

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

*** * ***

ADAM MICHAEL SOLINGER,)
)
 Appellant,)
)
 vs.)
)
 CHALESE MARIE SOLINGER,)
)
 Respondent.)
 _____)

Case No.: 84832-COA

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**APPELLANT'S APPENDIX
VOLUME 6**

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Appellant's Appendix* was filed electronically with the Clerk of the Court of Appeals of Nevada in the above-entitled matters on Monday, November 21, 2022. Electronic service of the foregoing document shall be made in accordance with the Master Service List, pursuant to NEFCR 9, as follows:

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/s/ David J. Schoen, IV, ACP
An employee of The Abrams & Mayo Law Firm

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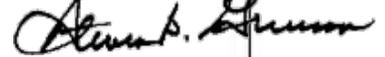
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11/02/2022	Transcript from January 21, 2022 Evidentiary Hearing (Trial Day 2)	19	3994 - 4155
11/02/2022	Transcript from March 1, 2022 Evidentiary Hearing (Trial Day 3)	20	4156 - 4402
11/02/2022	Transcript from March 2, 2022 Evidentiary Hearing (Trial Day 4)	21	4403 - 4669
11/02/2022	Transcript from March 3, 2022 Evidentiary Hearing (Trial Day 5)	22	4670 - 4770
01/25/2022	Transcript from May 10, 2021 Evidentiary Hearing (Trial Day 1)	16	3416 - 3574



1 **ORDER**
2 Vincent Mayo, Esq.
3 Nevada State Bar Number: 8564
4 THE ABRAMS & MAYO LAW FIRM
5 6252 South Rainbow Blvd., Suite 100
6 Las Vegas, Nevada 89118
7 Tel: (702) 222-4021
8 Fax: (702) 248-9750
9 Email: VMGroup@theabramslawfirm.com
10 Attorney for Plaintiff

Eighth Judicial District Court
Family Division
Clark County, Nevada

8 ADAM MICHAEL SOLINGER,) Case No.: D-19-582245-D
9)
10 Plaintiff,) Department: I
11 vs.)
12)
13 CHALESE MARIE SOLINGER,) Date of Hearing: Sept. 6, 2019
14) Time of Hearing: 1:30 p.m.
15)
16 Defendant.)

ORDER AFTER HEARING OF SEPTEMBER 6, 2019

14 This matter coming on for hearing on the on the 6th day of
15 September 2019, before the Honorable Cheryl B. Moss, upon
16 Defendant's *Motion to Continue Trial and for Issuance of a New Trial*
17 *Management Order, or in the Alternative to Extend Discovery*
18 *Deadlines, and Plaintiff's Opposition to Motion to Continue Trial and*
19 *for Issuance of New Trial Management Order, or in the Alternative to*
20 *Extend Discovery Deadlines and Countermotion to Strike the*
21 *Substitution of Attorney's* with Plaintiff, ADAM MICHAEL SOLINGER

1 (hereinafter referred to as "Adam"), having appeared personally and by
2 and through his attorney of record, VINCENT MAYO, ESQ., of THE
3 ABRAMS & MAYO LAW FIRM, and Defendant, CHALESE MARIE
4 SOLINGER (hereinafter referred to as "Chalese"), having appeared
5 personally and by and through her attorney of record, BRUCE I.
6 SHAPIRO, ESQ., of PECOS LAW GROUP and the Court having listened
7 to the representations and arguments of counsel, and good cause
8 appearing:

9 **IT IS HEREBY NOTED** that Counsel has agreed to the
10 substitution of counsel. Counsel does not agree to continue Trial, instead
11 they agree to extend discovery deadlines until October 4, 2019. [Video
12 cite 2:53:48]

13 **IT IS FURTHER NOTED** that the Deed Adam signed for the
14 home Chalese is attempting to purchase was delivered to the escrow
15 company. [Video cite 3:00:08]

16 **IT IS HEREBY ORDERED** that the Trial dates currently set for
17 October 9th and 10, 2019 stand. [Video cite 2:54:30]

18 **IT IS FURTHER ORDERED** that the Discovery deadline is
19 extended to October 4, 2019. [Video cite 2:54:54]

20 **IT IS FURTHER ORDERED** that the Pretrial Memorandums
21 will be due on October 4, 2019. [Video cite 2:56:55]

1 **IT IS FURTHER ORDERED** that Trial Binders shall be
2 delivered by Monday, October 7, 2019. [Video cite 2:57:20]

3 **IT IS FURTHER ORDERED** that Attorney Mayo shall prepare
4 the Order from today's hearing; Attorney Shapiro shall review and
5 countersign.

6 Dated this ____ day of NOV 21 2019, 2019.

7 
8 DISTRICT COURT JUDGE 

9 Respectfully Submitted:

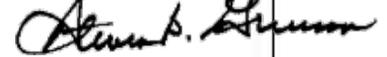
Approved as to form and content:

10 THE ABRAMS & MAYO LAW
11 FIRM

PECOS LAW GROUP

12 
13 _____
14 Vincent Mayo, Esq.
15 Nevada State Bar Number: 8564
16 6252 S. Rainbow Blvd., Suite 100
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Tel: (702) 222-4021
Fax: (702) 248-9750
Attorney for Plaintiff

17 
18 _____
19 Bruce I. Shapiro, Esq.
20 Nevada State Bar Number: 4050
21 8925 South Pecos Road, Suite 14A
Henderson, Nevada 89074
Tel: (702) 388-1851
Fax: (702) 388-7406
Attorney for Defendant



1 **NEOJ**
2 Vincent Mayo, Esq.
3 Nevada State Bar Number: 8564
4 THE ABRAMS & MAYO LAW FIRM
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7 Tel: (702) 222-4021
8 Fax: (702) 248-9750
9 Email: VMGroup@theabramslawfirm.com
10 Attorney for Plaintiff

11 Eighth Judicial District Court
12 Family Division
13 Clark County, Nevada

14 ADAM MICHAEL SOLINGER,) Case No.: D-19-582245-D
15)
16 Plaintiff,) Department: I
17)
18 vs.)
19)
20 CHALESE MARIE SOLINGER,)
21)
22 Defendant.)
23)
24)

25 **NOTICE OF ENTRY OF ORDER AFTER HEARING OF**
26 **SEPTEMBER 6, 2019**

27 PLEASE TAKE NOTICE that the Order After Hearing of September
28 6, 2019 was duly entered in the above-referenced matter. A true and
29 correct copy of said

30 ///

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Order is attached hereto.

DATED Friday, November 22, 2019.

Respectfully Submitted,

THE ABRAMS & MAYO LAW FIRM

/s/ Vincent Mayo, Esq.

Vincent Mayo, Esq.

Nevada State Bar Number: 8564

6252 South Rainbow Blvd., Suite 100

Las Vegas, Nevada 89118

Attorney for Plaintiff

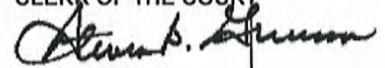
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Notice of Entry of Order After Hearing of September 6, 2019* was filed electronically with the Eighth Judicial District Court in the above-entitled matter, on Friday, November 22, 2019. Electronic service of the foregoing document shall be made in accordance with the Master Service List, pursuant to NEFCR 9, as follows:

Bruce I. Shapiro, Esq.

/s/ Chantel Wade
An Employee of The Abrams & Mayo Law Firm



1 **ORDER**
Vincent Mayo, Esq.
2 Nevada State Bar Number: 8564
THE ABRAMS & MAYO LAW FIRM
3 6252 South Rainbow Blvd., Suite 100
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4 Tel: (702) 222-4021
Fax: (702) 248-9750
5 Email: VMGroup@theabramslawfirm.com
Attorney for Plaintiff

Eighth Judicial District Court
Family Division
Clark County, Nevada

8 ADAM MICHAEL SOLINGER,) Case No.: D-19-582245-D
9 Plaintiff,) Department: I
vs.)
10 CHALESE MARIE SOLINGER,) Date of Hearing: Sept. 6, 2019
11 Defendant.) Time of Hearing: 1:30 p.m.
12

13 **ORDER AFTER HEARING OF SEPTEMBER 6, 2019**

14 This matter coming on for hearing on the on the 6th day of
15 September 2019, before the Honorable Cheryl B. Moss, upon
16 Defendant's *Motion to Continue Trial and for Issuance of a New Trial*
17 *Management Order, or in the Alternative to Extend Discovery*
18 *Deadlines, and Plaintiff's Opposition to Motion to Continue Trial and*
19 *for Issuance of New Trial Management Order, or in the Alternative to*
20 *Extend Discovery Deadlines and Countermotion to Strike the*
21 *Substitution of Attorney's* with Plaintiff, ADAM MICHAEL SOLINGER

1 (hereinafter referred to as "Adam"), having appeared personally and by
2 and through his attorney of record, VINCENT MAYO, ESQ., of THE
3 ABRAMS & MAYO LAW FIRM, and Defendant, CHALESE MARIE
4 SOLINGER (hereinafter referred to as "Chalese"), having appeared
5 personally and by and through her attorney of record, BRUCE I.
6 SHAPIRO, ESQ., of PECOS LAW GROUP and the Court having listened
7 to the representations and arguments of counsel, and good cause
8 appearing:

9 **IT IS HEREBY NOTED** that Counsel has agreed to the
10 substitution of counsel. Counsel does not agree to continue Trial, instead
11 they agree to extend discovery deadlines until October 4, 2019. [Video
12 cite 2:53:48]

13 **IT IS FURTHER NOTED** that the Deed Adam signed for the
14 home Chalese is attempting to purchase was delivered to the escrow
15 company. [Video cite 3:00:08]

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17 October 9th and 10, 2019 stand. [Video cite 2:54:30]

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21 will be due on October 4, 2019. [Video cite 2:56:55]

1 **IT IS FURTHER ORDERED** that Trial Binders shall be
2 delivered by Monday, October 7, 2019. [Video cite 2:57:20]

3 **IT IS FURTHER ORDERED** that Attorney Mayo shall prepare
4 the Order from today's hearing; Attorney Shapiro shall review and
5 countersign.

6 Dated this ____ day of NOV 21 2019, 2019.

7 
8 _____
DISTRICT COURT JUDGE 

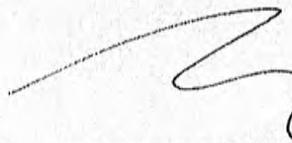
9 Respectfully Submitted:

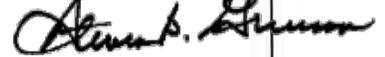
Approved as to form and content:

10 THE ABRAMS & MAYO LAW
11 FIRM

PECOS LAW GROUP

12 
13 _____
14 Vincent Mayo, Esq.
15 Nevada State Bar Number: 8564
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Tel: (702) 222-4021
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Attorney for Plaintiff

17 
18 _____
19 Bruce I. Shapiro, Esq.
20 Nevada State Bar Number: 4050
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Tel: (702) 388-1851
Fax: (702) 388-7406
Attorney for Defendant



1 **ODCR**
Jennifer V. Abrams, Esq.
2 Nevada State Bar Number: 7575
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Las Vegas, Nevada 89118
4 Tel: (702) 222-4021
Fax: (702) 248-9750
5 Email: JVAGroup@TheAbramsLawFirm.com
Attorney for Defendant

Eighth Judicial District Court
Family Division
Clark County, Nevada

9 ADI ZALMAN,) Case No.: D-17-554407-D
10 Plaintiff,) Department: C
11 vs.)
12 ROY ZALMAN,)
13 Defendant.)

14
15 **OBJECTION TO DISCOVERY COMMISSIONER'S REPORT**
16 **AND RECOMMENDATIONS FILED NOVEMBER 12, 2019**

17 COMES NOW Defendant, ROY ZALMAN, by and through his
18 attorney of record, JENNIFER V. ABRAMS, ESQ., of THE ABRAMS &
19 MAYO LAW FIRM, and hereby objects to the Discovery Commissioner's
20 Report and Recommendations filed November 12, 2019.

21 ///

1 Roy's deposition from the 4th to the following week, so long as Roy
2 appeared in person. Attorney Abrams asked that the deposition be
3 rescheduled prior to her substitution back into the case even though,
4 based on the foregoing, Attorney Abrams did not believe that Attorney
5 McFarling would refuse to move the deposition.

6 As requested by Attorney Abrams, prior to the substitution,
7 Attorney Hatfield requested that Roy's deposition be continued from
8 October 4th to the following week, as he and Adi's counsel had previously
9 discussed. Attorney Hatfield's office offered that Roy would appear in
10 person and would be available all day avoiding the need to take Roy's
11 deposition over more than one day. After a follow up, Attorney
12 McFarling responded that she was "still making a decision on that issue
13 and will let you know as soon as I decide." A few hours after sending
14 that email, Attorney McFarling received the Substitution of Attorney.
15 She then took the unreasonable position, contrary to her earlier
16 representation, that she would now **not** agree to continue Roy's
17 deposition. Attorney Abrams pointed out that she was providing
18 thousands of pages of disclosures, that a status check hearing may not
19 even be necessary upon receiving same, that she had a schedule conflict

20

21

1 the morning of October 4th and both she and Roy would be available all
2 day on October 11, 2019.²

3 Accordingly, Adi's counsel was on notice as of Wednesday, October
4 2, 2019 that Roy's deposition would need to be continued. Nevertheless,
5 Kimber Laux apparently appeared at Depo International, purportedly
6 for Roy's Skype deposition from Florida even though she *knew* Roy was
7 in Las Vegas, even though she *knew* Roy's counsel was unavailable and
8 would be unable to appear, and even though it was clear that Emily
9 McFarling was going to depose Roy, not her associate Kimber Laux.
10 Emily McFarling was *not* at Depo International that morning.

11 Adi's counsel knew that Roy was in Las Vegas, not in Florida,
12 because Roy personally appeared at the safe deposit box inspection a day
13 or so earlier. Further, Adi confirmed that Roy was in Las Vegas as of
14 October 3rd at approximately 6:00 p.m. because she had the children call
15 Roy and specifically ask him if he was in Las Vegas, to which he
16 responded, "yes."³ Further, it was clear from all prior communications
17 that Emily McFarling was going to depose Roy, not her associate, and

18 ² Please see email exchanges attached hereto as Exhibit B.

19 ³ Roy was in the office of the undersigned when the call came in from the children.
20 Roy answered the phone on speaker and said "hello." A child's voice on the other end
21 of the call responded with something to the effect of "Abba (dad in Hebrew), are you
in Las Vegas?" Roy responded "yes."

1 **Emily McFarling was not available the morning of October 4,**
2 **2019 due to illness.** The only reason that Kimber showed up at Depo
3 International was to incur unnecessary costs for the specific purpose of
4 playing victim, attacking Roy, and seeking awards of fees and costs from
5 Roy and his family. This is the definition of bad faith and vexatiousness.

6 Roy was deposed for a full day on October 21, 2019. He appeared
7 in person and both he and Attorney Abrams made themselves available
8 the entire day for the deposition. Therefore, there was no prejudice to
9 Adi or her counsel for the continuance of Roy's deposition as previously
10 agreed upon counsel. The allegation that Roy was non-compliant is a
11 farce – **he** was available. He, however, is entitled to counsel of his
12 choosing and he did not feel comfortable with Attorney Hatfield's
13 representation. The undersigned was unavailable and made that known
14 immediately. The allegation against Roy is nonsense and pure
15 gamesmanship as Attorney Abrams offered alternative dates and full
16 cooperation which was unreasonably rejected for the specific purpose of
17 "crying wolf."⁴

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20 _____
21 ⁴ To "cry wolf" is to keep asking for help when you do not need it.

www.dictionary.cambridge.org/us/dictionary/english/cry-wolf.

1 **II. Roy objects to the Discovery Commissioner's finding at**
2 **page 4, line 5, that "any admissions still not responded to**
3 **should be deemed admitted."**

4 The Discovery Commissioner recommended the following at the
5 September 20, 2019 hearing:

6 IT IS FURTHER RECOMMENDED that Defendant's
7 responses to request for admissions are not deemed
8 admitted, but the objections therein are deemed waived as
9 they were late. **Arguments for objections made in**
10 **Defendant's admission responses are reserved for**
11 **the October 4th status check.**⁵ (Emphasis Added)

12 Based upon the language of the recommendation as drafted by Adi's
13 counsel (Attorney Abrams was not present at the September 20, 2019
14 hearing), Roy's counsel believed that she would have the opportunity to
15 argue for the objections to the Request for Admissions at the October 4th
16 Status Check hearing. Instead, the Discovery Commissioner summarily
17 deemed any Requests in which objections were made admitted, directly
18 contrary to the recommendations she made on September 20th.

19 It is noteworthy that at the September 20, 2019 hearing, the
20 Discovery Commissioner also found that the request for a three (3) day
21 extension for the Responses to Request for Admissions was reasonable
"considering discovery closes on October 7, 2019 and trial is November

20 ⁵ Please see page three (3), lines twenty-one (21) through twenty-four (24), of the
21 Report and Recommendations filed October 18, 2019.

1 15, 2019.” The Discovery Commissioner made this finding even though
2 she incorrectly believed that this case had been pending for two years
3 and that Trial was moving forward on November 15, 2019.

4 Considering that the Discovery Commissioner found the three-day
5 extension as reasonable and recommended that Roy address his
6 objections at the next hearing, it was completely reasonable for Roy to
7 believe that he would be able to argue his objections at the October 4,
8 2019 status check hearing. Instead, the Discovery Commissioner
9 summarily deemed any Request not responded to as admitted, directly
10 contrary to what she recommended on the record two weeks earlier. It is
11 noteworthy that since that hearing, Roy has supplemented his
12 Responses to the Request for Admissions for any request that had an
13 objection thereto.

14 Therefore, the objections to the Requests for Admissions should
15 not be deemed waived and none of the Admissions should be deemed
16 admitted.

17 **III. Roy objects to the Discovery Commissioner’s**
18 **recommendation at page 4, lines 7-10 that “Plaintiff is**
19 **awarded from Defendant, Roy Zalman attorney’s fees and**
20 **costs in the amount of \$5,270.50.”**

21 In reviewing Adi’s counsel’s *Memorandum of Attorney’s Fees and*
Costs re: Defendant, she appears to be including many fees and costs for

1 work that would have been necessary regardless of the Motion to
2 Compel. Specifically, she included approximately \$990 in fees via her
3 July billing statement for preparing Subpoenas to Wells Fargo, Citibank,
4 Home Depot and Plasim Homes. Said Subpoenas were prepared prior to
5 propounding the Request for Production of Documents upon Roy.
6 Therefore, they had nothing to do with Roy's Responses and should not
7 have been included in the Memo of Fees and Costs. An additional
8 approximately \$640 was included in August regarding the same
9 Subpoenas. Furthermore, at least \$230 was included for the initial
10 noticing of depositions for Roy and his parents. Adi's counsel also
11 included fees for "reviewed MyCase correspondence" (included in
12 8/12/19 entry), "revised client's FDF" (included in 8/16/19 entry) and
13 "Audit and index client documents in preparation for 12th amended
14 disclosures" (included in 8/30/19 entry), which total approximately
15 \$800 in fees. There are also invoices related to runner services in the
16 amount of \$250 for serving subpoenas that would have been incurred
17 regardless.

18 There was an additional approximately \$980 in fees related to
19 subpoenas in September's billing statement. Furthermore, there was
20 \$160 for reviewing the Responses to Admissions (9/10/19 entry), \$240
21 for reviewing emails, MyCase correspondence and Admission responses

1 (9/10/19 entry), \$40 for reviewing documents from client (9/13/19
2 entry), \$40 for reviewing the withdrawal of interested parties (9/23/19
3 entry), \$40 for preparing a letter on log for Wells Fargo box (9/27/19
4 entry), as well as \$388 in costs related to Subpoenas. Additionally, they
5 appear to be including \$70 in October for their Errata to their 13th
6 Production of Documents. Finally, in addition to Attorney Laux billing
7 for preparation and attendance at the discovery status check hearing,
8 Attorney Vazquez also billed an additional \$1,320 for also preparing for
9 and attending the very same hearing. Two attorneys were not necessary
10 at the hearing and in fact, Kimber Laux did not speak at all (her presence
11 at the hearing is not even noted in the minutes or the Report and
12 Recommendation). They are billing for two attorneys for a status check
13 hearing that they could have (and should have) agreed to continue to
14 allow time to review the documentation provided by Roy's new counsel.

15 On October 4, 2019, Kimber Laux billed 1.5 hours to attend a
16 deposition that she knew was not going forward and she knew she was
17 not taking. Presumably, this time consisted of .5 of travel time to Depo
18 International, .5 waiting and making a record, and .5 of travel time back
19 to her office. The deposition was scheduled to begin at 9:00 a.m. so
20 presumably, Kimber would have had to left her office by 8:30 a.m.
21 Kimber also billed 4 hours for alleged "preparation time" including

1 "Draft deposition questions and attach relevant exhibits" on October 4th
2 **prior to** leaving her office at 8:30 a.m. The proposition that Kimber
3 began working on this case at 4:30 a.m. or earlier on October 4th is just
4 not believable under these circumstances. It appears that in this "pre-
5 bill," Adi and her counsel took the liberty of embellishing the charges for
6 the specific purpose of attacking Roy.

7 Furthermore, several of the entries are related to scheduling dates
8 and agreeing on the documentation which was discoverable. These are
9 typical expenses in coordinating on discovery matters. Furthermore,
10 many of the time entries relate to matters that are still in dispute when
11 you consider that the third-parties haven't intervened and have a
12 pending motion for protective order. Additionally, many of the
13 Interrogatories propounded by Adi's counsel were not reasonable. For
14 example, Interrogatory No. 25 requests "a full accounting and
15 itemization of all monies you personally have received from January 1,
16 2015 through the present, specifying the exact amount received and
17 from whom the same was received during each and every month, during
18 this time period." This request for a monthly accounting of every dollar
19 for 58 months is not a reasonable request. Another example is found in
20 Interrogatory No. 34 which requests "a complete accounting of all
21 deposits and withdrawals of \$2,000 or more (or the approximate

1 equivalent in any other currency) from any bank account in your name
2 or under your control from the date of marriage to present.” This is
3 another unreasonable request, seeking an accounting for a period of
4 approximately 14 years. These are just two of many examples of
5 unreasonable requests propounded by Adi’s counsel for which she
6 continued to seek responses. Finally, it is also noteworthy that even
7 though Adi requests documentation from Roy, she submits **blanket**
8 **objections to each and every single document disclosed by**
9 **Roy** in violation of NRCP 16.2. Therefore, she expends fees
10 propounding discovery upon Roy just to object when he provides the
11 requested documentation.

12 Based upon the foregoing, Roy requests that this Court set aside
13 the award of attorney’s fees made by the Discovery Commissioner and
14 defer the issue until the time of Trial.

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CONCLUSION

Based upon the foregoing, Defendant, Roy Zalman, respectfully requests that this Court modify the Discovery Commissioner's Report and Recommendations filed November 12, 2019.

DATED Tuesday, November 26, 2019.

Respectfully Submitted,

THE ABRAMS & MAYO LAW FIRM

/s/ Jennifer V. Abrams, Esq.
Jennifer V. Abrams, Esq.
Nevada State Bar Number: 7575
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Attorney for Defendant

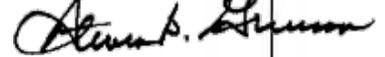
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing *OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS FILED NOVEMBER 12, 2019* was filed electronically with the Eighth Judicial District Court in the above-entitled matter on Tuesday, November 26, 2019. Electronic service of the foregoing document shall be made in accordance with the Master Service List, pursuant to NEFCR 9, as follows:

Emily McFarling, Esq.
Attorney for Plaintiff

/s/ Chantel Wade
An Employee of The Abrams & Mayo Law Firm



1 **EXH**
Vincent Mayo, Esq.
2 Nevada State Bar Number: 8564
THE ABRAMS & MAYO LAW FIRM
3 6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
4 Tel: (702) 222-4021
Fax: (702) 248-9750
5 Email: VMGroup@theabramslawfirm.com
Attorney for Plaintiff

6 Eighth Judicial District Court
7 Family Division
Clark County, Nevada

8 ADAM MICHAEL SOLINGER,) Case No.: D-19-582245-D
9 Plaintiff,) Department: I
vs.)
10 CHALESE MARIE SOLINGER,)
11 Defendant.)

12
13 **APPENDIX OF EXHIBITS IN SUPPORT OF PLAINTIFF'S**
14 **OPPOSITION TO MR. LLOYD'S MOTION FOR PROTECTIVE**
15 **ORDER AND COUNTERMOTION FOR ATTORNEY'S FEES**
16 **AND COSTS**

Exhibit	Description
17 1	Facebook posts from Josh and Chalese's wedding ceremony
18 2	Facebook posts wherein Josh calls Chalese his wife
19 3	Online review on Adam's employer's website from Josh
20 4	Text messages from Josh to Adam
21 5	Messages between Chalese and Lauren Elaine

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6	Josh's November 15, 2019 Facebook post and message re: leaving town
---	---

Dated Tuesday, November 26, 2019.

Respectfully Submitted,
THE ABRAMS & MAYO LAW FIRM

/s/ Vincent Mayo, Esq.
Vincent Mayo, Esq. (8564)
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Attorney for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing *APPENDIX OF EXHIBITS IN SUPPORT OF PLAINTIFF'S OPPOSITION TO MR. LLOYD'S MOTION FOR PROTECTIVE ORDER AND COUNTERMTOION FOR ATTORNEY'S FEES AND COSTS* was filed electronically with the Eighth Judicial District Court in the above-entitled matter, on Tuesday, November 26, 2019. Electronic service of the foregoing document shall be made in accordance with the Master Service List, pursuant to NEFCR 9, as follows:

Bruce I. Shapiro, Esq.
Dawn Throne, Esq.

/s/ Chantel Wade
An Employee of The Abrams & Mayo Law Firm

EXHIBIT 1

EXHIBIT 1

EXHIBIT 1



Josh Lloyd is with Chalese Anderson Lloyd.



April 9 · 🌐 · 🌐



Married Chalese Anderson Lloyd

April 9

👍❤️👏 27

8 Comments

👍 Like

➦ Share



Russ Vollmer Congratulations

Like · 3w



1



Adam Moreno Congrats cuz

Like · 3w



1



Dustin Hicks Congratulations to you all cuz

Like · 3w



1



Jade-Elizabeth Evans Congrats wow

Like · 3w



Elizabeth Brewster Congrats 🎉

Like · 3w



Judy Paltridge Congretz

Like · 2w



Josh Lloyd is with Chalese Anderson.



Yesterday · 🌐 · 🌐



Married Chalese Anderson

Yesterday

👍 2

👍 Like

➦ Share

Like · 36m



Josh Lloyd is with Chalese Anderson.



43 mins · 🌐



Adam Solinger000335

001251



Josh Lloyd

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DO YOU KNOW JOSH?

To see what he shares with friends, send him a friend request.

Add Friend

Intro
Lives in Las Vegas, Nevada
From Las Vegas, Nevada
Married to Chalese Anderson



Josh Lloyd 32 mins

Finally realized
I was never asking
for too much,
I was just asking

zuCeeAVktoWZ4VzAkkVvSoo1C971 POs2oDIW9I26zFOL2iVEdNiwOR1SaacVnCCao&timeline context item tvoe=intro card relationship&timeline context item t



Josh Lloyd
42 mins · 🌐

...

👍❤️ 7

1 Comment

👍 Like

➦ Share

Stephanie Valdivia Nice did you get married?
Like · 37m

👍 1



Josh Lloyd is with Chalese Anderson.



April 7 at 8:25 PM · 🌐

#MYTEAM



👍❤️ 31

10 Comments

👍 Like

➦ Share



Crystal Hicks Nelson Wow now that's a clan love ya

Like · 2d



Josh Lloyd Love ya too

Like · 2d



Crystal Hicks Nelson Josh Lloyd I wasn't there but got to enjoy the pics and Videos which made me feel that I was with ya all

Like · 2d



Chalese Anderson That's the way we became the Brady Bunch!

Like · 2d





Chalese Anderson Lloyd

Add Friend

Message

⋮

Timeline
About
Friends
Photos
More ▾

DO YOU KNOW CHALESE?

To see what she shares with friends, send her a friend request.

Add Friend

Intro

- Went to Incline High School
- Lives in Las Vegas, Nevada
- From Ogden, Utah
- Joined March 2008











Photos



Chalese Anderson Lloyd

13 hrs · 🌐

⋮

When you're on your third mood of the day and someone asks if you're ok



Memes
Follow

EXHIBIT 2

EXHIBIT 2

EXHIBIT 2



Josh Lloyd

22 hrs · 🌐



Need this for marie Chalese Anderson Lloyd



Wicked Stitch

July 23 at 7:14 PM · 🌐

👍 Like Page

<https://www.wickedstitchict.com/.../i-m-nicer-than-my-face-lo...>

😂 4

4 Comments

👍 Like

➦ Share



Nicole Ryan When are you guys gonna some down to Phoenix so I can meet your wife, Josh Lloyd ?! I have a spare room for you!! Atticus would love a sleepover with his cousins!

Like · 17h



Josh Lloyd your a dork cuzzo you met her but yeah sometime we have to make that trip. were in the process of buying a house so things have been kinda crazy

Like · 16h



Nicole Ryan Wtf we have?! Was it during my last visit? Good luck with the house!

Like · 16h



Josh Lloyd yeah at grandpas house thanks ill hopefully see yll soon

Like · 16h

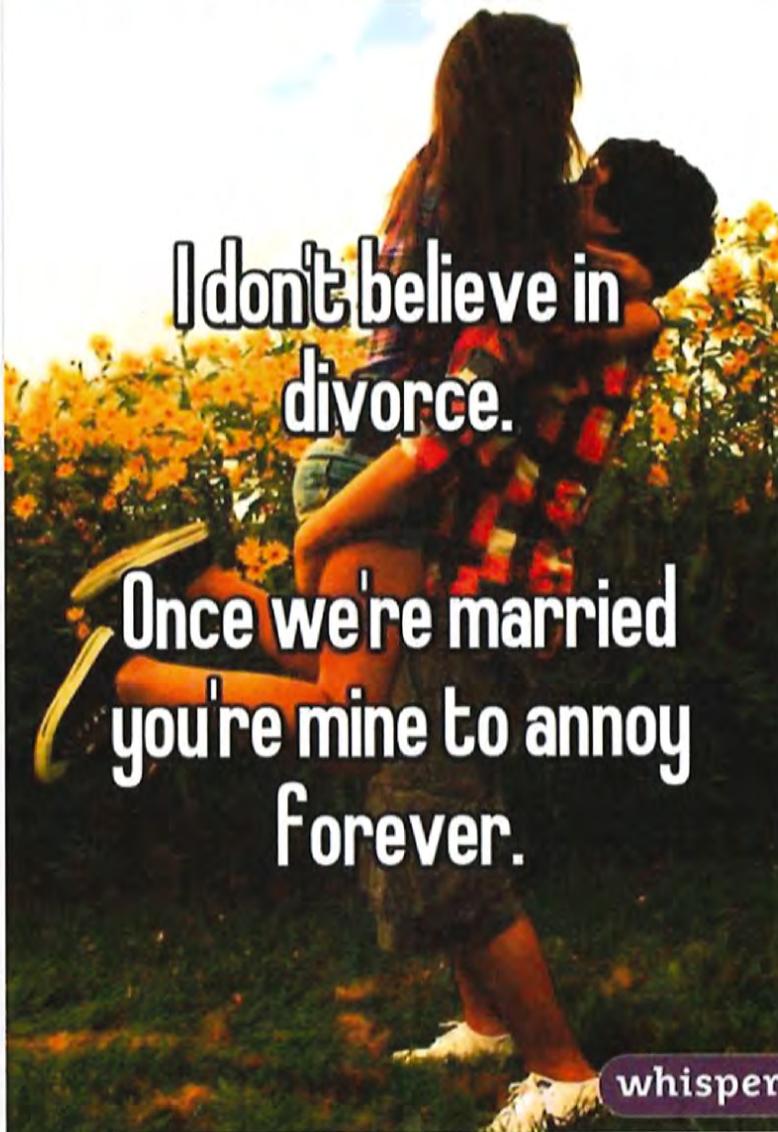
Adam Solinger000604

001257



Josh Lloyd

September 27 at 12:56 PM · 🌐



Whisper

September 9, 2015 · 🌐

👍 Like Page

tehehe ❤️

Love this? Get the Whisper App here ==> <http://wis.pr/r14>



1 Comment

Adam Solinger001368

001258



Josh Lloyd

September 26 at 1:01 PM · 🌐



Chalese Anderson Lloyd some hillbilly wedding ideas Imfao



Jacked Up Keepin It Country
September 26 at 4:00 AM · 🌐

👍 Like Page

😂 1

👍 Like

➦ Share



Josh Lloyd

September 19 at 10:15 AM · 🌐

Chalese Anderson Lloyd

Marry a girl who says things like :

- I'm proud of you,
- I can't believe you're mine,
- You're right. I was wrong,
- You can do it, baby,

- I don't know where this extra Car came from, but **it fits next to your other projects on the driveway great and you definitely need some more.**

Moparian

September 19 at 8:26 AM · 🌐

👍 Like Page

😂 1

👍 Like

➦ Share



Josh Lloyd

September 17 at 7:41 AM · 🌐



Chalese Anderson

**My wife says I
have only two
faults.
I don't listen and
some other shit
she was rattling
on about.**

Adult Humor

September 13 at 7:58 PM · ⚙️

👍 Like Page

😂 5

1 Comment 1 Share

👍 Like

➦ Share



Kifer Casarez I'm stealing 😂

Like · 1w



Josh Lloyd

September 15 at 1:49 PM · 🌐

Chalese Anderson Lloyd

ME WHEN MY WIFE IS SLEEPING...



MY WIFE WHEN I'M TRYING TO SLEEP



ManShed is with ShaRhonda Gardner and 7 others.
September 12 at 9:45 AM · 🌐

👍 Like Page

😂 1

👍 Like

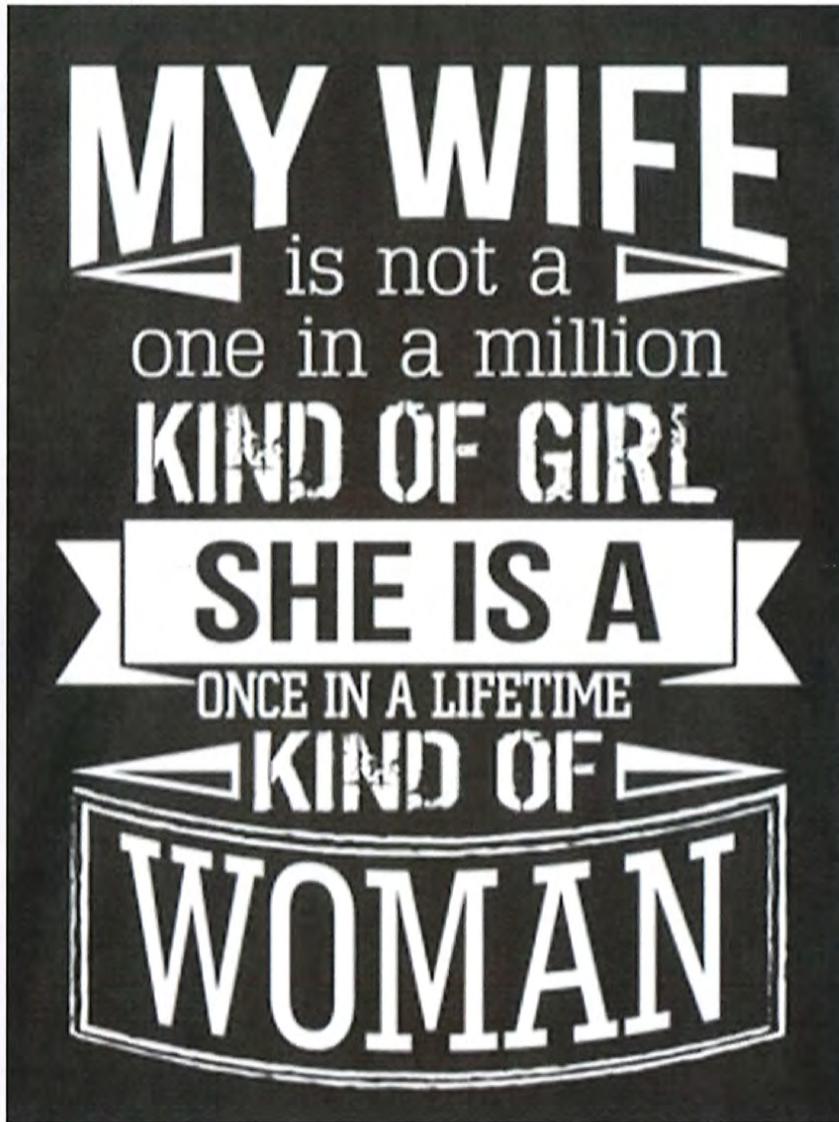
➦ Share



Josh Lloyd

September 14 at 10:29 AM · 🌐

Chalese Anderson Lloyd



I am a Grandfather

July 27 · 🌟

My wife is the best!

👍 Like Page



Adam Solinger001373

001263



Josh Lloyd

September 13 at 11:18 AM · 🌐



Chalese Anderson Lloyd



Stream of Consciousness Comic

September 10 at 3:50 PM · 🌐

👍 Like Page

😂 3



Josh Lloyd

September 12 at 5:53 PM · 🌐

Chalese Anderson Lloyd

**I decided to make
sure my wife woke up
with a big smile on her
face this morning.
Now I can't have
Sharpies in the house
anymore.**

 Oldtimers

Oldtimers

Community

Shop Now

Oldtimers

September 12 at 4:00 AM · 🌐

 Like Page

 3

 Like

 Share

Adam Solinger001375

001265



Josh Lloyd

September 9 at 5:14 PM · 🌐



Chalese Anderson Lloyd

Marriage isn't about a beautiful wedding, fancy homes, cute kids, nice cars and white picket fences. Marriage is hospital stays, working long hours, fighting through struggles, setting up life insurance, paying bills, keeping the faith & staying together through it ALL. 100

How To Dad

September 9 at 10:00 AM · 🌐

👍 Like Page



👍 Like

➦ Share

Adam Solinger001376

001266



Josh Lloyd

August 19 · 🌐



Chalese Anderson Lloyd

When you looked hard for something and told your wife it wasn't there and then she goes to look for it



Errich James ▸ Silverado Nation

August 19

😂 3

👍 Like

➦ Share

LIKE

Share



Josh Lloyd

May 31 · 🌐



Chalese Anderson Lloyd



Tommy Chong

May 31 · 🌐

Like Page

😬 2

Like

Share

EXHIBIT 3

EXHIBIT 3

EXHIBIT 3



Las Vegas Defense Group | (702) DEFENSE

You just got a new review

BirdEye 

"Please Adam solinger stop harassing my family and friends I do not want any part of your problems. This is not the messages I want to recieve while working. I have multiple screen shots. Josh, Carmen called me and said she thinks you guys have created a fake Facebook page and are harassing her on Facebook, and Chalese's husband will be looking into it. Please tell me you aren't doing this sort of childish bs. Your dad is at the painters meeting. I'm at a political event. What do you say about it? "

Reviewed by Joshua Lloyd
jloyd868@gmail.com

[Read on BirdEye](#)

Powered by BirdEye
[Privacy Policy](#) - [Terms of Service](#)

Adam Solinger000798

001270

EXHIBIT 4

EXHIBIT 4

EXHIBIT 4

8:33

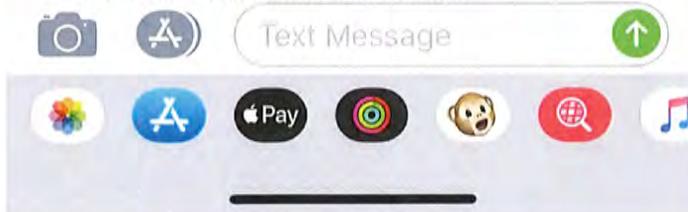


(725) 202-5525 >

Today 9:24 AM

Hey Adam sorry to bother you but I have a favor to ask. Can you please keep my name out of your mouth and out of your court papers I care about mag and Marie but I'm not trying to take anyone's place so if you feel threatened by me I apologize I just dont appreciate being drug into your business because to be quite honest I do not speak bad about you or Jessica never would nor have I spoken to Jessica or anyone else about the child pornography that you enjoy looking at or watching so please keep me out of your business I do not appreciate you involving me in your problems. Thank you and enjoy your day.

Chalese has a job and it is going to be very difficult to maintain a job with her unable



Adam Solinger000389

001272

8:33 ↗



(725) 202-5525 >

problems. Thank you and enjoy your day.

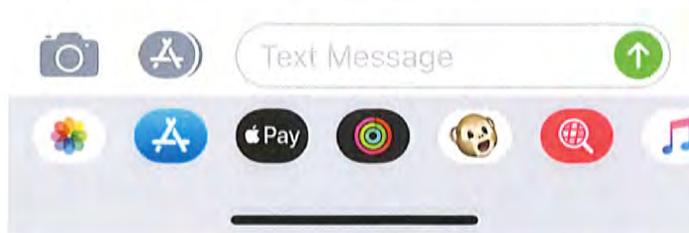
Chalese has a job and it is going to be very difficult to maintain a job with her unable to get any help on her days getting them to and from school like you and Jessica are able to do. Trying to make this as simple as possible so she can do what she needs to do.

If I don't get a reply from you I'll take it as you didn't receive it so I'll copy and paste the same message to Jessica so if you got this please let me know.

The report will be released from the FBI shortly

Today 8:32 PM

Did you get my message?
Pretty sure this wouldn't be good for your job if your habits got out to the media or the bar.



Adam Solinger000390

001273

EXHIBIT 5

EXHIBIT 5

EXHIBIT 5

2:36



Lauren Elaine
Messenger



Be mad cunt

Don't fuck with people who
know where you live and
where your kids sleep



I ain't mad, but why are you



I am mad because its
DISGUSTING that someone
would attempt to take
advantage of a SICK kid

For sexual reasons

I hope you all literally die

Hes FUCKING sick

Karmas a bitch I promise you
that

Keep this energy you got
right now when karma hits
bitch



Go ask my brother yours...  ust



Aa



2:34



Lauren Elaine

Active now



hes known my LITTTLE
brother since he was 7.
Fucking sick bastard

Watch all your kids get taken
away for being DISGUSTING
PEOPLE.

Next ill message your whole
family and your kids father

STAY AWAY FROM MY
BROTHER

LAST AND FINAL WARNING

Next time it will be fucking
war

Ask josh about the last time
he crossed me



Its a FUCKING PROMISE

I know where you live.I know
where your kids go to school

I will make it my lifes mission
to FUCK you guy's life
UPPPPPPPP



Aa



2:36



Lauren Elaine
Messenger



But Apparently no one responded and HES SO OBSESSED with me that he has to try and fuck my brother

Youre a stupid ass bitch and you'll see that I am telling the truth

Dont hmu trying to get info when you realize its FACTS

karmas a bitch

Watch your back

And your bastard kids too

This is phase 1

Let me find out he EVER contacts my brother again in ANYWAY



Your pussv so loose he has to

Go ask my brother yours... 📩



Aa



EXHIBIT 6

EXHIBIT 6

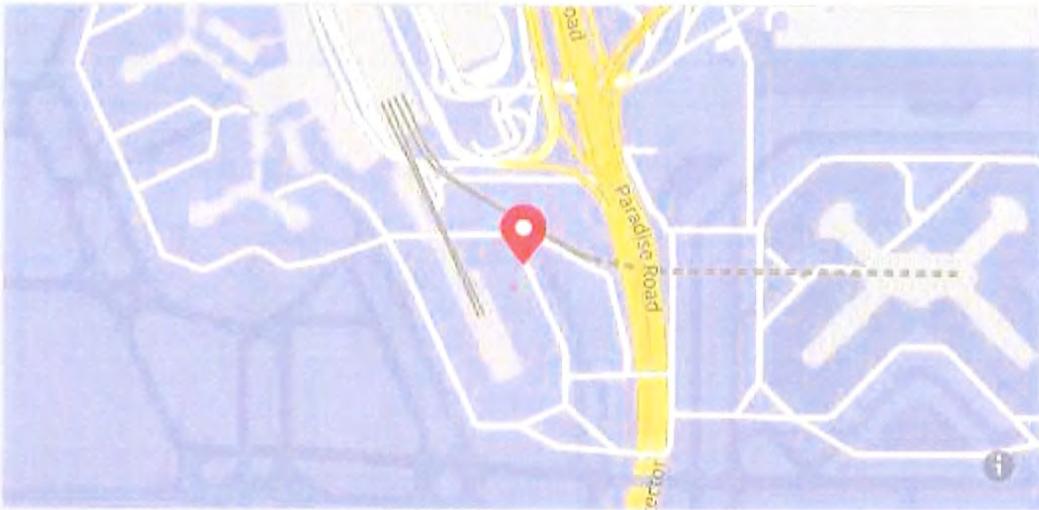
EXHIBIT 6



Josh Lloyd is at McCarran International Airport.



November 15 at 9:28 AM · Las Vegas · 🌐



McCarran International Airport

Airport · Las Vegas

7,070,790 people checked in here

Save

1 Comment



Like



Share



Ashley Wolf Where u going

Like · 1w



josh

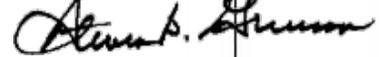


5:00 AM

Legally if your not served 14 days before trial you dont have to go. Courts on the 10th and 11th which makes it too late for them to serve you.

They are trying to take the kids away from chalesse blaming me because I got arrested before jesse was born.

Do what you want I'm gonna be leaving town were gonna have to figure out if I get arielle summers or not



1 **OPPC**

Vincent Mayo, Esq.
2 Nevada State Bar Number: 8564
THE ABRAMS & MAYO LAW FIRM
3 6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
4 Tel: (702) 222-4021
Fax: (702) 248-9750
5 Email: VMGroup@TheAbramsLawFirm.com
Attorney for Plaintiff

6
Eighth Judicial District Court
7 Family Division
Clark County, Nevada

8 ADAM MICHAEL SOLINGER,) Case No.: D-19-582245-D
9)
Plaintiff,) Department: I/Discovery
10 vs.)
11 CHALESE MARIE SOLINGER,) Date of Hearing: Dec. 6, 2019
12) Time of Hearing: 1:00 p.m.
Defendant.)
13

14 **OPPOSITION TO MR. LLOYD'S MOTION FOR PROTECTIVE
ORDER AND COUNTERMOTION FOR ATTORNEY'S FEES
AND COSTS**

15
16 **NOW INTO COURT** comes Plaintiff, ADAM MICHAEL
17 SOLINGER, by and through his attorney of record, VINCENT MAYO,
18 ESQ., of THE ABRAMS & MAYO LAW FIRM and hereby submits his
19 *Opposition to Mr. Lloyd's Motion for Protective Order and*
20 *Counter-motion for Attorney's Fees and Costs.*

21 ///

1 This Opposition and Counter-motion is made and based upon the
2 attached Points and Authorities; the Appendix of Exhibits in support,
3 Declaration of Counsel attached hereto, all papers and pleadings on file
4 herein, and any oral argument adduced at the hearing of this matter.

5 DATED Tuesday, November 26, 2019.

6 Respectfully Submitted,

7 THE ABRAMS & MAYO LAW FIRM

8 /s/ Vincent Mayo, Esq.

9 Vincent Mayo, Esq.

10 Nevada State Bar Number: 8564

6252 South Rainbow Blvd., Suite 100

11 Las Vegas, Nevada 89118

Attorney for Plaintiff

12 **MEMORANDUM OF POINTS AND AUTHORITIES**

13 **I. FACTUAL BACKGROUND**

14 Plaintiff, ADAM MICHAEL SOLINGER (hereinafter referred to as
15 “Adam”), and Defendant, CHALESE MARIE SOLINGER (hereinafter
16 referred to as “Chalese”), were married seven (7) years ago on May 12,
17 2012, and ever since have been and now are husband and wife. There are
18 two (2) minor children of the marriage, to wit: Michael Adam Solinger,
19 date of birth: June 16, 2015, 4 years old and Marie Leona Solinger, date of
20 birth: August 28, 2017, 2 years old. The parties separated in November of
21 2018. Adam was awarded primary physical custody of the minor children,

1 with Chalese having visitation two days per week. Josh, who lives with
2 Chalese, is present when the children are at their home.

3 **Josh's Involvement in Chalese and the Children's Lives**

4 Chalese entered into a marriage ceremony with Josh on April 9,
5 2019 at the Neon Chapel downtown – while still married to Adam. Chalese
6 stated during her deposition that she and Josh are very close, are in a
7 long-term relationship and that the wedding ceremony was an expression
8 of their feelings for each other. Chalese stated she and Josh bought rings
9 just before they entered into their ceremony. Chalese went on to confirm
10 they told a number of family members and friends about the ceremony,
11 with people congratulating them on social media, and that Chalese and
12 Josh refer to her as “Chalese Anderson Lloyd” on social media.¹ Chalese
13 even confirmed Josh referred to Chalese to as his “wife” on a post.²

14 That is not the extent of their relationship though. Title to the
15 Curdsen Way property Chalese recently bought is actually in her name
16 and Josh's name. This is important because Chalese falsely testified
17 during her deposition that it was just Josh's Dad and her on the mortgage,
18 not Josh. Chalese and Josh also have two joint credit cards together, per
19 her FDF: A Capital One card and a Citibank card. Further, Chalese's

20 ¹ See the Facebook posts, attached hereto as **Exhibit 1**.

21 ² See the Facebook posts, attached hereto as **Exhibit 2**.

1 admitted during her deposition that Josh contributes towards at least half
2 of her monthly household expenses.

3 Unfortunately, Josh has a deep and disturbing past. He has a
4 criminal record, including domestic violence. He has a current mother of
5 his child whom he was recently involved in custody litigation with whom
6 again accused Josh of domestic violence.

7 Josh has also directed his violent tendencies and criminal behavior
8 towards Adam and the children. Josh has threatened the children stating
9 that he was going to “whoop their asses” and directly threatened to fight
10 Adam. Josh has left reviews on Adam’s employer’s website unrelated to
11 Adam’s professional services.³ Rather, it was because he did not like the
12 fact Adam had involved him in the litigation. In fact, Josh attempted to
13 coerce Adam, telling him he would contact his girlfriend and the
14 authorities regarding alleged child porn he supposedly had (which has
15 been disproven) if he did not agree to leave him out of the litigation.⁴ Even
16 Josh’s family has been involved in these matters, having called Adam’s
17 work and telling them Adam should be fired unless he signed documents
18 Chalese wanted him to sign.

19 ///

20 _____
21 ³ See the online review from Josh, attached hereto as **Exhibit 3**.

⁴ See the texts from Josh to Adam, attached hereto as **Exhibit 4**.

1 Josh additionally has a bad driving record, involving at least ten
2 traffic citations over the last ten years. Josh has smoked marijuana for
3 years, and continues to be a chronic user of marijuana. Josh also drinks
4 alcohol. Because of these concerns, the Honorable Cheryl Moss ordered
5 in March 2019 that Josh was not to drive the minor children. Despite the
6 fact, he has done so on numerous occasions. Josh was also not to be left
7 alone with the children. This order was also violated. Chalese admitted
8 this and Adam's PI confirmed as much.

9 Additionally, Josh has another ex-girlfriend who is unstable and
10 has made threats against Chalese and Josh. Chalese received a message
11 from a woman who was disgruntled with Josh that stated, "Don't fuck
12 with people who know where you live and where your kids sleep", "I hope
13 you all literally die", "It's a FUCKING PROMISE", "I know where you live.
14 I know where your kids go the school" and "karmas a bitch watch your
15 back and your bastard kids too." This woman alleges that Josh tried to
16 rape her mentally disabled younger brother.⁵ Obviously, this is alarming
17 to Adam and there are questions that Josh needs to be asked not only
18 because of this accusation but because someone is threatening Adam's
19 children because of Josh.

20 ///

21

⁵ See messages between Chalese and Lauren Elaine attached hereto as **Exhibit 5**.

1 **The Scheduled November 15, 2019 Deposition**

2 After Josh's deposition was noticed for November 15, 2019, a
3 potential conflict arose related to a hearing set before the Honorable Bill
4 Henderson for 1:30 p.m. Because of this potential conflict, the fact that
5 Mr. Mayo did not have Josh's contact information and Mr. Mayo had no
6 notice of whether Josh was represented, Mr. Mayo reached out Chalese's
7 counsel Mr. Fleeman on November 13, 2019, asking if he could have
8 Chalese notify Josh that Mr. Mayo wanted to start instead at 3:00 p.m. on
9 the 15th. Mr. Mayo then planned accordingly.

10 Mr. Mayo was in Court in front of Judge Henderson on a different
11 matter on the morning of the 15th and notified the Court's marshal that
12 Mr. Mayo needed to be done with the afternoon hearing by 2:00 p.m. and
13 absolutely no later than 2:30 p.m. The marshal stated he understood and
14 would convey the message to the Court. Unfortunately, the 1:30 p.m.
15 hearing went until 4:00 p.m.⁶ As a result, the deposition had to be
16 rescheduled, with Mr. Mayo's paralegal providing Josh, his attorney Ms.
17 Throne and Ms. Exley from Pecos Law Group said re-notices.

18 ///

19
20

⁶ This was due to Judge Henderson attempting to have the parties reach a settlement
21 in Court when both counsel had told Judge Henderson at the commencement of the
hearing that a settlement conference had been held at Mr. Mayo's office prior to the
hearing and no settlement could be reached.

1 Mr. Mayo was able to get a hold of Ms. Throne via a telephone call
2 on Tuesday morning. He apologized for his missing the deposition but
3 stated he was willing to reimburse Ms. Throne for her fees related to the
4 time she spent at Mr. Mayo's office on November 15th, was well as
5 reimbursing Josh for his missed pay for that afternoon and his witness
6 fee. To that end, he asked for proof of Ms. Throne's billable rate for her
7 attendance as well as proof of Josh's hourly pay rate. Mr. Mayo also stated
8 that he could limit the time he needed for Josh's deposition to just two
9 hours. Ms. Throne said she would speak to her client and call Mr. Mayo
10 back. However, Ms. Throne also stated the afternoon was better for her
11 on December 2nd. Mr. Mayo stated he would consider moving Josh's
12 deposition until the afternoon at either 2:00 p.m. or 2:30 p.m. but he
13 needed to get confirmation from his client.

14 Next thing Mr. Mayo knew, he received an email from Ms. Throne
15 stating that Josh's employer was allegedly "upset" that he had missed
16 work and Josh did not want to risk "losing his job" if he had to take some
17 more time off for the deposition. No other objection was made to the
18 deposition by Josh's counsel.

19 Mr. Mayo also spoke to Ms. Exley, Chalese's counsel. Mr. Mayo told
20 Ms. Exley he was sorry for having missed the deposition, that he was in
21 the process of confirming the renoticed deposition time and that he was

1 willing to pay Ms. Exley for the time spent waiting on November 15th but
2 that he would need a copy of their retainer agreement showing her hourly
3 rate. It is of note discovery requesting same was previously propounded,
4 discovery that to date is still outstanding.

5 **II. LAW AND ARGUMENT**

6 **A. Josh's Motion for a Protective Order Should be Denied**

7 NRCP 30(a) states in relevant part:
8

9 **(a) When a Deposition May Be Taken.**

10 (1) **Without Leave.** A party may, by oral questions, depose any person, including a party, without leave of court except as provided in Rule 30(a)(2). The deponent's attendance may be compelled by subpoena under Rule 45.

11 (2) **With Leave.** A party must obtain leave of court, and the court must grant leave to the extent consistent with Rule 26(b)(1) and (2):

12 (A) if the parties have not stipulated to the deposition
13 and:

14 (i) the deposition would result in more than 10 depositions being taken under this rule or Rule 31 by the plaintiffs, or by the defendants, or by the third-party defendants, not counting any deposition that is solely a custodian-of-records deposition;

15 (ii) the deponent has already been deposed in the case;
16 or

17 (iii) the party seeks to take the deposition before the time specified in Rule 26(a), unless the party certifies in the notice, with supporting facts, that the deponent is expected to leave Nevada and be unavailable for examination in the state after that time; or

18 (B) if the deponent is confined in prison.
19

20 ///

21 ///

1 Josh has no actionable grounds upon which to oppose his
2 deposition being taken. ***It is of note that Josh does not oppose the***
3 ***need for his deposition to be taken***, just that he doesn't want his
4 employer upset that he will miss more work. However, missing work is
5 not grounds upon which to refuse to be deposed. If that were the case,
6 everyone would be able to avoid being deposed.

7 People are subject to be involved in litigation and are required to
8 cooperate if subpoenaed, called as a witness, etc., even if they feel they are
9 not part of the matter. However, that is not even the situation with Josh.

10 ***Josh chose to live with Chalese and involve himself in her life.***
11 ***He also chose to involve himself in Adam's life and this divorce.***

12 Therefore, Josh not liking that his employer will be upset about missing
13 time from work is a result of his own actions.⁷

14 Josh's position is even less convincing due to the fact Mr. Mayo
15 could have scheduled Josh for an all-day deposition if it had been
16 necessary. If he had, Josh would not have been able to object to same.
17 Instead, Mr. Mayo was willing to set the rescheduled deposition for just
18 two hours. Even counting the missed time for the deposition on

19 _____
20 ⁷ Josh can also be immature and dishonest, meaning his representations are often not
21 credible. For example, Josh made a Facebook post the morning of the deposition
stating he was leaving town that morning. Clearly Josh did not and it is this type of
childishness which Adam has had to deal with. See the November 15, 2019 Facebook
post by Josh, attached as **Exhibit 6**.

1 November 15th, that still would have been less than a full day Mr. Mayo
2 was entitled to under the statute.

3 It is of note Mr. Mayo having missed the scheduled deposition was
4 an honest miscalculation due to forces outside of his control. Obviously,
5 Mr. Mayo had no intention of setting a deposition just to intentionally
6 miss it. Nevertheless, apologized to Ms. Throne and Ms. Exley and offered
7 to make them and Josh whole.

8 As for Josh taking exception to the date unilaterally chosen when
9 Josh's deposition was re-noticed, a date obviously had to be set in the
10 notice. Mr. Mayo did tell Ms. Throne on November 19th though that he
11 was willing to be flexible with her as to the date and time.

12 In regard to the requested reimbursement of fees and missed pay,
13 Josh and his counsel are being greedy. ***The law does not entitle Ms.***
14 ***Throne, Josh or Ms. Exley to be paid for fees incurred or work***
15 ***missed for the actual deposition of Josh (other than the***
16 ***witness fee).*** Mr. Mayo understands that Josh and counsel should be
17 reimbursed for fees and lost pay for the original deposition that did not go
18 forward.⁸ However, they are not entitled to be paid for attending the
19 make-up deposition other than an additional witness fee. Further, costs
20

21 ⁸ Ms. Throne's represented fees for the 11/15/19 date was \$750; Josh's witness fee for
the 11/15/19 date is \$25. Ms. Exley represented fees for the 11/15/19 date was \$660.

1 for travel are limited to attendance “before a court of record, master,
2 commissioner, justice of the peace, or before the grand jury...” NRS
3 50.225. The statute does not include depositions.

4 It is of note that Chalese also filed a Motion to join in with Josh’s
5 motion for protective order. Chalese’s motion adds nothing new to Josh’s
6 position, other than to try and make a weak attempt to influence the Court
7 by misrepresenting matters. For example, Chalese claims Adam “does not
8 pay her support” as is if he is in arrears when in fact Adam did until the
9 Judge ended Adam’s obligation. Chalese claims Adam is harassing her by
10 having a PI observe her and Josh, completely ignoring that by having the
11 PI do so, Adam was able to confirm Chalese has been violating the Court’s
12 orders. Chalese does not like that Adam contacted Josh’s ex-girlfriend
13 when the law 100% entitles to him to. Chalese complains that her counsel
14 has not been provided \$660 for attendance at the missed deposition but
15 she omits that proof of her billable rate per her retainer agreement has yet
16 to be provided to Mr. Mayo for confirmation. Chalese complains that
17 Adam’s father has assisted him with his costs in this but Chalese herself
18 has received \$80,000 from her wealthy mother in Florida for her fees.
19 Chalese complains that Josh took off a day of work and would have to
20 “take off a second day of work” for his deposition but Josh only took off
21 half a day for the 15th and would only need to take off a few hours for the

1 re-noticed date.

2 **IV. COUNTERMOTION**

3 **A. Adam, Not Josh or Chalese, is Entitled to An Award**
4 **of Attorney's Fees**

4 Adam is entitled to take Josh's deposition – neither side denies this.

5 However, their argument that Josh will miss work is not a sufficient

6 reason to avoid his re-noticed deposition. Mr. Mayo offered to make Josh

7 and counsel whole and instead, they filed motions for a protective order.

8 Further, there was no attempt to resolve the issue in good faith by either

9 Josh or Chalese. Josh's simply stated upon inquiry from Mr. Mayo that he

10 did not want to miss work so he would not be attending his re-noticed

11 deposition. Nor did Chalese's counsel provide their retainer agreement.

12 Instead, Josh and Chalese decided to be difficult and try to come up with

13 an excuse to avoid Josh being deposed. Adam should not be forced to be

14 out of pocket in this matter and should be awarded fees pursuant to NRCP

15 37(a)(5) and NRCP 30(d)(2).

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

1 **IV. CONCLUSION**

2 Based on the aforementioned facts, law and analysis, the Court
3 should deny the relief requested in Joshua Lloyd's and Chalese Solinger's
4 motions and grant the relief requested in Adam Solinger's Counter-motion
5 in its entirety.

6 DATED Tuesday, November 26, 2019.

7 Respectfully Submitted,

8 THE ABRAMS & MAYO LAW FIRM

9 /s/ Vincent Mayo, Esq.

10 Vincent Mayo, Esq.

11 Nevada State Bar Number: 8564

12 6252 South Rainbow Blvd., Suite 100

13 Las Vegas, Nevada 89118

14 Attorney for Plaintiff
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DECLARATION OF VINCENT MAYO, ESQ.

I, Vincent Mayo, Esq., declare under penalty of perjury under the law of the State of Nevada, pursuant to NRS 53.045, that the below stated facts are true and correct to the best of my knowledge.

That I am the Plaintiff's counsel in the above entitled action; that I have read the foregoing *Opposition to Defendant's Motion for Protective Order and Countermotion for Attorney's Fees and Costs* and hereby certify that the facts set forth in the Points and Authorities attached thereto are true of my own knowledge, except for those matters therein contained stated upon information and belief, and as to those matters, I believe them to be true.

Dated this 26th day of November, 2019.

/s/ Vincent Mayo, Esq.
VINCENT MAYO, ESQ.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Opposition to Mr. Lloyd's Motion for Protective Order* was filed electronically with the Eighth Judicial District Court in the above-entitled matter, on Tuesday, November 26, 2019. Electronic service of the foregoing document shall be made in accordance with the Master Service List, pursuant to NEFCR 9, as follows:

Bruce I. Shapiro, Esq.
Dawn Throne, Esq.

/s/ Chantel Wade
An Employee of The Abrams & Mayo Law Firm

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

ADAM MICHAEL SOLINGER
Plaintiff/Petitioner

v.
CHALESE MARIE SOLINGER
Defendant/Respondent

Case No. D-19-582245-D

Dept. I

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

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

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

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

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

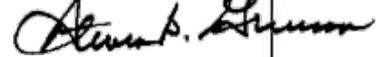
<input checked="" type="checkbox"/>	\$0 The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:
<input checked="" type="checkbox"/>	The Motion/Opposition is being filed in a case that was not initiated by joint petition.
<input type="checkbox"/>	The party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

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

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

Party filing Motion/Opposition: Plaintiff/Petitioner Date 11/26/2019

Signature of Party or Preparer 



1 **EXH**
Vincent Mayo, Esq.
2 Nevada State Bar Number: 8564
THE ABRAMS & MAYO LAW FIRM
3 6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
4 Tel: (702) 222-4021
Fax: (702) 248-9750
5 Email: VMGroup@theabramslawfirm.com
Attorney for Plaintiff

6 Eighth Judicial District Court
7 Family Division
Clark County, Nevada

8 ADAM MICHAEL SOLINGER,) Case No.: D-19-582245-D
9 Plaintiff,) Department: I
vs.)
10 CHALESE MARIE SOLINGER,)
11 Defendant.)

12
13 **APPENDIX OF EXHIBITS IN SUPPORT OF PLAINTIFF'S**
14 **OPPOSITION TO MR. LLOYD'S MOTION FOR PROTECTIVE**
15 **ORDER AND COUNTERMOTION FOR ATTORNEY'S FEES**
16 **AND COSTS**

Exhibit	Description
1	Facebook posts from Josh and Chalese's wedding ceremony
2	Facebook posts wherein Josh calls Chalese his wife
3	Online review on Adam's employer's website from Josh
4	Text messages from Josh to Adam
5	Messages between Chalese and Lauren Elaine

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6	Josh's November 15, 2019 Facebook post and message re: leaving town
---	---

Dated Tuesday, November 26, 2019.

Respectfully Submitted,
THE ABRAMS & MAYO LAW FIRM

/s/ Vincent Mayo, Esq.
Vincent Mayo, Esq. (8564)
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Attorney for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing *APPENDIX OF EXHIBITS IN SUPPORT OF PLAINTIFF'S OPPOSITION TO MR. LLOYD'S MOTION FOR PROTECTIVE ORDER AND COUNTERMTOION FOR ATTORNEY'S FEES AND COSTS* was filed electronically with the Eighth Judicial District Court in the above-entitled matter, on Tuesday, November 26, 2019. Electronic service of the foregoing document shall be made in accordance with the Master Service List, pursuant to NEFCR 9, as follows:

Bruce I. Shapiro, Esq.
Dawn Throne, Esq.

/s/ Chantel Wade
An Employee of The Abrams & Mayo Law Firm

EXHIBIT 1

EXHIBIT 1

EXHIBIT 1



Josh Lloyd is with Chalese Anderson Lloyd.



April 9 · 🌐 · 🌐



Married Chalese Anderson Lloyd

April 9

👍❤️👏 27

8 Comments

👍 Like

➦ Share



Russ Vollmer Congratulations

Like · 3w

👍 1



Adam Moreno Congrats cuz

Like · 3w

👍 1



Dustin Hicks Congratulations to you all cuz

Like · 3w

👍 1



Jade-Elizabeth Evans Congrats wow

Like · 3w



Elizabeth Brewster Congrats 🎉

Like · 3w



Judy Paltridge Congrats

Like · 2w



Josh Lloyd is with Chalese Anderson.



Yesterday · 🌐 · 🌐



Married Chalese Anderson

Yesterday

👍 2

👍 Like

➦ Share

Like · 36m



Josh Lloyd is with Chalese Anderson.



43 mins · 🌐



Adam Solinger000335

001303



Josh Lloyd

Add Friend Message ...

Timeline About Friends Photos More

DO YOU KNOW JOSH?

To see what he shares with friends, send him a friend request.

Add Friend

Intro

- Lives in Las Vegas, Nevada
- From Las Vegas, Nevada
- Married to [Chalese Anderson](#)

Photos

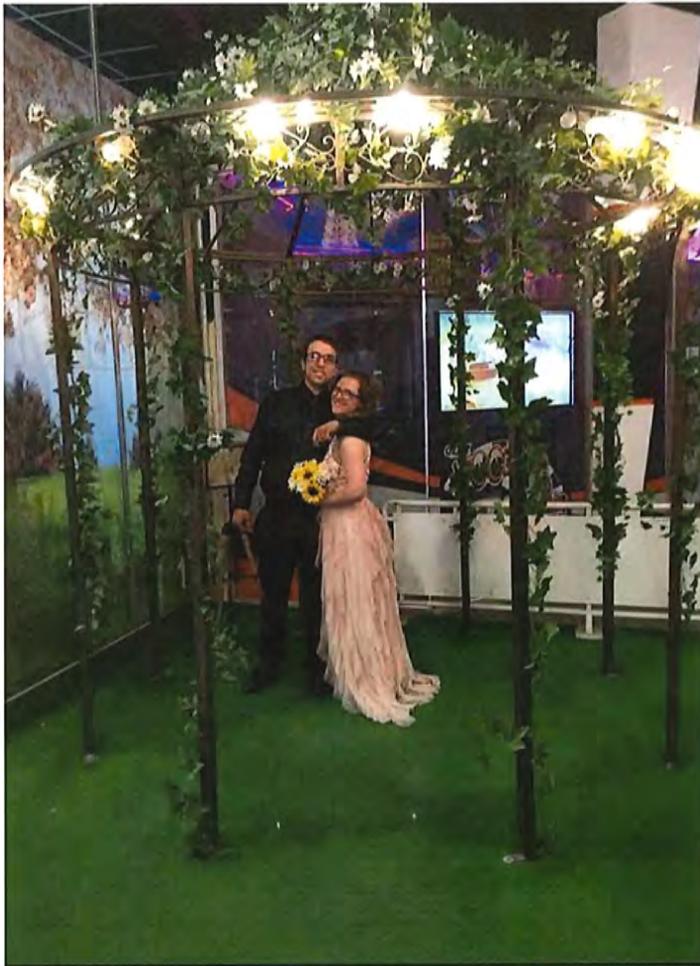


Josh Lloyd 32 mins

Finally realized I was never asking for too much,

I was just asking

zuCeeAVktoWZ4VzAkkVvSoo1C971 POs2oDIW9I26zFOL2iVEdNiwOR1SaacVnCCao&timeline context item tvoe=intro card relationship&timeline context item t



Josh Lloyd
42 mins · 🌐

...

👍❤️ 7

1 Comment

👍 Like

➦ Share

Stephanie Valdivia Nice did you get married?
Like · 37m

👍 1



Josh Lloyd is with Chalese Anderson.



April 7 at 8:25 PM · 🌐

#MYTEAM



👍❤️ 31

10 Comments

👍 Like

➦ Share



Crystal Hicks Nelson Wow now that's a clan love ya

Like · 2d



Josh Lloyd Love ya too

Like · 2d



Crystal Hicks Nelson Josh Lloyd I wasn't there but got to enjoy the pics and Videos which made me feel that I was with ya all

Like · 2d



Chalese Anderson That's the way we became the Brady Bunch!

Like · 2d





Chalese Anderson Lloyd

[Add Friend](#) [Message](#) [...](#)

[Timeline](#) [About](#) [Friends](#) [Photos](#) [More ▾](#)

DO YOU KNOW CHALESE?

To see what she shares with friends, send her a friend request. [Add Friend](#)

Intro

- Went to Incline High School
- Lives in Las Vegas, Nevada
- From Ogden, Utah
- Joined March 2008











[Photos](#)

 **Chalese Anderson Lloyd**
13 hrs ·

When you're on your third mood of the day and someone asks if you're ok



Can you just please be quiet, have a bit of respect

[Memes](#) [Follow](#)

EXHIBIT 2

EXHIBIT 2

EXHIBIT 2



Josh Lloyd

22 hrs · 🌐



Need this for marie Chalese Anderson Lloyd



Wicked Stitch

July 23 at 7:14 PM · 🌐

👍 Like Page

<https://www.wickedstitchct.com/.../i-m-nicer-than-my-face-lo...>

😂 4

4 Comments

👍 Like

➦ Share



Nicole Ryan When are you guys gonna some down to Phoenix so I can meet your wife, Josh Lloyd ?! I have a spare room for you!! Atticus would love a sleepover with his cousins!

Like · 17h



Josh Lloyd your a dork cuzzo you met her but yeah sometime we have to make that trip. were in the process of buying a house so things have been kinda crazy

Like · 16h



Nicole Ryan Wtf we have?! Was it during my last visit? Good luck with the house!

Like · 16h



Josh Lloyd yeah at grandpas house thanks ill hopefully see yll soon

Like · 16h

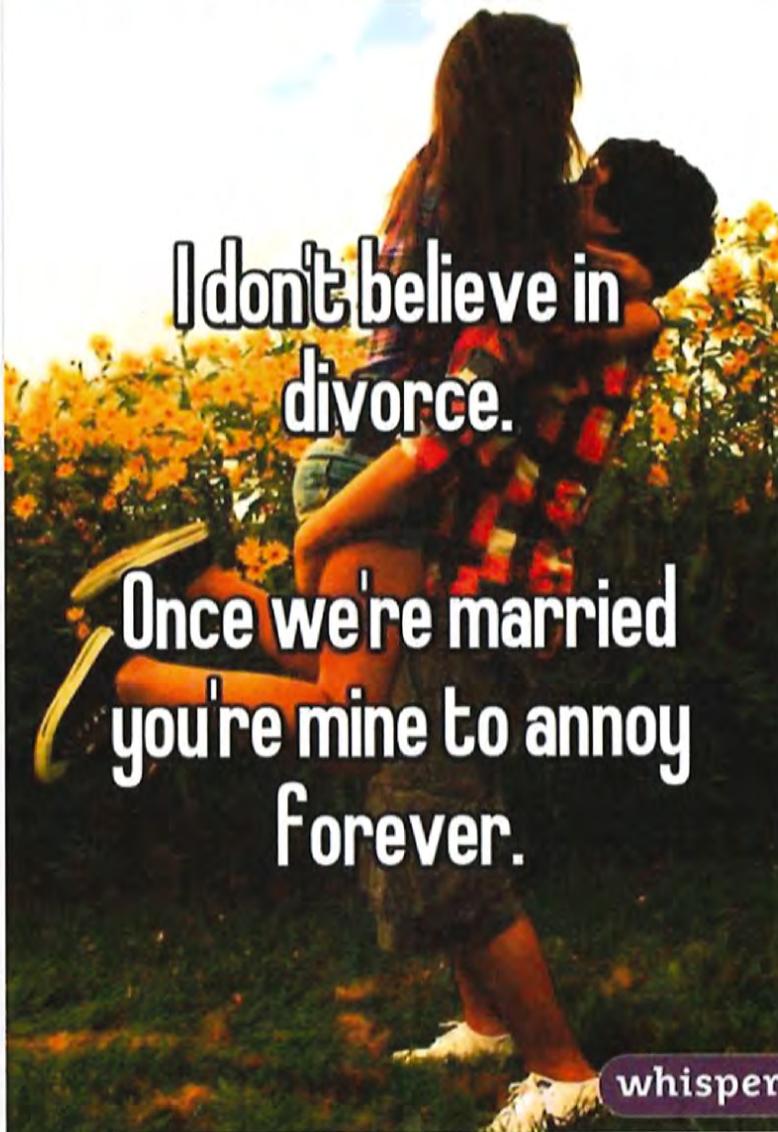
Adam Solinger000604

001309



Josh Lloyd

September 27 at 12:56 PM · 🌐



Whisper

September 9, 2015 · 🌐

👍 Like Page

tehehe ❤️

Love this? Get the Whisper App here ==> <http://wis.pr/r14>



1 Comment

Adam Solinger001368

001310



Josh Lloyd

September 26 at 1:01 PM · 🌐



Chalese Anderson Lloyd some hillbilly wedding ideas Imfao



Jacked Up Keepin It Country
September 26 at 4:00 AM · 🌐

👍 Like Page

😂 1

👍 Like

➦ Share



Josh Lloyd

September 19 at 10:15 AM · 🌐

Chalese Anderson Lloyd

Marry a girl who says things like :

- I'm proud of you,
- I can't believe you're mine,
- You're right. I was wrong,
- You can do it, baby,

- I don't know where this extra Car came from, but **it fits next to your other projects on the driveway great and you definitely need some more.**

Moparian

September 19 at 8:26 AM · 🌐

👍 Like Page

😂 1

👍 Like

➦ Share



Josh Lloyd

September 17 at 7:41 AM · 🌐



Chalese Anderson

**My wife says I
have only two
faults.
I don't listen and
some other shit
she was rattling
on about.**

Adult Humor

September 13 at 7:58 PM · ⚙️

👍 Like Page

😂 5

1 Comment 1 Share

👍 Like

➦ Share



Kifer Casarez I'm stealing 😂

Like · 1w



Josh Lloyd

September 15 at 1:49 PM · 🌐

Chalese Anderson Lloyd

ME WHEN MY WIFE IS SLEEPING...



MY WIFE WHEN I'M TRYING TO SLEEP



ManShed is with ShaRhonda Gardner and 7 others.
September 12 at 9:45 AM · 🌐

👍 Like Page

😂 1

👍 Like

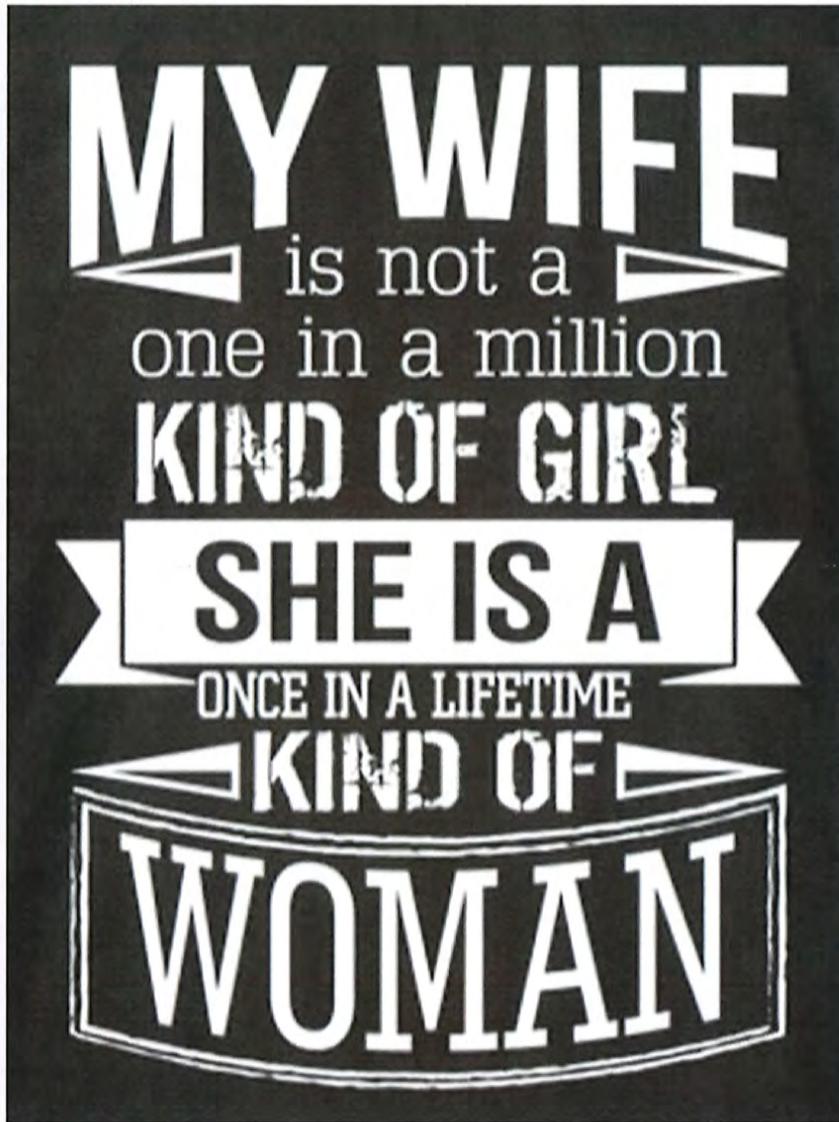
➦ Share



Josh Lloyd

September 14 at 10:29 AM · 🌐

Chalese Anderson Lloyd



I am a Grandfather

July 27 · ⚙️

👍 Like Page

My wife is the best!



Adam Solinger001373

001315



Josh Lloyd

September 13 at 11:18 AM · 🌐



Chalese Anderson Lloyd



Stream of Consciousness Comic

September 10 at 3:50 PM · 🌐

Like Page

3



Josh Lloyd

September 12 at 5:53 PM · 🌐

Chalese Anderson Lloyd



**I decided to make
sure my wife woke up
with a big smile on her
face this morning.
Now I can't have
Sharpies in the house
anymore.**

 Oldtimers

Oldtimers

Community

Shop Now

Oldtimers

September 12 at 4:00 AM · 🌐

 Like Page

 3

 Like

 Share

Adam Solinger001375

001317



Josh Lloyd

September 9 at 5:14 PM · 🌐



Chalese Anderson Lloyd

Marriage isn't about a beautiful wedding, fancy homes, cute kids, nice cars and white picket fences. Marriage is hospital stays, working long hours, fighting through struggles, setting up life insurance, paying bills, keeping the faith & staying together through it ALL. 100

How To Dad

September 9 at 10:00 AM · 🌐

👍 Like Page



👍 Like

↪ Share



Josh Lloyd

August 19 · 🌐



Chalese Anderson Lloyd

When you looked hard for something and told your wife it wasn't there and then she goes to look for it



Errich James ▸ Silverado Nation

August 19

😂 3

👍 Like

➦ Share

LIKE

Share



Josh Lloyd

May 31 · 🌐



Chalese Anderson Lloyd



Tommy Chong

May 31 · 🌐

Like Page

😬 2

Like

Share

EXHIBIT 3

EXHIBIT 3

EXHIBIT 3



Las Vegas Defense Group | (702) DEFENSE

You just got a new review

BirdEye 

"Please Adam solinger stop harassing my family and friends I do not want any part of your problems. This is not the messages I want to recieve while working. I have multiple screen shots. Josh, Carmen called me and said she thinks you guys have created a fake Facebook page and are harassing her on Facebook, and Chalese's husband will be looking into it. Please tell me you aren't doing this sort of childish bs. Your dad is at the painters meeting. I'm at a political event. What do you say about it? "

Reviewed by Joshua Lloyd
jloyd868@gmail.com

[Read on BirdEye](#)

Powered by BirdEye
[Privacy Policy](#) - [Terms of Service](#)

Adam Solinger000798

001322

EXHIBIT 4

EXHIBIT 4

EXHIBIT 4

8:33

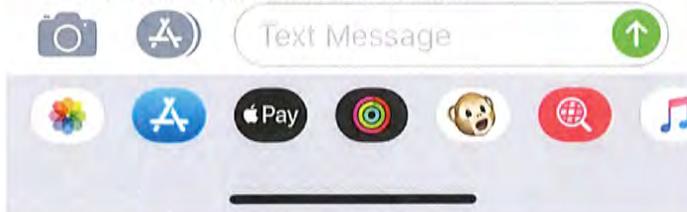


(725) 202-5525 >

Today 9:24 AM

Hey Adam sorry to bother you but I have a favor to ask. Can you please keep my name out of your mouth and out of your court papers I care about mag and Marie but I'm not trying to take anyone's place so if you feel threatened by me I apologize I just dont appreciate being drug into your business because to be quite honest I do not speak bad about you or Jessica never would nor have I spoken to Jessica or anyone else about the child pornography that you enjoy looking at or watching so please keep me out of your business I do not appreciate you involving me in your problems. Thank you and enjoy your day.

Chalese has a job and it is going to be very difficult to maintain a job with her unable



Adam Solinger000389

001324

8:33 ↗



(725) 202-5525 >

problems. Thank you and enjoy your day.

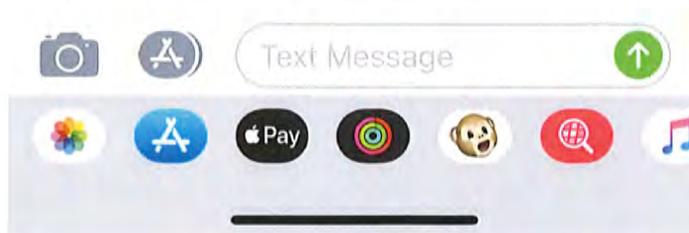
Chalese has a job and it is going to be very difficult to maintain a job with her unable to get any help on her days getting them to and from school like you and Jessica are able to do. Trying to make this as simple as possible so she can do what she needs to do.

If I don't get a reply from you I'll take it as you didn't receive it so I'll copy and paste the same message to Jessica so if you got this please let me know.

The report will be released from the FBI shortly

Today 8:32 PM

Did you get my message?
Pretty sure this wouldn't be good for your job if your habits got out to the media or the bar.



Adam Solinger000390

001325

EXHIBIT 5

EXHIBIT 5

EXHIBIT 5

2:36



Lauren Elaine

Messenger



Be mad cunt

Don't fuck with people who
know where you live and
where your kids sleep



I ain't mad, but why are you



I am mad because its
DISGUSTING that someone
would attempt to take
advantage of a SICK kid

For sexual reasons

I hope you all literally die

Hes FUCKING sick

Karmas a bitch I promise you
that

Keep this energy you got
right now when karma hits
bitch



Go ask my brother yours... ust



Aa



2:34



Lauren Elaine

Active now



hes known my LITTLE
brother since he was 7.
Fucking sick bastard

Watch all your kids get taken
away for being DISGUSTING
PEOPLE.

Next ill message your whole
family and your kids father

STAY AWAY FROM MY
BROTHER

LAST AND FINAL WARNING

Next time it will be fucking
war

Ask josh about the last time
he crossed me



Its a FUCKING PROMISE

I know where you live.I know
where your kids go to school

I will make it my lifes mission
to FUCK you guy's life
UPPPPPPP



Aa



2:36



Lauren Elaine

Messenger



But Apparantly no one
responded and HES SO
OBSESSED with me that he
has to try and fuck my
brother

Youre a stupid ass bitch and
you'll see that I am telling the
truth

Dont hmu trying to get info
when you realize its FACTS

karmas a bitch

Watch your back

And your bastard kids too

This is phase 1

Let me find out he EVER
contacts my brother again in
ANYWAY



Your pussv so loose he has
to

Go ask my brother yours... 📩



Aa



EXHIBIT 6

EXHIBIT 6

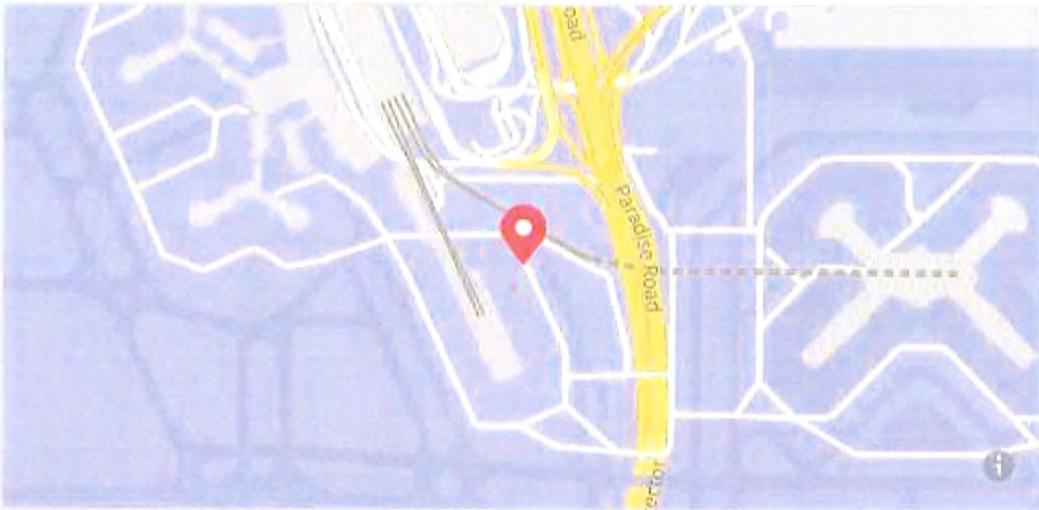
EXHIBIT 6



Josh Lloyd is at McCarran International Airport.



November 15 at 9:28 AM · Las Vegas · 🌐



McCarran International Airport

Airport · Las Vegas

7,070,790 people checked in here

Save

1 Comment



Like



Share



Ashley Wolf Where u going

Like · 1w



josh

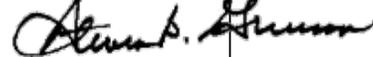


5:00 AM

Legally if your not served 14 days before trial you dont have to go. Courts on the 10th and 11th which makes it too late for them to serve you.

They are trying to take the kids away from chalesse blaming me because I got arrested before jesse was born.

Do what you want I'm gonna be leaving town were gonna have to figure out if I get arielle summers or not



1 **RPLY**
Vincent Mayo, Esq.
2 Nevada State Bar Number: 8564
THE ABRAMS & MAYO LAW FIRM
3 6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
4 Tel: (702) 222-4021
Fax: (702) 248-9750
5 Email: vmgroup@theabramslawfirm.com
Attorney for Plaintiff

Eighth Judicial District Court
Family Division
Clark County, Nevada

8 ADAM MICHAEL SOLINGER,) Case No.: D-19-582245-D
)
9 Plaintiff,) Department: I
)
10 vs.)
) Date of Hearing:12/6/19
11 CHALESE MARIE SOLINGER,) Time of Hearing: 1:00 p.m.
)
12 Defendant.)
)

13 **PLAINTIFF’S REPLY IN SUPPORT OF MOTION TO COMPEL**
14 **DISCOVERY RESPONSES AND FOR ATTORNEY’S FEES**

15 NOW INTO COURT comes Plaintiff, ADAM MICHAEL
16 SOLINGER, by and through his attorney of record, Vincent Mayo, Esq.,
17 of The Abrams & Mayo Law Firm, and hereby submits his *Reply in*
18 *Support of Motion to Compel Discovery Responses and for Attorney’s*
19 *Fees.*

1 This Reply is made and based upon the attached Points and
2 Authorities, the Exhibit attached thereto, all papers and pleadings on file
3 herein, and any oral argument adduced at the hearing of this matter.

4 Dated Friday, November 29, 2019.

5 Respectfully Submitted:

6 THE ABRAMS & MAYO LAW FIRM

7
8 /s/ Vincent Mayo, Esq.

9 Vincent Mayo, Esq.

10 Nevada State Bar Number: 8564

6252 South Rainbow Blvd., Suite 100

Las Vegas, Nevada 89118

11 Tel: (702) 222-4021

Fax: (702) 248-9750

12 Attorney for Plaintiff

13 **MEMORANDUM OF POINTS AND AUTHORITIES**

14 **I. REPLY**

15 Chalese's Opposition is nothing more than a slew of excuses all
16 designed to avoid her obligation to participate in discovery in good faith.
17 Chalese alleges that she was never provided Adam's discovery requests
18 by her prior counsel, Louis Schneider, but Mr. Schneider never admitted
19 he did not provide Chalese Adam's discovery. As for Chalese's "discovery
20 responses," served September 5th, they were nothing of the kind. Instead,
21 they merely repeated that Chalese would provide actual responses in the

1 future. However, a month later, Chalese still has not provided anything
2 responsive to Adam.

3 Adam's motion to compel was a culmination of repeated failures
4 by Chalese to respond to discovery. It was filed after her new counsel
5 had sufficient time to respond and did not.

6 Chalese statement that there was never a "definite date for
7 supplemental responses" requested by Mr. Mayo is a falsehood. First of
8 all, Chalese never gave actual discovery responses. Hence, her attempt to
9 designate the actual responses as "supplemental responses" is pure
10 fiction intended to deceive the Court as no discovery that was actually
11 responsive to Adam's discovery requests was provided on September 5th.
12 Second, a hard date of September 20th was clearly communicated to
13 Chalese's counsel and merely because Adam did not file a motion to
14 compel immediately that afternoon does not mean the deadline was
15 negated.

16 The same applies to Chalese's ludicrous claim that there was no
17 EDCR 5.602 conference. EDCR 5.602 only requires for counsel to confer
18 in person or at least over the phone. Counsel in fact conferred face to
19 face on September 16th, September 25th and October 3rd. The September
20 25th and October 3rd conferences were even after Adam's counsel sent an
21 email on September 23rd stating counsel needed to confer. Chalese's

1 counsel, who has been practicing exclusively in family law for many
2 years cannot now play ignorant and claim they did not understand Mr.
3 Mayo's repeated, face-to-face attempts to obtain responses to discovery
4 did not count because Mr. Mayo did not start the conversation with "You
5 are on notice that this is our EDCR 5.602 conference..."

6 As for Adam's opposition to Chalese's motion to continue trial, it
7 must be understood that the October 9, 2019 and October 10, 2019 trial
8 dates had been set since March 19, 2019 – seven months prior.
9 Therefore, and despite the fact she had seven months, Chalese refused to
10 cooperate in either propounding discovery or providing it. While Chalese
11 conveniently blames it on her prior counsel, Chalese chose to spend her
12 time insisting the parties "settle" while simultaneously taking a course of
13 action that guaranteed the parties would not be able to settle.
14 Specifically, Chalese reckless endangerment of the parties' children and
15 violation of Court orders resulted in Adam being awarded primary
16 physical custody. It was on Chalese to conduct herself in a fashion that
17 was in the children's best interest and that would permit for settlement
18 or else prudently prepare for trial. She failed to do either and Adam had
19 no interest in continuing trial for many more months due to Chalese's
20 misconduct and apathy when it came to properly working her own case.

21

1 Therefore, Adam had no option but to proceed to trial. He would
2 obviously had preferred to have Chalese's discovery responses for trial
3 but would have rather obtained a resolution to the matter through the
4 Court then let the uncertainty and fees pile on for months and months
5 via a continuance.

6 It is of note that as of the date Chalese filed her Opposition to
7 Adam's motion to compel on November 7th, she still had not provided
8 her discovery responses. Even when she did the next day, they were
9 massively deficient. Adam's counsel sent Chalese's a deficiency letter
10 pursuant to EDCR 5.602 pointing out the deficiencies and requesting
11 Chalese cure them by no later than November 22, 2019. The relevant
12 portions of the letter are as follows:

13 This letter is written pursuant to EDCR 5.602. After a review of the
14 supplemental discovery responses produced, we have noticed the
15 following information/documents that are either missing, or need
to be supplemented pursuant to your client's continuing
obligations under NRCP 16.2:

16 Interrogatory Number 1: As to Cookie Cutter, Chalese did not
17 disclose her average monthly tips received from said employment.
Chalese needs to answer the Interrogatory fully and with
18 specificity.

19 Interrogatory Number 4: This response is missing the facts
Chalese based her belief on (especially the names, addresses and
20 contact information for every employer Chalese supposedly
applied with). Chalese needs to answer the Interrogatory fully and
21 with specificity.

1 Interrogatory Number 5: This response is missing name of
2 employer/shop, contacts name, what was discussed, whether
positions were offered and dates. Chalese needs to answer the
Interrogatory fully and with specificity.

3
4 Interrogatory Number 6: This response is missing any past
5 problems of significance (including her claim that she could not
6 drive on her medication), address for providers, conditions she
was diagnosed with, dates of treatment, how long she has taken
medication, where she purchases it. Chalese needs to answer the
Interrogatory fully and with specificity.

7 Interrogatory Number 9: This response is entirely deficient.
8 Chalese has lived in the Curdsen Way residence since late August
9 2019, meaning she by now has bills for the monthly expenses
related to the residence. Further, many of the expenses are
independent from where she resides. Chalese needs to answer the
Interrogatory fully and with specificity.

10 Interrogatory Number 10: This response is entirely deficient.
11 Chalese was asked to provide the facts upon which she is basing a
12 request for alimony, not the legal basis. Chalese needs to answer
the Interrogatory fully and with specificity.

13 Interrogatory Number 11: This response is missing the nature of
14 trip, airlines utilized cost of travel, whether she was reimbursed,
etc. Chalese needs to answer the Interrogatory fully and with
specificity.

15 Interrogatory Number 13: Chalese needs to list what documents
16 support her separate property claim. Chalese needs to answer the
Interrogatory fully and with specificity.

17 Interrogatory Number 20: This response is entirely deficient.
18 Chalese states that she cannot remember “all” purchases she made,
19 meaning she remembers at least some of them. Chalese can also
reference her bank statements. Chalese needs to answer this
Interrogatory as best she can and with specificity.

20 Interrogatory Number 22: This response is missing the amount of
21 funds Josh contributes to Chalese or on her behalf. Chalese needs

1 to answer the Interrogatory fully and with specificity.

2 Interrogatory Number 23: This response is missing the amount of
3 funds Josh contributes to Josh. Chalese needs to answer the
Interrogatory fully and with specificity.

4 Interrogatory Number 25: This response is entirely deficient.
5 Chalese admitted she tried to sell community property. Therefore,
6 she must state why she believed she was entitled to do so. Chalese
needs to answer the Interrogatory fully and with specificity.

7 Interrogatory Number 27: This response is entirely deficient as
8 Chalese can easily list the artwork she has in her possession.
Chalese needs to answer the Interrogatory fully and with
specificity.

9 Request for Production Number 2: This response is missing all
10 documentation related to Chalese's compensation from
11 employment, including but not limited to paystubs, tips registers,
12 etc. We were able to subpoena and obtained said documentation
from Chalese's employer earlier this year and Chalese has the
ability to obtain more recent statements (and through the present)
directly from her employer. Please have her disclose said
documentation.

13 Request for Production Number 5: This response is missing all
14 statements from 1/1/2016 to present. Aside from one Charles
15 Schwab statement for January 2, 2019, Chalese has only provided
16 a few illegible screenshots of her accounts. She has not provided
any of her statements. Please have her disclose said
documentation.

17 Request for Production Number 9: This response is entirely
18 deficient. Chalese has admitted Josh Lloyd contributes to her
monthly expenses, which would include receipts, invoices, service
statements, etc. Please have her disclose said documentation.

19 Request for Production Number 10: This response is missing all
20 debt statements from 1/1/2018 to present. Aside from a loan
quote, an unsigned promissory note and illegible account snap
21 shots, Chalese has not provided statements evidencing any and all

1 debt she has. Please have her disclose said documentation.

2 Request for Production Number 21: As Chalese can easily obtain
3 her credit report, these objections are not in good faith. Please
4 have her disclose said documentation.

4 Request for Production Number 27: This response is missing the
5 October 2019 billing statement for firm and retainer, all billing
6 statements, all payments and retainer agreements for Chalese's
7 previous two attorney's, and retention agreements and billing
8 statements for any experts she has hired and utilized. Please have
9 her disclose said documentation.

7 Request for Production Number 34: Again, this response is
8 deficient. As photos can be easily taken on Chalese's smart phone,
9 these objections are not in good faith. Please have her disclose said
10 documentation.

10 Request for Production Number 37: This response is entirely
11 deficient. Chalese has admitted Josh Lloyd contributes to her
12 monthly expenses, which would include receipts, invoices, service
13 statements, etc. Please have her disclose said documentation.

12 You are requested to produce the requested information by the
13 close of business on November 22, 2019, at 5:00 p.m. As always,
14 should you have any questions or comments, please do not hesitate
15 to call.

15 Chalese did not provide the required responses or documentation by the
16 deadline. ***However, what made this worse is that Chalese had***
17 ***the information and simply chose not to provide it.*** For
18 example, Adam requested Chalese provide her tip information but chose
19 to only list her hourly rate for her salary. Adam requested to know
20 everyone she had applied for work with. Chalese did not list it. Adam
21 asked Chalese to provide her bank statements but refused to despite

1 telling Adam via text months ago that he had them all.¹ Adam asked for
2 her credit card statements but Chalese choose not to provide them.
3 These repeated failures on Chalese’s part easily show that she is acting in
4 bad faith and willfully refused to abide by NRCP 26, 33 or 34.

5 Finally, Chalese’s discovery responses were due on September 4,
6 2019. Chalese failed to provide them by that date. Further, Chalese’s
7 shell response served the next day which simply stated Chalese would
8 provide responses in the future did not constitute timely or sufficient
9 notice of objections made with “specificity.” NRCP 33(4) and NRCP
10 34(b)(2)(C). Chalese was also required to state what documents she had
11 and an objection explaining why she was refusing to provide them. She
12 refused to do this as well.

13 **III. CONCLUSION**

14 Based on the foregoing, this Honorable Court should grant the
15 relief requested in Adam’s Motion in its entirety, consisting of the
16 following:

- 17 (1) Wavier of Chalese’s objections;
- 18 (2) Ordering Chalese to respond accurately and in full to the
19 deficiencies Adam outlined in his letter by no later than
20 December 13, 2019 or if she does not, the Court grant an

21 ¹ See the text messages between the parties, attached as **Exhibit 1**.

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order allowing Adam to make inferences supportive to his case based on the missing information and barring Chalese from opposing same; and

(3) Awarding Adam an award of attorney's fees and costs.

Dated Friday, November 29, 2019.

Respectfully Submitted,

THE ABRAMS & MAYO LAW FIRM

/s/ Vincent Mayo, Esq.
Vincent Mayo, Esq.
Nevada State Bar Number: 8564
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Attorney for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing REPLY IN SUPPORT OF MOTION TO COMPEL DISCOVERY RESPONSES AND FOR ATTORNEY'S FEES was filed electronically with the Eighth Judicial District Court in the above-entitled matter, on Friday, November 29, 2019. Electronic service of the foregoing document shall be made in accordance with the Master Service List, pursuant to NEFCR 9, as follows:

Bruce I. Shapiro, Esq.
Attorney for Defendant

/s/ Julie Schoen
An Employee of The Abrams & Mayo Law Firm

EXHIBIT 1

EXHIBIT 1

EXHIBIT 1



Adam Solinger on 7/9/2019 8:08PM said:

I literally have the mortgage documents. You didn't put any cash into the closing and we didn't have a joint account at the time. You've never made a mortgage payment. You called twice tonight 4 minutes apart. I called you right back after finishing bath time because I can't answer in the middle of it.

Adam Solinger on 7/9/2019 8:09PM sent:

(See attached on page 294)

Adam Solinger on 7/9/2019 8:09PM said:

Just to confirm, you're feeding them dinner tomorrow so I don't need to feed them before you pick them up at my house at 6.

Chalese Anderson on 7/9/2019 8:09PM said:

We did have a joint account. And I have it all the bank statements

Chalese Anderson on 7/9/2019 8:10PM said:

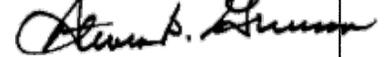
Me saying I was in a meeting and would call as soon as I'm out. And me trying three times to call

Chalese Anderson on 7/9/2019 8:10PM sent:

(See attached on page 295)

Chalese Anderson on 7/9/2019 8:11PM sent:

(See attached on page 296)



1 **RPLY**
2 **Dawn R. Throne, Esq.**
Nevada Bar No. 006145
3 **Michelle A. Hauser, Esq.**
Nevada Bar No. 007738
4 THRONE & HAUSER
5 1070 Horizon Ridge Pkwy, Suite 100
Henderson, Nevada 89012
6 Phone: (702) 800-3580
7 Fax: (702) 800-3581
email: michelle@thronehauser.com
8 Attorney for Joshua Lloyd

9
10 **DISTRICT COURT**
CLARK COUNTY, NEVADA

11 **ADAM MICHAEL SOLINGER,**

12
13 Plaintiff

14 vs.

15
16 **CHALESE MARIE SOLINGER,**

17 Defendant.

Case No. **D-19-582245-D**
Dept. No. **I**

Date of Hearing: **December 6, 2019**
Time of Hearing: **1:00 p.m.**

Oral Argument Requested

18
19 **REPLY TO PLAINTIFF'S OPPOSITION TO MR. LLOYD'S**
20 **MOTION FOR PROTECTIVE ORDER AND COUNTERMOTION**
21 **FOR ATTORNEY'S FEES AND COSTS**

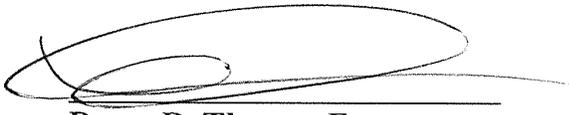
22 COMES NOW Joshua Lloyd, ("Joshua"), by and through his counsel, **Dawn**
23 **R. Throne, Esq.**, of the law office of THRONE & HAUSER, and hereby submits his
24 Reply to Plaintiff's "Opposition to Mr. Lloyd's Motion for Protective Order and
25 Counter-motion for Attorney's Fees and Costs," and Opposition to Counter-motion.

26 This Reply and Opposition to Counter-motion is made and based upon the
27 papers and pleadings on file herein, the attached Memorandum of Points and
28

Reply and Opposition

1 Authorities, the exhibits filed under separate appendix, and such oral argument that
2 may be induced at the time of hearing in this matter.

3 **DATED** this 2nd day of December, 2019.

4
5 **THRONE & HAUSER**
6 
7 **Dawn R. Throne, Esq.**
8 Nevada Bar No. 006145
9 **Michelle A. Hauser, Esq.**
10 Nevada Bar No. 007738
11 1070 West Horizon Ridge Pkwy, Ste. 100
12 Henderson, Nevada 89012
13 (702) 800-3580
14 Attorney for Joshua Lloyd

13 **MEMORANDUM OF POINTS AND AUTHORITIES**

14 **I. INTRODUCTION**

15
16
17 This is a divorce case. Plaintiff, Adam Solinger, (“Plaintiff”) is a licensed
18 attorney, and has endless amounts of money to harass and litigate this case.
19 Defendant, Chalese Solinger, (“Defendant”) had been a stay at home mother, with
20 minimal financial resources. This case was commenced on January 4, 2019, when
21 Plaintiff filed his complaint.
22

23
24 A divorce trial was originally scheduled to commence on October 9, 2019. On
25 October 3, 2019, the District Court continued the trial for a third time and three days
26 have been calendered for the trial to take place. The trial is now scheduled to be
27
28

1 commenced on January 13, 2020, and conclude on January 15, 2020. Discovery is
2 scheduled to close on December 13, 2019, at the close of business.

3
4 As indicated in both parties pleadings, Plaintiff has been well aware of
5 Plaintiff's relationship with Joshua since as early as April 2019. Yet, although the trial
6 was originally scheduled to commence on October 9, 2019, Plaintiff never elected to
7 conduct Joshua's deposition prior to the original discovery cut off. Pursuant to the
8 Case and Non-Jury Trial Management order entered on March 19, 2019, discovery
9 was to close on September 9, 2019.

10
11 It was not until after the evidentiary hearing/trial was continued, that Plaintiff
12 all of sudden felt the need to conduct Joshua's deposition. As indicated in Defendant's
13 joinder, Plaintiff never reached out to Defendant to schedule Joshua's deposition, and
14 instead scheduled Joshua's deposition for a day and time that presumably he would
15 be available to conduct Joshua's deposition. Joshua's deposition was scheduled based
16 solely on Plaintiff's availability for November 15, 2019, at 1:00 p.m.

17
18 On November 13, 2019, at 1:17 p.m., less than forty-eight hours before Joshua's
19 deposition was to commence, Plaintiff advised Defendant's counsel as follows:
20

21 I have a hearing that has been placed on calendar for this Friday at 1:30
22 p.m. It cannot be moved and Jennifer is unavailable to cover it.
23 Therefore, I will need to start Mr. Lloyd's depo at 3:00 p.m. instead of
24 1:30 p.m. I know that you do not represent Mr. Lloyd but could you do
25 me the favor of having Chalese notify him and confirming the same?
26 Being that it will result in his deposition being shorter than it would
27 have been, I would assume he would not have an issue with it.
28

1 Although Plaintiff gave less than forty-eight hours notice to Defendant and
2 Defendant's counsel, and never even bothered to reach out to Joshua to confirm there
3 would be no scheduling issues, Defendant's counsel, Joshua, and his attorney
4 appeared at Plaintiff's counsel's office willing and ready for Plaintiff to conduct his
5 deposition. Joshua, his counsel, and Defendant's counsel were informed shortly after
6 arriving that Plaintiff's counsel was on his way from court and would be a little late.
7

8 Defendant's counsel, Joshua, and his attorney waited at Plaintiff's counsel's
9 office for Plaintiff's counsel to arrive until around 4:30 p.m. *During the hour and*
10 *half they waited, they were never told that Plaintiff's counsel would not be able to*
11 *make it and instead, had an Amended Notice of Taking Deposition for Joshua's*
12 *deposition handed to them.* Despite waiting for an hour and a half, nobody consulted
13 with either counsel present regarding scheduling a new deposition date. Thus, for the
14 second time, Plaintiff on his own accord decided the date and time for when
15 everyone will appear for a second date for Joshua's deposition.
16
17

18 Plaintiff, in his opposition, spends several pages making personal attacks
19 against Defendant and Joshua. None of which are relevant to the pending issue
20 before the Discovery Commissioner. No one argued that Plaintiff was not entitled
21 to take Joshua's deposition. Joshua appeared on November 15, 2019 for Plaintiff to
22 conduct his deposition. Plaintiff's statements regarding Plaintiff and Joshua are
23 simply a red herring to distract the Discovery Commissioner from the true issues at
24 hand. The simple call of the question before the Discovery Commissioner, is whether
25 Joshua should be required to attend his deposition a second time, after Plaintiff failed
26 to appear to conduct his deposition on November 15, 2019. Toward that end, the
27
28

1 Discovery Commissioner should be cautious when determining whether Plaintiff
2 acted in good faith.

3
4 On page 6 of Plaintiff's opposition, Plaintiff's counsel attempts to explain
5 what happened on November 15, 2019. Specifically, Plaintiff's counsel states the
6 following:

- 7 1. After Josh's deposition was noticed for November 15, 2019, a
8 potential conflict arose related to a hearing set before the
9 Honorable Bill Henderson for 1:30 p.m.
- 10 2. Mr. Mayo was in Court in front of Judge Henderson on a different
11 matter on the morning of the 15th and notified the Court's marshal
12 that Mr. Mayo needed to be done with the afternoon hearing by
13 2:00 p.m. and absolutely no later than 2:30 p.m. The marshal
14 stated he understood and would convey the message to the Court.
15 Unfortunately, the 1:30 p.m. hearing went until 4:00 p.m.

16 Based upon the representations in Plaintiff's counsel email on November 13,
17 2019, and statements in his opposition, one would assume that an order shortening
18 time, or something to that nature occurred and Plaintiff's counsel's hands were tied.
19 This is obviously understandable. However, this is not the case.

20 Plaintiff's counsel did have a hearing before Judge Henderson on November
21 15, 2019, at 1:30 p.m. Plaintiff's counsel appeared before Judge Henderson in the
22 case of *Michel v. Michel*, Case Number D-17-558188-D. This hearing was not
23 scheduled on an order shortening time. The hearing was scheduled on October 11,
24 2019. See exhibit "1," which is an Order Mr. Mayo's office prepared in the *Michel*
25 case.

26 The court's order specifically provides that a hearing would be conducted on
27 November 15, 2019, at 1:30 p.m. Upon and information belief, the hearing on
28

1 November 15, 2019, at 1:30 p.m. was specifically calendered for that date and time
2 because it was anticipated to be a lengthy argument in the event the parties could not
3 settle before the November 15th hearing. Upon and information and belief, the parties
4 left the October 11, 2019, hearing believing that if a settlement was not reached, the
5 November 15, 2019, hearing would take more than a half an hour, and it would take
6 several hours to argue the pending issues. Thus, when Plaintiff's counsel served his
7 Notice of Deposition on October 29, 2019, Plaintiff already knew there would be a
8 calendering conflict. *See* exhibit "2."

11 The order in the *Michel* case clearly states that a settlement conference was to
12 be conducted on October 22, 2019, at 3:00 p.m. at Plaintiff's counsels office. *See*
13 exhibit "1" lines 4 to 6. In Plaintiff's Opposition, Plaintiff acknowledges that a
14 settlement conference was held. *See* Opposition, page 6, footnote 6. With this
15 information, the question must be asked, "Why would Plaintiff serve a Notice of
16 Deposition on October 29, 2019, for Joshua's deposition to be conducted on
17 November 15, 2019, at 1:00 p.m.?"

20 Upon information and belief, the settlement conference did occur on October
21 22, 2019, at 3:00 p.m. Thus, at the time of sending a Notice of Deposition on October
22 29, 2019, Plaintiff knew there was a hearing before Judge Henderson on November
23 15, 2019, at 1:30 p.m. and yet, scheduled Joshua's deposition for the same day at 1:00
24 p.m. Plaintiff knew, or should have known, that he would be unavailable to conduct
25 the deposition at 1:00 p.m. on November 15, 2019, Joshua should not have been
26 served a Notice of Deposition when Plaintiff's counsel already had a conflict.
27
28

1 Moreover, Plaintiff knew or should have known, that the deposition would not
2 start at 3:00 p.m. The *Michel* case is a “bucket case.” Moreover, upon information and
3 belief, Plaintiff’s counsel was advised shortly before the hearing commenced on
4 November 15, 2019, that it would not be concluded by 2:00 p.m. There was no
5 reason to believe that the hearing would start promptly at 1:30 p.m. and would
6 conclude in time for a deposition across town to be conducted at 3:00 p.m.
7

8 **II. ARGUMENT**

9 **1. Plaintiff’s Opposition is procedurally defective pursuant to EDCR** 10 **5.503(a).**

11 EDCR 5.503(a) provides:

12
13 Every motion, opposition, countermotion, and reply shall
14 include points and authorities supporting each position
15 asserted. Points and authorities lacking citation to relevant
16 authority, or consisting of bare citations to statutes, rules or
17 case authority, do not comply with this rule. The absence
18 or deficiency of points and authorities may be construed as
19 an admission that the filing is not meritorious, as cause for
20 its denial, or as a disclaimer of all positions not supported.

21 Plaintiff’s underlying Opposition is deficient pursuant to EDCR 5.503(a).
22 Plaintiff’s Opposition provides *no* points and authorities to support his requested
23 relief. Plaintiff’s absence of points and authorities should be construed as an
24 admission that Plaintiff’s Opposition and Countermotion is not meritorious and thus,
25 should be construed by the District Court as good cause for its summary denial.

26 In his Opposition, Plaintiff points to no legal authority why a third party
27 witness has to appear multiple times for a deposition, especially after he appeared
28 once, and the Plaintiff failed to appear. His failure to provide any legal argument to

1 support his blanket statements that Joshua simply should have to appear are simply
2 not good enough pursuant to NRCPC 45.

3
4 **2. NRCPC 45 provides that the a subpoena can be quashed if there is it
5 subjects a person to an undue burden.**

6 First and foremost, it should be noted, that at the time of preparing this reply,
7 Plaintiff still has not served a subpoena on Joshua for his deposition to be conducted
8 on December 2, 2019. The only notice Joshua has received is an amended Notice of
9 Taking Deposition. Joshua is not a party to this action and thus, he needs to be
10 personally served a subpoena to appear at a deposition pursuant to NRCPC 45.

11
12 Regardless of the fact that a subpoena has not been served, this issue still needs
13 to be resolved. The Plaintiff just makes a blanket statement that Joshua is required to
14 attend his deposition because it is reasonable for a person and his/her employer to
15 expect to be required to miss several days of work. This is not the case. NRCPC 45
16 clearly states that a subpoena can be quashed if it would cause an undue burden.
17 Obviously, the rules of civil procedure would not contain language that a subpoena
18 can be quash for undue burden, if it was anticipated that a person could routinely be
19 subpoenaed as the Plaintiff would have the Discovery Commissioner believe.

20
21 Joshua would incur an undue burden if he is required to attend his deposition
22 again. Joshua already has missed 1/2 day of work because of Plaintiff's **CHOICE** to
23 schedule his deposition at a date and time when he **ALREADY** had a lengthy
24 hearing. This was Plaintiff's choice to schedule a deposition when he was otherwise
25 unavailable, and Joshua should not have to miss more work because of the Plaintiff's
26 choices.
27
28

1 Moreover, the Discovery Commissioner should question, if Joshua was such
2 an important witness, why his deposition was not originally conducted in advance of
3 the October 2019 trial. Had the trial not been continued, Plaintiff would not have
4 conducted Joshua's deposition. It was only after the trial was continued, that Plaintiff
5 suddenly wanted to conduct his deposition, and scheduled the same for a date and
6 time when he could not be available to conduct Joshua's deposition. Obviously,
7 Joshua's deposition is not that crucial.
8

9
10 Plaintiff not only served Joshua a notice for his November 15, 2019 deposition
11 but, he also served a trial subpoena. *See* exhibit "3." Pursuant to this subpoena,
12 Joshua is required to be at the trial on January 13th, 14th, and 15th. Thus, in total,
13 Plaintiff wants Joshua to miss **a total FIVE days of work**. This is unduly
14 burdensome to Joshua and Joshua should not be forced to miss more work because
15 of Plaintiff's own actions.
16

17 NRCP 45 also provides that Joshua is to be tendered the fee for 1 day
18 attendance and the milage allowed by the law. To date, Joshua has not been tendered
19 any money for the deposition notice or the trial subpoena. Plaintiff would have this
20 court believe that Joshua is not entitled to the fees as proscribed in NRCP 45 based
21 upon NRS 50.225. NRS 50.225 discusses the fees for a witness to appear at a
22 hearing, trial, etc. It does not apply to depositions.
23
24

25 The fees and cost reimbursement required to be paid for a witness to appear at
26 a deposition are clearly outlined in NRCP 45 (b)(1). Joshua is entitled to those fees
27 for attending the November 15, 2019, deposition, and in the event the Discovery
28

1 Commissioner does require Joshua to appear a second time, he is entitled to the fees
2 again pursuant to NRCPC 45(b)(1).

3
4 **2. Joshua's counsel is entitled to fees.**

5 Plaintiff argues that Joshua's counsel is "greedy" for requesting an award of
6 attorney's fees. The sad reality is that Plaintiff is the party solely responsible for his
7 litigation tactics. Plaintiff is the one who is over-litigating this case in hopes of
8 draining the Defendant. It is Plaintiff who hired a private investigator to monitor
9 Defendant and Joshua. In the big picture, there is nothing greedy about an attorney
10 requesting an award of attorneys fees and costs for the work performed.
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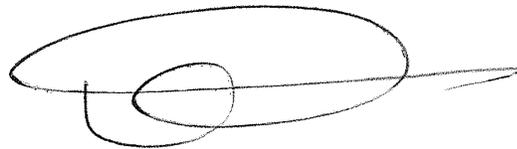
III. CONCLUSION

WHEREFORE, based upon the foregoing, Joshua Lloyd respectfully requests that this Court enter orders granting him the following relief:

1. Granting a Protective Order so that witness Joshua Lloyd does not have to appear a second time for Plaintiff to take his deposition;
2. Awarding Joshua attorney's fees and costs from Plaintiff; and
3. Awarding Joshua such other and further relief as this Court may deem appropriate in this matter.

DATED this 2nd day of December, 2019.

THRONE & HAUSER



Dawn R. Throne, Esq.
Nevada Bar No. 006145
Michelle A. Hauser, Esq.
Nevada Bar No. 007738
1070 West Horizon Ridge Parkway, Suite 100
Henderson, Nevada 89012
(702) 800-3580
Attorney for Joshua Lloyd

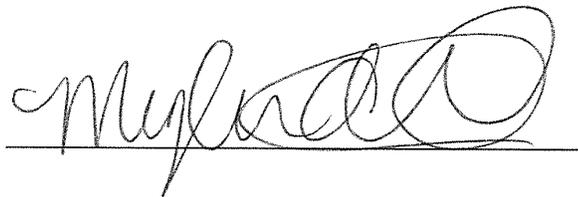
1 CERTIFICATE OF SERVICE

2 A COPY OF the "REPLY TO PLAINTIFF'S OPPOSITION TO MR. LLOYD'S
3 MOTION FOR PROTECTIVE ORDER AND COUNTERMOTION FOR ATTORNEY'S FEES
4 AND COSTS" in the above-captioned matter was served this date by electronic service
5 pursuant to NEFCR 9 as follows:
6

7
8 Vincent May, Esq.
9 Vmgroup@theabramslawfirm.com
Attorney Plaintiff

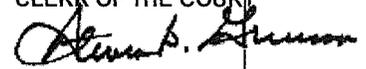
10 Bruce Shapiro, Esq.
11 Bruce@pecoslawgroup.com
12 Email@pecoslawgroup.com
13 Jack@pecoslawgroup.com
14 Alicia@pecoslawgroup.com
15 Amy@pecoslawgroup.com
Attorney for Defendant

16 DATED this 2 day of December, 2019.

17
18 
19
20

21 an employee of THRONE & HAUSER
22
23
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25
26
27
28

EXHIBIT 1



1 **ORDER**
Vincent Mayo, Esq.
2 Nevada State Bar Number: 8564
The Abrams & Mayo Law Firm
3 6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
4 Tel: (702) 222-4021
Fax: (702) 248-9750
5 Email: vmgroup@theabramslawfirm.com
Attorney for Plaintiff

Eighth Judicial District Court
Family Division
Clark County, Nevada

8 KEITH MICHEL,) Case No.: D-17-558188-D
9 Plaintiff,) Department: R
10 vs.)
11 ALENA MICHEL,)
12 Defendant.)

13
14 **ORDER AFTER HEARING OF OCTOBER 11, 2019**

15 This matter coming on for hearing on the 11th day of October 2019,
16 before the Honorable Bill Henderson, upon the Plaintiff's *Motion for an*
17 *Award of Attorney's Fees, Motion to Reconcile Pre-Judgment*
18 *Distributions, Motion for an Order to Show Cause for Contempt*
19 *Against Alena Michel for Disobedience of the Findings of Fact*
20 *Conclusions of Law and Absolute Decree of Divorce Entered on August*
21 *16, 2019, for Enforcement of the Same and for an Award of Attorney's*

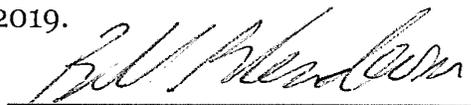
1 *Fees and Costs, Emergency Motion for a Judicial Order and Opposition*
2 *to Defendant's Motion to Alter or Amend the Findings of Fact*
3 *Conclusions of Law, and Absolute Decree of Divorce Entered on August*
4 *16, 2019 and related relief, and Defendant's Motion to Alter or Amend*
5 *the Findings of Fact Conclusions of Law, and Absolute Decree of*
6 *Divorce Entered on August 16, 2019 and related relief, Opposition to*
7 *Plaintiff's Motion for an Award of Attorney's Fees, Opposition to*
8 *Plaintiff's Motion to Reconcile Pre-Judgment Distributions, Opposition*
9 *to Plaintiff's Motion for an Order to Show Cause for Contempt Against*
10 *Alena Michel for Disobedience of the Findings of Fact Conclusions of*
11 *Law and Absolute Decree of Divorce Entered on August 16, 2019, for*
12 *Enforcement of the Same and for an Award of Attorney's Fees and*
13 *Costs, Opposition to Plaintiff's Emergency Motion for a Judicial Order*
14 with Plaintiff, KEITH MICHEL (hereinafter referred to as "Keith"),
15 having appeared by and through his attorney of record, AMBER
16 CANDELARIA, ESQ., OF CANDELARIA LAW GROUP, LLC, and
17 Defendant, ALENA MICHEL (hereinafter referred to as "Alena"), having
18 appeared by and through her attorney of record, VINCENT MAYO,
19 ESQ., OF THE ABRAMS & MAYO LAW FIRM, and the Court having
20 listened to the representations and arguments of counsel, and good
21 cause appearing:

1 **IT IS HEREBY ORDERED** that the matter shall be continued. A
2 status check regarding a full resolution is set for November 15, 2019, at
3 1:30 p.m.

4 **IT IS FURTHER ORDERED** that a meet and confer will be held
5 between the Counsel and their clients on October 22, 2019, at 3:00 p.m.
6 The meet and confer shall be conducted at Attorney Mayo's Office.

7 **IT IS FURTHER ORDERED** that Attorney Mayo shall prepare
8 the Order from today's hearing Attorney Candelaria shall review and
9 sign off.

10 Dated this 18 day of Nov, 2019.


DISTRICT COURT JUDGE 

12 Respectfully Submitted:
13
14 The Abrams & Mayo Law Firm
15 _____
16 Vincent Mayo, Esq.
17 Nevada State Bar No.: 8564
18 6252 S. Rainbow Blvd., Suite 100
19 Las Vegas, Nevada 89118
20 Tel: (702) 222-4021
21 Attorney for Defendant

Approved as to Form and
Content:
The Candaleria Law Group

Amber Candaleria, Esq.
Nevada State Bar No.: 9992
8275 S. Eastern Ave., Suite 200
Las Vegas, Nevada 89123
Tel: (702) 702-706-7065
Attorney for Plaintiff

EXHIBIT 2

Janine Shapiro

From: efilngmail@tylerhost.net
Sent: Tuesday, October 29, 2019 10:03 AM
To: Email
Subject: Notification of Service for Case: D-19-582245-D, Adam Michael Solinger, Plaintiffvs.Chalese Marie Solinger, Defendant. for filing Notice of Taking Deposition - NTTD (FAM), Envelope Number: 5126411



Notification of Service

Case Number: D-19-582245-D
Case Style: Adam Michael Solinger,
Plaintiffvs.Chalese Marie Solinger, Defendant.
Envelope Number: 5126411

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

Filing Details	
Case Number	D-19-582245-D
Case Style	Adam Michael Solinger, Plaintiffvs.Chalese Marie Solinger, Defendant.
Date/Time Submitted	10/29/2019 10:01 AM PST
Filing Type	Notice of Taking Deposition - NTTD (FAM)
Filing Description	Notice of Taking Deposition
Filed By	Stephanie Stolz
Service Contacts	Adam Michael Solinger: Adam Solinger (adam@702defense.com) Vincent Mayo (VMGroup@TheAbramsLawFirm.com) Chalese Marie Solinger: Jack Fleeman (jack@pecoslawgroup.com) Angela Romero (angela@pecoslawgroup.com) Bruce Shapiro (bruce@pecoslawgroup.com) Amy Robinson (amy@pecoslawgroup.com)

	admin email (email@pecoslawgroup.com) Alicia Exley (alicia@pecoslawgroup.com) Louis Schneider (lcsllawllc@gmail.com)
--	--

Document Details	
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EXHIBIT 3

1 **TSUB**
Vincent Mayo, Esq.
2 Nevada State Bar Number: 8564
THE ABRAMS & MAYO LAW FIRM
3 6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
4 Tel: (702) 222-4021
Fax: (702) 248-9750
5 Email: VMGroup@theabramslawfirm.com
Attorney for Plaintiff

6 Eighth Judicial District Court
7 Family Division
Clark County, Nevada

8 ADAM MICHAEL SOLINGER,) Case No.: D-19-582245-D
9 Plaintiff,) Department: I
10 vs.)
CHALESE MARIE SOLINGER,) Date of Trial 1: **1/13/2020**
11 Defendant.) Time of Trial 1: **9:30 a.m.**
12) Date of Trial 2: **1/14/2020**
13) Time of Trial 2: **9:30 a.m.**
Time of Trial 3: **1/15/2020**
Time of Trial 3: **9:30 a.m.**

14
15 **TRIAL SUBPOENA**

16 **THE STATE OF NEVADA SENDS GREETINGS TO:**

17 Joshua Lloyd
4657 Curdsen Way
18 Las Vegas, Nevada 89110

19 **YOU ARE HEREBY COMMANDED**, that all and singular,
20 business and excuses being set aside, you appear at Family Court for your
21 testimony on the 13th day of January, 2020, at the hour of 9:30 a.m., the

1 14th day of January, 2020 at the hour of 9:30 a.m. and on the 15th day of
2 January, 2020 at the hour of 9:30 a.m., at 601 North Pecos Road, Las
3 Vegas, Nevada 89101, Department I, Courtroom 13.

4 If you fail to attend, you will be deemed guilty of contempt of Court
5 and liable to pay all losses and damages caused by your failure to appear
6 and in addition forfeit one hundred dollars (\$100.00). You are under
7 subpoena to appear until you are released by the Court. Please see Exhibit
8 A attached hereto for information regarding the rights of the person
9 subject to this Subpoena.

10 Pursuant to N.R.C.P 45(a)(3), this Subpoena is being issued by
11 Vincent Mayo, Esq., attorney at law, authorized to practice law in the State
12 of Nevada, as an officer of the Court and on behalf of the Court.

13 DATED Thursday, October 24, 2019.

14 Respectfully Submitted,

15 THE ABRAMS & MAYO LAW FIRM

16 /s/ Vincent Mayo, Esq. _____

17 Vincent Mayo, Esq.

18 Nevada State Bar Number: 8564

19 6252 South Rainbow Blvd., Suite 100

20 Las Vegas, Nevada 89118

21 Attorney for Plaintiff

1 EXHIBIT A

2 NEVADA RULES OF CIVIL PROCEDURE

3 **Rule 45 (c) Protection of Persons Subject to Subpoena.**

4 (1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney
5 responsible for issuing and serving a subpoena must take reasonable steps
6 to avoid imposing undue burden or expense on a person subject to the
7 subpoena. The court that issued the subpoena must enforce this duty and
8 may impose an appropriate sanction — which may include lost earnings
9 and reasonable attorney fees — on a party or attorney who fails to comply.

10 (2) Command to Produce Materials or Permit Inspection.

11 (A) Appearance Not Required.

12 (i) A person commanded to produce documents,
13 electronically stored information, or tangible things, or to permit
14 the inspection of premises, need not appear in person at the place
15 of production or inspection unless also commanded to appear for a
16 deposition, hearing, or trial.

17 (ii) If documents, electronically stored information, or
18 tangible things are produced to the party that issued the subpoena
19 without an appearance at the place of production, that party must,
20 unless otherwise stipulated by the parties or ordered by the court,
21 promptly copy or electronically reproduce the documents or
information, photograph any tangible items not subject to copying,
and serve these items on every other party. The party that issued the
subpoena may also serve a statement of the reasonable cost of
copying, reproducing, or photographing, which a party receiving the
copies, reproductions, or photographs must promptly pay. If a party
disputes the cost, then the court, on motion, must determine the
reasonable cost of copying the documents or information, or
photographing the tangible items.

(B) Objections. A person commanded to produce documents,
electronically stored information, or tangible things, or to permit
the inspection of premises, or a person claiming a proprietary
interest in the subpoenaed documents, information, tangible
things, or premises to be inspected, may serve on the party or
attorney designated in the subpoena a written objection to

1 inspecting, copying, testing, or sampling any or all of the materials
2 or to inspecting the premises — or to producing electronically stored
3 information in the form or forms requested. The person making the
4 objection must serve it before the earlier of the time specified for
5 compliance or 14 days after the subpoena is served. If an objection
6 is made:

7 (i) the party serving the subpoena is not entitled to inspect,
8 copy, test, or sample the materials or tangible things or to inspect
9 the premises except by order of the court that issued the subpoena;

10 (ii) on notice to the parties, the objecting person, and the
11 person commanded to produce or permit inspection, the party
12 serving the subpoena may move the court that issued the subpoena
13 for an order compelling production or inspection; and

14 (iii) if the court enters an order compelling production or
15 inspection, the order must protect the person commanded to
16 produce or permit inspection from significant expense resulting
17 from compliance.

18 (3) Quashing or Modifying a Subpoena.

19 (A) When Required. On timely motion, the court that issued a
20 subpoena must quash or modify the subpoena if it:

21 (i) fails to allow reasonable time for compliance;

(ii) requires a person to travel to a place more than 100 miles
from the place where that person resides, is employed, or regularly
transacts business in person, unless the person is commanded to
attend trial within Nevada;

(iii) requires disclosure of privileged or other protected
matter and no exception or waiver applies; or

(iv) subjects a person to an undue burden.

(B) When Permitted. On timely motion, the court that issued a
subpoena may quash or modify the subpoena if it requires
disclosing:

(i) a trade secret or other confidential research, development,
or commercial information; or

(ii) an unretained expert's opinion or information that does
not describe specific occurrences in dispute and results from the
expert's study that was not requested by a party.

1 (C) Specifying Conditions as an Alternative. In the circumstances
2 described in Rule 45(c)(3)(B), the court may, instead of quashing or
modifying a subpoena, order an appearance or production under
specified conditions if the party serving the subpoena:

3 (i) shows a substantial need for the testimony or material that
cannot be otherwise met without undue hardship; and

4 (ii) ensures that the subpoenaed person will be reasonably
compensated.

5
6 **(d) Duties in Responding to Subpoena.**

7 (1) Producing Documents or Electronically Stored Information. These
8 procedures apply to producing documents or electronically stored
information:

9 (A) Documents. A person responding to a subpoena to produce
10 documents must produce them as they are kept in the ordinary
course of business or must organize and label them to correspond
to the categories in the demand.

11 (B) Form for Producing Electronically Stored Information Not
12 Specified. If a subpoena does not specify a form for producing
electronically stored information, the person responding must
13 produce it in a form or forms in which it is ordinarily maintained or
in a reasonably usable form or forms.

14 (C) Electronically Stored Information Produced in Only One Form.
15 The person responding need not produce the same electronically
stored information in more than one form.

16 (D) Inaccessible Electronically Stored Information. The person
17 responding need not provide discovery of electronically stored
information from sources that the person identifies as not
18 reasonably accessible because of undue burden or cost. On motion
to compel discovery or for a protective order, the person responding
19 must show that the information is not reasonably accessible because
of undue burden or cost. If that showing is made, the court may
20 nonetheless order discovery from such sources if the requesting
party shows good cause, considering the limitations of Rule
21 26(b)(2)(C). The court may specify conditions for the discovery.

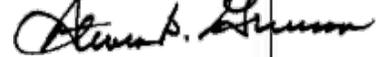
1 (2) Claiming Privilege or Protection.

2 (A) Information Withheld. A person withholding subpoenaed
3 information under a claim that it is privileged or subject to
4 protection as trial-preparation material must:

5 (i) expressly make the claim; and

6 (ii) describe the nature of the withheld documents,
7 communications, or tangible things in a manner that, without
8 revealing information itself privileged or protected, will
9 enable the parties to assess the claim.

10 (B) Information Produced. If information produced in response
11 to a subpoena is subject to a claim of privilege or of protection as
12 trial-preparation material, the person making the claim may notify
13 any party that received the information of the claim and the basis
14 for it. After being notified, a party must promptly return, sequester,
15 or destroy the specified information and any copies it has; must not
16 use or disclose the information until the claim is resolved; must take
17 reasonable steps to retrieve the information if the party disclosed it
18 before being notified; and may promptly present the information
19 under seal to the court for a determination of the claim. The person
20 who produced the information must preserve the information until
21 the claim is resolved.



1 **OPPC**
Vincent Mayo, Esq.
2 Nevada State Bar Number: 8564
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3 6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
4 Tel: (702) 222-4021
Fax: (702) 248-9750
5 Email: VMGroup@theabramslawfirm.com
Attorney for Plaintiff

6 Eighth Judicial District Court
7 Family Division
Clark County, Nevada

8 ADAM MICHAEL SOLINGER,) Case No.: D-19-582245-D
9 Plaintiff,) Department: I
vs.)
10 CHALESE MARIE SOLINGER,) Date of Hearing: 12/11/19
11 Defendant.) Time of Hearing: 8:00 a.m.
12)

13 **OPPOSITION TO DEFENDANT'S MOTION FOR A CUSTODY**
14 **EVALUATION, ATTORNEY'S FEES AND RELATED RELIEF**
15 **AND COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS**

16 **NOW INTO COURT** comes Plaintiff, ADAM MICHAEL
17 SOLINGER, by and through his attorney of record, Vincent Mayo, Esq.,
18 of The Abrams & Mayo Law Firm, and hereby submits his *Opposition to*
19 *Defendant's Motion for a Custody Evaluation, Attorney's Fees and*
20 *Related Relief and Countermotion for Attorney's Fees and Costs.*

21 This *Opposition and Countermotion* is made and based upon the
attached Points and Authorities, the Affidavit of Plaintiff attached

1 hereto, the Appendix of Exhibits in support, all papers and pleadings on
2 file herein, and any oral argument adduced at the hearing of this matter.

3 Dated Wednesday, December 04, 2019.

4 Respectfully Submitted,

5 THE ABRAMS & MAYO LAW FIRM

6
7 Vincent Mayo, Esq.
8 Nevada State Bar Number: 8564
9 6252 South Rainbow Blvd., Suite 100
10 Las Vegas, Nevada 89118
11 Attorney for Plaintiff

12
13
14
15
16
17
18
19
20
21
MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Paradoxically, Chalese's Motion uses a lot of words to not really saying anything of substance while also not mentioning things that speak volumes. Chalese claims that she only now discovered that a custody evaluation would be helpful because of answers that Adam gave during his deposition. However, Adam's deposition was taken **over sixty days ago by Chalese's current counsel**. Adam's answers were given to questions Mr. Shapiro asked and Mr. Shapiro was obviously present when Adam's answers were given. How it was only recently discovered remains to be seen. Additionally, Chalese has been aware of Adam's issue with her fitness and parenting since his initial

1 motion for primary custody filed way back in February of this year.

2 What is clear is that Chalese's request is nothing more than a stall
3 tactic designed to delay trial yet again. Chalese knows that this
4 evaluation could not possibly be completed in time for trial, meaning she
5 is asking for another continuance. So, in her effort to make an argument
6 for why an evaluation is absolutely necessary, Chalese takes Adam's
7 deposition testimony out of context and endeavors to try and throw mud
8 at Adam. However, taking each allegation in turn shows that they are
9 completely baseless and actually further Adam's point that Chalese is not
10 fit to be a joint custodian. Further, the Court does not need a child
11 evaluation to tell it that Chalese's poor judgment, neglect of the minor
12 children, and her violation of Court orders threatens the children's safety
13 and therefore is not in their best interests.

14 **II. OPPOSITION**

15 Chalese's request for a custody evaluation is not based on why
16 Adam should not have primary custody or that Chalese is fit to have joint
17 physical custody. Instead, Chalese essentially states Adam is to blame for
18 her issues and a custody evaluation is therefore needed.

19 Chalese starts by attempting to paint Adam in a bad light. She
20 claims Adam did not originally ask for primary custody because of
21 Chalese's issues, but that his Complaint for Divorce stated he was

1 opposed to Chalese relocating. This is a half-truth. Adam, who is not a
2 family lawyer and commenced the case by representing himself, did not
3 know what exactly to include in his Complaint and how to artfully plead
4 it. As will be shown, Chalese messaged Adam around the time of the
5 Complaint to say that pursuant to the “120-mile rule¹” she would be
6 moving to Pahrump with the children and there was nothing Adam
7 could do about it. To Adam, this showed an obvious inability to co-
8 parent because it meant that he would be unable to have a meaningful
9 relationship with the children. Given that Adam is not a family law
10 attorney, his inartful pleading of the above can be excused. While the
11 fact Adam was opposed to Chalese relocating was a major issue, it was
12 not the only issue.

13 Historically, Chalese was at home more with the children. It must
14 be remembered, though, that Adam was the glue that kept the family
15 together and Chalese somewhat grounded. It is not true that Adam was
16 fine with Chalese’s parenting when they were together. This was in fact a
17 constant battle. Adam not only worked full-time, but also did his best to
18 help Chalese focus on the children and prioritize their needs. Even this
19 was often not enough.

20 _____
21 ¹ The 120-mile rule was a proposed change to the NRS that would allow a party to
move 120 miles from their current residence without court permission. It was not
passed by the legislation.

1 After the parties separated, Adam was no longer able to be a
2 positive influence on Chalese. This resulted in Chalese drinking in excess
3 and doing drugs around the children, neglecting the children's medical
4 care and hygiene, and Chalese overall exposing the young and
5 susceptible children to negative influences.

6 Chalese next claims that Adam only sought primary custody when
7 he discovered Chalese was dating someone else and that he continues to
8 have an issue with Chalese dating. This is not true and a few points must
9 be made clear. First, it was Chalese's behavior that caused Adam to seek
10 primary custody. Second, Adam did not know Chalese was dating
11 anyone in February 2019 when he filed his Opposition & Countermotion.
12 Indeed, Adam's Opposition & Countermotion does not even mention
13 another man. In fact, Chalese is the one who claims she did not start
14 seeing Josh until March 2019 so how could Adam know if she and Josh
15 were dating in February?

16 Third, Adam has stated numerous times that he has no issue, and
17 has never had an issue, with Chalese dating someone else. Adam is
18 dating someone else and knows Chalese has every right to move on as
19 Adam has. However, Adam does have issues with Josh, but these are
20 based on Josh's massive character problems:

- 21 • Josh's chronic use of marijuana around the parties' children;

- 1 • Josh driving the parties' children in violation of Court order and
2 despite Josh's horrible driving record;
- 3 • Josh's consumption of multiple alcoholic beverages while the
4 parties' children are around him;
- 5 • Josh's mistreatment of the minor children;
- 6 • Josh's criminal record, which includes a domestic violence
7 conviction;
- 8 • Josh physically threatening Adam when Adam was at the
9 marital residence to pick up his artwork;
- 10 • Josh attempting to blackmail and extort Adam by stating he
11 would tell Adam's significant other, and place on social media,
12 that Adam had child pornography unless Adam agreed to leave
13 Josh out of the litigation; and
- 14 • Josh placing a review on Adam's employer's website.

15 Chalese next claims that Adam wants primary custody so he can
16 replace Chalese as the children's mother with Jessica Sellers, his
17 significant other. Not only is this a ridiculous notion but an attempt by
18 Chalese to twist Adam's words. What Adam said at his deposition is that
19 it would be ideal for Chalese be a good parent and act in the children's
20 best interests. However, Adam would not be willing to sacrifice the
21 safety and well-being of the children in hopes that will one day happen.

1 Additionally, and for as long as she continues to display poor judgment
2 and neglect the needs of the children, Adam would rather the children
3 spend more time with people who display better judgment and are
4 committed to seeing the children well cared for. Adam has good reason
5 to feel that way since Chalese has done things that have caused
6 permanent damage to the children during the course of this litigation.
7 The following are just a few examples of Chalese's horrible judgment and
8 neglect of the minor children:

- 9 • Chalese originally terminated Michael's speech therapy sessions
10 as taking him was "inconvenient for her" and refuses to take
11 him to them now on her time;
- 12 • Chalese took both children quadding in the desert when they
13 had both had high fevers for days;
- 14 • Chalese drove the children while on medications she admitted
15 prevented her from driving;
- 16 • Chalese doing drugs and drinking while caring for a 3 and 1 year
17 old;
- 18 • Chalese continues to use marijuana despite the Court order
19 forbidding her from doing so. Her use is too frequent that
20 Chalese was caught by Adam's PI buying a detox kit right after
21

1 being notified by Adam to test. Chalese also refused to test a
2 prior time when requested, doing so only the next day;

- 3 • Chalese keeping the marital residence filthy;
- 4 • Chalese barring co-parenting by cursing and insulting Adam in
5 communications.
- 6 • Chalese depriving Adam of his custodial time with the minor
7 children;
- 8 • Chalese telling Michael that “daddy is mean to mommy”;
- 9 • Chalese’s attempt to blackmail and extort Adam by threatening
10 to disclose alleged child pornography she claimed Adam had
11 unless he agreed not to make her drug test anymore; and
- 12 • Chalese threatening to have her pseudo-husband physically
13 attack Adam.

14 In light of such reprehensive behavior, is it any surprise that Adam
15 is extremely concerned about the children’s well-being in Chalese’s care
16 and believes she should have supervised time with the children?

17 Chalese next blames Adam for bringing up parenting concerns that
18 make Chalese have angry outbursts. However, this is like blaming the
19 victim of domestic violence for burning dinner when her husband
20 blackens her eyes. As for “long lectures,” Adam’s goal isn’t to lecture
21 Chalese. Adam’s goal is to try to raise and address parenting concerns

1 with Chalese so that the children can be adequately taken care of.

2 Tellingly, Chalese leaves out Adam's most frequent issue with the
3 health of the children. Specifically, Marie has diaper rash every single
4 time they have been with Chalese even though Marie does not get diaper
5 rash when she is at her preschool or with Adam. It is of note that Chalese
6 already testified during her deposition that she does not give the
7 children a bath every day. Is Chalese really telling the Court she is upset
8 that Adam brings up his concerns regarding them being neglected
9 during her time?

10 Regardless, none of the communications between Chalese and
11 Adam show Adam to berate, demean or curse at her. Chalese simply
12 does not like that Adam brings up parenting issues to her.

13 Chalese next goes into a hodge-podge of excuses, all of which are
14 untrue. For example, Chalese claims Adam is late to get home in the
15 evenings. What Chalese is referring to is Adam not being home until late
16 on Thursdays. What Chalese intentionally omits to mention though is
17 that every Thursday for the past 9 weeks Adam has been attending the
18 parenting class ordered by the Court. This is the same class Chalese was
19 ordered to first complete prior to Adam doing so. Chalese knows this but
20 plays dumb in not mentioning this little detail to the Court.

21 ///

1 Chalese mentions the week of October 10th when Adam took
2 vacation time with the children anticipating his parents being in town
3 for trial and his parents wanting to spend time with the children. When
4 trial was continued, there were still all of the plans that week for the kids
5 related to Halloween type activities – i.e. pumpkin patches, pumpkin
6 carving, etc. On October 10th specifically, Adam had his mandatory
7 parenting class that the Court ordered him to attend. There was no
8 notice that Chalese’s mother was coming into town until she was here
9 and Adam had already taken the vacation time and had made plans with
10 the children. Yet, somehow, Chalese’s poor planning is somehow Adam’s
11 fault.

12 With regards to the alleged “daycare double standard,” there is no
13 double standard. Adam does insist that the children go to school every
14 day so that they can take part in the learning that takes place in the
15 morning (Chalese was in fact agreeable with this). The afternoons are
16 free play and more like traditional day care. So, there’s no issue with the
17 children being picked up after nap time. The issue is when the children
18 don’t go to school at all and miss out on the morning learning sessions.
19 That’s why if Adam can get off early, he will pick the children up from
20 day care early, but after their nap when it is free play time, instead of
21 cutting into their learning. Chalese and her counsel would prefer that

1 Adam leave the children in day care all afternoon until 6 o'clock, which
2 doesn't make sense based upon Chalese's counsel trying to get Adam to
3 concede that the children are more regularly picked up closer to 6
4 o'clock during Adam's deposition.

5 Further, Adam's position is that Chalese cannot pick up the
6 children early from daycare on his custodial days as Adam often does so.
7 Adam wants to spend every minute that he can with the children. So, if
8 he can pick them up before the 6 o'clock custody exchange, he will in
9 order to spend more time with them.

10 Unlike what the defense would have you believe, this isn't a matter
11 of interrogation, Michael spontaneously talks about his time with
12 Chalese because it is so different from his time with his dad: he doesn't
13 get baths, he doesn't brush his teeth, he's dirty.

14 In addition, the defense misrepresents the issue with "grandma."
15 They go so far as quoting the word, but they're disingenuous enough to
16 hide the whole message in an appendix. Instead, the issue was that
17 Michael called Jessica "Old Grandma" because Chalese told him to.
18 Adam wasn't blaming Chalese because she is some kind of boogey man.
19 Adam was blaming Chalese because she is the cause of all of the harm
20 that has befallen the kids.

21 ///

1 The haircut isn't a matter of being done correctly, it's a matter of
2 cutting *it every single time* she has custody of the children, chopping
3 it in weird ways that is not part of a traditional haircut, and then not
4 shaving the neckline leaving a little mullet of thin baby hair on his neck.
5 It is of note that Carmen Disavio-Watson, Josh's ex-girlfriend who has
6 custody of their daughter Arielle, stated during her deposition that
7 Chalese also cuts her daughter's hair almost every time she is at
8 Chalese's home, going so far as to take several inches off without getting
9 Carmen's approval first.

10 For the "special drink," Michael again specifically said she was
11 drinking orange juice that she said was just for adults. Given that he said
12 that he wants to drink lots of beer when he grows up because that's what
13 grownups do and that's what "mommy and Josh" do, it stands to reason
14 that she was drinking in front of the children, possibly a screw driver or
15 mimosa.

16 As for Chalese's drug use, Adam doesn't call in a random drug tests
17 anymore because he knows it would be a failure or Chalese will use
18 another detox kit. In August, Chalese failed to report in time for her drug
19 test and waited nearly 24 hours before testing. In September, Adam's
20 private investigator followed Chalese to a smoke shop, watched her go
21 inside, and then asked the shop keeper what she purchased. She had

1 purchased a drug detox kit. She shook her head in the negative when
2 Adam testified about this at his deposition, but then admitted to it
3 during her depo. She specifically testified that she was around so much
4 second-hand marijuana smoke that she thought she would test positive
5 and it was only after she talked to her attorney that she realized “this
6 wouldn’t happen.” However, a subpoena later revealed that she had
7 purchased more than one detox kit and that she purchased something
8 when she went back to the smoke shop a second time to get her driver’s
9 license back, which she claimed during her deposition to have left there
10 at the smoke shop. Chalese’s past behavior would therefore seem to
11 justify Adam’s suspicions.

12 Chalese next claims she has “tried to implement the lessons she
13 learned from her parenting class.” Adam has been taking the same class
14 and he must have missed it when the teacher said to accuse your co-
15 parent of being a pedophile to others when you’ve already testified under
16 oath that you’ve not seen any proof of same.

17 It’s also extremely concerning that Chalese lacks candor to the
18 tribunal and wants to take statements made by Adam out of context,
19 move parts of those statements around, and completely omit other parts
20 for purposes of constructing a false narrative. Specifically, Adam
21 explained why he does not believe he will ever get along with Chalese in

1 a friendly capacity going forward. He does state though that he will
2 always work with her on co-parenting issues like the hygiene of the
3 children, Michael's speech therapy, etc.

4 Chalese references the children's day care trunk or treat event.
5 First of all, the event did not take place on Halloween, but the Friday
6 before. Second, the issue was that Adam relied upon Chalese's
7 representations that she would be at the event. Adam was indifferent as
8 to whether Chalese was actually there or not. The problem was that
9 Adam relied on those representations in getting the children ready to go
10 and they were very excited. When Adam stated Chalese and Josh
11 would not be, it nearly ruined the entire event for them.

12 Hence, it is doubtful Chalese actually learned much from the co-
13 parenting classes. Chalese claims she was fine being around Jessica but
14 when Adam had to take his Thursday night UNLV parenting classes,
15 meaning Jessica had to coordinate the nightly communication, between
16 Chalese and the children, Chalese complains in her moving papers that
17 she had to call Jessica and that she was unable to video chat with the
18 children. However, Jessica offered Chalese the ability to video chat
19 through other means and Jessica was met with radio silence. Instead of
20 admitting this, Chalese tries to spin it as Chalese "being denied."

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1 On the topic of the alleged denial of Facetime/phone calls with the
2 children, Adam cannot think of more than possibly one occasion where
3 both children did not talk to Chalese as scheduled. While it doesn't
4 always happen at 7:00 p.m. on the dot, that is because Adam and Jessica
5 are both working professionals and they try to cook a good home cooked
6 meal for the children every night, instead of relying on take away or fast
7 food. In the event that one of the children went to bed early due to being
8 exhausted and not taking a nap that day, Adam has always offered a
9 make-up facetime the following morning, something Chalese has never
10 taken Adam up on. Instead, Chalese resorts to saying that she has "noted
11 it for her records."

12 Everything Adam does is for the safety of the children. Adam
13 raising safety and health concerns about the children is not beratement
14 and harassment. Rather, it's giving Chalese a chance to work on her
15 parenting. If Chalese would prefer, Adam can instead keep all of these
16 concerns to himself and then raise them at the time of trial.

17 Most important, is what Chalese's motion **doesn't** say. It doesn't
18 say that Chalese is compliant with the Court's orders. It doesn't ask to
19 revisit custody pending trial. It doesn't say that she's ready to go back to
20 joint custody. Instead, the intent of the motion is to have this Court
21 prejudge Adam on some allege parade of horrible that doesn't amount to

1 anything once the allegations are given complete context.

2 As can be seen by the baseless allegations, Adam does not
3 represent a risk to the children. Instead, the evidence will show that the
4 children have thrived and done better than ever while Adam has had
5 primary custody. Chalese is the one that represents a clear and present
6 danger to the children and, frankly, to Adam given her reckless disregard
7 for the well-being of the children. There is zero reason to order a custody
8 evaluation at this time because to order one would unnecessarily delay
9 trial. This is something that should have been requested shortly after
10 Adam's deposition, or months before then. Instead, Chalese realizes that
11 she cannot be rehabilitated and will continue to put the children at
12 constant risk. The only chance is that a psychologist, who prizes joint
13 custody above all else, will make that recommendation despite the
14 avalanche of evidence showing that she is a danger to the children. This
15 is clear because as mentioned above, often what goes unsaid speaks the
16 loudest: Chalese's own attorneys do not believe that she is ready for joint
17 custody even now because she cannot follow this Court's orders and
18 continues to put the children in danger.

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1 **III. LAW AND ARGUMENT**

2 There are two foundational authorities that must be analyzed when
3 considering Chalese’s motion: EDCR 7.30, which governs requests to
4 continue trial; and EDCR 2.35, which governs requests to extend
5 discovery. Each has their own requirements—and Chalese has met
6 neither.

7 EDCR 7.30 – Motion to Continue Trial Settings

8 Chalese must show good cause in order to request a continuance of
9 trial under EDCR 7.30. Based on the above facts, Chalese has none.
10 Chalese’s sole basis for requesting to continue trial is her weak claim that
11 she only “recently” learned of Adam’s reasons for why he wants primary
12 physical custody. However, Adam has been saying in numerous
13 pleadings and in Court ***for over ten months*** that Chalese’s poor
14 judgment, neglect and violation of Court orders pose a threat to the well-
15 being of the minor children. This was stated in the pleadings and
16 arguments made by Adam at the March 19, 2019 hearing, the June 17,
17 2019, July 23, 2019 and August 1, 2019.

18 Hence, Chalese’s prior counsel was well aware of this. Chalese’s
19 current counsel was notified of this by both Chalese upon retaining
20 counsel in mid-August 2019, reviewing the pleadings and motions in
21 Odyssey upon substituting in on August 28th and reviewing Adam’s first

1 three set of disclosures provided as a courtesy via flash drive on
2 September 4th. This was all on top of Chalese's current counsel deposing
3 Adam on September 16th. Therefore, there is no way for Chalese or her
4 counsel to have "only now" learned of Adam's reasons for wanting
5 primary custody and her claim otherwise is not in good faith.

6 Chalese's current counsel has already had discovery continued
7 twice and trial continued once. This will be Chalese's third request to
8 continue discovery and second request to continue trial. The parties, and
9 more importantly the children, need finality and trial in January will
10 provide that. The litigation has caused the parties to hemorrhage money,
11 forcing them both to obtain monies from their respective parents to fund
12 the litigation.

13 Further, child custody evaluations can be ordered under EDCR
14 5.305 "when necessary." Here, an evaluation is not necessary. Both
15 Adam and Chalese have the evidence they need to present their cases.
16 This evidence consists of the parties' testimony, discovery responses,
17 subpoenaed documentation and third-party witnesses. Now, Chalese
18 may "like" to have an evaluation but it is not "necessary" for her to
19 present her case – especially since an evaluation would delay the
20 adjudication of the matter indefinitely and costs tens of thousands of
21 dollars more.

1 It cannot be forgotten that this case has forced both parties to take
2 off significant time to attend hearings, depositions, meetings with
3 counsel, etc. Adam's work has suffered for it and Chalese has
4 complained about she and her pseudo husband Josh Lloyd having to
5 take time off for case related activities. In fact, Josh has a motion for
6 protective order on file based on his claim that he cannot miss any more
7 work related to this case. Undergoing a child custody evaluation is a
8 time-consuming process, requiring the parties and their significant
9 others living with the children to attend numerous appointments with an
10 evaluator. Hence, Chalese's own contradictory positions evidence her
11 request is not in good faith.

12 ***In the end, a child custody evaluation is Chalese's "Hail***
13 ***Mary" pass.*** Chalese knows she has continuously demonstrated how
14 unfit she is, including poor judgment, neglect of the minor children,
15 denial of Adam's custodial time, poor co-parenting and repeated
16 violation of Court orders. Chalese admitted to these facts at her
17 deposition and in combination with PI reports, drug tests and third-
18 party witnesses, Chalese cannot show she should have joint custody.
19 Hence, she sees a child custody evaluation as her last grasp. Chalese
20 hopes to put on a "good face" to evaluator and hopes they go easy on her.
21 However, Chalese's misconduct should not be rewarded with a custody

1 evaluation that is made just prior to trial.

2 Chalese's position does not even make sense as to why she wants a
3 child custody evaluation. Chalese has not suggested Adam parents
4 inappropriately or that she is a fit parent. Instead, Chalese's bases her
5 request for an evaluation on weak claims like Adam supposedly
6 "lectures" her on parenting issues, Adam does not like Josh or the
7 ridiculous allegation Adam wants to "replace" Chalese with Jessica. For
8 the reasons set forth above, these are patently untrue and absurd.

9 Adam, on the other hand, has pointed out innumerable issues that
10 make Chalese unfit to share joint custody. Many of these, even standing
11 alone, would make the typical litigant unfit for joint custody as they
12 show that Chalese does not have the children's best interests in mind.
13 Instead of addressing these or saying that she has rehabilitated, Chalese
14 endeavors to muddy the waters and make a mountain out of a mole hill.
15 Indeed, Chalese does not even ask to readdress custody on a temporary
16 basis. Therefore, Adam's position is that no evaluation is necessary and
17 the Court does not need an evaluation to see that Chalese is neglectful
18 and exercises wantonly poor judgment when it comes to the children.
19 The Court has already found that on a temporary basis.

20 In summary, Chalese waited until after the "eleventh hour" to
21 make her Hail Mary request for a child custody evaluation in hopes of

1 again continuing trial and biding time. Hence, the evaluation is not
2 about what is in the children's best interests—the evidence in the case
3 will establish that. Rather, an evaluation at this point is about what
4 Chalese hopes will be best for her.

5 Regardless, the Courts have a duty to grant litigants a final decree
6 of divorce as quickly as possible, and the granting of continuances
7 should be made only in exceptional circumstances. In this matter, such a
8 circumstance does not exist. After a year, Adam is ready to have this case
9 resolved.

10 EDCR 2.35 – Extension of Discovery Deadlines

11 Like requesting a trial continuance, motions to extend discovery
12 have certain requirements that must be met by the moving party. First,
13 EDCR 2.35(a) requires:

14 (a) Stipulations or motions to extend any date set by the
15 discovery scheduling order must be in writing and supported
16 by a showing of good cause for the extension and be received
17 by the discovery commissioner within 20 days before the
18 discovery cut-off date or any extension thereof. A request
made beyond the period specified above shall not be granted
unless the moving party, attorney or other person
demonstrates that the failure to act was the result of
excusable neglect.

19 This Court cannot ignore that Chalese has had **nine months** to
20 prepare for trial, **six months** through her prior counsel and **three**
21 **months** through her present one. Chalese is now using her false claim

1 of only “recently” discovered Adam’s position to excuse her poor
2 planning and last-ditch attempt to rehabilitate herself.

3 Chalese also failed to meet the majority of the remaining
4 requirements of the rule. Specifically, EDCR 2.35(b) requires that “every
5 motion...to extend or reopen discovery shall include:”

6 *(1) A statement specifying the discovery completed;*

7 Chalese does not specify the discovery completed. She only makes
8 general statements to pending depositions and months-old discovery
9 requests.

10 *(2) A specific description of the discovery that
11 remains to be completed;*

12 Chalese does not provide a specific description of the remaining
13 discovery.

14 *(3) The reasons why the discovery remaining was
15 not completed within the time limits set by the discovery
16 order;*

17 Chalese only makes blanket claims of “gamesmanship” towards
18 Adam, but refuses to provide any reason why she failed to request the
19 child custody evaluation months ago.

20 *(4) A proposed schedule for completing all
21 remaining discovery;*

Chalese does not provide a proposed schedule, only that she wants
a child custody evaluation. Such a request does not satisfy the rule.

1 The rules of this Court are purposefully designed to stimulate
2 fairness and boundaries between the parties. Chalese is ignoring all the
3 boundaries and trying to violate all the rules. Chalese has a
4 responsibility to make her case on the merits, based on the facts and
5 planning. Adam cannot control when she decides to pursue the
6 necessary discovery to make her case—and cannot hold her hand
7 through the process to ensure she is diligent about it, especially when
8 she is represented by competent counsel.

9 Strict rules were set by this Court’s rule and order—and those same
10 rules were ignored. At the September 26th and October 3rd hearings, the
11 Court made it clear the parties would be able to obtain what they need
12 from their depositions and documentation. Because of this, the Court
13 stated it would not allow any fishing expeditions. If Chalese truly
14 believed she needed a child custody evaluation, she would have asked for
15 it on September 26th and October 3rd, especially after having taken
16 Adam’s deposition on September 16th. Hence, she has no grounds upon
17 which to make a good faith request to continue the discovery deadlines
18 in this matter.

19 ///

20 ///

21 ///

1 **III. COUNTERMOTION**

2 **A. Adam Should be Awarded Attorney's Fees**

3 Adam has prioritized this case and done everything asked of him,
4 despite the lies and harassment from Chalese, Josh and his family. Adam
5 has been forced to protect the children from Chalese's reckless decisions
6 and currently has primary custody. If anyone is causing attorney's fees to
7 be incurred unnecessarily, it's Chalese.

8 Adam should therefore not be out of pocket in this matter. In
9 addition to the cases where an allowance of fees is authorized by specific
10 statute, the Court may make an allowance of attorney's fees to a
11 prevailing party under NRS 18.010, and EDCR 7.60. As part of this
12 request, the parties must identify the legal basis for the award, and the
13 District Court must evaluate the *Brunzell Factors*² for the attorney and
14 their support staff:³

15 1. *The Qualities of the Advocate*: his ability, his training,
16 education, experience, professional standing and skill.

17 a. Attorney Vincent Mayo

18 Attorney Vincent Mayo has been practicing family law in Nevada
19 almost exclusively for over eight years. He is a Nevada Board Certified

20 ² *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969).

21 ³ *Las Vegas Metropolitan Police Department v. Yeghiazarian*, 129 Nev. ____, 312 P.3d 503 (2013).

1 Family Law Specialist, a National Board of Family Law Trial Advocacy
2 Specialist, a member in good standing of the State Bar of Nevada, State
3 Bar of Nevada Family Law Section, American Bar Association, Nevada
4 Justice Association and Clark County Bar Association. Attorney Mayo is
5 admitted to practice before the United States District Court for the
6 District of Nevada.

7 Attorney Mayo started his legal career in Nevada working in the
8 Clark County Family Courts system. He worked directly for former
9 Clark County Family Court Judge Gloria O'Malley (F.K.A. Sanchez) as a
10 Law Clerk, from September 2002 to March 2004. Before joining The
11 Abrams & Mayo Law Firm, he practiced for four years, primarily in
12 Family Law, with Bruce I. Shapiro, Esq. Attorney Mayo joined The
13 Abrams & Mayo Law Firm in March 2008 and has been practicing
14 exclusively in Family Law ever since. Attorney Mayo was a co-editor of
15 the Nevada Family Law Practice Manual and is a published attorney in
16 regard to family law matters with numerous credits to his name. He also
17 successfully completed the American Bar Association's Family Law Trial
18 Advocacy Institute program.

19 b. Certified Paralegal Stephanie Stolz

20 Stephanie Stolz is the current Firm Administrator / Lead Certified
21 Paralegal and began her legal career at The Abrams Law Firm eleven

1 years ago. She started at the receptionist position in May 2004. While
2 working full-time for the firm, she simultaneously completed the
3 Paralegal Studies Program with special emphasis in Nevada Practices
4 and Procedures, Contract Law, and Family Law from the University of
5 Nevada Las Vegas. In 2005 she was promoted to a Certified Paralegal
6 position. In 2006 she achieved the role of Lead Certified Paralegal.
7 Stephanie was promoted to the role of Firm Administrator in 2010. In
8 addition to her Lead Certified Paralegal duties, she is responsible for
9 numerous areas of the firm's business operations including accounting
10 and vendor relationships. In 2017, Mrs. Stolz obtained the prestigious
11 Certified Paralegal (CP) designation from the National Association of
12 Legal Assistants (NALA).

13 c. Advanced Certified Paralegal David Schoen

14 Advanced Certified Paralegal David Schoen received his paralegal
15 certificate from the United States Army's Judge Advocate General's
16 Corps Legal Center in 2009 as an Honor Graduate, before serving four
17 years as a Paralegal Non-Commissioned Officer with the decorated
18 XVIII Airborne Corps. Mr. Schoen gained extensive experience in
19 multiple legal disciplines, from capital litigation to military family law,
20 and supported challenging and intensive campaigns, including
21 Operation Unified Response – Haiti, and Operation New Dawn – Iraq,

1 where he received numerous awards and commendations for his service
2 and the quality of work in the legal field. In 2016, Mr. Schoen obtained
3 the prestigious Certified Paralegal (CP) designation from the National
4 Association of Legal Assistants (NALA). He has also earned his
5 Advanced Certified Paralegal (ACP) designation in Family Law – Child
6 Custody, Visitation, and Support. Mr. Schoen is responsible for
7 maintaining the General and Detailed Financial Disclosure Forms, used
8 state-wide by Family Court litigants and counsel. Recently, he prepared
9 and instructed courses on the Financial Disclosure Forms during the
10 Paralegal Tracks of the 2013 and 2015 Family Law Conferences.

11 d. Certified Paralegal Julie Schoen

12 Certified Paralegal Julie Schoen joined The Abrams & Mayo Law
13 Firm in 2014. Prior to joining the Firm, Ms. Schoen was employed by the
14 local office of a national medical malpractice litigation law firm in an
15 executive level support capacity. In this role, she assisted in the defense
16 of several Las Vegas-area hospitals and medical clinics from various
17 types of lawsuits. She completed the Certified Paralegal Studies
18 Program at the University of Nevada Las Vegas in 2015 with special
19 emphasis in Contract Law and Tort Law, and is also a certified legal
20 transcriptionist. Ms. Schoen's volunteer work focuses on her dedication
21 to our nation's armed forces, where she has served as an Army Family

1 Readiness Group Leader. This role included being a liaison and advisor
2 to families of service members who are deployed throughout the world.

3 2. *The Character of the Work to Be Done:* the difficulty, the
4 intricacy, the importance, time and skill required, the responsibility
5 imposed and the prominence and character of the parties where they
6 affect the importance of the litigation. Attorney Mayo has diligently
7 reviewed the applicable law, explored the relevant facts and has properly
8 applied one to the other.

9 3. *The Work Actually Performed by the Lawyer:* the skill, time
10 and attention given to the work. Work is still ongoing regarding these
11 issues. Thus, redacted billing can be provided upon request.

12 4. *The Result:* whether the attorney was successful and what
13 benefits were derived. It is anticipated that, given the facts of this case
14 and the continued attempts by Chalese to delay this action while
15 harassing Adam and lying to this Court, the outcome of this hearing will
16 be favorable to Adam.

17 Each of these factors should be given consideration, and no one
18 element should predominate or be given undue weight. *Miller v.*
19 *Wilfong*, 121 Nev. 619, 119 P. 3d 727 (2005).

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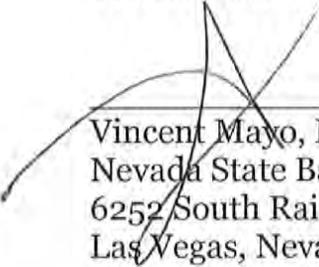
1 **IV. CONCLUSION**

2 Based on the foregoing, this Honorable Court should grant the
3 relief requested in Adam's Counter-motion in its entirety and deny
4 Chalese's Motion for a child custody evaluation.

5 Dated Wednesday, December 04, 2019.

6 Respectfully Submitted,

7 THE ABRAMS & MAYO LAW FIRM

8
9 
10 Vincent Mayo, Esq.
11 Nevada State Bar Number: 8564
12 6252 South Rainbow Blvd., Suite 100
13 Las Vegas, Nevada 89118
14 Attorney for Plaintiff

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DECLARATION OF ADAM MICHAEL SOLINGER

I, Adam Michael Solinger, do solemnly swear to testify herein to the truth, the whole truth and nothing but the truth.

1. I am the Plaintiff in the above-entitled action, and above the age of majority and am competent to testify to the facts contained in this affidavit, and make this sworn Declaration in support of the foregoing *Opposition to Defendant’s Motion for a Custody Evaluation, Attorney’s Fees and Related Relief and Countermotion for Attorney’s Fees and Costs.*

2. I have read said *Opposition and Countermotion* and hereby certify that the facts set forth in the Points and Authorities attached thereto are true of my own knowledge, except for those matters therein contained stated upon information and belief, and as to those matters, I believe them to be true. I incorporate said facts into this Affidavit as though fully set forth herein.

3. I declare under penalty of perjury under the law of the State of Nevada, pursuant to NRS 53.045, that the forgoing is true and correct.

Dated this 4th day of December, 2019.


Adam Michael Solinger

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

ADAM SOLINGER
Plaintiff/Petitioner
v.
CHALESE SOLINGER
Defendant/Respondent

Case No. D-19-582245-D
Dept. 1

**MOTION/OPPPOSITION
FEE INFORMATION SHEET**

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

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

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

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

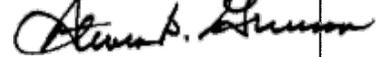
<input checked="" type="checkbox"/> \$0	The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:
<input checked="" type="checkbox"/>	The Motion/Opposition is being filed in a case that was not initiated by joint petition.
<input type="checkbox"/>	The party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

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

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

Party filing Motion/Opposition: Plaintiff/Petitioner Date 12/04/2019

Signature of Party or Preparer 



1 **RPLY**
2 **Bruce I. Shapiro, Esq.**
Nevada Bar No. 4050
3 **Jack W. Fleeman, Esq.**
Nevada Bar No. 10584
4 PECOS LAW GROUP
8925 South Pecos Road, Suite 14A
5 Henderson, Nevada 89074
6 Telephone: (702) 388-1851
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8 Email: Bruce@pecoslawgroup.com
Attorneys for Defendant

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

10 **Adam Michael Solinger,**

11 Plaintiff,

12 vs.

13 **Chalese Marie Solinger,**

14 Defendant.

Case No. **D-19-582245-D**

Dept No. **I**

Date of Hearing: **December 9, 2019**

Time of Hearing: **8:00 a.m.**

16 **REPLY TO OPPOSITION TO DEFENDANT'S MOTION FOR A CUSTODY**
17 **EVALUATION, ATTORNEY'S FEES, AND RELATED RELIEF**

18 **AND**

19 **OPPOSITION TO COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS**

20 COMES NOW Defendant, **Chalese Marie Solinger**, by and through her
21 attorneys of record, **Bruce I. Shapiro, Esq.**, and **Jack W. Fleeman, Esq.** of
22 PECOS LAW GROUP and respectfully submits her REPLY TO OPPOSITION TO
23 DEFENDANT'S MOTION FOR A CUSTODY EVALUATION, ATTORNEY'S FEES, AND
24 RELATED RELIEF AND OPPOSITION TO COUNTERMOTION FOR ATTORNEY'S FEES AND

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COSTS and requests that this court enter orders granting her the relief requested in her motion and denying Plaintiff's counter-motion.

This reply is made and based on all the papers and pleadings on file herein, the Points and Authorities submitted herewith, and the argument as may be adduced at the hearing of this matter.

DATED this 6th day of December, 2019.

PECOS LAW GROUP
 #14192

Bruce I. Shapiro, Esq.
Nevada Bar No. 4050
Jack W. Fleeman, Esq.
Nevada Bar No. 10584
PECOS LAW GROUP
8925 South Pecos Road, Suite 14A
Henderson, Nevada 89074
Attorneys for Defendant

1 POINTS AND AUTHORITIES

2 I. REPLY TO OPPOSITION

3
4 **A. Adam Has Not Parented and Does Not Want to Parent**

5 Adam's deposition testimony and his opposition show why a custody
6 evaluation is needed. Adam claims that Chalese was "somewhat grounded" when
7 he was living in the home, but that after they separated, Chalese began "drinking
8 in excess" and "doing drugs around the children." Adam, however, does not have
9 much personal knowledge before or after the parties stopped living together.
10 When the parties lived together Adam worked full-time while Chalese was a full-
11 time stay at home mother. Adam did little parenting when the parties lived
12 together, and Adam relied on and trusted Chalese to care for the children. *Adam*
13 *still does not want to parent.* The only difference is that Adam would prefer his
14 new girlfriend, Jessica, care for the children, rather than Chalese.
15
16

17 Adam does not want to parent, he just does not want Chalese to parent. In
18 his deposition Adam made the following points:

- 19
- 20 • He was not concerned about Chalese's ability to care for the children
21 prior to the parties' separation.¹
 - 22 • Prior to the parties' separation, Chalese was responsible for the
23 children's doctor and dentist appointments due to the "division of labor"
24 in their relationship.²

24
25 ¹ See Excerpts from *Deposition of Adam Solinger* in Defendant's "Exhibit Addendum"
(DEA") at page 71, line 8-12.

- 1 • Adam did not attend a single speech therapy session for Michael prior to
2 the parties' separation.³
- 3 • Adam did not attend a single pediatrician appointment for Michael
4 between April 21, 2016 and January 24, 2019.⁴
- 5 • Adam attended only one pediatrician appointment for Marie between
6 September 2017 and June 2019.⁵

7 The fact is, Adam did not participate in these parenting tasks until after the
8 parties separate and since he separated from Chalese, Jessica has gone with Adam
9 every time. Adam does not parent. Chalese and Jessica do all the parenting,
10 Adam simply prefers it be Jessica.

11 **B. Adam Believes that Chalese Has a Mental Illness**

12 Adam arrogantly believes that he is qualified to offer an opinion on mental
13 illness, although he has no training. In his deposition, Adam testified at his
14 deposition that nothing short of “several years of psychotherapy” for Chalese
15 could make him comfortable with Chalese having joint physical custody because,
16 as he testified, he was “*concerned about late-onset mental illness*[.]” [Emphasis
17 added].⁶ Adam also stated that “even a mental health evaluation would not
18 assuage my concerns,”⁷ but that he would not be willing to agree to a custody
19

20 ² See *Id.* at page 49, line 10-19.

21 ³ See Speech Therapy notes in DEA at bates stamp nos. (BS) 001174-001228

22 ⁴ See Michael's Pediatrician Records in DEA at BS 001236-001239.

23 ⁵ See Marie's Pediatrician Records in DEA at BS 001308-001311.

24 ⁶ See Excerpts of *Deposition of Adam Solinger* at page 74, line 12-17.

25 ⁷ See *Id.* at page 75, line 2-5.

1 evaluation.⁸ Adam also testified that he was concerned about Chalese's use of
2 antianxiety medication and the "comorbidity" to marijuana and alcohol,⁹ although
3 Chalese was medicated before the parties' separation. A custody evaluation by an
4 expert would alleviate these concerns and lead to better co-parenting between the
5 parties.
6

7 If Adam truly believes what he testified to under oath, how can he
8 reasonably oppose a child custody evaluation? It is obvious that a custody
9 evaluation is needed so an expert may ascertain, once and for all, how both
10 parties' actions affect the children. Either Adam truly and sincerely believes that
11 Chalese is suffering from mental health issues, or he is making baseless
12 allegations in his crusade to allow Jessica to care for the children rather than
13 Chalese.
14

15 Adam cannot argue that a custody evaluation is not needed. The alternative
16 is that Adam is only claiming to be concerned about Chalese's mental health as an
17 excuse to deny her joint custody rights to the children, in which case Adam must
18 recant his allegations as to Chalese's mental health. Essentially, either Adam's
19 "concerns" are legitimate, and an evaluation is needed, or his "concerns" are
20 insincere, and he should not be able to argue them at trial. Chalese believes a
21
22
23

24 ⁸ See *Id.* at page 78, line 14-15.

25 ⁹ See *Id.* at page 73, line 9-20.

1 qualified psychologist will testify that she is an appropriate parent to have primary
2 or joint physical custody.

3 **C. Adam is Threatened by Chalese's Boyfriend**
4

5 It is clear that Adam has zero respect for Chalese as a parent and will never
6 have any respect for Josh as a potential future step-parent. Adam unapologetically
7 believes it is better for his children to be cared for by his new girlfriend than their
8 mother. Despite the fact that Adam was having an extra-marital affair with Jessica,
9 moved out of the family home and filed for divorce from Chalese, Adam is clearly
10 jealous of Josh.
11

12 Adam claims his February 2019 "does not even mention another man." This
13 is untrue. In his opposition and countermotion filed February 26, 2019, beginning
14 at page nine, Adam spends a full two pages discussing his "discovery" that
15 Chalese was dating someone new, that she was on social media with a new ring,
16 and that Chalese was allowing Josh to wear Adam's clothing and using Adam's
17 tools. The court will also note that, despite Adam's contentions he has been
18 having Chalese and Josh followed by a private investigator because he was
19 worried about the children's safety, *the records subpoenaed from the private*
20 *investigator show that Adam initially hired them to prove Chalese had a*
21 *boyfriend.*
22
23

24 You and your wife are in the midst of a divorce, you are out of the
25 marital home, she is maintaining the residence and in your absence
26 she has moved a man into the home. He has a 5 year old son. They

1 claim that he does not reside there, but may stay the night
2 approximately 2 times a week. You believe he lives there full time.
3 There are also concerns about alcohol and drug use, but at this point
4 those issues are secondary, but if the opportunity comes up, document
5 any and all alcohol or drug use or behaviors.

6 [...]

7 Main Objectives: ... After the 2 week technology period, prove the
8 man is residing at the marital home.¹⁰

9 Adam's "issues" with Josh are exaggerated or lack evidentiary foundation.
10 Josh does not use marijuana around the children. Despite his claimed "horrible
11 driving record" and the fact that Adam has had a private investigator following
12 Josh for months, there were no notes by said private investigator that they
13 observed Josh driving erratically. Josh's "consumption of multiple alcoholic
14 beverages" refers to the one or two beers Josh occasionally drinks after work.
15 There have been no findings by CPS, or reports made to the police, that Josh is
16 "mistreating" the parties' children. There has been no evidence presented that Josh
17 was ever convicted of domestic violence, and Josh has not been involved in any
18 criminal matters (other than minor traffic violations) since his son Jesse was born.
19 The most recent traffic violation produced by Adam for Josh was from 2017. All
20 of these allegations of Adam's, however, only amplify the need for a child custody
21 evaluation.

22
23
24 _____
25 ¹⁰ See Email from private investigator to Adam dated March 28, 2019 in DEA at BS
26 DEF000686-DEF000687.

1 Adam's other allegations against Josh, the Court will note, have to do with
2 conflict between Josh and Adam, not anything that would affect the minor
3 children. Adam's constant focus on Josh – even going as far as to depose his ex-
4 girlfriend and subpoena his billing records from his attorneys, as well as his
5 insistence that Chalese and Josh are “married” – shows that Adam is obsessed
6 with Josh, despite his protestations otherwise.
7

8 **D. Continuance of Trial**

9 Adam claims Chalese's motion is to continue trial. Adam, however, does
10 not dispute and cannot dispute that EDCR 5.305(b) allows the court to appoint a
11 custody evaluator “[w]hen it appears that an expert medical, psychiatric, or
12 psychological evaluation is necessary for any party or minor child[.]” Not only
13 would a child custody evaluation be helpful to the court, Chalese believes that the
14 court requires a child custody evaluation to properly weigh Adam's allegations
15 and to make a custody decision that is in the best interests of the children. If that
16 necessitates a continuance of the trial, it is a small price to pay.
17
18

19 **II. OPPOSITION TO COUNTERMOTION**

20 Adam's unreasonable position on custody in this matter is what is driving
21 this litigation and causing the parties to incur fees. Further, had Adam agreed to a
22 custody evaluation, this motion would not have been necessary. Adam is not
23 entitled to fees and pursuant to Chalese's motion for fees which is being heard at
24 the same time as this motion, Chalese should be awarded temporary fees.
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I. CONCLUSION

WHEREFORE, based on the foregoing, Defendant, **Chalese Marie Solinger**, respectfully requests that this court enter orders granting her the relief requested in her motion and denying Plaintiff's counter-motion.

DATED this 6th day of December, 2019.

PECOS LAW GROUP

 # K199

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Attorneys for Defendant

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of PECOS LAW
3 GROUP, and that on this 6th day of December, 2019, I served a copy of
4 REPLY TO OPPOSITION TO DEFENDANT’S MOTION FOR A CUSTODY EVALUATION,
5 ATTORNEY’S FEES AND RELATED RELIEF AND OPPOSITION TO COUNTERMOTION FOR
6 ATTORNEY’S FEES AND COSTS as follows:

7 By placing same to be deposited for mailing in the United States Mail,
8 in a sealed envelope upon which first class postage was prepaid in Las Vegas,
9 Nevada: and/or

10 Pursuant to NEFCR 9, by mandatory electronic service through the
Eighth Judicial District Court’s electronic filing system: and/or

11 Pursuant to EDCR 7.26, to be sent via facsimile; and/or

12 To be hand-delivered to the attorneys listed below at the address and/or
13 facsimile number indicated below:

14 Vincent Mayo	VMGroup@TheAbramsLawFirm.com
15 admin email	email@pecoslawgroup.com
16 Jack Fleeman	jack@pecoslawgroup.com
17 Amy Robinson	amy@pecoslawgroup.com
18 Angela Romero	angela@pecoslawgroup.com
19 Alicia Exley	alicia@pecoslawgroup.com
20 Bruce Shapiro	bruce@pecoslawgroup.com

21
22
23 
24 _____
ANGELA ROMERO,
25 An employee of PECOS LAW GROUP
26