

FILED

SEP - 1 2022

Elizabeth A. Brown
CLERK OF COURT

Your Name: Ronald Harris #584414
Address: NECX P.O. Box 5000
Mountain City, TN 37683-5000

Telephone: N/A
Email Address: N/A

8th Judicial
District Court
Clark County, Nevada

Electronically Filed
Sep 14 2022 01:53 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Jennifer Figueroa
Plaintiff

}

Case No: D-20-606828-C

V

}

Dept: N

Ronald Harris
Defendant

}

NOTICE OF APPEAL FROM LEGAL CUSTODY ORDER

Notice is hereby Given that Ronald Harris, Defendant above named, hereby appeals to the Supreme court of Nevada (from the final Judgment) (from the Order describing it) entered in this action on the 2nd day of August, 2022.

The defendant will be filing the pro se Child Custody Fast Track Statement and the Docketing Statement, Civil Appeals in a timely manner.

CERTIFICATE OF MAILING

I, Ronald Harris declare under the penalty of perjury and the law of the State of Nevada that on August 11, 2022, I served this notice of the appeal by depositing a copy in the U.S. Mail, postage pre-paid, to:

Jennifer Figueroa
3874 Calle De Este
Las Vegas, Nevada 89121

Ronald Harris

Ronald Harris

RECEIVED
SEP 01 2022
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

RECEIVED
APPEALS
SEP - 8 2022
CLERK OF THE COURT

D - 20 - 606828 - C
NOAS
Notice of Appeal
6005244



Hand # 584414

NECX

PO BOX 5000

Mtn. City, TN.

37683

NECX MAIL ROOM

AUG 26 2022

Legal

Supreme Court of Nevada

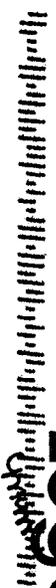
Office of the Clerk

201 South Carson St. Suite 201

Carson City, Nevada

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Legal

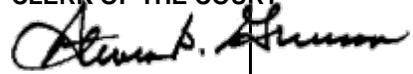


US POSTAGE
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P.O. BOX 5000
MOUNTAIN CITY, TN 37683

THE DEPARTMENT OF CORRECTION/NECX
HAS NEITHER INSPECTED NOR CENSORED AND
IS NOT RESPONSIBLE FOR THE CONTENTS

09.



1 ASTA

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

10 JENNIFER FIGUEROA,

11 Plaintiff(s)

12 vs.

13 RONALD DAVID HARRIS,

14 Defendant(s),
15

Case No: D-20-606828-C

Dept No: Z

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Ronald David Harris

20 2. Judge: Mathew Harter

21 3. Appellant(s): Ronald David Harris

22 Counsel:

23 Ronald David Harris #584414
24 NECX P.O. Box 5000
Moutain City, TN 37683-5000

25 4. Respondent (s): Jennifer Figueroa

26 Counsel:

27 Jennifer Figueroa
28 3874 Calle De Este
Las Vegas, NV 89121

- 1
2 5. Appellant(s)'s Attorney Licensed in Nevada: N/A
3 Permission Granted: N/A
4 Respondent(s)'s Attorney Licensed in Nevada: N/A
5 Permission Granted: N/A
6
7 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No
8
9 7. Appellant Represented by Appointed Counsel On Appeal: N/A
10
11 8. Appellant Granted Leave to Proceed in Forma Pauperis: Yes, August 8, 2022
12 Appellant Filed Application to Proceed in Forma Pauperis: Yes,
13 Date Application(s) filed: August 4, 2022
14
15 9. Date Commenced in District Court: April 22, 2022
16
17 10. Brief Description of the Nature of the Action: DOMESTIC - Child Custody
18 Type of Judgment or Order Being Appealed: Misc. Order
19
20 11. Previous Appeal: Yes
21 Supreme Court Docket Number(s): 81746, 84980
22
23 12. Case involves Child Custody and/or Visitation: Custody and Visitation
24 Appeal involves Child Custody and/or Visitation: Custody and Visitation
25
26 13. Possibility of Settlement: Unknown

27 Dated This 8 day of September 2022.

28 Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Ronald David Harris

CASE SUMMARY

CASE NO. D-20-606828-C

Jennifer Figueroa, Plaintiff.
vs.
Ronald David Harris, Defendant.

§
 §
 §
 §

Location: **Department Z**
 Judicial Officer: **Mercer, Shell**
 Filed on: **04/22/2020**
 Case Number History:

CASE INFORMATION

Related Cases

D-17-547582-D (1J1F Related - Rule 5.103)

Case Type: **Child Custody Complaint**

Statistical Closures

08/02/2022 Judgment Reached (Bench Trial)
 07/22/2020 Settled/Withdrawn With Judicial Conference or Hearing

Case Status: **08/02/2022 Closed**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	D-20-606828-C
Court	Department Z
Date Assigned	08/05/2022
Judicial Officer	Mercer, Shell

PARTY INFORMATION

Plaintiff	Figueroa, Jennifer	Pro Se 702-412-2617(H)
Defendant	Harris, Ronald David	Pro Se
Subject Minor	Harris, Isabelle Grace Harris, Julian David Harris, Reagan McCartney Harris, River Harbaugh	

DATE

EVENTS & ORDERS OF THE COURT

EVENTS

09/08/2022	 Case Appeal Statement <i>Case Appeal Statement</i>
09/08/2022	 Case Appeal Statement <i>Case Appeal Statement</i>
09/01/2022	 Notice of Appeal <i>[92] Notice of Appeal from Legal Custody Order</i>
08/23/2022	 Notice of Appeal <i>[91] Notice of Appeal from Legal Custody Order</i>
08/08/2022	 Order to Proceed In Forma Pauperis <i>[90] image7696</i>
08/04/2022	 Certificate of Service Filed by: Defendant Harris, Ronald David <i>[89]</i>

CASE SUMMARY

CASE NO. D-20-606828-C

- 08/04/2022  Application to Proceed in Forma Pauperis
Filed By: Defendant Harris, Ronald David
[88]
- 08/04/2022  Exhibits
Filed By: Defendant Harris, Ronald David
[87]
- 08/04/2022  Exhibits
Filed By: Defendant Harris, Ronald David
[86] Exhibits
- 08/04/2022  Subpoena Electronically Issued
[85] Subpoena Electronically Issued - Juanita F.
- 08/04/2022  Certificate of Mailing
Filed By: Defendant Harris, Ronald David
[84]
- 08/04/2022  Response
Filed By: Defendant Harris, Ronald David
[83] Response
- 08/02/2022  Notice of Entry of Order
[82] Notice of Entry of Decision and Order
- 08/02/2022  Decision and Order
[81] for July 28, 2022 Evidentiary Hearing
- 07/14/2022  Exhibits
Filed By: Defendant Harris, Ronald David
[80] Exhibit Appendix
- 06/29/2022  Amended Notice
[79] for Notice of Evidentiary Hearing
- 06/24/2022  Proof of Service
[78] for Defendant's Notice of Evidentiary Hearing
- 06/23/2022  Order Setting Evidentiary Hearing
[77] of July 28, 2022 Evidentiary Hearing
- 06/11/2022  Order
[76] Ex Parte Motion to Seal File is DENIED
- 06/09/2022  Clerk's Notice of Nonconforming Document
[75] Clerk's notice of nonconforming document
- 06/08/2022  Order
[73] Continuing June 09, 2022 Hearing
- 05/25/2022  Ex Parte Application
[74] Ex Parte Application
- 05/25/2022  Stricken Document
Filed by: Plaintiff Figueroa, Jenniffer
[72] unsigned order
- 05/25/2022  List of Witnesses
Filed By: Plaintiff Figueroa, Jenniffer
[71] Figueroa Witnesses
- 05/25/2022  Brief
Filed By: Plaintiff Figueroa, Jenniffer

CASE SUMMARY

CASE NO. D-20-606828-C

- 05/20/2022  Brief
[70] Jennifer Figueroa Brief
- 05/20/2022  Brief
[69] Defendant's brief
- 05/20/2022  Notice
[68] Notice of Evidentiary Hearing and Legal Custody
- 05/16/2022  Proof of Service
[67] Proof of Service for Amended Notice of Evidentiary Hearing
- 05/13/2022  Notice of Hearing
[66] Amended Notice of Evidentiary Hearing
- 05/13/2022  Decision and Order
[65] Order Denying Disqualification D606828
- 05/06/2022  Notice
 Filed By: Defendant Harris, Ronald David
[64] Notice of Intent to Serve Subpoena
- 05/06/2022  Notice
 Filed By: Defendant Harris, Ronald David
[63] Notice of Intent to Serve Subpoena
- 05/05/2022  Exhibits
 Filed By: Defendant Harris, Ronald David
[62] Exhibit Appendix
- 05/03/2022  Notice of Hearing
[61] Notice of Hearing
- 04/22/2022  Affidavit
[60] Judge Harter's Response to Motion to Disqualify
- 04/22/2022  Order
[59] Vacating Evidentiary Hearing Pending Motion to Disqualify
- 04/20/2022  Opposition
 Filed By: Plaintiff Figueroa, Jennifer
[58] Opposition to Contact and Custody Motion
- 04/06/2022  Exhibits
[57] Exhibits
- 03/28/2022  Subpoena Electronically Issued
[56] Subpoena Electronically Issued - Google -Corporation Service Company
- 03/28/2022  Subpoena Electronically Issued
[55] Subpoena Electronically Issued - Global Tel-Link
- 03/28/2022  Exhibits
[54] Exhibits Appendix
- 03/24/2022  Order to Proceed In Forma Pauperis
[53] image0855
- 03/23/2022  Application to Proceed in Forma Pauperis
 Filed By: Defendant Harris, Ronald David
[52] Application to Proceed in Forma Pauperis
- 03/23/2022  Exhibits
 Filed By: Defendant Harris, Ronald David
[51] Exhibit Appendix
- 03/23/2022

CASE SUMMARY

CASE NO. D-20-606828-C

-  Exhibits
 Filed By: Defendant Harris, Ronald David
[50] Exhibit Appendix
- 03/23/2022  Motion to Disqualify Judge
 Filed by: Defendant Harris, Ronald David
[49] Motion to Disqualify Judge
- 03/23/2022  Motion
 Filed By: Defendant Harris, Ronald David
[48] Motion for Contact with Children Weekly Phone Calls and Holidays, Birthdays
- 03/08/2022  Subpoena Duces Tecum
 Filed by: Defendant Harris, Ronald David
[47] Subpoena Duces Tecum
- 03/08/2022  Subpoena Duces Tecum
 Filed by: Defendant Harris, Ronald David
[46] Subpoena Duces Tecum
- 03/08/2022  Notice
 Filed By: Defendant Harris, Ronald David
[45] Notice of Intent to Serve Subpoena
- 03/08/2022  Notice
 Filed By: Defendant Harris, Ronald David
[44] Notice of Intent to Serve Subpoena
- 03/03/2022  Exhibits
 Filed By: Defendant Harris, Ronald David
[43] Exhibit Appendix
- 01/04/2022  Proof of Service
[42] Proof of Service
- 01/03/2022  Notice of Hearing
[41] Notice of Evidentiary Hearing
- 12/20/2021  Notice of Rescheduling of Hearing
[40] from 130pm to 1100am
- 12/06/2021  Order
[39] Order of Procedures
- 12/06/2021  Notice of Department Reassignment
[38] Notice of Department Reassignment
- 12/01/2021  NV Supreme Court Clerks Certificate/Judgment -Remanded
[37] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Reversed and Remand
- 04/22/2021  Certification of Transcripts Notification of Completion
[36] July 16, 2020
- 04/22/2021  Transcript of Proceedings
[35] July 16, 2020
- 03/22/2021  Estimate of Transcript
[34] July 16, 2020
- 03/09/2021  Reporters Transcript
[33]
- 01/04/2021 Administrative Reassignment to Department Z
Case Reassignment - Judicial Officer Shell Mercer

CASE SUMMARY

CASE NO. D-20-606828-C

- 09/03/2020  Case Appeal Statement
Filed By: Defendant Harris, Ronald David
[32]
- 09/03/2020  Case Appeal Statement
Filed By: Defendant Harris, Ronald David
[31]
- 09/02/2020  Exhibits
Filed By: Defendant Harris, Ronald David
[30] Exhibit
- 09/02/2020  Request Transcript of Proceedings
[29] Request for Transcript of Proceedings
- 09/02/2020  Case Appeal Statement
Filed By: Defendant Harris, Ronald David
[28]
- 09/02/2020  Notice of Appeal
Filed By: Defendant Harris, Ronald David
[27]
- 09/02/2020  Application to Proceed in Forma Pauperis
[26] Application to Proceed in Forma Pauperis (Confidential)
- 09/02/2020  Application to Proceed in Forma Pauperis
Filed By: Defendant Harris, Ronald David
[25] Application to Proceed in Forma Pauperis (Confidential)
- 08/19/2020  Notice of Appeal
Filed By: Defendant Harris, Ronald David
[24] Defi's Appeal Letter
- 07/22/2020  Notice of Entry of Order/Judgment
[23] Notice of Entry of Order / Judgment
- 07/22/2020  Custody Decree / Order
Filed by: Plaintiff Figueroa, Jenniffer
[22] Custody Degree
- 07/21/2020  Clerk's Notice of Nonconforming Document
[21] Clerk's Notice of Nonconforming Document
- 07/06/2020  Certificate of Mailing
Filed By: Defendant Harris, Ronald David
[20]
- 06/12/2020  Notice of Entry of Order/Judgment
[19] Notice of Entry of Order / Judgment
- 06/03/2020  Ex Parte Order
[18] Ex Parte Order Regarding Mediation
- 06/02/2020  Clerk's Notice of Nonconforming Document
[17] Clerk's Notice of Nonconforming Document
- 06/02/2020  Ex Parte Motion to Waive Mediation at Family Mediation Center
Filed By: Plaintiff Figueroa, Jenniffer
[16] Ex Parte Motion to Waive Mediation at Family Mediation Center
- 06/02/2020  Ex Parte Motion
[15] Ex Parte Motion to Waive Mediation at Family Mediation Center
- 05/22/2020

CASE SUMMARY

CASE NO. D-20-606828-C

-  Order for Family Mediation Center Services
[14]
- 05/22/2020  NRCP 16.2 Case Management Conference Order
[13] *Notice of Order of Appearance for: NRCP 16.205 Case Management Conference Paternity or Custody Actions Between Unmarried Persons*
- 05/22/2020  Order to Proceed In Forma Pauperis
[12] *Order to Proceed in Forma Pauperis (Confidential)*
- 05/21/2020  Certificate of Mailing
Filed By: Defendant Harris, Ronald David
[11]
- 05/21/2020  Answer
Filed By: Defendant Harris, Ronald David
[10] *Defendant's Answer*
- 05/21/2020  Application to Proceed in Forma Pauperis
Filed By: Defendant Harris, Ronald David
[9] *Application to Proceed in Forma Pauperis (Confidential)*
- 04/30/2020  Exhibits
Filed By: Plaintiff Figueroa, Jenniffer
[8] *Exhibits Appendix*
- 04/30/2020  Affidavit of Service
[7]
- 04/24/2020  Clerk's Notice of Nonconforming Document and Curative Action
[6] *Clerk's Notice of Nonconforming Document and Curative Action*
- 04/24/2020  Exhibits
[5] *Exhibit Appendix*
- 04/22/2020  Ex Parte Motion
[4] *Ex Parte Motion for Alternative Service*
- 04/22/2020  Summons Electronically Issued - Service Pending
[3] *Summons (Electronically Issued)*
- 04/22/2020  Complaint for Custody
[2] *Complaint for Custody and UCCJEA Declaration*

HEARINGS

- 07/28/2022  **Evidentiary Hearing** (11:00 AM) (Judicial Officer: Harter, Mathew)
10:00 a.m. to 12:00 p.m. PACIFIC TIME (1 HR EACH SIDE)
Decision Made; Decision and Order entered 8/2/22
Journal Entry Details:

EVIDENTIARY HEARING: 10:00 A.M. TO 12:00 P.M. PACIFIC TIME (1 HR EACH SIDE) BOTH the Parties were present via BLUEJEANS VIDEOCONFERENCE. Prior to the matter being called and placed on the record, the Court instructed the Courtroom Clerk to E-MAIL BOTH the Parties a copy of the 11/05/2021 Court of Appeals of the State of Nevada case number D606828 No. 81746-COA ORDER REVERSING IN PART AND REMANDING. Upon the matter being called and placed on the record, COURT NOTED the reason for today's brief hearing is due to the Court of Appeals case number 81746-COA ORDER REVERSING IN PART AND REMANDING, filed on 11/05/2021. COURT NOTED for the record there was an ORDER DENYING Defendant's WRIT, issued yesterday, for Court of Appeals case number 84980. Defendant confirmed and discussed he received a copy. COURT NOTED the issue today is a very LIMITED ISSUE; it was REMANDED back to this Court, and for the Parties to take notes for referencing the Court of Appeals case number 81746-COA. COURT NOTED starting on page 7 of the ORDER REVERSING IN PART AND REMANDING, "the District Court made no findings as to Harris and Figueroa's ability, or lack thereof, to cooperate, communicate or compromise in the best interest of their children." The Court indicated, "additionally, deciding which custody arrangement is in the children's best interest necessarily involves resolving disputed questions of fact in this case. Indeed, the Parties dispute whether Harris's behavior with his step-daughter renders him unable to

CASE SUMMARY

CASE NO. D-20-606828-C

participate in important legal decisions for his four children." COURT NOTED reading from page 6, "Legal custody involves having basic legal responsibility for a child and making major decisions regarding the child, including the child's health, education, and religious upbringing." Joint legal custody is presumed to be in the children's best interest if certain conditions are met. NRS 125C.002. "However, this presumption is overcome when the Court finds that the parents are unable to communicate, cooperate, and compromise in the best interest of the children. The Court discussed, as indicated last time, Court read the Briefs and kind of discussed the fact that a lot contained in BOTH Briefs seem to be more personal attacks; at the end of the day, this is NOT a Jury Trial; this is a Bench Trial, so if we start and get into areas where things are being said or talked about this Court believes is not relevant to assist this Court in making that determination, the Court will inform both parties. COURT also NOTED to Defendant that the last time lot of the stuff Defendant was requesting, on the last about seeing the children, video chatting, anything other than this LIMITED ISSUE will go back in front of Department Z immediately after this Court renders its DECISION on this LIMITED ISSUE, and Dad stated okay. COURT NOTED the ISSUE is "the ability or lack thereof to cooperate, communicate or compromise in your children's best interest. BOTH the Parties acknowledged what the LIMITED ISSUE is in front of the Court today. COURT NOTED the Parties will NOT get a DECISION today; the matter will be UNDER ADVISEMENT for the Court's Written Decision within the next 21 Days. Plaintiff Jennifer Figueroa made STATEMENTS regarding the LIMITED ISSUES at today's hearing. See Worksheet. Defendant Ronald Harris made STATEMENTS regarding the LIMITED ISSUES at today's hearing. See Worksheet. COURT ORDERED: 1. The matter is UNDER ADVISEMENT for the Court's Written Decision within the next 21 Days.;

06/23/2022



Status Check (11:00 AM) (Judicial Officer: Harter, Mathew)

re status of Def's writ

Evidentiary Hearing;

Journal Entry Details:

STATUS CHECK: RE STATUS OF DEF'S WRIT Plaintiff present via BLUEJEANS. Court present via BLUEJEANS. Matter heard via BLUEJEANS Videoconference. Upon the matter being called and placed on the record, COURT NOTED, Defendant had previously stated that he was not going to be present for today's Status Check. COURT NOTED the Court Records do not indicate that the Writ Defendant was talking about was ever Filed. COURT NOTED Writ. In Debiparshad, M.D. v. Dist. Ct. (Landess), 137 Nev. ___, 499 P.3d 597 (2021), the Court concluded that "once a party files a motion to disqualify a judge pursuant to the Nevada Code of Judicial Conduct, that judge can take no further action in the case until the motion to disqualify is resolved." Again, that part is done as Chief Judge Bell has made her decision. "When a Writ petition is filed, the court retains jurisdiction over the order challenged therein during the pendency of the Writ petition." Pengilly v. Rancho Santa Fe Homeowners Ass'n, 116 Nev. 646, 650, 5 P.3d 569 (2000). COURT ORDERED: 1. The NOTICE OF EVIDENTIARY HEARING was generated in Odyssey and submitted to the OPEN IN COURT APP for the Court's signature, Filing, and E-Service. The Court's Law Clerk shall get out the Notice to Defendant. 2. The matter is SET on 7.28.22 at 10:00 a.m. EVIDENTIARY HEARING, One (1) hour, each side, Pacific Time, 10:00 a.m. until 12:00 p.m.;

06/23/2022

CANCELED Motion (10:00 AM) (Judicial Officer: Bell, Linda Marie)

Vacated

Motion to Disqualify Judge

06/21/2022

CANCELED Motion (10:00 AM) (Judicial Officer: Bell, Linda Marie)

Vacated

Motion to Disqualify Judge

06/21/2022

CANCELED Motion (10:00 AM) (Judicial Officer: Harter, Mathew)

Vacated

Motion to Disqualify Judge

05/31/2022



Evidentiary Hearing (3:00 PM) (Judicial Officer: Harter, Mathew)

On for Status Check;

Journal Entry Details:

EVIDENTIARY HEARING Matter heard via videoconference. Court noted that after reading both parties' briefs, it seems that the parties misunderstood the purpose of today's evidentiary hearing. Court advised that the matter was remanded for this Court to make specific findings regarding legal custody. Discussion followed regarding legal custody definition under the Rivero II decision. Defendant stated that he appealed Judge Bell's Decision and Order, which denied his request to disqualify Judge Harter. Court noted that Judge Bell's Decision was entered on 5/13/22 and, although this Court has not yet received notice of the appeal, the time for Defendant to respond to the Decision has not yet passed. Court advised that this matter will be set for a status check, at which point this Court will either stay this matter pending a decision on that appeal, or set an evidentiary hearing if no appeal has been filed. Court advised that the only issue to be addressed by this Court is legal custody and that all other issues will be heard by Department Z. COURT ORDERED, a status check is SET for 6/9/22 at 11:00 a.m.;

05/12/2022

CANCELED Motion (6:00 AM) (Judicial Officer: Bell, Linda Marie)

Vacated

Motion to Disqualify Judge

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. D-20-606828-C

04/26/2022	CANCELED Evidentiary Hearing (3:00 PM) (Judicial Officer: Harter, Mathew) Vacated
12/21/2021	 Further Proceedings (11:00 AM) (Judicial Officer: Harter, Mathew) Evidentiary Hearing; Journal Entry Details: <i>FURTHER PROCEEDINGS In the interest of public safety due to the Coronavirus pandemic, Plaintiff appeared via video conference through the BlueJeans application. Defendant was not present. Court NOTED the Court has not been contacted by Defendant or the department of corrections in the state of Tennessee. Further, this matter is on for further proceedings after a remand by the Supreme Court directing the Court to hold an Evidentiary Hearing regarding Plaintiff's request for sole legal custody. Upon Court's inquiry, Plaintiff stated she wants to move forward with her request. COURT ORDERED Evidentiary HEARING SET on April 26, 2022 at 3:00 PM. The Court will provide Defendant with specific notice of what the hearing is about, affording him an opportunity to file pleadings and to provide information to the Court, and affording him the opportunity to appear pursuant to the remand. CLERK'S NOTE: the Minutes were prepared by Court Clerk, Tristy Cox, who was not present. (1/5/2022 TC);</i>
12/06/2021	 Minute Order (7:00 AM) (Judicial Officer: Burton, Rebecca L.) Minute Order - No Hearing Held; Journal Entry Details: <i>COURT FINDS that this case was previously assigned to Department N. On July 22, 2020, the court entered a Custody Decree. This decision was appealed. COURT FINDS that on January 4, 2021, while the matter was on appeal, the case was administratively reassigned from Department N to Department Z. The reassignment divests Department N of jurisdiction, and Department Z becomes the original judge of the case. COURT FINDS that on November 5, 2021, the Court of Appeals entered an Opinion which reversed the referenced order and remanded with instructions for the district court to hold an evidentiary hearing on disputed issues of fact. EDCR 1.31(b) (13) authorizes the Presiding Judge to assign or reassign all cases pending in the Family Division of the District Court. EDCR 1.60(a) states: [T]he presiding judge of the family division shall have the authority to assign or reassign cases pending in the family division; . . . Unless otherwise provided in these rules, all cases must be distributed on a random basis. However, when a case is remanded to a lower court or tribunal for further proceedings, it must be returned to the original judge at the conclusion of these proceedings. NOW, THEREFORE IT IS ORDERED that Case No. D-20-606828-C shall be temporarily reassigned to Department N for further proceedings as required by the remand and when those further proceedings are completed, the case shall be returned from Department N to Department Z. IT IS FURTHER ORDERED that the Court s Clerk shall provide a copy of this Minute Order to the parties. ;</i>
07/16/2020	 All Pending Motions (3:30 PM) (Judicial Officer: Harter, Mathew) MINUTES Matter Heard; Journal Entry Details: <i>CASE MANAGEMENT CONFERENCE...RETURN HEARING This hearing was held telephonically in accordance with Administrative Order 20-17, out of an abundance of caution, in order to prevent the spread of COVID-19 infection in the community. Court noted that it could only grant the divorce in related case D-17-547582-D as it did not have jurisdiction over custody at that time. Upon inquiry, Plaintiff stated that a custody case has never been filed in Tennessee. Plaintiff confirmed that she received the responses filed by Defendant. Court noted that Defendant will be incarcerated for a long period of time. Court noted that Plaintiff requested child support based on the royalties Defendant receives for songwriting. However Court advised that it does not have jurisdiction over child support but that Plaintiff may contact District Attorney Family Support (DAFS) for assistance with interstate child support enforcement. COURT ORDERED, Plaintiff shall have SOLE LEGAL and SOLE PHYSICAL CUSTODY of the minor children pursuant to Hayes v. Gallagher. Plaintiff shall prepare the order.;</i>
07/16/2020	Return Hearing (3:30 PM) (Judicial Officer: Harter, Mathew) Matter Heard; See All Pending Motions 7/16/20
07/16/2020	Case Management Conference (3:30 PM) (Judicial Officer: Harter, Mathew) Matter Heard; See All Pending Motions 7/16/20
04/22/2020	Summons Harris, Ronald David Served: 04/30/2020

DATE

FINANCIAL INFORMATION

Defendant Harris, Ronald David	
Total Charges	225.75
Total Payments and Credits	225.75

CASE SUMMARY

CASE NO. D-20-606828-C

Balance Due as of 9/8/2022	0.00
Plaintiff Figueroa, Jenniffer	
Total Charges	259.00
Total Payments and Credits	259.00
Balance Due as of 9/8/2022	0.00

Eighth Judicial District Court

Clark County, Nevada

JENNIFFER FIGUEROA,)
)
Plaintiff,)
)
vs.) Case: D-20-606828-C
)
RONALD DAVID HARRIS,) Dept: N
)
Defendant.) Date of Hearing: 07/28/2022
) Time of Hearing: 11:00 a.m.

DECISION AND ORDER

I. INTRODUCTION

In the Order Reversing and Remanding (ORR)¹ dated 11/05/2021, the Court of Appeals (COA) held:

[The] presumption [for joint legal custody in NRS 125C.002] is overcome when the court finds that the parents are unable to communicate, cooperate, and compromise in the best interest of the of the children. (ORR at 6) (*citing to Rivero and another COA case in Footnote 4*)... [T]he decree does not address the NRS 125C.002 presumption or how Figueroa overcame the allegations in Harris’s answer that he never made inappropriate remarks to these children or spoke ill of Figueroa in their presence. The district court made no findings as to Harris and Figueroa’s ***ability, or lack thereof, to cooperate, communicate, or compromise in the best interest of the children.*** And there is otherwise no reference to the children’s best interest or reasons for awarding Figueroa sole legal custody. (*Id.* at 7) (*emphasis added*)... Additionally, deciding which custody arrangement is in the children’s best interest ***necessarily*** involves resolving disputed questions of fact in this case. Indeed, the parties clearly dispute whether Harris’s behavior with his stepdaughter renders him unable to participate in important legal decisions for his four children. Therefore, the district court should have held an evidentiary hearing on the issue of legal custody. (*Id.* at 8 (*emphasis added*)).

As the COA used party designations as “Harris” and “Figueroa,” this Court will also for purposes of this decision. As the ORR detailed the prior procedural history of this case, a reiteration is unnecessary at this time.

¹ On page 4 of the ORR, it states: “Harris did not attend the case management conference, and there was no explanation on the record or in the decree as to why, and the district court never explained the impact of his non-appearance.” This Court humbly admits that in this case, it unfortunately deviated from its normal protocol whereby it regularly cites to the legal basis for a default for a party’s non-appearance at a mandatory case management conference. As the old local rules were in effect at the time, this Court would typically have cited to EDCR 5.517(b) (appearance at case management conferences is required) and EDCR 7.60(a)(3) (failure of a party to appear at a required hearing may result in “the striking of the answer and entry of judgment by default”). It is noted that Harris has made his appearances via telephonic means regarding this appellate issue. Again, this is simply noted, it had no bearing on the decision of the limited issue at hand.

1 **II. LEGAL BASIS**

2 **125C.002. Joint legal custody**

3 1. When a court is making a determination regarding the legal custody of a child, there is
4 a presumption, affecting the burden of proof, that joint legal custody would be in the best
5 interest of a minor child if:

- 6 (a) The parents have agreed to an award of joint legal custody or so agree in open court at
7 a hearing for the purpose of determining the legal custody of the minor child; or
8 (b) A parent has demonstrated, or has attempted to demonstrate but has had his or her
9 efforts frustrated by the other parent, an intent to establish a meaningful relationship with
10 the minor child.

11 2. The court may award joint legal custody without awarding joint physical custody.

12 **Legal custody involves** having basic legal responsibility for a child and **making major**
13 **decisions regarding the child, including the child's health, education, and religious**
14 **upbringing.** Sole legal custody vests this right with one parent, while joint legal custody
15 vests this right with both parents. **Joint legal custody requires that the parents be able**
16 **to cooperate, communicate, and compromise to act in the best interest of the child. In**
17 **a joint legal custody situation, the parents must consult with each other to make**
18 **major decisions regarding the child's upbringing,** while the parent with whom the
19 child is residing at that time usually makes minor day-to-day decisions.

20 *Rivero v. Rivero*, 125 Nev. 410, 420-21, 216 P.3d 213 (2009) (*emphasis added*).

21 **III. ANALYSIS**

22 An evidentiary hearing was held on the above date and time.² Both parties filed Briefs.
23 Neither party moved to admit any exhibits. Given the evidence from the parties, Figueroa has
24 not allowed Harris contact with the 4 minor children at issue since 2019. As there was no
25 custody order in place at that time, this Court will assume *arguendo* that the presumption in NRS
26 125C.002(1)(b) applies. Therefore, it was Figueroa's burden of proof to overcome the
27 presumption. As noted above, the presumption is overcome if it is shown that there is an *ability,*
28 *or lack thereof, to cooperate, communicate, or compromise in the best interest of the children.*

As for the only relevant *best interest* factors on this narrow issue, they are NRS 125.0035(4)(d)
"The level of conflict between the parents", (e) "The ability of the parents to cooperate to meet
the needs of the child", and (j) "Any history of parental abuse or neglect of the child or a sibling
of the child" (as Harris was convicted of abusing the children's step-sister). Harris claimed that
he could be cooperative with Figueroa for the children's sake. Figueroa testified that they could

² Due process requires that a party receive notice of a proceeding and an opportunity to be heard. See generally *Brown v. Brown*, 96 Nev. 713, 715-16, 615 P.2d 962 (1980); "[T]he form of that hearing remains within the district court's discretion." *Arcella v. Arcella*, 133 Nev. 868, 872, 407 P.3d 341 (2017) (*citing to Sims v. Sims*, 109 Nev. 1146, 1148, 865 P.2d 328 (1993) for the proposition that: "The trial court enjoys broad discretionary powers in determining questions of child custody.").

1 *not* be cooperative. Figueroa’s reasons were that Harris upsets the household as he still attempts
2 to reach out to the victim of the crime for which he is incarcerated, which is Figueroa’s daughter.
3 Figueroa further claimed that Harris continues to “threaten” her. Harris testified that he believed
4 Figueroa was also “culpable,” that he told her of his plans to “bring her to justice,” and that
5 Figueroa is only being uncooperative because of the evidence that he is gathering against her.³

6 The animus between these parties is palpable as can be read in their Briefs filed for this
7 evidentiary hearing.⁴ Considering the *best interest* factors above, this Court FINDS that (1) the
8 level of conflict is *high*; (2) the parties have an *inability to cooperate* regarding their children’s
9 needs; and (3) Harris has been convicted of child abuse of a step-sibling. This Court further
10 FINDS that Harris is in fact the root cause of these factors for 2 reasons. First, in addressing the
11 COA’s specifically noted issue of whether Harris’ behavior with his stepdaughter renders him
12 “unable to participate in important legal decisions for his four children,” this Court FINDS that a
13 reasonable parent would not emotionally be able to *cooperate, communicate, or compromise*
14 with another parent that is convicted of serious sexual abuse against their underage daughter and
15 who also continues to try to reach out to the victim. Second, to add insult to injury, this Court
16 FINDS that a reasonable parent would not be able to *cooperate, communicate, or compromise*
17 with a parent who further admits that they are actively attempting to have them prosecuted for
18 allegedly also being “culpable.”

19 **IV. CONCLUSION**

20 Given the findings above, this Court CONCLUDES that Figueroa has overcome the
21 presumption for joint legal custody as she has sufficiently proven that there is an *ability, or lack*
22 *thereof, to cooperate, communicate, or compromise in the best interest of the children.* Because

24 ³ See e.g., Defendant’s Brief, p. 4, lines 1-2 (Harris claims he is being punished “for bringing
25 [Figueroa] to justice and revealing her own shortcomings as a parent and her immoral and unethical
behavior.”).

26 ⁴ “Joint legal custody is inappropriate where, as here, the record ‘convincingly demonstrates that
27 the parties have an acrimonious relationship and are unable to communicate ... in an amicable manner.’”
28 (*Matter of St. Pierre v. Burrows*, 14 A.D.3d 889, 891, 788 N.Y.S.2d 494 [2005]; see *Matter of Van
Zandt v. Sauers*, 12 A.D.3d 821, 822, 784 N.Y.S.2d 240 [2004]; *Matter of Smith v. Miller*, 4 A.D.3d
697, 698, 772 N.Y.S.2d 742 [2004]; *Matter of Millett v. Millett*, 270 A.D.2d 520, 522, 703 N.Y.S.2d 596
[2000]).

1 Harris is the root of this problem noted above and due to the fact it would impractical for Harris
2 to be the sole legal custodian given his incarceration status, this Court further CONCLUDES that
3 it is in the best interest of the minor children that Figueroa be granted sole legal custody of the
4 minor children.

5 Pursuant to the Minute Order from 12/06/2021 issued from the Presiding Judge, now that
6 this limited issue on remand has been determined, the Clerk of the Court is hereby ORDERED to
7 immediately re-assign this case back to Department Z.

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9
10 HONORABLE MATHEW P. HARTER

11 Dated this 2nd day of August, 2022

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15 MEF

16 7B9 479 24FD 2583
17 Mathew Harter
18 District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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5
6 Jenniffer Figueroa, Plaintiff.

CASE NO: D-20-606828-C

7 vs.

DEPT. NO. Department N

8 Ronald David Harris, Defendant.

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 8/2/2022

15 Jenniffer Figueroa

jennfig1976@gmail.com

16
17 If indicated below, a copy of the above mentioned filings were also served by mail
18 via United States Postal Service, postage prepaid, to the parties listed below at their last
known addresses on 8/3/2022

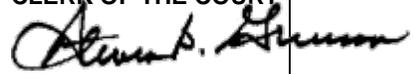
19 Ronald Harris

NECX PO BOX 5000

#584414

Mountain City, TN, 37683

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DISTRICT COURT
CLARK COUNTY, NEVADA

Jennifer Figueroa, Plaintiff.
vs.
Ronald David Harris, Defendant.

Case No.: D-20-606828-C
Department N

NOTICE OF ENTRY OF DECISION AND ORDER

TO: ALL PARTIES AND/OR THEIR ATTORNEYS

Please take notice that the Court prepared a Decision and Order

I hereby certify that I submitted this Decision so that it will be electronically served, faxed, emailed, or mailed to:

Jennifer Figueroa

Ronald David Harris
c/o: Warden Jerry Gentry of the Tennessee Department of Corrections

DATED: 2nd day of August, 2022

By: /s/ Mark Fernandez

Mark Fernandez
Judicial Executive Assistant
Department N

Court noted that Plaintiff requested child support based on the royalties Defendant receives for songwriting. However Court advised that it does not have jurisdiction over child support but that Plaintiff may contact District Attorney Family Support (DAFS) for assistance with interstate child support enforcement.

COURT ORDERED, Plaintiff shall have SOLE LEGAL and SOLE PHYSICAL CUSTODY of the minor children pursuant to Hayes v. Gallagher.

Plaintiff shall prepare the order.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	09/08/2022	Page 2 of 13	Minutes Date:	July 16, 2020
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Division of the District Court.

EDCR 1.60(a) states:

[T]he presiding judge of the family division shall have the authority to assign or reassign cases pending in the family division; Unless otherwise provided in these rules, all cases must be distributed on a random basis. However, when a case is remanded to a lower court or tribunal for further proceedings, it must be returned to the original judge at the conclusion of these proceedings.

NOW, THEREFORE IT IS ORDERED that Case No. D-20-606828-C shall be temporarily reassigned to Department N for further proceedings as required by the remand and when those further proceedings are completed, the case shall be returned from Department N to Department Z.

IT IS FURTHER ORDERED that the Court's Clerk shall provide a copy of this Minute Order to the parties.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	09/08/2022	Page 4 of 13	Minutes Date:	July 16, 2020
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

pleadings and to provide information to the Court, and affording him the opportunity to appear pursuant to the remand.

CLERK'S NOTE: the Minutes were prepared by Court Clerk, Tristy Cox, who was not present.
(1/5/2022 TC)

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	09/08/2022	Page 6 of 13	Minutes Date:	July 16, 2020
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Decision has not yet passed. Court advised that this matter will be set for a status check, at which point this Court will either stay this matter pending a decision on that appeal, or set an evidentiary hearing if no appeal has been filed. Court advised that the only issue to be addressed by this Court is legal custody and that all other issues will be heard by Department Z.

COURT ORDERED, a status check is SET for 6/9/22 at 11:00 a.m.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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motion to disqualify is resolved." Again, that part is done as Chief Judge Bell has made her decision. "When a Writ petition is filed, the court retains jurisdiction over the order challenged therein during the pendency of the Writ petition." Pengilly v. Rancho Santa Fe Homeowners Ass'n, 116 Nev. 646, 650, 5 P.3d 569 (2000).

COURT ORDERED:

1. The NOTICE OF EVIDENTIARY HEARING was generated in Odyssey and submitted to the OPEN IN COURT APP for the Court's signature, Filing, and E-Service. The Court's Law Clerk shall get out the Notice to Defendant.

2. The matter is SET on 7.28.22 at 10:00 a.m. EVIDENTIARY HEARING, One (1) hour, each side, Pacific Time, 10:00 a.m. until 12:00 p.m.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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and discussed he received a copy. COURT NOTED the issue today is a very LIMITED ISSUE; it was REMANDED back to this Court, and for the Parties to take notes for referencing the Court of Appeals case number 81746-COA. COURT NOTED starting on page 7 of the ORDER REVERSING IN PART AND REMANDING, "the District Court made no findings as to Harris and Figueroa's ability, or lack thereof, to cooperate, communicate or compromise in the best interest of their children." The Court indicated, "additionally, deciding which custody arrangement is in the children's best interest necessarily involves resolving disputed questions of fact in this case. Indeed, the Parties dispute whether Harris's behavior with his step-daughter renders him unable to participate in important legal decisions for his four children." COURT NOTED reading from page 6, "Legal custody involves having basic legal responsibility for a child and making major decisions regarding the child, including the child's health, education, and religious upbringing." Joint legal custody is presumed to be in the children's best interest if certain conditions are met. NRS 125C.002. "However, this presumption is overcome when the Court finds that the parents are unable to communicate, cooperate, and compromise in the best interest of the children. The Court discussed, as indicated last time, Court read the Briefs and kind of discussed the fact that a lot contained in BOTH Briefs seem to be more personal attacks; at the end of the day, this is NOT a Jury Trial; this is a Bench Trial, so if we start and get into areas where things are being said or talked about this Court believes is not relevant to assist this Court in making that determination, the Court will inform both parties. COURT also NOTED to Defendant that the last time lot of the stuff Defendant was requesting, on the last about seeing the children, video chatting, anything other than this LIMITED ISSUE will go back in front of Department Z immediately after this Court renders its DECISION on this LIMITED ISSUE, and Dad stated okay. COURT NOTED the ISSUE is "the ability or lack thereof to cooperate, communicate or compromise in your children's best interest. BOTH the Parties acknowledged what the LIMITED ISSUE is in front of the Court today. COURT NOTED the Parties will NOT get a DECISION today; the matter will be UNDER ADVISEMENT for the Court's Written Decision within the next 21 Days.

Plaintiff Jennifer Figueroa made STATEMENTS regarding the LIMITED ISSUES at today's hearing. See Worksheet.

Defendant Ronald Harris made STATEMENTS regarding the LIMITED ISSUES at today's hearing. See Worksheet.

COURT ORDERED:

1. The matter is UNDER ADVISEMENT for the Court's Written Decision within the next 21 Days.

INTERIM CONDITIONS:

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FUTURE HEARINGS: Jul 28, 2022 11:00AM Evidentiary Hearing
10:00 a.m. to 12:00 p.m. PACIFIC TIME (1 HR EACH SIDE)
Courtroom 24 Harter, Mathew

PRINT DATE:	09/08/2022	Page 13 of 13	Minutes Date:	July 16, 2020
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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 FROM LEGAL CUSTODY ORDER; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; DECISION AND ORDER; NOTICE OF ENTRY OF DECISION AND ORDER; DISTRICT COURT MINUTES

JENNIFER FIGUEROA,

Plaintiff(s),

vs.

RONALD DAVID HARRIS,

Defendant(s),

Case No: D-20-606828-C

Dept No: Z

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 8 day of September 2022.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

