

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-21-622669-C

**RESPONDENT’S OPPOSITION TO APPELLANT’S AMENDED MOTION
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”) Amended Motion 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.

ARGUMENT

A. Kymberlie Fails to Explain why a Stay from the District Court Would be Impracticable

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 or request 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 A*.

Instead, Kymberlie asserts within her Amended Motion the following:

Appellant argues that moving first in the district court would be impracticable as district court has continually demonstrated bias and prejudice towards Appellant. District court has made devastating life altering decisions that affect the substantial rights of Appellant and more importantly, minor child without findings of fact, supporting evidence, or conclusions of law. Filing first in district court would only further delay the justice minor child is so desperately in need of.

Amended Motion, p. 2:9-15. As this Court well knows, the arguments of counsel – or in this case, a pro se litigant – are not evidence and do not establish the facts of the case. See *Nev. Ass'n Services v. Eighth Judicial District Court of Nev.*, 338 P.3d 1250, 1255-56 (2004) (citing *Jain v. McFarland*, 109 Nev. 465, 475-76, 851 P.2d 450, 457 (1993)). Moreover, Kymberlie's assertion is demonstrably false. Here, the order on appeal is replete with factual findings and references to the evidence supporting the district court's orders. See *Findings of Fact, Conclusions of Law, and Order from the Evidentiary Hearing* attached hereto as *Exhibit B*.

Thus, Kymberlie's request for a stay is not only improperly plead before this Court, but her assertion that it would have been impracticable to request relief from the district court lacks merit.

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B. 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, this most recent iteration of Kymberlie's Motion for Stay suffer from similar deficiencies.

Notably, motions filed in this Court are limited to ten (10) pages. *See* NRAP 27(d)(2). To that end, Mario notes that within the Motion at bar, Kymberlie has included a request for leave to file a longer Motion. *Amended Motion* at p. 2:16-17. Yet, a review of Kymberlie's extended¹ Amended Motion shows that her request for stay has little to do with the merits of why a stay is warranted. Instead, Kymberlie is attempting to use her Amended Motion as a further (and impermissible) opportunity to argue the merits of her appeal, even though this Court has already allowed Kymberlie to file an extended fast track statement.

Accordingly, Kymberlie's Amended Motion fails to comply with this Court's rules regarding the length and format, and the same should be denied.

¹ Although this Court did grant Kymberlie leave to file an extended fast track statement, this Court has not awarded any such leave with regard to filing an extended Motion for Stay.

C. 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.

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 C*.

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, Kymberlie wants this Court to stay any and all prior district court orders, regardless of this Court's jurisdiction to review the same, so that she can demand unsupervised visitation with the child pending the outcome of her appeal.

Furthermore, and to the extent that Kymberlie's Amended Motion can be read as a request to stay all of the district court's prior orders, such a request would subject the parties and the child to a circumstance where no custody order would be in effect. Such a result would be plainly absurd given that the parties have been litigating custody in the district court since March 2021. See *Exhibit A*.

In sum, Kymberlie's requested relief should be denied, 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, which Kymberlie has already unsuccessfully attempted to appeal.

CONCLUSION

For the foregoing reasons, Kymberlie's Amended Motion is improperly before the Court because she failed to show any plausible explanation or evidence why it would have been impracticable for her to request a stay from the district court in the first instance. Additionally, Kymberlie's Amended Motion does not comply with NRAP 27. Finally, Kymberlie's Amended Motion seeks a stay that would not result in any change in status with regards to 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 Amended Motion lacks legal and factual support and her request for a stay should be denied.

Respectfully submitted this 18th day of January, 2023.

FORD & FRIEDMAN

Matthew H. Friedman

MATTHEW H. FRIEDMAN, ESQ.

Nevada Bar No. 11571

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Nevada Bar No. 14600

2200 Paseo Verde Parkway, Suite 350

Henderson, NV 89052

Attorneys for Respondent, Mario Opipari

CERTIFICATE OF SERVICE

I the undersigned hereby certify that on the 18th day of January, 2023, I served the above and foregoing *RESPONDENT'S OPPOSITION TO APPELLANT'S AMENDED MOTION 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

Tracy McAuliff

An employee of Ford & Friedman

EXHIBIT A

EXHIBIT A

05/26/2021	<u>Declaration</u> Doc ID# 14 [14] Declaration of Resident Witness
05/27/2021	<u>Affidavit of Service</u> Doc ID# 15 [15] Affidavit of Service of Complaint, Summons, Request for Joint Preliminary Injunction and Joint Preliminary Injunction
05/28/2021	<u>Financial Disclosure Form</u> Doc ID# 16 [16] General Financial Disclosure Form (Confidential)
05/28/2021	<u>Reply to Counterclaim</u> Doc ID# 17 [17] Reply to Counterclaim
06/22/2021	<u>Opposition and Countermotion</u> Doc ID# 18 [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
06/22/2021	<u>Exhibits</u> Doc ID# 19 [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
06/23/2021	<u>Objection</u> 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	<u>Notice of Seminar Completion EDCR 5.302</u> Doc ID# 21 [21] Notice of Seminar Completion
06/23/2021	<u>Notice of Seminar Completion EDCR 5.302</u> 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 & Countermotion (9:00 AM) (Judicial Officer Henderson, Bill) Opposition & Countermotion Result: On for Status Check
06/24/2021	Hearing (9:00 AM) (Judicial Officer Henderson, Bill) Reply to Countermotion 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 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 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 <u>Parties Present</u> <u>Minutes</u> Result: Matter Heard
06/24/2021	<u>Notice of Seminar Completion EDCR 5.302</u> Doc ID# 23 [23] Mario Oipari's Certificate of Completion of Seminar for Separating Parents Pursuant to EDCR 5.302
09/15/2021	<u>Order</u> Doc ID# 24 [24] Consent Order for Withdrawal of Attorney for Defendant, Kymberlie Hurd
09/15/2021	<u>Notice of Entry of Order</u> Doc ID# 25 [25] Notice of Entry of Consent Order for Withdrawal of Attorney
09/17/2021	<u>Amended Order</u> Doc ID# 26 [26] Amended Consent Order for Withdrawal of Attorney for Defendant, Kymberlie Hurd
09/20/2021	<u>Notice of Entry of Order</u> Doc ID# 27 [27] Notice of Entry of Consent Order for Withdrawal of Attorney
09/20/2021	<u>Notice of Entry of Order</u> Doc ID# 28 [28] Notice of Entry of Consent Order for Withdrawal of Attorney
09/27/2021	<u>Application to Proceed in Forma Pauperis</u> Doc ID# 29 [29] Application to Proceed in Forma Pauperis (Confidential)
09/28/2021	<u>Order to Proceed In Forma Pauperis</u> Doc ID# 30 [30] Order to Proceed In Forma Pauperis (Confidential)
10/07/2021	<u>Stipulation and Order</u> Doc ID# 31 [31] Stipulation to Continue Settlement Conference and Return Hearing
10/08/2021	<u>Notice of Entry of Stipulation and Order</u> 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	<u>Motion</u> 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	<u>Notice of Hearing</u> Doc ID# 34 [34] Notice of Hearing
11/15/2021	<u>Ex Parte Application</u> 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	<u>Order Shortening Time</u> Doc ID# 36 [36] Order Shortening Time
11/16/2021	<u>Notice of Entry</u> Doc ID# 37 [37] Notice of Entry of Order Regarding the Order Shortening Time
11/16/2021	<u>Exhibits</u> 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 Opposition and Countermotion **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 Financial Disclosure Form **Doc ID# 69**
 [69] General Financial Disclosure Form (Confidential)

02/11/2022 Notice of Change of Address **Doc ID# 70**
 [70] Notice of Change of Address

02/11/2022 Notice of Appearance **Doc ID# 71**
 [71] Notice of Intent to Appear in an Unbundled Capacity on Behalf of Defendant Via Electronic Means

02/13/2022 Exhibits **Doc ID# 72**
 [72] Exhibits Appendix

02/13/2022 Exhibits **Doc ID# 73**
 [73] Exhibit Appendix

02/14/2022 Exhibits **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 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
Parties Present
Minutes
 Result: Matter Heard

02/15/2022 Order for Family Mediation Center Services **Doc ID# 75**
 [75] Order for Family Mediation Center Services

02/15/2022 Order for Supervised Visitation **Doc ID# 76**
 [76] Order for Supervised Visitation at Family First Services

02/23/2022 Miscellaneous Filing **Doc ID# 77**
 [77] Henderson Police Department Incident Report for 02/09/2022

02/28/2022 Discovery Commissioners Report and Recommendations **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 Motion to Set Aside **Doc ID# 79**
 [79] Motion and Notice of Motion to Set Aside Order, Judgment, and/or Default

03/05/2022 Notice of Hearing **Doc ID# 80**
 [80] Notice of Hearing

03/08/2022 Ex Parte Motion **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 Ex Parte Motion **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 Ex Parte Motion **Doc ID# 83**
 [83] Ex Parte Motion For An Order Shortening Time

03/14/2022 Objection to Discovery Commissioners Report and Recommend **Doc ID# 84**
 [84] Defendant Kymberlie Joy Hurd's Objection to Discovery Commissioner's Report and Recommendations

03/15/2022 Application to Proceed in Forma Pauperis **Doc ID# 85**
 [85] Application and Affidavit to Proceed in Forma Pauperis (Recording or Transcript Fees) (Confidential)

03/22/2022 Order to Proceed In Forma Pauperis **Doc ID# 86**
 [86] Order to Proceed in Forma Pauperis (Recording or Transcript Service) (Confidential)

03/22/2022 Opposition **Doc ID# 87**
 [87] Plaintiff Mario Oipari Opposition to Defendant's Objection to Discovery Commissioner's Report and Recommendations

03/22/2022 Family Court Motion Opposition Fee Information Sheet **Doc ID# 88**
 [88] Motion/Opposition Fee Information Sheet

03/23/2022 Opposition and Countermotion **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 Ex Parte Motion **Doc ID# 90**
 [90] Ex Parte Motion for an Order Shortening Time

03/28/2022 Order Shortening Time **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 All Pending Motions (10:00 AM) (Judicial Officer Henderson, Bill)
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
Parties Present
Minutes
 Result: Matter Heard

04/19/2022 Financial Disclosure Form **Doc ID# 120**
 [120] General Financial Disclosure Form (Confidential)

04/26/2022 Application to Proceed in Forma Pauperis **Doc ID# 121**
 [121] Application and Affidavit to Proceed in Forma Pauperis (Recording or Transcript Fees) (Confidential)

05/04/2022 Estimate of Transcript **Doc ID# 122**
 [122] Estimate of Transcript(s)

05/06/2022 Order to Proceed in Forma Pauperis **Doc ID# 123**
 [123] Order to Proceed in Forma Pauperis (Recording or Transcript Service) (Confidential)

05/09/2022 CANCELED Status Check (11:00 AM) (Judicial Officer Henderson, Bill)
 Vacated - per Judge
 Re: FMC

05/10/2022 Reply to Opposition **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 Objection **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 Motion (1:00 PM) (Judicial Officer Young, Jay)
 Plaintiff's Motion for a Protective Order Regarding Defendant's Subpoena to the City of Henderson
 Result: 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
 Result: 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
 Result: 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
 Result: 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
Parties Present
Minutes
 Result: Matter Heard

05/19/2022 Order **Doc ID# 126**
 [126] Order

05/19/2022 Notice of Entry of Order **Doc ID# 127**
 [127] Notice of Entry of Order Regarding Hearing on April 19, 2022

05/24/2022 Notice of Appeal **Doc ID# 128**
 [128] Notice of Appeal

05/24/2022 Certificate of Service **Doc ID# 129**
 [129] Certificate of Service

05/25/2022 Case Appeal Statement **Doc ID# 130**
 [130] Case Appeal Statement

05/26/2022 Order **Doc ID# 131**
 [131] Order After 2/15/22 Hearing

05/26/2022 Notice of Entry **Doc ID# 132**
 [132] Notice of Entry of Order Regarding Hearing on February 15, 2022

06/03/2022 Notice of Change of Hearing **Doc ID# 133**
 [133] Notice of Change of Hearing

06/06/2022 Discovery Commissioners Report and Recommendations **Doc ID# 134**
 [134] Discovery Commissioner's Report and Recommendations

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

06/15/2022 Estimate of Transcript **Doc ID# 135**
 [135] Estimate of Transcript(s)

07/06/2022 Order **Doc ID# 136**
 [136] Order on Discovery Commissioner's Report and Recommendations

07/06/2022 Notice of Entry of Order **Doc ID# 137**
 [137] Notice of Entry of Order on Discovery Commissioner's Report and Recommendations

07/07/2022 NV Supreme Court Clerks Certificate/Judgment - Dismissed **Doc ID# 138**
 [138] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed

07/26/2022 Notice **Doc ID# 139**
 [139] Notice of Unavailability of Counsel

08/03/2022 Ex Parte Motion **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>Evidentiary Hearing: RE: Custody</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 01/18/2023		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 Oipari, Mario			
	Total Financial Assessment		264.00
	Total Payments and Credits		264.00
	Balance Due as of 01/18/2023		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 B

EXHIBIT B

Heather A. Henderson
CLERK OF THE COURT

ORDR

Chaka T. Crome, Esq.
State Bar of Nevada No. 8116
CROME LAW FIRM
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FAX (702) 852-0915
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Attorney for Plaintiff,
Mario Oipari

DISTRICT COURT
CLARK COUNTY, NEVADA

MARIO OIPARI

Plaintiff

vs.

KYMBERLIE HURD

Defendant.

) Case No: D-21-622669-C

) Dept No: R

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 Oipari (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.

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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.
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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
14 **THE COURT FURTHER FINDS** that Kymberlie's argument that the
15 Evidentiary Hearing should have been previously held by this Court is without
16 merit. This Court has been gracious to her in allowing Kymberlie time to deal with
17 her drug test results so that she would be in a better position to ask the Court for
18 joint legal custody and joint physical custody at trial. Although she has had plenty
19 of time to deal with these issues, she did not appear for her last drug test. The Court
20 has been more than fair to Kymberlie hoping that she would receive the help
21 necessary to deal with her addiction.
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24 **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 **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.
24
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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.

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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 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

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 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.
21
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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

...

...

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

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.
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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*

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Mario Opiari, 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

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16 Jason Stoffel, Esq.

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17 Matthew Friedman, Esq.

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24
25
26
27
28

EXHIBIT C

EXHIBIT C

Alanna S. Smith
CLERK OF THE COURT

ORDR

Chaka T. Crome, Esq.

Nevada Bar No. 008116

CROME LAW FIRM

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

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

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

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].

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

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].

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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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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Chaka T. Crome, Esq.
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 Las Vegas, Nevada 89101
 (702) 384-5563
Chaka@CromeLawFirm.com
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

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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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21 Dayna Klingenberg

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22 Kymberlie Hurd

Kymberliejoy@gmail.com
23
24
25
26
27
28

AUTHORIZATION TO DISCLOSE HEALTH INFORMATION

Patient Name: Jason VanGundy

Social Security #: XXX-XX- 6149

Date of Birth: 03 / 25 / 1977

1. I authorize the use or disclosure of the above-named individual's health information as described below:
2. The following individual or organization is authorized to make the disclosure:

3. The type and amount of information to be used or disclosed is as follows:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> SCANNED Documents | <input checked="" type="checkbox"/> Nurse's Notes | <input checked="" type="checkbox"/> E-mail or Faxes |
| <input checked="" type="checkbox"/> All Correspondence | <input checked="" type="checkbox"/> Progress Notes/ Reports/ S.O.A.P. Notes | <input checked="" type="checkbox"/> Transfer forms |
| <input checked="" type="checkbox"/> Emergency Room Records | <input checked="" type="checkbox"/> X-Rays & Imaging Reports / Medication Lists | <input checked="" type="checkbox"/> Itemized bills |
| <input checked="" type="checkbox"/> All discharge summaries | <input checked="" type="checkbox"/> Laboratory reports and results | <input checked="" type="checkbox"/> Physician Orders |
| <input checked="" type="checkbox"/> Operative Reports | <input checked="" type="checkbox"/> All History and Physical records | <input checked="" type="checkbox"/> Cardiac Studies |
| <input checked="" type="checkbox"/> Rehabilitation Services | <input checked="" type="checkbox"/> Consultation reports | <input checked="" type="checkbox"/> Dictation Notes |
| <input checked="" type="checkbox"/> Medication Sheets | <input checked="" type="checkbox"/> Pathology Slides/Materials | <input checked="" type="checkbox"/> Clinical trial records |
| <input checked="" type="checkbox"/> Patient Intake Sheet | <input checked="" type="checkbox"/> Pain Diagrams | <input checked="" type="checkbox"/> Pharmacy Records |
| <input checked="" type="checkbox"/> Admission Paperwork | <input checked="" type="checkbox"/> Test Studies/Trial Studies | |

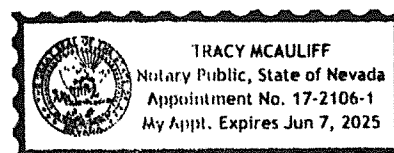
Dates needed: ENTIRE MEDICAL and BILLING RECORDS

4. This information may be disclosed to and used by the following individual or organization: FORD & FRIEDMAN for the purposes of: litigation.
5. I understand that the information in my health record may include information relating to sexually transmitted disease, acquired immunodeficiency syndrome (AIDS), or human immunodeficiency virus (HIV). It may also include information about behavioral or mental health services, and treatment for alcohol and drug use.
6. I understand I have the right to revoke this authorization at any time. I understand that if I revoke this authorization, I must do so in writing and present my written revocation to the health information management department. I understand the revocation will not apply to information that has already been released in response to this authorization. I understand the revocation will not apply to my insurance company when the law provides my insurer with the right to contest a claim under my policy. **A photocopy of this Authorization shall have the same force and effect as the original one. Unless otherwise revoked, this authorization will expire one year from the date of signature.**
7. I understand that authorizing the disclosure of this health information is voluntary. I can refuse to sign this authorization. I need not sign this form in order to assure treatment. I understand I may inspect or copy the information to be used or disclosed, as provided in CFR 164.524. I understand any disclosure of information carries with it the potential for an unauthorized re-disclosure and the information may not be protected by federal confidentiality rules.

Justin L Segalstedt POA for Jason VanGundy Date 1/17/2023
Signature of Patient

SUBSCRIBED AND SWORN BEFORE ME
This 17th day of January, 2023.

Tracy McAuliff
(Signature of Notary Public)



(Affix Seal Here)