

Joseph Garcia
7979 Westheimer Rd.
Apt. 1601
Houston, TX 77063
(702) 305-4304
Defendant in Proper Person

Electronically Filed
Sep 08 2022 10:25 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

ZOILA LEON-YANEZ,
Plaintiff,

CASE NO.: D-20-615905-D
DEPT. NO. E

vs.

JOSEPH RAUL GARCIA
RODRIQUEZ,
Defendant.

TO: ZOILA LEON-YANEZ, Plaintiff and

TO: ROMEO R. PEREZ, ESQ., her attorney

NOTICE OF APPEAL

Notice is hereby given that JOSEPH RAUL GARCIA RODRIQUEZ ,
defendant above named, hereby appeals to the Supreme Court of Nevada from
that Notice of Entry¹ of Order filed on August 25, 2022 from the Decision on
the June 21, 2022 hearing and the Amended Decree of Divorce filed in this
action on August 18, 2022.

¹ This is the second NOE; the first NOE was filed 8/4/2022; the second NOE was filed so that this ORDER is
the last controlling Order in Odyssey because the Amended Decree was from an April 5, 2022 Calendar Call and
the Court made subsequent orders.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCPP 5(b), I certify that on this **30th** day of **August, 2022**,
I caused the **NOTICE OF APPEAL** to be served as follows:

☐ Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCPP 5(b)(2)(D) and
Administrative Order 14-2 captioned "In the Administrative
Matter of Mandatory Electronic Service in the Eighth
Judicial District Court," by mandatory electronic service
through the Eighth Judicial District Court's electronic filing
system.

☐ 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.

☒ by First Class, Certified U.S. Mail.

To the person(s) listed below at the address, email address, and/or
facsimile number indicated:

ROMEO R. PEREZ, ESQ.
1621 E. Flamingo Rd. Ste 15A
Las Vegas, NV 89119

/s/ Joseph Garcia
Joseph Garcia, In Pro Per



1 ASTA

2
3
4
5
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**
9

10 ZOILA LEON-YANEZ,

11 Plaintiff(s)

12 vs.

13 JOSEPH RAUL GARCIA RODRIGUEZ,

14 Defendant(s),
15

Case No: D-20-615905-D

Dept No: E

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Joseph Garcia

20 2. Judge: Charles J. Hoskin

21 3. Appellant(s): Joseph Garcia

22 Counsel:

23 Joseph Garcia
24 7979 Westheimer Rd., Apt. 1601
Houston, TX 77063

25 4. Respondent (s): Zoila Leon-Yanez

26 Counsel:

27 Romeo R. Perez, Esq.
28 1621 E. Flamingo Rd., Suite 15A
Las Vegas, NV 89119

1 5. Appellant(s)'s Attorney Licensed in Nevada: N/A
2 Permission Granted: N/A

3 Respondent(s)'s Attorney Licensed in Nevada: Yes
4 Permission Granted: N/A

5 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

6 7. Appellant Represented by Appointed Counsel On Appeal: N/A

7 8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

8 Appellant Filed Application to Proceed in Forma Pauperis: No
9 Date Application(s) filed: N/A

10 9. Date Commenced in District Court: October 19, 2020

11 10. Brief Description of the Nature of the Action: DOMESTIC - Marriage Dissolution

12 Type of Judgment or Order Being Appealed: Divorce Decree

13 11. Previous Appeal: No

14 Supreme Court Docket Number(s): N/A

15 12. Case involves Child Custody and/or Visitation: Custody
16 Appeal involves Child Custody and/or Visitation: Custody

17 13. Possibility of Settlement: Unknown

18 Dated This 1 day of September 2022.

19 Steven D. Grierson, Clerk of the Court

20
21 /s/ Heather Ungermann

22 Heather Ungermann, Deputy Clerk
23 200 Lewis Ave
24 PO Box 551601
25 Las Vegas, Nevada 89155-1601
26 (702) 671-0512

27 cc: Joseph Garcia
28

CASE SUMMARY**CASE NO. D-20-615905-D**

Zoila Leon-Yanez, Plaintiff
vs.
Joseph Raul Garcia Rodriguez, Defendant.

§
§
§
§

Location: **Department E**
 Judicial Officer: **Hoskin, Charles J.**
 Filed on: **10/19/2020**

CASE INFORMATION**Statistical Closures**

08/04/2022 Settled/Withdrawn With Judicial Conference or Hearing
 04/27/2022 Settled/Withdrawn With Judicial Conference or Hearing

Case Type: **Divorce - Complaint**
 Subtype: **Complaint Subject Minor(s)**

Case Status: **08/04/2022 Closed**

Case Flags: **Order After Hearing Required**
Order / Decree Logged Into
Department
Appealed to Supreme Court

DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number D-20-615905-D
 Court Department E
 Date Assigned 10/19/2020
 Judicial Officer Hoskin, Charles J.

PARTY INFORMATION

Plaintiff	Leon-Yanez, Zoila	<i>Attorneys</i>
	3401 N. Walnut Rd. Las Vegas, NV 89115	Perez, Romeo R. <i>Retained</i> 702-214-7244(W)
Defendant	Garcia Rodriguez, Joseph Raul	Pro Se
	7979 Westheimer RD APT 1601 Houston, TX 77063	702-305-4304(H)
Subject Minor	Garcia, Connie	
	Garcia, Donna	
	Garcia, Jose Raul	
	Garcia, Joseph Alejandro	
Counter Claimant	Garcia Rodriguez, Joseph Raul	Pro Se
	7979 Westheimer RD APT 1601 Houston, TX 77063	702-305-4304(H)
Counter Defendant	Leon-Yanez, Zoila	Perez, Romeo R.
	3401 N. Walnut Rd. Las Vegas, NV 89115	<i>Retained</i> 702-214-7244(W)

DATE**EVENTS & ORDERS OF THE COURT****EVENTS**


















10/19/2020



Complaint for Divorce
 Filed by: Counter Defendant Leon-Yanez, Zoila
 [1] Complaint for Divorce


















CASE SUMMARY

CASE NO. D-20-615905-D

10/19/2020	 Request for Issuance of Joint Preliminary Injunction Filed By: Counter Defendant Leon-Yanez, Zoila <i>[2] Request for Issuance of Joint Preliminary Injunction</i>
10/19/2020	 Summons Electronically Issued - Service Pending Filed by: Counter Defendant Leon-Yanez, Zoila <i>[3] Summons Electronically Issued- Service Pending</i>
10/23/2020	 Joint Preliminary Injunction Filed by: Counter Defendant Leon-Yanez, Zoila <i>[4] Joint Preliminary Injunction</i>
10/23/2020	 Summons Filed By: Counter Defendant Leon-Yanez, Zoila <i>[5] Summons</i>
12/09/2020	 Affidavit of Attempted Service Filed by: Counter Defendant Leon-Yanez, Zoila <i>[6] Affidavit of Attempted Service</i>
01/27/2021	 Motion Filed By: Attorney Setters, Jennifer; Counter Defendant Leon-Yanez, Zoila <i>[7] Plaintiff's Motion for Temporary Orders and Preliminary Attorney's Fees and Costs</i>
01/28/2021	 Notice of Hearing <i>[8] Notice of Hearing</i>
01/28/2021	 Affidavit of Service Filed By: Counter Defendant Leon-Yanez, Zoila <i>[9] Affidavit of Service</i>
01/28/2021	 Certificate of Mailing Filed By: Counter Defendant Leon-Yanez, Zoila <i>[10] Certificate of Service and or Mailing</i>
02/15/2021	 Default Filed By: Counter Defendant Leon-Yanez, Zoila <i>[11] Default SET ASIDE on 3/04/2021</i>
02/17/2021	 Financial Disclosure Form Filed by: Counter Defendant Leon-Yanez, Zoila <i>[12] Financial Disclosure Form</i>
02/20/2021	 Notice of Appearance Party: Counter Claimant Garcia Rodriguez, Joseph Raul <i>[13] Notice of Appearance in unbundled capacity</i>
02/22/2021	 Motion Filed By: Counter Claimant Garcia Rodriguez, Joseph Raul <i>[14] Defendant's Motion to Set Aside Default of Defendant Joseph Raul Garcia**No Designation</i>
02/23/2021	 Clerk's Notice of Nonconforming Document <i>[15] Clerk's Notice of Nonconforming Document</i>
03/04/2021	 Stricken Document Filed by: Counter Claimant Garcia Rodriguez, Joseph Raul <i>[16] (**Missing Signature**) Stipulation to Set Aside Default of Defendant Joseph Raul Garcia Rodriguez</i>
03/04/2021	 Clerk's Notice of Nonconforming Document <i>[17] Clerk's Notice of Nonconforming Document</i>
03/15/2021	 Answer and Counterclaim Filed By: Counter Claimant Garcia Rodriguez, Joseph Raul <i>[18] Answer to Complaint and Counter Claim</i>





CASE SUMMARY

CASE NO. D-20-615905-D

03/16/2021	 NRCP 16.2 Case Management Conference Order <i>[19] Order Setting Case Management Conference and Directing Compliance with NRCP 16.2/16.205</i>
03/30/2021	 Order <i>[20] 3-4-21</i>
03/31/2021	 Notice of Entry of Order Filed By: Counter Defendant Leon-Yanez, Zoila <i>[21] Notice of Entry of Order</i>
04/08/2021	 Defendants Case Conference Report Filed by: Counter Claimant Garcia Rodriguez, Joseph Raul <i>[22] Case Management Conference Statement</i>
04/20/2021	 Financial Disclosure Form Filed by: Counter Claimant Garcia Rodriguez, Joseph Raul <i>[23] General Financial Disclosure Form</i>
04/20/2021	 Financial Disclosure Form Filed by: Counter Claimant Garcia Rodriguez, Joseph Raul <i>[24] General Financial Disclosure Form</i>
04/20/2021	 Certificate of Service <i>[25] Certificate of Service</i>
04/28/2021	 Case Management Order <i>[26]</i>
05/06/2021	 Motion Filed By: Counter Claimant Garcia Rodriguez, Joseph Raul <i>[27] Motion to Modify Child Custody and Child Support</i>
05/06/2021	 Certificate of Service Filed by: Counter Claimant Garcia Rodriguez, Joseph Raul <i>[28] Certificate of Service</i>
05/13/2021	 Notice of Hearing <i>[29] Notice of Hearing</i>
06/01/2021	 Opposition Filed By: Counter Defendant Leon-Yanez, Zoila <i>[30] OPPOSITION TO DEFENDANT'S MOTION TO MODIFY CHILD CUSTODY AND CHILD SUPPORT AND PLAINTIFF'S COUNTERMOTION FOR DISCOVERY, FOR COMPLIANCE WITH NRCP 16.2, FOR ATTORNEY FEES AND COSTS AND RELATED RELIEF.</i>
06/16/2021	 Response <i>[31] Response to the Plaintiff's Opposition to Defendant's Motion to Modify Child Custody and Child Support and Opposition to Plaintiff's Countermotion for Discovery, for Compliance with NRSP 16.2, for Attorney fees and costs and related relief and Defendant's motion for Discovery and for Compliance with NRCP 16.2</i>
06/18/2021	 Certificate of Service Filed by: Counter Defendant Leon-Yanez, Zoila <i>[32] Certificate of Service</i>
06/29/2021	 Motion to Withdraw As Counsel Filed By: Counter Defendant Leon-Yanez, Zoila <i>[33] Motion to Withdraw as Counsel</i>
07/06/2021	 Notice of Hearing <i>[34] Notice of hearing</i>
07/06/2021	 Certificate of Mailing Filed By: Counter Defendant Leon-Yanez, Zoila <i>[35] Certificate of Mailing</i>


















CASE SUMMARY

CASE NO. D-20-615905-D

07/15/2021	 Order to Show Cause <i>[36] Order to Show Cause Regarding Nonsubmission of Order from June 17, 2021 Hearing</i>
07/20/2021	 Order <i>[37] JUNE 17, 2021</i>
07/22/2021	 Order <i>[38] ORDER GRANTING MOTION TO WITHDRAW</i>
07/22/2021	 Notice of Entry of Order Filed By: Counter Defendant Leon-Yanez, Zoila <i>[39] Notice of Entry of Order</i>
07/22/2021	 Notice of Withdrawal Filed by: Counter Defendant Leon-Yanez, Zoila <i>[40] Notice of Withdrawal of Attorney</i>
08/02/2021	 Ex Parte Motion Filed by: Counter Claimant Garcia Rodriguez, Joseph Raul <i>[41] Ex Parte Motion to continue trial and discovery deadlines</i>
08/10/2021	 Notice of Appearance Party: Counter Defendant Leon-Yanez, Zoila <i>[42] Notice of Appearance</i>
08/24/2021	 Certificate of Service Filed by: Counter Claimant Garcia Rodriguez, Joseph Raul <i>[43] Certificate of Service for Ex Parte Motion to Continue Trial and Discovery</i>
08/31/2021	 Order for Family Mediation Center Services <i>[44]</i>
11/12/2021	 Motion to Withdraw As Counsel Filed By: Counter Claimant Garcia Rodriguez, Joseph Raul <i>[45] Motion to Withdraw as Counsel of Record</i>
11/12/2021	 Notice of Hearing <i>[46] Notice of Hearing</i>
11/18/2021	 Ex Parte Motion Filed by: Counter Claimant Garcia Rodriguez, Joseph Raul <i>[47] Ex Parte Motion for Order Shortening Time</i>
11/18/2021	Order Filed By: Attorney Barry, Melissa M. <i>[49] Order Extending Pre Trial Memorandum Deadline</i>
11/18/2021	 Order Filed By: Attorney Barry, Melissa M. <i>[48] Order Extending Pre Trial Memorandum Deadline</i>
12/10/2021	 Non Opposition Filed by: Counter Defendant Leon-Yanez, Zoila <i>[50] Notice of Non-Opposition to Motion to Withdraw as Counsel of Record</i>
12/14/2021	 Order <i>[51] Order Granting Defendant's Counsels Motion to Withdraw as Counsel of Record</i>
12/16/2021	 Certificate of Mailing Filed By: Counter Defendant Leon-Yanez, Zoila <i>[52] Certificate of Mailing</i>
04/04/2022	 Pre-trial Memorandum Filed By: Counter Defendant Leon-Yanez, Zoila <i>[53] Plaintiff's Pre-Trial Memorandum</i>

CASE SUMMARY

CASE NO. D-20-615905-D

04/12/2022	 Schedule of Arrearages Filed by: Counter Defendant Leon-Yanez, Zoila <i>[54] Schedule of Arrears for Child Support</i>
04/26/2022	 Notice of Appearance Party: Counter Claimant Garcia Rodriguez, Joseph Raul <i>[55] Notice of Appearance</i>
04/27/2022	 Decree of Divorce <i>[56] Decree of Divorce</i>
04/27/2022	 Notice of Entry of Decree Party: Counter Defendant Leon-Yanez, Zoila <i>[57] Notice of Entry of Decree of Divorce and Withdrawal of Attorney</i>
05/05/2022	 Motion to Set Aside Filed by: Counter Claimant Garcia Rodriguez, Joseph Raul <i>[58] Motion to Set Aside the Decree of Divorce Filed on 4/27/2022</i>
05/05/2022	 Clerk's Notice of Nonconforming Document <i>[59] Clerks Notice of Nonconforming Document</i>
05/10/2022	 Motion to Set Aside Filed by: Counter Claimant Garcia Rodriguez, Joseph Raul <i>[60] Motion to Set Aside the Decree of Divorce Filed on 4/27/2022</i>
05/11/2022	 Notice of Hearing <i>[61] Notice of Hearing</i>
05/12/2022	 Certificate of Service Filed by: Counter Claimant Garcia Rodriguez, Joseph Raul <i>[62] Certificate of Service of Motion and Notice of Hearing</i>
06/10/2022	 Opposition Filed By: Counter Defendant Leon-Yanez, Zoila <i>[63] Plaintiffs Opposition and Objection to Defendants Motion To Set Aside The Decree Of Divorce Filed On 4/27/2022 And Defendant's Countermotion To Amend Decree Of Divorce, For A Behavior Order, For Attorneys Fees and Costs And Related Relief</i>
06/10/2022	 Financial Disclosure Form Filed by: Counter Defendant Leon-Yanez, Zoila <i>[64] Financial Disclosure Form</i>
06/13/2022	 Financial Disclosure Form Filed by: Counter Claimant Garcia Rodriguez, Joseph Raul <i>[65] Revised Financial Disclosure Form</i>
06/16/2022	 Declaration Filed By: Counter Claimant Garcia Rodriguez, Joseph Raul <i>[66] Declaration in Reply to Opposition</i>
06/21/2022	 Behavior Order <i>[67]</i>
07/14/2022	 Financial Disclosure Form Filed by: Counter Claimant Garcia Rodriguez, Joseph Raul <i>[68] Amended Financial Disclosure Form - Defendant</i>
07/15/2022	 Brief Filed By: Counter Claimant Garcia Rodriguez, Joseph Raul <i>[69] Brief Re Financial Issues</i>
07/18/2022	 Exhibits Filed By: Counter Claimant Garcia Rodriguez, Joseph Raul

CASE SUMMARY

CASE NO. D-20-615905-D

[70] Supplemental Exhibits to Defendants Brief Re Financial Issues

07/20/2022



Order

[71] Order After June 21, 2022 Hearing

07/20/2022



Notice of Entry

Filed By: Counter Claimant Garcia Rodriguez, Joseph Raul

[72] Notice of Entry of Order from 6/21/22 Hearing

07/22/2022



Brief

Filed By: Counter Defendant Leon-Yanez, Zoila

[73] Plaintiff's Brief re Financial Issues

07/22/2022



Exhibits

Filed By: Counter Defendant Leon-Yanez, Zoila

[74] Plaintiff's Exhibit's To Brief Re Financial Issues (set 1 of 4, ex. 1-5)

07/22/2022



Exhibits

Filed By: Counter Defendant Leon-Yanez, Zoila

[75] Plaintiff's Exhibit's To Brief Re Financial Issues (set 2 of 4, ex. 6 only)

07/22/2022



Exhibits

Filed By: Counter Defendant Leon-Yanez, Zoila

[76] Plaintiff's Exhibit's To Brief Re Financial Issues (set 3 of 4, ex. 7-17)

07/22/2022



Exhibits

Filed By: Counter Defendant Leon-Yanez, Zoila

[77] Plaintiff's Exhibit's To Brief Re Financial Issues (set 4 of 4, ex. 18-22)

08/04/2022



Order

[78] Order Resulting from June 21, 2022 Hearing

08/04/2022



Notice of Entry

[79] Notice of Entry of Order Resulting from June 21, 2022 Hearing

08/10/2022



Notice of Withdrawal

Filed by: Counter Claimant Garcia Rodriguez, Joseph Raul

[80] Notice of Withdrawal of Attorney - Defendant

08/18/2022



Decree of Divorce

[81] Amended Decree of Divorce

08/25/2022



Notice of Entry

Filed By: Counter Claimant Garcia Rodriguez, Joseph Raul

[82] Notice of Entry of Order from 6-21-22 Decision

08/30/2022



Notice of Appeal

Filed By: Subject Minor Garcia, Joseph Alejandro

[83] Notice of Appeal

09/01/2022



Case Appeal Statement

Case Appeal Statement

HEARINGS

03/04/2021



Motion (9:00 AM) (Judicial Officer: Hoskin, Charles J.)

Plaintiff's Motion for Temporary Orders and Preliminary Attorney's Fees and Costs

MINUTES

Matter Heard;

Journal Entry Details:

PLAINTIFF'S MOTION FOR TEMPORARY ORDERS AND PRELIMINARY ATTORNEY'S FEES AND COSTS
Court Clerks: Kyle Medina and Blanca Madrigal (mb). Present by video conference Maria Peters, Certified Court Interpreter, on behalf of the Plaintiff. In the interest of public safety due to the Coronavirus pandemic, all parties were present via VIDEO CONFERENCE through the BlueJeans application. Ms. Setters requested

CASE SUMMARY

CASE NO. D-20-615905-D

temporary relief on custody and financial matters and noted that Defendant is a welder for the oil industry. Ms. Barry had no objection to setting aside the Default and that Defendant would be retaining her as his counsel of record. COURT ORDERED: 1) The Default filed on 2/15/2021 shall be SET ASIDE; 2) Defendant shall have an additional ten (10) days from this date, 3/04/2021, to file an Answer to the complaint. Once the Answer is filed, the Court will set a Case Management Conference; 3) Temporarily, Mom shall have SOLE LEGAL and SOLE PHYSICAL CUSTODY of the minor children; 4) Temporarily, Dad shall pay Mom CHILD SUPPORT of \$2,298.00 per month. Said amount shall be due on/or before the last day of each month commencing March 2021 and forward; 5) Mom's request for retroactive child support back to the year of 2017 is DEFERRED; 6) Mom's request for Attorney's Fees and Spousal Support (Sargent Case) is DEFERRED; 7) Ms. Setters shall prepare the Order, and Ms. Barry shall review and sign off.;
Matter Heard

03/09/2021



Minute Order (2:00 PM) (Judicial Officer: Hoskin, Charles J.)

Minute Order - No Hearing Held;

Journal Entry Details:

MINUTE ORDER:NO HEARING HELD AND NO APPERANCES THE COURT FINDS that a Stipulation was filed on March 4, 2021. However the Stipulation does not contain Jennifer Setter, Esq. s signature. THE COURT ORDERS that the Stipulation filed on March 4, 2021 shall be STRICKEN.;

Minute Order - No Hearing Held

04/28/2021



Case Management Conference (9:00 AM) (Judicial Officer: Hoskin, Charles J.)

Non Jury Trial;

Journal Entry Details:

CASE MANAGEMENT CONFERENCE In the interest of public safety due to the Coronavirus pandemic, Plaintiff, Plaintiff's Counsel, and Defendant were present via VIDEO CONFERENCE through the BlueJeans application. Interpreter, Patricia Tejada, NVTP500, providing interpreting services for Plaintiff. Defendant's appearance waived by Defendant's counsel, Melissa Barry. Ms. Setters, counsel for Plaintiff, Zoila Leon-Yanez, stated that the parties have not participated in settlement negotiations due to the lack of contact between Defendant and Defendant's counsel. Ms. Setters notified the Court that 16.2 Disclosures needed to be exchanged and that Defendant's financial disclosure form (FDF) needed to be updated. Ms. Setters alleged that Defendant's FDF only reported income from one employer when Defendant is employed by multiple employers and makes upwards of \$100,000 a year. Also, Defendant reported making \$190,000 in 2014 and reported income from rental properties amounting to \$700 a month. Ms. Setters argued that there were three paid off properties with values on Zillow reported to be in the range of \$1,100 - \$1,200 and argued that documentation regarding these properties needed to be provided in Defendant's FDF. Ms. Barry reported that Defendant has completed an FDF but argues that the parties have not resided together in some time. Ms. Barry alleged that Plaintiff moved to Las Vegas and left Defendant in Nebraska in the community residence. Ms. Barry argued Defendant has maintained the same employment throughout the time she has represented him and also reported that Defendant is requesting Plaintiff provide her updated financial information as well. Ms. Barry argued that Plaintiff is currently working and Defendant knows this because the children allegedly call him when Plaintiff is working and ask for him to buy them food. In regard to real property in Nebraska, Ms. Barry stated that it was Defendant's position that he has never availed himself to Nevada and that Nebraska should have jurisdiction over property. Ms. Barry argued that assets are distributed under equitable distribution in Nebraska rather than under community property in Nevada. Due to lack of contact between Defendant and Ms. Barry, Ms. Barry notified the Court that she may file a motion to withdrawal due to not being able to adequately represent her client. Ms. Barry stated she was agreeable to continuing the Case Management Conference in attempt to resolve the matter after 16.2 disclosures are exchanged. Ms. Setters stated she understands that 16.2 disclosures need to be exchanged but requested that a date for trial be set due to Defendant not providing support to Plaintiff in the interim. Ms. Setters requested 120 days for trial in order for deadlines to be set and was not opposed to a status check within 30 days. COURT ORDERED the following: 1. The Court set the matter for a NON-JURY TRIAL to address CUSTODY, DIVORCE and Related Issues on 09/14/2021 at 1:30 P.M. The Case and Non-Jury Trial Management Order was executed and FILED in OPEN COURT and processed into Odyssey for both counsel to obtain. 2. CALENDAR CALL set for 08/31/2021 at 11:00 A.M.;

Non Jury Trial

06/17/2021

Motion (9:00 AM) (Judicial Officer: Hoskin, Charles J.)

Defendant's Motion to Modify Child Custody and Child Support

Granted in Part; See All Pending Entry 6/17/2021

Granted in Part

06/17/2021

Opposition & Countermotion (9:00 AM) (Judicial Officer: Hoskin, Charles J.)

Pltf's Opposition to Defendant's Motion to Modify Child Custody and Child Support and Plaintiff's Countermotion for Discovery, for Compliance with NRCP 16.2, for Attorney Fees and Costs and Related Relief.

Matter Heard; See All Pending Entry 6/17/2021

Matter Heard

06/17/2021



All Pending Motions (9:00 AM) (Judicial Officer: Hoskin, Charles J.)

CASE SUMMARY**CASE NO. D-20-615905-D****MINUTES**


Matter Heard;

Journal Entry Details:

DEFENDANT'S MOTION TO MODIFY CHILD CUSTODY AND CHILD SUPPORT..PLAINTIFF'S OPPOSITION AND COUNTERMOTION. Certified Court Interpreter, Juan Marquez present for the Plaintiff. In the interest of public safety due to the Coronavirus pandemic, the matter was heard via VIDEO CONFERENCE through the BlueJeans application. Ms. Barry stated that on March 4, 2021, Dad did not appear for the proceeding because she thought it was for setting aside a Default and it ended up being for a Prove Up. Ms. Barry further stated, since filing the Motion the Defendant has become unemployed and is collecting unemployment and \$700.00 a month from the rental property. Also, Dad orders food for the minor children when Mom has to work. Ms. Barry has provided Dad's unemployment award letter and paystubs with the Financial Disclosure Form (FDF), and his 2020 W2 showing that Mom misrepresented his income. Dad has discussed his finances with Mom and was upset that it was said that he makes \$190,000.00 a year. Ms. Barry states that Dad can pay what he is statutorily required to pay, but he can not pay more than what he has coming in and support himself. Ms. Setters states that Dad has been a Welder for over 20 years and travels for work and each job gives him a W2. Counsel argued that there are two (2) rental properties and they should be rented out according to the numbers found on Zillow for \$1,200.00 to \$1,250.00 each. Counsel further argued, that the Court did not utilize the \$190,000.00 as Dad's income when setting child support, the assertions that were made in March were that he made \$130,000.00 a year on average. Ms. Setters states that they have yet to see any tax documents for Dad for 2020. She further states that the income is being misrepresented and there is not any documentation showing that Dad went from making \$130,000.00 a year to now being unemployed. Ms. Setters request that the Court confirm the child support even though Dad has not paid any child support other than the pizza he orders for the children. Mom does admit to letting the children go to Florida while she stayed behind to work. The Court ADDRESSED, Ms. Barry in regards to Dad's four (4) Financial Disclosure Forms (FDF) that have been received and can only acknowledge the one from April 20, 2021. The Court NOTED, that the Order that was entered in March in regards to the temporary child support obligation was done so without the participation or information from the Obligor in this case and the Motion to Modify was not filed until early May. The only sworn statement is from April 20, 2021 Financial Disclosure Form (FDF). The Court is disappointed that NO child support has been paid and it does not present a good look for Dad. COURT ORDERED, as follows: 1. The Financial Disclosure Form (FDF) from April 20, 2021 indicates that Dad's monthly child support obligation shall be \$1128.00. Said amount shall be due on/or before the last day of each month commencing May 2021 and forward. 2. These are all TEMPORARY ORDERS and all subject to modification based upon proof. This new Modified Order shall commence on May 2021 and go forward until further order of the Court. The Court shall reserve the right to MODIFY both obligations based upon proof once Discovery is completed and evidence is presented. 3. In regards to the COUNTERMOTION, Discovery has been opened for some time and there is a requirement under 16.2 to comply and if there needs to be Motions to Compel they will be considered, at this time attorney fees shall be DEFERRED. 4. Ms. Barry shall prepare the order and Ms. Setters shall review and sign off. ;

Matter Heard

07/27/2021 **CANCELED Order to Show Cause (8:30 AM)** (Judicial Officer: Hoskin, Charles J.)
Vacated - Moot

08/17/2021  **Minute Order (7:30 AM)** (Judicial Officer: Hoskin, Charles J.)


Minute Order - No Hearing Held;

Journal Entry Details:

MINUTE ORDER: NO HEARING HELD AND NO APPEARANCES This Court having reviewed Defendant's Ex Parte Motion to Continue Trial and Discovery Deadlines filed August 2, 2021, hereby FINDS that NRCP 1 and EDCR 1.10 state that the procedure in District Courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.11(e), this Court can consider a motion and issue a decision on the papers at any time without a hearing. This COURT FINDS that oral arguments are necessary and ORDERS that the Defendant's Ex Parte Motion to Continue Trial and Discovery Deadlines filed August 2, 2021 shall be heard at the time of the Calendar Call presently scheduled for August 31, 2021 at 11:00 a.m. Defendant shall properly serve Plaintiff and file proof of same prior to this hearing. COURT FURTHER ORDERS that this minute order shall suffice as the order of the Court pursuant to EDCR 7.50 and the Department Law Clerk shall contact counsel, Melissa M. Barry, Esq., and advise her of this minute order and shall email a copy of this minute order to the Plaintiff, in proper person. ;

Minute Order - No Hearing Held

08/25/2021 **CANCELED Motion (10:00 AM)** (Judicial Officer: Hoskin, Charles J.)
Vacated - per Order
Plaintiff's Motion to Withdraw as Counsel

08/31/2021  **Calendar Call (11:00 AM)** (Judicial Officer: Hoskin, Charles J.)

08/31/2021, 12/14/2021, 04/05/2022

CALENDAR CALL: (Stack #1 Continued from 8/31/21 and 12/14/21)

CASE SUMMARY

CASE NO. D-20-615905-D

MINUTES

Matter Continued;

Matter Continued; Please see All Pending Motions for Minutes

Set in error

Matter Settled;

Journal Entry Details:

CALENDAR CALL Due to the Administrative Order, this matter was heard via VIDEO CONFERENCE through the BlueJeans application. Matter called at 11:16 AM. No appearances by the Defendant. Matter proved-up. Plaintiff swore and testified as to her relief requested: a) Plaintiff shall have SOLE PHYSICAL CUSTODY of the minor children. b) Defendant's visitation with the children shall be at Plaintiff's DISCRETION. c) Plaintiff shall have SOLE LEGAL CUSTODY of the minor children. d) Defendant's monthly Child Support Obligation of \$1,128.00 as of 6/17/2021 to STAND. e) Defendant owes CHILD SUPPORT ARREARAGES back to June of 2021. f) The properties with the following addresses shall be awarded to Plaintiff: 420 S. Pine St. Grand Island, Nebraska 68801, and 108 W. Ashton, Grand Island, Nebraska 68801. Plaintiff requested the Court grant rembursement of the cost to remodel both homes of approximately \$75,000.00. g) Attorney Fees of \$5,500.00 awarded to Plaintiff. According to EDCR 2.69, COURT-ORDERED as follows: 1) Plaintiff awarded SOLE LEGAL and SOLE PHYSICAL CUSTODY of the minor children; 2) Defendant's child support obligation of \$1,128.00 per month shall STAND; 3) Defendant owes child support arrearages from June 2021. Mr. Perez to prepare a Schedule of Arrears and file for the Court's review. Mr Perez to leave a blank in the final order for the Court's decision. Arrears shall be reduced to judgement and collectible by any lawful means; 4) Defendant shall pay SPOUSAL SUPPORT of \$1,500.00 per month for a period of ten (10) years; 5) The residences on 420 Pine and 108 W. Ashton, shall be AWARDED to Plaintiff. There being no basis, Plaintiff's request for reimbursement of the costs to remodel is DENIED; 6) Sargeant fees apply and based on Defendant's failure to participate, Defendant shall pay ATTORNEY'S FEES of \$5,500.00. Fees reduced to judgment and collectible by any lawful means; 7) Plaintiff testified that legal and physical was in the best interest of the minor children and the division of property was a fair and equitable distribution; 8) Mr. Perez to prepare the Order, case closed upon submission of same. CLERK'S NOTE: The above minute order was modified to reflect that Plaintiff is awarded sole physical and not primary custody. Upon reviewing the video hearing, Plaintiff requested sole physical custody through her Court Interpreter, and Mr. Perez wrongly stated primary on the record. The prior temporary orders filed 3/30/2021 grant sole physical custody to Plaintiff.;

Matter Continued;

Matter Continued; Please see All Pending Motions for Minutes

Set in error

Matter Settled;

Matter Continued;

Matter Continued; Please see All Pending Motions for Minutes

Set in error

Matter Settled;

Matter Continued

08/31/2021

Motion (11:00 AM) (Judicial Officer: Hoskin, Charles J.)

Exparte Motion to Continue Trial and Discovery Deadlines

Granted;

Granted

08/31/2021



All Pending Motions (11:00 AM) (Judicial Officer: Hoskin, Charles J.)

Matter Heard;

Journal Entry Details:

EXPARTE MOTION TO CONTINUE TRIAL AND DISCOVERY DEADLINES...CALENDAR CALL (STACK #1) Court Interpreter, Carlos Calvo, was present to assist Plaintiff. Ms. Barry's paralegal was also present. In the interest of public safety due to the Coronavirus pandemic, all parties present appeared via video conference through the BlueJeans application. Ms. Barry stated she spoke to Mr. Perez who has not received Defendant's 16.2 disclosures from prior counsel and he is going to produce Plaintiff's 16.2 disclosures. Mr. Perez stated that is correct, he is new to the case, and Plaintiff understands discovery needs to be provided; therefore, he requested the trial be continued in ordinary course. Ms. Barry stated the parties have not attempted Mediation to address the custody issues. Mr. Perez stated he does not see a reason why the parties should not be referred to the Family Mediation Center (FMC). Court NOTED this case will be one year old in October; therefore, the Court will probably not grant any further continuances. COURT ORDERED the following: The CALENDAR CALL is CONTINUED to December 14, 2021 at 11:00 AM. Additionally, the Non-Jury TRIAL regarding divorce, custody, and related issues currently set for September 14, 2021 at 1:30 PM is CONTINUED to January 11, 2022 at 1:30 PM (stack #1). Pre-Trial Memorandums are due December 7, 2021 and the DISCOVERY deadlines are extended accordingly to the Case Management Order filed April 28, 2021. The parties were REFERRED to FMC for MEDIATION. Return Hearing SET on December 14, 2021 at 11:00 AM. Order for FMC Services was FILED IN OPEN COURT. CLERK'S NOTE: a copy of the Order for FMC Services was e-mailed to both parties' attorneys and to FMC. (8/31/21 TC);

CASE SUMMARY

CASE NO. D-20-615905-D

Matter Heard

12/14/2021

Return Hearing (11:00 AM) (Judicial Officer: Hoskin, Charles J.)

RETURN: FMC - MEDIATION

Matter Continued; Please see All Pending Motions for Minutes

Matter Continued

12/14/2021



All Pending Motions (11:00 AM) (Judicial Officer: Hoskin, Charles J.)

Matter Continued;

Journal Entry Details:

RETURN HEARING: RETURN FROM FMC MEDIATION...CALENDAR CALL (STACK #1)...ALL PENDING MOTIONS. In the interest of public safety due to the Coronavirus pandemic, the matter was heard via VIDEO CONFERENCE through the BlueJeans application. Plaintiff's counsel Ms. Lynn Conant (Bar No. 8036) appeared for counsel, Romeo Perez, along with Court Interpreter, Carlos Calvo, and the Plaintiff, all by video. The Court noted that neither party showed up for the first appointment with Mediation and the Defendant did not show up for the second appointment, so there was no resolution from there. The Court further noted that Defendant's counsel filed a Motion to Withdraw, and has not seen an opposition filed on it. Defendant's counsel, Ms. Barry informed that Court that she actually received a Non-opposition to it, and upon inquiry, Defendant stated that he had no objection to Ms. Barry withdrawing as his attorney, and that he was in the process of obtaining new counsel. All parties clarified that Defendant's current address and E-mail were included in the last filing for record. In addition, Ms. Barry stated that she just send over Defendant's disclosures to Mr. Perez' office. The Court further noted that extension was filed to extend the Pre-Trial Memo deadline to 12/20/21, and then inquired of Mr. Garcia if he would be able to obtain his new counsel and be ready to go to trial by the scheduled date of 1/11/2022 at 1:30 p.m., and he said he would. Upon inquiry, Ms. Conant stated that they were not ready to go to trial so soon since that they had just received Defendant's disclosures and she has not had a chance to review them. She requested an eight (8) week continuance. The Court informed her that a continuance was already granted last April, and in October of this year, the case had already reached one year and there was concern that the case was not moving forward. Ms. Conant stated that she understood the Court's concern, however, there was evidence that the Defendant sold some community property without Plaintiff's knowledge and consent, and that she is entitled to have the profits. The Court noted that new trial dates are out to April of 2022. The COURT has ORDERED the following: 1) The Evidentiary Hearing is RESCHEDULED to 4/19/2022 at 1:30 p.m. The Calendar Call is CONTINUED to 4/5/2022 at 11:00 a.m. 2) The Pre-Trial Memos will be DUE by 3/29/2022. No new Scheduling Order will be issued, the Discovery deadlines will be continued out with the new trial setting, and the case will NOT be continued again. 3) Ms. Barry's Motion to Withdraw is GRANTED, and the Motion Hearing on 1/18/2022 at 9:00 AM is VACATED. 4) The Minutes shall SUFFICE in lieu of a written Order, pursuant to EDCR 7.50 CLERK S NOTE: The above minutes were prepared by Trainee, Carmen Rodriguez-Vissek and reviewed by Courtroom Clerk, Blanca Madrigal.;

Matter Continued

01/18/2022

CANCELED Motion (9:00 AM) (Judicial Officer: Hoskin, Charles J.)

Vacated

Motion to Withdraw as Counsel of Record

04/19/2022

CANCELED Non-Jury Trial (1:30 PM) (Judicial Officer: Hoskin, Charles J.)

Vacated

NON-JURY TRIAL: DIVORCE, CUSTODY AND RELATED ISSUES (1/2 Day - Stack #1)

06/21/2022

Motion (9:00 AM) (Judicial Officer: Hoskin, Charles J.)

Defendant's Motion to Set Aside the Decree of Divorce Filed on 4/27/2022

Decision Made; See All Pending Entry 6/21/2022

Decision Made

06/21/2022

Opposition & Countermotion (9:00 AM) (Judicial Officer: Hoskin, Charles J.)

Plaintiffs Opposition and Objection to Defendants Motion To Set Aside The Decree Of Divorce Filed On 4/27/2022 And Defendant's Countermotion To Amend Decree Of Divorce, For A Behavior Order, For Attorneys Fees and Costs And Related Relief

Decision Made; See All Pending Entry 6/21/2022

Decision Made

06/21/2022



All Pending Motions (9:00 AM) (Judicial Officer: Hoskin, Charles J.)

MINUTES

Matter Heard;

Journal Entry Details:

DEFENDANT'S MOTION TO SET ASIDE THE DECREE OF DIVORCE FILED ON 4/27/2022...PLAINTIFF'S OPPOSITION AND COUNTERMOTION TO AMEND DECREE OF DIVORCE, FOR A BEHAVIOR ORDER, FOR ATTORNEY'S FEES AND COSTS AND RELATED RELIEF Certified Court Interpreter, Estela Castro, present with the Plaintiff. All parties present by video conference through the BlueJeans Application. Attorney

CASE SUMMARY**CASE NO. D-20-615905-D**

Nathan argued that Defendant apologized for missing his court date and moved to set aside the property division, child support, and spousal support. Defendant could not afford to pay the amounts set and was currently receiving unemployment benefits no objection to the divorce. Mr. Perez argued that a Motion to Set Aside was scheduled, and Defendant refused to appear; the Default was set aside by stipulation. The Defendant was well aware of the Calendar Call hearing, failed to appear, and chose not to participate in this litigation. Mr. Perez opposed the Motion to Set Aside due to lack of merit and moved to amend the Decree to state the property address of 108 W. Ashton accurately. He further argued that Defendant's Motion was more of a request to modify and not set aside. The Court NOTED that Defendant's credibility was questionable. Defendant did receive notification of the Calendar Call hearing from Department E and failed to appear, but for Defendant's actions, the trial was vacated and evidence was not taken. Defendant's Financial Disclosure Form (FDF) filed on 6/13/2022 did not include income (page 2 missing), and both parties failed to disclose the value of the two rental properties. However, this Court is bound by law to ensure there is an equitable distribution of the assets and debts of the community. Ms. Nathan moved the Court to reserve the decision to allow her time to file an updated FDF and provide all necessary information. COURT-ORDERED: 1) Plaintiff and Defendant shall follow Department E's Behavior Order. The Order FILED IN OPEN COURT; 2) Ms. Nathan shall demonstrate in the form of a Brief that the assets and debts distribution was not equitable and the financial orders were inappropriate. Ms. Nathan shall file her Brief on or before 7/15/2022. Mr. Perez shall file his response on or before 7/22/2022. Mr. Perez shall inform Department E when his answer is filed. The Court shall issue a decision, or if evidence is required, the Court will set the matter for evidentiary proceedings. 3) Plaintiff's request to amend the Decree to correct the address is DEFERRED.;

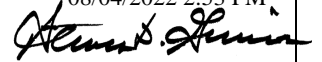
Matter Heard

SERVICE**Summons**

Garcia Rodriguez, Joseph Raul

Served: 01/08/2021

10/19/2020


CLERK OF THE COURT

1 ORDER

2
3 **DISTRICT COURT**
4 **FAMILY DIVISION**
5 **CLARK COUNTY, NEVADA**
6

7
8 LEON-YANEZ, ZOILA,
9 Plaintiff,

Case No.: D-20-615905-D
Dept.: E

10 v.

11 GARCIA RODRIGUEZ, JOSEPH
12 RAUL,
13 Defendant.
14

15 **ORDER**
16

17 This matter most recently having come on for Hearing on the 21st day
18 of June 2022; the Court resolving some of the pending issues and reserving
19 the issue of whether to set aside the Decree under submission; the Order
20 from that hearing being entered on July 20, 2022; the Defendant was given
21 the opportunity to further brief the issue to support the claim that the asset
22 and debt distribution was not inequitable and that the financial orders were
23 inappropriate. The parties having submitted their briefs and, after reviewing
24 those briefs, the Court finds and orders as follows:
25
26
27
28

1 That a *Decree of Divorce* was entered on April 27, 2022, resulting
2
3 from the hearing on April 5, 2022 where Defendant failed to appear, even
4 though he was properly noticed of the hearing and proceedings. The *Decree*
5 was the result of evidence taken at the April 5, 2022 hearing.
6

7 The *Decree* awarded Plaintiff child support at the prior awarded
8 amount of \$1,128.00 per month and spousal support of \$1,500.00 per month
9 for ten (10) years. Plaintiff was awarded community property consisting of
10 420 S. Pine St. Grand Island, Nebraska, 68801, and 108 W. Ashton, Grand
11 Island, Nebraska, 68801, in addition to any and all debt associated with
12 those properties. Defendant was awarded the property and debt in his
13 possession. Plaintiff testified that such a distribution was equal and the
14 Court ultimately accepted that representation.
15
16

17 Defendant's *Brief*, filed July 15, 2022, indicates that there is a
18 community asset not specifically distributed within the Decree, identified as
19 621 E. Division St. Under the terms of the Decree, since that residence is
20 purportedly in Defendant's name, the same would be awarded to him.
21 However, notwithstanding the purpose of the *Brief* (was the distribution
22 equal?) no value for 621 E. Division St. was provided.
23
24
25

26 While the parties continue to argue regarding expenses made, during
27 the marriage to improve community properties, such is not a current
28

1 consideration of the Court. The Court is tasked with dividing the
2 community, at the value of the assets at the time of the divorce.
3 Contributions for repairs are resolved through the values of the properties at
4 the time of the *Decree*.
5

6
7 While Plaintiff represented total debts assigned to her in the *Decree*
8 exceeding \$101,000.00, she also failed to provide any proof as to the value
9 of the two community assets assigned to her. Ultimately, it was Defendant's
10 burden to demonstrate that the community division in the *Decree* was not
11 fair and equal. Notwithstanding an additional opportunity to support that
12 claim, Defendant failed to provide sufficient information to indicate that the
13 community division was not fair and equal.
14
15

16 Regarding the support issues, the child support was based on the
17 information in Defendant's April 20, 2021 Financial Disclosure Form
18 (FDF). The child support amount existed, temporarily, since the June 2021
19 hearing. Such is the same amount in the permanent order of the Court. That
20 FDF represented \$3,328.00 each month in gross monthly income (GMI),
21 plus \$700.00 monthly in rental income (totaling $\$4,028 \times 28\% = \$1,128.00$).
22 The attached form 1040 represents a GMI of \$6,089.00. As Defendant's
23 June 13, 2022 FDF omitted the income page, there is no current basis to
24 modify that amount.
25
26
27
28

1 Spousal support requires a different analysis as need and ability to pay
2
3 are considered. Unfortunately, other than the testimony received at the April
4 2022 hearing, neither Plaintiff's need, nor Defendant's ability to pay were
5 fully explored in the briefs. As such, the Court is looking at potentially
6 modifying the prior support spousal support order.
7

8 NRS 125.150(8) indicates that support payments "may be modified
9 upon a showing of changed circumstances." That section goes on to state
10 that, in addition to other relevant factors, "the court shall consider whether
11 the income of the spouse who is ordered to pay alimony, as indicated on the
12 spouse's federal income tax return for the preceding calendar year, has been
13 reduced to such a level that the spouse is financially unable to pay the
14 amount of alimony the spouse has been ordered to pay."
15
16

17 As no income page was included in Defendant's recent FDF, it is
18 difficult to determine whether a modification is appropriate. The documents
19 attached to that FDF appear to indicate that, at least in February 2022,
20 Defendant earned \$3,676.00. It is assumed he is also still receiving the
21 \$700.00 per month in rental income. Totaling those amounts appears to
22 result in income consistent with his prior income. However, that income
23 level does not support an ability to pay \$1,500.00 per month is spousal
24
25
26
27
28

1 support. Defendant's request to modify the spousal support award is
2 appropriate.
3

4 IT IS HEREBY ORDERED that Defendant's request to set aside the
5 Divorce Decree is DENIED.
6

7 IT IS FURTHER ORDERED that Defendant's request to modify the
8 spousal support obligation is GRANTED. Defendant's spousal support
9 obligation is modified to \$700.00 per month beginning June 2022 (the
10 month following his Motion).
11

12 IT IS FURTHER ORDERED that each side shall pay their own
13 attorney's fees and costs.
14

15 IT IS FURTHER ORDERED that all prior orders, not modified by
16 this Order, shall remain in full force and effect.
17

18 IT IS SO ORDERED

19 Dated this 4th day of August, 2022

20 
21

22 _____
23 **A98 192 5DD3 202B**
24 **Charles J. Hoskin**
25 **District Court Judge**
26
27
28

se

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Zoila Leon-Yanez, Plaintiff

CASE NO: D-20-615905-D

7 vs.

DEPT. NO. Department E

8 Joseph Raul Garcia Rodriguez,
9 Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 8/4/2022

15 Pearl Almazan

Pearlee702@yahoo.com

16 Rhonda Perez

rhonda@romeoperezlaw.com

17 Romeo Perez, Esq.

Romeo@romeoperezlaw.com

18 Lisa Silon

legalassistant@bonanzalegal.com

19 Kristina Marcus

administrator@bonanzalegal.com

20 Gayle Nathan

attorney@bonanzalegal.com

21 Joseph Garcia

nowonder2008@yahoo.com

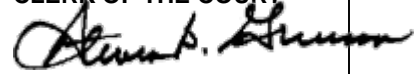
22 Info Perez

info@romeoperezlaw.com

23
24
25
26
27
28

NEO

Electronically Filed
8/4/2022 3:17 PM
Steven D. Grierson
CLERK OF THE COURT



**DISTRICT COURT
CLARK COUNTY, NEVADA**

* * *

Zoila Leon-Yanez, Plaintiff
vs.
Joseph Raul Garcia Rodriguez,
Defendant.

Case No: D-20-615905-D
Department E

NOTICE OF ENTRY OF ORDER

Please take notice that an ORDER RESULTING FROM JUNE 21,
2022 HEARING was entered in the foregoing action and the
following is a true and correct copy thereof.

Dated: August 04, 2022

_____/s/ Sherri Estes_____

Sherri Estes
Judicial Executive Assistant
Department E

NEO

CERTIFICATE OF SERVICE

I hereby certify that on the above file stamp date:

☐ I placed a copy of the foregoing NOTICE OF ENTRY OF ORDER in the appropriate attorney folder located in the Clerk of the Court's Office of:

☒ I provided, the foregoing NOTICE OF ENTRY OF ORDER to:

Gayle Nathan, Esq.
attorney@bonanzalegal.com

Romeo R. Perez, Esq.
romeo@romeoperezlaw.com

/s/ Sherri Estes

Sherri Estes
Judicial Executive Assistant
Department E

Heather S. Smith
CLERK OF THE COURT

1 ORDER

2
3 **DISTRICT COURT**
4 **FAMILY DIVISION**
5 **CLARK COUNTY, NEVADA**
6

7
8 LEON-YANEZ, ZOILA,
9 Plaintiff,

Case No.: D-20-615905-D
Dept.: E

10 v.

11 GARCIA RODRIGUEZ, JOSEPH
12 RAUL,
13 Defendant.
14

15 **ORDER**
16

17 This matter most recently having come on for Hearing on the 21st day
18 of June 2022; the Court resolving some of the pending issues and reserving
19 the issue of whether to set aside the Decree under submission; the Order
20 from that hearing being entered on July 20, 2022; the Defendant was given
21 the opportunity to further brief the issue to support the claim that the asset
22 and debt distribution was not inequitable and that the financial orders were
23 inappropriate. The parties having submitted their briefs and, after reviewing
24 those briefs, the Court finds and orders as follows:
25
26
27
28

1 That a *Decree of Divorce* was entered on April 27, 2022, resulting
2
3 from the hearing on April 5, 2022 where Defendant failed to appear, even
4 though he was properly noticed of the hearing and proceedings. The *Decree*
5 was the result of evidence taken at the April 5, 2022 hearing.
6

7 The *Decree* awarded Plaintiff child support at the prior awarded
8 amount of \$1,128.00 per month and spousal support of \$1,500.00 per month
9 for ten (10) years. Plaintiff was awarded community property consisting of
10 420 S. Pine St. Grand Island, Nebraska, 68801, and 108 W. Ashton, Grand
11 Island, Nebraska, 68801, in addition to any and all debt associated with
12 those properties. Defendant was awarded the property and debt in his
13 possession. Plaintiff testified that such a distribution was equal and the
14 Court ultimately accepted that representation.
15
16

17 Defendant's *Brief*, filed July 15, 2022, indicates that there is a
18 community asset not specifically distributed within the Decree, identified as
19 621 E. Division St. Under the terms of the Decree, since that residence is
20 purportedly in Defendant's name, the same would be awarded to him.
21 However, notwithstanding the purpose of the *Brief* (was the distribution
22 equal?) no value for 621 E. Division St. was provided.
23
24
25

26 While the parties continue to argue regarding expenses made, during
27 the marriage to improve community properties, such is not a current
28

1 consideration of the Court. The Court is tasked with dividing the
2 community, at the value of the assets at the time of the divorce.
3 Contributions for repairs are resolved through the values of the properties at
4 the time of the *Decree*.
5

6
7 While Plaintiff represented total debts assigned to her in the *Decree*
8 exceeding \$101,000.00, she also failed to provide any proof as to the value
9 of the two community assets assigned to her. Ultimately, it was Defendant's
10 burden to demonstrate that the community division in the *Decree* was not
11 fair and equal. Notwithstanding an additional opportunity to support that
12 claim, Defendant failed to provide sufficient information to indicate that the
13 community division was not fair and equal.
14
15

16 Regarding the support issues, the child support was based on the
17 information in Defendant's April 20, 2021 Financial Disclosure Form
18 (FDF). The child support amount existed, temporarily, since the June 2021
19 hearing. Such is the same amount in the permanent order of the Court. That
20 FDF represented \$3,328.00 each month in gross monthly income (GMI),
21 plus \$700.00 monthly in rental income (totaling $\$4,028 \times 28\% = \$1,128.00$).
22 The attached form 1040 represents a GMI of \$6,089.00. As Defendant's
23 June 13, 2022 FDF omitted the income page, there is no current basis to
24 modify that amount.
25
26
27
28

1 Spousal support requires a different analysis as need and ability to pay
2
3 are considered. Unfortunately, other than the testimony received at the April
4 2022 hearing, neither Plaintiff's need, nor Defendant's ability to pay were
5 fully explored in the briefs. As such, the Court is looking at potentially
6 modifying the prior support spousal support order.
7

8 NRS 125.150(8) indicates that support payments "may be modified
9 upon a showing of changed circumstances." That section goes on to state
10 that, in addition to other relevant factors, "the court shall consider whether
11 the income of the spouse who is ordered to pay alimony, as indicated on the
12 spouse's federal income tax return for the preceding calendar year, has been
13 reduced to such a level that the spouse is financially unable to pay the
14 amount of alimony the spouse has been ordered to pay."
15
16

17 As no income page was included in Defendant's recent FDF, it is
18 difficult to determine whether a modification is appropriate. The documents
19 attached to that FDF appear to indicate that, at least in February 2022,
20 Defendant earned \$3,676.00. It is assumed he is also still receiving the
21 \$700.00 per month in rental income. Totaling those amounts appears to
22 result in income consistent with his prior income. However, that income
23 level does not support an ability to pay \$1,500.00 per month is spousal
24
25
26
27
28

1 support. Defendant's request to modify the spousal support award is
2 appropriate.
3

4 IT IS HEREBY ORDERED that Defendant's request to set aside the
5 Divorce Decree is DENIED.
6

7 IT IS FURTHER ORDERED that Defendant's request to modify the
8 spousal support obligation is GRANTED. Defendant's spousal support
9 obligation is modified to \$700.00 per month beginning June 2022 (the
10 month following his Motion).
11

12 IT IS FURTHER ORDERED that each side shall pay their own
13 attorney's fees and costs.
14

15 IT IS FURTHER ORDERED that all prior orders, not modified by
16 this Order, shall remain in full force and effect.
17

18 IT IS SO ORDERED

19 Dated this 4th day of August, 2022

20 
21

22 _____
23 **A98 192 5DD3 202B**
24 **Charles J. Hoskin**
25 **District Court Judge**

se

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Zoila Leon-Yanez, Plaintiff

CASE NO: D-20-615905-D

7 vs.

DEPT. NO. Department E

8 Joseph Raul Garcia Rodriguez,
9 Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 8/4/2022

15 Pearl Almazan

Pearlee702@yahoo.com

16 Rhonda Perez

rhonda@romeoperezlaw.com

17 Romeo Perez, Esq.

Romeo@romeoperezlaw.com

18 Lisa Silon

legalassistant@bonanzalegal.com

19 Kristina Marcus

administrator@bonanzalegal.com

20 Gayle Nathan

attorney@bonanzalegal.com

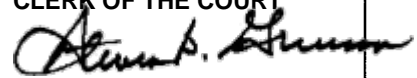
21 Joseph Garcia

nowonder2008@yahoo.com

22 Info Perez

info@romeoperezlaw.com

23
24
25
26
27
28



1 **NEO**
2 **GAYLE NATHAN, ESQ.**
3 Nevada Bar No. 4917
4 **BONANZA LEGAL GROUP**
5 3591 East Bonanza Road, 2nd Floor
6 Las Vegas, NV 89110
7 Telephone: (702) 405-1576
8 attorney@bonanzalegal.com
9 Attorney for Defendant

6 **DISTRICT COURT**
7 **FAMILY DIVISION**
8 **CLARK COUNTY, NEVADA**

9 ZOILA LEON-YANEZ,
10 Plaintiff,

11 vs.

12 JOSEPH RAUL GARCIA

13 RODRIQUEZ,

14 Defendant.

CASE NO.: D-20-615905-D
DEPT. NO. E

NOTICE OF ENTRY OF
ORDER FROM 6/21/22
DECISION

15 **TO: ZOILA LEON-YANEZ, Plaintiff and**

16 **TO: ROMEO R. PEREZ, ESQ., her attorney**

17
18 **PLEASE TAKE NOTICE** that an **ORDER FROM THE 6/21/22**
19 **DECISION** was entered on **August 4, 2022**, a true and correct copy of the **Order**
20 is attached hereto.

21 **DATED** this 25th day of August, 2022.

22
23 **Respectfully Submitted by:**

24 /s/ Gayle Nathan
25 **GAYLE NATHAN, ESQ.**
26 Nevada Bar No. 4917
27 **BONANZA LEGAL GROUP**
28 3591 East Bonanza Road, 2nd Floor
Las Vegas, NV 89110
Attorney for Defendant

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

[X] Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned “In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court,” by mandatory electronic service through the Eighth Judicial District Court’s electronic filing system.

[] by First Class, Certified U.S. Mail.

ROMEO R. PEREZ, ESQ.
Romeo@romeoperezlaw.com

Page 2 of 2

Heaven's Hand
CLERK OF THE COURT

1 ORDER

2
3 DISTRICT COURT
4 FAMILY DIVISION
5 CLARK COUNTY, NEVADA
6

7
8 LEON-YANEZ, ZOILA,
9 Plaintiff,

Case No.: D-20-615905-D
Dept.: E

10 v.

11 GARCIA RODRIGUEZ, JOSEPH
12 RAUL,
13 Defendant.
14

15 ORDER
16

17 This matter most recently having come on for Hearing on the 21st day
18 of June 2022; the Court resolving some of the pending issues and reserving
19 the issue of whether to set aside the Decree under submission; the Order
20 from that hearing being entered on July 20, 2022; the Defendant was given
21 the opportunity to further brief the issue to support the claim that the asset
22 and debt distribution was not inequitable and that the financial orders were
23 inappropriate. The parties having submitted their briefs and, after reviewing
24 those briefs, the Court finds and orders as follows:
25
26
27
28

1 That a *Decree of Divorce* was entered on April 27, 2022, resulting
2
3 from the hearing on April 5, 2022 where Defendant failed to appear, even
4 though he was properly noticed of the hearing and proceedings. The *Decree*
5 was the result of evidence taken at the April 5, 2022 hearing.
6

7 The *Decree* awarded Plaintiff child support at the prior awarded
8 amount of \$1,128.00 per month and spousal support of \$1,500.00 per month
9 for ten (10) years. Plaintiff was awarded community property consisting of
10 420 S. Pine St. Grand Island, Nebraska, 68801, and 108 W. Ashton, Grand
11 Island, Nebraska, 68801, in addition to any and all debt associated with
12 those properties. Defendant was awarded the property and debt in his
13 possession. Plaintiff testified that such a distribution was equal and the
14 Court ultimately accepted that representation.
15
16

17 Defendant's *Brief*, filed July 15, 2022, indicates that there is a
18 community asset not specifically distributed within the Decree, identified as
19 621 E. Division St. Under the terms of the Decree, since that residence is
20 purportedly in Defendant's name, the same would be awarded to him.
21 However, notwithstanding the purpose of the *Brief* (was the distribution
22 equal?) no value for 621 E. Division St. was provided.
23
24

25 While the parties continue to argue regarding expenses made, during
26 the marriage to improve community properties, such is not a current
27
28

1 consideration of the Court. The Court is tasked with dividing the
2 community, at the value of the assets at the time of the divorce.
3 Contributions for repairs are resolved through the values of the properties at
4 the time of the *Decree*.
5

6
7 While Plaintiff represented total debts assigned to her in the *Decree*
8 exceeding \$101,000.00, she also failed to provide any proof as to the value
9 of the two community assets assigned to her. Ultimately, it was Defendant's
10 burden to demonstrate that the community division in the *Decree* was not
11 fair and equal. Notwithstanding an additional opportunity to support that
12 claim, Defendant failed to provide sufficient information to indicate that the
13 community division was not fair and equal.
14
15

16 Regarding the support issues, the child support was based on the
17 information in Defendant's April 20, 2021 Financial Disclosure Form
18 (FDF). The child support amount existed, temporarily, since the June 2021
19 hearing. Such is the same amount in the permanent order of the Court. That
20 FDF represented \$3,328.00 each month in gross monthly income (GMI),
21 plus \$700.00 monthly in rental income (totaling $\$4,028 \times 28\% = \$1,128.00$).
22 The attached form 1040 represents a GMI of \$6,089.00. As Defendant's
23 June 13, 2022 FDF omitted the income page, there is no current basis to
24 modify that amount.
25
26
27
28

1 Spousal support requires a different analysis as need and ability to pay
2
3 are considered. Unfortunately, other than the testimony received at the April
4 2022 hearing, neither Plaintiff's need, nor Defendant's ability to pay were
5 fully explored in the briefs. As such, the Court is looking at potentially
6 modifying the prior support spousal support order.
7

8 NRS 125.150(8) indicates that support payments "may be modified
9 upon a showing of changed circumstances." That section goes on to state
10 that, in addition to other relevant factors, "the court shall consider whether
11 the income of the spouse who is ordered to pay alimony, as indicated on the
12 spouse's federal income tax return for the preceding calendar year, has been
13 reduced to such a level that the spouse is financially unable to pay the
14 amount of alimony the spouse has been ordered to pay."
15
16

17 As no income page was included in Defendant's recent FDF, it is
18 difficult to determine whether a modification is appropriate. The documents
19 attached to that FDF appear to indicate that, at least in February 2022,
20 Defendant earned \$3,676.00. It is assumed he is also still receiving the
21 \$700.00 per month in rental income. Totaling those amounts appears to
22 result in income consistent with his prior income. However, that income
23 level does not support an ability to pay \$1,500.00 per month is spousal
24
25
26
27
28

1 support. Defendant's request to modify the spousal support award is
2 appropriate.
3

4 IT IS HEREBY ORDERED that Defendant's request to set aside the
5 Divorce Decree is DENIED.
6

7 IT IS FURTHER ORDERED that Defendant's request to modify the
8 spousal support obligation is GRANTED. Defendant's spousal support
9 obligation is modified to \$700.00 per month beginning June 2022 (the
10 month following his Motion).
11

12 IT IS FURTHER ORDERED that each side shall pay their own
13 attorney's fees and costs.
14

15 IT IS FURTHER ORDERED that all prior orders, not modified by
16 this Order, shall remain in full force and effect.
17

18 IT IS SO ORDERED

19 Dated this 4th day of August, 2022

20 
21

22 _____
23 **A98 192 5DD3 202B**
24 **Charles J. Hoskin**
25 **District Court Judge**

26 se
27
28

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Zoila Leon-Yanez, Plaintiff

CASE NO: D-20-615905-D

7 vs.

DEPT. NO. Department E

8 Joseph Raul Garcia Rodriguez,
9 Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 8/4/2022

15 Pearl Almazan

Pearlee702@yahoo.com

16 Rhonda Perez

rhonda@romeoperezlaw.com

17 Romeo Perez, Esq.

Romeo@romeoperezlaw.com

18 Lisa Silon

legalassistant@bonanzalegal.com

19 Kristina Marcus

administrator@bonanzalegal.com

20 Gayle Nathan

attorney@bonanzalegal.com

21 Joseph Garcia

nowonder2008@yahoo.com

22 Info Perez

info@romeoperezlaw.com

23
24
25
26
27
28

1 DECD
2 Romeo R. Perez, Esq.
3 Nevada Bar No. 8223
4 The Law Offices of Romeo R. Perez, P.C.
5 1621 East Flamingo Road Suite 15A
6 Las Vegas, Nevada 89119
7 Tel: (702) 214-7244
8 Attorney for Plaintiff
9 ZOILA LEON YANEZ

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

12 ZOILA LEON YANEZ,	}	Case No.: D-20-615905-D
13 Plaintiff,		Dept.: E
14 vs.		
15 JOSEPH RAUL GARCIA		
16 RODRIGUEZ,		
17 Defendant,	}	

18 **AMENDED DECREE OF DIVORCE**

19 On April 5, 2022, this matter having come before this Honorable Court
20 Plaintiff, Zoila Leon Yanez, (hereafter referred to as "Zoila"), represented by
21 Romeo R. Perez, Esq., and Defendant, Joseph Raul Garcia Rodriguez, (hereafter
22 referred to as "Joseph"), who was not present. Matter called at 11:16am and no
23 appearance by the Defendant.

24 Matter was proved-up and pursuant to EDCR 2.69, the Court made the
25 following findings and Orders:

26 Plaintiff sworn and testified.

1 **COURT** stated its **FINDINGS** and **COURT ORDERED** the following:

2 **THE COURT FINDS** it has complete jurisdiction, as to the subject matter
3
4 pursuant to NRS 125.181 as well as the parties. Zoila is now, and has been, an
5 actual and bona fide resident of the County of Clark, State of Nevada, and has been
6 actually domiciled therein for more than six weeks immediately preceding the
7
8 commencement of this action with good cause appears:

9 **IT IS ORDERED** that absolute Amended Decree of Divorce is Granted
10
11 pursuant to the terms and conditions as outlined on the record.

12 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that
13
14 during the course of said marriage, the taste, mental disposition, views, likes and
15 dislikes of Zoila and Joseph have become so widely divergent that the parties have
16 became incompatible in marriage to such an extent that it is impossible for them to
17
18 live together as husband and wife; that the incompatibility between Zoila and
19 Joseph is so great that there is no possibility of reconciliation between them.

20 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that there
21
22 is three (3) minor children issue of this marriage, to wit: Donna Garcia, born
23 March 6, 2006; Jose Raul Garcia, born July 21, 2008; and Connie Garcia, born
24 May 21, 2010; None adopted; and the wife is not now pregnant.

25
26 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Sole
27
28 Legal and Sole Physical Custody of the three (3) minor children, to wit: Donna

1 Garcia, born March 6, 2006; Jose Raul Garcia, born July 21, 2008; and Connie
2 Garcia, born May 21, 2010, shall be Granted to Mom.

3 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that
4
5 Defendant's visitation with the minor children will be at Zoila's sole discretion.

6 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Child
7
8 Support for all three minor children, Dad's obligation to Mom shall remain at
9 \$1,128.00 as previously ordered by this court on June 17, 2021. Child Support
10 shall be due on or before the last day of each month.

11
12 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Mom
13 should continue to maintain medical, dental, and optical insurance for the minor
14 children, if available. Dad should be responsible for one half of any premiums
15 paid by Mom. If at any time insurance is no longer available, the Parties should
16 cooperate in obtaining health insurance for the minor children. That any party
17 incurring an out of pocket medical, dental, optical, orthodontic, or other health
18 related expense for the child will provide a copy of the paid invoice/receipt to the
19 other party within thirty (30) days of incurring such expense; and if not tendered
20 within the thirty (30) day period, the Court may consider it as a waiver of the right
21 to reimbursement. The other party will have thirty (30) days from receipt within
22 which to dispute the expense in writing or reimburse the incurring party for one-
23 half the out-of-pocket expense; and if not disputed or paid within the thirty (30)
24
25
26
27
28

1 day period, the party may be subject to a finding of contempt and appropriate
2 sanctions. If insurance is not available at any time the parties are to cooperate in
3 applying for insurance such as Nevada Check Up or other available insurance.
4

5 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that with
6 regard to the Dependent Tax Deduction, commencing 2021 and every year
7 thereafter, Mom shall claim the minor children on her taxes.
8

9 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that
10 Defendant owes Child Support Arrearages from June 2021 in the total of
11 \$5,517.00. Child Support Arrears shall be reduced to Judgment and collectible by
12 any lawful means necessary.
13
14

15 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that
16 Defendant shall pay Zoila Spousal Support in the amount of \$1,500.00 per month
17 for a period of ten (10) years. Spousal Support shall be due on or before the last
18 day of each month.
19

20 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the
21 marital properties located on 420 S. Pine Street, Grand Island, Nebraska 68801,
22 with a legal description of: LAKEVIEW S 67' OF W 33' LT 7 & S 67' OF E 17'
23 LT 8 BLK 2, and 104 W. Ashton Avenue, Grand Island, Nebraska 68801, same
24 legal description, shall be awarded to the Plaintiff, Zoila Leon Yanez as her sole
25 and separate property.
26
27
28

1 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Zoila
2 shall retain any credit card debt that resulted from the cost of the marital properties
3 will remain in Zoila name as her sole and separate property.
4

5 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that under
6 *Sargeant v. Sargeant* and Defendant's failure to participate, attorney fees apply.
7 Defendant shall pay attorney fees in the amount of \$5,500.00. Attorney fees shall
8 be collectible by any lawful means necessary.
9

10 **IT IS HEREBY FURTHER ORDERED** that each party shall keep
11 whatever personal property they have in their possession including any and all
12 Loans and Credit Card Debt associated with the property, as there sole and
13 separate property along with any encumbrances thereon and shall hold each other
14 harmless.
15
16

17 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the
18 Parties and each of them are entitled to a Full and Final Decree of Divorce, subject
19 to the terms and conditions as placed on the record. Parties are Returned to the
20 Status of Single and Unmarried Persons.
21
22

23 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that
24 neither party shall charge, or cause or permit to be charged, to or against the other
25 any or purchases which either of them may hereafter make, and shall not hereafter
26 create an engagement or obligations in the name of or against the other, and shall
27
28

1 never hereafter secure or attempt to secure any credit upon or in connection with
2 the other, or his or her name, and each of them will promptly pay all debts and
3 discharge all financial obligations which each may incur for himself or herself, and
4 each of them will hereafter hold the free and harmless from any and all debts and
5 other obligations which the other may incur.
6

7
8 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that
9 should it be found that there exists other property, debts or obligations, separate or
10 community, which have not been discovered, disclosed and stated in this amended
11 decree of divorce, either party may move the court for a partition of same and hold
12 any party responsible for such non-disclosure in the form of sanctions, attorney's
13 fees or other costs associated with such non-disclosure. With respect to this
14 paragraph, each party hereto specifically waives any and all limitation of periods
15 for the bringing of an action to partition such undisclosed asset(s), debt(s) and
16 further specifically stipulates that the failure to disclose such constitutes extrinsic
17 fraud, which will invoke the jurisdiction and partition such undisclosed asset(s),
18 debt(s) or obligation(s), at any future time and reimburse the aggrieved party for
19 expenses should defense to such asset(s), or obligation(s) prove necessary.
20
21

22
23
24 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that all
25 transfers detailed herein are done pursuant to Internal Revenue Code 1041(or
26 successor statute) and constitute non-taxable transfers between spouses pursuant to
27
28

1 a written agreement. Additionally, each party will not take any position
2 inconsistent with the terms and conditions of this Amended Decree in any filling of
3 income or other taxes in the future.
4

5 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that each
6 party will execute any and all legal documents, certificates of title, bills of sale,
7 deeds or other evidence of transfer necessary to effectuate this Amended Decree
8 within five (5) days of being presented with such transfer documentation, unless
9 otherwise defined herein. Should either party fail to execute any of said
10 documents to transfer interest to the other, then it is agreed that the Amended
11 Decree will constitute a full transfer of interest of one to the other, as herein
12 provided pursuant to NRCP 70.
13
14
15

16 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that
17 DIVORCE GRANTED. Mr. Perez shall prepare the Amended Decree of Divorce
18 to include the Court's Findings. This order shall control under EDCR 7.50 until the
19 order is submitted. Case Closed upon entry of the Amended Decree of Divorce.
20
21

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

IT IS FINALLY ORDERED, ADJUDGED AND DECREED that the bonds of matrimony heretofore and now existing between the Parties, Plaintiff, Zoila Leon Yanez and Defendant, Joseph Raul Garcia Rodriguez be, and the same are hereby wholly dissolved; and an absolute Amended Decree of Divorce is hereby granted to the Parties, and each of them; and each of the parties is hereby restored to the status of a single, unmarried person.

Dated this 18th day of August, 2022

Chris J. Miller

se

00B F35 B889 63D2
Charles J. Hoskin
District Court Judge

Respectfully submitted by:

The Law Offices of Romeo R. Perez

Bonanza Legal Group

By: /s/ Romeo R. Perez

By: _____

Romeo R. Perez, Esq.
Nevada Bar No.: 8223
1621 E. Flamingo Road, Ste. 15A
Las Vegas, Nevada 89119
Phone: (702) 214-7244
Attorney for Defendant

Gayle Nathan, Esq.
Nevada Bar No. 4917
3591 E. Bonanza Rd, 2nd Floor
Las Vegas, Nevada 89110
Phone: (702) 405-1576
Attorney for Plaintiff

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Zoila Leon-Yanez, Plaintiff

CASE NO: D-20-615905-D

7 vs.

DEPT. NO. Department E

8 Joseph Raul Garcia Rodriguez,
9 Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 8/18/2022

15 Pearl Almazan

Pearlee702@yahoo.com

16 Rhonda Perez

rhonda@romeoperezlaw.com

17 Romeo Perez, Esq.

Romeo@romeoperezlaw.com

18 Lisa Silon

legalassistant@bonanzalegal.com

19 Kristina Marcus

administrator@bonanzalegal.com

20 Gayle Nathan

attorney@bonanzalegal.com

21 Joseph Garcia

nowonder2008@yahoo.com

22 Info Perez

info@romeoperezlaw.com

23
24
25
26
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

March 04, 2021

D-20-615905-D	Zoila Leon-Yanez, Plaintiff
	vs.
	Joseph Raul Garcia Rodriguez, Defendant.

March 04, 2021 9:00 AM Motion

HEARD BY: Hoskin, Charles J.

COURTROOM: Courtroom 02

COURT CLERK: Blanca Madrigal

PARTIES:

Connie Garcia, Subject Minor, not present
Donna Garcia, Subject Minor, not present
Jose Garcia, Subject Minor, not present
Joseph Garcia, Subject Minor, not present
Joseph Garcia Rodriguez, Defendant, Counter Pro Se
Claimant, not present
Melissa Barry, Unbundled Attorney, present
Zoila Leon-Yanez, Plaintiff, present Jennifer Setters, Attorney, present

JOURNAL ENTRIES

- PLAINTIFF'S MOTION FOR TEMPORARY ORDERS AND PRELIMINARY ATTORNEY'S FEES AND COSTS

Court Clerks: Kyle Medina and Blanca Madrigal (mb).

Present by video conference Maria Peters, Certified Court Interpreter, on behalf of the Plaintiff.

In the interest of public safety due to the Coronavirus pandemic, all parties were present via VIDEO CONFERENCE through the BlueJeans application.

Ms. Setters requested temporary relief on custody and financial matters and noted that Defendant is a welder for the oil industry.

PRINT DATE:	09/01/2022	Page 1 of 20	Minutes Date:	March 04, 2021
-------------	------------	--------------	---------------	----------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Ms. Barry had no objection to setting aside the Default and that Defendant would be retaining her as his counsel of record.

COURT ORDERED:

- 1) The Default filed on 2/15/2021 shall be SET ASIDE;
- 2) Defendant shall have an additional ten (10) days from this date, 3/04/2021, to file an Answer to the complaint. Once the Answer is filed, the Court will set a Case Management Conference;
- 3) Temporarily, Mom shall have SOLE LEGAL and SOLE PHYSICAL CUSTODY of the minor children;
- 4) Temporarily, Dad shall pay Mom CHILD SUPPORT of \$2,298.00 per month. Said amount shall be due on/or before the last day of each month commencing March 2021 and forward;
- 5) Mom's request for retroactive child support back to the year of 2017 is DEFERRED;
- 6) Mom's request for Attorney's Fees and Spousal Support (Sargent Case) is DEFERRED;
- 7) Ms. Setters shall prepare the Order, and Ms. Barry shall review and sign off.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	09/01/2022	Page 2 of 20	Minutes Date:	March 04, 2021
-------------	------------	--------------	---------------	----------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

March 09, 2021

D-20-615905-D	Zoila Leon-Yanez, Plaintiff
	vs.
	Joseph Raul Garcia Rodriguez, Defendant.

March 09, 2021 2:00 PM Minute Order

HEARD BY: Hoskin, Charles J.

COURTROOM: Chambers

COURT CLERK: Blanca Madrigal

PARTIES:

Connie Garcia, Subject Minor, not present
Donna Garcia, Subject Minor, not present
Jose Garcia, Subject Minor, not present
Joseph Garcia, Subject Minor, not present
Joseph Garcia Rodriguez, Defendant, Counter Pro Se
Claimant, not present
Zoila Leon-Yanez, Plaintiff, Counter Romeo Perez, Attorney, not present
Defendant, not present

JOURNAL ENTRIES

- MINUTE ORDER:NO HEARING HELD AND NO APPERANCES

THE COURT FINDS that a Stipulation was filed on March 4, 2021. However the Stipulation does not contain Jennifer Setter, Esq. s signature. THE COURT ORDERS that the Stipulation filed on March 4, 2021 shall be STRICKEN.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	09/01/2022	Page 3 of 20	Minutes Date:	March 04, 2021
-------------	------------	--------------	---------------	----------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES****April 28, 2021**

D-20-615905-D Zoila Leon-Yanez, Plaintiff
vs.
Joseph Raul Garcia Rodriguez, Defendant.

**April 28, 2021 9:00 AM Case Management
Conference**

HEARD BY: Hoskin, Charles J.**COURTROOM:** Courtroom 02**COURT CLERK:** Quentin Mansfield**PARTIES:**

Connie Garcia, Subject Minor, not present
 Donna Garcia, Subject Minor, not present
 Jose Garcia, Subject Minor, not present
 Joseph Garcia, Subject Minor, not present
 Joseph Garcia Rodriguez, Defendant, Counter Pro Se
 Claimant, present
 Melissa Barry, Attorney, Unbundled Attorney,
 present
 Zoila Leon-Yanez, Plaintiff, Counter Jennifer Setters, Attorney, present
 Defendant, present

JOURNAL ENTRIES

- CASE MANAGEMENT CONFERENCE

In the interest of public safety due to the Coronavirus pandemic, Plaintiff, Plaintiff's Counsel, and Defendant were present via VIDEO CONFERENCE through the BlueJeans application.

Interpreter, Patricia Tejeda, NVTP500, providing interpreting services for Plaintiff. Defendant's appearance waived by Defendant's counsel, Melissa Barry.

Ms. Setters, counsel for Plaintiff, Zoila Leon-Yanez, stated that the parties have not participated in settlement negotiations due to the lack of contact between Defendant and Defendant's counsel. Ms.

PRINT DATE:	09/01/2022	Page 4 of 20	Minutes Date:	March 04, 2021
-------------	------------	--------------	---------------	----------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Setters notified the Court that 16.2 Disclosures needed to be exchanged and that Defendant's financial disclosure form (FDF) needed to be updated. Ms. Setters alleged that Defendant's FDF only reported income from one employer when Defendant is employed by multiple employers and makes upwards of \$100,000 a year. Also, Defendant reported making \$190,000 in 2014 and reported income from rental properties amounting to \$700 a month. Ms. Setters argued that there were three paid off properties with values on Zillow reported to be in the range of \$1,100 - \$1,200 and argued that documentation regarding these properties needed to be provided in Defendant's FDF.

Ms. Barry reported that Defendant has completed an FDF but argues that the parties have not resided together in some time. Ms. Barry alleged that Plaintiff moved to Las Vegas and left Defendant in Nebraska in the community residence. Ms. Barry argued Defendant has maintained the same employment throughout the time she has represented him and also reported that Defendant is requesting Plaintiff provide her updated financial information as well. Ms. Barry argued that Plaintiff is currently working and Defendant knows this because the children allegedly call him when Plaintiff is working and ask for him to buy them food. In regard to real property in Nebraska, Ms. Barry stated that it was Defendant's position that he has never availed himself to Nevada and that Nebraska should have jurisdiction over property. Ms. Barry argued that assets are distributed under equitable distribution in Nebraska rather than under community property in Nevada.

Due to lack of contact between Defendant and Ms. Barry, Ms. Barry notified the Court that she may file a motion to withdrawal due to not being able to adequately represent her client. Ms. Barry stated she was agreeable to continuing the Case Management Conference in attempt to resolve the matter after 16.2 disclosures are exchanged. Ms. Setters stated she understands that 16.2 disclosures need to be exchanged but requested that a date for trial be set due to Defendant not providing support to Plaintiff in the interim. Ms. Setters requested 120 days for trial in order for deadlines to be set and was not opposed to a status check within 30 days.

COURT ORDERED the following:

1. The Court set the matter for a NON-JURY TRIAL to address CUSTODY, DIVORCE and Related Issues on 09/14/2021 at 1:30 P.M. The Case and Non-Jury Trial Management Order was executed and FILED in OPEN COURT and processed into Odyssey for both counsel to obtain.
2. CALENDAR CALL set for 08/31/2021 at 11:00 A.M.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	09/01/2022	Page 5 of 20	Minutes Date:	March 04, 2021
-------------	------------	--------------	---------------	----------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

June 17, 2021

D-20-615905-D Zoila Leon-Yanez, Plaintiff
vs.
Joseph Raul Garcia Rodriguez, Defendant.

June 17, 2021 9:00 AM All Pending Motions

HEARD BY: Hoskin, Charles J.**COURTROOM:** Courtroom 02**COURT CLERK:** Gina Bradshaw-Taylor**PARTIES:**

Connie Garcia, Subject Minor, not present
 Donna Garcia, Subject Minor, not present
 Jose Garcia, Subject Minor, not present
 Joseph Garcia, Subject Minor, not present
 Joseph Garcia Rodriguez, Defendant, Counter Pro Se
 Claimant, present
 Melissa Barry, Attorney, Unbundled Attorney,
 present
 Zoila Leon-Yanez, Plaintiff, Counter Jennifer Setters, Attorney, present
 Defendant, present

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO MODIFY CHILD CUSTODY AND CHILD SUPPORT..PLAINTIFF'S
OPPOSITION AND COUNTERMOTION.

Certified Court Interpreter, Juan Marquez present for the Plaintiff.

In the interest of public safety due to the Coronavirus pandemic, the matter was heard via VIDEO
CONFERENCE through the BlueJeans application.

Ms. Barry stated that on March 4, 2021, Dad did not appear for the proceeding because she thought it
was for setting aside a Default and it ended up being for a Prove Up. Ms. Barry further stated, since
filing the Motion the Defendant has become unemployed and is collecting unemployment and

PRINT DATE:	09/01/2022	Page 6 of 20	Minutes Date:	March 04, 2021
-------------	------------	--------------	---------------	----------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

\$700.00 a month from the rental property. Also, Dad orders food for the minor children when Mom has to work. Ms. Barry has provided Dad's unemployment award letter and paystubs with the Financial Disclosure Form (FDF), and his 2020 W2 showing that Mom misrepresented his income. Dad has discussed his finances with Mom and was upset that it was said that he makes \$190,000.00 a year. Ms. Barry states that Dad can pay what he is statutorily required to pay, but he can not pay more than what he has coming in and support himself.

Ms. Setters states that Dad has been a Welder for over 20 years and travels for work and each job gives him a W2. Counsel argued that there are two (2) rental properties and they should be rented out according to the numbers found on Zillow for \$1,200.00 to \$1,250.00 each. Counsel further argued, that the Court did not utilize the \$190,000.00 as Dad's income when setting child support, the assertions that were made in March were that he made \$130,000.00 a year on average. Ms. Setters states that they have yet to see any tax documents for Dad for 2020. She further states that the income is being misrepresented and there is not any documentation showing that Dad went from making \$130,000.00 a year to now being unemployed. Ms. Setters request that the Court confirm the child support even though Dad has not paid any child support other than the pizza he orders for the children. Mom does admit to letting the children go to Florida while she stayed behind to work.

The Court ADDRESSED, Ms. Barry in regards to Dad's four (4) Financial Disclosure Forms (FDF) that have been received and can only acknowledge the one from April 20, 2021.

The Court NOTED, that the Order that was entered in March in regards to the temporary child support obligation was done so without the participation or information from the Obligor in this case and the Motion to Modify was not filed until early May. The only sworn statement is from April 20, 2021 Financial Disclosure Form (FDF). The Court is disappointed that NO child support has been paid and it does not present a good look for Dad.

COURT ORDERED, as follows:

1. The Financial Disclosure Form (FDF) from April 20, 2021 indicates that Dad's monthly child support obligation shall be \$1128.00. Said amount shall be due on/ or before the last day of each month commencing May 2021 and forward.
2. These are all TEMPORARY ORDERS and all subject to modification based upon proof. This new Modified Order shall commence on May 2021 and go forward until further order of the Court. The Court shall reserve the right to MODIFY both obligations based upon proof once Discovery is completed and evidence is presented.
3. In regards to the COUNTERMOTION, Discovery has been opened for some time and there is a requirement under 16.2 to comply and if there needs to be Motions to Compel they will be considered, at this time attorney fees shall be DEFERRED.

PRINT DATE:	09/01/2022	Page 7 of 20	Minutes Date:	March 04, 2021
-------------	------------	--------------	---------------	----------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

4. Ms. Barry shall prepare the order and Ms.Setters shall review and sign off.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	09/01/2022	Page 8 of 20	Minutes Date:	March 04, 2021
-------------	------------	--------------	---------------	----------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

August 17, 2021

D-20-615905-D Zoila Leon-Yanez, Plaintiff
vs.
Joseph Raul Garcia Rodriguez, Defendant.

August 17, 2021 7:30 AM Minute Order

HEARD BY: Hoskin, Charles J.**COURTROOM:** Courtroom 02**COURT CLERK:** Blanca Madrigal**PARTIES:**

Connie Garcia, Subject Minor, not present
 Donna Garcia, Subject Minor, not present
 Jose Garcia, Subject Minor, not present
 Joseph Garcia, Subject Minor, not present
 Joseph Garcia Rodriguez, Defendant, Counter Pro Se
 Claimant, not present
 Zoila Leon-Yanez, Plaintiff, Counter Romeo Perez, Attorney, not present
 Defendant, not present

JOURNAL ENTRIES

- MINUTE ORDER: NO HEARING HELD AND NO APPEARANCES

This Court having reviewed Defendant s Ex Parte Motion to Continue Trial and Discovery Deadlines filed August 2, 2021, hereby FINDS that NRCP 1 and EDCR 1.10 state that the procedure in District Courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.11(e), this Court can consider a motion and issue a decision on the papers at any time without a hearing.

This COURT FINDS that oral arguments are necessary and ORDERS that the Defendant s Ex Parte Motion to Continue Trial and Discovery Deadlines filed August 2, 2021 shall be heard at the time of the Calendar Call presently scheduled for August 31, 2021 at 11:00 a.m. Defendant shall properly serve Plaintiff and file proof of same prior to this hearing.

PRINT DATE:	09/01/2022	Page 9 of 20	Minutes Date:	March 04, 2021
-------------	------------	--------------	---------------	----------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

COURT FURTHER ORDERS that this minute order shall suffice as the order of the Court pursuant to EDCR 7.50 and the Department Law Clerk shall contact counsel, Melissa M. Barry, Esq., and advise her of this minute order and shall email a copy of this minute order to the Plaintiff, in proper person.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	09/01/2022	Page 10 of 20	Minutes Date:	March 04, 2021
-------------	------------	---------------	---------------	----------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES****August 31, 2021**

D-20-615905-D Zoila Leon-Yanez, Plaintiff
 vs.
 Joseph Raul Garcia Rodriguez, Defendant.

August 31, 2021 11:00 AM All Pending Motions

HEARD BY: Hoskin, Charles J.**COURTROOM:** Courtroom 02**COURT CLERK:** Tristy Cox**PARTIES:**

Connie Garcia, Subject Minor, not present
 Donna Garcia, Subject Minor, not present
 Jose Garcia, Subject Minor, not present
 Joseph Garcia, Subject Minor, not present
 Joseph Garcia Rodriguez, Defendant, Counter Pro Se
 Claimant, present
 Melissa Barry, Attorney, Unbundled Attorney,
 present
 Zoila Leon-Yanez, Plaintiff, Counter Romeo Perez, Attorney, present
 Defendant, present

JOURNAL ENTRIES

- EXPARTE MOTION TO CONTINUE TRIAL AND DISCOVERY DEADLINES...CALENDAR CALL (STACK #1)

Court Interpreter, Carlos Calvo, was present to assist Plaintiff. Ms. Barry's paralegal was also present. In the interest of public safety due to the Coronavirus pandemic, all parties present appeared via video conference through the BlueJeans application.

Ms. Barry stated she spoke to Mr. Perez who has not received Defendant's 16.2 disclosures from prior counsel and he is going to produce Plaintiff's 16.2 disclosures. Mr. Perez stated that is correct, he is new to the case, and Plaintiff understands discovery needs to be provided; therefore, he requested the trial be continued in ordinary course. Ms. Barry stated the parties have not attempted Mediation to

PRINT DATE:	09/01/2022	Page 11 of 20	Minutes Date:	March 04, 2021
-------------	------------	---------------	---------------	----------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

address the custody issues. Mr. Perez stated he does not see a reason why the parties should not be referred to the Family Mediation Center (FMC).

Court NOTED this case will be one year old in October; therefore, the Court will probably not grant any further continuances.

COURT ORDERED the following:

The CALENDAR CALL is CONTINUED to December 14, 2021 at 11:00 AM. Additionally, the Non-Jury TRIAL regarding divorce, custody, and related issues currently set for September 14, 2021 at 1:30 PM is CONTINUED to January 11, 2022 at 1:30 PM (stack #1). Pre-Trial Memorandums are due December 7, 2021 and the DISCOVERY deadlines are extended accordingly to the Case Management Order filed April 28, 2021.

The parties were REFERRED to FMC for MEDIATION. Return Hearing SET on December 14, 2021 at 11:00 AM. Order for FMC Services was FILED IN OPEN COURT.

CLERK'S NOTE: a copy of the Order for FMC Services was e-mailed to both parties' attorneys and to FMC. (8/31/21 TC)

INTERIM CONDITIONS:

FUTURE HEARINGS: Dec 14, 2021 11:00AM Calendar Call
CALENDAR CALL: (Stack #1 Continued from 8/31/21 and 12/14/21)
Courtroom 02 Hoskin, Charles J.

Dec 14, 2021 11:00AM Return Hearing
RETURN: FMC - MEDIATION

Courtroom 02 Hoskin, Charles J.

PRINT DATE:	09/01/2022	Page 12 of 20	Minutes Date:	March 04, 2021
-------------	------------	---------------	---------------	----------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

December 14, 2021

D-20-615905-D Zoila Leon-Yanez, Plaintiff
vs.
Joseph Raul Garcia Rodriguez, Defendant.

December 14, 2021 11:00 AM All Pending Motions

HEARD BY: Hoskin, Charles J.

COURTROOM: Courtroom 02

COURT CLERK: Blanca Madrigal

PARTIES:

Connie Garcia, Subject Minor, not present
Donna Garcia, Subject Minor, not present
Jose Garcia, Subject Minor, not present
Joseph Garcia, Subject Minor, not present
Joseph Garcia Rodriguez, Defendant, Counter Pro Se
Claimant, present
Melissa Barry, Attorney, Unbundled Attorney,
present
Zoila Leon-Yanez, Plaintiff, Counter Romeo Perez, Attorney, present
Defendant, present

JOURNAL ENTRIES

- RETURN HEARING: RETURN FROM FMC MEDIATION...CALENDAR CALL (STACK #1)...ALL PENDING MOTIONS.

In the interest of public safety due to the Coronavirus pandemic, the matter was heard via VIDEO CONFERENCE through the BlueJeans application.

Plaintiff's counsel Ms. Lynn Conant (Bar No. 8036) appeared for counsel, Romeo Perez, along with Court Interpreter, Carlos Calvo, and the Plaintiff, all by video.

The Court noted that neither party showed up for the first appointment with Mediation and the Defendant did not show up for the second appointment, so there was no resolution from there. The

PRINT DATE:	09/01/2022	Page 13 of 20	Minutes Date:	March 04, 2021
-------------	------------	---------------	---------------	----------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Court further noted that Defendant's counsel filed a Motion to Withdraw, and has not seen an opposition filed on it. Defendant's counsel, Ms. Barry informed that Court that she actually received a Non-opposition to it, and upon inquiry, Defendant stated that he had no objection to Ms. Barry withdrawing as his attorney, and that he was in the process of obtaining new counsel. All parties clarified that Defendant's current address and E-mail were included in the last filing for record. In addition, Ms. Barry stated that she just send over Defendant's disclosures to Mr. Perez' office.

The Court further noted that extension was filed to extend the Pre-Trial Memo deadline to 12/20/21, and then inquired of Mr. Garcia if he would be able to obtain his new counsel and be ready to go to trial by the scheduled date of 1/11/2022 at 1:30 p.m., and he said he would. Upon inquiry, Ms. Conant stated that they were not ready to go to trial so soon since that they had just received Defendant's disclosures and she has not had a chance to review them. She requested an eight (8) week continuance. The Court informed her that a continuance was already granted last April, and in October of this year, the case had already reached one year and there was concern that the case was not moving forward. Ms. Conant stated that she understood the Court's concern, however, there was evidence that the Defendant sold some community property without Plaintiff's knowledge and consent, and that she is entitled to have the profits. The Court noted that new trial dates are out to April of 2022.

The COURT has ORDERED the following:

- 1) The Evidentiary Hearing is RESCHEDULED to 4/19/2022 at 1:30 p.m. The Calendar Call is CONTINUED to 4/5/2022 at 11:00 a.m.
- 2) The Pre-Trial Memos will be DUE by 3/29/2022. No new Scheduling Order will be issued, the Discovery deadlines will be continued out with the new trial setting, and the case will NOT be continued again.
- 3) Ms. Barry's Motion to Withdraw is GRANTED, and the Motion Hearing on 1/18/2022 at 9:00 AM is VACATED.
- 4) The Minutes shall SUFFICE in lieu of a written Order, pursuant to EDCR 7.50

CLERK S NOTE: The above minutes were prepared by Trainee, Carmen Rodriguez-Vissek and reviewed by Courtroom Clerk, Blanca Madrigal.

INTERIM CONDITIONS:

FUTURE HEARINGS: Apr 05, 2022 11:00AM Calendar Call
CALENDAR CALL: (Stack #1 Continued from 8/31/21 and 12/14/21)
Courtroom 02 Hoskin, Charles J.

PRINT DATE:	09/01/2022	Page 14 of 20	Minutes Date:	March 04, 2021
-------------	------------	---------------	---------------	----------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

PRINT DATE:	09/01/2022	Page 15 of 20	Minutes Date:	March 04, 2021
-------------	------------	---------------	---------------	----------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

April 05, 2022

D-20-615905-D Zoila Leon-Yanez, Plaintiff
vs.
Joseph Raul Garcia Rodriguez, Defendant.

April 05, 2022 11:00 AM Calendar Call

HEARD BY: Hoskin, Charles J.**COURTROOM:** Courtroom 02**COURT CLERK:** Blanca Madrigal**PARTIES:**

Connie Garcia, Subject Minor, not present
 Donna Garcia, Subject Minor, not present
 Jose Garcia, Subject Minor, not present
 Joseph Garcia, Subject Minor, not present
 Joseph Garcia Rodriguez, Defendant, Counter Pro Se
 Claimant, not present
 Zoila Leon-Yanez, Plaintiff, Counter Romeo Perez, Attorney, present
 Defendant, present

JOURNAL ENTRIES

- CALENDAR CALL

Due to the Administrative Order, this matter was heard via VIDEO CONFERENCE through the BlueJeans application.

Matter called at 11:16 AM. No appearances by the Defendant.

Matter proved-up. Plaintiff swore and testified as to her relief requested:

- a) Plaintiff shall have SOLE PHYSICAL CUSTODY of the minor children.
- b) Defendant's visitation with the children shall be at Plaintiff's DISCRETION.

PRINT DATE:	09/01/2022	Page 16 of 20	Minutes Date:	March 04, 2021
-------------	------------	---------------	---------------	----------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

- c) Plaintiff shall have SOLE LEGAL CUSTODY of the minor children.
- d) Defendant's monthly Child Support Obligation of \$1,128.00 as of 6/17/2021 to STAND.
- e) Defendant owes CHILD SUPPORT ARREARAGES back to June of 2021.
- f) The properties with the following addresses shall be awarded to Plaintiff: 420 S. Pine St. Grand Island, Nebraska 68801, and 108 W. Ashton, Grand Island, Nebraska 68801. Plaintiff requested the Court grant remibursment of the cost to remodel both homes of approximately \$75,000.00.
- g) Attorney Fees of \$5,500.00 awarded to Plaintiff.

According to EDCR 2.69, COURT-ORDERED as follows:

- 1) Plaintiff awarded SOLE LEGAL and SOLE PHYSICAL CUSTODY of the minor children;
- 2) Defendant's child support obligation of \$1,128.00 per month shall STAND;
- 3) Defendant owes child support arrearages from June 2021. Mr. Perez to prepare a Schedule of Arrears and file for the Court's review. Mr Perez to leave a blank in the final order for the Court's decision. Arrears shall be reduced to judgement and collectible by any lawful means;
- 4) Defendant shall pay SPOUSAL SUPPORT of \$1,500.00 per month for a period of ten (10) years;
- 5) The residences on 420 Pine and 108 W. Ashton, shall be AWARDED to Plaintiff. There being no basis, Plaintiff's request for reimbursement of the costs to remodel is DENIED;
- 6) Sargeant fees apply and based on Defendant's failure to participate, Defendant shall pay ATTORNEY'S FEES of \$5,500.00. Fees reduced to judgment and collectible by any lawful means;
- 7) Plaintiff testified that legal and physical was in the best interset of the minor children and the division of property was a fair and equitable distribution;
- 8) Mr. Perez to prepare the Order, case closed upon submission of same.

CLERK'S NOTE: The above minute order was modified to reflect that Plaintiff is awarded sole physical and not primary custody. Upon reviewing the video hearing, Plaintiff requested sole physical custody through her Court Interpreter, and Mr. Perez wrongly stated primary on the record. The prior temporary orders filed 3/30/2021 grant sole physical custody to Plaintiff.

INTERIM CONDITIONS:

PRINT DATE:	09/01/2022	Page 17 of 20	Minutes Date:	March 04, 2021
-------------	------------	---------------	---------------	----------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

FUTURE HEARINGS: Apr 05, 2022 11:00AM Calendar Call
CALENDAR CALL: (Stack #1 Continued from 8/31/21 and 12/14/21)
Courtroom 02 Hoskin, Charles J.

PRINT DATE:	09/01/2022	Page 18 of 20	Minutes Date:	March 04, 2021
-------------	------------	---------------	---------------	----------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

June 21, 2022

D-20-615905-D	Zoila Leon-Yanez, Plaintiff
	vs.
	Joseph Raul Garcia Rodriguez, Defendant.

June 21, 2022

9:00 AM

All Pending Motions

HEARD BY: Hoskin, Charles J.

COURTROOM: Courtroom 02

COURT CLERK: Blanca Madrigal;

PARTIES:

Connie Garcia, Subject Minor, not present

Donna Garcia, Subject Minor, not present

Jose Garcia, Subject Minor, not present

Joseph Garcia, Subject Minor, not present

Joseph Garcia Rodriguez, Defendant, Counter Pro Se

Claimant, present

Zoila Leon-Yanez, Plaintiff, Counter

Romeo Perez, Attorney, present

Defendant, present

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO SET ASIDE THE DECREE OF DIVORCE FILED ON 4/27/2022...PLAINTIFF'S OPPOSITION AND COUNTERMOTION TO AMEND DECREE OF DIVORCE, FOR A BEHAVIOR ORDER, FOR ATTORNEY'S FEES AND COSTS AND RELATED RELIEF

Certified Court Interpreter, Estela Castro, present with the Plaintiff.

All parties present by video conference through the BlueJeans Application.

Attorney Nathan argued that Defendant apologized for missing his court date and moved to set aside the property division, child support, and spousal support. Defendant could not afford to pay the amounts set and was currently receiving unemployment benefits no objection to the divorce.

PRINT DATE:	09/01/2022	Page 19 of 20	Minutes Date:	March 04, 2021
-------------	------------	---------------	---------------	----------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Mr. Perez argued that a Motion to Set Aside was scheduled, and Defendant refused to appear; the Default was set aside by stipulation. The Defendant was well aware of the Calendar Call hearing, failed to appear, and chose not to participate in this litigation. Mr. Perez opposed the Motion to Set Aside due to lack of merit and moved to amend the Decree to state the property address of 108 W. Ashton accurately. He further argued that Defendant's Motion was more of a request to modify and not set aside.

The Court NOTED that Defendant's credibility was questionable. Defendant did receive notification of the Calendar Call hearing from Department E and failed to appear, but for Defendant's actions, the trial was vacated and evidence was not taken. Defendant's Financial Disclosure Form (FDF) filed on 6/13/2022 did not include income (page 2 missing), and both parties failed to disclose the value of the two rental properties. However, this Court is bound by law to ensure there is an equitable distribution of the assets and debts of the community.

Ms. Nathan moved the Court to reserve the decision to allow her time to file an updated FDF and provide all necessary information.

COURT-ORDERED:

- 1) Plaintiff and Defendant shall follow Department E's Behavior Order. The Order FILED IN OPEN COURT;
- 2) Ms. Nathan shall demonstrate in the form of a Brief that the assets and debts distribution was not equitable and the financial orders were inappropriate. Ms. Nathan shall file her Brief on or before 7/15/2022. Mr. Perez shall file his response on or before 7/22/2022. Mr. Perez shall inform Department E when his answer is filed. The Court shall issue a decision, or if evidence is required, the Court will set the matter for evidentiary proceedings.
- 3) Plaintiff's request to amend the Decree to correct the address is DEFERRED.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	09/01/2022	Page 20 of 20	Minutes Date:	March 04, 2021
-------------	------------	---------------	---------------	----------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

JOSEPH GARCIA
7979 WESTHEIMER RD., APT. 1601
HOUSTON, TX 77063

DATE: September 1, 2022
CASE: D-20-615905-D

RE CASE: ZOILA LEON-YANEZ vs. JOSEPH RAUL GARCIA RODRIGUEZ

NOTICE OF APPEAL FILED: August 30, 2022

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☒ Notice of Entry of Order *re: Amended Decree filed August 18, 2022*

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

***Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER; NOTICE OF ENTRY OF ORDER; NOTICE OF ENTRY OF ORDER FROM 6/21/22 DECISION; AMENDED DECREE OF DIVORCE; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

ZOILA LEON-YANEZ,

Plaintiff(s),

vs.

JOSEPH RAUL GARCIA RODRIGUEZ,

Defendant(s),

Case No: D-20-615905-D

Dept No: E

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 1 day of September 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

