

**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 13**

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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*  
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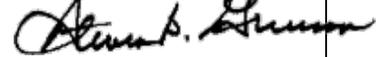
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11/09/2020	Reply To Opposition To Plaintiff's Motion To Clarify Court's June 30th Order After Hearing	12	2695 - 2702
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1 **NEOJ**  
2 **Jack W. Fleeman, Esq.**  
Nevada Bar No. 10584  
3 **Alicia S. Exley, Esq.**  
Nevada Bar No. 14192  
4 **PECOS LAW GROUP**  
8925 South Pecos Road, Suite 14A  
5 Henderson, Nevada 89074  
6 Telephone: (702) 388-1851  
[Jack@pecoslawgroup.com](mailto:Jack@pecoslawgroup.com)  
7 [Alicia@pecoslawgroup.com](mailto:Alicia@pecoslawgroup.com)  
Attorneys for Defendant

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

11 **Adam Michael Solinger,**

12 Plaintiff,

13 vs.

14 **Chalese Marie Solinger,**

15 Defendant.

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

Dept No. **P**

16  
17 **NOTICE OF ENTRY OF ORDER**

18 TO: **Adam Michael Solinger**, Plaintiff in Proper Person:

19 **YOU WILL PLEASE TAKE NOTICE** that the “**Order from February**  
20 **18, 2021 Hearing**” was entered in the above-captioned case on the **9<sup>th</sup>** day of  
21 **March, 2021**, by filing with the clerk. A true and correct copy of said Order is  
attached hereto and made a part hereof.

22 **DATED** this 9<sup>th</sup> day of March, 2021.

23 /s/ Alicia S. Exley, Esq.

24 **Alicia S. Exley, Esq.**

25 Nevada Bar No. 14192

8925 South Pecos Road, Suite 14A

26 Henderson, Nevada 89074

Attorney for Defendant

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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I hereby certify that the “**Notice of Entry of Order**” in the above-captioned case was served this date as follows:

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

To individual(s) listed below at the address:

Adam M. Solinger	attorneyadamsolinger@gmail.com
admin email	email@pecoslawgroup.com
Alicia Exley	alicia@pecoslawgroup.com
Jack Fleeman	jack@pecoslawgroup.com
Angela Romero	angela@pecoslawgroup.com

**DATED** this 9<sup>th</sup> day of March, 2021

/s/ Alicia S. Exley, Esq.  
An employee of PECOS LAW GROUP

*Adam S. Solinger*  
CLERK OF THE COURT

1 **ORDR**

2 **Jack W. Fleeman, Esq.**

3 Nevada Bar No. 10584

4 **Alicia S. Exley, Esq.**

5 Nevada Bar No. 14192

6 PECOS LAW GROUP

7 8925 South Pecos Road, Suite 14A

8 Henderson, Nevada 89074

9 Tel: (702) 388-1851

10 Fax: (702) 388-7406

11 [Jack@pecoslawgroup.com](mailto:Jack@pecoslawgroup.com)

12 [Alicia@pecoslawgroup.com](mailto:Alicia@pecoslawgroup.com)

13 Attorneys for Defendant

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

17 **Adam Michael Solinger,**

18 Plaintiff,

19 vs.

20 **Chalese Marie Solinger,**

21 Defendant.

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

23 Dept No. **P**

24 Date of Hearing: **February 18, 2021**

25 Time of Hearing: **10:00 a.m.**

26 **ORDER FROM FEBRUARY 18, 2021 HEARING**

THIS MATTER came on for hearing before this Court on the 18<sup>th</sup> day of February, 2021; and Plaintiff, **Adam Michael Solinger** (“Adam”), present via BlueJeans in Proper Person; and Defendant, **Chalese Marie Solinger** (“Chalese”) present via BlueJeans and represented by and through her attorneys, **Jack W. Fleeman, Esq.** and **Alicia S. Exley, Esq.**, of PECOS LAW GROUP; and the Court being fully advised in the premises and good cause appearing, makes the

1 following findings and orders:

2 IT IS HEREBY ORDERED that Defendant's rebuttal expert report shall be  
3 due by March 12, 2021.<sup>1</sup>

4 IT IS FURTHER ORDERED that both parties shall provide the other party  
5 and the Court with a list of the artwork in the marital home by March 12, 2021,  
6 which the Court will then compare. The parties shall include approximate values  
7 on the list.<sup>2</sup>

8  
9 IT IS FURTHER ORDERED that trial shall be set for May 10, 2021 at 9:30  
10 a.m. for a full day. If the parties cannot get through all issues on May 10, 2021, the  
11 parties shall present their cases for child custody on May 10, 2021, and the  
12 financial issues shall be heard on the next half day of trial. If the parties need  
13 another half day of trial, it shall be set for June 14, 2021 at 9:30 a.m.<sup>3</sup>

14 IT IS FURTHER ORDERED that Plaintiff's spousal support obligation  
15 shall be reduced to \$500.00 per month as of March 1, 2021, which factors in  
16 Defendant's child support obligation.<sup>4</sup>

17 IT IS FURTHER ORDERED that, absent a medical emergency, the Court  
18 will not entertain any continuances on this trial date.<sup>5</sup>

19 IT IS FURTHER ORDERED that discovery shall close 30 days prior to the  
20  
21

22  
23 <sup>1</sup> See *Id.* at TI 10:21:55.

24 <sup>2</sup> See *Id.* at TI 10:23:27.

25 <sup>3</sup> See *Id.* at TI 10:27:20.

26 <sup>4</sup> See *Id.* at TI 10:30:00.

<sup>5</sup> See *Id.* at TI 10:30:30.

1 first trial date. This Court shall hear any discovery disputes.<sup>6</sup>

2 DATED this \_\_\_\_\_ day of \_\_\_\_\_ Dated this 9th day of March, 2021.

3   
4 \_\_\_\_\_  
5 DISTRICT COURT JUDGE

6 Submitted by:  
7 PECOS LAW GROUP

As to form and content:  
89B 33D A86E A628  
Mary Perry  
District Court Judge

8 /s/ Alicia S. Exley, Esq.

/s/ Adam M. Solinger

9 **Jack W. Fleeman, Esq.**  
Nevada Bar No. 010584  
10 **Alicia S. Exley, Esq.**  
Nevada Bar No. 014192  
11 8925 South Pecos Road, Suite 14A  
12 Henderson, Nevada 89074  
(702) 388-1851  
13 *Attorneys for Defendant*

**Adam M. Solinger**  
7290 Sea Anchor Ct.  
Las Vegas, Nevada 89131  
(702) 222-4021  
attorneyadamsolinger@gmail.com  
*Plaintiff in Proper Person*

24  
25  
26 <sup>6</sup> See Id. at TI 10:30:42.

## Alicia Exley

---

**From:** Adam S <attorneyadamsolinger@gmail.com>  
**Sent:** Tuesday, March 9, 2021 1:46 PM  
**To:** Alicia Exley  
**Cc:** Jack Fleeman; Angela Romero  
**Subject:** [REDACTED]

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please attach my electronic signature. [REDACTED]

On Tue, Mar 9, 2021 at 1:44 PM Alicia Exley <[alicia@pecoslawgroup.com](mailto:alicia@pecoslawgroup.com)> wrote:

Hello Adam,

Were you going to sign the order and send it back to us, or should I affix your electronic signature?

*Alicia Exley, Esq.* || Attorney at Law



8925 S. Pecos Road, Suite 14A

Henderson, Nevada 89074

P: (702) 388-1851

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E: [ALICIA@PECOSLAWGROUP.COM](mailto:ALICIA@PECOSLAWGROUP.COM)

This e-mail, and any attachments thereto, is intended only for the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me by return e-mail and permanently delete the original and any copy of this e-mail message and any printout thereof.

To ensure compliance with requirements imposed by the U.S. Internal Revenue Service, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of avoiding U.S. tax penalties.

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**CSERV**

DISTRICT COURT  
CLARK COUNTY, NEVADA

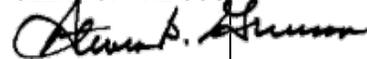
Adam Michael Solinger, Plaintiff	CASE NO: D-19-582245-D
vs.	DEPT. NO. Department P
Chalese Marie Solinger, Defendant.	

**AUTOMATED CERTIFICATE OF SERVICE**

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

Service Date: 3/9/2021

- |                 |                                |
|-----------------|--------------------------------|
| Vincent Mayo    | VMGroup@TheAbramsLawFirm.com   |
| Jack Fleeman    | jack@pecoslawgroup.com         |
| Angela Romero   | angela@pecoslawgroup.com       |
| admin email     | email@pecoslawgroup.com        |
| Allan Brown     | allan@pecoslawgroup.com        |
| Alicia Exley    | alicia@pecoslawgroup.com       |
| Adam Solinger   | adam@702defense.com            |
| Louis Schneider | lcsllawllc@gmail.com           |
| Adam Solinger   | attorneyadamsolinger@gmail.com |



1 **BREF**  
Adam M. Solinger  
2 7290 Sea Anchor Ct  
Las Vegas, Nevada 89131  
3 Tel: (702) 222-4021  
Email: attorneyadamsolinger@gmail.com

4 Eighth Judicial District Court  
5 Family Division  
Clark County, Nevada

6 ADAM MICHAEL SOLINGER, ) Case No.: D-19-582245-D  
7 )  
Plaintiff, ) Department: P  
8 vs. )  
9 CHALESE MARIE SOLINGER, )  
Defendant. )

11 **PLAINTIFF’S LIST OF CONTESTED ART IN HIS POSSESSION  
AND ART BELIEVED TO BE IN DEFENDANT’S POSSESSION**

12 **NOW INTO COURT** comes Plaintiff, ADAM MICHAEL  
13 SOLINGER, and hereby submits the list of contested art in his possession  
14 and the list of contested art believed to be in the Defendant’s Possession.

15 Dated Friday, March 12, 2021.

16 Respectfully Submitted,

17 /s/ Adam M. Solinger

18 Adam M. Solinger

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**ART IN PLAINTIFF’S POSSESSION**

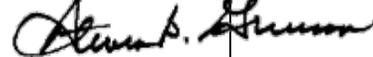
Tyler Stout	Guardians of the Galaxy Variant
Tyler Stout	Sleeping Dogs Variant
Tyler Stout	Captain America Variant
Olly Moss	Princess Mononke Variant
Vania	Game of Thrones
JC Richard	Lord of the Rings Triptych
Tom Whalen	Land of the Lost
Tom Whalen	Batman
Tom Whalen	Justice League
Jock	Batman
Martin Ansin	Game of Thrones

The approximate combined value of the above is \$ **1300**

**ART BELIEVED TO BE IN DEFENDANT’S POSSESSION**

Tyler Stout	Guardians of the Galaxy Variant
Tyler Stout	Captain America Variant
Olly Moss	Princess Mononke
Tom Whalen	Land of the Lost Var.
Tom Whalen	Batman Var.
Jock	Batman
Martin Ansin	Game of Thrones

Respectfully Submitted:  
/s/ Adam M. Solinger  
Adam M. Solinger



1 **MOT**  
Adam M. Solinger  
2 7290 Sea Anchor Ct  
Las Vegas, Nevada 89131  
3 Tel: (702) 222-4021  
Email: attorneyadamsolinger@gmail.com

4 Eighth Judicial District Court  
5 Family Division  
6 Clark County, Nevada

6 ADAM MICHAEL SOLINGER, ) Case No.: D-19-582245-D  
7 )  
7 Plaintiff, ) Department: P  
8 vs. )  
9 CHALESE MARIE SOLINGER, ) **Hearing Requested**  
10 Defendant. )

11 **MOTION TO MODIFY TEMPORARY PHYSICAL CUSTODY**  
12 **PENDING TRIAL**

12 **NOW INTO COURT** comes Plaintiff, ADAM MICHAEL  
13 SOLINGER, and hereby submits his motion modify temporary physical  
14 custody based upon the Defendant's failure to take Michael to in-person  
15 instruction, as agreed.

16 ///

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1                   **MEMORANDUM OF POINTS AND AUTHORITIES**

2   **I.    STATEMENT OF FACTS**

3           Michael Solinger is 5 years of age and currently enrolled in Rhodes  
4 Elementary in Northwest Las Vegas. Michael has been attending Rhodes  
5 elementary for Pre-K speech therapy in-person and Kindergarten via  
6 distance learning. However, in January of 2021, the Clark County School  
7 District started the process of returning to in-person instruction. As part  
8 of that, a survey was sent to parents inquiring if they would be willing to  
9 have their children return to in-person instruction at least two days per  
10 week.

11           On January 27, 2021, Adam asked Chalese her thoughts on Michael  
12 returning to in-person instruction. She responded less than a minute later  
13 with: “I am all for it given they are following guidelines.” As a result, Adam  
14 responded to the survey indicating that Michael’s parents wanted him to  
15 return to in-person instruction.

16           Once CCSD confirmed that children would be returning to in-  
17 person instruction two days a week. Michael was assigned by CCSD to  
18 Cohort B, which meant that he would attend school in-person on  
19 Thursday and Fridays. On February 18, 2021, Adam informed Chalese of  
20 this assignment. Chalese responded by saying: “Why did you pick the days  
21 that I have? I’m not driving over there. If that’s the case then he will stay

1 100% online[.]” Adam informed her he did not get to pick the days.  
2 She then responded: “Ok well he’s staying in virtual learning then” and  
3 “or enroll him in a magnet school by my house and we won’t have this  
4 problem[.]” Adam then took two days of vacation time so that he could  
5 ensure Michael had a successful transition to in-person instruction and  
6 that he would not miss his first day of in-person school.

7       On February 22, 2021, Adam received an email from Jack Fleeman  
8 stating, in essence, that he had been informed that Chalese was not  
9 consulted on the decision for Michael to move to in-person instruction  
10 two days a week and that she had not been consulted on the days he would  
11 return to said instruction. The request in the letter was that Michael  
12 remain in virtual learning full time for the remainder of the year or for as  
13 long as the school would allow.

14       Adam responded to the email telling Mr. Fleeman to pull the  
15 AppClose messages and that he would not agree to Michael remaining in  
16 full-time distance education. As clearly shown above, Chalese had lied to  
17 Mr. Fleeman.

18       On March 18, 2021, Chalese sent a message asking what Michael’s  
19 school password had been changed to, as he needed a password that was  
20 easier for him to type on his own while attending in-person instruction.  
21 This caused Adam to question whether Michael had attended school in-

1 person that day. When asked about it, Chalese said: “For the next two  
2 weeks he will be doing school at my house Thursday’s and Fridays. We  
3 need to discuss an actual school schedule before spring break is over[.]”  
4 Adam asked why Chalese did not inform him as he had missed most of the  
5 school day already and he did not have the supplies necessary for the  
6 school day, as Adam had sent Michael to Chalese with what he needed for  
7 in-person instruction. Chalese responded by saying that he had “made it  
8 all up already[.]” When pressed on the fact that it wasn’t about whether  
9 he had made it up already but about him doing what’s best for him,  
10 Chalese responded by saying “I have another kid in school. I can’t leave  
11 him home alone and drive around town to drop off [Michael].” She then  
12 added that she was “willing to negotiate and come up with a solution  
13 where [Michael] is with you Thursday’s and Friday’s for school.”

14         When Adam protested Chalese’s unwillingness to do what was best  
15 for Michael and insisted that Chalese drop Michael off to him tonight  
16 (March 18, 2021) so that Adam could ensure Michael went to school the  
17 next day, Chalese responded: “As for tomorrow, I’ll bring him to you if  
18 you’ll let me pick them up for jesses baseball game Saturday morning and  
19 then bring them back.”

20         Adam did not agree because Michael’s best interest should not be a  
21 bargaining chip for purposes of attending a little league game.

1 Adam has attempted to resolve this issue without resorting to  
2 motion practice, but Chalese would not agree. Adam brings this motion  
3 now because time is of the essence and this issue will repeat itself every  
4 two weeks. Given this extreme time constraint, this motion is filed as soon  
5 as possible. If an agreement is reached, Adam will gladly withdraw the  
6 motion.

7 **II. LAW AND ARGUMENT**

8 The Court has authority to modify custody if it is in the children's  
9 best interest to do so. Adam and Chalese both agree that it is in Michael's  
10 best interest to attend in-person instruction for school. Chalese is  
11 unwilling to transport Michael for a total of 4 days a month and is instead  
12 holding his best interest hostage for concessions in other regards.  
13 Concessions that show that she does not have Michael's best interests in  
14 mind, but instead that she agrees to do the right thing only if it is  
15 convenient and beneficial for her. As a result, this Court should modify  
16 Chalese's visitation so that she has the minor children every other  
17 weekend only. That way, Adam can ensure that Michael is always in  
18 school.

19 It's appalling that Chalese will disrupt Michael's life at the drop of a  
20 hat merely because taking him to school 4 days a week is too inconvenient  
21 for her. Chalese understood the importance of school when she agreed to

1 in-person learning and when she stated: “The issue is I also have another  
2 kid [in] school and I cannot leave him alone or make him miss  
3 class...”<sup>1</sup>referring to Josh’s child Jesse. But when it comes to Michael she  
4 is willing to sacrifice his education.

5 **III. CONCLUSION**

6 Based upon the foregoing, Adam respectfully requests that this  
7 Honorable Court grant the motion and modify Chalese’s visitation to  
8 every other weekend.

9

10 Dated Thursday, March 18, 2021.

11

12 Respectfully Submitted:

13

13 /s/ Adam M. Solinger  
14 Adam M. Solinger

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<sup>1</sup> The quote continues: “to drive to a school you didn’t consult me about”  
Chalese was informed every step of the way regarding Michael’s school  
placement and never said anything as Adam updated her.

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**DECLARATION OF ADAM MICHAEL SOLINGER**

I, ADAM MICHAEL SOLINGER, provide this Declaration pursuant to NRS 53.045 and states the following:

1. I am the Plaintiff in the above-entitled action, and I am above the age of majority and am competent to testify to the facts contained in this affidavit.

2. I make this affidavit in support of the foregoing *MOTION TO MODIFY TEMPORARY PHYSICAL CUSTODY PENDING TRIAL*.

3. I have read said *Motion* and hereby certify that the facts set forth in the motion 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.

4. I declare under the penalty of perjury pursuant to the laws of the State of Nevada that the foregoing is true and correct.

Dated this Thursday, March 18, 2021.

/s/ Adam M. Solinger  
ADAM MICHAEL SOLINGER

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing MOTION MODIFY TEMPORARY PHYSICAL CUSTODY PENDING TRIAL was filed electronically with the Eighth Judicial District Court in the above-entitled manner, on Thursday, March 18, 2021. Electronic service of the foregoing document shall be made in accordance with the Master Service List, pursuant to NEFCR 9, as follows:

Jack Fleeman, Esq.  
Alicia Exley, Esq.  
Attorney for Defendant

          /s/ Adam M. Solinger            
ADAM MICHAEL SOLINGER

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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. 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"/>	<b>\$25</b>	The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.
-OR-		
<input checked="" type="checkbox"/>	<b>\$0</b>	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.

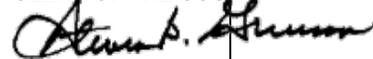
<input checked="" type="checkbox"/>	<b>\$0</b>	The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:
<input checked="" type="checkbox"/>		The Motion/Opposition is being filed in a case that was not initiated by joint petition.
<input type="checkbox"/>		The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.
-OR-		
<input type="checkbox"/>	<b>\$129</b>	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"/>	<b>\$57</b>	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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
\$0	\$25	\$57	\$82	\$129	\$154	

Party filing Motion/Opposition: Adam M. Solinger Date 10/7/2020

Signature of Party or Preparer /s/ Adam M. Solinger



1 **EPAP**  
Adam M. Solinger  
2 7290 Sea Anchor Ct  
Las Vegas, Nevada 89131  
3 Tel: (702) 222-4021  
Email: attorneyadamsolinger@gmail.com

4 Eighth Judicial District Court  
5 Family Division  
6 Clark County, Nevada

6 ADAM MICHAEL SOLINGER, ) Case No.: D-19-582245-D  
7 )  
8 Plaintiff, ) Department: P  
9 vs. )  
10 CHALESE MARIE SOLINGER, )  
Defendant. )

11 **EX PARTE APPLICATION FOR AN ORDER SHORTENING**  
12 **TIME ON PLAINTIFF'S MOTION MODIFY TEMPORARY**  
13 **PHYSICAL CUSTODY PENDING TRIAL**

13 **NOW INTO COURT** comes Plaintiff, ADAM MICHAEL  
14 SOLINGER, and respectfully moves that, pursuant to EDCR 5.513, the  
15 Court shorten time in which to hear Plaintiff's MOTION TO MODIFY  
16 TEMPORARY PHYSICAL CUSTODY PENDING TRIAL

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**DECLARATION OF ADAM MICHAEL SOLINGER**

I, ADAM MICHAEL SOLINGER, provide this Declaration pursuant to NRS 53.045 and states the following:

1. I am the Plaintiff in the above-entitled action, and I am above the age of majority and am competent to testify to the facts contained in this declaration.

2. On March 19, 2021, Chalese unilaterally elected to not take Michael to in-person instruction.

3. On March 19, 2021, Adam attempted to resolve this issue with Chalese and her Counsel, but Chalese indicates that she will not be taking Michael to his assigned in-person instruction days.

4. As a result, Michael will miss half of his assigned in-person instruction days because of Chalese’s refusal to transport Michael to school.

5. This issue will keep repeating every two weeks without Court intervention and trial is not scheduled until May 10, 2021.

6. As a result, Plaintiff respectfully requests that the hearing on his motion be shortened and heard as soon as possible so physical custody is modified pending trial so that Michael does not miss any more days of in-person instruction.



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# EXHIBIT A

1 **OST**  
Adam M. Solinger  
2 7290 Sea Anchor Ct  
Las Vegas, Nevada 89131  
3 Tel: (702) 222-4021  
Email: attorneyadamsolinger@gmail.com

4 Eighth Judicial District Court  
5 Family Division  
6 Clark County, Nevada

6 ADAM MICHAEL SOLINGER, ) Case No.: D-19-582245-D  
7 )  
8 Plaintiff, ) Department: P  
9 vs. )  
10 CHALESE MARIE SOLINGER, )  
Defendant. )

11 **ORDER SHORTENING TIME ON PLAINTIFF'S MOTION TO**  
12 **MODIFY TEMPORARY PHYSICAL CUSTODY PENDING**  
13 **TRIAL**

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2 Upon application of Plaintiff and good cause appearing therefore:

3 **IT IS HEREBY ORDERED** that the time for hearing on Plaintiff's

4 MOTION TO MODIFY TEMPORARY PHYSICAL CUSTODY PENDING

5 TRIAL is hereby shortened and shall be heard on the \_\_\_\_ day of

6 \_\_\_\_\_, 2021 at the hour of \_\_\_\_\_ in Department P

7 (Courtroom #13)/(via Video Conference (Bluejeans)) of the Family

8 Court, located at 601 N. Pecos Rd., Las Vegas, NV 89101.

9

10 DATED this \_\_\_\_ day of \_\_\_\_\_, 2021.

11

12

\_\_\_\_\_  
**DISTRICT COURT JUDGE**

13

14 Respectfully Submitted by:  
15 Plaintiff

16

17

/s/ Adam M. Solinger

18

Adam Solinger

19

20

21

1 **OST**  
Adam M. Solinger  
2 7290 Sea Anchor Ct  
Las Vegas, Nevada 89131  
3 Tel: (702) 222-4021  
Email: attorneyadamsolinger@gmail.com

4  
Eighth Judicial District Court  
5 Family Division  
Clark County, Nevada

6 ADAM MICHAEL SOLINGER, ) Case No.: D-19-582245-D  
7 )  
Plaintiff, ) Department: P  
8 vs. )  
9 CHALESE MARIE SOLINGER, )  
Defendant. )

10  
11 **ORDER SHORTENING TIME ON PLAINTIFF'S MOTION TO**  
12 **MODIFY TEMPORARY PHYSICAL CUSTODY PENDING**  
13 **TRIAL**

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2 Upon application of Plaintiff and good cause appearing therefore:

3 **IT IS HEREBY ORDERED** that the time for hearing on Plaintiff's  
4 MOTION TO MODIFY TEMPORARY PHYSICAL CUSTODY PENDING

5 TRIAL is hereby shortened and shall be heard on the ~~\_\_\_\_\_ day of~~  
6 MARCH 30, 2021 at 10:00 AM

7 \_\_\_\_\_, ~~2021 at the hour of~~ \_\_\_\_\_ in Department P

8 (Courtroom #~~15~~)/(via Video Conference (Bluejeans)) of the Family

9 Court, located at 601 N. Pecos Rd., Las Vegas, NV 89101.

10

DATED this \_\_\_\_\_ day of \_\_\_\_\_ Dated this 23<sup>rd</sup> day of March, 2021

11



**DISTRICT COURT JUDGE**

12

13 Respectfully Submitted by:  
14 Plaintiff

24A 202 76DF D900  
Mary Perry  
District Court Judge

15

16 /s/ Adam M. Solinger

17 Adam Solinger

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**CSERV**

DISTRICT COURT  
CLARK COUNTY, NEVADA

Adam Michael Solinger, Plaintiff	CASE NO: D-19-582245-D
vs.	DEPT. NO. Department P
Chalese Marie Solinger, Defendant.	

**AUTOMATED CERTIFICATE OF SERVICE**

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

Service Date: 3/23/2021

- |                 |                                |
|-----------------|--------------------------------|
| Vincent Mayo    | VMGroup@TheAbramsLawFirm.com   |
| Jack Fleeman    | jack@pecoslawgroup.com         |
| Angela Romero   | angela@pecoslawgroup.com       |
| admin email     | email@pecoslawgroup.com        |
| Allan Brown     | allan@pecoslawgroup.com        |
| Alicia Exley    | alicia@pecoslawgroup.com       |
| Adam Solinger   | attorneyadamsolinger@gmail.com |
| Adam Solinger   | adam@702defense.com            |
| Louis Schneider | lcsllawllc@gmail.com           |



1 **OPPM**  
2 **Jack W. Fleeman, Esq.**  
Nevada Bar No. 10584  
3 **Alicia S. Exley, Esq.**  
Nevada Bar No. 14192  
4 PECOS LAW GROUP  
8925 South Pecos Road, Suite 14A  
5 Henderson, Nevada 89074  
6 Tel: (702) 388-1851  
7 Fax: (702) 388-7406  
8 [Jack@pecoslawgroup.com](mailto:Jack@pecoslawgroup.com)  
[Alicia@pecoslawgroup.com](mailto:Alicia@pecoslawgroup.com)  
*Attorneys for Defendant*

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

11 **Adam Michael Solinger,**

12 Plaintiff,

13 vs.

14 **Chalese Marie Solinger,**

15 Defendant.

16 Case No. **D-19-582245-D**  
17 Dept No. **P**

Hearing Date: **March 30, 2021**  
Hearing Time: **10:00 a.m.**

18 **OPPOSITION TO PLAINTIFF'S MOTION TO MODIFY TEMPORARY PHYSICAL**  
19 **CUSTODY PENDING TRIAL**

20 **AND**

21 **COUNTERMOTION FOR SANCTIONS AND ATTORNEY'S FEES**

22 COMES NOW Defendant, **Chalese Marie Solinger**, by and through her  
23 attorneys of record, **Jack W. Fleeman, Esq.** and **Alicia S. Exley, Esq.**, of PECOS  
24 LAW GROUP, hereby files this opposition to Plaintiff's *Motion to Modify*

1 *Temporary Physical Custody Pending Trial* and requests that the Court sanction  
2 Plaintiff and award Defendant her attorney's fees.

3  
4 This opposition and countermotion is made and based on all the papers and  
5 pleadings on file and the declaration and argument contained herein.

6 DATED this 28<sup>th</sup> day of March, 2021.

7 PECOS LAW GROUP

8  
9 /s/ Alicia S. Exley, Esq.  
10 **Jack W. Fleeman, Esq.**  
Nevada Bar No. 10584  
11 **Alicia S. Exley, Esq.**  
Nevada Bar No. 14192  
12 8925 South Pecos Road, Suite 14A  
Henderson, NV 89074  
13 (702) 388-1851 Tel.  
14 *Attorneys for Defendant*

1 **POINTS AND AUTHORITIES**

2 **I. OPPOSITION TO MOTION**

3 **A. FACTS**

4 1. Prior to this schoolyear, Adam decided to enroll Michael in an  
5 elementary school close to Adam’s home. Michael began kindergarten this  
6 schoolyear.  
7

8 2. On February 18, 2021, Adam informed Chalese that Michael would  
9 be going to class in-person on Thursdays and Fridays starting March 1, 2021.<sup>1</sup>  
10 Chalese has visitation with the children from Wednesday through Friday every  
11 other week.  
12

13 3. Chalese objected to this arrangement due to the length of the drive  
14 from her home to Michael’s school. In response, Adam took vacation time to keep  
15 Michael on March 4<sup>th</sup> and 5<sup>th</sup>.<sup>2</sup>  
16

17 4. On March 11, 2021, Adam messaged Chalese and told her he would  
18 no longer send Michael’s backpack with Michael to Chalese’s and that she would  
19 have to purchase her own backpack for Michael.<sup>3</sup>  
20

21 \_\_\_\_\_  
22 <sup>1</sup> See AppClose Messages between parties in Defendant’s Exhibit Addendum (“DEA”) at  
bates stamp no. DEF001849.

23 <sup>2</sup> See *Id.*

24 <sup>3</sup> See DEA at bates stamp no. DEF001853.

1           5.     On March 17, 2021, Chalese messaged Adam stating she would like  
2 to “figure out a better solution for the remainder of the school year.”<sup>4</sup>

3           6.     As Chalese is prohibited from having her boyfriend, Josh, drive the  
4 children, and Chalese has a baby at home, she was having some difficulty  
5 transporting Michael to school across town in time. Chalese spoke to the school  
6 and arranged for Michael to attend school virtually on her days until after Spring  
7 Break. On March 18, 2021, Chalese informed Adam of this and asked, again, that  
8 they discuss the custodial schedule before the end of Spring Break.<sup>5</sup>

9           a.     In response, Adam chastised Chalese, as he often does, accusing her  
10 of causing Michael to miss class and picture day.<sup>6</sup>

11           b.     Chalese assured Adam that all of Michael’s work was done, to which  
12 Adam replied, “It’s not about making it up. It’s about him being in  
13 school when he’s supposed to be.”<sup>7</sup>

14           7.     Chalese then told Adam, “I am willing to negotiate and come up with  
15 a solution” to the issue, to which Adam replied, “I don’t understand what there is  
16 to negotiate.”<sup>8</sup>

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21 <sup>4</sup>     *See Id.* at bates stamp no. DEF001856.

22 <sup>5</sup>     *See Id.* at bates stamp no. DEF001857.

23 <sup>6</sup>     *See Id.*

24 <sup>7</sup>     *See Id.*

25 <sup>8</sup>     *See Id.*

1           8.     Chalese tried again, asking Adam to come up with a “temporary  
2 arrangement” on the issue. Adam’s “solution” was that he could just keep Michael  
3 for Chalese’s custodial time. Chalese suggested that she drop Michael off to Adam  
4 on Friday, March 19th, and that she have Michael for some time on Saturday  
5 instead. Adam’s response was, “I shouldn’t have to give up part of my weekend  
6 with him in order for him to get an education.”<sup>9</sup>

8           9.     Chalese pointed out that the schedule the parties have been following  
9 was put in plan with them in daycare and that she would like to come up with  
10 something better.<sup>10</sup> Adam continued to berate her.

12          10.    On March 18, 2021, at 2:03 p.m., Adam emailed Chalese’s counsel  
13 and stated he would file a motion if he did not receive a response by 5:00 p.m.,  
14 less than three hours after his email.<sup>11</sup> Counsel requested that Adam give them  
15 until the following day to respond. Adam stated he would only agree if Chalese  
16 agreed to give up her custodial day with Michael on March 19, 2021.<sup>12</sup>

18          11.    Adam filed his motion on March 18, 2021 at 5:07 p.m., a little over  
19 three hours before his “attempt to resolve” the issue with counsel.

---

21          <sup>9</sup>     See DEA at bates stamp no. DEF001858.

22          <sup>10</sup>    See *Id.*

23          <sup>11</sup>    See Emails between Adam, Mr. Fleeman and Ms. Exley dated March 18, 2021 in DEA  
at bates stamp nos. DEF001862-DEF001863.

24          <sup>12</sup>    See *Id.*

1           12.     On March 19, 2021, at 12:53 p.m., Chalese informed Adam, “with  
2 the school issue, I just couldn’t make it work this week. When he goes back full  
3 time he’ll be in person.”<sup>13</sup>

4           13.     On March 23, 2021, Counsel received the order shortening time for  
5 the motion.  
6

7           14.     On March 24, 2021, Counsel sent Adam a letter asking if he would  
8 be withdrawing his motion, as it was moot given Chalese’s March 19, 2021  
9 message. Counsel received no response to the letter and was forced to prepare this  
10 opposition.  
11

12           **B. LEGAL ARGUMENT**

13           Simply put, Adam’s motion is moot. Chalese resolved her issue with  
14 transporting Michael to school on her custodial days. She attempted to try to  
15 negotiate a solution with Adam only to be met with derision, so Chalese figured  
16 out a solution. While Adam has the benefit of being able to have his girlfriend  
17 and, upon information and belief, his girlfriend’s teenage child transport the  
18 children, Chalese’s boyfriend Josh is prohibited from doing so.  
19

20           Due to some transportation issues, Chalese had Michael do virtual learning  
21 at her home for a brief amount of time after consulting with the school. As stated,  
22

23  
24 <sup>13</sup>     See DEA at bates stamp no. DEF001859.

1 she has resolved her transportation issue and is now able to transport Michael to  
2 and from school on her custodial days.

3 Pursuant to NRS 125C.0035, in making custody determinations the “sole  
4 consideration of the court is the best interest of the child.” There is no legal basis  
5 and it is not in the best interests of the children to essentially cut Chalese’s  
6 visitation in half to every other weekend.  
7

## 8 **II. COUNTERMOTION FOR FEES**

9 As shown, Chalese already informed Adam that this is no longer an issue.  
10 Counsel asked Adam if he would withdraw his motion as moot, but he never  
11 responded, forcing Chalese to incur fees unnecessarily in responding to Adam’s  
12 motion.  
13

14 Furthermore, if Adam had waited just a day to file his motion, he would  
15 have received Chalese’s March 19, 2021 message stating the issue was resolved.  
16 Adam giving counsel less than three hours to try to resolve this issue is not in any  
17 way reasonable. EDCR 5.501 allows for the imposition of sanctions “if the court  
18 concludes that the issues would have been resolved if an attempt at resolution had  
19 been made before filing.” As shown, had Adam waited a mere 24 hours between  
20 his email to counsel and filing his motion, he would have seen that the issue was  
21 resolved.  
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1 EDCR 7.60 also allows for the imposition of sanctions when a party  
2 “[p]resents to the court a motion ... which is obviously frivolous, unnecessary or  
3 unwarranted” or “[s]o multiplies the proceedings in a case as to increase costs  
4 unreasonably and vexatiously.”  
5

6 Adam’s motion is frivolous and nothing more than an attempt to harass  
7 Chalese and try to place her in a negative light to the Court ahead of trial. Counsel  
8 even tried to give Adam a way out by asking if he would withdraw his motion, but  
9 Adam simply never responded. Adam should be sanctioned for forcing Chalese to  
10 respond to a motion that is moot.  
11

12 Awards of attorney’s fees are within the sound discretion of the district  
13 court. *Fletcher v. Fletcher*, 89 Nev. 540, 516 P.2d 103 (1973); *Levy v. Levy*, 96  
14 Nev. 902, 620 P.2d 860 (1980); *Hybarger v. Hybarger*, 103 Nev. 255, 737 P.2d  
15 889 (1987).

16 When an attorney in a family law case requests fees, the Court must  
17 consider several factors in determining the reasonable value of the services  
18 provided. *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31  
19 (1969). Those factors, referred to as the *Brunzell* factors, are: (1) *The Qualities of*  
20 *the Advocate*: to include ability, training, education, experience, professional  
21 standing and skill; (2) *The Character of the Work to Be Done*: to include the  
22 difficulty importance, time and skill required, the responsibility imposed and the  
23 prominence and character of the parties where they affect the importance of the  
24

1 litigation; (3) *The Work Actually Performed by the Lawyer*: to include the actual  
2 skill, time and attention given to the work; and (4) *The Result Obtained*: whether  
3 the attorney was successful and what benefits were derived. *Id.* The court should  
4 give equal weight to each of the *Brunzell* factors. *Miller v. Wilfong*, 121 Nev. 119  
5 (2005).

6 Further, the Nevada Supreme Court has held that fees and costs may include  
7 non-attorney staff time. *LVMPD v. Yeghiazarian*, 129 Nev. 760, 312 P.3d 503  
8 (2013).

9  
10 1. With regard to the *Qualities of the Advocate*:

11 a. **Jack W. Fleeman, Esq.:** Mr. Fleeman is well-qualified and a  
12 member in good standing with the State Bar of Nevada. He has been  
13 practicing law for more than 12 years and primarily in the field of family  
14 law. Over this span of time, Mr. Fleeman has drafted thousands of papers  
15 and pleadings, has participated in hundreds of hearings, and has appeared as  
16 lead counsel in over 30 trials. Mr. Fleeman is a Nevada certified family law  
17 specialized and has briefed and argued several family law cases before the  
18 Nevada Supreme Court, including the recently published cases of *Nguyen v.*  
19 *Boynes*, 133 Nev. Adv. Op. 32, 396 P.3d 774 (2017) and *Miller v. Miller*,  
20 134 Nev. Adv. Op. 16 (Mar. 15, 2018).

21  
22 b. **Alicia S. Exley, Esq.:** Ms. Exley is well-qualified and a member in  
23 good standing of the State Bar of Nevada. Ms. Exley worked for a family  
24 law attorney for four years prior to graduating from law school, passing the

1 Bar Exam, and being admitted as a Nevada attorney. Ms. Exley has been  
2 practicing primarily in the field of family law for the last three years. She  
3 serves on the Community Service Committee of the Clark County Bar  
4 Association, earning her Committee Circle of Support Awards for 2018 and  
5 2019. She was also named a “Best Up & Coming Attorney” by Nevada  
6 Business Magazine in 2018. Ms. Exley has spoken about QDROs as part of  
7 the Downtown Cultural Series and had an article on economic abuse in  
8 divorce litigation published in the *Nevada Lawyer* in 2019.  
9

10 c. **Angela Romero:** Ms. Romero has been working in the private sector  
11 as a family law paralegal since 2002, and currently holds a Bachelor of  
12 Science in Business Administration. Ms. Romero joined Pecos Law Group  
13 in 2017, and with more than 18 years of family law experience, she  
14 contributed knowledgeable and competent service on this case.  
15

16 2. With regard to the *Character of the Work to Be Done*, this case involved  
17 highly contested issues that took skill particular to family law and ethics.

18 3. With regard to the *Work Actually Performed by the Attorney*, Chalese’s  
19 attorneys were well-prepared for the case. Through the course of this litigation,  
20 Counsel prepared procedurally proper pleadings and prepared for the hearing with  
21 skill, time, and attention.  
22  
23  
24

1 4. With regard to the *Results Obtained*, through application of law to the facts  
2 as set forth in her pleadings and will be introduced at the time of the hearing,  
3 Chalese believes she will prevail on all issues.

4 Counsel will submit applicable billings for the Court's assessment of its  
5 attorney's fees award as the Court directs.

6  
7 **III. CONCLUSION**

8 WHEREFORE, based on the foregoing, Chalese respectfully requests that  
9 this Court enter orders granting her the following relief:

- 10 1. An Order denying Adam's requested relief in its entirety;  
11 2. An Order sanctioning Adam for bringing a frivolous motion and  
12 awarding Chalese attorney's fees for having to respond; and  
13 3. For other and further relief as the Court deems proper.

14 DATED this 28<sup>th</sup> day of March, 2021.

15  
16 PECOS LAW GROUP

17 /s/ Alicia S. Exley, Esq.

18 **Jack W. Fleeman, Esq.**

19 Nevada Bar No. 10584

20 **Alicia S. Exley, Esq.**

Nevada Bar No. 14192

21 8925 South Pecos Road, Suite 14A

Henderson, Nevada 89074

22 *Attorneys for Defendant*

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**DECLARATION OF CHALESE SOLINGER**

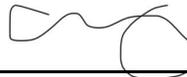
CHALESE SOLINGER, under penalties of perjury, deposes and says:

1. I am the Defendant in the above-entitled action, am over the age of 18, and am competent to testify to the matters contained herein.

2. I make this declaration in support of the foregoing OPPOSITION TO PLAINTIFF’S MOTION TO MODIFY TEMPORARY PHYSICAL CUSTODY PENDING TRIAL AND COUNTERMOTION FOR SANCTIONS AND ATTORNEY’S FEES. I have read the foregoing opposition and counter-motion 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.

3. I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on March 26, 2021



---

**Chalese Marie Solinger**

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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of PECOS LAW GROUP, and that on this 28<sup>th</sup> day of March, 2021, I served a copy of the foregoing OPPOSITION TO PLAINTIFF’S MOTION TO MODIFY TEMPORARY PHYSICAL CUSTODY PENDING TRIAL AND COUNTERMOTION FOR SANCTIONS AND ATTORNEY’S FEES as follows:

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

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

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

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

Adam M. Solinger	attorneyadamsolinger@gmail.com
admin email	email@pecoslawgroup.com
Alicia Exley	alicia@pecoslawgroup.com
Jack Fleeman	jack@pecoslawgroup.com
Angela Romero	angela@pecoslawgroup.com

/s/ Alicia S. Exley, Esq.  
An employee of PECOS LAW GROUP

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. P  
\_\_\_\_\_

**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"/> <b>\$25</b> The Motion/Opposition being filed with this form is subject to the \$25 reopen fee. -OR- <input checked="" type="checkbox"/> <b>\$0</b> 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.

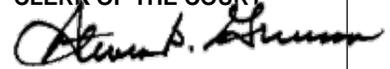
<input checked="" type="checkbox"/> <b>\$0</b> The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because: <input checked="" type="checkbox"/> The Motion/Opposition is being filed in a case that was not initiated by joint petition. <input type="checkbox"/> The party filing the Motion/Opposition previously paid a fee of \$129 or \$57. -OR- <input type="checkbox"/> <b>\$129</b> 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"/> <b>\$57</b> 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"/> <b>\$0</b> <input type="checkbox"/> <b>\$25</b> <input type="checkbox"/> <b>\$57</b> <input type="checkbox"/> <b>\$82</b> <input type="checkbox"/> <b>\$129</b> <input type="checkbox"/> <b>\$154</b>
--

Party filing Motion/Opposition: Defendant \_\_\_\_\_ Date 3/28/2021

Signature of Party or Preparer /s/ Alicia S. Exley, Esq. \_\_\_\_\_



1 **EXHS**  
2 **Jack W. Fleeman, Esq.**  
Nevada Bar No. 10584  
3 **Alicia S. Exley, Esq.**  
Nevada Bar No. 14192  
4 PECOS LAW GROUP  
5 8925 South Pecos Road, Suite 14A  
6 Henderson, Nevada 89074  
7 Tel: (702) 388-1851  
8 Fax: (702) 388-7406  
9 [Jack@pecoslawgroup.com](mailto:Jack@pecoslawgroup.com)  
[Alicia@pecoslawgroup.com](mailto:Alicia@pecoslawgroup.com)  
Attorneys for Defendant

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

**Adam Michael Solinger,**

Plaintiff,

vs.

**Chalese Marie Solinger,**

Defendant.

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

Dept No. **P**

Hearing Date: **March 30, 2021**

Hearing Time: **10:00 a.m.**

**EXHIBITS TO**  
**OPPOSITION TO PLAINTIFF'S MOTION TO MODIFY TEMPORARY PHYSICAL**  
**CUSTODY PENDING TRIAL**  
**AND**  
**COUNTERMOTION FOR SANCTIONS AND ATTORNEY'S FEES**

EXHIBIT A:	AppClose Messages between parties dated February 18, 2021 to March 19, 2021	DEF001849- DEF001859
...		
...		

1	EXHIBIT B:	Emails between Adam and Defendant's Counsel	DEF001862-
2		dated March 18, 2021	DEF001863

3  
4 DATED this 28<sup>th</sup> day of March, 2021.

5 PECOS LAW GROUP

6  
7 /s/ Alicia S. Exley, Esq.

8 **Jack W. Fleeman, Esq.**

9 Nevada Bar No. 10584

**Alicia S. Exley, Esq.**

10 Nevada Bar No. 14192

11 8925 South Pecos Road, Suite 14A

Henderson, NV 89074

12 (702) 388-1851 Tel.

13 *Attorneys for Defendant*

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCp 5(b), I certify that I am an employee of PECOS LAW GROUP,  
3 and that on this 28<sup>th</sup> day of March 2021, I served a copy of “EXHIBITS TO  
4 OPPOSITION TO PLAINTIFF’S MOTION TO MODIFY TEMPORARY PHYSICAL CUSTODY  
5 PENDING TRIAL AND COUNTERMOTION FOR SANCTIONS AND ATTORNEY’S FEES” as  
6 follows:

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

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

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

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

15 Adam M. Solinger	attorneyadamsolinger@gmail.com
16 admin email	email@pecoslawgroup.com
17 Alicia Exley	alicia@pecoslawgroup.com
18 Jack Fleeman	jack@pecoslawgroup.com
19 Angela Romero	angela@pecoslawgroup.com

20  
21  
22  
23 /s/ Alicia S. Exley, Esq.  
24 An employee of PECOS LAW GROUP

# **EXHIBIT A**



# Conversations

**2/18/2021**



**Adam on 2/18/2021 6:47PM texted (viewed by Chalese Anderson on 2/18/2021 6:47PM):**

We received this from the school today. Michael will be going to class on Thursday and Friday beginning the week of March 1st.

**Chalese Anderson on 2/18/2021 6:49PM texted (viewed by Adam on 2/18/2021 6:49PM):**

Why did you pick the days that I have him? I'm not driving over there. If that's the case then he will stay 100% online

**Adam on 2/18/2021 6:50PM texted (viewed by Chalese Anderson on 2/18/2021 6:50PM):**

I didn't get to choose the days, the school assigned it.

**Chalese Anderson on 2/18/2021 6:50PM texted (viewed by Adam on 2/18/2021 6:51PM):**

Ok well he's staying in virtual learning then

**Chalese Anderson on 2/18/2021 6:52PM texted (viewed by Adam on 2/18/2021 6:52PM):**

Or enroll him in the magnet school by my house and we won't have this problem

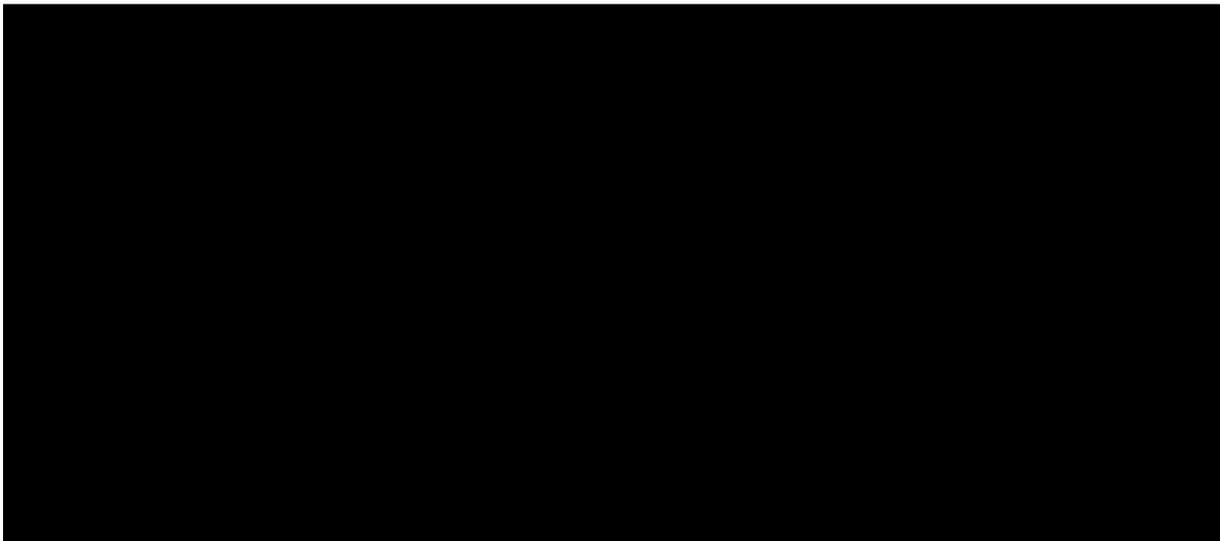
**Adam on 2/18/2021 6:53PM texted (viewed by Chalese Anderson on 2/18/2021 6:53PM):**

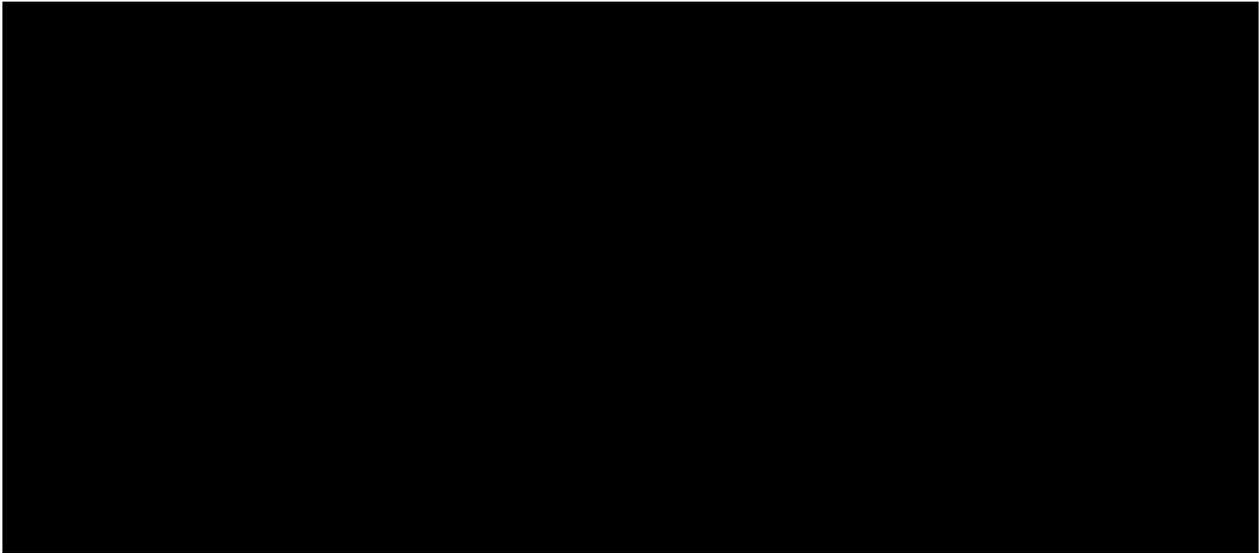
We can't just change it, that ship has sailed. We are not changing his schools all because it's inconvenient for you.

**Adam on 2/18/2021 7:10PM texted (viewed by Chalese Anderson on 2/18/2021 7:23PM):**

Given your response, I'm going to put in 2 days of vacation, March 4th and 5th to ensure he has a successful start to school.

**2/20/2021**



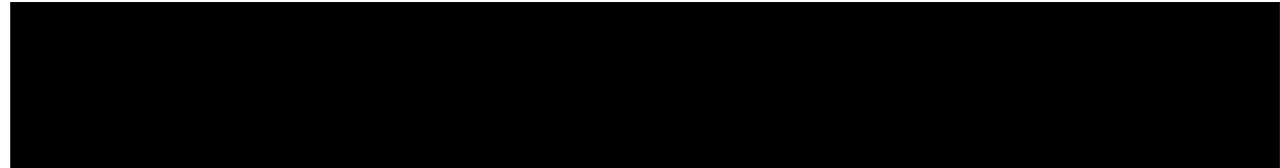


**2/22/2021**

***Adam on 2/22/2021 12:26PM texted (viewed by Chalese Anderson on 2/22/2021 12:26PM):***

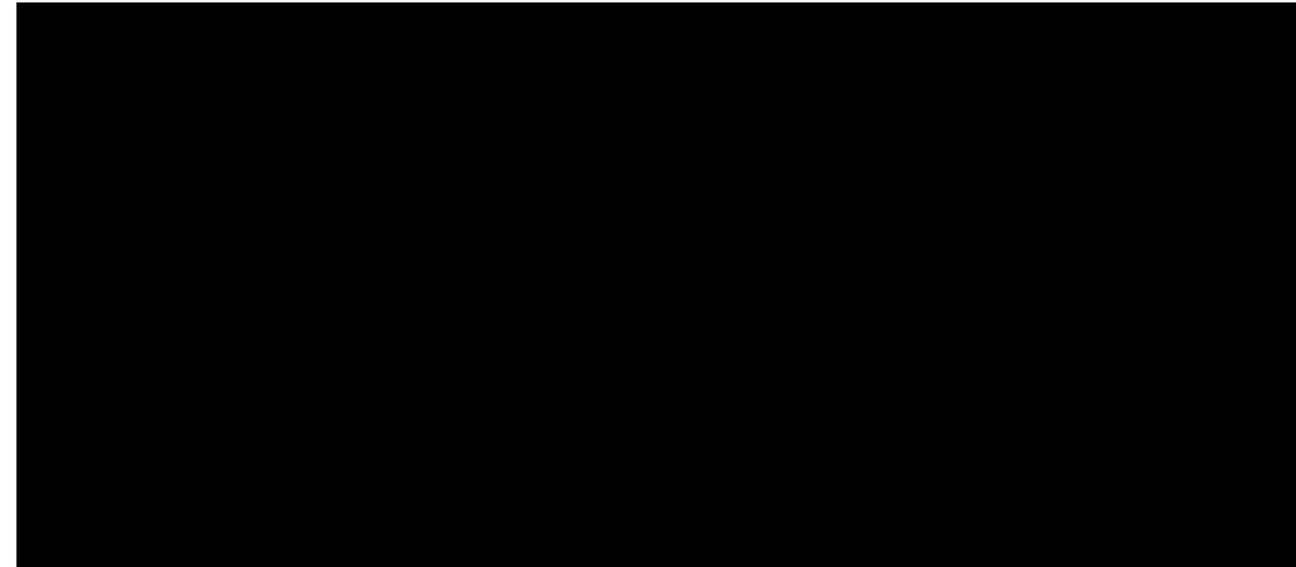
How do you want to handle school supplies for Michael? I buy them and I deduct it from spousal or we each buy our own set?

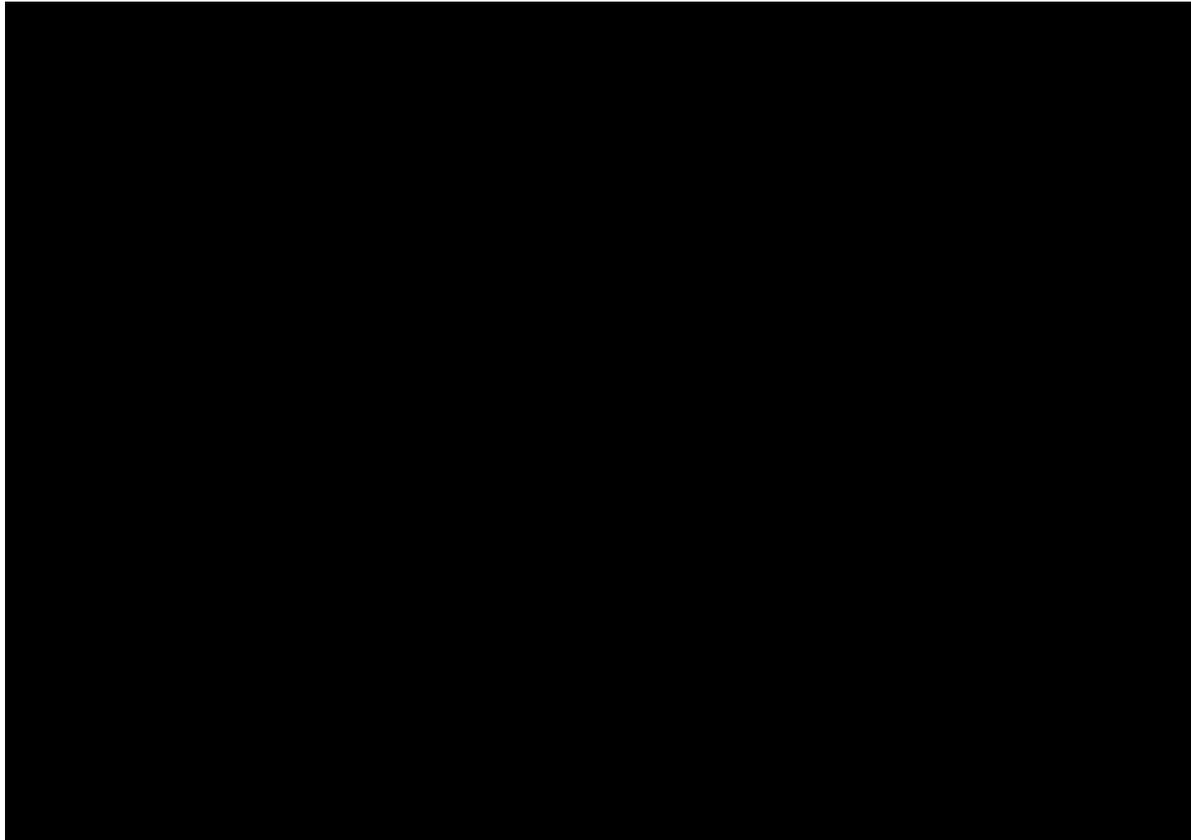
**2/23/2021**



***Adam on 2/23/2021 7:22PM texted (viewed by Chalese Anderson on 2/23/2021 8:12PM):***

So on school supplies: how do you want to handle school supplies for Michael? I buy them and I deduct it from spousal or we each buy our own set?





**3/11/2021**

***Chalese Anderson on 3/11/2021 6:34PM texted (viewed by Adam on 3/11/2021 6:54PM):***

When can I talk to the kids

***Adam on 3/11/2021 6:58PM texted (viewed by Chalese Anderson on 3/11/2021 7:08PM):***

They were finishing dinner.

I know you don't have Michael for school until next week, but I wanted to make sure you had this information in advance.

I had to change Michael's school password per his teacher since he was having a hard time logging in. See the picture for the new login info.

Also, I won't be sending Michael with the backpack he's been using anymore. You will need to send him with your own. The only things that should be in his backpack are his mathbook, an extra mask and a change of clothing (socks,underware,shirt and pants) and a bottle of water with a straw and flip top (one that doesn't leak). They eat lunches in the classroom so she said that she doesn't want juices in the classroom in the event there is a spill. Shoes should only be slip-on or velcro, no laces.

In P.E. they are tracking how much fruit and vegetables are eaten and the activities that are done. The sheet is online and you can track that way. I will send what Michael has done for the beginning of the week (next week) and you will need to input everything since he will be with you until Friday night.

Also, with Christmas, everything is starting to book up and my dad really wants to book. Have you given Christmas anymore consideration? My dad hardly gets Christmas off and this is a pretty big deal.

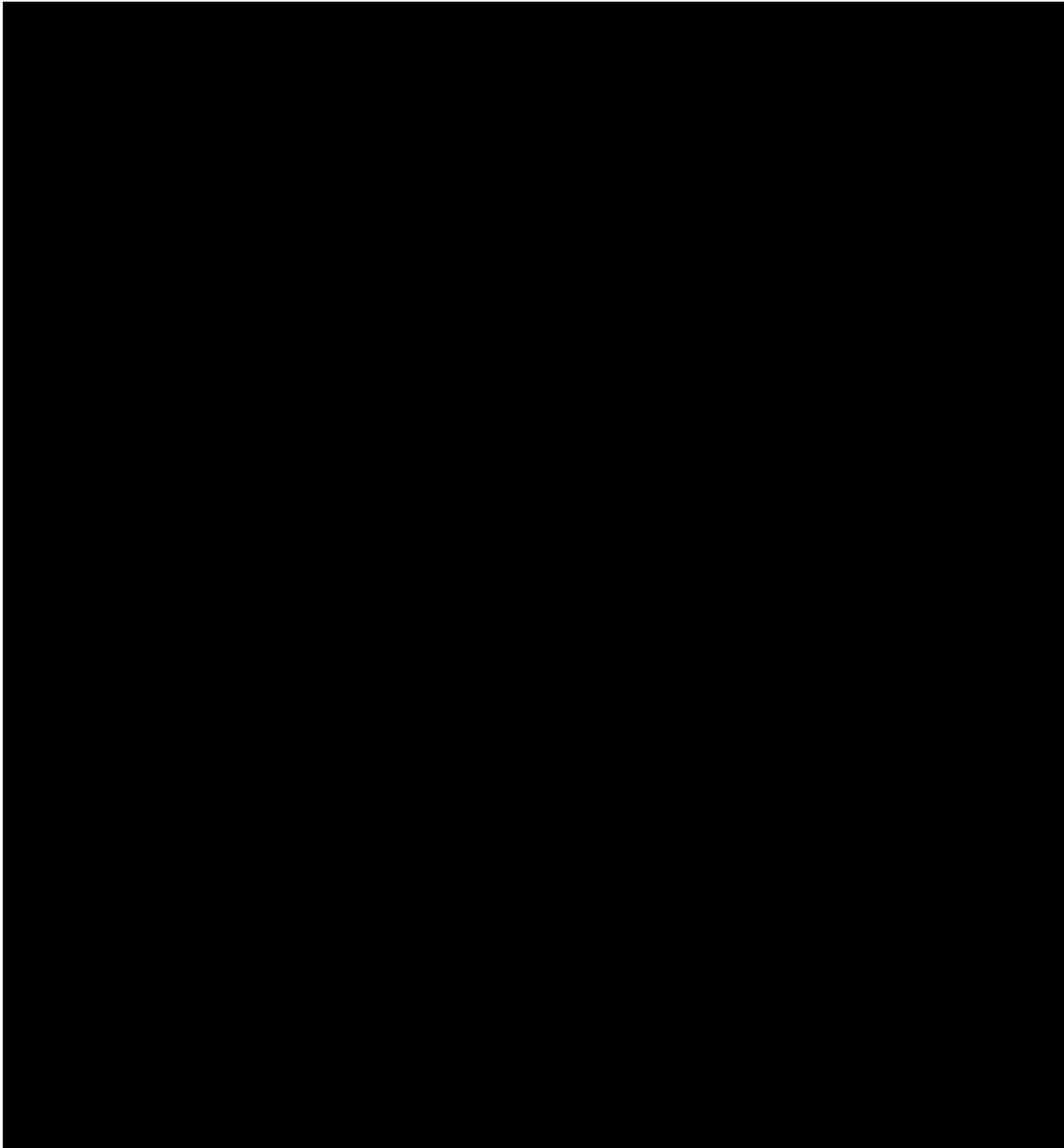


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**Adam on 3/16/2021 5:57PM sent attachment (viewed by Chalese Anderson on 3/16/2021 6:09PM):**

 (See attached  on page 26)

**3/17/2021**



**Chalese Anderson on 3/17/2021 5:21PM texted (viewed by Adam on 3/17/2021 5:58PM):**

I'd like to figure out a better solution for the remainder of the school year and if it works we will stick with it and if it doesn't we'll figure something else out.

**Adam on 3/17/2021 5:59PM texted (viewed by Chalese Anderson on 3/17/2021 6:03PM):**

I don't even know what this means, can you explain?

**3/18/2021**

**Adam on 3/18/2021 1:38PM texted (viewed by Chalese Anderson on 3/18/2021 1:39PM):**

How did Michael do getting dropped off at school today?

**Chalese Anderson on 3/18/2021 1:39PM texted (viewed by Adam on 3/18/2021 1:39PM):**

For the next two weeks he will be doing school at my house Thursday's and fridays. We need to discuss an actual school schedule before spring break is over

**Adam on 3/18/2021 1:44PM texted (viewed by Chalese Anderson on 3/18/2021 1:44PM):**

What are you talking about? Why wouldn't you tell me? He could've stayed with me and gone to school. So now he's missed class and picture day? You didn't ask for his password until almost 1. Does that mean he wasn't doing class until then? He doesn't even have his school supplies.

**Chalese Anderson on 3/18/2021 1:45PM texted (viewed by Adam on 3/18/2021 1:45PM):**

He's made it all up already

**Adam on 3/18/2021 1:45PM texted (viewed by Chalese Anderson on 3/18/2021 1:45PM):**

It's not about making it up. It's about him being in school when he's supposed to be.

**Chalese Anderson on 3/18/2021 1:46PM texted (viewed by Adam on 3/18/2021 1:46PM):**

I have another kid in school. I can't leave him home alone and drive around town to drop off Maq. My attorneys are aware of the situation as long as the school

**Chalese Anderson on 3/18/2021 1:46PM texted (viewed by Adam on 3/18/2021 1:46PM):**

As well as\*

**Chalese Anderson on 3/18/2021 1:48PM texted (viewed by Adam on 3/18/2021 1:48PM):**

I am willing to negotiate and come up with a solution where Maq is with you Thursday's and Friday's for school. We also need to come up with a better schedule with him being in full time school

**Adam on 3/18/2021 1:57PM texted (viewed by Chalese Anderson on 3/18/2021 1:58PM):**

I don't understand what there is to negotiate. You already agreed it was best for him to go to in person instruction. If you can't take him tomorrow, then bring him here by 630 and I will make sure he goes to school.

**Chalese Anderson on 3/18/2021 1:59PM texted (viewed by Adam on 3/18/2021 1:59PM):**

The issue is I also have another kid I'm school and cannot leave him alone or make him miss class to drive to a school you didn't consult me about

**Adam on 3/18/2021 2:00PM texted (viewed by Chalese Anderson on 3/18/2021 2:01PM):**

What are you talking about? I've updated you every step of the way about his school.



**Adam on 3/18/2021 2:10PM texted (viewed by Chalese Anderson on 3/18/2021 2:11PM):**

How long were the kids with the babysitter since you didn't ask for the password until almost 1 pm? Court was finished almost 3 hours before that. Who watched them?

**Adam on 3/18/2021 2:17PM texted (viewed by Chalese Anderson on 3/18/2021 2:19PM):**

Are you dropping him off tonight or taking him to school tomorrow so that I can plan?

**Chalese Anderson on 3/18/2021 3:10PM texted (viewed by Adam on 3/18/2021 3:10PM):**

Can we please come up with a temporary arrangement that works where no kids have to suffer

**Adam on 3/18/2021 3:11PM texted (viewed by Chalese Anderson on 3/18/2021 3:11PM):**

Yes, you can bring Michael to me to make sure that he goes to school.

**Adam on 3/18/2021 3:12PM texted (viewed by Chalese Anderson on 3/18/2021 3:12PM):**

I don't think it's wise to separate Michael and Marie, but I don't think you'll agree to bring them both here.

**Chalese Anderson on 3/18/2021 3:12PM texted (viewed by Adam on 3/18/2021 3:13PM):**

As for tomorrow, I'll bring him to you if you'll let me pick them up for jesses baseball game Saturday morning and then bring them back

**Adam on 3/18/2021 3:15PM texted (viewed by Chalese Anderson on 3/18/2021 3:15PM):**

Chalese, we both agreed that him going to in person school was in his best interest. You're leveraging what's in his best interest because you want him to go to a baseball game. I shouldn't have to give up part of my weekend with him in order for him to get an education.

**Chalese Anderson on 3/18/2021 3:17PM texted (viewed by Adam on 3/18/2021 3:17PM):**

I did agree. And I'd also like to come up with something that works better. The schedule we have now was put in place with them in daycare. I was just hoping he could go to his brothers baseball game is all.

**Adam on 3/18/2021 3:18PM texted (viewed by Chalese Anderson on 3/18/2021 3:19PM):**

He can see it on one of your weekends. Are you bringing him over?

**Adam on 3/18/2021 3:19PM texted (viewed by Chalese Anderson on 3/18/2021 3:19PM):**

Besides, what do you think is a better solution?

**Chalese Anderson on 3/18/2021 3:28PM texted (viewed by Adam on 3/18/2021 3:35PM):**

Like we talked about he is going remotely still. I am not having him miss school. I explained the school said ok to that.

**Adam on 3/18/2021 3:39PM texted (viewed by Chalese Anderson on 3/18/2021 3:39PM):**

But WE didn't talk about that. YOU agreed for him to go back, why are you so insistent on disrupting his life? You did have him miss school, he wasn't logged in until after 1pm. He didn't have all his school supplies. He did not have his assignments that he was supposed to have in class today. Who did you talk to at the school?

Are you bringing him over so that he can go to school?

**Adam on 3/18/2021 3:57PM texted (viewed by Chalese Anderson on 3/18/2021 4:00PM):**

Chalese, who did you talk to at the school and are you bringing him over? They're simple questions that you can't just choose to ignore.

**Chalese Anderson on 3/18/2021 4:00PM texted (viewed by Adam on 3/18/2021 4:01PM):**

I spoke to molly two times.

**Adam on 3/18/2021 4:02PM texted (viewed by Chalese Anderson on 3/18/2021 4:04PM):**

Are you bringing Michael?

Do you have a last name for Molly? What number did you call?



AppClose®

**Chalese Anderson on 3/18/2021 4:05PM texted (viewed by Adam on 3/18/2021 4:05PM):**

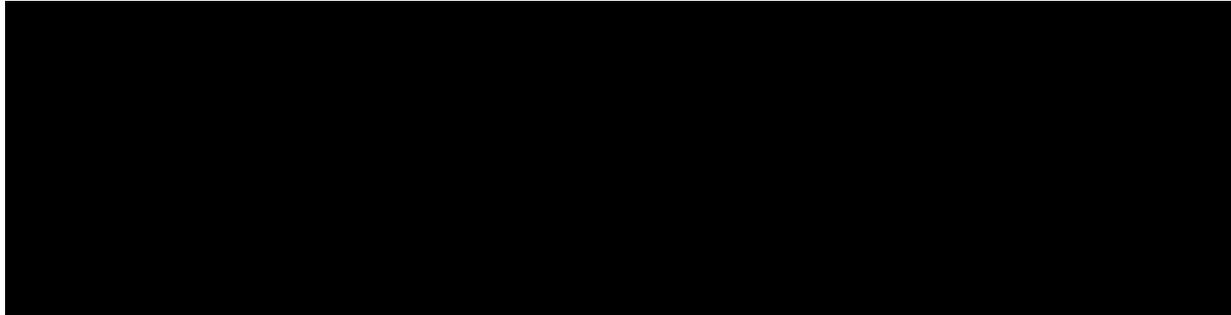
I called the main number. I didn't get a last name. She is the clerk.

**Chalese Anderson on 3/18/2021 4:05PM texted (viewed by Adam on 3/18/2021 4:05PM):**

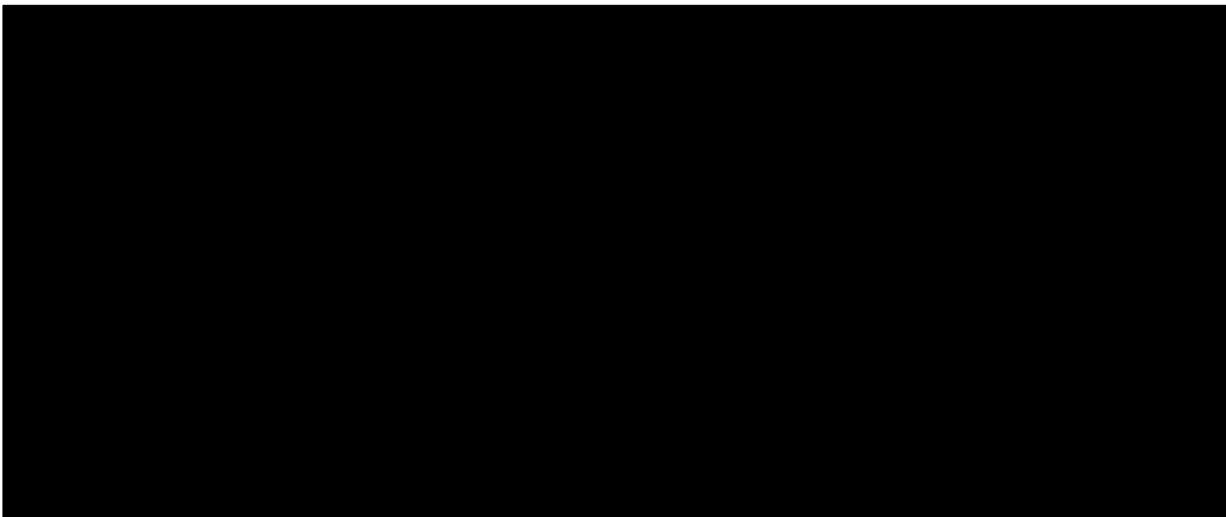
No, he will do it remotely

**Adam on 3/18/2021 4:09PM texted (viewed by Chalese Anderson on 3/18/2021 4:10PM):**

You never answered my question regarding your proposed "better" schedule. What is your proposal?  
And for the record, I don't agree with you keeping Michael home. You agreed it was in his best interest to go back and you were all for it.



**3/19/2021**



**Chalese Anderson on 3/19/2021 12:53PM texted (viewed by Adam on 3/19/2021 1:21PM):**

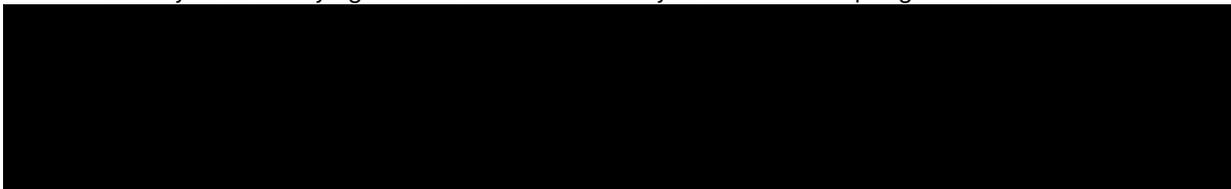
And with the school issue, I just couldn't make it work this week. When he goes back full time he'll be in person. But I'd really like to come up with a better schedule with school. And what are we doing about spring break?

**Chalese Anderson on 3/19/2021 12:53PM texted (viewed by Adam on 3/19/2021 1:21PM):**

Correct.

**Adam on 3/19/2021 1:29PM texted (viewed by Chalese Anderson on 3/19/2021 1:41PM):**

Thank you for clarifying dinner. I don't know what you mean about spring break.



# **EXHIBIT B**

## Alicia Exley

---

**From:** Adam Solinger <attorneyadamsolinger@gmail.com>  
**Sent:** Thursday, March 18, 2021 3:11 PM  
**To:** Alicia Exley  
**Cc:** Jack Fleeman; Angela Romero  
**Subject:** Re: URGENT Response Necessary by Close of Business per 5.501 RE: Michael and School

Alicia,

I can give you until tomorrow on the condition that you make sure that Chalese drops Michael off to me tonight so that I can get him to school tomorrow, since she is unwilling to.

Sent from my iPhone

On Mar 18, 2021, at 3:08 PM, Alicia Exley <alicia@pecoslawgroup.com> wrote:

Adam,

We would request that you give us until tomorrow to respond to your email.

*Alicia Exley, Esq.* || Attorney at Law

<image003.png>

8925 S. Pecos Road, Suite 14A

Henderson, Nevada 89074

P: (702) 388-1851

F: (702) 388-7406

E: [ALICIA@PECOSLAWGROUP.COM](mailto:ALICIA@PECOSLAWGROUP.COM)

This e-mail, and any attachments thereto, is intended only for the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me by return e-mail and permanently delete the original and any copy of this e-mail message and any printout thereof.

To ensure compliance with requirements imposed by the U.S. Internal Revenue Service, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of avoiding U.S. tax penalties.

---

**From:** Adam S <attorneyadamsolinger@gmail.com>  
**Sent:** Thursday, March 18, 2021 2:03 PM  
**To:** Jack Fleeman <Jack@pecoslawgroup.com>  
**Cc:** Alicia Exley <alicia@pecoslawgroup.com>; Angela Romero <angela@pecoslawgroup.com>  
**Subject:** URGENT Response Necessary by Close of Business per 5.501 RE: Michael and School

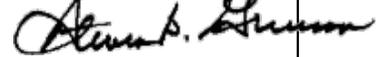
Please be advised that I've just learned Chalese has unilaterally decided not to take Michael to in-person instruction on her days because she "has another kid in school."

Setting aside the fact that she lied to you about school previously, she indicates that she will not take him on her days.

If Chalese will not take Michael to school as she previously indicated that she was "all for," then I will be forced to file an emergency motion regarding this issue. I need a response today, by the close of business, because tomorrow is another school day where Michael is supposed to be present for in-person instruction.

--

Adam M. Solinger



1 **MOT**  
2 **Jack W. Fleeman, Esq.**  
3 Nevada Bar No. 10584  
4 **Alicia S. Exley, Esq.**  
5 Nevada Bar No. 14192  
6 PECOS LAW GROUP  
7 8925 South Pecos Road, Suite 14A  
8 Henderson, Nevada 89074  
9 Tel: (702) 388-1851  
10 Fax: (702) 388-7406  
11 [Jack@pecoslawgroup.com](mailto:Jack@pecoslawgroup.com)  
12 [Alicia@pecoslawgroup.com](mailto:Alicia@pecoslawgroup.com)  
13 *Attorneys for Defendant*

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

11 **Adam Michael Solinger,**

12 Plaintiff,

13 vs.

14 **Chalese Marie Solinger,**

15 Defendant.

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

Dept No. **P**

**ORAL ARGUMENT REQUESTED:**

**YES**

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

21 **EMERGENCY MOTION TO ALLOW WITNESS TO APPEAR VIRTUALLY**

22 COMES NOW Defendant, **Chalese Marie Solinger**, by and through her  
23 attorneys of record, **Jack W. Fleeman, Esq.** and **Alicia S. Exley, Esq.**, of PECOS

1 LAW GROUP, hereby files this *Emergency Motion to Allow Witness to Appear*  
2 *Virtually.*

3 This motion is made and based on all the papers and pleadings on file and  
4 the declaration of counsel and argument contained herein

5  
6 DATED this 22<sup>nd</sup> day of April, 2021.

7 PECOS LAW GROUP

8  
9 

10 **Jack W. Fleeman, Esq.**

11 Nevada Bar No. 10584

12 **Alicia S. Exley, Esq.**

13 Nevada Bar No. 14192

14 8925 South Pecos Road, Suite 14A

15 Henderson, NV 89074

16 (702) 388-1851 Tel.

17 *Attorneys for Defendant*

1 **POINTS AND AUTHORITIES**

2 **I.**

3 **FACTS**

4  
5 1. Dr. Paglini conducted a child custody evaluation in this matter.

6 2. In mid- to late-2020, Chalese’s counsel began reaching out to  
7 potential rebuttal experts in and around Las Vegas. Counsel was unable to find a  
8 local rebuttal expert who did not either have a conflict with Adam (who is an  
9 attorney) and who would be willing to prepare a rebuttal report to Dr. Paglini.

10 3. Chalese therefore looked outside of Las Vegas and eventually  
11 retained Dr. William O’Donohue from Reno, Nevada as her rebuttal expert. At the  
12 time Chalese was seeking rebuttal experts, it was understood that remote  
13 appearances for trial were available. Dr. O’Donohue indicated at the time that he  
14 would need to appear remotely for any trials, due to the COVID-19 pandemic.  
15 Chalese formally disclosed Dr. O’Donohue as her rebuttal expert on February 5,  
16 2021.  
17  
18

19 4. On February 18, 2021, this Court set trial in this matter for May 10,  
20 2021 at 9:30 p.m., with an additional half-day on June 14, 2021 if needed.

21 5. On March 10, 2021, Chalese formally disclosed Dr. O’Donohue’s  
22 rebuttal expert report to Adam.  
23  
24

1           6.     On April 9, 2021, Chalese’s counsel asked Adam, via letter, if he  
2 would stipulate to Dr. O’Donohue appearing virtually at trial.<sup>1</sup>

3           7.     On April 15, 2021, Adam responded, via letter, and stated he would  
4 not agree to Dr. O’Donohue appearing virtually at trial because there are “too  
5 many exhibits that I intend to cross examine him with[.]”<sup>2</sup>

6           8.     On April 16, 2021, Dr. O’Donohue confirmed that due to the  
7 COVID-19 pandemic in conjunction with his age, medical condition, and the fact  
8 he resides with another high-risk adult, he would be unable to appear in-person at  
9 trial.  
10

11           9.     Chalese’s counsel emailed Adam a second time on April 16, 2021 to  
12 inquire, again, as to whether Adam would stipulate to Dr. O’Donohue appearing  
13 virtually. Counsel stated in the email that Dr. O’Donohue had concerns about his  
14 health.<sup>3</sup> Adam again refused.<sup>4</sup>  
15

16           10.    Chalese therefore requests that the Court allow her to have Dr.  
17 O’Donohue testify virtually, if needed, at the May 10, 2021 trial.  
18

19 \_\_\_\_\_  
20 <sup>1</sup> See Letter from Ms. Exley to Adam dated April 9, 2021 in Defendant’s Exhibit  
21 Addendum (“DEA”) at bates stamp nos. (“BS”) DEF002052.

22 <sup>2</sup> See Letter from Adam to Ms. Exley dated April 15, 2021 in DEA at BS DEF002053.

23 <sup>3</sup> See Email from Ms. Exley to Adam dated April 16, 2021 in DEA at BS DEF002054.

24 <sup>4</sup> See Email from Adam to Ms. Exley dated April 20, 2021 in DEA at BS DEF002055-  
DEF002056.

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II.

ARGUMENT

**A. THE COURT SHOULD ALLOW DR. O'DONOHUE TO TESTIFY VIRTUALLY.**

The most recent Administrative Order, 21-03, filed March 12, 2021, states that the order “shall remain in effect until modified or rescinded by a subsequent order.” To date, it has not been modified or rescinded by a subsequent order. AO 21-03 states, in pertinent part, as follows:

**For trials, District Court Judges should, to the extent possible, accommodate requests to appear by alternative means for any attorney, party or witness who is considered a vulnerable person under Governor’s Directive 21§5. This includes persons who are over 65, pregnant, or suffering from an underlying health condition.<sup>5</sup>**

[. . .]

Bench trials in all case types should go forward when possible. **Appearances by witnesses, parties, and lawyers may be by alternative means** unless the District Court Judge finds that a personal appearance by an individual is necessary to conduct the proceeding.<sup>6</sup>

[...]

**If possible, trial exhibits should be produced, displayed, and admitted in an electronic format.** If the use of electronic exhibits is not possible, exhibits should be submitted to the assigned judicial department at the direction of the Judge.<sup>7</sup>

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<sup>5</sup> See In re Administrative Matter Regarding All Court Operations in Response to COVID-19, Administrative Order: 21-03, filed March 12, 2021, at page 5, line 5-7 (emphasis added).

<sup>6</sup> See *Id.* at page 15, line 25-28 (emphasis added).

<sup>7</sup> See *Id.* at page 16, line 3-5 (emphasis added).

1 Adam has refused to stipulate to Dr. O'Donohue appearing virtually at the  
2 May 10, 2021 trial. AO 21-03 is still in effect, and clearly states that appearances  
3 may be by alternative means unless the Court finds that a personal appearance is  
4 "necessary."  
5

6 Dr. O'Donohue, who resides in Reno, is nearly 64 years old and is high-risk  
7 due to high blood pressure. He also resides with his daughter, who is asthmatic  
8 and therefore also high-risk. He is a "vulnerable person" as contemplated by AO  
9 21-03.  
10

11 Adam's position is that he will not agree to a virtual appearance because he  
12 intends to cross-examine Dr. O'Donohue with unidentified exhibits and it would  
13 be a "logistical nightmare" to cross-examine Dr. O'Donohue with exhibits  
14 virtually.  
15

16 As the Court is aware, the Family Court has been doing trials virtually for,  
17 essentially, the last year. Both of Chalese's counsel have personally participated in  
18 Family Court trials that took place entirely by BlueJeans and involved the use of  
19 exhibits. Further, AO 21-03 expressly states that trial exhibits *should* be used  
20 electronically during trial.  
21

22 Adam's position was also unexpected due to how much emphasis Adam has  
23 placed on the COVID-19 pandemic during this case. In March 2020, Adam filed a  
24

1 motion accusing Chalese of not following proper COVID-19 safety protocols.<sup>8</sup> As  
2 a result of Adams position that Chalese was “endangering” the children and  
3 potentially exposing them to the virus, Adam withheld the children from Chalese  
4 for the entire month of April 2020, save for one 24-hour period. On April 26,  
5 2020, Adam filed a second motion to allow him to “retain” the children for  
6 additional time because they were sick and, despite not having had them tested for  
7 COVID-19, he alleged he needed to follow COVID-19 protocols for quarantining  
8 the children.<sup>9</sup> Now, however, Adam seems unconcerned with the threat of  
9 COVID-19 to a vulnerable individual.  
10  
11

12 In light of AO 21-03, Dr. O’Donohue’s age and health concerns, and the  
13 ongoing pandemic, he should be allowed to appear virtually. The administrative  
14 order contemplates appearances by alternative means, especially for those who are  
15 older or who have underlying health conditions. There are ways to use exhibits  
16 with witnesses electronically, and it is unreasonable to expect a high-risk  
17 individual to not only appear in person at trial, but to have to travel to do so. Dr.  
18 O’Donohue should be permitted to appear virtually at trial.  
19  
20

21 <sup>8</sup> See *Motion for Change of Custody Based on Defendant’s Endangerment of the Minor*  
22 *Children; for Marie’s Birth Certificate; for Attorney’s Fees and Costs and Related Relief*, filed  
March 31, 2020.

23 <sup>9</sup> See *Motion for an Order to Permit Plaintiff to Retain the Sick Minor Children Pursuant*  
24 *to Their Pediatrician’s Directive; for Attorney’s Fees and Costs and Related Relief*, filed April  
26, 2020.

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**B. CHALESE SHOULD BE AWARDED FEES FOR HAVING TO FILE THIS MOTION.**

EDCR 7.60(b) states:

(b) The court may, after notice and an opportunity to be heard, impose upon an attorney or a party any and all sanctions which may, under the facts of the case, be reasonable, including the imposition of fines, costs or attorney’s fees when an attorney or a party without just cause:

- (1) Presents to the court a motion or an opposition to a motion which is obviously frivolous, unnecessary or unwarranted.
- (2) Fails to prepare for a presentation.
- (3) So multiplies the proceedings in a case as to increase costs unreasonably and vexatiously.
- (4) Fails or refuses to comply with these rules.
- (5) Fails or refuses to comply with any order of a judge of the court.

Further, AO 21-03 states:

Attorneys, as officers of the Court, have ethical obligations for cooperative civility under normal circumstances. **This Court, under the present circumstances, reminds attorneys that they have an obligation to cooperate with the Courts and one another as well all navigate these challenging circumstances. This is not the time to press for unwarranted tactical advantages, unreasonably deny continuances or other accommodations, or otherwise take advantage of the challenges presented due to the current pandemic.** Lawyers are expected to be civil, professional, and understanding of their colleagues, parties and witnesses who are ill or otherwise unable to meet obligations because of the current restrictions.<sup>10</sup>

<sup>10</sup> See In re Administrative Matter Regarding All Court Operations in Response to COVID-19, Administrative Order: 21-03, filed March 12, 2021, at page 5, line 4-10 (emphasis added).

1 Adam, though in proper person, is still an attorney and an officer of the  
2 Court. By forcing Chalese to file this emergency motion and refusing to agree to  
3 something that is already allowed pursuant to the current administrative order,  
4 Adam is unreasonably denying a reasonable accommodation request, and his  
5 unreasonable position has caused Chalese to incur unnecessary fees. Chalese  
6 requests an award of fees for having to file this motion.  
7

8 **III.**

9 **CONCLUSION**

10 WHEREFORE, based on the foregoing, Defendant, **Chalese Marie**  
11 **Solinger**, hereby files this *Emergency Motion to Allow Witness to Appear*  
12 *Virtually*.

13 DATED this 2<sup>nd</sup> day of April, 2021.

14  
15 PECOS LAW GROUP

16 

17 **Jack W. Fleeman, Esq.**

18 Nevada Bar No. 10584

**Alicia S. Exley, Esq.**

19 Nevada Bar No. 14192

20 8925 South Pecos Road, Suite 14A

Henderson, Nevada 89074

*Attorneys for Defendant*

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**DECLARATION OF CHALESE SOLINGER**

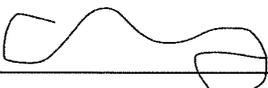
CHALESE SOLINGER, under penalties of perjury, deposes and says:

1. I am the Defendant in the above-entitled action, am over the age of 18, and am competent to testify to the matters contained herein.

2. I make this declaration in support of the foregoing *Emergency Motion to Allow Witness to Appear Virtually*. I have read the foregoing motion 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.

3. I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on April 22<sup>nd</sup>, 2021

  
\_\_\_\_\_  
**Chalese Marie Solinger**

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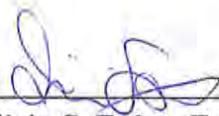
**DECLARATION OF COUNSEL**

4. I am an attorney licensed to practice law in the State of Nevada. I am an attorney for Defendant in the above-referenced action; that by virtue of that fact, I have personal knowledge of the matters contained herein and I am competent to testify to the same.

5. I make this declaration in support of the foregoing motion. I have read the foregoing motion 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 declare under penalty of perjury that the foregoing is true and correct.**

EXECUTED on April 22, 2021.

  
\_\_\_\_\_  
Alicia S. Exley, Esq.

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of PECOS LAW GROUP, and that on this 22<sup>nd</sup> day of April, 2021, I served a copy of the foregoing *Emergency Motion to Allow Witness to Appear Virtually* as follows:

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

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

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

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

Adam M. Solinger	attorneyadamsolinger@gmail.com
admin email	email@pecoslawgroup.com
Alicia Exley	alicia@pecoslawgroup.com
Jack Fleeman	jack@pecoslawgroup.com
Angela Romero	angela@pecoslawgroup.com

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

MOFI

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

Adam Solinger  
Plaintiff/Petitioner

Case No. D-19-582245-D

Dept. P

v. Chales Solinger  
Defendant/Respondent

**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.
<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.

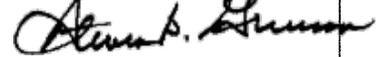
<input checked="" type="checkbox"/> \$0	The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:
<input checked="" type="checkbox"/>	The Motion/Opposition is being filed in a case that was not initiated by joint petition.
<input type="checkbox"/>	The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.
<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.
<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: Defendant Date 4/22/21

Signature of Party or Preparer [Signature]



1 **EXHS**

2 **Jack W. Fleeman, Esq.**

3 Nevada Bar No. 10584

4 **Alicia S. Exley, Esq.**

5 Nevada Bar No. 14192

6 PECOS LAW GROUP

7 8925 South Pecos Road, Suite 14A

8 Henderson, Nevada 89074

9 Tel: (702) 388-1851

10 Fax: (702) 388-7406

11 [Jack@pecoslawgroup.com](mailto:Jack@pecoslawgroup.com)

12 [Alicia@pecoslawgroup.com](mailto:Alicia@pecoslawgroup.com)

13 *Attorneys for Defendant*

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

17 **Adam Michael Solinger,**

18 Plaintiff,

19 vs.

20 **Chalese Marie Solinger,**

21 Defendant.

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

Dept No. **P**

22 **EXHIBITS TO**  
23 **EMERGENCY MOTION TO ALLOW WITNESS TO APPEAR VIRTUALLY**

24 EXHIBIT A:	Letter from Ms. Exley to Adam dated April 9, 2021	DEF002052
25 EXHIBIT B:	Letter from Adam to Ms. Exley dated April 15, 2021	DEF002053
26 EXHIBIT C:	Email from Ms. Exley to Adam dated April 16, 2021	DEF002054
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EXHIBIT D:	Email from Adam to Ms. Exley dated April 20, 2021	DEF002055- DEF002056
------------	---	-------------------------

DATED this 22<sup>nd</sup> day of April, 2021.

PECOS LAW GROUP



**Jack W. Fleeman, Esq.**  
Nevada Bar No. 10584  
**Alicia S. Exley, Esq.**  
Nevada Bar No. 14192  
8925 South Pecos Road, Suite 14A  
Henderson, NV 89074  
(702) 388-1851 Tel.  
*Attorneys for Defendant*

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I certify that I am an employee of PECOS LAW GROUP,  
3 and that on this 5 day of April 2021, I served a copy of "EXHIBITS TO EMERGENCY  
4 MOTION TO ALLOW WITNESS TO APPEAR VIRTUALLY" as follows:  
5

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

9  Pursuant to NEFCR 9, by mandatory electronic service through the Eighth  
10 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 Adam M. Solinger	attorneyadamsolinger@gmail.com
15 admin email	email@pecoslawgroup.com
16 Alicia Exley	alicia@pecoslawgroup.com
17 Jack Fleeman	jack@pecoslawgroup.com
18 Angela Romero	angela@pecoslawgroup.com

19 

20 \_\_\_\_\_  
21 An employee of PECOS LAW GROUP  
22  
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# **EXHIBIT A**

ELECTRONICALLY SERVED  
4/9/2021 5:38 PM

## PECOS LAW GROUP

Attorneys

Bruce I Shapiro  
Paul A. Lemcke  
Shann D. Winesett\*  
Jack W. Fleeman  
Curtis R. Rawlings  
Jennifer Poynter-Willis  
Holly Fic  
Alicia S. Exley

\*Also Licensed in California

Kirby Wells  
Of Counsel

*A Professional Law Corporation*  
8925 South Pecos Road, Suite 14A  
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Facsimile (702) 388-7406  
Email: [Email@PecosLawGroup.com](mailto:Email@PecosLawGroup.com)  
[www.PecosLawGroup.com](http://www.PecosLawGroup.com)

Legal Assistants

Amy Robinson, C.D.F.A.  
Veronica Hines  
Allan Brown, M.B.A.  
Angela Romero  
Heather Witte  
Shirley Martinez  
Veronica C. Jarchow  
Aspen Shapiro  

---

Janine Shapiro, C.P.A., C.D.F.A.  
Office Administrator

April 9, 2021

Via E-Service

**Adam Solinger**

[attorneyadamsolinger@gmail.com](mailto:attorneyadamsolinger@gmail.com)

Re: *Solinger vs. Solinger* (D-19-582245-D)

Dear Adam:

I recall when we were preparing to go to trial last year, you had indicated that you would prefer your father appear virtually as opposed to in-person to give trial testimony. As Dr. O'Donohue is also in Reno, we propose that we would agree that your father would be able to appear virtually at the May 10, 2021 trial (assuming the trial is conducted in-person), if Dr. O'Donohue may also appear virtually. Please advise if this arrangement is amenable to you no later than **April 15, 2021**. Otherwise, we will need to seek Court permission to have Dr. O'Donohue appear virtually.

Sincerely,

/s/ *Alicia S. Exley, Esq.*

**Alicia S. Exley, Esq.**

cc : Chalese Solinger

# **EXHIBIT B**

ELECTRONICALLY SERVED  
4/15/2021 1:17 PM

April 15, 2021

Via E-Service  
Alicia Exley  
alicia@pecoslawgroup.com  
Jack Fleeman  
jack@pecoslawgroup.com

RE: Solinger v. Solinger (D-19-582245-D) Response to April 9, 2021 Letter  
Concerning Virtual Appearances

Alicia,

I'm in receipt of your letter asking whether I would stipulate to your expert's virtual appearance. I cannot agree to his virtual appearance. As an expert, there are too many exhibits that I intend to cross examine him with and a virtual appearance makes it a logistical nightmare to have him appear virtually. Not to mention, the time we would waste just making sure we're all looking at the same thing.



Sincerely,

*/s/ Adam M. Solinger*  
Adam M. Solinger, Esq.

Case Number: D-19-582245-D

DEF002053

002866

# **EXHIBIT C**

## Alicia Exley

---

**From:** Alicia Exley  
**Sent:** Friday, April 16, 2021 5:08 PM  
**To:** Adam S  
**Cc:** Jack Fleeman; Angela Romero (angela@pecoslawgroup.com)  
**Subject:** Solinger - Witness Appearance

Adam,

In a follow-up to our previous correspondence, our expert has concerns about his health and needs to appear virtually for trial. We are therefore asking you, again, if you will agree to have Dr. O'Donohue testify virtually. If you do not agree, we will need to file a motion to allow him to appear virtually in light of the pandemic. Please advise.

*Alicia Exley, Esq.* || Attorney at Law

8925 S. Pecos Road, Suite 14A

Henderson, Nevada 89074

P: (702) 388-1851

F: (702) 388-7406

E: [ALICIA@PECOSLAWGROUP.COM](mailto:ALICIA@PECOSLAWGROUP.COM)



This e-mail, and any attachments thereto, is intended only for the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited.

If you have received this e-mail in error, please immediately notify me by return e-mail and permanently delete the original and any copy of this e-mail message and any printout thereof.

To ensure compliance with requirements imposed by the U.S. Internal Revenue Service, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of avoiding U.S. tax penalties.

# **EXHIBIT D**

**Alicia Exley**

---

**From:** Adam S <attorneyadamsolinger@gmail.com>  
**Sent:** Tuesday, April 20, 2021 1:35 PM  
**To:** Alicia Exley  
**Cc:** Jack Fleeman; Angela Romero  
**Subject:** Re: Solinger v. Solinger Transportation

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Alicia,

[REDACTED]

My position on your expert remains unchanged. It's just not feasible given the amount of things I need to cover with your expert.

On Tue, Apr 20, 2021 at 11:43 AM Alicia Exley <[alicia@pecoslawgroup.com](mailto:alicia@pecoslawgroup.com)> wrote:

Adam,

[REDACTED]

Do you have an update pertaining to allowing Dr. O'Donohue to appear virtually?

*Alicia Exley, Esq.* || Attorney at Law



8925 S. Pecos Road, Suite 14A

Henderson, Nevada 89074

P: (702) 388-1851

F: (702) 388-7406

E: [ALICIA@PECOSLAWGROUP.COM](mailto:ALICIA@PECOSLAWGROUP.COM)

This e-mail, and any attachments thereto, is intended only for the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient, you are hereby notified that any dissemination,

distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me by return e-mail and permanently delete the original and any copy of this e-mail message and any printout thereof.

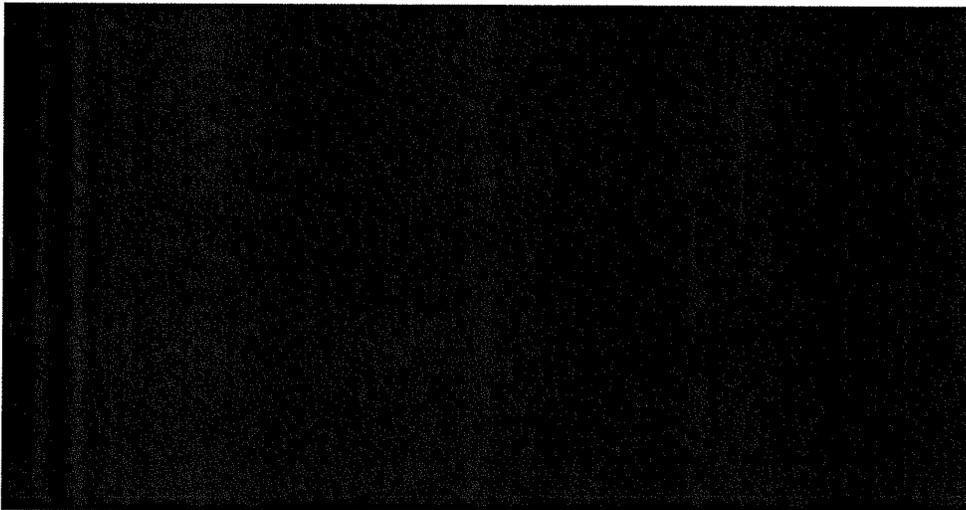
To ensure compliance with requirements imposed by the U.S. Internal Revenue Service, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of avoiding U.S. tax penalties.

**From:** Adam S <[attorneyadamsolinger@gmail.com](mailto:attorneyadamsolinger@gmail.com)>

**Sent:** Monday, April 19, 2021 4:29 PM

**To:** Alicia Exley <[alicia@pecoslawgroup.com](mailto:alicia@pecoslawgroup.com)>; Jack Fleeman <[Jack@pecoslawgroup.com](mailto:Jack@pecoslawgroup.com)>; Angela Romero <[angela@pecoslawgroup.com](mailto:angela@pecoslawgroup.com)>

**Subject:** Solinger v. Solinger Transportation





1 **MLIM**  
Adam M. Solinger  
2 7290 Sea Anchor Ct  
Las Vegas, Nevada 89131  
3 Tel: (702) 222-4021  
Email: attorneyadamsolinger@gmail.com

4 Eighth Judicial District Court  
5 Family Division  
Clark County, Nevada

6 ADAM MICHAEL SOLINGER, ) Case No.: D-19-582245-D  
7 )  
8 Plaintiff, ) Department: P  
9 vs. )  
10 CHALESE MARIE SOLINGER, ) **Hearing Requested**  
Defendant. )

11 **MOTION IN LIMINE**

12 **NOW INTO COURT** comes Plaintiff, ADAM MICHAEL  
13 SOLINGER, and hereby submits his motion in limine pursuant to EDCR  
14 5.511 for the purposes of having the Court recognize that Dr. Paglini is a  
15 mutually agreed upon neutral expert who has functioned as the Court's  
16 expert throughout this case. This Motion is made and based upon the  
17 attached Points and Authorities, the Declaration of Plaintiff attached  
18 hereto, and all papers and pleadings on file herein.

19 Dated Thursday, April 22, 2021.

20 Respectfully Submitted,

21 /s/ Adam M. Solinger

Adam M. Solinger



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**CONCLUSION**

Based upon the foregoing, Adam respectfully ask that this Court take judicial notice of the fact that Dr. Paglini is not Adam’s expert but that he is a neutral expert who has conducted his evaluation at the request of the Court.

Dated Thursday, April 22, 2021.

Respectfully Submitted:

/s/ Adam M. Solinger  
Adam M. Solinger

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**DECLARATION OF ADAM MICHAEL SOLINGER**

I, ADAM MICHAEL SOLINGER, provide this Declaration pursuant to NRS 53.045 and states the following:

1. I am the Plaintiff in the above-entitled action, and I am above the age of majority and am competent to testify to the facts contained in this affidavit.

2. I make this affidavit in support of the foregoing *MOTION IN LIMINE*

3. I have read said *Motion* and hereby certify that the facts set forth in the motion 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.

4. I declare under the penalty of perjury pursuant to the laws of the State of Nevada that the foregoing is true and correct.

Dated this Thursday, April 22, 2021.

/s/ Adam M. Solinger  
ADAM MICHAEL SOLINGER

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing MOTION IN LIMINE was filed electronically with the Eighth Judicial District Court in the above-entitled manner, on Thursday, April 22, 2021. Electronic service of the foregoing document shall be made in accordance with the Master Service List, pursuant to NEFCR 9, as follows:

Jack Fleeman, Esq.  
Alicia Exley, Esq.  
Attorney for Defendant

/s/ Adam M. Solinger  
ADAM MICHAEL SOLINGER

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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. P

**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"/>	<b>\$25</b>	The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.
-OR-		
<input checked="" type="checkbox"/>	<b>\$0</b>	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"/>	<b>\$0</b>	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"/>	<b>\$129</b>	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"/>	<b>\$57</b>	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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
\$0	\$25	\$57	\$82	\$129	\$154	

Party filing Motion/Opposition: Adam M. Solinger Date 4/22/2021

Signature of Party or Preparer /s/ Adam M. Solinger



1 **OPPS**

2 **Jack W. Fleeman, Esq.**

3 Nevada Bar No. 10584

4 **Alicia S. Exley, Esq.**

5 Nevada Bar No. 14192

6 PECOS LAW GROUP

7 8925 South Pecos Road, Suite 14A

8 Henderson, Nevada 89074

9 Tel: (702) 388-1851

10 Fax: (702) 388-7406

11 [Jack@pecoslawgroup.com](mailto:Jack@pecoslawgroup.com)

12 [Alicia@pecoslawgroup.com](mailto:Alicia@pecoslawgroup.com)

13 *Attorneys for Defendant*

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

17 **Adam Michael Solinger,**

18 Plaintiff,

19 vs.

20 **Chalese Marie Solinger,**

21 Defendant.

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

23 Dept No. **P**

24 Hearing Date: **April 30, 2021**

25 Hearing Time: **9:00 a.m.**

26 **OPPOSITION TO PLAINTIFF'S MOTION IN LLIMINE**

27 COMES NOW Defendant, **Chalese Marie Solinger**, by and through her  
28 attorneys of record, **Jack W. Fleeman, Esq.** and **Alicia S. Exley, Esq.**, of PECOS  
29 LAW GROUP, hereby files this opposition to Plaintiff's *Motion in Limine*.

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This opposition is made and based on all the papers and pleadings on file  
and the declaration and argument contained herein.

DATED this 27<sup>th</sup> day of April, 2021.

PECOS LAW GROUP

/s/ Alicia S. Exley, Esq.  
**Jack W. Fleeman, Esq.**  
Nevada Bar No. 10584  
**Alicia S. Exley, Esq.**  
Nevada Bar No. 14192  
8925 South Pecos Road, Suite 14A  
Henderson, NV 89074  
(702) 388-1851 Tel.  
*Attorneys for Defendant*

1 **POINTS AND AUTHORITIES**

2 **A. FACTS**

3 Adam’s motion, for which he requests a hearing, is completely unnecessary.  
4 It would have taken all but five seconds to explain to the Court at trial that Dr.  
5 Paglini was originally mutually agreed-upon between the parties.  
6

7 Chalese does not intend to call Dr. Paglini as a witness. While the parties  
8 stipulated to using Dr. Paglini as a custody evaluator, Chalese has serious issues  
9 with his report. This is why Chalese retained a rebuttal expert, which was  
10 explicitly permitted by the Court.  
11

12 Chalese’s counsel have asked Adam if he plans to call Dr. Paglini as a  
13 witness. In response, Adam did not provide a direct answer but repeated that he  
14 wanted the Court to know that Dr. Paglini was not “his” expert but a “neutral”  
15 expert. Adam has still not yet informed counsel as to whether he plans to call Dr.  
16 Paglini as a witness or not, or if he is going to ask the Court to adopt Dr. Paglini’s  
17 recommendations.  
18

19 On April 22, 2021, Mr. Fleeman told Adam, in respect to his inquiry about  
20 the stipulation:

21 It seems like it would be simple enough for you to explain what you  
22 think he is at the outset of the trial or even when you call him as a  
23 witness, without a motion in limine. I am also not sure what relevance  
24 you think the court is going to take from him being a specific type of  
expert. I don’t think the judge is going to care what you call him.

1 In sum, any confusion as to why Dr. Paglini became involved in this case  
2 could have been resolved either by a short clarification or upon review of the  
3 Court record. In fact, Adam could even have stated as such in his pre-trial  
4 memorandum. Further, if Dr. Paglini does testify, there are certain issues that have  
5 come to light that may lead the Court to question Dr. Paglini's objectivity and  
6 credibility since the parties stipulated to his performing the evaluation.  
7

8 **B. ARGUMENT**

9 Adam provides no statutory or case law in support of his assertion that the  
10 Court must take "judicial notice" to find Dr. Paglini as a "neutral expert." Adam's  
11 motion was unnecessary, as the court record speaks for itself as to how Dr. Paglini  
12 was hired. Regardless, Chalese does not agree that Dr. Paglini is the "court's  
13 witness." To her recollection, Dr. Paglini was agreed to because it appeared at the  
14 time that the Court would need information as to whether either party had a mental  
15 health disorder that would impact their parenting, as Adam claimed in his  
16 deposition that Chalese was mentally ill.  
17  
18

19 After the evaluation was conducted and the report prepared, it became clear  
20 to Chalese that Dr. Paglini was likely biased and lacked impartiality on certain  
21 issues. Thus, while Chalese agreed to a specific expert to conduct the evaluation,  
22 she then determined, based on Dr. Paglini's report, that a rebuttal expert was  
23  
24

1 required. Chalese’s rebuttal expert was specifically permitted under the Court’s  
2 orders.

3 In sum, Chalese agrees as to *how* Dr. Paglini became the custody evaluator  
4 for this matter, but does not agree that he should be categorized at the “Court’s  
5 witness,” nor does Chalese adopt Dr. Paglini’s opinions or recommendations. In  
6 fact, it is unclear even at this late date whether *Adam* even intends to adopt Dr.  
7 Paglini’s opinions or recommendations, as Adam has refused to set forth or  
8 explain what he would propose in terms of a permanent custody order.  
9

10 **CONCLUSION**

11  
12 WHEREFORE, based on the foregoing, Defendant, **Chalese Marie**  
13 **Solinger**, hereby files this opposition to Plaintiff’s *Motion in Limine*.

14 DATED this 27<sup>th</sup> day of April, 2021.

15 PECOS LAW GROUP

16 /s/ Alicia S. Exley, Esq

17 **Jack W. Fleeman, Esq.**

18 Nevada Bar No. 10584

19 **Alicia S. Exley, Esq.**

20 Nevada Bar No. 14192

21 8925 South Pecos Road, Suite 14A

22 Henderson, Nevada 89074

23 *Attorneys for Defendant*

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**DECLARATION OF CHALESE SOLINGER**

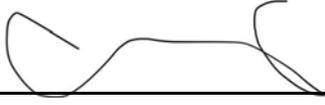
CHALESE SOLINGER, under penalties of perjury, deposes and says:

1. I am the Defendant in the above-entitled action, am over the age of 18, and am competent to testify to the matters contained herein.

2. I make this declaration in support of the foregoing OPPOSITION TO PLAINTIFF’S MOTION IN LIMINE. I have read the foregoing 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.

3. I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on April \_\_\_\_, 2021

  
\_\_\_\_\_  
**Chalese Marie Solinger**

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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of PECOS LAW GROUP, and that on this 27<sup>th</sup> day of April, 2021, I served a copy of the foregoing OPPOSITION TO PLAINTIFF’S MOTION IN LIMINE as follows:

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

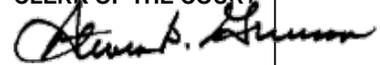
Pursuant to NEFCR 9, by mandatory electronic service through the Eighth Judicial District Court’s electronic filing system: and/or

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

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

- |                  |                                |
|------------------|--------------------------------|
| Adam M. Solinger | attorneyadamsolinger@gmail.com |
| admin email      | email@pecoslawgroup.com        |
| Alicia Exley     | alicia@pecoslawgroup.com       |
| Jack Fleeman     | jack@pecoslawgroup.com         |
| Angela Romero    | angela@pecoslawgroup.com       |

/s/ Alicia S. Exley, Esq.  
An employee of PECOS LAW GROUP



1 **OPP**  
Adam M. Solinger  
2 7290 Sea Anchor Ct  
Las Vegas, Nevada 89131  
3 Tel: (775) 720-9065  
Email: attorneyadamsolinger@gmail.com  
4 Plaintiff

Eighth Judicial District Court  
Family Division  
Clark County, Nevada

ADAM MICHAEL SOLINGER, ) Case No.: D-19-582245-D  
7 )  
Plaintiff, ) Department: P  
8 vs. )  
) Date of Hearing:  
9 CHALESE MARIE SOLINGER, ) Time of Hearing:  
)  
10 Defendant. )

11 **OPPOSITION TO DEFENDANT’S EMERGENCY MOTION TO**  
12 **ALLOW WITNESS TO APPEAR VIRTUALLY**

13 **NOW INTO COURT** comes Plaintiff, ADAM MICHAEL  
14 SOLINGER and hereby submits his *OPPOSITION TO DEFENDANT’S*  
15 *EMERGENCY MOTION TO ALLOW WITNESS TO APPEAR*  
16 *VIRTUALLY.*

17 ///

18 ////

19 ///

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1                   **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. Introduction**

3           The way this motion is presented is entirely unwarranted. The  
4 Defendant and her counsel cannot manufacture an emergency by  
5 waiting to file a motion and then resort to histrionics that have no place  
6 in deciding this motion. This motion is really simple. The Defendant  
7 wants her expert to testify virtually. That’s just not feasible given the  
8 multitude of exhibits that Plaintiff will use in cross examining him.

9 **II. Argument**

10          AO 21-03 is not a cure-all for the defense. As quoted, “District  
11 Court Judges Should, to the extent possible accommodate requests to  
12 appear by alternate means...” The request for Dr. O’Donohue to appear  
13 virtually is just not possible.

14          First, Dr. O’Donohue is not a fact witness. He is an expert witness.  
15 As a result, the breadth of his testimony is much wider and subject to a  
16 more rigorous cross examination than a fact witness. In testing his  
17 opinion Dr. O’Donohue can consider more evidence than normal  
18 witnesses because an expert witness can consider things that may not  
19 otherwise be admissible.

20          Additionally, this case spans nearly two and a half years’ worth of  
21 time just spent in litigation. This has resulted in a mountain of physical

1 evidence. This physical evidence is ripe for use in examining Dr.  
2 O'Donohue. A virtual examination is just not logistically feasible for this  
3 type of witness.

4 To further illustrate the point, let's say that Dr. O'Donohue is  
5 examined using one video. Would that video be played in the Court and  
6 Dr. O'Donohue would have to squint at his computer screen to watch it  
7 on the tv in the Court via the camera broadcasting to Bluejeans? Would  
8 Dr. O'Donohue have his own copy of the file? Would he be able to find  
9 and identify that file in a timely fashion? Now imagine that instead of  
10 one file/exhibit, there's dozens if not hundreds of exhibits. Adam cannot  
11 say with certainty how many exhibits he intends to use because it  
12 depends in large part upon Dr. O'Donohue's answers to other questions.

13 Thus, it's just not possible for Dr. O'Donohue to testify virtually.

### 14 **III. Attorney's Fees**

15 The Defendant and opposing counsels' continued quest for  
16 attorney's fees has gotten to the point of being beyond ridiculous. Adam  
17 cannot take a single position without a sudden screech for attorney's  
18 fees. It appears that the defense position is that if Adam doesn't agree to  
19 everything they want, then he has to pay them. It's just simply not  
20 warranted in this case, and frankly not a single one of their requests for  
21 attorneys fees has been warranted. The Defendant wants her expert to

1 testify virtually. That is not possible for the reasons outlined above. If  
2 the witness were a fact witness, that would be one thing. But the witness  
3 is an expert who has to be confronted with potentially hundreds of  
4 exhibits. Taking this position is not only reasonable but well founded.  
5 Instead of recognizing this and simply asking the Court to make a ruling,  
6 the defense goes the step too far in demanding attorney's fees. Parties  
7 are going to disagree in litigation. That's the whole reason that litigation  
8 exists in the first place. Everyday common sense disagreements do not  
9 suddenly rise to the level warranting attorney's fees. Adam merely  
10 disagrees that the Defendant's request for her expert to testify virtually is  
11 possible for this trial.

12 **V. CONCLUSION**

13 The Court must deny the motion to allow Dr. O'Donohue to testify  
14 virtually. Even taking AO 21-03 into account, it's just not possible to  
15 permit Dr. O'Donohue to testify virtually.

16 DATED Thursday, April 29, 2021.

17 Respectfully Submitted,

18

19 /s/ Adam M. Solinger  
20 Adam M. Solinger  
21 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 declaration, and make this sworn Declaration in support of the foregoing *OPPOSITION TO DEFENDANT’S EMERGENCY MOTION TO ALLOW WITNESS TO APPEAR VIRTUALLY.*

2. I have read said *Opposition* 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 Declaration 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 Thursday, April 29, 2021.

/s/ Adam M. Solinger  
Adam Michael Solinger

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**CERTIFICATE OF SERVICE**

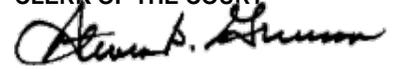
I hereby certify that the foregoing *Opposition* was filed electronically with the Eighth Judicial District Court in the above-entitled matter, on Thursday, April 29, 2021. Electronic service of the foregoing document shall be made in accordance with the Master Service List, pursuant to NEFCR 9, as follows:

Jack Fleeman, Esq.  
Alicia Exley, Esq.  
Attorneys for Defendant

*/s/ Adam M. Solinger*  
Adam M. Solinger

FDF  
**Jack W. Fleeman, Esq.**  
 Nevada Bar No. 10584  
[Jack@pecoslawgroup.com](mailto:Jack@pecoslawgroup.com)  
 PECOS LAW GROUP  
 8925 S. Pecos Rd., Suite 14A  
 Henderson, NV 89074  
 Telephone: (702) 388-1851  
 Attorney for Defendant

Electronically Filed  
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 Steven D. Grierson  
 CLERK OF THE COURT



EIGHTH JUDICIAL DISTRICT COURT  
 FAMILY DIVISION  
 CLARK COUNTY, NEVADA

<p><b>Adam Michael Solinger</b>  <b>Plaintiff,</b></p> <p>vs.</p> <p><b>Chalese Marie Solinger</b>  <b>Defendant.</b></p>	<p><b>Case No. D-19-582245-D</b></p> <p><b>Dept. No. P</b></p>
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**GENERAL FINANCIAL DISCLOSURE FORM**

**A. Personal Information:**

1. What is your full name? (*first, middle, last*) Chalese Marie Solinger
2. How old are you? 30
3. What is your date of birth? 11/17/1990
4. What is your highest level of education? High School, cosmetology school

**B. Employment Information:**

1. Are you currently employed/self-employed? (  check one )

No

Yes

If yes, complete the table below. Attach an additional page if needed.

Date of Hire	Employer Name	Job Title	Work Schedule (days)	Work Schedule (shift times)

2. Are you disabled? (  check one )

No

Yes

If yes, what is your level of disability?

What agency certified you disabled?

What is the nature of your disability?

**C. Prior Employment:** If you are unemployed or have been working at your current job for less than 2 years, complete the following information.

Prior Employer: Cookie Cutters Date of Hire: May 2019 Date of Termination: June 26, 2020

Reason for Leaving: Bedrest due to pregnancy

## Monthly Personal Income Schedule

**A. Year-to-date Income.**

As of the pay period ending \_\_\_\_\_ my gross year to date pay is \_\_\_\_\_.

**B. Determine your Gross Monthly Income.**

Hourly Wage

	X		=	0	X	52 Weeks	÷	0	=	0
Hourly Wage		Number of hours worked per week		Weekly Income				Annual Income		Gross Monthly Income

Annual Salary

	÷	12 Months	=	
Annual Income				Gross Monthly

**C. Other Sources of Income.**

Source of Income	Frequency	Amount	12 Month Average
Annuity or Trust Income:			
Bonuses:			
Car, Housing, or Other allowance			
Commissions or Tips:			
Net Rental Income:			
Overtime Pay:			
Pension/Retirement:			
Social Security Income (SSI):			
Social Security Disability (SSD):			
Spousal Support:	Monthly	\$ 500.00	\$ 500.00
Child Support:			
Workman's Compensation:			
Other:			
<b>Total Average Other Income Received</b>			<b>\$ 500.00</b>

Total Average Gross Monthly Income (add totals from B and C above)	\$ 500.00
--	-----------

**D. Monthly Deductions**

	<b>Type of Deduction</b>	<b>Amount</b>
1.	Court Ordered Child Support (automatically deducted from paycheck)	
2.	Federal Health Savings Plan	
3.	Federal Income Tax	
4.	Health Insurance	Amount for you:
		For Opposing Party:
		For your Child(ren):
5.	Life, Disability, or Other Insurance Premiums	
6.	Medicare	
7.	Retirement, Pension, IRA, or 401(k)	
8.	Savings	
9.	Social Security	
10.	Union Dues	
11.	Other: (Type of Deduction)	
<b>Total Monthly Deductions (Lines 1-11)</b>		<b>0</b>

**Business/Self-Employment Income & Expense Schedule**

A. Business Income:

What is your average gross (pre-tax) monthly income/revenue from self-employment or businesses?  
 \$ \_\_\_\_\_

B. Business Expenses: Attach an additional page if needed:

<b>Type of Business Expense</b>	<b>Frequency</b>	<b>Amount</b>	<b>12 Month Average</b>
Advertising			
Car and truck used for business			
Commissions, wages or fees			
Business Entertainment/Travel			
Insurance			
Legal and professional			
Mortgage or Rent			
Pension and profit-sharing plans			
Repairs and maintenance			
Supplies			
Taxes and licenses (include est. tax payments)			
Utilities			
Other:			
<b>Total Average Business Expenses</b>			<b>0</b>

## Personal Expense Schedule (Monthly)

A. Fill in the table with the amount of money **you** spend each month on the following expenses and check whether you pay the expense for you, for the other party, or for both of you.

Expense	Monthly Amount I Pay	For me 	Other Party 	For Both 
Alimony/Spousal Support				
Auto Insurance				
Car Loan/Lease Payment				
Cell Phone	\$ 130.00			
Child Support (not deducted from pay)				
Clothing, Shoes, Etc...				
Credit Card Payments (minimum due)	\$ 108.00			
Dry Cleaning				
Electric	\$ 130.00			
Food (groceries & restaurants)	\$ 200.00			
Fuel	\$ 100.00			
Gas (for home)	\$ 80.00			
Health Insurance (not deducted from pay)				
HOA				
Home Insurance (if not included in mortgage)				
Home Phone				
Internet/Cable	\$ 75.00			
Lawn Care				
Membership Fees				
Mortgage/Rent/Lease	\$ 1,185.00			
Pest Control				
Pets	\$ 75.00			
Pool Service				
Property Taxes (if not included in mortgage)				
Security				
Sewer				
Student Loans				
Unreimbursed Medical Expense				
Water	\$ 40.00			
Other:				
<b>Total Monthly Expenses</b>	<b>\$ 2,123.00</b>			

### Household Information

A. Fill in the table below with the name and the date of birth of each child, the person the child is living with, and whether the child is from this relationship. Attach a separate sheet if needed.

	Child's Name	Child's DOB	With whom is this child living?	Is this child from this relationship?	Has this child been certified as special needs/disabled?
1st	Michael Solinger	6/16/2015	Both	Yes	No
2nd	Marie Solinger	8/28/2017	Both	Yes	No
3rd	Cheyenne Lloyd	8/5/2020	Both	No	No
4th					

B. Fill in the table below with the amount of money you spend each month on the following expenses for each child.

Type of Expense	1st Child	2nd Child	3rd Child	4th Child
Cellular Phone				
Child Care				
Clothing	80	80	100	
Education				
Entertainment				
Extracurricular & Sports				
Health Insurance (if not deducted from pay)				
Summer Camp/Programs				
Transportation Costs for Visitation				
Unreimbursed Medical Expenses				
Vehicle				
Other:				
<b>Total Monthly Expenses</b>	<b>80</b>	<b>80</b>	<b>100</b>	<b>0</b>

C. Fill in the table below with the names, ages, and the amount of money contributed by all person living in the home over the age of eighteen. If more than 4 adult household members attach a separate sheet.

Name	Age	Person's Relationship to You (i.e., sister, friend, cousin, etc...)	Monthly Contribution
Joshua Lloyd	29		

## Personal Asset and Debt Chart

A. Complete this chart by listing all of your assets, the value of each, the amount owed on each, and whose name the asset or debt is under. If more than 15 assets, attach a separate sheet.

Line	Description of Asset and Debt Thereon	Gross Value		Total Amount Owed		Net Value	Whose Name is on the Account: You, Your Spouse/Domestic Partner or Both
1.	House	\$245,000.00	-	\$216,000.00	=	\$29,000.00	Me
2.	Charles Schwab #8846	Varies	-		=	Varies	Me
3.	America First #024-1	Varies	-		=	Varies	Me
4.	Bank of America #9724	Unknown	-		=	Unknown	Adam
5.	Remaining home sale proceeds	Unknown	-		=	Unknown	Both
6.	2017 Moto Guzzi Café Racer	\$10,000.00	-		=	\$10,000.00	Adam
7.	Forest River Travel Trailer	\$1,200.00	-		=	\$1,200.00	Both
8.	Art collection	Unknown	-		=	Unknown	Both
9.	Firearms	Unknown	-		=	Unknown	Both
10.	Roth 401(k)	Unknown	-		=	Unknown	Adam
11.			-		=	\$0.00	
12.			-		=	\$0.00	
13.			-		=	\$0.00	
14.			-		=	\$0.00	
15.			-		=	\$0.00	
	<b>Total Value of Assets (add lines 1-15)</b>		-		=	\$0.00	

B. Complete this chart by listing all of your unsecured debt, the amount owed on each account, and whose name the debt is under. If more than 5 unsecured debts, attach a separate sheet.

Line	Description of Credit Card or Other Unsecured Debt	Total Amount owed	Whose name is on the Account? You, Your Spouse/Domestic Partner or Both
1.	CapitalOne Venture card	\$4,375.00	Me
2.	CapitalOne Cashback card	\$0.00	Me
3.	Loan from Catrina Bolick for fees	\$80,000.00	Me
4.			
5.			
6.			
	<b>Total Unsecured Debt (add lines 1-6)</b>	\$84,375.00	

## Certification

**Attorney Information:** Complete the following sentence:

1. I (*have/have not*) Have retained an attorney for this case.
2. As of the date of today, the attorney has been paid a total of \$ approx. 147,000 on my behalf.
3. I have a credit with my attorney in the amount of \$ \_\_\_\_\_.
4. I currently owe my attorney a total of \$ 17,152.00.
5. I owe my prior attorney a total of \$ \_\_\_\_\_.

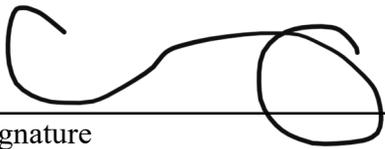
**IMPORTANT:** Read the following paragraphs carefully and initial each one.

\_\_\_\_\_ I swear or affirm under penalty of perjury that I have read and followed all instructions in completing this Financial Disclosure Form. I understand that, by my signature, I guarantee the truthfulness of the information on this Form. I also understand that if I knowingly make false statements I may be subject to punishment, including contempt of court.

\_\_\_\_\_ **I have attached a copy of my 3 most recent pay stubs to this form.**

\_\_\_\_\_ **I have attached a copy of my most recent YTD income statement/P&L statement to this form, if self-employed.**

\_\_\_\_\_ **I have not attached a copy of my pay stubs to this form because I am currently unemployed.**

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**CERTIFICATE OF SERVICE**

I hereby declare under the penalty of perjury of the State of Nevada that the following is true and correct:

That on May 3, 2021, service of the General Financial Disclosure Form was made to the following interested parties in the following manner:

Via 1st Class U.S. Mail, postage fully prepaid addressed as follows:

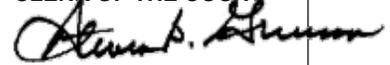
Via Electronic Service, in accordance with the Master Service List, pursuant to NEFCR 9, to:

Via Facsimile and/or Email Pursuant to the Consent of Service by Electronic Means on file herein to:

Executed on May 3, 2021.

/s/ Alicia Exley

\_\_\_\_\_  
An Employee of Pecos Law Group



1 **PTM**  
2 **Jack W. Fleeman, Esq.**  
Nevada Bar No. 10584  
3 **Alicia S. Exley, Esq.**  
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[Alicia@pecoslawgroup.com](mailto:Alicia@pecoslawgroup.com)  
Attorneys for Defendant

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

12 **Adam Michael Solinger,**

13  
14 Plaintiff,

15 vs.

16 **Chalese Marie Solinger,**

17  
18 Defendant.

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

Dept No. **P**

Trial Dates & Times:

**May 10, 2021, 9:30 a.m.**

**June 14, 2021, 9:30 a.m.**

19  
20 **DEFENDANT'S PRE-TRIAL MEMORANDUM**

21 **I. STATEMENT OF ESSENTIAL FACTS**

22 **A. NAMES AND AGES OF THE PARTIES.**

23 Plaintiff: **Adam Michael Solinger** ("Adam"), age 32

24 Counsel for Plaintiff: None.

25 Defendant: **Chalese Marie Solinger** ("Chalese"), age 30

26  
27 Counsel for Defendant: **Jack W. Fleeman, Esq.** and **Alicia S. Exley, Esq.**

28 ...

1 **B. DATE OF MARRIAGE.**

2 May 12, 2012.

3 **C. NAMES AND AGES OF THE CHILDREN.**

4 **Michael Adam Solinger** (“Michael”), born June 16, 2015, age 5

5 **Marie Leona Solinger** (“Marie”), born August 28, 2017, age 3

6  
7 **D. RESOLVED ISSUES, INCLUDING AGREED RESOLUTION.**

8 None.

9 **E. STATEMENT OF UNRESOLVED ISSUES.**

- 10 1. Child custody;
- 11 2. Adam’s income and willful underemployment;
- 12 3. Child support;
- 13 4. Constructive child support arrears;
- 14 5. Division of property and debts;
- 15 6. Spousal support arrears;
- 16 7. Compensatory visitation time;
- 17 8. Orders to Show Cause; and
- 18 9. Attorney’s fees.

19  
20  
21  
22 **F. FACTUAL BACKGROUND.**

23 Chalese and Adam began dating in 2008, when Chalese was 17 years old

24 and Adam was 19 years old. They married on May 12, 2012.<sup>1</sup> Chalese worked

25

26

27

28 <sup>1</sup> See Defendant’s *Amended Motion to Set Aside Default* et al., filed February 7, 2019, at page 3, line 3-14.

1 sporadically during the marriage, never earning more than \$25,000 per year.<sup>2</sup>

2 Chalese was put on bedrest during her pregnancies with both Michael and Marie.<sup>3</sup>

3  
4 The parties separated in October 2018, and Adam left the marital home. He  
5 filed his complaint for divorce in January 2019 and it is believed he moved in with  
6 his girlfriend, Jessica Sellers (“Jessica”) around the same time.<sup>4</sup> Adam’s complaint  
7 asked for primary physical custody “because upon information and belief  
8 Defendant intends to relocate to Pahrump, Nevada.”<sup>5</sup> Adam gave no other reasons  
9 in his complaint as to why he should have primary physical custody. Chalese  
10 decided not to relocate to Pahrump.  
11  
12

13 Around this time, Chalese reconnected with an old friend from high school,  
14 Joshua Lloyd (“Josh”). Adam caught wind that Chalese might be seeing someone  
15 new. Chalese filed a motion in February 2019 requesting child support, spousal  
16 support, and attorney’s fees,<sup>6</sup> and Adam, in his opposition, first raised “concerns”  
17 about Chalese’s “fitness” as a parent after he suspected “some man living in the  
18 home.”<sup>7</sup>  
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23  
24 <sup>2</sup> *Defendant’s Motion for Temporary Spousal Support and Preliminary Attorney’s Fees*,  
filed October 9, 2019, at page 2, like 3-6.

25 <sup>3</sup> *Amended Motion to Set Aside Default et al.*, filed February 7, 2019, at page 3, line 7-14.

26 <sup>4</sup> Adam testified at his deposition that he lived in an apartment in November 2018 and  
“moved in full-time” with Jessica around January or February 2019.

27 <sup>5</sup> *Complaint for Divorce*, filed January 4, 2019, at page 3, line 4-7.

28 <sup>6</sup> *Amended Motion to Set Aside Default et al.*, filed February 7, 2019.

<sup>7</sup> *Opposition to Amended Motion to Set Aside et al.*, filed February 26, 2019

1 Adam subsequently hired a private investigator to follow Chalese and Josh,<sup>8</sup>  
2 and even reached out to Josh's ex-girlfriend to try to obtain evidence against Josh  
3 to use against Chalese in this case.<sup>9</sup>  
4

5 The parties attended their first hearing on March 29, 2019. The Court  
6 ordered temporary joint legal and joint physical custody. Due to Adam's  
7 allegations about Josh's driving record, the Court ordered entered a temporary  
8 order that Josh should not drive the children.<sup>10</sup>  
9

10 On April 22, 2019, the parties' stipulated to change the court ordered joint  
11 physical 4-3-3-4 timeshare ordered by the Court to a 2-2-3 joint physical  
12 timeshare, with both parties agreeing such a change was in the children's best  
13 interests.<sup>11</sup> The following month, Chalese obtained employment as a children's  
14 hairstylist.<sup>12</sup>  
15  
16

17 In May 2019, Adam filed his first of many "emergency" motions. In the  
18 motion, Adam sought a change of temporary custody based on his claim that Josh  
19 was a "danger" to the children due to previous traffic tickets, drinking beer, and  
20 visiting a marijuana dispensary. Adam further alleged that his private investigator  
21 witnessed Josh driving Chalese and the children. Based on these allegations, Adam  
22  
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24

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25 <sup>8</sup> *Emergency Motion for a Change of Custody et al.*, filed May 14, 2019, at page 4, line 19  
to page 5, line 1.

26 <sup>9</sup> *Id.* at page 5, line 5 to page 6, line 6.

27 <sup>10</sup> *Order after Hearing of March 19, 2019*, filed May 3, 2019.

28 <sup>11</sup> *Stipulation and Order Modifying Timeshare*, filed April 22, 2019.

<sup>12</sup> *General Financial Disclosure Form*, filed July 15, 2019.

1 asked that Chalese be limited to supervised visitation.<sup>13</sup> In her opposition, Chalese  
2 explained that she had Josh drive the children because she had taken an anti-  
3 anxiety medication and did not feel safe driving.<sup>14</sup>  
4

5 On June 17, 2019, the Court heard Adam's motion, and while the Court  
6 awarded Adam temporary primary physical custody, it denied his request for  
7 supervised visits, ordering instead that Chalese's custodial timeshare with the  
8 children would be two days per week on a rotating schedule.<sup>15</sup>  
9

10 Three months later, on September 16, 2019, Chalese's counsel took Adam's  
11 deposition. In his deposition, Adam testified that he believed Chalese should be  
12 limited to supervised visitation with the children for roughly four hours per week.<sup>16</sup>  
13 Adam further stated that he believed it was in the children's best interests to spend  
14 more time with his girlfriend than with Chalese, and that he did not believe  
15 Chalese even loves the children.<sup>17</sup> Adam testified that he believed Chalese had a  
16 mental illness and that there were no conditions Chalese could satisfy to make him  
17 comfortable with Chalese having joint physical custody.<sup>18</sup>  
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23 <sup>13</sup> *Emergency Motion for a Change of Custody et al.*, filed May 14, 2019.

24 <sup>14</sup> *Opposition to Plaintiff's Emergency Motion for a Change of Custody et al.*, filed May 28,  
25 2019, at page 4, line 9-14.

26 <sup>15</sup> *Order after Hearing of June 17, 2019.*

27 <sup>16</sup> *Exhibits to Defendant's Motion for a Custody Evaluation, Attorney's Fees, and Related  
Relief* at exhibit A, page 50

28 <sup>17</sup> *See Id.* at exhibit A, page 52.

<sup>18</sup> *See Id.* at exhibit A, page 53.

1 In November 2019, based on Adam's allegations about her mental health,  
2 Chalese moved for a child custody evaluation.<sup>19</sup> The Court granted her request in  
3 December 2019.<sup>20</sup> Adam then filed a motion for reconsideration,<sup>21</sup> which was  
4 heard in February 2020. The Court denied Adam's motion for reconsideration.<sup>22</sup>

6 At the February 2020 hearing, Adam represented he took a new job with a  
7 salary that was \$35,000 per year less than his previous job.<sup>23</sup> Due to the decrease in  
8 income, the Court decreased Adam's spousal support obligation and ordered Adam  
9 to enroll Chalese and the children into his new health insurance plan, which Adam  
10 represented was less expensive and better insurance than the plan the parties had  
11 previously.<sup>24</sup>

14 In March 2020, Adam accused Chalese of exposing the children to COVID-  
15 19 and unilaterally chose to withhold the children from Chalese. While  
16 withholding the children, Adam filed a motion seeking sole custody.<sup>25</sup> Then on  
17 April 22, 2020, Adam advised Chalese that Marie developed a fever, and claimed  
18 that a doctor instructed him to keep Marie in quarantine for at least the next week.  
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22  
23 <sup>19</sup> *Defendant's Motion for a Custody Evaluation et al.*, filed November 15, 2019.

24 <sup>20</sup> *Order from December 9, 2019 Hearing* filed February 6, 2020.

25 <sup>21</sup> *Motion for Reconsideration of the Court's December 9, 2019 Decision et al.*, filed  
December 27, 2019.

26 <sup>22</sup> *Order after Hearing of February 26, 2020*, filed May 13, 2020.

27 <sup>23</sup> *See Id.* at page 3, line 9-10.

28 <sup>24</sup> *See Id.* at page 2, line 7-9 and page 6, line 4-9.

<sup>25</sup> *Motion for a Change of Custody Based on Defendant's Endangerment of the Minor  
Children et al.*, filed March 31, 2020, and Chalese's opposition to the same, filed April 2, 2020.

1 Adam did not include Chalese on the call with Marie's doctor or provide any sort  
2 of documentation to verify this representation.<sup>26</sup> Michael subsequently came down  
3 with a fever.<sup>27</sup>  
4

5 As a result of Adam's unilateral actions, he prevented the children from  
6 seeing Chalese for all but approximately 24 hours in April 2020.<sup>28</sup> On top of that,  
7 even though Chalese had spent fewer than 24 hours with the children that entire  
8 month, Adam blamed Chalese for Marie getting sick.<sup>29</sup> He did not obtain a  
9 COVID-19 test for either child, but decided the children should both quarantine  
10 with him in violation of the court order and Chalese's rights.<sup>30</sup>  
11

12 Per the CDC guidelines at the time, the children could have been released to  
13 Chalese on April 30, 2020. Adam, however, refused to release the children to  
14 Chalese because he claimed she had violated the Governor's directives by going  
15 for a walk outside. Thus, Adam continued to withhold the children until May 8,  
16 2020.<sup>31</sup>  
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21  
22

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23 <sup>26</sup> *Id.* at page 8, line 19 to page 11, line 14.

24 <sup>27</sup> *Id.* at page 11, line 15-16.

25 <sup>28</sup> *Opposition to Motion for an Order to Permit Plaintiff to Retain the Sick Minor Children*  
et al., filed April 28, 2020, at page 5, line 8-16 and page 8, line 9-16.

26 <sup>29</sup> *Motion for an Order to Permit Plaintiff to Retain the Sick Minor Children* et al., filed  
27 April 26, 2020 at page 7, line 18 to page 8, line 5.

28 <sup>30</sup> *Id.* at page 4, line 8-11 and page 8, line 16-18.

<sup>31</sup> *Defendant's Motion for an Order to Show Cause* et al., filed May 22, 2020, at page 4,  
line 15 to page 5, line 11.

1 In the meantime, despite the Court’s specific and direct orders to do so,  
2 Adam refused to enroll Chalese on his new health insurance plan.<sup>32</sup> As Chalese  
3 was not working due to the pandemic, and her employer did not offer health  
4 insurance anyway, Chalese was forced to enroll in Medicaid.<sup>33</sup>

6 Adam’s counsel subsequently withdrew from the case,<sup>34</sup> and Dr. Paglini  
7 prepared his custody evaluation. Chalese had some trouble finding a rebuttal  
8 expert, but eventually was able to retain Dr. William O’Donohue from Reno to  
9 prepare a rebuttal expert report to Dr. Paglini’s report.

12 Adam, however, objected to Chalese’s counsel’s release of Dr. Paglini’s  
13 custody evaluation to any third parties, including a rebuttal expert, despite the rule  
14 specifically allowing for the same. This required Chalese to file a motion.<sup>35</sup>

16 In December 2020, Adam filed a motion to terminate his temporary spousal  
17 support obligation.<sup>36</sup> His obligation was lowered on February 18, 2021, and trial  
18 was set for May 10, 2021 and June 14, 2021.<sup>37</sup>

20 In March 2021, just two months before trial, Adam filed yet another motion  
21 to reduce Chalese’s time with the children – essentially asking to cut Chalese’s  
22

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24 <sup>32</sup> *Id.* at page 4, line 10-14.

25 <sup>33</sup> *Id.* at page 6, line 12-14.

26 <sup>34</sup> *Stipulation and Order to Withdraw*, filed July 21, 2020.

27 <sup>35</sup> *Motion for Clarification and Modification of Court Release Regarding Custody  
Evaluation et al.*, filed October 7, 2020.

28 <sup>36</sup> *Motion to Terminate Temporary Spousal Support*, filed December 14, 2020.

<sup>37</sup> *Order from February 18, 2021 Hearing*, filed March 9, 2021.

1 custodial time in half.<sup>38</sup> Adam based his request on the fact that Chalese kept  
2 kindergartner Michael in virtual learning, instead of in-person school, for a total of  
3 two days. The Court denied Adam’s motion, and deferred Chalese’s request for  
4 fees to the time of trial.  
5

6 Adam subsequently objected to Dr. O’Donohue appearing virtually for trial,  
7 despite the current administrative orders allowing for virtual trial appearances,  
8 requiring Chalese to file another motion.<sup>39</sup> On April 30, 2021, the Court ordered  
9 that Dr. O’Donohue, as well as Dr. Paglini, would be allowed to appear virtually  
10 for the May 10, 2021 hearing.  
11  
12

13 **II. ISSUES**

14 **A. LEGAL CUSTODY**

15 There is a presumption in Nevada that joint legal custody is in the best  
16 interest of a child, and Adam acknowledged in his complaint that the parties should  
17 be granted joint legal custody.<sup>40</sup> Prior to the parties’ separation and this case,  
18 Chalese was the primary caregiver for both children, and there is no evidence that  
19 she is not a fit parent.<sup>41</sup> Consequently, there are no facts sufficient to overcome the  
20 presumption that joint legal custody is in the children’s best interests.  
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24 . . .

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26 

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38 *Motion to Modify Temporary Physical Custody Pending Trial*, filed March 18, 2021.

27 39 *Emergency Motion to Allow Witness to Appear Virtually*, filed April 22, 2021.

28 40 *Complaint for Divorce*, filed January 4, 2019, at page 2, line 2-3.

41 *Amended Motion to Set Aside Default et al.*, filed February 7, 2019, at page 3, line 26-28.

1       **B. PHYSICAL CUSTODY**

2           Per NRS 125C.0025, there is also a presumption in Nevada that joint  
3 physical custody is in a child’s best interest if a parent has demonstrated an intent  
4 to establish a meaningful relationship with the child.  
5

6           Prior to the parties’ separation, Chalese provided most of the care for the  
7 children without objection by Adam.<sup>42</sup> It was only after the parties separated,  
8 Adam began dating Jessica, and Chalese began dating Josh, that Adam decided  
9 Chalese was a “danger” to the children and that he wanted her to be limited to  
10 supervised visitation.<sup>43</sup>  
11

12           Despite Adam’s position, there is simply no basis for Chalese to have  
13 anything less than joint physical custody. Chalese has had the children for two days  
14 per week since mid-2019 – nearly two years.<sup>44</sup> During that time, there have been  
15 no substantiated CPS allegations against Chalese, and the only significant injury to  
16 either child was Michael’s broken arm – which occurred during *Adam’s* custodial  
17 time.<sup>45</sup>  
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24       <sup>42</sup> *Id.*

25       <sup>43</sup> *Opposition to Amended Motion to Set Aside Default et al.*, filed February 26, 2019.

26       <sup>44</sup> *Order after Hearing of June 17, 2019*, filed August 21, 2019. Chalese’s timeshare with  
27 the children since June 2019 has been from Wednesday at 6:00 p.m. to Friday at 6:00 p.m. for  
the first week, and from Friday at 6:00 p.m. to Sunday at 6:00 p.m. for the second week.

28       <sup>45</sup> As will be presented at trial, on June 23, 2020, Adam messaged Chalese on AppClose to  
inform her that Michael had a fall and hurt his arm, then was informed by the doctor that  
Michael had a “buckle fracture” to his wrist.

1 Chalese has the children for about 48 hours per week, which works out to  
2 about 29% of the time.<sup>46</sup> In order to be considered a joint physical custodian  
3 pursuant to *Rivero v. Rivero*, 125 Nev. 410, 216 P.3d 213 (2009), Chalese would  
4 only need to have the children for approximately 19 more hours per week. Chalese  
5 is just as capable of having three or four days each week, as she is having two.  
6

7  
8 Chalese also fears that if Adam is granted permanent primary physical  
9 custody, his campaign of harassment against Chalese will continue *ad infinitum*.  
10 Adam has brought numerous motions seeking to have Chalese’s custodial time  
11 reduced, each time disparaging her and essentially calling her a liar and a criminal.  
12 Even recently, with trial just around the corner, Adam tried again to reduce  
13 Chalese’s time with the children – this time seeking to limit her to having the  
14 children only every other weekend.<sup>47</sup>  
15  
16

17 Last summer, when Chalese was late in her pregnancy with her youngest  
18 child, Adam accused Chalese, without any evidence, of “drugging” the children.<sup>48</sup>  
19 On another occasion, when Josh got ice cream from an ice cream truck, Adam  
20 called it a “plague wagon” and accused Chalese of failing to protect the children  
21 from COVID-19.<sup>49</sup>  
22  
23  
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25 <sup>46</sup> 48 hours ÷ 168 hours per week = 29%.

26 <sup>47</sup> *Motion to Modify Temporary Physical Custody Pending Trial*, filed March 18, 2021.

27 <sup>48</sup> *Motion to Clarify the Court’s June 30<sup>th</sup> Order After Hearing*, filed October 7, 2020;  
Chalese’s opposition thereto, filed October 20, 2020; and Adam’s reply, filed November 9, 2020.

28 <sup>49</sup> *Motion for a Change of Custody Based on Defendant’s Endangerment of the Minor  
Children et al.*, filed March 31, 2020.

1 Chalese contends that Adam’s primary concern is not the best interests of  
2 the children, but rather being in control. She also suspects Adam wants to  
3 “replace” Chalese with his girlfriend. Adam testified at his deposition that it was  
4 better for the children to be with Jessica than with their mother.<sup>50</sup> Adam has zero  
5 respect for Chalese as a parent, which is evidenced by his communications with  
6 her and his representations to this Court.  
7

9 Chalese will show at trial her attempts to maintain her close relationship  
10 with the children, Adam’s opposition to that, and why, pursuant to NRS  
11 125C.0035, it is in the children’s best interests to have *both* parents awarded joint  
12 physical custody.  
13

14 **C. ADAM’S INCOME.**

15 Historically, Adam’s father provided the parties with approximately \$5,000  
16 per month, paid the mortgage, and allowed the parties to drive Adam’s father’s  
17 vehicles. Since this litigation commenced, Adam has since claimed that his father  
18 stopped giving him this monthly allowance.<sup>51</sup>  
19

20 Adam’s father did, however, purchase him a 4,000-square-foot, \$600,000  
21 home to live in. The home was not titled in Adam’s name, but was instead titled  
22  
23  
24  
25  
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27 <sup>50</sup> *Exhibits to Defendant’s Motion for a Custody Evaluation et al.*, filed November 15, 2019,  
at exhibit A, page 52.

28 <sup>51</sup> *Opposition to Plaintiff’s Motion for Reconsideration of the Court’s December 9, 2019  
Decision et al.*, filed January 3, 2020, at page 10, line 13-20.

1 jointly in Adam’s parent’s and Adam’s girlfriend’s names.<sup>52</sup> Adam claims he pays  
2 his father \$1,500 per month in rent to live in this home,<sup>53</sup> so it is clear that Adam’s  
3 father is subsidizing his rent. It is also believed Adam also had access to a credit  
4 card which was paid off by Adam’s father each month.<sup>54</sup>

5  
6 At the outset of this case, Adam was working for a law firm earning  
7 \$120,000 per year.<sup>55</sup> However, after the Court granted Chalese’s request for a  
8 child custody evaluation and for temporary spousal support, Adam took a new job  
9 with a salary of only \$85,000 per year.<sup>56</sup> Adam claimed he took this new job to  
10 save \$14,000 per year in health insurance and for greater “flexibility” with his  
11 schedule.<sup>57</sup> Adam has taken great efforts to hide his new employer from Chalese.<sup>58</sup>  
12 It appears, however, that his public State Bar of Nevada profile indicates where he  
13 works,<sup>59</sup> and it is believed Adam now works in the same office as his girlfriend.<sup>60</sup>

14  
15 Chalese’s position is that Adam intentionally took a lower-paying job as trial  
16 got closer, possibly to avoid a higher child support award should joint custody be

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21 <sup>52</sup> *Exhibits to Reply to Opposition to Defendant’s Motion for Temporary Spousal Support et al.*, filed November 4, 2019, at exhibit C.

22 <sup>53</sup> *General Financial Disclosure Form*, dated June 30, 2020, at page 4.

23 <sup>54</sup> *Reply to Opposition to Defendant’s Motion for Temporary Spousal Support et al.*, filed November 4, 2019, at page 7, line 16 to page 8, line 13

24 <sup>55</sup> *General Financial Disclosure Form*, filed September 24, 2019.

25 <sup>56</sup> *General Financial Disclosure Form*, filed June 30, 2020.

26 <sup>57</sup> *Order after Hearing of February 26, 2020*, filed May 13, 2020, at page 3, line 8-14.

27 <sup>58</sup> *Order from June 30, 2020 Hearing*, filed September 10, 2020, at page 3, line 8-11.

28 <sup>59</sup> <https://nvbar.org/for-the-public/find-a-lawyer/?usearch=adam+solinger>.

<sup>60</sup> This belief is based upon Adam’s testimony during his deposition on September 16, 2019.

1 ordered. It otherwise does not make sense that Adam would take a \$35,000 pay cut  
2 in order to save approximately \$14,000 per year on insurance, especially when  
3 Adam testified at his deposition that his previous position gave him a flexible  
4 schedule. Chalese contends Adam is capable of earning at least \$120,000 per year  
5 and that is what should be imputed to him as income for child support purposes.  
6

7  
8 **D. CHILD SUPPORT.**

9 Child support should be set in accordance with NAC Chapter 425 and  
10 should be based on Adam's true earning capacity pursuant to NAC 425.125.

11 **E. CONSTRUCTIVE ARREARS.**

12 At the March 19, 2019 hearing, Adam was ordered to pay temporary child  
13 support of \$1,990 per month.<sup>61</sup> At that same hearing, the Court indicated it would  
14 defer Chalese's claim for constructive child support arrears, from the date of  
15 separation to March 2019, for trial.<sup>62</sup> Based on Adam's temporary support  
16 obligation, Chalese requests constructive child support arrears for November 2018,  
17 December 2018, January 2019, February 2019, and March 2019, for a total of  
18 \$9,950.00.  
19  
20  
21

22 **F. DIVISION OF COMMUNITY PROPERTY AND DEBTS.**

23 The parties have a limited amount of community property and debt. They  
24 each have their own bank accounts. Adam has a 401(k), the totality of which is  
25 community property. The marital home was previously sold, and the proceeds  
26

27  
28 <sup>61</sup> *Order After Hearing of March 19, 2019*, filed May 3, 2019, at page 7, line 17-21.

<sup>62</sup> *Id.* at page 9, line 7-9.

1 should be split. Adam has a separate property claim on these proceeds, so their  
2 division will be dependent upon the Court's decision as to the legitimacy of this  
3 claim. Chalese contends that the \$80,000 she had to borrow from her mother for  
4 attorney's fees is a community debt and is evidenced by a promissory note.  
5

6 The parties also have a motorcycle and a travel trailer. Adam has been in  
7 possession of the motorcycle, and Chalese has been in possession of the travel  
8 trailer. The artwork and firearms appear to have already been divided.  
9

#### 10 **G. SPOUSAL SUPPORT ARREARS**

11 Chalese has filed a *Schedule of Arrears* in June 2020 outlining the spousal  
12 support arrears she contends are owed by Adam and asks the Court to award the  
13 same.<sup>63</sup>  
14

#### 15 **H. ATTORNEY'S FEES.**

16 When Chalese was working, she earned less than \$2,000 per month from  
17 employment.<sup>64</sup> Adam earns at least \$7,000 per month<sup>65</sup> and, Chalese contends, is  
18 capable of earning at least \$10,000 per month. There is an enormous disparity in  
19 income and earning capacity between the parties. Chalese had to borrow money  
20  
21  
22  
23  
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25  
26

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27 <sup>63</sup> *Schedule of Arrears*, filed June 7, 2020.

28 <sup>64</sup> *General Financial Disclosure Form*, filed May 22, 2020.

<sup>65</sup> *General Financial Disclosure Form*, filed June 30, 2020.

1 from her mother to pay attorney's fees.<sup>66</sup> It is believed Adam's father gifted him  
2 money for his fees,<sup>67</sup> despite his healthy income, and subsidizes his rent as well.  
3

4 Further, Adam's actions and litigation tactics during this case have  
5 unreasonably increased fees. Pursuant to NRS 18.010, EDCR 7.60, NRS 22.100,  
6 NRS 125C.250, and *Sargeant v. Sargeant*, 88 Nev. 223, 495 P.2d 618 (1972),  
7 Chalese requests an award of fees.<sup>68</sup>  
8

9 **I. CONTEMPT ISSUES**

10 As stated previously, Adam violated the Court order by unilaterally  
11 withholding the children in April 2020,<sup>69</sup> and by refusing to enroll Chalese on his  
12 health insurance policy,<sup>70</sup> as was ordered by the Court. Chalese requests sanctions  
13 and/or fees for these violations of the Court orders.  
14

15 **J. COMPENSATORY TIME**

16  
17 The Court previously deferred the issue of additional compensatory time due  
18 to Adam's withholding of the children from Chalese during April 2020.<sup>71</sup> Chalese  
19  
20  
21

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22 <sup>66</sup> *Exhibits to Defendant's Response et al.*, filed November 18, 2019, at exhibit B.

23 <sup>67</sup> *Id.* at exhibit A, page 115.

24 <sup>68</sup> Chalese would also note that the Court made a finding in December 2019 that there was a  
25 basis to award fees under *Sargeant* and awarded Chalese \$10,000.00 in fees. *Order from*  
26 *December 9, 2019 Hearing*. Adam did not pay these fees and instead filed for reconsideration, at  
such time the Court ordered that the awarded fees would be deferred to trial. *Order after Hearing*  
*of February 26, 2020*.

27 <sup>69</sup> *Order to Show Cause*, filed May 27, 2020,

28 <sup>70</sup> *Defendant's Motion for an Order to Show Cause et al.*, filed May 22, 2020 and  
*Stipulation and Order Regarding Orders to Show Cause*, filed June 29, 2020.

<sup>71</sup> *Order from June 1, 2020 Hearing*.

1 requests that she be awarded the compensatory days that were deferred to trial at  
2 the June 1, 2020 hearing.

3  
4 **III. DEFENDANT’S LIST OF WITNESSES**

- 5 1. Chalese Marie Solinger;  
6 2. Adam Michael Solinger;  
7 3. Catrina Jenkins Bolick;  
8 4. Joshua Lloyd;  
9 5. Jessica Sellers;  
10 6. Dr. William O’Donohue, Psy.D.  
11 7. Any and all witnesses relied upon by Adam; and  
12 8. Any and all rebuttal witnesses.

13  
14 Chalese reserves her right to supplement this list of witnesses any time prior  
15 to trial.  
16

17  
18 **IV. DEFENDANT’S LIST OF EXHIBITS**

- 19  
20 1. Text messages between the parties;  
21 2. AppClose messages between the parties;  
22 3. Dental, speech therapy, and medical records for the children;  
23 4. Spousal support checks and envelopes;  
24 5. Bank and credit card statements;  
25 6. Adam’s affidavit;  
26 7. Letter from Curtis Child;  
27  
28

- 1 8. Drug and alcohol test results;
- 2 9. Correspondence between counsel and Adam;
- 3
- 4 10.CV from Dr. O'Donohue;
- 5 11.Rebuttal report from Dr. O'Donohue;
- 6 12.Adam's September 2019 and June 2020 Financial Disclosure Forms;
- 7
- 8 13.Documentation pertaining to Adam's prior employment;
- 9 14.Documentation pertaining to Adam's home;
- 10 15.Documentation pertaining to contributions from Adam's father;
- 11
- 12 16.Chalese's Financial Disclosure Form;
- 13 17.Documents pertaining to Adam's 401(k);
- 14 18.Documents pertaining to Adam's bank account;
- 15
- 16 19.Promissory note from Chalese's mother;
- 17 20.Registration and insurance information for Chalese's vehicle;
- 18 21.Register of actions for criminal case for Carmen Disavio-Watson;
- 19
- 20 22.*Plaintiff's Responses to Defendant's First Set of Requests for Admissions;*
- 21 23.*Plaintiff's Responses to Defendant's First Set of Interrogatories;*
- 22 24.*Plaintiff's Responses to Defendant's Second Set of Interrogatories;*
- 23 25.*Plaintiff's Responses to Defendant's Third Set of Interrogatories;*
- 24 26.Adam Solinger deposition transcript;
- 25 27.Jessica Sellers deposition transcript;
- 26 28.Robert Escalara deposition transcript;
- 27
- 28

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29.Video stills from private investigator video;

30.Any and all pleadings on file herein;

31.Any and all documents relied upon by Adam; and

32.Any and all rebuttal documents.

Chalese reserves her right to supplement this list of exhibits any time prior to trial.

**V. LENGTH OF TRIAL**

One and one-half days.

DATED this 3<sup>rd</sup> day of May, 2021.

PECOS LAW GROUP

/s/ Alicia S. Exley, Esq.  
**Jack W. Fleeman, Esq.**  
Nevada Bar No. 10584  
**Alicia S. Exley, Esq.**  
Nevada Bar No. 14192  
8925 South Pecos Road, Suite 14A  
Henderson, NV 89074  
(702) 388-1851 Tel.  
*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 3<sup>rd</sup> day of May, 2021, I served a copy of  
4 DEFENDANT’S PRE-TRIAL MEMORANDUM as follows:

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

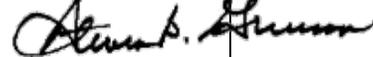
8  Pursuant to NEFCR 9, by mandatory electronic service through the  
9 Eighth Judicial District Court’s electronic filing system: and/or

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

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

13  
14 Adam M. Solinger attorneyadamsolinger@gmail.com  
15  
16 admin email email@pecoslawgroup.com  
17 Alicia Exley alicia@pecoslawgroup.com  
18 Jack Fleeman jack@pecoslawgroup.com  
19 Angela Romero angela@pecoslawgroup.com  
20

21  
22 /s/ Alicia Exley  
23 An employee of PECOS LAW GROUP  
24  
25  
26  
27  
28



1 **PMEM**  
Adam M. Solinger  
2 7290 Sea Anchor Ct  
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3 Tel: (702) 222-4021  
Email: attorneyadamsolinger@gmail.com

4 Eighth Judicial District Court  
5 Family Division  
Clark County, Nevada

6 ADAM MICHAEL SOLINGER, ) Case No.: D-19-582245-D  
7 )  
8 Plaintiff, ) Department: P  
9 vs. )  
10 CHALESE MARIE SOLINGER, )  
Defendant. )

11 **PRE-TRIAL MEMORANDUM**

12 **I. STATEMENT OF ESSENTIAL FACTS**

- 13 1. Name of Plaintiff: Adam Michael Solinger, age 32.  
14 2. Name of Defendant: Chalese Marie Solinger, age 30.  
15 3. Date of Marriage (date): 5/12/2012.  
16 4. Resolved Issues and the Agreed Resolutions:  
17 a. Judge Moss previously held that Adam was not willfully  
18 underemployed.  
19 b. Community property has already been split by the Parties.  
20 5. Unresolved Issues:  
21 a. Child Custody  
b. Child Support  
c. Orders to Show Cause  
d. Division of the Proceeds from the Sale of the Former Marital home  
e. Expenses Chalese Never Paid Pursuant to the 30/30 Rule  
f. Child Care Expenses

- 1 g. Tax Liability from the Sale of the Former Martial Home
- 2 h. Attorney's Fees for Chalese's Motion to Restore Joint Physical
- 3 i. Adam's 401k

### 4 **Factual Background**

5 For purposes of this PTM, child custody is the unresolved issue going  
6 into the May 10th trial date. There is one main property issue, but a separate  
7 PTM will be filed in advance of the June 14th trial date set to handle the  
8 property issues in full.

9 On the issue of custody, the essential facts are as follows and are laid out  
10 by issue, rather than chronologically. As relevant background, Adam left  
11 Chalese in October of 2018 in part based upon concerns Adam had over  
12 Chalese and her ability to raise the children. Adam wanted to try to mitigate  
13 against that influence. Adam initially wanted to work with Chalese to try to  
14 resolve these issues but it became clear that it was just not possible given her  
15 inability to put the children's best interest first.

16 In that vein, the Parties exercised joint custody from March of 2019 to  
17 June of 2019. At the March 2019 case management conference, Judge Moss  
18 ordered certain safety measures to ensure that the children were safe when they  
19 were in Chalese's care. For example, Judge Moss ordered that the children were  
20 not to be left alone with Chalese's boyfriend Josh, nor were they to be driven by  
21 him. Additionally, neither party was to consume alcohol 24 hours prior to their  
custodial timeshare with the children and neither party was to consume  
marijuana at all. Adam brought a motion for primary custody based upon  
Chalese's complete and utter failure to safeguard the children. The Court ruled  
that the best interest of the children was served by Adam having primary  
custody on a temporary basis in June of 2019. Adam has had primary custody  
since June of 2019 with Chalese having custody two days a week: alternating  
weekends and Wednesday through Friday.

#### 17 **A. Speech Therapy**

18 Adam and Chalese separated at the end of October of 2018. At that time,  
19 Michael had been in speech therapy in Summerlin with Chalese taking him to  
20 speech therapy once a week. In January of 2019, Adam was going to start  
21 taking Michael to speech therapy. Shortly before Adam's first time taking  
Michael to speech therapy, Chalese let Adam know that Michael had graduated  
from speech therapy, that he no longer needed to go, and that he would "catch  
up with his peers over time." Then in August of 2019, Chalese messaged Adam

1 on AppClose and suggested that Michael be enrolled in Child Find through  
2 CCSD so that the school district would do speech therapy for Michael. Adam  
3 was obviously bewildered because he thought Michael no longer needed speech  
4 therapy. Adam immediately applied for Child Find for Michael, but in the  
5 meantime, he sought to get Michael back into his private speech therapy. Adam  
6 called around and had Michael on a couple of waitlists, but no one could start  
7 seeing him immediately. Michael's old speech therapist, Margo, agreed to take  
8 Michael on immediately because he was a former patient, but said that his  
9 pediatrician may need to reorder speech therapy for insurance to approve it.  
10 While Adam was waiting to hear back on scheduling Michael, Adam received a  
11 message from Chalese saying she wanted to find a more central location for  
12 speech therapy. Adam waited for a week and then asked if he could schedule  
13 Michael for speech therapy with Margo. Margo said that the pediatrician was  
14 supposed to call Adam to schedule him to come in. When Adam called the  
15 pediatrician, he was told that they had called Chalese to let her know to bring  
16 Michael in on the same day that Chalese had messaged Adam about finding a  
17 more central speech therapy provider. Adam immediately got Michael into his  
18 pediatrician so that he could resume speech therapy as soon as possible. When  
19 Michael was seen by Margo, he was assessed as a year behind where he should  
20 be developmentally.

21 Adam tried to work with Chalese to arrange a day that she could take  
Michael to speech therapy so that the responsibility would alternate. She did not  
agree to a day so Adam scheduled him for speech therapy only on his days.  
While still waiting on child find, a spot opened up at Michael's current private  
speech therapist, Speak Easy. When this spot opened up, Adam switched  
Michael over as Speak Easy was much closer to Adam and neither Chalese nor  
Adam lived near Margo. As part of switching, Adam once again asked Chalese  
if she wanted to assist with speech therapy. Chalese never answered and so  
Adam again scheduled Michael on his days. In the meantime, Michael was  
given speech therapy practice sheets that Adam sent to Chalese until Michael  
reported that he never did them when he was with Chalese. When confronted,  
Chalese response was that she practiced everyday words with him, but just not  
the ones from the sheets.

While Child Find was still pending, Michael's therapist at Speak Easy  
left and Michael was assigned a new therapist. Again, Adam asked Chalese if  
she wanted to help take Michael to speech therapy and she never answered. So  
Adam scheduled Michael's speech therapy on his days.

Michael was approved for speech therapy through CCSD because the  
school found Michael had a significant pronunciation disorder that affected his  
ability to communicate and implemented an IEP to address Michael's  
communication issues. He was to begin CCSD speech therapy in January of

1 2020, the start of the Spring Semester, at Betsy Rhoades Elementary. Adam  
2 asked Chalese if she wanted to help with Michael's CCSD speech therapy and  
again she never answered. So, Adam scheduled Michael for CCSD on his days.

3 Michael has been in speech therapy at both Speak Easy and CCSD since  
4 January of 2020. Chalese has never taken Michael to either speech therapist. In  
5 July of 2020, Chalese took some vacation time with the children so that her  
6 mother could spend time with the kids while her mother was in town. Adam  
reminded Chalese about Michael's speech therapy with Speak Easy speech  
therapy because the time she took with the kids was on Michael's normal  
speech therapy day. Chalese failed to take Michael to speech therapy the one  
time she was responsible for taking him, despite being in town and able to.

### 7 **B. Withholding**

8 Chalese has withheld the minor children multiple times. Most notably, in  
9 September of 2019, Adam gave notice that he would be taking vacation time  
10 with the children on December 7, 2019. Adam had reminded Chalese of his  
previously noticed vacation time the night before he was to pick up. Chalese  
11 said she would not let Adam pick up the kids and that they would not be home.  
Nonetheless, Adam went to Chalese house to pick up the kids pursuant to his  
12 previously noticed vacation time. Chalese refused so Adam left Chalese street  
and went a block down to park and call Metro for purposes of taking a report  
13 regarding the withholding. While on the phone with Metro, Josh, Chalese's  
boyfriend, came running down the street and began to yell at Adam through the  
14 window. He threatened Adam multiple times saying, among other things, that  
he would "knock [Adam] the fuck out." He then tried to open the vehicle door  
15 to make good on his threat. Adam was in the vehicle with Jessica and Jessica's,  
at the time, 16 year old daughter Courtney. When Josh could not gain access to  
16 the vehicle, he left and then returned driving his truck. He drove the truck  
against traffic driving the wrong direction and then came to an abrupt stop less  
than a foot away from Jessica's vehicles bumper.

17 The police responded and Josh has pending criminal charges from this  
incident and a protective order was ultimately put in place from January of 2020  
18 to April of 2021. The next day, December 8, Chalese messaged Adam abruptly  
and said that her and Josh had been given rodeo tickets and asked if she could  
19 drop the kids off. Adam said of course. Coincidentally, the day after that,  
December 9, the Parties had Court on other issues. Adam of course brought up  
20 what happened and Chalese represented to the Court that she did not actually  
have rodeo tickets but that her and Josh had broken up. The Court took her at  
21 her word but said it would be a major credibility issue if they had not broken  
up. Meanwhile, during the hearing, Joshes truck was missing from Chalese's

1 residence. However, the truck was there in the middle of the night on December  
2 9, meaning that Josh had returned to the residence in the middle of the night.  
3 Josh's parents live less than a mile from Chalese. There is no reason for him to  
4 return unless the break up was a lie. This is meaningful because this started with  
5 Chalese unjustifiably withholding the children, lying to the children about  
6 breaking up with Josh and/or involving them in her lie and confusing them, and  
7 because Chalese lied to the Court about her break up because she knew what  
8 she did with Josh reflected abysmally on her.

9 She additionally withheld the children in February of 2019 while at the  
10 former marital residence. She concealed their location and left the house with  
11 them while withholding them for days. She said she would only return the  
12 children if Adam would sign a note saying that he would give the children back  
13 when Chalese wanted him to. Adam refused and Chalese returned them so that  
14 she did not have them on the weekend.

### 15 **C. Hygiene**

16 Chalese testified during her deposition that she bathes the children every  
17 other day. The children report that they are rarely bathed when with Chalese.  
18 Their hygiene upon returning to Adam confirms that they are rarely bathed.  
19 Additionally, Marie nearly always has a genital rash when she comes back to  
20 Adam. Originally it would be classified as diaper rash. Marie would often  
21 complain that it hurt so bad that she did not want to walk. As Marie has gotten  
older, she is now bathroom trained but needs help wiping herself properly.  
When she is with Chalese, Chalese does not assist her with wiping properly  
leading to the same rash as always and Marie reports that Chalese is too busy to  
help her, despite Marie asking for help.

### 15 **D. Bruising and Unexplained Injuries**

16 Marie has received unexplained bruises while in Chalese's care often. Of  
17 note particularly though was the period of January 2020 through February 2020  
18 where Marie returned with bruises on her face every time she had been with  
19 Chalese. Adam called CPS. CPS called Chalese to arrange an interview and she  
20 hung up on them after five minutes. CPS then tried to do a surprise home visit  
21 and no one answered the door. CPS then inexplicably decided to close the case.  
To date, Chalese cannot and has not provided an explanation for the month of  
bruises other than to say that kids play and get bruised. But that also doesn't  
explain why the bruising stopped once CPS was called.

21 Additionally, Marie has come back from Chalese's house with an  
unexplained injury on her foot that resembled a burn and took weeks to fully

1 heal. Chalese never gave an explanation for this. She also has come home with  
approximately 8 unexplained closely spaced cuts on her inner arm.

### 2 **E. Reckless Driving**

3  
4 Chalese came to pick Marie up on August 27, 2019 at approximately 4  
PM the day before her birthday. Chalese also had Josh's daughter Arielle in the  
5 car with her. She had intended to pick up Michael as well, but Michael was not  
yet done with speech therapy. Chalese did not disclose that she had a court  
6 ordered parenting class that night and that she was going to drop Marie off with  
a babysitter, despite Adam having right of first refusal. She was late for her  
7 class when she picked up Marie and the private investigator following her  
paced her speed at over 100 miles per hour while weaving in and out of traffic.  
8 She drove over a median at one point and then left Marie with someone else so  
that she could go to her parenting class.

### 9 **F. School**

10 In January of 2021, CCSD sent a survey around to ask if parents would  
want to send their children to school in-person two days per week. Adam asked  
11 Chalese her thoughts and she was "all for it." As a result, Adam responded to  
the survey letting CCSD know that Michael would go to school in-person two  
12 days per week if permitted.

13 In February of 2021, CCSD announced a return to in-person learning and  
Michael was placed in cohort B with his assigned in-person days being  
14 Thursdays and Fridays. Adam let Chalese know and she responded by asking  
why Adam would pick the days she potentially had Michael. Adam responded  
15 and said that he did not pick the days and that they were assigned. Chalese  
responded by saying that she would not take Michael on the days she had  
16 custody.

17 Shortly thereafter, Adam received a letter from Chalese's counsel  
accusing him of enrolling Michael in in-person instruction and choosing the  
18 days that Chalese had custody without consulting Chalese. Adam responded by  
telling opposing counsel to check the AppClose messages. There was no  
follow-up.

19 Based upon Chalese's refusal to take Michael to school, Adam took  
vacation time with the kids for the first two days of in-person school so that he  
20 could make sure Michael went to school and to make sure his first day of in-  
person instruction – his first day of real kindergarten – was successful.

21 After that, Adam heard nothing else from Chalese about school. Two  
weeks later, when it was Chalese's time share, she came to pick up the kids and

1 Adam only provided Michael's backpack because that was all he needed for in-  
2 person school. Chalese said nothing about not taking Michael or keeping him  
3 remote. That day, there was a Court hearing to determine if Josh had violated  
4 the extended protective order based upon an incident to be outlined below.  
5 Adam and Jessica were in attendance and saw that Chalese was at the  
6 courthouse as well. Just before 1 pm, Chalese messaged Adam to get the  
7 password for Michael to logon to his school account. It was at that time Adam  
8 discovered that Chalese did not take Michael to school and instead thought  
9 attending her boyfriend's court hearing was more important.

10 Upon learning this, Adam begged Chalese to bring Michael to Adam so  
11 that Adam could ensure Michael went to school. Chalese said that she would  
12 bring Michael to Adam if Chalese could have both kids that Saturday, on  
13 Adam's time, to take the kids to a little league baseball game. Thus, she would  
14 only agree to do what was best for Michael if she could take the kids to a little  
15 league game. This was the subject of a previous motion to temporarily change  
16 custody. Chalese's counsel represented that it was a transportation issue.  
17 However, the issue was that Chalese refused to do what was best for Michael  
18 until Adam filed a motion with the Court.

19 Additionally, per the pandemic, the children were enrolled at Creative  
20 Kids and they participated in the Pre-Kindergarten preparation program.  
21 Chalese would routinely not take the children to their Pre-K program on her  
custodial days and when confronted she took the position that when she has  
them, she would rather spend time with them. She belittle the preparation that  
the Pre-K program provided. Now, Michael is excelling at school to the point  
that he already met the Kindergarten standards when he was only halfway  
through the school year because he was so prepared going in. Adam and Jessica  
worked continuously with Michael to prepare him for Kindergarten. Chalese  
did nothing and tried to argue the Pre-K program was just a daycare. She did  
not even attend Michael's parent teacher conference.

### 16 **G. Substance Abuse and Inappropriate Behavior in Front of the Kids**

17 In January of 2019, Michael had an eyelid infection and was prescribed  
18 antibiotics. When Chalese brought the children to Adam's for his time share,  
19 she did not bring the medication and then she left town. Adam went to the  
20 former home and got the medicine. In the process he took video of trashed state  
21 of the home and noticed a homemade smoking pipe in the garage.

Based on this, Adam asked for drugs to be addressed at the March 2019  
hearing. The parties were order to abstain from all marijuana usage and to not  
consume alcohol 24 hours before having custody of the children and while  
having custody of the children. This was ordered back in March of 2019. Both

1 parties were drug tested after the March 2019 with Adam testing negative for  
everything. Chalese tested positive for marijuana usage.

2 Chalese then tested positive again before the June 2019 hearing. While  
3 this should have been the end of her usage, her last admitted usage was in July  
of 2019 after the Court admonished her again to stop using marijuana.

4 Because of her continued substance usage, Judge Moss ordered that  
Adam could request Chalese take a drug test once a month with 4 hours of  
notice.

5 In August of 2019, Adam noticed Chalese for a drug test in the afternoon.  
Chalese refused to go to an open ATI location and instead waited until noon the  
6 next day to test.

7 In September of 2019, Adam again noticed Chalese for a drug test with a  
private investigator tailing her, due to the circumstances from the August 2019  
8 test. When Adam initially told her she needed to test, she claimed she could not  
because she was working. The private investigator confirmed that she was at the  
9 house she was staying at and not at work. The PI followed her to a smoke shop  
and then went into the smokeshop after she left. The smoke shop confirmed that  
10 Chalese had purchased a urine detox kit and Chalese admitted this during her  
deposition. Chalese went to the house she was staying at and was inside for  
approximately 20 minutes. Chalese then drove to the testing facility and left  
11 almost immediately after arriving there. She then went back to the smoke shop.  
During her deposition, she claimed that she had forgotten her ID and that she  
12 only purchased the urine detox because she was afraid she would test positive  
due to second hand smoke. She further claimed that after speaking with her  
13 attorney, she realized that she would not test positive due to second hand  
smoke. Yet, this does not explain why she purchased something the second time  
14 that she went to the smoke shop to retrieve her ID, which she claimed she left at  
the smoke shop.

15 Additionally, Chalese offered to drop her allegations that Adam  
possessed child pornography if Adam agreed to drop the requirement that  
16 Chalese take drug tests.

17 In addition, Chalese testified during her deposition that Josh smokes  
weed every day after work and has a beer, if not two or three, after dinner every  
18 night. Michael has said that he wants to drink beer when he's a grownup  
because that's what grownups do. He gave Chalese and Josh as an example.

19 There have also been numerous inappropriate incidents in front of the  
children. Chalese has snatched Marie out of Jessica's arms while dragging  
20 Michael to the car. She then backed up and shouted that she "didn't give a  
fuck" and then peeled out of the parking lot.

21 When Josh was served a subpoena, Chalese and Josh fought to the point  
that she left the house to sleep in Josh's parents' backyard with the children.

1 Michael reported that he was afraid Adam was going to get hurt, but did not explain why he thought that.

2 There was also the situation referenced above wherein the children were either lied to about Josh and Chalese breaking up or they were made a part of  
3 the lie.

4 Finally, on January 31, 2021, there was a custody exchange where Jessica went to pick up the kids because Adam had just had knee surgery. Chalese and her mother had taken the kids to dinner and were late getting back. Unknown to  
5 Jessica, Josh was driving with Chalese and Chalese's mother was driving Michael, Marie and Arielle (Josh's child) all of the children. When Josh pulled  
6 up, he pulled up right next to Jessica and partially opened his door. Chalese jumped out of the car and went running to her mother's vehicle to begin  
7 unloading the kids so that they could get into Jessica's vehicle. During the custody exchange, Michael and Marie heard Josh yell at Jessica that she was a  
8 fat ass, that she was disgusting, that she needed to move her fucking car, that she needed to get the fuck out of the way, that she was a fat bitch, and "look at  
9 your ass and what you're doing, you nasty woman." Josh is facing criminal charges for this incident for potentially violating the extended protective order.

10 Recently, Marie reported that Josh smacked her for taking her shirt off after Chalese said that she could. She also said that Chalese hit Josh in front of  
11 her.

## 12 **H. Chalese Has Abandoned the Children**

13 Simply put, there have been multiple occasions when Chalese was to pick up the children and never showed up. On Black Friday 2019, Chalese never  
14 showed up to get the kids. When Adam asked where she was, she said that she had to work and did not let Adam know in advance.

15 Additionally, she did not come and pick up the children for her Christmas eve 2019 and tried to leverage this into getting Christmas day instead. This  
16 could be viewed as a mistake, but Adam had been trying since September of 2019 to get Chalese to make this exact swap. Chalese kept delaying and said  
17 that she could not finalize her Christmas plans yet. Finally, in the first weeks of December, Adam did not give into one of Chalese's demands and she said that  
18 she would not agree to swap Christmas periods and that the Parties would celebrate Christmas per the Partial Parenting Agreement.

19 For New Year's this past year, December 31, 2020 to January 1, 2021, Chalese was to have the kids for New Year's Eve. Chalese completely  
20 abandoned the children with Adam.

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1 **I. Chalese Has Abandoned Any Responsibility For The Legal Custody Of**  
2 **The Children.**

3 As set forth above, regarding speech therapy, Chalese has abandoned any  
4 semblance of caring about the children from a legal custody standpoint. In  
5 addition, Chalese has not taken the children to a single regularly scheduled  
6 doctor's appointment, not a single regularly scheduled dental appointment.  
7 When Adam wanted to switch the children from a Summerlin based Dentist and  
8 Pediatrician, he inquired with Chalese who never responded. Or indicated a  
9 preference towards who the children should be seeing.

10 In addition, Adam has been solely responsible for handling Michael's  
11 schooling. Chalese has not participated or been a part of his school until she  
12 was responsible for getting him to in-person instruction. Only then did she have  
13 contact with the school and that was solely to find a way out of bringing  
14 Michael to in-person instruction.

15 **J. Chalese Moved Across Town After Adam Had Moved To The**  
16 **Northwest.**

17 When the Parties Separated in October of 2018, Adam moved to an  
18 apartment in Northwest Las Vegas because it was close by and the school  
19 districts were good. He remained in that apartment until April of 2019. Chalese  
20 remained in the Summerlin Area until the former martial residence sold in July  
21 of 2019. Instead of moving somewhere nearby, Chalese moved all the way  
across town. A drive between Chalese's residence and Adam's residence and/or  
Michael's school is approximately 1 hour round trip, without accounting for  
traffic. Chalese testified during her deposition that it was the only place she  
could afford to live. However, a real estate search conducted by Adam at the  
time Chalese purchased her residence showed that she could have bought a  
home in Michael's school district. She did not want to though because the real  
purpose was to move near Josh's parents. Josh's parents live less than a mile  
from Chalese and Josh's house. Indeed, Josh testified during his deposition that  
they moved to that house specifically to be close to his parents.

Additionally, the neighborhood that Chalese moved to is terrible both in  
regards to crime and school performance. The schools in Chalese's district are  
terrible. Instead of doing what was best for the kids and moving to the better  
area, Chalese moved to her current address so that her new family could be  
close to Josh's parents.

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1 **K. Dr. Paglini's Custody Evaluation and Dr. O'Donohue's Report**

2 In November of 2019, Chalese asked for a custody evaluation and has  
3 persisted in wanting one over Adam's objection. The evaluation was initially  
4 ordered in December of 2019 and Adam moved to reconsider. The motion to  
5 reconsider was initially granted at the hearing on the same in February of 2020,  
6 but Judge Moss relented at the end of the hearing and allowed the evaluation to  
7 occur with the admonition that it may cut against her.

8 The Parties mutually agreed on Dr. Paglini in March of 2020. Adam  
9 complied with every request that Dr. Paglini made. Chalese delayed and did not  
10 timely get everything to Dr. Paglini resulting in his report being delayed from  
11 June of 2020 to July and then ultimately August.

12 Dr. Paglini's report has already been filed with the Court because he was  
13 a mutually agreed upon expert. The report found, among other things, that the  
14 children's best interest would be served with Adam maintaining primary  
15 custody because he offers a better, more nurturing environment and he has  
16 better resiliency factors. Adam is also actively involved in Michael's speech  
17 therapy while Chalese is not.

18 While Dr. Paglini was finalizing his evaluation, Chalese indicated she  
19 may want to hire a rebuttal expert in order to preserve her options. She  
20 ultimately sought an expert once Dr. Paglini's report was published. It is  
21 unclear if this rebuttal expert has signed the required confidentiality agreement  
ordered by Judge Moss. Judge Moss ordered that the rebuttal expert sign a  
confidentiality agreement before the report could be released pursuant to NRCP  
16.22(e)(3).

This expert issued a report that has a cornucopia of shortcomings.  
Additionally, and as relevant to trial, Chalese continues to insist that Adam's  
electronics had child pornography on them despite the fact that her own hired  
experts examined the devices and let her attorneys know back on November 8,  
2019 that there was nothing on any of the electronics they examined. Yet, she  
continues to lie about it. She has lied to other people, like Josh's former  
girlfriend, in an effort to sway them towards her cause. She also lied to Dr.  
Paglini about it and it appears that she allowed Dr. O'Donohue to labor under  
the same lie.

19 **L. COVID-19**

20 When COVID-19 became a world-wide concern in March 2020, Chalese  
21 did not take it seriously. Based upon her flouting of the health mandates, Adam  
withheld the children on an emergency basis. At the hearing on that initial  
motion, Judge Moss agreed with Adam's decision and temporarily changed

1 custody so that Adam had sole physical custody pending a further hearing. At  
2 the further hearing, Judge Moss allowed Chalese to resume having two days per  
3 week visitation but said that health directives needed to be followed. Shortly  
4 after being with Chalese, Marie and Michael both developed fevers. Based upon  
5 this, Adam called the Children's pediatrician but it was after hours. The doctor  
6 called back unexpectedly. Adam spoke with the Doctor who advised  
7 quarantining with the kids and to bring them in if other symptoms developed.  
8 Judge Moss ruled that Adam's actions were justified. Chalese, on the other  
9 hand, continued to flout restrictions putting the children in danger.

### 6 **M. Marie's Teeth**

7 When Marie was born, she had a bacteria on her teeth that caused them to  
8 form cavities very early. As part of that, the teeth had a compound applied that  
9 killed the decay and sealed them, but turned the teeth black. In February of  
10 2019, Chalese notified Adam that she wanted to get the black sealant removed  
11 for cosmetic reasons. After speaking with the dentist, Adam declined because of  
12 Marie's young age and it being an unnecessary surgery. In April, the dentist  
13 determined that it was medically necessary to remove the sealant to treat the  
14 teeth. Adam agreed and the surgery was scheduled for May 2019. Adam had the  
15 children the weekend before the surgery and received a cost estimate from  
16 Chalese, but nothing else. The day before the surgery, Adam called to pay for  
17 his half of the dental surgery, but he was informed the surgery had been  
18 cancelled because Marie had not had the necessary pre-operative clearance by  
19 her pediatrician. Chalese never informed Adam about the pre-op clearance, yet  
20 alone that the surgery had been rescheduled. When Adam messaged Chalese  
21 about what the dentist had told him, Chalese's response was "Cool."

### 15 **N. Chalese Was Giving The Kids Medicine To Help Them "Breath" At 16 Night.**

17 In January of 2020, Michael stated that he had been getting some  
18 medicine. Adam inquired and Chalese claimed that it was just seltzer water.  
19 Then, a few months later, Michael asked Adam if he would be getting medicine  
20 that night to help him breath. When Adam inquired, Michael said that Chalese  
21 had been giving both children medicine at night so that he could breath.

Chalese claimed that it was Elderberry Syrup. Adam asked the Court to  
intervene and Judge Moss ordered that Chalese provide a photograph of the  
bottle. Chalese waited until after 5 pm to provide a picture of a brand new bottle  
instead of the bottle she claimed was at home.

1 Adam was so concerned that he asked Dr. Paglini to speak with Michael  
2 about it as part of the custody evaluation. Dr. Paglini spoke to Michael and  
3 Michael stated that he gets medicine to help him breath when he's with  
4 Chalese, but not when he is with Adam.

5 After all of this was brought up, Chalese inexplicably stopped giving  
6 Michael the medicine to help him breath. Marie has also reported that Chalese  
7 gives her "tummy medicine." It's unclear what this medicine is.

## 8 **II. CHILD CUSTODY**

9 6. Name, age and date of birth of children:

10 Name: Michael Adam Solinger, age 5, date of birth: June 16, 2015

11 Name: Marie Leona Solinger, age 3, date of birth: August 28, 2017

12 7. Requested legal custody, physical custody, and visitation order:

13 Adam requests sole legal custody and primary physical custody. While  
14 there is a preference for joint physical custody in Nevada, it is just that: a  
15 preference. Given the time and time again demonstrations that Chalese does not  
16 have the children's best interest in mind as set forth above, there is no choice  
17 but for Adam to maintain primary physical custody. Given Chalese's  
18 abandonment of dealing with issues involving legal custody and her constant  
19 poor decision making, Adam should be granted sole legal custody.

20 The proposed visitation schedule is that Chalese would have every other  
21 weekend defined as Friday at 6 until Sunday at 6 pm with Adam having the  
remaining time.

22 Additionally Adam requests that the partial parenting agreement be  
modified as it relates to Christmas. Under the current agreement, the parties  
split the holiday as Christmas Eve and Christmas Day swapping on an  
alternating basis. However, Adam celebrates Christmas on Christmas Eve.  
Chalese celebrates Christmas on Christmas Day. Therefore, Adam proposes that  
Adam always has Christmas Eve and Chalese always has Christmas Day.

## 23 **III. CHILD SUPPORT**

24 8. Amount of child support requested and any special factors the Court should  
25 consider in setting the amount of child support:

1 Adam requests the statutory amount of child support with a prerequisite  
2 that it be set based upon an earning potential given her consistent and chronic  
unemployment and underemployment.

#### 3 IV. SPOUSAL SUPPORT

4 9. I am not requesting spousal support for myself.

5 10. The other party should not be awarded the spousal support requested  
6 because she has not requested it and it is unwarranted in this case for the  
reasons previously briefed.

#### 7 V. PROPERTY AND DEBTS

8 11. My proposed distribution of property and debts is as follows:

9 The Parties have already settled the property issues as set forth at the  
10 February 2021 hearing wherein the Defendant represented that the only two  
property issues were Adam's separate property interest in the remaining  
11 proceeds from the former marital residence and the art collection. At that  
hearing, the Court ordered the Parties to file a list of art with the Court. Plaintiff  
12 complied and filed a list of the disputed art work in his possession and the  
disputed artwork believed to be in the Defendant's possession. The Defendant  
never filed anything and therefore the issue of artwork should be waived.

13 On the issue of Adam's separate property interest in the proceeds of the  
14 sale of the house. Adam's dad gave him a gift of equity when he sold the home  
to Adam. That gift of equity was evidenced in a gift of equity letter provided by  
15 the mortgage lender and it was a part of the mortgage. The intent of the gift of  
equity was to give Adam a gift, not Chalese. Thus, Adam has a separate  
16 property interest in the proceeds from the sale of the home in the amount of  
approximately \$85,000.

17 12. The legal and factual issues regarding the property and debts in dispute are:

18 The only outstanding property dispute concerns the proceeds from the  
19 sale of the marital home. The home was sold and what was considered the joint  
portion of the proceeds were already split. The remaining balance is Adam's  
20 separate property because it was a separate gift from his father when his father  
sold him the house. In addition, the only community debt arises from the same  
21 sale of the house. Upon selling the house, the proceeds were subject to capital  
gains tax because the house was owned for less than 2 years when it was sold.

1 Thus, there is a tax liability that Adam paid on behalf of the community and  
2 half of that liability is \$3370.

3 All other property issues have been resolved. There are outstanding  
4 issues related to debts owed under the 30/30 rule, childcare expenses, the tax  
5 liability as set forth above, previous awards of attorney's fees, etc.

6 For the 30/30 rule, Chalese has never paid for a single expense related to  
7 the children that Adam has sent her. Chalese has never paid for a single  
8 childcare expense. She hasn't paid for her portion of the tax liability from the  
9 sale of the home. She has also not paid the previous awards of attorney's fees.

10 This is a condensed form of the financial aspects of the case given that  
11 the Court has bifurcated the trial dates and the property issues are to be handled  
12 on June 14, 2021 scheduled for one half day of trial.

#### 13 **VI. FINANCIAL DISCLOSURE FORM**

14 I will file a Financial Disclosure Form before the property portion of this case is  
15 heard on June 14, 2021.

#### 16 **VII. ATTORNEY'S FEES**

17 I request an unknown amount in attorney's fees and costs. The Court has  
18 already awarded \$ 3888.50 due to Chalese's discovery violations. The Court  
19 has also awarded attorney's fees for Chalese filing a frivolous motion to return  
20 to joint custody, but the fees owed were deferred to the time of trial.

21 Of this amount, \$0 has already been paid and the entire to be awarded  
balance is owed.

Chalese is not entitled to any attorney's fees given that her mother has  
gifted her attorney's fees.

#### **VIII. LIST OF WITNESSES**

1. Robert Escalera  
7435 S. Eastern Avenue, Suite #5-284  
Las Vegas, Nevada 89123

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2. Curtis Doyal  
7435 S. Eastern Avenue, Suite #5-284  
Las Vegas, Nevada 89123

3. Adam Solinger  
7290 Sea Anchor Court  
Las Vegas, Nevada 89131

4. Jessica Sellers  
C/O Adam Solinger  
7290 Sea Anchor Court  
Las Vegas, Nevada 89131

5. Dr. John Paglini, Psy. D  
9163 West Flamingo, Suite 120  
Las Vegas, Nevada 89147

6. Any witness endorsed by the Defendant at the pretrial conference, including but not limited to Chalese Solinger, Joshua Lloyd, Catrina Jenkins, and Dr. O'Donohue.

7. Adam reserves the right to supplement this list.

**IX. LIST OF EXHIBITS**

Adam has attempted to be exhaustive and notice every potential exhibit that could be used at trial. Nonetheless, Adam reserves the right to supplement this list.

Exhibit Number	Bates Number	Brief Description
1	2-5	Santa Maria Text Exchange
2	6-35	Photos of the Former Marital Residence
3	291-295	Rent Prices by Neighborhood
4	306-309	Joshua Lloyd's Partial Criminal History
5	310-317 327-329	Joshua Lloyd Facebook Posts
6	330-339	Facebook Posts
7	393	Facebook Post Showing Chalese Working Under the Table
8	404	Chalese with Empty Beer Bottles

1	9	446-448	Chalese Facebook Posts
	10	449	Joshua Lloyd Justice Court Case Search
2	11	459	Gift of Equity Transaction Summary
	12	596	August 2019 Drug Test Request
3	13	600-608	Joshua Lloyd Facebook Posts RE: Adam and Jessica
4	14	609-610	Marie with Facial Bruising on July 21, 2019
5	15	757-761	ATI Testing Locations and Hours
	16	762-779	Stylist Job Postings
6	17	794-796	Internal Messages Regarding Linda Overby
7	18	797	Linda Overby Message to Adam's Work
8	19	798-800	Online Review of Adam by Josh
9	20	801	Still Photo of Josh in Adam's face while drinking and smoking
10	21	831-842	Documents Received from LVMPD in Response to Subpoena
	22	1006-1022	Michael and Marie's Dental Records
11	23	1174-1228	Michael's Speech Therapy Records
12	24	1229-1231	Documents Received from Smoke Shop and Gifts Subpoena
13	25	1232-1359	Michael and Marie's Pediatric Records
	26	In Court's Pos.	CPS Report from June 12, 2019.
14	27	1368-1378	Josh Facebook Posts Wherein He Refers to Chalese as His Wife
15	28	1379-1380	Photo of inside Josh's Truck from September 20th Custody Exchange
16	29	1381-1412	Housing Market Research
17	30	1413-1423	Zipcodes in Nevada with Highest Highschool Graduation
18	31	1424-1426	Photos that Show Marie's Progression
	32	1802-1808	Messages between Carmen and Chalese
19	33	1869-1879	Great Schools Report for Adam's zone
	34	1880-1890	Great Schools Report for Chalese's Zone
20	35	1891-1894	Schooldigger.com Report for Adam's Zoned Elementary School
21			

1	36	1895-1898	Schooldigger.com Report for Chalese's Zoned Elementary School
2	37	1899-1900	Nevada Department of Education Report Card for the School Adam is Zoned for
3	38	1901-1902	Nevada Department of Education Report Card for the School Chalese is Zoned for
4	39	1903-1907	News Article RE: 6 students accusing teacher of inappropriate touching in school Chalese is zoned for.
5	40	1908	Josh Facebook Post Checking into the Airport on the morning of his deposition.
6	41	2079-2088	Documents Received from The Little Neon Chapel Subpoena
7	42	2327	Adam September 13, 2019 Message to Chalese RE: December Vacation Time
8	43	2337-2339	December 7, 2019 and December 6, 2019 videos
9	44	3715	Photo of Marie's Foot Injury
10	45	3749-3754	Chalese and Josh's messages to Carmen to dissuade her testimony
11	46	3757	Video of Josh During Custody Exchange after Carmen pointed out the weed and loaded pipe in his truck.
12	47	3758	Video of Michael saying Josh said he was going to 'whoop our asses'
13	48	3762	Chalese Facebook Post Regarding Interviewing Michael and Jesse
14	49	3763	Chalese Facebook Profile Photo Update
15	50	3764-3769	Chalese January 20, 2020 Facebook Posts
16	51	3770-3774	TPO Granted Against Josh January 8, 2020
17	52	3775-3782	Transcript of TPO hearing held January 8, 2020
18	53	3783-3784	Videos from December 6, 2019 incident
19	54	3785-4046	Documents Received from EDF Subpoena
20			
21			

1	55	4110	Josh's Texts to Adam on 5-12-19 and 12-11-19
2	56	4112	Video from the Late Night/Early Morning of Josh's truck still at the house after Chalese represented that he moved out.
3			
4	57	4113	February 9 video of Chalese snatching Marie
5	58	4114	Video of Michael talking about the fight at Chalese's house on March 19.
6	59	4115	Marie's Bruising on January 19, 2020
7	60	4116	Marie's Bruising on January 24, 2020
8	61	4117	Marie's Bruising on February 6, 2020
9	62	4118	Marie's Bruising on February 7, 2020
10	63	4119-4120	Marie's Bruising on February 16, 2020
11	64	4132	Creative Kids Incident Report for Marie dated April 15, 2019
12	65	4133-4134	Primary Treatment Plan for Marie dated April 23, 2019
13	66	4135	Adam's UNLV Cooperative Parenting Completion Letter
14	67	4136-4141	Extended Protective Order Issued Against Josh on April 9, 2020
15	68	4808	Chalese May 18, 2020 Facebook post
16	69	4809	Josh May 17, 2020 Facebook post
17	70	4810	Josh May 12, 2020 Facebook post
18	71	4811-4812	Cody Lloyd's May 5, 2020 Facebook post
19	72	4813	Chalese April 28, 2020 Facebook post
20	73	4814	Video of Michael saying Grownups drink beer
21	74	4815	Video of Josh recklessly driving up to Adam's house to get the kids
	75	4816	Video of Michael talking about how he "babysits sissy" when Chalese goes into the store
	76	5017	Video from Elite Investigations
	77	5136-5138	Online booking for Cookie Cutters
	78	5139-5140	Photos Showing Chalese still at home when she claimed she had left hours

1			earlier to take the kids swimming across town
2	79	5141-5143	Josh Facebook Posts To Disparage Adam and Jessica
3	80	5144-5145	Two houses for sale in Adam's school district that were similar in price to the residence Chalese purchase at the time she purchased.
4			
5	81	5146-5148	Unexplained Scratches on Marie's foot that Chaelse claimed were the result of an allergic reaction
6			
7	82	5149-5152	Josh Facebook Posts Disparaging and/or threatening Adam
8	83	5153	Josh Facebook Post of Chalese and Arielle
9	84	5154	Marie diaper rash
10	85	5155	Josh Facebook Post
11	86	5156	Marie diaper rash
12	87	5157-5158	Josh Facebook Post
13	88	5159	Marie 10/3/2019
14	89	5160	Marie 10/18/2019
15	90	5161-5162	Marie 10/29/2019
16	91	5163-5164	Michael and Marie 11/15/2019
17	92	5165	Marie 11/21/2019
18	93	5166	Marie 12/8/2019
19	94	5167	Josh Facebook post
20	95	5168-5171	Marie 12/13/2019
21	96	5172	Carmen Facebook Post
	97	5173-5181	Marie 1/19/2020
	98	5182	Michael's Hair 1/24/2020
	99	5183-5190	Marie 1/24/2020
	100	5191-5192	Marie 2/2/2020
	101	5193-5194	Marie 3/1/2020
	102	5195	Marie 3/6/2020
	103	5196	Michael 3/20/2020
	104	5197	Marie 3/29/2020
	105	5198	Michael's Back 4/15/2020
	106	5199-5200	Marie's Nails 5/26/2020
	107	5201-5204	Marie 7/5/2020
	108	5205	Marie 8/9/2020

1	109	5206	Marie 9/24/2020
	110	5207	Marie 10/11/2020
2	111	5208-5209	Marie 4/4/2021
	112	5210-5211	Marie 10/30/2019
3	113	5212	Marie's Foot 11/17/2019
	114	5213	Incident Report 11/18/2019 RE Marie
4	115	5214-5215	Marie's Nails 11/24/2019
	116	5216-5219	Marie 12/8/2019
5	117	5220-5221	Michael's Nails 12/8/2019
	118	5222	Josh's Facebook Post RE: Vince
6	119	5223-5250	Former Marital Home February 6, 2019
	120	5251	Marie 1/20/2020
7	121	5252	Marie February 6, 2020
	122	5253	Michael 2/16/2020
8	123	5254-5256	Marie 2/16/2020
	124	5257	Chalese's Facebook Post where she stayed up late with Michael after claiming he had gone to bed as an explanation why he did not answer on Facetime.
9			
10			
11	125	5258-5259	Josh's Easter 2019 Facebook Posts
	126	5260	Photo of Michael
12	127	5261	Josh Facebook post in Utah
	128	5262	Marie 6/22/2019
13	129	5263	Photo 6/28/2019
	130	5264-5267	Michael 6/28/2019
14	131	5268-5269	Marie 9/20/2019
	132	5270	Michael 9/29/2019
15	133	5271	Josh's Truck
	134	5272-5273	Marie 10/18/2019
16	135	5274-5283	School Info Pictures Sent to Chalese
	136	5284	Marie 11/1/2020 Cuts
17	137	5285-5286	Michael's Schoolwork after being with Chalese
	138	5287-5294	More Information RE: Michael's School
18			
19	139	5296	Michael's nails 3/19/2021
20	140	5297-5800	Michael's School Work after being with Chalese
	141	5304	Josh's Facebook Post
21			

1	142	5305	Chalese's Facebook Post
	143	5306-5307	Josh Facebook Posts
2	144	5309	Chalese Facebook Post
	145	5310-5311	Josh's Review of Adam Online
3	146	5312	Chalese Facebook Post
	147	5313	Josh Facebook Post
4	148	5315	Photo of Josh Jumping a quad
	149	5316	Josh Facebook Post
5	150	5317	Josh Facebook Wedding Post
	151	5318	Josh Wedding Band
6	152	5319	Josh Facebook Post Threat
	153	5320	Josh Facebook Post Regarding Burning out
7			
8	154	5321	Josh's Dad Facebook Post Regarding Hiring
	155	5322-5323	Chalese Facebook Profile Change
9	156	5324-5570, 5572, 5574, 5576,5578, 5580, 5582- 5722	Text Messages with Chalese
10			
11			
12	157	5571, 5573, 5575, 5577, 5581,	Messages from Chalese to Carmen
13	158	5579	Messages from Josh to Carmen
14	159	5723-5725	Messages from Chalese to Jessica
	160	5726	Video after picking up the kids
15	161	5727	Video of Chalese Snatching Marie
	162	5728	May 31, 2019 Chalese Picking Up
16	163	5729	May 31, 2019 Chalese Picking Up
	164	5730	June 14, 2019 Facetime
17	165	5731	June 14, 2019 Facetime
	166	5732	8/1/2019 Video
18	167	5733	7/21/2019 Video
	168	5734	
19	169	5735	12/9/2019 Video
	170	5736	12/9/2019 Late Night Video
20	171	5737	Video after pickup
	172	5738	3/12/2020 Video
21	173	5739	4/26/2020 Video

1	174	5740	4/26/2020 Video
	175	5741	12/7/2019 Video 1
2	176	5742	12/7/2019 Video 2
	177	5743	12/8/2019 Video
3	178	5744	1/30/2019 Video
	179	5745	1/30/2019 Video
4	180	5746	2/3/2019 Video
	181	5747	2/22/2020 Video
5	182	5748	Video of Michael talking about Josh and Chalese fighting
6	183	5749	Video of Michael talking about getting medicine to breath
7	184	5750	Michael Talking about Babysitting Marie in the Car
8	185	5751	Michael Sobbing because he was driven across town right before pick up to swim for a few minutes just to upset him.
9			
10	186	5752	Michael saying that Chalese told him I was trying to keep him.
11	187	5753	Michael saying the sprinklers are his shower.
12	188	5754	Michael saying be nice to Chalese and let him go back to his old school.
13	189	5755	Michael again saying Adam needs to be nice to Chalese
14	190	5756	Michael saying he wants to drink beer
15	191	5757	Pick up where Chalese refuses life jackets
16	192	5758	Michael saying he takes medicine at Chalese's house to help him breath at night
17			
18	193	5759	Marie saying Chalese said Arielle's mom is being mean
19	194	5760	Marie explaining where she learned the word "fucking"
20	195	5761	Michael discussing school when he's with Chalese and being late
21	196	5762	Michael saying he didn't wear a helmet while on an off-road vehicle

1	197	5763	Marie talking about not wearing a helmet while off-roading
2	198	5764	Marie talking about Josh smacking her
3	199	5765	Josh swearing and having contact with Jessica in front of the kids and in violation of the EPO.
4	200	5766-5767	Marie discussing drinking breast milk
5	201	Messages 0001-565	Complete AppClose messages from June 2019 through April 11, 2021.
6	202		Dr. Paglini's Custody Evaluation
7	203		Dr. O'Donohue New York Times Article May 23, 2004 "For Arbiters in Custody Battles, Wide Power and Little Scrutiny"
8	204		Dr. O'Donohue's Book "Improving the Quality of Child Custody Evaluations: A Systemic Model"
9	205		Chalese's Deposition Transcript
10	206		Josh's Deposition Transcript
11	207		Carmen's Deposition Transcript
12	208		Chalese's Responses to First RFPD
13	209		Chalese's Response to First Set of Interrogatories
14	210		Chalese Second Supplemental responses to First RFPDs
15	211		Chalese's Second Supplemental Responses to First Set of Interrogatories
16	212		Chalese's Supplemental Responses to RFPDs
17	213		Chalese's Supplemental Responses to First Interrogatories.
18	214		Chalese's Responses to Second Set of RFPDs
19	215		Chalese's Responses to Third Set of RFPDs
20	216		Chalese's Responses to Fourth Set of RFPDs
21	217	5768	Video of Marie Describing how Chalese punched Josh
	218	Texts 1-293	Screenshots of text messages between

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		Adam and Chalese with Dates.

**X. UNUSUAL ISSUES TO BE PRESENTED AT TRIAL**

**XI. LENGTH OF TRIAL**

The Court has already set aside 1 full day for custody with another half day for purposes of handling the sole property issue and/or any additional custody items if the parties cannot conclude custody on the first day.

Dated Monday, May 03, 2021.

Respectfully Submitted:

/s/ Adam M. Solinger  
Adam M. Solinger

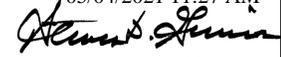
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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing *Pretrial Memorandum* was filed electronically with the Eighth Judicial District Court in the above-entitled matter, on Monday, May 03, 2021. Electronic service of the foregoing document shall be made in accordance with the Master Service List, pursuant to NEFCR 9, as follows:

Jack Fleeman, Esq.  
Alicia Exley, Esq.  
Attorneys for Defendant

/s/ Adam M. Solinger  
Adam M. Solinger

  
CLERK OF THE COURT

1 **ORDR**

2 **Jack W. Fleeman, Esq.**

3 Nevada Bar No. 10584

4 **Alicia S. Exley, Esq.**

5 Nevada Bar No. 14192

6 PECOS LAW GROUP

7 8925 South Pecos Road, Suite 14A

8 Henderson, Nevada 89074

9 Tel: (702) 388-1851

10 Fax: (702) 388-7406

11 [Jack@pecoslawgroup.com](mailto:Jack@pecoslawgroup.com)

12 [Alicia@pecoslawgroup.com](mailto:Alicia@pecoslawgroup.com)

13 Attorneys for Defendant

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

17 **Adam Michael Solinger,**

18 Plaintiff,

19 vs.

20 **Chalese Marie Solinger,**

21 Defendant.

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

23 Dept No. **P**

24 Date of Hearing: **March 30, 2021**

25 Time of Hearing: **10:00 a.m.**

26 **ORDER FROM MARCH 30, 2021 HEARING**

THIS MATTER came on for hearing before this Court on the 30<sup>th</sup> day of March, 2021 on for Plaintiff's *Motion to Modify Temporary Physical Custody Pending Trial* and Defendant's opposition thereto and *Countermotion for Sanctions and Attorney's Fees*; and Plaintiff, **Adam Michael Solinger** ("Adam"), present via BlueJeans in Proper Person; and Defendant, **Chalese Marie Solinger** ("Chalese") present via BlueJeans and represented by and through her attorneys,

1 **Jack W. Fleeman, Esq. and Alicia S. Exley, Esq.**, of PECOS LAW GROUP; and the  
2 Court being fully advised in the premises and good cause appearing, makes the  
3 following findings and orders:.

4 IT IS HEREBY ORDERED that Adam's motion to modify custody is  
5 denied and temporarily, custody will not be changed.

6 IT IS FURTHER ORDERED that Chalese's request for attorney's fees shall  
7 be deferred to the time of trial.

8 IT IS FURTHER ORDERED that Attorney Exley shall prepare the order.

9 DATED this \_\_\_\_\_ day of \_\_\_\_\_ Dated this 4th day of ~~May~~ <sup>2021</sup>

10  
11 

12 DISTRICT COURT JUDGE

13 Submitted by:  
14 PECOS LAW GROUP

As to form and content:  
FB8 064 1D56 2DDF  
Mary Perry  
District Court Judge

15  
16 /s/ Alicia S. Exley  
17 **Jack W. Fleeman, Esq.**  
Nevada Bar No. 010584  
18 **Alicia S. Exley, Esq.**  
Nevada Bar No. 014192  
19 8925 South Pecos Road, Suite 14A  
Henderson, Nevada 89074  
20 (702) 388-1851  
21 *Attorneys for Defendant*

/s/ Adam S. Solinger  
22 **Adam M. Solinger**  
7290 Sea Anchor Ct.  
23 Las Vegas, Nevada 89131  
(702) 222-4021  
24 attorneyadamsolinger@gmail.com  
25 *Plaintiff in Proper Person*

**From:** Adam S <attorneyadamsolinger@gmail.com>  
**Sent:** Friday, April 30, 2021 11:50 AM  
**To:** Angela Romero <angela@pecoslawgroup.com>  
**Cc:** arenam@clarkcountycourts.us; deptplc@clarkcountycourts.us; Jack Fleeman <Jack@pecoslawgroup.com>; Alicia Exley <alicia@pecoslawgroup.com>  
**Subject:** Re: D-19-582245-D -- Solinger v. Solinger

My sincere apologies for not getting back to OC. I agree the order is accurate as prepared.

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**CSERV**

DISTRICT COURT  
CLARK COUNTY, NEVADA

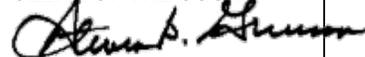
Adam Michael Solinger, Plaintiff	CASE NO: D-19-582245-D
vs.	DEPT. NO. Department P
Chalese Marie Solinger, Defendant.	

**AUTOMATED CERTIFICATE OF SERVICE**

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

Service Date: 5/4/2021

- |                 |                                |
|-----------------|--------------------------------|
| Vincent Mayo    | VMGroup@TheAbramsLawFirm.com   |
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| Angela Romero   | angela@pecoslawgroup.com       |
| admin email     | email@pecoslawgroup.com        |
| Allan Brown     | allan@pecoslawgroup.com        |
| Alicia Exley    | alicia@pecoslawgroup.com       |
| Adam Solinger   | attorneyadamsolinger@gmail.com |
| Adam Solinger   | adam@702defense.com            |
| Louis Schneider | lcsllawllc@gmail.com           |



1 **NEOJ**  
2 **Jack W. Fleeman, Esq.**  
3 Nevada Bar No. 10584  
4 **Alicia S. Exley, Esq.**  
5 Nevada Bar No. 14192  
6 **PECOS LAW GROUP**  
7 8925 South Pecos Road, Suite 14A  
8 Henderson, Nevada 89074  
9 Telephone: (702) 388-1851  
10 [Jack@pecoslawgroup.com](mailto:Jack@pecoslawgroup.com)  
11 [Alicia@pecoslawgroup.com](mailto:Alicia@pecoslawgroup.com)  
12 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. **P**

15  
16  
17 **NOTICE OF ENTRY OF ORDER**

18 TO: **Adam Michael Solinger**, Plaintiff in Proper Person:

19 **YOU WILL PLEASE TAKE NOTICE** that the “**Order from March 30,**  
20 **2021 Hearing**” was entered in the above-captioned case on the 4<sup>th</sup> day of **May,**  
21 **2021**, by filing with the clerk. A true and correct copy of said Order is attached  
22 hereto and made a part hereof.

23 **DATED** this 4<sup>th</sup> day of May 2021.

24 /s/ Alicia S. Exley, Esq.

**Alicia S. Exley, Esq.**

Nevada Bar No. 14192

8925 South Pecos Road, Suite 14A

Henderson, Nevada 89074

Attorney for Defendant

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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I hereby certify that the “**Notice of Entry of Order**” in the above-captioned case was served this date as follows:

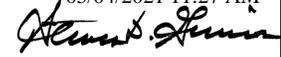
- pursuant to NEFCR 9, by mandatory electronic service through the Eighth Judicial District Court’s electronic filing system;
- by placing the same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- pursuant to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

To individual(s) listed below at the address:

Adam M. Solinger	attorneyadamsolinger@gmail.com
admin email	email@pecoslawgroup.com
Alicia Exley	alicia@pecoslawgroup.com
Jack Fleeman	jack@pecoslawgroup.com
Angela Romero	angela@pecoslawgroup.com

**DATED** this 4<sup>th</sup> day of May, 2021

/s/ Angela Romero  
An employee of PECOS LAW GROUP

  
CLERK OF THE COURT

1 **ORDER**

2 **Jack W. Fleeman, Esq.**

3 Nevada Bar No. 10584

4 **Alicia S. Exley, Esq.**

5 Nevada Bar No. 14192

6 PECOS LAW GROUP

7 8925 South Pecos Road, Suite 14A

8 Henderson, Nevada 89074

9 Tel: (702) 388-1851

10 Fax: (702) 388-7406

11 [Jack@pecoslawgroup.com](mailto:Jack@pecoslawgroup.com)

12 [Alicia@pecoslawgroup.com](mailto:Alicia@pecoslawgroup.com)

13 Attorneys for Defendant

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

17 **Adam Michael Solinger,**  
18  
19 Plaintiff,  
20  
21 vs.  
22 **Chalese Marie Solinger,**  
23  
24 Defendant.

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

Dept No. **P**

Date of Hearing: **March 30, 2021**

Time of Hearing: **10:00 a.m.**

25 **ORDER FROM MARCH 30, 2021 HEARING**

26 THIS MATTER came on for hearing before this Court on the 30<sup>th</sup> day of  
March, 2021 on for Plaintiff's *Motion to Modify Temporary Physical Custody*  
*Pending Trial* and Defendant's opposition thereto and *Countermotion for*  
*Sanctions and Attorney's Fees*; and Plaintiff, **Adam Michael Solinger** ("Adam"),  
present via BlueJeans in Proper Person; and Defendant, **Chalese Marie Solinger**  
("Chalese") present via BlueJeans and represented by and through her attorneys,

1 **Jack W. Fleeman, Esq. and Alicia S. Exley, Esq.**, of PECOS LAW GROUP; and the  
2 Court being fully advised in the premises and good cause appearing, makes the  
3 following findings and orders:.

4 IT IS HEREBY ORDERED that Adam's motion to modify custody is  
5 denied and temporarily, custody will not be changed.

6 IT IS FURTHER ORDERED that Chalese's request for attorney's fees shall  
7 be deferred to the time of trial.

8 IT IS FURTHER ORDERED that Attorney Exley shall prepare the order.

9 DATED this \_\_\_\_\_ day of \_\_\_\_\_ Dated this 4th day of ~~May~~ **2021**

10  
11 

12 DISTRICT COURT JUDGE

13 Submitted by:  
14 PECOS LAW GROUP

As to form and content:  
FB8 064 1D56 2DDF  
Mary Perry  
District Court Judge

15  
16 /s/ Alicia S. Exley  
17 **Jack W. Fleeman, Esq.**  
Nevada Bar No. 010584  
18 **Alicia S. Exley, Esq.**  
Nevada Bar No. 014192  
19 8925 South Pecos Road, Suite 14A  
Henderson, Nevada 89074  
20 (702) 388-1851  
21 *Attorneys for Defendant*

/s/ Adam S. Solinger  
22 **Adam M. Solinger**  
7290 Sea Anchor Ct.  
23 Las Vegas, Nevada 89131  
(702) 222-4021  
24 attorneyadamsolinger@gmail.com  
25 *Plaintiff in Proper Person*

**From:** Adam S <attorneyadamsolinger@gmail.com>  
**Sent:** Friday, April 30, 2021 11:50 AM  
**To:** Angela Romero <angela@pecoslawgroup.com>  
**Cc:** arenam@clarkcountycourts.us; deptplc@clarkcountycourts.us; Jack Fleeman <Jack@pecoslawgroup.com>; Alicia Exley <alicia@pecoslawgroup.com>  
**Subject:** Re: D-19-582245-D -- Solinger v. Solinger

My sincere apologies for not getting back to OC. I agree the order is accurate as prepared.

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**CSERV**

DISTRICT COURT  
CLARK COUNTY, NEVADA

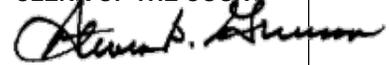
Adam Michael Solinger, Plaintiff	CASE NO: D-19-582245-D
vs.	DEPT. NO. Department P
Chalese Marie Solinger, Defendant.	

**AUTOMATED CERTIFICATE OF SERVICE**

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Service Date: 5/4/2021

- |                 |                                |
|-----------------|--------------------------------|
| Vincent Mayo    | VMGroup@TheAbramsLawFirm.com   |
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| admin email     | email@pecoslawgroup.com        |
| Allan Brown     | allan@pecoslawgroup.com        |
| Alicia Exley    | alicia@pecoslawgroup.com       |
| Adam Solinger   | attorneyadamsolinger@gmail.com |
| Adam Solinger   | adam@702defense.com            |
| Louis Schneider | lcsllawllc@gmail.com           |



1 **BRF**

2 **Jack W. Fleeman, Esq.**

3 Nevada Bar No. 10584

4 **Alicia S. Exley, Esq.**

5 Nevada Bar No. 14192

6 PECOS LAW GROUP

7 8925 South Pecos Road, Suite 14A

8 Henderson, Nevada 89074

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11 [Jack@pecoslawgroup.com](mailto:Jack@pecoslawgroup.com)

12 [Alicia@pecoslawgroup.com](mailto:Alicia@pecoslawgroup.com)

13 Attorneys for Defendant

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

17 **Adam Michael Solinger,**

18 Plaintiff,

19 vs.

20 **Chalese Marie Solinger,**

21 Defendant.

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

Dept No. **P**

Trial Dates & Times:

**May 10, 2021, 9:30 a.m.**

**June 14, 2021, 9:30 a.m.**

22 **DEFENDANT'S EDCR 7.27 TRIAL BRIEF**

23 COMES NOW the Defendant, **Chalese Solinger**, by and through her  
24 attorneys of record, **Jack W. Fleeman, Esq.** and **Alicia S. Exley, Esq.**, of PECOS  
25 LAW GROUP, and hereby submits her Trial Brief pursuant to EDCR 7.27.

26 . . .

27 . . .

28 . . .

1 **I. FACTS**

2 Chalese and Adam began dating in 2008, when Chalese was 17 years old  
3 and Adam was 19 years old. They married on May 12, 2012.<sup>1</sup> Chalese worked  
4 sporadically during the marriage, never earning more than \$25,000 per year.<sup>2</sup>  
5 Chalese was put on bedrest during her pregnancies with both Michael and Marie.<sup>3</sup>  
6

7 During the marriage, Chalese was the primary caregiver of the children.  
8 Adam was often times emotionally distant, and did not to take part in raising the  
9 children. This was the case even during periods were Chalese suffered from post-  
10 partum depression.  
11

12 The parties separated in October 2018, and Adam left the marital home. He  
13 filed his complaint for divorce in January 2019 and it is believed he moved in with  
14 his girlfriend, Jessica Sellers (“Jessica”) around the same time.<sup>4</sup> Adam’s complaint  
15 asked for primary physical custody “because upon information and belief  
16 Defendant intends to relocate to Pahrump, Nevada.”<sup>5</sup> Adam gave no other reasons  
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22  
23 <sup>1</sup> See Defendant’s *Amended Motion to Set Aside Default et al.*, filed February 7, 2019, at page 3, line 3-14.

24 <sup>2</sup> *Defendant’s Motion for Temporary Spousal Support and Preliminary Attorney’s Fees*,  
25 filed October 9, 2019, at page 2, like 3-6.

26 <sup>3</sup> *Amended Motion to Set Aside Default et al.*, filed February 7, 2019, at page 3, line 7-14.

27 <sup>4</sup> Adam testified at his deposition that he lived in an apartment in November 2018 and  
28 “moved in full-time” with Jessica around January or February 2019.

<sup>5</sup> *Complaint for Divorce*, filed January 4, 2019, at page 3, line 4-7.

1 in his complaint as to why he should have primary physical custody. Chalese  
2 decided not to relocate to Pahrump.

3  
4 Around this time, Chalese reconnected with an old friend from high school,  
5 Joshua Lloyd (“Josh”). Adam caught wind that Chalese might be seeing someone  
6 new. Chalese filed a motion in February 2019 requesting child support, spousal  
7 support, and attorney’s fees,<sup>6</sup> and Adam, in his opposition, first raised “concerns”  
8 about Chalese’s “fitness” as a parent after he suspected “some man living in the  
9 home.”<sup>7</sup>

10  
11  
12 Adam subsequently hired a private investigator to follow Chalese and Josh,<sup>8</sup>  
13 and even reached out to Josh’s ex-girlfriend to try to obtain evidence against Josh  
14 to use against Chalese in this case.<sup>9</sup>

15  
16 The parties attended their first hearing on March 29, 2019. The Court made  
17 several temporary orders during this hearing,<sup>10</sup> including awarding the parties joint  
18 legal and joint physical custody of the children, with a 4-3-3-4 timeshare;  
19 confirming a partial parenting agreement pertaining to legal custody, holidays, and  
20 vacations that the parties had agreed to at FMC; prohibiting both parties from using  
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24 <sup>6</sup> *Amended Motion to Set Aside Default et al.*, filed February 7, 2019.

25 <sup>7</sup> *Opposition to Amended Motion to Set Aside et al.*, filed February 26, 2019

26 <sup>8</sup> *Emergency Motion for a Change of Custody et al.*, filed May 14, 2019, at page 4, line 19  
27 to page 5, line 1.

28 <sup>9</sup> *Id.* at page 5, line 5 to page 6, line 6.

<sup>10</sup> *Order after Hearing of March 19, 2019*, filed May 3, 2019.

1 marijuana or alcohol during their time with the children; ordering both parties to  
2 attend the UNLV high-conflict parenting course; ordering Adam to pay \$1,990.00  
3 in child support to Chalese; deferring Chalese's claim for constructive child  
4 support arrears; ordering Adam to maintain Chalese's and the children's health  
5 insurance; ordering that the marital residence be sold, with the proceeds placed in  
6 Adam's prior counsel's trust account; and ordering that Josh was not to drive the  
7 children. The order that Josh was not to drive the children was based solely on  
8 Adam's allegations, and was not supported by any specific findings as to how that  
9 was in the children's best interests.  
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13 On April 22, 2019, a stipulation and order was filed modifying the joint  
14 physical 4-3-3-4 timeshare ordered by the Court to a 2-2-3 joint custodial  
15 timeshare, with both parties agreeing such a change was in the children's best  
16 interests. Specifically, the timeshare was to be as follows:  
17

18 Week One: Adam has the children from Monday after school through  
19 Wednesday after school/daycare. Chalese has the children from  
20 Wednesday after school/daycare through Friday after school/daycare.  
21 Adam has the children from Friday after school/daycare through  
22 Monday after school/daycare.

23 Week Two: Chalese has the children from Monday after  
24 school/daycare through Wednesday after school/daycare. Adam has  
25 the children from Wednesday after school/daycare through Friday  
26 after school/daycare. Chalese has the children from Friday after  
27 school/daycare through Monday after school/daycare.<sup>11</sup>  
28

---

<sup>11</sup> See *Stipulation and Order Modifying Timeshare* filed herein on April 22, 2019.

1 The following month, Chalese obtained employment as a children's  
2 hairstylist.<sup>12</sup> In May 2019, Adam filed an "emergency" motion to change custody,  
3 claiming Josh was a "danger" to the children due to previous traffic tickets,  
4 drinking beer, and visiting a marijuana dispensary. Adam alleged that his private  
5 investigator saw Josh driving Chalese and the children and requested that Chalese  
6 have supervised visitation.<sup>13</sup> In her opposition, Chalese explained that she had Josh  
7 drive the children because she had taken anti-anxiety medication and did not feel  
8 safe driving on that one occasion.<sup>14</sup>

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11  
12 On June 17, 2019, the Court heard Adam's motion, and based on Chalese  
13 allowing Josh to drive the children, awarded Adam temporary primary physical  
14 custody. The court then denied Adam's request for supervised visits, instead  
15 ordering that Chalese's custodial timeshare with the children would be two days  
16 per week on a rotating schedule.<sup>15</sup>

17  
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19 The parties returned to Court on August 1, 2019. At that time, Chalese was  
20 requesting \$50,000.00 in proceeds from the marital residence being sold to be used  
21 as a down payment on the new residence. The Court noted there were \$168,000.00  
22

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<sup>12</sup> *General Financial Disclosure Form*, filed July 15, 2019.

26 <sup>13</sup> *Emergency Motion for a Change of Custody et al.*, filed May 14, 2019.

27 <sup>14</sup> *Opposition to Plaintiff's Emergency Motion for a Change of Custody et al.*, filed May 28,  
2019, at page 4, line 9-14.

28 <sup>15</sup> *Order after Hearing of June 17, 2019*, filed August 21, 2019.

1 in proceeds, and ordered each party would receive \$36,000.00, leaving roughly  
2 \$96,000.00 in remaining proceeds.<sup>16</sup>  
3

4 After this hearing, Chalese's substituted Bruce Shapiro, Esq. for her prior  
5 counsel, Louis Schneider, Esq.<sup>17</sup> Upon retaining new counsel, it was discovered  
6 that Mr. Schneider had, essentially, failed to make any preparations for trial in this  
7 case, including issuing discovery requests to Adam or taking any depositions.<sup>18</sup>  
8 Chalese's new counsel substituted in at the end of August 2019. They then reached  
9 out to Adam's prior counsel, Mr. Mayo, pertaining to continuing the October 9,  
10 2019 trial, but Mr. Mayo stated he would not stipulate to continue the trial.<sup>19</sup>  
11 Chalese was forced to file a motion to continue. On September 6, 2019, the motion  
12 was heard, and counsel stipulated to keeping the trial dates on and instead extended  
13 the discovery deadlines.<sup>20</sup>  
14  
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16

17 On September 16, 2019, Chalese's counsel took Adam's deposition. At his  
18 deposition, Adam testified that he believed Chalese should be limited to supervised  
19 visitation with the children for roughly four hours per week.<sup>21</sup> Adam said he  
20  
21

---

22 <sup>16</sup> *Order after Hearing of August 1, 2019*, filed October 4, 2019.

23 <sup>17</sup> *Substitution of Attorneys*, filed August 28, 2019.

24 <sup>18</sup> *Defendant's Motion to Continue Trial et al.*, filed August 28, 2019, at page 2, line 2-11  
25 and page 3, line 8-11.

26 <sup>19</sup> *Id.* at page 3, line 17 to page 4, line 1.

27 <sup>20</sup> *Order after Hearing of September 6, 2019*, filed November 22, 2019.

28 <sup>21</sup> *Exhibits to Defendant's Motion for a Custody Evaluation, Attorney's Fees, and Related Relief* at exhibit A, page 50.

1 believed it was in the children's best interests to spend more time with his  
2 girlfriend than with Chalese, and that he did not believe Chalese even loves the  
3 children.<sup>22</sup> Adam claimed that Chalese had an undiagnosed mental health condition  
4 and testified that there was nothing she could do that would make him comfortable  
5 with Chalese having joint physical custody.<sup>23</sup>  
6

7  
8 After deposing Adam, it became clear that more discovery was going to be  
9 needed, so Chalese re-noticed her motion to continue trial.<sup>24</sup> The Court granted the  
10 motion, continuing trial to January 2020.<sup>25</sup> At this hearing, the Court also  
11 suspended Adam's previously ordered family support.  
12

13 On October 9, 2019, the Court heard Mr. Schneider's motion to adjudicate  
14 the attorney's lien he had filed against Chalese. Chalese had opposed this motion,  
15 noting that Mr. Schneider had not filed a proper *Brunzell* affidavit, that many of  
16 Mr. Schneider's billing entries were unreasonable, that Chalese paid \$5,000 to be  
17 used as expert witness fees, even though no expert had ever been paid, and that  
18 Chalese had never received a billing statement.<sup>26</sup> The Court awarded Mr.  
19 Schneider \$10,875.00 but deferred execution of the same pending trial. Despite the  
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22

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23 <sup>22</sup> See *Id.* at exhibit A, page 52.

24 <sup>23</sup> See *Id.* at exhibit A, page 53.

25 <sup>24</sup> *Re-Notice of Hearing for Defendant's Motion to Continue Trial et al. and Ex Parte*  
26 *Motion for Order Shortening Time*, filed September 30, 2019.

27 <sup>25</sup> *Order after Hearing of October 3, 2019*, filed December 12, 2019.

28 <sup>26</sup> *Opposition to Louis C. Schneider's Motion to Adjudicate Attorney's Lien*, filed  
September 13, 2019.

1 fact that this hearing occurred on October 9, 2019, Mr. Schneider did not file the  
2 order until August 2020.<sup>27</sup>

3  
4 Chalese subsequently filed a motion for temporary spousal support and  
5 preliminary attorney's fees pursuant to *Sargeant*.<sup>28</sup> In November 2019, Chalese  
6 also moved for a child custody evaluation based on Adam's allegations about her  
7 mental health.<sup>29</sup> This was granted by the Court in December 2019, and the Court  
8 ordered Adam to pay temporary spousal support of \$1,125.00 per month, which  
9 took into account Chalese's temporary child support obligation as well. As a result  
10 of the custody evaluation, trial was continued until June 2020.<sup>30</sup>

11  
12  
13 Adam never paid the court ordered support, but instead filed a motion for  
14 reconsideration,<sup>31</sup> which was heard in February 2020. The Court affirmed its  
15 decision for a custody evaluation.<sup>32</sup> Then, at the hearing, and for the first time,  
16 Adam represented he voluntarily took a new job at a salary of \$35,000 less than his  
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19  
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21 <sup>27</sup> *Order from the Hearing Held October 9, 2019*, filed August 19, 2020. Chalese filed an  
22 appeal of this order, but it was dismissed because the order awarding fees was not a final  
23 judgment due to the ongoing divorce action.

24 <sup>28</sup> *Defendant's Motion for Temporary Spousal Support and Preliminary Attorney's Fees*,  
25 filed October 9, 2019.

26 <sup>29</sup> *Defendant's Motion for a Custody Evaluation et al.*, filed November 15, 2019.

27 <sup>30</sup> *Order from December 9, 2019 Hearing* filed February 6, 2020.

28 <sup>31</sup> *Motion for Reconsideration of the Court's December 9, 2019 Decision et al.*, filed  
December 27, 2019.

<sup>32</sup> *Order after Hearing of February 26, 2020*, filed May 13, 2020.

1 previous job.<sup>33</sup> Due solely to the voluntary decrease in income, the Court decreased  
2 Adam's spousal support obligation and ordered Adam to enroll Chalese and the  
3 children into his new health insurance plan, which Adam represented was less  
4 expensive and better insurance than the plan the parties had previously.<sup>34</sup>  
5

6 In March 2020, without any evidence, Adam accused Chalese of exposing  
7 the children to COVID-19 and decided to withhold the children. He then  
8 immediately filed a motion requesting sole custody of the children.<sup>35</sup>  
9

10 Due to Adam withholding the children, from the end of March 2020 until  
11 May 8, 2020, Chalese had the children for only approximately 24 hours.<sup>36</sup> In the  
12 later part of April, the withholding was no longer due to Adam's false claim that  
13 Chalese would expose the children to COVID, but was instead because the  
14 children had become sick in Adam's care. On April 22, 2020, Adam told Chalese  
15 that Marie developed a fever. He claimed the doctor instructed him to keep Marie  
16 in quarantine for at least the next week. Adam did not include Chalese on the call  
17 with Marie's doctor, nor did he provide any documentation to verify this  
18 representation.<sup>37</sup> Michael subsequently came down with a fever.<sup>38</sup>  
19  
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23 <sup>33</sup> See *Id.* at page 3, line 9-10.  
24

25 <sup>34</sup> See *Id.* at page 2, line 7-9 and page 6, line 4-9.  
26

27 <sup>35</sup> *Motion for a Change of Custody Based on Defendant's Endangerment of the Minor*  
28 *Children et al.*, filed March 31, 2020, and Chalese's opposition to the same, filed April 2, 2020.

<sup>36</sup> *Opposition to Motion for an Order to Permit Plaintiff to Retain the Sick Minor Children*  
et al., filed April 28, 2020, at page 5, line 8-16 and page 8, line 9-16.

<sup>37</sup> *Id.* at page 8, line 19 to page 11, line 14.

1           Though Chalese had spent less than 24 hours with the children that entire  
2 month, Adam blamed Chalese for Marie getting sick.<sup>39</sup> Then, even though he did  
3 not obtain a COVID-19 test for either child, Adam decided the children should  
4 both quarantine with him.<sup>40</sup>

5  
6           Per the CDC guidelines, the children could have been released to Chalese on  
7 April 30, 2020. Adam, however, refused to release the children to Chalese because  
8 he then claimed she violated the Governor’s directives by going for a walk outside.  
9 As a result, Adam continued to withhold the children until May 8, 2020.<sup>41</sup>

10  
11  
12           In the meantime, despite the Court’s specific and direct orders to do so,  
13 Adam refused to enroll Chalese on his new health insurance plan.<sup>42</sup> As Chalese  
14 was not working due to the pandemic, and her employer did not offer health  
15 insurance anyway, Chalese was forced to enroll in Medicaid.<sup>43</sup>

16  
17           On June 1, 2020, the Court heard Adam’s motion to retain the sick children  
18 and Chalese’s countermotion for make-up visitation time. The Court found that  
19 four days of compensatory time were “on the table” for Chalese and awarded her  
20

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21  
22 <sup>38</sup> *Id.* at page 11, line 15-16.

23 <sup>39</sup> *Motion for an Order to Permit Plaintiff to Retain the Sick Minor Children et al.*, filed  
24 April 26, 2020 at page 7, line 18 to page 8, line 5.

25 <sup>40</sup> *Id.* at page 4, line 8-11 and page 8, line 16-18.

26 <sup>41</sup> *Defendant’s Motion for an Order to Show Cause et al.*, filed May 22, 2020, at page 4,  
27 line 15 to page 5, line 11.

28 <sup>42</sup> *Id.* at page 4, line 10-14.

<sup>43</sup> *Id.* at page 6, line 12-14.

1 two days of time, with the other two days reserved for trial.<sup>44</sup> By that hearing date,  
2 the Court still planned to begin trial on June 30, 2020, though Dr. Paglini had not  
3 yet provided his evaluation report.  
4

5 On June 17, 2020, the JEA to Judge Moss emailed counsel and stated that  
6 trial would not go forward. The JEA stated that other trials had been continued due  
7 to COVID-19, and that Judge Moss wanted to prioritize the trials she had already  
8 started.<sup>45</sup> Despite the court clearly stating that it was continuing the trial *sua*  
9 *sponte*, two days later, Adam filed a motion accusing Chalese of being  
10 “purposefully dilatory” in completing her portions of Dr. Paglini’s evaluation and  
11 argued trial should go forward, insinuating that it was Chalese’s “fault” that the  
12 June 30, 2020 trial date could not go forward.<sup>46</sup>  
13  
14  
15

16 At the June 30, 2020 hearing, the Court re-set trial to August 2020.<sup>47</sup>  
17 Unfortunately, trial had to be continued again.<sup>48</sup> By July 29, 2020, Dr. Paglini’s  
18 report had not yet been completed or provided to counsel, forcing Chalese to move  
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21

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22 <sup>44</sup> *Order from June 1, 2020 Hearing*, filed July 6, 2020.

23 <sup>45</sup> *Exhibits to Opposition to Motion to Address Upcoming Trial Date et al.*, filed June 26,  
24 2020, at exhibit A.

25 <sup>46</sup> *Motion to Address Upcoming Trial Date and Findings in Regard to Chalese’s Refusal to*  
26 *Timely Facilitate the Completion of the Child Custody Evaluation*, filed June 19, 2020.

27 <sup>47</sup> *Order from June 30, 2020 Hearing*, filed September 10, 2020.

28 <sup>48</sup> Chalese was very late in her pregnancy with her youngest child and was suffering from  
medical complications, as she had in all of her prior pregnancies.

1 to continue trial.<sup>49</sup> On August 10, 2020, the Court signed an order to continue the  
2 trial until March and April 2021.<sup>50</sup>

3  
4 Adam's counsel subsequently withdrew from the case,<sup>51</sup> and Dr. Paglini  
5 prepared his custody evaluation, which was provided to counsel in early September  
6 2020. Chalese had some trouble finding a rebuttal expert, but eventually was able  
7 to retain Dr. William O'Donohue from Reno to prepare a rebuttal expert report to  
8 Dr. Paglini's report.

9  
10 Adam, however, objected to Chalese's counsel's release of Dr. Paglini's  
11 custody evaluation to any third parties, including a rebuttal expert, despite the rule  
12 specifically allowing for the same, and despite the court's management order  
13 which specifically provided for a rebuttal report. This required Chalese filing a  
14 motion.<sup>52</sup>

15  
16  
17 Additionally, Adam, now in proper person, filed a motion to change the  
18 written order from the June 30, 2020 hearing, which was prepared by Chalese's  
19 counsel.<sup>53</sup> At the June 30, 2020 hearing, despite it not being in the motion on  
20 calendar, Adam claimed that Chalese was somehow "medicating" the children to  
21

22  
23  
24 <sup>49</sup> *Defendant's Motion to Continue Trial (Second Request)*, filed July 29, 2020.

25 <sup>50</sup> *Order to Continue Trial*, filed August 10, 2020.

26 <sup>51</sup> *Stipulation and Order to Withdraw*, filed July 21, 2020.

27 <sup>52</sup> *Motion for Clarification and Modification of Court Release Regarding Custody*  
28 *Evaluation et al.*, filed October 7, 2020.

<sup>53</sup> *Motion to Clarify the Court's June 30<sup>th</sup> Order After Hearing*, filed October 7, 2020.

1 get them to sleep at night.<sup>54</sup> Chalese explained that she was giving them elderberry  
2 syrup to boost their immune system. The Court ordered that Chalese provide a  
3 photograph of the elderberry syrup to Adam. The June 30, 2020 hearing, however,  
4 lasted around two and a half hours, and Chalese had to leave to go to a doctor's  
5 appointment prior to the conclusion of the hearing.<sup>55</sup> This was noted by the judge,  
6 who accepted that Chalese had to leave the hearing as it was in progress.  
7  
8

9 The June 30, 2020 written order stated that Chalese would "provide a picture  
10 of the Elderberry Syrup to Adam no later than the end of the day on June 30,  
11 2020."<sup>56</sup> After her doctor's appointment, Chalese sent Adam a picture of the  
12 elderberry syrup she gives to the children. Adam was not happy that Chalese, who  
13 was at her doctor's when the hearing ended, did not send him the picture  
14 "immediately" after the hearing. And so he filed a motion arguing that the June  
15 30, 2020 order should have said that Chalese was to provide a picture of the  
16 elderberry syrup to Adam "immediately."<sup>57</sup> In her opposition, Chalese pointed out  
17 that the Court was aware that Chalese had a doctor's appointment that day, and  
18 questioned what purpose Adam's clarification would serve.<sup>58</sup> Counsel also pointed  
19  
20  
21  
22

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23  
24 <sup>54</sup> *Opposition to Plaintiff's Motion to Clarify Court's June 30<sup>th</sup> Order After Hearing*, filed  
October 20, 2020.

25 <sup>55</sup> *Id.*

26 <sup>56</sup> *Order from June 30, 2020 Hearing*, filed September 10, 2020 at page 2, line 7-8.

27 <sup>57</sup> *Motion to Clarify the Court's June 30<sup>th</sup> Order After Hearing*, filed October 7, 2020.

28 <sup>58</sup> *Opposition to Plaintiff's Motion to Clarify Court's June 30<sup>th</sup> Order After Hearing*, filed  
October 20, 2020.

1 out to the court that rather than try to reasonably settle the issue, Adam’s response  
2 to Mr. Fleeman advising him that the motion seemed frivolous, was for Adam to  
3 make a comment, via email, that he would not listen to Mr. Fleeman’s analysis on  
4 frivolousness since Mr. Fleeman had filed an election complaint, completely  
5 unrelated to this case, that Adam believed was frivolous.  
6

7  
8 On November 10, 2020, the Court issued a minute order denying Adam’s  
9 motion, stating that even if the Court had stated “immediately” at the hearing, it  
10 was aware that Chalese had a doctor’s appointment, so it would have been  
11 reasonable for Chalese to send Adam the photograph later that day.<sup>59</sup>  
12

13 In December 2020, Adam filed a motion to terminate his temporary spousal  
14 support obligation.<sup>60</sup> His obligation was lowered on February 18, 2021, and trial  
15 was set for May 10, 2021 and June 14, 2021.<sup>61</sup>  
16

17 In March 2021, Adam filed a motion to modify temporary custody pending  
18 trial after he alleged Chalese did virtual learning with Michael instead of in-person  
19 school for a total of two days. In his motion, on the eve of this trial, and as he had  
20 done repeatedly throughout the case, Adam asked that Chalese’s custodial time be  
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22  
23  
24  
25

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26 <sup>59</sup> Minute Order filed November 10, 2020.

27 <sup>60</sup> *Motion to Terminate Temporary Spousal Support*, filed December 14, 2020.

28 <sup>61</sup> *Order from February 18, 2021 Hearing*, filed March 9, 2021.

1 greatly reduced pending trial.<sup>62</sup> The Court denied his motion, and deferred  
2 Chalese’s request for fees to trial.

3  
4 Adam subsequently objected to Dr. O’Donohue appearing virtually for trial,  
5 despite the current administrative orders allowing for virtual trial appearances.  
6 This unreasonable position required Chalese to file yet another motion.<sup>63</sup> On April  
7  
8 30, 2021, the Court denied Adam’s objection and ordered that Dr. O’Donohue, as  
9 well as Dr. Paglini, would be allowed to appear virtually for the May 10, 2021 trial  
10 date.

## 11 **II. ISSUES & ANALYSIS**

### 12 **A. LEGAL CUSTODY**

13  
14 Legal custody “involves having basic legal responsibility for a child and  
15 making major decisions regarding the child, including the child’s health, education,  
16 and religious upbringing.” *Rivero v. Rivero*, 125 Nev. 410, 420, 216 P.3d 213, 221  
17 (2009) (citing *Mack v. Ashlock*, 112 Nev. 1062, 921 P.2d 1258 (1996)). Joint legal  
18 custody “vests this right with both parents.” *Id.*

19  
20 NRS 125C.002 states:

21  
22 1. When a court is making a determination regarding the legal custody  
23 of a child, there is a presumption, affecting the burden of proof, that  
24 joint legal custody would be in the best interest of a minor child if:

25 (a) The parents have agreed to an award of joint legal custody or so  
26 agree in open court at a hearing for the purpose of determining the  
27 legal custody of the minor child; or

28  
<sup>62</sup> *Motion to Modify Temporary Physical Custody Pending Trial*, filed March 18, 2021.

<sup>63</sup> *Emergency Motion to Allow Witness to Appear Virtually*, filed April 22, 2021.

1 (b) A parent has demonstrated, or has attempted to demonstrate but  
2 has had his or her efforts frustrated by the other parent, an intent to  
3 establish a meaningful relationship with the minor child.

4 Adam acknowledged in his divorce complaint that the parties should be  
5 granted “joint legal care, custody, and control” of the children. Additionally, the  
6 parties reached a “Partial Parenting Agreement” at FMC regarding legal custody,  
7 holidays, and vacations, which was supposed to be attached to the March 19, 2019  
8 order,<sup>64</sup> though it does not appear to be attached. The Partial Parenting Plan  
9 provided that the parties would have joint legal custody of the children relating to  
10 “education and religious decisions” but that the parties had not been able to reach  
11 an agreement as to legal custody “regarding medical decisions.”  
12  
13

14 Chalese will show, through evidence and testimony, that prior to the parties’  
15 separation, Adam had never taken either child to the doctor or dentist without  
16 Chalese, and that these types of appointments were predominantly Chalese’s  
17 responsibility during the marriage. It appears, based upon the children’s medical  
18 records, that Adam has usually been accompanied by the “step-mom” (presumably,  
19 Adam’s girlfriend) at the children’s appointments since separation.  
20  
21

22 Adam is apparently now requesting sole legal custody of the children, per  
23 his pre-trial memorandum. The parties have had temporary joint legal custody of  
24 the children since the March 19, 2019 hearing.<sup>65</sup> Chalese contends that she has  
25  
26

27 \_\_\_\_\_  
28 <sup>64</sup> See at page 6, line 7-10.

<sup>65</sup> Order After Hearing of March 19, 2019, filed May 3, 2019.

1 demonstrated a meaningful attempt to establish meaningful relationships with her  
2 children and that there are no extenuating factors that should prevent her from  
3 having joint legal custody of both children. The parties should continue to share  
4 joint legal custody of the children.  
5

6 Adam's request for sole legal custody, which would deprive Chalese of her  
7 constitutional rights to their children, clearly demonstrates that Adam does not  
8 have the children's best interests in mind. Adam is obsessed with controlling  
9 Chalese through the children, and his actions in this case demonstrate that he is  
10 motivated by that, rather than the children's interests.  
11

### 12 **B. PHYSICAL CUSTODY**

13 The State of Nevada has a preference of joint physical custody where a  
14 parent has demonstrated an intent to establish a meaningful relationship with the  
15 minor child. *See* NRS 125C.0025. The State of Nevada also has a presumption  
16 that an "award of joint physical custody is presumed not to be in the best interest of  
17 a child if," among other things, there is "substantial evidence that a parent is  
18 unable to adequately care for a minor child for at least 146 days of the year." *See*  
19 NRS 125C.003(1)(a).  
20

21 Chalese contends, again, that she has demonstrated an intent to establish a  
22 meaningful relationship with her children and that she is able to care for the  
23 children at least 146 days of the year.  
24

25 In all cases, when "determining the physical custody of a minor child, *the*  
26 *sole consideration is the best interest of the child.*" NRS 125C.0035(4) sets forth  
27  
28

1 11 best interest factors the court *must* consider. The evidence in this case, with  
2 respect to each best interest factor, is as follows:

3  
4 (a) *The wishes of the child if the child is of sufficient age and capacity to form*  
5 *an intelligent preference as to his or her physical custody.*

6 The evidence will show that the children, who are five and three years old  
7 respectively, are not of suitable age or capacity to form an intelligent preference in  
8 this case.

9  
10 (b) *Any nomination of a guardian for the child by a parent.*

11 This factor is not applicable.

12 (c) *Which parent is more likely to allow the child to have frequent associations*  
13 *and a continuing relationship with the noncustodial parent.*

14 The evidence and testimony will show that Adam is not interested in the  
15 children having frequent associations and a continuing relationship with Chalese.  
16 Adam testified at his deposition that he thought it was in the children's best  
17 interests to spend more time with his girlfriend than with Chalese. He also testified  
18 he did not believe that Chalese loves her children, and that he believed, at the time,  
19 that her custodial time with the children should be limited to two supervised visits  
20 per week for two hours per visit. Adam is now seeking to limit Chalese to only  
21 four days per month, or every other weekend. There is no basis for this, except  
22 that Adam wants to "win" and he wants control. This, again, is further exemplified  
23 in Adam's request for sole legal custody, which is a clear effort to harm Chalese's  
24 relationship to the children.  
25  
26  
27  
28

1            (d) The level of conflict between the parents.

2            There has been significant conflict between the parents during the litigation,  
3  
4 as is apparent by the sheer length of this case and volume of pleadings. Adam has  
5 not acted in any way to lower this conflict, and has in fact stoked the flames.

6            Adam had a serious double standard when it came to the children being in  
7 daycare. AppClose messages show that Adam repeatedly told Chalese that the  
8 children needed to go to daycare every day, even if Chalese had off work. Adam,  
9 however, told Chalese that he would pick the children up from daycare early if he  
10 was able to do so.  
11

12            AppClose messages will show that Adam was upset that Chalese picked the  
13 children up from daycare at 3:38 p.m. (as opposed to 6:00 p.m.) and actually told  
14 her “bring them back to me now so that I can enjoy the rest of my time with them.”  
15 It appears Adam wanted Chalese to drop the children off to him around 4:00 p.m.  
16 and pick them back up around 6:00 p.m.  
17  
18

19            There are also AppClose messages showing that Adam refused to give  
20 Chalese the gate code to his neighborhood so that Chalese could pick up the  
21 children, instead forcing Chalese to call his girlfriend to be buzzed in. Adam has  
22 also, in the past, forced Chalese to call his girlfriend to speak to the children during  
23 her scheduled time, telling her he was not home so that she would need to call  
24 Jessica to speak to the children. On one of these occasions, Chalese had asked  
25 Adam if the children could go to dinner with Chalese and their maternal  
26  
27  
28

1 grandmother, who was visiting. Adam said no because he “already had plans.”  
2 When Chalese called for the children on one of the days she asked for an hour of  
3 extra time with the children and her mother, she learned that Adam was not even  
4 home and that the children were with Jessica.  
5

6 Jessica has been a particular point of contention between the parties. Per  
7 AppClose messages, Chalese asked that Jessica be kept out of child exchanges in  
8 February 2020. In response, Adam told Chalese that the children “love” Jessica  
9 and that she is “amazing” to the children. Chalese agrees that the children do have  
10 a good relationship with Jessica, but it is a fact that Jessica has no respect for  
11 Chalese as a parent, just like Adam.  
12  
13

14 Though Chalese recognizes that early in this case, she was emotional and did  
15 and said some things she now regrets, she has made an attempt to improve her co-  
16 parenting with Adam. There were instances wherein the children were in danger or  
17 injured in Adam’s care, including when Adam got into a car accident with Michael  
18 in the car, when Michael broke his arm in Adam’s care, and when Marie came  
19 home with bruises and said Jessica hit her. Chalese discussed these issues with  
20 Adam and did not file a motion for sole custody, call CPS, or accuse Adam of  
21 somehow abusing or intentionally harming the children.  
22  
23

24 Adam, however, will frequently assume the worst when it comes to Chalese.  
25 As explained above, he accused Chalese of “drugging” the children and when she  
26 explained she gave them elderberry syrup, he demanded a photograph of the bottle.  
27  
28

1 That occasion was not a “one off” either. On at least one other occasion Adam  
2 said he was worried about Chalese “drugging” the children when Marie told him  
3  
4 mom gave her medicine for her stomach. When Adam asked Chalese what she  
5 gave Marie, Chalese explained it was fruit juice to help her go to the bathroom.  
6 Adam refused to believe that and kept hounding Chalese to give answers and  
7  
8 claimed that she was lying.

9 (e) The ability of the parents to cooperate to meet the needs of the child.

10 Adam does not often feel the need to cooperate with Chalese in parenting  
11 decisions, electing instead to make his own decisions. Adam will likely blame  
12 Chalese at trial for the issues regarding Marie’s teeth, when the records show that  
13 Adam was hesitant to have the procedure done and wanted a second opinion.  
14

15  
16 When Chalese asked Adam to keep Marie in a rear-facing careat until the  
17 age of two, Adam said no. On another occasion, Chalese asked Adam if she could  
18 pick the children up early from daycare, because she was off work. Adam told her  
19 no because he believed they were “safe” at daycare, implying he did not believe  
20 the children were “safe” in her care.  
21

22 There was also prior confusion about the Right of First Refusal in this case.  
23 At the June 17, 2019 hearing, the Court stated, on the record, “You must give Dad  
24  
25  
26  
27  
28

1 first rights and vice versa.”<sup>66</sup> When the order on that hearing was drafted (by  
2 Adam’s counsel), it stated only, “Father shall have first right of refusal.”<sup>67</sup>  
3

4 Adam has tried to assert the Right of First Refusal against Chalese in this  
5 case but it appears from AppClose messages that Adam has not offered the  
6 children to Chalese when he is unavailable. Instead he leaves them with Jessica or  
7 unknown third parties. Chalese fears that Adam wants to “replace” her with  
8 Jessica as the children’s mother. And Adam’s deposition testimony supports that  
9 fear.  
10

11  
12 *(f) The mental and physical health of the parents.*

13 Adam testified at his deposition that Chalese has some sort of mental health  
14 issues. While Chalese has experienced some trauma related to childbirth and  
15 general anxiety, Chalese is healthy enough to care for the children. Chalese also  
16 denies any allegations that she has a “drug problem” due to past marijuana use or  
17 that she has any issues with alcohol.  
18

19  
20 Chalese would note, in response to Adam’s predicted allegations against  
21 Chalese, that Adam also admitted to using marijuana during his deposition and, per  
22 his bank statements, has made many purchases at liquor stores and bars since the  
23 parties’ separation. Chalese believes both parties are mentally and physically fit to  
24 have joint custody of the children.  
25

26  
27 <sup>66</sup> June 17, 2019 Hearing Video at Time Index 12:18:48.

28 <sup>67</sup> *Order after Hearing of June 17, 2019*, filed August 21, 2019, at page 4, line 19. Present  
counsel was not in the case at that time.

1            (g) The physical, developmental and emotional needs of the child.

2            Michael has some issues with his speech but, generally, the children have  
3 typical needs for their ages. Chalese strongly believes, despite what Adam seems  
4 to think, that the children need both of their parents.  
5

6            It is expected that Adam will also make claims that Chalese has abdicated  
7 her parenting responsibilities when it comes to Michael's speech. However, the  
8 testimony will show that prior to the parties' separation, Chalese was primarily, if  
9 not solely, responsible for Michael's speech sessions. It was only after Adam  
10 sought primary physical custody, which was after he was ordered to pay support  
11 under the parties' agreed upon joint physical custody arrangement, that Adam  
12 became involved in the speech.  
13  
14

15            Ironically, it has been Adam's post-separation involvement in the speech  
16 sessions that has pushed Chalese away. Chalese has anxiety that is exacerbated by  
17 how Adam treats her. Adam is very demeaning, controlling, and manipulative.  
18 Adam is an attorney, and he knows that what he writes will be before this court.  
19 As a result, he has been fairly careful in how he demeans Chalese. Rather than call  
20 her names directly, he repeatedly and routinely claims that she is a danger to the  
21 children, that she is a criminal, and that she is a liar. Adam has also repeatedly  
22 filed motions seeking to take away Chalese's rights and her time with the children.  
23  
24  
25

26            Rather than subject herself to the constant berating, Chalese has chosen,  
27 while this case is going on, to let Adam handle the speech and other matters. She  
28

1 knows that Adam does not wish to harm the children, and she does not see the  
2 benefit of constantly battling him when it simply increases her anxiety. Adam  
3 likely knows the significant impact he has on Chalese through his conduct, and he  
4 has attempted to use it to his advantage so he can continue with his false claim that  
5 Chalese is mentally ill and incapable of even having legal custody.  
6

7  
8 *(h) The nature of the relationship of the child with each parent.*

9 The children are close with both parents. However, it should be noted that  
10 prior to the parties' separation, Chalese was the primary caregiver, with Adam  
11 often requiring breaks from them so that he could focus on work or studying.  
12

13 It has only been since Adam moved in with Jessica, which appears to  
14 coincide with his first demands for primary physical custody in this case, that  
15 Adam started to show any real interest in being an involved parent. Upon  
16 information and belief, this is because Adam was then able to rely on Jessica as a  
17 surrogate mother to the children. Adam's deposition supports this, as he testified  
18 that he believed the children are better off spending more time with Jessica than  
19 Chalese.  
20  
21

22  
23 *(i) The ability of the child to maintain a relationship with any sibling.*

24 Chalese has another child who will be 1 year old in August. Since that time,  
25 the parties' children have established a strong bond with that child.<sup>68</sup> Despite this  
26  
27

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28 <sup>68</sup> They are also very close to Josh's two children, one of whom lives with Josh and Chalese full-time.

1 bond, Adam seeks to reduce the children's time with their sibling in half. Adam is  
2 unconcerned with this because his focus is on him, not the children.

3  
4 *(j) Any history of parental abuse or neglect of the child or a sibling of the child.*

5 This is not a factor in this case. Adam may allege that Chalse has been  
6 "neglectful" of the children or that she is unable to properly care for the children  
7 for a number of reasons, all of which are false. All CPS investigations, which  
8 Adam or his agents have initiated, have been substantiated.

9  
10 As for the allegations of Chalse driving recklessly, there are serious issues  
11 with the credibility of the private investigator who allegedly witnessed this, which  
12 will likely be discussed at trial. Moreover, Chalse has not been in one accident  
13 since this case began. The same cannot be said for Adam, who was in an accident  
14 with one of the children.<sup>69</sup>

15  
16  
17 The schooling issue was briefed before the Court. Chalse had Michael  
18 attend school virtually for two days because she had a transportation issue. This  
19 virtual appearance for two days was approved by the school.

20  
21 As for Pre-K, AppClose messages and daycare records will show that Adam  
22 routinely took the children out of daycare early. Adam believed it was okay for  
23 him to keep the children out of daycare when he was available, but not for Chalse  
24 to do the same.

25  
26  
27  
28 <sup>69</sup> Again, Chalse does not blame Adam for the accident. But she points it out to show the hypocrisy that Adam displays when it comes to parenting. Adam will never admit any fault, and Chalse in Adam's eyes is a dangerous liar.

1 Adam had Chalese followed and drug tested for months. Despite all of this,  
2 the Court has not restricted Chalese's time to less than two days per week and there  
3 is no evidence that Chalese has issues with drugs, alcohol, or domestic violence.  
4 Chalese also believes that Adam interrogates the children and asks them questions  
5 over and over again until he gets the answer he wants on film. This belief is  
6 supported by the numerous videos Adam has produced in this case. She believes  
7 this practice is harmful to the children – certainly more harmful to them than  
8 Adam's allegation that Chalese used marijuana nearly a year ago, or his allegation  
9 that Josh drinks beer on occasion.  
10  
11  
12

13 (k) Whether either parent or any other person seeking physical custody has  
14 engaged in an act of domestic violence against the child, a parent of the  
15 child or any other person residing with the child.

16 This is not a factor in this case.

17 (l) Whether either parent or any other person seeking physical custody has  
18 committed any act of abduction against the child or any other child.

19 Adam has withheld the children from Chalese during her custodial time, but  
20 neither party has ever “abducted” the children.  
21

22 In conclusion, Chalese believes the factors all support an award of joint  
23 physical custody. Adam makes a lot of allegations against Chalese in his pre-trial  
24 memorandum, but the bottom line is that he is requesting every other weekend. If  
25 Adam truly believed that Chalese was a danger to the children, logic would dictate  
26 that he would be moving for some sort of supervised visitation or other  
27  
28

1 arrangement. Adam likely understands that is not something the court would ever  
2 grant, so he is trying to reduce Chalese's time as much as he can.  
3

4 This case has been pending for over two years at this point. Over that two  
5 years, no CPS allegations have been substantiated. Chalese has not been arrested  
6 for anything. She has not received a DUI. The only significant injury to either  
7 child, Michael's broken arm, occurred while he was in *Adam's* care. As for Dr.  
8 Paglini's report, there are numerous issues with the report, which will undoubtedly  
9 be brought up at trial.  
10

11  
12 It is worth noting that although Dr. Paglini's report is problematic, for  
13 reasons that will be addressed at trial, even he did not find that Chalese was any  
14 sort of a danger to the children. In fact, he recommended that she have two days  
15 per week – something that Adam will never accept.<sup>70</sup> Thus, there is simply no  
16 evidence that Chalese is unfit to have joint physical custody of the children.  
17

18  
19 Chalese therefore requests that the Court award the parties joint physical  
20 custody of the children. Then, due to the contentious nature of this case and the  
21 past issues between the parties and each other's significant others, Chalese believes  
22 that a week-on/week-off schedule would be in the children's best interests, as it  
23 would minimize the number of child exchanges required. Alternatively, Chalese  
24  
25

---

26  
27 <sup>70</sup> This is something the court should consider in its final decision on custody. Neither party  
28 is arguing in favor of Dr. Paglini's recommendations. As such, the court should disregard them,  
and only consider in the report what is directly applicable to the children's best interests, in light  
of Dr. Paglini's potential biases.

1 would ask for a 3 ½ day per week schedule. That scheduled, although it increases  
2 the number of exchanges, will allow the children to see their parents and their  
3 siblings more frequently.  
4

5 **C. ADAM’S INCOME.**

6 *(a) Willful Underemployment*

7 In early 2020, Adam took a \$35,000-per-year pay cut. He told the Court that  
8 this was to save \$14,000.00 in health insurance costs per year and for greater  
9 “flexibility” with his schedule. At his deposition in September 2019, however,  
10 Adam testified that his work schedule at the time was “[e]ntirely flexible  
11 depending on what I need for the kids.” Chalese contends that Adam left his  
12 previous job, at which he had a base salary of \$120,000.00 per year, to take a job  
13 earning \$85,000.00 per year in order to avoid paying more in support.  
14  
15  
16

17 If a party is willfully underemployed, that parent’s child support obligation  
18 must be based upon his or her “true earning capacity.” NAC 425.120(1)(b); *see*  
19 *also Robinson v. Robinson*, 2016 WL 6651513 (Nev. 2016) (unpublished  
20 disposition). NAC 425.125 authorizes the Court to impute income to a party who is  
21 underemployed and takes a number of factors into consideration, which are listed  
22 in NAC 425.125(2).  
23  
24

25 As for the obligor’s residence, Adam lives in a home worth at least  
26 \$650,000.00 that is nearly 4,000 square feet. Adam does not, however, own this  
27 home. The home is jointly owned by Adam’s parents and his girlfriend, Jessica.  
28

1 Adam claims he pays his father \$1,500.00 per month to rent the home, which is  
2 obviously significantly less than market value.

3  
4 Adam used to earn a base salary of \$120,000.00 per year, plus discretionary  
5 bonuses. Pursuant to Adam's most recent financial disclosure form, his new job  
6 pays a base salary of \$85,072.00 per year. It is unknown if Adam is also entitled to  
7  
8 bonuses.

9 Adam's biography from Las Vegas Defense Group (his previous employer)  
10 states that Adam practiced in personal injury, and was a "born jurist." Adam also  
11 did criminal defense work and, upon information and belief, worked on some high-  
12 profile cases.

13  
14 Adam has a J.D. and is, upon information and belief, licensed to practice law  
15 in both Nevada and Colorado. Chalese contends he is able to earn at least  
16 \$120,000.00 per year, which was his previous salary. It is unknown what Adam's  
17 current job duties are, as he has refused to disclose the details of his new job.  
18

19  
20 For the foregoing reasons, Chalese asks that the Court find that Adam is  
21 willfully underemployed and impute income to him.

22  
23 *(b) Gifts from Adam's Father*

24 Adam testified at his deposition that his father historically provided the  
25 parties with approximately \$5,000.00 per month for the last several years of their  
26 marriage. He testified that his father also provided the parties with a vehicle to  
27 drive and paid the insurance. Adam testified that during their marriage "we were  
28

1 supported by my father” and that any money Chalese made was for “fun money.”

2 Adam also used to have access to a credit card that was paid by his father.

3  
4 After this litigation commenced, Adam’s parents purchased a home jointly  
5 with his girlfriend Jessica. It is a 3,811-sqre-foot home that was purchased, upon  
6 information and belief, for \$650,000.00. Adam testified at his deposition that he  
7 pays his father \$1,500.00 per month to rent this home, which is obviously  
8 significantly less than Adam would need to pay anyone else to rent a home of that  
9 size.  
10

11  
12 Earlier in this litigation, Chalese argued that Adam should be imputed some  
13 of the extra cash he received from his father. It is believed that Adam’s father  
14 stopped giving him these extra funds after Chalese made that argument. Chalese,  
15 however, still contends that Adam’s father’s support and the subsidizing of  
16 Adam’s rent are grounds to impute additional income to Adam.  
17

18  
19 “Income may be imputed based on gifts if the gifts are continuing and  
20 ongoing, not sporadic, and where the evidence shows that the gifts will continue in  
21 the future.” *Carlson v. Carlson*, 204 So.3d 456, 457 (Fla. 4th DCA 2016) (internal  
22 citations and quotation marks omitted). While Adam’s father stopped giving Adam  
23 money during this litigation, Chalese believes the gifts of cash to Adam will  
24 resume post-divorce.  
25

26  
27 Nevada’s child support statutes define income broadly. NAC 425.025  
28 defines “gross income” as not only typical salary, wages, pension benefits, etc. but

1 also “all other income of a party, regardless of whether such income is taxable.” In  
2 *Metz v. Metz*, 120 Nev. 786, 793, 101 P.3d 779, 784 (2004), the Nevada Supreme  
3 Court noted that “Nevada’s public policies, to promote the adequate support of  
4 children and to encourage both parents to share the responsibilities of child rearing,  
5 are served by including income from all sources in child support calculations.”  
6

7  
8 In *In re Marriage of Alter*, 171 Cal.App.4th 718, 89 Cal.Rptr.3d 849 (2009),  
9 a father’s mother covered many of his expenses, including giving him a \$3,000.00  
10 monthly stipend. *Id.* at 724, 854. The father argued the money was a loan. *Id.* at  
11 731, 850. The trial court did not agree and characterized the money as a gift, and  
12 characterized the gift as income. *Id.* On appeal, the appellate court pointed out that  
13 the child support guidelines are based on a parent’s “actual income, not their  
14 taxable income.” *Id.* at 735, 862. The appellate court concluded that “nothing in the  
15 law prohibits considering gifts to be income for purposes of child support so long  
16 as the gifts bear a reasonable relationship to the traditional meaning of income as a  
17 recurrent monetary benefit.” *Id.* at 737, 863.  
18  
19  
20

21 Cash gifts, however, are not the only gifts considered income by courts for  
22 child support purposes. In *Petrini v. Petrini*, 336 Md. 453, 648 A.2d 1016 (1994), a  
23 father’s mother allowed him to reside in one of her homes rent-free and paid the  
24 child’s health insurance premiums, the value of which the court found attributed to  
25 the father’s income for child support. The district court’s finding was affirmed on  
26  
27  
28 appeal.

1 Similarly, in *Mellen v. Mellen*, 260 A.D.2d 609, 688 N.Y.S.2d 674 (2d Dep't  
2 1999), the appellate court confirmed that the trial court properly included money  
3 which a father received from his parents as income for child support. In *State v.*  
4 *Williams*, 635 S.E.2d 495 (N.C. Ct. App. 2006), a mother testified that her father  
5 gave a friend money to pay the rent on the home in which she resided, and that it  
6 was her understanding her father would continue to do so. *Id.* at 498. She also  
7 testified the vehicle she used was also paid for by her father in the same manner.  
8 *Id.* The trial court did not include this in the mother's income for child support,  
9 which the appellate court found to be in error. *Id.*

13 Adam's living situation has always been subsidized by this father. Not only  
14 is Adam in a superior financial position due to his law degree, he also has the  
15 benefit of continued support from his father. Chalese contends Adam should be  
16 imputed income due to these gifts as well.

18 **D. CHILD SUPPORT.**

19 Child support should be set in congruence with *Wright v. Osburn*, 114 Nev.  
20 1367, 970 P.2d 1071 (1998) and NAC 425.115(3). Chalese is currently  
21 unemployed. During the pandemic, Chalese, who worked as a children's  
22 hairstylist, was out of work as the state locked down. While Chalese briefly  
23 returned to work following the state's partial re-opening, she was forced to leave  
24 again after being put on bedrest during a high-risk pregnancy. Subsequent issues  
25 with childcare and at-home schooling prevented her from returning to work,  
26 though she hopes to be able to do so once a final custodial order is in place.  
27  
28

1 Adam contends that child support should be set based on Chalese's "earning  
2 potential." Though Chalese disagrees that she is unemployed for the purposes of  
3 avoiding support or that she should be imputed income, she would note that Adam  
4 testified in his deposition that Chalese, to his knowledge, never made more than  
5 approximately \$20,000.00 per year.  
6

7  
8 **E. CONSTRUCTIVE ARREARS.**

9 At the March 19, 2019 hearing, Adam was ordered to pay temporary child  
10 support of \$1,990 per month.<sup>71</sup> At that same hearing, the Court indicated it would  
11 defer Chalese's claim for constructive child support arrears, from the date of  
12 separation to March 2019, for trial.<sup>72</sup> Based on Adam's temporary support  
13 obligation, Chalese requests child support arrears for November 2018, December  
14 2018, January 2019, February 2019, and March 2019, for a total of \$9,950.00.  
15  
16

17 **F. DIVISION OF COMMUNITY PROPERTY AND DEBTS.**

18 The parties have a limited amount of community property and debt. They  
19 each have their own bank accounts. Adam has a 401(k), the totality of which is  
20 community property. The marital home was previously sold, and the proceeds  
21 should be split based on the parties' respective requests for reimbursement of  
22 separate property contributions.  
23  
24  
25  
26  
27

28 <sup>71</sup> See *Order After Hearing of March 19, 2019*, filed May 3, 2019, at page 7, line 17-21.

<sup>72</sup> See *Id.* at page 9, line 7-9.

1 Adam's entire 401(k) is community property. Adam may argue that Chalese  
2 is only entitled to half of his 401(k) through a certain date. Chalese contends that,  
3 per Nevada law – specifically *Forrest v. Forrest*, 99 Nev. 602, 668 P.2d 275  
4 (1983) – the marital community extends until the date of divorce absent an  
5 agreement otherwise. No such agreement was ever made here, and the 401(k)  
6 should be equally divided as of the date of divorce.  
7

9 Adam also may argue that Chalese owes him “offsets” of community  
10 property for what he alleged was “damaged” property. To Chalese’s knowledge, no  
11 evidence or appraisal of this property has been done. Adam also contends that  
12 Chalese owes him nearly \$10,000 for her “half of child care expenses for 2019 and  
13 2020” when the Court never ordered Chalese to pay childcare expenses and despite  
14 the fact that Adam out-earns Chalese by about \$7,000 per month.  
15

17 The parties made a net profit on the marital home of approximately  
18 \$168,000. Of that, both parties received approximately \$36,000, leaving around  
19 \$96,000 in proceeds. Adam has asserted a separate property claim of \$85,000 on  
20 these proceeds, as he claimed his father gifted him the same as a down payment on  
21 the home. Adam has produced a gift letter, but it is arguable whether the gift was  
22 to Adam separately or to the community, as the home was titled in both names.  
23

25 Regardless, the remainder of the proceeds were supposed to be held in  
26 Adam’s prior counsel’s trust account. Adam refused to allow the funds to be  
27 moved to Chalese’s counsel’s trust account after Adam’s counsel withdrew as his  
28

1 attorney. Chalese's counsel has not received a statement or accounting showing  
2 how much is in the trust account, so it is unknown whether further disbursements  
3 have been made to Adam from the account.  
4

5 Chalese simply requests that she be awarded half of the community interest  
6 in the remainder of the proceeds, depending on the Court's findings as to whether  
7 Adam has a separate property interest in these proceeds.  
8

9 As for debts, Chalese was forced to take an \$80,000 loan from her mother,  
10 which is evidenced by a promissory note, to pay attorney's fees and living  
11 expenses during this litigation. Considering that this was a *Sargeant* case with a  
12 huge disparity in income and Chalese was not awarded fees, forcing her to borrow  
13 money in order to have an attorney to litigate against Adam (who has the added  
14 benefit of also being an attorney himself), Chalese contends this is a community  
15 debt. Each party also has credit cards, but no other significant debt.  
16  
17

18 As for vehicles, Chalese's vehicle is owned by her mother and it is believed  
19 Adam's vehicle is owned by his father. Adam has a motorcycle, which Chalese  
20 does not disagree with Adam keeping. Chalese would like to keep the travel trailer.  
21 Chalese does not believe Adam will argue he is entitled to any of the equity in the  
22 home she purchased on Curdsen Way, but the home is titled in Chalese's name as  
23 her sole and separate property, and Chalese used funds from the sale of the  
24 previous property to purchase it. Adam has already received an equal amount of  
25 funds from the proceeds to account for this.  
26  
27  
28

1 As the Court knows, the parties also had an art collection. Adam has already  
2 had the opportunity to take desired pieces from this collection. Chalese proposes  
3 each party simply retain whatever artwork is in their possession. Though she  
4 believes Adam took the bulk of the more valuable artwork, she is not seeking any  
5 offsets and does not wish to spend Court time litigating over this matter. Chalese  
6 also proposes that each party keep the firearms in their individual possession and  
7 control.  
8

9  
10 Adam argues in his pre-trial memorandum that Chalese owes funds under  
11 the “30/30 Rule.” To Chalese’s knowledge, no schedule of arrears was ever filed  
12 for these expenses. As for childcare expenses, the Court was aware that Adam was  
13 paying these expenses, as they were listed on his FDF, and Chalese is unaware of  
14 any orders that the parties split childcare expenses. Adam also unilaterally chose  
15 the daycare facility attended by the children. Chalese clearly is not in a financial  
16 position to pay for half of these costs. Even when she was working, Adam out-  
17 earned Chalese by a ratio of nearly five to one.  
18  
19

20  
21 As for the tax obligation for the marital home, Chalese believes that Adam  
22 filed his 2019 taxes separately and it is unknown whether filing jointly would have  
23 resulted in less tax debt. Further, if Adam’s separate property claim to the home  
24 proceeds is found to be legitimate, it would be inequitable for Chalese to be  
25 responsible for half of the tax burden for the home if she is not receiving half of the  
26 proceeds. Additionally, Chalese believes that Adam received the tax refund in  
27  
28

1 2018 that would have been community property, and retained the entirety of that  
2 refund.

3  
4 **G. SPOUSAL SUPPORT ARREARS**

5 At the February 26, 2020 hearing, the Court reduced Adam’s temporary  
6 spousal support obligation to \$800.00 per month due to Adam’s new, lower-paying  
7 job.<sup>73</sup> The Court pro-rated Adam’s March 2020 support based on when his new job  
8 started.<sup>74</sup>

9  
10 Adam represented to the Court that one of his primary motivations for taking  
11 a \$35,000-per-year pay cut was that his insurance would be cheaper. He was  
12 ordered to continue to cover Chalese and the children on his health insurance  
13 policy pending Trial. The Court stated it would allow Adam to deduct one-half of  
14 the dependent portion of the health insurance payment, “since it’s cheaper.”<sup>75</sup>

15  
16  
17 Adam, however, took that to mean that he could deduct one-half of the prior,  
18 \$1,200-per-month insurance plan from his spousal support, though the Court’s  
19 intention was clearly that Adam could deduct half the cost of his *new* insurance  
20 plan, which he told the Court would be around \$80 monthly. Per the *Schedule of*  
21 *Arrears* filed by Chalese on June 7, 2020, Chalese therefore requests \$1,520.72 in  
22 temporary spousal support arrears.  
23  
24

25  
26 

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<sup>73</sup> See *Order after Hearing of February 26, 2020*, filed May 13, 2020, at page 4, line 16-21.

27 <sup>74</sup> See *Id.* at page 5, line 5-10.

28 <sup>75</sup> See Video Transcript of February 26, 2020 hearing at Time Index 5:23:53.

1 **H. ATTORNEY’S FEES.**

2 Chalese currently has no income, while Adam earns at least \$7,000.00 per  
3 month and has rent subsidized by his father. Chalese has had to borrow  
4 approximately \$150,000 from her mother for attorney’s fees in this matter, and  
5 there is a promissory note for \$80,000 of that loan. The huge disparity in income  
6 between the parties in this case and the earning capacities of both parties  
7 necessitates an award of *Sargeant* fees.  
8

9  
10 Fees may be awarded to allow a spouse to be “afforded [their] day in court  
11 without destroying [their] financial position” and to allow that spouse “to be able  
12 to meet [their] adversary in the courtroom on an equal basis.” *Sargeant v.*  
13 *Sargeant*, 88 Nev. 223, 227, 495 P.2d 618, 621 (1972). Chalese has had to borrow  
14 money from her mother to pay fees. She had minimal income during the marriage  
15 and when she was working, and has been unemployed since being put on bedrest  
16 due to a high-risk pregnancy.  
17  
18

19  
20 Despite his superior financial position, Adam testified at his deposition that  
21 his father was paying attorney’s fees and that the funds provided by his father for  
22 attorney’s fees were a gift. As an attorney, Adam also has the added benefit of  
23 being able to assist in his own representation when he was represented, as well as  
24 represent himself since last summer.  
25

26  
27 Further, Chalese should be awarded fees per EDCR 7.60 and NRS 18.010.  
28 Adam has taken a number of unreasonable positions and filed a number of

1 unreasonable pleadings, as outlined above, which have caused increased attorney's  
2 fees to Chalese, who was usually in the position of having to defend herself against  
3 Adam's allegations.  
4

5 Awards of attorney's fees are within the sound discretion of the district  
6 court. *Fletcher v. Fletcher*, 89 Nev. 540, 516 P.2d 103 (1973); *Levy v. Levy*, 96  
7 Nev. 902, 620 P.2d 860 (1980); *Hybarger v. Hybarger*, 103 Nev. 255, 737 P.2d  
8 889 (1987).  
9

10 When an attorney in a family law case requests fees, the Court must consider  
11 several factors in determining the reasonable value of the services provided.  
12 *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31 (1969). Those  
13 factors, referred to as the *Brunzell* factors, are: (1) *The Qualities of the Advocate*:  
14 to include ability, training, education, experience, professional standing and skill;  
15 (2) *The Character of the Work to Be Done*: to include the difficulty importance,  
16 time and skill required, the responsibility imposed and the prominence and  
17 character of the parties where they affect the importance of the litigation; (3) *The*  
18 *Work Actually Performed by the Lawyer*: to include the actual skill, time and  
19 attention given to the work; and (4) *The Result Obtained*: whether the attorney was  
20 successful and what benefits were derived. *Id.* The court should give equal weight  
21 to each of the *Brunzell* factors. *Miller v. Wilfong*, 121 Nev. 119 (2005).  
22  
23  
24

25 Further, the Nevada Supreme Court has held that fees and costs may include  
26 non-attorney staff time. *LVMPD v. Yeghiazarian*, 129 Nev. 760, 312 P.3d 503  
27 (2013).  
28

1. With regard to the *Qualities of the Advocate*:

1           a. **Jack W. Fleeman, Esq.:** Mr. Fleeman is well-qualified and a member  
2 in good standing with the State Bar of Nevada. He has been practicing law  
3 for more than 13 years and primarily in the field of family law. Over this  
4 span of time, Mr. Fleeman has drafted thousands of papers and pleadings,  
5 has participated in hundreds of hearings, and has appeared as lead counsel in  
6 over 30 trials. Mr. Fleeman is a Nevada certified family law specialized and  
7 has briefed and argued several family law cases before the Nevada Supreme  
8 Court, including the recently published cases of *Nguyen v. Boynes*, 133 Nev.  
9 Adv. Op. 32, 396 P.3d 774 (2017) and *Miller v. Miller*, 134 Nev. Adv. Op.  
10 16 (Mar. 15, 2018). Mr. Fleeman was one of only two private attorneys in  
11 Southern Nevada to be selected to serve on the Nevada Supreme Court  
12 Committee to Study Child Custody reform, and he was recently appointed to  
13 replace Judge Dawn Throne as a member on the Nevada Standing  
14 Committee on Child Support.

15  
16  
17  
18           b. **Alicia S. Exley, Esq.:** Ms. Exley is well-qualified and a member in  
19 good standing of the State Bar of Nevada. Ms. Exley worked for a family  
20 law attorney for four years prior to graduating from law school, passing the  
21 Bar Exam, and being admitted as a Nevada attorney. Ms. Exley has been  
22 practicing primarily in the field of family law for the last three years. She  
23 serves on the Community Service Committee of the Clark County Bar  
24 Association, earning her Committee Circle of Support Awards for 2018 and  
25 2019. She was also named a “Best Up & Coming Attorney” by Nevada  
26 Business Magazine in 2018. Ms. Exley has spoken about QDROs as part of  
27  
28

1 the Downtown Cultural Series and had an article on economic abuse in  
2 divorce litigation published in the *Nevada Lawyer* in 2019.

3  
4 c. **Angela Romero:** Ms. Romero has been working in the private sector  
5 as a family law paralegal since 2002, and currently holds a Bachelor of  
6 Science in Business Administration. Ms. Romero joined Pecos Law Group  
7 in 2017, and with more than 18 years of family law experience, she  
8 contributed knowledgeable and competent service on this case.  
9

10 2. With regard to the *Character of the Work to Be Done*, this case involved  
11 highly contested issues that took skill particular to family law and ethics.

12 3. With regard to the *Work Actually Performed by the Attorney*, Chalese's  
13 attorneys were well-prepared for the case. Through the course of this litigation,  
14 Counsel prepared procedurally proper pleadings and prepared for the hearing with  
15 skill, time, and attention.  
16

17 4. With regard to the *Results Obtained*, through application of law to the facts  
18 as set forth in her pleadings and will be introduced at the time of the hearing,  
19 Chalese believes she will prevail on all issues.  
20  
21

22 Counsel will submit applicable billings for the Court's assessment of its  
23 attorney's fees award as the Court directs.  
24

#### 25 **I. CONTEMPT ISSUES**

26 As stated previously, the Court, in no uncertain terms, ordered Adam to keep  
27 Chalese on his health insurance until trial. On April 20, 2020, Adam told Chalese  
28 she could either keep the \$1,200-per-month plan, at her own cost, or find her own

1 insurance, indicating he would not enroll her in his new, less expensive insurance  
2 plan. Adam did not enroll Chalese in his insurance plan and stopped paying for the  
3 old plan, effectively canceling Chalese's insurance. Chalese is now on Medicaid.  
4

5 Adam's actions were a direct, willful violation of the parties' *Joint*  
6 *Preliminary Injunction* at page 1, line 14-26; the *Order after Hearing of March 19,*  
7 *2019*, at page 13, line 12-14; and the *Order after Hearing of February 26, 2020* at  
8 page 6, line 4-9.  
9

10 Additionally, Adam unilaterally withheld and denied Chalese her visitation  
11 time on April 1-3, 2020. An *Order to Show Cause* on this issue was filed on May  
12 27, 2020. The parties stipulated that contempt issues would be deferred to trial, and  
13 Chalese asks that these issues be adjudicated. While Chalese is obviously not  
14 looking for Adam to imprisoned due to these violations, she contends that some  
15 sort of sanction, including attorney's fees, is appropriate.  
16  
17

#### 18 **J. COMPENSATORY TIME**

19 NRS 125C.020 states that when a noncustodial parent is wrongfully  
20 deprived of his or her right to visit a child, the Court may award that parent  
21 additional visits to compensate for the deprived time. At the June 1, 2020 hearing,  
22 the Court noted that four days of additional time were on the table, and awarded  
23 Chalese two extra days, leaving the other two days for trial. Chalese requests she  
24 be awarded an additional two days of compensatory time with the children due to  
25 Adam withholding the children for nearly the entire month of April 2020.  
26  
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28

...



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 7<sup>th</sup> day of May, 2021, I served a copy of  
4 DEFENDANT’S TRIAL BRIEF as follows:

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

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

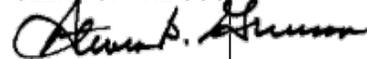
10  Pursuant to EDCR 7.26, to be sent via facsimile; and/or

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

13		
14		
15	Adam M. Solinger	attorneyadamsolinger@gmail.com
16	admin email	email@pecoslawgroup.com
17	Alicia Exley	alicia@pecoslawgroup.com
18	Jack Fleeman	jack@pecoslawgroup.com
19	Angela Romero	angela@pecoslawgroup.com
20		

21

22 /s/ Alicia S. Exley, Esq.  
23 An employee of PECOS LAW GROUP



1 **ASSC**  
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@tamlf.com  
Attorney for Plaintiff in an Unbundled Capacity

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. )  
)  
11 CHALESE MARIE SOLINGER, )  
)  
12 Defendant. )  
)

13 **NOTICE OF ASSOCIATION OF CO-COUNSEL**  
14 **IN AN UNBUNDLED CAPACITY**

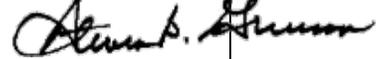
15 TO: CHALESE MARIE SOLINGER, Defendant;

16 TO: JACK FLEEMAN, ESQ., Attorney for Defendant;

17 PLEASE TAKE NOTICE that VINCENT MAYO, ESQ., of THE  
18 ABRAMS & MAYO LAW FIRM, hereby associates as co-counsel in a  
19 unbundled capacity (limited capacity) with, ADAM MICHAEL  
20 SOLINGER, ESQ., Plaintiff, in proper person, in the above-entitled

21





1 **MDQJ**  
Adam M. Solinger  
2 7290 Sea Anchor Ct  
Las Vegas, Nevada 89131  
3 Tel: (702) 222-4021  
Email: attorneyadamsolinger@gmail.com

4 Eighth Judicial District Court  
5 Family Division  
Clark County, Nevada

6 ADAM MICHAEL SOLINGER, ) Case No.: D-19-582245-D  
7 )  
8 Plaintiff, ) Department: P  
9 vs. )  
10 CHALESE MARIE SOLINGER, ) **Hearing Requested**  
Defendant. )

11 **MOTION TO DISQUALIFY**

12 **NOW INTO COURT** comes Plaintiff, ADAM MICHAEL  
13 SOLINGER, and hereby submits his motion to disqualify pursuant to NRS  
14 1.230, 1.235, and *Towbin Dodge, LLC v. Eighth Judicial Dist. Court of*  
15 *State ex. rel. County of Clark*, 121 Nev. 251, 257 (2005). This Motion is  
16 made and based upon the attached Points and Authorities, the  
17 Declaration of Plaintiff attached hereto, and all papers and pleadings on  
18 file herein.

19 Dated Thursday, May 13, 2021.

20 Respectfully Submitted,

21 /s/ Adam M. Solinger

Adam M. Solinger

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**MEMORANDUM OF POINTS AND AUTHORITIES**

Nevada law has two mechanism to seek judicial disqualification. Under one mechanism, disqualification must be requested under a certain time table in order to be an effective request. *See* NRS 1.230 and 1.235. Specifically, a request to disqualify must be filed not less than 20 days before the date set for trial or hearing of the case. NRS 1.235(1)(a).

Additionally, Nevada recognizes the ability of a party to seek disqualification based upon the Nevada Code of Judicial Conduct (NCJC). *See Towbin Dodge, LLC v. Eighth Judicial Dist. Court of State ex. rel. County of Clark*, 121 Nev. 251, 257 (2005). Procedurally, a motion brought pursuant to disqualification based upon NCJC 3E<sup>1</sup> should allege facts demonstrating that “the judge’s impartiality might reasonably be questioned.” *Id.* at 259. There is no strict time limit to file, unlike NRS 1.235, but if new grounds for a judge’s disqualification are discovered after the time limits in NRS 1.235 have passed, then a party may file a motion to disqualify based upon Canon 3E as soon as possible after becoming

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<sup>1</sup> The canons have been updated since this opinion and Canon 3E is now codified as Rule 2.11. However, given the language within the *Towbin* case and the repeated references there to Canon 3E, the request to disqualify will be referred to at times as a 3E request for sake of tracking with the applicable case law allow for disqualification.

1 aware of the new information. *Id.* at 260. Procedurally, a motion to  
2 disqualify based upon Canon 3E must be referred to another judge.

3       It is unclear whether a motion to disqualify pursuant to NRS 1.235  
4 would be timely because while trial has commenced, the facts relevant to  
5 disqualification were not discovered until trial had begun and the parties  
6 were summoned for an off-record conversation. However, trial is set to  
7 resume on June 14, 2021 and this motion is made 20 days before that trial  
8 date. Nonetheless, the request is timely based upon the procedure  
9 outlined in *Towbin* and a Canon 3E request. Thus, the request is timely  
10 under either method of seeking disqualification.

11       Under a NCJC 3E request, a judge shall disqualify herself in a  
12 proceeding in which the judge's impartiality might reasonably be  
13 questioned. Additionally, Rule 2.6(b) allows a judge to encourage parties  
14 to a proceeding and their lawyers to settle matters in dispute, but shall not  
15 act in a manner that coerces any party into settlement. The comments to  
16 this rule also state:

17               Judges must be mindful of the effect settlement  
18               discussions can have, not only on their objectivity  
19               and impartiality, but also on the appearance of their  
20               objectivity and impartiality.

21 NCJC Rule 2.6 Comment 3.

1 As set forth in more detail below, there are several areas of concern  
2 that warrant Judge Perry's disqualification in this matter. First, Judge  
3 Perry did not have a copy of the custody evaluation prepared by Dr.  
4 Paglini until the morning of trial. The report was a 66 page dense report  
5 and it is unclear whether Judge Perry could have read the report before  
6 calling the parties to an off record conversation.

7 Judge Perry's first off-record conversation with the parties wherein  
8 she referenced what she wanted to see from a custody perspective could  
9 be permissible under Rule 2.6. Her second off-record remark that she was  
10 pleased the parties were discussing settlement because it is better when  
11 the parties agree to it so she doesn't "have to shove it down their throats"  
12 certainly has an unduly coercive affect. It appears that the Court had  
13 prejudged the case before any evidence had been heard.

14 The first witness of trial, Dr. Paglini, was relatively uneventful as set  
15 forth in more detail below. However, towards the end of the day, the Court  
16 indicated that it wanted to change custody for the upcoming summer *sua*  
17 *sponte*. At that time, there had been no evidence of a change in  
18 circumstances, nor had Dr. Paglini's recommendation changed in regards  
19 to Adam<sup>2</sup> maintaining primary custody. Indeed, while Dr. Paglini

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21 <sup>2</sup> For ease of reference, I'm using my first name because the first person "I" could be confusing.

1 recommended that Chalese have some additional time during the  
2 summer, he did not make a specific recommendation as to what that  
3 additional time meant.

4 Yet, the Court reasoned that Adam could respond orally. After  
5 hearing a portion Dr. Paglini's testimony as he had only testified on direct  
6 and was in the process of being cross-examined when the proceedings  
7 were to be adjourned for the day, the Court remarked that it was more  
8 resolute now in reference to its previous statement of what custody should  
9 be.

10 Adam attempted to argue against the Court's desired change, but  
11 the Court cut argument short to send both parties for a drug test without  
12 the benefit of a final argument. Indeed, the Court did not even hear any  
13 argument from opposing counsel. In cutting argument short and  
14 dismissing concerns, the Court indicated that it did not care about the law  
15 of the case and that it would not follow what another judge had done  
16 previously on the case.

17 Still more troubling, the Court indicated that it did not want to  
18 receive evidence directly relevant to the best interest of one of the minor  
19 children. As set forth in more detail in the attached declaration, the Court  
20 stated that it would only receive evidence of that issue if it was based upon  
21 a doctor's evaluation and/or report. This is despite trial having started,

1 discovery being closed, and Adam following what the previous judge  
2 assigned to the case stated as far as evidence is concerned.

3       Additionally, in the event that the Judge Perry follows through with  
4 her proposed custody schedule after a full trial, it necessarily builds in an  
5 appealable issue which would further delay finality in this case. Rather  
6 than litigate a fully contested custody trial with a disqualification issue  
7 already ripe, public policy would favor a ruling before the parties expend  
8 more time, energy, and money on finishing trial.

9       In sum, it strongly appears that the Court prejudged this case  
10 without having heard any evidence, and with a very limited time to read a  
11 dense expert's report. The Court then made the remark about shoving a  
12 custody schedule down the parties throats which had a chilling impact  
13 upon negotiations in the case. The Court then, by all appearances, began  
14 the process of shoving it down the parties throats by *sua sponte* changing  
15 custody to suite the schedule the Court had initially proposed. Meanwhile,  
16 the Court then further signaled that just hearing some of Dr. Paglini's  
17 testimony had confirmed the Court's initial inclinations while reiterating  
18 that the Court would not hear certain relevant admissible evidence unless  
19 Adam somehow reopened discovery to document the issue the way the  
20 Court would rather see it. This certainly careens past whether the Court's

21

1 impartiality might reasonably be questioned pursuant to Rule 2.11(A).  
2 Judge Perry should be disqualified in this matter.

3 **CONCLUSION**

4 Based upon the foregoing, Adam respectfully requests that Judge  
5 Perry be disqualified in this case and that the matter be reassigned.

6 Dated Thursday, May 13, 2021.

7  
8 Respectfully Submitted:

9 /s/ Adam M. Solinger  
10 Adam M. Solinger

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1                   **DECLARATION OF ADAM MICHAEL SOLINGER**

2           I, ADAM MICHAEL SOLINGER, provide this Declaration pursuant  
3 to NRS 53.045 and states the following:

4           1.     I am the Plaintiff in the above-entitled action, and I am above  
5 the age of majority and am competent to testify to the facts contained in  
6 this affidavit. Additionally, I am an attorney licensed in the State of  
7 Nevada. This request is filed in good faith and not for purposes of delay.

8           2.     I make this affidavit in support of the foregoing *Motion to*  
9 *Disqualify*.

10          3.     I have read said *Motion* and hereby certify that the facts set  
11 forth in the motion attached thereto are true of my own knowledge, except  
12 for those matters therein contained stated upon information and belief,  
13 and as to those matters, I believe them to be true.

14          4.     On May 10, 2021, the above captioned case was set to begin  
15 trial. I arrived at the court house just before 9 a.m. to begin setting up for  
16 trial. While I was waiting outside, the court marshal for the department  
17 approached me and stated that the Court wanted the book with Dr.  
18 Paglini's evaluation in it. I gave my only physical copy to the marshal. My  
19 physical copy did not have the exhibit pictures to the report.

20          5.     Shortly thereafter, opposing counsel Jack Fleeman arrived  
21 and sat down. I approached Mr. Fleeman to let him know of the

1 conversation with the marshal and to assure him that I had only provided  
2 a copy of the evaluation, minus the exhibit pictures, to the marshal for the  
3 court at the court's request.

4         6.     The Court called the parties in around 9:30 a.m. and began by  
5 telling the parties the Court's intention as far as a custody order is  
6 concerned. Present for that off record announcement were the Defendant,  
7 her two counsels, myself, and my co-counsel Vincent Mayo. The Court's  
8 proposed custody schedule was that during the school year, the children  
9 would be with me Sunday night to Friday when they were dropped off at  
10 school. Then, Chalese would have them Friday to Sunday with the  
11 exception of the third weekend each month which wherein they would  
12 remain with me. During the summer, the parties would follow a week on  
13 and week off schedule. The Court referred to this schedule as a joint  
14 custody schedule. The parties then went to discuss. With discussions  
15 ongoing, the Court recessed until 1:30 p.m. After making that  
16 announcement, the marshal came and said that he was to lock the  
17 courtroom and that the parties needed to get what they needed for lunch  
18 time.

19         7.     At that time, myself, Mr. Fleeman, and Alicia Exley, entered  
20 the courtroom to retrieve some personal belongings for lunch. Judge  
21 Perry was on the bench at that time. She then said, off record, that she was

1 pleased the parties were working so hard on resolving the matter because  
2 it is better when the parties agree to it so that she does not have to shove  
3 it down our throats.

4 8. The parties then left for lunch with a plan to return at 1 p.m.  
5 to resume settlement discussions. Upon returning, settlement discussions  
6 were unsuccessful and the parties agreed to proceed to trial.

7 9. During the examination of Dr. Paglini, it became clear that the  
8 Court had not had a copy of the custody evaluation until I provided one  
9 approximately 25 minutes before the case was called.

10 10. Towards the end of the day, Judge Perry indicated that she  
11 wanted to change custody as summer time was coming up. This was  
12 brought up *sua sponte* without a request from opposing counsel at the  
13 time. Judge Perry remarked that I was a quick attorney and she felt  
14 comfortable having me orally respond to her *sua sponte* decision.

15 11. Additionally, the Court remarked that after hearing some of  
16 Dr. Paglini's testimony – the court adjourned for the day while Dr. Paglini  
17 was being cross-examined and I still had my redirect – that the Court was  
18 even more convinced that her initial inclination was correct.

19 12. Then, at approximately 4:45 p.m. the Court wanted me to  
20 respond with why custody should not be switched, in the middle of trial,  
21 to the schedule that she had proposed that morning.

1           13. In the course of opposing, I brought up that Judge Moss had  
2 previously ruled that the children residing with myself on a primary basis  
3 would be in their best interest and then reaffirmed that ruling around  
4 February of 2020 when the Defendant brought a motion to restore joint  
5 custody. In bringing that motion, Judge Moss ruled that the Defendant's  
6 request was frivolous and awarded attorney's fees. Judge Perry asked  
7 whether she looked like Judge Moss and whether she looked like she  
8 would go along with what another judge had done without any compelling  
9 reason to overcome the law of the case doctrine as there had been no  
10 change in facts or circumstances and no revelations in the meantime that  
11 would warrant a mid-trial departure from what the law of the case was at  
12 that time. The only change since Judge Moss' ruling was the judge  
13 assigned to hear the case.

14           14. Additionally, I brought up several areas of concern that were  
15 summarily dismissed and indicated that the Court would not hear  
16 evidence of those concerns unless it met the Court's criteria for what the  
17 Court wanted for that type of concern.

18           15. For example, one concern in this case is that the minor  
19 daughter always returns from the Defendant's time share with a genital  
20 rash from not properly wiping herself and not receiving the help she needs  
21 from a hygiene perspective. Judge Moss had indicated that pictures

1 needed to be taken and documentation could be produced at trial. Judge  
2 Perry, in contrast, said that she did not want to see pictures showing the  
3 rash and the harm caused by the lack of proper hygiene while in the  
4 Defendant's care. Instead, Judge Perry said that she would only entertain  
5 an argument on that ground if a doctor's report or documentation was  
6 produced. This, of course, ignores the reality that discovery is closed, trial  
7 has already commenced, experts can no longer be noticed, and that I  
8 relied upon what the previous judge on the case instructed in preparing  
9 for trial. It additionally indicates the Court's unwillingness to hear  
10 evidence that is relevant and admissible with no discernable reason  
11 because the Court would be open to photo documentation of genital  
12 bruising, but not genital rashes.

13       16. While responding to other reasons that a change in custody  
14 was not warranted, Judge Perry responded that she was a proponent of  
15 giving people enough rope to hang themselves.

16       17. Additionally, as mentioned above, argument on this started at  
17 approximately 4:45 p.m. and both parties were ordered to go drug test at  
18 American Toxicology by 5 p.m. which effectuated an end of argument. The  
19 drug test of both parties was ordered because I had brought up concerns  
20 that the Defendant had potentially faked a drug test in September of 2019.

21

1 Indeed, opposing counsel did not even get a chance to argue for the  
2 change.

3 18. I declare under the penalty of perjury pursuant to the laws of  
4 the State of Nevada that the foregoing is true and correct.

5 Dated this Thursday, May 13, 2021.

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/s/ Adam M. Solinger  
ADAM MICHAEL SOLINGER

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing MOTION TO DISQUALIFY was filed electronically with the Eighth Judicial District Court in the above-entitled manner, on Thursday, May 13, 2021. Electronic service of the foregoing document shall be made in accordance with the Master Service List, pursuant to NEFCR 9, as follows:

Jack Fleeman, Esq.  
Alicia Exley, Esq.  
Attorney for Defendant

/s/ Adam M. Solinger  
ADAM MICHAEL SOLINGER

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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. P

**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"/>	<b>\$25</b>	The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.
-OR-		
<input checked="" type="checkbox"/>	<b>\$0</b>	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"/>	<b>\$0</b>	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"/>	<b>\$129</b>	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"/>	<b>\$57</b>	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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
\$0	\$25	\$57	\$82	\$129	\$154	

Party filing Motion/Opposition: Adam M. Solinger Date 4/22/2021

Signature of Party or Preparer /s/ Adam M. Solinger