

NO. 85067

ORIGINAL

FILED

JUL 25 2022

CLERK OF THE SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

IN THE SUPREME COURT IN THE STATE OF NEVADA

\*\*\*\*\*

MICHAEL WHITFIELD,  
Petitioner

CASE NO.

NEVADA DEPARTMENT OF CORRECTIONS,  
As Employer,  
Respondents.

PETITION FOR COLLATERAL ESTOPPEL

MICHAEL WHITFIELD  
P.O. Box 18421  
Reno, NV 89511  
Phone: 775 737-3493  
Self Represented Litigant

KEVIN A. PICK  
Nevada Bar No. 11683  
Nevada Attorney General  
5420 Kietzke Lane, Suite 202  
Reno, NV 89511

**PETITION FOR COLLATERAL ESTOPPEL**

*Introduction,* Under Collateral Estoppel bans a party from relitigating an issue that has already been ruled on by a court. Plaintiff petitions for a

22-23311

1 reinstatement of his position immediately. The Attorney General overlooked  
2 important points which, if left as is, will continue to harm the petitioner. The  
3 collateral estoppel was mutual by plaintiff and defendant in this Domestic  
4 Protection Order. The matter should be thrown out because the court  
5 overlooked or misapprehended points of fact and law.  
6

7  
8 *Reconsider and Reversal* is warranted on this issues. The Petitioner will  
9 designate the other party as Respondent throughout this document.  
10

11 The Respondent knew that the matter of Domestic Violence Restraining Order  
12 was first heard in the Second Judicial District of the State of Nevada (Exhibit  
13 1). Respondent and the administrative board knew this matter had been heard  
14 in Nevada and was being retried in California.  
15

16 Respondents' action was to move forward knowing their actions were wrong.  
17

18 This clearly shows the Respondent understood the collateral estoppel issue.

19 Plaintiff asked the court why Respondents were allowed to continue their  
20 discriminatory actions against plaintiff knowing petitioner was being tried on  
21 the same issue twice. There is no mistaking respondents who knew the  
22 petitioner was innocent.  
23

24 Upon realizing their error the respondents chose to continue to pursue the  
25 termination of the employee.  
26

27 *Secondly*, Respondent presents a narrative that the plaintiff committed  
28 domestic violence. The protection order is prevention of domestic violence

1 with minor children. The respondents have not produced a record to show that  
2 the plaintiff was ever charged or arrested for any acts of domestic violence.  
3  
4 Plaintiff lives in Reno, NV and order was obtained fraudulently in San Jose,  
5 CA (Exhibit 2). The requirements for a protection order are different from  
6 Nevada (see Santa Clara requirements for DVRO)(Exhibit 2). Plaintiff was  
7 going through a custody case (Washoe Family Court case FV16-02062) and the  
8 protection order was being used as leverage to get a better custody  
9 arrangement. Plaintiff was presented with the choice of his job or his children.  
10  
11 The Attorney General knew the DVRO was a prevention of domestic violence  
12 with children (see Santa Clara Superior Court Portal). Plaintiff was never  
13 charged or arrested in Reno, NV or San Jose, CA, Nevada had personal  
14 jurisdiction over the plaintiff. See exhibit 1 from 9/24/2019 of confidential  
15 exhibits and see how the plaintiff is presented in the most negative way.  
16  
17 *Fourth*, no one wanted this case. Lawyers do not want to face the state. The  
18 whole process seems to be designed for the self represented litigant to fail and  
19 for the state to succeed.  
20  
21 *In closing* I would like to state mistakes were allowed at every level. Others  
22 were allowed their mistakes and the plaintiff was expected to be perfect in all  
23 of his actions. The administrative hearing, district court case and Nevada  
24 Supreme court case 79718 should have never happened. Officers of the court  
25 claimed ignorance to the law while giving each other a wink at the expense of  
26  
27  
28

1 the pro se litigant. It is disappointing to see people that represent the law do  
2 not uphold the law.  
3

4 *Conclusion* The petitioner asked that he be reinstated to his position  
5 immediately with back pay with interest and whatever the court deems  
6 necessary..  
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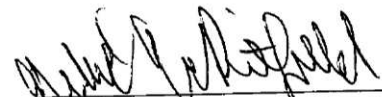
**CERTIFICATE OF COMPLIANCE**

1. I hereby certify that this Petition for Collateral Estoppel complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because: It has been prepared in a proportionally spaced typeface using Microsoft Word in a 14 point Times New Roman font

2. I further certify that this brief complies with the page-or type volume limitations of NRAP 40 or NRAP 40A because: It is proportionally spaced, has a typeface of 14 points or more and does not exceed 10 pages.

3. I further affirm under NRS 239B.030(4) that the Petition for Collateral Estoppel has no one's personal information.

Dated this 22th day of July 2022



MICHAEL WHINFIELD

Pro Se Litigant

PO Box 18421

Reno, NV 89511

Phone: (775) 737-3493

## INDEX OF EXHIBITS

Exhibit Number 1      Number of Pages 1

Exhibit Description Dismissal of Domestic Violence Protection Order in Nevada

Exhibit Number 2      Number of Pages 5

Exhibit Description California Protection Order

Exhibit Number 3      Number of Pages 1

Exhibit Description Lawyer letter to Warden

Exhibit Number \_\_\_\_\_      Number of Pages \_\_\_\_\_

Exhibit Description \_\_\_\_\_

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Exhibit Description \_\_\_\_\_

# Exhibit Cover Page

**EXHIBIT NUMBER** DNE (1)

1 CODE 2700

2  
3  
4  
5  
6 IN THE FAMILY DIVISION  
7 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
8 IN AND FOR THE COUNTY OF WASHOE  
9

10 CHRISTINA SENIOR,

11 Applicant,

Case No. TPO16-01888

12 vs.

Dept. No. DM

13 MICHAEL WHITFIELD,

14 Adverse Party.

15 Applicant Present: YES

Applicant Attorney: PRO PER – BY TELEPHONE

16 Adverse Party Present: YES

Adverse Party Attorney: PRO PER

17 Presiding Judge/Court Master: LANCE WHITE

18 ORDER AFTER HEARING

19  
20 The Court, having considered the filings, testimony and evidence presented at hearing, and  
21 having jurisdiction over the parties, the Court enters the following:

22 It is hereby ORDERED that the Order for Protection Against Domestic Violence originally issued on  
23 12/14/16 in the above entitled case is **dissolved**. Based on the Applicant's oral request to dissolve the  
24 Temporary Order, the request for the extension is DENIED.

25 Dated January 12, 2017

26 \_\_\_\_\_  
Judge/Hearing Master

27  
28 Objections/Appeals are governed by WDCR 24 & 32. You have ten (10) days for the receipt of this  
Recommendation and Order within which to file an objection or an appeal to the District Court.



# **Exhibit Cover Page**

**EXHIBIT NUMBER** TWO(2)

PARTY WITHOUT ATTORNEY OR ATTORNEY: NAME: Michael Whitfield FIRM NAME: STREET ADDRESS: PO Box 18421 CITY: Reno TELEPHONE NO.: (775) 737-3493 E-MAIL ADDRESS: ATTORNEY FOR (name): Michael Whitfield	STATE BAR NO.: Legal Document Services 20432 Silverado, #5B Cupertino, LDA #118, SCC STATE: NV ZIP CODE: 89511 FAX NO.:
<b>FILED</b> OCT 25 2017 Clerk of the Court Superior Court of CA County of Santa Clara BY <u>L. GALLOWAY</u> DEPUTY	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara STREET ADDRESS: 201 N. First Street MAILING ADDRESS: 191 N. First Street CITY AND ZIP CODE: San Jose, CA 95113 BRANCH NAME: Family Justice Center	
PETITIONER: Christina Senior RESPONDENT: Michael Whitfield OTHER PARENT/PARTY:	
REQUEST FOR ORDER <input type="checkbox"/> CHANGE <input type="checkbox"/> TEMPORARY EMERGENCY ORDERS <input type="checkbox"/> Child Custody <input type="checkbox"/> Visitation (Parenting Time) <input type="checkbox"/> Spousal or Partner Support <input type="checkbox"/> Child Support <input type="checkbox"/> Domestic Violence Order <input type="checkbox"/> Attorney's Fees and Costs <input type="checkbox"/> Property Control <input checked="" type="checkbox"/> Other (specify): Set Aside Restraining Order	
CASE NUMBER: 17DV000096	

## NOTICE OF HEARING

1. TO (name(s)): Christina Senior  
☒ Petitioner ☐ Respondent ☐ Other Parent/Party ☐ Other (specify):

2. A COURT HEARING WILL BE HELD AS FOLLOWS:

a. Date: 11-7-17 Time: 1:30 pm ☐ Dept.: 74 ☐ Room:  
 b. Address of court ☒ same as noted above ☐ other (specify):

3. WARNING to the person served with the Request for Order: The court may make the requested orders without you if you do not file a Responsive Declaration to Request for Order (form FL-320), serve a copy on the other parties at least nine court days before the hearing (unless the court has ordered a shorter period of time), and appear at the hearing. (See form FL-320-INFO for more information.)

(Forms FL-300-INFO and DV-400-INFO provide information about completing this form.)

COURT ORDER  
(FOR COURT USE ONLY)

It is ordered that:

4. ☒ Time ☒ for service ☒ until the hearing is shortened. Service must be on or before (date): 5 DAYS BEFORE HEARING
5. ☒ A Responsive Declaration to Request for Order (form FL-320) must be served on or before (date): 2 DAYS BEFORE HEARING
6. ☐ The parties must attend an appointment for child custody mediation or child custody recommending counseling as follows (specify date, time, and location):
7. ☐ The orders in Temporary Emergency (Ex Parte) Orders (form FL-305) apply to this proceeding and must be personally served with all documents filed with this Request for Order.
8. ☒ Other (specify): THE HEARING SHALL BE SOLELY ON THE ISSUE OF WHETHER RESPONDENT SHOULD BE GRANTED AN EXEMPTION FROM THE FURTHER REQUIREMENTS UNDER FAMILY CODE § 6389(h). THE COURT NOTES THE REQUIREMENT FOR A PSYCHOLOGICAL EVALUATION.

Date: 10/24/17

JULIE A. EMEDE JUDGE

Page 1 of 4

## REQUEST FOR ORDER

PETITIONER: Christina Senior  
 RESPONDENT: Michael Whitfield  
 OTHER PARENT/PARTY:

CASE NUMBER:  
 17DV000096

### REQUEST FOR ORDER

**Note:** Place a mark ☒ in front of the box that applies to your case or to your request. If you need more space, mark the box for "Attachment." For example, mark "Attachment 2a" to indicate that the list of children's names and birth dates continues on a paper attached to this form. Then, on a sheet of paper, list each attachment number followed by your request. At the top of the paper, write your name, case number, and "FL-300" as a title. (You may use *Attached Declaration (form MC-031)* for this purpose.)

1. ☒ **RESTRAINING ORDER INFORMATION**

One or more domestic violence restraining/protective orders are now in effect between (specify):

☐ Petitioner ☐ Respondent ☐ Other Parent/Party (Attach a copy of the orders if you have one.)

The orders are from the following court or courts (specify county and state):

- a. ☐ Criminal: County/state (specify): Case No. (if known):  
 b. ☒ Family: County/state (specify): Case No. (if known):  
 c. ☐ Juvenile: County/state (specify): Case No. (if known):  
 d. ☐ Other: County/state (specify): Case No. (if known):

2. ☐ **CHILD CUSTODY**

☐ I request temporary emergency orders

☐ **VISITATION (PARENTING TIME)**

a. I request that the court make orders about the following children (specify):

Child's Name Date of Birth ☐ Legal Custody to (person who decides: health, education, etc): ☐ Physical Custody to (person with whom child lives):

b. ☐ The orders I request for ☐ child custody ☐ visitation (parenting time) are:

(1) ☐ Specified in the attached forms:

☐ Form FL-305 ☐ Form FL-311 ☐ Form FL-312 ☐ Form FL-341(C)  
☐ Form FL-341(D) ☐ Form FL-341(E) ☐ Other (specify):

(2) ☐ As follows (specify):

☐ Attachment 2a.

☐ Attachment 2b.

c. The orders that I request are in the best interest of the children because (specify):

☐ Attachment 2c.

d. ☐ This is a change from the current order for ☐ child custody ☐ visitation (parenting time).

(1) ☐ The order for legal or physical custody was filed on (date):

The court ordered (specify):

(2) ☐ The visitation (parenting time) order was filed on (date):

The court ordered (specify):

☐ Attachment 2d.

PETITIONER: Christina Senior RESPONDENT: Michael Whitfield OTHER PARENT/PARTY:	CASE NUMBER: 17DV000096
--	----------------------------

3. ☐ CHILD SUPPORT(Note: An earnings assignment may be issued. See *Income Withholding for Support* (form FL-195))

a. I request that the court order child support as follows:

Child's name and age☐ I request support for each

child based on the child support guideline.

☐ Monthly amount (\$) requested

(if not by guideline)

☐ Attachment 3a.b. ☐ I want to change a current court order for child support filed on (date):

The court ordered child support as follows (specify):

c. I have completed and filed with this *Request for Order* a current *Income and Expense Declaration* (form FL-150) or I filed a current *Financial Statement (Simplified)* (form FL-155) because I meet the requirements to file form FL-155.

d. The court should make or change the support orders because (specify):

☐ Attachment 3d.4. ☐ SPOUSAL OR DOMESTIC PARTNER SUPPORT(Note: An *Earnings Assignment Order For Spousal or Partner Support* (form FL-435) may be issued.)a. ☐ Amount requested (monthly): \$b. ☐ I want the court to ☐ change ☐ end the current support order filed on (date):  
The court ordered \$ per month for support.c. ☐ This request is to modify (change) spousal or partner support after entry of a judgment.I have completed and attached *Spousal or Partner Support Declaration Attachment* (form FL-157) or a declaration that addresses the same factors covered in form FL-157.d. I have completed and filed a current *Income and Expense Declaration* (form FL-150) in support of my request.

e. The court should make, change, or end the support orders because (specify):

☐ Attachment 4e.5. ☐ PROPERTY CONTROLa. The ☐ petitioner ☐ respondent ☐ other parent/party be given exclusive temporary use, possession, and control of the following property that we ☐ own or are buying ☐ lease or rent (specify):b. The ☐ petitioner ☐ respondent ☐ other parent/party be ordered to make the following payments on debts and liens coming due while the order is in effect:

Pay to: _____	For: _____	Amount: \$ _____	Due date: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____

c. ☐ This is a change from the current order for property control filed on (date):

d. Specify in Attachment 5d the reasons why the court should make or change the property control orders.

PETITIONER: Christina Senior  
 RESPONDENT: Michael Whitfield  
 OTHER PARENT/PARTY:

CASE NUMBER:  
 17DV000096

6. ☐ ATTORNEY'S FEES AND COSTS

I request attorney's fees and costs, which total (specify amount): \$

I filed the following to support my request:

- A current *Income and Expense Declaration* (form FL-150).
- A *Request for Attorney's Fees and Costs Attachment* (form FL-319) or a declaration that addresses the factors covered in that form.
- A *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a declaration that addresses the factors covered in that form.

7. ☐ DOMESTIC VIOLENCE ORDER

- Do not use this form to ask for domestic violence restraining orders! Read *form DV-505-INFO, How Do I Ask for a Temporary Restraining Order*, for forms and information you need to ask for domestic violence restraining orders.
- Read *form DV-400-INFO, How to Change or End a Domestic Violence Restraining Order* for more information.

- The *Restraining Order After Hearing* (form DV-130) was filed on (date):
- I request that the court ☐ change ☐ end the personal conduct, stay-away, move-out orders, or other protective orders made in *Restraining Order After Hearing* (form DV-130). (If you want to change the orders, complete 7c.)
- ☐ I request that the court make the following changes to the restraining orders (specify): ☐ Attachment 7c.

d. I want the court to change or end the orders because (specify):

☐ Attachment 7d.

8. ☒ OTHER ORDERS REQUESTED (specify):

☒ Attachment 8.

9. ☒ TIME FOR SERVICE / TIME UNTIL HEARING I urgently need:

court days before the hearing.

- ☐ To serve the *Request for Order* no less than (number):
- ☐ The hearing date and service of the *Request for Order* to be sooner.
- I need the order because (specify):

☐ Attachment 9c.

10. ☒ FACTS TO SUPPORT the orders I request are listed below. The facts that I write in support and attach to this request cannot be longer than 10 pages, unless the court gives me permission.

☒ Attachment 10.

I declare under penalty of perjury under the laws of the State of California that the information provided in this form and all attachments is true and correct.

Date: 10/4/2017

Michael Whitfield

(TYPE OR PRINT NAME)

*Michael Whitfield*  
*Michael Whitfield*

(SIGNATURE OF APPLICANT)



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms) for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

## SHORT TITLE:

- Senior v. Whitfield

## CASE NUMBER:

17DV000096

ATTACHMENT (Number) : 8

(This Attachment may be used with any Judicial Council form.)

1. Based on my mistake and excusable neglect I request that this Court Set aside the restraining orders entered on August 8, 2017, and allow me to allow me to rebut the false allegations made against me which are detailed in the attached DV-120 Response to Restraining Order.

2. In the event that this Court denies my request to set aside this judgment I request that I be granted an exemption from the relinquishment requirements as described in Family Code 6389(h).

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 1 of 1  
(Add pages as required)

# **Exhibit Cover Page**

**EXHIBIT NUMBER** Three (3)

Law Offices of

**Doug Nicholson**

Attorney at Law

429 W. Plumb Lane  
Reno, Nevada 89509

(775) 686-6505  
Fax (775) 322-3841

[nicholsonlaw@aggenetwork.com](mailto:nicholsonlaw@aggenetwork.com)

December 4, 2017

**HAND DELIVERED**

Nevada Department of Corrections  
ATTN: ASSISTANT WARDEN BURNS

Dear Warden Burns:

By way of introduction I represent Michael Whitfield in an ongoing custody battle that is actually occurring in the Second Judicial District Court of the State of Nevada (Case No.: FV16-02062) and in the Superior Court of California, County of Santa Clara (Case No: 17DV000096). I am writing at the request of my client who told me that he is in jeopardy of losing his job because there is a protection order in place which was issued in California. I think it is very important that you know the background.

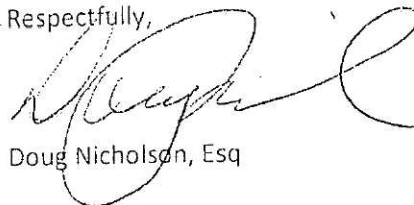
These Parties have an ongoing dispute over the two children they have in common. Ms. Senior has been convicted of Domestic Battery in Reno. Mr. Whitfield has no such convictions or charges. Ms. Senior fled the State of Nevada with the children and Mr. Whitfield has availed himself of the courts to maintain a relationship with his children. Ms. Senior has successfully filed an action in California and manipulated the system until I got involved in this matter. Judge Humke had a telephone conference with the California judge and it was decided that Nevada has jurisdiction over the case and children. Judge Humke entered an Order providing for temporary custody with Ms. Senior in California and for specific visitation. Ms. Senior did not like the Order and has been in contempt of court since October, 2017. Additionally, she has obtained the protection order in California and there is no factual basis for it. Mr. Whitfield hired a California attorney to represent him and all that attorney did was take his money.

Ms. Senior as well as her California attorney have done everything possible to extort a dismissal of the Nevada action. They have stooped so low as to offer to dissolve the protection order in exchange for Mr. Whitfield agreeing to dismiss the action in Nevada. Obviously, she isn't that concerned for her welfare or the welfare of the children.

With that said, we are pressing forward with our case here and trying to find an attorney in California who will litigate the matter and actually have an evidentiary hearing on the merits. Ms. Senior and her attorney are abusing the system and putting Mr. Whitfield's career in jeopardy for no legal or factual reason.

I ask that you stay the termination proceedings until this matter is resolved by the courts.  
Should you have any questions or concerns please feel free to call me.

Respectfully,



Doug Nicholson, Esq