

**Form 1. Notice of Appeal to the Supreme Court From a Judgement or Order of a District Court**

No. ....

Dept. No. ....

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE  
STATE OF NEVADA IN AND FOR  
THE COUNTY OF CLARK

Electronically Filed  
May 05 2022 02:00 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

A. Ana Maria Salas B. Tyler Kyle Edenfield, Plaintiff }  
v. }  
C. Gabino Guardado D., Defendant }

**NOTICE OF APPEAL**

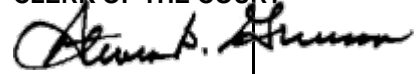
Notice is hereby given that A. B., plaintiff above named, hereby appeals to the Supreme Court of Nevada (from the final judgement of the DISTRICT COURT of CLARK COUNTY, NEVADA) (from all the orders pertaining to Case No. D-20-602873-F including but not limited to (1) ORDER TO PRODUCE MINOR CHILD PURSUANT TO NRS 125C.0055, (2) ORDER DENYING PLAINTIFF ANA MARIA SALAS MOTION FOR RECONSIDERATION, (3) ORDER FOR IMMEDIATE PICK UP AND RETURN OF THE MINOR CHILD and (4) ORDER GRANTING DEFENDANT SOLE LEGAL, SOLE PHYSICAL CUSTODY, CHILD SUPPORT AND ATTORNEY FEES AND COSTS) entered in this action on the 28<sup>th</sup> day of April, 2022.

/s/ ..... Ana Maria Salas .....  
Plaintiff A

903 9<sup>th</sup> Ave, Unit 51, Seattle, WA 98104 .....  
Address

/s/ ..... Tyler Kyle Edenfield .....  
Plaintiff B

4152 Utah Street, #3, San Diego, CA 92104 .....  
Address



ASTA

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE  
STATE OF NEVADA IN AND FOR  
THE COUNTY OF CLARK**

ANA MARIA SALAS; TYLER KYLE  
EDENFIELD,

Plaintiff(s)

vs.

GABINO GUARDADO,

Defendant(s),

Case No: D-20-602873-F

Dept No: X

**CASE APPEAL STATEMENT**

1. Appellant(s): Ana Mara Salas and Tyler Kyle Edenfield

2. Judge: Heidi Almase

3. Appellant(s): Ana Mara Salas and Tyler Kyle Edenfield

Counsel:

Ana Mara Salas  
903 9th Ave., Unit 51  
Seattle, WA 98104

Tyler Kyle Edenfield  
4152 Utah St. #3  
San Diego, CA 92104

4. Respondent (s): Gabino Guardado

Counsel:

Byron L. Mills, Esq.  
703 S. 8th St.

Las Vegas, NV 89101

5. Appellant(s)'s Attorney Licensed in Nevada: N/A  
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes  
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

Appellant Filed Application to Proceed in Forma Pauperis: No  
Date Application(s) filed: N/A

9. Date Commenced in District Court: January 24, 2020

10. Brief Description of the Nature of the Action: DOMESTIC - Miscellaneous

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Case involves Child Custody and/or Visitation: Custody  
Appeal involves Child Custody and/or Visitation: Custody

13. Possibility of Settlement: Unknown

Dated This 3 day of May 2022.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk  
200 Lewis Ave  
PO Box 551601  
Las Vegas, Nevada 89155-1601  
(702) 671-0512

cc: Ana Mara Salas  
Tyler Kyle Edenfield

**CASE SUMMARY****CASE NO. D-20-602873-F**

Ana Maria Salas, Tyler Kyle Edenfield, Plaintiff.  
 vs.  
 Gabino Guardado, Defendant.

§  
 §  
 §  
 §

Location: **Department X**  
 Judicial Officer: **Almase, Heidi**  
 Filed on: **01/24/2020**  
 Case Number History:

**CASE INFORMATION****Statistical Closures**

12/21/2020 Settled/Withdrawn With Judicial Conference or Hearing  
 10/19/2020 Settled/Withdrawn With Judicial Conference or Hearing

Case Type: **Registration of Foreign Custody**

Case Status: **11/24/2021 Reopened**







**DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number D-20-602873-F  
 Court Department X  
 Date Assigned 01/04/2021  
 Judicial Officer Almase, Heidi

**PARTY INFORMATION**















<b>Plaintiff</b>	<b>Edenfield, Tyler Kyle</b>	<i>Lead Attorneys</i>
		<b>Pro Se</b>
	<b>Salas, Ana Maria</b>	<b>Pro Se</b>
		253-350-5229(H)
<b>Defendant</b>	<b>Guardado, Gabino</b>	<b>Mills, Byron</b>
		<i>Retained</i>
		702-386-0030(W)
<b>Subject Minor</b>	<b>Guardado-Salas, Yasline Alejandra</b>	
<b>Unbundled Attorney</b>	<b>King, Kyle A.</b>	

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

05/03/2022	 Case Appeal Statement <i>Case Appeal Statement</i>
04/28/2022	 Notice of Appeal Filed By: Plaintiff Salas, Ana Maria; Plaintiff Edenfield, Tyler Kyle <i>[118] Notice of Appeal for Orders in Case D-20-602873-F</i>
04/28/2022	 Notice of Entry <i>[117] Notice of Entry of Bench Warrant</i>
04/28/2022	 Bench Warrant <i>[116] BENCH WARRANT - ANA MARIA SALAS</i>
04/27/2022	 Notice of Hearing <i>[115] Notice of Hearing</i>
04/27/2022	 Exhibits Filed By: Plaintiff Salas, Ana Maria; Plaintiff Edenfield, Tyler Kyle <i>[114] Exhibit Appendix for Motion - Doc13</i>




















# CASE SUMMARY

CASE NO. D-20-602873-F

04/27/2022	 Exhibits Filed By: Plaintiff Salas, Ana Maria; Plaintiff Edenfield, Tyler Kyle <i>[113] Exhibit Appendix for Motion - Doc12</i>
04/27/2022	 Exhibits Filed By: Plaintiff Salas, Ana Maria; Plaintiff Edenfield, Tyler Kyle <i>[112] Exhibit Appendix for Motion - Doc11</i>
04/27/2022	 Exhibits Filed By: Plaintiff Salas, Ana Maria; Plaintiff Edenfield, Tyler Kyle <i>[111] Exhibit Appendix for Motion - Doc10</i>
04/27/2022	 Exhibits Filed By: Plaintiff Salas, Ana Maria; Plaintiff Edenfield, Tyler Kyle <i>[110] Exhibit Appendix for Motion - Doc9</i>
04/27/2022	 Exhibits Filed By: Plaintiff Salas, Ana Maria; Plaintiff Edenfield, Tyler Kyle <i>[109] Exhibit Appendix for Motion - Doc8</i>
04/27/2022	 Exhibits Filed By: Plaintiff Salas, Ana Maria; Plaintiff Edenfield, Tyler Kyle <i>[108] Exhibit Appendix for Motion - Doc6</i>
04/27/2022	 Exhibits Filed By: Plaintiff Salas, Ana Maria; Plaintiff Edenfield, Tyler Kyle <i>[107] Exhibit Appendix for Motion - Doc5</i>
04/27/2022	 Exhibits Filed By: Plaintiff Salas, Ana Maria; Plaintiff Edenfield, Tyler Kyle <i>[106] Exhibit Appendix for Motion - Doc4</i>
04/27/2022	 Exhibits Filed By: Plaintiff Salas, Ana Maria; Plaintiff Edenfield, Tyler Kyle <i>[105] Exhibit Appendix for Motion - Doc3</i>
04/27/2022	 Exhibits Filed By: Plaintiff Salas, Ana Maria; Plaintiff Edenfield, Tyler Kyle <i>[104] Exhibit Appendix for Motion - Doc2</i>
04/27/2022	 Exhibits Filed By: Plaintiff Salas, Ana Maria; Plaintiff Edenfield, Tyler Kyle <i>[103] Exhibit Appendix for Motion - Doc1</i>
04/27/2022	 Exhibits Filed By: Plaintiff Salas, Ana Maria; Plaintiff Edenfield, Tyler Kyle <i>[102] Exhibit Appendix for Motion</i>
04/27/2022	 Motion Filed By: Plaintiff Salas, Ana Maria; Plaintiff Edenfield, Tyler Kyle <i>[101] Motion to Stay - Facts and Argument Continued</i>
04/27/2022	 Motion Filed By: Plaintiff Salas, Ana Maria; Plaintiff Edenfield, Tyler Kyle <i>[100] Motion to Stay - Legal Argument Continued</i>
04/27/2022	 Motion Filed By: Plaintiff Salas, Ana Maria <i>[99] Motion to Stay Against Current Orders in Case</i>
04/27/2022	 Certificate of Service Filed by: Plaintiff Salas, Ana Maria; Plaintiff Edenfield, Tyler Kyle <i>[98] Certificate of Service for Motion to Stay</i>


















# CASE SUMMARY

CASE NO. D-20-602873-F

04/27/2022	 Family Court Motion Opposition Fee Information Sheet Filed by: Plaintiff Salas, Ana Maria; Plaintiff Edenfield, Tyler Kyle <i>[97] Motion/Opposition Fee Information Sheet</i>
04/27/2022	 Exhibits Filed By: Plaintiff Salas, Ana Maria; Plaintiff Edenfield, Tyler Kyle <i>[96] Exhibit Appendix for Motion - Doc7</i>
04/19/2022	 Notice of Entry of Order <i>[95] Notice of Entry for Consent Order for Withdrawal</i>
04/19/2022	 Notice of Entry <i>[94] Notice of Entry of Order to Produce Minor Child Pursuant to NRS 125C.0055</i>
04/19/2022	 Notice of Entry <i>[93] Notice of Entry of Order Denying Plaintiff Ana Maria Salas Motion for Reconsideration</i>
04/19/2022	 Consent <i>[92] Consent Order for Withdrawal</i>
04/13/2022	 Estimate of Transcript <i>[91] March 09, 2020; July 27, 2020; August 06, 2020; January 24, 2022</i>
04/12/2022	 Order <i>[90] Order to Produce Child pursuant to NRS 125C.0055</i>
04/12/2022	 Order <i>[89] Order Denying Plaintiff Ana Marie Salas Motion for Reconsideration</i>
04/04/2022	 Certificate of Service Filed by: Defendant Guardado, Gabino <i>[88] Certificate of Electronic Service</i>
03/29/2022	 Financial Disclosure Form Filed by: Defendant Guardado, Gabino <i>[87] General Financial Disclosure Form</i>
03/25/2022	 Notice of Entry of Order Filed By: Defendant Guardado, Gabino <i>[86] Notice of Entry of Order to Show Cause</i>
03/24/2022	 Order to Show Cause <i>[85] Order to Show Cause</i>
03/18/2022	 Amended Filed By: Defendant Guardado, Gabino <i>[84] Amended Ex Parte Application for Order to Show Cause</i>
03/18/2022	 Certificate of Service Filed by: Defendant Guardado, Gabino <i>[83] Certificate of Electronic Service</i>
03/18/2022	 Objection Filed By: Plaintiff Salas, Ana Maria <i>[82] Objection to Defendant's Ex Parte Application for an Order to Show Cause</i>
03/17/2022	 Exhibits <i>[81] Defendant's Appendix to Opposition to Plaintiff's Motion for Reconsideration, ET AL.</i>
03/17/2022	 Ex Parte Application for Order Party: Defendant Guardado, Gabino <i>[80] Ex Parte Application for Order to Show Cause</i>
03/17/2022	 Opposition

# CASE SUMMARY

CASE NO. D-20-602873-F

	<p>Filed By: Defendant Guardado, Gabino  <i>[79] Opposition to Plaintiff's Motion for Reconsideration, Asserting Lack of Subject Matter Jurisdiction and Personal Jurisdiction and Countermotion for Motion for Contempt and Attorney's Fees and Costs</i></p>
03/17/2022	<p> Opposition            Filed By: Defendant Guardado, Gabino  <i>[78] Opposition to Application for Temporary Protection Order</i></p>
03/09/2022	<p> Ex Parte Application  <i>[77] Ex Parte Application for an Order for Temporary Restraining Order Pursuant to EDCR 5.520</i></p>
03/08/2022	<p> Ex Parte Application  <i>[76] Ex Parte Application for Order Shortening Time</i></p>
03/04/2022	<p> Notice of Hearing  <i>[75] Notice of Hearing</i></p>
03/02/2022	<p> Notice of Entry of Order  <i>[74] Notice of Entry of Order Denying Defendant Award for Attorney Fees and Costs</i></p>
03/02/2022	<p> Errata  <i>[73] Errata to Plaintiff's Motion for Reconsideration, Asserting Lack of Subject Matter Jurisdiction and Personal Jurisdiction; Declaration of Ana Salas</i></p>
03/02/2022	<p> Order  <i>[72] Order Denying Defendant Award for Attorney Fees and Costs</i></p>
03/01/2022	<p> Notice of Change of Address  <i>[71] Notice of Change of Address for Plaintiff</i></p>
03/01/2022	<p> Family Court Motion Opposition Fee Information Sheet            Filed by: Plaintiff Salas, Ana Maria  <i>[70] Family Court Motion Opposition Fee Information Sheet</i></p>
03/01/2022	<p> Motion to Reconsider            Filed by: Plaintiff Salas, Ana Maria  <i>[69] Plaintiff's Motion For Reconsideration, Asserting Lack Of Subject Matter And Personal Jurisdiction; Declaration Of Ana Salas</i></p>
02/28/2022	<p> Objection  <i>[68] Objection to Defendant's Memorandum of Fees and Costs filed on February 3, 2022</i></p>
02/28/2022	<p> Substitution of Attorney  <i>[67] Substitution of Attorney for Plaintiff</i></p>
02/16/2022	<p> Notice of Entry of Order            Filed By: Defendant Guardado, Gabino  <i>[66] Notice of Entry of Order</i></p>
02/15/2022	<p> Order  <i>[65] Order of the Court</i></p>
02/04/2022	<p> Certificate of Service            Filed by: Defendant Guardado, Gabino  <i>[64] Certificate of Electronic Service</i></p>
02/03/2022	<p> Exhibits  <i>[63] Exhibit Appendix to Memorandum of Fees and Costs</i></p>
02/03/2022	<p> Memorandum of Costs and Disbursements            Filed by: Defendant Guardado, Gabino  <i>[62] Memorandum of Fees and Costs</i></p>
12/20/2021	

**CASE SUMMARY**



















**CASE NO. D-20-602873-F**

	 Certificate of Service Filed by: Defendant Guardado, Gabino <i>[61] Certificate of Electronic Service</i>
12/20/2021	 Exhibits Filed By: Defendant Guardado, Gabino <i>[60] Defendant's Second Appendix to Opposition to Plaintiff's Motion to Set Aside, ET AL.</i>
12/20/2021	 Amended Filed By: Defendant Guardado, Gabino <i>[59] Defendant's Amended Appendix to Opposition to Plaintiff's Motion to Set Aside, ET AL.</i>
12/20/2021	 Certificate of Service Filed by: Defendant Guardado, Gabino <i>[58] Certificate of Electronic Service</i>
12/16/2021	 Exhibits Filed By: Defendant Guardado, Gabino <i>[57] Defendant's Appendix to Opposition to Plaintiff's Motion to Set Aside, ET AL.</i>
12/16/2021	 Opposition to Motion Filed by: Defendant Guardado, Gabino <i>[56] Opposition to Motion to Set Aside Order and Default and to Recall Warrant and Countermotion for Attorney's Fees</i>
11/27/2021	 Notice of Hearing <i>[55] Notice of Hearing</i>
11/24/2021	 Motion to Set Aside Default Judgment Filed by: Plaintiff Salas, Ana Maria <i>[54] Motion and Notice of Motion to Set Aside Default and to Recall Warrant</i>
11/23/2021	 Notice of Appearance Party: Plaintiff Salas, Ana Maria <i>[53] Notice of Appearance</i>
07/02/2021	 Warrant <i>[52] WARRANT NRS 125D.200</i>
07/02/2021	 Ex Parte Application Filed by: Defendant Guardado, Gabino <i>[51] Ex Parte Petition for Expedited Enforcement of this Court's Custody Determination and Application for an Ex Parte Warrant to take Physical Custody of Minor Child</i>
01/26/2021	 Order <i>[50] Order for Immediate Pick Up and Return of the Minor Child</i>
01/25/2021	 Ex Parte Filed By: Defendant Guardado, Gabino <i>[49] Plaintiff's Ex Parte Request For A Pick-Up Order</i>
01/04/2021	Administrative Reassignment to Department X <i>Case Reassignment - Judicial Officer Heidi Almase</i>
12/22/2020	 Certificate of Service Filed by: Defendant Guardado, Gabino <i>[48] Certificate Of Service</i>
12/22/2020	 Notice of Withdrawal <i>[47] Notice Of Withdrawal</i>
12/22/2020	 Notice of Entry of Order Filed By: Defendant Guardado, Gabino <i>[46] Notice Of Entry Of Order</i>




















# CASE SUMMARY

CASE NO. D-20-602873-F

12/21/2020	 Order <i>[45] Order from 8/6/2020 Hearing</i>
10/19/2020	 Notice of Entry <i>[44] Notice of Entry of Order</i>
10/19/2020	 Order <i>[43] Order</i>
09/14/2020	 Certificate of Service Filed by: Defendant Guardado, Gabino <i>[42] Certificate of Service</i>
09/01/2020	 Certificate of Service Filed by: Defendant Guardado, Gabino <i>[41] Certificate of Service</i>
09/01/2020	 Financial Disclosure Form Filed by: Defendant Guardado, Gabino <i>[40] Def's General Financial Disclosure Form</i>
08/28/2020	 Exhibits Filed By: Defendant Guardado, Gabino <i>[39] Exhibit Appendix in Support of Defendant's's Motion for Attorney's Fees and Costs Pursuant to NRCP 54</i>
08/20/2020	 Notice of Hearing <i>[38] Notice of Hearing</i>
08/17/2020	 Certificate of Service Filed by: Defendant Guardado, Gabino <i>[37] Certificate of Service</i>
08/17/2020	 Motion Filed By: Unbundled Attorney Rosenblum, Molly S. <i>[36] Motion for Attorney's Fees and Costs Pursuant to NRCP 54</i>
08/12/2020	 Certificate of Service Filed by: Unbundled Attorney Rosenblum, Molly S. <i>[35] Certificate of Service</i>
07/30/2020	 Notice of Entry of Order Filed By: Defendant Guardado, Gabino <i>[34] Notice of Entry of Order</i>
07/29/2020	 Order <i>[33] ORDER REGARDING REGISTRATION OF OUT OF STATE CHILD CUSTODY DETERMINATION</i>
07/28/2020	 Notice <i>[32] Notice of Audio/Visual Appearance</i>
07/18/2020	 Notice <i>[31] Notice of Audio/Visual Appearance</i>
05/21/2020	 Affidavit of Publication <i>[30] Affidavit of Publication</i>
05/21/2020	 Affidavit of Publication <i>[29] Affidavit of Publication</i>
05/15/2020	 Affidavit of Due Diligence Filed By: Plaintiff Salas, Ana Maria <i>[28] Affidavit of Due Diligence</i>

# CASE SUMMARY

CASE NO. D-20-602873-F

04/22/2020	 Notice of Hearing <i>[27] Notice of Hearing</i>
04/22/2020	 Order Filed By: Defendant Guardado, Gabino <i>[26] Amended Order for Service by Alternate Means and Order to Extend Time to Serve</i>
04/22/2020	 Notice Filed By: Defendant Guardado, Gabino <i>[25] Notice of Re-Notice of Hearing</i>
04/22/2020	 Notice of Hearing Filed By: Unbundled Attorney Rosenblum, Molly S.; Defendant Guardado, Gabino <i>[24] Re-Notice of Hearing</i>
04/22/2020	 Notice Filed By: Defendant Guardado, Gabino <i>[23] Re-Notice of Hearing</i>
04/21/2020	 Order <i>[22] Order for Service by Alternate Means and Order to Extend Time to Serve</i>
04/17/2020	 Notice Filed By: Defendant Guardado, Gabino <i>[21] Notice Of Intent To Appear By Communication Equipment</i>
04/17/2020	 Notice Filed By: Defendant Guardado, Gabino <i>[20] Notice Of Intent To Appear By Communication Equipment</i>
04/16/2020	 Affidavit of Attempted Service <i>[19] Affidavit of Attempted Service</i>
04/15/2020	 Notice <i>[18] Notice of Audio/Visual Appearance</i>
04/15/2020	 Ex Parte Motion Filed by: Defendant Guardado, Gabino <i>[17] Ex Parte Motion for an Order for Service by Alternate Means and Ordered to Extend Time to Serve</i>
04/13/2020	 Affidavit of Attempted Service Filed by: Defendant Guardado, Gabino <i>[16] Affidavit of Attempts</i>
03/05/2020	 Notice Filed By: Defendant Guardado, Gabino <i>[15] Notice of Filing of Certified Order</i>
02/24/2020	 Certificate of Service Filed by: Defendant Guardado, Gabino <i>[14] Certificate of Service</i>
02/21/2020	 Financial Disclosure Form Filed by: Defendant Guardado, Gabino <i>[13] General Financial Disclosure Form</i>
02/21/2020	 Clerk's Notice of Nonconforming Document <i>[12] Clerk's Notice of Nonconforming Document</i>
02/20/2020	 Certificate of Service Filed by: Defendant Guardado, Gabino <i>[11] Certificate of Service</i>
02/20/2020	

# CASE SUMMARY


CASE NO. D-20-602873-F

	 Stricken Document [10] ***DOCUMENT STRICKEN PER MINUTE ORDER 3/9/20***
02/19/2020	 Notice of Hearing Filed By: Defendant Guardado, Gabino [9] Re-Notice of Hearing
02/06/2020	 Affidavit of Service Filed By: Defendant Guardado, Gabino [8] Affidavit of Service
02/06/2020	 Affidavit of Service Filed By: Defendant Guardado, Gabino [7] Affidavit of Service
01/31/2020	 Certificate of Service Filed by: Defendant Guardado, Gabino [6] Certificate of Service
01/28/2020	 Notice of Hearing [5] Notice of Hearing
01/27/2020	 Notice Filed By: Defendant Guardado, Gabino [4] Notice of Petition for Registration of Out of State Child Custody Determination
01/27/2020	 Exhibits Filed By: Defendant Guardado, Gabino [3] Exhibit Appendix in Support of Defendant's Motion to Modify Child Custody, Granting Defendant Dole Legal, Sole Physical Custody, Child Support and for Attorney Fees and Costs
01/27/2020	 Motion Filed By: Defendant Guardado, Gabino [2] Motion to Modify Child Custody, Granting Defendant Dole Legal, Sole Physical Custody, Child Support and for Attorney Fees and Costs
01/24/2020	 Foreign Judgment - NRS 125A Filed by: Defendant Guardado, Gabino [1] Petition for Registration of Out of State Child Custody Determination

## DISPOSITIONS

11/02/2020	<b>Judgment</b> (Judicial Officer: Burton, Rebecca L.) Judgment (\$3,305.00, In Full , Attorney Fees)
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## HEARINGS

06/13/2022	<b>Order to Show Cause</b> (1:30 PM) (Judicial Officer: Almase, Heidi)
06/13/2022	<b>Motion</b> (10:00 AM) (Judicial Officer: Almase, Heidi) <i>Plaintiff's Motion to Stay Against Current Orders in Case</i>
05/25/2022	<b>Decision</b> (3:00 AM) (Judicial Officer: Almase, Heidi) <i>re: Attorney Fees and Costs</i>
04/28/2022	<b>Hearing</b> (9:00 AM) (Judicial Officer: Almase, Heidi) <i>re: Order to Produce Child</i> Matter Heard;
04/11/2022	 <b>All Pending Motions</b> (10:00 AM) (Judicial Officer: Almase, Heidi) Matter Heard; Journal Entry Details:

*PLAINTIFF S MOTION FOR RECONSIDERATION, ASSERTING LACK OF SUBJECT MATTER AND PERSONAL JURISDICTION; DECLARATION OF ANA SALAS DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR RECONSIDERATION, ASSERTING LACK OF SUBJECT MATTER JURISDICTION AND PERSONAL*

# CASE SUMMARY

CASE NO. D-20-602873-F

	<i>JURISDICTION AND COUNTERMOTION FOR MOTION FOR CONTEMPT AND ATTORNEY'S FEES AND COSTS ORDER TO SHOW CAUSE Due to network outage issues, the Court could not hear the matter as scheduled.;</i>
04/11/2022	<b>Order to Show Cause</b> (10:00 AM) (Judicial Officer: Almase, Heidi) (order filed 03/24/22) Decision Made;
04/11/2022	<b>Opposition &amp; Countermotion</b> (10:00 AM) (Judicial Officer: Almase, Heidi) <i>Defendant's Opposition to Plaintiff's Motion for Reconsideration, Asserting Lack of Subject Matter Jurisdiction and Personal Jurisdiction and Countermotion for Motion for Contempt and Attorney's Fees and Costs</i> Decision Made;
04/11/2022	<b>Motion</b> (10:00 AM) (Judicial Officer: Almase, Heidi) <i>Plaintiff's Motion For Reconsideration, Asserting Lack Of Subject Matter And Personal Jurisdiction; Declaration Of Ana Salas</i> Decision Made;
03/02/2022	<b>Decision</b> (3:00 AM) (Judicial Officer: Almase, Heidi)
01/24/2022	 <b>All Pending Motions</b> (10:00 AM) (Judicial Officer: Almase, Heidi) Matter Heard; Journal Entry Details: <i>MOTION: MOTION AND NOTICE OF MOTION TO SET ASIDE DEFAULT AND TO RECALL WARRANT... OPPOSITION &amp; COUNTERMOTION: OPPOSITION TO MOTION TO SET ASIDE ORDER AND DEFAULT AND TO RECALL WARRANT AND COUNTERMOTION FOR ATTORNEY'S FEES In the interest of public safety due to the Coronavirus pandemic, all parties were present via VIDEO CONFERENCE through the BlueJeans application. Plaintiffs, Ana Salas and Tyler Edenfield, were not present. Upon the matter being called, the COURT NOTED papers and pleadings on file and reviewed the history of the case. Mr. Medlyn represented that child custody matters are to be heard on their merits in the state of Nevada. Mr. Medlyn requested temporary orders and for the matter to be set for hearing. Mr. Mills, counsel for Defendant, Gabino Guardado, represented the efforts made to have the Plaintiff served with the Court's Orders. Mr. Mills argued that there was no basis to set aside the Default. Mr. Mills requested that Plaintiff's Motion be denied. Mr. Medlyn represented that Plaintiff's request for the Default to be set aside should be proof enough of her appearance. Mr. Medlyn requested the matter be set for status check for Plaintiff's compliance with providing an address. COURT stated its FINDINGS and ORDERED the following: 1. Plaintiff's Motion to Set Aside Default and to Recall Warrant is hereby DENIED. 2. Plaintiff, Ana Salas, SHALL file a NOTICE OF CHANGE OF ADDRESS with the Court with service upon Mr. Mills and Defendant. 3. Plaintiff SHALL produce the minor child as previously ORDERED. 4. Mr. Mills Countermotion for Attorney's Fees is hereby GRANTED. Mr. Mills SHALL file a Memorandum of Fees and Costs by no later than 02/07/2022 with service upon Mr. Isso's office. Plaintiff SHALL have file any Objection by no later than 02/14/2022. 5. The Court set the matter for DECISION on 03/02/2022 at 3:00 A.M. 6. Mr. Mills shall prepare the order and submit to Mr. Medlyn for review and signature. CLERK'S NOTE: On 02/02/2022 a copy of the Court's Minute Order was provided to each Attorney via email, if an email address is on record with the Court; if no email address is available then the Minute Order was mailed to the physical address of record. (qm);</i>
01/24/2022	 <b>Opposition &amp; Countermotion</b> (10:00 AM) (Judicial Officer: Almase, Heidi) <i>Opposition to Motion to Set Aside Order and Default and to Recall Warrant and Countermotion for Attorney's Fees</i> Matter Heard;
01/24/2022	<b>Motion</b> (10:00 AM) (Judicial Officer: Almase, Heidi) <i>Motion and Notice of Motion to Set Aside Default and to Recall Warrant</i> Matter Heard; See All Pending Motions 01/24/2022
09/30/2020	<b>Motion</b> (2:15 PM) (Judicial Officer: Burton, Rebecca L.) <i>Motion for Attorney's Fees and Costs Pursuant to NRCP 54</i>
09/09/2020	<b>CANCELED Motion</b> (2:15 PM) (Judicial Officer: Burton, Rebecca L.) <i>Vacated</i> <i>Deft's Motion for Attorney's Fees continued from 8/6/2020</i>
09/09/2020	 <b>Minute Order</b> (10:00 AM) (Judicial Officer: Burton, Rebecca L.) Minute Order - No Hearing Held; Journal Entry Details:

**CASE SUMMARY****CASE NO. D-20-602873-F**

*MINUTE ORDER: NO HEARING HELD AND NO APPEARANCES Pursuant to NRCPC 1 and EDCR 1.10, the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. COURT FINDS that at the August 6, 2020 hearing, the Court continued the issue of attorney fees to the Court's In-Chambers calendar on September 9, 2020. COURT FINDS that on August 17, 2020 the Defendant filed a Motion for Attorney's Fees and Costs Pursuant to NRCPC 54. A Notice of Hearing was filed providing a hearing date for September 30, 2020 on the Court's In-Chambers calendar. NOW, THEREFORE IT IS ORDERED that to avoid confusion, the Court's Clerk shall VACATE the hearing set on September 9, 2020 on the Court's In-Chambers calendar, and will defer the issues of attorney fees to the hearing currently set for the Defendant's Motion. COURT FURTHER ORDERS that the Court's Clerk shall provide a copy of this Minute Order to the parties. CLERK'S NOTE: A copy of the Minute Order was mailed to the Plaintiffs at the addresses listed in the court records and emailed to Defendant's Attorney Kyle King on September 9, 2020. (dlf);*

03/09/2020

**Motion** (10:00 AM) (Judicial Officer: Burton, Rebecca L.)**03/09/2020, 07/27/2020, 08/06/2020**

*Defendant's Motion to Modify Child Custody Granting Defendant Sole Legal, Sole Physical Custody, Child Support and for Attorney Fees and Costs*  
later than 3/9/2020

Matter Continued;

Matter Continued;

Granted in Part;

Journal Entry Details:

**DEFENDANT'S MOTION TO MODIFY CHILD CUSTODY GRANTING DEFENDANT SOLE LEGAL, SOLE PHYSICAL CUSTODY, CHILD SUPPORT, AND ATTORNEY'S FEES AND COSTS** Judge Rebecca Burton appeared via video conference. Attorney Kyle King, Bar No. 14557, appeared via video conference for Defendant (Dad). Attorney Robert Blau, Bar No. 10857, also appeared via video conference for Dad. Dad appeared via video conference. Spanish Court Interpreter Elsa Marsico, Supreme Court #NVME527, interpreted for Dad via video conference. Court noted the requested service had been completed, and the jurisdiction issue had been resolved. Dad **SWORN** and **TESTIFIED**. Attorney King canvassed Dad regarding his request for sole legal and sole physical custody of the minor child. **COURT FINDS** that it has subject matter jurisdiction over this case, personal jurisdiction over the parties, and child custody subject matter jurisdiction over the minor child(ren). **COURT READ FINDINGS** on the record. **COURT ORDERED** the following: 1. Dad shall have **SOLE LEGAL AND SOLE PHYSICAL CUSTODY** of the minor child. 2. Dad must file a Financial Disclosure Form (FDF), attach his last three pay stubs or verification of income, and file proof of service by August 20, 2020, should a motion be filed for Attorney's Fees and Costs. 3. Attorney King shall to file a Memorandum of Fees and Costs with the Brunzell Affidavit and supported by billing statements by August 20, 2020. Attorney King shall also provide a copy to the Plaintiffs'. Plaintiffs' shall have until September 3, 2020 to file a response. Should the Plaintiffs' respond, they must each file a Financial Disclosure Form (FDF), attach their last three pay stubs or verification of income, and file proof of service by September 3, 2020. 4. Dad's Motion for Attorney's Fees and Costs is **CONTINUED** to September 9, 2020 at 2:15 p.m. on the Court's In-Chambers Calendar. 5. Attorney King shall have until September 4, 2020 to submit the proposed Order, including the Court's Findings, directly to the Department. On or after September 8, 2020, the Court will issue an Order to Show Cause to the parties for the proposed Order. **CASE CLOSED** upon submission of the Order.;

later than 3/9/2020

Matter Continued;

Matter Continued;

Granted in Part;

Journal Entry Details:

**DEFENDANT'S MOTION TO MODIFY CHILD CUSTODY GRANTING DEFENDANT SOLE LEGAL, SOLE PHYSICAL CUSTODY, CHILD SUPPORT AND FOR ATTORNEY FEES AND COSTS** Judge Rebecca Burton appeared via video conference. Attorney Kyle King, Bar No. 14557, appeared via video conference for Defendant (Dad). Dad appeared via video conference. Court reviewed the history of the parties and the pleadings on file. Court noted service to all the parties has been satisfied. Court inquired if Dad had the minor child and Attorney King stated that they were going to request a pick-up order as they believe the Plaintiff (Aunt) has now fled to Florida and they may have to get the Attorney General involved in this matter to pick up the minor child from a different state. **COURT FINDS** that it has subject matter jurisdiction over this case, personal jurisdiction over the parties, and child custody subject matter jurisdiction over the minor child(ren). Dad **SWORN** and **TESTIFIED**. Attorney King canvassed Dad regarding when the minor child moved to Nevada and how he

**CASE SUMMARY****CASE NO. D-20-602873-F**

knew the guardians and the minor child moved to Nevada. Court requested the interpreter put her name on the record and which language she was interpreting in. Spanish Interpreter Sue Rodriguez appeared via video conference for Dad. Court further inquired if Ms. Rodriguez was a court certified interpreter, and Attorney King stated she was not. Discussion regarding this matter being continued for Dad to get a certified court interpreter and how Attorney King may get in contact with the Court Interpreter's office. COURT ORDERED the following: 1. Dad shall have the North Carolina Order registered with this court. 2. Matter CONTINUED to August 6, 2020 at 10:00 a.m. for Dad to get a Spanish court certified interpreter. CLERK'S NOTE: Minutes Incomplete: DO NOT PRINT; DO NOT DISTRIBUTE!!;

later than 3/9/2020

Matter Continued;

Matter Continued;

Granted in Part;

Journal Entry Details:

**DEFENDANT'S MOTION TO MODIFY CHILD CUSTODY GRANTING DEFENDANT SOLE LEGAL, SOLE PHYSICAL CUSTODY, CHILD SUPPORT AND FOR ATTORNEY FEES AND COSTS** Spanish Court Interpreter, Ximena Fiene, present with Defendant. Court reviewed the case. Discussion regarding service on natural Mom and her last known address in North Carolina or if she was served by publication. Counsel represented initially the natural Mother signed a unilateral guardianship over and then was deported to Mexico and he could do a diligence search to the last known address within the next couple of days. Counsel further represented there was no forwarding address and the nature of Order itself they did not know it existed until Defendant came into his office. Court NOTED a UCCJEA (Uniform Child Custody Jurisdiction and Enforcement Act) Conference with North Carolina is not needed, as this Court recognizes that nobody is in North Carolina. Counsel acknowledged Mom disappeared some time ago, to the best of his knowledge Mom was deported to Mexico, and the Aunt, Uncle, and minor child, including Dad, resides here. Court FURTHER NOTED unless the due diligence shows that Mom is in North Carolina, this Court is going to have Child Custody, subject matter jurisdiction. However, Mom is required to have notice. Further discussions regarding service on Mom. Discussions regarding how the maternal Aunt and Uncle got Custody Orders and how Dad became aware of the Order COURT ORDERED, upon Defendant completing a Due Diligence search on the natural Mother and make an Ex Parte request for Publication, a Publication shall be ALLOWED. Upon service on the natural Mother and twenty (20) days has lapsed, Defendant's counsel shall submit an Order, so that this Court can confirm it has jurisdiction. Court SUGGESTED counsel extend the Due Diligence to North Carolina to confirm the natural Mother is not there. Additionally, the Notice of Entry of Stipulation and Order to Continue Hearing filed on February 20, 2020, shall be STRICKEN from the record, as it belongs to a different case. Matter RECALLED. COURT FURTHER ORDERED, matter CONTINUED TO April 23, 2020, at 11:00 AM.;

**DATE****FINANCIAL INFORMATION****Unbundled Attorney** Rosenblum, Molly S.

Total Charges 5.00

Total Payments and Credits 5.00

**Balance Due as of 5/3/2022 0.00**

**Defendant** Guardado, Gabino

Total Charges 300.00

Total Payments and Credits 300.00

**Balance Due as of 5/3/2022 0.00**

**Plaintiff** Salas, Ana Maria

Total Charges 24.00

Total Payments and Credits 24.00

**Balance Due as of 5/3/2022 0.00**

*Heather S. Smith*

CLERK OF THE COURT

1 ORDR

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 ANA MARIA SALAS AND TYLER KYLE  
7 EDENFIELD,

8 Plaintiff,

9 vs.

10 GABINO GUARDADO,

11 Defendant

Case No: D-20-602873-F

Dept. No: X

12 **ORDER TO PRODUCE MINOR CHILD PURSUANT TO NRS 125C.0055**

13 This is a proceeding involving one minor child: YASLINE ALEJANDRA  
14 GUARDADO-SALAS, born February 9, 2014. Pursuant to this Court's December 21, 2020  
15 order from August 6, 2020 hearing, Defendant Gabino Gaurdado, the child's natural father, has  
16 order from August 6, 2020 hearing, Defendant Gabino Gaurdado, the child's natural father, has  
17 sole legal and sole physical custody of the child. On January 26, 2021, an Order for Return of  
18 Child was executed and filed by this Court. Further, on July 2, 2021, a Warrant to Take Physical  
19 Custody of a Child pursuant to NRS 125D.200 was executed and filed. To date, the Court  
20 FINDS Defendant Gabino Guardado, the minor child's natural father, has been unable to obtain  
21 custody of the child.  
22


23 NRS 125C.0055(1) states as follows:

24 If, during any action for determining the custody of a minor child, either before or  
25 after the entry of a final order concerning the custody of a minor child, it appears  
26 to the court that any minor child of either party has been, or is likely to be, taken  
27 or removed out of this State or concealed within this State, the court shall  
28 forthwith order such child to be produced before it and make such disposition of  
the child's custody as appears most advantageous to and in the best interest of the  
child and most likely to secure to him or her the benefit of the final order or the  
modification or termination of the final order to be made in his or her behalf.

1 Accordingly, good cause appearing, the Court ORDERS Plaintiffs Ana Salas and/or  
2 Tyler Edenfield to produce the minor child YASLINE ALEJANDRA GUARDADO-SALAS,  
3 born February 9, 2014 before this Court on APRIL 28, 2022 AT 9:00AM at the REGIONAL  
4 JUSTICE CENTER located at 200 E. Lewis Avenue, Las Vegas, Nevada 89101 in Courtroom  
5 3B.  
6

7 **Failure to produce the minor child as ordered may result in a bench warrant being**  
8 **issued for the arrest of Plaintiffs Ana Salas and/or Tyler Edenfield. In the event a bench**  
9 **warrant were issued against Plaintiffs, this Court would be required to include a PURGE**  
10 **CLAUSE in any such order or warrant.**  
11

12  
13 Dated this 12th day of April, 2022

14  
15   
16 HEIDI ALMASE  
District Court Judge

17 C8B 3C1 CD84 CA85  
18 Heidi Almase  
19 District Court Judge  
20  
21  
22  
23  
24  
25  
26  
27  
28



1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Ana Maria Salas, Tyler Kyle  
Edenfield, Plaintiff.

CASE NO: D-20-602873-F

7 vs.

DEPT. NO. Department X

8  
9 Gabino Guardado, Defendant.

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: 4/12/2022

15 Amanda Roberts, Esq.

efile@lvfamilylaw.com

16 Byron Mills

modonnell@millsnv.com

17 Peter Isso, Esq.

peter@issolaw.com

18 Gabino Guardado

sugueyr@yahoo.com

19 John Lanning, Esq.

john@issolaw.com

20  
21  
22 If indicated below, a copy of the above mentioned filings were also served by mail  
23 via United States Postal Service, postage prepaid, to the parties listed below at their last  
known addresses on 4/13/2022

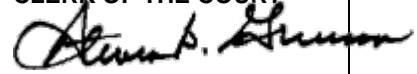
24 Kyle King

376 E Warm Springs RD STE #104  
Las Vegas, NV, 89119

25  
26 Tyler Edenfield

1216 Silver Lake DR  
Las Vegas, NV, 89108

27  
28



NEO

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

\*\*\*

Ana Maria Salas, Tyler Kyle Edenfield,  
Plaintiff.

vs.

Gabino Guardado, Defendant.

Case No.: D-20-602873-F

Department X

**NOTICE OF ENTRY OF ORDER TO PRODUCE MINOR CHILD  
PURSUANT TO NRS 125C.0055**

TO ALL INTERESTED PARTIES:

**PLEASE TAKE NOTICE** that an Order was entered in the above-entitled matter on April 12, 2022, a true and correct copy of which is attached hereto.

Dated this 19th day of April, 2022.

/s/ Natalie Castro

Natalie Castro  
Judicial Executive Assistant to the  
HONORABLE HEIDI ALMASE

**CERTIFICATE OF SERVICE**

I hereby certify that on the above file stamped date:

☒ E-Served pursuant to NEFCR 9 on April 19, 2022, or placed in the folder(s) located in the Clerk's Office of, the following attorneys:

Amanda M Roberts, ESQ  
Byron Mills

☒ I mailed, via first-class mail, postage fully prepaid, the foregoing NOTICE OF ENTRY OF ORDER to:

Tyler Kyle Edenfield  
1216 Silver Lake DR  
Las Vegas, NV 89108

/s/ Natalie Castro

Natalie Castro  
Judicial Executive Assistant to the  
HONORABLE HEIDI ALMASE

*Heather S. Smith*

CLERK OF THE COURT

1 ORDR

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 ANA MARIA SALAS AND TYLER KYLE  
7 EDENFIELD,

8 Plaintiff,

9 vs.

10 GABINO GUARDADO,

11 Defendant

Case No: D-20-602873-F

Dept. No: X

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14 GUARDADO-SALAS, born February 9, 2014. Pursuant to this Court's December 21, 2020  
15 order from August 6, 2020 hearing, Defendant Gabino Gaurdado, the child's natural father, has  
16 order from August 6, 2020 hearing, Defendant Gabino Gaurdado, the child's natural father, has  
17 sole legal and sole physical custody of the child. On January 26, 2021, an Order for Return of  
18 Child was executed and filed by this Court. Further, on July 2, 2021, a Warrant to Take Physical  
19 Custody of a Child pursuant to NRS 125D.200 was executed and filed. To date, the Court  
20 FINDS Defendant Gabino Guardado, the minor child's natural father, has been unable to obtain  
21 custody of the child.  
22

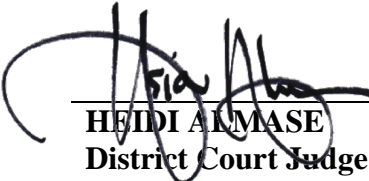
23 NRS 125C.0055(1) states as follows:

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25 after the entry of a final order concerning the custody of a minor child, it appears  
26 to the court that any minor child of either party has been, or is likely to be, taken  
27 or removed out of this State or concealed within this State, the court shall  
28 forthwith order such child to be produced before it and make such disposition of  
the child's custody as appears most advantageous to and in the best interest of the  
child and most likely to secure to him or her the benefit of the final order or the  
modification or termination of the final order to be made in his or her behalf.

1 Accordingly, good cause appearing, the Court ORDERS Plaintiffs Ana Salas and/or  
2 Tyler Edenfield to produce the minor child YASLINE ALEJANDRA GUARDADO-SALAS,  
3 born February 9, 2014 before this Court on APRIL 28, 2022 AT 9:00AM at the REGIONAL  
4 JUSTICE CENTER located at 200 E. Lewis Avenue, Las Vegas, Nevada 89101 in Courtroom  
5 3B.  
6

7 **Failure to produce the minor child as ordered may result in a bench warrant being**  
8 **issued for the arrest of Plaintiffs Ana Salas and/or Tyler Edenfield. In the event a bench**  
9 **warrant were issued against Plaintiffs, this Court would be required to include a PURGE**  
10 **CLAUSE in any such order or warrant.**  
11

12  
13 Dated this 12th day of April, 2022

14  
15   
16 HEIDI ALMASE  
District Court Judge

17 C8B 3C1 CD84 CA85  
18 Heidi Almase  
19 District Court Judge  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Ana Maria Salas, Tyler Kyle  
Edenfield, Plaintiff.

CASE NO: D-20-602873-F

7 vs.

DEPT. NO. Department X

8  
9 Gabino Guardado, Defendant.

10  
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14 Service Date: 4/12/2022

15 Amanda Roberts, Esq.

efile@lvfamilylaw.com

16 Byron Mills

modonnell@millsnv.com

17 Peter Isso, Esq.

peter@issolaw.com

18 Gabino Guardado

sugueyr@yahoo.com

19 John Lanning, Esq.

john@issolaw.com

20  
21  
22 If indicated below, a copy of the above mentioned filings were also served by mail  
23 via United States Postal Service, postage prepaid, to the parties listed below at their last  
known addresses on 4/13/2022

24 Kyle King

376 E Warm Springs RD STE #104  
Las Vegas, NV, 89119

25  
26 Tyler Edenfield

1216 Silver Lake DR  
Las Vegas, NV, 89108

27  
28

*Heather S. Smith*

CLERK OF THE COURT

1 ORDR

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 ANA MARIA SALAS AND TYLER KYLE  
7 EDENFIELD,

8 Plaintiff,

9 vs.

10 GABINO GUARDADO,

11 Defendant

Case No: D-20-602873-F

Dept. No: X

12 **ORDER DENYING PLAINTIFF ANA MARIA SALAS MOTION FOR**  
13 **RECONSIDERATION**

14 This matter was scheduled for April 11, 2022 hearing on Plaintiff Ana (Ana) Maria Salas'  
15 March 1, 2022 Motion for Reconsideration. On March 17, 2022, Defendant Gabino (Gabino)  
16 Guardado filed his Opposition and Countermotion for Contempt and Award for Attorney Fees  
17 and Costs. Ana did not file a responsive pleading to Gabino's March 17, 2022 countermotions  
18 and the time for filing any responsive pleading has passed.

19  
20 This Court exercises discretion granted it pursuant to EDCR 2.23(c) to decide these  
21 issues without recourse to oral argument. Consequently, the Court ORDERS the April 11, 2022  
22 hearing VACATED.

23  
24 This case involves the Registration of an Out of State Child Custody Determination. See  
25 Petition for Registration of Out of State Child Custody Determination (filed January 24,  
26 2020)(judgment from Craven County, North Carolina). See also Notice of Filing of Certified  
27 Order (filed March 5, 2020)(certified copy of North Carolina orders)(attached Certificate of  
28 Service by USPS Certified Mail/Return Receipt Requested); and Order Regarding Registration

1 of Out of State Child Custody Determination (filed July 29, 2020).

2 This matter involves one (1) minor child: YASLINE ALEJANDRA GUARDADO-  
3 SALAS, born February 9, 2014. The parties in this case are Ana Maria Salas and Tyler (Tyler)  
4 Kyle Edenfield, maternal aunt and maternal uncle (by marriage). Gabino is Yasline's natural  
5 father. Paolo (Paola) Salas is Yasline's natural mother. Neither Tyler nor Paolo have  
6 participated in any manner in the instant Nevada matter. The governing order in this case,  
7 following substantial proceedings in the prior judicial department, was filed December 21, 2020  
8 and granted Gabino SOLE LEGAL and SOLE PHYSICAL CUSTODY of Yasline. See Order  
9 from August 6, 2020 Hearing at p.6, ll.25-28 (filed December 21, 2020).  
10  
11

12 On March 24, 2022, this Court GRANTED Gabino's March 17, 2022 Ex parte  
13 Application for Order to Show Cause directing Ana to appear in person before this Court on  
14 April 11, 2022. Because this Court has vacated the April 11, 2022 hearing on Ana's Motion for  
15 Reconsideration, Gabino's Order to Show Cause directing Ana to appear in person is likewise  
16 VACATED. However, the Court has chosen to separately address this issue herein. Specifically,  
17 this Court's January 26, 2021 Order for Immediate Pick Up and Return of the Minor Child and  
18 July 2, 2021 Warrant to Take Physical Custody of a Child pursuant to NRS 125D.200 remain  
19 valid and active orders in this case. The Court FINDS, to date, neither the January 26, 2021 or  
20 July 2, 2021 orders have been effectuated. The Court further FINDS, in the year and a half since  
21 Gabino was granted sole legal and sole physical custody of his child, he has been unable to  
22 effectuate that order.  
23  
24

## 25 **PROCEDURAL TIMELINE**

26 On March 2, 2017, a court of Craven County, North Carolina, finding North Carolina was  
27 Yasline's home state, granted Ana and Tyler "exclusive physical and legal custody" via a default  
28

1 proceeding wherein neither Paola or Gabino were present or had filed any responsive pleadings.  
2 See North Carolina Custody Order at p.4, sections 3 and 4 (filed March 2, 2017). The North  
3 Carolina Court further found Paola and Gabino had “by their actions and inactions . . .  
4 surrendered all parenting responsibilities of this child to the plaintiffs. They have failed to  
5 adequately financially or emotionally support the child and have not seen the child since October,  
6 2015 thereby abandoning the child.” Id. The North Carolina Court found both Paola and Gabino  
7 were last known residents of Nevada. Id. at p.2, sections 7-9. This Court FINDS neither parent  
8 was found unfit by the North Carolina Court and substance abuse was attributed to Paola only.  
9

10 On January 24, 2020, Gabino filed his Petition (Petition) for Registration of Out of State  
11 Child Custody Determination in Nevada. Attached at Exhibit 1 was a file-stamped copy of a  
12 March 2, 2017 Craven County, North Carolina Custody Order. See January 24, 2020 Petition at  
13 Exhibit 1. The March 2, 2017 North Carolina Custody Order was not a certified copy. Id.  
14

15 On January 27, 2020, Gabino filed his Motion (Motion) to Modify Child Custody [to Sole  
16 Legal and Sole Physical Custody], Child Support and for Attorney Fees and Costs.  
17

18 On February 6, 2020, Gabino filed an Affidavit of Service by substitute personal service on  
19 Ethel Adalto, a cousin and co-occupant of Tyler Edenfield, for the Petition, Notice of Petition,  
20 Gabino’s Motion, Exhibits and Notice of Hearing. See Affidavit of Service (filed February 6,  
21 2020)(date of service February 5, 2020). Service occurred in Las Vegas, Nevada. Id. Also on  
22 February 6, 2020, Gabino filed an Affidavit of Service by substitute personal service on Ethel  
23 Adalto, a cousin and co-occupant of Ana Salas, for the Petition, Notice of Petition, Gabino’s  
24 Motion, Exhibits and Notice of Hearing. See Affidavit of Service (filed February 6, 2020)(date  
25 of service February 5, 2020). Service of these documents also occurred in Las Vegas, Nevada.  
26 Id.  
27  
28



1 On March 5, 2020, Gabino filed a Notice of Filing of Certified Order which included, at  
2 Exhibit A, a certified copy of the March 2, 2017 Craven County, North Carolina Custody Order.  
3 Included in the Notice was a Certificate of Service by USPS Certified Mail/Return Receipt  
4 Requested addressed to Ana Salas and Tyler Edenfield at 1216 Silver Lake Drive, Las Vegas,  
5 NV 89108.  
6

7 On March 9, 2020, Gabino's January 27, 2020 motion was scheduled for hearing. The  
8 March 9, 2020 hearing was the initial hearing in this case.<sup>1</sup> Gabino was present with his attorney  
9 and certified court interpreter Ximena Fiene. Neither Ana, Tyler nor Paola were present. The  
10 presiding judicial officer found a UCCJEA conference with North Carolina was not required as it  
11 appeared none of the parties resided in North Carolina. However, the Court found Paola, as  
12 natural mother, was entitled to have notice of the Nevada proceedings. Consequently, Gabino  
13 was ordered to conduct a due diligence search for Paola with service by publication allowed.  
14

15 On April 13 and 16, 2020, Gabino filed Affidavits of Attempted Service for Paola Salas who  
16 was believed to be residing in Las Vegas, Nevada. On April 21, 2020, following his Ex parte  
17 Application, an Order for Service by Alternate Means and Order to Extend Time to Serve was  
18 filed (as amended on April 22, 2020). On May 21, 2020, an Affidavit of Publication was filed  
19 demonstrating weekly service commencing April 23, 2020 and ending May 21, 2020 in the  
20 Nevada Legal News.  
21

22 On July 27, 2020 Gabino and his attorney appeared for the continued hearing.<sup>2</sup> Gabino was  
23  
24

---

25  
26 <sup>1</sup> The prior judicial department did not direct a written order from this hearing. Information is  
27 taken from the Court minutes.

28 <sup>2</sup> The prior judicial department did not direct a written order from this hearing. Information is  
taken from the Court minutes.

1 assisted by a non-court certified interpreter, Sue Rodriguez. Based on the Court's inquiry, the  
2 matter was continued to allow Gabino to obtain a certified court interpreter. However, Gabino  
3 was granted leave to have the North Carolina Custody Order registered with the Court.  
4

5 On July 29, 2020, the Order Regarding Registration of Out of State Child Custody  
6 Determination was filed.

7 On August 6, 2020, Gabino was present with his attorney and court-certified interpreter Elsa  
8 Marsico. Gabino was sworn and offered testimony. See Order from August 6, 2020 Hearing  
9 (filed December 21, 2020). Findings and orders from this hearing are recited in depth herein  
10 insofar as the order is lengthy, considered jurisdiction, service and NRS 125C.0035(4) best  
11 interest factors.  
12

13 The Court found it had subject matter jurisdiction over the out of state child custody  
14 determination which had been properly domesticated and registered in Nevada. Id. at p.2, ll.1-4.  
15 The Court found it had personal jurisdiction over Ana, Tyler and Gabino but not Paola. Id. at  
16 ll.5-8. With respect to Paola, the Court found Gabino conducted a May 15, 2020 due diligence  
17 search with Paola not located in North Carolina. Id. at ll.9-12. Paolo was believed to have been  
18 deported to Mexico. Id. at ll.12-13. Consequently, the Court found Paolo was served by  
19 publication (referencing the May 21, 2020 Affidavit of Publication). Id. at ll.14-16. Next, the  
20 Court found it had child custody subject matter over Yasline where clear evidence demonstrated  
21 none of the captioned parties resided in North Carolina and where Ana, in particular, had been  
22 personally witnessed in Clark County, Nevada on multiple occasions through 2019. Id. at ll.17-  
23 26. The Court further found Gabino had personally seen Yasline in Clark County, Nevada in  
24 March and April 2019 and December 2019. Id. With respect to Gabino seeing Yasline in  
25 Nevada in December 2019, the Court found Ana had abandoned the child with a relative and left  
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1 the state. Id. Based on these findings, the Court concluded Yasline had resided in Nevada for a  
2 period of at least six months prior to the filing of Gabino's January 27, 2020 Motion. Id. The  
3 Court additionally found Gabino did not know and was not informed of the North Carolina  
4 proceedings or subsequent default order. Id. at ll.27-28 and p.3, ll.1-3. Having further found  
5 Gabino demonstrated a substantial change of circumstances affecting Yasline's best interest, the  
6 Court found it in Yasline's best interest to restore Gabino's custody. Id. at p.3, ll.4-8. In  
7 particular, the Court found Gabino provided convincing evidence that the circumstances under  
8 with the North Carolina order were issued – homelessness and drug abuse – did not apply and do  
9 not apply to him nor did these alleged issues ever apply to Paola. Id. at ll.9-13. Noting a material  
10 change of circumstances – Ana's abandonment of Yasline – the Court found CPS removed  
11 Yasline and placed her in Gabino's custody only to have Ana remove the child in December  
12 2019. Id. at ll.14-15. Continuing with its findings, the Court found Ana was not properly caring  
13 for Yasline, was improperly disciplining the child, failed to obtain proper medical treatment for  
14 Yasline, failed to register Yasline for school and continuously abandoned the child to non-  
15 relative third parties in order to engage in a career as an escort. Id. at ll.14-28 and p.4, ll.1-5.  
16 The Court found Gabino earned sufficient household income, had an adequate family residence  
17 necessary to provide care for Yasline as well as healthcare coverage. Id. at ll.9-24. Notably,  
18 upon obtaining temporary care of Yasline from CPS, the Court found Gabino immediately took  
19 Yasline for medical care related to an on-going lice infestation. Id. at ll.25-28. The Court  
20 engaged in an NRS 125C.0035(4) best interest analysis (though not citing to the statutory  
21 factors)<sup>3</sup> and found Paola improperly and without Gabino's consent or knowledge nominated

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<sup>3</sup> See Order at p.6, ll.22-24 (referencing the Court findings and analysis of the best interest

1 Ana as Yasline's guardian due to issues in her life. Id. at p.5, ll.3-8. The Court additionally  
2 found as follows:

3 "THE COURT FURTHER FINDS that Ana Salas is not likely to allow frequent  
4 association between the subject minor and [Gabino], nor is she likely to facilitate contact  
5 between the subject minor and [Gabino], as evidenced by her abandoning the subject  
6 minor with her relatives rather than [Gabino], despite him **being fit and proper to care**  
**for the child**. Video Cite 11:00:09-11:00:41."

7 Id. at ll.9-14 (emphasis added).

8 Following review of additional best interest factors, the Court granted Gabino's motion and  
9 ordered him to have sole legal and sole physical custody of Yasline. Id. at p.6, ll.25-28.

### 10 **INSTANT ARGUMENTS**

11 In her motion, Ana never specifies which order should be set aside. Rather, Ana contends  
12 Nevada never had jurisdiction over this matter and all orders issued by this Court must be set  
13 aside pursuant to NRCPC 60(b)(4)(all judgments are void). Specifically, Ana contends Gabino  
14 failed to file a certified copy of the North Carolina orders in support of his Petition to Register  
15 the Out of State Custody Order as required by NRS 125A.465(1)(b). Ana further contends this  
16 Court failed to verify a copy of the out of state certified orders before filing as required by NRS  
17 125A.465(2). Ana additionally contends Gabino never served her with his Petition by certified  
18 or registered mail as required by NRS 125A.465(4). Ana argues this Court has no jurisdiction to  
19 modify an out of state order unless it has initial or emergency jurisdiction pursuant to NRS  
20 125A.475(2). In support of this argument, Ana contends this Court may address jurisdiction  
21 anytime. Factually, Ana contends she and the child did not move to Nevada until April 10, 2019  
22 rather than 2017 as alleged by Gabino thus precluding this Court from exercising home state  
23 factors).

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28 factors).

1 jurisdiction over Yasline. Ana next contends this Court must first take testimony from the  
2 Petitioner or other witness prior to issuing a warrant. Last, Ana challenges Gabino's use of a  
3 non-certified court interpreter at the July 27 and August 6, 2020 hearings. Specifically, Ana  
4 contends the non-certified court interpreter did not properly interpret and assumed control and/or  
5 influence over counsel's questioning of Gabino.  
6

7 On March 17, 2022, Gabino filed his Opposition and Countermotion for Contempt and for  
8 Attorney Fees and Costs. Gabino requests this Court deny Ana's motion. Gabino  
9 countermotions for this Court to issue an order finding her in contempt for failure to produce  
10 Yasline and for award for attorney fees and costs in the sum of \$5,000. In support of his requests,  
11 Gabino contends Ana and Tyler obtained the North Carolina Custody Order by misleading the  
12 Court about Paola and Gabino's whereabouts. Gabino asserts this is the second time Ana has  
13 sought to set aside this Court's orders and again without any substantive proof other than her  
14 assertion she was never served notice of the Nevada proceedings. Gabino argues he had no idea  
15 Paola would sign over temporary custody to Ana. Gabino contends, as asserted by Ana in her  
16 motion, Paola turned Yasline over to Ana in Oklahoma City, Oklahoma on October 10, 2015.  
17 See Gabino's Opposition and Countermotion at p.6, ll.10-21 (filed March 17, 2022); and Ana's  
18 Motion for Reconsideration at p.7, ll.18-25 (filed March 1, 2022). In support of his contention  
19 Ana and Tyler were not truthful with the North Carolina court, Gabino points to their assertion  
20 they obtained custody of Yasline in Nevada on or about October 13, 2015 rather than Oklahoma  
21 City, Oklahoma. See North Carolina Custody Order at p.3, section 12 (filed March 2, 2017).  
22 Next, Gabino contends Yasline was present in Nevada from March 2019 through mid-2020  
23 where Gabino attests he personally saw the child in March – April 2019 in the care of Ana's  
24 grandmother, Andrea Salas; in September 2019 at a Walmart store; in October 2019 at a  
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1 McDonald's restaurant; and in December 2019 where he had three separate visits with Yasline.  
2 To the extent Ana now claims Yasline was with Tyler in California from July 2019 to November  
3 2019, Gabino contends this directly controverts her November 24, 2021 Motion to Set Aside  
4 wherein she averred "[s]ince the time that Custody [sic] order was entered, the minor child has  
5 resided with Plaintiff and continues to do so through the present." See Ana's Motion to Set  
6 Aside at p.4, ll.9-11 (filed November 24, 2021)(affidavit of Ana Salas at p.8)(averring to  
7 contents of motion). Thus, Gabino asserts Nevada had the appropriate jurisdiction over Yasline  
8 where she had been in Nevada since approximately April 2019. Gabino contends Ana has  
9 subsequently absconded from Nevada's jurisdiction with the child as a result of this litigation,  
10 i.e., first to Florida and subsequently to Washington state.  
11  
12

## 13 **STANDARD OF REVIEW AND GOVERNING LAW**

### 14 **TIMELINESS OF MOTION FOR RECONSIDERATION**

15 On November 24, 2021, Ana filed a Motion to Set Aside all judgments and orders in this  
16 case wherein Ana alleged she was never served with any documents until November 19, 2021.  
17 See Plaintiff's Motion to Set Aside at p.5, ll.1-7 and p.6, ll.9-19 (the pages of Ana's motion are  
18 not numbered and referenced pages are chronologic). On December 16, 2021, Gabino filed his  
19 Opposition and Countermotion. Ana did not file any responsive pleading to Gabino's December  
20 16, 2021 countermotions. On February 15, 2022, following a January 24, 2022 hearing wherein  
21 Ana's counsel was present but Ana was not present and could not be reached, the Court found it  
22 had continuing subject matter and personal jurisdiction over the parties and the minor child. See  
23 Order of the Court [from January 24, 2022 Hearing] at p.1, ll.20-28 and p.2, ll.1 (filed February  
24 15, 2022). This Court noted the extensive history of this case and the prior judicial officer's  
25 findings and orders. Id. at p.2, ll.2-28; p.3, ll.1-28 and p.4, ll.1-2. In particular, the Court noted  
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1 the Department C order granted Gabino sole legal and sole physical custody of Yasline and that  
2 neither Gabino or Paola Salas, the mother, had been found unfit. Id. at p.3, ll.12-13; ll.17-20. As  
3 noted in the order, orders made by the prior Department are law of the case. Id. at p.3, ll.8-11.  
4 The Court denied Ana’s Motion to Set Aside and AFFIRMED the December 21, 2020, January  
5 26, 2021 and July 2, 2021 orders as VALID. Id. at p.4, ll.5-9. The Court further ordered Ana to  
6 file a Notice of Change of Address and produce Yasline. Id. at ll.10-11. On February 16, 2022,  
7 Notice of Entry of Order was filed.  
8

9 On March 1, 2022, Ana filed her Motion for Reconsideration or, fourteen (14) days from  
10 the February 16, 2022 Notice of Entry of Order.  
11

12 EDCR 5.513(a) requires a motion for reconsideration be filed “within 14 calendar days  
13 after service of notice of entry of order”.

14 In this case, the Court FINDS Ana timely filed her March 1, 2022 Motion for  
15 Reconsideration.  
16

17 **STANDARD OF REVIEW MOTION FOR RECONSIDERATION: SUBSTANTIVE**  
18 **MERITS**

19 Motions for reconsideration must request a substantive alteration of a judgment and “not  
20 merely the correction of a clerical error, or relief of a type wholly collateral to the judgment.”

21 See AA Primo Builders, LLC v. Washington, 126 Nev. 578, 585, 245 P.3d 1190, 1195 (2010).

22 “A district court may reconsider a previously decided issue if substantially different evidence is  
23 subsequently introduced or the decision is clearly erroneous.” Masonry & Tile Contractors

24 Ass’n of S. Nev. v. Jolley, Urga & Wirth Ltd., 113 Nev. 737, 741, 941 P.2d 486, 489 (1997).

25 The Nevada Supreme Court has concluded a decision is “clearly erroneous” where: 1) there  
26 exist material errors in the proceedings or a mistake in law; 2) the judicial order is unsupported  
27 by any substantial evidence; or 3) the judicial order is against the clear weight of evidence.  
28

1 Russell v. Thompson, 96 Nev. 830, 834, 619 P.2d 537, 539 (1980). See also 9 Wright and Miller,  
2 *Federal Practice and Procedures*; Civil Sec. 2605, and cases cited therein. In addition, United  
3 States v. United States Gypsum Co., 333 U.S. 364, 395, 68 S.Ct. 525, 542 (1948) states: “A  
4 finding is ‘clearly erroneous’ when although there is evidence to support it, the reviewing court  
5 on the entire evidence is left with the definite and firm conviction that a mistake has been  
6 committed.”

#### 8 **NRCP 60(b)(4)**

9 NRCP 60(b)(4) provides grounds for relief from judgment if a judgment is void. See also  
10 Kaur v. Singh, 136 Nev. 653, 655-56, 477 P.3d 358, 361 (2020)(NRCP 60(b)(4) motions must be  
11 filed within a reasonable period of time rather than within the six-month period of limitations set  
12 forth at NRCP 60(b)(3)).

14 Based on Ana’s assertion this Court’s orders are void, her request to reconsider its orders  
15 pursuant to NRCP 60(b)(4) is timely.

#### 16 **UCCJEA JURISDICTION**

18 The Nevada Supreme Court has concluded as follows:

19 “Unless the court can properly exercise subject matter jurisdiction according to the terms  
20 of the Uniform Child Custody Jurisdiction Act (UCCJA), which Nevada adopted, it is  
21 without authority to enter any order adjudicating the rights of the parties with respect to  
22 custody and visitation. A provision in a divorce decree adjudicating custody and  
23 visitation in the absence of subject matter jurisdiction is void, as we held in Swan v.  
24 Swan, 106 Nev. 464, 796 P.2d 221 (1990).

25 . . .

26 “In our opinion, we noted that subject matter jurisdiction cannot be waived and may be  
27 raised at any time, or *sua sponte* by a court of review.”

28 Vaile v. Eighth Jud. Dist. Ct., 118 Nev. 262, 276-76, 44 P.3d 506, 515 (2002) *abrogated*  
by Senjab v. Alhulaibi, 137 Nev. Adv. Op. 64, 497 P.3d 618 (2021)(addressing residency  
component in divorce proceedings).



1 NRS 125A.325, jurisdiction to modify determination, provides as follows:

2 Except as otherwise provided in NRS 125A.335, a court of this state may not modify a  
3 child custody determination made by a court of another state unless a court of this state  
4 has jurisdiction to make an initial determination pursuant to paragraph (a) or (b) of  
subsection 1 of NRS 125A.305 and:

5 1. The court of the other state determines it no longer has exclusive, continuing  
6 jurisdiction pursuant to NRS 125A.315 or that a court of this state would be a  
7 more convenient forum pursuant to NRS 125A.365; or

8 2. A court of this state or a court of the other state determines that the child, the  
9 child's parents and any person acting as a parent do not presently reside in the  
other state.

10 The Court FINDS the March 2, 2017 North Carolina Custody Order constitutes a child  
11 custody determination made by a court of another state. See NRS 125A.325(1). Thus, this Court  
12 must determine if it has jurisdiction to modify the out of state order pursuant to NRS  
13 125A.305(a) or (b). Id. The Court FINDS Ana asserted in her pleadings she moved to Nevada  
14 in April 2019 and Tyler relocated to California somewhere between June 23, 2018 and July  
15 2019. See Ana's Motion for Reconsideration at p.8, ll.17-19 and p.9, ll.7-9 (filed March 1,  
16 2022). Therefore, to the extent the North Carolina Custody Order granted Ana and Tyler  
17 exclusive physical custody of Yasline, this Court FINDS neither Ana nor Tyler currently reside  
18 in North Carolina. The Court FINDS Gabino has continuously resided in Clark County, Nevada  
19 since the inception of this case. Therefore, NRS 125A.325(1) and (2) apply to the facts at bar  
20 and the Court must review NRS 125A.305.

23 NRS 125A.305, initial child custody jurisdiction, provides as follows:

24 1. Except as otherwise provided in NRS 125A.335, a court of this State has jurisdiction  
25 to make an initial child custody determination only if:

26 (a) This State is the home state of the child on the date of the commencement of  
27 the proceeding or was the home state of the child within 6 months before the  
28 commencement of the proceeding and the child is absent from this State but a  
parent or person acting as a parent continues to live in this State;

1 (b) A court of another state does not have jurisdiction pursuant to paragraph (a)  
2 or a court of the home state of the child has declined to exercise jurisdiction on  
3 the ground that this State is the more appropriate forum pursuant to NRS  
4 125A.365 or 125A.375 and:

5 (1) The child and the child's parents, or the child and at least one parent  
6 or a person acting as a parent, have a significant connection with this State  
7 other than mere physical presence; and

8 (2) Substantial evidence is available in this State concerning the child's  
9 care, protection, training and personal relationships;

10 (c) All courts having jurisdiction pursuant to paragraph (a) or (b) have declined to  
11 exercise jurisdiction on the ground that a court of this State is the more  
12 appropriate forum to determine the custody of the child pursuant to NRS  
13 125A.365 or 125A.375; or

14 (d) No court of any other state would have jurisdiction pursuant to the criteria  
15 specified in paragraph (a), (b) or (c).

16 The Court FINDS, on January 24, 2020, Gabino filed his Petition for Registration of Out  
17 of State Child Custody Determination. The Court FINDS Ana asserted she moved to Nevada  
18 with Yasline on or about April 10, 2019. See Ana's Motion for Reconsideration at p.8, ll.17-18  
19 (filed March 1, 2022). Ana contends, without any support by declaration or affidavit, Yasline  
20 resided with Tyler in California from July 2019 until November 2019 when Yasline was returned  
21 to Ana's care. Id. at p.9, ll.5-7. Ana asserts she left Yasline with her Aunt Vanessa while she  
22 traveled to California for work. Id. at ll.10-14. Thereafter, Ana contends, without any  
23 supporting dates or documentation, she relocated with the child from Florida and then to  
24 Washington. Id. at p.10, ll.9-17. Ana provides no other dates or factual information in support  
25 of her location save for November 19, 2021 when she contends police contacted her and  
26 provided her with custody paperwork – presumably Nevada custody orders. Id. at ll.18-20.

27 Therefore, the Court FINDS, by Ana's own pleadings, Yasline was in Nevada starting in  
28 April 2019 until November 2019. The Court FINDS six months prior to Gabino's January 24,

1 2020 Petition is August 24, 2019. The Court is not persuaded by Ana's contention she and the  
2 child stopped residing in Las Vegas "some period" before police contact with her on November  
3 19, 2021 nor is the Court persuaded the child resided with Tyler in California from July 2019 to  
4 November 2019. Specifically, the Court FINDS Ana has provided absolutely no documentation  
5 in support of her relocation to Florida and, later, Washington or that Tyler ever had Yasline in  
6 his custody. The Court FINDS Ana has not submitted a single declaration, affidavit, bill or even  
7 date in support of her assertions.  
8

9 Based on the foregoing, this Court FINDS, as did the prior judicial department, Nevada  
10 was the home state of Yasline within six months of Gabino's January 24, 2020 Petition. See  
11 NRS 125A.035(1)(a). Therefore, this Court FINDS it had and continues to have jurisdiction to  
12 modify the North Carolina Custody Order. See NRS 125A.325(1) and NRS 125A.305(1)(a).  
13

14 Accordingly, the Court FINDS Ana's assertion this Court did not and does not have  
15 jurisdiction to modify the North Carolina Custody Order fails as does her assertion this Court's  
16 judgments are void pursuant to NRCP 60(b)(4). As such, this Court FINDS Ana has failed to  
17 introduce substantially different evidence or otherwise demonstrate this Court's orders are  
18 clearly erroneous warranting reconsideration.  
19

20 **NRS 125A.465(1)(b) and (c) FAILURE**

21 Ana argues Gabino never provided this Court with a certified copy of the North Carolina  
22 Custody Order as required by NRS 125A.465(1).  
23

24 NRS 125A.465 provides, in relevant part, as follows:

25 1. A child custody determination issued by a court of another state may be registered in  
26 this state, with or without a simultaneous request for enforcement, by sending to a court  
27 of this state which is competent to hear custody matters:

28 (a) A letter or other document requesting registration;

1 (b) Two copies, including one certified copy, of the determination sought to be  
2 registered, and a statement under penalty of perjury that to the best of the  
3 knowledge and belief of the person seeking registration the order has not been  
modified; and

4 (c) Except as otherwise provided in NRS 125A.385, the name and address of the  
5 person seeking registration and any parent or person acting as a parent who has  
6 been awarded custody or visitation in the child custody determination sought to be  
registered.

7 The Court FINDS, on January 24, 2020, Gabino filed his Petition for Registration of Out  
8 of State Child Custody Determination which included, at Exhibit 1, a file-stamped but  
9 uncertified copy of the March 2, 2017 North Carolina Custody Order. The Court FINDS, on  
10 March 5, 2020, Gabino filed a Notice of Filing of Certified Order which included, at Exhibit A, a  
11 certified copy of the March 2, 2017 North Carolina Custody Order. The Court FINDS, attached  
12 to Gabino's March 5, 2020 Notice was a Certificate of Service to Ana and Tyler by USPS  
13 Certified Mail/Return Receipt Requested. See Notice of Filing of Certified Order at p.8 (filed  
14 March 5, 2020). The Court FINDS the March 5, 2020 Certificate of Service was to Tyler and  
15 Ana's court-listed addresses: 1216 Silver Lake (Silver Lake) Drive, Las Vegas, Nevada 89018.  
16 Id. The Court FINDS the Silver Lake address remains Ana's court-listed address to this date  
17 despite this Court's January 24, 2022 order for her to file a Notice of Change of Address, i.e.,  
18 where she asserts she has not and does not reside at the Silver Lake address. See Order from  
19 January 24, 2022 Hearing at p.4, ll.10-11 (filed February 15, 2022).

20 Accordingly, the Court FINDS Gabino filed and served a certified copy of the March 2,  
21 2017 North Carolina Custody Order as required by NRS 125A.465(1)(b) prior to any hearing in  
22 this matter. Thus, the Court DENIES Ana requests this Court set aside all of its orders for an  
23 alleged failure to adhere to NRS 125A.465(1). As such, this Court FINDS Ana has failed to  
24 introduce substantially different evidence or otherwise demonstrate this Court's orders are  
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1 clearly erroneous warranting reconsideration.

2 **ALLEGED SERVICE DEFECT**

3       Ana contends this Court must set aside its orders on the ground she was never served  
4 with any notice of the Nevada proceedings until November 19, 2021 when police provided her a  
5 copy of the existing Nevada orders. As noted herein, the Court FINDS Ana has not provided any  
6 information related to her addresses if in a location other than Nevada. Specifically, the only  
7 dates Ana provided relate to her stays in Nevada is the April 2019 move to the state. Thus, at the  
8 outset, the Court FINDS Ana has made a bare assertion related to Gabino's failure to properly  
9 effectuate service on her or that she never resided at the Silver Lake address. As noted above,  
10 Ana's court-listed address remains the Silver Lake address and she has failed to update her  
11 residential address as ordered.  
12  
13

14       The Court FINDS, from January 24, 2020 through March 5, 2020, Gabino was  
15 attempting service of his Petition: February 6, 2020 (two Affidavits of Service by substitute  
16 personal service at 1216 Silver Lake Drive, Las Vegas, Nevada on Tyler Edenfield and Ana  
17 Salas' cousin and co-occupant Ethel Adalto). The Court FINDS, on March 9, 2020, the initial  
18 hearing on this matter was held wherein the Court challenged service on Paola and directed  
19 notice to her. The Court FINDS the matter was passed to allow Gabino to effectuate service on  
20 Paola.  
21

22       The Court FINDS, on July 27, 2020, a second hearing was held wherein Gabino was  
23 ordered to obtain the services of a court-certified interpreter and he was ordered to have to North  
24 Carolina Custody Order registered with the Court. To the extent Ana asserts Gabino's use of a  
25 non-certified court interpreter somehow voids this hearing, the Court FINDS the matter was  
26 passed to allow Gabino to obtain a court-certified interpreter. However, the district court judge  
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28

1 had leave to *voir dire* Sue Rodriguez, the party interpreting for Gabino, as a non-credentialed  
2 interpreter as allowed by the Nevada Administrative Office of Courts (AOC) as early as August  
3 2018. See e.g., Nevada AOC Bench Card for Nevada Judiciary, Credentialed Court Interpreters  
4 Program (August 2018)(citing Title VI of the 1964 Civil Rights Act mandating interpreter  
5 services for limited English proficient (LEP) speakers in order to protect parties' due process  
6 rights and access to justice).

7  
8 The Court FINDS Ana has made a bare assertion related to Gabino's failure to properly  
9 effectuate service on her As such, this Court FINDS Ana has failed to introduce substantially  
10 different evidence or otherwise demonstrate this Court's orders are clearly erroneous warranting  
11 reconsideration.  
12

### 13 **NRS 125D.200 WARRANT**

14 NRS 125D.200, ex parte warrant to take physical custody of child; remedies not  
15 exclusive, provides as follows:

- 16 1. If a petition pursuant to the provisions of this chapter contains allegations, and the  
17 court finds that there is a credible risk that the child is imminently likely to be wrongfully  
18 removed, the court may issue an ex parte warrant to take physical custody of the child.
- 19 2. The respondent on a petition pursuant to subsection 1 must be afforded an  
20 opportunity to be heard at the earliest possible time after the ex parte warrant is executed,  
21 but not later than the next judicial day unless a hearing on that date is impossible. In that  
22 event, the court shall hold the hearing on the first judicial day possible.
- 23 3. An ex parte warrant pursuant to subsection 1 to take physical custody of a child  
24 must:
  - 25 (a) Recite the facts upon which a determination of a credible risk of imminent  
26 wrongful removal of the child is based;
  - 27 (b) Direct law enforcement officers to take physical custody of the child  
28 immediately;
  - (c) State the date and time for the hearing on the petition; and
  - (d) Provide for the safe interim placement of the child pending further order of  
the court.

1  
2 4. If feasible, before issuing a warrant and before determining the placement of the  
3 child after the warrant is executed, the court may order a search of the relevant databases  
4 of the National Crime Information Center and similar state databases to determine if  
either the petitioner or respondent has a history of domestic violence, stalking, or child  
abuse or neglect.

5 5. The petition and warrant must be served on the respondent when or immediately  
6 after the child is taken into physical custody.

7 6. A warrant to take physical custody of a child, issued by this State or another state, is  
8 enforceable throughout this State. If the court finds that a less intrusive remedy will not  
9 be effective, it may authorize law enforcement officers to enter private property to take  
10 physical custody of the child. If required by exigent circumstances, the court may  
authorize law enforcement officers to make a forcible entry at any hour.

11 7. If the court finds, after a hearing, that a petitioner sought an ex parte warrant  
12 pursuant to subsection 1 for the purpose of harassment or in bad faith, the court may  
award the respondent reasonable attorney's fees, costs and expenses.

13 8. This chapter does not affect the availability of relief allowed pursuant to the law of  
14 this State other than this chapter.

15 Ana contends this Court's July 2, 2021 Warrant to Take Physical Custody of a Child  
16 Pursuant to NRS 125D.200 is improper and must be withdrawn because this Court failed to take  
17 testimony prior to its issuance as required by NRS 125D.200(2). The Court FINDS NRS  
18 125D.200(2) does not mandate this Court take testimony prior to issuance of a warrant.  
19 Specifically, NRS 125D.200(2) states, in part, a Respondent (Ana) "must be afforded an  
20 opportunity to be heard at the earliest possible time **after the ex parte warrant is executed**, but  
21 not later than the next judicial day unless a hearing on that date is impossible" (emphasis added).  
22

23 To the extent Ana argues reconsideration of the July 2, 2021 Warrant is required, the  
24 Court DENIES her request. Therefore, this Court FINDS Ana has failed to introduce  
25 substantially different evidence or otherwise demonstrate this Court's orders are clearly  
26 erroneous warranting reconsideration.  
27

28 Based on the foregoing, the Court DENIES Ana's Motion for Reconsideration.

1 **EDCR 7.60/DEFAULT AGAINST PAOLA SALAS**

2 EDCR 7.60 provides, in pertinent part, as follows:

3 If, without just excuse or because of failure to give reasonable attention to the matter, no  
4 appearances is made on behalf of a party on the call of calendar, at the time set for the  
5 hearing of any matter, at a pre-trial conference, or on the date of trial, the court may order  
any one or more of the following:

6 . . .

7 (3) Dismissal of the complaint, cross-claim, counter-claim or motion or the striking of the  
answer and entry of judgment by default, or the granting of the motion.

8  
9 The Court FINDS Paolo Salas has never appeared in Nevada or filed any responsive  
10 pleading. The Court FINDS, on May 21, 2020, Affidavits of Publication were filed pursuant to  
11 this Court's April 22, 2020 Amended Order for Publication and this Court's order for Gabino to  
12 effectuate service on Paola. The Court FINDS noticed hearings were held on July 27 and August  
13 6, 2020 wherein Paola did not appear. Accordingly, the Court FINDS good cause to issue a  
14 DEFAULT against Paola pursuant to EDCR 7.60(3).  
15

16 **GABINO'S COUNTERMOTIONS**

17 In his March 17, 2022 Opposition and Countermotion, Gabino requests this Court issue  
18 an Order to Show Cause against Ana for failure to produce Yasline and file a Notice of Change  
19 of Address. The Court FINDS on March 17, 2022, Gabino filed an Ex parte Application for  
20 Order to Show Cause as required by EDCR 5.510(b). The Court FINDS Ana did not file a reply  
21 to Gabino's March 17, 2020 countermotions. Notwithstanding the provisions of EDCR  
22 5.503(b)<sup>4</sup>, the Court FINDS Gabino has met his prima facie burden for Order to Show Cause.  
23 Therefore, Gabino's request for Order to Show Cause is GRANTED. Gabino shall prepare and  
24  
25

26  
27  
28 <sup>4</sup> EDCR 5.503(b) provides the failure of an opposing party to serve and file a written opposition  
shall be construed as an admission that the motion is meritorious and a consent that it be granted.



1 submit an Order to Show Cause not later than APRIL 26, 2022. Once executed and filed,  
2 Gabino shall have the Order to Show Cause served on Ana Salas. This matter shall be scheduled  
3 for IN-PERSON evidentiary hearing on JUNE 13, 2022 AT 1:30PM.  
4

5 Next, Gabino requests an award for attorney fees and costs. The Court GRANTS  
6 Gabino's counter-motion and ORDERS Gabino to file and serve a Memorandum of Fees and  
7 Costs not later than April 26, 2022. Ana shall have seven (7) days from date of service to file  
8 any Objection. The Court will not consider any pleadings beyond Ana's Objection, if any.  
9 Decision on award for attorney fees and costs shall be scheduled on this Court's Chambers  
10 calendar (NO appearances) on MAY 25, 2022  
11

## 12 **ORDER FOR PRODUCTION OF CHILD**

13 Based on this Court's review of the underlying pleadings, the Court has grave concerns  
14 about the minor child's condition and location. The underlying record clearly indicates Ana has  
15 residential instability by moving from state to state in addition to leaving Yasline with relatives,  
16 failing to obtain medical treatment for her and failing to properly enroll her in school. Further,  
17 the Court has concerns the child is likely to be taken or removed out of this state or concealed  
18 within this state in contravention of its orders. Despite this Court's December 21, 2021 order  
19 granting Gabino, the child's natural father, sole legal and sole physical custody, a January 26,  
20 2021 Order for Return of Child and a July 2, 2021 Warrant to Take Physical Custody of a Child,  
21 Yasline has yet to be returned to her father's custody.  
22  
23

24 ///


25 ///

26 ///

27 ///

Accordingly, the Court FINDS good cause exists to separately issue an Order to Produce Minor Child Pursuant to NRS 125C.0055.

**Dated this 12th day of April, 2022**

  
HEIDI ALMASE  
District Court Judge

**DA9 DE8 9368 4976**  
**Heidi Almase**  
**District Court Judge**

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA  
4

5  
6 Ana Maria Salas, Tyler Kyle  
Edenfield, Plaintiff.

CASE NO: D-20-602873-F

7 vs.

DEPT. NO. Department X

8  
9 Gabino Guardado, Defendant.

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: 4/12/2022

15 Amanda Roberts, Esq.

efile@lvfamilylaw.com

16 Byron Mills

modonnell@millsnv.com

17 Peter Isso, Esq.

peter@issolaw.com

18 Gabino Guardado

sugueyr@yahoo.com

19 John Lanning, Esq.

john@issolaw.com

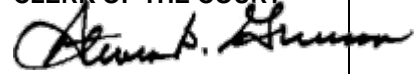
20  
21  
22 If indicated below, a copy of the above mentioned filings were also served by mail  
23 via United States Postal Service, postage prepaid, to the parties listed below at their last  
known addresses on 4/13/2022

24 Kyle King

376 E Warm Springs RD STE #104  
Las Vegas, NV, 89119

25  
26 Tyler Edenfield

1216 Silver Lake DR  
Las Vegas, NV, 89108  
27  
28



DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*

Ana Maria Salas, Tyler Kyle Edenfield,  
Plaintiff.  
vs.  
Gabino Guardado, Defendant.

Case No.: D-20-602873-F

Department X

**NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF ANA MARIA SALAS**  
**MOTION FOR RECONSIDERATION**

TO ALL INTERESTED PARTIES:

**PLEASE TAKE NOTICE** that an Order was entered in the above-entitled matter on April 12, 2022, a true and correct copy of which is attached hereto.

Dated this 19th day of April, 2022.

/s/ Natalie Castro

Natalie Castro  
Judicial Executive Assistant to the  
HONORABLE HEIDI ALMASE

**CERTIFICATE OF SERVICE**

I hereby certify that on the above file stamped date:

☒ E-Served pursuant to NEFCR 9 on April 19, 2022, or placed in the folder(s) located in the Clerk's Office of, the following attorneys:

Amanda M Roberts, ESQ  
Byron Mills

☒ I mailed, via first-class mail, postage fully prepaid, the foregoing NOTICE OF ENTRY OF ORDER to:

Tyler Kyle Edenfield  
1216 Silver Lake DR  
Las Vegas, NV 89108

/s/ Natalie Castro

Natalie Castro  
Judicial Executive Assistant to the  
HONORABLE HEIDI ALMASE

*Heather S. Smith*

CLERK OF THE COURT

1 ORDR

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 ANA MARIA SALAS AND TYLER KYLE  
7 EDENFIELD,

8 Plaintiff,

9 vs.

10 GABINO GUARDADO,

11 Defendant

Case No: D-20-602873-F

Dept. No: X

12 **ORDER DENYING PLAINTIFF ANA MARIA SALAS MOTION FOR**  
13 **RECONSIDERATION**

14 This matter was scheduled for April 11, 2022 hearing on Plaintiff Ana (Ana) Maria Salas'  
15 March 1, 2022 Motion for Reconsideration. On March 17, 2022, Defendant Gabino (Gabino)  
16 Guardado filed his Opposition and Countermotion for Contempt and Award for Attorney Fees  
17 and Costs. Ana did not file a responsive pleading to Gabino's March 17, 2022 countermotions  
18 and the time for filing any responsive pleading has passed.

19  
20 This Court exercises discretion granted it pursuant to EDCR 2.23(c) to decide these  
21 issues without recourse to oral argument. Consequently, the Court ORDERS the April 11, 2022  
22 hearing VACATED.

23  
24 This case involves the Registration of an Out of State Child Custody Determination. See  
25 Petition for Registration of Out of State Child Custody Determination (filed January 24,  
26 2020)(judgment from Craven County, North Carolina). See also Notice of Filing of Certified  
27 Order (filed March 5, 2020)(certified copy of North Carolina orders)(attached Certificate of  
28 Service by USPS Certified Mail/Return Receipt Requested); and Order Regarding Registration

1 of Out of State Child Custody Determination (filed July 29, 2020).

2 This matter involves one (1) minor child: YASLINE ALEJANDRA GUARDADO-  
3 SALAS, born February 9, 2014. The parties in this case are Ana Maria Salas and Tyler (Tyler)  
4 Kyle Edenfield, maternal aunt and maternal uncle (by marriage). Gabino is Yasline's natural  
5 father. Paolo (Paola) Salas is Yasline's natural mother. Neither Tyler nor Paolo have  
6 participated in any manner in the instant Nevada matter. The governing order in this case,  
7 following substantial proceedings in the prior judicial department, was filed December 21, 2020  
8 and granted Gabino SOLE LEGAL and SOLE PHYSICAL CUSTODY of Yasline. See Order  
9 from August 6, 2020 Hearing at p.6, ll.25-28 (filed December 21, 2020).  
10  
11

12 On March 24, 2022, this Court GRANTED Gabino's March 17, 2022 Ex parte  
13 Application for Order to Show Cause directing Ana to appear in person before this Court on  
14 April 11, 2022. Because this Court has vacated the April 11, 2022 hearing on Ana's Motion for  
15 Reconsideration, Gabino's Order to Show Cause directing Ana to appear in person is likewise  
16 VACATED. However, the Court has chosen to separately address this issue herein. Specifically,  
17 this Court's January 26, 2021 Order for Immediate Pick Up and Return of the Minor Child and  
18 July 2, 2021 Warrant to Take Physical Custody of a Child pursuant to NRS 125D.200 remain  
19 valid and active orders in this case. The Court FINDS, to date, neither the January 26, 2021 or  
20 July 2, 2021 orders have been effectuated. The Court further FINDS, in the year and a half since  
21 Gabino was granted sole legal and sole physical custody of his child, he has been unable to  
22 effectuate that order.  
23  
24

## 25 **PROCEDURAL TIMELINE**

26 On March 2, 2017, a court of Craven County, North Carolina, finding North Carolina was  
27 Yasline's home state, granted Ana and Tyler "exclusive physical and legal custody" via a default  
28

1 proceeding wherein neither Paola or Gabino were present or had filed any responsive pleadings.  
2 See North Carolina Custody Order at p.4, sections 3 and 4 (filed March 2, 2017). The North  
3 Carolina Court further found Paola and Gabino had “by their actions and inactions . . .  
4 surrendered all parenting responsibilities of this child to the plaintiffs. They have failed to  
5 adequately financially or emotionally support the child and have not seen the child since October,  
6 2015 thereby abandoning the child.” Id. The North Carolina Court found both Paola and Gabino  
7 were last known residents of Nevada. Id. at p.2, sections 7-9. This Court FINDS neither parent  
8 was found unfit by the North Carolina Court and substance abuse was attributed to Paola only.  
9

10 On January 24, 2020, Gabino filed his Petition (Petition) for Registration of Out of State  
11 Child Custody Determination in Nevada. Attached at Exhibit 1 was a file-stamped copy of a  
12 March 2, 2017 Craven County, North Carolina Custody Order. See January 24, 2020 Petition at  
13 Exhibit 1. The March 2, 2017 North Carolina Custody Order was not a certified copy. Id.  
14

15 On January 27, 2020, Gabino filed his Motion (Motion) to Modify Child Custody [to Sole  
16 Legal and Sole Physical Custody], Child Support and for Attorney Fees and Costs.  
17

18 On February 6, 2020, Gabino filed an Affidavit of Service by substitute personal service on  
19 Ethel Adalto, a cousin and co-occupant of Tyler Edenfield, for the Petition, Notice of Petition,  
20 Gabino’s Motion, Exhibits and Notice of Hearing. See Affidavit of Service (filed February 6,  
21 2020)(date of service February 5, 2020). Service occurred in Las Vegas, Nevada. Id. Also on  
22 February 6, 2020, Gabino filed an Affidavit of Service by substitute personal service on Ethel  
23 Adalo, a cousin and co-occupant of Ana Salas, for the Petition, Notice of Petition, Gabino’s  
24 Motion, Exhibits and Notice of Hearing. See Affidavit of Service (filed February 6, 2020)(date  
25 of service February 5, 2020). Service of these documents also occurred in Las Vegas, Nevada.  
26 Id.  
27  
28

1 On March 5, 2020, Gabino filed a Notice of Filing of Certified Order which included, at  
2 Exhibit A, a certified copy of the March 2, 2017 Craven County, North Carolina Custody Order.  
3 Included in the Notice was a Certificate of Service by USPS Certified Mail/Return Receipt  
4 Requested addressed to Ana Salas and Tyler Edenfield at 1216 Silver Lake Drive, Las Vegas,  
5 NV 89108.  
6

7 On March 9, 2020, Gabino's January 27, 2020 motion was scheduled for hearing. The  
8 March 9, 2020 hearing was the initial hearing in this case.<sup>1</sup> Gabino was present with his attorney  
9 and certified court interpreter Ximena Fiene. Neither Ana, Tyler nor Paola were present. The  
10 presiding judicial officer found a UCCJEA conference with North Carolina was not required as it  
11 appeared none of the parties resided in North Carolina. However, the Court found Paola, as  
12 natural mother, was entitled to have notice of the Nevada proceedings. Consequently, Gabino  
13 was ordered to conduct a due diligence search for Paola with service by publication allowed.  
14

15 On April 13 and 16, 2020, Gabino filed Affidavits of Attempted Service for Paola Salas who  
16 was believed to be residing in Las Vegas, Nevada. On April 21, 2020, following his Ex parte  
17 Application, an Order for Service by Alternate Means and Order to Extend Time to Serve was  
18 filed (as amended on April 22, 2020). On May 21, 2020, an Affidavit of Publication was filed  
19 demonstrating weekly service commencing April 23, 2020 and ending May 21, 2020 in the  
20 Nevada Legal News.  
21

22 On July 27, 2020 Gabino and his attorney appeared for the continued hearing.<sup>2</sup> Gabino was  
23  
24

25  
26 <sup>1</sup> The prior judicial department did not direct a written order from this hearing. Information is  
27 taken from the Court minutes.

28 <sup>2</sup> The prior judicial department did not direct a written order from this hearing. Information is  
taken from the Court minutes.



1 assisted by a non-court certified interpreter, Sue Rodriguez. Based on the Court's inquiry, the  
2 matter was continued to allow Gabino to obtain a certified court interpreter. However, Gabino  
3 was granted leave to have the North Carolina Custody Order registered with the Court.  
4

5 On July 29, 2020, the Order Regarding Registration of Out of State Child Custody  
6 Determination was filed.

7 On August 6, 2020, Gabino was present with his attorney and court-certified interpreter Elsa  
8 Marsico. Gabino was sworn and offered testimony. See Order from August 6, 2020 Hearing  
9 (filed December 21, 2020). Findings and orders from this hearing are recited in depth herein  
10 insofar as the order is lengthy, considered jurisdiction, service and NRS 125C.0035(4) best  
11 interest factors.  
12

13 The Court found it had subject matter jurisdiction over the out of state child custody  
14 determination which had been properly domesticated and registered in Nevada. Id. at p.2, ll.1-4.  
15 The Court found it had personal jurisdiction over Ana, Tyler and Gabino but not Paola. Id. at  
16 ll.5-8. With respect to Paola, the Court found Gabino conducted a May 15, 2020 due diligence  
17 search with Paola not located in North Carolina. Id. at ll.9-12. Paolo was believed to have been  
18 deported to Mexico. Id. at ll.12-13. Consequently, the Court found Paolo was served by  
19 publication (referencing the May 21, 2020 Affidavit of Publication). Id. at ll.14-16. Next, the  
20 Court found it had child custody subject matter over Yasline where clear evidence demonstrated  
21 none of the captioned parties resided in North Carolina and where Ana, in particular, had been  
22 personally witnessed in Clark County, Nevada on multiple occasions through 2019. Id. at ll.17-  
23 26. The Court further found Gabino had personally seen Yasline in Clark County, Nevada in  
24 March and April 2019 and December 2019. Id. With respect to Gabino seeing Yasline in  
25 Nevada in December 2019, the Court found Ana had abandoned the child with a relative and left  
26  
27  
28

1 the state. Id. Based on these findings, the Court concluded Yasline had resided in Nevada for a  
2 period of at least six months prior to the filing of Gabino's January 27, 2020 Motion. Id. The  
3 Court additionally found Gabino did not know and was not informed of the North Carolina  
4 proceedings or subsequent default order. Id. at ll.27-28 and p.3, ll.1-3. Having further found  
5 Gabino demonstrated a substantial change of circumstances affecting Yasline's best interest, the  
6 Court found it in Yasline's best interest to restore Gabino's custody. Id. at p.3, ll.4-8. In  
7 particular, the Court found Gabino provided convincing evidence that the circumstances under  
8 with the North Carolina order were issued – homelessness and drug abuse – did not apply and do  
9 not apply to him nor did these alleged issues ever apply to Paola. Id. at ll.9-13. Noting a material  
10 change of circumstances – Ana's abandonment of Yasline – the Court found CPS removed  
11 Yasline and placed her in Gabino's custody only to have Ana remove the child in December  
12 2019. Id. at ll.14-15. Continuing with its findings, the Court found Ana was not properly caring  
13 for Yasline, was improperly disciplining the child, failed to obtain proper medical treatment for  
14 Yasline, failed to register Yasline for school and continuously abandoned the child to non-  
15 relative third parties in order to engage in a career as an escort. Id. at ll.14-28 and p.4, ll.1-5.  
16 The Court found Gabino earned sufficient household income, had an adequate family residence  
17 necessary to provide care for Yasline as well as healthcare coverage. Id. at ll.9-24. Notably,  
18 upon obtaining temporary care of Yasline from CPS, the Court found Gabino immediately took  
19 Yasline for medical care related to an on-going lice infestation. Id. at ll.25-28. The Court  
20 engaged in an NRS 125C.0035(4) best interest analysis (though not citing to the statutory  
21 factors)<sup>3</sup> and found Paola improperly and without Gabino's consent or knowledge nominated

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28  
<sup>3</sup> See Order at p.6, ll.22-24 (referencing the Court findings and analysis of the best interest

1 Ana as Yasline's guardian due to issues in her life. Id. at p.5, ll.3-8. The Court additionally  
2 found as follows:

3 "THE COURT FURTHER FINDS that Ana Salas is not likely to allow frequent  
4 association between the subject minor and [Gabino], nor is she likely to facilitate contact  
5 between the subject minor and [Gabino], as evidenced by her abandoning the subject  
6 minor with her relatives rather than [Gabino], despite him **being fit and proper to care**  
**for the child**. Video Cite 11:00:09-11:00:41."

7 Id. at ll.9-14 (emphasis added).

8 Following review of additional best interest factors, the Court granted Gabino's motion and  
9 ordered him to have sole legal and sole physical custody of Yasline. Id. at p.6, ll.25-28.

### 10 **INSTANT ARGUMENTS**

11 In her motion, Ana never specifies which order should be set aside. Rather, Ana contends  
12 Nevada never had jurisdiction over this matter and all orders issued by this Court must be set  
13 aside pursuant to NRCP 60(b)(4)(all judgments are void). Specifically, Ana contends Gabino  
14 failed to file a certified copy of the North Carolina orders in support of his Petition to Register  
15 the Out of State Custody Order as required by NRS 125A.465(1)(b). Ana further contends this  
16 Court failed to verify a copy of the out of state certified orders before filing as required by NRS  
17 125A.465(2). Ana additionally contends Gabino never served her with his Petition by certified  
18 or registered mail as required by NRS 125A.465(4). Ana argues this Court has no jurisdiction to  
19 modify an out of state order unless it has initial or emergency jurisdiction pursuant to NRS  
20 125A.475(2). In support of this argument, Ana contends this Court may address jurisdiction  
21 anytime. Factually, Ana contends she and the child did not move to Nevada until April 10, 2019  
22 rather than 2017 as alleged by Gabino thus precluding this Court from exercising home state  
23 factors).

24  
25  
26  
27  
28 factors).

1 jurisdiction over Yasline. Ana next contends this Court must first take testimony from the  
2 Petitioner or other witness prior to issuing a warrant. Last, Ana challenges Gabino's use of a  
3 non-certified court interpreter at the July 27 and August 6, 2020 hearings. Specifically, Ana  
4 contends the non-certified court interpreter did not properly interpret and assumed control and/or  
5 influence over counsel's questioning of Gabino.  
6

7 On March 17, 2022, Gabino filed his Opposition and Countermotion for Contempt and for  
8 Attorney Fees and Costs. Gabino requests this Court deny Ana's motion. Gabino  
9 countermotions for this Court to issue an order finding her in contempt for failure to produce  
10 Yasline and for award for attorney fees and costs in the sum of \$5,000. In support of his requests,  
11 Gabino contends Ana and Tyler obtained the North Carolina Custody Order by misleading the  
12 Court about Paola and Gabino's whereabouts. Gabino asserts this is the second time Ana has  
13 sought to set aside this Court's orders and again without any substantive proof other than her  
14 assertion she was never served notice of the Nevada proceedings. Gabino argues he had no idea  
15 Paola would sign over temporary custody to Ana. Gabino contends, as asserted by Ana in her  
16 motion, Paola turned Yasline over to Ana in Oklahoma City, Oklahoma on October 10, 2015.  
17 See Gabino's Opposition and Countermotion at p.6, ll.10-21 (filed March 17, 2022); and Ana's  
18 Motion for Reconsideration at p.7, ll.18-25 (filed March 1, 2022). In support of his contention  
19 Ana and Tyler were not truthful with the North Carolina court, Gabino points to their assertion  
20 they obtained custody of Yasline in Nevada on or about October 13, 2015 rather than Oklahoma  
21 City, Oklahoma. See North Carolina Custody Order at p.3, section 12 (filed March 2, 2017).  
22 Next, Gabino contends Yasline was present in Nevada from March 2019 through mid-2020  
23 where Gabino attests he personally saw the child in March – April 2019 in the care of Ana's  
24 grandmother, Andrea Salas; in September 2019 at a Walmart store; in October 2019 at a  
25  
26  
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28

1 McDonald's restaurant; and in December 2019 where he had three separate visits with Yasline.  
2 To the extent Ana now claims Yasline was with Tyler in California from July 2019 to November  
3 2019, Gabino contends this directly controverts her November 24, 2021 Motion to Set Aside  
4 wherein she averred "[s]ince the time that Custody [sic] order was entered, the minor child has  
5 resided with Plaintiff and continues to do so through the present." See Ana's Motion to Set  
6 Aside at p.4, ll.9-11 (filed November 24, 2021)(affidavit of Ana Salas at p.8)(averring to  
7 contents of motion). Thus, Gabino asserts Nevada had the appropriate jurisdiction over Yasline  
8 where she had been in Nevada since approximately April 2019. Gabino contends Ana has  
9 subsequently absconded from Nevada's jurisdiction with the child as a result of this litigation,  
10 i.e., first to Florida and subsequently to Washington state.  
11

## 12 **STANDARD OF REVIEW AND GOVERNING LAW**

### 13 **TIMELINESS OF MOTION FOR RECONSIDERATION**

14  
15 On November 24, 2021, Ana filed a Motion to Set Aside all judgments and orders in this  
16 case wherein Ana alleged she was never served with any documents until November 19, 2021.  
17 See Plaintiff's Motion to Set Aside at p.5, ll.1-7 and p.6, ll.9-19 (the pages of Ana's motion are  
18 not numbered and referenced pages are chronologic). On December 16, 2021, Gabino filed his  
19 Opposition and Countermotion. Ana did not file any responsive pleading to Gabino's December  
20 16, 2021 countermotions. On February 15, 2022, following a January 24, 2022 hearing wherein  
21 Ana's counsel was present but Ana was not present and could not be reached, the Court found it  
22 had continuing subject matter and personal jurisdiction over the parties and the minor child. See  
23 Order of the Court [from January 24, 2022 Hearing] at p.1, ll.20-28 and p.2, ll.1 (filed February  
24 15, 2022). This Court noted the extensive history of this case and the prior judicial officer's  
25 findings and orders. Id. at p.2, ll.2-28; p.3, ll.1-28 and p.4, ll.1-2. In particular, the Court noted  
26  
27  
28

1 the Department C order granted Gabino sole legal and sole physical custody of Yasline and that  
2 neither Gabino or Paola Salas, the mother, had been found unfit. Id. at p.3, ll.12-13; ll.17-20. As  
3 noted in the order, orders made by the prior Department are law of the case. Id. at p.3, ll.8-11.  
4 The Court denied Ana’s Motion to Set Aside and AFFIRMED the December 21, 2020, January  
5 26, 2021 and July 2, 2021 orders as VALID. Id. at p.4, ll.5-9. The Court further ordered Ana to  
6 file a Notice of Change of Address and produce Yasline. Id. at ll.10-11. On February 16, 2022,  
7 Notice of Entry of Order was filed.  
8

9 On March 1, 2022, Ana filed her Motion for Reconsideration or, fourteen (14) days from  
10 the February 16, 2022 Notice of Entry of Order.  
11

12 EDCR 5.513(a) requires a motion for reconsideration be filed “within 14 calendar days  
13 after service of notice of entry of order”.

14 In this case, the Court FINDS Ana timely filed her March 1, 2022 Motion for  
15 Reconsideration.  
16

17 **STANDARD OF REVIEW MOTION FOR RECONSIDERATION: SUBSTANTIVE**  
18 **MERITS**

19 Motions for reconsideration must request a substantive alteration of a judgment and “not  
20 merely the correction of a clerical error, or relief of a type wholly collateral to the judgment.”

21 See AA Primo Builders, LLC v. Washington, 126 Nev. 578, 585, 245 P.3d 1190, 1195 (2010).

22 “A district court may reconsider a previously decided issue if substantially different evidence is  
23 subsequently introduced or the decision is clearly erroneous.” Masonry & Tile Contractors

24 Ass’n of S. Nev. v. Jolley, Urga & Wirth Ltd., 113 Nev. 737, 741, 941 P.2d 486, 489 (1997).

25 The Nevada Supreme Court has concluded a decision is “clearly erroneous” where: 1) there  
26 exist material errors in the proceedings or a mistake in law; 2) the judicial order is unsupported  
27 by any substantial evidence; or 3) the judicial order is against the clear weight of evidence.  
28

1 Russell v. Thompson, 96 Nev. 830, 834, 619 P.2d 537, 539 (1980). See also 9 Wright and Miller,  
2 *Federal Practice and Procedures*; Civil Sec. 2605, and cases cited therein. In addition, United  
3 States v. United States Gypsum Co., 333 U.S. 364, 395, 68 S.Ct. 525, 542 (1948) states: “A  
4 finding is ‘clearly erroneous’ when although there is evidence to support it, the reviewing court  
5 on the entire evidence is left with the definite and firm conviction that a mistake has been  
6 committed.”

#### 8 **NRCP 60(b)(4)**

9 NRCP 60(b)(4) provides grounds for relief from judgment if a judgment is void. See also  
10 Kaur v. Singh, 136 Nev. 653, 655-56, 477 P.3d 358, 361 (2020)(NRCP 60(b)(4) motions must be  
11 filed within a reasonable period of time rather than within the six-month period of limitations set  
12 forth at NRCP 60(b)(3)).

14 Based on Ana’s assertion this Court’s orders are void, her request to reconsider its orders  
15 pursuant to NRCP 60(b)(4) is timely.

#### 16 **UCCJEA JURISDICTION**

18 The Nevada Supreme Court has concluded as follows:

19 “Unless the court can properly exercise subject matter jurisdiction according to the terms  
20 of the Uniform Child Custody Jurisdiction Act (UCCJA), which Nevada adopted, it is  
21 without authority to enter any order adjudicating the rights of the parties with respect to  
22 custody and visitation. A provision in a divorce decree adjudicating custody and  
23 visitation in the absence of subject matter jurisdiction is void, as we held in Swan v.  
24 Swan, 106 Nev. 464, 796 P.2d 221 (1990).

25 . . .

26 “In our opinion, we noted that subject matter jurisdiction cannot be waived and may be  
27 raised at any time, or *sua sponte* by a court of review.”

28 Vaile v. Eighth Jud. Dist. Ct., 118 Nev. 262, 276-76, 44 P.3d 506, 515 (2002) *abrogated*  
by Senjab v. Alhulaibi, 137 Nev. Adv. Op. 64, 497 P.3d 618 (2021)(addressing residency  
component in divorce proceedings).

1 NRS 125A.325, jurisdiction to modify determination, provides as follows:

2 Except as otherwise provided in NRS 125A.335, a court of this state may not modify a  
3 child custody determination made by a court of another state unless a court of this state  
4 has jurisdiction to make an initial determination pursuant to paragraph (a) or (b) of  
subsubsection 1 of NRS 125A.305 and:

5 1. The court of the other state determines it no longer has exclusive, continuing  
6 jurisdiction pursuant to NRS 125A.315 or that a court of this state would be a  
7 more convenient forum pursuant to NRS 125A.365; or

8 2. A court of this state or a court of the other state determines that the child, the  
9 child's parents and any person acting as a parent do not presently reside in the  
other state.

10 The Court FINDS the March 2, 2017 North Carolina Custody Order constitutes a child  
11 custody determination made by a court of another state. See NRS 125A.325(1). Thus, this Court  
12 must determine if it has jurisdiction to modify the out of state order pursuant to NRS  
13 125A.305(a) or (b). Id. The Court FINDS Ana asserted in her pleadings she moved to Nevada  
14 in April 2019 and Tyler relocated to California somewhere between June 23, 2018 and July  
15 2019. See Ana's Motion for Reconsideration at p.8, ll.17-19 and p.9, ll.7-9 (filed March 1,  
16 2022). Therefore, to the extent the North Carolina Custody Order granted Ana and Tyler  
17 exclusive physical custody of Yasline, this Court FINDS neither Ana nor Tyler currently reside  
18 in North Carolina. The Court FINDS Gabino has continuously resided in Clark County, Nevada  
19 since the inception of this case. Therefore, NRS 125A.325(1) and (2) apply to the facts at bar  
20 and the Court must review NRS 125A.305.

23 NRS 125A.305, initial child custody jurisdiction, provides as follows:

24 1. Except as otherwise provided in NRS 125A.335, a court of this State has jurisdiction  
25 to make an initial child custody determination only if:

26 (a) This State is the home state of the child on the date of the commencement of  
27 the proceeding or was the home state of the child within 6 months before the  
28 commencement of the proceeding and the child is absent from this State but a  
parent or person acting as a parent continues to live in this State;



1 (b) A court of another state does not have jurisdiction pursuant to paragraph (a)  
2 or a court of the home state of the child has declined to exercise jurisdiction on  
3 the ground that this State is the more appropriate forum pursuant to NRS  
4 125A.365 or 125A.375 and:

5 (1) The child and the child's parents, or the child and at least one parent  
6 or a person acting as a parent, have a significant connection with this State  
7 other than mere physical presence; and

8 (2) Substantial evidence is available in this State concerning the child's  
9 care, protection, training and personal relationships;

10 (c) All courts having jurisdiction pursuant to paragraph (a) or (b) have declined to  
11 exercise jurisdiction on the ground that a court of this State is the more  
12 appropriate forum to determine the custody of the child pursuant to NRS  
13 125A.365 or 125A.375; or

14 (d) No court of any other state would have jurisdiction pursuant to the criteria  
15 specified in paragraph (a), (b) or (c).

16 The Court FINDS, on January 24, 2020, Gabino filed his Petition for Registration of Out  
17 of State Child Custody Determination. The Court FINDS Ana asserted she moved to Nevada  
18 with Yasline on or about April 10, 2019. See Ana's Motion for Reconsideration at p.8, ll.17-18  
19 (filed March 1, 2022). Ana contends, without any support by declaration or affidavit, Yasline  
20 resided with Tyler in California from July 2019 until November 2019 when Yasline was returned  
21 to Ana's care. Id. at p.9, ll.5-7. Ana asserts she left Yasline with her Aunt Vanessa while she  
22 traveled to California for work. Id. at ll.10-14. Thereafter, Ana contends, without any  
23 supporting dates or documentation, she relocated with the child from Florida and then to  
24 Washington. Id. at p.10, ll.9-17. Ana provides no other dates or factual information in support  
25 of her location save for November 19, 2021 when she contends police contacted her and  
26 provided her with custody paperwork – presumably Nevada custody orders. Id. at ll.18-20.

27 Therefore, the Court FINDS, by Ana's own pleadings, Yasline was in Nevada starting in  
28 April 2019 until November 2019. The Court FINDS six months prior to Gabino's January 24,

1 2020 Petition is August 24, 2019. The Court is not persuaded by Ana's contention she and the  
2 child stopped residing in Las Vegas "some period" before police contact with her on November  
3 19, 2021 nor is the Court persuaded the child resided with Tyler in California from July 2019 to  
4 November 2019. Specifically, the Court FINDS Ana has provided absolutely no documentation  
5 in support of her relocation to Florida and, later, Washington or that Tyler ever had Yasline in  
6 his custody. The Court FINDS Ana has not submitted a single declaration, affidavit, bill or even  
7 date in support of her assertions.  
8

9 Based on the foregoing, this Court FINDS, as did the prior judicial department, Nevada  
10 was the home state of Yasline within six months of Gabino's January 24, 2020 Petition. See  
11 NRS 125A.035(1)(a). Therefore, this Court FINDS it had and continues to have jurisdiction to  
12 modify the North Carolina Custody Order. See NRS 125A.325(1) and NRS 125A.305(1)(a).  
13

14 Accordingly, the Court FINDS Ana's assertion this Court did not and does not have  
15 jurisdiction to modify the North Carolina Custody Order fails as does her assertion this Court's  
16 judgments are void pursuant to NRCP 60(b)(4). As such, this Court FINDS Ana has failed to  
17 introduce substantially different evidence or otherwise demonstrate this Court's orders are  
18 clearly erroneous warranting reconsideration.  
19

20 **NRS 125A.465(1)(b) and (c) FAILURE**

21 Ana argues Gabino never provided this Court with a certified copy of the North Carolina  
22 Custody Order as required by NRS 125A.465(1).  
23

24 NRS 125A.465 provides, in relevant part, as follows:

25 1. A child custody determination issued by a court of another state may be registered in  
26 this state, with or without a simultaneous request for enforcement, by sending to a court  
27 of this state which is competent to hear custody matters:

28 (a) A letter or other document requesting registration;

1 (b) Two copies, including one certified copy, of the determination sought to be  
2 registered, and a statement under penalty of perjury that to the best of the  
3 knowledge and belief of the person seeking registration the order has not been  
modified; and

4 (c) Except as otherwise provided in NRS 125A.385, the name and address of the  
5 person seeking registration and any parent or person acting as a parent who has  
6 been awarded custody or visitation in the child custody determination sought to be  
registered.

7 The Court FINDS, on January 24, 2020, Gabino filed his Petition for Registration of Out  
8 of State Child Custody Determination which included, at Exhibit 1, a file-stamped but  
9 uncertified copy of the March 2, 2017 North Carolina Custody Order. The Court FINDS, on  
10 March 5, 2020, Gabino filed a Notice of Filing of Certified Order which included, at Exhibit A, a  
11 certified copy of the March 2, 2017 North Carolina Custody Order. The Court FINDS, attached  
12 to Gabino's March 5, 2020 Notice was a Certificate of Service to Ana and Tyler by USPS  
13 Certified Mail/Return Receipt Requested. See Notice of Filing of Certified Order at p.8 (filed  
14 March 5, 2020). The Court FINDS the March 5, 2020 Certificate of Service was to Tyler and  
15 Ana's court-listed addresses: 1216 Silver Lake (Silver Lake) Drive, Las Vegas, Nevada 89018.  
16 Id. The Court FINDS the Silver Lake address remains Ana's court-listed address to this date  
17 despite this Court's January 24, 2022 order for her to file a Notice of Change of Address, i.e.,  
18 where she asserts she has not and does not reside at the Silver Lake address. See Order from  
19 January 24, 2022 Hearing at p.4, ll.10-11 (filed February 15, 2022).

20 Accordingly, the Court FINDS Gabino filed and served a certified copy of the March 2,  
21 2017 North Carolina Custody Order as required by NRS 125A.465(1)(b) prior to any hearing in  
22 this matter. Thus, the Court DENIES Ana requests this Court set aside all of its orders for an  
23 alleged failure to adhere to NRS 125A.465(1). As such, this Court FINDS Ana has failed to  
24 introduce substantially different evidence or otherwise demonstrate this Court's orders are  
25  
26  
27  
28

1 clearly erroneous warranting reconsideration.

2 **ALLEGED SERVICE DEFECT**

3 Ana contends this Court must set aside its orders on the ground she was never served  
4 with any notice of the Nevada proceedings until November 19, 2021 when police provided her a  
5 copy of the existing Nevada orders. As noted herein, the Court FINDS Ana has not provided any  
6 information related to her addresses if in a location other than Nevada. Specifically, the only  
7 dates Ana provided relate to her stays in Nevada is the April 2019 move to the state. Thus, at the  
8 outset, the Court FINDS Ana has made a bare assertion related to Gabino's failure to properly  
9 effectuate service on her or that she never resided at the Silver Lake address. As noted above,  
10 Ana's court-listed address remains the Silver Lake address and she has failed to update her  
11 residential address as ordered.  
12  
13

14 The Court FINDS, from January 24, 2020 through March 5, 2020, Gabino was  
15 attempting service of his Petition: February 6, 2020 (two Affidavits of Service by substitute  
16 personal service at 1216 Silver Lake Drive, Las Vegas, Nevada on Tyler Edenfield and Ana  
17 Salas' cousin and co-occupant Ethel Adalto). The Court FINDS, on March 9, 2020, the initial  
18 hearing on this matter was held wherein the Court challenged service on Paola and directed  
19 notice to her. The Court FINDS the matter was passed to allow Gabino to effectuate service on  
20 Paola.  
21

22 The Court FINDS, on July 27, 2020, a second hearing was held wherein Gabino was  
23 ordered to obtain the services of a court-certified interpreter and he was ordered to have to North  
24 Carolina Custody Order registered with the Court. To the extent Ana asserts Gabino's use of a  
25 non-certified court interpreter somehow voids this hearing, the Court FINDS the matter was  
26 passed to allow Gabino to obtain a court-certified interpreter. However, the district court judge  
27  
28

1 had leave to *voir dire* Sue Rodriguez, the party interpreting for Gabino, as a non-credentialed  
2 interpreter as allowed by the Nevada Administrative Office of Courts (AOC) as early as August  
3 2018. See e.g., Nevada AOC Bench Card for Nevada Judiciary, Credentialed Court Interpreters  
4 Program (August 2018)(citing Title VI of the 1964 Civil Rights Act mandating interpreter  
5 services for limited English proficient (LEP) speakers in order to protect parties' due process  
6 rights and access to justice).

7  
8 The Court FINDS Ana has made a bare assertion related to Gabino's failure to properly  
9 effectuate service on her As such, this Court FINDS Ana has failed to introduce substantially  
10 different evidence or otherwise demonstrate this Court's orders are clearly erroneous warranting  
11 reconsideration.  
12

### 13 **NRS 125D.200 WARRANT**

14 NRS 125D.200, ex parte warrant to take physical custody of child; remedies not  
15 exclusive, provides as follows:

16 1. If a petition pursuant to the provisions of this chapter contains allegations, and the  
17 court finds that there is a credible risk that the child is imminently likely to be wrongfully  
18 removed, the court may issue an ex parte warrant to take physical custody of the child.

19 2. The respondent on a petition pursuant to subsection 1 must be afforded an  
20 opportunity to be heard at the earliest possible time after the ex parte warrant is executed,  
21 but not later than the next judicial day unless a hearing on that date is impossible. In that  
22 event, the court shall hold the hearing on the first judicial day possible.

23 3. An ex parte warrant pursuant to subsection 1 to take physical custody of a child  
24 must:

25 (a) Recite the facts upon which a determination of a credible risk of imminent  
26 wrongful removal of the child is based;

27 (b) Direct law enforcement officers to take physical custody of the child  
28 immediately;

(c) State the date and time for the hearing on the petition; and

(d) Provide for the safe interim placement of the child pending further order of  
the court.

1  
2 4. If feasible, before issuing a warrant and before determining the placement of the  
3 child after the warrant is executed, the court may order a search of the relevant databases  
4 of the National Crime Information Center and similar state databases to determine if  
either the petitioner or respondent has a history of domestic violence, stalking, or child  
abuse or neglect.

5 5. The petition and warrant must be served on the respondent when or immediately  
6 after the child is taken into physical custody.

7 6. A warrant to take physical custody of a child, issued by this State or another state, is  
8 enforceable throughout this State. If the court finds that a less intrusive remedy will not  
9 be effective, it may authorize law enforcement officers to enter private property to take  
10 physical custody of the child. If required by exigent circumstances, the court may  
authorize law enforcement officers to make a forcible entry at any hour.

11 7. If the court finds, after a hearing, that a petitioner sought an ex parte warrant  
12 pursuant to subsection 1 for the purpose of harassment or in bad faith, the court may  
award the respondent reasonable attorney's fees, costs and expenses.

13 8. This chapter does not affect the availability of relief allowed pursuant to the law of  
14 this State other than this chapter.

15 Ana contends this Court's July 2, 2021 Warrant to Take Physical Custody of a Child  
16 Pursuant to NRS 125D.200 is improper and must be withdrawn because this Court failed to take  
17 testimony prior to its issuance as required by NRS 125D.200(2). The Court FINDS NRS  
18 125D.200(2) does not mandate this Court take testimony prior to issuance of a warrant.  
19 Specifically, NRS 125D.200(2) states, in part, a Respondent (Ana) "must be afforded an  
20 opportunity to be heard at the earliest possible time **after the ex parte warrant is executed**, but  
21 not later than the next judicial day unless a hearing on that date is impossible" (emphasis added).  
22

23 To the extent Ana argues reconsideration of the July 2, 2021 Warrant is required, the  
24 Court DENIES her request. Therefore, this Court FINDS Ana has failed to introduce  
25 substantially different evidence or otherwise demonstrate this Court's orders are clearly  
26 erroneous warranting reconsideration.  
27

28 Based on the foregoing, the Court DENIES Ana's Motion for Reconsideration.

1 **EDCR 7.60/DEFAULT AGAINST PAOLA SALAS**

2 EDCR 7.60 provides, in pertinent part, as follows:

3 If, without just excuse or because of failure to give reasonable attention to the matter, no  
4 appearances is made on behalf of a party on the call of calendar, at the time set for the  
5 hearing of any matter, at a pre-trial conference, or on the date of trial, the court may order  
any one or more of the following:

6 . . .

7 (3) Dismissal of the complaint, cross-claim, counter-claim or motion or the striking of the  
answer and entry of judgment by default, or the granting of the motion.

8  
9 The Court FINDS Paolo Salas has never appeared in Nevada or filed any responsive  
10 pleading. The Court FINDS, on May 21, 2020, Affidavits of Publication were filed pursuant to  
11 this Court's April 22, 2020 Amended Order for Publication and this Court's order for Gabino to  
12 effectuate service on Paola. The Court FINDS noticed hearings were held on July 27 and August  
13 6, 2020 wherein Paola did not appear. Accordingly, the Court FINDS good cause to issue a  
14 DEFAULT against Paola pursuant to EDCR 7.60(3).  
15

16 **GABINO'S COUNTERMOTIONS**

17 In his March 17, 2022 Opposition and Countermotion, Gabino requests this Court issue  
18 an Order to Show Cause against Ana for failure to produce Yasline and file a Notice of Change  
19 of Address. The Court FINDS on March 17, 2022, Gabino filed an Ex parte Application for  
20 Order to Show Cause as required by EDCR 5.510(b). The Court FINDS Ana did not file a reply  
21 to Gabino's March 17, 2020 countermotions. Notwithstanding the provisions of EDCR  
22 5.503(b)<sup>4</sup>, the Court FINDS Gabino has met his prima facie burden for Order to Show Cause.  
23 Therefore, Gabino's request for Order to Show Cause is GRANTED. Gabino shall prepare and  
24  
25

26  
27  
28 <sup>4</sup> EDCR 5.503(b) provides the failure of an opposing party to serve and file a written opposition  
shall be construed as an admission that the motion is meritorious and a consent that it be granted.

1 submit an Order to Show Cause not later than APRIL 26, 2022. Once executed and filed,  
2 Gabino shall have the Order to Show Cause served on Ana Salas. This matter shall be scheduled  
3 for IN-PERSON evidentiary hearing on JUNE 13, 2022 AT 1:30PM.  
4

5 Next, Gabino requests an award for attorney fees and costs. The Court GRANTS  
6 Gabino's counter-motion and ORDERS Gabino to file and serve a Memorandum of Fees and  
7 Costs not later than April 26, 2022. Ana shall have seven (7) days from date of service to file  
8 any Objection. The Court will not consider any pleadings beyond Ana's Objection, if any.  
9 Decision on award for attorney fees and costs shall be scheduled on this Court's Chambers  
10 calendar (NO appearances) on MAY 25, 2022  
11

## 12 **ORDER FOR PRODUCTION OF CHILD**

13 Based on this Court's review of the underlying pleadings, the Court has grave concerns  
14 about the minor child's condition and location. The underlying record clearly indicates Ana has  
15 residential instability by moving from state to state in addition to leaving Yasline with relatives,  
16 failing to obtain medical treatment for her and failing to properly enroll her in school. Further,  
17 the Court has concerns the child is likely to be taken or removed out of this state or concealed  
18 within this state in contravention of its orders. Despite this Court's December 21, 2021 order  
19 granting Gabino, the child's natural father, sole legal and sole physical custody, a January 26,  
20 2021 Order for Return of Child and a July 2, 2021 Warrant to Take Physical Custody of a Child,  
21 Yasline has yet to be returned to her father's custody.  
22  
23

24 ///

25 ///


26 ///

27 ///



Accordingly, the Court FINDS good cause exists to separately issue an Order to Produce Minor Child Pursuant to NRS 125C.0055.

**Dated this 12th day of April, 2022**

  
HEIDI ALMASE  
District Court Judge

**DA9 DE8 9368 4976**  
**Heidi Almase**  
**District Court Judge**

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Ana Maria Salas, Tyler Kyle  
Edenfield, Plaintiff.

CASE NO: D-20-602873-F

7 vs.

DEPT. NO. Department X

8  
9 Gabino Guardado, Defendant.

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: 4/12/2022

15 Amanda Roberts, Esq.

efile@lvfamilylaw.com

16 Byron Mills

modonnell@millsnv.com

17 Peter Isso, Esq.

peter@issolaw.com

18 Gabino Guardado

sugueyr@yahoo.com

19 John Lanning, Esq.

john@issolaw.com

20  
21  
22 If indicated below, a copy of the above mentioned filings were also served by mail  
23 via United States Postal Service, postage prepaid, to the parties listed below at their last  
known addresses on 4/13/2022

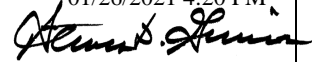
24 Kyle King

376 E Warm Springs RD STE #104  
Las Vegas, NV, 89119

25  
26 Tyler Edenfield

1216 Silver Lake DR  
Las Vegas, NV, 89108

27  
28

  
CLERK OF THE COURT

**ORDR**  
**ROSENBLUM LAW OFFICES**  
**MOLLY ROSENBLUM, ESQ.**

Nevada Bar No. 08242

**KYLE KING, ESQ.**

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Attorney for Defendant

in an Unbundled Capacity

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

**ANA M. SALAS AND TYLER**  
**EDENFIELD,**

Plaintiff's,

vs.

**GABINO GUARDADO,**  
Defendant.

Case No.: **D-20-602873-F**

Dept. No.: **X**

**ORDER FOR IMMEDIATE PICK UP AND RETURN OF THE**  
**MINOR CHILD**

This Court, having received the Ex Parte Request of Defendant seeking the return of Yasline Guardado-Salas, born February 9, 2014, and having reviewed the pleadings and papers on file herein, and this Court having jurisdiction, and good cause appearing makes the following findings and ORDERS:

**THE COURT HEREBY FINDS** that the custody of Yasline Guardado-Salas, born February 9, 2014, was at issue. That the Court has issued an order

1 wherein Defendant was awarded sole legal and sole physical custody of the minor  
2 child on or about August 6, 2020 with the filed Order reflecting the same being  
3 issued on December 21, 2020.  
4

5 **THE COURT FURTHER FINDS** that Plaintiff has concealed the child  
6 since at least December of 2019 and refused Defendant any contact with the child.  
7 That Plaintiff is not communicating with Defendant whatsoever.  
8

9 **THE COURT FURTHER FINDS** that Defendant has ceased all  
10 communication with Plaintiff and has not allowed any contact with the minor child  
11 since December 2019.  
12

13 **THE COURT FURTHER FINDS** that it is likely that Plaintiff will continue  
14 to withhold the minor child and continue to keep her location concealed.  
15

16 **THE COURT FURTHER FINDS** that it is in the child's best interests that  
17 she be returned to Defendant pursuant to the Court order issued following the August  
18 6, 2020 hearing.  
19

20 **THEREFORE, IT IS ORDERED** that Plaintiff shall immediately turn over  
21 physical custody of the minor child Yasline Guardado-Salas, born February 9, 2014,  
22 together with her belongings, clothing and personal effects to the care, custody and  
23 control of Defendant, GABINO GUARDADO.  
24  
25

26 **IT IS FURTHER ORDERED** that any and all law enforcement personnel,  
27 of Nevada or any other jurisdiction, including METRO (Las Vegas Metropolitan  
28

1 Police), be authorized and directed to assist Defendant in obtaining physical custody  
2 of the minor child, their belongings, clothing and personal effects, and return the  
3 child to the Defendant.  
4

5 **IT IS FURTHER ORDERED** that Defendant shall notify this Court as soon  
6 **\*\*WITHIN 24 HOURS\*\***  
7 as ~~practicable~~ that the child has been returned to his custody and control.

8 **DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

9 Dated this 26th day of January, 2021

10   
11 \_\_\_\_\_  
12 DISTRICT COURT JUDGE

13 F3A 107 7845 565E  
14 Heidi Almase  
District Court Judge

15 Respectfully submitted:

16   
17 \_\_\_\_\_  
18

19 **ROSENBLUM LAW OFFICES**  
20 **MOLLY ROSENBLUM, ESQ.**

21 Nevada Bar No. 08242

22 **KYLE A. KING, ESQ.**

23 NEVADA BAR NO. 14557

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25 Las Vegas, NV 89120-3773

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Attorney for Defendant

in an Unbundled Capacity

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Ana Maria Salas, Tyler Kyle  
Edenfield, Plaintiff.

CASE NO: D-20-602873-F

7  
8 vs.

DEPT. NO. Department X

9 Gabino Guardado, Defendant.

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: 1/26/2021

15 Rosenblum Law Offices

staff@rosenblumlawlv.com

16 Gabino Guardado

suguryr@yahoo.com

*Heather S. Shuman*  
CLERK OF THE COURT

**ORDR**

**MOLLY ROSENBLUM, ESQ.**

Nevada Bar No. 08242

**KYLE A. KING, ESQ.**

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Attorney for Defendant

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

**ANA M. SALAS AND TYLER**

**EDENFIELD,**

Plaintiff's,

vs.

**PAOLA LETICIA SALAS AND**

**GABINO GUARDADO,**

Defendant.

Case No.: **D-20-602873-F**

Dept. No.: **C**

August 6, 2020

**ORDER FROM AUGUST 26, 2020 HEARING**

This matter of the parties' having come before the this Court for a Hearing for MOTION TO MODIFY CHILD CUSTODY GRANTING DEFENDANT SOLE LEGAL, SOLE PHYSICAL CUSTODY, CHILD SUPPORT AND FOR ATTORNEY FEES AND COSTS, on the 26<sup>th</sup> day of August, 2020, with Defendant Gabino Guardado, present and represented by Attorney Kyle A. King Esq., of Rosenblum Law Offices, and Plaintiff's Tyler Edenfield and Ana M. Salas, in proper person and not present and Paola Leticia Salas, in proper person and not present.

1       **THE COURT HEREBY FINDS** that the Court has Subject Matter  
2 Jurisdiction over this matter as the out of state child custody determination made  
3 in North Carolina was properly domesticated and registered in Nevada by Order  
4 of this Court. Video Cite 10:51:04-10:51:17.

5       **THE COURT FURTHER FINDS** that this Court has personal  
6 jurisdiction over the parties Ana Salas, Tyler Edenfield and Gabino Guardado  
7 but lacks personal jurisdiction over Paola Letica Salas. Video Cite 10:51:18-  
8 10:52:04.

9       **THE COURT FURTHER FINDS** that Counsel for Gabino Guardado  
10 conducted a diligence search as to Paola Leticia Salas. The affidavit of Due  
11 Diligence was filed on May 15, 2020, outlining that she was not located in North  
12 Carolina and service was attempted at all addresses discovered. It is believed  
13 she was deported back to Mexico.

14       **THE COURT FURTHER FINDS** that following the Due Diligence  
15 search by Attorney Kyle A. King's office, Paola Leticia Salas was served via  
16 publication with affidavits of publication being filed on May 21, 2020.

17       **THE COURT FURTHER FINDS** that this Court has child custody  
18 subject matter jurisdiction over the subject minor in this instant case. The  
19 evidence is clear, that no parties currently reside in the state of North Carolina.  
20 Moreover, Defendant has personally witnessed the subject minor in the home  
21 of Ana Salas, in the State of Nevada, County of Clark, multiple times throughout  
22 the year 2019. Defendant witnessed the child in March of 2019, April of 2019  
23 and again in December of 2019, after Ana Salas abandoned the child with a  
24 relative and left the state. As such, the Court is persuaded that the child has lived  
25 in the state of Nevada for at least six months prior to the filing of Defendant's  
26 Motion in January of 2020. Video cite 10:52:04-10:53:20.

27       **THE COURT FURTHER FINDS** that Defendant did not know and was  
28 not informed of the North Carolina proceedings or subsequent Order until  
December of 2019. Video cite 10:55:42-10:56:47.



1       **THE COURT FURTHER FINDS** that the child custody determination  
2 issued by North Carolina was entered by Default, against Defendant. Video cite  
3 10:57:40-10:57:44.

4       **THE COURT FURTHER FINDS** that Defendant, Gabino Guardado  
5 has persuaded the Court that here has been a substantial change in circumstances  
6 under *Ellis v. Carucci*, 123 Nev. 145, 161 P. 3d 239 (2007) and that it is in the  
7 best interest of the subject minor that Defendant have his custody restored.  
8 Video Cite 10:53:21-10:54:23.

9       **THE COURT FURTHER FINDS** that Defendant has provided  
10 convincing evidence that the circumstance, under which the North Carolina  
11 Order was issued, to include homelessness, and drug abuse, did not and do not  
12 apply to him and that they only ever applied to the subject minor's Natural  
13 Mother Paola Laticia Salas. Video cite 10:55:06-10:55:42.

14       **THE COURT FURTHER FINDS** that the material change in  
15 circumstance in this instant matter is, Ana Salas's abandonment of the subject  
16 minor, which resulted in the child being returned to Defendant, Gabino  
17 Guardado's care by child protective services, only to be subsequently removed  
18 again by Ana Salas in December 2019. Video cite 10:54:23-10:54:54.

19       **THE COURT FURTHER FINDS** that Ana Salas is not properly caring  
20 for the subject minor. This concern further provides for a change in  
21 circumstance in this matter, due to her failure to properly care for the subject  
22 minor. Video Cite 10:56:47-10:57:46 and 10:54:55-10:55:05.

23       **THE COURT FURTHER FINDS** that the evidence is clear that Ana  
24 Salas has not properly cared for the subject minor by disciplining the child for  
25 simply being sick and failing to provide proper medical treatment as needed.  
26 Video cite 10:58:12-10:58:49.

27       **THE COURT FURTHER FINDS** that Ana Salas has failed to have the  
28 subject minor registered for schooling. Video cite 10:58:12-10:58:49.

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2 evidence present and testimony heard, has neglected the minor child by way of  
3 continuously abandoning her with third party, non-custodial relatives, to engage  
4 in her career as an escort who are also not caring for her needs. Video cite  
5 11:02:40-11:03:11.

6       **THE COURT FURTHER FINDS** that Defendant, Gabino Guardado  
7 has lived in the State of Nevada, County of Clark, City of Las Vegas, since at  
8 least March of 2016. Video cite 10:55:42-10:56:47.

9       **THE COURT FURTHER FINDS** that Defendant, Gabino Guardado  
10 currently earns approximately \$1,350.00 per week or \$5,850.00 per month  
11 which is adequate to provide for the child's needs. Video cite 10:55:42-  
12 10:56:47.

13       **THE COURT FURTHER FINDS** that Defendant Gabino Guardado s'  
14 significant other currently earns \$3,900.00 per month. Video cite 10:55:42-  
15 10:56:47.

16       **THE COURT FURTHER FINDS** that Defendant, Gabino Guardado,  
17 currently rents a three-bedroom, three-bathroom residence, which is only  
18 inhabited by Defendant and his significant other. Moreover, Defendant's  
19 residence allows for the subject minor to have a room of her own. Video cite  
20 10:55:42-10:56:47.

21       **THE COURT FURTHER FINDS** that Defendant, Gabino Guardado,  
22 has health insurance for himself and the Court is persuaded that he will obtain  
23 health insurance for the subject minor, once returned to his care. Video cite  
24 10:57:46-10:58:11.

25       **THE COURT FURTHER FINDS** that Defendant Gabino Guardado,  
26 upon child protective services placing the subject minor in his care, took the  
27 subject minor for medical treatment related to the ongoing infestation of lice the  
28 subject minor presented with in December 2019. Video cite 10:58:53-10:59:02.

1       **THE COURT FURTHER FINDS** that the wishes of the child do not  
2 carry any weight in this matter. Video cite 10:59:03-11:00:09.

3       **THE COURT FURTHER FINDS** that Natural Mother nominated Ana  
4 Salas by consenting to a guardianship prior to the issuance of the North Carolina  
5 Orders. It appears while Natural mother may have been experiencing difficulties  
6 in her own life, Defendant was not and Natural Mother gave the child over to  
7 Ana Salas, instead of Defendant and without Defendant's consent. Video cite  
8 10:59:03-11:00:09.

9       **THE COURT FURTHER FINDS** that Ana Salas is not likely to allow  
10 frequent association between the subject minor and Defendant, nor is she likely  
11 to facilitate contact between the subject minor and Defendant, as evidenced by  
12 her abandoning the subject minor with her relatives rather than Defendant,  
13 despite him being fit and proper to care for the child. Video cite 11:00:09-  
14 11:00:41.

15       **THE COURT FURTHER FINDS** that Ana Salas and Defendant are not  
16 able to cooperate to meet the needs of the child, as Ana Salas, refuses to allow  
17 Defendant to participate in the subject minor's life. Video cite 11:01:15-  
18 11:01:45

19       **THE COURT FURTHER FINDS** that the level of conflict is currently  
20 low, as Ana Salas refuses to communicate or interact with Defendant. Video  
21 cite 11:00:41-11:01:15.

22       **THE COURT FURTHER FINDS** that no evidence was presented to  
23 indicate that any party in this action is mentally or physically unable to care for  
24 the subject minor. Video cite 11:01:45-11:01:54.

25       **THE COURT FURTHER FINDS** that the evidence and testimony  
26 presented indicated that Ana Salas was not properly caring for the subject  
27 minor's medical needs, as the child had an untreated lice infection in December  
28 of 2019. Video cite 11:01:54-11:02:11.

1       **THE COURT FURTHER FINDS** that the subject minor was unhappy  
2 in the care of Ana Salas as evidenced by the subject minor's resistance to her  
3 removal from Defendant in December 2019. Defendant further testified that he  
4 has a loving relationship with the subject minor. Video cite 11:02:11-11:02:38.

5       **THE COURT FURTHER FINDS** that no evidence was presented to  
6 indicate the subject minor having any siblings. Video cite 11:02:38-11:02:40.

7       **THE COURT FURTHER FINDS** that Ana Salas, based on the  
8 evidence present and testimony heard, has neglected the minor child by way of  
9 continuously abandoning her with third parties who are also not caring for her  
10 needs. Video cite 11:02:40-11:03:11.

11       **THE COURT FURTHER FINDS** that there has been no evidence of  
12 Domestic Violence presented to the court for consideration. Video cite  
13 11:03:11-11:03:55.

14       **THE COURT FURTHER FINDS** that due to the North Carolina child  
15 custody determination, granting Ana Salas Sole Legal and Sole Physical  
16 Custody of the subject minor there has been no act of abduction. Video cite  
17 11:03:11-11:03:55.

18       Now therefore and based on the findings above the court hereby orders  
19 as follows:

20       **THE COURT HEREBY ORDERS** that a change in the custodial Order  
21 is proper in this matter.

22       **THE COURT FURTHER ORDERS** that based on the findings above  
23 and the analysis of the best interest factors therein, it is in the subject minor's  
24 best interest to return to the care of Defendant.

25       **THE COURT FURTHER ORDERS** that Defendant, Gabino  
26 Guardado, shall be awarded Sole Legal Custody of the subject minor.

27       **THE COURT FURTHER ORDERS** that Defendant, Gabino  
28 Guardado, shall be granted Sole Physical custody of the subject minor.

1       **THE COURT FURTHER ORDERS** that Defendant, Gabino  
2 Guardado, must file an updated General Financial Disclosure Form with the  
3 Court.

4       **THE COURT FURTHER ORDERS** that Attorney King shall have  
5 until August 20, 2020, to file a memorandum of fees and cost with the *Brunzell*  
6 factors included with the Court. Attorney King shall provide a copy of the  
7 Memorandum of Fees and Cost to Plaintiff's and Plaintiff's shall have until  
8 September 3, 2020 to file a response. Should Plaintiff's respond they must each  
9 complete a General Financial Disclosure Form and attach their last three pay  
10 stubs.

11       **THE COURT FURTHER ORDERS** that Defendant's Motion for  
12 Attorney's Fees and Costs is Continued to September 9, 2020 on the Court's in  
13 chambers calendar.

14       **THE COURT FURTHER ORDERS** that Attorney King shall have  
15 until September 4, 2020 to submit the Order from the August 26, 2020 hearing.

16       **THE COURT FURTHER ORDERS** that the case shall be closed upon  
17 the entry of the Order regarding attorney's fees.

18               **STATUTORY PROVISIONS REGARDING CUSTODY**

19       **IT IS HEREBY STIPULATED AND AGREED AND THEREFORE**  
20 **IT IS HEREBY ORDERED** that pursuant to the provisions of NRS 125.040,  
21 Section 10, subsection 6, as amended, chapter 125A of NRS and NRS  
22 125C.0601 to 125C.0693, the parties are hereby notified of the penalty for  
23 violation of the following order: **THE ABDUCTION, CONCEALMENT OR**  
24 **DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS**  
25 **PUNISHABLE AS A CATEGORY "D" FELONY AS PROVIDED IN NRS**  
26 **193.130. NRS 200.359 provides that every person having a limited right to**  
27 **custody of a child or any parent having no right of custody to a child who**  
28 **willfully detain, conceals or removes the child from a parent, guardian or other**  
**person having lawful custody or a right of visitation of the child in violation of**

1 an order of this court, or removes the child from the jurisdiction of the court  
2 without the consent of either the court or all persons who have the right to  
3 custody or visitation is subject to being punished for a category "D" felony as  
4 provided in NRS 193.130.

5 **IT IS HEREBY STIPULATED AND AGREED AND THEREFORE**  
6 **IT IS HEREBY ORDERED** that the Parties acknowledge the consent  
7 requirement of NRS 125C.006, as amended, to wit: If primary physical custody  
8 has been established pursuant to an order, judgment or decree of a court and the  
9 custodial parent intends to relocate his or her residence to a place outside of this  
10 State or to a place within this State that is at such a distance that would  
11 substantially impair the ability of the other parent to maintain a meaningful  
12 relationship with the child, and the custodial parent desires to take the child with  
13 him or her, the custodial parent shall, before relocating attempt to obtain the  
14 written consent of the noncustodial parent to relocate the child from this State  
15 and if the noncustodial parent refuses to give that consent, the parent planning  
16 the relocation shall, before he or she leaves the State with the child, petition the  
17 court for permission to relocate the child. The court may award reasonable  
18 attorney's fees and costs to the custodial parent if the court finds that the  
19 noncustodial parent refused to consent to the custodial parent's relocation with  
20 the child without having reasonable grounds for such refusal; or for the purpose  
21 of harassing the custodial parent. A parent who relocates with a child pursuant  
22 to this section without the written consent of the noncustodial parent or the  
23 permission of the court is subject to the provisions of NRS 200.359.

25 **IT IS HEREBY STIPULATED AND AGREED AND THEREFORE**  
26 **IT IS HEREBY ORDERED** that the Parties acknowledge the provisions of  
27 NRS §125C.0065 which states:

- 28
1. If joint physical custody has been established pursuant to an order, judgment or decree of a court and one parent intends to relocate his or

1 her residence to a place outside of this State or to a place within this  
2 State that is at such a distance that would substantially impair the  
3 ability of the other parent to maintain a meaningful relationship with  
4 the child, and the relocating parent desires to take the child with him  
or her, the relocating parent shall, before relocating:

5 (a) Attempt to obtain the written consent of the non-relocating parent  
6 to relocate with the child; and

7 (b) If the non-relocating parent refuses to give that consent, petition  
8 the court for primary physical custody for the purpose of  
9 relocating.

10 2. The court may award reasonable attorney's fees and costs to the  
11 relocating parent if the court finds that the non-relocating parent refused  
12 to consent to the relocating parent's relocation with the child:

13 (a) Without having reasonable grounds for such refusal; or

14 (b) For the purpose of harassing the relocating parent.

15 3. A parent who relocates with a child pursuant to this section before the  
16 court enters an order granting the parent primary physical custody of  
17 the child and permission to relocate with the child is subject to the  
provisions of NRS §200.359.

18 **IT IS HEREBY STIPULATED AND AGREED AND THEREFORE**

19 **IT IS HEREBY ORDERED** that the Parties acknowledge that they are subject  
20 to the provisions of NRS. 31A.025 through 31A.190 and NRS 125.450(2) which  
21 deal with the recovery of payments for the support of minor Child by the welfare  
22 division of the Department of Human Resources or the District Attorney; and,  
23 that his/her employer can be ordered to withhold his/her wages or commissions  
24 for delinquent payments of child support.

25 **IT IS HEREBY STIPULATED AND AGREED AND THEREFORE**

26 **IT IS HEREBY ORDERED** that if either Party is obligated to pay support, the  
27 Parties are hereby notified that their obligation may subject them to the child  
28 support enforcement collection provisions contained in Chapters 31A,  
125.450(2) and 425 of the Nevada Revised Statutes.

1           **IT IS HEREBY STIPULATED AND AGREED AND THEREFORE**  
2 **IT IS HEREBY ORDERED** that the State of Nevada continues to be the home  
3 state of the minor child pursuant to NRS 125C.010. The Parties understand and  
4 acknowledge that, pursuant to NRS 125.040, Section 10, as amended, and  
5 subject to the provisions of NRS 125A and NRS 125C.0601 to 125C.0693, the  
6 terms of the Hague Convention of October 25, 1980, adopted by the Fourteenth  
7 Session of the Hague Conference on Private International Law, applies if a  
8 parent abducts or wrongfully retains a child in a foreign country. NRS  
9 §125C.0045 subsections 7 and 8 specifically provide as follows:

10           7. In addition to the language required pursuant to subsection 6, all orders  
11 authorized by this section must specify that the terms of the Hague Convention  
12 of October 25, 1980, adopted by the 14th Session of the Hague Conference on  
13 Private International Law, apply if a parent abducts or wrongfully retains a child  
14 in a foreign country.

15           8. If a parent of the child lives in a foreign country or has significant  
16 commitments in a foreign country:

17           (a) The parties may agree, and the court shall include in the order  
18 for custody of the child, that the United States is the country of habitual  
19 residence of the child for the purposes of applying the terms of the Hague  
20 Convention as set forth in subsection 7.  
21

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

...



1 (b) Upon motion of one of the parties, the court may order the  
2 parent to post a bond if the court determines that the parent poses an imminent  
3 risk of wrongfully removing or concealing the child outside the country of  
4 habitual residence. The bond must be in an amount determined by the court and  
5 may be used only to pay for the cost of locating the child and returning him to  
6 his habitual residence if the child is wrongfully removed from or concealed  
7 outside the country of habitual residence. The fact that a parent has significant  
8 commitments in a foreign country does not create a presumption that the parent  
9 poses an imminent risk of wrongfully removing or concealing the child.  
10

11 Dated this \_\_\_\_ day of \_\_\_\_\_ 2020 by:  
12

13 Dated this 21st day of December, 2020

14 

15 **DISTRICT COURT JUDGE**

16 DFB 40B 6F18 2EFF  
17 Rebecca L. Burton  
District Court Judge

18 Submitted by:

19 **ROSENBLUM LAW OFFICES**

20 

21 **MOLLY ROSENBLUM, ESQ.**

22 Nevada Bar No. 08242

23 **KYLE KING, ESQ.**

24 Nevada Bar No. 14557

25 7375 S Pecos Rd, Ste 101

26 Las Vegas, NV 89120-3773

27 (702) 433-2889—Phone

(702) 425-9642—Fax

28 [staff@rosenblumlawlv.com](mailto:staff@rosenblumlawlv.com)

Attorney for Defendant

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Ana Maria Salas, Tyler Kyle  
Edenfield, Plaintiff.

CASE NO: D-20-602873-F

7  
8 vs.

DEPT. NO. Department C

9 Gabino Guardado, Defendant.

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:

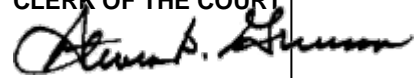
14 Service Date: 12/21/2020

15 Rosenblum Law Offices

staff@rosenblumlawlv.com

16 Gabino Guardado

suguryr@yahoo.com



1 **NEOJ**  
2 **ROSENBLUM LAW OFFICES**  
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11 Email: staff@rosenblumlawlv.com

12 Attorney for Defendant

13 in an Unbundled Capacity

14 **DISTRICT COURT—FAMILY DIVISION**  
15 **CLARK COUNTY, NEVADA**

16 **ANA M. SALAS AND TYLER**  
17 **EDENFIELD,**

18 Plaintiff's,

19 vs.

20 **GABINO GUARDADO,**  
21 Defendant.

Case No.: **D-20-602873-F**

Dept. No.: **C**

22 **NOTICE OF ENTRY OF ORDER**

23 Please take notice that an Order, attached hereto, was entered in the above-  
24 entitled action on the **Monday, December 21, 2020.**

25 ///

26 ///

27 ///

1 Dated this **Tuesday, December 22, 2020**

2 ///

3 Submitted by:

4 **ROSENBLUM LAW OFFICES**

5 

7 **MOLLY ROSENBLUM, ESQ.**

8 Nevada Bar No. 08242

9 7375 S Pecos Rd, Ste 101

10 Las Vegas, NV 89120-3773

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13 in an Unbundled Capacity

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14 **DISTRICT COURT—FAMILY DIVISION**  
15 **CLARK COUNTY, NEVADA**

16 **ANA M. SALAS AND TYLER**  
17 **EDENFIELD,**

18 Plaintiff's,

19 vs.

20 **GABINO GUARDADO,**  
21 Defendant.

Case No.: **D-20-602873-F**

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24 entitled action on the **Monday, December 21, 2020.**

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1 Dated this **Tuesday, December 22, 2020**

2 ///

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12 Attorney for Defendant

13 in an Unbundled Capacity

*Heather S. Shuman*  
CLERK OF THE COURT

1 **ORDR**

2 **MOLLY ROSENBLUM, ESQ.**

Nevada Bar No. 08242

3 **KYLE A. KING, ESQ.**

4 Nevada Bar No. 14557

**ROSENBLUM LAW OFFICES**

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7 Email: [staff@rosenblumlawlv.com](mailto:staff@rosenblumlawlv.com)

8 Attorney for Defendant

10 **DISTRICT COURT—FAMILY DIVISION**  
11 **CLARK COUNTY, NEVADA**

12 **ANA M. SALAS AND TYLER**

13 **EDENFIELD,**

14 Plaintiff's,

15 vs.

16 **PAOLA LETICIA SALAS AND**

17 **GABINO GUARDADO,**

18 Defendant.

Case No.: **D-20-602873-F**

Dept. No.: **C**

19 August 6, 2020

20 **ORDER FROM AUGUST 26, 2020 HEARING**

21 This matter of the parties' having come before the this Court for a  
22 Hearing for MOTION TO MODIFY CHILD CUSTODY GRANTING  
23 DEFENDANT SOLE LEGAL, SOLE PHYSICAL CUSTODY, CHILD  
24 SUPPORT AND FOR ATTORNEY FEES AND COSTS, on the 26<sup>th</sup> day of  
25 August, 2020, with Defendant Gabino Guardado, present and represented by  
26 Attorney Kyle A. King Esq., of Rosenblum Law Offices, and Plaintiff's Tyler  
27 Edenfield and Ana M. Salas, in proper person and not present and Paola Leticia  
28 Salas, in proper person and not present.

1       **THE COURT HEREBY FINDS** that the Court has Subject Matter  
2 Jurisdiction over this matter as the out of state child custody determination made  
3 in North Carolina was properly domesticated and registered in Nevada by Order  
4 of this Court. Video Cite 10:51:04-10:51:17.

5       **THE COURT FURTHER FINDS** that this Court has personal  
6 jurisdiction over the parties Ana Salas, Tyler Edenfield and Gabino Guardado  
7 but lacks personal jurisdiction over Paola Letica Salas. Video Cite 10:51:18-  
8 10:52:04.

9       **THE COURT FURTHER FINDS** that Counsel for Gabino Guardado  
10 conducted a diligence search as to Paola Leticia Salas. The affidavit of Due  
11 Diligence was filed on May 15, 2020, outlining that she was not located in North  
12 Carolina and service was attempted at all addresses discovered. It is believed  
13 she was deported back to Mexico.

14       **THE COURT FURTHER FINDS** that following the Due Diligence  
15 search by Attorney Kyle A. King's office, Paola Leticia Salas was served via  
16 publication with affidavits of publication being filed on May 21, 2020.

17       **THE COURT FURTHER FINDS** that this Court has child custody  
18 subject matter jurisdiction over the subject minor in this instant case. The  
19 evidence is clear, that no parties currently reside in the state of North Carolina.  
20 Moreover, Defendant has personally witnessed the subject minor in the home  
21 of Ana Salas, in the State of Nevada, County of Clark, multiple times throughout  
22 the year 2019. Defendant witnessed the child in March of 2019, April of 2019  
23 and again in December of 2019, after Ana Salas abandoned the child with a  
24 relative and left the state. As such, the Court is persuaded that the child has lived  
25 in the state of Nevada for at least six months prior to the filing of Defendant's  
26 Motion in January of 2020. Video cite 10:52:04-10:53:20.

27       **THE COURT FURTHER FINDS** that Defendant did not know and was  
28 not informed of the North Carolina proceedings or subsequent Order until  
December of 2019. Video cite 10:55:42-10:56:47.



1       **THE COURT FURTHER FINDS** that the child custody determination  
2 issued by North Carolina was entered by Default, against Defendant. Video cite  
3 10:57:40-10:57:44.

4       **THE COURT FURTHER FINDS** that Defendant, Gabino Guardado  
5 has persuaded the Court that here has been a substantial change in circumstances  
6 under *Ellis v. Carucci*, 123 Nev. 145, 161 P. 3d 239 (2007) and that it is in the  
7 best interest of the subject minor that Defendant have his custody restored.  
8 Video Cite 10:53:21-10:54:23.

9       **THE COURT FURTHER FINDS** that Defendant has provided  
10 convincing evidence that the circumstance, under which the North Carolina  
11 Order was issued, to include homelessness, and drug abuse, did not and do not  
12 apply to him and that they only ever applied to the subject minor's Natural  
13 Mother Paola Laticia Salas. Video cite 10:55:06-10:55:42.

14       **THE COURT FURTHER FINDS** that the material change in  
15 circumstance in this instant matter is, Ana Salas's abandonment of the subject  
16 minor, which resulted in the child being returned to Defendant, Gabino  
17 Guardado's care by child protective services, only to be subsequently removed  
18 again by Ana Salas in December 2019. Video cite 10:54:23-10:54:54.

19       **THE COURT FURTHER FINDS** that Ana Salas is not properly caring  
20 for the subject minor. This concern further provides for a change in  
21 circumstance in this matter, due to her failure to properly care for the subject  
22 minor. Video Cite 10:56:47-10:57:46 and 10:54:55-10:55:05.

23       **THE COURT FURTHER FINDS** that the evidence is clear that Ana  
24 Salas has not properly cared for the subject minor by disciplining the child for  
25 simply being sick and failing to provide proper medical treatment as needed.  
26 Video cite 10:58:12-10:58:49.

27       **THE COURT FURTHER FINDS** that Ana Salas has failed to have the  
28 subject minor registered for schooling. Video cite 10:58:12-10:58:49.

1       **THE COURT FURTHER FINDS** that Ana Salas, based on the  
2 evidence present and testimony heard, has neglected the minor child by way of  
3 continuously abandoning her with third party, non-custodial relatives, to engage  
4 in her career as an escort who are also not caring for her needs. Video cite  
5 11:02:40-11:03:11.

6       **THE COURT FURTHER FINDS** that Defendant, Gabino Guardado  
7 has lived in the State of Nevada, County of Clark, City of Las Vegas, since at  
8 least March of 2016. Video cite 10:55:42-10:56:47.

9       **THE COURT FURTHER FINDS** that Defendant, Gabino Guardado  
10 currently earns approximately \$1,350.00 per week or \$5,850.00 per month  
11 which is adequate to provide for the child's needs. Video cite 10:55:42-  
12 10:56:47.

13       **THE COURT FURTHER FINDS** that Defendant Gabino Guardado s'  
14 significant other currently earns \$3,900.00 per month. Video cite 10:55:42-  
15 10:56:47.

16       **THE COURT FURTHER FINDS** that Defendant, Gabino Guardado,  
17 currently rents a three-bedroom, three-bathroom residence, which is only  
18 inhabited by Defendant and his significant other. Moreover, Defendant's  
19 residence allows for the subject minor to have a room of her own. Video cite  
20 10:55:42-10:56:47.

21       **THE COURT FURTHER FINDS** that Defendant, Gabino Guardado,  
22 has health insurance for himself and the Court is persuaded that he will obtain  
23 health insurance for the subject minor, once returned to his care. Video cite  
24 10:57:46-10:58:11.

25       **THE COURT FURTHER FINDS** that Defendant Gabino Guardado,  
26 upon child protective services placing the subject minor in his care, took the  
27 subject minor for medical treatment related to the ongoing infestation of lice the  
28 subject minor presented with in December 2019. Video cite 10:58:53-10:59:02.

1       **THE COURT FURTHER FINDS** that the wishes of the child do not  
2 carry any weight in this matter. Video cite 10:59:03-11:00:09.

3       **THE COURT FURTHER FINDS** that Natural Mother nominated Ana  
4 Salas by consenting to a guardianship prior to the issuance of the North Carolina  
5 Orders. It appears while Natural mother may have been experiencing difficulties  
6 in her own life, Defendant was not and Natural Mother gave the child over to  
7 Ana Salas, instead of Defendant and without Defendant's consent. Video cite  
8 10:59:03-11:00:09.

9       **THE COURT FURTHER FINDS** that Ana Salas is not likely to allow  
10 frequent association between the subject minor and Defendant, nor is she likely  
11 to facilitate contact between the subject minor and Defendant, as evidenced by  
12 her abandoning the subject minor with her relatives rather than Defendant,  
13 despite him being fit and proper to care for the child. Video cite 11:00:09-  
14 11:00:41.

15       **THE COURT FURTHER FINDS** that Ana Salas and Defendant are not  
16 able to cooperate to meet the needs of the child, as Ana Salas, refuses to allow  
17 Defendant to participate in the subject minor's life. Video cite 11:01:15-  
18 11:01:45

19       **THE COURT FURTHER FINDS** that the level of conflict is currently  
20 low, as Ana Salas refuses to communicate or interact with Defendant. Video  
21 cite 11:00:41-11:01:15.

22       **THE COURT FURTHER FINDS** that no evidence was presented to  
23 indicate that any party in this action is mentally or physically unable to care for  
24 the subject minor. Video cite 11:01:45-11:01:54.

25       **THE COURT FURTHER FINDS** that the evidence and testimony  
26 presented indicated that Ana Salas was not properly caring for the subject  
27 minor's medical needs, as the child had an untreated lice infection in December  
28 of 2019. Video cite 11:01:54-11:02:11.

1       **THE COURT FURTHER FINDS** that the subject minor was unhappy  
2 in the care of Ana Salas as evidenced by the subject minor's resistance to her  
3 removal from Defendant in December 2019. Defendant further testified that he  
4 has a loving relationship with the subject minor. Video cite 11:02:11-11:02:38.

5       **THE COURT FURTHER FINDS** that no evidence was presented to  
6 indicate the subject minor having any siblings. Video cite 11:02:38-11:02:40.

7       **THE COURT FURTHER FINDS** that Ana Salas, based on the  
8 evidence present and testimony heard, has neglected the minor child by way of  
9 continuously abandoning her with third parties who are also not caring for her  
10 needs. Video cite 11:02:40-11:03:11.

11       **THE COURT FURTHER FINDS** that there has been no evidence of  
12 Domestic Violence presented to the court for consideration. Video cite  
13 11:03:11-11:03:55.

14       **THE COURT FURTHER FINDS** that due to the North Carolina child  
15 custody determination, granting Ana Salas Sole Legal and Sole Physical  
16 Custody of the subject minor there has been no act of abduction. Video cite  
17 11:03:11-11:03:55.

18       Now therefore and based on the findings above the court hereby orders  
19 as follows:

20       **THE COURT HEREBY ORDERS** that a change in the custodial Order  
21 is proper in this matter.

22       **THE COURT FURTHER ORDERS** that based on the findings above  
23 and the analysis of the best interest factors therein, it is in the subject minor's  
24 best interest to return to the care of Defendant.

25       **THE COURT FURTHER ORDERS** that Defendant, Gabino  
26 Guardado, shall be awarded Sole Legal Custody of the subject minor.

27       **THE COURT FURTHER ORDERS** that Defendant, Gabino  
28 Guardado, shall be granted Sole Physical custody of the subject minor.

1       **THE COURT FURTHER ORDERS** that Defendant, Gabino  
2 Guardado, must file an updated General Financial Disclosure Form with the  
3 Court.

4       **THE COURT FURTHER ORDERS** that Attorney King shall have  
5 until August 20, 2020, to file a memorandum of fees and cost with the *Brunzell*  
6 factors included with the Court. Attorney King shall provide a copy of the  
7 Memorandum of Fees and Cost to Plaintiff's and Plaintiff's shall have until  
8 September 3, 2020 to file a response. Should Plaintiff's respond they must each  
9 complete a General Financial Disclosure Form and attach their last three pay  
10 stubs.

11       **THE COURT FURTHER ORDERS** that Defendant's Motion for  
12 Attorney's Fees and Costs is Continued to September 9, 2020 on the Court's in  
13 chambers calendar.

14       **THE COURT FURTHER ORDERS** that Attorney King shall have  
15 until September 4, 2020 to submit the Order from the August 26, 2020 hearing.

16       **THE COURT FURTHER ORDERS** that the case shall be closed upon  
17 the entry of the Order regarding attorney's fees.

18               **STATUTORY PROVISIONS REGARDING CUSTODY**

19       **IT IS HEREBY STIPULATED AND AGREED AND THEREFORE**  
20 **IT IS HEREBY ORDERED** that pursuant to the provisions of NRS 125.040,  
21 Section 10, subsection 6, as amended, chapter 125A of NRS and NRS  
22 125C.0601 to 125C.0693, the parties are hereby notified of the penalty for  
23 violation of the following order: **THE ABDUCTION, CONCEALMENT OR**  
24 **DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS**  
25 **PUNISHABLE AS A CATEGORY "D" FELONY AS PROVIDED IN NRS**  
26 **193.130. NRS 200.359 provides that every person having a limited right to**  
27 **custody of a child or any parent having no right of custody to a child who**  
28 **willfully detain, conceals or removes the child from a parent, guardian or other**  
**person having lawful custody or a right of visitation of the child in violation of**

1 an order of this court, or removes the child from the jurisdiction of the court  
2 without the consent of either the court or all persons who have the right to  
3 custody or visitation is subject to being punished for a category "D" felony as  
4 provided in NRS 193.130.

5 **IT IS HEREBY STIPULATED AND AGREED AND THEREFORE**  
6 **IT IS HEREBY ORDERED** that the Parties acknowledge the consent  
7 requirement of NRS 125C.006, as amended, to wit: If primary physical custody  
8 has been established pursuant to an order, judgment or decree of a court and the  
9 custodial parent intends to relocate his or her residence to a place outside of this  
10 State or to a place within this State that is at such a distance that would  
11 substantially impair the ability of the other parent to maintain a meaningful  
12 relationship with the child, and the custodial parent desires to take the child with  
13 him or her, the custodial parent shall, before relocating attempt to obtain the  
14 written consent of the noncustodial parent to relocate the child from this State  
15 and if the noncustodial parent refuses to give that consent, the parent planning  
16 the relocation shall, before he or she leaves the State with the child, petition the  
17 court for permission to relocate the child. The court may award reasonable  
18 attorney's fees and costs to the custodial parent if the court finds that the  
19 noncustodial parent refused to consent to the custodial parent's relocation with  
20 the child without having reasonable grounds for such refusal; or for the purpose  
21 of harassing the custodial parent. A parent who relocates with a child pursuant  
22 to this section without the written consent of the noncustodial parent or the  
23 permission of the court is subject to the provisions of NRS 200.359.

25 **IT IS HEREBY STIPULATED AND AGREED AND THEREFORE**  
26 **IT IS HEREBY ORDERED** that the Parties acknowledge the provisions of  
27 NRS §125C.0065 which states:

- 28
1. If joint physical custody has been established pursuant to an order, judgment or decree of a court and one parent intends to relocate his or

1 her residence to a place outside of this State or to a place within this  
2 State that is at such a distance that would substantially impair the  
3 ability of the other parent to maintain a meaningful relationship with  
4 the child, and the relocating parent desires to take the child with him  
or her, the relocating parent shall, before relocating:

5 (a) Attempt to obtain the written consent of the non-relocating parent  
6 to relocate with the child; and

7 (b) If the non-relocating parent refuses to give that consent, petition  
8 the court for primary physical custody for the purpose of  
9 relocating.

10 2. The court may award reasonable attorney's fees and costs to the  
11 relocating parent if the court finds that the non-relocating parent refused  
12 to consent to the relocating parent's relocation with the child:

13 (a) Without having reasonable grounds for such refusal; or

14 (b) For the purpose of harassing the relocating parent.

15 3. A parent who relocates with a child pursuant to this section before the  
16 court enters an order granting the parent primary physical custody of  
17 the child and permission to relocate with the child is subject to the  
provisions of NRS §200.359.

18 **IT IS HEREBY STIPULATED AND AGREED AND THEREFORE**

19 **IT IS HEREBY ORDERED** that the Parties acknowledge that they are subject  
20 to the provisions of NRS. 31A.025 through 31A.190 and NRS 125.450(2) which  
21 deal with the recovery of payments for the support of minor Child by the welfare  
22 division of the Department of Human Resources or the District Attorney; and,  
23 that his/her employer can be ordered to withhold his/her wages or commissions  
24 for delinquent payments of child support.

25 **IT IS HEREBY STIPULATED AND AGREED AND THEREFORE**

26 **IT IS HEREBY ORDERED** that if either Party is obligated to pay support, the  
27 Parties are hereby notified that their obligation may subject them to the child  
28 support enforcement collection provisions contained in Chapters 31A,  
125.450(2) and 425 of the Nevada Revised Statutes.

1           **IT IS HEREBY STIPULATED AND AGREED AND THEREFORE**  
2 **IT IS HEREBY ORDERED** that the State of Nevada continues to be the home  
3 state of the minor child pursuant to NRS 125C.010. The Parties understand and  
4 acknowledge that, pursuant to NRS 125.040, Section 10, as amended, and  
5 subject to the provisions of NRS 125A and NRS 125C.0601 to 125C.0693, the  
6 terms of the Hague Convention of October 25, 1980, adopted by the Fourteenth  
7 Session of the Hague Conference on Private International Law, applies if a  
8 parent abducts or wrongfully retains a child in a foreign country. NRS  
9 §125C.0045 subsections 7 and 8 specifically provide as follows:

10           7. In addition to the language required pursuant to subsection 6, all orders  
11 authorized by this section must specify that the terms of the Hague Convention  
12 of October 25, 1980, adopted by the 14th Session of the Hague Conference on  
13 Private International Law, apply if a parent abducts or wrongfully retains a child  
14 in a foreign country.

15           8. If a parent of the child lives in a foreign country or has significant  
16 commitments in a foreign country:

17           (a) The parties may agree, and the court shall include in the order  
18 for custody of the child, that the United States is the country of habitual  
19 residence of the child for the purposes of applying the terms of the Hague  
20 Convention as set forth in subsection 7.  
21

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

...



1 (b) Upon motion of one of the parties, the court may order the  
2 parent to post a bond if the court determines that the parent poses an imminent  
3 risk of wrongfully removing or concealing the child outside the country of  
4 habitual residence. The bond must be in an amount determined by the court and  
5 may be used only to pay for the cost of locating the child and returning him to  
6 his habitual residence if the child is wrongfully removed from or concealed  
7 outside the country of habitual residence. The fact that a parent has significant  
8 commitments in a foreign country does not create a presumption that the parent  
9 poses an imminent risk of wrongfully removing or concealing the child.  
10

11 Dated this \_\_\_\_ day of \_\_\_\_\_ 2020 by:  
12

13 Dated this 21st day of December, 2020

14 

15 **DISTRICT COURT JUDGE**

16 DFB 40B 6F18 2EFF  
17 Rebecca L. Burton  
District Court Judge

18 Submitted by:

19 **ROSENBLUM LAW OFFICES**

20 

21 **MOLLY ROSENBLUM, ESQ.**

22 Nevada Bar No. 08242

23 **KYLE KING, ESQ.**

24 Nevada Bar No. 14557

25 7375 S Pecos Rd, Ste 101

26 Las Vegas, NV 89120-3773

27 (702) 433-2889—Phone

(702) 425-9642—Fax

28 [staff@rosenblumlawlv.com](mailto:staff@rosenblumlawlv.com)

Attorney for Defendant

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Ana Maria Salas, Tyler Kyle  
Edenfield, Plaintiff.

CASE NO: D-20-602873-F

7 vs.

DEPT. NO. Department C

8  
9 Gabino Guardado, Defendant.

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: 12/21/2020

15 Rosenblum Law Offices

staff@rosenblumlawlv.com

16 Gabino Guardado

sugqueryr@yahoo.com

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Registration of Foreign  
Custody**

**COURT MINUTES**

March 09, 2020

D-20-602873-F      Ana Maria Salas, Tyler Kyle Edenfield, Plaintiff.  
vs.  
Gabino Guardado, Defendant.

**March 09, 2020      10:00 AM      Motion**

**HEARD BY:** Burton, Rebecca L.

**COURTROOM:** Courtroom 08

**COURT CLERK:** Neida Parker

**PARTIES:**

Ana Salas, Plaintiff, not present	Pro Se
Gabino Guardado, Defendant, present	Kyle King, Attorney, present
Kyle King, Attorney, present	
Tyler Edenfield, Plaintiff, not present	Pro Se
Yasline Guardado-Salas, Subject Minor, not present	

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

- DEFENDANT'S MOTION TO MODIFY CHILD CUSTODY GRANTING DEFENDANT SOLE LEGAL, SOLE PHYSICAL CUSTODY, CHILD SUPPORT AND FOR ATTORNEY FEES AND COSTS

Spanish Court Interpreter, Ximena Fiene, present with Defendant.

Court reviewed the case.

Discussion regarding service on natural Mom and her last known address in North Carolina or if she was served by publication.

Counsel represented initially the natural Mother signed a unilateral guardianship over and then was deported to Mexico and he could do a diligence search to the last known address within the next couple of days. Counsel further represented there was no forwarding address and the nature of Order itself they did not know it existed until Defendant came into his office.

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Court NOTED a UCCJEA (Uniform Child Custody Jurisdiction and Enforcement Act) Conference with North Carolina is not needed, as this Court recognizes that nobody is in North Carolina.

Counsel acknowledged Mom disappeared some time ago, to the best of his knowledge Mom was deported to Mexico, and the Aunt, Uncle, and minor child, including Dad, resides here.

Court FURTHER NOTED unless the due diligence shows that Mom is in North Carolina, this Court is going to have Child Custody, subject matter jurisdiction. However, Mom is required to have notice.

Further discussions regarding service on Mom.

Discussions regarding how the maternal Aunt and Uncle got Custody Orders and how Dad became aware of the Order

COURT ORDERED, upon Defendant completing a Due Diligence search on the natural Mother and make an Ex Parte request for Publication, a Publication shall be ALLOWED. Upon service on the natural Mother and twenty (20) days has lapsed, Defendant's counsel shall submit an Order, so that this Court can confirm it has jurisdiction. Court SUGGESTED counsel extend the Due Diligence to North Carolina to confirm the natural Mother is not there. Additionally, the Notice of Entry of Stipulation and Order to Continue Hearing filed on February 20, 2020, shall be STRICKEN from the record, as it belongs to a different case.

Matter RECALLED.

COURT FURTHER ORDERED, matter CONTINUED TO April 23, 2020, at 11:00 AM.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Registration of Foreign  
Custody**

**COURT MINUTES**

July 27, 2020

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D-20-602873-F      Ana Maria Salas, Tyler Kyle Edenfield, Plaintiff.  
vs.  
Gabino Guardado, Defendant.

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**July 27, 2020      10:00 AM      Motion**

**HEARD BY:** Burton, Rebecca L.

**COURTROOM:** Courtroom 08

**COURT CLERK:** Diane Ford

**PARTIES:**

Ana Salas, Plaintiff, not present	Pro Se
Gabino Guardado, Defendant, not present	Byron Mills, Attorney, not present
Kyle King, Attorney, Unbundled Attorney, not present	
Tyler Edenfield, Plaintiff, not present	Pro Se
Yasline Guardado-Salas, Subject Minor, not present	

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

- DEFENDANT'S MOTION TO MODIFY CHILD CUSTODY GRANTING DEFENDANT SOLE LEGAL, SOLE PHYSICAL CUSTODY, CHILD SUPPORT AND FOR ATTORNEY FEES AND COSTS

Judge Rebecca Burton appeared via video conference.

Attorney Kyle King, Bar No. 14557, appeared via video conference for Defendant (Dad).

Dad appeared via video conference.

Court reviewed the history of the parties and the pleadings on file.

Court noted service to all the parties has been satisfied.

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Court inquired if Dad had the minor child and Attorney King stated that they were going to request a pick-up order as they believe the Plaintiff (Aunt) has now fled to Florida and they may have to get the Attorney General involved in this matter to pick up the minor child from a different state.

COURT FINDS that it has subject matter jurisdiction over this case, personal jurisdiction over the parties, and child custody subject matter jurisdiction over the minor child(ren).

Dad SWORN and TESTIFIED.

Attorney King canvassed Dad regarding when the minor child moved to Nevada and how he knew the guardians and the minor child moved to Nevada.

Court requested the interpreter put her name on the record and which language she was interpreting in.

Spanish Interpreter Sue Rodriguez appeared via video conference for Dad.

Court further inquired if Ms. Rodriguez was a court certified interpreter, and Attorney King stated she was not. Discussion regarding this matter being continued for Dad to get a certified court interpreter and how Attorney King may get in contact with the Court Interpreter's office.

COURT ORDERED the following:

1. Dad shall have the North Carolina Order registered with this court.
2. Matter CONTINUED to August 6, 2020 at 10:00 a.m. for Dad to get a Spanish court certified interpreter.

CLERK'S NOTE: Minutes Incomplete: DO NOT PRINT; DO NOT DISTRIBUTE!!

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Registration of Foreign  
Custody**

**COURT MINUTES**

August 06, 2020

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D-20-602873-F      Ana Maria Salas, Tyler Kyle Edenfield, Plaintiff.  
vs.  
Gabino Guardado, Defendant.

---

**August 06, 2020      10:00 AM      Motion**

**HEARD BY:** Burton, Rebecca L.

**COURTROOM:** Courtroom 08

**COURT CLERK:** Diane Ford

**PARTIES:**

Ana Salas, Plaintiff, not present	Pro Se
Gabino Guardado, Defendant, not present	Byron Mills, Attorney, not present
Kyle King, Attorney, Unbundled Attorney, not present	
Tyler Edenfield, Plaintiff, not present	Pro Se
Yasline Guardado-Salas, Subject Minor, not present	

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

- DEFENDANT'S MOTION TO MODIFY CHILD CUSTODY GRANTING DEFENDANT SOLE LEGAL, SOLE PHYSICAL CUSTODY, CHILD SUPPORT, AND ATTORNEY'S FEES AND COSTS

Judge Rebecca Burton appeared via video conference.

Attorney Kyle King, Bar No. 14557, appeared via video conference for Defendant (Dad).

Attorney Robert Blau, Bar No. 10857, also appeared via video conference for Dad.

Dad appeared via video conference.

Spanish Court Interpreter Elsa Marsico, Supreme Court #NVME527, interpreted for Dad via video conference.

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Court noted the requested service had been completed, and the jurisdiction issue had been resolved.

Dad SWORN and TESTIFIED.

Attorney King canvassed Dad regarding his request for sole legal and sole physical custody of the minor child.

COURT FINDS that it has subject matter jurisdiction over this case, personal jurisdiction over the parties, and child custody subject matter jurisdiction over the minor child(ren).

COURT READ FINDINGS on the record.

COURT ORDERED the following:

1. Dad shall have SOLE LEGAL AND SOLE PHYSICAL CUSTODY of the minor child.
2. Dad must file a Financial Disclosure Form (FDF), attach his last three pay stubs or verification of income, and file proof of service by August 20, 2020, should a motion be filed for Attorney's Fees and Costs.
3. Attorney King shall to file a Memorandum of Fees and Costs with the Brunzell Affidavit and supported by billing statements by August 20, 2020. Attorney King shall also provide a copy to the Plaintiffs'. Plaintiffs' shall have until September 3, 2020 to file a response. Should the Plaintiffs' respond, they must each file a Financial Disclosure Form (FDF), attach their last three pay stubs or verification of income, and file proof of service by September 3, 2020.
4. Dad's Motion for Attorney's Fees and Costs is CONTINUED to September 9, 2020 at 2:15 p.m. on the Court's In-Chambers Calendar.
5. Attorney King shall have until September 4, 2020 to submit the proposed Order, including the Court's Findings, directly to the Department. On or after September 8, 2020, the Court will issue an Order to Show Cause to the parties for the proposed Order.

CASE CLOSED upon submission of the Order.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:** Aug 06, 2020 10:00AM Motion  
Defendant's Motion to Modify Child Custody Granting Defendant Sole Legal, Sole Physical Custody,  
Child Support and for Attoreny Fees and Costs  
Courtroom 08 Burton, Rebecca L.

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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**

**Registration of Foreign  
Custody**

**COURT MINUTES**

September 09, 2020

---

D-20-602873-F      Ana Maria Salas, Tyler Kyle Edenfield, Plaintiff.  
vs.  
Gabino Guardado, Defendant.

---

**September 09,      10:00 AM      Minute Order**  
**2020**

**HEARD BY:**   Burton, Rebecca L.

**COURTROOM:**   Chambers

**COURT CLERK:**   Diane Ford

**PARTIES:**

Ana Salas, Plaintiff, not present	Pro Se
Gabino Guardado, Defendant, not present	Byron Mills, Attorney, not present
Kyle King, Attorney, Unbundled Attorney, not present	
Tyler Edenfield, Plaintiff, not present	Pro Se
Yasline Guardado-Salas, Subject Minor, not present	

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

- MINUTE ORDER: NO HEARING HELD AND NO APPEARANCES

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

COURT FINDS that at the August 6, 2020 hearing, the Court continued the issue of attorney fees to the Court's In-Chambers calendar on September 9, 2020.

COURT FINDS that on August 17, 2020 the Defendant filed a Motion for Attorney's Fees and Costs Pursuant to NRCP 54. A Notice of Hearing was filed providing a hearing date for September 30, 2020 on the Court's In-Chambers calendar.

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NOW, THEREFORE IT IS ORDERED that to avoid confusion, the Court's Clerk shall VACATE the hearing set on September 9, 2020 on the Court's In-Chambers calendar, and will defer the issues of attorney fees to the hearing currently set for the Defendant's Motion.

COURT FURTHER ORDERS that the Court's Clerk shall provide a copy of this Minute Order to the parties.

CLERK'S NOTE: A copy of the Minute Order was mailed to the Plaintiffs at the addresses listed in the court records and emailed to Defendant's Attorney Kyle King on September 9, 2020. (dlf)

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Registration of Foreign  
Custody**

**COURT MINUTES**

January 24, 2022

D-20-602873-F      Ana Maria Salas, Tyler Kyle Edenfield, Plaintiff.  
vs.  
Gabino Guardado, Defendant.

**January 24, 2022      10:00 AM      All Pending Motions**

**HEARD BY:** Almase, Heidi

**COURTROOM:** RJC Courtroom 03B

**COURT CLERK:** Quentin Mansfield

**PARTIES:**

Ana Salas, Plaintiff, not present	Pro Se
Gabino Guardado, Defendant, present	Byron Mills, Attorney, present
Kyle King, Attorney, Unbundled Attorney, not present	
Tyler Edenfield, Plaintiff, not present	Pro Se
Yasline Guardado-Salas, Subject Minor, not present	

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

- MOTION: MOTION AND NOTICE OF MOTION TO SET ASIDE DEFAULT AND TO RECALL WARRANT... OPPOSITION & COUNTERMOTION: OPPOSITION TO MOTION TO SET ASIDE ORDER AND DEFAULT AND TO RECALL WARRANT AND COUNTERMOTION FOR ATTORNEY'S FEES

In the interest of public safety due to the Coronavirus pandemic, all parties were present via VIDEO CONFERENCE through the BlueJeans application. Plaintiffs, Ana Salas and Tyler Edenfield, were not present.

Upon the matter being called, the COURT NOTED papers and pleadings on file and reviewed the history of the case.

Mr. Medlyn represented that child custody matters are to be heard on their merits in the state of

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**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

Nevada. Mr. Medlyn requested temporary orders and for the matter to be set for hearing.

Mr. Mills, counsel for Defendant, Gabino Guardado, represented the efforts made to have the Plaintiff served with the Court's Orders. Mr. Mills argued that there was no basis to set aside the Default. Mr. Mills requested that Plaintiff's Motion be denied.

Mr. Medlyn represented that Plaintiff's request for the Default to be set aside should be proof enough of her appearance. Mr. Medlyn requested the matter be set for status check for Plaintiff's compliance with providing an address.

COURT stated its FINDINGS and ORDERED the following:

1. Plaintiff's Motion to Set Aside Default and to Recall Warrant is hereby DENIED.
2. Plaintiff, Ana Salas, SHALL file a NOTICE OF CHANGE OF ADDRESS with the Court with service upon Mr. Mills and Defendant.
3. Plaintiff SHALL produce the minor child as previously ORDERED.
4. Mr. Mills Countermotion for Attorney's Fees is hereby GRANTED. Mr. Mills SHALL file a Memorandum of Fees and Costs by no later than 02/07/2022 with service upon Mr. Isso's office. Plaintiff SHALL have file any Objection by no later than 02/14/2022.
5. The Court set the matter for DECISION on 03/02/2022 at 3:00 A.M.
6. Mr. Mills shall prepare the order and submit to Mr. Medlyn for review and signature.

CLERK'S NOTE: On 02/02/2022 a copy of the Court's Minute Order was provided to each Attorney via email, if an email address is on record with the Court; if no email address is available then the Minute Order was mailed to the physical address of record. (qm)

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Registration of Foreign  
Custody**

**COURT MINUTES**

April 11, 2022

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D-20-602873-F      Ana Maria Salas, Tyler Kyle Edenfield, Plaintiff.  
vs.  
Gabino Guardado, Defendant.

---

**April 11, 2022      10:00 AM      All Pending Motions**

**HEARD BY:** Almase, Heidi

**COURTROOM:** RJC Courtroom 03B

**COURT CLERK:** Tonya Mulvenon

**PARTIES:**

Ana Salas, Plaintiff, not present	Pro Se
Gabino Guardado, Defendant, not present	Byron Mills, Attorney, not present
Kyle King, Attorney, Unbundled Attorney, not present	
Tyler Edenfield, Plaintiff, not present	Pro Se
Yasline Guardado-Salas, Subject Minor, not present	

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

- PLAINTIFF S MOTION FOR RECONSIDERATION, ASSERTING LACK OF SUBJECT MATTER AND PERSONAL JURISDICTION; DECLARATION OF ANA SALAS DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR RECONSIDERATION, ASSERTING LACK OF SUBJECT MATTER JURISDICTION AND PERSONAL JURISDICTION AND COUNTERMOTION FOR MOTION FOR CONTEMPT AND ATTORNEY'S FEES AND COSTS ORDER TO SHOW CAUSE

Due to network outage issues, the Court could not hear the matter as scheduled.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**Notice:** Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

PRINT DATE:	05/03/2022	Page 13 of 13	Minutes Date:	March 09, 2020
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EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE  
**NOTICE OF DEFICIENCY**  
ON APPEAL TO NEVADA SUPREME COURT

**ANA MARIA SALAS**  
**903 9TH AVE., UNIT 51**  
**SEATTLE, WA 98104**

**TYLER KYLE EDENFIELD**  
**4152 UTAH ST. #3**  
**SAN DIEGO, CA 92104**

**DATE: May 3, 2022**  
**CASE: D-20-602873-F**

**RE CASE:** ANA MARIA SALAS; TYLER KYLE EDENFIELD vs. GABINO GUARDADO

NOTICE OF APPEAL FILED: April 28, 2022

**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 *re: Order filed January 26, 2021*

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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."

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*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; ORDER TO PRODUCE MINOR CHILD PURSUANT TO NRS 125C.0055; NOTICE OF ENTRY OF ORDER TO PRODUCE MINOR CHILD PURSUANT TO NRS 125C.0055; ORDER DENYING PLAINTIFF ANA MARIA SALAS MOTION FOR RECONSIDERATION; NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF ANA MARIA SALAS MOTION FOR RECONSIDERATION; ORDER FOR IMMEDIATE PICK UP AND RETURN OF THE MINOR CHILD; ORDER FROM AUGUST 6, 2020 HEARING; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

ANA MARIA SALAS; TYLER KYLE  
EDENFIELD,

Plaintiff(s),

vs.

GABINO GUARDADO,

Defendant(s),


Case No: D-20-602873-F

Dept No: X

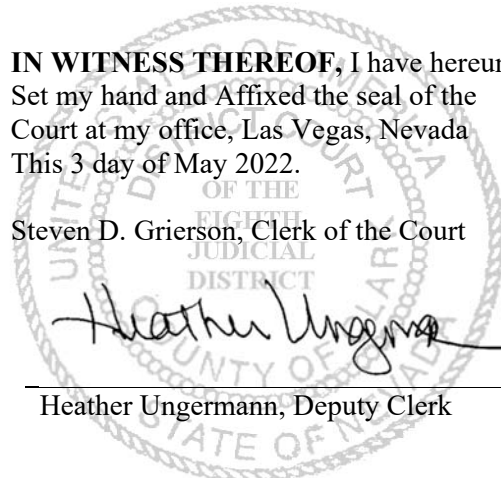
now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 3 day of May 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk





**EIGHTH JUDICIAL DISTRICT COURT  
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE, 3<sup>rd</sup> FL.  
LAS VEGAS, NEVADA 89155-1160  
(702) 671-4554

Steven D. Grierson  
Clerk of the Court

Anntoinette Naumec-Miller  
Court Division Administrator

May 3, 2022

Elizabeth A. Brown  
Clerk of the Court  
201 South Carson Street, Suite 201  
Carson City, Nevada 89701-4702

RE: ANA MARIA SALAS; TYLER KYLE EDENFIELD vs. GABINO GUARDADO  
D.C. CASE: D-20-602873-F

Dear Ms. Brown:

Please find enclosed a Notice of Appeal packet, filed May 3, 2022. Due to extenuating circumstances minutes from the date(s) listed below have not been included:

April 28, 2022

date

We do not currently have a time frame for when these minutes will be available.

If you have any questions regarding this matter, please contact me at (702) 671-0512.

Sincerely,  
STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Heather Ungermann  
Heather Ungermann, Deputy Clerk