: info@thedklawgroup.com
12 Attorneys for Plaintiff

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

11 **JAMES W. VAHEY,**

12 Plaintiff,

13 v.

14 **MINH NGUYET LUONG,**

15 Defendant.

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

16
17 **RECEIPT OF COPY**

18 RECEIPT OF COPY of the following documents is hereby
19 acknowledged this 18 day of March, 2022:

20 1. Plaintiff's Emergency Motion for Order for Plaintiff to
21 Participate in the Turning Points for Families Program with Minor
22 Children, for Defendant to Be Solely Responsible for the Costs Associated
23 with the Program, and for Related Relief, filed March 15, 2022;

24 2. Ex Parte Motion for Order Shortening Time on Plaintiff's
25 Emergency Motion for Order for Plaintiff to Participate in the Turning
26 Points for Families Program with Minor Children, for Defendant to Be
27 Solely Responsible for the Costs Associated with the Program, and for
28 Related Relief, filed March 17, 2022; and

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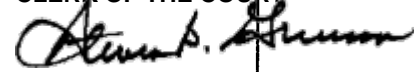
3. Notice of Entry of Order Shortening Time, filed March 17,
2022.

By W S S S S 3/17/22
An employee of Page Law Firm
6930 South Cimarron Road, Suite 140
Las Vegas, Nevada 89113
Attorneys for Defendant

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VOLUME XIX



EXHS
FRED PAGE, ESQ.
NEVADA BAR NO. 6080
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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: March 21, 2022

Hearing Time: 10:30 a.m.

**DEFENDANT'S EXHIBIT APPENDIX IN SUPPORT OF OPPOSITION TO
PLAINTIFF'S "EMERGENCY" MOTION FOR ORDER TO 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**

COMES NOW, Defendant, MINH NGUYET LUONG, by and through her
counsel, Fred Page, Esq. and hereby submits her Exhibit Appendix in Support of

her Opposition to Plaintiff, JAMES VAHEY'S, "Emergency" Motion for Order to 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 submits her Countermotion for Hannah to be Interviewed, for the Immediate Return of Matthew, and for Attorney's Fees and Costs. The Exhibit Appendix is as follows:

Exhibit	Description	Bates number
A.	Transcript of Matthew and Hannah telling Minh what occurred on October 15, and 16, 2021	1-10
B.	Photographs of Hannah after the battery from Jim on October 16, 2021	
C.	Additional photographs of Hannah after other previous batteries from Jim	
D.	OFW message from Minh to Jim dated June 16, 2021, regarding Jim's attempts to alienate the children from her	
E.	Hannah's Third Quarter Cumulative GPA 4.0	
F.	Matthew's Third Quarter Cumulative GPA 3.167	
G.	Transcript of Interview Between Minh and Dr. Collins From March 14, 2022	1-24
H.	Emails between Minh and Jim dated October 2, and 3, 2021, wherein Minh asked for the balance to pay so she could pay ASAP and Jim's response stating "he will get to it," but never did	
I.	Email from Minh to Jim dated July 28, 2020, asking Jim for the 6 th time to respond if he is going to pay the property taxes on the Arizona land	

1 DATED this 20th day of March 2022

2
3 PAGE LAW FIRM

4
5 

6 FRED PAGE, ESQ.
7 Nevada Bar No. 6080
8 6930 South Cimarron Road, Suite 140
9 Las Vegas, Nevada 89113
10 (702) 823-2888
11 Attorney for Defendant
12
13
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15
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19

20 **CERTIFICATE OF SERVICE**

21 The undersigned hereby certifies that on the 20th day of March 2022, the
22 foregoing OPPOSITION AND COUNTERMOTION was served pursuant to
23 NEFCR 9 via e-service to Robert Dickerson, Esq., attorney for Plaintiff.
24

25
26 

27 An employee of Page Law Firm
28

EXHIBIT A

EXHIBIT A

EXHIBIT A

TRANSCRIPT

Mom: Okay, so tell mommy what happened on Friday.

Hannah: So, on Friday, like he dragged Matthew into his car first and then, Matthew kick the window open and like got glass everywhere. And I was like putting Rafi down probably. He told me, Matthew told me that he hit his head on the side of the metal thing on the door, I think. And then, he came to get me and he dragged me on the floor with all the glass and I got a cut on my foot. When I got in there, he pushed me to the ground on top of all the glass in the car and then he like kept yelling, screaming and stuff. And then he went into the front seat, but not through the door like through in the car because he was afraid we were going to jump out of the car. So he did that. And then, when we were driving back, uh, I thought he was going to call somebody and I don't want him to do that. So I tried grabbing the [inaudible] and he said he'd hit me if I hit him again. And he has his fist in the air and he was like yelling it.

And then when we finally got back to the house, I got into the car and started running down the street, but I really needed to go to the bathroom. So I hid behind a mailbox. And when he came, I just turned to the other side of the mailbox. And I went back there, but I needed to go to the bathroom really bad, but he wasn't, uh, he wasn't there, and there was no way to get in the car. But I just called him, I told him "Come back here. Open the door" and he's like, "Okay, fine." And then he comes back and I do that and then we basically, that's the rest of the night. I was barely able to sleep that night. I was suppose to report being last night, too. And then that night and last night. And then when we woke up or when Matthew woke up, and I got like two hours of sleep. We basically did nothing that day. But Matthew had this red spot on his foot, so I took a picture of that, and then we went.

And then later that night, so last night, um, when Lena came back we wanted to have a sleepover with Lena. So I set up the bed so we were able to do that and he wouldn't let Lena do that. So, um, we kept and kept yelling at us saying, "no, we should not be allowed to do. It's not a party. Blah, blah, blah, blah blah," and we just wanted to have fun. So I ended up going out there and kept asking him, "Why can't Lena sleep with us?" And he's like, because I'm the parent, I'm in charge. You do what I say." And he kept getting mad and he did the thing where he's so close to my face. Like, his nose is almost touching mine and like so close. You can't even fit a finger in

between. So I slapped him and then he got all mad. He's like, "Oh, slap me again then." So I did and then he grabbed my arm so I wasn't able to move at all.

So then I slapped him again. And then I ran, and then I started running and then he like caught me and then pinned me down to the ground, and he kept telling, and then like he wouldn't let go and he was so strong and it hurt a lot. He kept doing that and um, he's kept telling me to slap him over and over and over again. He's like "Slap me again four times." And I wasn't able to do anything else. And I thought if I did, he would just back off or I'd hit him enough that it would hurt then he would just not talk to me anymore. So I kept doing that and it wouldn't work. So, I started screaming for Matthew, but by the time Matthew got out, I already had him on the floor where I was standing up pulling his hair and pulling his ears. The only thing that he was doing to me was holding onto my ankle so I couldn't walk away or run away.

Mom: You were on the floor?

Hannah: Yeah, like I was standing. By the time Matthew got out, I was standing and then he was the one on the floor holding my ankles, um...

Mom: Where were you? On the floor also?

Hannah: When I was on the floor, he was like pushing me against the wall and telling me to slap him and wouldn't let me go. So I tried getting out and he just pushed me back down, kept hitting my head on the floor, and I can't do it. And then I kept trying to get out, but by the time Matthew got out, when I kept calling for him, I was able to get him, get it where I'm not able to get out but he is also being hurt in the process because he's holding on to my ankles. His head is down facing the floor and I'm holding his hair up and his ears. And then, Matthew came out and then he let go of me. He started doing the same to Matthew kind of by the couch, and like choking Matthew and squeezing him with his legs and it looked like it really hurt. So I tried helping Matt and he kept telling me to go back to my room, but I don't want to, because I wanted to help Matthew, and I thought he was going to kill Matthew. So I kept helping him.

And then I got his computer and I told him, "Let go of Matthew. I'm going to smash it." So he ran up to me and started choking me around my neck, like, with an elbow arm thing and then Matthew helped me. And we tried getting out of there and then he was like holding Matthew with one arm and then he tripped me with his foot, but I caught myself and I started running. And then I realized he had Matthew again. So I went back and helped Matthew and he said, "Go away two spoiled brats" and then we went back. And then, Matthew told me that my phone was in Lena's room recording, but it wasn't recording when I went to go get it. But I didn't get to that point yet. So I waited like two minutes to make sure that he wasn't... that he wasn't like right in that room because if I went to go get it, he'd take it. So I open the door and he's standing there. Like, he's probably standing there for like two minutes straight, like just waiting with his phone in front of his face or texting somebody. I don't even know. And he like barged into the room and he's like "Give me your phone, Hannah." So I told him I don't know where it is. He's like, okay, fine, go find it. I said I don't want to.

But then Matthew kept screaming, "You tried to kill us." And then he admitted, he said, "Yeah, I did try to kill you." And then, um, I kept trying to get him out of the room and then he did that thing with my arm where he picked me up by that one arm and it would like cut off the circulation to the rest of my arm and picked me up. So I'm not even on the ground anymore. He's just holding me by the arm and it hurt a lot. And he just threw me onto the bed and then he kept like, putting the phone in our faces. And then like, at one point, he went outside again and I kept having to fight with him to get him out. And then one time we were in Lena's room he kept pretending that he was going to hit me. Like, he had his hand right at my face but I pretended like I didn't- wasn't- I didn't care at all. Like I didn't even flinch. I didn't blink or anything because I know if I did, that would make him feel powerful. And that's probably what he wants because at this point, all he wants is to make himself feel like he's in charge. So I did that and I waited until he got out of the room. So I grabbed my phone as fast as I could from under Lena's bed, and I ran back into our room and I went into the bathroom. And then I hid my phone in there for like 10 minutes to make sure that he wasn't going to barge in again. And then just take- take whatever he wanted. Um, take it and then it wouldn't-- and then I wouldn't have it. And then I texted Mommy, I texted you.

Mom: Hmm.

Hannah: I told you what happened and I told you not to text me because I'll have the phone shut off. If I was texting you and he did come in, I wouldn't have time to shut it off completely. So, um, I did that. And yeah, so that was how the rest of the night was until I wasn't able to sleep and it's like 11:00. So I went into his room and he's like praying or something on the side of the bed in front of Lena, and Lena is asleep by the now because when he was doing... when he was like choking us, trying to kill us, Lena got scared. So, she went into the other room. So then that happened and then I went in there. I told him, "Can you just take us to Mommy? I can't sleep here." He just told me, "That's too bad. Figure it out." He didn't care at all. So, I don't want to. So I just went back into my room and I just laid there, thinking of what to do. But I know that he has the video on his phone, but he's going to edit out the parts that he doesn't want people to see. Like the "You tried to kill us" from Matthew, and then he said, "Yeah, yeah, I did" or the parts where he was choking us, pinning me to the ground and telling me to slap him. That he's going to edit out. He's going to edit out all the parts of him doing something bad, and then they show the parts of us doing something bad. And then, yeah.

Mom: All right, Matthew. Come tell Mommy what happened on Friday when you're at Yogurtland. Sit down.

Matthew: He first, so we're going to go Jacobs car. He just opened the door, took my arms or like dragging me out. And then I- and then once I got close to his car, I kicked his car and then he got really mad. So he, well, he threw me in the car and I tried- I tried getting up but then he punched me and then my glasses fell off. And then he-and then he still was holding on to me so he charged for me now, but it didn't work. So then he threw me in the back and then he says "You stay there." And then, while he was looking away, I immediately kicked the glass when it was all broken. And then, um, and then he got really mad. So then he-and then he left me and went to go get Hannah. And I knew if I went outside he would punch me again. So I stayed inside until Hannah got in the car and then- and he just- and then once he drove away, Hannah had her hand out of the broken window to try to call for help but nobody helped her.

And then, once we got to his house, Hannah ran away and then when he started driving to look for Hannah, he called the security on Hannah so they could find her. And then after that, Hannah called him saying he was back there so then he went back there. And then, um, once we got there I went into Hannah's room, staying in

there. And then like 15 minutes later, a patrol came and then he was asking him what happened and he was explaining it when Hannah went out there. And then, while the police officers said, I'm another police officer." The security said what happened to Hannah and she said that- he said that, um, she said that he said that if you hit me one more time, I'll hit you. And then the security guard is like, "Oh, no" and then Hannah just leaves.

Mom: And then Hannah just what?

Matthew: And then Hannah just leaves.

Mom: Just what?

Matthew: Just leaves.

Mom: Leaves.

Hannah: I told the patrol they didn't care at all. They're like, "Oh no. That's too bad."

Mom: Then what happened, Matthew?

Matthew: And then we went to our room and then he kept on looking on us. Like, every 10 minutes he would come into our room. So that's why we needed this idea of um, one part- one of us stays awake while the other sleeps and then we switch every hour, but it didn't really work. So we just go slept but he still never came in that room until the next morning when, um, Hannah was on her phone. So I tried taking a Nintendo into her room and then he chased me all the way into Hanna's room. He pushed me on the floor and throw me on Hannah's bed, and then went outside with the Nintendo. And then, after he came in that room, he just grabbed me and started dragging me on the rug, and that's how I got a burn on my foot. It's not there right now. They probably went away. And then, he dragged me out saying, "What's wrong with you?" And I was saying, "What's wrong with you?" but he didn't

listen. So now, I just left him and he didn't really care after that. Then, I took a nap and then after that he told me to come clean the glass that I made me said I had to pay for it, but I didn't listen to any of the time. And then once I- after I left, once I was done with that, he told me that I have to clean the mat. And after that, I went into Hannah's room. I thought Hannah left because she wasn't there. Then five minutes later, Hannah knocked on the door saying I have food. And then—

Mom: Which room were you in?

Matthew: I was in Hannah's room.

Mom: Okay.

Matthew: And then she knocked and then we have our only meal for that whole time we were there.

Mom: What did you have?

Matthew: We had a cup of noodle and Pop-Tarts as a dessert.

Mom: Mm-hmm.

Matthew: And then like three hours later he, um, he dragged me out of the room again saying, "Eat dinner with me. Lena's about to come." He says I don't want to go outside until Lena comes. So then he- So then, he let me to Hannah's room but he followed us trying to explain for us to come outside but we didn't. While Hannah and him were talking, I saw Uncle Ed's truck drive up, and then Lena walking inside. And then he heard that and he left the room. So, Hannah and I were alone again. And then, when we heard Lena's voice, he went outside, um, not outside but like outside of the room. So we could meet her. And then he said, we're not allowed and then we wanted to have a sleepover with Lena.

Mom: You were not allowed to do what?

Matthew: We're not allowed to have a sleepover with Lena because it's not a holiday. You know, it's the weekend. And then once I did that, Hannah tried reasoning with him when I was calling you. And then I heard some screams from Hannah. So then you told me to hang up. So then I started recording them, but I didn't record all the, um, I didn't record showing it to them because- because the last time Hannah did that she, um, she fell on the floor. So I just recorded the noise and then I paused it and then I went- and I went up to him and he just lets go to Hannah. Hannah runs back in her room and he takes me, choking me onto the couch. And then Hannah comes saying "Let go off him" and he says, "No, go back in your room."

Mom: How was he choking you?

Matthew: He was choking me on the neck like that.

Mom: With his arm?

Matthew: Mm-hmm.

Mom: Around the neck?

Matthew: Yes, and then he—

Mom: Not with his hands, his elbow?

Matthew: Yes.

Mom: Uh-huh.

Matthew: And then after he saw Hannah, he- he dropped me on the floor and then he used his legs to squeeze me. Well, he tried grabbing Hannah with his hand until Hannah got his computer saying, "Let go of him", and he- and then he automatically got off of me. And then he- and then he took the computer. And then, I got him down by choking him onto the couch. Not like this. I was in front of him with my elbow out on his neck, pushing him down, and he couldn't even move. So I kept in there until Hannah was leaving, so then I left too, but then he tripped Hannah saying "You two spoiled brats." I don't remember but we did go back in Hannah's room. And then once he came in there, he budge the door and then he-- and then I said, "You were trying to kill us" and he said, "Yes, I did." So then once- and then once we close the door, I was just scared because he would- because he did say that and I just didn't want to do it anymore. I just wanted to leave.

Mom: About what time was that?

Matthew: That was like seven o'clock.

Mom: At night?

Matthew: Mm-hmm. And then Hannah came—

Mom: About eight?

Matthew: Yes. And then Hannah came out there reasoning with him. Well, once I was recording from Hannah, Hannah didn't know where the phone was, and he took and- and she told Daddy that. So, he now thinks that Hannah doesn't have her phone, but I told her where her phone was. So, we can't tell that she- that can't- So, he doesn't know that we have his phone and yeah. So, Hannah kept on reasoning with him but each time Hannah went out there, he would drag her back in her room saying "Go to

sleep" and slamming the door on us. And Hannah will just keep on going out there until Hannah actually had marks on her hand. She just didn't want to do it anymore.

Mom: Why did Hannah keep on going out there?

Matthew: Because um, because she just wanted to get him tired, I think. And then--

-

Mom: Hannah, why did you keep on going out there?

Hannah: I wanted him to [inaudible].

Matthew: And then like when we're about to sleep, Hannah went out to ask him if we could sleep with you because she couldn't sleep in there and he said, "No, because you're supposed to sleep with me now." And he slammed the door on Hannah and then Hannah went back in her room.

Mom: Were you there when that happened?

Matthew: I was in the room. Well, I was hiding in the kitchen when he said that. And then once he slammed the door, Hannah went back in her room. So did I. And then, yeah, and then we slept uncomfortably. And then I had a tummy ache and I had to go to the restroom three times. The first time, the diarrhea really hurt. So I wiped it and then went back to sleep. The second time I had to go poopy again, it didn't hurt as much, but when I tried to flush the toilet, all the stain was um, all the stain from the diarrhea was stuck on the toilet. And then the third time but was stinging. So I took the toilet paper, got it wet under the faucet and then put it under my butt. And then, yeah, and then I went to sleep.

Mom: And you were able to sleep after that?

Matthew: Kind of. I only have like three hours to sleep because the whole... because we kind of went to sleep at eleven, um, and the first, all the diarrhea's I had took me like two hours, took two hours away and sometimes I was awake. So I only had like three hours of sleep.

Mom: Uh-huh.

Matthew: And Hannah only had two hours of sleep on the other night.

Mom: Mm-hmm. How was Lena when all this happened?

Matthew: She was scared. So, she went back in his room. I don't know what she did in his room, but she just stayed in that room. She also told me that she was scared. So, yeah.

Mom: Okay, honey. You guys need to try to get along with him.

Matthew: I got it.

Hannah: We're not going to get along with somebody that tried to kill us.

Matthew: I got it. It's stuck.

[End]

EXHIBIT B

EXHIBIT B

EXHIBIT B



VOLUME XIX

AA003745



VOLUME XIX

AA003746



VOLUME XIX

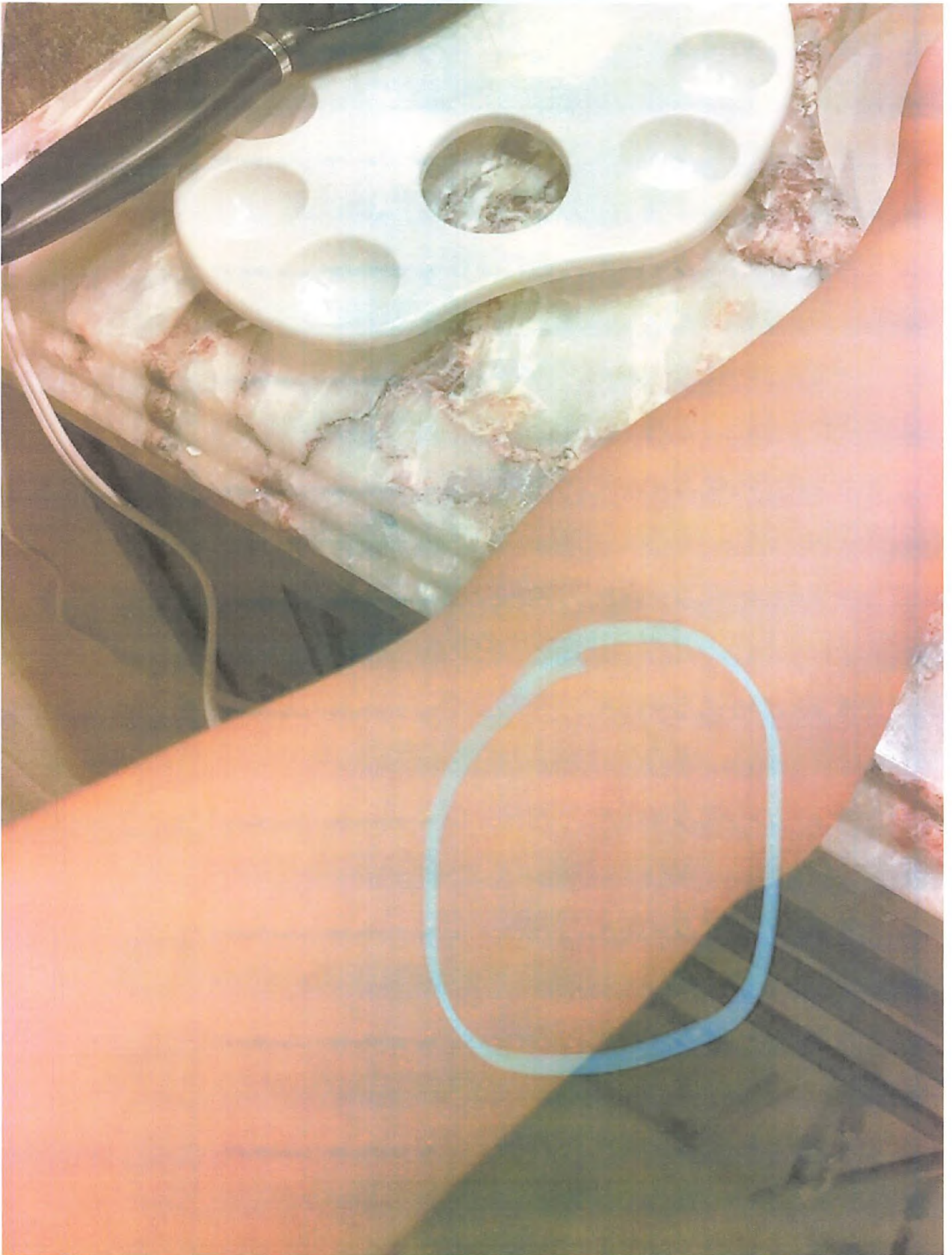
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EXHIBIT C

EXHIBIT C

EXHIBIT C





VOLUME XIX

AA003750



VOLUME XIX

AA003751



VOLUME XIX

AA003752



VOLUME XIX

AA003753

EXHIBIT D

EXHIBIT D

EXHIBIT D

Message Report



OurFamilyWizard, LLC.
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(866) 755-9991

Generated: 02/10/2022 at 01:31 AM by minh luong

Number of messages: 1

Timezone: America/Los_Angeles

Parents: minh luong, James Vahey

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

Third Party:

Message 1 of 1

Sent: 06/16/2021 at 05:12 AM
From: minh luong
To: James Vahey (*First Viewed: 06/16/2021 at 06:39 AM*)
Subject: violation of court's order, alienation, Jim discussing divorce matter to children

It has come to my attention that you have been trying to discuss court matter with the children. All three kids have informed me that you are now trying to brainwash them saying that "Mommy left us." You are trying to alienate the children from me by saying that it is my fault because "Mommy left us." , " The problem started when mommy left us and did not come back a year later." , and that you never agreed to move to California.

The children lived with us Jim. We took them to shop for houses so they could live in and go to school at. They picked out the rooms they would live in. We involved my family, the children and our close family friends. You discussed schools with the realtors. We shopped for houses where there was schools with blue ribbons. We discussed school with them. We raised their hopes up and you changed your mind. The children know I did not leave them. They were there when you forced the children and I out of your house to move to the Tompkins house. They are old enough to remember all of those. You won't be successful at trying to brainwash them otherwise. When they are under your care, they have no choice but listen to what you have to say. You cause severe stress on Hannah and you try to force these lies to her. The more of these things you say the more she will be confirmed that you are a liar. You are not helping your relationship with her when you are lying to her face with the things she already know and trying to tell her that what she saw and experienced is not true and what you say is true.

Both Matthew and Selena stay quiet when you say these things to them because they are too afraid of you to say anything to you. They are afraid of you being mean to them again. But don't confuse of their silence as them agreeing with you. They are annoyed also with your lies. They remember what happened also Jim. I was the primary care taker and you were rarely ever there. You never had the connection with them the way I do. You are trying to alienate the kids from me but it will only back fire. They will resent you even more for trying to separate their relationship from the one person who truly cares for them.

Please do not involve the children with our divorce matters. They don't need the additional stress in their lives. You are trying to alienate the children from me when you tell them that " Mommy left us." You know that is not true. That is something you go around town telling people so they would sympathize with you but it won't work with the kids. They have always been there and saw everything with their own eyes. The more you try to convince them otherwise the more they will see you as a liar. This will further put a wedge in your relationship with them. You have a lot of work to do to restore your relationship and you are doing all the wrong things.

Please don't interrogate the children with what they do while they are with me. They don't appreciate you doing that either.

EXHIBIT E

EXHIBIT E

EXHIBIT E

Grades

21-22 Bachelor's

All Terms	Q1	Q2	Q3	Q4
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Term Q3 (01/04/22-03/31/22)

Term GPA: 4.000

EXHIBIT F

EXHIBIT F

EXHIBIT F

Grades

21-22 Miller MS

All Terms	Q1	Q2	Q3	Q4
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Term Q3 (01/04/2022 - 03/31/2022)

Term GPA: 3.167

EXHIBIT G

EXHIBIT G

EXHIBIT G

TRANSCRIPTION

Interviewer: All right, take your pen for the update. She doesn't really want to join us for that. Would you want to come back with me for a few minutes?

Woman: Sure.

[background noise]

Interviewer: All right. [inaudible]

[background noise]

Interviewer: We'll start our session as I am trying to get a sense of where she's at, and you'll find out what her perspective is and how she's feeling. Um, she shared with me that she's pretty close with you and that, uhm, she and I the things we talked about today. She said there are things that she would talk to you about anyways, so I don't think that there's anything I need to update you on that. You know, she would share with you herself, she said.

Um, but basically, from what she shared, this isn't a surprise to you, but it doesn't sound like she's ready to see Dad. Um, it sounds like she's still has a lot of things that she's wanting Dad to be able to talk about and say. And from the times that I have spoken with Dad, I'm not sure he's able to do that right now. So I think what I need to do now is go back to Dad and get him a little bit more prepared to communicate with her about the things she wants to talk about.

Sometimes kids come here, and they want to start out really easy and gentle, and just you know, socialize a little bit and get to hard stuff later, but that's not what she's saying. She's saying, "I want to talk about these really important issues, and you know, this is the only reason I would, you know, you want me to spend time with him is to talk about these really serious things." So I need to make sure that he's going to be able to do a really good job at that, right from the very beginning, minus all that socializing, which she's not really trying to have with him right now. So that's where we're at after this first session. Does any of that sound surprising to you, or is it pretty much what you expected?

Mother: It's not surprising. No. Val knows about it. Dr. [inaudible] knows about it. I tried to facilitate her relationship with him, um, and she's not comfortable unless he signs the letter, then Val helps her right up.

Interviewer: Sure, you know, I mentioned to her, and I'm glad you brought that up so I could mention it to you as well. So Dad is actually happy to sign the letter. The only reason that he hasn't been signing it is that I encouraged him to wait until I can meet with her. The problem that I have with him signing the letter is that it's the way that it's listed there is, it truly asking him to make promises that aren't already in his powers. So one, one of the first items... Have you seen the letter?

Mother: Um, I saw some rough drafts that Val sent to me. But I don't know what was communicated after that.

Interviewer: Yeah, so like one of the first items in there is him making a commitment to how long of an appointment they would have. And so that's difficult-

Mother: Why is that not in his control?

Interviewer: Because he doesn't control how long my appointments are for, right? So he has no power over that.

Mother: That was not for the session between you three. It's for her to meet him outside of this place.

Interviewer: Okay, and so that's actually exactly what she said when I had the same conversation with her. And so that's not what I think Dad was understanding to be. So, it was not arrived at his understanding it to be. So yeah, that's what she was saying. That if she's going to meet him for dinner or something-

Mother: This letter was written before this session. This letter was written to help initiate the relationship. Because it's just so hard to get into this schedule. So, we wanted to get that going because we are just coming here on your schedule.

Interviewer: Okay. So that was sort of before we got you right here today. Okay.

Mother: Um, it's really hard for her to trust any therapist. You would be the fourth one. Um, the last two before Dr. [inaudible] did not help her. So she quit the second one. She quit the first one, she quit the second one. Um, with the second one, she ran out of the room crying multiple times toward the last month with him.

She refused to go see Dr. [inaudible] at the beginning also. She's hesitant to even come here today. She asked me if she had to come. I told her she had to try, at least try. Um, I really had high hopes for you to help with their relationship. I am very disappointed. I don't think they're heading the right way. I don't think it's going to go anywhere. I feel that you have already bought into Jim's idea of why his kids don't want to be with him? So I don't feel that you're going to do much for our family. With the direction you're going, it's only going to hurt the relationship even more.

Interviewer: I'm sorry, are you talking about Hannah right now? Because I guess I'm not hearing-

Mother: I'm talking about both of them. Matthew and Hannah.

Interviewer: Okay. So for Hannah specifically, do you have concerns about the direction that we're going in terms of my planning to meet with her first, then the second, or what do you mean by that?

Mother: Um, I just, I feel that you, you think the cause of their dysfunctional relationship is my fault, and it's not. And you only listen to one side of the story, and you jump to a conclusion on that instant case. Um, and so I don't think you are heading the right way.

Interviewer: What makes you think that I think that her relationship with her dad is your fault?

Mother: Well, you would think that with Matthew, and they have similar experiences of both [inaudible].

Interviewer: What makes you think that I think that Matthew's relationship with his dad is your fault?

Mother: It's the matter of bringing it to the court, and from your letter, that judge took Matthew away from me on many days. And I don't understand how that could be good for a child to have the mom taken away.

Interviewer: Did they let you see my letter?

Mother: Uh, yeah, they let me read your letter.

Interviewer: Okay. I guess- So my confusion is it seems like you and I sort of saw it differently. So you thought that my letter was about you causing Matthew's relationship with his dad to be a problem. Is that right?

Mother: That's correct.

Interviewer: Okay.

Mother: It's not just me, it's the, it's the um, the gal too.

Interviewer: What about her?

Mother: She said because of your letter that caused this whole thing.

Interviewer: Okay. Yes, so my letter was definitely intended to let the court know that I think that Matthew has definitely been getting a lot of feedback about how to get what he wants out of this situation, which is to not have to see dad anymore. I think that he has a lot of feedback about how Hannah accomplished that, which she has at this point successfully managed to not have to go see dad anymore. So my major concern is that Matthew is going to start copying a lot of the behaviors that he knows that she has had.

Mother: So I disagree with that because you have no idea how Matthew is living right now and how he's been living for the last three months. Even if it were just something as simple as that, no kid will put himself through what he has been putting himself in. Do you know how he lives?

Interviewer: Do I know that he turns down all the activities and functions and doesn't talk to Dad, you know what I mean?

Mother: And lock himself in his room? And he doesn't communicate with anybody, not even with his sister, Selena, who they were best friends. They did everything together, and they played together, they were inseparable. And now Matthew doesn't care to be with his sister, and he just stays in the room on his own.

And you think a kid could do that? If he didn't have stronger reasons why he doesn't want to be with his dad. Do you think it's just because he's just putting that up? Putting up that fight so he won't be with his dad. You don't think it's something stronger, and you only spoke to him for such brief plans, and you only got one thing out of him, and you think that's the only reason why. And therefore, it could not be the reason why he can't be with his dad, or he doesn't want to with his dad.

Interviewer: We talked about a lot of things, but his main emphasis was about not going to California, and some of the other things that he mentioned I think were bothersome to him but weren't related to the main focus. So he did mention dad coming in checking in his room too much or taking photographs that he was worried dad would use it to court to show that he was having a good time. But yeah, for the most part, the things that I believe about where Matthew is at are from Matthew. So when I say when that I'm a little worried about engaging in behaviors to get the same out of [inaudible] Hannah, that's because he said, well here's what she did, and she doesn't have to go anymore. So maybe that's where I should do too. Right, so those are the things that he's saying in session to me. So that's how I have those concerns.

Mother: But that couldn't be the only thing. That is not the only reason why he is doing it then. Did you talk to Jim about the day after the yogurt land event? How did he choke Matthew?

Interviewer: So, I mean, I have pages upon pages of information from all of you, but what I'm telling you is that that's not what Matthew is talking about.

Mother: Well, okay. So just because Matthew doesn't talk about it doesn't mean that it didn't happen or doesn't bother him. So even Val knows those. Matthew is not an expressive kid. He's not going to bring that up to tell you unless you ask him. Did this happen? How do you feel about this?

Because he told Hannah, he told me: "Hannah saved my life, mommy. He choked me with his arm around my neck". And if Hannah didn't come and picked up Jim's laptop and say: "Let him go, or I'll smash this computer!" Jim would not have let go of Matthew's neck.

Interviewer: So it sounds like you're saying that you believe that he is exhibiting such concerning behavior now because he's afraid of Dad?

Mother: Um, I don't know if it's afraid because he probably, it's not much of being afraid anymore because I don't think Jim is doing those behaviors right now. It's more of resentment. For example, why do you think Matthew doesn't want Jim to touch him in any sort at all?

Interviewer: Why?

Mother: He's putting a fake presentation to display.

Interviewer: I mean, I think he truly does resent his father. But I don't think we want people to...

Mother: But was that because I told him, because of the feedback I gave him?

Interviewer: Well, right now, what he's talking about is California. "I could've been in California. He broke up our family. I don't know why he and mom cannot get back together. If he and my mom get back together, then everything will be fine, and I'd be happy again." I mean, these are the kinds of things he's talking about in session.

Interviewer: Okay. So, that doesn't mean the other things don't happen, right?

Mother: Sure! It doesn't mean anything about those, but what I would like to talk about is the things that Matthew says are important to him.

Mother: Okay. And so you negate the fact that's important to Matthew by saying that by now, you should've forgotten about it already. And therefore, he hasn't. Therefore, somebody has been feeding information to him so he could be mad at his dad.

Interviewer: I do. I think that somebody has been talking about California. I didn't say [crosstalk] with you.

Mother: How can we not talk about California? We go there every other weekend. How does he not know? How does he not remember?

Interviewer: Yes, I think every time that he goes, I think he thinks this is how it could have been.

Mother: So you think we should just not go so to erase his memory?

Interviewer: No, I mean, I think that there is a lot to be considered as different options. The only piece that was in my letter is that I think that he's continually being exposed to the issue of not living in California, and that has strengthened his resolve. Not that mom said or did anything or that Hannah said or did anything but that California keeps being a thing for him. And it's the only thing he's focusing his mind on right now.

Mother: You're doing a lot of harm on my son by splitting him up with me. You have no idea how close Matthew and I are and how much he's suffering, both results of your matter.

Interviewer: So I didn't recommend any specifics splitting up or anything on that letter.

Mother: It's stated that if the goal was to help Matthew with his dad relationship is to have this person removed from Matthew. The judge used your letter to justify her action.

Interviewer: Sure. So, uh, I do. I see what you're talking about here. So it says that Matthew's exposure to people who are trying to get him to resist dad be limited. Is that you?

Mother: And who do you think? No, it's not me. How do you think the judge sees it or Jim's attorney interprets that letter?

Interviewer: Well, my hope with this is that they saw me saying that Matthew should have limited exposure to people who are trying to...

Mother: And who is that?

Interviewer: I don't know, that's why I didn't name anyone, right? So I don't know who promotes his relationship with dad or against his relationship with dad. But certainly, anybody who is discouraging relationship with dad will be somebody that he should have limited contact with.

Mother: Nobody is discouraging his relationship with him. Nobody, not even my family members. When Jim calls, the kids don't want to talk to him. My boyfriend ran after the kids and say: "Talk to your dad, just say hi. Just say hi, Matthew. Just say hi, Selena. Just say hi, Hannah".

Interviewer: So, can you tell me a little bit about how you interact with dad?

Mother: I don't. I don't talk to him. Every single time we have a conversation, he talks down to me. I don't want to expose myself to that. I don't want my kids to see him talking to me that way. I don't want to argue with him in front of kids. So I prefer not to have any conversation with him.

Interviewer: So have you thought about what that sort of models for the kids about how they deal with dad?

Mother: What about what kind of model when they see him treating me that way? What does that look to them? Is that okay for mom to be subjected to how he talks to her?

Interviewer: And how does he talk to you?

Mother: I just told you. Very demeaning, like I'm a secretary, or like I'm nobody.

Interviewer: Like, what do you mean? Like the times when you would see him, I'm guessing things like your doctor's appointments or something like that? And so what does he say that demeans you?

Mother: Not specifically at a doctor's appointment, but just the way he talks to me.

Interviewer: When do you have occasion on it?

Mother: For example, um, I set up an appointment for Mat, for Matthew to see our dermatologist. I sent him even an email or a text and I told him it's a week away with this doctor, in this location, in this time. Um, you feel free to meet us there. He doesn't respond to me. On the day of, they texted me and said, and I could pull up the text and show you too. "Do not take Matthew there. I am not giving you permission to take Matthew there. Take him immediately back to the school. I am not giving you permission to take him there. You are not allowed to take him". That's is to his doctor, a doctor visit. And I told him a week, at least a week in advance.

Interviewer: But isn't it accurate that if you both share legal custody, that you do need to agree on a doctor?

Mother: Yes. So why didn't he tell me ahead of time if that's the case? He waited until I was on my way to the doctor's office to call me and text me that. And not only that, I was already at the doctor's office. We left the place, and then I saw his text telling me: "I called the office and canceled the appointment."

Interviewer: So, I mean, I think we can; I'm sure both agree that he could've handled that differently, better, sooner, right?

Mother: There's a lot of them-

Interviewer: But those are all things about his relationship with you. This happened in text messages; that's not with the children, you see, right?

Mother: It's not just that.

Interviewer: Tell me about how he is demeaning to you in front of the children.

Mother: Multiple times when I dropped the kids off to him he would say: "Get him in the house!" And then he leaves and goes into his house. And he said that: "It's your responsibility, it's not my responsibility to get the kids in the house! This is your job".

Interviewer: Okay, so declaring in front of the children that he gets to choose what's your job, what's his job?

Mother: It's his tone.

Interviewer: More like the tone. Okay.

Mother: Yes, it's his tone, the things he'd say. It's not just verbal, or text messages, emails. I've sent them to my attorney. He read them, he saw them. He told the judge how Jim talks to me. He talks at me. So I don't want, um, a lot of twisted words when I say something. So I want to document everything. If you want something you can pull that up...

Interviewer: One moment, because I heard a beep. I need to make sure that she doesn't open the front door.

[background noise]

Interviewer: It must have been in my head. [inaudible] It sounds like what you're saying is there's this person, and I don't appreciate how he talks to me. The way he talks to me, the things he says. And I don't want to be around that, so I'd choose not to communicate with him because it's always unpleasant. Is that right?

Mother: Yes, that's correct.

Interviewer: Okay. So I mean the tricky part here is any other time, any other relationship, that would make him [inaudible]. Of course, if somebody is not treating you well, you don't want to be around them, and that makes sense, right? The tricky part is that you're stuck with him as the father of your children, right?

Mother: That's right.

Interviewer: So I mean, I wondered if there's not some benefit to trying to improve the way that the two of you communicate.

Mother: Well, maybe he can start treating the kids and I better. For example-

Interviewer: What would that look like?

Mother: For example, he called, Selena was with me and Hannah, and he called. And he said, let me talk to Selena. I handed the phone to Selena, and then I called to talk to Matthew. This was before. I'm having a nice conversation with Matthew, and Matthew is in his room. Selena refused to talk to Jim. She said: "Daddy, I'm doing my homework. I can't talk to you right now". She hangs up the phone. I'm having a separate conversation with Matthew. Jim got furious because Selena hung up the phone with him. Jim went to Matthew's room, snatched the phone from Matthew and talked to me, and said: "You need to put Selena back on the phone right now, or you don't talk to Matthew!" What is that? Why is Matthew's relationship with me being punished because he doesn't have a relationship with Selena because Selena's not talking to him? How does Matthew feel that his dad just came in and snatched the phone when he's having a conversation with his mom? And not allow him to finish the conversation with his mom?

Interviewer: When was that?

Mother: Probably a month ago?

Interviewer: Okay. I think that's a great example-

Mother: Oh, I can give you hundreds: Selena, last week. If Jim is sincerely trying to develop a good relationship with Hannah, he wouldn't be doing the things he's doing now.

Interviewer: What do you mean?

Mother: I was talking to Selena, then Hannah wanted to talk to Selena. I went [inaudible] so Hannah can talk to Selena, and Jim walked into the room, and he hung up the phone in the middle of a conversation between Hannah and Selena.

Interviewer: That one is a little bit more tricky. Was it after the no-contact order?

Mother: Yes. That was just last week. What does that have to do with anything? The no contact is me; no contact with Matthew. It's not Hannah no contact with her sister or even Matthew. The order doesn't say anything about Selena or Matthew that Hannah cannot contact.

Interviewer: Yeah, and so, and again, just in this one specific instance, I can say that he did come and say he mentioned that that happened. And when I saw him, he said he wasn't sure if he was supposed to be permitting contact for Matthew and his siblings.

Mother: No it's not Matthew. This is Selena and Hannah. Did Jim say that Hannah is talking to Matthew?

Interviewer: No, he was saying he wasn't sure what he was supposed to do in terms of it-

Mother: So he just automatically hang up the phone and prevented Hannah from talking to Selena.

Interviewer: I mean, it sounds like you're telling me that it is what he did.

Mother: That is what he did, you can ask Hannah.

Interviewer: I don't need to. I believe you. If that's what you're telling me, it happened. I believe you.

Mother: These are the examples of why I cannot be civil with him. The kids cannot have a better relationship with him. Just think how Hannah feels, how Matthew feels. They're having a conversation with their mom, not doing anything wrong. Dad came, snatched the phone, and hung up or take it away from them. Are they supposed to feel good about their dad for doing that?

The problem with this family is Jim needs counseling so he knows how to handle his kids. So he knows how to treat his kids better and talks to the mother of his kids better so that we can be more civil. But if he treats me that way, why would I want

anything to do with him? And those examples he gave you at the pediatrician's office are false.

Interviewer: What do you mean?

Mother: He mentioned to you that when Matthew came and Matthew moved away from him. Did it not happen in your-

Interviewer: Um, from multiple sources, I was told that there is a doctor's appointment where you had the children come, move away from him so that they could stay closer to you.

Mother: Multiple sources? Multiple sources? Who else was in the room, but just Jim and I and the kids. Who else would know to say that?

Interviewer: The time I am thinking of, there was someone else there, so maybe we're talking about different times.

Mother: There's never a Val there. Val was never at the doctor's appointment with us.

Interviewer: Okay.

Mother: This is the time of that the latest pediatrician appointment? I don't feel comfortable being close to him. It makes me tense. It makes me have anxiety. I don't want to be next to him. Okay? I feel that I have the right to feel comfortable. I cannot be violated. So when we were at the doctor's office, we left the office. Matthew and Selena had a COVID shot, and we had to stay there for another 15 minutes. There was nobody else in the waiting room, just us. A room full of seats, okay?

Matthew went and sat down right there. I went and sat down right here, and Selena was on top of me. She could have sat anywhere, next to Matthew or all the other seats. But no, [inaudible] that is not okay. I'm not married to him. I don't need to have a seat next to him. If anything, he should sit next to Matthew, if that's the case. Or sit anywhere else. But I cannot feel comfortable for him to be next to me.

Interviewer: And so, yeah, I think that's the tricky part because of everything that has happened, you don't feel comfortable with him sitting next to you. But I think it is also pretty obvious for the children that [inaudible] he makes you feel anxious. Being near him makes you uncomfortable. So I think seeing those things is pretty

problematic for us to say that you want them to feel comfortable around him, right? They're observing...

Mother: So now again, you're saying that they are uncomfortable with him because of that. They're uncomfortable with him for how he treats them. It's not my relationship with him. It's not. They already know we don't get along. By him picking up the phone and hanging up in the middle of a conversation. If he and I were getting along, why would he be doing that? So he's the one who is causing a conflict every day that they have interaction with him and I.

Interviewer: I wonder, and obviously, I'm not a medical worker, so I'm not saying I can do this. But I do wonder, if I were to magically show up with him tomorrow, and he no longer had any of those same behaviors. He spoke appropriately to you. He was kind and everything that we would expect of him. If I was able to magically make him that person tomorrow, would you be able to talk to him at some point? Once you felt like he was believable, and he was going to keep being that person?

Mother: Yes. I can tell you, yes. Because my past relationships, I had two other serious boyfriends long-term. And I'm best friends with them. I have no problems with my previous relationships. Umm, it's just how he treats the kids and how he treats me. It just makes it impossible for the kids to like him or for me to pretend and fake in front of the kids that he and I are best friends. It is not okay for him to lie in court and to me and pretend that he and I are best friends in front of the kids. It's not okay.

Interviewer: Well, I think you'll find that, for the most part, it is pretty beneficial for children to feel like their parents get along. Not to the extent of having to lie, right? I wouldn't want you to lie to your children. But if we could do something to make it possible for the two of you to get along, maybe not best friends, but get along. I think that that would be helpful.

Mother: Yeah, we could get along. That'd be great. But for him to treat me and the kids the way he does now. It's not okay. And we can't get along with that.

Interviewer: Sure. So could you- It sounds like there's a lot of things. There's not just one thing. There are a lot of things that have been problematic about how he communicates with you all. But can you tell me in terms of how he communicates with you in front of the children? Is there one thing that comes to mind? Something really big that he could be working on? It's obviously going to be more than just one thing. But just for now, can you think of one thing that he could be doing better?

Mother: It's his tone of voice. And it's very demanding. It's, it's like giving me umm command. "Do this do that?" It has always been like that throughout our marriage. And I always felt like he treated me as if I was his assistant or his secretary.

Interviewer: Now tone is a little bit tricky because when people try... If this is how he has always talked to you, right in this demanding tone. If I'm trying to get him to use a different tone. I'm just guessing here, but it's gonna sound a little bit not genuine, right? It's gonna sound like he's using a, like a super nice tone because that's what I'm going to be telling him to do. "You have to use this other tone." Is that, will that be enough to at least feel like the tone piece is fixed, or would that not work?

Mother: Um, it's not... It has to be sincere. He can't say something and like, for example, and he does it to Hannah too. He would say something, and then he'll put on this fake smile. Umm, and it's more to irritate us. He irritates me by doing that. Umm, and he'd say things very random. And he says it in front of my boyfriend too.

And he's an anesthesiologist. So he's not a nobody who doesn't know or is not educated. He went to medical school, just like you did, and Jim did. But umm, we would have a conversation, and all of a sudden, he would say, "Please don't hurt the kids." Where did that come from? What? How am I hurting the kids? It's just out of the blues, and he says things like that. Umm, it just makes no sense.

Interviewer: Well, sorry. So just to go back to those. We're talking about tone. So one of them, one of the big things that stands out for you is that he's using this really demanding tone. And that's just his style. I'm guessing, and again, I don't know. I haven't tried yet, but I'm guessing if I go to him and I say hey, you know, why don't you work on this? Why don't you stop using this demanding tone? My guess is he's gonna go, "Why did you even know I had a demanding tone? I-I never meant to have it." Right? Because people... I think sometimes people don't know how they are. And so I suspect he's going to tell me that he had no idea he sounded like that. And he's gonna, you know, switch to using a really nice tone. And I guess what I'm wondering is if just changing the tone, does that take us a step in the right direction? Or is it-

Mother: It would.

Interviewer: Or is it wrong direction because now it seems fake, you know?

Mother: No. Well, if I know he's sincerely trying to make it better, then I would not think that he's just, you know, pretending.

Interviewer: Alright.

Mother: Umm, but if I know he's saying something and just put in that tone, just to pretend, umm, because he does a lot of recording. He records all the time. He records whenever we're on the phone. He records when I see him. And one of the reasons why I don't want to see him is because there has not been one interaction between him and I that he doesn't report to the judge and put into making it look like I'm doing something wrong. So the best thing for me is not to say anything or see him at all, because everything is going to be twisted and reported. So why do I want to subject myself to seeing him for him to give him more material to fake in life?

Interviewer: I mean, that, that particular piece, that's a really tricky piece, because, you know, somebody is, is, is saying, Every time I communicate with this person, all of these other things happened is something happened at court. And, you know, attorneys do this, and they say that. I mean, that's a lot to, to risk just to talk to him, right?

Mother: That's right.

Interviewer: I could see not wanting; it feels like he's gonna be able to then take eight more steps in a negative direction. That's tricky.

Mother: Umm, for example, in an attempt to try to get the kids back to him, the judge said, I want you to take the kids to a yard house, and-

Interviewer: Not mentioned that he's...

Mother: I showed up and then bring the kids there to meet with him and then leave. And I showed up, and the kids refused to sit down with him. They ran into the bathroom and hid from him. Umm, he went and sat down with Selena. I went and sat down with him. And he asked me and the yard house; I don't know if you've been there. It's loud.

Interviewer: Which one?

Mother: The yard house?

Interviewer: There are a couple of locations.

Mother: Yeah, but they're all very loud. So, umm, Selena stood in the corner, Jim sat over there, I sat over here. And Jim said, "Please stay umm it would help a lot if you stay." And it's so loud so I stood up and leaned forward him to tell him, and then

Selena won't hear what I was saying. And I said, "Every single time I say something, or do something, you will report back to the judge, and you twist the story. So why would I want to put myself in that situation? So I'm going to leave like I was ordered to." Umm, then he went to court. And he said that you know, I said it very loudly, I leaned forward, like, I was being aggressive. Umm and said, why would I want to help you? And so that's an example of one incident, why I do not ever want to see him or be around him. You know, what does it do for me? Except for more stories for him to, to paint me in a negative way to the judge.

Interviewer: Okay. So, I think that something that could be really helpful then is for me to work with him a little bit and see if there's not some piece of information. Umm, at this point, maybe something about Matthew that he could be umm prepared to tell you about. Umm, it doesn't have to be in the same room. It could be by video or something here. But we need to give him a chance to practice. If I am going to go and tell him he has to be better, then I need him to work on something. And we need to give him a chance to practice. So I'm wondering if there is a way to give him a chance to speak to you in a proper tone. Um, it's reasonable for him to be providing you an update about the child that you share, right? So him telling you an update about Matthew, that's a normal thing for him to tell you. And then I think that, that might be a good opportunity for him to practice because there's no expectation in that conversation that you have to say much back, right? So if you're more comfortable, you know, not speaking that much to him so that he doesn't have extra stuff to take back to court and turn it a different way. That might be a way for him to prove to us whether or not he can talk to you appropriately. What do you think about that as an [inaudible]?

Mother: That's fine.

Interviewer: Okay. So I have to first make sure, though, so just because I want that to happen doesn't mean he can do it. So first, I have to give him a chance to meet with me and practice and talk about why he needs to modify the way he's talking and why that's important. And see if he's going to do it, um before I, you know, put you in that position. I want to make sure he's gonna succeed at doing it before I make you sit there for it. So I'll definitely get back to you about that piece. As far as for Hannah, I mean, right now, she uh definitely, I don't think is ready to have a discussion with him because she wants to hear some very specific things from him. And if they ran into each other tomorrow, I don't think he would say those things. So I think I need to go back to Hannah as well and see, you know, how far away he is and his perception from what her perception is and what she's wanting to hear from him.

Um, and so this time slot right here, I think Hannah's time slot, it's the time that's sort of intended for her. I'm not. I'm sort of pondering right now, how quickly I think I could get in touch with him to see where he's at. Um, I mean, I certainly don't think that I would have them have a contact at her next session. I don't think that that's very likely that I would talk to him, and he would be somehow magically all on the same page and ready and all these things. So anytime where she would have an appointment, where he would be at would be something that you all would know in advance. So she would know in advance, you would know in advance, um, she would have worked with me to decide who sits where and who leaves first and all of those pieces. So she's never going to be taken by surprise here.

Mother: You need to explain that to her. She has a lot of anxiety coming here.

Interviewer: Hm-mm sure. Well, and so why don't we go ahead and head back out so I can say-

Mother: I do need to ask you about Matthew's progress. I mean, the judge is taking Matthew away from me for ninety days. What is the endgame here? What, what are we expecting after ninety days?

Interviewer: So I believe, based on my understanding is, that the judge brought up a program called Turning Points.

Mother: She brought it up, but it's not, it's not, she didn't say that we're going to have to do that. It's for you to help Matthew right now in ninety days. So are we just wasting these ninety days? And then after that, do the turning point? Is that what you're telling me now?

Interviewer: No. So my understanding is that the judge had expressed that maybe turning points would be a good idea. So then, when I heard that what I did was I reached out to the program. I asked them questions. I've not worked with them before. So I've heard of them, but I have not personally worked a case with them. So I wanted to find out, you know, what they do and how things work. And in that process, what I learned is that their policy is 90 days of no contact. So I'm guessing that that's where the ninety-day piece came from. It's my understanding from dad that they drafted some paperwork to ask, uh, for the judge to say yes to Turning Points. Um, and so it's a little surprising that it looks right now; you're not nodding your head like you know this already. So I'm a little surprised because I thought Dad

told me that they had sent some paperwork saying they wanted Turning Points to happen. Is that not something that anybody's talked to you about?

Mother: No, um, the last hearing, the judge brought it up, and my attorney said, um, that she is, um, I guess, acting in a way that is not appropriate because, in order to go to the Turning Point, there has to be proof of alienation. There is no proof of alienation. Therefore, she cannot do that. Um, at first, she said, you know, I want this to happen. And then when my attorney brought it up, you know, you, you know, you are acting out of um, um, inappropriately. Um, because in order for that to happen, this must have happened first. And since this has not happened, you cannot order that yet. Um, and that's, and then the judge backed off, and the judge said, okay, um you know, I'm just gonna order the ninety days to work with Dr. Collins. And uh, I'll let you guys decide. I'll let the attorneys decide what to do next about Turning Point.

Interviewer: In my opinion, I think that turning points would be a good thing for them to try. Mainly because they're taking a lot of different therapies for days and getting a lot done. Um, I, I have not made a lot of progress on Matthew's relationship with his dad.

Mother: Why is that?

Interviewer: I can work on dad's piece. So Dad and I meet with Matthew and talk about dad's policies how things happen in his house. So some things that were very easy to see that needed to change. For example, the length of punishments that Dad uses. Those are not really appropriate length of punishments, so we talked about what is more appropriate, you know, what are the types of, uh, reasonable consequences to have for behavior. So we've been working on some things on dad's end but not really working on things on Matthews's end very much. So something like an intensive four day, I think would be helpful for them. Because I don't think anybody wants to be involved here at my office forever, right? So if they can get a lot of progress done in four days, I mean, I think that that would be great.

Mother: Um, well, you're assuming that there's alienation going on to go to that turning point. Um, there's no alienation. It's the way Jim treated the kids and the promises he made and, um, the lies that he's been continuously putting on the kids um [pause] that caused the relationship to be that way. What happened after these ninety days, and nothing changed with Matthew? The judge thinks, you know, from your letter, "Oh, mom must be the cause. Because who else could be? Let's stop the

communication, no contact." Then my attorney asks, well, what happened after the ninety days if your plan doesn't work? And they cannot give an answer. And Jim and the attorney is like, see they're trying to think the worst of it already. But Matthew and I are being punished for this dysfunctional relationship with his son. Why is that?

Interviewer: So the intention is not for Matthew to be punished. The intention is to give them an opportunity to work on their relationship.

Mother: Yeah. How do you think Matthew would feel for taking his mom away from him?

Interviewer: I mean, I can tell you how he feels right now. He feels mostly angry, a little bit sad, but mostly angry. Um, and I know that he wants to be with you. I know that he misses you. I know that he feels a lot of resentment about not having contact with you.

Mother: Okay, so is that helping his relationship with Jim for that to happen?

Interviewer: So, of course, those aren't helpful things.

Mother: Okay. So why would that happen? It's doesn't... It makes no sense whatsoever. If you want Matt to have a better relationship with his dad, and you take the one thing he loves the most. And, of course, he is going to feel that's a punishment. How can that not be a punishment? The attorney says so. Jim's attorney says we have to punish him, so he won't think that by acting the same way as Hannah is gonna get him what he wants. We have to punish him and make sure he knows that he's not gonna get back.

Interviewer: So the goal was really for him to be able to see positive parts of his relationship with dad. So they give dad a chance to win Matthew over with his dad's improved behavior Dad's ability to create a positive experience. So it's really about giving dad an opportunity to shine.

Mother: Is he shining?

Interviewer: I mean, from what I can see, he's doing a great job. That doesn't mean he has always done a great job, right? I've never seen him as a parent three years ago, or even three months ago. But I can say right now that the parenting that he's putting forth is really strong. He has a lot of openness to changing the way that he's

parenting. So he's been pretty quick to change things when I've recommended them. So I think his parenting right now is pretty strong.

Mother: And what, why am I being punished, because he needs to shine and he needs to work on his relationship and how he behaves with his kids? So I'm being punished for that.

Interviewer: So I think really, the focus is all about the experience for Matthew, and-

Mother: Which is a horrible experience because he's locking himself in his room and not communicating with anybody. Is that, is that, is that not inhumane?

Interviewer: And what makes you think that he's locking himself in his room and not communicating with anybody?

Mother: Selena tells me. Val tells me. He refused to talk about it.

Interviewer: Well, I mean, that's a little bit different than him not talking to friends at school or teachers or other people, right?

Mother: You know why he goes to school? So he won't have to be with his dad. That's what he tells me. That's his escape.

Interviewer: When did he tell you that?

Mother: It's not at a time when you said I have not had contact with him.

Interviewer: So if the only reason he goes to school is to get away from dad, does that mean he doesn't go to school during your time?

Mother: No, he goes to school, but he hasn't been with me for a long time.

Interviewer: Right.

Mother: He's been with Jim. It's not just the, the three months. It's been since Thanksgiving. And Jim can't take responsibility for anything that goes wrong with his relationship.

Interviewer: I mean, I guess what I'm saying is that you know, Matthew is saying to you, the only reason I go to school is to get away from dad. But you know, that's not true. Because when he was with you, he was also going to school. Right so...

Mother: Yeah, but that does not mean that that's why he doesn't want to go to school, or why he[pause] I understand what you're saying. But it's not directly correlated.

Interviewer: I think what you're trying to express is that you're pretty certain that right now, Matthew is kind of miserable. And I don't disagree with you. I think he is kind of miserable right now. Who wouldn't be, right? If they don't get to see their mom, who they love and have a great relationship with. I can't disagree with you. Of course, he misses you. Of course, he loves you. Right?

Mother: Yes. And you and the judge think that that's the way to improve his relationship with his dad, like taking his mom away from him?

Interviewer: Well, it's supposed to give dad an opportunity to show that he can also be a good parent.

Mother: He can do that. By learning with you, learning to change his behavior. How to deal with the kids, how to talk to them. It's not always a punishment. He can learn that with you without being punishing me and Matthew.

Interviewer: So again, I, I know it feels like a punishment for you. But I would encourage you to stay focused on the Matthew piece, right? So

Mother: It's not a punishment to Matthew? By taking his mom away?

Interviewer: No. So the intent is not to punish Matthew.

Mother: Right. The intention, your justification, but it is a punishment.

Interviewer: All right, so it feels like we're probably going to go in a loop here for a long time. And we left Hannah out in the lobby, telling her we'll be back in ten minutes. So maybe time to wrap up here. But what I am going to be doing next is I'm going to be talking to dad and seeing if I can't get him to a point where eventually we could work him up to having a positive communication with you, not in front of the children. And we have to practice to see if he can do a good job with his tone and the content of things. And then also preparing him a bit to talk with Hannah. Again, not anytime soon. You'll know in advance. So he will not be here at your next session. It'll still just be her. And probably do you know, will you be the one who brings her to the next session?

Mother: I will always be the one to bring her.

Interviewer: Okay, so then, um, as I see her more often, uh the likelihood that I'll ask you to join us when, when she and I are together, it gets higher. Right. So right now, I wanted to spend most of my time with her. Um, but I will ask you to start joining us too at some point. Okay. All right.

Mother: What is the endpoint for Matthew after ninety days? Are we gonna expand this? Is this craziness gonna keep on going?

Interviewer: So again, my understanding is that the uh that dad was pursuing uh going to Turning Points. So I won't have an answer for you until I know what happened with that. My understanding was that they had filed paperwork for that. So I will be seeing them on Wednesday. And we'll be able to ask...

Mother: What is the Turning Point? Four days and then a miracle happens, and then they're gonna come back, and they're all happy. And Matthew will not resent that anymore? Is that? Is that what we're trying to accomplish before Matthew could see me?

Interviewer: Yes.

Mother: So Matthew has to be happy, being forced to be with his dad no matter what?

Interviewer: Yes. He doesn't have to be happy, right? I mean, he can have whatever his emotions are. But yes, the goal is for their relationship to improve.

Mother: How do we know? How? How do we know it's improving?

Interviewer: So that's what they're doing in therapies, talking about their relationship.

Mother: So if Matthew continues to hate his dad, then he's being punished, continues to be punished, and I'm continuing to be punished. And he and I cannot see each other.

Interviewer: So, good question. I think it's more about seeing them being able to work together with dad being in a dad role, you know, being a kid overall, them to be able to communicate, so no, I don't. I'm not waiting to see hugging all the time. And you know, you know, huge amounts of affection to prove things. But I would say right now; their relationship is very poor. So I think wanting that to improve will be something that's pretty observable, right? So

Mother: So yeah, but you're approaching it the wrong way. I keep on saying that. Forcing him to be with his dad is not gonna improve their relationship. I spoke to Jim, and I offered to help him the best way I know how two to three months ago. They already do not want to go with Jim. My boyfriend asked Matthew, "What would be okay? What would make it okay for you?" And Matt would say, "I would be okay seeing him every other week, for two days. And I'll be okay with that." So what I suggest with Jimmy is, "Let Matthew be with me five days, and he'll be with you two days. And we'll start out with that. And we'll have you come over. You come over, and we'll sit down, and I will tell the kids, Daddy loves you so much. He wants you to feel comfortable, and he wants you to be happy. And you're gonna stay with mommy for five days a week. And I will see you, and we will have quality time, two days of the week, not the weekend, but it could be the weekdays. We'll start with that."

Jim comes over more often. Take the kids whenever he wants, and have a natural, more natural relationship. And I told Jim, I would tell the kids, this is your idea. It's because you love them. And you want them to feel comfortable. And we will work forward to where they feel comfortable seeing you and not feel like they're going to be kidnapped and dropped to your house and being locked up and staying there. To me, that will work. Um, I don't know. Val said at first Jim agreed to it with her. Because I brought it up to her with that plan, she felt that he was going to be okay with it. And then she felt that he changed his mind because he talked to his attorney.

Interviewer: I'm gonna have to tell you, and again, I think we should head back out to Hannah. But I think the tricky part of that plan is that it started out by giving Matthew the impression that he gets to pick, right? He's a child, so asking him what he wants and then trying to deliver to him what he wants in terms of parenting timeshare is not really reasonable. That's not how adult decisions are made.

Mother: Um, it's just, it's a starting point. I'm not saying that that's what we're going to end up with. I'm saying that's when he would feel comfortable and trust Jim again. Right now, there's no trust. There's no trust between the kids and the dad.

Interviewer: Or between you and dad sounds like.

Mother: That's right.

Interviewer: So let me work on that piece with dad. See if I can get that somewhere.

Mother: Okay

[background sound]

[footsteps]

Interviewer: Hannah, I swear that we're not talking about you the entire time. We talked about a lot of things. [inaudible] So I was just telling mom, though, that when I see you at your next appointment that it will still just be you and I. Maybe mom might join us at some point. Dad won't be here because I don't think we're ready for that. So that's basically what I told her. Does that sound like what you and I talked about too? Your face looks like I surprised you with that. But I felt like that's what we agreed about. Is that right?

Hannah: Yeah.

Interviewer: Right.

[inaudible]

[background sound]

[walking steps]

[END]

EXHIBIT H

EXHIBIT H

EXHIBIT H

Minh Nguyen Luong <luongdds@gmail.com>

Fri 10/2/2021 11:26 AM

Begin forwarded message:

From: James Vahey <hotsail.jim@gmail.com>

Subject: Re: Feeding Therapy Receipt

Date: October 3, 2021 at 12:31:35 AM PDT

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

Great. I'll work on this as soon as I can. What you did today and yesterday consumed an enormous amount of time I had when I could have been going through bookkeeping for both of us.

I won't be able to do what I'd planned because I attended to you and the transfer problems these past two days.

Please send me all receipts you want counted toward your side of the ledger.

Please start with the amount of the payments our Judge decided.

James W. Vahey, M.D.

On Oct 2, 2021, at 12:02 PM, Minh Nguyen Luong <luongdds@gmail.com> wrote:

Please add all bills and balance. I would like to pay for my portion ASAP please.

Minh Nguyen Luong, DDS
Toothfairy Children's Dental
8000 W. Sahara Ave #180
Las Vegas, NV 89117
Cell: 702-353-2319
Office: 702-222-9700

On Oct 2, 2021, at 11:08 AM, James Vahey
<hotsail.jim@gmail.com> wrote:

Please reimburse for half

VOLUME XIX

AA003786

--

Sent with Genius Scan for iOS.

<https://dl.tglapp.com/genius-scan>

<2021-10-02 11-06.pdf>

James W. Vahey, M.D.

Minh Nguyet Luong, D.D.S
Toothfairy Children's Dental
8000 W. Sahara Ave #180
Las Vegas, NV 89117
Cell: 702-353-2319
Office: 702-222-9700

EXHIBIT I

EXHIBIT I

EXHIBIT I

Production: Tax Bill cochise county

Minh Nguyet Luong <luongdds@gmail.com>

Tue Jul 28, 2020 at 7:53 AM PDT



Begin forwarded message:

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

Subject: Re: Tax Bill cochise county

Date: July 28, 2020 at 7:53:46 AM PDT

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

This is the 6th email I have sent you and you have yet to respond. You are responsible for these bills. Can you tell me if you are planning to pay for it or not?

On Jul 21, 2020, at 3:02 PM, Minh Nguyet Luong <luongdds@gmail.com> wrote:

This is the 5th time I am writing regarding the tax bill for this property. Can you tell me if you have gotten this taken care of? Please send me a copy or screen shot to show that all balances are current.

On Jul 6, 2020, at 11:39 AM, Minh Nguyet Luong <luongdds@gmail.com> wrote:

This is the 4th email I have written regarding the tax bill. Please confirm that you have taken care of this?

On Jun 18, 2020, at 6:36 PM, Minh Nguyet Luong <luongdds@gmail.com> wrote:

I received an email from bo asking me to pay for the taxes. I had previously emailed you multiple times regarding this tax and you responded that you had already taken care of it. Now bo is saying that it is over due. Please read the email below again. You are responsible to pay for those taxes since I paid two years in a row.

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

Begin forwarded message:

From: Minh Nguyet Luong
<luongdds@gmail.com>
Date: November 3, 2019 at 1:31:34 AM
PST
To: Jim Vahey <hotsailjim@gmail.com>
Subject: Re: Tax Bill cochise county

Please confirm that the tax bills are paid
and up to date.

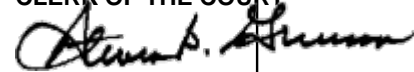
Minh Nguyet Luong, DDS
Toothfairy Children's Dental
8000 W. Sahara Ave #180
Las Vegas, NV 89117
Cell: 702-353-2319
Office: 702-222-9700
Fax: 702-564-0005

On Sep 26, 2019, at 1:49 PM,
Minh Nguyet Luong
<luongdds@gmail.com>
wrote:

I have been paying taxes on
odd number years on Cochise
county taxes. I also paid for
2018. As I informed you
before, you are responsible to
pay for 2019 and 2020. I
have just checked the website
and the accounts are in
delinquent. Please pay the

193

193



OPPC
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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 Date: March 21, 2022

Hearing Time: 10:30 a.m.

**DEFENDANT'S OPPOSITION TO PLAINTIFF'S "EMERGENCY"
MOTION FOR ORDER TO 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**

COMES NOW, Defendant, MINH NGUYET LUONG, by and through her
counsel, Fred Page, Esq. and hereby submits her Opposition to Plaintiff, JAMES

1 VAHEY'S, "Emergency" Motion for Order to Plaintiff to Participate in the
2 Turning Points for Families Program with Minor Children, for Defendant to be
3 Solely Responsible for the Costs Associated with the Program and for Related
4 Relief, and submits her Countermotion for Hannah to be Interviewed, for the
5 Immediate Return of Matthew, and for Attorney's Fees and Costs. This
6 Opposition and Countermotion is based upon the papers and pleadings on file, the
7 attached Points and Authorities and any oral argument that the Court may wish to
8 entertain.
9
10
11

12 DATED this 20th day of March 2022
13

14 PAGE LAW FIRM

15 
16

17 FRED PAGE, ESQ.

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22 Attorney for Defendant
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25
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28

1 **POINTS AND AUTHORITIES¹**

2 **I.**

3 **FACTUAL BACKGROUND**

4 **A. Introduction**

5 Defendant, MINH LUONG (hereinafter “Minh”) and Plaintiff, JAMES
6 VAHEY (hereinafter “Jim”), were married to each other on July 8, 2006. The
7 Decree of Divorce was filed March 26, 2021. The Notice of Entry of the Decree
8 was filed April 8, 2021. There are three minor children the issue of the marriage:
9 Hannah Vahey March 19, 2009 (age 13), Matthew Vahey, June 26, 2010, (age 11)
10 and Selena Vahey, April 4, 2014, (almost age 8).
11

12 **B. History of the Case**

13
14 The Court is well familiar with the case, only the most recent chronology
15 will be addressed.
16

17
18 On Friday, October 15, 2021, the Court directed that Jim was to pick up the
19 children from Yogurtland after the hearing ended. When he went to pick up the
20 children, Jim displayed a complete lack of parenting/people skills and inability to
21 handle children. Jim got Matthew into his van first.
22
23
24

25
26 ¹ Jim’s Motion is labeled as an “emergency.” There has been one Motion in the
27 last two years filed by Jim that has not been labeled as an “emergency.” There is
28 no “emergency.” Nothing different is going to happen between and the May status
check. There is, however, an attempt to try and have matter be heard on something
other than their merits by declaring everything as an emergency and then having
the Court bite off on that claim.

1 Matthew described that Jim dragged him by the arms and threw him into
2 the van. Matthew reported that he tried getting up but then Jim punched him and
3 then his glasses fell off. Matthew kicked the glass in the van and the glass broke
4 and then Jim got really mad. Jim then left to get Hannah. Matthew advised that
5 he knew if he went outside again Jim would punch him again.
6

7
8 Hannah described that when Jim came to get her, he dragged her on the
9 floor of the van with all the glass and she got a cut on her foot. Hannah described
10 when she got shoved into the van, Jim pushed her to the ground on top of all the
11 glass in the car and then he kept yelling and screaming at her.²
12

13 The children were forced to spend that weekend with Jim. While the
14 children were with him, Jim battered Hannah and Matthew. When the children
15 returned from staying with Jim that weekend, the children immediately ran to
16
17
18
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20
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22

23 ² The Court may recall from the prior documents filed in this case, that the children
24 were resistant in going from Minh's vehicle to Jim's house. Jim would do nothing
25 to assist Minh and would instead taunt her, "Minh, the children are doing this for
26 you," in front of the children and walk back into the house and go watch television
leaving Minh alone to struggle getting the children out of the car.

27 Any parent with any skill would have done a better job of physically moving
28 resistant children from one vehicle to another. What Jim did only built-up further
resentment from the children toward him.

1 Minh for comfort and told her what happened. Minh recorded what the children
2 told her.³

3 A review of transcript from that recording showed that after Jim got the
4 children back to his house, Jim punched Matthew.⁴

5 Matthew reports that the next morning, October 16, he tried taking a
6 Nintendo into Hannah's room. Jim then chased Matthew into Hannah's room.
7 Jim pushed Matthew on the floor and threw him on Hannah's bed, and then went
8 outside with the Nintendo.

9 After that, Jim came back in Hannah's room, grabbed Matthew dragged
10 him on the rug and caused Matthew to have a rug burn. After Jim dragged
11 Matthew out of Hannah room, Jim was saying, "What's wrong with you?" and
12 Matthew was saying back, "What's wrong with you?" but Jim did not listen.
13 Matthew indicated that he left him and he did not really care after that.

14 After Matthew took a nap, Jim made Matthew clean up the glass from the
15 van window that he broke and that he was going to have to pay for it. After
16

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24 ³ The verbatim transcript of the audio recording of the children describing what
25 occurred is attached as Exhibit A, for the Court's convenience. The Court should
26 be aware that Jim recorded what occurred between him and the children that night
27 because Jim records everything. Jim should be compelled to produce that
28 recording. The children were not aware that Minh was recording.

⁴ Jim demonstrated zero ability to handle the children.

1 Matthew went to Hannah's room and later Hannah came back with food, a cup of
2 noodle and Pop Tarts.

3 Matthew reports that about three hours later he, Jim tried to drag him out of
4 Hannah's room saying, "Eat dinner with me. Lena's about to come." Matthew
5 refused to leave Hannah's room. Matthew and Hannah were then told that they
6 were not allowed to meet Selena. Matthew later called Minh on his cellphone.
7 Matthew indicates that while he was calling Minh, he heard screams from Hannah
8 and Minh told him to hang up.

9 Matthew saw Hannah being battered by Jim. Hannah was apparently trying
10 to reason with Jim about her and Matthew being able to see Selena. Hannah
11 reported that Jim kept getting mad and did the thing that Hannah describes "where
12 he is so close to [her] face like his nose is almost touching [hers]."

13 Hannah indicated that while Jim's nose was almost touching his, she
14 slapped Jim and Jim got mad and said, "slap me again." Hannah slapped Jim
15 again then began running down the hall, but Jim caught her and pinned her to the
16 ground and that it hurt.

17 Hannah reports that Jim kept telling her to "slap me" over and over again.
18 Hannah indicates that she started screaming for Matthew. By the time Matthew
19 got out of her room, Jim had on a hold on Hannah in such a way that Hannah
20 could not walk or run away. Hannah was trying to defend herself by pulling Jim's
21 hair and ears. Hannah reported that when she was on the floor, and Jim was

1 pushing her against the wall and telling her to “slap me, slap me” and would not
2 let her go.

3 Hannah advised that she tried getting out and Jim pushed her back down,
4 and kept hitting her head on the floor. When Matthew got out of Hannah’s room
5 to help his sister, Jim let go of Hannah and Jim started doing the same to Matthew
6 near the couch, choking Matthew and squeezing him with his legs. Hannah
7 reports that it to her as though it really hurt Matthew. Hannah advised that she
8 tried helping Matthew and Jim kept telling her to go back to her room. Hannah
9 reported did not want to go back to her room because she thought Jim was going
10 to kill Matthew.
11
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13
14

15 To try and get Jim off of Matthew, Hannah got Matthew’s laptop computer
16 and told Jim, “Let go of Matthew. I'm going to smash it.” Jim then let go of
17 Matthew, ran up to Hannah, and began choking her around her neck with the
18 crook of his elbow. Matthew then started trying to help Hannah. Jim let go of
19 Hannah and grabbed Matthew. Jim was then choking Matthew with one arm and
20 then he tripped Hannah with his foot, but Hannah caught herself and started
21 running. When Hannah realized Jim had Matthew again, she went back and
22 helped.
23
24
25

26 When Hannah and Matthew got back to Hannah’s room, Matthew kept
27 screaming, “You tried to kill us, you tried to kill us.” Jim then admitted it and
28

1 said, "Yeah, I did try to kill you." Hannah advised that she kept trying to get Jim
2 out of the room, but Jim did what she describes as,

3 That thing with my arm where he picked me up by that one arm and
4 it would like cut off the circulation to the rest of my arm and picked
5 me up. So, I'm not even on the ground anymore. He's just holding
6 me by the arm and it hurt a lot. And he just threw me onto the bed
7 and then he kept like, putting the phone in our faces.

8 Hannah and Matthew went to Selena's room so that Hannah could try and
9 get her cellphone which had hidden. When Hannah and Matthew were in Selena's
10 room, and Jim kept pretending that he was going to hit Hannah by raising his fist
11 to her and pretending like he was going to punch her. What Jim was doing to her
12 was described by Hannah as,

13 Like, he had his hand right at my face but I pretended like I didn't-
14 wasn't- I didn't care at all. Like I didn't even flinch. I didn't blink or
15 anything because I know if I did, that would make him feel
16 powerful. And that's probably what he wants because at this point,
17 all he wants is to make himself feel like he's in charge.

18 After the children reported to Minh what had occurred, she was upset and
19 reached out to both her counsel and the guardian ad litem about making a report to
20 Child Protective Services. Both this office and the guardian ad litem advised
21 against reporting by Minh.⁵

22 This office indicated to Minh that given the posture of the case and the
23 animus that has been directed to Minh, it was advised that she should not report
24

25
26
27
28 ⁵ Copies of photographs of Hannah taken by Minh after the October 16, 2021,
altercation are attached for the Court's convenience as Exhibit B.

1 the multiple batteries to Child Protective Services. It was advised to rather let a
2 mandatory reporter make the report since the mandatory reporter would not be
3 accused of bias or ill motive. Dr. Fontenelle-Gilmer, upon having a therapy
4 session with Hannah, did make a report to Child Protective Services as she is a
5 mandatory reporter.
6

7
8 At the status check hearing on November 12, there was a cursory discussion
9 as to what had happened on October 15, and 16. The reward for Jim punching and
10 attempting to choke out Matthew and banging Hannah's head against the floor
11 was to accuse Minh of alienating the children from Jim and giving Jim interim
12 legal and physical custody of Matthew.
13

14
15 At the December 16, status check hearing, Minh was ordered to have
16 visitation with Matthew over the Winter Break. Hannah was to continue attending
17 Becker Middle School, Matthew was to continue attending Bob Miller Middle
18 School, Minh was to seek out counseling, and Dr. Collins was directed to provide
19 counsel for Jim and Matthew and Jim and Hannah.
20
21

22 Between the end of Winter Break and the status check hearing, on January
23 14, the guardian ad litem wanted to have a video conference with counsel because
24 she was concerned. It was reported by the guardian ad litem on the Bluejeans
25 video conference that Matthew continued being despondent. Jim engaged in
26 bullying behaviors by removing the locks on Matthew's doors at his house. The
27 guardian ad litem had to tell Jim to put the locks back on.
28

1 Matthew refused to allow Jim to touch him. Jim ignored Matthew's
2 personal boundaries and touched him anyway, further driving a wedge between
3 them. Matthew refused to leave his room to look for food at meal times because
4 he did not want to see Jim.
5

6 Jim refused to engage with Matthew in Matthew's sport, rock climbing.
7
8 Before Jim stopped taking Matthew, because it was not convenient for him, Jim
9 would either drop Matthew off and leave or Jim would sit in his car and do
10 paperwork. At the conference, the guardian ad litem indicated that everyone can
11 agree that it is getting worse and we cannot continue on like this.
12

13 On January 22, Minh tried to talk to Jim about Matthew and his
14 unhappiness. Jim was extremely hostile to Minh. After berating Minh on the
15 telephone, Jim sent Minh the following extremely hostile text,
16

17
18 I don't need another person to tell me what the problem is. Every
19 person has told us. Two judges, Nate Minetto, Michelle Gravely,
20 Bree Mullin, Dr. Sirsy, his PA, Val, and your lawyer. I probably
21 have mental issues. Anyone would after living with a person who
22 has a severe narcissistic personality disorder. Good thing for you
23 people with personality disorders have no insight. You, like
24 Donald Trump believe you're always right and everyone else is the
25 problem. Ask Kim, at least in medical school he was taught about
26 people with personality disorders.⁶
27

28 On January 31, Jim violated Minh's joint legal custody rights by attempting
to enroll or enrolled Hannah and Matthew at Pinecrest Academy – St. Rose and/or

⁶ Kim, a physician, believes that Jim likely has a personality disorder.

1 Pinecrest Academy – Inspirada. Jim never discussed the matter with Minh before
2 he tried to apply for admission enroll Hannah and Matthew at Pinecrest Academy.

3
4 At the February 8, status check Jim’s violation of Minh’s joint legal custody
5 rights was minimized, the wholly inappropriate manner in which Jim
6 communicated with Minh was ignored, and Hannah’s remarkable academic
7 turnround was minimized. In return, Minh was attacked for providing beef jerky,
8 raisin bread, and a Rubik’s cube to Matthew.

9
10 Ms. Fujii’s report dated February 2, was discussed. Ms. Fujii described
11 Hannah as a thoughtful, respectful child who is talkative about school and her
12 friends, but speaks negatively about Jim stating that he lies and hits her.⁷ Ms.
13 Fujii’s report stated, **“Currently, forcing the children to see him is arguably**
14 **hurting his relationship with them.”** (Emphasis in the original).⁸ Ms. Fujii
15 indicated that Jim needed get out of his entrenched belief that Minh is alienating
16
17
18
19
20

21 ⁷ The record now contains at least six incidents resulting in bruises, burns,
22 scratches, bloody noses, being body slammed, choking, and hitting head against
23 the floor, going back to December 2019, of Jim battering Hannah that neither this
24 Court nor the prior Court was willing to do anything other than minimize and deny
25 and sweep it under the rug. There is still the issue of Jim battering Minh in front of
26 the children. Photographs of other injuries that Jim has caused are attached as
Exhibit C.

27 ⁸ Specifically, as a first step, Jim needs to discuss the October 15, and 16, incident
28 with Hannah and must discuss with Hannah and Matthew why the promised move
to California did not occur.

1 the children from him. Ms. Fujii indicated that the current schedule of Matthew
2 not seeing Minh was not working to improve relations.

3 Dr. Sunshine Collins' report dated February 7, was discussed. The Court
4 fixated on the sentence fragment that Dr. Collins wrote that Matthew would not
5 voice disappointment regarding the move to California ". . . without significant
6 encouragement and stoking of negative emotions by some outside source" and
7 directly blamed Minh.
8
9

10 The Court stated,
11

12 Well, what outside source is there? **The only person stoking this**
13 **resentment in the children is Mom.** So, the evidence does not
14 support anything Mom's requested as far as going backward in this.
15 We're going forward. If things don't get better and I've warned
16 Mom over and over again, that she's going to force my hand in
17 giving dad sole legal, sole physical custody of all three children, and
18 no contact with her until things are normalized. That's where this is
19 going. And that's what the professionals recommend **for the severe**
20 **parental alienation that's in this case.**⁹ It's severe and it is
21 centered on Mom and her disappointment about California and
22 continuing to stoke that in the children.

23 (Emphasis added).¹⁰
24
25

26 ⁹ As will be seen below, that statement by this Court was directly contradicted Dr.
27 Collins in her interview with Minh.

28 ¹⁰ The Court seems to minimize what Jim does. While attacking Minh, Jim tries to
tells the children, that Jim stated the same thing to them. Selena said, "He said
that you left us and he was the only one taking care of us for a year. Is that true
mommy?" Matthew replied: "Lena, look at the photos!! Are we missing from her
photos for any time at all?"

1 Dr. Collins additionally wrote that Matthew was aware of the court date and
2
3 Matthew spoke clearly about the behaviors in which Hannah engaged which
4 resulted in Hannah remaining with Minh. Matthew had also been unwilling to
5 explore mechanisms for improving his mood or satisfaction in Jim's care. The
6 data indicated that Matthew was making himself unhappy in hopes that he could
7 return to Minh.
8
9

10 This Court addressed Turning Point for Families. This Court stated that as
11 to Turning Points for Families,
12

13 That is reunification therapy for severe parental alienation or for
14 unreasonably disrupted parent-child relationships. They require a
15 court order. I can make a court order regarding Dad and Matthew
16 and Dad could take Matthew and go. It's a four-day in-person,
17 intense therapy in New York and then two years of follow-up with
18 your local providers, etcetera.¹¹

19 The Court encouraged Jim, Matthew, and Hannah to participate in Turning
20 Point for Families (alienation or reunification therapy) in New York. The
21

22 When Jim makes those statements it reenforces to the children that he is a liar.
23 Attached as Exhibit D is on OFW email that Minh sent to Jim dated June 16,
24 2021, telling Jim to stop lying to the children and telling them that she was gone
25 for a year.

26 ¹¹ As also detailed below, none of the four mental health professionals that have
27 worked with these children over the past three years, an MFT, a Ph.D., a Psy.D. or
28 an M.D. have found alienation by Minh. The only people who have "diagnosed"
parental alienation and accused Minh is Jim's counsel and this Court, neither of
which are mental health professionals.

1 transcript from the hearing has been reviewed. The Court never ordered Jim to
2 conduct any investigation. It was ordered that Jim would have sole legal and sole
3 physical custody of Matthew and Minh would have no contact for the next 90
4 days.
5

6 Since February 8, Hannah continues doing extremely well scholastically.
7 Hannah is now a straight "A" 4.0 student.¹² Hannah is very happy, is making
8 friends at school and in the neighborhood,¹³ is eating well again and putting on
9 weight,¹⁴ attends school every day, and has been seeing Dr. Fontenelle-Gilmer on
10 a regular basis and has been doing well with her.¹⁵
11
12
13
14

15
16 ¹² The Court may attempt to minimize and deny the reality that Hannah is a 4.0
17 student by stating, "well it's an easier school," as it did at the February 8, hearing.
18 The fact remains objectively that Hannah is killing it at Ernest Becker Middle
School - and has never been happier.

19 ¹³ This Court may not have the institutional memory, but one of the complaints
20 about Lake Las Vegas was that it was not "kid friendly." There were not that
21 many other children around for Hannah, Matthew, and Selena to hang around with
22 and let kids be kids. There are many kids to socialize with in Minh's subdivision.

23 ¹⁴ Even Hannah's psychosomatic pains have gone away. The only issue Hannah
24 has according to Dr. Fontenelle-Gilmer is anxiety and that anxiety is that she might
25 have to spend time with Jim.

26 ¹⁵ Hannah's grades are attached for the Court's convenience as Exhibit E. Hannah
27 went from being a 1.11 grade point average student one year ago to being a 4.0
28 average honor roll student today. The turnaround by Hannah is literally 180
degrees. It has nothing to do with Ernest Becker being easier; it has everything to
do with Hannah being in an environment where she can thrive.

1 Despite being falsely accused of alienation, and because of that, Minh
2 having no contact, Matthew is not doing so well. Matthew's grades are declining.
3 Matthew has a C in science and is getting a 3.167 GPA overall.¹⁶ The guardian ad
4 litem, Ms. Fujii, has had limited access to Matthew, but in the limited contact she
5 had had with Matthew, he is uncommunicative and his mood and temperament
6 has not improved since January. There is no progress in the therapy with Dr.
7 Collins.
8

9
10 On March 14, Minh met with Dr. Collins. Minh brought up the fact to Dr.
11 Collins that her letter to the Court in which she concluded that Minh was
12 responsible for Matthew's relationship with Jim. Dr. Collins stated,
13

14
15 Okay. Yes, so my letter was definitely intended to let the court know
16 that I think that Matthew has definitely been getting a lot of
17 feedback about how to get what he wants out of this situation, which
18 is to not have to see dad anymore. I think that he has a lot of
19 feedback about how Hannah accomplished that, which she has at
20 this point successfully managed to not have to go see dad anymore.
21 So, my major concern is that Matthew is going to start copying a lot
22 of the behaviors that he knows that she has had.

23
24 Later, the exchange was,

25
26 Mother: So, you think we should just not go so to erase his memory?

27
28 Interviewer: No, I mean, I think that there is a lot to be considered as
different options. The only piece that was in my letter is that I think
that he's continually being exposed to the issue of not living in
California, and that has strengthened his resolve. **Not that mom
said or did anything or that Hannah said or did anything but**

¹⁶ Matthew's grades are attached for the Court's convenience as Exhibit F.

1 that California keeps being a thing for him. And it's the only
2 thing he's focusing his mind on right now.

3 Mother: You're doing a lot of harm on my son by splitting him up
4 with me. You have no idea how close Matthew and I are and how
5 much he's suffering, both results of your matter.

6 **Interviewer: So, I didn't recommend any specifics splitting up or**
7 **anything on that letter.**

8 Mother: It's stated that if the goal was to help Matthew with his dad
9 relationship is to have this person removed from Matthew. The
10 judge used your letter to justify her action.

11 Interviewer: Sure. So, uh, I do. I see what you're talking about here.
12 So, it says that Matthew's exposure to people who are trying to get
13 him to resist dad be limited. Is that you?

14 Mother: And who do you think? No, it's not me. How do you think
15 the judge sees it or Jim's attorney interprets that letter?

16 Interviewer: Well, my hope with this is that they saw me saying that
17 Matthew should have limited exposure to people who are trying to...

18 Mother: And who is that?

19 **Interviewer: I don't know, that's why I didn't name anyone,**
20 **right? So, I don't know who promotes his relationship with dad**
21 **or against his relationship with dad.**

22 (Emphasis added).

23 ...

24 Mother: Yeah, we could get along. That'd be great. But for him to
25 treat me and the kids the way he does now. It's not okay. And we
26 can't get along with that.

27 Interviewer: Sure. So could you- It sounds like there's a lot of things.
28 There's not just one thing. There are a lot of things that have been
 problematic about how he communicates with you all.

1 Dr. Collins indicated that she was not making a lot of progress with
2
3 Matthew and Jim.

4 Interviewer: I can work on dad's piece. So, Dad and I meet with
5 Matthew and talk about dad's policies how things happen in his
6 house. So, some things that were very easy to see that needed to
7 change. For example, the length of punishments that Dad uses.
8 Those are not really appropriate length of punishments, so we talked
9 about what is more appropriate, you know, what are the types of, uh,
10 reasonable consequences to have for behavior. So, we've been
11 working on some things on dad's end but not really working on
12 things on Matthews' end very much. So, something like an intensive
13 four day, I think would be helpful for them. Because I don't think
14 anybody wants to be involved here at my office forever, right? So, if
15 they can get a lot of progress done in four days, I mean, I think that
16 that would be great.

17 . . .

18 **Mother: Yeah. How do you think Matthew would feel for taking**
19 **his mom away from him?**

20 Interviewer: I mean, I can tell you how he feels right now. He feels
21 mostly angry, a little bit sad, but mostly angry. Um, and I know that
22 he wants to be with you. I know that he misses you. I know that he
23 feels a lot of resentment about not having contact with you.

24 **Mother: Okay, so is that helping his relationship with Jim for**
25 **that to happen?**

26 **Interviewer: So, of course, those aren't helpful things.**¹⁷

27 (Emphasis added).

28 ¹⁷ In part, because Dr. Collins never recommended that Matthew and Minh be
separated from each other and never recommended that Matthew be separated from
Hannah. Yet, the Court read wanted it wanted to read and separated Minh and
Hannah from Matthew.

1 Dr. Collins conceded to Minh that the relationship between Matthew and
2 Jim is very poor. It was advised to Dr. Collins that there was a tentative discussion
3 between Minh and Jim for Matthew to spend five days with Minh and two days
4 with Jim, but any further discussion on that was vetoed by Jim's counsel upon Jim
5 discussing it with his counsel.
6

7
8 Dr. Collins indicated that there are things that Jim needs to do to try and
9 repair his relationship with Matthew. At no point in the interview, was the finger
10 of blame really pointed at Minh, and alienation was never brought up.¹⁸
11

12 Ms. Fujii was to meet with Matthew either Thursday, March 17, or Friday,
13 March 18, but suspiciously Jim (likely at the direction of his attorney) told Ms.
14 Fujii that he needed to "reschedule" (no valid reason was given, or any reason for
15 that matter) and Ms. Fujii could not meet with Matthew on March 17, or 18, but
16 could meet with Matthew the following week – after the hearing.¹⁹
17
18

19 Ms. Fujii's conclusion in her status report for the February 8, status hearing
20 was on point, Ms. Fujii's report indicated in bold that "forcing the children to see
21 Jim is arguably hurting his relationship with him." Ms. Fujii's
22 conclusions/predictions were as spot on as to what came from Dr. Collins.
23
24

25 ¹⁸ A transcript of the interview between Dr. Collins and Minh is attached for the
26 Court's convenience as Exhibit G.
27

28 ¹⁹ There should be a negative inference entered against Jim for him trying to
prevent the guardian ad litem from communicating with Matthew and thereby
providing an update.

1 Ms. Fujii has had full access to Hannah and they have a good rapport. Ms.
2 Fujii, if asked, would likely conclude that Hannah is doing very well; Hannah is
3 communicative, has her own mind, and is quite happy being in safe place with
4 Minh.
5

6 Discussions with Dr. Fontenelle and Minh indicates that she does not
7 recommend that Hannah participate in any “Turning Point” program as it is not
8 advised at this time, nor does Dr. Fontenelle recommend any changes in Hannah
9 staying with Minh – she is happy and thriving.
10
11

12 II. 13 OPPOSITION

14 A. Jim’s Misstatements Should be Addressed

15 Jim simply lies – about everything. It has to be pathological. One cannot
16 get past the first page without having to correct something. As with every other
17 submission Jim makes, Minh will correct the record.
18
19

20 Jim claims that the Court directed him to look into Turning Point. Mot. at
21 page 1, line 15. The transcript from the hearing has been reviewed. There is no
22 direction from the Court to Jim to research Turning Point.
23

24 Jim claims that Dr. Collins is Matthew’s therapist. Mot. at page 1, line 16.
25 No, she is not. Dr. Collins is a “reunification therapist.” She is supposed to be a
26 reunification therapist for both Matthew and Hannah. Dr. Collins stated on page 5
27 of her report, “I do not see a clinical benefit to Matthew from participating in
28

1 additional services [meaning other than reunification therapy] with another
2 provider.”

3 It is asserted by Jim that “Dr. Collins agrees with the Court and Jim that this
4 program would help.” Mot at page 1, lines 24-26. There is not a single statement
5 in Dr. Collins’ report dated February 7, wherein Dr. Collins concluded that
6 Turning Point was the way to go. There was nothing in the interview between Dr.
7 Collins and Minh wherein Dr. Collins stated that Turning Point had to be done
8 right now. At best, Dr. Collins concluded that she was not making progress with
9 Matthew; she has not even begun to see Hannah in any meaningful way.
10
11

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13 **B. Jim’s Request for Turning Point at This Time Should be Denied**
14

15 The next return hearing is May 31. It has barely been a month since the last
16 status check hearing, and the first thing that Jim wants to do is escalate – and
17 engage in lies, as he has always done, in order to do that. It is as though Jim’s
18 counsel started drafting the instant Motion the day after the hearing.
19

20 Jim claimed to Dr. Collins in the February 7, status hearing report he was
21 willing to hamper his own relationship with Matthew if that was in Matthew’s
22 best interests. Jim’s actions are the exact opposite of that. Jim claimed to Dr.
23 Collins in her February 7, status hearing report that Minh should be included in
24 Matthew’s services, and acknowledged and promoted the importance of Minh’s
25 role in Matthew’s life.
26
27
28

1 Jim's conduct is the exact opposite of what he claims to Dr. Collins. He
2 consistently dismisses and denigrates Minh as being beneath him. Jim treats the
3 children as though they are objects as well and if he could just find the right
4 formula, then everything would be okay. That fact is not lost on the children.
5

6 It does not matter how many exercises Dr. Collins gives Jim as she states in
7 her report and her interview with Minh. It does not matter how many times Jim
8 calls Ms. Fujii and asks her "what should I do?" when it comes to dealing with the
9 children. It does not matter how many times Jim incessantly calls his lawyers and
10 asks them for advice on what he should do regarding the children. Until Jim
11 admits to the children, the things that he has done, the relationships are not going
12 to improve.
13
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15

16 Dr. Collins indicated to Minh in her interview that taking Matthew away
17 from his mother is not helpful to his relationship with Jim. On February 2, Ms.
18 Fujii concluded that "forcing the children to see Jim is arguably hurting his
19 relationship with him." Dr. Fontenelle recommended on October 16, of last year,
20 that if there was to be reunification that there should be a gradual reintroduction
21 that should expand the time between parent and child.²⁰
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27 ²⁰ There is also no recommendation from Dr. Fontenelle regarding Turning Point
28 for Hannah and the parties agreed that they were going to follow Dr. Fontenelle's
recommendations.

1 As stated, it has been barely a month, and Jim wants to escalate, lie to the
2 Court, and personally attack Minh at the same time when Minh has not had any
3 visitation with Matthew since January. Yet, despite the recommendations of the
4 experts, and this is all of the experts, Jim is blind and deaf to them and can only
5 focus on himself.
6

7
8 **C. Jim's Request for Minh to Pay for Turning Point Should be Denied**

9 Jim makes the snide comment that Minh should be responsible for
10 everything. Jim then tries to conflate prior orders and the current order that he is
11 seeking. There is no logic between one and the other and Jim knows it. Jim
12 conduct is disingenuous and Jim knows it; he just does not care.
13

14
15 Jim claims that Minh has willfully refused to pay other outstanding bills.
16 Mot. at page 3, lines 11-19. It is a lie and one that is easily proven. On October 2,
17 2021, Minh sent an email to Jim asking about the balance and that she would like
18 to pay her share ASAP. On October 3, Jim wrote, "Great. I'll work on this as
19 soon as I can."²¹ Minh sent the receipts to Jim as he requested. Minh never heard
20 from Jim again on the subject until he filed his Motion on March 15, his, once
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28 ²¹ A copy of the email exchange dated October 2 and October 3, 2021, is attached
for the Court's convenience as Exhibit H.

1 again, making false accusations in an attempt to further poison the Court against
2 Minh.²²

3
4 Jim takes the time in which he should be building up a relationship to co-
5 parent with Minh to personally and falsely attack Minh by stating, “Jim has been
6 so focused on addressing the dire issues with their children he has not expended
7 any energy to collect the amounts from Minh.” Mot. at page 3, line 24, to page 4,
8 line 2. Jim engages in falsehoods and personally attacks and blames Minh and
9 then wonders why their relationship is strained.
10
11

12 Perhaps Minh has been going through the same thing that Jim claims he has
13 been going through, and payment beyond a reminder to Jim (which he
14 conveniently forgot to follow up on), it something that has not been at the top of
15 her list either. Jim, once again, cannot create the problem and then complain of
16 the problem he creates. Accordingly, Jim’s request should be denied in addition
17 to the fact that children should not be sent to Turning Point.
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25 ²² It is not the first time Jim has ignored requests for information. On July 28,
26 2020, Minh sent Jim an email stating, “This is the 6th email I have sent you and you
27 have yet to respond. You are responsible for these bills. Can you tell me if you
28 are planning to pay for it or not?” A copy of the 6th email Minh sent to Jim
regarding whether he was going to pay the property taxes dated July 28, 2020, is
attached for the Court’s convenience as Exhibit I.

1 **D. Jim's Complaints About Minh Communicating with Dr. Collins Should**
2 **be Addressed**

3 Jim seems to think that Dr. Collins is "his" psychologist. Jim complains
4 that Minh sent Dr. Collins a 20-page letter explaining her position to Dr. Collins.,
5 like she is not supposed to be able to defend herself and explain her positions.
6
7 Mot. at page 4, lines 10-14.

8 Jim has the temerity, Minh's perfectly appropriate letter to Dr. Collins as
9
10 "perpetuating lies." Mot. at page 4, lines 14-16. Jim complains that there was
11 "not really" a plan to relocate to California. There was plan and Jim is lying by
12 claiming anything else. There is no logical connection between Judge Ritchie's
13 findings and Jim's claim that there never really was a plan.
14

15 There absolutely was a plan to relocate to California. In August of 2015,
16
17 Minh and Jim had a meeting at Green Valley Ranch to discuss retirement planning
18 with Steven Hazel.
19

20 Jim's responses to Mr. Hazel's questions regarding where Minh
21 and Jim will be retiring was responded to by Jim as California. Minh and Jim
22 travelled to Orange County numerous times from 2015-2017 for the purpose of
23 purchasing a house and involved the children, Minh's close friends, sisters,
24 brothers, mom, dad and even in laws. Most often it was a family event.
25
26

27 In anticipation of the move, Minh listed her offices for sale and got a
28 generous offer from Absolute Dental. Then, in therapy with Dr. Conti, Jim stated

1 that he was “not ready” to move and disavowed any discussions to move. The
2 children, especially Hannah, are acutely aware that Jim stated that they were going
3 to move to California.²³ The children, especially Hannah, resent Jim for lying to
4 them about moving to California.²⁴

6 **E. Jim’s Denial of His Being Physically Abusive Should be Addressed**

8 There are, at this point, multiple examples of Jim being physically abusive.
9 In December 2019, Jim was physically abusive to Hannah after she and Matthew
10 tried to run away. In March 2020, Jim battered Minh right in front of the children.
11 In June 2020, Jim punched Hannah in the face causing her to have a bloody nose.
12 In July 2020, Jim burnt Hannah’s forearm by pushing a hot pan on to it. The
13 multiple batteries committed by Jim on October 15 and 16, wherein Jim punched
14 Matthew and choked Matthew and Hannah speak for themselves.

17 No amount of denial is going to change what happened to Minh and to the
18 children. If anyone wants to know what happened, all they have to do is ask the
19
20
21

22 ²³ Jim will never be able to resolve his estranged relationship with his children
23 especially Hannah if he insists that what the children lived through never
24 happened. The children, not like the court, actually lived through the house
25 searching process. The children planned their lives expecting of the move. They
26 planned their routes to their school from the house which was by just jumping over
the fence.

27 ²⁴ Jim was unwilling to put the children and what they wanted before himself. The
28 findings that Judge Ritchie are simply wrong. Jim has been beating that dead horse
for over two years now.

1 children. So far all of the courts have been afraid to do so because of what they
2 might find.

3 **F. Jim's Complaint of Minh's Email to Nate Minetto Should be**
4 **Addressed**

5 Jim complains about an email to Nate Minetto that she cc'd him on. Mot. at
6 page 6, line 1, to page 7, line 16. It is unclear what Jim is complaining about;
7 everything in the email is true and accurate.
8

9 Jim is physically and mentally abusive to Hannah and Matthew. The Court
10 has the transcript wherein Jim punched Matthew and choked both Matthew and
11 Hannah. A therapy session with Dr. Fontenelle-Gilmer resulted in a CPS report.
12 If the Court wants further details, the children should be interviewed. Now that
13 Hannah is away from Jim, her psychosomatic pain symptoms have disappeared
14 and Hannah has gone from 1.11 grade point average to a 4.0 grade point average
15 in a year's time.
16

17 It is absolutely accurate that if Jim refuses to admit as to how he wrongly
18 treated these children his relationship with them is not going to improve. Jim
19 describes Minh accurately updating Mr. Minetto on what has happened as
20 disparaging and lying about Jim. Everything that Minh wrote to Mr. Minetto is
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1 correct. It is absolutely correct that Jim has been entrenched in his belief that he
2 should blame Minh for everything.²⁵

3 4 **III.** 5 **COUNTERMOTION**

6 **A. Hannah Should be Interviewed**

7 The Court has made assumptions about these children and made decisions
8 about these children without ever talking to them. When this case was reassigned
9 to this Court, this Court immediately painted itself into a corner by declaration that
10 this is a “parental alienation case” at the first hearing, depriving itself of the
11 opportunity to learn the case in a deliberative way.²⁶
12

13
14 Apparently, it does not matter that the first therapist Dr. Michelle Gravely
15 never found parental alienation.²⁷ It does not matter that the second therapist, Nate
16 Minetto, never found that there was parental alienation.²⁸ Apparently, it does not
17 matter that the third therapist, Dr. Michelle Fontenelle-Gilmore specifically found
18
19
20

21 ²⁵ As part of Jim’s inability to interact with people, Jim resolves conflict by filing
22 lawsuits. Jim is the Plaintiff in at least 10 lawsuits in Clark County.

23 ²⁶ In the Opposition and Countermotion filed by Jim on October 12, 2021, Jim
24 accused Minh of alienation on literally every page when no mental health care
25 professional, or the guardian ad litem, has ever concluded that Minh has engaged
26 in alienation and that accusation was uncritically accepted.

27 ²⁷ Dr. Gravely spent many hours with the children.

28 ²⁸ Mr. Minetto spent many many hours with Hannah.

1 that at least there was no parental alienation as to Hannah because Hannah is the
2 only one, she spoke to.²⁹

3
4 It apparently does not matter the fourth therapist, Dr. Sunshine Collins, is
5 unable to determine where any negative information might be coming from. The
6 words of Dr. Collins were, "Not that mom said or did anything or that Hannah said
7 or did anything," and "I don't know, that's why I didn't name anyone, right?" As to
8 whether taking Matthew away from Minh was helpful for Jim and Matthew's
9 relationship, the response from Dr. Collins was, "So, of course, those are not
10 helpful things."³⁰

13 The only ones who have maintained that there is alienation are Jim's counsel
14 and this Court. Repeating alienation over and over like it is some kind of mantra
15 fails to make it so. The people who are most qualified have apparently been
16 unable to conclude that there is any alienation going on, and if there is; it does not
17 appear to be coming from Minh. The willingness to ignore the objective
18 conclusions from the people who are most qualified to make conclusions and back
19 into a desired result of personally attacking Minh should be seen as troubling.

24 ²⁹ Dr. Fontenelle-Gilmer would have probably concluded the same thing about
25 Matthew and Selena if she had been able to speak to them. Dr. Fontenelle-Gilmer
26 has spent many hours with Hannah as well and apparently that does not matter as
27 well.

28 ³⁰ Quite frankly, the guardian ad litem has not found that there is alienation and
apparently that does not matter either.

1 There is one easy way to find out what Hannah is thinking and that is talk to
2 her. Hannah is now 13 years old. Hannah is very intelligent, very verbal, very
3 mature, and very high functioning. Hannah can articulate what she wants and why
4 she wants it.
5

6 Hannah can tell the Court that there was an agreement for the family to
7 relocate to California and Jim then lied and told them that there never was any
8 agreement.³¹ Hannah can tell the Court that Jim battered Minh in front of her.
9 Hannah can tell the Court that Jim has battered her on multiple occasions,³²
10 including most recently as October 16.³³ Hannah can tell all of those things to the
11 Court – only if the Court wants to have an open mind and hear them.
12
13
14

15 Hannah should be interviewed by this Court. *See* NRS 125C.0045.

16 **B. Matthew Should be Returned to Minh Immediately**
17

18 The Court has seen the report from Ms. Fujii and her conclusion that the
19 current schedule of forcing Matthew to be with Jim was not working out. The
20 Court has seen the transcript from the children that describes the acts of domestic
21 violence Jim committed against them on October 15, and 16. Punching your
22
23
24

25 ³¹ As the Court well knows, children hate being lied to.
26

27 ³² What Hannah will tell this Court will absolutely contradict everything that Jim
28 has tried to throw before this Court regarding his battery of Minh.

³³ Hannah can also state that Jim battered Matthew as well.

1 children, choking them, and hitting their head against the floor is not, and never
2 will be discipline.

3 The Court has seen the statements from Dr. Collins that she unable to
4 conclude who might have said anything to negatively impact the relationship
5 between Matthew and Jim, if anyone. So far, Dr. Collins has concluded to Minh
6 that it not Minh or Hannah. Dr. Collins has also stated to Minh that her and
7 Matthew being separated is not helpful for the relationship between Matthew and
8 Jim.
9

10
11 Accordingly, since Ms. Fujii has concluded that forcing Matthew to see Jim
12 is hurting his relationship with Jim, and Dr. Collins has stated to Minh that is not
13 helpful for the relationship between Matthew and Jim for Matthew to not be able
14 to see her, orders should be entered putting Matthew back on the same schedule as
15 Selena. *See* NRS 125C.0045.
16
17

18
19 **C. Minh Should be Awarded the Attorney's Fees She Has Incurred**

20 None of the four mental health experts who have worked with this family
21 from an MFT, to a Psy.D., to Ph.D., to an M.D. has been able to find alienation by
22 Minh. That is an objective un-refutable conclusion. Jim knows this; he has access
23 to the same information as does Minh. Despite knowing this, and contrary to the
24 children's best interests, Jim is riding this Court's conclusion at the first hearing it
25 had in this matter that there is parental alienation that is contrary to the experts'
26 conclusions, and he is doing so for his own selfish interests and contrary to the
27
28

1 children's best interests.

2 There is no reason for attorney's fees should not be awarded to Minh under
3 NRS 18.010(2)(b), NRS 125.040(1)(c), and NRS 150.140(3) and under *Brunzell v.*
4 *Golden Gate National Bank*.³⁴ The factors can be addressed at the time of the
5 hearing.
6

7
8 **III.**
9 **CONCLUSION**

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

- 12
13 1. Denying Jim's Motion in its entirety.
14 2. For an interview of Hannah.
15 3. For Minh's custodial time with Matthew to be restored.
16 4. For attorney's fees and costs, and;
17

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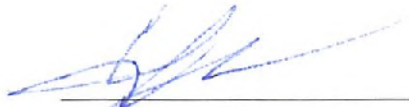
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28 _____
³⁴ 85 Nev. 345, 455 P.2d 31 (1969)

1 5. For any further relief the Court deems proper and just.

2 DATED this 20th day of March 2022

3
4 PAGE LAW FIRM

5
6 

7 FRED PAGE, ESQ.

8 Nevada Bar No. 6080

9 6930 South Cimarron Road, Suite 140

10 Las Vegas, Nevada 89113

11 (702) 823-2888

12 Attorney for Defendant

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

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

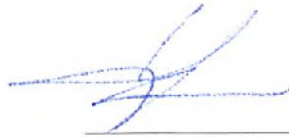
I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

DATED this 20th day of March 2021

MINH LUONG

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 20th day of March 2022, the foregoing OPPOSITION AND COUNTERMOTION was served pursuant to NEFCR 9 via e-service to Robert Dickerson, Esq., attorney for Plaintiff.



An employee of Page Law Firm