

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MINH NGUYET LUONG,

Petitioner,

V.

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,

JAMES W. VAHEY,

Real Party in Interest.

)
) Supreme Court Case No. 84522 Electronically Filed
) Apr 15 2022 10:58 p.m.
) Elizabeth A. Brown
) Clerk of Supreme Court
) District Ct. Case No. D-18-98144-D

**SUPPLEMENTAL APPENDIX TO ANSWER TO EMERGENCY
PETITION FOR WRIT OF MANDAMUS
OR PROHIBITION PER NRAP 21(a)(6) AND NRAP 27(e)**

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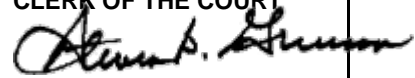
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MOT
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DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES W. VAHEY,
Plaintiff,

v.

MINH NGUYET LUONG,
Defendant.

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

Oral Argument Requested: Yes

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

PLAINTIFF'S MOTION TO TRANSFER CASE TO DEPARTMENT H AND TO ENTER PLAINTIFF'S PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECREE OR DIVORCE

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 Motion to Transfer Case to Department H and to Enter Plaintiff's Proposed Findings of Fact, Conclusions of Law,

SA000001

1 and Decree of Divorce (“Motion”). Specifically, Jim requests this Court
2 enter the following orders:

3 1. An Order transferring this case to the Honorable Judge T.
4 Arthur Ritchie, Jr., Department H, who has presided over this matter since
5 December 13, 2018 and who presided over two (2) evidentiary hearings:

6 a. The evidentiary hearing on custody was held on August
7 8, 2019, September 5, 2019, and September 11, 2019; and

8 b. The evidentiary hearing on financial matters was held on
9 August 13, 2020 and September 4, 2020;

10 2. An Order entering the proposed Findings of Fact, Conclusions
11 of Law, and Decree of Divorce, attached hereto as Exhibit 1; and

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

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

18 DATED this 11th day of February, 2021.

19 THE DICKERSON
20 KARACSONYI LAW GROUP

21 By /s/ Sabrina M. Dolson
22 ROBERT P. DICKERSON, ESQ.
23 Nevada Bar No. 000945
24 SABRINA M. DOLSON, ESQ.
25 Nevada Bar No. 013105
26 1745 Village Center Circle
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 The Honorable Judge T. Arthur Ritchie, Jr., Department H, was
4 previously assigned to this matter and presided over the case for more than
5 two (2) years. Judge Ritchie held an evidentiary hearing on custody
6 matters in 2019 over a period of three (3) days in which Judge Ritchie
7 heard approximately fifteen (15) hours of testimony from six (6) witnesses.
8 Judge Ritchie entered the Findings of Fact, Conclusions of Law, and
9 Decision and Order (“Decision and Order”) on September 20, 2019,
10 resolving custody.

11 In 2020, Judge Ritchie held an evidentiary hearing on financial
12 matters, which spanned two (2) days and in which Judge Ritchie heard
13 testimony from four (4) witnesses. Judge Ritchie issued his orders from the
14 bench at the conclusion of the September 4, 2020 evidentiary hearing and
15 ordered Jim’s counsel to prepare the Decree of Divorce for Defendant’s,
16 MINH NGUYET LUONG (“Minh”), counsel’s review. Judge Ritchie also
17 ordered the parties to discuss and attempt to resolve the remaining custody
18 issues, which included the holiday and summer break custody schedule
19 based on the fact the parties agreed to modify the Court’s Order regarding
20 custody as set forth in the September 20, 2019 Decision and Order.

21 Following the evidentiary hearing, the parties corresponded for
22 months attempting to resolve the remaining issues to no avail. In addition,
23 Minh has insisted Jim agree to modify certain Orders the Court issued at
24 the evidentiary hearing, and will not agree to the proposed Findings of
25 Fact, Conclusions of Law, and Decree of Divorce without Jim’s agreement
26 to modify those certain Court Orders. Thus, this Motion has become
27 necessary as the Court must resolve the last remaining custody issues and
28 confirm its Orders entered at the September 4, 2020 evidentiary hearing.

1 **II. FACTUAL STATEMENT**

2 **A. Procedural Background**

3 Jim and Minh were married on July 8, 2006. The parties have three
4 (3) minor children the issue of their marriage: Hannah, born March 19,
5 2009 (eleven (11) years old), Matthew, born June 26, 2010 (ten (10) years
6 old), and Selena, born April 4, 2014 (six (6) years old).

7 On January 29, 2019, Minh filed a Motion for Primary Physical
8 Custody to Relocate with Minor Children to Southern California. Jim
9 filed his Opposition to Minh's Motion and Countermotion for Joint
10 Physical Custody on February 20, 2019. Minh filed her Reply and
11 Opposition to Countermotion on March 5, 2019. Judge Ritchie held an
12 evidentiary hearing on custody on August 8, 2019, September 5, 2019,
13 and September 11, 2019.

14 In the Decision and Order entered September 20, 2019, the Court
15 ordered the parties to share joint legal custody and found it would be in
16 the children's best interest for the parties to share joint physical custody.
17 Decision and Order, pg. 15, lines 1-10. Given Minh's representations that
18 she intended to relocate to California with or without the children, the
19 Court gave Minh the opportunity to decide whether she wanted to share
20 joint physical custody in Las Vegas. Decision and Order, pg. 15, lines 1-
21 10; *see also* Order from April 22, 2020 Hearing, pg. 3, lines 9-19. If Minh
22 was steadfast in her decision to relocate to California without the children
23 and chose to forego her joint physical custody rights, Jim would be
24 awarded primary physical custody, almost in the nature of a default.
25 Decision and Order, pg. 15, lines 1-10; *see also* Order from April 22, 2020
26 Hearing, pg. 3, lines 9-19.

27 Minh ultimately decided to forego her joint custody rights, and thus
28 Jim was awarded primary physical custody of the children. Pursuant to the

1 Decision and Order and Minh's choice to move to California without the
2 children, Minh was awarded visitation with the children on certain
3 enumerated holiday weekends and extended school breaks throughout the
4 year, which she can exercise in California, and one non-holiday weekend
5 each month, which she must exercise in Nevada. Decision and Order, pg.
6 29, line 21, to pg. 30, line 13.

7 The parties experienced child custody issues in March 2020, which
8 necessitated the filing of Jim's Emergency Motion for Immediate Return
9 of the Children, Dissolution of TPO, Modification of Child Custody,
10 Appointment of a New Therapist for the Children, an Order to Show
11 Cause Why Defendant Should Not Be Held in Contempt, and to Resolve
12 Other Parent Child Issues on March 27, 2020. Minh filed her Opposition
13 to Jim's Emergency Motion on April 19, 2020.¹ Jim filed his Reply on
14 April 15, 2020.

15 The Court held a hearing on Jim's Emergency Motion on April 22,
16 2020. At the hearing, the Court temporarily modified the custody order
17 to give Minh the opportunity to reconsider her decision not to share
18 physical custody of the children. Order from April 22, 2020 Hearing, pg.
19 5, lines 5-8. The Court ordered the parties to share physical custody of the
20 children on a week on/week off basis until May 28, 2020, the date the
21 parties were to appear before the Court for the evidentiary hearing on
22 financial matters. *Id.* at pg. 6, line 27, to pg. 7, line 10. The Court
23 subsequently continued the May 28, 2020 evidentiary hearing to August
24 13, 2020. Second Amended Order Setting Evidentiary Hearing.

25 . . .

27 ¹ Minh had previously provided an unfiled copy of her Opposition to Jim's
28 Emergency Motion as an Exhibit to her Response to Plaintiff's Ex Parte Application for
an Order to Show Cause.

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

13 B. The Attempts Made Since the Evidentiary Hearing to Finalize the
14 Marital Settlement Agreement and Decree of Divorce

15 On October 19, 2020, Sabrina M. Dolson, Esq., Jim's counsel, sent
16 an email to Fred Page, Minh's counsel, wherein Ms. Dolson attached a
17 proposed Marital Settlement Agreement ("MSA") and the proposed
18 Findings of Fact, Conclusions of Law, and Decree of Divorce ("proposed
19 Decree of Divorce") for Minh's and Mr. Page's review. **Exhibit 2.**
20 Included in the proposed Decree of Divorce was the holiday and school
21 break schedule proposed by Jim. Mr. Page sent a responsive letter to Ms.
22 Dolson on October 26, 2020. **Exhibit 3.** It is clear from this letter that
23 Mr. Page did not recall the Court's order for the parties to discuss
24 modifying the holiday and school break schedule set forth in the
25 September 20, 2019 Decision and Order. In his October 26 letter, Mr.
26 Page directed Ms. Dolson to modify all holiday and school break
27 provisions to mirror the Court's September 20, 2019 Decision and Order.
28 Mr. Page also made other erroneous representations, such as the parties

1 had previously agreed the MSA would not merge into the Decree. Mr.
2 Page later confirmed his erroneous representation in an email sent on
3 October 30, 2020, where he confirmed the parties agreed the MSA would
4 merge into the Decree. Exhibit 4.

5 Ms. Dolson responded to Mr. Page's October 26, 2020 letter on
6 November 3, 2020. Exhibit 5. Therein, Ms. Dolson reminded Mr. Page
7 of the Court's direction to the parties to discuss a holiday and school break
8 schedule. Ms. Dolson also addressed additional requests made by Minh
9 to modify the Court's prior orders. Specifically, Minh requested that Jim
10 agree to modify the custody exchange location from the guard gate of his
11 home to receiving parent picking up the children from the opposing party's
12 residence. The Court ordered that the custody exchanges were to occur at
13 the guard gate of Jim's home because of an incident that occurred at Jim's
14 home on March 20, 2020.

15 On that date, Minh picked up the children from Jim's home. After
16 the children were in Minh's RV, Minh walked into Jim's garage, took his
17 ladder, and attempted to take his kitesurf board believing it to be her
18 windsurf board. When Jim informed Minh that she could not take his
19 property, Minh became angry and violent with Jim. In her tirade, Minh
20 slammed Jim's kitesurf board against the floor of Jim's garage, grabbed a
21 U-shaped aluminum handle wrapped in foam and struck Jim's vehicle
22 multiple times, tried to tip the ladder onto Jim's car, and, after Jim moved
23 the ladder to the entry way of his home from the garage, struck Jim's
24 ladder against the entry way floor and walls. Minh was also verbally
25 aggressive during this incident, calling Jim "the lowest scum ever" and
26 baiting him to hit her. Because of Minh's hostility and aggressiveness at
27 prior custody exchanges, Jim thankfully had the foresight to audio record
28 . . .

1 this exchange with his phone. It was not until Jim took his phone out of
2 his pocket to videotape Minh that Minh finally left Jim's garage.

3 After Minh left Jim's garage, and finally his home, Minh went
4 straight to the Henderson Police Department and reported Jim committed
5 domestic violence against her. Minh also sought and obtained a
6 Temporary Protective Order ("TPO") based on her false allegations. Jim
7 was arrested as a result and had to spend a night in jail. Thankfully,
8 because of his recordings, charges were rightfully never brought against Jim
9 and Judge Ritchie dissolved the TPO. *See* Order from April 22, 2020
10 Hearing, pg. 8, lines 9-16. Based on the events of March 20, 2020, Judge
11 Ritchie also ordered the custody exchanges to occur at the guard gate of
12 Jim's home, rather than at the parties' residences. Order from April 22,
13 2020, pg. 7, lines 10-12.

14 The Court's Order regarding the location of the custody exchanges
15 was reflected with the remaining custody orders in the proposed Decree of
16 Divorce. However, Minh is now requesting that Jim agree to modify the
17 Court's order to provide that the receiving parent will pick up the children
18 from the other parent's home. Jim does not feel comfortable having Minh
19 pick up the children from his home based on the March 20, 2020 incident
20 and many other custody exchanges that occurred at the parties' homes.
21 These incidents are detailed in the motions, oppositions, and replies that
22 Jim has filed, including Jim's March 27, 2020 Emergency Motion.

23 Prior to Judge Ritchie ordering the custody exchanges to occur at the
24 guard gate of Jim's home, Minh would be exceptionally hostile to Jim
25 during the custody exchanges. In the presence of the children, Minh
26 would tell Jim not to talk to her, refuse to answer Jim's questions regarding
27 the children, such as whether they had eaten dinner, and make
28 inappropriate comments such as: (1) "You are beneath me. I don't need

1 to talk to you.” (2) “You’re a low life.” (3) “You’re selfish. You selfish
2 SOB. I don’t want to look at your face. I don’t’ want to see you. Do you
3 know that? You’re just beneath dirt.” Jim audio recorded these comments
4 and previously provided the audio recordings to the Court. Minh also
5 would refuse to help Jim exchange the children if one or more of them was
6 having a difficult time with the custody exchange.

7 Prior to the Court ordering the custody exchanges to occur at Jim’s
8 guard gate, the custody exchanges would take an extremely long time and
9 be emotionally draining for the children. Since the Court has ordered the
10 custody exchanges to occur at the guard gate of Jim’s home, they have been
11 much more smooth and the children have become accustomed to the
12 routine. The parties also are only required to exchange the children at the
13 guard gate of Jim’s home on a limited number of occasions because the
14 parties primarily exchange the children at the children’s school. When the
15 parties exchange the children at the school, one parent drops the children
16 off at school on Friday morning, and the other parent picks up the children
17 from school on Friday afternoon. It is only when the children are not
18 attending school that the parties have to exchange the children at the
19 guard gate of Jim’s home.

20 There was recently an incident in which Minh picked up the children
21 from school during Jim’s custody day that also demonstrated how quickly
22 the prior issues that occurred at custody exchanges could return. Minh
23 mistakenly believed her custody time was to begin on January 4, 2021, and
24 informed Jim she would pick up the children from school that day. Jim
25 informed Minh that her custody did not begin until January 8, 2021, and
26 confirmed the parties’ holiday schedule with counsel. In order to prevent
27 Jim from picking up the children from school, Minh withdrew the children
28 from school an hour early without informing Jim. Jim arrived at the

1 children's school to pick them up and learned of what Minh had done. Jim
2 then had to involve counsel in order to get the children returned to him.

3 When Minh finally agreed to return the children to Jim, she told Jim
4 he had five (5) minutes to pick up the children from Hannah's therapist's
5 office. Fortunately, Jim was across the street and drove over to pick up the
6 children. This interference in the children's normal custody exchange and
7 location caused the children emotional distress as had occurred in the past.
8 The custody exchange took approximately fifteen (15) to twenty (20)
9 minutes longer than it does at the guard gate of Jim's home. Minh also
10 reverted back to behaving inappropriately in front of the children, and
11 pointed her finger at Jim and told him "I told you never talk to me, ever."
12 As expected, Hannah struggled with the custody exchange much more than
13 the parties' two (2) younger children. Hannah was terrible towards Jim
14 and the other children the entire drive home and secluded herself in her
15 bedroom upon returning home. Hannah was very disturbed by the
16 custody exchange and remained angry and withdrawn for the remainder of
17 the evening and through the following morning. This event reinforced
18 Jim's belief that it is in the children's best interest for the parties to
19 continue the custody exchanges at the guard gate of his home.

20 Mr. Page responded to Ms. Dolson's November 3, 2020 letter on
21 November 10, 2020. Exhibit 6. In Mr. Page's November 10 letter, he set
22 forth Minh's proposed holiday and school break schedule. Mr. Page also
23 repeated Minh's request that the custody exchange location be modified.
24 In addition, Mr. Page stated Minh obtained health insurance for the
25 children and the health insurance premium was approximately \$400 per
26 month, for which she wanted Jim to reimburse her one-half (½) each
27 month.

28 . . .

1 Ms. Dolson sent a responsive letter to Mr. Page's November 10,
2 2020 letter on November 18, 2020. **Exhibit 7**. In the November 18
3 letter, Ms. Dolson addressed Minh's proposed holiday and school break
4 schedule and confirmed where the parties were in agreement and where
5 there remained disputes. In particular, the parties agreed to share custody
6 of the children during their summer break from school on a two (2) week
7 on/two (2) week off basis. However, because the children's summer break
8 is ten (10) weeks long, Jim brought up the issue of one parent (i.e., the
9 parent receiving the first two (2) weeks) receiving six (6) weeks of custody
10 time with the children and the other parent (i.e., the parent receiving the
11 second set of two (2) weeks) receiving only four (4) weeks of custody time
12 with the children during the summer. Jim suggested that to ensure each
13 parent has five (5) weeks with the children during the summer break, one
14 parent will have custody of the children for the first week of summer break
15 and the other parent will have the last week of summer break. The parties
16 would then equally divide the middle eight (8) weeks of summer break on
17 the two (2) weeks on/two (2) weeks off schedule, thereby ensuring each
18 party receives five (5) weeks of custody time during the summer break.

19 The parties also continued to disagree as to which parent would have
20 custody of the children during their Easter/Spring Break holiday from
21 school. Jim requested that he be permitted to have the children during the
22 Easter/Spring Break in odd numbered years and that Minh have the
23 children in even numbered years. Jim requested this particular division
24 because Minh had the children for their Easter/Spring Break holiday in
25 2020. Thus, it is fair that Jim would be able to have the children in odd
26 numbered years.

27 Lastly, Jim stated he would not agree to modify the Court's Order,
28 made at the September 4, 2020 evidentiary hearing, that Minh shall

1 reimburse Jim one-half (½) the cost of the children's health insurance. Jim
2 provided health insurance for the children throughout the parties' marriage
3 and Minh never had any complaints. The only reason Minh has now
4 obtained a health insurance policy for the children is because she refuses
5 to pay Jim directly for any expense he pays on behalf of the children. Jim
6 had this issue with the children's school tuition and had to seek Court
7 assistance in obtaining an Order for Minh to reimburse him for her one-
8 half (½) portion.

9 Jim did not receive a response to his November 18, 2020 letter. Ms.
10 Dolson sent a follow up email to Mr. Page on December 21, 2020.
11 **Exhibit 8**. Attached to the email were the proposed MSA, signed by Jim,
12 to which there had been no requested revisions by Minh, and the proposed
13 Decree of Divorce, also signed by Jim and his counsel.

14 Mr. Page sent a responsive letter on December 23, 2020. **Exhibit 9**.
15 Mr. Page stated the parties continued to disagree as to the custody
16 schedule during the children's summer break from school, the
17 Easter/Spring Break holiday, the custody exchange location, and the health
18 insurance issue. The parties exchanged a couple more letters between
19 counsel, with Ms. Dolson sending a letter to Mr. Page on January 5, 2021,
20 attached hereto as **Exhibit 10**, and Mr. Page sending a letter to Ms.
21 Dolson on January 21, 2021, attached hereto as **Exhibit 11**.
22 Unfortunately, the parties could not agree regarding the above detailed
23 issues.

24 C. **Other Parent-Child Issues that Have Arisen Since the September 4,**
25 **2020 Evidentiary Hearing**

26 Since the September 4, 2020 evidentiary hearing, there have been
27 additional parent-child issues that have arisen. Some of these issues have
28 been raised with the Court in previous motions, but have become much

1 worse recently. In the Emergency Motion to Resolve Parent-Child Issues
2 and for Attorneys' Fees and Costs, which Jim filed on June 5, 2020, Jim
3 informed the Court of Minh's attempts to use telephone communications
4 with the children to interfere with Jim's custody time.

5 As discussed above, Minh was able to obtain a TPO in March 2020
6 based on her false allegations of domestic violence. The TPO allowed
7 Minh to keep the children away from Jim for five (5) weeks. At the April
8 22, 2020 hearing, the Court ordered Minh to return the children to Jim at
9 9:00 a.m. on April 23, 2020 for the beginning of his custody week. On
10 April 23, it took approximately 30 minutes to exchange the children so Jim
11 did not return to his home until approximately 9:30 a.m. To demonstrate
12 Minh's unreasonable requests for communication with the children,
13 approximately two (2) hours after the custody exchange on April 23, Minh
14 requested to speak to the children. Minh had the children for five (5)
15 weeks without Jim being able to see them and with Jim having very limited
16 and restricted communications with the children, and approximately two
17 (2) hours after they were finally returned to him, Minh could not allow Jim
18 to enjoy even a few hours with the children before she began making
19 demands to speak to them.

20 In his June 2020 Emergency Motion, Jim also advised the Court that
21 when he asks Minh to speak to the children, she tells him to contact the
22 children directly, either by calling Hannah's cell phone or FaceTiming
23 Matthew and Selena on their iPads. Minh has continued this practice.
24 The children are too young for the parties to be contacting them directly,
25 especially if Jim is required to contact Matthew and Selena through their
26 iPads. It is not realistic that Matthew and Selena will even have access to
27 their iPads at the times Jim calls. Hannah also does not answer Jim's calls
28 . . .

1 when she is with Minh. Jim actually has not spoken to Hannah once while
2 she is with Minh since March 20, 2020.

3 On the contrary, when Minh asks Jim to speak to the children, Jim
4 calls Minh from his cell phone and, once there is a connection, he hands
5 the phone to the children. Jim encourages the children to speak to Minh
6 even when they do not want to. Jim understands the children may not
7 want to speak to him because they often do not want to speak to Minh
8 during Jim's custody timeshare. Selena is too young to find speaking on
9 the phone interesting and Matthew is more interested in playing rather
10 than talking on the phone. Jim understands this, which is why he has to
11 encourage the children to speak to Minh by calling her for them and
12 handing them the phone once Minh is on the line. Jim has asked Minh to
13 do the same for him, but Minh refuses.

14 Recently, Minh unilaterally decided that she was going to spend an
15 hour every single day teaching the children Vietnamese on FaceTime.
16 Minh promised to buy Selena toys if she participated and promised
17 \$1,000.00 to whomever of the children does the best in the next three (3)
18 months. The children, not Minh, informed Jim that their mother wanted
19 to teach them Vietnamese and they needed to be able to FaceTime with
20 her for one hour every day from 5:00 p.m. to 6:00 p.m. during Jim's
21 custody time, even on school days. Jim informed Minh that this time did
22 not work for him and the children as they are usually doing homework or
23 eating dinner around that time. In a more than generous attempt to
24 coparent with Minh, Jim agreed to allow Minh to FaceTime with the
25 children every day from 7:00 p.m. to 8:00 p.m.

26 Unfortunately, Minh immediately began abusing Jim's generosity.
27 Even though Jim agreed to give Minh one hour every night from 7:00 p.m.
28 to 8:00 p.m. to teach the children Vietnamese, Minh has started

1 encouraging the children to not end their FaceTime session at 8:00 p.m.
2 It became such an issue that one night at 8:20 p.m. Jim told Selena that
3 she had to end the FaceTime session with Minh because he had to get her
4 ready for bed. When Minh heard Jim telling Selena it was time to get
5 ready for bed, Minh told Selena that her father was lying when he said her
6 bedtime was 8:30 p.m. Jim was forced to take away the iPad from Selena,
7 which obviously set him up to be the bad guy. Selena was very upset and
8 cried.

9 This was not an isolated incident. Going over the already generous
10 one hour allotment is not uncommon and it is now clear to Jim that Minh
11 will continue to take advantage of his attempts to coparent. Recently,
12 Minh has been turning the daily one hour Vietnamese lessons during Jim's
13 custody time into ten (10) minutes of socializing with the children, thirty
14 (30) minutes of Vietnamese, and twenty (20) minutes of movie time. It
15 is clear that Minh's request to spend an hour with the children every day
16 during Jim's custody time is not truly to teach them Vietnamese; it is to
17 interfere with Jim's custody time and continue her attempts to alienate the
18 children from Jim.

19 Despite Jim allowing Minh to speak to the children for an hour every
20 single night during his custody time, Minh does not similarly coparent
21 with Jim during her custody time to allow him to speak to the children.
22 Minh demands that Jim ensure the children are available to speak to her
23 for one hour every single day, yet, when Jim asks to speak to the children
24 during Minh's custody time, Minh tells him that he can contact the
25 children directly through their cell phone or iPads. Minh absolutely
26 refuses to facilitate any communication between the children and Jim.²

27
28 ² Jim's counsel informed Minh's counsel that Jim would need to file a
motion to address the issues with finalizing the Decree of Divorce. Minh's counsel

1 Minh did not even have the children call Jim on his birthday or on
2 Christmas day. Despite telling Jim that he can call the children any time
3 on their iPads, the children informed Jim that they were not allowed to use
4 their iPads on Christmas day.

5 It is clear Minh also does not receive reasonable counsel from her
6 attorney on how to be a coparent. On February 1, 2021, Minh's counsel
7 had the audacity to send a letter to Jim's attorney criticizing Jim for
8 "limit[ing] the amount of time [Minh] is able to speak to the children . .
9 . ." **Exhibit 12.** Minh's counsel criticized Jim for not allowing Minh to
10 speak to the children every day from 5:00 p.m. to 6:00 p.m. and only
11 allowing the children to speak to Minh from 7:00 p.m. to 8:00 p.m. every
12 day. Based on this letter, it appears Minh will never learn to coparent
13 because she has counsel that encourages her unreasonable behavior.

14 Most recently, Minh tried to schedule a time for the children to
15 watch a movie with her while she was on FaceTime during Jim's custody
16 time. Minh told the children they would watch a one and a half hour
17 movie on Sunday at 4:45 p.m. during Jim's custody time without first
18 discussing same with Jim. Jim had already scheduled a play date for
19 Matthew and one his friends during that time. Rather than coparent with
20 Jim, Minh told Matthew that he needed to tell his friend and his friend's
21 family that they had to leave Jim's home before 4:45 p.m. so the children
22 could watch a movie with Minh. On January 31, 2021, Minh sent the
23 following email regarding same:

24
25 _____
26 likely understood that Jim also would be raising these additional parent-child issues as
27 counsel have recently discussed same. On February 9, 2021, Jim was surprised to
28 receive a telephone call from Selena during Minh's custody time. Jim spoke to Selena
for approximately ten (10) minutes and Matthew for approximately five (5) minutes.
This is out of the ordinary as Jim typically does not receive telephone calls from the
children during Minh's custody time, and his attempts to contact the children go
unanswered.

1 Jim,

2 The children asked to have a movie date with me tonight at
3 4:45. Matthew said he will inform his friend that his play date
4 will have to end then. Please don't disrupt our plan. Again,
5 the judge placed the order that you are not allowed to limit my
6 contacts with the children. Please do no violate the judge's
7 direct order.

8 **Exhibit 13.** Jim responded the same day to Minh:

9 Nguyet,

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

15 I respect your time. Please respect ours.

16 **Exhibit 13.** In response, Minh sent an email to Jim and carbon copied
17 Nate Minetto, Hannah's therapist:

18 Hi nate,

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

23 Jim,

24 Please stop and see what you are doing to the children. They
25 were so excited and looked forward to watching the movies
26 together at 5pm. Even after informing you, you made sure that
27 the movie would not happen. You did not let Lena get on the
28 phone with me till close to 8:30pm at which time you kept on
repeating that her bed time is at 8:30 and that she and I need
to hang up. Lena was in tears when she was able to get on
saying that you would not let her get on the iPad at 5pm. In
her exact words: "Daddy wouldn't let me turn on the iPad."
You tramatized [sic] her Jim. You are the ugly person that you
were calling me in front of the kids. Please refrain yourself
from calling me names in front of the children.

How much longer will you torture the children. Hannah has
been locking herself in her room for 2 years now. She doesn't
want to leave her room because she doesn't want to see your
face. She starves herself until she knows you are not in the
dinning room/kitchen area. Is this the kind of relationship you
want with your children? You force Hannah to go to therapy
so you can continuously torture her and you expect her to

1 heal? Again, the more you try to alienate the children the more
2 they will hate you. Is this what you are trying to accomplish?
3 You are very successful if that is what you want. Do you
4 know the children are counting till the day you die? They
5 were so happy when they found out your actual age. How
6 sad is that? Do you think any kids would wish their
7 parent to die if the parent were good to them? This is
8 how much they hate being with you. I did not want to tell
9 you these because it is hurtful but you need to know to reflect
10 on it.

11 **Exhibit 13.** Minh is so blind to her manipulation, coaching, and
12 alienation of the children that she thought it was a good idea to include a
13 third party, Hannah's therapist, on an email in which she tells Jim that the
14 children are counting the day until he dies.

15 Contrary to Minh's hurtful words, Jim has a great relationship with
16 Matthew and Selena. In his many motions, Jim has detailed the issues he
17 has experienced with Hannah since the parties' separation, and primarily
18 since Minh kept the children from Jim for five (5) consecutive weeks in
19 March and April 2020. Hannah has not been the same since that time,
20 which is why Jim had to request Hannah be seen by a new therapist in his
21 June 2020 Emergency Motion. The Court agreed and Mr. Minetto has
22 been having weekly therapy sessions with Hannah, which have been very
23 beneficial for Hannah's well-being. It is clear from Minh's email that she
24 is now attempting to manipulate Mr. Minetto into believing that Jim is the
25 sole cause of Hannah's psychological issues.

26 Minh also is using the same manipulation, coaching, and alienation
27 on Selena that she uses on Hannah. On Wednesday, February 3, 2021, as
28 Jim was putting Selena to bed, Selena asked Jim why he could not just
move to California so they could be happy there. Jim feels powerless in
these situations because he does not believe it is appropriate for the parties
to speak to the children about their litigation positions, but he does not
want the children to grow up believing the lies Minh is feeding them. Jim

1 has helplessly watched as Minh has emotionally and psychologically
2 damaged Hannah with these tactics and he is terrified that Matthew and
3 Selena will be Minh's next victims.

4 As detailed in Jim's motions, since Minh filed her Motion for
5 Primary Physical Custody to Relocate with the Minor Children to
6 Southern California, Minh has inappropriately told the children that Jim
7 and Minh had an agreement to move to California and Jim reneged, which
8 is why the family cannot live in California and be happy there. The
9 evidentiary hearing on custody and Minh's request to relocate to California
10 with the children lasted three (3) days and the Court heard fifteen (15)
11 hours of testimony from six (6) witnesses. The Court made the following
12 findings in its September 2019 Decision and Order:

13 **The Court concludes that the parties did not reach an**
14 **agreement to move to California, even though Minh**
15 **Luong purchased a separate property home there in 2017.**

16 In support of this conclusion, the court finds that neither party
17 has retired or sold their practice. The parties' marital
18 difficulties predated Minh Luong's purchase of a home in
19 Irvine, California. Minh Luong testified that prior to 2017, she
20 and her husband were parties in a civil suit concerning an
21 investment. Minh Luong testified that after the case was
22 settled, she was hurt and angry, and she told James Vahey that
23 she was going to purchase a home in California, and he could
24 follow her there if he wanted. Minh Luong testified that she
25 discussed moving the family to California many times with
26 James Vahey. Minh Luong testified that in an April, 2018
27 meeting with a therapist, James Vahey told her he was not on
28 board with moving to California.

September 20, 2019 Decision and Order, pg. 9, line 17, to pg. 10, line 4
(emphasis added).

24 Ultimately, the Court concluded that Minh did not provide sufficient
25 proof to support a removal of the children to California. Despite the
26 Court's findings and orders, Minh continues to manipulate the children
27 into believing Jim promised to move the family to California and then
28 . . .

1 reneged. In its September 2019 Decision and Order, the Court stated its
2 concerns for Minh's behavior:

3 The court finds that James Vahey is more likely to allow the
4 children to have a frequent and continuing relationship with
5 the other parent. The court has concerns that Minh
6 Luong's negative attitude towards James Vahey that stems
7 from his refusal to allow her to move the children to
8 California has caused her to negatively influence the
9 relationship between the children and their father.
10 Evidence was presented at the hearing that showed Minh
11 Luong has discussed the dispute with the parties' children.
12 James Vahey's account of the events in August, 2019 when
13 Hannah was upset and crying on the first day of school was
14 credible. James Vahey testified that Minh Luong told him in
15 the presence of the children that he had forced the kids to go
16 to school in Nevada instead of Irvine where he promised, and
17 said to him, in front of the children, that he misled all of us.
18 Evidence was presented that supports a finding that Minh
19 Luong encouraged Hannah and Matthew to discuss the move
20 to California with their father. Minh Luong testified that when
21 asked by the children about moving to California, she told the
22 children to ask their dad. James Vahey testified that shortly
23 after the separation, Selena, age 4, told him at a custody
24 exchange that mommy told me to tell you to let her stay with
25 her all of the time. This dialog shows poor judgment and
26 has the potential to alienate the children from their father.

27 September 20, 2019 Decision and Order, pg. 11, line 11, to pg. 12, line 6
28 (emphasis added). Selena's recent comments to Jim about why he cannot
just move to California so the family can be happy demonstrate Minh
continues to exercise poor judgment and continues to manipulate and
alienate the children from their father. Jim understands his next option is
to seek primary physical custody of the children based on Minh's actions;
however, Jim has always maintained that it is in the children's best interest
for the parties to share joint physical custody and he is hopeful that as the
Court sets reasonable coparenting boundaries for the parties, Minh will
learn to coparent and accept the Court's orders.

In his June 2020 Emergency Motion, Jim requested the Court enter
an Order that the noncustodial parent shall have ten (10) minutes of video
or telephonic communication with each child, for a total of thirty (30)

1 minutes, every Sunday, Tuesday, and Thursday. Jim requested the Court
2 require the custodial parent to initiate the communication for the children
3 and to ensure each child is available to speak to the other parent. Jim
4 requested the Court enter such orders not to limit either party's contact
5 with the children, but rather to ensure each party had at least a minimal
6 amount of communication with the children while they are with the other
7 parent for a week. Judge Ritchie declined to enter such orders at that time
8 and gave the parties an opportunity to resolve such issues on their own as
9 reasonable coparents. Given Minh's actions and unreasonable demands,
10 Jim is again requesting the Court set reasonable boundaries for the parties'
11 telephonic communication with the other parent.

12 III. LEGAL ARGUMENT

13 A. This Case Should Be Reassigned to the Honorable Judge T. Arthur 14 Ritchie, Jr., Department H, in the Interest of Judicial Efficiency

15 It is the stated goal of the Eighth Judicial District Court ("EJDC") to
16 ensure each family is assigned to one judge. Specifically, Eighth Judicial
17 District Court Rules ("EDCR"), Rule 5.103 (2021) provides:

18 **Rule 5.103. Departmental assignment procedure.**

19 (a) "Same Parties" shall be found when: (1) the same two
20 persons are parties in any other pending case or were the
21 parties in any other previously decided case assigned to a
22 department of the family division, regardless of their respective
party designation (e.g., plaintiff or defendant; applicant or
respondent; joint petitioner, etc.); or (2) a child involved in the
case is also involved in any other pending case or was involved
in any other previously decided case in the family division.

23 (b) Upon the filing of any action, the clerk's office shall
24 utilize the information provided on the Mandatory Family
25 Court Cover Sheet to search the parties' and child(ren)'s names
to determine whether prior cases involving the same parties
exist and assign cases pursuant to this rule.

26 (c) Pursuant to the mandates of NRS 3.025(3), any and all
27 new cases involving the same parties shall be assigned to the
28 same judicial department in the following manner:

1 (1) If no prior case involving the same parties exists,
2 then the case will be randomly assigned.

3 (2) If one or more prior cases involving the same parties
4 has previously been filed, the new case shall be assigned to the
5 judicial department assigned to the earlier-filed case.

6 . . .

7 (f) Notwithstanding the provisions of this rule, if any judicial
8 department takes an action on a case, including, but not
9 limited to, signing an order or holding a hearing (except
10 uncontested family division matters), then that case (and any
11 existing cases involving the same parties) shall be assigned to
12 the judicial department that took such action.

13 . . .

14 (h) Conflicts regarding judicial department assignments
15 pursuant to this rule shall be resolved by way of minute order
16 by the presiding judge or the chief judge consistent with the
17 mandates of NRS 3.025(3).

18
19 It also is the stated goal of the EJDC to ensure that each individual court
20 resolves matters before it in the most efficient and effective manner
21 possible. Specifically, EDCR 1.90(b)(1) (2021), provides as follows:

22 (1) Responsibility of trial judge. It is the clear responsibility of
23 each individual trial judge to manage the individual calendar in
24 an efficient and effective manner. Each judge is charged with
25 the responsibility for maintaining a current docket.

26
27 Judge Ritchie has presided over this case since Jim filed his
28 Complaint for Divorce on December 13, 2018. Judge Ritchie presided
over the evidentiary hearing on custody on August 8, 2019, September 5,
2019, and September 11, 2019, and entered his Orders in the September
20, 2019 Decision and Order. Judge Ritchie presided over multiple
hearings on Emergency Motions that Jim was required to file in 2020
regarding custody issues. At the April 22, 2020 hearing, Judge Ritchie
issued orders temporarily modifying his previous custody orders set forth
in the September 20, 2019 Decision and Order. Judge Ritchie further
presided over the evidentiary hearing on the financial matters on August

1 13, 2020 and September 4, 2020, issued his Orders from the bench on
2 September 4, 2020, which are encompassed in the proposed Decree of
3 Divorce attached hereto as Exhibit 1, and is best able to resolve the
4 remaining custody disputes and disagreements regarding the Court's
5 September 4, 2020 orders from the bench. Based on the foregoing, in the
6 interests of judicial efficiency and economy, this matter should be
7 reassigned to Judge Ritchie.

8 B. The Court Should Enter the Proposed Findings of Fact, Conclusions
9 of Law, and Decree of Divorce Attached Hereto as Exhibit 1

10 As detailed above, the parties have communicated consistently since
11 the September 4, 2020 evidentiary hearing in an attempt to resolve the
12 remaining custody issues as directed by Judge Ritchie, but to no avail.
13 Minh even will not agree to include certain orders Judge Ritchie made at
14 the April 22, 2020 hearing and at the September 4, 2020 evidentiary
15 hearing. Accordingly, Jim respectfully requests the Court enter the
16 proposed Decree of Divorce drafted by his attorneys. In particular, the
17 Court should adopt Judge Ritchie's orders made at the September 4, 2020
18 evidentiary hearing, which Minh now contests, and enter the following
19 custody orders, which are in the best interests of the children:

20 1. *The Court Should Uphold the Court's Order Regarding the Custody*
21 *Exchange Location and Include Same in the Decree of Divorce*

22 In the Court's Order from April 22, 2020 Hearing, the Court
23 ordered: "THE COURT FURTHER ORDERS that the custodial exchanges
24 will occur at the guard gate of Jim's home. Video Transcript, 10:20:16."
25 Pg. 7, lines 10-12. Despite the Court's Order, Minh continues to demand
26 that Jim agree to modify the custody exchange location from the guard gate
27 of his home to receiving parent picking up the children from the opposing
28 party's residence. Although in most custody matters it would be

1 reasonable to include a provision providing that the receiving parent pick
2 up the children from the opposing party's residence, this matter is not like
3 most custody matters.

4 Judge Ritchie originally ordered that the custody exchanges were to
5 occur at the guard gate of Jim's home because of the incident that occurred
6 at Jim's home on March 20, 2020. As detailed above, Minh picked up the
7 children from Jim's home on that date. Minh entered Jim's garage,
8 attempted to take his property, damaged his property, including his kite
9 surfboard, his vehicle, his ladder, and the walls within his home, and
10 attempted to bait Jim to hit her. During this incident, Minh verbally
11 accosted Jim, as she had done at many custody exchanges before.
12 Following the incident, Minh falsely reported Jim domestically abused her,
13 which resulted in Jim being arrested and spending a traumatic night in jail
14 just as the COVID-19 pandemic was beginning. Thankfully, because Jim
15 audio recorded the incident and was able to demonstrate Minh was the
16 aggressor, charges were not pursued against him.

17 Since the parties have exchanged the children at the guard gate of
18 Jim's home, the custody exchanges have been much better for the children.
19 Prior to exchanging the children at the guard gate of Jim's home, the
20 custody exchanges would sometimes last half an hour if one of the children
21 was having a particularly difficult time with the custody exchange. The
22 parties' oldest daughter, Hannah, has had the most difficulty adjusting to
23 the parties' divorce and the new custody arrangement. As a result, prior
24 to the custody exchanges occurring at the guard gate of Jim's home,
25 Hannah would often be emotional and upset during the custody
26 exchanges, and even for hours to a day after. Fortunately, the children
27 have become accustomed to the custody exchanges occurring at the guard
28 . . .

1 gate and the custody exchanges are no longer lengthy ordeals that are
2 emotionally taxing for the children.

3 Based on the foregoing, Jim does not agree that it would be in the
4 children's best interest to modify the Court's Order that the custody
5 exchanges occur at the guard gate of Jim's home.

6 2. *The Court Should Uphold the Court's Order that Jim Provide Health*
7 *Insurance for the Children and Minh Reimburse Jim One-Half (1/2)*
8 *the Amount*

8 At the conclusion of the evidentiary hearing on financial matters, the
9 Court found that Jim provides health insurance for the parties' minor
10 children and pays \$864.00 per month for said health insurance. In the
11 September 20, 2019 Decision and Order, the Court had ordered the
12 parties to each provide health insurance for the children. However, Minh
13 testified at the evidentiary hearing on financial matters that she does not
14 provide health insurance for the children. Accordingly, the Court found
15 that Minh's one-half (1/2) portion of the children's health insurance
16 provided by Jim is \$432.00 per month. The Court ordered Jim to
17 maintain health insurance for the children and ordered Minh to reimburse
18 Jim \$432.00 per month for her one-half (1/2) portion. The Court also
19 ordered Minh to reimburse Jim for her one-half (1/2) portion of the
20 children's health insurance for the period of January 2019 to September
21 2020, which amounted to \$8,771.00 within sixty (60) days of September
22 4, 2020 (i.e., the Court's Order). Not surprisingly, Minh has not
23 reimbursed Jim this amount.

24 In addition, Minh has not reimbursed Jim for her one-half (1/2)
25 portion of the children's health insurance since November 2020. Rather,
26 following the evidentiary hearing, Minh obtained her own health insurance
27 policy for the children. Minh then had her counsel send Jim's counsel a
28 . . .

1 letter claiming Minh's health insurance policy was cheaper and demanding
2 Jim reimburse her for one-half ($\frac{1}{2}$) the cost. **Exhibit 6.**

3 Jim informed Minh that she did not obtain a health insurance policy
4 that was comparable to the health insurance policy he provides for the
5 children, and he did not agree to modify the Court's Order. Specifically,
6 the health insurance policy obtained by Minh is simply a premium Minh
7 pays to have access to United Healthcare's network (i.e., insurance
8 discounts for network providers), but Minh is still required to pay for the
9 same expenses an insurance company would pay. There is also a
10 \$3,000.00 deductible for the health insurance policy obtained by Minh,
11 whereas the health insurance policy provided by Jim only has a \$500.00
12 deductible. Nevertheless, Minh refuses to agree to include the Court's
13 Order that she reimburse Jim for one-half ($\frac{1}{2}$) the cost of the health
14 insurance policy he provides for the children in the Decree of Divorce.
15 Accordingly, Jim requests the Court enter the Decree with Judge Ritchie's
16 Orders regarding the children's health insurance and deny Minh's request
17 to modify same.

18 3. *The Court Should Enter the Custody Orders Set Forth in the Proposed*
19 *Decree of Divorce*

20 The parties have agreed to most of the provisions regarding custody
21 and the holiday and school breaks. However, the parties have not reached
22 an agreement regarding the division of the children's summer break from
23 school and the Easter/Spring Break holiday. Jim believes the issue of the
24 division of the Easter/Spring Break holiday should be a relatively simple
25 agreement, but Minh refuses to be reasonable and fair. Minh had the
26 children for their Easter/Spring Break holiday in 2020. Accordingly, Jim
27 has requested that he have the children for their Easter/Spring Break
28 holiday in odd years and Minh have the children in even years.

1 Unfortunately, Minh refuses to be reasonable and continues to insist
2 that she have the children for their Easter/Spring Break holiday for two (2)
3 years in a row. This is obviously unfair to Jim. Not only did Jim not have
4 the children for their Easter/Spring Break holiday in 2020, but he also was
5 deprived of an additional twenty-four (24) days of his custody time
6 following the 2020 Easter/Spring Break holiday. As detailed above, Minh
7 obtained a TPO based on her false allegations of domestic violence from
8 the March 20, 2020 incident in which Minh went into Jim's garage,
9 attempted to take his property, and damaged his property. Minh used the
10 TPO to deprive Jim of twenty-four (24) days of his custody time with the
11 children. Based on the foregoing, it is only reasonable and fair to award
12 the Easter/Spring Break holiday to Jim in odd years and to Minh in even
13 years.

14 Regarding the children's summer break from school, the parties have
15 agreed to share custody of the children on a two (2) week on/two (2) week
16 off basis. Unfortunately, the children's summer break from school is ten
17 (10) weeks long, which means that if the parties begin their two (2) week
18 on/two (2) week off schedule with the first week of summer break, one
19 parent will end up having the children for six (6) weeks and the other
20 parent will end up having the children for four (4) weeks. To ensure each
21 parent receives five (5) weeks with the children during their summer break
22 from school, Jim has proposed that the parties agree one parent will get the
23 children the first week of summer break, and the other parent will get the
24 children the last week of summer break. The parents would then alternate
25 the middle eight (8) weeks of summer break on the two (2) week on/two
26 (2) week off schedule.

27 Minh refuses to agree to this proposal because she claims it is
28 confusing. While not the most ideal custody arrangement, Jim's proposal

1 ensures each parent receives five (5) weeks of custody time with the
2 children during their summer break from school. If Jim's proposal is truly
3 too confusing, Jim proposes the parties simply continue their regular week
4 on/week off custody schedule of the children during their summer break.
5 Accordingly, Jim requests the Court adopt the summer break provision set
6 forth in the proposed Decree of Divorce, or order the parties to continue
7 their regular week on/week off custody schedule during the children's
8 summer break from school.

9 C. The Court Should Enter Orders Regarding the Parents' Telephonic
10 Communication with the Children and Should Admonish Minh
11 Regarding Her Manipulation and Alienation of the Children from
12 Jim

13 In his June 2020 Emergency Motion, Jim requested the Court enter
14 an Order that the noncustodial parent shall have ten (10) minutes of video
15 or telephonic communication with each child, for a total of thirty (30)
16 minutes, every Sunday, Tuesday, and Thursday. Jim requested the Court
17 require the custodial parent to initiate the communication for the children
18 and to ensure each child is available to speak to the other parent. Judge
19 Ritchie declined to enter such orders at that time and gave the parties an
20 opportunity to resolve such issues on their own as reasonable coparents.
21 Given Minh's recent actions and unreasonable demands detailed above,
22 Jim is again requesting the Court set reasonable boundaries for the parties'
23 telephonic communication with the other parent.

24 In addition, Jim is requesting the Court admonish Minh that her
25 continued attempts to manipulate and alienate the children may result in
26 Jim being awarded primary physical custody. Jim is doing everything in his
27 power to coparent with Minh for the children's best interest. Since Minh
28 first requested to relocate with the children to California, Jim has
maintained that it is in the children's best interest for the parties to be

1 equally involved in the children's lives and for the parties to share joint
2 physical custody. The Court agreed with Jim, and set forth detailed
3 findings and orders in its September 2019 Decision and Order regarding
4 the children's best interest and the Court's concerns about Minh's
5 manipulative and alienating behavior. Minh has not changed her behavior
6 to address the Court's concerns. Accordingly, Jim is requesting the Court
7 formally admonish Minh and put her on notice that manipulative and
8 alienating behavior is a basis to modify child custody and award Jim
9 primary physical custody.

10 **III. CONCLUSION**

11 Based on the foregoing, Jim respectfully requests the Court grant the
12 relief requested in this Motion, transfer this case to Department H, enter
13 the proposed Decree of Divorce as the Order of this Court, and enter
14 orders setting reasonable boundaries for the parties' telephonic
15 communication with the children.

16 DATED this 11th day of February, 2021.

17 THE DICKERSON
18 KARACSONYI LAW GROUP

19 By /s/ Sabrina M. Dolson
20 ROBERT P. DICKERSON, ESQ.
21 Nevada Bar No. 000945
22 SABRINA M. DOLSON, ESQ.
23 Nevada Bar No. 013105
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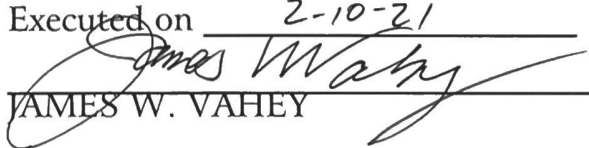
1 DECLARATION OF JAMES W. VAHEY

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 MOTION TO
8 TRANSFER CASE TO DEPARTMENT H AND TO ENTER
9 PLAINTIFF'S PROPOSED FINDINGS OF FACT, CONCLUSIONS OF
10 LAW, AND DECREE OR DIVORCE ("Motion"). I have read the Motion
11 prepared by my counsel and swear, to the best of my knowledge, that the
12 facts as set forth therein are true and accurate, save and except any fact
13 stated upon information and belief, and as to such facts I believe them to
14 be true. I hereby reaffirm said facts as if set forth fully herein to the extent
15 that they are not recited herein. If called upon by this Court, I will testify
16 as to my personal knowledge of the truth and accuracy of the statements
17 contained therein.

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

20 Executed on 2-10-21
21 
22 JAMES W. VAHEY

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of THE DICKERSON KARACSONYI LAW GROUP, and that on this 11th day of February, 2021, I caused the above and foregoing document entitled PLAINTIFF'S MOTION TO TRANSFER CASE TO DEPARTMENT H AND TO ENTER PLAINTIFF'S PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECREE OR DIVORCE to be served as follows:

- ☒ 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.

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

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

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