

Your Name:
Mailing Address:
City, State, Zip:
Telephone:
In Proper Person

Javier Ramirez
1371 Village Way E
Gardnerville NV 89410
(775) 4506181

REC'D & FILED
2017 JUN 20 PM 3:00

Electronically Filed
Jun 09 2022 09:50 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

Mayra E. Arreguin
Plaintiff/Petitioner,

Case No.: 120210039 IB
Dept. No.: 1

vs.

Javier Ramirez
Defendant/Respondent.

MOTION To show cause
for contempt of court

I Javier Ramirez, appearing in Proper Person,
(Your Name)

request that the Court enter an Order granting me the following:

State what you want the Court to order. If you have more than one request, clearly list and number each request. Do not explain your requests in detail here, just list them.

1- Plaintiff has ~~no~~ complied with the orders
(on the April 26 2017)

1 - Charge plaintiff for Contemp of court.

2 - Subpoena phone records from plaintiff

1 **Fully explain why you believe you should be granted your request(s).**
2 **List and number each request.**

3 This Motion is made for the following reasons:

4
5 Non compliance of order executed April 26, 2017
6 (see attached)
7

8 Phone calls did not occurred neither on
9 Sunday the 18th (Father's day) nor on Monday
10 June 19th. again this is a problem, even it
11 a reminder by Mr Sawyer from CASA prior to
12 calls and emails by me,
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1 (If you need more room, you may attach additional sheets of paper. Be sure you write only on
2 one side of each sheet, number the page or pages 3(a), 3(b), etc. and initial each page at the
3 bottom.)

4 This document does **not** contain the Social Security number of any person.

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

7 DATED this 20 day of June, 2017.

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(Your Signature)

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), the undersigned hereby certifies that on this date, I deposited a true and correct copy of the foregoing Motion in the U.S. Mail with postage pre-paid thereon, addressed to:

Margie E. Arreguin
1756 Russel Way #E
Corson City NV 89410

Dated this 20 day of June, 2017.

REC'D & FILED

2017 APR 26 PM 1:21

SUSAN MERRIWETHER
CLERK

BY [Signature]
DEPUTY

1 Case No.: 12 DR1 00391 1B

2 Dept. No.: 1

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6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY

8
9 MAYRA E. ARREGUIN,

10 Plaintiff,

11 v.

12 JAVIER RAMIREZ RIVAS,

13 Defendant.
14

ORDER AFTER APRIL 26, 2017 HEARING

15
16 This matter is before this Court pursuant to Mr. Ramirez's Motion to Show Cause for
17 Contempt of Court filed on December 26, 2016. Mr. Ramirez filed a Request for Submission on
18 March 21, 2017. The Court held a hearing on April 26, 2017. Both parties were present at the
19 hearing, in proper person. Chris Bayer, the representative from CASA, was also present.

20
21 In his Motion, Mr. Ramirez requests an alteration of the parties' custody of their children,
22 a change in the children's therapist, and a change in venue.

23 Previously, the Court issued an order on the custody of the parties' children on November
24 4, 2016. Mr. Ramirez filed a Notice of Appeal on December 2, 2016. When a party files a timely
25 notice of appeal, the District Court is divested of jurisdiction to decide matters that are pending
26 appeal. *Kantor v. Kantor*, 116 Nev. 886, 895; 8 P.3d 825, 830 (2000). A District Court does,
27 however, retain jurisdiction on collateral and independent issues than the issues pending appeal.
28

1 *Id.* Therefore, this Court does not have jurisdiction to decide the custody status or child support
2 in this case while it is pending appeal. The Court does have jurisdiction to adjust the location of
3 the visitations to better suit the parties' needs.

4 At the hearing, the parties agreed that Eduardo both wants and needs to spend time with
5 Mr. Ramirez, but the Ron Wood Center was presenting coordination issues in effect eliminating
6 visitation. Chris Bayer represented that it would be in Eduardo's best interests to change the
7 location of the visitation so that visitation may actually occur. After discussing various
8 possibilities with the parties, the Court found that the only way to ensure Eduardo has some
9 visitation with Mr. Ramirez is to allow for visitation to occur at Mr. Ramirez's parent's home.
10 The Court further ordered that if Ms. Komarek, LCSW, Eduardo's therapist, finds that a
11 problematic issue occurs because Eduardo has visitation at that location, then the visitation will
12 terminate. The visitation shall take place on Wednesdays from 5:30 p.m. to 8:00 p.m.

13 The parties brought forth issues of Carlos' visitation timing, and time of the phone call
14 visitation. Ms. Arreguin stated that the timing of Carlos' visitation on Sundays slightly interferes
15 with her work schedule. The Court adjusted the time of Mr. Ramirez's visitation with Carlos to
16 2:30 p.m. to 9:00 p.m. on Sundays. Ms. Arreguin then discussed the issue of the unpredictability
17 of Mr. Ramirez's phone call visitation. To better fit the needs of the parties, the Court ordered
18 that Ms. Arreguin shall initiate the telephonic visitation. Ms. Ramirez then discussed the issue of
19 his terminally ill grandmother. The Court found that it was in the best interests of the children to
20 visit their grandmother in the hospital. The Court ordered that Ms. Arreguin shall take the
21 children to visit her before she passes away.

22 Therefore, based on the foregoing and good cause appearing:
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1 IT IS HEREBY ORDERED that Mr. Ramirez shall have visitation with Eduardo on
2 Wednesdays from 5:30 p.m. to 8:00 p.m, to take place at Mr. Ramirez's parent's home. Ms.
3 Arreguin shall provide the child's transportation to and from visitation, with the exchange to take
4 place at the Carson City Sheriff's Office.

5
6 IT IS FURTHER ORDERED that Mr. Ramirez's visitation with Carlos shall change to
7 2:30 p.m. to 9:00 p.m. on Sundays. Ms. Arreguin shall provide the child's transportation to and
8 from visitation.

9 IT IS FURTHER ORDERED that Ms. Arreguin shall now initiate the telephonic
10 visitations between Mr. Ramirez and the children on Mondays at 6:30 p.m. Ms. Arreguin shall
11 also initiate the telephonic visitation on holidays and birthdays.

12
13 IT IS FURTHER ORDERED that Ms. Arreguin shall take the children to visit their great
14 grandmother in the hospital before she passes away. Mr. Ramirez is not to be present.

15 **IT IS SO ORDERED.**

16 Dated this 26th day of April, 2017.

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19 JAMES T. RUSSELL
20 DISTRICT JUDGE
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CERTIFICATE OF MAILING

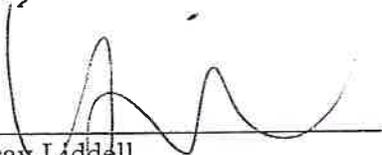
I hereby certify that on the 26 day of April, 2017, I served a copy of the foregoing by placing the foregoing in the United States Mail, postage prepaid, addressed as follows:

Javier Rameriz Rivas
1371 Village Way F
Gardnerville, NV 89410

Mayra Arreguin
1756 Russell Way E
Carson City, NV 89706

Kristopher L. Komarek, LCSW
783 Basque Way, Suite 110
Carson City, NV 89706

Chris Bayer, CASA
Email: casaofcc@earthlink.com


Lindsay Liddell
Law Clerk, Dept. 1

have obligations, activities with my children, chores Of the household, a husband and 3 children to care for.

I cannot agree more that everybody has a busy schedule, and you are not the only one, I also work I do too have people that I take care of including two sick parents, a grandmother, a girlfriend (that Mr Bayer had met). Yet I manage to put my priorities first (the boys)... I had waited up to an hour and a half for you to show up. yet I don't make scenes , So If I was you I will reconsidered calling me "problematic". We had orders by a Judge and you and I should follow as ordered, nor as we think that suits us.

On this note ,,,, I had not received any notification of any doctors appointments.....or the outcome, for almost two years, and its written as an order,

I would like for you to remind Eduardo to send with Carlos on Sunday the camera where he took his graduation pictures , so I can have them developed,.

I plan to go fishing with Carlos on Sunday, I still haven't received my new cell, so tell me a what time should I expect the call from Eduardo Sunday, so I acn make myself available at that time.....

Thanks

From: Mayra Arreguin <mayra_ae20@hotmail.com>

Sent: Thursday, June 15, 2017 12:50 PM

To: javier ramirez

Cc: Casa Of Carson City

Subject: Fwd: Re: Re:

I remind you that before the child support agency was involved I had to ask for monetary help from the welfare office because you always had this same problem, of not lasting in the works, you are dismissed for your temperament and your way of being Problematic or I do not know the reasons. until I was collected for all the time that you were not paying and I still give them what the children need so do not think we depend on your monetary contribution, because I remind you that it is your obligation and you are not doing me any favors and even without him I can carry out my children.

And in the matter of custody or coexistence with your children I am not the one who builds walls, I remind you that the only responsible or compliant of losing part of your custody was yourself with your temperament, character and way of being with your own children and That I did not have to do anything, besides I remind him that the decisions do not take them, I remember that there is a family judge in the middle of this and if he knew that the children will be 100% safe physically and emotionally with you would have his Custody 50/50 as before but it is not like that, so do not blame me or come with this story that I am the one that builds walls.



Patent Pending
Item # 43568



CONFIDENTIAL

APPLICATION TO WAIVE FILING FEES/SERVICE
ONLY

FILED: *June 20, 2017*

No.12DR100391

REC'D & FILED
2017 JUN 20 PM 3:10
SUSAN ZIMMERMAN
CLERK
B. [Signature]

IN THE FIRST JUDICIAL COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CARSON

Plaintiff :

Mayra E. Arreguin

Vs.

Defendant

Javier Ramirez

NOTICE OF APPEAL

Notice is hereby given that Javier Ramirez ,defendant above named , hereby appeals to the Supreme Court Of Nevada judgment from ORDER GRANTING EMERGENCY MOTION entered in this action on the 12th day of May ,2017

Respectfully:

Javier Ramirez

1371 Village Way Apt. F

Gardnerville, Nevada 89410

REC'D & FILED

2017 JUN 21 PM 2:21

SUSAN HERRINWEITER
CLERK



**In The First Judicial District Court of the State of Nevada
In and for Carson City**

MAYRA ARREGUIN,

Petitioner(s),

vs.

JAVIER RAMIREZ RIVAS,

Respondent(s).

Case No.: 12 DR1 00391 1B

Dept. No.: I

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:

- JAVIER RAMIREZ RIVAS

2. Identify the judge issuing the decision, judgment, or order appealed from:

- HONORABLE JAMES T. RUSSELL

3. Identify each appellant and the name and address of counsel for each appellant:

- JAVIER RAMIREZ RIVAS (PROPER PERSON)
1371 VILLAGE WAY, APT. F
GARDNERVILLE, NV 89410

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):

- MAYRA ARREGUIN (PROPER PERSON)
1756 RUSSELL WAY #E
CARSON CITY, NV 89706

1 5. Indicate whether any attorney identified above in response to question 3 or 4 is not
2 licensed to practice law in Nevada and, if so, whether the district court granted that
3 attorney permission to appear under SCR 42 (attach a copy of any district court order
4 granting such permission):

5 - NOT APPLICABLE

6 6. Indicate whether appellant was represented by appointed or retained counsel in the
7 district court:

8 - APPELLANT IN PROPER PERSON IN DISTRICT COURT

9 7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

10 - APPELLANT IN PROPER PERSON ON APPEAL

11 8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date
12 of entry of the district court order granting such leave:

13 - APPELLANT PREVIOUSLY GRANTED LEAVE TO PROCEED IN FORMA
14 PAUPERIS ON FEB. 11, 2013 AND AGAIN ON APRIL 18, 2013.

15 9. Indicate the date the proceedings commenced in the district court (e.g., date complaint,
16 indictment, information, or petition was filed):

17 - COMPLAINT FOR DIVORCE FILED AUG. 6, 2012

18 10. Provide a brief description of the nature of the action and result in the district court,
19 including the type of judgment or order being appealed and the relief granted by the
20 district court:

21 - ORDER GRANTING EMERGENCY MOTION FILED MAY 12, 2017

22 11. Indicate whether the case has previously been the subject of an appeal to or original writ
23 proceeding in the Supreme Court and, if so, the caption and Supreme Court docket
24 number of the prior proceeding:

25 - CURRENTLY ON APPEAL WITH THE SUPREME COURT; JAVIER
26 RAMIREZ RIVAS, APPELLANT VS. MAYRA ARREGUIN, RESPONDENT;
27 SUPREME COURT NO. 71908
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12. Indicate whether this appeal involves child custody or visitation:
- INVOLVES BOTH CHILD CUSTODY AND VISITATION

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:
- NOT APPLICABLE.

Dated this 21st day of June, 2017.

SUSAN MERRIWETHER, Carson City Clerk
885 E. Musser St., #3031
Carson City, NV 89701

By  Deputy

1 Your name: James Ramirez
2 Mailing Address: 1371 Village Way E
3 City, State, Zip: Grandoverville NV 8440
4 Telephone: 775 452 681
5 In Proper Person

REC'D & FILED

2017 JUN 28 PM 2:36

SUSAN MERRIWETHER
CLERK

BY [Signature] TPD/HTS

6 **In The First Judicial District Court of the State of Nevada**
7 **In and for Carson City**

8 Maura E. Arreola) Case No. 12DR100391 1B
9 Plaintiff,)
10 vs.) Dept. No. 1
11 James Ramirez)
12 Defendant.)

13 **ORDER REGARDING WAIVER OF FEES AND COSTS**

14 (Filing Fees/Service Only)

15 Upon consideration of James Ramirez 's Application to
16 (Your Name)

17 Waive Filing Fees/Service Only and it appearing that there is not sufficient income, property or
18 resources with which to maintain the action, and good cause appearing therefore:

19 IT IS HEREBY ORDERED that James Ramirez 's
20 (Your Name)

21 request to waive fees and costs is GRANTED. James Ramirez
22 (Your Name)

23 shall be permitted to proceed in Forma Pauperis with this action as permitted by NRS 12.015.

24 He/she shall proceed without the prepayment of costs or fees or the necessity of giving security,
25 and the Clerk of court shall file or issue any necessary writ, process, pleading, or paper without
charge. The Sheriff or other appropriate officer within this State shall make personal service of

1 any necessary writ, pleading, or paper without charge. If this party prevails in this action, the
2 court shall enter an order pursuant to NRS 12.015(4) requiring the opposing party to pay into the
3 Court, within five (5) days, the costs which would have been incurred by the prevailing party,
4 and those costs must then be paid as provided by law.

5 IT IS HEREBY ORDERED that James Ramirez's
6 (Your Name)

7 request to waive fees and costs is DENIED for the following reason:

8 The party is not indigent.

9 Other: _____

10 _____
11 The request for hearing is:

12 Granted. A hearing is set for _____, at _____.

13 Denied.

14 Defendant is hereby notified that they must file a responsive pleading in accordance
15 with Rule 12 of the Nevada Rules of Civil Procedure (NRCP). The failure to comply may result
16 in a default being entered against you pursuant to NRCP Rule 55.

17 DATED this 28th day of June, 2017.

18 _____
19 J. R. Ruppel
20 DISTRICT COURT JUDGE

21 Respectfully submitted:

Signature

Print name

Address

Telephone

James Ramirez

1371 Village Way F
Gardnerville Nevada

(775) 450 6821

24 ///

Your Name: Mayra E. Arrequin
Mailing Address: 1756 Russell Way. Apt. E.
City, State, Zip: Carson City NV 89706
Telephone: (775) 291-7138
In Proper Person

REC'D & FILED
2017 JUL 12 PM 4:07
SUSAN MERRIWETHER
CLERK
BY [Signature]
DEPUTY

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

Mayra E. Arrequin
Plaintiff/Petitioner,

Case No.: 12 DR100391 1B Dep 1

Dept. No.: 1

vs.

MOTION Emergencia

Javier Ramirez
Defendant/Respondent.

I Mayra Arrequin, appearing in Proper Person,
(Your Name)
request that the Court enter an Order granting me the following:

State what you want the Court to order. If you have more than one request, clearly list and number each request. Do not explain your requests in detail here, just list them.

1.- Dar permiso al niño Adrian Ramirez el domingo **16** de Julio pasar el dia con la madre.

2.- Cambiar el dia de la visitacion al dia sabado 15 de julio para que no la pierdo esta semana, a la misma hora.

3.- Dar permiso a los niños Eduardo y Carlos para viajar a California por las vacaciones de verano.

1 **Fully explain why you believe you should be granted your request(s).**
2 **List and number each request.**

3 1 This Motion is made for the following reasons:

4 ~~2~~ ^{Al señor Ramirez le fue enviado un email pidiendo el}
^{cambio y no hubo respuesta.}

5 ~~2~~ - La mayoría de los domingos trabajo
6 por las tardes y este fin de semana lo
7 tengo libre y quisiera pasar un día familiar
8 sin la preocupación de la visitación, a cambio
9 la podríamos hacer el sábado 15 de julio para
10 que el señor Ramirez no la pierda.

11 ~~3~~ - Quisiera este verano salir a California
12 con los niños mi plan es llevarlos a
13 Disneyland.

14 ~~4~~ - Nunca hemos hido a este lugar y
15 los niños en realidad están muy emocionados

16 ~~5~~ - La fecha depende de una cita que
17 tendrá mi padre para estudios para ver si
18 es compatible para un trasplante de riñón.

19 Esos días no tendría quien me pueda
20 cuidar a mis hijos y voy a tener vacaciones
21 de mi trabajo, para poder cuidar a mis
22 hijos y poder pasar tiempo con ellos.

23 ~~6~~ - Yo les informaría en cuanto sepa las
24 fechas a usted señor Juez si gusta, y al
25 señor Ramirez y a Chris de casa por un
email.

1 (If you need more room, you may attach additional sheets of paper. Be sure you write only on
2 one side of each sheet, number the page or pages 3(a), 3(b), etc. and initial each page at the
3 bottom.)

4 This document does **not** contain the Social Security number of any person.

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

7 DATED this 12 day of July, 2017.

8 Maura E. Arreguin.
9 (Your Signature)

CERTIFICATE OF SERVICE

Pursuant to NRCPC 5(b), the undersigned hereby certifies that on this date, I deposited a true and correct copy of the foregoing Motion in the U.S. Mail with postage pre-paid thereon, addressed to:

Dated this _____ day of _____, 20_____.

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1. Give the child Adrian Ramirez permission to spend the day with mom on Sunday, July 16.
2. Change the visitation day to Saturday, July 15 so he won't miss visitation this week, at the same time.
3. Give permission for travel to California for the children Eduardo and Carlos to travel to California for summer vacation.
1. An e-mail was sent to Mr. Ramirez asking him for the change and there wasn't a response.
2. The majority of Sundays I work the afternoons and I am off this weekend and I would like to spend a family day without worrying about visitation, as a change we could do it on Saturday, July 15 so Mr. Ramirez doesn't lose visitation.
3. I would like to go to California this summer with the children, my plan is to take them to Disneyland.
4. We have never gone there and the children are really excited.
5. The date will depend on an appointment my father has to see if he is compatible for a kidney transplant.
6. On those days, I won't have anyone to watch my children and I will be on vacation from work so I can take care of my children and be able to spend time with them.

I would let you know as soon as I know the dates Your Honor, and Mr. Ramirez and Chris from CASA by email.

Translated by Evelyn S. Wakeling


July 13, 2017

REC'D & FILED

2017 JUL 14 AM 8:16

SUSAN MERRIWETHER
CLERK

BY [Signature]
DEPUTY

1 Case No.: 12 DR1 00391 1B

2 Dept. No.: 1

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6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY
8

9 MAYRA ARREGUIN,

10 Plaintiff,

11 vs.

12 JAVIER RAMIREZ RIVAS,

13 Defendant.

ORDER GRANTING EMERGENCY
MOTION

14
15 This matter comes before the Court on an Emergency Motion filed by Ms. Arreguin on
16 July 12, 2017.

17 In her Emergency Motion, Ms. Arreguin requested that this Court grant permission for
18 the minor child Carlos to spend the day with her on Sunday, July 16, 2017, and change Mr.
19 Ramirez's visitation day with the child that weekend to Saturday, July 15, 2017, for the same
20 time, so that he won't miss visitation this week. Ms. Arreguin provided that her request is made
21 because she normally works on Sundays but is off this Sunday and would like to have an
22 uninterrupted family day.

23 Ms. Arreguin further requested that she be granted permission to travel to California with
24 the minor children, Eduardo and Carlos, during summer vacation to take the minor children to
25 Disneyland at a date dependent upon a medical appointment of her father.

26 The Court finds that is in the best interests of the parties' minor child, Carlos, to
27 participate in a family day with Ms. Arreguin on July 16, 2017. The Court also finds that it is in
28

1 Carlos' best interests to have visitation with Mr. Ramirez. Thus the Court will reschedule the
2 visitation set for July 16, 2017.

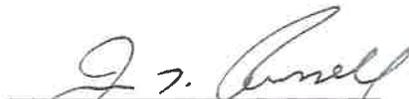
3 Additionally, the Court finds that it is in the parties' minor children's best interest to
4 spend vacation time with Ms. Arreguin.

5 Therefore, based on the foregoing and good cause appearing;

6 IT IS HEREBY ORDERED that Ms. Arreguin's Emergency Motion is GRANTED. Mr.
7 Ramirez's visitation with the parties' minor child Carlos is rescheduled from Sunday, July 16,
8 2017, to Saturday, July 15, 2017, from 2:30 p.m. until 9:00 p.m. Plaintiff shall provide the
9 child's transportation to and from visitation. The visitation shall thereafter return to the
10 previously ordered schedule of every Sunday from 2:30 p.m. until 9:00 p.m.

11 IT IS HEREBY FURTHER ORDERED that Ms. Arreguin shall be allowed to travel to
12 California to take the children to Disneyland during summer vacation and shall provide the Court
13 with her dates of travel once they are known to her and at least one week prior to travel.

14 Dated this 13 day of July, 2017.

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17 JAMES T. RUSSELL
18 DISTRICT JUDGE
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1 **CERTIFICATE OF MAILING**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the First Judicial District
3 Court, and that on this 14th day of July, 2017, I deposited for mailing, postage paid, at Carson
4 City, Nevada, a true and correct copy of the foregoing Order addressed as follows:

5
6 Javier Ramirez
7 1371 Village Way F
8 Gardnerville, NV 89410

8 Mayra Arreguin
9 1756 Russell Way E
10 Carson City, NV 89706

11 Chris Bayer, CASA
12 E-mail: chriscasaofcc@gmail.com



13 _____
14 Angela Jeffries
15 Judicial Assistant, Dept. 1
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REC'D & FILED

IN THE SUPREME COURT OF THE STATE OF NEVADA

2017 JUL 19 AM 10:34

JAVIER RAMIREZ RIVAS,
Appellant,
vs.
MAYRA ARREGUIN,
Respondent.

SUSAN MERRIWETHER
CLERK
No. 73343
DEPUTY

FILED

JUL 10 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order granting respondent's emergency motion to reschedule a visitation day. First Judicial District Court, Carson City; James Todd Russell, Judge.

Our review of the documents submitted to this court pursuant to NRAP 3(g) reveals a jurisdictional defect. Specifically, it appears that the judgment or order designated in the notice of appeal is not substantively appealable. See NRAP 3A(b). This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule. *Taylor Constr. Co. v. Hilton Hotels*, 100 Nev. 207, 678 P.2d 1152 (1984). The district court granted respondent's motion to reschedule appellant's visitation day from May 28, 2017, to May 26, 2017. No statute or court rule provides for an appeal from an order temporarily

17-22673

restructuring one visitation day. We conclude that we lack jurisdiction,
and we

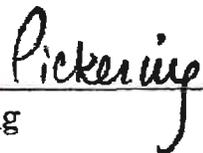
ORDER this appeal DISMISSED.



Douglas J.



Gibbons J.



Pickering J.

cc: Hon. James Todd Russell, District Judge
Javier Ramirez Rivas
Mayra Arreguin
Carson City Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAVIER RAMIREZ RIVAS,
Appellant,
vs.
MAYRA ARREGUIN,
Respondent.

Supreme Court No. 73343
District Court Case No. 12DR1003911B

REC'D & FILED
2017 AUG - 7 PM 12:05
SUSAN MERRIWETHER
CLERK
BY
OFFICE

REMITTITUR

TO: Susan Merriwether, Carson City Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: August 04, 2017

Elizabeth A. Brown, Clerk of Court

By: Dana Richards
Deputy Clerk

cc (without enclosures):
Hon. James Todd Russell, District Judge
Javier Ramirez Rivas
Mayra Arreguin

RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on August 7, 2017.

Susan Merriwether
District Court Clerk

By: V. Alegria, Deputy Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

REC'D & FILED

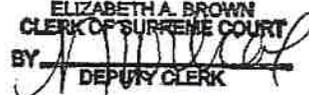
2017 AUG -7 PM 12: 05

JAVIER RAMIREZ RIVAS,
Appellant,
vs.
MAYRA ARREGUIN,
Respondent.

No. 73343
SUSAN MERRIWETHER
CLERK
BY: 
DEPUTY

FILED

JUL 10 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order granting respondent's emergency motion to reschedule a visitation day. First Judicial District Court, Carson City; James Todd Russell, Judge.

Our review of the documents submitted to this court pursuant to NRAP 3(g) reveals a jurisdictional defect. Specifically, it appears that the judgment or order designated in the notice of appeal is not substantively appealable. See NRAP 3A(b). This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule. *Taylor Constr. Co. v. Hilton Hotels*, 100 Nev. 207, 678 P.2d 1152 (1984). The district court granted respondent's motion to reschedule appellant's visitation day from May 28, 2017, to May 26, 2017. No statute or court rule provides for an appeal from an order temporarily



17-22673

restructuring one visitation day. We conclude that we lack jurisdiction,
and we

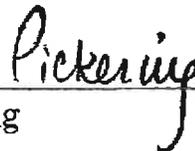
ORDER this appeal DISMISSED.



Douglas J.



Gibbons J.



Pickering J.

cc: Hon. James Todd Russell, District Judge
Javier Ramirez Rivas
Mayra Arreguin
Carson City Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAVIER RAMIREZ RIVAS,
Appellant,
vs.
MAYRA ARREGUIN,
Respondent.

Supreme Court No. 73343
District Court Case No. 12DR1003911B

REC'D & FILED
2017 AUG -7 PM 12:05
SUSAN MERRIWETHER
CLERK
DEPUTY

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

“ORDER this appeal DISMISSED.”

Judgment, as quoted above, entered this 10th day of July, 2017.

IN WITNESS WHEREOF, I have subscribed my name and affixed the seal of the Supreme Court at my Office in Carson City, Nevada this August 04, 2017.

Elizabeth A. Brown, Supreme Court Clerk

By: Dana Richards
Deputy Clerk

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Code: 1670
Name: Javier Ramirez
Address: 1371 Village Way F
Gardnerville NV. 89410
Telephone: (775) 790 7950
Email: _____
Self-Represented Litigant

REC'D & FILED
2017 AUG -8 PM 4:52
SUSAN MERRIWETHER
CLERK
BY [Signature]
DEPUTY

IN THE FAMILY DIVISION
OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF ~~WASHOE~~ CARSON

Mayra E Arreguin
Petitioner,
vs.
Javier Ramirez
Respondent.

Case No. 12DR100391 1B
Dept. No. 1

EX PARTE EMERGENCY MOTION REGARDING CHILDREN

MOTION TO Grant. make up time with children
(Fill in the name of this motion)

Javier Ramirez, appearing in Proper Person, hereby move this
(Your name)

Court to issue an emergency order, without notice to Mayra E. Arreguin
(The Other Party's name)
granting the following:

State only what you want the court to order. Do not explain why you want the order issued or why you believe the other party should not have notice of this motion. Those reasons will be filled in on the next page.

- Grant make up time for visitation with children.

1 A Decree of Divorce or Order addressing custody and visitation of a minor child(ren) was
2 entered on March 2013. To the best of my knowledge, the last order
(Date the Decree or Order was filed)

3
4 concerning this matter was entered on July 14, 2017 and that order
(Date last order entered in this case)

5
6 concerned Visitation / changed on days.
(Print what the last order was about, such as child support, visitation, TPO, etc.)

7 The child(ren) involved in the matter are:

8	9	10	11
	<u>NAME</u>	<u>AGE</u>	<u>DATE OF BIRTH</u>
12	<u>Eduardo J. Ramirez</u>	<u>11</u>	<u>04-13-2006</u>
13	<u>Carlos A. Ramirez</u>	<u>10</u>	<u>10-09-2007</u>
14			
15			

15 **Fully explain why you believe this is an emergency situation**

16 I believe this is an emergency and an order should issue from this Court immediately
17 because: Per order issued on July 14th 2017, plaintiff
18 stated that she would be traveling with the
19 children for a vacation at Disneyland which
20 it will affect my parenting time for that
21 period. (see attached order)

22 To make up for the time that I won't see them
23 I would like to take the children camping
24 starting Friday the 11th of August (Eleven) at
25 5pm until Sunday ~~the~~ 13th (thirteen)
26 at 5pm. I would like this to take place
27 before school starts.
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Fully explain why you believe the other party should not be contacted and have time to respond to this Motion before the Motion is considered by the Judge

I haven't heard of any days from her, and she won't answer emails.

(If you need more space, you may attach additional sheets of paper. Be sure that you write only on one side of the paper and clearly identify it as a continuation of this explanation.)

This document does not contain the Social Security Number of any person.

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

DATED this 8 day of August, 2017.

James Ramirez
(Signature)

James Ramirez
(Printed Name)

1 Code: 3860
2 Name: Javier Ramirez
3 Address: 1371 Village Way F
Gardnerville NV 89410
4 Telephone: (775) 790 7550
5 Email: _____
6 Self-Represented Litigant

7 IN THE FAMILY DIVISION
8 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF WASHOE

10 Maura E. Arreguin
11 Plaintiff/Petitioner,
12 vs.
13 Javier Ramirez
14 Defendant/Respondent.

Case No. 12DR100391 1B
Dept. No. 1

15 **REQUEST FOR SUBMISSION OF EX PARTE MOTION**

16 I, Javier Ramirez, request that the Ex Parte Motion
17 (print your name here)

18 Grant make up time with children filed on _____,
19 (Print the name of the Ex Parte Motion) (Date the Ex Parte Motion was filed)

20 be submitted to the Court for it's consideration and Order.

21 This document does not contain the Social Security number of any person.

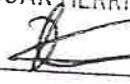
22 DATED this 8th day of August, 2017.

23 Signature: Javier Ramirez
24 Print Your Name: Javier Ramirez
25
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REC'D & FILED

2017 JUL 14 AM 8:16

SUSAN MERRIWETHER
CLERK

BY  DEPUTY

1 Case No.: 12 DR1 00391 1B

2 Dept. No.: 1

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6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY

8
9 MAYRA ARREGUIN,

10 Plaintiff,

11 vs.

12 JAVIER RAMIREZ RIVAS,

13 Defendant.

ORDER GRANTING EMERGENCY
MOTION

14
15 This matter comes before the Court on an Emergency Motion filed by Ms. Arreguin on
16 July 12, 2017.

17 In her Emergency Motion, Ms. Arreguin requested that this Court grant permission for
18 the minor child Carlos to spend the day with her on Sunday, July 16, 2017, and change Mr.
19 Ramirez's visitation day with the child that weekend to Saturday, July 15, 2017, for the same
20 time, so that he won't miss visitation this week. Ms. Arreguin provided that her request is made
21 because she normally works on Sundays but is off this Sunday and would like to have an
22 uninterrupted family day.

23 Ms. Arreguin further requested that she be granted permission to travel to California with
24 the minor children, Eduardo and Carlos, during summer vacation to take the minor children to
25 Disneyland at a date dependent upon a medical appointment of her father.

26 The Court finds that is in the best interests of the parties' minor child, Carlos, to
27 participate in a family day with Ms. Arreguin on July 16, 2017. The Court also finds that it is in
28

1 Carlos' best interests to have visitation with Mr. Ramirez. Thus the Court will reschedule the
2 visitation set for July 16, 2017.

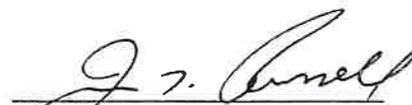
3 Additionally, the Court finds that it is in the parties' minor children's best interest to
4 spend vacation time with Ms. Arreguin.

5 Therefore, based on the foregoing and good cause appearing;

6 IT IS HEREBY ORDERED that Ms. Arreguin's Emergency Motion is GRANTED. Mr.
7 Ramirez's visitation with the parties' minor child Carlos is rescheduled from Sunday, July 16,
8 2017, to Saturday, July 15, 2017, from 2:30 p.m. until 9:00 p.m. Plaintiff shall provide the
9 child's transportation to and from visitation. The visitation shall thereafter return to the
10 previously ordered schedule of every Sunday from 2:30 p.m. until 9:00 p.m.

11 IT IS HEREBY FURTHER ORDERED that Ms. Arreguin shall be allowed to travel to
12 California to take the children to Disneyland during summer vacation and shall provide the Court
13 with her dates of travel once they are known to her and at least one week prior to travel.

14 Dated this 13 day of July, 2017.

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17 JAMES T. RUSSELL
18 DISTRICT JUDGE
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CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the First Judicial District Court, and that on this 14th day of July, 2017, I deposited for mailing, postage paid, at Carson City, Nevada, a true and correct copy of the foregoing Order addressed as follows:

Javier Ramirez
1371 Village Way F
Gardnerville, NV 89410

Mayra Arreguin
1756 Russell Way E
Carson City, NV 89706

Chris Bayer, CASA
E-mail: chriscasaofcc@gmail.com



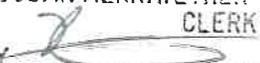
Angela Jeffries
Judicial Assistant, Dept. 1

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REC'D & FILED

2017 AUG -9 PM 4: 50

SUSAN MERRIWETHER
CLERK

BY 
DEPUTY

1 Case No.: 12 DR1 00391 1B

2 Dept. No.: 1

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6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY
8

9 MAYRA ARREGUIN,

10 Plaintiff,

11 vs.

12 JAVIER RAMIREZ RIVAS,

13 Defendant.
14

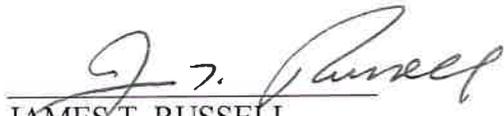
**ORDER GRANTING EX PARTE
EMERGENCY MOTION REGARDING
CHILDREN**

15 This matter comes before the Court on an Ex Parte Emergency Motion Regarding
16 Children filed by Mr. Ramirez on August 8, 2017.

17 In his Ex Parte Emergency Motion, Mr. Ramirez requested that this Court grant him
18 make up visitation time with the parties' minor children for the visitation time he would miss
19 when Ms. Arreguin travels with the children to Disneyland, as allowed for by this Court's Order
20 Granting Emergency Motion issued on July 14, 2017. Specifically, Mr. Ramirez requested that
21 he be allowed to take the children camping from Friday, August 11, 2017, at 4:00 p.m., through
22 Sunday, August 13, 2017, at 5:00 p.m. Therefore, good cause appearing;

23 IT IS HEREBY ORDERED that Mr. Ramirez's Ex Parte Emergency Motion Regarding
24 Children filed on August 8, 2017, is GRANTED, provided it does not interfere with the
25 children's vacation time with Ms. Arreguin in Disneyland.

26 Dated this 9th day of August, 2017.

27
28 
JAMES T. RUSSELL
DISTRICT JUDGE

1 **CERTIFICATE OF MAILING**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the First Judicial District
3 Court, and that on this 16th day of August, 2017, I deposited for mailing, postage paid, at Carson
4 City, Nevada, a true and correct copy of the foregoing Order addressed as follows:

5
6 Javier Ramirez
7 1371 Village Way F
8 Gardnerville, NV 89410

9 Mayra Arreguin
10 1756 Russell Way E
11 Carson City, NV 89706

12 Chris Bayer, CASA
13 E-mail: chriscasaofcc@gmail.com

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Angela Jeffries
Judicial Assistant, Dept. 1

Your Name:
Mailing Address:
City, State, Zip:
Telephone:
In Proper Person

Mayra Arrequin
1756 Russell Way. Apt E
Carson city, Nv. 89706
(775) 291-7138

REC'D & FILED

2017 AUG 11 PM 3:05

SUSAN MERRIWETHER
CLERK

BY [Signature]
DEPUTY

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

Mayra Arrequin
Plaintiff/Petitioner,

Case No.: 12DR100391 13 Emergencia

Dept. No.: 1

vs.

MOTION

Javier Ramirez Rivas.
Defendant/Respondent.

I Mayra Arrequin, appearing in Proper Person,
(Your Name)

request that the Court enter an Order granting me the following:

State what you want the Court to order. If you have more than one request, clearly list and number each request. Do not explain your requests in detail here, just list them.

- 1.- Llevar a los niños a las vacaciones aprobadas por el juez, del día 17 de Agosto al 20 de agosto
- 2.- Que las visitas se reanuden la semana del 24 de Agosto con el niño Eduardo y el día 27 de Agosto con Carlos y continuen las visitaciones con normalidad.

1 Fully explain why you believe you should be granted your request(s).
2 List and number each request.

3 This Motion is made for the following reasons:

- 4 1.- Las vacaciones ya fueron aprobadas
5 por el señor juez, solamente fenia que
6 notificar las fechas para que el señor
7 juez como el señor Ramirez sean sabedores.
8 2.- Para poder disfrutar las vacaciones las
9 visitaciones de esa semana tienen que ser
10 suspendidas y comenzar la siguientes
11 semana con los dias de costumbre.

1 (If you need more room, you may attach additional sheets of paper. Be sure you write only on
2 one side of each sheet, number the page or pages 3(a), 3(b), etc. and initial each page at the
3 bottom.)

4 This document does not contain the Social Security number of any person.

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

7 DATED this 11 day of Agosto, 2017.

8 Mayra E Arreguin
9 (Your Signature)

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1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), the undersigned hereby certifies that on this date, I deposited a
3 true and correct copy of the foregoing Motion in the U.S. Mail with postage pre-paid thereon.
4
5 addressed to:

6 Javier Ramirez.
7 1371 Village Way. F
8 Gardnerville NV. 89410

9 Dated this 11 day of Agosto, 2017.

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11 Mayra E. Arreguin.
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12 DR1 00391 1B

1- Take the children on vacation approved by the Judge, from the 17th of August until the 20th of August.

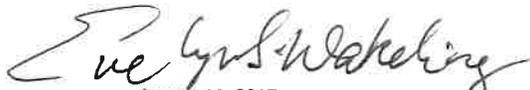
2- That the visitation will resume the week of the 24th of August with the child Eduardo and on the 27th of August with Carlos and have the visitation continue like normal.

Page 2

1- The vacation was already approved by Your Honor, I just had to notify of the dates so that Your Honor and Mr. Ramirez would know.

2- To be able to enjoy the vacation the visitation of that week would have to be suspended and commence the following week with the normal days.

Translated by Evelyn S. Wakeling


August 11, 2017

2017 AUG 18 PM 12:10

PROOF OF SERVICE

SUSAN MERRIWETHER
CLERK
DEPT

Court Date:		File No. 0007436
Court: FIRST JUDICIAL DISTRICT COURT		Case No. 12DR1003911B
Initiator: RAMIREZ, JAVIER		Other: ARREQUIN, MAYRA
Address: 1371 VILLAGE WAY # F GARDNERVILLE, NV 89410		Address: W: CENTRO MARKET 2794 HWY 50 E CARSON CITY, NV 0
Plaintiff: ARREQUIN, MAYRA E		Defendant: RAMIREZ, JAVIER
Address: , 0		Address: , 0

1. Documents Served:
REQUEST FOR SUBMISSION

2. Service Attempts:			Served
Date	Time	Address:	
<u>6/24/16</u>	<u>14:33</u>	<u>Address: 2794 HWY 50E</u>	<input checked="" type="checkbox"/>
		<u>Notes:</u>	
		<u>Address:</u>	<input type="checkbox"/>
		<u>Notes:</u>	
		<u>Address:</u>	<input type="checkbox"/>
		<u>Notes:</u>	

3. Party Served: MAYRA ARREQUIN Title: _____

4. I served the party named in Item 3: PERSONALLY

5. Remarks: _____

6. At the time of service I was at least 18 years of age and not a party to this action.

7. I am an authorized individual with the Carson City Sheriff's Office and certify that the foregoing is true and correct.

Doug Strenge 6/27/16
DOUG STRENGE Date
Carson City Sheriff's Office
911 East Musser Street
Carson City, NV 89701
Phone: 775-887-2500



PROOF OF SERVICE

REC'D & FILED

2017 AUG 18 PM 12:10

Court Date:		File No. 0010723	
Court:	FIRST JUDICIAL DISTRICT COURT	Case No. 12DR100391B	SUSAN MERRIWETHER CLERK
Initiator:	JAVIER RAMIREZ	Other: BAYER, CHRIS ASA	BY
Address:	1371 VILLAGE WAY# F GARDNERVILLE, NV 89410	Address: 1539 E 5TH ST CARSON CITY, NV 89701	DEPUTY
Plaintiff:	ARREGUIN, MAYRA	Defendant: RIVAS, JAVIER RAMIREZ	
Address:	, 0	Address:	, 0

1. Documents Served:

MOTION

2. Service Attempts:

Date	Time	Address	Served
<u>7/27/17</u>	<u>17:00</u>	<u>Address: 1539 E 5TH ST</u>	<input checked="" type="checkbox"/>
		<u>Notes:</u>	
		<u>Address:</u>	<input type="checkbox"/>
		<u>Notes:</u>	
		<u>Address:</u>	<input type="checkbox"/>
		<u>Notes:</u>	

3. Party Served: CHRIS BAYER Title: _____

4. I served the party named in Item 3: PERSONALLY

5. Remarks: _____

6. At the time of service I was at least 18 years of age and not a party to this action.

7. I am an authorized individual with the Carson City Sheriff's Office and certify that the foregoing is true and correct.

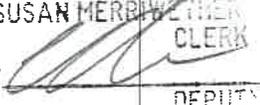
Amy White 7/27/17
 AMY WHITE Date
 Carson City Sheriff's Office
 911 East Musser Street
 Carson City, NV 89701
 Phone: 775-887-2500



REC'D & FILED

PROOF OF SERVICE

2017 AUG 18 PM 12: 11

Court Date:		File No. 0007436	SUSAN MERBIWEATHER CLERK
Court: FIRST JUDICIAL DISTRICT COURT		Case No. 12DR1003911B	BY  DEPUTY
Initiator: RAMIREZ, JAVIER		Other: BAYER, CHRIS CASA	
Address: 1371 VILLAGE WAY # F GARDNERVILLE, NV 89410		Address: 1545 E FIFTH ST CARSON CITY, NV 0	
Plaintiff: ARREQUIN, MAYRA E		Defendant: RAMIREZ, JAVIER	
Address: , 0		Address: , 0	

1. Documents Served:
REQUEST FOR SUBMISSION

2. Service Attempts:

Date	Time	Address:	Served
<u>7/07/16</u>	<u>12:35</u>	<u>Address: 1539 E FIFTH ST</u>	<input checked="" type="checkbox"/>
		<u>Notes:</u>	
		<u>Address:</u>	<input type="checkbox"/>
		<u>Notes:</u>	
		<u>Address:</u>	<input type="checkbox"/>
		<u>Notes:</u>	

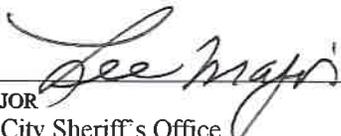
3. Party Served: CHRIS BAYER Title: _____

4. I served the party named in Item 3: PERSONALLY

5. Remarks: _____

6. At the time of service I was at least 18 years of age and not a party to this action.

7. I am an authorized individual with the Carson City Sheriff's Office and certify that the foregoing is true and correct.


 LEE MAJOR
 Carson City Sheriff's Office
 911 East Musser Street
 Carson City, NV 89701
 Phone: 775-887-2500

7/08/16
Date

Your name: Javier Ramirez
Mailing Address: 1371 Village Way F
City, State, Zip: Cochranville NV 89410
Telephone: (775) 750 7950
In Proper Person

REC'D & FILED
2017 AUG 18 PM 12:11
SUSAN HERRIN WETHEL
CLERK
BY [Signature]
DEPUTY

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

Mayra E. Arreguin) Case No.: 12DR1003911B
Plaintiff,)
Dept. No. 1
)
)
)
vs.) **REQUEST FOR SUBMISSION**
)
Javier Ramirez River)
Defendant.)
)
)

COMES NOW, Javier Ramirez, in proper person, and hereby
(your name)
requests that the Motion to show cause for contempt of court previously filed
(name of document previously filed)
in the above-entitled matter on June 20th, 2017, be submitted to
(date document filed)
the Court for consideration.

DATED this 18 day of August, 2017.
[Signature]
(Signature)

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), the undersigned hereby certifies that on this date, I deposited a true and correct copy of the foregoing Request to Submit in the U.S. Mail with postage pre-paid thereon, addressed to:

Work Mayra E. Arreguin
(other party's name)
Centro market 2794 Hwy 50 E
(other party's mailing address)
Carson City NV 89701
(other party's mailing address)

Dated this 18 day of August, 20 19.

[Signature]
(Signature)

cc
CASA
Chris Buyer

REC'D & FILED

2017 AUG 21 PM 3:44

SUSAN HERRIWETHER
CLERK

BY [Signature] DEPUTY

1 Case No.: 12 DR1 00391 1B

2 Dept. No.: 1

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6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY
8

9 MAYRA ARREGUIN,

10 Plaintiff,

11 vs.

12 JAVIER RAMIREZ RIVAS,

13 Defendant.

**ORDER DENYING MOTION TO SHOW
CAUSE FOR CONTEMPT OF COURT**

14
15 This matter comes before the Court on a Motion to Show Cause for Contempt of Court
16 filed by Mr. Ramirez on June 20, 2017. A Request for Submission was filed on August 18, 2017.
17 No Response was filed by Ms. Arreguin.

18 In his Motion, Mr. Ramirez asserted that Ms. Arreguin failed to comply with this Court's
19 Order After April, 26, 2017 Hearing, requiring Ms. Arreguin to initiate telephonic visitations
20 between Mr. Ramirez and the children on Mondays at 6:30 p.m. and on holidays and birthdays.
21 Mr. Ramirez provided that Ms. Arreguin failed to initiate telephonic visitation on Father's Day,
22 June 18, 2017, and on Monday, June 19, 2017, and requested that this Court enter an order
23 charging Plaintiff with contempt of court and subpoenaing Plaintiff's phone records.

24 Therefore, good cause appearing;

25 ///

26 ///

27 ///

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1 IT IS HEREBY ORDERED that Mr. Ramirez's Motion to Show Cause for Contempt of
2 Court filed on June 20, 2017, is DENIED. However, Ms. Arreguin is reminded to comply with
3 telephonic visitation schedule provided in the Court's Order After April, 26, 2017 Hearing.

4 Dated this 21 day of August, 2017.

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6 JAMES T. RUSSELL
7 DISTRICT JUDGE
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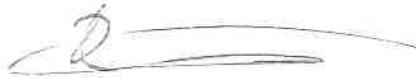
CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the First Judicial District Court, and that on this 21st day of August, 2017, I deposited for mailing, postage paid, at Carson City, Nevada, a true and correct copy of the foregoing Order addressed as follows:

Javier Ramirez
1371 Village Way F
Gardnerville, NV 89410

Mayra Arreguin
1756 Russell Way E
Carson City, NV 89706

Chris Bayer, CASA
E-mail: chriscasaofcc@gmail.com



Angela Jeffries
Judicial Assistant, Dept. 1

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12 OR 100-1118
Dist. I

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

2017 AUG 23 AM 11:46

JAVIER RAMIREZ RIVAS,
Appellant,
vs.
MAYRA ARREGUIN,
Respondent.

No. 71908 MERRIWETHER
CLERK

FILED

AUG 22 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DIRECTING PREPARATION OF TRANSCRIPTS

This is an appeal from a district court post-divorce decree order modifying custody. Appellant has filed a transcript request form seeking a transcript of a hearing held in the underlying proceedings. Appellant has been granted in forma pauperis status, and thus, the transcript preparation fees are waived. See NRS 12.015(3). On review of the record, this court has determined that the transcript of the hearing held on October 27, 2016, would be helpful in resolving this appeal.¹ See *id.* (stating that the court shall order transcripts at county expense if it determines that a transcription of the proceedings would be helpful to appellate review of the case).

Accordingly, we direct the Carson City Clerk to have a certified copy of the transcript of the proceedings of the hearing listed above prepared

¹Appellant's transcript request form indicated that he was seeking transcripts from hearings held October 26 and November 4, 2016. But November 4, 2016, is the date on which the challenged order was entered, and the record before us does not indicate that a hearing was held on that date. And because the November 4 order and the documents before us indicate that the hearing resulting in that order was held on October 27, 2016, rather than on October 26, we have directed that transcripts from the October 27 hearing be prepared.

and filed, at county expense. The transcript shall be filed in the district court and served upon appellant within 30 days from the date of this order, and a certificate acknowledging delivery is due in this court within 10 days from the date of service. See NRAP 9(c)(1) and (2). Additionally, we direct the district court clerk to transmit a copy of the transcript to this court as a supplement to the record within 15 days of the district court's receipt of the transcript.

It is so ORDERED.

Silver, C.J.

cc: Javier Ramirez Rivas
Mayra Arreguin
Carson City Clerk



REC'D & FILED

2017 AUG 29 PM 4:02

PROOF OF SERVICE

SUSANNE BRYNE IHER
CLERK
BY *[Signature]*
DEPUTY

Court Date:		File No. 0011329
Court: FIRST JUDICIAL DISTRICT COURT		Case No. 12DR1003911B
Initiator: JAVIER RAMIREZ RIVAS		Other: ARREQUIN, MAYRA
Address: 1371 VILLAGE WAY #F GARDNERVILLE, NV 89410		Address: 2794 HWY 50 E CENTRO MARKET CARSON CITY, NV 89701
Plaintiff: ARREQUIN, MAYRA		Defendant: RIVAS, JAVIER RAMIREZ
Address: , 0		Address: , 0

1. Documents Served:
REQUEST FOR SUBMISSION _____

2. Service Attempts:

Date	Time	Address	Served
<u>8/23/17</u>	<u>13:11</u>	Address: <u>2794 HWY 50E</u>	<input checked="" type="checkbox"/>
_____	_____	Notes: _____ Address: _____	<input type="checkbox"/>
_____	_____	Notes: _____ Address: _____	<input type="checkbox"/>
_____	_____	Notes: _____	

3. Party Served: MAYRA ARREQUIN Title: _____

4. I served the party named in Item 3: PERSONALLY

5. Remarks: _____

6. At the time of service I was at least 18 years of age and not a party to this action.
 7. I am an authorized individual with the Carson City Sheriff's Office and certify that the foregoing is true and correct.

[Signature] _____ 8/25/17
 LEE MAJOR 9621 Date
 Carson City Sheriff's Office
 911 East Musser Street
 Carson City, NV 89701
 Phone: 775-887-2500

Your Name:
Mailing Address:
City, State, Zip:
Telephone:
In Proper Person

Javier Ramirez
371 Village Way F
Gardnerville Nevada 89410
(775) 790 7950

REC'D & FILED

2017 SEP -1 PM 4:39

SUSAN MERRIWETHER
CLERK

BY

DEPUTY

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

Mayra E. Arreguin
Plaintiff/Petitioner,

Case No.: 12021003 91 1B

Dept. No.: 1

vs.

Javier Ramirez
Defendant/Respondent.

MOTION To extend visits
with minor children therapy
involvement and to show
cause for deprivation of
visitation rights.

I, Javier Ramirez, appearing in Proper Person,
(Your Name)

request that the Court enter an Order granting me the following:

State what you want the Court to order. If you have more than one request, clearly list and number each request. Do not explain your requests in detail here, just list them.

1. - Extend visits with children;
2. - To participated in children's therapy sessions
3. - Set up hearing to discuss plaintiff's decision to deprived defendant of visitation rights.

1 **Fully explain why you believe you should be granted your request(s).**
2 **List and number each request.**

3 This Motion is made for the following reasons:

4 1.- Eduardo Ramirez has entered middle school and needs
5 support from parents on homework, since plaintiff
6 has limited knowledge of the English language
7 I would like to get more involved on his homework

8 2.- It's important that the children behavior is
9 consistent while they are spending time with me
10 in order to get this accomplished I would like
11 to follow the same recommendations given by the
12 therapist during sessions and also to get
13 more involve in any legal decisions as my
14 divorce decree states.

15 3.- Plaintiff trip never took place to Disney
16 land as previously ordered by this court
17 on the day August 17, 2017. I waited for
18 more than 2 hours for the visit with
19 Eduardo to take place, a copy of the dispute
20 log will be provide it at hearing. on the
21 same week August 20, 2017. the visitation
22 with Carlos A. Ramirez did not take place as
23 well. I'm (submit) filling this order by recommendation
24 of (ASA, UTA Emails. (see attached paperwork)

1 (If you need more room, you may attach additional sheets of paper. Be sure you write only on
2 one side of each sheet, number the page or pages 3(a), 3(b), etc. and initial each page at the
3 bottom.)

4 This document does **not** contain the Social Security number of any person.

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

7 DATED this 1st day of September, 2017.

8 
9 _____
10 (Your Signature)

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), the undersigned hereby certifies that on this date, I deposited a true and correct copy of the foregoing Motion in the U.S. Mail with postage pre-paid thereon, addressed to:

Marra E. Arreguin
1756 Russell Way E
Carson City NV 89706

Dated this 1st day of September, 2017.

Chris Bayer for _____
CASA of CARSON City
1539 E. 5th St.
CARSON CITY, NV 89701

From Chris At Casa

CW BAYER <chriscasaofcc@gmail.com>

Fri 8/18/2017 6:04 PM

To: viveenmi2011@hotmail.com <viveenmi2011@hotmail.com>; mayra_ae20@hotmail.com <mayra_ae20@hotmail.com>;

Mayra, Javier.

I think you two need to think about directly communicating with each other and being flexible. If you want vacation or holiday with the boys why don't you just ask the other parent well in advance and then why don't you each try to work with the other. Be flexible. Work with each other. Communicate well. And then you can stop using the court system. Stop arguing. Keep your personal distance from each other. Keep expectations of the other parent to a minimum. Don't tell the other parent how to parent. But do work with each other on vacations and holidays. In advance. Just a thought.

Chris

Sent from my iPhone

Sleepover.

javier ramirez

Sat 8/26/2017 2:27 PM

To: Mayra Arreguin <mayra_ae20@hotmail.com>; CW BAYER <chriscasaofcc@gmail.com>;

Mayra:

The kids won't have school and I will be off as well on September 4th 2017, I would like to have both of them for a sleep over that weekend, Either Friday To Sunday or Saturday to Monday, Pick up will be at 4:30 pm and returning time will be at 7:00 pm.

Thank You

Javier

Re: Parenting time

CW BAYER <chriscasaofcc@gmail.com>

Mon 8/28/2017 8:30 PM

To:javier ramirez <viveenmi2011@hotmail.com>;

Got the email
It's her choice to respond
The parenting times are set by court order
You can file a motion if you wish
C

Sent from my iPhone

On Aug 28, 2017, at 7:26 PM, javier ramirez <viveenmi2011@hotmail.com> wrote:

Hi Chris:

I'm writing this while I'm on the phone with Eduardo.... last Thursday we did nothing but homework which it was done in a rushed..

I would like to help them more and do it personally, rather than over the phone, i don't want the calls to extend to a long period of time and of respect to Mayra's cell use. Eduardo's homework it's getting a little more complicated and I don't want him to fail on his grades

I feel that the time frame for the Thursdays visit with Eduardo it's too short to get anything accomplished without being rushed ..

Please help me to address this with Mayra.

Also I want to ask you if you got the email that i sent to her about this coming holiday weekend..

Thank You

No.12DR100391

REC'D & FILED

2017 SEP -1 PM 4:42

SUSAN MERRIWETHER
CLERK

IN THE FIRST JUDICIAL COURT OF THE STATE OF ~~NEVADA~~ ~~DEPUTY~~
IN AND FOR THE COUNTY OF CARSON

Plaintiff:

Mayra E. Arreguin

VS.

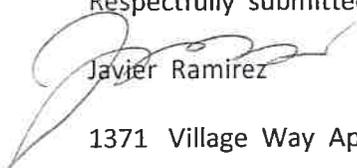
Defendant:

Javier Ramirez

NOTICE OF APPEAL

Notice is hereby given that Javier Ramirez, defendant above named, hereby appeals to the Supreme Court Of Nevada, from **ORDER DENYING MOTION TO SHOW CAUSE FOR CONTEMP OF COURT** entered in this action on the 21st of August ,2017

Respectfully submitted


Javier Ramirez

1371 Village Way Apt F

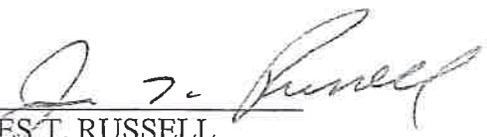
Gardnerville, NV. 89410

Dated September 1, 2017

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IT IS HEREBY ORDERED that Mr. Ramirez's Motion to Show Cause for Contempt of Court filed on June 20, 2017, is DENIED. However, Ms. Arreguin is reminded to comply with telephonic visitation schedule provided in the Court's Order After April, 26, 2017 Hearing.

Dated this 21 day of August, 2017.



JAMES T. RUSSELL
DISTRICT JUDGE

1 CERTIFICATE OF MAILING

2 Pursuant to NRCP 5(b), I certify that I am an employee of the First Judicial District
3 Court, and that on this 21st day of August, 2017, I deposited for mailing, postage paid, at Carson
4 City, Nevada, a true and correct copy of the foregoing Order addressed as follows:

5
6 Javier Ramirez
7 1371 Village Way F
8 Gardnerville, NV 89410

9 Mayra Arreguin
10 1756 Russell Way E
11 Carson City, NV 89706

12 Chris Bayer, CASA
13 E-mail: chriscasaofcc@gmail.com

14 
15 _____
16 Angela Jeffries
17 Judicial Assistant, Dept. 1

REC'D & FILED

2017 SEP -5 AM 11:31

SUSAN MERRIWETHER
CLERK
BY *Handwritten Signature*
DEPUTY

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

MAYRA ARREGUIN,

Petitioner(s),

vs.

JAVIER RAMIREZ RIVAS,

Respondent(s).

Case No.: 12 DR1 00391 1B

Dept. No.: I

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:

- JAVIER RAMIREZ RIVAS

2. Identify the judge issuing the decision, judgment, or order appealed from:

- HONORABLE JAMES T. RUSSELL

3. Identify each appellant and the name and address of counsel for each appellant:

- JAVIER RAMIREZ RIVAS
1371 VILLAGE WAY, APT. 5
GARDNERVILLE, NV 89410

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):

- MAYRA ARREGUIN
1756 RUSSELL WAY #E
CARSON CITY, NV 89706

1 5. Indicate whether any attorney identified above in response to question 3 or 4 is not
2 licensed to practice law in Nevada and, if so, whether the district court granted that
3 attorney permission to appear under SCR 42 (attach a copy of any district court order
4 granting such permission):

5 - NOT APPLICABLE

6 6. Indicate whether appellant was represented by appointed or retained counsel in the
7 district court:

8 - APPELLANT IN PROPER PERSON IN DISTRICT COURT

9 7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

10 - APPELLANT IN PROPER PERSON ON APPEAL

11 8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date
12 of entry of the district court order granting such leave:

13 - APPELLANT PREVIOUSLY GRANTED LEAVE TO PROCEED IN FORMA
14 PAUPERIS ON FEB. 11, 2013; APRIL 18, 2013; AND ON JUNE 28, 2017

15 9. Indicate the date the proceedings commenced in the district court (e.g., date complaint,
16 indictment, information, or petition was filed):

17 - COMPLAINT FOR DIVORCE FILED AUG. 6, 2012

18 10. Provide a brief description of the nature of the action and result in the district court,
19 including the type of judgment or order being appealed and the relief granted by the
20 district court:

21 - ORDER DENYING MOTION TO SHOW CAUSE FOR CONTEMPT OF
22 COURT, FILED SEPT. 1, 2017

23 11. Indicate whether the case has previously been the subject of an appeal to or original writ
24 proceeding in the Supreme Court and, if so, the caption and Supreme Court docket
25 number of the prior proceeding:

26 - CASE WAS PREVIOUSLY ON APPEAL - JAVIER RAMIREZ RIVAS,
27 APPELLANT VS MAYRA ARREGUIN, RESPONDENT - ORDER
28 DISMISSING APPEAL FILED JULY 10, 2017; SUPREME COURT #73343

1 ACTIVE APPEAL PENDING WITH THE SUPREME COURT; JAVIER
2 RAMIREZ RIVAS, APPELLANT VS MAYRA ARREGUIN, RESPONDENT;
3 SUPREME COURT NO. 71908

4 12. Indicate whether this appeal involves child custody or visitation:

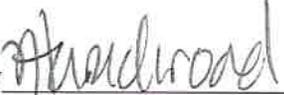
5 - INVOLVES BOTH CHILD CUSTODY AND VISITATION

6 13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

7 - NOT APPLICABLE.

8 Dated this 5th day of September, 2017.

9 SUSAN MERRIWETHER, Carson City Clerk
10 885 E. Musser St., #3031
11 Carson City, NV 89701

12 By , Deputy

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CASE NO. 12-DR1-00391 1B

 ORIGINAL

DEPT. NO. 1

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

MAYRA ARREGUIN,
Petitioner,
vs.
JAVIER RAMIREZ RIVAS,
Respondent.

BY 
SUSAN MERRITT
CLERK
2017 SEP -6 PM 12:45
REC'D & FILED

CD TRANSCRIPT OF PROCEEDINGS
HEARING
OCTOBER 27, 2016

APPEARANCES:

For the Petitioner: MAYRA ARREGUIN
In Pro Per
Carson City, Nevada
For the Defendant: JAVIER RAMIREZ RIVAS
In Pro Per
Carson City, Nevada
Reported By: Kathy Jackson CSR
Nevada CCR #402
California CCR #10465

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MAYRA ARREGUIN	
Examination by The Court	55

1 OCTOBER 27, 2016, CARSON CITY, NEVADA

2 -o0o-

3 THE COURT: Just for the record, again, this is
4 Case 12DR100391, in respect to this matter, and we have Mayra
5 Arreguin.

6 THE INTERPRETER: Mayra Arreguin.

7 THE COURT: And we have an interpreter Jessica
8 Escobar in respect to that. We also have Mr. Ramirez Rivas
9 here in respect to this particular matter.

10 We're here today based upon there was an order
11 issued by the Supreme Court indicating not changing anything
12 specifically but indicating that we needed to go ahead under
13 a case that came out fairly recently called the Lewis V.
14 Lewis case came out in June, which indicated clearly there
15 was a need to essentially set forth specific findings in
16 respect to this particular matter in regards to this Court,
17 and the Court basically -- Mr. Ramirez, are you going to sit
18 down or not?

19 MR. RAMIREZ RIVAS: Yes, Your Honor, I was just
20 disconnecting the cell phone, yes.

21 THE COURT: In respect to this particular matter.
22 So we're going to go ahead and the Court's intent is to go
23 through and basically go through where we are in respect to
24 this particular matter, how we got here in respect to that,

1 and then we also appreciate the counselor Mr. Komarek being
2 here today and Mr. Bayer, who is the CASA representative in
3 respect to this particular matter.

4 Essentially we're concerned primarily with the
5 two minor children, Eduardo, date of birth 4-13 2006 and
6 Carlos, date of birth October 9th, 2007, in respect to this
7 particular matter.

8 We're here in regards to the visitation in
9 respect to this particular matter. Previously, this Court
10 had given parties joint legal custody in respect to this
11 matter but additionally had given Mayra the primary physical
12 custody of the children in respect to this particular matter.

13 I've read the reports provided by CASA and the
14 report provided by Mr. Komarek -- Komarek?

15 MR. KOMAREK: Komarek.

16 THE COURT: Komarek in respect to this particular
17 matter. Those were both provided to Mr. Ramirez Rivas; is
18 that correct?

19 MR. RAMIREZ RIVAS: It's Mr. Ramirez Rivas, Your
20 Honor.

21 THE COURT: And you got the reports?

22 MR. RAMIREZ RIVAS: I did.

23 THE COURT: Okay. I just want to make sure you
24 received the reports in respect to this particular matter in

1 regards to this case.

2 Additionally, in regards to this particular
3 matter, what I would like to do is just -- at this current
4 time I did read the reports. I would like at this time,
5 we'll start with, Mr. Komarek, would you please come forward,
6 sir, and go ahead and have you raise your right hand and be
7 sworn.

8
9 CHRISTOPHER L. KOMAREK,
10 called as a witness on behalf of the
11 Court having been first duly sworn,
12 was examined and testified as follows:

13
14 THE COURT: Please take the witness stand. It's
15 the far one. At this time the Court is going to ask
16 questions, and then both parties will be allowed to ask any
17 follow-up questions if they feel it's necessary.

18 EXAMINATION

19 BY THE COURT:

20 Q. Again, please, sir, state your name.

21 A. Christopher L. Komarek.

22 Q. Mr. Komarek, at this time -- and your last name
23 is spelled K-o-m-a-r-e-k?

24 A. It is.

1 Q. And what is your occupation?

2 A. I'm a licensed clinical social worker in private
3 practice.

4 Q. Okay. And are you familiar with the two children
5 in this case, the Ramirez children?

6 A. I am.

7 Q. And one of them is Eduardo, date of birth 4-13
8 2006, and the other one is Carlos, is that correct, date of
9 birth October 9th, 2007?

10 A. Yes.

11 Q. And how long have you been seeing these children?

12 A. Approximately three years.

13 Q. Okay. And how did you start seeing these
14 children, on what basis?

15 A. I don't remember the specific referral process
16 but they showed up as a referral at the agency that I was
17 working at, and so I did the intake, and they became a part
18 of my caseload.

19 Q. And primarily was it arising out of certain abuse
20 allegations or things that had taken place?

21 A. It appeared to be arising out of a conflict in a
22 divorce between Mr. Ramirez and Ms. Arrequi and the
23 difficulties that the children were having at that time
24 regarding the divorce and the conflict between the parents.

1 Q. And based upon that did you believe there was
2 still a high conflict between the parents?

3 A. Yes.

4 Q. And as a result of dealing with these children
5 over the last three years, you got to know them fairly well?

6 A. Quite well, Your Honor.

7 Q. Do you have a good relationship with them?

8 A. Excellent relationship.

9 Q. Do they feel comfortable with you?

10 A. Yes.

11 Q. Do you feel that they -- they correctly and
12 truthfully relate to you their feelings?

13 A. As best as children can, yes.

14 Q. Given that in regards to that, I note that from
15 your report -- and the report that I'm referring to is dated
16 October 27th, 2016, which is your latest report in regards to
17 this matter that essentially you feel that in regards to
18 Carlos that he's made some progress in respect to that and he
19 doesn't have to continue with therapy in your opinion; is
20 that correct?

21 A. It's a temporary recommendation to see how well
22 he maintains himself over the course of a few months and if
23 he does to serve as a motivator for his older brother to work
24 a little harder in therapy to --

1 Q. It looks to me like the boys are doing well in
2 school now or better in school now than they were?

3 A. Last year Carlos did extremely well. He was very
4 diligent with his academic studies and his homework and
5 turning things in, and he was highly engaged. This year he
6 has begun to slack off a little bit, and so I just recently
7 saw him in therapy, and we began to address his more recent
8 behavior.

9 Q. As a result of this particular, your dealings
10 with the children over a period of three years in their
11 involvement with their father, Mr. Ramirez, in respect to
12 that, currently we have a visitation schedule in place in
13 regards to primarily the two boys, and I think this is
14 correct in regards to Carlos is every other Friday from 3:00
15 to 9:00 p.m. and then Eduardo, and that's unsupervised, and
16 in respect to Eduardo, it's every other Thursday from
17 4:00 p.m. at the Ron Wood Center and that's supervised. Do
18 you continue to believe that's a good schedule or should the
19 schedule be changed and Carlos the time with his father be
20 extended?

21 A. There's no indication that a change is necessary
22 in either direction, either more restrictive or greater for
23 him.

24 Q. I did read in the CASA report, you indicated that

1 you at least had indicated as included and tried to create
2 some conditions that Mr. Ramirez would agree with in respect
3 to expanding some kind of time period with Carlos on his day
4 off every other week for eight hours, from 11:00 to
5 7:00 p.m., including travel time. However, there were some
6 conditions that you put into play; is that correct?

7 A. Yeah, that was a recommendation from a few months
8 ago I believe, Your Honor.

9 Q. So in respect to trying to go through that, it's
10 my understanding that basically Mr. Ramirez was okay, but he
11 had problems with number four which was Mr. Ramirez and
12 parenting time, there would be no question of Carlos about
13 his life in his mother's house and about the details of
14 therapy, and he wouldn't agree to that; is that correct?

15 A. That I'm not sure of, Your Honor, whether he
16 would agree or not -- did agree or not.

17 Q. Well, I've looked through this. Do you have any
18 feelings in regards to whether or not the boys, obviously, I
19 think one -- do you think they want to spend more time with
20 their father?

21 A. Neither of them have given that indication to me,
22 Your Honor.

23 Q. In respect to Carlos, in regards to his father,
24 do you think that he's in a safe healthy environment when

1 he's with his father unsupervised?

2 A. There's nothing to indicate otherwise at this
3 point, Your Honor.

4 Q. As far as Eduardo, he has some serious issues in
5 regards to his Encopresis?

6 A. Encopresis, yes.

7 Q. Has that basically subsided and been taken under
8 control?

9 A. It is still intermittent. It has not completely
10 subsided, Your Honor.

11 Q. In reading your report, it sounds to me like
12 his -- he has more trauma of his relationship with his father
13 than Eduardo; is that correct? Maybe I --

14 A. Could you say that again, please.

15 Q. It appears in reviewing the report that at least
16 Eduardo has more trauma dealing with his relationship with
17 his father coming out of the divorce and dealing with things;
18 is that correct?

19 A. Yes.

20 Q. Is that because he's a little older and probably
21 a little more familiar with what was going on than Carlos
22 was?

23 A. I don't -- I wouldn't describe his difficulties
24 to being older. I would ascribe his difficulties to the

1 attachment that he had to his father. His level of emotional
2 sensitivity I believe is greater. His ability to cope --
3 effectively cope with his emotions seem -- appears to be more
4 difficult for him, and he feels quite angry still about the
5 divorce and the conflict that occurred on a regular basis
6 between mom and dad.

7 Q. Would you describe the children's relationship
8 with their mother.

9 A. Overall quite good. As I noted in this current
10 report, however, that Eduardo because of the divorce tried to
11 become man of the family, tried to take over and become boss
12 of the house, was defiant to his mother and can still be to
13 some degree disrespectful and defiant, though not
14 aggressively or particularly openly, just, you know, more
15 noncompliant kind of things and less willing to follow
16 through with mom's request without her kind of pushing on him
17 harder.

18 Q. Do you think she has tried to preclude any
19 association with the children with their father?

20 A. I don't believe she's actively or purposely done
21 that, no, Your Honor.

22 Q. What about the, I guess the -- Mr. Ramirez is a
23 difficult person I think to deal with in some ways, would you
24 agree with that?

1 A. Yes, Your Honor.

2 Q. And that's based upon the Court's review of this
3 matter over quite a period. Mr. Ramirez has a belief, at
4 least in the Court's mind, that he's right and that he to
5 some extent is not willing to cooperate in some ways. Do you
6 think that's a fair statement?

7 A. Yes.

8 Q. And is he difficult for you to talk to or deal
9 with?

10 A. He has been in the past. I have had very limited
11 action with Mr. Ramirez probably in the last 18 months.

12 Q. Do you think it's important for Eduardo and
13 Carlos to maintain their relationship as well?

14 A. I do.

15 Q. Do they rely on each other?

16 A. Yes.

17 Q. Is there anything else you would like to tell the
18 Court that I haven't covered based upon my review of your
19 report? Is there anything else you think you would like to
20 add?

21 A. No, Your Honor. I believe I've covered
22 everything I think I needed to say in this last report.

23 THE COURT: Ms. Arreguin, do you have any
24 particular questions of the counselor you would like to ask?

1 THE INTERPRETER: No, up to the moment, no.

2 THE COURT: Mr. Ramirez, do you have any
3 questions?

4 MR. RAMIREZ RIVAS: I do, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. RAMIREZ RIVAS:

7 Q. You mentioned that Eduardo did, I mean Carlos did
8 pretty well last year in school. As a matter of fact he is
9 the one who went to summer school, so sorry.

10 This is the report from August, Your Honor. This
11 is from Mr. Komarek. I don't know if he wants to read it to
12 you or if you want to read it yourself.

13 THE COURT: This is August 26, 2016?

14 MR. RAMIREZ RIVAS: Correct, I don't know if the
15 Court has a copy of that. I'm surprised that he's not
16 mentioned it in the last report.

17 Q. He stated on his report that Eduardo has been
18 wetting himself purposely in his bed to get even with mom
19 because he cannot play video games, that came from him.

20 A. Yes.

21 Q. This year -- go ahead.

22 A. No, I just agreed with you is all, I'm sorry.

23 Q. This year brought this to the Court's attention
24 what the -- January 6th of 2016 that that was the issue.

1 Based on that we're here today because the Court believed
2 that was manipulating the kid. I'm just --

3 THE COURT: Sir, this is your time to ask
4 questions. Ask a question.

5 MR. RAMIREZ RIVAS: Go ahead, I'm sorry.

6 It is just appealing to me that he looks for the
7 best interest of the children knowing that Eduardo has been
8 doing this for over six months according to his report.
9 Nothing was brought up to Mr. Bayer. Nothing was brought up
10 to me.

11 THE COURT: Is there a question?

12 MR. RAMIREZ RIVAS: And I sent an e-mail, and I
13 say I have some concerns.

14 THE COURT: Is there a question of this witness.

15 MR. RAMIREZ RIVAS: Why you not send this on time
16 and provide the Court? You made a statement this year, the
17 beginning of the year that I was the cause of this. You made
18 a discovery in August about Eduardo's behavior. Eduardo's
19 behavior and his grades are showing big time for the last two
20 years, his grades are dropping. We have the report over the
21 last two years, and he had no contact with me. His grades
22 are dropping. That's not in the best interest of the
23 children. That's not in the best interest of the children to
24 have mom fighting with him or have him sleep in a wet bed on

1 a daily basis, that's not in the best interest of the
2 children, Mr. Komarek, it's not.

3 THE COURT: Well, I guess there's a question to
4 you.

5 THE WITNESS: I'm not sure what the question is.

6 Q. (BY MR. RAMIREZ RIVAS:) The question is if
7 discovery was made in August and according to that report,
8 Your Honor, there was missed visits. We don't know how many
9 times she goes and takes the kids to -- to the sessions. It
10 could be once a month.

11 THE COURT: Ask a question.

12 MR. RAMIREZ RIVAS: I asked the question. I have
13 some concerns. I have some concerns. I keep sending
14 e-mails. I need to talk to you. I need to be present at the
15 sessions. He refuses. Now the discovery is there.

16 Why didn't you provide this on time?

17 A. Provide what on time, sir?

18 Q. The discovery of Eduardo wetting on himself.
19 It's already, you know, close to November. We going three
20 months again, in addition to six months of wetting this --
21 this kid wetting himself. I know three months since August.

22 A. What is your question, sir?

23 Q. Why did you not provide this report on time?

24 That's my question.

1 A. The report is the information as provided as it
2 is uncovered in therapy, sir.

3 Q. You as a social worker, you have by Nevada
4 statutes that you need to notify within 24 hours of any
5 abuse, of any kind of abuse towards the children. If you
6 know that this was happening with Eduardo and his mother, you
7 have by statutes to have to send this within 24 hours. You
8 waited three months to tell me this.

9 A. There's no abuse here, sir.

10 Q. When you sit there at the beginning of the year
11 and you accuse me I'm the cause of it because I'm here
12 defending myself, I'm considered the abuser. What is the
13 difference with her?

14 THE COURT: Well, to the extent that you can
15 answer. I'm not sure what the question is. In your opinion,
16 let me -- I'll help. To some extent, you obviously had a
17 report, provided the report. I think the reports are
18 provided to the Court and probably provided to the Court; is
19 that correct?

20 THE WITNESS: The reports are provided to CASA
21 and CASA distributes as he sees fit.

22 THE COURT: Right. And at the time that you
23 basically went -- at the time in August that this took place
24 in respect to that, did you feel that Eduardo was being

1 abused at all?

2 THE WITNESS: No, Your Honor.

3 THE COURT: Basically your report just indicates
4 you thought he was purposely wetting himself in his bed as
5 revenge against his mother for following the writer's
6 recommendation of suspending his access to video games?

7 THE WITNESS: Yes, Your Honor.

8 THE COURT: Is that abuse?

9 THE WITNESS: No, it's not, Your Honor. It's
10 pure parenting, appropriate parenting.

11 Q. (BY MR. RAMIREZ RIVAS:) According to the
12 testimony you give to this Court the beginning of the year,
13 you stated that all I said was a lie. When I presented to
14 you and said Eduardo does this because he wants to spend time
15 with video games, Your Honor, that's not true. So now we
16 have mom --

17 A. This is --

18 Q. Go ahead.

19 A. This has nothing to do with Eduardo's wanting to
20 spend time with you, Mr. Ramirez.

21 Q. It has to do with his Encopresis. She just
22 triggers more and more the Encopresis for not allowing him to
23 be little by little, Your Honor. So for the last six months
24 according to the August report, he and her have been dealing

1 with this problem, not me, now from August to almost
2 November.

3 A. Uh-huh.

4 Q. We have a child that is probably sleeping in a
5 soaked wet pissed bed. I don't think she's buying a mattress
6 every month. And, Your Honor, if you could issue an order, I
7 would like CPS to take that bed. I can only imagine that bed
8 that has been peed on for six months, eight months now. My
9 question is if this is the reason we're here, I'm the cause
10 of it. I caused Encopresis. She's causing it.

11 A. She's not causing it.

12 Q. So what is this report about?

13 A. Do you think -- okay. You clearly don't
14 understand what is happening.

15 Q. I understand what's happening.

16 A. No, sir.

17 THE COURT: Let him finish his answer.

18 THE WITNESS: You don't. I'm sorry, you don't,
19 okay. When children receive consequences from their parents
20 for inappropriate behavior as a corrective measure, they move
21 in a direction from anywhere from understanding that that
22 consequence is designed to gain compliance with a request,
23 the appropriate request of the parent about their behavior.
24 Ideally that's their response. They get it. They understand

1 that I did something inappropriate and that I received a
2 consequence for it and that I should change my behavior and
3 not do that anymore.

4 However, not all children respond in that way.
5 Sometimes they escalate their negative behaviors and begin a
6 power struggle. That's the first level and first step that
7 often occurs. Eduardo has done that with his mother
8 repeatedly over the course of -- over the course of time.

9 However, because Eduardo is very attached to
10 electronics and is very attached to video games, over the
11 course of the last couple of years, his mother and I have
12 worked together to try and set appropriate consequences for
13 him to get him to limit his video game activity and to adhere
14 to other responsibilities such as his academics, as well as
15 appropriate household chores and other personal
16 responsibilities.

17 Q. (BY MR. RAMIREZ RIVAS:) As work?

18 A. Please stop. However, in this case, okay,
19 because of Eduardo's attachment to his electronics and to his
20 video games, he did not respond in a positive way to even
21 attempting to limit his access, okay, and give him partial
22 access to video games on occasion. So it was my
23 recommendation to his mother that she cease allowing him
24 access to all video games. This has occurred for now over a

1 year and Mayra has -- Ms. Arreguin has complied with that
2 request essentially.

3 Eduardo's response to that removal, okay, appears
4 to have escalated his Encopresis into a revenge aspect, into
5 revenge against his mother for her following her parental
6 responsibilities in eliminating his access to video games in
7 favor of moving his behavior towards his academics and toward
8 his other household responsibilities.

9 Q. May I ask a question?

10 A. No, not yet, okay. This is not a case of abuse
11 in any way, shape or form, okay. And in August, I discovered
12 his motivation for the Encopresis. I had long thought that
13 it was in part of response to his anxiety in dealing with
14 you. And at least in part, I was mistaken but that's just
15 part of the therapy process. It's not all completely clear
16 instantaneously, all right.

17 So Eduardo's Encopresis has remediated
18 significantly. He is no longer and has not for a while now
19 wet the bed on a regular basis or wet himself purposefully,
20 all right? In the last few weeks, it has been one instance,
21 excuse me, one instance of Encopresis per week is all it's
22 currently occurring.

23 So therapy has, again, been able to move him out
24 of his pattern of revenge or consistent revenge anyway to a

1 point where the Encopresis is minimal at this point, and we
2 are continuing to work towards elimination of it completely.

3 Q. May I ask a question? Once again we're here
4 because the testimony that you did and you provided to the
5 Court, that I was the cause of it. On this new picture, I'm
6 not even involved according to the August report. I'm not
7 the cause of it, she is. According to the report from
8 Mr. Bayer back in November, 2014, I was alienating Eduardo
9 from me because I cause the Encopresis. What is the
10 difference? She's causing it.

11 A. Sir, again --

12 Q. Six months -- may I finish? I let you finish,
13 may I?

14 A. Sure.

15 Q. Okay. Do you recommend that for both the kids to
16 go to work with Mayra's boyfriend?

17 THE COURT: That's a different question.

18 MR. RAMIREZ RIVAS: This is my only chance.

19 THE COURT: Let's deal with the first question
20 you had which basically --

21 MR. RAMIREZ RIVAS: Let's go back to the
22 question.

23 THE COURT: Listen to me, Mr. Ramirez.

24 MR. RAMIREZ RIVAS: I'll go back to the question.

1 THE COURT: It deals primarily with the
2 differentiation between the early problems that Eduardo had
3 and it continued on, and then they changed at least from what
4 I'm reading in the report, it changed at some point in time.
5 So the question is what is the difference, do you understand
6 that?

7 THE WITNESS: The difference is that Eduardo has
8 chose a path of negative response to the consequences put in
9 place by his mother at my recommendation for his
10 inappropriate behavior.

11 Q. (BY MR. RAMIREZ RIVAS:) Fair enough.

12 A. Okay.

13 Q. I have all of the reports of the last two years.

14 A. His responses to you are not based on parental
15 action as a result of implementing consequences for
16 inappropriate behavior. His response to you is based upon
17 your anger, your conflict with his mother and with others,
18 your physical aggression towards him and your physical
19 aggression toward his mother, all clearly documented.

20 Q. I abused her physically?

21 THE COURT: Ask him a question. If you have a
22 question, you can ask him.

23 Q. (BY MR. RAMIREZ RIVAS:) I'm just going through
24 every report that he's written for the last two and a half

1 years. In August, all this time I've been saying Eduardo
2 lies (inaudible). When I exercise my discipline --

3 THE COURT: You're arguing to me and, again, you
4 need to ask --

5 MR. RAMIREZ RIVAS: It kills me that he says one
6 thing.

7 THE COURT: Okay. Do you have any --

8 MR. RAMIREZ RIVAS: Like, he's not looking for
9 the best interest of Eduardo.

10 Q. What is the best interest for you right now,
11 knowing that Eduardo eventually will go back to this?

12 A. Will go back to what, sir?

13 Q. To wetting himself. We don't have he continues
14 to do that. Do you know that? How many times this month
15 have you seen him?

16 A. How many times this month have I seen him?

17 Q. Yes.

18 A. This is October. I believe I've seen him three
19 times this month so far.

20 Q. Three times. I was told once.

21 A. No, sir, this week, last week.

22 Q. It's been documented.

23 A. This week, last week and the week before.

24 Q. For August for other visits, we have a Court

1 order it has to be weekly. How are we going to solve this
2 problem when she misses the appointments? When you cancel on
3 her at the last minute, how are we going to accomplish this?

4 A. When whom cancels on whom at the last minute,
5 sir?

6 Q. You two. I want to be part of this. If I'm not
7 causing him Encopresis, why am I not welcome in your office?
8 I have a right, not physical right but legal right to be in
9 my kids' lives. Why is it you don't want me in your office?

10 A. Talk to Judge Russell about your access, sir. I
11 have no power to change your access to your children.

12 Q. I ask you, I ask you in an e-mail, I want to be
13 part of the sessions.

14 A. I know what you asked, sir. I know I did not
15 respond to you.

16 Q. Was it granted?

17 A. No.

18 Q. What happened to my father rights?

19 A. Please talk to the Court.

20 THE COURT: I'm going to object as it calls for a
21 legal conclusion. There's a prior order that we indicated in
22 respect to this matter. So, again, this is -- the point
23 isn't for you to argue with him. The point is to ask pointed
24 questions to help or assist you in respect to this matter.

1 And, again, from the Court's perspective, this has been going
2 on for quite a period of time. If we go back to the very --
3 you can't take one specific instance and somehow come up with
4 some kind of point in August or anything.

5 What you have to do, and this is my question, if
6 you go back over the history in respect to this particular
7 matter, there was a significant issue in regards to
8 Mr. Ramirez, at least my reading of everything, in regards to
9 Carlos basically -- excuse me, in regards to Eduardo that
10 basically was having some issues in regards to him having
11 problems in regards to his conduct and respect to that as
12 you've indicated.

13 In your report that you just did, it says the
14 following language, every time Mr. Ramirez overreacts to a
15 situation involving his children, the children's anxiety is
16 reignited and heightened and negative behaviors result. Can
17 you explain that?

18 THE WITNESS: Yes, Your Honor. In the most
19 recent example of Mr. Ramirez discovering the scar on
20 Eduardo's left hand, I believe it is from a playground
21 accident, he demanded -- of course, as the Court is well
22 aware, he demanded to take Eduardo to a doctor for a healed
23 injury.

24 When that kind of conflict is reignited, it puts

1 the children in the middle between what mom is attempting to
2 do as the full time parent, primary parent and what father is
3 attempting to do in stirring essentially the emotions of the
4 entire family, and children work to please both sides of
5 their family. They don't want to have to choose sides.

6 But Mr. Ramirez by his actions, by these types of
7 actions is literally driving his children away from him
8 because they don't want to have to make a choice, and they
9 don't want to be caught in the conflict between the parents.

10 Q. (BY MR. RAMIREZ RIVAS:) Can I ask a question?

11 A. And Eduardo, quite frankly, is and has been for
12 the past couple of years smart enough and aware enough to be
13 embarrassed for his father's actions in public.

14 Q. Can I ask you a question?

15 THE COURT: Go ahead and ask him.

16 Q. (BY MR. RAMIREZ RIVAS:) Do you see the cut on
17 Eduardo's hand?

18 A. I'm sorry?

19 Q. Do you see the cut on Eduardo's hand?

20 A. I've looked at it briefly but, no, I didn't
21 examine it.

22 Q. Do you know how deep it was?

23 A. No.

24 MR. RAMIREZ RIVAS: Did you get to see it, Your

1 Honor?

2 THE COURT: I'm aware of the nurse's report
3 that --

4 MR. RAMIREZ RIVAS: Would you like to see it when
5 I saw it?

6 THE COURT: Okay. Any further questions,
7 Mr. Ramirez, dealing with --

8 Q. (BY MR. RAMIREZ RIVAS:) My question is he showed
9 me this through a supervised visit. I had no access to
10 Eduardo at all. Are you to say that I caused this, on what
11 grounds you say that?

12 A. That you caused what?

13 Q. You said that this particular cut, I created this
14 big, big, big, big, big thing over the kids.

15 A. Yes.

16 Q. And what brings you say that?

17 A. On what grounds do I say that? The fact that I
18 believe Mr. Bayer went back to the nurse to ask specifically
19 what she had said to you that was a response from her that
20 essentially said if you would like to take her or if you
21 choose to take your son to the doctor, you may but it's not
22 an emergency and yet you treated it as if it almost were an
23 emergency. In fact, you petitioned I believe the Court to
24 allow you to take --

1 Q. (Inaudible) pay attention to cuts? Are you aware
2 of the procedure for first cuts -- I mean for cuts this deep,
3 the fact that the wound was two months old? I'm a certified
4 CPR and first aid, and I have certification. Eduardo is
5 going to be 11 years old. He had tetanus shot when he was
6 first born. Tetanus shot should be given after five years,
7 the size of that wound. That was my concern.

8 The nurse did not have the advice to give to
9 Eduardo, being that it happened outside of school, this is
10 what the original words from her to me, and Mr. Bayer can
11 back me up on this. I'm not the real nurse for this
12 building. The fact that it happened outside of that school
13 during summertime, I'm not legally giving you anything. You
14 want to take him, take him, okay? If it didn't happen on
15 school grounds, I have nothing to give you. You want to take
16 him take him. I relayed that to Mr. Bayer. I said this is
17 what the nurse said. He went back to the principal, and,
18 Mr. Bayer, the principal said she has to see Eduardo.

19 THE COURT: Is there a question?

20 Q. (BY MR. RAMIREZ RIVAS:) The question is you said
21 that I created this. This is the event that took place.

22 A. I didn't say you created this.

23 THE COURT: He didn't say that.

24 THE WITNESS: What I said is -- I'm sorry, Your

1 Honor, I can stop.

2 THE COURT: No, that's fine.

3 Do you have any other questions of him?

4 MR. RAMIREZ RIVAS: I'm just -- can I defend
5 myself? I'm not causing any of this.

6 THE COURT: Do you have any further questions?

7 MR. RAMIREZ RIVAS: Yes, I have one last
8 question.

9 Q. Do you recommend the kids to go to work with
10 Mayra's boyfriend? Was that your recommendation to send the
11 kids to work to earn money for video games? What was the
12 case that was the recommendation?

13 A. Oh, oh, oh, oh, this is interesting. Your sons
14 took a tablet I believe that one of your relatives gave them.

15 Q. It was a video game, not a tablet.

16 A. Tablet, video game, I'm not exactly sure, an
17 electronic device.

18 Q. All right.

19 A. They took it to school.

20 Q. The Boys and Girls Club.

21 A. And then they took it to the Boys and Girls Club
22 after that or perhaps it was just the Boys and Girls Club,
23 you're right, it could have been. Just summertime, so they
24 took it to the Boys and Girls Club against the rules of the

1 household, okay? It got stolen.

2 Q. My question is do you recommend them to go to
3 school?

4 THE COURT: Let him finish his answer, Mr.
5 Ramirez.

6 Q. (BY MR. RAMIREZ RIVAS:) Did you go to --

7 THE COURT: Did you hear me? Let him -- if you
8 ask him a question, let him finish his answer. Go ahead.

9 THE WITNESS: It was stolen. As a result of the
10 boys not following the rules and, of course, taking this
11 video game, this electronic device and having it stolen, I
12 felt that the appropriate consequence would be for them to
13 repay you slash your relative for the cost of that device.

14 One of the recommendations, one of the ways for
15 them to be able to do that would be to earn money by working
16 with Louise, okay. Louise is Ms. Arrequi's boyfriend,
17 fiance, I'm not sure at this point the specifics of their
18 relationship.

19 So to answer your question, did I suggest it
20 might be a possibility, yes, I did.

21 Q. (BY MR. RAMIREZ RIVAS:) Do you know what
22 happened?

23 A. Do I what?

24 Q. Do you know how many times it happened?

1 A. Do I know how many times what happened?

2 Q. They went to work.

3 A. I'm not sure since I made that recommendation
4 that they went to work at all.

5 Q. Is that a safe recommendation for a
6 nine-year-old -- an eight-year-old and an ten-year-old to be
7 working in a stranger's house and in the wrong neighborhood,
8 was that a good recommendation?

9 A. Under the supervision of a trusted adult, I'm not
10 sure I see a problem, Your Honor.

11 Q. Why not, when the state and federal law say the
12 minimum wage for them to work on a farm is 14 years old.

13 A. This is not that kind of situation, sir.

14 Q. An individual that provides services for another
15 individual is a contractor. He has to have some kind of
16 insurance for his employees or her employees, okay. Putting
17 those kids at risk like that is not acceptable. I have --
18 still have legal rights, and I have a say if they go or not.

19 A. Okay.

20 Q. Was that a good recommendation?

21 A. I believe it's an appropriate recommendation.

22 Q. Would you take liability if it continues to
23 happen? Will you take any liability? The kids get cut with
24 whatever they use on the job, will you take full

1 responsibility for your recommendation?

2 THE COURT: Again, I'm going to object, that's
3 not his responsibility.

4 MR. RAMIREZ RIVAS: Well, this is the
5 recommendation that he's given mom.

6 THE COURT: He indicated that he made a
7 suggestion in a way on how to pay somebody back and what
8 happened in respect to that.

9 MR. RAMIREZ RIVAS: My family can pay it back.

10 THE COURT: In respect to him -- in respect to
11 that, do you have any additional questions?

12 MR. RAMIREZ RIVAS: I just see this pattern that
13 he sets some rules that are not proper and for the benefit of
14 the kids.

15 THE COURT: You can go back.

16 THE WITNESS: Thank you, Your Honor. May I
17 return to my practice?

18 THE COURT: You may.

19 (Witness excused.)

20 THE COURT: Mr. Bayer, we're going to call you up
21 at this time.

22 This isn't about arguing with him, Mr. Ramirez,
23 whether it's good or bad, and I understand your point, and I
24 think you made a very good point and I believe that. So

1 sitting there arguing with him doesn't do anything else.

2 Mr. Bayer, please come forward. Please raise
3 your right hand to be sworn.

4

5

CHRIS BAYER,

6

called as a witness on behalf of the

7

Court having been first duly sworn,

8

was examined and testified as follows:

9

10

EXAMINATION

11

BY THE COURT:

12

Q. Please take the witness stand. Please state your
13 full name, and spell your last name, please.

14

A. Chris Bayer, B-a-y-e-r.

15

Q. Mr. Bayer, please, state your position.

16

A. I'm the CASA assigned to the Ramirez boys,

17

Eduardo and Carlos.

18

Q. Okay, thank you. Have you been involved in this
19 case for some time?

20

A. Some time, yes.

21

Q. Do you recall back when you started in this case?

22

A. It's been a couple of years. I would have to

23

look and see which year it was.

24

Q. The Court appointed you as a Court appointed

1 special advocate, correct?

2 A. That's correct.

3 Q. And your job is to basically look after the boys
4 and make sure they are in a safe environment and to report to
5 the Court in respect to this particular matter in regards to
6 their conduct, how things are going and make recommendations
7 to some extent on how we should handle the visitation to deal
8 with the boys; is that correct?

9 A. That's correct.

10 Q. And during that process and throughout that
11 process have you felt that you've communicated well with the
12 boys?

13 A. Yes.

14 Q. Do you think they have communicated honestly and
15 straight forward with you?

16 A. Yes.

17 Q. Have you communicated with Ms. Arreguin?

18 A. On occasion I have talked to her, yes.

19 Q. And on occasion, you've had to basically tell her
20 that you felt she needed to change some of her ways; is that
21 correct?

22 A. Yes, that's correct.

23 Q. And I've reported and noted that essentially you
24 felt that she needed to comply with the visitation orders of

1 the Court and she needed to make sure she made sure those
2 children got to those visitations, correct?

3 A. Yes, that's correct.

4 Q. Have you had to deal with Mr. Ramirez?

5 A. I have.

6 Q. In dealing with Mr. Ramirez, would you say he is
7 an interesting, difficult person to deal with?

8 A. I'm not sure those would be my words.

9 Q. What would your words be?

10 A. I think Mr. Ramirez loves his children and they
11 love him. I think he struggles to create positive
12 interactions with the world and with his children and that's
13 (inaudible).

14 Q. Do you believe there's a significant level of
15 conflict between the parents?

16 A. There is conflict, yes.

17 Q. Do you feel that Ms. Arreguin is adequately
18 taking care of the children's needs?

19 A. Yes, I do.

20 Q. Do you think the children are in a good
21 environment with her?

22 A. Yes, I do.

23 Q. Do you believe that she's the one that should
24 have these children on a physical basis?

1 A. Yes, I do.

2 Q. Do you believe that essentially that part of the
3 issues in regards to dealing with the children by and through
4 Mr. Ramirez deal with his ability to basically deal with
5 things and not overemphasize things I guess is the word I
6 would use. I mean, things become big problems with him?

7 A. That's correct.

8 Q. In regards to this issue, in regards to the cut
9 on the hand, did you get involved with respect to that?

10 A. Yes, I did.

11 Q. In regards to getting involved with the cut on
12 the hand and in regards to this, did you have the opportunity
13 to talk to the school nurse?

14 A. Yes, I did.

15 Q. Do you think that there was a need, emergency
16 need in this case for him to go to the doctor?

17 A. That was the question to the school nurse, and I
18 talked to the school nurse and talked to the school principal
19 and talked to the school nurse again, asking the question
20 (inaudible), and there was no recommendation from the school
21 nurse that the child needed to see that Eduardo needed to go
22 to the doctor.

23 Q. It wasn't an emergency then?

24 A. I would define emergency as a recommendation. We

1 had -- we had had a previous hearing in which we had had
2 health concerns or medical concerns by the school nurse, and
3 the school nurse had made a recommendation to Ms. Arreguin
4 that Eduardo go to the doctor, and Ms. Arreguin had not
5 followed through. So I was -- I was concerned that this
6 might be the case again. This was not the case in this
7 instance. The nurse did not recommend so I did not see an
8 emergency.

9 Q. In regards to, you know, the children and their
10 ability to maintain a relationship with each -- with each
11 other, the two boys, do you think the two boys get along
12 well?

13 A. I think they do. I worry sometimes that -- I
14 mean, they have -- as they started this case, Carlos was
15 young, and Eduardo was the older brother, and I think some of
16 the way this has played out is Eduardo is the older brother
17 and so this -- this case -- this conflict impacts them a
18 little bit differently.

19 Q. You've been involved as the Court's been involved
20 for a number of years in respect to this particular case in
21 regards to that. We've had a lot of hearings, wouldn't you
22 agree?

23 A. Yes.

24 Q. And every one of those hearings we sought to try

1 to do what's best for the children, at least from the Court's
2 standpoint I think and that's what we tried to do I think as
3 a CASA representative, your recommendations have been
4 primarily followed to a certain extent based upon what is
5 best for these children. Do you believe that's the case?

6 A. Yes, and I note that we did have a hearing in
7 which the Court attempted to move this forward last -- for
8 last summer and it was the beginning of last summer to
9 increase time. Mr. Ramirez talked about the difficulty of
10 seeing Carlos after work, and the Court had set in place a
11 guideline that would make possible through Mr. Komarek with
12 recommendation from him, Carlos having Mr. Ramirez and Carlos
13 having his day off so Mr. Komarek with input from me and back
14 and forth, we worked out a list of the conditions.

15 The Court wanted a recommendation. Mr. Komarek
16 wanted the conditions on Mr. Ramirez to agree to those
17 conditions, and there was some detail there because in
18 particular I wanted the communication from Mr. Ramirez about
19 his day off to be very clear to Ms. Arreguin because so that
20 she would know clearly when his day was off in advance and he
21 would determine that.

22 Mr. Komarek wanted Mr. Ramirez to agree to those
23 conditions, and he had trouble with .4 where the concern was
24 that he not talk to the boys about Carlos, about things going

1 on in Ms. Arreguin's house, and I repeatedly asked
2 Mr. Ramirez to please agree to the conditions. It seemed
3 fairly simple to me that he simply say yes, that those go to
4 the Court and as requested by the Court, and that Carlos have
5 the ability to spend longer times with his father.

6 So I appreciate the Court's efforts and
7 Mr. Komarek's efforts in trying to move that forward. And,
8 again, Mr. Ramirez was focused on a problem that really
9 wasn't a problem in a sense. I didn't see it as something
10 that needed to be argued. It was an easy thing to agree to,
11 and so I think the Court has made steps to try to move this
12 forward.

13 Q. In regards to that particular issue, it seems to
14 me that it's important that he needs to deal with his own
15 life and his own life with the children and not her life with
16 the children, what's going on with her life, right? I think
17 that would be an important step.

18 A. That's correct.

19 Q. He seems to dwell a large extent on things that
20 happen that he wants to somehow put her in a bad light so
21 that makes him look somehow better or something like that and
22 yet these things are not significant. Is that a fair
23 statement?

24 A. That's correct, and I would add that I think it

1 makes -- as in today's discussion, it makes for a very
2 complicated long and rambling argument for problems that are
3 fairly simple. When I see Mr. Ramirez, I consistently
4 encourage him to have positive interactions with his
5 children, and I think the -- it's almost that simple
6 sometimes.

7 Q. Yet the Court feels the same. It seems to me he
8 has a difficulty basically just moving on and just living
9 with the kids and enjoying them in a capacity and moving on,
10 getting over what happened in his divorce and that. Is that
11 fair too?

12 A. And just general -- generally being a positive
13 presence to them. As this case began, I was talking to
14 Mr. Ramirez about how much Eduardo really looks up to him and
15 is really sensitive to him. He's a very sensitive boy and
16 really wants his father's approval.

17 Q. A lot of this started based upon and I'm going
18 back to the very beginning when there was an incident at the
19 Catholic church that took place after the service and it
20 resulted at and basically Mr. Ramirez was reprimanding
21 Eduardo and basically hitting him in respect to that, do you
22 recall that?

23 A. Yes, there have been -- I think there were two
24 incidents, another one at the library, and I could add that

1 the other day --

2 MR. RAMIREZ RIVAS: Can I interrupt just for the
3 record, Your Honor?

4 THE COURT: In a minute. I'll give you an
5 opportunity.

6 MR. RAMIREZ RIVAS: Okay.

7 THE COURT: I'll give you an opportunity.

8 THE WITNESS: And I could add the other day what
9 was most disturbing in my conversations around the scar on
10 Eduardo's hand was the nurses at the school's concern. She
11 expressed to me -- she brought it up to me. She said I'm
12 concerned that he's interrogating Eduardo and -- and so this
13 incident, once again, led to very -- very negative emotions
14 going on and unnecessary -- unnecessary negative emotions
15 going on around Eduardo, and that reenforces all of the past.

16 Q. (BY THE COURT:) Well, I read the balance of your
17 report basically and it indicates the current custody and
18 parenting time order reduces both boys' exposure to
19 Mr. Ramirez's anxiety with potential for anger to an
20 acceptable point according to the boys' therapist in regards
21 to that. So the current visitation schedule, do you think is
22 appropriate?

23 A. Yes, I do.

24 Q. And if we -- if we had to expand that and is

1 there a concern that basically we would be back with
2 different problems with the boys, do you think that?

3 A. Well, I think we can remember that Mr. Komarek,
4 we had this discussion at the beginning of the summer about
5 potentially expanding Carlos, his time on Mr. Ramirez's day
6 off, and Mr. Komarek has left now. I -- I have some sadness
7 or regret that that was not able to occur because it would
8 be -- it was a step that the therapist had -- had looked at
9 and the Court had looked at to move things forward, and
10 Mr. Ramirez had kind of forestalled it, but I -- I think the
11 -- the current schedule is acceptable to the therapist, and
12 I'm going to defer to that.

13 Q. This is about what's in the best interest of
14 these children in respect to this particular matter and,
15 again, Ms. Arreguin has primary physical custody in respect
16 to that. Do you feel that's the appropriate place where we
17 should be?

18 A. Yes, I do.

19 Q. Mr. Ramirez, do you have any questions?

20 MR. RAMIREZ RIVAS: Just to clarify, Your Honor,
21 are you talking about the judge in Gardnerville? None of
22 that happened. The smack that Eduardo got from me happened
23 in Carson by CVS, just for the record. Some of the facts
24 that you presented here, I'm afraid I should move this case

1 to another venue because some of this facts, enough, real,
2 are not real. This push to Eduardo to the nurse happened
3 once. I was told by the lady --

4 THE COURT: Is there a question?

5 Q. (BY MR. RAMIREZ RIVAS:) The question --

6 THE COURT: You can have all of the argument you
7 want.

8 MR. RAMIREZ RIVAS: This is not an argument.

9 Once again --

10 THE COURT: I want you to ask him a question.
11 Ask him a question. If you have a question, the question
12 would be --

13 CROSS-EXAMINATION

14 BY MR. RAMIREZ RIVAS:

15 Q. How many of this do you know? How many of this
16 facts do you know?

17 A. I would need to go -- this case has been going on
18 for years, Mr. Ramirez. I think you may be correct about the
19 location.

20 Q. Okay.

21 A. I would need to go back and look at the record to
22 see where the events had taken place.

23 Q. My personal point, when we take the stand, we
24 need to count with real facts, real facts.

1 THE COURT: Well, the question I'll ask --

2 Q. (BY MR. RAMIREZ RIVAS:) The question to you is
3 the same as what's provided -- was asked by Mr. Komarek. You
4 get a report from August?

5 A. I'm sorry?

6 Q. You get the same report from August?

7 A. I don't have that report with me.

8 Q. You sent it to me.

9 A. I believe I sent you all of the reports.

10 Q. Did you have a chance to look at it?

11 I'm sorry, Your Honor, if I direct to you, I'm
12 not a lawyer. I don't intend to be a lawyer.

13 THE COURT: I'm trying to get you to focus on
14 questions, and I'll give you all of the time you want to
15 argue.

16 MR. RAMIREZ RIVAS: I just want to present the
17 true facts, okay. It's not an argument, but give me some
18 real facts. I know the whole truth behind it.

19 Q. So based on this report, is that in the best
20 interest of the Eduardo to continue this way?

21 A. Is continuing what?

22 Q. The argument with mom and pretend to, you know,
23 get even with her, is that in the best interest?

24 A. Is it in the -- if I understand your question,

1 you're asking me if it's in Eduardo's best interest to
2 argue --

3 Q. To continue living with her?

4 A. -- to live with his mother and --

5 Q. We have a child that for the last six months,
6 once again, close to nine now being revengeful and
7 disrespectful to mom because he's not allowed to play video
8 games. He wets on himself. He slips in the bed that he peed
9 on the night before or that morning. He goes back to the
10 same bed.

11 A. Does he -- does he go back to the same bed?

12 Q. Have you been to the house?

13 A. Have you?

14 Q. I ask you to go over there.

15 A. You're asking me --

16 Q. You haven't seen this bed for the last year?

17 A. You're asking me if Ms. Arreguin leaves him in a
18 wet bed?

19 Q. Yes.

20 A. Have you asked me this before?

21 Q. Yes, several times.

22 A. You've asked me if he is sleeping in a wet bed?

23 Q. Please, continue and finish your sentence.

24 A. I don't recall being asked if he was sleeping in

1 a wet bed. But if you're asking me now if it's in his
2 interest if he's wetting his bed to be with his mother, I
3 don't know that he's been sleeping in a wet bed.

4 Q. And why not?

5 A. I don't go over there every night.

6 Q. If you see this report, what comes to your mind?
7 I'll tell you what comes to my mind as a father.

8 A. That his mother -- that he's been purposefully
9 wetting himself in his bed as revenge against his mother.

10 Q. And what is the picture that you see?

11 A. That she's giving him rules and he doesn't like
12 them.

13 Q. When I provide Eduardo with rules and he acted
14 this way, what was your recommendation to the Court?

15 A. And this is in reference to which instance?

16 Q. What was the recommendation to the Court in my,
17 same way that Eduardo was acting towards me, what was your
18 recommendation to the Court?

19 A. If I think I understand the question correctly,
20 you're asking me about your reaction to --

21 Q. No, I'm asking you because this was presented --

22 THE COURT: Let him finish the question. Just
23 let him answer the question.

24 THE WITNESS: I think what you're asking me is

1 about the instance when you were asking him to put on his
2 seatbelt and he didn't.

3 Q. (BY MR. RAMIREZ RIVAS:) No.

4 A. And you were making a rule to him to put on the
5 seatbelt, which was appropriate.

6 Q. That was not my question.

7 A. Okay.

8 Q. According to Mr. Komarek's reports, Eduardo being
9 around me, causing him to have Encopresis, just my sole
10 presence, it was a trigger for him.

11 A. Where does Mr. Komarek say your presence caused
12 that?

13 Q. They have reports.

14 A. Can you show me a report where your presence?

15 Q. Sure, but back to my question. We have a mother
16 and a child at each other pretty much on a daily basis. She
17 says this is my rule, do not play video game and that's it,
18 end of story so that triggers Eduardo to go and pee on
19 himself or goes to bed and pees on himself in a bed that's
20 wet, and this is for the last six months, once again, close
21 to nine or close to ten. What was your recommendation when
22 Eduardo was peeing when he was with me once a week?

23 A. This discovery was made in August.

24 Q. Correct.

1 A. And now we're in --

2 Q. Going to November.

3 A. Okay. And so you're saying he's been peeing in
4 his bed since August.

5 Q. Read the report, Mr. Bayer.

6 A. It says it was discovered in August that he was
7 peeing in his bed.

8 Q. Over the last six months.

9 A. Oh, over the course of the last six months or so.

10 Q. And we had the hearing in January.

11 A. And the reason was revenge, yes. And I think
12 that question was well asked to Mr. Komarek, and he explained
13 that -- you know, my take on this -- let me give you my take
14 on this which is --

15 Q. Please answer the question. What was your
16 recommendation to the Court when Eduardo was doing that with
17 me?

18 A. You asked my reaction with --

19 THE COURT: Mr. Ramirez, we're not going to argue
20 with anybody. Let him answer and you can --

21 MR. RAMIREZ RIVAS: He hasn't answered it.

22 THE WITNESS: I'm trying to. My answer to this
23 is -- my reaction to this then and now is that Eduardo from
24 well before that six months had developed a pattern of

1 physical reactions to anxiety that he's now extending and
2 using against his mother.

3 But the development of those -- of those
4 reactions, those physical reactions did not come -- the
5 beginning of that did not come in the context of him -- his
6 resistance to his mother's rules. The beginning of those
7 physical reactions came in the context of his anxiety as a
8 result of your actions and your -- and the overall divorce
9 and the way in which you through your actions, anxiety and
10 overreactions to him kept the conflict of the divorce going.

11 Now, years later, let's not forget how long this
12 has been going on, years later, he has this same reaction
13 which Mr. Komarek is saying on this day, he's now seeing as
14 Eduardo using purposefully against his mother. He's
15 developed this as a tool. So it didn't begin with his
16 resistance to his mother. It was there when this -- it was
17 actually going on when this case began and at that time, this
18 wasn't a resistance to his mother's rules. This was conflict
19 between the parents, and that conflict has been kept alive
20 and gotten worse and continues.

21 Q. (BY MR. RAMIREZ RIVAS:) We have a history of
22 this. We have a history of the kids having nightmares
23 because the kids saw me getting arrested. It's well
24 documented.

1 A. Whose fault is it that you got arrested?

2 Q. It was my fault. I was not charged for the crime
3 though. I'm not a criminal. I'm not a child abuser. You
4 got the proof that I was charged with child abuse?

5 A. You saw it.

6 Q. You saw it?

7 A. They saw it. You're saying they saw it.

8 Q. That's not --

9 A. That wasn't the beginning of it either.

10 Q. We're not going to argue, Mr. Bayer. I want you
11 to point out the facts. The report, okay, after I was
12 arrested, both of them have nightmares. They asked to see
13 me. The Court saw the need for them to see me and say, okay,
14 we are going back to the same. You told me the rules to set
15 for the boys. During that time, both of them came and say my
16 uncle hits me, okay. Based on that and we've never hear
17 Sergeant (inaudible) testimony or not. It's still up in the
18 air, okay, so he was hit.

19 A. Yes. What's the question?

20 Q. Okay. So my line ended when the kids start
21 asking for me. I was not the cause of any of the problems.
22 Now, after that, this is a reality. This is what now you
23 start focusing on, the relationship with their mom and
24 Eduardo and what is going on. Forget everything I done in

1 the past, forget about it. Don't dwell on it.

2 A. You're asking me not to remember what happened?

3 Q. Not to dwell on it. Now we have to focus on
4 what's going on in this house because for the last six months
5 we have the situation and the recommendation.

6 THE COURT: Well, I'm just --

7 MR. RAMIREZ RIVAS: Go ahead.

8 THE COURT: I don't know if there's a question
9 there. Do you have any further questions?

10 MR. RAMIREZ RIVAS: He never answered my
11 question, Your Honor.

12 Q. The question is you came here -- I was trigger
13 for Eduardo's Encopresis. I was the cause of it. Now we
14 have a report that points to her.

15 A. What is the question?

16 Q. What is your recommendation, for this boy to
17 remain with her?

18 A. Yes.

19 Q. Based on this, is that in the best interest of
20 Eduardo to continue living with her?

21 A. It is in the best interest of Eduardo.

22 Q. Why is that?

23 A. Why is that, yes, I will explain why. Thank you.

24 It is in the best interest because while there have been --

1 there has been parenting problems by both you and
2 Ms. Arreguin, she has made efforts to change her parenting
3 approaches.

4 Instead -- when this case began and I believe it
5 began with a referral to Mr. Komarek for the boys because of
6 the conflict and because of struggles she was having of
7 parenting, she began working to change the way in which she
8 parented and has been documented to have successfully done
9 that to the point where for example, she does not dwell on
10 the negative. She creates appropriate consequences with help
11 from a therapist.

12 She -- and their resistance to that -- to those
13 well implemented rules by a parent comes because I believe
14 they continue to perceive that somehow they can -- Eduardo
15 perceives he can somehow get around the rules. You do not
16 support her parenting rules. She creates these rules and
17 you're here criticizing her. So if you're criticizing her
18 constantly, what message are you sending to Eduardo? If you
19 would support her rules, perhaps he would not think that
20 there was a way out of those rules, but he does think there's
21 a way out of those rules.

22 Q. Mr. Bayer?

23 A. No, let me finish my answer. He thinks there's a
24 way out of those rules, and so he resists her, and he's now

1 learned to use his physical reactions against her by
2 constantly keeping this conflict going, you undermine their
3 sense of well-being. You undermine her parenting, and then
4 you do that in an effort to prove how good you are, and all
5 you need to do is focus on you and what you do.

6 Q. May I?

7 THE COURT: If you have a question, ask him a
8 question. No argument. Just ask him a question.

9 MR. RAMIREZ RIVAS: It's not an argument. This
10 is -- I see this as a setup. She has not asked a question to
11 Mr. --

12 THE COURT: Okay. If you don't have a question.
13 Do you have any questions of Mr. Bayer?

14 THE INTERPRETER: No, sir.

15 THE COURT: Arguing with him or arguing and
16 everything, it doesn't do any good, Mr. Ramirez, with
17 Mr. Bayer.

18 MR. RAMIREZ RIVAS: He agrees with the kids going
19 to work, okay? I'm not good with that.

20 THE COURT: Is that a question to him?

21 Q. (BY MR. RAMIREZ RIVAS:) Yeah, why do you agree
22 to that?

23 THE COURT: One more question. Do you agree with
24 the kids going to work with Louise, is that his name? I will

1 tell you the Court doesn't agree with that. I don't think
2 that's a good -- unless there's safety boundaries and safety
3 put in. If it is just to go over there and be with him, I
4 don't know. Mr. Bayer?

5 THE WITNESS: Mr. Ramirez raised the question.
6 They asked me -- he asked me, he said Louise is going to
7 work. And I asked him what is the concern? And he said but
8 Louise -- but they are going to work. And I -- I thought
9 perhaps they were going to work because sometimes kids go to
10 work to see what adults are doing at work. I didn't really
11 have -- I couldn't really get from him what the concern was.

12 Q. (BY MR. RAMIREZ RIVAS:) Is that in the best
13 interest of the children?

14 THE COURT: That's fine. I understand the issue.
15 Thank you, Mr. Bayer.

16 (Witness excused.)

17 MR. RAMIREZ RIVAS: I'm not -- Your Honor?

18 THE COURT: Mr. Ramirez, again, I allowed you --
19 Ms. Arreguin, do you have any argument? And I
20 guess I'm going back a long period of time in respect to this
21 case and everything else. My question to you -- please raise
22 your right hand to be sworn.

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MAYRA ARREGUIN,

called as a witness on behalf of the
Court having been first duly sworn,
was examined and testified as follows:

EXAMINATION

BY THE COURT:

Q. I want to know how are the boys doing at this point in time? Are they doing fine?

A. I think that they are doing well other than the little conduct problems that (inaudible) has. That's something we're working on. It's difficult. I'm not perfect. I try to do the best that I can. As you said, it's been many years now of dealing with this problem between Mr. Ramirez and myself disputing what really is practically the custody. All I can say is that I will always do what is best for my children, and I believe I demonstrated that up to this point. They have a home. They have their house. They have their room. They have their beds.

Q. Do they have their own rooms?

A. Yes, correct. Well, in one room both of them sleep.

Q. Well, that's what I mean, both boys have their own room?

1 A. Yes. I don't know what else to say. There have
2 been so many points raised.

3 Q. What I would like to ask you about, the cut on
4 his hand, did he end up ever going to the doctor or was it
5 taken care of?

6 A. When the wounds happened, I didn't take him
7 initially to the doctor, later I took him. They have their
8 visits, their annual checkups like when they get sick or when
9 Mr. Ramirez gets worried over something and I have to take
10 them to get him out of the doubt of the boys. I took care of
11 that wound. And, in fact, the boy has just seen the
12 pediatrician, and there's no problem with him. He's up to
13 date on his shots. I see no problem. Children have
14 accidents. They are children. Sometimes it's out of my
15 hands to deal with that.

16 Q. Let me ask, so it ended up the doctors didn't
17 have to treat it?

18 A. No, just a wound that I had to take care of.

19 Q. In regards to the children going to work, can you
20 explain that to me. I don't understand. In regards to going
21 to work, are they just going to hang out or what's going on?

22 A. It was just on that occasion because of the
23 recommendation of Mr. Bayer. I think it was a good
24 suggestion because that way they can learn about

1 responsibility to take care of their things, and they can
2 realize that things cost money, and so they have to be
3 responsible and careful with their things and that does cause
4 effort to have things.

5 Q. What are they doing at work? What were they
6 doing?

7 A. Louise is my current partner, and he works in
8 yards. The jobs that he does are gardening. He wouldn't do
9 something that they couldn't do or hard job or difficult job.
10 And the time they went with him, it wasn't a long day. He
11 knew it was just a little while that he was going to be
12 working just to teach them to be responsible.

13 Q. How many times did they go with him?

14 A. A couple of times.

15 Q. Thank you.

16 Is there anything else you want to tell the
17 Court?

18 A. Oh, I would like to say lots of things. I don't
19 think what Mr. Ramirez -- I don't care what Mr. Ramirez
20 thinks. I'm going to go back to the child support point. He
21 talks about being responsible, that he wants the best for his
22 children, but he isn't responsible. That's the money
23 responsibility that he has towards his children. They have
24 needs and if it weren't right now because of Louise's help,

1 the children would not have what they need. I'm not working.
2 I've just had a baby which is why I'm not working. If he's
3 being responsible for the necessities with the children's
4 needs, I feel that he's fulfilling the role of a father in
5 terms of what they need, and he helps me to take care of
6 them, and he looks out for their well-being for their best
7 interests.

8 Q. Is he current on his child support?

9 A. No. Remember the last court date we had, you had
10 given him a month to get up-to-date with the payments. I
11 have not received a single payment. I sent a message to
12 Mr. Ramirez asking him when he was going to be up-to-date
13 with the payments he had to give me because the due date had
14 already passed by which he had to do it, and I told him -- I
15 told him that I would notify child support. And he said,
16 well, go ahead and do it.

17 And so I went to the office. I asked because
18 supposedly he said -- he had said that he had a credit with
19 them. I don't know how or why. He no longer has it. The
20 social worker said that she has already tried to explain to
21 him that he is a person who is closed off and refuses to
22 understand. She said was that they were going to see if he
23 had started working to garnish his wages.

24 Q. The last order of the Court, this was an issue

1 and he made the same argument to the Court with respect to
2 that he had a credit and we went through it all, and the
3 Court's order was very clear in respect to this matter
4 that -- that defendant stated he has tried to pay plaintiff
5 and provide an envelope with 350 basically, but he owes
6 approximately \$1,050 for May, June and July child support.
7 Did you ever receive that back, \$1,050 from him?

8 A. No, Your Honor. The only thing I received was
9 the check that he handed to me at the last court date.

10 Q. Okay. And we gave him a credit of \$70, so his
11 total arrearages by the order was \$980 that he was to provide
12 to you. Additionally, pursuant to the Court order, he was to
13 provide to the Court proof of his income within 30 days of
14 July 13th, 2016.

15 Mr. Ramirez, have you ever provided any proof of
16 your income prior within 30 days?

17 MR. RAMIREZ RIVAS: I did give my copies to the
18 lady up front.

19 THE COURT: When did you do that?

20 MR. RAMIREZ RIVAS: Right after we had the court
21 hearing. The day I picked up the paperwork, I gave them
22 that. I sent an e-mail prior.

23 THE COURT: What is that?

24 MR. RAMIREZ RIVAS: This is the e-mail. I've

1 been sending her e-mails about this money. According to
2 child support, the \$1,000 that she was supposed to get, they
3 didn't give it to her because now she has TANF. She's
4 receiving TANF. Now she wants TANF and she wants my
5 assistance, and I set up an appointment with child support
6 because according to them, she's alone in the household with
7 the kids. Her significant other is not even part of the TANF
8 thing.

9 THE COURT: That doesn't matter.

10 MR. RAMIREZ RIVAS: That's okay. I know where
11 I'm coming from with this money. I sent an e-mail trying to
12 give the money. I asked for an address. She did not give me
13 that. Every time we change the kids, she drops the kids and
14 it's like off she go.

15 THE COURT: Have you paid the \$980?

16 MR. RAMIREZ RIVAS: I have the money.

17 THE COURT: That's not the question.

18 MR. RAMIREZ RIVAS: Who do I pay it to?

19 THE COURT: Have you paid her the money?

20 MR. RAMIREZ RIVAS: No, I have not paid the
21 money.

22 THE COURT: Huh?

23 MR. RAMIREZ RIVAS: No, I have not paid the
24 money.

1 THE COURT: That was part of the Court order. So
2 you haven't done that?

3 MR. RAMIREZ RIVAS: I have not done it. I have
4 it.

5 THE COURT: Where is the proof of your earnings?
6 How much do you make?

7 MR. RAMIREZ RIVAS: Your Honor, I don't have it.
8 I'll bring it to you tomorrow or later this afternoon, okay?
9 I don't have proof or income. As a matter of fact, my hours
10 will be cut for this winter but the money, I have it.

11 THE COURT: I want to know what your gross
12 monthly income is.

13 MR. RAMIREZ RIVAS: I'll give it to you within
14 24 hours. I want an address so I can send this money to her.
15 I'm not going to expose myself and --

16 THE COURT: Well, (inaudible) same ballpark so to
17 speak.

18 What's your physical -- he knows where you live,
19 right?

20 You know her address.

21 MR. RAMIREZ RIVAS: And what happened last time?
22 Did I not show you a certified sent back to me.

23 THE COURT: You sent it in a manner that clearly
24 indicated that proof she received it.

1 MR. RAMIREZ RIVAS: You read the e-mail, Your
2 Honor. I'm asking the same question.

3 THE COURT: How hard is it to write out a check
4 or give her a money order for the full amount that you owe?

5 THE INTERPRETER: Because he doesn't have the
6 money.

7 MR. RAMIREZ RIVAS: Your Honor, I asked how and
8 what way --

9 THE COURT: How difficult is --

10 MR. RAMIREZ RIVAS: How difficult, it's not
11 difficult.

12 THE COURT: Okay. Make it real simple.

13 MR. RAMIREZ RIVAS: It's not difficult.

14 THE COURT: Get a money order. Send her the \$970
15 that you owe her and do it right away.

16 MR. RAMIREZ RIVAS: I'll do it within the month,
17 Your Honor. I have to take care of my disabled father now.

18 THE COURT: Okay.

19 MR. RAMIREZ RIVAS: I asked her to do --

20 THE COURT: Second of all, my question is you
21 continue to live in the same apartment where you lived
22 before?

23 MR. RAMIREZ RIVAS: That's correct, Your Honor.

24 THE COURT: You live with your mother and father?

1 MR. RAMIREZ RIVAS: Yes.

2 THE COURT: And your brother.

3 MR. RAMIREZ RIVAS: Yes.

4 THE COURT: And you?

5 MR. RAMIREZ RIVAS: Yes.

6 THE COURT: And there's two bedrooms, correct?

7 MR. RAMIREZ RIVAS: Three, Your Honor.

8 THE COURT: Three bedrooms, okay. I thought
9 there was only two bedrooms, the last time I recall.

10 MR. RAMIREZ RIVAS: Once again, we don't have the
11 true facts.

12 THE INTERPRETER: There were more people living
13 there.

14 THE COURT: Okay. Well --

15 MR. RAMIREZ RIVAS: Can she prove that to me,
16 Your Honor? I really don't want to argue with her.

17 THE COURT: That's fine.

18 MR. RAMIREZ RIVAS: Can she prove that?

19 THE COURT: Are you done with your statement?

20 THE INTERPRETER: I think so. I just want to
21 know what's going to happen with this because Mr. Ramirez has
22 been evading this for years. He thinks it's a game. So he
23 has a right to demand and he's coming to court all of the
24 time. And what about his responsibilities, what's going on

1 with that?

2 THE COURT: Okay, thank you.

3 Mr. Ramirez, your turn. I want to give you all
4 of the time that you want. Now is your turn --

5 MR. RAMIREZ RIVAS: Thank you, Your Honor.

6 THE COURT: -- to argue in respect to this
7 particular matter in regards to this, and you did file that
8 emergency motion in respect to that, and the Court didn't act
9 on it because I received information from Mr. Bayer that
10 clearly indicated he had checked the school, the nurse and
11 everybody, and there was no emergency from his standpoint,
12 and I know you believe there was in respect to that but,
13 again, this is your chance to argue on why or what I should
14 do different than what's going on now. Tell me.

15 And, first of all, I will note you have not paid
16 the child support that I ordered in the prior order. You
17 haven't provided the information in the Court order, in the
18 prior order in respect to this particular matter. So go
19 ahead and tell me why I should do anything different than
20 where we are.

21 MR. RAMIREZ RIVAS: Why you should do anything
22 different?

23 THE COURT: Tell me why.

24 MR. RAMIREZ RIVAS: Because you have a Court

1 order. We have several, several warrants given to
2 Ms. Arreguin about not missing a visit and respect my father
3 right visitation, and she failed, and you give her
4 (inaudible) just like you give me right now for my child
5 support to do it right away. You told her do this to me one
6 more time, I'm going to put you in jail. Did she do it?

7 THE COURT: This is your time to argue argue.

8 MR. RAMIREZ RIVAS: She did it again. I make all
9 visits. She did it again. We have statutes, the statutes
10 for that.

11 THE COURT: I read the report.

12 MR. RAMIREZ RIVAS: Do you want the money for
13 child support. I'll pay the fine.

14 THE COURT: The report indicated make-up visits
15 had taken place.

16 MR. RAMIREZ RIVAS: You give her warning not --

17 THE COURT: Huh?

18 MR. RAMIREZ RIVAS: You give her a last warning
19 not to do it again.

20 THE COURT: Did the make-up visits take place?

21 MR. RAMIREZ RIVAS: Your Honor --

22 THE COURT: Yes or no?

23 MR. RAMIREZ RIVAS: She's mocking the Court.

24 THE COURT: Yes or no, did you get your make-up

1 time?

2 MR. RAMIREZ RIVAS: No.

3 THE COURT: Okay. Tell me why I should expand
4 some kind of visitation with Carlos in respect to you. Did
5 you or did you not disagree with the -- Mr. Bayer clearly
6 testified that they came up with a set of rules and went
7 through those rules in order to protect everyone and you got
8 to number four, and you said you would not agree to number
9 four which was there should be no questioning of Carlos about
10 his life in his mother's house or about details of therapy.

11 MR. RAMIREZ RIVAS: Mr. Komarek has dropped
12 Carlos in the past for therapy. He doesn't need to see him.

13 THE COURT: I understand that.

14 MR. RAMIREZ RIVAS: Okay, so exactly, that's what
15 I asked him, why did you have to put in here when you already
16 dropped the kid. He just dropped again. That was not
17 argument.

18 THE COURT: Yes or no, did you tell Mr. Bayer
19 clearly you would not agree to that?

20 MR. RAMIREZ RIVAS: I didn't agree to number four
21 for the same reasons. I think here (inaudible) agreeing to
22 any of it. So why you dropping the kid but you put in the
23 same rules (inaudible). You're not even with reality.
24 You're not even with the facts. I understand they confuse

1 one kid with another, and this is my argument with them and
2 they think I just want to argue because that's what I do for
3 joy. They don't have the facts together. They don't have
4 facts together. They leaning towards her whether, you know,
5 she set up the rules. She set up the rules.

6 THE COURT: This is about you.

7 MR. RAMIREZ RIVAS: I know it's about me. That's
8 what I don't agree to any of this. They don't have -- they
9 don't know which kid is what, that's why I don't agree on it.

10 You told them they need to work with my work
11 schedule. I got Wednesday and Thursday so I could see
12 Eduardo, and you give me Friday to see Carlos. You suggest
13 that I should spend more time with Carlos on Fridays and to
14 work with her.

15 THE COURT: What's your work schedule at this
16 time?

17 MR. RAMIREZ RIVAS: 8:00 to 4:30 everyday except
18 for Wednesday and Thursday, and we went through this last
19 time, and it's every other Friday from the beginning of the
20 year when you say I cost Carson City, you took my weekly
21 visit with the boys.

22 THE COURT: Let's just understand this.
23 Currently your days off are Wednesday and Thursday, correct?

24 MR. RAMIREZ RIVAS: That's correct, Your Honor.

1 THE COURT: Is that going to be consistent for a
2 period of time?

3 MR. RAMIREZ RIVAS: That's what they are willing
4 to work with me. I would rather see Eduardo on a supervised
5 visit and see Carlos right after my work because nobody is
6 willing to work with me, and all I hear from her is I need
7 the child support. I'm not hearing her I want the kids to
8 have a relationship with the father.

9 THE COURT: Currently you have your visitation
10 with Eduardo every other Thursday which is one of your days
11 off at 4:00 p.m., correct?

12 MR. RAMIREZ RIVAS: It's on Wednesdays, Your
13 Honor. She keeps changing it and when she chooses to bring
14 the kid.

15 THE COURT: Let's don't blame her for everything.
16 That's --

17 MR. RAMIREZ RIVAS: But blame me.

18 THE COURT: Let's focus on trying to make sure we
19 have the -- what we're looking at. Currently Wednesday you
20 have visitation in respect to Eduardo at Ron Wood, correct?

21 MR. RAMIREZ RIVAS: That's correct, Your Honor.

22 THE COURT: And what time is that at?

23 MR. RAMIREZ RIVAS: Supposed to be at 4:00.

24 THE COURT: What time does he get done with

1 school?

2 THE INTERPRETER: 3:15.

3 THE COURT: And how -- do you take him to Ron
4 Wood then?

5 THE INTERPRETER: Yes.

6 THE COURT: And how long is that visitation?

7 MR. RAMIREZ RIVAS: One hour.

8 THE COURT: One hour.

9 MR. RAMIREZ RIVAS: And she doesn't bring him
10 right at 4:00. She brings him in like -- there's a gap of
11 15 minutes, so she brings him like 4:20, you know, so it's
12 not even a whole hour. I just want to point that out to you.

13 THE COURT: Okay. And then currently you have
14 Carlos unsupervised every other Friday from 3:00 p.m. to
15 9:00?

16 MR. RAMIREZ RIVAS: Once again, Your Honor, I
17 work on Friday. I get out at 4:30.

18 THE COURT: I remember you said you could get
19 done earlier so you set it for 3:00 o'clock or something.

20 MR. RAMIREZ RIVAS: I never said that, Your
21 Honor.

22 THE COURT: Okay. So Friday, you currently have
23 from 4:00 o'clock to 9:00 o'clock?

24 MR. RAMIREZ RIVAS: I arrive to the office around

1 5:00 and sometimes she comes after 5:00, 5:15. Sometimes she
2 drops the kid off at Boys and Girls Club. I go to pick them
3 up as Mr. Bayer is aware. I'm not even on the list for
4 emergency, and sometimes it creates an issue because they
5 think I'm kidnapping my own son.

6 THE COURT: Are you going to school to see the
7 kids at school?

8 MR. RAMIREZ RIVAS: When I can. Currently I
9 don't have a vehicle.

10 THE COURT: You currently don't have a vehicle?

11 MR. RAMIREZ RIVAS: I don't have a vehicle. I
12 lost it because my father was in the hospital, as Mr. Bayer
13 is aware of. He had a second heart attack. I had to get a
14 loan on it so I could pay for some of the medication. That's
15 the time I asked her to please let me know when she was going
16 to get the money and never get an answer back.

17 Last week I sent an e-mail and say I'm carless.
18 I need to know if I can use this month's money for a car.
19 I'm still waiting for an answer. I'm here hearing where is
20 my child support. And when asked a question, she doesn't
21 want to answer. When she misses a visit, as Mr. Bayer
22 recommended, I asked nicely why she missed the visit. She
23 has no answer. She cannot explain it. When I don't get to
24 talk to my kids on Monday, I have an emergency, once I get

1 done with it, I'll see if they can talk to you.

2 THE COURT: Have wages been garnished for the
3 \$350?

4 THE INTERPRETER: Not that I know of. I haven't
5 received any money.

6 MR. RAMIREZ RIVAS: You can ask if she's on TANF.

7 THE COURT: Have you received any money?

8 THE INTERPRETER: I'm not getting any help, I'm
9 not.

10 THE COURT: You haven't gotten one penny?

11 THE INTERPRETER: I'm sorry?

12 THE COURT: You haven't gotten any monthly
13 payment that he's supposed to be paying the 350 per month?

14 THE INTERPRETER: No.

15 THE COURT: Are your wages being garnished for
16 that?

17 MR. RAMIREZ RIVAS: I don't know what is going on
18 with that, Your Honor.

19 THE COURT: Well, it's a yes or no question.
20 You're bright enough to know whether or not your wages are
21 being garnished, no, yes or no?

22 MR. RAMIREZ RIVAS: No, they are not being
23 garnished.

24 THE COURT: Okay. So you have not paid in

1 addition -- since the prior order, you haven't paid any child
2 support?

3 MR. RAMIREZ RIVAS: We're going back to the same
4 thing. Your Honor, you want the money. I'll give the money.
5 Can I have my rights reinstated?

6 THE COURT: Start listening to me, Mr. Ramirez.
7 You have made no child support payment.

8 MR. RAMIREZ RIVAS: No, I have not make a child
9 support.

10 THE COURT: You haven't given her the \$980 that
11 the Court ordered previously that you provide to her, and you
12 haven't made any of the monthly payments that you were
13 supposed to pay of \$350 for the children; is that correct?

14 MR. RAMIREZ RIVAS: That is correct, Your Honor.

15 THE COURT: Okay, thank you. My question is
16 whether I hold you in contempt and hold you in jail and find
17 out whether you like not working at all.

18 MR. RAMIREZ RIVAS: All right. So you're going
19 to throw me in jail for contempt of court of not following
20 your order but her not following the order --

21 THE COURT: It's real easy, you haven't paid. So
22 in respect to this matter, again, it's going to be the order
23 of the Court in respect to this matter, we're going to go
24 very slow and very detailed. You can sit down in respect to

1 this matter.

2 First of all, under the factors set forth in NRS
3 125C.0035, the following factors have to be considered in
4 respect to where we are. Previously this Court had granted
5 you primary physical custody of the children in respect to
6 this matter, I did so in consideration, and we need to
7 clarify specifically in regards to this particular case why
8 we're doing it.

9 So first of all, the factors we consider, the
10 wishes of the children, the children are not of a sufficient
11 age yet in order to provide any information to the Court.
12 Generally, we look at when they get to be 11 or 12 in respect
13 to providing information to the Court.

14 Second, the nomination of a guardian for a child
15 by parent, that's not an issue. Which parent is more likely
16 to allow the children to have frequent associations of
17 continued relationship with custodial, non custodial parent.
18 I think there's been an attempt to provide him with the
19 visitation and do that. I don't think there's a major issue
20 between either of the parties in respect to that.

21 The main factor is the level of conflict between
22 both of you. This has been a significant level of conflict
23 between both of you which has gone on. I think Ms. Arreguin
24 has moved on to some extent in regards to her life and moving

1 on.

2 Mr. Ramirez has never moved on. He continues to
3 have a great deal of conflict in respect to this matter
4 towards you in respect to this matter, continues to be there.
5 Every issue, as Mr. Bayer clearly indicated, becomes a major
6 conflict in respect to that. No matter how minor or whatever
7 nature, it's a major conflict in respect to that that does
8 nothing but cause anxiety to both of you and also to the
9 children of the nature that's not good and healthy for their
10 best interest in respect to this particular matter.

11 The ability of the parents to cooperate to meet
12 the child's needs, I think clearly CASA and Mr. Komarek,
13 therapist, in respect to this have indicated you are the one
14 that should have primary control of the children, that you
15 are the one that basically sees to all, most of their needs.
16 You're the one that provides a stable environment for them in
17 respect to this particular matter.

18 Further, the children at your residence have
19 their own room, have the ability to have their room. Where
20 at his residence, there's no ability to those children to
21 have any room or have any ability to reside in respect to
22 this particular matter.

23 Again, the physical, developmental and emotional
24 needs of the children are being met by you in respect to this

1 matter. I believe the kids care for their father. You
2 should be involved in their life in respect to that but not
3 with the hostility and anxiety and the conflict that he
4 creates by and through his own actions with respect to that.

5 The nature of the relationship of each child,
6 although there are issues going on in respect to Carlos in
7 respect to the -- excuse me, Eduardo in regards to the bed
8 wetting incident in respect to defying rules in respect to
9 that, I agree children are going to be defiant to some
10 extent, but this did not start back with this incident.

11 This started long ago in regards to the
12 relationship that took place. It's been going on for years,
13 and it all stems back to the anxiety and conflict that
14 existed in this particular divorce, in marriage and respect
15 to that, in regards to that and it should cease. Obviously,
16 it's never going to cease in respect to this matter, but it
17 should cease in respect to that.

18 As the boys get older, hopefully they will
19 understand things and move on better in respect to this.
20 Again, the nature of the relationship of the children, I
21 think they long with you. They should stay with you in
22 respect to that. I believe Mr. Ramirez should have -- be in
23 their life, should be involved in their life, but we're going
24 to set parameters in respect to that as we've done within the

1 past in regards to that.

2 I do believe there's a history in regards to this
3 particular matter of abuse in regards to this matter based
4 upon the Court's hearings in respect, going back in regards
5 to what transpired in respect to that, so it is a factor that
6 I'm considering in respect to that.

7 Based upon all of that, the Court basically is
8 going to determine, again, indicate that you should have
9 joint legal, that you should have primary physical custody of
10 the children. They will remain with you. The visitation
11 schedule will be as implemented at this time based upon
12 Mr. Ramirez's failure to agree to changing terms and not talk
13 about what goes on in your house or what goes on in respect
14 to that. He cannot deal. He won't accept parameters and
15 won't accept what goes on. Both the CASA and the therapist
16 both indicate the current schedule is what is best for the
17 children, and they are doing well under this existing in
18 regards to that.

19 So we'll have Wednesday nights at the Ron Wood
20 Center at 4:00 o'clock to 5:00. You will get him there on
21 time. Make sure he's there at 4:00 o'clock. He can get
22 there by 4:00. Make sure he's there by 4:00.

23 Again, in regards to Carlos, Carlos' visitation
24 can be again on Fridays. Again, he indicated I thought

1 previously would get off early but if that was a mistake,
2 then it will be from, you a say it's at 5:00 o'clock is when
3 you're exchanging the child now. Does that meet with your
4 schedule? Can you get their earlier?

5 MR. RAMIREZ RIVAS: Your Honor, I cannot
6 jeopardize this job.

7 THE COURT: You can't with your job get there
8 earlier?

9 MR. RAMIREZ RIVAS: No.

10 THE COURT: Okay. Then basically we can change
11 his to Thursday. Does that help you at all?

12 MR. RAMIREZ RIVAS: We haven't --

13 THE COURT: Do you want it changed to Friday to
14 Thursday?

15 MR. RAMIREZ RIVAS: Are we going to have a weekly
16 thing? Is it going to be weekly or are you going to take
17 more time away from me?

18 THE COURT: Do you want it on Friday or Thursday?

19 MR. RAMIREZ RIVAS: Thursdays, Your Honor, as
20 long as I spend more time with them. We haven't even touched
21 the grades.

22 THE COURT: First year not working, correct?

23 MR. RAMIREZ RIVAS: That is correct, Your Honor.

24 THE COURT: Okay. So Thursday it will be from

1 4:00 o'clock Thursday until 9:00 o'clock at night. So we're
2 going to change Eduardo's and give him more time in respect
3 to that. I have no problem with it being every week with
4 Eduardo so he can see his father every week, Thursday. I
5 think with, excuse me, with Carlos every week, Carlos every
6 week Thursday. He can see you from 4:00 o'clock after school
7 until 9:00.

8 In respect to Eduardo, I have no problem making
9 that every week, as well, at the Ron Wood in respect to that.
10 I think it's just for an hour, and I think that's reasonable
11 in that. So we're going to change it so you have them every
12 week in respect to this matter under those time tables.

13 Additionally, you will be become current. I
14 understand your concerns in that. You're working. You're
15 making it. You won't provide your information on how much
16 you -- I want two pay stubs for your month. I want it
17 provided to me within ten days. Failure to do so will be
18 contempt of court. I want your pay stubs. I want to know
19 exactly how much you're earning as a result of your job down
20 there on a gross monthly earning so that will tell me -- I'll
21 be able to calculate exactly how much you're earning. I want
22 you to be brought current on your prior support of the \$350.
23 I want that brought current within 30 days, do you understand
24 that?

1 MR. RAMIREZ RIVAS: Yes, Your Honor.

2 THE COURT: That's your obligation. If you
3 don't -- if you don't get it to her, pay it to her. Send it
4 to her.

5 MR. RAMIREZ RIVAS: May I make -- can I make a
6 suggestion to the Court?

7 THE COURT: No -- what's your suggestion?

8 MR. RAMIREZ RIVAS: Can I drop the check to you?

9 THE COURT: No.

10 MR. RAMIREZ RIVAS: Okay.

11 THE COURT: You will mail the check to her. She
12 has an address. Put it in an envelope. Mail it to her.

13 MR. RAMIREZ RIVAS: Okay.

14 THE COURT: You'll have proof of your payment. I
15 told you last time to keep a schedule. If you're working,
16 you have an obligation. Keep a schedule.

17 How many payments does he owe you of the 350?

18 THE INTERPRETER: Last time it was four payments
19 and that was in --

20 THE COURT: June, July and August.

21 MR. RAMIREZ RIVAS: This is the -- I owe
22 September and October to be correct.

23 THE COURT: You owe May. Did you make a payment
24 in May?

1 MR. RAMIREZ RIVAS: It was a balance.

2 THE INTERPRETER: August, September and October
3 so seven months.

4 THE COURT: You owe August, September and
5 October.

6 THE INTERPRETER: Plus the four months.

7 THE COURT: August, September, October, that's
8 three months, tres, correct?

9 THE INTERPRETER: Correct.

10 THE COURT: Then you'll owe November's. November
11 is right around the corner.

12 THE INTERPRETER: Okay.

13 THE COURT: Okay. So I want all four of those
14 350 dollar payments paid within 30 days, got that?

15 MR. RAMIREZ RIVAS: Yes, Your Honor.

16 THE COURT: I mean, it was ordered. You owe it.
17 I also want the \$980 paid which was supposed to be paid back
18 under the prior Court order within 30 days that you're not in
19 compliance with.

20 MR. RAMIREZ RIVAS: I provided you with what the
21 child support, Your Honor. They tell me one thing. She is
22 saying another, okay? I can only go from what they tell me.
23 There was a credit. She keeps claiming this child support
24 for years.

1 THE COURT: You had this argument. We went
2 through it. The Court order indicated you pay it. You will
3 pay the money indicated, the \$980.

4 MR. RAMIREZ RIVAS: I will take care of it, Your
5 Honor. I will take care of it.

6 THE COURT: I want to know what you're making
7 because you obviously don't have any expenses living where
8 you are and everything.

9 MR. RAMIREZ RIVAS: When you have a father just
10 have a stroke.

11 THE COURT: I understand that, but when did he
12 have his stroke?

13 MR. RAMIREZ RIVAS: When did he have the stroke?

14 THE COURT: When did he have it?

15 MR. RAMIREZ RIVAS: Was it in August?

16 THE COURT: When did he have the stroke?

17 MR. RAMIREZ RIVAS: I asked if my father can see
18 the kids.

19 THE COURT: When did he have the stroke? The
20 question is when did he have his stroke?

21 MR. RAMIREZ RIVAS: In August. He's been
22 disabled for three months.

23 THE COURT: August, okay. Well, you were ordered
24 back to pay the 980 before that so that's no excuse.

1 Anything else that you need?

2 THE INTERPRETER: Why -- why -- why can he not
3 make the payments directly to child support so he doesn't
4 have to worry and keep complaining about?

5 THE COURT: Did you go down there and set up a
6 collection with them?

7 THE INTERPRETER: Yes.

8 THE COURT: Okay.

9 THE INTERPRETER: I'm sorry, Your Honor, did you
10 say did you or would you?

11 THE COURT: Did you.

12 THE INTERPRETER: Oh, did you, yes.

13 THE COURT: So you have a collection that the
14 child support for collecting his money from him?

15 THE INTERPRETER: Yes.

16 THE COURT: And they haven't garnished his wages
17 though?

18 THE INTERPRETER: They don't know where he's
19 working. That's why they wanted to start garnish his wages
20 so he could be brought current.

21 THE COURT: He's going to pay you directly, send
22 you a check for August, September and October within 30 days,
23 okay? He's going to pay you the \$980 that he owes you.
24 That's to be done within the 30 days. So you should be

1 getting a check from him within 30 days for those amounts.
2 And then any further payments he can make to the child
3 support if you want them to be made there.

4 THE INTERPRETER: Okay.

5 THE COURT: Okay. Now, do you understand that?

6 MR. RAMIREZ RIVAS: That's what I've been trying
7 to say, Your Honor.

8 THE COURT: Huh?

9 MR. RAMIREZ RIVAS: That's what I've been trying
10 to say this long. I asked her in the e-mails what they said,
11 and I didn't get an answer. As simple as I went in to talk
12 to them.

13 THE COURT: No, it's not simple. You haven't
14 complied with this Court's orders. If you fail to comply,
15 and this is going to be put in the order, if you fail to make
16 those payments within 30 days, then you notify me, and we'll
17 have a hearing based upon an order to show contempt in
18 regards to nonpayment of the support obligation that -- and I
19 think it probably should be more, but I want -- and, again,
20 you're going to provide me that information when you're paid.

21 MR. RAMIREZ RIVAS: Yes.

22 THE COURT: You got it?

23 MR. RAMIREZ RIVAS: Yes, Your Honor.

24 THE COURT: Okay. Thank you. Court is in

1 recess.

2 MR. RAMIREZ RIVAS: Your Honor, can we touch the
3 base on the medical issues of the kids? Can we just roughly
4 go through that?

5 THE COURT: There's no issues. I think they were
6 taken care of.

7 MR. RAMIREZ RIVAS: Can I be notified of this?
8 Can I be given a chance to contact the providers? Nobody has
9 given me information.

10 THE COURT: You have legal custody. You have an
11 ability to be notified.

12 MR. RAMIREZ RIVAS: This is what Mr. Bayer is
13 telling me that I should be doing. I know I have legal
14 custody. That case should have been taken to the emergency
15 room of last year.

16 THE COURT: I think it was handled properly.
17 There was no issue in regard to the cut on the hand. I think
18 it was appropriate and you handled it appropriately. You
19 overreacted.

20 MR. RAMIREZ RIVAS: Can I have it in the order
21 that if she fails to show for visitation to be held in
22 contempt of Court as well?

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STATE OF NEVADA,)
)
CARSON CITY.)

I, KATHY JACKSON, do hereby certify:

That on October 27, 2016 a hearing was held in the within-entitled matter in the Carson City, Nevada District Court, Department No. 1;

That said hearing was recorded on CD-ROM, and said CD-ROM was delivered to me for transcription;

That the foregoing transcript, consisting of pages 1 through 85 is a full, true and correct transcript of said recorded CD-ROM performed to the best of my ability.

Dated at Carson City, Nevada, this 4th day of September, 2017.



KATHY JACKSON, CCR

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5 Email: _____
6 Self-Represented Litigant

REC'D & FILED ✓
2017 SEP -6 PM 4:54
SUSAN MERRIWETHER
CLERK
BY _____
DEPUTY

7 FIRST IN THE FAMILY DIVISION
8 OF THE ~~SECOND~~ JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF ~~WASHOE~~ CARSON

10 Mayra E. Arreguin
11 _____
12 vs. Petitioner,
13 Javier Ramirez
14 _____
15 Respondent.

Case No. 12DR10639113
Dept. No. 1

16 **EX PARTE EMERGENCY MOTION REGARDING CHILDREN**

17 MOTION TO Seek medical care for minor Temp. custody pending set
p. hearing
18 (Fill in the name of this motion)

19 Javier Ramirez, appearing in Proper Person, hereby move this
(Your name)

20 Court to issue an emergency order, without notice to Mayra E. Arreguin
21 (The Other Party's name)
22 granting the following:

23 **State only what you want the court to order. Do not explain why you want the order issued**
or why you believe the other party should not have notice of this motion. Those reasons will
24 **be filled in on the next page.**

25 - Allow respondent to do follow up with children's
26 doctor, per recommendation of ER doctor.
27 - Change custody until hearing its schedule
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Fully explain why you believe the other party should not be contacted and have time to respond to this Motion before the Motion is considered by the Judge

Meyra E. Arreguin, would not comply with doctors orders, and I can take of the children needs right now, it may take her a couple of days until she decides to do what is best for the children.

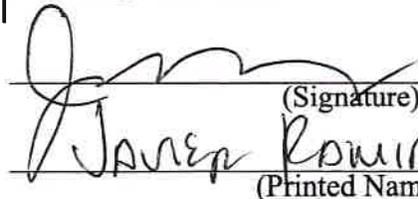
(A copy of the doctors diagnosis will be fax tonight and/or first thing in the morning)

(If you need more space, you may attach additional sheets of paper. Be sure that you write only on one side of the paper and clearly identify it as a continuation of this explanation.)

This document does not contain the Social Security Number of any person.

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

DATED this 6 day of September, 2017.


(Signature)
Janey Ramirez
(Printed Name)

1 A Decree of Divorce or Order addressing custody and visitation of a minor child(ren) was
2 entered on March 2013. To the best of my knowledge, the last order
(Date the Decree or Order was filed)

3
4 concerning this matter was entered on August 2017 and that order
(Date last order entered in this case)

5
6 concerned To show cause for contempt of court
(Print what the last order was about, such as child support, visitation, TPO, etc.)

7 The child(ren) involved in the matter are:

8	9	10	11
	<u>NAME</u>	<u>AGE</u>	<u>DATE OF BIRTH</u>
9	<u>Eduardo J. Ramirez</u>	<u>11</u>	<u>04-13-2006</u>
10	<u>Carlos A. Ramirez</u>	<u>9 1/2 mos</u>	<u>10-09-2007</u>
11			
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15 **Fully explain why you believe this is an emergency situation**

16 I believe this is an emergency and an order should issue from this Court immediately
17 because: Carlos had an accident at school on Friday
18 Sep 1st I took him to the ER on Sunday
19 Sep 3rd after he complained (repeated) in regards
20 of his knee. I was never informed of this
21 on Friday or Sunday when we exchanged
22 times
23 Per the doctors orders he needed a follow
24 up today with his doctor, which I just
25 found out. It never took place, so child
26 is going with no medical care by mother.
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Code: 3860
Name: Javier Ramirez
Address: 1371 Village Way F
Carlinville NV 8940
Telephone: 775 7907950
Email: _____
Self-Represented Litigant

REC'D & FILED
2017 SEP -6 PM 4: 54
SUSAN MERRIWETHER
CLERK
BY [Signature] DEPUTY

IN THE FAMILY DIVISION
FIRST
OF THE ~~SECOND~~ JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF ~~WASHOE~~ CARSON

Mayra E. Arreguin
Plaintiff/Petitioner,
vs.
Javier Ramirez
Defendant/Respondent.

Case No. 12DR100391-1B
Dept. No. 1

REQUEST FOR SUBMISSION OF EX PARTE MOTION

I, Javier Ramirez, request that the Ex Parte Motion
(print your name here)
motion to seek medical ^{Temp. change of custody} care filed on Sep 6 2017.
(Print the name of the Ex Parte Motion) (Date the Ex Parte Motion was filed)

be submitted to the Court for it's consideration and Order.

This document does not contain the Social Security number of any person.

DATED this 06 day of September, 2017.

Signature: [Signature]
Print Your Name: JAVIER RAMIREZ

REC'D & FILED

2017 SEP -7 AM 8:34

SUSAN MERRIWETHER
CLERK
BY Hurdwood DEPUTY

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

MAYRA ARREGUIN,
Petitioner,

vs.

JAVIER RAMIREZ RIVAS,
Respondent.

) Case No.: 12 DR1 00391 1B

) Dept. No.: I

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that I am employed by the Office of the Carson City District Court Clerk, Carson City, Nevada, and that on the 7th day of September, 2017, I deposited in the United States mail, with postage prepaid, a certified copy of the following documents: CD Transcript of Proceedings Hearing addressed to: ELIZABETH A. BROWN, Clerk of the Supreme Court, Court of Appeals, 201 South Carson Street, Capitol Complex, Carson City, NV 89710; MAYRA ARREGUIN, Petitioner, 1756 Russell Way E, Carson City, NV 89706; and to JAVIER RAMIREZ RIVAS, 1371 Village Way F, Gardnerville, NV 89410 pursuant to the Order Directing Preparation of Transcripts filed August 22, 2017.

Hurdwood

REC'D & FILED

2017 SEP -7 PM 2:21

SUSAN HERRIWETHER
CLERK

BY _____
DEPUTY

1 Case No.: 12 DR1 00391 1B

2 Dept. No.: 1

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5
6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY

8
9 MAYRA ARREGUIN,
10 Petitioner,

11 v.

12 JAVIER RAMIERZ RIVAS,
13 Respondent.

ORDER DECLINING TO CONSIDER
MOTION EX PARTE

14
15 This matter comes before the Court on an Ex Parte Emergency Motion Regarding
16 Children filed by Respondent on September 6, 2017.

17 “A judge shall accord to every person who has a legal interest in a proceeding ... the right
18 to be heard according to law.”¹ “The right to be heard is an essential component of a fair and
19 impartial system of justice. Substantive rights of litigants can only be protected if procedures
20 protecting the right to be heard are observed.”²

21 Under FJDCR 18(1), “Ex parte orders are disfavored and counsel are encouraged to move
22 with notice whenever possible.” However, under FJDCR 18(5)(B)(5) ex parte orders may be
23 obtained, inter alia, “Where such other circumstances exist as the Court may find to warrant the
24 issuance of an order without notice.” The Respondent has not shown facts sufficient for the
25 Court to proceed without giving opposing parties notice and an opportunity to be heard.

26
27 ¹Nev. Code of Jud. Conduct, Rule 2.6.

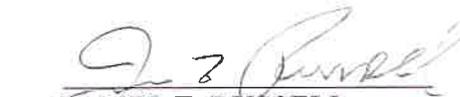
28 ²Nev. Code of Jud. Conduct, Comment 1 to Rule 2.6.

1 Therefore, good cause appearing;

2 IT IS HEREBY ORDERED that the Court will not consider Respondent's motion
3 without all parties being given notice and an opportunity to be heard.

4 Respondent shall serve his motion upon all parties, including CASA, to this matter and
5 file proof of service with the Court. First Judicial District Court Rule 15 governs the time for the
6 opposing party to respond following service. The matter cannot be submitted until ten judicial
7 days has expired, i.e. not including holidays or weekends, plus three days for mailing. After the
8 period for a response has expired a request to submit will be necessary.

9 Dated this 7th day of September, 2017.

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12 JAMES T. RUSSELL
13 DISTRICT JUDGE
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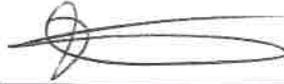
1 **CERTIFICATE OF MAILING**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the First Judicial District
3 Court, and that on this 7th day of September, 2017, I deposited for mailing at Carson City,
4 Nevada, a true and correct copy of the foregoing Order addressed as follows:

5
6 Javier Ramirez
7 1371 Village Way F
8 Gardnerville, NV 89410

9 Mayra Arreguin
10 1756 Russell Way #E
11 Carson City, NV 89706

12 Chris Bayer, CASA
13 E-mail: casaofcc@earthlink.net



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Angela Jeffries
Judicial Assistant, Dept. 1

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAVIER RAMIREZ RIVAS

No. 84723

Appellant,

vs.

MAYRA E. ARREGUIN,

Respondent.

RECORD ON APPEAL

VOL V

JAVIER RAMIREZ RIVAS
1348 TOIYABE AVE
GARDNERVILLE, NV 89410

MAYRA E. ARREGUIN
2850 AIRPORT RD., SPACE #5
CARSON CITY, NV 89706

APPELLANT IN PROPER PERSON

RESPONDENT IN PROPER PERSON

THE SUPREME COURT OF THE STATE OF NEVADA

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Your Name:
Mailing Address:
City, State, Zip:
Telephone:
In Proper Person

James Ramirez
1371 Wilshire Way
Chesterfield NV 89410
775 750950

REC'D & FILED

2017 SEP -7 PM 12: 00

SUSAN HERRIN WETHERS
CLERK

BY [Signature]
DEPUTY

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

Mayra E. Arreguin
Plaintiff/Petitioner,

Case No.: 1201210031 1B

Dept. No.: 1

vs.

James Ramirez
Defendant/Respondent.

MOTION to submit
paperwork

I James Ramirez, appearing in Proper Person,
(Your Name)

request that the Court enter an Order granting me the following:

State what you want the Court to order. If you have more than one request, clearly list and number each request. Do not explain your requests in detail here, just list them.

1. Accept paperwork from Emergency room as part of my ex parte motion.

1 **Fully explain why you believe you should be granted your request(s).**
2 **List and number each request.**

3 This Motion is made for the following reasons:

4 On September 6 2017 I submitted a
5 separate motion to seek medical care
6 for minor Carlos Ramirez, here is
7 the paperwork stating that he needs
8 a follow up.

1 (If you need more room, you may attach additional sheets of paper. Be sure you write only on
2 one side of each sheet, number the page or pages 3(a), 3(b), etc. and initial each page at the
3 bottom.)

4 This document does **not** contain the Social Security number of any person.

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

7 DATED this 7 day of September, 20 07.

8 
9 _____
10 (Your Signature)

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), the undersigned hereby certifies that on this date, I deposited a true and correct copy of the foregoing Motion in the U.S. Mail with postage pre-paid thereon, addressed to:

Maayra E. Arreguin
Central Market Hwy 50
Corsun city W 89706

Dated this 07 day of September, 2017.

Chris Bayard
CASA



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COVER SHEET

ATTN:

JUDGE. RUSSELL
CASE No. 12DR100391-1B

No. of pages 4

TRANSMISSION VERIFICATION REPORT

TIME : 09/07/2017 09:44
NAME : SPECLINE
FAX : 7758823926
TEL : 7758840409
SER.# : BROH6J516880

DATE, TIME
FAX NO./NAME
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REC'D & FILED

2017 SEP -6 PM 4:54

SUSAN MERRIWETHER
CLERK

B.G. COOPER
DEPUTY

1 Code: 1670
2 Name: Javier Ramirez
3 Address: 1371 Village Way F
Carsonville NV 89410
4 Telephone: (775) 7907950
5 Email: _____
6 Self-Represented Litigant

7 FIRST IN THE FAMILY DIVISION
8 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF WASHOE CARSON

10 Maura E. Arreguin
11 _____
12 Petitioner,

Case No. 12DJR 1603917B

vs.

12 Javier Ramirez
13 _____
14 Respondent.

Dept. No. 1

15 EX PARTE EMERGENCY MOTION REGARDING CHILDREN

16 MOTION TO Seek medical care for minor Temp. custody pending set
17 p. hearing (Fill in the name of this motion)

18 Javier Ramirez, appearing in Proper Person, hereby move this
19 (Your name)

20 Court to issue an emergency order, without notice to Maura E. Arreguin
21 (The Other Party's name)
22 granting the following:

23 *State only what you want the court to order. Do not explain why you want the order issued*
24 *or why you believe the other party should not have notice of this motion. Those reasons will*
be filled in on the next page.

25 - Allow respondent to do follow up with children's
26 doctor per recommendation of ER doctor.
27 - Change custody until hearing its schedule
28

1 A Decree of Divorce or Order addressing custody and visitation of a minor child(ren) was
 2 entered on March 2013. To the best of my knowledge, the last order
 3 (Date the Decree or Order was filed)
 4 concerning this matter was entered on August 2017 and that order
 5 (Date last order entered in this case)
 6 concerned To show cause for contempt of court
 7 (Print what the last order was about, such as child support, visitation, TPO, etc.)

8 The child(ren) involved in the matter are:

9	<u>NAME</u>	<u>AGE</u>	<u>DATE OF BIRTH</u>
10	<u>Eduardo J. Ramirez</u>	<u>11</u>	<u>04-13-2006</u>
11	<u>Carlos A. Ramirez</u>	<u>9 1/2 mo.</u>	<u>10 09 2007</u>
12			
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14			

15 **Fully explain why you believe this is an emergency situation**

16 I believe this is an emergency and an order should issue from this Court immediately
 17 because: Carlos had an accident at school on Friday
 18 Sep 1st. I took him to the ER on Sunday
 19 Sep 3rd after he complained (repeated) in regards
 20 of his knee. I was never informed, of this
 21 on Friday or Sunday when we exchanged
 22 times
 23 Per the doctors orders he needed a follow
 24 up today with his doctor, which I just
 25 found out. It never took place, so child
 26 is going with no medical care by mother.
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 28

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4 **Fully explain why you believe the other party should not be contacted
and have time to respond to this Motion before the Motion is considered by the Judge**

5 Meyra E. Arreguin, would not comply
6 with doctors orders, and I can take
7 of the children needs right now, it
8 may take her a couple of days until
9 she decides to do what is best
10 for the children.

11 (A copy of the doctors diagnosis will
12 be fax tonight and/or first thing in
13 the morning)
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17
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19 (If you need more space, you may attach additional sheets of paper. Be sure that you write only on
20 one side of the paper and clearly identify it as a continuation of this explanation.)

21 This document does not contain the Social Security Number of any person.

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

24 DATED this 6 day of September, 2017.

25 
26 (Signature)
27 James Ramirez
28 (Printed Name)

IN THE FAMILY DIVISION OF THE SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

Mary E Dreyfus)
)
)
)
)
 vs.)
)
 Javier Ramirez)
)
)
)

FAMILY DIVISION MOTION/OPPPOSITION NOTICE (REQUIRED)
CASE NO.
DEPT. NO.

NOTICE: THIS MOTION/OPPPOSITION NOTICE MUST BE ATTACHED AS THE LAST PAGE to every motion or other paper filed to modify or adjust a final order that was issued pursuant to chapter 125, 125B or 125C of NRS and to any answer or response to such a motion or other paper.

A.	Mark the CORRECT ANSWER with an X .	YES	NO
	1. Has a final decree or custody order been entered in this case? If yes , then continue to Question 2. If no , you do not need to answer any other questions.	✓	
	2. Is this a motion or an opposition to a motion filed to change a final order? If yes , then continue to Question 3. If no , you do not need to answer any other questions.		✓
	3. Is this a motion or an opposition to a motion filed only to change the amount of child support?		✓
	4. Is this a motion or an opposition to a motion for reconsideration or a new trial <u>and</u> the motion was filed within 10 days of the Judge's Order?		✓
	IF the answer to Question 4 is YES , write in the <u>filing date</u> found on the front page of the Judge's Order.	Date	
B.	If you answered NO to either Question 1 or 2 or YES to Question 3 or 4, you are <u>exempt</u> from the filing fee. However, if the Court later determines you should have paid the filing fee, your motion will <u>not</u> be decided until the fee is paid.		

I affirm that the answers provided on this Notice are true.

Date: Sep 06, 2017

Signature: [Handwritten Signature]
 Print Name: JAVIER RAMIREZ
 Print Address: 371 Village Way F
Gardnerville NV 89410
 Telephone Number: (775) 790 7950



Item# 43568
Patent Pending



CONFIDENTIAL

12 001 003 - 13

IN THE SUPREME COURT OF THE STATE OF NEVADA

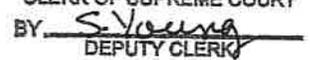
2017 SEP 26 PM 2:31

JAVIER RAMIREZ RIVAS,
Appellant,
vs.
MAYRA ARREGUIN,
Respondent.

SUSAN HERRINGTON No. 73912
CLERK
BY 

FILED

SEP 25 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

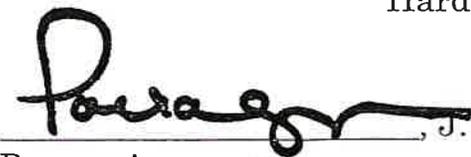
ORDER DISMISSING APPEAL

This is a pro se appeal from an order denying appellant's motion for an order to show cause to hold respondent in contempt. First Judicial District Court, Carson City; James Todd Russell, Judge.

Our review of the documents submitted to this court pursuant to NRAP 3(g) reveals a jurisdictional defect. Specifically, it appears that the judgment or order designated in the notice of appeal is not substantively appealable. See NRAP 3A(b). This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule. *Taylor Constr. Co. V. Hilton Hotels*, 100 Nev. 207, 678 P.2d 1152 (1984). No statute or court rule provides for an appeal from an order of contempt. See *Pengilly v. Rancho Santa Fe Homeowners Ass'n*, 116 Nev. 646, 649, 5 P.3d 569, 571 (2000) (recognizing that a contempt order is not appealable). Accordingly, we conclude that we lack jurisdiction, and we

ORDER this appeal DISMISSED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Stiglich

cc: Hon. James Todd Russell, District Judge
Javier Ramirez Rivas
Mayra Arreguin
Carson City Clerk



Amended
PROOF OF SERVICE 2017 OCT -4 PM 3:49

REC'D & FILED

Court Date:		File No. 0011529	SUSAN MERRIN WETHER
Court: FIRST JUDICIAL DISTRICT COURT		Case No. 12DR1003911B	CLERK
Initiator: JAVIER RAMIREZ		Other: BAYER, CHRIS	BY <i>[Signature]</i> DEPUTY
Address: 1371 VILLAGE WAY #F GARDNERVILLE, NV 89410		Address: 1539 E 5TH ST CARSON CITY, NV 89701	
Plaintiff: ARREQUIN, MAYRA		Defendant: RAMIREZ, JAVIER	
Address: , 0		Address: , 0	

1. Documents Served:
MOTION

2. Service Attempts:

Date	Time	Address:	Served
<u>10/04/17</u>	<u>14:16</u>	<u>Address: 911 E MUSER</u>	<input checked="" type="checkbox"/>
		<u>Notes: CIVIL DIVISION</u>	
		<u>Address:</u>	<input type="checkbox"/>
		<u>Notes:</u>	
		<u>Address:</u>	<input type="checkbox"/>
		<u>Notes:</u>	

3. Party Served: CHRIS BAYER Title: _____

4. I served the party named in Item 3: PERSONALLY

5. Remarks: AMENDED PROOF OF SERVICE.

- 6. At the time of service I was at least 18 years of age and not a party to this action.
- 7. I am an authorized individual with the Carson City Sheriff's Office and certify that the foregoing is true and correct.

Kathy Thomas

 KATHY THOMAS
 Carson City Sheriff's Office
 911 East Musser Street
 Carson City, NV 89701
 Phone: 775-887-2500

10/04/17

 Date

Your Name:
Mailing Address:
City, State, Zip:
Telephone:
In Proper Person

James Ramirez
1371 W. Chase Way
Carsonville NV 89410
775 750950

REC'D & FILED

2017 SEP -7 PM 12:00

SUSAN MERRITT
CLERK

BY [Signature]

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

Mayra E. Arreguin
Plaintiff/Petitioner,

Case No.: 1201210031 1B

Dept. No.: 1

vs.

James Ramirez
Defendant/Respondent.

MOTION to submit
paperwork

I James Ramirez, appearing in Proper Person,
(Your Name)

request that the Court enter an Order granting me the following:

State what you want the Court to order. If you have more than one request, clearly list and number each request. Do not explain your requests in detail here, just list them.

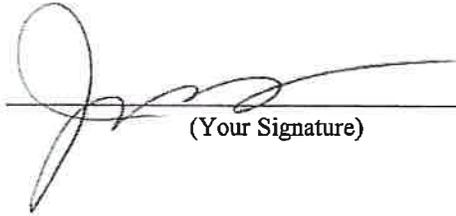
1. Accept paperwork from Emergency room as part of my ex parte motion

1 (If you need more room, you may attach additional sheets of paper. Be sure you write only on
2 one side of each sheet, number the page or pages 3(a), 3(b), etc. and initial each page at the
3 bottom.)

4 This document does not contain the Social Security number of any person.

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

7 DATED this 7 day of September, 20 07.

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(Your Signature)

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), the undersigned hereby certifies that on this date, I deposited a true and correct copy of the foregoing Motion in the U.S. Mail with postage pre-paid thereon, addressed to:

Maura E. Arreguin
Central market Hwy 50
Corpus city TX 79706

Dated this 07 day of September, 2017.

Chris Baynes
CASA



COVER SHEET

ATTN

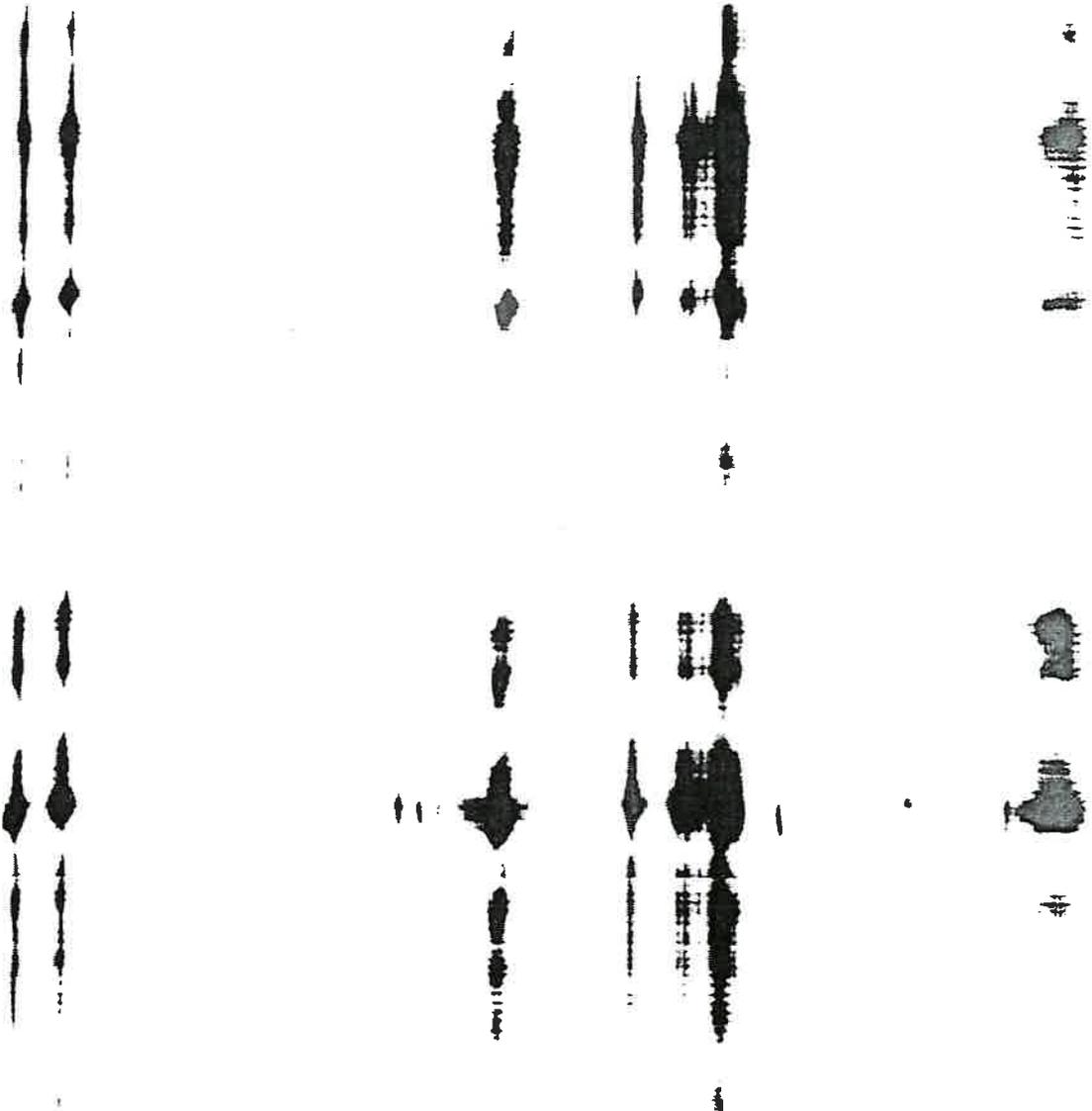
JUDGE RUSSELL
CASE No. 12DR100391-1B

No. of pages 4

TRANSMISSION VERIFICATION REPORT

TIME : 09/07/2017 09:44
NAME : SPECLINE
FAX : 7758823926
TEL : 7758840409
SER. # : BROH6J516880

DATE, TIME	09/07 09:43
FAX NO./NAME	8872177
DURATION	00:01:13
PAGE(S)	05
RESULT	OK
MODE	STANDARD ECM



REC'D & FILED

2017 SEP -6 PM 4:54

SUSAN MERRIWETHER
CLERK

BY: COOPER
DEPUTY

1 Code: 1670
2 Name: Javier Ramirez
3 Address: 1371 Village Way F
Gardnerville NV 89410
4 Telephone: (775) 7907950
5 Email: _____
6 Self-Represented Litigant

7 **FIRST** IN THE FAMILY DIVISION
8 OF THE **SECOND** JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF WASHOE CARSON

10 Mayra E. Arreguin
11 _____
12 vs. Petitioner,
13 Javier Ramirez
14 _____
15 Respondent.

Case No. 17DJR 106391-1B
Dept. No. 1

16 **EX PARTE EMERGENCY MOTION REGARDING CHILDREN**

17 **MOTION TO** Seek medical care for minor Temp. custody pending set
18 p. hearing (Fill in the name of this motion)

19 Javier Ramirez, appearing in Proper Person, hereby move this
20 (Your name)

21 Court to issue an emergency order, without notice to Mayra E. Arreguin
22 granting the following: (The Other Party's name)

23 *State only what you want the court to order. Do not explain why you want the order issued*
24 *or why you believe the other party should not have notice of this motion. Those reasons will*
be filled in on the next page.

25 - Allow respondent to do follow up with children's
26 doctor, per recommendation of E.R. doctor.
27 - Change custody until hearing its schedule
28

1 A Decree of Divorce or Order addressing custody and visitation of a minor child(ren) was
 2 entered on March 2013. To the best of my knowledge, the last order
 3 (Date the Decree or Order was filed)
 4 concerning this matter was entered on August 2017 and that order
 5 (Date last order entered in this case)
 6 concerned To show cause for contempt of court
 7 (Print what the last order was about, such as child support, visitation, TPO, etc.)

8 The child(ren) involved in the matter are:

9	<u>NAME</u>	<u>AGE</u>	<u>DATE OF BIRTH</u>
10	<u>Eduardo J. Ramirez</u>	<u>11</u>	<u>04-13-2006</u>
11	<u>Carlos A. Ramirez</u>	<u>9 1/2 mos</u>	<u>10-09-2007</u>
12			
13			
14			

15 Fully explain why you believe this is an emergency situation

16 I believe this is an emergency and an order should issue from this Court immediately
 17 because: Carlos had an accident at school on Friday
 18 Sep 1st. I took him to the ER on Sunday
 19 Sep 3rd after he complained (repeated) in regards
 20 of his knee. I was never informed of this
 21 on Friday or Sunday when we exchanged
 22 times
 23 Per the doctors orders he needed a follow
 24 up today with his doctor, which I just
 25 found out. It never took place, so child
 26 is going with no medical care by mother.
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Fully explain why you believe the other party should not be contacted and have time to respond to this Motion before the Motion is considered by the Judge

Meyra E. Arreguin, would not comply with doctors orders, and I can take of the children needs right now, It may take her a couple of days until she decides to do what is best for the children.

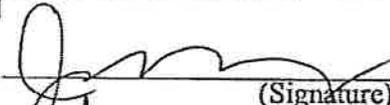
(A copy of the doctors diagnosis will be fax tonight and/or first thing in the morning)

(If you need more space, you may attach additional sheets of paper. Be sure that you write only on one side of the paper and clearly identify it as a continuation of this explanation.)

This document does not contain the Social Security Number of any person.

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

DATED this 6 day of September, 2017.


(Signature)
Janey Ramirez
(Printed Name)

IN THE FAMILY DIVISION OF THE SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

Margaret E. Arreola)
)
)
 vs.)
)
 Javier Ramirez)
)
)

FAMILY DIVISION MOTION/OPOSITION NOTICE (REQUIRED)
CASE NO.
DEPT. NO.

NOTICE: THIS MOTION/OPOSITION NOTICE MUST BE ATTACHED AS THE LAST PAGE to every motion or other paper filed to modify or adjust a final order that was issued pursuant to chapter 125, 125B or 125C of NRS and to any answer or response to such a motion or other paper.

A.	Mark the CORRECT ANSWER with an X.	YES	NO
	1. Has a final decree or custody order been entered in this case? If yes , then continue to Question 2. If no , you do not need to answer any other questions.	✓	
	2. Is this a motion or an opposition to a motion filed to change a final order? If yes , then continue to Question 3. If no , you do not need to answer any other questions.		✓
	3. Is this a motion or an opposition to a motion filed only to change the amount of child support?		✓
	4. Is this a motion or an opposition to a motion for reconsideration or a new trial <u>and</u> the motion was filed within 10 days of the Judge's Order?		✓
	IF the answer to Question 4 is YES , write in the <u>filing date</u> found on the front page of the Judge's Order.	Date	
B.	If you answered NO to either Question 1 or 2 or YES to Question 3 or 4, you are <u>exempt</u> from the filing fee. However, if the Court later determines you should have paid the filing fee, your motion will <u>not</u> be decided until the fee is paid.		

I affirm that the answers provided on this Notice are true.

Date: Sep 06, 2017

Signature: [Signature]

Print Name: JAVIER RAMIREZ

Print Address: 1371 Village Way F

Telephone Number: Gardnerville NV 89410
(775) 790 1950

You have the right of resolution of issues or complaints:

As a patient, you have rights regardless of age, race, color, ancestry, language, creed, religion, gender, sexual orientation, marital status, citizenship, veteran status, physical or mental disability, cultural, economic, educational background or the source of payment.

You may contact our Patient Relations Department at (775) 445-8008, or in writing at P.O. Box 2168, Carson City, NV 89702.

Complaints or grievances regarding your Quality of Care may also be filed with:

The Bureau of Health Care Quality and Compliance
727 Fairview Dr Suite E
Carson City, NV 89701
(775) 684-1030

OR

The Center for Improvement in Healthcare Quality
P.O. Box 848 - ATTN: Executive Director
Round Rock, TX 78680
Phone: (866)324-5080 Fax: (805)934-8588
E-mail: complaint@cihq.org.

Complaints or grievances regarding your civil rights may be filed with:

The Office for Civil Rights, Region IX, 90 7th Street, Suite 4-100, San Francisco, CA 94103, phone (415)-427-8310, or by accessing the website at OCRComplaint@HHS.gov

Complaints or grievances regarding billing concerns may be filed with:

The Office of Consumer Health Assistance, 555 E. Washington Ave., Suite 4800, Las Vegas, NV 89101, (702) 486-3587, Fax (702) 486-3586, Toll Free 1 (888) 333-1597, GovCHA@govcha.nv.gov

Or you may file your complaint in writing by accessing the forms on the website at www.govcha.nv.gov

Please be assured that future access to your quality of care will not be affected by complaints or grievances filed.

You have the responsibility to:

Ask questions, make informed decisions and fully understand the documents you sign, explanations of your medical treatment or condition, potential risks or benefits, side effects, alternatives and pain or discomfort. You do not have to receive treatment and services that are considered medically unnecessary or inappropriate.

Provide accurate and complete information including medical history, report any changes in your condition, the degree of pain (including effects or limitations of pain treatment) as well as any available documentation relating to your health (i.e., Advance Directive, care decisions, living will, etc.).

Show respect and consideration for other patients, visitors, physicians and staff. Respect the property of others and of the hospital.

Follow the treatment plan, tell your doctor if you believe you cannot follow the treatment plan and why. Keep appointments and cooperate with your physicians and others caring for you. Recognize the effect of lifestyle on your personal health

Find out about and accept the consequences of refusing treatment or of selecting an alternative treatment not recommended by your medical team.

Follow rules, regulations and abide by local, state and federal laws.
Meet financial commitments.

All patients' rights and responsibilities apply to the person who may have legal responsibility to make decisions regarding medical care on your behalf.

Signature of Patient or Guardian _____ Date 9/3/17

Patient Demographics

Form REG-8 Rev. (01/15/2015)
CHTSRESP



RAMIREZARREGUIN, CARLOS A
PT# 1724600206 MR# 020303505
10/09/07 9Y M
DOB MDS

1006
09/03/17 20:15:07 PM



CONDITIONS OF ADMISSIONS

10 FINANCIAL ASSISTANCE:

CTRH provides financial counseling for patients who request assistance with insurance, government healthcare eligibility, charity care, uninsured prompt payment and payment plan programs. If you require financial counseling, please request an appointment with a patient financial services counselor through the hospital admitting department. The Office of the Governor, Consumer Health Assistance, Bureau for Hospital Patients is the State Health Advocacy Agency charged with ensuring that Nevada's hospitals inform all uninsured inpatients about the 30 percent hospital bill discount mandated under NRS 43913.260. They can also help to resolve disputes between patients and hospitals. Contact number is 1-888-333-1597 or e-mail http://www.govcha.state.nv.us.

#11 ASSIGNMENT OF INSURANCE BENEFITS:

In the event that the undersigned is entitled to hospital benefits of any type arising out of any policy of insurance insuring patient or any other party liable to patients, said benefits are hereby assigned to hospital for application on patient's bill, Patient / Guarantor is responsible to provide information regarding health plan coverage at time of service. Payment denial from insurance due to untimely notification will result in patient/guarantor responsibility for payment of service.

#12 MANAGED CARE HEALTH PLANS:

If the hospital is contracted with the patient's health plan, the patient or guarantor is responsible to pay directly to the hospital any required co-payment and/or deductible as defined within the patient's health plan policy, as well as any charges that are NOT covered by the patients health plan policy terms. Nothing in this provision shall preclude the hospital from seeking reimbursement from other payers, including, but not limited to, health plans, preferred provider organizations, insurers, third parties or government sponsored programs, for the balance of the hospital's total billed charges.

If this hospital does not have a contract with the patient's health plan, the undersigned is legally obligated to pay the hospital's total billed charges for any and all care and services rendered to the patient.

#13 INDEMNITY AND OTHER INSURANCE:

The undersigned irrevocably authorizes direct payment to this hospital and to the doctors involved in the care of the patient. If the patient's insurance does not pay the hospital's total billed charges, the patient or guarantor assumes responsibility for the unpaid balance. If the insurance fails to pay within a reasonable time, per NRS statute, the patient/guarantor will be required to pay the bill in full.

#14 DESTRUCTION OF HEALTH CARE RECORDS:

Pursuant to NRS 629.051, health care records for adults ages 18 years and older at time of service, may be destroyed after five (5) years. Patients less than 18 years of age shall have their records retained for five (5) years past their 18th birthday.

#15 FINANCIAL AGREEMENT:

The undersigned agrees, whether he/she signs as agent or patient, that in consideration of the services to be rendered to the patient, he/she hereby individually obligates himself/herself to pay the amount of the hospital charges in accordance with the regular rates and terms of the hospital. Should the account be referred to an attorney or collection agency for collection, the undersigned shall pay actual attorney's fees and collections expenses. All accounts may bear interest at the legal rate. If the undersigned is unable to pay the patient portion of the bill within 30 days of initial billing, CTRH may finance the balance through a financial institution. Patient Contact: I consent to the hospital, its providers and agents, including third-party debt collection, to place calls to my designated cellular or residential phone using any type of method, including voice, artificial or pre-recorded voice or auto-dialer technologies for any permissible purpose. Services provided by independent contractors (as defined in #6 page 1) will be billed separately by that provider of service.

Handwritten signatures for Patient, Patient's Agent or Representative, and Witness.

Date lines with handwritten date 'Sep. 3 2017'.

A copy of this document will be provided to the patient or patient's agent upon request.

Patient Demographics

Form ##### Rev. (05/18/2017) DTCONADMIT



RAMIREZARREGUIN, CARLOS A
PT# 1724600206 MR# 020303505
10/09/07 9X M
ER, MDS Yes

09/03/17 20:15:01 RN 1027



CONDITIONS OF ADMISSIONS

#1 - CONSENT TO TREATMENT:

The undersigned consents to the performance of all routine medical care and treatment (tests, x-rays, therapy, laboratory services, medication administration, medical/surgical procedures and anesthesia) that may be performed during this hospitalization or on an outpatient basis, including emergency treatment provided under the general and special instruction of the patient's physician, surgeon and/or other health care provider. In the event a healthcare worker is exposed to my blood or body fluid in a manner that may pose a risk for transmission of a blood-borne infection during this hospitalization, I am giving my consent to be tested for HIV. Testing for HIV, Hepatitis B and Hepatitis C will be done at no cost to me, so the healthcare worker can be treated promptly. I authorize release of this information to the exposed healthcare worker and his/her healthcare provider. [Signature] (initial)

#2 - NURSING CARE:

The hospital provides general duty nursing care. The undersigned consents and understands that his/her care may be observed for educational purposes and that there may be clinical students assigned to assist in the care.

#3 - CONSENT TO PHOTOGRAPH:

The undersigned agrees to the taking of pictures (including still images, videotaping, filming and other types of recording and reproducing images) of the patient's medical or surgical condition or treatment, for the purpose of diagnosis or treatment or for the hospital's operations, including peer review and education or training programs conducted by the hospital. I understand that in specific circumstances video surveillance may be used for patient safety purposes.

#4 - RELEASE OF INFORMATION:

In accordance with applicable federal and state laws, the undersigned acknowledges that this hospital may electronically exchange and/or furnish information which is part of the patient's healthcare and/or medical record to any authorized individual or for the purpose of providing continuum of care, determining liability for payment and other healthcare operations as outlined in the hospital's privacy notice. Your rights to request limited access to your information are outlined in the hospital privacy notice.

#5 - PERSONAL VALUABLES:

CTRH assumes responsibility for valuables placed in the medical centers safe NOT to exceed five hundred dollars (\$500.00) and for prosthetic devices necessary for the safe delivery of patient care NOT to exceed fifteen hundred dollars (\$1500.00). CTRH assumes no responsibility for cash, valuables or personal property retained by a patient during his/her stay.

#6 - LEGAL RELATIONSHIPS BETWEEN HOSPITAL AND PHYSICIANS:

All physicians and surgeons furnishing healthcare services to me/the patient, including the radiologist, pathologist, anesthesiologist, emergency room physicians, hospitalists etc., are independent contractors and are NOT employees or agents of the hospital. I am advised that I will receive separate bills for these services. [Signature] (initial)

I understand that I/the patient am under the care and supervision of my/the patient's attending physician, and it is the responsibility of the hospital staff to carry out his/her instructions. I understand that it is the responsibility of my/the patient's physician, surgeon or authorized healthcare provider to obtain my informed consent for surgical or complex medical treatment, special diagnostic or therapeutic procedures, investigational treatment or procedures, and/or other specialized services.

#7 - EMERGENCY MEDICAL ASSESSMENT:

CTRH will not deny, delay or condition a patient's access to emergency medical care and any necessary stabilizing treatment based upon the patients method of payment or insurance status.

#8 - PHYSICIAN RELATIONSHIP WITH PATIENT:

The relationship between the patient and the physician is at the direction of the patient. Should the patient choose to no longer accept the services of their treating physician, it is the responsibility of the patient and/or guardian to obtain the services of another physician.

#9 AUTHORIZATION TO VERIFY INFORMATION:

I (we) hereby authorize verification of employment history, bank accounts, credit history and any other information deemed necessary in conjunction with accounts owed the hospital.

Patient Demographics

Form ##### Rev. (05/18/2017)
DTCONADMIT



RAMIREZARREGUIN,CARLOS A

PT# 1724600206 MR# 020303505
10/09/07 9Y M
ER,MDS Yes

10/03/17 20:15:01 PM 1028



12 DR1000111B
Sept. I

REC'D & FILED ✓

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

2017 OCT 12 PM 1:16

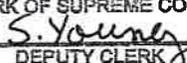
JAVIER RAMIREZ RIVAS,
Appellant,
vs.
MAYRA ARREGUIN,
Respondent.

SUSAN HERRIWEITER
CLERK
BY 
DEPUTY

No. 71908

FILED

OCT 11 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court post-divorce decree order modifying custody. First Judicial District Court, Carson City; James Todd Russell, Judge.

The underlying divorce decree awarded appellant Javier Ramirez Rivas and respondent Mayra Arreguin joint physical custody of their minor children, but the district court later temporarily modified that arrangement. In particular, the district court awarded Mayra temporary primary physical custody of the children based on police reports and a report and testimony from the children's Court-Appointed Special Advocate (CASA) regarding a physical altercation between the parties and an incident where Javier apparently used excessive force to discipline one of the children. Protracted litigation with regard to custody ensued, resulting in a permanent modification order that awarded Mayra primary physical custody of the children subject to Javier's limited parenting time privileges. Javier appealed that decision, however, and this court reversed and remanded after concluding that the district court abused its discretion by modifying the custody arrangement without making any factual findings

with regard to NRS 125C.0035(4)'s best interest factors. *See Ramirez Rivas v. Arreguin*, Docket No. 69823 (Order of Reversal and Remand, September 20, 2016).

On remand, the district court considered the best interest factors in light of testimony from the parties and the children's CASA and therapist, and, once again, entered an order that awarded Mayra primary physical custody subject to Javier's limited parenting time privileges. In support of that decision, the district court found that a number of the best interest factors weighed in Mayra's favor, including Javier's history of child abuse. This appeal followed.¹

On appeal, Javier begins by attacking the testimony from the CASA and the therapist with regard to their belief that awarding Mayra primary physical custody was in the children's best interest. In particular, Javier asserts that, in so testifying, these witnesses ignored certain purported issues with Mayra's parenting and willingness to let him exercise his parenting time privileges. The transcript from the hearing on remand, however, demonstrates that these witnesses addressed numerous issues in response to questions from both Javier and the district court, including the matters identified above, and ultimately testified that it was in the children's best interest for Mayra to have primary physical custody. And while Javier apparently disagrees with these witnesses' testimony, this

¹Insofar as Javier seeks relief from the district court's first order permanently modifying custody, his arguments are moot in light of our decision in Docket No. 69823. *See Personhood Nev. v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010) (explaining that appellate courts generally will not consider moot issues).

disagreement does not provide a basis for relief because it is not this court's role to reweigh the evidence or to revisit the district court's credibility determinations. *See Ellis v. Carucci*, 123 Nev. 145, 152, 161 P.3d 239, 244 (2007) (explaining that appellate courts will not reweigh the evidence or witness credibility).

While Javier similarly asserts that the district court ignored evidence with regard to the cause of the parties' older child's medical condition, his assertion is belied by the transcript from the hearing on remand. In particular, that transcript demonstrates that, based on testimony from the CASA and therapist that refuted Javier's evidence, the district court found that the child's medical condition was caused by the high level of conflict in the parties' divorce, which it largely attributed to Javier, rather than Mayra. Likewise, despite Javier's similar contention that the district court ignored Mayra's occasional failure to follow the parties' parenting time schedule, the transcript demonstrates that the district court considered the noncompliance issue, but concluded that it was not significant and that Mayra was nonetheless the party who was most likely to allow the other parent to have parenting time.

Moreover, the district court's decision in this regard was part of its overall evaluation of the best interest factors set forth in NRS 125C.0035(4), which resulted in the conclusion that a number of these factors' weighed in favor of Mayra's position and that the remaining pertinent factors were either neutral or weighed against Javier. Indeed, the district court made specific findings on these points in the challenged custody order and, based on our review of the record, we conclude the court's findings are supported by substantial evidence. *See Davis v. Ewalefo*, 131

Nev. ___, ___, 352 P.3d 1139, 1143 (2015) (explaining that, in making custody determinations, the district courts “must tie the child’s best interest, as informed by specific, relevant findings respecting the [statutory] factors, to the custody determination”).

Lastly, to the extent that Javier asserts that, in making its best interest findings, the district court incorrectly found that he had two convictions for child abuse, we conclude that his argument lacks merit. Notably, the district court did not make any findings with regard to child abuse convictions. Indeed, a review of the challenged order reveals that the court found that Javier had a *history* of child abuse. And to the extent that Javier challenges that finding on the basis that the allegations underlying it were false and unsupported by the record, his argument fails. In particular, Javier failed to provide this court with a transcript from the August 20, 2014, hearing at which the district court took evidence and testimony with regard to whether he committed child abuse and, as a result, we presume that the missing transcript supported the district court’s ultimate finding that Javier had a history of child abuse. *See Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 135 (2007) (noting that it is appellant’s burden to ensure that a proper appellate record is prepared and that, if the appellant fails to do so, “we necessarily presume that the missing [documents] support[] the district court’s decision”).

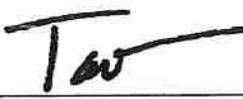
Based on the forgoing analysis, we conclude that the district court did not abuse its discretion in modifying the parties’ custody arrangement to award Mayra primary physical custody subject to Javier’s limited parenting time privileges. *See Ogawa v. Ogawa*, 125 Nev. 660, 668, 221 P.3d 699, 704 (2009) (reviewing a district court’s custody determination



for an abuse of discretion and explaining that the court's factual findings are entitled to deference unless they are unsupported by substantial evidence or clearly erroneous). Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. James Todd Russell, District Judge
Javier Ramirez Rivas
Mayra Arreguin
Carson City Clerk ✓

²We have considered Javier's remaining arguments with regard to the district court's custody determination and conclude they do not provide a basis for relief. And while Javier also asks us to consider certain post-appeal disputes between the parties, we cannot do so since those matters arose after he filed this appeal. *See Carson Ready Mix, Inc. v. First Nat'l Bank of Nev.*, 97 Nev. 474, 476, 635 P.2d 276, 277 (1981) (explaining that appellate courts cannot consider materials that are not a proper part of the record on appeal).



PROOF OF SERVICE

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2017 OCT 17 PM 2:54

Court Date:		File No. 0011529	
Court:	FIRST JUDICIAL DISTRICT COURT	Case No. 12DR1003911B	SUSAN MEEH WETHER CLERK
Initiator:	JAVIER RAMIREZ	Other: BAYER, CHRIS CASA	BY <i>[Signature]</i>
Address:	1371 VILLAGE WAY #F GARDNERVILLE, NV 89410	Address: 1539 E 5TH ST CARSON CITY, NV 89701	
Plaintiff:	ARREQUIN, MAYRA	Defendant: RAMIREZ, JAVIER	
Address:	, 0	Address:	, 0

1. Documents Served:

MOTION

2. Service Attempts:

Date	Time	Address:	Served
<u>9/27/17</u>	<u>10:03</u>	<u>Address: 1539 E 5TH ST</u>	<input type="checkbox"/>
		<u>Notes: NOT IN THE OFFICE</u>	
<u>9/28/17</u>	<u>13:08</u>	<u>Address: 1539 E 5TH ST</u>	<input type="checkbox"/>
		<u>Notes: LEFT CARD</u>	
<u>9/29/17</u>	<u>12:26</u>	<u>Address: 1539 E 5TH ST</u>	<input type="checkbox"/>
		<u>Notes: LEFT CARD</u>	

3. Party Served: _____ Title: _____

4. I served the party named in Item 3: MOVED - RETURNED NOT SERVED

5. Remarks: _____

6. At the time of service I was at least 18 years of age and not a party to this action.

7. I am an authorized individual with the Carson City Sheriff's Office and certify that the foregoing is true and correct.

[Signature]

 DOUG STRENGE V199
 Carson City Sheriff's Office
 911 East Musser Street
 Carson City, NV 89701
 Phone: 775-887-2500

9/29/17
 Date



REC'D & FILED

2017 OCT 17 PM 4:52

PROOF OF SERVICE

SUSAN MERRIWETHER

CLERK

BY

DEPUTY

Court Date:		File No. 0011530
Court: FIRST JUDICIAL DISTRICT COURT		Case No. 12DR100391
Initiator: JAVIER RAMIREZ		Other: ARREGUIN, MAYRA
Address: 1371 VILLAGE WAY APT F GARDNERVILLE, NV 89410		Address: 1756 RUSSELL WAY #E CARSON CITY, NV 89706
Plaintiff: ARREGUIN, MAYRA		Defendant: RAMIREZ, JAVIER
Address: , 0		Address: , 0

1. Documents Served:
ORDER DENYING MOTION TO SHOW CAUSE FOR CONTEMPT

2. Service Attempts:			Served
Date	Time	Address:	
<u>9/27/17</u>	<u>16:02</u>	<u>Address: 911 E MUSSER ST</u>	<input checked="" type="checkbox"/>
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		<u>Address:</u>	<input type="checkbox"/>
		<u>Notes:</u>	

3. Party Served: MAYRA ARREGUIN Title: _____

4. I served the party named in Item 3: PERSONALLY

5. Remarks: _____

6. At the time of service I was at least 18 years of age and not a party to this action.

7. I am an authorized individual with the Carson City Sheriff's Office and certify that the foregoing is true and correct.

Kathy Thomas 9/29/17
 KATHY THOMAS Date
 Carson City Sheriff's Office
 911 East Musser Street
 Carson City, NV 89701
 Phone: 775-887-2500

Your name:
Mailing Address:
City, State, Zip:
Telephone:
In Proper Person

James Ramirez
1371 Village Way E
Gardnerville NV 89410
(775) 7917950

REC'D & FILED
2017 OCT 17 PM 4:52

SUSAN MERRIWETHER
CLERK
BY [Signature]
DEPUTY

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

Mayra E. Arreguin

Plaintiff,

Case No.: 12D1211003911B

Dept. No. 1

vs.

REQUEST FOR SUBMISSION

James Ramirez

Defendant.

COMES NOW, James Ramirez, in proper person, and hereby
(your name)

requests that the Order to show cause for Contempt previously filed
(name of document previously filed)

in the above-entitled matter on (See App.), 20 17, be submitted to
(date document filed)

the Court for consideration.

DATED this 16 day of October, 20 17.

[Signature]
(Signature)

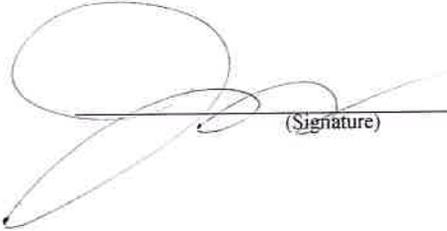
CERTIFICATE OF SERVICE

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Pursuant to NRCP 5(b), the undersigned hereby certifies that on this date, I deposited a true and correct copy of the foregoing Request to Submit in the U.S. Mail with postage pre-paid thereon, addressed to:

Maurya E. Arreguin
(other party's name)
1756 Russell Way E.
(other party's mailing address)
Carson City NV 89410
(other party's mailing address)

Dated this 16 day of October, 2017.


(Signature)

REC'D & FILED

2017 OCT 17 PM 4:57

SUSAN MERRIWETHER
CLERK

BY [Signature]
DEPUTY

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Code: 1670
Name: Javier Ramirez
Address: 371 Village Way P
Orionville, NV 89410
Telephone: (775) 790-7950
Email: _____
Self-Represented Litigant

IN THE FAMILY DIVISION
OF THE ~~SECOND~~ ^{FIRST} JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF ~~WASHOE~~ ^{CARSON}

Maura E. Arreguin
Petitioner,

Case No. 12DR11003911B

vs.

Dept. No. 1

Javier Ramirez
Respondent.

EX PARTE EMERGENCY MOTION REGARDING CHILDREN

MOTION TO Seek medical ^{care} for minor child
(Fill in the name of this motion)

Javier Ramirez, appearing in Proper Person, hereby move this
(Your name)

Court to issue an emergency order, without notice to Maura E. Arreguin
(The Other Party's name)
granting the following:

State only what you want the court to order. Do not explain why you want the order issued or why you believe the other party should not have notice of this motion. Those reasons will be filled in on the next page.

Allow Javier Ramirez to take Carlos
to see physical therapist, (per) doctor orders

1 A Decree of Divorce or Order addressing custody and visitation of a minor child(ren) was
2 entered on March 2013. To the best of my knowledge, the last order
(Date the Decree or Order was filed)

3
4 concerning this matter was entered on April 2017 and that order
(Date last order entered in this case)

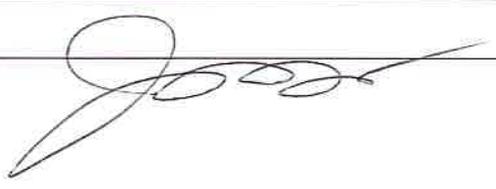
5
6 concerned Custody
(Print what the last order was about, such as child support, visitation, TPO, etc.)

7 The child(ren) involved in the matter are:

<u>NAME</u>	<u>AGE</u>	<u>DATE OF BIRTH</u>
<u>Eduardo J. Ramirez</u>	<u>12</u>	<u>04/13/2007 04/13/200</u>
<u>Carlos A. Ramirez</u>	<u>10</u>	<u>10/09/2007</u>
_____	_____	_____
_____	_____	_____

14
15 **Fully explain why you believe this is an emergency situation**

16
17 I believe this is an emergency and an order should issue from this Court immediately
18 because: mother has not provide medical care to
19 child per doctors orders as of 9/14/17, school
20 has not been notified as well of how physical
21 activity for Carlos until release from
22 orthopedic professional, making injury get
23 worse. (see attached)
24 I can make the time and appointment require
25 this week before other appointments become
26 unavailable

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28 



Item# 43568
Patent Pending



CONFIDENTIAL

1 Code: 3720
2 Name: Javier Ramirez
3 Address: 1371 Village Way F
Carlinville Nevada 89410
4 Telephone: (775) 790 7950
5 Email: _____
Self-Represented Litigant

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SUSAN MERRIWETHER
CLERK
BY _____
DEPUTY

6 IN THE FAMILY DIVISION
7 FIRST
OF THE ~~SECOND~~ JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF ~~WASHOE~~ CARSON

11 Maura E. Arcequin
Plaintiff / Petitioner / Joint Petitioner,

Case No. 12DI21103911B

Dept. No. 1

13 vs.

14 Javier Ramirez
Defendant / Respondent / Joint Petitioner.

17 PROOF OF SERVICE

19 Pursuant to Nevada Rule of Civil Procedure 5(b), I served a true and correct copy of the

20 To seek medical care for minor filed on
21 (Name of document(s) served)

22 Oct 17, 2017 in the manner(s) and at the location(s) described below. A copy
23 (Date of filing)

24 of this Proof of Service has been mailed or personally delivered to all parties or their lawyer.

25 **Service Description**

26 Fill in the information requested on the next page for each person who has been served.
27 If a person was served by United States Postal Service certified mail, you must attach the
28 return receipt to this document.

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A copy of the above named document(s) was served upon the following people:

1. Name: _____ Date: _____
(Name of the person who was served) (Date of service: month / day / year)

By: Personal service -OR- Service by U.S. Mail, postage prepaid -OR-
 Certified mail, return receipt attached -OR- Other: _____

Address: _____
(Mailing address or physical address where service took place)

2. Name: Maeyra I. Dreguin Date: Oct 17, 2017
(Name of the person who was served) (Date of service: month / day / year)

By: Personal service -OR- Service by U.S. Mail, postage prepaid -OR-
 Certified mail, return receipt attached -OR- Other: _____

Address: 1756 Russell Way # E
(Mailing address or physical address where service took place)

Carson City NV 89706

If more room is needed, attach additional sheets.

This document does not contain the Social Security Number of any person.

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

Signature: 

Date: Oct 17, 2017 Print Your Name: Jerry Ramirez

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Code: 3860
Name: Janet Ramirez
Address: 1371 Village Way F
Gardnerville NV 89410
Telephone: (775) 790 7950
Email: _____
Self-Represented Litigant

REC'D & FILED
2017 OCT 17 PM 4:58
SUSAN MERRIWETHER
CLERK
BY [Signature]
DEPUTY

FIRST IN THE FAMILY DIVISION
OF THE ~~SECOND~~ JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF ~~WASHOE~~ CARSON

Mayra E. Arreguin
Plaintiff/Petitioner,
vs.
Janet Ramirez
Defendant/Respondent.

Case No. 12DJ211003911B
Dept. No. 1

REQUEST FOR SUBMISSION OF EX PARTE MOTION

I, Janet Ramirez, request that the Ex Parte Motion
(print your name here)

To seek medical care for minor filed on Oct 16 2017,
(Print the name of the Ex Parte Motion) (Date the Ex Parte Motion was filed)

be submitted to the Court for it's consideration and Order.

This document does not contain the Social Security number of any person.

DATED this 16 day of October, 20 17.

Signature: [Signature]
Print Your Name: Janet Ramirez

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Fully explain why you believe the other party should not be contacted and have time to respond to this Motion before the Motion is considered by the Judge

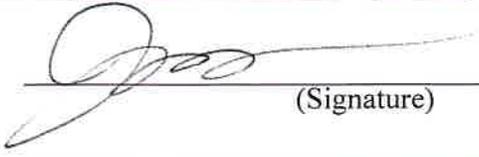
She won't answer to my emails, and or phone calls, she's unwilling to follow recommendations from Chris Bayer / physicians, (see attached)

(If you need more space, you may attach additional sheets of paper. Be sure that you write only on one side of the paper and clearly identify it as a continuation of this explanation.)

This document does not contain the Social Security Number of any person.

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

DATED this 16 day of October, 2017.


(Signature)

(Printed Name)

REC'D & FILED

2017 OCT 18 AM 11:25

SUSAN MERRIWETHER

CLERK

BY

DEPUTY

1 Case No.: 12 DR1 00391 1B

2 Dept. No.: 1

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6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY

8 MAYRA ARREGUIN,

9 Petitioner,

10 v.

11 JAVIER RAMIREZ RIVAS,

12 Respondent.
13
14

**ORDER REQUIRING PETITIONER'S
RESPONSE AND SETTING HEARING**

15 This matter is before this Court pursuant to a Motion to Extend Visits with Minor
16 Children, Therapy Involvement and to Show Cause for Deprivation of Visitation Rights filed by
17 Respondent on September 1, 2017. A Request for Submission was filed on October 17, 2017. No
18 Response was filed by Petitioner. Also before this Court is an Ex Parte Emergency Motion
19 Regarding Children and a Request for Submission filed by Respondent on October 17, 2017.

20 In reviewing Respondent's Motions, the Court has concluded that a response from
21 Petitioner and a hearing in this matter would assist this Court in determining the merits of this
22 case.

23 Therefore, good cause appearing;

24 IT IS HEREBY ORDERED that Petitioner Mayra Arreguin shall file a response to
25 Respondent's pending motions and file proof of service with this Court by October 31, 2017.

26 ///

27 ///

28 ///

1 IT IS FURTHER ORDERED that this matter is set for a hearing before the First Judicial
2 District Court, located at 885 East Musser Street, Carson City, Nevada, Department I, on
3 November 3, 2017, at 10:00 a.m.

4 Dated this 15th day of October, 2017.

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7 JAMES T. RUSSELL
8 DISTRICT JUDGE
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1 **CERTIFICATE OF MAILING**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the First Judicial District
3 Court, and that on this 18th day of October, 2017, I deposited for mailing at Carson City, Nevada,
4 a true and correct copy of the foregoing Order addressed as follows:

5
6 Javier Ramirez
7 1371 Village Way F
8 Gardnerville, NV 89410

9 Mayra Arreguin
10 1756 Russell Way #E
11 Carson City, NV 89706

12 Chris Bayer, CASA
13 E-mail: casaofcc@earthlink.net

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Angela Jeffries
Judicial Assistant, Dept. 1

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAVIER RAMIREZ RIVAS,
Appellant,
vs.
MAYRA ARREGUIN,
Respondent.

Supreme Court No. 73912
District Court Case No. 12DR1003911B

REC'D & FILED
2017 OCT 23 AM 11:35
BY
SUSAN MERRIWETHER
CLERK
DEPUTY

REMITTITUR

TO: Susan Merriwether, Carson City Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: October 20, 2017

Elizabeth A. Brown, Clerk of Court

By: Niki Wilcox
Deputy Clerk

cc (without enclosures):
Hon. James Todd Russell, District Judge
Javier Ramirez Rivas
Mayra Arreguin
Susan Merriwether, Carson City Clerk

RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on October 23, 2017.

Susan Merriwether

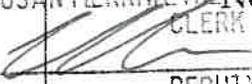
District Court Clerk

By: V. Alegria, Deputy Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

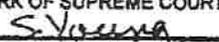
2017 OCT 23 AM 11:39

JAVIER RAMIREZ RIVAS,
Appellant,
vs.
MAYRA ARREGUIN,
Respondent.

SUSAN MERRIWETHER No. 73912
CLERK
BY  DEPUTY

FILED

SEP 25 2017

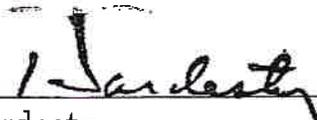
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

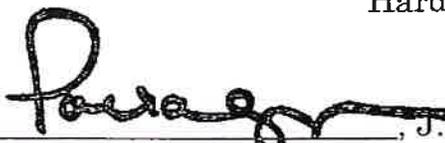
ORDER DISMISSING APPEAL

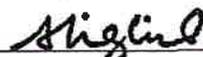
This is a pro se appeal from an order denying appellant's motion for an order to show cause to hold respondent in contempt. First Judicial District Court, Carson City; James Todd Russell, Judge.

Our review of the documents submitted to this court pursuant to NRAP 3(g) reveals a jurisdictional defect. Specifically, it appears that the judgment or order designated in the notice of appeal is not substantively appealable. See NRAP 3A(b). This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule. *Taylor Constr. Co. V. Hilton Hotels*, 100 Nev. 207, 678 P.2d 1152 (1984). No statute or court rule provides for an appeal from an order of contempt. See *Pengilly v. Rancho Santa Fe Homeowners Ass'n*, 116 Nev. 646, 649, 5 P.3d 569, 571 (2000) (recognizing that a contempt order is not appealable). Accordingly, we conclude that we lack jurisdiction, and we

ORDER this appeal DISMISSED.


Hardesty, J.


Parraguirre, J.


Stiglich, J.

cc: Hon. James Todd Russell, District Judge
Javier Ramirez Rivas
Mayra Arreguin
Carson City Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAVIER RAMIREZ RIVAS,
Appellant,
vs.
MAYRA ARREGUIN,
Respondent.

Supreme Court No. 73912
District Court Case No. 12DR1003911B

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SUSAN HERRIDGE
CLERK
BY
DEPUTY

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDER this appeal DISMISSED."

Judgment, as quoted above, entered this 25th day of September, 2017.

IN WITNESS WHEREOF, I have subscribed my name and affixed the seal of the Supreme Court at my Office in Carson City, Nevada this October 20, 2017.

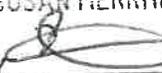
Elizabeth A. Brown, Supreme Court Clerk

By: Niki Wilcox
Deputy Clerk

REC'D & FILED ✓

2017 NOV -3 PM 2:57

SUSAN MERRIWETHER
CLERK

BY 
DEPUTY

1 Case No.: 12 DR1 00391 1B

2 Dept. No.: 1

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6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY

8
9 MAYRA ARREGUIN,
10 Petitioner,

11 vs.

12 JAVIER RAMIREZ RVAS,
13 Respondent.

ORDER AFTER NOVEMBER 3, 2017
HEARING

14
15 This matter comes before this Court on an Ex Parte Emergency Motion Regarding
16 Children and a Request for Submission filed by Respondent on October 17, 2017. No Response
17 was filed by Petitioner. A hearing on this matter was held on November 3, 2017. Both
18 Petitioner and Respondent attended in proper person. Evelyn Wakeling was also present to
19 interpret for Petitioner.

20 In his Ex Parte Emergency Motion, Respondent requested that this Court grant him
21 permission to take the parties' minor child CARLOS A. RAMIREZ (DOB: 10/09/2007) to see a
22 physical therapist. Respondent explained that the minor child hurt his knee, and Petitioner did
23 not promptly inform Respondent of the minor child's injury or provide the minor child with the
24 proper medical care. Respondent indicated that per doctor's orders as of September 14, 2017, the
25 minor child needed to see a physical therapist and was not to participate in physical education at
26 school until his injury is healed. Respondent is concerned that by not taking the minor child to a
27 physical therapist, the minor child's injury could worsen.

28

1 At the hearing, Petitioner provided the Court with a letter from Carson Medical Group
2 dated October 23, 2017 indicating that the minor child is now allowed to participate in the
3 school's physical activities as well as extra-curricular activities. Petitioner indicated that the
4 minor child is no longer complaining of any pain to his knees, and Petitioner feels that the minor
5 child does not need to go to physical therapy at this time.

6 Respondent complained that he was not informed of the medical situation with the minor
7 child in the proper time by either Petitioner or the minor child's school. Respondent further
8 complained that he is not on the list as a contact for the minor child with the Boys and Girls Club
9 or the minor child's school and requested that he be allowed to be on the list as a contact for
10 both. Additionally, Respondent indicated that Petitioner does not notify him of any medical
11 issues that arise for either of the parties' minor children, and that he is not informed of the
12 happenings of the children on a more regular basis, including not receiving the children's report
13 cards from the school.

14 The Court, having heard the arguments from both parties, found that Petitioner must ask
15 the minor child's pediatrician if she/he thinks sending the minor child to physical therapy would
16 be proper at this time. The Court found that it is to be within the discretion of the minor child's
17 pediatrician to decide whether or not the minor child should see an orthopedist and/or physical
18 therapist. If the pediatrician says that the minor child should see an orthopedist and/or physical
19 therapist, Petitioner is to take the minor child to the orthopedist and/or physical therapist
20 recommended by the pediatrician, and notify Respondent to the best of her ability that the minor
21 child is to go to the orthopedist and/or physical therapy.

22 Additionally, the Court found that Petitioner is to notify the Boys and Girls Club that
23 Respondent needs to be added to the minor child's contact list and provide them with
24 Respondent's phone number and address (telephone number: 790-7950; address: 1371 Village
25 Way F, Gardnerville, NV 89410). Respondent is to notify the minor child's school of his contact
26 information so that the school may add him to the minor child's contact list. All prior Orders of
27 this Court are to remain in effect in regards to visitation and custody arrangements for the minor
28 children.

1 Therefore, based on the foregoing and good cause appearing,

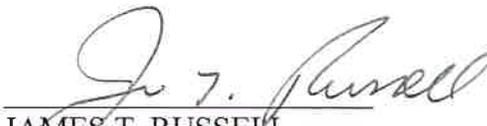
2 **IT IS HEREBY ORDERED** that Petitioner is to ask the minor children's pediatrician if
3 the parties' minor child CARLOS A. RAMIREZ (DOB: 10/09/2007) should go to an orthopedist
4 and/or to physical therapy at this time. If the pediatrician believes the minor child should see an
5 orthopedist and or/ attend physical therapy, Petitioner is to take the minor child to an orthopedist
6 and/or a physical therapist that the pediatrician recommends, and must notify Respondent of the
7 medical situation to the best of her ability; and

8 **IT IS FURTHER ORDERED** that Petitioner provide the Boys and Girls Club with
9 Respondent's contact information (telephone number: 790-7950; address: 1371 Village Way F,
10 Gardnerville, NV 89410) so that Respondent may be added to the minor children's contact list.
11 Respondent is to provide his contact information to the minor children's school; and

12 **IT IS FURTHER ORDERED** that Petitioner notify Respondent to the best of her ability
13 of any appointments and medical issues regarding the parties minor children EDUARDO J.
14 RAMIREZ (DOB: 04/13/2006) and CARLOS A. RAMIREZ (DOB: 10/09/2007); and

15 **IT IS FURTHER ORDERED** that all prior Orders by this Court will remain in effect.

16
17 Dated this 3 day of November, 2017.

18
19 
20 JAMES T. RUSSELL
21 DISTRICT JUDGE
22
23
24
25
26
27
28

1 CERTIFICATE OF MAILING

2 I hereby certify that on the 6 day of November, 2017, I served a copy of the foregoing
3 by placing the foregoing in the United States Mail, postage prepaid, addressed as follows:

4 Javier Ramirez
5 1371 Village Way F
6 Gardnerville, NV 89410

7 Mayra Arreguin
8 1756 Russell Way #E
9 Carson City, NV 89706

10 Chris Bayer, CASA
11 E-mail: casaofcc@earthlink.net

12 
13 Sydnie Wells
14 Law Clerk, Dept. 1

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAVIER RAMIREZ RIVAS,
Appellant,
vs.
MAYRA ARREGUIN,
Respondent.

Supreme Court No. 71908
District Court Case No. 12DR1003911B

REC'D & FILED
2017 NOV -7 PM 1:18
BY
SUSAN MERRIWETHER
CLERK
DEPUTY

REMITTITUR

TO: Susan Merriwether, Carson City Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: November 06, 2017

Elizabeth A. Brown, Clerk of Court

By: Amanda Ingersoll
Chief Deputy Clerk

cc (without enclosures):
Hon. James Todd Russell, District Judge
Javier Ramirez Rivas
Mayra Arreguin

RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on November 7, 2017.

Susan Merriwether

District Court Clerk

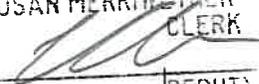
By V. Alearia, Deputy Clerk

REC'D & FILED

2017 NOV -7 PM 1:16

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SUSAN MERRIWETHER
CLERK

BY  DEPUTY

No. 71908

JAVIER RAMIREZ RIVAS,
Appellant,
vs.
MAYRA ARREGUIN,
Respondent.

FILED

OCT 11 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court post-divorce decree order modifying custody. First Judicial District Court, Carson City; James Todd Russell, Judge.

The underlying divorce decree awarded appellant Javier Ramirez Rivas and respondent Mayra Arreguin joint physical custody of their minor children, but the district court later temporarily modified that arrangement. In particular, the district court awarded Mayra temporary primary physical custody of the children based on police reports and a report and testimony from the children's Court-Appointed Special Advocate (CASA) regarding a physical altercation between the parties and an incident where Javier apparently used excessive force to discipline one of the children. Protracted litigation with regard to custody ensued, resulting in a permanent modification order that awarded Mayra primary physical custody of the children subject to Javier's limited parenting time privileges. Javier appealed that decision, however, and this court reversed and remanded after concluding that the district court abused its discretion by modifying the custody arrangement without making any factual findings

with regard to NRS 125C.0035(4)'s best interest factors. *See Ramirez Rivas v. Arreguin*, Docket No. 69823 (Order of Reversal and Remand, September 20, 2016).

On remand, the district court considered the best interest factors in light of testimony from the parties and the children's CASA and therapist, and, once again, entered an order that awarded Mayra primary physical custody subject to Javier's limited parenting time privileges. In support of that decision, the district court found that a number of the best interest factors weighed in Mayra's favor, including Javier's history of child abuse. This appeal followed.¹

On appeal, Javier begins by attacking the testimony from the CASA and the therapist with regard to their belief that awarding Mayra primary physical custody was in the children's best interest. In particular, Javier asserts that, in so testifying, these witnesses ignored certain purported issues with Mayra's parenting and willingness to let him exercise his parenting time privileges. The transcript from the hearing on remand, however, demonstrates that these witnesses addressed numerous issues in response to questions from both Javier and the district court, including the matters identified above, and ultimately testified that it was in the children's best interest for Mayra to have primary physical custody. And while Javier apparently disagrees with these witnesses' testimony, this

¹Insofar as Javier seeks relief from the district court's first order permanently modifying custody, his arguments are moot in light of our decision in Docket No. 69823. *See Personhood Nev. v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010) (explaining that appellate courts generally will not consider moot issues).

disagreement does not provide a basis for relief because it is not this court's role to reweigh the evidence or to revisit the district court's credibility determinations. *See Ellis v. Carucci*, 123 Nev. 145, 152, 161 P.3d 239, 244 (2007) (explaining that appellate courts will not reweigh the evidence or witness credibility).

While Javier similarly asserts that the district court ignored evidence with regard to the cause of the parties' older child's medical condition, his assertion is belied by the transcript from the hearing on remand. In particular, that transcript demonstrates that, based on testimony from the CASA and therapist that refuted Javier's evidence, the district court found that the child's medical condition was caused by the high level of conflict in the parties' divorce, which it largely attributed to Javier, rather than Mayra. Likewise, despite Javier's similar contention that the district court ignored Mayra's occasional failure to follow the parties' parenting time schedule, the transcript demonstrates that the district court considered the noncompliance issue, but concluded that it was not significant and that Mayra was nonetheless the party who was most likely to allow the other parent to have parenting time.

Moreover, the district court's decision in this regard was part of its overall evaluation of the best interest factors set forth in NRS 125C.0035(4), which resulted in the conclusion that a number of these factors' weighed in favor of Mayra's position and that the remaining pertinent factors were either neutral or weighed against Javier. Indeed, the district court made specific findings on these points in the challenged custody order and, based on our review of the record, we conclude the court's findings are supported by substantial evidence. *See Davis v. Ewalefo*, 131

Nev. ___, ___, 352 P.3d 1139, 1143 (2015) (explaining that, in making custody determinations, the district courts “must tie the child’s best interest, as informed by specific, relevant findings respecting the [statutory] factors, to the custody determination”).

Lastly, to the extent that Javier asserts that, in making its best interest findings, the district court incorrectly found that he had two convictions for child abuse, we conclude that his argument lacks merit. Notably, the district court did not make any findings with regard to child abuse convictions. Indeed, a review of the challenged order reveals that the court found that Javier had a *history* of child abuse. And to the extent that Javier challenges that finding on the basis that the allegations underlying it were false and unsupported by the record, his argument fails. In particular, Javier failed to provide this court with a transcript from the August 20, 2014, hearing at which the district court took evidence and testimony with regard to whether he committed child abuse and, as a result, we presume that the missing transcript supported the district court’s ultimate finding that Javier had a history of child abuse. *See Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 135 (2007) (noting that it is appellant’s burden to ensure that a proper appellate record is prepared and that, if the appellant fails to do so, “we necessarily presume that the missing [documents] support[] the district court’s decision”).

Based on the forgoing analysis, we conclude that the district court did not abuse its discretion in modifying the parties’ custody arrangement to award Mayra primary physical custody subject to Javier’s limited parenting time privileges. *See Ogawa v. Ogawa*, 125 Nev. 660, 668, 221 P.3d 699, 704 (2009) (reviewing a district court’s custody determination

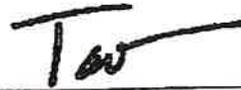
for an abuse of discretion and explaining that the court's factual findings are entitled to deference unless they are unsupported by substantial evidence or clearly erroneous). Accordingly, we

ORDER the judgment of the district court AFFIRMED.²



Silver

C.J.



Tao

J.



Gibbons

J.

cc: Hon. James Todd Russell, District Judge
Javier Ramirez Rivas
Mayra Arreguin
Carson City Clerk

²We have considered Javier's remaining arguments with regard to the district court's custody determination and conclude they do not provide a basis for relief. And while Javier also asks us to consider certain post-appeal disputes between the parties, we cannot do so since those matters arose after he filed this appeal. See *Carson Ready Mix, Inc. v. First Nat'l Bank of Nev.*, 97 Nev. 474, 476, 635 P.2d 276, 277 (1981) (explaining that appellate courts cannot consider materials that are not a proper part of the record on appeal).

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAVIER RAMIREZ RIVAS,
Appellant,
vs.
MAYRA ARREGUIN,
Respondent.

Supreme Court No. 71908
District Court Case No. 12DR1003911B

REC'D & FILED
2017 NOV - 7 PM 1:18
SUSAN HERRIWE THERI
CLERK
DEPUTY

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

“ORDER the judgment of the district court AFFIRMED.”

Judgment, as quoted above, entered this 11th day of October, 2017.

IN WITNESS WHEREOF, I have subscribed my name and affixed the seal of the Supreme Court at my Office in Carson City, Nevada this November 06, 2017.

Elizabeth A. Brown, Supreme Court Clerk

By: Amanda Ingersoll
Chief Deputy Clerk

REC'D & FILED

2017 DEC 18 PM 12:37

1 Code: 1670

2 Name: Janner Ramirez

3 Address: 7371 Village Way E
Gardnerville Nevada

4 Telephone: (775) 7907950

5 Email: raenmi2011@att.net ca

Self-Represented Litigant

SUSAN MERRIWETHER
CLERK

REPIIT

6 IN THE FAMILY DIVISION

7 FIRST
8 OF THE ~~SECOND~~ JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

9 IN AND FOR THE COUNTY OF ~~WASHOE~~ CARSON

10 Margra E. Arcequin
11 Petitioner,

vs.

12 Janner Ramirez

13 Respondent.

Case No. 170R100391B

14 Dept. No. 1

15 **EX PARTE EMERGENCY MOTION REGARDING CHILDREN**

16 MOTION TO Grant holiday time with children
17 (Fill in the name of this motion)

18 Janner Ramirez
19 (Your name)

, appearing in Proper Person, hereby move this

20 Court to issue an emergency order, without notice to

Margra E. Arcequin
21 (The Other Party's name)

22 granting the following:

23 **State only what you want the court to order. Do not explain why you want the order issued**
24 **or why you believe the other party should not have notice of this motion. Those reasons will**
be filled in on the next page.

25 Grant holiday time for end with
26 children.
27
28

1 A Decree of Divorce or Order addressing custody and visitation of a minor child(ren) was
2 entered on March 2013 April 2017 To the best of my knowledge, the last order
(Date the Decree or Order was filed)

3
4 concerning this matter was entered on April 2017 and that order
(Date last order entered in this case)

5
6 concerned medical issues
(Print what the last order was about, such as child support, visitation, TPO, etc.)

7 The child(ren) involved in the matter are:

8	9	10	11
	<u>NAME</u>	<u>AGE</u>	<u>DATE OF BIRTH</u>
9	<u>Edwardo J. Ramirez</u>	<u>11</u>	<u>04-13-2006</u>
10	<u>Carlos A. Ramirez</u>	<u>10</u>	<u>10-09-2007</u>
11			
12			
13			
14			

15 **Fully explain why you believe this is an emergency situation**

16 I believe this is an emergency and an order should issue from this Court immediately

17 because: I have family members that are
18 coming from out of town, that have not
19 seen the boys for over 3 years, my family
20 will arrive on Friday and leave Monday
21 The current schedule has me Thursdays
22 from 5:30 to 8:00 pm with Edwardo
23 and from 2:30 pm to 9:00 pm Sundays with
24 Carlos, I would like both of the boys
25 to have equal time with their cousins
26 and uncle for the 24. of December,
27 I can pick up the boys on Friday
28

1 at 5:30 pm and return them on the 25 at
2 3:00 pm so they could be with mom for Christmas.
3 (see attached)

4 **Fully explain why you believe the other party should not be contacted
and have time to respond to this Motion before the Motion is considered by the Judge**

5 Petitioner won't reply to emails or
6 phone calls, and most likely will not
7 do it on time unless stated by new
8 order, I'm not longer have a
9 CASA, to address this.

19 (If you need more space, you may attach additional sheets of paper. Be sure that you write only on
20 one side of the paper and clearly identify it as a continuation of this explanation.)

21 This document does not contain the Social Security Number of any person.

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

24 DATED this 16 day of December, 20 17.

25 Javier Ramirez
26 (Signature)
27 Javier Ramirez
28 (Printed Name)

I really appreciated if this order
its granted so the boys can have
equal time with my family and with
their mother during this season.
(see other order from 3rd November 2015)

Thank you

Jenny Ramon

1 Therefore, based on the foregoing and good cause appearing,

2 IT IS HEREBY ORDERED that Defendant's Motion to Change Venue is DENIED

3 IT IS FURTHER ORDERED that Defendant shall have visitation with EDUARDO
4 JAVIER RAMIREZ (DOB: 04/13/2006) and CARLOS ADRIAN RAMIREZ (DOB:
5 10/09/2007) every Saturday from 10:30 A.M. to 7:30 P.M., provided that the children's therapist,
6 Kristopher Komarek approves of such visitation.
7

8 IT IS FURTHER ORDERED that visitation shall commence Saturday, November 7,
9 2015. After the initial visitation, Mr. Komarek is to evaluate said visitation and determine
10 whether it is appropriate to continue with above set schedule.
11

12 IT IS FURTHER ORDERED that Defendant shall treat both minor children equally and
13 provide no special treatment to either child.

14 IT IS FURTHER ORDERED that Defendant may contact the minor children through
15 Plaintiff every Wednesday night between 6:30 P.M. and 7:00 P.M. Plaintiff shall immediately
16 give the telephone to the children if they decide to communicate with Defendant.
17

18 IT IS FURTHER ORDERED that Plaintiff will communicate all information relating to
19 the minor children's health and welfare to Defendant.

20 IT IS FURTHER ORDERED that Defendant may attend the children's school activities
21 but shall have no contact with Plaintiff in the event that she is also at children's school activities.
22

23 **IT IS SO ORDERED.**

24 Dated this 3~~rd~~ day of November, 2015.

25 
26 JAMES T. RUSSELL
27 DISTRICT JUDGE
28

1 Code: 3860
2 Name: Jaime Ramirez
3 Address: 1371 Village Way E
Gardnerville Nevada 89410
4 Telephone: (775) 790 7950
5 Email: viveenm.2011@netmail.com
Self-Represented Litigant

REC'D & FILED
2017 DEC 18 PM 12:37
SUSAN MERRIWETHER
CLERK
DEPUTY

6 FIRST IN THE FAMILY DIVISION
7 OF THE ~~SECOND~~ JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF ~~WASHOE~~ CARSON

10 Mayra E. Arcequin
Plaintiff/Petitioner,

11 vs.

12 Jaime Ramirez
Defendant/Respondent.

Case No. 120210039113

13 Dept. No. 1

14 **REQUEST FOR SUBMISSION OF EX PARTE MOTION**

15 I, Jaime Ramirez, request that the Ex Parte Motion
16 (print your name here)

17
18 Court Holiday from 12/18/17 filed on December 16 2017
19 (Print the name of the Ex Parte Motion) (Date the Ex Parte Motion was filed)

20 be submitted to the Court for it's consideration and Order.

21 This document does not contain the Social Security number of any person.

22 DATED this 16 day of December, 20 17.

23
24 Signature: [Signature]

25 Print Your Name: Jaime Ramirez

REC'D & FILED

2017 DEC 19 PM 3:22

SUSAN HERGENROTHER
CLERK



1 Case No.: 12 DR1 00391 1B

2 Dept. No.: 1

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4
5
6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY

8
9 MAYRA ARREGUIN,
10 Petitioner,

11 v.

12 JAVIER RAMIERZ RIVAS,
13 Respondent.

**ORDER DENYING
MOTION EX PARTE**

14
15 This matter comes before the Court on an Ex Parte Emergency Motion to Grant Holiday
16 Time with the Children filed by Respondent on December 18, 2017.

17 “A judge shall accord to every person who has a legal interest in a proceeding ... the right
18 to be heard according to law.”¹ “The right to be heard is an essential component of a fair and
19 impartial system of justice. Substantive rights of litigants can only be protected if procedures
20 protecting the right to be heard are observed.”²

21 Under FJDCR 18(1), “Ex parte orders are disfavored and counsel are encouraged to move
22 with notice whenever possible.” However, under FJDCR 18(5)(B)(5) ex parte orders may be
23 obtained, inter alia, “Where such other circumstances exist as the Court may find to warrant the
24 issuance of an order without notice.” The Respondent has not shown facts sufficient for the
25 Court to proceed without giving opposing parties notice and an opportunity to be heard.

26
27 ¹Nev. Code of Jud. Conduct, Rule 2.6.

28 ²Nev. Code of Jud. Conduct, Comment 1 to Rule 2.6.

1 **CERTIFICATE OF MAILING**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the First Judicial District
3 Court, and that on this 20 day of December, 2017, I deposited for mailing at Carson City,
4 Nevada, a true and correct copy of the foregoing Order addressed as follows:

5
6 Javier Ramirez
7 1371 Village Way F
8 Gardnerville, NV 89410

9 Mayra Arreguin
10 1756 Russell Way #E
11 Carson City, NV 89706

12 Melanie McCormick, CASA
13 E-mail: casaofcc@earthlink.net

14
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29 Sydnie Wells
30 Law Clerk, Dept. 1

REC'D & FILED

2018 JAN 16 PM 4:25

SUSAN MERRIWETHER
CLERK

BY _____
DEPUTY

1 Case No.: 12 DR1 00391 1B

2 Dept. No.: 1

3
4
5
6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY

8
9 MAYRA ARREGUIN,

10 Petitioner,

11 v.

12 JAVIER RAMIREZ RIVAS,

13 Respondent.
14

ORDER APPOINTING
COURT APPOINTED SPECIAL
ADVOCATE

15 The Court hereby appoints **MELANIE McCORMICK** as the Court Appointed Special
16 Advocate (CASA) in regards to this matter and not as a party to the proceedings, for the minor
17 children in this case, EDUARDO RAMIREZ (DOB: 04/13/2006) and CARLOS RAMIREZ
18 (DOB: 10/09/2007), the supervision of and with the support from the CASA Office and program:

19 IT IS HEREBY ORDERED that:

20 1. Upon presentation of this Order to any agency, hospital, school, organization, person
21 or office, including but not limited to, the Clerk of this Court, Division of Child and Family
22 Service, Juvenile Probation, human services agencies, pediatricians, psychologists, psychiatrists,
23 police and sheriff departments, mental health clinics, etc., the aforementioned shall permit CASA
24 to inspect and/or copy any records and/or protected health information relating to the child,
25 parents, or other family members.

26 2. The CASA assigned to this case shall represent and protect the best interests of the
27 child until excused by the Court.

28 ///

1 3. The CASA shall explain to the child the role of CASA, if appropriate, and when
2 appropriate, the nature and purpose of each proceeding in this case.

3 4. The CASA shall thoroughly research and ascertain the relevant facts of this case and
4 ensure that the Court receives an independent, objective account of those facts.

5 5. The CASA shall maintain any information received from any source as confidential,
6 and will not disclose same except in reports to the Court, and other parties to this case, if
7 authorized by the Court.

8 6. The CASA shall appear at all hearings or proceedings relating to this case, and assure
9 proper representation of the child at said hearing.

10 7. The CASA shall be notified of any hearings, staffings, investigations, depositions, or
11 other proceedings concerning the child, and shall be notified prior to any action taken on behalf
12 of the child by any party.

13 8. The CASA shall participate in the development and negotiation of any plans for and
14 orders regarding the child, and monitor the implementation of those plans and orders to
15 determine whether services are being provided in an appropriate and timely manner.

16 9. The CASA assigned to the case shall be advised of any agreement or plan proposed on
17 behalf of the child before it is implemented.

18 10. The CASA shall be admitted to any treatment facility or foster or group home to visit
19 with the child. The CASA shall meet with the child wherever the child is placed, as often as is
20 necessary to determine that the child is safe and to ascertain the best interests of the child.

21 11. The CASA shall inform the Court of the desires of the child, but exercise
22 independent judgment regarding the best interests of the child.

23 12. The CASA will interview persons regarding the child, the parents, other family
24 members, and potential placements. These persons are ordered to cooperate with CASA.

25 13. The CASA shall request the Court to enter orders that are clear, specific and, when
26 appropriate, include periods of compliance.

27 14. The CASA shall review the progress of this case and advocate for the expedient
28 completion of the case.

1 CERTIFICATE OF MAILING

2 Pursuant to NRCF 5(b), I certify that I am an employee of the First Judicial District
3 Court, and that on this 17th day of January, 2018, I deposited for mailing at Carson City, Nevada,
4 a true and correct copy of the foregoing Order addressed as follows:

5 Javier Ramirez
6 1371 Village Way F
7 Gardnerville, NV 89410

8 Mayra Arreguin
9 1756 Russell Way #E
Carson City, NV 89706

10 Melanie McCormick, CASA Program Director
11 E-mail: casaofcc@earthlink.net

12 
13 _____
14 Angela Jeffries
15 Judicial Assistant, Dept. 1
16
17
18
19
20
21
22
23
24
25
26
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28



Item# 43568
Patent Finding



CONFIDENTIAL

*Application to Waive Mediation
Fees*

Filed May 8, 2018

Your name: Javier Ramirez
Mailing Address: 1371 Village Way F
City, State, Zip: Gardnerville NV 89410
Telephone: (775) 790 7950
In Proper Person

REC'D & FILED
2010 MAY 10 PM 5:01
SUSAN MERRIWETHER
CLERK
BY [Signature]

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

Case No. 12DR000391
Dept. No. 1
Margra E. Arroyo Plaintiff,
vs.
Javier Ramirez Defendant.

ORDER REGARDING WAIVER OF MEDIATION FEES

Upon consideration of Javier Ramirez's Application to
(Your Name)
waive mediation fees and it appearing that there is not sufficient income, property or
resources with which to pay the mediation fees:

IT IS HEREBY ORDERED that Javier Ramirez's
(Your Name)
request to waive mediation fees is GRANTED.

IT IS HEREBY ORDERED that Javier Ramirez's
(Your Name)
request to waive mediation fees is DENIED for the following reason:

- The party is not indigent.
- Other: _____

EMPLOYMENT SECURITY
DIVISION

Office of the Administrator



BRIAN SANDOVAL
Governor

DON SODERBERG
Director

RENEE L. OLSON
Administrator

April 27, 2018

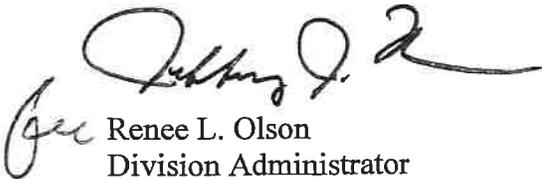
Javier Ramirez
1371 Village Way F
Gardnerville, Nevada 89410

Mr. Ramirez:

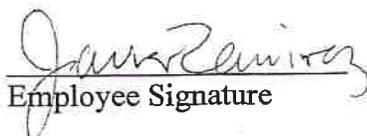
Effective today, Friday, April 27, 2018, you are being rejected from probation. Pursuant to NAC 284.458, an employee rejected pursuant to this subsection has no appeal rights.

Paperwork will be processed on your behalf. If you have any questions regarding your separation or future State of Nevada employment, you may contact DETR Human Resources at (702) 486-7980.

Sincerely,



Renee L. Olson
Division Administrator



Employee Signature

RLO:bb

cc: J. J. Frischmann
Employee
Human Resources

RECEIVED
APR 27 2018
PERS of Nevada

REC'D & FILED ✓

2018 MAY 25 PM 1:38

1 Code: 1670
2 Name: Javier Ramirez
3 Address: 1371 Village Way F
Gardnerville Nevada 89410
4 Telephone: (775) 790-7950
5 Email: jveeam.2011@hotmail.com
Self-Represented Litigant

SUSAN MERRIWETHER
CLERK
BY: C. Lopez
DEPUTY

6
7 IN THE FAMILY DIVISION
8 ~~OF THE SECOND~~ ^{FIRST} JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF ~~WASHOE~~ ^{CARSON}

10 Maura E. Arreguin
11 Petitioner,

Case No. 12DR100391

vs.

12 Javier Ramirez
13 Respondent.

Dept. No. 1

14
15 **EX PARTE EMERGENCY MOTION REGARDING CHILDREN**

16 MOTION TO Temporary Custody of Children (to seek medical care)
17 (Fill in the name of this motion)

18 Javier Ramirez, appearing in Proper Person, hereby move this
19 (Your name)

20 Court to issue an emergency order, without notice to Maura E. Arreguin
21 (The Other Party's name)
22 granting the following:

23 *State only what you want the court to order. Do not explain why you want the order issued*
24 *or why you believe the other party should not have notice of this motion. Those reasons will*
be filled in on the next page.

- 25 - Grant temporary custody of children to seek
26 medical care.
27 - Schedule a new therapist
28

1 A Decree of Divorce or Order addressing custody and visitation of a minor child(ren) was
 2 entered on March 2013. To the best of my knowledge, the last order
 3 (Date the Decree or Order was filed)
 4 concerning this matter was entered on October 2017 and that order
 5 (Date last order entered in this case)
 6 concerned medical care
 7 (Print what the last order was about, such as child support, visitation, TPO, etc.)

8 The child(ren) involved in the matter are:

9	NAME	AGE	DATE OF BIRTH
10	<u>Eduardo J. Ramirez</u>	<u>12</u>	<u>04-13-2006</u>
11	<u>Carlos A. Ramirez</u>	<u>10</u>	<u>10-09-2007</u>
12			
13			
14			

15 **Fully explain why you believe this is an emergency situation**

16 I believe this is an emergency and an order should issue from this Court immediately
 17 because: Per a text conversation with Eduardo (see
 18 attached) last night, it raised highly welfare
 19 concerns for his well being, he has been cutting
 20 himself on his wrists, after witnessing alter-
 21 cations between his mother and stepdad.
 22

23 I fear that his mental stress will continue
 24 if nothing is done about it, and it
 25 might increase Eduardo's anxiety pushing
 26 him to do something more tragic.
 27
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Fully explain why you believe the other party should not be contacted and have time to respond to this Motion before the Motion is considered by the Judge

Records has shown from previous hearing that she doesn't take medical matters seriously, and she probably won't seek emergency care on time if Eduardo encounters (another) or witness another altercation. at the same time Carlos may act on the same way imitating his brother.

(If you need more space, you may attach additional sheets of paper. Be sure that you write only on one side of the paper and clearly identify it as a continuation of this explanation.)

This document does not contain the Social Security Number of any person.

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

DATED this 25 day of may, 2018.

Javier Ramirez
(Signature)
Javier Ramirez
(Printed Name)

H

Hey dau 6:02 PM

6:03 PM ¿Como estan?

7:49 PM Bien..mal...mas o menos..
Average?

H

We are good. Sorry for not responding. We were eating and I had to wash dishes

7:50 PM

I see

7:51 PM What did you eat?

H

Pozole 7:52 PM

That's good

7:57 PM Did you to therapy?

7:58 PM Go

H

Yeah. Mom told Kris that I was

H

Yeah. Mom told Kris that I was cutting myself and asked me why I was doing it

7:58 PM

7:59 PM Are you?

You can tell me

8:01 PM I won't judge you

H

I was before because some even occurred with my mom reminded me of the past and I got angry and put that anger on myself but cutting my wrists

8:03 PM

8:03 PM You want to tell me?

H

Events 8:07 PM

Whenever you feel comfortable you can tell me

8:08 PM I just want the best for you and your brother

H

I did tell you 8:08 PM

8:08 PM Please remind me

8:09 PM I never heard about you cutting yourself

H

"I was before because some events occurred with my mom reminded me of the past and I got angry and put that anger on myself but cutting my wrists. "
Is what I said Dad

8:09 PM

I saw those cuts and I mentioned to the doctor

Those were not from the bushes

8:10 PM And you said that they were

H

I know 8:10 PM

H

I know 8:11 PM

I don't recall you saying anything about any "events"

8:11 PM Or issues with your mom

I'm here to help

8:12 PM You know that

H

I know 8:12 PM

I just don't understand what led to that

8:12 PM You can tell me

8:13 PM Did she hurt you?

H

Mom and Luis fighting triggered memories of the past

8:13 PM

I see

8:13 PM You know that you can call me¹⁰⁹³

If you don't feel secure

8:14 PM Does Kris knows this?

H

Yes 8:15 PM

8:16 PM And what he had to say?

H

"I see. " 8:17 PM

8:17 PM That's it?

H

So or so 8:19 PM

8:21 PM What does that mean?

H

Idk 8:21 PM

8:22 PM He just said " so or so"?

H

No 8:22 PM

Try not to stress.

8:36 PM I'm here for you and your brother

H

Anything? 8:36 PM

If he said anything at all

8:37 PM To your mom or you

H

No 8:37 PM

8:37 PM Ok

H

No 8:37 PM

8:37 PM Just remember that I love you very much

H

I love you too 8:38 PM

And I don't want you to hurt

Re: Eduardo

Melanie McCormick <MelanieMcCormickCASA@outlook.com>

Fri 5/25/2018 11:25 AM

To: javier ramirez <viveenmi2011@hotmail.com>;

Javier,

I am not at the office. I will not be back in the office until Tuesday or Wednesday. And then I am in training for the remainder of that week. As time permits over the weekend, if you get the chance email them to me as I will be difficult to reach. Thank you.

Sent from my iPhone

On May 25, 2018, at 11:22 AM, javier ramirez <viveenmi2011@hotmail.com> wrote:

There are several screenshots.
If you want I can stop by and show them to you

From: Melanie McCormick <MelanieMcCormickCASA@outlook.com>

Sent: Friday, May 25, 2018 9:38:01 AM

To: javier ramirez

Subject: Re: Eduardo

Javier,

I wanted to respond to this and let you be aware that I will be out of the Office until Tuesday, May 29TH.

I will be difficult to reach via phone or text during Wednesday May 30TH and Thursday May 31ST as I am in an all-day training. Please use email to communicate.

If Eduardo did state this, please forward the text communication you had with him, that disclosed this.

Thank you, Melanie

Melanie M. "Emmy" McCormick, *Guardian ad litem*

Director - CASA of Carson City, NV

www.casaofcc.org

(775) 291-7069

"The way we see the world is what makes us good at what we do."

From: javier ramirez <viveenmi2011@hotmail.com>

Sent: Thursday, May 24, 2018 8:49 PM

To: 'Melanie McCormick'

Subject: Eduardo

Hello...

In respect of your privacy I choose not to text you and /or call you,

I'm texting with Eduardo and he tells me that he has been cutting himself after witnessing Mayra and Luis fighting , ...

He also noted that Mr Komareck is aware of it.

Please call me at your convenience.

Thank You

Javier

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Code: 3860
Name: Jana Ramirez
Address: 1371 Village Way #
Carsonville NV 89410
Telephone: (775) 790 7910
Email: indocnmi2011@hotmail.com
Self-Represented Litigant

REC'D & FILED
2018 MAY 25 PM 1:38
SUSAN MERRIWETHER
CLERK
BY CTC/MS
BFR/PTV

First IN THE FAMILY DIVISION
OF THE ~~SECOND~~ JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF ~~WASHOE~~ Carson

Margra E. Arreguin
Plaintiff/Petitioner,
vs.
Jana Ramirez
Defendant/Respondent.

Case No. 12DR100391
Dept. No. 1

REQUEST FOR SUBMISSION OF EX PARTE MOTION

I, Jana Ramirez, request that the Ex Parte Motion
(print your name here)

Temporary Change of custody filed on May 25, 2018,
(Print the name of the Ex Parte Motion) (Date the Ex Parte Motion was filed)

be submitted to the Court for it's consideration and Order.

This document does not contain the Social Security number of any person.

DATED this 25 day of May, 2018.

Signature: Jana Ramirez
Print Your Name: Jana Ramirez

1 Case No.: 12 DR1 00391 1B
2 Dept. No.: 1

REC'D & FILED
2018 MAY 25 PM 2: 24
SUSAN HERRIWEATHER
CLERK

5 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6 IN AND FOR CARSON CITY

7 MAYRA ARREGUIN,
8 Plaintiff,

9 vs.

10 JAVIER RAMIREZ RIVAS,
11 Defendant.

**ORDER SETTING HEARING AND
REQUIRING SERVICE**

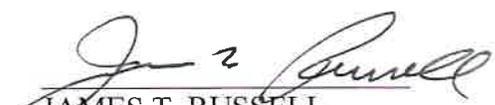
13 THIS MATTER is currently pending before the Court on an Ex Parte Emergency Motion
14 Regarding Children filed by Defendant on May 25, 2018. A Request for Submission was filed by
15 Defendant on May 25, 2018. No Proof of Service was filed.

16 This Court has reviewed the Motion and case file and finds that a hearing regarding this
17 matter would be helpful in determining the merits of the case. Therefore, good cause appearing;

18 IT IS HEREBY ORDERED that this matter is set for a hearing before the First Judicial
19 District Court, located at 885 East Musser Street, Carson City, Nevada, Department I, on June 6,
20 2018, at 9:00 a.m.

21 IT IS FURTHER ORDERED that Defendant shall serve a copy of his Ex Parte
22 Emergency Motion Regarding Children upon Plaintiff and file proof of service with this Court
23 within five (5) days of this order.

24 Dated this 25th day of May, 2018.

25 
26 JAMES T. RUSSELL
27 DISTRICT JUDGE

Your Name: Mayra Arreguin
Mailing Address: _____
City, State, Zip: _____
Telephone: (775) 291-7138
In Proper Person _____

REC'D & FILED

2018 MAY 29 PM 4:51

SUSAN MERRIWETHER
CLERK

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

Mayra Arreguin,
Plaintiff,

) Case No.: 12DR100391 1B

) Dept. No.: 1

vs.

) **RESPONSE TO MOTION**

Javier Ramirez,
Defendant.

I, Mayra Arreguin, respond to the Motion _____
(Your Name)

Temporary Custody of children
(Title of Motion to which you are responding to)

filed by Javier Ramirez
(Name of other party)

on May 25 / 18 for the following reasons:
(Date Motion was filed)

State very specifically why you oppose or why you agree with the motion or request. If you agree with a part of the motion or request but disagree with another part, state that also.

1.- El señor Ramirez en su motion esta haciendo serias
acusaciones acerca de el comportamiento, las acciones y estas
de Eduardo, el cual le recuerdo fue ocasionado por la violencia
domestica que sufrimos durante el tiempo que vivimos
juntos y el cual hasta hoy día seguimos tratando con el
terapista Kristopher Kompek, todo el tiempo que ~~tenemos~~ ^{hemos}
tenido durante todo este tiempo la terapia han surgido
diferentes problemas de comportamientos de los niños

1 debido al mismo trauma que no a sido facil para ellos y
2 el cual sigue por el continuo control y manipulacion que
3 tienen por parte de el señor Ramirez que los interroga
4 continuamente de las actividades que tienen conmigo
5 en casa, que comen?, con quien estan? a donde fueron?
6 a donde van? ~~sin~~ tienen dinero los niños de donde
7 lo sacaron? quien se los dio? este fin de semana mi hijo
8 Eduardo trabajo un poco con mi actual pareja y eduardo
9 gano un poco de dinero por su trabajo, lo cual fue sugerido
10 por el terapeuta, para aliviar el estres y ansiedad de
11 eduardo por los videojuegos, computadora o celular
12 para distraerlo y ~~de~~ al mismo tiempo aprendiendo como
13 ganar el dinero, el señor Ramirez amenazo a mis
14 dos hijos diciendo que la proxima vez que se enterara
15 que habian hido a trabajar con mi pareja, el se
16 hiba a encargar de meterlo a la carcel, esto es
17 una forma de intimidacion hacia mis hijos. El señor
18 Ramirez envio un telefono celular con mi hijo eduardo
19 el cual no estoy de acuerdo, porque es demasiada distraccion

20 (If more space is needed to explain your position or make your argument, you may attach more
21 sheets, but be sure to write only on one side of the paper.)

22 I do request a hearing on this matter.
23 (do, or do not)

24 If a hearing is requested, please state why you feel a hearing is necessary: para

25 dar mi version y demostrar que mis hijos no
estan en peligro conmigo

Para mi hijo Eduardo, ocasiona demasiadas peleas entre mis dos hijos por no querer compartir el celular, es una forma de seguir controlando a los niños con frecuentes llamadas a diferentes horas del día y lo mismo con los mensajes, las llamadas habían sido autorizadas por el juez una vez por semana los días lunes, no todos los días a cualquier hora ni tampoco textos. El señor Ramirez puede continuar hablándoles a los niños a mi celular en los horarios sugeridos.

El continuo estrés que ocasiona a mi hijo son las continuas peleas entre los diferentes puntos de vista, tanto mios como de su papá en referenciā a la educacion al comportamiento y al cuidado que reciben los niños. No es la discusion que pudo haber entre mi pareja y yo porque no somos la primera ni la ultima pareja que por error discuten enfrente de los niños, esto es una excusa más de Señor Ramirez para querer tomar ventaja sobre los niños.

Los niños y yo continuamos teniendo las terapias, cada semana, a excepción de Eduardo que hace aproximadamente un mes hasta la fecha no asiste a las terapias porque el señor Ramirez no esta de acuerdo y como son días que tiene de custodia con Eduardo el Señor Ramirez lo recoge de la escuela.

No se cual es el problema de el señor Ramirez con las terapias que él no asiste, yo soy la persona que todo este tiempo a asistido con los niños a terapia no el y no le da derecho a decidir sobre eso yo pienso Estoy dispuesta a cambiar de terapeuta que el juez o la corte me sugieran, no por desicion o por gusto del Señor Ramirez.

si yo estuviera mal, mentalmente o si los niños estuvieran en peligro como lo quiere hacer ver el Señor Ramirez, el terapeuta seria la primera persona en hacerle saber a la corte que no soy apta o capaz

de tener el cuidado sobre mis hijos, si yo fuera una irresponsable o negligente sobre el cuidado medico, academico o de cualquier tipo ya se les hubiera informado de cualquier manera.

Estoy cansada que el señor Ramirez todo este tiempo a querido manipular y de cualquier forma tener control sobre cualquier situacion referente a los niños y mi persona. y todo este tiempo hasta el señor juez a mi parecer a caido en su juego porque si ya saben el tipo de persona que es, siempre le hacen caso y caen en su juego.

Yo quiero la seguridad mia y de mis hijos y yo soy la primera persona que va a querer el bienestar de ellos y que va a buscar la forma de solucionar y dar salida a los problemas.

No soy la persona, mala, irresponsable que el señor Ramirez siempre a querido hacer ver.

Yo me he dado cuenta de el daño que comenzo a hacerse mi hijo y yo lo estoy tratando con el terapeuta, el terapeuta esta tratando de encontrar el problema o la causa y esas pueden ser varias causas no como lo quiere hacer ver el señor Ramirez.

- Pido que deje de hacer amenazas a mis hijos diciendo que va a encarcelar a mi pareja o que va a hacer daño a alguno de nosotros.

- Pido que le sea entregado de nuevo el celular que le regalo a mi hijo, que le hable al niño. Pido que mi hijo eduardo pueda decidir cuando quiere ir y cuando no quiere ir con su papá.

en ocasiones Eduardo no quiere ir con el señor Ramirez y el es obligado diciendo que es una orden de la corte.

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

Date: 05/29/18

Maura E. Arreguin
(Signature)

12 DR1 00391 1B

In his motion, Mr. Ramirez is making serious accusations about the behavior, actions and stress of Eduardo, of which I can remind you was caused by the domestic violence we suffered during the time we lived together and of which up until today we are dealing with therapist Kristopher Komarek, all of the time we have been in therapy, different behavioral problems in the children have emerged due to the same trauma that hasn't been easy for them and one which continues because of the continued control and manipulation they have from Mr. Ramirez who interrogates continually about their activity with me at home, what are they eating? Who are they with? Where do they go? If the children have money, where are they getting it? Who gave it to them? This weekend my son, Eduardo worked with my current partner for a little while and Eduardo earned a little bit of money for his work, which was suggested by the counselor, to alleviate Eduardo's stress and anxiety from video games, computers or the cell phone to distract him and at the same time learning about how to earn money, Mr. Ramirez threatened children saying that the next time he finds out they had gone to work with my partner, he would make sure he goes to jail, this is a form of intimidation towards my children. Mr. Ramirez sent a cell phone with my son Eduardo and I am not in agreement with this because it is too much of a distraction for my son Eduardo, it makes for a lot of fighting between my two sons with frequent calls at different times in the day and the same with messages, the calls had been authorized by the Judge for once a week on Monday not every day at whatever time nor texts. Mr. Ramirez can keep calling my phone to talk to the children on the schedule suggested. The continued stress he puts on my son are the continued fights about the different points of view, much mine as his in reference to education, behavior and the care the children receive. Not the argument that my partner and I could have had because we are neither the first nor the last couple to argue in front of their children by mistake, this is another excuse by Mr. Ramirez to take

advantage of the children. The children and I continue to have counseling each week with the exception of Eduardo who approximately a month ago and to this date has gone to counseling because Mr. Ramirez isn't in agreement and because it is on the day Mr. Ramirez has custody of Eduardo, Mr. Ramirez picks him up from school. I don't know what Mr. Ramirez's problem is with the counseling that he doesn't go to, I have been the one all of this time going with the children to counseling not him and he doesn't have the right to decide on that I believe. I am willing to change to a counselor that the court or the Judge suggests to me not on Mr. Ramirez's decision or opinion.

If I was not well mentally or if the children were in danger like Mr. Ramirez wants to make it look, the counselor would be the first person to let the court know that I am not capable or able to have my children, if I were irresponsible or negligent over the medical care, academics or whatever the court would have been informed by now in whatever manner.

I am sick of Mr. Ramirez wanting to manipulate in whatever way to have control over whatever situation referring to the children and myself and all of this time even Your Honor, it seems, has fallen for his game because if they already know what kind of person he is, you always listen to him and fall for his game.

I want my safety and that of my children and I am the first person who is going to want their wellbeing and that is going to look for a solution and way out of the problems.

I am not that bad, irresponsible person that Mr. Ramirez has always wanted me to look like.

I have realized the damage that was done to my son and I am trying to and I am dealing with it with the counselor, the therapist is trying to find the problem or the cause and that can be a variety of causes not how Mr. Ramirez wants to see it.

- I ask that he stop threatening my children, saying that he is going to put my partner in jail or that he is going to harm one of us.
- I want the cell phone he gave to my son to be returned, he can call mine.
- I want my son Eduardo to be able to decide when he wants to go or not go with his father, on occasion Eduardo doesn't want to with Mr. Ramirez and he is obligated because it is an order of the court.

Translated by Evelyn S. Wakeling

A handwritten signature in cursive script that reads "Evelyn S. Wakeling". The signature is written in black ink and is positioned above the date.

May 31, 2018

Your Name:
Mailing Address:
City, State, Zip:
Telephone:
In Proper Person

JANER RAMIREZ
1371 Village Way F
Gardnerville NV 89410
(775) 790 7950

REC'D & FILED

2018 MAY 31 PM 3:45

SUSAN HERRINGTON
CLERK

BY: *[Signature]*

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

Margie E. Dorequin
Plaintiff,

Case No.: 12DR100391 1B

Dept. No.: 1

vs.

Janer Ramirez
Defendant.

*Proof of
Service*

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Detailed History for Poli Call #P181450257 As of 05/25/2018 15:25:33

Output for: EW7430

Priority:4 Type:CIVSER - Serving Civil J4
 Location:CENTRO MARKET, CAR AT 2794 HWY 50 E, CAR
 LocCross:BTWN N LOMPA LN AND MERCURY WY
 Map:247

Created:	05/25/2018 17:41:31	MC3396	CS4755
Entered:	05/25/2018 17:41:31	MC3396	CS4755
Dispatch:	05/25/2018 17:41:31	MC3396	CS4755
Enroute:	05/25/2018 17:41:31	MC3396	CS4755
Onscene:	05/25/2018 17:41:31	MC3396	CS4755
Control:	05/25/2018 17:41:34	MC3396	CS4755
Closed:	05/25/2018 17:46:04	MC3396	CS4755

COPY
 Not For Further Dissemination
 Carson City Sheriff's Department

PrimeUnit:5477 Dispo:SAS Type:CIVSER - Serving Civil J4
 Agency:CPD DAREA:S001 Beat:BEAT2 RD:100205

Detail

17:41:31 *CREATE Location: CENTRO MARKET, CAR Type: CIVSER DAREA: S001 Area: 100205 TypeDesc: Serving Civil J4 LocDesc: AT 2794 HWY 50 E, CAR LocCross: BTWN N LOMPA LN AND MERCURY WY Priority: 4 Class: F:L01 Agency: CPD Map: 247 LocType: C

17:41:31 *ENTRY Comment: SERVING EX PARTE MOTION ARREGUIN VS. RAMIRZ...SERVING PETIONER

17:41:31 *DISPOS 5477 Location: CENTRO MARKET, CAR Operator: CS4755 JT7633 OperNames: STETLER, CHARLES; TUSHBANT, JEROME

17:41:31 -PRIU 5477

17:41:31 -PREMIS Comment: PPR, KNX

17:41:34 *ONSCN 5477

17:41:34 *OK 5477

17:46:04 *CLEAR 5477 Dispo: SAS Comment: SUBJECT SERVED. NOTE THAT THE R/P CAME TO OFFICE AND DID NOT PROVIDE A PROOF OF SERVICE FORM OR ANYTHING ELSE EXPECT FOR A COPY OF THE MOTION

17:46:04 -CLEAR

17:46:04 *CLOSE

1 Name: JAVIER ROMIREZ
2 Address: 1371 Village Way E
3 City, State, Zip: Gardnerville NV 89410
4 Telephone: (775) 790 7950

REC'D & FILED
2018 JUN -4 PM 1:04
SUSAN MERRIWETHER
CLERK
BY [Signature]
DEPUTY

5 **In The First Judicial District Court of the State of Nevada**
6
7 **In and for Carson City**

9
10 Mayra E. Arreguin
11 Plaintiff,
12 vs.
13 Javier Ramirez
14 Defendant.

Case No. ¹²⁰¹¹⁰³⁹¹ 12011003 1B
Dept. No.: 1

CERTIFICATE OF MAILING

15 I HEREBY CERTIFY that service of the (document name) Application for TPO
16 was made on (date) 5/30/18 pursuant to NRCP 5(b) by depositing a copy of same in the
17 United State Mail in Carson City, Nevada, postage prepaid, addressed as follows:

18 Name and address of party served: Mayra E. Arreguin
19 1756 Russell Way #E / Centro Market
20 Carson City 89701
21 2748 US Hwy 50 E

22 DATED this 4 day of June, 2018.

23 Signature of person who mail document: [Signature]

24 Print name of person who mailed document: JAVIER ROMIREZ

25 **If signed in Nevada: I declare under penalty of perjury that the foregoing is true and correct.**
26 Signed on: 4 June 18 [Signature]
(Date) (Signature)

27 **If signed outside Nevada: I declare under penalty of perjury under the law of the State of Nevada**
28 **that the foregoing is true and correct.**
Signed on: 4 June 18 [Signature]
(Date) (Signature)

✓ Kamira
1371 Village Way F
Hardenville Nevada
89410

Margd Ameguin
1756 Russell Way F
Carson City NV
89201



FOREVER
USA



Barn Swallow

✓ Kamira
1371 Village Way F
Hardenville NV 89410

Centro Market
Att
Marga Ameguin
2799 US Highway 50 E
Carson City NV
89201



FOREVER
USA



Barn Swallow

REC'D & FILED

2018 JUN -7 AM 10:45

SUSAN HERRIWEITER
CLERK

BY _____

1 Case No.: 12 DR1 00391 1B

2 Dept. No.: 1

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5
6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY
8

9 MAYRA ARREGUIN,

10 Plaintiff,

11 vs.

12 JAVIER RAMIREZ RIVAS,

13 Defendant.

ORDER AFTER JUNE 6, 2018

HEARING

14
15 This matter comes before this Court on an Ex Parte Emergency Motion Regarding
16 Children filed by Defendant on May 25, 2018. A Request for Submission was filed by
17 Defendant on May 25, 2018. This Court issued an Order Setting Hearing and Requiring Service
18 on May 25, 2018. Plaintiff filed a Response to Motion on May 29, 2018. A hearing was held in
19 regards to this matter on June 6, 2018. Present at the hearing were both Plaintiff and Defendant
20 appearing in proper person. Also present at the hearing was Melanie McCormick, the CASA
21 representative on behalf of the minor children. A Court interpreter was also present to interpret
22 for Plaintiff.

23 In his Ex Parte Emergency Motion, Defendant requested that this Court grant him
24 temporary custody of the parties' minor children in order to seek medical care. Defendant
25 informed the Court that his son, Eduardo, has been cutting his wrists after witnessing an
26 altercation between Plaintiff and her significant other. Defendant indicated that he is concerned
27 for the minor children's safety after this most recent incident. Defendant also requested that the
28

1 Court address the possibility of having the minor children see a new therapist, as he does not
2 agree with the tactics of the children's current therapist.

3 In her Response, Plaintiff indicated that Defendant is causing Eduardo excessive stress
4 due to alleged control and manipulation by Defendant through the use of excessive phone calls
5 during the week as well as text messages sent to the minor children every day. Plaintiff indicated
6 that Defendant recently stole money from the minor children after they had earned the money
7 doing light work for Plaintiff's significant other. Plaintiff informed the Court that she allows the
8 minor children to perform light work for her significant other in order for the minor children to
9 learn the value of money and the value of hard work; however, Plaintiff indicated that Defendant
10 took some of the money the minor children had earned as compensation for things he feels
11 Plaintiff owes him. Plaintiff requested that this Court order for Defendant to stop threatening the
12 minor children that he is going to put Plaintiff's significant other in jail or that he will harm one
13 of them; that the cell phone Defendant gave to Eduardo be returned to Defendant; and that
14 Eduardo be allowed to decide whether he wants to see his father or not, and if Eduardo does not
15 wish to visit with Defendant then he is not obligated to go.

16 At the hearing, Defendant indicated that he feels that Eduardo's cutting was a substantial
17 change in circumstances to allow for a change in custody at this time. Defendant requested that
18 the minor children see a new therapist, and that the therapist be someone who works better with
19 Defendant in re-creating the bond with his children. Additionally, Defendant admitted to having
20 taken money from the minor children, but indicated that he spent that money to buy things for
21 the minor children, including a cell phone for Eduardo.

22 The Court heard from Ms. McCormick at the hearing, who indicated that she feels that a
23 new therapist would be a good idea to try to establish a bond between the minor children and
24 Defendant. However, Ms. McCormick also indicated that she is deeply concerned that
25 Eduardo's cutting is only the first step and that if the parties cannot work out their differences for
26 the minor children, that she suggests the minor children be empowered to say no when it comes
27 to visiting with the parties.

28

1 Plaintiff indicated at the hearing that she does not object to having a new therapist;
2 however, she wants to be able to choose the new therapist. Additionally, Plaintiff indicated that
3 she is concerned with the threats Defendant makes against the minor children, and reiterated her
4 statement from her Response that Defendant gets involved with the minor children's work and
5 takes their money and spends it himself, even though the money belongs to the minor children.
6 Plaintiff also feels that Defendant is controlling and manipulating the minor children by calling
7 and texting them multiple times every day, rather than the Court ordered once a week telephone
8 visitation he was granted by this Court.

9 NRS 125C.0045 allows the Court to modify any order for custody of a minor child so
10 long as the modification is in the best interest of the child. The Court, having heard the
11 arguments of both parties, found that there is no substantial change of circumstances to change
12 primary physical custody from Plaintiff at this time; see *Ellis v. Carucci*, 123 Nev. 145, 161 P.3d
13 239 (2007); and that the minor children should remain with Plaintiff. The Court also found that a
14 new therapist for the minor child would be a good idea; however the Court would like to get Ms.
15 Lisa Yesitis, LSW from the Ron Wood Center involved with this matter and would like her
16 opinion regarding whom the new therapist should be.

17 Additionally the Court found that the visitation schedule will remain in effect, with
18 exchanges to take place at CASA of Carson City; however, the minor children are empowered to
19 say no to visitation if they do not wish to visit with Defendant, and will not be obligated to meet
20 with Defendant if they do not want to. In regards to any vacations, the minor children will be
21 allowed to choose whether they want to go on vacation with Defendant this summer, and
22 Plaintiff is to notify Defendant in advance if she will be taking the minor children on vacation.
23 Furthermore, Defendant is not to make any phone calls or text messages to the minor children;
24 instead the minor children will initiate all communication with Defendant if they so choose.

25 The Court found that the minor children may be allowed to do minor work with
26 Plaintiff's significant other, provided that the work is pre-approved by the minor children's
27 doctor, and does not interfere with any medical conditions the minor children may have. Any
28 money that the minor children make from their work is theirs, and Defendant may not take any

1 money from the minor children under any circumstances. Additionally, neither party will make
2 any threats or disparaging remarks against the other party under any circumstances, whether in
3 front of the minor children or not. The Court found that Defendant may contact any professional,
4 including doctors, teachers, counselors, etc. in regards to the minor children to retain any records
5 or information with respect to the minor children. Additionally, Plaintiff needs to keep all
6 medical records and immunizations for the minor children up to date as well.

7 In regards to child support, based on Defendant's indication that he is not employed at
8 this time, Defendant is to pay the statutory minimum child support to Plaintiff in the amount of
9 \$200.00 per month (\$100.00 per child) on the first day of each month, to commence on June 6,
10 2018, until such time as Defendant becomes employed. Once Defendant becomes employed,
11 Defendant must provide proof of employment with the Court, and the child support payments
12 will be set at the statutory 25% of his gross monthly income in support.

13 Therefore, based on the foregoing, and good cause appearing,

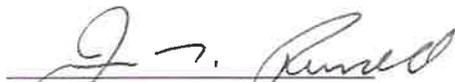
14 **IT IS HEREBY ORDERED** as follows:

- 15 1. Plaintiff will continue to have primary physical custody of the parties' minor
16 children. The visitation schedule with the minor children will remain the same, with
17 exchanges to take place at CASA of Carson City; however, the minor children are
18 empowered to say no to visitation, and are not obligated to visit with Defendant if
19 they do not wish to do so. Vacation time will be up to the minor children as to
20 whether they wish to go on vacation with Defendant; however, Plaintiff is to notify
21 Defendant in advance if she plans on taking the minor children on vacation.
- 22 2. Defendant will not call or text the minor children under any circumstances, except in
23 case of emergency; however, the minor children may initiate communication with
24 Defendant and may call or text Defendant if they so choose, but are under no
25 obligation to do so.
- 26 3. The minor children are to see a new therapist, to be determined under the advisement
27 of Ms. Lisa Yesitis.
28

- 1 4. Ms. Lisa Yesitis from the Ron Wood Family Resource Center will work with the
2 children to help them deal with the conflict surrounding them.
- 3 5. Defendant may contact any professional in regards to the minor children, including
4 doctors, to retain any records or information relating to the minor children. Plaintiff is
5 to keep medical records and immunizations for the minor children up to date.
- 6 6. The minor children may perform minimal work for Plaintiff's significant other,
7 provided that the work is pre-approved by the minor children's doctor, and does not
8 interfere with any medical conditions the minor children may have. Any money that
9 the minor children make from their work is theirs, and Defendant may not take any
10 money from the minor children under any circumstances.
- 11 7. Defendant will pay Plaintiff child support in the amount of \$200.00 per month
12 (\$100.00 per child), to be paid on the first of each month, to commence on June 1,
13 2018, until Defendant becomes employed. Once Defendant becomes employed,
14 Defendant must provide proof of employment to the Court, at which time child
15 support payments will be set at the statutory rate of 25% of his gross monthly income,
16 up to the statutory cap.
- 17 8. The parties will not threaten or disparage each other under any circumstances,
18 regardless of whether the minor children are present or not.

19 **IT IS SO ORDERED.**

20 Dated this 7th day of June, 2018.

21
22 
23 JAMES T. RUSSELL
24 DISTRICT JUDGE
25
26
27
28

1 **CERTIFICATE OF MAILING**

2 I hereby certify that on the 7 day of June, 2018, I served a copy of the foregoing
3 by placing the foregoing in the United States Mail, postage prepaid, addressed as follows:

4
5 Javier Ramirez
6 1371 Village Way F
7 Gardnerville, NV 89410

8 Mayra Arreguin
9 1756 Russell Way E
10 Carson City, NV 89706

11 Kristopher L. Komarek, LCSW
12 783 Basque Way, Suite 110
13 Carson City, NV 89706

14 CASA
15 E-Mail: casaofcc@earthlink.net

16 
17 Sydnie Wells
18 Law Clerk, Dept. 1
19
20
21
22
23
24
25
26
27
28

Case No.: ⁱ² ~~16~~ DR1 004³⁹¹ ~~98~~ 1B

Dept. No.: 1

REC'D & FILED

2018 JUN 13 AM 10:38

SUSAN MERRIWETHER
CLERK

BY  CLERK

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

MAYRA ARREGUIN,
Plaintiff,

vs.

JAVIER RAMIREZ RIVAS,
Defendant.

CERTIFICATE OF SERVICE

A forwarding address for MAYRA ARREGUIN having been obtained from returned mail, pursuant to NRCP 5(b), I certify that I am an employee of the First Judicial District Court, Department 1, and that on this 13th day of June, 2018, I deposited for mailing at Carson City, Nevada, a true and correct copy of the ORDER AFTER JUNE 6, 2018 HEARING filed on June 7, 2018, addressed as follows:

Mayra Arreguin
2850 Airport Rd Spc 5
Carson City, NV 89706-1115



Angela Jeffries
Judicial Assistant, Dept. 1

Your Name: Javier Ramirez
Mailing Address: 1371 Village Way E
City, State, Zip: Gardnerville Nevada 89410
Telephone: 775 790 7950
In Proper Person

REC'D & FILED
NOV -2 PM 1:47
SUSAN HERRIWEATHER
CLERK
BY CTORRES
DEPUTY

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

Mayra E. Lorequin
Plaintiff/Petitioner,

vs.
Javier Ramirez
Defendant/Respondent.

Case No.: 12021003 91 1B
Dept. No.: _____

MOTION
TO modify custody/visitation
child therapist, child support
Enforce prior orders, order
to comply. list parental rights.

I Javier Ramirez, appearing in Proper Person,
(Your Name)

request that the Court enter an Order granting me the following:

Restitution of vacation/
birthday expenses
Enforce NRS 125C.003 and
NRS 125C.006
NRS 125C.007.75

State what you want the Court to order. If you have more than one request, clearly list and number each request. Do not explain your requests in detail here, just list them.

- 1.- Establish new custody to 50/50
- 2.- Stop therapy from Mr Komorek and appoint Jason Purras.
- 3.- New amount set for Child support
- 4.- Enforce and/or penalize prior order not being follow
- 5.- List and enumerate father's rights
- 6.- Restitution of expenses for vacation/birthday's due to deprivation of right of visitation
- 7.- Please Reinforce NRS statutes. named above

1 Fully explain why you believe you should be granted your request(s).
2 List and number each request.

3 This Motion is made for the following reasons:

4 I'm following an a prior order to notify
5 the H. Court of new employment and I'm
6 requesting a hearing. to establish new amount
7 as well as custody visitation due to the
8 fact that my summer vacation with
9 the children was denied and not follow
10 Thru. Per CASA I'm not longer allowed
11 to have lunch with the children and/or
12 attend any school activity on or after
13 school.

14 Mr Kennecreek continues to see the
15 boys, and on the last hearing it was
16 recommended that Lissa Yesitis was to
17 help the parents find a new one. Mr.
18 Jason Purras is willing to see the boys
19 but the proper documentation has to be filed
20 I was deprived of my visitation right
21 and vacation time this summer and
22 last weekend a birthday party was cancelled
23 at the last minute without any explanation.
24 I seek reimbursement of both events to the
25 fullest
Enforce NRS. 125 C. 0075, 125C.006 NRS. 125C.003

CERTIFICATE OF SERVICE

Pursuant to NRC 5(b), the undersigned hereby certifies that on this date, I deposited a true and correct copy of the foregoing Motion in the U.S. Mail with postage pre-paid thereon, addressed to:

Mayra E. Dorequin / Centro Market
1756 Russell Hwy E 2794 U.S. Highway 50 E.
Carson City NV 89706 Carson City NV, 89701.

Dated this 2 day of November, 2018.

CASA / Melanne McCormick
1539 E. 5th Street
Carson City NV 89701

Ryan Slater

From: Heather Kaiser-Ford
Sent: Tuesday, October 30, 2018 11:05 AM
To: viveenmi2011@hotmail.com
Cc: Ryan Slater
Subject: Job Offer

Importance: High

Good Afternoon Javier,

My name is Heather and I am in the Human Resources Department at Top Notch. Thank you for your interest with our company. After your interview with Ryan we are very excited to offer you a position here at Top Notch. I would like to speak with you to review the details. Please let me know what time works best for you.

Have a great day!

Thank you,

Heather Kaiser Ford | HR

Top Notch Distributors

80 Fourth Street

Honesdale, PA 18431

(ph)(570)253-7678

(fx) (570) 253-7178

hkaiserford@topnotchinc.com

NOTICE TO RECIPIENTS: The information contained in and/or attached to this communication is confidential, and is intended solely for the use of the intended recipient(s). If you are not the intended recipient of this e-mail, you should not disseminate, distribute, or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system.

Heather
7678 ext



REC'D & FILED

PROOF OF SERVICE

2018 NOV 19 PM 1:30

Court Date:		File No. 0015059	SUSAN MERRIWETHER
Court: FIRST JUDICIAL DISTRICT COURT		Case No. 12DR100391B	CLERK
Initiator: JAVIER RAMIREZ		Other: ARREGUIN, MAYRA	BY <u>[Signature]</u> DEPUTY
Address: 1371 VILLAGE WAY #F GARDNERVILLE, NV 89410		Address: 1756 RUSSELL WAY #E CARSON CITY, NV 89706	
Plaintiff: ARREGUIN, MAYRA E.		Defendant: RAMIREZ, JAVIER	
Address: _____, 0		Address: _____, 0	

1. Documents Served:

MOTION

2. Service Attempts:

Date	Time	Address:	Served
<u>11/09/18</u>	<u>11:10</u>	<u>Address: 1756 RUSSELL WAY #E</u>	<input type="checkbox"/>
		<u>Notes: DOES NOT LIVE HERE</u>	
		<u>Address: _____</u>	<input type="checkbox"/>
		<u>Notes: _____</u>	
		<u>Address: _____</u>	<input type="checkbox"/>
		<u>Notes: _____</u>	

3. Party Served: _____ Title: _____

4. I served the party named in Item 3: MOVED - RETURNED NOT SERVED

5. Remarks: _____

6. At the time of service I was at least 18 years of age and not a party to this action.

7. I am an authorized individual with the Carson City Sheriff's Office and certify that the foregoing is true and correct.

[Signature]
JAKOB DZYAK 9685
 Carson City Sheriff's Office
 911 East Musser Street
 Carson City, NV 89701
 Phone: 775-887-2500

11/13/18
Date



REC'D & FILED

2018 NOV 19 PM 1:30

PROOF OF SERVICE

SUSAN MERRIWETHER

Court Date:		File No. 0015059	CLERK
Court:	FIRST JUDICIAL DISTRICT COURT	Case No. 12DR106391B	<i>[Signature]</i> DEPUTY
Initiator:	JAVIER RAMIREZ	Other: CASA	
Address:	1371 VILLAGE WAY #F GARDNERVILLE, NV 89410	MCCORMICK, MELANIE	
Plaintiff:	ARREGUIN, MAYRA E.	Address: 1539 E 5TH ST	
Address:	, 0	CARSON CITY, NV 89701	
		Defendant: RAMIREZ, JAVIER	
		Address:	
		, 0	

1. Documents Served:

MOTION

2. Service Attempts:

Date	Time	Address:	Served
11/09/18	10:35	Address: 1539 E 5TH ST	<input checked="" type="checkbox"/>
		Notes: _____	
		Address: _____	<input type="checkbox"/>
		Notes: _____	
		Address: _____	<input type="checkbox"/>
		Notes: _____	

3. Party Served: MELANIE MCCORMICK

Title: EXECUTIVE DIRECTOR

4. I served the party named in Item 3: TO AUTHORIZED INDIVIDUAL

5. Remarks:

6. At the time of service I was at least 18 years of age and not a party to this action.

7. I am an authorized individual with the Carson City Sheriff's Office and certify that the foregoing is true and correct.

[Signature]
 JAKOB DZYAK 9685
 Carson City Sheriff's Office
 911 East Musser Street
 Carson City, NV 89701
 Phone: 775-887-2500

11/13/18
Date

REC'D & FILED
2018 NOV 20 PM 2:00
SUSAN MERRIWETHER
CLERK
BY CTW
DEPUTY

1 Code: 1670
2 Name: Javier Ramirez
3 Address: 1571 Village Way F
Gardnerville NV 89410
4 Telephone: 775 790 7950
5 Email: _____
Self-Represented Litigant

6
7 FIRST IN THE FAMILY DIVISION
8 OF THE ~~SECOND~~ JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF ~~WASHOE~~ CARSON

10 Mayra E. Dorequin
11 _____
Petitioner,
12 vs.
13 Javier Ramirez
14 _____
Respondent.

Case No. 12 DR 1003511B
Dept. No. 1

15 **EX PARTE EMERGENCY MOTION REGARDING CHILDREN**

16 MOTION TO Split Thanksgiving with children.
17 _____
(Fill in the name of this motion)

18 Javier Ramirez, appearing in Proper Person, hereby move this
19 _____
(Your name)

20 Court to issue an emergency order, without notice to Mayra E Dorequin
21 _____
(The Other Party's name)
22 granting the following:

23 ***State only what you want the court to order. Do not explain why you want the order issued***
24 ***or why you believe the other party should not have notice of this motion. Those reasons will***
be filled in on the next page.

25 -Please issue order to allow children
26 to split thanks giving and Christmas
27 with both parents. per. NRS 125C.020
28 (see request)

1 A Decree of Divorce or Order addressing custody and visitation of a minor child(ren) was
2 entered on March 2013. To the best of my knowledge, the last order
(Date the Decree or Order was filed)

3
4 concerning this matter was entered on May 2013 and that order
(Date last order entered in this case)

5
6 concerned Visitation Child Support
(Print what the last order was about, such as child support, visitation, TPO, etc.)

7 The child(ren) involved in the matter are:

8	9	10	11	12	13	14
	<u>NAME</u>	<u>AGE</u>	<u>DATE OF BIRTH</u>			
	<u>Eduardo J. Ramirez</u>	<u>12</u>	<u>04-13-2007</u>			
	<u>Carlos A. Ramirez</u>	<u>10</u>	<u>10-09-2008</u>			

15 **Fully explain why you believe this is an emergency situation**

16 I believe this is an emergency and an order should issue from this Court immediately
17 because: per instructions of CASA melanie
18 McCormick I asked to split this
19 holiday from wednesday Nov. 21st 2013
20 from 6pm til Thursday at 5:00 pm
21 (Thanks giving day) so both kids
22 can have an equal holiday and
23 she now wants an order issue.
24 (see attached emails)
25 She also had given me permission
26 to have a interrupted 3 day
27 vacation on a school break
28

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Fully explain why you believe the other party should not be contacted and have time to respond to this Motion before the Motion is considered by the Judge

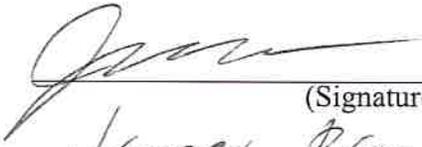
As per the non compliance of the current order I was never notified of their summer vacation nor I was allowed to take the children to my vacation time she would just ignore my requests and the children wishes

(If you need more space, you may attach additional sheets of paper. Be sure that you write only on one side of the paper and clearly identify it as a continuation of this explanation.)

This document does not contain the Social Security Number of any person.

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

DATED this 20 day of November, 2018.


(Signature)
James Remmel
(Printed Name)

CASA Question

Melanie McCormick <MelanieMcCormickCASA@outlook.com>

Fri 8/10/2018, 9:10 PM

To: Mayra Arreguin <mayra_ae20@hotmail.com>; javier ramirez <viveenmi2011@hotmail.com>

Hello Mayra and Javier,

I believe there are some concerns we need to address.

First and foremost, Mayra, Javier did indeed send me an email on July 21ST stating his desire to have the children for "his" vacation for this weekend. I did NOT see that part of the email; that is my fault for not fully reading the email and I take responsibility for that.

Javier did relay that he had discussed these plans with the children and that he was under the impression that the children were in agreement to these vacation plans.

The concern is that those plans should have been discussed with you as well. The vacation plans needed to be well documented as the court order did state the children had the right to say, yes or no. Neither child made myself aware of the expected vacation plans.

Javier, please determine new vacation dates - My gentle suggestion would be to look at the school calendar and determine when there is a 3-day or 4-day weekend, so you and the children can have a full and uninterrupted vacation.

When that time frame is determined, please relay that information to myself and then I would like either Lisa Yesitis or Kristopher Komarek to discuss the vacation plans with the children and myself present.

Mayra, the children will need to discuss their vacation plans with a therapist and myself present. I would like to hear from the children as to what they would like to do, in regards to vacation with their father.

Also, in order to better facilitate weekend visits, I will request that my Office is to be notified on THURSDAY before 5:00pm. That way, I can properly inform Javier of the weekend plans.

As for the visit this weekend, I did not hear from you Mayra and we will need to address the visitations. So please, if you can all let me know by Thursday at 5pm.

With school creeping ever closer, I would like to know what BOTH of your thoughts are in regards to times/visits as Javier has already made mention that a 9pm drop-off is rather late for the children on a school night. You both will need to discuss this with each other and/or myself and then I will need to be notified so we can better facilitate the visits.

My final recommendation is Mayra if you would please reach out to Lisa Yesitis at Ron Wood and see to the children having a regular visit with her. You will need to discuss with Ms. Yesitis as to how often the children will need to meet with her. I will contact her on Friday, August 17TH to discover when the children's next appointment with her is.

I realize that it is never easy in regards to shared custody. We have definitely had our hiccups since the new court order was placed into effect and we are still working out the logistics. The bottom line is that we must have clear and concise communication - especially now that school is beginning and the children will have school activities, they could get a cold and need to see the doctor or they may have after school activities. We will still be addressing Carlos' needs in regards to math tutoring as well once school begins.

To sum up:

1. All visitation must be confirmed by my office on Thursdays at 5pm. No contact in regards to confirmation of the visit is unacceptable and will be noted and recorded for the court;
2. The parents must discuss new times (for visitation) to begin when school starts August 20TH and those new times will go into effect on Sunday, August 19TH;
3. If travel plans are desired, they must be brought to the attention of CASA and the other parent - The children will then meet with Lisa Yesitis or Kristopher Komarek to discuss said travel plans, and CASA will be in attendance on that meeting. That meeting will be held PRIOR to said vacation plans;
4. I will contact Lisa Yesitis on August 17TH to determine when the next appointment between her and the children is;
5. If either parent would like the boys to meet with me, or if the boys would like to themselves, please notify me immediately and we will schedule a time that is appropriate for all.

This will only improve if there is open communication AND follow up. Also, please note that I have noted in the court order that there is to be no disparaging comments, made by either parent, about the other. It matters not if it is in the children's presence or not. So please note, I will no longer engage in conversation with either parent, if disparaging comments are made. We must engage in healthy and amicable communication for the children.

I appreciate your due diligence in regards to these matters. As soon as the above is determined, I will send an update to the Court addressing the successful completion of these requests.

Regards, Melanie

Melanie M. "Emmy" McCormick, *Guardian ad litem*
Director - CASA of Carson City, NV
www.casaofcc.org
(775) 291-7069

"The way we see the world is what makes us good at what we do."

Re: Thanksgiving

Melanie McCormick <MelanieMcCormickCASA@outlook.com>

Mon 11/19/2018, 8:59 PM

To: javier ramirez <viveenmi2011@hotmail.com>; Mayra Arreguin <mayra_ae20@hotmail.com>

Mr. Ramirez,

A time and day were told to you by myself after a visit between Carlos, Ms. Yesitis and myself.

Carlos relayed that he wished to visit with you on Friday, November 23RD. You stated you had to work.

When I spoke with you about an alternative means you cited to me "past events" that had no bearing on the Thanksgiving visit and you offered no alternatives. As you would not volunteer a compromise, there was no other discussion had.

As per NRS Statute 125C.020 it can ONLY be ordered by the Court and not yourself.

NRS 125C.020 Rights of noncustodial parent: Additional visits to compensate for wrongful deprivation of right to visit.

1. In a dispute concerning the rights of a noncustodial parent to visit his or her child, the court may, if it finds that the noncustodial parent is being wrongfully deprived of his or her right to visit, enter a judgment ordering the custodial parent to permit additional visits to compensate for the visit of which the noncustodial parent was deprived.

2. An additional visit must be:

- (a) Of the same type and duration as the wrongfully denied visit;
- (b) Taken within 1 year after the wrongfully denied visit; and
- (c) At a time chosen by the noncustodial parent.

3. The noncustodial parent must give the court and the custodial parent written notice of his or her intention to make the additional visit at least 7 days before the proposed visit if it is to be on a weekday or weekend and at least 30 days before the proposed visit if it is to be on a holiday or vacation.

The current Order of the Court states:

IT IS HEREBY ORDERED as follows:

1. Plaintiff will continue to have primary physical custody of the parties' minor children. The visitation schedule with the minor children will remain the same, with exchanges to take place at CASA of Carson City; **however, the minor children are empowered to say no to visitation, and are not obligated to visit with Defendant if they do not wish to do so.** Vacation time will be up to the minor children as to whether they wish to go on vacation with Defendant; however, Plaintiff is to notify Defendant in advance if she plans on taking the minor children on vacation.
2. Defendant will not call or text the minor children under any circumstances, except in case of emergency; however, the minor children may initiate communication

with Defendant and may call or text Defendant if they so choose, but are under no obligation to do so.

Mr. Ramirez, I have spoken with your children and I have spoken with Ms. Yesitis. I have attended your children's schools and spoken with their counselors. The children did not choose to visit with you last weekend. Eduardo does not choose to visit with you for Thanksgiving. Carlos offered visiting with you on Friday, I do understand you had to work, but you offered no other alternatives.

The Court will be ordering a hearing date, and at that time, you may request what you will. As the children's advocate I will continue to respect and honor their wishes as mandated by the Court.

Sincerely,
Melanie

Melanie M. "Emmy" McCormick, *Guardian ad litem*
Director - CASA of Carson City, NV
www.casaofcc.org
(775) 291-7069

"The way we see the world is what makes us good at what we do."

From: javier ramirez <viveenmi2011@hotmail.com>
Sent: Monday, November 19, 2018 8:23 PM
To: Melanie McCormick; Mayra Arreguin
Subject: Thanksgiving

Hello:

I've waited for a final time to exercise my parental right for deprivation of visitation that did not take place this past summer NRS 125C.020
As stated on a prior email the time will be Wednesday November 21 st at 6:00 pm until Thursday November 22nd at 5:00 pm. with the two boys

It is imperative that you confirm this not later than tomorrow at 12:00 pm

Thank you

Javier



Virus-free. www.avg.com

Mayra E. Arreguin

CASA of Carson City (Melanie McCormick)

H. Judge James Russell

Pursuant to NRS125C.020 I hereby given you notification of my right to compensate for deprivation of right to visit..

My makeup time would be for December 24th from 6 PM to December 25th at 7 PM to allow the children Eduardo and Carlos Ramirez to enjoy Christmas with their mother.

I do request that an order to comply be issued

Respectfully submitted

Javier Ramirez

Dated November 20th, 2018

A handwritten signature in black ink, appearing to read 'J Ramirez', is written below the typed name.

REC'D & FILED

2018 NOV 20 PM 2:01

SUSAN MERRIWETHER
CLERK

BY STAPLES
DEPUTY

1 Code: 3860
2 Name: Janet Ramirez
3 Address: 1371 Village Way F
Capitola NU 89410
4 Telephone: 775 790 7950
5 Email: _____
Self-Represented Litigant

7 First
8 IN THE ~~SECOND~~ JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF ~~WASHOE~~
CARSON

11
12 Mary E Doregin,
13 Plaintiff/Petitioner/ Joint Petitioner,

Case No. 12 DR1003911B

14 vs.

Dept. No. 1

15 Janet Ramirez,
16 Defendant/Respondent/ Joint Petitioner.

17
18 REQUEST FOR SUBMISSION

19
20 I request that the EX PARTE EMERGENCY MOTION REGARDING CHILDREN that was
21 filed on Nov 20th 2018 be submitted to the Court for decision.
22 (Date the document was filed with the Court)

23 This document does not contain the personal information of any person as defined by NRS
24 603A.040.

25 Date: 11/20/2018

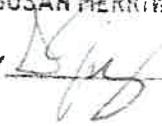
Your Signature: _____

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27 Print Your Name: Janet Ramirez
28

REC'D & FILED

2018 NOV 21 AM 8:45

SUSAN MERRIWETHER
CLERK

BY  CLERK

1 Case No.: 12 DR1 00391 1B

2 Dept. No.: 1

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6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY

8
9 MAYRA ARREGUIN,

Petitioner,

10 v.

11 JAVIER RAMIREZ RIVAS,

12 Respondent.
13

**ORDER RE: EX PARTE EMERGENCY
MOTION REGARDING CHILDREN**

14
15 This matter is before this Court pursuant to an Ex Parte Emergency Motion Regarding
16 Children and a Request for Submission filed by Respondent on November 20, 2018.

17 In his Motion, Respondent requested this Court issue an order allowing the parties' minor
18 children, Eduardo Ramirez and Carlos Ramirez, to split Thanksgiving and Christmas with both
19 parents, per NRS 125C.020. Respondent attached to his Motion copies of correspondence
20 between the parties and appointed CASA, Melanie McCormick. The correspondence includes an
21 email from Ms. McCormick on November 19, 2018, advising that Eduardo chose not to visit
22 with Respondent for Thanksgiving and that Carlos offered to visit with Respondent on Friday.
23 From Ms. McCormick's email it appears to this Court that Respondent communicated to Ms.
24 McCormick prior to the provided correspondence that he had to work on the day offered by
25 Carlos for visitation and that Respondent offered no alternative.

26 This Court's Order After June 6, 2018 Hearing provided that "the minor children are
27 empowered to say no to visitation, and are not obligated to visit with Defendant if they do not
28 wish to do so."

1 In reviewing the Motion and case file, this Court finds that Respondent's request
2 regarding Christmas visitation is not an emergency matter and that a hearing would assist the
3 Court in determining the merits of his Motion.

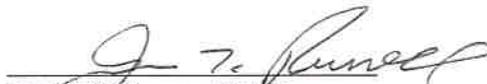
4 Therefore, good cause appearing;

5 IT IS HEREBY ORDERED that the parties' minor child, Eduardo Ramirez, has chosen
6 not to spend Thanksgiving with Respondent and will not be required to.

7 IT IS HEREBY FURTHER ORDERED that Respondent may have visitation with the
8 parties' minor child, Carlos Ramirez, on Friday, November 23, 2018, as Respondent's schedule
9 allows and according to the wishes of Carlos.

10 IT IS FURTHER ORDERED that this matter is set for a hearing before the First Judicial
11 District Court, located at 885 East Musser Street, Carson City, Nevada, Department I, on
12 November 29, 2018, at 1:30 p.m.

13 Dated this 21 day of November, 2018.

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16 JAMES T. RUSSELL
17 DISTRICT JUDGE
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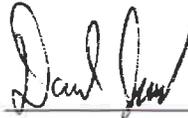
1 **CERTIFICATE OF MAILING**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the First Judicial District
3 Court, and that on this 21 day of November, 2018, I deposited for mailing at Carson City,
4 Nevada, a true and correct copy of the foregoing Order addressed as follows:

5
6 Javier Ramirez
7 1371 Village Way F
8 Gardnerville, NV 89410

9 Mayra Arreguin
10 1756 Russell Way #E
11 Carson City, NV 89706

12 Melanie McCormick, CASA
13 E-mail: casaofcc@earthlink.net



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D. Judd
Law Clerk, Dept. 1

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CHLG
Name: Javier Ramirez
Address: 1371 Village Way E
Andersonville Rd 89410
Telephone: 775 790 7950
Email Address: mreenm.2011@hotmail.com
IN PROPER PERSON

REC'D & FILED ✓
2018 NOV 26 AM 11:00
SUSAN MERRIWETHER
CLERK
BY CTORRES
DEPUTY

~~CARSON~~ DISTRICT COURT
CLARK COUNTY, NEVADA

Maura E. Arrequin
Plaintiff / Petitioner,

CASE NO.: 120210039113
DEPT: 1

vs.
Javier Ramirez
Defendant / Respondent.

PEREMPTORY CHALLENGE

I request that this case be re-assigned from Judge James T. Russell in
Department 1 to another Judge, pursuant to Nevada Supreme Court Rule 48.1.

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

DATED this 26 day of November, 2018.

Submitted By: (Signature) [Signature]
Printed Name: Javier Ramirez

Your Name: Melania McCormick - CASA
Mailing Address: 1539 E 5TH STREET
City, State, Zip: Carson City NV 89701
Telephone: (775) 882-1077
In Proper Person

REC'D & FILED
2018 NOV 26 PM 1:07
SUSAN MERRIWETHER
CLERK

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

JAVIER RAMIRAZ
Plaintiff,

Case No.: 12 DR 100391 1B
Dept. No.: 1

vs.

MAYRA ARRAQUIN
Defendant.

AFFIDAVIT OF SERVICE

STATE OF NEVADA)
)ss
CARSON CITY)

Melania McCormick, being first duly sworn under penalties of
(Name of person making service)

perjury, states as follows:

1. That I am: (check the appropriate blank)

a party to this action and am appearing in proper person.

a person not involved in this action and have no interest in this action and am over the age of 18 years.

2. That on the 26TH day of November, 2018 I served a true and correct copy
(day) (month) (year)
of the document(s) entitled: CASA Report 11.29.2018 Ramiraz Arraquin
(Clearly list all documents you served on the other party)

in the following way: (check the appropriate blank, and fill in the appropriate information)

1 **IF THE DOCUMENTS WERE SERVED BY MAIL ON THE OTHER PARTY, OR THE**
2 **OTHER PARTY'S LAWYER, FILL IN THE FOLLOWING:**

3 by placing a copy enclosed in a sealed envelope upon which first class postage
4 was fully prepaid.

5 by placing a copy enclosed in a sealed envelope and mailing it certified, return
6 receipt requested.

7 The envelope was addressed to:

8 (Name) Mr. JAVIER Ramirez

9 (Address) 1371 Village Way E
Gardnerville NV 89410

10 and that there is regular communication by mail between the place of mailing and the place
11 addressed.

12 **IF THE DOCUMENTS WERE PERSONALLY SERVED ON THE OTHER PARTY, OR**
13 **THE OTHER PARTY'S LAWYER, FILL IN THE FOLLOWING:**

14 by personally serving:

15 (Name) _____

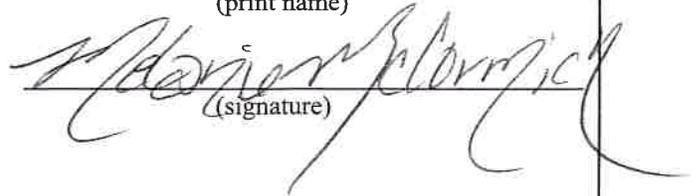
16 at (address) _____

17 _____
18 I declare under penalty of perjury under the law of the State of Nevada that the following

19 is true and correct.

20 Date: 11/26/2018

21 Melanie McCormick
22 (print name)

23 
24 (signature)
25

1 **IF THE DOCUMENTS WERE SERVED BY MAIL ON THE OTHER PARTY, OR THE**
2 **OTHER PARTY'S LAWYER, FILL IN THE FOLLOWING:**

3 by placing a copy enclosed in a sealed envelope upon which first class postage
4 was fully prepaid.

5 by placing a copy enclosed in a sealed envelope and mailing it certified, return
6 receipt requested.

7 The envelope was addressed to:

8 (Name) Mayra Arzaquin
9 (Address) 1750 Russell Way #E
10 Carson City NV 89706

11 and that there is regular communication by mail between the place of mailing and the place
12 addressed.

13 **IF THE DOCUMENTS WERE PERSONALLY SERVED ON THE OTHER PARTY, OR**
14 **THE OTHER PARTY'S LAWYER, FILL IN THE FOLLOWING:**

15 by personally serving:

16 (Name) _____

17 at (address) _____

18 I declare under penalty of perjury under the law of the State of Nevada that the following

19 is true and correct.

20 Date: 11/26/2018

21 Melania McCormick
22 (print name)

23 Melania McCormick
24 (signature)

1 Case No.: 12 DR1 00391 1B

2 Dept. No.: 1

REC'D & FILED ✓

2018 NOV 26 PM 3: 18

SUSAN MERRIWETHER

CLERK

BY

DEPUTY

6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY

8
9 MAYRA ARREGUIN,

10 Petitioner,

11 v.

**ORDER DENYING PEREMPTORY
CHALLENGE**

12 JAVIER RAMIREZ RIVAS,

13 Respondent.

14
15 This matter comes before the Court on a Peremptory Challenge filed by Respondent
16 Javier Ramirez Rivas on November 26, 2018, pursuant to Nevada Supreme Court Rule 48.1.

17 Nevada Supreme Court Rule 48.1(5) provides that “a notice of peremptory challenge may
18 not be filed against any judge who has made any ruling on a contested matter or commenced
19 hearing any contested matter in the action.”

20 This Court has ruled extensively in this contested matter since the case’s 2012 inception,
21 therefore the Peremptory Challenge was not timely filed. “Under the Rule, the privilege of
22 asserting the challenge must be exercised quickly or else lost forever. The operation of the Rule
23 will be hindered, we believe, unless its provisions are strictly construed.” *Nevada Pay TV v.*
24 *Eighth Judicial Dist. Ct.*, 102 Nev. 203, 206, 719 P.2d 797 (1986). Mr. Ramirez waived the
25 privilege of asserting the challenge by failing to timely file it.

26 ///

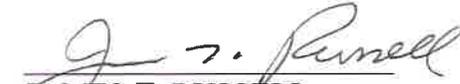
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1 Therefore, good cause appearing;

2 IT IS HEREBY ORDERED that Respondent's Peremptory Challenge is denied.

3 Dated this 26th day of November, 2018.

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6 JAMES T. RUSSELL
7 DISTRICT JUDGE
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1 **CERTIFICATE OF MAILING**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the First Judicial District
3 Court, and that on this 26th day of November, 2018, I deposited for mailing at Carson City,
4 Nevada, a true and correct copy of the foregoing Order addressed as follows:

5
6 Javier Ramirez
7 1371 Village Way F
8 Gardnerville, NV 89410

9 Mayra Arreguin
10 1756 Russell Way #E
11 Carson City, NV 89706

12 Melanie McCormick, CASA
13 E-mail: casaofcc@earthlink.net



14 Angela Jeffries
15 Law Clerk, Dept. 1
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REC'D & FILED ✓

2018 NOV 30 PM 2:49

SUSAN MERRIWETHER
CLERK
BY _____
DEPUTY

1 Case No.: 12 DR1 00391 1B

2 Dept. No.: 1

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6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY
8

9 MAYRA ARREGUIN,
10 Petitioner,

11 vs.

12 JAVIER RAMIREZ RIVAS,
13 Respondent.

ORDER DENYING MOTIONS

14
15 This matter is before this Court on a Motion filed on November 2, 2018 by the
16 Respondent, Javier Ramirez Rivas seeking to modify custody/visitation, child therapist, child
17 support, enforce prior order, order to comply, list parental rights, restitution of vacation/bear the
18 expenses, et al.

19 The Court would note that a hearing and order were issued in the matter on June 6, 2018
20 following reports from the CASA representative.

21 At the hearing on November 29, 2018, the Respondent and Petitioner both appeared
22 without any legal counsel and the CASA representative was present and had provided to the
23 Court and parties an extensive report. Additionally the CASA representative reported to the
24 Court that she was concerned about Respondent's conduct based on his heated and threatening
25 comments to here.

26 ///
27 ///
28 ///

1 The Court would note that throughout the hearing the Respondent was very
2 confrontational and accusatory toward the CASA representative and Petitioner. The CASA
3 representative did take responsibility for a vacation mishap based on miscommunication which
4 resulted in Respondent not being allowed to take the children on vacation, but it was reported
5 that the children did not want to go with the Respondent.

6 It is equally important to note that this has been and continues to be a very contentious
7 matter, it was represented by Petitioner and CASA that the children were doing well and that
8 they were doing good in school, except math. Help has also been set up for them regarding math
9 through the school. The CASA report and comments at the hearing suggest the children are
10 working well with Lisa Yesitis, LSW from the Ron Wood Family Center. It is clear that
11 Eduardo, the oldest child, wants minimal contact with his father based on the evidence presented,
12 but that Carlos wants to have a relationship with his father.

13 A review of NRS 125C.005, *Ellis v. Carucci*, 123 Nev. 145, 161 P.3d 239, (2007) and the
14 factors listed in NRS 125C.0035(4) continue to support the Petitioner having primary physical
15 custody given the following finding by this Court: (a) Eduardo is of sufficient enough age and
16 capacity to form an intelligent preference to be with his mother and have limited contact with his
17 father. As per the prior order of this Court, based on the recommendation of CASA and as the
18 therapist, supports the boys having input on being with their father. (b) Given the conflict
19 between the parties and the prior extensive issue concerning Respondent's conduct towards the
20 boys and the Petitioner, it is important to protect the children and place them in a safe
21 environment, which in this case is with their mother as represented in the CASA report. (c)
22 Respondent has no ability to cooperate to meet the needs of the children and chooses instead to
23 attack everyone from CASA, the prior therapist, and Petitioner. He is in capable of changing.
24 The Court's opinion is based on his continued accusations, loss of employment, and general
25 attitude. (d) The physical, developmental and emotional needs of the children are being handled
26 by the Petitioner, CASA, and school representatives. The Petitioner represented the children are
27 doing well under the existing arrangement. (e) The existing nature of the children's relationships
28 with Respondent is being monitored by the Ron Wood Family Center and CASA in the Court's

1 opinion. (f) As reflected above, the previous abuse relating to the Respondent toward Eduardo
2 and the Petitioner, has been an ongoing pattern in this matter and is considered by the Court.

3 The Court would note that based on Respondent's aggression and continual attacks on
4 Petitioner, the CASA representative and the Court, the Court believes he was in contempt; and as
5 such, at the end of the hearing the Court had Respondent detained by security for a short period
6 of time in the detention cell so that he would settle down, allow the Petitioner and CASA
7 representative to leave the court house and to make Respondent reflect on his conduct.

8 Therefore, based on the foregoing and good cause appearing,

9 **IT IS HEREBY ORDERED** that the June 2, 2018 Order will remain in effect with the
10 changes reflected herein; and, as such, Respondent's Motion for a change of Custody is
11 DENIED. Therefore, the parenting time between the children, Eduardo and Carlos, will remain
12 at their discretion with their father, Mr. Ramirez. Respondent can go to Carlos' school and have
13 lunch with him provided it does not become abusive. As to Eduardo until Eduardo and school
14 officials, along with Lisa Yesitis, allow, Mr. Ramirez is to stay away from Eduardo's school.

15 **IT IS HEREBY FURTHER ORDERED** that until it is determined by and through Lisa
16 Yesitis, no new treatment will be obtained for the children. Eduardo is allowed to reduce the
17 number of sessions to once per month to support his ability to make his own decisions and given
18 how well he is doing. Therapy for Carlos is to be determined by Lisa Yesitis. If Eduardo wants
19 visitation with his father he can choose as to whether or not it should be supervised.

20 **IT IS HEREBY FURTHER ORDERED** that Respondent may have visitation on
21 Sundays between 10:00 a.m. and 4:00 p.m. provided the children elect to do so. Additionally, he
22 may have a telephone call with the children at 6:00 p.m. every Wednesday, again at the
23 children's discretion. If they choose not to do so they are to text Mr. Ramirez. Respondent is to
24 have any eight (8) hour visitation period with the children during the Christmas Holidays, again
25 subject to their input, and Lisa Yesitis's approval on where and when.

26 **IT IS HEREBY FURTHER ORDERED** that Petitioner shall do her best to improve
27 communicating with the Ron Wood Family Center and CASA. The Court acknowledges that
28 Petitioner is taking co-parenting classes.

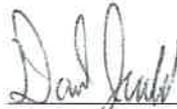
1 **CERTIFICATE OF MAILING**

2 I hereby certify that on the 3 day of December, 2018, I served a copy of the foregoing
3 by placing the foregoing in the United States Mail, postage prepaid, addressed as follows:

4 Javier Ramirez
5 1371 Village Way F
6 Gardnerville, NV 89410

7 Mayra Arreguin
8 1756 Russell Way #E
9 Carson City, NV 89706

10 Melanie McCormick, CASA
11 E-mail: casaofcc@earthlink.net

12 

13 Daniel Judd, Esq.
14 Law Clerk, Dept. 1



Item# 43568
Patent Filing



CONFIDENTIAL

APPLICATION TO WAIVE FILING FEES
SERVICE ONLY

FILED DECEMBER 20, 2018

CONFIDENTIAL

APPLICATIONS TO WAIVE MEDIATION FEES

FILED DECEMBER 26, 2018