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Attorney for Defendant

Electronically Filed  
Oct 07 2021 03:58 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Ammie Ann Wallace,**

Plaintiff,

vs.

**William Shawn Wallace,**

Defendant.

Case No. **D-20-613567-Z**

Dept No. **S**

**NOTICE OF APPEAL**

Notice is hereby given that **William Shawn Wallace**, Defendant above  
named, hereby appeals to the Supreme Court of the State of Nevada from the

...

...

...

...

...

1 “Findings of Fact, Conclusions of Law, and Order” entered in this action on the 9<sup>th</sup>  
2 day of September 2021.

3 DATED this 1st day of October 2021

4 PECOS LAW GROUP

5 

7 **Shann D. Winesett, Esq.**

8 Nevada Bar No. 005551

9 PECOS LAW GROUP

10 8925 South Pecos Rd., Suite 14A

11 Henderson, Nevada 89074

12 (702) 388-1851

13 Attorney for Defendant

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Pursuant to NRCP 5(b), I hereby certify that on this 1st day of October

[ x ] pursuant to NEFCR 9, by mandatory electronic service through the Eighth Judicial District Court's electronic filing system;

[ ] pursuant to NRCP 5, by placing the same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Henderson, Nevada;

[ ] pursuant to EDCR 7.26 to be sent via facsimile and/or email, by duly executed consent for service by electronic means;

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

To individual(s) listed below at the address:

**Shelly Booth Cooley, Esq.**

scolley@cooleylawlv.com


Attorney for Plaintiff

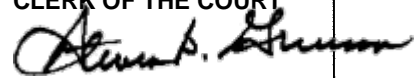
**John Kelleher, Esq.**

[hjuilfs@kelleherandkelleher.com](mailto:hjuilfs@kelleherandkelleher.com)

Attorney for Defendant

DATED this 1st day of October 2021.

  
Janine Shapiro  
An employee of PECOS LAW GROUP



ASTA  
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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Ammie Ann Wallace,**

Plaintiff,

vs.

**William Shawn Wallace,**

Defendant.

Case No. **D-20-613567-Z**

Dept No. **S**

**CASE APPEAL STATEMENT**

COMES NOW Defendant **William Shawn Wallace**, by and through his attorney, **Shann D. Winesett, Esq.**, of the law firm of PECOS LAW GROUP, and pursuant to NRAP 3(a)(1), respectfully presents his Case Appeal Statement.

1. William Shawn Wallace, Defendant above-named, is the Appellant filing this case appeal statement.

1       2.     The Honorable Vincent Ochoa, Eighth Judicial District Court, Family  
2 Division, is the district court judge who issued the decision wherefrom this appeal  
3 arises.

4       3.     The parties who were involved in the district court proceedings  
5 wherefrom this appeal arises are as follows:

- 6           a.   Ammie Ann Wallace (“Ammie”), Plaintiff; and
- 7           b.   William Shawn Wallace (“William”), Defendant.

8       4.     The parties involved in this appeal are:

- 9           a.   William Shawn Wallace, Appellant; and
- 10          b.   Ammie Ann Wallace, Respondent.

11       5.     The counsel involved in this appeal, so far as they are known at this  
12 time, are:

- 13           a.   **Shann D. Winesett, Esq.**  
14               Nevada Bar No. 005551  
15               PECOS LAW GROUP  
16               8925 th Pecos Road, Suite 14A  
17               8926 Henderson, Nevada 89074
- 18           b.   **John T. Kelleher, Esq.**  
19               Nevada Bar No. 006012  
20               KELLEHER & KELLEHER, LLC  
21               40 South Stephanie Street, Suite 201  
22               Henderson, Nevada 89012
- 23           c.   **Shelly Booth Cooley, Esq.**  
24               Nevada Bar No. 008992  
25               THE COOLEY LAW FIRM  
26               10161 Park Run Drive, Suite 150  
              Las Vegas, Nevada 89145

6. Appellant was represented by retained counsel in the district court proceedings.

7. Appellant is being represented by retained counsel in this appeal.

8. Appellant was not granted leave to proceed *in forma pauperis*.

9. The above-entitled district court proceedings initially commenced with the filing of a *Joint Petition for Summary Decree of Divorce* on September 4, 2020. The district court entered its *Decree of Divorce*, filed on September 10, 2020. The order appealed from is the district court's Findings of Fact, Conclusions of Law, and Order entered on September 9, 2021.

10. The nature of the action appealed from is a post-divorce proceeding in which the district court refused to modify child custody.

11. This case has not been the subject of an appeal to or original writ proceeding in the Supreme Court.

12. This appeal ***does*** involve child custody or visitation.

• • •

• • •

• • •

13. To Appellant's knowledge, this case does not involve the possibility of settlement.

DATED this 1st day of October 2021

PECOS LAW GROUP

**Shann D. Winesett, Esq.**

Nevada Bar No. 005551

PECOS LAW GROUP

8925 South Pecos Rd., Suite 14A

Henderson, Nevada 89074

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Attorney for Defendant

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- ☒ pursuant to NEFCR 9, by mandatory electronic service through the Eighth Judicial District Court's electronic filing system;
- ☐ pursuant to NRCP 5, by placing the same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Henderson, Nevada;
- ☐ pursuant to EDCR 7.26 to be sent via facsimile and/or email, by duly executed consent for service by electronic means;
- ☐ by hand-delivery with signed Receipt of Copy.

**Shelly Booth Cooley, Esq.**  
[scolley@cooleylawlv.com](mailto:scolley@cooleylawlv.com)  
Attorney for Plaintiff

**John Kelleher, Esq.**  
[hjuilfs@kelleherandkelleher.com](mailto:hjuilfs@kelleherandkelleher.com)  
 Attorney for Defendant






  
\_\_\_\_\_  
Janine Shapiro  
An employee of PECOS LAW GROUP



**CASE SUMMARY****CASE NO. D-20-613567-Z****In the Matter of the Joint Petition for Divorce of:  
Ammie Ann Wallace and William Shawn Wallace**§  
§  
§  
§Location: **Department S**  
Judicial Officer: **Ochoa, Vincent**  
Filed on: **09/04/2020****CASE INFORMATION****Statistical Closures**09/09/2021 Settled/Withdrawn With Judicial Conference or Hearing  
09/10/2020 Settled/Withdrawn Without Judicial Conference or HearingCase Type: **Divorce - Joint Petition**  
Subtype: **Joint Petition Subject Minor(s)**Case  
Status: **09/09/2021 Closed****DATE****CASE ASSIGNMENT****Current Case Assignment**Case Number D-20-613567-Z  
Court Department S  
Date Assigned 09/04/2020  
Judicial Officer Ochoa, Vincent**PARTY INFORMATION**

<b>Petitioner</b>	<b>Wallace, Ammie Ann</b>	<b>Cooley, Shelly B.</b> <i>Retained</i> 7022654505(W)
	<b>Wallace, William Shawn</b>	<b>Kelleher, John T.</b> <i>Retained</i> 702-384-7494(W)
<b>Subject Minor</b>	<b>Wallace, Miller Clyde</b>	
	<b>Wallace, Quinn Rose</b>	
	<b>Wallace, William Shawn, Jr.</b>	

**DATE****EVENTS & ORDERS OF THE COURT****EVENTS**

10/02/2021	 Notice of Withdrawal Filed by: Petitioner Wallace, William Shawn [23] Notice of Withdrawal of Attorney of Record
10/01/2021	 Case Appeal Statement Filed By: Petitioner Wallace, William Shawn [22] Case Appeal Statement
10/01/2021	 Notice of Appeal Filed By: Petitioner Wallace, William Shawn [21] Notice of Appeal
09/16/2021	 Notice of Entry of Order Filed By: Petitioner Wallace, Ammie Ann [20] Notice of Entry of Order
09/14/2021	 Objection Filed By: Petitioner Wallace, William Shawn [19] Defendant's Objection to Plaintiff's Memorandum of Fees and Costs

# CASE SUMMARY

CASE NO. D-20-613567-Z

09/09/2021	 Order <i>[18] Order</i>
09/08/2021	 Memorandum Filed By: Petitioner Wallace, Ammie Ann <i>[17] Memorandum of Fees and Costs</i>
08/09/2021	 Exhibits Filed By: Petitioner Wallace, Ammie Ann <i>[16] Plaintiff's Exhibits to Opposition to Defendant's Motion to Modify Decree of Divorce and Countermotion for Attorneys Fees and Costs</i>
07/27/2021	 Exhibits Filed By: Petitioner Wallace, William Shawn <i>[15] Exhibits to Reply to Plaintiff's Opposition to Motion to Modify Decree of Divorce and Opposition to Countermotion for Attorney's Fees and Costs</i>
07/27/2021	 Reply to Opposition Filed by: Petitioner Wallace, William Shawn <i>[14] Reply to Plaintiff's Opposition to Motion to Modify Decree of Divorce and Opposition to Countermotion for Attorney's Fees and Costs</i>
07/09/2021	 Financial Disclosure Form Filed by: Petitioner Wallace, Ammie Ann <i>[13] Plaintiff's General Financial Disclosure Form</i>
07/09/2021	 Opposition and Countermotion Filed By: Petitioner Wallace, Ammie Ann <i>[12] Plaintiff's Opposition to Defendant's Motion to Modify Decree of Divorce and Countermotion for Attorneys Fees and Costs</i>
06/29/2021	 Financial Disclosure Form <i>[11] General Financial Disclosure</i>
06/28/2021	 Ex Parte Application for Order Party: Petitioner Wallace, William Shawn <i>[10] Ex Parte Application For An Order Shortening Time</i>
06/25/2021	 Certificate of Service Filed by: Petitioner Wallace, William Shawn <i>[9] Certificate of Service</i>
06/24/2021	 Notice of Hearing <i>[8] Notice of Hearing</i>
06/18/2021	 Motion Filed By: Petitioner Wallace, William Shawn <i>[7] Defendant's Motion to Modify Decree of Divorce</i>
06/18/2021	 Notice of Appearance Party: Petitioner Wallace, William Shawn <i>[6] Notice of Appearance of Counsel</i>
09/11/2020	 Notice of Entry of Decree Party: Petitioner Wallace, Ammie Ann <i>[5] Notice of Entry of Decree</i>
09/10/2020	 Decree of Divorce <i>[4] Decree of Divorce</i>
09/04/2020	 Affidavit of Resident Witness Filed by: Petitioner Wallace, Ammie Ann <i>[3] Affidavit of Resident Witness</i>
09/04/2020	

**CASE SUMMARY****CASE NO. D-20-613567-Z****Consent**

Filed By: Petitioner Wallace, Ammie Ann

*[2] Consent to Self-Representation*

09/04/2020

**Joint Petition for Summary Decree of Divorce**

Filed by: Petitioner Wallace, Ammie Ann

*[1] Joint Petition for Divorce and UCCJEA Declaration***HEARINGS**

08/12/2021

**Minute Order (11:00 AM) (Judicial Officer: Ochoa, Vincent)**

Decision Made;

Journal Entry Details:

*MINUTE ORDER FROM CHAMBERS NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Co-Petitioner, William Wallace, filed Defendant's Motion to Modify Decree of Divorce on June 18, 2021. Petitioner, Ammie Wallace, filed Plaintiff's Opposition and Countermotion on July 9, 2021. The matter came before the Court on August 18, 2021, and the matter was taken under advisement at the hearing. The Court Orders the following: 1. Mr. Wallace's (Co-Petitioner/Defendant) Motion to Modify Decree of Divorce is denied. 2. Ms. Wallace's (Petitioner/Plaintiff) Countermotion for attorney's fees shall be granted. Ms. Wallace's attorney, Shelly Booth Cooley, Esq., shall file a Brunzell Affidavit and relevant billing statements. 3. Ms. Wallace's attorney, Shelly Booth Cooley, Esq., shall prepare the order. The Order shall contain detailed findings including the facts of the case and an analysis of the relevant law. The portion of the order awarding attorney's fees shall include a discussion of the applicable statute, which party is the prevailing party, and why the actions may be considered vexatious or without merit. The specific amount of attorney's fees shall be left blank. The proposed order shall be submitted in PDF and Word format. A copy of the Minute Order shall be provided to both parties. ;*

08/12/2021

**All Pending Motions (9:15 AM) (Judicial Officer: Ochoa, Vincent)**

Matter Heard;

Journal Entry Details:

*DEFENDANT'S MOTION O MODIFY DECREE OF DIVORCE...PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO MODIFY DECREE OF DIVORCE AND COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS Attorney Shelly Cooley appeared by audiovisual with Plaintiff (Mom). Attorney John Kelleher appeared by audiovisual with Defendant (Dad). Arguments regarding Custody. COURT ORDERED, as follows: Matter UNDER ADVISEMENT. Decision will be issued in one week. This Court may call upon one of the attorneys to prepare the proposed findings of facts.;*

08/12/2021

**Hearing (9:15 AM) (Judicial Officer: Ochoa, Vincent)***Reply to Opposition*

Decision Made;

08/12/2021

**Opposition & Countermotion (9:15 AM) (Judicial Officer: Ochoa, Vincent)***Plaintiff's Opposition to Defendant's Motion to Modify Decree of Divorce and Countermotion for Attorney's Fees and Costs*

Decision Made;

08/12/2021

**Motion (9:15 AM) (Judicial Officer: Ochoa, Vincent)***Defendant's Motion to Modify Decree of Divorce*

Decision Made;

**DATE****FINANCIAL INFORMATION****Petitioner** Wallace, Ammie Ann

Total Charges

381.00

Total Payments and Credits

381.00

**Balance Due as of 10/5/2021****0.00****Petitioner** Wallace, William Shawn

Total Charges

178.00

Total Payments and Credits

178.00

**Balance Due as of 10/5/2021****0.00**

1   ORDR

2  
3  
4                   **EIGHTH JUDICIAL DISTRICT COURT**  
5                   **FAMILY DIVISION**  
6                   **CLARK COUNTY, NEVADA**

7   AMMIE ANN WALLACE,

8                   Plaintiff,

9                   vs.

10   WILLIAM SHAWN WALLACE,

11                   Defendant.

Case No.:

D-20-613567-Z

Dept. No.:

S

Date of Hearing: 08/12/2021

Time of Hearing: 9:15 a.m.

12  
13                   **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND**  
14                   **ORDER**

15           This matter having come on for hearing on the 12<sup>th</sup> day of August,  
16   2021; Plaintiff, Ammie Ann Wallace (Ammie) being present and  
17   represented by Shelly Booth Cooley of The Cooley Law Firm via video;  
18   Defendant, William Shawn Wallace (William) being present and  
19   represented by John T. Kelleher of Kelleher & Kelleher via video. The  
20   Court having considered the papers and pleadings on file herein, as well  
21   as the argument of counsel and the parties, and after taking the matter  
22   under advisement, FINDS and ORDERS as follows.  
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This Court has continuing personal and subject matter jurisdiction in this case. This Court has continuing exclusive custody jurisdiction over post-judgment custody matters pursuant to the UCCJEA as adopted in Nevada Revised Statutes. Ammie and William are residents of Nevada, and Nevada is the home state of the parties' minor children.

That in the Decree, Ammie and William asserted, “that the amount of child support ordered herein is in compliance with the

1 guidelines established by the Administrator of the Division of Welfare  
2 and Supportive Services or has been stipulated to by the parties with  
3 the required certifications and disclosures required by the guidelines.”  
4

5 Decree at 4:14-20.

6 That pursuant to the Petition, the parties share joint legal custody  
7 of the children, to wit: William Shawn Wallace, Jr., date of birth:  
8 06/24/2010, age 11; Miller Clyde Wallace, date of birth: 05/15/2012, age  
9 9; and, Quinn Rose Wallace, date of birth: 01/18/2015, age 6. Petition at  
10 4:17-19.  
11

12 That pursuant to the Petition:

13 9. **Physical Custody.** The Petitioners agree that  
14 primary physical custody of the children should be granted  
15 to AMMIE ANN WALLACE. The Petitioners agree that  
16 WILLIAM SHAWN WALLACE should have custody of the  
17 children Monday through Friday, from 3:30 p.m. (or after  
18 school if school is in session), through 6:30 p.m. The  
19 Petitioners agree that weekends, defined as Friday at 6:30  
20 p.m. to Sunday at 6:30 p.m., should be alternated: Mother’s  
21 weekend is 09/11/2020. Father’s weekend is 09/04/2020.

22 Petition at 6:13-23. The parties agreed to a comprehensive Holiday  
23 Visitation Schedule outlined in the Petition. Petition at 6:24-8:24.  
24

25 That pursuant to the Petition:

...

...

1                   **11. Parties' Incomes.**

2                   AMMIE ANN WALLACE's gross monthly income is  
3                   \$8,583.

4                   WILLIAM SHAWN WALLACE's gross monthly income  
5                   is \$10,000.00.

6                   **12. Child Support.** The child support calculation  
7                   would require WILLIAM SHAWN WALLACE to pay \$2,080  
8                   per month in child support. The Petitioners agree to set child  
9                   support at a different amount. Accordingly, WILLIAM  
10                  SHAWN WALLACE shall pay child support to AMMIE ANN  
11                  WALLACE in the amount of \$1,000.00 per month (\$333.33  
12                  per child) pursuant to NAC 425.140(2) and NAC 425.150.  
13                  The parties certify that the basic needs of the children are  
14                  met or exceeded by the stipulated child support obligation.  
15                  The child support obligation for each particular child is  
16                  terminated beginning on the first day of the month following  
17                  the date on which the child reaches 18 years of age or, if the  
18                  child is still in high school, the first day of the month  
19                  following the date on which the child graduates from high  
20                  school or reaches 19 years of age, whichever comes first.

21                  Petition at 9:4-27.

22                  That a Consent to Self-Representation was filed in this matter on  
23                  09/04/2020, wherein William acknowledged that Shelly Booth Cooley  
24                  and The Cooley Law Firm represent Ammie, do not and will not  
25                  represent him, will at all times look out for Ammie's interests, not  
                    William's, have not given him legal advice, have urged him to obtain his  
                    own counsel to give him advice, and notwithstanding the suggestion to

1 obtain his own counsel to give him advice, William decided to represent  
2 himself.

3 That on 06/18/2021, William filed his Motion to Modify Decree of  
4 Divorce. That Motion requested that the Court modify custody, deny  
5 any claim for “back child support,” and recalculate child support.  
6

7 That Ammie filed her Opposition and Countermotion for  
8 Attorneys’ Fees and Costs on 07/09/2021.  
9

10 That William filed his Reply and Exhibits on 07/27/2021. That  
11 Ammie filed her Exhibits to Opposition on 08/09/2021.

12 At the 08/12/2021 hearing, the matter came before the Court and  
13 the matter was taken under advisement.

14 That on September 8, 2021, Ammie filed her Memorandum of Fees  
15 and Costs seeking an award in the sum of \$10,300.00 pursuant to NRS  
16 18.010 and EDCR 7.60(b). Included in the Memorandum was the  
17 required Brunzell v. Golden Gate Nat’l Bank, 85 Nev. 345, 455 P.2d 31  
18 (1969) analyses. Additionally, attorney-client invoices were submitted  
19 in support of Ammie’s Memorandum. In support of her request, Ammie  
20 contends that she prevailed in the post-judgment proceedings.  
21  
22

23 . . .

24 . . .  
25



## Conclusions of Law

### **Custody**

Before the Court can change custody, a hearing must be held in order to assure all parties' rights are protected. Weise v. Granata, 110 Nev. 1410 (1994); Moser v. Moser, 108 Nev. 572 (1992). However, a hearing is not required if the moving party fails to demonstrate "adequate cause" in the affidavits and points and authorities for a change in custody. Rooney v. Rooney, 109 Nev. 540, 853 P.2d 123 (1993). Specifically, the Rooney Court stated:

Nevada statutes and case law provide district courts with broad discretion concerning child custody matters. Given such discretion in this area, we hereby adopt an "adequate cause" standard. That is, we hold that a district court has the discretion to deny a motion to modify custody without holding a hearing unless the moving party demonstrates "adequate cause" for holding a hearing. "Adequate cause" requires something more than allegations which, if proven, might permit inferences sufficient to establish grounds for a custody change. "Adequate cause" arises where the moving party presents a prima facie case for modification. To constitute a prima facie case it must be shown that: (1) the facts alleged in the affidavits are relevant to the grounds for modification; and (2) the evidence is not merely cumulative or impeaching.

(Internal Citations omitted.) Id. at 124-125. The Court FINDS William fails to establish in his affidavit and points and authorities "adequate cause" to require a hearing.

1        This Court may make an order at any time during the minority of  
2 the child for the custody, care, education, maintenance, and support of  
3 the minor children as appears in their best interests. NRS  
4 125C.0045(1)(a). In custody matters, the polestar for judicial decisions  
5 is the best interest of the children. NRS 125C.0035 and Schwartz v.  
6 Schwartz, 107 Nev. 378, 812 P.2d 1268, 1272 (1991). Nevada statutes  
7 and case law provide that the district court has broad discretion  
8 concerning child custody matters. Rooney v. Rooney, 109 Nev. 540, 853  
9 P.2d 123 (1993). The foundation of all custody determinations lies in the  
10 particular facts and circumstances of each case. Arnold v. Arnold, 95  
11 Nev. 951, 604 P.2d (1979).

12        In his Motion to Modify Decree of Divorce, William is seeking to  
13 modify the award of primary physical custody to Ammie, to an award of  
14 joint physical custody to the parties pursuant to Truax v. Truax, 874  
15 P.2d 10, 110 Nev. 437 (1994). William maintains that he is entitled to a  
16 change of custody because the parties never followed the Decree and  
17 followed a joint timeshare from August 2020 through March 2021.

18        Ammie maintains that she has had primary physical custody of the  
19 children since the parties' separation in October 2017 (and since the  
20 divorce) and that the test for modifications of primary physical custody  
21

1 is Ellis v. Carucci, 123 Nev. 145, 161 P.3d 239 (2007). Ammie  
2 acknowledges that the parties followed a “flexible timeshare” as both  
3 parties were working from home and the children were participating in  
4 distance learning from August 2020 to March 2021, until the children  
5 returned to in-person learning, and the parties resumed following the  
6 timeshare outlined in the Decree, the timeshare the parties had been  
7 following since their separation in August, 2017.  
8

9 Pursuant to Rivero v. Rivero, 125 Nev. 410, 216 P.3d 213 (2009):  
10

11 When considering whether to modify a physical custody  
12 arrangement, the district court must first determine what type of  
13 physical custody arrangement exists because different tests apply  
14 depending on the district court’s determination. A modification to  
15 a joint physical custody arrangement is appropriate if it is in the  
16 child's best interest. NRS 125.510(2). In contrast, a modification to  
17 a primary physical custody arrangement is appropriate when  
18 there is a substantial change in the circumstances affecting the  
19 child and the modification serves the child's best interest. Ellis,  
20 123 Nev. at 150, 161 P.3d at 242.

21 “If a parent has physical custody less than 40 percent of the time, then  
22 that parent has visitation rights and the other parent has primary  
23 physical custody.” Id. at 226. The parties stipulated in the Decree of  
24 Divorce that Ammie would have primary physical custody of their  
25 children and William would have custody of the children Monday  
through Friday, from 3:30 p.m. (or after school if school is in session),

1 through 6:30 p.m. The parties alternated the weekends. According to  
2 the parties' custody agreement in the Decree, Ammie had primary  
3 physical custody and William had visitation, the Decree of Divorce  
4 described an approximately 80/20 (alternating weekends) timeshare,  
5 and the Decree labeled the arrangement as primary physical  
6 custody/visitation rights.  
7

8         Reviewing the facts in the light most favorable to William, the  
9 parties shared joint physical custody from August 2020, through March  
10 2021, and they have been following the timeshare in the Decree since  
11 April 2021, when the children returned to in-person schooling. Pursuant  
12 to Rivero, the district court should calculate the time during which a  
13 party has physical custody of a child over one calendar year. Id. at 225.  
14 "Calculating the timeshare over a one-year period allows the court to  
15 consider weekly arrangements." Id. Calculating the time during which  
16 each party had physical custody of the children between August 2020,  
17 and August 2021, William had custody of the children approximately  
18 30% of the parenting time and Ammie had custody of the children  
19 approximately 70% of the parenting time. Reviewing the evidence in the  
20 light most favorable to William, the Court FINDS the parties' custody  
21 arrangement was one of primary physical custody.  
22  
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1 When a parent is seeking to modify an award of primary physical  
2 custody, as William is seeking, the correct standard is Ellis v. Carucci,  
3 123 Nev. 145 (2007), where the Nevada Supreme Court concluded that  
4 a modification of primary physical custody is warranted only when (1)  
5 there has been a substantial change in circumstances affecting the  
6 welfare of the child, and (2) the modification serves the best interest of  
7 the child.  
8

9 In his affidavit and points and authorities, William does not allege  
10 that there has been a substantial change in circumstances affecting the  
11 welfare of the children. Rather, William asserts that he is entitled to a  
12 “change of custody...because the parties never followed the Decree of  
13 Divorce.” Reply at 6:19-21. However, in his Reply, William admits that  
14 the parties began following the timeshare in the Decree in “spring of  
15 2021.” Reply at 6:18. Reviewing the facts in the light most favorable to  
16 William as William addressed the best interest factors outlined in NRS  
17 125C.0035(4) in his moving papers, the modification of custody would  
18 serve the child's best interest. However, William did not satisfy both  
19 elements of Ellis v. Carucci.  
20  
21  
22

23 Pursuant to Rooney, “to constitute a prima facie case it must be  
24 shown that: (1) the facts alleged in the affidavits are relevant to the  
25

1 grounds for modification; and (2) the evidence is not merely cumulative  
2 or impeaching.” In this matter, the facts alleged in William’s affidavits  
3 are not relevant to the grounds for modification as they do not satisfy  
4 both elements of Ellis v. Carucci, and the evidence is merely cumulative  
5 or impeaching.  
6

7 Pursuant to Rooney v. Rooney, the Court FINDS there is no  
8 adequate cause to hold an evidentiary hearing or trial regarding  
9 William’s Motion to Modify Decree of Divorce and William’s motion is  
10 denied.  
11

### 12 **Child Support**

13 William cites to no law (statutory or caselaw) to support his  
14 request that the Court deny Ammie’s claim for “back child support”  
15 (which she is pursuing through the Family Support Division) or that the  
16 Court recalculate child support.  
17

18 Pursuant to EDCR 2.20(c),

19 A party filing a motion must also serve and file with it a  
20 memorandum of points and authorities in support of each ground  
21 thereof. The absence of such memorandum may be construed as  
22 an admission that the motion is not meritorious, as cause for its  
denial or as a waiver of all grounds not so supported.

23 William failed to file a memorandum of points and authorities in  
24 support of his request the Court deny Ammie’s claim for “back child  
25

1 support” or that the Court recalculate child support. The Court will  
2 construe the absence of such memorandum as an admission that  
3 William’s request is not meritorious and as cause for its denial.  
4

### 5 **Attorneys’ Fees**

6 The Court is required to review elements mandated by Brunzell v.  
7 Golden Gate Nat’l Bank, 85 Nev. 345, 455 P.2d 31 (1969) related to  
8 Ammie’s attorney, Shelly Booth Cooley. First, as to qualities of the  
9 advocate, the Court FINDS attorney Cooley has been licensed to  
10 practice law for over seventeen years. The Court FINDS that attorney  
11 Cooley is a licensed attorney specializing in the practice of domestic  
12 relations. Next, as to character of work completed, the Court FINDS  
13 this matter related to William’s underlying post-judgment motion.  
14 With respect to work actually performed, as noted herein, this case  
15 involved review of the underlying proceedings and understanding  
16 applicable law. With respect to the result, the Court FINDS Ammie  
17 was the prevailing party pursuant to NRS 18.010.  
18  
19  
20

21 The Court FINDS that Ammie is entitled to an award of attorneys’  
22 fees and costs pursuant to EDCR 7.60(b), as William’s Motion is  
23 frivolous, unnecessary, and unwarranted, multiples the proceedings in  
24 a case as to increase costs unreasonably and vexatiously and failed to  
25

1 comply with court rules. Pursuant to EDCR 5.501, William did not  
2 attempt to resolve the issues in dispute with Ammie prior to filing his  
3 Motion and his Motion was filed in violation of EDCR 5.501. Pursuant  
4 to Rooney v. Rooney, there is no adequate cause to hold an evidentiary  
5 hearing or trial regarding William's Motion to Modify Decree of Divorce.  
6 Pursuant to EDCR 2.20(c), William failed to file a memorandum of  
7 points and authorities in support of his child support requests, which  
8 may be construed as an admission that the motion is not meritorious  
9 and as cause for its denial.  
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11

12 The Court is required to consider the parties' respective income as  
13 set forth in Miller v. Wilfong, 121 Nev. 619, 119 P.3d 727 (2005). The  
14 Court FINDS, on 07/09/2021, Ammie filed a Financial Disclosure Form  
15 (FDF) listing total average gross monthly income (GMI) of \$14,183.34,  
16 which comports with the attached payroll statements. The Court  
17 FINDS, on 06/29/2021, William filed a FDF listing his GMI as  
18 \$10,000.00. However, William provided a 06/15/2021 Earnings  
19 Statement listing a year to date (YTD) income of \$60,902.91. The Court  
20 FINDS that 06/15/2021 was 25 weeks into 2021. Therefore, the Court  
21 FINDS that William's actual GMI was \$10,556.52 (\$60,902.91 YTD  
22 income for 2021/25 weeks into the year = \$2,436.12 per week income X  
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25



1 52 weeks in a year = \$126,678.24 annual income/12 months in a year =  
2 \$10,556.52 actual GMI). Accordingly, the Court FINDS an income  
3 disparity exists between the parties in Ammie's favor. Specifically,  
4 Ammie earns approximately \$3,626.82, or 26%, per month more than  
5 William (\$14,183.34 Ammie's GMI - \$10,556.52 William's GMI =  
6 \$3,626.82 difference).

7  
8 The Court FINDS Ammie's request for an award of attorneys' fees  
9 and costs in the total sum of \$ 7,500.00 is reasonable based on the  
10 underlying procedural stance of the case, based on the pleadings before  
11 this Court and the Court's final orders. However, this Court is required  
12 to take into consideration the parties' respective financial positions  
13 when granting any award.  
14

### 15 Decision

16  
17 IT IS THERFORE ORDERED, ADJUDGED AND DECREED that  
18 William's Motion to Modify Decree of Divorce is denied.

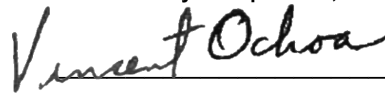
19 IT IS FURTHER ORDRED, ADJDUGED AND DECREED that  
20 Ammie's Countermotion for attorneys' fees and costs shall be granted in  
21 the sum of \$ 7,500.00, plus interest at the legal rate, said  
22 amount ordered reduced to judgment. That said judgment is hereby  
23  
24  
25

1 entered in favor of Ammie and against William. That said judgment is  
2 collectible using any legal means.  
3  
4

5 **Order**

6 IT IS SO ORDERED.

7  
8 Dated this 9th day of September, 2021

A handwritten signature in black ink, appearing to read "Vincent Ochoa", is written over a horizontal line.

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10 9C8 0B0 8AC9 0E06  
11 Vincent Ochoa  
12 District Court Judge  
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1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 In the Matter of the Joint Petition  
for Divorce of:

CASE NO: D-20-613567-Z

7  
8 Ammie Ann Wallace and  
William Shawn Wallace

DEPT. NO. Department S

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10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 9/9/2021

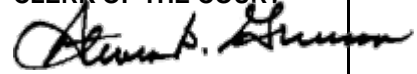
15 John Kelleher

hjuilfs@kelleherandkelleher.com

16 Shelly Cooley

scooley@cooleylawlv.com

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1 **NEO**  
2 **THE COOLEY LAW FIRM**  
3 Shelly Booth Cooley  
4 Nevada State Bar No. 8992  
5 10161 Park Run Drive, Suite 150  
6 Las Vegas, Nevada 89145  
7 Telephone Number: (702) 265-4505  
8 Facsimile Number: (702) 645-9924  
9 E-mail: scooley@cooleylawlv.com  
10 Attorney for Plaintiff,  
11 **AMMIE ANN WALLACE**

7 **DISTRICT COURT**  
8 **FAMILY DIVISION**  
9 **CLARK COUNTY, NEVADA**

9 **AMMIE ANN WALLACE,**  
10 **Plaintiff,**

11 **vs.**

12 **WILLIAM SHAWN WALLACE,**  
13 **Defendant**

Case No. D-20-613567-Z  
Dept No. S

Date of Hearing: 08/12/2021  
Time of Hearing: 9:15 a.m.

15  
16 **NOTICE OF ENTRY OF ORDER**

17 PLEASE TAKE NOTICE that Findings of Fact, Conclusions of Law,  
18 and Order were entered in the above-entitled matter on 09/09/2021. A  
19 copy of said Order is attached hereto.

20 DATED this 16 day of September, 2021.

21 **THE COOLEY LAW FIRM**

22 By /s/ Shelly Booth Cooley  
23 Shelly Booth Cooley  
24 Nevada Bar No. 8992  
25 10161 Park Run Drive, Suite 150  
26 Las Vegas, Nevada 89145  
27 Attorney for Plaintiff,  
28 **AMMIE ANN WALLACE**

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[X] **BY ELECTRONIC SERVICE:** Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned “In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court,” by mandatory electronic service through the Eighth Judicial District Court’s electronic filing system.

[ ] **BY MAIL:** Pursuant to EDCR 7.26(a)(1), by depositing a copy of the same in a sealed envelope in the United States Mail, Postage Pre-Paid to the last known address of each of the parties, at Las Vegas, Nevada.

[ ] **BY FACSIMILE TRANSMISSION:** Pursuant to EDCR 7.26(a)(3), via facsimile transmission. Attached is a copy of the Facsimile Transmittal Form, along with the Fax Call Report, confirming the facsimile transmission.

[ ] **BY HAND DELIVERY:** By hand delivery with signed Receipt of Copy.

John T. Kelleher, Esq.  
Kelleher & Kelleher, LLC  
40 S. Stephanie St., Suite 201  
Henderson, NV 89012  
Attorneys for Defendant

Page 2 of 2

1 ORDR

2  
3  
4 **EIGHTH JUDICIAL DISTRICT COURT**  
5 **FAMILY DIVISION**  
6 **CLARK COUNTY, NEVADA**

7 AMMIE ANN WALLACE,

8 Plaintiff,

9 vs.

10 WILLIAM SHAWN WALLACE,

11 Defendant.

Case No.:

D-20-613567-Z

Dept. No.:

S

Date of Hearing: 08/12/2021

Time of Hearing: 9:15 a.m.

12  
13 **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND**  
14 **ORDER**

15 This matter having come on for hearing on the 12<sup>th</sup> day of August,  
16 2021; Plaintiff, Ammie Ann Wallace (Ammie) being present and  
17 represented by Shelly Booth Cooley of The Cooley Law Firm via video;  
18 Defendant, William Shawn Wallace (William) being present and  
19 represented by John T. Kelleher of Kelleher & Kelleher via video. The  
20 Court having considered the papers and pleadings on file herein, as well  
21 as the argument of counsel and the parties, and after taking the matter  
22 under advisement, FINDS and ORDERS as follows.  
23  
24  
25

## **Findings of Fact**

That the parties were divorced on 09/10/2020. That the Decree of Divorce (Decree) is the controlling order in this case. That Decree consists of the Decree of Divorce and Joint Petition for Divorce and UCCJEA Declaration (Petition).

This Court has continuing personal and subject matter jurisdiction in this case. This Court has continuing exclusive custody jurisdiction over post-judgment custody matters pursuant to the UCCJEA as adopted in Nevada Revised Statutes. Ammie and William are residents of Nevada, and Nevada is the home state of the parties' minor children.

That in the Decree, Ammie and William requested that the "agreement settling all issues regarding child custody, visitation, child support, medical insurance and expenses, and the tax deduction," outlined in the Petition, "being fair, in the children's best interest, and meets the children's financial needs, be ratified, confirmed, and incorporated into the Decree as though fully set forth." Decree at 3:23-4:4.

That in the Decree, Ammie and William asserted, "that the amount of child support ordered herein is in compliance with the

1 guidelines established by the Administrator of the Division of Welfare  
2 and Supportive Services or has been stipulated to by the parties with  
3 the required certifications and disclosures required by the guidelines.”  
4

5 Decree at 4:14-20.

6 That pursuant to the Petition, the parties share joint legal custody  
7 of the children, to wit: William Shawn Wallace, Jr., date of birth:  
8 06/24/2010, age 11; Miller Clyde Wallace, date of birth: 05/15/2012, age  
9 9; and, Quinn Rose Wallace, date of birth: 01/18/2015, age 6. Petition at  
10 4:17-19.  
11

12 That pursuant to the Petition:

13 9. **Physical Custody.** The Petitioners agree that  
14 primary physical custody of the children should be granted  
15 to AMMIE ANN WALLACE. The Petitioners agree that  
16 WILLIAM SHAWN WALLACE should have custody of the  
17 children Monday through Friday, from 3:30 p.m. (or after  
18 school if school is in session), through 6:30 p.m. The  
19 Petitioners agree that weekends, defined as Friday at 6:30  
20 p.m. to Sunday at 6:30 p.m., should be alternated: Mother’s  
21 weekend is 09/11/2020. Father’s weekend is 09/04/2020.

22 Petition at 6:13-23. The parties agreed to a comprehensive Holiday  
23 Visitation Schedule outlined in the Petition. Petition at 6:24-8:24.  
24

25 That pursuant to the Petition:

...

...



1                   **11. Parties' Incomes.**

2                   AMMIE ANN WALLACE's gross monthly income is  
3                   \$8,583.

4                   WILLIAM SHAWN WALLACE's gross monthly income  
5                   is \$10,000.00.

6                   **12. Child Support.** The child support calculation  
7                   would require WILLIAM SHAWN WALLACE to pay \$2,080  
8                   per month in child support. The Petitioners agree to set child  
9                   support at a different amount. Accordingly, WILLIAM  
10                  SHAWN WALLACE shall pay child support to AMMIE ANN  
11                  WALLACE in the amount of \$1,000.00 per month (\$333.33  
12                  per child) pursuant to NAC 425.140(2) and NAC 425.150.  
13                  The parties certify that the basic needs of the children are  
14                  met or exceeded by the stipulated child support obligation.  
15                  The child support obligation for each particular child is  
16                  terminated beginning on the first day of the month following  
17                  the date on which the child reaches 18 years of age or, if the  
18                  child is still in high school, the first day of the month  
19                  following the date on which the child graduates from high  
20                  school or reaches 19 years of age, whichever comes first.

21                  Petition at 9:4-27.

22                  That a Consent to Self-Representation was filed in this matter on  
23                  09/04/2020, wherein William acknowledged that Shelly Booth Cooley  
24                  and The Cooley Law Firm represent Ammie, do not and will not  
25                  represent him, will at all times look out for Ammie's interests, not  
                    William's, have not given him legal advice, have urged him to obtain his  
                    own counsel to give him advice, and notwithstanding the suggestion to

1 obtain his own counsel to give him advice, William decided to represent  
2 himself.

3 That on 06/18/2021, William filed his Motion to Modify Decree of  
4 Divorce. That Motion requested that the Court modify custody, deny  
5 any claim for “back child support,” and recalculate child support.  
6

7 That Ammie filed her Opposition and Countermotion for  
8 Attorneys’ Fees and Costs on 07/09/2021.  
9

10 That William filed his Reply and Exhibits on 07/27/2021. That  
11 Ammie filed her Exhibits to Opposition on 08/09/2021.

12 At the 08/12/2021 hearing, the matter came before the Court and  
13 the matter was taken under advisement.

14 That on September 8, 2021, Ammie filed her Memorandum of Fees  
15 and Costs seeking an award in the sum of \$10,300.00 pursuant to NRS  
16 18.010 and EDCR 7.60(b). Included in the Memorandum was the  
17 required Brunzell v. Golden Gate Nat’l Bank, 85 Nev. 345, 455 P.2d 31  
18 (1969) analyses. Additionally, attorney-client invoices were submitted  
19 in support of Ammie’s Memorandum. In support of her request, Ammie  
20 contends that she prevailed in the post-judgment proceedings.  
21  
22

23 . . .

24 . . .  
25

## Conclusions of Law

### **Custody**

Before the Court can change custody, a hearing must be held in order to assure all parties' rights are protected. Weise v. Granata, 110 Nev. 1410 (1994); Moser v. Moser, 108 Nev. 572 (1992). However, a hearing is not required if the moving party fails to demonstrate "adequate cause" in the affidavits and points and authorities for a change in custody. Rooney v. Rooney, 109 Nev. 540, 853 P.2d 123 (1993). Specifically, the Rooney Court stated:

Nevada statutes and case law provide district courts with broad discretion concerning child custody matters. Given such discretion in this area, we hereby adopt an "adequate cause" standard. That is, we hold that a district court has the discretion to deny a motion to modify custody without holding a hearing unless the moving party demonstrates "adequate cause" for holding a hearing. "Adequate cause" requires something more than allegations which, if proven, might permit inferences sufficient to establish grounds for a custody change. "Adequate cause" arises where the moving party presents a prima facie case for modification. To constitute a prima facie case it must be shown that: (1) the facts alleged in the affidavits are relevant to the grounds for modification; and (2) the evidence is not merely cumulative or impeaching.

(Internal Citations omitted.) Id. at 124-125. The Court FINDS William fails to establish in his affidavit and points and authorities "adequate cause" to require a hearing.

1        This Court may make an order at any time during the minority of  
2 the child for the custody, care, education, maintenance, and support of  
3 the minor children as appears in their best interests. NRS  
4 125C.0045(1)(a). In custody matters, the polestar for judicial decisions  
5 is the best interest of the children. NRS 125C.0035 and Schwartz v.  
6 Schwartz, 107 Nev. 378, 812 P.2d 1268, 1272 (1991). Nevada statutes  
7 and case law provide that the district court has broad discretion  
8 concerning child custody matters. Rooney v. Rooney, 109 Nev. 540, 853  
9 P.2d 123 (1993). The foundation of all custody determinations lies in the  
10 particular facts and circumstances of each case. Arnold v. Arnold, 95  
11 Nev. 951, 604 P.2d (1979).

12        In his Motion to Modify Decree of Divorce, William is seeking to  
13 modify the award of primary physical custody to Ammie, to an award of  
14 joint physical custody to the parties pursuant to Truax v. Truax, 874  
15 P.2d 10, 110 Nev. 437 (1994). William maintains that he is entitled to a  
16 change of custody because the parties never followed the Decree and  
17 followed a joint timeshare from August 2020 through March 2021.

18        Ammie maintains that she has had primary physical custody of the  
19 children since the parties' separation in October 2017 (and since the  
20 divorce) and that the test for modifications of primary physical custody  
21

1 is Ellis v. Carucci, 123 Nev. 145, 161 P.3d 239 (2007). Ammie  
2 acknowledges that the parties followed a “flexible timeshare” as both  
3 parties were working from home and the children were participating in  
4 distance learning from August 2020 to March 2021, until the children  
5 returned to in-person learning, and the parties resumed following the  
6 timeshare outlined in the Decree, the timeshare the parties had been  
7 following since their separation in August, 2017.  
8

9 Pursuant to Rivero v. Rivero, 125 Nev. 410, 216 P.3d 213 (2009):  
10

11 When considering whether to modify a physical custody  
12 arrangement, the district court must first determine what type of  
13 physical custody arrangement exists because different tests apply  
14 depending on the district court’s determination. A modification to  
15 a joint physical custody arrangement is appropriate if it is in the  
16 child's best interest. NRS 125.510(2). In contrast, a modification to  
17 a primary physical custody arrangement is appropriate when  
18 there is a substantial change in the circumstances affecting the  
19 child and the modification serves the child's best interest. Ellis,  
20 123 Nev. at 150, 161 P.3d at 242.  
21

22 “If a parent has physical custody less than 40 percent of the time, then  
23 that parent has visitation rights and the other parent has primary  
24 physical custody.” Id. at 226. The parties stipulated in the Decree of  
25 Divorce that Ammie would have primary physical custody of their  
children and William would have custody of the children Monday  
through Friday, from 3:30 p.m. (or after school if school is in session),

1 through 6:30 p.m. The parties alternated the weekends. According to  
2 the parties' custody agreement in the Decree, Ammie had primary  
3 physical custody and William had visitation, the Decree of Divorce  
4 described an approximately 80/20 (alternating weekends) timeshare,  
5 and the Decree labeled the arrangement as primary physical  
6 custody/visitation rights.  
7

8         Reviewing the facts in the light most favorable to William, the  
9 parties shared joint physical custody from August 2020, through March  
10 2021, and they have been following the timeshare in the Decree since  
11 April 2021, when the children returned to in-person schooling. Pursuant  
12 to Rivero, the district court should calculate the time during which a  
13 party has physical custody of a child over one calendar year. Id. at 225.  
14 "Calculating the timeshare over a one-year period allows the court to  
15 consider weekly arrangements." Id. Calculating the time during which  
16 each party had physical custody of the children between August 2020,  
17 and August 2021, William had custody of the children approximately  
18 30% of the parenting time and Ammie had custody of the children  
19 approximately 70% of the parenting time. Reviewing the evidence in the  
20 light most favorable to William, the Court FINDS the parties' custody  
21 arrangement was one of primary physical custody.  
22  
23  
24  
25

1 When a parent is seeking to modify an award of primary physical  
2 custody, as William is seeking, the correct standard is Ellis v. Carucci,  
3 123 Nev. 145 (2007), where the Nevada Supreme Court concluded that  
4 a modification of primary physical custody is warranted only when (1)  
5 there has been a substantial change in circumstances affecting the  
6 welfare of the child, and (2) the modification serves the best interest of  
7 the child.  
8

9 In his affidavit and points and authorities, William does not allege  
10 that there has been a substantial change in circumstances affecting the  
11 welfare of the children. Rather, William asserts that he is entitled to a  
12 “change of custody...because the parties never followed the Decree of  
13 Divorce.” Reply at 6:19-21. However, in his Reply, William admits that  
14 the parties began following the timeshare in the Decree in “spring of  
15 2021.” Reply at 6:18. Reviewing the facts in the light most favorable to  
16 William as William addressed the best interest factors outlined in NRS  
17 125C.0035(4) in his moving papers, the modification of custody would  
18 serve the child's best interest. However, William did not satisfy both  
19 elements of Ellis v. Carucci.  
20  
21  
22

23 Pursuant to Rooney, “to constitute a prima facie case it must be  
24 shown that: (1) the facts alleged in the affidavits are relevant to the  
25

1 grounds for modification; and (2) the evidence is not merely cumulative  
2 or impeaching.” In this matter, the facts alleged in William’s affidavits  
3 are not relevant to the grounds for modification as they do not satisfy  
4 both elements of Ellis v. Carucci, and the evidence is merely cumulative  
5 or impeaching.  
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7 Pursuant to Rooney v. Rooney, the Court FINDS there is no  
8 adequate cause to hold an evidentiary hearing or trial regarding  
9 William’s Motion to Modify Decree of Divorce and William’s motion is  
10 denied.  
11

### 12 **Child Support**

13 William cites to no law (statutory or caselaw) to support his  
14 request that the Court deny Ammie’s claim for “back child support”  
15 (which she is pursuing through the Family Support Division) or that the  
16 Court recalculate child support.  
17

18 Pursuant to EDCR 2.20(c),

19 A party filing a motion must also serve and file with it a  
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23 William failed to file a memorandum of points and authorities in  
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### 5 **Attorneys’ Fees**

6 The Court is required to review elements mandated by Brunzell v.  
7 Golden Gate Nat’l Bank, 85 Nev. 345, 455 P.2d 31 (1969) related to  
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14 With respect to work actually performed, as noted herein, this case  
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23 frivolous, unnecessary, and unwarranted, multiples the proceedings in  
24 a case as to increase costs unreasonably and vexatiously and failed to  
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3 Motion and his Motion was filed in violation of EDCR 5.501. Pursuant  
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6 \$3,626.82 difference).

7  
8 The Court FINDS Ammie's request for an award of attorneys' fees  
9 and costs in the total sum of \$ 7,500.00 is reasonable based on the  
10 underlying procedural stance of the case, based on the pleadings before  
11 this Court and the Court's final orders. However, this Court is required  
12 to take into consideration the parties' respective financial positions  
13 when granting any award.  
14

### 15 Decision

16  
17 IT IS THERFORE ORDERED, ADJUDGED AND DECREED that  
18 William's Motion to Modify Decree of Divorce is denied.

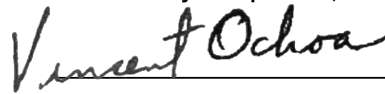
19 IT IS FURTHER ORDRED, ADJDUGED AND DECREED that  
20 Ammie's Countermotion for attorneys' fees and costs shall be granted in  
21 the sum of \$ 7,500.00, plus interest at the legal rate, said  
22 amount ordered reduced to judgment. That said judgment is hereby  
23  
24  
25

1 entered in favor of Ammie and against William. That said judgment is  
2 collectible using any legal means.  
3  
4

5 **Order**

6 IT IS SO ORDERED.  
7

8 Dated this 9th day of September, 2021

9 A handwritten signature in black ink, appearing to read "Vincent Ochoa", is written over a horizontal line.

10 9C8 0B0 8AC9 0E06  
11 Vincent Ochoa  
12 District Court Judge  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 In the Matter of the Joint Petition  
7 for Divorce of:

8 Ammie Ann Wallace and  
9 William Shawn Wallace

CASE NO: D-20-613567-Z

DEPT. NO. Department S

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

Service Date: 9/9/2021

15 John Kelleher

hjuilfs@kelleherandkelleher.com

16 Shelly Cooley

scooley@cooleylawlv.com

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Joint Petition**

**COURT MINUTES**

**August 12, 2021**

D-20-613567-Z

In the Matter of the Joint Petition for Divorce of:  
Ammie Ann Wallace and William Shawn Wallace

**August 12, 2021**

**9:15 AM**

**All Pending Motions**

**HEARD BY:** Ochoa, Vincent

**COURTROOM:** Courtroom 07

**COURT CLERK:** Yvette Clayton

**PARTIES:**

Ammie Wallace, Petitioner, not present

Shelly Cooley, Attorney, not present

Miller Wallace, Subject Minor, not present

Quinn Wallace, Subject Minor, not present

William Wallace, Petitioner, not present

John Kelleher, Attorney, not present

William Wallace, Subject Minor, not present

<b>JOURNAL ENTRIES</b>
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- DEFENDANT'S MOTION O MODIFY DECREE OF DIVORCE...PLAINTIFF'S OPPOSITION TO  
DEFENDANT'S MOTION TO MODIFY DECREE OF DIVORCE AND COUNTERMOTION FOR  
ATTORNEY'S FEES AND COSTS

Attorney Shelly Cooley appeared by audiovisual with Plaintiff (Mom).

Attorney John Kelleher appeared by audiovisual with Defendant (Dad).

Arguments regarding Custody.

COURT ORDERED, as follows:

Matter UNDER ADVISEMENT. Decision will be issued in one week. This Court may call upon one of the attorneys to prepare the proposed findings of facts.

**INTERIM CONDITIONS:**

PRINT DATE:	10/05/2021	Page 1 of 4	Minutes Date:	August 12, 2021
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**Notice:** Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**FUTURE HEARINGS:**

PRINT DATE:	10/05/2021	Page 2 of 4	Minutes Date:	August 12, 2021
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**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Joint Petition****COURT MINUTES****August 12, 2021**

D-20-613567-Z

In the Matter of the Joint Petition for Divorce of:  
Ammie Ann Wallace and William Shawn Wallace

**August 12, 2021****11:00 AM****Minute Order****HEARD BY:** Ochoa, Vincent**COURTROOM:** Chambers**COURT CLERK:** ; Yvette Clayton;**PARTIES:**

Ammie Wallace, Petitioner, not present

Shelly Cooley, Attorney, not present

Miller Wallace, Subject Minor, not present

Quinn Wallace, Subject Minor, not present

William Wallace, Petitioner, not present

John Kelleher, Attorney, not present

William Wallace, Subject Minor, not present

<b>JOURNAL ENTRIES</b>
------------------------

**- MINUTE ORDER FROM CHAMBERS**

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action.

Co-Petitioner, William Wallace, filed Defendant s Motion to Modify Decree of Divorce on June 18, 2021. Petitioner, Ammie Wallace, filed Plaintiff s Opposition and Countermotion on July 9, 2021. The matter came before the Court on August 18, 2021, and the matter was taken under advisement at the hearing.

The Court Orders the following:

1. Mr. Wallace s (Co-Petitioner/Defendant) Motion to Modify Decree of Divorce is denied.
2. Ms. Wallace s (Petitioner/Plaintiff) Countermotion for attorney s fees shall be granted. Ms. Wallace s attorney, Shelly Booth Cooley, Esq., shall file a Brunzell Affidavit and relevant billing statements.
3. Ms. Wallace's attorney, Shelly Booth Cooley, Esq., shall prepare the order. The Order shall contain detailed findings including the facts of the case and an analysis of the relevant law. The portion of the

PRINT DATE:	10/05/2021	Page 3 of 4	Minutes Date:	August 12, 2021
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**Notice:** Journal entries are prepared by the courtroom clerk and are not the official record of the Court.



order awarding attorney s fees shall include a discussion of the applicable statute, which party is the prevailing party, and why the actions may be considered vexatious or without merit. The specific amount of attorney s fees shall be left blank. The proposed order shall be submitted in PDF and Word format.

A copy of the Minute Order shall be provided to both parties.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

PRINT DATE:	10/05/2021	Page 4 of 4	Minutes Date:	August 12, 2021
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**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE  
**NOTICE OF DEFICIENCY**  
ON APPEAL TO NEVADA SUPREME COURT

SHANN D. WINESETT, ESQ.  
8925 S. PECOS RD., SUITE 14A  
HENDERSON, NV 89074

DATE: October 5, 2021  
CASE: D-20-613567-Z

**RE CASE:** In the Matter of the Joint Petition for Divorce of: AMMIE ANN WALLACE nka AMMIE ANN OLSEN  
and WILLIAM SHAWN WALLACE, Petitioner(s)

NOTICE OF APPEAL FILED: October 1, 2021

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)\*\*
  - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)\*\*
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)\*\*
  - NRAP 7: Bond For Costs On Appeal in Civil Cases
  - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
  - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

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**NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:**

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

***Please refer to Rule 3 for an explanation of any possible deficiencies.***

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***\*\*Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

In the Matter of the Joint Petition for Divorce of:

AMMIE ANN WALLACE nka AMMIE ANN  
OLSEN and WILLIAM SHAWN WALLACE,

Petitioner(s),

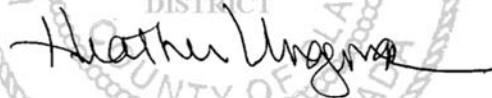
Case No: D-20-613567-Z

Dept No: S

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 5 day of October 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

