

No. D-21-622669-C

Dept. No. R

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK

Electronically Filed
Oct 21 2022 11:43 AM
Elizabeth A. Brown
Clerk of Supreme Court

MARIO OIPARI

Plaintiff,

vs.

KYMBERLIE JOY HURD

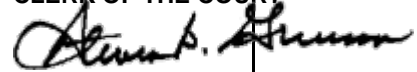
Defendant.

NOTICE OF APPEAL

Notice is hereby given that Kymberlie Joy Hurd, Defendant above named, hereby appeals to the Supreme Court of Nevada from the order regarding the findings of fact, conclusions of law, and order from the evidentiary hearing regarding legal and physical custody of minor child entered in this action on the 17th day of October, 2022.

/s/ Kymberlie Joy Hurd

Kymberlie Joy Hurd
Self Representing
210 Red Coral Dr.
Henderson, NV 89002
702-285-8149
KymberlieJoy@gmail.com



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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**
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10 MARIO OPIPARI,

11 Plaintiff(s)

12 vs.

13 KYMBERLIE JOY HURD,

14 Defendant(s),
15

Case No: D-21-622669-C

Dept No: R

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Kymberlie Joy Hurd

20 2. Judge: Bill Henderson

21 3. Appellant(s): Kymberlie Joy Hurd

22 Counsel:

23 Kymberlie Joy Hurd
24 210 Red Coral Dr.
Henderson, NV 89002

25 4. Respondent (s): Mario Opipari

26 Counsel:

27 Chaka T. Crome, Esq.
28 520 S. 4th St.
Las Vegas, NV 89101

Matthew H. Friedman, Esq.
2200 Paseo Verde Pkwy, Ste 350
Henderson, NV 89052

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: Yes, September 22, 2022

8 Appellant Filed Application to Proceed in Forma Pauperis: N/A
9 Date Application(s) filed: N/A

10 9. Date Commenced in District Court: March 4, 2021

11 10. Brief Description of the Nature of the Action: DOMESTIC - Child Custody

12 Type of Judgment or Order Being Appealed: Misc. Order

13 11. Previous Appeal: Yes

14 Supreme Court Docket Number(s): 84784, 85215

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

16 Appeal involves Child Custody and/or Visitation: Custody and Visitation

17 13. Possibility of Settlement: Unknown

18 Dated This 18 day of October 2022.

19 Steven D. Grierson, Clerk of the Court

20
21 /s/ Amanda Hampton

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

27 cc: Kymberlie Joy Hurd
28

CASE SUMMARY**CASE NO. D-21-622669-C**

Mario Opipari, Plaintiff.
vs.
Kymberlie Hurd, Defendant.

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Location: **Department R**
 Judicial Officer: **Henderson, Bill**
 Filed on: **03/04/2021**

CASE INFORMATION**Related Cases**

R-21-217397-R (1J1F Related - Rule 5.103)



T-21-218655-T (1J1F Related - Rule 5.103)



T-22-221953-T (1J1F Related - Rule 5.103)



T-22-222002-T (1J1F Related - Rule 5.103)



T-22-222350-T (1J1F Related - Rule 5.103)

Case Type: **Child Custody Complaint**Case Status: **10/17/2022 Closed**

Case Flags: **Order / Decree Logged Into
 Department
 Appealed to Supreme Court
 In Forma Pauperis Granted**

Statistical Closures

10/17/2022 Judgment Reached (Bench Trial)

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

Case Number D-21-622669-C
 Court Department R
 Date Assigned 03/04/2021
 Judicial Officer Henderson, Bill

PARTY INFORMATION**Plaintiff****Opipari, Mario***Attorneys***Friedman, Matthew H.***Retained*

702-476-2400(W)

Crome, Chaka T.*Retained*

702-384-5563(W)

Defendant**Hurd, Kymberlie****Pro Se**

702-285-8149(H)

Subject Minor**Opipari, Azlynn Harlie****Counter Claimant****Hurd, Kymberlie****Pro Se**

702-285-8149(H)

Counter Defendant**Opipari, Mario****Friedman, Matthew H.***Retained*

702-476-2400(W)

Crome, Chaka T.*Retained*

702-384-5563(W)

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

03/04/2021



Complaint for Custody

Filed by: Counter Defendant Opipari, Mario

[1] Complaint For Custody and UCCJEA Declaration

03/04/2021


















Request for Issuance of Joint Preliminary Injunction

Filed By: Counter Defendant Opipari, Mario


















CASE SUMMARY

CASE NO. D-21-622669-C

	<i>[2] Request for Issuance of Joint Preliminary Injunction</i>
03/04/2021	 Summons Electronically Issued - Service Pending Filed by: Counter Defendant Opipari, Mario <i>[3] Summons</i>
03/05/2021	 Joint Preliminary Injunction Filed by: Counter Defendant Opipari, Mario <i>[4] Joint Preliminary Injunction</i>
05/07/2021	 Answer and Counterclaim - Divorce, Annulment, Separate Maint Filed by: Counter Claimant Hurd, Kymberlie <i>[5] Answer to Complaint for Custody and UCCJEA Declaration and Counterclaim to Establish Custody, Child Support, Attorney's Fees and Other Related Relief</i>
05/07/2021	 Motion Filed By: Counter Defendant Opipari, Mario <i>[6] Plaintiff Mario Opipari Motion For Temporary Orders Awarding Him Primary Physical Custody, Joint Legal Custody, Visitation, Child Support and Related Relief</i>
05/14/2021	 FMC Request and Order for Mediation - NRS 3.475 <i>[7] Request and Order for FMC Mediation</i>
05/17/2021	 Notice of Hearing <i>[8] Notice of Hearing</i>
05/18/2021	 Notice of Entry of Order Filed By: Counter Claimant Hurd, Kymberlie <i>[9] Notice of Entry of Request and Order for FMC</i>
05/18/2021	 Notice of Entry of Order Filed By: Counter Claimant Hurd, Kymberlie <i>[10] Amended Notice of Entry of Stipulation and Order</i>
05/21/2021	 Financial Disclosure Form Filed by: Counter Claimant Hurd, Kymberlie <i>[11] General Financial Disclosure Form</i>
05/21/2021	 Financial Disclosure Form Filed by: Counter Claimant Hurd, Kymberlie <i>[12] General Financial Disclosure Form</i>
05/21/2021	 Opposition and Countermotion Filed By: Counter Claimant Hurd, Kymberlie <i>[13] Opposition to Plaintiff's Motion For Temporary Orders Awarding Him Primary Physical Custody, Joint Legal Custody, Visitation, Child Support And Related Relief And Countermotion For Primary Physical Custody, To Relocate With The Child to Florida, For Child Support And For Attorney s Fees And Related Relief; Declaration of Defendant Kymberlie Hurd</i>
05/26/2021	 Declaration Filed By: Counter Defendant Opipari, Mario <i>[14] Declaration of Resident Witness</i>
05/27/2021	 Affidavit of Service Filed By: Counter Defendant Opipari, Mario <i>[15] Affidavit of Service of Complaint, Summons, Request for Joint Preliminary Injunction and Joint Preliminary Injunction</i>
05/28/2021	 Financial Disclosure Form Filed by: Counter Defendant Opipari, Mario <i>[16] General Financial Disclosure Form</i>
05/28/2021	 Reply to Counterclaim Filed By: Counter Defendant Opipari, Mario <i>[17] Reply to Counterclaim</i>

CASE SUMMARY

CASE NO. D-21-622669-C

06/22/2021	 Opposition and Countermotion Filed By: Counter Defendant Oipari, Mario <i>[18] Plaintiff Mario Oipari Opposition to Defendant's Countermotion for Primary Physical Custody, to Relocate with the Child to Florida, for Child Support and for Attorney's Fees and Related Relief</i>
06/22/2021	 Exhibits Filed By: Counter Defendant Oipari, Mario <i>[19] Exhibit Appendix in Support of Plaintiff Mario Oipari's Opposition to Defendant's Countermotion for Primary Physical Custody, to Relocate with the Child to Florida, for Child Support and for Attorney's Fees and Related Relief</i>
06/23/2021	 Objection Filed By: Counter Claimant Hurd, Kymberlie <i>[20] Objection to Exhibits to Plaintiff's Motion</i>
06/23/2021	 Notice of Seminar Completion EDCR 5.302 Filed by: Counter Claimant Hurd, Kymberlie <i>[21] Notice of Seminar Completion</i>
06/23/2021	 Notice of Seminar Completion EDCR 5.302 <i>[22] amended Notice of Seminar Completion</i>
06/24/2021	 Notice of Seminar Completion EDCR 5.302 Filed by: Counter Defendant Oipari, Mario <i>[23] Mario Oipari's Certificate of Completion of Seminar For Separating Parents Pursuant to EDCR 5.302</i>
09/15/2021	 Consent <i>[24] Consent Order to Withdraw emailed to Ct</i>
09/15/2021	 Notice of Entry of Order Filed By: Counter Claimant Hurd, Kymberlie <i>[25] Notice of Entry of Consent Order for Withdrawal of Attorney</i>
09/17/2021	 Order <i>[26] Amended Consent Order For Withdrawal of Attorney</i>
09/20/2021	 Notice of Entry of Order Filed By: Counter Claimant Hurd, Kymberlie <i>[27] Notice of Entry of Consent Order for Withdrawal of Attorney</i>
09/20/2021	 Notice of Entry of Order Filed By: Counter Claimant Hurd, Kymberlie <i>[28] Notice of Entry of Consent Order for Withdrawal of Attorney</i>
09/27/2021	 Application to Proceed in Forma Pauperis Filed By: Counter Claimant Hurd, Kymberlie <i>[29] Application to Proceed in Forma Pauperis</i>
09/28/2021	 Order to Proceed In Forma Pauperis <i>[30] Order to Proceed In Forma Pauperis</i>
10/07/2021	 Stipulation and Order <i>[31] Stipulation to Continue Settlement Conference</i>
10/08/2021	 Notice of Entry of Stipulation and Order Filed by: Counter Defendant Oipari, Mario <i>[32] Notice of Entry of Stipulation and Order to Continue Settlement Conference and Return Hearing</i>
11/15/2021	 Motion Filed By: Counter Defendant Oipari, Mario <i>[33] Plaintiff Mario Oipari's Emergency Motion for Enforcement of Order for a Pickup Order, for Temporary Primary Physical Custody, Child Support, Compensatory Time and Related Matters</i>
11/15/2021	 Notice of Hearing











CASE SUMMARY

CASE NO. D-21-622669-C

	<i>[34] Notice of Hearing</i>
11/15/2021	 Ex Parte Application Filed by: Counter Defendant Opipari, Mario <i>[35] Plaintiff Mario Opipari's Ex Parte Application for an Order Shortening Time Regarding the Emergency Motion for Enforcement of Order, for a Pickup Order, for Temporary Primary Physical Custody, Child Support, Compensatory Time, and Related Matters</i>
11/16/2021	 Order Shortening Time <i>[36] 111621 Opipari vs. Hurd D-21-622669-C Order Shortening Time</i>
11/16/2021	 Notice of Entry Filed By: Counter Defendant Opipari, Mario <i>[37] Notice of Entry of Order Regarding the Order Shortening Time</i>
11/16/2021	 Exhibits Filed By: Counter Defendant Opipari, Mario <i>[38] Exhibit Appendix In Support Of Plaintiff Mario Opipari's Emergency Motion For Enforcement of Order, For a Pickup Order, For Temporary Primary Physical Custody, Child Support, Compensatory Time, and Related Matters</i>
11/18/2021	 Affidavit of Service Filed By: Counter Defendant Opipari, Mario <i>[39] Affidavit of Service</i>
12/30/2021	 Order <i>[40] Order/Proposed Holiday Schedule</i>
01/07/2022	 Ex Parte Motion Filed by: Counter Defendant Opipari, Mario <i>[41] Plaintiff Mario Opipari's Emergency Ex Parte Motion for a Pickup Order for the Return of the Minor Child</i>
01/10/2022	 Family Court Motion Opposition Fee Information Sheet Filed by: Counter Defendant Opipari, Mario <i>[42] Motion/Opposition Fee Information Sheet</i>
01/10/2022	 NRCP 16.2 Case Management Conference Order <i>[43] Notice of Order of Appearance for NRCP 16.2 Case Management Conference</i>
01/10/2022	 Motion to Compel Filed by: Counter Defendant Opipari, Mario <i>[44] Motion to Compel Defendant to Produce Initial Disclosures Pursuant to Rule 16.205, Disclosures Substantiating Her Financial Disclosure Form, Discovery Responses and Related Matters</i>
01/10/2022	 Exhibits Filed By: Counter Defendant Opipari, Mario <i>[45] Exhibit Appendix in Support of Plaintiff Mario Opipari's Motion to Compel Defendant to Produce Initial Disclosures Pursuant to Rule 16.205, Disclosures Substantiating her Financial Disclosure Form, Discovery Responses and Related Matters</i>
01/11/2022	 Order <i>[46] D-21-622669-C- Emergency Pick-Up Order for the Return of the Minor Child</i>
01/11/2022	 Notice of Entry of Order Filed By: Counter Defendant Opipari, Mario <i>[47] Notice of Entry of Order Regarding Emergency Pick-Up Order for the Return of Minor Child</i>
01/12/2022	 Notice of Entry of Order Filed By: Counter Defendant Opipari, Mario <i>[48] Corrected Notice of Entry of Order Regarding Emergency Pick-Up Order for Return of Minor Child</i>
01/12/2022	 Notice of Hearing <i>[49] Notice of Hearing</i>
01/14/2022	 Motion to Set Aside


















CASE SUMMARY

CASE NO. D-21-622669-C

	Filed by: Counter Claimant Hurd, Kymberlie <i>[50] ***No hearing requested.*** Motion and Notice of Motion to Set Aside Order</i>
01/14/2022	 Ex Parte Motion Filed by: Counter Claimant Hurd, Kymberlie <i>[51] Ex Parte Motion for an Order Shortening Time</i>
01/18/2022	 Notice of Rescheduling of Hearing <i>[52] Rescheduled Notice of Hearing-Discovery</i>
01/18/2022	 Exhibits Filed By: Counter Claimant Hurd, Kymberlie <i>[53] Exhibit Appendix</i>
01/18/2022	 Notice of Rescheduling of Hearing <i>[54] Rescheduled notice of Hearing (Signed)</i>
01/19/2022	 Motion Filed By: Counter Claimant Hurd, Kymberlie <i>[55] Motion and Notice of Motion for Temporary Custody, Visitation, Child Support, Spousal Support, and/or Exclusive Possession</i>
01/20/2022	 Notice of Hearing <i>[56] Notice of Hearing</i>
01/20/2022	 Clerk's Notice of Nonconforming Document <i>[57] Notice of Nonconforming Document</i>
01/20/2022	 Motion to Set Aside Filed by: Counter Claimant Hurd, Kymberlie <i>[58] Motion and Notice of Motion to Set Aside Order, Judgment, and/or Default</i>
01/24/2022	 Exhibits Filed By: Counter Claimant Hurd, Kymberlie <i>[59] Corrected Exhibit Appendix for Corrected Motion to Set Aside Order</i>
01/24/2022	 Exhibits Filed By: Counter Claimant Hurd, Kymberlie <i>[60] Re-Corrected Exhibit Appendix for Corrected Motion to Set Aside Order</i>
01/28/2022	 Ex Parte Motion Filed by: Counter Claimant Hurd, Kymberlie <i>[61] Ex Parte Motion For an Order Shortening Time</i>
01/31/2022	 Exhibits Filed By: Counter Claimant Hurd, Kymberlie <i>[62] Exhibit Appendix OST</i>
01/31/2022	 Order Shortening Time <i>[63] OST</i>
02/01/2022	 Notice of Entry of Order/Judgment Filed by: Counter Claimant Hurd, Kymberlie <i>[64] Notice of Entry of Order</i>
02/10/2022	 Opposition to Motion Filed by: Counter Defendant Opiari, Mario <i>[65] Plaintiff Mario Opiari's Opposition to Defendant's Motion to Set Aside Order, Judgment, and/or Default and Countermotion for Attorney's Fees and Related Relief</i>
02/10/2022	 Opposition to Motion Filed by: Counter Defendant Opiari, Mario <i>[66] Corrected Plaintiff Mario Opiari's Opposition to Defendant's Motion to Set Aside Order, Judgment, and/or Default and Countermotion for Attorney's Fees and Related Relief</i>

CASE SUMMARY

CASE NO. D-21-622669-C

02/10/2022	 Proof Filed By: Counter Defendant Oipari, Mario <i>[67] Plaintiff Mario Oipari's Insurance Coverage Information to Add Minor Child to Policy</i>
02/10/2022	 Opposition and Countermotion Filed By: Counter Defendant Oipari, Mario Party 2: Counter Claimant Hurd, Kymberlie <i>[68] Plaintiff Mario Oipari Opposition to Defendant's Motion for Temporary Custody, Visitation,, Child Support, Spousal Support, and/or Exclusive Possession and Countermotion Striking Defendant's Exhibit 2, for Supervised Visitation, Child Support and Attorney's Fees and Costs and Related Relief</i>
02/11/2022	 Financial Disclosure Form Filed by: Counter Claimant Hurd, Kymberlie <i>[69] General Financial Disclosure Form</i>
02/11/2022	 Notice of Change of Address Filed By: Counter Claimant Hurd, Kymberlie <i>[70] Notice of Change of Address</i>
02/11/2022	 Notice of Appearance Party: Counter Claimant Hurd, Kymberlie <i>[71] Notice of Intent to Appear in an Unbundled Capacity on Behalf of Defendant Via Electronic Means</i>
02/13/2022	 Exhibits Filed By: Counter Claimant Hurd, Kymberlie <i>[72] Exhibits Appendix to Motion to Set Aside and Motion for Temporary Custody</i>
02/13/2022	 Exhibits Filed By: Counter Claimant Hurd, Kymberlie <i>[73] Exhibits Appendix TalkingParents Communications and HPD</i>
02/14/2022	 Exhibits Filed By: Counter Claimant Hurd, Kymberlie <i>[74] Exhibits Appendix to Motion to Set Aside and Motion for Temporary Custody_Quest Lab Toxicology Results</i>
02/15/2022	 Order for Family Mediation Center Services <i>[75]</i>
02/15/2022	 Order for Supervised Visitation <i>[76] Family First Services</i>
02/23/2022	 Exhibits <i>[77] Henderson Police Department Incident Report for 02/09/2022</i>
02/28/2022	 Discovery Commissioners Report and Recommendations <i>[78] Discovery Commissioners Report and Recommendations</i>
03/03/2022	 Motion to Set Aside Filed by: Counter Claimant Hurd, Kymberlie <i>[79] Motion to Set Aside Supervised Visitation Order</i>
03/05/2022	 Notice of Hearing <i>[80] Notice of Hearing</i>
03/08/2022	 Ex Parte Motion Filed by: Counter Claimant Hurd, Kymberlie <i>[81] Emergency Ex Parte Motion For A Pickup Order</i>
03/08/2022	 Ex Parte Motion Filed by: Counter Claimant Hurd, Kymberlie <i>[82] Emergency Ex Parte Motion For A Pickup Order</i>
03/11/2022	 Ex Parte Motion Filed by: Counter Claimant Hurd, Kymberlie












CASE SUMMARY

CASE NO. D-21-622669-C

	<i>[83] Ex Parte Motion For An Order Shortening Time</i>
03/14/2022	 Objection to Discovery Commissioners Report and Recommend Filed by: Counter Claimant Hurd, Kymberlie <i>[84] Objection to Discovery Commissioners Report & Recommendations</i>
03/15/2022	 Application to Proceed in Forma Pauperis Filed By: Counter Claimant Hurd, Kymberlie <i>[85] Application to Proceed in Forma Pauperis</i>
03/22/2022	 Order to Proceed In Forma Pauperis <i>[86] Order to Proceed In Forma Pauperis</i>
03/22/2022	 Opposition Filed By: Counter Defendant Oipari, Mario <i>[87] Plaintiff Mario Oipari Opposition to Defendant's Objection to Discovery Commissioner's Report and Recommendations</i>
03/22/2022	 Family Court Motion Opposition Fee Information Sheet Filed by: Counter Defendant Oipari, Mario <i>[88] Motion-Opposition Fee Information Sheet</i>
03/23/2022	 Opposition and Countermotion Filed By: Counter Defendant Oipari, Mario <i>[89] Plaintiff's Opposition to Defendant's Motion Emergency Ex Parte Motion for a Pickup Order for the Return of Minor child and Countermotion to Declare Defendant a Vexatious Litigant, To Dismiss Defendant's Motion in it's Entirety, and for Attorneys' Fees and Costs</i>
03/25/2022	 Ex Parte Motion <i>[90] Ex Parte Motion For An Order Shortening Time</i>
03/28/2022	 Order Shortening Time <i>[91] OST_2022.03.25</i>
03/28/2022	 Order <i>[92] Order on Discovery Commisioners's Report and Recommendation</i>
03/29/2022	 Notice Filed By: Counter Claimant Hurd, Kymberlie <i>[93] Notice of Intent to Serve Subpoena</i>
03/29/2022	 Subpoena Duces Tecum Filed by: Counter Claimant Hurd, Kymberlie <i>[94] Subpoena Duces Tecum-City of Henderson</i>
03/30/2022	 Notice of Entry Filed By: Counter Defendant Oipari, Mario <i>[95] Notice of Entry of Order on Discovery Commissioner's Report and Recommendations</i>
04/03/2022	 Opposition Filed By: Counter Claimant Hurd, Kymberlie <i>[96] Defendant Kymberlie Joy Hurd's Opposition to Plaintiff's Countermotion to Declare Defendant a Vexatious Litigant, to Dismiss Defendant's Motion In Its Entirety, and for Attorneys' Fees and Costs</i>
04/03/2022	 Notice of Hearing Filed By: Counter Claimant Hurd, Kymberlie <i>[97] Notice of Hearing</i>
04/04/2022	 Exhibits Filed By: Counter Claimant Hurd, Kymberlie <i>[98] Exhibit Appendix Supporting Opposition to Plaintiff's Counter Motion</i>
04/05/2022	 Notice of Entry of Order Filed By: Counter Claimant Hurd, Kymberlie <i>[99] Notice of Entry of Order</i>

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CASE NO. D-21-622669-C

04/05/2022	 Reply to Opposition Filed by: Counter Claimant Hurd, Kymberlie <i>[100] Defendant's Reply to Plaintiff's Opposition with Exhibits</i>
04/05/2022	 Motion Filed By: Counter Defendant Oipari, Mario <i>[101] Plaintiff's Motion for a Protective Order Regarding Defendant's Subpoena to the City of Henderson</i>
04/07/2022	 Notice of Hearing <i>[102] Notice of Hearing</i>
04/07/2022	 Estimate of Transcript <i>[103] June 24, 2021, November 18, 2021; February 15, 2022</i>
04/07/2022	 Affidavit of Service Filed By: Counter Claimant Hurd, Kymberlie <i>[104] Affidavit Of Service of Subpoena to HPD Human Resources</i>
04/07/2022	 Motion to Strike Filed by: Counter Defendant Oipari, Mario <i>[105] Plaintiff's Motion to Strike Defendant's Answer and Counterclaim, to Disallow Defendant From Calling Any Witnesses and/or Using Any Exhibits at Trial, for Contempt and Related Relief</i>
04/07/2022	 Exhibits Filed By: Counter Defendant Oipari, Mario <i>[106] Plaintiff's Exhibit Appendix for Motion to Strike Defendant's Answer and Counterclaim, to Disallow Defendant from Calling any Witnesses and/or Using any Exhibits at Trial, for Contempt and Related Relief</i>
04/07/2022	 Objection Filed By: Counter Defendant Oipari, Mario <i>[107] Objection to Subpoena Duces Tecum to the City of Henderson Human Resources Department</i>
04/08/2022	 Notice of Hearing <i>[108] Notice of Hearing</i>
04/08/2022	 Withdrawal of Attorney Filed By: Counter Claimant Hurd, Kymberlie <i>[109] Withdrawal of Attorney for Defendant</i>
04/08/2022	 Ex Parte Motion Filed by: Counter Defendant Oipari, Mario <i>[110] Ex Parte Motion to Continue Hearing Scheduled on April 12, 2022 at 1:30 p.m.</i>
04/08/2022	 Order <i>[111] D-21-622669-C-Order to Continue Hearing</i>
04/09/2022	 Notice of Motion Filed By: Counter Claimant Hurd, Kymberlie <i>[112] Re-Notice of Motion Defendant Kymberlie Joy Hurd s Emergency Ex Parte Motion For A Pickup Order For The Return of Minor Child with Attached Exhibits</i>
04/11/2022	 Notice of Entry Filed By: Counter Defendant Oipari, Mario <i>[113] Notice of Entry of Order Regarding the Order to Continue Hearing Scheduled on April 12, 2022</i>
04/14/2022	 Exhibits Filed By: Counter Claimant Hurd, Kymberlie <i>[114] Exhibit Appendix Supporting Defendant's Emergency Motion For Pickup Order For The Return of Minor Child Filed 03/08/2022</i>
04/16/2022	 Supplemental Filed By: Counter Claimant Hurd, Kymberlie <i>[115] Supplemental Argument to Defendant's Emergency Motion For a Pickup Order</i>




















CASE SUMMARY

CASE NO. D-21-622669-C

04/16/2022	 Supplemental Exhibits Filed By: Counter Claimant Hurd, Kymberlie <i>[116] Exhibit Appendix Supporting Supplemental Argument for Defendant's Emergency Motion For Pickup Order For The Return of Minor Child</i>
04/18/2022	 Opposition Filed By: Counter Claimant Hurd, Kymberlie <i>[117] Defendant's Kymberlie Joy Hurd's Opposition to Plaintiff's Motion for a Protective Order Regarding Defendant's Subpoena to the City of Henderson and to Dismiss Plaintiff's Motion in Its Entirety</i>
04/18/2022	 Opposition Filed By: Counter Claimant Hurd, Kymberlie <i>[118] Defendant's Kymberlie Joy Hurd's Opposition to Plaintiff's Motion to Strike Defendant's Answer and Counterclaim, to Disallow Defendant from Calling any Witnesses and/or Using Any Exhibits at Trial, for Contempt and Related Relief</i>
04/18/2022	 Opposition Filed By: Counter Claimant Hurd, Kymberlie <i>[119] Defendant Kymberlie Joy Hurd's Opposition to Plaintiff Objection to Subpoena Duces Tecum to the City of Henderson Human Resources Department</i>
04/19/2022	 Financial Disclosure Form Filed by: Counter Defendant Oipari, Mario <i>[120] Financial Disclosure Form</i>
04/26/2022	 Application to Proceed in Forma Pauperis Filed By: Counter Claimant Hurd, Kymberlie <i>[121] Application to Proceed in Forma Pauperis</i>
05/04/2022	 Estimate of Transcript <i>[122] APRIL 19, 2022</i>
05/06/2022	 Order to Proceed In Forma Pauperis <i>[123] Order to Proceed in Forma Pauperis</i>
05/10/2022	 Reply to Opposition Filed by: Counter Defendant Oipari, Mario <i>[124] Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion for A Protective Order Regarding Defendant's Subpoena to the City of Henderson</i>
05/11/2022	 Objection Filed By: Counter Claimant Hurd, Kymberlie <i>[125] Objection To Plaintiff's Reply</i>
05/19/2022	 Order <i>[126] Order After 4/19/22 Hearing</i>
05/19/2022	 Notice of Entry of Order Filed By: Counter Defendant Oipari, Mario <i>[127] Notice of Entry of Order Regarding Hearing on April 19, 2022</i>
05/24/2022	 Notice of Appeal Filed By: Counter Claimant Hurd, Kymberlie <i>[128] Notice of Appeal</i>
05/24/2022	 Certificate of Service Filed by: Counter Claimant Hurd, Kymberlie <i>[129] Certificate of Service of Filed Notice of Appeal</i>
05/25/2022	 Case Appeal Statement <i>[130] Case Appeal Statement</i>
05/26/2022	 Order <i>[131] Order After 2/15/22 Hearing</i>
















CASE SUMMARY

CASE NO. D-21-622669-C

05/26/2022	 Notice of Entry Filed By: Counter Defendant Opipari, Mario <i>[132] Notice of Entry of Order Regarding Hearing on February 15, 2022</i>
06/03/2022	 Notice of Change of Hearing <i>[133] Notice of Change of Hearing - Discovery</i>
06/06/2022	 Discovery Commissioners Report and Recommendations <i>[134] Discovery Commissioners Report and Recommendations</i>
06/15/2022	 Errata <i>[135] Transcript Estimate April 19, 2022</i>
07/06/2022	 Order <i>[136] OPIPARI VS HURD ORDR D-21-622669-C</i>
07/06/2022	 Notice of Entry of Order Filed By: Counter Defendant Opipari, Mario <i>[137] Notice of Entry of Order on Discovery Commissioner's Report and Recommendations</i>
07/07/2022	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>[138] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>
07/26/2022	 Notice Filed By: Counter Defendant Opipari, Mario <i>[139] Notice of Unavailability of Counsel</i>
08/03/2022	 Ex Parte Motion Filed by: Counter Claimant Hurd, Kymberlie <i>[140] Emergency Ex Parte Motion for Order to Compel Plaintiff to Disclose Itinerary for Out of State Travel with Minor Child</i>
08/03/2022	 Exhibits Filed By: Counter Claimant Hurd, Kymberlie <i>[141] Exhibit Appendix in Support of Emergency Ex Parte Motion for Order to Compel Plaintiff to Disclose Itinerary</i>
08/03/2022	 Supplement Filed by: Counter Claimant Hurd, Kymberlie <i>[142] Supplement to Emergency Ex Parte Motion for Order to Compel Plaintiff to Disclose Itinerary for Out of State Travel with Minor Child</i>
08/04/2022	 Certification of Transcripts Notification of Completion <i>[143] June 24, 2021; November 18, 2021; February 15, 2022</i>
08/04/2022	 Transcript of Proceedings <i>[144] June 24, 2021</i>
08/04/2022	 Transcript of Proceedings <i>[145] November 18, 2021</i>
08/04/2022	 Transcript of Proceedings <i>[146] February 15, 2022</i>
08/04/2022	 Final Billing of Transcript <i>[151] June 24, 2021; November 18, 2021; February 15, 2022</i>
08/04/2022	 Receipt of Copy <i>[152] June 24, 2021; November 18, 2021, February 15, 2022</i>
08/10/2022	 Financial Disclosure Form Filed by: Counter Defendant Opipari, Mario <i>[147] Financial Disclosure Form</i>
08/11/2022	 Pre-trial Memorandum

CASE SUMMARY

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	Filed By: Counter Defendant Opipari, Mario <i>[148] Plaintiff Mario Opipari's Pretrial Memorandum</i>
08/11/2022	 Pre-trial Memorandum Filed By: Counter Defendant Opipari, Mario <i>[149] Corrected Plaintiff Mario Opipari's Pretrial Memorandum</i>
08/16/2022	 Ex Parte Motion Filed by: Counter Claimant Hurd, Kymberlie <i>[150] Ex Parte Motion To Continue Evidentiary Hearing Scheduled For August 16, 2022 At 1:30 P.M.</i>
08/31/2022	 Notice of Appearance Party: Counter Defendant Opipari, Mario <i>[153] Notice of Appearance (Opipari)</i>
09/07/2022	 Transcript of Proceedings <i>[155] APRIL 19, 2022</i>
09/07/2022	Certification of Transcripts Notification of Completion <i>[156] APRIL 19, 2022</i>
09/07/2022	 Certification of Transcripts Notification of Completion <i>[157] APRIL 19, 2022</i>
09/07/2022	 Final Billing of Transcript <i>[159] April 19, 2022</i>
09/07/2022	 Receipt of Copy <i>[160] April 19, 2022</i>
09/08/2022	 Application to Proceed in Forma Pauperis Filed By: Counter Claimant Hurd, Kymberlie <i>[154] Application to Proceed in Forma Pauperis for Transcripts 8/16/2022</i>
09/14/2022	 Notice of Hearing <i>[158] Notice of Hearing</i>
09/22/2022	 Order to Proceed In Forma Pauperis <i>[161] Order to Proceed In forma Pauperis</i>
09/22/2022	 Estimate of Transcript <i>[162] August 16, 2022</i>
10/10/2022	 Objection Filed By: Counter Defendant Opipari, Mario <i>[163] Plaintiff's Objection to Defendant's Kymberlie Joy Hurd's Emergency Ex Parte Motion for an Order to Enforce Visitation and to Compel Plaintiff Mario Opipari to Disclose Pertinent Information Regarding Minor Child's Whereabouts and Itinerary for Out-of-State Travel By Way of Airline Flight</i>
10/10/2022	 Exhibits Filed By: Counter Defendant Opipari, Mario <i>[164] Appendix of Exhibits to Plaintiff's Objection to Defendant Kymberlie Joy Hurd's Emergency Ex Parte Motion for an Order to Enforce Visitation an to Compel Plaintiff Mario Opipari to Disclose Pertinent Information Regarding Minor Child's Whereabouts and Itinerary for Out-of-State Travel by Way of Airline Flight</i>
10/11/2022	 Reply Filed By: Counter Claimant Hurd, Kymberlie <i>[165] Defendant's Reply to Plaintiff's Objection to Defendant Kymberlie Joy Hurd's Emergency Ex Parte Motion for an Order to Enforce Visitation and To Compel Plaintiff Mario Opipari to Disclose Pertinent Information Regarding Minor Child's Whereabouts and Itinerary for Out-Of-State Travel By Way of Airline Flight & Appendix of Exhibits Filed On October 10, 2022 at 5:11 pm and Request to Strike That Pleading And Exhibits</i>
10/13/2022	 Memorandum Filed By: Counter Defendant Opipari, Mario <i>[166] Memorandum of Fees and Costs</i>

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CASE NO. D-21-622669-C

10/17/2022



Order

[167] Order After 8/16/22 EH

10/17/2022



Notice of Entry

Filed By: Counter Defendant Opiari, Mario

[168] Notice of Entry of Order Regarding the Findings of Fact, Conclusions of Law and Order from the Evidentiary Hearing

10/17/2022



Notice of Appeal

Filed By: Counter Claimant Hurd, Kymberlie; Subject Minor Opiari, Azlynn Harlie

[169] Notice of Appeal

10/18/2022

Case Appeal Statement

Case Appeal Statement

HEARINGS

06/24/2021

Motion (9:00 AM) (Judicial Officer: Henderson, Bill)

Plaintiff's Motion for Temporary Orders

On for Status Check;

On for Status Check

06/24/2021

Opposition & Countermotion (9:00 AM) (Judicial Officer: Henderson, Bill)

Opposition & Countermotion

On for Status Check;

On for Status Check

06/24/2021

Hearing (9:00 AM) (Judicial Officer: Henderson, Bill)

Reply to Countermotion

On for Status Check;

On for Status Check

06/24/2021



All Pending Motions (9:00 AM) (Judicial Officer: Henderson, Bill)

Plaintiff Mario Opiari's Motion For Temporary Orders Awarding Him Primary Physical Custody, Joint Legal Custody, Visitation, Child Support and Related Relief...Opposition to Plaintiff's Motion For Temporary Orders Awarding Him Primary Physical Custody, Joint Legal Custody, Visitation, Child Support And Related Relief And Countermotion For Primary Physical Custody, To Relocate With The Child to Florida, For Child Support And For Attorney's Fees And Related Relief; Declaration of Defendant Kymberlie Hurd...Reply to Counterclaim...Plaintiff Mario Opiari's Opposition to Defendant's Countermotion for Primary Physical Custody, to Relocate with the Child to Florida, for Child Support and for Attorney's Fees and Related Relief

MINUTES

Matter Heard;

Journal Entry Details:

PLAINTIFF MARIO OPIARI'S MOTION FOR TEMPORARY ORDERS AWARDING HIM PRIMARY PHYSICAL CUSTODY, JOINT LEGAL CUSTODY, VISITATION, CHILD SUPPORT AND RELATED RELIEF...OPPOSITION TO PLAINTIFF'S MOTION FOR TEMPORARY ORDERS AWARDING HIM PRIMARY PHYSICAL CUSTODY, JOINT LEGAL CUSTODY, VISITATION, CHILD SUPPORT AND RELATED RELIEF AND COUNTERMOTION FOR PRIMARY PHYSICAL CUSTODY, TO RELOCATE WITH THE CHILD TO FLORIDA, FOR CHILD SUPPORT AND FOR ATTORNEY'S FEES AND RELATED RELIEF; DECLARATION OF DEFENDANT KYMBERLIE HURD...REPLY TO COUNTERCLAIM...PLAINTIFF MARIO OPIARI'S OPPOSITION TO DEFENDANT'S COUNTERMOTION FOR PRIMARY PHYSICAL CUSTODY, TO RELOCATE WITH THE CHILD TO FLORIDA, FOR CHILD SUPPORT AND FOR ATTORNEY'S FEES AND RELATED RELIEF COURT CLERKS: Michelle Cunningham (mlc), Tonya Mulvenon Attorney Amanda Roberts, Bar #8898, present on behalf of Attorney Stoffel with Defendant. In the interest of public safety due to the Coronavirus pandemic, all parties were present via VIDEO CONFERENCE through the BlueJeans application. Attorney Roberts represented they have come to some agreements and placed them on the record. Attorney Roberts stated there are two issues they need the Court's help with; the temporary schedule and response time on Talking Parents. Court addressed the parties recording exchanges. Attorney Roberts stated the parties have a high level of conflict right now. Discussion regarding setting a settlement conference. Court advised counsel that the settlement conference will be with Judge Ochoa. Attorney Crome represented paternity is going to be confirmed today and Attorney Roberts confirmed this, stating Plaintiff is on the birth certificate. Attorney Crome addressed the issues with social media. Further discussion. Attorney Crome represented that at the Return Hearing, they want to reserve their rights to argue issues that have not been resolved. Attorney Roberts agreed to this. Court addressed the temporary timeshare until the parties return from Mediation. Attorney Crome stated they would agree to temporary joint physical custody reserving rights to make future arguments and are requesting Thursdays at 5:30 p.m. through Sundays at 5:30 p.m. and if they parties are traveling she would like

CASE SUMMARY

CASE NO. D-21-622669-C

them to be flexible so that if the return is late there won't be a contempt of court with notice through Talking Parents. Attorney Roberts proposed Defendant having Fridays at 5:30 p.m. until Sundays at 6:00 p.m. and one overnight during the week that would start at 5:30 p.m. and return the next morning when he goes to work. Attorney Roberts further stated, the minor child has Down Syndrome, she is non-verbal, uses ALS, requires constant care and is on medications. Attorney Roberts further stated Defendant has been a stay at home mom and the primary caregiver for the child Attorney Roberts addressed the issue of Plaintiff working on Fridays and having his new girlfriend being the caregiver of the minor child and Defendant will agree to the Thursday if she is given right of first refusal for Fridays. Attorney Roberts requested the parties exchange a journal at exchanges which will document medication, therapy, potty training, etc. Attorney Crome addressed the six (6) hour turn around time request for Talking Parents and the request to have a journal be exchanged. Further, Attorney Crome represented paternal grandmother has been utilized as a third party caregiver for both parties and can watch the minor child when Plaintiff is at work but will agree to temporary right of first refusal. Attorney Crome requested that if Defendant becomes employed that Plaintiff would be granted right of first refusal as well. Attorney Roberts agreed to this. Arguments by counsel given regarding the request for six (6) hour turn around time request for Talking Parents. Court addressed Defendant's intent to relocate to Florida at some point. Court requested counsel to agree that is be deferred but the Court has jurisdiction to deal with it over the next year or two (2). Attorney Roberts stated they are willing to remove the request to relocate if they can settle the case. Parties STIPULATE to the following: 1. Parties will SHARE Joint Legal Custody with a SPECIFIC DEFINITION. 2. Parties will EXCHANGE the minor child at the Henderson Police Department. 3. Parties AGREE to RECORD EXCHANGES. 4. The 4th of July, defined as 5:30 p.m. July 2 through 5:30 p.m. July 5th, will be ALTERNATED with Plaintiff having ODD years and Defendant have EVEN years. 5. Counsel will have MEET AND CONFER regarding CHILD SUPPORT. 6. Defendant will be attending a FUNERAL for her grandmother 7/6/2021 through 7/8/2021 and will exercise that time with the minor child. 7. A MUTUAL BEHAVIOR ORDER will be ISSUED. 8. Parties will COMMUNICATE through TALKING PARENTS. 9. Parties will have a SETTLEMENT CONFERENCE. COURT SO ORDERED. COURT FURTHER ORDERED the following: 1. Parties shall be REFERRED for a SETTLEMENT CONFERENCE with Judge Ochoa, Department S. 2. STATUS CHECK re: Settlement Conference shall be SET for 10/21/2021 at 11:00 a.m. 3. Plaintiff's TIMESHARE with the minor child shall be from 5:30 p.m. on Thursdays through 5:30 p.m. on Sundays. If Defendant has any special instructions, she shall put it on Talking Parents in the form of a care sheet. 4. Parties shall each have FIRST RIGHT OF REFUSAL. 5. Parties shall have an eight (8) hour RESPONSE TIME to Talking Parents messages but it has to be a relatively serious issue of importance. Parties shall provide WEEKLY UPDATES. 6. Parties shall REMOVE DISPARAGING posts on SOCIAL MEDIA within twenty-four (24) hours. Parties shall be RESPONSIBLE for third parties and direct them to REMOVE DISPARAGING posts IMMEDIATELY. If the third parties do not remove it, the Party shall submit an AFFIDAVIT of the degree of specificity they used to direct the removal. 7. Defendant shall REMAIN on her PRESCRIPTION MEDICATION and follow all medical/therapeutic instructions. If anything medical applies to Plaintiff, it shall be a MUTUAL ORDER. Attorney Roberts shall prepare the order from today's hearing. Attorney Crome shall review and sign off;

Matter Heard


10/12/2021 **CANCELED Settlement Conference (9:30 AM)** (Judicial Officer: Ochoa, Vincent)
Vacated
For Department R

11/18/2021 **Status Check (10:00 AM)** (Judicial Officer: Henderson, Bill)
Case status settlement conference
10/21/2021 Reset by Court to 11/22/2021
11/22/2021 Reset by Court to 11/18/2021
11/22/2021 Reset by Court to 11/18/2021

On for Status Check;
On for Status Check

11/18/2021 **Motion (10:00 AM)** (Judicial Officer: Henderson, Bill)
Plaintiff Mario Opipari's Emergency Motion for Enforcement of Order for a Pickup Order, for Temporary Primary Physical Custody, Child Support, Compensatory Time and Related Matters
01/04/2022 Reset by Court to 11/18/2021

On for Status Check;
On for Status Check

11/18/2021  **All Pending Motions (10:00 AM)** (Judicial Officer: Henderson, Bill)
Status Check: re: Settlement Conference...Plaintiff Mario Opipari's Emergency Motion for Enforcement of Order for a Pickup Order, for Temporary Primary Physical Custody, Child Support, Compensatory Time and Related Matters

MINUTES

Matter Heard;
Journal Entry Details:

CASE SUMMARY**CASE No. D-21-622669-C**

STATUS CHECK: CASE STATUS SETTLEMENT CONFERENCE....MOTION: PLAINTIFF MARIO OPIPARI'S EMERGENCY MOTION FOR ENFORCEMENT FOR ORDER FOR A PICKUP ORDER, FOR TEMPORARY PRIMARY PHYSICAL CUSTODY, CHILD SUPPORT, COMPENSATORY TIME AND RELATED MATTERS...ALL PENDING MOTIONS: STATUS CHECK: RE: SETTLEMENT CONFERENCE...PLAINTIFF MARIO OPIPARI'S EMERGENCY MOTION FOR ENFORCEMENT OF ORDER FOR A PICKUP ORDER, FOR TEMPORARY PRIMARY PHYSICAL CUSTODY, CHILD SUPPORT, COMPENSATORY TIME AND RELATED MATTERS COURT CLERK'S: Magdalena Castillo-Ramos (mc), Michelle Cunningham In the interest of public safety due to the Coronavirus pandemic, all parties were present via VIDEO CONFERENCE through BlueJeans application. Discussion regarding Plaintiff's timeshare. COURT NOTED Plaintiff's timeshare is Thursdays at 5:30 p.m. until Sundays at 5:30 p.m. Upon Court's inquiry, Defendant stated she is preparing an emergency motion. Defendant stated Plaintiff is very abusive. Defendant stated Plaintiff does not have minor all the time. Defendant further stated every time Plaintiff has her, Plaintiff sends minor to his mom. COURT NOTED it does not have an emergency motion yet. COURT FURTHER NOTED if it was persuasive, Defendant should have involved the authorities by now. COURT FURTHER NOTED Defendant is confined with material that arose since the last hearing. COURT FURTHER NOTED Defendant cannot deny contact based on the fact Defendant thinks there is no optimum in parenting. Ms. Chrome stated Defendant is playing games and is scheduling activities for minor during Plaintiff's time share. Ms. Chrome stated Defendant told the police and school there is no Court orders. Ms. Chrome further stated Defendant has effectively denied Plaintiff's right of first refusal. Ms. Chrome requested Plaintiff to have temporary primary custody. Ms. Chrome further requested to remove the right of first refusal language and specific orders regarding Thanksgiving and Christmas. Discussion regarding Defendant placing a tracking device on Plaintiff and Plaintiff's girlfriend's vehicle. Ms. Crome represented Defendant placed a tracking device on Plaintiff's vehicle and his girlfriend's vehicle. Ms. Crome stated the police are involved. Defendant stated she put the tracking device because she is concerned of minor's behavior. COURT NOTED Defendant wants to control everything Plaintiff and Plaintiff's girlfriend does with the minor child. Discussion regarding Defendant using drugs. Ms. Crome represented Plaintiff's concerns regarding Defendant using meth. Ms. Chrome requested Defendant to get drug tested. Defendant admitted to using meth about six (6) weeks ago. Further discussion regarding Defendant placing a recorder in minor's diaper bag and minor's health insurance. COURT ORDERED the Following: 1. Defendant referred to American Toxicology Institute (ATI) for a full drug screen. Defendant must be present at ATI no later than today. Failure to appear the Court shall presume the drug test dirty for illegal substances. Plaintiff shall pay the cost of the drug test. ATI Referral EXECUTED IN OPEN COURT and LEFT-SIDE FILED. A copy was provided to Defendant IN OPEN COURT. A Copy shall be provided to Attorney Crome.; 2. Defendant shall RETURN minor to Plaintiff by 5:30 P.M. today. CUSTODIAL EXCHANGES shall be conducted at the Henderson Police Department. The CUSTODIAL ORDER for now remains until the next hearing date. If Defendant does not cooperate and Plaintiff does not receive minor today by 5:30 P.M. today, Ms. Crome can submit a pick-up order and that will vest Plaintiff with emergency custody until the next hearing. Plaintiff is REQUIRED within twenty-four (24) hours to contact Ms. Crome to suggest an immediate pendency hearing before the Court if Plaintiff does not receive minor child. Defendant shall not bring DIXIE to exchanges or the school; 3. Plaintiff shall have THANKSGIVING and CHRISTMAS. Ms. Chrome shall put dates and specific times for Plaintiff to pick-up and drop off; 4. The Right of First Refusal shall be ELIMINATED; 5. Ms Crome shall RE-SUBMIT order from last hearing without Defendant's signature; 6. Matter set for a STATUS CHECK re: Defendant's drug test results and visitation on February 17, 2022 at 11:00 A.M.; Ms. Chrome shall prepare the order from today's hearing CLERK S NOTE: A copy of the ATI Referral was emailed to Attorney Crome. (11/19/2021 mc); Matter Heard

02/04/2022

**Minute Order (12:15 PM) (Judicial Officer: Young, Jay)****MINUTES**

Minute Order - No Hearing Held;


Journal Entry Details:

MINUTE ORDER: NO HEARING HELD, NO PARTIES PRESENT The court has considered Plaintiff's Motion to Compel Defendant to Produce Initial Disclosures Pursuant to Rule 16.205, Disclosures Substantiating Her Financial Disclosure Form, Discovery Responses and Related Matters (the Motion). Defendant has failed to file a timely opposition to the Motion. Pursuant to EDCR 5.503(b), Defendant is deemed to admit that the Motion is meritorious and to have consented to the court granting the same. The Motion is therefore Granted. All discovery sought therein is compelled and must be provided within 7 days of entry of an order on the court's recommendation. Plaintiff's request for fees is preliminarily granted pursuant to NRCP 16.205(g)), subject to proof. Plaintiff may file a Memorandum of Fees and Costs, including a separate affidavit detailing the Brunzell factors, disparity in income, and following requirements of Cadle v. Woods Erickson. Plaintiff may submit a redacted timesheet seeking fees for time spent attempting to resolve the dispute which is the subject of the Motion, drafting pleadings (including supplemental pleadings) and a proposed DCRR. Plaintiff's Memorandum of Fees and Costs is due February 11, 2022. Defendant may respond to the Memorandum of Fees and Costs on or before February 18, 2022. A late submission will not be considered. Plaintiff will submit a single report and recommendation within 21 days of this minute order regarding the underlying Motion and the request for fees and costs. As to the request for fees portion of the DCRR, Plaintiff will use the form DCRR regarding attorney fee awards found at <http://www.clarkcountycourts.us/departments/discovery/>. The court will hold a status hearing on March 2, 2022 at 1:30 PM to determine if the report and recommendation has been submitted. If a DCRR is not

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timely submitted, Plaintiff's counsel is informed, pursuant to EDCR 7.60 that counsel will be given an opportunity at the March 2, 2022 hearing to be heard why counsel should not be sanctioned for failure to comply with this minute order requiring the submission of a timely DCRR. The hearing presently set for February 9, 2022 is hereby vacated. CLERK'S NOTE: a copy of this Minute Order was e-mailed to Plaintiff's attorney and to Defendant at the e-mail address on file with the Court. (2/4/2022 TC);
Minute Order - No Hearing Held

- 02/09/2022 **CANCELED Motion to Compel** (1:00 PM) (Judicial Officer: Young, Jay)
Vacated
Plaintiff's Motion to Compel Defendant to Produce Initial Disclosures Pursuant to Rule 16.205, Disclosures Substantiating Her Financial Disclosure Form, Discovery Responses and Related Matters
02/16/2022 Reset by Court to 02/09/2022
- 02/15/2022 **Status Check** (9:00 AM) (Judicial Officer: Henderson, Bill)
02/17/2022 Reset by Court to 02/15/2022
Matter Continued; New Status Check Scheduled
Matter Continued
- 02/15/2022 **Case Management Conference** (9:00 AM) (Judicial Officer: Henderson, Bill)
02/17/2022 Reset by Court to 02/15/2022
Referred to Family Mediation;
Referred to Family Mediation
- 02/15/2022 **Motion** (9:00 AM) (Judicial Officer: Henderson, Bill)
Defendant's Motion and Notice of Motion for Temporary Custody, Visitation, Child Support, Spousal Support, and/or Exclusive Possession
02/24/2022 Reset by Court to 02/15/2022
Referred to Family First; Visitation
Referred to Family First
- 02/15/2022 **Opposition & Countermotion** (9:00 AM) (Judicial Officer: Henderson, Bill)
Plaintiff Mario Oipari Opposition to Defendant's Motion for Temporary Custody, Visitation, Child Support, Spousal Support, and/or Exclusive Possession and Countermotion Striking Defendant's Exhibit 2, for Supervised Visitation, Child Support and Attorney's Fees and Costs and Related Relief
On for Status Check;
On for Status Check
- 02/15/2022 **Opposition & Countermotion** (9:00 AM) (Judicial Officer: Henderson, Bill)
Corrected Plaintiff Mario Oipari's Opposition to Defendant's Motion to Set Aside Order, Judgment, and/or Default and Countermotion for Attorney's Fees and Related Relief
On for Status Check;
On for Status Check
- 02/15/2022  **All Pending Motions** (9:00 AM) (Judicial Officer: Henderson, Bill)
Defendant's Motion and Notice of Motion for Temporary Custody, Visitation, Child Support, Spousal Support, and/or Exclusive Possession...Plaintiff Mario Oipari's Opposition to Defendant's Motion for Temporary Custody, Visitation, Child Support, Spousal Support, and/or Exclusive Possession and Countermotion Striking Defendant's Exhibit 2, for Supervised Visitation, Child Support and Attorney's Fees and Costs and Related Relief...Corrected Plaintiff Mario Oipari's Opposition to Defendant's Motion to Set Aside Order, Judgment, and/or Default and Countermotion for Attorney's Fees and Related Relief...Case Management Conference

MINUTES

Matter Heard;
Journal Entry Details:

DEFENDANT'S MOTION AND NOTICE OF MOTION FOR TEMPORARY CUSTODY, VISITATION, CHILD SUPPORT, SPOUSAL SUPPORT, AND/OR EXCLUSIVE POSSESSION...PLAINTIFF MARIO OIPARI'S OPPOSITION TO DEFENDANT'S MOTION FOR TEMPORARY CUSTODY, VISITATION, CHILD SUPPORT, SPOUSAL SUPPORT, AND/OR EXCLUSIVE POSSESSION AND COUNTERMOTION STRIKING DEFENDANT'S EXHIBIT 2, FOR SUPERVISED VISITATION, CHILD SUPPORT AND ATTORNEY'S FEES AND COSTS AND RELATED RELIEF...CORRECTED PLAINTIFF MARIO OIPARI'S OPPOSITION TO DEFENDANT'S MOTION TO SET ASIDE ORDER, JUDGMENT, AND/OR DEFAULT AND COUNTERMOTION FOR ATTORNEY'S FEES AND RELATED RELIEF...CASE MANAGEMENT CONFERENCE Court Clerks: Autumn Humble (ah), Michelle Cunningham Plaintiff was present via VIDEO CONFERENCE through the BlueJeans application, and Defendant appeared IN PERSON. Attorney Regina McConnell Bar #8029, appeared with Defendant in an UNBUNDLED Capacity. The Court reviewed the drug test results. Attorney McConnell requested a referral to American Toxicology Institute (ATI) for Defendant. Attorney Crome addressed the test results and noted that only urine was tested and requested that Defendant be referred to the Options Program. Attorney Crome further addressed Defendant's mental health, accusations

CASE SUMMARY

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made by Defendant about Plaintiff, and that Defendant previously tried to walk away with minor child. Attorney Crome requested that Defendant have supervised visitation at Family First due to those issues. Attorney Crome further stated that Defendant has refused to provide minor child's medication and shoe inserts to Plaintiff and the police. Defendant addressed the court regarding her drug test results stating that she is clean, has never seen the results, and would like a medical professional to interpret them. Defendant stated since the minor child has been with Plaintiff, he has not taken her to therapy, dance, tap, sports, and teachers have seen behavior changes as the child is acting out and digressing. The Court inquired if Defendant had a current license and vehicle registration, and Defendant confirmed that she does. Discussion regarding the child's activities and therapy and who should take her to these events. Further discussion regarding Plaintiff's girlfriend or Defendant's parents transporting the child. Attorney Crome addressed the Motion to Strike Exhibit 2, and the Court stated that it has not read the exhibits. COURT ORDERED the following: 1.) Defendant's Motion to SET ASIDE Order is DENIED. 2.) Plaintiff shall MAINTAIN TEMPORARY Sole Legal and Sole Physical CUSTODY. 3.) In LIEU of CHILD SUPPORT, Defendant shall PAY for her Family First Visits. 4.) If the Supplemental Security Income (SSI) Derivative Benefit for the child is still an issue, as long as Plaintiff has TEMPORARY MAIN CUSTODY, he shall receive the benefits. 5.) Plaintiff shall claim the minor child on the DEPENDENT TAX DEDUCTION every year. 6.) Plaintiff shall TAKE minor child to her THERAPY APPOINTMENTS, and Plaintiff shall be freed of the obligation if Defendant or anyone else shows up during the session and accuses him of being a rapist, and the counseling will be suspended. 7.) Plaintiff AGREES to ENSURE that minor child ATTENDS tap dancing on Saturdays. 8.) Defendant shall be REFERRED to the AMERICAN TOXICOLOGY INSTITUTE (ATI) for RANDOM DRUG TESTING. Plaintiff shall be RESPONSIBLE for the FEES. Plaintiff has the RIGHT to REQUEST Defendant to DRUG TEST once a month. Plaintiff shall e-mail a request for Defendant and counsel. If he emails the request before or by 10:00 a.m., Defendant MUST test by 5:00 p.m. the same day. If Plaintiff emails the request after 10:00 a.m., Defendant MUST test by NOON the next day. A Drug Testing referral EXECUTED in OPEN COURT, and LEFT-SIDE FILED. A copy of the referral and instructions were provided to Defendant in OPEN COURT. Copies shall be provided to both counsel. 9.) Parties shall be REFERRED to the Family Mediation Center (FMC) re: MEDIATION for a PARENTING AGREEMENT. Order for Family Mediation Center Services EXECUTED and FILED IN OPEN COURT. A copy was provided to Defendant IN OPEN COURT. Copies shall be provided to both counsel. 10.) Defendant shall have SUPERVISED VISITATION at FAMILY FIRST. VISITATION shall take place on Wednesdays 6:00 pm to 8:00 pm and Sundays 11:00 am to 1:00 pm for three (3) months. Defendant shall PAY the whole amount of each supervised visitation hour. A REPORT shall be ISSUED. Order for Supervised Visitation at Family First Services EXECUTED and FILED IN OPEN COURT. A copy was provided to Defendant IN OPEN COURT. Copies shall be provided to both counsel. 11.) The DISCOVERY Hearing scheduled for 3/2/2022 shall STAND. 12.) A STATUS CHECK re: FMC Mediation, ATI Results, and Supervised Visitation Report set for 5/9/2022 at 11:00 a.m. 13.) The request for TRIAL shall be DEFERRED to the next hearing. 14.) ATTORNEY'S FEES and COSTS shall be DEFERRED. Attorney Crome to prepare order. Attorney McConnell to review and sign off. CLERK'S NOTE: Copies of the ATI, Family First, and FMC referrals were emailed to both counsel on 02/15/2022 (ah 02/18/2022).;

Matter Heard

03/02/2022 CANCELED Status Check - HM (1:30 PM) (Judicial Officer: Young, Jay)

Vacated

Submission of Discovery R&R

04/19/2022 Motion (10:00 AM) (Judicial Officer: Henderson, Bill)

Motion to Set Aside Supervised Visitation Order

04/12/2022 Reset by Court to 04/19/2022

04/15/2022 Reset by Court to 04/12/2022

Per Order in OIC

Evidentiary Hearing;

Evidentiary Hearing

04/19/2022 Opposition & Countermotion (10:00 AM) (Judicial Officer: Henderson, Bill)

Defendant Kymberlie Joy Hurd's Opposition to Plaintiff's Countermotion to Declare Defendant a Vexatious Litigant, to Dismiss Defendant's Motion In Its Entirety, and for Attorneys Fees and Costs

04/12/2022 Reset by Court to 04/19/2022

Per Order in OIC

Evidentiary Hearing;

Evidentiary Hearing

04/19/2022 Hearing (10:00 AM) (Judicial Officer: Henderson, Bill)


Defendant's Reply to Plaintiff's Opposition with Exhibits

04/12/2022 Reset by Court to 04/19/2022

Per Order in OIC

Evidentiary Hearing;

Evidentiary Hearing

04/19/2022  All Pending Motions (10:00 AM) (Judicial Officer: Henderson, Bill)

CASE SUMMARY

CASE NO. D-21-622669-C

Motion to Set Aside Supervised Visitation Order...Defendant's Opposition to Plaintiff's Countermotion to Declare Defendant a Vexatious Litigant, to Dismiss Defendant's Motion In Its Entirety, and for Attorney's Fees and Costs...Defendant's Reply to Plaintiff's Opposition with Exhibits

MINUTES

Matter Heard;

Journal Entry Details:

MOTION TO SET ASIDE SUPERVISED VISITATION ORDER...DEFENDANT'S OPPOSITION TO PLAINTIFF'S COUNTERMOTION TO DECLARE DEFENDANT A VEXATIOUS LITIGANT, TO DISMISS DEFENDANT'S MOTION IN ITS ENTIRETY, AND FOR ATTORNEY'S FEES AND COSTS...DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION WITH EXHIBITS Plaintiff and Attorney Crome were present via VIDEO CONFERENCE through the BlueJeans application. Defendant appeared IN PERSON. Court reviewed the Motion, Opposition, Defendant's drug test results and noted his concerns. Defendant stated she declared her prescriptions. Court stated the report stated she did not declare her prescriptions. Defendant state she did not drive drunk to her test as she had someone else drive her there. Defendant stated her daughter is regressing on her IEP, has been downgraded and kicked out of the school she was in because they do not support that IEP level. Defendant further stated she has been removed from all the minor child's records and now Plaintiff's girlfriend is taking the minor child to school and doctor's appointments. Defendant further stated the minor child had been potty trained but now has regressed. Attorney Crome requested Defendant be found as a vexatious litigant. Attorney Crome further stated Defendant showed up to Plaintiff's home and called police claiming a disabled child was alone in the home or with a disable grandmother. Attorney Crome represented the police did a well-check, stated there were plenty of people in the home and advised Defendant that if she continues to follow him and record him, that he can press charges for harassment or stalking. Attorney Crome addressed the SSI funds, noting Defendant has not worked, has not responded to discovery, had placed a tracker on Plaintiff's car, jogs by Plaintiff's home, and everything she is doing shows she has a problem with the break-up and not getting the help she needs by enrolling in rehab or trying to benefit the minor child. Attorney Crome represented IEP is not before the Court but addressed what the school has said that the minor child is almost non-verbal and more one on one time would benefit the minor child. Attorney Crome addressed accusations by Defendant that Plaintiff is a sexual predator and noted Defendant has filed subpoena's and false reports, when Defendant is at supervised visits Defendant takes the minor child into the bathroom multiple times and goes through all of the diapers during the visitation. Attorney Crome further stated Plaintiff informed her that the minor child now tells Plaintiff when she has to use the bathroom and uses the bathroom. Court addressed the allegations against Defendant. Defendant stated she is trying to keep tabs on the minor child and tried to prove the girlfriend is doing everything. As to the accusations about the bathroom at supervised visits Defendant stated the minor child tells she has to go to the bathroom often so takes her into the restroom. Court inquired why Defendant is not working and she stated because she needs to work on this case and that Plaintiff took the car he gave her so she does not have a vehicle. COURT ORDERED the following: 1. The STATUS CHECK scheduled for 5/9/2022 shall be VACATED. 2. An EVIDENTIARY HEARING re: Custody shall be SET for 8/16/2022 at 1:30 p.m. 3. Defendant's Motion to SET ASIDE Supervised VISITATION shall be DENIED. Defendant shall CONTINUE with SUPERVISED VISITATION and will NOT have to pay CHILD SUPPORT as long as she applies the monies towards her SUPERVISED VISITATION. Defendant's VISITATION times on Sundays shall be CHANGED to 4:00 p.m. through 6:00 p.m. 4. Plaintiff's Motion to DECLARE Defendant a VEXATIOUS LITIGANT shall not be ordered at this time, however, the Court will REVIEW the matters and notices there are EXCESSIVE pleadings filed are filed for an upcoming hearing, the Court will ISSUE a MINUTE ORDER indicating whether or not it has merit. If it CONTINUES UNABATED, the Court will have to go the VEXATIOUS LITIGANT route. 5. ATTORNEY'S FEES shall be DEFERRED. 6. Random DRUG TESTING shall CONTINUE one per month with Plaintiff fronting the COSTS. Attorney Crome shall continue to notify Defendant via LETTER. If Defendant is informed before 10:00 a.m. she shall TEST the same day. If Defendant is informed after 10:00 a.m. she will have until 12:00 p.m. the next day. If Defendant is CLEAN twice in a row, she shall NOT be tested for the third and fourth month prior to trial. 7. Defendant shall try to get LEGAL ASSISTANCE. Defendant shall PRESENT the COURT'S ORDER urging LEGAL AID to provide Defendant an attorney. 8. The PRIOR Order regarding the SSI FUNDS shall REMAIN the Order. 9. Parties shall COMMUNICATE through email through Attorney Crome's office regarding the minor child ONLY and are required to RESPOND to one another. 10. Defendant shall GET A JOB. 11. Defendant shall STAY AWAY from Plaintiff's home unless invited. Attorney Crome shall prepare the order from today's hearing. A copy of the minutes shall be provided to all parties. CLERK'S NOTE: Copies of these Hearing Minutes were provided to all parties. (4/20/2022 - mlc);

Matter Heard

SCHEDULED HEARINGS



Evidentiary Hearing (08/16/2022 at 1:30 PM) (Judicial Officer: Henderson, Bill)

Evidentiary Hearing: RE: Custody

Custody of Minor Decided

05/09/2022




CANCELED Status Check (11:00 AM) (Judicial Officer: Henderson, Bill)

Vacated - per Judge

Re: FMC

CASE SUMMARY

CASE NO. D-21-622669-C

- 05/18/2022 **Motion** (1:00 PM) (Judicial Officer: Young, Jay)
Plaintiff's Motion for a Protective Order Regarding Defendant's Subpoena to the City of Henderson
 Granted;
 Granted
- 05/18/2022 **Motion to Strike** (1:00 PM) (Judicial Officer: Young, Jay)
Plaintiff's Motion to Strike Defendant's Answer and Counterclaim, to Disallow Defendant From Calling Any Witnesses and/or Using Any Exhibits at Trial, for Contempt and Related Relief
 Denied;
 Denied
- 05/18/2022 **Opposition** (1:00 PM) (Judicial Officer: Young, Jay)
Defendant's Kymberlie Joy Hurd's Opposition to Plaintiff's Motion for a Protective Order Regarding Defendant's Subpoena to the City of Henderson and to Dismiss Plaintiff's Motion in Its Entirety
 Denied;
 Denied
- 05/18/2022 **Opposition** (1:00 PM) (Judicial Officer: Young, Jay)
Defendant's Kymberlie Joy Hurd's Opposition to Plaintiff's Motion to Strike Defendant's Answer and Counterclaim, to Disallow Defendant from Calling any Witnesses and/or Using Any Exhibits at Trial, for Contempt and Related Relief
 Granted;
 Granted
- 05/18/2022  **All Pending Motions - HM** (1:00 PM) (Judicial Officer: Young, Jay)
Plaintiff's Motion to Strike Defendant's Answer and Counterclaim, to Disallow Defendant From Calling Any Witnesses and/or Using Any Exhibits at Trial, for Contempt and Related Relief...Defendant Kymberlie Joy Hurd's Opposition to Plaintiff's Motion to Strike Defendant's Answer and Counterclaim, to Disallow Defendant from Calling any Witnesses and/or Using Any Exhibits at Trial, for Contempt and Related Relief...Plaintiff's Motion for a Protective Order Regarding Defendant's Subpoena to the City of Henderson...Defendant Kymberlie Joy Hurd's Opposition to Plaintiff's Motion for a Protective Order Regarding Defendant's Subpoena to the City of Henderson and to Dismiss Plaintiff's Motion in Its Entirety

MINUTES

Matter Heard;
 Journal Entry Details:

PLAINTIFF'S MOTION TO STRIKE DEFENDANT'S ANSWER AND COUNTERCLAIM, TO DISALLOW DEFENDANT FROM CALLING ANY WITNESSES AND/OR USING ANY EXHIBITS AT TRIAL, FOR CONTEMPT AND RELATED RELIEF...DEFENDANT KYMBERLIE JOY HURD'S OPPOSITION TO PLAINTIFF'S MOTION TO STRIKE DEFENDANT'S ANSWER AND COUNTERCLAIM, TO DISALLOW DEFENDANT FROM CALLING ANY WITNESSES AND/OR USING ANY EXHIBITS AT TRIAL, FOR CONTEMPT AND RELATED RELIEF...PLAINTIFF'S MOTION FOR A PROTECTIVE ORDER REGARDING DEFENDANT'S SUBPOENA TO THE CITY OF HENDERSON...DEFENDANT KYMBERLIE JOY HURD'S OPPOSITION TO PLAINTIFF'S MOTION FOR A PROTECTIVE ORDER REGARDING DEFENDANT'S SUBPOENA TO THE CITY OF HENDERSON AND TO DISMISS PLAINTIFF'S MOTION IN ITS ENTIRETY Court and Attorney Crome appeared via BLUEJEANS. Defendant appeared IN PERSON. COURT NOTED there are two (2) motions on today. Court advised Attorney Crome it does not have the power to grant the Motion to Strike as that power rests with the District Court. Court stated it would be happy to hear Attorney Crome's argument on the matter but he is inclined to suggest he would deny the motion without prejudice and allow her to file it in front of the District Court. Attorney Crome represented they discussed it at the last hearing so it is just for the Protective Order they are here. Court addressed the second motion which is the Protective Order regarding Subpoena that was sent to the City of Henderson regarding Plaintiff's employment records from 2017 and addressed the counterclaim. Court inquired as to what Defendant is seeking, noting Defendant's fear of the minor child being abused by the Plaintiff in some way but does not know that Defendant has made the nexus between the fear and the documents that she hopes to get from the City of Henderson. Attorney Crome stated they are up to nineteen (19) pages of the docket in this case and addressed Defendant's harassment of Plaintiff and stated it is not germane to what they are trying to resolve in this case. Attorney Crome represented the Judge has advised Defendant on what she can do to work on herself, Defendant has not made any disclosures, and believes Defendant should receive sanctions pursuant to Rule 37. Attorney Crome stated Defendant still has not responded to discovery responses. Attorney Crome asked that their motion be granted and that she be able to submit memo for fees and costs. Defendant addressed Plaintiff's termination and stated Plaintiff has a handful of sexual assault allegations. Defendant stated she has been asked four (4) times by Attorney Crome to produce documents that Plaintiff has assaulted women and that is what she is trying to do. Defendant further stated she has made offers with no response or counterclaims. In addition, Defendant stated she does not want the allegations to be true but this is one of the most credible sources for her to back up her claims. Court requested Defendant explain what she has done regarding the allegations and if there is a motion before the Court regarding custodial issues. Defendant confirmed there is an evidentiary hearing scheduled in August for custody issues. Attorney Crome

CASE SUMMARY**CASE NO. D-21-622669-C**

confirmed they are trying to prepare for trial, there are no witnesses, and the only thing provided was text messages from 2017. Attorney Crome stated it was not until after Plaintiff got emergency sole legal and sole physical custody and Defendant's drug test results came back bad did she start searching for anything to try and get an equal standing and it is unfair to her client as they do not even have initial disclosures. Attorney Crome addressed medication/Defendant's mental health and discussed Defendant's ability to provide discovery responses. Defendant stated Counsel is fabricating a lot and making allegations that are a lot of hearsay and feels their daughter is in a toxic environment. Defendant addressed letters and emails between herself, Attorney Crome and her past attorney, Jason Stoffel. Defendant requested the allegations being made stop unless she has something substantial to prove it and addressed the Facebook post provided by Attorney Crome. Court advised Defendant it would not allow the subpoena to go forward, as Defendant has not shown the information is relevant and proportional to any claim or defense and has suggested but not pursued a theory that Plaintiff is a sexual predator. Had Defendant engaged in meaningful discovery, the Court might have had enough information that it would allow Plaintiff to obtain the documents and would do an in camera review and, if appropriate, he would have a Protective Order for the use of the documents as that is highly personal information and Defendant has given the Court no avenue to assist her. Because Defendant has refused to engaged in discovery, she has failed to meet the burden required to prevail on the motion. Following further discussions and arguments, DISCOVERY COMMISSIONER made its FINDINGS and RECOMMENDED, the following: 1. Plaintiff's Motion to STRIKE is DENIED WITHOUT PREJUDICE. 2. Plaintiff's Motion for a Protective Order RE: the SUBPOENA is GRANTED. 3. Attorney Crome shall prepare and submit the REPORT and RECOMMENDATION (R&R) and share it with Defendant. Defendant will have forty-eight (48) hours to REVIEW the R&R and APPROVE it as to FORM and CONTENT. If Defendant FAILS to avail herself of that opportunity, Attorney Crome may submit the R&R WITHOUT Defendant's signature. Attorney Crome shall have until 6/1/2022 to return the R&R to the Court. 4. A STATUS HEARING re: Submission of Report & Recommendation shall be SET for 6/8/2022 at 1:30 PM. If the R&R is submitted, there shall be NO need to APPEAR and the matter shall be taken OFF CALENDAR.;

Matter Heard

06/15/2022

CANCELED Status Check - HM (1:30 PM) (Judicial Officer: Young, Jay)

Vacated

Submission of Report and Recommendation

06/08/2022 Reset by Court to 06/15/2022

08/16/2022



Evidentiary Hearing (1:30 PM) (Judicial Officer: Henderson, Bill)

Evidentiary Hearing: RE: Custody

MINUTES

Custody of Minor Decided;

Journal Entry Details:

EVIDENTIARY HEARING: RE: CUSTODY Plaintiff and Ms. Crome appeared IN PERSON. No appearances by Defendant. Courtroom clerk placed a call to Defendant. No response by Defendant. Court NOTED Defendant filed a last minute motion to continue proceedings based on the faulty premise that no case conference or 16.1 was attempted but in fact, there was a rule 16 proceeding on February 15, 2022 and an order to that effect is filed. COURT FURTHER NOTED it is an erroneous representation and an unfounded attempt at a continuance and even if Defendant was present there would be no sensible reason to continue the matter. COURT NOTED Defendant has filed more than one appeal apparently not understanding the temporary orders therefore those appeals were summarily dismissed. Court stated that by no longer appearing for the supervised visitation, complying with the drug testing and by not appearing today, Defendant may have abandoned her desire to participate in this litigation. Court reviewed the twelve (12) statutory factors. Ms. Crome stated she reviewed Defendant's motion wherein she references not being able to review the Family First report however, Defendant's mother picked up a copy of the trial exhibits which included the report therefore having access to said report. Ms. Crome represented she tried calling Defendant yesterday to see if they can stipulate to exhibits but she was unable to get a hold of her. Ms. Crome further represented Defendant was well aware of today's hearing because the parties appeared via BlueJeans this morning for a small claim case hearing; both the Judge and Plaintiff mentioned today's evidentiary hearing. Ms. Crome stated a motion to compel was filed and Defendant was supposed to respond within seven (7) days of the order being entered but never responded. Additionally, Defendant did not file a pre-trial memo, never submitted initial disclosures, and failed to provide discovery responses. Sworn testimony and Exhibits presented (see worksheet). Ms. Crome stated their exhibit 4 was a stipulated behavioral order that was signed by counsel and Defendant but cannot find it entered into the case. Court stated it will file the behavioral order. Based on the testimony presented, COURT STATED its FINDINGS pertaining to the best interest factors as follows: (a) As to the wishes of the child, this is NOT a FACTOR in this case; (b) As to the nomination by a parent or guardian, this is NOT a FACTOR in this case; (c) As to which parent is more likely to allow frequent associations, Court finds that based on Plaintiff's testimony and bolstered by Plaintiff's exhibits 50-56, it is established that FACTOR C is in Plaintiff's FAVOR; (d) As to the level of conflict between the parents, Court finds Plaintiff's testimony bolstered and supported by Plaintiff's exhibits 6-10, 13-17, likewise exhibit 19 showed a canceling of a necessary medical appointment for the child by the Defendant purely as a power play, the Family First report exhibit 33, the police reports exhibit 37 and 38, and the complete pleadings and papers on the record support that FACTOR D is in Plaintiff's FAVOR; (e) As to the

CASE SUMMARY**CASE NO. D-21-622669-C**

ability to cooperate to meet the needs of the child, incorporating by reference all the findings and exhibits in FACTORS C and D, Court finds that when Defendant seeks an accommodation, Plaintiff reasonably and readily agrees but Defendant on the other hand, is quite obstructionist. Plaintiff's testimony relative to the withholding is bolstered by Plaintiff's exhibits 48 through 56 supplemented by exhibit 23 which indicates a clear violation by the Defendant of the Court orders; (f) As to the mental and physical health of the parent, Court finds FACTOR F heavily weighed IN FAVOR of the Plaintiff. In addition to incorporating by reference everything discussed in FACTORS C through E, the police incident reports and photographs exhibits 6-10 reflect Defendant being uncooperative and on the premises, exhibit 14 and 15 indicate a tracking and recording device, exhibit 16 and 17 reflecting Defendant's serious open criminal cases, exhibit 24 through 32 are the requests for drug tests and various documents surrounding drug usage, exhibit 13 Talking Parents report, exhibit 33 supervised visitation notes, exhibits 37 and 38 the police incident reports. The overall testimony and totality of the case and Defendant's own admission through the paperwork of serious depression issues which are very challenging and sometimes almost debilitating in day to day challenges. Court does find, without necessarily being in a position to diagnose Defendant, that there is some social, behavioral and adjustment issues as well as drug dependency, and depressive issues which impede her ability to effectively parent particularly when considered in conjunction with the totality of the records and all the findings in C through E; (g) As to the physical, developmental and emotional needs of the child, Court finds FACTOR G weighs heavily in FAVOR of Plaintiff. Court heard testimony about the minor's medication, treatment, and Individualized Educational Plan (IEP). In addition to incorporating all the relevant findings in C through F, Exhibit 13 bate stamp MO000653 indicates medical refusal based on a special needs child. Defendant undermined the situation by picking up a prescription for the child when she is unable to administer the medication. Court finds that this is a malicious action that damages the minor since she needs the medication and Defendant has no use for the medication because the child is not in her care even on a supervised basis. Medical records exhibits indicate that for the most part Defendant is undermining the situation by canceling critical appointments and undermining the necessity of eye glasses for the minor. The Talking Parent report and the incident reports indicate Plaintiff went to get the minor's necessary medication and other treatment items which Defendant denied; (h) As to the nature of the relationship between the minor and each parent, in addition to incorporating all the relevant findings in C through G, Court finds that the minor child looks at Plaintiff as the caregiver, as he is the caregiver, and minor has totally bonded to him in a very close and loving relationship; (i) As to the ability of the child to maintain a relationship with any sibling, in addition to incorporating all the relevant findings in C through H, maintaining the child with the Plaintiff will maintain the bonds the minor has created with her half siblings and step siblings; (j) As to any history of parental abuse or neglect of the minor or a sibling of the minor, the Court incorporates by reference everything already elucidated that's relevant from C to I and indicates that the totality of everything that's been determined clearly establishes parental abuse and neglect. FACTORS C through J are heavily IN FAVOR of the Plaintiff when we incorporate all the aforementioned exhibits and materials of the other factors; (k) As to whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the minor, a parent of the minor or any other person residing with the minor, Court incorporates everything that's relevant from C to J including all the exhibits, criminal reports, etc. and the totality of that will justify the Court in making a finding by CLEAR and CONVINCING evidence that the mother has committed acts of domestic violence. FACTORS C through K are heavily IN FAVOR of the Plaintiff; (l) As to whether either parent or any other person seeking physical custody has committed any act of abduction against the minor or any other minor, Court finds, to the extent that this is factor is meant to inquiry about obstruction or withholding, the totality of the record heavily FAVORS the Plaintiff. COURT ORDERED the following: 1. Sole Legal Sole Physical CUSTODY shall be GRANTED to Plaintiff; 2. Based on Defendant apparently ABANDONING her interest in participating in this litigation plus not availing herself of the prior SUPERVISED CONTACT as well as NOT APPEARING for the last narcotic test will tend to indicate that she is not going cooperate with any SUPERVISED VISITATION ORDER. Therefore, until further order, Plaintiff will cooperate with Defendant's VISITATIONS on a SUPERVISED BASIS. Plaintiff will give Defendant enough notice so she can COORDINATE the SUPERVISED VISITATIONS through Family First; 3. Defendant was supposed to pay the SUPERVISED VISITATION in LIEU of SUPPORT, on a temporary basis; however there are NO SUPERVISED VISITATIONS at this time. Based on the FINDINGS and REPRESENTATIONS, Defendant can reasonably earn \$24.00 dollars an hour. The Court finds by CLEAR and CONVINCING evidence plus judicial recognition of the state of the economy, that \$24.00 an hour is a very supportable figure considering her EDUCATION and PAST WORK HISTORY, but to protect the record from any meaningful, rational, logical, attack or challenge, the Court is setting Defendant at \$15.00 an hour. Therefore, Defendant's CHILD SUPPORT OBLIGATION to Plaintiff shall be \$420.00 a month based on \$15.00 an hour effective September 1, 2022; 4. Defendant owes CHILD SUPPORT ARREARS of \$3,360.00 (\$420.00 x 8 months). Effective September 1, 2022 and the 1st of each month thereafter, Defendant's CHILD SUPPORT OBLIGATION to Plaintiff shall be \$600.00 (\$420.00 principal + \$180.00 in arrears). Support can be ENFORCED by GARNISHMENT or ANY LAWFUL MEANS and Plaintiff may pursue that through the D.A. Family Support. Until the WAGE WITHHOLDING is in effect, Defendant shall make direct payments to Plaintiff; 5. Plaintiff shall CLAIM the DEPENDENT TAX DEDUCTION; 6. MEDICAID coverage shall CONTINUE and any amounts not covered shall be split pursuant to the 30/30 Rule; The Court directed counsel to SUBMIT a Memorandum of Fees and Costs leaving a blank in the order for the Court to enter an amount. The custody order should refer back to the memorandum and the filing date; 7. IMMEDIATELY (as to the very next payment that is to be processed whether that is the September 1st payment or the October 1st payment) upon presentation of this ORDER to SOCIAL SECURITY DISABILITY (SSI), the payments are to immediately be ROUTED to the Plaintiff. Defendant must REIMBURSE Plaintiff \$6,681.00 for the SOCIAL SECURITY PAYMENTS for the months of

CASE SUMMARY

CASE NO. D-21-622669-C

1/1/2022 through 8/31/2022 with the understanding that the September payment is ORDERED to be made directly to Plaintiff. Ms. Crome may prepare a separate order directed to SOCIAL SECURITY; 8. Until the \$841.00 SSI money is RE-ROUTED to Plaintiff and as long as it s still being collected by Defendant, the \$841.00 shall need to be taken out from the wage withholding. Ms. Crome shall prepare the order from today s hearing. ; Custody of Minor Decided

10/14/2022

Motion (4:00 AM) (Judicial Officer: Henderson, Bill)

Defendant's Emergency Ex Parte Motion for Order to Compel Plaintiff to Disclose Itinerary for Out of State Travel with Minor Child

SERVICE

03/04/2021

Summons

Hurd, Kymberlie

Served: 05/27/2021

ORDR

Chaka T. Crome, Esq.
State Bar of Nevada No. 8116
CROME LAW FIRM
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Attorney for Plaintiff,
Mario Opiari

DISTRICT COURT
CLARK COUNTY, NEVADA

MARIO OPIARI)	Case No: D-21-622669-C
)	
Plaintiff)	Dept No: R
)	
vs.)	
)	
KYMBERLIE HURD)	
)	
Defendant.)	

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER FROM THE EVIDENTIARY HEARING

The above-entitled matter came on for Evidentiary Hearing before this Honorable Court on August 16, 2022. The Honorable Judge Henderson presiding. Plaintiff, Mario Opiari (hereinafter "Mario" or "Plaintiff") appeared in person with his attorney of record, Chaka T. Crome, Esq. of Crome Law Firm. Defendant Kymberlie Hurd (hereinafter "Kymberlie" or "Defendant") was not present and did not have any person representing her. The Court made the BlueJeans link available

1 for Kymberlie to use remotely for the Evidentiary Hearing, but she did not appear
2 via BlueJeans. The Court attempted to reach Kymberlie via her phone number on
3 file with the Court; however, she did not answer the call.
4

5 The Court, having reviewed the papers and pleadings on file herein, all
6 admitted exhibits introduced into evidence, heard testimony during the
7 aforementioned trial date, and after entertaining argument of counsel, hereby issues
8 the following *Findings of Fact, Conclusion of Law, and Order*.
9

10 Attorney Crome inquired about the entry of a Behavior Order in this case.
11 This Court will review the file regarding this issue and if previously ordered, will
12 enter a Behavior Order.
13

14 **COURT NOTED** that Kymberlie did not contact chambers prior to the
15 scheduled Evidentiary Hearing to advise of any difficulties with appearing today.
16

17 **COURT FURTHER NOTED** that it went above and beyond to contact
18 Kymberlie via telephone at the time set for the Evidentiary Hearing and that there
19 was no response.
20

21 I. DEFENDANT'S EX PARTE MOTION TO CONTINUE TRIAL

22 On August 16, 2022, Kymberlie filed an *Ex Parte Motion To Continue*
23 *Evidentiary Hearing Scheduled For August 16, 2022 At 1:30 P.M.* (hereinafter "*Ex*
24 *Parte Motion*") without proper notice to Plaintiff. Mario and his counsel reviewed
25 Plaintiff's *Ex Parte Motion* minutes prior to the scheduled Evidentiary Hearing.
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1 **THE COURT NOTED** that the *Ex Parte Motion* is based on the faulty
2 premise that no deadlines were set by the Court and that a Rule 16.1 Conference
3 was not held. The Rule 16 proceedings occurred on February 15, 2022. There is an
4 Order setting trial dates and deadlines.
5

6 **THE COURT FURTHER NOTED** that Kymberlie's *Ex Parte Motion*
7 makes erroneous representations and is an unfounded attempt at a continuance since
8 it was never explained what it is that Defendant needs additional time to prepare
9 for. Even if Kymberlie were present at the hearing, there is no sensible reason to
10 continue the matter. Plaintiff has incurred thousands of dollars in fees, has prepared
11 voluminous exhibit binders and prepared for Trial. The Court finds that there is no
12 need to continue trial unless there was something really major that a continuance
13 would flesh out and that it would be highly prejudicial unless a continuance was
14 granted. No such undertaking has been alleged. Instead, Kymberlie just makes
15 arguments in her pleading that there was no Rule 16 compliance, which is false.
16

17 **THE COURT FURTHER NOTED** that Kymberlie has filed more than one
18 appeal, not understanding that these are temporary orders. The appeals were
19 summarily dismissed.
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21 **THE COURT FURTHER NOTED** that Kymberlie may, by failing to
22 appear at the Evidentiary Hearing in conjunction with apparently no longer
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1 appearing for supervised visitation and no longer compliant with drug testing may
2 have abandoned her desire to participate in this litigation.

3
4 **COURT FURTHER NOTED** that Kymberlie cannot validly represent that
5 she was unaware of today's trial as she was present and was provided with notice of
6 the date and time of the Evidentiary Hearing at the last hearing. Further, her *Ex*
7 *Parte Motion* references the date and time of trial.

8
9 Attorney Crome stated the following information regarding Kymberlie's *Ex*
10 *Parte Motion* and the Court hereby finds the following:

11 **THE COURT HEREBY FINDS** that Kymberlie's argument that she did not
12 have an opportunity to review the report from Family First is inaccurate.

13
14 Kymberlie received a copy of the Family First Report with Plaintiff's trial exhibits,
15 which her mother picked up from Attorney Crome's office on her behalf prior to
16 the date of Trial.

17
18 **THE COURT FURTHER FINDS** that Kymberlie previously has contacted
19 the Court's staff via email and facilitated the review of her drug tests at the
20 courthouse. Thus, she was aware of a mechanism to review the Family First Report
21 at Court by contacting the Court's staff, which she failed to do.

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1 **THE COURT FURTHER FINDS** that Plaintiff's counsel attempted to
2 contact Kymberlie several times on August 15, 2022 and sent her correspondence
3 seeking to discuss stipulating to exhibits to be used at trial. Kymberlie never
4 returned the phone call to Plaintiff's counsel.
5

6 **THE COURT FURTHER FINDS** that Kymberlie filed a small claim's case
7 against Plaintiff. The parties appeared via BlueJeans on the morning of August 16,
8 2022 where Defendant was present. The Judge/Hearing Master overseeing the small
9 claims case inquired about this Evidentiary Hearing. The date and time of the
10 Evidentiary Hearing was confirmed during the small claims case on August 16,
11 2022.
12

13 **THE COURT FURTHER FINDS** that Kymberlie's argument that the
14 Evidentiary Hearing should have been previously held by this Court is without
15 merit. This Court has been gracious to her in allowing Kymberlie time to deal with
16 her drug test results so that she would be in a better position to ask the Court for
17 joint legal custody and joint physical custody at trial. Although she has had plenty
18 of time to deal with these issues, she did not appear for her last drug test. The Court
19 has been more than fair to Kymberlie hoping that she would receive the help
20 necessary to deal with her addiction.
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22 **THE COURT FURTHER FINDS** that Kymberlie's motion was filed last
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1 minute and is egregiously untimely, which is largely based upon the false
2 representation that there were non-compliances with Rule 16 and that she was
3 oblivious to the Family First Report.
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5 **THE COURT FURTHER FINDS** that Kymberlie did not file a Pretrial
6 Memorandum in this case.

7 **THE COURT FURTHER FINDS** that Kymberlie failed to serve any
8 disclosures to Plaintiff in this case. Kymberlie failed to provide responses to
9 Plaintiff's First Request for Interrogatories, Plaintiff's First Set of Request for
10 Production of Documents and Plaintiff's Second Set of Request for Production of
11 Documents. Plaintiff filed a *Motion to Compel* on January 10, 2022. On March 28,
12 2022, the Order Regarding Discovery Commissioner's Report and
13 Recommendations was filed granting Plaintiff's *Motion to Compel* and stating that
14 within seven (7) days of the Order, Kymberlie must provide all discovery sought
15 therein. She did not serve any documents to Plaintiff.
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17 **THE COURT FURTHER FINDS** that Kymberlie was supposed to pay for
18 supervised visitation in lieu of payment of child support. However, we do not have
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1 supervised visitation at this time.

2 Attorney Crome stated the following information, and the Court further finds
3 that:
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5 **THE COURT FURTHER FINDS** that based upon Plaintiff's
6 representations that Kymberlie has a bachelor's degree and was previously
7 employed as a bartender and paralegal. Kymberlie is not currently employed even
8 though the court has asked her obtain employment. She has not listed any other
9 person residing with her on her Financial Disclosure Form. She has not worked
10 full-time since 2014. She is employable. She could draft pleadings for other people
11 by use of her paralegal skills.
12

13 **THE COURT FURTHER FINDS** that based upon the representations made
14 by Plaintiff, and the fact that this is a very open economy where employers are
15 begging for employees. That by clear and convincing evidence and judicial
16 recognition of the state of the economy, \$24.00 is a very supportable figure for
17 Defendant's hourly income. Kymberlie could reasonably earn \$24.00 per hour.
18 However, the court will set her income at basically close to minimal wage, which is
19 lower than her earning capacity considering her education.
20

21 **THE COURT FURTHER FINDS** that Plaintiff's request for child support
22 arrears beginning January 2022 through August 2022 to be reasonable based upon
23 the fact that he has had sole legal and sole physical custody of minor child.
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1 **THE COURT FURTHER FINDS** as follows:

2 1. JURISDICTION

3
4 Plaintiff was a resident of the State of Nevada for a period of at least six
5 weeks before the filing of the Complaint for Custody. Defendant states in her
6 *Counterclaim* that she is a resident of the State of Nevada. Neither party has made
7 any challenge to the jurisdiction of the Court. Accordingly, the Court determines
8 that it has subject matter jurisdiction over the proceedings and personal jurisdiction
9 over the parties at issue.
10

11 2. RELATIONSHIP OF THE PARTIES

12
13 The parties were never married to each other.

14 3. MINOR CHILD AT ISSUE

15 The parties have one minor child at issue, to wit: Azlynn Harlie Opiari
16 (hereinafter “Azlynn” or “minor child”), born on May 19, 2016. The minor child
17 was born in the State of Nevada and has resided here since that date. Nevada is the
18 habitual residence of the child, and this Court has the necessary UCCJEA
19 jurisdiction to enter orders regarding custody and visitation. Azlynn was diagnosed
20 with down syndrome while she was in the womb.
21
22

23 The Court hereby finds that paternity has been previously confirmed. That
24 Plaintiff is the legal father of the minor child at issue.
25

26 ...

1 5. BEST INTEREST OF THE MINOR CHILD ANALYSIS

2 The Court finds each factor as set forth in *NRS 125C.0035(4)* applies as
3 follows:
4

- 5 **a. The wishes of the child if the child is of sufficient age and**
6 **capacity to form an intelligent preference as to his or her**
7 **custody.**

8 Not applicable.

- 9 **b. Any nomination of a guardian for the child by a parent.**

10 Not applicable.

- 11 **c. Which parent is more likely to allow the child to have frequent**
12 **associations and a continuing relationship with the noncustodial**
13 **parent.**

14 The Court finds that based upon Plaintiff's testimony that Kymberlie
15 withheld the minor child from Plaintiff from February 2021 through May
16 2021 and as bolstered by Exhibits 50 through 56, Plaintiff is more likely to
17 allow the child to have frequent associations and a continuing relationship
18 with the noncustodial parent (Kymberlie).
19

- 20 **d. The level of conflict between the parents.**

21 The Court incorporates by reference all of the relevant findings in Section c
22 above. The Court finds that the level of conflict is high between the parents.
23
24 The Court further finds that Kymberlie by far is far more responsible for the
25 conflict than Plaintiff. Primarily, Kymberlie is solely responsible for the
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1 conflict. This finding is bolstered and supported by the Exhibits 6 through
2 10, 13 through 17, 19, 33, 37 and 38, as well as the testimony by Plaintiff,
3 and the complete pleadings and papers on record. The court finds that
4 Kymberlie canceling the minor child's necessary medical appointment is a
5 power play. Section d is heavily in Plaintiff's favor.
6

7 **e. The ability of the parents to cooperate to meet the needs of the child.**
8

9 The Court incorporates by reference all of the relevant findings in Sections c
10 and d above. Plus, supplemented evidence of Kymberlie's unilateral
11 withholding in violation of this Court's clear-cut order, which was
12 supplemented by Plaintiff's testimony relative to the withholding and Exhibit
13 23 whereby Kymberlie unilaterally enrolled the minor child into classes
14 when the court told her not to do so. Additionally, Exhibits 48 through 56,
15 which bolster that when Kymberlie seeks an accommodation, Plaintiff
16 reasonably and readily agrees. On the other hand, Kymberlie is quite an
17 obstructionist.
18
19

20 **f. The mental and physical health of the parents.**
21

22 The Court incorporates by reference all of the relevant findings in
23 Sections c through e above. Sections c through f are factors heavily
24 weighed to Plaintiff. Plaintiff is a well-adjusted young man who is doing
25 a sterling job raising a blending family, including this child. Defendant,
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on the other hand, is a young woman with very serious unfortunate challenges, which she is not addressing and in fact, which she seems to be indulging. The Court's findings are based upon Exhibits 6 through 10 evidencing police incident reports and photographs that reflect Defendant being uncooperative and on the premises of Plaintiff's home. Exhibits 14 and 15 indicating tracking device and the recording device used by Defendant. Exhibits 16 through 17 reflecting open serious criminal cases of the Defendant. Exhibits 24 through 32, which are requests for drug testing and various documents surrounding Kymberlie's drug usage. Exhibit 13, which is the Talking Parents records. Also, Exhibit 33 which is the supervised visitation notes from Family First. Exhibits 37 and 38, which are the police incident reports. In addition, the court relies upon the overall testimony and totality of the case and Defendant's own admissions through the paperwork of serious depression issues in her pleadings. The Court recognizes that it might have been the legislative intent to establish findings based upon actual medical records. As a practical matter, there is often a lack of medical records in most cases, and it is often impossible often to obtain the records if they are in the possession of an uncooperating party or if the party has not acknowledged issues to the point of seeking the necessary treatment. The Court finds that without

1 necessarily being in the position to diagnose the Defendant, there are
2 some social, behavioral and adjustment issues, drug dependencies issues
3 and depression issues which impede her ability to effectively parent.
4 Particularly when considered in conjunction with the totality of the record
5 and all of the findings in Sections c through e.
6

7 **g. The physical, developmental and emotional needs of the child.**
8

9 The Court incorporates by reference all of the relevant findings in
10 Sections c through f above. Section g is weighed heavily to Plaintiff.
11 The child has been documented as a special needs child. Azlynn is
12 diagnosed with down syndrome. The Court's findings are based upon
13 Plaintiff's testimony about Azlynn's medication and treatment.
14 She has an Individualized Education Plan ("IEP"). Azlynn spends
15 about 1/3 of her time in a regular classroom and 2/3 of her time in a
16 self-contained classroom. In Exhibit 19, Kymberlie is undermining the
17 situation specifically by cancelling a critical appointment for control
18 reasons. Exhibit 13, which are the Talking Parents records discussing
19 medication refusal by Defendant, which is a serious finding. Exhibit
20 37, which is an incident report showing that when Plaintiff attempted
21 to pick up the minor child's clothing, necessary medication, and other
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1 treatment items from Kymberlie, she denied Plaintiff, which causes a
2 serious situation.

3
4 Plaintiff testified that on August 2, 2022, his mother went to pick up
5 the child's medication and was advised that it was already picked up.

6 Plaintiff testified that Kymberlie receives text messages from CVS and
7 believes that she picked up the minor child's prescription. Kymberlie
8 cannot administer the medication since she has supervised visitation.
9

10 The court finds that this was a malicious action that damaged their
11 daughter since Plaintiff needs the medication for Azlynn very
12 desperately and Kymberlie has no use of the medication since the child
13 is not in her care. This is another power and control play. The Court
14 finds that Kymberlie undermined the situation by picking up the minor
15 child's medication.
16

17
18 Exhibit 20 evidences that Kymberlie is also receiving the SSI benefits
19 for the minor child at Eight Hundred Forty-One Dollars (\$841.00) each
20 month. The money needs to go to primary parent to help offset the
21 large expenses of this undertaking. The fact that Kymberlie is using
22 the money for her own personal use while Plaintiff would use it for
23 necessary treatment for their daughter with down syndrome is
24 appalling. By law, these funds should be sent to Plaintiff. There is no
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1 proof that Kymberlie is spending any of the money on the minor child.
2 Further, Kymberlie is undermining the necessity of Azlynn using her
3 eyeglasses at all times and has interfered with that as well, which is
4 reported by Family First in Exhibit 33.
5

6 **h. The nature of the relationship of the child with each parent.**

7 The Court incorporates by reference all of the relevant findings in
8 Sections c through g above. The court finds that the minor child looks
9 at Plaintiff as the caregiver because he is her caregiver, and his fiancé
10 is the mother figure. She is bonded with Plaintiff in a loving close
11 relationship. Kymberlie is not acting responsibly relative to the child's
12 medical and other needs and court orders. The child loves Kymberlie.
13 However, the minor child may know that it is an unreliable situation.
14 Exhibit 6 evidences that Kymberlie was holding the minor child while
15 threatening to commit suicide and run into the street. Exhibits 24
16 through 32 address Kymberlie's illegal drug use while she was
17 unemployed. She also withheld the child from Plaintiff. She possibly
18 was under the influence while the child was in her care. Due to her
19 history of unemployment, she most likely used the minor child's SSI
20 funds to support her illegal drug use.
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1 The court finds that factors c through k are heavily in favor of Plaintiff
2 for the reasons mentioned in this Order.

3
4 **I. Whether either parent or any other person seeking custody has**
5 **committed any act of abduction against the child or any other**
6 **child.**

7 Not applicable.

8 **II. FINAL ORDERS**

9 **THE COURT HEREBY ORDERS** that Plaintiff is awarded sole legal
10 custody and sole physical custody of the minor child.

11 **IT IS FURTHER ORDERED** that Plaintiff will determine Kymberlie's
12 contact with the minor child until future court order. This is best for the child based
13 upon Kymberlie apparently abandoning her interest in participating in this
14 litigation, plus not availing herself to the last prior supervised visitation, and not
15 appearing for the last drug test which tend to indicate that she is not going to know
16 of or cooperate with any supervised visitation order. Plaintiff will cooperate with
17 Defendant's visitations on a supervised basis. Plaintiff will provide Defendant with
18 enough notice of the scheduled date and time of supervised visitation so that she
19 can coordinate with Family First. It will be Kymberlie's responsibility to
20 coordinate her supervised visitation with Family First. Defendant can petition the
21 Court if she is aggrieved by this Court's ruling.

1 **THE COURT FURTHER ORDERS** that Kymberlie on a temporary basis
2 was to pay for the supervised visitation in lieu of payment of child support.
3
4 However, we do not have supervised visits at this time. That based upon Plaintiff's
5 testimony, Kymberlie has a bachelor's degree and previously worked as a bartender
6 and a paralegal. That based upon Plaintiff's testimony, the Court will impute
7 income to Kymberlie as outlined below.
8

9 **THE COURT FURTHER ORDERS** that it will impute income to
10 Kymberlie at \$15.00 per hour even though she has the earning potential of \$24.00
11 per hour. That Kymberlie can earn a gross monthly income of \$2,600.00 per
12 month. Kymberlie shall pay child support at \$420.00 per effective September 1,
13 2022. Additionally, Kymberlie shall include payments of \$180.00 per month until
14 her child support arrears are paid in full. Thus, Kymberlie shall pay a total of Six
15 Hundred Dollars (\$600.00) per month. The support can be enforced by garnishment
16 or by any lawful means. Plaintiff can pursue child support through the District
17 Attorney's Office if he knows where Kymberlie is employed. Kymberlie is required
18 to immediately provide this Order to payroll and human resources so that a wage
19 withholding can be commenced. Until such time that a wage withholding becomes
20 effective, Kymberlie must start making direct payments to Plaintiff.
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1 **THE COURT FURTHER ORDERS** that Kymberlie shall pay child support
2 arrears (included supra) from January 1, 2022 through August 31, 2022 for a total
3 of Three Thousand Three Hundred Sixty Dollars (\$3,360.00). That Kymberlie shall
4 pay \$180.00 per month towards the child support arrears owed to Plaintiff with her
5 child support payment. The \$180.00 monthly payments is set in part based upon
6 fairness and equity because the child support is set on the far low end of or below
7 Defendant's earning capacity. That Kymberlie shall continue to make payments on
8 the first day of each month.

9 **THE COURT FURTHER ORDERS** Plaintiff shall receive the tax
10 dependency credit for the minor child.

11 **THE COURT FURTHER ORDERS** that the minor child has insurance
12 coverage through Medicaid. There are no current costs associated with providing
13 insurance for the minor child. The parties shall utilize the 30/30 Day Rule regarding
14 all unreimbursed medical payments made on behalf of the minor child.

15 **THE COURT FURTHER ORDERS** that Plaintiff will provide a
16 Memorandum of Fees and Costs, with the Brunzell factors and send it to Defendant
17 with a chance to respond. Plaintiff's counsel shall leave a line for the award of
18 ...

19 ...

20 ...

1 attorney's fees in the Order after the Court has reviewed the Memorandum and any
2 objection made by Defendant.

3
4 **THE COURT FURTHER ORDERS** that upon presentation to Social
5 Security Disability, the very next SSI payment to be processed shall be immediately
6 routed from Defendant to Plaintiff. Defendant must reimburse Plaintiff for the SSI
7 payments received by Defendant from January 1, 2022 through August 31, 2022.

8
9 That pursuant to Defendant's filed Financial Disclosure Form, she received \$794.00
10 in SSI payments in January 2022. That according to Plaintiff's Exhibit 20,
11 Defendant has received \$841.00 per month in SSI payments beginning in February
12 2022. Thus, Defendant owes Plaintiff SSI payments to Plaintiff from January 1
13 2022 through August 31, 2022 for a total amount of Six Thousand Six Hundred
14

15 ...

16 ...

17 ...

1 Eighty-One Dollars (\$6,681.00). That until the SSI money is rerouted, a wage
2 withholding will collect the SSI payments paid to Defendant once it is in place.
3

4 **IT IS SO ORDERED.**

6 Dated this 17th day of October, 2022

7 
8

9 02B 7A1 90D8 8A47
10 Bill Henderson
11 District Court Judge
12

13 Respectfully submitted this
14 29th day of September 2022.

15 **CROME LAW FIRM, PLLC.**

16 By: /s/ Chaka T. Crome, Esq.

17 Chaka T. Crome, Esq.
18 State of Nevada Bar No. 8116
19 520 South 4th Street
20 Las Vegas, Nevada 89101
21 PH: (702) 384-5563
22 FAX: (702) 852-0915
23 Email: chaka@cromelawfirm.com
24 *Attorney for Plaintiff*
25 *Mario Opipari*
26
27
28

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Mario Opirari, Plaintiff.

CASE NO: D-21-622669-C

7 vs.

DEPT. NO. Department R

8 Kymberlie Hurd, Defendant.
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 10/17/2022

15 Chaka Crome

chaka@cromelawfirm.com

16 Jason Stoffel, Esq.

efile@lvfamilylaw.com

17 Matthew Friedman, Esq.

mfriedman@fordfriedmanlaw.com

18 Tracy McAuliff

tracy@fordfriedmanlaw.com

19 Crome Law Firm

clfeile@cromelawfirm.com

20 Christopher Phillips, Esq.

cphillips@fordfriedmanlaw.com

21 Cameron Brown, Esq.

cbrown@fordfriedmanlaw.com

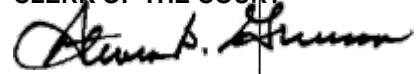
22 Susie Ward

susan@fordfriedmanlaw.com

23 Kymberlie Hurd

Kymberliejoy@gmail.com

24
25
26
27
28



NEO
CHAKA T. CROME, ESQ.
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chaka@cromelawfirm.com
Attorney for Plaintiff
Mario Opipari

EIGHTH JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA
FAMILY DIVISION, COUNTY OF CLARK

MARIO OPIPARI,

Plaintiff,

vs.

KYMBERLIE HURD,

Defendant.

CASE NO.: D-21-622669-C

DEPT. NO.: R

**NOTICE OF ENTRY OF
ORDER REGARDING THE
FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER FROM THE
EVIDENTIARY HEARING**

TO: ALL RELEVANT PARTIES AND THEIR COUNSEL OF RECORD;

PLEASE TAKE NOTICE that the Findings of Fact, Conclusions of Law and

...

...

...

OPIPARI VS. HURD D-21-622669-C

1 Order from the Evidentiary Hearing was duly entered in the above-referenced case
2 on the 17th day of October, 2022.
3

4 DATED this 17th day of October, 2022.
5

6
7 **CROME LAW FIRM**

8 */s/ Chaka T. Crome*

9
10 **CHAKA T. CROME, ESQ.**

11 Nevada Bar No. 8116

12 520 S. Fourth Street

13 Las Vegas, Nevada 89101

14 Office: (702) 384-5563

15 Facsimile: (702) 852-0915

16 chaka@cromelawfirm.com

17 *Attorney for Plaintiff*

18 *Mario Opipari*
19
20
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23
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1
2
3 **CERTIFICATE OF SERVICE**

4 The undersigned, an employee of Crome Law Firm, hereby certifies
5 that on the 17th day of October 22, 2022 pursuant to NRCP 5(b), I hereby
6
7 certify that the **“NOTICE OF ENTRY OF ORDER REGARDING THE**
8 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**
9 **FROM THE EVIDENTIARY HEARING”** in the above-captioned case
10
11 were served this date as follows litigants:

12 ☒ pursuant to NEFCR 9, by mandatory electronic service through the
13 Eighth Judicial District Court’s electronic filing system;

14 Kymberliejoy@gmail.com
15

16 ☐ by placing the same to be deposited for mailing in the United
17 States Mail, in a sealed envelope upon which first class postage was
18 prepaid in Las Vegas, Nevada;

19 ☐ pursuant to EDCR 7.26 to be sent via **facsimile**, by duly executed
20 consent for service by electronic means;

21 ☐ by hand-delivery with signed Receipt of Copy.

22 ☐ by courtesy copy sent to email address on file.

23 To attorney(s) listed below at the address:
24

25 ☒ pursuant to NEFCR 9, by mandatory electronic service through the
26 Eighth Judicial District Court’s electronic filing system;
27 efile@lvfamilylaw.com; mfriedman@fordfriedmanlaw.com;
28 tracy@fordfriedmanlaw.com

cphillips@fordfriedmanlaw.com; cbrown@fordfriedmanlaw.com;
susan@fordfriedmanlaw.com

[] by placing the same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;

[] pursuant to EDCR 7.26 to be sent via **facsimile**, by duly executed consent for service by electronic means;

[] by hand-delivery with signed Receipt of Copy;

[] by courtesy copy sent to email address on file.

/s/ Amy Patterson

An Employee of Crome Law Firm

ORDR

Chaka T. Crome, Esq.
State Bar of Nevada No. 8116
CROME LAW FIRM
520 South Fourth Street
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EMAIL: chaka@cromelawfirm.com
Attorney for Plaintiff,
Mario Opipari

**DISTRICT COURT
CLARK COUNTY, NEVADA**

MARIO OPIPARI)	Case No: D-21-622669-C
)	
Plaintiff)	Dept No: R
)	
vs.)	
)	
KYMBERLIE HURD)	
)	
Defendant.)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER FROM THE EVIDENTIARY HEARING**

The above-entitled matter came on for Evidentiary Hearing before this Honorable Court on August 16, 2022. The Honorable Judge Henderson presiding. Plaintiff, Mario Opipari (hereinafter "Mario" or "Plaintiff") appeared in person with his attorney of record, Chaka T. Crome, Esq. of Crome Law Firm. Defendant Kymberlie Hurd (hereinafter "Kymberlie" or "Defendant") was not present and did not have any person representing her. The Court made the BlueJeans link available

1 for Kymberlie to use remotely for the Evidentiary Hearing, but she did not appear
2 via BlueJeans. The Court attempted to reach Kymberlie via her phone number on
3 file with the Court; however, she did not answer the call.
4

5 The Court, having reviewed the papers and pleadings on file herein, all
6 admitted exhibits introduced into evidence, heard testimony during the
7 aforementioned trial date, and after entertaining argument of counsel, hereby issues
8 the following *Findings of Fact, Conclusion of Law, and Order*.
9

10 Attorney Crome inquired about the entry of a Behavior Order in this case.
11 This Court will review the file regarding this issue and if previously ordered, will
12 enter a Behavior Order.
13

14 **COURT NOTED** that Kymberlie did not contact chambers prior to the
15 scheduled Evidentiary Hearing to advise of any difficulties with appearing today.
16

17 **COURT FURTHER NOTED** that it went above and beyond to contact
18 Kymberlie via telephone at the time set for the Evidentiary Hearing and that there
19 was no response.
20

21 I. DEFENDANT'S EX PARTE MOTION TO CONTINUE TRIAL

22 On August 16, 2022, Kymberlie filed an *Ex Parte Motion To Continue*
23 *Evidentiary Hearing Scheduled For August 16, 2022 At 1:30 P.M.* (hereinafter "*Ex*
24 *Parte Motion*") without proper notice to Plaintiff. Mario and his counsel reviewed
25 Plaintiff's *Ex Parte Motion* minutes prior to the scheduled Evidentiary Hearing.
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1 **THE COURT NOTED** that the *Ex Parte Motion* is based on the faulty
2 premise that no deadlines were set by the Court and that a Rule 16.1 Conference
3 was not held. The Rule 16 proceedings occurred on February 15, 2022. There is an
4 Order setting trial dates and deadlines.
5

6 **THE COURT FURTHER NOTED** that Kymberlie's *Ex Parte Motion*
7 makes erroneous representations and is an unfounded attempt at a continuance since
8 it was never explained what it is that Defendant needs additional time to prepare
9 for. Even if Kymberlie were present at the hearing, there is no sensible reason to
10 continue the matter. Plaintiff has incurred thousands of dollars in fees, has prepared
11 voluminous exhibit binders and prepared for Trial. The Court finds that there is no
12 need to continue trial unless there was something really major that a continuance
13 would flesh out and that it would be highly prejudicial unless a continuance was
14 granted. No such undertaking has been alleged. Instead, Kymberlie just makes
15 arguments in her pleading that there was no Rule 16 compliance, which is false.
16

17 **THE COURT FURTHER NOTED** that Kymberlie has filed more than one
18 appeal, not understanding that these are temporary orders. The appeals were
19 summarily dismissed.
20

21 **THE COURT FURTHER NOTED** that Kymberlie may, by failing to
22 appear at the Evidentiary Hearing in conjunction with apparently no longer
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1 appearing for supervised visitation and no longer compliant with drug testing may
2 have abandoned her desire to participate in this litigation.

3
4 **COURT FURTHER NOTED** that Kymberlie cannot validly represent that
5 she was unaware of today's trial as she was present and was provided with notice of
6 the date and time of the Evidentiary Hearing at the last hearing. Further, her *Ex*
7 *Parte Motion* references the date and time of trial.

8
9 Attorney Crome stated the following information regarding Kymberlie's *Ex*
10 *Parte Motion* and the Court hereby finds the following:

11 **THE COURT HEREBY FINDS** that Kymberlie's argument that she did not
12 have an opportunity to review the report from Family First is inaccurate.
13 Kymberlie received a copy of the Family First Report with Plaintiff's trial exhibits,
14 which her mother picked up from Attorney Crome's office on her behalf prior to
15 the date of Trial.
16

17
18 **THE COURT FURTHER FINDS** that Kymberlie previously has contacted
19 the Court's staff via email and facilitated the review of her drug tests at the
20 courthouse. Thus, she was aware of a mechanism to review the Family First Report
21 at Court by contacting the Court's staff, which she failed to do.
22

23 ...

24 ...

1 **THE COURT FURTHER FINDS** that Plaintiff's counsel attempted to
2 contact Kymberlie several times on August 15, 2022 and sent her correspondence
3 seeking to discuss stipulating to exhibits to be used at trial. Kymberlie never
4 returned the phone call to Plaintiff's counsel.
5

6 **THE COURT FURTHER FINDS** that Kymberlie filed a small claim's case
7 against Plaintiff. The parties appeared via BlueJeans on the morning of August 16,
8 2022 where Defendant was present. The Judge/Hearing Master overseeing the small
9 claims case inquired about this Evidentiary Hearing. The date and time of the
10 Evidentiary Hearing was confirmed during the small claims case on August 16,
11 2022.
12

13 **THE COURT FURTHER FINDS** that Kymberlie's argument that the
14 Evidentiary Hearing should have been previously held by this Court is without
15 merit. This Court has been gracious to her in allowing Kymberlie time to deal with
16 her drug test results so that she would be in a better position to ask the Court for
17 joint legal custody and joint physical custody at trial. Although she has had plenty
18 of time to deal with these issues, she did not appear for her last drug test. The Court
19 has been more than fair to Kymberlie hoping that she would receive the help
20 necessary to deal with her addiction.
21

22 **THE COURT FURTHER FINDS** that Kymberlie's motion was filed last
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1 minute and is egregiously untimely, which is largely based upon the false
2 representation that there were non-compliances with Rule 16 and that she was
3 oblivious to the Family First Report.
4

5 **THE COURT FURTHER FINDS** that Kymberlie did not file a Pretrial
6 Memorandum in this case.
7

8 **THE COURT FURTHER FINDS** that Kymberlie failed to serve any
9 disclosures to Plaintiff in this case. Kymberlie failed to provide responses to
10 Plaintiff's First Request for Interrogatories, Plaintiff's First Set of Request for
11 Production of Documents and Plaintiff's Second Set of Request for Production of
12 Documents. Plaintiff filed a *Motion to Compel* on January 10, 2022. On March 28,
13 2022, the Order Regarding Discovery Commissioner's Report and
14 Recommendations was filed granting Plaintiff's *Motion to Compel* and stating that
15 within seven (7) days of the Order, Kymberlie must provide all discovery sought
16 therein. She did not serve any documents to Plaintiff.
17

18 **THE COURT FURTHER FINDS** that Kymberlie was supposed to pay for
19 supervised visitation in lieu of payment of child support. However, we do not have
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1 supervised visitation at this time.

2 Attorney Crome stated the following information, and the Court further finds
3 that:
4

5 **THE COURT FURTHER FINDS** that based upon Plaintiff's
6 representations that Kymberlie has a bachelor's degree and was previously
7 employed as a bartender and paralegal. Kymberlie is not currently employed even
8 though the court has asked her obtain employment. She has not listed any other
9 person residing with her on her Financial Disclosure Form. She has not worked
10 full-time since 2014. She is employable. She could draft pleadings for other people
11 by use of her paralegal skills.
12
13

14 **THE COURT FURTHER FINDS** that based upon the representations made
15 by Plaintiff, and the fact that this is a very open economy where employers are
16 begging for employees. That by clear and convincing evidence and judicial
17 recognition of the state of the economy, \$24.00 is a very supportable figure for
18 Defendant's hourly income. Kymberlie could reasonably earn \$24.00 per hour.
19 However, the court will set her income at basically close to minimal wage, which is
20 lower than her earning capacity considering her education.
21
22

23 **THE COURT FURTHER FINDS** that Plaintiff's request for child support
24 arrears beginning January 2022 through August 2022 to be reasonable based upon
25 the fact that he has had sole legal and sole physical custody of minor child.
26
27
28

THE COURT FURTHER FINDS as follows:

1. JURISDICTION

Plaintiff was a resident of the State of Nevada for a period of at least six weeks before the filing of the Complaint for Custody. Defendant states in her *Counterclaim* that she is a resident of the State of Nevada. Neither party has made any challenge to the jurisdiction of the Court. Accordingly, the Court determines that it has subject matter jurisdiction over the proceedings and personal jurisdiction over the parties at issue.

2. RELATIONSHIP OF THE PARTIES

The parties were never married to each other.

3. MINOR CHILD AT ISSUE

The parties have one minor child at issue, to wit: Azlynn Harlie Oipari (hereinafter “Azlynn” or “minor child”), born on May 19, 2016. The minor child was born in the State of Nevada and has resided here since that date. Nevada is the habitual residence of the child, and this Court has the necessary UCCJEA jurisdiction to enter orders regarding custody and visitation. Azlynn was diagnosed with down syndrome while she was in the womb.

The Court hereby finds that paternity has been previously confirmed. That Plaintiff is the legal father of the minor child at issue.

...

1 5. BEST INTEREST OF THE MINOR CHILD ANALYSIS

2 The Court finds each factor as set forth in *NRS 125C.0035(4)* applies as
3
4 *follows:*

- 5 **a. The wishes of the child if the child is of sufficient age and**
6 **capacity to form an intelligent preference as to his or her**
7 **custody.**

8 Not applicable.

- 9 **b. Any nomination of a guardian for the child by a parent.**

10 Not applicable.

- 11 **c. Which parent is more likely to allow the child to have frequent**
12 **associations and a continuing relationship with the noncustodial**
13 **parent.**

14 The Court finds that based upon Plaintiff's testimony that Kymberlie
15 withheld the minor child from Plaintiff from February 2021 through May
16 2021 and as bolstered by Exhibits 50 through 56, Plaintiff is more likely to
17 allow the child to have frequent associations and a continuing relationship
18 with the noncustodial parent (Kymberlie).
19

- 20 **d. The level of conflict between the parents.**

21
22 The Court incorporates by reference all of the relevant findings in Section c
23 above. The Court finds that the level of conflict is high between the parents.
24 The Court further finds that Kymberlie by far is far more responsible for the
25 conflict than Plaintiff. Primarily, Kymberlie is solely responsible for the
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1 conflict. This finding is bolstered and supported by the Exhibits 6 through
2 10, 13 through 17, 19, 33, 37 and 38, as well as the testimony by Plaintiff,
3 and the complete pleadings and papers on record. The court finds that
4 Kymberlie canceling the minor child's necessary medical appointment is a
5 power play. Section d is heavily in Plaintiff's favor.
6

7 **e. The ability of the parents to cooperate to meet the needs of the child.**
8

9 The Court incorporates by reference all of the relevant findings in Sections c
10 and d above. Plus, supplemented evidence of Kymberlie's unilateral
11 withholding in violation of this Court's clear-cut order, which was
12 supplemented by Plaintiff's testimony relative to the withholding and Exhibit
13 23 whereby Kymberlie unilaterally enrolled the minor child into classes
14 when the court told her not to do so. Additionally, Exhibits 48 through 56,
15 which bolster that when Kymberlie seeks an accommodation, Plaintiff
16 reasonably and readily agrees. On the other hand, Kymberlie is quite an
17 obstructionist.
18
19

20 **f. The mental and physical health of the parents.**
21

22 The Court incorporates by reference all of the relevant findings in
23 Sections c through e above. Sections c through f are factors heavily
24 weighed to Plaintiff. Plaintiff is a well-adjusted young man who is doing
25 a sterling job raising a blending family, including this child. Defendant,
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1 on the other hand, is a young woman with very serious unfortunate
2 challenges, which she is not addressing and in fact, which she seems to be
3 indulging. The Court's findings are based upon Exhibits 6 through 10
4 evidencing police incident reports and photographs that reflect Defendant
5 being uncooperative and on the premises of Plaintiff's home. Exhibits 14
6 and 15 indicating tracking device and the recording device used by
7 Defendant. Exhibits 16 through 17 reflecting open serious criminal cases
8 of the Defendant. Exhibits 24 through 32, which are requests for drug
9 testing and various documents surrounding Kymberlie's drug usage.
10 Exhibit 13, which is the Talking Parents records. Also, Exhibit 33 which
11 is the supervised visitation notes from Family First. Exhibits 37 and 38,
12 which are the police incident reports. In addition, the court relies upon the
13 overall testimony and totality of the case and Defendant's own admissions
14 through the paperwork of serious depression issues in her pleadings. The
15 Court recognizes that it might have been the legislative intent to establish
16 findings based upon actual medical records. As a practical matter, there is
17 often a lack of medical records in most cases, and it is often impossible
18 often to obtain the records if they are in the possession of an
19 uncooperating party or if the party has not acknowledged issues to the
20 point of seeking the necessary treatment. The Court finds that without
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1 necessarily being in the position to diagnose the Defendant, there are
2 some social, behavioral and adjustment issues, drug dependencies issues
3 and depression issues which impede her ability to effectively parent.
4
5 Particularly when considered in conjunction with the totality of the record
6 and all of the findings in Sections c through e.

7
8 **g. The physical, developmental and emotional needs of the child.**

9 The Court incorporates by reference all of the relevant findings in
10 Sections c through f above. Section g is weighed heavily to Plaintiff.
11 The child has been documented as a special needs child. Azlynn is
12 diagnosed with down syndrome. The Court's findings are based upon
13 Plaintiff's testimony about Azlynn's medication and treatment.
14
15 She has an Individualized Education Plan ("IEP"). Azlynn spends
16 about 1/3 of her time in a regular classroom and 2/3 of her time in a
17 self-contained classroom. In Exhibit 19, Kymberlie is undermining the
18 situation specifically by cancelling a critical appointment for control
19 reasons. Exhibit 13, which are the Talking Parents records discussing
20 medication refusal by Defendant, which is a serious finding. Exhibit
21 37, which is an incident report showing that when Plaintiff attempted
22 to pick up the minor child's clothing, necessary medication, and other
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1 treatment items from Kymberlie, she denied Plaintiff, which causes a
2 serious situation.

3
4 Plaintiff testified that on August 2, 2022, his mother went to pick up
5 the child's medication and was advised that it was already picked up.
6 Plaintiff testified that Kymberlie receives text messages from CVS and
7 believes that she picked up the minor child's prescription. Kymberlie
8 cannot administer the medication since she has supervised visitation.
9
10 The court finds that this was a malicious action that damaged their
11 daughter since Plaintiff needs the medication for Azlynn very
12 desperately and Kymberlie has no use of the medication since the child
13 is not in her care. This is another power and control play. The Court
14 finds that Kymberlie undermined the situation by picking up the minor
15 child's medication.
16

17
18 Exhibit 20 evidences that Kymberlie is also receiving the SSI benefits
19 for the minor child at Eight Hundred Forty-One Dollars (\$841.00) each
20 month. The money needs to go to primary parent to help offset the
21 large expenses of this undertaking. The fact that Kymberlie is using
22 the money for her own personal use while Plaintiff would use it for
23 necessary treatment for their daughter with down syndrome is
24 appalling. By law, these funds should be sent to Plaintiff. There is no
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1 proof that Kymberlie is spending any of the money on the minor child.
2 Further, Kymberlie is undermining the necessity of Azlynn using her
3 eyeglasses at all times and has interfered with that as well, which is
4 reported by Family First in Exhibit 33.
5

6 **h. The nature of the relationship of the child with each parent.**
7

8 The Court incorporates by reference all of the relevant findings in
9 Sections c through g above. The court finds that the minor child looks
10 at Plaintiff as the caregiver because he is her caregiver, and his fiancé
11 is the mother figure. She is bonded with Plaintiff in a loving close
12 relationship. Kymberlie is not acting responsibly relative to the child's
13 medical and other needs and court orders. The child loves Kymberlie.
14 However, the minor child may know that it is an unreliable situation.
15 Exhibit 6 evidences that Kymberlie was holding the minor child while
16 threatening to commit suicide and run into the street. Exhibits 24
17 through 32 address Kymberlie's illegal drug use while she was
18 unemployed. She also withheld the child from Plaintiff. She possibly
19 was under the influence while the child was in her care. Due to her
20 history of unemployment, she most likely used the minor child's SSI
21 funds to support her illegal drug use.
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1 The court finds that factors c through k are heavily in favor of Plaintiff
2 for the reasons mentioned in this Order.

3
4 **I. Whether either parent or any other person seeking custody has**
5 **committed any act of abduction against the child or any other**
6 **child.**

7 Not applicable.

8 **II. FINAL ORDERS**

9 **THE COURT HEREBY ORDERS** that Plaintiff is awarded sole legal
10 custody and sole physical custody of the minor child.

11 **IT IS FURTHER ORDERED** that Plaintiff will determine Kymberlie's
12 contact with the minor child until future court order. This is best for the child based
13 upon Kymberlie apparently abandoning her interest in participating in this
14 litigation, plus not availing herself to the last prior supervised visitation, and not
15 appearing for the last drug test which tend to indicate that she is not going to know
16 of or cooperate with any supervised visitation order. Plaintiff will cooperate with
17 Defendant's visitations on a supervised basis. Plaintiff will provide Defendant with
18 enough notice of the scheduled date and time of supervised visitation so that she
19 can coordinate with Family First. It will be Kymberlie's responsibility to
20 coordinate her supervised visitation with Family First. Defendant can petition the
21 Court if she is aggrieved by this Court's ruling.

1 **THE COURT FURTHER ORDERS** that Kymberlie on a temporary basis
2 was to pay for the supervised visitation in lieu of payment of child support.
3
4 However, we do not have supervised visits at this time. That based upon Plaintiff's
5 testimony, Kymberlie has a bachelor's degree and previously worked as a bartender
6 and a paralegal. That based upon Plaintiff's testimony, the Court will impute
7 income to Kymberlie as outlined below.
8

9 **THE COURT FURTHER ORDERS** that it will impute income to
10 Kymberlie at \$15.00 per hour even though she has the earning potential of \$24.00
11 per hour. That Kymberlie can earn a gross monthly income of \$2,600.00 per
12 month. Kymberlie shall pay child support at \$420.00 per effective September 1,
13 2022. Additionally, Kymberlie shall include payments of \$180.00 per month until
14 her child support arrears are paid in full. Thus, Kymberlie shall pay a total of Six
15 Hundred Dollars (\$600.00) per month. The support can be enforced by garnishment
16 or by any lawful means. Plaintiff can pursue child support through the District
17 Attorney's Office if he knows where Kymberlie is employed. Kymberlie is required
18 to immediately provide this Order to payroll and human resources so that a wage
19 withholding can be commenced. Until such time that a wage withholding becomes
20 effective, Kymberlie must start making direct payments to Plaintiff.
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THE COURT FURTHER ORDERS that Kymberlie shall pay child support arrears (included supra) from January 1, 2022 through August 31, 2022 for a total of Three Thousand Three Hundred Sixty Dollars (\$3,360.00). That Kymberlie shall pay \$180.00 per month towards the child support arrears owed to Plaintiff with her child support payment. The \$180.00 monthly payments is set in part based upon fairness and equity because the child support is set on the far low end of or below Defendant's earning capacity. That Kymberlie shall continue to make payments on the first day of each month.

THE COURT FURTHER ORDERS Plaintiff shall receive the tax dependency credit for the minor child.

THE COURT FURTHER ORDERS that the minor child has insurance coverage through Medicaid. There are no current costs associated with providing insurance for the minor child. The parties shall utilize the 30/30 Day Rule regarding all unreimbursed medical payments made on behalf of the minor child.

THE COURT FURTHER ORDERS that Plaintiff will provide a Memorandum of Fees and Costs, with the Brunzell factors and send it to Defendant with a chance to respond. Plaintiff's counsel shall leave a line for the award of

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• • •

1 attorney's fees in the Order after the Court has reviewed the Memorandum and any
2 objection made by Defendant.

3 **THE COURT FURTHER ORDERS** that upon presentation to Social
4 Security Disability, the very next SSI payment to be processed shall be immediately
5 routed from Defendant to Plaintiff. Defendant must reimburse Plaintiff for the SSI
6 payments received by Defendant from January 1, 2022 through August 31, 2022.
7

8 That pursuant to Defendant's filed Financial Disclosure Form, she received \$794.00
9 in SSI payments in January 2022. That according to Plaintiff's Exhibit 20,
10 Defendant has received \$841.00 per month in SSI payments beginning in February
11 2022. Thus, Defendant owes Plaintiff SSI payments to Plaintiff from January 1
12 2022 through August 31, 2022 for a total amount of Six Thousand Six Hundred
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1 Eighty-One Dollars (\$6,681.00). That until the SSI money is rerouted, a wage
2 withholding will collect the SSI payments paid to Defendant once it is in place.
3

4 **IT IS SO ORDERED.**

5
6 Dated this 17th day of October, 2022

7 
8

9 02B 7A1 90D8 8A47
10 Bill Henderson
11 District Court Judge

12
13 Respectfully submitted this
14 29th day of September 2022.

15 **CROME LAW FIRM, PLLC.**

16 By: /s/ Chaka T. Crome, Esq.
17 Chaka T. Crome, Esq.
18 State of Nevada Bar No. 8116
19 520 South 4th Street
20 Las Vegas, Nevada 89101
21 PH: (702) 384-5563
22 FAX: (702) 852-0915
23 Email: chaka@cromelawfirm.com
24 *Attorney for Plaintiff*
25 *Mario Oipari*
26
27
28

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Mario Oipari, Plaintiff.

CASE NO: D-21-622669-C

7 vs.

DEPT. NO. Department R

8 Kymberlie Hurd, Defendant.

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 10/17/2022

15 Chaka Crome

chaka@cromelawfirm.com

16 Jason Stoffel, Esq.

efile@lvfamilylaw.com

17 Matthew Friedman, Esq.

mfriedman@fordfriedmanlaw.com

18 Tracy McAuliff

tracy@fordfriedmanlaw.com

19 Crome Law Firm

clfile@cromelawfirm.com

20 Christopher Phillips, Esq.

cphillips@fordfriedmanlaw.com

21 Cameron Brown, Esq.

cbrown@fordfriedmanlaw.com

22 Susie Ward

susan@fordfriedmanlaw.com

23 Kymberlie Hurd

Kymberliejoy@gmail.com

24
25
26
27
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

June 24, 2021

D-21-622669-C Mario Opipari, Plaintiff.
vs.
Kymberlie Hurd, Defendant.

June 24, 2021 9:00 AM All Pending Motions

HEARD BY: Henderson, Bill

COURTROOM: Courtroom 01

COURT CLERK: Michelle Cunningham; Tonya Mulvenon

PARTIES:

Azlynn Opipari, Subject Minor, not present
Kymberlie Hurd, Defendant, Counter Pro Se
Claimant, present
Mario Opipari, Plaintiff, Counter Defendant, Chaka Crome, Attorney, present
present

JOURNAL ENTRIES

- PLAINTIFF MARIO OPIPARI'S MOTION FOR TEMPORARY ORDERS AWARDING HIM PRIMARY PHYSICAL CUSTODY, JOINT LEGAL CUSTODY, VISITATION, CHILD SUPPORT AND RELATED RELIEF...OPPOSITION TO PLAINTIFF'S MOTION FOR TEMPORARY ORDERS AWARDING HIM PRIMARY PHYSICAL CUSTODY, JOINT LEGAL CUSTODY, VISITATION, CHILD SUPPORT AND RELATED RELIEF AND COUNTERMOTION FOR PRIMARY PHYSICAL CUSTODY, TO RELOCATE WITH THE CHILD TO FLORIDA, FOR CHILD SUPPORT AND FOR ATTORNEY'S FEES AND RELATED RELIEF; DECLARATION OF DEFENDANT KYMBERLIE HURD...REPLY TO COUNTERCLAIM...PLAINTIFF MARIO OPIPARI'S OPPOSITION TO DEFENDANT'S COUNTERMOTION FOR PRIMARY PHYSICAL CUSTODY, TO RELOCATE WITH THE CHILD TO FLORIDA, FOR CHILD SUPPORT AND FOR ATTORNEY'S FEES AND RELATED RELIEF

COURT CLERKS: Michelle Cunningham (mlc), Tonya Mulvenon

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Attorney Amanda Roberts, Bar #8898, present on behalf of Attorney Stoffel with Defendant.

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

Attorney Roberts represented they have come to some agreements and placed them on the record. Attorney Roberts stated there are two issues they need the Court's help with; the temporary schedule and response time on Talking Parents. Court addressed the parties recording exchanges. Attorney Roberts stated the parties have a high level of conflict right now. Discussion regarding setting a settlement conference. Court advised counsel that the settlement conference will be with Judge Ochoa.

Attorney Crome represented paternity is going to be confirmed today and Attorney Roberts confirmed this, stating Plaintiff is on the birth certificate. Attorney Crome addressed the issues with social media. Further discussion. Attorney Crome represented that at the Return Hearing, they want to reserve their rights to argue issues that have not been resolved. Attorney Roberts agreed to this.

Court addressed the temporary timeshare until the parties return from Mediation. Attorney Crome stated they would agree to temporary joint physical custody reserving rights to make future arguments and are requesting Thursdays at 5:30 p.m. through Sundays at 5:30 p.m. and if they parties are traveling she would like them to be flexible so that if the return is late there won't be a contempt of court with notice through Talking Parents. Attorney Roberts proposed Defendant having Fridays at 5:30 p.m. until Sundays at 6:00 p.m. and one overnight during the week that would start at 5:30 p.m. and return the next morning when he goes to work. Attorney Roberts further stated, the minor child has Down Syndrome, she is non-verbal, uses ALS, requires constant care and is on medications. Attorney Roberts further stated Defendant has been a stay at home mom and the primary caregiver for the child. Attorney Roberts addressed the issue of Plaintiff working on Fridays and having his new girlfriend being the caregiver of the minor child and Defendant will agree to the Thursday if she is given right of first refusal for Fridays. Attorney Roberts requested the parties exchange a journal at exchanges which will document medication, therapy, potty training, etc.

Attorney Crome addressed the six (6) hour turn around time request for Talking Parents and the request to have a journal be exchanged. Further, Attorney Crome represented paternal grandmother has been utilized as a third party caregiver for both parties and can watch the minor child when Plaintiff is at work but will agree to temporary right of first refusal. Attorney Crome requested that if Defendant becomes employed that Plaintiff would be granted right of first refusal as well. Attorney Roberts agreed to this. Arguments by counsel given regarding the request for six (6) hour turn around time request for Talking Parents.

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Court addressed Defendant's intent to relocate to Florida at some point. Court requested counsel to agree that is be deferred but the Court has jurisdiction to deal with it over the next year or two (2). Attorney Roberts stated they are willing to remove the request to relocate if they can settle the case.

Parties STIPULATE to the following:

1. Parties will SHARE Joint Legal Custody with a SPECIFIC DEFINITION.
2. Parties will EXCHANGE the minor child at the Henderson Police Department.
3. Parties AGREE to RECORD EXCHANGES.
4. The 4th of July, defined as 5:30 p.m. July 2 through 5:30 p.m. July 5th, will be ALTERNATED with Plaintiff having ODD years and Defendant have EVEN years.
5. Counsel will have MEET AND CONFER regarding CHILD SUPPORT.
6. Defendant will be attending a FUNERAL for her grandmother 7/6/2021 through 7/8/2021 and will exercise that time with the minor child.
7. A MUTUAL BEHAVIOR ORDER will be ISSUED.
8. Parties will COMMUNICATE through TALKING PARENTS.
9. Parties will have a SETTLEMENT CONFERENCE.

COURT SO ORDERED.

COURT FURTHER ORDERED the following:

1. Parties shall be REFERRED for a SETTLEMENT CONFERENCE with Judge Ochoa, Department S.
2. STATUS CHECK re: Settlement Conference shall be SET for 10/21/2021 at 11:00 a.m.
3. Plaintiff's TIMESHARE with the minor child shall be from 5:30 p.m. on Thursdays through 5:30 p.m. on Sundays. If Defendant has any special instructions, she shall put it on Talking Parents in the form of a care sheet.
4. Parties shall each have FIRST RIGHT OF REFUSAL.

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5. Parties shall have an eight (8) hour RESPONSE TIME to Talking Parents messages but it has to be a relatively serious issue of importance. Parties shall provide WEEKLY UPDATES.

6. Parties shall REMOVE DISPARAGING posts on SOCIAL MEDIA within twenty-four (24) hours. Parties shall be RESPONSIBLE for third parties and direct them to REMOVE DISPARAGING posts IMMEDIATELY. If the third parties do not remove it, the Party shall submit an AFFIDAVIT of the degree of specificity they used to direct the removal.

7. Defendant shall REMAIN on her PRESCRIPTION MEDICATION and follow all medical/therapeutic instructions. If anything medical applies to Plaintiff, it shall be a MUTUAL ORDER.

Attorney Roberts shall prepare the order from today's hearing. Attorney Crome shall review and sign off.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

November 18, 2021

D-21-622669-C Mario Oipari, Plaintiff.
vs.
Kymberlie Hurd, Defendant.

November 18, 2021 10:00 AM All Pending Motions

HEARD BY: Henderson, Bill

COURTROOM: Courtroom 01

COURT CLERK: Michelle Cunningham; Magdalena Castillo-Ramos

PARTIES:

Azlynn Oipari, Subject Minor, not present
Kymberlie Hurd, Defendant, Counter Pro Se
Claimant, present
Mario Oipari, Plaintiff, Counter Defendant, Chaka Crome, Attorney, present
present

JOURNAL ENTRIES

- STATUS CHECK: CASE STATUS SETTLEMENT CONFERENCE....MOTION: PLAINTIFF MARIO OIPARI'S EMERGENCY MOTION FOR ENFORCEMENT FOR ORDER FOR A PICKUP ORDER, FOR TEMPORARY PRIMARY PHYSICAL CUSTODY, CHILD SUPPORT, COMPENSATORY TIME AND RELATED MATTERS...ALL PENDING MOTIONS: STATUS CHECK: RE: SETTLEMENT CONFERENCE...PLAINTIFF MARIO OIPARI'S EMERGENCY MOTION FOR ENFORCEMENT OF ORDER FOR A PICKUP ORDER, FOR TEMPORARY PRIMARY PHYSICAL CUSTODY, CHILD SUPPORT, COMPENSATORY TIME AND RELATED MATTERS

COURT CLERK'S: Magdalena Castillo-Ramos (mc), Michelle Cunningham

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

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Discussion regarding Plaintiff's timeshare. COURT NOTED Plaintiff's timeshare is Thursdays at 5:30 p.m. until Sundays at 5:30 p.m. Upon Court's inquiry, Defendant stated she is preparing an emergency motion. Defendant stated Plaintiff is very abusive. Defendant stated Plaintiff does not have minor all the time. Defendant further stated every time Plaintiff has her, Plaintiff sends minor to his mom. COURT NOTED it does not have an emergency motion yet. COURT FURTHER NOTED if it was persuasive, Defendant should have involved the authorities by now. COURT FURTHER NOTED Defendant is confined with material that arose since the last hearing. COURT FURTHER NOTED Defendant cannot deny contact based on the fact Defendant thinks there is no optimum in parenting. Ms. Chrome stated Defendant is playing games and is scheduling activities for minor during Plaintiff's time share. Ms. Chrome stated Defendant told the police and school there is no Court orders. Ms. Chrome further stated Defendant has effectively denied Plaintiff's right of first refusal. Ms. Chrome requested Plaintiff to have temporary primary custody. Ms. Chrome further requested to remove the right of first refusal language and specific orders regarding Thanksgiving and Christmas.

Discussion regarding Defendant placing a tracking device on Plaintiff and Plaintiff's girlfriend's vehicle. Ms. Crome represented Defendant placed a tracking device on Plaintiff's vehicle and his girlfriend's vehicle. Ms. Crome stated the police are involved. Defendant stated she put the tracking device because she is concerned of minor's behavior. COURT NOTED Defendant wants to control everything Plaintiff and Plaintiff's girlfriend does with the minor child.

Discussion regarding Defendant using drugs. Ms. Crome represented Plaintiff's concerns regarding Defendant using meth. Ms. Chrome requested Defendant to get drug tested. Defendant admitted to using meth about six (6) weeks ago.

Further discussion regarding Defendant placing a recorder in minor's diaper bag and minor's health insurance.

COURT ORDERED the Following:

1. Defendant referred to American Toxicology Institute (ATI) for a full drug screen. Defendant must be present at ATI no later than today. Failure to appear the Court shall presume the drug test dirty for illegal substances. Plaintiff shall pay the cost of the drug test. ATI Referral EXECUTED IN OPEN COURT and LEFT-SIDE FILED. A copy was provided to Defendant IN OPEN COURT. A Copy shall be provided to Attorney Crome.;
2. Defendant shall RETURN minor to Plaintiff by 5:30 P.M. today. CUSTODIAL EXCHANGES shall be conducted at the Henderson Police Department. The CUSTODIAL ORDER for now remains until the next hearing date. If Defendant does not cooperate and Plaintiff does not receive minor today by

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5:30 P.M. today, Ms. Crome can submit a pick-up order and that will vest Plaintiff with emergency custody until the next hearing. Plaintiff is REQUIRED within twenty-four (24) hours to contact Ms. Crome to suggest an immediate pendency hearing before the Court if Plaintiff does not receive minor child. Defendant shall not bring DIXIE to exchanges or the school;

3. Plaintiff shall have THANKSGIVING and CHRISTMAS. Ms. Chrome shall put dates and specific times for Plaintiff to pick-up and drop off;

4. The Right of First Refusal shall be ELIMINATED;

5. Ms Crome shall RE-SUBMIT order from last hearing without Defendant's signature;

6. Matter set for a STATUS CHECK re: Defendant's drug test results and visitation on February 17, 2022 at 11:00 A.M.;

Ms. Chrome shall prepare the order from today's hearing

CLERK S NOTE: A copy of the ATI Referral was emailed to Attorney Crome. (11/19/2021 mc)

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint**COURT MINUTES**

February 04, 2022

D-21-622669-C Mario Oipari, Plaintiff.
vs.
Kymberlie Hurd, Defendant.

February 04, 2022 12:15 AM Minute Order

HEARD BY: Young, Jay**COURTROOM:** Chambers**COURT CLERK:** Tristy Cox**PARTIES:**

Azlynn Oipari, Subject Minor, not present

Kymberlie Hurd, Defendant, Counter Pro Se

Claimant, not present

Mario Oipari, Plaintiff, Counter Defendant, Matthew Friedman, Attorney, not present
not present

JOURNAL ENTRIES

- MINUTE ORDER: NO HEARING HELD, NO PARTIES PRESENT

The court has considered Plaintiff's Motion to Compel Defendant to Produce Initial Disclosures Pursuant to Rule 16.205, Disclosures Substantiating Her Financial Disclosure Form, Discovery Responses and Related Matters (the Motion). Defendant has failed to file a timely opposition to the Motion. Pursuant to EDCR 5.503(b), Defendant is deemed to admit that the Motion is meritorious and to have consented to the court granting the same. The Motion is therefore Granted. All discovery sought therein is compelled and must be provided within 7 days of entry of an order on the court's recommendation. Plaintiff's request for fees is preliminarily granted pursuant to NRC 16.205(g)), subject to proof. Plaintiff may file a Memorandum of Fees and Costs, including a separate affidavit detailing the Brunzell factors, disparity in income, and following requirements of Cadle v. Woods Erickson. Plaintiff may submit a redacted timesheet seeking fees for time spent attempting to resolve the dispute which is the subject of the Motion, drafting pleadings (including supplemental

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pleadings) and a proposed DCRR. Plaintiff's Memorandum of Fees and Costs is due February 11, 2022. Defendant may respond to the Memorandum of Fees and Costs on or before February 18, 2022. A late submission will not be considered.

Plaintiff will submit a single report and recommendation within 21 days of this minute order regarding the underlying Motion and the request for fees and costs. As to the request for fees portion of the DCRR, Plaintiff will use the form DCRR regarding attorney fee awards found at <http://www.clarkcountycourts.us/departments/discovery/>. The court will hold a status hearing on March 2, 2022 at 1:30 PM to determine if the report and recommendation has been submitted. If a DCRR is not timely submitted, Plaintiff's counsel is informed, pursuant to EDCR 7.60 that counsel will be given an opportunity at the March 2, 2022 hearing to be heard why counsel should not be sanctioned for failure to comply with this minute order requiring the submission of a timely DCRR. The hearing presently set for February 9, 2022 is hereby vacated.

CLERK'S NOTE: a copy of this Minute Order was e-mailed to Plaintiff's attorney and to Defendant at the e-mail address on file with the Court. (2/4/2022 TC)

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

February 15, 2022

D-21-622669-C Mario Oipari, Plaintiff.
 vs.
 Kymberlie Hurd, Defendant.

February 15, 2022 9:00 AM All Pending Motions

HEARD BY: Henderson, Bill

COURTROOM: Courtroom 01

COURT CLERK: Michelle Cunningham; Autumn Humble

PARTIES:

Azlynn Oipari, Subject Minor, not present
Kymberlie Hurd, Defendant, Counter Pro Se
Claimant, present
Mario Oipari, Plaintiff, Counter Defendant, Chaka Crome, Attorney, present
present
Regina McConnell, Unbundled Attorney,
present

JOURNAL ENTRIES

- DEFENDANT'S MOTION AND NOTICE OF MOTION FOR TEMPORARY CUSTODY, VISITATION, CHILD SUPPORT, SPOUSAL SUPPORT, AND/OR EXCLUSIVE POSSESSION...PLAINTIFF MARIO OIPARI'S OPPOSITION TO DEFENDANT'S MOTION FOR TEMPORARY CUSTODY, VISITATION, CHILD SUPPORT, SPOUSAL SUPPORT, AND/OR EXCLUSIVE POSSESSION AND COUNTERMOTION STRIKING DEFENDANT'S EXHIBIT 2, FOR SUPERVISED VISITATION, CHILD SUPPORT AND ATTORNEY'S FEES AND COSTS AND RELATED RELIEF...CORRECTED PLAINTIFF MARIO OIPARI'S OPPOSITION TO DEFENDANT'S MOTION TO SET ASIDE ORDER, JUDGMENT, AND/OR DEFAULT AND COUNTERMOTION FOR ATTORNEY'S FEES AND RELATED RELIEF...CASE MANAGEMENT CONFERENCE

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Court Clerks: Autumn Humble (ah), Michelle Cunningham

Plaintiff was present via VIDEO CONFERENCE through the BlueJeans application, and Defendant appeared IN PERSON.

Attorney Regina McConnell Bar #8029, appeared with Defendant in an UNBUNDLED Capacity.

The Court reviewed the drug test results. Attorney McConnell requested a referral to American Toxicology Institute (ATI) for Defendant. Attorney Crome addressed the test results and noted that only urine was tested and requested that Defendant be referred to the Options Program. Attorney Crome further addressed Defendant's mental health, accusations made by Defendant about Plaintiff, and that Defendant previously tried to walk away with minor child. Attorney Crome requested that Defendant have supervised visitation at Family First due to those issues. Attorney Crome further stated that Defendant has refused to provide minor child's medication and shoe inserts to Plaintiff and the police.

Defendant addressed the court regarding her drug test results stating that she is clean, has never seen the results, and would like a medical professional to interpret them. Defendant stated since the minor child has been with Plaintiff, he has not taken her to therapy, dance, tap, sports, and teachers have seen behavior changes as the child is acting out and digressing. The Court inquired if Defendant had a current license and vehicle registration, and Defendant confirmed that she does. Discussion regarding the child's activities and therapy and who should take her to these events. Further discussion regarding Plaintiff's girlfriend or Defendant's parents transporting the child.

Attorney Crome addressed the Motion to Strike Exhibit 2, and the Court stated that it has not read the exhibits.

COURT ORDERED the following:

- 1.) Defendant's Motion to SET ASIDE Order is DENIED.
- 2.) Plaintiff shall MAINTAIN TEMPORARY Sole Legal and Sole Physical CUSTODY.
- 3.) In LIEU of CHILD SUPPORT, Defendant shall PAY for her Family First Visits.
- 4.) If the Supplemental Security Income (SSI) Derivative Benefit for the child is still an issue, as long as Plaintiff has TEMPORARY MAIN CUSTODY, he shall receive the benefits.
- 5.) Plaintiff shall claim the minor child on the DEPENDENT TAX DEDUCTION every year.

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6.) Plaintiff shall TAKE minor child to her THERAPY APPOINTMENTS, and Plaintiff shall be freed of the obligation if Defendant or anyone else shows up during the session and accuses him of being a rapist, and the counseling will be suspended.

7.) Plaintiff AGREES to ENSURE that minor child ATTENDS tap dancing on Saturdays.

8.) Defendant shall be REFERRED to the AMERICAN TOXICOLOGY INSTITUTE (ATI) for RANDOM DRUG TESTING. Plaintiff shall be RESPONSIBLE for the FEES. Plaintiff has the RIGHT to REQUEST Defendant to DRUG TEST once a month. Plaintiff shall e-mail a request for Defendant and counsel. If he emails the request before or by 10:00 a.m., Defendant MUST test by 5:00 p.m. the same day. If Plaintiff emails the request after 10:00 a.m., Defendant MUST test by NOON the next day. A Drug Testing referral EXECUTED in OPEN COURT, and LEFT-SIDE FILED. A copy of the referral and instructions were provided to Defendant in OPEN COURT. Copies shall be provided to both counsel.

9.) Parties shall be REFERRED to the Family Mediation Center (FMC) re: MEDIATION for a PARENTING AGREEMENT. Order for Family Mediation Center Services EXECUTED and FILED IN OPEN COURT. A copy was provided to Defendant IN OPEN COURT. Copies shall be provided to both counsel.

10.) Defendant shall have SUPERVISED VISITATION at FAMILY FIRST. VISITATION shall take place on Wednesdays 6:00 pm to 8:00 pm and Sundays 11:00 am to 1:00 pm for three (3) months. Defendant shall PAY the whole amount of each supervised visitation hour. A REPORT shall be ISSUED. Order for Supervised Visitation at Family First Services EXECUTED and FILED IN OPEN COURT. A copy was provided to Defendant IN OPEN COURT. Copies shall be provided to both counsel.

11.) The DISCOVERY Hearing scheduled for 3/2/2022 shall STAND.

12.) A STATUS CHECK re: FMC Mediation, ATI Results, and Supervised Visitation Report set for 5/9/2022 at 11:00 a.m.

13.) The request for TRIAL shall be DEFERRED to the next hearing.

14.) ATTORNEY'S FEES and COSTS shall be DEFERRED.

Attorney Crome to prepare order. Attorney McConnell to review and sign off.

CLERK'S NOTE: Copies of the ATI, Family First, and FMC referrals were emailed to both counsel on 02/15/2022 (ah 02/18/2022).

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INTERIM CONDITIONS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

April 19, 2022

D-21-622669-C Mario Oipari, Plaintiff.
 vs.
 Kymberlie Hurd, Defendant.

April 19, 2022 10:00 AM All Pending Motions

HEARD BY: Henderson, Bill

COURTROOM: Courtroom 01

COURT CLERK: Michelle Cunningham

PARTIES:

Azlynn Oipari, Subject Minor, not present
Kymberlie Hurd, Defendant, Counter Pro Se
Claimant, present
Mario Oipari, Plaintiff, Counter Defendant, Chaka Crome, Attorney, present
present

JOURNAL ENTRIES

- MOTION TO SET ASIDE SUPERVISED VISITATION ORDER...DEFENDANT'S OPPOSITION TO PLAINTIFF'S COUNTERMOTION TO DECLARE DEFENDANT A VEXATIOUS LITIGANT, TO DISMISS DEFENDANT'S MOTION IN ITS ENTIRETY, AND FOR ATTORNEY'S FEES AND COSTS...DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION WITH EXHIBITS

Plaintiff and Attorney Crome were present via VIDEO CONFERENCE through the BlueJeans application. Defendant appeared IN PERSON.

Court reviewed the Motion, Opposition, Defendant's drug test results and noted his concerns.

Defendant stated she declared her prescriptions. Court stated the report stated she did not declare her prescriptions. Defendant state she did not drive drunk to her test as she had someone else drive her there.

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Defendant stated her daughter is regressing on her IEP, has been downgraded and kicked out of the school she was in because they do not support that IEP level. Defendant further stated she has been removed from all the minor child's records and now Plaintiff's girlfriend is taking the minor child to school and doctor's appointments. Defendant further stated the minor child had been potty trained but now has regressed.

Attorney Crome requested Defendant be found as a vexatious litigant. Attorney Crome further stated Defendant showed up to Plaintiff's home and called police claiming a disabled child was alone in the home or with a disabled grandmother. Attorney Crome represented the police did a well-check, stated there were plenty of people in the home and advised Defendant that if she continues to follow him and record him, that he can press charges for harassment or stalking.

Attorney Crome addressed the SSI funds, noting Defendant has not worked, has not responded to discovery, had placed a tracker on Plaintiff's car, jogs by Plaintiff's home, and everything she is doing shows she has a problem with the break-up and not getting the help she needs by enrolling in rehab or trying to benefit the minor child. Attorney Crome represented IEP is not before the Court but addressed what the school has said that the minor child is almost non-verbal and more one on one time would benefit the minor child.

Attorney Crome addressed accusations by Defendant that Plaintiff is a sexual predator and noted Defendant has filed subpoena's and false reports, when Defendant is at supervised visits Defendant takes the minor child into the bathroom multiple times and goes through all of the diapers during the visitation. Attorney Crome further stated Plaintiff informed her that the minor child now tells Plaintiff when she has to use the bathroom and uses the bathroom.

Court addressed the allegations against Defendant. Defendant stated she is trying to keep tabs on the minor child and tried to prove the girlfriend is doing everything. As to the accusations about the bathroom at supervised visits Defendant stated the minor child tells she has to go to the bathroom often so takes her into the restroom.

Court inquired why Defendant is not working and she stated because she needs to work on this case and that Plaintiff took the car he gave her so she does not have a vehicle.

COURT ORDERED the following:

1. The STATUS CHECK scheduled for 5/9/2022 shall be VACATED.
2. An EVIDENTIARY HEARING re: Custody shall be SET for 8/16/2022 at 1:30 p.m.

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3. Defendant's Motion to SET ASIDE Supervised VISITATION shall be DENIED. Defendant shall CONTINUE with SUPERVISED VISITATION and will NOT have to pay CHILD SUPPORT as long as she applies the monies towards her SUPERVISED VISITATION. Defendant's VISITATION times on Sundays shall be CHANGED to 4:00 p.m. through 6:00 p.m.

4. Plaintiff's Motion to DECLARE Defendant a VEXATIOUS LITIGANT shall not be ordered at this time, however, the Court will REVIEW the matters and notices there are EXCESSIVE pleadings filed are filed for an upcoming hearing, the Court will ISSUE a MINUTE ORDER indicating whether or not it has merit. If it CONTINUES UNABATED, the Court will have to go the VEXATIOUS LITIGANT route.

5. ATTORNEY'S FEES shall be DEFERRED.

6. Random DRUG TESTING shall CONTINUE one per month with Plaintiff fronting the COSTS. Attorney Crome shall continue to notify Defendant via LETTER. If Defendant is informed before 10:00 a.m. she shall TEST the same day. If Defendant is informed after 10:00 a.m. she will have until 12:00 p.m. the next day. If Defendant is CLEAN twice in a row, she shall NOT be tested for the third and fourth month prior to trial.

7. Defendant shall to try to get LEGAL ASSISTANCE. Defendant shall PRESENT the COURT'S ORDER urging LEGAL AID to provide Defendant an attorney.

8. The PRIOR Order regarding the SSI FUNDS shall REMAIN the Order.

9. Parties shall COMMUNICATE through email through Attorney Crome's office regarding the minor child ONLY and are required to RESPOND to one another.

10. Defendant shall GET A JOB.

11. Defendant shall STAY AWAY from Plaintiff's home unless invited.

Attorney Crome shall prepare the order from today's hearing. A copy of the minutes shall be provided to all parties.

CLERK'S NOTE: Copies of these Hearing Minutes were provided to all parties. (4/20/2022 - mlc)

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FUTURE HEARINGS: Aug 16, 2022 1:30PM Evidentiary Hearing
Evidentiary Hearing: RE: Custody
Courtroom 01 Henderson, Bill

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint**COURT MINUTES**

May 18, 2022

D-21-622669-C Mario Oipari, Plaintiff.
vs.
Kymberlie Hurd, Defendant.

**May 18, 2022 1:00 PM All Pending Motions -
HM**

HEARD BY: Young, Jay**COURTROOM:** Courtroom 08**COURT CLERK:** Michelle Cunningham**PARTIES:**

Azlynn Oipari, Subject Minor, not present

Kymberlie Hurd, Defendant, Counter Pro Se

Claimant, present

Mario Oipari, Plaintiff, Counter Defendant, Matthew Friedman, Attorney, not present
not present**JOURNAL ENTRIES**

- PLAINTIFF'S MOTION TO STRIKE DEFENDANT'S ANSWER AND COUNTERCLAIM, TO DISALLOW DEFENDANT FROM CALLING ANY WITNESSES AND/OR USING ANY EXHIBITS AT TRIAL, FOR CONTEMPT AND RELATED RELIEF...DEFENDANT KYMBERLIE JOY HURD'S OPPOSITION TO PLAINTIFF'S MOTION TO STRIKE DEFENDANT'S ANSWER AND COUNTERCLAIM, TO DISALLOW DEFENDANT FROM CALLING ANY WITNESSES AND/OR USING ANY EXHIBITS AT TRIAL, FOR CONTEMPT AND RELATED RELIEF...PLAINTIFF'S MOTION FOR A PROTECTIVE ORDER REGARDING DEFENDANT'S SUBPOENA TO THE CITY OF HENDERSON...DEFENDANT KYMBERLIE JOY HURD'S OPPOSITION TO PLAINTIFF'S MOTION FOR A PROTECTIVE ORDER REGARDING DEFENDANT'S SUBPOENA TO THE CITY OF HENDERSON AND TO DISMISS PLAINTIFF'S MOTION IN ITS ENTIRETY

Court and Attorney Crome appeared via BLUEJEANS. Defendant appeared IN PERSON.

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COURT NOTED there are two (2) motions on today.

Court advised Attorney Crome it does not have the power to grant the Motion to Strike as that power rests with the District Court. Court stated it would be happy to hear Attorney Crome's argument on the matter but he is inclined to suggest he would deny the motion without prejudice and allow her to file it in front of the District Court. Attorney Crome represented they discussed it at the last hearing so it is just for the Protective Order they are here.

Court addressed the second motion which is the Protective Order regarding Subpoena that was sent to the City of Henderson regarding Plaintiff's employment records from 2017 and addressed the counterclaim. Court inquired as to what Defendant is seeking, noting Defendant's fear of the minor child being abused by the Plaintiff in some way but does not know that Defendant has made the nexus between the fear and the documents that she hopes to get from the City of Henderson.

Attorney Crome stated they are up to nineteen (19) pages of the docket in this case and addressed Defendant's harassment of Plaintiff and stated it is not germane to what they are trying to resolve in this case. Attorney Crome represented the Judge has advised Defendant on what she can do to work on herself, Defendant has not made any disclosures, and believes Defendant should receive sanctions pursuant to Rule 37. Attorney Crome stated Defendant still has not responded to discovery responses. Attorney Crome asked that their motion be granted and that she be able to submit memo for fees and costs.

Defendant addressed Plaintiff's termination and stated Plaintiff has a handful of sexual assault allegations. Defendant stated she has been asked four (4) times by Attorney Crome to produce documents that Plaintiff has assaulted women and that is what she is trying to do. Defendant further stated she has made offers with no response or counterclaims. In addition, Defendant stated she does not want the allegations to be true but this is one of the most credible sources for her to back up her claims. Court requested Defendant explain what she has done regarding the allegations and if there is a motion before the Court regarding custodial issues. Defendant confirmed there is an evidentiary hearing scheduled in August for custody issues.

Attorney Crome confirmed they are trying to prepare for trial, there are no witnesses, and the only thing provided was text messages from 2017. Attorney Crome stated it was not until after Plaintiff got emergency sole legal and sole physical custody and Defendant's drug test results came back bad did she start searching for anything to try and get an equal standing and it is unfair to her client as they do not even have initial disclosures. Attorney Crome addressed medication/Defendant's mental health and discussed Defendant's ability to provide discovery responses.

Defendant stated Counsel is fabricating a lot and making allegations that are a lot of hearsay and feels

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their daughter is in a toxic environment. Defendant addressed letters and emails between herself, Attorney Crome and her past attorney, Jason Stoffel. Defendant requested the allegations being made stop unless she has something substantial to prove it and addressed the Facebook post provided by Attorney Crome.

Court advised Defendant it would not allow the subpoena to go forward, as Defendant has not shown the information is relevant and proportional to any claim or defense and has suggested but not pursued a theory that Plaintiff is a sexual predator. Had Defendant engaged in meaningful discovery, the Court might have had enough information that it would allow Plaintiff to obtain the documents and would do an in camera review and, if appropriate, he would have a Protective Order for the use of the documents as that is highly personal information and Defendant has given the Court no avenue to assist her. Because Defendant has refused to engaged in discovery, she has failed to meet the burden required to prevail on the motion.

Following further discussions and arguments, DISCOVERY COMMISSIONER made its FINDINGS and RECOMMENDED, the following:

1. Plaintiff's Motion to STRIKE is DENIED WITHOUT PREJUDICE.
2. Plaintiff's Motion for a Protective Order RE: the SUBPOENA is GRANTED.
3. Attorney Crome shall prepare and submit the REPORT and RECOMMENDATION (R&R) and share it with Defendant. Defendant will have forty-eight (48) hours to REVIEW the R&R and APPROVE it as to FORM and CONTENT. If Defendant FAILS to avail herself of that opportunity, Attorney Crome may submit the R&R WITHOUT Defendant's signature. Attorney Crome shall have until 6/1/2022 to return the R&R to the Court.
4. A STATUS HEARING re: Submission of Report & Recommendation shall be SET for 6/8/2022 at 1:30 PM. If the R&R is submitted, there shall be NO need to APPEAR and the matter shall be taken OFF CALENDAR.

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DISTRICT COURT
CLARK COUNTY, NEVADA

Child Custody Complaint

COURT MINUTES

August 16, 2022

D-21-622669-C Mario Opipari, Plaintiff.
vs.
Kymberlie Hurd, Defendant.

August 16, 2022 1:30 PM Evidentiary Hearing

HEARD BY: Henderson, Bill

COURTROOM: Courtroom 01

COURT CLERK: Luz Leal Santillan

PARTIES:

Azlynn Opipari, Subject Minor, not present	
Kymberlie Hurd, Defendant, Counter	Pro Se
Claimant, not present	
Mario Opipari, Plaintiff, Counter Defendant,	Chaka Crome, Attorney, present
present	

JOURNAL ENTRIES

- EVIDENTIARY HEARING: RE: CUSTODY

Plaintiff and Ms. Crome appeared IN PERSON.

No appearances by Defendant.

Courtroom clerk placed a call to Defendant. No response by Defendant.

Court NOTED Defendant filed a last minute motion to continue proceedings based on the faulty premise that no case conference or 16.1 was attempted but in fact, there was a rule 16 proceeding on February 15, 2022 and an order to that effect is filed. COURT FURTHER NOTED it is an erroneous representation and an unfounded attempt at a continuance and even if Defendant was present there would be no sensible reason to continue the matter. COURT NOTED Defendant has filed more than

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one appeal apparently not understanding the temporary orders therefore those appeals were summarily dismissed. Court stated that by no longer appearing for the supervised visitation, complying with the drug testing and by not appearing today, Defendant may have abandoned her desire to participate in this litigation.

Court reviewed the twelve (12) statutory factors.

Ms. Crome stated she reviewed Defendant's motion wherein she references not being able to review the Family First report however, Defendant's mother picked up a copy of the trial exhibits which included the report therefore having access to said report. Ms. Crome represented she tried calling Defendant yesterday to see if they can stipulate to exhibits but she was unable to get a hold of her. Ms. Crome further represented Defendant was well aware of today's hearing because the parties appeared via BlueJeans this morning for a small claim case hearing; both the Judge and Plaintiff mentioned today's evidentiary hearing. Ms. Crome stated a motion to compel was filed and Defendant was supposed to respond within seven (7) days of the order being entered but never responded. Additionally, Defendant did not file a pre-trial memo, never submitted initial disclosures, and failed to provide discovery responses.

Sworn testimony and Exhibits presented (see worksheet).

Ms. Crome stated their exhibit 4 was a stipulated behavioral order that was signed by counsel and Defendant but cannot find it entered into the case. Court stated it will file the behavioral order.

Based on the testimony presented, COURT STATED its FINDINGS pertaining to the best interest factors as follows:

- (a) As to the wishes of the child, this is NOT a FACTOR in this case;
- (b) As to the nomination by a parent or guardian, this is NOT a FACTOR in this case;
- (c) As to which parent is more likely to allow frequent associations, Court finds that based on Plaintiff's testimony and bolstered by Plaintiff's exhibits 50-56, it is established that FACTOR C is in Plaintiff's FAVOR;
- (d) As to the level of conflict between the parents, Court finds Plaintiff's testimony bolstered and supported by Plaintiff's exhibits 6-10,13-17, likewise exhibit 19 showed a canceling of a necessary medical appointment for the child by the Defendant purely as a power play, the Family First report exhibit 33, the police reports exhibit 37 and 38, and the complete pleadings and papers on the record support that FACTOR D is in Plaintiff's FAVOR;

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(e) As to the ability to cooperate to meet the needs of the child, incorporating by reference all the findings and exhibits in FACTORS C and D, Court finds that when Defendant seeks an accommodation, Plaintiff reasonably and readily agrees but Defendant on the other hand, is quite obstructionist. Plaintiff s testimony relative to the withholding is bolstered by Plaintiff s exhibits 48 through 56 supplemented by exhibit 23 which indicates a clear violation by the Defendant of the Court orders;

(f) As to the mental and physical health of the parent, Court finds FACTOR F heavily weighed IN FAVOR of the Plaintiff. In addition to incorporating by reference everything discussed in FACTORS C through E, the police incident reports and photographs exhibits 6-10 reflect Defendant being uncooperative and on the premises, exhibit 14 and 15 indicate a tracking and recording device, exhibit 16 and 17 reflecting Defendant s serious open criminal cases, exhibit 24 through 32 are the requests for drug tests and various documents surrounding drug usage, exhibit 13 Talking Parents report, exhibit 33 supervised visitation notes, exhibits 37 and 38 the police incident reports. The overall testimony and totality of the case and Defendant s own admission through the paperwork of serious depression issues which are very challenging and sometimes almost debilitating in day to day challenges. Court does find, without necessarily being in a position to diagnose Defendant, that there is some social, behavioral and adjustment issues as well as drug dependency , and depressive issues which impede her ability to effectively parent particularly when considered in conjunction with the totality of the records and all the findings in C through E;

(g) As to the physical, developmental and emotional needs of the child, Court finds FACTOR G weighs heavily in FAVOR of Plaintiff. Court heard testimony about the minor s medication, treatment, and Individualized Educational Plan (IEP). In addition to incorporating all the relevant findings in C through F, Exhibit 13 bate stamp MO000653 indicates medical refusal based on a special needs child. Defendant undermined the situation by picking up a prescription for the child when she is unable to administer the medication. Court finds that this is a malicious action that damages the minor since she needs the medication and Defendant has no use for the medication because the child is not in her care even on a supervised basis. Medical records exhibits indicate that for the most part Defendant is undermining the situation by canceling critical appointments and undermining the necessity of eye glasses for the minor. The Talking Parent report and the incident reports indicate Plaintiff went to get the minor s necessary medication and other treatment items which Defendant denied;

(h) As to the nature of the relationship between the minor and each parent, in addition to incorporating all the relevant findings in C through G, Court finds that the minor child looks at Plaintiff as the caregiver, as he is the caregiver, and minor has totally bonded to him in a very close and loving relationship;

(i) As to the ability of the child to maintain a relationship with any sibling, in addition to

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incorporating all the relevant findings in C through H, maintaining the child with the Plaintiff will maintain the bonds the minor has created with her half siblings and step siblings;

(j) As to any history of parental abuse or neglect of the minor or a sibling of the minor, the Court incorporates by reference everything already elucidated that s relevant from C to I and indicates that the totality of everything that s been determined clearly establishes parental abuse and neglect. FACTORS C through J are heavily IN FAVOR of the Plaintiff when we incorporate all the aforementioned exhibits and materials of the other factors;

(k) As to whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the minor, a parent of the minor or any other person residing with the minor, Court incorporates everything that s relevant from C to J including all the exhibits, criminal reports, etc. and the totality of that will justify the Court in making a finding by CLEAR and CONVINCING evidence that the mother has committed acts of domestic violence. FACTORS C through K are heavily IN FAVOR of the Plaintiff;

(l) As to whether either parent or any other person seeking physical custody has committed any act of abduction against the minor or any other minor, Court finds, to the extent that this is factor is meant to inquiry about obstruction or withholding, the totality of the record heavily FAVORS the Plaintiff.

COURT ORDERED the following:

1. Sole Legal Sole Physical CUSTODY shall be GRANTED to Plaintiff;

2. Based on Defendant apparently ABANDONING her interest in participating in this litigation plus not availing herself of the prior SUPERVISED CONTACT as well as NOT APPEARING for the last narcotic test will tend to indicate that she is not going cooperate with any SUPERVISED VISITATION ORDER. Therefore, until further order, Plaintiff will cooperate with Defendant s VISITATIONS on a SUPERVISED BASIS. Plaintiff will give Defendant enough notice so she can COORDINATE the SUPERVISED VISITATIONS through Family First;

3. Defendant was supposed to pay the SUPERVISED VISITATION in LIEU of SUPPORT, on a temporary basis; however there are NO SUPERVISED VISITATIONS at this time. Based on the FINDINGS and REPRESENTATIONS, Defendant can reasonably earn \$24.00 dollars an hour. The Court finds by CLEAR and CONVINCING evidence plus judicial recognition of the state of the economy, that \$24.00 an hour is a very supportable figure considering her EDUCATION and PAST WORK HISTORY, but to protect the record from any meaningful, rational, logical, attack or challenge, the Court is setting Defendant at \$15.00 an hour. Therefore, Defendant s CHILD SUPPORT OBLIGATION to Plaintiff shall be \$420.00 a month based on \$15.00 an hour effective September 1, 2022;

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4. Defendant owes CHILD SUPPORT ARREARS of \$3,360.00 (\$420.00 x 8 months). Effective September 1, 2022 and the 1st of each month thereafter, Defendant's CHILD SUPPORT OBLIGATION to Plaintiff shall be \$600.00 (\$420.00 principal + \$180.00 in arrears). Support can be ENFORCED by GARNISHMENT or ANY LAWFUL MEANS and Plaintiff may pursue that through the D.A. Family Support. Until the WAGE WITHHOLDING is in effect, Defendant shall make direct payments to Plaintiff;

5. Plaintiff shall CLAIM the DEPENDENT TAX DEDUCTION;

6. MEDICAID coverage shall CONTINUE and any amounts not covered shall be split pursuant to the 30/30 Rule;

The Court directed counsel to SUBMIT a Memorandum of Fees and Costs leaving a blank in the order for the Court to enter an amount. The custody order should refer back to the memorandum and the filing date;

7. IMMEDIATELY (as to the very next payment that is to be processed whether that is the September 1st payment or the October 1st payment) upon presentation of this ORDER to SOCIAL SECURITY DISABILITY (SSI), the payments are to immediately be ROUTED to the Plaintiff. Defendant must REIMBURSE Plaintiff \$6,681.00 for the SOCIAL SECURITY PAYMENTS for the months of 1/1/2022 through 8/31/2022 with the understanding that the September payment is ORDERED to be made directly to Plaintiff. Ms. Crome may prepare a separate order directed to SOCIAL SECURITY;

8. Until the \$841.00 SSI money is RE-ROUTED to Plaintiff and as long as it's still being collected by Defendant, the \$841.00 shall need to be taken out from the wage withholding.

Ms. Crome shall prepare the order from today's hearing.

INTERIM CONDITIONS:

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PLAINTIFF'S EXHIBIT SHEET
MARIO OPIPARI VS. KYMBERIE HURD

CASE NO.: D-21-622669-C

NO.	DESCRIPTION	BATES	OFFER	ADMISSION	OBJECTION	WITNESS
1	Mario's Financial Disclosure Form		8/10/22	8/10/22	NO	
2	Kymberlie's Financial Disclosure Form	MO000874- MO000883	8/10/22	8/10/22	NO	
3	Filed Proposed Holiday Schedule (Memorandum of Understanding) filed on December 30, 2021.		8/10/22	8/10/22	NO	
4	Proposed Behavior Order		8/10/22	8/10/22	NO	
5	Clark County School District's IEP for minor child	MO000410- MO000463	8/10/22	8/10/22	NO	
6	Henderson Police Department Incident Report dated October 29, 2020	MO000514- MO000516	8/10/22	8/10/22	NO	
7	Henderson Police Department Incident Report dated March 22, 2021	MO000517- MO000518	8/10/22	8/10/22	NO	
8	Henderson Police Department Incident Report dated October 22, 2021, 2021	MO000519- MO000521	8/10/22	8/10/22	NO	
9	Henderson Police Department Incident Report dated April 18, 2022, 2021	MO000493	8/10/22	8/10/22	NO	
10	Photographs of Defendant while remaining at Plaintiff's Home on April 18, 2022	MO000490- MO000491	8/10/22	8/10/22	NO	
11	Cost of Health Insurance for Minor Child Through Plaintiff's Employer	MO000522- MO000523	8/10/22	8/10/22	NO	
12	Photographs of Plaintiff and his family with the minor child	MO000830- MO000831, MO000834- MO000835	8/10/22	8/10/22	NO	
13	Talkingparents.com Conversations between parties	MO000566- MO000828	8/10/22	8/10/22	NO	

NO.	DESCRIPTION	BATES	OFFER	ADMISSION	OBJECTION	WITNESS
14 TB	Photographs of tracking devices placed on Plaintiff's vehicle and his fiancé's vehicle by Defendant	MO000558- MO000559	8/10/22	8/10/22	NO	
15 TB	Photographs of diaper bag with recording device turned on (placed by Defendant	MO000565, MO000560, MO000563	8/10/22	8/10/22	NO	
16 TB	Case Detail for Case Number 21CRH001184-0000, <i>State of Nevada vs Kymberlie Hurd</i> (open criminal complaint for theft).	MO000905- MO000908	8/10/22	8/10/22	NO	
17 TB	Case Detail for Case Number 22CRH000400-0000, <i>State of Nevada vs Kymberlie Hurd</i> (open criminal complaint for monitor private conversation).	MO000909	8/10/22	8/10/22	NO	
18 TB	State of Nevada- Division of Child and Family Services- Treatment Plan and Discharge of Minor Child	MO000841- MO000846	8/10/22	8/10/22	NO	
19 TB	Cancellation of Medical Appointment for minor child by Defendant	MO000840	8/10/22	8/10/22	NO	
20 TB	Social Security Administration Benefit Verification Letter dated February 11, 2022	MO000882- MO000883	8/10/22	8/10/22	NO	
21 TB	Plaintiff's w-2 for 2021	MO000494- MO000495	8/10/22	8/10/22	NO	
22 TB	Job Postings in Las Vegas, Nevada	MO000859- MO000861	8/10/22	8/10/22	NO	
23 TB	Extra-Curricular Activities that Defendant enrolled the minor child into in May 2022	MO000474- MO000477	8/10/22	8/10/22	NO	
24 TB	American Toxicology, Inc. Drug Test of Defendant collected on November 18, 2021.	MO000884	8/10/22	8/10/22	NO	

25	Letter from Crome Law Firm to Defendant dated March 7, 2022 requesting drug test on March 7, 2022	MO000885	8/14/22	8/14/22	NO	
NO.	DESCRIPTION	BATES	OFFER	ADMISSION	OBJECTION	WITNESS
26	American Toxicology, Inc. Drug Test of Defendant collected on March 7, 2022	MO000886	8/14/22	8/14/22	NO	
27	Letter from Crome Law Firm to Defendant dated April 15, 2022 requesting drug test on April 15, 2022	MO000887	8/14/22	8/14/22	NO	
28	American Toxicology, Inc. Drug Test of Defendant collected on April 15, 2022.	MO000888	8/14/22	8/14/22	NO	
29	Letter from Crome Law Firm to Defendant dated May 20, 2022 requesting drug test on May 20, 2022.	MO000889	8/14/22	8/14/22	NO	
30	American Toxicology, Inc. Drug Test of Defendant collected on May 20, 2022.	MO000890	8/14/22	8/14/22	NO	
31	Letter from Crome Law Firm to Defendant dated August 4, 2022 requesting drug test on August 4, 2022.	MO000895- MO000901	8/14/22	8/14/22	NO	
32	Communication from ATI that Defendant did not appear for her drug test on August 4, 2022.	MO001008- MO001009	8/14/22	8/14/22	NO	
33	Confidential Supervised Visitation Notes from Family First	MO000930- MO000942	8/14/22	8/14/22	NO	
34	Court minutes from February 15, 2022 Hearing	MO001001- MO001004	8/14/22	8/14/22	NO	

NO.	DESCRIPTION	BATES	OFFER	ADMISSION	OBJECTION	WITNESS
35 B	Letter from Crome Law Firm to Defendant granting permission to attend child's graduation (dated May 20, 2022).	MO001006- MO001007	8/14/22	8/14/22	NO	
36 B	Letter from Crome Law Firm to Defendant regarding visitation at Family First (dated June 1, 2022).	MO001005	8/14/22	8/14/22	NO	
37 B	Henderson Police Department Incident Report on January 14, 2022	MO001024	8/14/22	8/14/22	NO	
38 B	Henderson Police Department Incident Report on February 9, 2022	MO001025	8/14/22	8/14/22	NO	
39 B	Letter from Crome Law Firm to Defendant regarding discovery responses (dated June 23, 2022).	MO001018	8/14/22	8/14/22	NO	
40 B	Letter from Defendant to Crome Law Firm regarding discovery responses (dated June 24, 2022).	MO001019- MO001021	8/14/22	8/14/22	NO	
41 B	Plaintiff's First Request for Interrogatories to Defendant (served 11/1/2021)	MO000967- MO000985	8/14/22	8/14/22	NO	
42 B	Plaintiff's First Request for Production of Documents to Defendant (served 11/1/2021).	MO000943- MO000958	8/14/22	8/14/22	NO	
43 B	Plaintiff's Second Request for Production of Documents to Defendant (served 5/17/2022).	MO000959- MO000966	8/14/22	8/14/22	NO	
44 B	Notice of Entry of Order on Discovery Commissioner's Report and Recommendations (filed on March 30, 2022).	MO000524- MO000537	8/14/22	8/14/22	NO	

NO.	DESCRIPTION	BATES	OFFER	ADMISSION	OBJECTION	WITNESS
45 B	Notice of Entry of Order on Discovery Commissioner's Report and Recommendations (filed on July 6, 2022).	MO000538- MO000550	8/14/22	8/14/22	NO	
46 B	Letter from Crome Law Firm to Defendant regarding her unilateral enrollment of minor child into activities (dated May 16, 2022).	MO001010	8/14/22	8/14/22	NO	
47 B	Letter from Defendant to Crome Law Firm regarding her unilateral enrollment of minor child into activities (dated May 22, 2022).	MO001011- MO001017	8/14/22	8/14/22	NO	
48 B	Letter from Defendant to Crome Law Firm regarding missing visitation (dated June 24, 2022).	MO000986	8/14/22	8/14/22	NO	
49 B	Letter from Crome Law Firm to Defendant regarding Defendant missing visitation (dated June 30, 2022).	MO000987	8/14/22	8/14/22	NO	
50 B	Letter from Defendant to Crome Law Firm regarding missing visitation (dated July 1, 2022).	MO000988	8/14/22	8/14/22	NO	
51 B	Letter from Crome Law Firm to Defendant regarding Defendant missing visitation (dated July 5, 2022).	MO000989	8/14/22	8/14/22	NO	
52 B	Letter from Defendant to Crome Law Firm regarding rescheduling visitation (dated July 25, 2022).	MO000990	8/14/22	8/14/22	NO	
53 B	Letter from Crome Law Firm to Defendant regarding Defendant rescheduling visitation (dated July 25, 2022).	MO000991	8/14/22	8/14/22	NO	

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; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER FROM THE EVIDENTIARY HEARING; NOTICE OF ENTRY OF ORDER REGARDING THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER FROM THE EVIDENTIARY HEARING; DISTRICT COURT MINUTES; EXHIBITS LIST

MARIO OPIPARI,

Plaintiff(s),

vs.

KYMBERLIE JOY HURD,

Defendant(s),

Case No: D-21-622669*-C

Dept No: Dept. No.

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 18 day of October 2022.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk