

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANA MARIA SALAS; AND TYLER
KYLE EDENFIELD ,
Appellant(s),

vs.

GABINO GUARDADO,
Respondent(s),

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Elizabeth A. Brown
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Case No: D-20-602873-F

Docket No: 84667

RECORD ON APPEAL VOLUME 2

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

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1 issuance of an *Ex Parte* Warrant to Take Physical Custody of the Minor Child.

2 In support of this request, Gabino states the following:

- 3 1. The most recent custody determination was contained in the ORDER
4 FOR IMMEDIATE PICK UP AND RETURN OF THE MINOR CHILD
5 entered on January 26, 2021.
- 6 2. This Court's Order and the Record on File confirms that Plaintiff ANA
7 M. SALAS has concealed the minor child, YASLINE GUARDADO-
8 SALAS, since at least December of 2019 and refused Gabino any contact
9 with the child. Further, Ana is not communicating with Gabino
10 whatsoever.
- 11 3. This Court's Order and the Record on File confirm that it is likely Ana
12 will continue to withhold the minor child and continue to keep her
13 location concealed.
- 14 4. This Court has determined that it is in the best interest of the child that she
15 be returned to Gabino pursuant to the Court order issued following the
16 August 6, 2020, hearing.
- 17 5. This Court ordered Ana to immediately turn over physical custody of the
18 minor child together with her belongings, clothing and personal effects to
19 the care, custody and control of Gabino.
- 20 6. This Court further ordered that any and all law enforcement personnel, of
21 Nevada or any other jurisdiction, including METRO (Las Vegas
22 Metropolitan Police), be authorized and directed to assist Gabino in
23 obtaining physical custody of the minor child.
- 24 7. ANA M. SALAS is violating that Order, and the other orders of this
25 Court, as she continues to flee state after state and not return the minor
26 child to Gabino.
- 27 8. The Court has determined that it has exclusive continuing jurisdiction
28 over child custody matters under NRS Chapter 125A.

1 9. Gabino requests the Court issues a Warrant to take Physical Custody of
2 the Minor Child *prior to a hearing on this matter*. ANA M. SALAS
3 refuses to follow this Court's Orders and continues to flee state after state
4 with the minor child.

5 10. Gabino also requests Nevada Law Enforcement or any other jurisdiction
6 to help, if necessary, to enforce this Court's Order.

7
8 **MEMORANDUM OF POINTS AND AUTHORITIES**

9 **I.**

10 **INTRODUCTION**

11
12 For the purpose of a factual background, the parties to this action are
13 Plaintiff, Ana Salas, ("Plaintiff"), and Defendant, Gabino Guardado,
14 ("Defendant"). The Plaintiff is the maternal Aunt of the minor child's natural
15 mother, who has fled the country and her whereabouts are unknown. The minor
16 in question is Yasline Guardado-Salas, born February 9, 2014, now age seven
17 (7). Defendant is on the birth certificate as father of the minor child.

18 As this Court knows, Gabino was awarded **SOLE LEGAL AND SOLE**
19 **PHYSICAL CUSTODY** of the minor child, Yasline Guardado-Salas, born
20 February 9, 2014, on or about August 6, 2020, with the filed Order reflecting the
21 same being issued on December 21, 2020. On or about January 26, 2021, this
22 Court Ordered for the Immediate Pick Up and Return of the Minor Child.
23 However, as of June 29, 2021, Ana still has not returned the minor child and is
24 fleeing Court Orders by continually moving the child from state to state without
25 any reasoning and in the effort simply to frustrate Defendant's custody.
26 Accordingly, this Petition follows.

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II. STATEMENT OF FACTS

Defendant was living in North Carolina with the minor child's natural mother. It was during this time that Defendant was afforded an amazing opportunity to move to Oklahoma to work in the oil fields, this opportunity was one that would provide him with substantial income and an ability to better provide for his family.

Once Defendant left North Carolina in 2015, he believed that the mother of his child would continue to provide for her care and comfort while he was away for at least thirty-six months (36). Unfortunately, this was not what happened.

At some point, the exact date is unknown to the Defendant, the natural mother decided to "sign" custody of the minor child over to Plaintiff. The execution of this occurred on October 9, 2015.

Following this, it is believed that the natural mother had legal trouble, once Defendant left the state and natural mother fled to her birth country of Mexico and/or was deported. Following this on March 2, 2017, in North Carolina a Court in Craven County issued a Custodial Order which formalized Plaintiff's custody over Defendant's child.

Following this, Plaintiff and her then husband divorced, and it is believed the husband is currently homeless, addicted to substances and living in a car. Plaintiff herself has, on multiple occasions, left the minor child unattended for extended periods or in the care of others while she engages in a pattern of prostitution or escorting.

While Defendant knows and has a relationship with his daughter, he can no longer not have her in his care as he is living in Las Vegas, employed and able to care for her. There have never been any concerns regarding his ability to

1 parent, in fact he did not even know of the proceedings in North Carolina, until
2 December 15, 2019.

3 Defendant, was informed his child was left in the care of a relative and
4 Plaintiff had “took off.” Defendant went, retrieved the child, and lived normally,
5 several days later, Plaintiff arrived with the police and the attached custody
6 order and took the child from Defendant.

7 Defendant has been misled and taken advantage of by Plaintiff, due to
8 Defendant’s limited ability to understand and speak English, and limited
9 education, Plaintiff has always informed him of what **must** happen. Once
10 Defendant was informed by his family and friends of Plaintiff conduct and
11 misrepresentation’s he engaged the services of an attorney to fight for his child
12 as that is all he cares about in this matter.

13 As such On January 24, 2020, Defendant filed to domesticate the North
14 Carolina Order in Nevada and filed his motion to modify child custody on
15 January 27, 2021. Following extensive services attempts Defendant has his first
16 hearing on March 9, 2020 and being unable to locate Ana Salas was for to
17 request the authority to service by publication. On August 6, 2020, the parties
18 had their final hearing and the Court found as follows:

19 **THE COURT FURTHER FINDS** that Defendant has persuaded the
20 Court that here has been a substantial change in circumstances under *Ellis v.*
21 *Carucci* and that it is in the best interest of the subject minor that Defendant
22 have his custody restored. Video Cite 10:53:21-10:54:23.

23 **THE COURT FURTHER FINDS** that the material change in
24 circumstance in this instant matter is, Ana Salas’s abandonment of the subject
25 minor, which resulted in the child being returned to Defendant’s care by child
26 protective services, only to be subsequently removed again by Ana Salas. Video
27 cite 10:54:23-10:54:54.

1 **THE COURT FURTHER FINDS** that Ana Salas is not properly caring
2 for the subject minor. Video cite 10:54:55-10:55:05.

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

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

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

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

17 **THE COURT FURTHER FINDS** that Defendants' significant other
18 currently earns \$3,900.00 per month. Video cite 10:55:42-10:56:47.

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

23 **THE COURT FURTHER FINDS** that it is concerned that the neglect of
24 the subject minor by Ana Salas. This further provides for a change in
25 circumstance in this matter, due to her failure to properly care for the subject
26 minor. Video Cite 10:56:47-10:57:46

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 has health insurance
5 for himself and the Court is persuaded that he will obtain health insurance for
6 the subject minor, once returned to his care. Video cite 10:57:46-10:58:11.

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

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

13 **THE COURT FURTHER FINDS** that Ana Salas regularly abandons the
14 child with third party, non-custodial relatives, to engage in her career as an
15 escort. Video cite 10:58:12-10:58:49.

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

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

22 **THE COURT FURTHER FINDS** that Natural Mother nominated Ana
23 Salas by consenting to a guardianship prior to the issuance of the North Carolina
24 Orders. It appears while Natural mother may have been experiencing difficulties
25 in her own life, Defendant was not and Natural Mother gave the child over to
26 Ana Salas, instead of Defendant and without Defendant's consent. Video cite
27 10:59:03-11:00:09.

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

7 **THE COURT FURTHER FINDS** that Ana Salas and Defendant are not
8 able to cooperate to meet the needs of the child, as Ana Salas, refuses to allow
9 Defendant to participate in the subject minor's life. Video cite 11:01:15-
10 11:01:45

11 **THE COURT FURTHER FINDS** that the level of conflict is currently
12 low, as Ana Salas refuses to communicate or interact with Defendant. Video cite
13 11:00:41-11:01:15.

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

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

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

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

27 **THE COURT FURTHER FINDS** that Ana Salas, based on the evidence
28 present and testimony heard, has neglected the minor child by way of

1 continuously abandoning her with third parties who are also not caring for her
2 needs. Video cite 11:02:40-11:03:11.

3 **THE COURT FURTHER FINDS** that there has been no evidence of
4 Domestic Violence presented to the court for consideration. Video cite
5 11:03:11-11:03:55.

6 **THE COURT FURTHER FINDS** that due to the North Carolina child
7 custody determination, granting Ana Salas Sole Legal and Sole Physical
8 Custody of the subject minor there has been no act of abduction. Video cite
9 11:03:11-11:03:55.

10 Following these findings, the Court order the following:

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

14 **THE COURT FURTHER ORDERS** that Defendant shall be awarded
15 Sole Legal Custody of the subject minor.

16 **THE COURT FURTHER ORDERS** that Defendant shall be granted
17 Sole Physical custody of the subject minor.

18 The Order from the August 6, 2020, hearing was signed and filed on
19 December 22, 2020.

20 Following this order and still not being able to get Ana Salas to comply
21 with the court order Defendant request a Pickup Order on January 25, 2021, and
22 the Order was filed on January 26, 2021. Since that Order was issued Ana Salas
23 has actively fled and continually runs every time Defendant is able to track
24 down her location.

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III.
LEGAL ARGUMENT

**A. AN *EX PARTE* WARRANT IS NEEDED TO ASSIST THE
RETURN OF THE MINOR CHILD**

Pursuant to NRS 125C.0055, priority is given to proceedings involving an order for production of children:

NRS 125C.0035 Order for production of child before court; determinations concerning physical custody of child.

1. If, during any action for determining the custody of a minor child, either before or after the entry of a final order concerning the custody of a minor child, it appears to the court that any minor child of either party has been, or is likely to be, taken or removed out of this State or concealed within this State, the court shall 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.
2. If, during any action for determining the custody of a minor child, either before or after the entry of a final order concerning the custody of a minor child, the court finds that it would be in the best interest of the minor child, the court may enter an order providing that a party may, with the assistance of the appropriate law enforcement agency, obtain physical custody of the child from the party having physical custody of the child. The order must provide that if the party obtains physical custody of the child, the child must be produced before the court as soon as practicable to allow the court to 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.
3. If the court enters an order pursuant to subsection 2 providing that a party may obtain physical custody of a child, the court shall order that party to give the party having physical custody of the child notice at least 24 hours before the time at which he or she intends to obtain physical custody of the child, unless the court deems that requiring notice would likely defeat the purpose of the order.
4. All orders for a party to appear with a child issued pursuant to this section may be enforced by issuing a warrant of arrest against that party to secure his or her appearance with the child.
5. A proceeding under this section must be given priority on the court calendar.

Moreover, pursuant to NRS 200.359, it is a category D felony as provided in NRS 193.130, for a party who willfully detains, conceals, or removes the child from a parent:

NRS 200.359 Detention, concealment or removal of child from person having lawful custody or from jurisdiction of court: Penalties; limitation on issuance of arrest warrant; restitution; exceptions.

1. A person having a limited right of custody to a child by operation of law or pursuant to an order, judgment or decree of any court, including a judgment or decree which grants another person rights to custody or visitation of the child, or any parent having no right of custody to the child, who:
 - (a) In violation of an order, judgment or decree of any court willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child; or
 - (b) In the case of an order, judgment or decree of any court that does not specify when the right to physical custody or visitation is to be exercised, removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation, is guilty of a category D felony and shall be punished as provided in NRS 193.130.
2. A parent who has joint legal custody of a child pursuant to NRS 125.465 shall not willfully conceal or remove the child from the custody of the other parent with the specific intent to deprive the other parent of the parent and child relationship. A person who violates this subsection shall be punished as provided in subsection 1.
3. If the mother of a child has primary physical custody pursuant to subsection 2 of NRS 126.031, the father of the child shall not willfully conceal or remove the child from the physical custody of the mother. If the father of a child has primary physical custody pursuant to subsection 2 of NRS 126.031, the mother of the child shall not willfully conceal or remove the child from the physical custody of the father. A person who violates this subsection shall be punished as provided in subsection 1.
4. Before an arrest warrant may be issued for a violation of this section, the court must find that:
 - (a) This is the home state of the child, as defined in NRS 125A.085; and
 - (b) There is cause to believe that the entry of a court order in a civil proceeding brought pursuant to chapter 125, 125A or 125C of NRS will not be effective to enforce the rights of the parties and would not be in the best interests of the child.
5. Upon conviction for a violation of this section, the court shall order the defendant to pay restitution for any expenses incurred in locating or recovering the child.
6. The prosecuting attorney may recommend to the judge that the defendant be sentenced as for a misdemeanor and the judge may impose such a sentence if the judge finds that:

- 1 (a) The defendant has no prior conviction for this offense and the child has
2 suffered no substantial harm as a result of the offense; or
3 (b) The interests of justice require that the defendant be punished as for a
4 misdemeanor.
- 5 7. A person who aids or abets any other person to violate this section shall be
6 punished as provided in subsection 1.
7 8. This section does not apply to a person who detains, conceals or removes a child to
8 protect the child from the imminent danger of abuse or neglect or to protect
9 himself or herself from imminent physical harm, and reported the detention,
10 concealment or removal to a law enforcement agency or an agency which provides
11 child welfare services within 24 hours after detaining, concealing or removing the
12 child, or as soon as the circumstances allowed. As used in this subsection:
13 (a) "Abuse or neglect" has the meaning ascribed to it in paragraph (a) of
14 subsection 4 of NRS 200.508.
15 (b) "Agency which provides child welfare services" has the meaning ascribed
16 to it in NRS 432B.030.

17 Ana has withheld the minor child from Gabino, without his consent, since
18 December 2019. Further, Ana has withheld the minor child from Gabino in
19 direct violation of this Court's Orders and refuses to return the minor child to
20 Gabino. Ana is willfully concealing the minor child from Gabino, which is a
21 direct violation of NRS 200.359.

22 Ana continues to flee with the minor child to several states. As such,
23 Gabino requests an *Ex Parte* Warrant for the custody and return of the minor
24 child. Further, pursuant to NRS 125C.0055(2), this Court has authority to enter
25 an Order allowing Gabino, with the assistance of the appropriate law
26 enforcement or state agency, to obtain physical custody of the Minor Child from
27 Ana.

28 Moreover, pursuant to NRS 125D.200, this Court has the express
authority to issue an *Ex Parte* Warrant directing law enforcement officers or
state authority to take physical custody of the Minor Child and to place them in
the care, custody and control of Gabino and/or his authorized agent and/or
representative.

In this case, Ana has engaged in wrongful, unlawful conduct that is
detrimental to the minor child's safety, security, well-being, and best interest.

1 Ana is preventing the minor child from returning to her father; and based upon
2 her erratic behavior and brazen defiance and disrespect of this Court's Orders,
3 the child is in imminent risk of harm.

4 Continuing, to effectuate the transfer of the minor child to Gabino,
5 Gabino requests that law enforcement officers or state authority take physical
6 custody of the minor child and place her in the care, custody and control of
7 Gabino.

8 **IV.**

9 **CONCLUSION**

10 Based upon the foregoing, Gabino reasonably requests an order that
11 Gabino be issued an *Ex Parte* Warrant to Take Physical Custody of the Minor
12 Child and an Order directing and authorizing any and all appropriate law
13 enforcement agencies to assist Gabino to locate and take custody of the minor
14 child and return her to Gabino's care and custody.

15
16 Dated this **Friday, July 02, 2021**

17
18 Submitted by:
19 **ROSENBLUM LAW OFFICES**

20
21 

22 **MOLLY ROSENBLUM, ESQ.**

23 Nevada Bar No. 08242

24 376 E Warm Springs Rd., Ste 140

25 Las Vegas, NV 89119

26 (702) 433-2889—Phone

27 Email: staff@rosenblumlawlv.com

28 Attorney for Defendant

Heather S. Hume

CLERK OF THE COURT

1 **WARR**
2 **ROSENBLUM LAW OFFICES**
3 **MOLLY ROSENBLUM, ESQ.**

4 Nevada Bar No. 08242

5 **KYLE KING, ESQ.**

6 Nevada Bar No. 14557

7 376 E Warm Springs Rd., Ste 140

8 Las Vegas, NV 89119

9 (702) 433-2889—Phone

10 (702) 425-9642—Fax

11 Email: staff@rosenblumlawlv.com

12 Attorney for Defendant

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

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

17 Plaintiff's,

18 vs.

19 **GABINO GUARDADO,**
20 Defendant.

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

21 **WARRANT TO TAKE PHYSICAL CUSTODY OF A CHILD**
22 **PURSUANT TO NRS 125D.200**

23 TO: THE STATE OF NEVADA; and

24 TO: All Law Enforcement Agencies and Officers, including, without limitation,
25 any Sherriff, Constable, Marshal, Policemen, or Peace Officer within the
26 State:

27 **THIS COURT FINDS** that based upon the *Ex Parte* Petition for Expedited
28 Enforcement of this Court's Prior Orders, including the Order for Immediate Pick
Up and Return of the Minor Child and Application for Warrant to Take Physical

1 Custody of the Minor Child, the child identified herein is immediately likely to
2 suffer serious physical harm or be removed from this State because Defendant is
3 likely engaging in unlawful conduct and has refused to comply with the Order of
4 this Court and is a danger to the emotional and physical well-being of the child.

5 **YOU ARE THEREFORE COMMANDED** to take physical custody of
6 the following minor child:

7 **Yasline Guardado-Salas, born February 9, 2014.**

8 The minor child is being held at an unknown location as Ana M. Salas is
9 actively concealing the child location.

10 **YOU ARE THEREFORE COMMANDED** that once the minor child is
11 in your physical custody, that she is to be delivered to:

12 Gabino Guardado or an employee of ROSENBLUM LAW OFFICES,
13 acting on behalf of Mr. Guardado.

14 **YOU ARE FURTHER COMMANDED** that you must immediately serve
15 ANA M. SALAS with a copy of this Warrant, the Petition for Expedited
16 Enforcement / Application for a Warrant to Take Physical Custody of the Minor
17 Child, and the Order to Appear.

18 **SPECIAL INSTRUCTIONS:**

19 This warrant may be executed by entering private property based on the
20 Court's finding that a less intrusive remedy is not effective.

21 This warrant may be executed by forcible entry with great care and only as
22 a last resort at any hour based on the Court's finding of exigent circumstances.

23 **THIS WARRANT MAY BE SERVED AT ANY HOUR OF THE**
24 **DAY OR NIGHT.**

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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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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 Warrant 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: 7/2/2021

15 Rosenblum Law Offices

staff@rosenblumlawlv.com

16 Gabino Guardado

sugqueryr@yahoo.com



1 **NOA**
2 **PETER ISSO, ESQ.**
Nevada Bar No. 14721
3 Peter@IssoLawFirmLV.com
4 **JOHN B. LANNING, ESQ.**
Nevada Bar No. 15585
5 JLanning@IssoLawFirmLV.com
6 Isso & Associates, PLLC
7 275 S. Eastern Ave., Unit 200
Las Vegas, Nevada 89123
8 Phone: (702) 756-1582
9 *Attorneys for Plaintiff Ana Salas*

10
11 EIGHTH JUDICIAL DISTRICT
12 FAMILY DIVISION
COUNTY OF CLARK, STATE OF NEVADA

13
14 ANA M. SALAS AND TYLER
15 EDENFIELD,

16 PLAINTIFF'S

17 vs.

18 GABINO GUARDADO,
19 DEFENDANT
20
21
22

Case No.: D-20-602873-F

DEPARTMENT NO.: C

23 **NOTICE OF APPEARANCE AS COUNSEL OF RECORD**

24 PLEASE TAKE NOTICE that PETER ISSO, ESQ. and JOHN B.
25
26 LANNING, ESQ. of the law firm of ISSO & ASSOCIATES, PLLC hereby appear
27 before this Court as counsel of record for the Plaintiff, Ana M. Salas.
28

1
2 Dated this 23rd day of November, 2021.
3

4 /S/ John B. Lanning
5

6 **JOHN B. LANNING, ESQ.**

7 Nevada Bar No. 15585

8 JLanning@IssoLawFirmLV.com

9 Isso & Associates, PLLC

10 275 S. Eastern Ave., Unit 200

11 Las Vegas, Nevada 89123

12 Phone: (702) 756-1582

13 *Attorneys for Plaintiff Ana Salas*
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MOT

PETER ISSO, ESQ.

Nevada Bar No. 14721

Peter@IssoLawFirmLV.com

JOHN B. LANNING, ESQ.

Nevada Bar No. 15585

JLanning@IssoLawFirmLV.com

Isso & Associates, PLLC

275 S. Eastern Ave., Unit 200

Las Vegas, Nevada 89123

Phone: (757) 903-5424

Attorneys for Plaintiff Ana Salas

EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
COUNTY OF CLARK, STATE OF NEVADA

ANA M. SALAS AND TYLER
EDENFIELD,

Plaintiff,

vs.

GABINO GUARDADO,

Defendant

Case No.: D-20-602873-F

Department No.: C

Hearing Requested.

**ORAL ARGUMENT REQUESTED:
YES**

MOTION AND NOTICE OF MOTION TO SET ASIDE ORDER AND

DEFAULT AND TO RECALL WARRANT

TO: DEFENDANT GABINO GUARDADO

YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION
WITH THE CLERK OF THE COURT AND TO PROVIDE THE
UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN 14 DAYS OF
YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN
RESPONSE WITH THE CLERK OF THIS COURT WITHIN 14 DAYS OF

1 YOUR RECIEPT OF THIS MOTION MAY RESULT IN THE REQUESTED
2 RELIEF BEING GRANTED BY THE COURT WITHOUT A HEARING PRIOR
3 TO THE SCHEDULED HEARING DATE.

4 **COMES NOW** the Plaintiff ANA SALAS, by and through her counsel of record,
5 PETER ISSO, ESQ. and JOHN B. LANNING, ESQ. of the law firm ISSO &
6 ASSOCIATES, PLLC and hereby files this MOTION AND NOTICE OF
7 MOTION TO SET ASIDE AN ORDER AND RECALL WARRANT ("Motion")
8 against the Defendant GABINO GUARDADO.
9
10

11 This Motion is based on the pleadings and papers on file, the Memorandum
12 of Points and Authorities herein, Declarations filed concurrently herewith, and any
13 exhibits attached thereto, and any oral argument that the Court may entertain at the
14 time of the hearing.
15

16 **DATED** this 24th day of November, 2021.
17

18 Respectfully submitted by:

19 ISSO & ASSOCIATES, PLLC
20

21 /s/ John Lanning, Esq.

22 **JOHN B. LANNING, ESQ.**

23 Nevada Bar No. 15585

24 JLanning@IssoLawFirmLV.com

25 Isso & Associates, PLLC

26 275 S. Eastern Ave., Unit 200

27 Las Vegas, Nevada 89123

28 Phone: (757) 903-5424

Attorneys for Plaintiff

NOTICE OF MOTION

TO: DEFENDANT GABINO GUARDADO

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that the undersigned will bring the MOTION TO SET ASIDE AN ORDER AND TO RECALL WARRANT and Related Relief for hearing before the Eighth Judicial District Court, in the Family Division Courthouse, in Department C, located at 601 N. Pecos Rd., Las Vegas, Nevada 89101, against the Plaintiff ANA SALAS on the

_____ day of _____, 2021 at _____ a.m./p.m.

DATED this 24th day of November, 2021.

Respectfully submitted by:

ISSO & ASSOCIATES, PLLC

/s/ John Lanning, Esq.

JOHN B. LANNING, ESQ.

Nevada Bar No. 15585

JLanning@IssoLawFirmLV.com

Isso & Associates, PLLC

275 S. Eastern Ave., Unit 200

Las Vegas, Nevada 89123

Phone: (757) 903-5424

Attorneys for Plaintiff

1 **MEMORANDUM AND POINTS OF AUTHORITIES**

2 **I. PROCEDURAL HISTORY AND STATEMENT OF FACTS**

3
4 The Plaintiff, ANA SALAS, was granted sole legal and physical
5 custody of the minor child YASLINE ALEJANDRA GUARDADO-SALAS by
6 a Court in the State of North Carolina subject to a valid exercise of jurisdiction
7 by that Court.
8

9 Since the time that Custody order was entered, the minor child has resided
10 with Plaintiff and continues to do so through the present. She has never been
11 served with any paperwork in the present action until last Friday, November 19,
12 2021. Since that time she has immediately retained counsel in order to respond
13 as quickly as possible.
14

15 It appears that Defendant, GABINO GUARDADO, never made any real
16 attempt to Notify Plaintiff of the present action or make any attempt at valid
17 service of process. For example, the Affidavit of Attempted Service dated April
18 16, 2020 references an attempt at service on Plaintiff's sister, and the natural
19 mother of the minor child at issue, Ms. Paola Salas. At this time however, Ms.
20 Paola Salas was no longer living at the listed address in Las Vegas as she had
21 been deported to Mexico for some time by 2020 and this information was
22 known by the Defendant.
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1 Only recently has Plaintiff been made aware of the present action as
2 she was never served prior to Friday, November 19, 2021. Therefore, she
3 respectfully requests that this Court vacate any and all judgement's, orders, or
4 other decisions in the present matter and asks that she be allowed to participate
5 through counsel in all future disputes that may arise in this matter.
6
7

8 **II. LEGAL ANALYSIS**

9 The court may set aside a final order or judgment pursuant to Nevada Rule of
10 Civil Procedure 60(b) for the following reasons:
11

- 12 (1) mistake, inadvertence, surprise, or excusable neglect;
13
14 (2) newly discovered evidence which by due diligence could not have been
15 discovered in time to move for a new trial under Rule 59(b);
16
17 (3) fraud, misrepresentation or other misconduct of an adverse party;
18
19 (4) the judgment is void; or
20
21 (5) the judgment has been satisfied, released, or discharged, or a prior judgment
22 upon which it is based has been reversed or otherwise vacated, or it is no longer
23 equitable that an injunction should have prospective application.

24 The motion shall be made within a reasonable time, and for reasons (1), (2),
25 and (3) not more than 6 months after the proceeding was taken or the date that
26 written notice of entry of the judgment or order was served.
27
28

1 **When a default order is entered against a party who was never**
2 **personally served with the summons and complaint, the court may set**
3 **aside the order pursuant to Nevada Rule of Civil Procedure 60(c) so the**
4 **party can answer the merits of the original action.** A defaulted party must
5 file a motion within 6 months of the date of service of written notice of entry of
6 the order. In addition, a default may be set aside for good cause. NRCP 55(c).
7

8 **A. THE COURT HAS GOOD CAUSE TO SET ASIDE ALL**
9 **JUDGEMENTS AND ORDERS IN THE PRESENT CASE**
10

11 Plaintiff in this matter was not personally served with the petition to register the
12 foreign judgement or any motion filed into the above listed Nevada Case. Plaintiff
13 did not have any notice whatsoever of this action until Friday, November 19, 2021.
14 Clearly under NRCP 55(c), all orders should be set aside so that Plaintiff can
15 answer the merits of the original action and be properly heard. Such action is in the
16 best interests of the minor child.
17

18 **B. THIS COURT SHOULD AWARD PLAINTIFF ATTORNEY'S FEES.**
19

20 Plaintiff is entitled to an award of attorney's fees under NRS 22.100 and all
21 factors for such an award have been met. *See Brunzell v. Golden Gate National*
22 *Bank*, 85 Nev. 345, 455 P. 2d 31 (1969). An award of attorney's fees is even
23 further warranted and appropriate given that Defendant did not give Plaintiff any
24 notice of the present action through valid service or process.
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III. CONCLUSION

Based upon the foregoing, Plaintiff hereby requests that the Court grant Orders for the following:

1. Set aside of all orders and judgements in the matter and the opportunity to respond to the original action on the merits;
2. That any and all warrants issued in the case be recalled;
3. An award of attorney's fees and related costs, and
4. Any and all other related relief that this Court deems just and proper.

DATED this 24th day of November, 2021.

Respectfully submitted by:

ISSO & ASSOCIATES, PLLC

/s/ John Lanning, Esq.

JOHN B. LANNING, ESQ.

Nevada Bar No. 15585

JLanning@IssoLawFirmLV.com

Isso & Associates, PLLC

275 S. Eastern Ave., Unit 200

Las Vegas, Nevada 89123

Phone: (757) 903-5424

Attorneys for Plaintiff

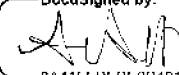
AFFIDAVIT OF ANA SALAS

I, ANA SALAS ("Affiant"), being first duly sworn, deposes and says:

1. I am the Plaintiff in the above-entitled action and I have personal knowledge of the matters and am competent to testify to the matters contained therein.
2. That I have read the MOTION AND NOTICE OF MOTION TO SET ASIDE DEFAULT AND RECALL WARRANT ("Motion") and can certify and attest that the facts contained therein are true of my own knowledge, except for those matters stated upon information and belief, and as to those matters, I believe them to be true.

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

DATED this 24th Day of November 2021.

DocuSigned by:

BA41EEDEBE-0B401

ANA SALAS

DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
11/27/2021 7:45 AM
Steven D. Grierson
CLERK OF THE COURT



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

Case No.: D-20-602873-F
Department X

NOTICE OF HEARING

Please be advised that the Motion and Notice of Motion to Set Aside Default and to Recall Warrant in the above-entitled matter is set for hearing as follows:

Date: January 24, 2022
Time: 10:00 AM
Location: RJC Courtroom 05C
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Cecilia Dixon
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Cecilia Dixon
Deputy Clerk of the Court

**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 HEARING

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Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

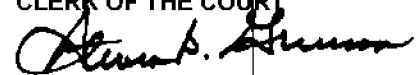
STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Cecilia Dixon
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Cecilia Dixon
Deputy Clerk of the Court



OPPS

BYRON L. MILLS, ESQ.

Nevada Bar #6745

DANIEL W. ANDERSON, ESQ.

Nevada Bar #9955

MILLS & ANDERSON

703 S. 8th Street

Las Vegas NV 89101

(702) 386-0030

attorneys@millsnv.com

Attorney for Defendant

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

ANA M. SALAS AND

TYLER EDENFIELD

Plaintiff,

vs.

GABINO GUARDADO,

Defendant.

CASE NO.: D-20-602873-F

DEPT. NO.: X

HEARING DATE: 1/24/2022

HEARING TIME: 10:00 a.m.

ORAL ARGUMENT REQUESTED

YES X NO

**OPPOSITION TO PLAINTIFF'S MOTION TO SET ASIDE ORDER AND
DEFAULT AND TO RECALL WARRANT**

-AND-

COUNTERMOTION FOR ATTORNEY'S FEES

COMES NOW the Defendant, GABINO GUARDADO, by and through his attorney, BYRON L. MILLS, ESQ., of the law firm of MILLS & ANDERSON and pursuant to the Nevada Revised Statutes and Eighth Judicial District Court Rules cited hereinbelow, hereby respectfully requests the following:

1. An Order of the Court denying Plaintiff's request to set aside any and all

- 1 judgement's, orders, or other decisions in the present matter;
- 2 2. An Order awarding Defendant with fees and costs in the amount of \$2,500;
- 3 3. For any and other such further relief as this Court deems appropriate in the
- 4 premises.

5 This Opposition is made and based upon the papers and pleadings on file

6 herein, Points and Authorities cited below, the Affidavit of Plaintiff, GABINO

7 GUARDADO, attached hereto, other supporting documentation set forth herein

8 below, and any argument entertained at the time of hearing.

9 DATED this 16th day of December, 2021.

10 MILLS & ANDERSON

11 

12 BYRON L. MILLS, ESQ.

13 Nevada Bar No. 6745

14 703 S. 8th Street

15 Las Vegas NV 89101

16 Attorney for Defendant

17 **POINTS AND AUTHORITIES**

18 **I.**

19 **STATEMENT OF FACTS**

20 The Defendant, GABINO GUARDADO ("Gabino") and Plaintiff, ANA

21 MARIA SALAS ("Ana Maria") are former in-laws. Gabino is the biological father

22 of the child at issue, to wit: YASLINE ALEJANDRA GUARDADO-SALAS, born

23 on February 9, 2014 ("the child" or "Yasline"). Ana Maria is the sister of the child's

24 biological mother, PAOLA LETICIA SALAS ("Paola" or "child's mother"). The

25 Plaintiff, TYLER EDENFIELD ("Mr. Edenfield") is Ana Maria's ex-husband.

26 Upon information and belief, Ana Maria and Mr. Edenfield divorced in 2017.

27 ///

1 **A. History between the parties.**

2 Yasline was born on February 9, 2014, in Las Vegas, NV. In 2015, Gabino,
3 Paola, and their daughter Yasline were residing in Las Vegas at 1294 E Hacienda
4 Ave. During this time, Gabino was afforded a phenomenal job opportunity in
5 Oklahoma working in the oil fields. This opportunity would allow Gabino to
6 substantially increase his income, but it would require him to move to Oklahoma
7 for at least 36 months. Gabino accepted the opportunity and he believed that Paola
8 would continue to provide care for Yasline while he was away. Unfortunately,
9 Paola had other plans.

10 At some point in 2015, Paola decided to enter into a handwritten agreement
11 giving temporary custody of Yasline to Ana Maria. The only signatures on the
12 agreement are those of Ana Maria and Paola. The execution of the agreement
13 occurred on October 9, 2015, and it was notarized in Oklahoma. Ana Maria then
14 took Yasline with her to North Carolina, which is where Ana Maria and Mr.
15 Edenfield resided.

16 **1. Ana Maria and Mr. Edenfield filed for custody in North Carolina.**

17 On March 8, 2016, Ana Maria and Mr. Edenfield filed a complaint in North
18 Carolina seeking temporary and permanent custody of Yasline.¹ ² On March 2,
19 2017, Ana Maria and Mr. Edenfield obtained a custodial order (“NC Order”) which
20 awarded them exclusive physical and legal custody over Yasline. Notably, the NC
21 Order contains several findings of fact that give insight into the disturbing degree
22 of fraud Ana Maria and Mr. Edenfield committed in obtaining the order. Below are
23 the findings:

24 (a) “The plaintiffs are citizens and residents of Craven County, North
25 Carolina and have been for at least six months next precedent the
26

27 ¹ In the General Court of Justice District Court Division of Craven County, North Carolina under
28 case number 16 CVD 310.

² The Plaintiffs were Ana Maria and Mr. Edenfield. The Defendants were Gabino and Paola.

1 institution of this action.”

2 (b) “The defendant, Paola Leticia Salas, hereinafter referred to as
3 ‘defendant Salas,’ was last known to be the resident of the State of
4 Nevada. Her current whereabouts are unknown. She is the sister of
5 the plaintiff, Ana M. Salas.”

6 (c) “The defendant, Gabino Guardado, hereinafter referred to as
7 ‘defendant Guardado,’ was last known to be a resident of the State
8 of Nevada. His current whereabouts are unknown.”

9 (d) “Plaintiffs have been the primary caretakers for the child since
10 October 13, 2015 when defendant Salas requested plaintiffs to come
11 get the child from Nevada. At that time, defendant Salas was
12 homeless, had a substance abuse problem and was wanted by the
13 courts.”

14 (e) “Defendants have had little to no contact with the plaintiffs or the
15 minor child since October 13, 2015. Subsequently, defendant
16 Guardado did, on several occasions, send the plaintiffs small
17 amounts of money for the benefit of the minor child, but nothing has
18 been sent in over a year.”

19 (f) “The defendants, by their actions and inaction, have surrendered all
20 parenting responsibilities of this child to the plaintiffs. They have
21 failed to adequately financially or emotionally support the child and
22 have not seen the child since October, 2015 thereby abandoning the
23 child.”

24 Ana Maria and Mr. Edenfield indicated to the NC Court that they had been
25 Yasline’s caretakers since October 13, 2015, when Paola “asked them” to pick up
26 the child from Nevada. This was untrue as Ana Maria and Paola had entered into
27 their temporary custody agreement on October 9, 2015, and the agreement was
28 notarized in Oklahoma, not in Nevada.

1 Ana Maria and Mr. Edenfield indicated that Gabino's whereabouts were
2 unknown but that he had sent them money several times since October 13, 2015.
3 Notably, they also claimed that he had not sent them anything in "over one year."
4 Given that they had received money from Gabino since October 13, 2015, it is quite
5 absurd for them to not know his whereabouts. Furthermore, as stated above, the
6 agreement between Ana Maria and Paola was notarized in Oklahoma, the state
7 where Gabino was working and residing at the time. This is a curious coincidence
8 given that Ana Maria was purportedly a resident of North Carolina and represented
9 that Paola was a resident of Nevada.

10 Ana Maria and Mr. Edenfield received money from Gabino multiple times
11 after October 13, 2015. As such, they clearly had the ability to communicate with
12 Gabino regarding Paola's problems and of the fact that they were planning to file
13 for custody in North Carolina. However, there is no evidence that they ever did so.
14 Given that Ana Maria entered into the temporary custody agreement only signed by
15 herself and Paola, it is obvious that the sisters were hiding their plans from Gabino.

16 **2. Ana Maria does not care for the child for extended periods of time.**

17 Upon information and belief, Ana Maria and Mr. Edenfield separated in 2017
18 after the NC Order was entered. Since then, Ana Maria left the child unattended or
19 in the care of others for extended periods of time. Upon information and belief, Ana
20 Maria left the child several times because she became a prostitute and/or escort.

21 On November 30, 2019, Ana Maria had a text conversation with one of her
22 "clients" who lives in Los Angeles. In the text conversation, the client asks if she
23 can go to him, to which Ana Maria responds that she can and asks for a date on
24 which she should go to Los Angeles.

25 There is another text conversation between Ana Maria and another "client"
26 where the client asks if Ana Maria is in the Los Angeles area or in Las Vegas. Ana
27 Maria responds by stating that she is in Los Angeles. This conversation took place
28 on December 9, 2019.

1 Ana Maria had been residing in Nevada through most of 2019 and Gabino
2 had personally witnessed that the child was residing in Nevada in March 2019, April
3 2019, and in December 2019. Ana Maria abandoned the child with a relative and
4 left Nevada, obviously to go prostitute herself and/or to provide escort services in
5 Los Angeles.

6 The family relative contacted Gabino and informed him that Ana Maria had
7 taken off and left the child with them. Gabino subsequently retrieved his child and
8 found that she had lice and was wearing clothes that were far too small. On
9 December 15, 2019, Ana Maria arrived at Gabino's home accompanied by police
10 and took the child. This was the first time Gabino had been made aware of the
11 custody case in North Carolina and of the NC Order. Shortly thereafter, Gabino
12 engaged the serviced of an attorney in Nevada.

13 **B. Procedural History of this case in Nevada.**

14 On January 24, 2020, Gabino filed his Petition for Registration of Out of
15 State Child Custody Determination seeking to register the NC Order. On January
16 27, 2021, Gabino filed a Motion to Modify Child Custody requesting sole legal
17 custody, sole physical custody, child support, and attorney's fees and costs.³

18 On January 31, 2020, Gabino filed a certificate of service ("COS") showing
19 that he served a copy of his Motion, his Exhibit Appendix in Support, and Notice
20 of Hearing. The COS includes proof that Ana Maria and Mr. Edenfield were served
21 by certified mail at their residence located at 1216 Silver Lake Dr, Las Vegas, NV
22 89108.

23 On February 6, 2020, an Affidavit of Service ("AOS") was filed stating that,
24 on February 5, 2020, Ana was served with a copy of the Petition for Registration,
25 Notice of the Petition, the Motion to Modify, Exhibits in Support, and Notice of
26 Hearing. The affiant stated that he personally delivered and left a copy of the above
27

28

³ The hearing on Gabino's Motion was set for March 3, 2020.

1 with ETHEL ADALTO, cousin of Mr. Edenfield and co-occupant of 1216 Silver
2 Lake Dr, Las Vegas, NV 89108. Another AOS was filed on February 6, 2020,
3 stating the same for service of Mr. Edenfield.

4 On February 19, 2020, a Re-Notice of Hearing was filed by Gabino. On
5 February 20, 2020, Gabino filed a COS indicating that the Re-Notice of Hearing
6 was made by certified mail on February 19, 2020. The Re-Notice was delivered to
7 both Ana and Mr. Edenfield via certified mail at 1216 Silver Laker Dr, Las Vegas,
8 NV 89108.

9 On March 5, 2020, Gabino filed a Notice of Filing of Certified Order. Service
10 including a copy of the NC custody order was delivered via certified mail to both
11 Ana Maria and Mr. Edenfield via certified mail at 1216 Silver Laker Dr, Las Vegas,
12 NV 89108.

13 On March 9, 2020, the matter of Gabino's Motion came before the Court. At
14 the hearing, there was discussion regarding service on Paola and on Paola's last
15 known address in North Carolina or whether Paola was served by publication.
16 Gabino's former counsel ("Attorney Rosenblum") represented that Paola had
17 signed a unilateral guardianship to Ana Maria before Paola was deported to
18 Mexico. Attorney Rosenblum further represented that to the best of his knowledge,
19 Paola had been deported to Mexico long ago, and that Ana Maria, Mr. Edenfield,
20 the child, and Gabino all resided in Las Vegas, Nevada.

21 Court noted that unless the due diligence showed that Paola was in North
22 Carolina, this Court was going to have subject matter jurisdiction. However, the
23 Court also found that Paola was required to have notice.

24 The Court Ordered that, upon Gabino completing a due diligence search on
25 Paola and making an Ex-Parte request for Publication, publication shall be allowed.
26 The Court further ordered that, upon service on Paola and twenty (20) days had
27 lapsed, Attorney Rosenblum shall submit an Order, so that this Court could confirm
28 it had jurisdiction. The Court continued the matter to April 23, 2020.

1 On April 13, 2020, Gabino filed an Affidavit of Attempted Service (“AFAS”)
2 indicating that, after due search, careful inquiry, and diligent attempts, service of
3 process on Paola was not successful. Service of process was attempted by trying
4 one of Paola’s last known addresses, 561 N Majove Rd, Apt 116, Las Vegas, NV
5 89101.

6 On April 15, 2020, Gabino filed an Ex-Parte Motion for an Order for Service
7 by Alternate Means and Order to Extend Time to Serve.

8 On April 16, 2020, Gabino filed another AFAS stating service was
9 unsuccessful at another of Paola’s last known addresses, 1294 E Hacienda Ave, Apt
10 C, Las Vegas, NV 89119.

11 On April 20, 2020, the Court granted Gabino’s Ex-Parte Motion for an Order
12 for Service by Alternate Means and Order to Extend Time to Serve. The Order
13 ordered Gabino to effect service by publication and extended the time to serve by
14 90 days. The Court further ordered that the hearing previously scheduled for April
15 23, 2020 be continued to July 27, 2020.

16 On August 22, 2020, Notice of Hearing was filed notifying Paola, Ana Maria,
17 and Mr. Edenfield that the hearing on Gabino’s Motion was rescheduled from April
18 23, 2020 to July 27, 2020.

19 On May 15, 2020, Gabino filed an Affidavit of Due Diligence (“AFDD”)
20 stating that all attempts to serve Paola were to no avail.

21 On May 21, 2020, Gabino filed an Affidavit of Publication (“AFFP”) in
22 which Paola, Ana Maria, and Mr. Edenfield were given notice of the hearing set for
23 July 27, 2020. The AFFP included a statement from the publisher of Nevada Legal
24 News confirming that a copy of Gabino’s Motion and Notice of Hearing were
25 published on the dates of April 23, 2020, April 30, 2020, May 7, 2020, May 14,
26 2020, and May 21, 2020.

27 On July 27, 2020, the matter of Gabino’s Motion came before the court for
28 hearing. Only Gabino and his former counsel (“Attorney King”) were present at the

1 hearing. Court noted service to all the parties has been satisfied.⁴ The Court inquired
2 on whether Gabino had the child and Attorney King stated that they were going to
3 request a pick-up order as they believed Ana Maria had now fled to Florida and they
4 might have to get the Attorney General involved in this matter to pick up the minor
5 child from a different state.

6 The Court found that it had subject matter jurisdiction over this case, personal
7 jurisdiction over the parties, and child custody subject matter jurisdiction over the
8 child. The Court ordered that Gabino shall have the North Carolina Order registered
9 with this court and continued the matter to August 6, 2020, to allow Gabino time to
10 obtain a court-certified Spanish interpreter.⁵

11 On July 29, 2020, the Order Regarding Registration of Out of State Child
12 Custody Determination was filed. On July 30, 2020, Notice of Entry of Order was
13 filed.

14 On August 6, 2020, the matter came before the Court. This time, Gabino had
15 a court-certified Spanish interpreter and Gabino was canvassed regarding his
16 request for sole legal and sole physical custody.⁶ The Court found that it had subject
17 matter jurisdiction over this case, personal jurisdiction over the parties, and child
18 custody subject matter jurisdiction over the child.⁷ ⁸ The Court further found that
19 Gabino personally witnessed the child, Yasline, in March of 2019, April of 2019,
20 and in December 2019, after Ana Maria abandoned the child with a relative and left
21 the state. As such, the Court was persuaded that Yasline had lived in the state of
22 Nevada for at least 6 months prior to the filing of Gabino's Motion in January 2020.⁹
23
24
25

26 ⁴ See Court Minutes from the hearing held on July 27, 2020.

27 ⁵ Id.

28 ⁶ See Court Minutes from the hearing held on July 27, 2020.

⁷ See Court Order from the hearing held on July 27, 2020, filed on December 21, 2020.

⁸ Id. at Page 2, Lines 1-26.

⁹ Id. at Page 2, Lines 20-26.

1 Ultimately, the Court ordered, in pertinent part, that Gabino shall have sole legal
2 and sole physical custody of the child.¹⁰

3 On August 12, 2020, a COS regarding the Notice of Entry was filed stating
4 that a copy of the Notice of Entry was mailed to Ana Maria and Mr. Edenfield at
5 1216 Silver Lake Dr, Las Vegas, NV 89108 via certified mail.

6 On December 22, 2020, Notice of Entry of Order regarding the Order from
7 the August 6, 2020 hearing was filed. A COS was sent to both Ana Maria and Mr.
8 Edenfield via certified mail to 1216 Silver Lake Dr, Las Vegas, NV 89108.

9 **C. Ana Maria left the state of Nevada in late 2020.**

10 To Gabino's knowledge,¹¹ Ana Maria fled the state of Nevada sometime in
11 mid-2020. Unfortunately, Gabino was not able to obtain a copy of the order from
12 the August 6, 2020 hearing until December 22, 2020. On January 25, 2021, Gabino
13 filed an Ex Parte Request for a Pick Up Order. That the request for the emergency
14 pick-up order was based on the fact that Ana Maria had been refusing to remain in
15 contact with Gabino since December 2019 and was in violation of the Court Order
16 from the August 6, 2020 hearing. The pick up order was granted on January 25,
17 2021.

18 Through Ana Maria's family members, Gabino discovered that she had
19 indeed fled to Florida with the child. However, by the time Gabino hired a private
20 investigator to locate her and the child, Ana Maria had fled from Florida as well.
21 On May 7, 2021, Gabino's private investigator found Ana Maria had speeding
22 tickets in Seattle, Washington. Gabino only had the pickup order at the time, and
23 Washington police refused to enforce it until Gabino localized the order.

24 On July 2, 2021, Gabino filed for and obtained a Warrant to Take Physical
25 Custody of the child, which he served on Ana Maria in the state of Washington.

26
27
28 ¹⁰ Id. at Page 6, Lines 25-28.

¹¹ Acquired through conversations with family members of Ana Maria.

1
2
3
4 **D. Ana Maria's constant movement and lack of communication.**

5 Ana Maria has not allowed Gabino to have contact with his child since 2019,
6 presumably because Gabino had taken the child when Ana Maria left the child with
7 her relatives in order to go be with her "clients" in Los Angeles.

8 Since leaving Nevada in the middle of 2020, Ana Maria had actively fled and
9 continually ran to a different state every time Gabino was able to track down her
10 location. The only reason Ana Maria finally decided to respond in this Court is
11 because she was tracked down and not given the opportunity to flee again before
12 being served in Washington.

13 **E. Ana Maria's Motion to Set Aside.**

14 On November 23, 2021, Ana Maria's current counsel filed a Notice of
15 Appearance and Ana Maria filed her Motion to Set Aside on November 24, 2021.
16 Notwithstanding the foregoing, Ana Maria filed a motion to set aside "all orders"
17 issued in this case. Noticeably absent from Ana Maria's motion is any proof of any
18 kind, other than her self-serving affidavit, that she was never served.

19 In her Motion, Ana Maria claims that the child, Yasline, has resided with her
20 since the NC Order was entered¹² and that Yasline continues to reside with her. This
21 is patently false as Ana Maria had left Yasline in order to meet with her "clients"
22 and she left Yasline either unattended or with relatives.

23 Ana Maria also claims that she was *never* served with any paperwork in the
24 present action until November 19, 2021. Ana Maria further claims that Gabino
25 "never made any real attempt" to notify her of the present action and that Gabino
26 "made no attempt" at a valid service of process. As an example, Ana Maria
27 mentions the AOS from April 16, 2020, referencing Paola. Ana Maria states that
28

¹² The NC Order was filed on March 2, 2017.

1 Paola was no longer residing at the address listed in that AOS as Paola had been
2 deported to Mexico prior to 2020.

3 Again, these claims by Ana Maria range from misleading to outright being
4 false. While attempts to serve Paola were made, they were specifically directed by
5 this Court. A thorough reading of the procedural history of this case would have
6 revealed the same. Furthermore, Ana Maria had been residing in Nevada in 2019
7 and she did not move out of Nevada until she absconded with the child in mid-2020.
8 Gabino served her by certified mail at her residence located at 1216 Silver Lake Dr,
9 Las Vegas, NV 89108 on January 31, 2020, and he had served Ana Maria with
10 notice several times throughout 2020.

11 As stated above, on May 21, 2020, Gabino filed an AFFP in which Paola,
12 Ana Maria, and Mr. Edenfield were given notice of the hearing set for July 27, 2020.
13 The AFFP included a statement from the publisher of Nevada Legal News
14 confirming that a copy of Gabino's Motion and Notice of Hearing were published
15 on the dates of April 23, 2020, April 30, 2020, May 7, 2020, May 14, 2020, and
16 May 21, 2020.

17 Ana Maria has presented no evidence that she was never served or that she
18 was not residing at 1216 Silver Laker Dr, Las Vegas, NV 89108 at the onset of this
19 case. If Ana Maria was not residing there, she has not presented any evidence of
20 where she was residing. Ana Maria absolutely cannot claim that "no attempt" at a
21 valid service of process was made when there clearly were many attempts and she
22 actively avoided Gabino until she was found in the state of Washington.

23 **F. Ana Maria has not provided any basis to grant her Motion.**

24 Ana Maria has failed to make a prima facie case out in even the slightest
25 degree for 60(b) relief. Ana Maria's highly suspicious conduct from late 2019
26 onward contradict her claim that she was unaware of this case. This is especially
27 true given that Ana Maria was living in Nevada from 2019 through 2020 and her
28

1 known address was 1216 Silver Lake Dr, Las Vegas, NV 89108.¹³ Furthermore,
2 there is no fraud, misrepresentation or misconduct by Gabino. In fact, the opposite
3 is true. As stated above, Ana Maria was not caring for the child, she left the state to
4 conduct her work as an escort, she immediately cut off communications with
5 Gabino, she fled to Florida, and then she fled again and was finally found in
6 Washington.

7 Based on the foregoing facts, the Court should summarily deny Ana Maria's
8 motion in its entirety without argument. The Court should also award Gabino the
9 sum of \$2,500 in attorney's fees for being forced to defend against a motion brought
10 without legal grounds and so clearly without merit.

11 II. 12 ARGUMENT

13 A. The Court Should Deny Ana Maria's Motion for 60(b) Relief.

14 NRCP 60B states the following:

16 **(b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered**
17 **Evidence; Fraud, Etc.** On motion and upon such terms as are just, the
18 court may relieve a party or a party's legal representative from a final
19 judgment, order, or proceeding for the following reasons: (1) mistake,
20 inadvertence, surprise, or excusable neglect; (2) newly discovered
21 evidence which by due diligence could not have been discovered in
22 time to move for a new trial under Rule 59(b); (3) fraud (whether
23 heretofore denominated intrinsic or extrinsic), misrepresentation or
24 other misconduct of an adverse party; (4) the judgment is void; or, (5)
25 the judgment has been satisfied, released, or discharged, or a prior
26 judgment upon which it is based has been reversed or otherwise
27 vacated, or it is no longer equitable that an injunction should have
28 prospective application. **The motion shall be made within a**
reasonable time, and for reasons (1), (2), and (3) not more than 6
months after the proceeding was taken or the date that written
notice of entry of the judgment or order was served. A motion under

¹³ This is the address where Ana Maria was served multiple times.

1 this subdivision (b) does not affect the finality of a judgment or suspend
2 its operation. This rule does not limit the power of a court to entertain
3 an independent action to relieve a party from a judgment, order, or
4 proceeding, or to set aside a judgment for fraud upon the court. Writs
5 of coram nobis, coram vobis, audita querela, and bills of review and
6 bills in the nature of a bill of review, are abolished, and the procedure
7 for obtaining any relief from a judgment shall be by motion as
8 prescribed in these rules or by an independent action.

9 Ana Maria has not demonstrated that the order should be set aside under
10 NRCP 60(b). As the Court is aware, NRCP 60(b) authorizes the Court to set aside
11 an order “upon such terms as are just” if the movant can demonstrate mistake,
12 inadvertence, surprise or excusable neglect and that justice requires the Court to set
13 aside the order. While the Court has broad discretion in granting or denying a 60(b)
14 motion, justice certainly does not, in this case, require the Court to set aside all
15 orders. Ana Maria has failed to demonstrate a single basis under NRCP 60(b) in
16 support of her motion.

17 Ana Maria has failed to demonstrate mistake, excusable neglect, fraud or any
18 other basis upon which the Court could grant 60(b) relief. The only allegation that
19 Ana Maria makes in support of her claim is that she was never served and that
20 Gabino made no attempts to serve her. Both of her allegations are without basis.

21 The fact Ana Maria left the state of Nevada within several months after
22 Gabino initiated the instant case is telling. Ana Maria absconding with the child
23 does not excuse Ana Maria’s responsibility to participate in the proceedings of this
24 case. While Ana Maria claims that she was never served and that no attempts were
25 made to serve her, she certainly seemed to move around the country conveniently
26 enough after successful service was made in January 2020 at her known residence
27 and several times by publication in April and May 2020.

28 Additionally, Ana Maria failed to produce a single shred of collateral proof
of any kind that she was not residing in Nevada in 2019 or 2020. Specifically, not
at the residence located at 1216 Silver Lake Dr, Las Vegas, NV 89108.

1 There simply is no evidence that Ana Maria was not given notice of the
2 instant case. Gabino therefore submits that Ana Maria has failed to make a prima
3 facie case for 60(b) relief, and the Court should therefore deny her motion.

4 **B. The Court Should Award Gabino with Attorney's Fees and Costs in**
5 **the Amount of \$2,500.**

6 Gabino is requesting fees pursuant to EDCR 7.60, which allows the Court to
7 sanction a party for unreasonably and vexatiously multiplying proceedings and/or
8 presenting to the court a motion or an opposition to a motion which is obviously
9 frivolous, unnecessary or unwarranted. Ana Maria's motion has unreasonably
10 increased Gabino's costs by forcing him to file a response, and Ana Maria's motion
11 is unquestionably without merit and she has failed to show a shred of proof that she
12 was not residing at 1216 Silver Lake Dr, Las Vegas, NV 89108 when multiple
13 notices were delivered there via certified mail. Furthermore, she has presented no
14 evidence to suggest she was not residing in Nevada when service was made by
15 publication multiple times in April and May of 2020.

16 In support of Gabino's request for attorney's fees, the following is an analysis
17 of the *Brunzell* factors for the Court's consideration:

18 *(1) the advocate's qualities, including ability, training, education,*
19 *experience, professional standing, and skill;*

20 All the attorneys at Mills & Anderson regularly practice in family law and
21 regularly participate in CLE to stay current with the most recent changes in the law.
22 Mills & Anderson collectively has over 50 years of family law practice experience
23 and all three attorneys at the firm will likely be utilized at various stages in the case.
24 No disciplinary action of any kind has been taken against any of the firm's lawyers
25 during that time.

26 *(2) the character of the work to be done; and (3) the work actually*
27 *performed by the lawyer;*

1 Gabino's attorneys have prepared all the substantive pleadings in this matter,
2 researched and cited all appropriate law, with correct analysis and application of the
3 law to the facts. They have met with Gabino in consultation and will be present at
4 all hearings in this matter. The firm's actions have been in accordance to the highest
5 ethical practices and consistent with the Nevada Rules of Professional Conduct.

6 (4) *the result, whether the attorney was successful and what benefits were*
7 *derived.*

8 Gabino anticipates a favorable decision by the Court as his requests are
9 consistent with and supported by Nevada law. Gabino therefore requests an award
10 of fees in the amount of \$2,500.00.

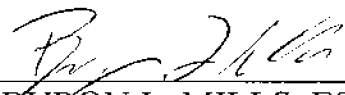
11 **III.**
12 **CONCLUSION**

13 Based upon the above and foregoing, Defendant respectfully requests that
14 this Court enter the following Orders:

- 15 1. An Order of the Court denying Plaintiff's request to set aside any and all
16 judgement's, orders, or other decisions in the present matter;
17 2. An Order of the Court denying Plaintiff's request for attorney's fees and
18 costs;
19 3. An Order awarding Defendant with fees and costs in the amount of \$2,500;
20 4. For any and other such further relief as this Court deems appropriate in the
21 premises.

22 DATED this 16th day of December 2021.

23 MILLS & ANDERSON

24 
25 _____
26 BYRON L. MILLS, ESQ.
27 Nevada Bar No. 6745
28 703 S. 8th Street
Las Vegas NV 89101
Attorney for Defendant

1 **AFFIDAVIT OF GABINO GUARDADO IN SUPPORT OF OPPOSITION**

2 STATE OF NEVADA)
3) ss:
4 COUNTY OF CLARK)

5
6 GABINO GUARDADO, being first duly sworn according to law, deposes
7 and says:

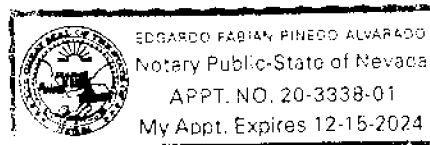
- 8 1. I have provided all the information, dates and incidents for use in this
9 opposition and state under oath that the information contained therein and
10 which I have read, corrected and approved, is true and correct to the best of
11 my knowledge.
12 2. Based on my knowledge, belief and information and as though repeated
13 herein by my affidavit, I incorporate the facts and incidents of the opposition
14 as though fully reprinted in this affidavit.

15 WHEREFORE, I respectfully request that this Court grant the relief requested.
16 FURTHER AFFIANT SAYETH NAUGHT.

17 Gabino Guardado A.
18 GABINO GUARDADO

19 SUBSCRIBED and SWORN to before me
20 this 16 day of December 2021.

21 
22 NOTARY PUBLIC in and for Said
23 County of Clark, State of Nevada



DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

ADAM M. SALAS AND TYLER
Plaintiff/Petitioner EDEN FIELD

Case No. D-20-602873-F

Dept. X

GABINO GUARDADO
Defendant/Respondent

MOTION/OPPOSITION
FILE INFORMATION SHEET

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of \$25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the \$25 or \$0 filing fee in the box below.

- ☒ **\$25** The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.
-OR-
- ☐ **\$0** The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:
- ☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
 - ☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
 - ☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
 - ☐ Other Excluded Motion (must specify) _____

Step 2. Select the \$0, \$129 or \$57 filing fee in the box below.

- ☒ **\$0** The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:
- ☐ The Motion/Opposition is being filed in a case that was not initiated by joint petition.
 - ☐ The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.
- OR-
- ☐ **\$129** The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order.
- OR-
- ☐ **\$57** The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129.

Step 3. Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:

☐ \$0 ☒ \$25 ☐ \$57 ☐ \$82 ☐ \$129 ☐ \$154

Party filing Motion/Opposition: DEFENDANT

Date 12/16/2021


Signature of Party or Person: /s/ BYRON L. MILLS

Attorney for Defendant

B	2-5	Ana's employment for "Cuddling" with responses.
----------	-----	-------------------------------------------------

Submitted by:

MILLS & ANDERSON


BYRON L. MILLS, ESQ. DATED ____

Bar No. 6745

703 S. 8th Street

Las Vegas, Nevada 89101

Attorney for Defendant

EXHIBIT “A”

Captura01.PNG

Aimi702

28 - Woman - Los Angeles, California, US



Request to Book

★ Save to Favorites

...



EXHIBIT “B”

DEF 002

Account Friends (31) Karma (37)

About me

I'm currently dealing with a home emergency. I won't be available until further notice. Sorry for the inconvenience. Happy holidays!

Greeting my fellow students!! I'm Ana and have been studying for a little over a year now. Studying for me is very special, it actually helps me calm when I feel alone and when I get the opportunity to study with someone, it's like an extra hand because everyone is so unique in their own ways and I get that. My favorite study position is being the little spoon. That position makes me feel like I never been ☺☺
If you're interested in studying with me, contact me, send me a message or as long as our schedule aligns, we're golden ☺☺

Some of my photos are censored because I love to live for the moment as well as creating my lifestyle through a simple photograph that we can later smile about.

P.S. If you'd like to see me, I will ask for you to cover my traveling expenses.

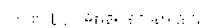
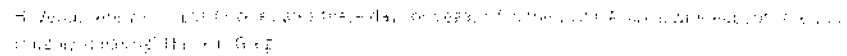
Rates & Services

Hourly

Facts

1 seconds ago	1 min
June 2018	Available
Mon	No
Most Guest Public	Can
Sun, Mon, Tue	Available
Wed, Thu, Fri, Sat	No
Morning	Breakfast Lunch
Afternoon	Chips
Evening Night	Drinks
Thank or Dislike	Free
Free fee	

Ana Salas Employment
Information page.



DEF 004

Inbox Sent Message

bigdaddy

bigdaddy



Show Post Message

bigdaddy agreed to the Cuddle Rules on 9 Dec 2019



For sure huh! Thank you!!



Common girl! Oh I really hope your well. You really are wonderful. how slot of time to realize this.



You're so awesome! Thank you!!

DEF 005



smootheast

📧 smootheast@smootheast.com



^ Show Plot Messages

✓ smootheast agreed to the Curdle Rules on 30 Nov 2019



would love that! D



Yes, can come to me



smootheast: and, if it what time and date would you be in the to?



COS
BYRON L. MILLS, ESQ.
Nevada Bar #6745
DANIEL W. ANDERSON, ESQ.
Nevada Bar #9955
MILLS & ANDERSON
703 S. 8th Street
Las Vegas NV 89101
(702) 386-0030
attorneys@millsnv.com
Attorney for Defendant

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

ANA M. SALAS AND
TYLER EDENFIELD

Plaintiff,

vs.

GABINO GUARDADO,
Defendant.

CASE NO.: D-20-602873-F
DEPT. NO.: X

HEARING DATE: 1/24/2022
HEARING TIME: 10:00 a.m.

CERTIFICATE OF ELECTRONIC SERVICE

The Undersigned, pursuant to NRCP 5(b)(2)(D) and EDCR 8.05, does hereby state and declare that on the 16th day of December, 2021, I served a true and correct copy of the **Defendant's Opposition to Plaintiff's Motion to Set Aside ... and Appendix** by delivering via electronic service utilizing the Odyssey E-File and Serve system to the person(s) identified below as follows:

Peter Isso, Esq. (peter@issolaw.com)
John Lanning, Esq. (jlanning@issolaw.com)

/S/ MARY O'DONNELL

An Employee of Mills & Anderson

Mary O'Donnell

From: no-reply@efilingmail.tylertech.cloud
Received: Thu 12/16/2021 2:29 PM
To: Mary O'Donnell
Cc:

Subject: Notification of Service for Case: D-20-602873-F, Ana Maria Salas, Tyler Kyle Edenfield, Plaintiff.vs. Gabino Guardado, Defendant. for filing Opposition to Motion - OPPM (FAM), Envelope Number: 9049552



Notification of Service

Case Number: D-20-602873-F
Case Style: Ana Maria Salas, Tyler Kyle Edenfield, Plaintiff.vs. Gabino Guardado, Defendant.
Envelope Number: 9049552

This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

Case Number	D-20-602873-F
Case Style	Ana Maria Salas, Tyler Kyle Edenfield, Plaintiff.vs. Gabino Guardado, Defendant.
Date/Time Submitted	12/16/2021 2:28 PM PST
Filing Type	Opposition to Motion - OPPM (FAM)
Filing Description	Opposition to Motion to Set Aside Order and Default and to Recall Warrant and Countermotion for Attorney's Fees
Filed By	Jessica Titolo
Service Contacts	<p>Ana Maria Salas:</p> <p>Peter Issa, Esq. (peter@issolaw.com)</p> <p>John Lanning, Esq. (jlanning@issolaw.com)</p> <p>Gabino Guardado:</p> <p>Byron Mills (modonnell@millsnv.com)</p>

Served Document	Download Document
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Mary O'Donnell

Printed: Mon 12/20/2021 7:26 AM

Mary O'Donnell

From: no-reply@efilingmail.tylertech.cloud
Received: Thu 12/16/2021 2:29 PM
To: Mary O'Donnell
Cc:

Subject: Notification of Service for Case: D-20-602873-F, Ana Maria Salas, Tyler Kyle Edenfield, Plaintiff.vs. Gabino Guardado, Defendant. for filing Exhibits - EXHS (FAM), Envelope Number: 9049552



Notification of Service

Case Number: D-20-602873-F
Case Style: Ana Maria Salas, Tyler Kyle Edenfield,
Plaintiff.vs. Gabino Guardado, Defendant.
Envelope Number: 9049552

This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

Case Number	D-20-602873-F
Case Style	Ana Maria Salas, Tyler Kyle Edenfield, Plaintiff.vs. Gabino Guardado, Defendant.
Date/Time Submitted	12/16/2021 2:28 PM PST
Filing Type	Exhibits - EXHS (FAM)
Filing Description	Defendant's Appendix to Opposition to Plaintiff's Motion to Set Aside, ET AL.
Filed By	Jessica Titolo
Service Contacts	<p>Ana Maria Salas:</p> <p>Peter Isso, Esq. (peter@issolaw.com)</p> <p>John Lanning, Esq. (jlanning@issolaw.com)</p> <p>Gabino Guardado:</p> <p>Byron Mills (modonnell@millsnv.com)</p>

Served Document	Download Document
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Mary O'Donnell

Printed: Thu 12/16/2021 3:18 PM



EXH

BYRON L. MILLS, ESQ.
Nevada Bar #6745
DANIEL W. ANDERSON, ESQ.
Nevada Bar #9955
MILLS & ANDERSON
703 S. 8th Street
Las Vegas NV 89101
(702) 386-0030
attorneys@millsnv.com
Attorney for Defendant

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

ANA M. SALAS AND
TYLER EDENFIELD

Plaintiff,

vs.

GABINO GUARDADO,

Defendant.

CASE NO.: D-20-602873-F

DEPT. NO.: X

HEARING DATE: 1/24/2022

HEARING TIME: 10:00 a.m.

**DEFENDANT'S AMENDED APPENDIX TO OPPOSITION TO
PLAINTIFF'S MOTION TO SET ASIDE, ET AL.**

Defendant, GABINO GUARDADO, by and through his attorney, BYRON L. MILLS, ESQ. of MILLS & ANDERSON hereby submits and files his Appendix to the Opposition and Countermotion.

EXHIBIT	BATE NO.	DESCRIPTION
A	1	Ana's profile page

B	2-5	Ana's employment for "Cuddling" with responses.
---	-----	-------------------------------------------------

Submitted by:

MILLS & ANDERSON


 BYRON L. MILLS, ESQ. DATED ____

Bar No. 6745

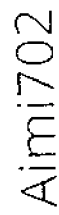
703 S. 8th Street

Las Vegas, Nevada 89101

Attorney for Defendant

EXHIBIT “A”

Capture1.PNG



28 - Woman - Los Angeles, California, US

10

Remember to Breathe

★



EXHIBIT “B”

DEF 002

About Friends (31) Kama (37)

About me

I'm currently dealing with a family emergency. I won't be available until further notice, sorry for the inconvenience. Happy holidays!!

Greet me my fellow students!! My aim is that I have been coding for a little over a year now. Coding for me is very special. It actually helps me cause often I feel alone and when I get the opportunity to code with someone, it's like an adrenaline because everyone is so on top of their own ways and I get that. My favorite quote position is being the little spoon. That position makes me feel like a baby bear. 🐻🐻

If you're interested in coding with me, don't be shy, send me a message and as long as our schedules align, we're golden 🥳🥳

Some of my photos are random because I love to live for the moment as well as capturing my lifestyle through a simple "mytag app" that we can later smile back.

P.S. If you'd like to see me, I will ask for you to cover my traveling expenses.

Ana Salas Employment
Information page.

Rates & Services

1 Hour

Facts

6 seconds ago

June 2018

None

Host Guest Public

Sun, Mon, Tue

Wed, Thu, Fri, Sat

Morning

Afternoon

Evening, Night

Truth or Dare

the 100

2:10

average

No

On

Socially

No

Highly Latent

Other

Not a member

Enter text or voice recording...



PonoAgape

12/26/2019, 12:26 PM

✓ PonoAgape: Hi, I am PonoAgape and today, I am going for the court.



Hi, I am PonoAgape and today, I am going for the court. A court case about my company, I am in Washington DC.




Hi, I am PonoAgape




DEF 004

inbox Sent Message

bigdaddy

 Delete (1/1 message)



 Show Past Messages

✓ bigdaddy agreed to the Cuddle Rules on 9 Dec 2019



Big sorry girl! Thank you :D



Common girl! I really hope your well. You really are wonderful. I had a lot of time to realize this.



Wish you livesome! Thank you :D

DEF 005



smootheest

^ Show Post Messages

✓ smootheest agreed to the Cuddly Rules on 30 Nov 2019



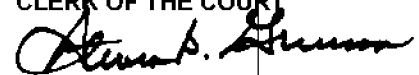
would love that! D



you can come to me



you can come to me. I'd want time and date when you like me to



1 **EXH**

2 BYRON L. MILLS, ESQ.

3 Nevada Bar #6745

4 DANIEL W. ANDERSON, ESQ.

5 Nevada Bar #9955

6 MILLS & ANDERSON

7 703 S. 8th Street

8 Las Vegas NV 89101

9 (702) 386-0030

10 attorneys@millsnv.com

11 *Attorney for Defendant*

12 **DISTRICT COURT**
13 **FAMILY DIVISION**
14 **CLARK COUNTY, NEVADA**

15 ANA M. SALAS AND)

16 TYLER EDENFIELD)

17 Plaintiff,)

18 vs.)

19 GABINO GUARDADO,)

20 Defendant.)

CASE NO.: D-20-602873-F

DEPT. NO.: X

HEARING DATE: 1/24/2022

HEARING TIME: 10:00 a.m.

21 **DEFENDANT'S SECOND APPENDIX TO OPPOSITION TO PLAINTIFF'S**
22 **MOTION TO SET ASIDE, ET AL.**

23 Defendant, BROOKE HEWITT, by and through his attorney, BYRON L.
24 MILLS, ESQ. of MILLS & ANDERSON hereby submits and files his Appendix to
25 the Opposition and Countermotion.

EXHIBIT	BATE NO.	DESCRIPTION
C	6	Ana Maria's schedule of trips to see "clients", October-December 2019 (San Francisco & Los Angeles)

D	7	Texts between Ana and her cousin, December 2019
----------	----------	-------------------------------------------------

Submitted by:
MILLS & ANDERSON

/S/ BYRON L. MILLS 12/20/21

BYRON L. MILLS, ESQ. DATED ____
Bar No. 6745
703 S. 8th Street
Las Vegas, Nevada 89101
Attorney for Defendant

EXHIBIT “C”

27	28	29	30	31 Halloween	1	2	1	2	3	4	5	6	7
							Ana left to San Franci				Schedule modification	Ana left	
3	4	5	6	7	8	8	9	10	11	12	13	14	15
Daylight S Cambio de Grandma's						Ana left to Los Angeles							
10	11 Veterans D Día del Vie	12	13	14	15	16	15	16	17	18	19	20	21
17	18	19	20	21	22	23	22	23	24	25	26	27	28
Mia's birth					Ana left to Los Angeles			23 Sra de r 3 reming	Nochebuena Christmas	Nochebuena Christmas			
24	25	26	27	28	29	30	29	30	31	1	2	3	4
Ana left to San Francisco	Jun's bday			Día de Acción Thanksgiving	Viernes Negro Black Friday				Víspera de New Year's Jordan's b	New Year's Día de Año			Andrea
1	2	3	4	5	6	7	5	6	7	8	9	10	11
									Dad's bday	Tania's bday	Jackie bday		

DEF 006

EXHIBIT “D”

include me in that mess

But I didnt want to and she got
mad and called me a bad friend

That guy just got out of prison
but they tried to intimidate me
by talking about shit they've done

I just dont want to risk anything
by letting people know anything
about me

Dude but you can't do that to
Yasline she can't keep moving all
over the place. Nomas Dejamela
you know we're moving from
here soon we'll just take her you
stay and hide do what you need
to do.

Say if she went back to Vegas
trying to do anything, or tried
anything here in cali

I cant let her know where I'm at

And I dont want to risk yasline
safety

while

Yasline will be much safer in
Florida with my aunt where no
one knows who she is. I'm gonna
work something out for tyler to
get her to Florida

In the meantime I dont feel safe
going back

What's up?

Once I find a new home, shouldn't
take me too long. I'll move
everything back and will be able to
have yasline again

But right now things are not ok

And if anything bad happens to
me, I didn't kill myself

Dude your worried me etc
happened

Wtf

DEF 007



COS
BYRON L. MILLS, ESQ.
Nevada Bar #6745
DANIEL W. ANDERSON, ESQ.
Nevada Bar #9955
MILLS & ANDERSON
703 S. 8th Street
Las Vegas NV 89101
(702) 386-0030
attorneys@millsnv.com
Attorney for Defendant

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

ANA M. SALAS AND
TYLER EDENFIELD

Plaintiff,

vs.

GABINO GUARDADO,

Defendant.

CASE NO.: D-20-602873-F

DEPT. NO.: X

HEARING DATE: 1/24/2022

HEARING TIME: 10:00 a.m.

CERTIFICATE OF ELECTRONIC SERVICE

The Undersigned, pursuant to NRCP 5(b)(2)(D) and EDCR 8.05, does hereby state and declare that on the 20th day of December, 2021, I served a true and correct copy of the **AMENDED APPENDIX TO OPPOSITION AND COUNTERMOTION** by delivering via electronic service utilizing the Odyssey E-File and Serve system to the person(s) identified below as follows:

Peter Isso, Esq. (peter@issolaw.com)

John Lanning, Esq. (jlanning@issolaw.com)

/S/ MARY O'DONNELL

An Employee of Mills & Anderson

Mary O'Donnell

From: no-reply@efilingmail.tylertech.cloud

Received: Mon 12/20/2021 10:21 AM

To: Mary O'Donnell

Cc:

Subject: Notification of Service for Case: D-20-602873-F, Ana Maria Salas, Tyler Kyle Edenfield, Plaintiff.vs. Gabino Guardado, Defendant. for filing Amended - AMEN (FAM), Envelope Number: 9060939



Notification of Service

Case Number: D-20-602873-F

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

Envelope Number: 9060939

This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

Filing Details	
Case Number	D-20-602873-F
Case Style	Ana Maria Salas, Tyler Kyle Edenfield, Plaintiff.vs. Gabino Guardado, Defendant.
Date/Time Submitted	12/20/2021 10:20 AM PST
Filing Type	Amended - AMEN (FAM)
Filing Description	Defendant's Amended Appendix to Opposition to Plaintiff's Motion to Set Aside, ET AL.
Filed By	Jessica Titolo
Service Contacts	<p>Ana Maria Salas:</p> <p>Peter Isso, Esq. (peter@issolaw.com)</p> <p>John Lanning, Esq. (jlanning@issolaw.com)</p> <p>Gabino Guardado:</p> <p>Byron Mills (modonnell@millsnv.com)</p>

Document Details	
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Mary O'Donnell

Printed: Mon 12/20/2021 10:24 AM

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

Defendant.

Case Number: D-20-602873-F

1 were actually and necessarily incurred and are reasonable. Additionally, the
2 following is an analysis of the *Brunzell v. Golden Gate National Bank*, 85 Nev.
3 345 (1969) factors for the Court's consideration:

4 (1) *the advocate's qualities, including ability, training, education,*
5 *experience, professional standing, and skill;*

6 All the attorneys at Mills & Anderson regularly practice in family law and
7 regularly participate in CLE to stay current with the most recent changes in the law.
8 Mills & Anderson collectively has over 50 years of family law practice experience
9 and all attorneys at the firm have been utilized at various stages in the case. No
10 disciplinary action of any kind has been taken against any of the firm's lawyers
11 during that time.

12 (2) *the character of the work to be done; and (3) the work actually*
13 *performed by the lawyer;*

14 Gabino's attorneys were successful as the Court denied the Ana's Motion
15 to set Aside and request for child interview and upheld the three prior Orders filed
16 by this Court. Furthermore, Ana was ordered to bring the child to Gabino and to
17 provide current address to the Court.

18 The firm's actions have been in accordance to the highest ethical practices
19 and consistent with the Nevada Rules of Professional Conduct.

20 (4) *the result, whether the attorney was successful and what benefits*
21 *were derived.*

22 As a result of Ana's actions, Gabino has incurred fees and costs to defend the
23 Motion filed by Ana. Ana alleged in her Motion she did not serve proper notice
24 nor did Gabino make any real attempt to serve her the documents. Thus, the Order
25 of the Court should be set aside. Gabino provided evidence in his Opposition of
26 the attempts made to locate and serve Ana. After review of the pleadings on file
27
28

1 and testimony, the Court found that Ana did not provide sufficient evidence to set
2 aside the Orders of the Court.

3 The total amount including fees and travel costs is \$2,312.75. Therefore,
4 Defendant requests a judgment in his favor in this amount.

5 DATED this 2nd day of February, 2022

6
7
8 Submitted by:

9 MILLS & ANDERSON

10 

11 BYRON L. MILLS, ESQ.

12 State Bar #6745

13 703 S. 8th Street

14 Las Vegas NV 89101

15 Attorney for Defendant

16 **AFFIDAVIT OF BYRON MILLS, ESQ., IN SUPPORT OF**
17 **MEMORANDUM OF FEES AND COSTS**

18 STATE OF NEVADA)


19 : ss.

20 COUNTY OF CLARK)

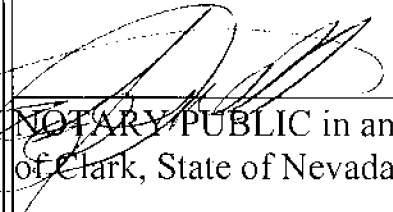
- 21 1. I, BYRON L. MILLS, ESQ., am a Nevada-barred attorney representing the
22 plaintiff in this action.
- 23 2. I represent that the fees in the Memorandum of Fees and Costs were actually
24 and necessarily incurred and are reasonable based upon the location,
25 practice, and skill of the attorney.
- 26 3. The provided documents are actual billing statements received in this matter.
27
28

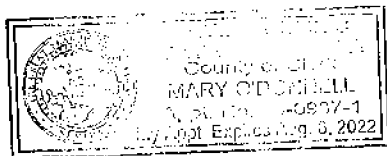
1 4. I certify that I prepared the above analysis according to the *Brunzell* factors
2 articulated in case law.

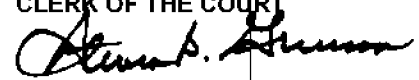
3 FURTHER AFFIANT SAYETH NAUGHT.

4
5 
6 BYRON L. MILLS, ESQ.

7 SUBSCRIBED and SWORN to before me
8 this 2nd day of February, 2022

9
10 
11 NOTARY PUBLIC in and for Said County
12 of Clark, State of Nevada





1 **EXH**

2 **BYRON L. MILLS, ESQ.**

3 Nevada Bar No. 6745

4 **DANIEL W. ANDERSON, ESQ.**

5 Nevada Bar No. 9955

6 **MILLS & ANDERSON**

7 703 S. 8th Street

8 Las Vegas NV 89101

9 (702) 386-0030

10 Attorneys@millsnv.com

11 *Attorney for Defendant*

12 **DISTRICT COURT**
13 **FAMILY DIVISION**
14 **CLARK COUNTY, NEVADA**

15 **ANA M. SALAS AND**

16 **TYLER EDENFIELD**

17 Plaintiff,

18 vs.

19 **GABINO GUARDADO,**

20 Defendant.

)
)
) **CASE NO.: D-20-602873-F**
) **DEPT. NO.: X**
)
)
)
)
)
)
)
)
)

21 **DEFENDANT'S APPENDIX TO THE MEMORANDUM OF FEES OF AND**
22 **COSTS**

23 Defendant, GABINO GUARDADO, by and through his attorney, BYRON
24 L. MILLS, ESQ. of MILLS & ANDERSON hereby submits and files his Appendix

25 ///

26 ///

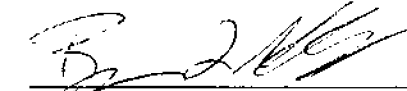
27 ///

1 to the MEMORANDUM OF FEES AND COSTS.

EXHIBIT	DESCRIPTION
1	Billing statements for Mills & Anderson

5 Submitted by:

7 MILLS & ANDERSON

8 

9 BYRON L. MILS, ESQ.

10 Bar No. 6745

11 703 S. 8th Street

12 Las Vegas NV 89101



MILLS & ANDERSON

LAW GROUP

INVOICE

Gabino Guardado
5100 E. Tropicana Ave. #47-D
Las Vegas, NV 89122

Invoice # 11301
File Number: 21-198 / 4.0
Invoice Date: Fri, December 31, 2021

Re: GUARDADO, Gabino 21-198

Current Charges:

Fees

Date	Init.	Description	Hours	Rate	Amount
11/29/2021	BM	Telephonic consultation with Gabino Guardado and his wife Sue regarding custody and recovery of a child. Review of some of the documents provided.	0.7	400.00	280.00
12/3/2021	MA	Reviewed Opposing's Motion to Set aside and started drafting opposition.	2.5	300.00	750.00
12/3/2021	MA	Reviewed case history.	0.8	300.00	240.00
12/6/2021	MA	Finished drafting Opposition to Motion to Set Aside.	1.6	300.00	480.00
12/13/2021	MA	Phone call with client regarding affidavit for Opposition to Motion to Set Aside.	0.2	300.00	No Charge
12/20/2021	BM	Prepared the Supplemental Appendix.	0.2	400.00	80.00
Fees for Services Rendered			6		\$1,830.00

Expenses

Date	Description	Amount
12/1/2021	Filing Fees	42.75
Total Fees & Expenses		\$1,872.75

Total New Charges

\$1,872.75

Account Statement:

Balance as of Last Invoice 0.00
Retainer Balance 5,000.00

MAKE CHECKS PAYABLE TO:
MILLS & ANDERSON
703 S. 8TH STREET
LAS VEGAS, NV 89101
(702) 386-0030



MILLS & ANDERSON

LAW GROUP

INVOICE

Gabino Guardado
5100 E. Tropicana Ave. #47-D
Las Vegas, NV 89122

Invoice # Draft
File Number: 21-198 / 4.0
Invoice Date: Wed, February 2, 2022

Re: **GUARDADO, Gabino 21-198**

Current Charges:

Fees

Date	Init.	Description	Hours	Rate	Amount
1/24/2022	BM	Court appearance to oppose the Set Aside motion. Discussions with clients prior to the hearing. Preparation.	1.4	400.00	560.00
2/1/2022	BM	Drafted the Memorandum of Fees and Costs. Prepared the Appendix.	0.4	400.00	160.00
2/2/2022	BM	Drafted the order for the 1/24 hearing after review of the hearing to get the time stamps.	0.8	400.00	320.00
		Fees for Services Rendered	2.6		\$1,040.00

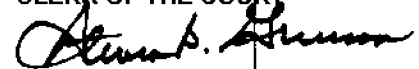
Total New Charges

\$1,040.00

Account Statement:

Balance as of Last Invoice	0.00
Retainer Balance	3,127.25
Current Charges	1,040.00
Retainers Applied	-1,040.00
Amount Due and Owing to Date	\$0.00

MAKE CHECKS PAYABLE TO:
MILLS & ANDERSON
703 S. 8TH STREET
LAS VEGAS, NV 89101
(702) 386-0030



COS
BYRON L. MILLS, ESQ.
Nevada Bar #6745
MILLS & ANDERSON
703 S. 8th Street
Las Vegas NV 89101
(702) 386-0030
attorneys@millsnv.com
Attorney for Defendant

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

ANA M. SALAS AND
TYLER EDENFIELD

Plaintiff,

vs.

GABINO GUARDADO,

Defendant.

CASE NO.: D-20-602873-F
DEPT. NO.: X

CERTIFICATE OF ELECTRONIC SERVICE

The Undersigned, pursuant to NRCp 5(b)(2)(D) and EDCR 8.05, does hereby state and declare that on the 3rd day of February, 2022, I served a true and correct copy of the **MEMORANDUM OF FEES AND COSTS and EXHIBIT APPENDIX** by delivering via electronic service utilizing the Odyssey E-File and Serve system to the person(s) identified below as follows:

Peter Isso, Esq. (peter@issolaw.com)

John Lanning, Esq. (jlanning@issolaw.com)

/S/ MARY O'DONNELL

An Employee of Mills & Anderson

Mary O'Donnell

From: no-reply@efilingmail.tylertech.cloud
Received: Thu 2/3/2022 10:35 AM
To: Mary O'Donnell
Cc:

Subject: Notification of Service for Case: D-20-602873-F, Ana Maria Salas, Tyler Kyle Edenfield, Plaintiff.vs. Gabino Guardado, Defendant. for filing Memorandum of Costs and Disbursements - MEMC (FAM), Envelope Number: 9292616



Notification of Service

Case Number: D-20-602873-F
Case Style: Ana Maria Salas, Tyler Kyle Edenfield, Plaintiff.vs. Gabino Guardado, Defendant.
Envelope Number: 9292616

This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

Case Number	D-20-602873-F
Case Style	Ana Maria Salas, Tyler Kyle Edenfield, Plaintiff.vs. Gabino Guardado, Defendant.
Date/Time Submitted	2/3/2022 10:34 AM PST
Filing Type	Memorandum of Costs and Disbursements - MEMC (FAM)
Filing Description	Memorandum of Fees and Costs
Filed By	Jessica Titolo
Service Contacts	<p>Ana Maria Salas:</p> <p>Peter Isso, Esq. (peter@issolaw.com)</p> <p>John Lanning, Esq. (jlanning@issolaw.com)</p> <p>Gabino Guardado:</p> <p>Byron Mills (modonnell@millsnv.com)</p>

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Mary O'Donnell

Printed: Thu 2/3/2022 11:23 AM

Mary O'Donnell

From: no-reply@efilingmail.tylertech.cloud
Received: Thu 2/3/2022 10:35 AM
To: Mary O'Donnell
Cc:

Subject: Notification of Service for Case: D-20-602873-F, Ana Maria Salas, Tyler Kyle Edenfield, Plaintiff.vs. Gabino Guardado, Defendant. for filing Exhibits - EXHS (FAM), Envelope Number: 9292616



Notification of Service

Case Number: D-20-602873-F
Case Style: Ana Maria Salas, Tyler Kyle Edenfield, Plaintiff.vs. Gabino Guardado, Defendant.
Envelope Number: 9292616

This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

Case Number	D-20-602873-F
Case Style	Ana Maria Salas, Tyler Kyle Edenfield, Plaintiff.vs. Gabino Guardado, Defendant.
Date/Time Submitted	2/3/2022 10:34 AM PST
Filing Type	Exhibits - EXHS (FAM)
Filing Description	Exhibit Appendix to Memorandum of Fees and Costs
Filed By	Jessica Titolo
Service Contacts	<p>Ana Maria Salas:</p> <p>Peter Isso, Esq. (peter@issolaw.com)</p> <p>John Lanning, Esq. (jlanning@issolaw.com)</p> <p>Gabino Guardado:</p> <p>Byron Mills (modonnell@millsnv.com)</p>

Served Document	Download Document
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Mary O'Donnell

Printed: Thu 2/3/2022 11:23 AM

Heather S. Shuman

CLERK OF THE COURT

ORD

BYRON L. MILLS, ESQ.

Nevada Bar #6745

DANIEL W. ANDERSON, ESQ.

Nevada Bar #9955

MILLS & ANDERSON

703 S. 8th Street

Las Vegas NV 89101

(702) 386-0030

attorneys@millsnv.com

Attorney for Defendant

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

ANA M. SALAS AND

TYLER EDENFIELD

Plaintiff,

vs.

GABINO GUARDADO,

Defendant.

CASE NO.: D-20-602873-F

DEPT. NO.: X

HEARING DATE: 1/24/2022

HEARING TIME: 10:00 a.m.

ORDER OF THE COURT

Pursuant to the Administrative Orders for Public Safety, the parties' Motions were heard via the audio application, BlueJeans, on January 24, 2022. The Plaintiff, ANA M. SALAS was not in attendance and counsel was unable to reach her. THEODORE MEDLYN, ESQ. (Bar No. 15824) appeared on behalf of PETER ISSO, ESQ., attorney for ANA SALAS. Plaintiff, TYLER EDENFIELD did not participate in the proceedings. GABINO GUARDADO, was in attendance and represented by BYRON L. MILLS, ESQ. of MILLS & ANDERSON.

THE COURT FINDS that it has subject matter jurisdiction over this case,

1 and personal jurisdiction over the parties.

2 The Court provided a detailed history of the case as follows:

3 ➤ On January 24, 2020, Gabino filed his Petition for Registration
4 of Out of State Child Custody Determination seeking to register the North Carolina
5 Order. In that order, the Carolina Court found that both mom and dad could not be
6 located (VT 10:25:05); therefore, the Court granted the maternal aunt and uncle,
7 Ana and Tyler, exclusive legal care and custody of Yasline (10:29:15). There were
8 allegations in this case that Paola Salas, natural mother, had absconded probation
9 and had substance abuse issues (VT 10:29:28).

10 ➤ On February 6, 2020, in Clark County, an Affidavit of Service
11 of the Registration Petition, Motion, and Notice of Hearing by substitute service on
12 Ethel Adalto, cousin of Tyler Edenfield (VT 10:29:46), as well as a January 31,
13 2020 Certificate of Mail and Certified Mail of those documents (VT 10:29:54).

14 ➤ On July 29, 2020, the Order Regarding Registration of Out of
15 State Child Custody Determination was made in Clark County (VT 10:29:56). The
16 Court went through the Order and Mr. Mills correctly stated that Judge Burton was
17 extraordinarily thorough (VT 10:30:07). The hearings before in Clark County on
18 March 9, 2020 and July 27, 2020 related to the underlying facts and circumstances
19 and service (VT 10:30:23). Judge Burton was very adamant about effectuating
20 service (VT 10:30:28).

21 ➤ On December 21, 2020 the Order was entered from the August
22 6, 2020 hearing. The Order noted that Paola Salas had been served by publication
23 and there were other affidavits of service by publication (VT 10:30:44). Judge
24 Burton made significant findings in that order and did a significant canvas of the
25 facts and circumstances underlying Gabino's Motions and his request for sole legal
26 and sole physical custody (VT 10:30:59). The Order filed on December 21, 2020,
27 granted Gabino sole legal and sole physical custody of Yasline (VT 10:31:09).

28 ➤ On January 4, 2021, the case was administratively reassigned

1 and transferred to this Judge's Court (VT 10:31:11).

2 ➤ On January 26, 2021, after review of the case, Judge Mercer
3 executed an Order for Return of the child (VT 10:31:20).

4 ➤ On July 2, 2021, a Warrant for Return of Child was issued by
5 this Court pursuant to NRS 125D.200 (VT 10:31:29). This was issued because
6 often times law enforcement will not assist based solely on a Pickup Order for
7 Return of Child (VT 10:31:40).

8 ➤ The three Orders on file with this Court are the most current and
9 valid for this case (VT 10:31:53). The Court is bound by Judge Burton's findings
10 in the December 21, 2020 Order where she made an extensive review of the facts
11 and circumstances and service (10:32:04). The three Orders that govern are:

- 12 • December 21, 2020- granting Gabino the sole legal and
13 sole physical custody of Yasline.
- 14 • January 26, 2021 – Order for Return of Child.
- 15 • July 2, 2021- Warrant for Return of Child.

16 VT 10:3206-10:32:19.

17 ➤ In Nevada, there are no findings that either Paola Salas or
18 Gabino Guardado are unfit (VT 10:32:30). The North Carolina Order made
19 findings that were challenged by Gabino in Clark County stating that 1) his location
20 was in fact known, 2) he had been sending money, 3) he took a job in Oklahoma,
21 4) he was in contact with Ana at minimum, to include sending money. (VT 10:32:37
22 – 10:32:51.). The Court is not inclined to set aside any of the orders in this case,
23 particularly the December 21, 2020 order made by Judge Burton (VT 10:33:03)
24 considering her extensive findings and the best interest factors set forth in NRS
25 125C.0035 (VT 10:33:10).

26 ➤ The Court notes that it does not have any findings that either
27 parent is unfit although there have been allegations (VT 10:33:18). Obviously,
28 neither Ms. Salas nor Mr. Edenfield have chosen not to participate in this case. In

1 the case where the Court possibly has fit parents, there is not a basis for Ms. Salas
2 to have custody based on Judge Burton's extensive findings (VT 10:33:38).

3 **WHEREFORE**, based on the pleadings on file in the case and the history of
4 the case as detailed above,

5 **IT IS HEREBY ORDERED** that the Ana Salas' Motion to Set Aside is
6 denied (VT 10:33:48).

7 **IT IS FURTHER ORDERED** that the three Orders of the Court, December
8 21, 2020, January 26, 2021, and July 2, 2021 shall remain the Orders of the Court
9 (VT 10:33:51).

10 **IT IS FURTHER ORDERED** that Ana file a Notice of Change of Address
11 and that she produce the child as ordered by the Court (VT 10:34:05).

12 **IT IS FURTHER ORDERED** that oral request for Child Interview is not
13 granted at this time inasmuch as the Court does not believe it is warranted at this
14 time. If the child returns to Nevada and is in the care of Gabino, then perhaps if
15 counsel stipulate and agree to have the child interviewed, then the Court may
16 consider the request. However, the Court is not inclined as the child is 7 years of
17 age and she is of sufficient age or capacity to form and opinion as to her custody.

18 **IT IS FURTHER ORDERED** that Attorney Mills shall file a Memorandum
19 of Fees and Costs with the Brunzell Affidavit along with billing statements shall be
20 served or before February 7, 2022. Attorney Isso will have until February 14, 2021
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25 ///

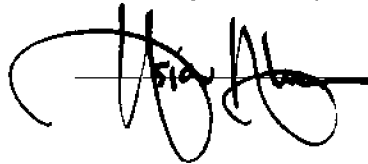
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1 to file an Objection. The Court has a set a decision on the fees for March 2, 2022 at
2 3:00 a.m. VT 10:34:57-10:35:31.

3 **IT IS FURTHER ORDERED** that Mr. Mills shall submit an Order to Mr.
4 Isso for review and signature on or before February 7, 2022.

5
6 Dated this 15th day of February, 2022

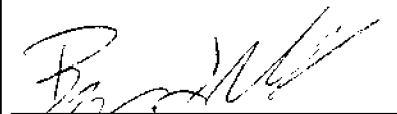
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10 83A CB7 9652 F888
11 Heidi Almase
District Court Judge

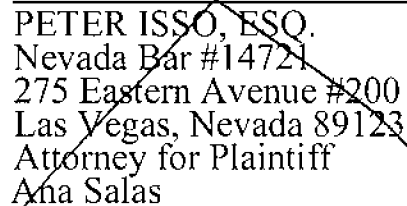
12
13 Submitted by:

14 MILLS & ANDERSON

15 
16

17 BYRON L. MILLS, ESQ.
18 Nevada Bar #6745
19 703 S. 8TH STREET
20 Las Vegas, Nevada 89101
21 Attorney for Defendant

22 Approved as to Form and Content:
23 ISSO & ASSOCIATES, P.A.
24

25 
26 PETER ISSO, ESQ.
27 Nevada Bar #14721
28 275 Eastern Avenue #200
Las Vegas, Nevada 89123
Attorney for Plaintiff
Ana Salas

Sign Here

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: 2/15/2022

15 Byron Mills

modonnell@millsnv.com

16 Peter Isso, Esq.

peter@issolaw.com

17 Gabino Guardado

sugeryr@yahoo.com

18 Ben Murphy

ben@rosenblumlawlv.com

19 Molly Rosenblum, Esq.

molly@rosenblumlawlv.com

20 Genesis Rodriguez

genesis@rosenblumlawlv.com

21 Carolann Allen

carolann@rosenblumlawlv.com

22 Kyle King, Esq.

kyle@rosenblumlawlv.com

23 John Lanning, Esq.

jlanning@issolaw.com

24
25
26 If indicated below, a copy of the above mentioned filings were also served by mail
27 via United States Postal Service, postage prepaid, to the parties listed below at their last
28 known addresses on 2/16/2022

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Kyle King	7375 S. Pecos Rd., Ste 101 Las Vegas, NV, 89120
Tyler Edenfield	1216 Silver Lake DR Las Vegas, NV, 89108



NEO
BYRON L. MILLS, ESQ.
Nevada Bar #6745
MILLS & ANDERSON
703 S. 8th Street
Las Vegas NV 89101
(702) 386-0030
attorneys@millsnv.com
Attorney for Defendant

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

ANA M. SALAS AND
TYLER EDENFIELD

Plaintiff,

VS.

GABINO GUARDADO,

Defendant.

CASE NO.: D-20-602873-F
DEPT. NO.: X

NOTICE OF ENTRY OF ORDER

TO: ALL PARTIES IN INTEREST

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that pursuant to **N.R.C.P. Rule 58**, an **ORDER OF THE COURT** was entered in the above-entitled matter on February 15, 2022, copy of which is attached hereto.

DATED this 16th day of February, 2022.

MILLS & ANDERSON

/S/ BYRON L. MILLS

BYRON L. MILLS, ESQ.
Bar No. 6745
703 South Eighth Street
Las Vegas, Nevada 89101
Attorney for Plaintiff

1 Salas

2 D-20-602873-F

3 **CERTIFICATE OF ELECTRONIC SERVICE**

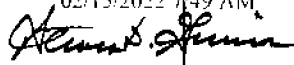
4 The Undersigned, pursuant to NRCP 5(b)(2)(D) and EDCR 8.05, does hereby
5 state and declare that on the 16TH day of February, 2022, I served a true and correct
6 copy of the **NOTICE OF ENTRY OF ORDER with the Order** by delivering via
7 electronic service utilizing the Odyssey E-File and Serve system to the person(s)
8 identified below as follows:

9 Peter Isso, Esq. (peter@issolaw.com)

10 John Lanning, Esq. (jlanning@issolaw.com)

11 ***/S/ MARY O'DONNELL***

12 _____
13 An Employee of Mills & Anderson


CLERK OF THE COURT

1 **ORD**

2 BYRON L. MILLS, ESQ.

3 Nevada Bar #6745

4 DANIEL W. ANDERSON, ESQ.

5 Nevada Bar #9955

6 MILLS & ANDERSON

7 703 S. 8th Street

8 Las Vegas NV 89101

9 (702) 386-0030

10 attorneys@millsnv.com

11 *Attorney for Defendant*

12 **DISTRICT COURT**
13 **FAMILY DIVISION**
14 **CLARK COUNTY, NEVADA**

15 ANA M. SALAS AND)

16 TYLER EDENFIELD)

17 Plaintiff,)

18 vs.)

19 GABINO GUARDADO,)

20 Defendant.)

CASE NO.: D-20-602873-F

DEPT. NO.: X

HEARING DATE: 1/24/2022

HEARING TIME: 10:00 a.m.

21 **ORDER OF THE COURT**

22 Pursuant to the Administrative Orders for Public Safety, the parties' Motions
23 were heard via the audio application, BlueJeans, on January 24, 2022. The Plaintiff,
24 ANA M. SALAS was not in attendance and counsel was unable to reach her.
25 THEODORE MEDLYN, ESQ. (Bar No. 15824) appeared on behalf of PETER
26 ISSO, ESQ., attorney for ANA SALAS. Plaintiff, TYLER EDENFIELD did not
27 participate in the proceedings. GABINO GUARDADO, was in attendance and
28 represented by BYRON L. MILLS, ESQ. of MILLS & ANDERSON.

THE COURT FINDS that it has subject matter jurisdiction over this case,

1 and personal jurisdiction over the parties.

2 The Court provided a detailed history of the case as follows:

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17 extraordinarily thorough (VT 10:30:07). The hearings before in Clark County on
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23 and there were other affidavits of service by publication (VT 10:30:44). Judge
24 Burton made significant findings in that order and did a significant canvas of the
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26 and sole physical custody (VT 10:30:59). The Order filed on December 21, 2020,
27 granted Gabino sole legal and sole physical custody of Yasline (VT 10:31:09).

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5 this Court pursuant to NRS 125D.200 (VT 10:31:29). This was issued because
6 often times law enforcement will not assist based solely on a Pickup Order for
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8 ➤ The three Orders on file with this Court are the most current and
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- 12 • December 21, 2020- granting Gabino the sole legal and
13 sole physical custody of Yasline.
- 14 • January 26, 2021 – Order for Return of Child.
- 15 • July 2, 2021- Warrant for Return of Child.

16 VT 10:3206-10:32:19.

17 ➤ In Nevada, there are no findings that either Paola Salas or
18 Gabino Guardado are unfit (VT 10:32:30). The North Carolina Order made
19 findings that were challenged by Gabino in Clark County stating that 1) his location
20 was in fact known, 2) he had been sending money, 3) he took a job in Oklahoma,
21 4) he was in contact with Ana at minimum, to include sending money. (VT 10:32:37
22 – 10:32:51.). The Court is not inclined to set aside any of the orders in this case,
23 particularly the December 21, 2020 order made by Judge Burton (VT 10:33:03)
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25 125C.0035 (VT 10:33:10).

26 ➤ The Court notes that it does not have any findings that either
27 parent is unfit although there have been allegations (VT 10:33:18). Obviously,
28 neither Ms. Salas nor Mr. Edenfield have chosen not to participate in this case. In

1 the case where the Court possibly has fit parents, there is not a basis for Ms. Salas
2 to have custody based on Judge Burton's extensive findings (VT 10:33:38).

3 **WHEREFORE**, based on the pleadings on file in the case and the history of
4 the case as detailed above,

5 **IT IS HEREBY ORDERED** that the Ana Salas' Motion to Set Aside is
6 denied (VT 10:33:48).

7 **IT IS FURTHER ORDERED** that the three Orders of the Court, December
8 21, 2020, January 26, 2021, and July 2, 2021 shall remain the Orders of the Court
9 (VT 10:33:51).

10 **IT IS FURTHER ORDERED** that Ana file a Notice of Change of Address
11 and that she produce the child as ordered by the Court (VT 10:34:05).

12 **IT IS FURTHER ORDERED** that oral request for Child Interview is not
13 granted at this time inasmuch as the Court does not believe it is warranted at this
14 time. If the child returns to Nevada and is in the care of Gabino, then perhaps if
15 counsel stipulate and agree to have the child interviewed, then the Court may
16 consider the request. However, the Court is not inclined as the child is 7 years of
17 age and she is of sufficient age or capacity to form and opinion as to her custody.

18 **IT IS FURTHER ORDERED** that Attorney Mills shall file a Memorandum
19 of Fees and Costs with the Brunzell Affidavit along with billing statements shall be
20 served or before February 7, 2022. Attorney Isso will have until February 14, 2021
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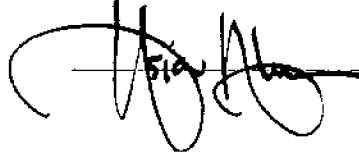
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1 to file an Objection. The Court has a set a decision on the fees for March 2, 2022 at
2 3:00 a.m. VT 10:34:57-10:35:31.

3 **IT IS FURTHER ORDERED** that Mr. Mills shall submit an Order to Mr.
4 Isso for review and signature on or before February 7, 2022.

5
6 Dated this 15th day of February, 2022

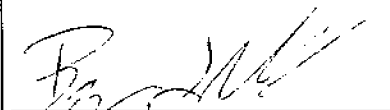
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10 83A CB7 9652 F888
11 Heidi Almase
12 District Court Judge

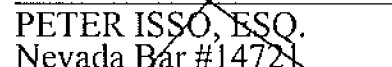
13 Submitted by:

14 MILLS & ANDERSON

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16
17 BYRON L. MILLS, ESQ.
18 Nevada Bar #6745
19 703 S. 8TH STREET
20 Las Vegas, Nevada 89101
21 Attorney for Defendant
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Approved as to Form and Content:

ISSO & ASSOCIATES, P


PETER ISSO, ESQ.
Nevada Bar #14721
275 Eastern Avenue #200
Las Vegas, Nevada 89123
Attorney for Plaintiff
Ana Salas

Sign Here



1 **SUBT**

2 Amanda M. Roberts, Esq.
3 State Bar of Nevada No. 9294
4 **ROBERTS STOFFEL FAMILY LAW GROUP**
5 4411 South Pecos Road
6 Las Vegas, Nevada 89121
7 PH: (702) 474-7007
8 FAX: (702) 474-7477
9 EMAIL: efile@lvfamilylaw.com
10 Attorneys for Plaintiff, Ana Maria Salas

11 **DISTRICT COURT**
12 **FAMILY DIVISION**
13 **CLARK COUNTY, NEVADA**

14 ANA MARIA SALAS AND TYLER
15 KYLE EDENFIELD,

16 Plaintiff,

17 v.

18 GABINO GUARDADO,

19 Defendant.

Case No: D-20-602873-F
Dept No: X

20 **SUBSTITUTION OF ATTORNEY**

21 The Plaintiff, Ana Maria Salas, hereby agrees to the substitution of Amanda
22 M. Roberts, Esq., or Roberts Stoffel Family Law Group, as attorney of record, in

23 \ \ \

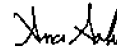
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1 the above referenced matter, thereby terminating the services of Peter Isso, Esq., in
2 accordance with Eighth Judicial District Court Rule § 7.40 (b)(1).

3
4 Dated this _____ day of _____, 2022.

5 

6 _____
Ana Maria Salas

7
8 I, Amanda M. Roberts, Esq., of Roberts Stoffel Family Law Group, do
9 hereby consent to this Substitution of Attorney this 28th day of February
10 2022.

11 **ROBERTS STOFFEL FAMILY**
12 **LAW GROUP**

13
14 By: 

15 Amanda M. Roberts, Esq.
16 State Bar of Nevada No. 9294
17 4411 South Pecos Road
18 Las Vegas, Nevada 89121
19 PH: (702) 474-7007
FAX: (702) 474-7477
EMAIL: efile@lvfamilylaw.com

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1 I, Peter Isso, Esq., do hereby consent to this Substitution of Attorney this

2 28th day of February, 2022.

3
4 **ISSO LAW FIRM**

5
6 By: Peter Isso, Esq.

7 Peter Isso, Esq.
8 State Bar of Nevada No. 14721
9 275 S. Eastern Ave., Unit 200
10 Las Vegas, Nevada 89123
11 PH: (757) 903-5424
12 EMAIL: peter@issolawfirmnv.com
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Roberts Stoffel Family Law Group,
and on the 28 day of February, 2022, I served by and through Wiz-Net
electronic service, pursuant Clark County District Court Administrative Order 14-2
for service of documents identified in Rule 9 of the N.E.F.C.R., the foregoing

SUBSTITUTION OF ATTORNEY to the following:

Byron Mills, Esq.
Email: modonnell@millsnv.com
Attorney for Defendant

By: 
An Employee of Roberts Stoffel Family Law Group

Colleen O'Brien

From: Peter Isso Esq. <peter@issolaw.com>
Sent: Monday, February 28, 2022 8:00 AM
To: Colleen O'Brien
Subject: Re: Ana Salas
Attachments: Substitution of Attorney - Ana Salas.pdf

Please find attached the signed substitution of attorney.

All the best,

On Sat, Feb 26, 2022 at 3:36 PM Colleen O'Brien <colleen@lvfamilylaw.com> wrote:

Good afternoon.

Attached please find the Substitution of Attorney.

Please sign the same and email it back to me.

Thank you,

Colleen O'Brien

Paralegal to Amanda M. Roberts, Esq.

ROBERTS STOFFEL FAMILY LAW GROUP

4411 S. Pecos Road

(Office is located on a small side street, University)

Las Vegas, Nevada 89121

PH: (702) 474-7007

FAX: (702) 474-7477

WEB: lvfamilylaw.com

PLEASE REPLY ALL WHEN RESPONDING TO EMAILS

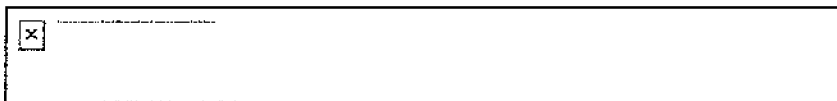
The contents of this electronic mail message are confidential in nature and intended solely for the individual as addressed. Should you receive this electronic mail message in error, please delete this electronic mail message and/or contact Roberts Stoffel Family Law Group immediately at the number listed above.

Due to COVID-19 and Governor Sisolak's mandate for the closure of non-essential businesses, Roberts Stoffel Family Law Group will be engaging in social distancing and taking measure to limit contact with the public. That means that we are prohibited from in-person meetings with members of the public. The firm will remain operational at the present time, but we will be working remotely with limited services in the office. Therefore, all clients meeting and consultations will be made via telephone. We can be reached via telephone at (702) 474-7007.

Our hours will also be modified as follows: Mondays through Thursdays: 8:00 a.m. to 5:00 p.m., and Fridays: 8:00 a.m. to 4:00 p.m.

--
Peter Isso, Esq.
Partner

Isso & Associates Law Firm, PLLC
T (702) 756-1582 | <https://www.issolaw.com/>
8275 S Eastern Ave, Suite 200 | Las Vegas, NV 89123



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1 **OBJ**

2 Amanda M. Roberts, Esq.
3 State Bar of Nevada No. 9294

4 **ROBERTS STOFFEL FAMILY LAW GROUP**

5 4411 South Pecos Road
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10 Attorneys for Plaintiff, Ana Maria Salas

11 **DISTRICT COURT**
12 **FAMILY DIVISION**
13 **CLARK COUNTY, NEVADA**

14 ANA MARIA SALAS AND TYLER
15 KYLE EDENFIELD,

16 Plaintiff,

17 v.

18 GABINO GUARDADO,

19 Defendant.

Case No: D-20-602873-F

Dept No: X

20 **OBJECTION TO DEFENDANT'S MEMORANDUM OF**
21 **FEES AND COSTS FILED FEBRUARY 3, 2022**

22 COMES NOW the Plaintiff, Ana Salas, by and through her attorneys of
23 record, Amanda M. Roberts, Esq., of Roberts Stoffel Family Law Group, and
24 hereby files this Objection to Defendant's Memorandum of Fees and Costs filed
25 February 3, 2022.

26 \ \ \

27 \ \ \

1 Pursuant to *EDCR* § 5.507 (a), a Party is required to file and serve a
2 Financial Disclosure Form. The language of the rule reads that a Party “must be
3 filed in support of any motion or countermotion that includes a request to establish
4 or modify child support, spousal support, fees and allowances, exclusive possession
5 of a residence, or any matter involving money to be paid by a party.” This is
6 mandatory not discretionary. Moreover, pursuant to *EDCR* § 5.507 (d), the
7 Financial Disclosure Form “within 3 days of the filing of the motion,
8 countermotion, or opposition it supports, and may only be filed in open court with
9 leave of the judge upon a showing of excusable delay.”

10 In this matter, Gabino filed an Opposition and Countermotion on December
11 16, 2021. As such, he was required to file a Financial Disclosure Form on or before
12 December 21, 2021 (*as the deadline fell on a weekend*). **Gabino did not meet the
13 deadline to file the Financial Disclosure Form; in fact, Gabino filed no
14 Financial Disclosure Form and made no assertions within his Opposition and
15 Countermotion regarding there being no material change to his financial
16 situation. {EMPHASIS ADDED}**

17 Ana would argue that filing of the Financial Disclosure Form is the method
18 by which the Court gains jurisdiction to award financial relief and is the reason is
19 mandatory not discretionary. She would further argue, the failure to file a Financial
20 Disclosure Form divests the Court with jurisdiction to hear requests for financial
21

1 relief. Based upon the failure to file a Financial Disclosure Form, Ana would argue
2 that Gabino's request for attorney fees and costs cannot be considered by the Court
3 and must be denied. *Wright v. Osburn*, 114 Nev. 1367, 970 P.2d 1071 (1998).
4

5 Based upon the foregoing, Ana requests the Court deny Gabino's request for
6 attorney fees and costs.

7 DATED this 28th day of February, 2022.
8

9 **ROBERTS STOFFEL FAMILY LAW GROUP**


10 By: Amanda M. Roberts
11

12 Amanda M. Roberts, Esq.
13 State of Nevada Bar No. 9294
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Attorney for Defendant

Page 4 of 4



MOTN

Amanda M. Roberts, Esq.
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**DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA**

ANA MARIA SALAS AND TYLER
KYLE EDENFIELD,

Plaintiff,

v.

GABINO GUARDADO,

Defendant.

Case No: D-20-602873-F
Dept No: X

Date of Hearing:
Time of Hearing:

Oral Argument Requested: Yes

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

TO: Defendant, Gabino Guardado, through his Attorney, Byron Mills, Esq.

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

1 COMES NOW the Plaintiff, Ana Salas, by and through her attorney of
2 record, Amanda M. Roberts, Esq., of Roberts Stoffel Family Law Group, and
3
4 hereby moves the Court for the following:

- 5 1. Ana's request for the Court to reconsider the set aside should be
6 granted;
- 7 2. Ana asserts that Nevada lacked subject matter jurisdiction which she
8 requests the Court confirm; and
- 9 3. Any and all related relief the Court deems just and proper.

10 DATED this 1st day of March, 2022.

11 **ROBERTS STOFFEL FAMILY LAW GROUP**

12
13 By: /s/ Amanda M. Roberts, Esq.

14 Amanda M. Roberts, Esq.

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21 Attorneys for Plaintiff, Ana Maria Salas
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Statement of Facts

The minor child at issue in this action is Yasline Guardardo-Salas (“Yasline” or “minor child”), born on February 9, 2014. Yasline is currently eight (8) years old. The Plaintiffs, Ana Salas (“Ana”) and Tyler Edenfield (“Tyler”), are the Maternal Aunt and Uncle of the minor child at issue. The Defendant, Gabino Guardado (“Gabino”), is the alleged Natural Father of the of the minor child at issue in this action. The Natural Mother of the minor child is Paola Leticia Salas (“Paola”).

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On or about March 2, 2017, Ana and Tyler received a custody Order which awarded them sole legal and physical custody of the minor child, Yasline. Pursuant to said Order, Ana and Tyler had been primary caretakers of Yasline since October 13, 2015. That means that Yasline was twenty (20) months old at the time she was placed in the care of Ana and Tyler. The temporary custody agreement was signed when Ana retrieved the child from Paola. Ana recognizes it was Notarized in Oklahoma because that is where Paola, Gabino and the child were located.

At that time, Paola and Gabino were in Oklahoma. Gabino alleged in his Motion that he was living with Paola in North Carolina and then got an opportunity to work in Oklahoma for thirty-six (36) months. Thereafter, Gabino left North

1 Carolina for Oklahoma in 2015. Again, to be clear, that was when Yasline was
2 approximately twenty (20) months old, and he intended to be away from her until
3 she was approximately four and a half (4 ½) years old.
4

5 It is unclear when Gabino left Oklahoma and made Nevada his residence, but
6 he testified it was sometime in 2016. It is unknown why Gabino took no steps to
7 establish a relationship with Yasline after returning from working in Oklahoma.
8 Moreover, when Gabino knew that Paola was deported in 2017, it again is not clear
9 the reason he took no action to locate and establish a relationship with Yasline.
10

11 Ana alleges that Gabino was not regularly in contact with her regarding the
12 minor child. Although he paid minimal support for the child, it stopped in
13 approximately March of 2016. Moreover, Ana alleges that from on or about
14 October 13, 2015 to March of 2016, Gabino's contact with Yasline was sporadic.
15

16 Nevada Procedural History

17 On January 24, 2020, Gabino filed a Petition for Registration of Out of State
18 Child Custody Determination pursuant to *NRS* § 125A.465. **However, Gabino**
19 **failed to comply with *NRS* § 125A.465 (1)(b) because the Out of State Order**
20 **was not certified which is required by statute; moreover, Gabino's Petition for**
21 **Registration of Out of State Child Custody Determination failed to list Ana or**
22 **Tyler as required by *NRS* § 125A.465 (1)(c). {EMPHASIS ADDED}**
23

24 Therefore, Gabino's filing was defective and should have been dismissed by the
25 Court. As the certified Order is required for registration, the failure to comply with
26
27
28

1 the requirements means that the Court did not gain jurisdiction over the Out of State
2 Custody Determination from North Carolina.

3
4 Moreover, a review of the records shows that the Petition for Registration of
5 Out of State Child Custody Determination pursuant to *NRS* § 125A.465 was not
6 properly served upon Ana. To be clear, the Petition for Registration of Out of State
7 Child Custody Determination must be served *NRS* § 125A.465 (4) as follows, “The
8 person seeking registration of a child custody determination pursuant to subsection
9 1 shall serve notice, by registered or certified mail, return receipt requested, upon
10 each parent or person who has been awarded custody or visitation identified
11 pursuant to paragraph (c) of subsection 1.”¹ The Certificate of Service filed in this
12 matter states that Gabino’s Motion, Exhibits and Notice of Hearing were served;
13 however, the Petition for Registration of Out of State Child Custody Determination
14 was not included. The USPS tracking information for that Certified Mailing shows
15 that the article was never mailed and tracking did not occur through the USPS.²
16
17 *NRS* § 125A.465 (4) does not allow for personal service and the Court does not
18 obtain jurisdiction unless every procedural requirement is met including service by
19 Certified Mailing. The language of the statute says “shall” which is mandatory not
20 discretionary.
21
22
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25 ¹ Certified mailing is vastly different than personal service because it requires the person, not
26 someone else, sign the documents. That is why Certified mailing is required, similar to a
guardianship action with proof of returned mail. In this matter, this never happened.

27 ² A copy of the USPS information is attached to the companion filing as **Exhibit “1”** and is
28 hereby fully incorporated herein by reference.

1 On January 27, 2020, Gabino filed a Notice of Petition for Registration of
2 Out of State Custody Determination (“Notice”). This filing was in accordance with
3 *NRS* § 125A.465 (5). Again, the Notice was required to be served pursuant to *NRS*
4 § 125A.465 (4) via Certified Mail, Return Receipt Requested. Service through this
5 method was mandatory not discretionary. Again, the Notice was never properly
6 served and thus, the Court has never gained subject matter jurisdiction in this
7 matter.
8

9
10 On March 9, 2020, there was a hearing before Judge Burton. It appears that
11 Judge Burton failed to recognize the lack of service of the Petition and Notice as
12 required by *NRS* § 125A.465 (4) and (5).
13

14 To be clear, *NRS* § 125A.465 does not allow personal service. The statutory
15 requirements are very specific and require Certified Mail, Return Receipt
16 Requested. Moreover, there was no request by the Court to modify the service
17 method upon Ana or Tyler. The only alternative service that was granted by the
18 Court was upon Paola.
19

20 *Factual History*
21

22 When Yasline was born, Ana and Paola were not in regular contact.
23 However, after learning that Paola had a third child, Ana decided to establish a
24 relationship with the child and reconnect with Paola. As such, over the next year,
25 Ana would have Yasline on the weekends. At the time, Ana worked a traditional
26 schedule as an office administrator and left her free on the weekends. Ana did not
27
28

1 maintain a calendar, but claims she regularly had Yasline in her care on the
2 weekends.

3
4 In November of 2014, Ana lost her employment. At that time, Ana relocated
5 to North Carolina where she met her husband, Tyler, who was stationed in the
6 military. Ana could not visit as frequently with Yasline, and she admittedly lost
7 contact with Paola.
8

9 In September of 2015, Ana was in Las Vegas visiting friends. While in Las
10 Vegas, Ana received a telephone call from Paola who alleged that she was living in
11 Oklahoma City with Gabino and the minor child, staying in a hotel. Paola claimed
12 that the parents were having difficulty caring for Yasline, Ana even talked to
13 Gabino who claimed that Paola was struggling mentally and threatened to hurt
14 Yasline. As such, it was discussed that Ana would travel to Oklahoma City to pick-
15 up Yasline and she would live with Ana and Tyler.
16
17

18 Ana and her friend Monique drove from North Carolina to Oklahoma. Upon
19 arriving, Paola told her that Gabino wanted to be at work when Yasline was picked
20 up so they arranged to meet for breakfast. On October 10, 2015, Paola, Ana and
21 Monique met for breakfast and exchanged Yasline. Paola signed the document
22 which gave Ana temporary custody so she could provide it to the military and be
23 able to properly care for the child.
24
25

26 Initially, Paola and Gabino would call to chat with Yasline. However, as
27 time went along the communication grew more sporadic and decreased.
28

1 Eventually, Ana discussed with both Paola and Gabino the need for formal Orders.
2 It was agreed she would file and neither would contest it. Ana's Counsel indicated
3 that she needed an address and when she asked Paola and Gabino told her they
4 were homeless, still moving from motel to motel. Shortly after the Court
5 proceedings, March 2, 2017, communication ceased from both Gabino and Paola.³
6

7
8 On or about June 23, 2018, Ana and Tyler decided to separate. Ana moved
9 to California with Yasline where her extended family and friends were located, and
10 Tyler remained in North Carolina. Initially, Ana lived with her Aunt for a short
11 time while she sought employment. Unfortunately, Ana's Aunt was living in a
12 restricted community and she could not stay long. Therefore, Ana moved in with a
13 friend in San Bernadino. Ana set up her business with the goal to relocate to Las
14 Vegas.
15

16
17 On or about April 10, 2019, Ana came to Nevada and rented an apartment in
18 Henderson. Ana reconnected with family who had been out of her life for years
19 due to being placed in foster care. Ana received communication from her cousin,
20 Claudia, that she wanted to introduce her child to Yasline. Ana craved family
21 relationship and wanted the kids to know each other so she agreed to a sleepover.
22 Ana noticed that Yasline was different upon being returned, but she could not put
23
24
25

26
27 ³ Ana subsequently learned from her grandmother that Paola had been deported; however, Ana
28 does not know the reason that Gabino stopped communicating with her or Yasline.

1 her finger on the change in the child.⁴ To the best of Ana's knowledge, Claudia did
2 not provide care for Yasline in March of 2019 which means Gabino could not have
3 had contact with Yasline.
4

5 As Ana and Tyler continued to maintain a joint Order, Ana agreed for Tyler
6 to have custodial time with Yasline from July of 2019 through November of 2019.
7 Tyler has never lived in the State of Nevada. Upon being discharged from the
8 military, Tyler relocated to California where he has resided since that time.
9

10 In November of 2019, Yasline returned to Ana's care. Shortly thereafter,
11 Ana moved in with her Aunt Vanessa who had reached out to her from her Father's
12 side of the family. Ana would travel to California for work and Aunt Vanessa
13 would care for Yasline. Aunt Vanessa's daughter went to school and brought lice
14 home from school which caused an infestation. Ana was treating the lice with
15 special shampoo and cleaning linens according to the direction.
16
17

18 When Ana got to California, Aunt Vanessa called and said that she was at the
19 grocery store with Yasline when Gabino randomly showed up with the police who
20 told her to turn over the child to Gabino. Ana immediately returned to Nevada and
21 contacted the police about retrieving the minor child. Ana never had any contact
22 with Child Protective Services ("CPS") while in Nevada and disputes the
23 allegations made by Gabino's attorney that CPS was involved with the minor child.
24
25

26
27 ⁴ Ana now believes that Claudia allowed Gabino to have contact with Yasline without her
28 knowledge or consent in violation of the North Carolina Order.

1 After providing the Order the police assisted Ana in retrieving Yasline who told her
2 that Aunt Vanessa told her to put on her shows and they then went to the store. A
3 man she did not know then approached, Aunt Vanessa said it Yasline's Father. The
4 child said, "she told me he was my Dad, but he wasn't, and she let him take me."
5 Yasline alleged that he forced her to sleep in his bed that night with him. Yasline
6 was not taken for medical treatment by Gabino for the lice.
7

8
9 After this happened, Ana realized she could not trust Aunt Vanessa or her
10 extended family including Claudia. Therefore, Ana and Vanessa went to Florida
11 with Tyler's Mother who provided a safe place to stay. Eventually, Ana found
12 employment and relocated with Yasline to Seattle, Washington. Ana was not
13 residing at 1216 Silver Lake Drive, Las Vegas, Nevada 89108 and Gabino knew
14 full well that she was not present at that address and Tyler had never lived at that
15 address.
16
17

18 On November 19, 2021, there was a knock on the door and a police officer
19 handed Ana the paperwork regarding custody of Yasline. Ana was distraught upon
20 receiving the paperwork because Yasline does not know Gabino and has very little
21 contact with him since she began living with Ana and Tyler. Yasline does not
22 understand the situation with parents and believes Ana to be her "Mom" and Tyler
23 to be her "Dad" because they are the parents who have raised her as long as she can
24 remember.
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II.
LEGAL ARGUMENT

EDCR § 5.513 (a) requires a Motion for Reconsideration being filed within fourteen (14) days of service of the Notice of Entry of Order. In this matter, the Notice of Entry of Order was filed on February 16, 2022. As such, Ana is within her timeframe to file the Motion for Reconsideration.

At the hearing in this matter on January 24, 2022, the Court indicated a mistaken belief that service had been proper upon Ana. The Court further believed that prior Judge Burton had followed Nevada law when issuing the Orders on December 21, 2020 and this Court's subsequent Order on January 26, 2021 and July 2, 2021. That is simply not the case as set forth herein. **The Nevada Court never gained jurisdiction for Orders to be issued in this matter, and those Orders should be set aside pursuant to *NRC*P § 60 (b)(4) because the judgments are void. {EMPHASIS ADDED}**

The manner in which the Court in Nevada gains jurisdiction of an Out of State Custody Order is very specific. If the procedural requirements are not met, any Orders issued are defective and lack enforceability. The defects are set forth herein below as follows:

Relevant Law	Requirement	Compliance
<i>NRS</i> 125.465 (1)(b).	Certified copy of the Order upon initiations of action.	No compliance.

Relevant Law	Requirement	Compliance
<i>NRS</i> 125A.465 (2).	Court required to verify certified copy before filing.	No compliance.
<i>NRS</i> 125A.465 (4).	Must serve a Notice "by registered or certified mail, return receipt requested[.]	No compliance.
<i>NRS</i> 125A.475 (2).	The Nevada Court may recognize and enforce, not modify unless the Court has initial or emergency jurisdiction.	No compliance.
<i>NRS</i> 125A.525 (2).	In order to issue a warrant, the Court must take testimony of the Petitioner or other witness.	No compliance.

The irregularities in these proceedings do not stop at those set forth herein. The Court indicated on January 24, 2022, that Judge Burton took great care to ensure the matter was resolved properly. In preparation for this Motion, Ana's

1 Counsel reviewed the videos and alleges that there are numerous irregularities in
2 the proceedings:

- 3 • On July 27, 2020, Gabino and his Counsel appeared via Blue
4 Jeans. Gabino was questioned by the Court and his Counsel,
5 and the interpreter had to be reminded by the Court to interpret
6 exactly what was being said. (Time Stamp: 11:20:00). It was
7 not until the end of the hearing that the Court recognized the
8 interpreter was not certified. (Time Stamp: 11:29:40).
- 9 • On July 27, 2020, Gabino testified he had not had physical
10 custody with the minor child except for one (1) overnight on or
11 about December 10, 2019. (Time Stamp: 11:18:30).
- 12 • The Court did not sign the Order to register the Out of State
13 Order until July 29, 2020.
- 14 • On August 6, 2020, Gabino provided contradictory testimony
15 claiming now that he physical contact with Yasline in March of
16 2019. (Time Stamp: 10:13:05).
- 17 • Throughout pleadings, Gabino provided contradictory
18 information. He claimed to be working in the oilfield for thirty-
19 six (36) months. On July 27, 2020, he testified he was gone for
20 thirty-six (36) months. (Time Stamp: 11:08:47). However, Ana
21 did not take custody until approximately October of 2015 and
22 thirty-six (36) months would have been October of 2018. Yet
23 on August 6, 2020, he testified he moved to Nevada in 2016.
24 (Time Stamp: 10:48:25).
- 25 • A review of the video shows additional problems with the
26 interpreter. On August 6, 2020, at time stamp 10:33:28 a
27 question is asked about whether family members had concerns
28 about the child before December of 2019. Gabino quietly says
"no" and the interpreter does not say it on the record.
Thereafter, the audio is muted at approximately 10:34:38 and
watching the screen the interpreter can be seen making gestures
to Counsel with her hand across her neck instructing Counsel
not to ask that line of question. The question being asked is the
reason Gabino waited until December of 2019 to take any
action. Again, at time stamp 10:40:44, the interpret says
"Counsel" after getting Gabino's response and can be seen on
the screen making the same gestures her hand across her neck
instructing Counsel not to ask that line of question.

1 According to the Nevada Supreme Court, “adjudicating custody and
2 visitation in the absence of subject matter jurisdiction is void.” *Vaile v. Eighth*
3 *Judicial District Court*, 118 Nev. 262, 44 P.3d 506 (2002). The Supreme Court
4 went on to explain the UCCJEA law regarding child custody determinations to be
5 met for the Court to have subject matter jurisdiction. *Id.* Further, the Supreme
6 Court has indicated that “subject matter jurisdiction cannot be waived and may be
7 raised at any time, or *sua sponte* by a court of review.” *Id.*

10 In this matter, it is undisputed that there is a valid Order from North Carolina
11 that granted Ana and Tyler sole legal and physical custody of Yasline. At the time,
12 Yasline has been exclusively in Ana and Tyler’s care from 2015 to 2017, without
13 attempts by either Paola or Gabino to retrieve the minor child from Ana and Tyler.
14 It is also undisputed that sometime after receipt of the Order from North Carolina,
15 Ana and then Tyler relocated from North Carolina. Thus, neither a parent or person
16 acting as a parent, or the minor child remain in North Carolina. Therefore, North
17 Carolina lost continuing exclusive jurisdiction.

21 The issue in this case is whether the State of Nevada gained subject matter
22 jurisdiction over the issue of child custody. Pursuant to *NRS* § 125A.465, the Order
23 from North Carolina could be registered in the State of Nevada if the Court has
24 jurisdiction pursuant to *NRS* § 125A.305 through 125A.395. *NRS* § 125A.325
25 provides that the State of Nevada cannot modify an Order for a different State
26 unless this Court has jurisdiction pursuant to *NRS* § 125A.305 which provides that

1 Nevada must be the “home state of the child on the date of the commencement of
2 the proceeding or was the home state of the child within 6 months before the
3 commencement of the proceeding . . .” *NRS* § 125A.085 (1) defines home state is
4 defined as the place where the child has lived “for at least 6 consecutive months,
5 including any temporary absence from the state, immediately before the
6 commencement of a child custody proceeding.”
7
8

9 In this matter, Ana asserts that Nevada was not the “home state” of the minor
10 child. Ana did not come to Nevada with the child until April 10, 2019. Contrary to
11 Gabino’s allegations, Ana and Yasline were not in Nevada in 2017. Moreover, Ana
12 came from California where Tyler resided and he continued to exercise his
13 custodial rights under the Order to Yasline with her being in his care from July of
14 2019 to November of 2019. Therefore, the child had not been in the State of
15 Nevada for six (6) months and Nevada lacked subject matter jurisdiction.
16
17

18 Moreover, Ana would assert
19

20 **III.** **CONCLUSION**

21 Therefore, based upon the foregoing, Ana requests this Court issue the
22 following:
23

- 24 1. Ana’s request for the Court to reconsider the set aside should be
25 granted;
- 26 2. Ana asserts that Nevada lacked subject matter jurisdiction which she
27 requests the Court confirm; and
28

3. For any and all relief the Court deems just and proper.

DATED this 1st day of March, 2022.

ROBERTS STOFFEL FAMILY LAW GROUP

By: /s/ Amanda M. Roberts, Esq.

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Attorneys for Plaintiff, Ana Maria Salas

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1. I am the Plaintiff in the above entitled action and am competent to testify to the matters contained herein. Declarant makes this declaration in support of the foregoing Plaintiff's Motion For Reconsideration, Asserting Lack Of Subject Matter And Personal Jurisdiction; Declaration Of Ana Salas. Hereinafter referred to as "Motion."

FURTHER YOUR DECLARANT SAYETH NAUGHT.

/s/ Ana Salas

ANA SALAS

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Byron Mills, Esq.
Email: modonnell@millsnv.com
Attorney for Defendant

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DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

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Steven D. Grierson
CLERK OF THE COURT



Ana Maria Salas

Plaintiff/Petitioner

Gabino Guardado

Defendant/Respondent

Case No. D-20-602873-F

Dept. X

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of \$25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the \$25 or \$0 filing fee in the box below.

<input type="checkbox"/>	\$25	The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.
-OR-		
<input checked="" type="checkbox"/>	\$0	The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:
<input type="checkbox"/>		The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
<input type="checkbox"/>		The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
<input type="checkbox"/>		The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
<input type="checkbox"/>		Other Excluded Motion (must specify) _____.

Step 2. Select the \$0, \$129 or \$57 filing fee in the box below.

<input checked="" type="checkbox"/>	\$0	The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:
<input type="checkbox"/>		<input checked="" type="checkbox"/> The Motion/Opposition is being filed in a case that was not initiated by joint petition.
<input type="checkbox"/>		<input type="checkbox"/> The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.
-OR-		
<input type="checkbox"/>	\$129	The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order.
-OR-		
<input type="checkbox"/>	\$57	The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129.

Step 3. Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:											
<input checked="" type="checkbox"/>	\$0	<input type="checkbox"/>	\$25	<input type="checkbox"/>	\$57	<input type="checkbox"/>	\$82	<input type="checkbox"/>	\$129	<input type="checkbox"/>	\$154

Party filing Motion/Opposition: Plaintiff, Via Amanda M. Roberts, Esq. Date 3/1/2022

Signature of Party or Preparer /s/ Amanda M. Roberts, Esq.



NCOA
Amanda M. Roberts, Esq.
State Bar of Nevada No. 9294
ROBERTS STOFFEL FAMILY LAW GROUP
4411 South Pecos Road
Las Vegas, Nevada 89121
PH: (702) 474-7007
FAX: (702) 474-7477
EMAIL: efile@lvfamilylaw.com
Attorneys for Plaintiff, Ana Maria Salas

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

ANA MARIA SALAS AND TYLER)	Case No: D-20-602873-F
KYLE EDENFIELD,	Dept No: X
Plaintiff,	
v.	
GABINO GUARDADO,	
Defendant.	

NOTICE OF CHANGE OF ADDRESS FOR PLAINTIFF

PLEASE TAKE NOTICE that the Plaintiff, Ana Maria Salas, address has

\\

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\\

\\

1 changed and she now resides at:

2 903 Nineth Ave Unit #51
3 Seattle, Washington 98104

4 DATED this 1st day of March, 2022.

5 **ROBERTS STOFFEL FAMILY LAW GROUP**
6

7
8 By: /s/ Amanda M. Roberts, Esq.

9 Amanda M. Roberts, Esq.

10 State Bar of Nevada No. 9294

11 4411 S. Pecos Road

12 Las Vegas, Nevada 89121

13 PH: (702) 474-7007

14 FAX: (702) 474-7477

15 EMAIL: efile@lvfamilylaw.com

16 Attorneys for Plaintiff, Ana Maria Salas
17
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20
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Heather S. Shuman

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

DATE OF HEARING: 03/02/2022

TIME OF HEARING: CHAMBERS

12 **ORDER DENYING DEFENDANT AWARD FOR ATTORNEY FEES AND COSTS**

13 On January 24, 2022, this matter was scheduled for hearing on Plaintiff Ana (Ana) Marie
14 Salas' November 24, 2021 Motion to Set Aside Order and Recall Warrant. On December 16,
15 2021, Defendant Gabino (Gabino) Guardado filed his Opposition and Countermotion for Award
16 for Attorney Fees and Costs. See Order of the Court (filed February 15, 2022). Following
17 review of the pleadings and papers and after hearing oral argument, Ana's motion was denied
18 and Gabino was granted leave to file a Memorandum of Fees and Costs in support of his request
19 for award for attorney fees and costs. Id. at p.4, ll.18-20 and p.5, ll.1-2.

20
21 This case involves the Registration of an Out of State Child Custody Determination. See
22 Petition for Registration of Out of State Child Custody Determination (filed January 24,
23 2020)(judgment from Craven County, North Carolina). This matter involves one (1) minor
24 child: YASLINE ALEJANDRA GUARDADO-SALAS, born February 9, 2014. The parties in
25 this case are Ana and Tyler (Tyler) Kyle Edenfield, maternal aunt and maternal uncle (by
26 marriage). Gabino is Yasline's natural father. Paolo (Paola) Salas is Yasline's natural mother.
27
28

1 Neither Tyler nor Paolo participated in the instant matter. The governing order in this matter,
2 following substantial proceedings in the prior judicial department, was filed December 21, 2020
3 and granted Gabino SOLE LEGAL and SOLE PHYSICAL CUSTODY of Yasline. See Order
4 from August 6, 2020 Hearing at p.6, ll.25-28 (filed December 21, 2020).

5
6 On February 3, 2022, Gabino filed his Memorandum of Fees and Costs requesting award
7 for \$2,870 in attorney fees plus \$42.75 in specified fees for a total award of \$2,912.75. Also on
8 February 3, 2022, Gabino filed an exhibit which included attorney-client billing invoices in
9 support of the sums alleged. Gabino's counsel additionally set forth the required Brunzell v.
10 Golden Gate Nat'l Bank, 85 Nev. 345, 455 P.2d 31 (1969) analyses.

11
12 On February 28, 2022, Ana filed her Objection asserting Gabino failed to file the EDCR
13 5.507(d) required Financial Disclosure Form (FDF) in support of his request for financial relief.
14 Based on the defect, Ana contends this Court has no jurisdiction to consider a financial award for
15 attorney fees and costs.

16
17 While the Court FINDS Gabino has set forth a statutory and/or rule basis for award for
18 attorney fees and costs, included the required Brunzell factors and prevailed, Ana correctly notes
19 an underlying defect precluding any award.

20 EDCR 5.507 provides, in pertinent part, as follows:

21 "A financial disclosure must be filed within 3 days of the filing of the motion,
22 countermotion, or opposition it supports, and may only be filed in open court with
23 leave of the judge upon a showing of excusable delay."

24 A Financial Disclosure Form is not only required by EDCR 5.507(d) where a party
25 requests financial relief but is necessary for this Court to conduct a review of the parties'
26 respective financial position *prior to* making any award for attorney fees and costs. See Miller v.
27 Wilfong, 121 Nev. 619, 119 P.3d 727 (2005). The Court FINDS Gabino's most recent Financial
28

1 Disclosure Form was filed on September 1, 2020 or, well in excess of the six-month requirement
2 set forth at EDCR 5.507(f)(party not required to file an updated FDF if s/he makes an affirmative
3 assertion a FDF has been filed within previous six months *and* there has been no material change
4 in financial circumstances).

5
6 **ACCORDINGLY, THE COURT FINDS AND ORDERS AS FOLLOWS:**

- 7 1. The Court FINDS Gabino has set forth a statutory and/or rule basis for award for
8 attorney fees and costs to include the required Brunzell analysis.
- 9 2. The Court FINDS Gabino's request for award for attorney fees in the requested sum of
10 \$2,870 plus an additional \$42.75 for specified fees reasonable.
- 11 3. However, because Gabino failed to file a Financial Disclosure Form in support of his
12 request for award for fees and costs pursuant to EDCR 5.507(d), this Court is unable to
13 perform the required Miller v. Wilfong, 121 Nev. 619, 119 P.3d 727 (2005) analysis of
14 the parties' respective financial circumstances.
- 15 4. The Court FINDS, in her November 24, 2021 Motion to Set Aside et al., Ana requested
16 an award for attorney fees and costs and similarly failed to file a Financial Disclosure
17 Form in support of her request for financial relief.
- 18 5. Based on the foregoing, the Court DENIES Gabino's countermotion for award for
19 attorney fees and costs.
- 20
21
22

23 Dated this 2nd day of March, 2022

24
25 
26 **HEIDI ALMASE**
27 District Court Judge

28 168 91C 8FC9 AB4B
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: 3/2/2022

15 Amanda Roberts, Esq.

efile@lvfamilylaw.com

16 Byron Mills

modonnell@millsnv.com

17 Peter Isso, Esq.

peter@issolaw.com

18 Gabino Guardado

sugeryr@yahoo.com

19 Ben Murphy

ben@rosenblumlawlv.com

20 Molly Rosenblum, Esq.

molly@rosenblumlawlv.com

21 Genesis Rodriguez

genesis@rosenblumlawlv.com

22 Carolann Allen

carolann@rosenblumlawlv.com

23 Kyle King, Esq.

kyle@rosenblumlawlv.com

24 John Lanning, Esq.

jlanning@issolaw.com

1 If indicated below, a copy of the above mentioned filings were also served by mail
2 via United States Postal Service, postage prepaid, to the parties listed below at their last
3 known addresses on 3/3/2022

4 Kyle King 7375 S. Pecos Rd., Ste 101
Las Vegas, NV, 89120

5 Tyler Edenfield 1216 Silver Lake DR
6 Las Vegas, NV, 89108



1 **ERR**

2 Amanda M. Roberts, Esq.
3 State Bar of Nevada No. 9294

4 **ROBERTS STOFFEL FAMILY LAW GROUP**

5 4411 South Pecos Road
6 Las Vegas, Nevada 89121

7 PH: (702) 474-7007

8 FAX: (702) 474-7477

9 EMAIL: efile@lvfamilylaw.com

10 Attorneys for Plaintiff, Ana Maria Salas

11 **DISTRICT COURT**
12 **FAMILY DIVISION**
13 **CLARK COUNTY, NEVADA**

14 ANA MARIA SALAS AND TYLER) Case No: D-20-602873-F
15 KYLE EDENFIELD,) Dept No: X

16 Plaintiff,

17 v.

18 GABINO GUARDADO,

19 Defendant.

20 **ERRATA TO PLAINTIFF'S MOTION FOR RECONSIDERATION,**
21 **ASSERTING LACK OF SUBJECT MATTER JURISDICTION AND**
22 **PERSONAL JURISDICTION; DECLARATION OF ANA SALAS**

23 COMES NOW the Plaintiff, Ana Maria Salas, by and through her attorney
24 of record, Amanda M. Roberts, Esq., of Roberts Stoffel Family Law Group and
25 hereby submits this errata to Plaintiff's Motion For Reconsideration, Asserting
26 Lack Of Subject Matter Jurisdiction And Personal Jurisdiction; Declaration Of

27 \\\

28 \\\

1 Ana Salas. Specifically the following errors should be corrected as follows
2 (denoted in bold herein):

- 3
- 4 1. At page 10, line 10 is should state that “Therefore, Ana and **Yasline**
- 5 went to Florida with Tyler’s Mother who provided a safe place to
- 6 stay.”
- 7
- 8 2. At page 15, line 18 the language which says, “Moreover, Ana would
- 9 assert” was erroneously included and should have been removed.

10 DATED this 2nd day of March, 2022.

11 **ROBERTS STOFFEL FAMILY LAW GROUP**

12

13 By: Amanda M. Roberts

14 Amanda M. Roberts, Esq.
15 State Bar of Nevada No. 9294
16 4411 S. Pecos Road
17 Las Vegas, Nevada 89121
18 PH: (702) 474-7007
19 FAX: (702) 474-7477
20 EMAIL: efile@lvfamilylaw.com
21 Attorneys for Plaintiff, Ana Maria Salas
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Roberts Stoffel Family Law Group,
and on the 2 day of March, 2022, I served by and through Wiz-Net electronic
service, pursuant Clark County District Court Administrative Order 14-2 for service
of documents identified in Rule 9 of the N.E.F.C.R., the foregoing **ERRATA TO
PLAINTIFF’S MOTION FOR RECONSIDERATION, ASSERTING LACK
OF SUBJECT MATTER JURISDICTION AND PERSONAL
JURISDICTION; DECLARATION OF ANA SALAS**, to the following:

Byron Mills, Esq.
Email: modonnell@millsnv.com
Attorney for Defendant

By: /s/ Amanda M. Roberts, Esq.
Employee of Roberts Stoffel Family Law Group



1 **NEOJ**

2 Amanda M. Roberts, Esq.
3 State of Nevada Bar No. 9294

4 **ROBERTS STOFFEL FAMILY LAW GROUP**

5 4411 S. Pecos Road
6 Las Vegas, Nevada 89121

7 PH: (702) 474-7007

8 FAX: (702) 474-7477

9 EMAIL: efile@lvfamilylaw.com

10 Attorneys for Plaintiff, Ana Maria Salas

11 **DISTRICT COURT**
12 **FAMILY COURT**
13 **CLARK COUNTY, NEVADA**

14 ANA MARIA SALAS AND TYLER
15 KYLE EDENFIELD,

16 Plaintiff,

17 v.

18 GABINO GUARDADO,

19 Defendant.

Case No: D-20-602873-F

Dept No: X

20 **NOTICE OF ENTRY OF ORDER DENYING DEFENDANT AWARD FOR**
21 **ATTORNEY FEES AND COSTS**

22 \\\

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1 PLEASE TAKE NOTICE that an Order Denying Defendant Award for
2 Attorney Fees and Costs was duly entered on the 2nd day of March 2022, a copy of
3 which is attached hereto and fully incorporated herein.
4

5 DATED this 2nd day of March, 2022.

6 **ROBERTS STOFFEL FAMILY LAW GROUP**


7
8 By: Amanda M. Roberts

9 Amanda M. Roberts, Esq.
10 State Bar of Nevada No. 9294
11 4411 S. Pecos Road
12 Las Vegas, Nevada 89121
13 PH: (702) 474-7007
14 FAX: (702) 474-7477
15 EMAIL: efile@lvfamilylaw.com
16 Attorneys for Plaintiff, Ana Maria Salas
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Byron Mills, Esq.
Email: modonnell@millsnv.com
Attorney for Defendant

By: 
Employee of Roberts Stoffel Family Law Group


CLERK OF THE COURT1 ORDR
2
34 DISTRICT COURT
5 CLARK COUNTY, NEVADA6 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

DATE OF HEARING: 03/02/2022

TIME OF HEARING: CHAMBERS

12 **ORDER DENYING DEFENDANT AWARD FOR ATTORNEY FEES AND COSTS**

13 On January 24, 2022, this matter was scheduled for hearing on Plaintiff Ana (Ana) Marie
 14 Salas' November 24, 2021 Motion to Set Aside Order and Recall Warrant. On December 16,
 15 2021, Defendant Gabino (Gabino) Guardado filed his Opposition and Countermotion for Award
 16 for Attorney Fees and Costs. See Order of the Court (filed February 15, 2022). Following
 17 review of the pleadings and papers and after hearing oral argument, Ana's motion was denied
 18 and Gabino was granted leave to file a Memorandum of Fees and Costs in support of his request
 19 for award for attorney fees and costs. Id. at p.4, ll.18-20 and p.5, ll.1-2.

20 This case involves the Registration of an Out of State Child Custody Determination. See
 21 Petition for Registration of Out of State Child Custody Determination (filed January 24,
 22 2020)(judgment from Craven County, North Carolina). This matter involves one (1) minor
 23 child: YASLINE ALEJANDRA GUARDADO-SALAS, born February 9, 2014. The parties in
 24 this case are Ana and Tyler (Tyler) Kyle Edenfield, maternal aunt and maternal uncle (by
 25 marriage). Gabino is Yasline's natural father. Paolo (Paola) Salas is Yasline's natural mother.

1 Neither Tyler nor Paolo participated in the instant matter. The governing order in this matter,
2 following substantial proceedings in the prior judicial department, was filed December 21, 2020
3 and granted Gabino SOLE LEGAL and SOLE PHYSICAL CUSTODY of Yasline. See Order
4 from August 6, 2020 Hearing at p.6, ll.25-28 (filed December 21, 2020).
5

6 On February 3, 2022, Gabino filed his Memorandum of Fees and Costs requesting award
7 for \$2,870 in attorney fees plus \$42.75 in specified fees for a total award of \$2,912.75. Also on
8 February 3, 2022, Gabino filed an exhibit which included attorney-client billing invoices in
9 support of the sums alleged. Gabino's counsel additionally set forth the required Brunzell v.
10 Golden Gate Nat'l Bank, 85 Nev. 345, 455 P.2d 31 (1969) analyses.
11

12 On February 28, 2022, Ana filed her Objection asserting Gabino failed to file the EDCR
13 5.507(d) required Financial Disclosure Form (FDF) in support of his request for financial relief.
14 Based on the defect, Ana contends this Court has no jurisdiction to consider a financial award for
15 attorney fees and costs.
16

17 While the Court FINDS Gabino has set forth a statutory and/or rule basis for award for
18 attorney fees and costs, included the required Brunzell factors and prevailed, Ana correctly notes
19 an underlying defect precluding any award.
20

21 EDCR 5.507 provides, in pertinent part, as follows:

22 "A financial disclosure must be filed within 3 days of the filing of the motion,
23 countermotion, or opposition it supports, and may only be filed in open court with
24 leave of the judge upon a showing of excusable delay."


25 A Financial Disclosure Form is not only required by EDCR 5.507(d) where a party
26 requests financial relief but is necessary for this Court to conduct a review of the parties'
27 respective financial position *prior to* making any award for attorney fees and costs. See Miller v.
28 Wilfong, 121 Nev. 619, 119 P.3d 727 (2005). The Court FINDS Gabino's most recent Financial

1 Disclosure Form was filed on September 1, 2020 or, well in excess of the six-month requirement
2 set forth at EDCR 5.507(f)(party not required to file an updated FDF if s/he makes an affirmative
3 assertion a FDF has been filed within previous six months *and* there has been no material change
4 in financial circumstances).

6 **ACCORDINGLY, THE COURT FINDS AND ORDERS AS FOLLOWS:**

- 7 1. The Court FINDS Gabino has set forth a statutory and/or rule basis for award for
8 attorney fees and costs to include the required Brunzell analysis.
- 9 2. The Court FINDS Gabino's request for award for attorney fees in the requested sum of
10 \$2,870 plus an additional \$42.75 for specified fees reasonable.
- 11 3. However, because Gabino failed to file a Financial Disclosure Form in support of his
12 request for award for fees and costs pursuant to EDCR 5.507(d), this Court is unable to
13 perform the required Miller v. Wilfong, 121 Nev. 619, 119 P.3d 727 (2005) analysis of
14 the parties' respective financial circumstances.
- 15 4. The Court FINDS, in her November 24, 2021 Motion to Set Aside et al., Ana requested
16 an award for attorney fees and costs and similarly failed to file a Financial Disclosure
17 Form in support of her request for financial relief.
- 18 5. Based on the foregoing, the Court DENIES Gabino's countermotion for award for
19 attorney fees and costs.

23 Dated this 2nd day of March, 2022

24
25 
26 HEIDI ALMASE
27 District Court Judge

28 168 91C 8FC9 AB4B
Heidi Almase
District Court Judge

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

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

CASE NO: D-20-602873-F

DEPT. NO. Department X

8 vs.

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
14 recipients registered for e-Service on the above entitled case as listed below:

15 Service Date: 3/2/2022

16 Amanda Roberts, Esq.

efile@lvfamilylaw.com

17 Byron Mills

modonnell@millsnv.com

18 Peter Isso, Esq.

peter@issolaw.com

19 Gabino Guardado

sugeryr@yahoo.com

20 Ben Murphy

ben@rosenblumlawlv.com

21 Molly Rosenblum, Esq.

molly@rosenblumlawlv.com

22 Genesis Rodriguez

genesis@rosenblumlawlv.com

23 Carolann Allen

carolann@rosenblumlawlv.com

24 Kyle King, Esq.

kyle@rosenblumlawlv.com

25 John Lanning, Esq.

jlanning@issolaw.com

1 If indicated below, a copy of the above mentioned filings were also served by mail
2 via United States Postal Service, postage prepaid, to the parties listed below at their last
3 known addresses on 3/3/2022

4 Kyle King 7375 S. Pecos Rd., Ste 101
Las Vegas, NV, 89120

5 Tyler Edenfield 1216 Silver Lake DR
6 Las Vegas, NV, 89108

DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
3/4/2022 3:15 PM
Steven D. Grierson
CLERK OF THE COURT



Ana Maria Salas, Tyler Kyle Edenfield,
Plaintiff.

vs.

Gabino Guardado, Defendant.

Case No.: D-20-602873-F

Department X

NOTICE OF HEARING

Please be advised that the Plaintiff's Motion For Reconsideration, Asserting Lack Of Subject Matter And Personal Jurisdiction; Declaration Of Ana Salas in the above-entitled matter is set for hearing as follows:

Date: April 11, 2022

Time: 10:00 AM

Location: RJC Courtroom 03B
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Joshua Raak
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Joshua Raak
Deputy Clerk of the Court

**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 HEARING

Please be advised that the Plaintiff's Motion For Reconsideration, Asserting Lack Of Subject Matter And Personal Jurisdiction; Declaration Of Ana Salas in the above-entitled matter is set for hearing as follows:

Date: April 11, 2022
Time: 10:00 AM
Location: RJC Courtroom 03B
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Joshua Raak
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Joshua Raak
Deputy Clerk of the Court



1 **EPAP**
2 Amanda M. Roberts, Esq.
3 State Bar of Nevada No. 9294
4 **ROBERTS STOFFEL FAMILY LAW GROUP**
5 4411 South Pecos Road
6 Las Vegas, Nevada 89121
7 PH: (702) 474-7007
8 FAX: (702) 474-7477
9 EMAIL: efile@lvfamilylaw.com
10 Attorneys for Plaintiff, Ana Maria Salas

11 **DISTRICT COURT**
12 **FAMILY DIVISION**
13 **CLARK COUNTY, NEVADA**

11 ANA MARIA SALAS AND TYLER)	Case No: D-20-602873-F
12 KYLE EDENFIELD,)	Dept No: X
13)	
14 Plaintiff,)	
15 v.)	
16)	
17 GABINO GUARDADO,)	
18)	
19 Defendant.)	

20 **EX PARTE APPLICATION**
21 **FOR AN ORDER SHORTENING TIME**

22 COMES NOW the Plaintiff, Ana Salas, by and through her attorney of
23 record, Amanda M. Roberts, Esq., of Roberts Stoffel Family Law Group, and
24 hereby moves this Court for an Order Shortening Time on the Plaintiff's Motion
25 For Reconsideration, Asserting Lack Of Subject Matter And Personal Jurisdiction;
26 Declaration Of Ana Salas.

27 \\\

1 This Application is based upon the Affidavit of Amanda M. Roberts, Esq.
2 Moreover, this Application is made and based upon all the papers, pleadings and
3 records on file herein, as well as the Points and Authorities attached hereto.
4

5 DATED this 8th day of March, 2022.

6 **ROBERTS STOFFEL FAMILY LAW GROUP**

7
8 By: Amanda M. Roberts

9 Amanda M. Roberts, Esq.
10 State Bar of Nevada No. 9294
11 4411 South Pecos Road
12 Las Vegas, Nevada 89106
13 PH: (702) 474-7007
14 FAX: (702) 474-7477
15 EMAIL: efile@lvfamilylaw.com
16 Attorneys for Plaintiff, Ana Salas

17 **POINTS AND AUTHORITIES**

18 **I.**

19 **Points and Authority**

20 *EDCR* § 5.513 states, the request for an Order Shortening Time may be
21 sought through *ex parte* means. The request must be accompanied by an Affidavit
22 explaining the need for the request for an Order Shortening Time. The request for
23 an Order Shortening Time can only be granted after the Motion has been served
24 absent exigent circumstances (the Motion was served in this matter pursuant to the
25 “Certificate of Service” attached to the Motion). Ana’s Motion has been served.
26
27
28

1 The minor child at issue in this action is Yasline Guardardo-Salas (“Yasline”
2 or “minor child”), born on February 9, 2014. Yasline is currently eight (8) years
3 old. The Plaintiffs, Ana Salas (“Ana”) and Tyler Edenfield (“Tyler”), are the
4 Maternal Aunt and Uncle of the minor child at issue. The Defendant, Gabino
5 Guardado (“Gabino”), is the alleged Natural Father of the of the minor child at
6 issue in this action. The Natural Mother of the minor child is Paola Leticia Salas
7 (“Paola”).
8

10 In September of 2015, Ana was in Las Vegas visiting friends. While in Las
11 Vegas, Ana received a telephone call from Paola who alleged that she was living in
12 Oklahoma City with Gabino and the minor child, staying in a hotel. Paola claimed
13 that the parents were having difficulty caring for Yasline, Ana even talked to
14 Gabino who claimed that Paola was struggling mentally and threatened to hurt
15 Yasline. As such, it was discussed that Ana would travel to Oklahoma City to pick-
16 up Yasline and she would live with Ana and Tyler.
17

19 Ana and her friend Monique drove from North Carolina to Oklahoma. Upon
20 arriving, Paola told her that Gabino wanted to be at work when Yasline was picked
21 up so they arranged to meet for breakfast. On October 10, 2015, Paola, Ana and
22 Monique met for breakfast and exchanged Yasline. Paola signed the document
23 which gave Ana temporary custody so she could provide it to the military and be
24 able to properly care for the child.
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1 Initially, Paola and Gabino would call to chat with Yasline. However, as
2 time went along the communication grew more sporadic and decreased.
3 Eventually, Ana discussed with both Paola and Gabino the need for formal Orders.
4 It was agreed she would file and neither would contest it. Ana's Counsel indicated
5 that she needed an address and when she asked, Paola and Gabino told her they
6 were homeless, still moving from motel to motel. Shortly after the Court
7 proceedings, March 2, 2017, communication ceased from both Gabino and Paola.
8

9
10 On or about March 2, 2017, Ana and Tyler received a custody Order which
11 awarded them sole legal and physical custody of the minor child, Yasline. Pursuant
12 to said Order, Ana and Tyler had been primary caretakers of Yasline since October
13 13, 2015. That means that Yasline was twenty (20) months old at the time she was
14 placed in the care of Ana and Tyler. The temporary custody agreement was signed
15 when Ana retrieved the child from Paola. Ana recognizes it was Notarized in
16 Oklahoma because that is where Paola, Gabino and the child were located.
17

18
19 On January 24, 2020, Gabino filed a Petition for Registration of Out of State
20 Child Custody Determination pursuant to *NRS* § 125A.465.
21

22 On January 27, 2020, Gabino filed a Notice of Petition for Registration of
23 Out of State Custody Determination ("Notice"), and a Motion to Modify Custody,
24 et. al. ("Motion").
25

26 \\\

1 In December of 2019, Ana moved in with her Aunt Vanessa who had reached
2 out to her from her Father's side of the family. Ana would travel to California for
3 work and Aunt Vanessa would care for Yasline. Ana believed that Aunt Vanessa
4 was a trusted family member who was a proper adult to care for the minor child.
5

6 While Ana was out of town, Aunt Vanessa called and said that she was at the
7 grocery store with Yasline when Gabino randomly showed up with the police who
8 told her to turn over the child to Gabino. Ana immediately returned to Nevada and
9 contacted the police about retrieving the minor child. Ana never had any contact
10 with Child Protective Services ("CPS") while in Nevada and disputes the
11 allegations made by Gabino's attorney that CPS was involved with the minor child.
12 After providing the Order the police assisted Ana in retrieving Yasline who told her
13 that Aunt Vanessa told her to put on her shoes and they then went to the store. A
14 man she did not know then approached, Aunt Vanessa said it Yasline's Father. The
15 child said, "she told me he was my Dad, but he wasn't, and she let him take me."
16 Yasline alleged that he forced her to sleep in his bed that night with him. Yasline
17 was not taken for medical treatment by Gabino for the lice.
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22 After this happened, Ana realized she could not trust Aunt Vanessa or her
23 extended family. Therefore, Ana and the minor child went to Florida with Tyler's
24 Mother who provided a safe place to stay. Eventually, Ana found employment and
25 relocated with Yasline to Seattle, Washington. Ana was not residing at 1216 Silver
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1 Lake Drive, Las Vegas, Nevada 89108 and Gabino knew full well that she was not
2 present at that address and Tyler had never lived at that address.

3
4 On November 19, 2021, there was a knock on the door and a police officer
5 handed Ana the paperwork regarding custody of Yasline. Ana was distraught upon
6 receiving the paperwork because Yasline does not know Gabino and has very little
7 contact with him since she began living with Ana and Tyler. Yasline does not
8 understand the situation with parents and believes Ana to be her “Mom” and Tyler
9 to be her “Dad” because they are the parents who have raised her as long as she can
10 remember.
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12
13 The hearing is set in this matter on April 11, 2022. On March 7, 2022,
14 Defendant’s Counsel provided notice that he intends to travel to Washington and
15 retrieve the minor child despite the pending Motion and arguments regarding the
16 validity of the Nevada Orders. **As set forth herein, since 2015, the minor child**
17 **has spent little more than twenty-four (24) hours with Defendant and does not**
18 **know it. It would be emotionally detrimental for the Court’s Orders to be**
19 **acted upon without further involvement of this Court. {EMPHASIS ADDED}**
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21 Therefore, good cause exists for this matter to be set on an Order Shortening Time.
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II.
Conclusion

Based on the aforementioned reasons, it is respectfully requested that this request for an Order Shortening Time be granted.

DATED this 8th day of March, 2022.

ROBERTS STOFFEL FAMILY LAW GROUP

By: Amanda M. Roberts

Amanda M. Roberts, Esq.
State Bar of Nevada No. 9294
4411 South Pecos Road
Las Vegas, Nevada 89121
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FAX: (702) 474-7477
EMAIL: efile@lvfamilylaw.com
Attorneys for Plaintiff, Ana Maria Salas

1 **AFFIDAVIT OF AMANDA M. ROBERTS, ESQ.**

2 STATE OF NEVADA)
3 ss
4 County of Clark)

5 1. I, Amanda M. Roberts, Esq., am the attorney in the above referenced
6 matter and I can attest to the below reference facts as being true and correct to the
7 best my knowledge as represented by my client.
8

9 2. The minor child at issue in this action is Yasline Guardardo-Salas
10 ("Yasline" or "minor child"), born on February 9, 2014. Yasline is currently eight
11 (8) years old. The Plaintiffs, Ana Salas ("Ana") and Tyler Edenfield ("Tyler"), are
12 the Maternal Aunt and Uncle of the minor child at issue. The Defendant, Gabino
13 Guardado ("Gabino"), is the alleged Natural Father of the of the minor child at
14 issue in this action. The Natural Mother of the minor child is Paola Leticia Salas
15 ("Paola").
16
17

18 3. In September of 2015, Ana was in Las Vegas visiting friends. While
19 in Las Vegas, Ana received a telephone call from Paola who alleged that she was
20 living in Oklahoma City with Gabino and the minor child, staying in a hotel. Paola
21 claimed that the parents were having difficulty caring for Yasline, Ana even talked
22 to Gabino who claimed that Paola was struggling mentally and threatened to hurt
23 Yasline. As such, it was discussed that Ana would travel to Oklahoma City to pick-
24 up Yasline and she would live with Ana and Tyler.
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1 4. Ana and her friend Monique drove from North Carolina to Oklahoma.
2 Upon arriving, Paola told her that Gabino wanted to be at work when Yasline was
3 picked up so they arranged to meet for breakfast. On October 10, 2015, Paola, Ana
4 and Monique met for breakfast and exchanged Yasline. Paola signed the document
5 which gave Ana temporary custody so she could provide it to the military and be
6 able to properly care for the child.
7

8
9 5. Initially, Paola and Gabino would call to chat with Yasline. However,
10 as time went along the communication grew more sporadic and decreased.
11 Eventually, Ana discussed with both Paola and Gabino the need for formal Orders.
12 It was agreed she would file and neither would contest it. Ana's Counsel indicated
13 that she needed an address and when she asked, Paola and Gabino told her they
14 were homeless, still moving from motel to motel. Shortly after the Court
15 proceedings, March 2, 2017, communication ceased from both Gabino and Paola.
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18 6. On or about March 2, 2017, Ana and Tyler received a custody Order
19 which awarded them sole legal and physical custody of the minor child, Yasline.
20 Pursuant to said Order, Ana and Tyler had been primary caretakers of Yasline since
21 October 13, 2015. That means that Yasline was twenty (20) months old at the time
22 she was placed in the care of Ana and Tyler. The temporary custody agreement
23 was signed when Ana retrieved the child from Paola. Ana recognizes it was
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1 Notarized in Oklahoma because that is where Paola, Gabino and the child were
2 located.

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4 7. On January 24, 2020, Gabino filed a Petition for Registration of Out of
5 State Child Custody Determination pursuant to *NRS* § 125A.465.

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7 8. On January 27, 2020, Gabino filed a Notice of Petition for Registration
8 of Out of State Custody Determination (“Notice”), and a Motion to Modify
9 Custody, et. al. (“Motion”).

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12 reached out to her from her Father’s side of the family. Ana would travel to
13 California for work and Aunt Vanessa would care for Yasline. Ana believed that
14 Aunt Vanessa was a trusted family member who was a proper adult to care for the
15 minor child.

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17 10. While Ana was out of town, Aunt Vanessa called and said that she was
18 at the grocery store with Yasline when Gabino randomly showed up with the police
19 who told her to turn over the child to Gabino. Ana immediately returned to Nevada
20 and contacted the police about retrieving the minor child. Ana never had any
21 contact with Child Protective Services (“CPS”) while in Nevada and disputes the
22 allegations made by Gabino’s attorney that CPS was involved with the minor child.
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4 was not taken for medical treatment by Gabino for the lice.
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6 11. After this happened, Ana realized she could not trust Aunt Vanessa or
7 her extended family. Therefore, Ana and the minor child went to Florida with
8 Tyler's Mother who provided a safe place to stay. Eventually, Ana found
9 employment and relocated with Yasline to Seattle, Washington. Ana was not
10 residing at 1216 Silver Lake Drive, Las Vegas, Nevada 89108 and Gabino knew
11 full well that she was not present at that address and Tyler had never lived at that
12 address.
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15 12. On November 19, 2021, there was a knock on the door and a police
16 officer handed Ana the paperwork regarding custody of Yasline. Ana was
17 distraught upon receiving the paperwork because Yasline does not know Gabino
18 and has very little contact with him since she began living with Ana and Tyler.
19 Yasline does not understand the situation with parents and believes Ana to be her
20 "Mom" and Tyler to be her "Dad" because they are the parents who have raised her
21 as long as she can remember.
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24 13. The hearing is set in this matter on April 11, 2022. On March 7, 2022,
25 Defendant's Counsel provided notice that he intends to travel to Washington and
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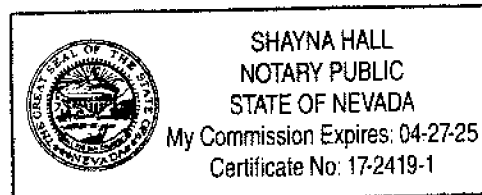
1 retrieve the minor child despite the pending Motion and arguments regarding the
2 validity of the Nevada Orders. As set forth herein, since 2015, the minor child has
3 spent little more than twenty-four (24) hours with Defendant and does not know it.
4
5 It would be emotionally detrimental for the Court's Orders to be acted upon without
6 further involvement of this Court. Therefore, good cause exists for this matter to be
7 set on an Order Shortening Time.
8

9 **FURTHER AFFIANT SAYETH NAUGHT.**

10
11 
12 Amanda M. Roberts, Esq.

13 Subscribed and Sworn to before me this
14 8th day of March, 2022.

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17 Notary Public in and for said County
18 And State
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Byron Mills, Esq.
Email: modonnell@millsnv.com
Attorney for Defendant

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1 **EPAP**

2 Amanda M. Roberts, Esq.

3 State Bar of Nevada No. 9294

4 **ROBERTS STOFFEL FAMILY LAW GROUP**

5 4411 South Pecos Road

6 Las Vegas, Nevada 89121

7 PH: (702) 474-7007

8 FAX: (702) 474-7477

9 EMAIL: efile@lvfamilylaw.com

10 Attorneys for Plaintiff, Ana Maria Salas

11 **DISTRICT COURT**
12 **FAMILY DIVISION**
13 **CLARK COUNTY, NEVADA**

14 ANA MARIA SALAS AND TYLER
15 KYLE EDENFIELD,

16 Plaintiff,

17 v.

18 GABINO GUARDADO,

19 Defendant.

Case No: D-20-602873-F

Dept No: X

20 **EX PARTE APPLICATION FOR AN ORDER FOR A TEMPORARY**
21 **RESTRAINING ORDER PURSUANT TO *EDCR* § 5.520**

22 COMES NOW the Plaintiff, Ana Salas, by and through her attorney of
23 record, Amanda M. Roberts, Esq., and hereby moves this Court for an Ex Parte
24 Order for a Temporary Restraining Order Pursuant to *EDCR* § 5.520.

25 \\\

1 This Application for an Ex Parte Order for a Temporary Restraining Order
2 Pursuant to *EDCR* § 5.520 is based upon the Affidavit of Amanda M. Roberts, Esq.
3 Moreover, this Application is made and based upon all the papers, pleadings and
4 records on file herein, as well as the Points and Authorities attached hereto.
5

6 DATED this 9th day of March, 2022.

7 **ROBERTS STOFFEL FAMILY LAW GROUP**

8
9 By: Amanda M. Roberts

10 Amanda M. Roberts, Esq.
11 State of Nevada Bar No. 9294
12 4411 S. Pecos Road
13 Las Vegas, Nevada 89121
14 PH: (702) 474-7007
15 FAX: (702) 474-7477
16 EMAIL: efile@lvfamilylaw.com
17 Attorneys for Plaintiff, Ana Salas
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POINTS AND AUTHORITIES

I.

Statement of Facts

The minor child at issue in this action is Yasline Guardardo-Salas ("Yasline" or "minor child"), born on February 9, 2014. Yasline is currently eight (8) years old. The Plaintiffs, Ana Salas ("Ana") and Tyler Edenfield ("Tyler"), are the Maternal Aunt and Uncle of the minor child at issue. The Defendant, Gabino Guardado ("Gabino"), is the alleged Natural Father of the of the minor child at issue in this action. The Natural Mother of the minor child is Paola Leticia Salas ("Paola").

On or about October 15, 2015, Paola and Gabino indicated an inability to care for Yasline. As such, they asked Ana and Tyler to take physical custody of the minor child, and they agreed. At the time, Yasline was approximately twenty (20) months old.

Currently, Yasline is currently eight (8) years old. Yasline has only known Ana and Tyler to be her Mom and Dad. That means for nearly six and half (6 ½) years, she has been raised by Ana and Tyler. Initially, Paola and Gabino had regular contact with Yasline, but over time is waned to the point that neither of them were having regular contact.

Therefore, on or about March 2, 2017, Ana and Tyler received a custody Order which awarded them sole legal and physical custody of the minor child,

1 Yasline. This was one and a half (1 ½) years after Yasline came to live with Ana
2 and Tayler.

3
4 On or about April 10, 2019, Ana relocated from California to Nevada.
5 Yasline relocated with Ana; however, Yasline continued to have contacts in
6 California because that is where Tyler was residing after his was discharged from
7 the military.

8
9 As Ana and Tyler continued to maintain a joint Order, Ana agreed for Tyler
10 to have custodial time with Yasline from July of 2019 through November of 2019.
11 Tyler has never lived in the State of Nevada.

12
13 In November of 2019, Yasline returned to Ana's care. Shortly thereafter,
14 Ana moved in with her Aunt Vanessa. Ana would travel to California for work and
15 Aunt Vanessa would care for Yasline. During a trip to California in December of
16 2019, Aunt Vanessa called Ana and said that she was at the grocery store with
17 Yasline when Gabino randomly showed up with the police who told her to turn
18 over the child to Gabino. Ana immediately returned to Nevada and contacted the
19 police about retrieving the minor child. Ana never had any contact with Child
20 Protective Services ("CPS") while in Nevada and disputes the allegations made by
21 Gabino's attorney that CPS was involved with the minor child. After providing the
22 North Carolina Order, the police assisted Ana in retrieving Yasline from Gabino.
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1 Upon picking up Yasline, she discovered that Aunt Vanessa's story was not
2 consistent with what actually transpired. In fact, Aunt Vanessa told Yasline to put
3 on her shoes and they then went to the store. A man she did not know then
4 approached, Aunt Vanessa said it Yasline's Father. The child said, "she told me he
5 was my Dad, but he wasn't, and she let him take me." Yasline alleged that he
6 forced her to sleep in his bed that night with him.
7

8
9 After this happened, Ana realized she could not trust Aunt Vanessa or her
10 extended family. Therefore, Ana and Yasline went to Florida with Tyler's Mother
11 who provided a safe place to stay. Eventually, Ana found employment and
12 relocated with Yasline to Seattle, Washington. Ana was not residing at 1216 Silver
13 Lake Drive, Las Vegas, Nevada 89108 and Gabino knew full well that she was not
14 present at that address and Tyler had never lived at that address.
15

16
17 Unbeknownst to Ana, on January 24, 2020, Gabino filed a Petition for
18 Registration of Out of State Child Custody Determination pursuant to *NRS* §
19 125A.465. On January 27, 2020, Gabino filed a Notice of Petition for Registration
20 of Out of State Custody Determination ("Notice") and a Motion for a modification
21 of legal and physical custody. Ana had no knowledge that Gabino was taking this
22 action. Gabino had not shown an interest in being a part of Yasline's life for more
23 than five (5) years and Ana was shocked by his actions.
24

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1 On December 21, 2020, the Court proceeded with a hearing on the Motion
2 granting a modification of legal and physical custody. Ana claims she was not
3 given proper service and the Court lacked subject matter jurisdiction. Had she
4 known of the proceedings, Ana would have participated in this matter.
5

6 On November 19, 2021, there was a knock on the door and a police officer
7 handed Ana the paperwork regarding custody of Yasline. Ana was distraught upon
8 receiving the paperwork because Yasline does not know Gabino and has very little
9 contact with him since she began living with Ana and Tyler. Yasline does not
10 understand the situation with parents and believes Ana to be her "Mom" and Tyler
11 to be her "Dad" because they are the parents who have raised her as long as she can
12 remember.
13

14
15 *NRS* § 125C.0035 (4)(g) requires this Court to consider, among other things,
16 the physical, developmental and emotional needs of Yasline. Right now, a hearing
17 is scheduled on Ana's Motion on April 11, 2022. On March 7, 2022, Gabino's
18 attorney indicated that he intends to travel to Washington to retrieve the minor child
19 on Saturday, March 12, 2022. Gabino is attempting to effectuate the Court's Order
20 despite the fact this child does not know him and has had only twenty-four (24)
21 hours of contact with him in the last nearly six and half (6 ½) years.
22

23 Ana is extremely concerned about the physical, developmental and emotional
24 needs of Yasline. There is concern that there is possible psychological damage
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1 which may occur and the minor child is at a high risk of trauma, if she removed
2 from her primary caregiver. The removal of the child from a primary caregiver
3 impacts the child's sense of worth throughout the child's lifetime, it makes the child
4 feel as if the behavior is their fault. Given the lack of involvement by Gabino,
5 without services, Yasline is likely going to be developmentally and emotionally
6 harmed without proper intervention like reunification.¹

7
8
9 Ana has sought an Order Shortening Time which was denied. Therefore,
10 Ana has no other choice than to seek a Temporary Restraining Order in this matter.
11 Good cause exists for the Court to grant the relief set forth herein.
12

13 **II.**
14 **Legal Analysis**

15 *EDCR* § 5.520 (a)(2) provides that the Court may grant a Temporary
16 Restraining Order via *ex parte* means. *EDCR* § 5.520 (a)(4) states, "Every
17 temporary restraining order and preliminary injunction shall state with specificity
18 the reasons for its issuance and the act or acts sought to be restrained, without
19 reference to other documents." In this matter, Ana is seeking an Order that
20 restrains Gabino's ability to pick-up the minor child until this Court hears
21 arguments regarding subject matter jurisdiction. When and if the Court determines
22 that subject matter jurisdiction is proper, Ana is asking this Court to take proper
23 steps to take evidence and testimony regarding a modification of the Orders from
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25

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27 ¹ A correspondence authored by Donna Wilburn, MS, MFT, is attached hereto as **Exhibit "1"** and
is hereby fully incorporated herein by reference.

1 North Carolina. Moreover, Ana wants to ensure any transition to Gabino is done in
2 a manner to best address the issues with the child's physical, developmental and
3 emotional needs.
4

5 Pursuant to *EDCR* § 5.520 (b)(1) this is an emergency because the minor
6 child does not know Gabino. The minor child's contact with Gabino is limited to
7 twenty-four (24) hours in the last six and a half (6 ½) years. The minor child
8 believes that the adults who have been raising her are her Mom and Dad because
9 she was infant when her parents were unable to provide care. Pursuant to *EDCR* §
10 5.520 (b)(2), if the Temporary Restraining Order is issued, it should be filed
11 forthwith to the Clerk's office; and pursuant to *EDCR* § 5.520 (b)(3) the Temporary
12 Restraining Order should expire within thirty (30) days of filing of same.
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14 Moreover, a hearing should be set as soon as practicable.

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III.
Conclusion

Based on the aforementioned reasons, in order irreparable harm the Court should grant Ana a Temporary Restraining Order.

DATED this 9th day of March, 2022.

ROBERTS STOFFEL FAMILY LAW GROUP

By: Amanda M. Roberts

Amanda M. Roberts, Esq.
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Las Vegas, Nevada 89121
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EMAIL: efile@lvfamilylaw.com
Attorneys for Plaintiff, Ana Salas

1 **AFFIDAVIT OF AMANDA M. ROBERTS, ESQ.**

2 STATE OF NEVADA)
3 ss
4 County of Clark)

5 1. I, Amanda M. Roberts, Esq., am the attorney for the Plaintiff, Ana
6 Salas, in the above referenced matter and I can attest to the below reference facts as
7 being true and correct to the best my knowledge as represented by my client.
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9 2. The minor child at issue in this action is Yasline Guardardo-Salas
10 ("Yasline" or "minor child"), born on February 9, 2014. Yasline is currently eight
11 (8) years old. The Plaintiffs, Ana Salas ("Ana") and Tyler Edenfield ("Tyler"), are
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23 4. Currently, Yasline is currently eight (8) years old. Yasline has only
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16 2019. Tyler has never lived in the State of Nevada.

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10 told me he was my Dad, but he wasn’t, and she let him take me.” Yasline alleged
11 that he forced her to sleep in his bed that night with him.
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15 her extended family. Therefore, Ana and Yasline went to Florida with Tyler’s
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3 than five (5) years and Ana was shocked by his actions.
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5 13. On December 21, 2020, the Court proceeded with a hearing on the
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10 14. On November 19, 2021, there was a knock on the door and a police
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4 16. Ana is extremely concerned about the physical, developmental and
5 emotional needs of Yasline. There is concern that there is possible psychological
6 damage which may occur and the minor child is at a high risk of trauma, if she
7 removed from her primary caregiver. The removal of the child from a primary
8 caregiver impacts the child's sense of worth throughout the child's lifetime, it
9 makes the child feel as if the behavior is their fault. Given the lack of involvement
10 by Gabino, without services, Yasline is likely going to be developmentally and
11 emotionally harmed without proper intervention like reunification.
12
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14 17. Ana has sought an Order Shortening Time which was denied.
15 Therefore, Ana has no other choice than to seek a Temporary Restraining Order in
16 this matter. Good cause exists for the Court to grant the relief set forth herein.
17

18 18. In this matter, Ana is seeking an Order that restrains Gabino's ability
19 to pick-up the minor child until this Court hears arguments regarding subject matter
20 jurisdiction. When and if the Court determines that subject matter jurisdiction is
21 proper, Ana is asking this Court to take proper steps to take evidence and testimony
22 regarding a modification of the Orders from North Carolina. Moreover, Ana wants
23 to ensure any transition to Gabino is done in a manner to best address the issues
24 with the child's physical, developmental and emotional needs.
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19. Pursuant to *EDCR* § 5.520 (b)(1) this is an emergency because the minor child does not know Gabino.

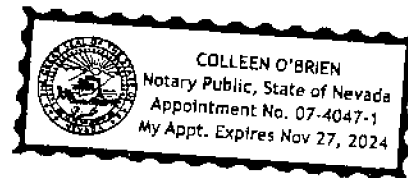
20. Counsel makes this request is made in good faith and good cause exists for the Court to grant the request set forth herein.

FURTHER AFFIANT SAYETH NAUGHT.

Amanda M. Roberts
Amanda M. Roberts, Esq.

Subscribed and Sworn to before me this
9 day of March, 2022.

OBrien
Notary Public in and for said County
And State



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Byron Mills, Esq.
Email: modonnell@millsnv.com
Attorney for Defendant

28 Page 16 of 16

EXHIBIT “1”

EXHIBIT “1”

EXHIBIT “1”



Donna Wilburn M.S., LMFT

Dynamic Integrative Solutions

10655 W. PARK RUN DR. #210, LAS VEGAS, NV 89144
PH: 702.234.9325 EMAIL: DONNA.WILBURN65@GMAIL.COM

Concern for the Welfare of a Child

March 8, 2022

1. When a child has had a primary caretaker during their formative years, that child will form an attachment to that caregiver. The attachment bond is a function of psychological health and it is crucial to prioritize the child's attachment needs in order to **minimize psychological damage**.
2. To suddenly transfer a child under 10 years old into the care of another is a **high risk of trauma** due to the child's developmental challenges. A child under 10 years old has not experienced differentiation yet. Differentiation is when a child sees themselves as separate individuals from their caretaker. Before 10 years old, a child sees themselves as an extension of their primary caregiver.
3. A child under 10 years old will take the loss of their caregiver personally due to their developmental stage. This means the child will interpret the loss as their fault, no matter how the change is verbally discussed. A child under 10 years old will interpret the loss as their fault, as if they did something to cause the caretaker to leave them. **This is ego trauma and can affect the child's sense of worth for their lifetime.**
4. Should a child have to be removed from a primary caretaker, the authorities need to consider the child's age and psychological functioning and how the change will affect the child. **Authorities have to minimize the risk of trauma for the child at all costs.**
5. If caretakers are unable to cooperate in order to provide proper care to the child, then a third party, such as a specialized family therapist, is needed to advocate for what is in the best interests of the child. That therapist can help with facilitating reunification, improve communication between parties, minimizing conflict between parties and can monitor the effect of conflict on the wellbeing of the child.
6. Reunification is often recommended as the process used to help a child adjust to being in the care of a parent who has been absent or distant for over 6 months. If at all possible, it is recommended that a child be given the opportunity to strengthen the attachment bond with the new parent before being transferred into their care.

NOTE: Children may have developed coping skills with which to manage stress related to trauma. Many children will internalize their stress and will behave as if they are 'fine' even if they are in a traumatized state.

Respectfully,

DocuSigned by:

Donna Wilburn

336813FDA06F488...
Donna Wilburn



OPPS

BYRON L. MILLS, ESQ.

Nevada Bar #6745

MILLS & ANDERSON

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Las Vegas, Nevada 89101

702-386-0030

attorneys@millsnv.com

Attorney for Adverse Party

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

ANA MARIA SALAS AND
TYLER KYLE EDENFIELD

CASE NO.: D-20-602873-F
DEPT. NO.: X

Applicant,

vs.

GABINO GUARDADO

Adverse Party.

**OPPOSITION TO APPLICATION FOR TEMPORARY PROTECTION
ORDER**

COMES NOW, Adverse Party, GABINO GUARDADO, by and through his attorney of record, Byron L. Mills, Esq., of the law firm of MILLS & ANDERSON submits this Opposition to Application for Temporary Protection Order and requests this Court do the following:

1. Deny Applicants' Application for Temporary Protection Order;
2. Grant reasonable attorney's fees to the Adverse Party;
3. Grant any other relief as the Court deems appropriate.

This Opposition is based upon the pleadings and papers on file herein, the

1 following Memorandum of Points and Authorities, the Affidavit of Guardado
2 Gabino attached to the Opposition to the Motion for Reconsideration, and any oral
3 argument permitted at the time of hearing.

4 DATED this 17th day of March 2022.

5 MILLS & ANDERSON

6 
7 BYRON L. MILLS, ESQ.

8 Nevada Bar No. 6745

9 703 S. 8th Street

10 Las Vegas NV 89101

11 Attorney for Adverse Party

12 **I.**

13 **INTRODUCTION**

14 The Defendant, GABINO GUARDADO (“Gabino”) and Plaintiff, ANA
15 MARIA SALAS (“Ana Maria”) are former in-laws. Gabino is the biological father
16 of the child at issue, to wit: YASLINE ALEJANDRA GUARDADO-SALAS, born
17 on February 9, 2014 (“the child” or “Yasline”). Ana Maria is the sister of the child’s
18 biological mother, PAOLA LETICIA SALAS (“Paola” or “child’s mother”). The
19 Plaintiff, TYLER EDENFIELD (“Mr. Edenfield”) is Ana Maria’s ex-husband.

20 **II.**

21 **STATEMENT OF FACTS**

22 **A. HISTORY BETWEEN THE PARTIES**

23 This case stems from the fraudulent actions of Ana Maria and Mr. Edenfield.
24 In 2015, Gabino, Paola, and their daughter Yasline were residing in Las Vegas at
25 1294 E Hacienda Ave. During this time, Gabino was afforded a phenomenal job
26 opportunity in Oklahoma working in the oil fields. This opportunity would allow
27 Gabino to substantially increase his income, but it would require him to move to
28 Oklahoma for what he was told would be least 36 months.¹ Gabino accepted the

¹ The job did not last all 36 months.

1 opportunity and he believed that Paola would continue to provide care for Yasline
2 while he was away. Unfortunately, Paola had other plans.

3 At some point in 2015, Paola decided to enter into a handwritten agreement
4 giving temporary custody of the child to Ana Maria. This occurred without
5 Gabino's consent or knowledge. The only signatures on the agreement are those of
6 Ana Maria and Paola. The execution of the agreement occurred on October 9, 2015,
7 and it was notarized in Oklahoma. Ana Maria then took the child with her to North
8 Carolina, which is where Ana Maria and Mr. Edenfield resided at the time.

9 **1. Ana Maria and Mr. Edenfield filed for custody in North Carolina.**

10 After the above child exchange between Paola and Ana Maria, Ana Maria
11 cut off all contact between Gabino and the child. On March 8, 2016, Ana Maria and
12 Mr. Edenfield filed a complaint in North Carolina seeking temporary and permanent
13 custody of the child. The complaint was filed In the General Court of Justice District
14 Court Division of Craven County, North Carolina under case number 16 CVD 310.
15 Ana Maria and Mr. Edenfield filed a complaint in North Carolina seeking temporary
16 and permanent custody of the child.² The Plaintiffs were Ana Maria and Mr.
17 Edenfield. The Defendants were Gabino and Paola.

18 On March 2, 2017, Ana Maria and Mr. Edenfield obtained a custodial order
19 ("NC Order") which awarded them exclusive physical and legal custody over the
20 child. Judging from the findings in the NC Order, it is obvious that Ana Maria and
21 Mr. Edenfield misled the North Carolina court into believing that they did not know
22 of the whereabouts of either of the child's parents, Paola and Gabino. Ana Maria
23 and Mr. Edenfield also misled the North Carolina court into believing that Gabino
24 and Paola had abandoned the child physically and financially. None of which was
25 true.

26 **2. The child begins residing in Nevada.**

27 On March 2019, Ana Maria's family contacted Gabino to inform him that the
28

² In the General Court of Justice District Court Division of Craven County, North Carolina under case number 16 CVD 310.

1 child was in Nevada. After years of searching for his child, Gabino was finally able
2 to see her. The child was in the care of Ana Maria's grandmother, Andrea Salas.
3 Ana Maria claims she moved to Henderson, Nevada on or about April 10, 2019.
4 However, the child was in the state of Nevada at least one month prior to that.

5 Throughout 2019, Gabino saw the child in Nevada several times. He saw the
6 child in March and April while the child was being cared for by Andrea Salas. He
7 saw the child in September 2019 at the Wal Mart shopping center located on
8 Charleston and Nellis. In October 2019, he saw the child at the McDonald's located
9 on Rancho and Washington. In December 2019, he had further direct contact with
10 the child on 3 separate occasions.

11 While in Ana Maria's custody, she left the child with family members
12 frequently and for extended periods of time. One such time occurred in early
13 December 2019 when Ana Maria made an extended "work" trip to California. To
14 be clear, whenever Ana Maria refers to "work" or "clients" it should be noted that
15 she is an escort and/or prostitute. This is evidenced by text conversations she had
16 with clients on November 30, 2019 and December 9, 2019.

17 During Ana Maria's "work" trip, Ana Maria's family contacted Gabino to
18 inform him that Ana Maria had left the child with them again. Gabino subsequently
19 retrieved his child and found that the child had lice and was wearing clothes that
20 were far too small. On December 15, 2019, Ana Maria arrived at Gabino's home
21 accompanied by police and took the child. This was the first time Gabino had been
22 made aware of the custody case in North Carolina and of the North Carolina Order.
23 Shortly thereafter, Gabino engaged the serviced of an attorney in Nevada.

24 **3. Ana Maria flees Nevada with the child.**

25 After Gabino initiated the present action, Ana Maria fled the state of Nevada
26 and took the child with her to Florida. Upon information and belief, this occurred
27 in mid-2020. After several court proceedings, the Court issued an order granting
28

1 Gabino sole legal and sole physical custody of the child.³ Unfortunately, Gabino
2 was not able to obtain a copy of the order from the August 6, 2020 hearing until
3 December 22, 2020.

4 On January 25, 2021, Gabino filed an Ex Parte Request for a Pick Up Order.
5 That request for the emergency pick-up order was based on the fact that Ana Maria
6 had been refusing to remain in contact with Gabino since December 2019 and was
7 in violation of the Court Order from the August 6, 2020 hearing. The pick up order
8 was granted on January 25, 2021. By the time Gabino hired a private investigator
9 to locate Ana Maria and the child, Ana Maria had fled from Florida as well.

10 On May 7, 2021, Gabino's private investigator found Ana Maria had
11 speeding tickets in Seattle, Washington. Gabino only had the pickup order at the
12 time and when he travelled to Washington to pick up his child, Washington police
13 refused to enforce it until Gabino localized the order.

14 On July 2, 2021, Gabino filed for and obtained a Warrant to Take Physical Custody
15 of the child, which he served on Ana Maria in the state of Washington.

16 **4. Ana Maria finally partakes in the Nevada proceedings and filed a**
17 **Motion to Set Aside.**

18 On November 23, 2021, Ana Maria's previous counsel filed a Notice of
19 Appearance and Ana Maria filed her Motion to Set Aside on November 24, 2021.
20 The only reason Ana Maria finally decided to respond in this Court is because she
21 was tracked down and not given the opportunity to flee again before being served
22 in Washington.

23 Absent from Ana Maria's motion was any proof of any kind, other than her
24 self-serving affidavit, that she was never served. In her Motion to Set Aside, Ana
25 Maria also claimed that the child resided with her since the NC Order was entered.⁴
26 Ana Maria's claim was patently false given that she habitually left the child with
27
28

³ See Order from Hearing held on August 6, 2020.

⁴ As stated above, the NC Order was filed on March 2, 2017.

1 her family members in Nevada in order to meet with her “clients” outside of
2 Nevada.

3 **5. Ana Maria’s Motion to Set Aside is Denied and the current**
4 **controlling order is entered.**

5 On January 24, 2022, this Court issued the current controlling order⁵ (“the
6 Order”) in favor of Gabino on January 24, 2022, which states in pertinent part:

7 **THE COURT FINDS** that it has subject matter jurisdiction over this
8 case and personal jurisdiction over the parties.⁶

9 ...

10 The Order filed on December 21, 2020, granted Gabino sole legal
11 and sole physical custody of Yasline.⁷

12 ...

13 On January 26, 2021, after review of the case, Judge Mercer
14 executed an Order for Return of the Child.⁸

15 On July 2, 2021, a Warrant for Return of Child was issued by this
16 Court pursuant to NRS 125D.200. This was issued because often times
17 law enforcement will not assist based solely on a Pickup Order for
18 Return of Child.⁹

19 The three Orders on file with this Court are the most current and
20 valid for this case. The Court is bound by Judge Burton’s findings in
21 the December 21, 2020 Order where she made extensive review of the
22 facts and circumstances and service. The three Orders that govern are:¹⁰

- 23 • December 21, 2020 – granting Gabino the sole legal and physical
24 custody of Yasline.
- 25 • January 26, 2021 – Order for Return of Child.

26
27 ⁵ See Order of the Court filed on February 15, 2022.

28 ⁶ *Id.* at 1:27-2:2.

⁷ *Id.* at 2:26-28.

⁸ *Id.* at 3:2-4.

⁹ *Id.* at 3:4-7.

¹⁰ *Id.* at 3:8-16.

- July 2, 2021 – Warrant for Return of Child.

...

The Court is not inclined to set aside any of the orders in this case, particularly the December 21, 2020 order made by Judge Burton considering her extensive findings and the best interest factors set forth in NRS 125C.0035.¹¹

...

IT IS HEREBY ORDERED that the Ana Salas' Motion to Set Aside is denied.¹²

IT IS FURTHER ORDERED that the three Orders of the Court, December 21, 2020, January 26, 2021, and July 2, 2021 shall remain the Orders of the Court.¹³

IT IS FURTHER ORDERED that Ana file a Notice of Change of Address and that she produce the child as ordered by the Court.¹⁴

6. Ana Maria's violates the Order.

Notwithstanding the Order which clearly and unambiguously directs Ana Maria to produce the child, she has decided to not do so. In fact, as of the filing of this Opposition, Ana Maria continues to withhold the child from Gabino. Rather than comply with the Order, Ana Maria has made additional filing to stall proceedings and figure out what other lies she can tell in her pleadings. ‘

7. Ana Maria makes additional frivolous filings.

On February 28, 2022, Ana Maria's current counsel filed Substitution of Attorney. On March 1, 2022, Ana Maria filed a Motion for Reconsideration, asserting Lack of Subject Matter Jurisdiction and Personal Jurisdiction. Clearly, Ana Maria's Motion is an attempt to take another stab at making the same argument she already made in her previous Motion to Reconsider. However, the Motion only

¹¹ *Id.* at 3:22-25.

¹² *Id.* at 4:5-6.

¹³ *Id.* at 4:7-8.

¹⁴ *Id.* at 4:10-11.

1 further shows how untrustworthy Ana Maria is. Once more, Ana Maria provided no
2 proof of any kind to substantiate her claims.

3 Ana Maria continued to claim, with no basis whatsoever, that she was never
4 served in Nevada. Ana Maria also claimed that the child's home state was not
5 Nevada at the onset of this case, which is of course not true. Noticeably absent from
6 Ana Maria's motion was any proof of any kind, other than more self-serving
7 allegations *without any documentation* of the child's whereabouts or of her own
8 whereabouts.

9 Ana Maria's Motion for Reconsideration is riddled with inconsistencies and
10 frankly, lies. One such lie is her claim that she shipped the child to Mr. Edenfield
11 from July 2019 to November 2019, which is of course not true. Ana Maria provided
12 no evidence of any kind to support her claim that the child was absent from the state
13 of Nevada from July 2019 through November 2019.

14 The reason Ana Maria has not provided such evidence is because such
15 evidence does not exist. *Even in her own* previous pleading,¹⁵ Ana Maria
16 specifically claimed that, "Since the time that Custody order was entered, the minor
17 child has resided with Plaintiff and continues to do so through the present."¹⁶
18 Additionally, Gabino had contact with the child and also spotted the child physically
19 in the state of Nevada multiple times between July 2019 and November 2019. Ana
20 Maria's claim is clearly a lie being told in order to support her fraudulent argument
21 that Nevada was not the child's home state at the onset of this case.

22 **B. ANA MARIA'S EX-PARTE APPLICATION FOR A TPO.**

23 Ana Maria now seeks a TPO by filing an application ("TPO Application")
24 that is essentially direct copy paste of her Motion for Reconsideration filed on
25 March 1, 2022. Ana Maria quite literally begins the TPO Application by stating
26 that Gabino is the "alleged" natural father, which is simply more of the ridiculous
27 bologna she has been spewing all along. Ana Maria knows exactly why Gabino did
28

¹⁵ Ana Maria's Motion to Set Aside filed on November 24, 2021.

¹⁶ See Ana Maria's Motion to Set Aside at 8:16-18.

1 not take action to rescue his child from that godawful situation she was under while
2 in Ana Maria's so-called care. Ana Maria entered into a temporary custody
3 agreement with Paola *without* Gabino's knowledge, she filed a fraudulent
4 complaint in North Carolina *without* Gabino's knowledge, and she cut off
5 communications with Gabino when he requested his child back. For years, she
6 deprived Gabino of any contact with his child and she threatened to call
7 immigration if he attempted to take legal action.

8 Gabino's only contact with his child was during times when Ana Maria was
9 not around and her family members allowed Gabino contact with his child.
10 Eventually, even Ana Maria's family,¹⁷ became disillusioned with the situation and
11 they handed the child over to Gabino. This is what triggered Ana Maria's distrust
12 in her family. She even said that she could no longer trust them after she found out
13 that Gabino retrieved the child in December 2019. To clarify, Ana Maria could
14 "not trust" the people who disagreed with her taking off for weeks at a time to be
15 an escort/prostitute. She also could "not trust" the people who disagreed with
16 depriving a child of any relationship with her father.

17 Ana Maria is now attempting to bolster her position by making the claim that
18 the child barely knows Gabino. However, Ana Maria herself is the one depriving
19 Gabino and the child of their father-daughter relationship. Ana Maria should be
20 condemned for her actions, not rewarded. Ana Maria has already deprived Gabino
21 of years with his daughter.

22 Furthermore, her claim that she cares about the child's physical,
23 developmental, and emotional needs is nothing short of ridiculous. Assuming
24 *arguendo*, Ana Maria has essentially admitted she has no problem sending the child
25 to Mr. Edenfield for months at a time. This is especially troubling given that she is
26 comfortable sending the child to be *alone* with a man who is (1) not a blood
27 relative, (2) who no longer has a relationship with Ana Maria, and (3) resides in
28 another state. It is also clear Ana Maria does not actually care for the child given

¹⁷ Her aunt Vanessa and her cousin Claudia.

1 that she has no issue leaving to go meet “clients” in other states. If anything
2 happens to the child’s health, Ana Maria is quick to blame others, even her own
3 family as she did with the child’s head lice from December 2019. Lastly, it is
4 certainly absurd that Ana Maria claims to care about the child while moving her
5 across the country multiple times, shipping her left and right to other family
6 members, and all the while depriving the child’s parent of his parental rights. Quite
7 literally everything Ana Maria has done (and continues to do) with the child has a
8 detrimental effect on the child’s physical, developmental, and emotional needs, not
9 the other way around.

10 It is time for this situation to end and for it to end the correct way, with the
11 father of the child having his child in his custody and care as already ordered by
12 this Court. This Court also ordered Ana Maria to produce the child nearly 2 months
13 ago, and she continues to act in willful violation of the orders. Based on the above,
14 Gabino respectfully requests that Ana Maria’s TPO Application be denied.

18 III.

19 ARGUMENT

20 A. The Application for Temporary Protection Order Must Be Denied

21
22 EDCR § 5.520(a)(2) provides that the Court may grant a TPO via ex parte
23 means. Ana Maria’s TPO Application is clearly just another attempt to stall
24 proceedings. This Court correctly ruled on the issue of subject matter jurisdiction
25 and personal jurisdiction. Ana Maria claims that she is filing her TPO Application
26 as an emergency pursuant to EDCR § 5.520(b)(1) solely based on the amount of
27 contact the child has had with Gabino since 2015.

28 As stated above, Ana Maria’s argument is that the child has not had contact

1 with Gabino and that she wants to keep Gabino from enforcing the pick-up order
2 issued by this Court until this Court determines subject matter jurisdiction, which
3 the Court already did. Ana Maria's Motion for Reconsideration filed on March 1,
4 2022 contains no evidence whatsoever to support Ana Maria's argument that the
5 Court did not rule properly on the issue of subject matter jurisdiction. Ana Maria's
6 carries the burden to show lack of subject matter jurisdiction and she has
7 unquestionably failed to meet that burden. As such, Ana Maria has no chance of
8 prevailing on the merits of this case.

9 Ana Maria's argument as to the lack of contact between Gabino and the child
10 over the last 6 years is absurd and completely devoid of any logical thought or human
11 decency. *Through her own fraudulent actions* (and the actions of Mr. Edenfield),
12 Ana Maria deprived Gabino and his child of a parent-child relationship for over 6
13 years and now she is using her own wrongful actions to continue depriving them of
14 that relationship.

15 If Ana Maria truly cared about fostering a parent-child relationship between
16 Gabino and the child and "easing the transition" to Gabino's care, she would not
17 have fled the state of Nevada after this proceeding began in 2020. She has known
18 that Gabino wanted his child back since the very moment she took the child from
19 Oklahoma in 2015, which is why her sister Paola and her executed that agreement
20 without his knowledge or consent. Ana Maria willfully defrauded the North
21 Carolina court to sever the child's contact with Gabino and she threatened to call
22 immigration if he ever tried to get his child back. She moved from North Carolina
23 to California, then to Nevada, fled Nevada for Florida, and fled Florida for
24 Washington. At no point has there been any indication that Ana Maria intends to
25 "ensure any transition" aside from perhaps her own transition to another state to
26 avoid complying with any orders that are not in her favor.
27
28

1 In short, if Ana Maria wanted the child to have contact with Gabino, she
2 would not be acting in violation of this Courts orders, she would not have fled
3 multiple times, and she would not have cut off all communications with Gabino
4 after Gabino requested the return of his child. Ana Maria filed her TPO Application
5 without any legal or factual basis. The only emergency at the moment is that the
6 child is with a person who is an escort, does not comply with court orders, and who
7 has shown not a single sliver of trustworthiness thus far. For these reasons, the Court
8 should deny Ana Maria's TPO Application.

9 **B. Attorney Fees Should Be Awarded**

10 In Nevada, courts may award a prevailing party attorney's fees in two
11 situations: (1) when the prevailing party recovers less than \$20,000, or (2) when the
12 opposing party has brought or maintained the claim without reasonable grounds or
13 to harass the prevailing party. NRS 18.010(2). In doing so, courts are *required* to
14 "liberally construe" these provisions to grant attorney fees in all appropriate
15 situations. NRS 18.010(2)(b). The Nevada Legislature has specifically advised
16 courts to use attorney's fees to punish and deter frivolous litigation. *Id.*

17 Here, Ana Maria unreasonably brought a frivolous Application for TPO. As
18 stated above, Ana Maria has already willfully failed to comply with multiple Court
19 orders, including the Order directing her to produce the child. This TPO Application
20 is brought under the guise of an emergency when it truly is not. The actual
21 emergency is that Ana Maria refuses to comply with Court orders and refuses to
22 return the child back to her *father*.

23 This TPO Application is only Ana Maria grasping at straws, pretending to
24 care about the child who she has deprived of any semblance of a normal life for the
25 past 6 years. Ana Maria cannot now hide behind the argument that she is concerned
26 about the "high risk of trauma" the child may have if she returns to her father when
27 *Ana Maria herself* was the one who deprived the child and Gabino of contact in the
28

1 first place.

2 In other words, Ana Maria is unreasonably using a TPO Application because
3 she does not intend to comply with the Court's orders unless they are in her favor.
4 Whatever purpose Ana Maria is using this attempted TPO, it is not lawful because
5 she could not reasonably be concerned for the child's wellbeing. She certainly was
6 not concerned when she left the child with lice in Nevada in December 2019 when
7 she went off California to do her "work" as an escort/prostitute. She was not
8 concerned when she cut off any contact between the child and Gabino. She was not
9 concerned when she moved the child across the country multiple times in the child's
10 short life. As such, this Court should award Gabino attorney fees for costs incurred
11 due to Ana Maria unreasonably bringing this TPO.

12 When courts assess the reasonableness of attorney fees, they do so using the
13 *Brunzell* factors:¹⁸

14 *(1) the advocate's qualities, including ability, training, education, experience,*
15 *professional standing, and skill;*
16

17 All the attorneys at Mills & Anderson regularly practice in family law and
18 regularly participate in CLE to stay current with the most recent changes in the law.
19 Mills & Anderson collectively has over 50 years of family law practice experience
20 and all three attorneys at the firm will likely be utilized at various stages in the case.
21 No disciplinary action of any kind has been taken against any of the firm's lawyers
22 during that time.

23 *(2) the character of the work to be done; and (3) the work actually*
24 *performed by the lawyer;*

25 Gabino's attorneys have prepared all the substantive pleadings in this matter,
26 researched and cited all appropriate law, with correct analysis and application of the
27 law to the facts. They have communicated with Gabino and will be present at all
28

¹⁸ *Brunzell v. Golden Gate Nat'l Bank*, 455 P.2d 31 (1969).

1 hearings in this matter. The firm's actions have been in accordance to the highest
2 ethical practices and consistent with the Nevada Rules of Professional Conduct.
3 Additionally, counsel was required to give this case priority over other cases
4 because of the emergent nature of the circumstances.

5 *(4) the result, whether the attorney was successful and what benefits were*
6 *derived.*

7 Gabino anticipates a successful result at hearing as his requests are consistent
8 with and supported by Nevada law.

9 Should the Court be so inclined to grant Gabino's attorney fee request,
10 Gabino's attorneys will provide a separately filed affidavit stating the specific fees
11 and costs reasonably incurred in pursuing this action.

12
13 **IV.**

14 **CONCLUSION**

15 This Application for a TPO is both unnecessary and unreasonable. This Court
16 should therefore:

- 17 1. Deny Applicants' Application for Temporary Protection Order;
18 2. Grant reasonable attorney's fees to the Adverse Party;
19 3. Grant any other relief as the Court deems appropriate.

20 DATED this 17th day of March 2022

21 MILLS & ANDERSON

22 
23 _____
24 BYRON L. MILLS, ESQ.

25 Nevada Bar No. 6745

26 703 S. 8th Street

27 Las Vegas NV 89101

28 Attorney for Adverse Party



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Attorney for Defendant

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

ANA M. SALAS AND)	
TYLER EDENFIELD)	
)	CASE NO.: D-20-602873-F
Plaintiff,)	DEPT. NO.: X
)	
vs.)	HEARING DATE: 4/11/2022
)	HEARING TIME: 10:00 a.m.
GABINO GUARDADO,)	
)	ORAL ARGUMENT REQUESTED
Defendant.)	YES <u> X </u> NO <u> </u>
)	

**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**

COMES NOW the Defendant, GABINO GUARDADO, by and through his attorney, BYRON L. MILLS, ESQ., of the law firm of MILLS & ANDERSON and pursuant to the Nevada Revised Statutes and Eighth Judicial District Court Rules cited hereinbelow, hereby respectfully requests the following:

1. An Order of the Court denying Plaintiff's request to reconsider and set aside

- 1 any and all judgement's, orders, or other decisions in the present matter;
- 2 2. An order of the Court holding Plaintiff in contempt for failing to produce the
- 3 child;
- 4 3. An Order awarding Defendant with fees and costs in the amount of \$5,000;
- 5 4. For any and other such further relief as this Court deems appropriate in the
- 6 premises.

7 This Opposition and Countermotion is made and based upon the papers and

8 pleadings on file herein, Points and Authorities cited below, the Affidavit of

9 Plaintiff, GABINO GUARDADO, attached hereto, other supporting documentation

10 set forth herein below, and any argument entertained at the time of hearing.

11 DATED this 17th day of March, 2022.

12 MILLS & ANDERSON

13 

14 BYRON L. MILLS, ESQ.

15 Nevada Bar No. 6745

16 703 S. 8th Street

17 Las Vegas NV 89101

Attorney for Defendant

18 **POINTS AND AUTHORITIES**

19 **I.**

20 **STATEMENT OF FACTS**

21 The Defendant, GABINO GUARDADO ("Gabino") and Plaintiff, ANA

22 MARIA SALAS ("Ana Maria") are former in-laws. Gabino is the biological father

23 of the child at issue, to wit: YASLINE ALEJANDRA GUARDADO-SALAS, born

24 on February 9, 2014 ("the child" or "Yasline"). Ana Maria is the sister of the child's

25 biological mother, PAOLA LETICIA SALAS ("Paola" or "child's mother"). The

26 Plaintiff, TYLER EDENFIELD ("Mr. Edenfield") is Ana Maria's ex-husband.

27 **A. Ana Maria and Mr. Edenfield filed for custody in North Carolina.**

28 As this Court is aware, on March 8, 2016, Ana Maria and Mr. Edenfield filed
a complaint in North Carolina seeking temporary and permanent custody of

1 Yasline.¹ ² On March 2, 2017, Ana Maria and Mr. Edenfield obtained a custodial
2 order (“NC Order”) which awarded them exclusive physical and legal custody over
3 Yasline. Notably, the NC Order contains several findings of fact that give insight
4 into the disturbing degree of fraud Ana Maria and Mr. Edenfield committed in
5 obtaining the order. Specifically, Ana Maria and Mr. Edenfield misled the North
6 Carolina court into believing that they did not know the whereabouts of either of
7 the child’s parents and that Gabino had abandoned the child. They also misled the
8 North Carolina Court into believing that the Paola was homeless and that she
9 requested for Ana Maria to get the child from her in Nevada. Of course, these were
10 lies told to ensure that neither parent, but specifically Gabino, would not have
11 knowledge of the North Carolina case.

12 **B. Ana Maria’s previous attempt to set aside the Court’s orders.**

13 On November 23, 2021, Ana Maria’s previous counsel filed a Notice of
14 Appearance and Ana Maria filed her first Motion to Set Aside on November 24,
15 2021. Notwithstanding the foregoing, Ana Maria filed a motion to set aside “all
16 orders” issued in this case.³ Noticeably absent from Ana Maria’s motion was any
17 proof of any kind, other than her self-serving affidavit, that she was never served.
18 This Court issued the current controlling order⁴ in favor of Gabino on January 24,
19 2022, which states in pertinent part:

20 **THE COURT FINDS** that it has subject matter jurisdiction over
21 this case and personal jurisdiction over the parties.⁵

22 ...
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24
25

26 ¹ In the General Court of Justice District Court Division of Craven County, North Carolina under
27 case number 16 CVD 310.

28 ² The Plaintiffs were Ana Maria and Mr. Edenfield. The Defendants were Gabino and Paola.

³ Specifically, the Orders noted in Subsection C of the Statement of Facts of this Opposition.

⁴ See Order of the Court filed on February 15, 2022.

⁵ *Id.* at 1:27-2:2.

1 ...

2 The Order filed on December 21, 2020, granted Gabino sole legal
3 and sole physical custody of Yasline.⁶

4 ...

5 On January 26, 2021, after review of the case, Judge Mercer
6 executed an Order for Return of the Child.⁷

7 On July 2, 2021, a Warrant for Return of Child was issued by this
8 Court pursuant to NRS 125D.200. This was issued because often times
9 law enforcement will not assist based solely on a Pickup Order for
10 Return of Child.⁸

11 The three Orders on file with this Court are the most current and
12 valid for this case. The Court is bound by Judge Burton's findings in
13 the December 21, 2020 Order where she made extensive review of the
14 facts and circumstances and service. The three Orders that govern are:⁹

- 15 • December 21, 2020 – granting Gabino the sole legal and physical
16 custody of Yasline.
- 17 • January 26, 2021 – Order for Return of Child.
- 18 • July 2, 2021 – Warrant for Return of Child.

19 ...

20 The Court is not inclined to set aside any of the orders in this case,
21 particularly the December 21, 2020 order made by Judge Burton
22 considering her extensive findings and the best interest factors set forth
23 in NRS 125C.0035.¹⁰

24 ...

26 ⁶ *Id.* at 2:26-28.

27 ⁷ *Id.* at 3:2-4.

28 ⁸ *Id.* at 3:4-7.

⁹ *Id.* at 3:8-16.

¹⁰ *Id.* at 3:22-25.

1 **IT IS HEREBY ORDERED** that the Ana Salas' Motion to Set
2 Aside is denied.¹¹

3 **IT IS FURTHER ORDERED** that the three Orders of the
4 Court, December 21, 2020, January 26, 2021, and July 2, 2021 shall
5 remain the Orders of the Court.¹²

6 **IT IS FURTHER ORDERED** that Ana file a Notice of Change
7 of Address and that she produce the child as ordered by the Court.¹³

8 **C. Ana Maria's instant Motion further shows that she misled the NC Court**
9 **in order to fraudulently obtain the NC Order.**

10 On February 28, 2022, Ana Maria's current counsel filed Substitution of
11 Attorney. On March 1, 2022, Ana Maria filed a Motion for Reconsideration,
12 asserting Lack of Subject Matter Jurisdiction and Personal Jurisdiction. Ana
13 Maria's Motion is merely an attempt to take another stab at making the same
14 argument she already made in her previous Motion to Reconsider. However, the
15 Motion only further shows how untrustworthy Ana Maria is.

16 Noticeably absent from Ana Maria's motion was any proof of any kind, other
17 than more self-serving allegations *without any documentation* of the child's
18 whereabouts or of her own whereabouts. Ana Maria continues to claim, with no
19 basis whatsoever, that she was never served in Nevada. Ana Maria also claims that
20 the child's home state was not Nevada at the onset of this case, which is of course
21 not true. This Court correctly issued the current controlling order in favor of Gabino
22 on January 24, 2022.

23 In her instant Motion, Ana Maria claims that in September 2015, Paola told
24 her that Paola, Gabino, and the child were living in *Oklahoma City*.¹⁴ Furthermore,
25 Ana Maria states that the notarized agreement was executed in Oklahoma because
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27 ¹¹ *Id.* at 4:5-6.

28 ¹² *Id.* at 4:7-8.

¹³ *Id.* at 4:10-11.

¹⁴ *See* Ana Maria's Motion at 7:9-25.

1 that is where Gabino, Paola, and the child were located.¹⁵ However, this conflicts
2 with findings in the NC Order. Ana Maria told the North Carolina court that Paola
3 asked her to pick the child up in *Nevada*, but now Ana Maria states that she was in
4 Nevada when Paola asked her to pick the child up in Oklahoma.

5 Ana Maria omitted this information from the North Carolina court for
6 obvious reasons. In the North Carolina case, Ana Maria claimed that Gabino and
7 Paola were last known to be residents of Nevada and that their whereabouts were
8 *unknown*. Ana Maria (and Mr. Edenfield) obviously knew the whereabouts of both
9 of the child's parents but they did not disclose that to the North Carolina court.

10 Ana Maria now claims that Gabino knew of the child exchange that
11 purportedly occurred in Oklahoma City on October 10, 2015, but that the reason
12 Gabino was not present is because Gabino "wanted to be at work."¹⁶ There are
13 multiple issues with this claim. The first is that it is unsurprisingly false. Gabino
14 had no idea that Paola would be signing temporary custody over to Ana Maria.
15 The second issue is that Gabino wanting to work during this child exchange is
16 suspiciously convenient for Ana Maria. The third issue is that the agreement
17 between Paola and Ana Maria was notarized on October 9, 2015, the day prior to
18 the date on which Ana Maria claims the exchange happened. The third issue is that
19 only Paola's signature is on the temporary custody agreement between her and Ana
20 Maria. These issues clearly indicate that Paola and Ana Maria both planned to have
21 this exchange without Gabino's knowledge.

22 To make matters worse, Ana Maria now states that after some time following
23 the above child exchange, Ana Maria "had discussions" with Gabino and Paola in
24 which Ana Maria informed them that she would file for formal custody orders.¹⁷
25 Ana Maria further claims that during the discussion (or discussions), both Gabino
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27 ¹⁵ *Id.* at 3:20-23.

28 ¹⁶ *Id.* at 7:18-21.

¹⁷ *Id.* at 8:1-3.

1 and Paola agreed that neither would contest such a request from Ana Maria.¹⁸ Ana
2 Maria now further claims that communications between herself, Gabino, and Paola
3 ceased *shortly after* the proceedings in the North Carolina case, which is after
4 March 2, 2017.¹⁹

5 This again conflicts with the findings in the NC Order. As stated previously,
6 Ana Maria represented in the North Carolina case that the whereabouts of both
7 Gabino and Paola were unknown. In her instant Motion, Ana Maria states she was
8 having contact with the child's parents until *shortly after* March 2, 2017.
9 Furthermore, in the North Carolina case, the court was made to believe that Paola
10 was actually homeless. Ana Maria now states that Paola and Gabino were moving
11 from motel to motel,²⁰ which not equivalent to being homeless.

12 All this clearly shows that Ana Maria manipulated the North Carolina court
13 to fraudulently obtain the NC Order. Ana Maria never disclosed to Gabino her
14 plans to meet with Paola nor the plan to make the temporary custodial agreement.
15 Ana Maria is similarly attempting to mislead this Court. This Court is being asked
16 to take Ana Maria's word that Gabino decided he "wanted to be at work" during
17 the custodial exchange between Paola and Ana Maria, that Gabino agreed to let
18 Ana Maria and Mr. Edenfield (a man who Gabino never met) formally take custody
19 of his child, and that immediately after the North Carolina custody order was
20 entered, Gabino suddenly decided to stop communicating with his child. Of course,
21 none of this is true and Ana Maria has not provided a shred of evidence that her
22 claims are true.

23 **D. The child was present in Nevada from March 2019 through mid-**
24 **2020.**

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28 ¹⁸ *Id.*

¹⁹ *Id.* at 8:5-7.

²⁰ *Id.* at 8:2-5.

1 Since Ana Maria took the child from Oklahoma, she has been depriving
2 Gabino of any relationship with his child. She obtained the fraudulent NC Order,
3 she threatened to report Gabino to immigration if he tried to find her, and she
4 disappeared with the child. At no point did Ana Maria allow Gabino any contact
5 with the child and Gabino tried tirelessly to find her. In March 2019, Ana Maria's
6 family members informed Gabino of the child's presence in the state and Gabino
7 was able to see his child for the first time since October of 2015.

8 In her Motion, Ana Maria states that she moved to Henderson, NV on or
9 about April 10, 2019,²¹ which may be true as to Ana Maria's own presence.
10 However, the child was definitely in Nevada as of March of 2019. In fact, Gabino
11 saw the child in Nevada several times in 2019. Gabino saw the child as follows:

- 12 • In March 2019 and April 2019 while the child was in the care of Ana
13 Maria's grandmother, Andrea Salas.
- 14 • In September 2019, Gabino saw the child at the Wal Mart shopping center
15 located on Charleston and Nellis.
- 16 • In October 2019, Gabino spotted the child at the McDonalds located on
17 Rancho and Washington.
- 18 • In December 2019, Gabino had further direct contact with the child on 3
19 separate occasions.²²

20 In her Motion, Ana Maria claims that she sent the child to live with Mr.
21 Edenfield from July 2019 to November 2019 and that the child returned to her care
22 in November 2019.²³ This is important for several reasons. The first reason is that
23 this claim conflicts with Ana Maria's Motion to Set Aside filed on November 24,
24 2021. On lines 9 through 11 of the Procedural History and Statement of Facts, Ana
25 Maria *specifically* claimed that, "Since the time that Custody order was entered,
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27 ²¹ *Id.* at 8:16-18.

28 ²² Exhibit E: Photographs that Gabino took of the child during the Christmas season of 2019.

²³ Ana Maria's Motion at 9:5-7.

1 the minor child has resided with Plaintiff and continues to do so through the
2 present.” Ana Maria cannot have it both ways on this claim. Either she lied to this
3 Court in her November 24, 2021, pleading or she is lying now. The child cannot
4 be in two places at once.

5 The second reason is that Ana Maria claimed Mr. Edenfield and her separated
6 on June 23, 2018.²⁴ Therefore, Ana Maria is asking this Court to believe that after
7 over a year of being separated from Mr. Edenfield, Ana Maria suddenly decided to
8 ship the child to him. Even if it were true that Ana Maria sent the child to California
9 to live with Mr. Edenfield for about 5 months, it is certainly odd that she would
10 send the child to be *alone* with a man who is (1) not a blood relative and (2) who
11 no longer has a relationship with Ana Maria. If true, this again shows that Ana Maria
12 is not caring for the child, and she is (and has been) leaving the child for extended
13 periods of time.

14 As it stands, Ana Maria has not provided any proof that the child ever left the
15 state of Nevada from March 2019 through the time Ana Maria absconded with the
16 child in 2020. This is because the child was residing in Nevada that entire time.

17 In November 2019, Ana Maria left the child with family members so that
18 Ana Maria could go work as an escort in California. During Ana Maria’s absence,
19 her family informed Gabino that she had left the child again and they allowed him
20 to see the child. When Gabino saw the child’s condition (including wearing clothes
21 too small for her and having head lice) he no longer let Ana Maria’s threats of
22 deportation keep him from taking action.

23 Obviously, Ana Maria believed that her Aunt Vanessa and cousin Claudia
24 would help her continue depriving Gabino of contact with his child. This is the
25 reason Ana Maria “lost trust” in her Aunt Vanessa and her cousin Claudia²⁵ after
26 Gabino rescued the child from Ana Maria in November 2019. It is certainly
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28 ²⁴ *Id.* at 8:7-8.

²⁵ *Id.* at 10-9-11.

1 interesting that the people that Ana Maria cannot trust are those who do not agree
2 with hiding the child from her father.

3 **E. Ana Maria fled to Florida with the Child in an attempt to avoid the**
4 **current proceedings in Nevada.**

5 As the Court is aware, on December 15, 2019, Ana Maria arrived at Gabino's
6 home accompanied by police to take the child.²⁶ By Ana Maria's own account, she
7 subsequently moved with the child to Florida to live with Mr. Edenfield's mother.²⁷
8 Though it is important to note that Ana Maria does not state exactly what day she
9 left Nevada for Florida. Ana Maria now claims that she moved from Nevada to
10 Florida for "safety."²⁸ However, Ana Maria fails to explain *why* she felt she was
11 unsafe in Nevada. If Gabino had agreed to Ana Maria taking custody, and he had
12 in fact abandoned his child, there would be absolutely no reason why Ana Maria
13 would need to move across the country to avoid him. The claim that the move was
14 made for "safety" betrays Ana Maria's entire story and shows just how fraudulent
15 Ana Maria's narrative is.

16 In her Motion filed on November 24, 2021, Ana Maria claimed that she was
17 "not aware" of the present action until November 19, 2021. However, the timing
18 of her departure to Florida is suspect at best. According to Ana Maria, she moved
19 to Florida sometime between December 15, 2019 and January 31, 2020. In other
20 words, she claims she conveniently moved from Nevada to Florida between the
21 time she took the child from Gabino and the time Gabino filed the initial Certificate
22 of Service.

23 In her current Motion, Ana Maria claims that she was not residing at 1216
24 Silver Lake Drive at that time Gabino filed this action, that Gabino knew she was
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26 ²⁶ Ana Maria has not allowed Gabino to have contact with his child since 2019, presumably
27 because Gabino took the child when Ana Maria left the child with her relatives in order to go be
28 with her "clients" in Los Angeles.

²⁷ *Id.* at 10:10-12.

²⁸ *Id.* at 10:11-12.

1 not residing at that address at the time, and that Mr. Edenfield never resided at that
2 address.²⁹ It is important to note the language Ana Marie uses here. She specifically
3 states she was not residing at 1216 Silver Lake Drive “at the time” and that Mr.
4 Edenfield “never” resided at the address. This distinction shows that Gabino had
5 the correct address and that Ana Maria was residing there before she moved to
6 Florida. While Ana Maria claims she moved just in time to avoid service, that is
7 complete hogwash. Ana Maria clearly received notice of the instant action and fled
8 *after* the fact.

9 **F. Ana Maria left the state of Nevada in late 2020.**

10 Upon information and belief,³⁰ Ana Maria fled the state of Nevada sometime
11 in mid-2020, not before Gabino served her as she claims. As the Court is aware,
12 Gabino was not able to obtain a copy of the order from the August 6, 2020 hearing³¹
13 until December 22, 2020.

14 On January 25, 2021, Gabino filed an Ex Parte Request for a Pick Up Order.
15 That the request for the emergency pick-up order was based on the fact that Ana
16 Maria had been refusing to remain in contact with Gabino since December 2019³²
17 and was in violation of the Court Order from the August 6, 2020 hearing. The pick
18 up order was granted on January 25, 2021.

19 When Gabino discovered that Ana Maria fled to Florida with the child, he
20 hired a private investigator to locate her and the child. However, Ana Maria
21 subsequently fled from Florida as well.
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26 ²⁹ *Id.* at 13-17.

27 ³⁰ Acquired through conversations between Gabino and Ana Maria’s family members.

28 ³¹ Court ordered, in pertinent part, that Gabino shall have sole legal and sole physical custody of the child.

³² Though even before that, Ana Maria not allowing Gabino to have contact with the child and she continue threats to call immigration on Gabino.

1 On May 7, 2021, Gabino's private investigator found Ana Maria had
2 speeding tickets in Seattle, Washington. Gabino only had the pickup order at the
3 time, and Washington police refused to enforce it until Gabino localized the order.

4 On July 2, 2021, Gabino filed for and obtained a Warrant to Take Physical
5 Custody of the child, which he served on Ana Maria in the state of Washington. It
6 was only after Gabino surprised Ana Maria with service in Washington on
7 November 19, 2021, that Ana Maria could no longer pretend she did not know this
8 case was ongoing.

9 **G. Ana Maria states that there were "irregularities" in the proceedings.**

10 In her Motion, Ana Maria claims that there were irregularities in the
11 proceedings.

- 12 • The Court signed the Order to register the Out of State Order. End of
13 discussion. This is a nonissue that Ana Maria is trying to turn into an issue.
- 14 • Only July 27, 2020, the Court stopped the proceeding immediately upon
15 discovering that the interpreter was not certified. This is also a nonissue.
- 16 • On July 27, 2020, Gabino testified that December 10, 2019 was the first
17 time he saw the child physically *since August 2019*. Gabino never stated
18 that he had not seen the child at all until December 10, 2019 as Ana Maria
19 claims.
- 20 • On August 6, 2020, Gabino's testimony was not contradictory. He has
21 remained consistent in stating that he saw the child on March of 2019.
- 22 • Gabino did not claim that he was working the oil fields for the full 36
23 months.
- 24 • On August 2016, 2020, at 10:33:28, a question is asked about whether
25 family members had concerns about the child before December of 2019.
26 Gabino clearly replies yes. Furthermore, just prior to that question,
27 Gabino testifies that one of Ana Maria's family members told him that
28 Ana Maria put the child in time out because she was ill. Therefore, it

1 makes absolutely no sense for Ana Maria to claim Gabino said “no”
2 quietly. f

- 3 • On August 16, 2020, at 10:34:11, Gabino is asked if he had any concerns
4 about the child before December 2019. Gabino clearly replies yes. This
5 question is followed by a question as to the reason Gabino did not take
6 any action prior to December of 2019. While the interpreter does gesture
7 across her neck, the following questions are whether Gabino was afraid to
8 take legal action and why. Gabino testifies that Ana Maria threatened to
9 call immigration if he took her to court. Of course, Ana Maria left this part
10 out of her “irregularities” list.

11 The “irregularities” mentioned by Ana Maria are not irregularities at all. Ana
12 Maria has turned to misstating what said during the hearings because what was
13 actually stated does not support her position.

14 Ana Maria clearly intends keep lying just as she did to the North Carolina
15 court. Unfortunately, the victim here continues to be the child. Ana Maria has now
16 moved her across the country multiple times over the course of her young life. Ana
17 Maria has deprived the child of contact with her parents. Anyone who does not
18 support Ana Maria’s actions is seen as a traitor. Ana Maria will certainly continue
19 to lie and to move the child from place to place as many times as it takes to frustrate
20 Gabino’s attempts to get his child back. The Nevada courts that have handled this
21 case issued the correct orders under the circumstances. Ana Maria’s Motion is
22 nothing more than a patchwork attempt to fabricate a story that will excuse her
23 attempt to avoid court proceedings. She has not provided any evidence whatsoever
24 to support her allegations and she has not provided it because no such evidence
25 exists. As such, her Motion to Reconsider should be denied.

26 II.

27 ARGUMENT

28 A. The Court Should Deny Ana Maria’s Motion for 60(b) Relief.

1 Ana Maria admits that North Carolina does not have exclusive jurisdiction
2 and she argues that the issue is whether State of Nevada had subject matter
3 jurisdiction over the issue of child custody. Ana Maria incorrectly asserts that the
4 State of Nevada did not have subject matter jurisdiction over the issue of child
5 custody and that it could not modify the NC Order because Nevada was not the
6 child's home state at the onset of this case.

7 NRCP 60 states the following in pertinent part:

8
9 **(b) Grounds for Relief From a Final Judgment, Order, or**
10 **Proceeding.** On motion and upon such terms as are just, the court may
11 relieve a party or a party's legal representative from a final judgment,
12 order, or proceeding for the following reasons:

13 **(1) mistake, inadvertence, surprise, or excusable neglect;**

14 **(2) newly discovered evidence which by due diligence could not**
15 **have been discovered in time to move for a new trial under Rule**
16 **59(b);**

17 **(3) fraud (whether heretofore denominated intrinsic or extrinsic),**
18 **misrepresentation or other misconduct of an adverse party;**

19 **(4) the judgment is void;**

20 **(5) the judgment has been satisfied, released, or discharged; it is**
21 **based on an earlier judgment that has been reversed or vacated; or**
22 **applying it prospectively is no longer equitable; or**

23 **(6) Any other reason that justifies relief.**

24 **(c) The motion shall be made within a reasonable time, and for reasons**
25 **(1), (2), and (3) not more than 6 months after the proceeding was taken**
26 **or the date that written notice of entry of the judgment or order was**
27 **served. A motion under this subdivision (b) does not affect the finality**
28 **of a judgment or suspend its operation. This rule does not limit the**
power of a court to entertain an independent action to relieve a party
from a judgment, order, or proceeding, or to set aside a judgment for
fraud upon the court. Writs of coram nobis, coram vobis, audita querela,
and bills of review and bills in the nature of a bill of review, are
abolished, and the procedure for obtaining any relief from a judgment
shall be by motion as prescribed in these rules or by an independent
action.

1 Ana Maria has not demonstrated that the order should be set aside under
2 NRCP 60(b). As the Court is aware, NRCP 60(b) authorizes the Court to set aside
3 an order “upon such terms as are just” if the movant can demonstrate that the
4 judgment is void, if there is mistake, inadvertence, surprise or excusable neglect
5 and that justice requires the Court to set aside the order. While the Court has broad
6 discretion in granting or denying a 60(b) motion, justice certainly does not, in this
7 case, require the Court to set aside all orders.

8 **1. Nevada was the child’s home state at the onset of this case.**

9 Under NRS 125A.085(1), the 6-month requirement *includes* any temporary
10 absence from the state. Here, the child was present in Nevada from March 2019.
11 Ana Maria claims she moved to Nevada on April 10, 2019. It is likely she sent the
12 child to Nevada first.

13 While Ana Maria claims that the child was in California with Mr. Edenfield
14 from July 2019 through November 2019, she has not provided any evidence of
15 that. Furthermore, it is simply not true that the child was in California given that
16 Gabino saw the child present in Nevada multiple times between July 2019 and
17 November 2019.

18 Assuming arguendo that the child was absent from Nevada during from July
19 2019 through November 2019, that absence was undoubtedly a *temporary* absence.
20 The child returned from California and even Ana Maria has claimed time and time
21 again that the child resided with her *at all* times. Given that Ana Maria was residing
22 in Nevada from at least April 10, 2019 (according to her), the child’s residence was
23 Nevada and she was going to continue residing in Nevada until Ana Maria decided
24 to abscond with the child in mid-2020. As such, there is no question whatsoever
25 that the child was a resident of Nevada for at least 6 months immediately before
26 the commencement of this case.

27 Ana Maria admits that North Carolina does not have exclusive jurisdiction
28 and she argues that the issue is whether State of Nevada had subject matter

1 jurisdiction over the issue of child custody. Ana Maria incorrectly asserts that the
2 State of Nevada did not have subject matter jurisdiction over the issue of child
3 custody and that it could not modify the NC Order because Nevada was not the
4 child's home state at the onset of this case.

5 **2. Gabino properly served Ana Maria.**

6 Gabino served Ana Maria properly pursuant to NRS 125A.465(4), which
7 states:

8 4. The person seeking registration of a child custody determination
9 pursuant to subsection 1 shall serve notice, by registered or certified
10 mail, return receipt requested, upon each parent or person who has been
11 awarded custody or visitation identified pursuant to paragraph (c) of
12 subsection 1.

13 Here, without any basis whatsoever, Ana Maria claims that the USPS
14 tracking information shows the article was never mailed and that tracking did not
15 occur through USPS. This is incorrect. The COS filed on January 31, 2020 shows
16 that the article was mailed via certified mail. Furthermore, USPS stores tracking
17 information for *at most* 2 years. Given that over 2 years have passed since certified
18 mailing of the COS, searching for tracking history from January 31, 2020, is not
19 possible. As such, Ana Maria attempting to use current tracking searches is
20 misleading and unsurprisingly just another attempt to distract from the fact that she
21 tried to evade service. The facts here show that Ana Maria was residing at 1216
22 Silver Lake Drive until at least early March of 2020. Ana Maria even acknowledges
23 that only Mr. Edenfield "never resided" at that address.

24 Ana Maria also admits that she fled to Florida *after* she retrieved the child
25 from Gabino on December 15, 2019. However, Ana Maria has not provided an exact
26 date on which she left Nevada for Florida. She has not even provided the Court an
27 approximate month on which she left Nevada. Ana Maria has presented no evidence
28 that she was never served or that she was not residing at 1216 Silver Laker Dr, Las
Vegas, NV 89108 at the onset of this case. If Ana Maria was not residing there, she

1 has not presented any evidence of where she was residing. Ana Maria absolutely
2 cannot claim that “no attempt” at a valid service of process was made when there
3 clearly were many attempts and she actively avoided Gabino until she was found in
4 the state of Washington due to traffic tickets she had in Washington.

5 The facts here indicate that Ana Maria absconded with the child after she had
6 notice of this case. The only reason Ana Maria finally decided to respond in this
7 Court is because she was tracked down and not given the opportunity to flee again
8 before being served in Washington.

9 Ana Maria absconding with the child does not excuse Ana Maria’s
10 responsibility to participate in the proceedings. While Ana Maria claims that she
11 was never served and that no attempts were made to serve her, this Court has
12 already found the opposite. In fact, in the Order from January 24, 2022, this Court
13 found that Judge Burton made extensive review of the facts and circumstances and
14 service. The burden of proof is on Ana Maria and she has not provided a shred of
15 evidence to support her Motion. If anything, her Motion further shows that she will
16 say whatever she can conjure up to give herself the opportunity to flee again.

17 Even if the NC Order was not domesticated (which it was) this Court clearly
18 has subject matter jurisdiction over child custody because this was the child’s home
19 state at the onset of the case and Ana Maria received service of process but decided
20 to flee the state of Nevada.

21 Gabino therefore submits that Ana Maria has failed to make a prima facie
22 case for 60(b) relief. Based on the foregoing facts, the Court should summarily
23 deny Ana Maria’s motion in its entirety without argument.

24 III.

25 COUNTERMOTION

26 **A. This Court should hold Ana Maria in contempt for failure to produce**
27 **the child pursuant to the Order from January 24, 2022.**
28

1 Pursuant to NRCP 60(c)(2), a Motion for Relief from Judgment or Order does
2 not affect the judgment's finality or suspend its operation. Furthermore, the Nevada
3 Legislature has empowered judges to hold parties in contempt when they
4 "[d]isobe[y] or resist[] . . . any lawful writ, order, rule or process issued by the
5 court or judge at chambers." Nev. Rev. Stat. § 22.010(3). To constitute the basis
6 for contempt, an order must be clear, unambiguous, and clearly "spell out the
7 details of compliance." *Cunningham v. Eighth Judicial Dist. Court*, 102 Nev. 551,
8 559–60, 729 P.2d 1328, 1333–34 (1986).

9 As stated above, the Order issued on January 24, 2022 states, in pertinent
10 part, as follows:

11 **IT IS FURTHER ORDERED** that Ana file a Notice of Change
12 of Address and that she produce the child as ordered by the Court.
13 Ana Maria willfully violated clear and unambiguous orders by failing to produce
14 the child pursuant to the Order issued on January 24, 2021. Ana Maria understood
15 the order given that she **did** comply with the part of the order directing her to file a
16 Notice of Change of Address. She filed the Notice of Change of Address on March
17 1, 2022. However, she continues to withhold the child from Gabino in direct and
18 blatant violation of the Order.

19 The Court should provide motivation for Ana Maria to comply with its
20 orders. Each passing day that Ana Maria fails to produce the child is a continuing
21 violation of the Order, and it is punishable by up to a \$500 fine, incarceration and
22 an award of fees. *See* NRS 22.100. Gabino therefore requests that the Court direct
23 Ana Maria to produce the child by a specific date subject to contempt. If Ana Maria
24 does not produce the child by the date set by the Court, Gabino further requests that
25 Ana Maria be sanctioned with a \$500 fine and one day of incarceration for each
26 additional day that she fails to produce the child.

27 **B. The Court Should Award Gabino with Attorney's Fees and Costs in**
28 **the Amount of \$5,000.**

1 Gabino is requesting fees pursuant to EDCR 7.60, which allows the Court to
2 sanction a party for unreasonably and vexatiously multiplying proceedings and/or
3 presenting to the court a motion or an opposition to a motion which is obviously
4 frivolous, unnecessary or unwarranted. Ana Maria's motion has unreasonably
5 increased Gabino's costs by forcing him to file a response. The Court should award
6 Gabino the sum of \$5,000 in attorney's fees for being forced to defend against a
7 motion brought without legal grounds and so clearly without merit. Ana Maria has
8 failed to show a shred of proof that she was not residing at 1216 Silver Lake Dr,
9 Las Vegas, NV 89108 when multiple notices were delivered there via certified
10 mail. She has presented no evidence that Nevada was not the child's home state at
11 the onset of this case. Furthermore, she has presented no evidence to suggest she
12 was not residing in Nevada when service was made by publication multiple times
13 in April and May of 2020.

14 In support of Gabino's request for attorney's fees, the following is an analysis
15 of the *Brunzell* factors for the Court's consideration:

16 *(1) the advocate's qualities, including ability, training, education,*
17 *experience, professional standing, and skill;*

18 All the attorneys at Mills & Anderson regularly practice in family law and
19 regularly participate in CLE to stay current with the most recent changes in the law.
20 Mills & Anderson collectively has over 50 years of family law practice experience
21 and all three attorneys at the firm will likely be utilized at various stages in the case.
22 No disciplinary action of any kind has been taken against any of the firm's lawyers
23 during that time.

24 *(2) the character of the work to be done; and (3) the work actually*
25 *performed by the lawyer;*

26 Gabino's attorneys have prepared all the substantive pleadings in this matter,
27 researched and cited all appropriate law, with correct analysis and application of the
28 law to the facts. They have met with Gabino in consultation and will be present at

1 all hearings in this matter. The firm's actions have been in accordance to the highest
2 ethical practices and consistent with the Nevada Rules of Professional Conduct.

3 (4) *the result, whether the attorney was successful and what benefits were*
4 *derived.*

5 Gabino anticipates a favorable decision by the Court as his requests are
6 consistent with and supported by Nevada law. Gabino therefore requests an award
7 of fees in the amount of \$5,000.00.

8 III.

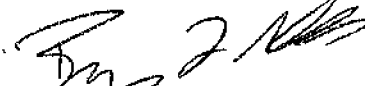
9 CONCLUSION

10 Based upon the above and foregoing, Defendant respectfully requests that
11 this Court enter the following Orders:

- 12 1. An Order of the Court denying Plaintiff's request to reconsider and set aside
13 any and all judgement's, orders, or other decisions in the present matter;
- 14 2. An order of the Court holding Plaintiff in contempt for failing to produce the
15 child;
- 16 3. An Order of the Court denying Plaintiff's request for attorney's fees and
17 costs;
- 18 4. An Order awarding Defendant with fees and costs in the amount of \$5,000;
- 19 5. For any and other such further relief as this Court deems appropriate in the
20 premises.

21 DATED this 17th day of March 2022.

22 MILLS & ANDERSON

23 

24 BYRON L. MILLS, ESQ.

25 Nevada Bar No. 6745

26 703 S. 8th Street

27 Las Vegas NV 89101

28 Attorney for Defendant

1 **AFFIDAVIT OF GABINO GUARDADO IN SUPPORT OF OPPOSITION**

2 STATE OF NEVADA)
3) ss:
4 COUNTY OF CLARK)

5
6 GABINO GUARDADO, being first duly sworn according to law, deposes
7 and says:

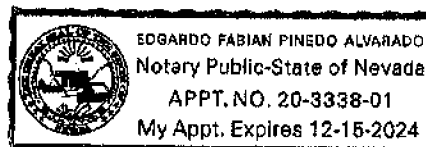
- 8 1. I have provided all the information, dates and incidents for use in this
9 opposition and state under oath that the information contained therein and
10 which I have read, corrected and approved, is true and correct to the best of
11 my knowledge.
12 2. Based on my knowledge, belief and information and as though repeated
13 herein by my affidavit, I incorporate the facts and incidents of the opposition
14 as though fully reprinted in this affidavit.

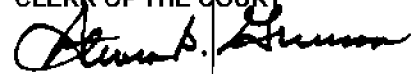
15 WHEREFORE, I respectfully request that this Court grant the relief requested.
16 FURTHER AFFIANT SAYETH NAUGHT.

17
18 Gabino Guardado A.
19 GABINO GUARDADO

20 SUBSCRIBED and SWORN to before me
21 this 15 day of March 2022.

22 _____
23 NOTARY PUBLIC in and for Said
24 County of Clark, State of Nevada





EXPA
BYRON L. MILLS, ESQ.
Nevada Bar No. 6745
MILLS & ANDERSON
703 S. 8th Street
Las Vegas Nevada 89101
702-386-0030
Attorney for Defendant
attorneys@millsnv.com

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

**ANA M. SALAS
TYLER EDENFIELD,**

Plaintiff,

vs.

GABINO GUARDADO,

Defendant.

CASE NO.: D-20-602873-F

DEPT. NO.: X

DATE OF HEARING: 04/11/22
TIME OF HEARING: 10:00 a.m.


EX PARTE APPLICATION FOR ORDER TO SHOW CAUSE

COMES NOW the Defendant, GABINO GUARDADO, by and through his attorney, BYRON L. MILLS, ESQ. of the law firm of MILLS & ANDERSON and pursuant to the Nevada Revised Statutes and Eighth Judicial District Court Rules cited hereinbelow respectfully requests that the Court issue an order to show cause why the Plaintiff, ANA M. SALAS, should not be held in contempt of court for violations of the Order filed on February 15, 2022, for failing to produce the child.

1 This application is made and based on the pleadings and papers on file
2 herein, the Affidavit of GABINO GUARDADO, and any oral argument at the
3 time of hearing on this matter.

4 DATED this 17th day of March 2022

5 MILLS & ANDERSON

6
7 
8 BYRON L. MILLS, ESQ.
9 Nevada Bar No. 6745
10 703 S. 8th Street
11 Las Vegas Nevada 89101
12 Attorney for Defendant
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1 **AFFIDAVIT OF GABINO GUARDADO IN SUPPORT OF ORDER TO**
2 **SHOW CAUSE**

3 STATE OF NEVADA)
4 : ss.
5 COUNTY OF CLARK)

6 GABINO GUARDADO, being first duly sworn according to law, deposes
7 and says:

8 1. The Plaintiff, ANA M. SALAS (hereinafter “Ana Maria”) is the former
9 sister-in-law of the Defendant, GABINO GUARDADO (hereinafter “Gabino”).

10 2. Gabino is the biological father of the child at issue, to wit: YASLINE
11 ALEJANDRA GUARDADO-SALAS, born on February 9, 2014 (“the child” or
12 “Yasline”).

13 3. Ana Maria is the sister of the child’s biological mother, PAOLA LETICIA
14 SALAS (“Paola” or “child’s mother”).

15 4. The Plaintiff, TYLER EDENFIELD (“Mr. Edenfield”) is Ana Maria’s ex-
16 husband.

17 5. On January 24, 2022, the Court issued the controlling order (“the Order”) in
18 favor of Gabino. The Order was filed on February 15, 2022.¹

19 6. Pursuant to the Order, the three Orders that govern are:²

- 20 • December 21, 2020 – granting Gabino the sole legal and physical custody
- 21 of Yasline.
- 22 • January 26, 2021 – Order for Return of Child.
- 23 • July 2, 2021 – Warrant for Return of Child.

24
25
26
27 ¹ See Order filed on February 15, 2022.

28 ² *Id.* at 3:8-16.

1 7. Furthermore, pursuant to the Order, Ana Maria shall produce the child as
2 ordered by the Court.³

3 8. February 28, 2022, Ana Maria's current counsel filed Substitution of
4 Attorney.

5 9. On March 1, 2022, Ana Maria filed another Motion for Reconsideration,
6 asserting Lack of Subject Matter Jurisdiction and Personal Jurisdiction.

7 10. As of March 14, 2022, Ana Maria has not produced the child and as stated
8 above, she has chosen to challenge the validity of the Court's orders instead.

9 11. Pursuant to NRCP 60(c)(2), a Motion for Relief from Judgment or Order
10 does not affect the judgment's finality or suspend its operation.

11 12. As such, Maria's filing of the Motion for Reconsideration on March 1, 2022
12 does not suspend the operation of the Order. Specifically, it does not excuse Ana
13 Maria from producing the child.

14 13. By refusing to produce the child, Ana Maria has violated the Order filed on
15 February 15, 2022, which states in relevant part that, "Ana Maria shall produce the
16 child as ordered by the Court." Furthermore, given that Gabino is the sole legal and
17 sole physical custodian of the child, Ana Maria has deprived Gabino of custodial
18 time since the Order was filed.

19 14. Due to Ana Maria's noncompliance with the Court's order, I was
20 forced to incur additional attorney's fees that could have been avoided otherwise.

21 15. I have provided all the information, dates and incidents for use in this
22 application and state under oath that the information contained therein and which
23 I have read, corrected and approved, is true and correct to the best of my
24 knowledge.

25
26
27
28 ³ *Id.* at 4:10-11.

1 16. Based on my knowledge, belief and information and as though
2 repeated herein by my affidavit, I respectfully request that the Court issue an order
3 to show cause against Defendant for the violations set forth in this affidavit.

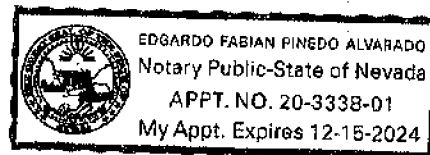
4 WHEREFORE, I respectfully request that this Court grant the relief requested.

5 FURTHER AFFIANT SAYETH NAUGHT.

6
7 Gabino Guardado A.
8 GABINO GUARDADO

9 SUBSCRIBED and SWORN to before me
10 this 16 day of March 2022.

11 ~~NOTARY PUBLIC~~ in and for Said
12 County of Clark, State of Nevada





EXH
BYRON L. MILLS, ESQ.
Nevada Bar #6745
DANIEL W. ANDERSON, ESQ.
Nevada Bar #9955
MILLS & ANDERSON
703 S. 8th Street
Las Vegas NV 89101
(702) 386-0030
attorneys@millsnv.com
Attorney for Defendant

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

ANA M. SALAS AND
TYLER EDENFIELD

Plaintiff,

vs.

GABINO GUARDADO,

Defendant.

CASE NO.: D-20-602873-F

DEPT. NO.: X

HEARING DATE: 04/11/22

HEARING TIME: 10:00 a.m.

**DEFENDANT'S APPENDIX TO OPPOSITION TO PLAINTIFF'S
MOTION FOR RECONSIDERATION, ET AL.**

Defendant, GABINO GUARDADO, by and through his attorney, BYRON
L. MILLS, ESQ. of MILLS & ANDERSON hereby submits and files his Appendix

///

///

///

1 to the Opposition and Countermotion.

2 EXHIBIT	BATE NO.	DESCRIPTION
3 E	8-10	4 Photographs that Gabino took of the child during the Christmas season of 2019.

5 Submitted by:

6
7 MILLS & ANDERSON

8  3/17/22

9 BYRON L. MILLS, ESQ. DATED _____

10 Bar No. 6745

703 S. 8th Street

11 Las Vegas, Nevada 89101

Attorney for Defendant

EXHIBIT E



DEF08



DEF009



DEF10



1 **OBJ**

2 Amanda M. Roberts, Esq.

3 State Bar of Nevada No. 9294

4 **ROBERTS STOFFEL FAMILY LAW GROUP**

5 4411 South Pecos Road

6 Las Vegas, Nevada 89121

7 PH: (702) 474-7007

8 FAX: (702) 474-7477

9 EMAIL: efile@lvfamilylaw.com

10 Attorneys for Plaintiff, Ana Maria Salas

11 **DISTRICT COURT**
12 **FAMILY DIVISION**
13 **CLARK COUNTY, NEVADA**

14 ANA MARIA SALAS AND TYLER
15 KYLE EDENFIELD,

16 Plaintiff,

17 v.

18 GABINO GUARDADO,

19 Defendant.

Case No: D-20-602873-F

Dept No: X

20 **OBJECTION TO DEFENDANT'S EX PARTE APPLICATION FOR AN**
21 **ORDER TO SHOW CAUSE**

22 COMES NOW the Plaintiff, Ana Salas, by and through her attorneys of
23 record, Amanda M. Roberts, Esq., of Roberts Stoffel Family Law Group, and
24 hereby files this Objection to Defendant's Ex Parte Application for an Order to
25 Show Cause.

26 \\\

27 \\\

1 Pursuant to *EDCR* § 5.510 (a), Gabino's Motion was required to be
2 accompanied by an Affidavit comply with *NRS* § 22.030 (2) which must include
3 "the specific provisions, pages and lines of the existing order(s) alleged to have
4 been violated, the acts or omissions constituting the alleged violation, any harm
5 suffered or anticipated, and the need for a contempt ruling, which should be filed
6 and served as any other motion." In this matter, Gabino's Affidavit does not
7 comply with *EDCR* § 5.510 (a) because it fails to provide the language from the
8 Order plus the page and line number reference. As such, pursuant to *Awad v.*
9 *Wright*, 106 Nev. 407, 794 P.2d 713 (1990), the failure to properly comply with the
10 Court rules means this Court lacks jurisdiction to hear this request.
11
12
13

14 Based upon the foregoing, Ana requests the Court deny Gabino's request for
15 the issuance of an Order to Show Cause.
16

17 DATED this 18th day of March, 2022.

18 **ROBERTS STOFFEL FAMILY LAW GROUP**

19
20 By: Amanda M. Roberts

21 Amanda M. Roberts, Esq.
22 State of Nevada Bar No. 9294
23 4411 South Pecos Road
24 Las Vegas, Nevada 89121
25 PH: (702) 474-7007
26 FAX: (702) 474-7477
27 EMAIL: efile@lvfamilylaw.com
28 Attorneys for Plaintiff, Ana Salas

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Byron Mills, Esq.
Email: modonnell@millsnv.com
Attorney for Defendant

By: C. Stoffer
An Employee of Roberts Stoffer Family Law
Group



COS
BYRON L. MILLS, ESQ.
Nevada Bar #6745
MILLS & ANDERSON
703 S. 8th Street
Las Vegas NV 89101
(702) 386-0030
attorneys@millsnv.com
Attorney for Defendant

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

ANA M. SALAS AND
TYLER EDENFIELD

Plaintiff,

vs.

GABINO GUARDADO,

Defendant.

CASE NO.: D-20-602873-F
DEPT. NO.: X

CERTIFICATE OF ELECTRONIC SERVICE

The Undersigned, pursuant to NRCP 5(b)(2)(D) and EDCR 8.05, does hereby state and declare that on the 17th day of March, 2022, I served a true and correct copy of the following documents:

1. Opposition to Application for Temporary Protective Order.
2. Opposition to Plaintiff's Motion for Reconsideration, et al.
3. Defendant's Exhibits to Plaintiff's Motion for Reconsideration
4. Ex Parte Application for Order to Show Cause

by delivering via electronic service utilizing the Odyssey E-File and Serve system

1 to the person(s) identified below as follows:

2 Amanda Roberts, Esq. (efile@lvfamily law.com)

3
4 */S/ MARY O'DONNELL*

5 _____
6 An Employee of Mills & Anderson
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Mary O'Donnell

From: no-reply@efilingmail.tylertech.cloud
Received: Thu 3/17/2022 10:06 AM
To: Mary O'Donnell
Cc:

Subject: Notification of Service for Case: D-20-602873-F, Ana Maria Salas, Tyler Kyle Edenfield, Plaintiff,vs. Gabino Guardado, Defendant. for filing Opposition - OPPS (FAM), Envelope Number: 9533883



Notification of Service

Case Number: D-20-602873-F
Case Style: Ana Maria Salas, Tyler Kyle Edenfield,
Plaintiff,vs. Gabino Guardado, Defendant.
Envelope Number: 9533883

This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

Filing Details	
Case Number	D-20-602873-F
Case Style	Ana Maria Salas, Tyler Kyle Edenfield, Plaintiff,vs. Gabino Guardado, Defendant.
Date/Time Submitted	3/17/2022 10:05 AM PST
Filing Type	Opposition - OPPS (FAM)
Filing Description	Opposition to Application for Temporary Protection Order
Filed By	Jessica Titolo
Service Contacts	<p>Ana Maria Salas:</p> <p>Amanda Roberts, Esq. (efile@lvfamilylaw.com)</p> <p>Peter Isso, Esq. (peter@issolaw.com)</p> <p>John Lanning, Esq. (jlanning@issolaw.com)</p> <p>Gabino Guardado:</p> <p>Byron Mills (modonnell@millsnv.com)</p>

Document Details	
Served Document	Download Document
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Subject: Notification of Service for Case: D-20-602873-F, Ana Maria Salas, Tyler Kyle Edenfield, Plaintiff.vs. Gabino Guardado, Defendant. for filing Opposition - OPPS (FAM), Envelope Number: 9533883



Notification of Service

Case Number: D-20-602873-F
Case Style: Ana Maria Salas, Tyler Kyle Edenfield,
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This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

Filing Details	
Case Number	D-20-602873-F
Case Style	Ana Maria Salas, Tyler Kyle Edenfield, Plaintiff.vs. Gabino Guardado, Defendant.
Date/Time Submitted	3/17/2022 10:05 AM PST
Filing Type	Opposition - OPPS (FAM)
Filing Description	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
Filed By	Jessica Titolo
Service Contacts	<p>Ana Maria Salas:</p> <p>Amanda Roberts, Esq. (efile@lvfamilylaw.com)</p> <p>Peter Isso, Esq. (peter@issolaw.com)</p> <p>John Lanning, Esq. (jlanning@issolaw.com)</p> <p>Gabino Guardado:</p> <p>Byron Mills (modonnell@millsnv.com)</p>

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Subject: Notification of Service for Case: D-20-602873-F, Ana Maria Salas, Tyler Kyle Edenfield, Plaintiff.vs. Gabino Guardado, Defendant. for filing Exhibits - EXHS (FAM), Envelope Number: 9535755



Notification of Service

Case Number: D-20-602873-F
Case Style: Ana Maria Salas, Tyler Kyle Edenfield,
Plaintiff.vs. Gabino Guardado, Defendant.
Envelope Number: 9535755

This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

Filing Details	
Case Number	D-20-602873-F
Case Style	Ana Maria Salas, Tyler Kyle Edenfield, Plaintiff.vs. Gabino Guardado, Defendant.
Date/Time Submitted	3/17/2022 12:34 PM PST
Filing Type	Exhibits - EXHS (FAM)
Filing Description	Defendant's Appendix to Opposition to Plaintiff's Motion for Reconsideration, ET AL.
Filed By	Jessica Titolo
Service Contacts	<p>Ana Maria Salas:</p> <p>Amanda Roberts, Esq. (efile@lvfamilylaw.com)</p> <p>Peter Isso, Esq. (peter@issolaw.com)</p> <p>John Lanning, Esq. (jlanning@issolaw.com)</p> <p>Gabino Guardado:</p> <p>Byron Mills (modonnell@millsnv.com)</p> <p>Gabino Guardado (sugueyr@yahoo.com)</p> <p>Ben Murphy (ben@rosenblumlawlv.com)</p> <p>Molly Rosenblum, Esq. (molly@rosenblumlawlv.com)</p>

Mary O'Donnell

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To: Mary O'Donnell
Cc:

Subject: Notification of Service for Case: D-20-602873-F, Ana Maria Salas, Tyler Kyle Edenfield, Plaintiff,vs. Gabino Guardado, Defendant. for filing Ex Parte Application for Order - EPAO (FAM), Envelope Number: 9533883



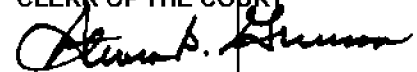
Notification of Service

Case Number: D-20-602873-F
Case Style: Ana Maria Salas, Tyler Kyle Edenfield, Plaintiff,vs. Gabino Guardado, Defendant.
Envelope Number: 9533883

This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

Filing Details	
Case Number	D-20-602873-F
Case Style	Ana Maria Salas, Tyler Kyle Edenfield, Plaintiff,vs. Gabino Guardado, Defendant.
Date/Time Submitted	3/17/2022 10:05 AM PST
Filing Type	Ex Parte Application for Order - EPAO (FAM)
Filing Description	Ex Parte Application for Order to Show Cause
Filed By	Jessica Titolo
Service Contacts	<p>Ana Maria Salas:</p> <p>John Lanning, Esq. (jlanning@issolaw.com)</p> <p>Peter Isso, Esq. (peter@issolaw.com)</p> <p>Amanda Roberts, Esq. (efile@lvfamilylaw.com)</p> <p>Gabino Guardado:</p> <p>Byron Mills (modonnell@millsnv.com)</p>

Document Details	
Served Document	Download Document
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EXPA
BYRON L. MILLS, ESQ.
Nevada Bar No. 6745
MILLS & ANDERSON
703 S. 8th Street
Las Vegas Nevada 89101
702-386-0030
Attorney for Defendant
attorneys@millsnv.com

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

ANA M. SALAS
TYLER EDENFIELD,

Plaintiff,

vs.

GABINO GUARDADO,

Defendant.

CASE NO.: D-20-602873-F

DEPT. NO.: X

DATE OF HEARING:

TIME OF HEARING:

**AMENDED EX PARTE APPLICATION FOR ORDER TO SHOW
CAUSE**


COMES NOW the Defendant, GABINO GUARDADO, by and through his attorney, BYRON L. MILLS, ESQ. of the law firm of MILLS & ANDERSON and pursuant to the Nevada Revised Statutes and Eighth Judicial District Court Rules cited hereinbelow respectfully requests that the Court issue an order to show cause why the Plaintiff, ANA M. SALAS, should not be held in contempt of court violations of the Order filed on February 15, 2022, for failing to produce the child.

1 This application is made and based on the pleadings and papers on file
2 herein, the Affidavit of GABINO GUARDADO, and any oral argument at the
3 time of hearing on this matter.

4 DATED this 18 day of March, 2022

5 MILLS & ANDERSON

6 By:

7  aaas
8 BYRON L. MILLS, ESQ.
9 Nevada Bar No. 6745
10 703 S. 8th Street
11 Las Vegas Nevada 89101
12 Attorney for Defendant
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1 **AFFIDAVIT OF GABINO GUARDADO IN SUPPORT OF ORDER TO**
2 **SHOW CAUSE**

3 STATE OF NEVADA)
4 : ss.
5 COUNTY OF CLARK)

6 GABINO GUARDADO, being first duly sworn according to law, deposes
7 and says:

8 1. The Plaintiff, ANA M. SALAS (hereinafter “Ana Maria”) is the former
9 sister-in-law of the Defendant, GABINO GUARDADO (hereinafter “Gabino”).

10 2. Gabino is the biological father of the child at issue, to wit: YASLINE
11 ALEJANDRA GUARDADO-SALAS, born on February 9, 2014 (“the child” or
12 “Yasline”).

13 3. Ana Maria is the sister of the child’s biological mother, PAOLA LETICIA
14 SALAS (“Paola” or “child’s mother”).

15 4. The Plaintiff, TYLER EDENFIELD (“Mr. Edenfield”) is Ana Maria’s ex-
16 husband.

17 5. On January 24, 2022, the Court issued the controlling order (“the Order”) in
18 favor of Gabino. The Order was filed on February 15, 2022.¹

19 6. Pursuant to the Order, the three Orders that govern are:²

- 20 • December 21, 2020 – granting Gabino the sole legal and physical custody
- 21 of Yasline.
- 22 • January 26, 2021 – Order for Return of Child.
- 23 • July 2, 2021 – Warrant for Return of Child.
- 24
- 25
- 26

27 ¹ See Order filed on February 15, 2022.

28 ² *Id.* at 3:8-16. (Page 3, lines 8-16 of the Order filed February 15, 2022).

**PLEADING
CONTINUES
IN NEXT
VOLUME**