

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH RAUL GARCIA
RODRIGUEZ,

Appellant,

v.

ZOILA LEON-YANEZ,

Respondent.

Electronically Filed
Jun 01 2023 12:50 PM
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court No.: 85289

District Court No.: D-20-615905-D

**APPEAL FROM APPEAL FROM NOTICE OF ENTRY OF ORDER AND
ORDER FILED ON AUGUST 25, 2022 AND AMENDED DECREE OF
DIVORCE FILED ON JUNE 21**

Eighth Judicial District Court of the State of Nevada
In and for the County of Clark
THE HONORABLE CHARLES J. HOSKINS
DISTRICT COURT JUDGE

RESPONDENT'S APPENDIX – VOL. 1

EMILY MCFARLING, Esq.
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Attorney for Respondent, Zoila Leon-Yanez

INDEX OF RESPONDENT'S APPENDIX

VOLUME:

1

BATES NUMBER:

000001 – 000020

INDEX OF RESPONDENT'S APPENDIX CHRONOLOGICAL ORDER

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1	03/04/2021	Court Minutes: Motion	RA000002 – RA000003
1	03/09/2021	Court Minutes: Minutes Order	RA000004 – RA000005
1	04/28/2021	Court Minutes: Case Management Conference	RA000006 – RA000007
1	06/17/2021	Court Minutes: All Pending Motions	RA000008 – RA000009
1	08/17/2021	Court Minutes: Minute Order	RA000010 – RA000011
1	08/31/2021	Court Minutes: All Pending Motions	RA000012 – RA000013
1	12/14/2021	Court Minutes: All Pending Motions	RA000014 – RA000015
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1	03/09/2021	Court Minutes: Minutes Order	RA000004 – RA000005
1	03/04/2021	Court Minutes: Motion	RA000002 – RA000003

CERTIFICATE OF SERVICE

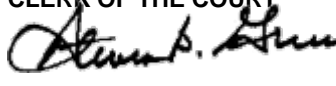
I, an employee of McFarling Law Group, hereby certify that on the 1st day of June, 2023, I served a true and correct copy of this Respondent's Appendix as follows:

☐ by United States mail in Las Vegas, Nevada, with First-Class postage prepaid and addressed as follows:

☒ via the Supreme Court's electronic filing and service system (eFlex):

Gayle Nathan, Esq.
attorney@bonanzalegal.com

/s/ Alex Aguilar
Alex Aguilar

AFAS		Electronically Filed 12/9/2020 2:50 PM FOR COURT USE ONLY Steven D. Grierson CLERK OF THE COURT 	
ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS)		PHONE NUMBER	
GASTELUM LAW		702-979-1455	
721 SOUTH SIXTH STREET		REFERENCE NUMBER	
LAS VEGAS NV 89101		EP165509A	
NAME OF COURT, JUDICIAL DISTRICT OR BRANCH COURT, IF ANY, AND POST OFFICE AND STREET ADDRESS			
District Court E			
200 Lewis Avenue			
LAS VEGAS NV 89155			
SHORT NAME OF CASE			
ZOILA LEON-YANEZ v. JOSEPH RAUL GARCIA RODRIGUEZ			
AFFIDAVIT OF ATTEMPTS		DATE/TIME	
		DEPT/DIV E	CASE NUMBER D-20-615905-D

I am and was on the dates herein mentioned over the age of eighteen years and not a party to this action;

I received the following documents:

SUMMONS, COMPLAINT, JOINT PRELIMINARY INJUNCTION

After due search, careful inquiry and diligent attempts at the following address(es), I have been unable to effect service of said process on:

Name: JOSEPH RAUL GARCIA RODRIGUEZ

Address(es): 420 S. PINE STREET 104 W. ASHTON AVE.
GRAND ISLAND NE 68801

Process is being returned without service for the following reason(s):

2020-11-03 07:00:00 Attempted (But unable to serve) NO ANSWER AT THE DOOR.

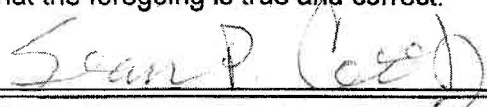
2020-11-03 19:30:00 Attempted (But unable to serve) NO ANSWER AT THE DOOR,

2020-11-04 18:40:00 Bad address SPOKE TO CURRENTY OCUPANT, JUNIOR PEREZ. HE STATES THE SUBJECT MOVED OUT ON OCTOBER 1ST 2020. NO FURTHER INFORMATION PROVIDED.

Pursuant to NRS 53.045

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

EXECUTED this 22 day of November, 2020.



SEAN COOK EPS

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 09:00 AM Motion

HEARD BY: Hoskin, Charles J. **COURTROOM:** Courtroom 02

COURT CLERK: Madrigal, Blanca

PARTIES PRESENT:**Zoila Leon-Yanez, Plaintiff, Present****Jennifer Setters, Attorney, Present****Joseph Raul Garcia Rodriguez, Defendant, Not Present****Melissa M. Barry, Attorney, Present****Joseph Alejandro Garcia, Subject Minor, Not Present****Donna Garcia, Subject Minor, Not Present****Jose Raul Garcia, Subject Minor, Not Present****Connie Garcia, Subject Minor, Not Present****Melissa M. Barry, Attorney, Unbundled 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.

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:

Mar 09, 2021 2:00PM Minute Order
Chambers Hoskin, Charles J.

**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, not present Pro Se
 present
 Melissa Barry, Attorney, Unbundled Attorney,
 not present
 Zoila Leon-Yanez, Plaintiff, not present Jennifer Setters, Attorney, 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:

PRINT DATE:	03/09/2021	Page 1 of 2	Minutes Date:	March 09, 2021
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

RA000004

FUTURE HEARINGS:

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

RA000005

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 09:00 AM Case Management Conference

HEARD BY: Hoskin, Charles J. **COURTROOM:** Courtroom 02

COURT CLERK: Mansfield, Quintin

PARTIES PRESENT:

Zoila Leon-Yanez, Counter Defendant, Plaintiff, Jennifer Setters, Attorney, Present
Present

Joseph Raul Garcia Rodriguez, Counter Claimant, Melissa M. Barry, Attorney, Present
Defendant, Present

Joseph Alejandro Garcia, Subject Minor, Not
Present

Donna Garcia, Subject Minor, Not Present

Jose Raul Garcia, Subject Minor, Not Present

Connie Garcia, Subject Minor, Not Present

Melissa M. Barry, Attorney, Unbundled Attorney,
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 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.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Aug 31, 2021 11:00AM Calendar Call
Courtroom 02 Hoskin, Charles J.

Sep 14, 2021 1:30PM Non-Jury Trial
Courtroom 02 Hoskin, Charles J.

Divorce - Complaint

COURT MINUTES

June 17, 2021

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

June 17, 2021 09:00 AM All Pending Motions

HEARD BY: Hoskin, Charles J. COURTROOM: Courtroom 02

COURT CLERK: Bradshaw-Taylor, Gina

PARTIES PRESENT:

Zoila Leon-Yanez, Counter Defendant, Plaintiff, Present **Jennifer Setters, Attorney, Present**

Joseph Raul Garcia Rodriguez, Counter Claimant, Defendant, Present **Melissa M. Barry, Attorney, Present**

Joseph Alejandro Garcia, Subject Minor, Not Present

Donna Garcia, Subject Minor, Not Present

Jose Raul Garcia, Subject Minor, Not Present

Connie Garcia, Subject Minor, Not Present

Melissa M. Barry, Attorney, Unbundled Attorney, 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 \$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.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Aug 31, 2021 11:00AM Calendar Call
Courtroom 02 Hoskin, Charles J.

Sep 14, 2021 1:30PM Non-Jury Trial
Courtroom 02 Hoskin, Charles J.

**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
Claimant, not present

Melissa Barry, Attorney, Unbundled Attorney,
not present

Melissa Barry, Attorney, Unbundled Attorney,
not present

Zoila Leon-Yanez, Plaintiff, Counter
Defendant, not present

Jennifer Setters, Attorney, 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.

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

RA000010

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.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: August 25, 2021 10:00 AM Motion
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Order
Courtroom 02
Hoskin, Charles J.
Estes, Sherri

August 31, 2021 11:00 AM Calendar Call
Courtroom 02
Hoskin, Charles J.
Estes, Sherri

September 14, 2021 1:30 PM Non-Jury Trial
Courtroom 02
Hoskin, Charles J.
Estes, Sherri

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RA000011

**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 L. 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
Claimant, presentMelissa Barry, Attorney, Unbundled Attorney,
presentMelissa Barry, Attorney, Unbundled Attorney,
presentZoila Leon-Yanez, Plaintiff, Counter
Defendant, present

Romeo Perez, Attorney, 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

PRINT DATE:	08/31/2021	Page 1 of 2	Minutes Date:	August 31, 2021
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

RA000012

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)

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: September 14, 2021 1:30 PM Non-Jury Trial

December 14, 2021 11:00 AM Calendar Call
Courtroom 02
Hoskin, Charles J.

December 14, 2021 11:00 AM Return Hearing
Courtroom 02
Hoskin, Charles J.

January 11, 2022 1:30 PM Non-Jury Trial
Courtroom 02
Hoskin, Charles J.

PRINT DATE:	08/31/2021	Page 2 of 2	Minutes Date:	August 31, 2021
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

RA000013

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: Madrigal, Blanca

PARTIES PRESENT:

Zoila Leon-Yanez, Counter Defendant, Plaintiff, Romeo R. Perez, Attorney, Present
Present

Joseph Raul Garcia Rodriguez, Counter Claimant, Melissa M. Barry, Attorney, Present
Defendant, Present

Joseph Alejandro Garcia, Subject Minor, Not
Present

Donna Garcia, Subject Minor, Not Present

Jose Raul Garcia, Subject Minor, Not Present

Connie Garcia, Subject Minor, Not Present

Melissa M. Barry, Attorney, Unbundled Attorney,
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
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
Courtroom 02 Hoskin, Charles J.

Apr 19, 2022 1:30PM Non-Jury Trial
Courtroom 02 Hoskin, Charles J.

**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	Gayle Nathan, Attorney, not present
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.

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- 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 reimbursement 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

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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:

FUTURE HEARINGS:

Canceled: April 19, 2022 1:30 PM Non-Jury Trial
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Courtroom 02
Hoskin, Charles J.
Madrigal, Blanca

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Divorce - Complaint

COURT MINUTES

June 21, 2022

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

June 21, 2022 09:00 AM All Pending Motions

HEARD BY: Hoskin, Charles J. COURTROOM: Courtroom 02

COURT CLERK: Madrigal, Blanca

PARTIES PRESENT:

Zoila Leon-Yanez, Counter Defendant, Plaintiff, Romeo R. Perez, Attorney, Present
Present

Joseph Raul Garcia Rodriguez, Counter Claimant, Gayle Nathan, Attorney, Present
Defendant, Present

Joseph Alejandro Garcia, Subject Minor, Not
Present

Donna Garcia, Subject Minor, Not Present

Jose Raul Garcia, Subject Minor, Not Present

Connie Garcia, Subject Minor, Not 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.

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: