

IN THE SUPREME COURT OF THE STATE OF NEVADA

KYMBERLIE JOY HURD,

Appellant,

vs.

MARIO OIPARI,

Respondent.

Supreme Court Case No. 85537

District Court Case No. D-21-62269-C

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Elizabeth A. Brown
Clerk of Supreme Court

**RESPONDENT’S OPPOSITION TO APPELLANT’S MOTIONS¹ FOR
STAY OF DISTRICT COURT PROCEEDINGS**

COMES NOW Respondent, MARIO OIPARI (hereinafter “Mario”), by and through his attorneys of record, Matthew H. Friedman, Esq., and Christopher B. Phillips, Esq. of the law firm Ford & Friedman who hereby submits the foregoing Opposition to Appellant KYMBERLIE JOY HURD’S (hereinafter “Kymberlie”) multiple Motions for Stay of District Court Proceedings.

This Opposition is made pursuant to NRAP 27(a)(3) and is based on the following Points and Authorities and the exhibits attached hereto.

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¹ Respondent is informed and believes that Kymberlie has mailed an Amended Motion for Stay to the Clerk of this Court that is not yet docketed. The existence of Kymberlie’s Amended Motion and the effect of the same is discussed below.

ARGUMENT

A. Mario's Opposition is Timely Filed

Pursuant to NRAP 27(3)(a), a response to a Motion filed in this Court must be filed within seven (7) days after service of the motion unless this Court shortens or extends the time for filing a response.

Here, it is unclear when Kymberlie served her Motion, or when Mario's Opposition to the same would be due. Notably, the certificate of service attached to Kymberlie's Motion indicates that she mailed her initial Motion to the undersigned counsel on December 22, 2022. However, Kymberlie's initial Motion was not file stamped by the Clerk until December 28, 2022, which would indicate that Kymberlie's Motion was actually mailed on December 28, 2022.² Assuming that Kymberlie's Motion was filed as of the day it was mailed pursuant to NRAP 25(a)(2)(b)(ii), it follows that Mario's Opposition would have been due on or before January 4, 2023.

However, on January 3, 2023, the day before Mario's Opposition would have been due, the undersigned counsel received electronic mail service from Kymberlie containing an Amended Motion for Stay. See email attached hereto as *Exhibit A*.³

² See NRAP 25(a)(2)(b)(ii) which provides that a document is timely filed if it is mailed to the Clerk of Court by first-class mail on or before the date it is due.

³ As of the time of filing this Opposition, it does not appear that the original copy of Kymberlie's Amended Motion for Stay has yet reached the Clerk's Office as the same is not yet showing as filed on the Court's online record/docket system. Thus,

Upon receipt of Kymberlie's Amended Motion, the undersigned counsel noticed that the service copy received via email was unsigned. Nonetheless, it is reasonable to believe that if Kymberlie took the time to prepare an Amended Motion and send the same to the undersigned counsel, then it follows that she intends for her Amended Motion to supersede her initial December 28, 2022 Motion for Stay.

To that end, the undersigned counsel was served with Kymberlie's Amended Motion on January 3, 2023. *See* NRAP 27(3)(a). Thus, Mario's response to the same is due on or before January 10, 2023. Therefore, this Opposition is timely filed as Mario and the undersigned counsel are informed and believe that Kymberlie is proceeding on an Amended Motion for Stay that will be filed with the Clerk of the Court upon postal delivery of the same.

B. Kymberlie Failed to Request a Stay from the District Court

NRAP 8(a)(1) provides that a party filing a Motion for Stay in this Court must first move the district court for a stay of the judgment or order being challenged on appeal. Here, Kymberlie has filed no such Motion with the district court. A copy of the district court's Register of Actions showing the absence of any such motion or request for stay is attached hereto as *Exhibit C*.

a courtesy copy of Kymberlie's Amended Motion attached hereto as *Exhibit B*. However, due to the voluminous nature of Kymberlie's Amended Motion, the 528 pages of exhibits attached thereto are omitted from this Opposition as Mario does not rely on the same to support the foregoing Opposition. The omitted exhibits can be supplemented should this Court request the same.

Additionally, neither Kymberlie's initial Motion nor her Amended Motion indicate that it would have been impracticable for her to first request a stay from the district court.

Thus, Kymberlie's request for a stay of the district court's final order is improperly plead before this Court.

C. Kymberlie's Motions Violate NRAP 27

This Court will recall that Kymberlie has a pattern and practice of disregarding this Court's rules requiring filings to be concise, accurate, and logically organized. Notably, this Court issued an order on December 23, 2022 striking Kymberlie's Fast Track Statement due to her failure to comply with the page limit set forth in NRAP 3E(d)(1). This Court's December 23, 2022 Order also noted that Kymberlie's fast track statement was not double spaced pursuant to NRAP 3E(d)(1). Unfortunately, Kymberlie's Motions for Stay suffer from the same deficiencies.

Notably, motions filed in this Court are limited to ten (10) pages. *See* NRAP 27(d)(2). Motions are also required to be double spaced. *See* NRAP 27(d)(1)(D).

Here, Kymberlie's initial Motion is sixteen (16) pages in length and is single spaced; and her Amended Motion – although corrected to be double spaced – is twenty-three (23) pages in length.

Thus, neither of Kymberlie's Motions comply with this Court's rules regarding the length and format for motions filed in this Court.

D. Kymberlie's Requested Relief Would Only Maintain the Status Quo as to Custody and Visitation

Notwithstanding the issues set forth above, it must also be noted that if this Court were to grant the requested relief, Kymberlie would be left in the same position regarding child custody and supervised visitation.

Specifically, Kymberlie's Motions seek to stay the district court's October 17, 2022 Findings of Fact, Conclusions of Law and Order from the Evidentiary Hearing, which awarded Mario with sole legal and sole physical custody of the parties' minor child. The district court's order also limited Kymberlie's contact with the minor child to supervised visitation. Here, Kymberlie seeks to stay that order pending the outcome of her appeal (assuming that she refiles a properly formatted fast track statement as set forth in this Court's December 23, 2022 Order Striking Fast Track Statement).

Yet, what Kymberlie fails to consider is that even if this Court were to stay the October 17, 2022 Order, the parties would thereby revert back to following the district court's prior May 19, 2022 custody order, wherein the district court denied Kymberlie's Motion to Set Aside the Emergency Orders for Sole Legal Custody and Sole Physical Custody. A copy of the district court's May 19, 2022 order is attached hereto as *Exhibit D*.

On this point, Mario also notes that the district court's May 19, 2022 Order (which was the custody order that preceded the order being challenged in this appeal) was the subject of a prior appeal in this Court. Notably, Kymberlie's prior appeal

was dismissed due to this Court's lack of jurisdiction to review a district court's temporary custody orders. See *Order Dismissing Appeal*, filed June 10, 2022, Case No. 84784.

Stated differently, Kymberlie's request to stay the district court's final custody order is only a thinly veiled attempt to circumvent the district court's order that Kymberlie's contact with the minor child be limited to supervised visitation. The fact of the matter is, staying the district court's final order would leave Kymberlie in the exact same position, because the district court has consistently held that it is in the child's best interest for Mario to have sole legal and sole physical custody of the minor child and for Kymberlie's visitation to be supervised.

Thus, it follows Kymberlie's requested relief should be denied as moot, because even if this Court were to ignore the other deficiencies outlined above and grant the requested stay, such an order would leave the parties in the same position, to wit: Mario would still have sole legal and sole physical custody, and Kymberlie's contact with the minor child would continue to be limited to supervised visitation pursuant to the district court's May 19, 2022 temporary custody order.

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CONCLUSION

For the foregoing reasons, Kymberlie's Motions are improperly before the Court because she failed to request any form of stay from the district court in the first instance. Additionally, Kymberlie's Motions do not comply with NRAP 27. Finally, Kymberlie's Motions seek a stay that would not result in any change in status with regards to the child custody or visitation. Even if the district court's order that is the subject of this appeal were stayed, Kymberlie cannot avoid the fact that the district court has consistently held – in multiple orders – that it is in the children's best interest for Mario to exercise sole legal and sole physical custody of the minor child subject to Kymberlie's supervised visitation.

As such, Kymberlie's Motions lack legal and factual support and her request for a stay should be denied.

Respectfully submitted this 5th day of January, 2023.

FORD & FRIEDMAN

Matthew H. Friedman

MATTHEW H. FRIEDMAN, ESQ.

Nevada Bar No. 11571

CHRISTOPHER B. PHILLIPS, ESQ.

Nevada Bar No. 14600

2200 Paseo Verde Parkway, Suite 350

Henderson, NV 89052

Attorneys for Respondent, Mario Oipari

CERTIFICATE OF SERVICE

I the undersigned hereby certify that on the 5th day of January, 2023, I served the above and foregoing *RESPONDENT'S OPPOSITION TO APPELLANT'S MOTIONS FOR STAY OF DISTRICT COURT PROCEEDINGS* by depositing a true and correct copy of the same in the U.S. Mail, postage prepared, addressed to Appellant as follows:

Kymberlie Joy Hurd
210 Red Coral Drive
Henderson, NV 89002

I further certify that a courtesy copy of the foregoing was also served upon Appellant via electronic mail addressed as follows:

Kymberlie Joy Hurd
KymberlieJoy@gmail.com

Tracy McAuliff

An employee of Ford & Friedman

EXHIBIT A

EXHIBIT A

Subject: Amended Motion For Stay

From: "Kymberlie Joy" <kymberliejoy@gmail.com>

Sent: 1/3/2023 8:01:02 PM

To: mfriedman@fordfriedmanlaw.com; cphillips@fordfriedmanlaw.com; "George, Tracy" <GeorgeT@clarkcountycourts.us>; "Alicia Woods" <alicia@cromelawfirm.com>; "Amy Patterson" <amy@cromelawfirm.com>; "Chaka Crome" <chaka@cromelawfirm.com>;

https://drive.google.com/file/d/1jrLubHHh7p9Xf7jAOzO34RL6CFVbiPnM/view?usp=share_link

Thank you for your time.

Kymberlie Joy Hurd

210 Red Coral Dr.

Henderson, NV 89002

Cell: 702-285-8149

KymberlieJoy@gmail.com

***"If you are always trying to be normal, you will never know how amazing you can be."
~Maya Angelou***

EXHIBIT B

EXHIBIT B

1
2 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

3
4 KYMBERLIE JOY HURD,
5 Appellant,

6 vs.

7 MARIO OPIPARI,
8 Respondent.

Supreme Court No.: 85537

District Court No.: D622669

AMENDED MOTION FOR STAY
(CHILD CUSTODY) OF DISTRICT
COURT PROCEEDINGS FOR
PARTIES WITHOUT ATTORNEYS
PURSUANT TO NRAP 8(d)

11 Appellant seeks a stay of the district court proceedings pending appeal. The
12 Order to be stayed is the Findings of Fact, Conclusions of Law and Order From
13 The Evidentiary Hearing filed, October 17, 2022. The notice of Appeal was filed
14 October 17, 2022 at 8:20 PM.

16 The requested Order(s) to be Stayed are as follows:

17 Awarding Mario Opipari ("Mario") sole legal and physical custody of minor
18 child. Awarding Mario full control to determine Kymberlie Joy Hurd's
19 ("Kymberlie") contact with minor child. For supervised visitations and requiring
20 Kymberlie to pay for and have supervised visitation at Family First. Imputing
21 income to Kymberlie. Awarding child support to Mario paid by Kymberlie in the
22 amount of \$420.00 starting September 1, 2022. Awarding child support arrears to
23 Mario of \$3,360.00 from January 1, 2022 to August 31, 2022 for an additional
24
25

1 \$180.00 a month. Awarding Mario the tax dependency credit for minor child.
2 Awarding attorney fees and costs. Awarding Mario to be minor child's
3 Representative Payee for SSI benefits. Requiring that Social Security payments be
4 routed from Kymberlie to Mario. Requiring Kymberlie to pay Mario the SSI
5 benefits received from January 1, 2022 to August 31, 2022 of \$6,681.00.
6

7 Appellant respectfully requests this Honorable Court to Grant Leave to file a
8 longer Motion For Stay. NRAP 27(a)(2). Appellant is unable to present all of the
9 pertinent facts and legal authorities that are necessary to understand the relevant
10 issues and violations of law and rights as they encompass over a year of procedure
11 and a gross amount of violations.
12

13 This Amended Stay has been diligently reviewed by Kymberlie to reduce
14 the page number in good faith. This motion already omits an extensive amount of
15 facts and legal arguments and was reduced to focus on what Kymberlie feels is the
16 most pertinent issues only as they relate to the factors required in NRAP 8(d).
17

18 **STATEMENT OF FACTS**

19 The Appellant, ("Kymberlie") and Respondent, ("Mario") have a minor child
20 together born May 19, 2016. The minor child was diagnosed in utero with
21 Trisomy 21 (Down Syndrome). The parties were never married. Parties were in a
22 relationship from approximately November 2009 to February 2021. Parties agreed
23 that Kymberlie would stay home and be the full-time caregiver to their minor
24
25

1 child. Kymberlie has been minor child's sole caregiver for 5.5 years, until the
2 unlawful Emergency Pick-Up Order For Return of Minor Child filed 1/11/2022
3 and executed on 1/12/2022.

4
5 Complaint was filed by Mario on 3/04/2021 and served upon Kymberlie April
6 15, 2021. The first hearing in this case was held on June 24, 2021. A Custody
7 Order was never signed and filed. Kymberlie's then-attorney, Jason Stoffel and
8 Mario's attorney, Chaka Crome, Esq. ("Ms. Crome") were unable to agree on the
9 wording in the draft order. Primarily this centered around the potentially harmful
10 repercussions of the wording "Joint" physical custody being formally entered into
11 an enforceable order. Minor child receives SSI and State Medicaid with
12 Kymberlie being the Representative Payee.

13
14 Plaintiff Mario Oipari's Emergency Motion for Enforcement of Order for a
15 Pickup Order, For Temporary Primary Physical Custody was filed on 11/15/2021.
16 Subsequent related filings were made and a hearing was held on November 18,
17 2021.

18
19 Based on untrue statements and misrepresentations made by Ms. Crome, the
20 Court granted permission for custody orders to be submitted without Kymberlie's
21 review or signature for current and all subsequent orders.

22
23 Plaintiff Mario Oipari's Emergency Ex Parte Motion for a Pickup Order for
24 the Return of the Minor Child was filed Friday, 1/07/2022 at 9:05pm (**Exhibit 1**)
25

1 without any service being made to Kymberlie. The Court signed and filed the
2 Emergency Pick-Up Order for Return of Minor Child on Tuesday, 1/11/2022 at
3 3:46pm without any hearing, NO findings of fact, NO conclusions of law, NO
4 evidence of Kymberlie being unfit, NO evidence that minor child was being
5 harmed, NO service of the Motion made to Kymberlie, NO prior custody orders
6 being signed and filed, and based on Kymberlie's lab results reported seven (7)
7 weeks prior (11/24/2021). (**Exhibits 2, 3**)

9 Hearings were held on February 15, 2022 and on April 19, 2022. These
10 resulted in numerous egregious violations of procedures, laws, statutes,
11 constitutional rights, and lack of the minor child's Best interests being considered,
12 heard, or acknowledged. Instead, decisions were made based on Ms. Crome's
13 egregious misrepresentations and arguments.

15 The temporary custody orders from the initial hearing on 6/24/2021 and the
16 next hearing on 11/18/2021 have never been filed. (**Exhibit 4**) The first custody
17 order(s) filed in this case was on 5/19/2022 (from the hearing held on April 19,
18 2022) (**Exhibit 5**) and 5/26/2022 (from the hearing held on February 15, 2022, 14
19 weeks prior) (**Exhibit 6**).

21 Appellant argues that the initial Emergency Motion and Order that gave Mario
22 sole custody are not valid as it was based on "Oral Rulings" and not on any
23 enforceable signed and filed Custody Orders.
24

1 An Evidentiary Hearing was held on Tuesday August 16, 2022. Kymberlie was
2 unaware that this hearing was in fact a trial for final custody orders. Kymberlie
3 was not present at this hearing and filed an Ex Parte Motion to Continue
4 Evidentiary Hearing on 8/16/2022 which was denied. (**Exhibit 7**)
5

6 The Court awarded Mario sole legal and physical custody of the minor child.
7 The Order was filed 10/17/2022 (**Exhibit 22; sub-exhibit 17**) and Kymberlie
8 appealed the same day. Kymberlie now files this Motion for Stay of district court
9 orders.
10

11 **EFFECT ON THE CHILD**

12 Kymberlie has been minor child's primary caregiver since birth and has been
13 to every appointment, activity, schooling, event, extracurricular activity, etc.
14 Minor child has gone from being cared for by one highly involved, high quality
15 engaging parent to no parents, as Mario defers all parenting responsibilities to his
16 significant other ("Kari").
17

18 Minor child was taken from Kymberlie's custody via Emergency Pick-Up
19 Order on 1/12/2022 and has not been returned as of this date, which has now been
20 one (1) year. This Order was not based on an actual emergency, or any findings of
21 fact and conclusions of law, and the best interests of the minor child were not even
22 considered.
23

24 Kymberlie is no longer permitted to contact or even know of minor child's
25

1 schooling, medical provider's, updates, milestones, where minor child is at or who
2 minor child is with, and receives NO pictures or videos of minor child's life,
3 development and growth. Essentially, Mario and the court have effectively
4 terminated Kymberlie's parental rights.

5
6 The minor child is suffering and her significant regression while in Mario's
7 custody will have a permanent impact in all areas of her development. Minor child
8 is no longer given the opportunity to thrive.

- 9
- 10 • Minor child was potty trained in Kymberlie's care and custody. While in
11 Mario's custody minor child is in diapers. Minor child is now 6 years old.
(Exhibit 8)
 - 12 • Minor child's IEP has been downgraded from **Developmental Delay to**
13 **Intellectual Disability**. (Exhibits 9, 10) Mario was permitted to hold minor
14 child's IEP without Kymberlie's knowledge or input despite Mario never being
involved with minor child's IEP before this date. IEP was secretly held
3/28/2022. (Exhibit 11)
 - 15 • This new IEP downgrades the minor child from **General Education to Self-**
16 **Contained** class.
 - 17 • Minor child has gone from being in general education 80% - 100% while in
Kymberlie's care and custody down to 34% while in Mario's custody.
 - 18 • Minor child has lost her spot at a Magnet School, Gordon McCaw STEAM
19 Academy, for the school year 2022-2023 due to this downgrade. (Exhibits 12,
20 13)
 - 21 • Minor child will now have limited options for quality schools within a school
district that is currently rated 48 out of 50. Minor child's school placement (C T
Sewell) is significantly worse than all her previous school placements.
 - 22 • Minor child's educational rights under IDEA are being violated by Mario.
23 Under § 1412 (a)(5) of U.S. Code Title 20, The least restrictive environment (LRE) is
part of the Individuals with Disability Education Act (IDEA). Children with disabilities
should be educated in general classes to the "maximum extent appropriate"
 - 24 • Minor child missed school and was taken to the doctor due to an Absence
25 Seizure she had while in school on May 3, 2022. Kymberlie was NEVER

1 notified of this EMERGENCY nor was Kymberlie permitted to talk to the
2 school and minor child's providers regarding this EMERGENCY MEDICAL
SITUATION. (**Exhibit 14**)

- 3 • Minor child has not been permitted to be actively and consistently involved
4 with her peers at various Down Syndrome & Special Needs events and with
5 Down Syndrome Organizations to the extent and level she was previously
accustomed to while in Kymberlie's care and custody.
- 6 • Minor child is not consistently involved with behavioral therapies and
7 interventions. When permitted to attend was with a third party (Kari) and
without a parent's involvement. Kymberlie was no longer permitted to attend
per Mario's request and the court's approval. (**Exhibit 15**)
- 8 • Minor child is primarily cared for by third-parties. Minor child has gone from
9 being solely cared for by Kymberlie, her mother, to primarily Kari, Mario's
significant other as Mario has abdicated his parental responsibilities. (**Exhibit**
10 **16**)
- 11 • Minor child is NOT consistently involved with extracurricular activities and is
12 no longer permitted to attend swimming classes, dance classes, sporting classes,
etc. with typical peers. (**Exhibit 17**)
- 13 • Minor child has NO involvement with Kymberlie's family and with minor
child's biological brother, Nelson. (**Exhibit 18**)
- 14 • Minor child's Emotional, Mental, Psychological, Medical, and Physical
15 Development has been significantly negatively affected while in Mario's
custody.
- 16 • Minor child is in danger of losing her long established State and Federal
17 Benefits under Mario's custody. Minor child's benefits have been based on
Kymberlie as she has been minor child's primary legal and physical custodian
18 since minor child's birth.
- 19 • The court has allowed Mario to deny visitations, medicals records, and all
information regarding the minor child.

20 **NRS 125C.005 (2)** Access to records and other information pertaining to a minor child,
21 including, without limitation, medical, dental and school records, must not be denied to a
parent for the reason that the parent is not the child's custodial parent.

- 22 • On Minor child's first day of school 8/08/2022 Mario and Kari advised
23 Kymberlie that she had no right to be there and that Kari was going to be minor
24 child's stepmom and would have all the parenting rights as Kymberlie's rights
are terminated. – This statement was made to Kymberlie while she was holding
25 minor child. Minor child did not want to let go of Kymberlie and was hugging
her tightly. Mario and Kari then yelled at Kymberlie to put the minor child

1 down as she didn't need to be held. (this is one example of many)

- 2 • Minor child is being emotionally neglected and emotionally abused.
- 3 • Minor child is being denied the affection and contact she needs, especially from her mother.
- 4 • Minor child will remain in a toxic and hostile environment if this Stay is not granted.

5
6 In the time period from 1/12/2022 (pick up order) to 8/16/2022 ("trial") Mario
7 slowly began to deny Kymberlie access to: medical and educational records and
8 information, communication with minor child, any updates regarding minor
9 child's development and over-all well-being.
10

11 Since the evidentiary hearing held on 8/16/2022, Mario has completely
12 severed all contact between minor child and Kymberlie. As of this filing
13 Kymberlie and minor child have not been allowed to see or even speak to each
14 other for *102* days. (**Exhibits 19, Exhibit 22; sub-exhibit 27**)
15

16 **EFFECT ON OTHER SIDE**

17 The other side will experience NO hardship if this Stay is granted.

18 The only person who is suffering is the minor child.
19

20 **SUCCESS ON APPEAL**

21 Appellant argues that without properly filed orders, subsequent Motions and
22 Orders cannot be acted upon.
23

24 "The district court's oral pronouncement from the bench, the clerk's minute order, and
25 even an unfiled written order are ineffective for any purpose and cannot be appealed."
Rust v. Clark Cty. School District, 103 Nev. 686, 689 (Nev. 1988)

1 Appellant argues that the Court failed to find Kymberlie unfit or establish minor
2 child was endangered or being harmed before awarding Mario Sole custody. The
3 Court also granted a third party, Kari, more rights and access to minor child than
4 Kymberlie. The initial error has now lead minor child to be without her mother for
5 one (1) year. Indeed, this “temporary” ruling will have detrimental and long term
6 devastating effects on minor child.
7

8 The “emergency” presented was from a drug test result reported back on
9 11/24/2021. Acting on those labs seven (7) weeks later is not consistent with that
10 of an emergency.
11

12 “Parents are constitutionally entitled to a hearing on their fitness before their children are
removed from their custody” *Stanley v. Illinois*, 405 U.S. 645, 92 S. Ct. 1208 (1972)

13 *Santosky v. Kramer*, 455 U.S. 745, 753 (1982) (discussing “[t]he fundamental liberty
14 interest of natural parents in the care, custody, and management of their child”)

15 “there is little doubt that such breaches in the familiar bond will be detrimental to a
16 child's well-being.” *Duchesne v. Sugarman*, 566 F.2d 817, 825 n.19 (2d Cir. 1977)

17 **Sole custody**, where one parent has exclusive control of every aspect of the child's life, is
18 unusual. If you do see it, it's likely to be where a court determines that the other parent is
unfit. Generally speaking, an "unfit parent" is one who, by reason of that parent's
19 character or conduct, fails to provide a child with proper care, guidance, and support.
(Nevada Revised Statutes §128.018.)

20 **NRS 128.005(1)** The Legislature declares that the preservation and strengthening of
family life is a part of the public policy of this State.
21

22 Kymberlie only realized that the hearing on August 16, 2022 was a “trial” once
23 Ms. Crome filed and served Mario’s Pretrial Memorandum on Thursday
24 8/11/2022.
25

1 The following is a timeline of events and communications prior to the “trial”
2 held on Tuesday August 16, 2022.

- 3 • Wednesday, 8/10/2022 at 12:00pm Filed and Served FDF (Mario)
- 4 • Wednesday, 8/10/2022 at 2:42pm Served Plaintiff’s 2nd Supplemental List of
- 5 Witnesses and Documents (460 pages)
- 6 • Thursday, 8/11/2022 at 10:43am Notified via e-mail from Susan Filon (Dept. R
- 7 Law Clerk) of receipt of the supervised visitation report from Family First and
- 8 can make an appointment to review it and make notes and/or can obtain a copy
- 9 during the evidentiary hearing but cannot keep it (13 pages)
- 10 • Thursday, 8/11/2022 at 2:06pm Notified via e-mail from Alicia Woods (Legal
- 11 Assistant to Ms. Crome) that Exhibit Binder will be available for pick up at
- 12 4:30pm
- 13 • Thursday, 8/11/2022 at 3:08pm Served Plaintiff’s 3rd Supplemental List of
- 14 Witnesses and Documents (143 pages)
- 15 • Thursday, 8/11/2022 at 3:57pm Filed and Served Mario Oipari’s Pretrial
- 16 Memorandum
- 17 • Thursday, 8/11/2022 at 5:00pm Filed and Served Corrected Mario Oipari’s
- 18 Pretrial Memorandum
- 19 • Thursday, 8/11/2022 at 6:06pm Served Exhibits 1-23
- 20 • Thursday, 8/11/2022 at 6:13pm Served Exhibits 24-40
- 21 • Thursday, 8/11/2022 at 6:23pm Served Exhibits 41-57
- 22 • Thursday, 8/11/2022 at 6:31pm Served Exhibit 58 (video, but can’t open or
- 23 view it)
- 24 • Friday, 8/12/2022 at 4:20pm Pick up Exhibit Binder (58 exhibits approximately
- 25 560 pages)
- Monday, 8/15/2022 at 8:32am Notified via e-mail by Ms. Crome of setting up a
- time that day to have settlement discussions and to agree to the submission of
- exhibits

22 The above timeline clearly demonstrates a lack of common courtesy and the
23 violation of numerous NRCP and EDCR rules. Kymberlie was not given a fair
24 opportunity to review all the documents and then submit her own documentation to
25

1 defend herself. Without a fair opportunity to review everything, Kymberlie was
2 not going to be able to present an adequate objection or defense.

3
4 Kymberlie began to do some research to file a request for a continuation of the
5 Evidentiary Hearing. Kymberlie discovered that many pretrial procedures were
6 not followed, hence her confusion and misunderstanding of the August 16, 2022
7 hearing.

8 **EDCR Rule 5.604(a)** state that at least seven (7) days before an evidentiary hearing if
9 there is no calendar call, attorneys shall meet to arrive at stipulations and agreements for
10 the purpose of simplifying the issues to be tried, and exchange final lists of exhibits and
11 the names and addresses of all witnesses (including experts) to be actually called or used
at trial. No new exhibits or witnesses are to be added, although previously disclosed
witnesses or exhibits may be eliminated, unless otherwise ordered.

12 **EDCR Rule 5.604 (b)** state that unless ordered, a pretrial memorandum must be filed and
served not less than 14 days before a hearing.

13 **EDCR Rule 5.605** Pretrial conferences and calendar call.

14 (a) At the request of the court or a party, the court may conduct one or more pretrial
conferences or a calendar call, or both.

15 (b) The court may resolve, or schedule a conference to resolve, any evidentiary,
procedural, scheduling, or other matters for trial, including prospects of settlement,
potential alternate methods of dispute resolution, readiness for trial, the exhibits to be
16 submitted, the witnesses (including experts) to be actually called, to any other matters.

17 (c) Unless otherwise directed by the court, each party must provide to the court and any
opposing party by the time of calendar call:

18 (1) All proposed exhibits, marked for identification; and

(2) A typed exhibit list, identifying all stipulated exhibits,

19 (d) Failure to attend a pretrial conference or calendar call or to provide the required
materials may result in imposition of sanctions.

20 **NRCP Rule 16(b)**

21 (1) Scheduling Order. Except in categories of actions exempted by local rule, the court
must, after consulting with the attorneys for the parties and any unrepresented parties by
22 a scheduling conference, case conference, telephone conference, or other suitable means,
enter a scheduling order.

23 (2) Time to Issue. The court must issue the scheduling order as soon as practicable, but
unless the court finds good cause for delay, the court must issue it within 60 days after:

24 (A) a Rule 16.1 case conference report has been filed; or

25 (B) the court waives the requirement of a case conference report under Rule
16.1(f).

1 **NRCP Rule 16.1(a)(3)**

2 (A) In General. In addition to the disclosures required by Rule 16.1(a)(1) and (2), a party
3 must provide to the other parties and promptly file the following information about the
4 evidence that it may present at trial, including impeachment and rebuttal evidence:.....

5 (B) Time for Pretrial Disclosures; Objections.

6 (i) Unless the court orders otherwise, these disclosures must be made at least 30
7 days before trial.

8 (ii) Within 14 days after they are made, unless the court sets a different time, a
9 party may serve and promptly file a list of the following objections:.....

10 **NRCP Rule 16.1(b)** Except as otherwise stated in this rule, all parties who have filed a
11 pleading in the action must participate in an early case conference.

12 **NRCP Rule 16.1(b)(2) Timing.**

13 (A) In General. The early case conference must be held within 30 days after service of
14 an answer by the first answering defendant. All parties who have served initial pleadings
15 must participate in the first case conference.

16 (B) Continuances. The parties may agree to continue the time for the early case
17 conference or a supplemental case conference for an additional period of not more than
18 90 days. The court, for good cause shown, may also continue the time for any case
19 conference. Absent compelling and extraordinary circumstances, neither the court nor the
20 parties may extend the time for the early case conference involving a particular defendant
21 to a date more than 180 days after service of the first answer by that defendant.

22 **NRCP 16.205(j)(1) Attendance at Early Case Conference.**

23 Within 45 days after service of an answer, the parties and the attorneys for the parties
24 must confer for the purpose of complying with Rule 16.205(d)..... The parties may
25 submit a stipulation and order to continue the time for the case conference for an
additional period of not more than 60 days, which the court may, for good cause shown,
enter. Absent compelling and extraordinary circumstances, neither the court nor the
parties may extend the time to a day more than 90 days after service of the answer.

NRCP 16.205(j)(3) Attendance at Case Management Conference.

The court must conduct a case management conference with counsel and the parties
within 90 days after the filing of the answer. The court, for good cause shown, may
continue the time for the case management conference. Absent compelling and
extraordinary circumstances, neither the court nor the parties may extend the time to a
day more than 120 days after filing of the answer.

“Litigants in a custody battle have the right to a full and fair hearing concerning the
ultimate disposition of a child. At a minimum, observance of this right requires that
before a parent loses custody of a child, the elements that serve as a precondition to a
change of custody must be supported by factual evidence. Furthermore, the party
threatened with the loss of parental rights must be given the opportunity to disprove the
evidence presented.” *Wiese v. Granata*, 110 Nev. 1410, 1412-13 (Nev. 1994)

1 The Court found that Kymberlie's Motion to Continue the Evidentiary Hearing
2 was "based on the faulty premise that no deadlines were set by the Court and that a
3 Rule 16.1 Conference was not held". The Order filed 10/17/2022 goes on to state
4 that "the Rule 16 proceedings occurred on February 15, 2022 [and that] there is an
5 Order setting trial dates and deadlines".
6

7 The Court states that Kymberlie's Motion "makes erroneous representations
8 and is an unfounded attempt at a continuance" and even if Kymberlie was present
9 there would be "no sensible reason" to continue the hearing. The court made a
10 finding that "there is no need to continue a trial unless there was something really
11 major that a continuance would flesh out and that it would be highly prejudicial
12 unless a continuance was granted. No such undertaking has been alleged. Instead,
13 Kymberlie just makes arguments in her pleading that there was no Rule 16
14 compliance, which is false".
15

16 Kymberlie's arguments for a fair trial were ignored and the Court proceeded to
17 conduct the "trial" without Kymberlie.
18

19 The court states that Kymberlie had filed more than one (1) appeal not
20 understanding these were temporary orders. Kymberlie had filed only one (1)
21 previous appeal on 5/24/2022.
22

23 The above points are presented to demonstrate an example of the extreme bias
24 and prejudice the Court displays against Kymberlie and the total disregard for
25

1 following the law and civil procedure. Upon a simple review of the district court
2 docket, it will demonstrate that Kymberlie's assertions are accurate. (**Exhibit 4**)

3
4 While an Order was filed 1/10/2022 for Notice of Order of Appearance for
5 NRCP 16.2 Case Management Conference, it was actually never held. There are
6 no case conference reports, scheduling orders, case management orders, etc. ever
7 filed and the docket will reflect this.

8 The Finding of Fact, Conclusions of Law and Order From The Evidentiary
9 Hearing filed 10/17/2022 does not contain any conclusions of law. The findings are
10 generic and the court merely processed through the best interest factors with little
11 to no regard of minor child's well-being.
12

13 The court does not make specific relevant findings nor does it tie in actual
14 substantial evidence. The court allowed Ms. Crome to determine the findings of
15 fact and the corresponding evidence for those findings.
16

17 District courts have broad discretion in child custody matters, but substantial evidence
18 must support the court's findings. *Ellis*, 123 Nev. at 149, 161 P.3d at 241-42. Substantial
evidence "is evidence that a reasonable person may accept as adequate to sustain a
judgment." *Id.* at 149, 161 P.3d at 242.

19 "In making a child custody determination, "the sole consideration of the court is the best
20 interest of the child," NRS 125.480(1). This is not achieved, as the district court seemed
21 to believe, simply by processing the case through the factors that NRS
125.480(4) identifies as potentially relevant to a child's best interest and announcing a
ruling. As the lead-in language to NRS 125.480(4) suggests, the list of factors in NRS
22 125.480(4) is nonexhaustive. *See* NRS 125.480(4) ("In determining the best interest of the
child, the court shall consider and set forth its specific findings concerning, *among other*
23 *things ...*") (emphasis added); *Ellis v. Carucci*, 123 Nev. 145, 152, 161 P.3d 239,
243 (2007) (in determining the best interest of a child, "courts should look to the factors
24 set forth in NRS 125.480(4) *as well as any other relevant considerations* ") (emphasis
added). Other factors, beyond those enumerated in NRS 125.480(4), may merit
25 consideration." *Davis v. Ewalefo*, 352 P.3d 1139, 1143 (Nev. 2015)

1 “Crucially, the decree or order must tie the child's best interest, as informed by specific,
2 relevant findings respecting the NRS 125.480(4) and any other relevant factors, to the
3 custody determination made. *Bluestein v. Bluestein*, — Nev. —, —, 345 P.3d
4 1044, 1049 (2015) (reversing and remanding a custody modification order for further
5 proceedings because “the district court abused its discretion by failing to set forth specific
6 findings that modifying the parties' custodial agreement to designate [mother] as primary
7 physical custodian was in the best interest of the child”); *see* NRS 125.510(5) (“Any order
8 awarding a party a limited right of custody to a child must define that right with sufficient
9 particularity to ensure that the rights of the parties can be properly enforced and that the
10 best interest of the child is achieved.”) (emphasis added); NRS
11 125C.010(1)(a) (identical, except it substitutes “a right of visitation of a minor child” for
12 “a limited right of custody”); *Smith v. Smith*, 726 P.2d 423, 426 (Utah 1986) (deeming it
13 “essential” that a custody determination set forth “the basic facts which show why that
14 ultimate conclusion is justified”). *Davis v. Ewalefo*, 352 P.3d 1139, 1143 (Nev. 2015)

15 “Moreover, the district court found that Sean refuted Lyudmyla's arguments and made
16 findings as to the exhibits provided, such that it appears the district court considered
17 Lyudmyla's arguments on their merits. While this court defers to the district court's
18 factual findings, *Ellis*, 123 Nev. at 149; 161 P.3d at 241-42, such factual findings must be
19 determined by the district court based on evidence presented. *See Nev. Ass'n Servs., Inc.*
20 *u. Eighth Judicial Dist. Court*, 130 Nev. 949, 957, 338 P.3d 1250, 1255 (2014) (noting
21 that arguments of counsel are not evidence and do not establish the facts of the case)”
22 *Abid v. Abid*, No. 82781-COA, 4 (Nev. App. Apr. 8, 2022).

23 Mario has not allowed Kymberlie and minor child to even speak to each other
24 via telephonic communication for over 112 days. While Mario argues that all
25 communications are to be through TalkingParents, this is not in the order filed
10/17/2022 and has no bearing regarding telephone conversations.

Mario has not made any attempts to communicate with Kymberlie or to
maintain a relationship between minor child and Kymberlie. Mario has not
allowed Kymberlie to see minor child since the “trial”. Mario argues that
Kymberlie can only see minor child through supervised visitations with Family
First.

1 This aspect of the Order is ambiguous as on page 16 it states supervised
2 visitations at Family First then page 17 states there is no supervised visitations at
3 this time. However, no actual facts and substantial evidence have been introduced
4 or found that would warrant Kymberlie ever having supervised visitations. While
5 too extensive to detail in this Stay, the report issued to the court from Family First
6 was not provided to adequately review by Kymberlie for defense and/or objections.
7 It was discovered that amongst extensive errors and inadequacies, the most
8 egregious fabrication is the omission of over 29 visitations. (**Exhibit 22; sub-**
9 **exhibits 18, 19, 20)**
10

11 12 **OTHER CIRCUMSTANCES**

13 Kymberlie has lost all her parental and constitutional rights due to one (1)
14 positive drug test result back on 11/18/2021. The Court ignores all allegations and
15 substantial documentation of abuse to Kymberlie and to minor child, and remains
16 focused on demeaning Kymberlie.
17

18 Mario and his attorneys have conducted themselves unprofessionally,
19 immorally, and unethically which has directly and negatively affected minor child.
20

21 Upon proper review of the exhibit binder, and now submitted evidence, Ms.
22 Crome submitted fabricated and altered evidence, as well as intentionally and
23 maliciously left out documents. Exhibit 50 of their trial binder is a letter from
24 Kymberlie in regards to visitation. Mario's version has an altered "Electronically
25

1 Served” stamp of 7/1/2022 3:05 PM. The letter is dated June 27, 2022 and was
2 served 6/27/2022 6:18 PM. (**Exhibit 22; sub-exhibits 21, 22, 23, 24**) Providing an
3 illegible medical document regarding minor child’s canceled Orthotic appointment
4 and testifying under oath that Kymberlie canceled the appointment purely as a
5 power play is yet another example of the harassment and attacks Kymberlie
6 constantly endures by Mario and his attorneys. Kymberlie sent a letter to Ms.
7 Crome dated and served July 26, 2022 explaining that minor child’s specialist
8 moved offices and re-scheduled. (**Exhibit 22; sub-exhibits 25, 26**)

10 Mario and his counsel are going to great lengths to isolate the minor child from
11 her mother, Kymberlie. Mario has filed (11/18/2022), via his attorney, Mr.
12 Friedman, and received a TPO (11/23/2022) against Kymberlie. Kymberlie was
13 served 12/02/2022. Upon receipt and review of the Application and Video
14 Transcript of the Hearing held 11/23/2022, Kymberlie discovered this Application
15 was fictitious. Mario and Kari filed false Declarations, and Mr. Friedman
16 blatantly lied to the Court regarding the facts and evidence. This was done to
17 intentionally side step the Supreme Court and to maliciously harass Kymberlie.
18
19 (**Exhibit 20**)

21 Kymberlie filed a Motion to Dissolve TPO on 12/09/2022 (**Exhibit 21**), Exhibit
22 Appendix in support of Respondent’s Motion to Dissolve TPO on 12/09/2022,
23 (**Exhibit 22**) and a State Bar of Nevada Complaint against Mr. Friedman on
24
25

1 12/20/2022. A hearing regarding the Motion to Dissolve TPO was scheduled for
2 December 27, 2022 at 2:00pm.

3 At this hearing Christopher Phillips ("Mr. Phillips) represented Mario, who
4 failed to appear. The Court filed an Order dissolving this TPO on 12/28/2022
5 (**Exhibit 23**) with its relevant findings.
6

7 Mr. Phillips continued to fabricate stories about Kymberlie and the facts of the
8 matter. While too extensive to detail in this motion, Appellant has acquired the
9 video transcripts of this hearing and the previous (11/18/2022) and will provide
10 them to this Court if needed/requested.

11 The most egregious fabrication made by Mr. Phillips was stating that
12 Kymberlie threatened to kill herself and minor child in a Facebook post. Upon
13 failure to substantiate his statement with any proof or evidence, the Court
14 admonished Mr. Phillips and Mario. The Court found that the request for TPO
15 made by Mario "was just another tool to further silence the Adverse Party
16 (Kymberlie) and place additional restrictions/impediments on having access to the
17 parties' daughter". The Court also found that Mr. Phillips arguments at this
18 hearing were not relevant and an attempt to make Kymberlie "look bad".
19
20

21 These type of unethical and unlawful tactics, upon many others, have been used
22 during the entire litigation process by Mario and all his attorneys. This has only
23 caused and necessitates tremendous harm upon minor child.
24
25

CONCLUSION

From the onset of this case, Mario has forced minor child into new family scenarios despite all her signs of not adjusting to it. With every indication of how minor child was displaying signs of trauma, Mario chose to isolate and cut off every avenue that Kymberlie had to discover the truth. When a parent works this hard to eliminate all contact, communication, and information, there is a serious cause for concern.

The violations and misapplications of law, are egregious, inordinate, and are being exacerbated with time. The district court is contradictory, unreliable, inconsistent, and highly biased. This is inducing substantial harm to the minor child and time is of the utmost crucial importance.

This is only compounded by Mario's newly retained counsel continually attacking Kymberlie instead of focusing on the minor child and her much needed relationship with her mother.

Mr. Friedman, via the TPO, had mandated that Kymberlie can only communicate through himself in regards to minor child. Yet, upon several letters Kymberlie has written to Mr. Friedman requesting contact with the minor child (12/02/2022, 12/08/2022, and 12/16/2022) (**Exhibits 22; sub-exhibit 37 & Exhibit 18**), the requests have been completely ignored.

There has been NO contact between Kymberlie and minor child in over **102**

1 days, not even for Thanksgiving, Kymberlie's birthday (12/06/2022), nor the
2 Christmas and New Year's Holidays.

3 "Justice Delayed is Justice Denied." This delay has been burdensome to
4 Kymberlie and the minor child. Minor child no longer has the affection, stability,
5 and routine schedule she had become accustomed to and is vital to her overall
6 development. The abuse and subsequent regression of minor child being allowed is
7 a Gross misconduct of Justice.
8

9 For the reasons explained above and in the pleadings and papers attached hereto
10 and on the record, Appellant requests minor child be returned to her primary care.
11

12
13 DATED this ____ day of January, 2023.

14
15 Pursuant to NRS 53.045, I declare under penalty
16 Of perjury that the foregoing is true and correct.

17
18 _____
19 Kymberlie Joy Hurd
20 210 Red Coral Dr.
21 Henderson, NV 89002
22 702-285-8149
23 KymberlieJoy@gmail.com
24 Appellant, In Proper Person
25

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1. I am the Appellant in the above-entitled action.
2. I have read the foregoing motion and know the contents thereof; that

s true of my own knowledge, except for those matters stated upon

ation and belief, and that as to those matters, I believe them to be true.

DATED this _____ day of January, 2023.

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DATED this _____ day of January, 2023.

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Chaka Crome, Esq.
Crome Law Firm
chaka@cromelawfirm.com, amy@cromelawfirm.com,
alicia@cromelawfirm.com

DATED this ____ day of January, 2023.

Page 23 of 23

EXHIBIT C

EXHIBIT C

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Location : Family Courts [Images](#) [Help](#)**REGISTER OF ACTIONS**CASE NO. D-21-622669-C**Mario Oipari, Plaintiff. vs. Kymberlie Hurd, Defendant.**§
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§Case Type: **Child Custody Complaint**Date Filed: **03/04/2021**Location: **Department R**Cross-Reference Case Number: **D622669**Supreme Court No.: **84784****85537****PARTY INFORMATION**

Counter Claimant **Hurd, Kymberlie Also Known As Hurd, Kymberlie Joy**
152 Judy LN
UNIT D
Henderson, NV 89015

Lead Attorneys
Pro Se

Counter Defendant **Oipari, Mario**
249 Hyssop Court
Henderson, NV 89015

Matthew H. Friedman
Retained
702-476-2400(W)

Defendant **Hurd, Kymberlie Also Known As Hurd, Kymberlie Joy**
152 Judy LN
UNIT D
Henderson, NV 89015

Pro Se

Plaintiff **Oipari, Mario**
249 Hyssop Court
Henderson, NV 89015

Matthew H. Friedman
Retained
702-476-2400(W)**Subject Minor Oipari, Azlynn Harlie****EVENTS & ORDERS OF THE COURT**

OTHER EVENTS AND HEARINGS			
03/04/2021	<u>Complaint for Custody</u>	Doc ID# 1	
	[1] Complaint for Custody and UCCJEA Declaration		
03/04/2021	<u>Request for Issuance of Joint Preliminary Injunction</u>	Doc ID# 2	
	[2] Request for Issuance of Joint Preliminary Injunction		
03/04/2021	Summons		
	Hurd, Kymberlie	Served	05/27/2021
03/04/2021	<u>Summons Electronically Issued - Service Pending</u>	Doc ID# 3	
	[3] Summons (Electronically Issued)		
03/05/2021	<u>Joint Preliminary Injunction</u>	Doc ID# 4	
	[4] Joint Preliminary Injunction		
05/07/2021	<u>Answer and Counterclaim - Divorce, Annulment, Separate Maint</u>	Doc ID# 5	
	[5] Answer to Complaint for Custody and UCCJEA Declaration and Counterclaim to Establish Custody, Child Support, Attorney's Fees and Other Related Relief		
05/07/2021	<u>Motion</u>	Doc ID# 6	
	[6] Plaintiff Mario Oipari Motion for Temprrary Orders Awarding Him Primary Physical Custody, Joint Legal Custody, Visitation, Child Support and Related Relief		
05/07/2021	<u>Family Ct. Motion Opp. Fee Info Sheet (attached to document)</u>		
	Motion/Opposition Fee Information Sheet		
05/14/2021	<u>FMC Request and Order for Mediation - NRS 3.475</u>	Doc ID# 7	
	[7] Request and Order for FMC Mediation- NRS 3.475		
05/17/2021	<u>Notice of Hearing</u>	Doc ID# 8	
	[8] Notice of Hearing		
05/18/2021	<u>Notice of Entry of Order</u>	Doc ID# 9	
	[9] Notice of Entry of Request and Order for FMC Request and Medication - NRS 3.475		
05/18/2021	<u>Amended Notice</u>	Doc ID# 10	
	[10] Amended Notice of Entry of Request and Order for FMC Request and Medication - NRS 3.475		
05/21/2021	<u>Financial Disclosure Form</u>	Doc ID# 11	
	[11] General Financial Disclosure Form (Confidential)		
05/21/2021	<u>Financial Disclosure Form</u>	Doc ID# 12	
	[12] General Financial Disclosure Form (Confidential)		
05/21/2021	<u>Opposition and Countermotion</u>	Doc ID# 13	
	[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 Hund		

05/26/2021 **Declaration Doc ID# 14**
[14] Declaration of Resident Witness

05/27/2021 **Affidavit of Service Doc ID# 15**
[15] Affidavit of Service of Complaint, Summons, Request for Joint Preliminary Injunction and Joint Preliminary Injunction

05/28/2021 **Financial Disclosure Form Doc ID# 16**
[16] General Financial Disclosure Form (Confidential)

05/28/2021 **Reply to Counterclaim Doc ID# 17**
[17] Reply to Counterclaim

06/22/2021 **Opposition and Countertermotion Doc ID# 18**
[18] Plaintiff Mario Oipari Opposition to Defendant's Countertermotion for Primary Physical Custody, to Relocate with the Child to Florida, for Child Support and for Attorney's Fees and Related Relief

06/22/2021 **Exhibits Doc ID# 19**
[19] Exhibit Appendix in Support of Plaintiff Mario Oipari's Opposition to Defendant's Countertermotion for Primary Physical Custody, to Relocate with the Child to Florida, for Child Support and for Attorney's Fees and Related Relief

06/23/2021 **Objection Doc ID# 20**
[20] Objection to Plaintiff's Supplemental Exhibits filed on June 22, 2021 and Request to Strike that Pleading.; Oral Argument Requested: Yes

06/23/2021 **Notice of Seminar Completion EDCR 5.302 Doc ID# 21**
[21] Notice of Seminar Completion

06/23/2021 **Notice of Seminar Completion EDCR 5.302 Doc ID# 22**
[22] Amended Notice of Seminar Completion

06/24/2021 **Motion (9:00 AM) (Judicial Officer Henderson, Bill)**
Plaintiff's Motion for Temporary Orders
Result: On for Status Check

06/24/2021 **Opposition & Countertermotion (9:00 AM) (Judicial Officer Henderson, Bill)**
Opposition & Countertermotion
Result: On for Status Check

06/24/2021 **Hearing (9:00 AM) (Judicial Officer Henderson, Bill)**
Reply to Countertermotion
Result: On for Status Check

06/24/2021 **All Pending Motions (9:00 AM) (Judicial Officer Henderson, Bill)**
Plaintiff Mario Oipari'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 Countertermotion 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 Oipari's Opposition to Defendant's Countertermotion for Primary Physical Custody, to Relocate with the Child to Florida, for Child Support and for Attorney's Fees and Related Relief
Parties Present
Minutes
Result: Matter Heard

06/24/2021 **Notice of Seminar Completion EDCR 5.302 Doc ID# 23**
[23] Mario Oipari's Certificate of Completion of Seminar for Separating Parents Pursuant to EDCR 5.302

09/15/2021 **Order Doc ID# 24**
[24] Consent Order for Withdrawal of Attorney for Defendant, Kymberlie Hurd

09/15/2021 **Notice of Entry of Order Doc ID# 25**
[25] Notice of Entry of Consent Order for Withdrawal of Attorney

09/17/2021 **Amended Order Doc ID# 26**
[26] Amended Consent Order for Withdrawal of Attorney for Defendant, Kymberlie Hurd

09/20/2021 **Notice of Entry of Order Doc ID# 27**
[27] Notice of Entry of Consent Order for Withdrawal of Attorney

09/20/2021 **Notice of Entry of Order Doc ID# 28**
[28] Notice of Entry of Consent Order for Withdrawal of Attorney

09/27/2021 **Application to Proceed in Forma Pauperis Doc ID# 29**
[29] Application to Proceed in Forma Pauperis (Confidential)

09/28/2021 **Order to Proceed In Forma Pauperis Doc ID# 30**
[30] Order to Proceed In Forma Pauperis (Confidential)

10/07/2021 **Stipulation and Order Doc ID# 31**
[31] Stipulation to Continue Settlement Conference and Return Hearing

10/08/2021 **Notice of Entry of Stipulation and Order Doc ID# 32**
[32] Notice of Entry of Stipulation and Order to Continue Settlement Conference and Return Hearing

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

11/15/2021 **Motion Doc ID# 33**
[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

11/15/2021 **Notice of Hearing Doc ID# 34**
[34] Notice of Hearing

11/15/2021 **Ex Parte Application Doc ID# 35**
[35] Plaintiff Mario Oipari'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

11/16/2021 **Order Shortening Time Doc ID# 36**
[36] Order Shortening Time

11/16/2021 **Notice of Entry Doc ID# 37**
[37] Notice of Entry of Order Regarding the Order Shortening Time

11/16/2021 **Exhibits Doc ID# 38**
[38] Exhibit Appendix in Support of 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

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
Result: 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

Result: 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
Parties Present
Minutes

Result: Matter Heard

11/18/2021 **Affidavit of Service** **Doc ID# 39**
 [39] Affidavit of Service

12/30/2021 **Order** **Doc ID# 40**
 [40] Proposed Holiday Schedule (Memorandum of Understanding)

01/07/2022 **Ex Parte Motion** **Doc ID# 41**
 [41] Plaintiff Mario Opipari's Emergency Ex Parte Motion for a Pickup Order for the Return of the Minor Child

01/10/2022 **Family Court Motion Opposition Fee Information Sheet** **Doc ID# 42**
 [42] Motion/Opposition Fee Information Sheet

01/10/2022 **NRCP 16.2 Case Management Conference Order** **Doc ID# 43**
 [43] Notice of Order of Appearance for: NRCP 16.2 Case Management Conference (Divorce/Dissolution) or NRCP 16.205 Early Case Evaluation (Custody/Visitation/Paternity)

01/10/2022 **Motion to Compel** **Doc ID# 44**
 [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

01/10/2022 **Exhibits** **Doc ID# 45**
 [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

01/11/2022 **Order** **Doc ID# 46**
 [46] Emergency Pick-up Order for Return of Minor Child

01/11/2022 **Notice of Entry of Order** **Doc ID# 47**
 [47] Notice of Entry of Order Regarding Emergency Pick-up Order for Return of Minor Child

01/12/2022 **Notice of Entry of Order** **Doc ID# 48**
 [48] Corrected Notice of Entry of Order Regarding Emergency Pick-up Order for Return of Minor Child

01/12/2022 **Notice of Hearing** **Doc ID# 49**
 [49] Notice of Hearing

01/14/2022 **Motion to Set Aside** **Doc ID# 50**
 [50] Motion and Notice of Motion to Set Aside Order, Judgment, and/or Default

01/14/2022 **Ex Parte Motion** **Doc ID# 51**
 [51] Ex Parte Motion for an Order Shortening Time

01/18/2022 **Notice of Rescheduling of Hearing** **Doc ID# 52**
 [52] Rescheduled Notice of Hearing-Discovery

01/18/2022 **Exhibits** **Doc ID# 53**
 [53] Exhibit Appendix

01/18/2022 **Notice of Rescheduling of Hearing** **Doc ID# 54**
 [54] Rescheduled Notice of Hearing - Discovery

01/19/2022 **Motion** **Doc ID# 55**
 [55] Motion and Notice of Motion for Temporary Custody, Visitation, Child Support, Spousal Support, and/or Exclusive Possession

01/20/2022 **Notice of Hearing** **Doc ID# 56**
 [56] Notice of Hearing

01/20/2022 **Clerk's Notice of Nonconforming Document** **Doc ID# 57**
 [57] Clerk's Notice of Nonconforming Document

01/20/2022 **Motion to Set Aside** **Doc ID# 58**
 [58] Motion and Notice of Motion to Set Aside Order, Judgment, and/or Default

01/24/2022 **Exhibits** **Doc ID# 59**
 [59] Exhibit Appendix

01/24/2022 **Exhibits** **Doc ID# 60**
 [60] Exhibit Appendix

01/28/2022 **Ex Parte Motion** **Doc ID# 61**
 [61] Ex Parte Motion for an Order Shortening Time

01/31/2022 **Exhibits** **Doc ID# 62**
 [62] Exhibit Appendix

01/31/2022 **Order Shortening Time** **Doc ID# 63**
 [63] Order Shortening Time

02/01/2022 **Notice of Entry of Order/Judgment** **Doc ID# 64**
 [64] Notice of Entry of Order/Judgment

02/04/2022 **Minute Order** (12:15 PM) (Judicial Officer Young, Jay)
Minutes

Result: 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

02/10/2022 **Opposition to Motion** **Doc ID# 65**
 [65] Plaintiff Mario Opipari's Opposition to Defendant's Motion to Set Aside Order, Judgment, and/or Default and Countermotion for Attorney's Fees and Related Relief

02/10/2022 **Opposition to Motion** **Doc ID# 66**
 [66] Corrected Plaintiff Mario Opipari's Opposition to Defendant's Motion to Set Aside Order, Judgment, and/or Default and Countermotion for Attorney's Fees and Related Relief

02/10/2022 **Miscellaneous Filing** **Doc ID# 67**
 [67] Plaintiff Mario Opipari's Insurance Coverage Information to Add Minor Child to Policy

02/10/2022	<u>Opposition and Countermotion</u> Doc ID# 68 [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
02/11/2022	<u>Financial Disclosure Form</u> Doc ID# 69 [69] General Financial Disclosure Form (Confidential)
02/11/2022	<u>Notice of Change of Address</u> Doc ID# 70 [70] Notice of Change of Address
02/11/2022	<u>Notice of Appearance</u> Doc ID# 71 [71] Notice of Intent to Appear in an Unbundled Capacity on Behalf of Defendant Via Electronic Means
02/13/2022	<u>Exhibits</u> Doc ID# 72 [72] Exhibits Appendix
02/13/2022	<u>Exhibits</u> Doc ID# 73 [73] Exhibit Appendix
02/14/2022	<u>Exhibits</u> Doc ID# 74 [74] Exhibit Appendix
02/15/2022	Status Check (9:00 AM) (Judicial Officer Henderson, Bill) 02/17/2022 Reset by Court to 02/15/2022 Result: 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 Result: 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 Result: 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 Result: 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 Result: On for Status Check
02/15/2022	<u>All Pending Motions</u> (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 Parties Present Minutes Result: Matter Heard
02/15/2022	<u>Order for Family Mediation Center Services</u> Doc ID# 75 [75] Order for Family Mediation Center Services
02/15/2022	<u>Order for Supervised Visitation</u> Doc ID# 76 [76] Order for Supervised Visitation at Family First Services
02/23/2022	<u>Miscellaneous Filing</u> Doc ID# 77 [77] Henderson Police Department Incident Report for 02/09/2022
02/28/2022	<u>Discovery Commissioners Report and Recommendations</u> Doc ID# 78 [78] Discovery Commissioner's Report and Recommendations
03/02/2022	CANCELED Status Check - HM (1:30 PM) (Judicial Officer Young, Jay) Vacated Submission of Discovery R&R
03/03/2022	<u>Motion to Set Aside</u> Doc ID# 79 [79] Motion and Notice of Motion to Set Aside Order, Judgment, and/or Default
03/05/2022	<u>Notice of Hearing</u> Doc ID# 80 [80] Notice of Hearing
03/08/2022	<u>Ex Parte Motion</u> Doc ID# 81 [81] Defendant Kymberlie Joy Hurd's Emergency Ex Parte Motion for a Pickup Order for the Return of Minor Child
03/08/2022	<u>Ex Parte Motion</u> Doc ID# 82 [82] Defendant Kymberlie Joy Hurd's Emergency Ex Parte Motion for a Pickup Order for the Return of Minor Child
03/11/2022	<u>Ex Parte Motion</u> Doc ID# 83 [83] Ex Parte Motion For An Order Shortening Time
03/14/2022	<u>Objection to Discovery Commissioners Report and Recommend</u> Doc ID# 84 [84] Defendant Kymberlie Joy Hurd's Objection to Discovery Commissioner's Report and Recommendations
03/15/2022	<u>Application to Proceed in Forma Pauperis</u> Doc ID# 85 [85] Application and Affidavit to Proceed in Forma Pauperis (Recording or Transcript Fees) (Confidential)
03/22/2022	<u>Order to Proceed In Forma Pauperis</u> Doc ID# 86 [86] Order to Proceed in Forma Pauperis (Recording or Transcript Service) (Confidential)
03/22/2022	<u>Opposition</u> Doc ID# 87 [87] Plaintiff Mario Oipari Opposition to Defendant's Objection to Discovery Commissioner's Report and Recommendations
03/22/2022	<u>Family Court Motion Opposition Fee Information Sheet</u> Doc ID# 88 [88] Motion/Opposition Fee Information Sheet
03/23/2022	<u>Opposition and Countermotion</u> Doc ID# 89 [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
03/25/2022	<u>Ex Parte Motion</u> Doc ID# 90 [90] Ex Parte Motion for an Order Shortening Time
03/28/2022	<u>Order Shortening Time</u> Doc ID# 91 [91] Order Shortening Time

03/28/2022 Order **Doc ID# 92**
[92] Order on Discovery Commissioner's Report and Recommendations

03/29/2022 Notice **Doc ID# 93**
[93] Notice of Intent to Serve Subpoena

03/29/2022 Subpoena Duces Tecum **Doc ID# 94**
[94] Subpoena - Duces Tecum (Records May be Mailed in Lieu of Appearance)

03/30/2022 Notice of Entry **Doc ID# 95**
[95] Notice of Entry of Order on Discovery Commissioner's Report and Recommendations

04/03/2022 Opposition **Doc ID# 96**
[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

04/03/2022 Notice of Hearing **Doc ID# 97**
[97] Notice of Hearing

04/04/2022 Exhibits **Doc ID# 98**
[98] Exhibit Appendix in Support of 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

04/05/2022 Notice of Entry of Order **Doc ID# 99**
[99] Notice of Entry of Order

04/05/2022 Reply to Opposition **Doc ID# 100**
[100] Defendant Kymberlie Joy Hurd's Reply to Plaintiff's Opposition to Defendant's Emergency Ex Parte Motion for a Pickup Order for the Return of Minor Child

04/05/2022 Motion **Doc ID# 101**
[101] Plaintiff's Motion for a Protective Order Regarding Defendant's Subpoena to the City of Henderson

04/07/2022 Notice of Hearing **Doc ID# 102**
[102] Notice of Hearing

04/07/2022 Estimate of Transcript **Doc ID# 103**
[103] Estimated Cost of Transcript(s)

04/07/2022 Affidavit of Service **Doc ID# 104**
[104] Affidavit of Service

04/07/2022 Motion to Strike **Doc ID# 105**
[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

04/07/2022 Exhibits **Doc ID# 106**
[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

04/07/2022 Objection **Doc ID# 107**
[107] Objection to Subpoena Duces Tecum to the City of Henderson Human Resources Department

04/08/2022 Notice of Hearing **Doc ID# 108**
[108] Notice of Hearing

04/08/2022 Withdrawal of Attorney **Doc ID# 109**
[109] Withdrawal of Attorney for Defendant

04/08/2022 Ex Parte Motion **Doc ID# 110**
[110] Ex Parte Motion to Continue Hearing Scheduled on April 12, 2022, at 1:30 p.m.

04/08/2022 Order **Doc ID# 111**
[111] Order to Continue Hearing Scheduled on April 12, 2022

04/09/2022 Re-Notice of Motion **Doc ID# 112**
[112] Re-Notice of Motion

04/11/2022 Notice of Entry **Doc ID# 113**
[113] Notice of Entry of Order Regarding the Order to Continue Hearing Scheduled on April 12, 2022

04/14/2022 Exhibits **Doc ID# 114**
[114] Exhibit Appendix in Support of Defendant Kymberlie Joy Hurd's Emergency Ex Parte Motion for a Pickup Order for the Return of Minor Child filed March 8, 2022

04/16/2022 Supplemental **Doc ID# 115**
[115] Defendant Kymberlie Joy Hurd's Supplemental Argument to Emergency Ex Parte Motion for a Pickup Order for the Return of Minor Child

04/16/2022 Supplemental Exhibits **Doc ID# 116**
[116] Exhibit Appendix in Support of Defendant Kymberlie Joy Hurd's Supplemental Argument to Emergency Ex Parte Motion for a Pickup Order for the Minor Child

04/18/2022 Opposition to Motion **Doc ID# 117**
[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

04/18/2022 Opposition to Motion **Doc ID# 118**
[118] 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

04/18/2022 Opposition to Motion **Doc ID# 119**
[119] Defendant Kymberlie Joy Hurd's Opposition to Plaintiff's Objection to Subpoena Duces Tecum to the City of Henderson Human Resources Department

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
Result: 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
Result: 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
Result: Evidentiary Hearing

04/19/2022	<u>All Pending Motions</u> (10:00 AM) (Judicial Officer Henderson, Bill) <i>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</i> <u>Parties Present</u> <u>Minutes</u> Result: Matter Heard
04/19/2022	<u>Financial Disclosure Form</u> Doc ID# 120 [120] General Financial Disclosure Form (Confidential)
04/26/2022	<u>Application to Proceed in Forma Pauperis</u> Doc ID# 121 [121] Application and Affidavit to Proceed in Forma Pauperis (Recording or Transcript Fees) (Confidential)
05/04/2022	<u>Estimate of Transcript</u> Doc ID# 122 [122] Estimate of Transcript(s)
05/06/2022	<u>Order to Proceed In Forma Pauperis</u> Doc ID# 123 [123] Order to Proceed in Forma Pauperis (Recording or Transcript Service) (Confidential)
05/09/2022	<u>CANCELED Status Check</u> (11:00 AM) (Judicial Officer Henderson, Bill) Vacated - per Judge Re: FMC
05/10/2022	<u>Reply to Opposition</u> Doc ID# 124 [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
05/11/2022	<u>Objection</u> Doc ID# 125 [125] Objection to Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion for a Protective Order Regarding Defendant's Subpoena to City of Henderson filed on May 10, 2022 and Request to Strike that Pleading
05/18/2022	<u>Motion</u> (1:00 PM) (Judicial Officer Young, Jay) <i>Plaintiff's Motion for a Protective Order Regarding Defendant's Subpoena to the City of Henderson</i> Result: Granted
05/18/2022	<u>Motion to Strike</u> (1:00 PM) (Judicial Officer Young, Jay) <i>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> Result: Denied
05/18/2022	<u>Opposition</u> (1:00 PM) (Judicial Officer Young, Jay) <i>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> Result: Denied
05/18/2022	<u>Opposition</u> (1:00 PM) (Judicial Officer Young, Jay) <i>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> Result: Granted
05/18/2022	<u>All Pending Motions - HM</u> (1:00 PM) (Judicial Officer Young, Jay) <i>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</i> <u>Parties Present</u> <u>Minutes</u> Result: Matter Heard
05/19/2022	<u>Order</u> Doc ID# 126 [126] Order
05/19/2022	<u>Notice of Entry of Order</u> Doc ID# 127 [127] Notice of Entry of Order Regarding Hearing on April 19, 2022
05/24/2022	<u>Notice of Appeal</u> Doc ID# 128 [128] Notice of Appeal
05/24/2022	<u>Certificate of Service</u> Doc ID# 129 [129] Certificate of Service
05/25/2022	<u>Case Appeal Statement</u> Doc ID# 130 [130] Case Appeal Statement
05/26/2022	<u>Order</u> Doc ID# 131 [131] Order After 2/15/22 Hearing
05/26/2022	<u>Notice of Entry</u> Doc ID# 132 [132] Notice of Entry of Order Regarding Hearing on February 15, 2022
06/03/2022	<u>Notice of Change of Hearing</u> Doc ID# 133 [133] Notice of Change of Hearing
06/06/2022	<u>Discovery Commissioners Report and Recommendations</u> Doc ID# 134 [134] Discovery Commissioner's Report and Recommendations
06/15/2022	<u>CANCELED Status Check - HM</u> (1:30 PM) (Judicial Officer Young, Jay) Vacated Submission of Report and Recommendation 06/08/2022 Reset by Court to 06/15/2022
06/15/2022	<u>Estimate of Transcript</u> Doc ID# 135 [135] Estimate of Transcript(s)
07/06/2022	<u>Order</u> Doc ID# 136 [136] Order on Discovery Commissioner's Report and Recommendations
07/06/2022	<u>Notice of Entry of Order</u> Doc ID# 137 [137] Notice of Entry of Order on Discovery Commissioner's Report and Recommendations
07/07/2022	<u>NV Supreme Court Clerks Certificate/Judgment - Dismissed</u> Doc ID# 138 [138] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed
07/26/2022	<u>Notice</u> Doc ID# 139 [139] Notice of Unavailability of Counsel
08/03/2022	<u>Ex Parte Motion</u> Doc ID# 140 [140] Defendant Kymberlie Joy Hurd's Emergency Ex Parte Motion for an Order to Enforce Visitations 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

08/03/2022	<u>Exhibits</u> Doc ID# 141 [141] Exhibit Appendix in Support of Defendant Kymberlie Joy Hurd's Emergency Ex Parte Motion for an Order to Enforce Visitations 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
08/03/2022	<u>Supplement</u> Doc ID# 142 [142] Supplement to Defendant Kymberlie Joy Hurd's Emergency Ex Parte Motion for an Order to Enforce Visitations 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
08/04/2022	<u>Certification of Transcripts Notification of Completion</u> Doc ID# 143 [143] Certification of Transcripts/Notification of Completion
08/04/2022	<u>Transcript of Proceedings</u> Doc ID# 144 [144] Transcript of Hearing Held on June 24, 2021
08/04/2022	<u>Transcript of Proceedings</u> Doc ID# 145 [145] Transcript of Hearing Held on November 18, 2021
08/04/2022	<u>Transcript of Proceedings</u> Doc ID# 146 [146] Transcript of Hearing Held on February 15, 2022
08/04/2022	<u>Final Billing of Transcript</u> Doc ID# 151 [151] Final Billing of Transcripts
08/04/2022	<u>Receipt of Copy</u> Doc ID# 152 [152] Receipt of Copy
08/10/2022	<u>Financial Disclosure Form</u> Doc ID# 147 [147] General Financial Disclosure Form (Confidential)
08/11/2022	<u>Pre-trial Memorandum</u> Doc ID# 148 [148] Plaintiff Mario Opipari's Pretrial Memorandum
08/11/2022	<u>Pre-trial Memorandum</u> Doc ID# 149 [149] Corrected Plaintiff Mario Opipari's Pretrial Memorandum
08/16/2022	<u>Evidentiary Hearing (1:30 PM) (Judicial Officer Henderson, Bill)</u> <u>Parties Present</u> <u>Minutes</u> Result: Custody of Minor Decided
08/16/2022	<u>Ex Parte Motion</u> Doc ID# 150 [150] Ex Parte Motion to Continue Evidentiary Hearing Scheduled For August 16, 2022 at 1:30 P.M.
08/31/2022	<u>Notice of Appearance</u> Doc ID# 153 [153] Notice of Appearance of Counsel for Plaintiff
09/07/2022	<u>Transcript of Proceedings</u> Doc ID# 155 [155] Transcript of Hearing Held on April 19, 2022
09/07/2022	<u>Certification of Transcripts Notification of Completion</u> Doc ID# 157 [157] Certification of Transcripts/Notification of Completion
09/07/2022	<u>Final Billing of Transcript</u> Doc ID# 159 [159] Final Billing of Transcript(s)
09/07/2022	<u>Receipt of Copy</u> Doc ID# 160 [160] Receipt of Copy
09/08/2022	<u>Application to Proceed in Forma Pauperis</u> Doc ID# 154 [154] Application and Affidavit to Proceed in Forma Pauper (Recording or Transcript Fees)
09/14/2022	<u>Notice of Hearing</u> Doc ID# 158 [158] Notice of Hearing
09/22/2022	<u>Order to Proceed In Forma Pauperis</u> Doc ID# 161 [161] Order to Proceed in forma Pauperis (Recording or Transcript Service) (Confidential)
09/22/2022	<u>Estimate of Transcript</u> Doc ID# 162 [162] Estimate of Transcript(s)
10/10/2022	<u>Objection</u> Doc ID# 163 [163] 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
10/10/2022	<u>Exhibits</u> Doc ID# 164 [164] Appendix of Exhibits 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
10/11/2022	<u>Reply</u> Doc ID# 165 [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.
10/13/2022	<u>Memorandum</u> Doc ID# 166 [166] Memorandum of Fees and Costs
10/14/2022	<u>Motion (4:00 AM) (Judicial Officer Henderson, Bill)</u> Defendant's Emergency Ex Parte Motion for Order to Compel Plaintiff to Disclose Itinerary for Out of State Travel with Minor Child
10/17/2022	<u>Findings of Fact, Conclusions of Law and Judgment</u> Doc ID# 167 [167] Findings of Fact, Conclusions of Law and Order from the Evidentiary Hearing
10/17/2022	<u>Notice of Entry of Order</u> Doc ID# 168 [168] Notice of Entry of Order Regarding the Findings of Fact, Conclusions of Law and Order from the Evidentiary Hearing
10/17/2022	<u>Notice of Appeal</u> Doc ID# 169 [169] Notice of Appeal
10/18/2022	<u>Case Appeal Statement</u> Doc ID# 170 [170] Case Appeal Statement
11/29/2022	<u>Certification of Transcripts Notification of Completion</u> Doc ID# 171 [171]
11/29/2022	<u>Transcript of Proceedings</u> Doc ID# 172 [172] AUGUST 16, 2022
11/29/2022	<u>Receipt of Copy</u> Doc ID# 173 [173]
11/29/2022	<u>Final Billing of Transcript</u> Doc ID# 174 [174] August 16, 2022
12/16/2022	<u>Notice</u> Doc ID# 175 [175] Notice of Unavailability of Counsel

FINANCIAL INFORMATION

Counter Claimant Hurd, Kymberlie			
	Total Financial Assessment		300.00
	Total Payments and Credits		300.00
	Balance Due as of 01/05/2023		0.00
05/07/2021	Transaction Assessment		217.00
05/07/2021	Efile Payment	Receipt # 2021-28557-CCCLK	(217.00)
09/22/2021	Transaction Assessment		5.00
09/22/2021	Payment (Phone)	Receipt # 2021-15417-FAM	(5.00)
11/19/2021	Transaction Assessment		5.00
11/19/2021	Payment (Window)	Receipt # 2021-18876-FAM	(5.00)
03/01/2022	Transaction Assessment		15.00
03/01/2022	Payment (Window)	Receipt # 2022-03040-FAM	(15.00)
05/18/2022	Transaction Assessment		5.00
05/18/2022	Payment (Window)	Receipt # 2022-08443-FAM	(5.00)
05/24/2022	Transaction Assessment		24.00
05/24/2022	Fee Waiver		(24.00)
08/22/2022	Transaction Assessment		5.00
08/22/2022	Payment (Window)	Receipt # 2022-13518-FAM	(5.00)
10/17/2022	Transaction Assessment		24.00
10/17/2022	Fee Waiver		(24.00)
Counter Defendant Opipari, Mario			
	Total Financial Assessment		264.00
	Total Payments and Credits		264.00
	Balance Due as of 01/05/2023		0.00
03/04/2021	Transaction Assessment		259.00
03/04/2021	Efile Payment	Receipt # 2021-12785-CCCLK	(259.00)
07/28/2022	Transaction Assessment		5.00
07/29/2022	Online Payment	Receipt # 2022-43342-CCCLK	(5.00)
		veterans in politics	

EXHIBIT D

EXHIBIT D

Heather S. Hume
CLERK OF THE COURT

ORDR

Chaka T. Crome, Esq.

Nevada Bar No. 008116

CROME LAW FIRM

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Las Vegas, Nevada 89101

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Attorney for Plaintiff

Mario Opipari

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

MARIO OPIPARI,

Plaintiff,

vs.

KYMBERLIE HURD,

Defendant.

Case No.: D-21-622669-C

Dept. No.: R

Date of Hearing: April 19, 2022

Time of Hearing: 10:00 a.m.

ORDER

This matter having come on for Defendant's Motion to Set Aside Order, Judgment and/or Default, Supervised Visitation Order, et al and Plaintiff's Opposition and Countermotion to Delcare Defendant a Vexation Litigant, to Dismiss Defendant's Motion in its entirety, and for Attorney's Fees; Defendant's Reply to Plaintiff's Opposition with Exhibits before this Court on April 19, 2022 at 10:00 a.m., Plaintiff **Mario Opipari ("Mario")**, being present and represented by **Chaka T. Crome Esq.** of **CROME LAW FIRM**; Defendant, **Kymerlie Hurd ("Kymerlie" or**

1 **“Defendant”**), being present **Pro Se**. Mario and his counsel were present via video
2 conference through the BlueJeans application. Defendant appeared in person.

3
4 The Court having reviewed the pleadings, Defendant’s drug tests, and other
5 documents filed in this case by all parties hereto and having heard oral arguments
6 from counsel referenced above, and good cause appearing therefore:

7
8 **COURT NOTED** that Defendant does not appear to grasp the severity of the
9 situation that she created by her choices [**Video Transcript (“VT”) 10:35:59-**
10 **10:36:22**].

11 **THEREFORE**

12
13 **IT IS HEREBY ORDERED** that the request to have the emergency orders set
14 aside is denied [**VT 11:03:15- 11:03:19**]. That pending trial, the existing orders
15 awarding Mario sole legal custody and sole physical custody shall remain in place
16 [**VT 10:03:19- 10:03:23**]. Mario shall continue to make legal custody decisions for
17 the minor child [**VT 10:45:50 – 10:45:59**]. Defendant shall not contact the minor
18 child’s physicians and contradict what Mario has put in place for the minor child [**VT**
19 **10:45:59 – 10:46:06**]. Defendant shall continue to have supervised visitation at
20 Family First. If Defendant prefers Donna’s House, which is Twenty Dollars (\$20.00)
21 per visit, the Court will modify the [**VT 11:03:08 – 11:03:29**].

22
23 **IT IS FURTHER ORDERED** that Defendant will not have to pay child
24 support to Mario so long as she applies the monies towards her supervised visitation
25 [**VT 11:03:29 – 11:03:35**]. Defendant’s visitation time on Sundays shall be changed
26
27
28

1 from 11:00 a.m. until 1:00 p.m to 4:00 p.m. until 6:00 p.m. [VT 11:10:16 –
2 11:10:38]. That if Defendant is unable to make her scheduled visitation, she will
3 inform Attorney Crome via email or will inform Family First [VT 11:08:50 –
4 11:09:00, 11:10:38 – 11:10:44].
5

6 **IT IS FURTHER ORDERED** that the parties need to use the same parenting
7 application. The parties were utilizing Talking Parents and now Defendant is using
8 Our Family Wizard. Whatever parenting application is agreed to, the parties need to
9 respond to each other as long as it has to do with the minor child. The parties are to
10 confine their remarks to the care, visitation, and issues concerning their daughter. The
11 parties should consider not using a parenting application at this time if it is becoming
12 not helpful and contentious [VT 11:03:39 – 11:04:18, 11:08:08 – 11:09:10].
13
14

15 **IT IS FURTHER ORDERED** that the status check scheduled for May 9, 2022
16 is vacated [VT 10:37:00 – 10:37:15].
17

18 **IT IS FURTHER ORDERED** that an Evidentiary Hearing regarding custody
19 is set for August 16, 2022 at 1:30 p.m. [VT 11:04:19 – 11:04:24].
20

21 **IT IS FURTHER ORDERED** that Mario's Motion to declare Defendant a
22 vexatious litigant shall not be ordered at this time as it is premature [VT 11:06:30 –
23 11:06:35]. The Court will review these matters. If the court notices that there is an
24 upcoming hearing and there are excessive pleadings filed that do not add to the
25 substance of the issues, the Court will have the ability to issue a minute order
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1 ...

2 indicating that an exhibit either has no merit or stating the extent that it has merit, and
3 indicating how the Court is resolving a particular issue. However, if it continues
4 unabated, the Court may have to make a decision regarding the claims of vexatious
5 litigation [11:06:36 – 11:07:30].
6

7 **IT IS FURTHER ORDERED** that the issue of attorney's fees is deferred
8 [11:03:35 – 11:03:38].
9

10 **IT IS FURTHER ORDERED** that Defendant's random drug testing shall
11 continue. Mario will advance the cost of one random drug test per month. Attorney
12 Crome will continue to notify Defendant by letter of the random drug test. If
13 Defendant is notified before 10:00 a.m. she shall test by 5:00 p.m. on the same day. If
14 Defendant is notified after 10:00 a.m., she will have until 12:00 p.m. to test the next
15 day. Until Defendant is employed, she should respond by submitting to a drug test
16 within a couple of hours. If Defendant is clean two months in a row, she shall not be
17 tested the third and fourth month prior to trial [VT 11:09:36 – 11:10:18, 11:11:00 –
18 11:11:19].
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1 **IT IS FURTHER ORDERED** that Defendant will try to get legal assistance
2 immediately. She will present the Court's order strongly urging Legal Aid to provide
3 Defendant with an attorney [VT 10:52:35-10:35:10]. Defendant will go to the Self-
4 Help Center to obtain a referral for legal services to assist her with this case [VT
5 11:05:06 – 11:06:30, 11:12:00 – 11:12:36].
6

7 **IT IS FURTHER ORDERED** that the prior order directing the SSI funds to
8 Plaintiff as the temporary sole legal and sole physical custodial will remain the Order
9 of the Court. The issue of whether the funds were tendered by Plaintiff to Mario will
10 be addressed at the evidentiary hearing [VT 11:13:20 – 11:13:4].
11
12

13 **IT IS FURTHER ORDERED** that the parties shall communicate through
14 email through Attorney Crome's office regarding the minor child only.
15

16 **IT IS FURTHER ORDERED** that Defendant shall obtain employment [VT
17 10:59:50-11:03:10, 11:05:35 – 11:05:42].
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IT IS FURTHER ORDERED that Defendant agrees that she shall stay away from Mario's home unless she is invited [VT 11:09:06 – 11:09:33].

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Attorney Crome shall prepare the Order from today's hearing.

Dated this 19th day of May, 2022

Bill Henderson

05A 380 2297 9105
Bill Henderson
District Court Judge

Respectfully submitted by:
CROME LAW FIRM

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Attorney for Plaintiff

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

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: 5/19/2022

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